



**Board of Zoning Appeals  
Board of Zoning Appeals Division II (March  
10, 2026)  
Meeting Agenda**

## Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

**Date:** Tuesday, March 10, 2026

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes

### Special Requests

#### 2026-AP2-001 | 1505 East 86th Street

Washington Township, Council District #2, zoned C-4 (TOD)  
Paragon Nora LLC, by Joseph D. Calderon

Appeal of the Administrator's Decision determining that the TOD Overlay is geographically tied exclusively to the 2015 IndyGo Comprehensive Operational Analysis (COA).

#### \*\*Petition to be withdrawn.

#### 2026-UV2-001 | 1927 North Capitol Avenue

Center Township, Council District #12, zoned HD-2 (TOD) (W-5)  
The Uniform House Inc., by Timothy H. Button

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the warehousing and distribution of HVAC and electronic parts (not permitted).

#### \*\*Petition to be withdrawn.

#### 2026-UV2-004 | 8841 Zionsville Road

Pike Township, Council District #1, zoned I-4  
Cars CNI 2 L P, by Ryan Kumar

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile use (not permitted).

#### \*\*Petition to be withdrawn.

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. 2026-DV2-003 | 6801 Stanley Road

Decatur Township, Council District #21, zoned D-3  
Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of a second primary dwelling on a lot (not permitted) with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required).

**\*\*Petitioner to request continuance or continuance and transfer to Hearing Examiner as part of a Companion petition**

**Petitions for Public Hearing**

**PETITIONS TO BE EXPEDITED:**

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

- 2. 2025-DV1-052 (Amended) | 4105 West 93rd Street**  
Pike Township, Council District #1, zoned I-2 / MU-1  
V 465 LLC, by John B. Gregg

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).

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

- 3. 2026-DV2-001 (Amended) | 1781 Sloan Avenue**  
Center Township, Council District #19, zoned D-2  
Victory College Prep Inc., by Andrew Horton

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an accessory parking area with a 15-foot front yard setback from both Sloan Avenue and Iowa Street, and a 10-foot front yard setback from Dequincy Street (25-foot front setback required), subject to the submitted site plan.

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

- 4. 2026-DV2-004 | 5935 West 86th Street**  
Pike Township, Council District #1, zoned C-4  
Standard Traders Point LLC, by Mark Bastin

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the third freestanding sign along the West 86th frontage (maximum two freestanding signs per frontage), and with a separation of 130 and 140 feet from other primary freestanding signs (300-foot separation required).

- 5. 2026-UV2-003 | 5675 Michigan Road**  
Washington Township, Council District #2, zoned C-3 (FW) (FF) / D-2 (FF)  
5675 Michigan Road LLC, by Joseph D. Calderon

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store utilizing the existing structure and parking facilities (not permitted).

**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.

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>.

Member	Appointed By	Term
Craig Von Deylen, Chair	City-County Council	January 1, 2025 – December 21, 2025
James Duke, Vice-Chair	Mayor's Office	January 1, 2025 – December 21, 2025
Patrice Duckett-Brown, Secretary	City-County Council	January 1, 2025 – December 21, 2025
Beth Brandon	Mayor's Office	January 1, 2025 – December 21, 2025
Tom Barnes	Metropolitan Development Commission	January 1, 2025 – December 21, 2025



**BOARD OF ZONING APPEALS DIVISION II**

**March 10, 2026**

**Case Number:** 2026-AP2-001  
**Property Address:** 1505 East 86<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #2  
**Petitioner:** Paragon Nora, LLC, by Joseph D. Calderon  
**Current Zoning:** C-4 (TOD)  
**Request:** Appeal of the Administrator's Decision determining that the TOD Overlay is geographically tied exclusively to the 2015 IndyGo Comprehensive Operational Analysis (COA).  
**Current Land Use:** Commercial  
**Staff Reviewer:** Jeffrey York, Manager

**PETITION HISTORY**

The petitioner submitted a request to **withdraw** this petition. The Chairperson would need to acknowledge the withdrawal.

**BOARD OF ZONING APPEALS DIVISION II**

**March 10, 2026**

**Case Number:** 2026-UV2-001  
**Property Address:** 1927 North Capitol Avenue (approximate address)  
**Location:** Center Township, Council District #12  
**Petitioner:** The Uniform House Inc., by Timothy H. Button  
**Current Zoning:** HD-2 (TOD) (W-5)  
**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the warehousing and distribution of HVAC and electronic parts (not permitted).  
**Current Land Use:** Vacant Commercial  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

**3/10/26:** The petitioner indicated that they will be seeking an alternate location for the proposed business and that this petition could be withdrawn. The Board will acknowledge this withdrawal at their March 10<sup>th</sup> hearing date.

**2/10/26:** The petitioner indicated their desire to have this petition continued to the March 10<sup>th</sup> hearing date. A full staff report will be made available in advance of that hearing date.

**BOARD OF ZONING APPEALS DIVISION II**

**March 10, 2026**

**Case Number:** 2026-UV2-004  
**Property Address:** 8841 Zionsville Road (approximate address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Cars CNI 2 L P, by Ryan Kumar  
**Current Zoning:** I-4  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile rental use (not permitted).  
**Current Land Use:** Automobile Repair  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

Staff informed the applicant that the scope of their requested car rental program at the site (5-6 vehicles, exclusively offered to existing customers who had purchased vehicles from the company whose primary vehicles were awaiting repair) would be permitted by-right as an accessory use to the vehicle repair business at the property. This petition will be withdrawn from consideration pending the Board's acknowledgement.



**BOARD OF ZONING APPEALS DIVISION II** **March 10, 2026**

**Case Number:** 2026-DV2-003  
**Property Address:** 6801 Stanley Road (approximate address)  
**Location:** Decatur Township, Council District #21  
**Petitioner:** Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman  
**Current Zoning:** D-3

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of a second primary dwelling on a lot (not permitted) with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required).

**Current Land Use:** Residential  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

The petitioner has indicated their intent to file a companion plat alongside this petition to remove the need for a Variance of Use related to the construction of a second primary dwelling on the lot. The petition 2026-DV2-003 will be withdrawn at the March 10, 2026 hearing date, and the fees and documents associated with that submittal will be put toward a new, combination variance and plat case to be heard before the Hearing Examiner.



## BOARD OF ZONING APPEALS DIVISION II

March 10, 2026

<b>Case Number:</b>	2025-DV1-052 (Amended)
<b>Property Address:</b>	4105 West 93 <sup>rd</sup> Street (approximate address)
<b>Location:</b>	Pike Township, Council District #1
<b>Petitioner:</b>	V 465 LLC, by John B. Gregg
<b>Current Zoning:</b>	I-2 / MU-1
<b>Request:</b>	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).
<b>Current Land Use:</b>	Undeveloped
<b>Staff Recommendations:</b>	Staff recommends <b>approval</b> of the requested variances.
<b>Staff Reviewer:</b>	Michael Weigel, Senior Planner

## PETITION HISTORY

**3/3/26:** The petitioner requested and was granted a continuance and transfer from the March 3, 2026 hearing date of Division I to the March 10, 2026 hearing date of Division II to allow for staff's report to be finalized after the submittal of new information after the new hearing deadline had passed.

**2/3/26:** The petition was continued by staff request to the March 3, 2026 hearing date to allow for the mailing of amended notice and for additional discussion and provision of supporting documents related to the proposed heritage tree removal.

**1/6/25:** This petition was continued to the February 3, 2026 hearing date by the petitioner to allow for submittal of a landscape plan.

**12/2/25:** This petition was automatically continued by a Registered Neighborhood Group to the January 6, 2026 hearing date.

## STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances.

## PETITION OVERVIEW

- 4105 West 93<sup>rd</sup> Street is an undeveloped parcel within Pike Township that is 53.65 acres in size. It contains a portion of the Payne Branch Stream as well as tree plots containing heritage trees present since the 1970s. The forested and wetland portion of the property surrounding the



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Category II stream cuts northwest to southeast, with undeveloped and cleared portions of the property to the southwest and northeast. It does not appear that areas designated as 'wetlands' on plans provided by the applicant are designated as such by State or federal authorities.

- The property is currently accessible from Robison Road to the northwest as well as 93<sup>rd</sup> Street to the east. Surrounding land uses include the I-465 freeway to the north; a landscaping contractor and other industrial uses to the west; office buildings, warehouses, and undeveloped land to the south; and a mixture of commercial and hotel uses to the east. 93<sup>rd</sup> Street also contains several single-family residences accessible only from Waldemar Road further to the east.
- The land use request associated with this petition would result in the placement of an industrial warehousing and distribution center approximately 684,400 square feet (approximately 15.71 acres), in addition to proposed accessory parking and loading spaces (510 standard spaces and 116 truck spaces) and the proposed private drive that would provide access to Waldemar Drive to the east. The petitioner indicated that a potential use for the property might be cold storage related to a pharmaceutical company and that most vehicle traffic would come from the new eastern private drive.
- As proposed, this project would involve the relocation of the Payne Branch Stream from its current orientation substantially overlapping with the proposed structure to an alternate path on the site plan within Exhibits below (stream paths shown in red and blue respectively). The plan would also involve significant removal of existing trees on the site: 16.6 acres of the 18 acres of existing tree line would be cleared. Additionally, plans provided to the City in March of 2025 indicate that the proposed development would result in the removal of 79 different heritage trees from the site.
- The original site plan and proposal provided had indicated a slightly larger building (693,840 square feet) and a relocated Stream Protection Corridor. The building and proposed parking from that layout would have encroached into the Stream Protection Corridor (a zoning non-conformity) and over the petitioner's property line onto neighboring parcels. In January, amended plans were provided that showed a smaller building and reduced parking areas that would no longer encroach into the Stream Protection Corridor (50-foot buffer at each side of the relocated stream).
- Two (2) Variances of Development Standards have been requested in relation to the proposed development. The first would be to allow for the removal of existing heritage trees on site without prior authorization via one of the methods listed within 744-503.K of the Indianapolis Zoning Ordinance. Although the ability to approve removal of heritage trees administratively does exist, staff felt that given the scope and number of trees to be removed that a full public hearing should be required (the Administrative Approval petition 2025-ADM-085 to allow for the heritage tree removal was not granted).
- The second required variance would relate to the proposed parking within the northern front yard of the property. Ordinance would limit front-yard parking in this zone to one double-loaded row, and proposed plans indicate placement of parking stalls exceeding that limitation.



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- Staff would note that the original filing had requested a variance related to the proposed development area encroaching into the newly created stream protection corridor, but amended plans indicate that this variance would not be required to allow for the altered layout.
- A full landscape plan showing proposed plantings was provided by the applicant in February, per staff request. Those plans indicate that no additional variances related to landscaping would be required: required perimeter, interior parking areas, and transitional yard plantings would be provided, and the Green Factor score would be a compliant 0.3178. Approval of this petition would not allow for deviation from these standards or from any rules related to the planting of replacement trees for any heritage trees removed at the site.
- The subject property is cross-zoned between the I-2 district (Light Industrial district for industrial uses that are largely enclosed and present minimal risk of dirt, noise, odor, etc. for adjacent properties) and MU-1 district (Mixed-Use One district for high-rise office and apartment uses along arterials). Except for portions of the proposed eastern access drive, the development would be located on the portions of the parcel zoned I-2. The Marion County Land Use Plan Pattern Book recommends the property to a mix of Office Commercial typology (to the north), Community Commercial typology (to the southeast), and Light Industrial typology (to the south and west). It is also partially within an Environmentally Sensitive overlay intended to protect areas with high-quality woodlands, wetlands, or other natural resources.
- The relocation of the stream would require several federal, state, and local environmental approvals. Per staff communication with the Department of Public Works, these approvals would include (but are not necessarily limited to) a Construction Stormwater General Permit from the Indiana Department of Environmental Management, Construction in a Floodway approval from the Department of Natural Resources, Clean Water 401 & 404 approvals if the area contains State-designated wetlands, a drainage permit from the Department of Business and Neighborhood Services, and potential approvals from the Department of Public Works for the City of Indianapolis.
- At the time of the publication of this report, the petitioner had indicated to staff that their Section 401 Water Quality Certification has been granted by IDEM on June 3, 2025, and that approval from the Army Corps of Engineers related to the stream relocation was pending but largely completed. Approval of this petition would not replace the need for any of the listed approvals above and would be narrowly related to permission for the removal of heritage trees and the parking configuration within the front yard.
- Upon review of the initial site plan provided to staff, a representative from the Stormwater division of the Department of Public Works expressed several concerns, including but not limited to a lack of replacement of the riparian buffer surrounding the stream, potential increases in downstream flow, the likelihood of erosion or channel migration that might result from the proposed 90-degree turn of the stream, and a lack of design data related to anticipated flows and velocities, upstream discharges, etc. Although unrelated to the requested variances or standards found within the Zoning Ordinance, staff would encourage the applicant to actively engage in efforts to address



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those concerns to obtain local-level drainage and environmental approval as well as the state and federal approvals already granted or in progress.

- The intent of the Ordinance rule related to parking limits in front yard areas is to ensure vibrant and pedestrian-friendly front yards areas and to avoid the appearance of large parking ‘oceans’ in between frontages and buildings. In this instance, staff would note that **(a)** the subject front yard is adjacent to an interstate as opposed to a frontage type that would allow for any sort of pedestrian access; **(b)** that the standard would only be exceeded by the placement of two non-adjacent single-loaded rows to the northeast and northwest of the property; and **(c)** alternate parking layouts would likely result in the placement of additional spaces near existing residences to the east. For those reasons, staff recommends approval of the parking variance.
- Removal of heritage trees from property within Marion County is subject to zoning requirements per 744-503.K of the Indianapolis Zoning Ordinance: it would be prohibited unless determination had been made that a tree is **(a)** dead; **(b)** interfering with the provision of public services or is a hazard to traffic; **(c)** is preventing development that cannot be physically designed to protect the tree; and **(d)** is being harvested from a D-A zoned property for use a timber or forestry product.
- At staff’s request, the petitioner provided a detailed narrative document providing additional context as to why the site could not be developed in an alternate manner, as well as what replacement and mitigation efforts are planned to replace the removed heritage trees. This document indicates that the utilization of several smaller structures would still result in the need for disruption of the stream via multiple crossing points and comparable removal of trees (clustered around the stream), and that the proposed layout would more efficiently utilize space dedicated to parking and loading areas. The document and landscaping plans also indicate that replanting of substantial numbers of new trees would be undertaken per 744-503.K of the Ordinance (over 2300 new trees would be planted), and that they would comply with tree inspection obligations per required federal environmental approvals (full mitigation plan pending). The full text of that narrative is within Exhibits below.
- The petitioner has also proposed commitments in consultation with the adjacent property owner to the east, including enhanced landscape buffering near their property line and limitations on construction hours, lighting, site uses, and vehicle access to 93<sup>rd</sup> Street. If approved, staff would be unopposed to the inclusion of these additional commitments.
- Staff would also note the extensive environmental reviews which have already occurred to allow for the stream relocation, proposed replanting of trees to compensate for the loss of heritage trees, and that the proposed development would not be dissimilar to other development allowed within the I-2 zoning district. For these reasons, staff recommends approval of the variance related to the removal of heritage trees.



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**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 / MU-1	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Office Commercial / Light Industrial / Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North:	C-5 / I-2 / MU-1
	South:	I-2 / C-S
	East:	C-4 / MU-1
	West:	I-4
<b>Thoroughfare Plan</b>		
Waldemar Road	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
Robison Road	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
93 <sup>rd</sup> Street	Local	50-foot right-of-way existing and 50-foot right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes or No	
<b>Site Plan</b>	11/05/2025	
<b>Site Plan (Amended)</b>	02/10/2026	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	02/10/2026	
<b>Findings of Fact</b>	Enter Date. N/A if not applicable	
<b>Findings of Fact (Amended)</b>	Enter Date. N/A if not applicable	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**Pattern Book / Land Use Plan**

- The Pattern Book recommends the northern portion of the site to the Office Commercial typology (single and multi-tenant office buildings such as medical clinics, hair and body care salons, or financial or legal services), the eastern portion of the site to the Community Commercial typology



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(low-intensity commercial and office uses such as groceries, drug stores, or restaurants), and the southwestern portion of the site to the Light Industrial typology (industrial production, distribution and repair uses with enclosed structures).

- The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. This overlay is intended to prevent or mitigate potential damage caused by development, and light industrial land uses are removed as a recommended land use within the ES overlay.

**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)

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2025ADM085**, removal of Heritage Trees from the subject site per 744-503.K of the Indianapolis Zoning Ordinance, **not approved**.

**2005ZON059**, rezoning of 93 acres, being in the I-2-S and I-4-S districts to the C-4 classification to provide for an integrated retail commercial development, **withdrawn**.

### ZONING HISTORY – VICINITY

**2015UV2034 ; 9330 Waldemar Road (east of site)**, Variance of use of the Commercial Zoning Ordinance to provide for the expansion of an exotic animal clinic and veterinary clinic (not permitted), **approved**.

**2013MO2001 ; 9330 Waldemar Road (east of site)**, Modification of the Site Plan and Condition One of 96-UV2-96 to provide for an 840-square foot addition to an exotic animal clinic, **approved**.

**2012UV2012 ; 9345 Waldemar Road (northeast of site)**, Variance of use of the Commercial Zoning Ordinance to provide for a dog and cat boarding and day-care facility, with on-site grooming services and an outdoor exercise area (not permitted), **approved**.

**97-Z-49 ; 9730 Waldemar Road (east of site)**, rezoning of 4.304 acres from the C-2 zoning district to the C-6 zoning district for development of a new hotel development, **approved**.

**EXHIBITS**

**2025DV1052 ; Aerial Map**

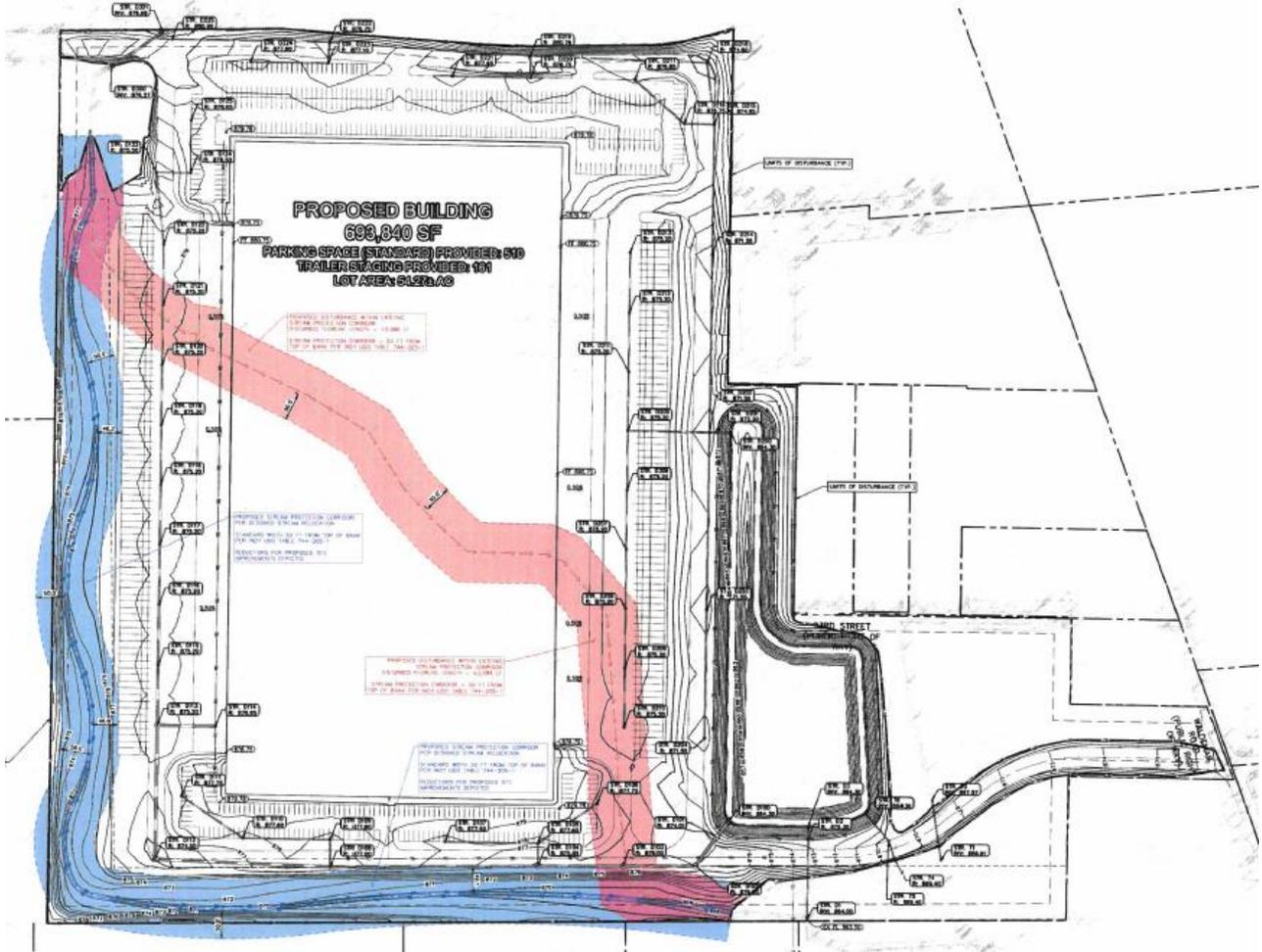




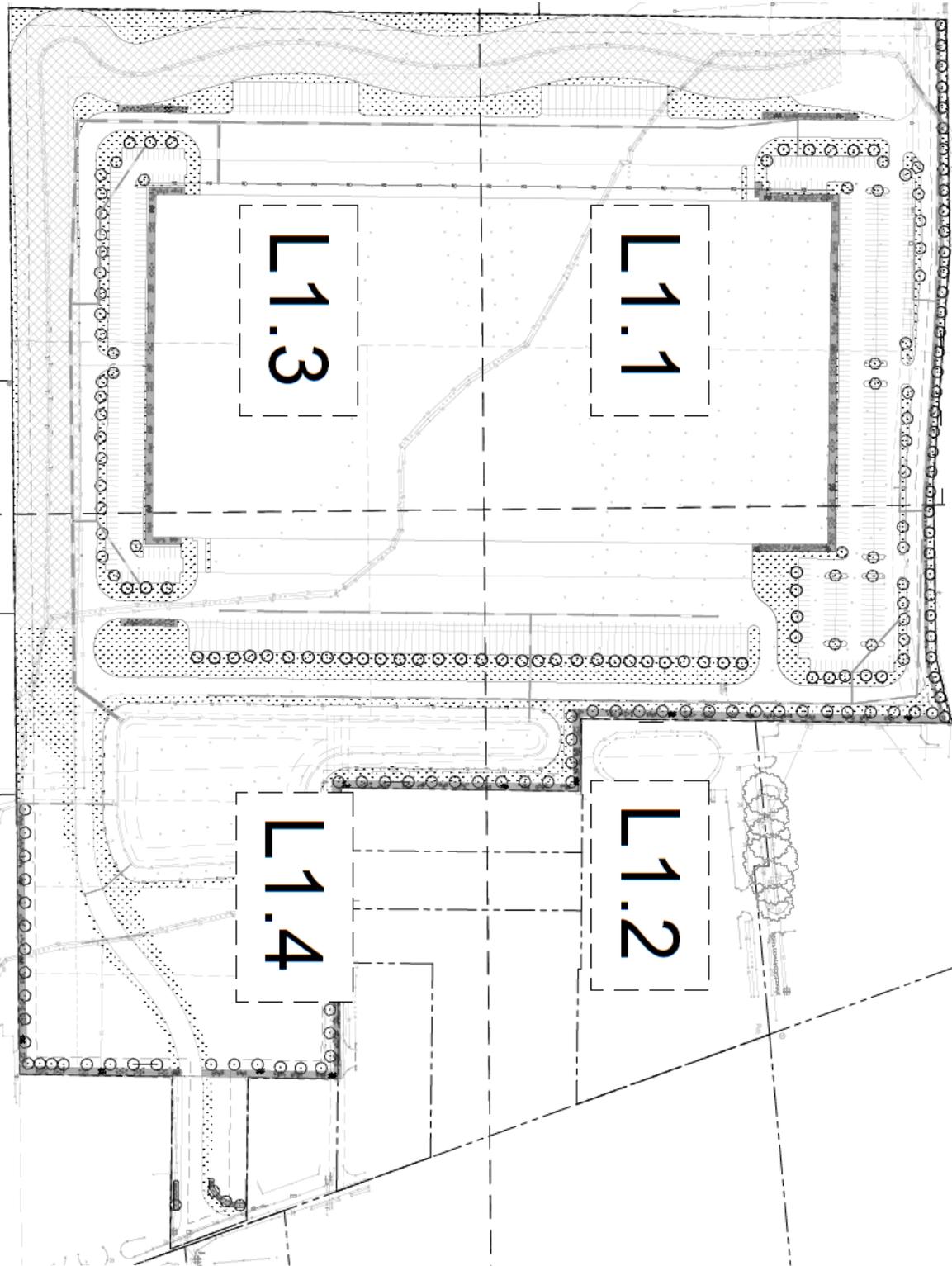


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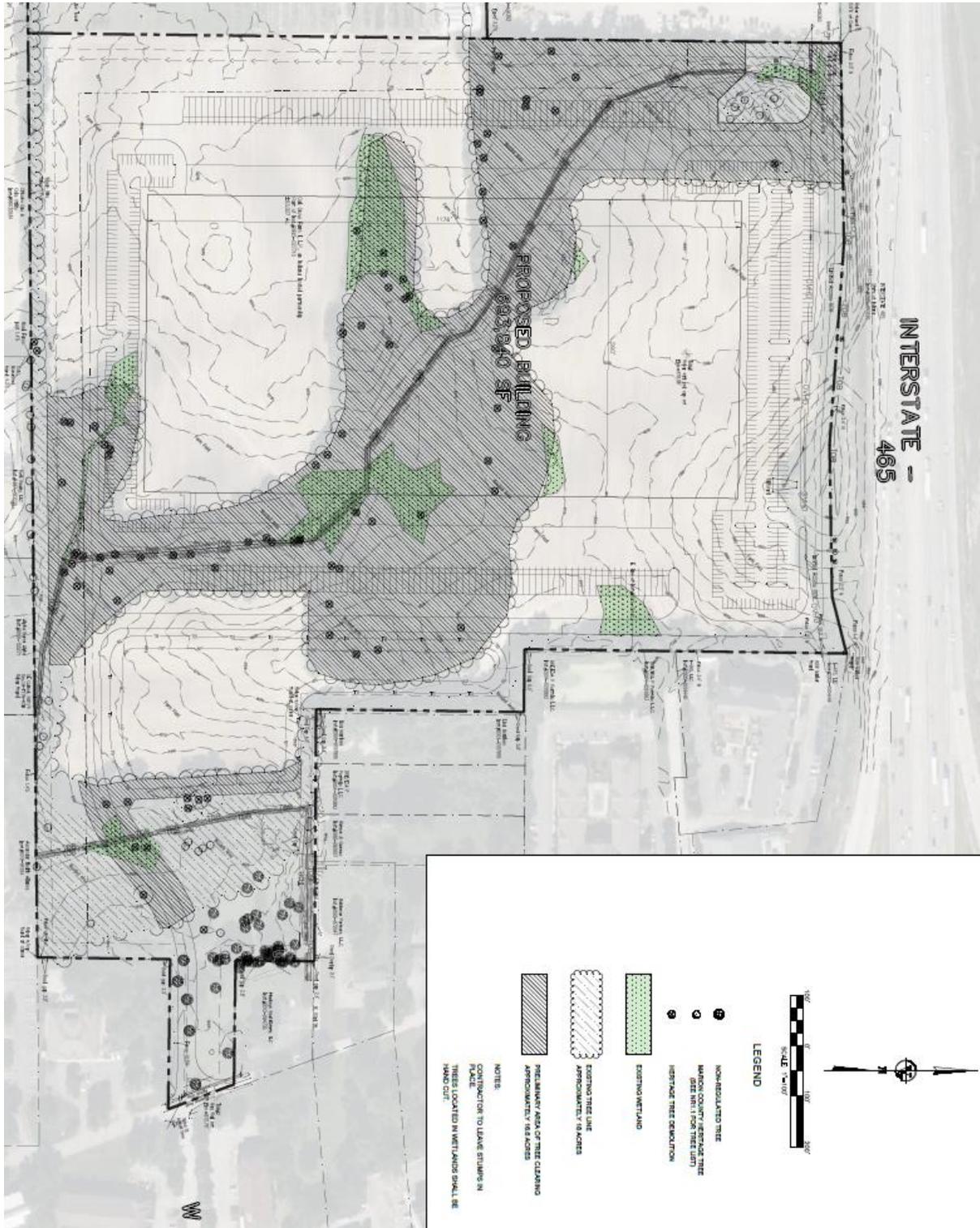
**2025DV1052 ; Site Plan (Original Filing 11/05/2025)**



2025DV1052 ; Landscape Plan



**2025DV1052 ; Proposed Heritage Tree Removal (2025-ADM-085; not approved)**





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**2025DV1052 ; Heritage Tree Removal Narrative (provided by applicant)**

**I. Need for Creek Relocation and Resulting Need for Heritage Tree Replacement**

Attached is an existing aerial of the Property. While the property is visible from I-465, it does not have frontage and direct access onto Michigan Road or any other arterial or commercial corridor. Access to the site will have to occur either using 92<sup>nd</sup> Street at the southeast corner (93<sup>rd</sup> Street is in very poor condition and provides access to residential uses) or at the very northwest corner of the Property via Robison Road. As shown on this aerial, an open ditch or creek, known as the Payne Branch, bisects the Property. The route of the Payne Branch is through the center of the Property. Prior to the acquisition of the Property by Petitioner, isolated portions of the Property appear to have been farmed. Those areas left unfarmed were located predominantly along the Payne Branch and a small tributary at the southeast corner of the Property, and these are the areas in which the vast majority of the Heritage Trees on the Property are located. The Petitioner proposes to construct a distribution/warehouse facility on the Property, which is a permitted use.

It is the location of the Payne Branch that presents the biggest impediment to avoiding impacts to the Heritage Trees on the site. If the Payne Branch is not relocated, the property will be split into isolated parcels, one on the northern portion of the property and one on the southwest portion of the Property. Developing these isolated parcels for an I-2 use is not feasible. First, the size of the buildings that could be placed on each parcel are not conducive to development of I-2 zoned property without frontage on a commercial corridor. It is not simply the limit on the building footprint that must be considered but also the required parking areas, loading dock and truck circulation areas mandated by the Unified Development Ordinance ("UDO"). Two buildings will not utilize these parking areas, loading docks and circulation areas as efficiently as one. Further, the size of the buildings would not generate an adequate return that would allow for the necessary crossings over the Payne Ditch, particularly for the southwest parcel, which has no viable access to a public road without creating at least two crossings. To exacerbate the problem, the placement of the crossings in areas that have, relatively, less trees is not possible. To access public roads, the areas to the northwest and southeast, which contain a fair number of Heritage Trees, must be disturbed. Relocation of the Payne Branch is necessary, and that relocation must necessarily result in the loss of Heritage Trees.

**II. Heritage Trees Replacement and Mitigation**

Section 744-503.K of the UDO requires the Petitioner to replant a specified amount of replacement trees for each Heritage Tree removed. Based on the tree inventory, approximately 712 1" trees and 1,424 ½" caliper replacement trees will be planted on site to replace the lost Heritage Trees in compliance with and in excess of the ratios required under the UDO. In fact, as shown on the submitted landscape plan, the Petitioner proposes to plant 2346 trees on the Property, including within the stream protection corridor. The existing stream protection corridor is approximately 1,912 feet long. By relocating the Payne Branch to the south and western boundary, the length of stream protection corridor will increase by 496 feet to a total of 2,408 feet, which increases, in the long run, the amount of habitat along the new stream protection corridor. Moreover, planting within the corridor triggers enhanced replanting, mitigation, and inspection obligations for a period of ten (10) years following installation. Relocation of the creek requires approvals from the Indiana Department of Environmental Management ("IDEM") and the Environmental Protection Agency ("EPA"). The Petitioner has already obtained the Section 401 Water Quality Certification from IDEM and is in the process of securing the remaining federal permits from the U.S. Army Corps of Engineers, which will include mandatory wetlands and habitat mitigation that will be monitored for a period of ten years with any replacement of dead or diseased trees mandatory. The work with the U.S. Army Corps is complete with the exception of the mitigation plan, for which approval is anticipated in the next few months.

**III. Compliance with Landscaping and Green Factor Requirements**

The landscape plan demonstrates full compliance with the Green Factor calculations and all landscaping requirements applicable to the I2 district, including street frontage/front yard, parking interior, and traditional yard/edge buffer standards. Although not shown on the plans provided to staff, the Petitioner also intends to install a white roof, which further contributes to the Green Factor score.

Through these measures, the Petitioner has exceeded the required Heritage Tree replacement obligations, satisfied all applicable landscaping and Green Factor requirements, and addressed the creek relocation and stormwater management needs associated with development of a distribution warehouse facility in the I2 district. The relocation will increase the area of stream protection corridor in the long run and will result in an increase in trees above and beyond that required under the UDO.



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## 2025DV1052 ; 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 variance request would allow Payne Branch Creek to continue as a category 2 stream in its new location hile being longer and meeting the 50ft requirement to preserve animal and vegetation habitat while creating new animal and vegetation habitat while maintaing erosion control, improve water quality, offer flood water storage and improve aesthetic value. The heritage trees on the property would be replaced with heritage trees and additional trees, shrubs in accordance with UDO which will increase the aesthetic value. The proposed variance will allow for a safe entry via a private access onto the property for employees and distributors in addition to providing sidewalks along the access drive. The existing landscape to the N and any additional landscaping will block nearly all undesirable visual aesthetics that would impact traffic on 465.

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 warehouse/distribution center represents the adjacent property/owners as they are in the business of operating industrial and commercial businesses. The property to the W of the proposed site is OEG Outdoor Environments Group which operates a business in the I4 district and will be blocked from the landscape/facade of the proposed project. The property to the S of proposed site is I@ and non-developed land while the property to the SE is in a CS zone and is a commercial business/warehouse. Both of those properties will be adequately screened by the existing landscape trees and new trees to be planted. The property to E is commercial C4, a hotel and retail structures and will be adequately screened by existing and new landscaping. The property to the N is 465 and the existing landscaping will stay intact and thus screen any undesirable visual aesthetics that would impact to the N.

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

The permitted uses under the UDO Sec 5(B) would not allow for the development of the private access road off of Waldemar Rd and the creation of parking for future employees, because of the current location of Payne Branch Creek and therefore the relocation of the creek is needed for the development in addition to a variance that would allow access to the facility and parking for employees. The requested variance would not impact trees, animal habitat, nor vegetation. Without the relocation of the Creek, the proposed project development of a a warehouse/distribution that will create jobs and property taxes will not be obtainable.

## 2025DV1052 ; Required Approvals (per letter from DPW – Sustainability)

- USACE 404 authorization for federally jurisdictional stream and wetland impacts
- IDEM Construction Stormwater General Permit (CSGP) for land disturbance over 1 acre
- IDEM 401 Water Quality Certification for jurisdictional wetland impacts and stream relocation
- IDEM Isolated Wetland Permit for state regulated wetland impacts, including grading and fill activities
- IDNR Construction in a Floodway (CIF) authorization
- City of Indianapolis Stormwater drainage permit



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**2025DV1052 ; Section 401 Water Quality Certification (partial)**



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

**Section 401 Water Quality Certification**

VIA E-MAIL

IDEM Number:	2024-652-49-LDC-WQC
USACE Number:	LRL-2024-00087-jde
Project Name:	Oak Grove Development Project
Authority:	327 IAC 2. CWA Sections: 301, 302, 303, 306, 307, & 401
Date of Issuance:	June 3, 2025
Impacts must be completed by:	June 3, 2027

**Project Description:**

The project includes the construction of a warehouse and associated infrastructure. Approximately 1,921 linear feet (lft) of cumulative permanent stream impacts are authorized for the installation of a 2 ft-wide by 50 ft-long culvert crossing over an unnamed tributary (UNT) to Payne Branch (intermittent) and the relocation of 1871 linear feet of Payne Branch (perennial) into 2473 linear feet of open channel and 112 linear feet of channel encapsulated by an 8-foot wide culvert for a crossing. The original stream will be backfilled with earthen fill. Permanent stream impacts will be mitigated by the permittee on-site through the creation of at least 1921 lft of new open stream channel to relocate Payne Branch, for a net total of 602 lft of open stream creation. Cumulative permanent impacts to jurisdictional wetlands will total 0.1 acre (ac) of emergent, 0.05 ac of scrub-shrub, and 1.63 acre of forested wetlands from the placement of earthen fill. Permanent wetland impacts will be mitigated for through the purchase of 0.2 non-forested wetland credits and 1.487 forested wetland credits from the Bull-Buck Mitigation Bank, as well as 6.075 wetland credits from the IDNR In-Lieu-Fee program Upper White service area.

**2025DV1052 ; Photographs**



Photo 1: Subject Site Viewed from I-465 to North (August 2025)



Photo 2: Subject Site Viewed from 4901 Robison to Northwest

**2025DV1052 ; Photographs (continued)**



Photo 3: Subject Site Viewed from 4140 W 94<sup>th</sup> to Northeast



Photo 4: Proposed Site Access Viewed from Waldemar to East

**2025DV1052 ; Photographs (continued)**



Photo 5: Subject Site Viewed from 4040 Vincennes to Southeast



Photo 6: Subject Site Viewed from 8960 Vincennes to South

**2025DV1052 ; Photographs (continued)**



Photo 7: Existing Tree Area from Internal to Site



Photo 8: Existing Tree Area from Internal to Site

**2025DV1052 ; Photographs (continued)**



Photo 9: Internal to Site Looking West



Photo 10: Internal to Site Looking South

**2025DV1052 ; Photographs (continued)**



Photo 11: Internal to Site Looking Northwest



Photo 12: Existing Creek at Southeast of Site



**BOARD OF ZONING APPEALS DIVISION II**

**March 10, 2026**

**Case Number:** 2026-DV2-001 (Amended)  
**Address:** 1781 Sloan Avenue (approximate address)  
**Location:** Center Township, Council District #19  
**Zoning:** D-2  
**Petitioner:** Victory College Prep Inc., by Andrew Horton  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an accessory parking area with a 15-foot front yard setback from both Sloan Avenue and Iowa Street, and a 10-foot front yard setback from Dequincy Street (25-foot front setback required), subject to the submitted site plan.

**Current Land Use:** Undeveloped

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was previously continued from the February 10, 2026, hearing, to the March 10, 2026, hearing, at the request of the petitioner in order to amend the petition and provide new notice.

**Amended Petition:** This petition had previously requested a 10-foot front setback from the Sloan Avenue and Iowa Street frontages, and a 15-foot front setback from the Dequincy Street frontage. The request was amended to provide for a 15-foot front setback from the Sloan Avenue and Iowa Street frontages, and a 10-foot front setback from the Dequincy Street frontage. Due to the increase in intensity of the Dequincy Street front setback, new notice was required and provided by the petitioner.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- ◇ The proposed parking area would be an accessory use to the SU-2 zoned elementary school on the west side of Sloan Avenue.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide for adequate separation and ventilation between structures and use areas as well as provide for a continuous pattern of development through the block.



- ◇ The subject site is a through lot with frontages on three local streets, and the request would provide for reduced front setbacks on all three frontages. The petitioner has agreed not to put a curb cut on Dequincy Street as shown on the amended site plan. Therefore, Staff is requesting that any approval be subject to the submitted site plan.
- ◇ The Comprehensive Plan recommendation of Suburban Neighborhood allows for Elementary School uses and their related accessory uses as neighborhood servicing institutions. Therefore, Staff would find this request a minor deviation, and would recommend approval.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Village Mixed Use	
<b>Overlay</b>	No	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-3	Single Family Dwellings
	South: D-2	Single Family Dwellings
	East: D-2	Single Family Dwelling
	West: SU-2	Elementary School
<b>Thoroughfare Plan</b>		
Sloan Avenue	Local Street	45-foot existing right-of-way and 50-foot proposed right-of-way.
Iowa Street	Local Street	50-foot existing and proposed right-of-way.
Dequincy Street	Local Street	28-foot existing right-of-way and 50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan, Revised</b>	February 11, 2026	
<b>Elevations</b>	N/A	
<b>Commitments</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	January 8, 2026	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Suburban Neighborhood uses for the site.



**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book recommends Suburban Neighborhood uses for this site and the surrounding parcels. 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.

**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)

- Not Applicable to the Site.

**ZONING HISTORY**

**2025-ZON-088; 1781 Sloan Avenue (subject site)**, requested the rezoning of 1.09 acres from the D-2 district to the SU-2 district to construct a 77-space parking lot for a school, located at 1780 Sloan Avenue, **withdrawn**.

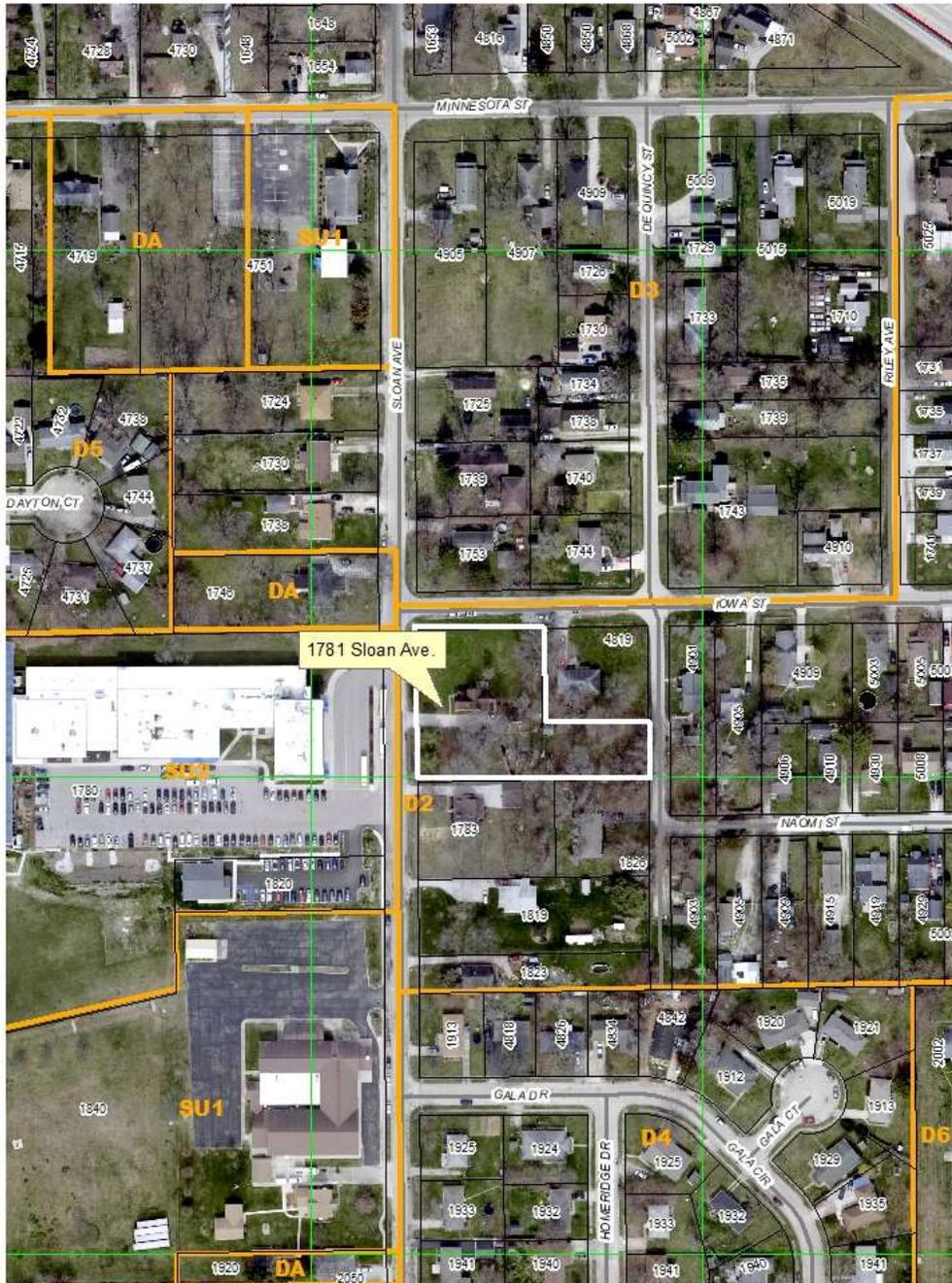
**2005-ZON-009; 1780 Sloan Avenue (west of site)**, requested the rezoning of 4.658 acres, being in the SU-2 and D-5 Districts, to the SU-2 classification to provide for a charter elementary school, **approved**.

RU

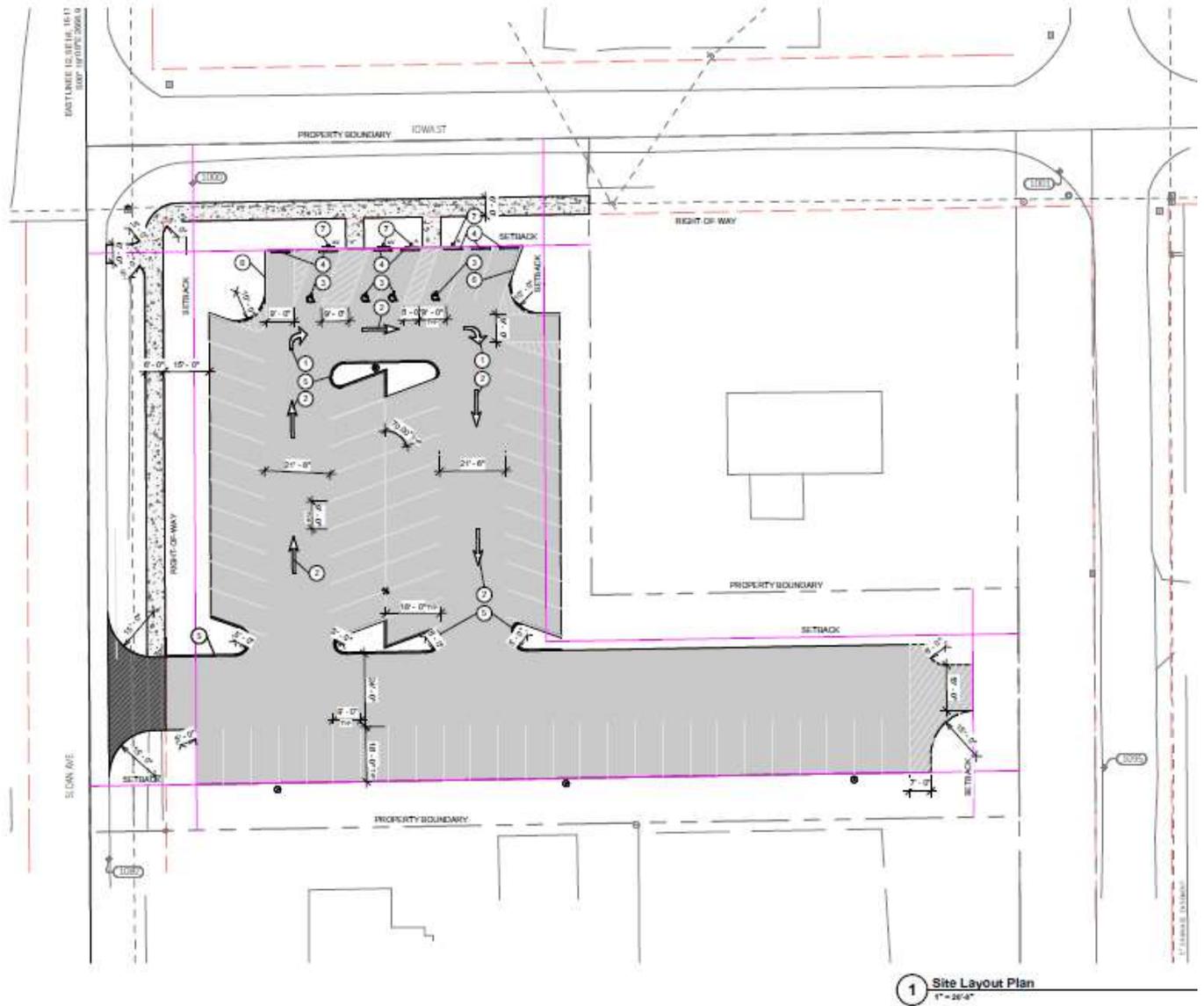
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**EXHIBITS**

Location Map



**Site Plan – Revised February 10, 2026**



1 Site Layout Plan  
1" = 20'-0"



**Findings of Fact**

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 front setback allows for a parking design that removes vehicles from the street and provides for safer use of Sloan Avenue and Iowa Street. Plantings along the streets and side yards buffer the parking from existing residential properties, and lighting will be designed to meet the City of Indianapolis' performance standards for spill and glare.

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:

Plantings along the streets and side yards buffer the parking from existing residential properties, and lighting will be designed to meet the City of Indianapolis' performance standards for spill and glare.

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

The strict application of the terms of the zoning ordinance diminishes off street vehicular parking. The diminished off street parking leads to and increase of on-street parking, which in turn contributed to congestion in the immediate area, decreased vehicular safety due to uncontrolled parking in the ROW, as well as moving pedestrians to enter and exist their vehicles in the ROW, rather than in the safety of a controlled off-street Parking Lot.

Photographs



Subject site, looking east from Sloan Avenue frontage



Subject site looking south from Iowa Street frontage



Subject site, looking west from Dequincy frontage.



Elementary school to the west, at 1780 Sloan Avenue.



Adjacent single-family dwelling to the north, at 4819 Iowa Street, looking south.



Adjacent single-family dwelling to the south, at 1783 Sloan Ave, looking east.



**BOARD OF ZONING APPEALS DIVISION II** **March 10, 2026**

**Case Number:** 2026-DV2-004  
**Property Address:** 5935 West 86<sup>th</sup> Street (approximate address)  
**Location:** Pike Township, Council District #1  
**Petitioner:** Standard Traders Point LLC, by Mark Bastin  
**Current Zoning:** C-4

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a monument sign, being the third freestanding sign along the West 86<sup>th</sup> frontage (maximum two freestanding signs per frontage), and with a separation of 130 and 140 feet from other primary freestanding signs (300-foot separation required).

**Current Land Use:** Commercial

**Staff**

**Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 5935 West 86<sup>th</sup> Street is a 1.34-acre parcel at the southeast corner of the intersection of 86<sup>th</sup> Street and Northwest Boulevard that is improved with a vacant commercial structure (previous use was a bank). Surrounding land uses include a fueling station to the west, hotel to the east, and additional commercial uses to the south and north. The permit ILP25-02154 was approved in 2025 to allow for the conversion of the existing building into a Taco Bell restaurant.
- The property is part of a small integrated center along with the parcel to the east, and this shared frontage is currently improved with two (2) primary freestanding signs: one is for the Fairfield hotel at 5905 West 86<sup>th</sup>, and the other is a multitenant freestanding sign located at the northwest corner of the subject site. The previous bank use utilized that existing multitenant and did not have their own primary freestanding sign. Various freestanding sign are also along the 86<sup>th</sup> Street frontage to the west and east of this integrated center (see Photos 3, 5, and 8 of the Exhibits).



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- The sign permit SGN25-00780 was issued in 2025 to allow for the placement of wall signs and secondary freestanding signs (vehicle entry point and drive-thru) related to the proposed use. An additional permit application SGN25-00812 sought to allow for a monument sign per the below site plan. Approval of this variance would allow for the installation of that sign with relief from Ordinance standards related to **(a)** the number of primary freestanding signs along the shared frontage (maximum two allowed) and **(b)** the sign being within 130 feet of the multitenant sign to the west and 140 feet from the hotel sign to the east (minimum 300-foot separation required).
- This property is zoned C-4 (Community-Regional District) to allow for major businesses and regional-size shopping centers. Similarly, the Comprehensive Plan Pattern Book recommends it to the Community Commercial typology to allow for low-intensity commercial and office uses that serve nearby neighborhoods. The Comprehensive Plan does not make specific recommendations related to signage.
- Ordinance regulations limiting the placement of primary freestanding signage along shared frontages is designed to reduce visual clutter and potential distractions for motorists navigating busy multi-lane streets. Placement of large multitenant signs within integrated centers is a common solution to allow for promotion of multiple businesses, and the subject site contains a freestanding sign with an area of 168 square feet and several empty tenant panels that is on the same parcel and would be only 130 linear feet from the proposed location.
- Staff would point out that the previous tenant was able to join the existing multi-tenant sign and not seek a variance. That use was also a traffic generating use with a drive-thru. The statutory criteria do not contemplate financial loss or gain as a hardship. Additionally, the C-4 zoning district allows for a unique flexibility of signage types and sizes to be installed (including but not limited to wall signage). Given the wide variety of promotional opportunities that legally placed signage would provide and ordinance rules specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the variance to legalize a third primary freestanding sign along the frontage without compliant separation from other signs.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-S	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
<b>Thoroughfare Plan</b>		
West 86 <sup>th</sup> Street	Primary Arterial	206-foot existing right-of-way and 134-foot proposed right-of-way
Northwest Boulevard	Local Street	100-foot existing right-of-way and



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	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>	No
<b>Site Plan</b>	01/21/2026
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	02/06/2026 (via SGN25-00812)
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	01/21/2026

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book

**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.

**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)

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2023ZON105**, Rezoning of 1.345 acres from the C-3 to the C-4 district to provide for a car wash, **approved**.

**94-V3-27**, Variance of development standards of the Sign Regulations to provide the placement of a 40 square foot ground sign with a setback of 6 feet from 86<sup>th</sup> Street (minimum 15 feet required), **approved**.

**89-Z-135B**, Rezoning of 7.2 acres (Parcel 2), being in the I-2-S district, to the C-3 classification, to provide for a commercial retail center, **approved**.

### ZONING HISTORY – VICINITY

**2000DV2049 ; 5905 West 86<sup>th</sup> Street (east of site)**, Variance of development standards of the Sign Regulations to provide for an 8.5-foot tall, 48.27 square foot pylon sign, with a 0.583-foot front setback (minimum 15-foot front setback required), **approved**.

**93-UV3-7 ; 6055 West 86<sup>th</sup> Street (west of site)**, Variance of use of the Commercial Zoning Ordinance to permit the development of a gasoline service station with an accessory convenience market and automatic car wash and a variance of the Sign Regulations of Marion County to permit the placement of two ground pricing signs with an overall area of 38 square feet (20 square feet permitted) and spandrel signs above pump island containing 18.8 square feet per pump island (12 square feet permitted), **approved**.

**85-HOV-48 ; 6119 West 86<sup>th</sup> Street (west of site)**, Variance of development standards of the Sign Regulations of Marion County to provide for a 6 foot tall ground sign located at 5 feet from the I-465 right-of-way, **approved**.

**EXHIBITS**

**2026DV2004 ; Aerial Map**



**2026DV2004 ; Aerial Map (Zoomed, Existing Signs Circled)**





**2026DV2004 ; Elevations**



**2026DV2004 ; 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 50 sq. ft. double-sided, backlit monument sign is modest in scale, professionally designed, and safely positioned on the new corner lot at 5935 W. 86th St. and the adjoining side road. It's low monument profile improves safety by maintaining clear sightlines for vehicles and pedestrians. The controlled internal illumination prevents glare and ensures safe night time visibility. Because the business is relocating from an older building down the street, the sign provides clear identification of the new site, reducing confusion and improving traffic flow, which enhances overall public safety.

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 sign is consistent with the commercial character of the W. 86th St. corridor and complements nearby business signage. Its modern materials and clean design enhance the appearance of the newly developed site without creating visual clutter or obstructing views. The sign does not cast intrusive light, block visibility at the intersection, or negatively impact neighboring properties. The relocation of Taco Bell to a newly renovated building improves the corridor's appearance, and the monument sign supports that investment without diminishing adjacent property values.

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

The new site is located on a corner lot where visibility from two directions is essential for safe ingress and egress. A smaller sign permitted by ordinance would not provide adequate visibility for motorists approaching from both W. 86th St. and the side road. Because the business is moving from an older location down the street, customers must adjust to the new entrance; insufficient signage could cause missed turns and unsafe last-second maneuvers. The building's placement and setbacks limit the effectiveness of wall signage alone, making a monument sign necessary for proper wayfinding. The requested 50 sq. ft. size is proportionate to the site's geometry, traffic speeds, and viewing distances, and the strict adherence to the ordinance would create practical difficulties in safely identifying the new location.

**2026DV2004 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

**2026DV2004 ; Photographs (continued)**



Photo 3: Existing Signage on Subject Property



Photo 4: Integrated Center Frontage Viewed from East

**2026DV2004 ; Photographs (continued)**



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to West

**2026DV2004 ; Photographs (continued)**



Photo 7: Adjacent Property to North



Photo 8: Adjacent Signage to East of Integrated Center



**BOARD OF ZONING APPEALS DIVISION II** **March 10, 2026**

**Case Number:** 2026-UV2-003

**Property Address:** 5675 Michigan Road (approximate address)

**Location:** Washington Township, Council District #2

**Petitioner:** 5675 Michigan Road LLC, by Joseph D. Calderon

**Current Zoning:** C-3 (FW) (FF) / D-2 (FF)

**Request:** Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an automobile parts and supply store utilizing the existing structure and parking facilities (not permitted).

**Current Land Use:** Vacant Commercial

**Staff Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this petition.

**PETITION OVERVIEW**

- 5675 Michigan Road is an irregularly shaped parcel with a size of 2.26 acres and with frontage on Michigan Road to the west, Kessler Boulevard West Drive to the south, and 57<sup>th</sup> Street to the north. The property is currently developed with a commercial structure and accessory parking areas and has access points from the west and south. Previous tenants of the subject building included a pharmacy and a discount store that appears to have ceased operations in 2024. Surrounding land uses include residences to the north and east, the Crooked Creek to the north, and a small multitenant commercial center to the south.
- Approval of this petition would allow for the operation of an automobile parts retail store at the property. The Indianapolis Zoning Ordinance would consider the proposed use to be classified as an automotive repair use which would not be allowed within either the portions of the site that are zoned C-3 (containing the current structure) or the southeastern section that is zoned D-2 (contains part of the accessory parking area). A variance of use would be required to allow for legal operation of the proposed use, which would utilize the existing building and parking areas.



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- Although the proposed use does share some similarities with a traditional light retail establishment, staff would note that (a) the sale of automotive parts is not explicitly listed within the definition of that use category despite 34 other types of retail uses being enumerated; and (b) that “parts and supply stores” are listed as a potential use component within the definition for automobile repair uses. For this reason and given the likelihood of minor automobile work being conducted on-site by either customers or employees, staff has traditionally considered this use to be most accurately classified as an automobile repair use.
- This property is zoned C-3 (Neighborhood Commercial District) to allow for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood. Similarly, the Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. Uses that would require outdoor operations are not allowed within C-3, and automobile repair uses are generally considered to be a heavy commercial land use not contemplated for this typology.
- The subject property is also located within the floodway and floodway fringe. Development within the floodway would not be permitted, and there would be limits on allowable uses within the floodway fringe. No new development is proposed as a part of this petition. Staff would note that although the floodway fringe does not disallow automobile repair, it *does* disallow truck repair uses given the risk of having liquids associated with those repairs and maintenance infiltrating areas near waterways.
- The Plan of Operation provided by the applicant indicates that the proposed use would operate within the existing building at the site (which contains approximately 15,000 square feet) to operate a retail store selling a wide assortment of automobile parts and accessories as well as employees that would “help [to] diagnose certain issues faced by customers”. The business would have 7-10 employees on-site at any given time. The full operation plan is within Exhibits below. It is likely that the property would contain some aerosolized, combustible, or flammable materials for sale that would need to be stored per Fire Code and applicable building standards.
- Staff would note the potential for accessory parking spaces to be utilized by employees and customers for minor auto repairs, and that it does not appear that any undue hardship has been identified within the Findings of Fact provided that would prevent the operation of a compliant use.
- Given **(a)** the C-3 commercial zoning recommendation from the Comprehensive Plan; **(b)** the fact that the current C-3 zoning district would allow for 41 different primary uses without the need for variance relief (including the current uses within the multitenant center to the south); and **(c)** the proximity of the auto repair use to residential areas to the east as well as to the Crooked Creek floodway and flood fringe to the north, staff would recommend denial of the requested variance.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 (FW) (FF) / D-2 (FF)	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Commercial, per Michigan Road Corridor Plan	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
	North: D-2 / D-5	North: Creek / Residential
	South: C-3	South: Commercial
	East: D-2	East: Residential
	West: D-2 / SU-2 / C-3	West: Creek / School / Commercial
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial	118-foot right-of-way existing and 102-foot right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes, Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/30/2025	
<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>	12/30/2025	
<b>Findings of Fact (Amended)</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book
- Michigan Road Corridor Plan (1998)

**Pattern Book / Land Use Plan**

- Portions of the site fall within the Floodway typology for areas that exhibit a great potential for property loss and damage from severe flooding, as well as the Environmentally Sensitive Areas (ES) overlay for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.
- Additionally, please see Neighborhood / Area Specific Plan below.



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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The Michigan Road Corridor Plan recommends this site for C-3 zoning and for commercial uses. It also designates the site as being within Critical Area 11 and advises against encroachment of existing commercial uses at the intersection of Michigan and Kessler past Crooked Creek or into existing residential or institutional areas.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2010DV3025**, variance of development standards of the Commercial Zoning Ordinance to provide for the sale of alcohol within 25 feet of a D-2 zoned protected district (100-foot separation required), **withdrawn**.

**94-HOV-18**, variance of development standards of the Sign Regulations Zoning Ordinance to provide for the placement of a 12 square foot ground sign (maximum 1 square foot allowed), **approved**.

**93-V1-66**, variance of development standards of the Commercial and Flood Control District Zoning Ordinances to permit the construction of a drug store with a total of 74 parking spaces (87 spaces required), **approved**.

**86-Z-219**, rezoning of 1.3 acres from D-2 to the C-3 zoning classification for a 1-story restaurant and drive-through use, **approved**.

**86-UV1-26**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a front yard driveway to an existing restaurant, **approved**.

### ZONING HISTORY – VICINITY

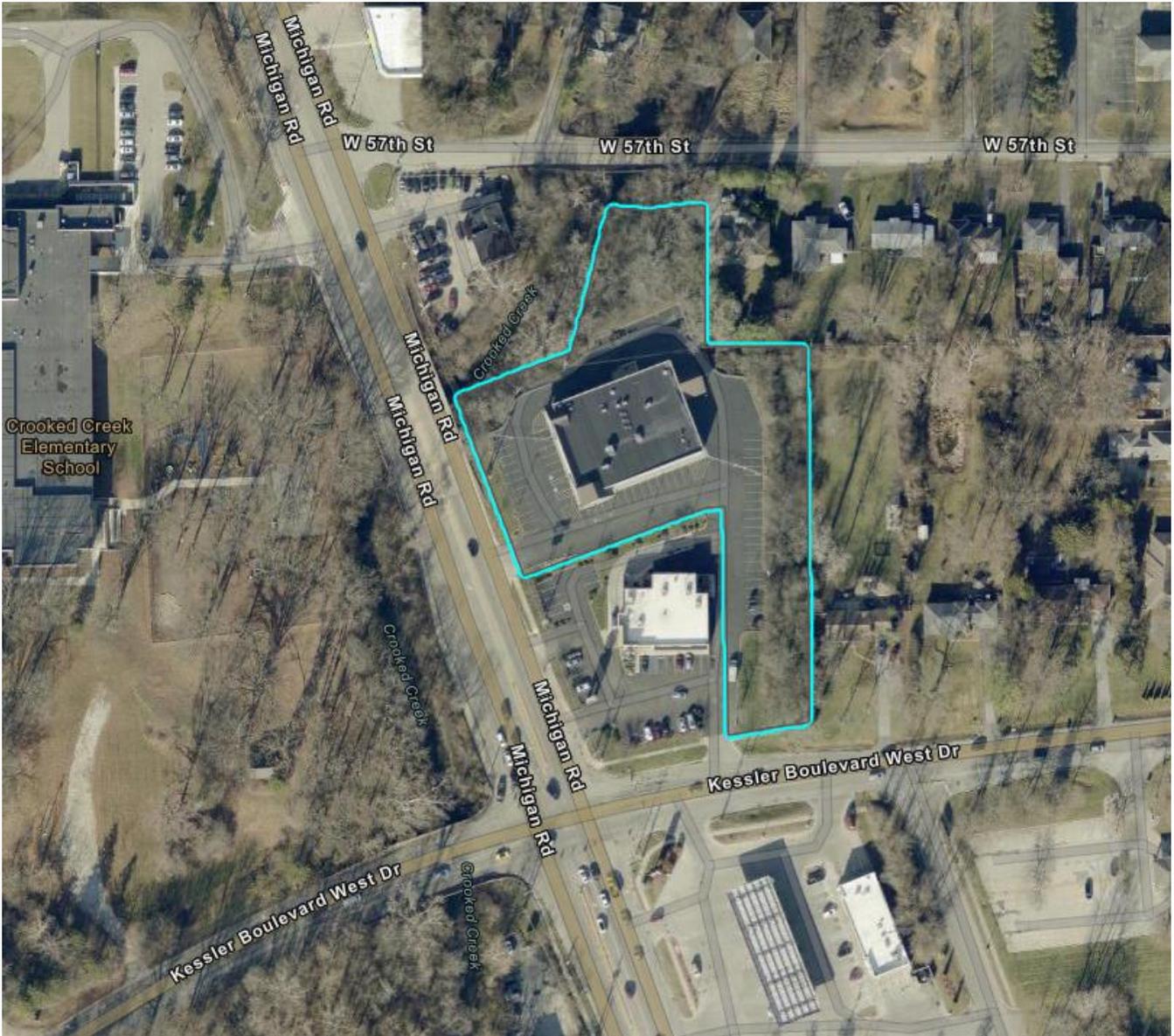
**2006ZON129 ; 1950 Kessler Blvd (south of site)**, Rezoning of 0.805 acre, from the D-2 and C-3 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**2006UV1035 ; 1950 Kessler Blvd (south of site)**, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for an integrated center with C-3 uses and a drive-through facility (not permitted). Variance of Development Standards to provide for a 300-square foot outdoor seating area for a restaurant (not permitted), with carry-out food and a drive-through within twenty feet of a protected district (minimum 100-foot separation required), provide for a dumpster enclosure with the open side facing the protected district to the east (not permitted), and to provide for seven-foot front landscape strips along Michigan Road (minimum ten-foot front landscape strips required), **approved**.

**96-UV1-113 ; 5681 N Michigan Road (north of site)**, variance of use of the Commercial Zoning Ordinance to provide for the operation of a minor automobile repair and hand automobile wash (not permitted), **approved**.

**EXHIBITS**

**2026UV2003 ; Aerial Map**







**2026UV2003 ; 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 use will generate no more traffic than did the prior use of the subject property.

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 will be conducted in substantially the same manner as the prior use, and may, in fact, have lesser hours of operation than the prior pharmacy use.

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

the property has one buildable area which is where the current building is located, resulting in the need to re-use the existing building, which limits the types of uses that can occupy the existing space.

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

the proposed use has more in common with typical retail uses permitted in the C-3 zoning district, and does not have service bays which are typical in auto-repair facilities.

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

the actual use will be consistent with the retail uses contemplated in the "Community Commercial" category.

**2026UV2003 ; Plan of Operation**

THE BUSINESS

AutoZone Development LLC is under contract to purchase Walgreens Pharmacy located on property commonly known as 5675 Michigan Road (the "Subject Property"), where it intends to occupy the existing building which contains approximately 15,000 square feet in which it will operate a typical AutoZone retail store.

ZONING

The Subject Property is zoned C-3, which contemplates a wide variety of commercial uses, focused principally with retail uses. The proposed business will sell a wide assortment of automotive parts and accessories, but does not perform automobile service or repair. Employees will help diagnose certain issues faced by customers.

HOURS OF OPERATION

AutoZone is planning to operate the facility between 7:30 a.m. to 10:00 p.m. on Monday, Tuesday, and Friday, 9 a.m. to 10 p.m. on Thursday, 7:30 a.m. – 8:00 p.m. on Saturday, and 8:30 a.m. – 8:00 p.m. on Sunday and Wednesday.

NUMBER OF EMPLOYEES

7-10 employees are expected to be working at the facility on the Subject Property at any given time.

**2026UV2003 ; Photographs**



Photo 1: Current Structure Viewed from Southwest



Photo 2: Current Structure Viewed from Southeast

**2026UV2003 ; Photographs (continued)**



Photo 3: Existing Parking Area to West of Structure



Photo 4: Existing Parking Area to South of Structure

**2026UV2003 ; Photographs (continued)**



Photo 5: Adjacent Property to South of Structure From East



Photo 6: Adjacent Property to South of Structure From West

**2026UV2003 ; Photographs (continued)**



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North

**2026UV2003 ; Photographs (continued)**



Photo 9: Adjacent Property to West



Photo 10: Adjacent Property to South of Intersection