



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 28, 2024

Case Number: 2024-CZN-810 / 2024-CVR-810

Property Address: 2460, 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street (Approximate Addresses)

Location: Center Township, Council District #12

Petitioner: Chatham Park Development, LLC, by Andi M. Metzel

Current Zoning: MU-2 / SU-7 / D-8

Request: Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front building line of 41.3% and 42.4% along 25th Street (minimum of 80% required), parking and maneuvering that extends beyond the building and less than required minimum setback (not permitted beyond the building and a minimum of 50-foot setback required), parking space dimensions of 8.5-foot by 18-foot (minimum of 9-foot by 18-foot and 180 square feet required), alley curb cut and pavement of 14 feet (minimum of 15 feet required), clear sight triangle encroachment for the proposed buildings at the intersection of Delaware Street and 25th Street (not permitted), clear sight triangle encroachment of a proposed trash enclosure at the intersection of 25th Street and an alley (not permitted), two-foot side transitional yard for parking areas (minimum 15-foot required) and a two-foot rear transitional yard for parking areas and a trash enclosure (minimum of 10 feet required).

Current Land Use: Vacant

Staff Recommendations: **Denial** of the clear sight triangle encroachment for the trash enclosure. **Approval** of the rezoning and remaining variances subject to commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the variance request for clear sight triangle encroachment of a proposed trash enclosure at the intersection of 25th Street and an alley.



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Staff **recommends approval** of the rezoning petition and all other variances, 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:

1. A final landscape plan shall be submitted for Administrator's Approval showing the street frontage landscaping and screening for transformers and relocation of the dumpster at 2460 Delaware Street prior to the issuance of an Improvement Location Permit.
2. Final building elevations shall be submitted for review and approval by the City Architect.
3. A 39-foot half right-of-way along Delaware Street and a 28-foot half right-of-way along 25th Street shall be dedicated, 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

LAND USE

The 0.94-acre subject site consists of six parcels that fall within the Near Northside Neighborhood. The northern parcels are part of the Douglass Park Subdivision, and the southern parcel is part of the E B Martindale's Lincoln Park Subdivision.

The site consists of undeveloped lots with a gravel surface parking lot at 2502 Delaware Street. The sites are surrounded by single-family dwellings to the south, west, and north, zoned D-8, and mixed-use development, zoned D-P, and single-family dwellings, zoned D-8, to the east.

REZONING

The request would rezone the properties to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.

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.

The SU-7 district is intended for charitable, philanthropic, and not-for-profit institution uses.

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



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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.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Delaware Street and a 28-foot half right-of-way along 25th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS / STAFF ANALYSIS

The subject sites fall within the Transit Oriented Development Secondary Zoning District and Red Line Transit-Oriented Development Strategic Plan (2021). Development within this area would allow for high density and/or mixed-use development to ensure the viability of more housing types and job creating opportunities.

Per Table 744-702-3: Private Frontage Design Standards, 25th Street would be classified as a Pedestrian/Urban frontage type and Delaware Street would be classified as a Connector frontage type.

The variances requested along 25th Street as a Pedestrian/Urban street frontage include a front building line of 41.3% and 42.4% along 25th Street where a minimum of 80% required, for parking and maneuvering to extend beyond the building which is not permitted and less than required minimum setback for surface parking.

There is a practical difficulty with meeting the 80% required front building line at 25th Street because the lot is narrow and would not allow for the parking requirements to be met for the mixed-use development otherwise. Additionally, in order to provide sufficient parking for the two proposed buildings, the parking area would not meet the 50-foot setback and areas for maneuverability would extend beyond the front building line. To reduce the visibility of the parking area, staff is requesting a final landscape plan to be submitted for Administrative Approval that shows street frontage landscaping and screening along Delaware Street and 25th Street.

In order to meet the parking requirements, the size of the parking spaces were reduced to 8.5-foot by 18-foot where a minimum of 9-foot by 18-foot and 180 square feet is required. This slight reduction is supportable by staff.

Staff saw the proposed alley curb cut and pavement of 14 feet where 15 feet is required as a small deviation.

The proposal would also request reduced transitional yards since the overall development would abut protected districts. Two-foot side transitional yards for parking areas would be requested south of 2460 Delaware Street and north of 2524 Delaware Street where 15 feet is required. A two-foot rear transitional yard would be proposed for the parking area and trash enclosure where 10 feet is required. Ultimately, the approval of these setback reductions would allow for the type of development that should be located along Transit-Oriented development nodes, which is why staff is supportive of the requests.



Clear Sight Triangle

The clear-sight triangle requirement is to provide for sight visibility for pedestrians, cyclists, and motorists, at an intersection. Reduction in visibility at intersections would increase the possibility of traffic conflicts and accidents.

A map showing the clear sight triangles per the Zoning Ordinance is provided in the report. Due to the proposal for the conversion of Delaware Street from a one-way street to two-way street, staff asked the Department of Public Works (DPW) to comment on the proposed clear sight triangle encroachment. DPW has a clear sight triangle of their own to determine what would be adequate for visibility based on speed. An aerial map was provided by DPW that shows the clear sight triangle that they would be most concerned about.

When comparing the clear sight triangle from DPW and the proposed location of the buildings, it shows that the development would be outside of their parameters. Therefore, staff is comfortable with the clear sight triangle variance for the buildings. Staff is not supportive of the dumpster encroachment into the clear sight triangle because that could easily be relocated on site.

GENERAL INFORMATION

Existing Zoning	MU-2 / SU-7 / D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-8 Residential (Single-family dwelling)
	South:	D-8 Residential (Single-family dwelling)
	East:	D-P Enter Land Use
	West:	D-8 Residential (Single-family dwellings)
Thoroughfare Plan		
Delaware Street	Primary Arterial Street	78-foot proposed right-of-way and 60 to 65-foot existing right-of-way range.
25 th Street	Secondary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	February 23, 2024	
Site Plan (Amended)	N/A	
Elevations	February 23, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	

Findings of Fact	February 23, 2024
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 (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Traditional Neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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.
- **Conditions for All Land Use Types**
 - 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.
 - 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.
 - 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.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - 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 15 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**
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - 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 intersections and limited to an aggregate of 1 acre per intersection.
 - 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.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.
- The site falls within the Transit-Oriented Development (TOD) overlay, which is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This overlay modifies attached housing to a residential density of 15+ units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site is located within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest station to the site is located within a ¼ mile northwest at the intersection of Meridian Street and Fall Creek Parkway North Drive. This station is categorized as a Community Center with the potential for a dense mixed-use neighborhood center with a minimum of 2 stories at core, no front or side setbacks at core, zero to 10-foot front setbacks and zero to 10-foot side setback at the periphery. Multi-family housing with a minimum of three units and structured parking at the core and attractive surface parking at the periphery could be proposed.



- The proposed development would meet the front and side setbacks anticipated in this plan in addition to providing mixed-use development.

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

Site Zoning History

2014-ZON-017; 2460 North Delaware Street (subject site), Rezoning 0.36 acres from the D-8 district to the C-3C classification to provide for mixed-use development, **approved**.

91-AP2-14; 2502 Delaware Street (subject site), Modification of conditions pursuant to 65-V-60 to permit the placement of a 30-square foot pole sign and pursuant to Petition 84-UV2-51 to permit the continued use of the outdoor advertising signs, **granted**.

91-UV3-41; 2502 North Delaware Street (subject site), Variance of use to permit vending machines and existing wall signs, **granted**.

85-Z-53; 2542 North Delaware Street (subject site), rezoning from the D-8 District to the SU-7 classification to provide for narcotics treatment, youth education and rehabilitation, **approved**.

84-UV2-51; 2502 North Delaware Street (subject site), Variance of use to permit an addition to a liquor store, **granted**,

65-V-60; 2502 North Delaware Street (subject site), Variance of use to permit a package liquor store, **granted**.

64-V-475; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted**.

64-V-400; 2502 North Delaware Street (subject site), Variance of use to permit the sale of alcoholic beverages and a wall sign, **withdrawn**.

60-V-125; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **granted for temporary period of one year**.

59-V-403; 2502 North Delaware Street (subject site), Variance of use to permit an automobile seat cover business, **denied**.

59-V-151; 2502 North Delaware Street (subject site), Variance of use to permit the outdoor display and sale of automobiles, **granted**.

Surrounding Zoning History

2016-CZN-814 / 2016-CVR-814; 2542 North Delaware Street, (north of site), Rezoning of 0.84 acre from the SU-7 district to the D-8 classification to provide for single-family residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for eight single-family dwellings, with a five-foot front setback (25-foot front setback required), with two-foot side setbacks and 6.5 feet between dwellings (minimum four-foot side setback and 10 feet between buildings required), and with accessory buildings, with two-foot and three-foot side setbacks (minimum



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four-foot side setbacks required), and to provide for 47% open space (55% open space required), **approved.**

2015-ZON-062; 2449-2457 North Delaware Street (east of site), Rezoning of 0.06 acre from the D-P district to the D-P classification to provide for a tavern with outdoor seating.

2014-ZON-042; 2501 North Talbott Street (west of site), Rezone 0.15 acre from the SU-7 and D-8 districts to the D-8 classification, to provide for single-family residential development,

2005-ZON-122; 2519 North Delaware Street (east of site), Rezoning of 0.17 acre, being in the C-3 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved.**

2005-ZON-140; 2449 through 2509 North Delaware Street (east of site), Rezoning of 0.64-acre from D-8 and C-3 to D-P to provide for the construction of two mixed-use buildings, **approved.**

2002-ZON-137; 2505 and 2513 North Talbott Street (west of site), Rezoning of 0.25 acre from SU-7 to D-8, to provide for single-family residential development, **approved.**

95-HOV-26; 236 East 25th Street (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of single-family residences, associated with the Fall Creek Proper Subdivision, with reduced front yard setbacks, **approved.**

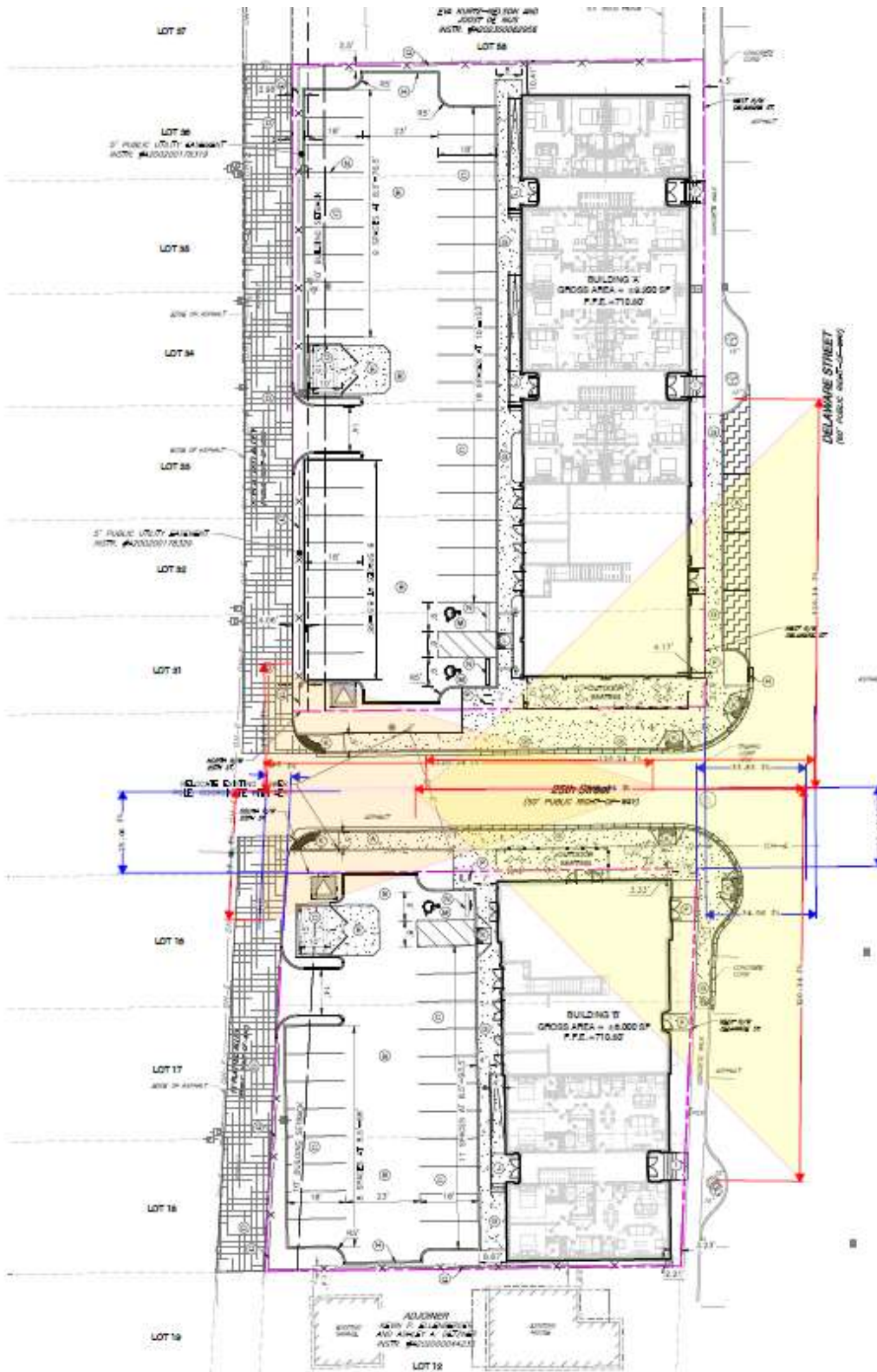
85-Z-53; 2452 North Delaware Street (west and north of site), Rezoning of 1.8 acres from D-8 to SU-7 to provide for non-profit Christian treatment facility and to permit the construction of a small shed, **approved.**

83-Z-3; 2501 North Delaware Street (east of site), Rezoning of 0.26 acre, being in the D-8 district, to the C-3 classification, to provide for commercial use, **approved.**

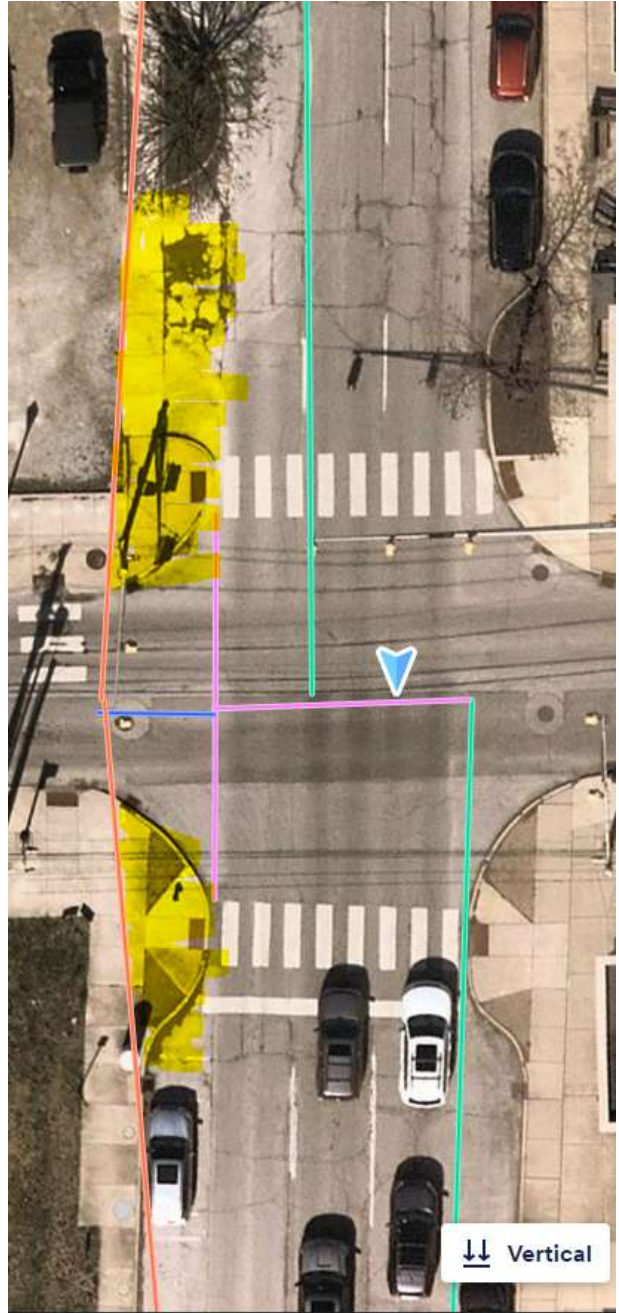
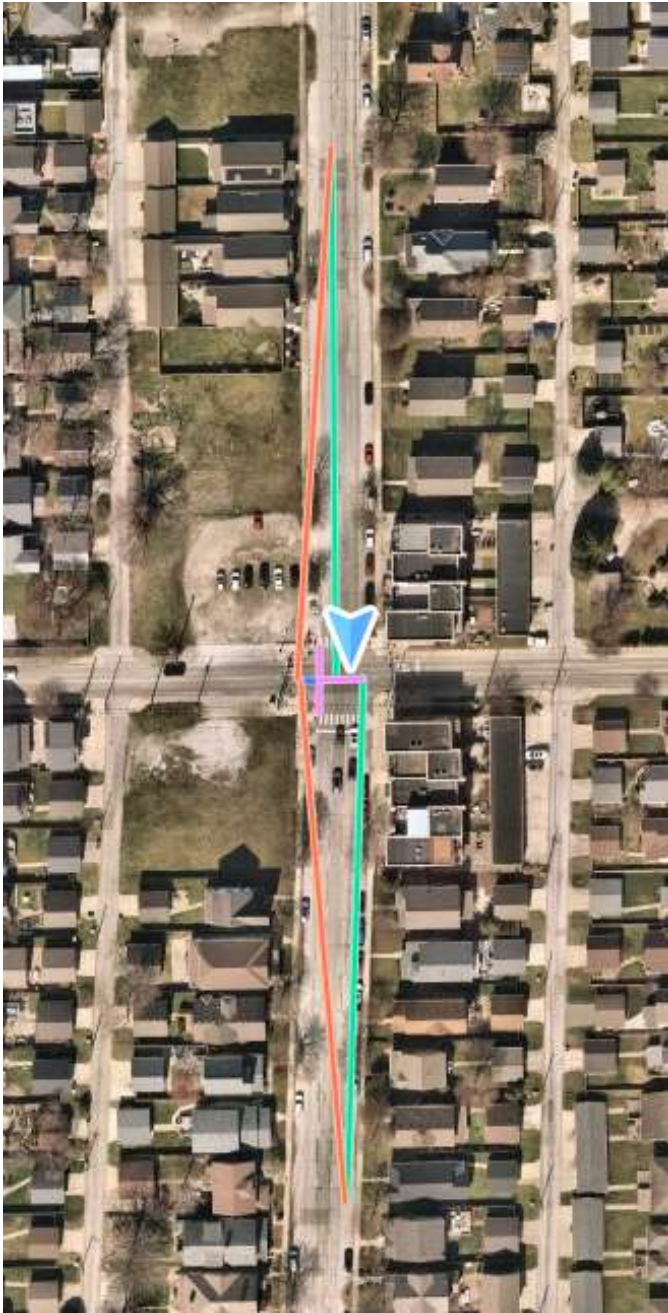
76-UV1-52; 2542 North Delaware Street (north of site), Variance of use and development standards to permit the construction of a youth education and rehabilitation organization with live-in facilities, **granted.**

EXHIBITS





Clear Sight Triangles



DPW Clear Sight Triangle



East Elevation
 (Facing Delaware Street)



South Elevation
 (Facing 25th Street)

Signage locations are conceptual in nature.



East Elevation
 (Facing Delaware Street)



North Elevation
 (Facing 25th Street)

Signage locations are conceptual in nature.





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:
granting the reduced clear sight triangle variance will allow for the construction of a 3-story, walk-up style, 46 unit mixed use development with 5,000+ sf. of retail amenity space on underutilized lots. The buildings are intentionally oriented and situated in a manner that is consistent with existing area structures and their set-back positioning. The existing traffic light at 25th and Delaware Street has a traffic calming effect and helps to ensure the safety of the intersection.

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 clear sight triangle variance will allow for the construction of a 3-story, walk-up style, 46 unit mixed use development with 5,000+ sf. of retail amenity space on underutilized lots. The project will activate, improve and clean up the properties and will bring amenities that improve the value of these and adjacent area properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
the proposed mixed-use development would not be viable without the ability to build into the clear sight triangle by maximizing the space of the compact lots with high-quality design and construction elements. The proposed development compliments and is consistent with the reduced clear sight triangle areas for existing structures at this same intersection.



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 Oxford Row proposed frontages, set backs, yards, parking and building area are consistent with area structures and have been thoughtfully designed to bring high-quality housing and amenity construction to transform this underutilized segment of the neighborhood into a vibrant and contributing part of the community
The variances will not interfere with traffic and will allow the project to be developed with an active, walkable street-scape while still providing sufficient spaces for off-street parking. The development design is appropriate in the Traditional Neighborhood typology.

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 variances will allow for the construction of mixed use buildings on vacant and underutilized sites which will help to activate, improve and clean up the properties and to bring amenities that contribute to and add value to the immediate area.

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

The proposed development would not be possible without the ability to maximize the compact lot spaces for housing, retail and parking areas, having the highest quality architectural effect that compliments existing structures in the vicinity.



Photo of the subject site looking north along Delaware Street.



Photo of 2460 North Delaware Street.



Photo of the street frontage along 25th Street at 2460 North Delaware Street.



Photo of the alley west of 2460 North Delaware Street.



Photo of 2502 North Delaware Street and 164 East 25th Street.



Photo of the subject site at 3542 and 2520 North Delaware Street.



Photo of the alley west of 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street.



Street frontage along Delaware Street looking south.



Photo of the subject site at ,2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street.



Photo of the single-family dwelling north of the site.



Photo of the mixed-use development east of the site.



Photo of the mixed-use development at the northeast corner of Delaware and 25th Street.



Photo of the mixed-use development at the southeast corner of Delaware and 25th Street.



Photo of the southern property boundary at 2460 North Delaware Street and abutting dwelling.