



Metropolitan Development Commission Hearing Examiner (May 29, 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, May 29, 2025

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-MOD-008 | 7436 Rockville Road

Wayne Township, Council District #16

C-3

Jeffrey Shelton

Modification of the Commitments for 2006-ZON-146, to terminate a portion of Commitment #9, which prohibits the use of tobacco stores (previous commitment removed tobacco stores as a permitted use).

****Staff request to continue to June 26, 2025, with Notice**

2. 2025-ZON-029 | 3939 Madison Avenue

Perry Township, Council District #23

University RS LLC, by Timothy Ochs and Jennifer Milliken

Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses.

****Petitioner has withdrawn the Petition**

3. 2025-ZON-047 | 7525 McFarland Boulevard

Perry Township, Council District #24

Manheet Singh, by Joseph D. Calderon

Rezoning of 7.54 acres from the SU-1 district to the D-9 district to provide for a multi-family residential development.

****Staff request for continuance for cause to June 26, 2025, with Notice**

4. 2025-CAP-823 (Amended) / 2025-CVR-823 | 6800 Pendleton Pike

Lawrence Township, Council District #9

C-S (TOD)

Amerco Real Estate Company, by Stephany Sheekey

Modification of C-S Statement and Site Plan related to 2017-ZON-057, to provide for 12 additional mini-warehouse storage buildings, for a total of 32,003 square feet of additional storage space.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for 12 mini-warehouse structures within a transit-oriented development overlay (not permitted on lots greater than 0.5-acre and only permitted within a building).

****Staff request for continuance for cause to June 26, 2025, with Notice**

5. 2025-CZN-824 / 2025-CVR-824 | 963, 1001, 1007, 1008, 1010, 1011, 1015, and 1027 East Georgia Street, and 960, 1002, 1018, and 1022 and 1030 Bates Street

Center Township, Council District #18

The City of Indianapolis by Aryn Schounce

Rezoning of 1.72 acres from the D-8, C-S (TOD), and I-4 districts to the C-S (TOD) district to provide for not-for-profit uses, including case management and services, offices, commercial kitchen and cafeteria, multi-family dwellings, emergency shelter, and accessory uses such as outdoor gathering space, per the filed plan of operation.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot at 1008 and 1010 East Georgia Street, with a zero-foot front yard setback along Shelby Street and Georgia Street without landscaping (minimum 10-foot front yard setbacks required with landscaping), a four-foot west transitional yard setback without landscaping (minimum eight-foot west transitional yard setback required at alley with landscaping), without exclusive alley access (not permitted), with a four-foot wide public sidewalk along Georgia Street and Shelby Street (minimum six-foot sidewalk required at local street and minimum 12-foot wide sidewalk required at arterial street), and, a surface parking lot at 1018, 1022, and 1030 Bates Street, with a six-foot front setback along Bates Street without landscaping, (minimum 10-foot front setback required with landscaping), a two-foot east side yard without buffer landscaping (minimum 10-foot side yard required with buffer landscaping), and without exclusive access from an improved alley (not permitted), and, a mixed-use building at 963-1027 East Georgia Street, with a nine-foot front setback along Shelby Street and zero-foot front setback along Georgia Street both without landscaping (minimum 10-foot front yard setbacks required with landscaping), a four-foot south transitional yard abutting an alley without landscaping (minimum eight-foot transitional yard required when abutting an alley with landscaping), a building height of 73 feet, (maximum 38-foot building height permitted), and a five-foot wide public sidewalk along Georgia Street and Shelby Street (minimum 6-foot sidewalk required at local street and minimum 12-foot wide sidewalk required at arterial street), with deficient landscaping and a waiver of the minimum and maximum parking requirements, in lieu of approval by the Current Planning Administrator.

****Staff request for continuance for cause to June 26, 2025, with Notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2025-MOD-007 | 10153 and 10335 East 52nd Street

City of Lawrence, Lawrence Township, Council District #10

D-4

Arbor Homes, by Domonic Dreyer

Modification of Commitments, related to 2004-ZON-020, to modify Commitment #7, to provide that a final site plan shall include a stub street along the northern border of the site to the parcel located to the north at 10151 East 52nd Street, two stub streets to the large vacant parcel along 52nd Street, along the northern portion of the site and at least one stub street to the parcels at 10404 and 10412 East 46th Street (previous commitment #7 required a final site plan shall include a stub street from the western-most portion of the site to the parcel to the west, two stub streets to the large vacant parcel along 52nd Street along the northern portion of the site, and at least one stub street to the parcels at 10404 and 10412 East 46th Street).

7. 2025-ZON-045 | 6434 North College Avenue

Washington Township, Council District #2

BR Rentals, LLC, by Misha Rabinowitch

Rezoning of 0.72-acre from the C-1 (FF) (TOD) district to the C-3 (FF) (TOD) district to provide for neighborhood commercial uses.

8. 2025-CZN-819 / 2025-CPL-819 | 7030 Mann Road

Decatur Township, Council District #20
Jose E. Cuevas, by Justin Kingen and David Kingen

Rezoning of 5.31 acres from the D-A district to the D-3 district to provide for residential development.

Approval of a Subdivision Plat to be known as Cuevas Estates, subdividing 5.305 acres into two lots.

9. 2025-CZN-821 / 2025-CPL-821 | 2833 McPherson Street

Center Township, Council District #8
D-5
Arcadia 1 Development, LLC, by Jynell D. Berkshire

Rezoning of 0.11-acre from the D-5 district to the D-8 district to provide for a single-family attached dwelling structure.

Approval of a Subdivision Plat to be known as McPherson Heights Addition, subdividing 0.11-acre into two single-family attached lots.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2024-ZON-125 (Amended) | 4460 and 4498 North Keystone Avenue

Washington Township, Council District #8
Mark and Kim Crouch

Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.

11. 2025-MOD-004 | 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, 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 21st Street.

12. 2025-ZON-032 | 2947 North Sherman Drive

Center Township, Council District #8
Parajmit Singh, by Thomas L. Pottschmidt

Rezoning of 1.145 acres from the D-5 district to the C-4 district to provide for commercial uses.

13. 2024-CVR-855 / 2024-CPL-855 (Amended) | 1527 East 12th Street

Center Township, Council District #13
D-8 (FF) (FW)
Tyler and Natalie Sadek, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

14. 2025-CPL-805 (Amended) / 2025-CVR-805 (Amended) | 7515 Camby Road

Decatur Township, Council District #21
D-3 (FF)
Abigail Wojciechowski, by David Gilman

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

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

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 width required), to provide for on-site septic systems for each lot (public sewer facility required), and to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

15. 2025-CZN-811 / 2025-CVC-811 | 1708 East 10th Street and 1017 Windsor Street

Center Township, Council District #13
RG Holdings, LLC, and Jackson Control Properties, by David Kingen and Emily Duncan

Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-1 district for a mixed-use development.

Vacation of the first east-west alley north of 10th Street, being 15 feet in width, beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with a waiver of the assessment of benefits.

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2025-CZN-820 / 2025-CVR-820 | 4221 North Emerson Avenue

Lawrence Township, Council District #9
Spivey Properties, LLC, by David Gilman

Rezoning of 0.789-acre from the D-2 and C-3 districts to the C-3 district to provide for neighborhood commercial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot setback for a surface parking lot along Emerson Avenue, without on-site landscaping (minimum ten-foot setback required), (a minimum of ten feet of landscaping required, with three shrubs per 25 feet of street frontage required and one tree per 35 feet of street frontage required), without interior landscaping for the parking lot (minimum landscaping consisting of 6% of all uncovered vehicle area required).

Additional Business:

******The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at 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, 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](#)



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-MOD-008
Property Address: 7436 Rockville Road (Approximate Address)
Location: Wayne Township, Council District #16
Petitioner: Jeffrey Shelton
Current Zoning: C-3
Request: Modification of the Commitments for 2006-ZON-146, to terminate a portion of Commitment #9, which prohibits the use of tobacco stores (previous commitment removed tobacco stores as a permitted use).
Current Land Use: Commercial
Staff Recommendations: No Recommendation
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first time hearing this petition.

STAFF RECOMMENDATION

Staff is recommending **no recommendation** for this request.

PETITION OVERVIEW

LAND USE

This 0.95-acres subject site, zoned C-3, is a developed commercial lot that currently contains grocery, liquor store, and a proposed Happy Daze shop that sells tobacco and associated products. It is surrounded to north and west, zoned D-7, multi-family residential, the east, zoned C-3, restaurant, to the south, zoned C-1 and D-5, commercial use and residential use.

MODIFICATION

This request would modify commitments associated with petition **2006-ZON-146** that prohibits a tobacco store. Commitment #9 limited the number of permitted uses otherwise allowed in the C-3 district. Those uses are automobile oil change or lubrication shops; gasoline service station or truck stop; tattoo parlor; pawn shop; tobacco store; temporary seasonal retail sales uses shall not include fireworks sales.

STAFF ANALYSIS



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

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.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial Use	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-7	Multi-family dwellings
South:	C-1	Rockville Road
East:	C-3	Restaurant
West:	D-7	Multi-family dwelling
Thoroughfare Plan		
Rockville Road	Primary Arterial	Enter ROW Requirement vs
Rockleigh Avenue	Local Street	Proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Airspace Secondary Zoning District	
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	March 17, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan (2019)

Pattern Book / Land Use Plan



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

- 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.”
- **Small-Scale Offices, Retailing, and Personal or Professional**
 - 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)

- 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

2006-ZON-146; 7436 Rockville Road (subject site), Rezoning of 1.18 acres, being in the C-S district to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2000-DV3-020; 7440 Rockville Road (subject site), variance of development standards to provide for a 14 by 48-foot outdoor advertising sign (billboard) located zero feet from a protected district, and within 450 feet of an existing billboard, **denied**.

72-Z-34; 7450 Rockville Road (subject site), rezoning of 1.118 acres from D-7 to C-S to provide for a food market, **granted**.

62-Z-187; 7210 Rockville Road (subject site), rezoning of 17.50 acres, being in the A-2 district to the B-2 classification to permit a shopping center.

62-Z-186; 7210 Rockville Road (subject site), rezoning of 15.337 acres, being in the A-2 district to the R-6 classification to permit Apartment buildings.

Vicinity

2019-ZON-104; 7503 Rockville Road (south of site), Rezoning of 0.182 acre from the D-5 district to the C-1 district, **approved**

2001-UV3-012; 7503 Rockville Road (south of site), request a variance of use of the Dwelling Districts Zoning Ordinance to provide for an insurance agency, within an existing dwelling, **granted**.

98-2-282; 7441 Rockville Road (east of site), requested a rezoning of 0.25 acre from the D-5 District to the C-1 classification to provide for a professional office, **approved**.

98-2-107; 7435 Rockville Road (west of site), requested rezoning of 1.498 acres, being in the D-5 district to the C-S classification to provide for the construction of self-storage facilities, **approved**.

96-2-57; 7515 Rockville Road (west of site), requested rezoning of 1.486 acres, being in the D-5 District, to the C-4 classification to provide for commercial uses including a fast food restaurant with a drive-through, **approved**.

92-2-13; 7445 Rockville Road (east of site), requested rezoning of 3.26 acres, being in the I-3-S District, to the C-1 classification to provide for commercial development, **approved**.

88-2-167; 7501 Rockville Road, (east of site), requested rezoning of 5.36 acres from the D-5 District to the C-S classification to provide for mini-warehouse development, **approved**.

80-2-35; 202 South Girls School Road (east of site), requested rezoning of three acres, being in the C-4 District, to the SI-27 classification to provide for a library, **approved**.



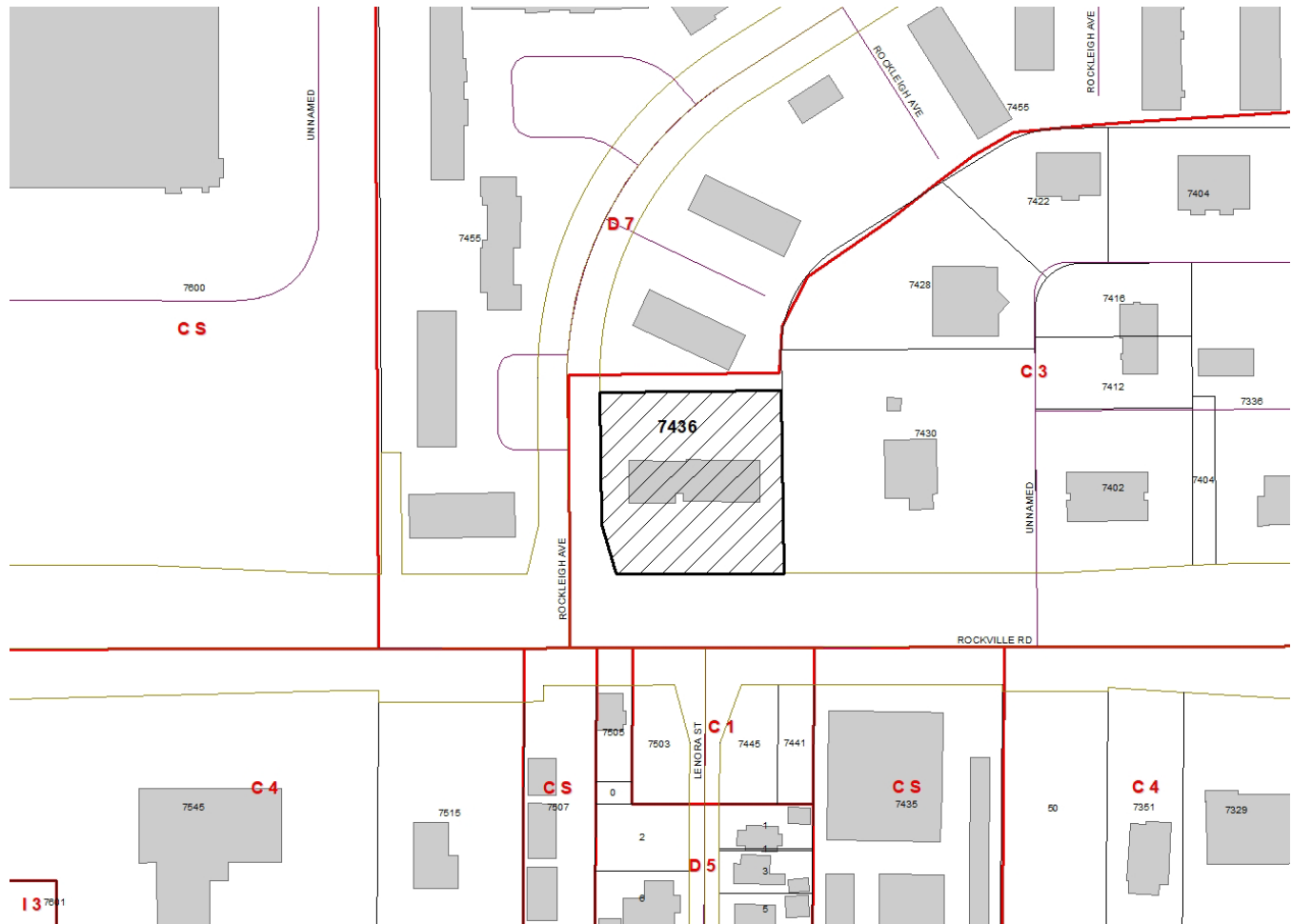
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75-2-467; 96 South Girls School Road (east of site), requested rezoning of 0.80 acre, being in the D-5 District to the C-4 classification to provide for commercial development, **approved**.

67-Z-154; 7430 Rockville Road (east of site), requested rezoning of 7.588 acres, being in the A-2 and D-7 District, to the D-7 classification to provide for the construction of multi-family dwellings, **approved**.

67-Z-155; 7402 Rockville Road (east of site), requested rezoning of 8.08 acres, being in the A-2 District, to the B-3 classification to provide for the construction of a small shopping center.

EXHIBITS





Plan of Operation for

7436 Rockville Road, Indianapolis, IN 46214

1. Workforce

- Workforce of 4 people
- Workers work on-site
- The hours of operation are between 10:00 a.m. and 11:00 p.m. Sunday through Saturday
- Workers typically drive their own vehicles and park in the parking lot
- The building is protected by an ADT alarm system and a DVR camera system with remote access

2. Clients & Customers

- Customers are middle aged to elderly and typically working class or retired
- Customers come to the business and the average number of customers is approximately 50 per day
- Many customers walk or use wheelchairs, the majority drive and park in the provide parking lot

3. Processes Conducted on Site

- The onsite activity is retail sales all conducted inside the building
- There are no outdoor activities conducted on the site
- Customers are monitored by the DVR system while on site for their protection

4. Materials Used

- The materials used are normal items you would find in a smoke shop including cigars, E-cigarette devices, candles, and incense
- There only hazardous materials stored on site are butane and lighter fluid used for refilling lighters
- All hazardous materials are stored in cool, dry where they are not exposed to direct sunlight or heat

5. Shipping & Receiving

- Items are shipped and received using standard delivery services including USPS, UPS, and FedEx All deliveries are made using box trucks
- The average number of deliveries is approximately 3 per week with usual hours being between 10:00 a.m. to 4:00 p.m.

6. Waste

- Waste is mostly cardboard and plastic
- Waste is disposed of onsite dumpsters
- Waste that can be recycled is taken to an offsite facility to be processed



Figure 1 looking at Rockleigh Avenue from subject property



Figure 2 Looking at entrance Rockville Road from subject property



Figure 3 Looking west on Rockville Road from Subject property



Figure 4 Looking at the intersection between Rockville Road and RockLeigh Avenue.



Figure 5 Looking the tenant building Sign



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-ZON-029
Property Address: 3939 Madison Avenue (approximate address)
Location: Perry Township, Council District #23
Petitioner: University RS LLC, by Timothy Ochs and Jennifer Milliken
Current Zoning: C-7 (TOD)
Request: Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses.
Staff Reviewer: Desire Irakoze, Principal Planner II

CONTINUANCE

ADDENDUM FOR MAY 29, 2025, HEARING EXAMINER

This petition was automatically continued from the April 24, 2025, hearing to the May 29, hearing at the request of the petitioner.

The petitioner has submitted a request to **withdraw** this petition. This would require the acknowledgement from the Hearing Examiner

April 24, 2025

This is the public hearing for this petition.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-ZON-047
Property Address: 7525 Mc Farland Boulevard
Location: Perry Township, Council District # 24
Petitioner: Manheet Singh, by Joseph D. Calderon
Request: Rezoning of 7.54 acres from the SU-1 district to the D-9 district to provide for a multi-family development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the May 29, 2025 hearing, to the June 26, 2025 hearing**, with notice, to provide time for the request to be amended and provide new notice.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-CAP-823 (Amended) / 2025-CVR-813

Property Address: 6800 Pendleton Pike

Location: Lawrence Township, Council District # 9

Petitioner: Amerco Real Estate Company, by Stephany Sheekey

Request: Modification of C-S Statement and Site Plan related to 2017-ZON-057, to provide for 12 additional mini-warehouse storage buildings, for a total of 32,003 square feet of additional storage space.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for 12 mini-warehouse structures within a transit-oriented development overlay (not permitted on lots greater than 0.5-acre and only permitted within a building).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the May 29, 2025 hearing, to the June 26, 2025 hearing**, with notice, to provide time for the request to be amended and provide new notice.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number:	2025-CZN-824 / 2025-CVR-824
Property Address:	963, 1001, 1007, 1008, 1010, 1011, 1015, and 1027 East Georgia Street, and 960, 1002, 1018, and 1022 and 1030 Bates Street (Approximate Addresses)
Location:	Center Township, Council District #18
Petitioner:	The City of Indianapolis by Aryn Schounce
Current Zoning:	D-8, C-S (TOD), and I-4 districts
Request:	<p>Rezoning of 1.72 acres from the D-8, C-S (TOD), and I-4 districts to the C-S (TOD) district to provide for not-for-profit uses, including case management and services, offices, commercial kitchen and cafeteria, multi-family dwellings, emergency shelter, and accessory uses such as outdoor gathering space, per the filed plan of operation.</p> <p>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a surface parking lot at 1008 and 1010 East Georgia Street, with a zero-foot front yard setback along Shelby Street and Georgia Street without landscaping (minimum 10-foot front yard setbacks required with landscaping), a four-foot west transitional yard setback without landscaping (minimum eight-foot west transitional yard setback required at alley with landscaping), without exclusive alley access (not permitted), with a four-foot wide public sidewalk along Georgia Street and Shelby Street (minimum six-foot sidewalk required at local street and minimum 12-foot wide sidewalk required at arterial street), and, a surface parking lot at 1018, 1022, and 1030 Bates Street, with a six-foot front setback along Bates Street without landscaping, (minimum 10-foot front setback required with landscaping), a two-foot east side yard without buffer landscaping (minimum 10-foot side yard required with buffer landscaping), and without exclusive access from an improved alley (not permitted), and, a mixed-use building at 963-1027 East Georgia Street, with a nine-foot front setback along Shelby Street and zero-foot front setback along Georgia Street both without landscaping (minimum 10-foot front yard setbacks required with landscaping), a four-foot south transitional yard abutting an alley without landscaping (minimum eight-foot transitional yard required when abutting an alley with landscaping), a building height of 73 feet, (maximum 38-foot building height permitted), and a five-foot wide public sidewalk along Georgia Street and Shelby Street (minimum 6-foot sidewalk required at local street and minimum 12-foot wide sidewalk required at arterial street), with deficient landscaping and a waiver of the minimum and maximum parking requirements, in lieu of approval by the Current Planning Administrator.</p>
Current Land Use:	Vacant commercial and residential buildings, Undeveloped land
Staff Recommendations:	To be determined.



Department of Metropolitan Development
Division of Planning
Current Planning

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance for cause from the May 29, 2025 hearing to the June 26, 2025 hearing** to allow the petitioner additional time to amend the request with the addition of a variance, plat, and vacation requests. This amendment will require new notices to be mailed.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the June 26, 2025 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-MOD-007

Property Address: 10153 and 10335 East 52nd Street

Location: City of Lawrence, Lawrence Township, Council District #10

Petitioner: Arbor Homes, by Domonic Dreyer

Current Zoning: D-4

Request:

Modification of Commitments, related to 2004-ZON-020, to modify Commitment #7, to provide that a final site plan shall include a stub street along the northern border of the site to the parcel located to the north at 10151 East 52nd Street, two stub streets to the large vacant parcel along 52nd Street, along the northern portion of the site and at least one stub street to the parcels at 10404 and 10412 East 46th Street (previous commitment #7 required a final site plan shall include a stub street from the western-most portion of the site to the parcel to the west, two stub streets to the large vacant parcel along 52nd Street along the northern portion of the site, and at least one stub street to the parcels at 10404 and 10412 East 46th Street)

Current Land Use: Agricultural Uses / Undeveloped

**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 modification request, subject to the following modified commitment being reduced to writing on the Commission Exhibit "C" form five days prior to the MDC hearing:

Commitment Seven of 2004-ZON-020 (Instrument #2004-0143082) shall be modified to read: A final site plan shall include a stub street along the northern border of the site to the parcel located to the north at 10151 East 52nd Street, two stub streets to the large vacant parcel along East 52nd Street along the northern portion of the site, and at least one stub street to the parcels at 10404 and 10412 East 46th Street. All other commitments shall remain in effect, except as modified by petition 2021-MOD-003 (Instrument #A2021-00047197).

PETITION OVERVIEW

This 21.244-acre site, zoned D-4, is undeveloped and surrounded by single-family dwellings and a school district transportation facility to the north, across East 52nd Street, zoned D-A, D-5II and C-S, respectively; single-family dwellings to the south, zoned D-A and D-4; undeveloped land and single-family dwellings to the east, zoned D-A and D-4, respectively; and mobile home park and a single-family dwelling to the west, zoned D-A.

MODIFICATION

The request would modify a commitment related to a stub street, specifically Commitment #7, that required the submittal of a final site plan that included a stub street from the westernmost portion of the site to the parcel to the west, two stub streets to the large vacant parcel along 52nd Street along the northern portion of the site, and at least one stub street to the parcels at 10404 and 10412 East 46th Street.

The proposed plan would eliminate the stub street along the westernmost boundary of this site because the site to the west is under development but does not provide a stub street that would connect to the subject site. Consequently, the proposed stub street along the westernmost boundary of this site would not be appropriate or necessary.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Undeveloped / Agricultural Uses	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A / D-5II / C-S	Single-family dwellings / transportation facility
South:	D-A / D-4	Single-family dwellings
East:	D-A / D-4	Single-family dwelling
West:	D-A	Mobile Home Park / Single-family dwellings
Thoroughfare Plan		
East 52 nd Street	Primary Collector	Existing 76-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



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

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

The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

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.



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

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2024-PLT-062; 10335 East 52nd Street, requested approval of a Subdivision Plat, to be known as Silver Stream, Section 4, subdividing 25.29 acres into 94 lots, with lots along Jade Edge Court only accessible by three local streets, with a waiver of maximum number of two local streets used by emergency vehicles requirements, per Chapter 741, Article III, Section 3.B of the Consolidated Zoning and Subdivision Ordinance, **approved**.

2021-MOD-003; 10153 and 10335 East 52nd Street and 4724 North German Church Road, requested modification of commitments related to rezoning petitions 2004-ZON-020 and 2005-ZON-061 to terminate Commitment Nine and Commitment Seven respectively to allow for a mixture of lot sizes within the development, **approved**.

2020-LUSV-08; 10001 East 52nd Street, requested a variance of use and development standards to provide for a mobile home park, with less main floor and total floor area than required, **granted**.

2005-ZON-061; 10404 East 46th Street, rezoning of 9.21 acres from the D-A (FW) (FF) District to the D-4 classification (FW) (FF), to provide for single-family residential development, **approved**.

2004-ZON-020; 10151-10853 East 52nd Street and 4724 North German Church Road (east, west and north of subject site) requests a rezoning of 150.35 acres from D-A to D-4 (FW) (FF), to provide for 510 single-family dwellings, resulting in 3.39 units per acre, **approved**.

2002-ZON-163 (2002-DP-25); 10151 East 52nd Street (north of subject site), rezoning of 63 acres from the D-A district to the D-P classification to provide for a residential development at a density of 4.24 units per acre, **withdrawn**.

2002-ZON-122 (2002-DP-013); 10940 East 42nd Street (south of subject site), requests rezoning of 77.1 acres, from D-P (FF) to D-P (FF), to provide for 282 single-family dwellings, resulting in 3.66 units per acre, **approved**.

2001-ZON-002; 10100 East 46th Street (west of subject site), requests a rezoning of five acres from D-A to SU-7, to provide for a youth housing and counseling facility, **approved**.

2000-ZON-170; 10100 East 46th Street (subject site), requests a rezoning of 5 acres from D-A to SU-7 to provide for a youth housing and counseling facility, **withdrawn**.

90-Z-208 (90-DP-5); 4545 Mitthoefer Road (south of subject site), rezone 96.8 acres from D-A (FP) to the D-P (FP) classification, to provide for 305 single-family dwellings and 75 two-family dwellings, **approved**.

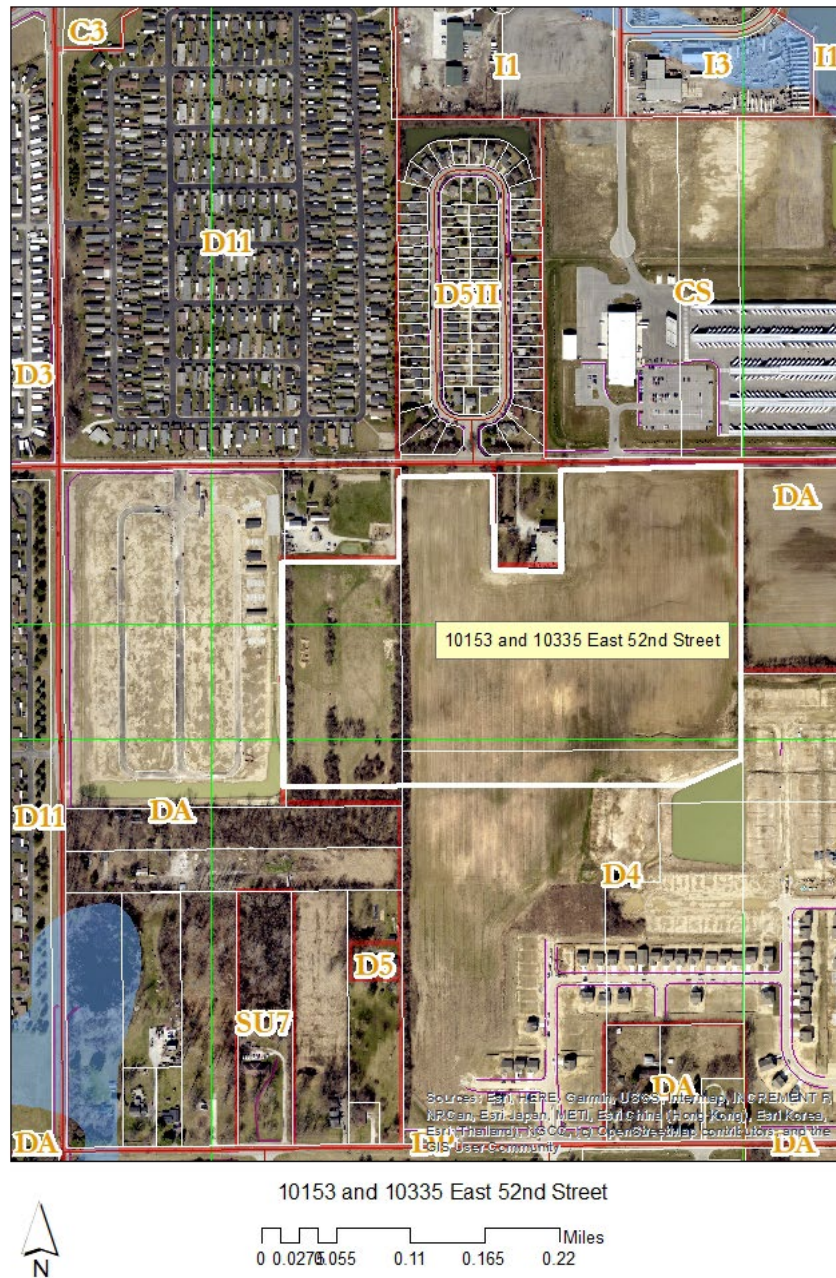


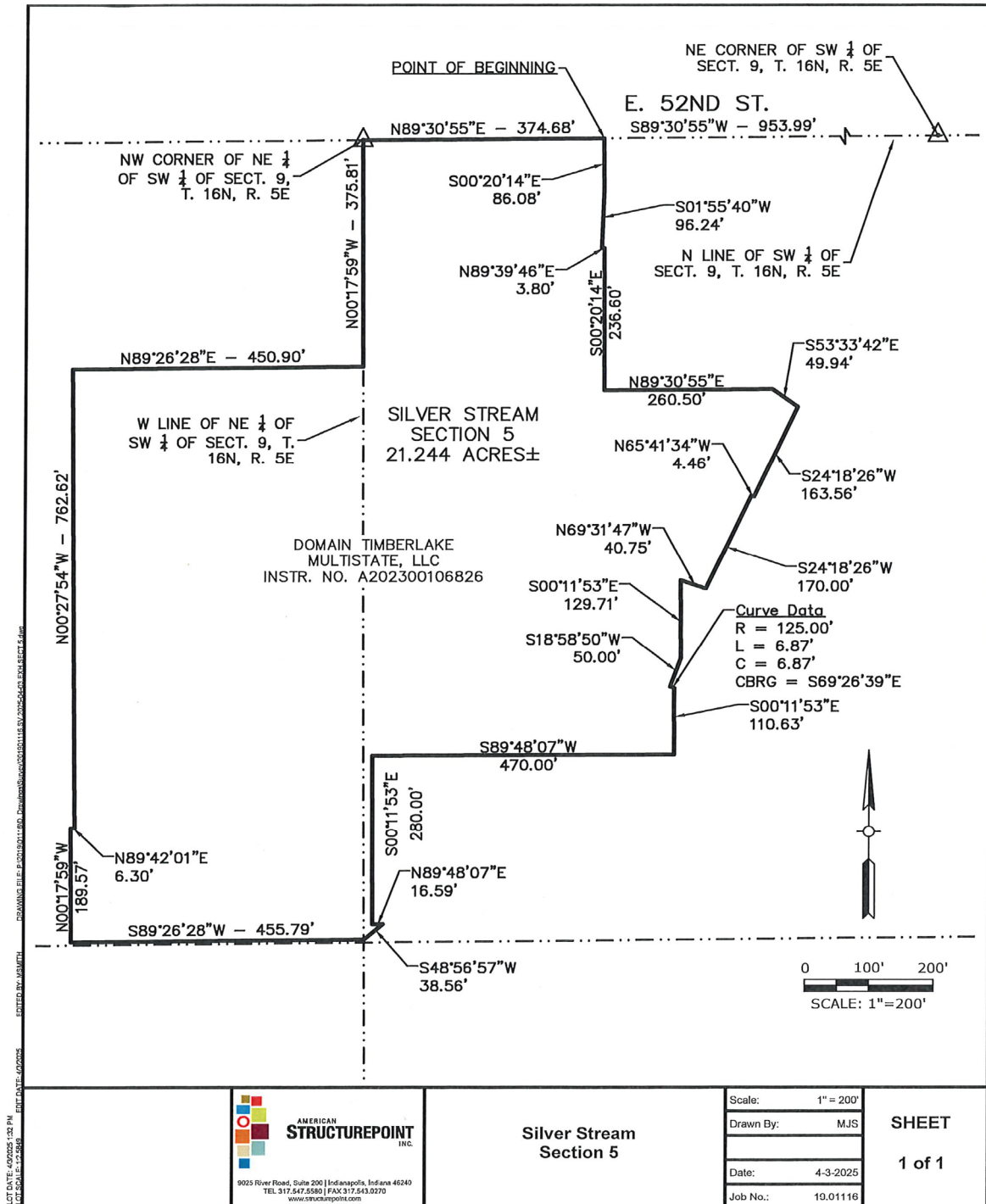
Department of Metropolitan Development
Division of Planning
Current Planning

76-Z-87; 4457 Mitthoefer Road (west of subject site), rezone 16.64 acres from A-2 to the D-5 classification, to provide for residential development, **approved**.

68-Z-232; 10100 42nd Street (west of subject site), rezone 23.758 acres from D-7 to the D-6II classification, to provide for multi-family residential development, **approved**.

EXHIBITS







View looking west along East 52nd Street



View looking east along East 52nd Street



View of site (western portion) looking west across East 52nd Street



View of site (western portion) looking south across East 52nd Street



View of site (western portion) looking southeast across East 52nd Street



View of site (eastern portion) looking southwest across East 52nd Street



View of site (eastern portion) looking south across East 52nd Street



View of site (eastern portion) looking southeast across East 52nd Street



View of site looking east along East 52nd Street



View from site looking north across East 52nd Street (school transportation facility)



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-ZON-045
Property Address: 6434 North College Avenue (Approximate Address)
Location: Washington Township, Council District #2
Petitioner: BR Rentals, LLC, by Misha Rabinowitch
Current Zoning: C-1 (FF)(TOD)
Request: Rezoning of 0.72-acre from the C-1 (FF)(TOD) district to the C-3 (FF)(TOD) district to provide for neighborhood commercial uses.
Current Land Use: Offices
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 0.72-acre subject site is developed with a commercial building and associated parking lot. It is bordered to the north and west by single-family dwellings, zoned D-4, an office building to the south, zoned C-3, and a bank and gas station to the east, zoned C-3.

REZONING

The request would rezone the site from the C-1 district to the C-3 district to allow for additional neighborhood commercial uses not otherwise permitted in the existing zoning district.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less



Department of Metropolitan Development Division of Planning Current Planning

commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

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 explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

STAFF ANALYSIS

Rezoning the site to the C-3 district would align with the Broad Ripple Village Plan Envision Broad Ripple (2012) recommendation for village mixed-use development of the site since it would allow for a variety of new uses.

Furthermore, the increased list of permitted uses would also promote the implementation of the Red Line Transit-Oriented Development Strategic Plan (2021) that promotes a variety of uses along the transit corridor.

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

GENERAL INFORMATION

Existing Zoning	C-1 (FF)(TOD)	
Existing Land Use	Offices	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-4	Residential (Single-family dwelling)
South:	C-3	Office



Department of Metropolitan Development
Division of Planning
Current Planning

East:	C-3	Commercial
West:	D-4	Residential (Single-family dwellings)
Thoroughfare Plan		
College Avenue	Primary Arterial Street	78-foot proposed and existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
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

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located ¼ mile north of the site at the 66th Street and College Avenue intersection. It is categorized as the walkable neighborhood typology.
- Characteristics of this typology include a mix of uses at station area and primarily residential beyond, maximum of three stories throughout, no front or side setbacks at core with zero to 15-foot front



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

setbacks and zero to 20-foot side setbacks at periphery. A mix of multi-family and single-family housing are recommended with structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- The site falls within the Broad Ripple Village Plan Envision Broad Ripple (2012) and recommends village mixed-use development of the site.
- This land use category consists of a development focused on a mixed-use core of small, neighborhood office/retail nodes, public and semipublic uses, open space and light industrial development. Residential development densities vary from compact single-family residential development and small-scale multi-family residential development near the “Main Street” or “Village Center” and progress to lower densities outward from this core. Village mixed use areas are intended to strengthen existing, historically rural, small towns and cities within Indianapolis, which are intended to continue as neighborhood gathering places and should allow a wide range of small businesses, housing types, and public and semi-public facilities. This category should be compatible in size and scale to existing villages in Marion County. It will allow development of residential and limited commercial uses on smaller lots than in other sections of rural and suburban Indianapolis.
- Potential development in these areas should focus on design issues related to architecture, building size, parking, landscaping and lighting to promote a pedestrian-oriented “village” or “small town” atmosphere, rather than focusing on residential density. Strip commercial development (integrated centers setback from rights-of-way by parking areas), large-scale freestanding retail uses, and heavy industrial development are generally inappropriate within this land use category. The Plan anticipates that this category will typically be designated as a critical area.
- The subject site falls within Critical Area 2 of the neighborhood plan.
- Broad Ripple was originally developed as a distinct village. Over the years, the City of Indianapolis grew out to envelop it. To maintain Broad Ripple’s identity as a distinct place it has been designated as Urban Mixed-Use and Village Mixed-Use. To retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village it is critical to increase the population density, promote mixed-use development and enhance vitality of the streetscape.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History – Site

2005-DV2-018; 6434 North College Avenue (subject site), Variance of development standards of the sign regulations to provide for two, 6.25-foot tall, 57.17-square foot pylon signs located zero feet from the right-of-way of North College Avenue (minimum fifteen-foot setback from the right-of-way required), and located zero feet apart from each other (minimum 300-foot separation required between freestanding identification signs on the same lot), **granted**.

70-Z-223; 6434 North College Avenue (subject site), Rezoning to the C-1 classification, **approved**.

Zoning History – Vicinity

2001-ZON-058; 6426 North College Avenue (south of site), Rezoning of 0.36 acre from the D-4 District to the C-3 classification to provide for commercial use, **approved**.

79-Z-124; 6419 College Avenue (east of site), Rezoning of 0.4 acre, being in D-4 District, to C-3 classification, to provide for a filling station and related retail uses, **approved**.

69-Z-207; North side of East 65th Street, east side of College Avenue (east of site), Rezoning of 1.83 acres, being in U-3 and D-4 districts to C-3 classification to provide for a neighborhood convenience center, **approved**.

EXHIBITS





Photo of the subject site.



Photo of the southern portion of the subject site looking west.



Photo of the northern portion of the subject site looking northwest.



Photo of the single-family dwellings north of the site.



Photo of an office south of the site and IndyGo Charging Station.



Photo of a bank east of College Avenue.



Photo of a gas station east of College Avenue.



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

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-CZN-819 (Amended) / 2025-CPL-819

Property Address: 7030 Mann Road (Approximate Address)

Location: Decatur Township, Council District #20

Petitioner: Jose E. Cuevas, by Justin Kingen and David Kingen

Current Zoning: D-A

Request: Rezoning of 5.31 acres from the D-A district to the D-S district to provide for residential development.
Approval of a Subdivision Plat to be known as Cuevas Estates, subdividing 5.305 acres into two lots.

Current Land Use: Undeveloped property

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 the zoning petition to rezone the site from D-A to D-S.

Staff recommends that the Hearing Examiner approve and find that the plat, file-dated April 29

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.



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

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.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner

PETITION OVERVIEW

LAND USE

This 5.31 acres site, zoned D-A, is vacant and surrounded by single-family dwellings to the north, west, and south, all zoned D-A. To the east, zoned PK-1, containing Southwestway Park.

REZONING

The request would rezone the site to the D-S (Dwelling Suburban) district to provide for two (2) single-family homes.

D-A is the Dwelling Agriculture District, which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this district. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

D-S is the Dwelling Suburban District, which permits single-family residential development with a typical density of 0.4 units per acre. The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development.

PLAT

Site Plan

This undeveloped site is zoned D-A. The request would provide for a subdivision plat known as Cuevas Estates that would divide the parcel into two lots. Lot 1 and Lot 2 would consist of 2.45 acres and 2.45 acres. This is a minor subdivision plat.

Per 742-103. A.4. **Public utilities** attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the DA, D-S, and D-1 districts.



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

Streets

Both lots would front along Mann Road, which is a Primary Arterial public street.

Sidewalks

No sidewalks exist along Mann Road frontage.

Department of Public Works

50' half right-of-way

Waivers

None requested.

STAFF ANALYSIS

The proposed rezone to the D-S district aligns with the Comprehensive Plan which recommends Rural or Estate Neighborhood. This allows the development of the property to align with the existing neighborhood.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Residential (Single-Family Dwelling)
South:	D-A	Residential (Single-Family Dwelling)
East:	PK-1	Southwestway Park
West:	D-A	Residential (Single-Family Dwelling)
Thoroughfare Plan		
Mann Road	Primary Arterial	90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Site Plan (Amended)	April 29, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	



Department of Metropolitan Development
Division of Planning
Current Planning

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019)

Pattern Book / Land Use Plan

The **Rural or Estate Neighborhood** typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

The Comprehensive Plan consists of two (2) components that include The Marion County Land Use Pattern Book (2019) and the Land Use Map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

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.”
- When infill development occurs in the Metro Context Area, the Infill Housing Guidelines can provide best practices for integrating new buildings into the fabric of existing neighborhoods:
 - **Site Configuration**
 - Front Setbacks
 - Building Orientation
 - **2. Orient Towards the Street**
 - Building Spacing
 - **1. Reinforce Spacing on the Existing Block**
 - Open Space
 - **1. For Lots that Meet Current Size Requirements, Meet Open Space Standards**
 - Trees, Landscaping, and the Outdoors
 - **Aesthetic Considerations**
 - Building Massing
 - **1. Consider the Size of Surrounding Houses**
 - **2. Build with Respect to the Street**
 - Building Height
 - Building Elevations and Architectural Elements
 - **Additional Topics**
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future

Indy Moves

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

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.



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

- 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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History- Subject Site

2001-DV2-027; 7030 Mann Road (subject site), Variance of development standards of the dwelling districts zoning ordinance to provide for a 24-by 30-foot detached garage, located within the established front yard setback of the existing primary structures, along Mann Road (accessory structures not permitted in the established front yard), **approved**.

Zoning History-Vicinity

2000-ZON-146; 7010 & 7016 Mann Road (north of site), rezone of 4.5 acres being in the D-A district to the C-4 classification, to provide for commercial uses, **withdrawn**

2009-ZON-034; 7400 Acton Road, 5706 North Meridian Street, 2605 Kentucky Avenue, 9501 East 36th Place, 5335 & 53530 South High School Road and 6038-6240 Valley Lane, 8401 Rockville Road, 1934 North DeQuincy Street, 5398 Milhouse Road, 750 Greer Street, 4241 Fairview Terrace and 4242 Mendenhall Road, 1313 Madison Avenue, 254 East Beecher Street, 5624 South Carroll Road, 4900 West Southport Road, 1616 East 71st Street; and 135 North Richland Street, 4456 Shelbyville Road, 5700 East 23rd Street, and 1701 East Washington Street (east of site), Rezoning of 463.544 acres from multiple zoning districts to the PK-1 classification, to provide for park and recreational uses, **approved**

2000-ZON-051/2000-DP-010; 4900 W Southport Road (east of site), rezone 101 acres being in the D-A district to D-P classification, to provide for single-family development, **denied**.

2008-DV1-056; 7041 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a 128-square foot deck, resulting in an accessory use area of 3,104 square feet or 105.76 percent of the total living area of the primary structure (maximum 2,976 square feet or 101.4 percent accessory use area permitted by petition 2007-DV1-033). **approved**.

2007-DV1-033A; 7041 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to A) provide for the construction of a two-story, 24-foot tall, 720-square foot addition to an existing 1,040-square foot detached garage (maximum twenty-foot height permitted), B) resulting in an accessory building area of 1,840-square feet or 95 percent of the main floor area of the primary structure (maximum 1,441 square feet or 75 percent of the main floor area of the primary structure permitted), C) and resulting in an accessory use area of 2,396 square feet or percent of the total living area of the primary structure (maximum 2,935 square feet or 99.99 percent of the total living area of the primary structure permitted), D) legally establish an 80-square foot mini-barn with a zero-foot rear setback (minimum five-foot rear setback required)., **approved**.

2007-DV1-033B; 7401 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish four-foot setback, **approved**.



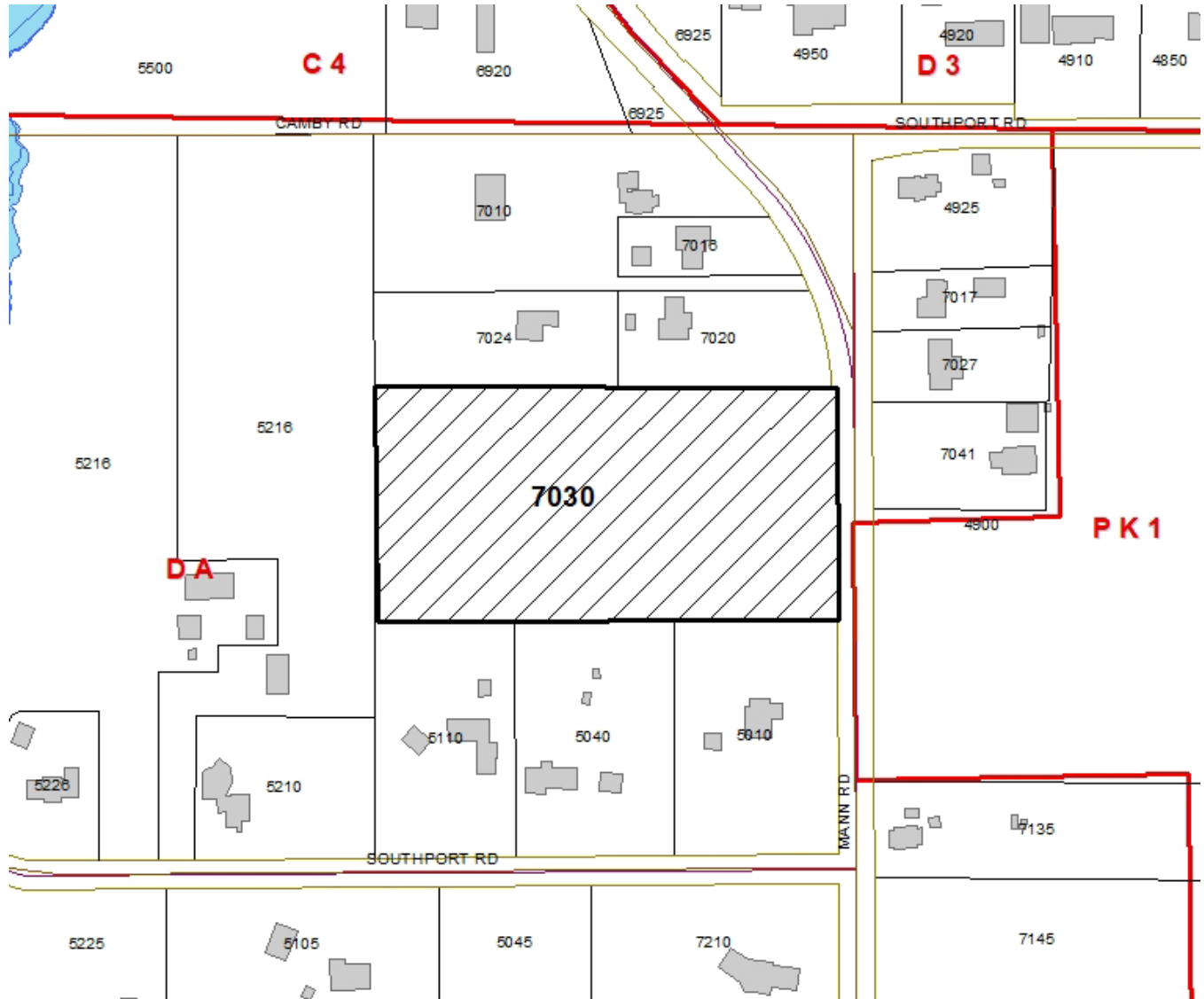
Department of Metropolitan Development
Division of Planning
Current Planning

87-HOV-104; 7041 Mann Road (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an addition to a single-family dwelling with a rear setback of twelve feet, **granted**.

2024-UV2-005; 4925 W Southport Road (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor including the outdoor storage of commercial vehicles and supplies (not permitted), **withdrawn**.

72-Z-275; DMD rezoning of all Park Department Property to PK-1 to provided for uniform park zoning, **Approved**.

EXHIBITS



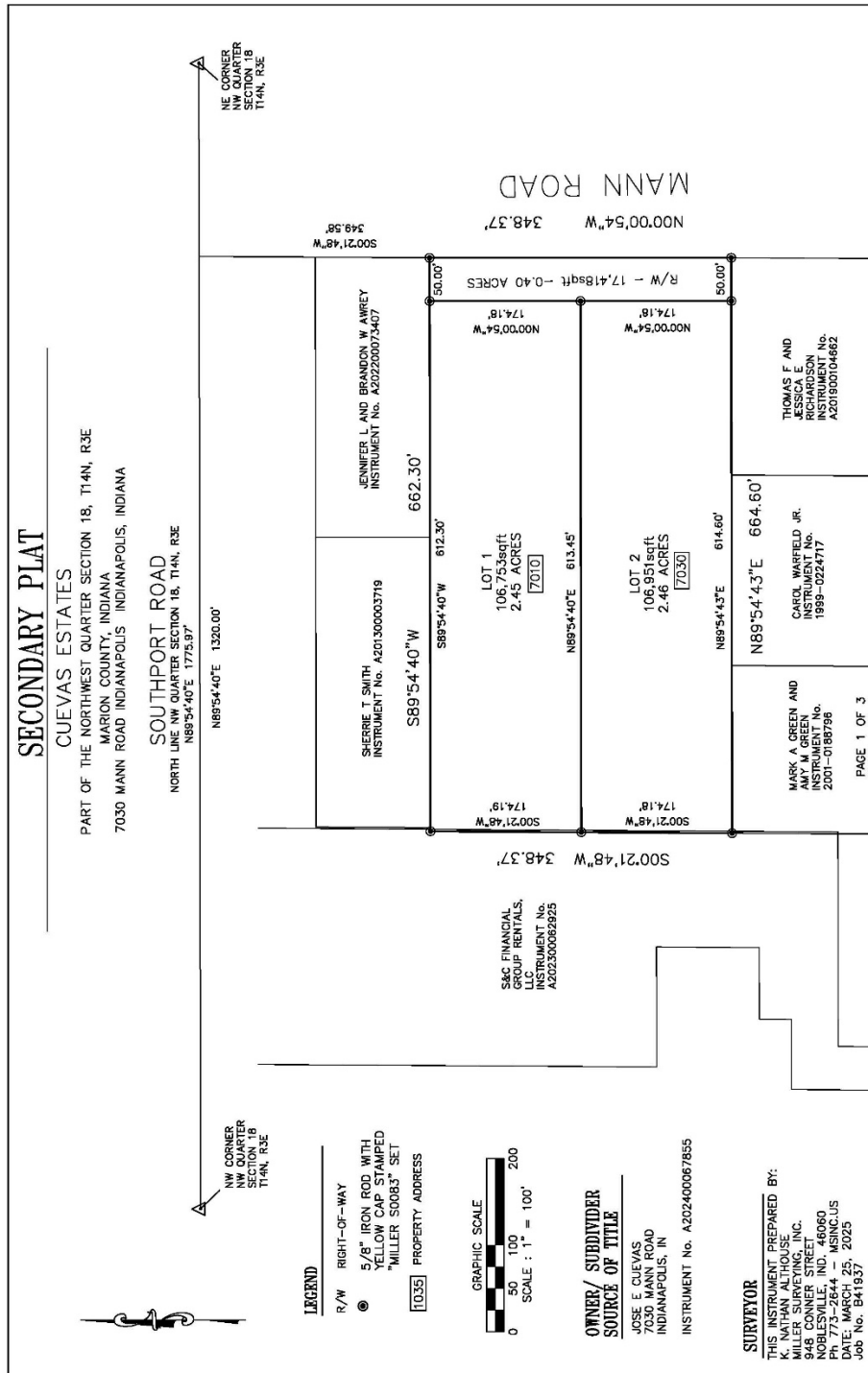


Figure 1 Proposed Plat



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Petitioner Commitments.

7030 Mann Road – Commitments

1. There shall only be two lots formed from the existing parcel, per the plat exhibit file-dated April 3, 2025 as part of petition 2025-CPL-819, and only one single-family residence shall be built on each of the two (proposed) lots. This is not intended to limit the construction of any accessory uses permitted under the City of Indianapolis Consolidated Zoning/Subdivision Ordinance.
- 2.
3. Each single-family residential structure shall contain a minimum of 1,800 square feet of livable space.



Figure 2 On Mann Road looking at subject property.



Figure 3 Overview credit. Google Photos



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-CZN-821 / 2025-CPL-821

Property Address: 2833 McPherson Street

Location: Center Township, Council District #8

Petitioner: Arcadia 1 Development, LLC, by Jynell D. Berkshire

Current Zoning: D-5

Request: Rezoning of 0.11-acre from the D-5 district to the D-8 district to provide for a single-family attached dwelling structure.

Current Land Use: Residential

Staff Recommendations: **Approval** of the plat, subject to the conditions noted below.

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner **approve** and find that the plat, file dated March 25, 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.



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Division of Planning
Current Planning**

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

LAND USE

The 0.11-acres subject site consist of one lot. It is surrounding by single-family dwellings, further to the east is the Monon trail. In 2024 a single-family residential permit was issued (STR24-04823), This companion request will split that home into two (2) individual lots.

The property to the north 2837 McPherson was made into a 2-unit condominium.

REZONING

This request would rezone the property from the D-5 district to the D-8 district for residential development of a single-family attached dwelling that would not be permitted in the exiting D-5 district.

D-5 is Dwelling District Five, for medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. Designed for urban, built-up areas of the Community using a rectilinear development pattern to achieve the fine-grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required.

D-8 is Dwelling District Eight, which is a unique district that allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares.

PLAT

Site Plan

This request would provide for a replat of lot 92 (approximately 40 feet wide) of Boswell and Fleming's Grandview Addition subdivision which would equally divide Lot 92 into 20-foot-wide lots for two (2) attached single-family dwellings.

Boswell and Fleming's Grandview Addition

Streets



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Current Planning**

Both lots would front along McPherson Street, which is a local, 50-foot-wide public street

Sidewalks

Sidewalks exist along the McPherson Street frontage.

Waivers

None requested.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for an additional residential dwelling to be constructed in line with the context of the surrounding area.

Additionally, the proposed dwelling district would also align with the Traditional Neighborhood recommendation of the Comprehensive Plan

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Residential (Single-Family Use)
South:	D-5	Residential (Single-Family Use)
East:	D-8	Residential (Single-Family Use)
West:	D-5	Residential (Single-Family Use)
Thoroughfare Plan		
McPherson Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 18, 2025	
Site Plan (Amended)	N/A	
Elevations	April 18, 2025	
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
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COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (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 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

- **Attached Housing**
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - *Resilient 2.4: Orienting uses toward the streets and other public spaces creates safer pedestrian environments.*
 - *Resilient 3.3: Locating land uses based on their durability --- their resilience to the intensity of surrounding uses --- will help ensure that they hold their value over time.*
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - *Healthier 1.2: Access to parks is a critical component to active living.*
 - *Resilient 3.1: Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.*
 - *Resilient 3.3: Locating land uses based on their durability --- their resilience to the intensity of surrounding uses --- will help ensure that they hold their value over time.*
 - *Competitive 1.1: Development should create vibrant, walkable places.*
 - *Competitive 1.2: In order for Indianapolis to be more competitive both regionally and nationally, it needs to provide a range of housing options, including townhomes, condos, and stacked flats within walking distance to restaurants, shops, and services.*



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- 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.
 - *Resilient 3.2: Increasing housing diversity decreases neighborhood vulnerabilities during economic downturns and tastes change.*
 - *Resilient 3.3: Locating land uses based on their durability --- their resilience to the intensity of surrounding uses --- will help ensure that they hold their value over time*

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

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



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“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

VICINITY

2007-ZON-093; 1150 East 28th Street (east of site), Rezoning of 1.58 acres, being in the I-2-U District, to the D-8 classification to provide for residential development, **approved**.

85-UV1-123; 1150 East 28th Street (east of site), Variance of use to provide for the operation of an automobile dismantling and wrecking business, in I-2-U, **withdrawn**.

87-UV2-21; 1150 East 28th Street (east of site), variance of use and development standards to legally establish a salvage and automobile parts recovery business with outside storage and operations without required setbacks or transitional yards, in I-2-U, **withdrawn**.

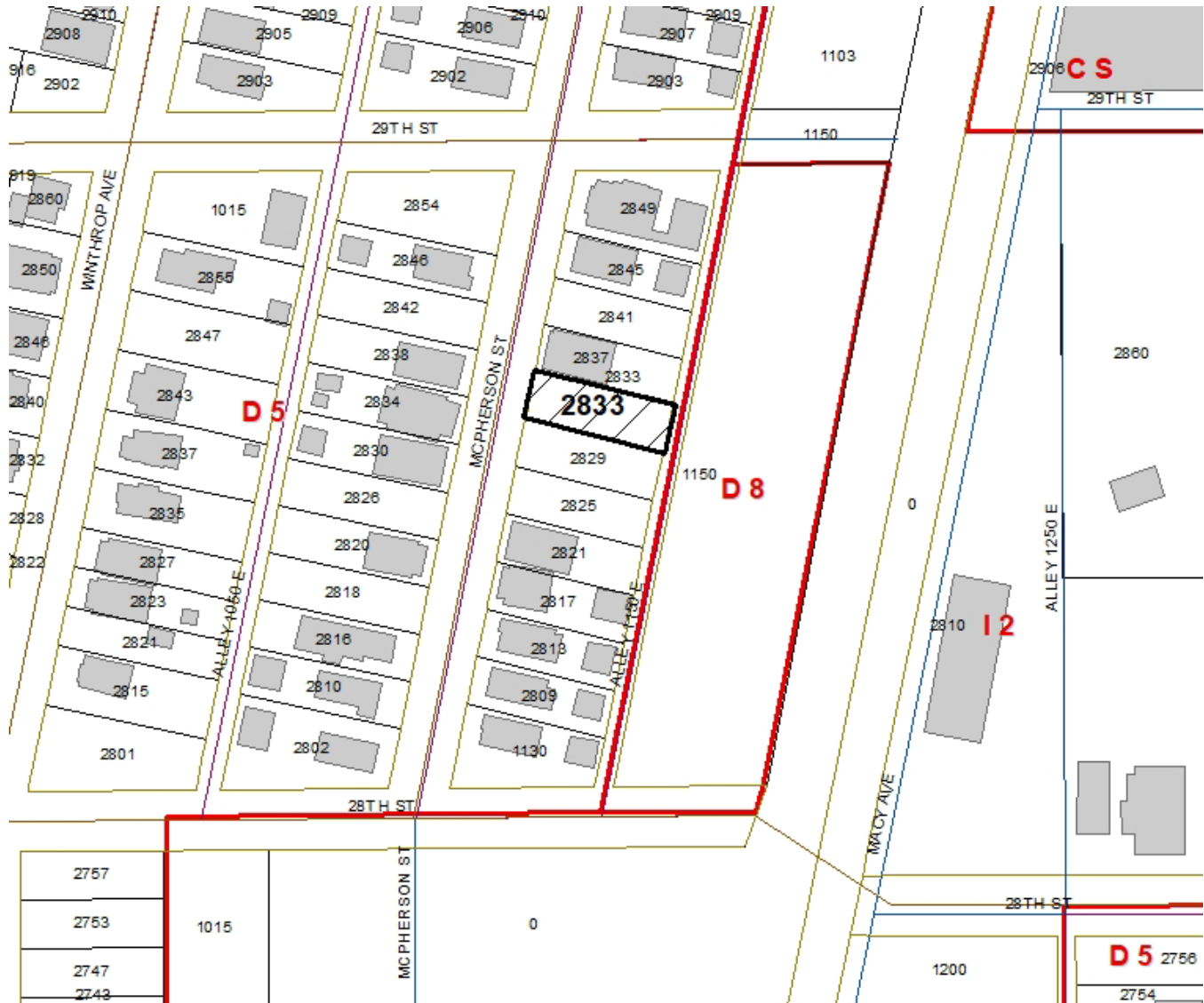
91-UV2-137; 1150 East 28th Street (east of site), Variance of use to provide for the repair and outdoor storage of elevator equipment and machinery necessary for movement and erection of said equipment, in I-2-U, **denied**.

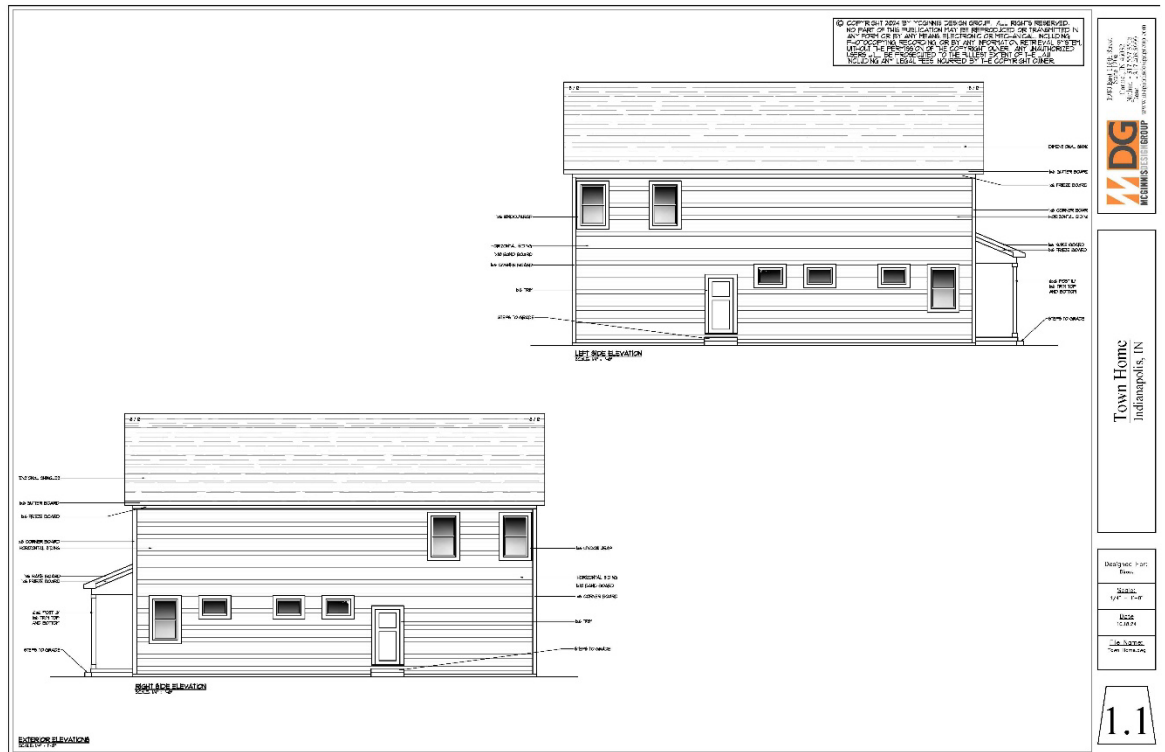
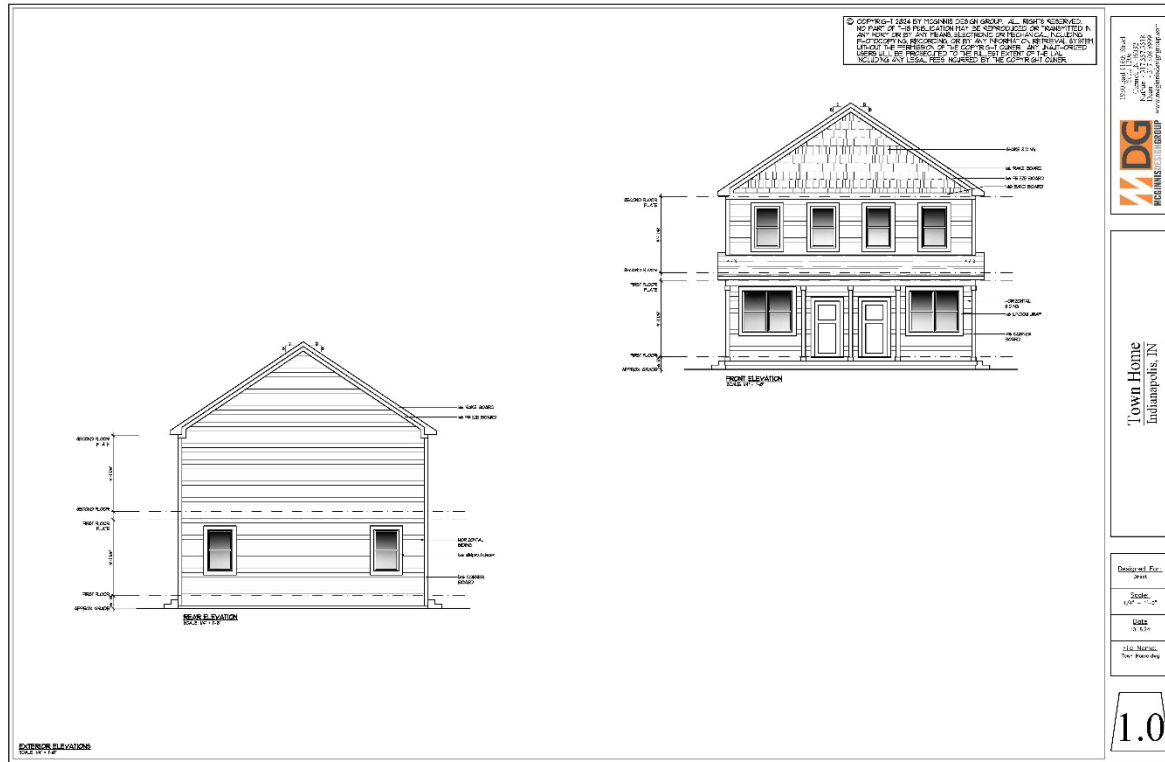
2019-ZON-020; 2942, 2946, 2950 and 2954 McPherson Street (north of site), Rezoning of 0.5 acres from the D-5 district to the C-3 Classification, **withdrawn**.

2022-DV1-055; 2853 McPherson Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 10-foot front yard setback from McPherson Street (minimum 20-foot front setback required along Neighborhood Frontages) and a detached garage with two street trees provided (five street trees required) and no planting beds provided (minimum 10% of front yard must be improved with planting beds with shrubs or perennial plants), **withdrawn**.

2024-ZON-044; 2712 Winthrop Avenue (south of site), Rezoning of 2.96 acres from the D-5 district to the D-8 district for residential development, **approved**.

EXHIBITS







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PURPOSE STATEMENT

The purpose of this Minor Plat Application is approval of a Subdivision Plat to be known as McPherson Heights Addition, A Replat of Lot 92 in Boswell & Fleming's Grandview Addition. The subject site is zoned D-5.

This proposed plat would divide the existing vacant, undeveloped lot, into two lots for the newly construction of a single-family attached structure on each newly subdivided lot. Lots One and Two would each contain half of the single-family attached structure with the lot line following the common wall and continuing through the rear of the lot.

The companion zoning petition will change the Zoning District from D-5 to D-8 to allow for the proposed construction of a single-family attached structure on each newly subdivided lot. The replat and rezoning would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

Lots One and Two would front on McPherson Avenue, with alley access in the rear. No new streets are proposed for the development.

MACPHERSON HEIGHTS ADDITION

A REPLAT OF LOT 92 IN BOSWELL & FLEMING'S GRANDVIEW ADDITION, PLAT BOOK 10, PAGE 93

PART OF THE NORTHWEST QUARTER OF SECTION 35-T16N-R4E
CENTER TOWNSHIP, MARION COUNTY, INDIANA

LAND DESCRIPTION

A part of Boswell & Fleming's Grandview Addition, the plat of which is recorded in Plat Book 10, page 93, in the Office of the Recorder of Marion County, Indiana, and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 92 in said Addition and running thence South 76 degrees 43 minutes 32 seconds East a distance of 117.24 feet to the Northeast corner of said Lot; thence South 11 degrees 16 minutes 32 seconds West a distance of 40.00 feet to the Southeast corner of said Lot; thence North 76 degrees 43 minutes 32 seconds West a distance of 117.24 feet to the Southwest corner of said Lot; thence North 11 degrees 16 minutes 32 seconds East a distance of 40.00 feet to the POINT OF BEGINNING of this description, containing an area of 1.08 acres, more or less.

ENFORCEMENT COVENANT

Metropolitan Development Commission: The Metropolitan Development Commission, its successors and assigns shall have no right, power or authority to enforce any covenants, restrictions or other limitations contained herein other than those covenants, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission; provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of this article, or any conditions attached to approval of this plat by the Plat Committee.

SIGHT DISTANCE COVENANT

Sight obstruction: No fence, wall, hedge or shrub planting that obstructs sight lines at elevations between 2.5 and 9 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of such street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage is maintained at a sufficient height to prevent obstruction of the sight lines.

STORM DRAINAGE COVENANT

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plans as approved for this plat by the City of Indianapolis and the requirements of all drainage permits issued for this plat.

SANITARY SEWER COVENANT

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction approved by the municipality and the requirements of all sanitary sewer construction permits issued for this plat. Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in which the easement is granted without express written permission, that is then duly recorded, and shall run with the real estate. The municipality and its agents shall have the right to ingress and egress, for temporary periods only, over the owner's real estate adjoining such easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.

STORM WATER BEST MANAGEMENT PRACTICES COVENANT

This subdivision has been designed to include stormwater quality and/or quantity stormwater facilities that must be inspected and maintained by the owner. An Operations and Maintenance Manual is available for the stormwater facilities. Upon activation of the homeowner's association, it shall be the responsibility in perpetuity of the homeowner's association and the individual owners of any lot or parcel of land within the area of this plat, jointly and severally, to comply with the Operations and Maintenance Manual, fees and inspection and maintenance requirements.

UTILITY COVENANT

Each lot in this subdivision is subject to an easement for utility services to the other lots in the subdivision.

OWNERS CERTIFICATE

The undersigned, _____, owner of the real estate shown and described herein, as per deed recorded in the Office of the Recorder of Marion County, Indiana as Instrument #202000000000, hereby does certify that it has laid off, platted and subdivided and hereby does lay off, plat and subdivide said real estate into Lot 1 and Lot 2, of MACPHERSON HEIGHTS ADDITION, as shown on the within Plat.

In testimony whereof, witness the signatures of _____ the Owner and Dated this _____ day of _____, 20____.

Sign: _____

Print: _____

STATE OF _____) ss:

COUNTY OF _____)

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____ and acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

My Commission expires: _____

I am a resident of _____ County.

I affirm, under the penalty for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law. Lee Wood
Prepared by Lee Wood, PLS, Axis Surveying, PO Box 39636, Indianapolis, IN 46250

SURVEYOR'S CERTIFICATE

I, Lee Wood, hereby certify that the within Plat is a representation of the lands surveyed and platted under my direct supervision and control and that it is true and correct to the best of my knowledge and belief.

This subdivision consists of three (3) lots, numbered 1 and 2, all inclusive, and shall be known and designated as MACPHERSON HEIGHTS ADDITION with public rights of way as shown on the within plat.

The size of each lot and width of the street and alley are shown in figures denoting feet and decimal parts thereof.

This plat is based upon the Boundary Survey prepared by Axis Surveying, as Project No. 1-25048, dated February _____, 2025, and recorded on _____, 2025, as Instrument No. _____ in the Office of the Recorder, Marion County, Indiana.

There have been no changes from the meters of survey revealed by the cross-referenced survey on any lines that are common with this subdivision plat. Monuments have been or will be set at all lot corners as required by IAC 865 and the subdivision control ordinance.

Witness my signature this 10th day of February, 2025.

Lee Wood
Lee Wood
Professional Surveyor No. LS 2100280
State of Indiana



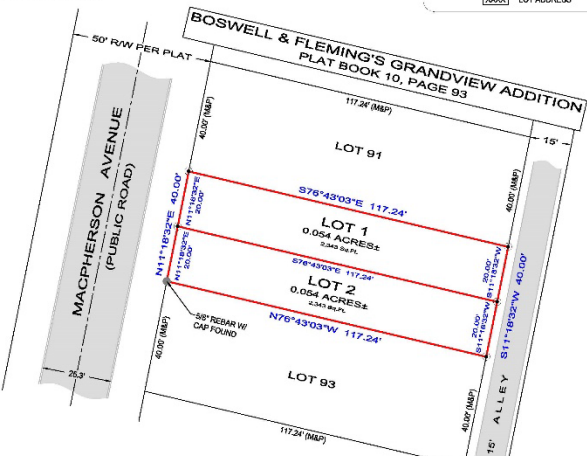
AXIS
SURVEYING, LLC

PREPARED FOR:
ARCADIA 1 DEVELOPMENT, LLC
140 N. MAPLE STREET,
ZIONSVILLE, INDIANA 46077

OWNER/SUBOWNER:
ARCADIA 1 DEVELOPMENT, LLC
140 N. MAPLE STREET,
ZIONSVILLE, INDIANA 46077

Complete Surveying Services for Commercial - Construction - Residential
317.851.1506 www.AxisIndy.com P.O. BOX 39636 Indianapolis, IN 46250

PROJECT NUMBER: 1-25048



VICINITY MAP (NOT TO SCALE)

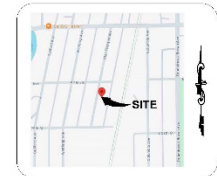


Figure 1 Proposed Primary Plat

BOUNDARY RETRACEMENT SURVEY

SURVEYOR'S REPORT:

Owner of Record: Arcadia 1 Development, LLC
 Type of Survey: Retracement Survey
 Purpose of Survey: Establish the survey lines and corners of Lot 92.

BASIS OF BEARINGS:

The basis of bearings for this survey were based on the Marion County specific coordinate system using GPS observations on the monuments shown herein.

UNCERTAINTY IN LOCATION OF LINES AND CORNERS:

- Availability and condition of reference monuments:
 - Curbs utilized for this survey were found to be in good condition. Uncertainty relative to the location of these curbs is 0.5 feet, north or less. (HELD)
 - An "AIE" capped 5/8" rebar found at the Southwest corner of Lot 92 was found at grade and in good condition. (HELD)
 - The 5/8" rebar of unknown origin found at the Northwest, Southwest, and Northeast corners of Lot 90 were found at or near grade and in good condition. These monuments fell within 0.4 feet or less of their calculated and accepted positions.
 - The 5/8" capped 5/8" rebar found at the Southwest, Northwest, and Southeast corners of Lot 88. These monuments were found at or near grade and in good condition. These monuments fell within 0.6 feet or less of their calculated and accepted positions. The rebar found at the southeast corner was within 0.3 feet of the solution on this survey.
 - The capped 5/8" rebar of unknown origin found at the Southwest corner of Lot 89 was found at grade and in good condition. (HELD)
- Occupation or possession lines:
 - None observed.
- Clarity or ambiguity of record descriptions used:
 - None observed.
- The Relative Positional Accuracy (Standard used by the surveyor herein) of the corners of the subject tract established this survey is within the specifications for a Suburban Survey (0.13 feet plus 100 parts per million).

THEORY OF LOCATION:

Curbs were split along MacPherson Avenue (west of the block) and 29th Street (north of the block) to define the physical centerlines of these roads. Part of the defining these centerlines, platted right-of-way distances were offset to define the northern and western lines of the block containing Lot 92. Platted distances, obtained from the plat of Boswell & Fleming's Grandview Addition, the plat of which is recorded in Plat Book 10, page 93, in the Office of the Recorder of Marion County, Indiana, were utilized in the definition of the remaining lines and corners of Lot 92 and its adjacents. It appeared some of the monuments found were set based on the curbs and some were not. The measurements between found monuments were not consistent enough to hold some of them directly so the curbs were held as the best solution for the subject parcel as it appeared the "AIE" capped rebar found at the southwest corner was set by the same method used on this survey.

DESCRIPTION - LOT 92 - INSTRUMENT NO. A20240082492:

Lot Number 92 in Boswell & Fleming's Grandview Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 10, page 93, in the Office of the Recorder of Marion County, Indiana.

CONCLUSION OF UNCERTAINTIES:

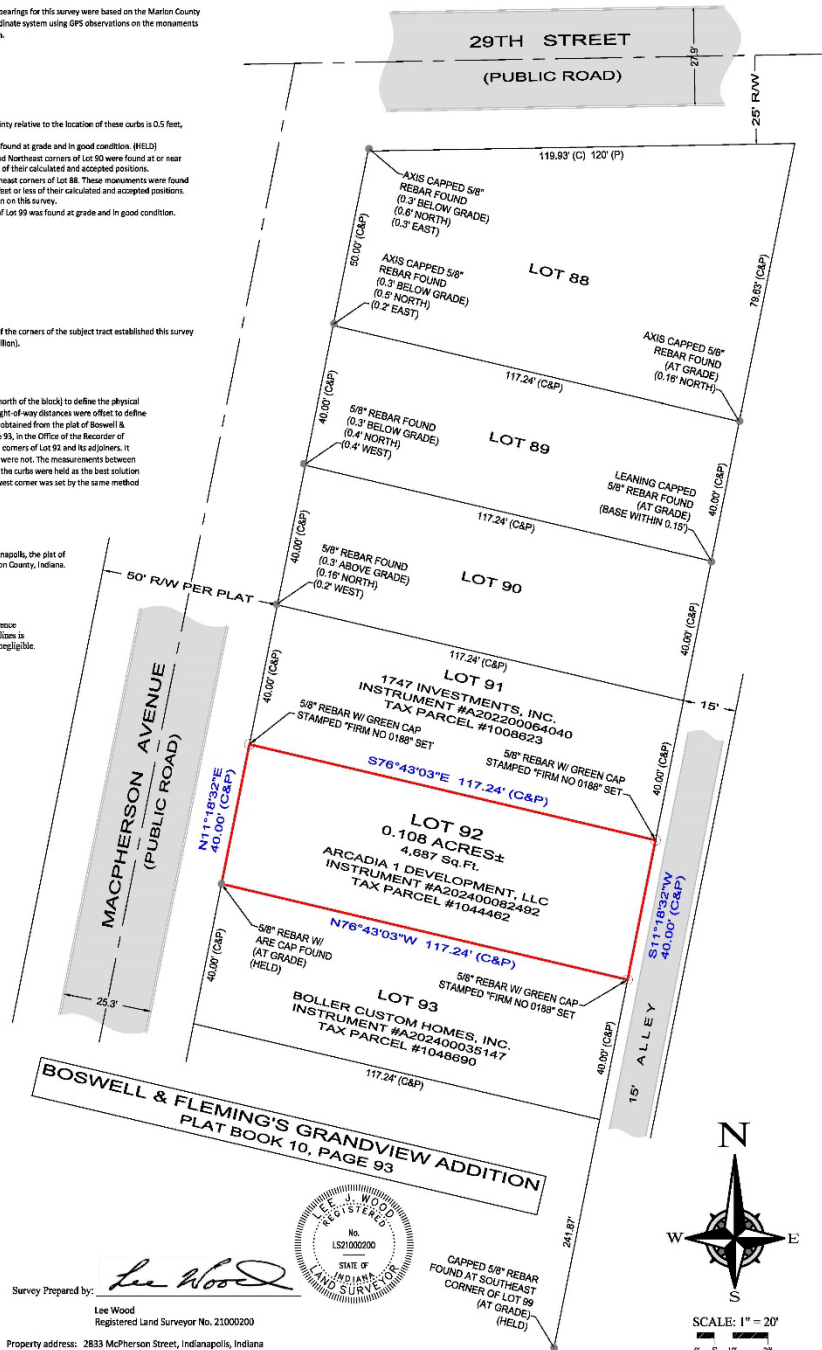
The uncertainty per this survey relative to (1) availability and condition of reference monuments is 0.6 feet, more or less, as relative to (2) occupation or possession lines is negligible, and as relative to (3) clarity or ambiguity of recorded description is negligible.

NOTES:

- Dimensions on this plat are expressed in feet and decimal parts thereof, and are the measured values.
- Survey monuments set for the survey are 5/8" inch diameter 24 inch rebar set at grade with "Firm No 0188" identification caps, unless otherwise noted on plat.
- A commitment for title insurance was not provided for use on this survey. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- Fence lines, as shown, are for informational purposes only. This survey does not warrant the right of possession or ownership of that part of the within described real estate lying between said fence lines and deed lines.
- Unless specifically shown hereon, this survey does not purport to indicate the presence or absence of storage tanks, asbestos, contaminants, or other hazardous or environmentally injurious materials; and the surveyor expressly disclaims any responsibility or liability for the same.
- A search for easements of record is not to be implied by this survey. Matters of zoning compliance is not expressed or guaranteed by this survey.

LAND SURVEYOR CERTIFICATE:

I, Lee Wood, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana; and that to the best of my knowledge and belief, the survey plat within represents a survey made under my supervision in accordance with Title 85, Article 1, Rule 12 of the Indiana Administrative Code. The field work for said survey was completed on November 13, 2024.



LEGEND	
○ SURVEY MARKER SET (5/8" IRON REBAR) WITH FIRM NO 0188 CAP (SEE EXAMPLE TO RIGHT)	EXTENDY.COM FIRM NO 0188
■ BUILDING	● SURVEY MARKER FOUND AS NOTED ON PLAT
■ ASPHALT	⊕ SECTION CORNER
■ CONCRETE	(M) MEASURED
■ STONE	(C) CALCULATED
	(D) DEED
	(P) PLAT
	(R) RECORD
	SRE SUBJECT REAL ESTATE

Survey Prepared by:

Lee Wood

Registered Land Surveyor No. 21000200

Property address: 2833 MacPherson Street, Indianapolis, Indiana

Survey and certified: February 10, 2025

RETRACEMENT SURVEY

2833 MCPHERSON STREET

LOT 92
 A PART OF BOSWELL & FLEMING'S GRANDVIEW
 ADDITION, PLAT BOOK 10, PAGE 93

PREPARED FOR:
 ARCADIA 1 DEVELOPMENT, LLC

AXIS
 SURVEYING, LLC

Complete Surveying Services for Commercial - Construction - Residential
 (317) 941-1000 • www.AxisSurvey.com • P.O. BOX 9000 • Indianapolis, IN 46200

PROJECT NUMBER 25049

DRAWN BY: BMHL
 CHECKED BY: LW
 ISSUE DATE: 2/10/2025

SHEET
 1 OF 1

Figure 2 Existing Plat



Figure 3 Subject Property



Figure 4 Sidewalk on McPherson Street



Figure 5 Building Separation



Figure 6 Garage Access off of alley

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2024-ZON-125 (Amended)
Property Address: 4460 & 4498 North Keystone Avenue (Approximate Addresses)
Location: Washington Township, Council District #8
Petitioner: Mark and Kim Crouch
Current Zoning: D-5 (W-1) and C-3 (W-1)
Request: Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.
Current Land Use: Auto Repair
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 29, 2025 HEARING EXAMINER

This petition was continued from the April 10, 2025 hearing to the May 29, 2025 hearing at the request of the petitioner to allow additional time to potentially amend the request. No new information was submitted to the case file.

ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

Staff further researched the subject site at 4498 North Keystone Avenue since it had a few variances granted in the past for a service station and truck parking per 55-V-595, 74-UV3-189, and 77-UV3-14. It was determined that a service station would not be able to be operated today since the service station was subject to the site plan submitted in 1955, which appears to have changed per the site plan on file and recent aerial images. This research was conducted due to the original request for a C-4 district that indicated a fueling station proposal.

The request was amended from the C-4 district to the C-5 district for the purpose of auto sales, which staff determined would not be supportable.

Staff's initial concerns with the previously proposed C-4 district did not change with the intensified C-5 rezoning request. Instead, it would be even more contradictory to the community commercial recommendation of the Comprehensive Plan that is supposed to serve nearby neighborhoods.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this

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Current Planning**

district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The C-5 district would align more with a regional commercial recommendation which provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods.

Although Keystone Avenue is categorized as an arterial street, 45th Street is a local street that still contains single-family dwellings that are unfortunately located in the I-1 zoning district but should be taken into consideration when contemplating the rezoning of the subject site.

Staff informed the petitioner's representative that a rezoning to the C-3 district would be the most intense zoning district that would be supportable at this location which would align with the community commercial recommendation of the Comprehensive Plan.

For these reasons, staff **recommends denial** of the request as amended.

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the January 9, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

The petition was amended to change the rezoning request from the C-4 district to the C-5 district. Staff wanted more time to determine if an existing variance of use would be applicable to the site. After speaking with the petitioner, they proposed the April 10, 2025 hearing date which staff was agreeable to. This petition was continued for cause from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of staff.

ADDENUM FOR JANUARY 9, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner. No new information was submitted to the case file.

November 21, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation the approval shall 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:

1. A 52-foot half right-of-way shall be dedicated along the frontage of Keystone Avenue, 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

LAND USE

The 0.42-acre subject site is developed with two commercial buildings currently utilized for a car repair and maintenance service business.

REZONING

The grant of the request would rezone the property from the D-5 (W-1) and C-3 (W-1) districts to the C-4 (W-1) district to allow for commercial 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 C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

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

WELLFIELD

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

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval.

This site is specifically located within the Fall Creek W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The southern subject parcel has historically been used as an office and the northern subject parcel was a fueling station with truck and trailer storage and rental. The site is currently operating an auto repair business with two commercial buildings on site.

Because of the existing Fall Creek W-1 Wellfield Protection District on site, staff is recommending denial of the rezoning to the C-4 district that allows uses that could cause additional contamination on the site. Furthermore, it is unclear to staff what type of business would be proposed on site although the site plan notes an existing gas station and fuel pumps that do not exist today.

If a fueling station were proposed, it would not be permitted since it is a prohibited use in the Wellfield Protection District. Additionally, the site would not be conducive for a fueling station if proposed since the site is difficult to exit considering the amount of traffic that runs along Keystone Avenue.

Staff recommended that the petitioner rezone to the C-3 district instead to align with the community commercial recommendation of the Comprehensive Plan and provide a less invasive district adjacent to the couple residential dwellings to the west.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1) and C-3 (W-1)
Existing Land Use	Auto Repair
Comprehensive Plan	Community Commercial

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

Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Automobile Sales
South:	C-3	Dental Office
East:	C-5	Retail
West:	I-1	Residential (Single-family dwelling)
Thoroughfare Plan		
Keystone Avenue	Primary Arterial Street	104-foot proposed right-of-way and 100-foot existing right-of-way.
45 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	October 3, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the site.
- 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.

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

- **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.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - 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.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.
- A commercial rezoning of the site would align with this recommendation except for uses that would not be permitted in the wellfield protection district, which staff wants to prevent with the recommendation to lower the proposed commercial rezoning district to C-3.

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

92-Z-150; 4456 and 4460 North Keystone Avenue (subject site), Rezoning of 0.92 acre, being in the D-5 District, to the C-3 classification to conform zoning with the present uses, **approved**.

77-UV3-14; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted**.

74-UV3-189; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted, temporary for 2 years**.

72-UV1-136; 4498 North Keystone Avenue (subject site), Variance of use to allow open storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with exiting service station, **granted**.

71-V2-16; 4460 North Keystone Avenue (subject site), Variance of use, setbacks, side and transitional yard requirements to erect an office building with pole sign, **granted**.

55-V-595; 4498 Keystone Avenue (subject site), Variance of use and building line requirements to permit erection and operation of a service station with a pole sign at the northeast corner of the lot, and with off street parking and loading spaces provided, **granted**.

Zoning History - Vicinity

2023-UV2-006; 2320 Duke Street (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted), **granted**.

2013-ZON-010; 4530 North Keystone Avenue (northwest of site), Rezoning of 2.9 acres, from the I-1-S (W-1) and D-5 (W-1) Districts to the C-S (W-1) classification to provide for I-2 uses and the rental of trucks, vans and trailers and the repair and maintenance of said vehicles, **approved**.

2008-ZON-827; 4510 North Keystone Avenue (north of site), Rezoning of 0.5 acre, from the D-5 (W-1) and I-2-S (W-1) Districts to the C-4 (W-1) classification to provide for general commercial uses, **approved with commitments**.

2003-UV3-035; 2219 East 45th Street (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for a printing shop, **approved**.

99-HOV-32; 2301 East 46th Street (west of site), Variance of development standards to provide for an addition to a training center with a 16-foot front yard setback and a 13.6 side-yard setback, **granted**.



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

97-UV1-63; 2320 East Duke Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the operation of a mechanical contractor, within an existing building, **granted**.

85-Z-153; 4502 North Keystone Avenue (north of site), Rezoning 0.713 acre, being in the D-5 and I-1-S district, to the C-S classification, to permit all uses I the C-5 and I-2-S districts except for gas station, live adult entertainment arcades and adult bookstores, **approved**.

84-UV3-18; 7301 North Illinois Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the expansion and remodeling of an existing guest house on a lot zoned for single-family dwellings only, **withdrawn**.

76-UV1-146; 2301 East 45th Street (north of site), Variance of use and Development Standards to permit storage and parking of new and used automobiles, in connection with existing auto sales and repair on north side of street, **denied**.

EXHIBITS



Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site at 4460 North Keystone Avenue.

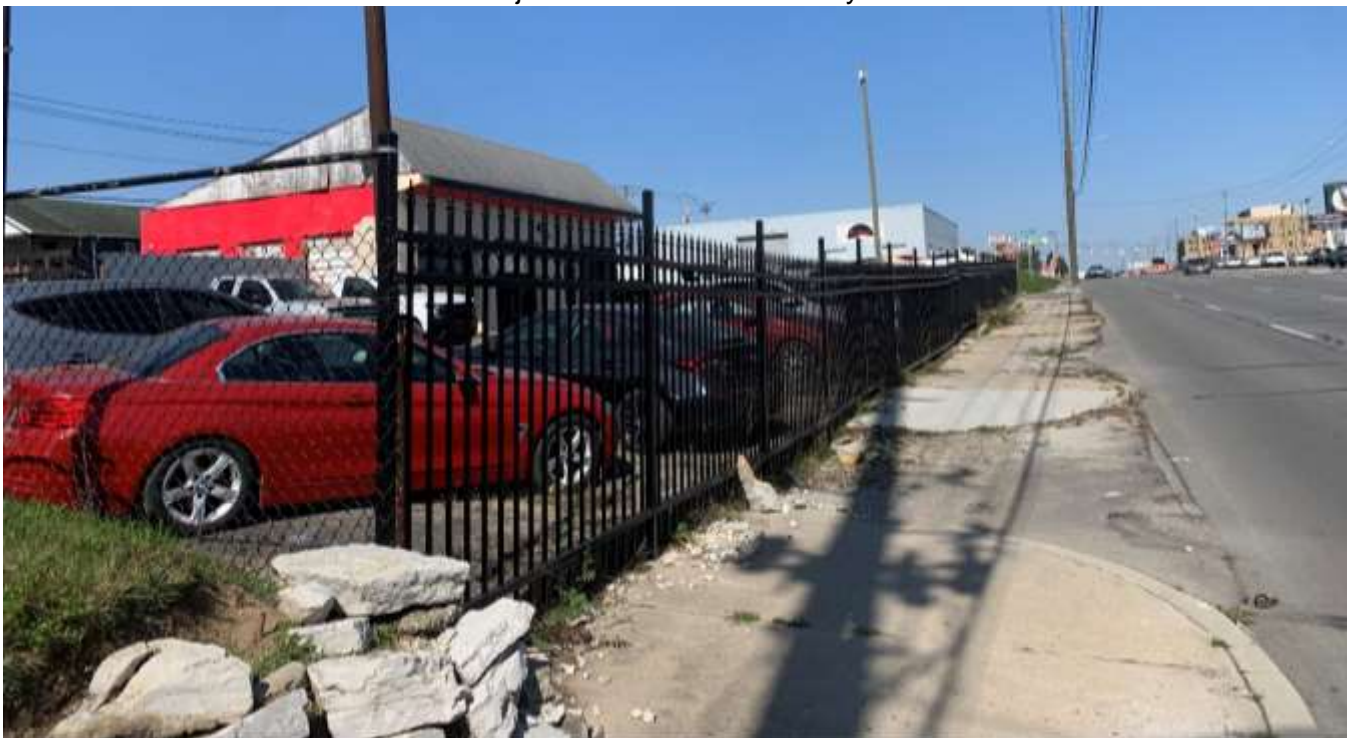


Photo of the subject site's street frontage looking north along Keystone Avenue.



Photo of the subject site's street frontage looking south along Keystone Avenue.



Photo of the subject site looking south from 45th Street.

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site looking southeast from 45th Street.



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



Photo of a commercial shopping strip east of the site.



Photo of the dentist office south of the site zoned C-3.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2024

Case Number: 2025-MOD-004

Property Address: 9100 and 9402 East 21st Street

Location: Warren Township, Council District #14

Petitioner: VAF Lawrence, LLC, by Jamilah Mintze

Current Zoning: C-1 / C-4

Request:

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; 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 21st Street..

Current Land Use: Undeveloped

Staff Recommendations: No recommendation related to commitments one through six. Denial of the termination of Commitment Number Seven and subject to the commitments noted below.

Staff Reviewer: 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.

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:

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

1. A 59.5 foot half right-of-way shall be dedicated along the frontage of East 21st 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 21st Street and a west bound right-turn lane at the eastern drive along East 21st Street shall be installed in accordance with the DPW standards and prior to the opening and operation of the proposed use.
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 21st Street, zoned D-3; multi-family dwellings to the east, zoned D-6; and multi-family dwellings to the west, zoned D-6ll.

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 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; 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 21st 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 21st 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.

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

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.

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.

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

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 21st Street, was requested by the city (Department of Capital Asset Management). Additionally, the access drive along East 21st Street was required to comply with City standards.

Because The Marion County Thoroughfare Plan recommends a 119-foot right-of-way along East 21st 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 21st Street in accordance with the Thoroughfare Plan.

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

Existing Zoning	C-1 / C-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
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
Thoroughfare Plan		
East 21 st Street	Primary arterial	Existing 70-foot right-of-way and proposed 119-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	

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

Wellfield Protection Area	No
Site Plan	March 18, 2025
Site Plan (Amended)	N/A
Elevations	March 18, 2025
Elevations (Amended)	N/A
Landscape Plan	April 8, 2025
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 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:

- 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 21st 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 21st 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 21st 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 21st 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 25th 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 21st 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**.

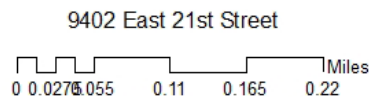
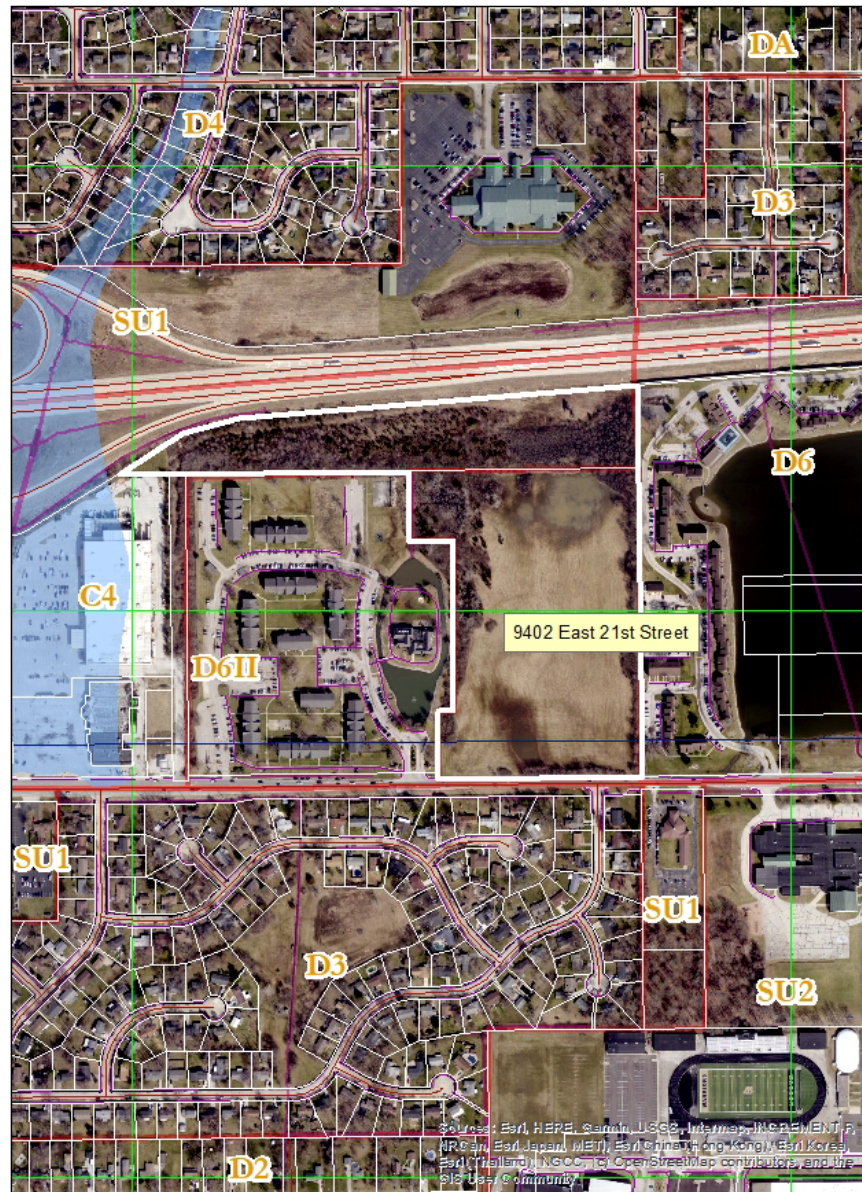


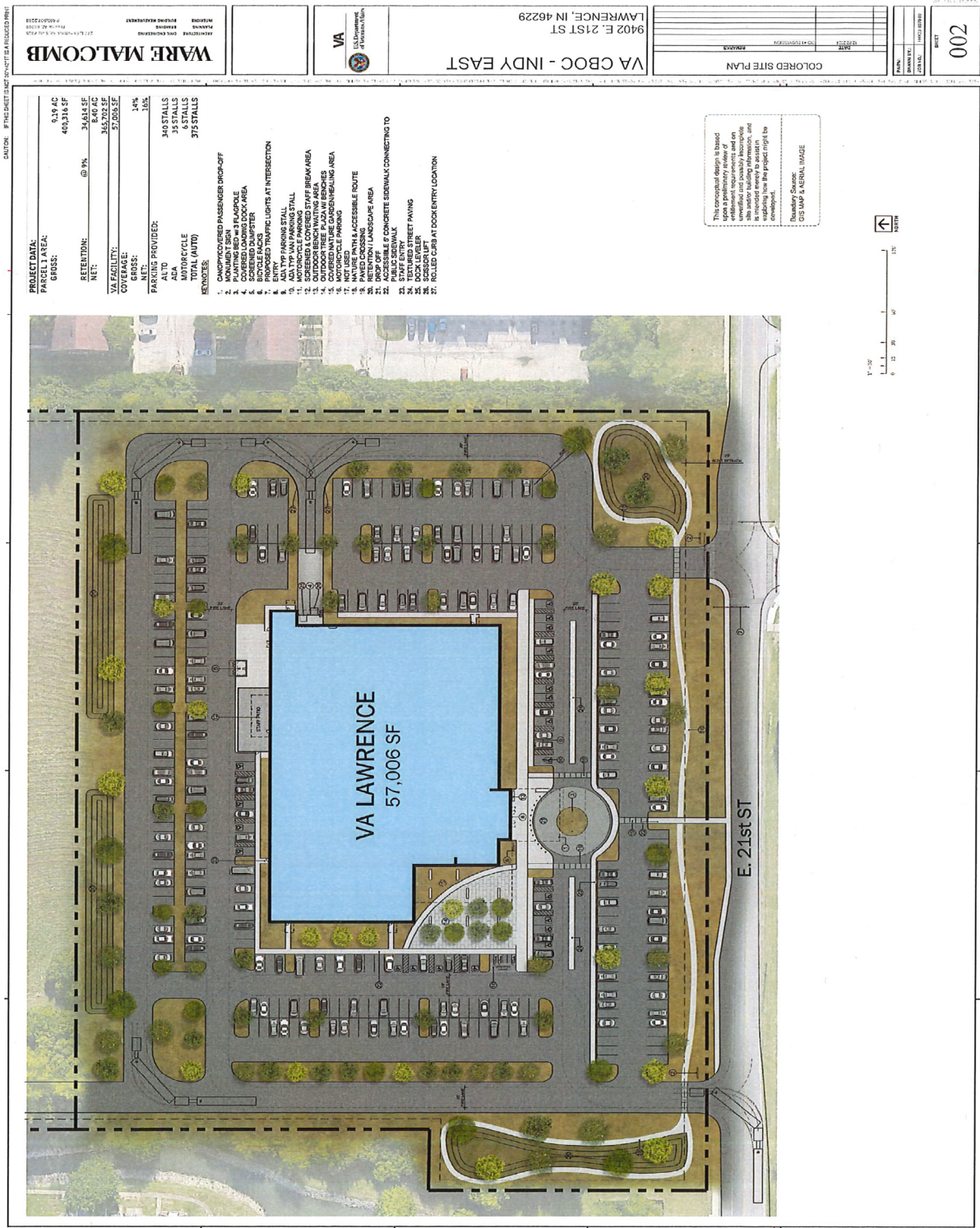
**Department of Metropolitan Development
Division of Planning
Current Planning**

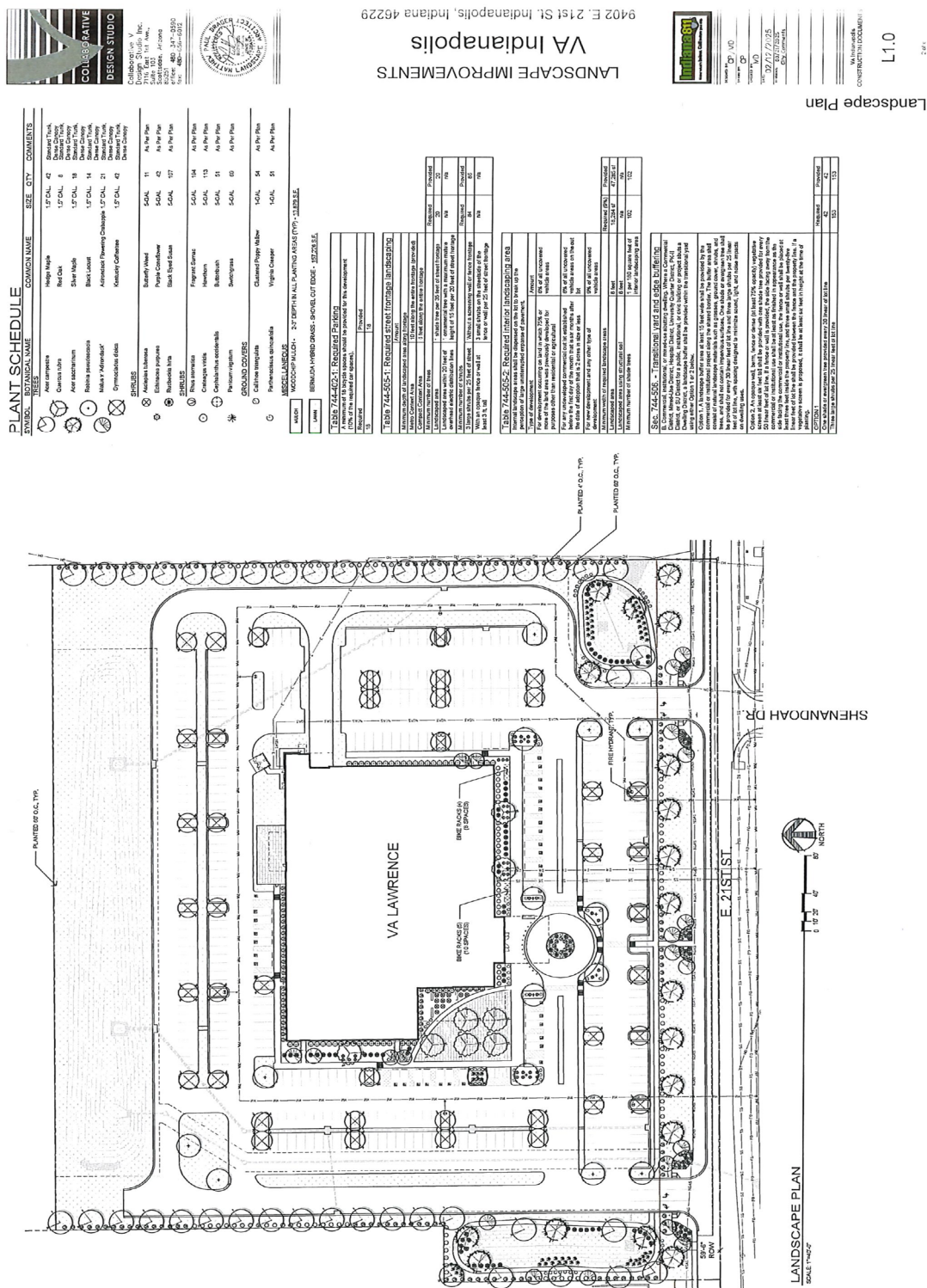
61-Z-33; Post Road and East 21st Street (west of site), requested rezoning of 1.1 acre, being in the A-2 district to the B-4 classification to provide for a gasoline service station, **approved**.

61-Z-32 and 61-Z-33; Post Road and East 21st 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









This conceptual design is based upon a preliminary review of applicable requirements and is intended to provide a general impression of the proposed project. It is not intended to be used in making any decisions regarding the project. The design shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All codes shown are for representative purposes only. Refer to relevant codes for actual color verification.



ENTRY / DRCP OFF
 VA CLINIC - LAWRENCE, INDIANA
 9402 EAST 21ST ST, INDIANAPOLIS, IN 46229 - PHX23-007D-00

WARE MALCOMB

04.25.2024

PAGE
 19



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 entitlement requirements and on uncertainties and possibly inaccurate site and/or building information, and is intended merely to assist in evaluating how the project might be developed. Site plan is for illustrative purposes only and does not necessarily reflect municipal requirements. All dimensions are approximate and subject to change. Refer to material samples for actual color and texture.



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

WARE MALCOMB

06.21.2024
 PAGE 17



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. 21st 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



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"> On a daily basis, FEDEX, UPS, mail (box trucks) – a handful a day Occasionally (monthly or less often), tractor trailers 	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
Division of Planning
Current Planning**

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
Division of Planning
Current Planning**

EXHIBIT B

CASE 99-Z-39
9150 East 21st Street

COMMITMENTS

1. Petitioner shall cause a boulevard entrance to be developed from 21st Street which shall taper into a single roadway approximately 100 feet north of the right-of-way line of 21st 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 21st Street. The driveway from 21st 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.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
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%

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

Vegetation Community Type	Description	Approximate Acreage Within the Project Study Area	Percentage of Project Study Area
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%
Totals		30.70	100%

Department of Metropolitan Development
Division of Planning
Current Planning



View looking west along East 21st Street



View looking west along East 21st Street

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



View of site looking northeast across East 21st Street



View of site looking north across East 21st Street



View looking north across East 21st Street



View of site looking north across East 21st Street

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



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

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-ZON-032
Property Address: 2947 North Sherman Drive
Location: Center Township, Council District #8
Petitioner: Parajmit Singh, by Thomas L. Pottschmidt
Current Zoning: D-5
Request: Rezoning of 1.145 acres from the D-5 district to the C-4 district to provide for commercial uses.
Current Land Use: Vacant Commercial
Staff Recommendations: Denial
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 29, 2025 HEARING EXAMINER

The petition was continued from the April 24, 2025, hearing to the May 29, 2025 hearing.

The petitioner submitted a site plan, but no use list.

APRIL 24, 2025

This petition was the first public hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PETITION OVERVIEW

LAND USE

The 1.145-acre subject site is located in an established urban area with the primary access from Sherman Drive. The site currently contains a vacant building that was previously used for commercial purposes (grocery store).

The site is surrounded by varying zoning districts: to the north, zoned C-3 (General Commercial); to the south and east, zoned D-5 (Dwelling District Five), containing single-family residential dwellings; and to the west, zoned SU-9 (Special Use), containing Fire Station #10 at the intersection.



Department of Metropolitan Development Division of Planning Current Planning

In 2004, the property received a Legal Non-Conforming Use certificate t (2004-LNU-009) for the use of a grocery store. The use of a grocery store at this location aligns more closely with the Comprehensive Plan recommendation. In 2020, the property to the north filed to rezone from D-5 and C-3 to C-S. After strong opposition from staff and fierce remonstrance, it was amended to rezone to C-3, which was approved with the elimination of 41 primary, accessory and temporary uses.

ZONING OVERVIEW

The request would rezone the site from the D-5 district to the C-4 (community-regional commercial district) to allow for commercial uses which are not permitted in the existing dwelling district.

The **D-5 (Dwelling District Five)** intended for medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. The district is designed for urban, built-up areas using a rectilinear development pattern to achieve the fine grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required. A medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. Designed for urban, built-up areas of the Community using a rectilinear development pattern to achieve the fine grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required.

C-4 (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 a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

DEPARTMENT OF PUBLIC WORKS

A 33-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

STAFF ANALYSIS

The Comprehensive Plan recommends the Community Commercial typology for this area, which includes small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces. The proposed rezone to C-4 introduces a more intensive commercial classification that is inconsistent with the surrounding development pattern.

Approval of this rezone would place a C-4 district between two (2) less intense districts: C-3 to the north and D-5 to the south and east. This creates an incompatible land use pattern that does not support the existing neighborhood character.

Due to the site's proximity to Protected Districts, there are over 13 uses that would not be allowed without the granting of a variance (see Exhibit B). This further demonstrates that this location is inappropriate for

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

the requested zoning classification. The C-4 district permits very intense uses, including but not limited to automobile fueling stations, automobile, motorcycle, and light vehicle service or repair facilities, and automobile and light vehicle wash facilities.

The petitioner has not provided a clear development plan or specific intended use for the site. Due to the uncertainty of the intended use and the incompatibility with surrounding zoning districts and the Comprehensive Plan recommendations, staff cannot support a blanket rezoning to the C-4 district.

For these reasons, staff is recommending **denial** of the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: C-3	Commercial Use
	South: D-5	Residential (Single-Family Dwelling)
	East: D-5	Residential (Single-Family Dwelling)
	West: D-5/SU-9	IFD Station 10
Thoroughfare Plan		
North Sherman Drive	Primary Arterial	60-foot existing right-of-way 66-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/20/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- United Northeast Neighborhood Plan (1998)
- IndyMoves (2018)

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 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.

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.

Resilient 3.1: Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.

All development should include sidewalks along the street frontage.

Healthier 1.1: Making areas walkable, enjoyable, and safe is critical to active living.

Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.

Large-Scale Offices, Retailing, and Personal or Professional Services

Should be located along an arterial street.

Resilient 2.3: Traffic can play a major role in determining whether a certain use is appropriate for a neighborhood or areas.

Resilient 3.1: Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.

Outdoor display of merchandise should be limited.

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

Competitive 3.1: Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.

If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.

Competitive 3.1: Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.

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.

Healthier 1.1: Making areas walkable, enjoyable, and safe is critical to active living.

Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.

Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Resilient 3.4: Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

United Northeast Neighborhood Plan (1998)

Commercial Retail and Service

- Retail businesses such as art galleries, antique stores, grocery stores, apparel and accessory stores, artist and architect supply stores, bookstores, camera supply and photo developing businesses, florists, bakeries, card and stationery stores, hardware stores, jewelry stores, pet shops, framing services, music stores, and automobile sales.
- Personal, professional, and business services such as barber and beauty shops, dry cleaners, and shoe repair businesses.
- Repair service such as jewelry, watch and clock repair, key duplicating, typewriter repair, shoe and camera repair, and automotive body repair and paint.
- Restaurants and taverns with restrictions.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

IndyMoves (2018)

- Sherman Drive Proposed Multi-Use Path
- Hanna Avenue and Sherman Drive will benefit from a new multi-use path, starting on Hanna Avenue at East Street, continuing onto Sherman Drive and ultimately ending at Shelbyville Road. Hanna Avenue between Keystone Avenue and Sherman Drive will also see additional Complete Streets improvements, with upgraded transit stops and new sidewalk along the North side of Hanna Avenue, opposite the multi-use path. Together, this project will provide multimodal connectivity and accessibility along a key east-west corridor and transit route on the Southeast side of Indianapolis. As part of the multi-use path, three multi-use path bridges will serve bicycle and pedestrian traffic on Hanna Avenue over I-65, and on Sherman Drive over Carson and Lick Creeks. The multi-use path will also provide valuable connectivity to the Red Line BRT.

ZONING HISTORY

Vicinity

2020-CZN-807; 2965 North Sherman Drive (north of site), (AMENDED) Rezoning of 0.76 acre from the D-5 and C-3 districts to the C-3 district to provide for neighborhood commercial uses, **approved**.

2020-CVR-807; 2965 North Sherman Drive (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot front yards (10-foot front yards required), **withdrawn**.

2000-ZON-036; 3818 E 30th street (north of site), rezone 0.10-acre from D-5 district to C-3 classification to provide for an existing tavern's parking, **approved**.

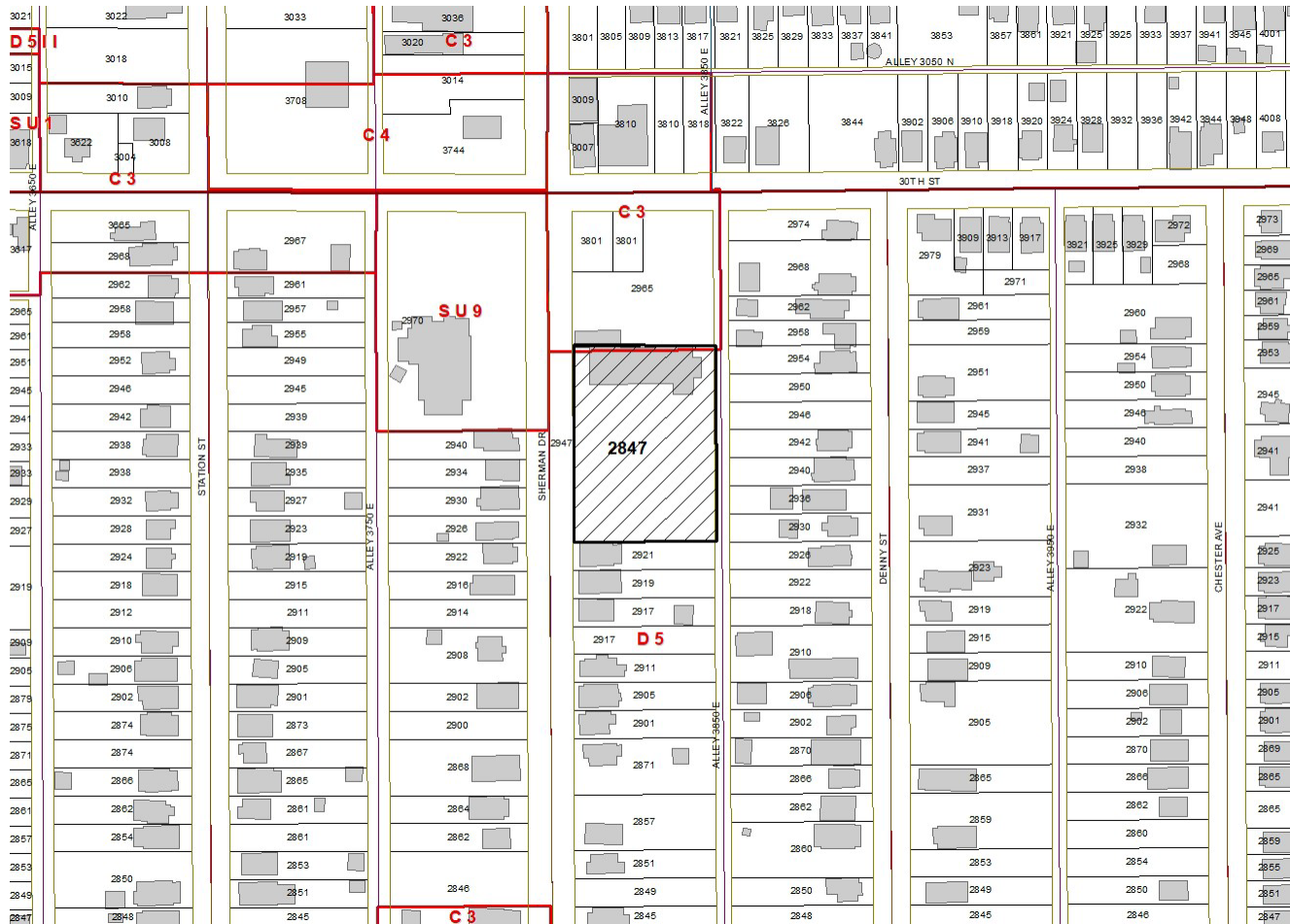
96-Z-15; 2970 North Sherman Drive (west of site), requested the rezoning of 1.7 acres from the C-3 and D-5 districts to the SU-9 classification, **approved**.

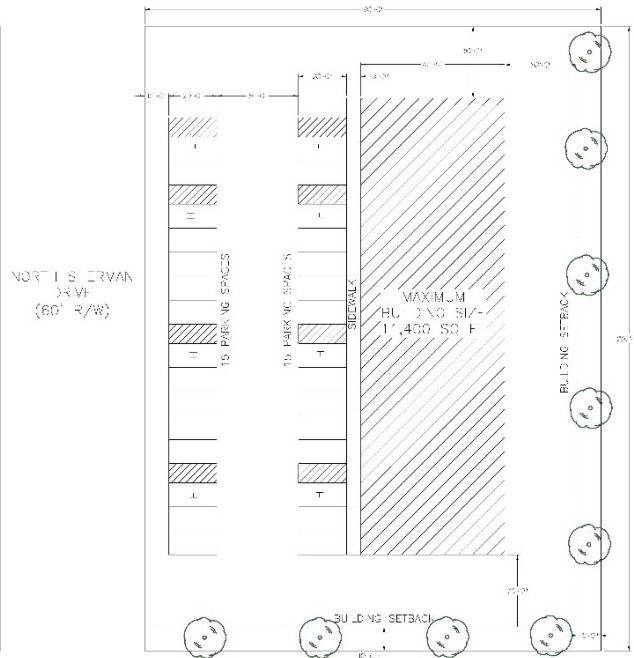
95-UV2-80; 3006 – 3020 North Sherman Drive (northwest of site), requested a variance of use to permit the operation of an automobile sales lot, towing services, variety store and automobile repair facility with outdoor storage, **approved**.

93-UV1-39; 3105 North Sherman Drive (north of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair and engine cleaning business, **granted**.

90-Z-121; 2970 North Sherman Drive (west of site), requested the rezoning of 0.8-acre from the C-3 and D-5 districts to the C-3 classification, **approved**.

EXHIBITS





1. **Adult Entertainment Business:** The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business is prohibited if such business is within 500 feet of another such business or within 500 feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of the Indianapolis Historic Preservation Commission or the Meridian

Street Preservation Commission, day care center, day care home or any existing dwelling zoning district within Marion County, Indiana. (See Section 743-301)

2. **Adult Entertainment Business: Retail:** See Adult Entertainment Business use-specific standards.
3. **Automobile and Light Vehicle Wash:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308)
4. **Bar or Tavern:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
5. **Check Cashing or Validation Service:** This use is not permitted within 500 feet from any protected district. (See Section 743-301 and Section 740-308.)
6. **Drive-Through:** Drive-through including lanes must be located at least 25 feet from the boundary of any protected district. Impacts along the boundary with those districts shall be buffered in accordance with the standards of Section 744-506.B.
Any drive-through in which a portion of the drive through is located between the primary structure and a property boundary with a Dwelling district, the noise from speakers shall be limited to 70 decibels at the property line with the Dwelling district.
7. **Liquor Store:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.).
8. **Night Club or Cabaret:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
9. **Substance Abuse Treatment Facility:** In the C-4, C-5, and C-7 districts, substance abuse treatment facilities shall not be located within 500 feet measured in any direction, of any protected district or any Indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 740-308 and Section 743-301)
10. **Tattoo Parlor:** In the C-4, C-5 and C-7 districts, the use shall not be permitted within 1,000 feet of any protected district (See Section 743-301 and Section 740-308).
11. **Animal Care, Boarding, Veterinarian Services:** 100 feet from all dwelling districts other than the D-A district
12. **Power Generating Facility, Local:** 100 feet from any dwelling district.
13. **Recycling Collection Point:** 100 feet from any Protected district



Figure 1 southern entrance, Looking at residential across the street



Figure 2 Existing Site Conditions



Figure 3 Existing fence to the east



Figure 4 Fire Station to the north



Figure 5 Vacant building on subject property

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2024-CVR-855 / 2024-CPL-855

Property Address: 1527 East 12th Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Tyler and Natalie Sadek, by Paul Lambie

Current Zoning: D-8 (FF) (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

Current Land Use: Undeveloped

Staff Recommendations: **Approval** of the Variance of Development Standards to increase the front building line to 210 feet.

Denial of the Variance of Development Standards to build within the Stream Protection Corridor.

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

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDMEN 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.

The petitioner agreed to three commitments from a registered neighborhood organization:

- (1) That the petitioner repairs any damage to the alley inflicted during construction,
- (2) That they control all runoff during construction to prevent erosion and protect water quality,
- (3) That they protect the large specimen trees on the property, including the tulip tree on the banks of Pogue's Run.

Staff has no objection to the commitments.

ADDENDMEN MAY 15, 2025 HEARING EXAMINER

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

The petitioner submitted an amended site plan, which includes a 25-foot buffer from Pogue's Run, based on the soil report from Marion County Soil & Water Conservation District. However, staff believes the current site plan does not demonstrate practical difficulty. Alternative configurations of the site plan exist that would allow development while complying with the stream protection corridor, thus the hardship criteria cannot be satisfied.

Therefore, staff still **recommends denial** of the variance of development standards request to build within 60 feet of the stream protection corridor.

Staff recommends **approval** of the Variance of development standards request from the front building line of approximately 210 feet.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 19, 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.

ADDENDUM APRIL 10, 2025 HEARING EXAMINER

This is petition was continued from the March 27, 2025 hearing to the April 10, 2025 hearing.

This petition was continued for cause from April 10, 2025 hearing to the May 15, 2025 hearing at the request of a remonstrator, to allow additional time for Marion County Soil & Water Conservation District to review the site.

ADDENDUM MARCH 27, 2025 HEARING EXAMINER

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

This petition was continued for cause to continue this matter from the February 27, 2025 hearing to the March 27, 2025 hearing to allow additional time to review the building plans and if new notice is needed.

A variance request was added to allow the building within 60 feet of the Stream Protection Corridor.

ADDENDUM FEBRUARY 27, 2025 HEARING EXAMINER

This petition was continued from the January 23, 2025 hearing to the February 27, 2025 hearing.

JANUARY 23, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of the Variance of Development Standards request from Section **744-205**, to allow for construction in the Stream Protection Corridor.

Staff recommends **approval** of the Development Standards Variance request from Section **744-701**, to allow an increase in the front building line.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated 3/19/2025, 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.
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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.

PETITION OVERVIEW

LAND USE

The 19.89-acre subject is currently an undeveloped residential use.

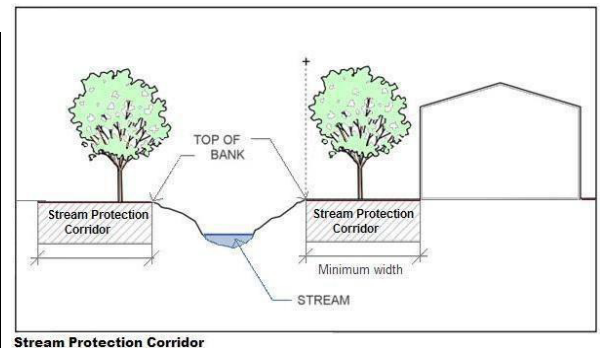
VARIANCE OF DEVELOPMENT STANDARDS

The petition has requested two (2) variances of development standards.

This petition is seeking relief from ordinance Table 744-701-2, to increase the maximum front building line to 210ft., the current build range is 10' to 19.9', this would be an increase of 190 ft.

This petition is seeking relief from ordinance Table 744-205-2, to allow construction of the residential building unit within 60' of the Stream Protection Corridor.

Table 744-205-1: Stream Protection Corridor Widths		
Context Area	Category One Streams	Category Two (Other Mapped Streams)
Compact	60 feet	25 feet
Metro	100 feet	50 feet



PLAT

The plat would replat Milligan's Park Lane Addition Lot 29, dividing 1.878 acres into three (3) lots. The proposed plat would meet the standards of the D-8 district except for development standards induced in the companion variance request.

STREETS

Lots One, Two and Three have frontage of off 12th street, no new street is proposed.

SIDEWALKS

Sidewalks are existing along 12th Street.

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

STAFF ANALYSIS

The petitioner's request to plat three (3) lots represents minimal density compared to the surrounding neighborhood pattern. Given the property's unique physical conditions that significantly limit development options, staff recommends **approval** of the Development Standards Variance.

Staff recommends **denial** of the intrusion into the Stream Protection Corridor. The function of the Stream Protection Corridor is to control erosion, improve water quality, provide flood storage, and preserve habitat and aesthetics. No hardship exists as the petitioner can still reasonably develop the property without encroachment, as demonstrated in Petitioner's Exhibit B, without the granting of this variance.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-8	Residential (Single-family dwellings)
	South: D-3	Residential (Single-family dwellings)
	East: D-8	Residential (Single-family dwellings)
	West: D-8	Residential (Single-family dwellings)
Thoroughfare Plan		
	12 th Street	Local Street 48-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/10/2024	
Site Plan (Amended)	3/19/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/10/2024	
Findings of Fact (Amended)	3/19/2025	
C-S/D-P Statement	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 Marion County Land Use Plan Pattern Book (2019) recommends **Large-Scale Parks** are generally over 10 acres in size.
 - Due to the nature of this typology, it does not have any recommended land 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

• SITE CONFIGURATION

◦ Front Setbacks

- 1. When Setbacks are Different, Build in the 'Setback Range.'
- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses.

◦ Building Orientation

- Orient Towards the Street Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Vicinity

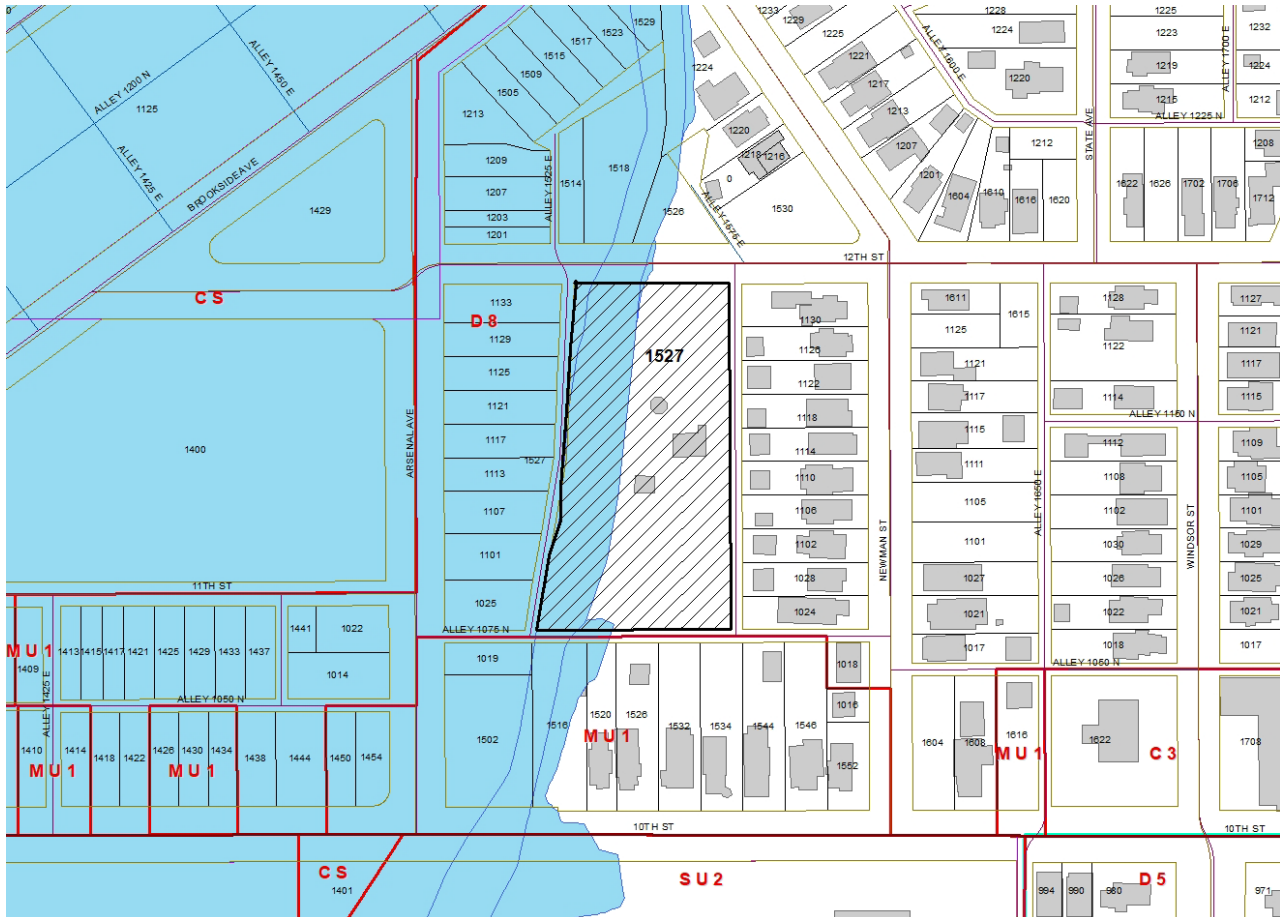
2020ZON027; 1018 Newman Street (southeast of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

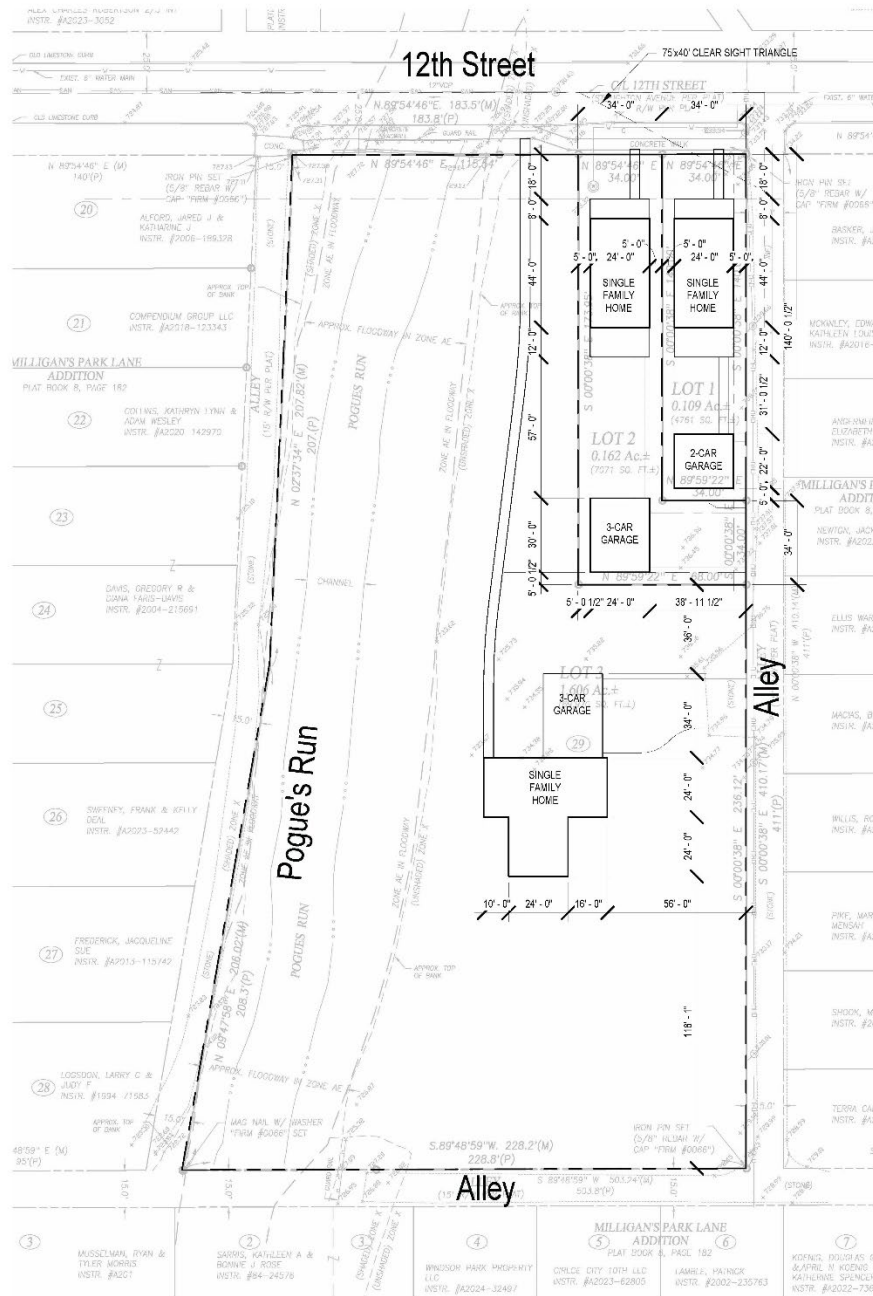
2019CN801; 1436 E 10th Street (west of site), Rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages, **approved**.

2018ZON124; 1604 E 10th Street (southeast of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

92-Z-138/ 92-CV-18; 1125 Brookside Avenue (west of site), Rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, and D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution, and offices within an existing building, **approved**

EXHIBITS





Floor Plan
1 Site Plan
 1" = 40'-0"

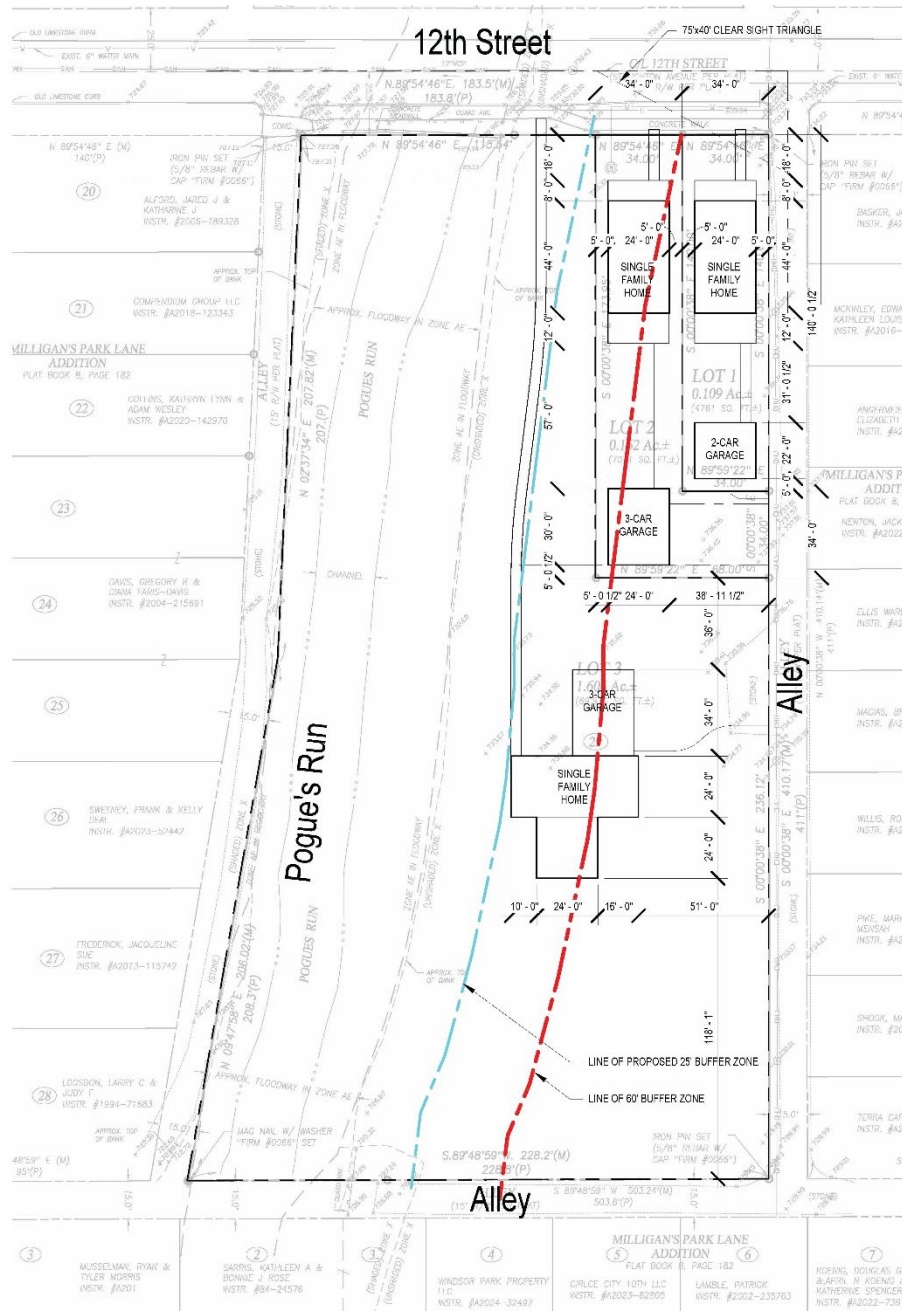
WOVE



0 20' 40' 80'
 SCALE: 1" = 40'-0"

1527 Development SD001
 1527 E. 12th Street, Indianapolis
 11.13.24

Figure 1 Original Site Plan 12.10.2024



Floor Plan
 1 Site Plan
 1" = 40'-0"

WAVE
 ARCHITECTURE + DESIGN



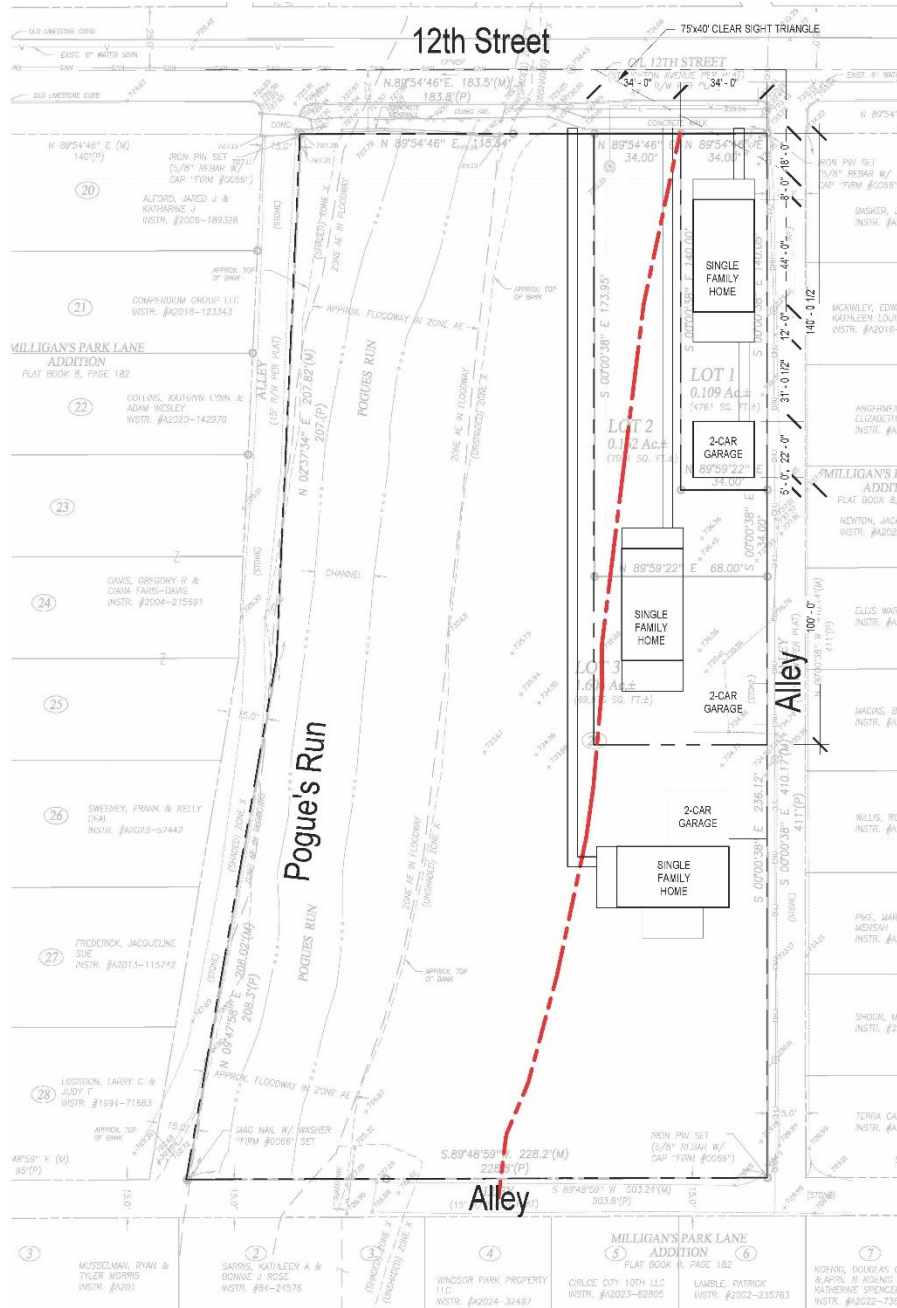
0 20' 40' 80'
 SCALE: 1" = 40'-0"

1527 Development
 1527 E. 12th Street, Indianapolis
 04.30.25

SD00

Figure 2 New Site Plan 5.1.2024

Department of Metropolitan Development
 Division of Planning
 Current Planning



Floor Plan
1 Site Plan
 1" = 40'-0"

Figure 3 Complaint to Stream Protection Corridor



View look at the ally access



Looking at the residence across from subject site



From the ally looking at subject site



From the ally looking at subject site From the 12th street looking west



View of trees, from 12th street looking at subject parcel



View from alley looking at 12th street.

STREAM PROTECTION CORRIDOR VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

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:

significant mature trees and vegetation will remain in the stream protection corridor and supplemental plantings will be added as warranted to mitigate any impact from the proposed building encroachments.

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 development will be consistent with the development pattern of the neighborhoods where buildings set back less than sixty feet (60') from the top of the stream bank are commonplace.

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

it would render more than half of the nearly two-acre site unbuildable and would either require the site to remain as one parcel, which is an unrealistically large size for an urban residential parcel, or it would require multiple homes to be all built along the far eastern side of the property with limited or no visibility from a public street.

FRONT BUILDING LINE VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

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 dwelling will be in the general longstanding historical location of a previous dwelling, and dwellings to be built on the two adjacent lots to be platted will be built at the required build-to range, so that the resulting development will give the appearance that is intended by the zoning ordinance.

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

the location of the proposed dwelling will be generally consistent with the longstanding location of the previous dwelling on uniquely shaped and sized property.

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

the depth of this longstanding platted parcel is several times deeper than the typical urban lot, and building a dwelling with a greater setback is more typical and desirable for a lot of such depth which is similar to an estate type lot.



MISSION

The Mission of the Marion County Soil & Water Conservation District is to assist Marion County land users in conserving soil, water, and related natural resources by providing technical, financial and educational services.

Contact

PHONE:
317-786-1776

WEBSITE:
www.marionswcd.org

EMAIL:
robert-kendall@iaswcd.org
(Questions regarding Construction Stormwater General Permit compliance & erosion concerns)

julie-farr@iaswcd.org
(Questions on soil types, drainage, ponds & other natural resource issues)

ADDRESS

Marion County SWCD
200 E. Washington St., Suite 1401
Indianapolis, IN 46204

PRELIMINARY PLAT REVIEW

Lot 29- Milligan's Park Lane Addition

GENERAL COMMENTS

The Marion County SWCD is available to assist landowners and developers with their land use decisions. Much of what is left of undeveloped land in our county has some major limitations for urban land use. Many of these acres have seasonally high groundwater tables, are in flood zones, are highly erodible or contain environmentally sensitive areas. The SWCD has been actively involved in helping landowners make wise land use decisions for 50 years. We would be happy to assist you also, ensuring that your development becomes the best it can be. Please review this report as you are making your final decisions and contact us for further information.

SOIL TYPES & DRAINAGE RECOMMENDATIONS

- **Urban Miami complex (YmaB)*** - consists of deep, nearly level to moderately steep, moderately well-drained soils that may be eroded. In some areas glacial till may be close to the surface and seeps or springs may be present. Side yard drainage swales should be graded to provide at least 1% fall and 4:1 side slopes for ease of maintenance. Foundations should be set at least 18" above street level. Building foundations should be graded away from the building should provide at least 6" of fall within the first 10 feet. Downspouts should be extended out 10' from the foundation. If seeps or springs are present basements should be provided with a gravity drained subsurface drainage tile. Supplementary erosion control protection should be installed on steep erosive slopes.
- Urban soil types are so altered and obscured by public works and structures that identification of the soils is not feasible. The descriptions above are approximate based on the original soil. Compaction, filling and other alterations may affect the ability of these soils to drain properly.

- **Urban Genesee Silt Loam (YguAH)-** This well drained soil has a seasonal high watertable at 4.0 to 6.0 ft. and is on floodplains. Slopes are 0 to 2 percent. The native vegetation is hardwoods. The surface layer is silt loam and has moderate organic matter content (2.0 to 4.0 percent). Permeability is moderate (0.6 to 2 in/hr) in the most restrictive layer above 60 inches. Available water capacity is high (11.6 inches in the upper 60 inches). The pH of the surface layer in non-limed areas is 6.6 to 7.8. The flooding hazard is a management concerns for crop production. Because of the flooding hazard, this soil has a severe limitation for most non-ag uses. **We highly recommend that floodplains be left undisturbed and set aside as green space or farmland.**

DOWNSTREAM LIMITATIONS/CONCERNS

The drainage for the project area is predominately by storm sewers. It is vitally important to maintain good erosion control to keep sediment from entering the storm sewer system. Please provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

The receiving waters for this construction project is Pogues Run. Protection of this stream is vital to adequate drainage of the watershed and the preservation of wildlife habitats and natural resources in the area. Provide an adequate emergency protection plan for soil & water resources in case of spills. Please also provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SUGGESTED PROTECTIVE BUFFER LOCATIONS

Naturally vegetated buffer strips along lakes, ponds, streams and wetlands are critical to the health of these water bodies. Buffers provide protection by filtering runoff water, helping with shoreline stabilization, preserving fish & wildlife habitat, and discouraging overuse by geese. We highly recommend the use of buffer strips of at least 25 feet in width or over 50 feet for sensitive areas such as wetlands. Choosing native species is preferred. For more information & suggested plant lists see our website: <http://marionswcd.org/water-quality/>

EROSION CONTROL RECOMMENDATIONS

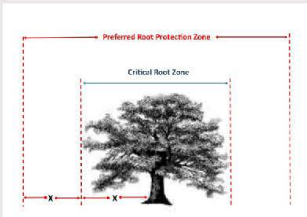
This project contains areas of highly erodible soils. It is imperative that these slopes are well protected at all times during the project and well vegetated after the construction process is complete. Frequent inspections, especially after rainfall events and quick response to maintenance to all erosion control measures must be a high priority on this site. Our office is available to provide technical assistance. Please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SENSITIVE AREA PROTECTION

The area downstream from this project area is known to have flooding or drainage problems. Please ensure that development is done in such a way that adequate storage is provided and the outlet is adequate to receive the drainage.

This project contains areas of highly permeable soils. Please ensure that extra precautions are taken to protect groundwater resources.

TREE PROTECTION & PLANTING



Tree Protection

Preserving & protecting existing quality trees on a construction site can enhance the aesthetics of a property, protect natural resources including soil & water, and can save the expense of planting new smaller-grade trees on the back end of the project. Protect trees by fencing off and posting preservation areas around the trees. Protecting the tree root zones from compaction and stockpiled topsoil (which can suffocate the trees) is vital to maintaining tree health during construction. While protecting the roots out to the drip line of the tree is essential, protecting the roots that extend beyond this area is preferred. The preferred tree protection zone is calculated by measuring the distance from the trunk to the edge of the dripline (critical root zone) and adding that distance outside of the critical root zone area. (2X in diagram at left)

Tree Planting

Planting trees is a wise investment for the future. Trees provide many benefits aesthetically, environmentally and socially. Choosing the right tree for the intended location is a critical component in assuring healthy mature trees for the future. Consider the mature height & width of the tree species, the soil type, microclimate, & proximity to other trees, buildings & utilities when making selections. Trees are often planted too close to buildings, streets and sidewalks because their future root zone is not considered. We highly recommend choosing native species because of their natural resistance to disease and being well-acclimated to our local climate.

Our website has a number of resources to help you make good choices. <http://marionswcd.org/trees/>

RAIN GARDENS & BIOSWALES

We highly recommend using rain gardens and bioswales in new developments to assist in protecting water quality and reducing offsite runoff. Please refer to our website for more information on these practices: <http://marionswcd.org/water-management/>

NATIVE PLANTINGS

We highly recommend that new developments consider using native plant species in their landscapes. Native plants are non-invasive, provide wildlife food & habitat, are well suited to our soils and climate, and have a natural resistance to insects & diseases often found in our area. A fact sheet is available on our website which gives more information on native species: <http://marionswcd.org/plants/>

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 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

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

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

Request: 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 width required), and to provide for on-site septic systems for each lot (public sewer facility required) and to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Current Land Use: Residential

Approval of the plat, subject to the conditions noted below

Approval of the variance of standards Lot Width

Staff Recommendations: Approval of the variance of standards on-site septic systems

Denial of the variance of standard contribution in lieu of sidewalk.

Denial of the wavier of sidewalk request

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 29, 2029 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).

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

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:

- 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

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

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.

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

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.

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

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	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)
Thoroughfare Plan		
	Camby Road	Primary Arterial 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Airspace Secondary Zoning District	
Wellfield Protection Area	No	

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

Site Plan	January 15, 2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	January 15, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	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**.

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

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**

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

EXHIBITS

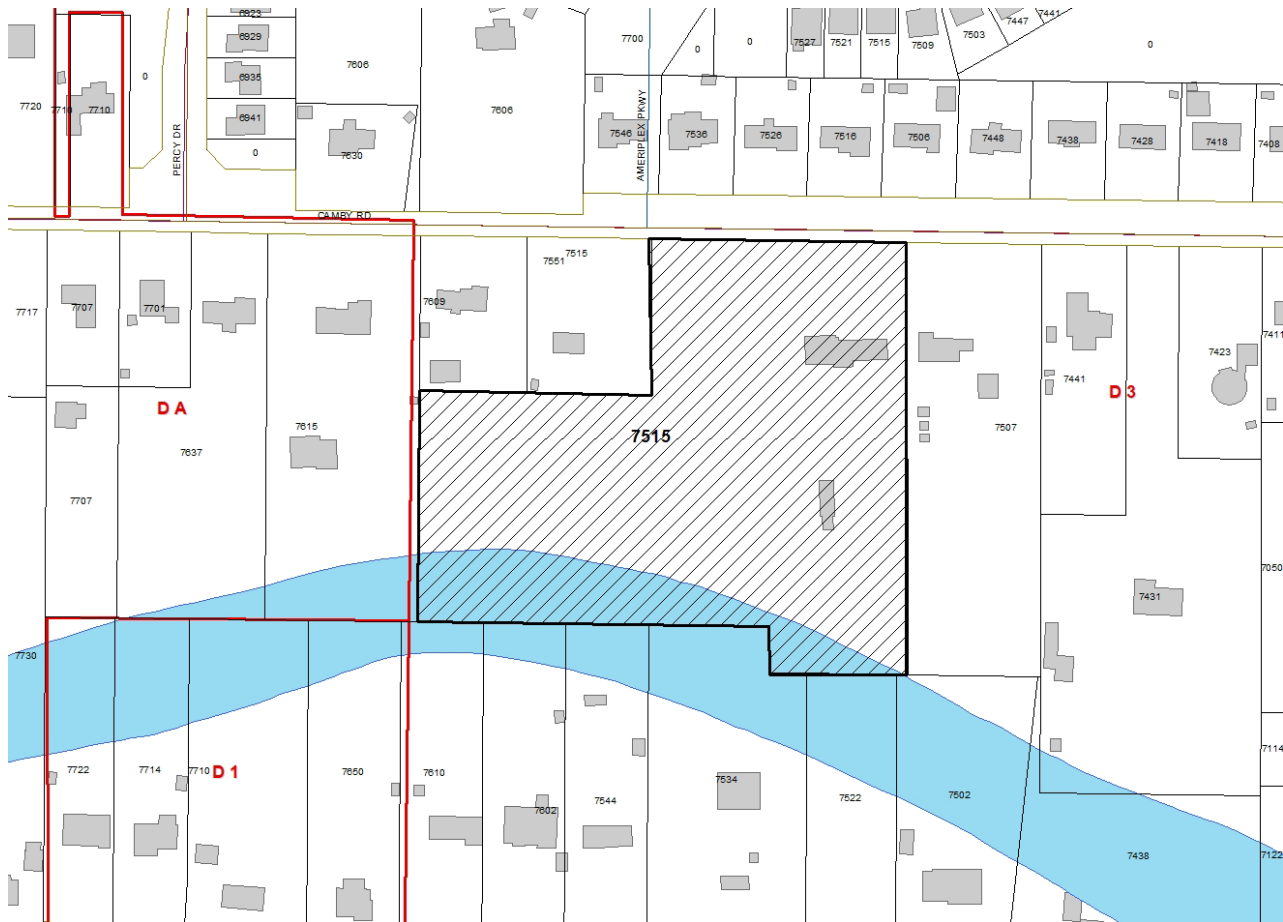


Figure 1 Area Map

Department of Metropolitan Development
Division of Planning
Current Planning

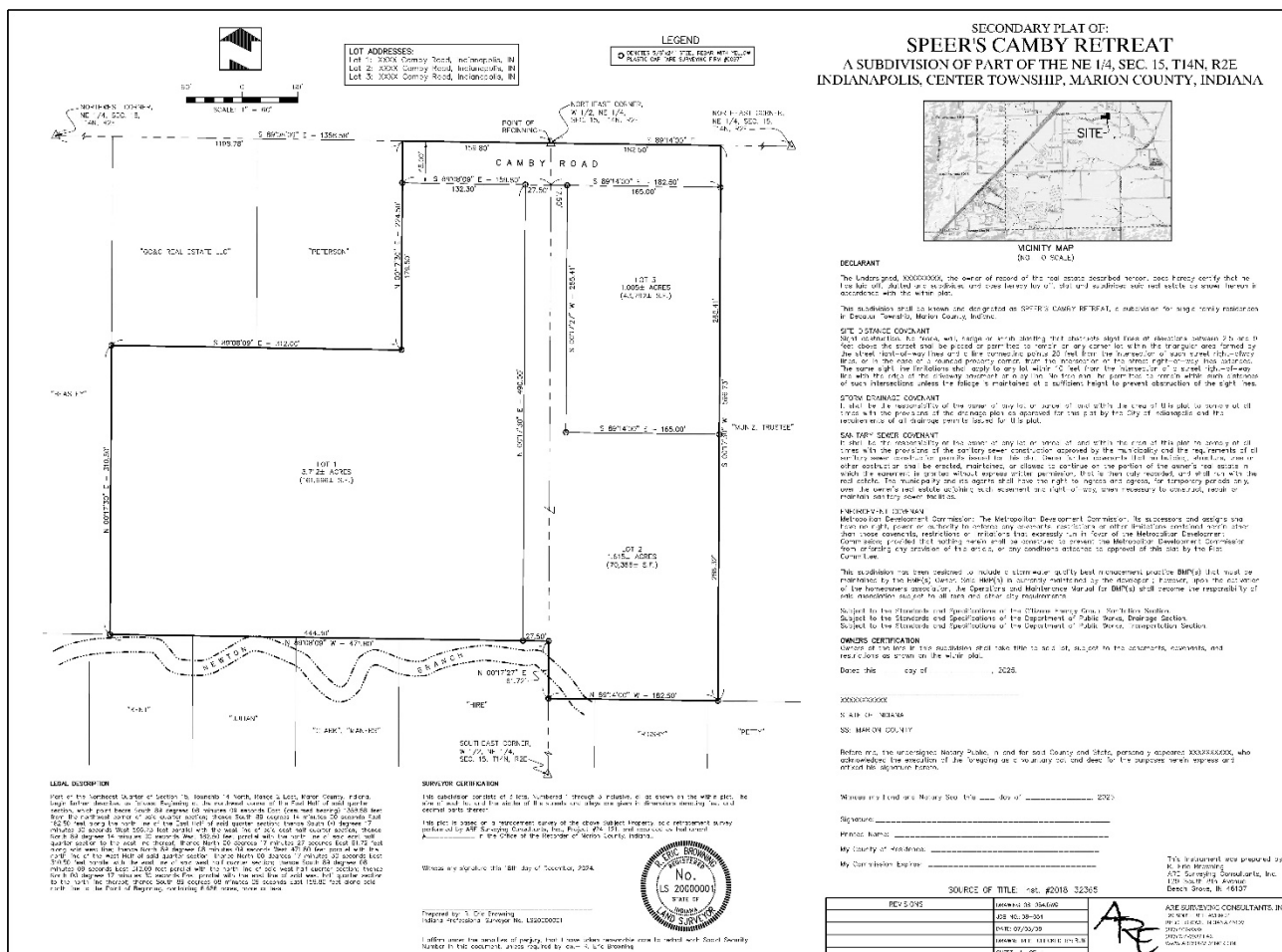


Figure 2 Proposed Plat

SIDEWALK WAIVER REQUEST

7515 Camby Road

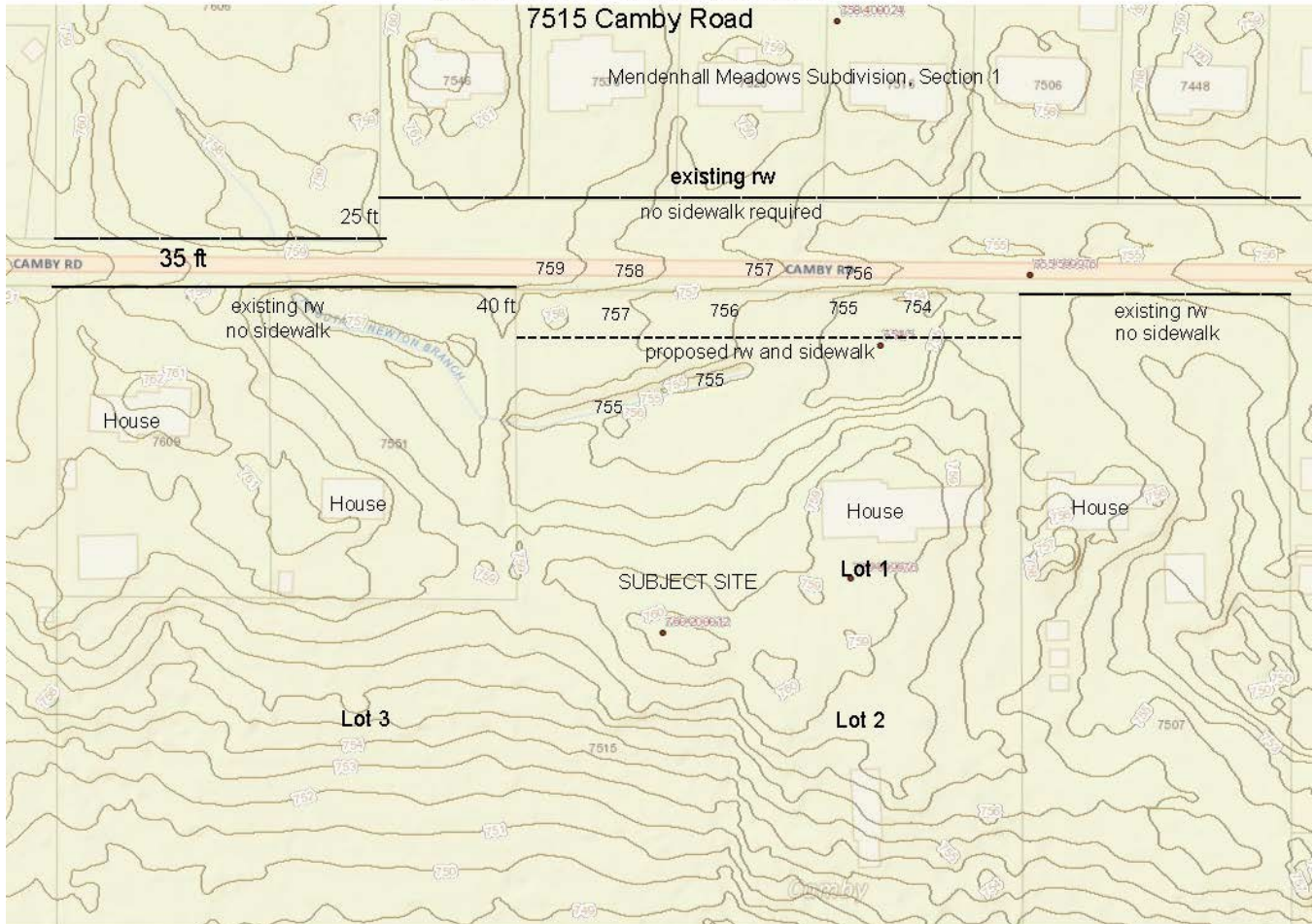


Figure 3 Wavier of Sidewalks FOF

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 exiting 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.

Figure 4 Variance Request 742-103. A.4

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 5 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.

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.

Department of Metropolitan Development
Division of Planning
Current Planning



Figure 6 Overview, Credit Google Photos



Figure 7 View of subject Site

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 24, 2025

Case Number: 2025-CZN-811 (Amended) / 2025-CVC-811

Property Address: 1708 East 10th Street and 1017 Windsor Street (Approximate Addresses)

Location: Center Township, Council District #13

Petitioner: RG Holdings, LLC, and Jackson Control Properties, by David Kingen and Emily Duncan

Current Zoning: D-8 and C-3
Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-2 district for a mixed-use development.

Request: Vacation of the first east-west alley north of 10th Street, being 15 feet in width, beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with a waiver of the assessment of benefits.

Current Land Use: Commercial

Staff Denial of the rezone request

Recommendations: Approval of the vacation request with proposed conditions for approval.

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 29, 2025 HEARING EXAMINER

The petition was continued from the May 15, 2025 hearing to the May 29, 2025 hearing due to a procedural error resulted in this vacation petition being scheduled separately from its companion rezoning petition. No additional public notice will be required for this continuance.

After the publication of the previous staff report, the rezoning portion of the request was amended to a rezoning to the MU-2 district instead of the MU-1 district..

While the rezoning is a represents a decrease in intensity the proposed use of the property is still not a mixed use. The petitioner's intended uses are permitted in their current C-3 zoning district.

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

The petition was continued from the April 24, 2025 hearing to the May 15, 2025 hearing at staff's request to allow for thorough review of additional materials.

Staff is requesting a continuance for cause from the May 15, 2025 hearing to the May 29, 2025 hearing. A procedural error resulted in this vacation petition being scheduled separately from its companion rezoning petition. No additional public notice will be required for this continuance.

ADDENDUM FOR APRIL 24, 2025 HEARING EXAMINER

The petition was continued from the March 13, 2025, hearing to the April 24, 2025 hearing at staff request to allow for additional information to be reviewed.

The petition is seeking to amend the petition request, this request will require additional review as well as new notice. Therefore, petitioner is requesting a continuance for cause, continuing this petition from the April 24, 2025, hearing to the May 29, 2025 hearing.

MARCH 13, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of the rezone petition.

Staff recommends **approval** of the vacation petition, with proposed conditions for approval

PETITION OVERVIEW

LAND USE

This 0.67-acre site, zoned D-8 and C-3 is comprised of two (2) parcels, one (1) parcel is developed as a commercial property (Jackson Controls) and one (1) is developed as a parking lot. It is surrounded by single-family dwellings to the north and south, zoned D-8, D-5, multi-family uses to the east, zoned D-P and commercial uses to the west, zoned C-3.

REZONING

This request would rezone the site from the D-8 and C-3 district to the MU-2 to provide for the reconfiguration of the parking lot.

D-8 (Dwelling District Eight): A unique district that allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares.

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.

MU-2 (Mixed-Use District One): districts are intended to accommodate a mix of residential uses, offices, personal services, retail, and eating & drinking businesses that typically do not draw customers from beyond their neighborhood boundaries and do not generate substantial vehicle traffic. The corridor development pattern of the MU-2 district is neighborhood-focused; supportive of safe, vibrant pedestrian activity; and offers additional housing options.

VACATIONS

Summary

This petition, if approved, would vacate an improved alley right-of way (E Alley 1050 N) between Windsor Street and E 10th street. The rest of the alley from E 10th street with **86-VAC-23 and 2019-CVC-847**.

The vacation would be for 0.052 acres or 2,250 square feet (vacation exhibit dated 7/29/2024)

The petitioner owns properties on both sides of this right-of-way, this vacation would provide for redevelopment of the parking lot, to better align with the business needs and use as well as functionality.

The vacation of this portion of alley right-of-way, with the condition of easement to the north would serve the public interest as it would relocation the public use from between a parking lot and commercial use and place it between a parking lot and residential use.

Should the Hearing Examiner approve the vacation petition, staff recommends the following condition(s)

1. The addition of a transportation easement of 15' wide, east and west direction connection Windsor Street and E 10th Street.

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 to 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 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.

Assessment of Benefits

The entire right-of-way is improved with concrete; therefore, the city has invested in this alley. Due to previous investment into this right-of-way, the request to waive the assessment of benefits should be denied.

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Division of Planning
Current Planning**

STAFF ANALYSIS

The Comprehensive Plan recommends **Village Mixed-Use** typology for this area, which includes neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. The proposed use does not offer a mix of uses, but instead offers uses already permitted in the C-3 district.

The aim of the petitioner appears to be the reconfiguration of the parking lot located on the northern parcel #1091853, while zoned D-8 is allowed a parking lot via **69-V2-236**. As the layout was subject to the site plan, reconfiguration would be better remedy with a modification of commitments petition which staff would be supportive.

The petitioner has not provided a clear development plan or specific intended use for the site. Due to the uncertainty of the intended use, and the incompatibility with surrounding zoning districts, in lieu of the Comprehensive Plan recommendations, staff cannot support a blanket rezoning to the MU-2 district.

For these reasons, staff is recommending denial of the rezone request.

GENERAL INFORMATION

Existing Zoning	C-3 / D-8	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use/ Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-8	Single-Family Residential
	South: D-5	Single-Family Residential
	East: D-P	Multi-Family Residential
	West: C-3	Commercial
Thoroughfare Plan		
East 10 th Street	Primary Arterial	56-foot existing right-of-way and Proposed foot right-of-way
Windsor Street	Local Street	48-foot existing right-of way Proposed foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/4/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	3/4/2025	

Findings of Fact
(Amended)

N/A

C-S/D-P Statement

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Pattern Book (2019)
- Near Eastside Quality of Life Plan (2020)

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.

- **Artisan Manufacturing and Food Production**
 - Automotive uses are excluded.
 - **Resilient 3.4:** Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.
 - Mixed-use structures are preferred.
 - **Resilient 2.4:** Orienting uses toward the streets and other public spaces creates safer pedestrian environments.
 - **Competitive 2.2:** Neighborhoods that promote foot traffic ultimately generate more business for retail than areas that are only accessible by vehicle.
 - Operations should be fully contained within buildings.
 - **Resilient 3.4:** Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.
- Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.

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

- **Resilient 3.4:** Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.
- **Competitive 3.1:** Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.
- Should include a commercial component that is open to the public.
 - **Competitive 1.1:** Development should create vibrant, walkable places.

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.

- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - 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.
 - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - **Competitive 1.1:** Development should create vibrant, walkable places.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - **Competitive 3.1:** Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Near Eastside Quality of Life Plan
- Placemaking & Infrastructure -Priority #1
 - Create stronger commercial corridor connectivity to create a connected and accessible community.
 - **Action 1.5:** Develop opportunities for placemaking which supports the development of mixed use and diverse businesses on the Near Eastside.

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

2001-DV2-070; 1704-1738 East 10th Street (Subject Site), Variance of development standards of the Commercial Zoning Ordinance to provide for the placement of a nine-foot tall chain-link and barbed-wire fence located within the required front yard along 10th and Windsor Streets (maximum 6 feet in height permitted) (barbed-wire fencing not permitted within the required front yard). **Granted.**

91-UV3-1; 1704-1738 East 10111 Street (subject site), requests a variance of use of the Commercial Zoning Ordinance to permit the distribution and assembly of temperature and humidity control devices in a C-3 district, **Granted**

92-AP3-6; 1704-1738 East 10111 Street (subject site), requests the modification of a 91-UV3-1 condition to provide for an extension of time for installing the required landscaping, **Granted.**

88-Z-159 / 88-CV-24; 1015 North Windsor Street, (subject site), requested rezoning of 0.14 acre, being in the D-8 District, to the C-3 classification to provide for a commercial parking lot and a variance of development standards of the Commercial Zoning Ordinance to permit parking within the rear transitional yard and reduce the required landscape screen adjacent to a residential district, **withdrawn.**

69-V2-236; 1017-19 North Windsor Street (subject site), request variance of use, setback, side and rear yard requirements to permit accessory off-street parking on premises, **approved.**

67-V1-237; 1708 East 10th Street (subject site), Variance of use to permit a used car lot, **denied.**

60-V-79; 1708 East 10th Street, variance of use to permit the sale and storage of plumbing fixtures and tools, **denied.**

Zoning History Vicinity

2019-CZN-847; 1720, 1730 and 1740 East 10th Street; 1010, 1016 and 1020 Sterling Street (east of site), Rezoning of 1.53 acres from the D-8 and C-3 districts to the D-P districts to provide for 22 single-family attached dwelling at a density of 24.5 units per acre.

2019-CVC-847; 1720, 1730 and 1740 East 10th Street; 1010, 1016 and 1020 Sterling Street (east of site), Vacation of the portion of the first east-west ally north of 10th Street, being 15-feet wide, from the west right-of-way line of sterling street, being the southeast corner of lot 13 of Windsor Place, as recorded in Plat Book Eight, Page 139 of the Office of the Marion County Recorder, 149.99 feet to the southwest corner of Lot 13 of said subdivision, being the east line of the first north-south alley west of Sterling Street.

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

2016-ZON-060; 1401 East 10th Street (southwest of site), Rezoning of 2.27 acres from the C-S (FF) district to the D-8 (FF) classification to provide for multi-family residential development, **approved.**

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

2016-ZON-004; 1322, 1326, 1330, 1405 and 1406 East 10th Street (north of site), requested rezoning of 0.42 acre, from the C-2 (FF) Districts to the D-8 (FF) classification to provide for single-family dwellings, **approved.**

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

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

2011-CAP-833 / 2011-CVR-833; 1500 East Michigan Street, requested a modification of the development statement related to 2010-ZON-099 to modify the requirement that all signs be compliant with the Sign Regulations and a variance of development standard of the Sign Regulations to provide for a four-foot tall freestanding sign with reduced setbacks and an eleven foot tall freestanding sign exceeding the required height and with reduced separation from a protected district, **approved.**

2010-ZON-099, 1401 East 10th Street, also known as 1500 East Michigan Street (south of site). Rezoning of 3.433 acres from the SU-2 (School) District to the C-S (Special Commercial) classification to provide for fire department headquarters, SU-9 uses (buildings and grounds used by any department of town, city, township, county, state, or federal government), SU-7 uses (charitable, philanthropic, and not-for-profit institutions), educational uses, C-1 uses, and commercial service and retail uses comprising a maximum area of 5,000 square feet, **approved.**

2011-UV2-002; 1414 East 10th Street (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a single-family detached dwelling, with reduced setbacks, **granted.**

2004-HOV-016; 1434 East 10th Street (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling, with reduced setbacks, **granted.**

2002-UV2-019; 1323 East 10th Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling and provide for the construction of a detached garage with reduced setbacks, **granted.**

2002-HOV-036; 1402 East 10th Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish an 864-square foot single-family dwelling and a 528-square foot detached garage and to provide for a 138-square foot addition, **granted**

99-NC-4; 1414 East 10th Street (west of site), requested a certificate of legal non-conforming use to permit a single-family dwelling in a C-2 District, **granted.**

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

92-Z-99; 1401 East 10 Street (west of site) request rezoning of 80 acres, being in the D-5 district to the SU-2 classification to legally establish an existing school, **approved**.

91-UV1-84; 1333 East 10th Street (south of site), requested a variance of use of the Commercial Zoning Ordinance to permits an addition to an existing single-family dwelling, **granted**.

86-VAC-23; 1700 East 10th Street (east of site), requested vacation of the first alley, being 15-feet wide, east of Windsor Street from the north right-of-way-line of East 10th Street to a point 140 feet south of the south right-of-way line of the first alley north of East 10th Street, **approved**.

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

57-Z-119 1880 East 10th Street (east of site), request rezoning of approximately 1.6 acres in block ,A,C B, in Fletcher's Homestead addition, being in the U2-H1-AG district to a U3-H1-A4 classification to permit the construction of a supermarket, retail sales and personal service shops, being extension of U3 use on the south.

EXHIBITS



Figure 1 Petitioner Commitments.

ATTACHMENT “E”:

Petitioner commits to exclude the following MU1 uses from the subject site:

Permitted Uses

1. Club or lounge
2. Community Center
3. Hotel, Motel or hostel
4. Substation and utility distribution node
5. Wireless communication facility
6. Transit center
7. Storage facility (self- storage (indoor and outdoor)

Special exception Uses

1. Parling Lot, commercial

Accessory Uses

1. Animal care/ boarding, veterinarian services
2. Bar or Tavern
3. Indoor recreation and entertainment
4. Amateur Radio Antenna
5. Museum, Library or art gallery
6. Public safety / post office
7. Drive through
8. Pick up station for dry cleaning or laundry
9. Recycling collection point
10. Renewable energy facility, solar and geothermal
11. Satellite dish antennae
12. Storage facility (self storage, indoor and outdoor)
13. Swimming pool or hot tub
14. Transportation facilities and accessories (ground)
15. Walk up window
16. Transitional living quarters
17. Night club /Cabaret

Temporary uses

1. Outdoor display and sales, Temporary
2. Portable storage
3. Produce sales
4. Temporary construction yard, office, or equipment storage
5. Temporary Outdoor event

11/26/24

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

Figure 2 Findings of Fact Vacation

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 dedicated public alley has never been used for a public purpose and the vacation would allow for the merging of the existing dedicated alley where both side of the alley are owned and used by the petitioner.

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 ____

_____	_____
_____	_____
_____	_____

Figure 3 Original Plat





Figure 4 Alley North



Figure 5 Sidewalk along the front of the property



Figure 6 Subject Site side parking lot



Figure 7 Alley to be vacated



Figure 8 Delivery Entrance

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-CZN-820 / 2025-CVR-820

Property Address: 4221 North Emerson Avenue (Approximate Address)

Location: Lawrence Township, Council District #9

Petitioner: Spivey Properties, LLC, by David Gilman

Current Zoning: D-2

Request: Rezoning of 0.789-acre from the D-2 and C-3 districts to the C-3 district to provide for neighborhood commercial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot setback for a surface parking lot along Emerson Avenue, without on-site landscaping (minimum ten-foot setback required), (a minimum of ten feet of landscaping required, with three shrubs per 25 feet of street frontage required and one tree per 35 feet of street frontage required), without interior landscaping for the parking lot (minimum landscaping consisting of 6% of all uncovered vehicle area required).

Current Land Use: Commercial

Staff Recommendations: Approval with a commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 56-foot half right-of-way shall be dedicated along the frontage of Emerson Avenue, 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

LAND USE

The 0.789-acre subject site is developed with a commercial shopping strip and associated parking lot. It is surrounded by single-family dwellings north and east, zoned D-2, a gas station and convenience store to the south, zoned C-3, and a school to the west, zoned SU-2.

REZONING

The request would rezone the site from the D-2 district to the C-3 district to allow for commercial uses.

The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer 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.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would allow for existing site conditions to be legally established in the proposed C-3 zoning district to include a zero-foot setback for a surface parking lot along Emerson Avenue without on-site landscaping. The Ordinance requires a ten-foot front setback with landscaping that includes three shrubs per 25 feet of street frontage and one tree per 35 feet of street frontage. The request would also allow for no interior landscaping for the parking lot where it would have required minimum landscaping consisting of 6% of all uncovered vehicle area.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Emerson Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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

STAFF ANALYSIS

According to aerial images, the site has been developed with the commercial shopping strip since 1972.

Staff is supportive of the rezoning request that would align the use of the site with the correct zoning district. The C-3 zoning and existing uses on site would align with the community commercial development recommendation of the Comprehensive Plan.

The variance requests are due to existing conditions on site which staff determined could remain since there are no proposed changes to the site layout.

Staff would note that there is an existing dumpster on site that is unenclosed and located on the west side of the primary building and within the front yard. The dumpster should be relocated outside of the front yard and should be enclosed on all sides. If this is not corrected, then this would be a zoning violation.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-2	Residential (Single-family dwelling)
South:	C-3	Commercial
East:	D-2	Residential (Single-family dwelling)
West:	SU-2	School
Thoroughfare Plan		
Emerson Avenue	Primary Arterial Street	112-foot proposed right-of-way and 105-foot exiting right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 28, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 14, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	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 community commercial development of the site.
- 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.
- The request would align with the community commercial recommendation of the Comprehensive Plan.

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 site falls within the Indy Moves Transportation Integration Plan (2018).
- An off-street multi-use path is located along Emerson Avenue from 30th Street to 46th Street. Complete streets upgrades are proposed.

ZONING HISTORY

Zoning History – Site

64-Z-46; Southeast corner of North Emerson Avenue and Davon Drive (subject site), Rezoning of 0.78 acre, being in R-3 district, to B-2 classification to provide for the construction and operation of an office building and personal service shops, **denied**.

Zoning History – Vicinity

2003-ZON-050; 5050 East 42nd Street (west of site), Rezone 10.49 acres from D-2 to SU-2 to provide for educational uses, **granted**.

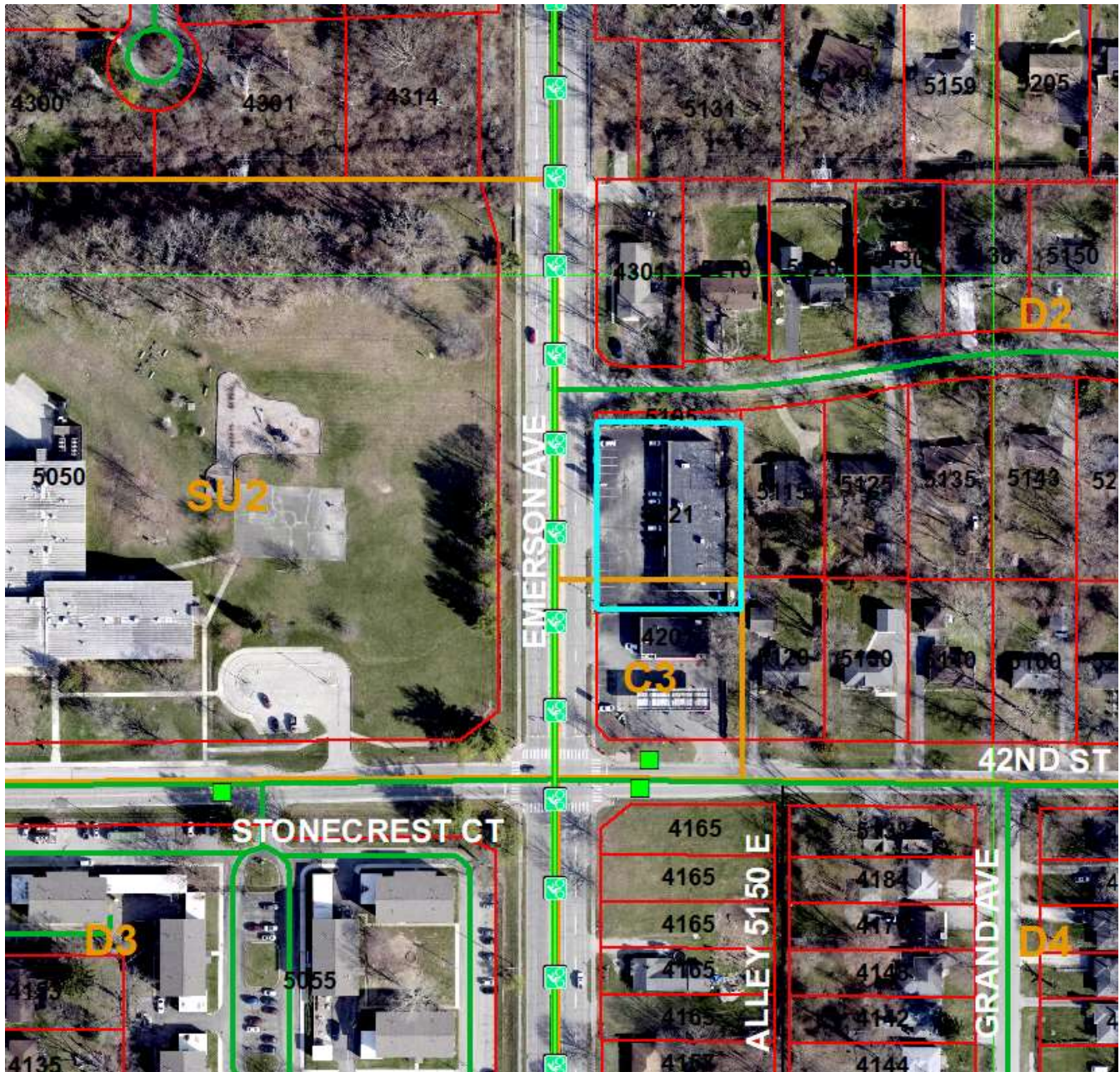
88-V3-132; 4201 North Emerson Avenue (south of site), Variance of development standards of the Sign Regulations to provide for two canopy signs with a setback of fifty-six feet (seventy feet required), **granted**.

79-Z-151; Various Addresses (south of site), Rezoning of variance parcels to a variety of zoning districts to rezone parcels of land by map designation, to indicate the particular use classification of certain parcels zoned in the Special use classification and to correct mapping errors on parcels of land by map designation, **approved**.

79-V3-114; 4201 North Emerson Avenue (south of site), Variance of development standards to provide for a canopy for a convenience store and gasoline filling station, **granted**.

61-Z-136; 300 West Gimber Street (west of site), Rezoning of 1.004 acres, being in U2-H1-A4 district, to U4-H1-A4 classification to permit light industry, **approved**.

EXHIBITS



Department of Metropolitan Development
Division of Planning
Current Planning

1972 Aerial Photo



SITE PLAN

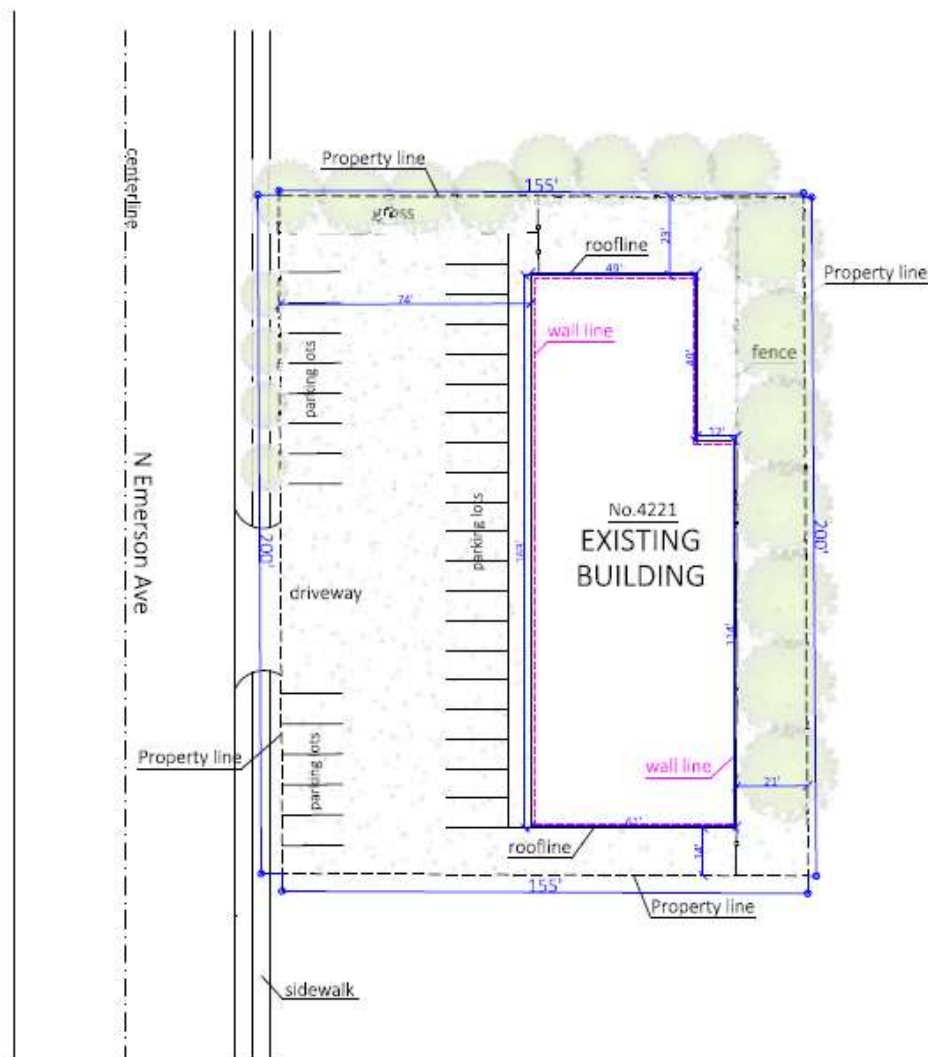
4221 N Emerson Ave

Indianapolis, IN 46226

Parcel ID:49-07-15-107-001.000-400

Lot area: 0.79 Acres

Paper Size: 11"x17"



Disclaimer

This is not a legal survey, nor is it intended to be a replacement.
 These measurements are approximate and are for illustrative purposes only.
 This work product represents only permitted location of features, subject to knowledge and should not be relied upon or being legally authoritative for the precise location of any features, objects or boundaries.

**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 site has landscape shrubs and greenspace to buffer the street frontage between the sidewalk and the parking lot.

The site was developed without the street frontage and interior landscape areas since 1971.

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 site has landscape shrubs and trees to buffer the residential uses to the north and along the street frontage.

The site was developed without the street frontage and interior landscape areas since 1971.

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

The parking area was established in 1971 to support the multiple tenants in the commercial center. The parking is needed for the success of the businesses and there are adequate landscape plantings to buffer the street and the parking lot.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of the subject site.



Photo of the street frontage of the site looking north.

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the outdoor play area for the day care center.



Photo of the day care center tenant.



Photo of the middle tenants of the commercial strip center.



Photo of the rear tenant at the far south of the site.



Photo of the southern building façade and southern property boundary.



Photo of a dumpster on site that needs to be enclosed and relocated from the front yard.



Photo of the gas station and convenience store south of the site.



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



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



Photo of the school west of the site behind the tree line.