



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2024

Case Number: 2025-ZON-028
Property Address: 1631 Montcalm Street
Location: Center Township, Council District #12
Petitioner: Josh Smith
Current Zoning: C-1
Request: Rezoning of 0.11-acre from the C-1 (W-1) district to the D-5 (W-1) district to provide for a single-family dwelling.
Current Land Use: Vacant
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 0.11-acre site, zoned C-1 (W-1), is vacant and surrounded by single-family dwellings to the north and south, commercial uses to the east; and a single-family dwelling to the west, across Montcalm Street, all zoned C-1 (W-1).

REZONING

The request would rezone the site to the D-5 (W-1) (Walkable Neighborhood) district to provide for a single-family dwelling. “The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends light industrial typology for the site. These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.

Recommended land uses in this typology include light industrial uses, heavy commercial uses, small- and large-scale offices, retailing, and personal or professional services; and wind / solar farms.

This area is a mix of residential and industrial uses. These uses have not always made compatible neighbors. In response, the Comprehensive Plan chose to recommend one type of use, industrial, over the other use.

Neither the existing zoning district nor the requested district are responsive to the Comprehensive Land Use Plan recommendation of Light Industrial.

Typically, staff would not make a recommendation contrary to the Comprehensive Land Use Plan. However, new single-family residential development is occurring in the area. A number of lots in the immediate vicinity were rezoned to the D-5 district in the last few months. It appears that the trend of development is towards residential uses rather than the industrial uses.

Staff, therefore, supports this request because of the historical residential uses, the existing residential uses to the north and west and current residential redevelopment in the area.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-1 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

Existing Zoning	C-1 (W-1)	
Existing Land Use	Vacant land	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1 (W-1)	Industrial uses
South:	C-1 (W-1)	Single-family dwelling
East:	C-1 (W-1)	Single-family dwelling
West:	C-1 (W-1)	Commercial uses
Thoroughfare Plan		
Montcalm Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	Yes – White River W-1	

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 Light Industrial typology. The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

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:

- Light Industrial Uses Typology*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Recommended uses in this typology include light industrial, heavy commercial, small-scale offices, retailing, and personal or professional services 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

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

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

2021-ZON-136; 1720 Montcalm Street (north of site), requested rezoning of 0.13 acres from the C-1 (W-1) district to the D-5 (W-1) classification to provide for a single-family detached dwelling, **approved**.

2021-CZN-821 / 2021-CVR-821; 1723 Montcalm Street (north of site), requested the rezoning of 0.11 acre from the C-1 district to the D-5 district and a variance of use to provide for a single-family dwelling and detached garage in a C-1 district, **approved**.

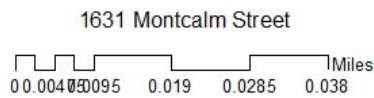
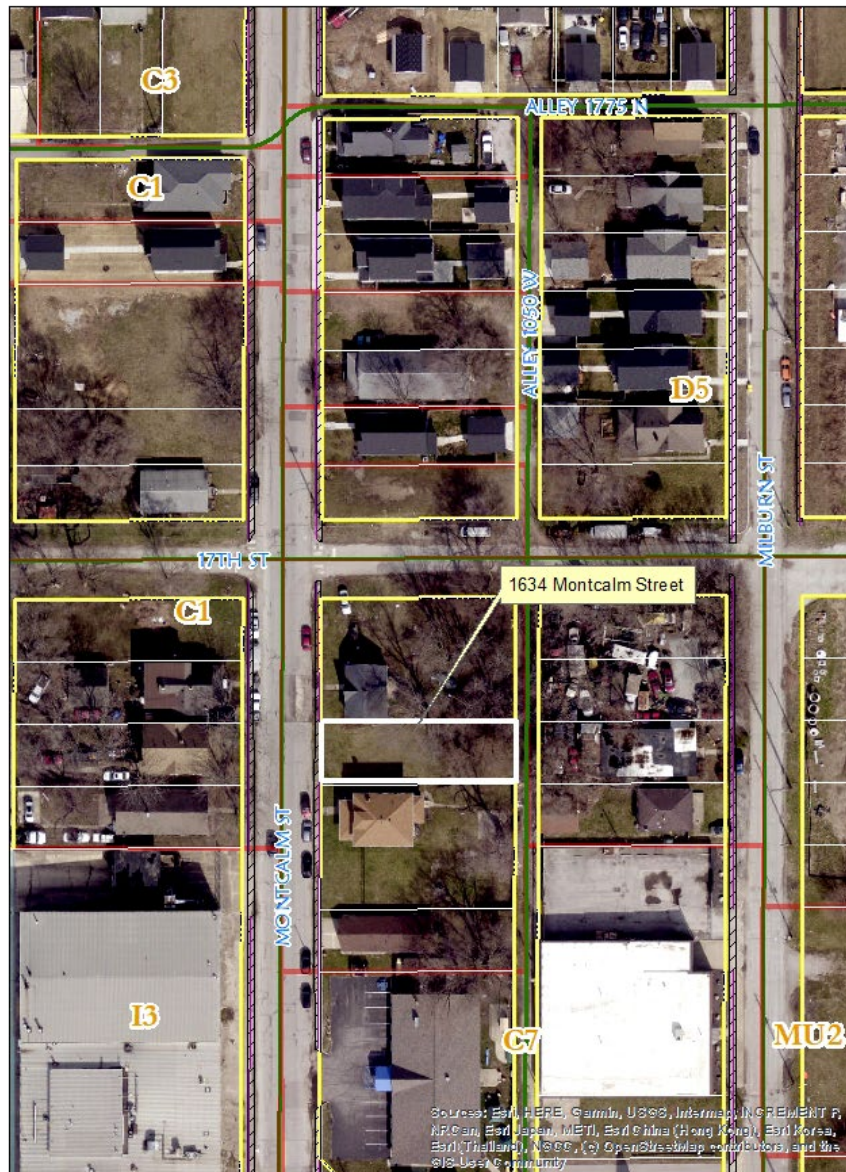
2020-ZON-093; 1113 West 18th Street (north of site), requested the rezoning of 0.13 acre from the C-1 and C-3 districts to the D-5 district, **approved**.

2020-ZON-039; 1051, 1052, 1056, 1060 & 1206 West 18th Street, 1707, 1717, 1731 & 1805 Montcalm Street, and 1205 Herbert Street (northeast, east and west of site), requested the rezoning of 0.95 acre from the C-1, C-3, and I-2 districts to the D-5 district, **approved**.

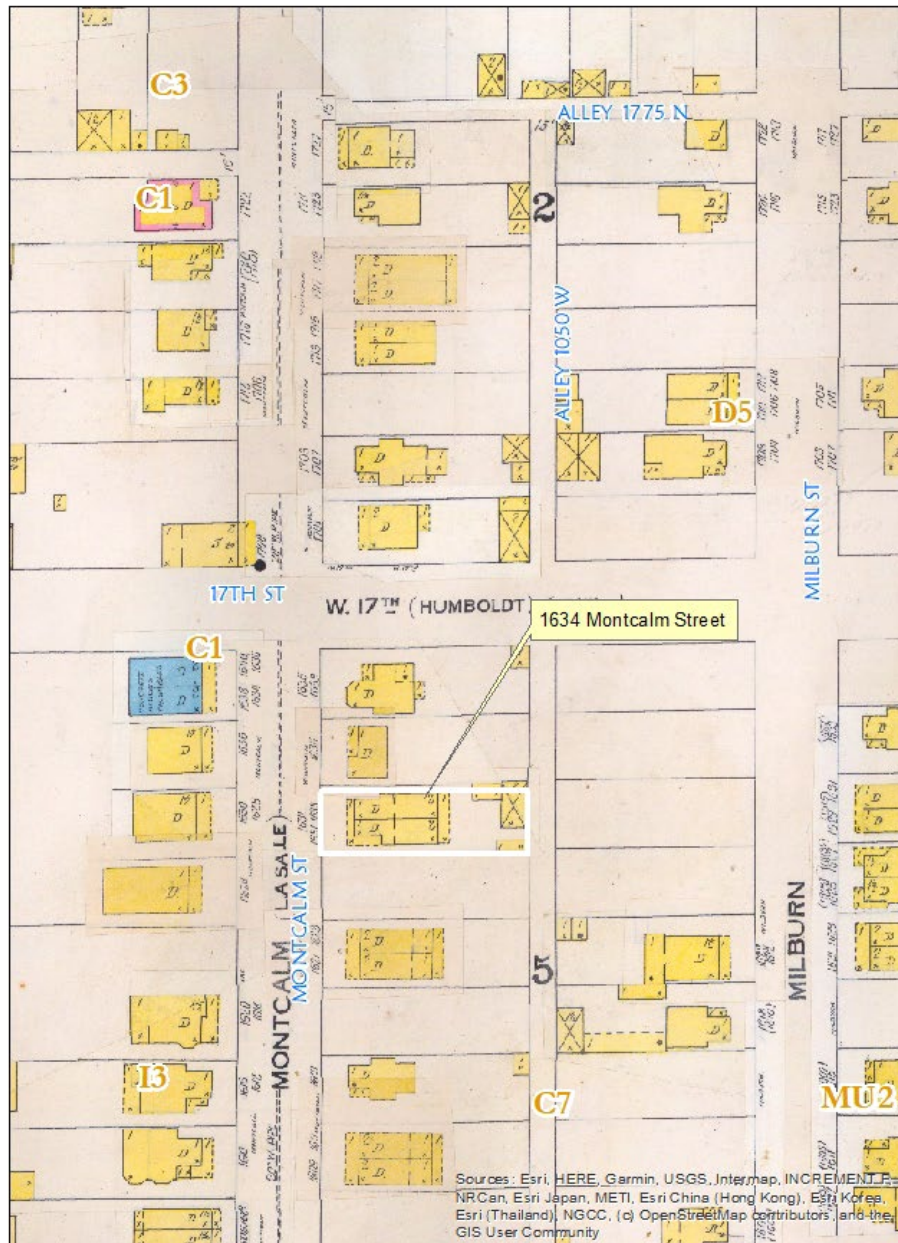
2020-UV3-012; 1113 West 18th Street (north of site), requested a variance of use to provide for a single-family dwelling and detached garage in a commercial district, **approved**.

2014-UV1-009; 1117 West 18th Street (northwest of site), requested the legal establishment of a single-family dwelling in a C-1 district and a variance of use to provide for a residential garage in a C-1 district, **approved**.

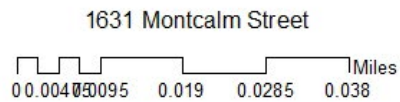
EXHIBITS



Sanborn Map 1989



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community





View looking south along Montcalm Street



View looking north along Montcalm Street



View from site looking southwest across Montcalm Street



View of site looking east across Montcalm Street