

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-010
Property Address: 4701 Todd Road
Location: Perry Township, Council District #24
Petitioner: 4701 Todd Road Owner, LLC, by Laura Trendler, AICP
Current Zoning: D-7 (FF)
Request: Modification of Commitments and Site Plan related to 2022-CZN-826 to permit the construction of a 300-square-foot accessory structure (previous petition required site to be developed in accordance with the site plan, file-dated May 6, 2022).
Current Land Use: Multi-family dwellings and associated parking
Staff Recommendations: Approval, subject to the commitments noted below.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval of the modification request, subject to the following modified commitments being reduced to writing on the Commission Exhibit "C" form at least five (5) days prior to the MDC hearing:

1. Commitment Two of 2022-ZON-020 (Instrument #A2022-00089982) shall be modified to read: Development of the site shall be in accordance with the site plan, file-dated May 5, 2025.
2. A 25-foot half right-of-way shall be dedicated along the frontage of Todd 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.

PETITION OVERVIEW

This 11.6-acre site, zoned D-7 (FF), is developed with multi-family dwellings. It is surrounded by single-family dwellings to the north, zoned D-4; healthcare complex to the south, across Todd Road, zoned C-S (FW) (FF); office uses and religious uses to the east, zoned C-1 and SU-1 (FW) (FF), respectively; and single-family dwellings to the west, zoned D-4.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Petitions 2022-CZN-826 and 2022-CVR-826 rezoned the site to the D-7 district and legally established the multi-family use until the rezoning was approved.

Petition 2003-ZON-069 rezoned the site to the C-1 classification.

MODIFICATION

The request would modify commitments and site plan related to 2022-CZN-826 to permit the construction of a 360-square-foot ADA garage. The previous petition required the site to be developed in accordance with the site plan, file-dated May 6, 2022.

Given the population (over 55 years of age) being served by the development, staff believes the garage would provide an additional amenity for the residents that would improve the quality of life for them.

As proposed, the ADA garage would be an extension of the existing garages along the western boundary of the site. An existing painted crosswalk would connect the proposed garage to the existing sidewalks to the east and south.

Department of Public Works

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

The submitted site plan indicates an existing 15-foot half right-of-way and a proposed 35-foot half right-of-way along the northside of Todd Road.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which 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 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 (D-7 in this request) would be permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

The southeastern portion of the site is located within the unregulated 500-year floodplain of Pleasant Run Creek.

GENERAL INFORMATION

Existing Zoning	D-7 (FF)	
Existing Land Use	Multi-family dwellings / associated parking	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-4	Single-family dwellings
South:	C-S (FW)(FF)	Healthcare complex
East:	C-1 / SU-1 (FW)(FF)	Commercial office uses / religious uses
West:	D-4	Single-family dwellings
Thoroughfare Plan		
Todd Road	Local Street	Existing 30-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. Unregulated 500-year floodplain of Pleasant Run Creek	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 5, 2025	
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 Office Commercial Typology.

“The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

Pattern Book / Land Use Plan

Not Applicable to the Site.

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

2022-CZN-826 / 2022-CVR-826, 4701 Todd Road, requested rezoning of 11.81 acres from the C-1 (FF) district to the D-7 (FF) district to legally establish multi-family uses and a variance of use legally establish multi-family uses, **approved and granted**.

2005-ZON-069; 8200 South Emerson Avenue, requested rezoning 11.687 acres, being in the D-A (FF) District, to the C-1 (FF) classification to provide for office commercial uses, **approved**.

VICINITY

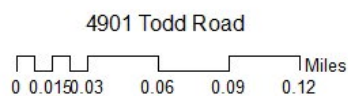
2004-ZON-128, 8200 South Emerson Avenue (east of site), rezoning of 3 acres, being in the D-A District, to the C-1 classification to provide for office uses, **approved**.

2002-ZON-118; 4700 Todd Road (north of site), rezoning of 55.80 acres, being in the D-A (FF) District, to the D-4 (FF) classification to provide for single-family residential development, **denied**.

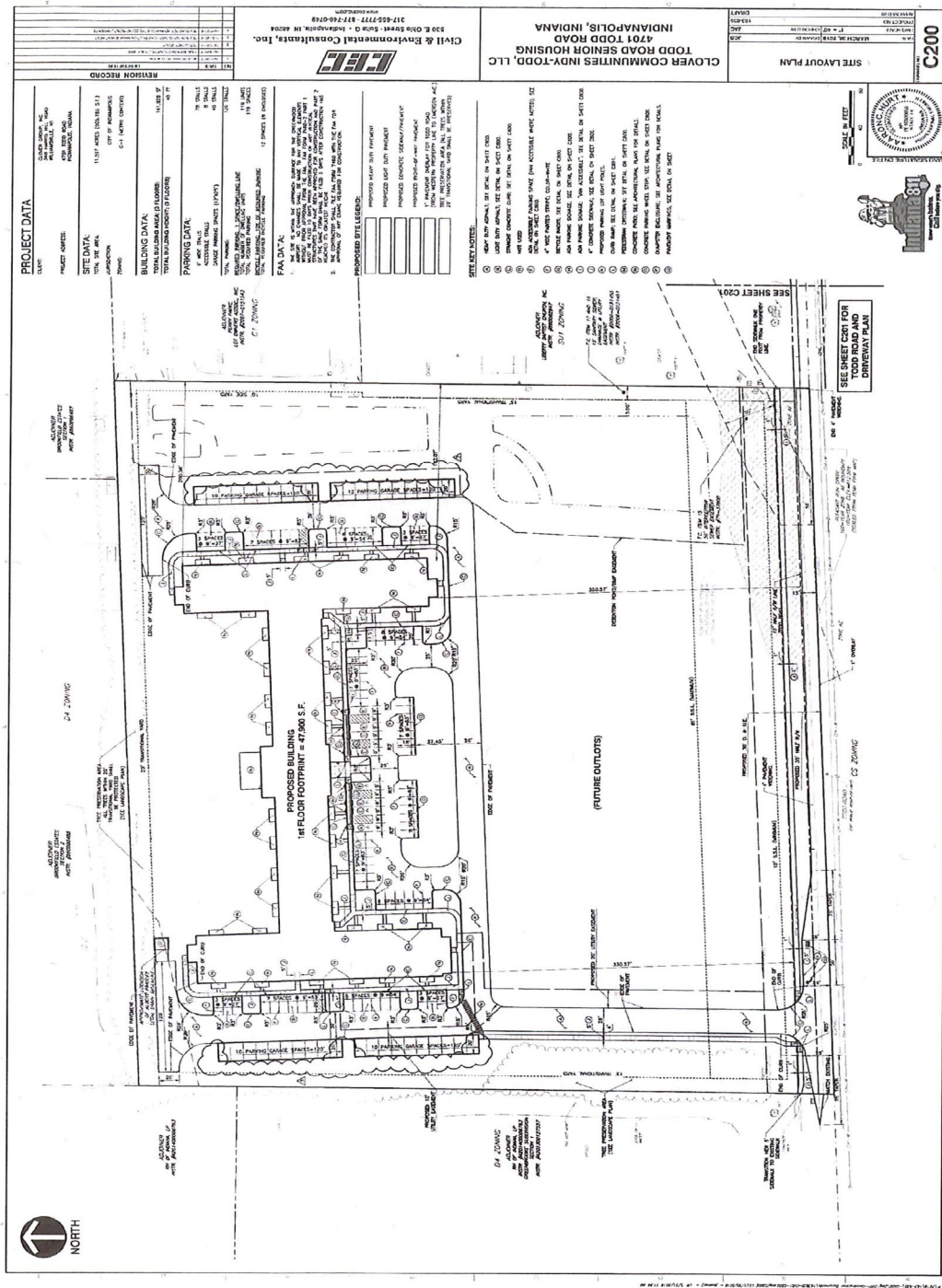
2002-ZON-014; 4745 Todd Road (west of site), rezoning of 55.80 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for 251 single-family residential dwellings, **withdrawn**.

85-Z-182; 4801 Todd Road, requested rezoning of 61.75 acres, being in the A-2 district to the C-S classification to provide for hospital uses, **approved**.

EXHIBITS



Site Plan – May 6, 2022



Metropolitan Development
 May 06 2022
 Division of Planning

PROJECT DATA

OWNER: LUTHERAN CHURCH OF THE ELFIN
 PROJECT ADDRESS: 1137 ASH (SHEET 12)
 CITY OF BIRMINGHAM
 ZONING: C-1 (CITY CHARTER)

BUILDING DATA

1. THE BUILDING SHALL BE A PERMANENT STRUCTURE FOR THE GARAGE ADDITION.
 2. THE BUILDING SHALL BE A PERMANENT STRUCTURE FOR THE GARAGE ADDITION.
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PARKING DATA

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PROPOSED BUILDING

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NOTES

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SCALE

1" = 10'

ORIENTATION

NORTH



View looking west along Todd Road at site entrance drive



View looking east along Todd Road at site entrance drive



View of site looking north across Todd Road



View looking south along western drive



View of existing garages along western property line



View looking west at location of proposed ADA garage