

MDC HEARING EXAMINER

September 10, 2026

Case Number: 2026-ZON-074

Property Address: 980 East 42nd Street and 4210 Winthrop Avenue (*approximate address*)

Location: Washington Township, Council District #7

Petitioner: NLS LLC, by Joseph Ringger

Request: Rezoning of two lots, totaling 0.3-acre, from the C-7 (W-5) and D-5 (W-5) (TOD) districts, to the D-8 (TOD) (W-5) district to allow for the construction of 6 townhomes.

Current Land Use: Unimproved

Staff Recommendations: Staff recommends **approval** of this petition, subject to commitments.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitments:

- The petitioner will not construct more than 6 units on the property.
- The development will not include more than 3 surface parking stalls. D-8 required off-street parking standards must still be met through a combination of surface parking and garage parking.

PETITION OVERVIEW

- 980 East 42nd and 4210 Winthrop are two contiguous lots totaling roughly 0.3-acre. The 42nd Street parcel is zoned C-7 while the Winthrop parcel is zoned D-5. Both parcels are within the Wellfield Protection—Five Year Time-of-Travel Area (W-5) and Transit-Oriented Development (TOD) districts. Parcels to the north are zoned D-5. Parcels to the west are zoned D-5 and C-7. Parcels to the east and south are zoned C-7.
- The petitioner is requesting a rezone from the C-7 (W-5) (TOD) and D-5 (W-5) (TOD) districts to the D-8 (W-5) (TOD) district to allow for the construction of 6 townhomes.
- The Comprehensive Plan assigns these parcels the “Village Mixed-Use” typology. The Marion County Land Use Plan Pattern Book describes the Village Mixed-Use typology as “creat[ing] neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and

large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

- Per the Ordinance, “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.”
- As highlighted in the Ordinance’s description of the D-8 district, a rezone to D-8 would align closely with the Village Mixed-Use typology. Additionally, wellfield regulations would limit certain C-7 uses on this site.
- These parcels are also within 1,000 feet of the Red Line’s 42nd and College BRT station. The 2020 Red Line Strategic Plan designated this area as part of the “Walkable Neighborhood” typology. A characteristic of this typology includes a mix of multi-family and single-family housing.
- The location of these parcels on a corner also provides an opportunity for further density with less disruption to the existing neighborhood patterns that one might see in mid-block development. Nonetheless, staff are cognizant of the surrounding single-family residential context. Given that D-8 can allow 8-12 units, staff acknowledge concerns regarding massing and density. To keep development appropriate to the surrounding area, staff would request a commitment that no more than 6 units be developed across these two parcels.
- Staff will note that this petition is limited to a rezone. While plans have been provided, approval of a rezone petition does not equate approval of plans. No variances or other exceptions are being sought, and all development would have to meet Ordinance standards or be approved via subsequent land use petitions. For single-family attached dwellings, the Ordinance requires that each dwelling unit be on its own legally established lot or is set up as part a condominium. The petitioner will either need to set up a condominium or file a subsequent plat petition to establish each unit on its own lot.
- Given the alignment between D-8 and the Village Mixed-Use typology, staff recommends **approval** of this petition subject to the following commitments:
 - The petitioner will not construct more than 6 units on the property.
 - The development will not include more than 3 surface parking stalls. D-8 required off-street parking standards must still be met through a combination of surface parking and garage parking.

GENERAL INFORMATION

Existing Zoning	C-7 / D-5	
Existing Land Use	Unimproved	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	C-7	South: Residential / Unimproved

East:	D-7	East: Undeveloped
West:	D-5	West: Residential
Thoroughfare Plan		
42 nd Street	Primary Collector	51-foot existing right-of-way and 56-foot proposed right-of-way
Winthrop Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	W-5	
Site Plan	N/A	
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

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan contemplates the Village Mixed-Use typology for this parcel. This typology “creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces

in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

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)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

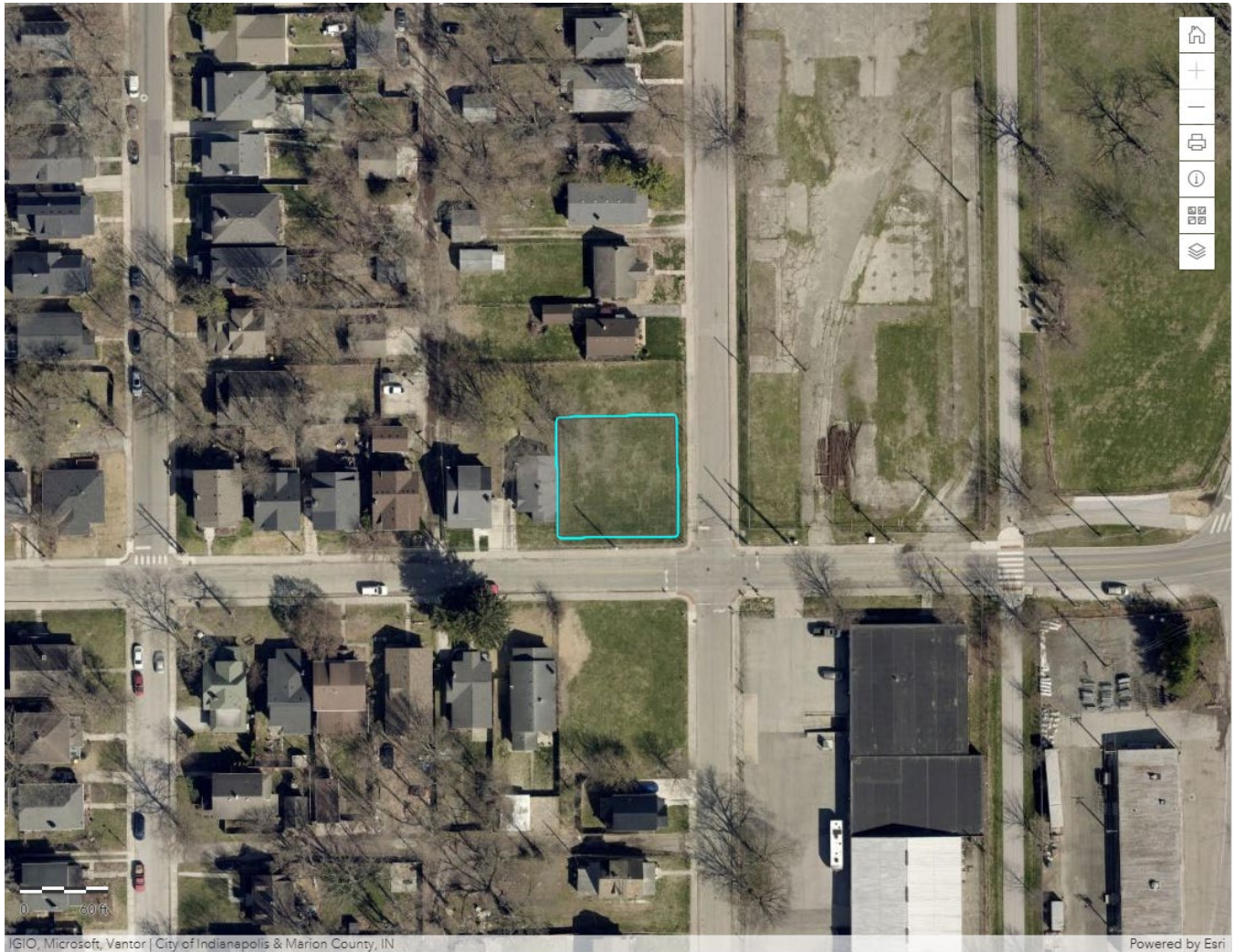
N/A

ZONING HISTORY – VICINITY

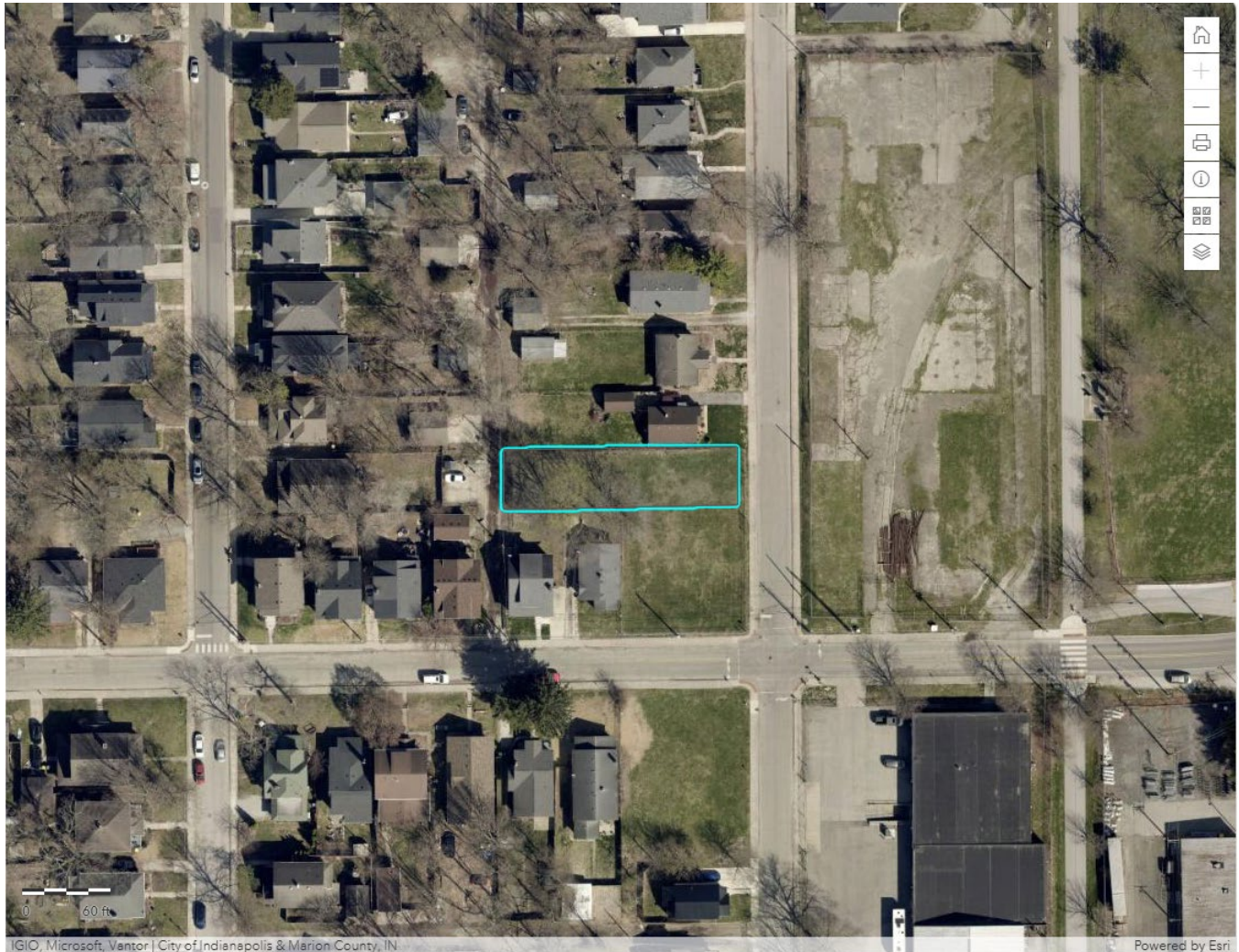
N/A

EXHIBITS

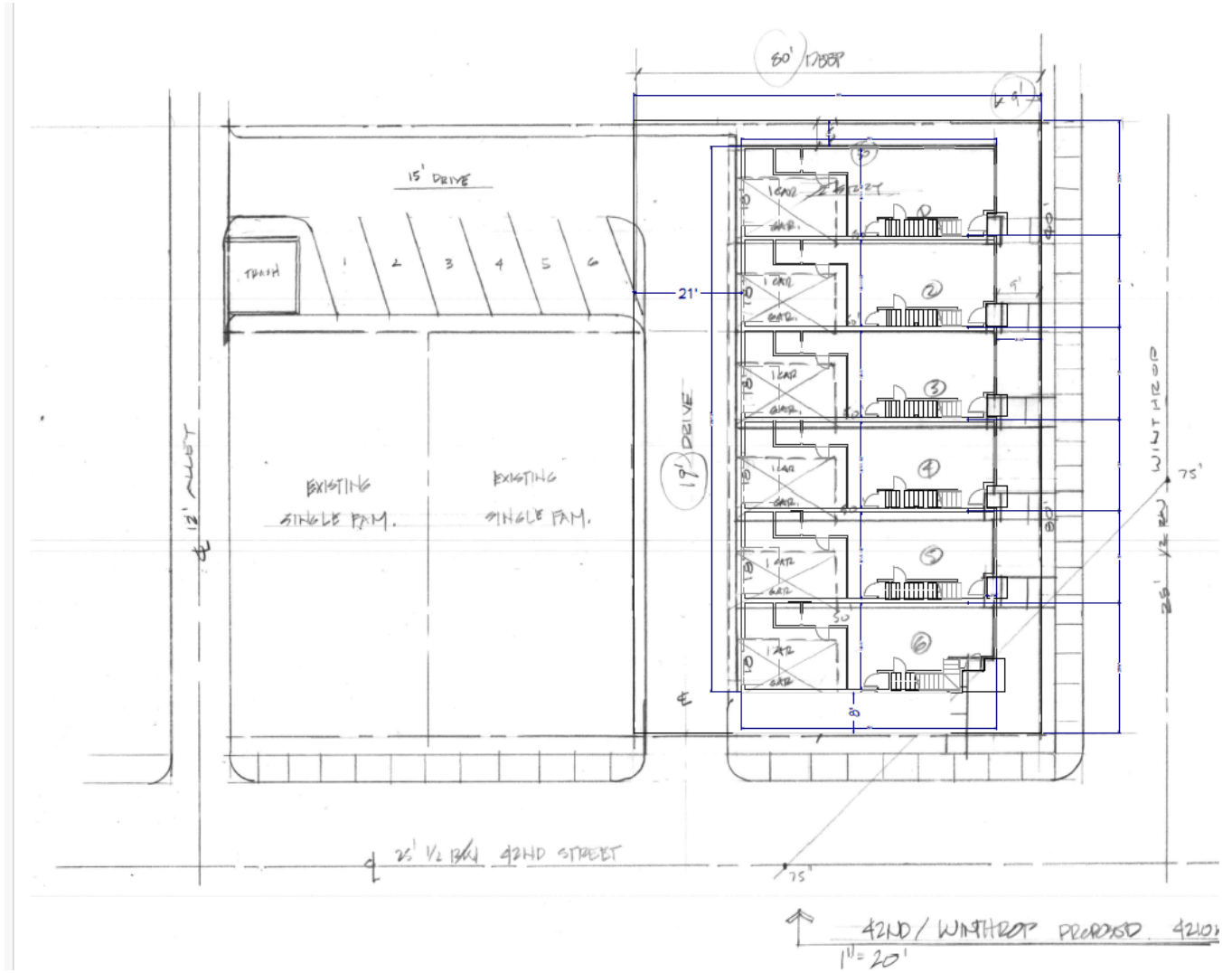
2026ZON074; Aerial Map for 980 East 42nd Street



2026ZON074; Aerial Map for 4210 Winthrop



2026ZON074; Preliminary Site Plan



2026ZON074: Photographs



Photo 1: Looking at property from Winthrop Avenue

2026ZON074; Photographs (cont'd)



Photo 2: Looking east across Winthrop Avenue

2026ZON074: Photographs (cont'd)



Photo 3: Looking north on Winthrop Avenue. Single family houses are on the left side in the background

2026ZON074: Photographs (cont'd)



Photo 4: Looking west on 42nd Street

2026ZON074; Photographs (cont'd)



Photo 5: Entrance to alley off 42nd Street. The alley abuts the Winthrop parcel.

2026ZON074; Photographs (cont'd)



Photo 6: Looking north at subject site from 42nd Street. Single-family homes can be seen next to the parcel and in the background.