



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 28, 2024

Case Number:	2024-ZON-020
Property Address:	3838, 3840, 3852 and 3862 East Washington Street
Location:	Center Township, Council District #13
Petitioner:	Shepherd Community, Inc., by Mindy Westrick Brown
Current Zoning:	C-S (TOD)
Request:	Rezoning of 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses.
Current Land Use:	Vacant land
Staff Recommendations:	Approval, subject to the following commitments:
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, 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, landscape 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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 0.82-acre site, zoned C-S (TOD) is comprised of five vacant parcels. It is surrounded by single-family dwellings to the north, zoned D-5 (TOD); commercial uses to the south, across East Washington Street; commercial uses to the west, across North Bradley Avenue; and commercial uses to the east, all zoned C-5.

Prior to 1984 and the intervening years, this site was used as a laboratory, with expansions to the use through 1987. Except for the existing structure, all the structures were demolished in 2019.



REZONING

This request would rezone the site from the C-S (TOD) district to the MU-2 (TOD) classification to provide for residential and commercial 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 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 two-story residential component would consist of 11 one-, two- and three-bedroom dwelling units, along with a one-story approximately 3,000 square-foot commercial space.

Proposed access would be from North Bradley Avenue. Following discussions with the petitioner's representative, however, it was agreed that access would be relocated on the east / west alley along the northern boundary in accordance with the Ordinance that requires alley access if the alley is improved.

Parking would be located behind the proposed building and provide 27 parking spaces. Staff is concerned with the number of parking spaces because of the proximity of a proposed transit station to the west at Sherman Drive, but is willing to work with the petitioner and their representative to resolve this concern.

Because of the design standards related to the TOD overlay, staff would request Administrator Approval of the final site plan, landscaping plan and elevations prior to the issuance of an Improvement Location Permit (ILP).

Because the proposed rezoning is consistent with the Comprehensive Plan recommendation of village mixed-use typology and generally consistent with the TOD Plan, staff supports this request. The TOD Plan recommends 15+ dwelling units per acre and this request would result in 13.4 units per acre. This density is less than the recommended density but is supportable because of the mixed-use redevelopment of the site.

Overlay

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.

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	C-S (TOD)	
Existing Land Use	Vacant land / garage	
Comprehensive Plan	Village Mixed-Use typology	
Surrounding Context	Zoning	Land Use
	North:	D-5 (TOD) Single-family dwellings
	South:	C-5 (TOD) Commercial uses
	East:	C-5 (TOD) Commercial uses
	West:	C-5 (TOD) Commercial uses
Thoroughfare Plan		
East Washington Street	Primary arterial	Existing 80-foot right-of-way and a proposed 78-foot right-of-way
Bradley Avenue	Local Street	Existing 520-foot right-of-way and a proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	March 1, 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 Village Mixed-use typology. The Village Mixed-Use 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.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book 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:

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay.

- *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.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.

- *Conditions for All Housing*
 - Should be within a one-quarter-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.

- *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).*
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site is also located within an overlay, specifically the Blue Line Transit Oriented Development Strategic Plan (2018).
- This site is located within a ¼ mile walk (approximately 337 feet) of a proposed transit stop located at the intersection of East Washington Street and Sherman Drive with a Community Center typology.
- Community Center typology stations have varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.
- Characteristics of the District Center typology are
 - A dense mixed-use neighborhood center
 - Minimum of 2 stories at core
 - No front or side setbacks at core; 0-10 feet front setbacks and 0-10-foot side setbacks at the periphery
 - Multi-family housing with a minimum of 3 units
 - Structured parking at the core and attractive surface parking at the periphery

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 describes 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

96-CP-1A / 96-CP-IV; 3862 East Washington Street, requested modification of the site plan associated with petition 84-Z-2 to permit the construction of an addition to an existing laboratory and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of an addition to an existing laboratory being located 49 feet from the centerline of East Washington Street, **approved and granted.**

87-AP-263; 3862 East Washington Street, requested a modification of the site plan approved as part of rezoning petition 84-Z-2 to allow a second story addition to an existing warehouse, **approved.**

86-AP-15; 3802 East Washington Street, requested modification of commitments to permit an addition to the existing laboratory, **approved.**

86-HOV-10; 3902 East Washington Street, requested a variance of development standards to provide for a laboratory addition without the required front and side yards, **granted.**

84-Z-2; 3820 East Washington Street, requested rezoning of 0.99 acre from C-5 and D-5 districts to the C-S classification to conform zoning to the use as a laboratory and to permit construction of a garage, **approved.**



View looking east along East Washington Street



View looking west along East Washington Street



View looking south along North Bradley Avenue



View looking north along North Bradley Avenue



View of site looking east



View of site looking northeast



View looking east along the east / west alley



View from site looking west across North Bradley Avenue



View from site looking west across North Bradley Avenue



View from site looking northeast



View from site looking northwest across North Bradley Avenue