



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 12, 2024

Case Number: 2024-CZN-839 / 2024-PLT-839
Property Address: 7747 Mountain Stream Way
Location: Warren Township, Council District #20
Petitioner: Moses Daly
Current Zoning: D-6II
Request: Rezoning of 0.49 acre from the D-6II district to the D-5II district to provide for a single-family development.
Approval of a Subdivision Plat, to be known as Fisher Creek Condominiums, dividing 0.49 acre into three lots.
Current Land Use: Undeveloped property
Staff Recommendations: Approval of the rezoning and plat.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance that continued these petitions from the November 11, 2024, hearing, to the December 12, 2024 hearing.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated October 17, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

Staff is recommending approval of the rezoning request.

PETITION OVERVIEW

This 0.49-acre site, zoned D-6II, is undeveloped and surrounded by attached single-family dwellings to the north, across Mountain Stream Way (a private street); undeveloped land to the south; single- and two- family dwellings to the east, across Narrow Brook Drive (a private street); and single-family dwellings to the west, across Fisher Creek Drive (a private street), all zoned D-6II.

Beginning in 1981 this site was included in four rezoning petitions and two variance requests. See Zoning History.

Rezoning

The request would rezone the site to the D-5II district. “The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood 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 Comprehensive Plan recommends suburban neighborhood typology for the site.

Because this request is consistent with Plan recommendation and would be compatible with the surrounding residential development, staff is recommending approval of the rezoning.

PLAT

Site Plan

This undeveloped site is zoned D-6II. The request would provide for a subdivision plat known as Fisher Creek Condominiums that would divide the parcel into three lots. Lot 1 and Lot 3 would consist of 0.166 acre and Lot 2 would consist of 0.130 acre.

Streets

This site has street frontages on three private streets: Mountain Stream Way, Fisher Creek Drive and Narrow Brook Drive. No new streets are proposed.

Sidewalks

Sidewalks do not exist but would be required as development occurs.

Waivers

None requested.

GENERAL INFORMATION

Existing Zoning	D-6II		
Existing Land Use	Undeveloped		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	D-6II	Attached single-family dwellings
	South:	D-6II	Undeveloped
	East:	D-6II	Single-/ two / family dwellings
	West:	D-6II	Single-family dwellings
Thoroughfare Plan			
Mountain Stream Way	Private Street	Existing 22-foot right-of-way.	
Fisher Creek Drive	Private Street	Existing 22-foot right-of way.	
Narrow Brook Drive	Primary Street	Existing 22-foot right-of-way.	

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	September 17, 2024
Site Plan (Amended)	October 17, 2024
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 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 one to five 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.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
 - 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-
- *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 three or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-quarter-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.
 - 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 character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

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

2003-ZON-171; 7759 East English Avenue, requested rezoning of 19.5 acres, being in the SU-3 District, to the D-6II classification to provide for a multi-family residential development, **approved**.

99-Z-77; 7759 English Avenue, rezoned 13.726 acres from the SU-1 district to the SU-3 classification to provide for a golf driving range, **approved**.

99-UV1-60; 7759 English Avenue, requested a variance of use and development standards of the Sign Regulations to provide for the placement of an advertising sign a) being 62 feet in height (maximum 40 feet permitted); b) being the 4th advertising sign within a one mile portion of I-465 (maximum of 2 signs per mile permitted); c) being 625 feet from an existing advertising sign (minimum 1,000 feet required); and d) with a size of 14 by 48 feet (maximum 12 by 25 feet permitted), **granted**.

98-UV1-83; 7759 English Avenue, requested a variance of use and development standards of the Sign Regulations to provide for an advertising sign in an SU-3 District, being 200 feet from a protected district, being the 3rd advertising sign within a one-mile portion of interstate highway, and being 14 by 48 feet in size, **granted**.

85-Z-178; 7801 English Avenue, requested rezoning of 190.28 acres, being in the A-2 district, to the SU-1 classification to provide for a church, **approved**.

81-Z-121, 7401 English Avenue, requested rezoning of 13.73 acres, being in the A-2 district to the SU-16 classification to provide for recreation facilities including softball diamonds, park, playground, picnic areas and youth instructional church league area, **dismissed**.

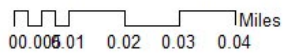
EXHIBITS



Source: Esri, HERE, Garmin, USGS, Imagery, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NICTD, (c) OpenStreetMap contributors, and the GIS User Community



7747 Mountain Stream Way





View looking west across entrance to the subdivision



View looking southwest across intersection of Mountain Stream Way and Fisher Creek Drive



View looking north across intersection of Fisher Creek Drive and Mountain Stream Way



View looking north along Fisher Creek Drive



View of site looking east across Fisher Creek Drive



View of site looking east across Fisher Creek Drive



View of site looking east across Fisher Creek Drive



View of site looking east across Fisher Creek Drive



View looking east along Mountain Stream Way



View of site looking southwest across Mountain Stream Way