



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

April 11,, 2024

**Case Number:** 2024-ZON-003  
**Property Address:** 4338 and 4339 Cartwright Drive  
**Location:** Perry Township, Council District #23  
**Petitioner:** Jason West by Mark and Kim Crouch  
**Current Zoning:** D-3  
**Request:** Rezoning of 1.07 acres from the D-3 district to the D-8 district to provide for residential uses.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Recommends Approval, subject to commitments.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the February 15, 2024 hearing, to the April 11, 2024 hearing at the request of the petitioner’s representative and the neighborhood organization.

The petitioner’s representative submitted an amended site plan on February 28, 2024. Staff would note that variances would be required for development of the site pursuant to this amended site plan and notified the petitioner’s representative on March 27, 2024, via e-mail.

**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. 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.
2. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

This 1.07-acre site, zoned D-3, is comprised of three undeveloped parcels on either side of Cartwright Drive. It is surrounded by single-family dwellings to the north; undeveloped land to the south; a single-family dwelling to the east; and undeveloped land to the west, all zoned D-3.

### Rezoning

As proposed, the rezoning request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology.

The site plan, file-dated January 3, 2024, only provided a depiction of the three parcels. A subsequent site plan, file-dated February 1, 2024, would provide for five duplexes and one detached house (single-family dwelling).

Because this is an undeveloped site, staff would not support any subsequent requests for variances of development standards. In fact, the petitioner's representative has stated in two e-mails, dated February 1, 2024, and January 31, 2024, that development of the site would comply with the development standards of the D-8 district.

Staff would, therefore, request Administrator Approval of the final site plan to confirm compliance with the D-8 district development standards, including but not limited to, lot area, lot width, setbacks, open space and walkable neighborhood design standards.

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

### 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-3	
<b>Existing Land Use</b>	Undeveloped land	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-3	Single-family dwellings
South:	D-3	Undeveloped land
East:	D-3	Single-family dwelling
West:	D-3	Undeveloped land
<b>Thoroughfare Plan</b>		
Cartwright Drive	Marion County Thoroughfare Plan (2019)	This portion of Cartwright Drive is designated as a local street with an existing and proposed 50-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	This site is not located within a floodplain.	
<b>Overlay</b>	This site is not located within an overlay.	
<b>Wellfield Protection Area</b>	This site is not located within a wellfield protection area.	

<b>Site Plan</b>	January 3, 2024
<b>Site Plan (Amended)</b>	February 28, 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 Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology for the site.
- 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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:

*Conditions for All Land Use Types*

- 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.
- 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.

*Detached Housing (defined as detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*

- 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.

*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

- 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.”

## Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not applicable to the Site.

## ZONING HISTORY

**2019-ZON-011; 1200 Lawrence Avenue (west of site)**, requested rezoning of 6.194 acres from the D-3 and C-3 Districts to the SU-18 classification to provide for a wireless communications facility on the site of the existing substation, **approved**.

**2018-DV1-027; 1266 Lawrence Avenue (north of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot-tall fence, **granted**.

**2008-DV1-022; 4401 State Avenue (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 700-square foot front porch addition, a 385-square foot carport, conversion of an attached garage to living space and a two-story, 510-square foot room addition to a single-family dwelling, resulting in an accessory building area of 1,583 square feet or 78.27 percent of the main floor area of the primary structure, and an accessory use area of 4,252 square feet or 100.89 percent of the total living area of the primary structure, **granted**.

**2006-DV1-020; 1701 East Lawrence Avenue (east of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 14-foot tall, 720-square foot detached garage resulting in an accessory building area 1,440 square feet, or 102 percent of the main floor area of the primary dwelling, in D-3, **granted**.

**2003-UV3-009; 4401 Asbury (north of site)**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a construction contractor's business in a 2,204-square foot accessory structure, an 80-square foot storage shed with a zero-foot east side yard setback, with accessory structures being 108.74 percent of the main floor area of the primary structure, an accessory use area of 164.07 percent of the total floor area of the primary dwelling, and being located on a parcel with twenty feet of street frontage, in D-2 (FF) (FW), **granted**.

**96-UV1-80; 1247 Lawrence Avenue (north of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a living unit within a detached accessory building, for an existing single-family residence, **granted**.

**87-AP3-2; 1147 Lawrence Avenue (north of site)**, requested approval to modify the conditions of variance petition 86-UV3-37 to allow the required hard surfacing of parking and driving areas to be completed prior to July 30, 1987, **granted**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**86-UV3-37; 1147 Lawrence Avenue (north of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to the existing building and the use of the premises to operate a communications business, **granted**.

**62-Z-131; 1200 Lawrence Avenue (west of site)**, requested rezoning of 5.08 acres from the U-1, H-1 and A-2 Districts to the U-3, H-1 and A-2 classification to permit the construction, maintenance and operation of an electric substation, **approved**.

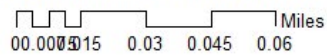
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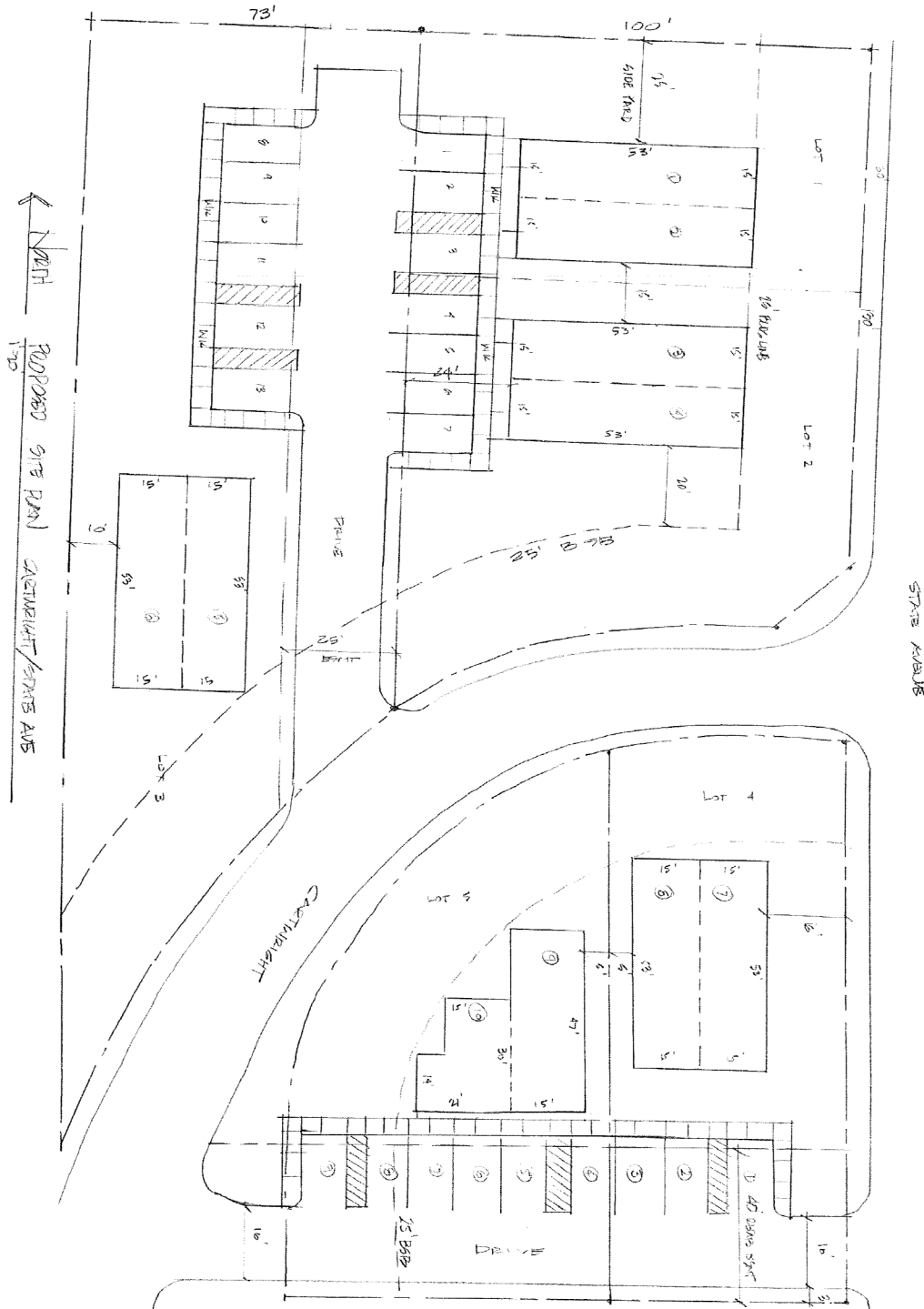
EXHIBITS

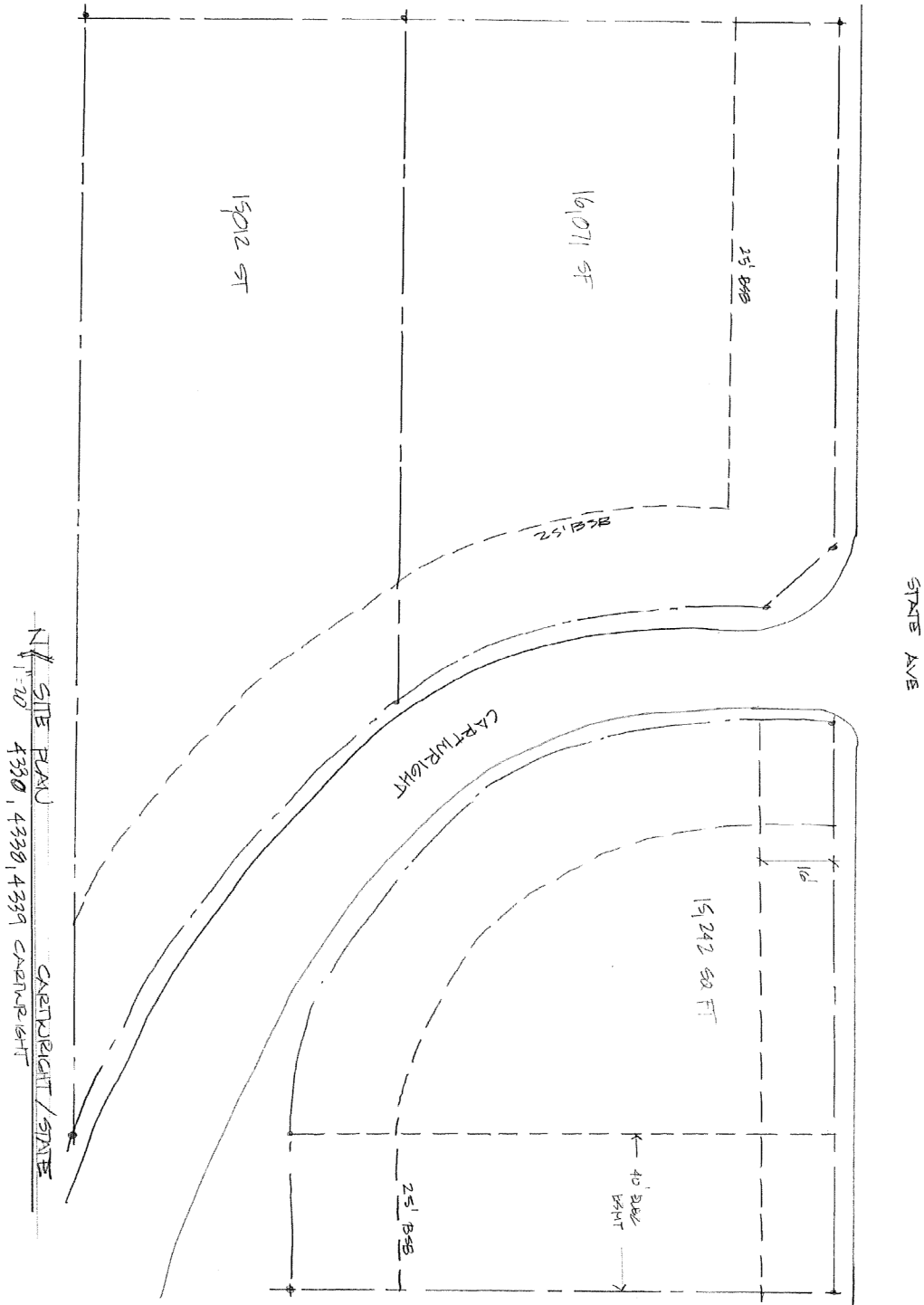


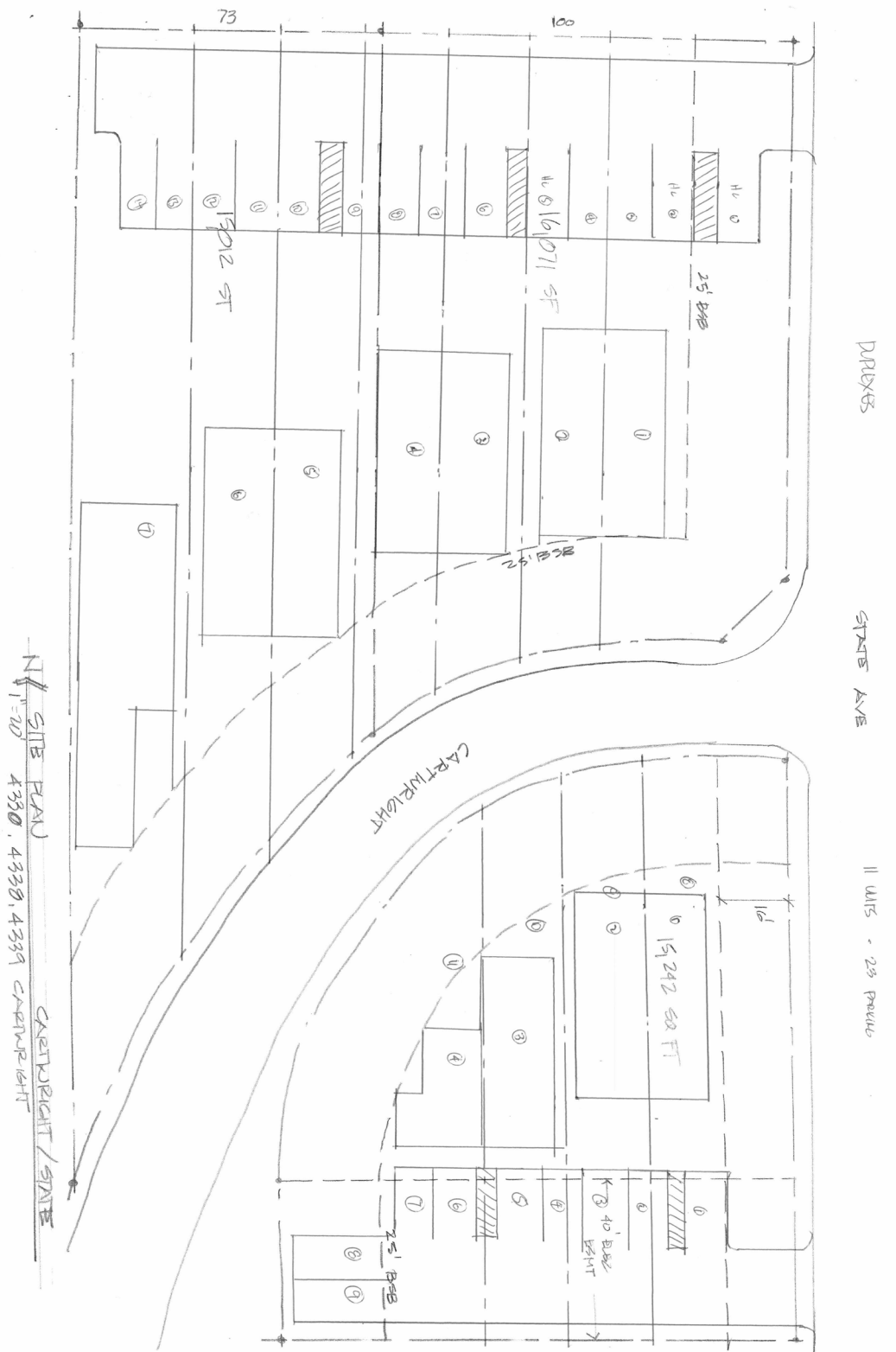
4338 and 4339 Cartwright Drive



Amended Site Plan- February 28, 2024









View looking north along State Avenue



View looking south at intersection of State Avenue and Cartwright Drive



View northeast along Cartwright Drive



View of site looking south along Cartwright Drive



View southern portion of site looking east across Cartwright Drive



View southern portion of site looking south across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive





View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive (State Avenue)