



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 27, 2024

Case Number: 2024-CZN-820 / 2024-CPL-820
Property Address: 3107 East Sumner Road
Location: Perry Township, Council District #19
Petitioner: Francisco Aleman, by Josh Smith
Current Zoning: D-A
Request: Rezoning of 0.924 acres from the D-A district to the D-5 district to provide for residential uses.
Approval of a Subdivision Plat to be known as Aleman's Subdivision, subdividing 0.924-acre into two lots.
Current Land Use: Single-family dwelling / accessory building
Staff Recommendations: Approval of the rezoning and subdivision plat.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the petitioner's representative and the neighbors. Subsequently, the petitioner's representative discovered a conflict with his schedule. By agreement between the neighbors and the petitioner's representative, they are requesting a **continuance from the June 27, 2024 hearing, to the July 11, 2024 hearing**. Staff would have no objection to the continuance.

STAFF RECOMMENDATION

Approval of the rezoning.

Staff recommends that the Hearing Examiner approve and find that the plat, file dated April 19, 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.

PETITION OVERVIEW

This 0.924-acre site, zoned D-A, is developed with a single-family dwelling and an accessory structure. It is surrounded by single-family dwellings to the north, across Sumner Avenue, zoned D-5; undeveloped land to the south, zoned SU-1; and single-family dwellings to the east and west, zoned D-A.

Petition 84-UV3-63 provided for a variance of use to allow a mobile home on the property as a residence for the petitioner's parents. This mobile home has been removed in accordance with conditions related to the grant of the variance.

Rezoning

The request would rezone the site to the D-5 district. "The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book."

The Comprehensive Plan recommends suburban neighborhood typology.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology and would be compatible with the surrounding neighborhood. This typology is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses.



Plat (Site Plan and Design)

As proposed, the site would be divided into two lots. Lot 1 (0.219 acre) is developed with an accessory building. Lot 2 (0.695 acre) is developed with a single-family dwelling.

Both lots would gain access from East Sumner Avenue and would not require new streets.

GENERAL INFORMATION

Existing Zoning	D-A		
Existing Land Use	Single-family dwelling / accessory buildings		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Single-family dwellings
	South:	SU-1	Undeveloped land
	East:	D-A	Single-family dwelling
	West:	D-A	Single-family dwelling
Thoroughfare Plan			
East Sumner Avenue	Local Street	Existing 60-foot right-of-way and proposed 50-foot right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	April 19, 2024 (Primary Plat)		
Site Plan (Amended)	N/A		
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 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 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 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 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

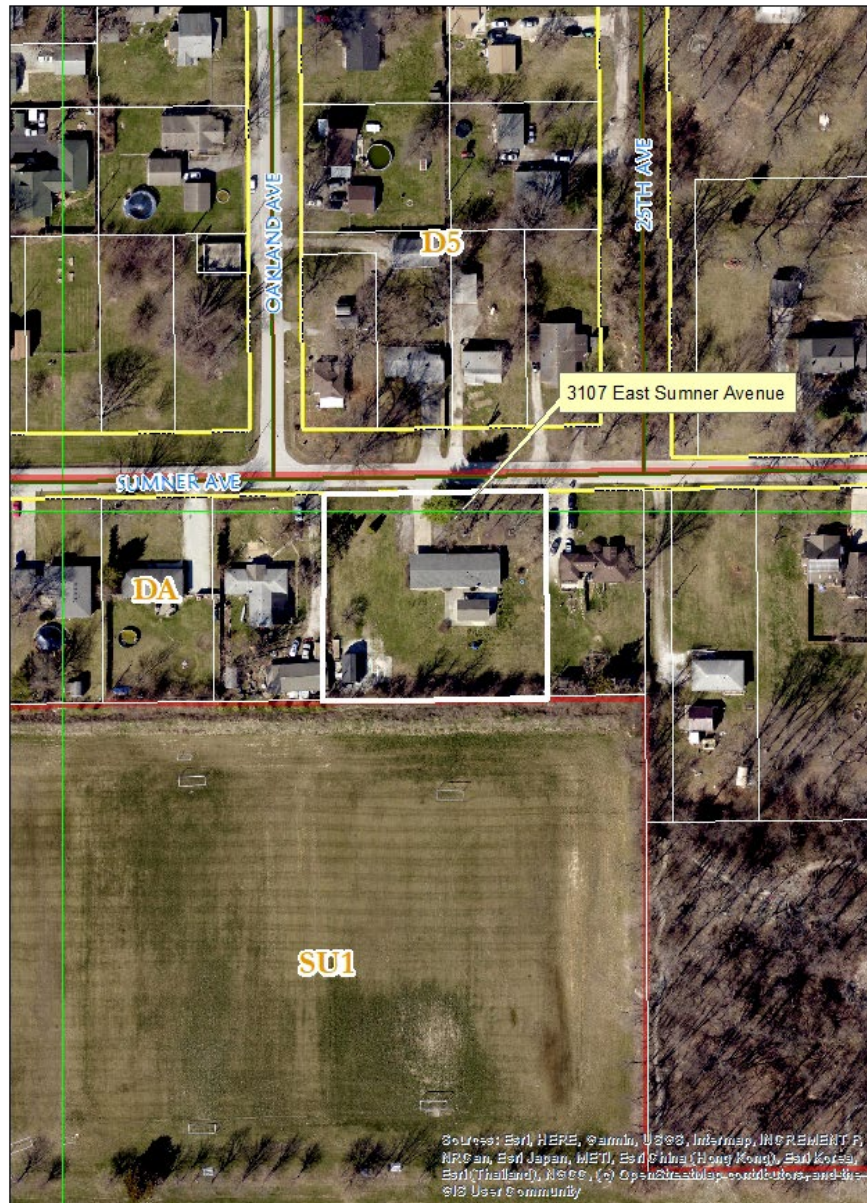


ZONING HISTORY

84-VU3-63; 3107 East Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile home on the subject property as a residence for petitioner's parents, granted.

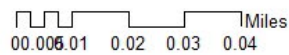
95-Z-58; .3615 South Rural Street (south of site), requested rezoning of 30.4 acres, being in the D-3 and D-A districts to the SU-1 classification to provide for the construction of a church use including the construction of a church, fellowship hall, day care, seminary dormitory and other uses, **approved**.

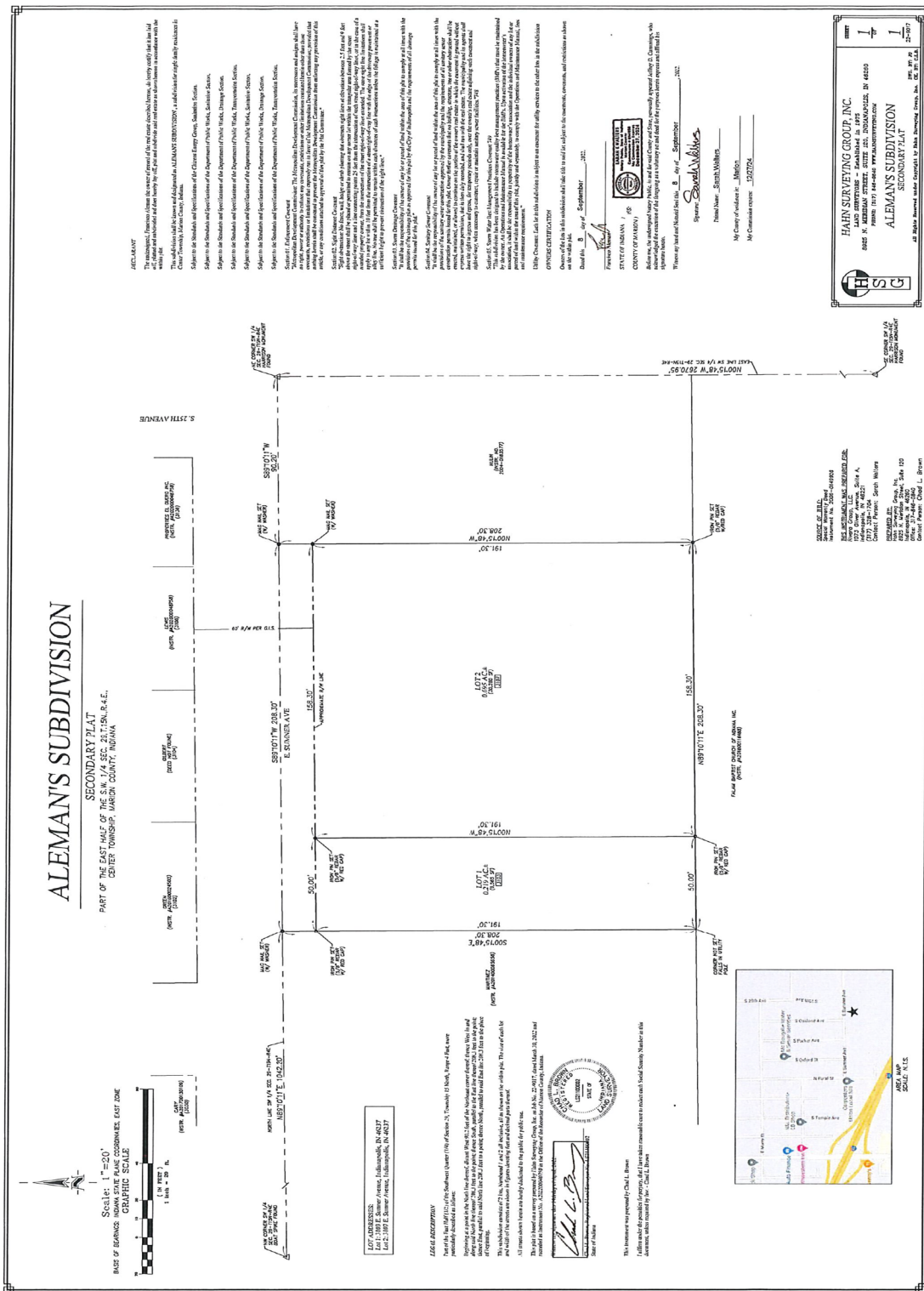
EXHIBITS



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317 East Sumner Avenue





AFFIDAVIT
 I, the undersigned, being a duly licensed Surveyor in the State of Indiana, do hereby certify that I am the author of the foregoing plat and that the same is a true and correct representation of the survey made by me and that the same is in accordance with the provisions of the Indiana Surveying Code, No. 11,242, and the provisions of the Indiana Surveying Code, No. 11,242, and the provisions of the Indiana Surveying Code, No. 11,242.

STATE OF INDIANA
 COUNTY OF HARLAN

Surveyor: *John Sweeney*
 Civil Engineer, No. 11,242

Witnesses: *John Sweeney*, *John Sweeney*

DATE: 2022

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View looking west along East Sumner Avenue



View looking east along East Sumner Avenue



View of proposed Lot 2 looking south across East Sumner Avenue



View of proposed Lot 1 looking south across East Sumner Avenue



View of western boundary looking south across East Sumner Avenue