

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-006

Property Address: 3801 North Raceway Road (Approximate Address)

Location: Pike Township, Council District #11

Petitioner: D. R. Horton – Indiana, LLC, by Brian J Tuohy

Current Zoning: D-6

Request: Modification of Commitments and Site Plan related to 2024-ZON-023 to modify Commitment 2, to provide that rental units would be permitted on lots which are subject to a mortgage insured or guaranteed by the Federal Housing Administration, the Veteran's Administration and/or the United States Department of Agriculture (previous commitment requires the HOA to approve rental of units within the neighborhood, with a restriction that a maximum of 20% of the units may be rented at any one time).

Current Land Use: Agricultural Use

Staff Recommendations: No Recommendation

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FRO JUNE 12, 2025 HEARING EXAMINER

This petition was automatically continued from the May 15, 2025 hearing to the June 12, 2025 hearing to the request of a Registered Neighborhood Organization. No new information was submitted to the case file.

May 15, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff is recommending **no recommendation** for this request.

PETITION OVERVIEW

LAND USE

This 8.16-acre site, zoned D-6, was approved for residential use (**2024-ZON-023**). It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings and religious uses to the south,

zoned D-6 and SU-1, respectively; railroad right-of-way and single-family dwellings to the east, zoned D-A and D-6 respectively; single-family dwellings to the west, across North Raceway Road, Hendricks County.

MODIFICATION OF COMMITMENTS

The proposed modification would revise this language to allow exceptions for rental units on lots encumbered by mortgages insured or guaranteed by the Federal Housing Administration, (FHA), the Veteran’s Administration (VA), and/or the United States Department of Agriculture (USDA).

This request seeks to align the Covenants, Conditions and Restrictions (CCRs) with the federal mortgage program requirements, which may prohibit or limit restrictions on rental occupancy as a condition of loan eligibility. Allowing flexibility in the rental provisions for FHA, VA, or USDA-backed loans could increase homeownership opportunities for first-time buyers, veterans, and rural residents, consistent with broader housing access goals.

“The CCRs for the Neighborhood shall include a clause that the HOA shall approve the rental of Units within the Neighborhood, a restriction that the initial term of a lease with a tenant for a rental of a Unit shall be for a minimum of one year in length and a restriction that only twenty percent (20%) or less of the Units within the Neighborhood may be rented at one time.”

The original commitment was included in response to concerns from a Registered Neighborhood Organization and intended to promote long-term owner occupancy. However, staff recognizes that rental restrictions—particularly caps on leasing percentages—may present barriers to homeownership for individuals utilizing FHA, VA, or USDA loan programs, which often prohibit such limitations as a condition of loan eligibility.

GENERAL INFORMATION

Existing Zoning	D-6	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-A	Single-family dwelling
	South: D-6 / SU-1	Single-family dwellings/ religious uses
	East: D-A / D-6	Railroad right-of-way / single-family dwellings
	West: Hendricks County	Residential uses
Thoroughfare Plan		
North Raceway Road	Primary Collector	Existing 56-foot right-of-way and 106-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Environmentally Sensitive	

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

- Marion County Land Use Plan Pattern Book (2019)
- The Marion County Thoroughfare Plan (2019)

Pattern Book / Land Use Plan

- The **Suburban Neighborhood** typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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
- 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.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one (1) arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.

- 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.
- 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

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 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

2024-ZON-023;3801 North Raceway Road (subject site), Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development, **approved**.

99-Z-114; 3621 Raceway Road (south of site), requested rezoning of 4.31 acres from the C-1 district to the SU-1 classification to provide for construction of a church, **approved**.

83-Z-226A; 3751 Raceway Road (south of site), requested rezoning of 4.31 acres, being in the A-2 district to the C-1 classification to provide for commercial development, **approved**.

83-Z-226B; 3751 Raceway Road (south of site), requested the rezoning of 2.12 acres, being in the A-2 district to the C-3 classification to provide for commercial development, **approved**.

83-Z-227 / 83-CV-21; 3702 Tansel Road (east of site), requested rezoning of 29.3 acres, being the A-2 district to the D-6 classification to provide for residential development with a minimum distance of 10 feet between buildings and a minimum front yard setback of 15 feet, **approved and granted**.

EXHIBITS

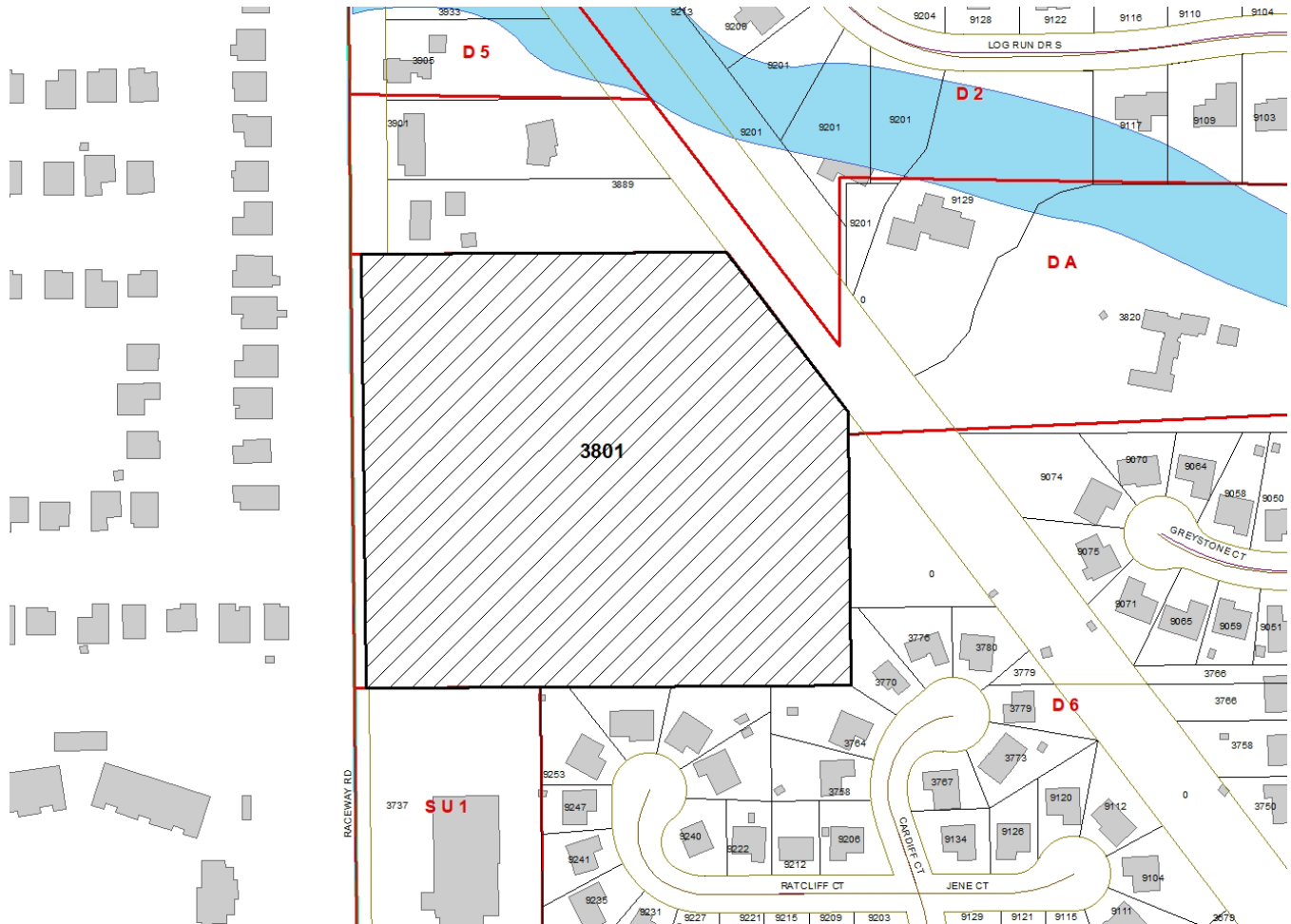


Exhibit 2

Commitments

3801 N. Raceway Road ("Site")
D.R. Horton - Indiana, LLC ("Developer")

1. The townhome neighborhood (the "Neighborhood") to be developed or the Site will include approximately 3 to 6 townhome units ("Units") per building ("Building") with one Unit per lot. Each lot within the Site will be subject to recorded Covenants, Conditions and Restrictions ("CCRs") of the Neighborhood; which will include a mandatory membership to a Homeowner's Association ("HOA") of the Neighborhood and provide for annual HOA assessments. Upon the closing of approximately 90% of the Units within the Neighborhood, the Developer shall work with the owners of the Units within the Neighborhood to establish a Homeowner Board of Directors to be responsible for management of the HOA; provided the HOA has sufficient cash flow and management capability to assume responsibility of management.
2. The CCRs for the Neighborhood shall include a clause that the HOA shall approve the rental of Units within the Neighborhood, a restriction that the initial term of a lease with a tenant for a rental of a Unit shall be for a minimum of one year in length and a restriction that only twenty percent (20%) or less of the Units within the Neighborhood may be rented at one time.
3. The neighborhood shall include at least 26 common parking spaces for use by visitors to, and residents of, the neighborhood.
4. Simultaneously with the filing of the primary plat for the Neighborhood, Developer shall provide a copy of such filing to the President of the Pike Township Residents Association.
5. Sidewalks shall be provided on both sides of publicly dedicated streets within the neighborhood.
6. The pavement of streets within the neighborhood shall be built to the street construction standards of the Indianapolis Department of Public Works.
7. Ponds within the Neighborhood shall include aeration devices.
8. The total number of lots within the neighborhood shall not exceed 50 lots.
9. The exteriors of each Building within the Neighborhood shall include at least three of the following: brick or stone masonry; vinyl lap siding; vinyl shake siding; or vinyl board and batten siding. Any vinyl siding shall be a minimally of .044-gauge vinyl siding.
10. To the extent reasonably feasible and suitable for the Neighborhood, Developer shall use native plantings for the landscaping within the neighborhood.

11. The CCRs for the Neighborhood shall include a restriction that there shall be no outside storage of recreational vehicles, campers, commercial vehicles (however, pick-up trucks shall be permitted to be stored outside), boats and trailers. The CCRs shall also include a restriction that there shall be no outbuildings.
12. The HOA shall be responsible for exterior building maintenance, common areas and grass mowing of common areas and lots.
13. Streetlights within the Neighborhood, if any, shall comply with the City of Indianapolis's Street Light Standards including standards for light spillage and shall be located in accordance with such City standards.
14. Final building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld. Copies of such building elevations shall be provided to the President of the PTR.
15. 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.
16. A 53-foot half right-of-way shall be dedicated along the frontage of North Raceway Road, 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).