



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 20, 2025

Case Number: 2024-ZON-137
Property Address: 1137 West 21st Street
Location: Center Township, Council District #12
Petitioner: Riverside Renewal, LLC, by Josh Smith
Current Zoning: I-2 (W-5)
Request: Rezoning of 0.4 acres from the I-2 (W-5) district to the D-8 (W-5) district to provide for residential use.
Current Land Use: Undeveloped
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the December 19, 2025 hearing, to the January 23, 2025 hearing, at the request of staff to provide additional time for discussions with the petitioner's representative.

The Hearing Examiner continued this petition from the January 23, 2025 hearing, to the February 20, 2025 hearing, at the request of the petitioner's representative to provide time for further consideration of the request and to submit new documents.

No updated documents have been filed.

STAFF RECOMMENDATION

If approved, staff would request 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. Final 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.

PETITION OVERVIEW

This 0.4-acre site, zoned I-2, is undeveloped and surrounded by a single-family dwelling and vacant land to the north, across East 21st Street, zoned D-5 and I-3, respectively; a single-family dwelling to the south, zoned D-5; industrial uses to the east, across Rembrandt Street, zoned I-3; and a single-family dwelling to the west, zoned D-5.

REZONING

The request would rezone the site from the I-2 district to the D-8 district provide for multi-unit dwellings. “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.”

To advance the Livability Principles of this Code, the D-5, D-5II, D-8, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.

The United Northwest Neighborhood Plan recommends residential uses at 3.5 to five units per acre, with a recommended D-5 district that would provide for low density and single-family dwellings.

As proposed, this request would not be consistent with the Plan. The proposal would provide for three structures that would consist of two to four dwelling units in each building, with density ranging from 15 to 30 units per acre. The petitioner’s representative submitted an amended site plan file-dated January 15, 2025, that provided for two four-unit buildings and one two-unit building for a total of ten dwelling units. Both proposals would far exceed the recommended density in the Plan.

Maximum Floor Area Ratio / Minimum Livability Ratio

To provide appropriate amenities for multi-family developments (over two dwelling units per building), the D-8 district requires the floor area ratio and livability space ratio. The maximum floor area ratio is 0.60 for one to three floors and 0.80 for four to five floors. The minimum livability space ratio is 0.66.

The floor area ratio is the measurement that compares the size of a building’s floor area to the size of the land upon which it is built and determines whether the scale and mass of the development is compatible with the surrounding neighborhood.

The livability space ratio measures the amount of space dedicated to open, green and recreational areas within a built environment that contributes to the overall quality of life for the residents and users.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

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.

Planning Analysis

Because the proposed rezoning would introduce a zoning district and housing typology that would not be consistent with the adjacent residential development to the north, south and east, staff does not support this rezoning request.

The adjacent neighborhood to the north, south and west is zoned D-5 and is a walkable neighborhood. It did not develop in a manner that would allow for this dense of housing. The proposal would also create or encourage a disjointed pattern of residential development that does not follow the Housing Infill Guidelines and could have a destabilizing impact on the neighborhood.



Staff believes the Neighborhood Plan recommendation of low-density development in the D-5 district would be more appropriate and compatible with the neighborhood. Three single-family dwellings with possibly an accessory dwelling unit above a detached garage would maintain the neighborhood character and be consistent with the Infill Housing Guidelines in terms of massing, scale, building height and open space.

Staff would also note a 2022 rezoning to the D-5 district adjacent to the south along Rembrandt Street included three lots, two of which have been developed with single-family dwellings. Staff supported this request.

GENERAL INFORMATION

Existing Zoning	I-2 (W-5)		
Existing Land Use	Undeveloped		
Comprehensive Plan	3.5 to 5 units per acre		
Surrounding Context	Zoning	Land Use	
	North:	D-5 (W-5) / I-3 (W-5)	Single-family dwelling / vacant land
	South:	I-2 (W-5)	Single-family dwelling
	East:	I-3 (W-5)	Industrial uses
	West:	D-5 (W-5)	Single-family dwelling
Thoroughfare Plan			
East 21 st Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.	
Rembrandt Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	November 18, 2024		
Site Plan (Amended)	January 16, 2025		
Elevations	January 16, 2025		
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

Not Applicable to the Site.

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.

Staff believes appropriate application of The Pattern Book for the proposed D-8 district in this area would be those guidelines associated with the traditional neighborhood typology.

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 – Traditional 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.
 - 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.
 - 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.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be 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.
 - 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

United Northwest Neighborhood Plan (2008). This Plan recommends low density residential typically 3.5 to 5 dwelling units per gross acre consisting of single-family dwellings.

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.”

Because no elevations were submitted for review to confirm that the proposed dwelling would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

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

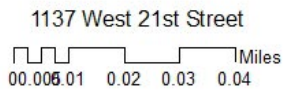
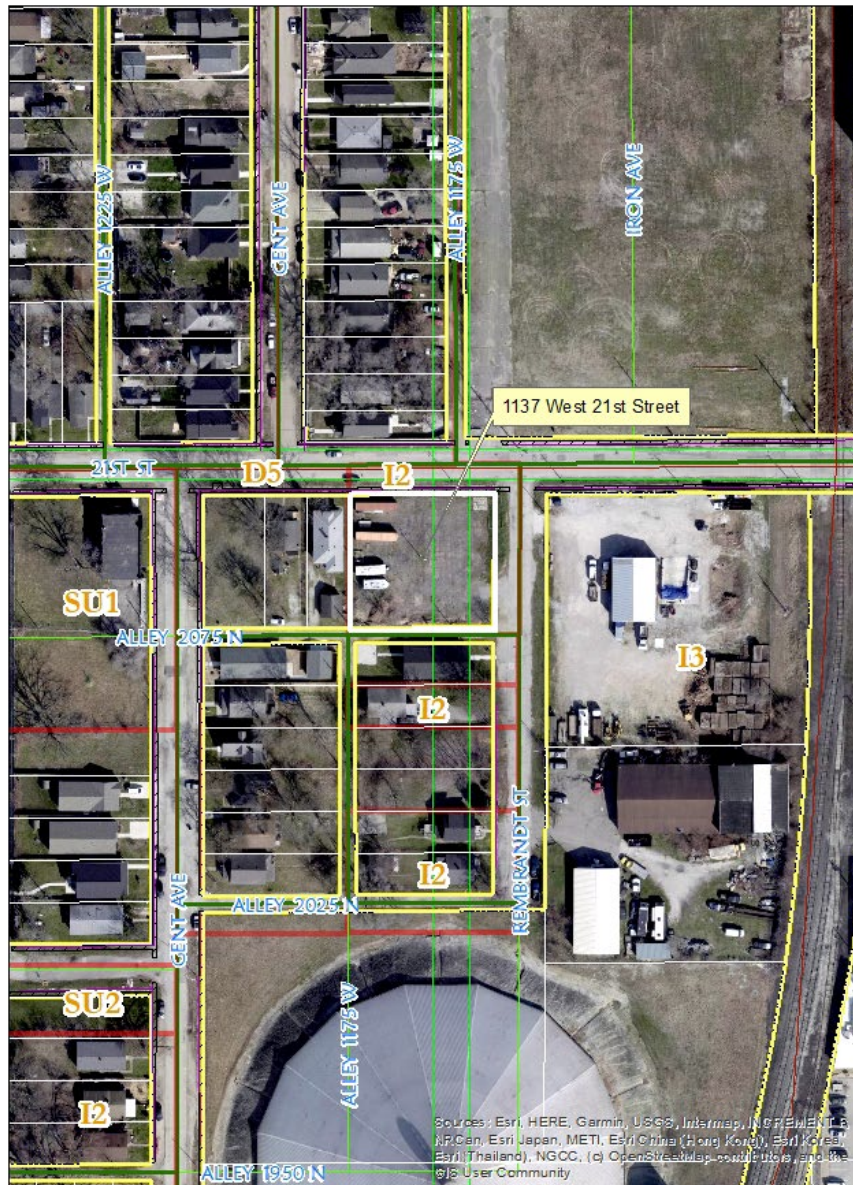
2022-ZON-079; 2018, 2022 and 2030 Rembrandt Street, requested rezoning of 0.36 acre from the I-2 (W-5) district to the D-5 (W-5) district, **approved**.

2003-ZON-157; 2024 & 2028 Gent Avenue and 1201, 1221, & 1225 West 21st Street (west of site), requested the rezoning of 0.67 acre from the D-5 district to the SU-1 district, **approved**.

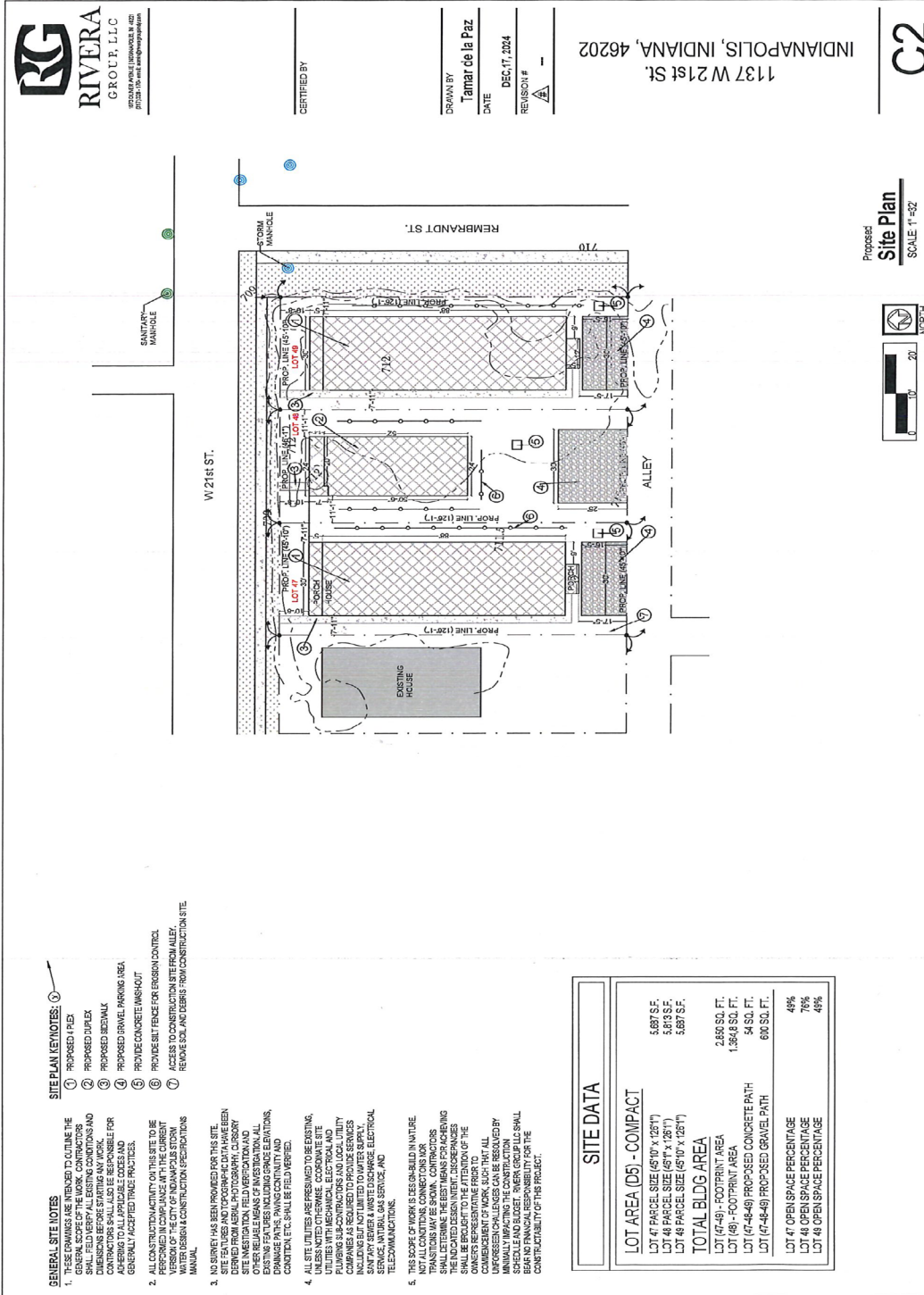
2003-ZON-138; 1209 & 1225 West 20th Street (southwest of site), requested the rezoning of 0.1 acre from the D-5 district to the SU-2 district, **approved**.

2003-UV3-031; 2024 & 2028 Gent Avenue (west of site), requested a variance of use to provide for the storage of construction trailers in a dwelling district and a variance of development standards to provide for excessively tall fences, **approved**.

EXHIBITS



Updated Site Plan – January 16, 2025



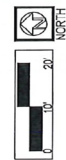
RIVERA GROUP, LLC
REGISTERED PROFESSIONAL ENGINEER
NO. 15000 IN STATE OF INDIANA, EX. 422
RIVERA GROUP, LLC 10000 N. STATE ST. SUITE 100
INDIANAPOLIS, IN 46202

CERTIFIED BY: [Signature]
DRAWN BY: Tamar de la Paz
DATE: DEC 17, 2024
REVISION # [Blank]

1137 W 21st St.
INDIANAPOLIS, INDIANA, 46202

C2

Proposed
Site Plan
SCALE: 1"=20'



SITE PLAN KEYNOTES:


1. PROPOSED PAVED
2. PROPOSED DUPLEX
3. PROPOSED BIENVALE
4. PROPOSED GRAVEL PARKING AREA
5. PROVIDE CONCRETE FINISH/OUT
6. PROVIDE SUT FENCE OR EROSION CONTROL
7. ACCESS TO CONSTRUCTION SITE FROM ALLEY

GENERAL SITE NOTES:

1. THESE PERMITS ARE INTENDED TO OBTAIN THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND CONDITIONS SHALL BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT VERSION OF THE CITY OF INDIANAPOLIS STORM WATER DESIGN AND CONSTRUCTION STANDARDS MANUAL.
3. ALL SURVEY HAS BEEN PROVIDED FOR THIS SITE. SEE PLAN FOR ALL SURVEY DATA. HAS BEEN DERIVED FROM AERIAL PHOTOGRAPHY, CURSORY SITE INVESTIGATION, FIELD VERIFICATION AND FIELD MEASUREMENTS. ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, DRAINAGE PATNS, PAVING CONTINITY AND CONDITION, ETC. SHALL BE FIELD VERIFIED.
4. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH ALL APPLICABLE LOCAL UTILITY COMPANIES AS REQUIRED TO PROVIDE SERVICES INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SEWER, GAS, TELEPHONE, CABLE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
5. THIS SCOPE OF WORK IS DESIGNED IN NATURE. NOT ALL CONDITIONS, CONNECTIONS OR TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCING WORK. ALL UNRESOLVED CHALLENGES CAN BE RESOLVED BY MANUALLY IMPACTING THE CONSTRUCTION SCHEDULE AND BUDGET. WHEN GROUP LLC SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THIS PROJECT.

SITE DATA	
LOT AREA (D5) - COMPACT	
LOT 47 PARCEL SIZE (65'0" x 128'11")	5,877 SF
LOT 48 PARCEL SIZE (65'1" x 128'11")	5,873 SF
LOT 49 PARCEL SIZE (65'10" x 128'11")	5,877 SF
TOTAL BLDG AREA	
LOT (47-49) - FOOTPRINT AREA	2,686 SQ. FT.
LOT (48) - FOOTPRINT AREA	1,894.8 SQ. FT.
LOT (47-48-49) PROPOSED CONCRETE PATH	54 SQ. FT.
LOT (47-48-49) PROPOSED GRAVEL PATH	600 SQ. FT.
LOT 47 OPEN SPACE PERCENTAGE	48%
LOT 48 OPEN SPACE PERCENTAGE	76%
LOT 49 OPEN SPACE PERCENTAGE	48%

Elevations - January 16, 2025



RIVERA
 GROUP, LLC
REGISTERED ARCHITECTS IN INDIANA AND ILLINOIS

CERTIFIED BY


DRAWN BY
Tamar de la Pez

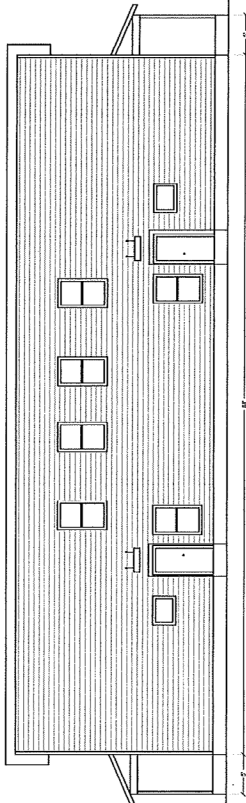
DATE
 DEC. 17, 2024

REVISION #
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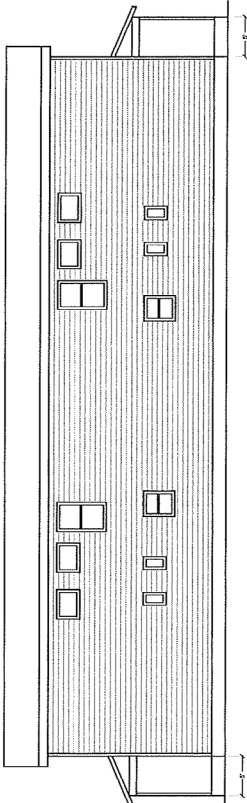
1137 W 21st St.
 INDIANAPOLIS, INDIANA, 46202

Proposed JPL EX
Elevations
 SCALE: 3/8"=1'-0"

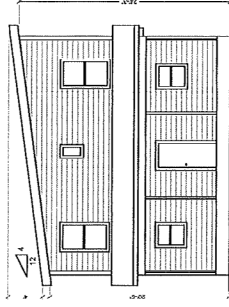




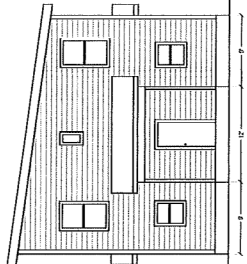
PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION




PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

A1



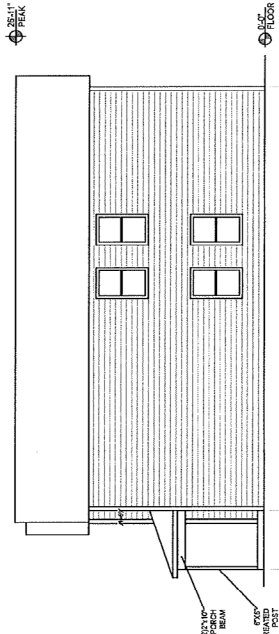
RIVERA
 GROUP, LLC
ARCHITECTURAL SERVICES & INTERIORS

CERTIFIED BY _____

DRAWN BY **Tamar de la Paz**
 DATE **DEC 17, 2024**
 REVISION # **A**

137 W 21st St.
 INDIANAPOLIS, INDIANA, 46202

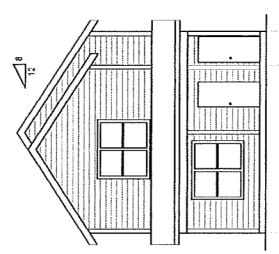
A2



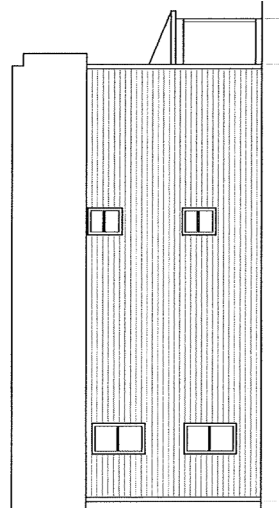
PROPOSED WEST ELEVATION

PEAK
FLOOR

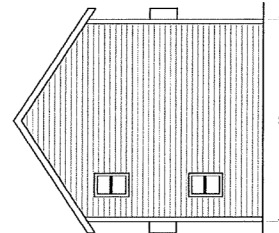
POOR THROUGH POST
POOR THROUGH BEAM




PROPOSED NORTH ELEVATION




PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION

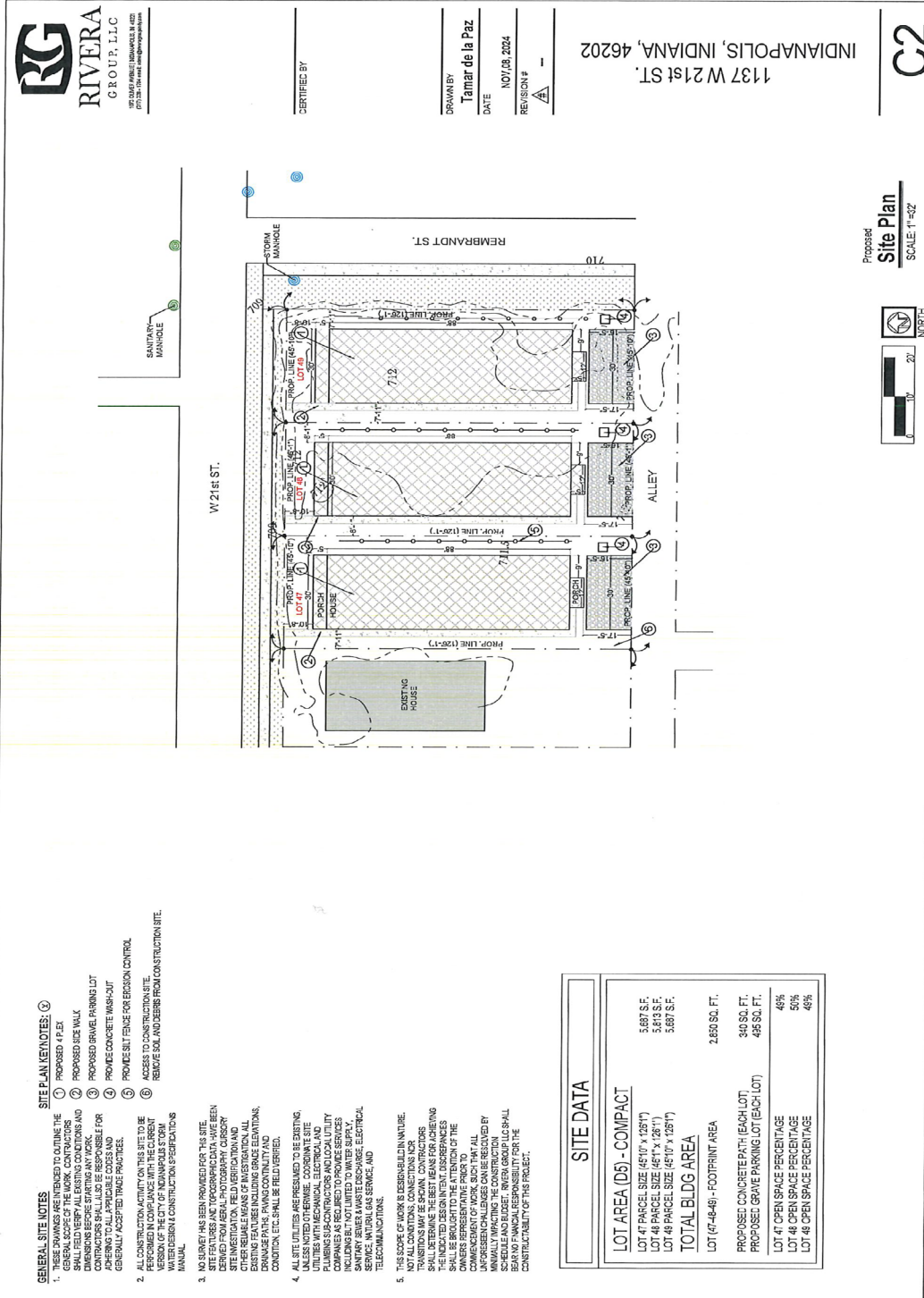




NORTH

Proposed DUPLEX
Elevations
 SCALE: 3/8"=1'-0"

Site Plan – November 18, 2024





View looking east along East 21st Street



View looking west along East 21st Street



View looking southwest across intersection of East 21st Street and Rembrandt Street



View of adjacent properties looking northwest along East 21st Street



View looking northeast at adjacent property to the north of Rembrandt Street



View of adjacent property to the south looking west across Rembrandt Street



View of site looking west across Rembrandt Street



View of site looking west across Rembrandt Street



View of site looking northwest across Rembrandt Street



View of site looking southwest across East 21st Street