



# Metropolitan Development Commission Hearing Examiner (September 11, 2025) Meeting Agenda

## Meeting Details

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

**Date:** Thursday, September 11, 2025      **Time:** 1:00 PM

**Location:** Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street, Indianapolis, IN

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2025-APP-009 | 8140 Township Line Road**

Pike Township, Council District #1

HD-2

Retirement Living, Inc., By Mike Jones, PE

Hospital District-Two Approval to provide for expansion of an existing community center, construction of an assisted living structure, construction of five, three-story, condominium buildings, and new parking areas.

**\*\*Staff request for continuance for cause to October 9, 2025, with Notice**

**2. 2025-ZON-062 | 5709 Five Points Road and 7340 East Edgewood Avenue**

Franklin Township, Council District #25

Grand Communities, LLC, by Brian J. Tuohy

Rezoning of 64.64 acres from the D-A (FF) district to the D-4 (FF) district to provide for residential development.

**\*\*Staff request for continuance for cause to October 9, 2025, with Notice**

**3. 2025-ZON-089 | 5301 West 56th Street**

Pike Township, Council District #6

Mirza W. A. Baig, by David Kingen and Justin Kingen

Rezoning of 3.5 acres from the D-A (FF) (FW) district to the D-6 (FF) (FW) district to provide for a small apartment use.

**\*\*Staff request for continuance for cause to October 9, 2025; if petition will be amended, continuance request for cause to October 23, 2025**

**4. 2025-ZON-090 | 3309 South Arlington Avenue**

Franklin Township, Council District #20

Arlington Distribution and Storage, LLC, by David Gilman

Rezoning of 9.037 acres from the D-A (FF) district to the I-2 (FF) district to provide for a distribution facility.

**\*\*Automatic Continuance to October 9, 2025, filed by Registered Neighborhood Organization**

**5. 2025-CZN-832 / 2025-CVR-832 | 1140 East 46th Street, 4644, 4646, 4648, 4710, and 4716 Carvel Avenue**

Washington Township, Council District #7

D-5 (W-1), D-P (W-1), and I-3 (W-1)

Arrow Street Development, LLC, by Joseph D. Calderon

Rezoning of 3.65 acres, from the D-5 (W-1), D-P (W-1), and I-3 (W-1) districts to the MU-2 (W-1) district to provide for a mixed-use development consisting of multi-family dwellings, commercial uses, a parking garage, and resident amenities.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a medium mixed-use building type (small mixed-use building type permitted).

**\*\*Staff request for continuance for cause to September 25, 2025, with Notice**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**6. 2025-ZON-082 | 1544 East 10th Street**

Center Township, Council District #13

Douglas Koenig

Rezoning of 0.23-acre from the MU-1 district to the D-8 district to provide to legally establish a detached single-family dwelling.

**7. 2025-ZON-085 | 1810 and 1814 Cornell Avenue**

Center Township, Council District #13

Dunnhaven Homes, Inc., by Chris Dunn

Rezoning of 0.31-acre from the I-3 district to the D-8 district to provide for two detached single-family dwellings.

### PETITIONS FOR PUBLIC HEARING (Continued Petitions):

**8. 2025-CPL-825 / 2025-CVR-825 | 7140 and 7142 East Washington Street**

Warren Township, Council District #14

C-4 (TOD)

Fieldstone Financial, LLC, by Joseph D. Calderon

Approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station, with 16 pump islands/service areas (eight permitted), with portions of a surface parking area in front of the front building line, with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (surface parking areas required behind the front building line, 25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

**9. 2025-CZN-836 / 2025-CAP-836 | 4035 Meadows Parkway and 4195 Millersville Road**

Washington Township, Council District #8

Garvey Properties, LLC, by Joseph D. Calderon

Rezoning of 7.01 acres from the C-S district to the C-S district to provide for continuation of permitted uses under 2013-ZON-037 and 2023-CAP-826, and to add a crematorium use, with no incineration.

Modification of C-S Statement related to 2013-ZON-037 and 2023-CAP-826, to provide for a crematorium use, with no incineration.

**10. 2025-CZN-837 (Amended) / 2025-CVR-837 | 1409 South Glen Arm Road**

Wayne Township, Council District #17

Sergio Ramirez and Rosa Mazariegos, by Josh Smith



Rezoning of 0.12-acre from the C-5 district to the D-5 district to legally establish a detached single-family dwelling.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 5,281-square-foot lot and a three-foot rear yard setback (minimum 10,000-square-foot lot required and a minimum 20-foot rear yard setback required).

**11. 2025-CZN-839 / 2025-CPL-839 | 2222 Hillside Avenue**

Center Township, Council District #8

Hillside Industrial IN LP, by Jason P. Lueking

Rezoning of 19.943 acres from the SU-7 and I-3 districts to the I-3 district to provide for medium industrial uses.

Approval of a Subdivision Plat, to be known as Hillside Park, creating one, 19.943-acre lot, from multiple lots. (Withdrawn)

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**12. 2025-CZN-840A / 2025-CZN-840B / 2025-CPL-840 | 2302 West Morris Street**

Center Township, Council District #17

West Morris Street Free Methodist Church, by Keith Cruz

A. Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development.

B. Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development.

Approval of a Subdivision Plat to be known as Oden Ross Subdivision, dividing 3.4 acres into nine lots.

**13. 2025-CAP-841 / 2025-CVR-841 | 9700 Pentecost Road, 9705 – 9913 (odd) Palermo Avenue, 9706 and 9708 Palermo Avenue, 10012 – 10024 (even) Palermo Avenue, 4115 – 4141 (odd) Palermo Drive, 4142, 4143, 4146, 4147, 4150, 4151, 4154, and 4155 Palermo Court, 4121 – 4147 (odd), and 4120 – 4146 (even) Palermo Garden Drive, 4118, 4120, 4123, and 4125 Garden Way, 4007 – 4115 (odd), and 4104 – 4110 (even) Massimo Drive, 9704 – 9818 (even), and 9715 – 9805 Quattro Avenue**

Franklin Township, Council District #25

D-5II (FF)

Ryan Homes, by Joseph D. Calderon

Modification of Commitments related to petition 2021-CZN-831 to terminate Commitment 30 (current commitment prohibits the installation of playsets or similar play equipment designed for children anywhere in the development), and to modify Commitment 32 to replace the word “shall” with the word “may” in the first line in reference to the Homeowner’s Association providing maintenance services including yard work, snow removal, and leaf cleanup (current commitment states that the Homeowner’s Association shall offer to provide maintenance services including yard work, snow removal, and leaf cleanup).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front-loaded garages to consist of 77.4% of the façade at the front building line (maximum 30% permitted).

**14. 2025-CZN-842 / 2025-CVR-842 | 6290 North College Avenue**

Washington Township, Council District #7

D-7 (FF) (TOD)

Obscure Investors, LLC, by Joseph D. Calderon

Rezoning of 0.42-acre from the D-7 (FF) (TOD) district to the C-3 (FF) (TOD) district to provide for neighborhood commercial uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing surface parking lot partially within the College Avenue right-of-way and partially within the Canal right-of-way (not permitted), and to provide for 18 parking spaces (minimum one parking space for every 300 square feet of building area, or 27 spaces required).

## Additional Business:

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto:planneroncall@indy.gov) before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or [planneroncall@indy.gov](mailto:planneroncall@indy.gov), within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)

### HEARING EXAMINER

for

### METROPOLITAN DEVELOPMENT COMMISSION (MDC)

Contractual Zoning Professional	Approving Authority	Term
Judy Weerts Hall	MDC	01/01/2025-12/31/2025
David DiMarzio (Alternate)	MDC	01/01/2025-12/31/2025

This meeting can be viewed live at <https://www.indy.gov/activity/channel-16-live-web-stream>. The recording of this meeting will also be archived (along with recordings of other City/County entities) at <https://www.indy.gov/activity/watch-previously-recorded-programs>.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

September 11, 2025

**Case Number:** 2025-APP-009  
**Property Address:** 8140 Township Line Road (approximate address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Retirement Living, Inc., By Mike Jones, PE  
**Current Zoning:** HD-2  
**Request:** Hospital District-Two Approval to provide for expansion of an existing community center, construction of an assisted living structure, construction of five, three-story, condominium buildings, and new parking areas.  
**Current Land Use:** Assisted Living Facility  
**Staff Recommendations:** To be determined.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the August 28, 2025 hearing to the September 11, 2025 hearing at the request of staff to allow the petitioner additional time to provide new information for staff to review regarding the proposed unit count and parking requirements to be met.

The petitioner submitted the parking calculations for the proposed development which would require a variance to exceed the parking standards. Therefore, this petition will need to be **continued from the September 11, 2025 hearing to the October 9, 2025 hearing** to amend the request and provide new notice.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the October 9, 2025 hearing.



Department of Metropolitan Development  
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Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-ZON-062  
**Property Address:** 5709 Five Points Road  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Grand Communities, LLC, by Brian J. Tuohy  
**Request:** Rezoning of 64.64 acres from the D-A (FF) district to the D-4 (FF) district to provide for residential development.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the from the July 10, 2025 hearing, to the August 14, 2025 hearing, to provide additional time for further discussions and submittal of the Traffic Impact Study (TIS).

The Hearing Examiner continued this petition from the August 1, 2025 hearing, to the September 11, 2025 hearing, to provide additional time for continued discussions with the petitioner and their representative, along with review of the TIS.

Staff is requesting a **continuance from the September 11, 2025 hearing, to the October 9, 2025 hearing**, to provide additional time to amend the request and provide new notice.



Department of Metropolitan Development  
Division of Planning  
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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-ZON-089  
**Property Address:** 5301 West 56th Street (Approximate Address)  
**Location:** Pike Township, Council District #6  
**Petitioner:** Mirza W. A. Baig, by David Kingen and Justin Kingen  
**Current Zoning:** D-A (FF) (FW)  
**Request:** Rezoning of 3.5 acres from the D-A (FF) (FW) district to the D-6 (FF) (FW) district to provide for a small apartment use.  
**Current Land Use:** Residential  
**Staff Recommendations:** To be determined.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

Staff is requesting a **continuance for cause from the September 11, 2025 hearing to the October 9, 2025 hearing** to allow the petitioner additional time to determine how to proceed with this petition. If the request is amended to require new notice, the continuance date should be October 23, 2025.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the October 9, 2025 hearing.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2024-ZON-090  
**Property Address:** 3309 South Arlington Avenue  
**Location:** Franklin Township, Council District #20  
**Petitioner:** Arlington Distribution and Storage, LLC, by David Gilman  
**Request:** Rezoning of 9.037 acres from the D-A (FF) district to the I-2 (FF) district to provide for a distribution facility.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

A timely automatic **continuance was filed by a registered neighborhood organization that would continue this petition from the September 11, 2025 hearing, to the October 9, 2025 hearing.** This would require acknowledgement from the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-832 / 2025-CVR-832

**Property Address:** 1140 East 46th Street, 4644, 4646, 4648, 4710, and 4716 Carvel Avenue (Approximate Addresses)

**Location:** Washington Township, Council District #7

**Petitioner:** Arrow Street Development, LLC, by Joseph D. Calderon

**Current Zoning:** D-5 (W-1), D-P (W-1), and I-3 (W-1)

**Request:** Rezoning of 3.65 acres, from the D-5 (W-1), D-P (W-1), and I-3 (W-1) districts to the MU-2 (W-1) district to provide for a mixed-use development consisting of multi-family dwellings, commercial uses, a parking garage, and resident amenities.  
  
Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a medium mixed-use building type (small mixed-use building type permitted).

**Current Land Use:** Single-family dwellings / Commercial buildings

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the August 14, 2025 hearing to the September 11, 2025 hearing to allow the petitioner additional time to address multiple concerns brought up by staff or amend the request to include variances.

The new information was not submitted in a timely manner to have the petition amended for the September 11, 2025 hearing date. Therefore, this petition will need to be **continued from the September 11, 2025 hearing to the September 25, 2025 hearing** to provide new notice for an amendment to the request.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the September 25, 2025 hearing.





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-ZON-082  
**Property Address:** 1544 East 10th Street (Approximate Address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Douglas Koenig  
**Current Zoning:** MU-1  
**Request:** Rezoning of 0.23-acre from the MU-1 district to the D-8 district to provide to legally establish a detached single-family dwelling.  
**Current Land Use:** Single-family dwelling  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR SEPTEMBER 11, 2025 HEARING EXAMINER**

This petition was continued from the August 28, 2025 hearing to the September 11, 2025 hearing at the request of staff to ensure that the posted notice requirement on site would be met.

Staff continues to recommend approval of the request.

**ADDENDUM FOR AUGUST 28, 2025 HEARING EXAMINER**

Due to the petitioner's absence at the August 14, 2025 hearing, this petition was continued to the August 28, 2025 hearing date. However, it was discovered that the public hearing notice was not posted on site so this petition will need to be continued to the September 11, 2025 hearing to allow the posted notice requirement to be met.

**August 14, 2025**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.



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## PETITION OVERVIEW

### LAND USE

The 0.23-acre site is developed with a single-family dwelling, detached garage, and gravel parking area. It is surrounded by a single-family dwelling to the west, zoned MU-1, a single-family dwelling to the north, zoned D-8, a multi-unit dwelling to the east, zoned MU-1, and a school to the south, zoned SU-2.

### REZONING

The request would rezone the property to the D-8 district to allow for a detached single-family dwelling which is not permitted in the existing MU-1 district.

The MU-1 District is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations, or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the City, very near rapid transit stops, or in the midst of high intensity Regional Commercial complexes.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium- and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

### STAFF ANALYSIS

The request would rezone the site to the D-8 district for a single-family dwelling and associated detached garage to be built after the demolition of the exiting garage on site.

The petitioner was notified that the rear parking area would need to be paved and the new detached garage would need to meet the five-foot rear setback and five-foot side setback requirements. Because the site plan submitted was not to scale, staff could not confirm the current open space calculation and informed the petitioner that the 40% open space would need to be met as well.

The request would align with the Traditional Neighborhood recommendation of the Comprehensive Plan and the historical residential use of the site per an 1898 Sanborn map that notes the existence of a single-family dwelling on site at that time.

For these reasons, staff is recommending approval of the request.



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## GENERAL INFORMATION

<b>Existing Zoning</b>	MU-1	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-8	Residential (Single-family dwelling)
South:	SU-2	School
East:	MU-1	Residential (Multi-unit dwelling)
West:	MU-1	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
10 <sup>th</sup> Street	Primary Arterial Street	56-foot proposed right-of-way and 61-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 9, 2025	
<b>Site Plan (Amended)</b>	N/A	
<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

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development of the site.



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- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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.
- **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.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - 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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - 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.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The site falls within The Near Eastside Quality of Life Plan (2020).
- The plan did not address the residential use of this specific site.

**Infill Housing Guidelines**

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS



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- **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
- **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
- **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
- **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

**Indy Moves**

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



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- Not Applicable to the Site.



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## ZONING HISTORY

### Zoning History - Vicinity

**2020-ZON-027; 1018 Newman Street** (east of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

**2018-ZON-124; 1604 and 1608 East 10<sup>th</sup> Street** (east of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

**2015-UV1-020; 1616 East 10th Street** (east of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a 721-square foot carport (not permitted), with a six-foot east side yard and to legally establish a 224-square foot storage shed, with a zero-foot west side yard, **granted**.

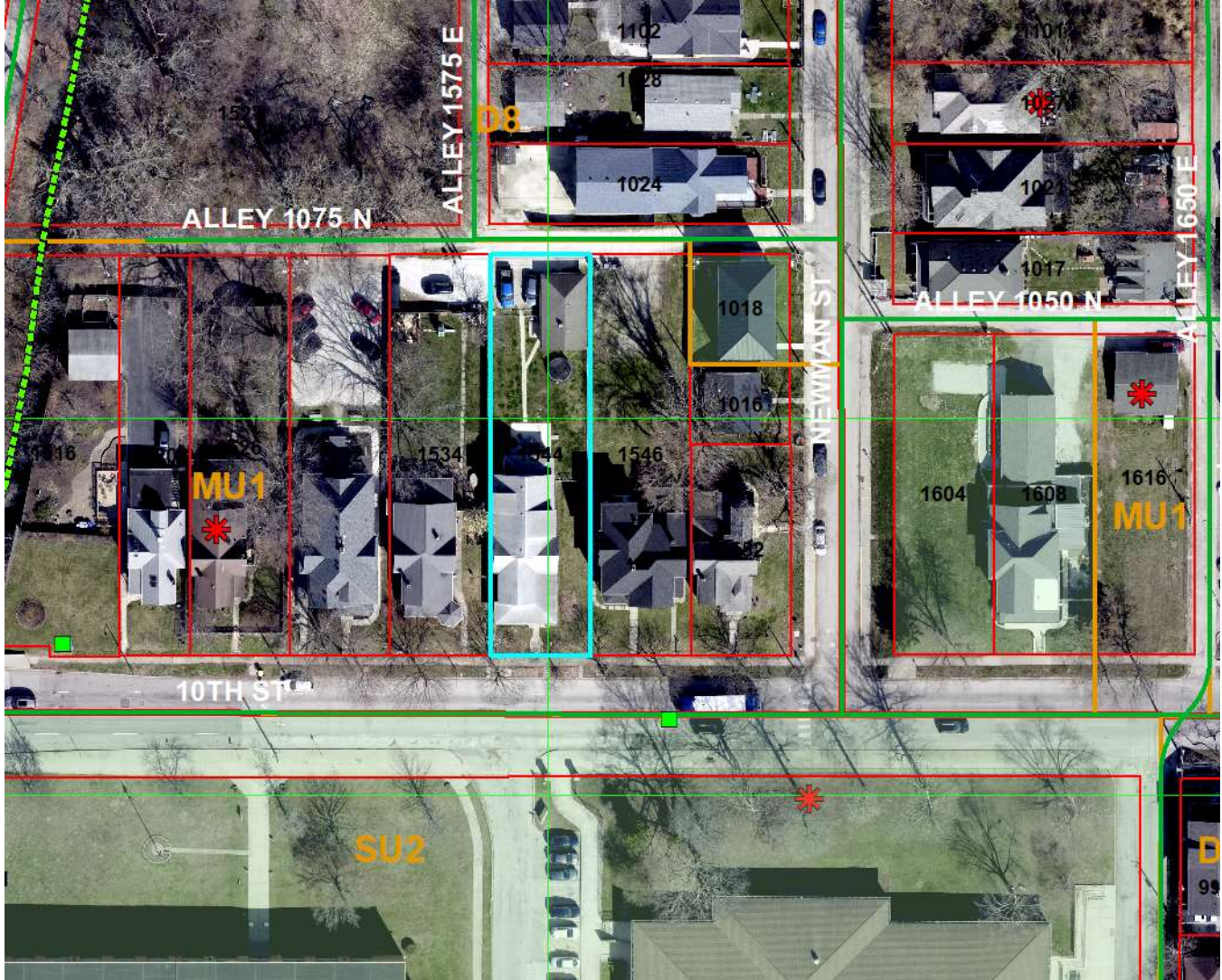
**2013-HOV-035; 1526 East 10th Street** (west of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling, with a zero-foot west side setback, and a detached garage, **granted**.

**92-Z-99; 1401, 1501 and 1601 East 10<sup>th</sup> Street and 1501 East Michigan Street** (south of site), Rezoning of 80 acres, being in the D-5 District, to the SU-2 classification to legally establish an existing school, **approved**.

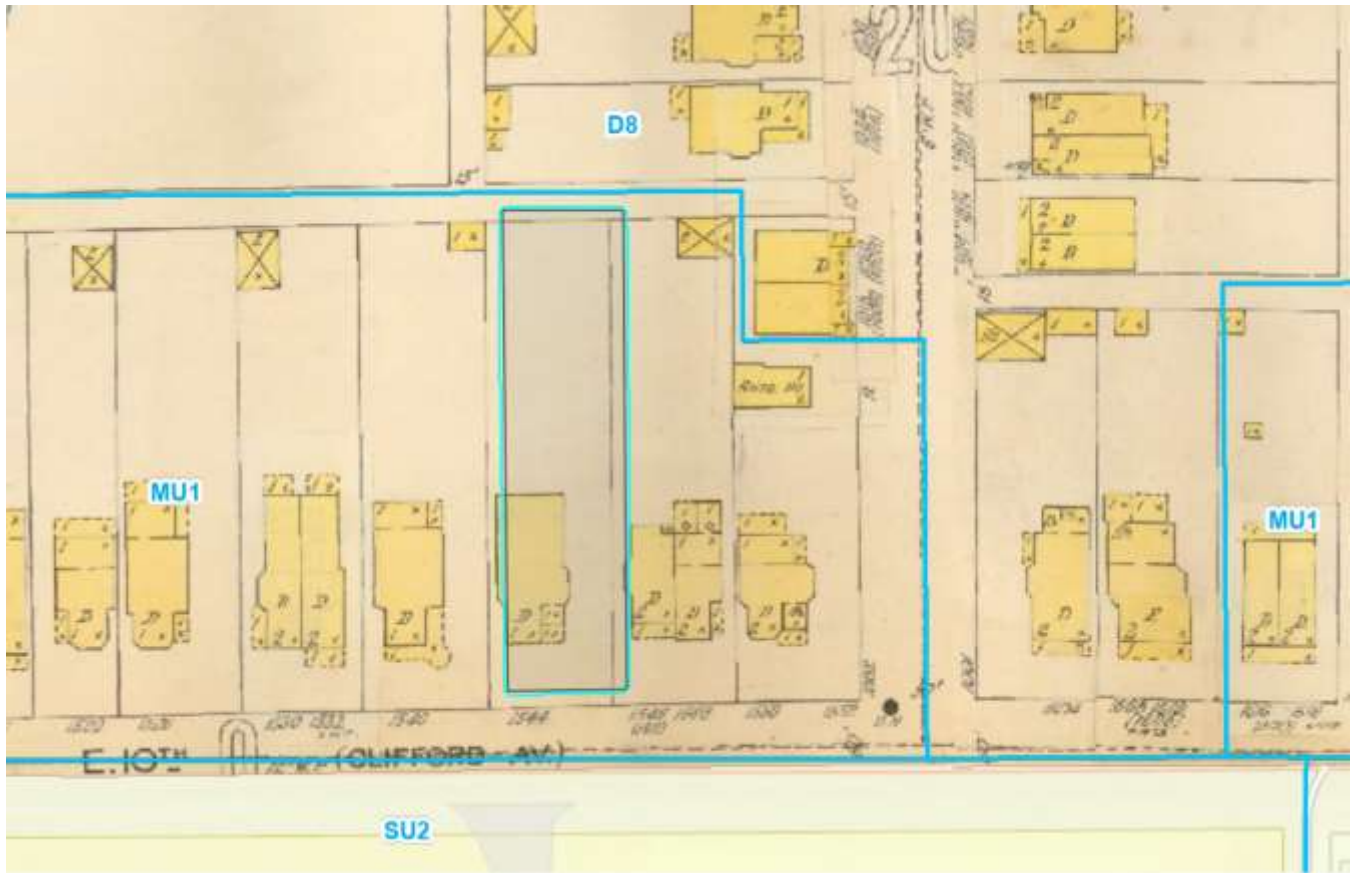
**83-HOV-47; 1027 Newman Street** (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance, to allow the replacement of a gable roof with a gambrel roof on an existing garage that is 2.5 and 1.5 feet from the side property lines, **granted**.



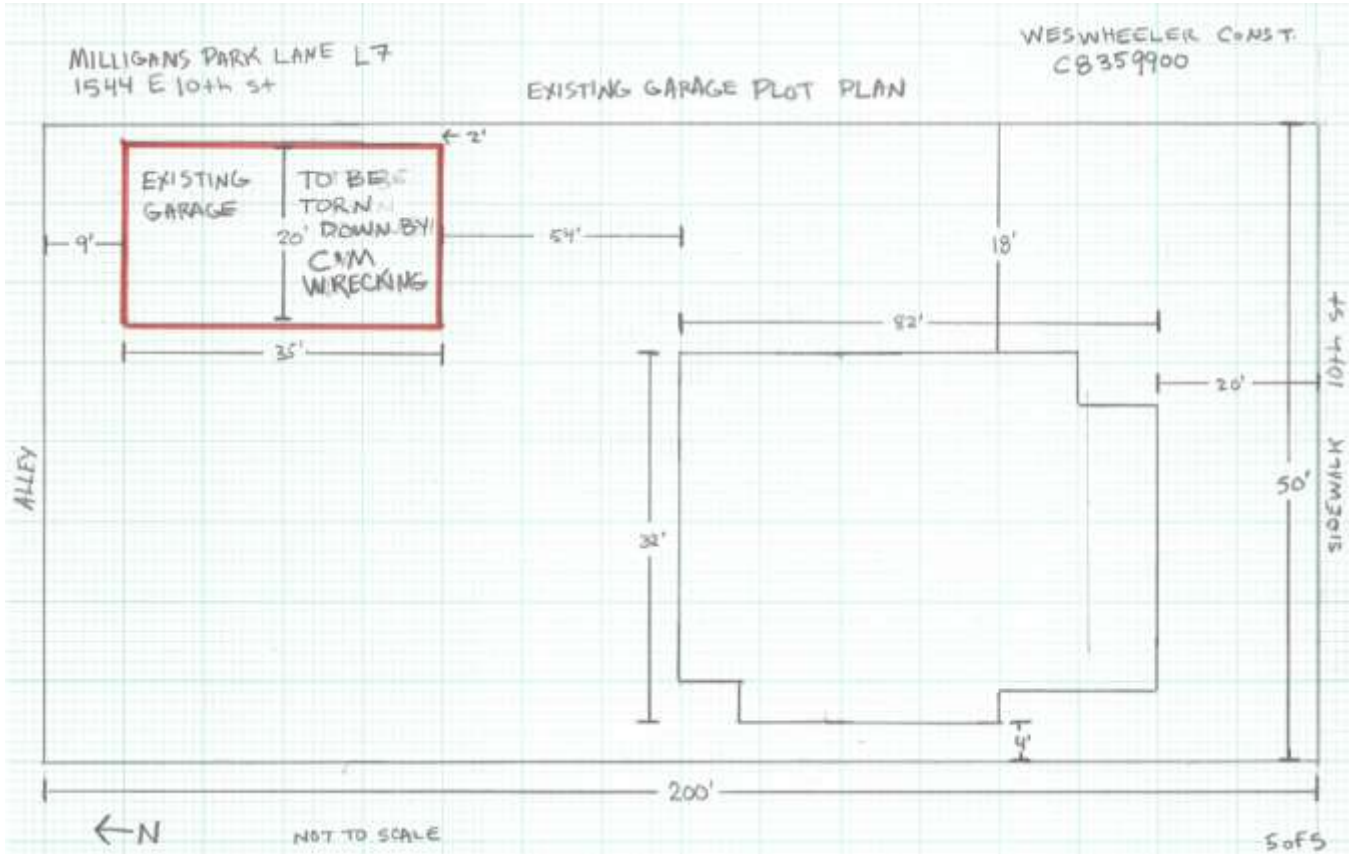
EXHIBITS



Aerial Map



1898 Sanborn Map



Site Plan





Photo of the subject stie.



Photo of the rear yard, existing detached garage to be demolished, and gravel parking area.





Photo of the existing alley north of the site looking west.



Photo of the school south of the site.



Photo of the multi-unit dwelling east of the site.



Photo of the residential dwellings west of the site.





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

September 11, 2025

**Case Number:** 2025-ZON-085  
**Property Address:** 1810 and 1814 Cornell Avenue (*approximate addresses*)  
**Location:** Center Township, Council District #13  
**Petitioner:** Dunnhaven Homes, Inc., by Chris Dunn  
**Current Zoning:** I-3  
**Request:** Rezoning of 0.31-acre from the I-3 district to the D-8 district to provide for two detached single-family dwellings  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** **Approval**  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM SEPTEMBER 11, 2025**

The Hearing Examiner continued this petition from the August 28, 2025 hearing to the September 11, 2025 hearing to provide time for notice to be provided to those requiring notice.

**August 28, 2025**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

This 0.31-acre site, zoned I-3, is two (2) parcels: Parcel 1045082 which is 0.15 acres and 1035063 which is 0.17 acres. The 0.17-acre site, zoned I-3, was previously developed with a single-family dwelling that was demolished between Fall of 2018 and Spring 2019. The properties lie within the THOS JOHNSON'S HEIR'S ADDITION in the Near Northside Neighborhood. It is surrounded by undeveloped land to the north and south, zoned I-3; industrial uses to the east, across Cornell Avenue, zoned I-3; and a single-family dwelling to the west, zoned D-8.





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## REZONING

The property is in the I-3 district. The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from Protected Districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

This request would rezone the site from I-3 District to the D-8 classification to provide for residential development. “The D-8 district is a unique district designed for application in older developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. Due to the variety and intensity of development, clear delineation of public, semipublic and private areas must be ensured. Another important application of this district is in areas that are experiencing renewal either by public action or by natural process. Trees, as well as lot orientation, fulfill a critical cooling and drainage role for the lots in this district. A fine grain of accessibility is provided and must be maintained. The D-8 district has a typical density range of 5 to 26 units per gross acre depending upon the type of development. This district fulfills the high-density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing conditions, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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

## STAFF ANALYSIS

As proposed this request would be consistent with the Comprehensive Plan, as well as the historical residential use of the land. Additionally, this request would support the ongoing redevelopment and renewal efforts in this neighborhood.

## GENERAL INFORMATION

<b>Existing Zoning</b>	I-3
<b>Existing Land Use</b>	Single-family Residential
<b>Comprehensive Plan</b>	Traditional Neighborhood



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<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-3 and SU01	Enter Land Use
South:	D-8	Enter Land Use
East:	I-3	Enter Land Use
West:	D-8	Enter Land Use
<b>Thoroughfare Plan</b>		
Cornell Ave	Local	50-foot Existing right-of-way and 48-foot Proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<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

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Master Plan (2014)
- IndyMoves Pedal Indy (2018)

### Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two (2) 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:



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- The **Traditional Neighborhood** typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.
- **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
  - 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.
  - 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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - 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.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.



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### 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)

- **Indy Greenways Master Plan (2014)**

The **Monon Trail** is the best known of all of the trails in the Indy Greenways system. Its 10.3 mile length stretches from the Cultural Trail downtown at 10th Street and extends north to Hamilton County at 96th Street, passing through several neighborhoods, communities, commercial districts, and park facilities. It provides a regional connection extending north through Carmel and Westfield with ultimate plans to extend all the way to Sheridan, Indiana. Its length has Made it Indy Greenways' most highly used trails and a major alternative commuter route.



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### IndyMoves Pedal Indy (2018)

Pedal Indy proposes a safe, well-connected bicycle network that provides access for all Indianapolis residents while stewarding limited public resources. To do this, the plan proposes hundreds of miles of bicycle facilities, balancing higher-cost protected facilities where safety needs are greatest with lower-cost “**Neighborway**” that offer traffic calming and placemaking enhancements and reach into the heart of neighborhoods. Neighborway are slow-speed, low volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the Neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.



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## ZONING HISTORY

**SITE-** N/A

### VICINITY

**2024-ZON-018; 922 East 17<sup>th</sup> Street** (south of subject site), Rezoning of 0.09 acre from the I-3 district to the D-8 district to provide for residential uses, **approved**.

**2023-CZN-852/2023-CVR-852; 1902 Alvord Street** (northeast of subject site), Rezoning of 0.64 acre from the MU-1 district to the D-8 district to provide for a townhome development. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with lots ranging from 800-square feet to 1,100-square feet (minimum 2,000-square foot lot required), with a 10-foot rear setback (fifteen feet required) and with main-floor area ranging from 406-square feet to 466-square feet (660-square feet required). **Approved and granted**.

**2022-ZON-059 / 2022-VAR-004; 1902 Alvord Street** (northeast of subject site), requested the Rezoning of 1.38 acres from the MU-1 district to the D-8 district, to provide for a townhome development and a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with lots ranging from 1,074 square feet to 1,091-square feet and a 10-foot west rear setback and main floor area ranging from 405-square feet to 466-square feet, **approved and granted**.

**2021-UV3-010; 1822 Cornell Avenue** (north of subject site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage (not permitted) with seven-foot and 5.8-foot side setbacks and a four-foot rear setback accessory to a single-family dwelling undergoing renovation (10-foot side setback and 40-foot transitional rear setback required).

**2020-ZON-090; 1806 Cornell Avenue** (south of subject site), Rezoning of 0.17 acre from the I-3 district to the D-8 district, **approved**.

**2019-ZON-128; 1051 East 19th Street and 1720 North Alvord Street** (east of subject site), requested Rezoning of 2.12 acres from the I-3 district to the D-P district to provide for 37 single-family attached dwelling units at a density of 17.5 units per acre, **approved**.

**2019-ZON-103; 1661 Cornell Avenue** (southwest of site), requested the Rezoning of 0.12 acre from the I-3 district to the D-8 classification, **approved**.

**2019-DV3-041; 1136 and 1138 East 19th Street** (east of site), requested a Variance of Development Standards to provide for a two-family dwelling with reduced setback, **granted**.

**2019-UV1-004; 1714 Cornell Avenue** (northeast of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision ordinance to provide for primary and secondary single-family residential uses, including, but not limited to a single-family dwelling with a detached garage, with an



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eight-foot front setback, three-foot side and side transitional setback and five-foot rear and rear transitional setback (30-foot front setback, 10-foot side and rear setback and 40-foot side and rear transitional yard), **approved**

**2019-SE2-001; 916 East 19<sup>th</sup> Street** (north of subject site), requested a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for parking lots for a religious use located at 1831 Bellefontaine Street, **approved**.

**2018-ZON-013, 1136 and 1138 East 19th Street** (east of site); requested Rezoning of 0.116 acre, from the C-3 District, to the D-8 classification to provide for residential uses, **approved**.

**2018-UV1-009; 1648 Cornell Avenue** (south of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision ordinance to provide for the construction of a single-family dwelling, with a 14-foot front setback and a four-foot south side yard and eight-foot north side yard, and a 720- square foot secondary dwelling, with a three-foot north side yard, a four-foot south side yard and a 15- foot rear transitional yard, **granted**.

**2017-CZN-808; 926, 930, and 934 East 17th Street** (south of subject site), Rezoning of one 2.3 acres from the I-3 district to the D-8 classification and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family development without parking (one parking space required), **approved**.

**2016-ZON-035; 1660, 1702, and 1706 Bellefontaine Street** (Southwest of site), Rezoning of 0.95 acre from the D-8 District to the MU-2 classification, **approved**.

**2015-CZN-835, 2015-CVR-835; 1102 East 16th Street** (south of site), requested the Rezoning of 4.5 acres from the I-3-U, D-8 and C-5 districts to the C-3C classification, and to provide for a reduced setback and reduction in the number of require parking spaces, **approved**.

**2011-ZON-050; 1831 Bellefontaine Street** (west of site), Rezoning of 0.70 acres, from the D-8 District, to the SU-1 classification to provide for religious uses, **approved**.

**2011-ZON-077; 1902 Alvord Street** (northeast of subject site) requested Rezoning of 2 acres from the I-3-U district to the C-2 classification, **approved**.

**2006-ZON-085; 1115 East 19th Street** (east of subject site), requested Rezoning of 0.24 acre from the C-3 district to the D-8 classification, **approved**.

**2006-HOV-040; 1806 Cornell Avenue** (south of subject site), requested a Variance of Use of the Industrial Zoning Ordinance to legally establish a single-family dwelling, **granted**.

**2006-ZON-027; 1635 Cornell Avenue** (south of site), Rezoning of 0.306 acre from the I-3-U District to the D-8 classification to provide for residential development, **approved**.

**2000-UV1-006; 1824 Yandes Street** (east of site), requested a Variance of Use of the commercial Zoning Ordinance to provide for the use of a detached garage for storage for an existing church, **granted**.





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**2000-UV1-005; 902 East 17th Street** (south of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish a variety store, with community services (not permitted), **denied**

**95-UV1-37; 1802 – 1804 Alvord Street** (east of subject site), Variance of Use to provide for automobile repair and a gravel parking area, **granted**.

**94-UV3-112; 1714 – 1720 Alvord Street** (east of subject site), Variance of Use to legally establish a social organization, **granted**.

**91-UV1-41; 1824 Yandes Street** (east of site), requested a Variance of Use of the Commercial Zoning Ordinance to permit the construction of a church, **granted**

## EXHIBITS

## 2025-ZON-085 Proposed Site Plan



7965 East 106th Street, Fishers, IN 46038-2505  
 phone: 317.849.5935 fax: 317.849.5942

JOB ID 114535

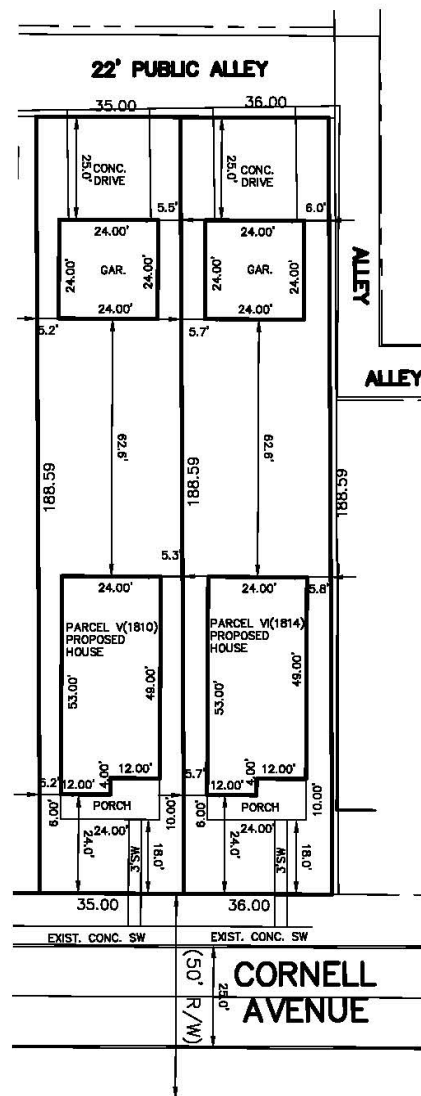
CONTROL# 114535 DUNNH

1810 & 1814 CORNELL AVENUE  
 INDIANAPOLIS, IN 46202

## LOT EXHIBIT



1"=30'

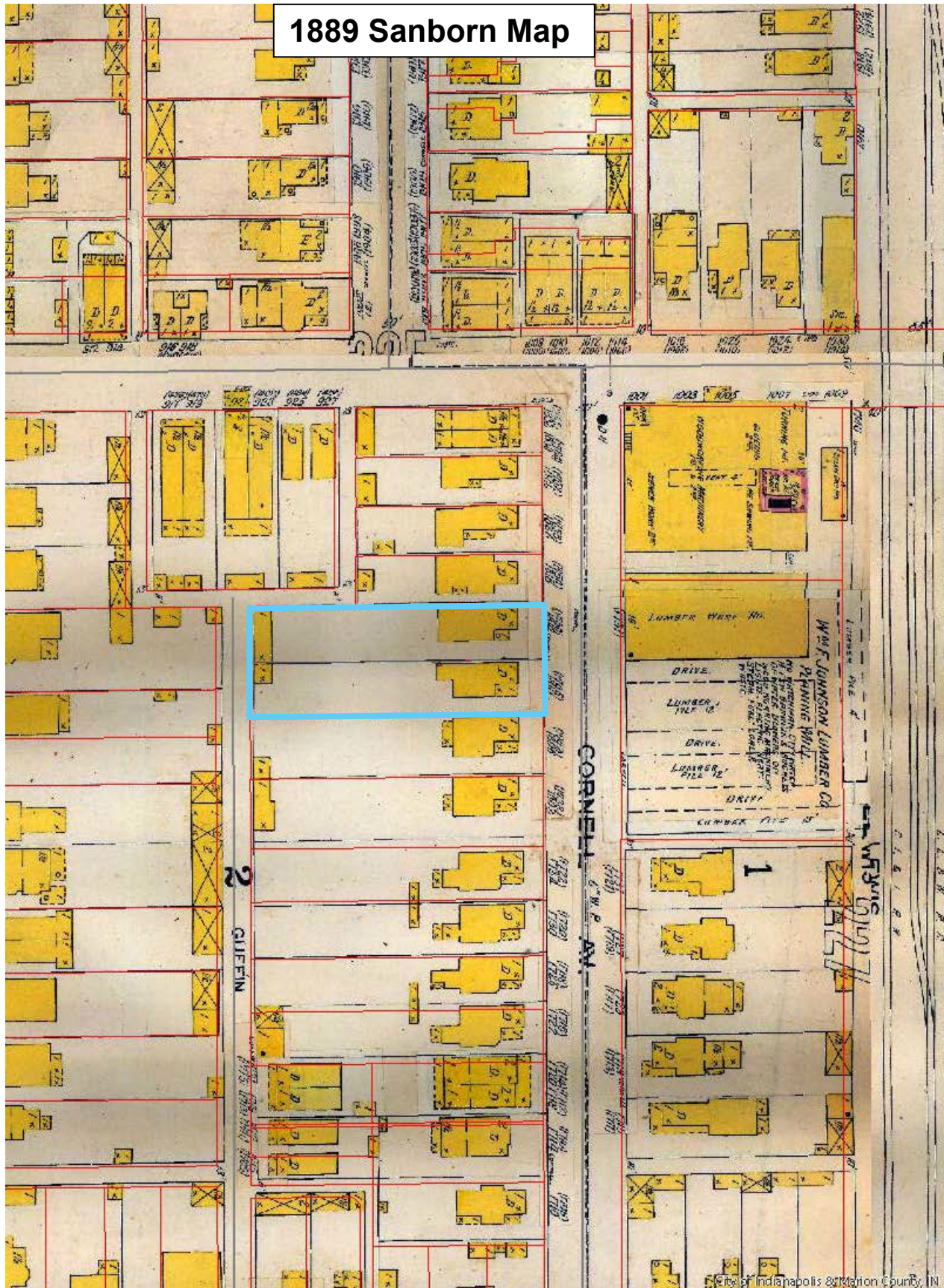


**ZONING: I3**  
 10' MINIMUM SIDE YARD  
 30' MINIMUM FRONT YARD  
 10' MINIMUM REAR YARD

NOTE: THIS EXHIBIT IS NOT TO BE USED FOR  
 CONSTRUCTION, RATHER SUBMITTED FOR  
 REZONING APPROVAL.





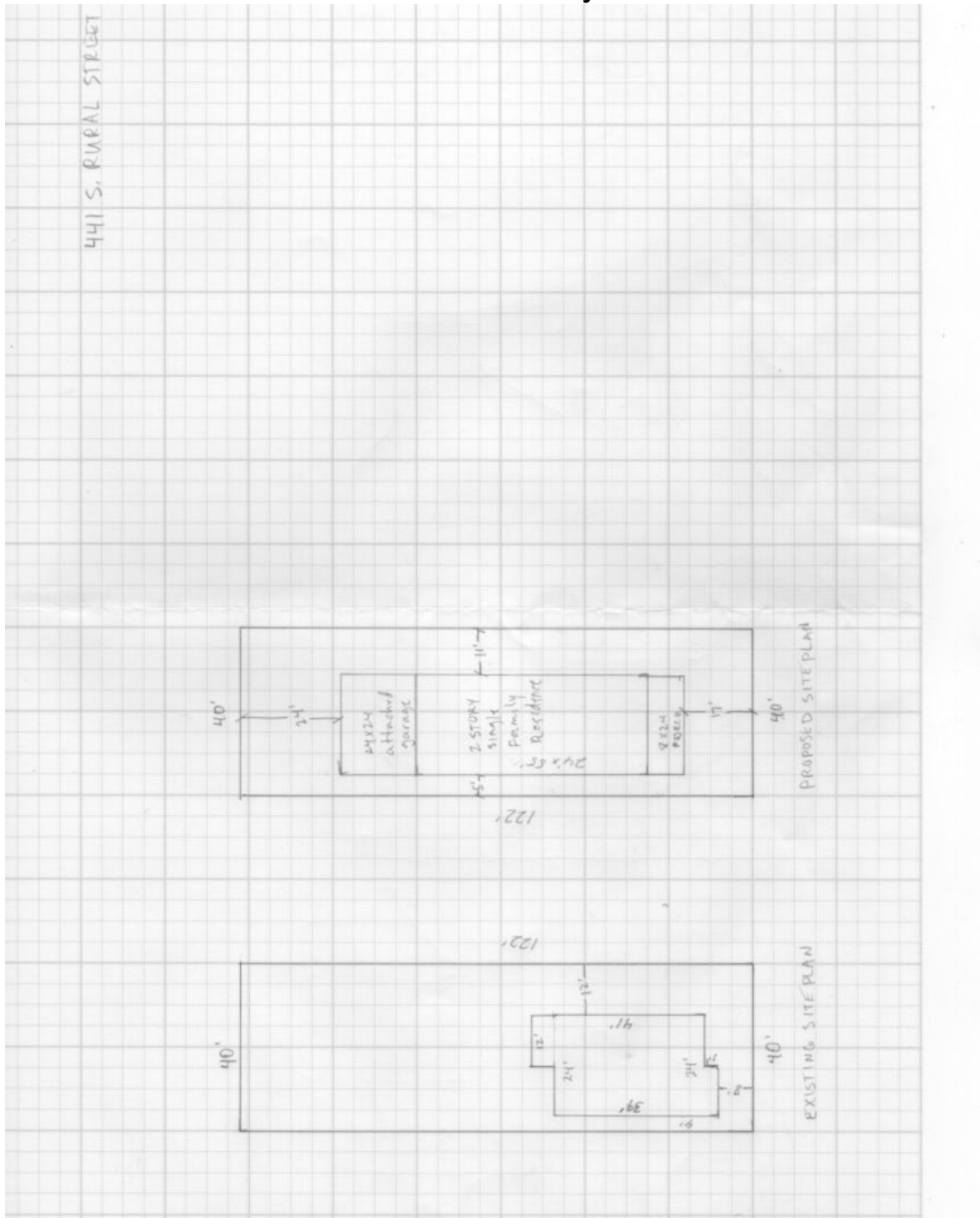




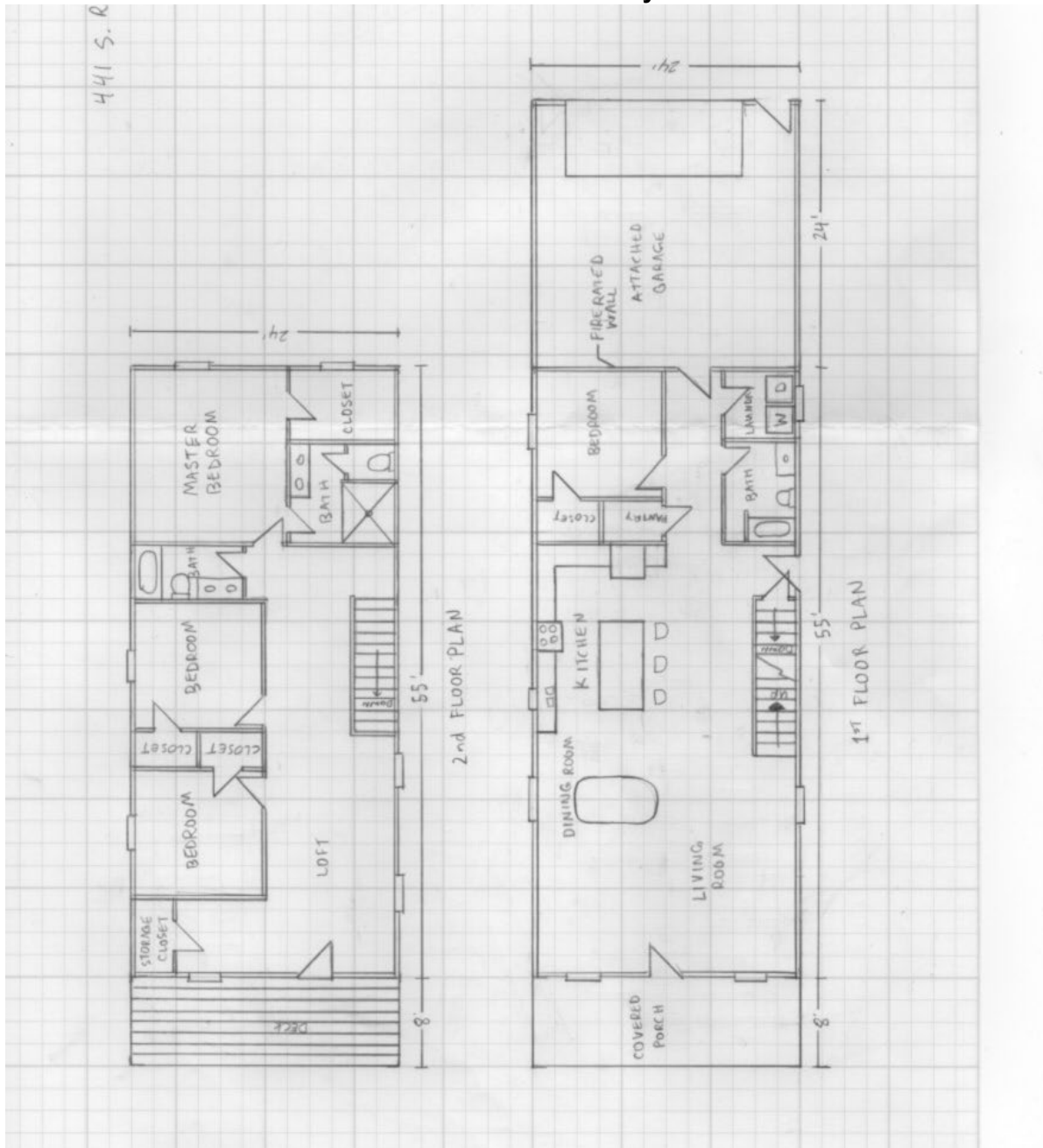
## THOS JOHNSON'S HEIR'S ADDITION



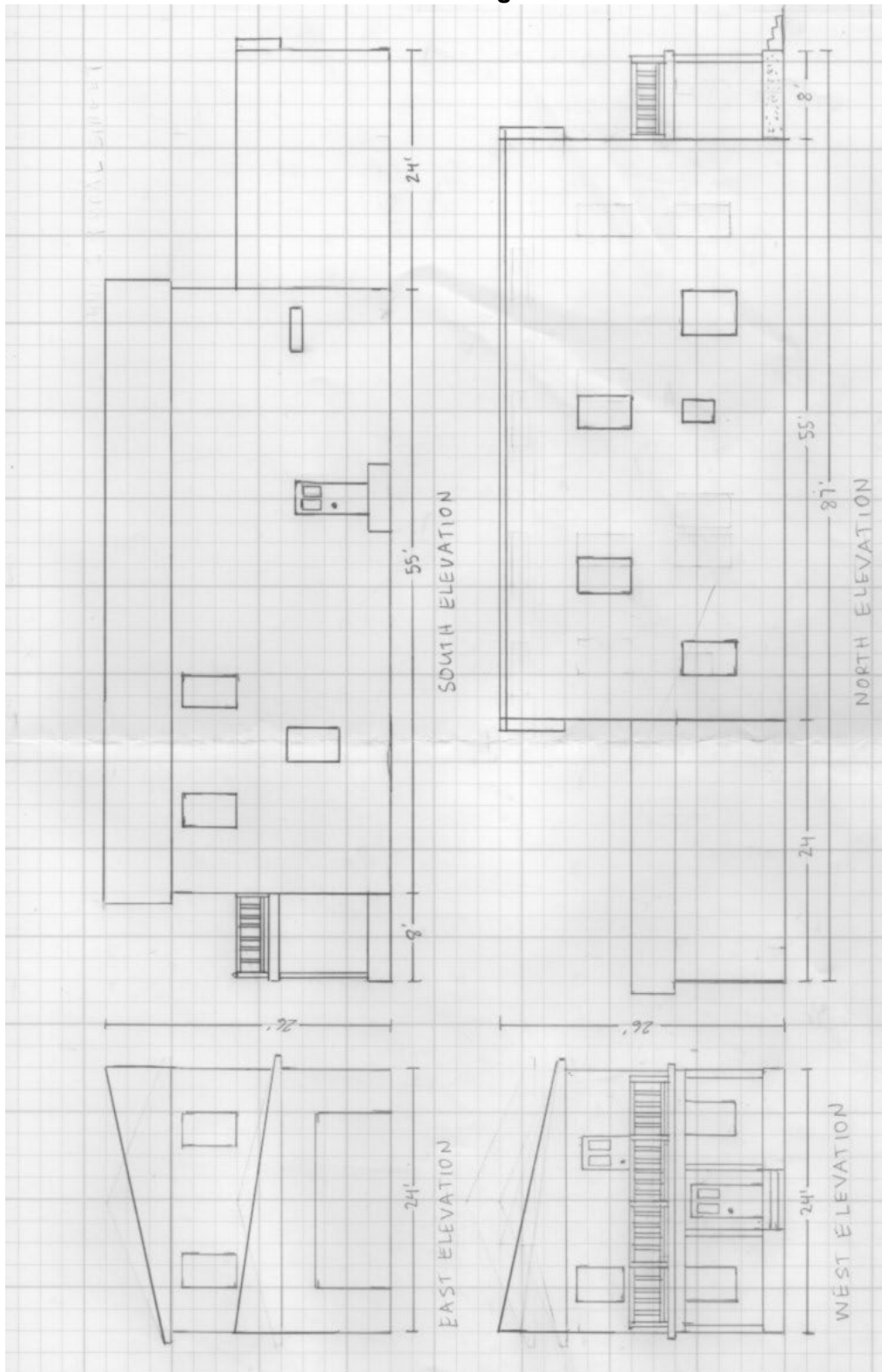
2025ZON085 Lot Layout



2025ZON085 Interior Layout



2025ZON085 Building Elevations





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CPL-825 / 2025-CVR-825

**Property Address:** 7140 and 7142 East Washington Street (approximate addresses)

**Location:** Warren Township, Council District #14

**Petitioner:** Fieldstone Financial, LLC, by Joseph D. Calderon

**Current Zoning:** C-4 (TOD)

**Request:** Approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station, with 12 pump islands/service areas (eight permitted), with portions of a surface parking area in front of the front building line, with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (surface parking areas required behind the front building line, 25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with deficient first floor transparency (40 percent required).

**Current Land Use:** Commercial

**Staff Recommendations:** **Denial**

**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR SEPTEMBER 11, 2025 HEARING EXAMINER**

The Hearing Examiner continued these petitions from the August 14, 2025 hearing to the September 11, 2025 hearing at the joint request of staff and the petitioner's representative to address concerns regarding the plat portion of the request. To date, no new information has been submitted.

The petitioner has indicated that additional time is needed and is requesting a **continuance** from the **September 11, 2025** hearing to the **October 23, 2025** hearing.

Staff notes that this will be the final continuance it will support

**ADDENDUM FOR AUGUST 14, 2025 HEARING EXAMINER**

The Hearing Examiner continued these petitions from the July 24, 2025 hearing to the August 14, 2025 Hearing at the joint request of staff and the petitioner's representative to allow additional discussion and





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submission of updated materials for further discussions. On July 28, 2025, the petitioner provided revised building elevations indicating increase glazing area.

While transparency ratios improved, staff noted that much of the additional glazing is spandrel glass, which is opaque and does not count toward the transparency requirements. Staff recommends a commitment regarding that all glazing materials used meet the definition of transparency as outlined in the Zoning Ordinance.

The updated site plan also remains noncompliant with multiple development standards of the C-4 Zoning District, the Transit Oriented Development (TOD) Overlay, and the Blue Line Transit-Oriented Development Strategic Plan.

The site plan has been updated to show connections to from the building rest of the integrated commercial center.

Staff continues to **strongly recommend denial** of these petitions.

#### **ADDENDUM FOR JULY 24, 2025 HEARING EXAMINER**

The Hearing Examiner continued these petitions from the June 12, 2025 hearing, to the July 24, 2025 hearing, at the request of staff and the petitioner's representative for further discussions, provide new notice and submit updated documents.

An additional site plan was submitted on July 15, 2025, reflecting the following modifications:

- The site plan shows a reduction in the number of pump islands/service areas and associated landscaping, from 16 to 12. However, this remains in excess of the eight (8) pump islands permitted under the Transit Oriented Development (TOD) Overlay regulations.
- The petitioner has withdrawn the variance request related to the Front Building line encompassing 37.1 percent of the lot width (where 60 percent is required).

Despite these revisions, the proposed plan continues to fall significantly short of compliance with both the C-4 District development standards and the TOD Secondary Overlay requirements.

Staff continues to **strongly recommend denial** of these petitions.

#### **June 12, 2025 Hearing Examiner**

This is the first public hearing on these petitions

#### **STAFF RECOMMENDATION**

Staff strongly **recommends denial** of the request.

Should the Hearing Examiner approve and find that the plat, file dated April 11, 2025, 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.



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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

### LAND USE

This 9.4-acre site, zoned C-4 (TOD), is developed with a commercial center, that includes an IU Health clinic, a fitness gym, and other commercial tenants. The petitioner proposes to construct an automobile fueling station consisting of 12 pump islands—1.5 times the maximum permitted under TOD regulations

This petition would provide for the construction of an automobile fueling station with 12 pump islands/service areas (eight (8) permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

### PLAT

#### Site Plan

This petition requests the approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three (3) lots.

While the configuration appears to be crafted to technically avoid certain variance triggers, most notably the Front Building Line width requirement, it does so through the introduction of a shared parking easement. This easement appears to serve no functional shared purpose and instead functions primarily



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to reduce the frontage calculation of Lot 1. Staff does not support this approach, as it undermines the intent of the TOD Overlay's frontage requirements and circumvents the established form-based development expectations. A design that complies with the spirit and letter of the ordinance—rather than one that relies on artificial lot divisions—is strongly preferred

### **Streets**

No new streets are proposed

### **Sidewalks**

Sidewalks currently exist along the East Washington Street frontage. However, per Section 722-301. F.2 of the Ordinance, nonresidential and mixed-use developments with more than one (1) primary building must include an unobstructed walkway at least five (5) feet wide connecting those buildings. The current plan does not provide a pedestrian connection between the buildings on Lot 1 and Lot 2.

### **Waivers**

None requested

## **VARIANCE OF DEVELOPMENT STANDARDS**

### **Variance Request #1 To allow for 12 pump islands/service areas (eight permitted)**

<b>TABLE 742-207-2 Location and Limitation of Specific Uses</b>	
<b>Use Type</b>	<b>Specific Restrictions</b>
Automobile Fueling Station (primary or accessory use)	<ul style="list-style-type: none"> <li>• Within 600' of a Transit Station*--Prohibited</li> <li>• Greater than 601' from a Transit Station—Limited to no more than 8 pump islands/services areas.</li> </ul>

The petitioner is requesting a variance to increase the number of pump islands for an automobile fueling station from the eight (8) islands permitted under the Transit Oriented Development (TOD) Overlay standards to twelve (12) islands. The TOD Overlay specifically limits fueling stations beyond 600 feet from a transit station to no more than eight (8) pump islands as a means to control the scale of auto-oriented uses and maintain a pedestrian-friendly environment. This requirement doesn't preclude an owner from having a fueling station, but rather requires fuel stations within a specialized geographical area to be limited by design. This approach is no different than other Overlay Districts that seek to place limitations on uses due to the policy recommendations for that area: examples include environmentally sensitive areas like Wellfields and Floodplains and the Regional Center.

The petitioner originally proposed 16 islands and, following staff feedback, reduced the request to 12. However, this remains non-compliant with TOD regulations. Staff finds that there is no demonstrated hardship or site condition necessitating the additional islands.

Furthermore, other recent rezonings in the same corridor have complied with the 8-island standard, confirming the feasibility of such development. Granting this variance would run counter to the goals of the TOD Overlay, which seeks to reduce automobile-centric uses along key transit corridors.

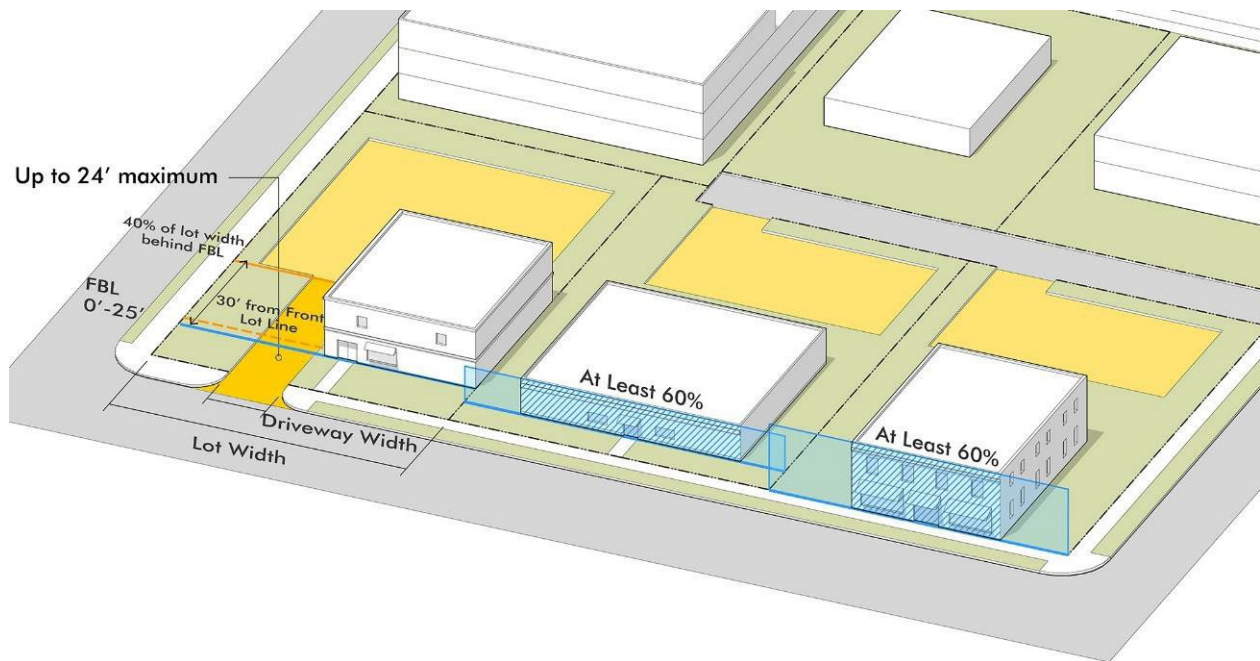
Therefore, staff recommends **denial** of this variance request and advises the petitioner to further revise the site plan to comply with the permitted number of pump islands

### **Variance request #2 Parking Area in Front of Front Building Line**

**Private Frontage Types.** The design of private frontages on lots establishes the relationship of buildings and lots to the streetscape. Coordinating the quality and character of the streetscape, the placement of the building, and the details of building design creates better relationships. The private frontage design standards in Table 744-702-2 coordinate the access, building location and building design on a block-by-block basis to create a consistent frontage along the block.

<b>TABLE 744-702-3: PRIVATE FRONTAGE DESIGN STANDARDS</b>	
<b>FRONTAGE TYPE □ FRONTAGE ELEMENT V</b>	<b>CONNECTOR</b>
<b>FRONTAGE DESIGN</b>	
<i>Surface Parking Limits</i>	25' setback; AND 40% maximum of lot width behind FBL
<i>Landscape [See Section 744, Article V. for standards and specifications.]</i>	1 street tree per 35' of frontage
<b>BUILDING PLACEMENT &amp; FORM</b>	
Front Building Line (FBL)	0' – 25'
Required FBL (minimum)	60%
<b>BUILDING SCALE &amp; DESIGN</b>	
<i>First Story Transparency</i>	40% - 90%
<i>Upper Story Transparency</i>	15% - 40%

**Figure 744.701.05 Connector: Frontage Design & Building Placement & Form**



The petitioner is seeking relief from the requirement that surface parking areas be located entirely behind the front building line (FBL), with a minimum 25-foot setback from Washington Street. The submitted site plan depicts a parking area encroaching into the required setback, with certain parking spaces located within the front yard.

According to Table 744-402-1 of the zoning ordinance, the proposed 6,372 square-foot fueling station requires a minimum of 26 off-street parking spaces. The petitioner, however, is providing 62 spaces—more than double the required minimum. Staff finds that this surplus of parking indicates there is no true hardship necessitating the placement of parking within the front yard setback. By simply relocating the eight (8) electric vehicle (EV) charging spaces and two (2) regular spaces currently situated in the setback area to the rear of the site, the petitioner could maintain compliance with parking count requirements while adhering to the TOD Overlay's form-based development standards.

The intent of these requirements is to maintain a pedestrian-oriented streetscape and prevent vehicular dominance along primary transit corridors. Allowing parking in the front yard would undermine this intent and detract from the urban design character the overlay seeks to establish.

Staff, therefore, **recommends denial** of this variance request as the petitioner has clear and reasonable options for compliance without undue hardship.

### **Variance Request #3 Parking Area Covering 88.1% of Lot Width Behind FBL**

This variance pertains to the TOD Overlay's limitation that surface parking areas behind the front building line may not occupy more than 40 percent of the lot's width. The petitioner's proposed site plan indicates a parking width of 88.1 percent, more than double the allowable maximum.



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Staff's analysis indicates that this excessive parking width is a direct result of the lot's oversized frontage dimensions and the building's relatively narrow footprint. Specifically, the subject lot has a width of 209 feet, while the proposed building has a length of only 92.2 feet. According to the standards, a compliant lot would be no wider than 154 feet for the proposed building length.

Staff notes that this is a newly created lot as part of the accompanying companion plat petition, meaning its dimensions can still be revised. The petitioner could reduce the lot width by approximately 55 feet or increase the building width to better meet the frontage requirements. Both options are feasible given the site's size and context.

There are no unique or unusual conditions on the site that would necessitate retaining the proposed excessive lot width and parking coverage. This variance is sought purely as a matter of design convenience rather than necessity, and its approval would undermine the TOD Overlay's intent to establish pedestrian-scale development patterns. Again, staff asserts that a fueling center can be built at this location, its design must meet the standards of the Ordinance absent any actual hardship.

Staff therefore **recommends denial** of this variance request and encourages the petitioner to adjust the lot configuration and building footprint accordingly.

#### Variance request #4 Deficient First-Floor Transparency

**Transparency Definition:** Expressing the level of visibility provided and maintained between an inside and outside activity area of the whole building, which is usually through the windows and doors; this ratio is expressed as a percentage. Transparency must be maintained and unobstructed to allow visibility between the two areas.

#### Transparency Calculation Formula:

Transparency Ratio	Sum of the transparent areas of the ground floor wall area. (sq.ft.)	X100
	Ground floor wall area between 3 ft. and 8 ft. above grade level (sq.ft.)	

#### Staff Transparency Calculations.

ELEVATIONS MATERIALS	FRONT		REAR		LEFT		RIGHT	
	SQFT	%	SQFT	%	SQFT	%	SQFT	%
TRANSPARENT GLAZING	113	25 %	35	8 %	81	23 %	0	0 %
SPADREL GLAZING	132	29 %	155	34 %	31	9 %	60	17 %
TOTAL GLAZING	245	54 %	190	42%	117	31%	60	17%
REQUIRED	181	40%	181	40%	143	40%	143	40%
WALL AREA	457		457		360		360	





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The final variance request seeks relief from the Ordinance requirement that at least 40 percent of the wall surface area on all public-facing building facades between three and eight feet above grade be composed of transparent glazing. This standard is intended to ensure active, engaging frontages that support pedestrian interaction, safety, and visual interest along transit corridors.

As the subject property is located within both the C-4 zoning district and the Transit Oriented Development (TOD) Secondary District, both sets of standards apply. Specifically, the C-4 District Dimensional Standards require that any façade with a public pedestrian entrance, as well as any façade within 50 feet of an arterial street, maintain a minimum of 40 percent transparency within the defined area. In this case, both the northern and southern facades of the proposed building are affected by this standard.

The submitted building elevations indicate substantial non-compliance. The proposed design provides transparency ratios as low as 0 percent (right elevation) and 8 percent (rear elevation), with the front elevation providing only 25 percent transparent glazing—far below the required minimum. Furthermore, much of the glazing depicted on the elevations is spandrel glass, which does not meet transparency standards as it is opaque and does not allow visibility into or out of the building.

The petitioner has offered no compelling justification for retaining such a low level of transparency, and staff finds that allowing this variance would directly contradict the TOD Overlay’s pedestrian-oriented design objectives. Accordingly, staff **recommends denial** of this variance request and advises the petitioner to revise the building elevations to meet the transparency requirements outlined in both the TOD Overlay and the C-4 district standards.

## STAFF ANALYSIS

The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

The Transit Oriented Development Secondary District aims to reduce or limit auto-related businesses along transit lines through design standards that assert pedestrian-oriented scale rather than autocentric



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configuration. Allowing a fueling station of this scale—along with the extensive deviations from design standards—runs counter to the very principles the overlay seeks to uphold.

Allowing a fueling station of this scale—along with the extensive deviations from design standards—runs counter to the very principles the overlay seeks to uphold.

The proposed plan increases vehicular dominance at the expense of pedestrian access and undermines long-term investment in transit infrastructure. Further, staff sees no justifiable hardship or design constraints that prevent a compliant development.

The development pattern in this corridor is evolving. This site has the opportunity to contribute positively to that evolution. Instead, the proposal signals a regression toward an auto dominated typology.

Further, Staff does not believe there to be any practical difficulty for needing the requested variances. The subject site contains sufficient lot frontage and does not contain any significant obstructions or natural difficulties that impact the manner in which it can be developed.

Staff encourages the petitioner to submit a revised site plan that aligns with TOD principles and ordinance requirements to promote better land use compatibility, pedestrian orientation, and long-term neighborhood vitality.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 (TOD)	
<b>Existing Land Use</b>	Commercial (Parking Lot)	
<b>Comprehensive Plan</b>	Office/Industrial Mixed-Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-S	Commercial (Auto-Repair)
South:	C-5/ SU-9	Auto-Dealer / State Government Offices
East:	C-4	Commercial
West:	ROW	Highway Interchange
<b>Thoroughfare Plan</b>		
East Washington Street	Primary Arterial	120 feet of right-of-way existing and 102 feet proposed
North Shortridge Road	Local Street	74 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes -TOD	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 29, 2025	
<b>Site Plan (Amended)</b>	July 15, 2025	
<b>Elevations</b>	April 29, 2025	





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Elevations (Amended)	July 28, 2025
Landscape Plan	October 10, 2025
Findings of Fact	April 29, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2022)
- IndyMoves (2019)

### Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:
- The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.
  - The **Office/Industrial Mixed-Use (Business Park)** typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Blue Line Transit-Oriented Development Strategic Plan (2022)
  - The subject site is located approximately 1,000 feet from the Sadlier Drive Blue Line transit station.
  - The Sadlier Drive transit station has been categorized as the community center typology, which is characterized as a dense, mixed-use neighborhood center with minimum 2 stories at the core with no front or side setbacks, and 0–10-foot setbacks at the periphery.



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The Blue Line Transit-Oriented Development Strategic Plan TOD recommends Community Center Typology Characteristics

- Community Center
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
  - Multi-family housing with a minimum of 3 units
  - Structured parking at the core and attractive surface parking at the periphery

### 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)

- Not Applicable to the Site.

## ZONING HISTORY

### SITE

**2024-DV3-026; 7140 and 7142 East Washington Street** (subject site) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required), **withdrawn**.

**83-HOV-44A, 7140 and 7142 East Washington Street** (subject site) variance of development standards of the Sign Regulations to allow for the relocation of an integrated-center pole sign containing 678.31 square feet, **granted**.

### VICINITY

**2022-CZN-804 / 2022-CVR-804; 7150 East Washington Street** (northwest of site), Rezoning of 3.57 acre from the C-4 (TOD) districts to the C-S (TOD) districts, **withdrawn**.



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**2016-DV1-044, 7101 E Washington Street** (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an approximately 38-foot-tall freestanding pylon sign, within 158 feet of an existing freestanding sign on the 372-foot frontage of East Washington Street (300-foot separation and 600 feet of frontage required for two signs), **granted**.

**2015-UV3-031, 7410 E Washington Street** (east of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a carwash, with additional vending, change and storage structures and 16 vacuum stations (not permitted), with a five-foot north side transitional yard (20-foot transitional yard required), with said facilities being within 100 feet of a protected district (not permitted), **denied**.

**2014-DV3-024, 7 N Shortridge Road** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a fast-food restaurant, with carry-out and delivery services within approximately 10 feet of a D-3 zoned protected district (fast food restaurants and carryout food service not permitted within 100 feet of a protected district), **granted**.

**2013-ZON-026; 401 N Shadeland Avenue** (north of site), Rezoning of 37 acres from the C-S District to the C-S classification to provide for a solar power generation in addition to the uses previously approved by 2010-ZON-063, **approved**.

**2010-ZON-063, 401 N Shadeland Avenue** (north of site), Rezoning of approximately 36 acres from the C-4 District to the C-S classification to provide for a data processing center, C-4 uses, with certain use prohibitions, and public safety uses, including an impound lot, **approved**.

**2010-UV2-003; 401 North Shadeland Avenue** (north of site), requested a variance of use to provide for the parking and storage of automobiles for a three-year period, **granted**.

**2006-ZON0-65; 41 N Shadeland Avenue** (east of site), rezoning of .43 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses, **approved**

**2005-ZON-200; 7206 E Washington Street** (east of site), rezoning of 0.49 acre, being in the C-4 district, to the C-5 Classification to provide for general commercial uses, **approved**.

**2004-UV2-028, 41 North Shortridge Road** (east of site), variance of use to provide for a restaurant with alcoholic beverage sales within an existing building in D-5; **denied**.

**97-Z-171; 7101 East Washington Street** (south of site), Rezoning of 1.26 acres, being in the C-4 and D-2 Districts, to the C-5 Classification to provide for retail commercial uses including an automobile dealership for new and used vehicles, **approved**.

**94-V1-19; 7150 East Washington Street**, requested a second integrated center sign with excess area, **granted**.

**93-V2-111, 41 North Shortridge Road** (east of site), variance of use to provide for a grocery store on the first floor of an existing two-story office building in D-5; **approved**.



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**90-Z-214; 7201 East Washington Street** (southeast of site), Request the rezoning of 6.356 acres, being in the C-4 District, to the C-5 classification to provide for the sale of the Automobile parts, and automobile repair, **approved**.

**90-CV-32A; 7201 East Washington Street** (southeast of site), Variance of development standards of the Commercial Zoning Ordinance to permit the construction of a care center, having a 3-foot transitional yard along the south property line, **granted**.

**89-Z-191; 7201 East Washington Street** (southeast of site), request the rezoning of 16.9 acres, being in the D-2 and C-2 Districts, to the C-4 classification to provide for commercial development, **approved**.

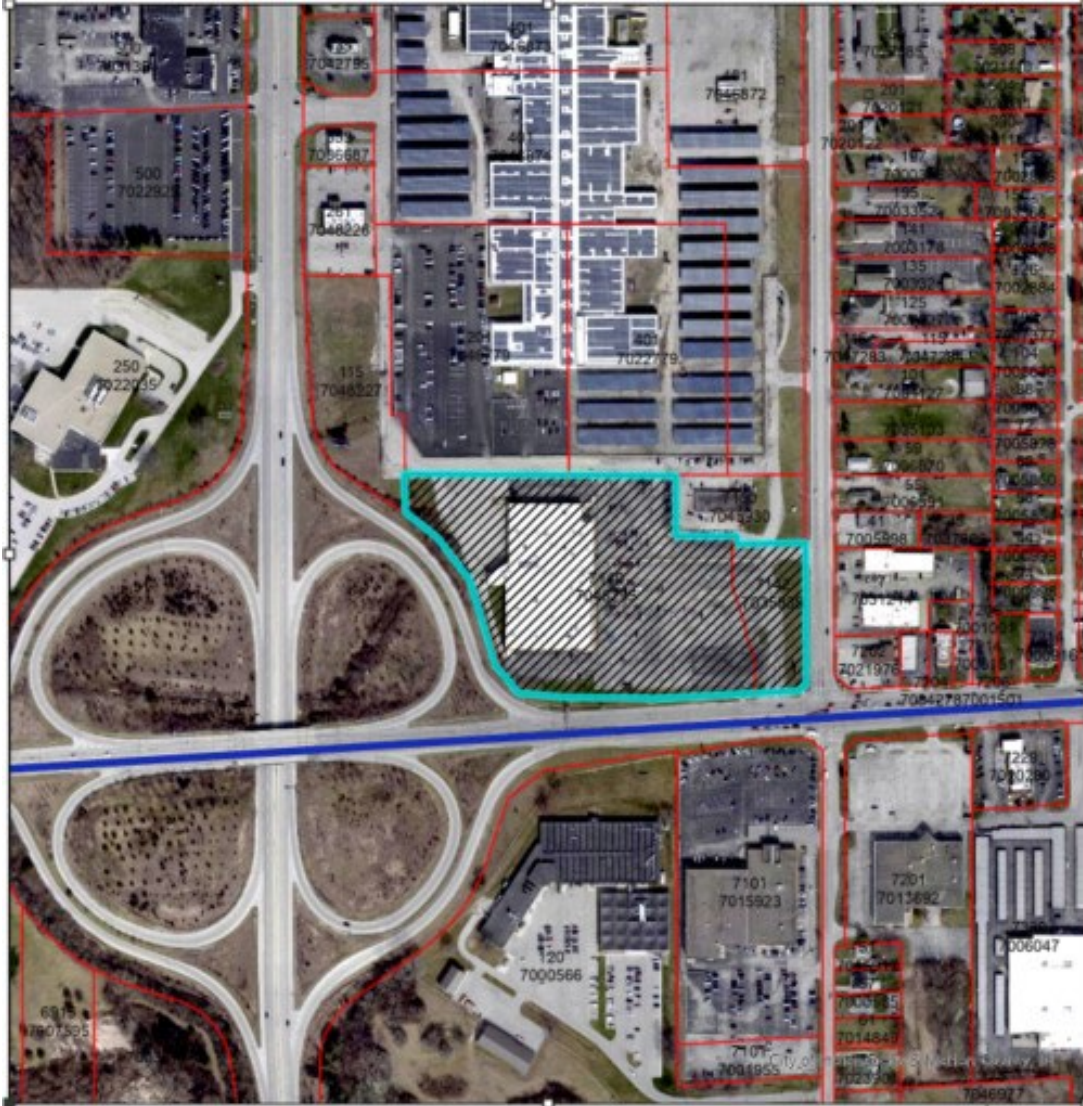
**89-UV2-96; 7101 East Washington Street** (south of site), Request a variance of use of the Commercial Zoning Ordinance to permit the continued operation of a portable sales office, with the outdoor display and sales of mini barns and garages, **granted**.

**89-Z-27; 350 North Shadeland Avenue**, requested a zoning of four acres from the C-2 and C-4 districts to the C-5 district, **approved**.

**87-UV3-50, 7206 East Washington Street** (east of site), variance of development standards to provide for a fast-food restaurant with a drive-through component located within 100 feet of a protected district; **approved**.

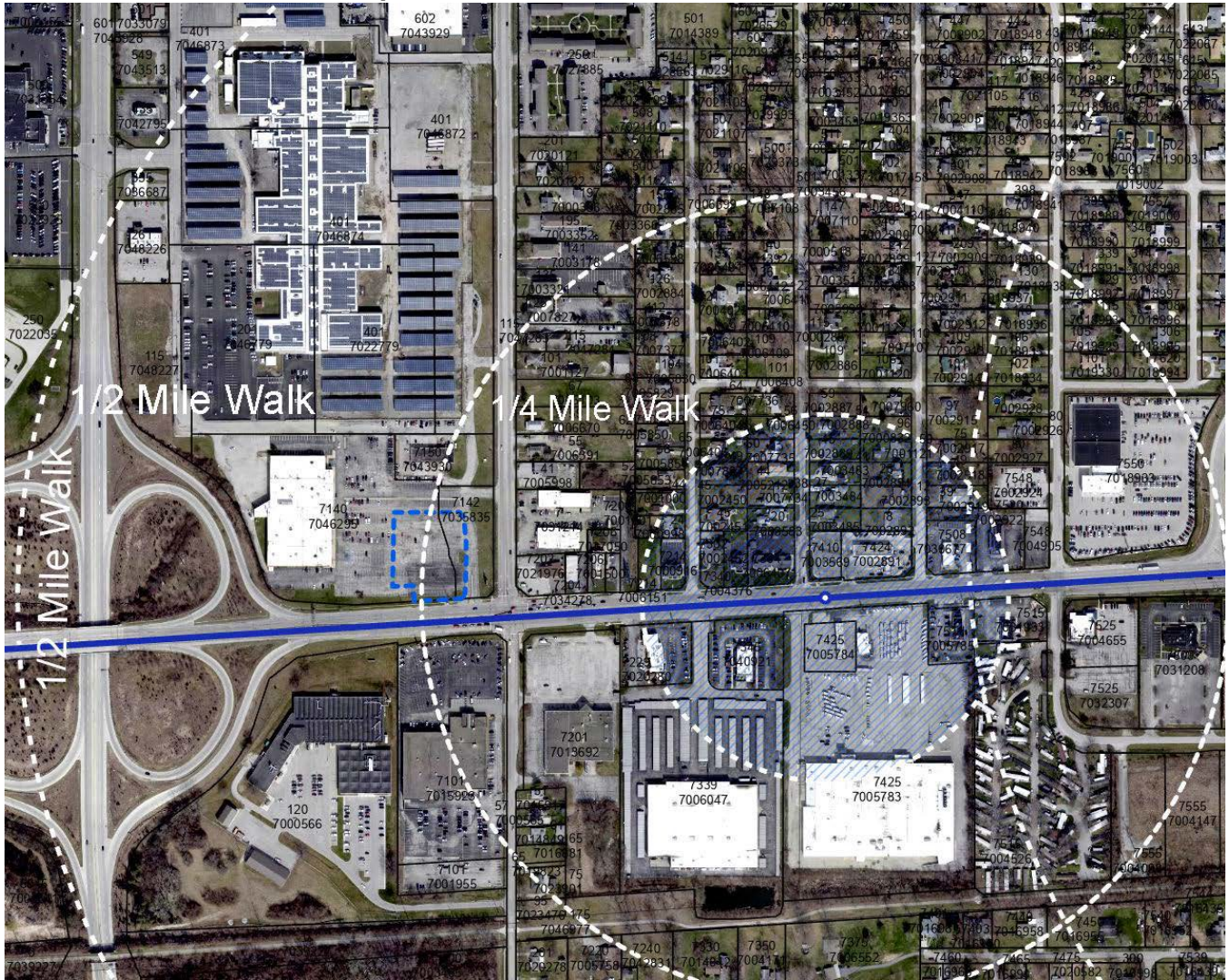
## EXHIBITS

## 2025-CVR-825/2025-CPL-825 Area Map





Distance to Bus Station Map





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2025-CVR-825/2025-CPL-825 Finding of Fact

Petition Number 2025-CVR-\_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the project allows for a development on an unused portion of a commercial parking lot which has safe ingress/egress, and which provides  
for a building and other improvements which attempt to provide elements desired under the Transit Oriented Development requirements in the  
Zoning Ordinance

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

there is adequate vehicular circulation proposed by the development and the investment in redeveloping an unused portion of an existing  
parking lot will add value to existing adjoining uses, which are all commercial and suburban in nature. The Subject Property is largely surrounded  
by pavement and with suburban retail, and automotive uses to the west and south. The variances will not interfere with access or visibility to or from the adjoining properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the use is a permitted use, but has to be oriented to south, in order to meet the front build to line, which restricts available transparency on the  
south facade, due to interior components on the inside of the south facade. There are parking spaces in excess of 40% of the lot width on the  
north end of the subject property, but there are parking spaces in the same location today. Finally, the only difference between the proposed fueling stations  
and the Zoning Ordinance requirements is that the proposed fueling stations are double sided, whereas the Zoning Ordinance would require  
single sided fueling stations, which would not even necessarily reduce the canopy and fueling station area, and which is neither practical or economically feasible.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

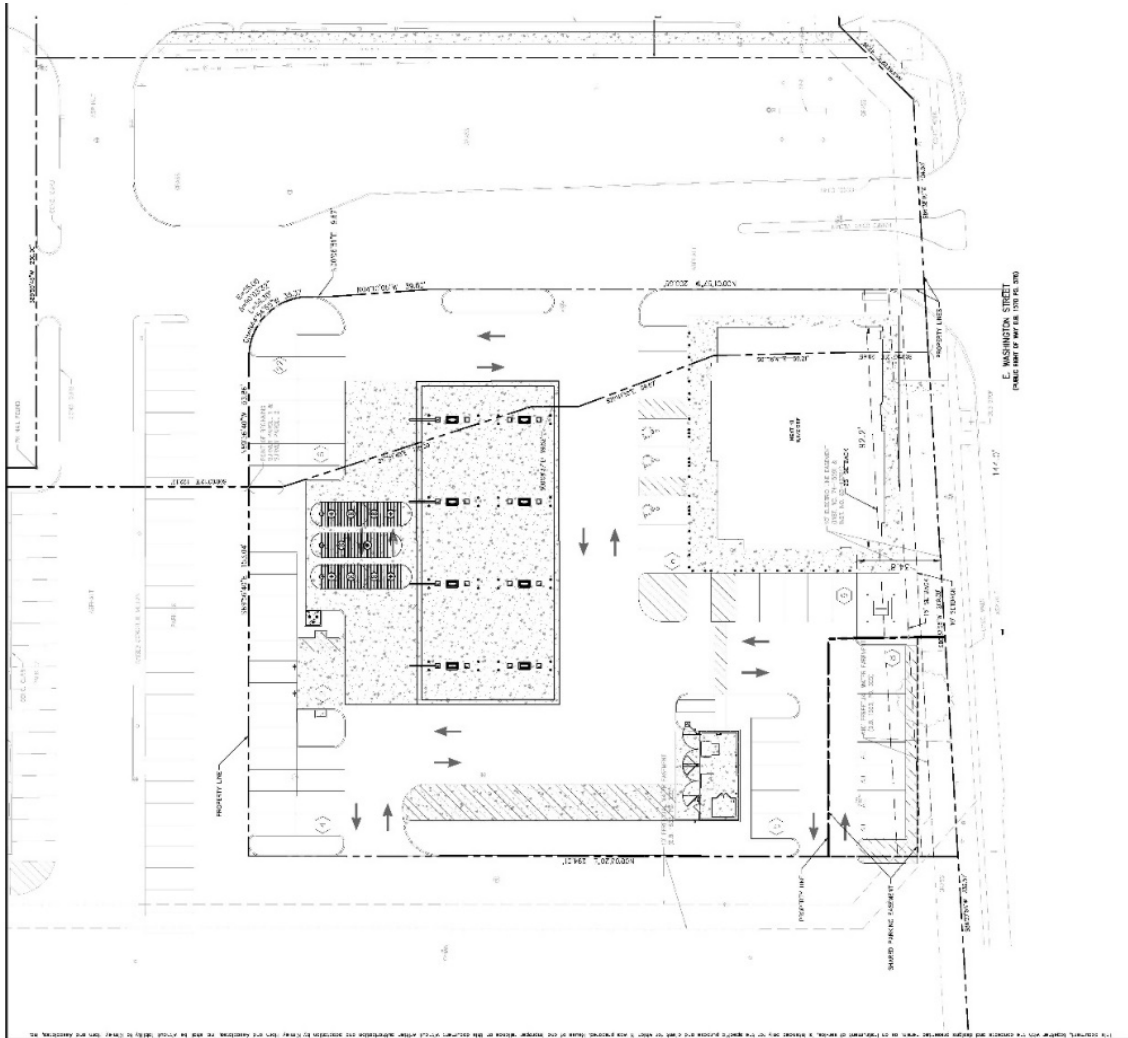
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





2025-CVR-825/ 2025-CPL-825 Old Site Plan





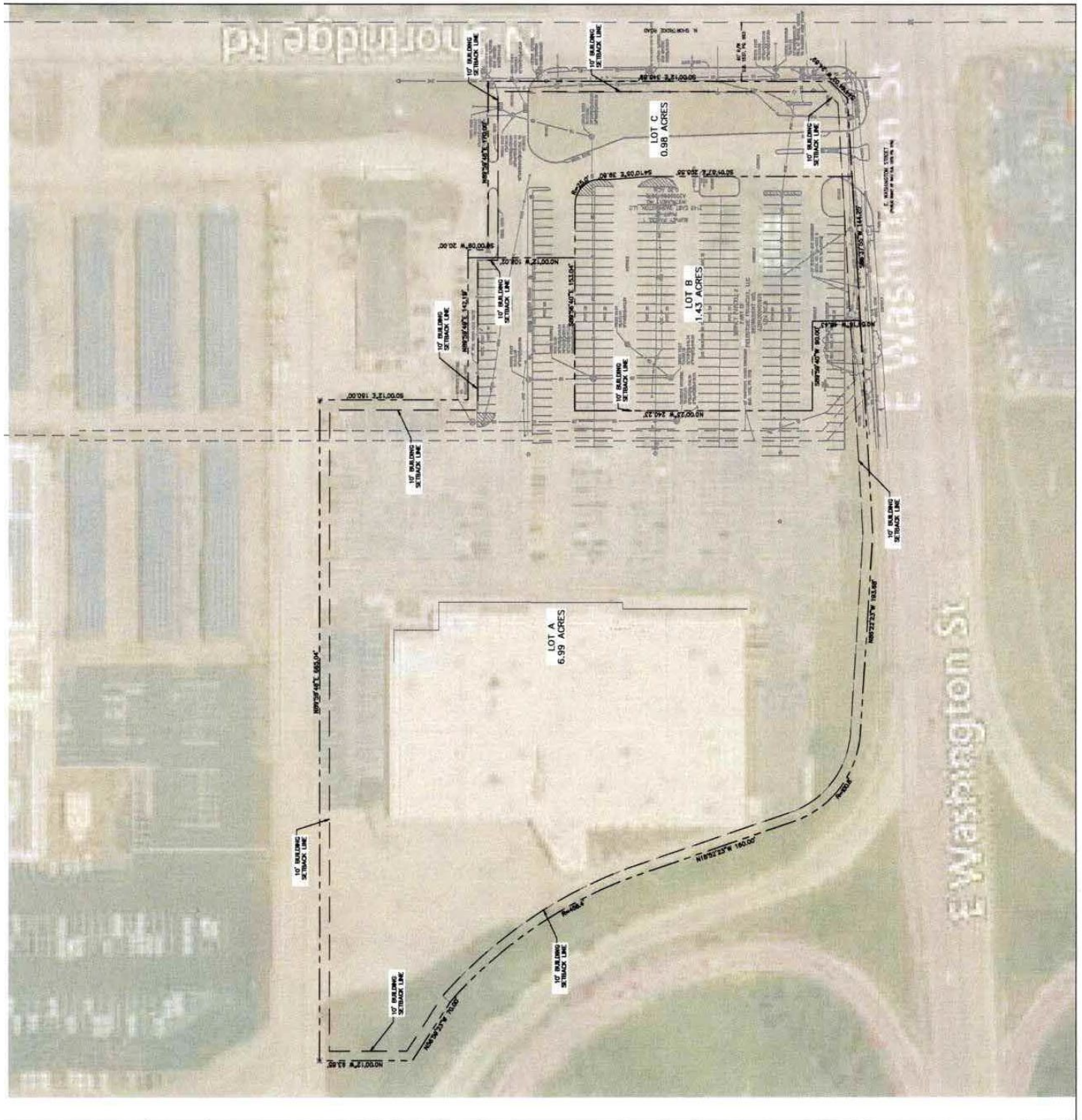
2025-CVR-825/ 2025-CPL-825 Updated Elevations



2025-CVR-825/ 2025-CPL-825 Old Elevations



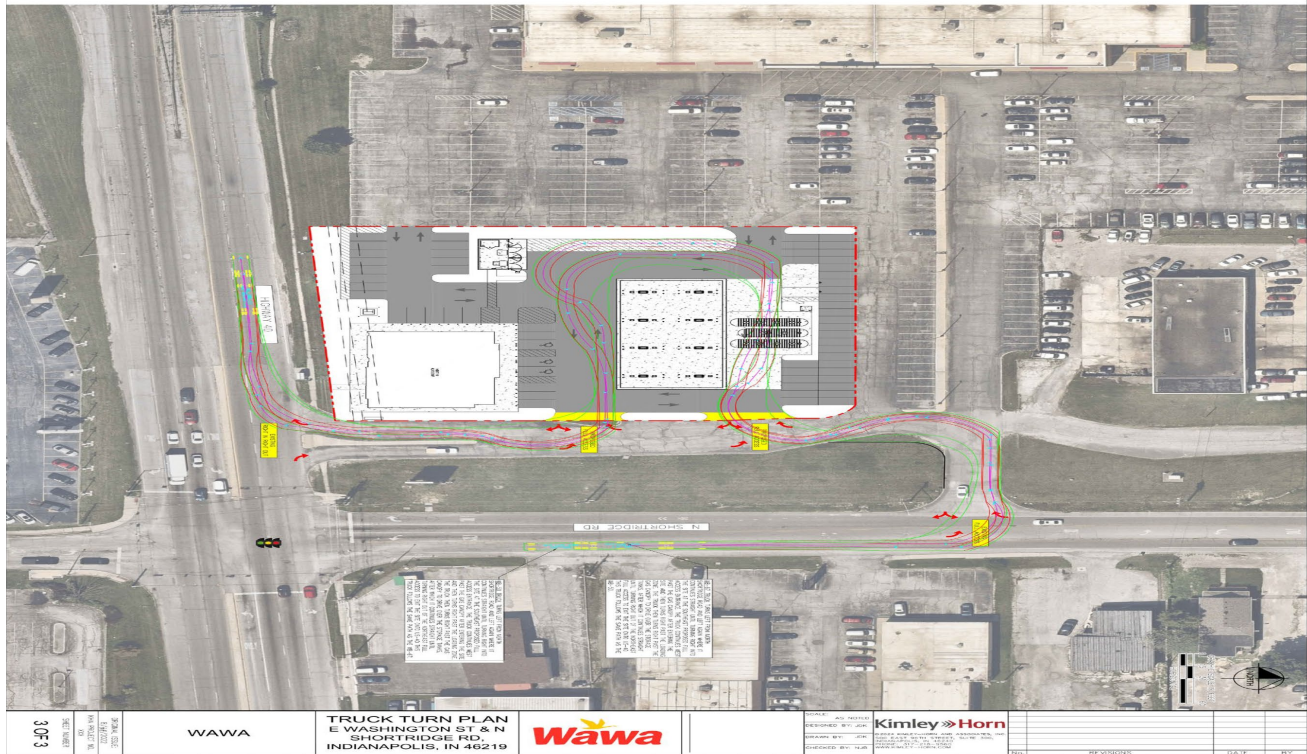






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2025-CVR-825/ 2025-CPL-825 Site Circulation







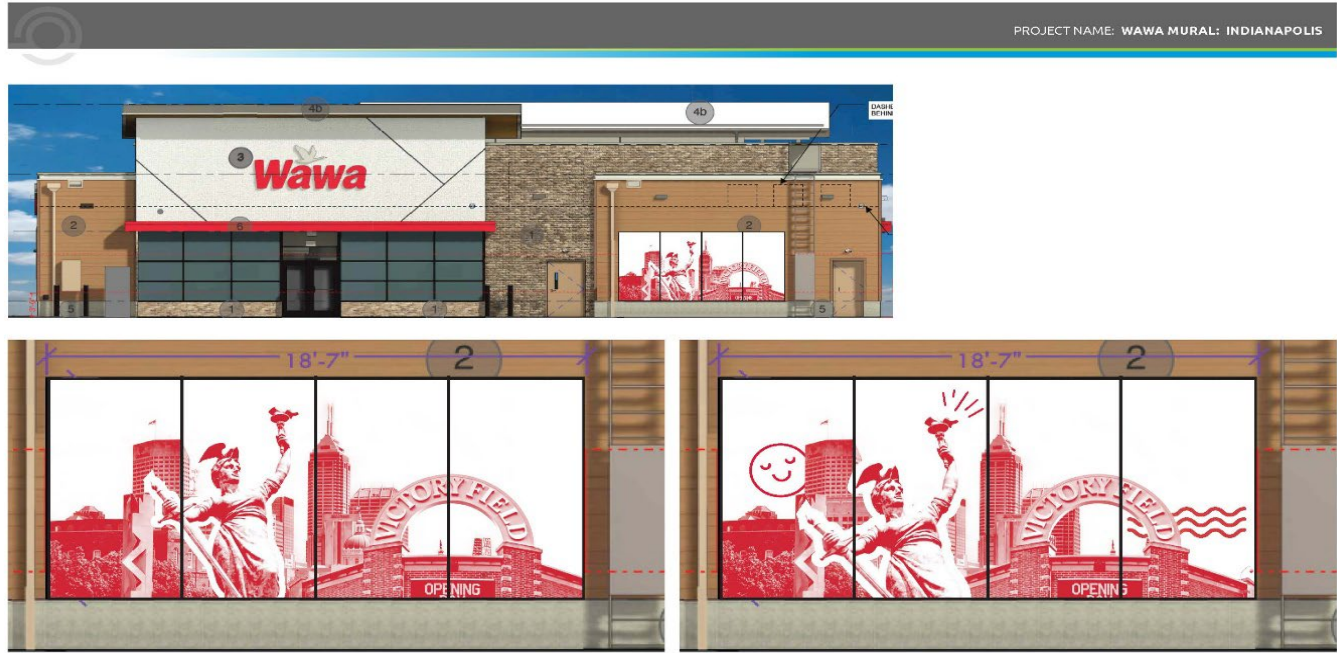
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2025-CVR-825/ 2025-CPL-825 Landscape Plan





2025-CVR-825/2025-CPL-825 Front Elevation Concept #3







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**Petitioner's Exhibit**

**List of Variances**

**7140-7142 East Washington:**

1. **Ch. 742, Art. II, Sec. 07, Table 742-207-2:** Automobile Fueling Station limited to 8 pump islands/service areas; 8 two-sided pump islands/service areas proposed.
2. **Ch. 744, Art, VI 1, Sec. 702, Table 744-702-3:** Surface parking in connector frontage has a 40% maximum of lot width behind the front building line; portions of parking are located north of the front building line exceed 40% of the lot width.
3. **Ch. 744, Art. VII, Sec. 702, Table 744-702-3:** First story street frontage transparency of 40% - 90% required; Less than 40% first floor transparency on Washington Street frontage provided.



From proposed Lot 1 looking west.



Looking south along the proposed entrance drive on to East Washington Street





Looking South from the subject property at the bus station along East Washington Street.



Looking from, the subject property west towards the exiting commercial center





Looking west from subject site along proposed western entrance.



Looking North toward



Looking east across proposed entrance to site at existing pylon sign.



Looking west from E Washington Street at I U Connected Health Care and Get Fit Athletic Club





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-836 /2025-CAP-836

**Property Address:** 4035 Meadows Parkway and 4195 Millersville Road

**Location:** Washington Township, Council District #8

**Petitioner:** Garvey Properties, LLC, by Joseph D. Calderon

**Current Zoning:** C-S (W-5)  
Rezoning of 7.01 acres from the C-S (W-5) district to the C-S (W-5) district to provide for continuation of permitted uses under 2013-ZON-037 and 2023-CAP-826, and to add a crematorium use, with no incineration.

**Request:** Modification of C-S Statement related to 2013-ZON-037 and 2023-CAP-826, to provide for a crematorium use, with no incineration.

**Current Land Use:** Mixed-Use (Commercial / Industrial)

**Staff Recommendations:** Denial of both the rezoning and approval requests.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued these petitions from the August 14, 2025 hearing, to the September 11, 2025 hearing, at the request of the petitioner's representative, to provide additional time for discussion with staff and the Councilor for the district.

**STAFF RECOMMENDATION**

Denial of the rezoning and modification requests. If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least five business days prior to the MDC hearing:

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 / receptables provided for the proper disposal of trash and other waste.

**PETITION OVERVIEW**

This 7.01-acre site, zoned C-S, is developed with industrial style buildings and associated parking and storage areas. It is surrounded by single-family dwellings to the north across Millersville Road, zoned D-5 (W-5); educational uses to the south zoned D-P (W-5); commercial / industrial uses to the east, zoned C-S (W-5); commercial uses to the west, across Meadows Parkway, zoned C-4 (W-5).



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Petitions 2013-ZON-037 and 2023-CAP-826, including this site, provided for industrial and commercial uses, as well as I-2-S uses that were initially approved in 1989 and expanded in the subsequent years.

## **REZONING**

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to provide for a crematorium. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends Village Mixed-Use typology for the site. Recommended land uses in the Village Mixed-Use typology include residential, commercial, schools, places of assembly, artisan manufacturing / food production but does not include any type of industrial uses.

This typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. The surrounding land uses to the north, west and south supports and is representative of the village mixed-use typology.

As proposed, this request would not be consistent the Comprehensive Plan recommendation of village mixed-use. The proposed crematorium would be a permitted as a “special exception” in the I-3 district and permitted in the I-4, both of which would be districts with intense and heavy industrial uses that would not be appropriate in proximity of protected districts (residential and schools) and the village mixed-use typology. Allowing this use would also potentially set a precedence for expansion of industrial uses on this rather large site that would be detrimental to the surrounding land uses, specifically the adjacent residential neighborhood and schools.

## **MODIFICATION OF C-S STATEMENT**

This request would modify the development statements associated with petitions 2013-ZON-037 and 2023-CAP-826 to include, in addition to existing permitted uses, a crematorium use.

The 1989 rezoning permitted office, commercial and industrial development, with the expansion of uses with the 2013 (landscaping / design / installation business) and 2023 (storage buildings associated with the landscaping business) petitions. This request would expand uses that would be more intense, and therefore, more impactful to surrounding land uses.



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## **Wellfield Protection Secondary Zoning**

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located within the **W-5 Fall Creek** wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.



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## 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>	C-S (W-5)	
<b>Existing Land Use</b>	Commercial and industrial mixed use	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-5 (W-5)	Single-family dwellings
South:	D-P (W-5)	Educational uses
East:	C-S (W-5)	Industrial / commercial uses
West:	C-4 (W-5)	Commercial uses



Thoroughfare Plan		
Millersville Road	Primary Collector	Existing 75-foot right-of-way and proposed 50-foot right-of-way.
Meadows Parkway	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes – Fall Creek W-5	
<b>Site Plan</b>	June 23, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	June 23, 2025	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	June 23, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. 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.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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.



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Current Planning**

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 – Village Mixed-Use 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.
  - In master planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.

**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 describe 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



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## ZONING HISTORY

**2023-CAP-826 / 2023-CVR-826; 4195 Millersville Road**, requested modification of Development Statement and Site Plan related to 2013-ZON-037 to remove the requirement for landscaping and buffering along Millersville Road and Meadows Parkway, and to provide for storage buildings as shown on the site plan submitted with this petition and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building located ten feet from Meadows Parkway with zero transparency, **approved and granted**.

**2014-ZON-029; 4201 Millersville Road (northeast of site)**, requested the rezoning of 6.3 acres from the C-S district to the C-S district to add automobile and motorcycle restoration and storage, lawn care, tree service, contracting offices and operations to the list of permitted uses, **approved**.

**2013-ZON-037; 4201 Millersville Road**, requested the rezoning of 13.4 acres from the C-S district to the C-S district to provide for a landscape design and installation business, including offices, nursery, material and equipment storage, sculpture garden, retail sales area; offices and production space for the design and fabrication of landscape feature, fencing and artwork for hardscape installation; urban farming and associated uses, aquaponics and related operations; fabrication and warehouse space; general office and flex space; schools and ancillary facilities; other compatible uses and I-2-S uses, **approved**.

**89-Z-7; 4201 Millersville Road**, requested the rezoning of 14.3 acres from the D-5 district to the C-S district to provide for offices, general storage facilities, manufacturing, processing and packaging of food products, and high-tech research, development and manufacturing, **approved**.

## VICINITY

**2013-ZON-071; 4175 Millersville Road (southwest of site)**, requested the rezoning of 1.3 acre from the C-1 district to the C-S district to provide for C-3 uses and a banquet hall, **approved**.

**2012-ZON-042; 3801 - 4005 Meadows Drive, 3805 – 3806 North Dearborn Street (southeast of site)**, requested the rezoning of 102 acres from the D-8, D-9, SU-2, C-4 and C-S district to the D-P district to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 districts, special and institutional uses permitted within the SU-1, SU-2, SU-3, SU-6, SU-7, SU-9, SU-37, SU-38 and SU-39 districts, light manufacturing and assembly, agricultural uses, community garden and sales of products produced therein, **approved**.



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**2010-ZON-042; 3801-4005 Meadows Drive, 3805-3806 North Dearborn Street (adjacent to the southwest),** requested a rezoning of 101.9 acres from the D-8 (W-5), D-9 (W-5), SU-2 (W-5), C-4 (W-5) and C-S (W-5) Districts, to the D-P (W-5) classification to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 Districts, special and institutional uses permitted within the SU-1, SU-2, SU-6, SU-7, SU-9, SU-37, SU-38, SU-39 Districts, mixed-use areas of residential and commercial in the same building as well as Live/work units, including light manufacturing and assembly and residential, commercial and institutional uses within the same building and uses permitted within the SU-3 and SU-9 Districts and agricultural uses, including a community garden and the sale of products produced therein, **approved.**

**2006-ZON-008; 3980 Meadows Drive (southeast of site),** requested the rezoning of 14 acres from the C-1, C-4 and D-8 districts to the SU-2 district, **approved.**

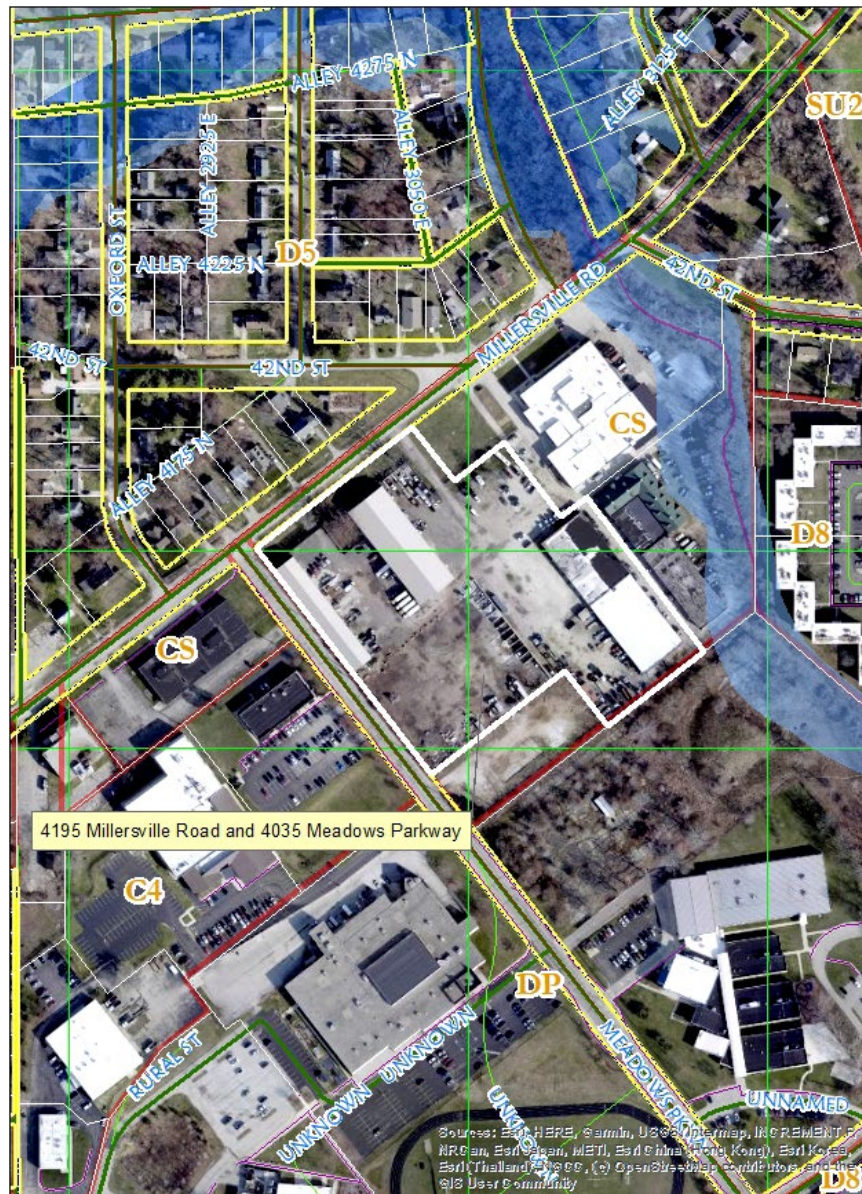
**2001-ZON-165; (adjacent to southwest),** requested rezoning of 12.5 acres from C-4 to C-S to provide for a general contractor with related offices and outdoor storage, general offices, educational use, and C-3 uses, **approved.**

**87-UV1-45; 4201 Millersville Road (northeast of site),** requested a variance of use to provide for a loading dock, **approved.**

**62-Z-172; 3939 Meadows Drive (southwest of site),** requested the rezoning of two acres from the U1-H1-A2 district to the U3-H1-A4 district to provide for the sales of office equipment, **approved.**



EXHIBITS



4195 Millersville Road and 4035 Meadows Parkway



0.0125025 0.05 0.075 0.1 Miles

## C-S Statement

### Second Amended C-S Development Statement

**Introduction:** Petitioner and Owner, Garvey Properties LLC, seeks to redevelop approximately 7 acres of property commonly known as 4195 Millersville Road (the "Subject Property"), in order to use the Subject Property as a contractor's storage facility, and to provide for potential future use of the Subject Property. Recently, Petitioner/Owner was approached by a user, Serene Reflections Pet Water Cremation, about occupying space in the Subject Property.

**Zoning:** The Subject Property is currently zoned C-S, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance ("Zoning Ordinance"), pursuant to a rezoning in 2013 under Case Number 2013-ZON-037 (the "2013 Rezoning"). The 2013 Rezoning allowed for the establishment of a headquarters for a landscape/design and installation firm, including an office nursery, material and equipment storage as well as a sculpture garden and retail sales area (the "Primary 2013 Use"). In 2023, pursuant to 2023-CAP/CVR-826, Petitioner/Owner updated the C-S Development Statement and obtained certain development standard variances.

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) The Primary 2013 Use.
- 2) Offices and production space for companies involved in design and fabrication of landscape features, fencing and art work to be utilized in landscape installations.
- 3) Urban Farming and associated uses.
- 4) Aquaponics and related operations.
- 5) Fabrication and Warehouse space.
- 6) General Office and Flex (industrial) space.
- 7) Schools and ancillary facilities.
- 8) Other compatible uses and those permitted in the I-2-S zoning district.
- 9) Crematorium (no incineration) – as limited by the Executive Summary of the use attached hereto as Exhibit "A".

For purposes of this development statement, the intent is to add the Crematorium as an additional use and not otherwise amend the 2023 Amended C-S Development Statement, including, but not limited to, Development Standards and Signs.

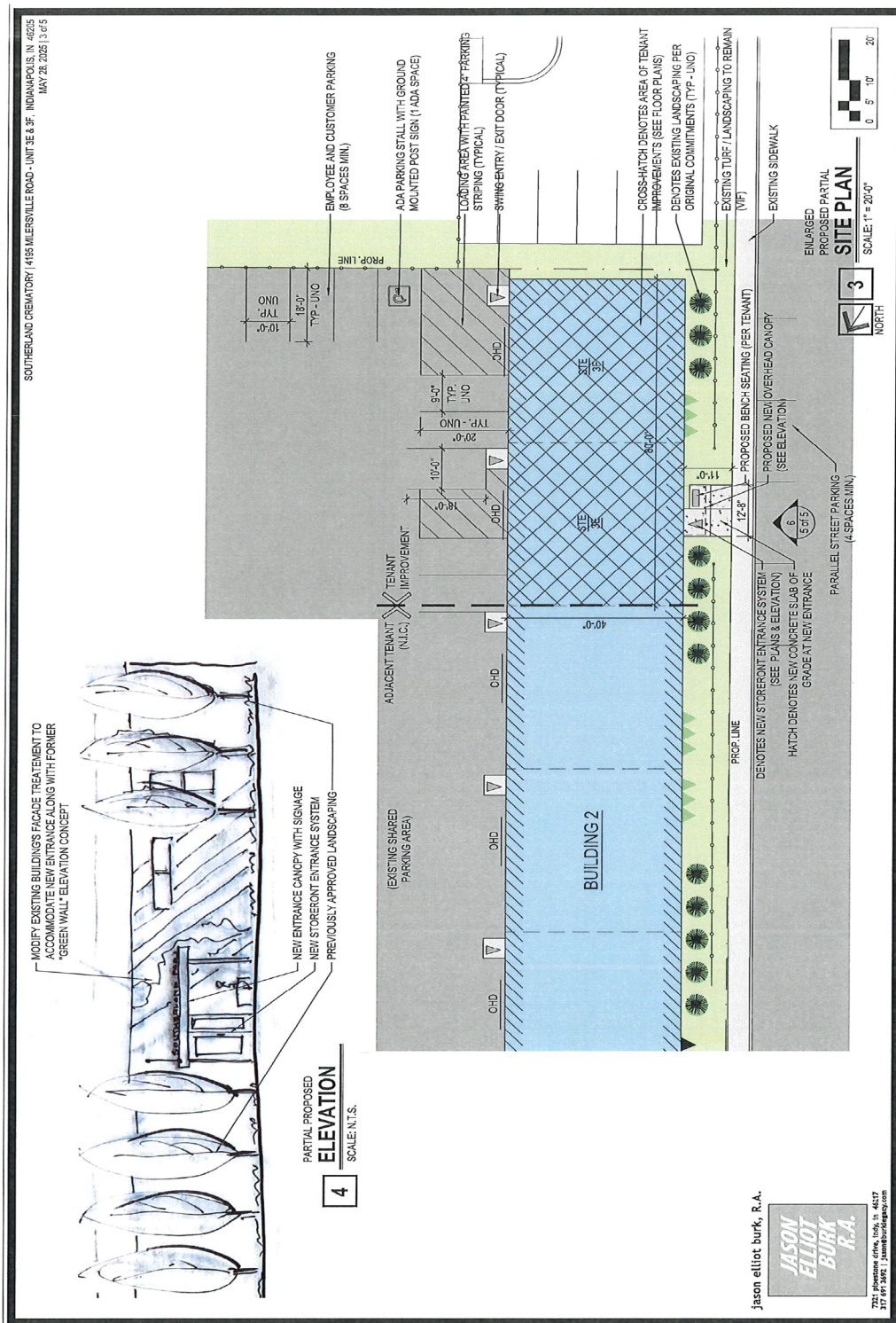
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View looking east along East 42<sup>nd</sup> Street



View looking west along East 42<sup>nd</sup> Street





View looking south along Meadows Parkway



View looking north along Meadows Parkway





View of site looking northeast across Meadows Parkway



View of site looking northwest





View from site looking west across Meadows Parkway

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-837 (Amended) / 2025-CVR-837  
**Property Address:** 1409 South Glen Arm Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #17  
**Petitioner:** Sergio Ramirez and Rosa Mazariegos, by Josh Smith  
**Current Zoning:** C-5  
**Request:** Rezoning of 0.12-acre from the C-5 district to the D-5 district to allow the construction of building addition.  
**Current Land Use:** Residential  
**Staff Recommendations:** Approval, subject to commitments.  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM SEPTEMBER 11, 2025**

The Hearing Examiner continued this petition from the August 14, 2025 hearing to the September 11, 2025 hearing to provide time for amended notice to be provided to those requiring notice.

The petitioner had amended the rezoning request from the D-3 district to the D-5 district. Staff is supportive of this amendment, as the D-5 classification more appropriately aligns with the existing lot layout and applicable development standards.

As a result of the amendment to the D-5 district, the associated variance petition is no longer necessary and has been formally withdrawn.

**August 14, 2025**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request; approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing.

1. Removal of the gravel parking lot on South Glen Arm Road.

**PETITION OVERVIEW**



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## **LAND USE**

This 0.12-acre site, zoned C-5, is developed with a single-family residential dwelling. The site, along with the surrounding properties, is located within Lookout Gardens, a 119-lot residential subdivision originally platted on February 4<sup>th</sup> 1910. The neighborhood was developed primarily for as single-family subdivision.

Around 1979, the property directly to south of the subject, was developed for commercial use, it currently is occupied by Mexican restaurant.

On March 06, 2025, the petitioner received a violation (VIO25-000897) for constructing an addition without a permit. Subsequently, On March 20, 2025 the petitioner filed for the necessary building permit (STR25-01140). As the existing single-family dwelling is a legal non-conforming use within the C-5 district, as rezoning is required to allow the building addition. The petitioner has therefore submitted this rezone petition.

## **REZONING**

The petitioner requests a rezoning of the site from the C-5 (General Commercial) district to the D-5 (Dwelling District Five) district to permit the construction of a building addition and to bring the zoning into alignment with the residential use of the property.

Developing the property under its current **C-5** zoning district would be very intense, as the site is only 0.12 acres in size and is surrounded to the north, east, and west by single-family residential dwellings. Rezoning to a less intense residential district is therefore appropriate and would better reflect the established character of the neighborhood.

Rezoning to **D-5** would appropriately align the site's zoning classification with its current single-family use and the predominant residential character of the surrounding neighborhood.

## **VARIANCE OF DEVELOPMENT STANDARDS**

The petitioner has amended the request, and variances are no longer required.

## **STAFF ANALYSIS**

Although the proposed rezoning does not conform to the Comprehensive Plan's recommendation of Community Commercial for this area, the subject property has been utilized as a single-family dwelling since its construction in 1930 and has remained so for the past 95 years. Rezoning the property to D-5 would bring the zoning classification into alignment with the existing built environment and residential character of the area. Approval of this rezoning will allow the property owner to maintain and improve the single-family dwelling with the proposed building addition.

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Division of Planning  
Current Planning Section**

**GENERAL INFORMATION**

Existing Zoning	C-5		
Existing Land Use	Residential		
Comprehensive Plan	Community Commercial		
Surrounding Context	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>	
	North:	D-3	Residential (Single-Family Dwelling)
	South:	C-5	Commercial (Restaurant Use)
	East:	C-5	Residential (Single-Family Dwelling)
	West:	D-3	Residential (Single-Family Dwelling)
Thoroughfare Plan			
South Glen Arm Road	Local Street	50-foot existing right-of-way	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Airspace Secondary District.		
Wellfield Protection Area	No		
Site Plan	July 7 <sup>th</sup> 2025		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	July 7 <sup>th</sup> 2025		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

The Comprehensive Plan recommends the Community Commercial Typology. The **Community Commercial** typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

**Pattern Book / Land Use Plan**

The Comprehensive Plan consists of two (2) components that include the Marion County Land Use Pattern Book (2019) and the Land Use Map. The Pattern Book provides a land use classification



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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
  - 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.

**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**

- **Infill Housing Guidelines (2021)**
- 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

**Indy Moves**

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

- Not Applicable to the Site.



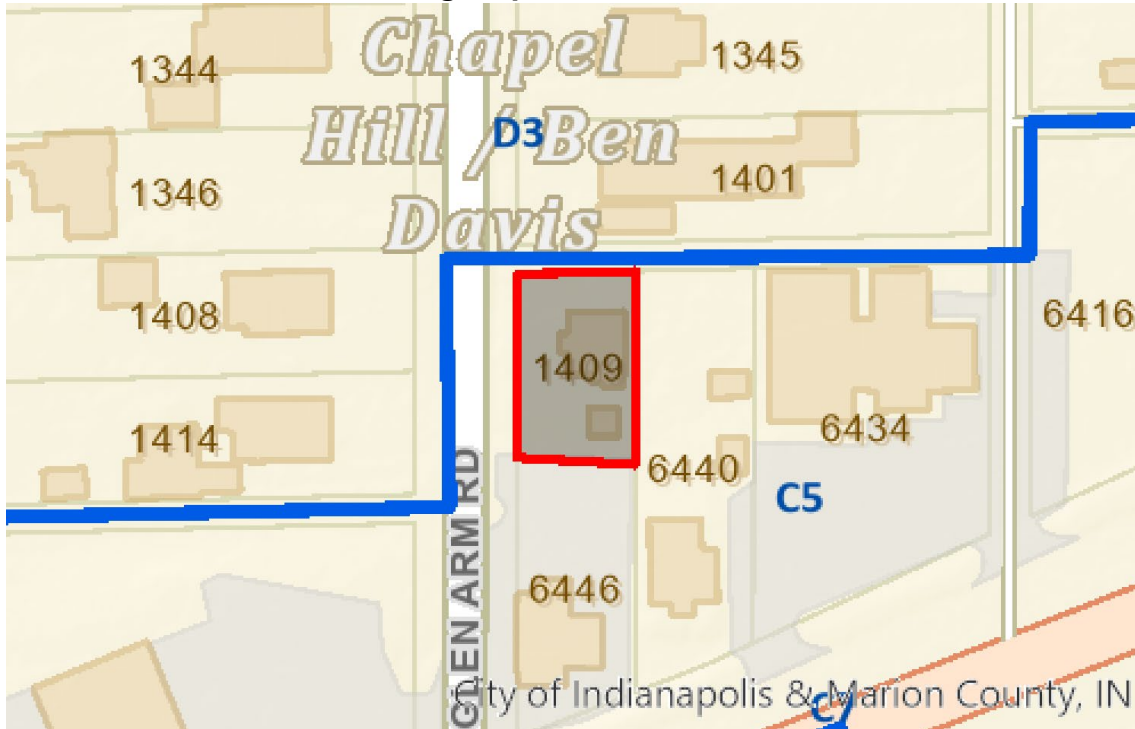
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ZONING HISTORY

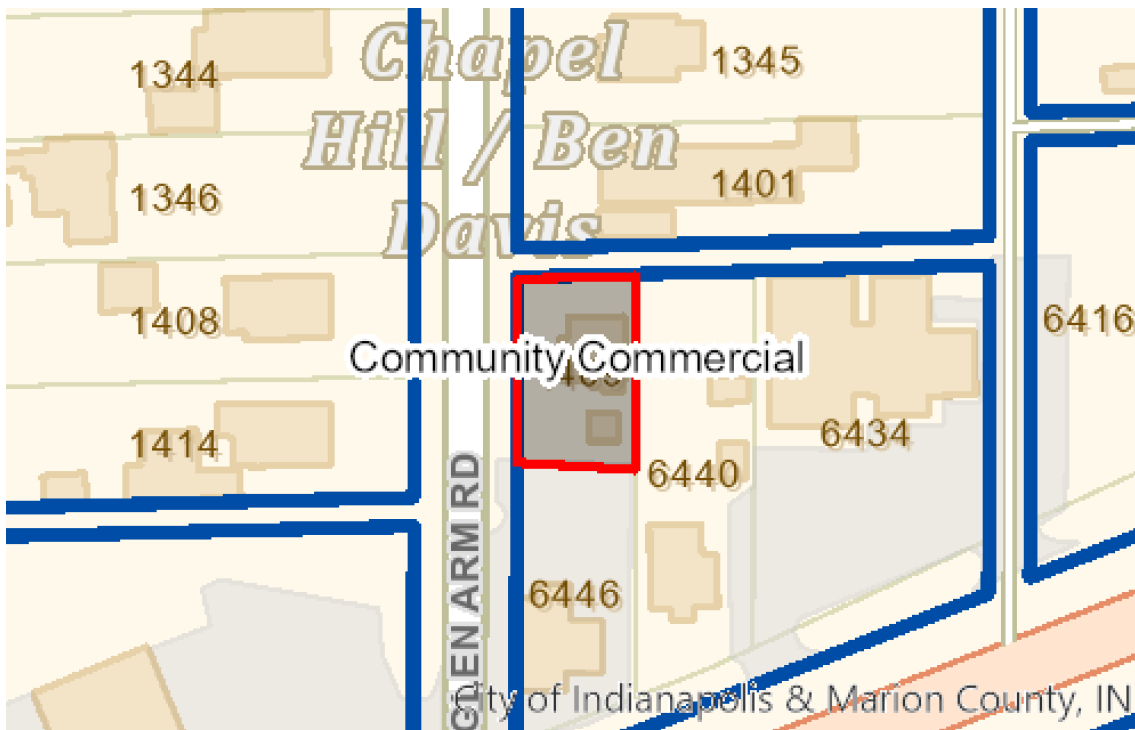
N/A

## EXHIBITS

### 2025-CZN-837 Current Zoning Map

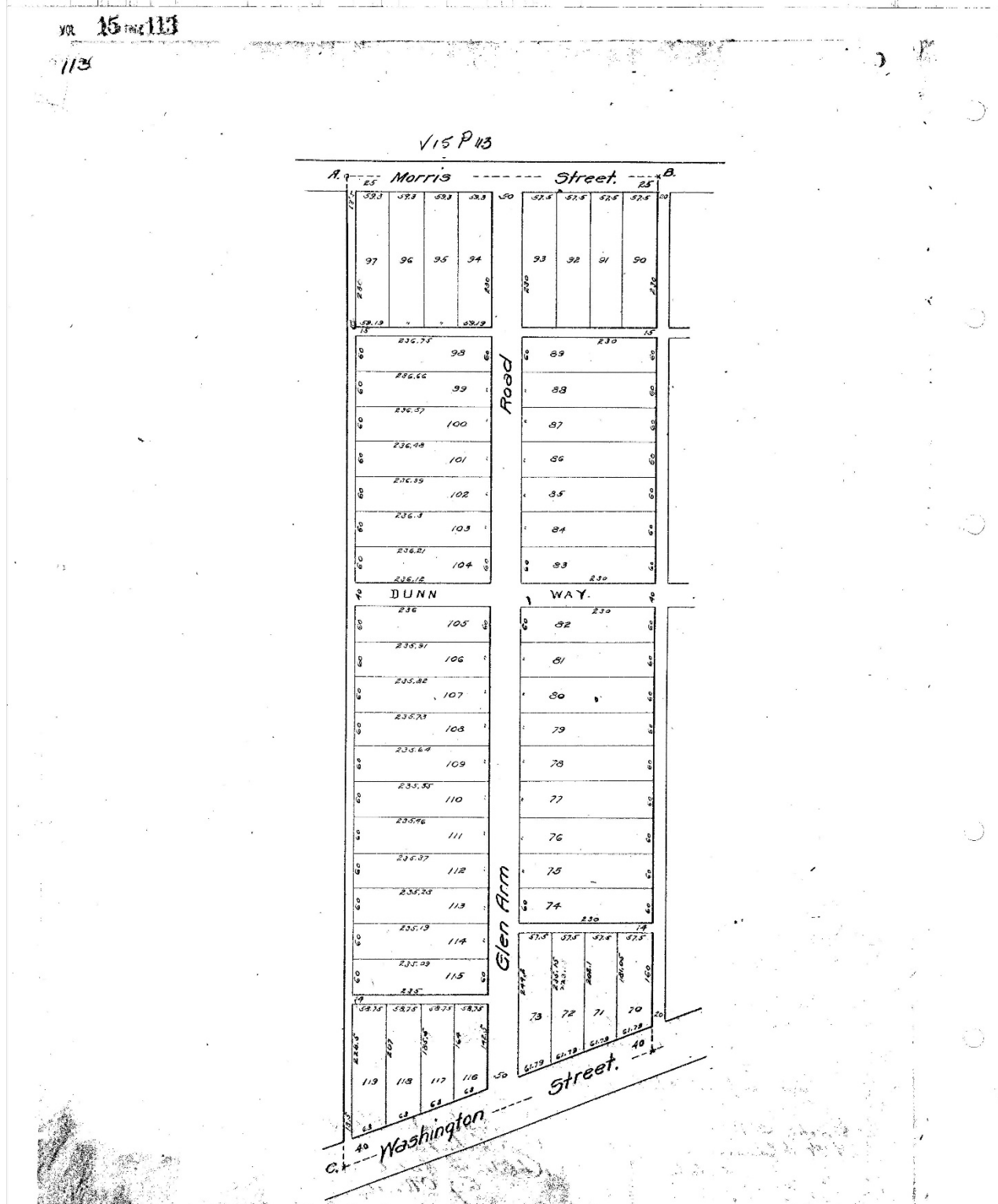


### 2025-CZN-837 Land Use Plan



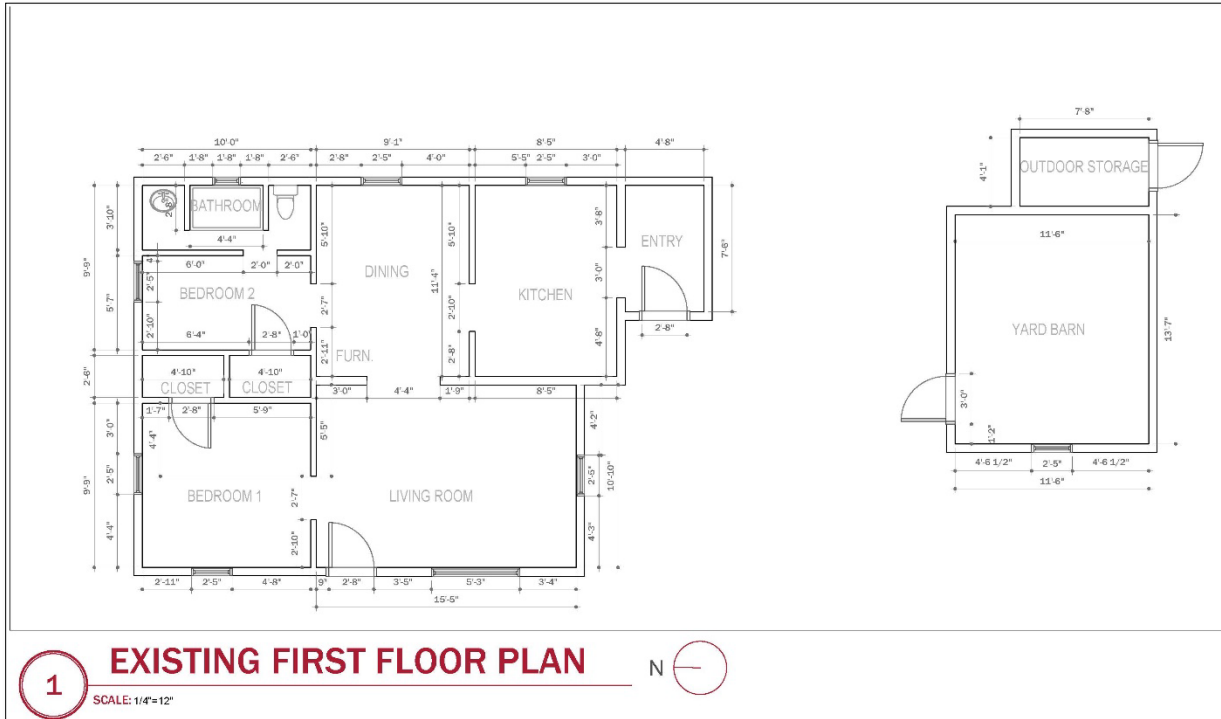
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LOOKOUT GARDENS RESIDENTIAL SUBDIVISION.

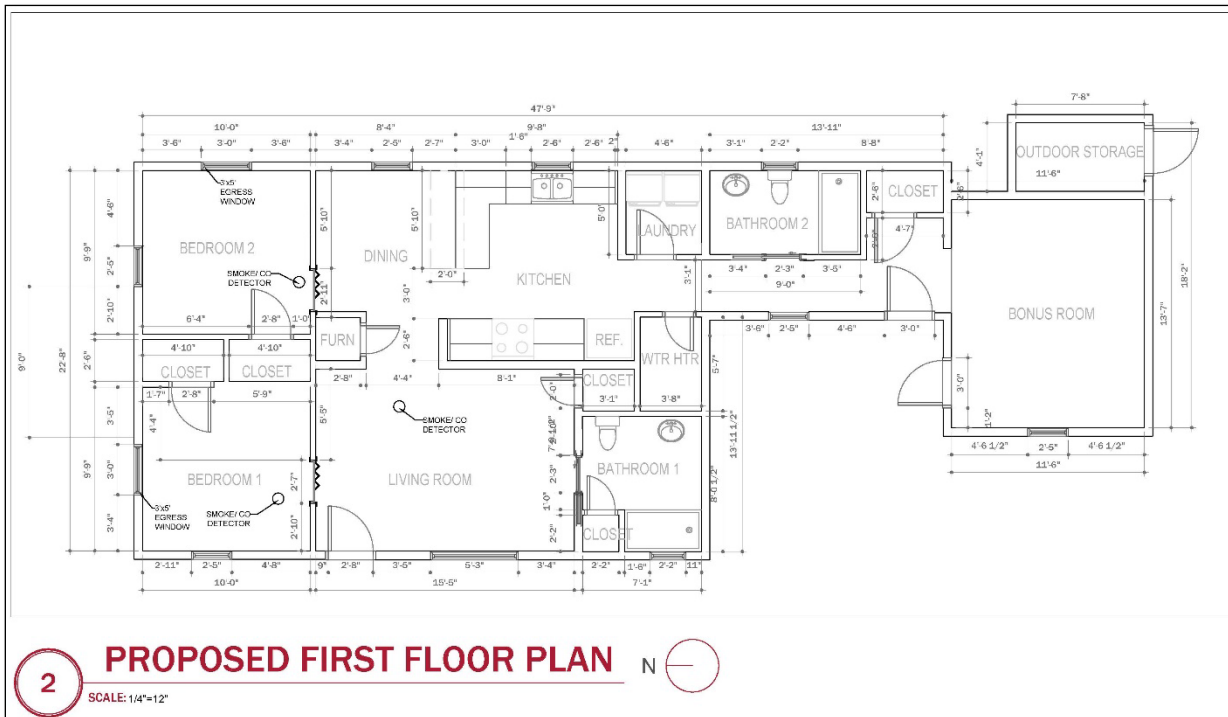




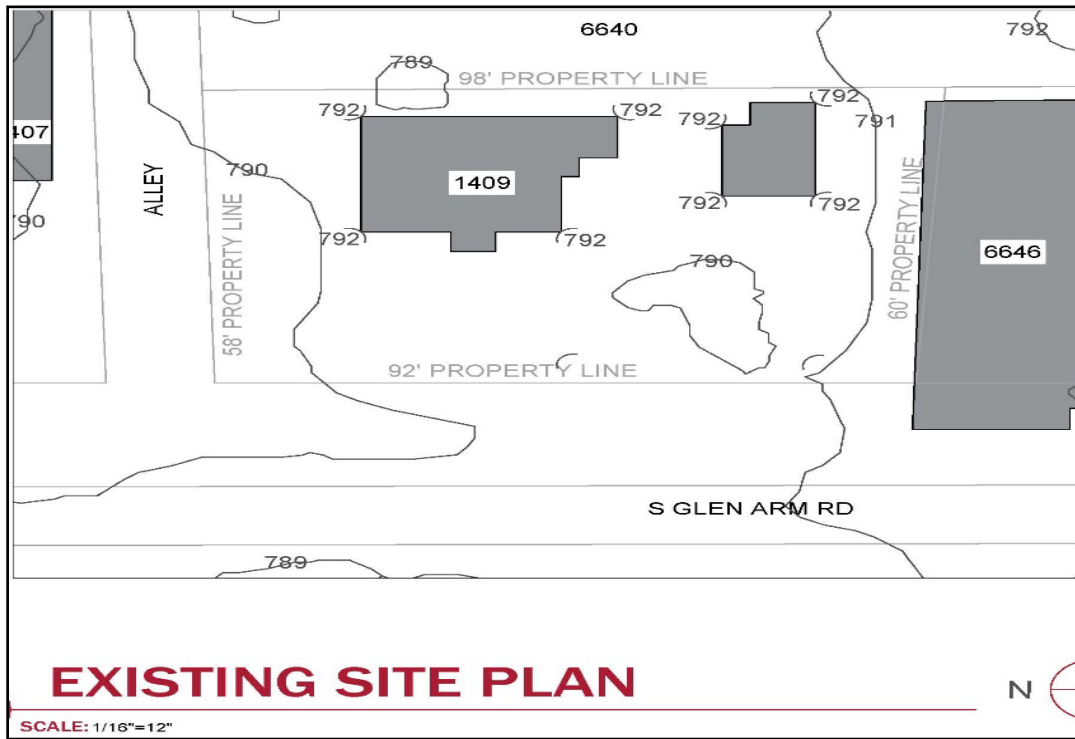
## Existing Frist Floor Plan



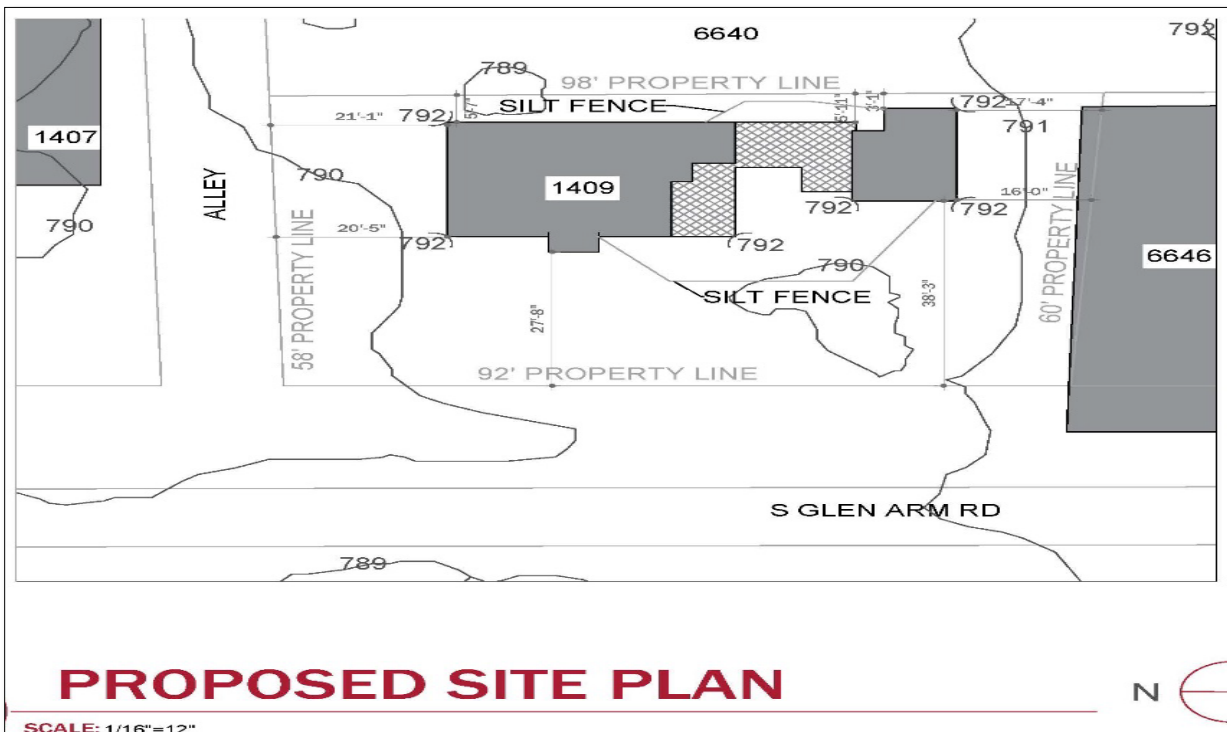
## Proposed Frist Floor Plan



### EXISTING SITE PLAN



### PROPOSED SITE PLAN



### Proposed Elevations



### 2025-CZN-837/2025-CVR-837 PHOTOS:

Looking east at subject site from South Glenn Arm Road.





Looking east from South Glenn Arm Road at existing building addition



Looking at existing building and building addition





Looking north from subject site at side of building addition



Looking south towards intersection of Glenn Arm Road and Washington Street





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Looking at gravel parking lot along South Glenn Arm Road.



Looking at the property driveway towards South Glenn Arm Road.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-839  
**Property Address:** 2222 Hillside Avenue (Approximate Address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Hillside Industrial IN LP, by Jason P. Lueking  
**Current Zoning:** SU-7 and I-3  
**Request:** Rezoning of 19.943 acres from the SU-7 and I-3 districts to the I-3 district to provide for medium industrial uses.  
**Current Land Use:** Industrial  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR SEPTEMBER 11, 2025**

The Hearing Examiner continued this petition from the August 28, 2025 hearing to the September 11, 2025 hearing to provide time for the petitioner to meet with the neighborhood association.

At the August 28 hearing, Petition 2025-CPL-839 was withdrawn.

Since that time, the petitioner has met with the neighborhood association to discuss the petition

**August 28, 2025**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this petition

**PETITION OVERVIEW**

**LAND USE**

This 19.943-acre site, currently split-zoned SU-7 and I-3 (Medium Industrial District) is improved with a multi-tenant industrial building. The property is currently being occupied by a Barton's discount store. It is surrounded by a fraternal lodge on zoned SU 34 to the north; the Monon-Pogue's Run Connector right of way to the south; the Keystone Enterprise Park zoned C S to the east; and KIPP Indy Legacy High School on SU 7 zoned land to the west.

**REZONING**

This request, if approved would rezone the site to the **I-3** Classification to provide uniform zoning across the pr y.





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**SU-7** is Special Use District Seven that permits charitable, philanthropic and not-for-profit institutions.

**I-3** is the Medium Industrial District for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Permitted uses include processing of food, manufacturing using mechanical manipulation of materials with more intense manufacturing permitted by special exception, heavy equipment sales & service, waste or recycling transfer facility, dry cleaning, medical labs, contractors, warehousing and distribution, fleet terminals, vehicle storage and auction, vehicle repair, heavy equipment sales & repair, outdoor storage, etc.

## OVERLAY

The site is also within the Industrial Reserve (IR) Overlay, intended for areas suitable for industrial development due to large parcel size, proximity to compatible uses, and interstate access. While no additional uses are permitted by the overlay, certain uses are excluded, including small-scale offices, retail, personal or professional services, and heavy commercial uses.

## STAFF ANALYSIS

A site visit revealed the presence of a banner sign, for which a sign permit must be obtained.

While the I-3 district is more intense than the Comprehensive Plan's recommended Light Industrial classification, the current uses—such as warehousing, wholesaling and distribution, logistics, research and development, manufacturing, and public safety facilities—are permitted within the I-2 (light Industrial) district. Furthermore, this rezone petition in practice only rezones the access road and easement to allow better site maneuverability the building is already zoned I-3. The I-3 Zoning District has a side and Rear transitional yard of 40 feet from the eastern property line allowing for greater separation of uses than I-2 district.

The building can be found in the 1962 aerials and according to the property card it was built in 1957, according to property records. Given the historical and existing industrial use of the site, as well as the scope and intent of the rezoning, staff recommends approval of the request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	SU-7 and I-3	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	Zoning	Land Use
North:	SU-34	Fraternal Lodge
South:	ROW	Monon-Pouges Connector
East:	C-S	Keystone Enterprise Park
West:	SU-7	Kipp Indy Legacy High School
<b>Thoroughfare Plan</b>		
Hillside Avenue	Primary Collector	56-foot Existing Right-Of-Way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Industrial Reserve	
<b>Wellfield Protection Area</b>	No	





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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 Pattern Book (2019)
- Martindale-Brightwood Neighborhood Plan (2011) (2003) (1997)

### Pattern Book / Land Use Plan

- The **Light Industrial** typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, color, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- **Environmentally Sensitive Areas**
  - 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.
- **Industrial Reserve**
  - The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.”

### Neighborhood / Area Specific Plan

- Martindale-Brightwood Neighborhood Plan Quality of Life Plan (2011)
- Martindale-Brightwood Neighborhood Plan (2003)
  - Potential Redevelopment Area
- **LIGHT INDUSTRIAL:**
- Industries that conduct their entire operations within completely enclosed buildings and do not have objectionable characteristics that extend beyond their property lines. Some examples are jewelry manufacturing

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engraving, warehousing, construction companies, upholstering, paper box and paper products manufacturing from finished paper, and manufacturing of optical goods.

- **BUSINESS DEVELOPMENT GOAL:** Provide a strong base for the neighborhood.
- **Recommendations**
  - Seek new businesses for the Keystone Enterprise Park that provide good jobs for neighborhood residents.
  - Make the sort of physical improvements that encourage investment and increase retail activity in the neighborhood.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- **INDY GREENWAYS MASTER PLAN (2014)**
- **Monon-Pogue's Connector**
- The final part of the Master Plan deals with smaller greenway and trail segments that help to complete the overall system and address areas of the city where additional connections are needed or where there are opportunities for meaningful connections. These types of connections include:
  - **Greenway-to-greenway connections**
  - Opportunities to connect between greenways in areas currently underserved by the greenway system.
  - Opportunities to establish connections between the greenways and nearby public facilities that will generate significant pedestrian and bicycle traffic.
  - Areas where there is available right-of-way for greenway-to-greenway connections
  - **Greenway-To-Greenway Connectors**
  - Several areas have been identified where there are strong potential connections between greenway segments. These potential routes link the different greenways together expanding the reach of each greenway for the user. They also provide a different experience for the user by providing alternative loops within the greenway and expanding the greenways into new areas. One such example in this plan is the Monon Connector, a proposed connection between the Monon Trail and the Pogue's Run Greenway. This 1.8-mile link is proposed on an abandoned rail corridor that parallels 21st street. Not only would this connection provide access to the Monon Trail for residents on the east side, it would also bring users to the Pogue's Run Art and Nature Park, helping to invigorate use of that property.

## ZONING HISTORY

### SITE

**2025-UV1-007; 2222 Hillside Avenue** (subject site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for I-3 Uses (not permitted), **withdrawn**.

**2018-ZON-027; 2259 Ralston Avenue** (part of subject site), Rezoning of 13.13 acres from the SU-16 and I-3 districts to the SU-7 classification to provide for an adult and child day care center, with building additions and urban gardens, **approved**.

**2018-PLT-077; 2255 Ralston Avenue** (west of subject site), Approval of a Subdivision Plat, to be known as KIPP Indy – Edna Martin Christian Center, dividing 13.04 acres into three lots, **approved**

**2012-UV2-017; 2222 Hillside Avenue** (subject site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a scrap metal recycling facility (not permitted), **granted**.

### VICINITY

**2011ZON064; 1802 E 23<sup>rd</sup> street** (north of subject site), Rezoning of 5.62 acres, from the SU-1 and SU-34 Districts to the D-7 classification to provide for multifamily uses, **approved**.

**2008-ZON-106; 1701 East 25<sup>th</sup> Street (north of subject site)**, request Rezoning of four acres from the SU-1 and D-5 to D-7, **approved**.

**2007-ZON-001; 1701 East 25<sup>th</sup> Street** (north of subject site), request Rezoning of 3.41 acres from SU-1 to D-7, **approved**.

**2005-ZON-173; 2255 Ralston Avenue** (west of subject site), requested Rezoning of 9.87 acres, being in the I-3-U District, to the SU-16 classification to provide for recreational uses, **approved**.

**2004-UV3-027, 2255 North Ralston Avenue** (west of subject site), requested a Variance of Use to provide for the expansion of an indoor sports complex, and the installation of a mobile office structure, in I-3-U, **approved**.

**2003-ZON-840/2003-PLT-840; 2115-2150 North Keystone, 2215-2236 North Tacoma Avenue, 2154-2222 Winter avenue, 2219-2223 Bellis Street, 2100-2223 Greenbriar lane, 21-29-2205 Jefferson Avenue, 2162-2247 North Temple Avenue, 2218-226 Eastern Avenue, 2205-2248 East Pruitt Street** (east of site), Rezoning of 44.464 acres, being in the D-5, I-3-U, I-4-U and SU-1 Districts, to the C-S Classification to provide for an industrial Park with limited C-3, C-4, C-I-C, I-1-U, I-2-U and I-3-U uses, **approved**

**2002ZON837/ 2002- PLT-837; 2311 North Temple Avenue** (east of site), requested Rezoning of 36.109 acres from the D-5 and SU-1 to C-S to provide for a mixed use industrial Park, Including light industrial, retail and hospitality uses, and requested plat approval of an industrial park to be known as Keystone Enterprise Park, Phase 1, a replat of 1-6 in wilder's subdivision, all Lots in Arthur V. Brown's Oak Hill Subdivision, all lots in Hillside Terrace, et al, dividing 36.109 acres into four blocks, **approved**.

**2002-UV3-008, 2255 North Ralston Avenue** (west of subject site), requested a Variance of Use to provide for the expansion of an indoor sports complex in I-3-U, **approved**.

**97-UV3-98; 2259 North Ralston Avenue** (west of subject site), requested a Variance of Use to provide for an indoor sports complex in I-3-U, **approved**

**96-HOV-16; 2302-2461 Ralston Avenue** (west of subject site requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to allow construction of 10 homes with a main floor area of 600 square feet, **granted**.

**95-HOV-16; 2302-2461 North Ralston Avenue** (west of subject site), Variance of Development Standards of the dwelling districts zoning ordinance to allow construction of 10 homes with a main floor area of 600 square feet (minimum 660 square feet required) **granted**

**91-Z-30; 1720-2050 East 23<sup>rd</sup> Street** (north of subject site), request Rezoning of 13.1 acres, being in the D-7 District, to the SU-34 classification to legally establish an existing lodge, **approved**.

**86-SE3-2; 2102 Hillside Avenue** (south of subject site), request an industrial Special Exception to provide for the operation of a concrete manufacturing plan, granted

**81-UV2-98; 1902 East 23<sup>rd</sup> Street** (north of subject site), requested a Variance of Use and Development Standards to permit temporary use as a parking lot, **granted**.



EXHIBITS

2025CZN839 Zoning Map



Department of Metropolitan Development  
 Division of Planning  
 Current Planning Section

INDY GREENWAYS MASTER PLAN Monon-Pogue's Connector

**monon trail overview:**

- PROVIDES CONNECTION FROM HAMILTON COUNTY AND NORTHERN INDIANAPOLIS DIRECTLY TO DOWNTOWN

MILES: 10.3

**DESTINATIONS:**

- NORA COMMERCIAL CENTER
- BROAD RIPPLE VILLAGE
- BROAD RIPPLE HIGH SCHOOL
- INDIANA SCHOOL FOR THE DEAF
- INDIANA STATE FAIRGROUNDS
- DOWNTOWN

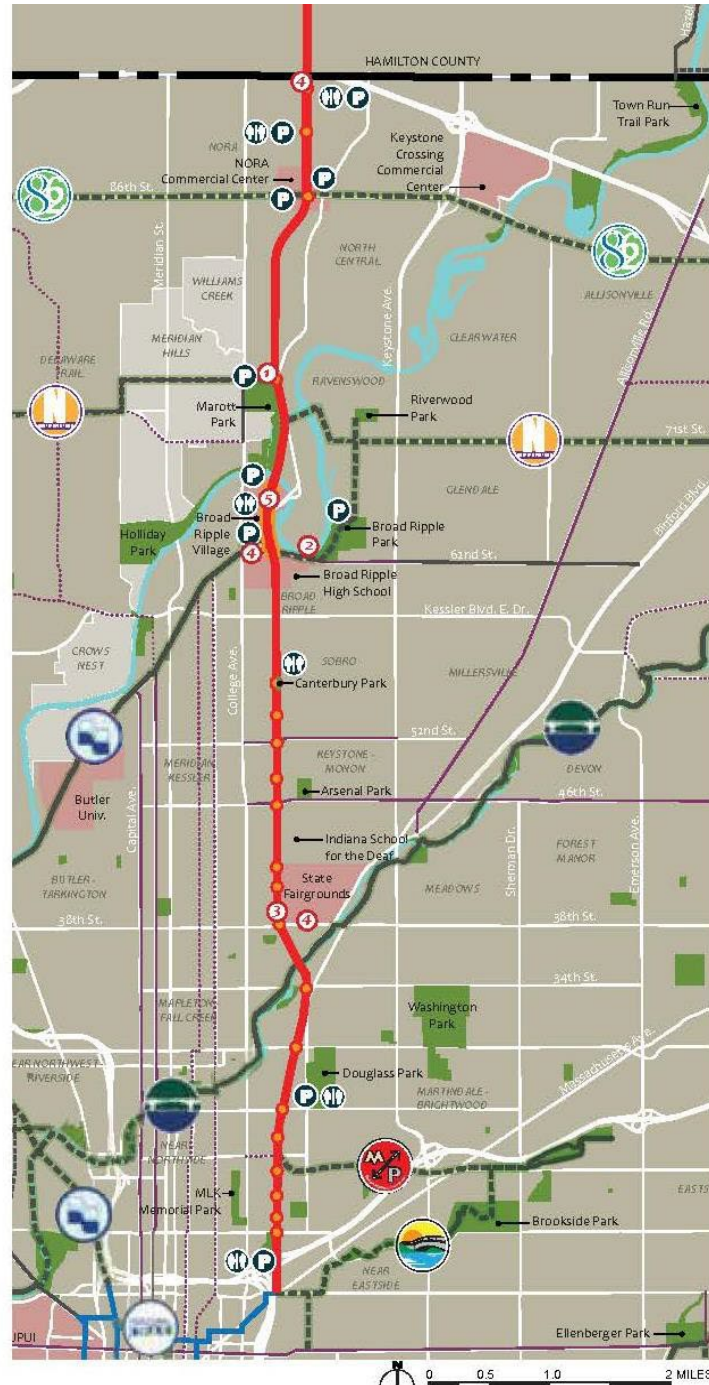
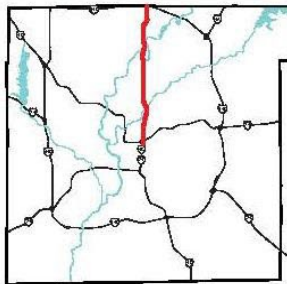
**CONNECTIONS:**

- 86TH-82ND STREET COMMERCIAL CONNECTOR
- NORTHTOWN TRAIL
- CENTRAL CANAL TOWPATH
- FALL CREEK GREENWAY
- MONON-POGUES CONNECTOR
- POGUES RUN GREENWAY
- INDIANAPOLIS CULTURAL TRAIL

**legend**

- PARKING AREAS
- RESTROOMS
- GREENWAY ACCESS POINTS
- CONTINUOUS GREENWAY ACCESS
- MONON TRAIL
- OTHER GREENWAYS
- INDIANAPOLIS CULTURAL TRAIL
- EXISTING SHARED-USE PATHS
- PLANNED SHARED-USE PATHS
- EXISTING BIKELANES
- PLANNED BIKELANES
- LANDMARKS
- PARKS
- OTHER INCORPORATED AREAS

**key map**



**monon trail**



## **2025-CZN-839 Proposal by Petitioner**

### Proposal by Petitioner

On or about September 20, 2022, the Petitioner, Hillside Industrial IN LP, acquired approximately 17.915 acres of real estate located at 2222 Hillside Avenue, Indianapolis, Indiana ("Original Property"). The Original Property has a zoning classification of I-3, or Medium Industrial, and features a warehouse with a total of 152,256 square feet ("Warehouse"). The Warehouse is used and leased for industrial purposes to four (4) tenants who have their own individual spaces within the Warehouse.

The Petitioner subsequently acquired 1.985 acres of land ("Adjacent Property") from Piper Warehouse, Inc., an Indiana corporation, by Special Warranty Deed dated October 22, 2024 and recorded November 1, 2024 as Instrument No. A202400089756 in the office of the Recorder of Marion County, Indiana.

The Adjacent Property was excess land formerly part of two (2) parcels of real estate used for Kipp Indy Legacy High School under Marion County Tax Parcel No. 1106183 (2259 Ralston Avenue) and Parcel No. 1106185 (2135 Ralston Avenue). The Adjacent Property has grass areas, asphalt paved areas and a dry retention basin area. No buildings are located on the Adjacent Property. The zoning for the Adjacent Property is SU-7.

The Adjacent Property does not have direct access to a public road and access to the Adjacent Property to and from 23rd Street and Hillside Avenue is through and across portions of the Petitioner's Original Property.

Petitioner (and the predecessor owner) purchased the Adjacent Property for the purpose of improving access and maneuverability around the warehouse located on the Petitioner's Adjacent Property. The Adjacent Property also provides additional parking for trucks and trailers used by tenants of the Petitioner to bring products to and from the Warehouse.

Petitioner requests a re-zoning of the Adjacent Property from SU-7 to I-3. The Adjacent Property will be used for driveway purposes, parking of trucks, trailers and equipment and other incidental purposes to support the Warehouse located on the Petitioner's Adjacent Property.

Per the request of the Department of Metropolitan Development, the Petitioner is simultaneously filing a Petition for Plat approval that will combine the Original Property and the Adjacent Property into one lot for Hillside Park Subdivision. The lot will have a total of approximately 19.943 acres.



## **2025-CZN-839 Plan of Operations**

### Plan of Operations

The portion of the subject property currently zoned SU-7 (1.985 acres) includes grass areas, asphalt paved areas which are used for parking and driveway purposes along with a dry retention area. This property provides improved functionality including enhanced parking and maneuverability for tenants of the warehouse located on the adjacent parcel including approximately 17.9 acres ("Original Property").

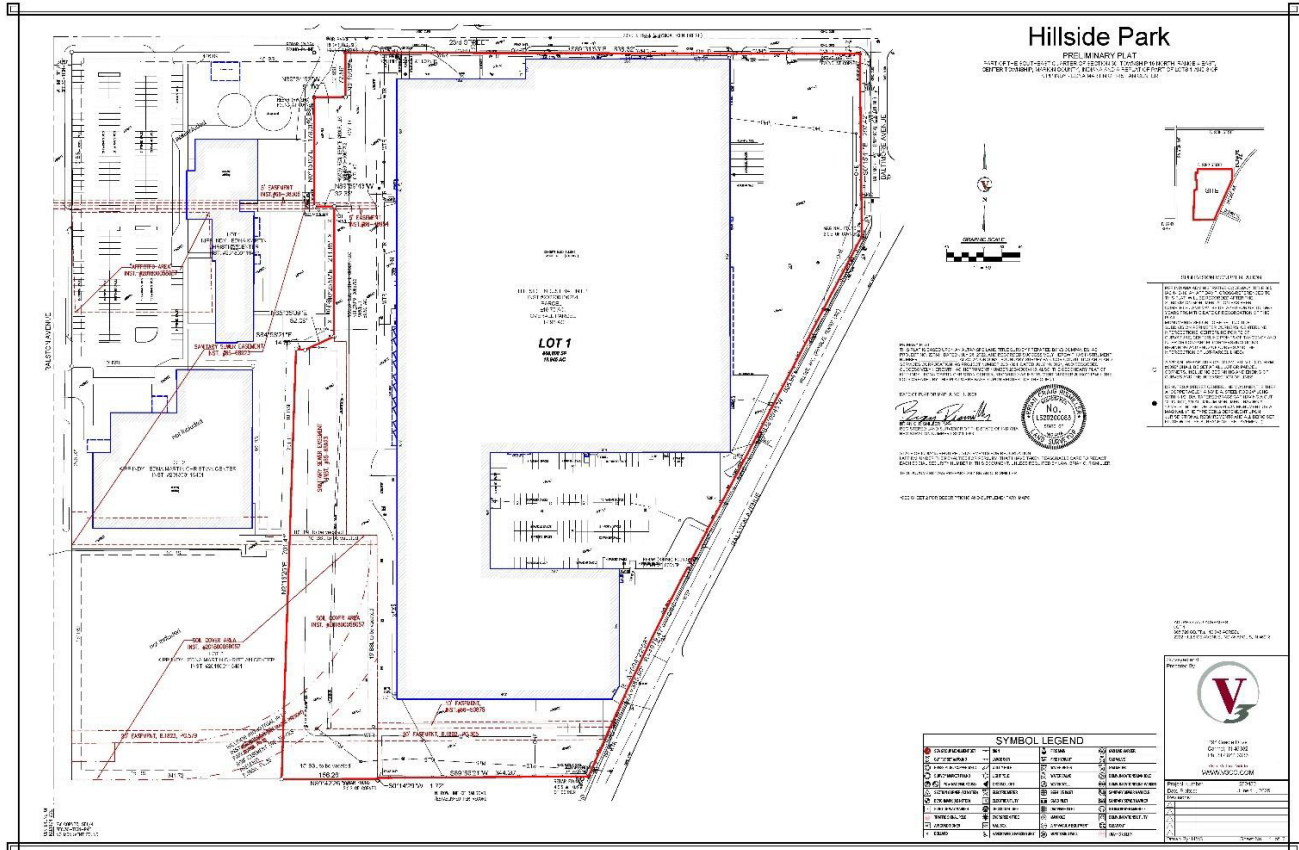
There is fencing between the subject property and adjacent land to the West that is used for Kipp Indy Legacy High School. Access to the property is also limited by gates along the public roads that provide access to the property. Cameras are installed for additional security applicable to property.

There are 4 tenants on the property including the City of Indianapolis, Metropolitan Police Department. Between the 4 tenants, it is estimated that 40 to 50 employees access the warehouse building on the property each business day. Business hours are generally 10 a.m. to 5 p.m. Monday through Friday but Tenants are allowed access to the warehouse at other times.

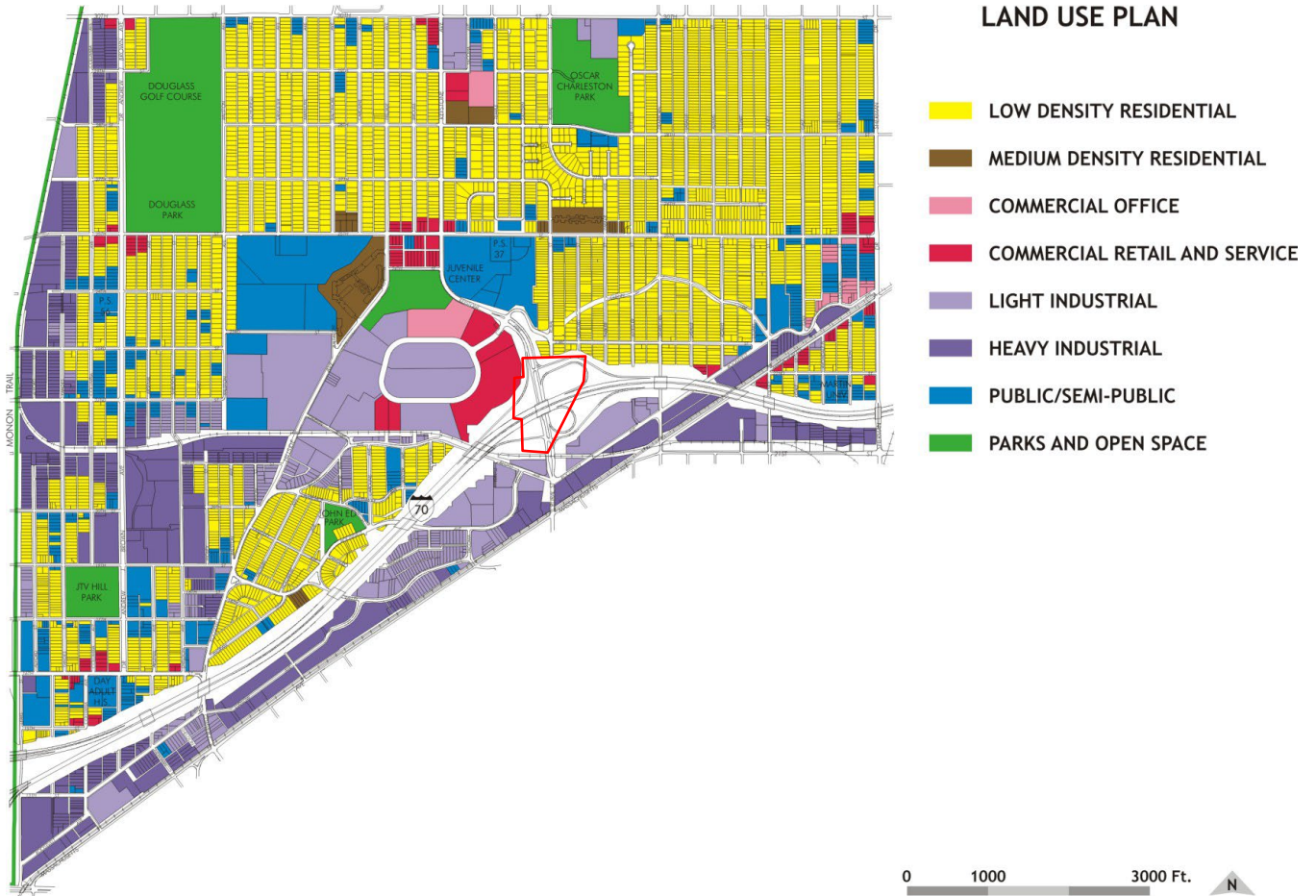
There are not any known hazardous or explosive materials on the property.



## 2025-CZN-839 Preliminary Plat



## Martindale-Brightwood Quality of Life Plan: Land Use Plan



**2025-CZN-839 Photos:**

**Looking west on subject property at warehouse**



**On subject property entrance parking lot looking north**





**On subject property looking east at Hillside Avenue**



**On Hillside Avenue looking south**





On Hillside Avenue looking north



Looking east from Hillside Avenue and banner wall sign.





**Looking south from subject property at Monon-Pogue's Connector**



**Looking east from subject property at area to be rezoned**



Department of Metropolitan Development  
Division of Planning  
Current Planning Section

Looking east from subject property at area to be rezoned





**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-840A / 2025-CZN-840B / 2025-CPL-840

**Property Address:** 2302 West Morris Street

**Location:** Center Township, Council District #17

**Petitioner:** West Morris Street Free Methodist Church by Keith Cruz

**Current Zoning:** D-5II

A. Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development.

B. Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development.

**Request:**

Approval of a Subdivision Plat to be known as Oden Ross Subdivision, dividing 3.4 acres into nine lots.

**Current Land Use:** Open space / playground / soccer field

**Staff Recommendations:** Approval of the rezoning and plat.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on these petitions.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated August 4, 2025, 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.

Staff recommends approval of the rezoning petition, 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. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

## PETITION OVERVIEW

This 3.44-acre site, zoned D-5II, has open space, a playground and sports field. It is surrounded by single-family dwellings to the north, across West Wilkins Street, zoned D-5; commercial uses to the south, across West Morris Street, zoned C-7; single-family dwellings and religious uses to the east, across North Tremont Street, zoned D-5 and C-4; and a parking lot and open space to the west, zoned C-S.

Petitions 2023-CZN-843 / 2023-CPL-843, rezoned the site to the D-5II district and subdivided the site into six lots and two blocks. The six lots are proposed for single-family development ranging from 4,720 square feet to 6,449 square feet. The proposed Blocks A and B would be reserved for future development.

## **PLAT**

### **Site Plan**

The proposed plat would divide this site into nine lots. Lots 1 through 8 (zoned D-8) would provide for single-family dwellings. Lot 9 (zoned D-9) would provide for a multi-family dwelling and parking lot.

### **Streets / Traffic**

Lots One through Five would front and gain access on Wilkins Street to the north. Lot Five would be a corner lot with a side yard on North Tremont Street to the east. Lots Six through Nine would front and gain access on North Tremont Street to the east.

No new streets are proposed as part of this petition.

### **Sidewalks**

Sidewalks exist along West Morris Street but there are no sidewalks along either North Tremont Street or West Wilkins Street. In accordance with the Ordinance, "sidewalks shall be provided at a minimum rate of five (5) linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, or converted to a commercial use, or relocated building or addition."

### **Waivers**

None requested.

## **REZONING**

The request would rezone 1.471 acres to the D-8 district (Part A) and 1.969 acres to the D-9 district (Part B).

"The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

"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 of the Land Use Pattern Book."



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To advance the Livability Principles of this Code, the D-5, D-5II, **D-8, D9** and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

### **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.

## **Tree Preservation / Heritage Tree Conservation**

There are significant amounts of natural vegetation and trees located on the northern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

## **Planning Analysis**

Despite the land use recommendation of special use, this rezoning request would be consistent with the Neighborhood Plan that contemplates conversion of industrial uses (adjacent to the west) to residential uses within Critical Area 5.

Staff believes the proposed development would increase the housing options and result in redevelopment of the site that would be beneficial to the community and compatible with the neighborhood and surrounding land uses.

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Division of Planning  
Current Planning**

Staff would strongly recommend that the Infill Housing Guidelines be considered to assure appropriate integration of this development with the existing neighborhood architectural character. This would also support the recommendations for Critical Area 5 in the Neighborhood Plan that “new residential development should be similar to the development patterns of the residential neighborhoods.”

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Open space / Playground / Sports field	
<b>Comprehensive Plan</b>	Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Single-family dwellings
South:	C-7	Commercial uses
East:	D-5 / C-4	Single-family dwellings / religious uses
West:	C-S	Commercial uses
<b>Thoroughfare Plan</b>		
West Morris Street	Primary arterial	Existing 72-foot right-of-way and proposed 78-foot right-of-way.
South Tremont Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
West Wilkins Street	Local Street	Existing 60- foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 10, 2025	
<b>Site Plan (Amended)</b>	N/A	
<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

Not Applicable to the Site.

### Pattern Book / Land Use Plan

Not Applicable to the Site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

West Indianapolis Neighborhood Plan (2014).

This Plan recommends special use. This land use category consists of a variety public, semi-public, and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers, and public safety facilities) or are unique uses exhibiting significant impacts on adjacent property (such as the Indianapolis International Airport, Indiana State Fair, and Indianapolis Motor Speedway).

This site is also located within Critical Area 5 location.

Critical Area 5 Location: Industrial area in proximity to the intersection of Morris and Bedford streets Why Critical: This area is currently industrial but is proposed in this plan to be converted to residential uses. It is critical that the transition be orderly and that the interface of residential and industrial uses accommodates the needs of both land uses.

Recommendations:

- To blend with the existing neighborhood, new residential development should be similar to the development patterns of the residential neighborhoods to east in terms of block sizes and grid, lot sizes, and provision of sidewalks and alleys.
- Existing buildings provide an opportunity for creative adaption to residential use.
- Conversion of the Critical Area to residential parcels should not be done in a piecemeal manner, but in groupings of contiguous housing units so that a lone residential structure is not “stranded” with industries on three or four sides of it nor does that individual home interfere with industrial usage.
- During the period of transition from industrial to residential uses, care should be taken to provide buffers between residential and industrial uses, separate industrial and neighborhood traffic, and not hamper the conversion of surrounding parcels.

- Multiple, convenient access points to the Eagle Creek Greenway should be provided throughout the Critical Area.

### **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)

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.”

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Division of Planning  
Current Planning**

The following listed items describe 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

**2023-CZN-843 / 2023-CPL-843**; requested rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings and approval of a Subdivision Plat to be known as Oden Ross Park, subdividing 3.4 acres into six lots and two blocks, **approved**.

**91-Z-173, 2530 West Morris Street**, rezoning of 10.75 acres from the D-5 and C-4 district to the C-S classification to provide for a mixed-use development including offices, retail uses, vehicles sales and repair, and industrial uses including I-1-U and I-2-U permitted uses, cabinet manufacturing and machine welding and tool and die shops, **approved**.

## VICINITY

**2005-PLT-005, 2435 West Wilkins Street**, **approval** of a plat to be known as WIDC Wilkins Street New Addition, dividing 1.78 acres into six lots.

**97-Z-158, 2450 West Morris Street**, rezoning of 12.693 acres from the D-5 and C-7 district to the C-S district to provide for truck trailer leasing and sales, **approved**.

**95-UV2-5, 2331 West Morris Street**, variance to provide for construction of a 400-square foot detached garage for an existing single-family dwelling in the C-4 district, **approved**.

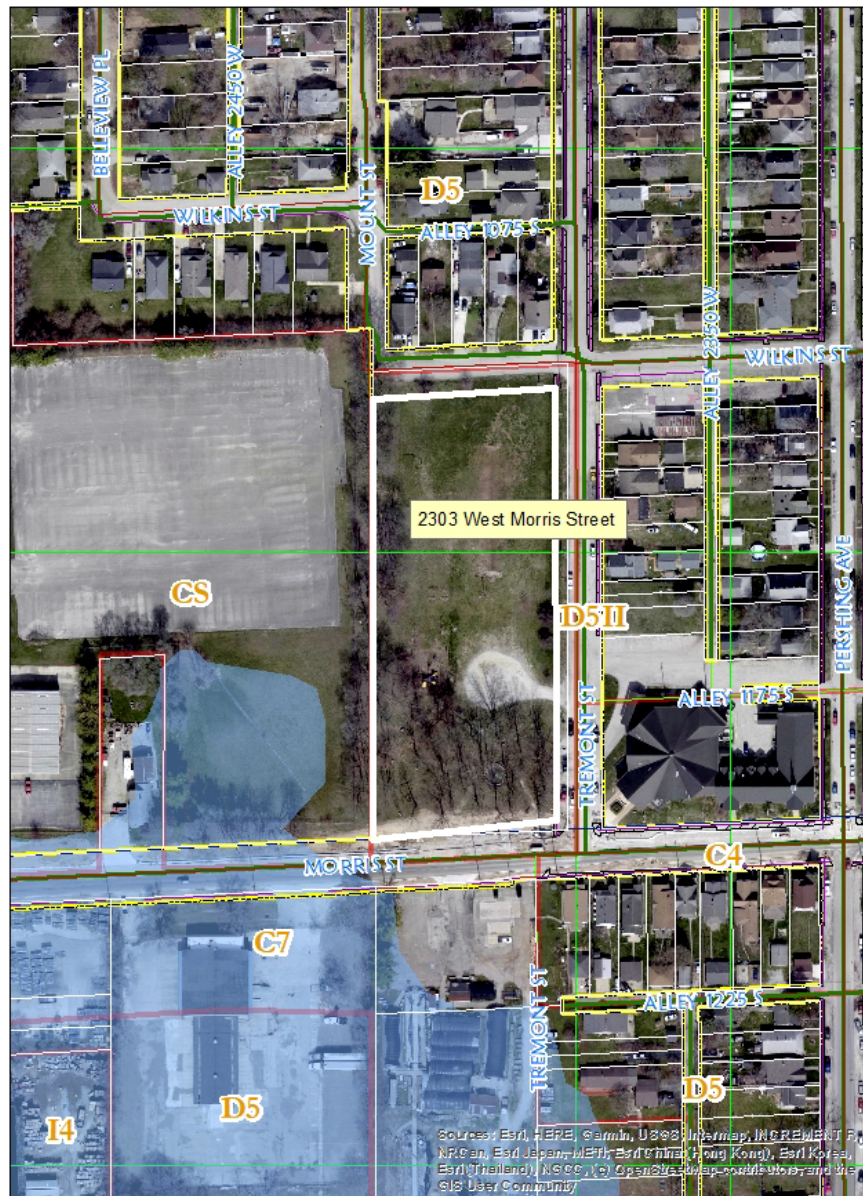
**95-Z-19, 2530 West Morris Street**, rezoning of 8.575 acres from the C-S district to the D-5 district to provide for single-family residential development, **approved**.

**83-UV3-88, 1101 South Tremont Street**, variance to provide for the continued use of an existing garage for storage of two church buses, **approved**.

**81-Z-10; 2532 West Morris Street**, requested rezoning of 0.5 acre, being in the D-5 district, to the C-7 classification to provide for commercial development, **approved**.

**73-VAC-25**, vacation of the first alley north of West Morris Street from the east property line of Tremont Street to a point 176 feet to the east, **approved**.

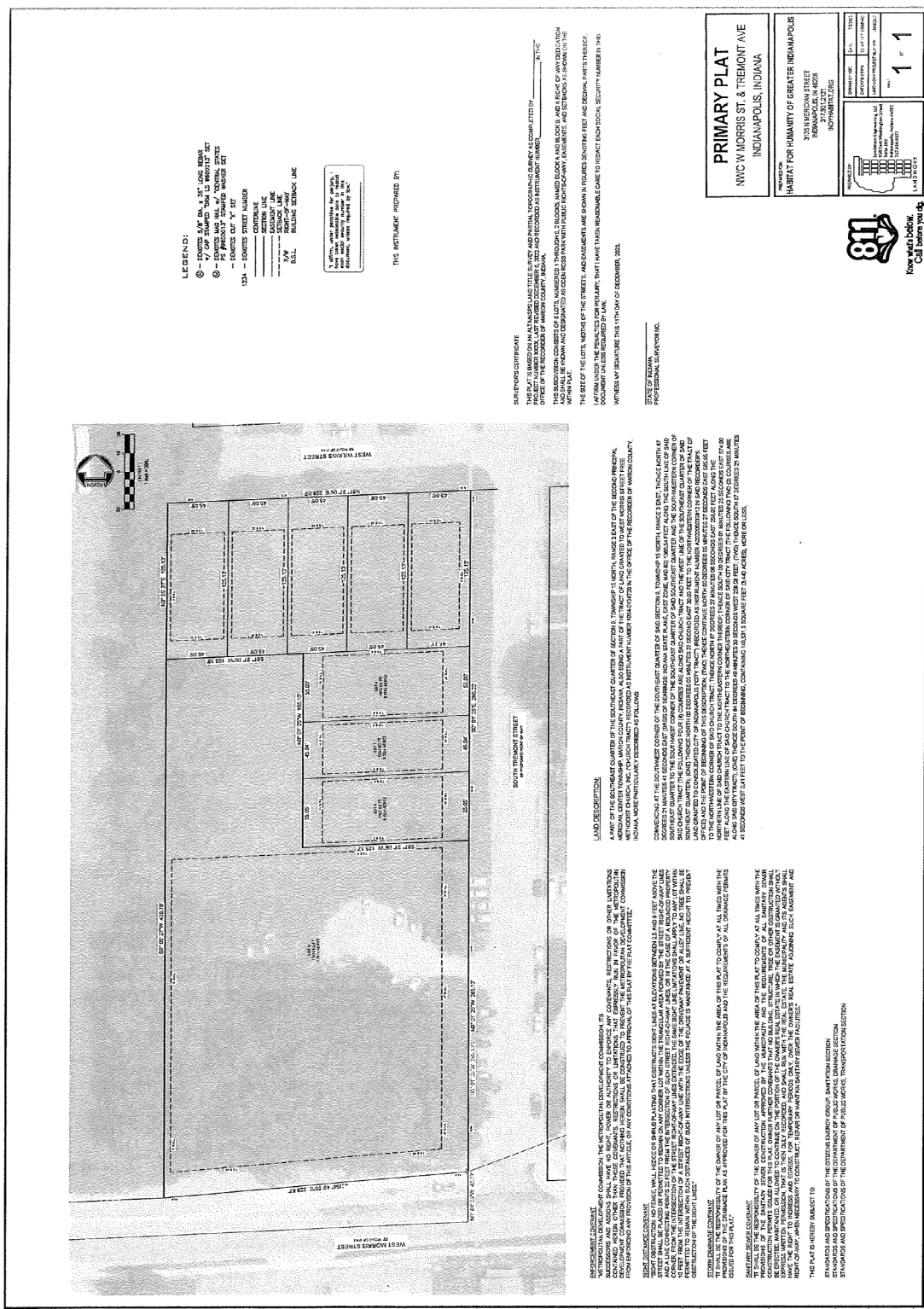
EXHIBITS



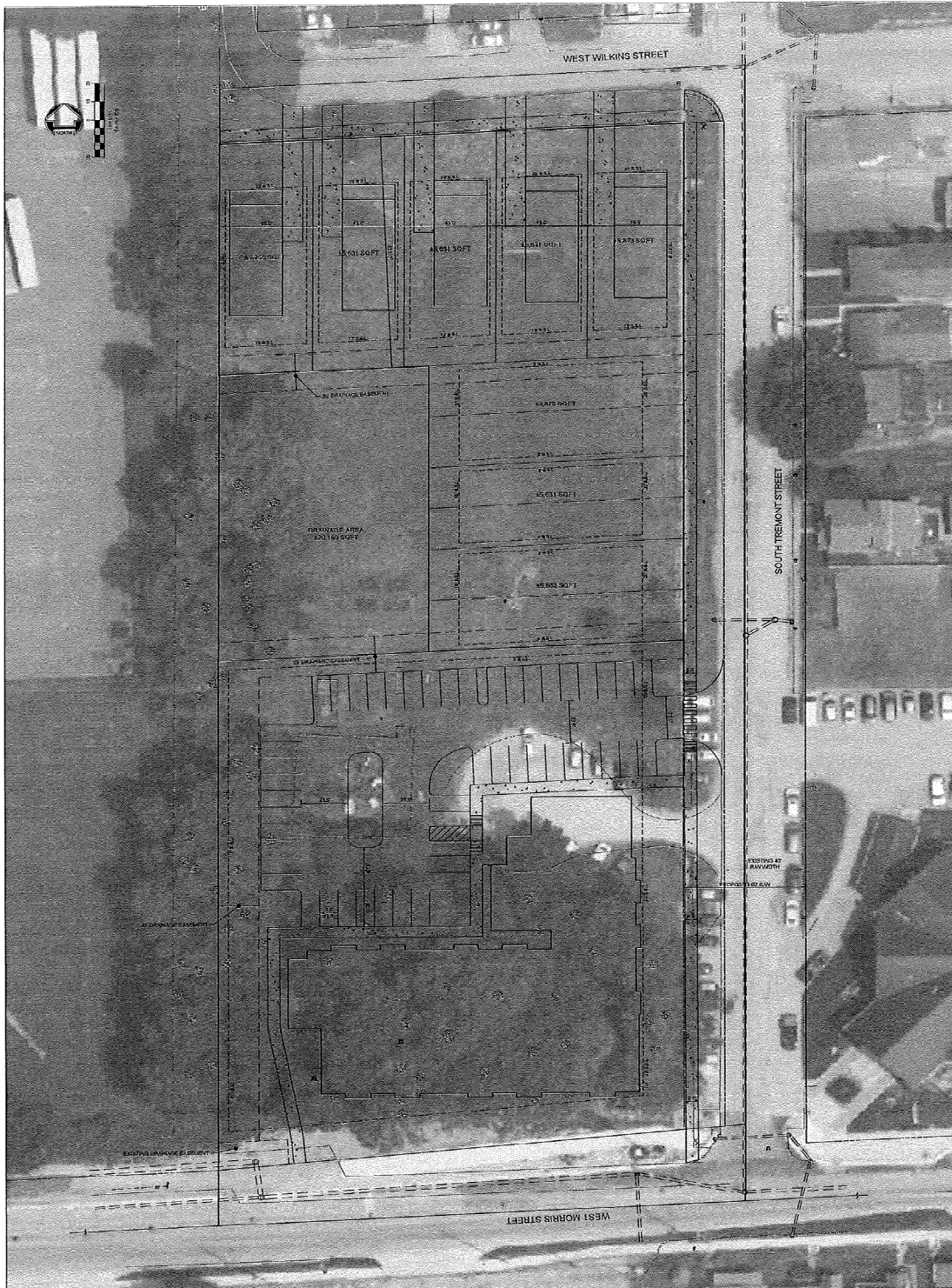
2302 West Morris Street

00.00 0.015 0.03 0.045 0.06 Miles











## EXHIBIT A

### Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking northeast across intersection of West Morris Street and North Tremont Street



View looking south along North Tremont Street





View looking north along North Tremont Street



View of site looking southwest along North Tremont Street





View of site looking west across North Tremont Street



View of site looking west across North Tremont Street





View of site looking west across North Tremont Street



View looking south along North Tremont Street



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View of site looking south across Wilkins Street



View of northwest corner of site looking southwest from intersection of West Wilkins Street and North Mount Street





View of site looking northeast along West Morris Street



View of site looking north across West Morris Street



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Division of Planning  
Current Planning



View of site looking northeast across West Morris Street



View of site looking northeast across West Morris Street

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CAP-841 / 2025-CVR-841

**Property Address:** 9700 Pentecost Road, 9705 – 9913 (odd) Palermo Avenue, 9706 and 9708 Palermo Avenue, 10012 – 10024 (even) Palermo Avenue, 4115 – 4141 (odd) Palermo Drive, 4142, 4143, 4146, 4147, 4150, 4151, 4154, and 4155 Palermo Court, 4121 – 4147 (odd), and 4120 – 4146 (even) Palermo Garden Drive, 4118, 4120, 4123, and 4125 Garden Way, 4007 – 4115 (odd), and 4104 – 4110 (even) Massimo Drive, 9704 – 9818 (even), and 9715 – 9805 Quattro Avenue

**Location:** Franklin Township, Council District #25

**Petitioner:** Ryan Homes, by Joseph D. Calderon

**Current Zoning:** D-5II (FF)

**Request:** Modification of Commitments related to petition 2021-CZN-831 to terminate Commitment 30 (current commitment prohibits the installation of playsets or similar play equipment designed for children anywhere in the development), and to modify Commitment 32 to replace the word “shall” with the word “may” in the first line in reference to the Homeowner’s Association providing maintenance services including yard work, snow removal, and leaf cleanup (current commitment states that the Homeowner’s Association *shall* offer to provide maintenance services including yard work, snow removal, and leaf cleanup).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front-loaded garages to consist of 77.4% of the façade at the front building line (maximum 30% permitted).

**Current Land Use:** Under development for residential uses.

**Staff Recommendations:** No recommendation of the modification request.  
Denial of the variance of development standards request.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on these petitions.

**STAFF RECOMMENDATION**

No recommendation of the modification of the commitments.

Denial of the variance of development standards.

## PETITION OVERVIEW

This 46.46-acre site, zoned D-5II is under development for residential uses. It is surrounded by a single-family dwelling and agricultural uses to the north and east, zoned D-A; single-family dwellings to the south, across Pentecost Road, zoned D-3 and D-P; single-family dwellings to the west, zoned D-P and D-A.

Petition 2021-CZN-831 / 2021-CPL-831 rezoned this site to the to the D-5II district and approved a Subdivision Plat.

## MODIFICATION

The request would modify commitments related to petition 2021-CZN-831 to terminate Commitment 30 prohibiting playgrounds and modify Commitment 32 to replace the word “shall” with the word “may” in the first line in reference to the Homeowner’s Association providing maintenance services including yard work, snow removal, and leaf cleanup.

The commitments prohibiting the installation of playsets or similar play equipment designed for children anywhere in the development and require the Homeowner’s Association to offer maintenance services including yard work, snow removal, and leaf cleanup were originally the result of negotiation between the petitioner and the neighborhood organization during the 2021 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

## 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-5II in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.



## VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for the front-loaded garages to consist of 77.4 % of the façade at the front building line when the Ordinance limits the percentage to 30% of the façade.

Limiting the front-loaded garage to 30% of the façade minimizes the impact of conflicts between pedestrians and vehicles and improves the safety pedestrians. It also results in the architecture of the dwelling to maintain a visual balance between the living area and the garage.

Recent submittals of garage door elevations minimizes the dominating visual impact of garage doors, but staff continues to be concerned with the safety of pedestrians in the neighborhood as more residents move into this community.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5II	
<b>Existing Land Use</b>	Residential uses (under development)	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-A	Single-family dwelling / agricultural uses
South:	D-3 / D/P	Single-family dwellings
East:	D-A	Agricultural uses
West:	D-P / D-A	Single-family dwellings
<b>Thoroughfare Plan</b>		
Pentecost Road	Local Street	Existing 70-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – 100-year floodplain of Springer McGaughey Ditch	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 29, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	August 13, 2025 / September 2, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	July 29, 2025	
<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 Rural or Estate Neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:

#### *Detached Housing*

- Should preserve open space.
- In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
- In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
- Denser development is appropriate only if the houses are clustered together and public open space is provided.
- “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided.
- Lots should be no larger than one and a half times the adjacent lots.

### 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 describe 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

**2021-CZN-831 / 2025-CPL-831; 9700 and 10010 Pentecost Road**, requested rezoning of six acres from the D-A (FF) district to the D-5II (FF) district to modify or terminate commitments related to 2004-ZON-830 and approval of a Subdivision Plat to be known as Palermo Gardens, dividing 46 acres into 180 single-family attached dwelling (90 two family lots), with a waiver to shorten the boulevard entry to partially waive the street connection requirement, **approved**.

**2018-ZON-004; 9700 Pentecost Road**, requested rezoning of 40.0 acres, being in the D-5II District, to the D-3 classification to provide for residential development, **withdrawn**.

**2005-ZON-120; 9741 Pentecost Road**, requested rezoning of 68.337 acres, being in the D-A District to the D-3 classification to provide for single-family residential development, **approved**.

**2004-ZON-830; 9700 Pentecost Road**, requested rezoning of 40.0 acres, being in the D-A District, to the D-5II classification to provide for two-family residential development, **approved**.

**2003-ZON-060; (2003-DP-008); 9900, 10050, 10500, and 10640 East Thompson Road and 10101 and 10401 Pentecost Road**, requested rezoning of 422.943 acres, being in the D-P (FF)(FW) District, to the D-P (FF)(FW) classification to provide for 833 single-family dwellings, **approved**.

**2005-ZON-120; 9741 Pentecost Road**, requested rezoning of 68.337 acres, being in the D-A District to the D-3 classification to provide for single-family residential development, **approved**.



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**A202100131032**

**09/29/2021 09:32 AM**

**KATHERINE SWEENEY BELL  
 MARION COUNTY IN RECORDER**

**FEE: \$ 35.00**

**PAGES: 10**

**By: ODG**

**LA**

**STATEMENT OF COMMITMENTS**

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
 MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:** See Exhibit C attached hereto which is incorporated herein by this reference.

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Additional right-of-way will be dedicated, within 60 days of approval, sufficient to satisfy the request of the Department of Public Works for a Twenty-Five-foot (25') 1/2 right of way along the Pentecost Road frontage of the real estate. 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 DPW.
3. The development will have a homeowner's association, created and controlled by the developer or its designee until the subdivision is substantially built out, and thereafter turned over to the homeowners, which shall be responsible for mandatory membership, mandatory lien enforced assessments and the collection of said assessments upon improved lots to support the association in, among other things, the expense of maintenance and taxes of the common areas such as retention ponds, open space, perimeter landscaping, the amenity center, snow removal from subdivision streets to supplement city snow removal, payment of utility expenses for interior and entry lights, and other services which the association determines to offer to the residents. At the time the association is turned over to the homeowners, the Developer will provide the Franklin Township Civic League with the name, address and telephone number of the initial contact for the homeowner's association.
4. The planned association of homeowners shall have appointed from among its members (being the developer until after the initial build out period has occurred), an architectural control committee which shall have the power to approve or disapprove all house designs, additions or alterations thereto, together with any proposed accessory structures and or appurtenances, including but not limited to fencing.
5. Other than perimeter fencing installed by the Developer, any fencing proposed along the Pentecost Road frontage of the development should be of a uniform style, design, color and height, and shall be subject to the approval of the architectural control committee.
6. Any fence which is constructed by a homeowner on any platted lot shall be constructed only in the rear yard; and shall not extend any closer to the public street in front of the residence than the





**Department of Metropolitan Development  
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Current Planning**

applicable rear corner of the residence, with the exception that a rear yard fence may extend as necessary through one side yard of the residence in order to connect to a garage service door or the like.

7. The maximum number of homes in the development shall be 184.
8. Satellite disks of no more than 30 inches in diameter shall be the only antennae permitted.
9. No outbuildings (defined as including those with and without a permanent foundation) shall be permitted, with the exception that mini barns/storage buildings MAY be approved by the applicable ARC, if said building is less than 160 square feet in size, is not constructed of metal, tin, aluminum or the like, the color of the roof shingles match the house, the siding is painted to match the house, and a commitment is made to regularly maintain said building to these standards or any others imposed by said committee. Further, any such building shall not be placed in an area described as a drainage, legal drain, or utility easement.
10. No outside storage of unlicensed vehicles, RV's, trailers, boats or boat trailers shall be permitted.
11. No above ground pools shall be permitted.
12. Each unit shall have a landscaping package at the time of original construction which includes a minimum of two (2) trees and five (5) shrubs.
13. There will be at least two entrances from the project onto Pentecost Road, at least one of which shall be a boulevard type design.
14. The Plat for the entire 46 acres will include a street stub to the North which lines up with the easternmost entry, and also a street stub to the East from the original 40 acre portion of the property.
15. The lot width of each two-unit lot in the development shall match the recorded Plat.
16. Each unit shall have an attached garage capable of storing at least two (2) vehicles.
17. No carports shall be permitted.
18. The driveway serving each unit shall be hard surfaced along its entire length.
19. No side gravel drives shall be permitted.
20. All mailboxes within the development shall be constructed of uniform design, materials and colors.
21. All interior streets shall be at least 28 feet wide as measured from the outside of curb to outside of curb. All interior streets within the development shall be dedicated to the City of Indianapolis, for public use and maintenance.
22. While concrete sidewalks will be installed along both sides of all interior streets, in the areas where said sidewalk is also functioning as a part of the recreational trail through the project (approximately as shown on the Preliminary Plat), that portion of the concrete sidewalk could be wider if necessary to match the width of the abutting portions of the recreational trail. Also, all on-site utilities shall be underground.
23. A master drainage plan shall be designed for the development and submitted for the review and approval of the Department of Public Works. At the time the drainage plan is finalized and submitted to the City, a copy of said plan shall be provided to the Franklin Township Civic League Land Use Committee for their review. Upon the request of the Franklin Township Civic League Land Use Committee, the Developer and its engineer shall appear at a monthly meeting of the Franklin Township Civic League Land Use Committee to explain and discuss the drainage plan.
24. Any underground drainage tiles which are uncovered during the excavation phase will either be: (1)

- attached to or incorporated into the storm drainage system for the development; or (2) any damage to said line caused by such uncovering will be repaired and said line will be recovered, at Developer's option.
25. The livable space of each single-family unit/home, exclusive of garages and open porches shall be no less than 1,300 sq. ft.
  26. Not less than 98% of the first-floor exterior walls of the unit/home (except doors, windows, architectural features, trim, and the like) will be covered with either brick, stone or other masonry (including but not limited to concrete board/sheet product similar to those manufactured by the James Hardie © companies).
  27. Any unit/home which is oriented such that the back is primarily facing Pentecost Road (not to include any units/homes oriented so the side primarily faces Pentecost Road, as is likely on both sides of the entry roads) shall be set back from the centerline of Pentecost Road not less than the distance shown on the Recorded Plat.
  28. In addition to the two trees per unit/home required in Commitment 11, for those units/homes which are the first units in from the East property line of the site, are located within 150 feet of the East property line, and are also oriented such the back or side of the unit is primarily facing to the East, an additional tree shall be planted in the East yard of each such unit/home.
  29. The trees planted in the yard of each unit by the developer/builder shall be, if evergreen, not less than six feet in height at the time of planting, or if deciduous, not less than 1 ½ inch caliper at the time of planting.
  30. The Declaration shall prohibit the installation of playsets or similar play equipment designed for children anywhere in the development.
  32. The Homeowner's Association shall offer to provide additional services typical of a "full" or "low" maintenance development, including for example, mowing the homeowner's yards, snow removal from the homeowner's drives and sidewalks, leaf cleanup in the Fall, and the maintenance of the initially installed landscaping and the associated mulch beds.
  33. At the time the two entrances into the development from Pentecost Road are constructed, the developer shall (A) add additional asphalt along the north edge of Pentecost Road along the balance of the site's frontage on Pentecost Road which is not improved as a part of the westernmost entry, so that Pentecost Road ends up being widened to not less than twenty (20) feet along the entire frontage of the site; and (B) relocate the guardrail running along the North side of the existing bridge which is located just west of the proposed westernmost entry to accommodate the wider pavement width.
  34. Prior to the occupancy of any residence located on a Lot which abuts the North line of the development (Lots 24B through 28B as shown on the Preliminary Plat) the developer will install either a farm fence (woven wire 4 foot tall with round wooden posts at least 4 inches in diameter, with the posts not more than 24 feet apart), or a wrought iron style aluminum fence at least 4 feet tall, along the entire portion of the North edge of the development which is east of the easternmost edge of the floodway (the area behind the homes on above identified lots). The developer and the owner of the property which abuts that portion of the North line shall have the right to negotiate a different style and location of the fence by mutual written agreement prior to installation, provided that the agreement to replace/modify this commitment is properly signed, notarized and recorded.



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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2021-CZN-831 by the City-County Council changing the zoning classification of the real estate from a D-5II, and D-A zoning classification to a D-5II zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-5II zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Metropolitan Development Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
- 3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
- 4. N/A
- 5. N/A

MDC's Exhibit B -- page 4 of 9





Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The grant of the variance will allow for development of a single family product with a two-car garage providing for more off-street parking and thus, improving the health, safety and general welfare of the public by reducing the risk of on-street parking.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The variance being sought applies only to lots within a self-contained subdivision which required two-car garages by commitment.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The lots are platted with 40 feet of lot width, making it impossible to comply with the two-car garage requirement and meet the 30% maximum width requirement.

DECISION

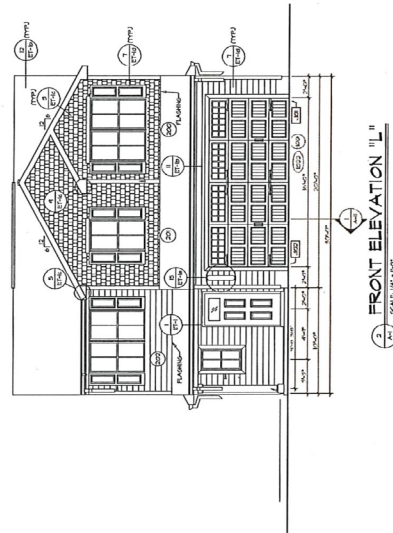
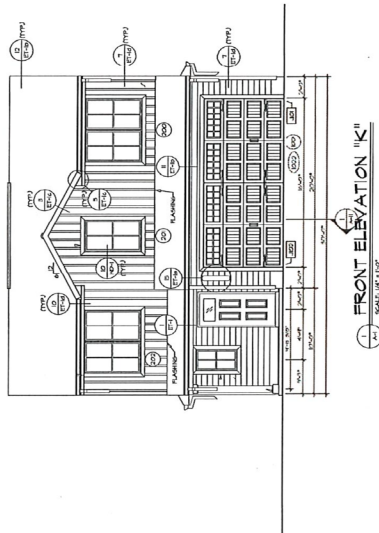
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

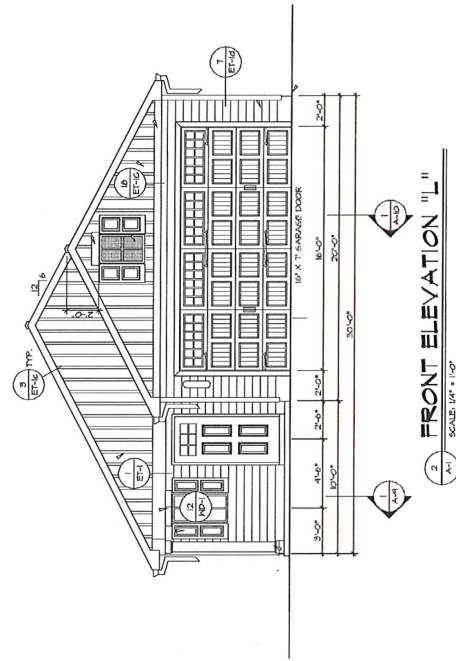
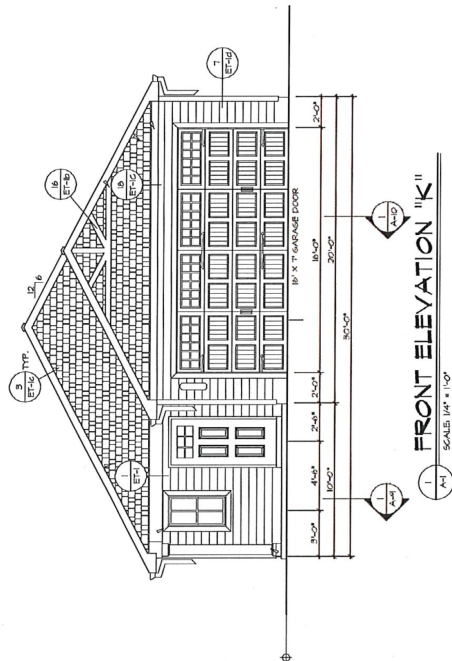
dwelling with a two-car garage with width in excess of 30% of the width of the front facade.

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Fairview



Rosewood





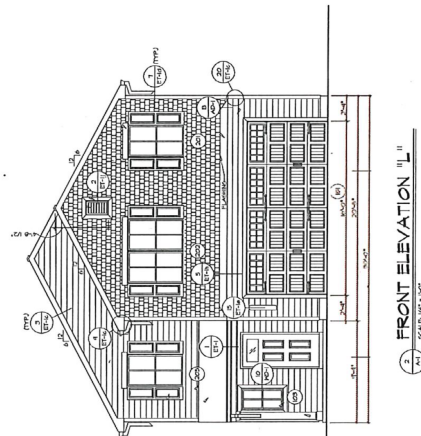
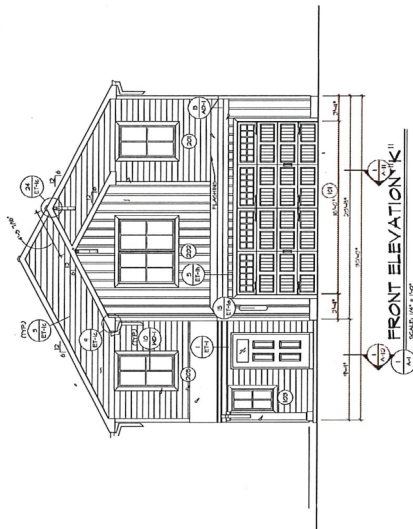
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Sequoia



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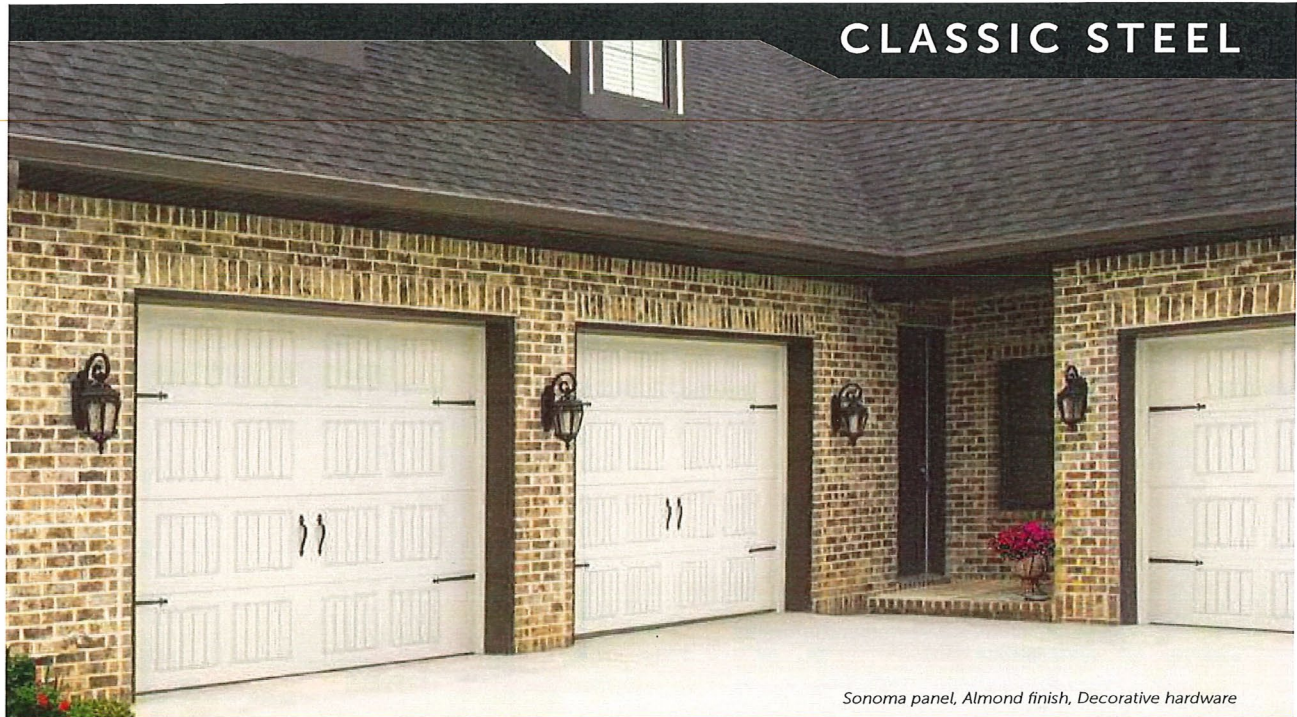
Torrey



**Wayne Dalton**  
 GARAGE DOORS

MODEL **5120**  
 BUILDER

**CLASSIC STEEL**



Sonoma panel, Almond finish, Decorative hardware

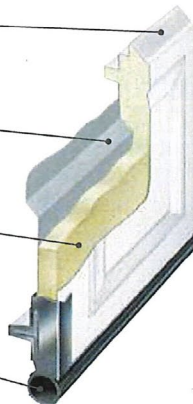
### DOOR FEATURES

**Pinch-Resistant Panels**  
 designed to push fingers out of harm's way.

**3-layer construction**  
 Model 5120 utilizes a ToughGard® backer.

**Foamed-In-Place Polyurethane Insulation**  
 provides thermal efficiency with an R-value\* of 9.

**Integral Struts**  
 add rigidity and strength for long life and smooth operation.



#### High Cycle Spring Option

Choose a 25,000 cycle spring for more than twice the life of a standard torsion spring.

#### TorqueMaster® Plus Counter Balance System

Contains springs safely inside a steel tube to prevent accidental release of tension that could cause injury and features anti-drop safety technology.

#### Wind Load Options



Available with structural reinforcements for use in coastal or high wind region.

#### Limited Lifetime Warranty



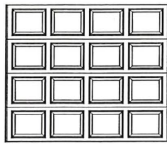
\*Wayne Dalton uses a calculated door section R-value for our insulated doors.

**The Builder Select Series**

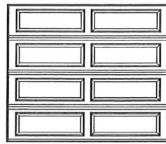


## 1 Choose Your Style

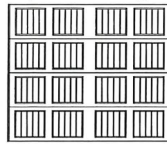
Doors shown are 8'x7'. Other sizes may have different panel configurations.



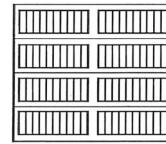
Colonial



Ranch



Sonoma



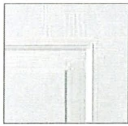
Sonoma Ranch



Contemporary

## 2 Choose Your Color

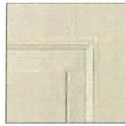
Paint finishes



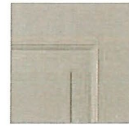
White



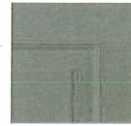
Almond



Desert Tan



Taupe



Gray



Green



Brown

## 3 Choose Your Windows

For Colonial and Contemporary Panels



Cascade I



Cascade II\*



Cascade III\*



Cathedral I



Cathedral II\*



Clear I



Clear II\*



Clear III\*



Prairie I



Prairie II\*



Sherwood I



Sherwood II\*



Stockbridge\*



Stockton I



Stockton II\*



Stockton III\*



Arched Stockton\*



Waterton I



Waterton II\*



Waterton III\*



Williamsburg I



Williamsburg II\*

\*Contemporary panel only

For Sonoma Panels



Cascade I



Cascade III



Cathedral I



Clear I



Clear III



Stockbridge



Stockton I



Stockton III



Arched Stockton



Waterton I



Waterton III

**For Ranch Panels**



Cascade II



Cathedral II



Clear II



Prairie II



Sherwood II



Stockbridge



Stockton II



Arched Stockton



Waterton II



Williamsburg II

**For Sonoma Ranch**



Ashton IV



Cathedral IV



Cascade IV



Clear IV



Ruston IV



Sherwood IV



Stockbridge IV (3-Lite)



Stockbridge IV (4-Lite)



Stockford IV



Stockton IV (4-Lite)



Stockton IV (6-Lite)



Stockton IV (8-Lite)



Stockton IV (8-Lite Arched)



Stockton IV (12-Lite)



Arched Stockton IV



Waterton IV



Williamsburg IV



Williamsburg IV Single Arch, Double Car



Wyndbridge IV

Not all windows available in all areas. Windows shown are typical of an 8' wide door and placement may vary by panel design.

**The following windows are available for double car doors**



Arched Stockton Double



Arched Stockton Single

**Glass Options**



Clear



Gray Tinted

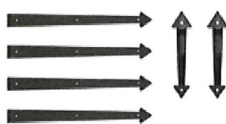


Satin Etched Privacy



Obscure

**4 Choose Your Decorative Hardware**



Arrow



Aspen



Barcelona



Bean



Conifer



Fleur De Lis



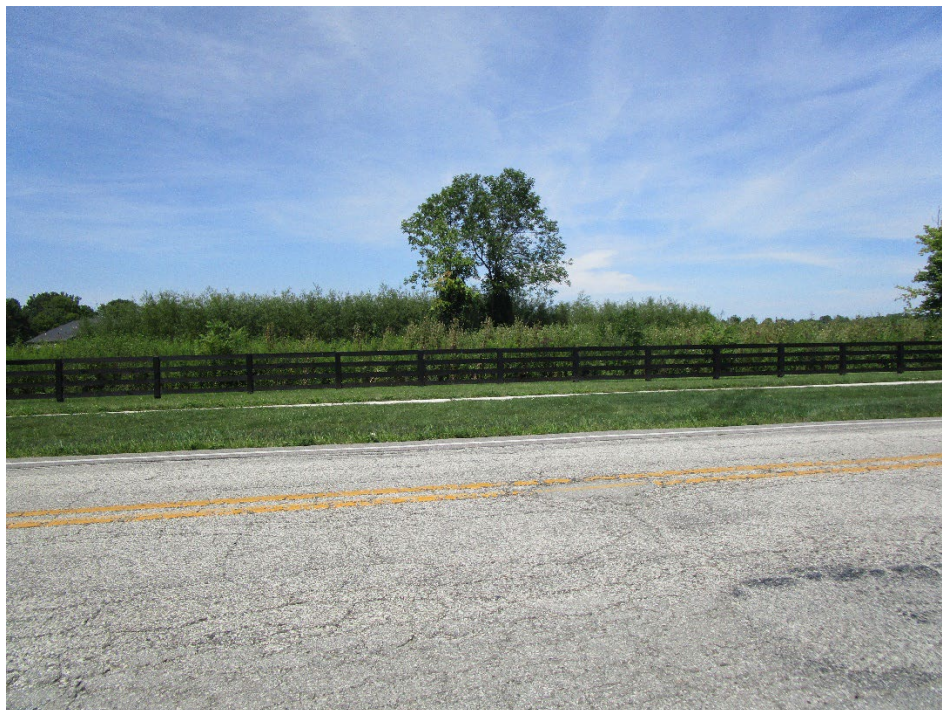
Spear



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View of site looking north across Pentecost Road



View of site looking north across Pentecost Road



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View of site looking northeast across Pentecost Road



View of site looking north across Pentecost Road





View of entrance to the development looking north across Pentecost Road



View of garage doors on duplex looking northwest

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View of garage doors on duplex looking northeast



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**September 11, 2025**

**Case Number:** 2025-CZN-842 / 2024-CVR-842

**Property Address:** 6290 North College Avenue (Approximate Address)

**Location:** Washington Township, Council District #7

**Petitioner:** Obscure Investors, LLC, by Joseph D. Calderon

**Current Zoning:** D-7 (FF) (TOD)

**Request:** Rezoning of 0.42-acre from the D-7 (FF) (TOD) district to the C-3 (FF) (TOD) district to provide for neighborhood commercial uses.

**Current Land Use:** Retail

**Staff Recommendations:** Approval

**Staff Reviewer:** Marleny Iraheta

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing surface parking lot partially within the College Avenue right-of-way and partially within the Canal right-of-way (not permitted), and to provide for 18 parking spaces (minimum one parking space for every 300 square feet of building area, or 27 spaces required).

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the requests.

**PETITION OVERVIEW**

**LAND USE**

The 0.42-acre subject site is a corner lot developed with a commercial building used as a pharmacy measuring approximately 8,100 square feet and associated parking area. Vehicular access is gained from 63<sup>rd</sup> street and the abutting alley.

The site is surrounded by single-family dwellings to the west, zoned D-4, an office and grocery store to the north, zoned D-7, a canal to the east zoned C-S, and a mixed-use building to the south, zoned MU-2.

## **REZONING**

The grant of the request would rezone the property from the D-7 (FF) (TOD) district to the C-3 (FF) (TOD) district to provide for neighborhood commercial uses not otherwise permitted in the existing dwelling district.

The D-7 district is intended for medium-density residential development, accommodating multi-family dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents. The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans 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.

The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

## **VARIANCE OF DEVELOPMENT STANDARDS**

The grant of the variance request would legally establish the existing surface parking lot partially within the College Avenue right-of-way and partially within the Canal property and would allow for 18 parking spaces to be provided on site.

The petitioner noted the proposed uses on site as the following: Art Gallery, Day Care Center or Nursery School, Medical or Dental Office, Center Clinic or Laboratory, Animal Care, Boarding, or Veterinary, Personal or Commercial Services, Business Professional or Government Office, and Retail Sales.

Encroachments within the right-of-way are not permitted and the 8,100 square foot building would require a minimum of 27 parking spaces when using the parking requirement of one space for every 300 square feet of building area for medical or dental offices which is the most restrictive of the listed uses.

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Because the Ordinance allows for parking adjustments up to 35 percent of the required off-street if the parking adjustments are used, staff is supportive of the 18 proposed parking spaces on site.

Additionally, the parking lot layout has existed as far back as 1972 according to an aerial photograph. It is for this reason that staff determined the continued use of the parking lot configuration would not affect the area adjacent to the property in a substantially adverse manner.

Approval of the variances would also not be injurious to the public health, safety, morals, and general welfare of the community because the site would not change from its current condition or create any additional issues for the community.

### STAFF ANALYSIS

The subject site falls within the Broad Ripple Village Plan Envision Broad Ripple (2012), which recommends Village Mixed Use development for most of the site and Linear Park development along the southern property boundary.

Because the continued commercial use of the site would align with the Village Mixed Use recommendation of the Neighborhood Plan, staff is supportive of the rezoning request to the C-3 district. Furthermore, there are no plans in the work for a path, trail, or corridor park along the small sliver of Linear Park recommendation along the southern property boundary or within northern portion of the Canal.

The application form noted that the petitioner would impose certain use limitations on the subject property via written commitments, but they were not provided to the case file. While staff has not requested any commitments related to the requests, it would be appropriate for any proposed commitments to be addressed at the hearing and provided for the record.

### GENERAL INFORMATION

<b>Existing Zoning</b>	D-7 (FF) (TOD)	
<b>Existing Land Use</b>	Retail	
<b>Comprehensive Plan</b>	Linear Park and Village Mixed Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North: D-7	Office / Retail
	South: MU-2	Mixed-Use Building
	East: C-S	Canal
	West: D-4	Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial Street	78-foot proposed right-of-way and 62-foot existing right-of-way.
63 <sup>rd</sup> Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Compact	



<b>Floodway / Floodway Fringe</b>	Yes
<b>Overlay</b>	Yes
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	August 13, 2025
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	August 13, 2025
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Broad Ripple Village Plan Envision Broad Ripple (2012)
- Red Line Transit-Oriented Development Strategic Plan (2021)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Broad Ripple Village Plan Envision Broad Ripple (2012) below.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021) which recommends this site to the District Center land use typology to allow for walkable areas of multiple city blocks, serving as cultural and commercial hubs for multiple neighborhoods with a mix of office, retail, entertainment, and residential uses.
- The site is approximately 220 feet northwest from the closest transit station at the intersection of Broad Ripple Avenue and College Avenue.

### Neighborhood / Area Specific Plan

- The Envision Broad Ripple Plan (2012) recommends this area for Village Mixed Use development for most of the site and Linear Park development along the southern property boundary.

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- The site also falls within Critical Area 2 of the Plan for the Broad Ripple Village which notes that Broad Ripple was originally developed as a distinct village. Over the years, the City of Indianapolis grew out to envelop it. To maintain Broad Ripple's identity as a distinct place it has been designated as Urban Mixed-Use and Village Mixed-Use. To retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village it is critical to increase the population density, promote mixed-use development and enhance vitality of the streetscape.
- The land use category designated for the village north of the canal is Village Mixed-Use. This category recommends a mix of retail, office and residential uses built to a pedestrian scale. Village mixed use areas are intended to be neighborhood gathering places and should allow a wide range of small businesses, housing types, and public and semi-public facilities.
- The Linear Park land use category consists of public or private property designated for active and/or passive recreational amenities and is primarily used for the passage of people or wildlife. Typical examples are greenways and parkways.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### Zoning History – Site

**2007-DV2-059; 6290 North College Avenue** (subject site), Variance of Development Standards of the Sign Regulations to provide for three wall signs on the east elevation of the building totaling 385.03 square feet of sign area (maximum one wall sign per elevation, maximum 87.34 square feet of sign area permitted), and for two wall signs on the south elevation of the building totaling 201.23 square feet of sign area (maximum one wall sign permitted per elevation, maximum 31.029-square feet of sign area permitted), **granted**.

**2004-DV1-031; 6290 North College Avenue** (subject site), Variance of Development Standards of the Sign Regulations to provide for a concrete pad for a 24-foot tall, 101.89-square foot pylon sign with a 37.73-square foot electronic variable message component, in D-7, **denied**.

**95-V3-53; 6290 North College Avenue** (subject site), Variance of Development Standards of the Sign Regulations to provide for the replacement of an existing, illuminated pole sign, in D-7, **granted**.

**64-V-522; 6290 North College Avenue** (subject site), Variance of use to permit a drug store use in a residential zone, **granted**.

### Zoning History – Vicinity

**2025-DV1-035; 0 Canal (northwest quadrant of intersection of College Avenue and Westfield Boulevard)** (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot-tall steel sculpture on top of a 2.5-foot-tall concrete base within the clear sight triangle of the intersection of College Avenue and Westfield Boulevard and encroaching within the right-of-way of Westfield Boulevard (encroachments not permitted), **granted**.

**2023-DV1-057; 6230 and 6280 North College Avenue** (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with a building height of up to 68-foot tall, with extensions up to 82.5-foot tall for an elevator shaft and stairwell, **granted**.

**2021-CVR-804A; 6230 N College Avenue (south of site)**, Variance of development standards to provide for a commercial building with a 0-foot front yard setback (5 feet required) and proposed 61.67 of building height (maximum 35-foot building height required), **approved**.

**2016-UV1-025; 6280 North College Avenue (south of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile rental facility, including an office and car wash facility on the roof of the existing garage, **granted**.

**2015-DV3-022; 6349 North College Avenue, 702, 705, 709 and 713 East 63<sup>rd</sup> Place and 710 East Laverock Road** (northeast of site), Variance of development standards of the Commercial Zoning



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Ordinance to provide for mixed-use development, including a maximum 35,000-square foot grocery store and 152 dwelling units, with 340 parking spaces (minimum 461 parking spaces required), **granted**.

**2014-CZN-819; 6265 Broadway Street** (southwest of site), Rezoning of 0.18 acre from the D-4 (FF) district to the D-6 (FF) classification to provide for multi-family development, **denied**.

**2014-DV1-024; 6286 N College Avenue (south of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a 22-seat, restaurant sidewalk café in the right-of-way (not permitted) of College Avenue, with a wrought iron fence, umbrellas and portable propane heaters, **approved**.

**2013-ZON-013 / 2013-VAR-001; 702, 705, 709, and 713 East 63<sup>rd</sup> Place, 6349 North College Avenue, 710 East Laverock Road** (northeast of site), Rezoning of 1.9 acres, from the C-2 (FF) district to the C-S (FF) classification to provide for the following general use categories: Dwelling units; eating places, personal service establishments and retail establishments, with a maximum gross floor area of 12,000 square feet; membership organization and club; health services; office uses; public and semi-public uses; food stores, and other uses similar and comparable in character, and a Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating, a building height of 75 feet to the roof deck, with a parapet extending five additional feet and architectural corner elements and an open air roof-top shelter extending 15 feet above the roof deck, and 340 parking spaces, **approved and granted**.

**2012-DV2-021; 714 Broad Ripple Avenue** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for two parking spaces in the front setback of Westfield Boulevard, with one parking space having a zero-foot front setback (10-foot front setback, with landscaping required) and to provide for two drive-through lanes, with five stacking spaces before the final drive-through component, with three stacking spaces within the parking aisle (stacking spaces cannot conflict with parking aisle maneuverability area), **denied**.

**2012-DV2-006; 6280 N College Avenue (south of site)**, Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for a retail and garage building, with its lowest floor elevation at 719.2 feet, without structural floodproofing (flood protection grade of 723.00 feet, two feet above the base flood elevation or structural flood proofing for nonresidential buildings required), **denied**.

**2011-DV2-021; 6280 N College Avenue (south of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a building with a zero-foot setback (30 and 45 feet from the centerline, respectively) from Westfield Boulevard and College Avenue (70-foot setback from the centerline required): (a) with 8.75 by 18-foot parking spaces or 157.5 square feet (minimum nine-foot width and 180 square feet required); (b) with zero loading spaces (one loading space required); (c) with a drive-through bank with six stacking spaces (one stacking space after and six stacking spaces before the final component required); and (d) without a bypass aisle to access parking spaces (no bypass lane provided), **approved**.

**2006-DV3-002; 708 Broad Ripple Avenue** (east of site), Variance of Development Standards of the Sign Regulations to provide for a concrete pad for a 23.4-foot tall, 4.32-foot-wide pylon sign with a four-

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foot front setback from the right-of-way of Broad Ripple Avenue, and a 5.5-foot front setback from the right-of-way of College Avenue, in C-4, **granted**.

**2006-UV1-016; 6310 North College Avenue** (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 50-foot tall, four-story structure with five condominium units on the upper floors and parking on the lower floor, with 50 feet of frontage on a public street with fourteen-foot front setback, with a one-foot north side setback, resulting in an eight-foot side yard aggregate, with a thirteen-foot rear yard setback, with a floor area ratio of 1.65 and an open space ratio of 0.61, and a livability space ratio of 0.21, and a majority livability space ratio of zero, **denied**.

**2003-DV3-029; 714 Broad Ripple Avenue** (east of site), Variance of development standards of the Sign Regulations to provide for a 13.75-foot tall, 108.90-square foot on-premises pylon sign with a 0.50-foot west side yard setback, **granted**.

**2003-HOV-042; 701 Broad Ripple Avenue** (southeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a delicatessen and bakery without on-premises parking. **granted**.

**2001-DV3-038; 714 Broad Ripple Avenue** (east of site), Variance of development standards of the Commercial Zoning Ordinance and Flood Control Districts Zoning Ordinance to provide for seven off-street parking spaces, five stacking spaces before the final drive-through component, and with the sixth stacking space located within the right-of-way of Westfield Boulevard, **granted**.

**2000-ZON-028; 6280 North College Avenue** (south of site), Rezoning of 0.187 acre from the D-4 district to the C-4 classification to provide for expansion of a convenience store / gasoline station, with an associated carwash, **granted**.

**96-HOV-27; 6280 North College Avenue** (south of site), Variance of Development Standards of the Sign Regulations to provide for two 8.25 by 20-foot pylon signs being zero feet from College Avenue and Westfield Boulevard, in C-4 and D-4, **granted**.

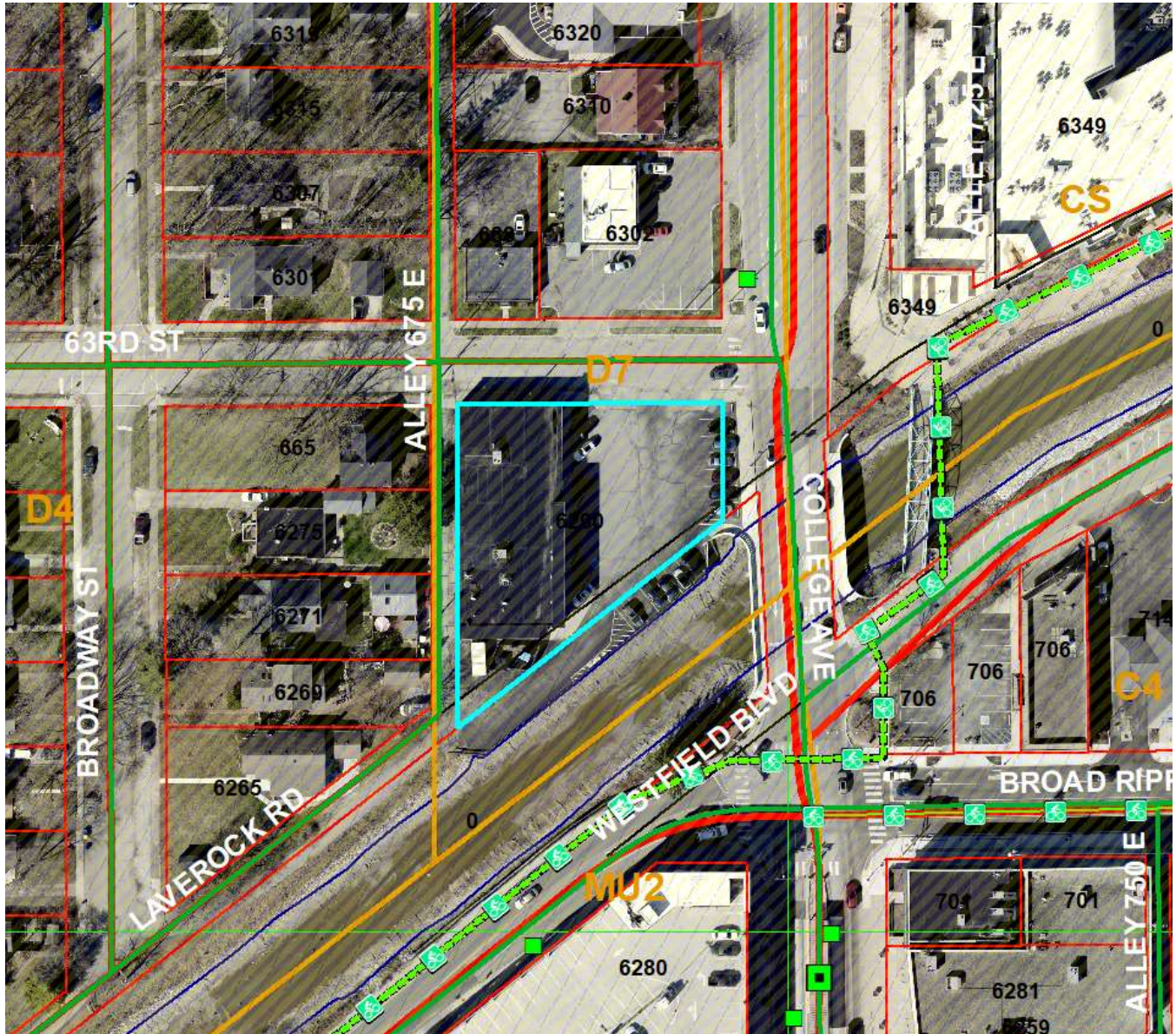
**91-UV1-64; 6310-6312 North College Avenue** (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to permit a beauty shop within the existing building, **granted**.

**86-UV3-14; 6312 North College Avenue** (north of site), Variance of use of the existing building for a carpet cleaning business, **granted**.

**86-UV3-60; 823 East Westfield Boulevard** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for a second story addition to one building and an addition to a separate building both for the existing heating and air conditioning sales and services business, **granted**.



EXHIBITS



AERIAL MAP





1972 AERIAL MAP

[illegible]

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Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The parking lot which is the subject of the variance has been in existence for many years and is significantly set back from College Avenue, and therefore avoids any conflicts with existing traffic patterns.

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2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The parking lot which is the subject of the variance is not changing and will be used in the future by future tenants similar in use intensity to the existing retail pharmacy.

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3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The existing parking lot was in existence long before the current version of the zoning ordinance and would lose its utility upon a change in use without the requested variance.

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DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

19 or 20th in order to be able to release the existing building to users similar to parking demand to the existing retail

pharmacy tenant

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Photo of the subject site's parking area.



Photo of the existing commercial building on site.



Photo of the parking area within the Canal right-of-way.



Photo of the mixed-use building south of the subject sit and canal.



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Photo of the alley west of the site and single-family dwelling.





Photo of a grocery store north of the site.



Photo of the canal east of the site.