



**METROPOLITAN DEVELOPMENT COMMISSION**

July 17, 2024

**Case Number:** 2024-MOD-010  
**Property Address:** 9433 Avant Avenue  
**Location:** Washington Township, Council District #2  
**Petitioner:** BC Real Street Partners LLC, by Brian J. Tuohy  
**Current Zoning:** D-P  
**Request:** Modification of Development Statement related to 2021-ZON-054 to modify Paragraph III, Development Standards of the Townhome District Development Architectural Standards to provide for a 20-foot minimum lot width for townhomes (previously required a 24-foot minimum lot width for townhomes).  
**Current Land Use:** Undergoing development  
**Staff Recommendations:** Approval, subject to the commitment noted below.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

A registered neighborhood organization filed an automatic continuance that continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing. The petitioner's representative requested that the petition be transferred to the Metropolitan Development Commission (MDC) for initial hearing on July 17, 2024. The Hearing Examiner granted the transfer to the MDC for hearing on July 17, 2024, on the condition that if the registered neighborhood organization requested a continuance, the petitioner and their representative would not oppose the request. The petitioner's representative agreed to that condition.

**STAFF RECOMMENDATION**

Approval, 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:

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.

## PETITION OVERVIEW

This 2.03-acre site, zoned D-P, is a portion of an approximately 23.157-acre site that was rezoned (2021-ZON-054) to provide for residential development that included single-family dwellings, townhomes, multi-family dwellings and community greenspace. It is surrounded by Interstate 465 right-of-way to the north, zoned D-P; single-family dwellings to the south and west, zoned D-2; and undeveloped land to the east, across Westfield Boulevard, zoned D-A.

## MODIFICATION

The request would modify the Development Statement related to 2021-ZON-054 to modify Paragraph III, Development Standards of the Townhome District Development Architectural Standards to provide for a 20-foot minimum lot width for the townhomes. The Development Statement required a 24-foot minimum lot width for the townhomes. See Exhibit A.

The approved Development Statement set a maximum of 44 townhome dwelling units. Plat Petition (2022-PLT-054) provided for a preliminary plat that included 39 parcels for townhomes. See Exhibit B.

As proposed, staff believes the four-foot reduction in lot width would be a minor deviation that would have minimal impact on the overall townhome development. Consequently, staff supports the modification request.

### 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;

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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-P	
<b>Existing Land Use</b>	Under going redevelopment	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-P	Interstate 465 right-of-way
South:	D-2	Single-family dwellings
East:	D-A	Undeveloped land
West:	D-2	Single-family dwellings
<b>Thoroughfare Plan</b>		
Westfield Boulevard	Secondary arterial	Existing variable 92 to 145-foot right-of-way and proposed 80-foot right-of-way.
Real Street	Collector	Existing and proposed 60-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	May 27, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood typology. “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.”

### 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:
- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
  - 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.
- Developments with densities higher than 5 dwelling units per acre should have design incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- *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 or otherwise interspersed with detached housing.
  - Duplexes should be architecturally harmonious with adjacent housing.
  - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

#### **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

**2021-ZON-054; 1775 East 96<sup>th</sup> Street**, requested rezoning of 23.2 acres from the SU-3 district to the D-P district to provide for a small park area and a mix of dwelling units consisting of approximately 58 single-family attached (townhome) dwellings, approximately 65 single-family detached dwellings and no more than 324 multi-family dwelling units for a density of 19.26 units per acre, **approved**.

### Vicinity

**2020-ZON-082; 9495 & 9530 Kerwood Drive (northeast of site)**, requested the rezoning of 15.2 acres from the D-A district to the D-P district to provide for 376 multi-family dwelling units with the option for two office buildings, **approved**.

**2016-ZON-086; 1775 East 96<sup>th</sup> Street (southwest of site)**, requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 17.6 units per acre, **dismissed**.

**2015-ZON-109; 1775 East 96<sup>th</sup> Street (southwest of site)**, requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 13.2 units per acre, **withdrawn**.

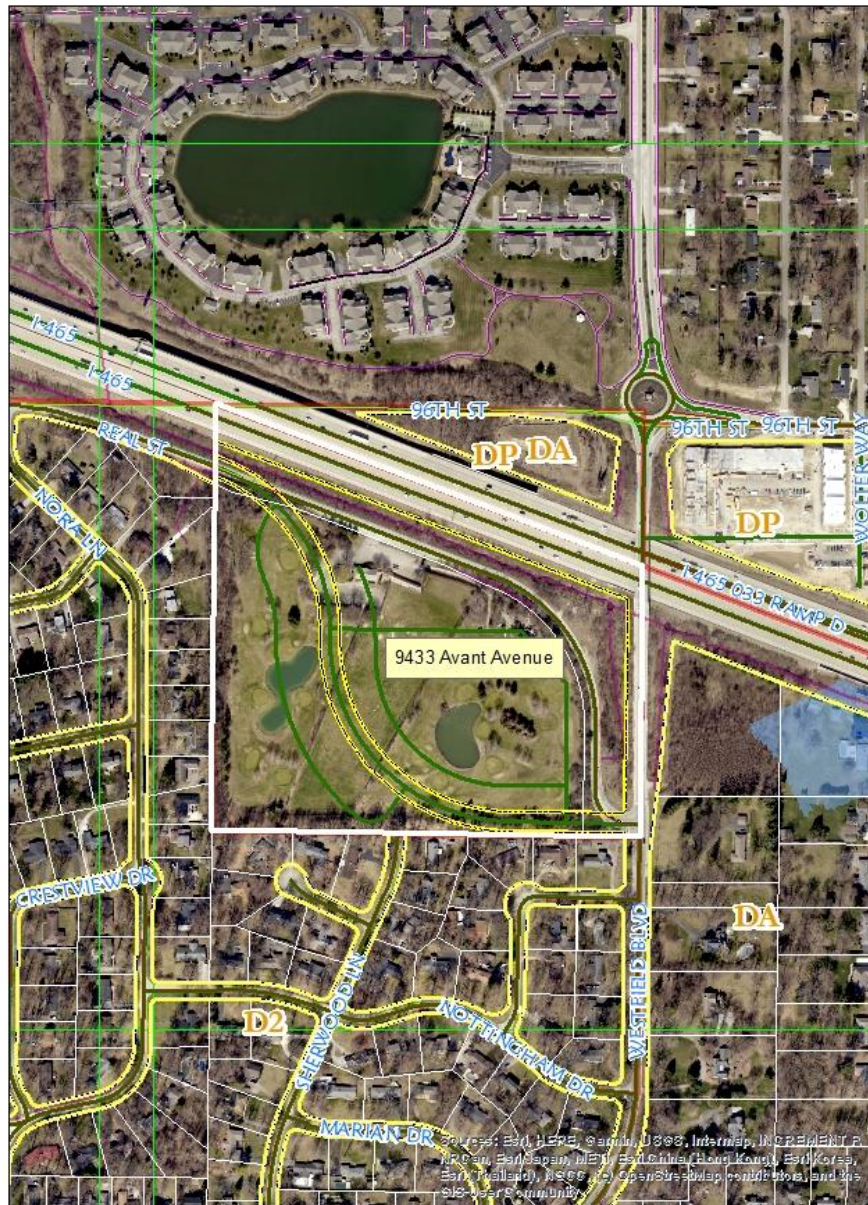
**2014-ZON-061; 1775 East 96<sup>th</sup> Street (southwest of site)**, requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 17.6 units per acre, **withdrawn**.

**98-Z-191; 1875 East 96<sup>th</sup> Street (southwest of site)**, requested the rezoning of 23.8 acres from the D-A district to the SU-3 district, **approved**.

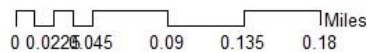
**88-Z-151; 2201 East 96<sup>th</sup> Street (northeast of site)**, requested the rezoning of 15.4 acres from the A-2 district to the C-S district to provide for offices and flex space, **withdrawn**.

**85-Z-18; 9546 Westfield Road (north of site)**, requested rezoning of 2.57 acres from the A-2 district to the C-1 district, **dismissed**.

EXHIBITS



9433 Avant Avenue



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, DEL, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, Swisstopo, Mapbox, and the GIS User Community

**EXHIBIT A**

**Townhome District Development and Architectural Standards**

**I. District Intent**

The purpose of the Townhome District is to permit approximately forty-four (44) individual rear load townhomes on individual lots within nine (9) three-story buildings having underground utilities, centralized water, and centralized sewer facilities.

**II. Permitted Uses and Underlying Zoning District**

All permitted, accessory, temporary, and special exception uses permitted in the Dwelling District Six-Two (D-6II) zoning district set forth in the Zoning Ordinance shall be permitted in the Townhome District. If any development standard is not set forth in this DP Statement, the D-6II zoning district standards shall apply.

**III. Development Standards**

Maximum Dwelling Units	44
Minimum Townhome District Area	Approximately 2.79 Acres
Minimum Lot Area	1,872 sq ft
Minimum Townhome District Street Frontage	1,200 Linear Ft along Real Street
Minimum Street Frontage for a Lot	20'
Minimum Lot Width	24'
Minimum Lot Depth	78'
Minimum Living Area (sq. ft.)	1,200 Sq Ft
Maximum Building Height	45'
Minimum Front Yard Building Setback	10'
Minimum Side Yard Setback	N/A
Minimum Distance Between Buildings	10'
Minimum Rear Yard Setback	15'
Minimum Width of Perimeter Yard for Townhome District	10'
Maximum Floor Area Ratio	1.2*
Minimum Livability Space Ratio	.21*
*Please note calculations exclude the Community Greenspace District acreage	



#### **IV. Homeowners' Association/Covenants**

The maintenance and upkeep of the Common Areas as approximately shown on the attached Exhibit C including retention ponds, open space, and amenities within the Townhome District shall be the responsibility of the HOA to be established pursuant to the terms of the Covenants to be recorded prior to final plat approval for the Development. The Covenants shall apply to all real estate within the Townhome District.

#### **V. Architectural Standards**

The following architectural standards shall apply to the Townhome District:

The townhomes may be constructed as a three -story rear load garage product with a two-car attached garage. The façade excluding windows, doors, balconies, and eaves will consist of a mix of at least two of the following products: fiber cement panel, fiber cement lap, cast stone or brick wainscot.





View looking east along Real Street



View looking west along Real Street



View looking north along Real Street



View looking south along Real Street



View of site looking east across Real Street



View of site looking north across Real Street



View of site looking north across Real Street



View of site looking north across Real Street



View from site looking southwest across Real Street



View from site looking southwest across Real Street