



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number: 2024-ZON-112
Property Address: 5201 West Raymond Street
Location: Wayne Township, Council District #17
Petitioner: Speedy Way Inc., by David Gilman
Current Zoning: SU-9 and D-4
Request: Rezoning of 1.53 acres from the SU-9 and D-4 districts to the MU-2 district to provide for multi-family residential and commercial uses.
Current Land Use: Fire Station (vacant) / undeveloped land
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing, at the request of staff to provide time for discussions with the petitioner's representative.

STAFF RECOMMENDATION

Denial. If approved, staff would request that approval be 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:

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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 / receptables provided for the proper disposal of trash and other waste.
3. Development of the site shall be in substantial compliance with the site plan, file-dated November 5, 2024.
4. Commercial uses shall be limited to a day care facility, community center, hair or body care salon or service and professional office.

PETITION OVERVIEW

Rezoning

This 1.53-acre site, zoned SU-9 and D-4, is comprised of two parcels developed with a vacant fire station and abutting undeveloped land. It is surrounded by a single-family dwelling to the north, across West Raymond Street, zoned D-5; single-family dwellings to the south, east and west, all zoned D-4.

Petition 83-Z-206, requested rezoning of the site to provide for a truck maintenance facility and offices. This petition was withdrawn.

2023-UV1-004 requested a variance of use and development standards to provide for a repair shop, outdoor storage and a six-foot-tall fence. This petition was also withdrawn.

The request would rezone both parcels to the MU-2 (Mixed-Use) District. “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.”

The Mixed-Use districts are intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human-scale buildings that line and activate the streetscapes.

The Comprehensive Plan recommends suburban neighborhood typology for the site, primarily developed with single-family dwellings and attached housing where appropriate.

The site plan, file-dated November 5, 2024, would provide for 23 townhome apartments, including four units and a 1,200 square-foot commercial unit within the existing building. Commercial uses would be limited to a day care facility, community center, hair or body care salon or service and a professional office. Six parking spaces would be located along the West Raymond Street frontage with 41 parking spaces interior to the site for a total of 47 parking spaces.

As proposed, this request would not be consistent with the Plan recommendation, or the development recommendations provided in the Pattern Book. The density would be three times higher than the recommended density of one to five units per acre. Furthermore, staff believes this would be considered spot zoning, which is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.”

This site is smaller than a typical size of the MU-2 district and located mid-block in the middle of a residential neighborhood on a local street. A viable mixed-use district would be from one to four blocks and located on a busy corridor within a traditional neighborhood or city neighborhood typologies.

The Pattern Book recommends that housing be oriented towards the street, with pedestrian connections from the front doors to the public sidewalk. Generally, the proposed housing units are oriented away from the street with minimal activation or engagement to the surrounding neighborhood.

The Pattern Book also recommends that townhomes be organized around intersections of collector streets, greenways, parks or public square, or neighborhood-servicing retail. As previously noted, the proposed development is in the middle of a block served by a local street and would not be harmonious or appropriately integrated into the surrounding character of the neighborhood.

Small scale commercial uses should be located at intersections of arterial streets (not mid-block on a local street) with space to provide appropriate buffering and screening.

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

Existing Zoning	SU-9 / D-4	
Existing Land Use	Fire House (vacant) / undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwelling
South:	D-4	Single-family dwellings
East:	D-4	Single-family dwellings
West:	D-4	Single-family dwellings
Thoroughfare Plan		
West Raymond Street	Local Street	Existing 74-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	November 5, 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 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 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 – 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.
 - 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-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.
- 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.
- *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.)*
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
 - Duplexes should be architecturally harmonious with adjacent housing.
 - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - 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 the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - 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.
 - Should not include outdoor display of merchandise.

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 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

2023-UV1-004, 5201 West Raymond Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a repair shop with outdoor storage and a six-foot tall fence within the front yard, **withdrawn**.

85-UV3-9; 5201 West Raymond Street, requested a variance of use for the commercial installation and servicing of auto telephone and radio systems, **granted**.

84-UV1-52; 5201 West Raymond Street, requested a variance of use of the Dwelling Districts Zoning Ordinance and the Special Use Districts Zoning Ordinance to provide for the use of an existing building and adjacent lot as a truck dispatching office with maintenance and storage of semi-tractors and trailers, **withdrawn**.

83-Z-208; 5201 West Raymond Street, requested rezoning of 1.6 acres, being in the SU-9 and D-4 districts, to the C-7 classification, to provide for a truck maintenance facility and offices, **withdrawn**.

VICINITY

98-CP-30V; 2214-2215 Beulah Avenue (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a two-family residence, **granted**.

97-AP3-2; 5202 East Raymond Street (north of site), requested approval to waive the Rules of Procedure to permit the refiling of a petition less than 12 months after 96-V3-68 was denied by the Metropolitan Board of Zoning Appeals, **granted**.

96-V3-68; 5202 East Raymond Street (north of site), requested a variance of development standards to provide for the construction of a barn, for agricultural purposes, with reduced setbacks, and the placement of three temporary detached garage structures which exceed the main floor area of the primary residence, **denied**.

95-SE3-12; 5137 West Regent Street (north of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home for residential use, **granted**.

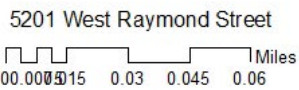
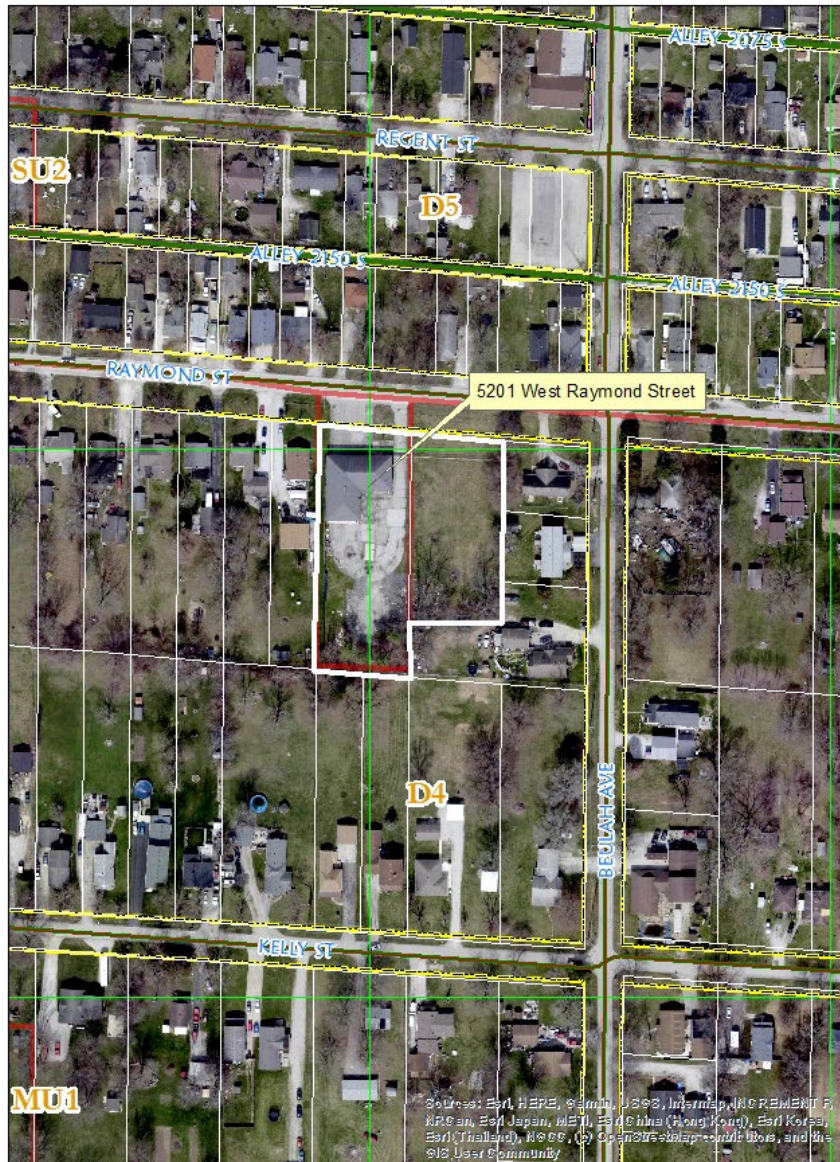


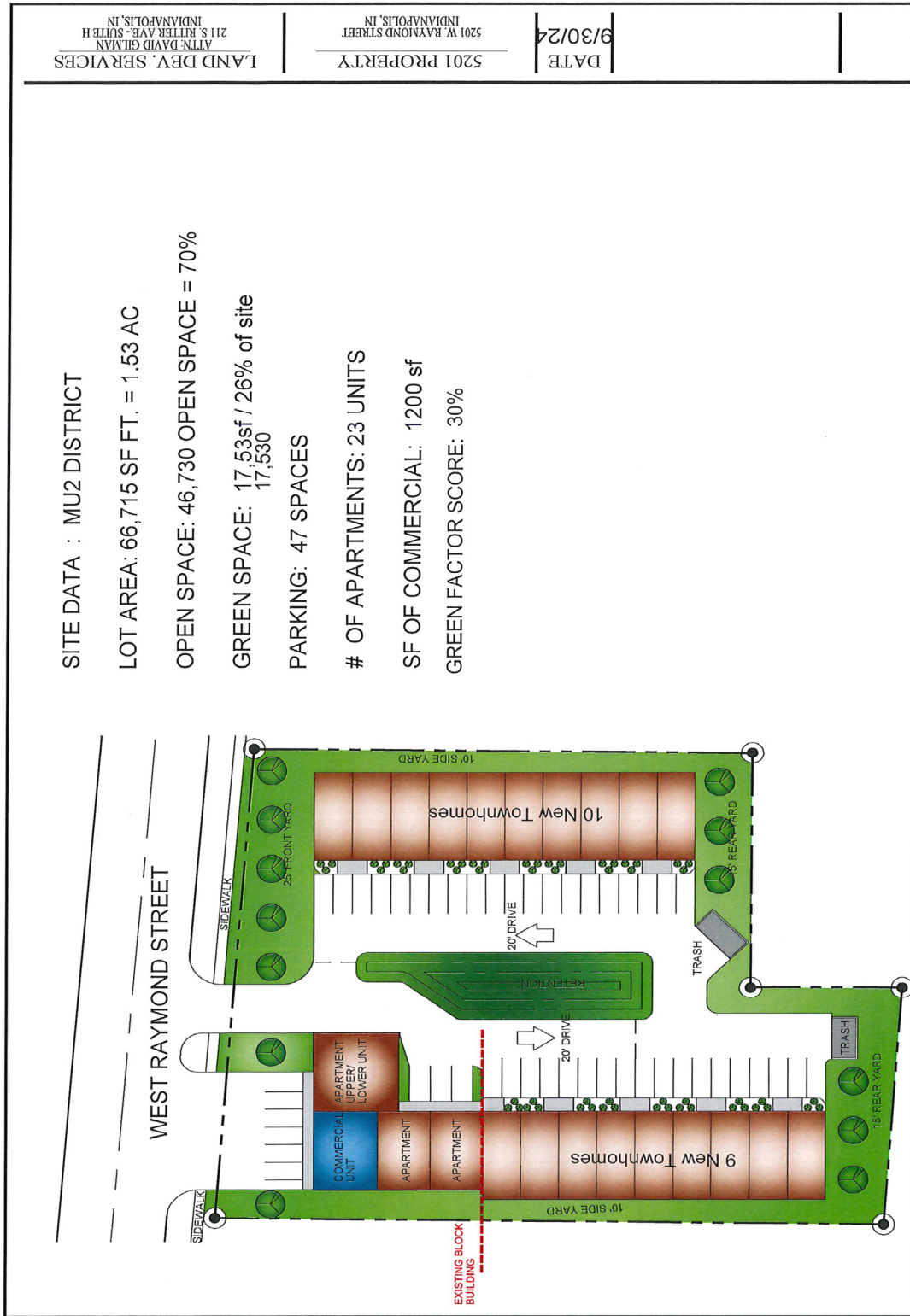
Department of Metropolitan Development
Division of Planning
Current Planning

84-UV1-14; 5224 West Kelley Street (southwest of site), requested a variance of use of the Dwelling District Zoning Ordinance to provide for an addition to an existing detached garage to be used as a second residence on the property, **granted**.

83-UV1-94; 5015 West Raymond Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to allow for more than one single-family residence on one lot, **granted**.

EXHIBITS





5201 W Raymond Street
Permitted Commercial Use List
November 5, 2024

The following will be the only MU2 commercial uses permitted for the front portion (approx. 1200 sqft) of the existing building. See the Site Plan for details and location.

1. Public, Institutional or Civic Uses
 - a. Day Care
 - b. Community Center
2. Professional Services
 - a. Hair or Body Care, Salon or Service
 - b. Professional Office



View looking east along West Raymond Street



View looking west along West Raymond Street



View of site looking southeast



View of site looking south



View of site looking east



View of site looking south



View of site looking southwest



View from site looking north across West Raymond Street