



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 10, 2024

Case Number: 2024-ZON-085 (Amended)
Property Address: 5640 North Illinois Street
Location: Washington Township, Council District #7
Petitioner: The Riviera Club, by Sonya Seeder
Current Zoning: D-2 (FF) (FW)
Request: Rezoning of 22.63 acres from the D-2 (FW) (FF) district to the SU-16 (FW) (FF) district to provide for indoor and / or outdoor recreation.
Current Land Use: Country Club
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the September 26, 2024 hearing, to the October 10, 2024 hearing, for additional time to amend the request and provide required notice.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 22.63-acre site, zoned D-2 (FW) (FF), is comprised of five contiguous parcels developed as a country club. It is surrounded by park and single-family residential to the north, zoned PK-1 (FW) (FF) and D-2 (FF); commercial uses and single-family residential to the south across the Indianapolis Water Company canal and Westfield Boulevard, zoned C-3 (FF) and D-5 (FF); single-family dwellings to the east, across North Illinois Street, zoned D-4 (FF); and floodway to the west, zoned D-S (FW) (FF).

This request would rezone the site to the SU-16 (FW) (FF) to provide for indoor and / or outdoor recreation. The permitted use in this district is limited to indoor and outdoor recreation and entertainment. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. "

The Comprehensive Plan recommends rural or estate neighborhood typology.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation. However, according to historical aerials and records of the Assessor's Office, the current use of the site as a country club has existed at least since 1939.

Staff supports the rezoning because it would result in a zoning district that would be consistent with the historical and present use of the site, without negatively impacting surrounding land uses.

This site is also located within the boundary of Meridian Street Preservation Commission secondary district. This rezoning was approved by this Commission (#Z-MSPC 24-06) on September 18, 2024. See Exhibit A.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "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 Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

This site is located within the 100-year floodplain. The Forest Alliance Woodlands (high quality) are located along the floodway that falls under the jurisdiction of the Indiana Department of Natural Resources.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.



The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (SU-16 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

This site is located within the floodway and floodway fringe of White River.

GENERAL INFORMATION

Existing Zoning	D-2 (FW) (FF)	
Existing Land Use	Country Club	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Land Use
North:	IPK-1 (FF) (FW) / D-2 (FF)	Park / single-family dwelling
South:	C-3 (FF) / D-5 (FF)	Commercial uses / single-family dwellings
East:	D-4 (FF)	Single-family dwellings
West:	D-S (FW) (FF)	Floodway
Thoroughfare Plan		
North Illinois Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. White River	
Overlay	Yes. Forest Alliance Woodlands / 100-year floodplain	
Wellfield Protection Area	No	
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

- The Comprehensive Plan recommends Rural and Estate Neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

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. The recommended land uses include detached housing, working farms, group homes, bed / breakfast and wind / solar farms.

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

2016-HOV-055; 5640 North Illinois Street, requested a variance of development standards of the Consolidate Zoning and Subdivision Ordinance to provide for an 8.33-foot-tall freestanding sign, **granted**.

2009-HOV-009; 5640 North Illinois Street, requested a variance of use of the Dwelling districts Zoning Ordinance to provide for two slides for a private club, **granted**.

87-UV2-59; 5640 North Illinois Street, provided for a building addition to an existing private club, **granted**.

EXHIBITS

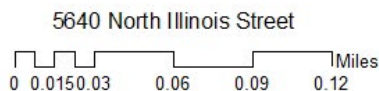
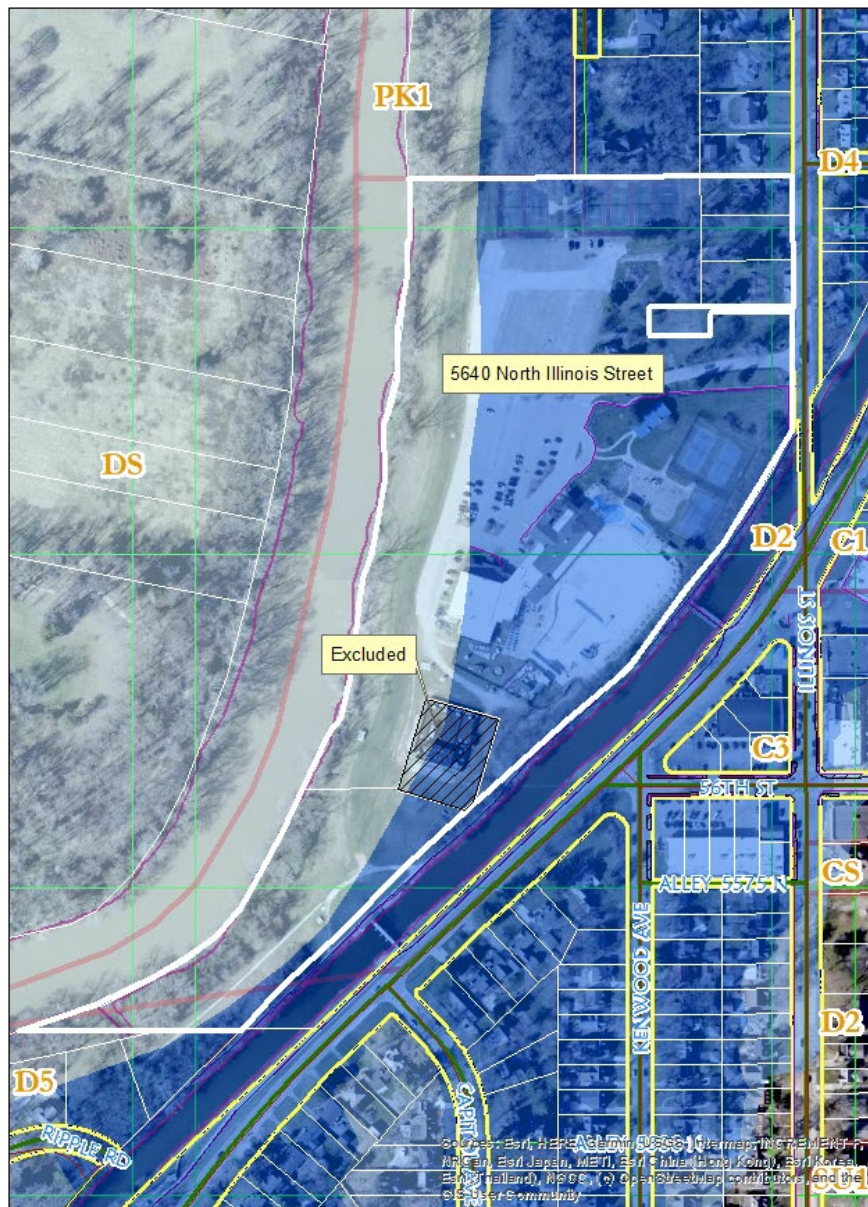


EXHIBIT A



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by:
Sonya J. Seeder, Esq. on behalf of the The Riviera Club (Jimm Moody, Jr.)
for Prior Approval of a Rezoning for the property located at
5640 N. Illinois Street, Indianapolis, Indiana.
General Application Request: Prior Approval of a Rezoning

FINAL ORDER GRANTING PRIOR
APPROVAL OF A REZONING

#Z-MSPC 24-06

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m., on September 17, 2024, in the Fellowship Hall of the Meridian Street United Methodist Church, 5500 North Meridian Street, Indianapolis, Indiana, heard evidence and considered an application for Prior Approval of Rezoning filed by Sonya J. Seeder, Esq. on behalf of The Riviera Club (Jimm Moody, Jr.) for improvements to be made at the property located at 5640 North Illinois Street, Indianapolis, Indiana.

Being duly advised in the premises, the Commission, by a vote of 6-0 of its six (6) members present and voting AYE: (Norman, Bennett, Vanderstel, Fujawa, Hess, Madden), NAY: (none), ABSTAIN: (none) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Prior Approval of a Rezoning from the D-2 district to the SU-16 district for the purposes of upgrading the current facility's outdoor swimming amenities and constructing a new indoor aquatic building.
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Prior Approval of a Rezoning requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is therefore ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Rezoning for the aforesaid property is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

September 18, 2024
Date



View looking north along North Illinois Street



View looking west along entrance drive



View of site looking south across entrance drive



View of clubhouse looking southeast



View of clubhouse looking south



View from site looking south at southern portion of the site



View from site looking southwest



View from site looking northwest



View from site looking north



View from site looking northeast