



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

Case Number: 2024-ZON-021
Property Address: 3500 Sutherland Avenue (Approximate Address)
Location: Center Township, Council District #8
Petitioner: Monon 35, LLC, by Chris White
Current Zoning: D-5 (FW (FF) (TOD))
Request: Rezoning of 26.132 acres from the D-5 (FW (FF) (TOD) district to the D-9 D-5 (FW (FF) (TOD) district to provide for residential development.
Current Land Use: Vacant
Staff Recommendations: Denial
Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This petition was continued from the March 29, 2024, hearing to the April 11, 2024, hearing, by request of staff. No new information has been submitted to the file.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

The 26.132-acre subject site is an undeveloped parcel, located along the east bank of Fall Creek, from Sutherland Avenue, north to 38th Street. The Monon Trail abuts the site to the southwest from Sutherland Avenue to Fall Creek. East of the site, across Sutherland Avenue, is a mix of commercial, light industrial, and a long-established single-family residential neighborhood, zoned D-5, C-3, C-7, and I-2. South of the site is undeveloped, zoned I-2, with further south, a developing commercial and residential development. To the north and west is Fall Creek and Fall Creek Greenway. Additionally, a former rail bed abuts the site to the east, between the subject site and Sutherland Avenue. The rail bed is within the Sutherland Avenue right-of-way.

This petition would rezone this site from the D-5 (FW (FF) (TOD) district to the D-9 (FW (FF) (TOD) district to provide for residential development.

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.

The D-9 district is intended for higher density housing formats, with a mix of small- and moderate-scale multi-unit building types. This district can be used at transitions to walkable, commercial areas, transit stations and urban and suburban corridors, including the high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, or Village or Urban Mixed-Use typologies.

The site is recommended for Village-Mixed-Use development, which recommends a density of 6 to 25 units per acre, for residential development. **This recommendation suggests a mixed-use development, which to provide services to the surrounding neighborhood and promotes a walkable and compact development.**

A site plan was not submitted for staff and the public to review the proposed development. The site lies along the east bank of Fall Creek, with portions of the site within the Floodway and floodway fringe. The northern-most portion of the site is within the Transit-Oriented Development overlay, which would support higher density development, but, without a site and development plan to review, staff has considerable concerns regarding pedestrian access, location, and type of parking (surface lot or garage), vehicular access to the site, building placement, and tree preservation. The site has significant tree coverage.

For these reasons, Staff is not supportive of the rezoning to the D-9 (FW (FF) (TOD) district.

GENERAL INFORMATION

Existing Zoning	D-5 (FW) (FF) (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Village Mixed Use / Floodway	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Undeveloped
	South:	C-7 Undeveloped
	East:	D-5 / C-3 / C-7 Single-family dwellings / commercial
	West:	PK-1 / D-5 Monon Trail / Greenway – Fall Creek
Thoroughfare Plan		
Sutherland Avenue	Secondary Arterial Street	56-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes – Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	N/A	
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

- Marion County Land Use Plan Pattern Book (2019)
- Overlays
 - This site is also located within the Transit Oriented Development (TOD). “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.”

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends village mixed-use neighborhood development for most of the subject site. A portion of the site, along the west back of Fall Creek, is recommended for Floodway.
- The Comprehensive Plan recommends village mixed-use development for these sites. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All Housing**
 - 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.
- **Detached Housing**

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- **Small-Scale Multi-Family Housing**
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.
- **Large-Scale Multi-Family Housing**
 - Should be located along an arterial or collector street.
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site lies within two proposed transit stops identified in the Purple Line Transit-Oriented Development Strategic Plan (2021) with a Community Center typology.
- This site is located within a ¼ mile walk of a transit station located at the intersection of 38th Street and Orchard Avenue with a Community Center typology and within a ½ mile walk of a transit station located at the State Fairgrounds entrance, along 38th Street with a Community Center typology.
- Community Center stations are located in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.
- Characteristics of the Community Center typology are:
 - Walkable commercial centers with range of commercial types – aging to new strip commercial, office, shopping malls, big box
 - Mix of retail, entertainment, office, and residential as desired
 - Buildings of 1-3 stories in station area, with contiguous sidewalks, parking with a minimum of 20% reduction

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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- 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

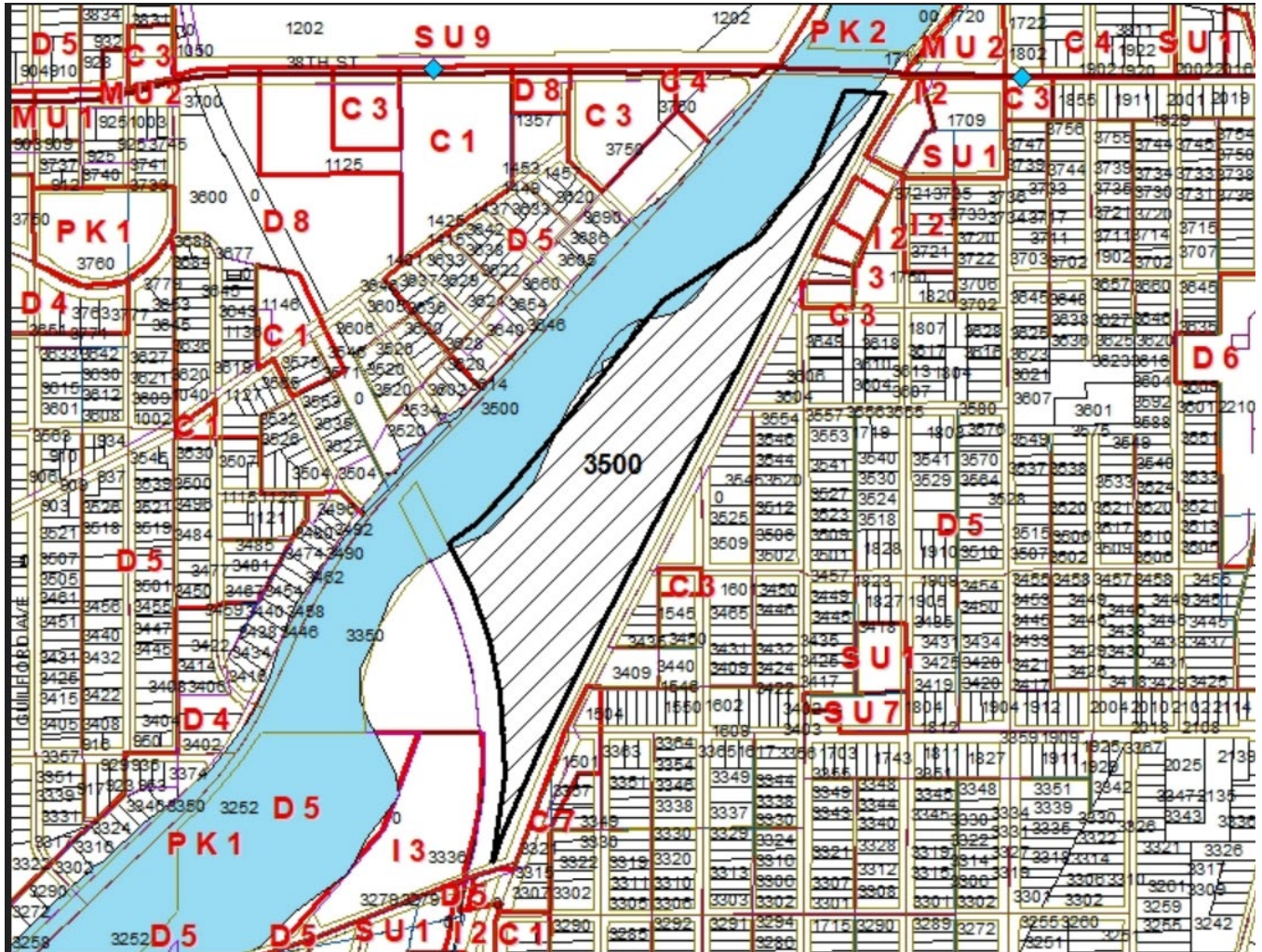
ZONING HISTORY – SITE

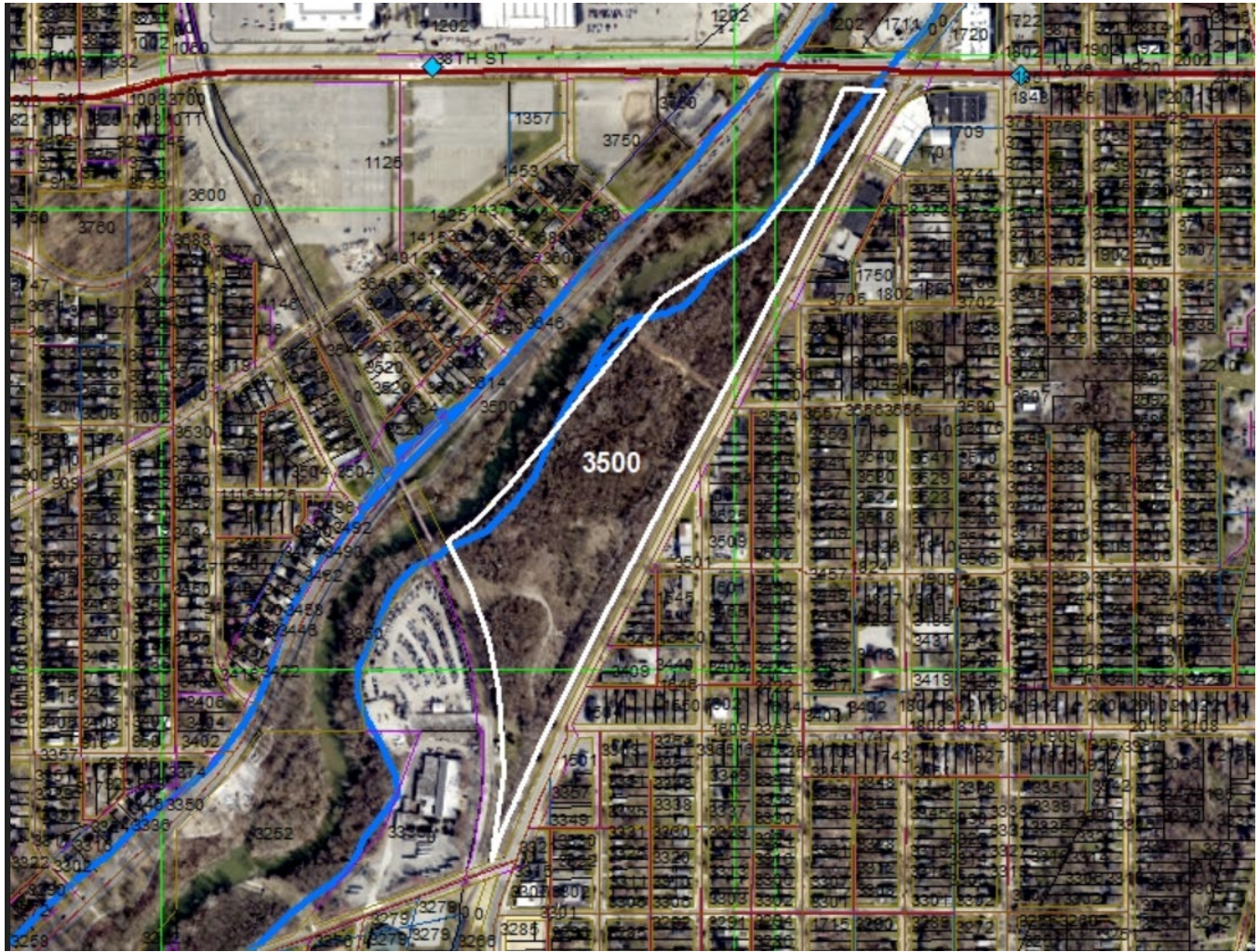
2022-ZON-056; 3500 Sutherland Avenue, rezoning of 6.8 acres, from the D-5 (FW) district to the D-8 (FW) district to provide for multi-family residential development, consisting of approximately 480 dwelling units, **withdrawn**.

ZONING HISTORY – VICINITY

None.

EXHIBITS







Views of Monon Trail and site from Sutherland Avenue and Dr. A J Brown intersection



View of the site from Sutherland Avenue



Views of the site from Sutherland Avenue



Views of the site from Sutherland Avenue (top); view of Sutherland Avenue



View of former rail bed looking north, abutting the site to the east (this rail bed is part of the existing Sutherland Avenue right-of-way)



View of Fall Creek Greenway and Fall Creek Parkway, North Drive, west of the subject site



View of Fall Creek and subject site beyond