



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

June 27, 2024

**Case Number:** 2024-ZON-029

**Property Address:** 9401 and 9415 East Southport Road and 9404 and 9510 East McGregor Road

**Location:** Franklin Township Council District #25

**Petitioner:** Lennar Home of Indiana, LLC., by Brian J. Tuohy

**Current Zoning:** D-A and D-1

**Request:** Rezoning of 112.2 acres from the D-A and D-1 districts to the D-4 district to provide for single-family residential development.

**Current Land Use:** Undeveloped / agricultural uses

**Staff Recommendations:** Approval, subject to the commitments noted below:

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the timely automatic continuance that continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing.

The Hearing Examiner continued this petition, at staff's request, from the April 11, 2024 hearing, to the April 25, 2024 hearing, to the May 23, 2024 hearing, and to the June 27, 2024 hearing, to provide additional time for the recently submitted Traffic Impact Study (TIS) to be reviewed by staff and any concerns with the study addressed.

**STAFF RECOMMENDATION**

Approval, 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. A 40-foot half right-of-way shall be dedicated along the frontage of East Southport Road and a 45-foot half right-of-way shall be dedicated along the frontage of McGregor Road, 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).
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.

3. A passing blister shall be installed at the McGregor Road access drive in accordance with the Department of Public Works standards.

## PETITION OVERVIEW

### REZONING

This 112.2-acre site, zoned D-A and D-1 is comprised of six undeveloped contiguous parcels. It is surrounded by single-family dwellings to the north, across East Southport Road, zoned D-A; single-family dwellings to the south, across McGregor Road, zoned D-A; single-family dwellings to the east, zoned D-1; and single-family dwellings to the west, zoned D-P.

The request would rezone all six parcels to the D-4 District. “The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.”

The Comprehensive Plan recommends suburban neighborhood typology for the site, which would be consistent with the Comprehensive Plan recommendation.

The amended site plan, file-dated May 17, 2024, provides site access from East Southport Road and East McGregor Road. Approximately 180 sites, at a density of 1.6 units per acre, are proposed for this development, with a centrally located amenity area. Generally, development avoids the floodplain areas.

Staff would note, however, that the site plan is conceptual and would be subject to change, depending upon compliance with the subdivision and platting provisions of the Ordinance. In other words, this petition is strictly approval of the rezoning and not the conceptual site plan / layout of the residential development.

### Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”



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

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.

The northern portion of the site and along the eastern boundary is located within the 100-year floodplain fringe that follows the alignment of Rayborne Ditch.

### **Floodway Fringe**

This site has a secondary zoning classification of a Floodway Fringe (FF), which 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-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along the frontage of East Southport Road and a 45-foot half right-of-way shall be dedicated along the frontage of McGregor Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Traffic Impact Study (TIS), file-dated June 20, 2024**

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

The TIS was amended to reflect the amended site plan that provided for an access drive along East Southport Road and eliminated the access drive along Hickory Road. The Department of Public Works staff has requested a passing blister at the McGregor Road access drive.

The scope of work for the analysis for this proposed development, included the following items:

1. Obtain turning movement traffic volume counts between the hours of 6:30 A.M. to 9:30 A.M. and 2:00 P.M. to 6:30 P.M. during a typical weekday when school was in session in February 2024 at the following intersections:
  - Southport Road & Hickory Road
  - McGregor Road & Hickory Road
  - Franklin Road & McGregor Road
2. Estimate year 2029 background traffic volumes by applying a 0.5% per year growth to the existing traffic volumes and analyzing partially developed nearby developments.
3. Estimate the number of peak hour trips that will be generated by the proposed development.
4. Assign and distribute the generated traffic volumes from the proposed development to the study intersections.
5. Prepare a capacity analysis, level of service analysis, and turn lane analysis at the study intersections for each of the following scenarios:
  - Scenario 1: Existing Traffic Volumes* – Based on existing peak hour traffic volumes.
  - Scenario 2: Year 2029 Background Traffic Volumes* – Based on the sum of inflated existing traffic volumes and generated traffic volumes from partially developed nearby developments.
  - Scenario 3: Total Development Traffic Volumes* – Based on the sum year 2029 background traffic volumes and generated traffic volumes from the proposed development.
6. Prepare recommendations for the roadway geometrics that will be needed to accommodate the total traffic volumes once the proposed development is constructed.

## Conclusions & Recommendations

### Southport Road & Hickory Road

Capacity analyses have shown that this intersection currently operates and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

### McGregor Road & Hickory Road

Capacity analyses have shown that all approaches to the intersection currently operate and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

### Franklin Road & McGregor Road

Capacity analyses have shown that all approaches to the intersection currently operate and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

#### Southport Road & Proposed Access Drive

Capacity analyses have shown that this intersection will operate at acceptable levels of service during the AM and PM peak hours with the following intersection conditions:

- Construction of the proposed northbound full access drive with one inbound and one outbound lane.
- The intersection should be stop-controlled with the access drive stopping for Southport Road.

#### McGregor Road & Proposed Access Drive

Capacity analyses have shown that this intersection will operate at acceptable levels of service during both AM and PM peak hours with the following intersection conditions:

- Construction of the proposed full access drive with one inbound and one outbound lane.
- The intersection should be stop-controlled with the access drive stopping for McGregor Road.

#### 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-A / D-1	
<b>Existing Land Use</b>	Undeveloped / agriculture uses	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Single-family dwellings
South:	D-A	Single-family dwellings
East:	D-A / D-1	Single-family dwelling
West:	D-P	Single-family dwellings
<b>Thoroughfare Plan</b>		
East Southport Road	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
McGregor Road	Primary collector	Existing 60-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 8, 2024	
<b>Site Plan (Amended)</b>	May 17, 2024	
<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>	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 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 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 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 three 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 five 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.
- Detached Housing
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.
- *Modified Uses – Environmentally Sensitive Overlay*
  - Detached Housing - Should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

**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

[REDACTED]

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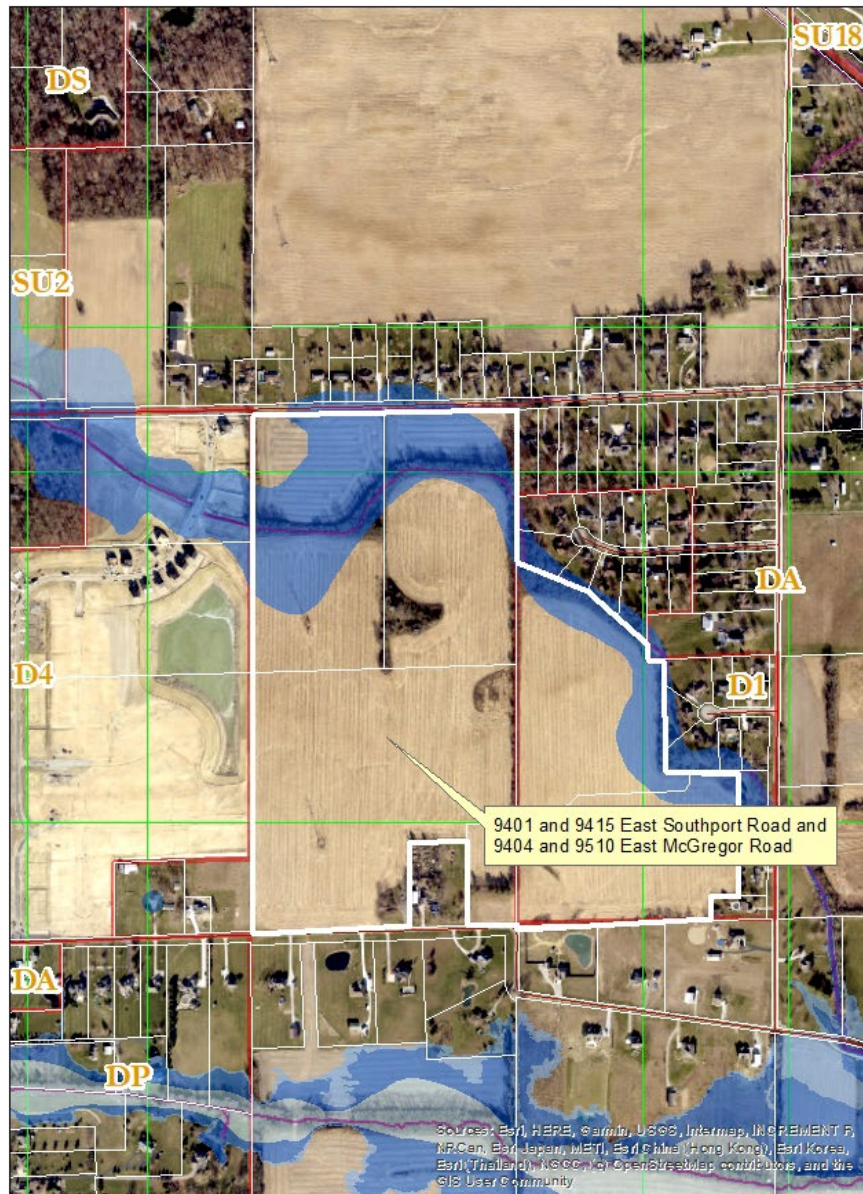


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Division of Planning  
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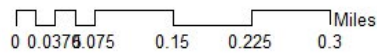
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EXHIBITS



9401 and 9415 East Southport Road and 9404 and 9510 East McGregor Road







View looking west at the intersection of East Southport Road and Hickory Road



View of site looking south across East Southport Road



View of site looking south across East Southport Road



View of site looking west across Hickory Road





View of site looking west across Hickory Road



View of site looking north across East McGregor Road