

RACEWAY ROAD
(primary collector 4-lane 58' 1/2' RW)

CSX Railroad

50' setback

Bilbee Property
Marion County
Preliminary Site Plan

Proposed Zoning D6
site - 8.35 ac±
unit size - 20'x50'

front yard - 30'
rear yard - 20'
side yard - 15'

Total Units - 50
Density - 6 u/a

street - 920 ln.ft.

Open Space Components (20 lots)	
 Multi-Purpose Path	1,320 Linear Ft. (1/4 mile)
Natural Landscape Area (1 acre)	Preserved Vegetation 
	Planted natural landscaping
Entrance Landscape	150 sq.ft. minimum on both sides of entrance
1 Open Space Component (30 lots)	
Additional Component x1	TBD

TUOHY BAILEY & MOORE LLP

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50 S. MERIDIAN STREET
SUITE 700
INDIANAPOLIS, IN 46204-3542
317-638-2400

* ALSO ADMITTED IN NORTH CAROLINA

tbmattorneys.com

RETIRED PARTNER
CLARENCE H. DONINGER

March 5, 2024

Re: 3801 N. Raceway Road (approximate address) ("Site")

Dear Surrounding Property Owner:

Enclosed is a Notice of Public Hearing regarding a request to rezone the above referenced Site. Petitioner proposes develop townhomes on the Site.

Please contact me with any questions.

Sincerely,
TUOHY BAILEY & MOORE LLP


Brian J. Tuohy

BJT/CMB

Enclosure



Legal Notice of Public Hearing Metropolitan Development Commission

200 East Washington Street Suite 1842, Indianapolis, IN 46204 317-327-5155

TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

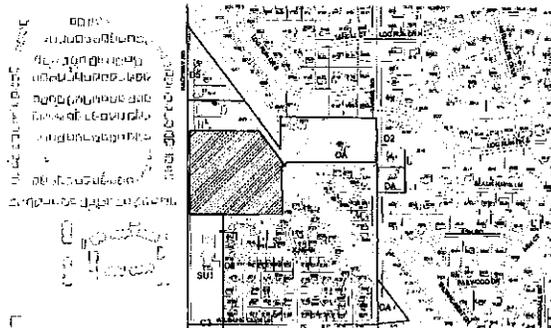
A **Public Hearing** has been scheduled for **Thursday, March 28, 2024, at 1:00 PM** in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Hearing Examiner of the Metropolitan Development Commission will consider the following petition:

Case Number: 2024-ZON-023
Address: 3801 North Raceway Road (*Approximate Address*)
Location: Pike Township, Council District #11
Petitioner: D.R. Horton – Indiana, LLC, by Brian J. Tuohy
Request: Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.

Vicinity Map (approximate location is marked)

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 AM to 4:45 PM, Monday through Friday, excluding legal holidays.

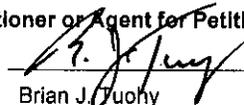
All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Development Commission before the hearing at the above address and such comments will be considered.



The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Public Assembly Room. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting.

Contacting the Hearing Examiner or any member of the Metropolitan Development Commission regarding a pending or future proposal is strictly **PROHIBITED** by both the Rules of Procedure and Indiana State Statute in order to ensure a fair hearing.

Petitioner or Agent for Petitioner Contact Information

Signature: 
Printed Name: Brian J. Tuohy
Street Address: 50 S. Meridian St, Suite 700
City, State, Zip: Indianapolis, IN 46204
Phone Number: 317-638-2400 FAX: 317-633-6618
Email: btuohy@tbmattorneys.com

** Please see reverse side for additional information **

**General Information about this Legal Notice of the
Metropolitan Development Commission (MDC)**

Why am I getting this?	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
Do I need to do anything or go anywhere?	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that this is an opportunity to be informed and speak to that petition.
What is the Hearing Examiner?	The Hearing Examiner is appointed by the Metropolitan Development Commission (MDC) to act on their behalf and is authorized by State Statute. The Hearing Examiner makes a recommendation to the MDC. This recommendation may be appealed to the full MDC.
What is the Metropolitan Development Commission?	The Metropolitan Development Commission (MDC) is an official decision-making body authorized by State Statute consisting of nine (9) citizens of Marion County who serve without compensation. The MDC members are appointed by the Mayor, City-County Council and the County Commission. Among its powers, the MDC has the authority to approve or deny rezoning petitions as well as variance, plat and approval petitions that are filed in conjunction with another petition.
What is a Rezoning?	All property in Marion County is designated with a zoning classification. Marion County uses over four dozen different zoning classifications known as Districts. A rezoning attempts to change that zoning classification. The zoning ordinance identifies uses that are permitted in various zoning districts and the basic standards that development must meet, such as height and setback from property lines.
What do the Zoning Districts mean?	D-6 is Dwelling District Six, which permits medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities with a typical density of 6 to 9 residential units per acre. D-A is the Dwelling Agriculture District, which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities. Consult the zoning code for specific details: http://www.indy.gov/dmd
May I contact the petitioner?	Yes. The petitioner's contact information is on the front side of this notice.
May I contact Department of Metropolitan Development (DMD) Staff?	Yes. While you cannot contact the Commission members directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation that is written in the Staff Report. The Staff Planner assigned to this case is Kathleen Blackham Senior Planner. She can be reached at 317-327-5165 or by e-mail at Kathleen.Blackham@Indy.Gov . Letters of support or opposition to this request can be sent to the planner or to DMDpubliccomments@indy.gov The Mayor's Neighborhood Advocate is Mina Moussa, who can be reached at 317.408.1991 or by email at Mina.Moussa@indy.gov . Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.
What is a Staff Report?	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
How do I get a Continuance?	An "automatic" continuance of the petition is allowed by right (except for Supplemental Review petitions), one for the petitioner (those presenting the petition) and one for the remonstrator (those against the petition), if it is the first continuance request made by that party. This request must be in compliance with the Rules of Procedure, which are available online in the City-County Building, 200 East Washington Street, Suite 1842. All automatic continuances are for approximately one-month to a regularly scheduled hearing. The request for an automatic continuance must include the new date of the hearing. The petition will be automatically scheduled for the same body as originally scheduled. The person requesting the continuance shall give notice to everyone required to be served with notice and to attorneys or agents who have entered their appearance or are known by the person requesting the continuance to represent petitioner or remonstrator. However, registered neighborhood organizations are only required to give notice to attorneys, agents, petitioner and remonstrators of record. A request for automatic continuance must be filed in writing with the Administrator no later than seven (7) calendar days prior to the day of the scheduled hearing. The Hearing Examiner or MDC decides all other continuance requests. Continuances do not require a fee.
What about Commitments or Conditions?	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner.
Can I appeal?	Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission. Appeals must be made within five (5) business days and be in accordance with the MDC's Rules of Procedure. Please contact the Current Planning staff shortly after the hearing to determine the appropriate procedures.
Where can I get more information?	In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include: Current Planning (Zoning) office for general information: http://www.indy.gov/dmd Determine the neighborhood organizations in your area: http://maps.indy.gov/Indy.Organizations.Web/ Determine your elected officials, including City-County Councilors: https://www.indy.gov/agency/city-county-council or http://maps.indy.gov/MyNeighborhood/ .



METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
HEARING OFFICER
OF MARION COUNTY, INDIANA

Docket No: _____
DMD use only

◆ PETITION ◆

Address of Subject Property: 3801 N. Raceway Road (approx. address)

Petitioner(s) Name: D.R. Horton - Indiana, LLC by Brian J. Tuohy, Attorney Phone: 317-638-2400
Address of Petitioner: 50 S. Meridian Street, Suite 700 FAX: 317-633-6618
Indianapolis, IN 46204 Zip Code: 46204
Email: btuohy@tbmattorneys.com

Owner(s) Name: Larry A. Bilbee Phone: _____
Address of Owner: P.O Box 34264 FAX: _____
Indianapolis, IN Zip Code: 46234
Email: _____

Request is for (check all that apply):

- Variance of Use
- Regional Center Approval
- Modification of Site Plan
- Approval of Use in Special District
- Modification of Development Statement
- Special Exception for: _____
- Rezoning of the Primary Classification to: D6
- Rezoning of the Secondary Classification to: _____
- Variance of Development Standards
- Appeal of Administrator's Decision
- Modification of Commitments or Conditions
- Approval of Development Plan in Special District

Legal Description (check one):
 Complete Metes & Bounds legal description attached.
 Platted site within a recorded subdivision, copy of plat map attached.
Subdivision Name: _____
Lot Number(s): _____ Section Number(s): _____
Recorded in Plat Book number: _____ page(s): _____
or recorded as Instrument Number: _____ in the Marion County Recorder's Office.

Does the petitioner **own** one hundred percent (100%) of the area involved in the petition (yes or no)? No

Tax Parcel Numbers: 6007536

Acreeage: Approx. 8.16 +/- acres **Township(s):** Pike

**METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
HEARING OFFICER
OF MARION COUNTY, INDIANA**

◆ PETITION - - PAGE TWO ◆

Is this property the subject of any **code enforcement** action (yes or no)? No

Was this property the subject of any **previous petition** (yes or no)? No

If yes, list the previous petitions' docket number(s): _____

Current **Primary Zoning** Classification: DA Current **Secondary Zoning** Classification: _____

Current **Comprehensive Plan** recommendation: Suburban Neighborhood

Existing Use of the Subject Property: Agricultural

Existing Improvements on the Subject Property: Unimproved

Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

Petitioner respectfully requests to rezone the site to the D6 zoning district to provide for the development of townhomes on the site.

Specify any **specific ordinance(s)**, standard(s), condition(s), commitment(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

Dwelling Districts Ordinance

Oath: The above information, to my knowledge and belief, is true and correct.

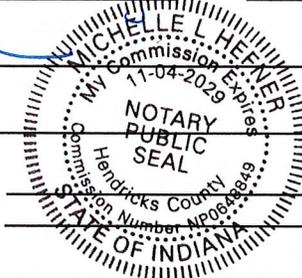
Brian J. Tuohy, Attorney

Brian J. Tuohy, Attorney
 Signature(s) of Petitioner(s)

STATE OF INDIANA,
 COUNTY OF MARION, SS:
 Subscribed and sworn to before me this
22nd day of February, 2024

Michelle L. Heffner
 Notary Public

Printed Name of Notary Public
 My Commission expires:
 My County of residence:



 Signature(s) of Owner(s) (if different than petitioner)

STATE OF INDIANA,
 COUNTY OF MARION, SS:
 Subscribed and sworn to before me this
 _____ day of _____, 20 _____

 Notary Public

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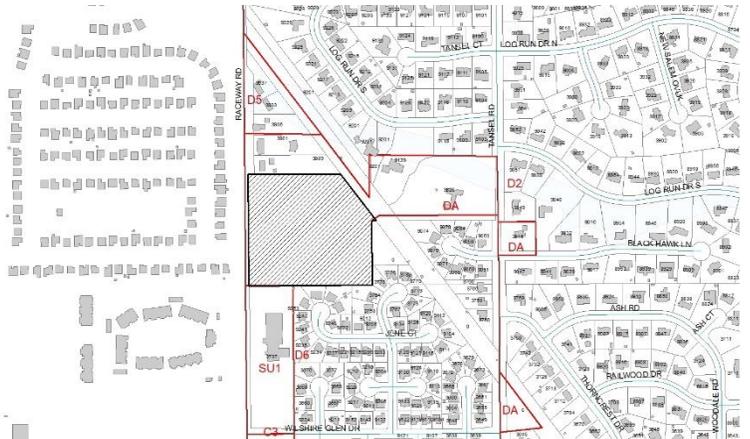
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