

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

November 14, 2024

<b>Case Number:</b>	2024-CZN-837 / 2024-CVR-837 (Amended)
<b>Property Address:</b>	2163 and 2179 North Illinois Street
<b>Location:</b>	Center Township, Council District #12
<b>Petitioner:</b>	Near North Development Corporation, by Audra Blasdel
<b>Current Zoning:</b>	MU-2 (RC) (TOD) (W-5) Rezoning of 1.2 acres from the MU-2 (RC) (TOD) (W-5) district to the D-8 (RC) (TOD) (W-5)
<b>Request:</b>	Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22 <sup>nd</sup> Street and Illinois Street (minimum eight-foot corner setback required), a four-foot rear yard setback (minimum 15-foot rear yard setback required), a three-foot side yard setback, (minimum five-foot side yard setback required), 800-square-foot Row House – Small Lot size (minimum 1,200 square feet required), livability space ratio of 0.16 (minimum livability space ratio of 0.66 required), and encroachment into the clear sight triangle (not permitted).
<b>Current Land Use:</b>	Vacant property
<b>Staff Recommendations:</b>	Approval, of the rezoning request and the variance requests.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

On October 24, 2024, the Hearing Examiner recommended approval of the rezoning request and continued the variance requests to the November 14, 2024 hearing, at the request of staff.

**Variations of Development Standards**

The variance requests relate to reductions in setbacks, lot size, livability space ratio, and encroachment into the clear sight triangle.

The Ordinance requires a minimum eight-foot corner setback, but the request would reduce that to a six-foot corner setback. Staff believes that the two-foot reduction would have minimal negative impact of the surrounding land uses.



Staff also supports the four-foot rear yard setback, when a 15-foot rear setback is required and a three-foot side yard setback when the Ordinance requires a five-foot side yard. Because this project is redevelopment in an urban area, required setbacks limit how the site can be effectively and appropriately development without some relief, which these reductions will provide.

The reduced lot size and livability space ratio provides for redevelopment of this urban site for housing within proximity of two transit lines. Staff believes these reductions would have minimal negative impact on surrounding land uses, while providing supportive housing for development within the transit corridor.

The petitioner's representative coordinated with the traffic engineers of the Department of Public Works to minimize pedestrian and vehicular traffic conflicts and maintain appropriate visibility at the intersection of North Illinois Street and West 22<sup>nd</sup> Street. Staff, therefore, supports the encroachment into the clear site triangle based upon the result of this coordination.

## STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan and elevations file dated September 9, 2024 and the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 1.2-acre site, zoned MU-2 (RC) (TOD) (W-5), is comprised of two vacant parcels. It is surrounded by commercial uses to the north, across East 22<sup>nd</sup> Street, zoned C-4 (RC) (TOD) (W-5); a self-storage facility to the south, across Mc Lean Place, zoned C-S (RC) (TOD) (W-5); undeveloped land and a parking lot to the east zoned MU-2 (RC) (TOD) (W-5) and C-4 (RC) (TOD) (W-5), respectively; and office uses to the west, across North Illinois Street, zoned C-4 (RC) (TOD) (W-5).

Petitions 2019-CZN-820 and 2019 CVR-820 rezoned the site to the MU2 (RC) district and provided for variances of development standards to allow for mixed-use buildings up to 55-feet tall, with commercial space, multi-family dwellings and parking, without interior landscaping and with a zero-foot setback along Mc Lean Place.



## REZONING

The request would rezone both parcels to the D-8 (RC) (TOD) (W-5) (Walkable Neighborhood) District. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

Walkable neighborhoods advance livability principles and “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The Comprehensive Plan recommends urban mixed-use typology for the site.

As proposed, this request would generally be consistent with the Plan recommendation, the Pattern Book and the Transit-Oriented Development overlay.

The Development Statement explains that 20 three-story townhomes would be constructed on the northern portion of the site, with three proposed single-family dwellings on the southern portion of the site at a future date. This would result in an overall density of 19.16 units per acre.

### **Regional Center**

The site is located within the Regional Center Secondary District. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

### **Wellfield Protection Secondary Zoning**

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 is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises, or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

### **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-2 (RC) (TOD) (W-5)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Urban Mixed-Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-4 (RC) (TOD) (W-5)	Commercial Uses
South:	C-S (RC) (TOD) (W-5)	Self-storage Facility
East:	MU-2 (RC) (TOD) (W-5) / C-4 (RC) (TOD) (W-5)	Vacant land / parking lot
West:	C-4 (RC) (TOD) (W-5)	Offices uses
<b>Thoroughfare Plan</b>		
North Illinois Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
West 22 <sup>nd</sup> Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. – Transit-Oriented Development / Regional Center	
<b>Wellfield Protection Area</b>	Yes – White River W-5	
<b>Site Plan</b>	September 9, 2024	
<b>Site Plan (Amended)</b>	N/A	

<b>Elevations</b>	September 9, 2024
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	September 9, 2024
<b>Findings of Fact (Amended)</b>	October 15, 2024
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.”
- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.

**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 – Urban 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.
  - Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
  - 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 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.
  
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - Should have a minimum of 10 units per acre.
  
- *Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less 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

The Red Line Transit-Oriented Development Strategic Plan (2021) and Purple 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 located within a ¼ mile walk (approximately 518 feet) of a proposed transit stop located at the intersection of North Meridian Street and East 22<sup>nd</sup> Street with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - Minimum of 3 stories at core with no front or side setbacks
  - Multi-family housing with a minimum of 5 units
  - Structured parking only with active first floor

### 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

**2019-CZN-820 / 2019-CVR-820; 2163 and 2179 North Illinois Street**, requested rezoning of 1.19 acres from the C-4 (RC) (W-5) district to the MU-2 (RC) district and variances of development standards to provide for mixed-use buildings up to 55-feet tall, with commercial space and multi-family dwellings and with parking, without interior landscaping and with a zero-foot setback along McLean Place in front of the building, **approved and granted**.

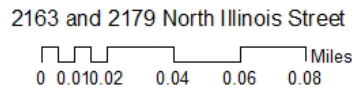
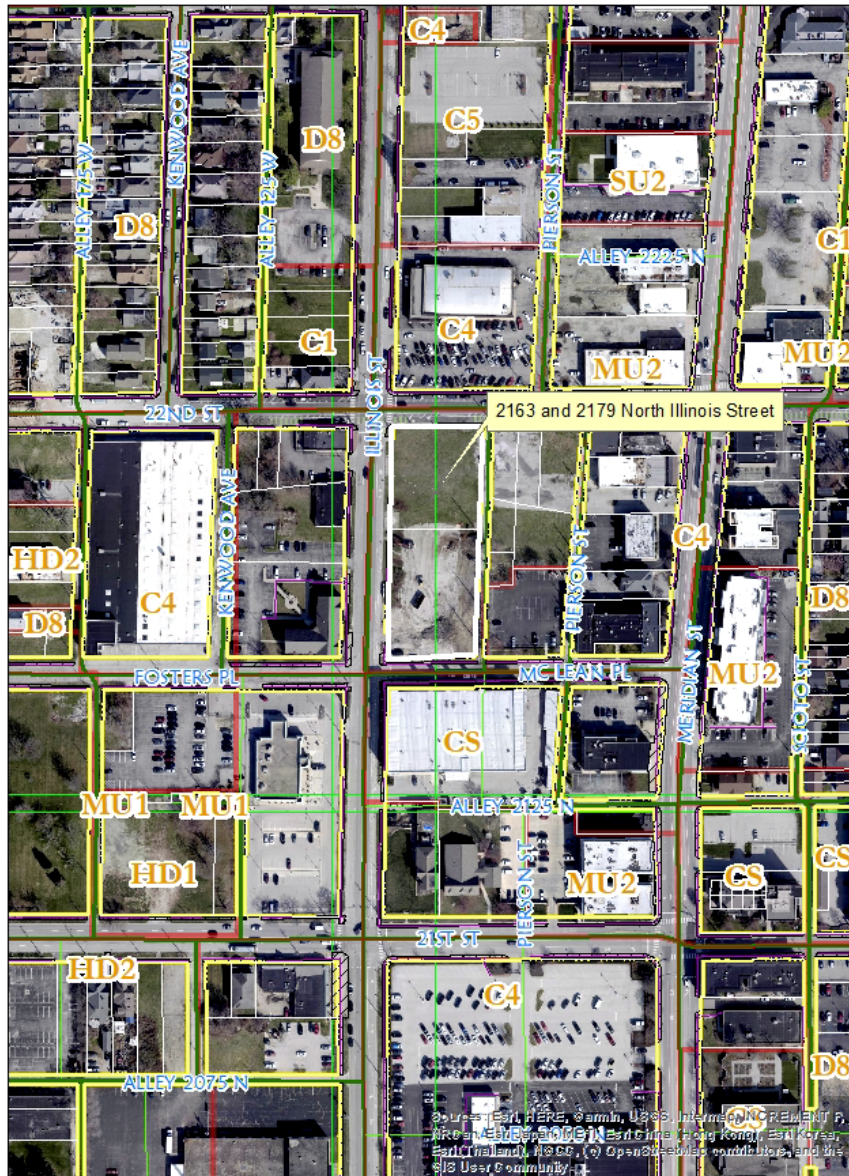
### VICINITY

**2019-ZON-046; 17 West 22<sup>nd</sup> Street and 2176 North Illinois Street (adjacent to the east)**, requested a rezoning of 0.731-acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) district, **approved**.

**2018-ZON-111; 2102 North Meridian Street**, requested a rezoning of 0.71 acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, **approved**.

**2016-CZN-842 / 2016-CVR-842; 25 McLean Place**, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District, to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1 and MU-2 uses, with use exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street and with building encroachments into the clear sight triangles of the abutting streets and alleys, **approved and granted**.

EXHIBITS



#### **DEVELOPMENT STATEMENT**

The 22<sup>nd</sup> & Illinois Townhomes project will consist of 20 townhomes in the heart of the emerging Indy Health District that will increase housing stock diversity through an affordable for-sale option. The project to be located at 2179 North Illinois Street and will compliment 128-units of affordable rental housing across the street and contribute to a transit-oriented development corridor contributing to community and economic development goals through the connectivity of housing, multi-modal transportation, workforce development, and attraction of new commercial activity.

The 22<sup>nd</sup> & Illinois Townhomes will bridge the recent single-family remodeling investments to the west of Meridian Street to the commercial corridor developed along 22nd Street, making the neighborhoods more cohesive and connected. The project will reposition a vacant brownfield site into an active neighborhood housing anchor, complete with healthy housing amenities. The project provides much needed for-sale workforce housing for major employers and their employees. The 22<sup>nd</sup> & Illinois Townhomes site is firmly within the IU Health District Core Area with a target of workforce housing for the new IU Health hospital being built down the street from the site's location. The site is connected to the hospital by the Highland Heritage Connector Trail, a multimodal path that Near North Development Corporation (NNDC), in partnership with IU Health, the City of Indianapolis, and residents of the Meridian Highland Neighborhood, installed in 2023. The same trail also connects the housing and IU Health's new hospital (residence and workplace) to Barton Park, a city-owned recreational park that serves as one of the hidden gems on the Near Northside of Indianapolis. The project is built through a lens of responsible community development as to not hike assessed values and property taxes for existing neighborhood residents.



Petition Number 2024-CVR-837 (Amended)

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 corner setback variance allows ample setback from the sidewalk area that will still buffer the corner at 22nd and Illinois. In addition, this design is consistent with the area and granting of the variance allows for the preservation of owner amenities, including green space, sidewalk connectivity, and access to dedicated bike and pedestrian pathways, further health and safety of community members. Finally, in review of the encroachment and proposed new site line with DPW, they are amenable to the change since there is not parking along Illinois or 22nd St. in this area and the owner commits to maintaining the landscaping as approved by DPW, wherein there will not be anything between 30" and 8' vertical that would further impede the site lines.

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 variance will not adversely affect neighboring properties as the setback is along the public street area and does impede sidewalks, allows for the preserving the character of the development and provides for a configuration that provides for ample owner amenities, including greenspace, sidewalks, and connectivity to dedicated bike and pedestrian pathways. In addition, granting of this variance request supports the overall objective of redeveloping a brown fields lot, further supporting the rejuvenation, health and vibrancy of the area within the Indy Health District and Meridian Highlands Neighborhood.

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

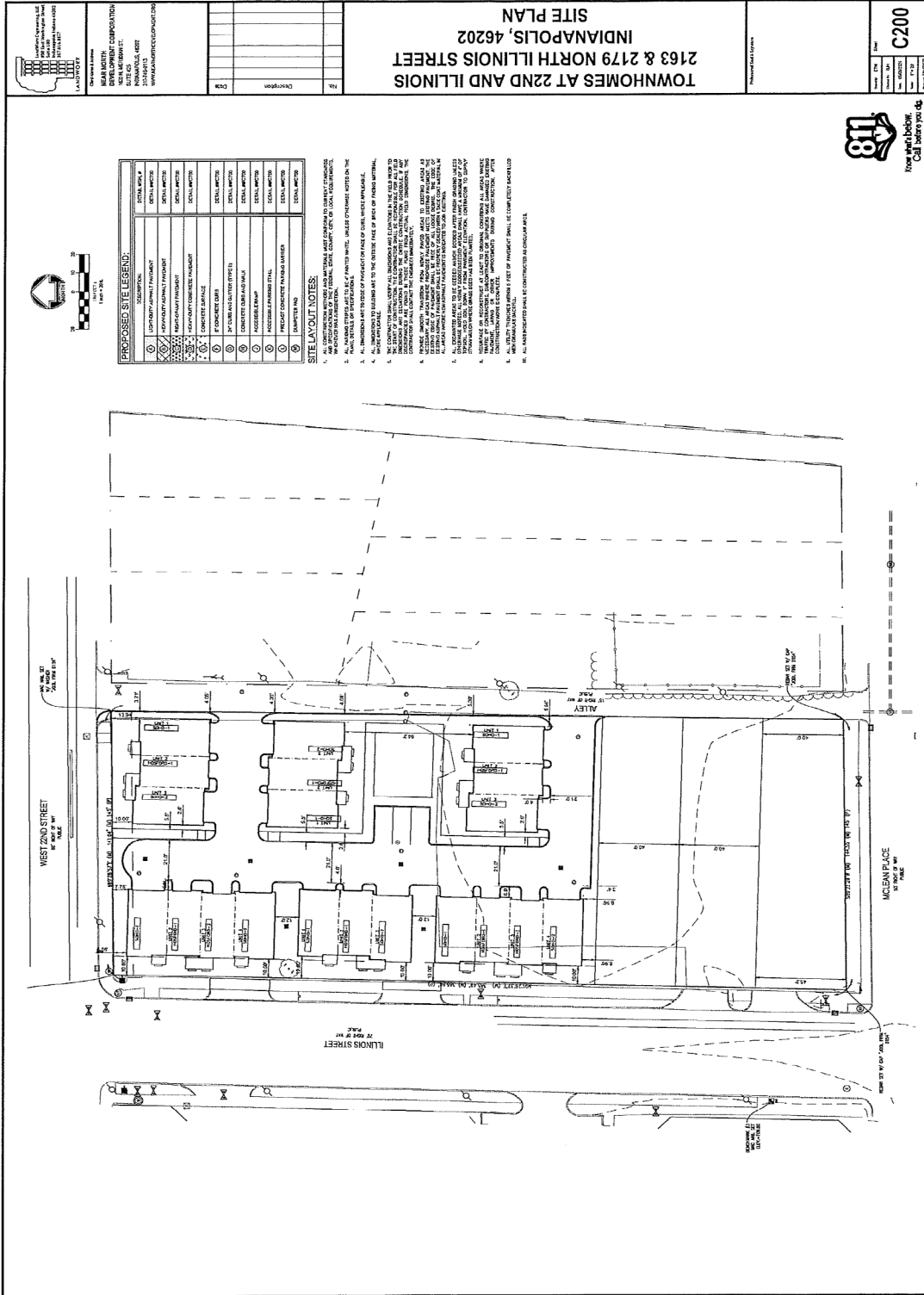
it would lead to a reduction in available work-force housing units, reduction in available green space and sidewalk connectivity. The reduction in siteline setback supports the ultimate goal of creating a well-integrated residential community that leverages green space and transit-oriented design methodologies for improved quality of life, aligning with the broader zoning and Indy Health District objectives.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



© Shared drives\lanhox\100423 - Near North Development Corp 01E 22nd & Illinois\Design\Drawings\Design\Illinois & 22nd & Illinois\00423\_C200.dwg Evon West Plc\8/29/2024 11:57 AM Save: 8/29/2024 11:27 AM

Project Name: NEAR NORTH  
 Address: 2163 & 2179 NORTH ILLINOIS STREET, CHICAGO, IL 60647  
 City: CHICAGO, IL  
 Date: 10/24/2024

**TOWNHOMES AT 22ND AND ILLINOIS**  
**INDIANAPOLIS, 46202**  
**LANDSCAPE PLAN**

Sheet No: **C600**

Scale: 1" = 10'-0"

**PROPOSED LANDSCAPE LEGEND**

SYMBOL	ITEM	PLANT MATERIAL	QUANTITY
(Symbol)	GRASS	PERENNIALS	
(Symbol)	PERENNIALS	SHRUBS	
(Symbol)	SHRUBS	TREES	

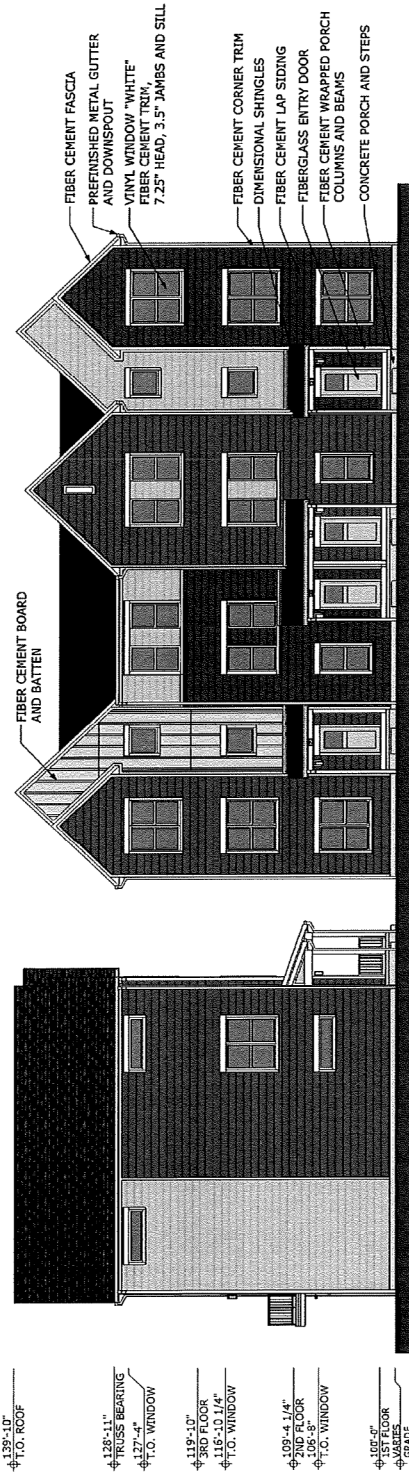
  

**LANDSCAPE NOTES:**

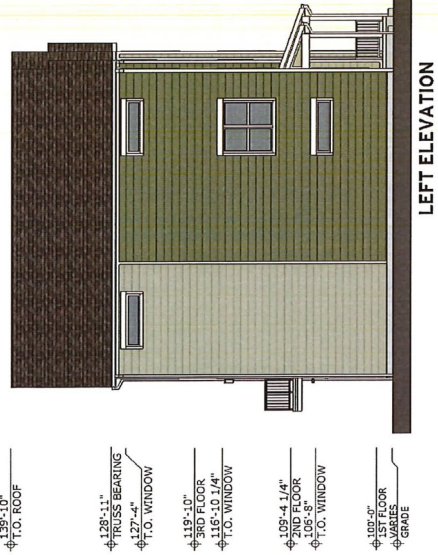
1. THE CONTRACTOR SHALL VERIFY THE EXISTENCE OF UTILITIES PRIOR TO STARTING.
2. THE CONTRACTOR SHALL VERIFY ALL PLANT MATERIALS IN QUANTITY AND QUALITY. ALL PLANT MATERIALS SHALL BE IDENTIFIED BY SPECIES, SIZE, COLOR, AND QUALITY OF PLANT MATERIALS INDICATED.
3. PLANT MATERIALS SHALL BE PROVIDED BY THE AMERICAN HORTICULTURE SOCIETY (AHS) PLANT HARDINESS ZONE 5B UNLESS OTHERWISE NOTED.
4. PLANT MATERIALS SHALL BE TO BE SPECIALLY ORDERED FROM A NURSERY AND DELIVERED TO THE JOB SITE.
5. ALL PLANTS SHALL BE WATERED ON THE DAY OF DELIVERY AND THEN AT 3-DAY INTERVALS FOR THE FIRST 14 DAYS AFTER DELIVERY.
6. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE GUARANTEE PERIOD. THE CONTRACTOR SHALL MAINTAIN ALL PLANTS THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE GUARANTEE PERIOD.
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**LANDSCAPE MAINTENANCE NOTES:**

1. THE CONTRACTOR SHALL MAINTAIN ALL PLANTS THROUGHOUT THE CONSTRUCTION PERIOD AND THROUGHOUT THE GUARANTEE PERIOD.
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View looking south along North Illinois Street



View looking north along North Illinois Street



View of site looking north across Mc Lean Place



View of site looking northwest from adjacent property to the east



View of site looking north from adjacent property to the east



View of site looking west



View of site looking west



View of site looking west



View of site looking south across West 22<sup>nd</sup> Street



View of site looking south across West 22<sup>nd</sup> Street