

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-074 (Amended)
Address: 2013 Southeastern Avenue (Approximate Addresses)
Location: Center Township, Council District #12
Petitioner: Omar Hasan, by Mark and Kim Crouch
Request: Rezoning of 0.22 acre from the C-1 district to the D-8 district to provide for two duplexes / townhome development.

ADDENDUM FOR OCTOBER 12, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 24, 2023 hearing, to the October 12, 2023 hearing, at the request of the petitioner's representative to provide additional time to explore development options.

The petitioner's representative submitted an amended site plan, file-dated September 27, 2023, to provide for two duplexes on the site. Notes on the documents indicate the possibility of converting the duplexes into "townhomes in the future."

Staff **recommends approval** of the amended site plan for two duplexes, subject to the two commitments listed below. The decrease in number of units from seven to four is more reasonable and acceptable because it is likely that no variances would be necessary and that all development standards would be met. In other words, staff would not support any future requests for variances, unless a practical difficulty in the residential use of the site could clearly be demonstrated, rather than the desires of the developer.

September 14, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

If approved, staff would recommend that approval be 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. The site 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.

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SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.22-acre site, zoned C-1, is undeveloped and surrounded by single-family dwellings to the north across Southeastern Avenue, zoned C-1; single-family dwellings to the south, zoned D-5; commercial uses to the east, zoned C-1; and single-family dwellings to the west, zoned C-1 and D-5.

REZONING

- ◇ This request would rezone the site from the C-1 District to the D-8 classification. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”
- ◇ The Comprehensive Plan recommends traditional neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

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.

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Conditions for All Housing

- A mix of housing types is encouraged.
- 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.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- 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.

Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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;

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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.

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.”

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Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology but based on the documents submitted, it is likely that some variances would be required that would not be supportable because of the impact on surrounding residential development and the fact that this lot is currently undeveloped with minimal encumbrances.
- ◇ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings and a store that were demolished between 1986 and 1991. The site has remained undeveloped in the intervening years.
- ◇ Staff believes a density of 31.8 units per acre would not be appropriate when the traditional neighborhood typology recommends a range of five to 15 units per acre and the surrounding residential land uses, zoned D-5, have a lower density. Staff would not be opposed to a higher density but believes doubling the density would not be appropriate.
- ◇ Staff reviewed this request as row houses on a large lot with development standards that include, but not limited to, a rear setback of 15 feet, 15% open space, minimum floor area ratio of 0.60 and minimum livability space ratio of 0.75. No information has been submitted that would document these ratios would be met.
- ◇ Furthermore, the proposed main floor area of each unit is 432 square feet when the Ordinance requires 660 square feet.
- ◇ Staff is also concerned with the permitted building height of 40 feet or three stories because dwellings in the area are primarily single-story, with some two-story dwellings. The permitted height combined with the mass of the structures would be out of character and inconsistent with the residential character of the neighborhood.
- ◇ The surrounding residential neighborhood land uses primarily consist of single-family dwellings, with some two-family dwellings. This request would introduce a mid-block, multi-family residential land use and zoning classification that would not be consistent with either the existing residential character of the neighborhood, the Pattern Book recommendations, or the Infill Housing Guidelines.
- ◇ Because no elevations were submitted for review, staff would request, if approved, that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

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GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwellings
South -	D-5	Single-family dwellings
East -	C-1	Bar / parking lot
West -	C-1 / D-5	Single-family dwellings

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
Marion County Land Use Pattern Book (2019).
Infill Housing Guidelines (2021)

THOROUGHFARE PLAN This portion of Southeastern Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 60-foot right-of-way and a proposed 78-foot right-of-way.

CONTEXT AREA This site is located within the compact context area.

OVERLAY There is no overlay for this site.

SITE PLAN File-dated August 1, 2023
SITE PLAN (AMENDED) File-dated September 27, 2023

ZONING HISTORY

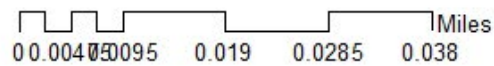
94-UV1-132; 2001 Southeastern Avenue (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for church use, **granted**.

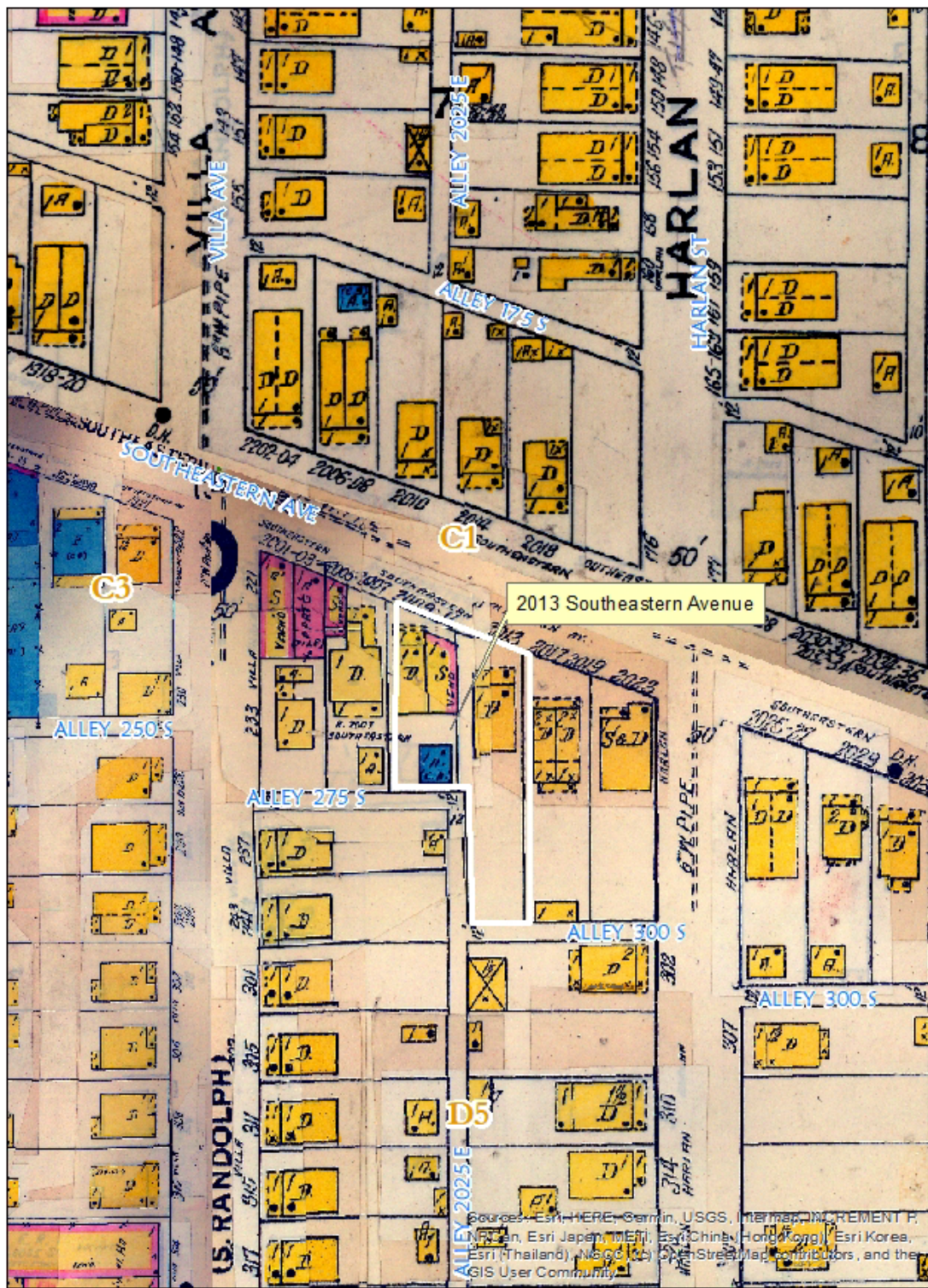
78-UV2-65; 2002-2003 (west of site), requested a variance of use and development standards of the C-1 District to permit operation of an office and sign shop in the existing commercial building, **granted**.

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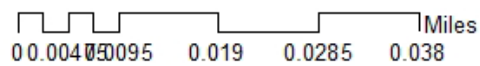


2013 Southeastern Avenue

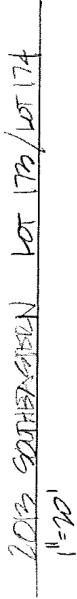


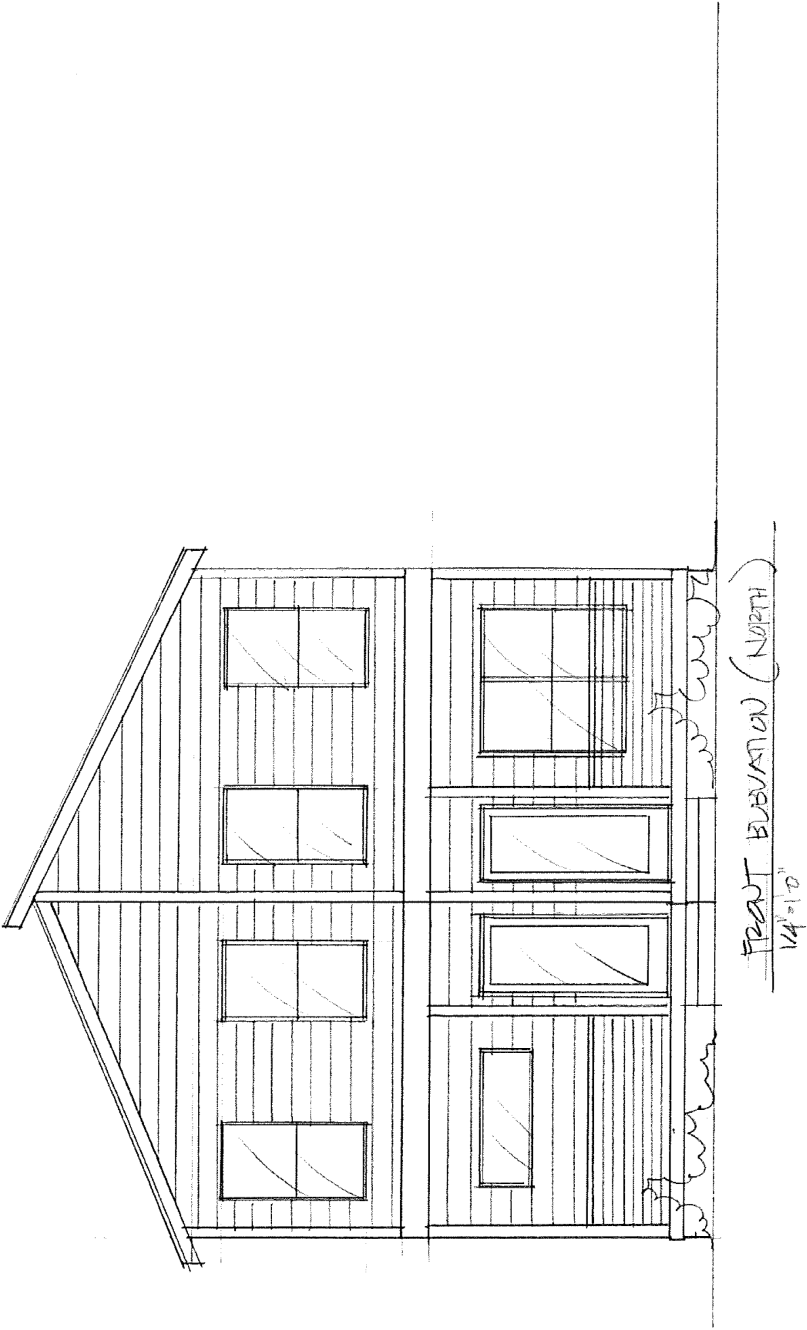


2013 Southeastern Avenue

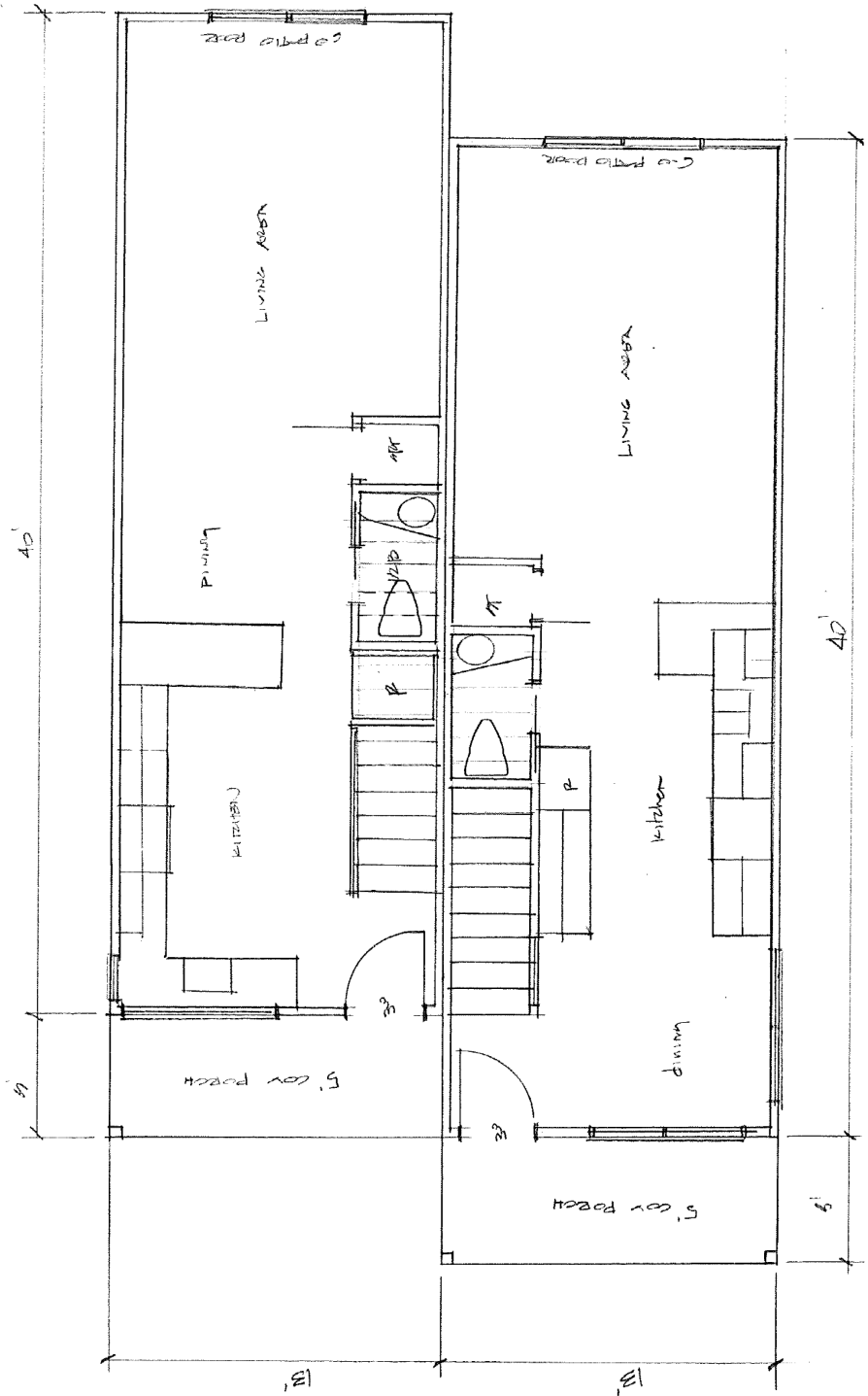


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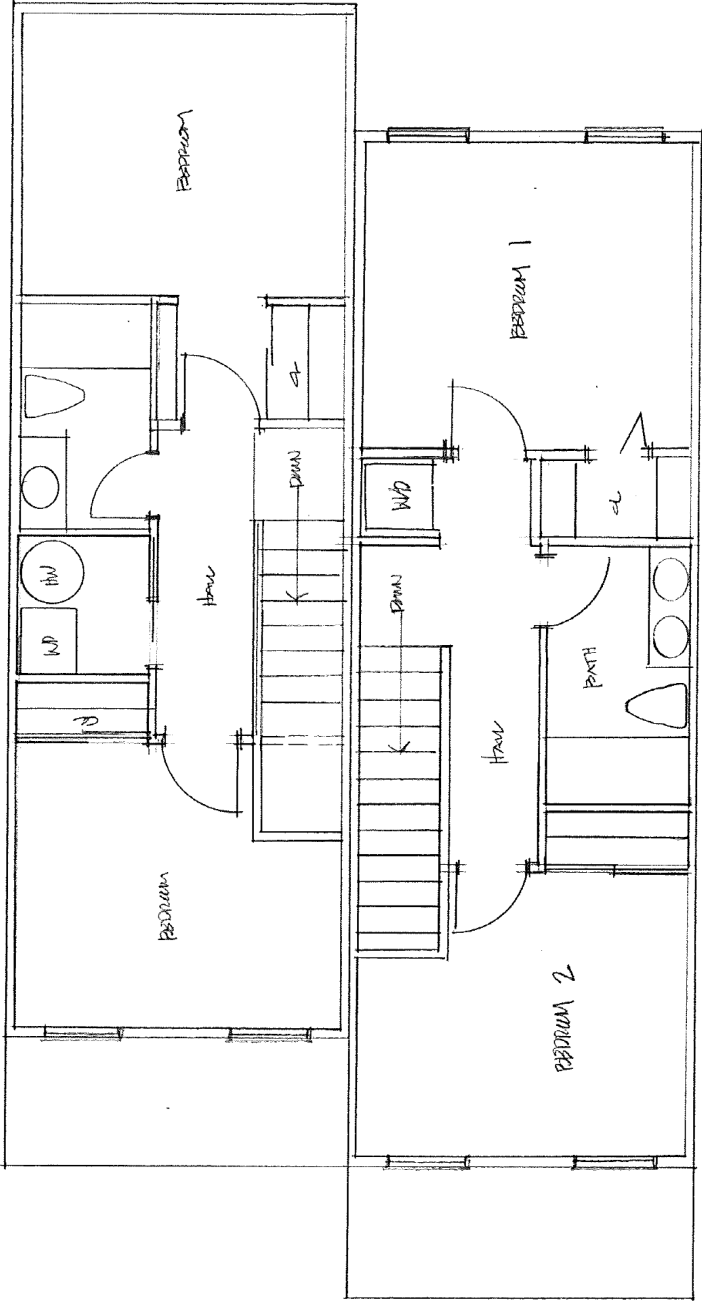




Updated Plans, September 27, 2023



PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"
900 SF / PF - EACH UNIT



PROPOSED 2ND FLOOR PLAN
14' x 10' 0"
920 SF EACH SIDE 1,040 TOTAL

3' LOT ADJUSTMENT

SOUTH STAIRS

10' SETBACK

16'

15'

ALLEY

ALLEY

1"=20'

PROPOSED SITE PLAN 223' SOUTH-FACING

Proposed 2015 Fund 2015 (continued)



View looking east along Southeastern Avenue



View looking west along Southeastern Avenue



View of site looking northwest from adjacent parking lot to the east



View of site looking west from the adjacent parking lot to the east



View of site looking west from adjacent parking lot to the east



View of site frontage looking west along Southeastern Avenue



View of north / south alley to the south of site



View of site looking northeast from north / south alley



View of site looking north



View of east / west alley looking west