



# Metropolitan Development Commission Hearing Examiner (July 10, 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, July 10, 2025

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### [2025-CPL-818/2025-CVR-818](#) | 3146 North Temple Avenue

Center Township, Council District #8

Indy Real Estate Consulting, LLC, by Justin Kingen and David Kingen

Approval of a Subdivision Plat to be known as Veteran Villas, replat of Lot 73 of Tacoma Village, subdividing 0.16-acre into two single-family attached lots.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached single-family dwelling (not permitted), with 66% of lot width for off-street parking (maximum of smaller of 30 feet of lot width and 50% of lot width permitted).

**\*\*Petitioner has withdrawn the Petitions**

## PETITIONS REQUESTING TO BE CONTINUED:

#### 1. **2025-MOD-012 | 8809 South Meridian Street**

Perry Township, Council District #23

C-1

Financial Center First Credit Union, by James J. Ammeen, Jr.

Modification of the Commitments related to petition 88-Z-214 to modify Commitments #3, #4 and #5 to allow for development of a proposed financial services office building, with low-level lighting of parking areas, an illuminated monument sign, and with a drive-through for teller and ATM services, (previous commitments required use of the existing structure, prohibited external lighting to reflect onto adjacent residences to the north, south, or east, and only permitted a non-illuminated incidental sign, with a maximum size of 16 square feet.

**\*\*Automatic Continuance request to August 14, 2025, filed by Registered Neighborhood Organization**

#### 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 August 14, 2025**

#### 3. **2025-ZON-065 | 5034 Lafayette Road**

Pike Township, Council District #6

5034 Lafayette Road, LLC, by Tyler Ochs

Rezoning of 3.72 acres from the C-3 and I-2 districts to the C-7 district to provide for a commercial and building contractor.

**\*\*Staff request for continuance for cause to July 24, 2025.**

**4. 2025-CZN-830 / 2025-CVR-830 | 9110 and 9150 West 10th Street**

Wayne Township, Council District #16

C-3 (FF)

Raceway Development Partners, by Misha Rabinowitch

Rezoning of 10.62 acres from the C-3 (FF) district to the D-8 (FF) district for multi-family dwellings.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Apartment in a D-8 zoning district (not permitted), with a minimum livability space ratio of 0.35 (minimum livability space ratio of 0.66 required).

**\*\*Staff request for continuance for cause to August 14, 2025.**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**5. 2025-MOD-010 | 4701 Todd Road**

Perry Township, Council District #24

D-7 (FF)

4701 Todd Road Owner, LLC, by Laura Trendler, AICP

Modification of Commitments and Site Plan related to 2022-CZN-826 to permit the construction of a 300-square-foot accessory structure (previous petition required site to be developed in accordance with the site plan, filed May 6, 2022).

**6. 2025-ZON-060 | 2946 North College Avenue**

Center Township, Council District #8

College Flats, LLC, by Misha Rabinowitch

Rezoning of 0.10-acre from the D-5 district to the D-8 district to provide for a row house.

**7. 2025-ZON-063 | 2351, 2355, and 2357 Carrollton Avenue**

Center Township, Council District #8

Station 22, LLC, by Jacob Cox

Rezoning of 0.56-acre from the SU-1 district to the D-8 district to provide for a residential development.

**8. 2025-ZON-067 | 2810 Central Avenue**

Center Township, Council District #12

Madison Gall, by Paul J. Lambie

Rezoning of 0.12-acre from the C-1 district to the D-8 district to legally establish the existing single-family dwelling and to provide for future improvements.

**9. 2025-ZON-068 | 1234 and 1240 Udell Street**

Center Township, Council District #12

Victory Investments, Inc., by Diana Escobar

Rezoning of 0.18-acre from the I-2 district to the D-8 district to provide for residential uses.

### PETITIONS FOR PUBLIC HEARING (Petitions Transferred from MDC):

**10. 2025-MOD-004 (Amended) | 9100 and 9402 East 21st Street**

Warren Township, Council District #14

C-1 and C-4

VAF Lawrence, LLC, by Jamilah Mintze



Modification of Commitments related to 99-Z-39 to terminate all commitments, which related to: 1. the requirement of a boulevard entrance to be developed from 21st Street and taper into a single roadway approximately 100 feet north of the right-of-way of 21st Street, 2. the requirement of a landscape plan to be submitted for approval by the Administrator and to the Far Eastside Neighborhood Association, 3. the prohibition of pole signs, off-site advertising signs, and wireless communication facilities, 4. that requirement that office buildings shall appear to be residential and no taller than two stories in height, 5. that the owner shall use best efforts to reduce light pollution onto adjacent properties, and 6. that 75% of the structures shall feature brick exteriors or exterior finish insulation system and no vinyl exterior shall be used as the primary exterior material.

**11. 2025-CPL-805 (Amended) / 2025-CPL-805D / 2025-CVR-805C | 7515 Camby Road**

Decatur Township, Council District #21

D-3 (FF)

Abigail Wojciechowski, by David Gilman

2025-CPL-805 (Amended)

Approval of a Subdivision Plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three lots.

2025-CPL-805D

Waiver of the Subdivision Regulations Chapter 741-306 sidewalk requirement along Camby Road (Sidewalks required).

2025-CVR-805C

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for future construction of a freestanding building, without the required installation of sidewalks (required).

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

**12. 2025-ZON-042 (Amended) | 8025 and 8141 Shelbyville Road**

Franklin Township, Council District #25

Robert and Rose Faust and Gerald E. Wallman, by Caitlin Dopher

Rezoning of 24.0 acres from the D-A district to the D-4 district to provide for 52 single-family detached dwellings.

**13. 2025-ZON-053 | 3764 North Leland Avenue**

Warren Township, Council District #9

Rosie's Tiny Tots, Inc., by Lexie Ping

Rezoning of 0.72-acre from the D-4 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses, including a day care facility.

**14. 2025-CZN-826 / 2025-CPL-826 / 2025-CVR-826 (Amended) | 2955 North Meridian Street**

Center Township, Council District #12

C-1 (RC) (TOD)

2955 Indy IN, LLC, by Misha Rabinowitch

Rezoning of 8.966 acres from the C-1 (RC) (TOD) district to the C-S (RC) (TOD) district to provide for a mixed-use development consisting of townhomes, multi-family dwellings, commercial offices, and retail uses, and all uses in the C-1 and MU-3 districts.

Approval of a Subdivision Plat to be known as 2955 North Meridian Subdivision, subdividing 8.966 acres into 21 lots.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail use with a drive-through component within 600 feet of a transit station, on a lot with street frontage on Meridian Street (not permitted), with 20 feet of street frontage (minimum 50 feet street frontage required), zero-foot front yard and front transitional yard setbacks (minimum 10-foot front yard and 10-foot front transitional yard setbacks required), zero-foot side and rear yard setbacks (minimum 10-foot side and rear yard setbacks required), building height of 50 feet (maximum 38-foot building height in Compact Context Area, and maximum 25-foot building height permitted within a transitional yard required), and 5% transparency for a structure along 30th Street (minimum 40% transparency required), and no transparency along Talbott Street (minimum 40% transparency required).

**15. 2025-CZN-829 / 2025-CVC-829 | 5802, 5808, 5814, and 5820 Evanston Avenue**

Washington Township, Council District #7

Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Brian J. Tuohy

Rezoning of 1.56 acres from the D-5 district to the SU-2 district to provide for school uses.

Vacation of a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

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

**16. 2025-ZON-059 | 1655 Cornell Avenue**

Center Township, Council District #13

Eric Ogle, by Jason Wolfe

Rezoning of 0.23-acre from the I-3 district to the D-8 district to provide for residential uses.

**17. 2025-ZON-066 | 6470 West 10th Street**

Wayne Township, Council District #16

Sangar Estate, LLC, by Russell L. Brown

Rezoning of 0.55-acre from the D-3 (W-5) district to the C-4 (W-5) district to provide for a community-regional commercial uses.

**18. 2025-CPL-834 / 2025-CVR-834 | 7835 Woodland Drive**

Pike Township, Council District #6

C-S

Vision Park I, LLC, by Andi Metzel

Approval of a Subdivision Plat, to be known as Vision Park I, dividing 8.011 acres into two lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to the building, including a three-sided trash enclosure and loading area within the front yard of 79th Street (not permitted within any front yard).

**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>.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CPL-818 / 2005-CVR-818

**Property Address:** 3146 North Temple Avenue

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

**Petitioner:** Indy Real Estate Consulting, LLC, by Justin Kingen and David Kingen

**Current Zoning:** D-5

**Request:** Approval of a Subdivision Plat to be known as Veteran Villas, replat of Lot 73 of Tacoma Village, subdividing 0.16 acre into two single-family attached lots.

**Current Land Use:** Vacant

**Staff Recommendations:** Approval of the plat, subject to the conditions noted below.  
Denial of the variances of use and development standards.

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

**PETITION HISTORY**

The Hearing Examiner continued these petitions from the May 15, 2025 hearing, to the June 12, 2025 hearing, and to the July 10, 2025 hearing, at the request of the petitioner's representative.

On July 1, 2025, the petitioner's representative sent an e-mail **withdrawing these requests**. This will require the acknowledgement of the Hearing Examiner.

**STAFF RECOMMENDATION**

Staff recommends that 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. 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

This 0.16-acre site, zoned D-5, is vacant and surrounded by single-family dwellings to the north, west, south, and east, across North Temple Avenue, all zoned D-5.

### PLAT

#### Site Plan

The request would provide for a replat of Lot 73 (approximately 50 feet wide) of Tacoma Village subdivision that would equally divide the lot into two (2), 25-foot-wide lots to provide for two (2) attached single-family dwellings.

#### Streets

Both lots would front along North Temple Avenue, which is a local 50-foot-wide public street.

#### Sidewalks

Sidewalks exist along North Temple Avenue frontage. Sidewalks have been replaced on the east side of the street north of this site, with improvements at the intersection of North Temple Avenue and East 32<sup>nd</sup> Street.

As this site would be developed, it is likely that the existing the sidewalk would need replacement resulting from construction activities. If repair and / or replacement of the sidewalk would be necessary, standards of the Department of Public Works would be required.

## **Waivers**

None requested.

## **VARIANCE OF USE**

This request would allow for the construction of two attached single-family dwellings in an area dominated by one-story detached single-family dwellings. Staff believes this development could be described as a duplex or two-family dwelling per the Zoning Ordinance that defines a two-family dwelling as “a building designed originally for residential occupancy by two families. . . . that contains two legally complete dwelling units. . . . that may or may not be located on a separate lot . . . . separated from the other by an unpierced wall extending from ground to roof. . .”

According to historical aerials, this lot was originally developed with a single-family dwelling that was demolished around 1990 and the land has remained vacant during the intervening years.

As proposed, the use of the site for an attached two-family dwelling would be incongruent with the character of the surrounding neighborhood and would introduce a housing typology that would not be compatible or harmonious with the historical development of this neighborhood.

According to the site plan, file-dated April 11, 2025, the main floor area of each unit would be 645 square feet. The Ordinance requires a minimum of 900 square feet of main floor area for one-story units and a minimum of 660 square feet of main floor area for units over one story. No elevations were submitted with these petitions, but a variance would be required to be filed and approved for the reduction of main floor area.

Staff would note that The Pattern Book recommends that two-family / duplex dwellings be located at corners or intersections, with entrances located on different sides of the lot. This site lies in the middle of the block, with both entrances facing North Temple Avenue.

Given the reduced square footage of the main floor, there is a potential for a two-story dwelling. Staff would emphasize that a two-story dwelling would not be compatible in this neighborhood of one-story dwellings because it would result in a building mass that would be out of scale with and disrupt the architectural character of this neighborhood.

## **VARIANCE OF DEVELOPMENT STANDARDS**

The request would allow for a parking area in the front yard that occupies 66% of the lot width when the Ordinance limits the size of a parking area to the smaller of 30 feet of lot width and 50% of lot width.

Off street parking in this neighborhood generally occurs on a narrow driveway on either side of the dwelling that is aligned with a driveway on the opposite side of the street. There are also a few small garages scattered throughout the neighborhood, but the proposed parking area covers most of the front yard that would be yet another feature that causes this request to be out of character and scale with the neighborhood and inconsistent with the recommendations of Infill Housing Guidelines and compromise the pedestrian safety.

## GENERAL INFORMATION

|                                   |                          |  |
|-----------------------------------|--------------------------|--|
| <b>Existing Zoning</b>            | D-5                      |  |
| <b>Existing Land Use</b>          | Vacant                   |  |
| <b>Comprehensive Plan</b>         | Traditional Neighborhood |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>     | <b><u>Land Use</u></b>   |
| North:                            | D-5                      | Single-family dwelling   |
| South:                            | D-5                      | Single-family dwelling   |
| East:                             | D-5                      | Single-family dwelling   |
| West:                             | D-5                      | Single-family dwelling   |
| <b>Thoroughfare Plan</b>          |                          |  |
| North Temple Avenue               | Local Street             | Existing 50-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>                  | April 11, 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>           | April 11, 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 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. 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.”

### **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:

- *Conditions for All Land Use Types – Traditional Neighborhood 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.
- *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.
  - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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

Not Applicable to the Site.

### **Neighborhood / Area Specific Plan**

Not Applicable to the Site.

### **Infill Housing Guidelines**

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

#### **Site Configuration**

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

#### **Aesthetic Considerations**

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

**Indy Moves**

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

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

None.

EXHIBITS







## SM - 1 SITE MAP

## SITE MAP NOTES

THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK.  
CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK.  
CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.  
ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING UNLESS NOTED OTHERWISE.  
COORDINATE SITE UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS, AS WELL AS LOCAL UTILITIES COMPANIES AS REQUIRED TO PROVIDE SERVICES.

## LAYOUT NOTES

All exterior dimensions are to 7/16" OSB sheathing  
All interior dimensions are to wall framing  
All opening dimensions are to rough opening or center line

**PROPERTY NOTES**

DRAINAGE NOTES - PROPERTY IS PREDOMINATELY LEVEL ( $\pm 1'$ )

Property is predominately level  $WJ \pm 1'$  elevation change throughout the property  
New structure will be back-filled to create positive drainage  
Entirety of site to be graded to promote positive drainage as shown  
Concrete wash-out basin to be provided onsite during all flatwork installation  
Temporary construction drive to be established in the East of property (See drainage map)

## MAPINDY CONTOUR LINES



## SQUARE FOOTAGE TABLE

## STRUCTURAL FOOTPRINT

|  |  |
|--|--|
| Total Proposed Structural Footprint (Main Structure + Entry Porch) |  |
| 1680 sq ft (440 sq ft Per Unit)                                    |  |
| TOTAL FINISHED SQUARE FOOTAGE (Entry + 1-2)                        |  |
| 2400 sq ft (1200 sq ft Per Unit)                                   |  |
| TOTAL FINISHED SQUARE FOOTAGE (Entry + 1)                          |  |
| 1200 sq ft (600 sq ft Per Unit)                                    |  |
| TOTAL FINISHED SQUARE FOOTAGE (Entry + 2)                          |  |
| 1200 sq ft (600 sq ft Per Unit)                                    |  |
| TOTAL PROPOSED CONCRETE PATIO SQUARE FOOTAGE (Entry Period)        |  |
| 790 sq ft (198 sq ft Per Unit)                                     |  |
| TOTAL PROPOSED CONCRETE PATIO SQUARE FOOTAGE (Rear Deck)           |  |
| 240 sq ft (120 sq ft Per Unit)                                     |  |
| TOTAL PROPOSED CONCRETE PATIO SQUARE FOOTAGE (Back Deck)           |  |
| 704 sq ft (352 sq ft Per Unit)                                     |  |
| TOTAL PROPOSED CONCRETE PATIO SQUARE FOOTAGE (Sidewalks + Steps)   |  |
| 1164 sq ft (582 sq ft Per Unit)                                    |  |

**TOTAL SITE SQUARE FOOTAGE**

PERCENTAGE OF PROPERTY SQUARE FOOTAGE COVERED BY PURPOSED  
STRUCTURAL FOOTPRINT - Total Property = 6745 sq/ft (3408 sq/ft Unit A /  
3337 sq/ft Unit B with proposed lot split)  
Structural Footprint - Total Existing Lot = 25% (75% Open Space)  
Structural Footprint - Purposed Lot Split = Unit A - 25% (75% Open Space) /  
Unit B - 25% (75% Open Space)

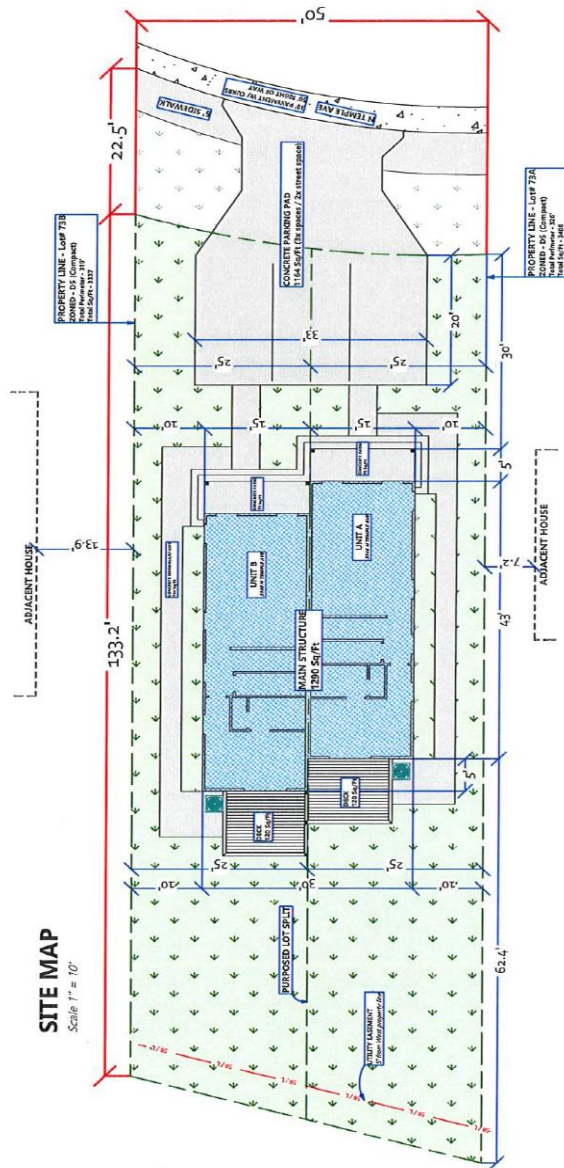
## SITE MAP

## SITE MAP

Scale 1" = 10'



| TYPE MARK / TRANSLATE USING | MEETING CONSTRUCTION | NEW CONSTRUCTION | EXISTING AREA | BUFFET / SHORELINE | PAVEMENT | STRUCTURE | PROPERTY LINE | SETBACK | EXISTING LINE | "R" ROWLINE | REQUIRED SETBACK | ADDITIONAL INFORMATION |
|-----------------------------|----------------------|------------------|---------------|--------------------|----------|-----------|---------------|---------|---------------|-------------|------------------|------------------------|
|                             |                      |                  |               |                    |          |           |               |         |               |             |                  |                        |

**1 - WS**

DATE 2/15/2025

**VETERAN VILLAS**  
8146 + 3148 NORTH TEMPLE AVENUE  
INDIANAPOLIS, INDIANA 46218

07292 VII  
3043  
219



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

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The granting of this variance of use will allow for the new construction of two single-family attached residential units that will be built for veterans. The development of two new single-family units will not be injurious to the public health, safety, morals, or general welfare of the community.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area will be increased by the construction of two new single family residences.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The comprehensive plan recommends this area/subject site to be Traditional Neighborhood. The development of two single-family attached residences on this property will be consistent with the Traditional Neighborhood typology.

DECISION

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

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

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

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 majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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 majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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

The subject site does not have an alley which would be needed to access a private parking area at the rear of the property. The practical difficulty exists due to the fact that developing a private parking area on the subject site would need a variance of development standards

**DECISION**

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

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

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



View looking north along North Temple Avenue



View looking south along North Temple Avenue





View of site looking west across North Temple Avenue



View of site looking northwest across North Temple Avenue





View of neighborhood looking southeast across North Temple Avenue



View looking south along North Temple Avenue



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

**July 10, 2025**

**Case Number:** 2025-MOD-012

**Property Address:** 8809 South Meridian Street

**Location:** Perry Township, Council District #23

**Petitioner:** Financial Center First Credit Union, by James J. Ammeen, Jr.

**Request:** Modification of the Commitments related to petition 88-Z-214 to modify Commitments #3, #4 and #5 to allow for development of a proposed financial services office building, with low-level lighting of parking areas, an illuminated monument sign, and with a drive-through for teller and ATM services, (previous commitments required use of the existing structure, prohibited external lighting to reflect onto adjacent residences to the north, south, or east, and only permitted a non-illuminated incidental sign, with a maximum size of 16 square feet.

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

**PETITION HISTORY**

The Hearing Examiner continued this petition from the June 26, 2025 hearing, to the July 10, 2025 hearing, to provide time for notice to be provided to those requiring notice.

A timely automatic continuance was filed by a registered neighborhood organization that would **continue these petitions from the July 10, 2025 hearing, to the August 14, 2025 hearing**. This would require acknowledgement from the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 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**

Staff is requesting a **continuance 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).





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METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER

July 10, 2025

**Case Number:** 2025-ZON-065  
**Property Address:** 5115 Freyn Drive and 5034 Lafayette Road (approximate address)  
**Location:** Pike Township, Council District #6  
**Petitioner:** 5034 Lafayette Road, LLC, by Tyler Ochs  
**Request:** Rezoning of 10.62 acres from the C-3 (FF) district to the D-8 (FF) district for multi-family dwellings.  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

CONTINUANCE

Staff is requesting a **continuance from the July 10, 2025 hearing, to the July 24, 2025 hearing**, without notice, to provide additional time to review an updated site plan.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CZN-830 / 2025-CVR-830

**Property Address:** 9110 and 9150 West 10th Street (approximate addresses)

**Location:** Wayne Township, Council District #16

**Petitioner:** Raceway Development Partners, by Misha Rabinowitch

Rezoning of 10.62 acres from the C-3 (FF) district to the D-8 (FF) district for multi-family dwellings.

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Apartment in a D-8 zoning district (not permitted), with a minimum livability space ratio of 0.35 (minimum livability space ratio of 0.66 required).

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

**CONTINUANCE**

Staff is requesting a **continuance from the July 10, 2025 hearing, to the August 14, 2025 hearing**, without notice, to provide additional time to review a traffic study and updated site plan.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 10, 2025

**Case Number:** 2025-MOD-010  
**Property Address:** 4701 Todd Road  
**Location:** Perry Township, Council District #24  
**Petitioner:** 4701 Todd Road Owner, LLC, by Laura Trendler, AICP  
**Current Zoning:** D-7 (FF)  
**Request:** Modification of Commitments and Site Plan related to 2022-CZN-826 to permit the construction of a 300-square-foot accessory structure (previous petition required site to be developed in accordance with the site plan, file-dated May 6, 2022).  
**Current Land Use:** Multi-family dwellings and associated parking  
**Staff Recommendations:** Approval, subject to the commitments noted below.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the June 12, 2025 hearing, to the July 10, 2025, at the request of staff, to provide additional time for notice to be sent to all those required to receive notice.

**STAFF RECOMMENDATION**

Approval of the modification request, subject to the following modified commitments being reduced to writing on the Commission Exhibit "C" form at least five (5) days prior to the MDC hearing:

1. Commitment Two of 2022-ZON-020 (Instrument #A2022-00089982) shall be modified to read: Development of the site shall be in accordance with the site plan, file-dated May 5, 2025.
2. A 25-foot half right-of-way shall be dedicated along the frontage of Todd Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval.



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## PETITION OVERVIEW

This 11.6-acre site, zoned D-7 (FF), is developed with multi-family dwellings. It is surrounded by single-family dwellings to the north, zoned D-4; healthcare complex to the south, across Todd Road, zoned C-S (FW) (FF); office uses and religious uses to the east, zoned C-1 and SU-1 (FW) (FF), respectively; and single-family dwellings to the west, zoned D-4.

Petitions 2022-CZN-826 and 2022-CVR-826 rezoned the site to the D-7 district and legally established the multi-family use until the rezoning was approved.

Petition 2003-ZON-069 rezoned the site to the C-1 classification.

## MODIFICATION

The request would modify commitments and site plan related to 2022-CZN-826 to permit the construction of a 360-square-foot ADA garage. The previous petition required the site to be developed in accordance with the site plan, file-dated May 6, 2022.

Given the population (over 55 years of age) being served by the development, staff believes the garage would provide an additional amenity for the residents that would improve the quality of life for them.

As proposed, the ADA garage would be an extension of the existing garages along the western boundary of the site. An existing painted crosswalk would connect the proposed garage to the existing sidewalks to the east and south.

## Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 25-foot half right-of-way along Todd Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

The submitted site plan indicates an existing 15-foot half right-of-way and a proposed 35-foot half right-of-way along the northside of Todd Road.

## Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which 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 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-7 in this request) would be permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.



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The southeastern portion of the site is located within the unregulated 500-year floodplain of Pleasant Run Creek.

## GENERAL INFORMATION

|                                   |  |  |
|-----------------------------------|--|--|
| <b>Existing Zoning</b>            | D-7 (FF)   |  |
| <b>Existing Land Use</b>          | Multi-family dwellings / associated parking                |  |
| <b>Comprehensive Plan</b>         | Office Commercial  |  |
| <b>Surrounding Context</b>        | <b>Zoning</b>  | <b>Land Use</b>  |
| North:                            | D-4  | Single-family dwellings  |
| South:                            | C-S (FW)(FF)   | Healthcare complex   |
| East:                             | C-1 / SU-1 (FW)(FF)  | Commercial office uses / religious uses                          |
| West:                             | D-4  | Single-family dwellings  |
| <b>Thoroughfare Plan</b>          |  |  |
| Todd Road                         | Local Street   | Existing 30-foot right-of-way and proposed 50-foot right-of-way. |
| <b>Context Area</b>               | Metro  |  |
| <b>Floodway / Floodway Fringe</b> | Yes. Unregulated 500-year floodplain of Pleasant Run Creek |  |
| <b>Overlay</b>                    | No   |  |
| <b>Wellfield Protection Area</b>  | No   |  |
| <b>Site Plan</b>                  | May 5, 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

The Comprehensive Plan recommends Office Commercial Typology.



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“The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

**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**

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

**2022-CZN-826 / 2022-CVR-826, 4701 Todd Road**, requested rezoning of 11.81 acres from the C-1 (FF) district to the D-7 (FF) district to legally establish multi-family uses and a variance of use legally establish multi-family uses, **approved and granted**.

**2005-ZON-069; 8200 South Emerson Avenue**, requested rezoning 11.687 acres, being in the D-A (FF) District, to the C-1 (FF) classification to provide for office commercial uses, **approved**.

## VICINITY

**2004-ZON-128, 8200 South Emerson Avenue (east of site)**, rezoning of 3 acres, being in the D-A District, to the C-1 classification to provide for office uses, **approved**.

**2002-ZON-118; 4700 Todd Road (north of site)**, rezoning of 55.80 acres, being in the D-A (FF) District, to the D-4 (FF) classification to provide for single-family residential development, **denied**.

**2002-ZON-014; 4745 Todd Road (west of site)**, rezoning of 55.80 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for 251 single-family residential dwellings, **withdrawn**.

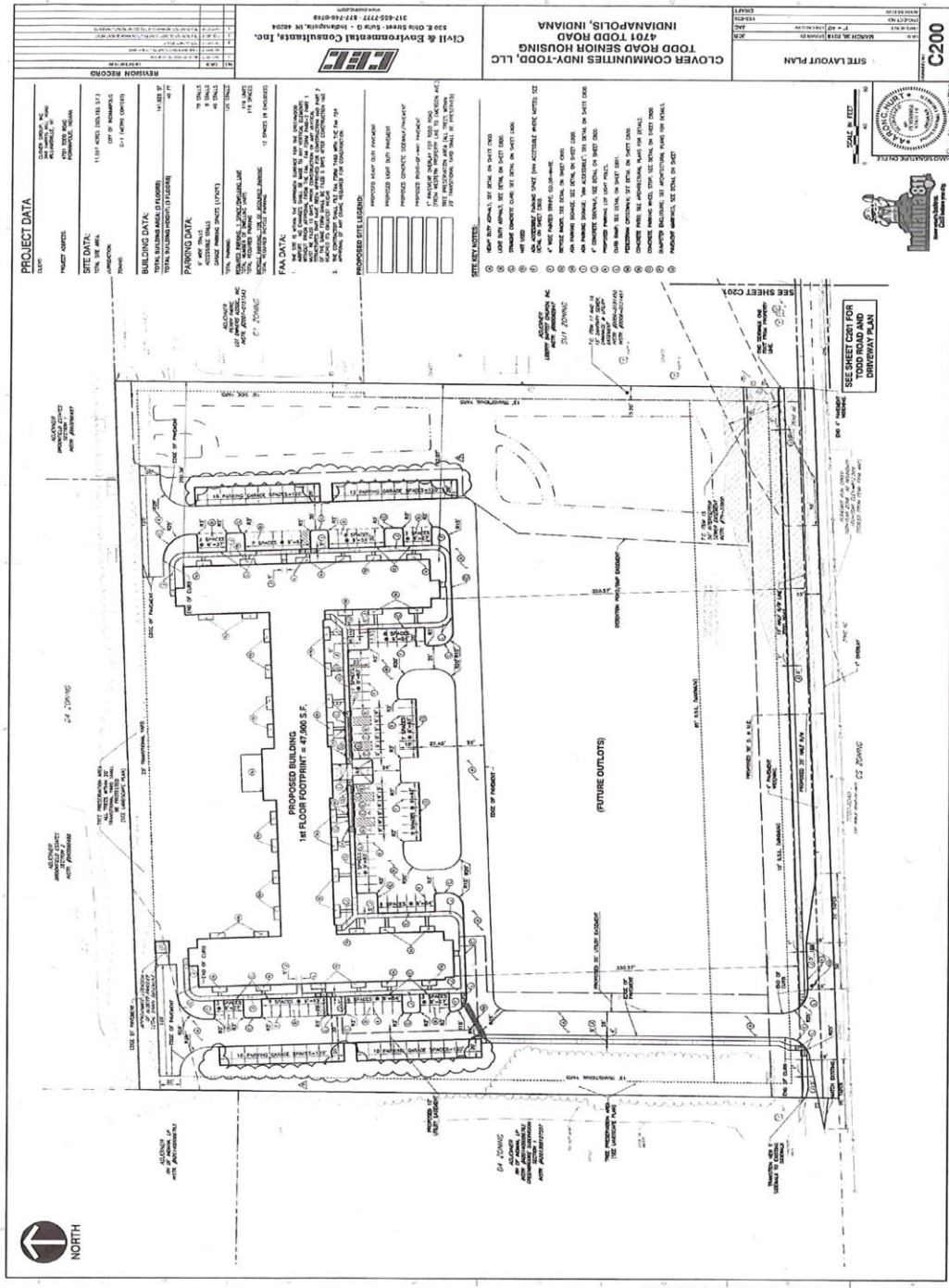
**85-Z-182; 4801 Todd Road**, requested rezoning of 61.75 acres, being in the A-2 district to the C-S classification to provide for hospital uses, **approved**.



EXHIBITS



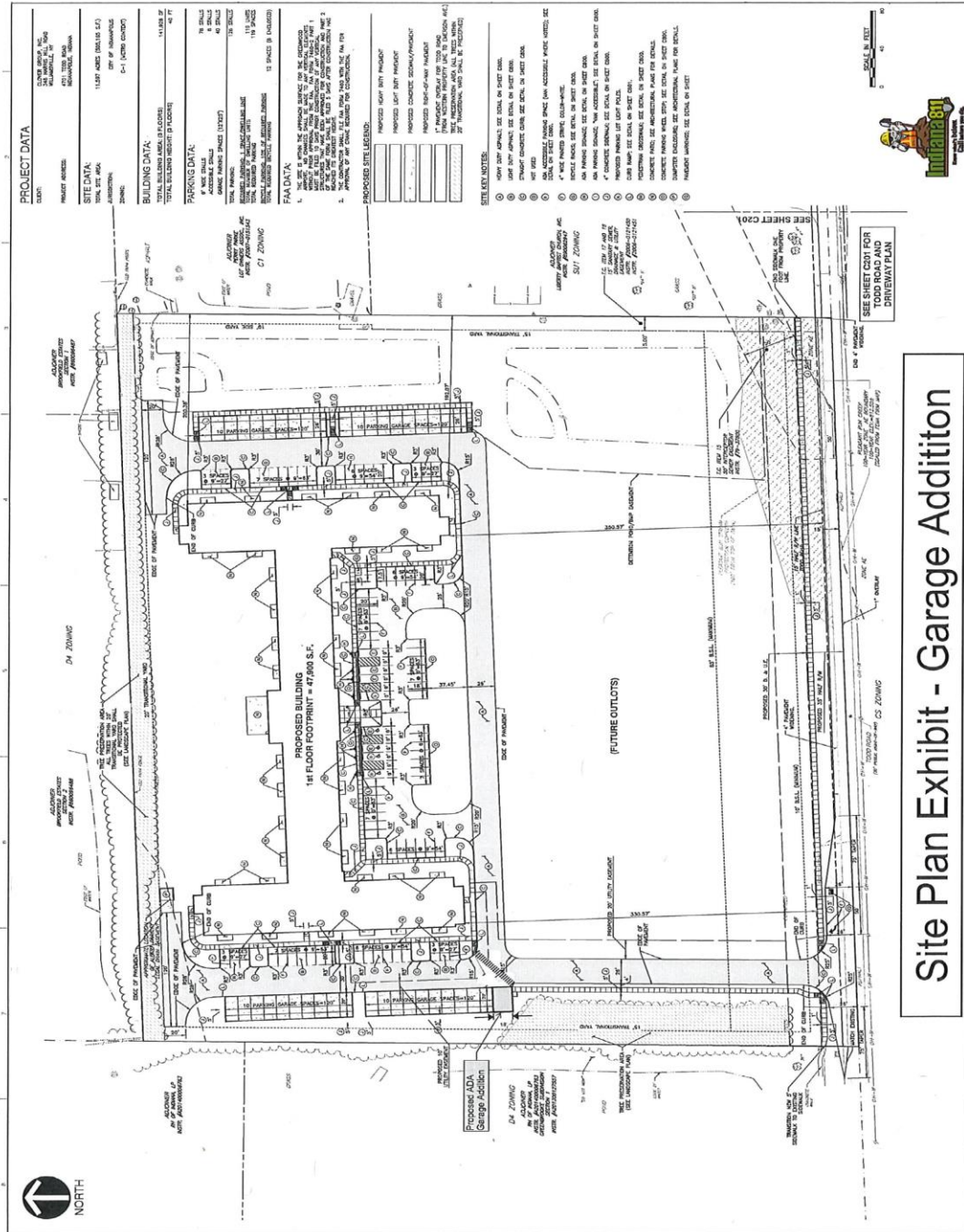
Site Plan – May 6, 2022



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 May 06 2022  
 Division of Planning



Site Plan – May 5, 2025



Site Plan Exhibit - Garage Addition



View looking west along Todd Road at site entrance drive



View looking east along Todd Road at site entrance drive





View of site looking north across Todd Road



View looking south along western drive





View of existing garages along western property line



View looking west at location of proposed ADA garage



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 10, 2025

**Case Number:** 2025-ZON-060  
**Property Address:** 2946 North College Avenue (Approximate Address)  
**Location:** Center Township, Council District #8  
**Petitioner:** College Flats, LLC, by Misha Rabinowitch  
**Current Zoning:** D-5  
**Request:** Rezoning of 0.10-acre from the D-5 district to the D-8 district to provide for a row house.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.10-acre site is developed with a two-unit multi-unit dwelling currently under construction. It is surrounded by two-family dwellings to the south, zoned D-5, single-family dwellings north and west, zoned D-5, and multi-family dwellings east of the site, zoned MU-1.

**REZONING**

The request would rezone the property to the D-8 district to allow for a two-unit row house which is not permitted in the existing D-5 district.

The D-5 district is intended for medium- and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.





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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 purpose of the request is to rezone the property to the D-8 district to allow for a 2-unit townhouse with the intent to subdivide the property and sell each unit separately.

Staff is supportive of the rezoning because it would allow for a mix of housing options and would continue to align with the Neighborhood Plan recommendation of 8 to 15 Residential Units per Acre development.

The petitioner was notified that the submitted site plan does not meet the required 5-foot south side setback or 5-foot rear setback. This will need to be addressed by verifying the true setbacks in the field and applying for variances if needed. All of the applicable private frontage design standards of Table 744-701-2 will need to be met.

### GENERAL INFORMATION

|                                   |                                    |  |
|-----------------------------------|------------------------------------|--|
| <b>Existing Zoning</b>            | D-5                                |  |
| <b>Existing Land Use</b>          | Undeveloped                        |  |
| <b>Comprehensive Plan</b>         | 8 to 15 Residential Units per Acre |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>               | <b><u>Land Use</u></b>   |
|                                   | North: D-5                         | Residential (Single-family dwelling)                               |
|                                   | South: D-5                         | Residential (Two-family dwelling)                                  |
|                                   | East: MU-1                         | Multi-family dwellings   |
|                                   | West: D-5                          | Residential (Single-family dwelling)                               |
| <b>Thoroughfare Plan</b>          |                                    |  |
| College Avenue                    | Primary Arterial Street            | 78-foot proposed right-of-way and an 80-foot exiting right-of-way. |
| <b>Context Area</b>               | Compact                            |  |
| <b>Floodway / Floodway Fringe</b> | No                                 |  |
| <b>Overlay</b>                    | Yes                                |  |
| <b>Wellfield Protection Area</b>  | No                                 |  |
| <b>Site Plan</b>                  | May 29, 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                                |  |



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|                                       |     |
|---------------------------------------|-----|
| <b>Findings of Fact<br/>(Amended)</b> | N/A |
| <b>C-S/D-P Statement</b>              | N/A |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Mapleton Fall Creek Neighborhood Plan (2013)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Mapleton Fall Creek Neighborhood Plan (2013) below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The subject site falls within the Mapleton Fall Creek Neighborhood Plan (2013) and falls within a Critical Area #9 of the plan.
- This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.
- Critical Area #9 is located at the intersection of 30<sup>th</sup> Street and College Avenue. This intersection is part of the historic 30th Street commercial corridor. Some former commercial buildings have remained unoccupied for some time and other parcels are vacant and ready for redevelopment. Any new development should be pedestrian oriented and suitable within C3C zoning. Sufficient parking is an issue for several vacant commercial buildings.
- Recommendations for this Critical Area applicable to the subject site are as follow:
  - Building heights should be proportional to the street width and front setback, and respect historical context. Building heights should be limited to three stories, near the intersection and taper lower towards adjoining residential.



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- Architectural diversity is encouraged; however, monolithic structures (blank walls, minimal fenestration) are not appropriate.
- New development should face College Avenue and/or 30th Street. Storefront entrances should be located at the front of the building with pedestrian sidewalk access.
- Automobile parking should be located behind primary structures' front building lines, and behind structures entirely if feasible. Shared parking is acceptable between commercial properties. No parking should be placed between sidewalks and the front of buildings.
- Street parking along College Avenue should be increased/allowed to help parcels with limited parking.
- The public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns.
- The single-family housing on the west side of College between 30th Street and Fall Creek Parkway is still viable and individual parcels should not be converted to commercial until there is a unified commercial development plan proposed for the area. Any unified commercial plan should include sufficient parking for adjoining commercial properties, such as the former Frog's building located at 2958 North College Avenue. If a unified development is not viable, the existing residential housing should remain, and the zoning recommendation will remain D5 for the residential portion.
- The residential uses adjacent to the designated commercial area remain viable and contributory to the neighborhood. Conversion of these residential parcels to commercial should be discouraged to avoid a conversion creep down College Avenue or 30th Street and diluting the effectiveness of the intersection.

### Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **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.



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- **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)

- Not Applicable to the Site.



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## ZONING HISTORY

### Zoning History – Vicinity

**2023-ZON-077; 2958 North College Avenue** (north of site), Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development, **approved**.

**2008-ZON-848, 2008-VAR-848 and 2008-APP-848; 710 East 30th Street and 3002 Fall Creek Parkway North Drive;** (northeast of site), Rezoning of 0.42 acre, from the D-4 District, to the C-2 classification to provide for high-intensity office-apartment commercial uses. Approval of a Modification of Site Plan, related to petition 2004-ZON-813, to remove the landscape strip along the east property line that was required by Commitment Eight. Approval to Modify commitments, related to petitions 2004-ZON-813 and 2004-VAR-813, to: a) terminate Commitment Eight (commitment required a landscape strip and barrier along the east property line), b) terminate Commitment Nine (commitment restricted the hours of business operation to 6:00 AM to 11:00 PM only), c) terminate Commitment 14 (commitment required chain gates at all points of access to the property so as to prohibit autos from entering the property during those hours when the store is not open). Variance of Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for: d) a gas station canopy with a 57.167-foot front setback from the centerline of East 30th Street (minimum 70-foot front setback from centerline required), e) a 4.167-foot landscape strip along East 30th Street (minimum ten-foot front landscape strip required), f) a pylon sign with a four-foot front setback from the existing right-of-way of College Avenue and a thirteen-foot front setback from the right-of-way of East 30th Street (minimum fifteen-foot front setbacks required). g) carry-out food service within eight feet of a protected district (minimum 100-foot separation from protected district required), **approved**.

**2008-ZON-840; 703 East 30th Street** (east of site), Rezoning of 1.9 acres from C-S to C-2, and Variances of Development Standards of the CZO to provide for a 20,146-square foot building addition with a 65-foot front setback from the centerline of Fall Creek Parkway North Drive, and with a 40.5-foot front setback from the centerline of 30th Street, to provide for an enclosed dumpster located in front of the established front building line along College Avenue, and having a 52-foot front setback from the centerline of College Avenue, and to provide for senior housing, having 47 dwelling units, with 27 off-street parking spaces, **approved**.

**2007-ZON-087; 3010 and 3014 North College Avenue** (north of site), Rezoning of 0.1504 acres, from the D-5 District, to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**2005-ZON-154; 703 East 30th Street** (east of site), Rezoning of 1.63 acres from C-1 to C-S to provide for all C-2 and SU-2 uses, **approved**.

**2004-ZON / VAR-837; 2910 North College Avenue** (south of site), Rezoning of 0.66 acre from D-5 to C-3, and variance of development standards of the CZO to provide for food carryout and drive-through with a deficient separation from a protected district, and outdoor seating, **approved**.

**2004-ZON / VAR-813; 3007 North College Avenue** (northeast of site), Rezoning of 0.10 acre from the D-5 to C-3 to provide for a convenience store and a gasoline station, and variance to allow for three-foot



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east and three-foot north transitional yards, and a 60-foot setback from centerline of College Avenue, **approved.**

**2001-ZON-097; 703 East 30th Street** (east of site), Rezoning of 2.2 acres from D-5 to C-1, **approved**

**85-Z-189; 3001 North College Avenue** (northeast of site), Rezoning 0.2 acre from the D-5 to C-3, **approved.**



## EXHIBITS





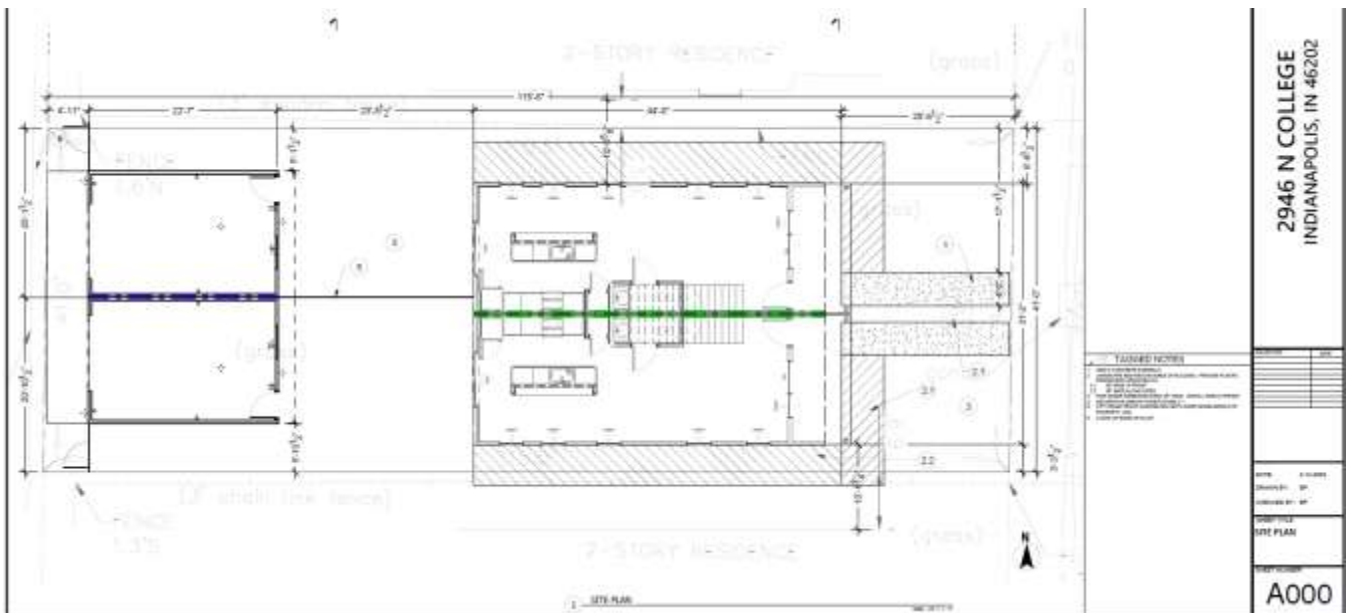
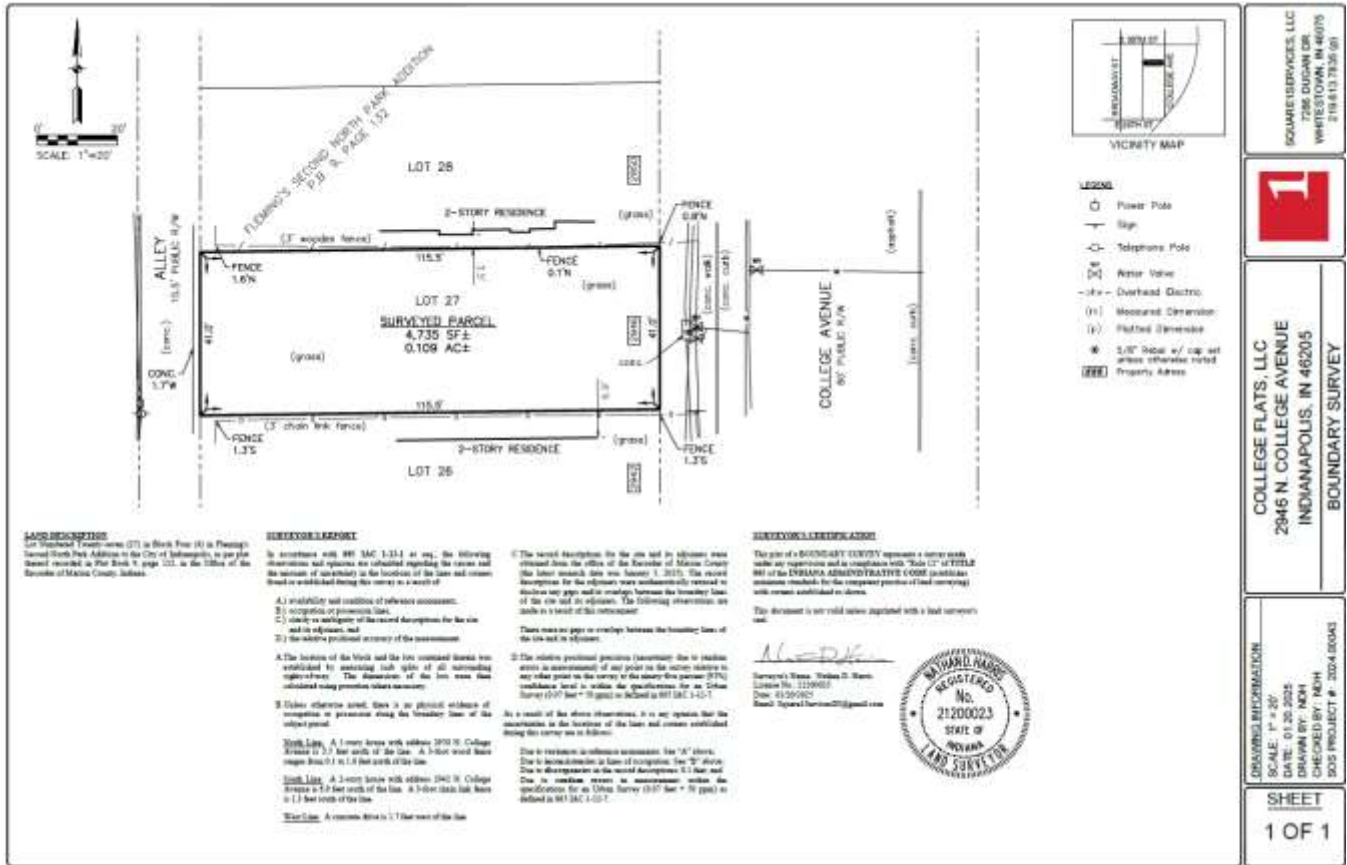




Photo of the subject site.



Photo of the rear of the site with a detached garage.





Photo of two-family dwellings south of the site.



Photo of a single-family dwelling north and mixed-use building north of the site.





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



Photo of a single-family dwelling west of the site.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 10, 2025

**Case Number:** 2025-ZON-063  
**Property Address:** 2351, 2355, and 2357 Carrollton Avenue (Approximate Addresses)  
**Location:** Center Township, Council District #8  
**Petitioner:** Station 22, LLC, by Jacob Cox  
**Current Zoning:** SU-1  
**Request:** Rezoning of 0.56-acre from the SU-1 district to the D-8 district to provide for a residential development.  
**Current Land Use:** Vacant Church Building  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.56-acre subject site is comprised of three (3) parcels (1099857, 1015196, and 1032137) developed with a church building on the northernmost parcel and associated parking lot on the southern two (2) parcels. The site was originally constructed as a fire station the D-8 district that was later converted into a church and rezoned to the existing SU-1 district.

The site is surrounded by one and two-family dwellings to the east and west, zoned D-8, undeveloped land and a single-family dwelling to the north, zoned D-8, and a single-family dwelling to the south, zoned D-8.

**REZONING**

The request would rezone the subject site to the D-8 district to provide for a residential development.

The SU-1 district only permits religious uses.





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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 allow the reuse of the existing church building for residential use.

The petitioner notified staff that the existing building would be renovated as a single-family dwelling to consist of two (2) parcels and the remaining southern parcel would be reverted to its original two (2) lots to be developed as single-family dwellings.

The proposed rezoning and residential use would align with the Comprehensive Plan recommendation for Traditional Neighborhood development. Before the site was rezoned to the SU-1 district it was originally zoned D-8.

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

### GENERAL INFORMATION

|                                   |                          |  |
|-----------------------------------|--------------------------|--|
| <b>Existing Zoning</b>            | SU-1                     |  |
| <b>Existing Land Use</b>          | Vacant Church Building   |  |
| <b>Comprehensive Plan</b>         | Traditional Neighborhood |  |
| <b>Surrounding Context</b>        | <u><b>Zoning</b></u>     | <u><b>Land Use</b></u>   |
| North:                            | D-8                      | Undeveloped / Residential (Single-family dwelling)               |
| South:                            | D-8                      | Residential (Single-family dwelling)                             |
| East:                             | D-8                      | Residential (One and Two-family dwellings)                       |
| West:                             | D-8                      | Residential (One and Two-family dwellings)                       |
| <b>Thoroughfare Plan</b>          |                          |  |
| Carrollton Avenue                 | Local Street             | 48-foot proposed right-of-way and 60-foot existing right-of-way. |
| 24 <sup>th</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> | No                       |  |
| <b>Overlay</b>                    | No                       |  |
| <b>Wellfield Protection Area</b>  | No                       |  |
| <b>Site Plan</b>                  | N/A                      |  |



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|                                   |     |
|-----------------------------------|-----|
| <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)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development, which 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 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.
  - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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- **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.
- **Attached Housing**
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

**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**

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **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,



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- 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)

- Not Applicable to the Site.



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## ZONING HISTORY

### Zoning History – Site

**2020-ZON-086; 2351, 2355 and 2357 Carrollton Avenue** (subject site), Rezoning of 0.56 acre from the D-8 district to the SU-1 district, **approved**.

**88-SE3-1; 2357 Carrollton Avenue** (subject site), Variance of use to provide for a church within an abandoned fire station, with nine parking spaces, **granted**.



EXHIBITS



Aerial Map





Photo of the subject site looking east.



Photo of the subject site looking southeast.





Photo of the single-family dwelling south of the site.



Photo of two-family dwellings west of the site.





Photo of the undeveloped land and single-family dwelling north of the site.



Photo of single-family dwellings and two-family dwellings with accessory structures east of the site.



Rear yard of the subject site.



Northern building facade of the vacant building on site.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 10, 2025

**Case Number:** 2025-ZON-067  
**Property Address:** 2810 Central Avenue  
**Location:** Center Township, Council District #12  
**Petitioner:** Madison Gall, by Paul J. Lambie  
**Current Zoning:** C-1 (TOD)  
**Request:** Rezoning of 0.12-acre from the C-1 (TOD) district to the D-8 (TOD) district to legally establish the existing single-family dwelling and to provide for future improvements.  
**Current Land Use:** Single-family dwelling  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval of the rezoning request.

**PETITION OVERVIEW**

This 0.12-acre site, zoned C-1(TOD) is developed with a single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned C-1 (TOD); a single-family dwelling and vacant land to the south, zoned D-8 (TOD) and C-1 (TOD), respectively; vacant land to the east, across Central Avenue, zoned MU-2 (TOD); and commercial uses to the west, zoned C-3 (TOD).

**REZONING**

The request would rezone the site to the D-8 (TOD) and Walkable Neighborhood District.





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“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.”

“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.

The Mapleton Fall Creek Neighborhood Land Use Plan recommends eight to 15 units per acre. As proposed, the development would be consistent with the Plan recommendation and the historical residential use of the site.

The Redline Transit-Oriented Development Strategic Plan typology for the District Center transit station (located at the intersection of North Meridian Street and East 30<sup>th</sup> Street) is characterized as having multi-family dwellings but encourages a mix of housing types. Staff believes the rezoning would be consistent with this plan and maintain the existing neighborhood residential character.

For these reasons, staff recommends approval of this rezoning request.

## GENERAL INFORMATION

|                            |  |                                      |
|----------------------------|--|--------------------------------------|
| <b>Existing Zoning</b>     | C-1 (TOD)                                  |                                      |
| <b>Existing Land Use</b>   | Single-family dwelling                     |                                      |
| <b>Comprehensive Plan</b>  | Eight- 15 units residential units per acre |                                      |
| <b>Surrounding Context</b> | <b><u>Zoning</u></b>                       | <b><u>Land Use</u></b>               |
| North:                     | C-1 (TOD)                                  | Single-family dwelling               |
| South:                     | C-1 (TOD) / D-8 (TOD)                      | Vacant land / Single-family dwelling |
| East:                      | MU-2 (TOD)                                 | Vacant land                          |
| West:                      | C-3 (TOD)                                  | Commercial uses                      |

| Thoroughfare Plan          |   |  |
|----------------------------|---|--|
| Central Avenue             | Primary arterial                        | Existing 60-foot right-of-way and proposed 78-foot right-of-way. |
| Context Area               | Compact                                 |  |
| Floodway / Floodway Fringe | No                                      |  |
| Overlay                    | Yes. Transit Oriented Development (TOD) |  |
| Wellfield Protection Area  | No                                      |  |
| Site Plan                  | N/A                                     |  |
| Site Plan (Amended)        | N/A                                     |  |
| Elevations                 | N/A                                     |  |
| Elevations (Amended)       | N/A                                     |  |
| Landscape Plan             | N/A                                     |  |
| Findings of Fact           | N/A                                     |  |
| Findings of Fact (Amended) | N/A                                     |  |
| C-S/D-P Statement          | N/A                                     |  |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

Not Applicable to the Site.

### Pattern Book / Land Use Plan

Not Applicable to the Site

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

The Red Line Transit-Oriented Strategic Plan (2021).

This site is located within a ½ mile walk a transit stop located at the intersection of East 30<sup>th</sup> Street and North Meridian Street, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.



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Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

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
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

### Neighborhood / Area Specific Plan

Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends residential development at eight to 15 units per acre.

This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.

### 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



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**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.”

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

**2019-ZON-023; 420 and 422 East 28<sup>th</sup> Street (west of site),** requested rezoning of 0.08 acre from the C-1 district to the D-8 classification, **approved.**

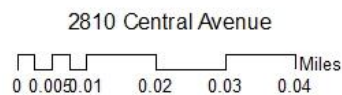
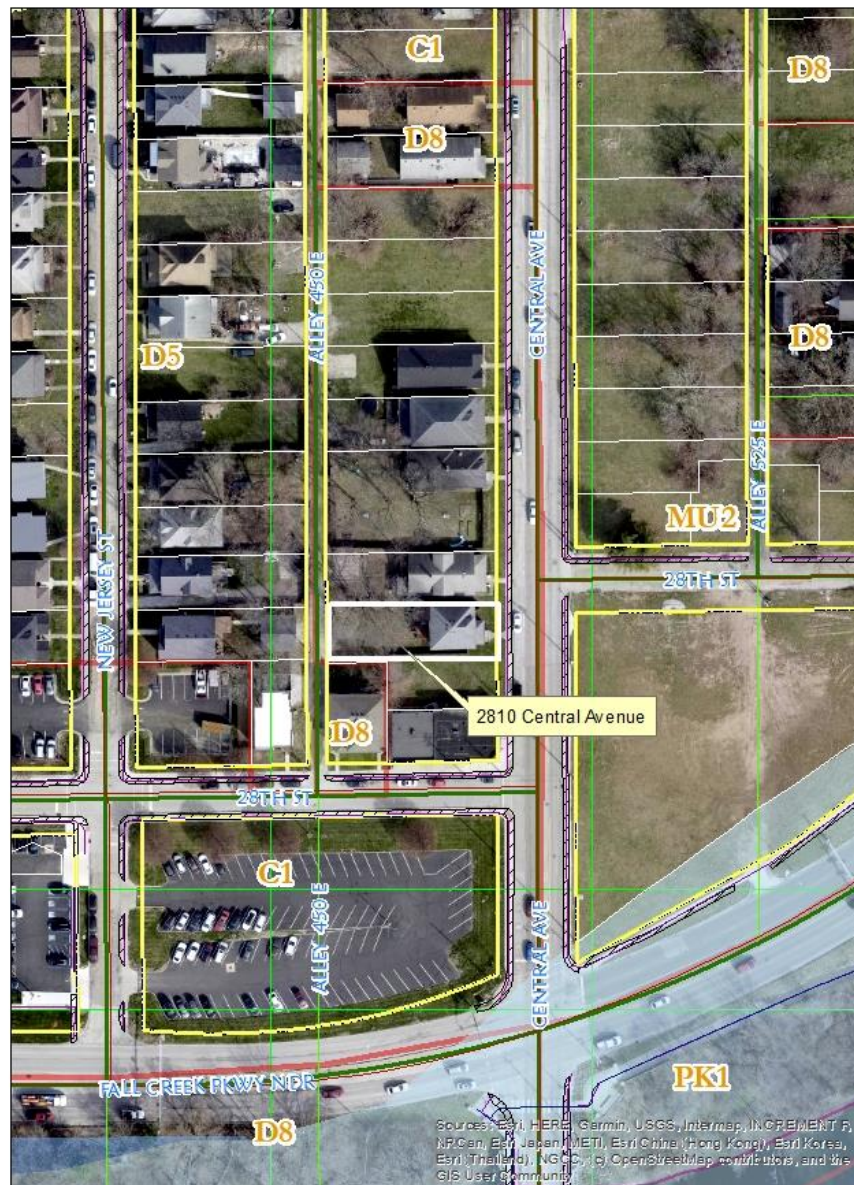
**2015-CZN-838 / 2015-CVR-838 / 2015-CVC-838; 510 East Fall Creek Parkway, North Drive; 2819-2957 (odd) North Central Avenue; 2802-2810 and 2826-2844 (even) Ruckle Street; 512 and 518 East 28<sup>th</sup> Street; 507 and 508 East 29<sup>th</sup> Street (east of site),** requested rezoning of 0.79 acre from the C-1 and C-4 districts to the C-3C district to provide for commercial and residential uses and a variance of use to provide for one mixed-use building and three apartment buildings, parking lots with reduced setbacks, a dumpster located in front of the established front setback line along Ruckle Street, reduced parking spaces and buildings taller than permitted, **approved and granted.**

**2014-ZON-054; 510 East Fall Creek Parkway, North Drive; 2819, 2821, 2825, 2829, 2837, 2841, 2845, 2917, 2925, 2927, 2931, 2935, 2941 Central Avenue and 2802, 2806, 2810, 2822, 2826, 2834, 2838 and 2844 Ruckle Street; 512 and 518 East 28<sup>th</sup> Street; 507 and 508 East 29<sup>th</sup> Street (east of site),** requested a rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts, **approved.**

**2004-ZON-841; 510 East Fall Creek Parkway North drive (south of site),** requested rezoning of 1.11 acres from C-1 and D-8 to C-2, **approved.**

**2008-ZON-075; 2848 and 2852 North Central Avenue (north of site),** requested a rezoning of 0.2388 acre, from the C-1 District, to the D-8 classification to provide for one- and two-family dwellings, **approved.**

EXHIBITS





View looking north along Central Avenue



View looking south along Central Avenue





View looking east along East 28<sup>th</sup> Street



View looking west along East 28<sup>th</sup> Street (site in background)





View of site looking southwest across Central Avenue



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-ZON-068  
**Property Address:** 1234 and 1240 Udell Street (Approximate Addresses)  
**Location:** Center Township, Council District #12  
**Petitioner:** Victory Investments, Inc., by Diana Escobar  
**Current Zoning:** I-2  
**Request:** Rezoning of 0.18-acre from the I-2 district to the D-8 district to provide for residential uses.  
**Current Land Use:** i-2  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.18-acre site is comprised of two (2) undeveloped parcels (1065255 and 1065413). The site is surrounded by a single-family dwelling to the north, zoned D-5, a single-family dwelling to the west, zoned I-2 single-family attached dwellings to the east, zoned I-2, and an industrial use to the south, zoned I-2.

**REZONING**

The request would rezone the property to the D-8 district to allow for residential uses not permitted in the existing I-2 district.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to Protected Districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a Protected District and a heavier industrial area to serve as a buffer. For application to the older



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industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

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 property to the D-8 district to allow for residential uses.

The site maintains the 3.5 to 5 Units per Acre development recommendation of the United Northwest Neighborhood Plan (2008) and is consistent with the D-8 district.

Staff is supportive of the rezoning because it would allow for residential development that would align with the Neighborhood Plan recommendation for residential uses.

All the applicable private frontage design standards of Table 744-701-2 will need to be met.

### GENERAL INFORMATION

|                                   |                         |  |
|-----------------------------------|-------------------------|--|
| <b>Existing Zoning</b>            | I-2                     |  |
| <b>Existing Land Use</b>          | Undeveloped             |  |
| <b>Comprehensive Plan</b>         | 3.5 to 5 Units per Acre |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>    | <b><u>Land Use</u></b>   |
|                                   | North: D-5              | Residential (Single-family dwelling)                             |
|                                   | South: I-2              | Industrial   |
|                                   | East: I-2               | Residential (Single-family attached dwellings)                   |
|                                   | West: I-2               | Residential (Single-family dwelling)                             |
| <b>Thoroughfare Plan</b>          |                         |  |
| Udell Street                      | Local Street            | 48-foot proposed right-of-way and 60-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>                  | 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                     |  |



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|                            |     |
|----------------------------|-----|
| Findings of Fact           | N/A |
| Findings of Fact (Amended) | N/A |
| C-S/D-P Statement          | N/A |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan (2008) below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The site falls within the United Northwest Neighborhood Plan (2008) which recommends 3.5 to 5 Units per Acre development.
- This would allow for low density residential development which consists of single-family dwellings.

### Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
  - 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.





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- **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)

- Not Applicable to the Site.



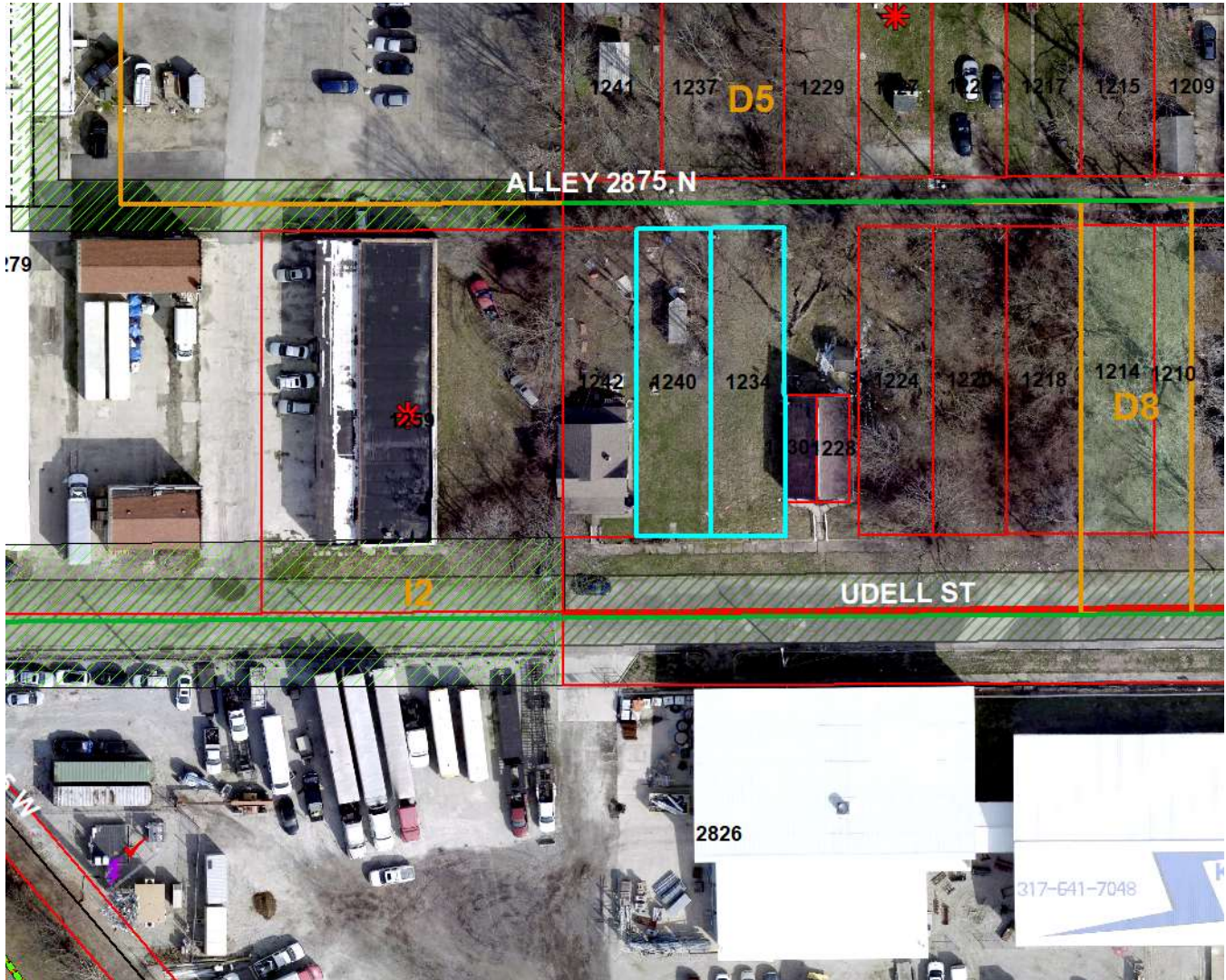
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## ZONING HISTORY

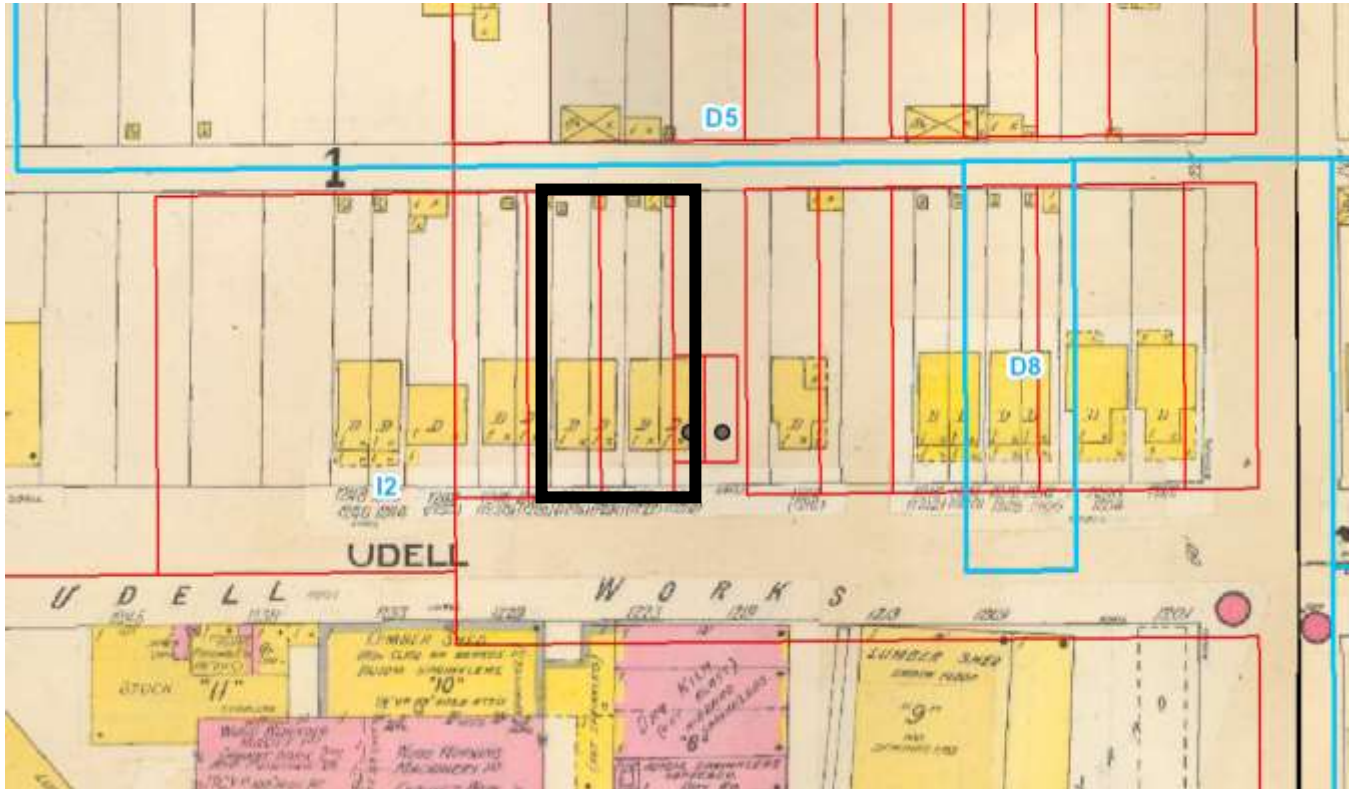
### Zoning History – Vicinity

**2023-ZON-033C; 909 North Pershing Avenue, 1210 & 1214 Udell Street, and 2520 & 2657 Burton Avenue** (east of site), Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District, Rezoning of 1210 & 1214 Udell Street, totaling 0.13 acre, from the I-2 District to the D-8 District, and Rezoning of 2520 & 2657 Burton Avenue, totaling 0.24-acre, from the I-2 (W-5) District to the D-8 (W-F) District, **approved**.

EXHIBITS



Aerial Map



1898 Sanborn Map





Photo of the subject site.



Photo of the rear yard of 1234 Udell Street.





Photo of the rear yard of 1240 Udell Street.



Photo of the alley north of the site looking west toward the subject site.





Photo of a single-family dwelling west of the site.



Photo of single-family attached dwellings.



Photo of an industrial property south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION**

**July 10, 2025**

|                               |   |
|-------------------------------|---|
| <b>Case Number:</b>           | 2025-MOD-004 (Amended)  |
| <b>Property Address:</b>      | 9100 and 9402 East 21 <sup>st</sup> Street  |
| <b>Location:</b>              | Warren Township, Council District #14   |
| <b>Petitioner:</b>            | VAF Lawrence, LLC, by Jamilah Mintze  |
| <b>Current Zoning:</b>        | C-1 / C-4   |
| <b>Request:</b>               | Modification of Commitments related to 99-Z-39 to terminate all commitments, which related to: 1. the requirement of a boulevard entrance to be developed from 21 <sup>st</sup> Street and taper into a single roadway approximately 100 feet north of the right-of-way of 21 <sup>st</sup> Street; 2. the requirement of a landscape plan to be submitted for approval by the Administrator and to the Far Eastside Neighborhood Association; 3. the prohibition of pole signs, off-site advertising signs, and wireless communication facilities; 4. that requirement that office buildings shall appear to be residential and no taller than two stories in height; 5. that the owner shall use best efforts to reduce light pollution onto adjacent properties; and 6. that 75% of the structures shall feature brick exteriors or exterior finish insulation system, and no vinyl exterior shall be used as the primary exterior material. |
| <b>Current Land Use:</b>      | Undeveloped   |
| <b>Staff Recommendations:</b> | No recommendation related to commitments one through six. Denial of the termination of Commitment Number 7 and subject to the commitments noted below. Please note that the elimination of Commitment Number 7 was removed by the petitioner's representative at the May 29, 2025 hearing.  |
| <b>Staff Reviewer:</b>        | Kathleen Blackham, Senior Planner   |

**PETITION HISTORY**

The Hearing Examiner acknowledged the timely automatic continuance filed a registered neighborhood organization that continued this request from the April 24, 2025 hearing, to the May 29, 2025 hearing.

This petition was heard by the Hearing Examiner on May 29, 2025. The Hearing Examiner acknowledged the petitioner's representative removal of Commitment Number 7 that related to dedication of right-of-way. After an expedited hearing, the Hearing Examiner recommended approval of the modification subject to the five (5) commitments below in the staff report to which the petitioner and their representative agreed.

Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision related to Commitment Number 2. A memorandum of her recommendation is attached.

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As a result of the Plan of Operation and the existing two lane, 28-foot-wide street, staff believed that the traffic impact of the proposed development should be reviewed by the Department of Public Works (DPW). DPW staff offered two options: 1) Conduct a Traffic Operation Analysis (TOA) primarily related to the proposed access drives and need for turn lanes. 2) Construct an east bound left turn lane at the western drive and a west bound right turn land at the eastern drive.

In an e-mail, dated April 23, 2025, the petitioner agreed to the second option to construct the east bound lane at the western drive and west bound turn lane at the eastern drive. See Exhibit 1.

On June 4, 2025, the DPW forwarded the Traffic Impact Study (TIS) (dated February 13, 2025) that studied the intersections at East 21<sup>st</sup> Street / Post Road, East 21<sup>st</sup> Street / Shenandoah Drive, and East 21<sup>st</sup> Street / Mitthoefer Road, as well as the two proposed site access drives. See Exhibit 2 – Executive Summary.

The TIS recommended that an additional left turn lane for eastbound 21<sup>st</sup> Street approaching both proposed drives was warranted. Additionally, a southbound left turn lane would be warranted on the eastern access drive to separate left turning traffic.

Staff continues to recommend approval, subject to the five commitments previously requested and listed below.

On May 29, 2025, the Metropolitan Development Commission transferred this petition back to the Hearing Examiner to resolve the issue related to Commitment Number 2 requiring infrastructure improvements along East 21<sup>st</sup> Street for site access.

## **STAFF RECOMMENDATION**

No recommendation related to Commitments One through Six.

Denial of Commitment Number Seven. If approved, staff would request that approval be subject to compliance with the Plan of Operation, file dated April 8, 2025, and the following commitments being reduced to writing on the Commission's Exhibit "C" forms at least five business days prior to the MDC hearing:

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of East 21<sup>st</sup> Street as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. An east bound left-turn lane at the proposed western driveway along East 21<sup>st</sup> Street and a west bound right-turn lane at the eastern drive along East 21<sup>st</sup> Street shall be installed in accordance with the DPW standards and prior to the opening and operation of the proposed use.

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3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and 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) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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.
4. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
5. 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.

## PETITION OVERVIEW

This 31.927-acre site, zoned C-1 and C-4, is comprised of two undeveloped parcels. It is surrounded by Interstate 70 right-of-way to the north, zoned C-4; single-family dwellings to the south, across East 21<sup>st</sup> Street, zoned D-3; multi-family dwellings to the east, zoned D-6; and multi-family dwellings to the west, zoned D-6II.

Petition 99-Z-39 rezoned this site to the C1 district to provide for commercial office-buffer development.

## MODIFICATION

The request would modify commitments related to 99-Z-39 terminating all commitments, which related to: 1. the requirement of a boulevard entrance to be developed from 21<sup>st</sup> Street and taper into a single roadway approximately 100 feet north of the right-of-way of 21<sup>st</sup> Street; 2. the requirement of a landscape plan to be submitted for approval by the Administrator and to the Far Eastside Neighborhood Association; 3. the prohibition of pole signs, off-site advertising signs, and wireless communication facilities; 4. that requirement that office buildings shall appear to be residential and no taller than two stories in height; 5. that the owner shall use best efforts to reduce light pollution onto adjacent properties; 6. that 75% of the structures shall feature brick exteriors or exterior finish insulation system and no vinyl exterior shall be used as the primary exterior material; and 7. that the petitioner shall dedicate 60 feet of right-of-way north of the centerline of 21<sup>st</sup> Street.

## Department of Public Works

The Department of Public Works (DPW), Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along East 21<sup>st</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

The DPW has also requested the installation of an east bound left-turn lane at the proposed western driveway and a west bound right-turn lane at the eastern drive.

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

There are significant amounts of natural vegetation and trees located on the northern portion and the perimeter 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 prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and 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) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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 B, Table 744-503-3: Replacement Trees.

### **Wetland Preservation**

The aerial indicates possible wetlands located along the southern and northern boundaries of the site.



The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would recommend that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.

The Wetland Report, file dated June 2024, provided the following summary and conclusions: See Exhibit C.

- Four (4) wetlands present, including one (1) PEM, one (1) PFO, and two (2) wetland complexes.
- Two of these wetlands, a PFO (W-HLA-004) and PFO/PEM complex (W-HLA-003), were determined to be provisionally jurisdictional WOTUS.
- One (1) perennial stream, an UNT to Morris Ditch, crosses the Project Study Area
- No floodplains were mapped within the Project Study Area.

### 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.

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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.

### **Planning Analysis**

This request would modify commitments for the Rezoning Petition 99-Z-39 (See Exhibit "A") by terminating all the commitments related to this rezoning petition. Commitment Numbers One through Six were originally the result of negotiation between the petitioner and remonstrators during the 1999 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.

Commitment Number Seven, however, that required dedication of a 60-foot half right-of-way along East 21<sup>st</sup> Street, was requested by the city (Department of Capital Asset Management). Additionally, the access drive along East 21<sup>st</sup> Street was required to comply with City standards.

Because The Marion County Thoroughfare Plan recommends a 119-foot right-of-way along East 21<sup>st</sup> Street, staff does not support terminating Commitment Number Seven as it relates to the dedication of right-of-way but would accept and request a commitment that would require dedication of the 59.5-foot half right-of-way along East 21<sup>st</sup> Street in accordance with the Thoroughfare Plan.

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Staff is also requesting additional commitments related to traffic infrastructure improvements, a tree inventory / assessment / preservation plan, wetlands delineation and site maintenance.

Because this site is undeveloped, staff believes that required development standards should be met and variances from those standards would not be necessary.

**GENERAL INFORMATION**

|                                   |                       |  |
|-----------------------------------|-----------------------|--|
| <b>Existing Zoning</b>            | C-1 / C-4             |  |
| <b>Existing Land Use</b>          | Undeveloped           |  |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood |  |
| <b>Surrounding Context</b>        | <u><b>Zoning</b></u>  | <u><b>Land Use</b></u>   |
| North:                            | C-4                   | Interstate 70 right-of-way                                       |
| South:                            | D-3                   | Single-family dwellings  |
| East:                             | D-6                   | Multi-family dwellings   |
| West:                             | D-6II                 | Multi-family dwellings   |
| <b>Thoroughfare Plan</b>          |                       |  |
| East 21 <sup>st</sup> Street      | Primary arterial      | Existing 70-foot right-of-way and proposed 119-foot right-of-way |
| <b>Context Area</b>               | Metro                 |  |
| <b>Floodway / Floodway Fringe</b> | No                    |  |
| <b>Overlay</b>                    | No                    |  |
| <b>Wellfield Protection Area</b>  | No                    |  |
| <b>Site Plan</b>                  | March 18, 2025        |  |
| <b>Site Plan (Amended)</b>        | N/A                   |  |
| <b>Elevations</b>                 | March 18, 2025        |  |
| <b>Elevations (Amended)</b>       | N/A                   |  |
| <b>Landscape Plan</b>             | April 8, 2025         |  |
| <b>Findings of Fact</b>           | N/A                   |  |
| <b>Findings of Fact (Amended)</b> | N/A                   |  |
| <b>C-S/D-P Statement</b>          | N/A                   |  |

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features

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such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of one to five 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.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

**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**

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:



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- 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

**2022-ZON-135; 9100 and 9402 East 21<sup>st</sup> Street**, requested rezoning of 30.46 acres from the C-1 and C-4 districts to the D-8 district to provide for a single-family detached residential development, **withdrawn**.

**2008-ZON-089 / 2008 VAR-008; 9100 and 9300 East 21<sup>st</sup> Street**, requested rezoning of 30.93 acres from the C-1 and C-4 districts, to the C-S classification to provide for indoor and outdoor commercial recreation uses, C-1 uses and C-4 uses and a variance of development standards to provide for a recreational use with 90,000 square feet of gross floor area and 495,000 square feet of site area accessible to the public with 885 off-street parking spaces, **withdrawn**.

**99-Z-39; 9150 East 21<sup>st</sup> Street**, requested rezoning of 20.0 acres, being in the D-6II district to the C-1 classification to provide for commercial office-buffer development, **approved**.

**96-V3-86; 2301 North Post Road**, requested a variance of development standards of the Sign Regulations to provide for the placement of an advertising sign being the fourth advertising sign within a one-mile distance, located 1,010 feet from the intersection of Post Road and Interstate 70, with dimensions being 10 feet by 6 inches by 36 feet, **granted**.

**69-Z-211; Post Road and East 21<sup>st</sup> Street**, requested rezoning of 46.67 acres, being in the A-2 and D-4 district to the D-6II classification to provide for the construction of apartments, **approved**.

## VICINITY

**84-Z-213; 9401 East 25<sup>th</sup> Street (south of site)**, rezoned 27.17 acres from the A-2 and D-4 districts to the SU-1 classification to provide for religious uses, **approved**.

**84-HOV-37; 2330 North Post Road (west of site)**, requested a variance of development standards of the Sign Regulations to allow for the erection of a 14-foot by 48-foot sign at 60 feet from the interstate right-of-way and within 1,000 feet of an entrance ramp, **granted**.

**84-HOV-36; 2242 North Post Road (west of site)**, requested a variance of the development standards of the sign Regulations to allow the erection of a 14-foot by 48-foot advertising sign 60 feet from the interstate right-of-way and within 1,500 feet of an exit ramp, **granted**.

**61-Z-34; Post Road and East 21<sup>st</sup> Street (west of site)**, requested rezoning of 38.04 acres, being in the A-2 district, to the B-2 classification to permit the construction of a regional shopping center, **approved**.

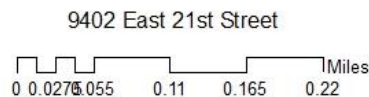


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**61-Z-33; Post Road and East 21<sup>st</sup> Street (west of site)**, requested rezoning of 1.1 acre, being in the A-2 district to the B-4 classification to provide for a gasoline service station, **approved**.

**61-Z-32 and 61-Z-33; Post Road and East 21<sup>st</sup> Street (west of site)**, requested rezoning of 33.55 acres from the A-2 district to the R-3 classification to provide for single-family dwellings, **approved**.

EXHIBITS





**MEMORANDUM OF EXAMINER'S DECISION**

**2025-MOD-004**

**9100 and 9402 East 21st Street**

The petition requests the modification of commitments made as part of 99-Z-39, to terminate commitment numbers 1 through 7.

During the special request portion of the hearing, the petitioner's representative stated that the petitioner agreed to the commitments, as written, requested by staff, and requested that the petition be placed on the expedited portion of the docket. After confirming that there was no remonstrance, and that staff did not object to placing the petition on the expedited portion of the docket, your Hearing Examiner approved the special request.

During very limited testimony, the petitioner's representative confirmed that the petitioner agreed to the commitments requested by staff, and approval of this petition was recommended.

The petitioner is now questioning the wording of commitment number 2.

In your Hearing Examiner's opinion, the petitioner should have fully considered the commitments requested by staff, and should have either continued the petition or had a public hearing of it. Approval of this petition was recommended, subject to the written commitments by staff.

For Metropolitan Development Commission Hearing on June 18, 2025

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EXHIBIT 1

**From:** [Steven Cody](#)  
**To:** [Blackham, Kathleen](#); [Jamilah Mintze](#)  
**Cc:** [Bryan Carrera](#)  
**Subject:** RE: 2025-MOD-004  
**Date:** Wednesday, April 23, 2025 11:56:52 AM

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Understood, thanks again!

Steven Cody | Purple Heart Heroes | Mobile: 804.339.1368 | [scody@purpleheart-heroes.com](mailto:scody@purpleheart-heroes.com)

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**From:** Blackham, Kathleen <[Kathleen.Blackham@indy.gov](mailto:Kathleen.Blackham@indy.gov)>  
**Sent:** Wednesday, April 23, 2025 11:40 AM  
**To:** Steven Cody <[scody@purpleheart-heroes.com](mailto:scody@purpleheart-heroes.com)>; Jamilah Mintze <[jamilah@inandoutunlimited.net](mailto:jamilah@inandoutunlimited.net)>  
**Cc:** Bryan Carrera <[bcarrera@waremalcomb.com](mailto:bcarrera@waremalcomb.com)>  
**Subject:** RE: 2025-MOD-004

Good morning,

Thank you for your consideration and response.

Construction of those eastbound and westbound lanes will be included in the commitments.

Regards,  
Kathleen

---

**From:** Steven Cody <[scody@purpleheart-heroes.com](mailto:scody@purpleheart-heroes.com)>  
**Sent:** Wednesday, April 23, 2025 11:23 AM  
**To:** Blackham, Kathleen <[Kathleen.Blackham@indy.gov](mailto:Kathleen.Blackham@indy.gov)>; Jamilah Mintze <[jamilah@inandoutunlimited.net](mailto:jamilah@inandoutunlimited.net)>  
**Cc:** Bryan Carrera <[bcarrera@waremalcomb.com](mailto:bcarrera@waremalcomb.com)>  
**Subject:** RE: 2025-MOD-004

Good Morning Kathleen,

We elect to go with Option 2, listed below.

Thank you!

Steven Cody | Purple Heart Heroes | Mobile: 804.339.1368 | [scody@purpleheart-heroes.com](mailto:scody@purpleheart-heroes.com)

---

**From:** Blackham, Kathleen <[Kathleen.Blackham@indy.gov](mailto:Kathleen.Blackham@indy.gov)>  
**Sent:** Monday, April 21, 2025 5:04 PM  
**To:** Jamilah Mintze <[jamilah@inandoutunlimited.net](mailto:jamilah@inandoutunlimited.net)>  
**Cc:** Steven Cody <[scody@purpleheart-heroes.com](mailto:scody@purpleheart-heroes.com)>; Bryan Carrera <[bcarrera@waremalcomb.com](mailto:bcarrera@waremalcomb.com)>

**Department of Metropolitan Development  
Division of Planning  
Current Planning**

**Subject:** 2025-MOD-004

Good afternoon,

I forwarded the Plan of Operation to Jill Palmer of DPW regarding this site. She replied with the following two options:

1. Do a TOA, primarily looking at the site driveways and need for turn lanes
2. Skip the TOA, construct an EB LT lane at the western drive and a WB RT lane at the eastern drive, which is probably about what the TOA will indicate.

Please advise how you wish to proceed.

Regards,  
Kathleen

**Kathleen Blackham** | Senior Planner  
Division of Current Planning  
Department of Metropolitan Development | City of Indianapolis  
[kathleen.blackham@indy.gov](mailto:kathleen.blackham@indy.gov) | O: 317-327-5165 | C: 317-951-3983 | [indy.gov/DMD](http://indy.gov/DMD)  
Talk to a planner: [planneroncall@indy.gov](mailto:planneroncall@indy.gov)  
Submit a petition: <https://www.indy.gov/form/land-use-petition-submission>

*NOTE: Our office is temporarily located on the 6<sup>th</sup> floor (Suite 641) beginning April 14, 2025, for two to three months.*

## EXHIBIT 2

### Executive Summary

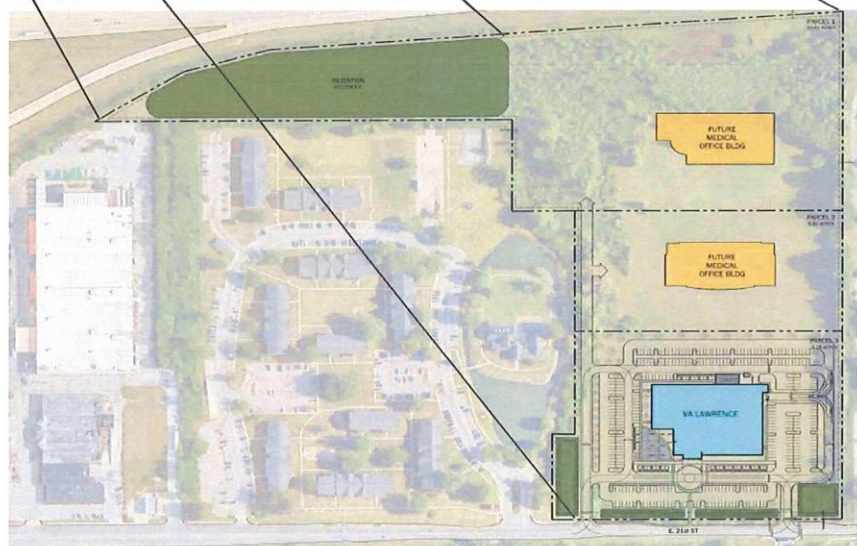
This traffic impact study evaluates the impacts of the proposed VA Clinic located at 9402 E 21<sup>st</sup> St in Indianapolis on the intersections of:

- 21<sup>st</sup> St and Post Rd,
- 21<sup>st</sup> St and Shenandoah Dr
- 21<sup>st</sup> St and Mitthoefer Rd.

As well as two proposed driveways accessing the proposed site. The Site location is shown below:



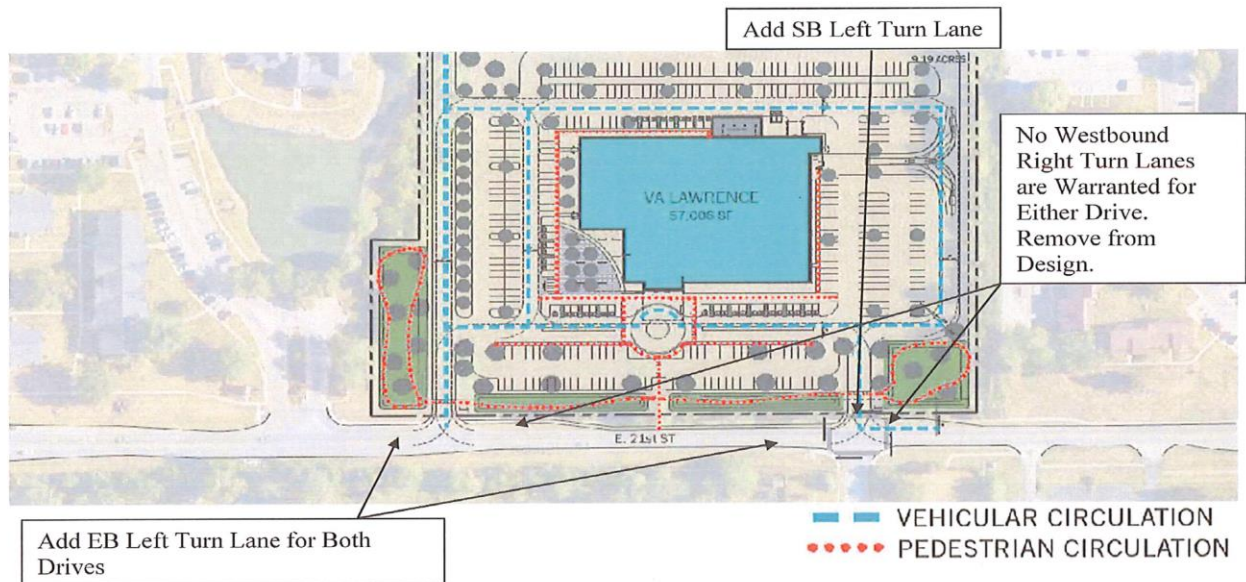
The proposed development plan includes a new 57,000 sft building to house a Veterans Administration Clinic for the Lawrence Area on 21<sup>st</sup> St. with the space to add two additional buildings in the future. Since those structures are not proposed as part of this development and may never be built, their impacts are not included in this traffic impact analysis. In the event those buildings are to be constructed, we recommend their traffic impacts be added to this study when a building permit is applied for at the City.



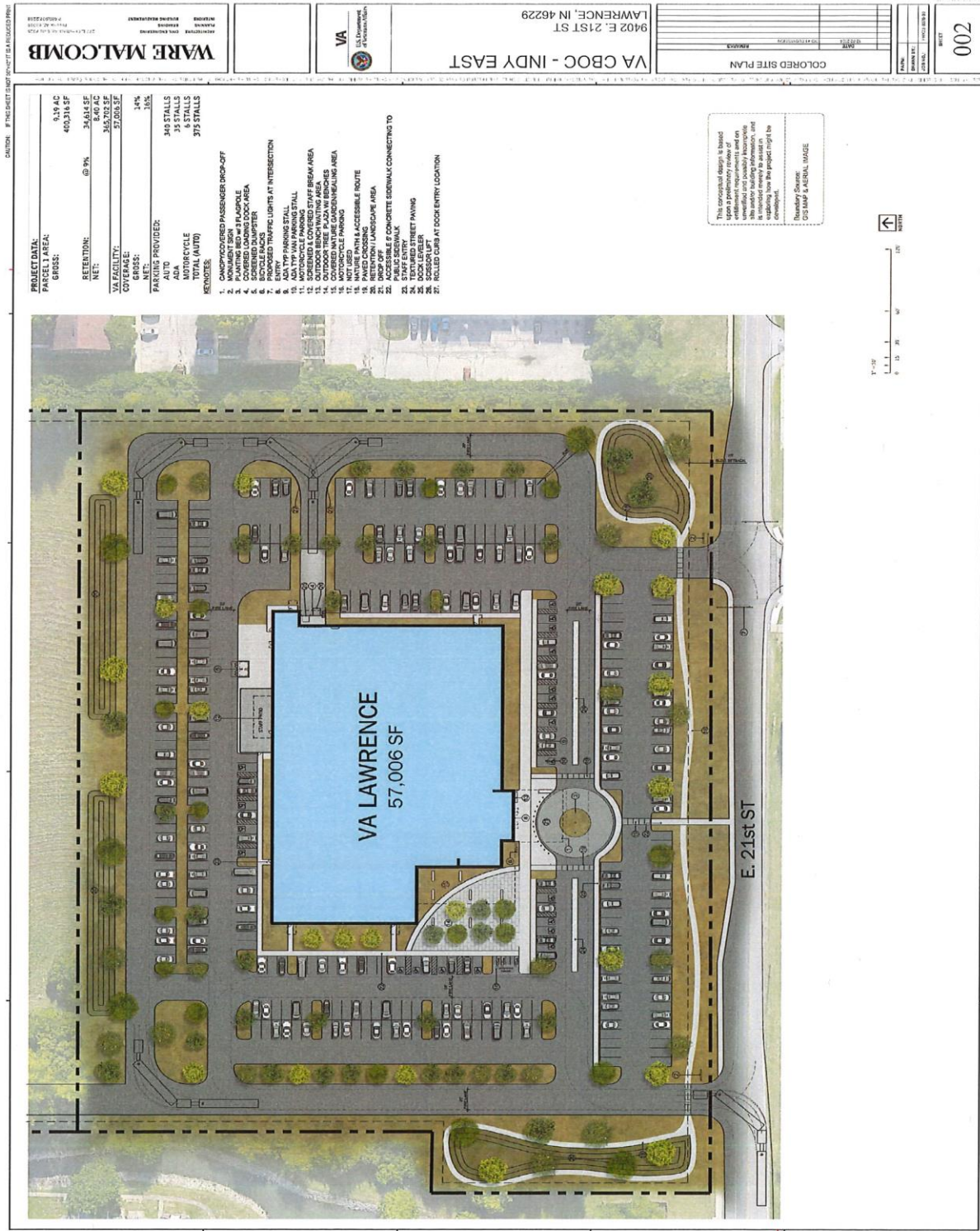


The traffic analysis found that this development will warrant an additional left turn lane for eastbound 21<sup>st</sup> St approaching both proposed drives to the development. A southbound left turn lane will also be necessary to separate left turning traffic waiting for a gap in traffic from the higher volume right turning traffic for the proposed eastern driveway.

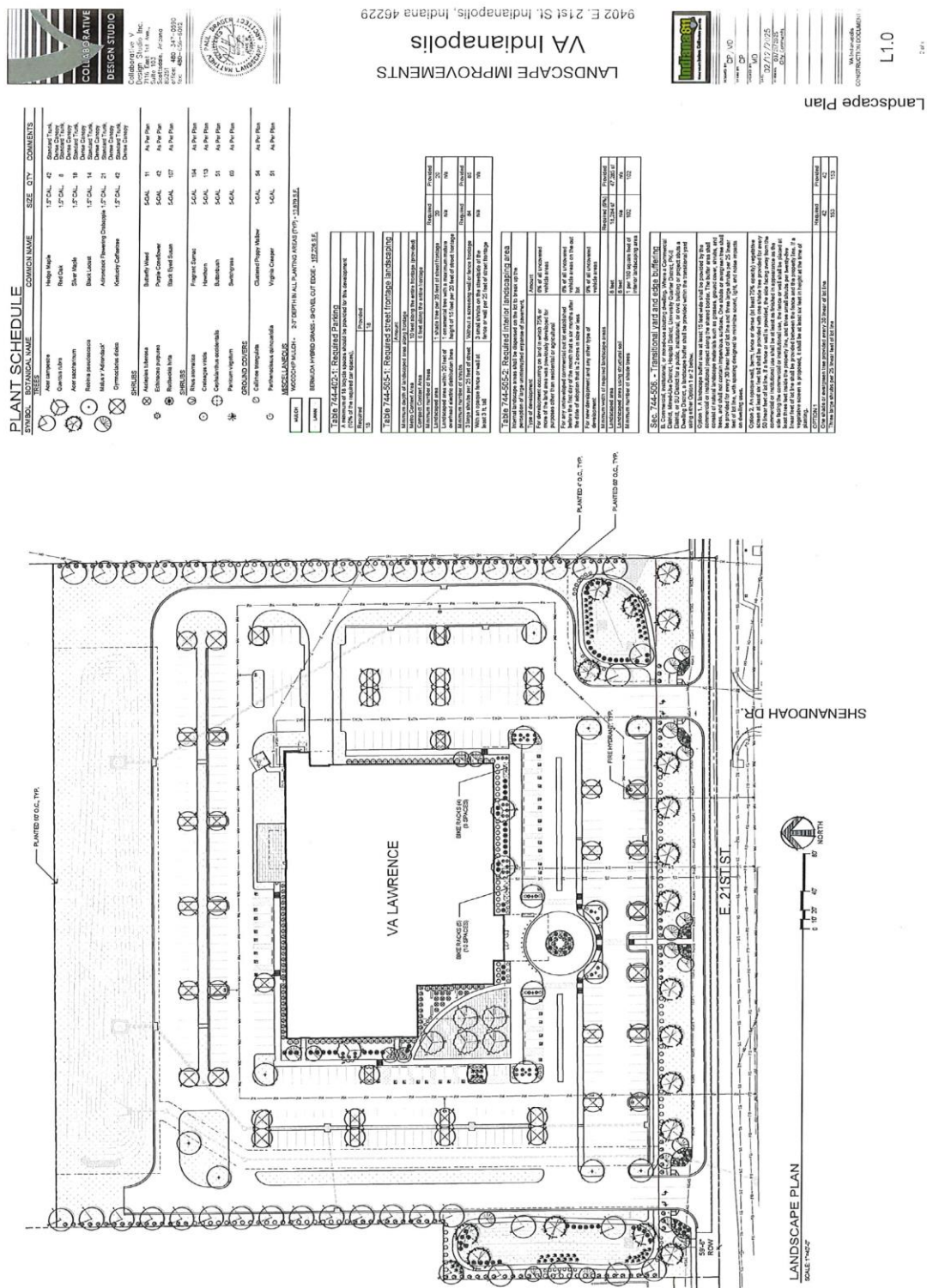
No right turn lane warrants were met for westbound traffic on 21<sup>st</sup> St. The proposed site plans for traffic circulation should be changed using the following notes:

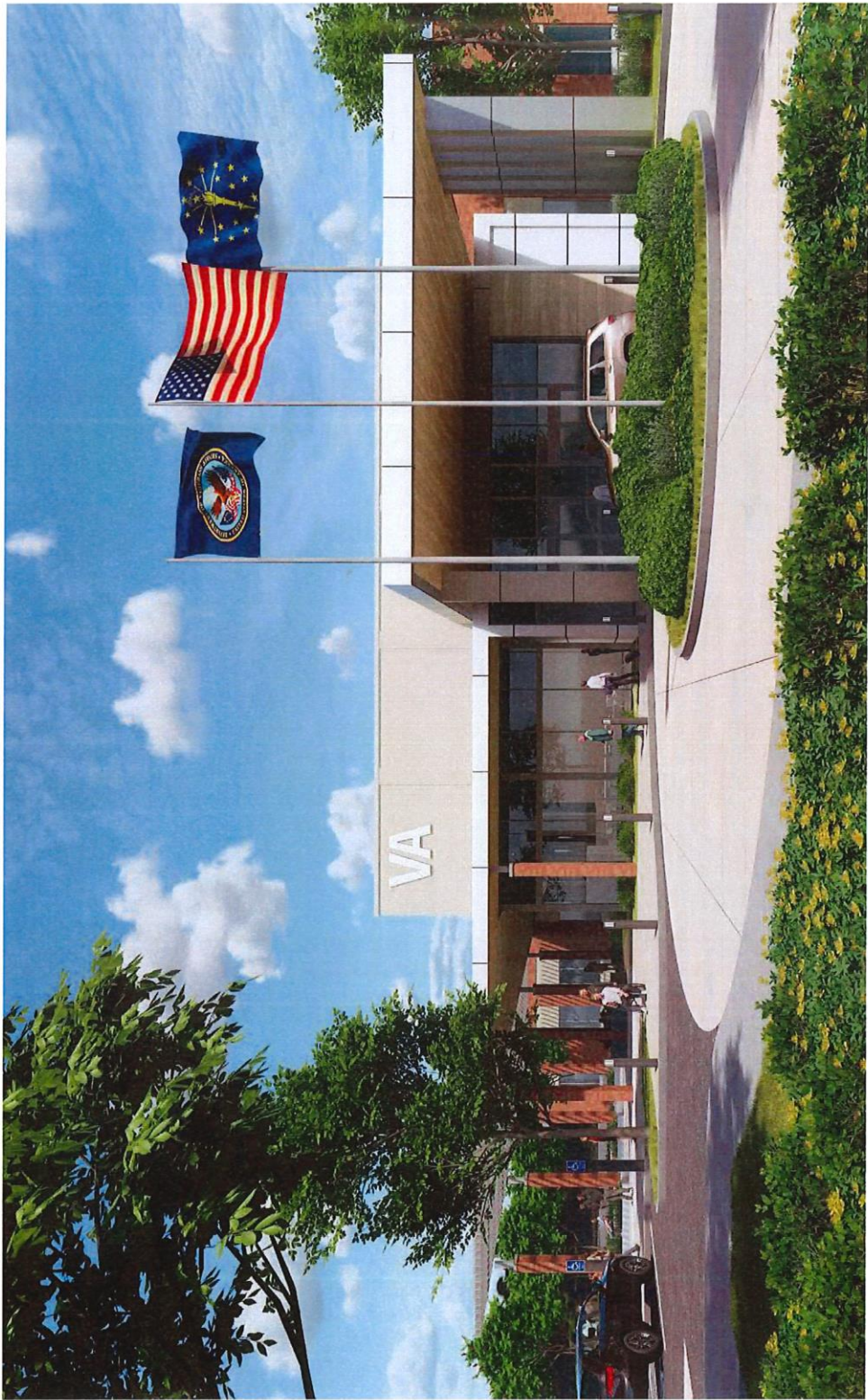


No improvements were necessary for the intersection geometry or the traffic signals up and down stream along 21<sup>st</sup> St at Post Road or Mitthoefer Road.









This conceptual design is based upon a preliminary review of applicable requirements and standards. It is not intended to be used in making any decisions. No warranty is made by the Department of Veterans Affairs for the accuracy of the information shown. No representation is made by the Department of Veterans Affairs for the accuracy of the information shown. No representation is made by the Department of Veterans Affairs for the accuracy of the information shown.



ENTRY / DROP OFF  
VA CLING - LAWRENCE, INDIANA  
9402 EAST 21ST ST, INDIANAPOLIS, IN 46229 - PH423-0070-00

WARE MALCOMB

PAGE

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KEYNOTES

- 1 CLEAR ANODIZED ALUMINUM STOREFRONT GLAZING
- 2 THIN BRICK VENEER
- 3 NICHHA FIBER CEMENT PANELS
- 4 CHANNEL BEAM CANOPY
- 5 ACH CANOPY
- 6 STEEL TUBE CANOPY

This conceptual design is based upon a preliminary reviewed information and is intended merely to assist in evaluating the project. It is not intended to be used for construction purposes. Any and all construction details shall be subject to the final design and construction documents.



EXTERIOR ELEVATIONS  
 VA CLINIC - LAWRENCE, INDIANA  
 9402 EAST 21ST ST. INDIANAPOLIS, IN 46229 - PHX23-0070-00

WARE MALCOMB

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VA Outpatient Clinic  
Indianapolis, IN

VAF LAWRENCE LLC

### EXHIBIT 3: PLAN OF OPERATION

**OVERVIEW:** The Department of Veterans Affairs (“VA”) has signed a 20-Year Lease (the “Lease”) for a medical outpatient clinic at 9402 E. 21<sup>st</sup> Street, Indianapolis, IN 46229 (the “Property”). VA will be the Tenant, and VAF Lawrence LLC (“VAF”) will be the Landlord. As Tenant, VA will be in charge of staffing the facility and providing outpatient care to Veterans and their families. As Landlord, VAF will be in charge of developing the building on the current vacant land site at the Property and managing the building per the terms of the gross Lease, meaning Landlord is in charge of initiating and paying utility accounts, cleaning the building, maintaining a clean, landscaped site and keeping the building systems functional and operational.

| Plan of Operation          |  |   |
|----------------------------|--|---|
| Category                   | Statement  | Responsible Party   |
| Workforce                  | The construction of the VA’s medical outpatient clinic is expected to create 450 construction roles  | VAF: all of the construction roles will be hired by and/or contracted with by HITT Contracting, VAF’s general contractor for the project  |
| Workforce                  | The clinic is expected to staff 100 full-time employees consisting of administrative and medical professionals, once operational             | VA: all of the clinic staff will be hired by VA   |
| Clients and Customers      | The clinic is expected to see approximately 170 Veterans (and select family members who qualify for VA healthcare benefits) on a daily basis | VA and VAF: VA, as Tenant, will be in charge of providing the medical care and related operations. VAF will be in charge of making sure the building’s systems are operating properly so that VA can fulfill its mission of providing healthcare to the area’s Veterans |
| Processes Conducted Onsite | Provide Veterans and their families with outpatient medical care, including the  | VA and their hired staff  |

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Current Planning**



VA Outpatient Clinic  
Indianapolis, IN

VAF LAWRENCE LLC

|                      |   |   |
|----------------------|---|---|
|                      | following specialty services: primary care, mental health, optometry, audiology and related laboratory services   |   |
| Materials Used       | Standard medical outpatient operations  | VA, and their hired staff   |
| Shipping & Receiving | <ul style="list-style-type: none"> <li>On a daily basis, FEDEX, UPS, mail (box trucks) – a handful a day</li> <li>Occasionally (monthly or less often), tractor trailers</li> </ul> | VA, and their hired staff will receive and process shipments to the facility  |
| Waste                | Construction waste will be disposed of and/or recycled per City, County and State standards and guidelines  | VAF   |
| Waste                | Once operational, typical and medical waste will be handled and/or recycled per City, County and State standards and guidelines   | VA will prepare medical waste for disposal by placing it in biohazardous containers. VAF will see to the proper disposal of typical and medical waste (including recycling) per City, County and State standards and guidelines |

Department of Metropolitan Development  
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EXHIBIT A

99-2-39

99-0089186

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. 36-7-4-613 or I.C. 36-7-4-614, 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: (insert here or attach)

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. See Exhibit B attached hereto
- 3.
- 4.
- 5.

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.

MDC's Exhibit B -- page 1



COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 99-Z-39 by the City-County Council changing the zoning classification of the real estate from a \_\_\_\_\_ zoning classification to a C-1 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 C-1 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. \_\_\_\_\_

The undersigned hereby authorizes the Division of Neighborhood Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 99-Z-39.

IN WITNESS WHEREOF, Stephen P. Hokanson owner has executed this instrument this 15 day of April, 19 99.

Signature: Stephen P. Hokanson Signature: \_\_\_\_\_  
Printed: Stephen P. Hokanson Printed: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Stephen P. Hokanson, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this  
15th day of April, 19 99  
Nancy L. Watson  
Notary Public  
Nancy L. Watson  
Printed Name of Notary Public  
My Commission expires: 10-15-06  
My County of residence: Marion

This instrument was prepared by Mary E. Solada, Bingham Summers Welsh & Spilman, 10 West Market, Suite 2700  
Indianapolis, Indiana 46204  
MDC's Exhibit B - - page 2

**Department of Metropolitan Development  
Division of Planning  
Current Planning**

**ATTACHMENT "A"**

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

**Department of Metropolitan Development  
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Current Planning**

**EXHIBIT B**

CASE 99-Z-39  
9150 East 21<sup>st</sup> Street

**COMMITMENTS**

1. Petitioner shall cause a boulevard entrance to be developed from 21<sup>st</sup> Street which shall taper into a single roadway approximately 100 feet north of the right-of-way line of 21<sup>st</sup> Street.
2. Petitioner shall present a landscape plan for approval by the Administrator of the Division of Neighborhood and Development Services and to the Far Eastside Neighborhood Association (FENA) for review.
3. No pole sign or off-site advertising signs shall be erected on the subject property or cell/broadcast towers or structure(s).
4. The office buildings to be developed on this subject property shall be residential in appearance and shall feature not greater than two stories, although due to peaked roof lines, may reach or exceed the 35 foot height limitation allowed in the C1 district.
5. Petitioner shall use best efforts to minimize spillover of site lighting onto adjoining properties.
6. At least 75% of the structures to be developed on the subject property shall feature primarily brick exteriors or exterior finish insulation system. No vinyl shall be used as a primary exterior material.
7. Petitioner shall upon request of Department of Capital Asset Management (DCAM) dedicate 60 feet of right-of-way north of the centerline of 21<sup>st</sup> Street. The driveway from 21<sup>st</sup> Street to the subject property shall conform to DCAM standards.

405306.4

## EXHIBIT B

### 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  |



## EXHIBIT C

### 3.2 Field Delineation

#### 3.2.1 Site Description

The general habitat survey conducted within the Study Area identified seven (7) land cover classifications (Table 2), including Grassland/Herbaceous, Woodlot/Hedgerow, Palustrine Forested Wetland, Palustrine Emergent Wetland, Developed, Palustrine Scrub-Shrub Wetland, and Riverine (**Figure 6; Appendix A**).

**TABLE 2. LAND COVER CLASSIFICATIONS AND DESCRIPTIONS IN THE STUDY AREA**

| Vegetation Community Type | Description   | Approximate Acreage Within the Project Study Area | Percentage of Project Study Area |
|---------------------------|---|---|----------------------------------|
| Grassland / Herbaceous    | Large field that is minimally maintained. Evidence of some mowing given the lack of emergent shrubs within the field; areas with some mowing, generally located on roadside edges. Dominant species included: tall fescue ( <i>Schedonorus arundinaceus</i> ), poison ivy ( <i>Toxicodendron radicans</i> ), Japanese honeysuckle ( <i>Lonicera japonica</i> ), with distinct patches of large hop trefoil ( <i>Trifolium aureum</i> ), zigzag clover ( <i>Trifolium medium</i> ), and crownvetch ( <i>Securigera varia</i> ). Aside from these dominate species, the field has a variety of other native and non-native species.   | 13.79   | 44.9%                            |
| Woodlot / Hedgerow        | Trees and shrubs between properties often signifying the property line and/or small woodland stands (<35 acres) between developed/maintained lands. Within the study area there are distinct areas composed solely of large trees with a shrub understory (e.g., south and east boundaries), dominated by black oak ( <i>Quercus velutina</i> ), box elder ( <i>Acer negundo</i> ), silver maple ( <i>A. saccharinum</i> ), sugar maple ( <i>A. saccharum</i> ), hackberry ( <i>Celtis occidentalis</i> ), pignut hickory ( <i>Carya glabra</i> ), and shagbark hickory ( <i>C. ovata</i> ). However, much of the site is covered dense shrubs (western and southeastern boundaries), significantly gray dogwood ( <i>Cornus racemosa</i> ), eastern red cedar ( <i>Juniperus virginiana</i> ), bush honeysuckle ( <i>Lonicera</i> sp.), and red mulberry ( <i>Morus rubra</i> ). Along the northern section, large saplings and shrub predominate (same species) with an understory of poison ivy. | 8.77  | 28.6%                            |

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| <b>Vegetation Community Type</b>     | <b>Description</b>  | <b>Approximate Acreage Within the Project Study Area</b> | <b>Percentage of Project Study Area</b> |
|--------------------------------------|---|--|---|
| Palustrine Forested Wetland (PFO)    | Wetlands dominated by either large or sapling trees. There are four PFO components across three wetlands within the Study Area, dominated by either red maple ( <i>A. rubrum</i> ) and slippery elm ( <i>Ulmus rubra</i> ), cottonwood ( <i>Populus deltoides</i> ), or slippery elm and white ash ( <i>Fraxinus americana</i> ). The maple-elm and ash-elm wetlands had a very dense canopy, open water, and very little to no herbaceous plants. By contrast, the two cottonwood PFOs had more open canopy resulting in a more diverse understory of shrubs and herbaceous species along the edges of open water, including gray dogwood, sandbar willow ( <i>Salix interior</i> ), poison ivy, bald spikerush ( <i>Eleocharis erythropoda</i> ), Indian hemp ( <i>Apocynum cannabinum</i> ), and rufous bulrush ( <i>Scirpus pendulus</i> ). | 4.77   | 15.5%                                   |
| Palustrine Emergent Wetland (PEM)    | Wetland dominated by herbaceous species. There are five PEM components across three wetlands within the Study Area. Three PEMs within the main field are dominated by Indian hemp, troublesome sedge ( <i>Carex molesta</i> ), Gray's sedge ( <i>C. grayi</i> ), rufous bulrush, foxtail barley ( <i>Hordeum jubatum</i> ), and purple loosestrife ( <i>Lythrum salicaria</i> ). On the northern boundary, the PEMs are different with taller vegetation and less diversity with Indian hemp, tall ironweed ( <i>Vernonia gigantea</i> ), and cattail ( <i>Typha</i> sp.)   | 2.91   | 9.5%                                    |
| Developed                            | Maintained lawn located on the southwest corner of the Study Area, serves as the approach to the field. Also, a portion of the Study Area north of a commercial area on the westernmost edge is also classified as Developed.   | 0.38   | 1.2%                                    |
| Palustrine Scrub-Shrub Wetland (PSS) | Wetland dominated by woody shrub species. There is one PSS wetland component within one wetland within the Study Area, dominated by dense bush honeysuckle, gray dogwood, poison ivy, sapling white ash, with minor amounts of native herbaceous species.   | 0.06   | <0.01%                                  |
| Riverine                             | One perennial stream and its associated vegetation in the bed and bank.   | 0.02   | <0.01%                                  |
| <b>Totals</b>                        |   | <b>30.70</b>   | <b>100%</b>                             |

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View looking west along East 21<sup>st</sup> Street



View looking west along East 21<sup>st</sup> Street





View of site looking northeast across East 21<sup>st</sup> Street



View of site looking north across East 21<sup>st</sup> Street



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View looking north across East 21<sup>st</sup> Street



View of site looking north across East 21<sup>st</sup> Street



View of site looking northwest across intersection of East 21<sup>st</sup> Street / Shenandoah Drive

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CPL-805/ 2025-CVR-805

**Property Address:** 7515 Camby Road (Approximate Address)

**Location:** Decatur Township, Council District #21

**Petitioner:** Abigail Wojciechowski, by David Gilman

**Current Zoning:** D-3

**Request:** 2025-CPL-805 (Amended)  
Approval of a Subdivision Plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three lots.

2025-CPL-805D  
Waiver of the Subdivision Regulations Chapter 741-306 sidewalk requirement along Camby Road (sidewalks required).

2025-CVR-805C  
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for future construction of a freestanding building, without the required installation of sidewalks (required).

**Current Land Use:** Residential

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

**ADDENDUM FOR JULY, 10, 2025 HEARING EXAMINER**

This petition was transferred from the June 18, 2025 Metropolitan Development Commission hearing to the July 18, 2025 Hearing Examiner to rehear the petition.

**ADDENDUM FOR JUNE 18, 2025 METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on May 29, 2025. After a full hearing, the Hearing Examiner rendered the following decisions:

**Approved Petitions:**

- **2025-CPL-805 (Amended):** The subdivision plat for Speer's Camby Retreat was approved, dividing 6.686 acres into three lots, subject to 13 conditions.
- **2025-CVR-805A:** Variance granted to allow a 45-foot lot width for proposed Lot Two (minimum 70 feet required).



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- **2025-CVR-805B:** Variance granted to allow on-site septic systems for each lot, despite the requirement for public sewer facilities

**Denied Petitions:**

- **2025-CVR-805C:** Variance request for future construction of a freestanding building without required sidewalks.
- **2025-CPL-805D:** Waiver request for sidewalk requirements along Camby Road was denied.

Following the decision, the petitioner filed an appeal of the Hearing Examiner's decision of petitions **2025-CVR-805C** and, **2025-CPL-805D**, as well as condition #13 of petition **2025-CPL805 (Amended)**, which states: "The sidewalk waiver request be denied". A memorandum outlining the Hearing Examiner's recommendation is attached.

Subsequently, petitioner has agreed to withdrawn **petitions** 2025-CPL-805D and 2025-CVR-805C; as such, corresponding appeals are no longer necessary.

Staff is **recommending the transfer** of petition **2025-CPL805 (Amended)** to the next Hearing Examiner docket for reconsideration without condition #13. The petitioner has agreed.

**ADDENDUM FOR MAY 29, 2025 HEARING EXAMINER**

This petition was continued from the May 15, 2025 hearing to the May 29, 2025 hearing, at the request of the petitioner due to scheduling conflicts

**ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER**

This petition was continued from the April 24, 2025 hearing to the May 15, 2025 hearing at the request of the petitioner. The request was amended to include a variance of development standards to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Staff recommends **denial** of the variance requests:

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for on-site septic systems for each lot (public sewer facility required)

Staff recommends **approval** of the variance requests.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 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. The plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.
13. The sidewalk waiver request be denied.

#### **ADDEDUM FOR APRIL 24, 2025, HEARING EXAMINER**

This petition was continued at the request of the petitioner's representative from the March 27, 2025 hearing to the April 24, hearing in order to amend the petitioner request to file a waiver of the sidewalk requirements. The petitioner is requesting a continuance for cause from the April 24, 2025 hearing to the May 15, 2025 hearing to allow the petitioner to amend the petition and add an additional variance request, this will require new notice.

#### **ADDENDUM FOR MARCH 27, 2025 HEARING EXAMINER**

This petition was continued from the February 27, 2025 hearing to the March 27, 2025 hearing at the request of the petitioner's representative.

Petitioner is requesting a continuance for cause from the March 27, 2025 hearing to the April 24, 2025 hearing to allow the petitioner additional time to file waiver of the sidewalk requirements. This request will require new notice.

#### **FEBRUARY 27, 2025**

This is the first public hearing for this petition.

#### **STAFF RECOMMENDATION**

Staff **recommends approval** variance request approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

1. All lots will be required to connect to the city sewer, when the sewer lines reach the closest lot.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. 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.

## PETITION OVERVIEW

### LAND USE

The 6.686 acres subject site is developed with a single-family dwelling use. The project address of 7515 Camby Road. The surrounding property is zoned D-3 and is used as single-family residential.

### PLAT

This petition seeks approval of a subdivision plat to be known as **Speer's Camby Retreat**, dividing the 6.686 acre into three (3) lots. The proposed density is 0.448 dwelling units per acre, significantly below the typical D-3 zoning district of 2.6 dwelling units per acre (approximately 17-lots)

### Streets

Proposed Lot One, Two, and Three all front Camby Road. No new streets are proposed as part of this subdivision.

### Sidewalks

There are currently no sidewalks along Camby Road.

The petitioner has requested:

**Department of Metropolitan Development  
Division of Planning  
Current Planning**

- A **waiver from the Subdivision regulation** (Section 741-306) to not install sidewalks; and
- A **variance from the Zoning Ordinance** (Section 744-302.F) to waive the requirement for sidewalk installation associated with new construction

### **Waivers**

The petitioner requested a waiver from the Subdivision regulation (**741-306**) to not install a sidewalk, The petitioner has also requested a variance from the development standards to not install a sidewalk.

### **VARIANCE OF DEVELOPMENT STANDARDS**

The petitioner is requesting the following variances:

1. **Lot Width (Table 742-103-5):**  
Relief from the 70-foot minimum lot width requirement for **Lot Two** only. Lots One and Three comply. Staff notes that the proposed lot width at the building setback line for Lot Two would be approximately **210 feet**, which exceeds the required minimum when measured at the buildable area.
2. **Connection to Utilities (Section 742-103. A.4):**  
Relief from the requirement to connect to public water and sanitary sewer. The petitioner proposes the use of **on-site septic systems**.
3. **Sidewalk Installation (Section 744-302.F):**  
Relief from the requirement to construct sidewalks along the property's Camby Road frontage.
4. **Waiver of Sidewalks (Section 744-301.G):**  
A waiver request from contributing to the City's sidewalk fund in lieu of installing sidewalks. Staff notes that this provision is intended for **extreme physical constraints**, which the site does not demonstrate. No supporting documentation of hardship or physical constraints was submitted.

### **DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the **dedication and conveyance of a 40-foot half right-of-way** along Camby Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **STAFF ANALYSIS**

Sidewalks are a critical component of urban infrastructure, contributing to pedestrian safety, accessibility, and the overall walkability of neighborhoods. Within the City of Indianapolis, sidewalk requirements are governed by both the Subdivision Control Ordinance (Chapter 741) and the Zoning Ordinance (Chapter 744), each applying under specific development scenarios.

## **Subdivision Development Requirements**

When a petitioner is platting land, sidewalk installation is mandated under Section 741-306 of the Subdivision Control Ordinance. This requirement applies to both minor subdivisions (three (3) lots or fewer) and major subdivisions. If a petitioner seeks relief from this requirement, they may request a waiver of standards pursuant to Section 741-205. When such a waiver is granted, it is contingent upon the execution of a written agreement and a contribution in lieu of sidewalks under Section 744-301.G, which is directed to the City for the future provision of sidewalks within Marion County. The rate for this contribution is set annually.

## **New Construction Requirements**

Similarly, sidewalk installation is required for all new construction projects under Section 744-301 of the Zoning Ordinance. A petitioner may request a waiver under Subsection 744-301.G. If granted, the waiver is again subject to a written agreement and the same in-lieu contribution requirement as specified for subdivisions.

In both contexts—platting and new construction—the intent of the in-lieu contribution is to ensure that the broader goal of a connected sidewalk network is still advanced, even in cases where physical sidewalk installation may not occur on-site

The petitioner is requesting a variance from the requirement to either install sidewalks or make the in-lieu contribution. Staff notes that **Section 744-303**, which pertains to **Single-and Two-Family Sidewalk Standards**, includes a provision that allows relief from sidewalk installation for properties located in residential areas approved without sidewalks and not part of a major subdivision, provided that neither adjacent lot contains a sidewalk.

However, staff emphasizes that this provision was clearly intended to offer relief to individual homeowners within older, established neighborhoods that predate current sidewalk regulations—not to exempt newly platted developments from contributing to the City’s sidewalk network. The variance request would bypass the in-lieu contribution that serves as a critical tool for long-term infrastructure investment

Given the intent and structure of existing sidewalk policies, staff recommends **denial** of the variance request. Upholding sidewalk requirements ensures continuity in pedestrian infrastructure, equitable investment in community walkability, and adherence to the principles guiding urban development in Marion County.

Staff **recommends approval** of the variance for on-site septic systems with the condition that connection to the city sewer be made when the sewer lines reach the closest lot.

Staff **recommends approval** of the variance of Lot Width; the property will have an average lot width that exceeds the 70 ft. lot width requirement. Lot width is measured at the building setback line. If we measure the lot with at the proposed building line for lot 2 it would have a lot width of 210 ft.



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

Staff **recommends denial** wavier and of the variance to provide for future construction without the required installation of frontage sidewalks along Camby Road. The petitioner has shown no hardship, and removal of the sidewalk requirement poses harm to the public. The petitioner's argument that there are no sidewalks nearby so they should not install falls flat, as sidewalk installation must begin somewhere. The installation of the sidewalk will lead to the petition of more sidewalks in the future.

Staff is supportive of the subdivision plat because it will meet the D-3 standards apart from the variances for the public utilities and lot width.

**GENERAL INFORMATION**

|                                   |   |                                       |
|-----------------------------------|---|---------------------------------------|
| <b>Existing Zoning</b>            | D-3                                     |                                       |
| <b>Existing Land Use</b>          | Residential                             |                                       |
| <b>Comprehensive Plan</b>         | Rural or Estate Neighborhood            |                                       |
| <b>Surrounding Context</b>        | <b>Zoning</b>                           | <b>Land Use</b>                       |
| North:                            | D-3                                     | Residential (Single-family dwellings) |
| South:                            | D-3                                     | Residential (Single-family dwellings) |
| East:                             | D-3                                     | Residential (Single-family dwellings) |
| West:                             | D-A                                     | Residential (Single-family dwellings) |
| <b>Thoroughfare Plan</b>          |   |                                       |
| Camby Road                        | Primary Arterial                        | 80-foot proposed right-of-way.        |
| <b>Context Area</b>               | Metro                                   |                                       |
| <b>Floodway / Floodway Fringe</b> | No                                      |                                       |
| <b>Overlay</b>                    | Yes, Airspace Secondary Zoning District |                                       |
| <b>Wellfield Protection Area</b>  | No                                      |                                       |
| <b>Site Plan</b>                  | January 15, 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>           | January 15, 2025                        |                                       |
| <b>Findings of Fact (Amended)</b> | N/A                                     |                                       |
| <b>C-S/D-P Statement</b>          | N/A                                     |                                       |

**ZONING HISTORY**

**Zoning History – Site**

**83-UV1-106A: 7515 Camby Road (subject site)**, Variance of use and development standards of the A-2 Marion County Master Plan Permanent Zoning Ordinance to allow a manufactured home to be placed behind the existing residence, **granted**

## **Zoning History -Vicinity**

**88-UV3-20;7423 Camby Road, (east of site)**, Variance of use of the dwelling districts zoning ordinance to provide for the use of a mobile home during the construction of a single-family residence, **denied**.

**2007-DV1-032; 7115 Camby Road (east of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 220-square foot sunroom addition, resulting in an accessory use area of 2,140 square feet or 124.6 percent of the total living area of the primary structure (maximum 1,717 square feet or 99.99 percent of the total living area of the primary dwelling permitted), and to legally establish the construction of a 720-square foot detached garage, resulting in an accessory building area of 1,440 square feet or 83.79 percent of the main floor area of the primary dwelling (maximum 1,288.5 square feet or 75 percent of the main floor area of the primary dwelling permitted), **approved**.

**2018-PLT-034; 7700 Camby Road (north of site)**, Approval of a Subdivision Plat, to be known as Camby Woods, Section Two, dividing 25.31 acres into 89 lots, **approved**.

**2015-PLT-015; 7700 Camby Road (north of site)**, Approval of a Subdivision Plat to be known as Camby Woods, Section Two, dividing 13.3 acres into 44 lots, **approved**

**2003-PLT-069; 7500 Camby Road (north of site)**, Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **withdrawn**

**2003-PLT-847; 7630 Camby Road (north of site)**, Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **approved**.

**96-P-71; 7720 Reynolds Road (south of site)**, plat approval to subdivide 2.038 acres into two single family lots, **approved**.

**91-HOV-69; 7609 Reynolds Road (south of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family lot with 126.3 feet lot width at the required setback line (250 feet required), **approved**.

**2021-PLT-041; 6449 Kentucky Avenue (west of site)**, Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.58 acres into 12 lots, **withdrawn**.

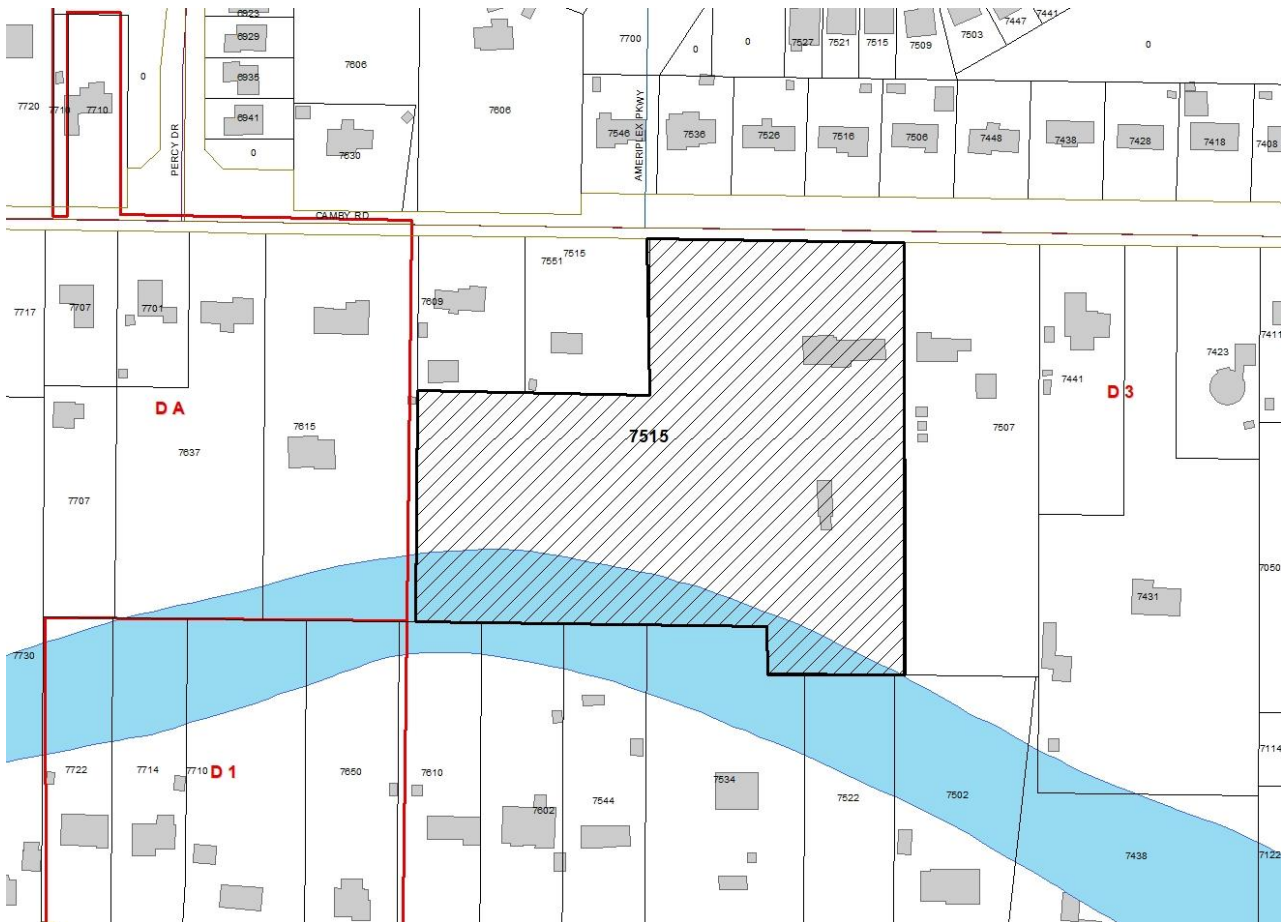
**2022-PLT-015 6400 Kentucky Road Avenue (west of site)**, Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.55 acres into 11 lots (amended) Original request included a waiver of the Subdivision Regulations to provide for new cul-de-sac with a length of 1,235 feet (maximum 500-foot cul-de-sac permitted) and to provide for two new streets with block lengths of 1,361 feet and a 1,293 feet (maximum 1,250-foot block length permitted), **approved**

**98-CP-39P/98-CP-39V; 7802 Reynold Road (west of site)**, Variance of Development Standards of the Dwelling Districts Zoning Ordinance to allow for development of two 1.02-acre lots (minimum 3 acres required), **approved**



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Current Planning

**86-SE2-5; 7878 Reynolds Roads (west of site),** Variance of Manufactured Housing Special Exception to provide for single-family manufactured home, **denied.**



*Figure 1 Area Map*



## **MEMORANDUM OF EXAMINER'S DECISION**

**2025-CPL-805(amended)/CVR-805**

**7515 Camby Road**

The petitions request the approval of a subdivision plat, including waiver of sidewalk requirement along Camby Road, and variances of development standards to reduce minimum lot width for one lot, to permit on-site septic systems for each lot, and to permit future construction of a freestanding building without installation of frontage sidewalks.

Your Hearing Examiner visited the site prior to the hearing and noted the residence on it. The site is surrounded by single family residences.

The petitioner's representative mainly focused on the outstanding issue of not requiring sidewalks. The representative suggested that, based on history, sidewalks had not been required for previous minor plats. The representative stated that he was in ongoing discussions with DPW about this issue, particularly because there are not sidewalks along this section of Camby Road. The City-County Councillor spoke in favor of waiving the sidewalk requirement, and opined that right-of-way dedication requested along Camby Road is unnecessary.

A representative of Decatur Township Civic Council (DTCC) stated that additional right-of-way is needed and sidewalks are critical. DTCC has not supported sidewalk waivers in the past.

Staff reiterated that, while it could support the variances of lot width and public sewer facility, sidewalks are a part of the infrastructure and safety.

Because there was not opposition to the lot width and to permit on-site septic systems, your Hearing Examiner granted those variance requests. In your Hearing Examiner's opinion, sidewalks are integral to a safe, walkable neighborhood, and the variance to provide for future construction of a freestanding building without installation of frontage sidewalks was denied. Your Hearing Examiner also approved the plat with the condition that the sidewalk waiver request be denied.

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

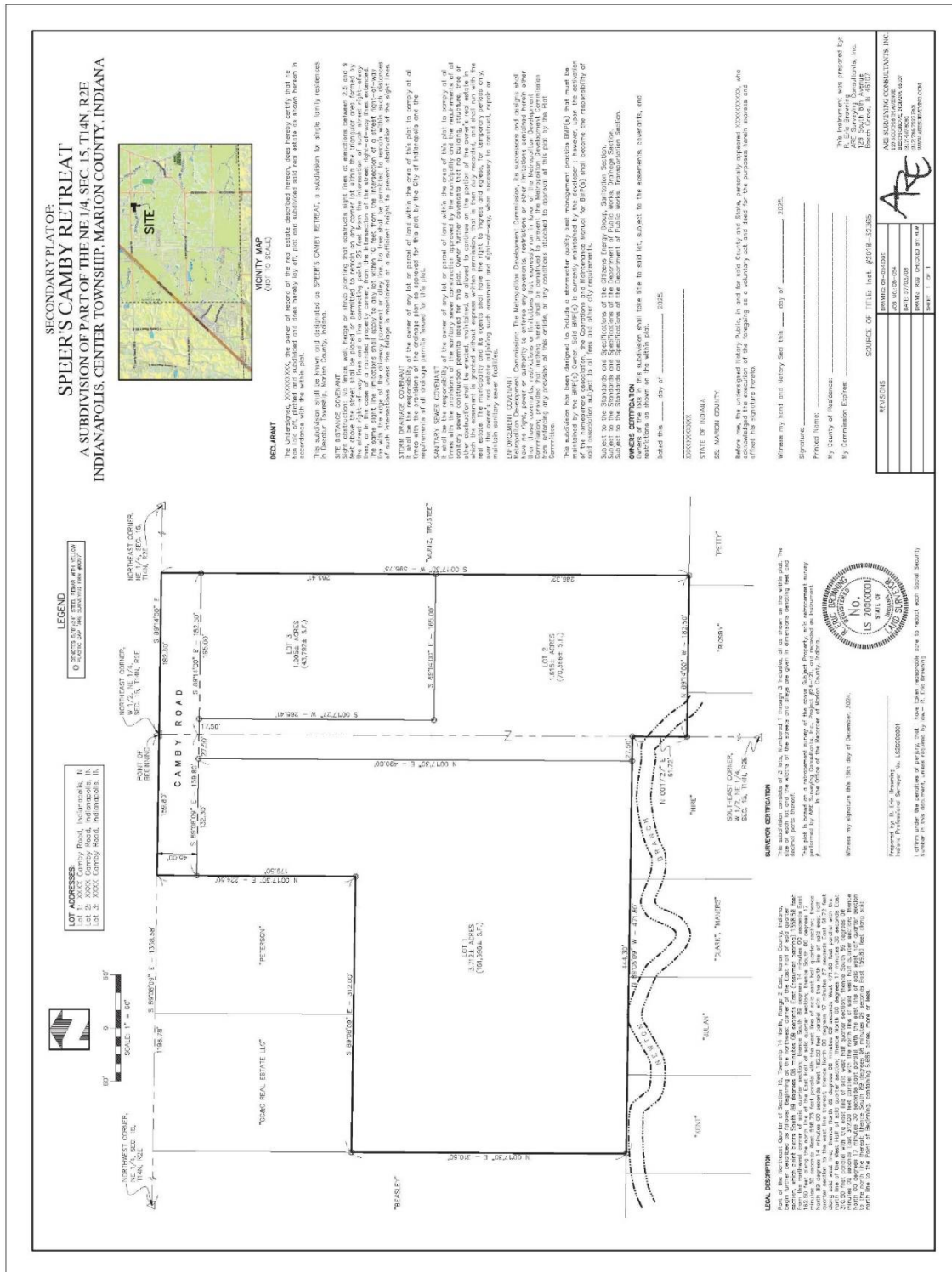
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

All the homes will be for single family residential use and compatible with the area homes.

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

The topography of the site restricts where home site and septic systems can be placed and the lot configuration will result in a narrow frontage for just 1 of the 3 lots.

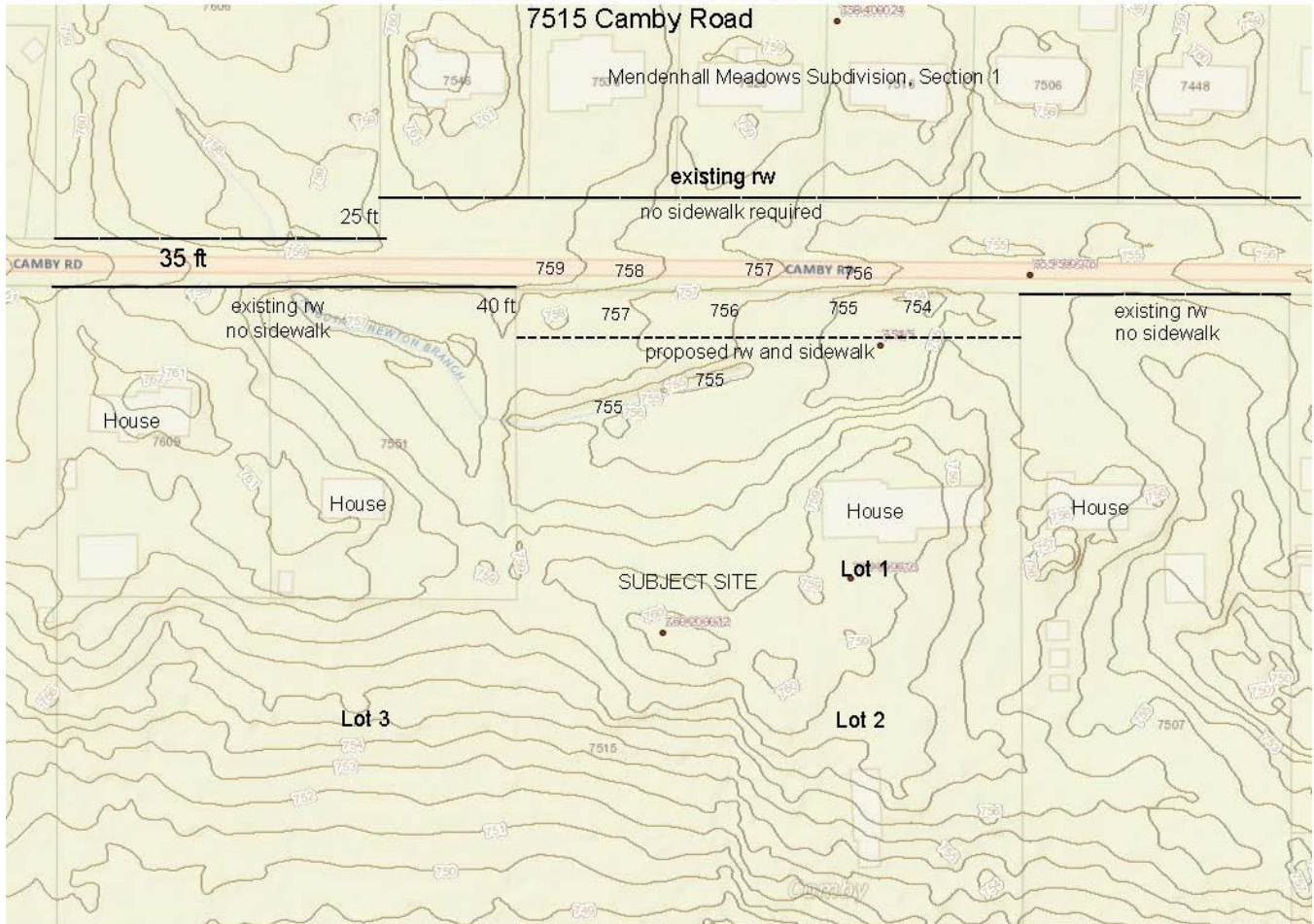
### Figure 2 Proposed Plat





**SIDEWALK WAIVER REQUEST**

**7515 Camby Road**







Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number 2025-CVR-805 C

METROPOLITAN DEVELOPMENT COMMISSION  
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 waiver of the sidewalk provision will not be injurious to the general public because it would not provide a reasonable public use and would not be functional for pedestrian traffic on the subject property.

A comprehensive pedestrian path is included in the Thoroughfare Plan design criteria for Camby Road and should be installed when the road is widened.

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 are no sidewalks along Camby Road and this area is fully developed with rural estate properties.

A comprehensive pedestrian path is included in the Thoroughfare Plan design criteria for Camby Road and should be installed when the road is widened.

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

Random segments of sidewalks that will serve no functional use will have a negative visual impact on the property and cause unnecessary maintenance responsibilities for the subject homeowners.

A comprehensive pedestrian path is included in the Thoroughfare Plan design criteria for Camby Road and should be installed when the road is widened.

The financial payment into a sidewalk provision fund is not practical for rural homeowners who have larger frontages and are expected to contribute a substantial payment.

DECISION

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

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

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

Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number 2025-CVR-805 D

**REQUESTED WAIVER:**

**METROPOLITAN DEVELOPMENT COMMISSION  
PLAT COMMITTEE  
HEARING EXAMINER  
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS  
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The proposed sidewalk will not have any public use now or in the foreseeable future given the area development pattern.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

There are no opportunities to connect to sidewalks in either direction of the subject property's frontage. The existing right of way line and the proposed right of way line are approximately 40 feet apart and will not allow for a safe transition to extend a sidewalk to the adjacent properties.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

There are no physical sidewalks to connect to in either direction or across from the subject property. A large mature heritage tree will need removed and the sidewalk cannot be design around the tree without significant damage to its root system.

The road surface elevation is 2 feet higher than the adjacent grade on the subject site. The required placement of the sidewalk (approx. 1 ft inside the proposed right of way) will impede proper drainage to the remaining parcel since the sidewalk will be elevated to match the grade of Camby Road.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The minor plat meets the design criteria and City department standards in all aspects, except for the installation of a sidewalk that will serve no public purpose.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The requirement for the installation of sidewalks falls under the Subdivision Control Ordinance and will not impact the underlying zoning classification.

**DECISION**

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

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

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

**Figure 3 Variance Request 744-302.F**

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

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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:

All the homes will be for single family residential use and compatible with the area homes.

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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 topography of the site restricts where home site and septic systems can be placed and the lot configuration will result in a narrow frontage for just 1 of the 3 lots.

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Department of Metropolitan Development  
Division of Planning  
Current Planning



Figure 4 Overview, Credit Google Photos

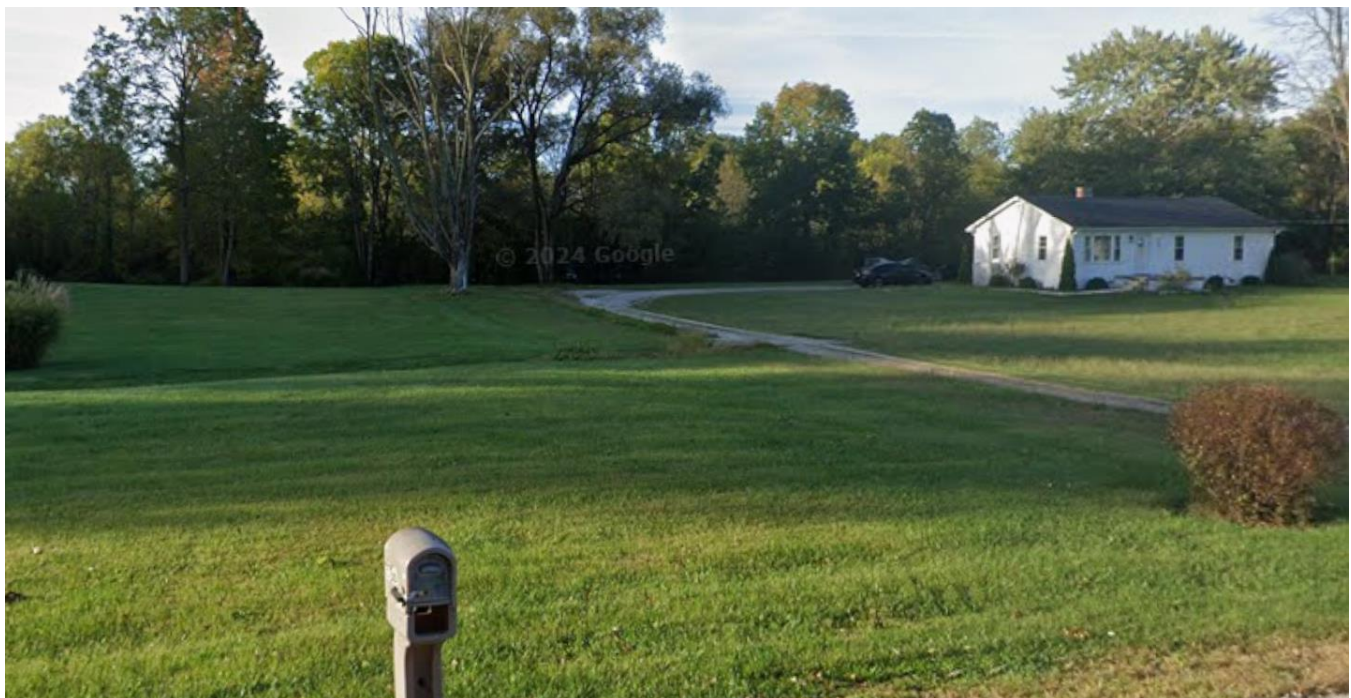


Figure 5 View of subject Site



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-ZON-042 (Amended)  
**Property Address:** 8025 and 8141 Shelbyville Road  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Robert and Rose Faust and Gerald E. Wallman, by Caitlin Dopher  
**Current Zoning:** D-A  
**Request:** Rezoning of 24.0 acres from, the D-A district to the D-4 district to provide for 52 single-family detached dwellings.  
**Current Land Use:** Agricultural uses  
**Staff Recommendations:** Approval, subject to the commitment noted below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the May 15, 2025 hearing, to the June 12, 2025 hearing, to amend the petition to increase the acreage and provide new notice.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the June 12, 2025 hearing to the July 10, 2025 hearing.

**STAFF RECOMMENDATION**

Approval, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least five(5) days prior to the MDC hearing:

A 45-foot half right-of-way shall be dedicated along the frontage of Shelbyville Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

**PETITION OVERVIEW**

This 24.00-acre site, zoned D-A is developed with single-family dwellings and agricultural uses. It is surrounded by single-family dwellings to north, zoned D-A; agricultural uses to the south, zoned D-A; single-family dwellings and agricultural uses to the east, zoned D-A; and single- and two-family dwellings and agricultural uses to the to the west, zoned-D-P and D-A, respectively.

## **REZONING**

The request would rezone the site from the D-A district to the D-4 district to provide for residential development.

"The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."

This request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology for the site, with an approximate density of 2.17 units per acre.

### **Site Plan**

The site plan, file dated April 21, 2025, provides for 52 lots. Development of the site would feature 60-foot-wide lots with one-story, ranch style dwellings targeted to empty nesters.

Staff would note that the request is strictly for rezoning. Development of the site would require platting and compliance with the Subdivision regulations, including but not limited to, the provision that no more than two (2) local streets are required to reach an exit or destination. It appears that proposed Lots 28 through 38 would use "Court D," "Street C," and "Street A" to exit onto Shelbyville Road or reach a destination.

Additionally, "30 or more lots shall have more than one access to the existing street network. Subdivisions that propose access to the existing street network by a single outlet shall provide a landscaped median at the intersection of the existing street dividing the two directions of traffic, with the median extending back to the next intersecting street."

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Shelbyville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Planning Analysis**

Because this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood, staff supports this rezoning request, subject to the dedication of right-of-way along Shelbyville Road.



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

Staff would note that this recommendation is only for the rezoning and not approval of the site plan. Development of this site would require submittal and approval of a plat that complies with the Subdivision Regulations.

## GENERAL INFORMATION

|                                   |   |   |
|-----------------------------------|---|---|
| <b>Existing Zoning</b>            | D-A   |   |
| <b>Existing Land Use</b>          | Single family dwellings / agricultural uses |   |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood                       |   |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>                        | <b><u>Land Use</u></b>  |
| North:                            | D-A   | Single-family dwellings   |
| South:                            | D-A   | Agricultural uses   |
| East:                             | D-A   | Single-family dwellings   |
| West:                             | D-P / D-A                                   | Single- and two-family dwellings /<br>Agricultural uses             |
| <b>Thoroughfare Plan</b>          |   |   |
| Shelbyville Road                  | Secondary arterial                          | Existing 66-foot right-of-way and<br>proposed 90-foot right-of-way. |
| <b>Context Area</b>               | Metro                                       |   |
| <b>Floodway / Floodway Fringe</b> | No  |   |
| <b>Overlay</b>                    | No  |   |
| <b>Wellfield Protection Area</b>  | No  |   |
| <b>Site Plan</b>                  | April 2, 2025                               |   |
| <b>Site Plan (Amended)</b>        | May 2, 2025                                 |   |
| <b>Elevations</b>                 | N/A   |   |
| <b>Elevations (Amended)</b>       | N/A   |   |
| <b>Landscape Plan</b>             | N/A   |   |
| <b>Findings of Fact</b>           | N/A   |   |
| <b>Findings of Fact (Amended)</b> | N/A   |   |
| <b>C-S/D-P Statement</b>          | N/A   |   |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology.

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“The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multi-family housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of one to five dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

**Pattern Book / Land Use Plan**

The 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:

- *Conditions for All Land Use Types*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than five (5) dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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- *Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

**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

**99-Z-151 / 99-DP-27; 7901 Shelbyville Road (west of site)**, requested rezoning of 36.77 acres from the D-A district to the D-P classification to provide for single-family and two-family residential development, **approved**.

**99-CP-2Z / 99-CP-2AP / 99-CP2P; 8016 Shelbyville Road (north of site)**, requested rezoning of 31.4 acres from the D-A district to the D-P classification to provide for single-family residential development; modification of the site plan and development statement for 99-CP-2AP to allow additional acreage to be included in the single-family residential project; and subdivision approval to divide 43.8 acres into 96 lots, **approved**.

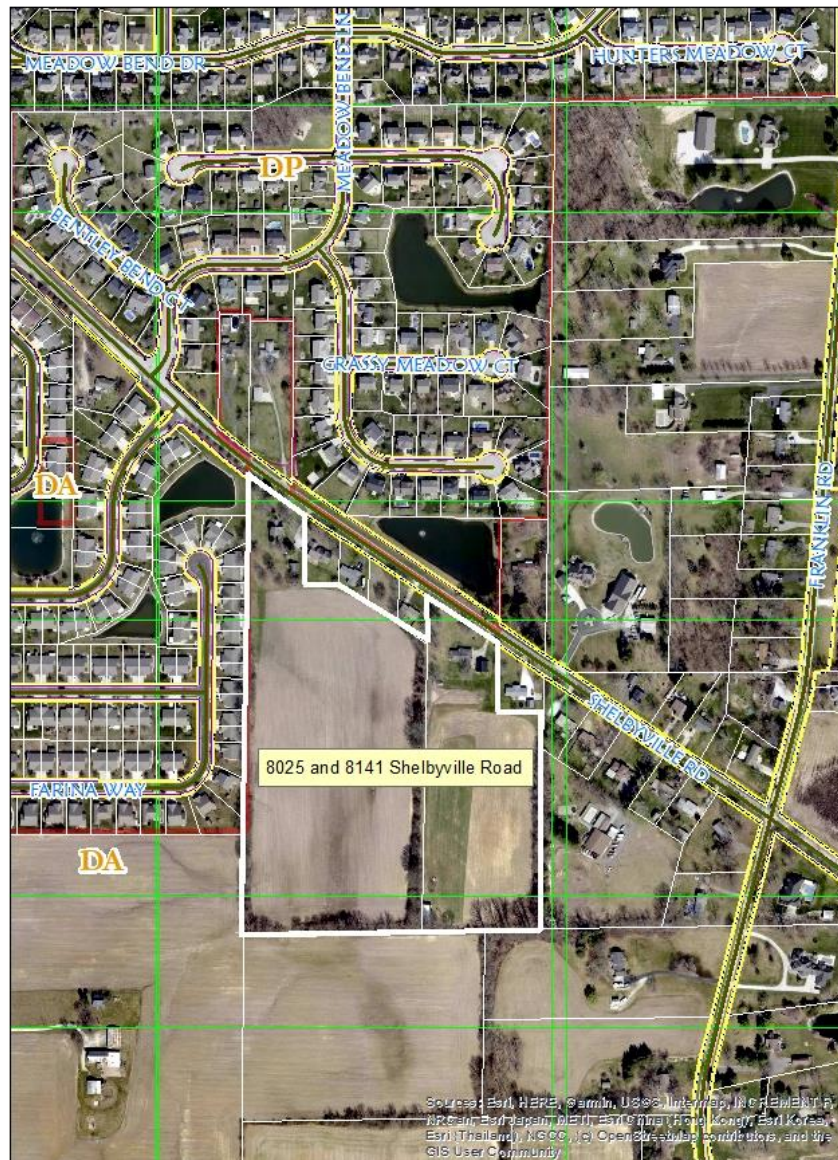
**98-Z-145 / 98-DP-19; 8051 Matthews Road (west of site)**, requested rezoning of 18.39 acres, being in the D-A district to the D-P classification to provide for nine single-family residential units and 28 duplexes at 3.5 units per acre, **approved**.

**96-Z-17 / 96-DP-1; 7901 Frye Road (north of site)**, requested rezoning of 66.3 acres, being in the D-A district to the D-P classification to provide for single-family residential development at 2.14 units per acre, **approved**.

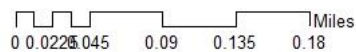
**93-Z-81; 7950 Frye Road (north of site)**, requested rezoning of 72.7 acres, being in the D-A district, to the D-2 classification to provide for single-family residential development, **approved**.

**72-Z-95; 7421 South Franklin Road (east of site)**, requested rezoning of 24.98 acres, being in the A-2 district, to the D-2 classification to provide or single-family residential development, **approved**.

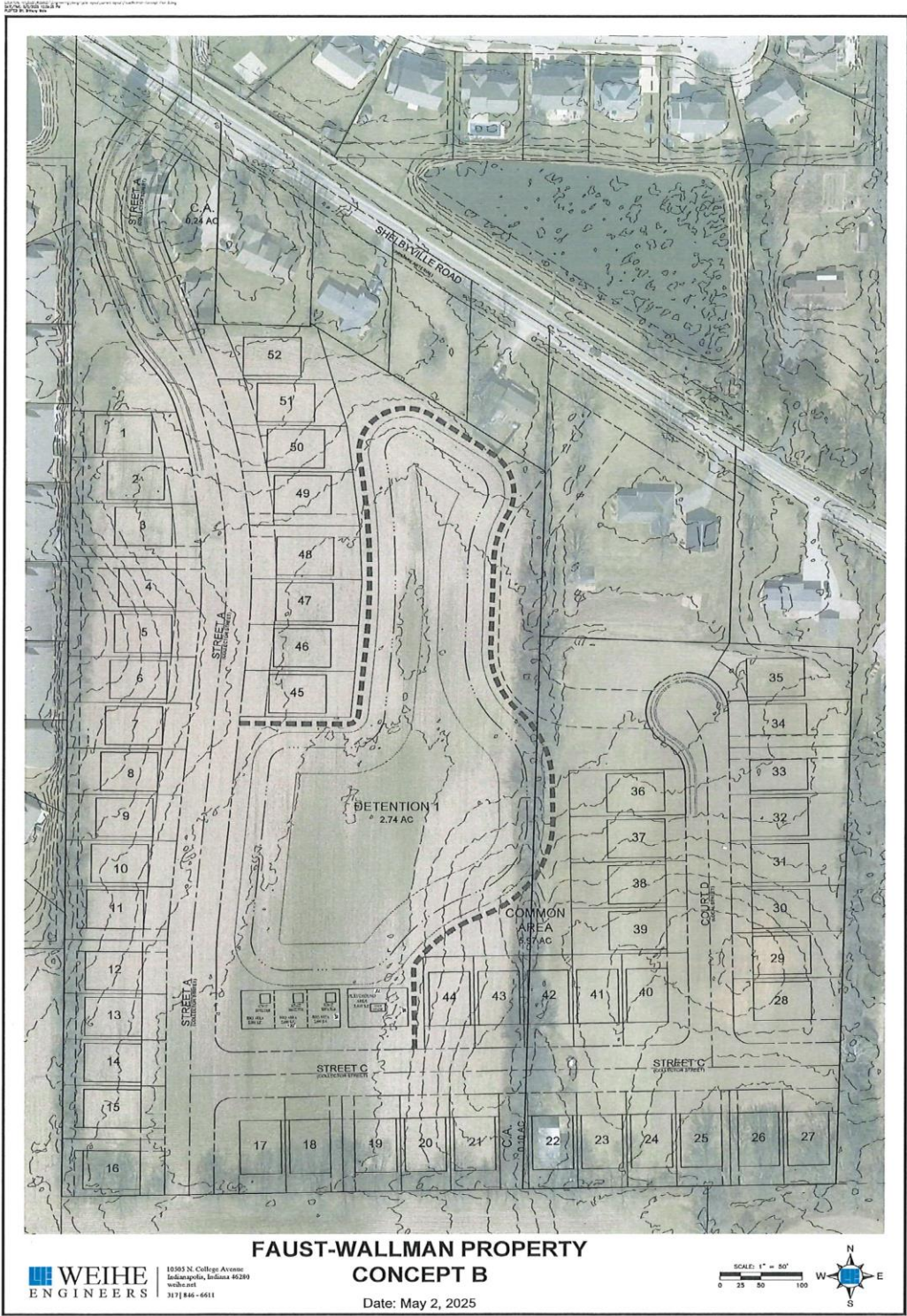
EXHIBITS



8025 and 8141 Shelbyville Road











View looking southeast along Shelbyville Road



View looking northwest along Shelbyville Road





View of site looking southwest across Shelbyville Road



View of site looking south across Shelbyville Road



View of western boundary of site looking south across Shelbyville Road

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-ZON-053  
**Property Address:** 3764 North Leland Avenue (approximate address)  
**Location:** Warren Township, Council District #9  
**Petitioner:** Rosie's Tiny Tots, Inc., by Lexie Ping  
**Current Zoning:** D-4 (TOD)  
**Request:** Rezoning of 0.72-acre from the D-4 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses, including a day care facility.  
**Current Land Use:** Day Care  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR JULY 10, 2025 HEARING EXAMINER**

An automatic continuance was filed by a remonstrator, continuing this petition from the June 12, 2025 hearing, the July 10, 2025 hearing.

**June 12, 2025**

This is the first public hearing on this petition

**STAFF RECOMMENDATION**

Staff recommends approval of this petition, subject to the concept site plan file-dated June 7, 2024, as modified by the following commitments, which shall be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

**PETITION OVERVIEW**

**LAND USE**

This 0.72-acre subject site, zoned C-4, consist of two parcels, 7007893 and 7001558, is developed as a Day Care Center. To the north, zoned D-4 and C-5, contains Hotel Indy. To the east and south, zoned D-4, contains single family residential, to the west, zoned C-5, contains parking lot



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## **ZONING OVERVIEW**

This request would rezone the property from the D-4, Dwelling District Four, to the C-3, Neighborhood Commercial, district to provide for the continued use of the Rosie's Tiny Tots (Day Care Center).

The **D-4, Dwelling District Four**, is for low- or medium- intensity single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

The **C-3, Neighborhood Commercial District**, is characterized extensive range of retail sales and personal, professional and business services required to meet the demands of the residential neighborhood in proximity. C-3 generally does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations

## **STAFF ANALYSIS**

In 1999, the site was granted a variance of use (**99-UV1-64**) to provide for a commercial use (6-chair beauty salon). In 2003, the site was granted another variance of use (**2003-UV1-005**) to legally establish a day care facility. This use has been in use for the last 22 years.

## **EXISTING VARIANCE.**

The variance approved in 2003 provided a 6-chair beauty salon and day care center. That variance grant was subject to ten (10) conditions. Those conditions are as follows:

1. All development shall be in compliance, and subject to the site-plan, file- January 24,2003.
2. The parking area for 32 vehicles shall be paved within six months of approval.
3. Landscaping shall be installed to city specifications within six months of approval.
4. There shall be no structural changes to the interior or exterior of the premises.
5. The establishment shall be for a beauty shop only and daycare only.
6. The rear alley shall be paved to city specifications from the adjacent east-west alley, to 37<sup>th</sup> Street or the site plan should be redesigned to remove the access drive to the alley. If the site plan is amended, it shall be subject to Administrator's Approval prior to the paving of the parking area.
7. There shall be no more **than 70 children allowed**.
8. There shall be no more than six (6) beauty chairs.
9. The hours of operation for the beauty shop shall be from 8:00 am to 8:00 p.m. daily and closed on Sunday,
10. Hours of operation for the daycare shall be from 6:00 a.m. to 6:00 p.m. daily and closed on weekends.

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## GENERAL INFORMATION

|                                   |                          |  |
|-----------------------------------|--------------------------|--|
| <b>Existing Zoning</b>            | D-4 (TOD)                |  |
| <b>Existing Land Use</b>          | Day Care Center          |  |
| <b>Comprehensive Plan</b>         | Traditional Neighborhood |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>     | <b><u>Land Use</u></b>   |
| North:                            | D-4                      | Residential (Single-Family Dwelling)                           |
| South:                            | D-4                      | Residential (Single-Family Dwelling)                           |
| East:                             | D-4                      | Residential (Single-Family Dwelling)                           |
| West:                             | C-5                      | Enter Land Use   |
| <b>Thoroughfare Plan</b>          |                          |  |
| North Leland Avenue               | Local Street             | 48-foot Existing Right-Of-Way<br>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>                  | June 7, 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 Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

### Pattern Book / Land Use Plan

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

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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

- **Small-Scale Schools, Places of Worship, and Other Places of Assembly**

- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.

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

- Purple Line Transit-Oriented Development Strategic Plan (2021)
  - Within 600' of Emerson Station

**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

### Zoning History-Subject Site

**2003-UV1-005; 3764 North Leland Avenue (subject site)**, Variance of use of the Dwelling Districts Zoning Ordinance to legally establish a day care facility (not permitted), **granted**.

**99-UV1-64; 3764 North Leland Avenue (subject site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a six-chair beauty salon (not permitted), **granted**.

### Zoning History- Vicinity

**2007LNU007; 5117 East 38<sup>th</sup> Street (north of site)**, Certificate of Legal Non-Conforming Use, for the use of a motel, **approved**.

**2007-DV3-005; 3735 North Emerson Avenue (west of site)**, VARIANCE OF DEVELOPMENT STANDARDS of the Wireless Communications Zoning Ordinance to provide for the construction of a wireless communication facility, a) with a 150-foot tall monopole tower (maximum 70-foot tall monopole tower, of five-feet higher than the building height permitted by the district, permitted within 500 feet of a protected district), b) with a 54-foot south side transitional setback (minimum 152-foot, or twenty feet plus one foot for every one foot of building height over eighteen feet, side transitional yard required), c) with a 23-foot rear transitional setback (minimum 142-foot, or ten feet plus one foot for every one foot of building height over eighteen feet, rear transitional yard required), d) with a zero-foot south transitional yard with zero-landscaping or screening (minimum twenty-foot south transitional yard required, landscaping and screening required), e) with zero-landscaping or screening in the required ten-foot rear transitional yard (landscaping and screening required), **granted**.

**2000-DV3-016; 3735-3737 North Emerson Avenue (west of site)**, variance of development standards of the WCZO and the CZO to legally establish a 150-foot-tall monopole tower and provide for co-location of additional antennae and equipment shelters, with reduced setbacks and reduced transitional yards, in C-5, **granted**.

**98-UV3-43; 3735-3737 North Emerson Avenue (west of site)**, variance of use and development standards of the CZO to provide for a 150-foot-tall monopole tower with reduced setbacks and reduced transitional yards, in C-5, **granted**.

**94-Z-220; 5207 East 38<sup>th</sup> Street (northeast of site)**, Rezone 0.57 acre from D-4 to C-3, **approved**.

**66-V2-31; 5117 East 38<sup>th</sup> Street (north of site)**, Request variance of use, lot area, and rear yard requirements to permit erection of a 3-story addition to the rear of the existing motel, extending to 4' from the rear lot line, with off-street parking and loading spaces provided, **granted**.



EXHIBITS

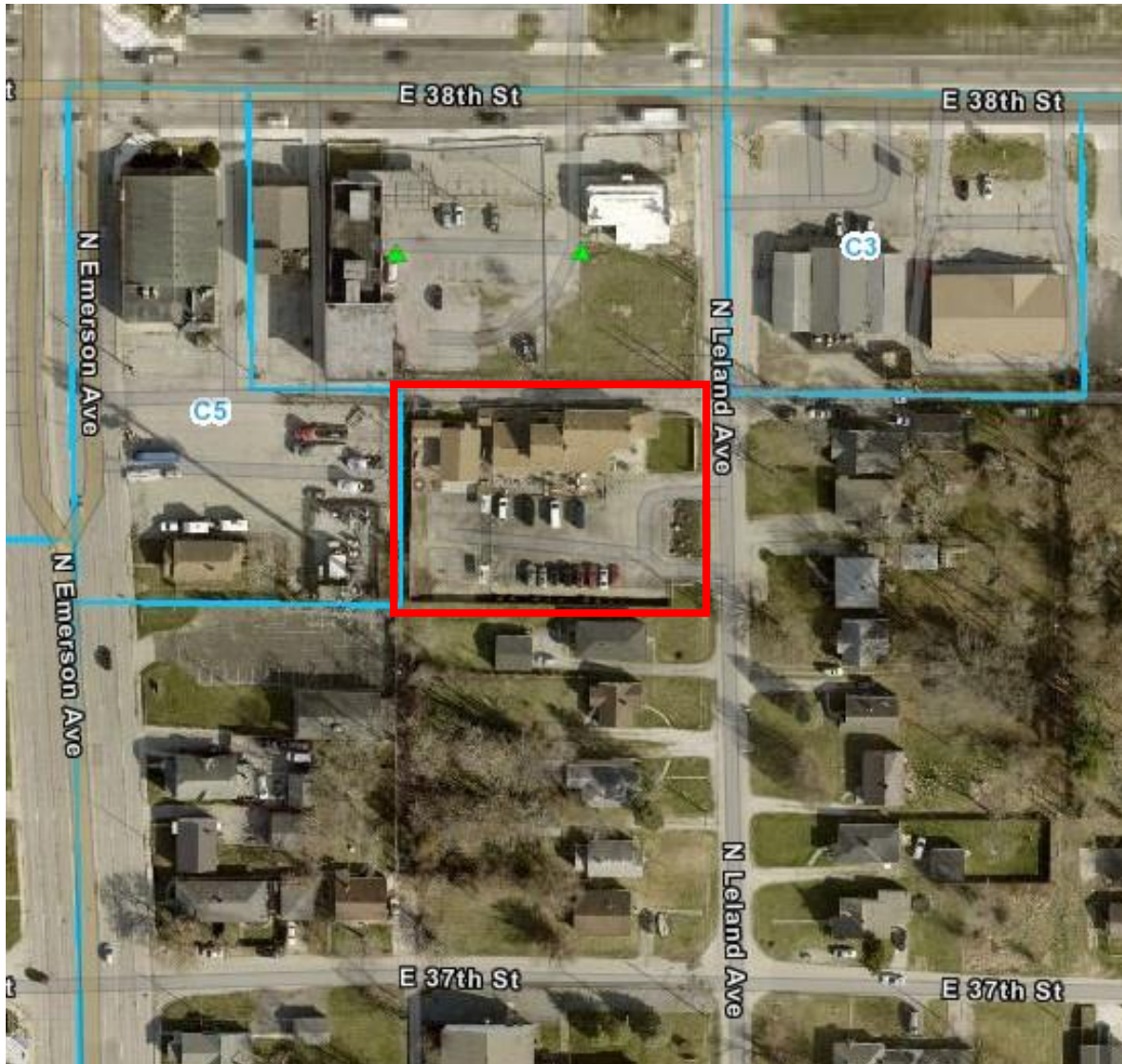


Figure 1: Aerial Map

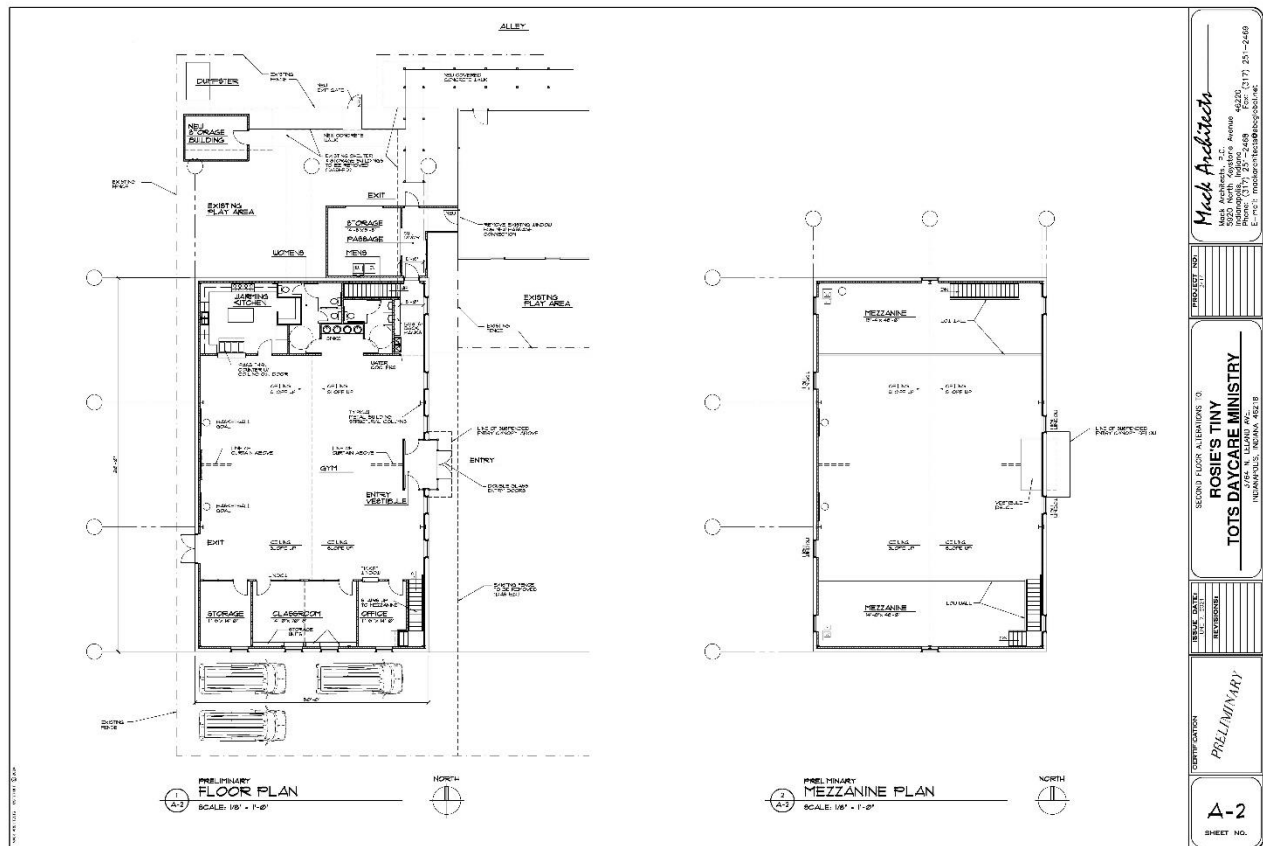


Figure 2: First Floor Plan

## **PLAN OF OPERATION**

Rosie's Tiny Tots currently runs as a childcare ministry and has been serving the Eastside of Indianapolis for 26 years. Rosie's Tiny Tots' Plan of Operation following grant of its rezoning petition will not change from its already existing usual course of business.

Rosie's Tiny Tots Plan of Operation:

- I. Number of employees: 16-18
- II. Days and hours of operation: Monday - Friday, 6am to 6pm
- III. Number of children licensed by the state: 87
- IV. Additional information: Rosie's Tiny Tots is a childcare ministry that has been serving the Eastside of Indianapolis for almost 26 years. We care for families with children ages six weeks to 12 years old. In addition to childcare, we partner with other organizations to assist our families with housing, food, employment and rehabilitation services for adults and children.
- V. Misc.: There are no hazardous materials used for the operation of the childcare ministry. Shipments consists of materials necessary to care for the children and are usually received in a standard postal vehicle. Waste generated is standard waste for a childcare facility.





Figure 3: View of entrance into parking lot.



Figure 4: View looking from the parking lot entrance north along Leland Avenue





Figure 5: Looking west from Leland Avenue towards the subject site



Figure 6: Looking at playground from parking lot on subject site





Figure 7: View of western playground from parking lot.



Figure 8: View of playground.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CZN-826 / 2025-CPL-826 / 2025-CVR-826 (Amended)

**Property Address:** 2955 North Meridian Street

**Location:** Center Township, Council District #12

**Petitioner:** 2955 Indy IN, LLC by Misha Rabinowitch

**Current Zoning:** C-1 (RC) (TOD)

Rezoning of 8.966 acres from the C-1 (RC) (TOD) district to the C-S (RC) (TOD) district to provide for a mixed-use development consisting of townhomes, multi-family dwellings, commercial offices, and retail uses, and all uses in the C-1 and MU-3 districts.

Approval of a Subdivision Plat to be known as 2955 North Meridian Subdivision, subdividing 8.966 acres into 21 lots.

**Request:**

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail use with a drive-through component within 600 feet of a transit station, on a lot with street frontage on Meridian Street (not permitted), with 20 feet of street frontage (minimum 50 feet street frontage required), zero-foot front yard and front transitional yard setbacks (minimum 10-foot front yard and 10-foot front transitional yard setbacks required), zero-foot side and rear yard setbacks (minimum 10-foot side and rear yard setbacks required), building height of 50 feet (maximum 38-foot building height in Compact Context Area, and maximum 25-foot building height permitted within a transitional yard required), 5% transparency for a structure along 30<sup>th</sup> Street (minimum 40% transparency required), and no transparency along Talbott Street (minimum 40% transparency required), and encroachment into the clear sight triangle (not permitted).

**Current Land Use:** Commercial Office Building / Parking Lot

Approval of the plat.

Approval of the rezoning, subject to the commitments noted below.

**Staff**

**Recommendations:**

Approval of the subdivision plat, subject to the conditions noted below.

Denial of the variance of use and development standards for a retail use with a drive-through component within 600 feet of a transit station with street frontage along Meridian Street and reduced street frontage.

Approval of reduced setbacks and increased building height.

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Denial of the reduced transparency along East 30<sup>th</sup> Street and Talbott Street.

Approval of the variance for encroachment into the clear sight triangle.

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

## PETITION HISTORY

The Hearing Examiner continued these petitions from the June 12, 2025 hearing, to the June 26, 2025 hearing, at the request of staff and the petitioner's representative for further discussions, provide new notice and submit updated documents,

The Hearing Examiner continued these petitions from the June 26, 2025 hearing to the July 10, 2025 hearing, at the request of staff to provide time to review updated documents, including a commitment for an IndyGo bus stop / shelter along East 30<sup>th</sup> Street.

On June 26, 2025, an updated site plan was submitted that eliminated the drive-through components within 600 feet of a transit station. Consequently, that variance will need to be withdrawn and the C-S Statement amended.

On July 1, 2025, the petitioner submitted an updated plan that added the location of the IndyGo bus stop / shelter along East 30<sup>th</sup> Street.

Because of these amendments, staff is recommending **approval** of the rezoning and the variances related to reduced setbacks, increased building height, and encroachment into the clear sight triangle subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least five (5) business 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. The following uses shall be prohibited: automobile fueling station, tavern, and night club / cabaret.
3. Owner shall: (1) incorporate into the approved site plan an IndyGo bus stop/shelter to be constructed by IndyGo in accordance with its standard specifications to be located on the southside of 30<sup>th</sup> Street; and (2) grant a perpetual non-exclusive transportation easement in favor of IndyGo to construct and operate, and the public to use, such bus stop / shelter.

Staff continues to recommend **denial** of the reduced transparency along East 30<sup>th</sup> Street and Talbott Street.



## STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated May 5, 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.

Approval of the rezoning to the C-S (TOD) (RC) subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least five (5) business 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 / receptables provided for the proper disposal of trash and other waste.
2. The following uses shall be prohibited: automobile fueling station, tavern and night club / cabaret.

## PETITION OVERVIEW

This 8.966-acre site, zoned C-1 (RC) (TOD), is bifurcated by vacated North Pennsylvania Street (Petition 93-VAC-47). A 34,626-square foot office building is located along the North Meridian Street frontage, with parking on the eastern portion of the site. It is surrounded by a park, telephone exchange facility and a parking lot to the north, across East 30<sup>th</sup> Street, zoned C-3 (RC) (TOD) and C-4 (RC) (TOD), respectively; a commercial office building / associated parking and a park to the south, across East 29<sup>th</sup> Street, zoned C-1 (RC) (TOD) and PK-1 (RC) (TOD); single-family and two-family dwellings to the east, across North Talbott Street, zoned D-5 (RC) (TOD); and commercial office uses to the west, across North Meridian Street, zoned C-S (RC) (TOD).

## PLAT

### Site Plan

Petition 2024-PLT-010 divided the site into two lots and two blocks to be known as 29<sup>th</sup> & Meridian Subdivision. This plat (2025-CPL-826) request would divide 8.966 acres into 21 lots resulting in a subdivision to be known as 2955 North Meridian Subdivision.

The existing commercial office building is located on Lot 1 (2.72 acres); Lots 2 and 3 (0.58 acre) are located at the southwest corner and proposed for commercial uses; multi-family dwellings are proposed on Lot 4 (1.05 acre) that would be located at the southeast corner of the site; Lot 21 (0.40 acre) at the northeast corner of the site would provide space for a non-profit entity; lots C-Plat-30, C-Plat-28 and 7 through 20 would provide for townhomes along Talbott Street. The remaining area (3.86 acres) would be common space consisting of the existing drives and parking lot and proposed access drive on North Meridian Street

### Streets

The proposed subdivision occupies a city block bound by the follow primary arterials: North Meridian Street, North Talbott Street, East 29<sup>th</sup> Street and East 30<sup>th</sup> Street.

### Sidewalks

Sidewalks exist along all four street frontages and appear to be in reasonable condition. Replacement, in accordance with the Department of Public Works standards, would be required if the sidewalks would be damaged during development and construction on the lots.

### Waivers

None requested.

## **REZONING**

The request would rezone the site from the C-1 district to the C-S (Special Commercial) district to provide for mixed-use development consisting of townhomes, multi-family dwellings, commercial offices, retail uses, C-1 uses and MU-3 uses.

“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 Mapleton Fall Creek Neighborhood Land Use Plan recommends office buffer commercial. As proposed, the development would not align totally with the Plan recommendation. Only the western portion of the site would be consistent with this Plan.

### **C-S Statement**

The C-S Statement, file dated May 5, 2025, described the overall development, permitted uses that would include uses in the C-1 and MU-3 districts, along with two drive-through components along North Meridian Street.

Development standards were outlined, all of which would require the grant of a variances, including reduced setbacks, increased building height, and reduction in building transparency.

Parking would be located within the common areas and shared among owners and invitees, ultimately managed by an owner’s association.

### **Overlays – Transit-Oriented Development (TOD) / Regional Center (RC)**

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is also located within the Regional Center (RC) overlay that requires Regional Center approval including design review and approval of all external changes or modifications including site plan, elevations, landscape plan and signs.

### **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.

### **VARIANCES OF USE AND DEVELOPMENT STANDARDS**

The request would provide for drive-through components within 600 feet of a transit station on a lot with street frontage on North Meridian Street, both of which are not permitted within the TOD overlay. "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."



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Development patterns and site designs that prioritize automobile travel undermine these public and private investments. Staff believes the introduction of drive throughs along North Meridian Street clearly places automobile travel over and above the safety of pedestrians and bicyclists that would be drawn to and be present in this proposed development.

Consequently, staff strongly recommends denial of this variance of use and development standard that would allow this feature along the Meridian Street corridor and in proximity of a district transit station.

This request would provide for zero-foot front yard, front transitional yards, site yard and rear yards when the Ordinance requires 10-foot front yard, front transitional yards, side yards and rear yards setbacks.

Staff supports these requests for zero-foot setbacks because all four site boundaries front on arterial streets and the reduced setbacks would allow for appropriate integration of this development with the surrounding urban character of this site located along the Meridian Street corridor.

The request would also provide for a building height of 50 feet when the Ordinance limits building height to 25 feet within a transitional yard. Because of the surrounding architectural character, a 50-foot-tall building would be consistent with the surrounding multi-story buildings and architectural character in the area.

The request would also allow for 5% reduction of transparency of a structure along 30<sup>th</sup> Street and zero transparency along Talbot Street when the Ordinance requires 40% transparency along both of those streets. Staff does not support a reduction of this magnitude because of the need to provide visibility and visual connection with surrounding land uses at the pedestrian and human level. Lack of transparency compromises connections and appropriate integration with the surrounding land uses.

Finally, the request would allow for encroachment into the clear sight triangles at the northeast and southeast corners of the site. This encroachment results from the reduced building setbacks that staff supports because it would have minimal impact on surrounding land uses and provide for appropriate integration with the surrounding land uses.

## **Planning Analysis**

As previously noted, the development would not be completely consistent with the Neighborhood Plan recommendation of office buffer commercial, but it would generally align with the characteristics of the TOD District Center typology of dense mixed-use hub with tall buildings with no front or side setbacks that consist of multi-family dwellings.

The proposed western portion of the site would align with the Neighborhood Plan recommendation of office buffer commercial because the existing structure would remain with the current office uses. The eastern half of the site would not be consistent with the Plan recommendation, but the proposed residential uses would serve as an appropriate buffer and compatible transition to the neighborhoods to the north, east and south. Staff also believes that the proposed development would result in a

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supportable land use that would replace the large, unused parking lot and bring a new dynamic and vitality to the area.

The requested variances for reduced setbacks and building height support and are consistent with the TOD characteristics and typology.

As previously noted, Staff does not support the variance of use for the proposed drive-through components, frontage / access along North Meridian Street or the lack of transparency along East 30<sup>th</sup> Street and Talbott Street, all of which are not supportive of TOD principles.

**GENERAL INFORMATION**

|                                   |  |  |
|-----------------------------------|--|--|
| <b>Existing Zoning</b>            | C-1 (RC) (TOD)   |  |
| <b>Existing Land Use</b>          | Commercial Office / Parking Lot                                |  |
| <b>Comprehensive Plan</b>         | Office Buffer Commercial                                       |  |
| <b>Surrounding Context</b>        | <b>Zoning</b>  | <b>Land Use</b>  |
| North:                            | C-3 (RC) (TOD) / C-4 (RC) (TOD)                                | Park / utility facility / parking lot                            |
| South:                            | C-1 (RC) (TOD) / PK-1 (RC) (TOD);                              | Commercial office uses / park                                    |
| East:                             | D-5 (RC) (TOD)   | Single-family dwellings  |
| West:                             | C-S (RC) (TOD)   | Commercial office uses   |
| <b>Thoroughfare Plan</b>          |  |  |
| North Meridian Street             | Primary Arterial   | Existing 50-foot right-of-way and proposed 80-foot right-of-way. |
| Talbott Street                    | Primary Arterial   | Existing 60-foot right-of-way and proposed 56-foot right-of-way. |
| East 29 <sup>th</sup> Street      | Primary Arterial   | Existing 60-foot right-of-way and proposed 78-foot right-of-way. |
| East 30 <sup>th</sup> Street      | Primary Arterial   | Existing 50-foot right-of-way and proposed 78-foot right-of-way. |
| <b>Context Area</b>               | Compact  |  |
| <b>Floodway / Floodway Fringe</b> | No   |  |
| <b>Overlay</b>                    | Yes. Transit Oriented Development (TOD) / Regional Center (RC) |  |
| <b>Wellfield Protection Area</b>  | No   |  |
| <b>Site Plan</b>                  | May 5, 2025  |  |
| <b>Site Plan (Amended)</b>        | June 26, 2025 / July 1., 2025                                  |  |

|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Elevations</b>                 | May 5, 2025 / May 14, 2025, |
| <b>Elevations (Amended)</b>       | N/A                         |
| <b>Landscape Plan</b>             | May 5, 2025                 |
| <b>Findings of Fact</b>           | May5, 2025 / June 17, 2025  |
| <b>Findings of Fact (Amended)</b> | N/A                         |
| <b>C-S/D-P Statement</b>          | May 5, 2025                 |
|                                   |                             |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Indianapolis Regional Center Plan 2020 (2004).
  - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.
- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.
  - The purpose of these Guidelines is to set standards that will produce a more thoughtful design response to Regional Center development projects. They focus on a wide range of characteristics of the built environment.
  - This proposed development would be required to file an approval petition for Regional Center that would require design review in accordance with the Guidelines.
- North Meridian Street Corridor – 16<sup>th</sup> Street to 30<sup>th</sup> Street (2008)
  - Recommends Non-Core Office land use described as uses will generally be single-owner office and professional service uses that are not necessarily linked with one neighborhood and may be used by worker, visitor and resident populations. Ancillary street-level commercial.
  - The Plan also includes this site in the Campus typology is characterized by a campus-style orientation of buildings, often organized around a central node such as a plaza or open space. The environment is pedestrian in nature and usually master planned. Parking is clustered in garages, but there may be large surface parking lots at the edges of the development. There is typically a single educational, corporate, or government owner. Examples are the Lilly Corporate Center, IUPUI and Medical Center, the Indiana Government Center, and IVY Tech.

### Pattern Book / Land Use Plan

Not Applicable to the Site.

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

The Redline Transit-Oriented Development Strategic Plan (2021).

This site is located within a ¼ mile walk a transit stop located at the intersection of East 30<sup>th</sup> Street and North Meridian Street, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

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
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

### Neighborhood / Area Specific Plan

Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends office buffer commercial and a C-1 zoning district.

This land use category is for low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use, or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Office Commercial Uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are



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representative of this land use category: medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, day care centers, mortuaries, and communications studios.

**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

**2024-PLT-010; 2955 North Meridian Street;** requested approval of a Subdivision Plat, to be known as 29<sup>th</sup> & Meridian Subdivision, dividing 9.035 acres into two lots and two blocks, **approved**.

**93-V1-136; 2955 North Meridian Street,** requested a variance to provide for expansion of an existing office building with 538 parking spaces, a ten-foot transitional yard along North Talbott Street and a zero-foot setback along East 29<sup>th</sup> Street and East 30<sup>th</sup> Street, **granted**.

**93-VAC-47; 2900 and 3000 North Pennsylvania Street,** requested vacation of a portion of North Pennsylvania Street, being 50 feet in width from the southern right-of-way line of East 30<sup>th</sup> Street to the northern right-of-way line of East 29<sup>th</sup> Street, **approved**.

**84-Z-62; 2955 North Meridian Street,** requested rezoning of approximately eight acres, being in the D-9 and D-5 districts, to the C-1 classification to conform zoning to the existing office parking uses, **approved**.

**79-VAC-9; 2900 and 3000 North Pennsylvania Street,** requested vacation of the first alley east of Pennsylvania Street from the north right-of-way line of East 29<sup>th</sup> Street to the south right-of-way line of East 30<sup>th</sup> Street, **approved**.



## C-S Development Statement

### 2955 N. Meridian Street

#### **I. The Site/Current Development**

The site consists of approximately 9 acres of real estate located on the east side of Meridian Street, bounded by 29<sup>th</sup> Street to the south, 30<sup>th</sup> Street to the north, and Talbott Street to the east, within the North Meridian Street corridor in the Mapleton Fall Creek Neighborhood. An aerial depiction of the site is attached hereto as **Exhibit A** (hereinafter the “Property”).

Significant adjacent land uses include office to the west, the Indianapolis Children’s Museum to the northwest, multifamily residential to the north, single family residential to the east, and office commercial to the south.

The Property is dissected by vacated Pennsylvania Street running north to south. For the past 40 years, the area located west of Pennsylvania Street has been developed with a single-use 2 and 3 story 190,000 sf office building, with an area of vacant land south of the existing office building. The area east of Pennsylvania Street consists of a large isolated parking lot disconnected from the surrounding neighborhood.

#### **II. Proposed Development**

The proposed master development plan reimagines the Property as a vibrant live-work-play hub, designed to energize the Mapleton-Fall Creek community. This transformative redevelopment will introduce neighborhood retail amenities, modern townhomes, and multi-family housing, creating a dynamic and connected living environment. The plan features dense urban buildings with minimal setbacks, fostering a walkable, city-centric atmosphere while maximizing land use efficiency. Retail spaces will be designed for accessibility by both pedestrians and vehicles to meet a variety of consumer needs. Thoughtfully designed buildings and pedestrian-friendly streets will further enhance connectivity and community engagement. By blending historic charm with modern infrastructure, this project will serve as a catalyst for continued investment and revitalization in the area.

#### **III. Permitted Uses**

Permitted Uses on the Property shall be all uses permitted in the C-1 and MU-3 districts. Development is anticipated to be in substantial conformity with the Site Plan attached hereto as **Exhibit B**. The existing office building shall be legally established.

A drive thru as an accessory use shall be permitted so long as all drive thru access and improvements: (i) are not located in the front yard of the retail building; and (ii) shall be screened with landscaping and/or fencing. Location of uses on the Property shall be subject to



review and approval by the Administrator prior to issuance of any Improvement Location Permit for projects to be constructed on the Property.

#### **IV. Development Standards**

CS development standards shall apply, EXCEPT for the following standards which shall be approved by variance:

- i. Minimum Street Frontage – 20 feet (50 feet required)
- ii. Front Yard Minimum – 0 feet (10 feet required)
- iii. Front Transitional Yard Minimum – 0 feet (10 feet required)
- iv. Side and Rear Yard Minimum – 0 feet (10 feet required)
- v. Maximum Height in Compact Context Areas - 50 feet (38 feet max)
- vi. Maximum Height in Transitional Yard – 50 feet (25 feet max)
- vii. 5% transparency for building identified on the Site Plan as Dance Studio along 30<sup>th</sup> Street (40% required)
- viii. A drive thru as an accessory use: (a) on a lot with frontage on Meridian Street; and (b) within 600' of a transit station.

#### **V. Parking**

The parking lot and access drives, as depicted on the Plat as Common Area 1, shall be for the mutual use and benefit of the owners and invitees of all Lots within the subdivision. Common Area 1 shall be managed by a to be formed owner's association, with expenses such as maintenance and snow removal to be shared among the owners of property within the subdivision.

#### **VI. Landscaping**

Landscaping shall be in substantial compliance with the approved Landscape Plan. Significant modifications to the approved Landscape Plan shall be reviewed and approved by the Administrator prior to issuance of any Improvement Location Permit for projects to be constructed on the Property.

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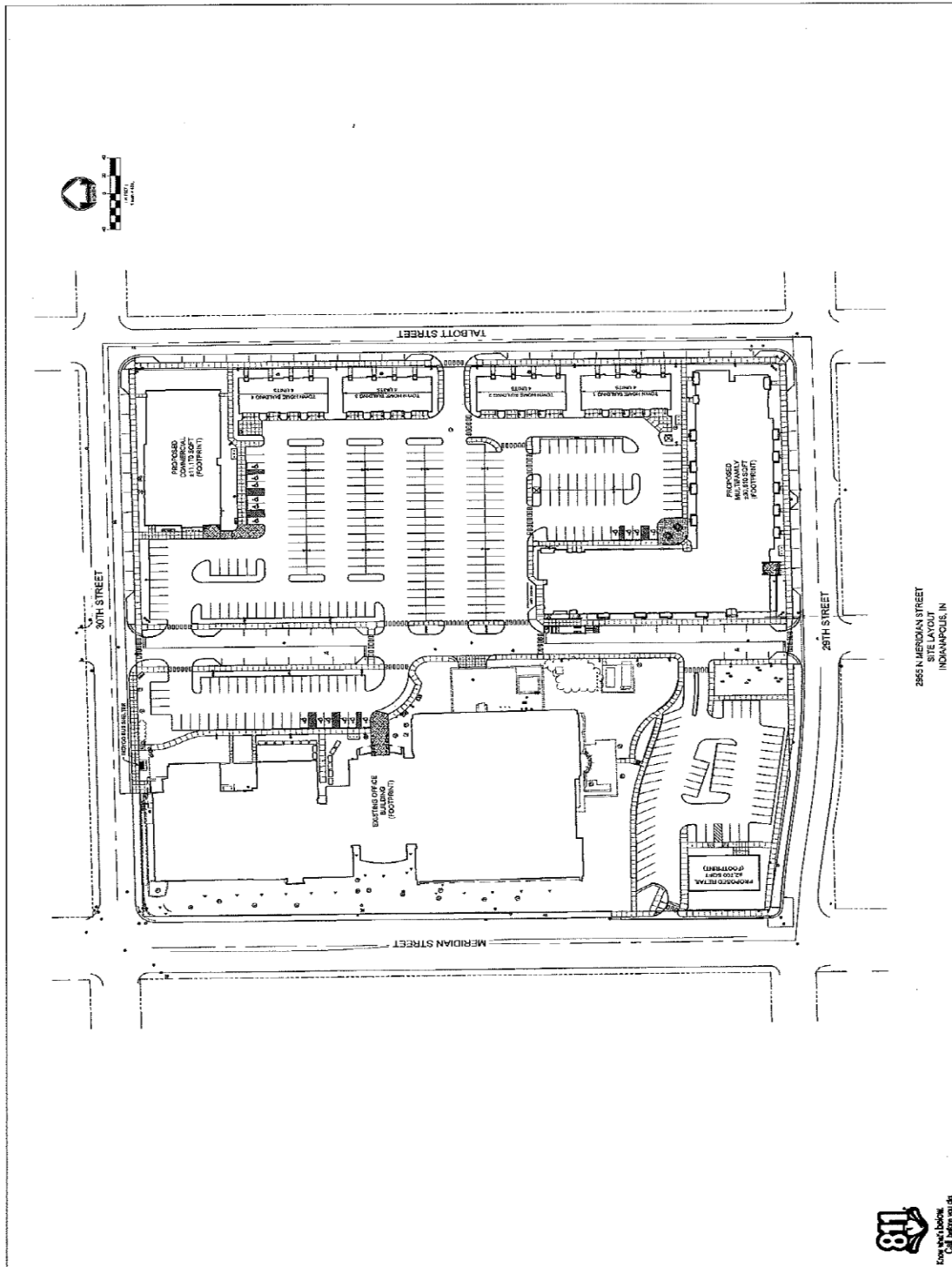
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#### **VI. Landscaping**

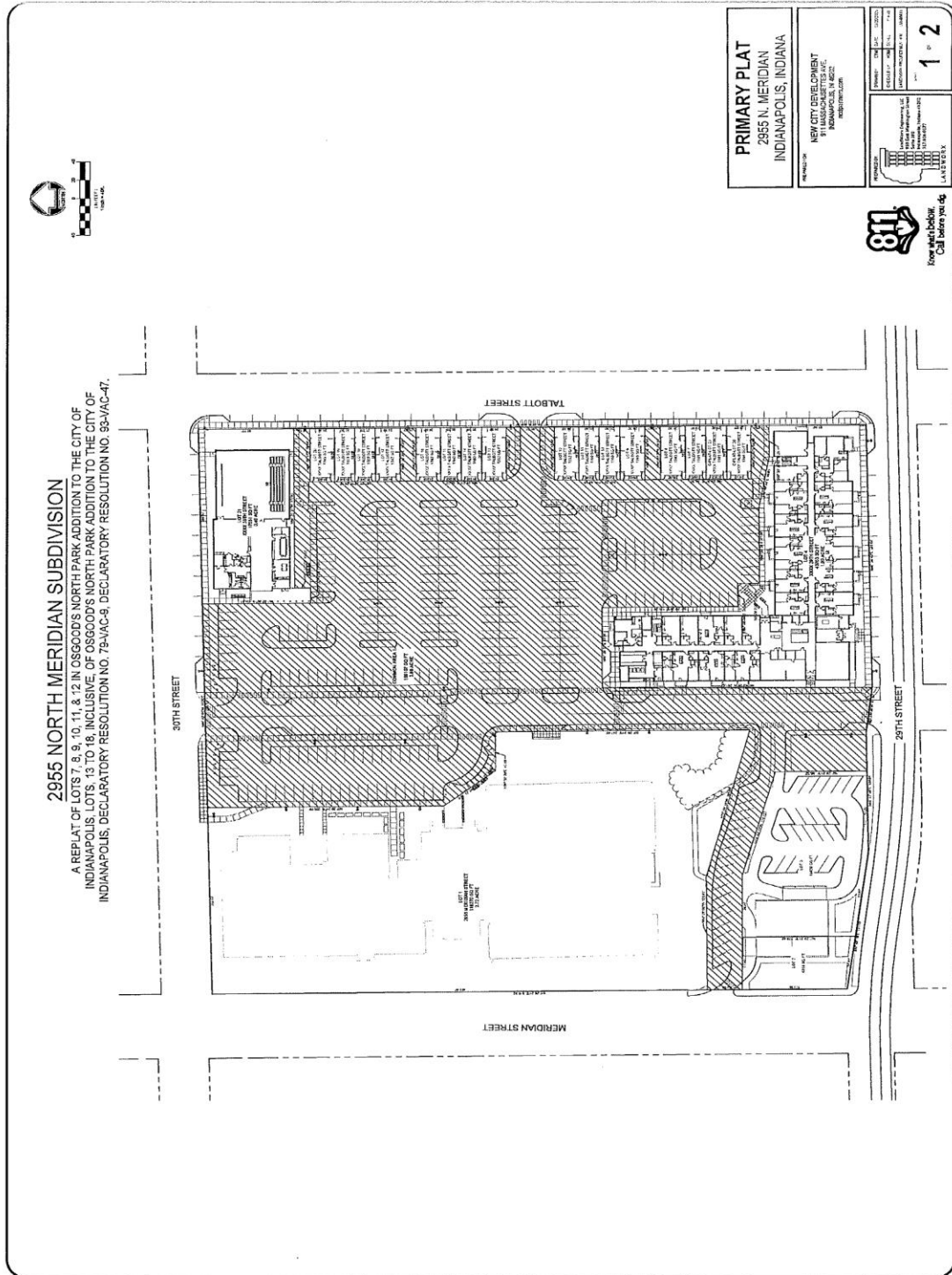
Landscaping shall be in substantial compliance with the approved Landscape Plan. Significant modifications to the approved Landscape Plan shall be reviewed and approved by the Administrator prior to issuance of any Improvement Location Permit for projects to be constructed on the Property.

Site Plan July 1,2025



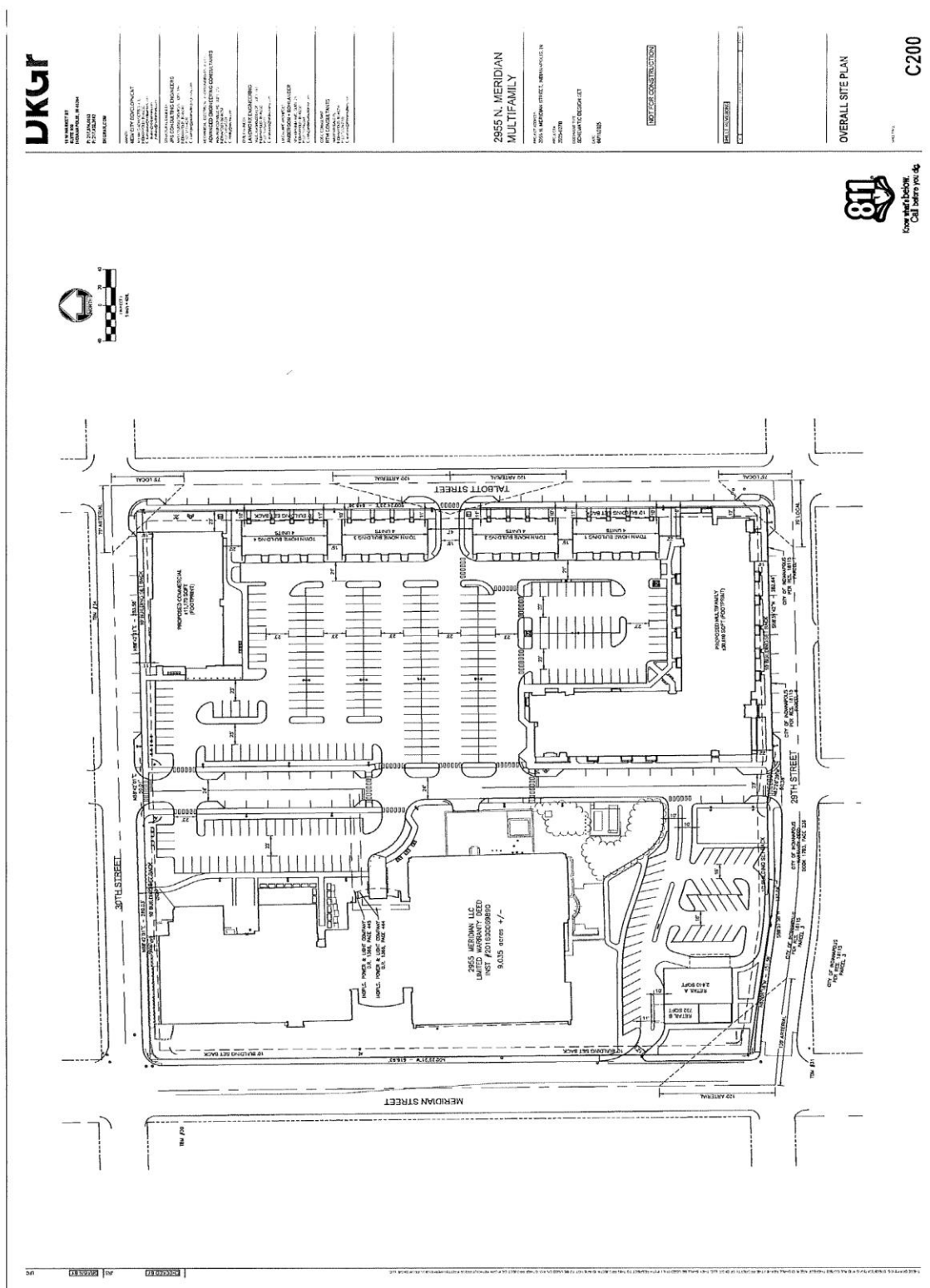
Department of Metropolitan Development  
 Division of Planning  
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Site Plan – June 26, 2025





**Department of Metropolitan Development  
Division of Planning  
Current Planning**



**AB**  
 ANDERSON BROSIGKE & ASSOCIATES, LLC  
 1000 N. MICHIGAN AVE., SUITE 1000  
 CHICAGO, IL 60611  
 TEL: 312.527.1000  
 FAX: 312.527.1001  
 WWW.ABANDERSONBROSIGKE.COM  
 PROJECT: 2555 N. MERIDIAN MULTIFAMILY  
 SHEET: 2555 N. MERIDIAN MULTIFAMILY - PLANTING OVERALL PLAN  
 DATE: 08/14/2019  
 DRAWN BY: J. BROSIGKE  
 CHECKED BY: J. BROSIGKE  
 APPROVED BY: J. BROSIGKE  
 L.S. BROSIGKE, L.S.  
 LANDSCAPE ARCHITECT  
 1000 N. MICHIGAN AVE., SUITE 1000  
 CHICAGO, IL 60611  
 TEL: 312.527.1000  
 FAX: 312.527.1001  
 WWW.ABANDERSONBROSIGKE.COM  
 PROJECT: 2555 N. MERIDIAN MULTIFAMILY  
 SHEET: 2555 N. MERIDIAN MULTIFAMILY - PLANTING OVERALL PLAN  
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2555 N. MERIDIAN  
 MULTIFAMILY

2555 N. MERIDIAN STREET, CHICAGO, IL 60611  
 PROJECT NO. 2555N  
 SHEET NO. 2555N-01  
 DATE: 08/14/2019

NOT FOR CONSTRUCTION

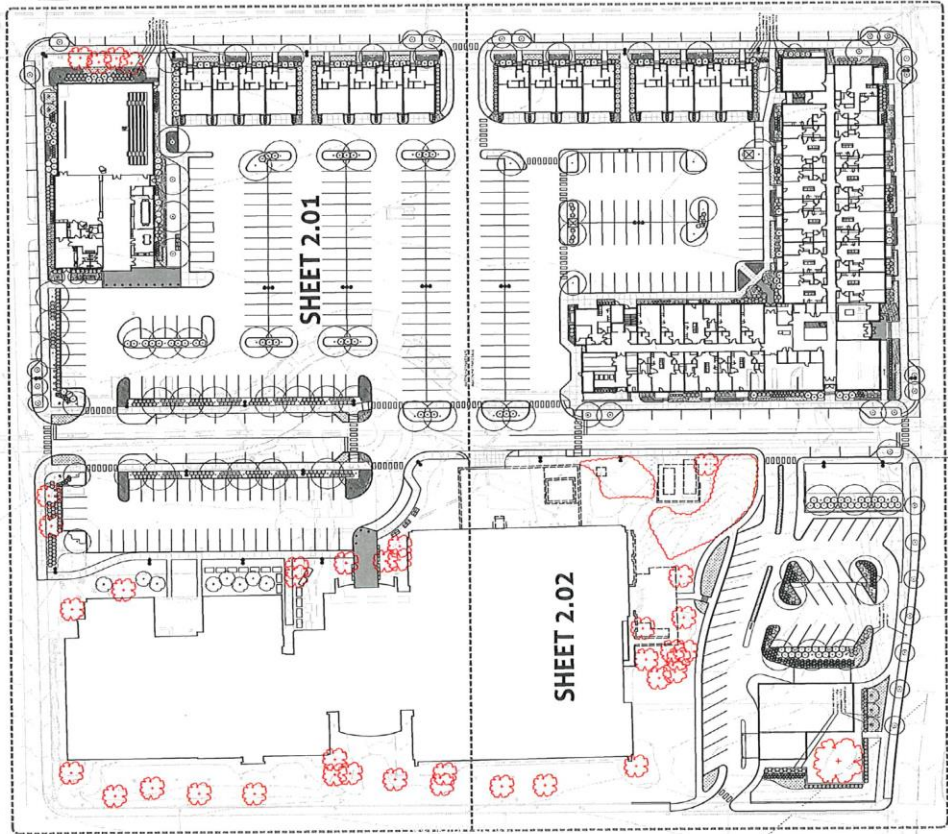
DATE: 08/14/2019

SHEET TITLE  
 PLANTING  
 OVERALL PLAN

L200

SCALE: 1" = 30'-0"

1









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CONCEPT RENDER B: SOUTHEAST CORNER, FROM 29TH STREET / REMBRANDT STREET



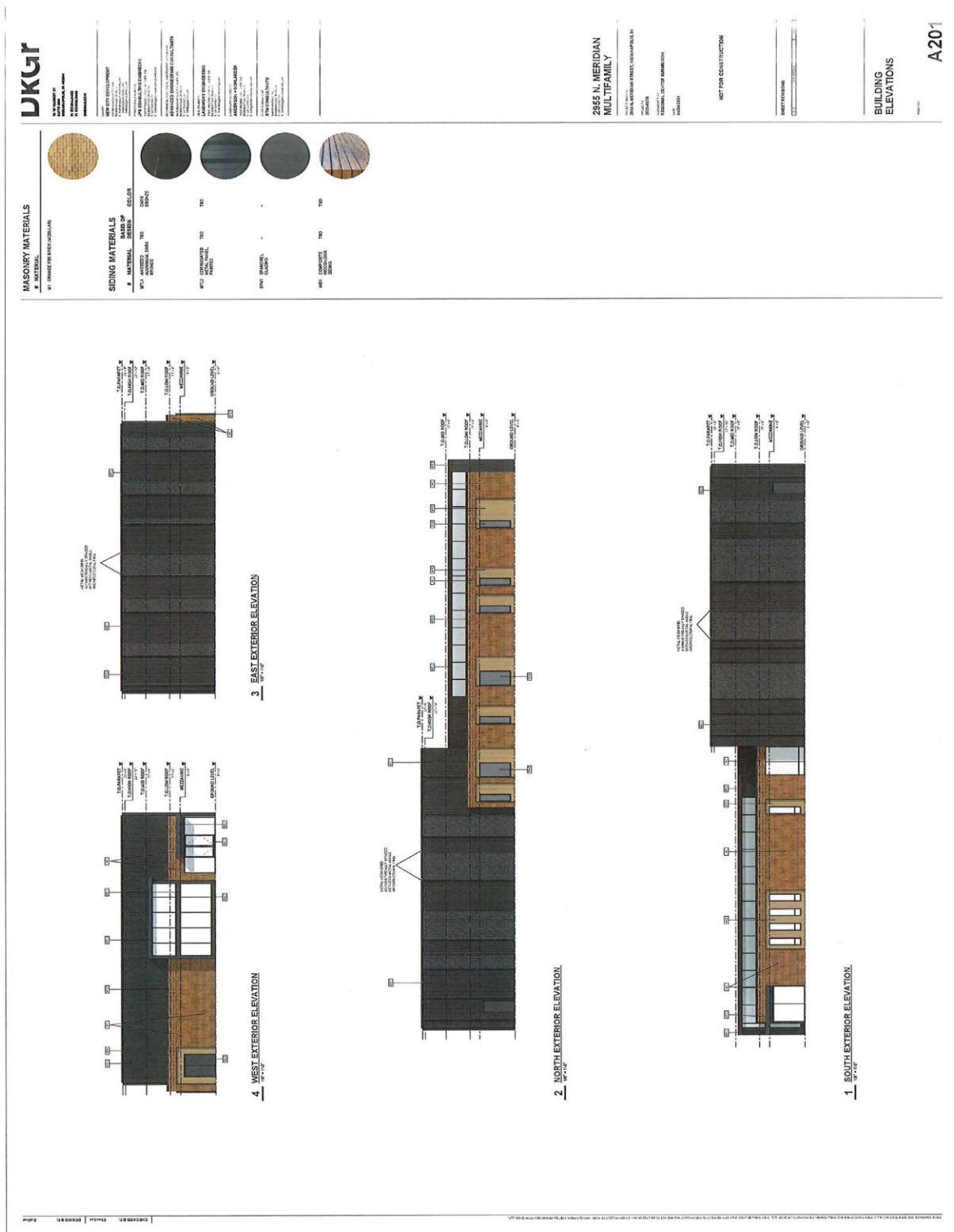
CONCEPT RENDER C: SOUTH FACADE, FROM 29TH STREET



CONCEPT RENDER A: SOUTHWEST CORNER, FROM 29TH STREET

A903





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Current Planning**



CONCEPT RENDER B: NORTH FACADE, FROM 30TH STREET



CONCEPT RENDER A: WEST FACADE / PRIMARY ENTRY



CONCEPT RENDER D: EAST FACADE, FROM TALBOTT STREET



CONCEPT RENDER C: NORTHEAST CORNER

2955 N. MERIDIAN  
MULTIFAMILY

PAPER 17-00000-10  
 2001 N. MICHIGAN STREET, RICHMOND, VA  
 23219-4378  
 Richmond Area  
 REGIONAL CENTER SUBMISSION  
 24-00

NOT FOR CONSTRUCTION

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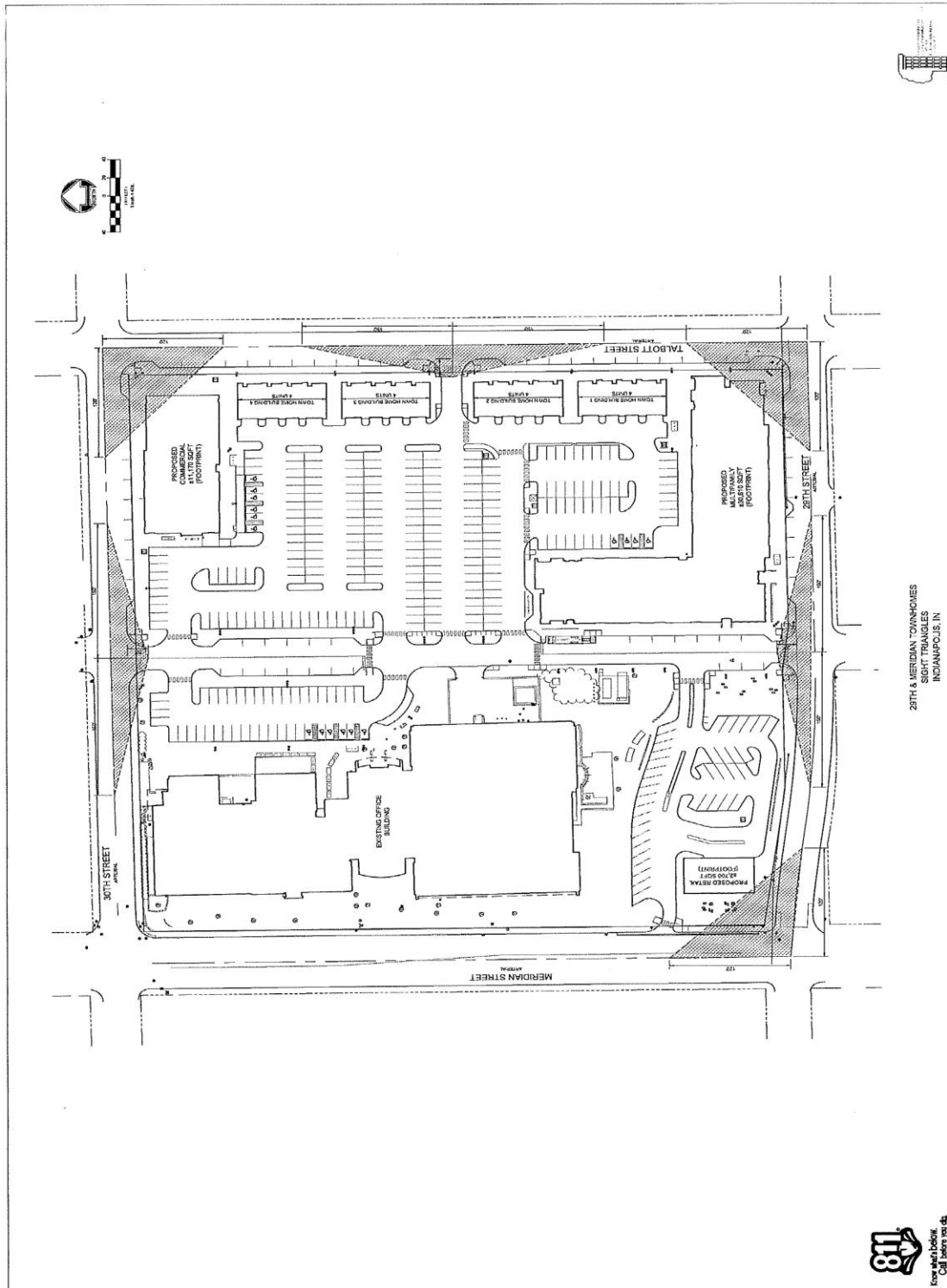
**SHORT REVIEWS**

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## CONCEPTUAL RENDERS

A901

Clear Sight Triangle Encroachment





**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 USE  
(Drive Thru)  
FINDINGS OF FACT**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The proposed drive thru will permit commercial development of the site that is desired within the Meridian Street Corridor and will be screened entirely from Meridian Street by the adjacent building.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The proposed drive thru will permit commercial development of the site that is desired within the Meridian Street Corridor and will be screened entirely from Meridian Street by the adjacent building.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

Although commercial development is desired within the Meridian Street Corridor, in order to be successful, a drive thru is required. Although it is on a transit corridor, vehicular traffic is natural to the site, given that Meridian Street is a main thoroughfare and contributes to the vibrancy of the area.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Without the proposed drive thru, which due to the depth of the lot and the location of the proposed building on the lot, will be screened entirely from Meridian Street, retail, which is highly desired cannot succeed.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The drive thru is necessary to facilitate commercial development of the site that is consistent with the Comprehensive Plan and necessary for the area to thrive.

**DECISION**

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

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

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





**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**

(Minimum Street Frontage)

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

The townhome lots along Talbott Street, at 20', permit a desirable land use type that is compatible with the adjacent area. Similarly, the commercial lot at the corner of 29th and Meridian is an appropriate size to permit a desirable commercial use.

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 townhome lots along Talbott Street, at 20', permit a desirable land use type that is compatible with the adjacent area. Similarly, the commercial lot at the corner of 29th and Meridian is an appropriate size to permit a desirable commercial use.

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

The CS zoning district development standard for lot size does not contemplate townhome development which is appropriate for the Talbott Street frontage or the smaller urban centric commercial lot proposed for the corner of 29th and Meridian Streets.

**DECISION**

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

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

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

**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**

(Front yard, Transitional Yard, Side Yard, and Rear Yard)

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

The reduced setbacks will permit appropriately dense development of the site in this urban setting fostering a walkable, city-centric environment that is compatible with the neighborhood.

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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 reduced setbacks will permit appropriately dense development of the site in this urban setting fostering a walkable, city-centric environment that is compatible with the neighborhood.

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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 required 10' setback in the CS zoning classification does not contemplate the primarily residential aspects of the proposed site development where the reduced setbacks are appropriate.

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**DECISION**

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

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

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**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**

(Height)

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

The proposed buildings that exceed the 25' height restriction in the transitional yard and 38' within the compact context are designed, and situated on the site, in a manner that respects the community and adjacent properties.

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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 proposed buildings that exceed the 25' height restriction in the transitional yard and 38' within the compact context are designed, and situated on the site, in a manner that respects the community and adjacent properties.

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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:

Due to the size of the site, dense urban development with increased height beyond the ordinance required 25' in the transitional yard and 38' within the compact context, as the buildings are situated on the site plan, is appropriate. The property cannot achieve the desired housing density without relief from the ordinance height requirements, which presents practical difficulty.

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**DECISION**

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

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

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**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**

(Transparency)

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

The proposed building that does not meet the transparency requirements is for a desirable use (dance studio) that has specific design requirements which do not permit transparency on the street side perimeter of the building and the building, although lacking in transparency, is aesthetically and architecturally pleasing.

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 proposed building that does not meet the transparency requirements is for a desirable use (dance studio) that has specific design requirements which do not permit transparency on the street side perimeter of the building and the building, although lacking in transparency, is aesthetically and architecturally pleasing.

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

The proposed dance studio is a desired not-for-profit use that benefits the community and is appropriate for the parcel adjacent to the street, but cannot meet the transparency requirements due to required specifications.

**DECISION**

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

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

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





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 encroachments within the clear site triangle are minor in nature, do not substantially interfere with vehicle site lines for vehicles, and, along Talbott Street, are similar to building setbacks at nearby intersections.

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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 encroachments within the clear site triangle are minor in nature, do not substantially interfere with vehicle site lines for vehicles, and, along Talbott Street, are similar to building setbacks at nearby intersections.

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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:  
Talbott Street, while identified as a primary arterial on the Marion County Thoroughfare Plan, is more similar to a local street in actual configuration and usage, so applying the primary arterial standard creates a practical difficulty.

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DECISION

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

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

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View looking south along North Meridian Street and transit station+



View of site looking east across North Meridian Street



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View of site looking southeast across North Meridian Street

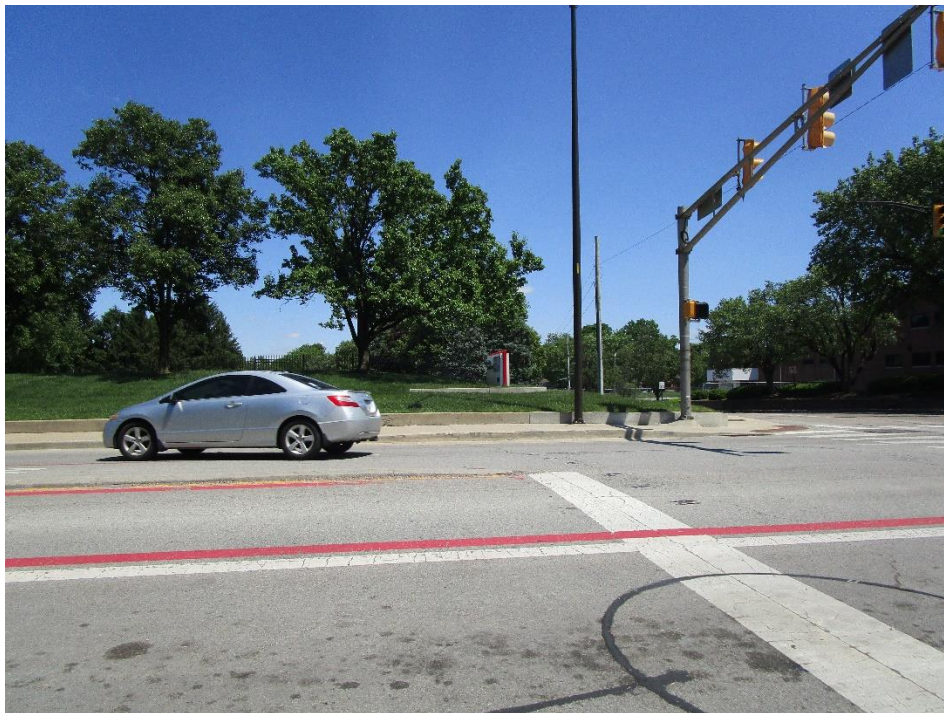


View of site looking east across North Meridian Street





View of site looking east across North Meridian Street



View of site looking east across intersection of North Meridian Street and East 29<sup>th</sup> Street





View looking west along East 29<sup>th</sup> Street



View looking east along East 29<sup>th</sup> Street





View from site looking southeast across East 29<sup>th</sup> Street

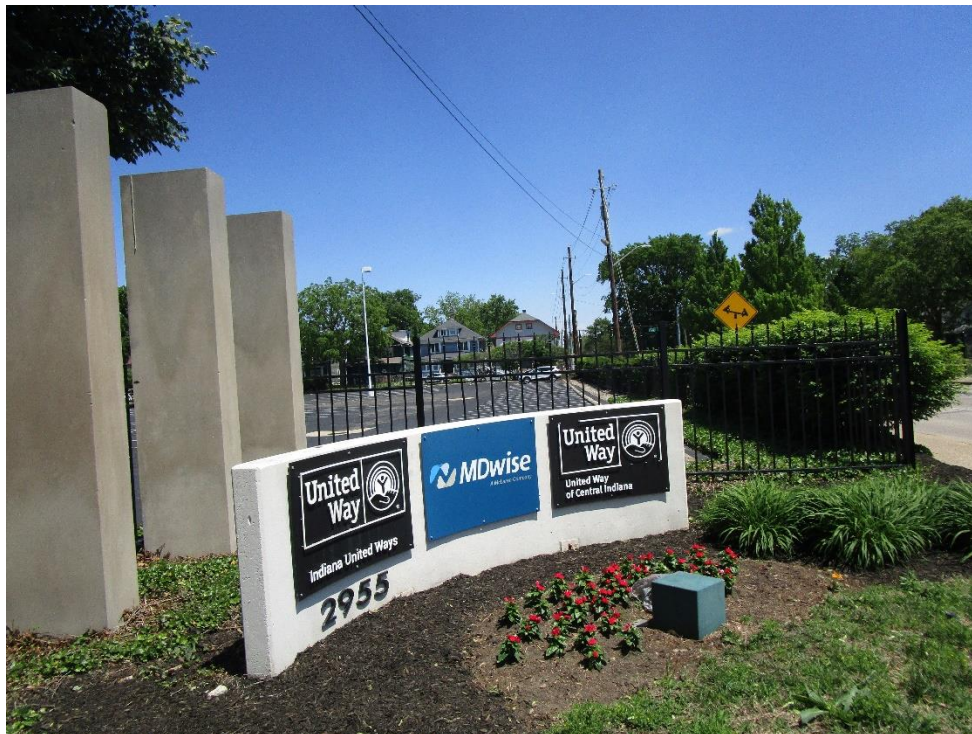


View from site looking south across East 29<sup>th</sup> Street





View from site looking southwest across East 29<sup>th</sup> Street



View of site looking east from southern entrance drive



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View of site looking northeast from southern entrance drive



View of site looking north along vacated North Pennsylvania Street





View of site looking northwest from southern entrance drive



View looking north along North Talbott Street



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View of site looking west across North Talbott Street



View of site looking west across North Talbott Street





View of site at intersection of North Talbott Street and East 30<sup>th</sup> Street



View looking east along East 30<sup>th</sup> Street





View looking west along East 30<sup>th</sup> Street



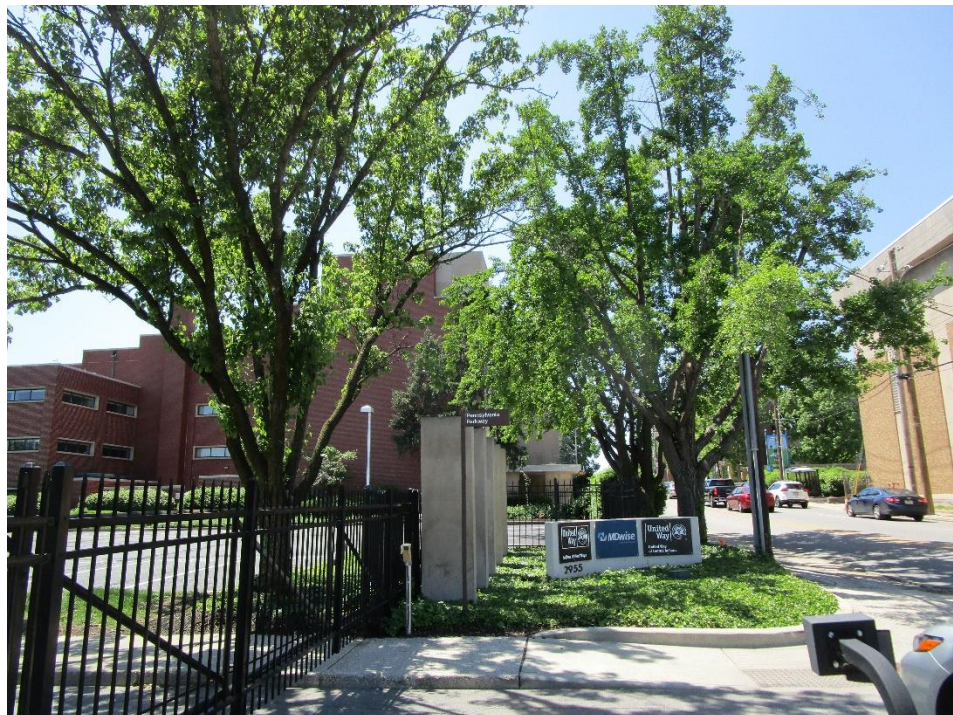
View from site looking north across east 30<sup>th</sup> Street



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View from site looking northeast across East 30<sup>th</sup> Street



View looking west along East 30<sup>th</sup> Street



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View of site looking southwest



View of site looking south along vacated North Pennsylvania Street





View of site looking southeast



View of the looking southeast from northern entrance



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CZN-829 / 2025-CVC-829

**Property Address:** 5802, 5808, 5814, and 5820 Evanston Avenue (Approximate Addresses)

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

**Petitioner:** Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Brian J. Tuohy

**Current Zoning:** D-5  
Rezoning of 1.56 acres from the D-5 district to the SU-2 district to provide for school uses.

**Request:** Vacation of a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

**Current Land Use:** Residential

**Staff Recommendations:** Approval of the rezoning. Denial of the vacation.

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

**PETITION HISTORY**

This petition was continued from the June 26, 2025 hearing to the July 10, 2025 hearing at the request of the petitioner to allow staff additional time to review a new site plan proposal.

**STAFF RECOMMENDATION**

Staff **recommends approval of the rezoning.**

Staff finds the **vacation** would not be in the public interest and recommends the vacation petition be **denied.**

**RECOMMENDED MOTION (Denial):** That the Hearing Examiner find that the proposed vacation is not in the public interest and that the Hearing Examiner deny Declaratory Resolution 2025-CVC-829.

**RECOMMENDED MOTION (Approval):** That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on August 14, 2025; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-829; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

## PETITION OVERVIEW

### LAND USE

The 1.56-acre site is comprised of four parcels (8008213, 8008211, 8008210, and 8008209) developed with single-family dwellings to be demolished. The site falls within the Canterbury-Chatard neighborhood.

The site is surrounded by a surface parking lot to the north, zoned SU-2, a baseball field and parking areas to the east, zoned SU-2, and single-family dwellings west and south, zoned D-5.

### REZONING

The request would rezone the site from the D-5 district to the SU-2 district to allow for school uses.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The SU-2 district only permits school uses.

The Ordinance provides that “no building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity” with the Ordinance “until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission” prior to the issuance of an Improvement Location Permit.”

Site and development plan consideration:

Upon the application for such permit, the Administrator on behalf of the Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed Site and Development Plan and landscape plan.

1. Plan documentation and supporting information. The Site and Development Plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed Special Use district uses;
- b. All existing uses, buildings, and structures;
- c. Proposed buildings and structures;
- d. Off-street parking layout;
- e. Vehicular entrances and exits and turnoff lanes;

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- f. Setbacks;
- g. Landscaping, screens, walls, fences;
- h. Signs, including location, size and design thereof;
- i. Sewage disposal facilities;
- j. Storm drainage facilities; and
- k. Other utilities if aboveground facilities are needed.

2. Site and development requirements. Land in the SU districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission shall assess whether the Site and Development Plan, proposed uses, buildings and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan, including the applicable University Quarter Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use district and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan;
- g. Provide sidewalks along eligible public streets, excepting freeway, or expressway, as indicated in the current Official Thoroughfare Plan and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks must consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Section 744-304 for the installation of sidewalks.
- h. Exception: Golf courses that exist prior to July 1, 2008, in the SU3, SU10 and SU34 Districts, are not required to provide sidewalks or pedestrian accessibility. For golf courses that are established after July 1, 2008, in the SU3, SU10 and SU34 Districts, the Commission must assess the provision of sidewalks along eligible public streets, excepting freeway or expressway as indicated in the current Official Thoroughfare Plan, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Section 744-304 for the installation of sidewalks.



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## **VACATION**

This vacation petition would vacate a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

The request would permit adjacent properties west of the alley to be combined with a portion of the existing right-of-way for the development of tennis courts and additional parking. An approximate 13-foot wide lane for vehicular use will be proposed between the tennis courts and baseball field to the east. This is intended to be used as an access easement for the City and utility traffic to prevent a dead end.

However, the site plan does not call out which direction traffic is expected to travel with it being converted into one lane where two-way traffic currently exists. After evaluation of the above considerations, staff finds that the vacation would not be in the public interest and recommends the vacation petition be denied. If approved, the vacation request would require an assessment of benefits hearing since the existing right-of-way is improved.

## **PROCEDURE**

Neither the Division of Planning nor the Plat committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public for the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, \*82, 191 N.E.2d 786, \*\*791 (Ind.App. 1963). However, there are possible exceptions to this general rule.

After a vacation of a public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of-way. In this instance, the abutting properties are all owned by the same property owner.

## **GENERAL DESCRIPTION:**

Vacation of a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

## **DPW INPUT ON PROPOSED VACATION**

"This request is concerning. Although, there is no Stormwater infrastructure along the street segment, there is public sewer, which needs to have access to maintain. There are also several homes that use this portion of Evanston to access their driveways. Without public ROW, they would have to traverse private property to access their homes. I would recommend against granting this request."

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Division of Planning  
Current Planning**

Staff would note that the existing single-family dwellings along the proposed section of Evanston Avenue to be vacated would be demolished.

**UTILITIES AND AGENCY REPORT**

|                  |  |
|------------------|--|
| Telephone:       | No answer, retain easement, if requested |
| CEG, Gas:        | No answer, retain easement, if requested |
| CEG, Wastewater: | No answer, retain easement, if requested |
| CEG, Water:      | No answer, retain easement, if requested |
| Power:           | No answer, retain easement, if requested |
| Cable:           | No answer, retain easement, if requested |
| DPR:             | No answer, retain easement, if requested |
| DPW, TS:         | Answered, retain easement, if requested  |

**STAFF ANALYSIS**

This request would rezone the site from the D-5 District to the SU-2 classification to provide for tennis courts and parking areas.

Staff was informed that the single-family dwelling and detached accessory structure at 5802 Evanston Avenue would remain and would be converted to restroom facilities and storage related to the school activities.

Staff had concerns that proposed increase in activity with practices, matches, and possible lighting would be disruptive to the residents and requested that transitional yard buffering be provided to reduce any negative impact. The final revised site plan shows a 15-foot west setback, but the previously proposed landscaping and shadow box fence noted in earlier versions were not indicated with the latest updates. The petitioner agreed to not have the tennis courts lighted, which should be incorporated in written commitment language.

When reviewing site plan for the SU-2 District, the Ordinance provides that development standards of the C-1 District be used as a guideline when reviewing such plans. The proposed proposed tennis courts would require 10-foot front and side transitional yard setbacks with landscaping and a six-foot wide street frontage landscaping along 58<sup>th</sup> Street. These items will need to be met when the plans are submitted for Administrative Approval as required for the SU-2 district.

Although sidewalks are not required, unless a building is being constructed, consideration should be given to provide for a sidewalk along 58<sup>th</sup> Street with internal connectivity on site due to the number of pedestrians associated with the neighborhood, students, and school activities.

The Comprehensive Plan recommends suburban neighborhood development which contemplates small and large school uses. Staff considers schools to be compatible with residential neighborhoods, with appropriate design and buffering to minimize the impact of the operation and activities of a school campus, such as outdoor activities, signs, setbacks, and landscaping. For this reason, staff is recommending approval of the rezoning.

However, staff recommends denial of the vacation request since it would not be in the public interest.

**Department of Metropolitan Development  
Division of Planning  
Current Planning**

## GENERAL INFORMATION

|                                   |                       |  |
|-----------------------------------|-----------------------|--|
| <b>Existing Zoning</b>            | D-5                   |  |
| <b>Existing Land Use</b>          | Residential           |  |
| <b>Comprehensive Plan</b>         | Suburban Neighborhood |  |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b>  | <b><u>Land Use</u></b>   |
| North:                            | SU-2                  | Surface Parking Lot  |
| South:                            | D-5                   | Residential (Single-family dwelling)                             |
| East:                             | SU-2                  | Baseball Field and Parking Areas                                 |
| West:                             | D-5                   | Residential (Single-family dwellings)                            |
| <b>Thoroughfare Plan</b>          |                       |  |
| Evanston Avenue                   | Local Street          | 48-foot proposed right-of-way and 52-foot existing right-of-way. |
| 58 <sup>th</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> | No                    |  |
| <b>Overlay</b>                    | No                    |  |
| <b>Wellfield Protection Area</b>  | No                    |  |
| <b>Site Plan</b>                  | May 23, 2025          |  |
| <b>Site Plan (Amended)</b>        | June 25, 2025         |  |
| <b>Elevations</b>                 | N/A                   |  |
| <b>Elevations (Amended)</b>       | N/A                   |  |
| <b>Landscape Plan</b>             | June 17, 2025         |  |
| <b>Findings of Fact</b>           | May 23, 2025          |  |
| <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 Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development of the site.



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- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Schools, Places of Worship, Neighborhood-Serving Institutions/Infrastructure, and Other Places of Assembly**
  - Should be located along an arterial street.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Should be located within one-half mile of a bus or rapid transit stop unless there is no or limited bus service within the institution's service area.
- **Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly**
  - Should be located along an arterial street.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Should be located within one-half mile of a bus or rapid transit stop unless there is no bus service within the institution's service area.
  - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
  - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

**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 Indy Moves Transportation Integration Plan (2018), more specifically IndyMoves PedalIndy (2018) recommends an active transportation bike neighborway along 58<sup>th</sup> Street / Tuxedo Street / Olney Street from Primrose Avenue to 71<sup>st</sup> Street.

## ZONING HISTORY

### Zoning History – Site

**91-P-60; 2002 East 56<sup>th</sup> Street (subject site)** Approval of subdivision plat to be known as Northdale Subdivision, dividing 3.3+ acre into 4 lots, **approved**.

### Zoning History – Vicinity

**2018-ZON-016; 5824, 5830, 2834, and 5840 Evanston Avenue** (north of site), Rezoning of 0.8 acre, from the D-4 districts to the SU-2 classification, **approved**.

**2004-ZON-818; 5714-5745 Evanston Avenue and 2019 Northdale Lake Drive** (southeast of site), Rezoning of 2.25 acres being in the D-6II District, to the D-P classification to legally establish multi-family residential development with a density of 10.70 units per acre, **approved**.

**2000-ZON-069; 5885 Crittenden Avenue** (north of site), Rezone 10.6 acres from the D-5 to SU-2 to legally establish an existing high school and related athletic facilities, **approved**.

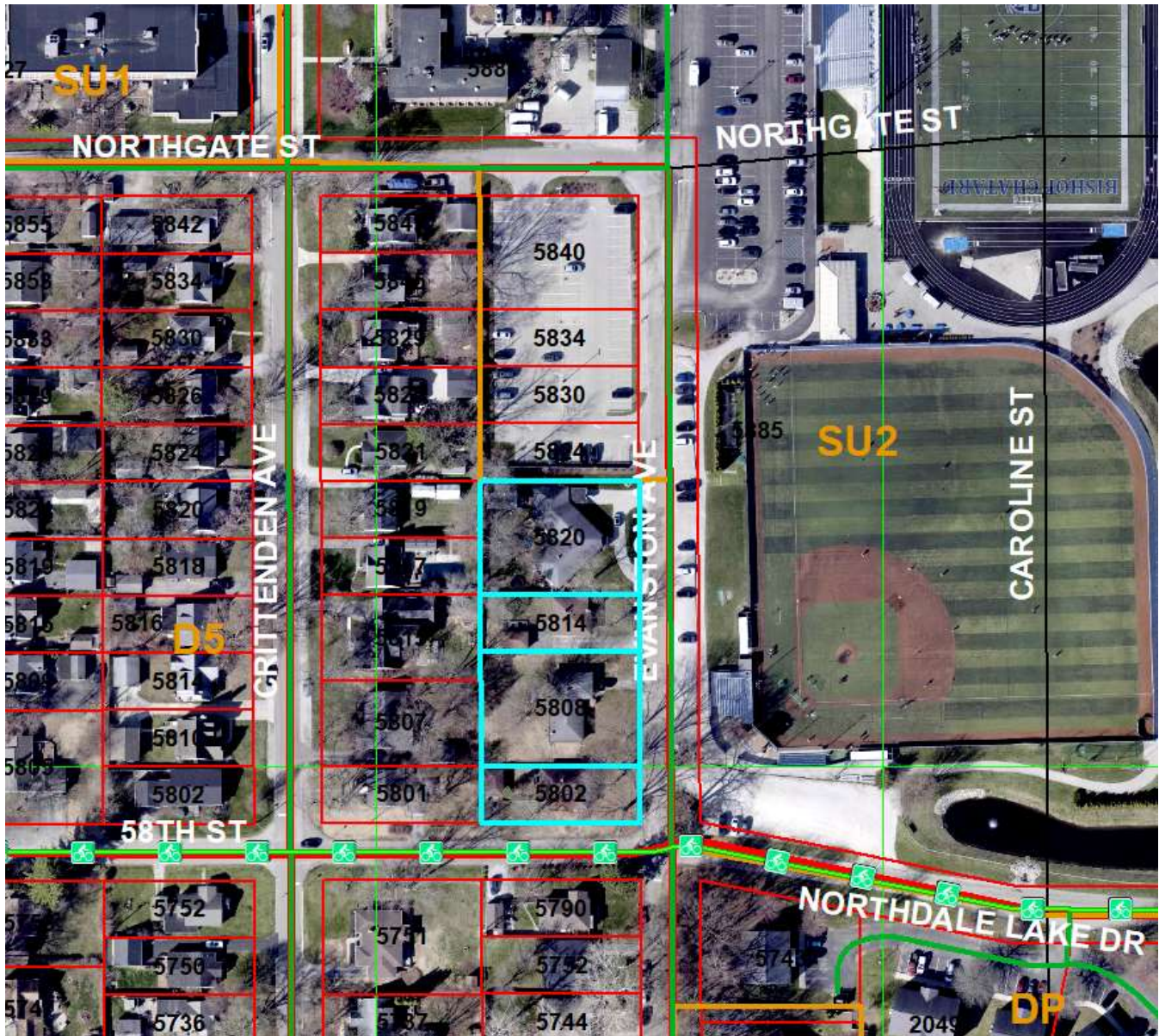
**70-Z-56; 1700 – 1900 East 54<sup>th</sup> Street** (southeast of site), Rezoning of 55.75 acres being in the D-4 and D-5 districts to the D-6II classification to provide for the construction of an apartment and townhouse development, **approved**.

**70-Z-52; South side of Kessler Boulevard, East Drive, between Crittenden and Norwaldo Avenues** (northwest of site), Rezoning 3.70 acres from the D-5 district to the SU-1 classification to provide for the construction of a new church building with off street parking as per plans filed, **approved**.

**67-Z-105; All lots east of Evanston and lots on west and east of Caroline Between and including lots facing East 58<sup>th</sup> Street and Northgate Street** (east of site), Rezoning of approximately 6.573 acres being in the D-5 district to Special Use (2) classification to permit recreational purposed, **approved**.

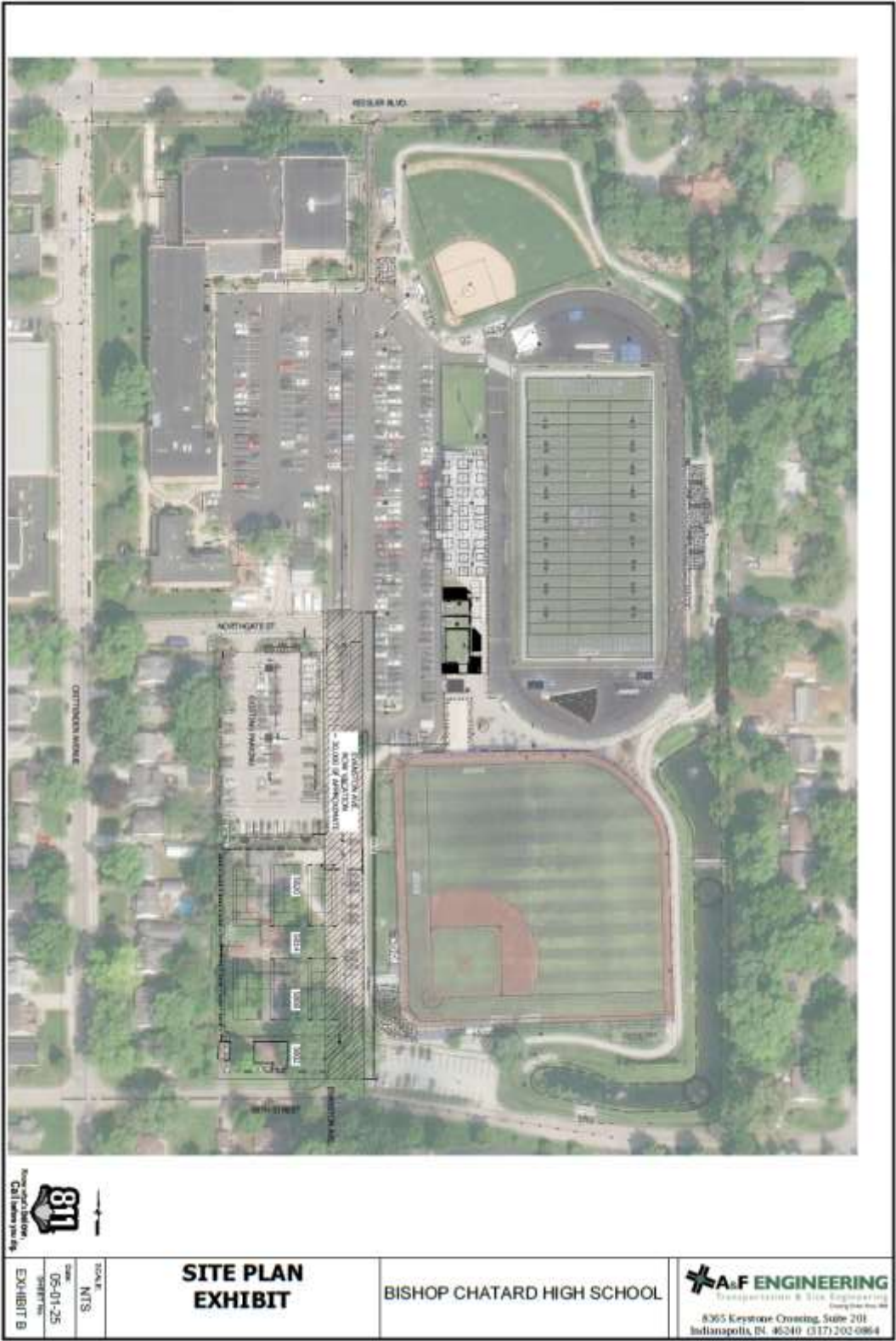


## EXHIBITS



Aerial Map





OVERALL SITE PLAN




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ROW VACATION

|  |                        |  |  |
|--|------------------------|--|--|
| SCALE:<br>NTS  |                        | PROJECT:<br>BISHOP CHATARD HIGH SCHOOL |  <b>A&amp;F ENGINEERING</b><br>Transportation & Site Engineering<br><small>Creating Order Since 1968</small><br>8365 Keystone Crossing, Suite 201<br>Indianapolis, IN. 46240 (317) 202-0864 |
| DATE:<br>05-01-25  | SHEET NO:<br>EXHIBIT A |  |  |
| OVERALL EXISTING<br>CONDITIONS<br>EVANSTON R.O.W. VACATION |                        |  |  |

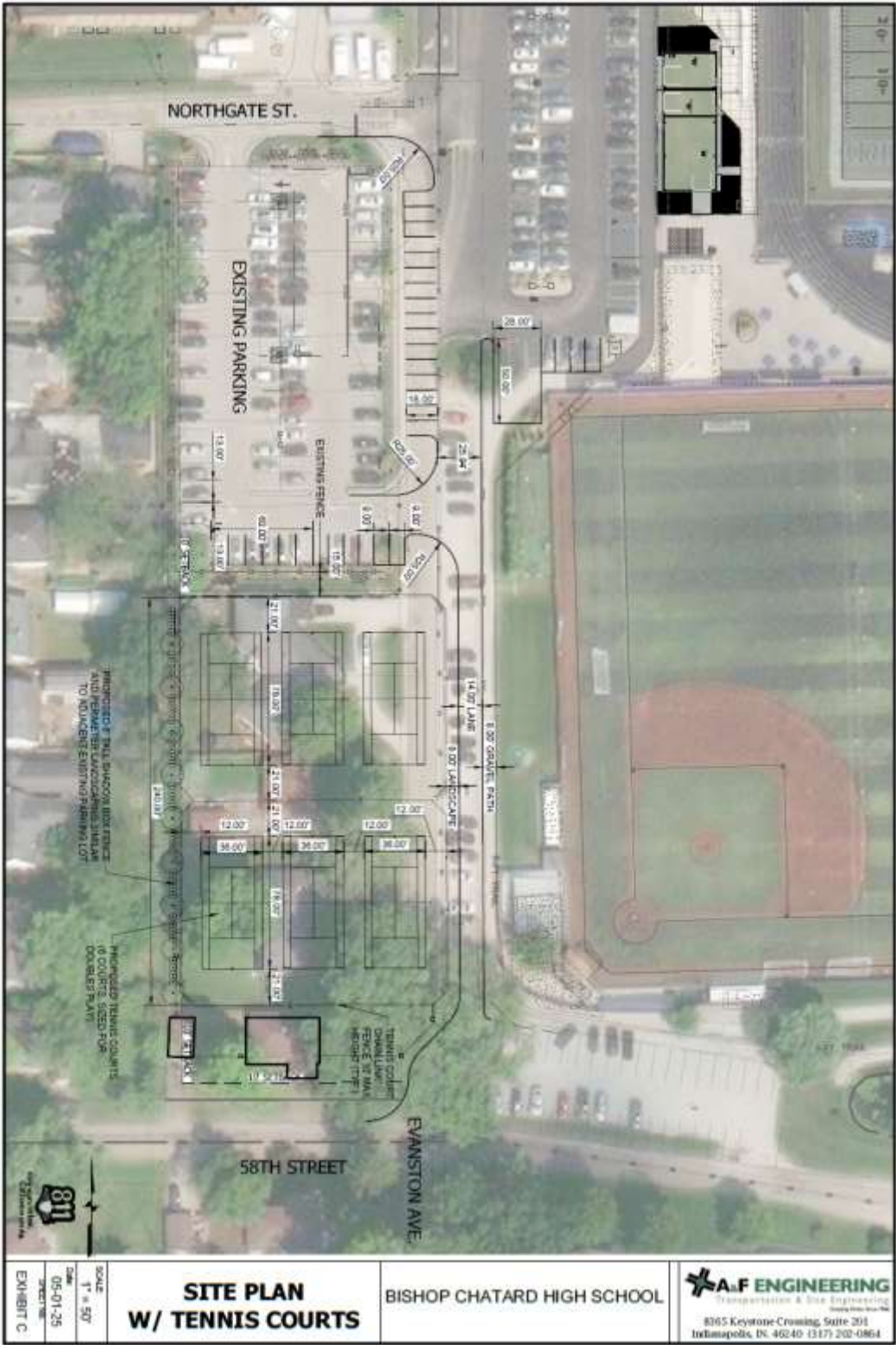
Right-of-way Vacation Exhibit



212



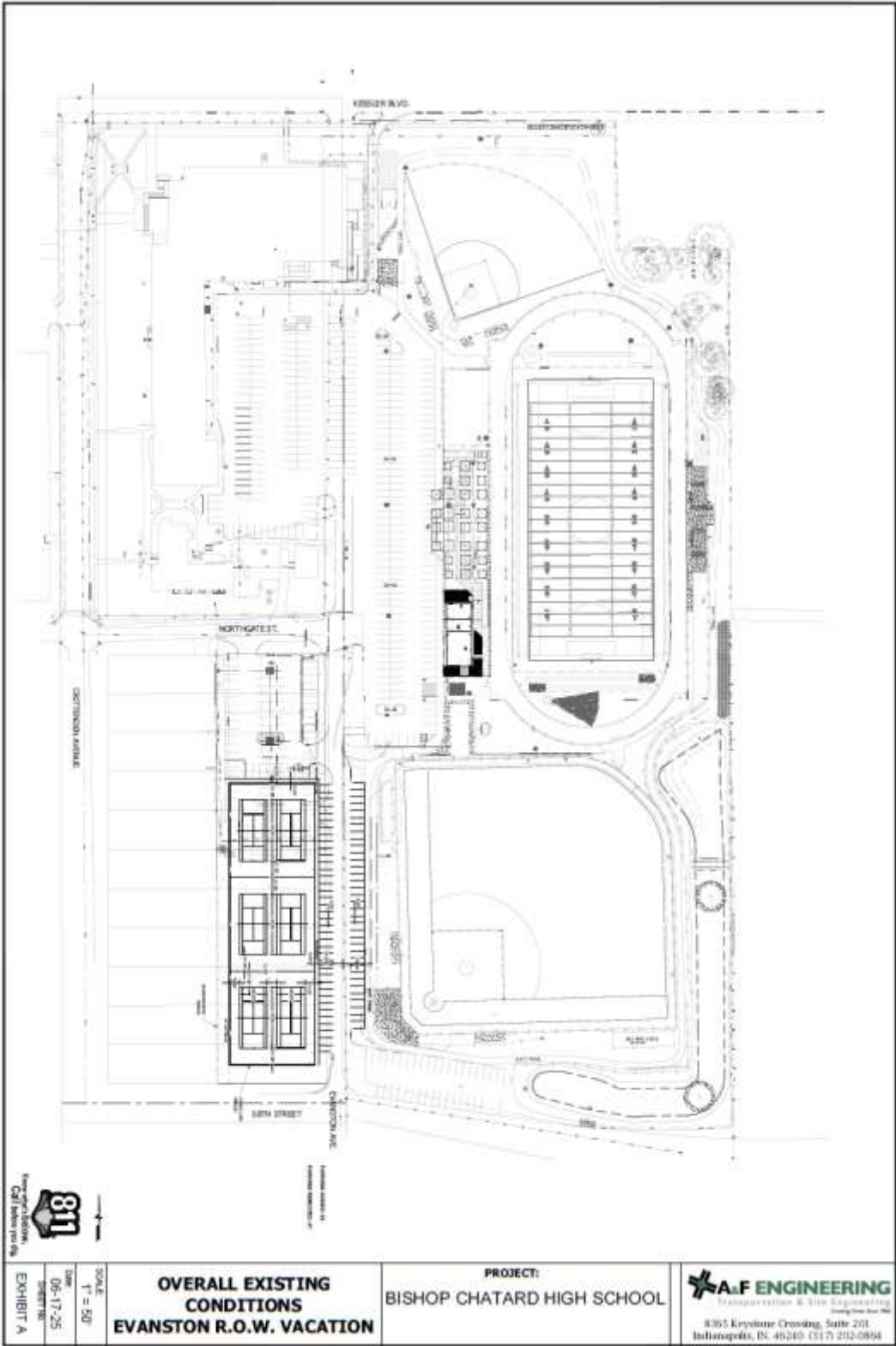
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Rezoning Site Plan



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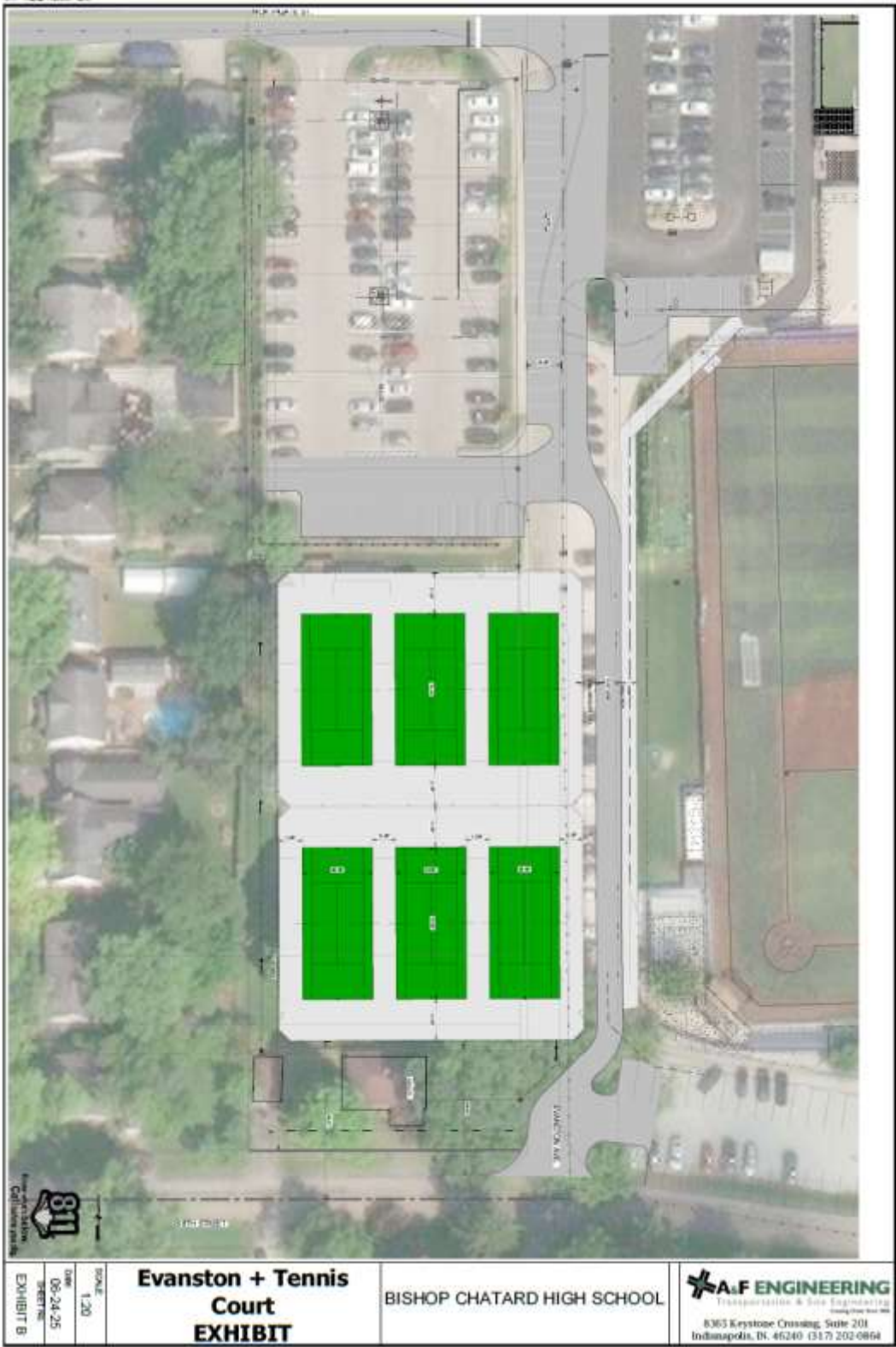


Amended Rezoning Site Plan





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Final Rezoning Site Plan



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Current Planning

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

METROPOLITAN DEVELOPMENT COMMISSION  
PLAT COMMITTEE  
HEARING EXAMINER  
OF MARION COUNTY, INDIANA

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

The vacation will allow the Petitioner to develop and improve the site with tennis courts for use by the adjacent school.

Petitioner owns the parcels on both sides of the area to be vacated. The vacation will allow for substantial investment in the area.

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DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

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

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |



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Photo of the subject site at 5802 Evanston Avenue looking north from East 85<sup>th</sup> Street.



Photo of the subject site at 5808 Evanston Avenue looking west.



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Photo of the subject site at 5814 Evanston Avenue looking west.



Photo of the subject site at 5820 Evanston Avenue looking west.





Photo of the existing school parking lot north of the site.



Photo of East Northgate Street looking west from the proposed street vacation.

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Current Planning



Photo looking north from the proposed street vacation.



Photo looking south along Evanston Avenue at the proposed street vacation.





Photo of the school property where East Northgate Street terminates.



Photo of Evanston Avenue to be vacated and the school's baseball field and parking area to the east.





Photo of the western property boundary looking north from East 58<sup>th</sup> Street.



Photo of the single-family dwelling south of the site.



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Photo of the single-family dwelling



**METROPOLITAN DEVELOPMNET COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-ZON-059  
**Property Address:** 1655 Cornell Avenue (Approximate Address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Eric Ogle, by Jason Wolfe  
**Current Zoning:** I-3  
**Request:** Rezoning of 0.23-acre from the I-3 district to the D-8 district to provide for residential uses.  
**Current Land Use:** Residential  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of this request

**PETITION OVERVIEW**

**LAND USE**

The 0.23-acre subject site, zoned I-3, is located in the Near Northside neighborhood. It is surrounded by single-family residential to the north, south, zoned D-8 and south, zoned I-3, to the west is the Monon Trail and on the other side of the Monon Trail is multi-family development.

The property is developed with a single-family dwelling and a storage shed. Historically, the site was part of the Butterfield's Subdivision, recorded in 1869, and was later replated in 1872 as part of the A.C. Shortridge's subdivision of Lots 11-15 with Butterfield's Subdivision. According to the 1898 SANBORN MAP, the area featured two (2) residential lots, each containing a single-family dwelling.

**REZONING**

The request would rezone the property from the I-3 (Medium Industrial) district to the D-8 (Residential) district to allow for the continued use of the existing residential single-family dwelling and the future construction of an additional single family-dwelling, which is not permitted under the current I-3 zoning.

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The I-3 district is an intermediate district for industries that present moderate risks to the 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.

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 proposed rezoning to the D-8 is appropriate and supports the Comprehensive Plan's Village Mixed-Use recommendation for the site. This typology encourages a diverse mix of housing, small business, and civic spaces in a compact, walkable setting.

Staff recommends approval of the request to rezone the subject site from I-3 to D-8, as it aligns with the land use policies and goals outlined in the Comprehensive Plan and the Land Use Pattern Book.

### GENERAL INFORMATION

|                                   |                                      |               |                                       |
|-----------------------------------|--------------------------------------|---------------|---------------------------------------|
| <b>Existing Zoning</b>            | I-3                                  |               |                                       |
| <b>Existing Land Use</b>          | Residential (Single-family dwelling) |               |                                       |
| <b>Comprehensive Plan</b>         | Village Mixed-Use                    |               |                                       |
| <b>Surrounding Context</b>        |                                      | <b>Zoning</b> | <b>Land Use</b>                       |
|                                   | North:                               | D-8           | Residential (Single-family dwelling)  |
|                                   | South:                               | D-8           | Residential (Single-family dwelling)  |
|                                   | East:                                | I-3/MU-2      | Monon Trail / Multi-family Dwellings  |
|                                   | West:                                | I-3           | Residential (Single-family dwelling)  |
| <b>Thoroughfare Plan</b>          |                                      |               |                                       |
|                                   | Cornell Avenue                       | Local Street  | 50-foot existing and 48-foot proposed |
|                                   | Lewis Street                         | Local Street  | 50-foot existing and 48-foot proposed |
| <b>Context Area</b>               | Compact                              |               |                                       |
| <b>Floodway / Floodway Fringe</b> | No                                   |               |                                       |
| <b>Overlay</b>                    | Airspace                             |               |                                       |
| <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 Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Indy Greenways Master Plan (2014)

### Pattern Book / Land Use Plan

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.

### 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)

#### o Site Configuration

- o Front Setbacks
- o Building Orientation
- o Building Spacing
- o Open Space
- o Trees, Landscaping, and the Outdoors



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**o Aesthetic Considerations**

- o Building Massing
- o Building Height
- o Building Elevations and Architectural Elements

**o Additional Topics**

- o Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

**Indy Moves**

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

- Indy Greenways Master Plan (2014)
  - o Monon Trail Multi-Use Path.

## ZONING HISTORY

### ZONING HISTORY- SITE

N/A

### ZONING HISTORY- VICINITY

**2024-CZN-825 / 2024-CPL-8251641 Cornell Avenue (south of site)**, Rezoning of 0.12-acre from the I-3 district to the D-8 district to provide for residential uses. Approval of a Subdivision Plat to be known as Pfeifer's replat of Lot 6 in A.C. Shortridge's Subdivision, subdividing 0.12-acre into two single-family attached lots.

**2023-ZON-103; 1647 Cornell Ave**, Rezoning of 0.11 acre from the I-3 district to the D-8 district, **approved**.

**2022-ZON-100; 1635 Cornell Avenue (south of site)**, Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**

**2021-ZON-132; 1644 Cornell Avenue (southwest of site)**, Rezoning of 0.33 acre from the I-3 district to the D-8 district to provide for a single-family dwelling, **approved**.

**2020-UV3-001; 1651 Cornell Avenue (north of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling (not permitted) with a six-foot front setback and a two-foot north side setback and a detached garage with a three-foot north side setback and five-foot rear setback (30-foot front setback, 10-foot side and rear setbacks), **granted**.

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

**2018-UV1-009; 1648 Cornell Avenue (west 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 (not permitted), with a 14-foot front setback and a four-foot south side yard and eight-foot north side yard (30-foot front yard and 10-foot side yards required), and 720-square foot secondary dwelling (not permitted), with a three-foot north side yard, a four-foot south side yard and a 15-foot rear transitional yard (10-foot side yard and 40-foot rear transitional yard required), **granted**.

**2017-UV3-003; 1622 Cornell Avenue (southwest of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling (not permitted), with a 20-foot front setback, **granted**.

**2017-UV3-011; 1622 Cornell Avenue (southwest of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family dwellings and detached garages, (not permitted), with 20-foot front setbacks, five-foot side setbacks,

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and 15-foot rear setbacks (30-foot front setback, 10-foot side setback and 40-foot transitional rear setback required), **granted**.

**2017-ZON-043; 1621 Cornell Avenue (south of site)**, Rezoning of 0.12 acre from the I-3 district to the D-8 classification, **approved**.

**2015-CZN-835/ 2015-CVR-835; 1102 East 16<sup>th</sup> street, (east of site)**, Rezoning of 4.55 acres from the I-3-U, D-8, and C-5 districts to the C-3C classification to provide for a mixed-use development, with 214 residential units and 10,000 square feet of commercial space. Variance of development standards of the Commercial Zoning Ordinance to provide for and legally establish multi-family buildings setback 35 feet from the centerline of 16th Street (70-foot setback from the centerline required), with 130 parking spaces (361 parking spaces required)., **approved**.

**2006-ZON-027; 1636 Cornell Avenue (southwest of site)**, Rezoning of 0.306 acre from the I-3-U District to the D-8 classification to provide for residential development, **approved**.

**2003-HOV-023; 1621 Cornell Avenue (south of site)** Variance of use to legally establish an existing single-family dwelling, and to provide for construction of a room and garage addition, in I-3-U, **granted**.

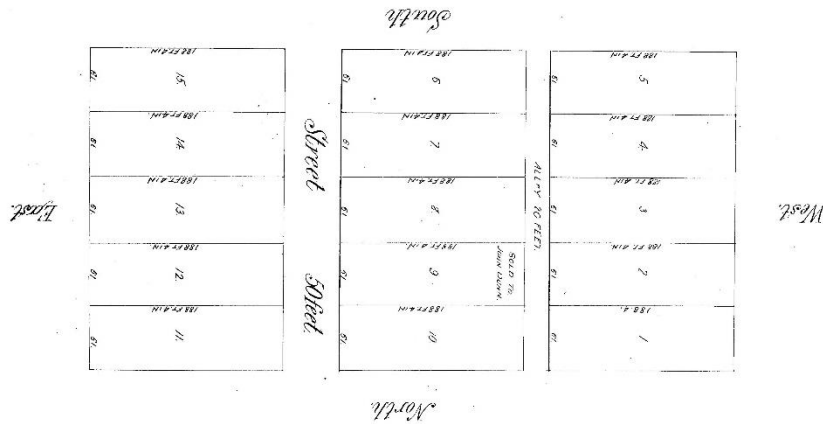


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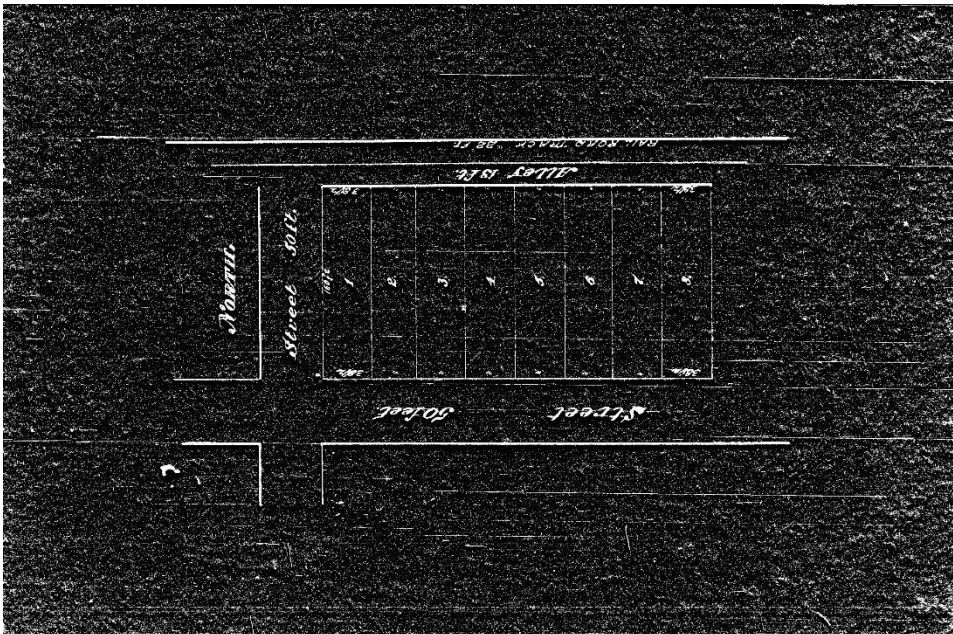


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BUTTERFIELD'S Subdivision recorded on May 23, 1869.

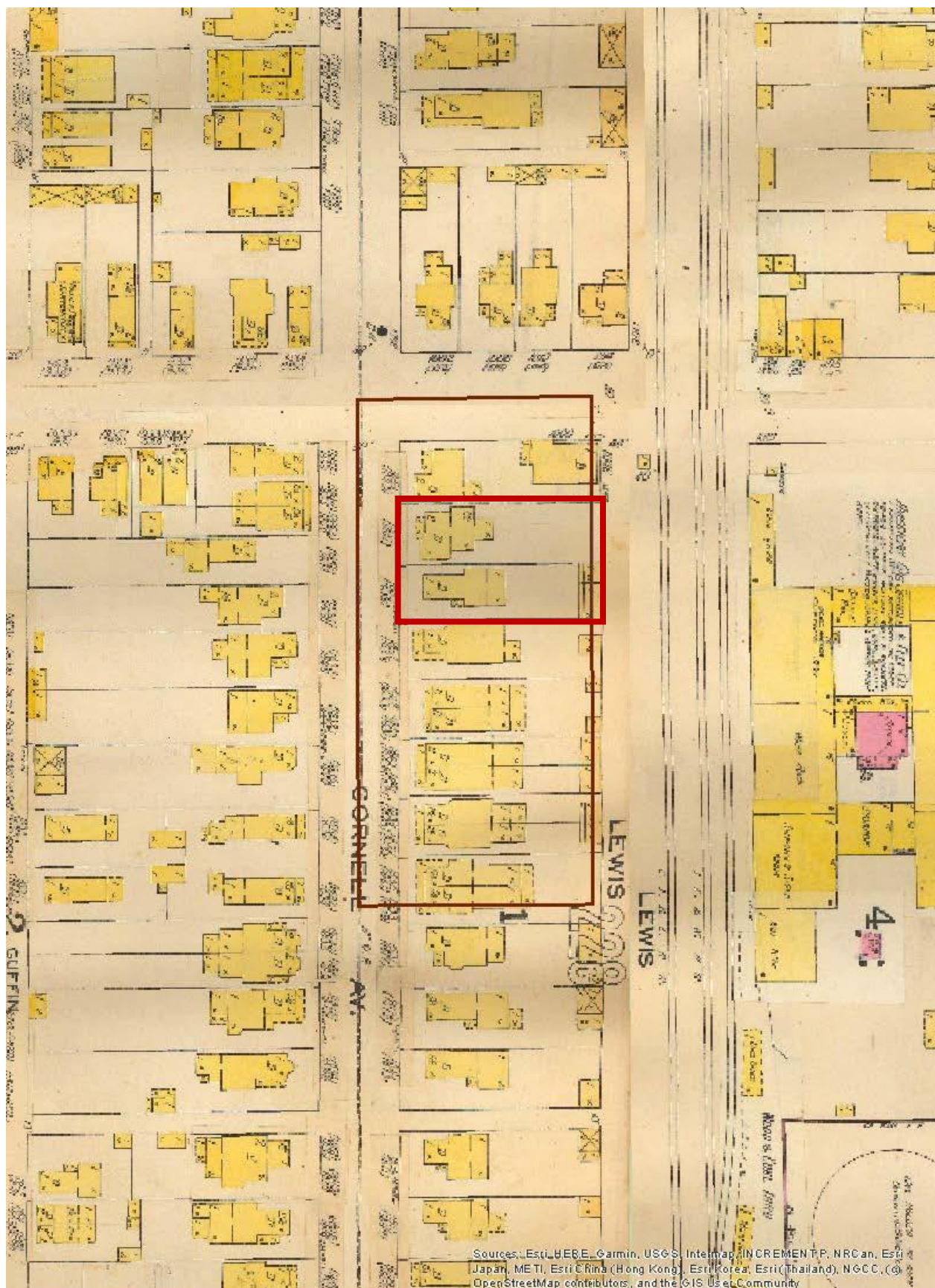


AC Shortridge's Subdivision in BUTTERFIELD'S





## 1869 Sandborn Map







Looking east from Cornell Avenue towards the subject site.



Looking from Cornell Avenue Towards the subject site fence.



Looking south along Cornell Avenue at the residential uses in the neighborhood.



Looking at the property line between the subject site and its southern neighbor.



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Looking north along Cornell Avenue at the intersection of Cornell and 17<sup>th</sup> street.





Looking south along Lewis Street.





Looking west from the Monon trail towards the subject property.



Looking across the Monon trail at an apartment complex.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-ZON-066  
**Property Address:** 6470 West 10th Street (approximate address)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Sangar Estate, LLC, by Russell L. Brown  
**Current Zoning:** D-3 (W-5)  
**Request:** Rezoning of 0.55-acre from the D-3 (W-5) district to the C-4 (W-5) district to provide for a community-regional commercial uses.  
**Current Land Use:** Vacant  
**Staff Recommendations:** Denial  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of this request.

**PETITION OVERVIEW**

**LAND USE**

The 0.55-acre site, zoned D-3 (W-5), is developed with a vacant 4,880-square-foot building. The surrounding area includes commercial buildings north, east, and south, zoned C-3, C-4, C-1 respectively, with residential single-family residential uses located to the west, zoned D-3

This property is part of Lots 11 and 12 of Farley's Speedway Homeplace Section 1, recorded on September 14, 1961. The property was granted a variance in 1988 (**88-UV3-98**), to allow the conversion of a gasoline service station into a gasoline filling station and convenience store with reduced parking, reduced transitional and front yards, and a trash dumpster located in the front yard. In 1995, 868 square feet of the structure was remodeled under Improvement Location Permit (**ILP95-02461**) to accommodate a Subway deli.



## REZONING

The request proposes to rezone the site from the D-3 (W-5) District to the C-4 (W-5) classification to allow for the sale of beer, wine, and liquor. This request is not consistent with the Comprehensive Plan, which recommends a Community Commercial typology for this location.

**D-3** is Dwelling District Three, provides for low- or medium- intensity residential development at typically 2.6 units per acre. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities. Two-family dwellings are permitted on corner lots only.

**W-5**, Wellfield Protection District, indicates a five-year time-of-travel protection area around a municipal water wellfield.

**C-4** is the Community-Regional Commercial District designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates several **large traffic generators**, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

## STAFF ANALYSIS

Staff does not support the request to rezone the site to the C-4 district. The proposed redevelopment of a former gas station into a liquor store would not align with the Community Commercial typology recommended in the Comprehensive Plan, which envisions “ low-intensity retail commercial uses” such as small-scale shops, grocery stores, personal and professional services, drug stores, and restaurants—uses that serve the daily needs of nearby residents with minimal impact.

While the C-4 district permits intense commercial uses, including outdoor storage, its application in this location—adjacent to a residential neighborhood—raises compatibility concerns. The proposed intensity is not appropriate given the proximity to single-family homes and the transition between zoning districts.

Furthermore, the current site plan does not meet several development standards of the C-4 district, including but not limited to:

- Sidewalk connectivity as required by Section 744-301.F
- Landscaping requirements per Article VII of the Zoning Ordinance
- Buffering and screening standards to adjacent residential uses

Given the lack of alignment with the Comprehensive Plan, the deficiencies in site compliance, and the increased intensity adjacent to existing homes, staff recommends **denial** of this rezoning petition.

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## GENERAL INFORMATION

|                                   |                      |                                      |
|-----------------------------------|----------------------|--------------------------------------|
| <b>Existing Zoning</b>            | D-3 (W-5)            |                                      |
| <b>Existing Land Use</b>          | Vacant               |                                      |
| <b>Comprehensive Plan</b>         | Community Commercial |                                      |
| <b>Surrounding Context</b>        | <b><u>Zoning</u></b> | <b><u>Land Use</u></b>               |
| North:                            | C-3                  | Commercial Use                       |
| South:                            | C-1                  | Commercial Use                       |
| East:                             | C-4                  | Commercial Use                       |
| West:                             | D-3                  | Residential (Single-family dwelling) |
| <b>Thoroughfare Plan</b>          |                      |                                      |
| West 10 <sup>th</sup> Street      | Primary Arterial     | 112-foot proposed right-of-way       |
| Farley Drive                      | Local Street         | 50-foot proposed right-of-way        |
| <b>Context Area</b>               | Metro                |                                      |
| <b>Floodway / Floodway Fringe</b> | No                   |                                      |
| <b>Overlay</b>                    | No                   |                                      |
| <b>Wellfield Protection Area</b>  | W-5                  |                                      |
| <b>Site Plan</b>                  | June 2, 2025         |                                      |
| <b>Site Plan (Amended)</b>        | N/A                  |                                      |
| <b>Elevations</b>                 | June 3, 2025         |                                      |
| <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 Pattern Book (2019)
- IndyMoves 2018

### Pattern Book / Land Use Plan

- 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.

## **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.

## **Small-Scale Offices, Retailing, and Personal or Professional Services**

- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

### **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)

- **IndyMoves Transportation Integration Plan (2018)**
  - Complete Streets Multi-Use Path
- **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 “Neighborways” that offer traffic calming and placemaking enhancements and reach into the heart of neighborhoods.



## ZONING HISTORY

### SITE

**88-UV3-98; 6470 W 10th Street (subject site)**, request a variance of use and development standards to provide for the conversion of a gasoline service station to a gasoline filling station and convenience store with reduced parking, reduced transitional and front yards and a trash dumpster in the front yard, **approved**

### VICINITY

**2020-DV3-044 (west of site)**, Variance of Development Standards of the consolidated zoning and Subdivision Ordinance to provide for 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **granted**.

**97-V1-116; 6402 West 10<sup>th</sup> Street (east of site)**, Variance of Development Standards of the Sign Regulations to provide for the placement of 12 by 12-foot pylon sign being 112 feet in height (Maximum 40 feet required)

**96-HOV-14; 6599 West 10th Street (east of site)**, request a Variance of Development Standards of the Sign Regulations to provide for the placement of two subdivision entry wall signs 4 additional identification wall signs, **granted**.

**95-UV1-19; 745 Beach way Drive (southeast of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for the placement of an 80-foot tall monopole antenna and a 360 sft communication equipment building, **granted**.

**94-Z-165; 6601 West 10<sup>th</sup> Street (south of site)**, requests the rezoning of 42.3 acres, being in the D-6 District, to the D-P classification to provide for a planned unit development with 104 detached single-family residential units and 128 two-story "Villas" and single-story "garden" homes, **approved**.

**91-Z-5; 6439-6443 W. 10th Street (south of site)**, request the rezoning of 1.15 acres, being in the D-A district to the C-1 district, to provide for office development

**90-HOV-69; 5909 West 10<sup>th</sup> Street (east of site)**, request a variance of Development Standards of the Sign Regulations to provide for the placement of a second integrated center pole sign, **withdrawn**.

**90-Z-7; 1011 north Farley Drive (north of site)**, request the rezoning of 0.44 acres, being in the D-3 district to the C-3 classification, to provide for retail development integrated with the existing retail center to the north and east.

**88-UV2-52; 1011 North Farley Drive (north of site)**, request a variance of use to provide for the conversion of a single-family residence to an office, **granted**

**81-Z-81; 6601 West 10th Street (west of site)**, request rezoning of 42.6 acres, being in the A-2 district, to the D-6 classification to provide for condominium development, **approved**.



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**81-Z-66; 925 North High school Road** (southeast of site), request rezoning of 2.02 acres, being in the A-2 district, to the C-4 classification to provide for retail uses, offices, and a banking center, **approved**.

**71-Z-182; 760 North High School Road** (southeast of site), Request rezoning of 15.45 acres, being in the A-2 district, to the C-1 classification to provide for offices, **approved**.

**59-Z-155; 6410 West 10<sup>th</sup> Street** (east of site), request rezoning 0.912 acres, being in the A-2 district to the B-4 classification, to provide for the construction and operation of a shell gasoline service station.

## EXHIBITS

2025-ZON-066 Zoning Map





**2025-ZON-066 Location**









Looking north along West 10<sup>th</sup> Street.



Looking at subject building





Looking south along West 10<sup>th</sup> Street towards bus stop.



Looking north from W 10<sup>th</sup> Street towards subject site.





Looking east from south entrance drive off of Farley Drive.



Looking east from Farley Drive towards subject site.



Looking east from Farley Drive towards rear access drive.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**July 10, 2025**

**Case Number:** 2025-CPL-834 / 2025-CVR-834  
**Property Address:** 7835 Woodland Drive  
**Location:** Pike Township, Council District #6  
**Petitioner:** Vision Park I, LLC, by Andi Metzel  
**Current Zoning:** C-S  
Approval of a Subdivision Plat, to be known as Vision Park I, dividing 8.011 acres into two lots.

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to the building, including a three-sided trash enclosure and loading area within the front yard of 79<sup>th</sup> Street (not permitted within any front yard).

**Current Land Use:** Two-story commercial office building and associated parking lot (vacant).  
**Staff** Approval of the plat.  
**Recommendations:** Denial of the variance  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated June 5, 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.

## PETITION OVERVIEW

This 8.012-acre site, zoned C-S, is developed with a vacant two-story commercial office building and associated parking lot. It is surrounded by industrial uses to the north, across West 79<sup>TH</sup> Street, zoned I-1; a commercial office building to the south, zoned C-S; industrial uses to the east, zoned I-2; and industrial uses to the west, across Woodland Drive, zoned C-S.

Petition 87-Z-247A rezoned 353.95 acres, including this site, to the C-S district to provide for a mixed-use complex permitting I-2-S uses, offices, C-4 uses, hotels, motels, restaurants, and day care centers.

## PLAT

### Site Plan

The proposed plat would divide this site into two lots. Lot 1 would consist of 6.396 acres and Lot 2 would consist of 1.616 acres.

### Streets

Both lots would have frontage and access along Woodland Drive, which is a private drive. Lot 1 would also have frontage and access from West 79<sup>th</sup> Street. No new streets are requested.

### Sidewalks

There are no sidewalks along either Woodland Drive or West 79<sup>th</sup> 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."

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**Waivers**

None requested.

**VARIANCE OF DEVELOPMENT STANDARDS**

As proposed this request would provide for an addition of an eight-foot-tall three-sided block trash enclosure and loading areas within the front yard of 79<sup>th</sup> Street. The Ordinance definition of service area includes trash enclosures and loading operations.

A tenant would be occupying the building that would require a 7,212-square foot addition on the east side of the existing building to provide for a six-door loading area fronting on West 79<sup>th</sup> Street. As a result of this expansion, the existing three-dock area and trash enclosure accessed from the rear (south) of the building would be demolished and replaced by the service area expansion in the front yard of this existing building and addition.

The Ordinance requires service areas and trash enclosures to be located behind the primary buildings and out of the front yard. Operations associated with these areas cause increased noise, traffic and possibly trash that is more appropriately located behind the building and visibly buffered. Furthermore, the presence of these features diminish the importance of the primary office building structure.

**GENERAL INFORMATION**

|                                   |                                     |   |
|-----------------------------------|-------------------------------------|---|
| <b>Existing Zoning</b>            | C-S                                 |   |
| <b>Existing Land Use</b>          | Commercial office building (vacant) |   |
| <b>Comprehensive Plan</b>         | Light Industrial                    |   |
| <b>Surrounding Context</b>        | <u><b>Zoning</b></u>                | <u><b>Land Use</b></u>  |
| North:                            | I-1                                 | Industrial uses   |
| South:                            | C-S                                 | Commercial office use   |
| East:                             | I-2                                 | Industrial uses   |
| West:                             | C-S                                 | Industrial uses   |
| <b>Thoroughfare Plan</b>          |                                     |   |
| Woodland Drive                    | Private Street                      | Existing 60-foot right-of-way.                                    |
| West 79th Street                  | Primary Collector                   | Existing 100-foot right-of-way and proposed 90-foot right-of-way. |
| <b>Context Area</b>               | Metro                               |   |
| <b>Floodway / Floodway Fringe</b> | No                                  |   |
| <b>Overlay</b>                    | No                                  |   |



|                                   |              |
|-----------------------------------|--------------|
| <b>Wellfield Protection Area</b>  | No           |
| <b>Site Plan</b>                  | June 5, 2025 |
| <b>Site Plan (Amended)</b>        | July 1, 2025 |
| <b>Elevations</b>                 | June 5, 2025 |
| <b>Elevations (Amended)</b>       | NA           |
| <b>Landscape Plan</b>             | July 1, 2025 |
| <b>Findings of Fact</b>           | June 5, 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 Office Commercial typology. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

### 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:

#### *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.
- Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.

*Large-Scale Offices (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)*

- Pedestrian connections between buildings should be provided.
- Street connections to perimeter roads should be provided.

### 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

**87-Z-147; 7301 Zionsville Road (site included)**, requested rezoning of 353.95 acres, being in the I-1 S and I-2-S and C-4 districts, to the C-S classification to provide for a mixed-use complex permitting I-2-S uses, offices, C-4 uses, hotels, motels, restaurants, and day care center in certain areas, **approved**.

**87-Z-142; 7402 Woodland Drive**, requested rezoning of 12.79 acres, being in the I-2 S district, to the C-2 classification to provide for office building, **approved**.

**80-Z-135, 6002 West 79<sup>th</sup> Street**, requested rezoning of 104 acres, being in the A-2 district, to the I-2-S classification to provide for industrial uses, **approved**.

**80-Z-111; 67201 Zionsville Road**, requested rezoning of 316.10 acres. Being the A-2 and D-3 districts, to the I-2-S classification, to provide for an industrial park, **approved**.

**80-Z-110; 5002-5598 West 71<sup>st</sup> Street**, requested rezoning of 27.4 acres, being in the A-2 district to the I-1 S classification, to provide for an industrial park, **approved**.

**79-Z-82; 7250 Zionsville Road**, requested rezoning of 100.2 acres, being in the A-2 district, to the I-2-S classification, to provide for light industrial uses, **approved**.



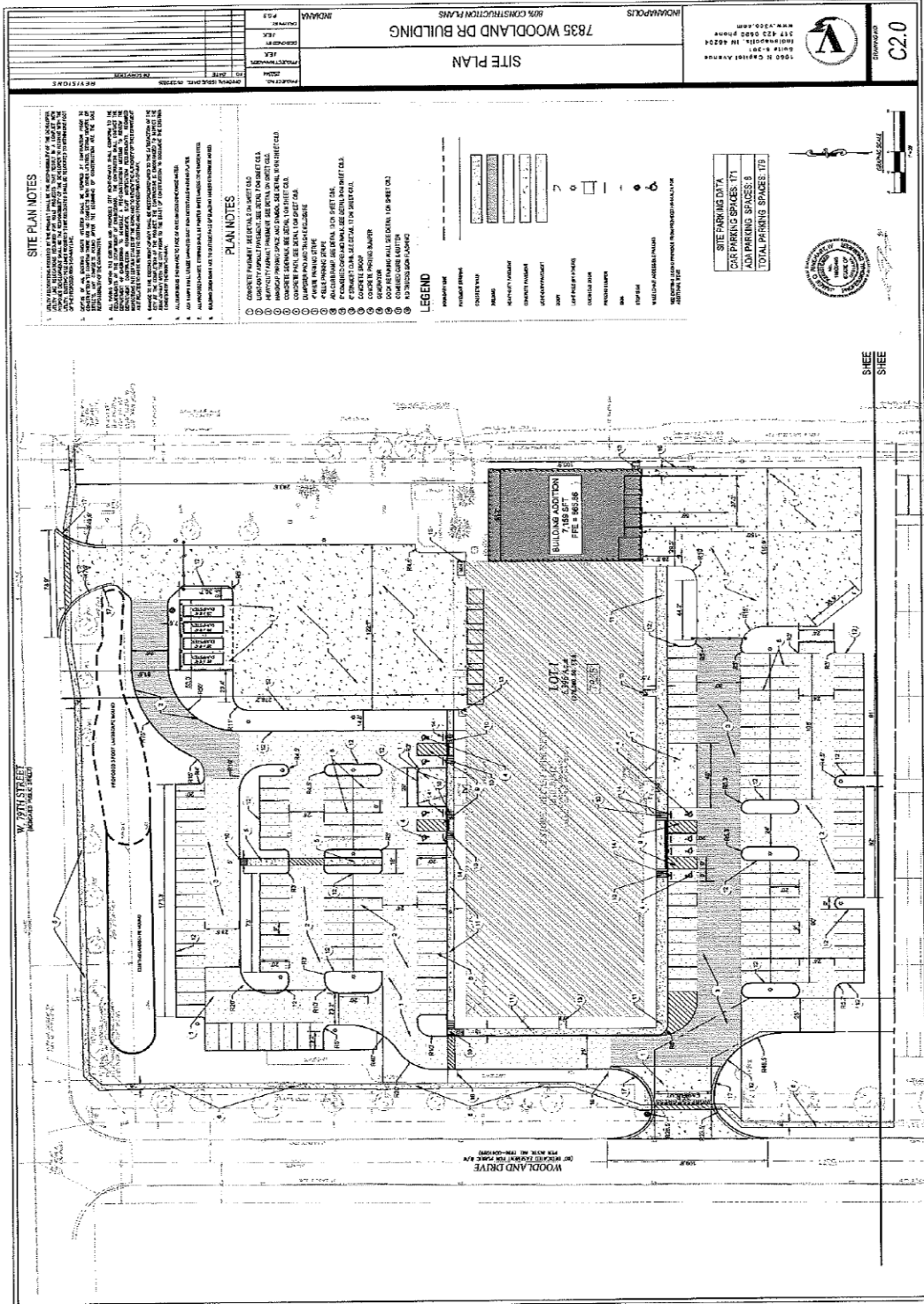
EXHIBITS



7835 Woodland Drive

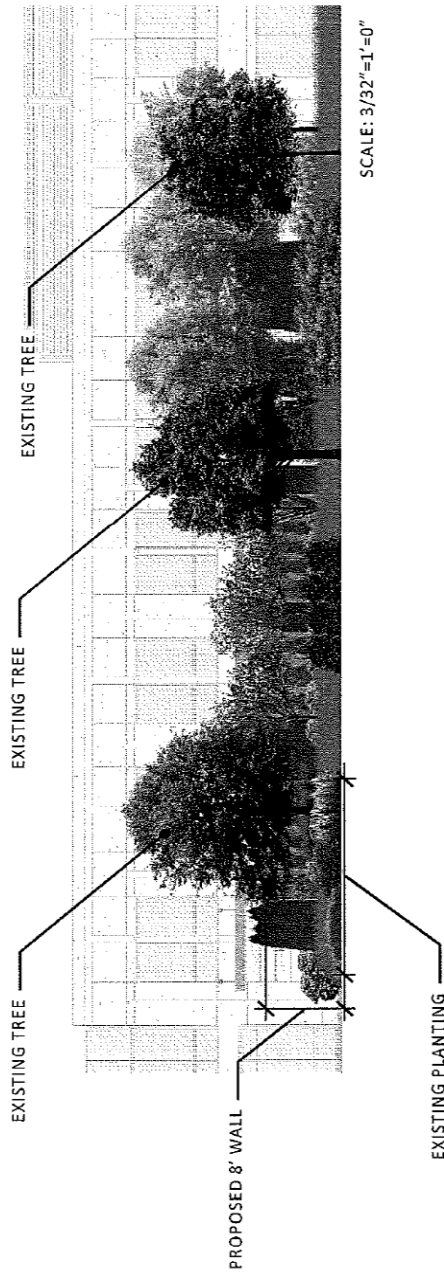
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**7835 WOODLAND DRIVE BUILDING**  
 ELEVATION RENDERING

Department of Metropolitan Development  
Division of Planning  
Current Planning

View of Northern Façade





Department of Metropolitan Development  
Division of Planning  
Current Planning

View of Southern Façade





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 proposed overhead doors and designated front yard loading area are less intensive and consistent with other operations in the vicinity. Loading on the north side is significantly set back from 79th Street and does not interfere with vehicular traffic or pedestrians. The 3-sided, solid waste enclosure will face away from 79th Street. And the public health, safety and general welfare will be better served by the additional landscaping and screening of the loading and waste areas. The building addition and reduced setback will allow for the use of an unoccupied/noncontributing property bringing added jobs and investment into the community.
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 proposed addition to and rehabilitation of the existing structure will improve upon vacant and underutilized property which will bring needed jobs, investment and added value to the area. The setback and front yard uses and operations are consistent with other operations in the immediate vicinity and provide for added screening and landscaping to protect other area properties. The building addition and improvements are of a high quality design and materials that compliment the exiting structure.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
The proposed headquarters and light industrial operations would not be possible without the ability to maximize efficient operations in this existing vacant building in this CS zoned area. It is impossible to expand and make use of the existing structure without impacting parking, accessibility or setbacks as the site is presently developed.

DECISION

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

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

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





View looking north along Woodland Drive



View looking west along West 79<sup>th</sup> Street



Department of Metropolitan Development  
Division of Planning  
Current Planning



View looking east along West 79<sup>th</sup> Street



View of site looking southwest



View of site looking southeast



View of site looking north



Department of Metropolitan Development  
Division of Planning  
Current Planning



View of existing trash enclosure looking northeast



View looking southeast at area proposed for the trash enclosure and access to docks





View looking north at area proposed for the trash enclosure and access to docks



View of site looking south along access drive at West 79<sup>th</sup> Street





View of site looking southwest from access drive along West 79<sup>th</sup> Street



View looking northwest at area proposed for the trash enclosure

**Department of Metropolitan Development  
Division of Planning  
Current Planning**



View looking west at area proposed for the trash enclosure