



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

April 11, 2024

**Case Number:** 2023-ZON-124  
**Property Address:** 5252 Hickory Road  
**Location:** Franklin Township #25  
**Petitioner:** Grand Communities, LLC, by Joseph D. Calderon  
**Current Zoning:** D-A (FW)(FF)  
**Request:** Rezoning of 31.63 acres from the D-A (FW)(FF) district to the D-4 (FW)(FF) district to provide for single-family residential development.  
**Current Land Use:** Agricultural land  
**Staff Recommendations:** Approval, subject to the commitments noted below.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the from the January 25, 2024 hearing, to the February 29, 2024 hearing.

The petition was continued from the February 29, 2024 hearing, to the March 28, 2024 hearing, at the request of staff for additional time to conduct a Traffic Impact Study (TIS). Because of the past and ongoing residential development in the area and the increase of traffic generated by these developments, staff believed an updated Traffic Impact Study (TIS) that would review previous traffic studies to determine a cumulative traffic impact on the existing streets in this area of the county.

The petition was continued from the March 28, 2024 hearing, to the April 11, 2024, at the request of the petitioner's representative to provide additional time for further discussions with the neighborhood organization.

**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 Hickory 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. Raised pedestrian crossings shall be installed at the northwest corner of the site at the point of connection with Hemingway Drive and at the proposed pedestrian crossing along the proposed internal north / south drive. Installation of the raised crossings shall be in accordance with the Department of Public Works standards.
3. Recommended Infrastructure improvements identified in the Traffic Impact Study shall be installed in accordance with the Department of Public Works standards.

## PETITION OVERVIEW

This 31.63-acre site, zoned D-A (FW)(FF) is developed with agricultural uses, including a single-family dwelling and accessory buildings. It is surrounded by single-family dwellings to the north, zoned D-A; a single-family dwellings and agricultural land to the south, zoned D-A (FW)(FF); single-family dwellings to the east, across Hickory Road, zoned D-2; and single-family dwellings to the west, zoned D-4 (FW)(FF)

This request would rezone the site 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.”

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

The amended conceptual site plan, file-dated March 19, 2024, indicates that development of the site would include 76 single-family dwellings. This would result in a density of 2.4 units per acre, which would be less than the typical density of the D-4 district and within the range of the suburban neighborhood density.

Access to the site would be from a boulevard entrance drive along Hickory Road with a connection to Hemingway Drive to the west. A stub street to the south would also be provided to accommodate future development.

Staff would clarify that the site plan submitted with this request is conceptual and approval of the requested rezoning does constitute approval of the site plan.

Additionally, to assure pedestrian safety, staff would request that raised pedestrian crossings be installed at the northwest corner of the site at the point of connection with Hemingway Drive and at the proposed pedestrian crossing along the proposed internal north / south drive. Such raised crossings shall be in accordance with the Department of Public Works standards.



## Overlay

This site is also located within an overlay, specifically the Environment Sensitive Areas (ES). “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.”

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.

A large area of this site is located within the floodway and floodway fringe of Hunter Ditch.

## Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) 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 purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

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 Hickory Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **Traffic Impact Study**

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.

Capacity analysis occurs for three different scenarios. Scenario One is based on existing peak hour traffic volumes. Scenario Two - 2034 background traffic volumes - based on the sum of existing traffic volumes and generated traffic volumes from near-by future and partially built developments. Scenario Three - total development traffic volumes - based on the sum of year 2034 background traffic volumes and generated traffic volumes from the proposed development.

The study included following developments that would be fully constructed in the near future and would contribute to traffic growth at the study intersections: See Exhibit A.

- Maze Development
- Caito Development
- Fields at New Bethel Development
- Edgewood Farms Development
- Writt-Sikh Development
- Edgewood Farms West Development
- Cottage Station Ranches Development

## **Conclusions and Recommendations**

### **Thompson Road & Southeastern Avenue**

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.

### **Southeastern Avenue & Hickory Road**

Capacity analyses have shown that all approaches at this 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.

### **Edgewood Avenue & 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.

Hickory 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 an eastbound approach with one inbound and one outbound lane.
- The intersection should be stop-controlled with the drive stopping for Hickory Road.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural 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	Agricultural uses
East:	D-2	Single-family dwellings
West:	D-4	Single-family dwellings
<b>Thoroughfare Plan</b>		
Hickory Road	Secondary Collector	Existing 40-foot right-of-way and proposed 80-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 21, 2023	
<b>Site Plan (Amended)</b>	March 19, 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 Plan recommends Suburban Neighborhood typology. “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

- *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.
  - 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-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-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.
  - 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 (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.
- *Modified Uses – Environmentally Sensitive Areas*
  - 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

**2019-ZON-060; 9295 East Thompson Road and 5252 Hickory Road (north of site)**, requested rezoning of 76 acres from the D-A (FW) (FF) district to the D-4 (FW) (FF) district to provide for 204 single-family dwellings at a density of 2.68 units per acre, **approved**.

**2019-ZON-059; 9024 East Edgewood Avenue (south of site)** requested rezoning of 79-56 acres from the D-A District to the D-4 classification to provide for 196 single-family dwellings at a density of 2.46 units per acre, **approved**.

**2014-ZON-020; 8701 and 9107 East Thompson Road (west of site)**, requested rezoning of 126 acres from the D-P District to the D-P classification to provide for 61, two-family dwellings (122 dwelling units) and 298 single-family dwelling (previously approved by 2002-ZON-10 (2002-DP-21), as amended by 2007-APP-094 and 2010-MOD-008), creating a density of 3.25 units per acre, **approved**.

**2010-MOD-008; 8701 and 9107 East Thompson Road (west of site)**, requested modification of development statement and site plan of 2003-ZON-802, as amended by 2007-APP-094 to limit the number of lots to 150, to eliminate the proposed church, to provide differing development standards and add and remove development requirements, **approved**.

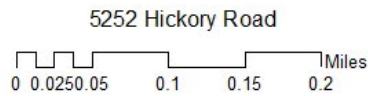
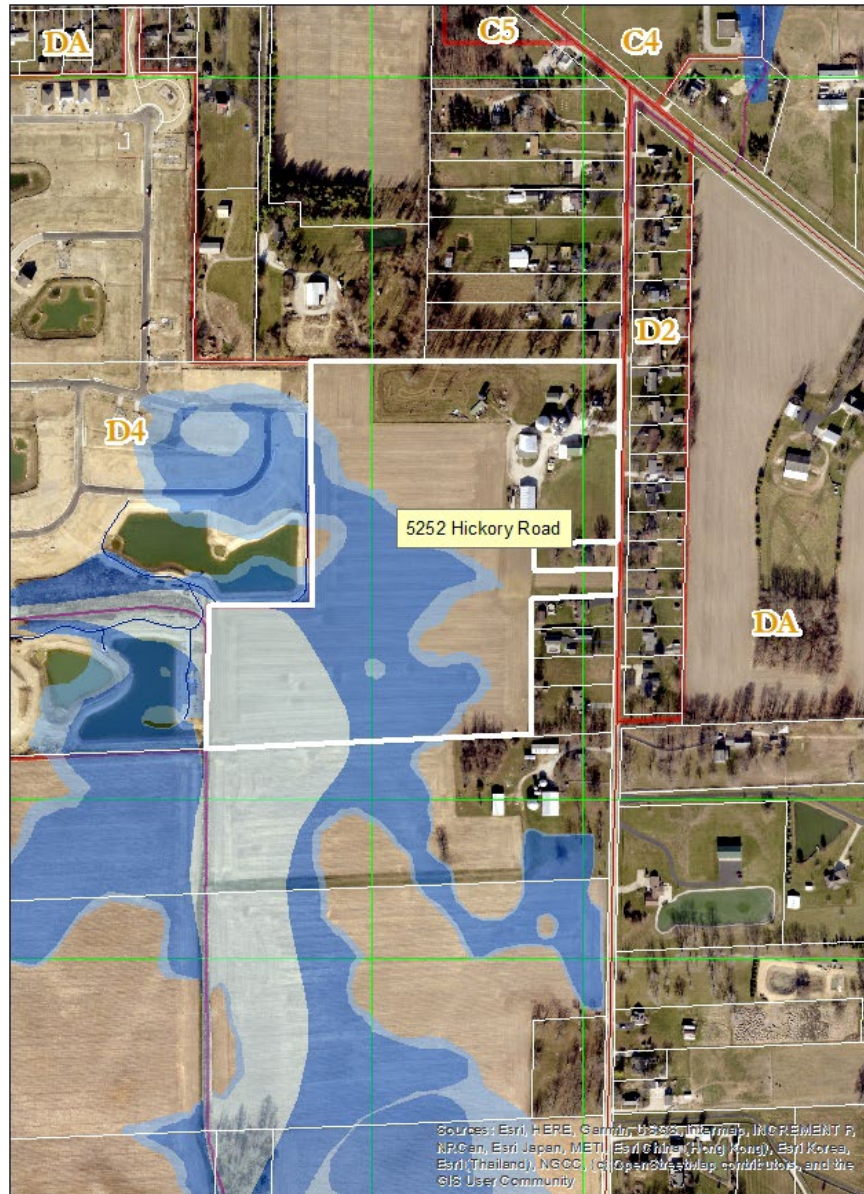
**2007-APP-094; 8701 and 9107 East Thompson Road (west of site)**, requested modification of development statement to terminate commitment requiring side-loaded garages, **approved**.

**2002-DV3-055; 9020 East Edgewood Avenue (south of site)**, requested a variance of development standards of Dwelling Districts Zoning Ordinance to legally establish a three-acre lot with 28.81 feet of frontage on a public street and 28.81 feet of lot width at the required front setback line, **granted**.

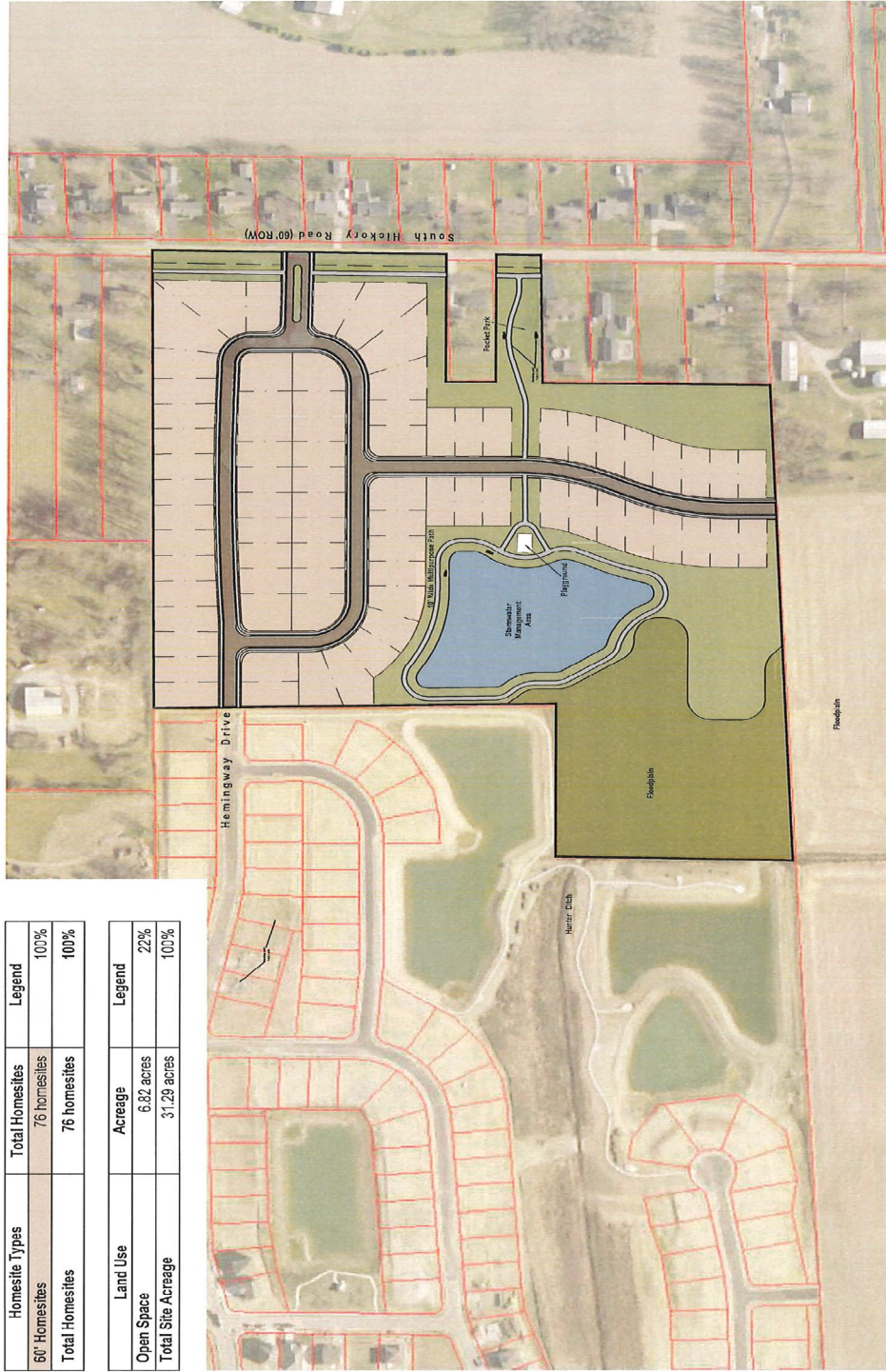
**2003-ZON-802, 8701 and 9107 East Thompson Road (west of site)**, requested rezoning of 170 acres from the I-2-S District to the D-P classification to provide for a church and a single-family development with a density of 3.23 dwelling units per acre, **approved**.



EXHIBITS



Sources: Esri, HERE, Garmin, Swiss Topographic, IGN, NGA, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (CC) OpenStreetMap contributors, and the GIS User Community

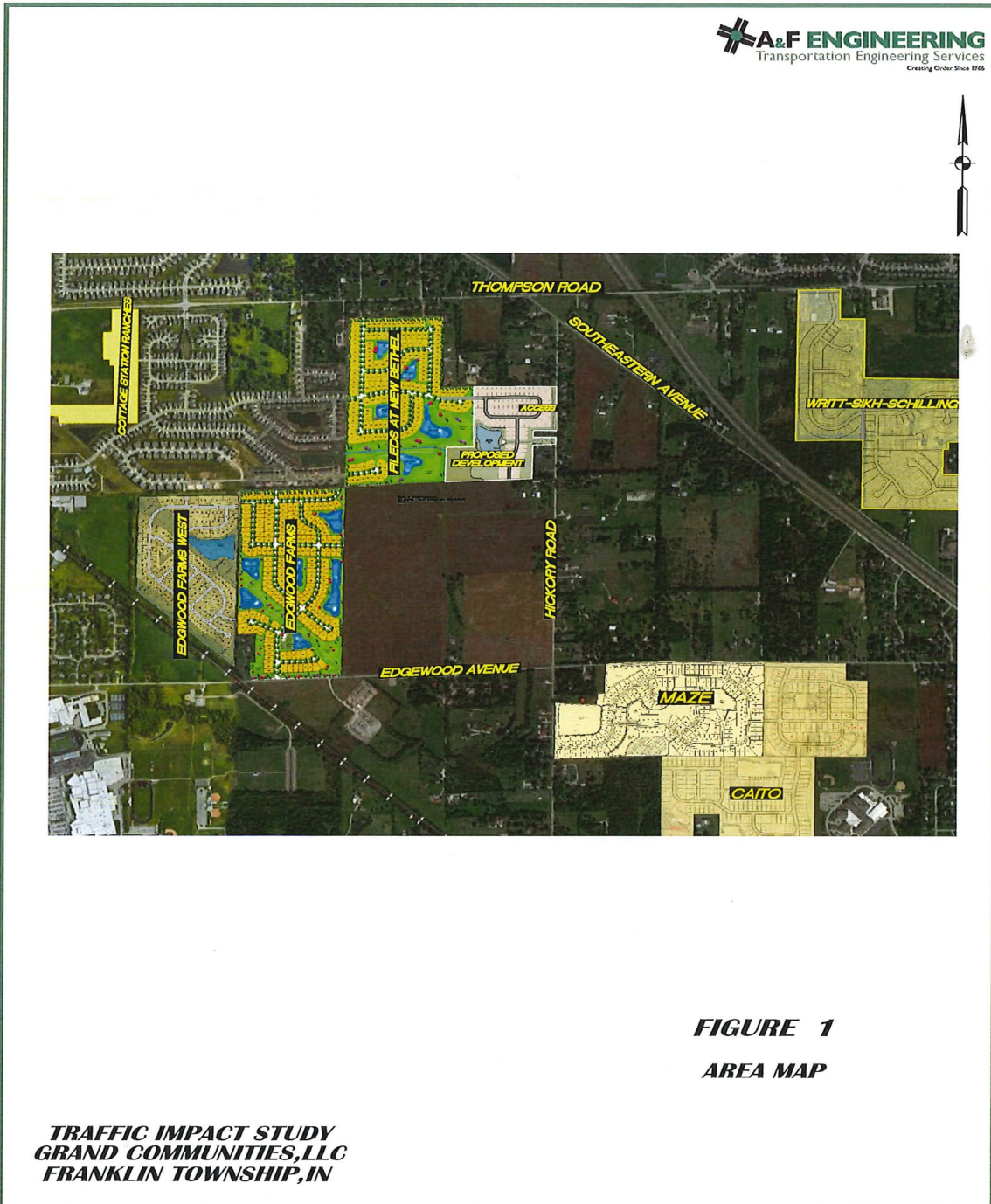


Homestead Types	Total Homesteads	Legend
60' Homesteads	76 homesteads	100%
Total Homesteads	76 homesteads	100%

Land Use	Acreage	Legend
Open Space	6.82 acres	22%
Total Site Acreage	31.29 acres	100%



EXHIBIT A



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View of site looking west across Hickory Road



View of site looking west across Hickory Road



View of site looking west across Hickory Road



View of site looking west across Hickory Road