

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 28, 2025

Case Number: 2025-CZN-830 / 2025-CVR-830 (Amended)
Property Address: 9110 and 9150 West 10th Street (approximate addresses)
Location: Wayne Township, Council District #16
Petitioner: Raceway Development Partners, by Misha Rabinowitch
Current Zoning: C-3 (FF)
Rezoning of 10.62 acres from the C-3 (FF) district to the D-8 (FF) district for multi-family dwellings.
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a medium apartment in a D-8 zoning district (not permitted), with a 7' rear yard setback (minimum rear yard setback 10' required).
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM AUGUST 28, 2025

The Hearing Examiner continuance these petitions from the August 14, 2025 hearing to the August 28, 2025 hearing to meet the amended legal notice date.

The petitioner has submitted an updated site plan, filed on August 21, 2025. The revisions include:

- **Building 1:** Changed from apartments to townhomes with an updated façade.
- **Sidewalk Connection:** Added a connection from Building 1 to the public sidewalk.
- **Transit Accessibility:** Included an ADA-compliant Indigo stop pad.

Staff recommends approval, subject to the commitments outlined in the staff recommendation.

ADDENDUM AUGUST 14, 2025

The Hearing Examiner continuance these petitions from the July 10, 2025 hearing to the August 14, 2025 hearing without notice, to provide additional time to review a traffic study and updated site plan.

Following the July 10th hearing the petitioner amended the request as follows:

- Withdrew the variance request for a minimum livability space ratio of 0.35 (0.66 required).
- Reduced the variance of use request from a large apartment to a medium apartment in a D-8 District

July 10th 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A tree inventory, tree assessment, and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to Preliminary Plat approval or site disturbance. The plan shall identify all existing trees, delineate preserved areas, and indicate all heritage trees.
2. The site shall be maintained in a clean and orderly condition during and after development. Trash receptacles shall be provided throughout the site.
3. A 7-foot internal pedestrian trail shall be installed as illustrated on the site plan file-dated July 15, 2025
4. Right-of-way shall be dedicated to accommodating the future construction of the roundabout at 10th Street and Raceway Road, as coordinated with the Department of Public Works.
5. A 59.5-foot half right-of-way shall be dedicated along the frontage of 10th Street, 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).
6. A traffic study shall be performed within three (3) months of the approval of this petition. If the findings of the traffic study recommend the construction of an acceleration and/or deceleration lane, the petitioner shall install such improvements in accordance with the study's recommendations and to the satisfaction of the Department of Public Works.

Staff recommends **approval** of the variance of Development Standards to provide for a 7-foot rear yard setback.

Staff recommends **approval** of the Variance of Use to provide for a medium apartment.

PETITION OVERVIEW

LAND USE

The subject site comprises 10.62 acres of undeveloped land located on the north side of West 10th Street, near its intersection with Raceway Road. The property is currently zoned C-3 (FF), which allows for neighborhood-serving commercial uses. Surrounding land uses include a manufactured home community (West Glen Village) zoned D-11 to the north; a commercial gas station (Marathon) zoned C-3 to the east; a mix of commercial and residential uses to the south, including Cutters Landscaping, 90th Street Sports, and Northwood Apartments (zoned C-3 and D-7); and single-family residential development within the Town of Avon (Linden Square) to the west. A public bus stop is located directly

south of the site at the intersection of 10th Street and Winding Brook Parkway, providing access to frequent transit.

The site is accessible from two (2) arterial streets and is served by a public transit stop at 10th Street and Winding Brook Parkway. The site was previously rezoned in 1966 (66-Z-164) to the B-2 classification for a commercial center. At the time the commercial corridor was surrounding by high density residential rezone petition in the north (66-Z-163) and the east (66-Z-164)

REZONING

The current C-3 zoning classification is the Neighborhood Commercial District, which permits a wide range of retail, office, and personal service uses intended to serve nearby residential areas. These uses are limited to indoor operations and exclude outdoor sales, storage, or activity. While this district is appropriate in suburban commercial corridors, the proposed transition to residential zoning reflects recent trends in higher-density development along the corridor and aligns with the evolving land use context.

The petitioner proposes to rezone the property to the D-8 (FF) District to allow for the development of six (6), 3-story medium apartment buildings containing a total of 261 dwelling units

The D-8 (Walkable Neighborhood) District encourages a mix of housing formats in compact, pedestrian-friendly neighborhoods, and is intended for areas with access to transit and major thoroughfares. The proposed development is well-suited to this district, with arterial access, adjacency to residential and commercial land uses, and an internal layout that supports pedestrian circulation.

STREAM PROTECTION CORRIDOR

Cox Ditch runs along the western edge of the site and is classified as a Category Two Stream within the Metro Context Area. Per the Zoning Ordinance, a 50-foot stream protection corridor is required on both sides of the stream, measured from the top of bank. The ordinance allows limited encroachments such as crossings, trails, and passive recreation.

FLOODWAY FRINGE

This site has a secondary zoning classification of a Floodway Fringe (FF). 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 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-8 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and would be addressed during the permitting progress.

OVERLAYS

Environmentally Sensitive Areas

The site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES). “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”.

In the environmentally Sensitive area, the recommendation for multi-family is that development should preserve or add at least 20% of the entire parcel as tree canopy or natural area. The petitioner is providing a trail along the stream

Tree Preservation / Heritage Tree Conservation

There is significant mature vegetation along the perimeter of the site. Staff recommends a commitment that a tree inventory, tree assessment, and preservation plan be prepared by a certified arborist prior to any site disturbance or plat approval. The plan must identify existing trees, indicate preservation areas, and identify any heritage trees, defined as trees over 18 inches in diameter from a specified list of native species, including Sugar Maple, Shagbark Hickory, Tulip Poplar, and all species of Oak. If any heritage trees are removed or damaged, the petitioner must comply with the replacement standards in Table 744-503-3 of the Ordinance.

VARIANCE OF USE- Medium Apartment Buildings

Two (2) variances are included with this request. First, the petitioner seeks permission to construct medium apartment buildings (13-50 units per building) within the D-8 district, which typically permits only small apartments (3-12 units per building). Medium apartment buildings normally require D-9 or D-10 district zoning. Given the site's arterial context, surrounding development density, and proposed site design, staff supports this variance as consistent with Walkable Neighborhood typology objectives.

VARIANCE OF DEVELOPMENT STANDARDS – Setback Reduction

The second variance requests reduction of the required rear yard setback from 10 feet to 7 feet along the northern property line to accommodate three (3) parking structures providing 42 spaces total. This three-foot encroachment appears minimal and remains internal to the site without anticipated adverse impacts on adjacent uses. The parking structures serve a legitimate site function while maintaining reasonable separation from neighboring properties.

SITE PLAN

The conceptual site plan, file dated July 15, 2025, provides for six, three-story buildings containing 261 dwelling units with 420 total bedrooms. The resulting density is 23.51 units per acre. A clubhouse and amenity facilities will anchor the southern site entrance along Raceway Road, providing community gathering space and recreational opportunities for residents. The site also features, two pickleball courts, trails, pools and a dog park.

Site access would be from two driveways: one along Raceway Road and another via West 10th Street. The site proposes approximately 369 parking spaces, resulting in 1.41 space per unit (0.88 spaces per bedroom) exceeding the minimum ordinance requirement of 261 spaces (1:1 ratio).

The Ordinance would require 26 bicycle parking spaces, of which 60% should be enclosed. Consequently, staff believes the proposed parking spaces should be decreased and the parking area reduced to provide for more open space, landscaping, and amenities for the residents.

STAFF ANALYSIS

The Pattern Book recommends for this site the Suburban Neighborhood Typology. This typology is primarily composed of single-family housing but allows for compatible multi-family development where appropriate, particularly near transit or major corridors. The proposed project meets several conditions of the Plan, including arterial access, access to transit, and provision of sidewalks and trails. While no neighborhood or corridor-specific plan applies, the proposed development supports the goals of Indy Moves by providing internal pedestrian connectivity and aligning with long-term mobility planning.

In conclusion, staff finds that the requested rezoning and variances are consistent with the Comprehensive Plan, compatible with surrounding land uses, and appropriate given the context of the site. The project promotes higher-density housing near transit, preserves significant natural features.

Therefore, staff recommends **approval** of the rezoning and variance requests.

GENERAL INFORMATION

Existing Zoning	C-3 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-11	Residential (Mobile Dwelling)
South:	C-3/D-7	Residential (Apartments)
East:	C-3	Commercial (Gas Station)
West:	C-3	Commercial (Retail)
Thoroughfare Plan		
Raceway Road	Primary Arterial	102-foot Existing ROW vs 119-foot Proposed ROW
West 10 th Street	Primary Arterial	102-foot Existing ROW vs 119-foot Proposed ROW
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes, Airspace Secondary District	
Wellfield Protection Area	No	
Site Plan	April 15, 2025	

Site Plan (Amended)	July 15, 2025
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)

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book 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 **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

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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged

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 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.

Multifamily Housing

- Should be located along arterial or collector streets, parks, or greenways.
- Parking should be either behind or interior to the development.

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

- **Infill Housing Guidelines (2021)**
- 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
- 1. **Additional Topics**
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- IndyMoves 2018
 - Recommends Off-Street Multiuse Path

ZONING HISTORY

Zoning History- Site

66-Z-164 (subject site), Request rezoning of 15.99 acres being in A-2 district to the B-2 classification to provide for a service-type shopping center, **approved**.

Zoning History- Vicinity

2014-ZON-013; 9185 W 10th Street, (southwest of site) Rezoning of 0.92 acres, from the C-3 (FF) district to the C-S (FF) classification to provide for C-3 uses and automobile sales, **approved**.

2008-ZON-069; 9101 West 10th Street (southeast of site), Rezoning of five acres, from the SU-1 District, to the C-1 classification to provide for office-buffer commercial uses.

2002-UV2-044; 905 North Raceway Road (southwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for an automobile detailing shop, and a variance of development standards of the Commercial Zoning Ordinance to provide for a zero-foot front yard setback, **granted**.

2000-UV1-029; 9207 West 10th Street (southeast of site), Variance of Use of the Commercial Zoning Ordinance to provide for a landscaping contractor business, **granted**.

97-HOV-45; 9001 West 10th Street (southeast site), requested variance of development standards of the Sign Regulations to provide for a 5. 75-foot tall, 50-square foot illuminated pylon sign within 108 feet of a protected district, and with an eight-foot setback from West 10th Street., **Granted**

95-UV1-82; 9225 West 10th Street (south of site), Variance of Use of the Commercial Zoning Ordinance to provide for the construction of a building for indoor soccer and basketball, **granted**.

94-UV2-27; 9175 West 10th Street (east of site), Variance of Use and development standards of the Commercial Zoning Ordinance to provide for a garden center and landscaping business, with outdoor sales and storage, **granted**.

76-A1-58; 9195 West 10th Street (subject site), Appeal of the denial of an ILP to allow the construction of a double-faced pole sign, **granted**.

72-2-105; 9101 West 10th Street (east of site), Rezoning of 5 acres from the A-2 District to the SU-1 District for the development of a church, **granted**.

71-2-238; 9201 West 10th Street (east site), Rezoning of 4.1 acres from the D-7 District to the C-3 District to allow for a retail commercial center, **granted**.

70-Z-151; 8902 West 10th Street (north of site); request rezoning of 85.215 acres, being in the d-11 & d-6 districts to a D-11 classification for continued mobile home development, **approved**.



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

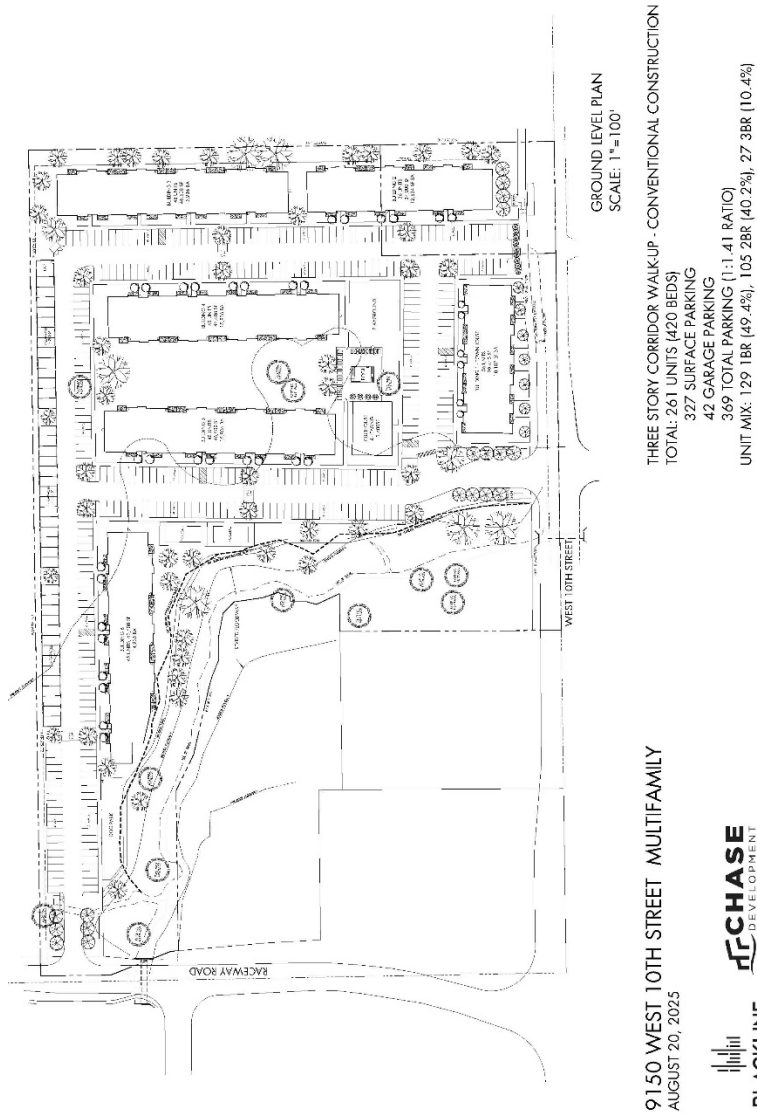
68-Z-219; 9201 West 10th Street (west of site), Rezoning of 7.04 acres from the A-2 District to the B-2 District for commercial uses, **approved**.

66-Z-163; (north of site), Request rezoning of 76.70 acres being in A-2 district to the D-11 classification to provide for the development of a mobile home park, **approved**

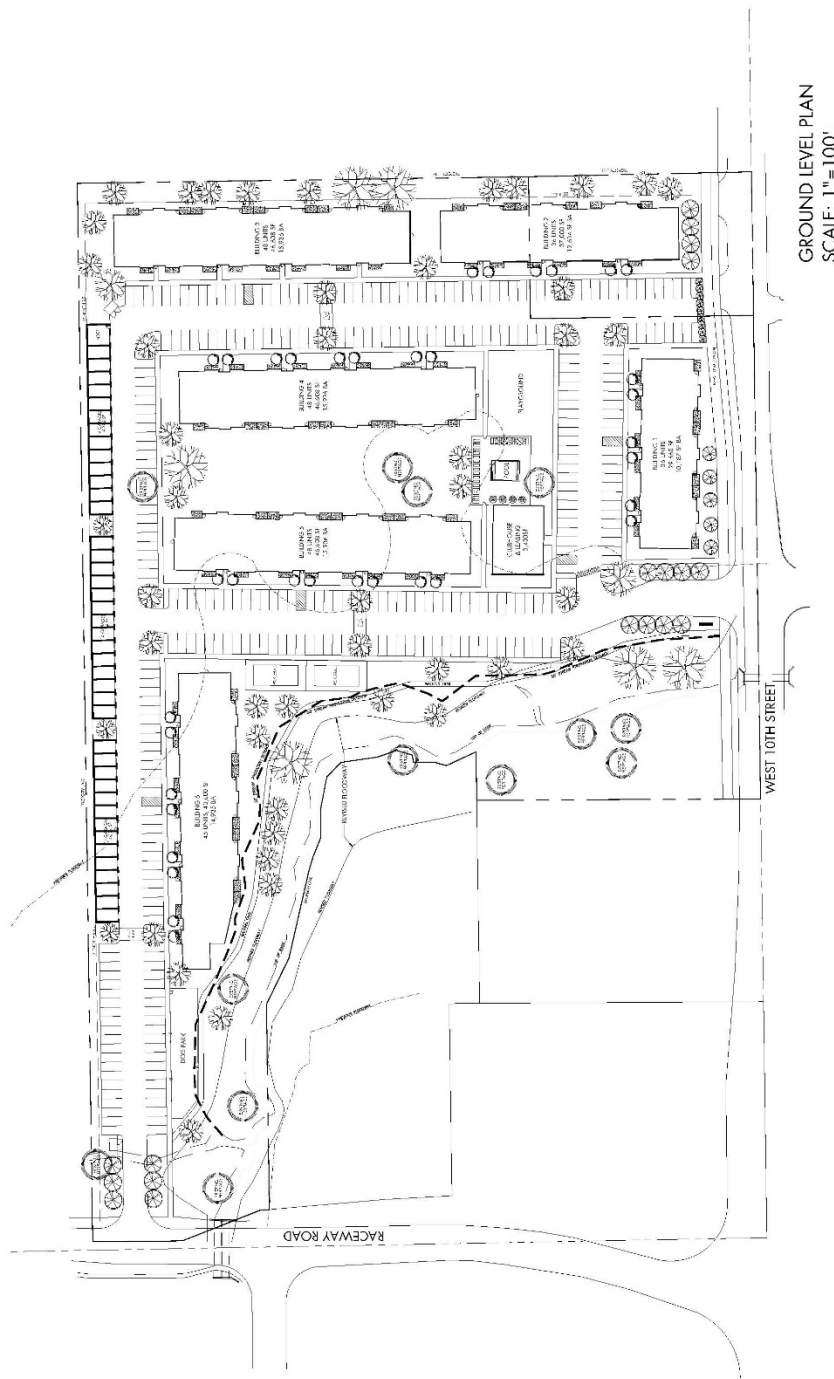
66-Z-165; (Northeast of site), Request rezoning of 70.66 acres being in A-2 district to the D-6 classification to provide for the construction of apartments and cluster housing, **approved**

EXHIBITS

2025-CZN-830/ 2025CVR-830 Updated Site Plan 8.21.2025



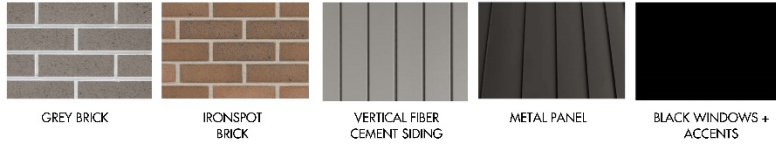
2025-CZN-830/ 2025CVR-830 Site Plan



THREE STORY CORRIDOR WALK-UP - CONVENTIONAL CONSTRUCTION
 TOTAL: 261 UNITS (420 BEDS)
 363 PARKING (1:1.39 RATIO)
 UNIT MIX: 129 1BR (49.4%), 105 2BR (40.2%), 27 3BR (10.4%)

9150 WEST 10TH STREET MULTIFAMILY
 JULY 15, 2025

2025-CZN-830/ 2025CVR-830 Building 1 Townhome Elevations



2 REAR ELEVATION
 1/16" = 1'-0"



10th & Raceway

1 10TH ST ELEVATION
 1/16" = 1'-0"

Exterior Elevations - 10th St - Conceptual Design
 08/20/25

INSET BRICK ACCENT

2025-CZN-830/ 2025CVR-830 Building 1 Renderings



10th & Raceway

3D View - 10th St Building - Conceptual Design
 08/20/25

BLACKLINE

2025-CZN-830/ 2025CVR-830 Building 1 Renderings cont.



10th & Raceway

3D View - 10th St Building - Conceptual Design
 08/20/25

BLACKLINE

2025-CZN-830/ 2025CVR-830 Building Elevations



GREY BRICK



CORRUGATED METAL



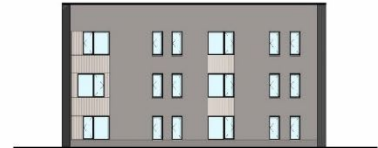
FIBER CEMENT LAP SIDING



VERTICAL FIBER CEMENT SIDING



BLACK WINDOWS + ACCENTS



1 North Elevation
 1" = 20'-0"



2 East Elevation
 1" = 20'-0"

10th & Raceway

Exterior Elevations - Multifamily - Conceptual Design
 06/24/25

BLACKLINE

2025-CZN-830/ 2025CVR-830 Clubhouse Elevations



GREY BRICK



CORRUGATED METAL



METAL PANEL SIDING



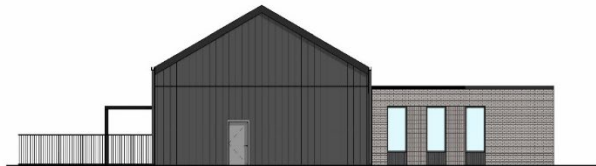
BLACK STOREFRONT + ACCENTS



1 Amenity - South Elevation
 3/32" = 1'-0"



2 Amenity - East Elevation
 3/32" = 1'-0"



3 Amenity - North Elevation
 3/32" = 1'-0"



4 Amenity - West Elevation
 3/32" = 1'-0"

10th & Raceway

Exterior Elevations - Amenity Building - Conceptual Design
 06/24/25

BLACKLINE

20205-CZN-830/2025-CVR-830 building renderings.



10th & Raceway

3D View - Typical Multifamily - Conceptual Design
 06/24/25

BLACKLINE



10th & Raceway

3D View - Amenity Building - Conceptual Design
 06/24/25

BLACKLINE



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2025-CVR-830

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The site is over 10 acres and conducive to a development that is denser and exceeds the
development standards for small apartments under the D-8 zoning ordinance.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The site is over 10 acres and conducive to a development that is denser and exceeds the
development standards for small apartments under the D-8 zoning ordinance.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The site is over 10 acres and awkwardly configured with a stream protection corridor on the
property.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Although the over 10-acre site is conducive to multifamily development in accordance with the
D-8 zoning classification, the ordinance, as written, does not permit the large apartment
standards to be applied to D-8.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The Suburban Neighborhood typology contemplates multifamily housing like the proposed
development which is compatible with surrounding uses.



Department of Metropolitan Development
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Findings of Fact 7' Buffer

Petition Number **2025-CVR-830**

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

The variance will permit more complete development of the site to include covered parking along the northern boundary while still providing a sufficient 7' buffer from the adjacent mobile home park.

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

The variance will permit more complete development of the site to include covered parking along the northern boundary while still providing a sufficient 7' buffer from the adjacent mobile home park.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The are inherent limitations to the existing site including a stream protection area that limits development on the site. The development parcels are also uniquely configured which presents practical difficulty in complying with the setback requirement while still bringing necessary density to the site.

2025-CZN-830/ 2025-CVR830 Petitioners Commitments

Heritage Tree Commitment:

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum:

- a. indicate proposed development:
- b. delineate the location of the existing trees,
- c. characterize the size and species
- d. of such trees,
- e. indicate the wooded areas to be saved by shading or some other means of
- f. indicating tree areas to be preserved and
- g. identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity).

All trees proposed for removal shall be indicated as such.

Looking west from subject property across Raceway Road



Looking at the intersection of Raceway and 10th Street



Looking east at the subject property across Raceway Road



2025-CZN-830/ 2025-CPL-830 Site Location Map.

