



Metropolitan Development Commission Hearing Examiner (June 12, 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, June 12, 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-ZON-042 (Amended) | 8025 Shelbyville Road

Franklin Township, Council District #25

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

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

****Automatic Continuance to July 10, 2025, filed by Registered Neighborhood Organization**

2. 2025-ZON-053 | 3764 North Leland Avenue

Warren Township, Council District #9

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

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

****Automatic Continuance to July 10, 2025, filed by Registered Neighborhood Organization**

3. 2025-CZN-826 / 2025-CPL-826 / 2025-CVR-826 | 2955 North Meridian Street

Center Township, Council District #12

C-1 (RC) (TOD)

2955 Indy IN, LLC, by Misha Rabinowitch

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

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

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a retail use with a drive-through component within 600 feet of a transit station, on a lot with street frontage on Meridian Street (not permitted), with 20 feet of street frontage (minimum 50 feet street frontage required), zero-foot front yard and front transitional yard setbacks (minimum 10-foot front yard and 10-foot front transitional yard setbacks required), zero-foot side and rear yard setbacks (minimum 10-foot side and rear yard setbacks required), building height of 50 feet (maximum 38-foot building height in Compact Context Area, and maximum 25-foot building height permitted within a transitional yard required), and 5% transparency for a structure along

30th Street (minimum 40% transparency required), and no transparency along Talbott Street (minimum 40% transparency required).

****Petitioner and Staff request for continuance for cause to June 24, 2025**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2025-MOD-009 | 2934 North Hawthorne Lane

Warren Township, Council District #9

SU-1

Vietnamese and American Buddhist Association Corporation

Modification of the Commitments and Site Plan related to petitions 2018-MOD-012 and 2014-ZON-077, to provide for a one-story, 3,890 square foot, community center.

5. 2025-MOD-010 | 4701 Todd Road

Perry Township, Council District #24

D-7 (FF)

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

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

6. 2025-MOD-013 | 10100 East 46th Street

City of Lawrence, Lawrence Township, Council District #10

SU-7

Michael Jones, by Will Gooden and Elizabeth Bentz Williams

Modification of the Commitments related to petition 2001-ZON-002 to modify Commitments #3 and #4 to allow for development to be in substantial compliance with the site plan, dated April 25, 2025, and that any future change in the site plan shall be subject to Administrator's Approval, and that the use of the property shall be in substantial compliance with the narrative, dated March 28, 2025 (previous commitments required development in substantial compliance with the site plan, filed-dated March 16, 2001 and that the use be in substantial compliance with the narrative, file-dated April 3, 2001).

7. 2025-ZON-049 | 1344, 1346, and 1352 Deloss Street

Center Township, Council District #18

Malika Choudhary, by Mark and Kim Crouch

Rezoning of 0.26-acre from the I-2 district to the D-8 district to provide for residential uses.

8. 2025-ZON-051 | 4324 East New York Street

Center Township, Council District #13

Malak Services, LLC, by Terrance Kinnard

Rezoning of 0.08-acre from the C-3 (TOD) district to the D-5 (TOD) district to legally establish a detached single-family dwelling.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2025-MOD-003 / 2025-VAR-003 | 8302 Michigan Road

Pike Township, Council District #1

C-S

Halle Properties, LLC, by Jennifer Wolfe

Modification of commitments related to 95-Z-172 and 96-Z-216, to modify Commitment 2. h. for a freestanding sign on an outlot (previous commitment permits wall signs and prohibits freestanding signs for outlots).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot-tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street (minimum 300-foot separation between freestanding signs required).

10. 2025-MOD-005 | 7841 Michigan Road

Pike Township, Council District #1

C-3 / D-5

Las Palmas Supermercado, LLC, by Meghan Binkerd

Modification of Development Statement related to petition 94-Z-42 to modify Commitment 5, to allow a grocery store (current commitment prohibits grocery or convenience stores).

11. 2025-MOD-006 | 3801 North Raceway Road

Pike Township, Council District #11

D-6

D. R. Horton – Indiana, LLC, by Brian J Tuohy

Modification of Commitments and Site Plan related to 2024-ZON-023 to modify Commitment 2, to provide that rental units would be permitted on lots which are subject to a mortgage insured or guaranteed by the Federal Housing Administration, the Veteran's Administration and/or the United States Department of Agriculture (previous commitment requires the HOA to approve rental of units within the neighborhood, with a restriction that a maximum of 20% of the units may be rented at any one time).

12. 2025-ZON-001 | 4150 North High School Road

Pike Township, Council District #5

Nica Auto and Fleet Repair, LLC, by David E. Dearing

Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.

13. 2025-CZN-814 / 2025-CVR-814 | 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road

Franklin Township, Council District #20

Deep Meadow Ventures, LLC, by Joseph D. Calderon

Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

14. 2025-CPL-818 / 2025-CVR-818 | 3146 North Temple Avenue

Center Township, Council District #8

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

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

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

15. 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2025-MOD-011 | 3204 Queue Line Drive

Center Township, Council District #8

C-S / I-2 / SU-1

Monon Development Group, LLC, by Christopher White

Modification of the Commitments and Site Plan related to 2021-ZON-069 / 2021-VAR-010 to Modify Commitment #2 to permit development of the site in compliance with submitted building elevations and site plans filed with this petition (previous commitment required site plans, landscaping plans and building elevations to be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit).

17. 2025-ZON-048 | 122 and 130 West Raymond Street

Center Township, Council District #18

Kio Hmung, by Raymond A. Basile

Rezoning of 0.23-acre from the C-1 district to the C-4 district to provide for an automobile repair shop.

18. 2025-ZON-050 | 526 and 534 South Keystone Avenue

Center Township, Council District #18

Miguel Villasol, by Mark and Kim Crouch

Rezoning of 0.37-acre from the D-5 district to the D-5II classification to provide for residential uses.

19. 2025-ZON-052 | 4446 Mann Road

Decatur Township, Council District #21

Dave and Sons Properties II, by David Gilman

Rezoning of 0.825-acre from the C-3 district to the C-4 district for an automobile fueling station and a convenience store.

20. 2025-CZN-822 / 2025-CVR-822 | 3802 and 3810 North Franklin Road

Lawrence Township, Council District #9

C-S (TOD)

Cornerstone Housing Group, LLC, by Brad Schwab and Bobbi Jo Lucas Eisold

Rezoning of 8.69 acres from the C-S (TOD) district to the D-10 (TOD) district to provide for a multi-family residential development, consisting of 186 units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a large apartment development, with a 94-foot front building line along 38th Street, a 135-foot front building line along I-465, and a 434-foot front building line along Franklin Road (20-foot to 50-foot front building line range required), surface parking in front of the front building line (surface parking required behind the front building line), with dumpsters and garage/storage buildings in the front yard (shall not be closer to any front lot line than the established front yard setback on the lot).

21. 2025-CPL-825 / 2025-CVR-825 | 7140 and 7142 East Washington Street Avenue

Warren Township, Council District #14

C-4 (TOD)

Fieldstone Financial, LLC, by Joseph D. Calderon

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

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station, within ½ mile from any Transit Station (not permitted), with 16 pump islands/service areas (eight permitted), with portions of a surface parking area in front of the front building

line, with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (surface parking areas required behind the front building line, 25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

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](#)



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

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

PETITION HISTORY

The Hearing Examiner continued this petition, at staff's request, from the May 15, 2025 hearing, to the June 12, 2025 hearing, to provide additional time for the petitioner's representative to amend the petition to increase the acreage and provide new notice.

A timely automatic continuance has been filed by a registered neighborhood organization that would **continue this petition from the June 12, 2025 hearing, to the July 10, 2025 hearing**. This would require acknowledgement by the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

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

CONTINUANCE

A timely automatic continuance has been filed by a registered neighborhood organization that would continue this petition from the June 12, 2025 hearing, to the July 10, 2025 hearing. This would require the acknowledgement by the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-CZN-826 / 2025-CPL-826 / 2025-CVR-826

Property Address: 2955 North Meridian Street

Location: Center Township, Council District # 12

Petitioner: 2955 Indy IN, LLC, by Mish Rabinowitch

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

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

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff and the petitioner are requesting a **continuance from the June 12, 2025 hearing, to the June 26, 2025 hearing**, to provide time for further discussions.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-009
Property Address: 2934 North Hawthorne Lane (Approximate Address)
Location: Warren Township, Council District #9
Petitioner: Vietnamese and American Buddhist Association Corporation
Current Zoning: SU-1
Request: Modification of the Commitments and Site Plan related to petitions 2018-MOD-012 and 2014-ZON-077, to provide for a one-story, 3,890 square foot, community center.
Current Land Use: Religious Use
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 commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The approval shall be subject to the submitted Plan of Operation, dated May 28, 2025.

PETITION OVERVIEW

LAND USE

The 0.16-acre site is located in the Arlington Woods neighborhood and is developed with a single-family dwelling with multiple building additions used for fellowship. This property is part of a religious use campus that consists of a temple, nun house, two (2) guest houses, outdoor worship/meditation areas, gardens, and paved parking lots.

The temple was established in 1994 through special exception, 93-SE3-12, and the campus was expanded over the years through other special exceptions and variances until the campus was rezoned in 2014.



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MODIFICATION

This petition would provide for the replacement of an existing dwelling structure with a one-story, 3,890 square foot, community center for the religious use.

The Plan of Operation notes the community center would only be available to the congregation and not open to the public. The hours of operation would be from 7:00 a.m. to 5:00 p.m. on Saturday and Sunday with minimal usage Monday through Friday.

STAFF ANALYSIS

Initially, staff had concerns with the parking needs for the proposed community center. The petitioner provided a parking layout for the campus which indicates 36 parking spaces on the western parking lot and 15 parking spaces at the northern parking lot. There is also a parking agreement with the neighboring church to the east that allows for an additional use of 50 parking spaces.

The community center at with 3,450 square feet and a capacity for 160 people would require a minimum of eight (8) parking spaces and allow a maximum of 17 parking spaces since the minimum requirement is one space per 400 square feet and maximum of one space per 200 square feet.

The temple with a seating capacity of 64 people would require 16 parking spaces when factoring in one space per four seats or seven spaces when factoring in one space per 1,000 square feet. The greater of the two would be the requirement which would be a total of 16 spaces.

The combined required parking for these two buildings would be 24. The campus has a total of 51 parking spaces which would meet the parking requirements and would even accommodate the nuns that would live on site or use the guest houses. The total number of nuns that reside on site is unknown, but the additional 27 parking spaces--not counted towards the temple and community center--should be more than sufficient.

The parking layout called out the interior connectivity on site and the petitioner was notified of the sidewalk installation requirement of the Ordinance when new construction is proposed. The required sidewalk along Hawthorne Lane would need to be included in the permit application process.

Additionally, the dumpster at the western parking lot would need to be enclosed and relocated according to the previously approved site plan per 2014-ZON-077.

In conclusion, staff determined that the proposed community center would be an appropriate use since it would be accessory to the religious use.



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GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	SU-1	Religious Use
South:	SU-1	Religious Use
East:	SU-1	Religious Use
West:	D-4	Single-family dwelling
Thoroughfare Plan		
Hawthorne Lane	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 2, 2025	
Site Plan (Amended)	June 2, 2025	
Elevations	May 2, 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	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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



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typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Schools, Places of Worship, Neighborhood-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop, unless there is no or limited bus service within the institution's service area.
- **Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop unless there is no bus service within the institution's service area.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



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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.



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ZONING HISTORY

Zoning History - Site

2018-MOD-012; 2931 North Butler Avenue, Modification of Commitments related to 2014-ZON-077 to Modify Commitment Three to provide for a revised site plan to replace an existing building, with a two-story Nunnery (site modifications to approved plans of April 10, 2015, require a public hearing modification petition), **granted**.

2014-ZON-077; 5249 East 30th Street, 2934 North Hawthorne Lane and 2931 North Butler Avenue, requests a rezoning of 2.55 acres from the D-5 (FF) and D-5 districts to the SU-1 (FF) and SU-1 classifications to provide for religious uses and the construction of a two-story, 4,000-square foot community building, **approved**.

2012-SE1-002; 5249 East 30th Street, 2934 North Hawthorne Lane and 2931 North Butler Avenue, requests a Special Exception to provide for the expansion of a religious use, including the construction of a 2,500-square foot addition to a recreational and training center support building (2934), accessory to a religious use, with said addition having a 9.82-foot rear setback, to legally establish a six-foot tall fence in the front yard of Butler Avenue and Hawthorne Lane, to legally establish 20 on-site parking spaces, with off-site parking provided (34 on-site parking spaces required with 2006-SE1-003), to legally establish two sheds (2931), totaling 608 square feet, used for cookware, pots, pans and dry food storage, with one shed, with a four-foot front setback, being in front of the established building line of the primary religious building and with the second shed having a zero-foot south side setback, to legally establish a 572-square foot canopy (2931) for a pot and utensil cleaning area with a two-foot side setback, a 1,316-square foot deck (2931), used as a play area and used with tents for summer festivals and outdoor events, and a 64-square foot shed, with a zero-foot side setback, to provide for the general use of tents for outdoor special events and festivals, and to provide for other general site development as shown on the submitted site plan, **denied**.

2008-SE1-002; 5253 East 30th Street and 2934 North Hawthorne Lane (subject site), requests a special exception of the Dwelling Districts Zoning Ordinance to provide for a seven-foot tall fence, with 7.33-foot tall column fence posts, at the front property line of Hawthorne Lane and East 30th Street and to provide for a 21.5-foot tall, gated entry structure along Hawthorne Lane and to provide for a 20.5-foot tall, gated entry structure along 30th Street, for a religious use, **granted**.

2006-SE1-003; 5253 East 30th Street and 2934 North Hawthorne Lane (subject site), requests a special exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with a temple with a 32-foot front setback from East 30th Street and a fifteen-foot front setback from Butler Avenue, **granted**.



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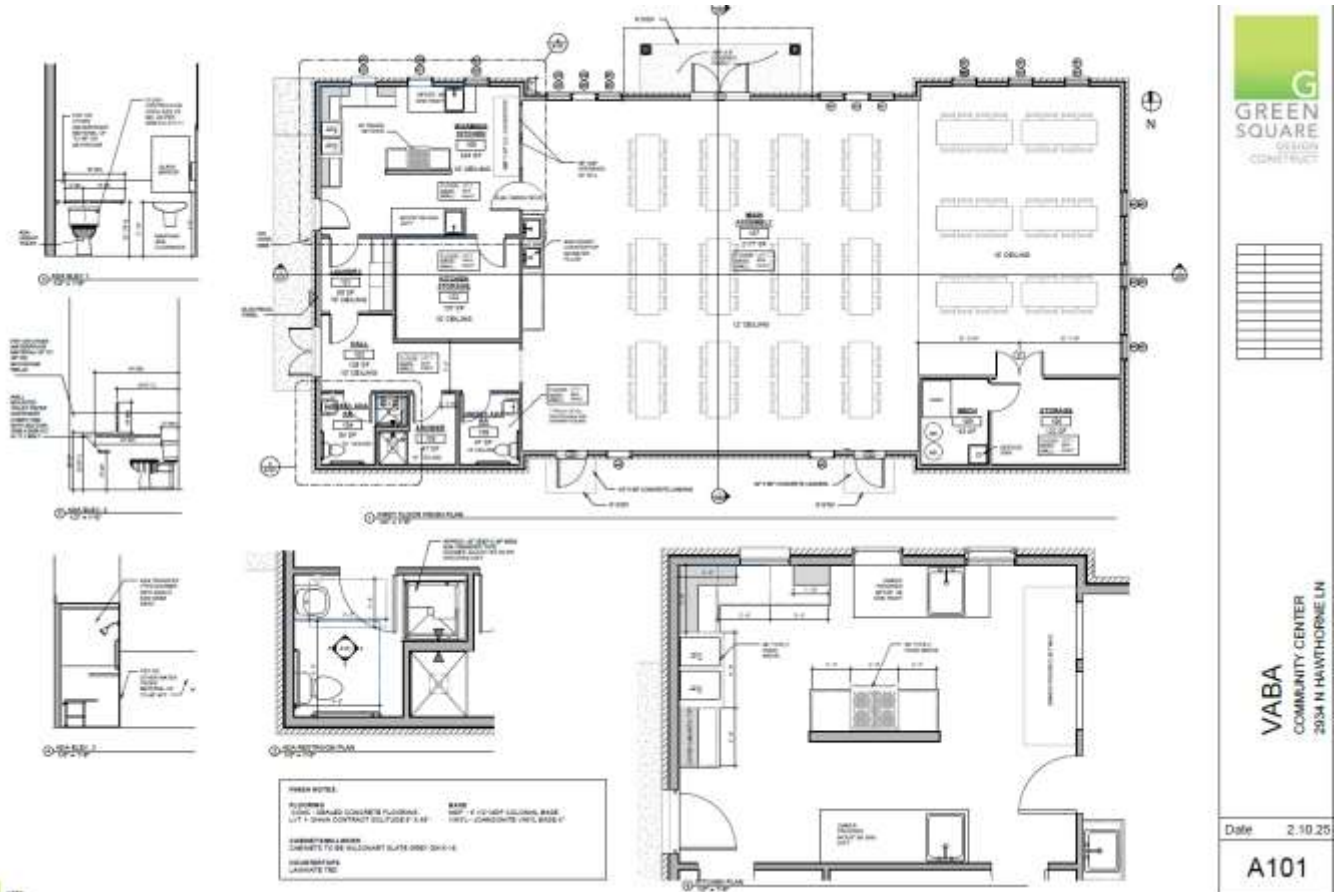
2000-SE1-006/2000-DV1-005; 5249-5253 East 30th Street (subject site), requests a special exception of the Dwelling Districts Zoning Ordinance to provide for the expansion of a parsonage associated with an existing religious use, and a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 40 by 25-foot dwelling addition to an existing dwelling located 10 feet from the proposed right-of-way line, **granted**.

93-SE3-12; 5249, 5251 and 5253 East 30th Street (subject site), requests a religious use special exception to permit a Buddhist temple with a projected membership of fifty persons, **granted**.

EXHIBITS



Site plan for the New Single Story Community Center, 3650 sq. ft. footprint, first floor elevation @ 116.75'. The plan shows the building layout, parking areas, and surrounding streets: 2034 N. Hawthorne Ln. (Zoned: BU1) and 2034 N. Hawthorne Ln. (Zoned: BU2). Key features include a 12' x 12' ramp, a 12' x 12' ramp, a 12' x 12' ramp, and a 12' x 12' ramp. The plan also shows a 12' x 12' ramp, a 12' x 12' ramp, a 12' x 12' ramp, and a 12' x 12' ramp. The plan includes a north arrow and a scale bar.



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[illegible]

VABA
COMMUNITY CENTER
2934 N HAWTHORNE LN

Date	2.10.25
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A201

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West Side



East Side



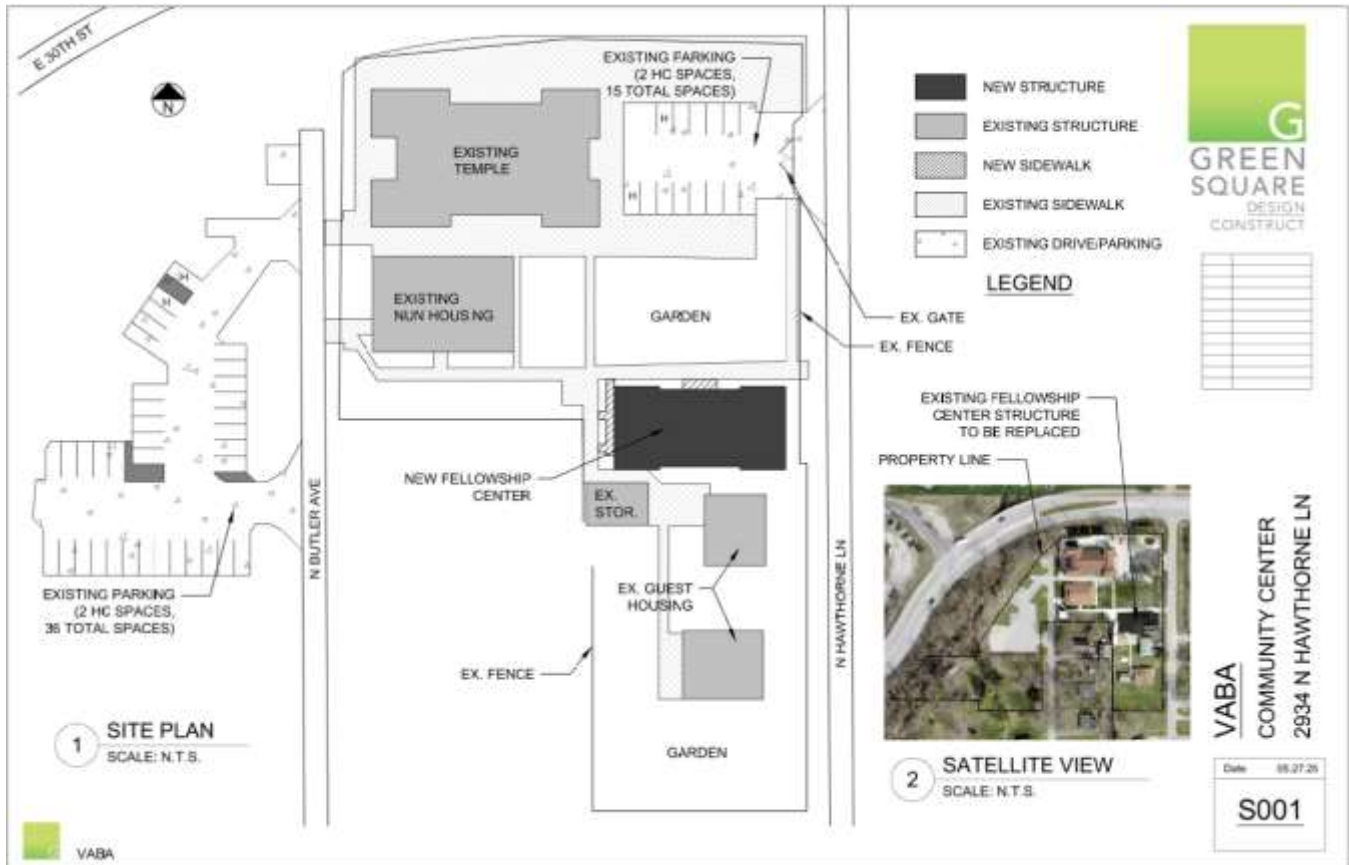
South Side



North Side



South Side



2934 North Hawthorne - Plan of Operation

- Reason for petition:
 - Proposed newly constructed Fellowship Center which will replace the existing fellowship center per the site plan on file.
- Congregation:
 - 250 members in total that attend one of the four weekend services on Saturday and Sunday
 - Campus is only open to members of the congregation, not open to the public.
 - Fellowship center will be for use of the congregation only (not open to the public) and will house congregational gatherings before and after services at the temple. The center will also be used for smaller meetings of committees and staff and lay people involved with the temple.
- Hours of Usage:
 - 7:00am – 5:00pm (Saturday & Sunday)
 - Minimal usage Monday-Friday
- Buildings:
 - Proposed Community Center (2934 North Hawthorne Lane)
 - Size: 3,450 SF
 - Capacity: 160
 - Existing Buddhist temple (5249 East 30th Street)
 - Size: 7,050 SF
 - Seating capacity: 64 seats
 - Existing Nun House (2931 North Butler Avenue)
 - Size: 3,050 SF
 - Existing Guest House (2928 North Hawthorne Lane)
 - Size: 1,080 SF
 - Existing Guest House (2922 North Hawthorne Lane)
 - Size: 1,517 SF
 - Total Campus Square footage:
 - 16,147 SF
- Safety & Security Measures:
 - The temple and associated buildings have security cameras, and an alarm installed.
 - The campus is enclosed with a secured fence with gate.



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Current Planning

- Waste:
 - Commercial Dumpster will be set out in the parking lot on the weekly pick-up day. Disposal of trash will occur between the hours of 8am and 6pm, Monday through Friday.

- Parking
 - There are currently fifty-one (51) parking spaces, four (4) of which are ADA spaces, all of which are paved, as indicated on the site plan on file.
 - Parking agreement with St. Luke's Missionary Baptist Church (located at 5325 East 30th Street) for the allowance of 50 additional parking spaces for special events, per the parking agreement on file.
 - Based on total campus square footage of 16,147 and the requirement of 1 parking space per 400 SF there are 41 required parking spaces for the campus, so this project is in compliance.



Department of Metropolitan Development
Division of Planning
Current Planning

STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: See Attached Legal Descriptions

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. To allow for the modification of commitments recorded with petition 2014-ZON-077
(Instrument # 2015-54959)
2. _____
3. _____
4. _____
5. _____



Department of Metropolitan Development
Division of Planning
Current Planning

A201500054959

06/11/2015 8:47 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 55.50
PAGES: 15
By: GW

STATEMENT OF COMMITMENTS

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

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

Legal Description:

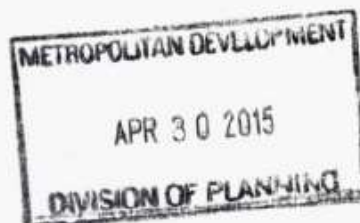
see Attached Legal Descriptions

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. Owner agrees to refrain from parking vehicles on any area which is not paved.
3. No additional development shall occur without a modification of this commitment and the amended site and landscape plans, file-dated March 9, 2015, and stamped approved April 10, 2015. The trash container shall be relocated to the approved on-site location within 30 days of the approval of the site plan stamped approved April 10, 2015.

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 of 5



15

Parking Agreement, Page One



CHÙA AN LAC
VIETNAMESE AMERICAN BUDDHIST ASSOCIATION

1799 E. 38th St. Indianapolis, IN 46218-5411 Fax: 317-547-4234 info@chuanlac.org www.chuanlac.org

PARKING AGREEMENT

March 1, 2014

To whom it may Concern:

The congregation of St. Luke's Missionary Baptist Church located at 5325 East 30th Street Indianapolis, IN agrees, in perpetuity, for \$10.00 and other valuable consideration, to let members of the Vietnamese American Buddhist Association located at 5253 East 30th Street, Indianapolis, IN 46218 use 50 spaces of their paved parking lot for overflow parking from Chua an Lac for special occasions. Chua An Lac will provide a shuttle from St. Luke's parking lot to transport visitors to and from the Buddhist Temple.

Proposed dates for special occasions at Chua An Lac include the following:

January (Fourth Thursday)	6:00 PM- Midnight-Lunar New Year's Eve
May (Second Sunday)	Morning - Buddha's Birthday Celebration
August (Second Sunday)	Morning - Grateful Day to Parents and Ancestors
September (First Saturday)	6 PM to 10 PM - Children's Lantern Festival

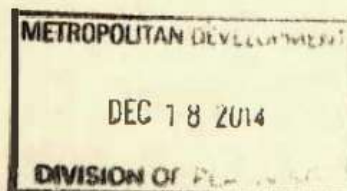
On other special occasions, Chua An Lac may need to use the St. Luke's parking lot for overflow traffic. A one week advance notice by Chua An Lac must be given to St. Luke's Missionary Baptist Church. Legal descriptions, parcel numbers and site plans of shared parking and path of shuttle are attached to this agreement. See attached sheet C111-A.

Curtis Lee Vance 3-15-14
Curtis Lee Vance (date)
Pastor
St. Luke's Missionary Baptist Church

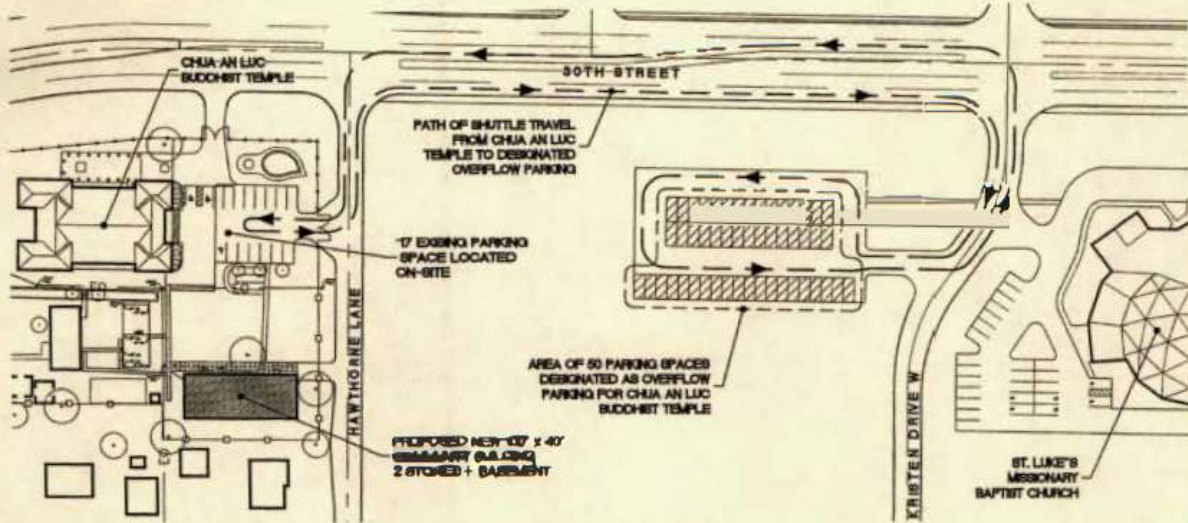
Robert Anderson 3/15/14
Robert Anderson (date)
Chairman, Board of Trustees
St. Luke's Missionary Baptist Church

Nguyen Thien 03/14/2014
Nguyen Thien (date)
Master
Vietnamese American Buddhist Association

Thien Ngoc Thuy 03/14/2014
Thien Ngoc Thuy (date)
Vietnamese American Buddhist Association



Parking Agreement, Page Four



ST. LUKE'S MISSIONARY BAPTIST CHURCH

ADDRESS: PO BOX 18288
 5325 EAST 30TH STREET
 INDIANAPOLIS, IN 46218-3217

LEGAL DESCRIPTION: NE1/4 NW1/4 S27 T16 R4 SEC 928' 14' 63' S OF NEDON
 S 152' W221' S 100' W 195' N252' E 392.40 TO BEG 1.815 AC

PARCEL NUMBER: 7056322

MARION COUNTY WARREN TOWNSHIP

LOCATION OFF-SITE PARKING

SCALE 1"=100'-0"

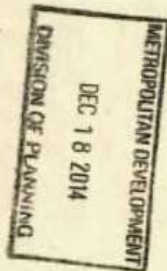
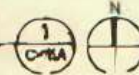




Photo of the subject site looking west.



Photo of the existing building on site looking southwest.



Photo of the temple and garden north of the site.



Photo of one of the guest houses south of the proposed community center.



Photo of the religious use property to the east.



Photo of the existing campus parking lot west of the site looking north on Butler Avenue.



Photo of the existing campus parking lot west of the site looking southwest from Butler Avenue.



Photo of the temple and nun house to the right located east of the western parking lot.



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



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

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

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

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



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

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

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

MODIFICATION

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

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

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

Department of Public Works

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

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

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-7 in this request) would be permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

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

GENERAL INFORMATION

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

The Comprehensive Plan recommends Office Commercial Typology.

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



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

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

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

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

VICINITY

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

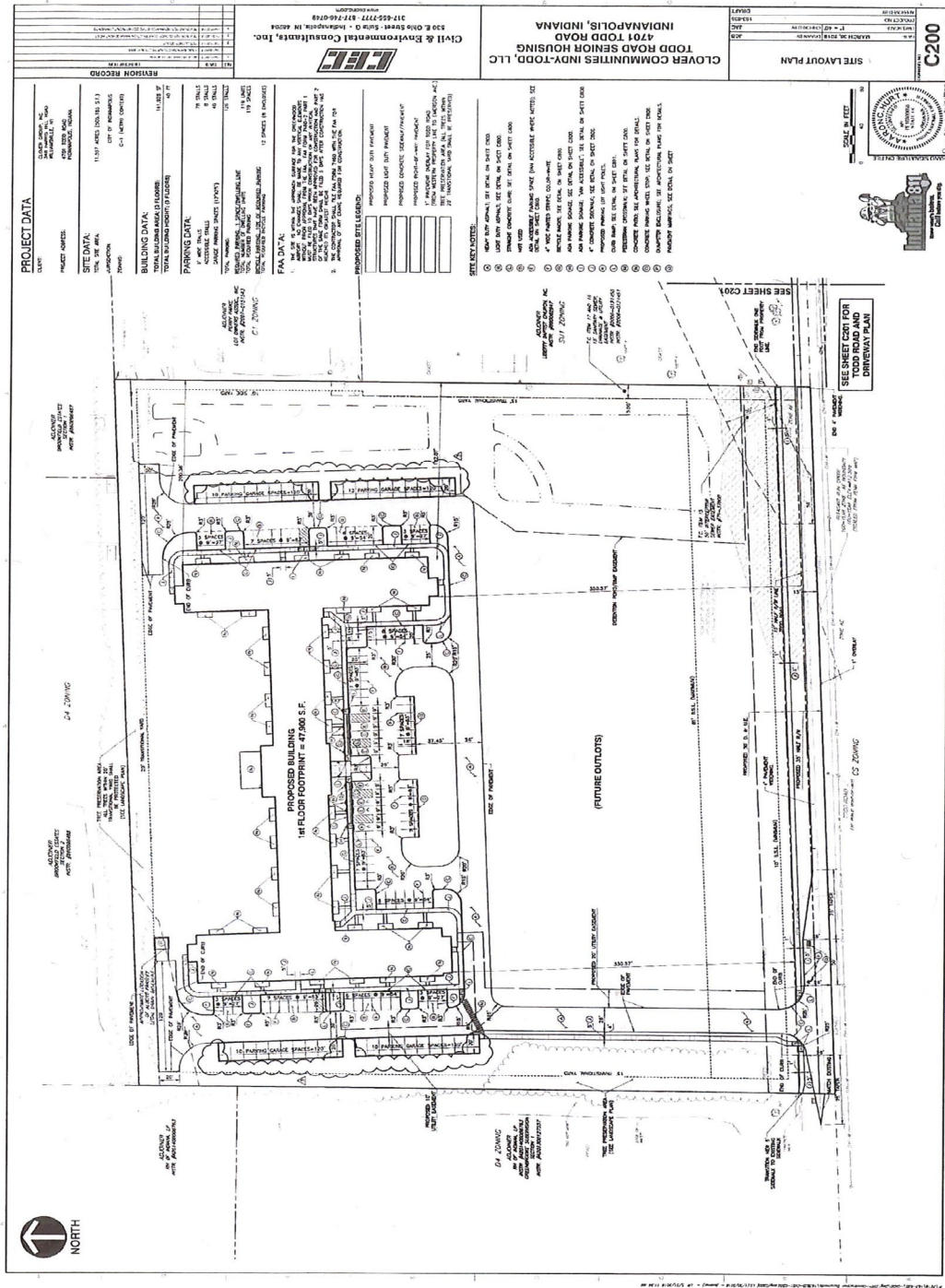
2002-ZON-118; 4700 Todd Road (north of site), rezoning of 55.80 acres, being in the D-A (FF) District, to the D-4 (FF) classification to provide for single-family residential development, **denied**.

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

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

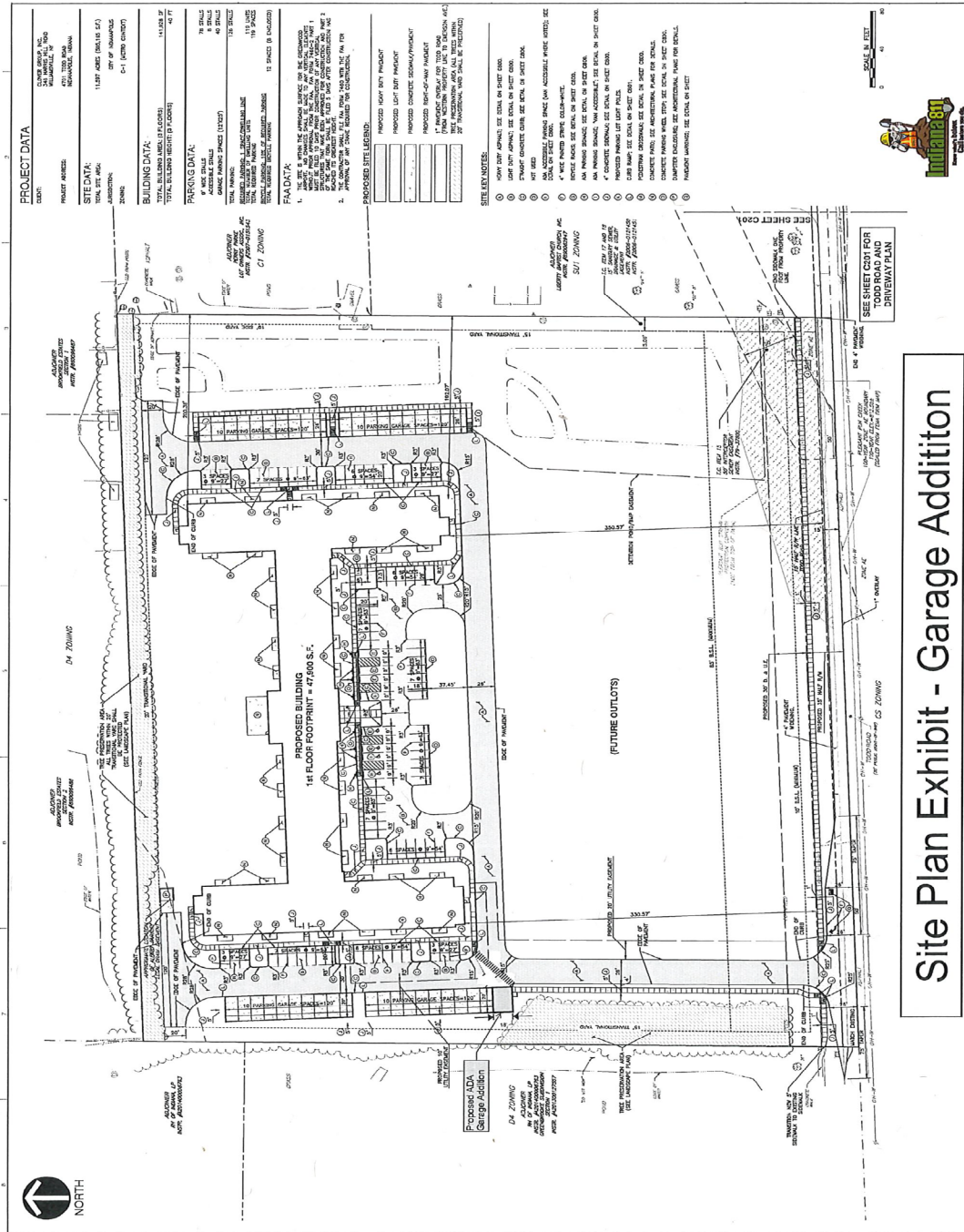


Site Plan – May 6, 2022



Metropolitan Development
 May 06 2022
 Division of Planning

Site Plan – May 5, 2025





View looking west along Todd Road at site entrance drive



View looking east along Todd Road at site entrance drive



View of site looking north across Todd Road



View looking south along western drive



View of existing garages along western property line



View looking west at location of proposed ADA garage



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-013

Property Address: 10100 East 46th Street

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

Petitioner: Michael Jones, by Will Gooden and Elizabeth Bentz Williams

Current Zoning: SU-7

Request:

Modification of the Commitments related to petition 2001-ZON-002 to modify Commitments #3 and #4 to allow for development to be in substantial compliance with the site plan, dated April 25, 2025, and that any future change in the site plan shall be subject to Administrator's Approval, and that the use of the property shall be in substantial compliance with the narrative, dated March 28, 2025 (previous commitments required development in substantial compliance with the site plan, filed-dated March 16, 2001 and that the use be in substantial compliance with the narrative, file-dated April 3, 2001)

Current Land Use: Social services facility

Staff

Recommendations: Approval, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. Commitment Three (Instrument # 2001-0069117) shall be amended to read: "Development shall be in substantial compliance with the site plan, file-dated May 8, 2025. Any future change in the site plan shall be subject to Administrator Approval and required permits."
2. Commitment Four (Instrument # 2001-0069117) shall be amended to read: "The use of the property shall be in substantial compliance with the narrative file-dated May 8, 2025."
3. All other commitments shall remain in full force and affect.



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

PETITION OVERVIEW

This 4.92-acre site, zoned SU-7 (charitable, philanthropic and not-for-profit institution) is developed with single-family dwelling and the associated parking. It is surrounded by single-family dwellings to the north, east and west, zoned D-A and single-family dwellings to the south, across East 46th Street, zoned D-P.

MODIFICATION

The request would modify the commitments related to petition 2001-ZON-002 to modify Commitments #3 and #4 to allow for development to be in substantial compliance with the site plan, file-dated May 8, 2025, and that any future change in the site plan shall be subject to Administrator's Approval, and that the use of the property shall be in substantial compliance with the narrative, file-dated May 8, 2025 (previous commitments required development in substantial compliance with the site plan, filed-dated March 16, 2001 and that the use be in substantial compliance with the narrative, file-dated April 3, 2001. See Exhibit A.

Services offered on this site have obviously evolved since the 2001 rezoning. This modification would allow for this change, including the removal of four (4) proposed buildings and change in the population to be served in accordance with the Site Plan and Plan of Operation, both file-dated May 8, 2025.

The site plan retains the existing one-story dwelling as the only structure on the site, along with a parking lot north of the structure. The Plan of Operation details the population to be served, hours of operation, daily programming and activities and the number of employees residing at the facility who would be responsible for programming, resident care, sobriety testing, maintenance and security.

The proposed modification would not disrupt the surrounding land uses and would continue to be in compliance with the SU-7 district as a charitable, not-for-profit facility.

GENERAL INFORMATION

Existing Zoning	SU-7	
Existing Land Use	Social services	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Single-family dwelling
South:	D-P	Single-family dwellings
East:	D-A	Single-family dwelling
West:	D-A	Single-family dwelling

Thoroughfare Plan		
East 46 th Street	Primary Collector	Existing 85-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 8, 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	Plan of Operation, May 8, 2025	

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.”

Pattern Book / Land Use Plan

Not Applicable to the Site.

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

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2001-ZON-002; 10100 East 46th Street, requested a rezoning of 5.0 acres, being in the D-A district, to the SU-7 classification to provide for a youth housing and counseling facility, **approved**.

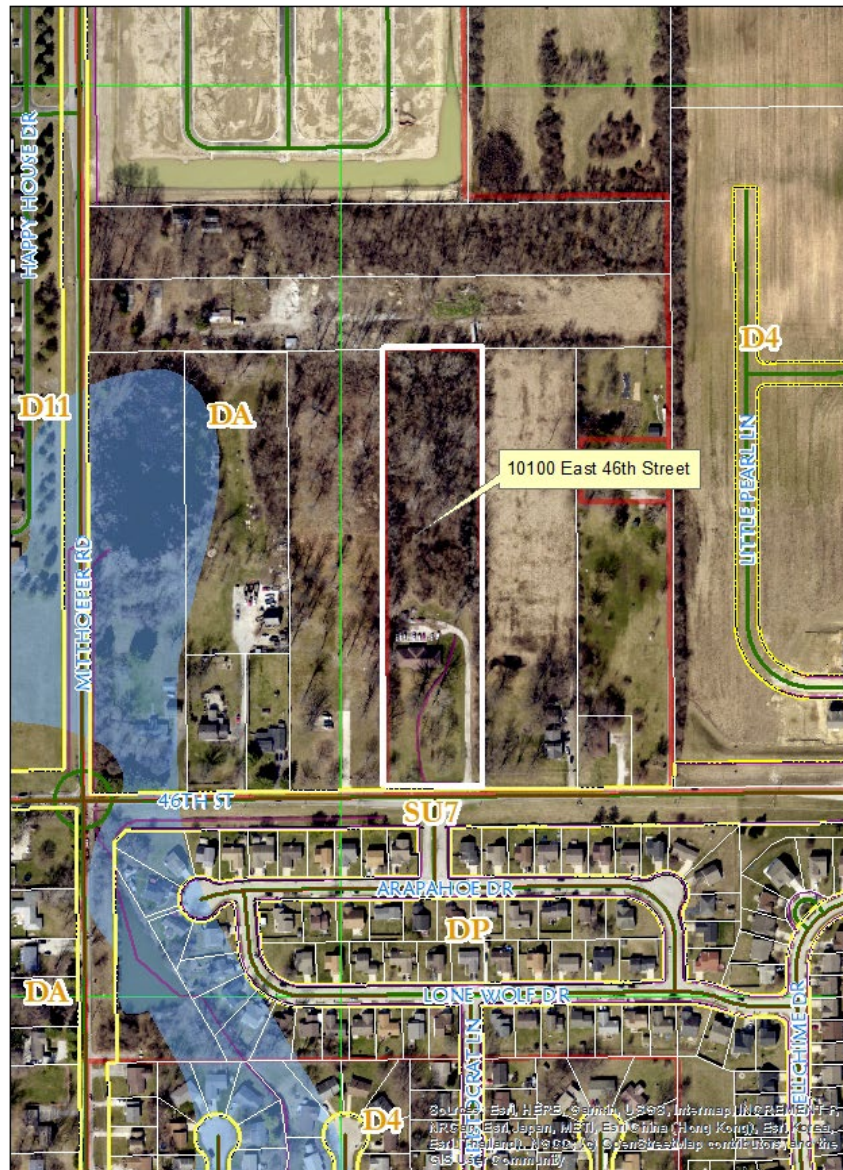
2000-ZON-170; 10100 East 46th Street, requested a rezoning of 5.0 acres, being in the D-A district, to the SU-7 classification to provide for a youth housing and counseling facility, **withdrawn**.

VICINITY

2004-ZON-020; 10151-10852 East 52nd Street and 4724 North German Church Road (east of site), requested a rezoning of 150.35 acres from the D-A (FW)(FF) district to the D-4 (FW)(FF) classification to provide for 510 single-family dwellings, resulting in 3.39 units per acres, **approved**.

2002-ZON-163 (2004-DP-25); 10151 East 52nd Street (south of site), requested 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 acres, **withdrawn**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A

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11

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING
PETITIONER'S EXHIBIT

CAUSE NO. 2001-20N-002
DATE 9-18-2001

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. The owner agrees to dedicate a 70 foot half right-of-way along 46th Street as per the request of the Department of Capital Asset Management, Transportation Section (DCAM). The owner shall use its best efforts to grant the requested right-of-way within 60 days of approval of the Petition. The owner shall not grant additional easements to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants by DCAM.
3. Owner agrees that the development of the property shall occur in substantial compliance with the site plan, file dated March 16, 2001, a copy of which is attached hereto and incorporated herein by reference as Attachment "B".
4. Owner agrees that the use of the property shall be in substantial compliance with the Narrative, file dated April 3, 2001, a copy of which is attached hereto and incorporated herein by reference as Attachment "C".

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

05/01/01 09:51AM NANDA MARTIN MARION CTY RECORDER MEM 19.00 PAGES: 6

Inst # 2001-0069117



Department of Metropolitan Development
Division of Planning
Current Planning

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COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2001ZON002 by the City-County Council changing the zoning classification of the real estate from a DA zoning classification to a SU-7 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 SU-7 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 # 2001-ZON-002.

IN WITNESS WHEREOF, owner has executed this instrument this 18th day of April, 2001

Signature: Brian Dowers

Signature: _____

Printed: Brian Dowers

Printed: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Brian Dowers The Executive Director of Indianapolis owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated John that any representations therein contained are true. Challong,

Witness my hand and Notarial Seal this 18th day of April, 2001

Carla Shade

Notary Public

CARLA SHADE

Printed Name of Notary Public

My Commission expires: 4-8-2008

My County of residence: MARION

This instrument was prepared by _____

MDC's Exhibit B -- page 2



Department of Metropolitan Development
Division of Planning
Current Planning

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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

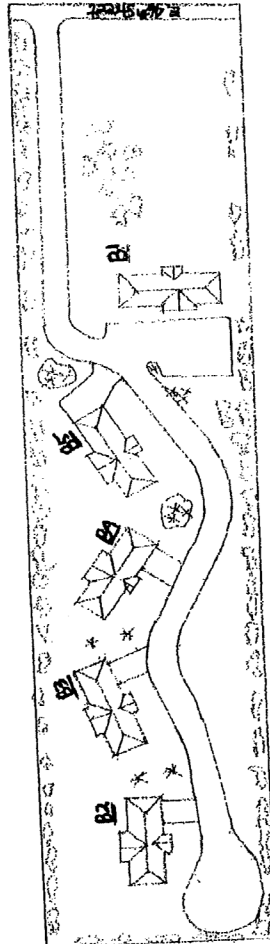
An exempt person shall mean the following:

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.

ATTACHMENT "B"



FIVE HOME MASTER SITE PLAN

Existing One Story Residence
Proposed Future One Story Residences
Proposed Immediate Two Story Residence

B1:
B2, 3 and 4:
B5:

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11

ATTACHMENT "C"



TEEN CHALLENGE
LIFE CENTER
The Proven Cure For The Drug Epidemic
INDIANAPOLIS

Narrative of a Normal Day at Indianapolis Teen Challenge

Each weekday our students, ages 13-18 wake up with one staff member at 6:30 am. Breakfast, chores and morning devotions are completed before leaving for school at 8:00 am. All ten girls and one staff teacher travel in one 15 passenger van to Calvary Temple located at 2901 N. Post Road to run our private school.

All ten girls are at school until 1:00 pm at which time they return to Teen Challenge to eat lunch. While the girls are attending school, we have one office staff member and the executive director at the Teen Challenge home. After lunch there are two full time staff members, one part time staff member on duty for the afternoon. From 3 pm to 5 pm, the girls work on studies that they have received from their counselor during their counseling sessions that week or they go to Fort Benjamin Harrison Park for exercise with staff members. The girls also have Bible studies, scripture memorization or counseling sessions during the afternoon, depending on the day.

During the evening, all girls have supper, call their parents or attend church services. They retire for bed at 9:30 pm. On Tuesday's and Friday's we do service projects for Calvary Temple and an area nursing home. On Saturday's we go to the mall, the park, watch videos, have family counseling sessions or the girls leave the center with their parents for a weekend visit. On Sunday's we go to Calvary Temple for worship or travel to share the vision of Teen Challenge with churches all over the state of Indiana.

Teen Challenge has the following employees:

Executive director: 45 hours a week (9am-5pm Mon-Fri)
Program director: 30 hours a week (9 am-4:30 pm Mon-Thurs)
2 Live-in Counselors: 45 hours a week (Various schedules-one 1st shift and one 2nd shift)
Teacher: 40 hours a week (8:00 am-4:00 pm Mon-Fri)
Part time teacher: 8 hours a week (6:30 am-2:30 pm Fri)
Bookkeeper: 4 hours a week (Nights and works in her home for us)

No one who works here pays rent. Only two staff members live here. These two live-in counselors receive room and board as part of their salary package. All students have constant staff supervision.

P.O. Box 19275 • Indianapolis, IN 46219 • 317-823-1660
Fax: 317-823-3440 • e-mail: teenchal@indy.net • Website: <http://www.teenchallenge.com/indianapolis>



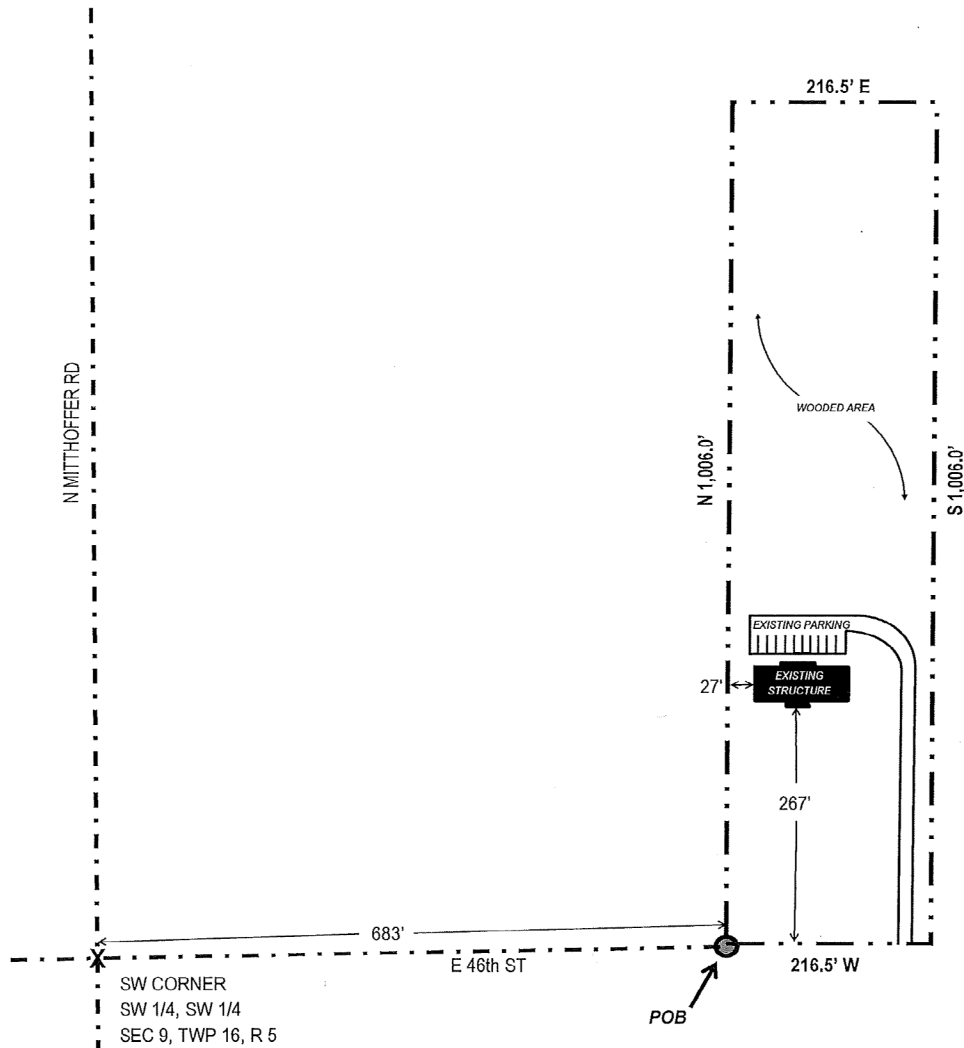
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Part of the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North,
Range 5 East, more particularly described as follows:

Beginning at a point on the South line of said Quarter Quarter Section 683 feet East of
the Southwest corner thereof; thence North and parallel with the West line of said
Quarter Quarter Section 1006 feet to a point; thence East and parallel with the South
line of said Quarter Quarter Section 216.5 feet to a point; thence South and parallel
with the West line of said Quarter Quarter Section 1006 feet to a point in the South line
of said Quarter Quarter Section; thence West upon and along said South line 216.5 feet to
the place of beginning.

Site Plan – May 8, 2025





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Plan of Operation – May 8, 2025

PLAN OF OPERATION

Celebrate Freedom "The House"

10100 East 46th Street

Use:

The house provides faith-based programming to aid the unhoused population and those suffering from substance abuse and addiction. Individuals in the program are provided mental and physical therapy through state and federal resources. The program aids in life skills including obtaining proper identification, buying and preparing food and job placement. The eight-bedroom facility provides for a maximum of ten (10) participants in, typically, double occupancy rooms.

Hours of operation:

The house is a 24-hour facility providing programming for residents; however, typical activity takes place during business hours.

Programming and daily activity:

Educating residents in coping with everyday life is a core goal. Utilizing resources such as the Healthy Indiana Plan, VA resources, and the SNAP program is also included. Functioning as home with some residents leaving for work at their jobs. There are meetings, study groups and Bible studies, as well as church attendance as part of daily activities. At the end of a typically 12-month program, the goal is to have residents that are physically, mentally, and spiritually healthy and have permanent housing and employment.

Employees:

Three individuals live in the house providing for daily direction of programming, day to day maintenance, resident care, and sobriety testing. Additional individuals may staff the facility from time to time, but not reside on premises.

Site Plan:

The operation will utilize the site as it currently exists within the +/- 3,500 square foot ranch house and associated parking. No additional structures, parking, or lighting is anticipated.

Site Maintenance & Security:

Site will be maintained in accordance with residential expectations by staff and residents. Security of the house will be maintained by the full-time staff residing on the property.

Future:

Any changes to the Plan of Operation or Site Plan shall be subject to Administrative review and approval.



View looking east along East 46th Street



View looking west along East 46th Street



View of site looking northeast across East 46th Street



View of site looking north across East 46th Street



View of site looking northwest across East 46th Street



View looking southwest at neighborhood to the south across East 46th Street



View looking southeast at neighborhood to the south across East 46th Street



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-049
Property Address: 1344, 1346, and 1352 Deloss Street
Location: Center Township, Council District #18
Petitioner: Malika Choudhary, by Mark and Kim Crouch
Current Zoning: I-2 (TOD)
Request: Rezoning of 0.26-acre from the I-2 (TOD) district to the D-8 (TOD) district to provide for residential uses.
Current Land Use: Vacant
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 2.16-acre site, zoned I-2 (TOD), is comprised of three (3) vacant parcels. It is surrounded by industrial uses to the north, zoned I-4 (TOD); industrial uses to the south, across Deloss Street, zoned I-2 (TOD); industrial uses to the west and east, zoned I-2 (TOD).

REZONING

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

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



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

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

The Comprehensive Plan recommends traditional neighborhood typology for the site.

As proposed, this request would generally be consistent with the recommended land use but would exceed the typical density of five (5) to 15 units per acre. However, this site is located within the Transit Oriented Development (TOD) overlay that would support a higher density.

Staff would note that historical maps indicate that the site was initially developed with single-family and two-family dwellings. By 1986 all three (3) dwellings had been demolished and the site has remained vacant.

As development on this site occurs, recommendations of the Pattern Book and the Walkable Neighborhood design standards and objectives should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. Additionally, Infill Housing Guidelines should be considered and implemented to support appropriate integration with the character of the surrounding residential neighborhood.

Staff would also note that because this site is vacant all development standards of the D-8 district should be met. Consequently, staff will not support any variances of development standards.

GENERAL INFORMATION

Existing Zoning	I-2 (TOD)	
Existing Land Use	Vacant land	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	I-4 (TOD)	Industrial uses
South:	I-2 (TOD)	Industrial uses
East:	I-2 (TOD)	Single-family dwelling
West:	I-2 (TOD)	Industrial uses

Thoroughfare Plan		
Deloss Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	May 5, 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

The Comprehensive Plan recommends Traditional Neighborhood typology.

“The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

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



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

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *Detached Housing (defined as detached single-family homes. While this type of housing may include a secondary dwelling unit [such as a mother-in-law suite or carriage house], the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).*
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side streets when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development Strategic Plan (2018)
- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a proposed transit stop located at the intersection of Southeastern Avenue and U.S. 40 (East Washington Street), with a Central Business District typology.
- Central Business District Center stations are in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhanced placemaking and livability.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021)
 - 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

2024-ZON-086; 1427, 1429, 1433 and 1439 Deloss Street (east of site), requested rezoning of 0.32-acre from the I-2 (TOD) district to the D-8 (TOD) district to develop three single-family dwellings, **approved**.

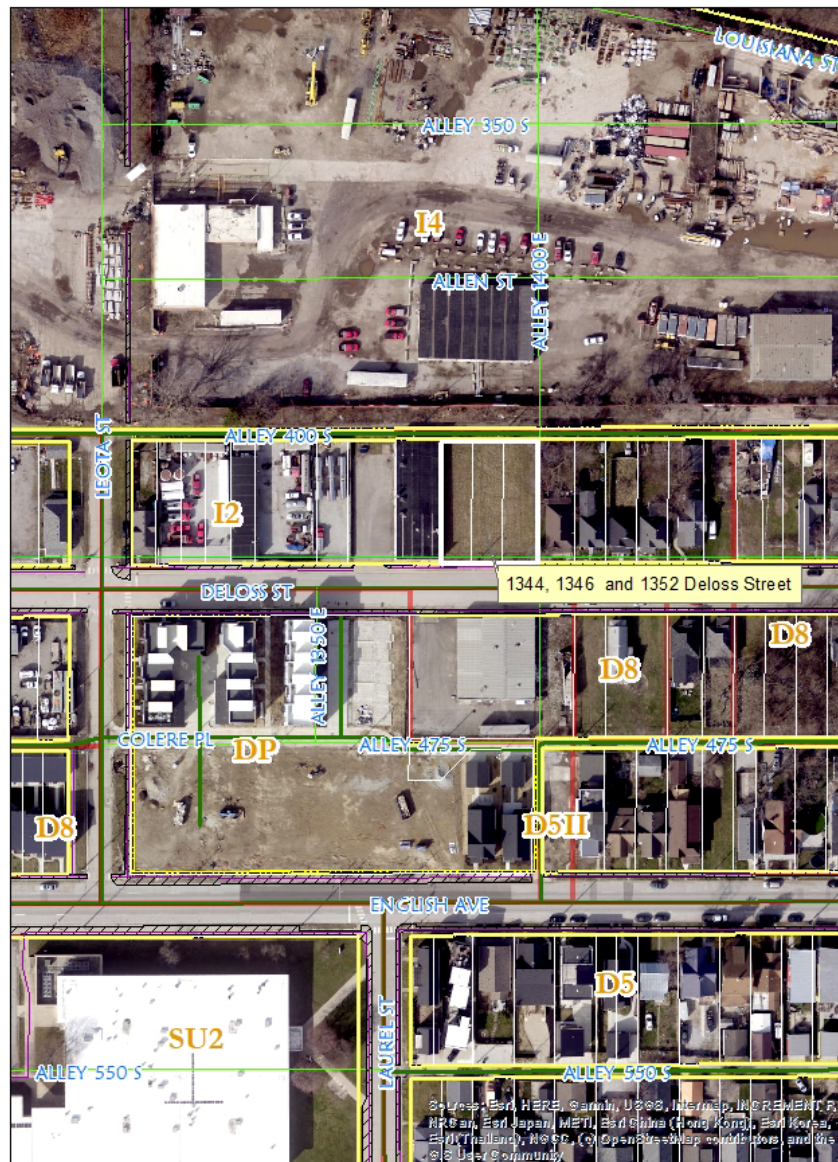
2023-CZN-857 / 2023-CVR-857 / 2023-CPL-857; 436-444 Spruce Street and 1441 Deloss Street (east of site), requested rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district, a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street, and approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot with a waiver of the Subdivision Regulations to allow for access to Deloss Street, **approved and granted**.

2023-ZON-005; 1405 Deloss Street (east of site), requested rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved**.

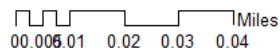
2018-ZON-044; 1426, 1430, 1438 and 1446 Deloss Street (east of site), requested a rezoning of 0.52 acre from the I-2 District, to the D-8 classification, **approved**.

2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1426, 1430, 1434, 1438 and 1446 Deloss Street (south of site), requested rezoning of 0.25 acre from the I-2 district to the D-8 district; a variance of development standards to provide for two townhomes buildings separated by three feet and with three-foot side setbacks; and approval of a Subdivision Plat to be known as Lambda Chi Alpha Townhomes, dividing 0.58 acre into ten single-family attached lots **approved and granted**.

EXHIBITS

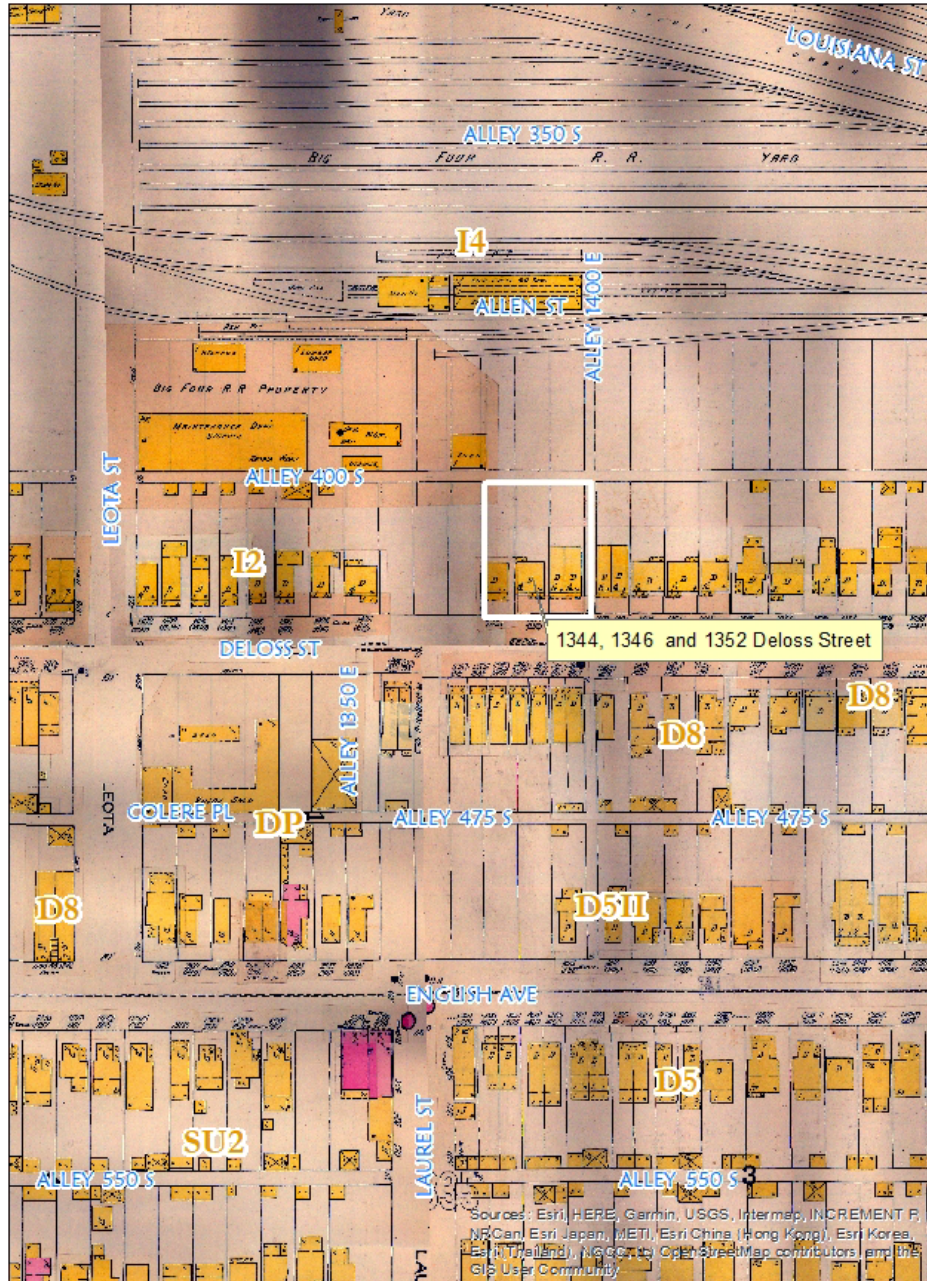


1344, 1346 and 1352 DeLoss Street



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© User Community

1898 Sanborn Map



1344, 1346 and 1352 DeLoss Street



0.00 0.01 0.02 0.03 0.04 Miles



View looking west along Deloss Street



View looking east along Deloss Street



View of site and abutting property to the west looking north across Deloss Street



View of site looking north across Deloss Street



View of site and abutting property to the east looking north across Deloss Street



View of site looking south from east / west alley along northern boundary



View of site looking south from east / west alley along northern boundary



View from site looking southwest across Deloss Street



View of site looking northeast across Deloss Street+



View of abutting property to the west of site looking north across Deloss Street



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-051
Property Address: 4324 East New York Street (Approximate Address)
Location: Center Township, Council District #13
Petitioner: Malak Services, LLC, by Terrance Kinnard
Current Zoning: C-3 (TOD)
Request: Rezoning of 0.08-acre from the C-3 (TOD) district to the D-5 (TOD) district legally establish a detached single-family dwelling.
Current Land Use: Residential
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 0.08-acre subject site was developed with a single-family dwelling that was burned down. The site is surrounded by single-family dwellings west, east, and north, zoned C-3, and a multi-unit dwelling south of the site, zoned C-3.

The site was subject to a building violation, VIO25-000078, for the failure to obtain a structural permit prior to the removal and replacement of the existing floor joists and sub floor and the near complete demolition of a two-story single-family residence leaving only the west and north exterior walls intact. It was closed with the issuance of a wrecking permit.

REZONING

The grant of the request would rezone the site from the C-3 district to the D-5 district to permit a detached single-family dwelling.



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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 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.

OVERLAY

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

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

The closest transit station is located within a 1/4 mile southeast of the site at Linwood Avenue and Washington Street, with a Walkable Neighborhood typology.

Walkable Neighborhood stations are in well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-5 district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per a 1915 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan that contemplates a variety of housing types.



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All development of the site would need to meet TABLE 742.103.03 and TABLE 744-701-2 for Terrace Frontage design standards.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-3	Residential (Single-family dwelling)
South:	C-3	Residential (Multi-unit dwelling)
East:	C-3	Residential (Single-family dwelling)
West:	C-3	Residential (Single-family dwelling)
Thoroughfare Plan		
New York Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way
Euclid Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
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

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Blue Line Transit-Oriented Development Strategic Plan (2018)



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- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018)
- The closest transit station is a 1/4 mile southeast of the site at Linwood Avenue and Washington Street. This station is classified under the walkable neighborhood typology that should provide a mix of uses at station area and primarily residential beyond, maximum of three stories throughout, with no front or side setbacks at core, zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery. A mix of multi-family and single-family housing is recommended with structured parking at the core and attractive surface parking at the periphery.



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Neighborhood / Area Specific Plan

- Near Eastside Quality of Life Plan notes a Housing Priority #1 is to develop quality affordable and market-rate homeownership opportunities.

Infill Housing Guidelines

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



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- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- An on-street bike lane exists along New York Street from Rural Street to Emerson Avenue per Indy Bike Master Plan (2011).



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ZONING HISTORY

Zoning History – Vicinity

2023-ZON-034B; 4406 East New York Street (east of site), Rezoning of 0.11-acre, from the C-1 District to the D-8 District, **approved.**

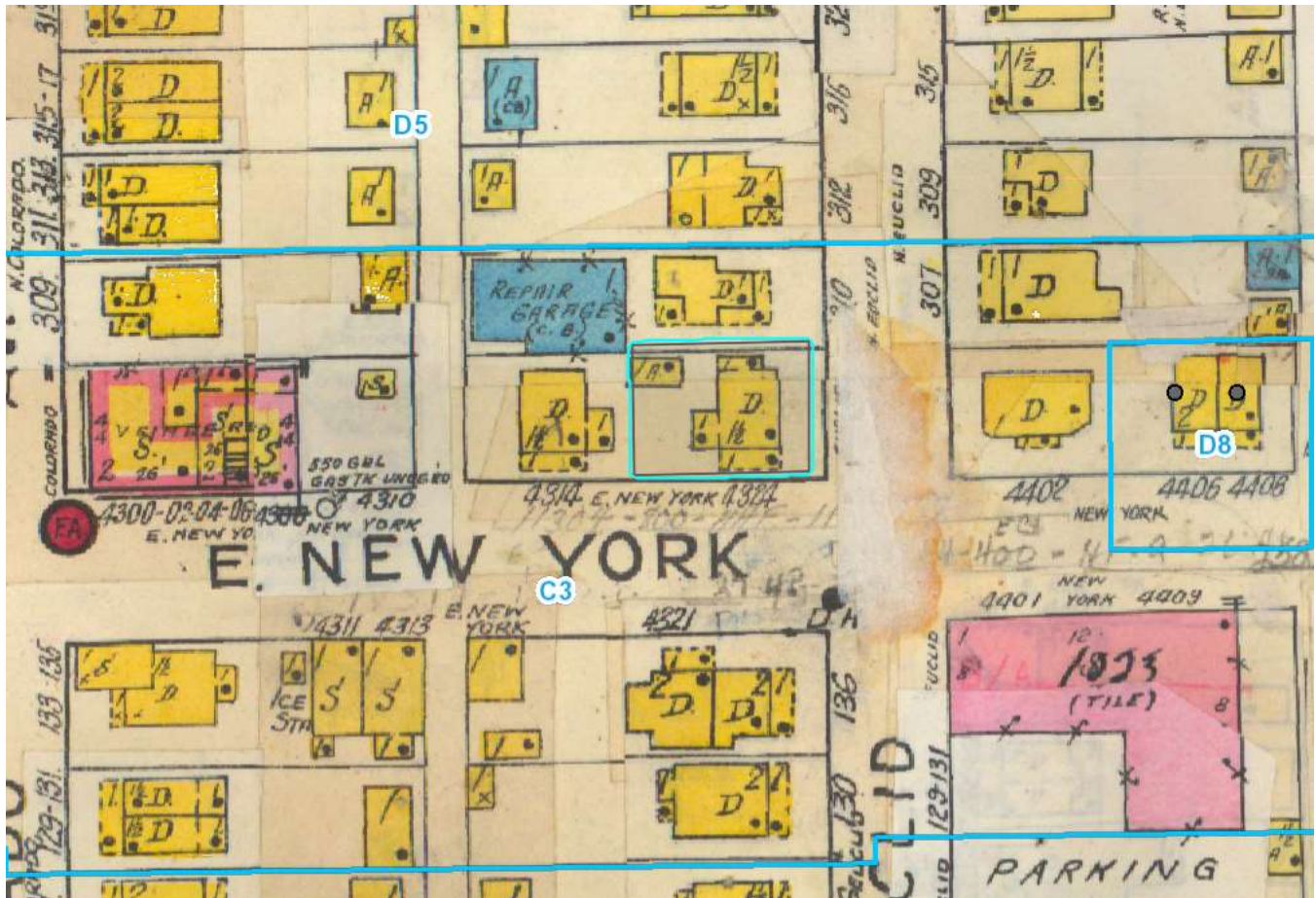
2003-HOV-044; 309 North Colorado Avenue (northwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,225 square-foot single-family dwelling (not permitted) with 40 feet of street frontage at the required setback line (minimum 50 feet of street frontage required) and a three-foot north side yard setback (minimum 20-foot side yard required when abutting a protected district) and to provide for 576 square foot detached garage (not permitted) with a five-foot north side yard setback (minimum 20-foot side yard required when abutting a protected district), **approved.**

97-NC-05; 130 N Euclid Avenue (south of site), Certificate of Legal Non-Conforming Use for the conversion of a two-family dwelling into a three-unit dwelling, located in a D-5 zoning classification (one single-family dwelling or one originally constructed two-family dwelling permitted by the current Dwelling District Zoning Ordinance of Marion County, Indiana), **approved.**

89-UV2-24; 4401 East New York Street (southeast of site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinance to provide for a printing business in an existing building, **approved.**

EXHIBITS





1915 Sanborn Map



Photo of the subject site looking north across New York Street.



Photo of the subject site looking west across Euclid Avenue.



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



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



Photo of a multi-unit dwelling south of the site.



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



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12 2025

Case Number: 2025-MOD-003 / 2025-VAR-003

Property Address: 8302 Michigan Road (Approximate Address)

Location: Pike Township, Council District #1

Petitioner: Halle Properties, LLC, by Jennifer Wolfe

Current Zoning: C-S

Request: Modification of commitments related to 95-Z-172 and 96-Z-216, to modify Commitment 2. h. for a freestanding sign on an outlot (previous commitment permits wall signs and prohibits freestanding signs for outlots).
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot-tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street (minimum 300-foot separation between freestanding signs required).

Current Land Use: Commercial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the May 15, 2025 hearing to the June 12, 2025 hearing at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The subject site is an outlot within an integrated center that was created through rezoning petition 95-Z-172. The integrated center includes a commercial shopping strip at the rear and a total of three (3) freestanding buildings along Michigan Road.

MODIFICATION

The request would modify Commitment 2.h. related to 95-Z-172 and 96-Z-216, which prohibits freestanding signs for outlots and limits signage to wall signs.



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VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow an 8-foot tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street.

The separation requirement between freestanding signs is 300 feet.

STAFF ANALYSIS

The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.

The findings note that “the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it prevents the business owner from enjoying the same rights as other businesses within the city. Adhering rigidly to these zoning terms creates an uneven playing field, where this business is unfairly restricted compared to its peers. This disparity can hinder the business's ability to attract customers, effectively compete, and contribute to the local economy”.

Staff did not find that a practical difficulty is being demonstrated with this request, as appropriate signage for this site could be located on the site within the constraints of the C-S commitments.

Additionally, the subject building fronts along Michigan Road, which is a frequently traveled primary arterial street and is clearly identifiable from the street thus limiting the need for excessive signage. In Staff's opinion, the two (2) proposed wall signs issued through sign permit SGN24-00625 adequately identify the business location and promote customer awareness. The building elevations and proposed signs can be seen in Staff's Exhibit 1 of this report.

Staff finds that the strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property since the Ordinance and C-S commitments permit wall signs. Furthermore, the use has existed on site since 1996 without the need for a freestanding sign.

Lastly, the proposal of an additional freestanding sign would clutter the street frontage without the required separation being met. There is an existing freestanding sign at 8290 Michigan Road which is another outlot of the integrated center, but there is no documentation of permits for the sign and would classify the sign as an illegal freestanding sign. Therefore, this should not give precedent for approval of the request.

For these reasons, staff is recommending denial of the requests.



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GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	Enter Zoning	Enter Land Use
South:	Enter Zoning	Enter Land Use
East:	Enter Zoning	Enter Land Use
West:	Enter Zoning	Enter Land Use
Thoroughfare Plan		
Michigan Road	Primary Arterial Street	102-foot proposed right-of-way and a 140-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 7, 2025	
Site Plan (Amended)	N/A	
Elevations	February 7, 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	February 7, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.
- 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.



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- **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.

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 is part of the 2015 Central Indiana Regional Bikeways Plan.
- There is an existing off-street multi-use path from 86th Street to Westfield Boulevard along Michigan Road.



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ZONING HISTORY

Zoning History – Site

96-Z-216; 8302 Michigan Road (subject site), Rezoning of 1.16 acres, being in the C-S district, to the C-S classification to provide for the construction of a freestanding building to be devoted to the installation, repair and service of tires and vehicles wheels, **approved**.

95-Z-172; 8376 Michigan Road (subject site) Rezoning of 9.86 acres, being in the C-1 and D-1 districts, to the C-S classification to provide for a retail commercial center with C-3 uses for the northern three-fourths of the site and C-1 uses for the southern fourth of the site, **approved**.

76-Z-153; (subject site) Rezoning to the D-1 classification, **approved**.

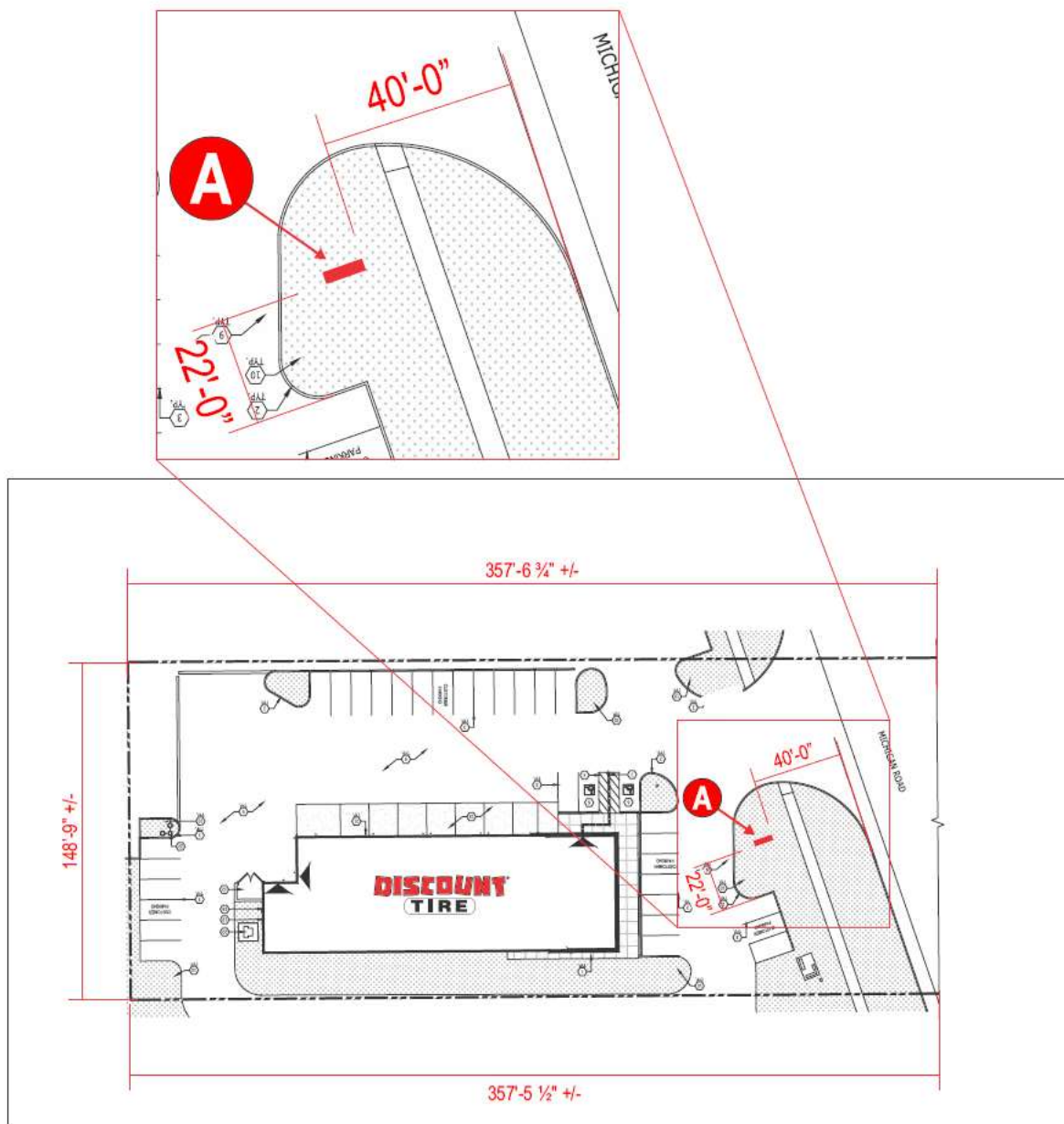
Zoning History – Vicinity

2006-VAR-846; 8404 Michigan Road (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the retail sale of alcohol, accessory to a grocery store use, within 93 feet of a protected district (minimum 100-foot separation required), **approved**.

94-V3-129; 8401 Michigan Road (east of site), Variance of development standards of the Sign Regulations to provide for the placement of an eight-foot-tall ground sign (maximum four feet permitted), being the second freestanding sign along the Michigan Road frontage of an integrated center (maximum one integrated center sign permitted per frontage), **withdrawn**.

86-HOV-14; 8301 North Michigan Road (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for an office park with four parking spaces per 1,000 square feet or gross floor area (five feet per 1,000 square feet required), and without the required side and rear transitional yards, **granted**.



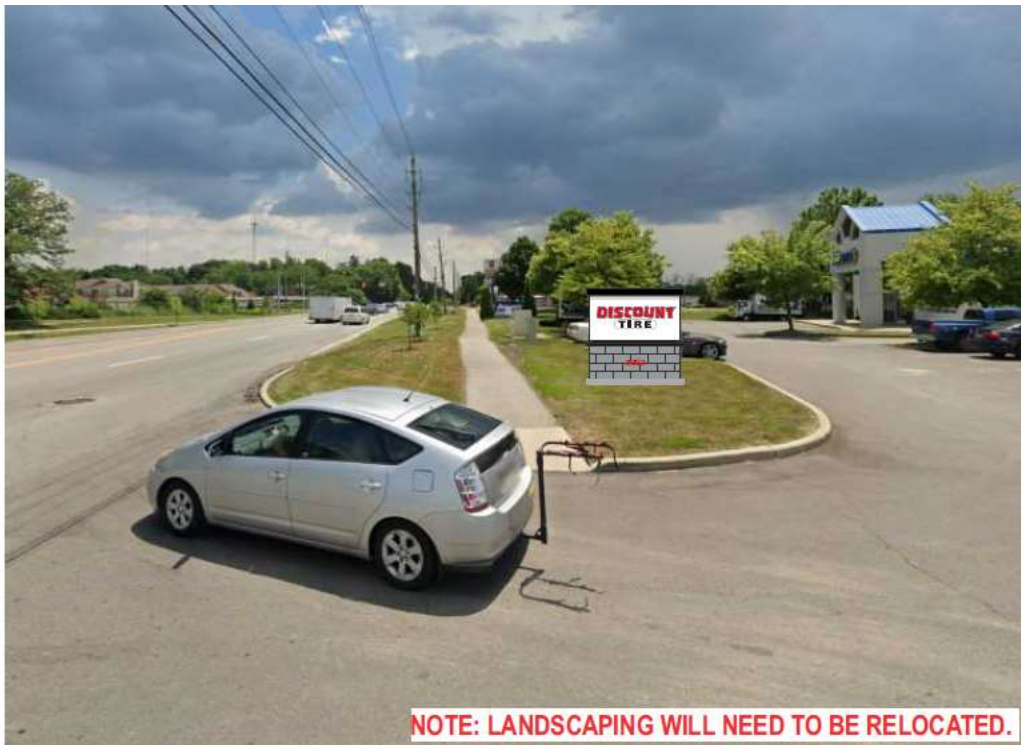


SITE PLAN

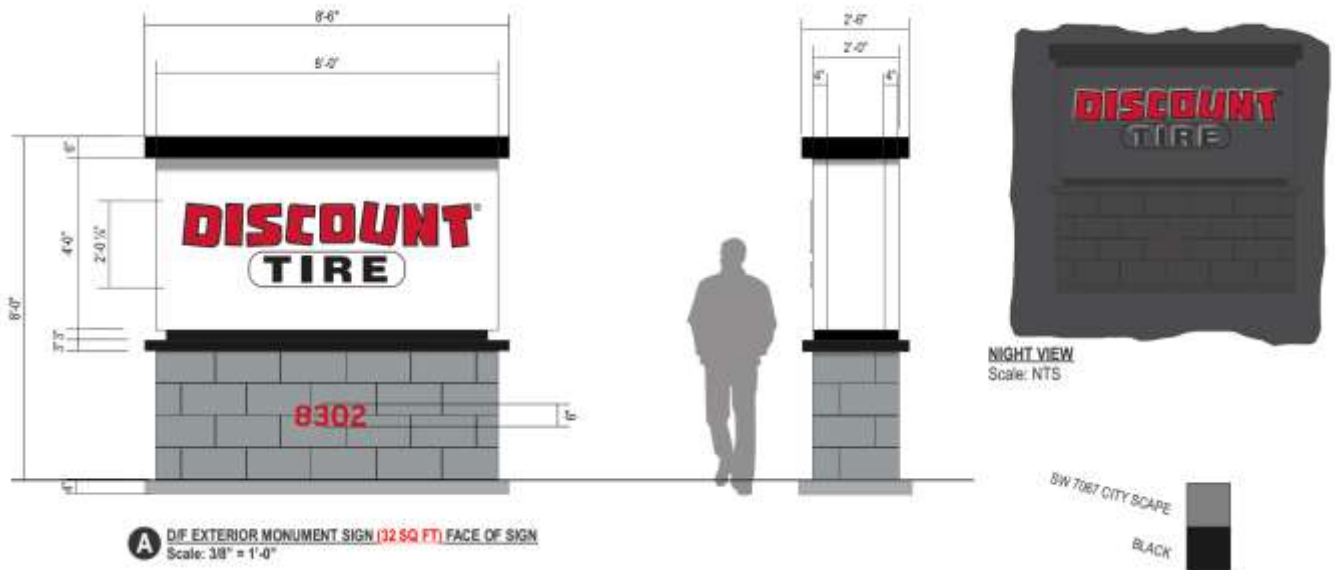
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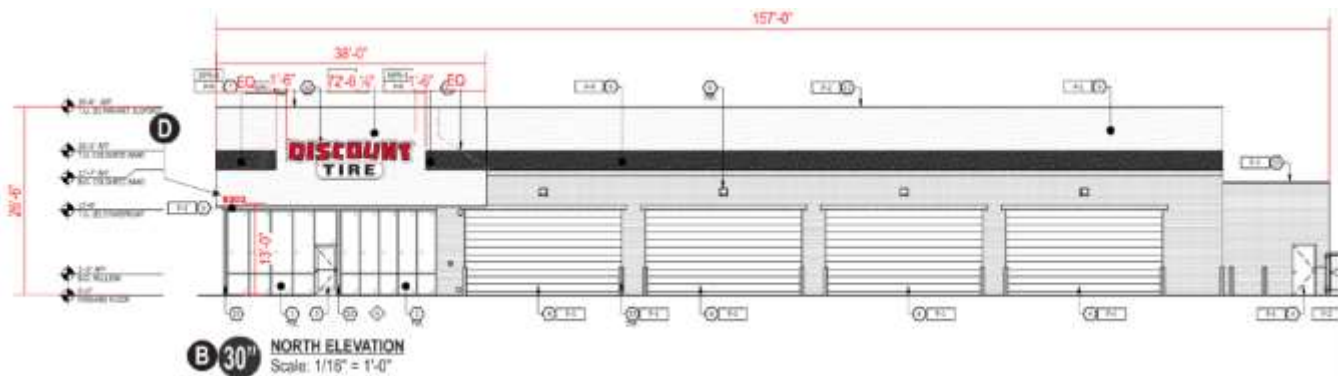
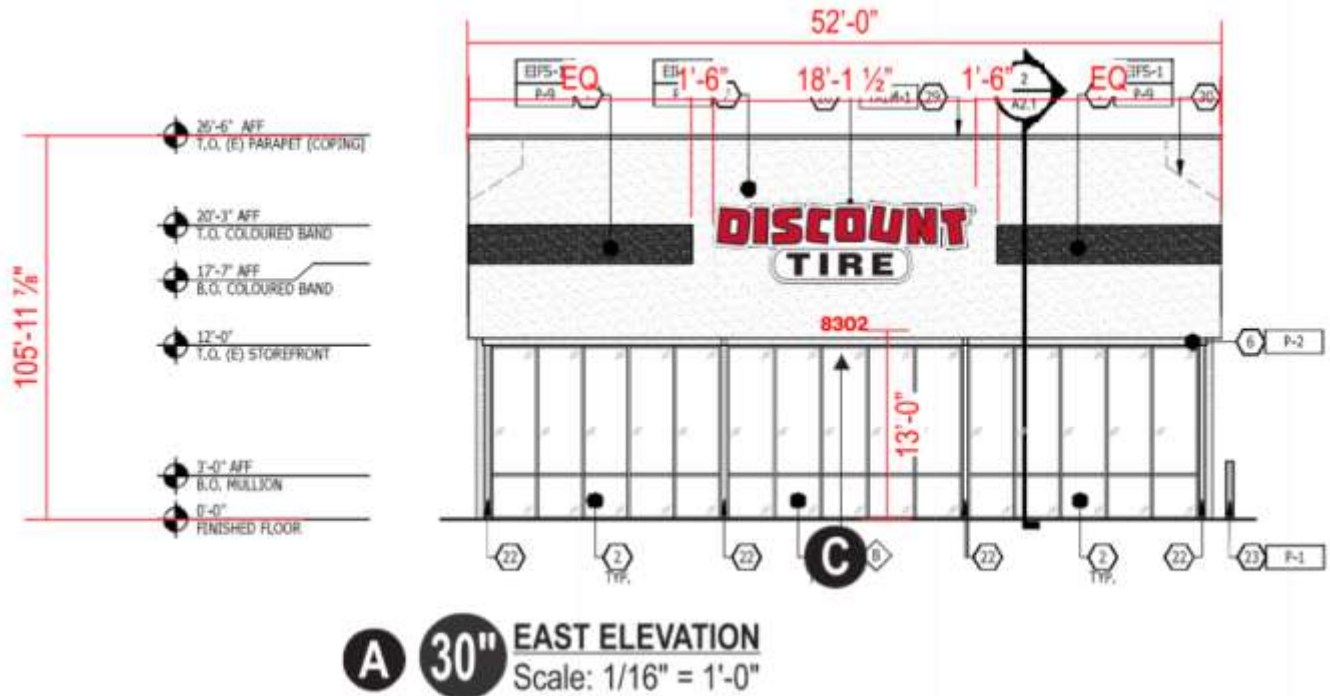
PHOTO SURVEY OF EXISTING



A PHOTO SURVEY OF PROPOSED



Staff Exhibit 1: Wall signs per SGN24-00625





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**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: 8302 Michigan Road, Indianapolis, IN

SEE ATTACHED FOR LEGAL DESCRIPTIONS FOR SUBJECT PROPERTY

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Proposed Modification: Discount Tire, a tenant of Halle Properties based in Scottsdale, AZ, located at 8302 Michigan Road, seeks approval for a modification to permit the construction of an 8-foot high, internally illuminated, monument-style ground sign. The base and structure of this sign would be consistent with the materials used on the exterior of the Discount Tire storefront. This modification would apply solely to the Discount Tire outlot and would supersede the existing commitment that restricts signage on outlots to just wall signs.

3. _____

4. _____

5. _____



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

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The grant will not be injurious to the public health, safety, morals, and general welfare of the community because signage is used for wayfinding purposes. The proposed sign is designed to enhance navigational ease and ensure that residents and visitors can find their way efficiently and safely. Additionally, the sign is not obtrusive or visually blighting; it has been thoughtfully designed to blend seamlessly with the community's aesthetic. This careful consideration in design ensures that the sign contributes positively to the community's environment rather than detracting from it. Thus, the implementation of the proposed sign will support the community's welfare by improving wayfinding without compromising the area's visual or moral standards.

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 use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because other freestanding signs already exist in this development area, establishing a precedent for such signage. The proposed sign will meet the setback requirements, ensuring it does not create any visibility obstacles, thereby maintaining clear sightlines for drivers and pedestrians. Moreover, the proposed sign is aesthetically pleasing and harmoniously designed to complement the development and surrounding businesses, enhancing the overall visual appeal of the area. This sign represents the minimum request necessary for a legible ground sign, which is crucial for increasing driver reaction time and facilitating safe ingress and egress to this establishment. Therefore, the proposed sign supports the functionality and aesthetic cohesion of the area without negatively impacting adjacent properties.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it prevents the business owner from enjoying the same rights as other businesses within the city. Adhering rigidly to these zoning terms creates an uneven playing field, where this business is unfairly restricted compared to its peers. This disparity can hinder the business's ability to attract customers, effectively compete, and contribute to the local economy. Therefore, granting a variance would align this property with the standards and opportunities afforded to other businesses, ensuring equitable treatment and fostering a more balanced commercial environment.

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
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*Shannon
10/1/96*

(14)

Commitments

95-2172

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

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. 36-7-4-607, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

See Exhibit 1A(1) through 1A(4) ("Real Estate") attached hereto and by reference made a part hereof.

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. The Real Estate shall be developed as an integrated retail development with uses permitted in the C-3 zoning classification and in accordance with the Statement of Commitments attached hereto as Exhibit 1, pages 1 through 4.

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 persons 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.

02/07/96 09:27AM JOHN A. ROBERTS, MARION CITY RECORDER \$5.00 PAGES: 14
Inst # 1996-0031079



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EXHIBIT 1

COMMITMENTS RE: 95-Z-172

STATEMENT OF COMMITMENTS:

1. The owner agrees to abide by the open occupancy and equal employment opportunity commitments required by the Metropolitan Development Commission Resolution No. 85R69, 1985 which commitments are attached hereto and incorporated herein by reference as Attachment A.

2. The real estate described in Exhibit 1A(1) through 1A(4) attached hereto ("Real Estate") and shown on the site and development plan titled "Michigan Road Shops", filed with the Division of Development Services and approved by the Metropolitan Development Commission shall be developed as an integrated retail center not to exceed approximately 40,000 square feet in retail space and with not more than 3 retail outlots to be located approximately as depicted on such plan, with the Real Estate to be developed in accordance with the following development standards:

a. No alcohol shall be sold in the main building of the project, which for purposes of these commitments is the building outlined in the attached Exhibit 1B with the spaces marked A through D. However, the developer will have the right to sell or lease the outlots marked E and F to a full service restaurant which serves alcohol. The developer would agree to restrict the size of the bar area to a reasonable size, using as a example restaurants with smaller bar areas such as the Olive Garden, Black-Eyed Pea, Chili's, Applebee's or other sit down full service restaurants of a similar type which emphasize family dining with limited bar area.

b. The main building of the center shall be open from 7:00 A.M. till 11:30 and the outlots shall be allowed to remain open no later than 11:30 P.M.

c. The developer agrees to establish and maintain a fifty (50') foot wide greenspace buffer along the west property line of the Real Estate where it abuts Crooked Creek Heights, Sections 6 and 7 (Crooked Creek) as shown in Exhibit 1B. Within such area developer agrees to build an 8 foot high mound with a 10-foot high shadow box wood fence on the top of the mound. The developer shall file a petition requesting a variance of development standard to permit installation of such fence. The landscape berm on the west side of the mound will have 6- to 8-foot tall trees with a mixture of 3-inch caliper hardwood and pine trees. Subject to the neighboring Lowe's permission, the developer would connect the mound at the west side of the Real Estate with the mound that Lowe's has installed. The developer shall install one row of similar sized pine trees every 20' along the east side of the mound.



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d. The wooded areas indicated on the preliminary plat shall be preserved to the greatest extent possible with consideration given to the requirements of drainage, utility, and street easements from DPW, DOT and other agencies. A tree preservation plan should be developed using the findings of a typical 20' by 20' area survey. The typical 20' by 20' area survey should indicate all trees large than 6" in caliper, with one survey being required for every 10 acres of wooded area. The final site plan, submitted for Administrator's approval, should indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and shall indicate a proposed method of protection of the trees during construction. A landscape plan, indicating spacing, species and size of landscape elements, shall be submitted for and subject to Administrator's approval prior to issuance of an Improvement Location Permit. Landscaping shall be completed in accordance with said approved plan and maintained at all times thereafter.

e. The developer agrees that no fast food requiring frying or grease cooking shall be prepared in the main building located closest to Crooked Creek but such prohibition will not prevent delicatessens, sandwich shop, coffee shop, bagel store, bakeries, ice cream or yogurt stores or other similar food sales establishments from occupying the main building. The developer further agrees that "Fast Food" businesses which may require frying or grease cooking, shall be limited to the two northern outlots which are to be approximately located as depicted in Exhibit 1B as Buildings "E" and "F". Nightclubs shall be excluded from operation on the Real Estate.

f. The owner and developer agrees that the south portion of the Real Estate consisting of approximately 75,000 square feet of the Real Estate and located approximately south of the line shown on Exhibit 1B shall be reserved for C-1 uses and exclude general retail uses. Neither the owner or the developer shall petition for a change in zoning in this area of the Real Estate to allow retail use, nor shall the owner or developer seek a variance of use to allow retail uses in this area of the Real Estate.

g. The developer shall install a landscaping median in the middle of the main entry of the development to create a boulevard effect. The main entry shall be located directly across from Cub Foods.

h. The main building depicted as A, B, C and D on Exhibit 1B shall be constructed with a finished facade (brick, masonry, stucco or split faced block) on all sides. The front of the integrated center building shall be staggered or additional architectural treatment shall be added to break up the "straight line" appearance of the integrated center. Additionally, the developer shall have the option of detaching space from the integrated portion of the project. The developer will agree that all signs along the

signage



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integrated portion of the building shall be wall signs individually lettered and internally illuminated advertising the businesses operated therein. The illuminated signage on the main building shall be limited to the east side of such building. The developer shall agree to have one integrated center pylon sign which shall be constructed of material used on the exterior of the center. Buildings constructed on the outlots shall be limited to wall signage only and such signage shall be limited to the north and/or east side of buildings constructed on the outlots.

i. In order to separate the development on the Real Estate from property to the south, the developer shall install a 4' high mound along the southern border of the Real Estate extending from the south end of the mound to be built along the western border to within approximately 60' of the western right-of-way line of Michigan Road. On top of such mound, developer shall install an 8' high wooden shadow box fence with masonry or brick posts not more than 20' apart and such fence shall extend to within 40' of the western right-of-way line of Michigan Road; provided, that the extension eastward of such mound and fence is subject to the Department of Capitol Asset Management's approval with regard to traffic safety issues, if any.

j. The developer shall use all reasonable efforts to connect a driveway along the northern border of its site to the Lowe's property to the north.

k. The following uses shall be prohibited from operation on the Real Estate:

1. Package Liquor Stores.
2. Bars or taverns, However, restaurants may be operated on the site and such restaurants may serve liquor.
3. Adult book stores.
4. Adult cabarets.

l. The western rear yard setback to any building shall be 70' from the rear western property line.

m. There shall be no lighting at the back of any buildings adjacent to the Crooked Creek subdivision including the south, west and north side of any such buildings other than wall mounted lights illuminating any doors.

n. The retail portion of the development shall be operated with delivery times restricted to 7:00 A.M. to 6:00 P.M.



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o. Business on the Real Estate shall be operated with a restriction limiting trash pickup and removal and parking lot cleaning to the hours of 7:00 A.M. to 6:00 P.M.

p. All outside speakers shall be prohibited.

q. The developer shall develop the Real Estate as an integrated center which may be built in phases. The mounding on the Real Estate shall be constructed as various portions of the Real Estate are developed. All of the mounding and fencing described in these Commitments shall be completed within twenty (20) months after the commencement of development work upon the Real Estate.

r. The developer shall build any building on the Real Estate, including buildings on the outlots using a style of architecture reasonably compatible with the architecture of the main building as approximately depicted in an elevation filed with the Department of Metropolitan Development and hide any air conditioning units located on the roof of the main building. All structures built on the outlots shall be reasonably residential in character with finished facades on all sides consisting of materials such as brick or split faced masonry block, stucco or dryvit enhanced with decorative masonry or brick.

s. The developer shall install a vinyl clad chain link fence around any detention pond.

t. A 70' half right of way shall be dedicated along Michigan Road as per the request of the Department of Transportation (DOT). Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to acceptance of all grants by DOT. The right-of-way shall be granted within sixty (60) days after Petitioner purchases the Real Estate.

u. The developer shall not connect this development with any development to the south of the Real Estate unless requested to do so by the City of Indianapolis, Department of Metropolitan Development.

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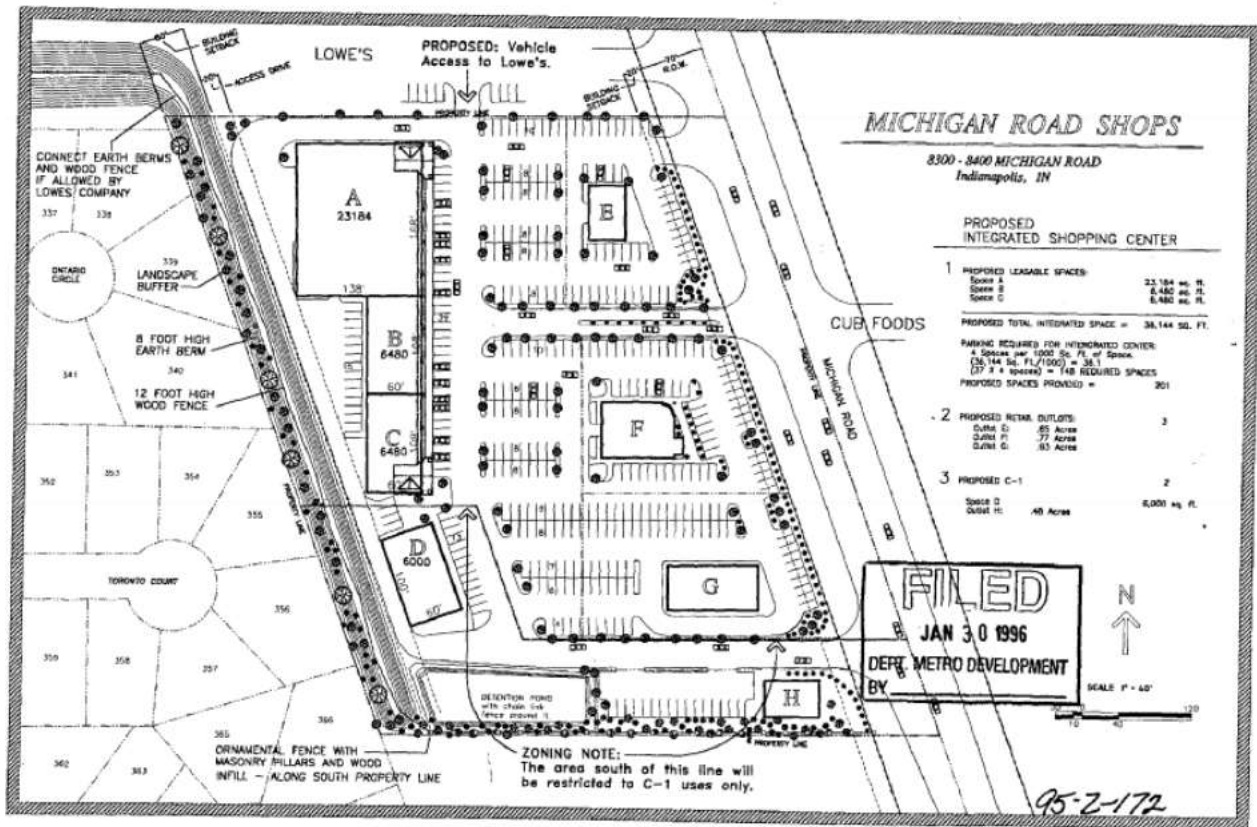




Photo of the subject site looking southwest.



Photo of the proposed location of the freestanding sign.



Photo of the commercial shopping strip west of the subject site.



Photo of the freestanding building north of the subject site.



Photo of the existing freestanding site for the integrated center.



Photo of an illegal freestanding sign south of the subject site and other sign further south.



Photo of the commercial shopping strip east of the subject site.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12 2025

Case Number: 2025-MOD-005
Property Address: 7841 Michigan Road (Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Las Palmas Supermercado, LLC, by Meghan Binkerd
Current Zoning: C-3 and D-5
Request: Modification of Development Statement related to petition 94-Z-42 to modify Commitment 5, to allow a grocery store (current commitment prohibits grocery or convenience stores).
Current Land Use: Commercial
Staff Recommendations: No Recommendation
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the May 15, 2025 hearing to the June 12, 2025 hearing at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff has **no recommendation**.

PETITION OVERVIEW

LAND USE

The subject site is in the Augusta Heights neighborhood. The majority of the site is zoned C-3 with a small portion of the southeast corner zoned D-5. The site is bordered east and south with undeveloped parcels, zoned D-5, a gas station to the north, zoned C-3, and commercial shopping strip and laundry facility to the west, zoned C-3.

MODIFICATION

The request would modify the Development Statement related to petition 94-Z-42 to modify Commitment 5, which prohibits a grocery or convenience store. The modification would allow for a grocery store to be permitted on site.

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STAFF ANALYSIS

Commitment 5 of the rezoning petition, 94-Z-42, was made at the request of a Registered Neighborhood Organization. In the instance when a commitment made at the request of someone other than staff, any modification of that commitment would be up to the discretion of that party. In this instance, the Registered Neighborhood Organization would have to consider the modification request because staff takes no position on matters agree upon between the petitioner and other party.

Therefore, staff has no recommendation for this request.

GENERAL INFORMATION

Existing Zoning	C-3 and D-5	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-3 / SU-7	Commercial (gas station)
South:	D-5	Undeveloped
East:	D-5	Undeveloped
West:	C-3	Commercial
Thoroughfare Plan		
Michigan Road	Primary Arterial Street	102-foot proposed right-of-way and a 120-foot existing right-of-way.
79 th Street	Secondary Arterial Street	80-foot proposed right-of-way and a 95-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
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

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.
- 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.
- **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.

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 is part of the 2015 Central Indiana Regional Bikeways Plan.
- There is an existing off-street multi-use path from 86th Street to Westfield Boulevard along Michigan Road.

ZONING HISTORY

Zoning History – Site

94-Z-42 / 94-CV-8; 7879 Michigan Road (subject site), Rezoning of 1.72 acres from the D-5 to C-3 classification and variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a retail shopping center with an interior access drive 13.8 feet from the east property line (minimum setback of 20 feet required); with parking zero feet from the east property line (minimum setback of 20 feet required); with a 6-foot landscape strip along West 79th Street (minimum 10 feet required), with a zero-foot landscape strip along Michigan Road (minimum 10 feet required) and landscaping in the public right-of-way (on-site landscaping required), **approved and granted**.

Zoning History – Vicinity

2014-UV2-007; 7820 Michigan Road (west of site), Variance of Use of the Commercial Zoning Ordinance to provide for an event center, including special events, birthday parties, baptisms, etc. (not permitted), **approved**.

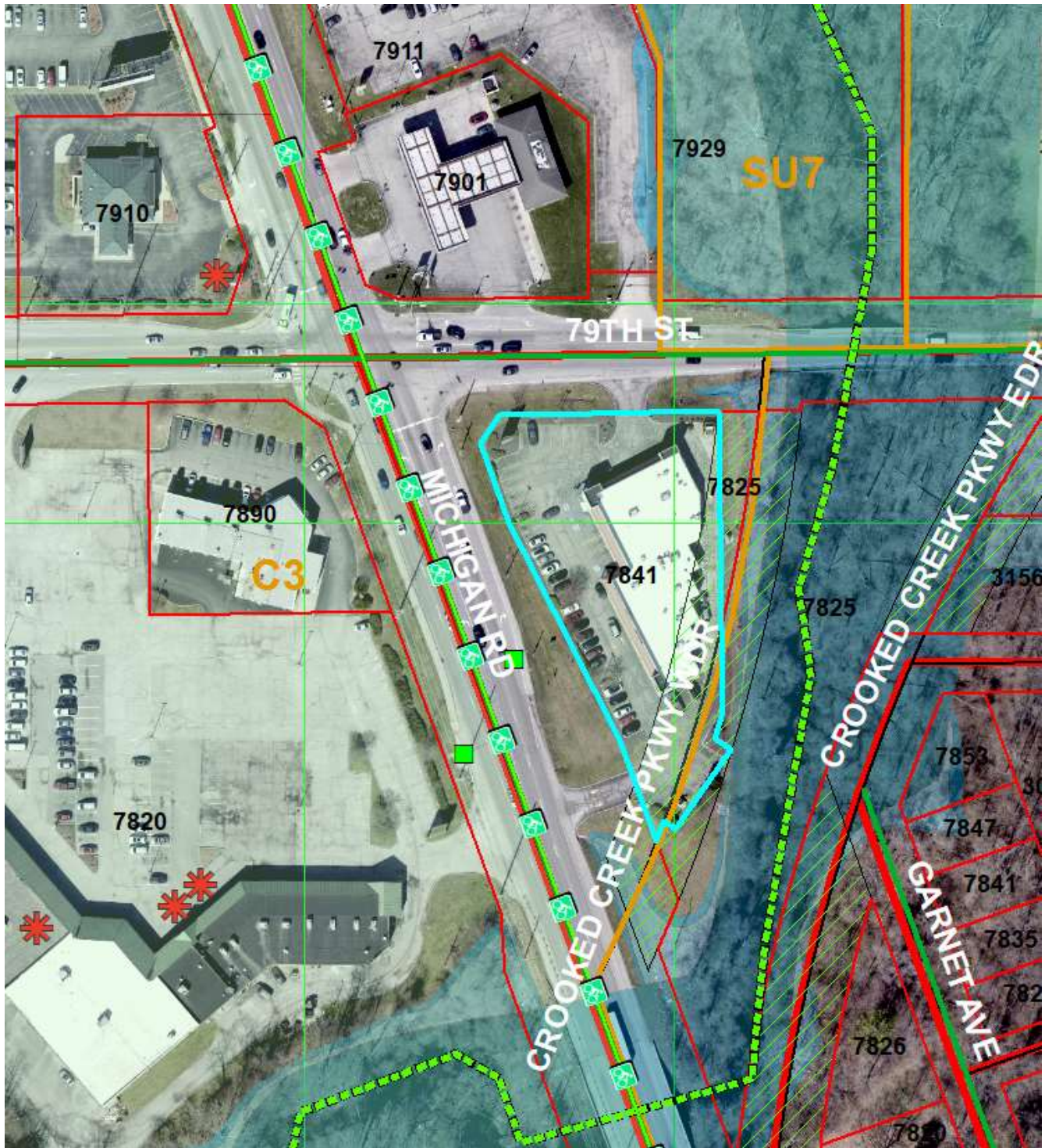
2006-UV2-031; 7820 Michigan Road (west of site), Variance of Use of the Commercial Zoning Ordinance to provide for religious uses (not permitted), within a tenant space in the existing integrated center, **withdrawn**.

2005-UV2-007; 7820 Michigan Road (west of site), Variance of Use and Development Standards of the Commercial Zoning ordinance to provide for a nightclub (not permitted) within an 11,307-square foot tenant space of an existing 52,900-square foot commercial strip mall with 273 off-street parking spaces (338 off street parking spaces required), **denied**.

98-UV1-10; 7802 Michigan Road (west of site), Variance of Use of the Flood Control Districts Zoning Ordinance to provide for the construction of a retail shopping center, being 70 by 200 feet, within the floodway area (not permitted), **approved**.

96-UV1-65; 7820 Michigan Road (west of site), Variance of Use of the Commercial Zoning Ordinance to provide for 12 amusement arcade video games (maximum 4 amusement arcade games permitted) for an existing restaurant and lounge, **approved**.

EXHIBITS





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**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

Attached.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. *Request Modification of commitment #5 rezoning petition 94-Z-42 to allow a grocery store.*

2. _____

3. _____

4. _____

5. _____

Department of Metropolitan Development
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94-2-42

COMMITMENTS
~~STATEMENTS~~

④

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

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. 36-7-4-607, 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:

Lots numbered 1, 2, 3, 4, 5, 6 and 7 in Block letter "A" in Augusta Heights, First Section, a subdivision of lands in the North Half of Section 29, Township 17 North, Range 3 East of the Second Principal Meridian, the plat of which appears of record in the Office of the Recorder of Marion County, Indiana, Plat Book 20, page 5 thereof, including vacated right-of-way for Crooked Creek Parkway West Drive adjacent to and immediately east of lots 1, 2, 3 and 4.

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".

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2. Right-of-way shall be dedicated along Michigan Road and 79th Street as indicated on the site plan, file-dated May 11, 1994 as per the request of the Department of Capital Asset Management, Transportation Section, (DCAM). 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 DCAM. The DCAM has requested that the right-of-way be granted within sixty (60) days of approval.
3. Development of the site, including landscaping, shall be in compliance with the site and landscape plans file-dated May 11, 1994. The landscape plan may be amended, subject to Administrator's approval.
4. The building shall be development with finished facades on all sides.
5. The real estate shall not be used for the following purposes: a) automotive related/motorized vehicle uses including but not limited to oil change or lubrication shops, gasoline service stations and supply stores for parts or accessories; b) drinking place (bar or tavern); c) outdoor advertising signs; d) package liquor store; e) outlet or temporary seasonal retail sales; g) outside vending machines; h) check casing service; i) coin laundry; j) tattoo parlor; k) grocery or convenience store; l) pawn shop, or m) adult entertainment. 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 persons 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.

03/20/94 01:49PM JOAN N. ROMERIL MARION CTY RECORDER RAM 12.00 PAGES: 4

Inst # 1994-0142718

94-242



Department of Metropolitan Development
Division of Planning
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COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 94-2-42
by the City-County Council changing the zoning
classification of the real estate from a D-5
zoning classification to a C-3 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-3 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 Development
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 # 94-2-42.

IN WITNESS WHEREOF, owner has executed this instrument this
14 day of June, 1994.

R.H. MARLIN, INC.

By: Charles F. Robertson
Charles F. Robertson, President

STATE OF INDIANA)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State,
personally appeared R.H. Marlin, Inc., by Charles F. Robertson,
President, owner of the real estate who acknowledged the execution
of the foregoing instrument and who, having been duly sworn, stated
that any representation therein contained are true.

Witness my hand and Notarial Seal this 14th day of June,
1994.

My Commission Expires:
8/27/97

Steven C. Robinson
Steven C. Robinson, Notary Public
Resident of Marion County, IN



Department of Metropolitan Development
Division of Planning
Current Planning

PIKE TOWNSHIP
RESIDENTS' ASSOCIATION, INC.
P.O. Box 78673, Indianapolis, IN 46278
Mark Porteous, Chairman
Donal Bryson, President

April 15, 1994

Metropolitan Development Commission
Department of Metropolitan Development
City County Building, Room 2122
Indianapolis, IN 46204

Re: 7879 Michigan Road
Petition Case #94-Z-42 and
94-CV-8

Metropolitan Development Commission:

The Pike Township Resident's Association has considered the above referenced zoning petitions and has voted to support 94-Z-42 with the following commitments. The design and construction materials of the building will carry around to all sides of the building. In particular the back of the building would be treated the same as the front is aesthetically. The planting and tree landscaping for the site will be developed with more intense plantings than normal. We support the change to C-3 with the commitment to exclude the following uses: a) automotive related/motorized vehicle uses including but not limited to oil change or lubrication shops, gasoline service station and supply stores for parts or accessories, b) drinking place (bar or tavern), c) outdoor advertising signs, d) package liquor store, e) tobacco store, f) outlot or temporary seasonal retail sales, g) outside vending machines, h) check cashing service, i) coin laundry, j) tattoo parlor, k) grocery or convenience store, l) pawn shop, m) adult entertainment. We are supportive of the companion variance relating to eliminating an "old" right-of-way at the rear (east side) of the property. We are not supportive of the companion variance relating to decreasing the DOT required right of way and green strip location along 79th Street and Michigan Road. All property owners should be treated equally on this particular issue at this intersection.

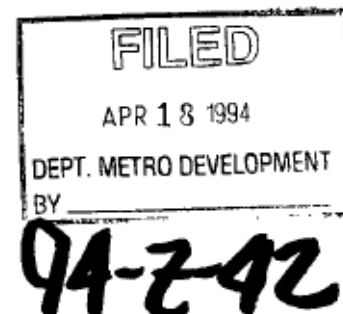




Photo of the grocery store in question looking south at 7841 Michigan Road.



Photo of the grocery store in question looking east.



Photo of the other commercial tenants looking south.



Photo of the commercial shopping strip and laundromat west of the site.



Photo of the gas station north of the subject site.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-006

Property Address: 3801 North Raceway Road (Approximate Address)

Location: Pike Township, Council District #11

Petitioner: D. R. Horton – Indiana, LLC, by Brian J Tuohy

Current Zoning: D-6

Request: Modification of Commitments and Site Plan related to 2024-ZON-023 to modify Commitment 2, to provide that rental units would be permitted on lots which are subject to a mortgage insured or guaranteed by the Federal Housing Administration, the Veteran's Administration and/or the United States Department of Agriculture (previous commitment requires the HOA to approve rental of units within the neighborhood, with a restriction that a maximum of 20% of the units may be rented at any one time).

Current Land Use: Agricultural Use

Staff Recommendations: No Recommendation

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FRO JUNE 12, 2025 HEARING EXAMINER

This petition was automatically continued from the May 15, 2025 hearing to the June 12, 2025 hearing to the request of a Registered Neighborhood Organization. No new information was submitted to the case file.

May 15, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

LAND USE

This 8.16-acre site, zoned D-6, was approved for residential use (**2024-ZON-023**). It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings and religious uses to the south,

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zoned D-6 and SU-1, respectively; railroad right-of-way and single-family dwellings to the east, zoned D-A and D-6 respectively; single-family dwellings to the west, across North Raceway Road, Hendricks County.

MODIFICATION OF COMMITMENTS

The proposed modification would revise this language to allow exceptions for rental units on lots encumbered by mortgages insured or guaranteed by the Federal Housing Administration, (FHA), the Veteran’s Administration (VA), and/or the United States Department of Agriculture (USDA).

This request seeks to align the Covenants, Conditions and Restrictions (CCRs) with the federal mortgage program requirements, which may prohibit or limit restrictions on rental occupancy as a condition of loan eligibility. Allowing flexibility in the rental provisions for FHA, VA, or USDA-backed loans could increase homeownership opportunities for first-time buyers, veterans, and rural residents, consistent with broader housing access goals.

“The CCRs for the Neighborhood shall include a clause that the HOA shall approve the rental of Units within the Neighborhood, a restriction that the initial term of a lease with a tenant for a rental of a Unit shall be for a minimum of one year in length and a restriction that only twenty percent (20%) or less of the Units within the Neighborhood may be rented at one time.”

The original commitment was included in response to concerns from a Registered Neighborhood Organization and intended to promote long-term owner occupancy. However, staff recognizes that rental restrictions—particularly caps on leasing percentages—may present barriers to homeownership for individuals utilizing FHA, VA, or USDA loan programs, which often prohibit such limitations as a condition of loan eligibility.

GENERAL INFORMATION

Existing Zoning	D-6	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-A	Single-family dwelling
	South: D-6 / SU-1	Single-family dwellings/ religious uses
	East: D-A / D-6	Railroad right-of-way / single-family dwellings
	West: Hendricks County	Residential uses
Thoroughfare Plan		
North Raceway Road	Primary Collector	Existing 56-foot right-of-way and 106-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Environmentally Sensitive	

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

- Marion County Land Use Plan Pattern Book (2019)
- The Marion County Thoroughfare Plan (2019)

Pattern Book / Land Use 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
- The **Environmentally Sensitive Areas (ES) Overlay** is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one (1) arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.

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- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection

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 describes the purpose, policies, and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW).
 - Identify roadways for planned expansions or new terrain roadways.
 - Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

2024-ZON-023;3801 North Raceway Road (subject site), Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development, **approved**.

99-Z-114; 3621 Raceway Road (south of site), requested rezoning of 4.31 acres from the C-1 district to the SU-1 classification to provide for construction of a church, **approved**.

83-Z-226A; 3751 Raceway Road (south of site), requested rezoning of 4.31 acres, being in the A-2 district to the C-1 classification to provide for commercial development, **approved**.

83-Z-226B; 3751 Raceway Road (south of site), requested the rezoning of 2.12 acres, being in the A-2 district to the C-3 classification to provide for commercial development, **approved**.

83-Z-227 / 83-CV-21; 3702 Tansel Road (east of site), requested rezoning of 29.3 acres, being the A-2 district to the D-6 classification to provide for residential development with a minimum distance of 10 feet between buildings and a minimum front yard setback of 15 feet, **approved and granted**.

EXHIBITS

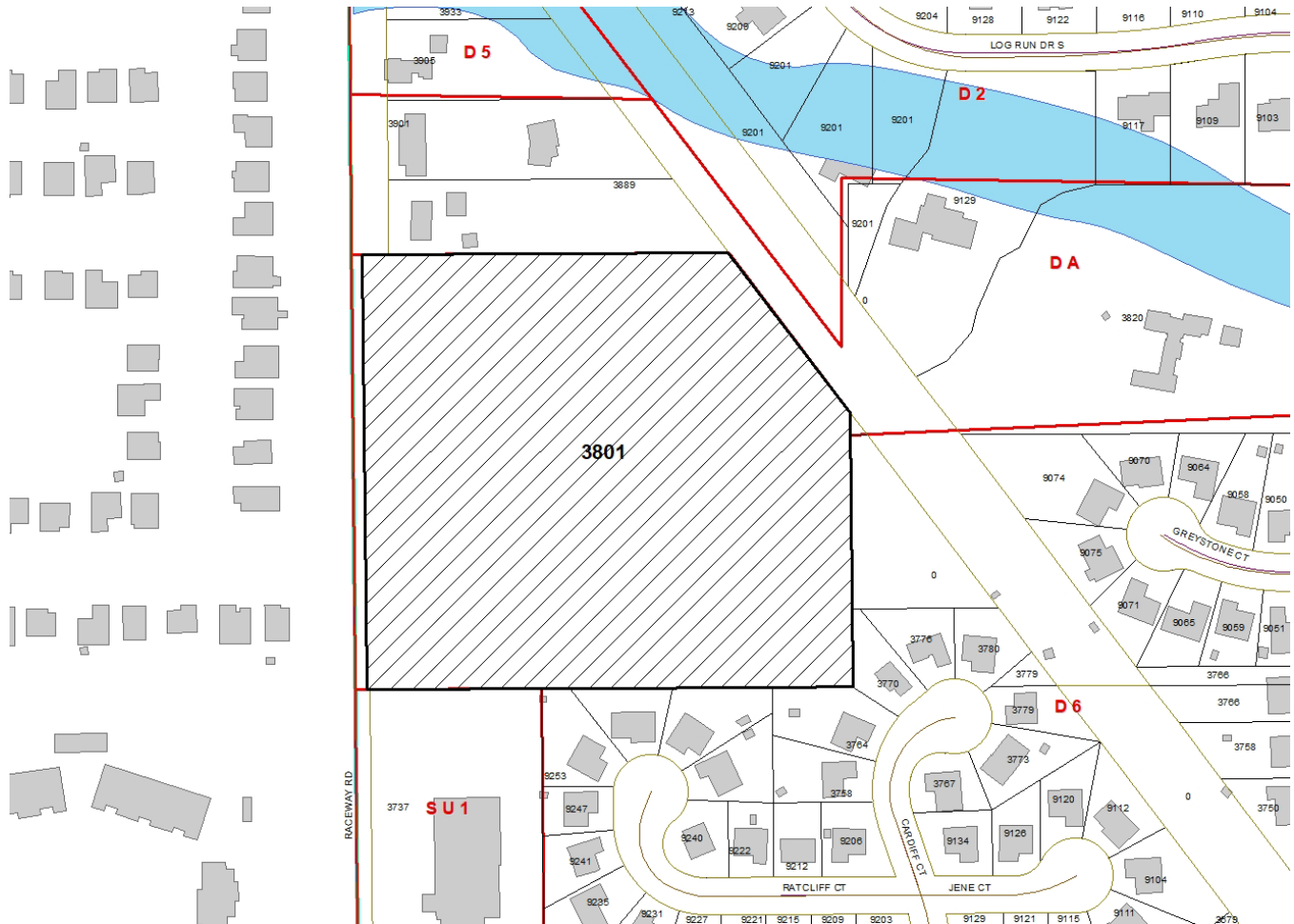


Exhibit 2

Commitments

3801 N. Raceway Road ("Site")
D.R. Horton - Indiana, LLC ("Developer")

1. The townhome neighborhood (the "Neighborhood") to be developed or the Site will include approximately 3 to 6 townhome units ("Units") per building ("Building") with one Unit per lot. Each lot within the Site will be subject to recorded Covenants, Conditions and Restrictions ("CCRs") of the Neighborhood; which will include a mandatory membership to a Homeowner's Association ("HOA") of the Neighborhood and provide for annual HOA assessments. Upon the closing of approximately 90% of the Units within the Neighborhood, the Developer shall work with the owners of the Units within the Neighborhood to establish a Homeowner Board of Directors to be responsible for management of the HOA; provided the HOA has sufficient cash flow and management capability to assume responsibility of management.
2. The CCRs for the Neighborhood shall include a clause that the HOA shall approve the rental of Units within the Neighborhood, a restriction that the initial term of a lease with a tenant for a rental of a Unit shall be for a minimum of one year in length and a restriction that only twenty percent (20%) or less of the Units within the Neighborhood may be rented at one time.
3. The neighborhood shall include at least 26 common parking spaces for use by visitors to, and residents of, the neighborhood.
4. Simultaneously with the filing of the primary plat for the Neighborhood, Developer shall provide a copy of such filing to the President of the Pike Township Residents Association.
5. Sidewalks shall be provided on both sides of publicly dedicated streets within the neighborhood.
6. The pavement of streets within the neighborhood shall be built to the street construction standards of the Indianapolis Department of Public Works.
7. Ponds within the Neighborhood shall include aeration devices.
8. The total number of lots within the neighborhood shall not exceed 50 lots.
9. The exteriors of each Building within the Neighborhood shall include at least three of the following: brick or stone masonry; vinyl lap siding; vinyl shake siding; or vinyl board and batten siding. Any vinyl siding shall be a minimally of .044-gauge vinyl siding.
10. To the extent reasonably feasible and suitable for the Neighborhood, Developer shall use native plantings for the landscaping within the neighborhood.

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11. The CCRs for the Neighborhood shall include a restriction that there shall be no outside storage of recreational vehicles, campers, commercial vehicles (however, pick-up trucks shall be permitted to be stored outside), boats and trailers. The CCRs shall also include a restriction that there shall be no outbuildings.
12. The HOA shall be responsible for exterior building maintenance, common areas and grass mowing of common areas and lots.
13. Streetlights within the Neighborhood, if any, shall comply with the City of Indianapolis's Street Light Standards including standards for light spillage and shall be located in accordance with such City standards.
14. Final building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld. Copies of such building elevations shall be provided to the President of the PTR.
15. 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.
16. A 53-foot half right-of-way shall be dedicated along the frontage of North Raceway Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-001
Property Address: 4150 North High School Road (Approximate Address)
Location: Pike Township, Council District #5
Petitioner: Nica Auto and Fleet Repair, LLC by David E. Dearing.
Current Zoning: C-3
Request: Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.
Current Land Use: Pike Township, Council District #5
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR JUNE 12, 2025 HEARING EXAMINER

The petition was continued for cause from the May 15, 2025 hearing to the June 12, 2025 hearing to provide time for discussions between staff and the petitioner's representative, with new notice.

No new information has been provided.

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

The petition was continued for cause from the April 10, 2025 hearing to the May 15, 2025 hearing to allow time to find adequate representation.

ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

This petition was continued for cause from the February 20, 2025 to the April 10, 2025 hearing to allow time to find adequate representation.

FEBRUARY 20, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** with the following conditions:

1. The petitioner provides a complaint landscape plan for Administrative Approval.
2. The petitioner provides sidewalk and sidewalk connections.

3. Reduce the front yard fence to 3.5 feet in height.

PETITION OVERVIEW

LAND USE

The 1.89-acre subject site is currently developed with a 19,200-square-foot auto repair shop known as Nica Auto & Fleet Repair. The petitioner seeks to rezone the site from C-3 (Neighborhood Commercial District) to the C-5 (General Commercial District) in order to allow for the continued operation of the automotive repair facility.

ZONING OVERVIEW

The request would rezone the site from the C-3 (Neighborhood Commercial) district to the C-5 (General Commercial) to allow for an Automobile, Motorcycle, and Light Vehicle Service or Repair use which is not permitted in the existing commercial district.

C-3 (Neighborhood Commercial District): 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.

C-5 (General Commercial District): Designed 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.

STAFF ANALYSIS

The property development history reveals a pattern of non-conforming uses;

- June 2024: Google street view image depicts the site being used as a parking lot for various heavy vehicles including Semi-Trucks, Trailer trucks, Box Trucks, and more.
- May 2024: Zoning violation citation issued (VIO24-004471) for unauthorized outdoor vehicle operations.
- January 2025: Current building construction completed.

The property currently has an nine (9) open zoning-related violations. Of those zoning-related violations identified, approval of this rezone request will resolve six (6) of those. The Remaining Violations Requiring Additional Action (3 of 9):

1. Vehicle Sales Operations: Not permitted in C-3 or C-5 districts (Table 743-1)
2. Front Yard Fence Height: Exceeds 42-inch maximum (Table 744-510-2) - *Variance required*
3. Fence Post Height: Exceeds permitted height by 12 inches (Section 744-510.C.3) - *Variance required*

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The Comprehensive Plan designates this area for **Heavy Commercial** use, making the proposed automotive repair shop consistent with the area's intended purpose. The site plan includes access via a public entry off High School Road.

The property is visually obscured by two (2) existing commercial centers along a private drive, reducing potential aesthetic conflicts with surrounding businesses. Moreover, rezoning to C-5 would establish a transition buffer between commercial operations and warehouse activities, ensuring a more cohesive land-use pattern.

For these reasons, staff is recommending **approval** of the rezoning request:

1. The petitioner shall provide a compliant landscape plan for administrative approval.
2. The petitioner shall install sidewalk improvements and pedestrian connections.
3. Front yard fence height shall be reduced to a maximum of 3.5 feet.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Heavy Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-7	Commercial Use
South:	C-3/SU-1	Commercial Use
East:	C-3	Commercial Use
West:	C-S	Commercial Use
Thoroughfare Plan		
High School Road	Primary Collector	70-foot right-of-way existing and a 102-foot right-of-way Proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Airspace Secondary District	
Wellfield Protection Area	No	
Site Plan	1/21/2025	
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)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Heavy Commercial development for the subject site. The **Heavy Commercial** typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yard.
 - **Heavy Commercial Uses**
 - Should be located along an arterial or collector streets.
 - *Resilient 2.3: Traffic can play a major role in determining whether a certain use is appropriate for a neighborhood or areas.*

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

70-Z-6; 4002 North High School Road (subject site), request rezoning of 23.30 acres, being the B-3 district to C-3 classification to provide for sales, service and office facilities, **approved**.

70-Z-5; 6450 Gateway Drive (includes subject site), requested rezoning of 28 acres from the B-3 to C-S to provide for a distribution center inclusive of warehousing, small assembly and packing, computer center, technical data processing and offices, **approved**.

64-Z-139; North of 38th Street (subject site), request rezoning of 66.77 acres parcel of ground, being in an A-2 (Agricultural) district to a B-3 (business) Classification, to provide for the construction of a regional shopping Center, located north of 38th street between High School Road and I-465 in Pike Township, **approved**.

VICINITY

2014-ZON-060; 6450 Gateway Drive (west of subject site), rezoning of 9.127 acres from the C-S district to the C-S classification to provide for an indoor warehouse, offices, wholesale display and distribution of grocery-related items, and an indoor sports education and training complex, including soccer, boxing and karate, **approved**.

2011ZON042; 6150 Gateway Drive (east of site), rezoning of 10 acres from the D-4 and PK-1 (FF) Districts to the SU-2 (FF) classification to provide for educational uses, **approved**.

2010ZON069; 6150 Gateway Drive (east of site), rezoning of 10.00 acres, from the D-4 (FF) and PK-1 (FF) Districts to the SU-2 (FF) classification to provide for public school uses, **withdrawn**.

2011-CZN-872/2011-CVR-827; 6450 Gateway Drive; (west of subject site), requested a rezoning of 9.17 acres, from the C-S District, to the C-S classification to provide for all C-5 uses and a portable storage container business and distribution center and a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor storage higher than the fence, within zero feet of a protected district, **approved**.

99-Z-150; 4141 North High School Road (east of site), Rezone 5.79 acres from D-4 to SU-1 to provide for an existing church and parking lot, **approved**.

90-Z-42; 4261 North High School Road (east of site), rezoning 6.31 acres from D-A District to C-S classification to provide for the development of self-storage warehouses, **approved**.

86-Z-27; 4002 North High School Road (west of site), request rezoning of 10.73 acres, being in the C-S district to the C-5 classification to provide for the construction of a night club. **Approved**

85-Z-148; 6450 Gateway Drive (west of site), requested rezoning to C-S to allow for all C-5 uses and whole sales, **approved**.

79-Z-176; 6500 Gateway Drive, requested rezoning of seven acres from C-S to C-5 to provide for construction of a multipurpose recreation center, **approved**.

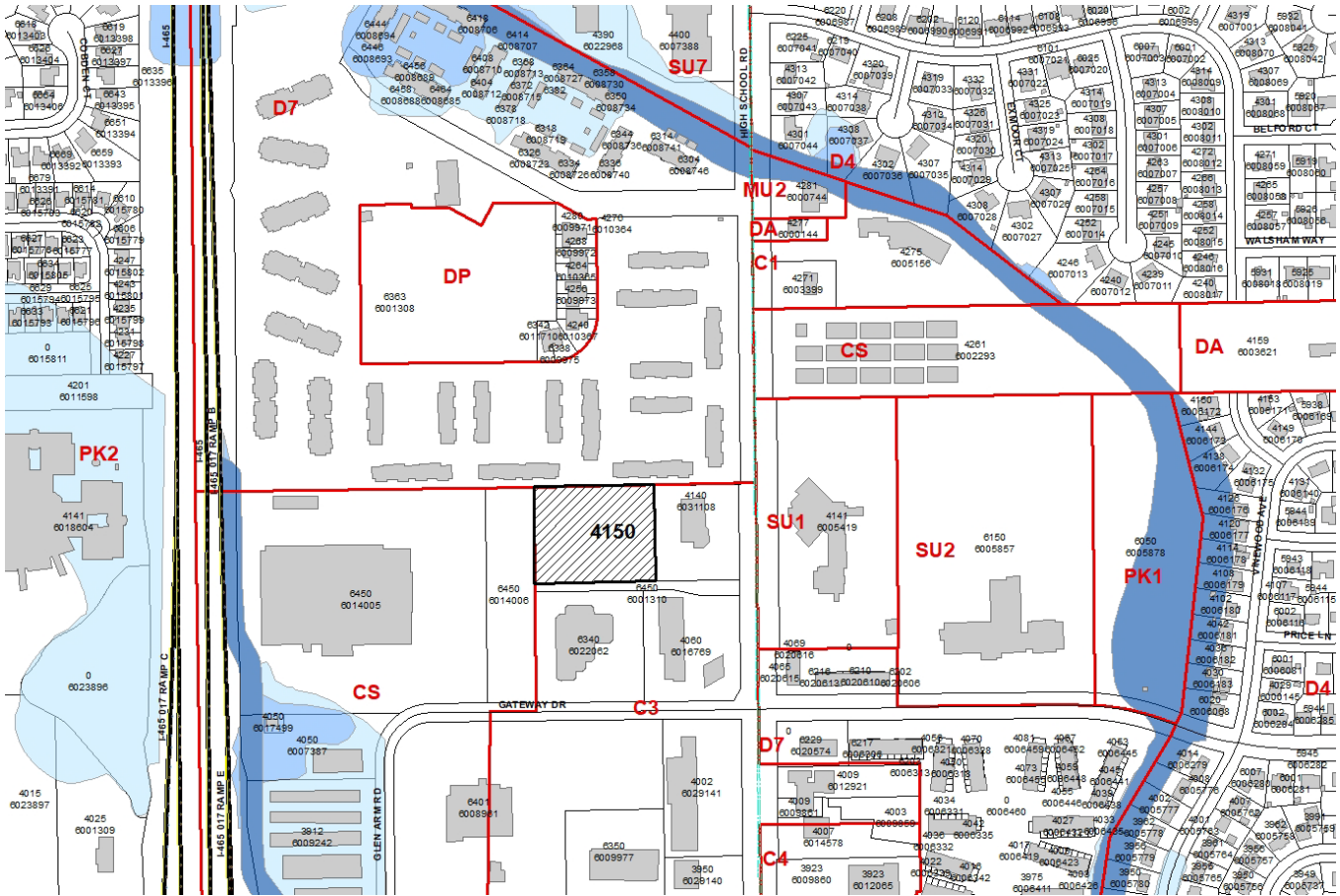


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70-Z-7; 4102 North High School Road (north of site) request rezoning of 1.36 acres, being in A-2 & D-7 districts to D-7 classification to provide for apartments, **approved.**

77-Z-87 (77-DP-1); 6363 Commons Drive (north of site), The petitioner is requesting that approximately 6 acres located at 6363 Commons Drive be rezoned from D-7 to DP (Planned Unit Development), **approved.**

EXHIBITS



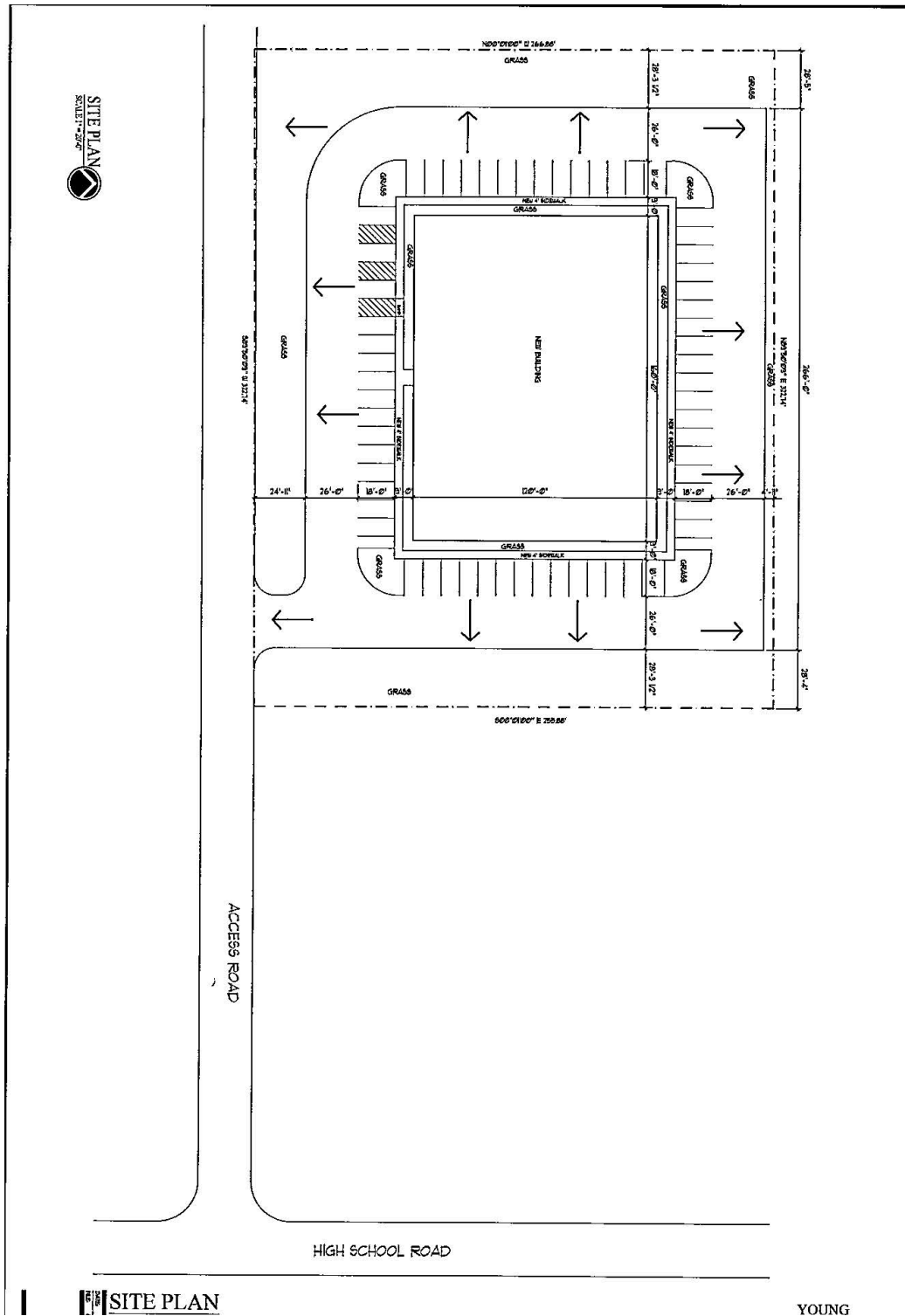


Figure 1 Site Plan



Figure 2 View of the subject building



Figure 3 View west looking along the access road



Figure 4 View of subject building and fence



Figure 5 View of Sign

Zoning violations related to **VIO24-00471**

1. **744-903.B** The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903. B. - Failure to obtain a sign permit for the display of pole sign).
2. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle repair is not a permitted use in a C-3 zoning district...Nica Auto & Fleet Repair).
3. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle storage is not a permitted primary use in a C-3 zoning district).
4. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a C-3 zoning district).

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5. **744-510-2** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).
6. **744-510. C.3** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (744-510. C.3. - Fence post height exceeding 1ft. above the permitted height of the fence).
7. **743-306.AA.3.** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (743-306.AA.3. - Parked recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes for more than one instance, not to exceed 15 days per calendar year).
8. **743-306. AA.1.** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (743-306.AA.1. a - No recreational vehicle shall project into a required side or rear yard setback).
9. **744-508. B.1.a** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (744-508. B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-CZN-814 / 2025-CVR-814

Property Address: 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road (Approximate Addresses)

Location: Franklin Township, Council District #20

Petitioner: Deep Meadow Ventures, LLC, by Joseph D. Calderon

Current Zoning: D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW)

Request: Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

Current Land Use: Residential / Agricultural / Undeveloped

Staff Recommendations: Approval with commitments and conditions.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 10, 2025 hearing to the May 15, 2025 hearing at the request of a Registered Neighborhood Organization.

The petition was continued for cause from the May 15, 2025 hearing to the June 12, 2025 hearing at the request of staff to allow additional time for the petitioner to submit additional information for review.

Staff was informed that the petitioner may intend to request a two-week **continuance for cause from the June 12, 2025 hearing to the June 26, 2025 hearing**, which staff would support. It is staff's understanding that the registered neighborhood organization who filed the automatic continuance is also in agreement with a continuance. Staff is in agreement with a two-week continuance, but would prefer a continuance to the July 10, 2025 hearing.

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 (3) days prior to the MDC hearing:

1. A 40-foot half right-of-way shall be dedicated along the frontages of Troy Avenue, Davis Road, and Vandergriff Road as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 59.5-foot half right-of-way shall be dedicated along the frontage of Post Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Staff **recommends approval** of the rezoning and variances subject to the following conditions:

1. Documentation from AES and Citizens Energy Group shall be provided confirming that the plans and proposed development has been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.
2. The Traffic Impact Study shall be submitted for review and comment by the Department of Public Works.
3. The petitioner shall work with the division of Trails and Greenways and Department of Public Works to outline perimeter connectivity for a trail system.
4. A final C-S Statement shall be submitted to staff prior to the hearing that addresses the changes to the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

PETITION OVERVIEW

LAND USE

The 467.66-acre subject site is comprised of 13 parcels. The majority of the parcels are undeveloped agricultural land, but five (5) parcels are developed with a mix of single-family dwellings, accessory structures, cattle farm, and agricultural accessory buildings.

REZONING

The request would rezone the property from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility

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structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. 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. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

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.

The SU-43 district only permits the use of power transmission lines.

The Special Commercial district (C-S) is established for the following purposes:

1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural, or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

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

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Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a building height of 75 feet and no maximum front yard setback.

Per Table 744-201-3, the C-S district in the Metro Context area has a maximum building height of 35 feet along transitional yards. Buildings and structures height along a transitional yard may increase one foot per one foot of additional side setback up to 45 feet.

Fronts along primary thoroughfares have a maximum of 85 feet from the proposed right-of-way or existing right-of-way, whichever is greater. Fronts along freeways do not have a maximum setback.

FLOODWAY / FLOODWAY FRINGE

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses proposed in the C-S are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

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 Troy Avenue, Davis Road, and Vandergriff Road and 59.5-foot half right-of-way along Post Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

A traffic impact study was requested by the Department of Public Works. To staff's knowledge, this study has yet to be submitted. If it was submitted to DPW, then staff is unaware of any findings proposed within the study at this time.

Therefore, staff requests that traffic impact study be submitted for review and comment by the Department of Public Works.

STAFF ANALYSIS

The site falls within multiple land use typologies of the Comprehensive Plan with the majority being non-residential recommendations that include light industrial, office/industrial mixed-use, and regional commercial that make up more than half of the site on the western end. The eastern portion of the site notes rural or estate neighborhood typology. There are other typologies that make up a small fraction of the site which are floodway and linear park recommendation.

With regards to the Comprehensive Plan recommendations, as a whole staff determined that the proposed uses would be compatible with the uses recommended in the light industrial, office/industrial mixed-use, and regional commercial recommendations. Because a data center in particular is not called out in the Comprehensive Plan, staff has the flexibility to make the interpretation where the use would be appropriate based on size of the property, proposed layout of the development, and the context of the surrounding area.

Due to the site's proximity to I-74 and the entrance and exit ramps, it would be a prime location for access to the facility. As proposed, the entrance to the site would be off Post Road which already has truck traffic for the adjacent industrial and commercial uses located along this primary arterial street.

C-S STATEMENT

The C-S Statement proposes a variety of uses to be permitted within this C-S district. Little is mentioned regarding landscaping, but the landscape plan would be subject to Administrative Approval due to the C-S zoning district and the review would reflect the landscape details included in this report.

Permitted sign types are mentioned and would ultimately need to meet the Sign Regulations of the Ordinance when submitted for Administrative Approval. The site plan provided is a Concept Plan and the final site and development plan will be submitted for Administrative Approval.

Staff requests that a final C-S Statement be submitted prior to the hearing to note the changes in the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

NOISE

Staff was informed that an initial noise study was completed for the project and resulted in a 63dBA level at the property line under peak operation conditions which would be the hottest day of the year with all servers being utilized. A copy of this study was not submitted to the case file.

The petitioner proposed a commitment that the maximum noise level at the property line once fully operational shall not exceed 65 decibels, except for emergency use of generators or periods of testing emergency generators.



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WATER

Staff was informed that the site would be planned to utilize two to three million gallons of water. According to the petitioner's representative, Citizens Energy Group has indicated the required volume of water is available to the project on a max day (hottest day of the year and all computing equipment being utilized).

A letter or memorandum from Citizens Energy Group has not been provided to staff confirming this information. Therefore, staff would request that documentation from Citizens Energy Group be provided confirming that the plans and proposed development have been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.

ELECTRICITY

AES is the power company that will provide electricity to the project site. Staff was informed that AES has helped identify and evaluate the site for feasibility. They are working to determine how much electrical power is needed and working to ensure the site can be supplied.

A letter or memorandum from AES has not been provided to staff confirming whether the project is feasible. Therefore, staff would request that documentation from AES be provided confirming that the plans and proposed development have been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.

LINEAR PARK

There is a linear park recommendation of the Comprehensive Plan that should be considered and incorporated into the site design layout. The Southeast Trail is proposed through the Indy Greenways Full Circle Master Plan, Part One (2014).

The client has committed to keeping the land between Ficher Ditch and Troy Avenue as open space and working with the City of Indianapolis DPW Trails and Greenways to accommodate a portion of the Southeast Trail through the portion of the site between Ficher Ditch and Troy Avenue.

However, Staff would request further discussions occur between both parties to outline perimeter connectivity for a trail system since only proposing a section along Troy Avenue would ultimately hinder possible connections to this section of the trail preventing the planned trail from coming to fruition.

STREAM PROTECTION CORRIDOR

The site has two (2) Stream Protection Corridors that run along Ficher Ditch on the north section of the site and Miller Ditch on the south section the site. Both named ditches require 50-foot-wide corridors in the Metro Context area measured parallel to the top of bank on both sides.

The following activities are permitted within the Stream Protection Corridor:

- a. Flood control structures.

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- b. Residential support facilities and recreational facilities, such as trail or hiking paths, docks, picnic shelter, scenic overlook, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- c. Minor residential features, decks associated with an individual dwelling unit, mini- barns or sheds that are 200 square feet or less and are not on a permanent foundation, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- d. Passive uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and public and private parkland.
- e. Crossings, subject to the following, and as approved by the Administrator:
 - 1. Road or railroad crossings, with the right-of-way the minimum width needed to allow for maintenance access and installation and with the angle of the crossing to be perpendicular to the stream. In the case of proposed development or modification to existing development, there shall be one stream crossing per development project, to be no closer than 1000 feet to any other crossing.
 - 2. Intrusions necessary to provide access to a property provided that the angle of crossing is perpendicular to the stream in order to require less buffer clearing.
 - 3. Public sewer or utility easement crossings, including such land disturbance and impervious cover as is necessary for operation and maintenance, including, but not limited to, manholes, vents, and valve structures.
 - 4. Livestock crossings.

Disturbances in the Stream Protection Corridor. Any tree or vegetation removal must be replaced with native species of shade trees and shrubs at the rate of one shade tree and 4 large shrubs per 1,000 square feet of disturbed area.

The site plan notes the only disruptions to these corridors would be the road crossings proposed.

BUILDING HEIGHT

A Rezoning Height Exhibit was submitted to indicate the area on site that would allow for the 75-foot maximum building height and an area that indicates 50-foot maximum building heights with 65-foot maximum equipment height for water tanks and cooling equipment.

Actual renderings of the anticipated buildings have not been provided, but an example rendering was submitted and included in this report.

Because the plan calls for a 150-foot landscape buffer zone, with an additional 50-foot building setback for a total minimum setback of 200 feet in addition to the proposed 10- to 15-foot-tall mounds with deciduous trees and six-foot tall evergreen trees to be installed within the first phase of development, the height variance request is supportable.

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ADDITIONAL ITEMS

Staff requested that the existing above ground utilities be buried with the development of the site, to which the petitioner's representative confirmed they would work with the owners of the existing utilities to facilitate burial of existing overhead utility lines where feasible.

The amended site plan notes the location of a cattle fence, an ornamental security fence and another area for a security fence. Based on information relayed to staff, there will be a four-foot cattle fence along the perimeter of the site, an eight-foot-tall decorative security fence at the main entrance, an eight-foot-tall anti-climb security fence, an eight-foot-tall black coated chain link fence around the storm water management basins, and an eight-foot tall, barbed wire fence around the electrical substations. The petitioner should be aware that the maximum fence height for the C-S district is 3.5 feet in the front yard and six (6) feet in the side and rear yards. Additionally, barbed wire is prohibited. Variances would need to be sought to exceed the height limitations and for the inclusion of barbed wire. Staff would not support the barbed wire proposal.

CONCLUSION

Staff is recommending approval of the rezoning and variance request subject to two (2) right-of-way dedication commitments and four (4) conditions as indicated previously regarding documentation from AES and Citizens Energy Group to be provided to staff confirming that they will be able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity, the traffic impact study shall be submitted for review and comment by the Department of Public Works, the petitioner to work with Trails and Greenways and DPW to outline perimeter connectivity for a trail system, and for the submittal of a final C-S Statement prior to the hearing that addresses the changes to the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Residential / Agricultural / Undeveloped	
Comprehensive Plan	Light Industrial, Office/Industrial Mixed-Use, Regional Commercial, Rural or Estate Neighborhood, Floodway, and Linear Park.	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-A	Residential / Agricultural
	South: D-A / C-5	Residential / Commercial
	East: D-A / D-2 / D-P / SU-43	Residential / Transmission Easement
	West: SU-1 / C-S / C-4 /	Church / Industrial / Commercial
Thoroughfare Plan		
Post Road	Primary Arterial Street	119-foot proposed right-of-way and 50-foot existing right-of-way.
Troy Avenue	Primary Collector Street	80-foot proposed right-of-way and 40-foot existing right-of-way.

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Davis Road	Primary Collector Street	80-foot proposed right-of-way and 45-foot existing right-of-way.
Vandergriff Road	Primary Collector Street	80-foot proposed right-of-way and 30-foot existing right-of-way.
I-74	Freeway	205-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 5, 2025	
Site Plan (Amended)	May 29, 2025	
Elevations	May 29, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	February 26, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	February 26, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014).
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial, office/industrial mixed-use, regional commercial, rural or estate neighborhood, floodway, and linear park typologies.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts,

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laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

- **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Research and Production of High-Technology or Biotechnology Related Goods**
 - Recommended without additional conditions.
- **Offices**
 - Recommended without additional conditions.
- The Regional Commercial typology provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- **Large-Scale Offices**
 - Pedestrian connections between buildings should be provided.
 - Street connections to perimeter roads should be provided.
- 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.

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- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- When located in environmentally sensitive areas the following uses are removed from the recommendations: light industrial uses and research and production of high-technology or biotechnology related goods.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

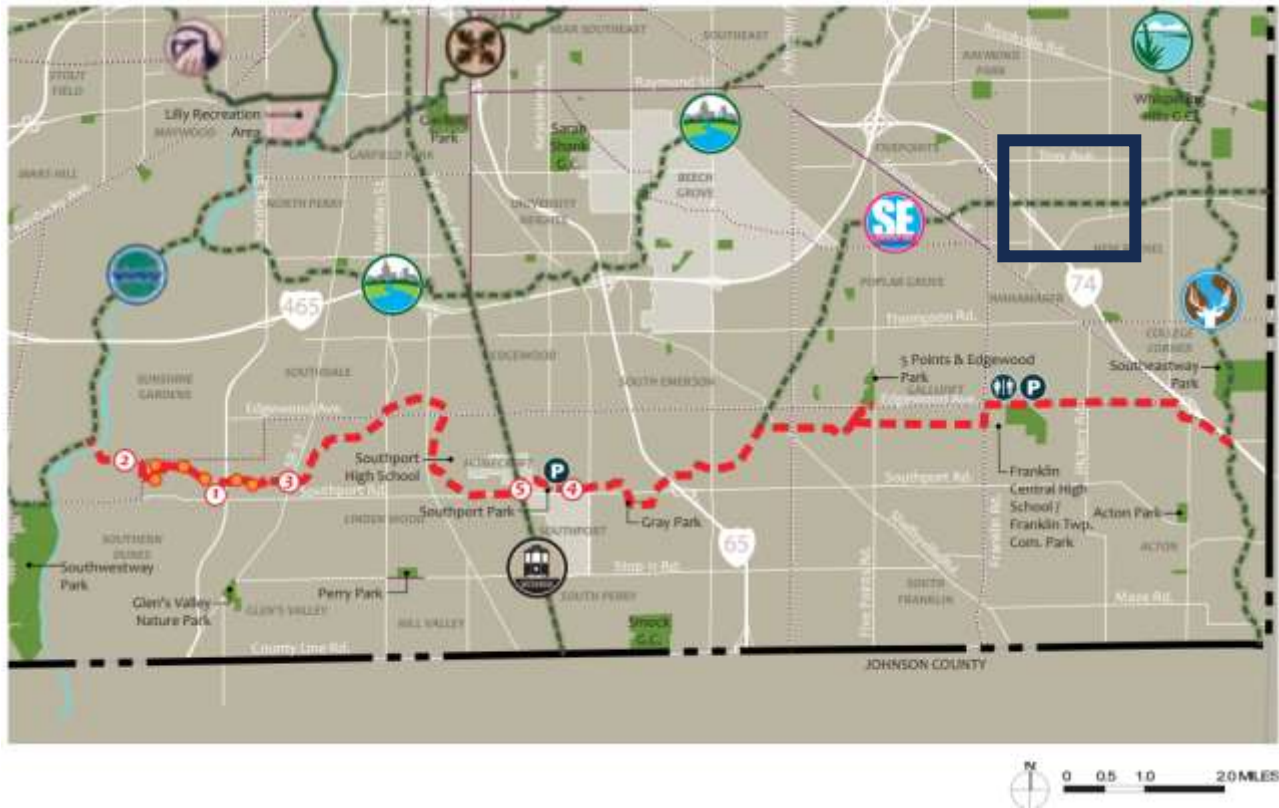
Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014) and Indy Moves Transportation Integration Plan (2018).
- A multi-use path is proposed along Post Road from Hanna Avenue to the Pennsy Trail.
- A greenway, specifically the Southeast Trail is proposed through the subject site. At this point, the route shares the overhead utility easement with the Southeast Trail for 0.8 miles, extending northeast to the intersection of Edgewood and Shelbyville Road.



SOUTHEAST TRAIL PROPOSAL

ZONING HISTORY

Zoning History – Site

2015-ZON-078; 3511 South Post Road (subject site), Rezoning of 38 acres from the C-4 district to the I-2-S classification to provide for a distribution facility, **withdrawn**.

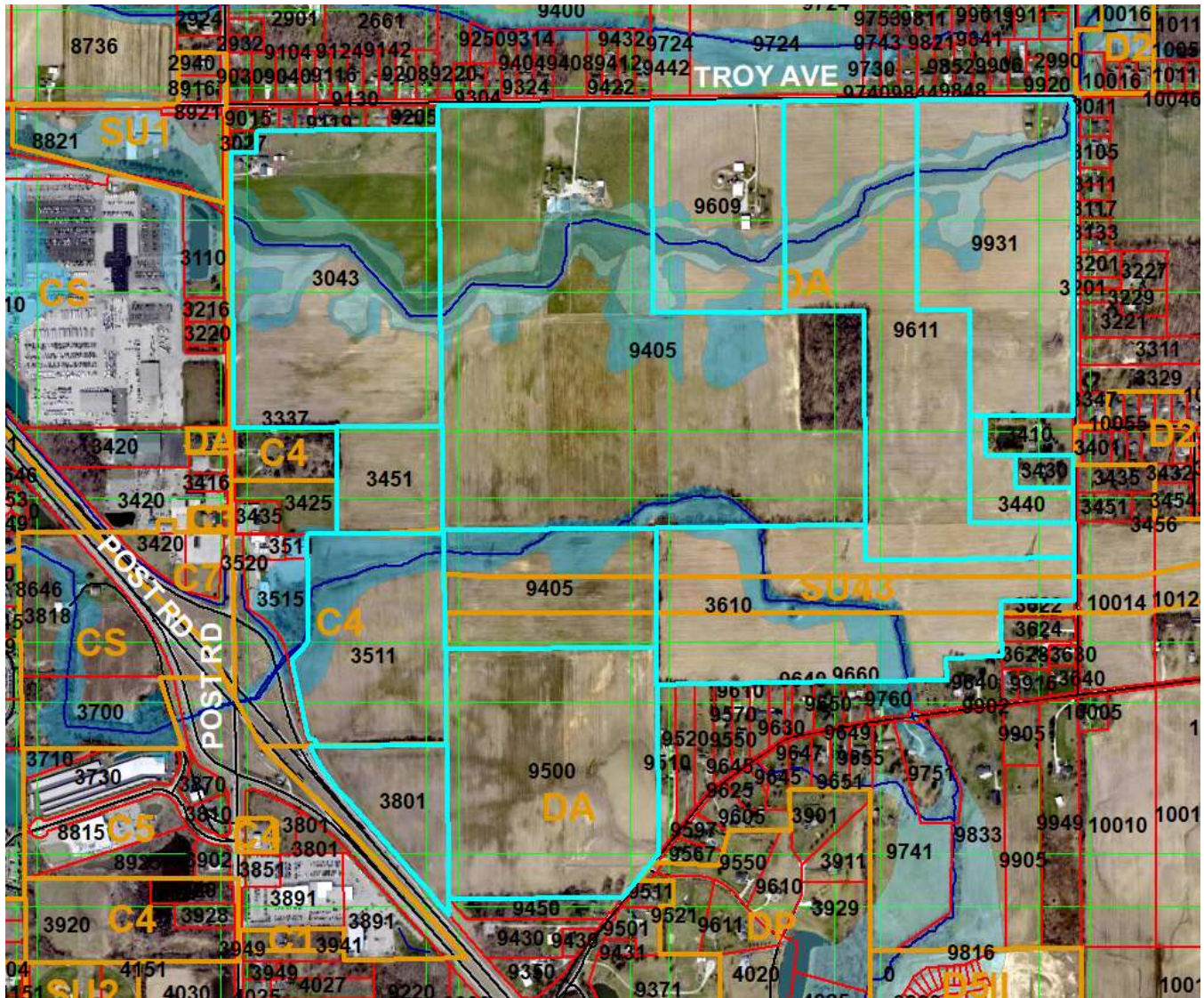
2005-ZON-181; 3801 South Post Road (subject site,) Rezoning of 11.13 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **withdrawn**.

2000-ZON-009; 3513 South Post Road, (subject site) Rezoning of 37.982 acres from C-4 and D-A to C-S, to provide for C-4 and C-6 uses and light and medium industrial uses, **withdrawn**.

90-Z-13; (south of site), Rezoning of 40.59 acres from D-A to C-4, **approved**.

61-Z-101; (subject site), Rezoning from the A-2, R-3, and B-4 to classification special use (43) – Electric power transmission tower lines of a strip of land one hundred and fifty feet in width for an electric transmission tower line extending from a Station Site of Indianapolis Power & Light Company, located adjacent to Hanna Avenue and the New York Central Railroad in Section 26, in generally Easterly direction through Franklin Township, consisting of three long East-West tangents connected by two short diagonals in Section 26, 25, 30, 29, 28, and 27, to the Hancock County line about 1 ½ miles south of the County Home, **approved**.

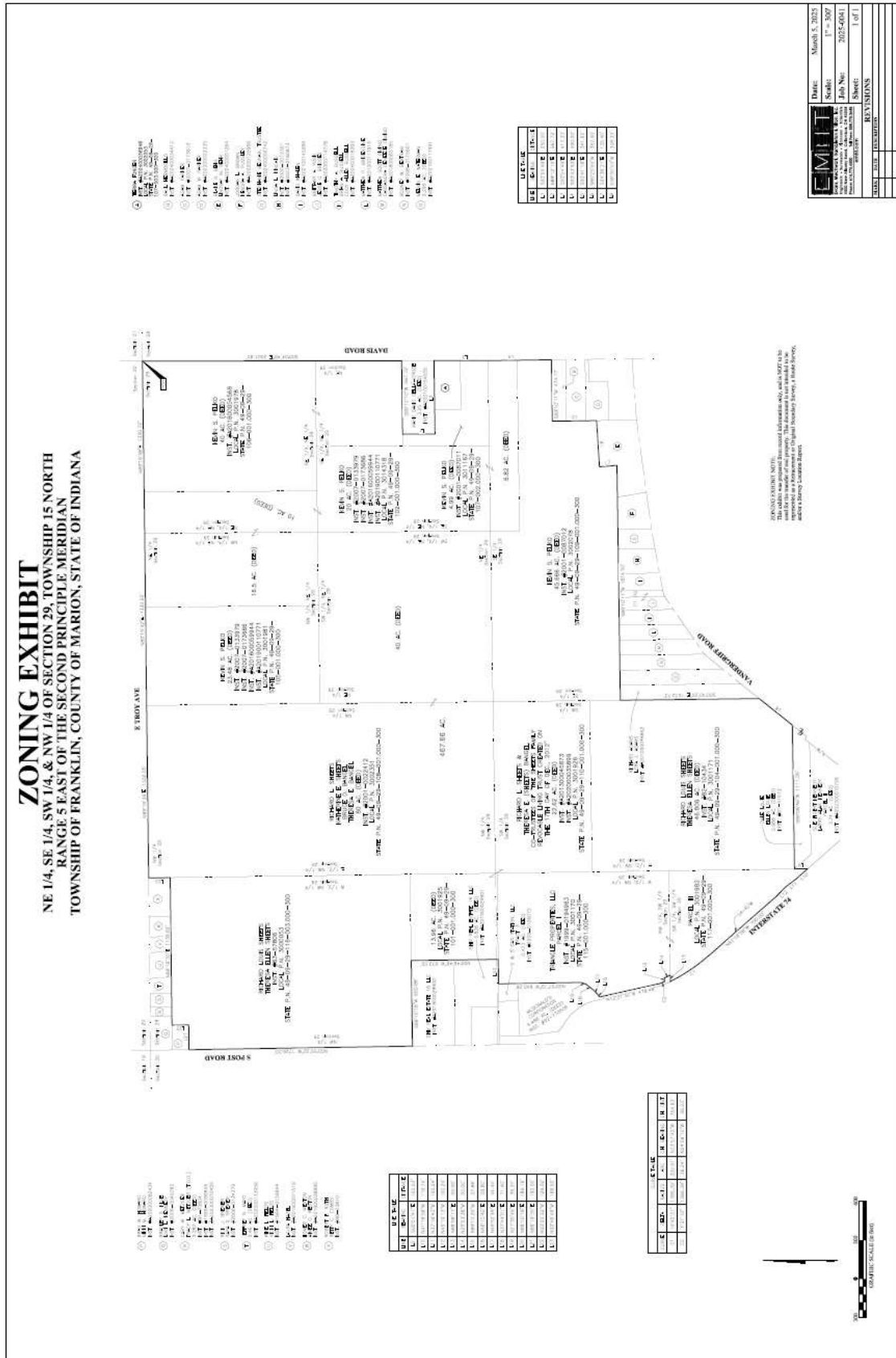
EXHIBITS



AERIAL WITH FLOOD PLAINS

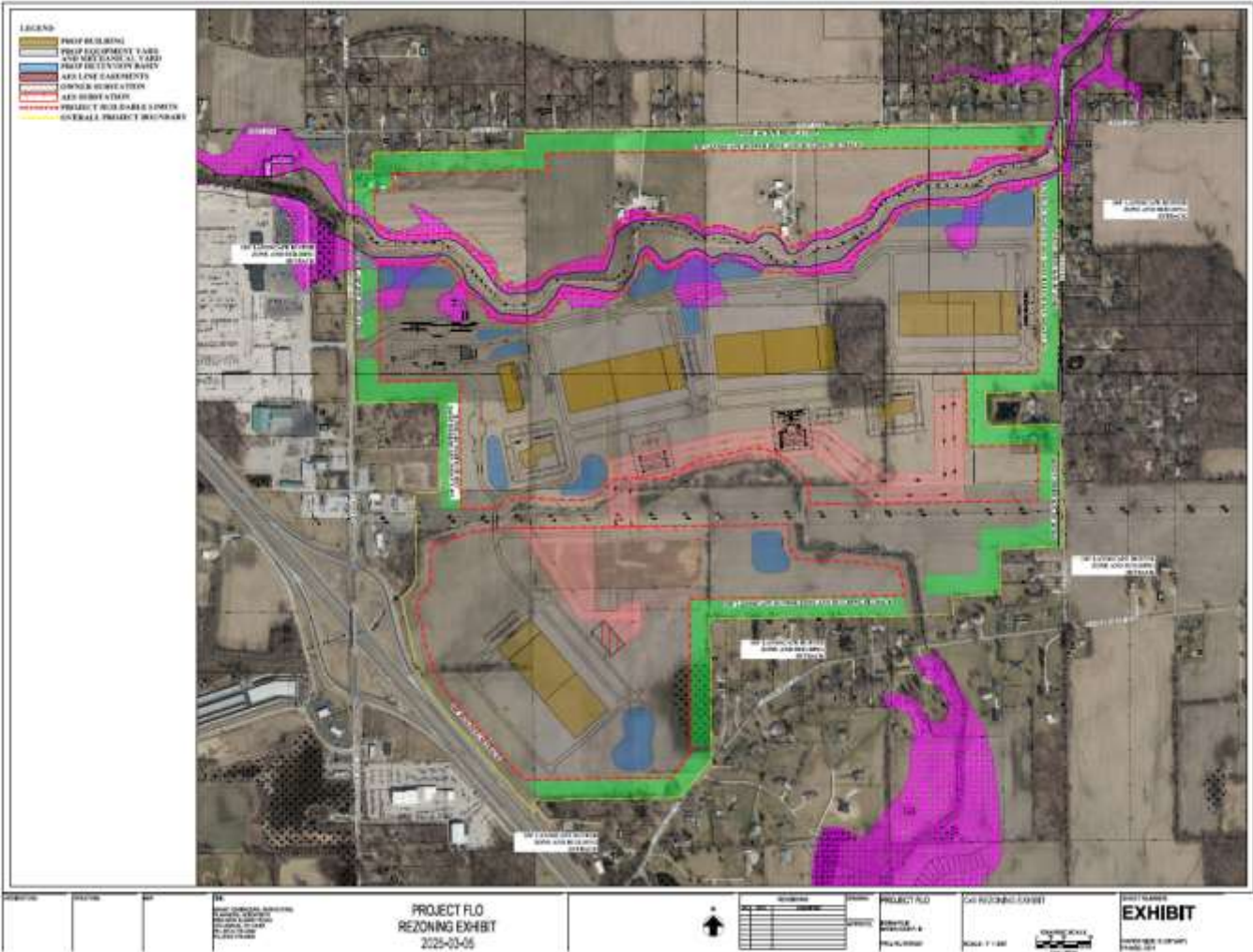
The map displays a complex network of zoning districts in Troy, New York. Key features include:

- Major Roads:** Troy Ave runs horizontally across the top, and Post Rd runs vertically along the left side.
- Zoning Districts:**
 - DA (Office/Industrial Mixed-Use):** Large purple-shaded areas in the upper and central portions of the map.
 - C4 (Regional Commercial):** Yellow-shaded areas, primarily along the western edge near Post Rd.
 - SU43 (Office/Industrial Mixed-Use):** A large yellow-shaded area in the center-right.
 - DP (Rural or Estate Neighborhood):** Light blue-shaded areas in the lower-right portion.
 - Other Districts:** Light green (Light Industrial), light blue (Rural or Estate Neighborhood), and light orange (Community Commercial).
- Geographic Features:** A winding orange line representing a floodway or waterway cuts through the upper-left and central areas.
- Parcel Numbers:** Numerous numerical identifiers (e.g., 9405, 9609, 9931, 3410, 3430, 3440) are scattered throughout the map, likely representing individual lots or parcels.
- Color-Coding:** The map uses a variety of colors to delineate different zoning districts and their associated land use types.

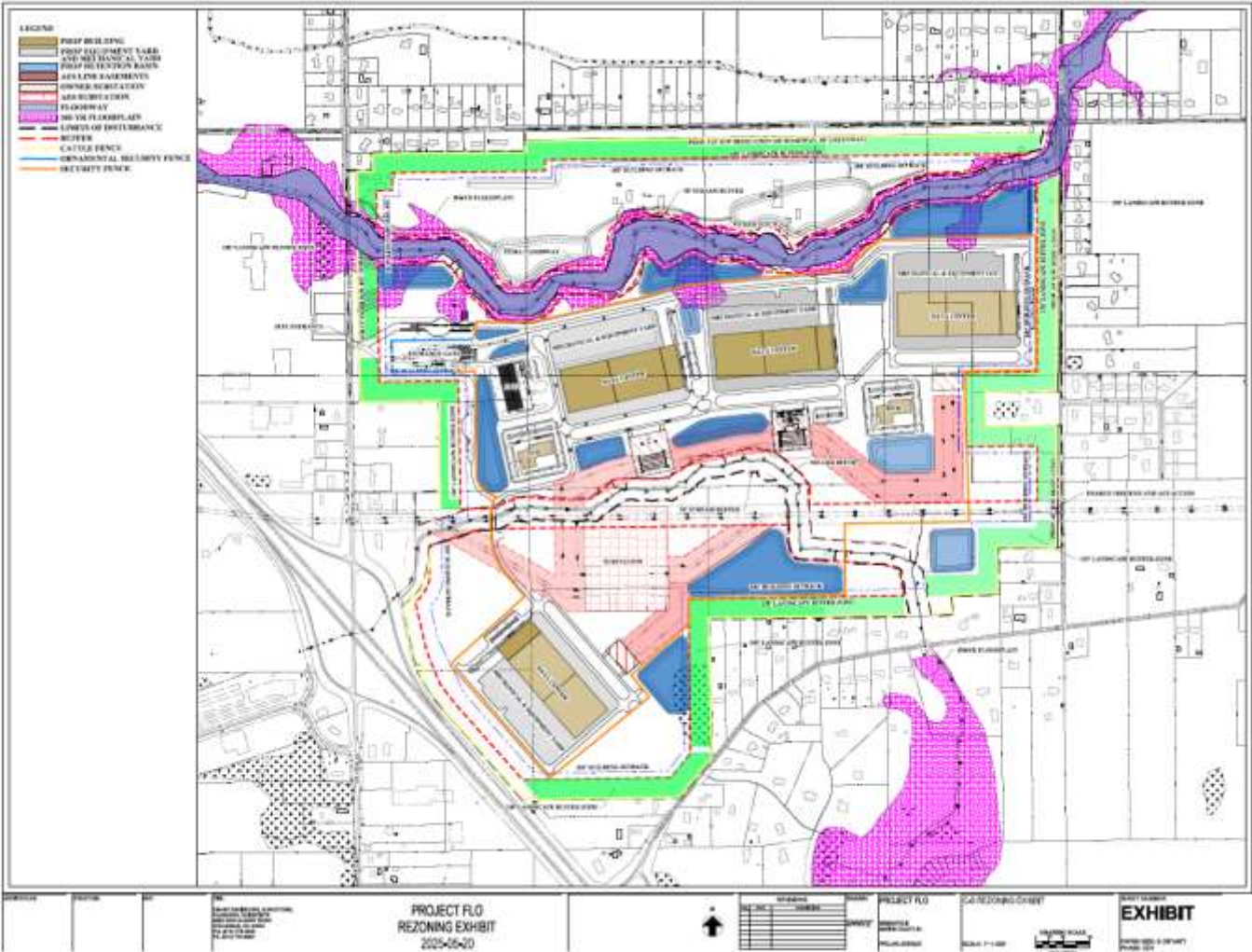




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SITE PLAN



AMENDED SITE PLAN



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REZONING HEIGHT EXHIBIT



Troy Road Greenway Commitment





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Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed project is to be developed as an integrated campus and due to the large amount of acreage involved and the presence of certain ditches/streams, enhanced setbacks are required. Additionally, there are technological requirements that may require certain buildings / structures to exceed the forty-five (45) foot height limitation.

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

there will be adequate setbacks and landscaped berms which will mitigate the setback and height variances requested.

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

the C-S zoning designation is ideally suited for projects such as the data center campus proposed, but the forty-five (45) foot maximum height limited is inappropriate for industrial / utility type uses, and the maximum setback is inappropriate for a large, multi-building facility located on significant acreage.

DECISION

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

Adopted this _____ day of _____, 20 ____

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C-S Development Statement

Introduction: Petitioner, Deep Meadow Ventures LLC, seeks to rezone approximately 465.9 acres of property commonly known as 3043 South Post Road, 9405, 9611 and 9931 East Troy Avenue, 3430 Davis Road, and 9440 and 9500 Vandergriff Road (the “Subject Property”) as shown on the conceptual site development plan attached hereto as Exhibit “A” (“Concept Plan”), in order to facilitate initial development of the Subject Property for a data center campus.

Zoning: The Subject Property is currently zoned D-A, SU-43, and C-4 as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance last updated May 8, 2023 (“Zoning Ordinance”). Because Petitioner’s proposed use of the Subject Property is not adequately defined in the Zoning Ordinance, it is proposing a C-S zoning.

Proposed Permitted Primary Uses of the Subject Property as described and defined in the Zoning Ordinance shall be as follows:

- 1) “Data Center”, which shall mean “A centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials and storage in bulk for data center accessory equipment and materials.”
- 2) “Light Manufacturing”, all “Research and Development”, “Utilities”, “Agricultural Uses, “Buildings and Structures”, as permitted in the I-1 zoning district.
- 3) “Office” uses, as permitted in the C-1 zoning district.

Permitted Accessory Uses of the Subject Property shall include the following:

- 1) Utility structures, including, but not limited to, power substations, water towers, and overhead and underground powerlines, and wastewater treatment facilities.
- 2) Outdoor Storage (limited to construction of permitted buildings and structures, and outside of construction, limited to areas shown on the Concept Plan).
- 3) Renewable Energy Facility, Solar or Geothermal.
- 4) Satellite Dish Antenna.
- 5) Sign(s).
- 6) Temporary Construction Yard, Office, or Equipment Storage.

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance, except that (i) the maximum building height shall be seventy five feet (75’); and (ii) there shall be

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no maximum setback from proposed right of way required, subject to approval of variances for said standards.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) Pylon or Monument Sign (not to exceed ten (10) feet in height and no more than two (2) total).
- 2) Wall Signs, Awning, Canopy and Window Signs.
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district.

A sign program shall be developed and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Phasing of Development:

The project may be developed as generally shown on the Concept Plan; provided, however, prior to applying for an Improvement Location Permit, a final site and development plan shall be tendered for Administrators Approval. Nothing contained in this C-S Statement or shown on the Concept Plan shall preclude or restrict the number or configuration of buildings and structures which may be located on the Subject Property, so long as the standards contained in this C-S Statement are met.

STATEMENT OF COMMITMENTS

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

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

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

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. After an improvement location permit is issued for the first building in the proposed data center project (the "Project"), but before the first building within the Project opens for business, Petitioner shall install a mounded buffer area with a minimum width of 150 feet (the "Buffer Area"), in those areas shown on the Conceptual Site Plan attached hereto as Exhibit "B" (the "Site Plan"). The mounding in the Buffer Area shall be a minimum of 10 feet in height measured from grade, and shall feature landscaping along and on the top of the mounding with a minimum of three (3) deciduous trees and six (6) evergreen trees for every 100 lineal feet. All trees shall meet the species and minimum planting requirements of the City of Indianapolis Consolidated Zoning / Subdivision Ordinance (the "Zoning Ordinance"). Petitioner shall, at all times, maintain the mounded buffer area.
3. No permanent buildings or structures shall be built on the portion of the Subject Property north of the Ficher ditch. (the "North No-Build Area"). However, this commitment shall not preclude construction staging, construction trailers and construction offices, as well as the outside storage of materials and equipment in the North No Build Area during periods of construction on the Subject Property.

4. A complete set of drainage plans for the project on the Subject Property shall be submitted to the Franklin Township Civic League for review and comment at least ten (10) days prior to submitting same to the City of Indianapolis, Department of Business and Neighborhood Services, for a drainage permit.
5. Petitioner has started and shall diligently complete a traffic impact study ("TIS"), for the proposed data center project on the Subject Property per the scope required by the City of Indianapolis, Department of Public Works ("DPW") and the Indiana Department of Transportation ("INDOT"). Once completed and accepted by DPW and INDOT, Petitioner shall, in conjunction with the initial development of the Project, complete or contribute its proportionate share such infrastructure projects, including but not limited to, dedication of right-of-way, acceleration / deceleration lanes, lane dedications /extensions, and passing blisters, based on the recommendations of the TIS in order to provide an acceptable level of service at the intersections studied as part of the TIS. This commitment shall not be construed to be a prerequisite to the issuance of any improvement location permit required for the first building in the Project.
6. There shall only be one main and one construction entrance to the project on the Subject Property, via Post Road, generally in the location shown on the Site Plan, but subject to DPW or INDOT approval. If required by DPW, an emergency ingress / egress drive to and from the Subject Property shall be permitted along Vandergriff Road, in a location approved by DPW and applicable public safety agencies..
7. All freestanding lighting fixtures shall feature full cut off shields, and light omissions shall not exceed the maximum level of footcandles at the property line, as set forth in the Zoning Ordinance.
8. Petitioner shall install a ten foot (10") wide asphalt multi-use path along the Subject Property's frontage on Troy Avenue, within the right of way to be granted.
9. Except for emergency use of generators or periods of testing emergency generators, the maximum noise level at the property line once fully operational shall not exceed 65 decibels.

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2025-CZN-814 by the City-County Council changing the zoning classification of the real estate from a C4, DA, SU43 zoning classification to a C-S 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-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:



Photo of the subject site at 9500 Vandergriff Road looking west from Vandergriff Road.



Photo of the subject site at 9500 Vandergriff Road looking northwest from Vandergriff Road.



Photo of single-family dwellings southeast of Vandergriff Road.



Single-family dwelling south of 9500 Vandergriff Road.



Single-family dwellings south of the site north of Vandergriff Road.



A single-family dwelling south of 3610 Davis Road within the transmission line zoning district of SU-43.



Photo of the subject site looking north towards 3440 Davis Road.



Photo of single-family dwellings east of the subject site across Davis Road.



Photo of the transmission line easement that cuts through the subject site looking west.

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Photo of the property at 3430 Davis Road included in the subject site.



Photo of the property at 3410 Davis Road that is not included in the subject site.



Photo of the subject site at 9931 East Troy Avenue looking southwest.

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Photo of the subject site at 9931 East Troy Avenue looking northwest.



Photo of the property at 9931 East Troy Avenue looking southwest.



Photo of the property at 9611 East Troy Avenue looking southwest along Troy Avenue.

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Photo of single-family dwellings north of Troy Avenue.



Photo of the property at 9609 Troy Avenue looking south.



Photo of the property at 9406 Troy Avenue looking southwest.



Photo of single-family dwellings north of Troy Avenue.



Photo of single-family dwellings north of the site looking west along Troy Avenue.



Photo of single-family dwelling north of the site looking south along Post Road.



Photo of the subject site at 3043 South Post Road.



Photo of the subject site looking southeast from Post Road.



Photo of the religious use west of the site.



Photo of an auto auction west of the subject site.



Photo of the commercial properties west of the subject site.



Photo of the gas station west of the site.

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Photo of the subject site at 3511 South Post Road looking east towards the transmission easement.

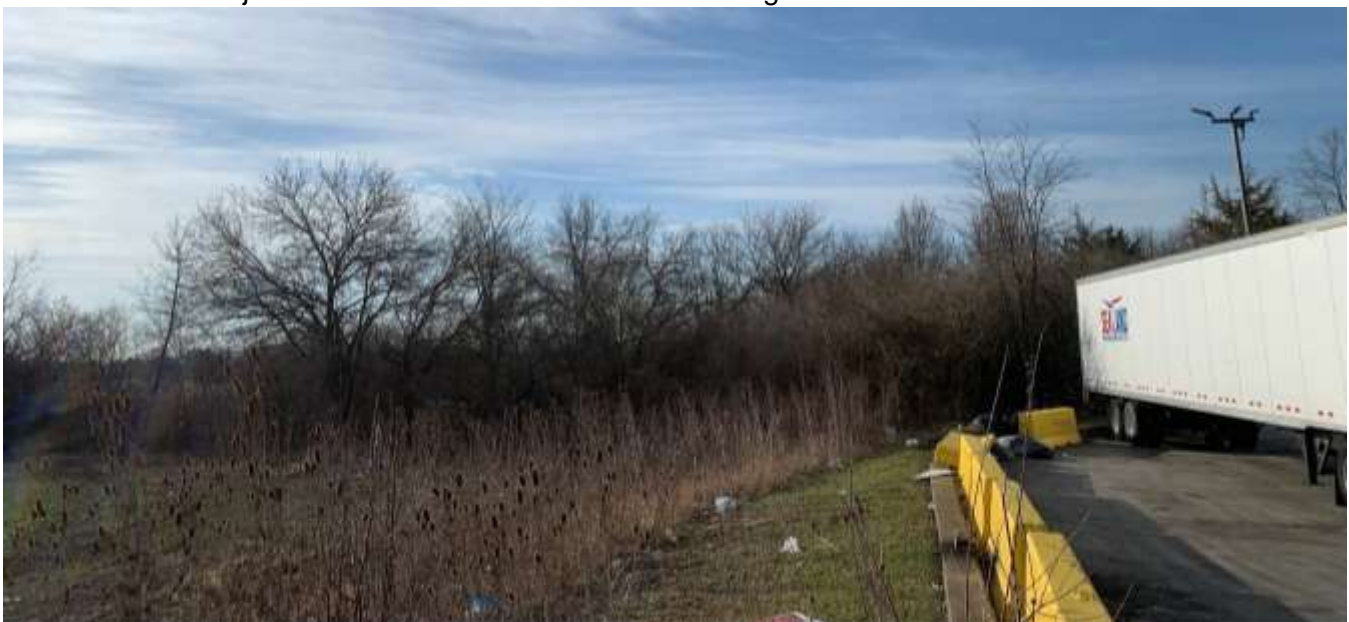


Photo of the subject site looking southeast towards the southern ditch that runs east to west.



Photo of the subject site looking southwest from Post Road.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2024

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

Property Address: 3146 North Temple Avenue

Location: Center Township, Council District #8

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

Current Zoning: D-5

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

Current Land Use: Vacant

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

Staff Reviewer: Denial of the variances of use and development standards.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

No new information has been submitted to the file, so staff's recommendations have not changed.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated April 11, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.

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6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

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

PLAT

Site Plan

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

Streets

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

Sidewalks

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

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

Waivers

None requested.

VARIANCE OF USE

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

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

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

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

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

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

VARIANCE OF DEVELOPMENT STANDARDS

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

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

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwelling
South:	D-5	Single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
North Temple Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology.

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

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

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

Site Configuration

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

Aesthetic Considerations

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

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Additional Topics

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

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

Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

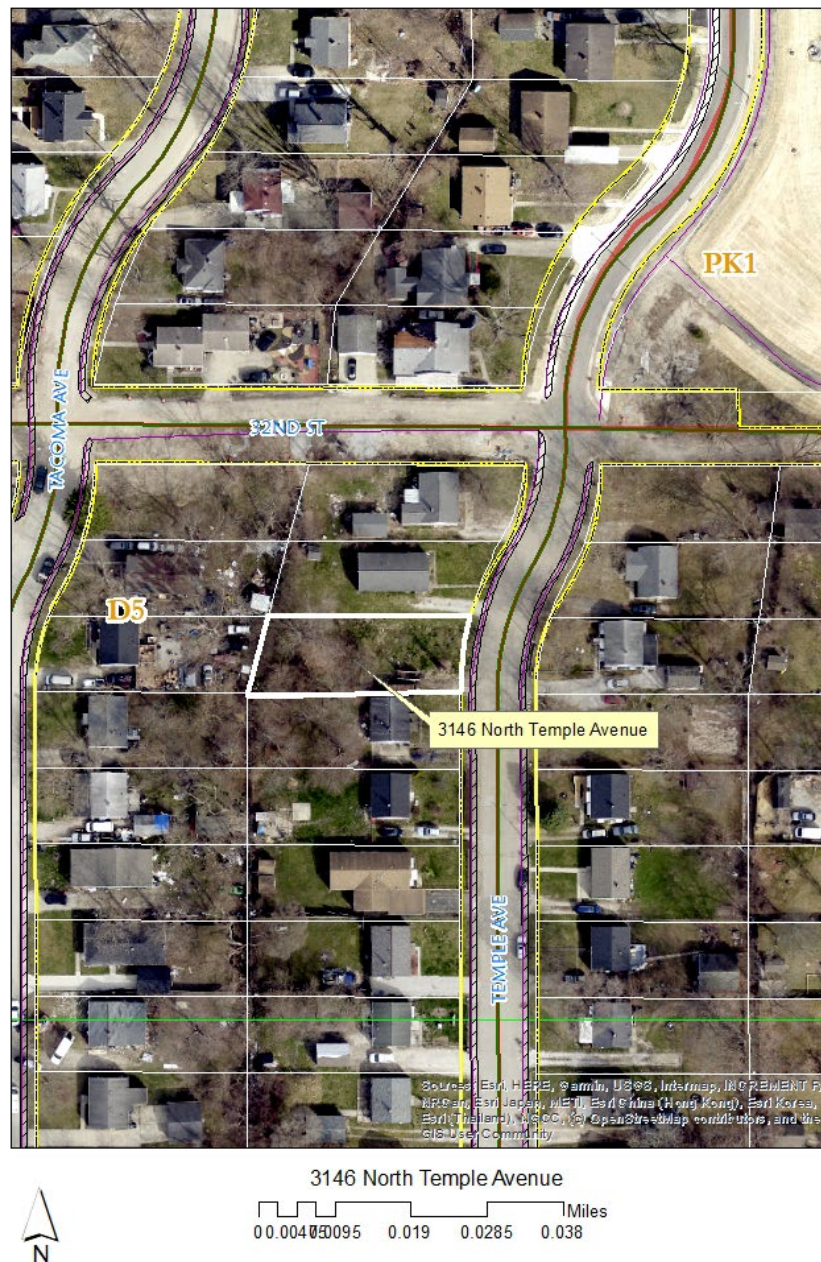


Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

None.

EXHIBITS



**VETERAN VILLAS
FINAL PLAT**

A REPLAT OF LOT 73 OF TACOMA VILLAGE
PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 04 EAST
CENTER TOWNSHIP, MARION COUNTY, INDIANA

VICINITY MAP
NOT TO SCALE

LEGEND

- New Property Line
- Property Line
- Adjacent Property Line
- Setback Line
- Easement Line

PROPERTY FACTS
CURRENT ZONING: D5

PREPARED FOR:
INDY REAL ESTATE CONSULTING LLC
6255 CARROLLTON AVE
INDIANAPOLIS, IN 46220

PREPARED BY:
SOLOMON CONSULTING
526 E. MORRIS STREET
INDIANAPOLIS, IN 46203
(317) 966-8319
info@solomon-consulting.com

2 of 2

Re-Plat
3146 N Temple Ave
Indianapolis, IN

Drawn By: L.B.S. **Checked By:** J.Barnes **Revision No.:** 1 **Revision Date:** 3/16/25

Scale: 1" = 20'

Sheet Number: 2

7. I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

WITNESS MY HAND AND SEAL THIS 20th Day of March, 2025.

James T. Barnes - Indiana Registered Land Surveyor No. 21900009

SURVEYORS CERTIFICATE

Lot 73 in Tacoma Village, an Addition to the City of Indianapolis, the plat of which is recorded as instrument number 27-055 and 27-056 in the Office of the Recorder of Marion County, Indiana.

This subdivision consists of 2 lots numbered 73A and 73B. The locations and dimensions of the lots, streets, and easements are as shown on this plat. The size of the lots and widths of streets as shown on this plat are in feet and decimal parts thereof.

I further certify that all monuments shown actually exist or will be installed in their position as correctly shown and that all dimensions and geodetic information are correct.

SM - 1 SITE MAP

SITE MAP NOTES

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

LAYOUT NOTES

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

PROPERTY NOTES

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

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

MAPINDY CONTOUR LINES



SQUARE FOOTAGE TABLE

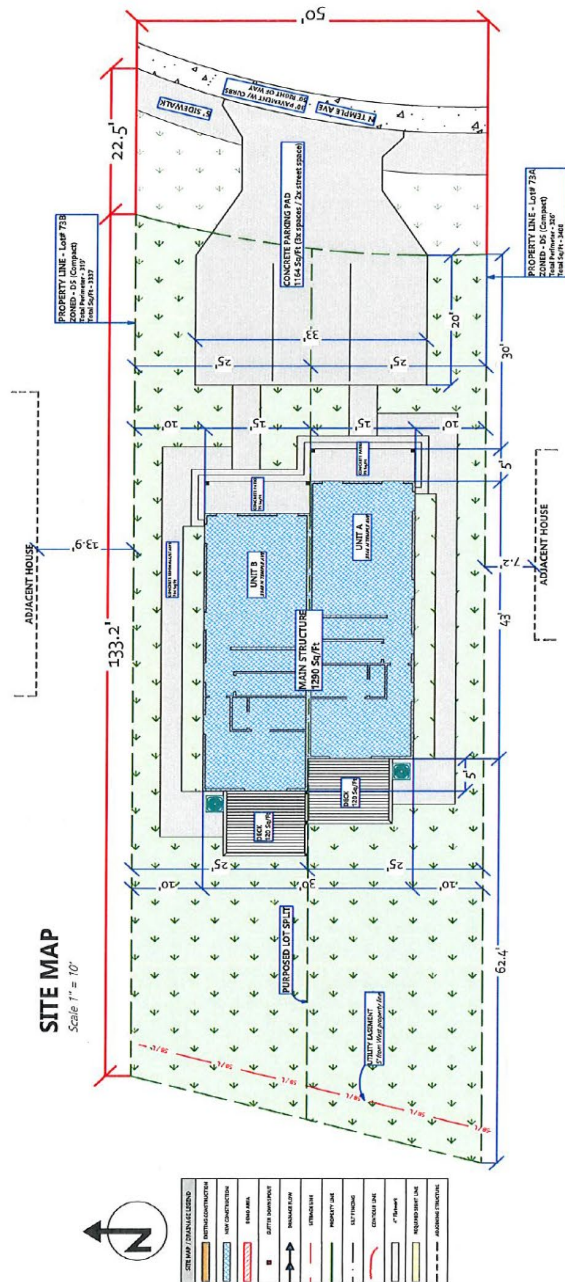
STRUCTURAL FOOTPRINT

Deck	Total Imposed Structural Footprint (Main Structure + Entry Porch)
1680 sq/ft (480 sq/ft Per Unit)	
TOTAL FINISHED SQUARE FOOTAGE (Cv.1)	1680 sq/ft
2400 sq/ft (1200 sq/ft Per Unit)	
TOTAL FINISHED SQUARE FOOTAGE (Cv.1)	2400 sq/ft
1200 sq/ft (600 sq/ft Per Unit)	
TOTAL FINISHED SQUARE FOOTAGE (Cv.2)	1200 sq/ft
1200 sq/ft (600 sq/ft Per Unit)	
TOTAL IMPOSED CONCRETE PATIO SQUARE FOOTAGE (Entry Porch)	1200 sq/ft
150 sq/ft (3 sq/ft Per Unit)	
TOTAL IMPOSED CONCRETE PATIO SQUARE FOOTAGE (Rear Deck)	150 sq/ft
240 sq/ft (120 sq/ft Per Unit)	
TOTAL IMPOSED CONCRETE PATIO SQUARE FOOTAGE (Stairwells + Stairs)	240 sq/ft
704 sq/ft (182 sq/ft Per Unit)	
TOTAL IMPOSED CONCRETE PARKING PAID FOOTPRINT	704 sq/ft
1164 sq/ft (291 sq/ft Per Unit)	
TOTAL IMPOSED CONCRETE PARKING PAID FOOTPRINT	1164 sq/ft

TOTAL SITE SQUARE FOOTAGE

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

SITE MAP



SITE MAP
Scale 1" = 10'

Scale 1" = 10'

DATE 2/15/2025

1 - WS

VETERAN VILLAS
3146 + 3148 NORTH TEMPLE AVENUE
INDIANAPOLIS, INDIANA 46218

 SHOFU DESIGN
 919 CORNELIUS AVENUE
 HIGHTSTOWN, NEW JERSEY 08520

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

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 _____



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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along North Temple Avenue



View looking south along North Temple Avenue



View of site looking west across North Temple Avenue



View of site looking northwest across North Temple Avenue

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



View of neighborhood looking southeast across North Temple Avenue



View looking south along North Temple Avenue

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 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 and C-3

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

ADDENDUM FOR JUNE 12, 2025 HEARING EXAMINER

This petition was continued from the May 29, 2025 hearing to the June 12, 2025 hearing to allow additional time for the notice requirement to be met.

May 29, 2025

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 (3) 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 10-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 Metropolitan Development
Division of Planning
Current Planning**

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.

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 and C-3	
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**.

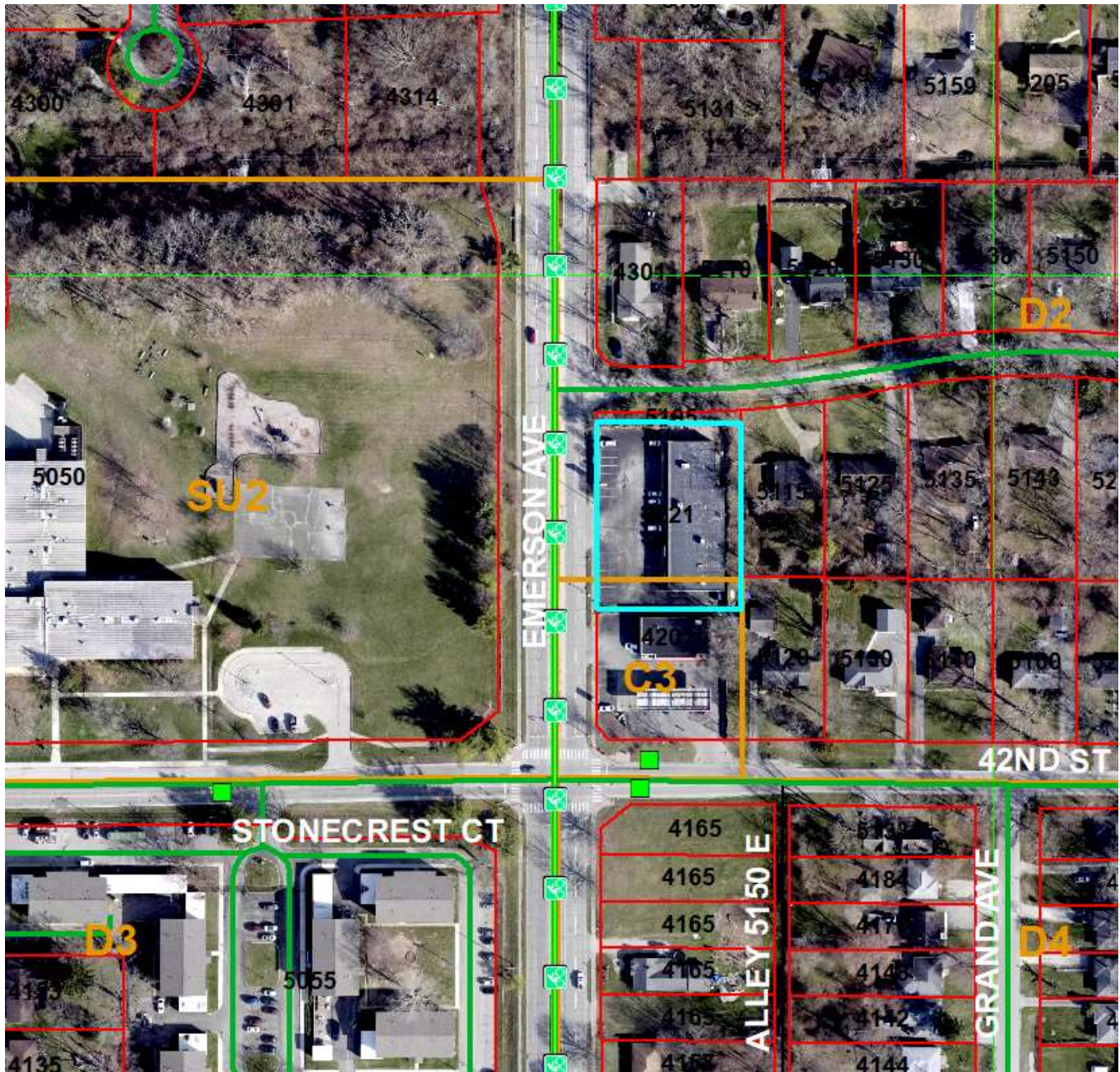
88-V3-132; 4201 North Emerson Avenue (south of site), Variance of development standards of the Sign Regulations to provide for two canopy signs with a setback of fifty-six feet (70 feet required), **granted**.

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

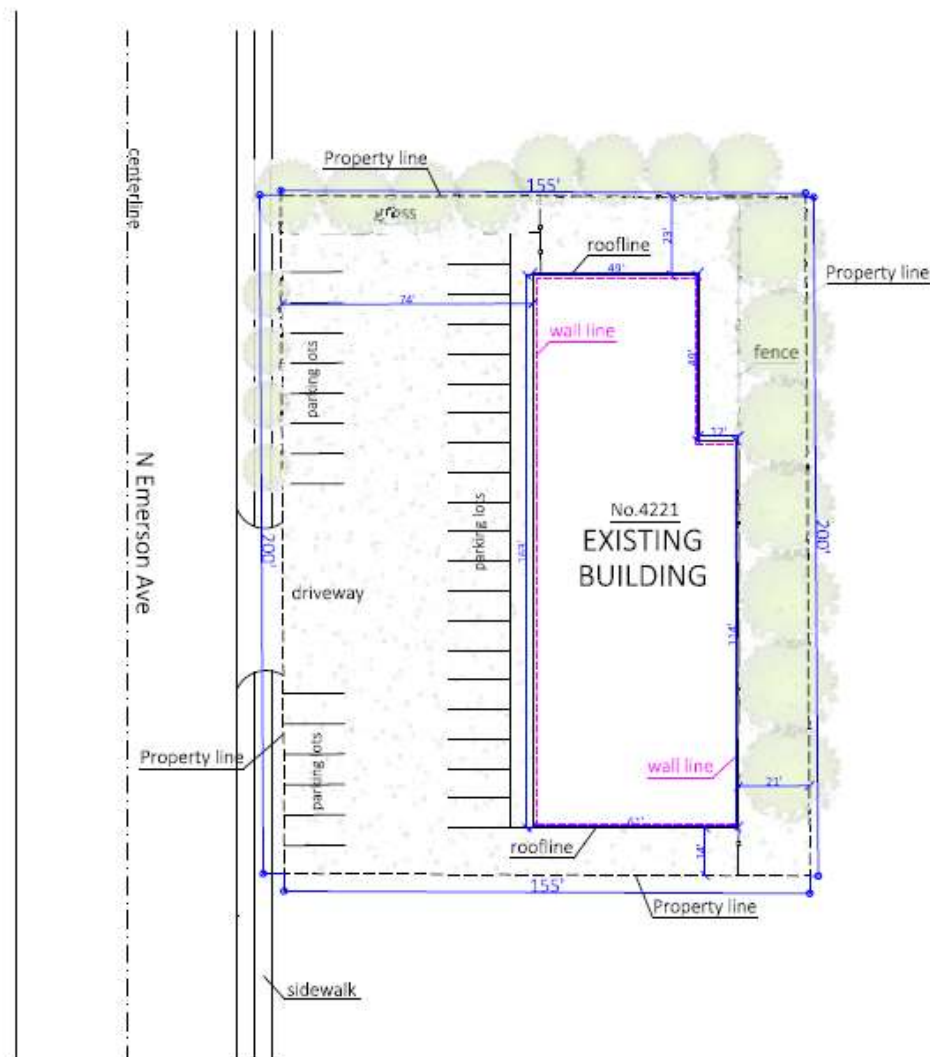


Department of Metropolitan Development
Division of Planning
Current Planning

1972 Aerial Photo



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"



This is not a legal survey, nor is it intended to be or replace one.
These measurements are approximate and are for illustrative purposes only.
This work product represents only generalized location of features, objects or landmarks and should not be relied upon or being legally authoritative for the precise location of any feature, object or landmark.

**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.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-MOD-011
Property Address: 3204 Queue Line Drive
Location: Center Township, Council District #8
Petitioner: Monon Development Group, LLC, by Christopher White
Current Zoning: C-S / I-2 / SU-1
Request: Modification of the Commitments and Site Plan related to 2021-ZON-069 / 2021-VAR-010, to modify Commitment #2 to permit development of the site in compliance with submitted building elevations and site plans filed with this petition (previous commitment required site plans, landscaping plans, and building elevations to be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit).
Current Land Use: Developing parcels
Staff Recommendations: Approval
Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial.

PETITION OVERVIEW

This request would provide for a modification of commitments and site plan for 2021-ZON-021 / 2021-VAR-010, to provide for a change to the proposed development of the northern-most portion of the original 14.49-acre site, named 'Monon 30'. The subject site was platted in 2024, via 2024-PLT-073 and is approximately 3.56 acres in size. It is located north of vacated 32nd Street, south of Sutherland Avenue and west of Dr. A.J. Brown Avenue. The site also abuts the Monon Trail, which is directly to the east.

Monon 30 is a 14.49-acre proposed mixed-use development, consisting of single- and multi-family dwellings, commercial retail, recreational, cultural, and industrial uses. As approved in 2021, the proposed development met the Comprehensive Plan recommendation of Village-Mixed-Use.

**Department of Metropolitan Development
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To date, one portion of the overall Monon 30 development has been constructed, directly east of the Monon Trail from this site, with multi-family dwellings. The building appeared to be complete and unoccupied on a staff site visit in May 2025. A few of the industrial buildings have been demolished.

The development statement for 2021-ZON-069 noted that this parcel (identified as 'Area B') would have "120, two- and three-story apartment homes with primary access from Winthrop Avenue, and an internal drive". Commitment #2 of the commitments related to 2021-ZON-069, indicated that the site would be subject to Administrator's Approval, which is typical of proposed development in C-S.

Proposed development in C-S require the submittal and review of a site and development plan. The Ordinance allows for such plans to be conceptual while progressing through the rezoning process. The site and development plan provides a guide to staff when development progresses through the permitting phase of development. The commitment for Administrator's Approval provides a mechanism for staff to hold the proposed development closely to the approved site and development plan. In 2024, such plans were submitted for Administrator's Approval, under 2024-ADM-264. Upon a thorough review of the plans, staff found that the proposed development would have 90 apartments (instead of 120 apartments), found side-loaded garages, rather than front-loaded garages, and discrepancies between submitted plans for permitting and for Administrator's Approval.

The development plan and site plan were approved for 120 dwelling units. The reduction to 90 dwelling units represents a 25% reduction in scope. The approved site plan also provides locations for on-site parking. The site plan does not detail the number of parking spaces; however, it does identify that greenspace would be provided between the attached dwelling unit buildings, west of the access drive. Additionally, the site plan also proposed 12 buildings.

The site plan filed for Administrator's Approval (2024-ADM-265) would provide for zero greenspace between attached buildings west of the access drive where side-loaded garages are proposed. Additionally, there would be 11 buildings.

The building elevations and site plan would change from front-loaded garages to side-loaded garages. The development, as amended, would go against one item, in particular, noted below in the Village-Mixed Use category: 'Large-scale housing should have parking behind or interior to the development'. Also, the change would provide for more parking than necessary, for 30 fewer units originally proposed. Finally, and perhaps most importantly, the proposed plan would reduce valuable greenspace.

Review of the plans submitted for permits identified 87 units were proposed, instead of the 90 units submitted for Administrator's Approval. Another plan for permitting also varied from the plan submitted for Administrator's Approval in regard to inconsistencies between the landscape plan and site plan. Additionally, the petitioner and the Department of Public Works and IndyParks are continuing discussions with the petitioner in regard to access to the Monon Trail. That review is not part of this petition.

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

GENERAL INFORMATION

Existing Zoning	C-S / I-2 / SU-1	
Existing Land Use	Developing parcels	
Comprehensive Plan	Village mixed-use.	
Surrounding Context	Zoning	Land Use
North:	D-9 / I-3	Industrial / Monon Trail
South:	C-S	Commercial retail / residential
East:	C-S / I-2	Monon Trail / multi-family dwellings
West:	D-5 (RC)	Single-family residential
Thoroughfare Plan		
Dr. AJ Brown Avenue	Secondary arterial	56-foot existing and proposed right-of-way
Sutherland Avenue	Local street	48-foot existing and proposed right-of-way
32 nd Street	Local street	48-foot existing and proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	Filed, May 8, 2025	
Site Plan (Amended)	N/A	
Elevations	Filed, May 8, 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	Filed, May 8, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village mixed-use for the site.

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

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

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.

- The following elements of the Pattern Book apply to this site:
 - *Attached Housing*
 - Recommended without additional conditions.
 - *Small-scale Multifamily Housing*
 - Mixed-Use structures are preferred;
 - Parking should be either behind or interior to the development.
 - *Large-Scale Multifamily Housing*
 - Mixed-Use structures are preferred;
 - Parking should be either behind or interior to the development;
 - Should be along an arterial or collector street.
 - *Assisted Living Facilities / Nursing Homes*
 - Should be in harmony with the surrounding neighborhoods and should site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses;
 - Should not be within 1,000 feet of a highway, freeway, or expressway.
 - *Group Homes*
 - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas;
 - Should be located adjacent to residential areas;
 - Should not be located on the same block as another group home.
 - *Artisan Manufacturing and Food Production*
 - Automotive uses are excluded;
 - Operations should be full contained within buildings;
 - Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location and vehicle and service area;
 - Should include a commercial component that is open to the public
 - *Small-Scale Offices, Retailing and Personal or Professional Service*
 - Mixed-Use structures are preferred;
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded;
 - Should not include outdoor display of merchandise.

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- *Small-Scale Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly*
 - If proposed within a one-half mile along an adjoining street of an existing or approved residential development, then connecting pedestrian infrastructure (sidewalk, greenway, or off-street path) should be in place or provided;
 - Mixed-Use structures are preferred;
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.

- *Large-Scale Schools, Places of Worship, Community Serving Institutions / Infrastructure, and Other Places of Assembly*
 - Should be located along an arterial or collector street;
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (side-walk, greenway, or off-street path) should be in place or provided;
 - Should be located within one-half mile of a bus or rapid transit stop;
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.

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

2021-ZON-069 2021-VAR-010; 1118 East 30th Street, 1120 East 32nd Street, 3112, 3118, 3122, 3132, 3212, 3216, 3228, 3254 Dr. Andrew J. Brown Avenue and 2906 Columbia Avenue, requested a rezoning of 14.49 acres from the I-2 and I-4 districts to the C-S district to provide for a mixed-use development consisting of single-family residential, multi-family residential, commercial, recreational, cultural and industrial uses, including but not limited to, retail sales; restaurants; pop-up events; freestanding vendors; temporary and permanent offices; meeting spaces; art galleries; displays and studios; food festivals; indoor and outdoor recreation and entertainment; artisan food and beverage; business home, personal services or repair; community, cultural and educational facilities; lodging; fitness activities; seasonal events; temporary events and outdoor display and sales; farmer market; outdoor displays, seating and sales; walk-up windows; grocery stores; parking; 120 two-three-story apartment homes on a private drive; and 220 multifamily units in a five-story building with 286 parking spaces; and including secured bike parking; fitness room /center; swimming pool; trail access' observation decks; specialty walkways and landscaping, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to eliminate the development standards of the C-S district and to provide for development generally consistent with the plans filed, **approved**.

2021-UV2-008; 3112, 3118 and 3122 Dr. AJ Brown Avenue and 1118 East 30th Street, requests a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary uses, including event center, museum, library, art gallery, artisan food and beverage, farmers market, eating establishment or food preparation, indoor recreation and entertainment, indoor spectator venue, outdoor recreation and entertainment, ongoing outdoor display and sales, outdoor seasonal produce sales, recreational vehicle parking, tattoo parlor, walk-up window; accessory uses including light general retail, commercial parking lot, automated teller machines, radio or television broadcasting antenna, game courts sign; temporary uses including temporary outdoor display and sales, produce sales, temporary outdoor events; to permit an accessory commercial parking lot, and to permit a 10-foot front yard setback along 30th Street, two-foot transitional west side yard setback, a zero-foot east side yard and zero-foot north rear yard (1118) and zero-foot front (without landscaping), side and rear yards, and to provide for 335 parking spaces, **withdrawn**.

2019-ZON-020; 2942, 2946, 2950 and 2954 McPherson Street, requested a rezoning of 0.5 acre from the D-5 district to the C-3 classification, **withdrawn**.

2019-UV3-008; 2954 McPherson Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, two-family dwellings, with six feet between dwellings, each with a 24' x 24' detached garage containing a 799-square foot dwelling unit (three dwelling units not permitted) on 40-foot wide,

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5,440-square foot lots (minimum 70-foot lot width and 7,200-square feet lot area required), **granted.**

2017-UV1-018; 1120 E 32nd Street, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an emergency shelter care / group home for up to 10 foster children between the ages of six and 17 (not permitted), **granted.**

2010-UV3-018; 3145 Dr A J Brown Avenue, Variance of use and development standards of the Commercial Zoning Ordinance to provide for a storage shed, with a six-foot side transitional setback (10-foot side transitional setback required) and a variance of development standards of the Sign Regulations to provide for a 10-foot-tall free-standing sign encroaching five feet into the right-of-way of Dr. Andrew J. Brown, **withdrawn**

2008-UV3-010; 3145 Dr A J Brown Avenue Variance of use and development standards of the Commercial Zoning Ordinance to provide for indoor sales, restoration and service of automobiles and motorcycles (not permitted), without off-street parking (minimum 30 parking spaces required for a freestanding retail use), with three parking spaces being located partially in the right-of-way of East 32nd Street with maneuvering area in the right-of-way of East 32nd Street (not permitted), and with three dumpsters being located in the required front yard along East 32nd Street (not permitted), **granted.**

2008-VAR-811 / 2008-VAC-811; 2939 Columbia Avenue and 2902 and 2906 Dr. Andrew J. Brown Avenue, requests a variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the manufacture of solvents, detergents and cleaners (not permitted), and provide for a 31,000-square foot building addition with a three-foot front setback from the east right-of-way line of Columbia Avenue, as proposed by the companion vacation petition (minimum twenty-foot front setback required), to provide for loading area within the required twenty-foot front yard along Columbia Avenue, and to provide for maneuvering area for loading vehicles within the right-of-way of Columbia Avenue and Vacation of a portion of Columbia Avenue, being eight feet in width, **granted and approved.**

2004-ZON-096; 3005-3025 Winthrop Avenue and 1102 East 30th Street, requests rezoning of 1.08 acres, being in the C-1 District, to the SU-1 classification to provide for religious uses, **approved.**

86-UV3-24; 2920 Martindale Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an off-street parking lot associated with an adjacent industrial operation, **granted, subject to the provision of landscaping.**

84-UV1-44; 3143 Winthrop Avenue; Variance of use of the Dwelling Districts Zoning Ordinance to provide for a 22' x 32' addition to an existing office building; **granted.**

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71-UV3-136; 3143 Winthrop Avenue; requests variance of use to provide for an addition to an existing office building; **granted.**

69-V2-206; 3143 Winthrop Avenue; requests variance of use to provide for an addition to the south side of an existing office building; **granted.**

69-V2-121; 2881 Columbia Avenue (south of subject site), requested a variance of use of the Industrial Zoning Ordinance to provide for the construction warehouse with reduced side and rear yard setbacks, **granted.**

65-V-448; 2920 Martindale Avenue (portion of subject site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an office building associated with an adjacent industrial operation, **granted.**

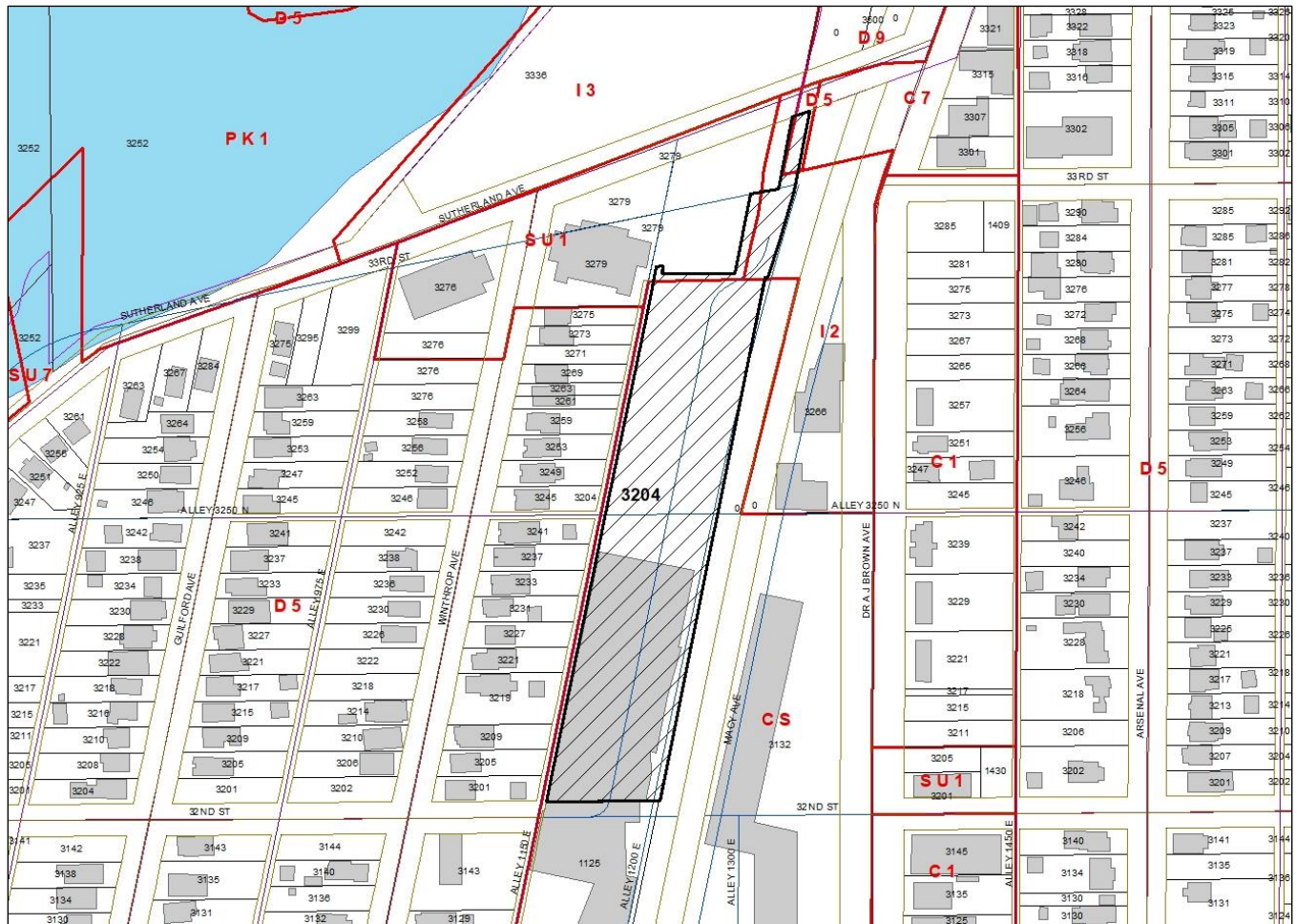
61-V-402; 2936 Martindale Avenue (portion of subject site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an off-street parking lot associated with an adjacent industrial operation, **granted.**

56-V-200; 2900 Columbia Avenue (portion of subject site), requested a variance of use to provide for a laboratory and off-street parking associated with an adjacent industrial use, **granted.**

23-V-146; 2900 Columbia Avenue (portion of subject site), requested a variance of use to provide for the construction of a factory for the manufacture of pen holders, **granted.**

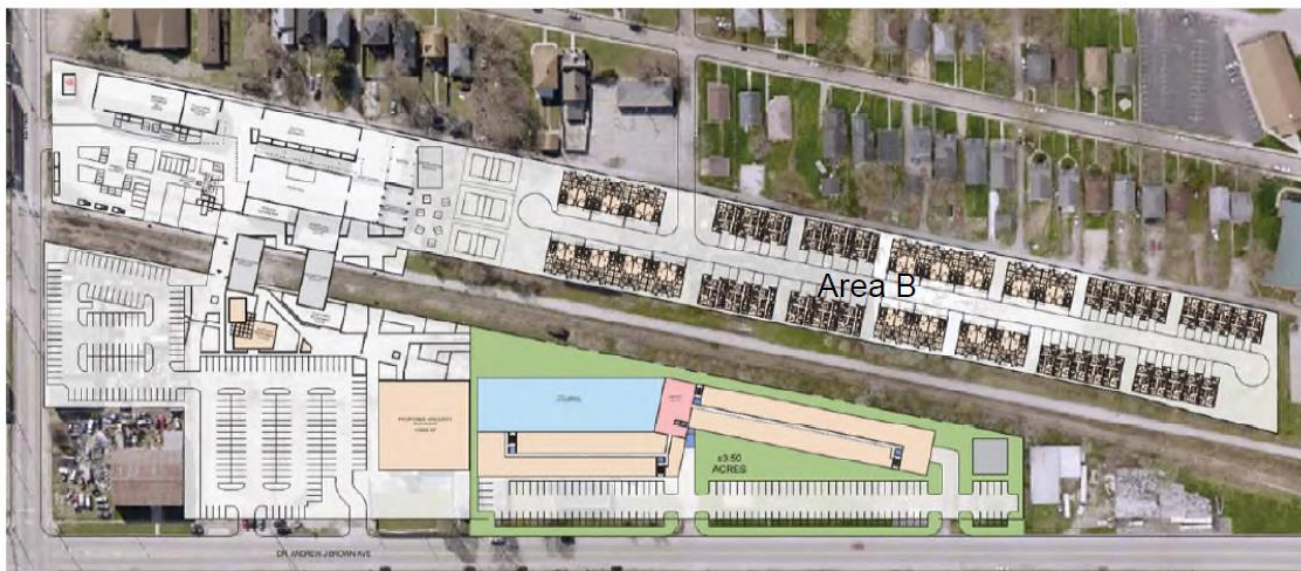
JY

EXHIBITS



Residential

The development of a diverse mix of new, modern, market rate housing types and sizes in conjunction with new and needed community and commercial placemaking spaces will activate and energize the neighborhood in a way that is welcoming to both existing and new residents.



Area B: 120 two and three story apartment homes with primary access from Winthrop Ave. and an internal private drive. Urban in character bordered by the Monon Trail and existing single family residences along Winthrop Ave.

Excerpt from the C-S Development Statement for 2021-ZON-069, with Area B identified.

North is to the right on the map.

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**KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 12

By: DC2

Jg

STATEMENT OF COMMITMENTS

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

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

Legal Description: Please see the attached.

Statement of COMMITMENTS:

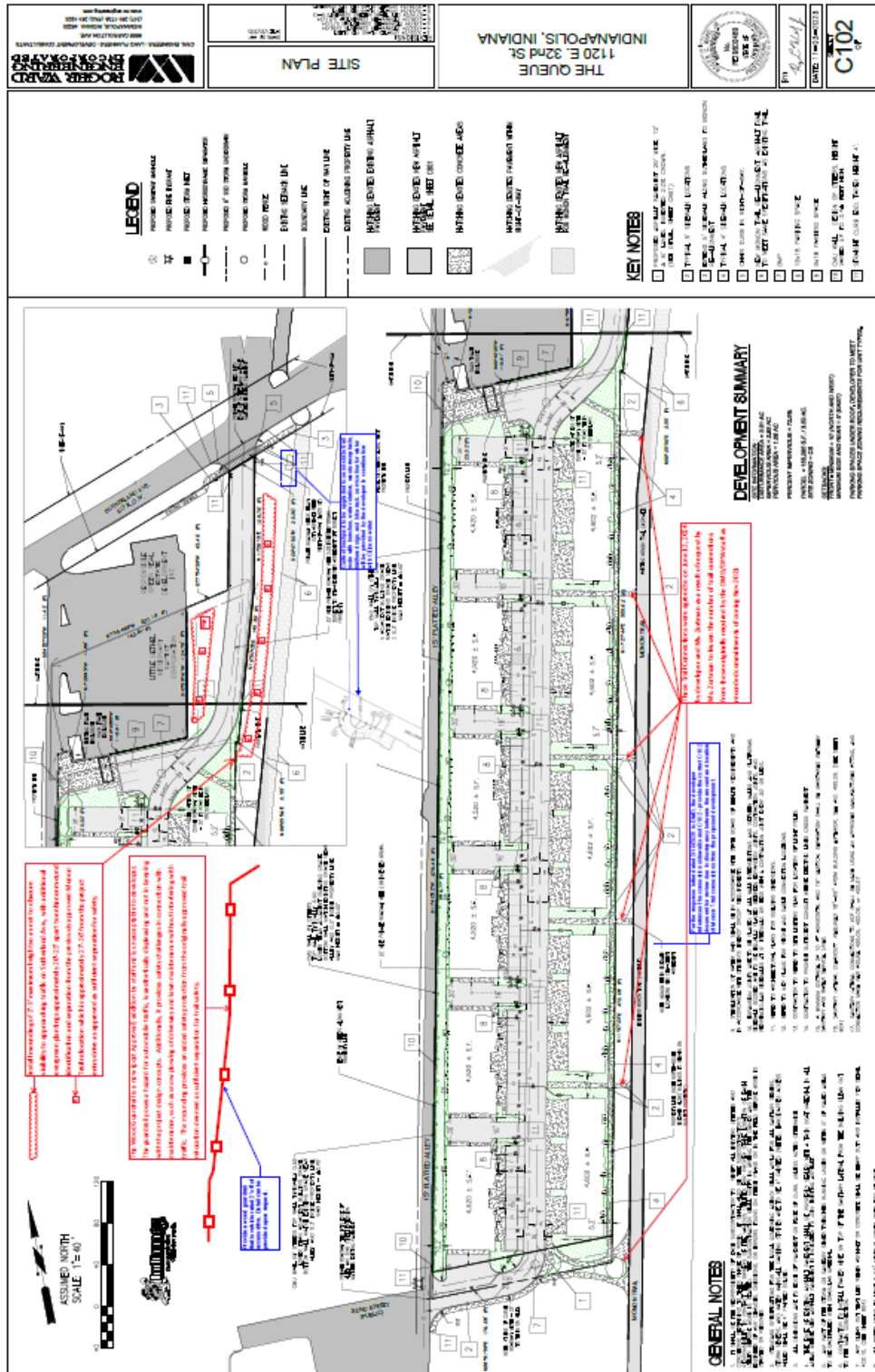
1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Final site plans, landscaping plans and building elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

Portion of page one of the recorded commitments for 2021-ZON-069.



Portion of the approved site plan zoomed in to the subject site.

Department of Metropolitan Development
 Division of Planning
 Current Planning



Proposed site plan filed under 2024-ADM-264.



BACK ELEVATION VIEW

THE FLATS
 Monon 25
 Indianapolis, Indiana
 November 24, 2020

architects forum
8000 NORTH REVER RD SUITE 200 INDIANAPOLIS INDIANA 46240 317 842 8500

Proposed building elevation, as approved under 2021-ZON-069 / 2021-VAR-010. Note the front-loaded garages.



Birds-eye views of proposed building elevations and site plan layout. Note the paved garage access between the buildings to access side-loaded garages.



View of site (to the right of Monon Trail) from Sutherland Avenue looking south.



View of the site as it connects to Sutherland Avenue, looking south.



View of the site looking northeast from 32nd Street



View of the site from 32nd Street looking east. Newly constructed multi-family dwellings (east of the site) are in the background.



View of the site from the alley, looking east



View of the site from the alley, looking southeast

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-048
Property Address: 122 and 130 West Raymond Street (Approximate Address)
Location: Center Township, Council District #18
Petitioner: Kio Hmung, by Raymond A. Basile
Current Zoning: C-1
Request: Rezoning of 0.23-acre from the C-1 district to the C-4 district to provide for an automobile repair shop.
Current Land Use: Single-Family Dwelling
Staff Recommendations: Denial.
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff is recommending **denial** of this petition.

PETITION OVERVIEW

LAND USE

This 0.23-acre subject site consist of three (3) developed parcels (Parcel IDS: 1013944, 1056549, and 1032568). It is surrounded by single-family residential to the east, zoned C-5, auto & truck service to the south, zoned C-7, single-family residential to the west, zoned C-1, and a commercial parking lot to the north, zoned C-7.

REZONING

This petition request would rezone the property from the C-1, Office-Buffer, District to the C-4, Community-Regional Commercial, District to allow for an automobile repair shop.

C-1 is the Office-Buffer District, which includes most types of office uses.

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

STAFF ANALYSIS

The subject property is located within the James Frank's Addition, a 20-lot residential subdivision originally platted on October 3, 1875. While the area has changed to include a mix of commercial uses, particularly auto related uses, such as auto sales, repair, and fueling stations.

A rezoning from C-1 to C-4 would significantly expand the range of permitted uses on the site, including more intense vehicle-related activities and outdoor operations. While the surrounding area includes some commercial uses, staff has concerns about the appropriateness of introducing C-4 zoning on a site of this limited size.

The subject property, at just 0.23 acres, poses site constraints related to maneuverability, vehicle storage, and overall site functionality. Outdoor storage associated with automobile repair would likely be visible from adjacent properties and public rights-of-way, contributing to negative visual impacts and potentially affecting neighborhood character.

According to the Comprehensive Plan, the site is recommended for the Community Commercial typology, which envisions low-intensity commercial, and office uses in freestanding buildings or small-scale integrated centers. Appropriate uses include small-scale shops, personal services, professional and business offices, restaurants, and small-scale retail—not auto repair or storage-intensive businesses.

Given the limited size of the site, the potential for outdoor storage, and the incompatibility of the proposed use with the recommended land use typology, staff recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Single-Family Residential	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-7	Commercial (continental)
South:	C-7	Commercial (Auto & Truck Services)
East:	C-5	Commercial (Auto Services)
West:	C-1	Residential (Single-family dwellings)

Thoroughfare Plan		
South Capitol Avenue	Local Street	Enter ROW Requirement vs Proposed
West Raymond Street	Primary Arterial	
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 2, 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 Patter Book (2019)
- Indy Moves (2018)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

- IndyMoves (2018)
- Raymond Street Corridor

ZONING HISTORY

Vicinity

2005-APP-830; 116 West Raymond Street (east of site), Modification of Commitments related to petition 94-Z-87 to eliminate Commitment # 2 that prohibited outside operations, and to modify Commitment # 4 to provide for a landscape buffering along the southern property boundary where a privacy fence had been required, **withdrawn**.

2005-VAR-830; 116 West Raymond Street (east of site), provide for 29,247.6 sf.. of outside storage area (max. 2,000 sf.. of outside storage area permitted), w/ outside storage area located 20 ft. from a protected district (storage of materials or products within 500 ft. of a protected district prohibited unless contained) in I-2-S (FF), **granted**

2003-ZON-128; 116 West Raymond Street (east of site), Rezone 1.58 acres, being in the C-1 District, to the C-5 Classification to provide for auto sales, **approved**.

2002-ZON-809; 51 West Raymond Street (southeast of site), Rezone 1.84 acres, from the C-7 and D-5 Districts to the 1-2-5 classification to provide for light industrial suburban development.

2002-VAR-809; 51 West Raymond Street (southeast of site), Variance of use of the Industrial Zoning Ordinance to legally establish an automobile and truck service repair business (not permitted).

2002-AP3-002; 51 West Raymond Street (southeast of site), requests a termination of commitments, related to petition 83-UV3-64

97-UV1-87; 202 West Raymond Street, requests a variance of use of the Commercial Zoning Ordinance to provide for the conversion of a single-family residence into a two-family residence, **granted**.

93-Z-63; 51 West Raymond Street (southeast of site), requests a rezoning of 1.84 acres, from C-7 and I-2-S to C-7, for an automobile service facility and a natural gas refueling station, **approved**.

88-Z-153; 111 West Raymond Street (south of site), requests a rezoning of 6.4 acres, being the I-2-S District, to the C-7 Classification to provide for commercial development, **withdrawn**

87-UV1-140; 116 West Raymond Street (east of site), requests a variance of use of the Commercial Zoning Ordinance to provide for an autobody shop and engine repair in a detached garage, **granted**

86-Z-67; 51 West Raymond Street (southeast of site), request rezoning of 1.83 acres, being in the I-2-S and C-1 districts, to the C-7 classification, to provide for auto and truck repair, **approved**

86-UV1-140; 116 West Raymond Street, requests a variance of use of the Commercial Zoning Ordinance to provide for an autobody shop in a detached garage, **denied**.

86-Z-64; 51 West Raymond Street (southeast of site) request rezoning of 1.83 acres, being in the I-2-S and C-1 districts to the C-7 classification to provide for Auto repair, **Approved**.

86-HOV-128; 51 West Raymond Street (southeast of site), requests a variance of development standards to provide for buildings addition 29.7 feet right-of-way of Tabor Street, **approved**.

85-UV2-50; 116 West Raymond Street (east of site), requests a variance of use of the Commercial Zoning Ordinance to provide for the construction of a residential garage, **granted**.

83-UV3-64; 51 West Raymond Street (southeast of site), requests a variance of use to provide for auto service and repair with outdoor storage of automobiles while awaiting service, **approved**.

82-Z-34; 51 West Raymond Street (southeast of site), requests a rezoning of 1.66 acres, being in the C-1 and I-2-S Districts, to the C-5 classification to provide for an Auto repair business, **Withdrawn**.

78-Z-202; 201 West Raymond Street (southwest of site), request rezoning of 9.46 acres, being in the I-2-S District, to the I-50-S classification to provide for storage of damaged automobiles, **withdrawn**.

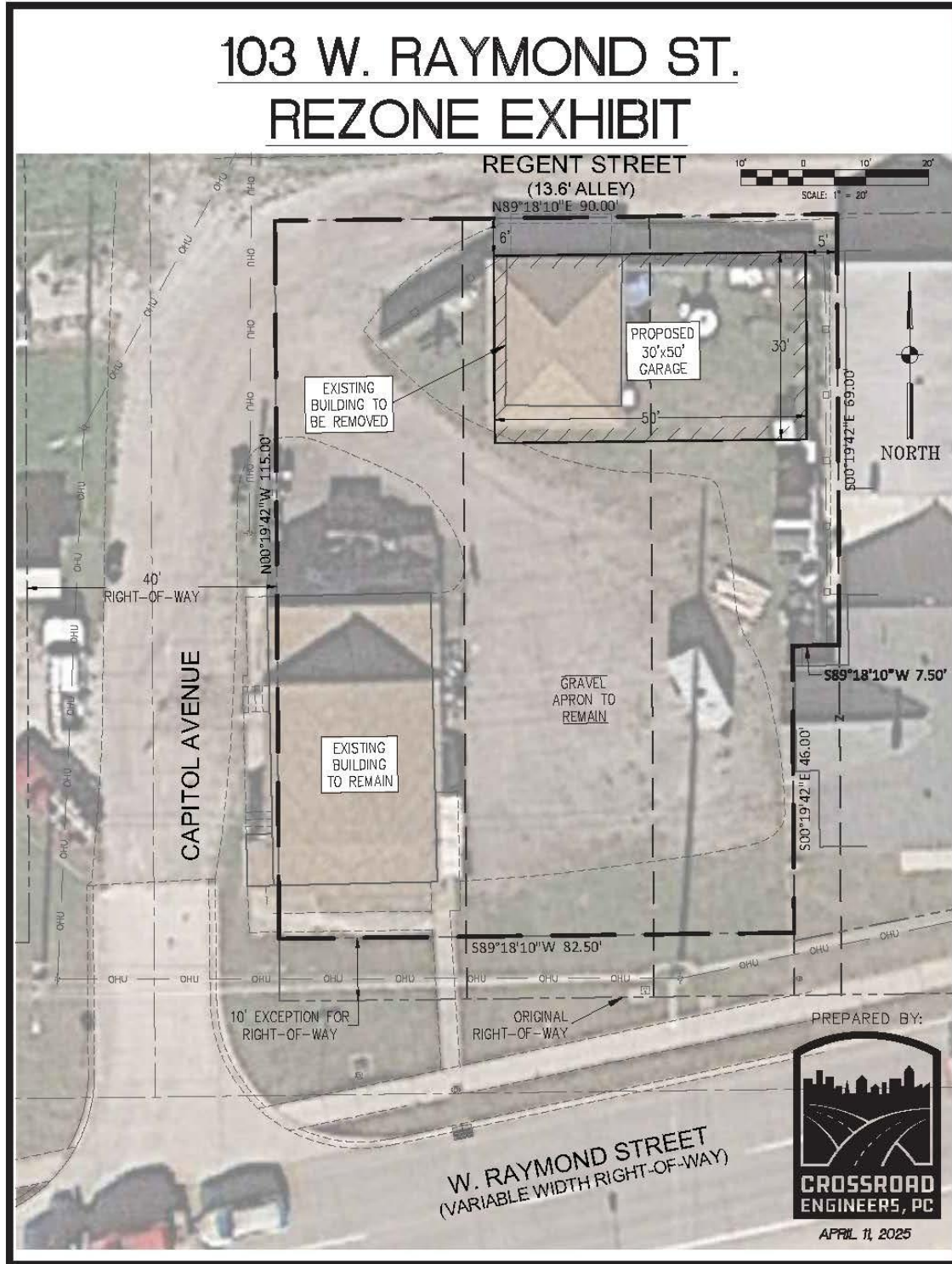
73-Z-178; 201 West Raymond Street (southwest of site), request rezoning of 9.46 acres, being in the D-8 District, to the I-2-S classification to provide for specified uses, **approved**.

71-Z-191; 111 West Raymond Street (southwest of site), request rezoning of 2.26 acres, being in the C-1 and D-5 Districts, to the D-8 classification to provide for apartments, **approved**.

70-Z-159; 111 West Raymond Street (south of site), request rezoning of 7.2 acres, being in the D-5 and SU-3 Districts, to the D-8 classification to provide for apartments, **approved**.

EXHIBITS





Petition Number 2025-ZON-048

**METROPOLITAN DEVELOPMENT COMMISSION
METROPOLITAN BOARD OF ZONING APPEALS
HEARING EXAMINER
OF MARION COUNTY**

PETITION FOR REZONING

DETAILED DESCRIPTION

Petitioner: Kio Hmung

Proposed Development:

Hmung plans to first fully clean and clear out the three-parcel property to make it more visually appealing from the nearby roads and adjacent parcels. The property would then be used as a small vehicle service center. A site plan also accompanies this description that identifies the proposed development and layout.

Proposed Plan of Operation:

After cleaning the property up, Hmung plans to tear down the detached approximately 750 square feet garage and build a new larger and more modern garage to be used as a small automobile repair shop. The work would be limited to engine, transmission and other mechanical repairs and not any body repair work. All repairs would be performed inside the garage. All tools and equipment will be stored within the detached or attached garages. Vehicles in with queue to be serviced will be parked in an orderly fashion and removed promptly.

Importantly, the new detached garage doors will face west or north, away from Raymond Street and toward other commercial lots, vacant lots and/or the large Superior Industrial facility. There is a second approximately 365 square feet garage attached to the north side of the residence, which doors face west and away from Raymond Street that may be used to store equipment if needed.

There will be only one or two mechanics working on the property. In light of the small number of parking spaces and garage sizes, it is not anticipated that there will ever be more than approximately 5-6 vehicles total within the garages and parking spaces.

There will be no free-standing signs. A single sign may be placed on the new detached garage that will be built which will face either west or north, away from Raymond Street.

If it is desired by the City, the petitioner would be willing to add a fence and a reasonable amount of landscaping on the south side of the property facing Raymond Street to shield the view of the operations and also improve the visual appearance of the property.

Conformity to Neighborhood Zoning and Uses:

Conformity of Zoning

Hmung believes this will be a good addition and great fit within the neighborhood based upon the other developments in the area. The entire neighborhood is predominately zoned Commercial in some fashion. Immediately to the east, 118 W. Raymond is zoned C-5, as is the next parcel at 108 W. Raymond. Several C-1 zoned parcels continue to the east before the gas station at 2160 S. Meridian which has a split C-3 and C-7 zoning.

To the north, northeast and northwest of the subject parcels, each of the properties is zoned C-7, including the 2171 Bluff Avenue and 118 W. Raymond properties. Further to the north is the large Superior Industrial property at 2120 S. Meridian which is also zoned C-7.

The west, there are several C-1 zoned properties before reaching yet another C-7 property at 2173 Bluff Avenue. To the south there are several large commercial and industrial properties.

Conformity of Uses

Not only is the proposed zoning consistent with the surrounding commercial and industrial zoning, but the proposed use is also consistent with the surrounding uses. To the immediate south is a large auto and truck service center, which is adjacent to two other commercial operations. On the north side of Raymond Street to the north, east and west of the subject parcels, there are: (a) two used car dealerships, (b) two towing companies, (c) a gas station and (d) a large industrial operation.

The addition of a small, well-maintained automobile service center right in the heart of these other commercial and industrial uses is a perfectly consistent use.

Application of the Comprehensive Plan

The Comprehensive Plan indicates a "Community Commercial" use for the subject parcels, described in part as a "low intensity commercial and office use that serves nearby neighborhoods." As an initial matter, Hmung believes that a small automobile service shop would be a low intensity commercial operation that serves nearby neighborhoods. Because of the relatively small overall lot size, there will be no more than 5-6 vehicles located on the property, with at least two of them located within one or both garages. Moreover, as a small service shop, it is not going to draw business from a regional area but instead will derive nearly 100% of its business from the nearby neighborhoods.

Moreover, it would be both unfair and unwise to judge these properties against the Community Commercial designation. The reality is that very few of the surrounding properties conform to Community Commercial. In addition, the prospect of a developer purchasing 130 W. Raymond and using it for a professional or business service, grocery store, drug store or restaurants is nothing more than a pipe dream. Instead, the perfect fit (as described above) is a small, well-maintained automobile service center.



Figure 1: View from S. Capitol looking onto W. Raymond St.



Figure 2: View of Subject Primary Building



Figure 3: View of garage to be expanded.



Figure 4: View of existing fence



Figure 5: View from subject property looking across West Raymond Street



Figure 6: Looking at the Intersection of W. Raymond St. and S. Capitol St.



Figure 7: Looking along W Raymond St. towards S Meridian St.



Figure 8: View of the primary building on site.



Figure 9: View of the alley located behind subject site



Figure 10 View from S Capitol looking west



Figure 11 view of house garage, on subject property.



Figure 12 view of Alley

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-050
Property Address: 526 and 534 South Keystone Avenue (Approximate Addresses)
Location: Center Township, Council District #18
Petitioner: Miguel Villasol, by Mark and Kim Crouch
Current Zoning: D-5
Request: Rezoning of 0.37-acre from the D-5 district to the D-5II classification to provide for residential uses.
Current Land Use: Single-family dwelling and undeveloped lot
Staff Recommendations: Approval with commitments.
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 (3) days prior to the MDC hearing:

1. A 24-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).
2. A 24-foot half right-of-way shall be dedicated along the frontage of Spann 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 0.37-acre subject site is comprised of two (2) parcels located in the Christian Park neighborhood. The site is surrounded by single-family dwellings west, east, and south of the site, zoned D-5, and a commercial property to the north split zoned D-5 and C-3.

REZONING

The grant of the request would rezone the site from the D-5 district to the D-5II district to provide for residential uses. Per the conceptual site plan, it appears that rowhouses would be proposed.

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

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Keystone Avenue and 24-foot half right-of-way along Span Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-5II district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per a 1915 Sanborn Map. The dwelling district would also align with the Traditional Neighborhood recommendation of the Comprehensive Plan that contemplates a variety of housing types.

The petitioner was notified that the conceptual site plan, if pursued, would require a side setback variance for the corner lot. Further review of the site plan indicated that the front setback range of 10 to 19.9 feet would need to be met as well. All development of the site would need to meet TABLE 742.103.03 and TABLE 744-701-2 for Terrace Frontage design standards. Staff would not recommend approval of variances from the Design Standards.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwelling and undeveloped lot	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Commercial
South:	D-5	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwelling)
Thoroughfare Plan		
Keystone Avenue	Local Street	48-foot proposed right-of-way and 44-foot existing right-of-way.
Spann Avenue	Local Street	48-foot proposed right-of-way and 40-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 5, 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)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

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

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- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary dwelling units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:**
The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location

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

Indy Moves

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

- Not Applicable to the Site.



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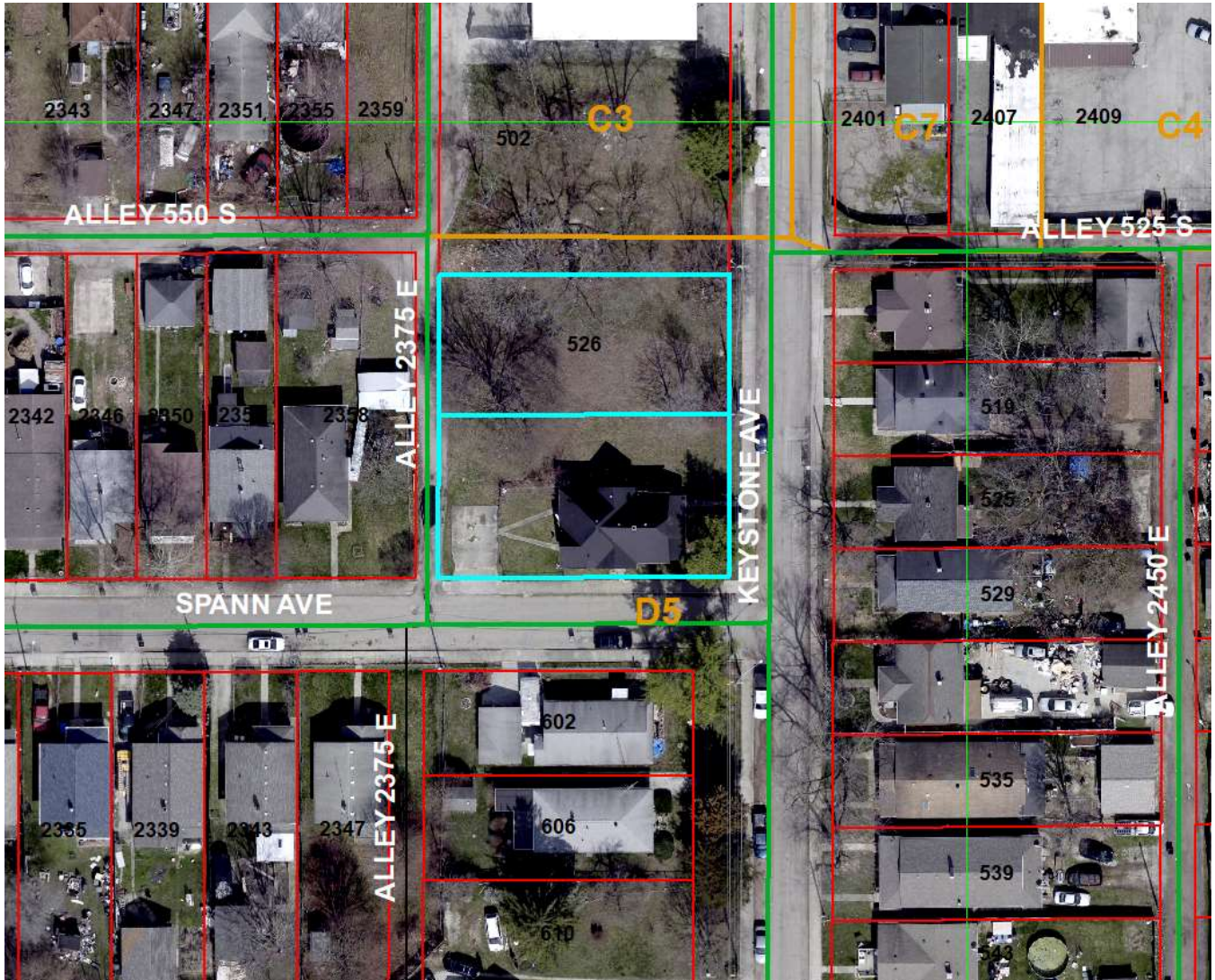
ZONING HISTORY

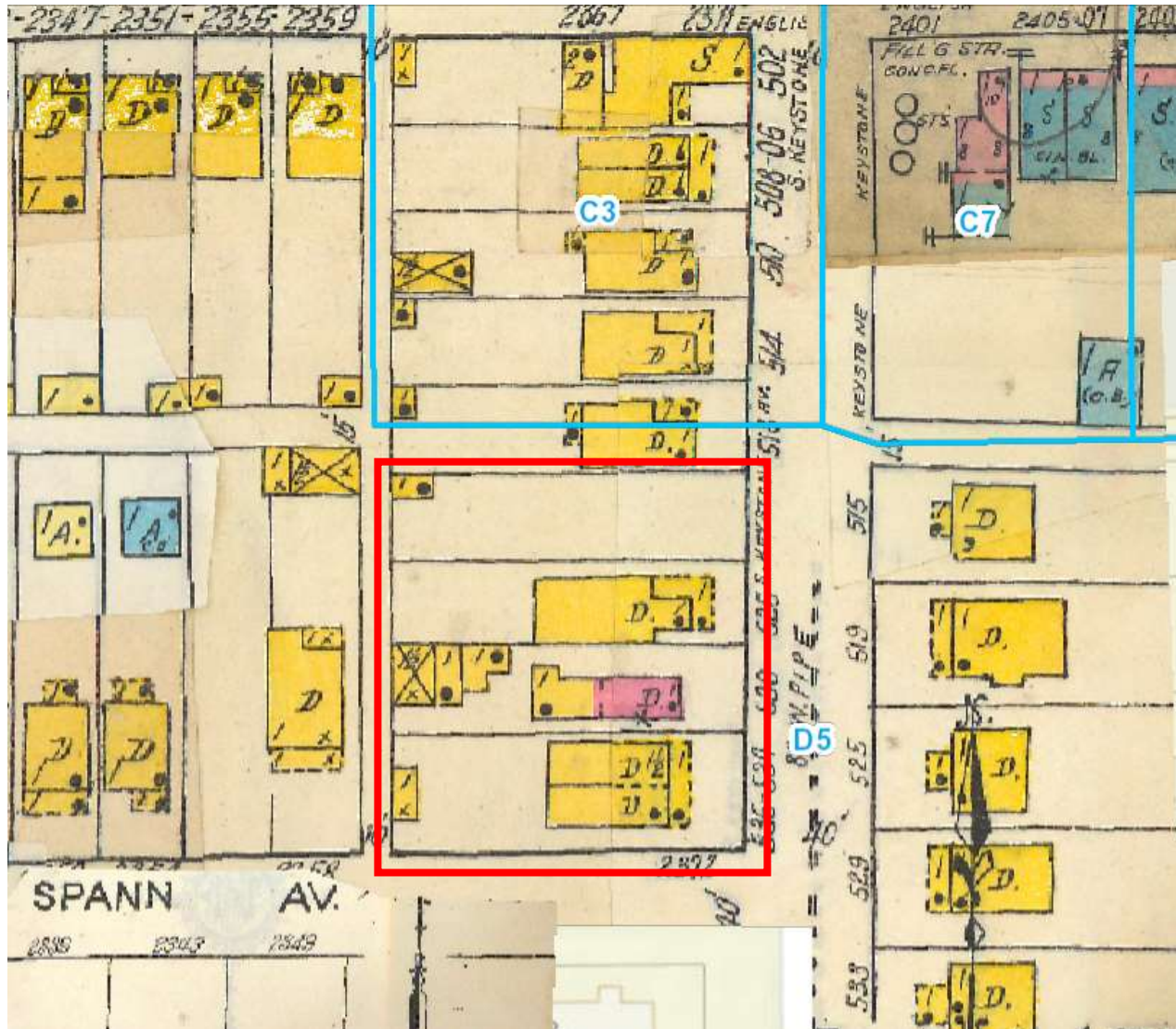
Zoning History – Vicinity

2024-ZON-037; 2362 English Avenue (north of the site), Rezoning of 0.112-acre from the C-3 district to the D-5II district to provide for residential uses, **approved**.

95-Z-157; 2409 and 2411 English Avenue (northeast of the site), Rezoning of 0.6 acre, being in the C-7 District, to the C-4 classification to conform existing commercial uses, **approved**.

EXHIBITS





1915 Sanborn Map



Photo of the subject site at 534 South Keystone Avenue.



Photo of the subject site at 526 South Keystone Avenue.



Portion of the commercial property north of the subject site.



The remainder of the commercial property north with a commercial building.

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Single-family dwellings east of the site.



Photo of single-family dwellings south of the site.



Single-family dwelling west of the site.



Photo of the rear yard of the two subject sites looking northeast along the rear alley.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-052
Property Address: 4446 Mann Road (Approximate Address)
Location: Decatur Township, Council District #21
Petitioner: Dave and Sons Properties II, by David Gilman
Current Zoning: C-3
Request: Rezoning of 0.825-acre from the C-3 district to the C-4 district for an automobile fueling station and a convenience store.
Current Land Use: Commercial
Staff Recommendations: Denial
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **denial** of this request. However, should the Hearing Examiner approve this petition, staff requests that the approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of Mann Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

This 0.825-acre subject site is zoned C-3 and developed with a vacant 2,222-square-foot car wash. To the north is a Domino's Pizza, also zoned C-3. To the east, zoned D-4, is single-family residential. To the west is a religious use (church) zoned SU-1. The parcel to the south is currently vacant, but further south is The Mayflower Park Subdivision, which was platted in 1961



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(63-P-39,60-P-101) and largely built out by 1966. The Manchester Village apartments, located to the north was constructed by 1972. The commercial node, of which the subject property would be a part, began to develop in the late 1970s.

REZONING

This petition request would rezone the site from C-3 (Neighborhood Commercial) District to the C-4 (Community-Regional) District.

C-3 is the Neighborhood Commercial District 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.

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

TRAFFIC STUDY

A trip generation analysis indicates that approximately 58% of traffic generated by the proposed development would travel north on Mann Road, while 42% would travel south. No peak-hour trips are expected to use the access road west of the site.

To mitigate potential traffic impacts, a northbound left-turn lane and a southbound right-turn lane are recommended. The post-development level of service (LOS) for the affected intersection remains consistent with existing conditions

STAFF ANALYSIS

This petition requests a rezoning from the C-3 district to the C-4 district. The C-3 district is intended for neighborhood-serving retail and service operations. The C-4 district is intended for major business groups, regional-sized shopping centers, and heavy traffic generators. Some typical C-4 land uses that are not permitted in the C-3 district are motels, heavy general retailing, liquor stores, and vehicle-related uses such as car washes, gas stations, and auto repair.

The subject site was zoned C-3 in 1976 (76-Z-119). In 1984, a Variance of Use (89-UV3-14) was granted that provided for a car wash (Automobile and Light Vehicle Wash). This is a use that is permitted in a C-4. The petition was recommended for approval by the staff, in part, because of the "relative small scale of the proposed use" and that the proposed use would be

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separated from the “residences to the south by a distance of approximately three hundred feet.” In 1977, a Modification (77-AP-166) was approved expanding the use to have an additional driveway and sign.

In 2013, a Variance of Development Standards (2013-DV1-051) was granted that provided for commercial development with a deficient number of parking spaces and carry-out food service within 100 feet of a protected district. The grant of the variance was subject to a list of commitments including a prohibition on electronic variable message signs and the exclusion of all adult-oriented businesses, check cashing facilities, cash for gold or silver facilities, billboards, liquor stores, taverns, drive-up windows, oil lube services, tattoo parlors and pawn shops.

In 2021, a rezoning petition (2021-ZON-019), was denied, this would have rezoned the property to the south, from C-3 district to the C-4 districts, Staff recommended denial, in part, because “C-4 permits land uses that are too intense to be in such proximity to dwellings”.

The current proposal includes a 3,000-square-foot building with four (4) fueling islands, 11 parking spaces, and two (2) access points. This represents a substantial increase in the intensity of use compared to surrounding properties. The site would function as a standalone commercial use surrounded on all sides by less intense zoning districts.

Given the increased intensity, the existing residential adjacency, and prior staff positions on similar requests, staff recommends **denial** of this petition

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Commercial
South:	C-3	Commercial
East:	D-4	Residential (Single-family dwelling)
West:	SU-1	Religious (Church)
Thoroughfare Plan		
Mann Road	Primary Arterial	70-foot existing right-of-way and a 119-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 31, 2024	

Site Plan (Amended)	N/A
Elevations	May 8, 2025
Elevations (Amended)	N/A
Landscape Plan	January 31, 2024
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 (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Thoroughfare Plan (2019)

ZONING HISTORY

SITE

89-UV3-14; 4445 Mann Road (subject site), requested a variance of use to provide for a car wash in a C-3 district, **granted**

77-AP-166; 4390 Mann Road (subject of site), requested a modification of site plan to provide for an additional outlet, driveway and sign, **approved**.

76-Z-119; 4390 Mann Road (subject site), requested the rezoning of 12 acres from the D-6II district to the C-3 district, **approved**

VICINITY

2021-ZON-019; 4460 Mann Road (south of site), requested a rezoning of 2.34 acres from the C-3 district to the C-4 district, **denied**.

2021-ZON-080; 4402 Mann Road (north of site), Rezoning of 0.45 acre from the C-3 district to the C-4 district, **denied**.

2021-UV2-002; 4407 Mann Road (northeast of site), requested a variance of use to provide for the conversion of a single-family dwelling into two dwelling units in a commercial district, **approved**.

2020-CZN-826/2020-CVR-826; 4407 Mann Road (northeast of site) requested the rezoning of 0.457 acre from the D-4 district to the C-1 district and a variance of development standards to provide for a deficient side transitional yard, **approved**.

2013-ZON-043; 4459 Mann Road (southeast of site) requested the rezoning of 4.94 acres from the SU-1 district to the D-7 district, **approved**.

2013-DV1-051; 4000 Mann Road (north of site) requested a variance of development standards to provide for a deficient number of parking spaces, an off-site sign, and carry-out food service within 100 feet of a protected district, **approved**.

2013-UV3-022; 4423 Mann Road (north of site) requested a variance of use to provide for two single-family dwellings on one lot, **approved**.

2002-ZON-128; 4459 Mann Road (southeast of site), requested the rezoning of 4.49 acres from the D-4 district to the SU-1 district, **approved**.

92-Z-38; 4370 Mann Road (west of site), requested the rezoning of five acres from the SU-34 district to the SU-1 district, **approved**.

86-Z-208; 4370 Mann Road (west of site), requested the rezoning of five acres from the C-3 district to the SU-34 district, **approved**.



Figure 1: Area Map

4446 Mann Rd Proposed BP

3000 sqft store with 4 islands

Legend

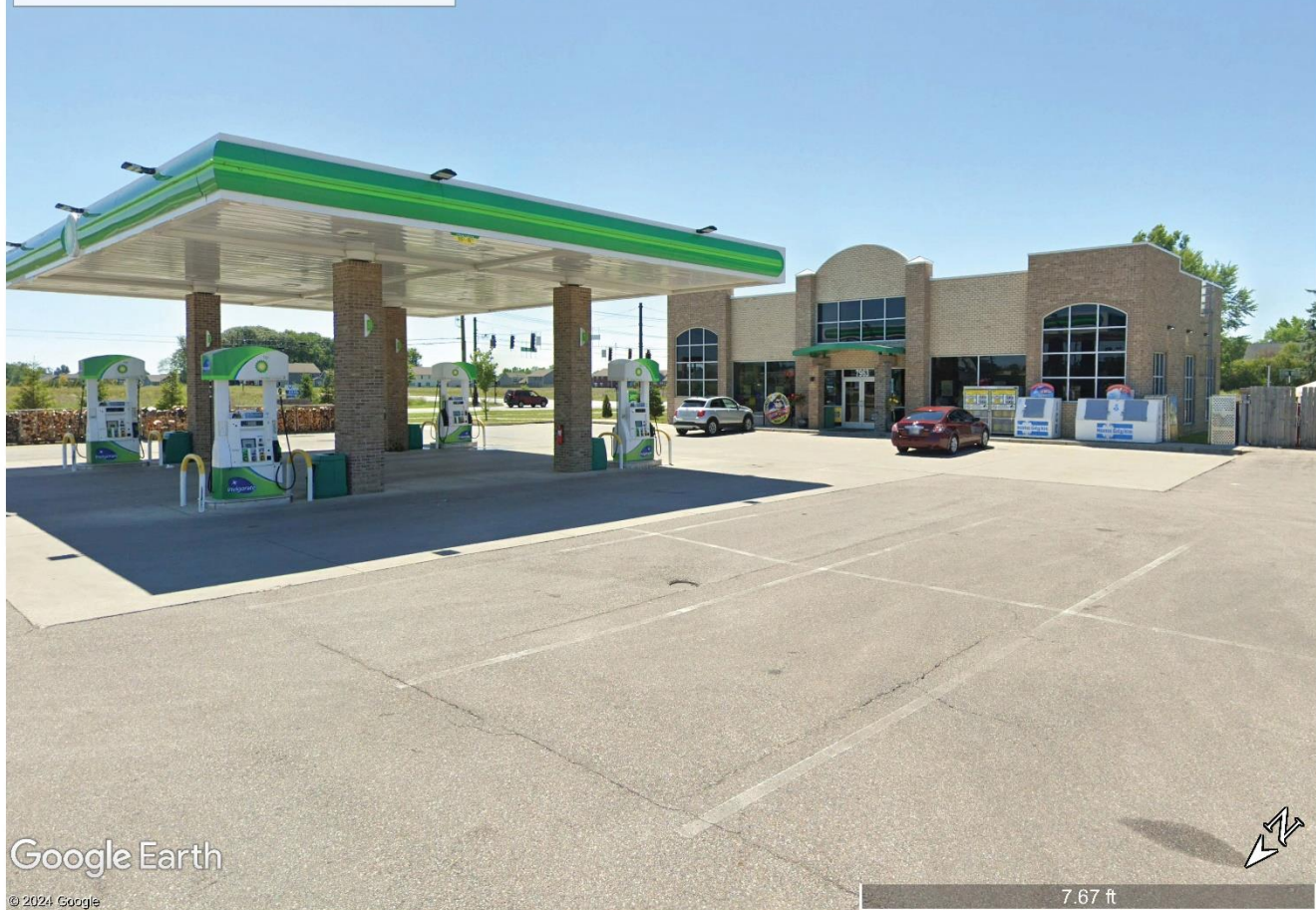


Figure 2: Proposed BP Gas Station to look like this existing example



Figure 3: Proposed Site Plan



Figure 4: View of entrance



Figure 5: View of existing building



Figure 6: View of entrance on to Mann Road



Figure 7 View looking north at Dominos Pizza

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-CZN-822 / 2025-CVR-822

Property Address: 3802 and 3810 North Franklin Road (Approximate Address)

Location: Lawrence Township, Council District #9

Petitioner: Cornerstone Housing Group, LLC, by Brad Schwab and Bobbi Jo Lucas Eisold

Current Zoning: C-S (TOD)

Request: Rezoning of 8.69 acres from the C-S (TOD) district to the D-10 (TOD) district to provide for a multi-family residential development, consisting of 186 units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a large apartment development, with a 94-foot front building line along 38th Street, a 135-foot front building line along I-465, and a 434-foot front building line along Franklin Road (20-foot to 50-foot front building line range required), surface parking in front of the front building line (surface parking required behind the front building line), with dumpsters and garage/storage buildings in the front yard (shall not be closer to any front lot line than the established front yard setback on the lot).

Current Land Use: Undeveloped

Staff Recommendations: Approval of the rezoning. Denial of the variances.

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.

Staff **recommends denial** of the variances.

PETITION OVERVIEW

LAND USE

The 8.69-acre subject site, zoned C-S, is comprised of two (2) undeveloped lots. The property surrounded by commercial uses to the south, zoned C-3 and C-S, to the east by commercial properties, zoned C-3

and C-S, a religious use and commercial uses to the west, zoned SU-1 and C-S, to the north by an industrial property, zoned C-S, and multi-family dwellings, zoned MU-1 and D-6II.

REZONING

The request would rezone the property from the C-S (TOD) district to the D-10 (TOD) district to provide for multi-family residential development, consisting of 186 units.

The current C-S Development Statement allows for industrial use of the site and does not permit multi-family development.

The D-10 district is intended for high density housing formats, in moderate- or large-scale, multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for the front building line ranges to exceed the maximum permitted and would allow for surface parking areas, dumpsters and garage/storage buildings in the front of the front building line within the front yard.

Per Table 744-701-2: Private Frontage Design Standards, the site would need to meet the Neighborhood Yard Frontage standards that include a front building line range between 20 feet to 50 feet. The subject site has three (3) front yards to the west, east, and south and would propose three front different building line ranges as follow: 94 feet along 38th Street, 135 feet along I-465, and 434 feet along Franklin Road.

The Neighborhood Yard Frontage standards also require surface parking lots to be locate behind the front building line.

In the D-10 dwelling district, minor residential structures and residential support facilities or amenities shall not be located closer to any front, rear or side lot line than the required minimum perimeter yard setback of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater.

Secondary Zoning District “Overlay”

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

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

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The closest transit station is located within a 1/4 mile southeast of the site at 38th Street and Franklin Road with a Community Center typology.

The Community Center stations are in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multifamily residential infill development.

DEPARTMENT OF PUBLIC WORKS

Staff from the Department of Public Works (DPW) provided the following comments:

- DPW is now requesting new traffic counts at 38th & Franklin with queue analysis of the south bound left turn at 38th and northbound left turn into the site. The goal is to see how much storage is needed for the left-turn queues and if there's sufficient room for both to occur within the center lane. This could be a letter/memo submittal rather than a report.
- A driveway access across from the storage entrance would not be preferred because it would require modification of the Purple Line infrastructure to install an east bound, left turn lane into the site.
- Depending on the traffic analysis results of the Franklin driveway, a determination could be made on the 38th Street drive and would need to coordinate with IndyGo.

STAFF ANALYSIS

Staff determined that the rezoning request to the D-10 district to allow for a multi-family development to be proposed would be supportable because it would be adjacent to the 38th Street and Franklin Road Purple Line Bus Rapid Transit station. This location would be ideal for residents to be able to access public transportation for their everyday needs, increase ridership of the bus line, and promote additional development along the corridor.

The two (2) existing billboards would be removed from site with this development if rezoned, which staff is supportive of.

Staff had concerns with the number of parking spaces proposed, lack of residential amenities, location of the dumpsters and garage/storage buildings in the front yard, and the parking areas proposed in front of the front building line along 38th Street. However, staff's biggest concern was the excessive 94-foot front setback variance requested to have the buildings along 38th Street exceed the required range of 20 to 50 feet.

Any difficulty with meeting the development standards of the Ordinance is completely self-imposed due to the proposed layout of the site.

Staff found that the site was large enough to accommodate parking at the rear of the site and relocation of the accessory uses as well. With an existing range of 23 feet to 75 feet of existing right-of-way from the southern property boundary to the back edge of the sidewalk along 38th Street, staff determined it

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would be more than enough separation buffering from 38th Street. The minimum 20-foot front building line range would increase it further.

Staff found that the increased separation from I-465 would be supportable since there is no hard barrier to protect or buffer the anticipated residents from the interstate and the eastern increased setback from Franklin Road is a small technicality since most of the building faces the eastern side yard. Staff was willing to support the variance requests along I-465 and Franklin Road if the front setback of the buildings along 38th street would fall within the permitted range. The change would have ensured the Transit Oriented Development goals could have been met by providing first floor activation along the street to enhance the pedestrian experience on 38th Street. This could have been accomplished by relocating the surface parking behind the buildings to provide sufficient room to push the buildings forward.

Unfortunately, the amended site plan provided on May 29, 2025 only included the relocation of accessory structures out of the front yard. It did not address the relocation of the parking area along 38th Street or the front setback. Little was done to reduce the total parking count as well.

The request for new traffic counts by DPW were not addressed. If there was additional time with a continuance, the petitioner could have provided this information for a determination to be made on the newly proposed drive on 38th Street noted in the amended site plan.

For these reasons, staff is recommending approval of the rezoning and denial of the variances.

GENERAL INFORMATION

Existing Zoning	C-S (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial Uses and eight to 15 residential units per acre	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: C-S / MU-1 / D-6II	Industrial / Multi-family dwellings
	South: C-3 / C-S	Commercial
	East: C-3 / C-S	Commercial
	West: SU-1 / C-S	Religious Use / Commercial
Thoroughfare Plan		
Franklin Road	Primary Arterial Street	90-foot proposed right-of-way and 119-foot existing right-of-way.
38 th Street	Primary Arterial Street	112-foot proposed right-of-way and 160-foot existing right-of-way.
I-465	Freeway	248-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	

Wellfield Protection Area	No
Site Plan	April 21, 2025
Site Plan (Amended)	May 29, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	May 9, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- East 38th Street Corridor Plan (2012)
- Purple Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see East 38th Street Corridor Plan (2012) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located within a 1/4 mile southeast of the site at 38th Street and Franklin Road with a Community Center typology.
- Characteristics of this typology include dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core, zero to ten-foot front and side setbacks at the periphery and multi-family housing with a minimum of three units. Structured parking should be at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- The site falls within the East 38th Street Corridor Plan (2012).

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- The Plan recommends office commercial uses and 8-15 residential units per acre development of the site.
- The office commercial uses land use category is for low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Office Commercial Uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are representative of this land use category: medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, day care centers, mortuaries, and communications studios.
- The residential development recommendation greater than eight (8) and equal or less than 15 units per acre is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.
- Corridors serve to move people and goods. They provide ways to reach destinations. Corridors also define the community's identity and help to shape the overall quality of life. Land use policies, transportation needs and market forces must work harmoniously together to ensure that land use and infrastructure meet the long-term needs of the community.
- Corridor plans do not focus strictly on engineering plans for the purpose of added roadway capacity. This corridor plan attempts to provide a more comprehensive view of the principal roads and their context. While automobile travel dominated past plans, all travel modes must now be considered. It is essential to integrate transit, bicycle and pedestrian modes while maintaining automobile traffic capacity. The public investment in the road infrastructure and related utility infrastructure must be protected as a fully balanced multimodal approach becomes the standard. All these aspects of corridor planning were applied in the preparation of the East 38th Street Corridor Plan.
- An objective of the plan is to encourage a variety of new housing facilities that can meet the needs of persons with disabilities and others that need additional support services. A full range of housing options and prices is desirable in the community. A balance of single family and multi-family housing options should remain but not to result in housing densities that exceed current levels.
- Another objective would be to develop an overall corridor beautification plan that will include improvements within the public right-of way and in properties that have frontage on the street. Develop a streetscape plan in coordination with planning improvements in street conditions, new sidewalks and bicycle infrastructure.

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).
- The Franklin Road multi-use path is proposed along Franklin Road from Rawles Avenue to 56th Street to span 6.47 miles. The path will provide a safe north-south connection for multi-modal access on the East side of Indianapolis.
- A multi-use path is proposed along 38th Street from Sutherland Avenue to Post Road.

ZONING HISTORY

Zoning History - Site

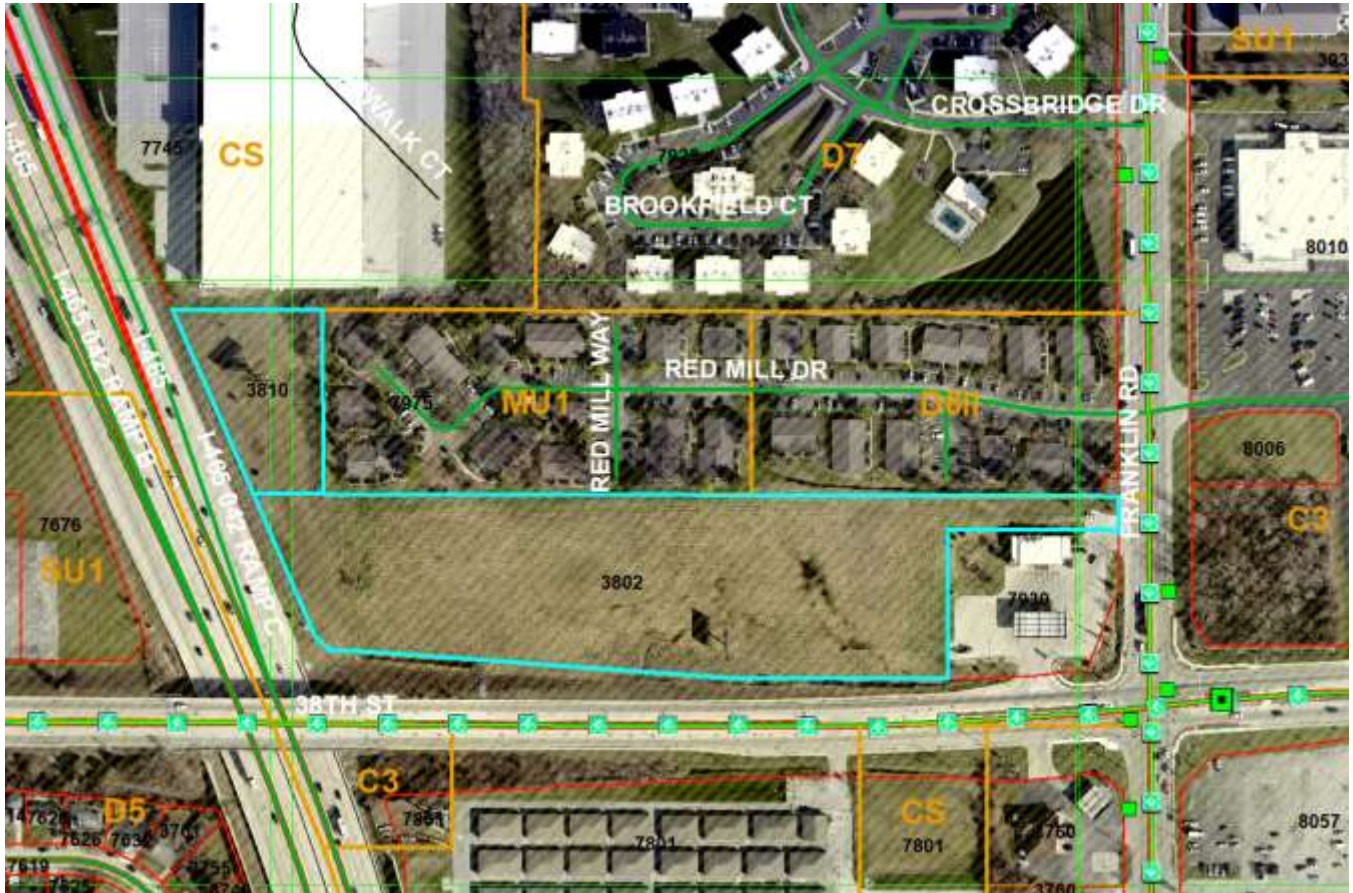
2020-MOD-016; 3802 and 3810 North Franklin Road and 7745 East 42nd Street (subject site) Modification of Commitments related to 95-Z-105 to modify Commitment Two, Commitment Three and the site plan to provide for a revised site plan to provide for additional parking spaces, maintenance facility, wash bays and fuel dispensers related to an industrial development (requires substantial compliance with the plan filed dated July 13, 1995; landscape plan requires administrative approval with 10-foot landscape strips), **withdrawn**.

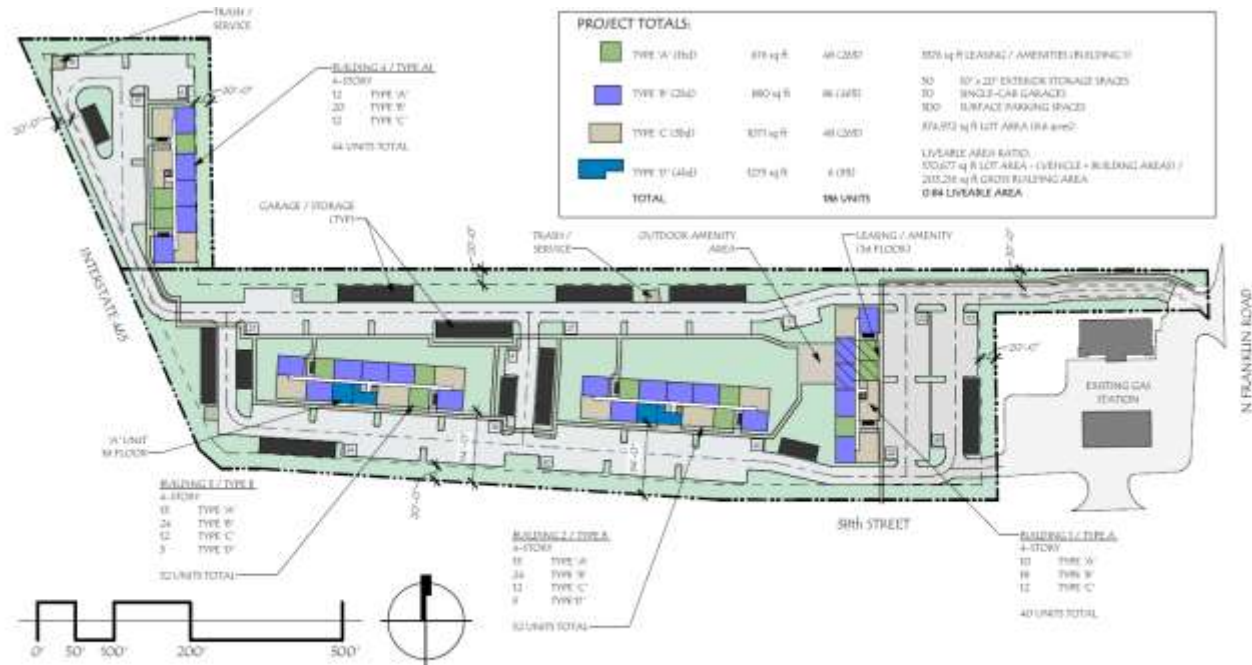
95-Z-105; 7808 East 38th Street and 7705 East 42nd Street (subject site), Rezoning of 30 acres from the C-2 C-ID, D-7 and C-3 to C-S classification to provide for office / commercial / industrial park, **approved**.

90-Z-21; 7940 East 38th Street (subject site), Rezoning of 4.875 acres, being in the C-2 district, to the C-3 classification to provide for commercial development, **approved**.

71-Z-239A; 7950 East 38th Street (subject site), Rezoning of 8.76 acres, being in the D-5 District, to the C-3 classification to provide for commercial development, **approved**

71-Z-239B; 7802 East 38th Street (subject site), Rezoning of 10.96 acres, being in the A-2 District, to the C-2 classification to provide for offices and other allowable development, **approved**.

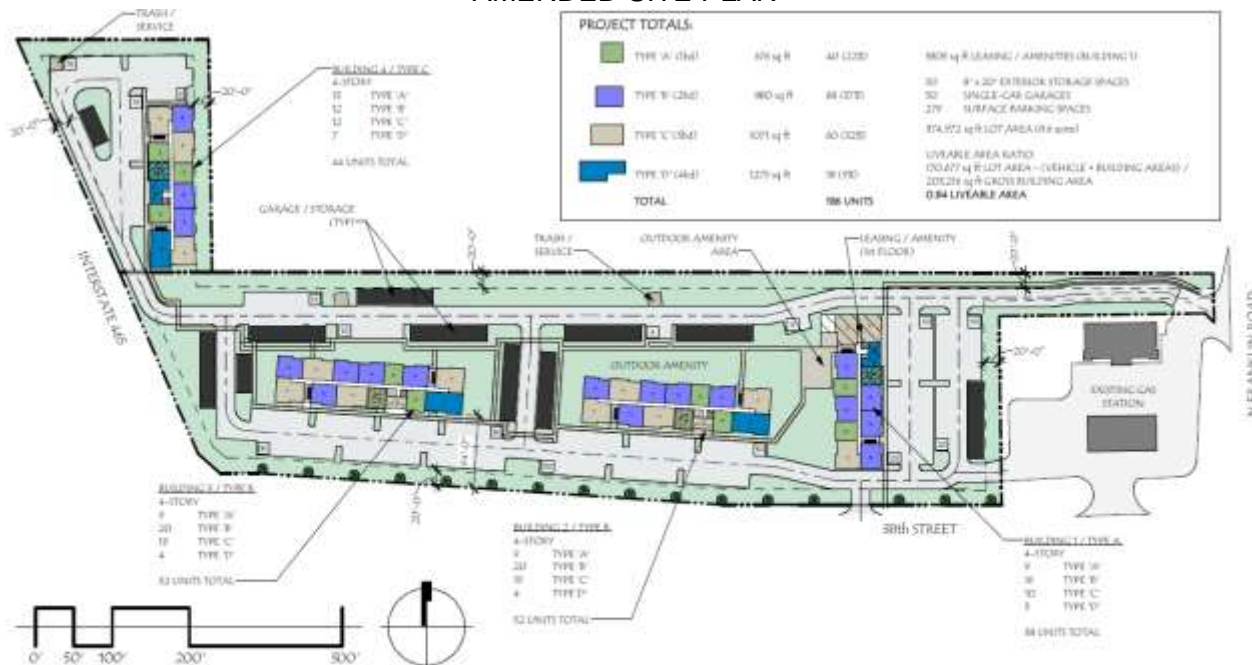




04/10/2025



AMENDED SITE PLAN



05/29/2025 REV



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

**MULTIPLE DWELLING PROJECT ANALYSIS
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING**

Property Address: 3802 N Franklin Rd Date: 05/02/2025
Project Name: Cornerstone Apartments Date of Plans: 04/10/2025
Zoning Classification: D-10, Dwelling District Ten

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR = 0.80 maximum	0.54
Open Space Ratio	OSR =	1.56
Livability Space Ratio	LSR= 0.66 minimum	0.89
Major Livability Space Ratio	MLSR=	0.12
Total Car Ratio	TCR=	1.61
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA 201,216 sq ft
Land Area – LA	From Plans in square feet	LA 374,972 sq ft
Floor Area Ratio – FAR	FA / LA	FAR 0.54
Building Area – BA	From Plans	BA 50,304 sq ft
Usable Roof Areas – URA	From Plans	URA N/A
Uncovered Open Space – UOS	LA-BA+URA	UOS 304,668 sq ft
Covered Open Space – COS	From Plans	COS 20,000 sq ft
Open Space – OS	UOS + ½ COS	OS 314,668 sq ft
Open Space Ratio – OSR	OS / FA	OSR 1.56
Car Area – CA	From Plans	CA 136,191 sq ft
Livability Space – LS	OS – CA	LS 178,477 sq ft
Livability Space Ratio – LSR	LS / FA	LSR 0.89
Major Livability Space – MLS	From Plans	MLS 23,693 sq ft
Major Livability Space Ratio – MLSR	MLS / FA	MLSR 0.12
Number of Dwelling Units – DU	From Plans	DU 186
Number of Parking Spaces – PS	From Plans	PS 300
Total Car Ratio – TCR	PS / DU	TCR 1.61
Gross Density – GD	DU / (LA / 43,560)	GD 21.6

Cornerstone Apartments Indianapolis, IN



Cornerstone Housing Group, LLC, Developer, is proposing to construct 186-units of affordable workforce housing at 3802 & 3810 N. Franklin Road, to be known as the Cornerstone Apartments. The development will provide 1, 2, 3, and 4-bedroom homes to families at 50%, 60%, and 70% of the Marion County area median income (AMI).

Preliminary market analysis has provided information regarding the demand for housing in this area. Reports indicate the need for housing is strong, projecting a capture rate of only 5.3% on the proposed 186-units.

The 8.69-acre property is currently zoned Commercial-Special District and will require a rezoning to permit multifamily housing. The site is currently vacant, except for 2 billboards, which will be removed to maximize the developable area.

The property is within ¼ mile of a sheltered bus stop on IndyGo's new Purple Line (Stop ID 70083), connecting to the Downtown Transit Center, Ivy Tech Community College & the Benjamin Harrison YMCA

The development consists of four (4) buildings, each being 4 stories in height. The exterior will consist of a brick/stone combination to compliment the use of hardy-board or stucco material. Final design will be determined through the plan review process with the City. The intent is to create a building theme that is contemporary, energy efficient, and compliments the surrounding area.

Development amenities include on-site management, 24 hr on-call maintenance, interior mail room, a community room, business center, fitness room, social areas, dog park/dog run, a dog washing station, garages and personal storage units for rent. The buildings are designed with a focus on accessibility and security, thus each building is elevator served.

Each home is designed with open concept in mind and will be equipped with Energy Star Rated fixtures and appliances, including but not limited to refrigerator, electric stove/oven, microwave, dishwasher, garbage disposal and washer/dryer; water conserving faucets, shower heads, and bathroom facilities; full window coverings, ceiling fans, coat closet, cable/Internet connections.

Construction is estimated to commence in early 2026 and will consist of a 24-month build out.

**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:

a deeper front building line and parking in front of the front building line will improve the quality of life of our residents and their families by:

(1) Providing greater separation between residential units and E 38th St., a four-lane arterial carrying high speed and high volume cross-city traffic, helps mitigate vibration, road noise, and air pollution experienced by our residents; (2) Providing a deeper front building line also improves the views of front facing units that would otherwise look directly onto E 38th St or into the E 38th St berm installed to lift the road over I-465; (3) Placing parking in front allows the thoughtful placement of open space, gathering space, and outdoor amenities further from the road and behind the buildings further protecting residents from road noise and air pollution increasing their use and enjoyment of the property while outdoors.

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:

we only have three neighbors with shared common property lines, two of which include a large warehouse to our north and a gas station to our east. The third, Autumn Trails Apartments to our north, will not be adversely affected by the variances and may benefit by having some parking loaded in front of our buildings reducing traffic, head lights, and door closings adjacent to their property. The greater area includes a mix of land uses with a variety of building setbacks and with parking in front.

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

The property naturally slopes from west to east. Using the natural contours of the land for conveying and detaining stormwater indicates the low spot at the southeast corner is the ideal location for detention pond placement. It is anticipated that the detention pond will be close to one acre and will run parallel to E 38th St creating a need for buildings in the middle and on the east side to be setback further. Buildings on the west side also benefits from a greater setback otherwise it will be encumbered by being too close to the berm constructed to elevate E 38th St over I-465. The road berm is over 20' higher than the property near the southwest property corner.

DECISION

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

Adopted this _____ day of _____, 20 ____

Department of Metropolitan Development
Division of Planning
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Photo of the subject site looking west from the abutting gas station to the east.



Photo of the subject site looking northwest towards the multi-family dwellings to the north.



Southern property boundary looking west along 38th Street with the storage facility south of the site.



Photo of the existing sidewalk along 38th street looking west.



Northern property boundary looking west along the proposed entrance drive location.



Photo of the eastern property boundary along Franklin Road looking east.



Photo of the gas station east of the site.



Photo of the closest transit stop station for the Purple Line at 38th Street and Franklin Road.



Northwest property boundary looking east.



Western property boundary looking south along I-465.



Religious use west of the site across I-465.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

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

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

Location: Warren Township, Council District #14

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

Current Zoning: C-4 (TOD)

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

Request:

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

Current Land Use: Commercial

Staff Recommendations: Staff strongly **recommends denial** this petition

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing on these petitions.

STAFF RECOMMENDATION

Staff strongly **recommends denial** of this petition.

Should 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. 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.
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.

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5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

LAND USE

This 9.4-acre site, zoned C-4 (TOD), is developed with a commercial center, that includes an IU Health clinic, a fitness gym, and other commercial tenants. The petitioner proposes to construct an automobile fueling station consisting of **16 pump islands**—double the maximum permitted under TOD regulations.

This petition would provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight (8) permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

PLAT

Site Plan

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

While the configuration appears to be crafted to technically avoid certain variance triggers, most notably the front building line width requirement, it does so through the introduction of a shared parking easement. This easement appears to serve no functional shared purpose and instead functions primarily to reduce the frontage calculation of Lot 1. Staff does not support this approach, as it undermines the intent of the TOD Overlay's frontage requirements and circumvents the established form-based development

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expectations. A design that complies with the spirit and letter of the ordinance—rather than one that relies on artificial lot divisions—is strongly preferred.

Streets

No new streets are proposed.

Sidewalks

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

Waivers

None requested.

VARIANCE OF DEVELOPMENT STANDARDS

This petition would provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight (8) permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

The petitioner is requesting six (6) variances of development standards, this request is same request made with **2024-DV3-026**, at the time staff recommended denial *“the proposal was adverse to the intentions of the TOD overlay, the private frontage design standards, and the Compact Context Area. Staff does not find the site plan/elevations to be promoting/enhancing pedestrian activity, nor to be quality development”*, and the petition was withdrawn. The current request is materially unchanged.

Requested Variances.

Standard	Requirement	Provided	Deficiency
Use Limitation (TOD)	Max. 8 pump islands	16 pump islands	+8 pump islands
Surface Parking Setback	Min. 25 ft from.	15 ft	-10 ft
Surface Parking Width (behind FBL)	Max. 40% lot width	88.1%	+48.1 %
Front Building Line (FBL)	Min. 60% lot width	37.1%	22.9%
First Floor Transparency	40% min.	15% avg.	-25%

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When reviewing Variances of Development Standards, staff bases its recommendations on the following criteria:

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

The proposed design undermines the intent of the TOD Overlay by promoting a car-centric land use pattern directly along a primary transit corridor. It diminishes pedestrian safety, walkability, and neighborhood character—key goals of TOD zoning.

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

The intensity of the fueling station and deficient site design may negatively affect nearby properties by reducing visual quality and increasing vehicular conflicts.

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

The site has no unusual constraints or topographic challenges. It features substantial frontage, regular shape, and access from a major arterial—conditions that support a wide range of compliant, context-sensitive development. The variances stem from the developer's preferred layout, not site hardship.

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

No compelling case has been made that strict compliance with the ordinance imposes an undue burden. The petitioner has not demonstrated that development within the existing zoning framework is infeasible.

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

The request directly conflicts with the TOD Overlay and Comprehensive Plan guidance, both of which emphasize pedestrian-oriented, mixed-use development, reduced surface parking, and design standards that support a walkable urban form.

STAFF ANALYSIS

The Transit Oriented Development (TOD) Secondary Zoning District was established to reorient development patterns along key transit corridors away from vehicle-centric uses and toward dense, walkable, mixed-use environments. Allowing a fueling station of this scale—along with the extensive deviations from design standards—runs counter to the very principles the overlay seeks to uphold.

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

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

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

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

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial (Parking Lot)	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: C-S	Commercial (Auto-Repair)
	South: C-5/ SU-9	Auto-Dealer / State Government Offices
	East: C-4	Commercial
	West: ROW	West: Highway interchange
Thoroughfare Plan		
East Washington Street	Primary Arterial	120 feet of right-of-way existing and 102 feet proposed
North Shortridge Road	Local Street	74 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes -TOD	
Wellfield Protection Area	No	
Site Plan	April 29, 2025	
Site Plan (Amended)	N/A	
Elevations	April 29, 2025	
Elevations (Amended)	N/A	
Landscape Plan	October 10, 2025	

Findings of Fact	April 29, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time. The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site is located approximately 1000 feet from the Sadlier Drive **Blue Line** transit station.
- The Sadlier Drive transit station has been categorized as the **Community Center** typology, which is characterized as a dense, mixed-use neighborhood center with minimum 2 stories at the core with no front or side setbacks, and 0–10-foot setbacks at the periphery.

Neighborhood / Area Specific Plan



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- 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 subject site is approximately 1100 feet from the Pennsy Trail.

ZONING HISTORY

SITE

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

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

VICINITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

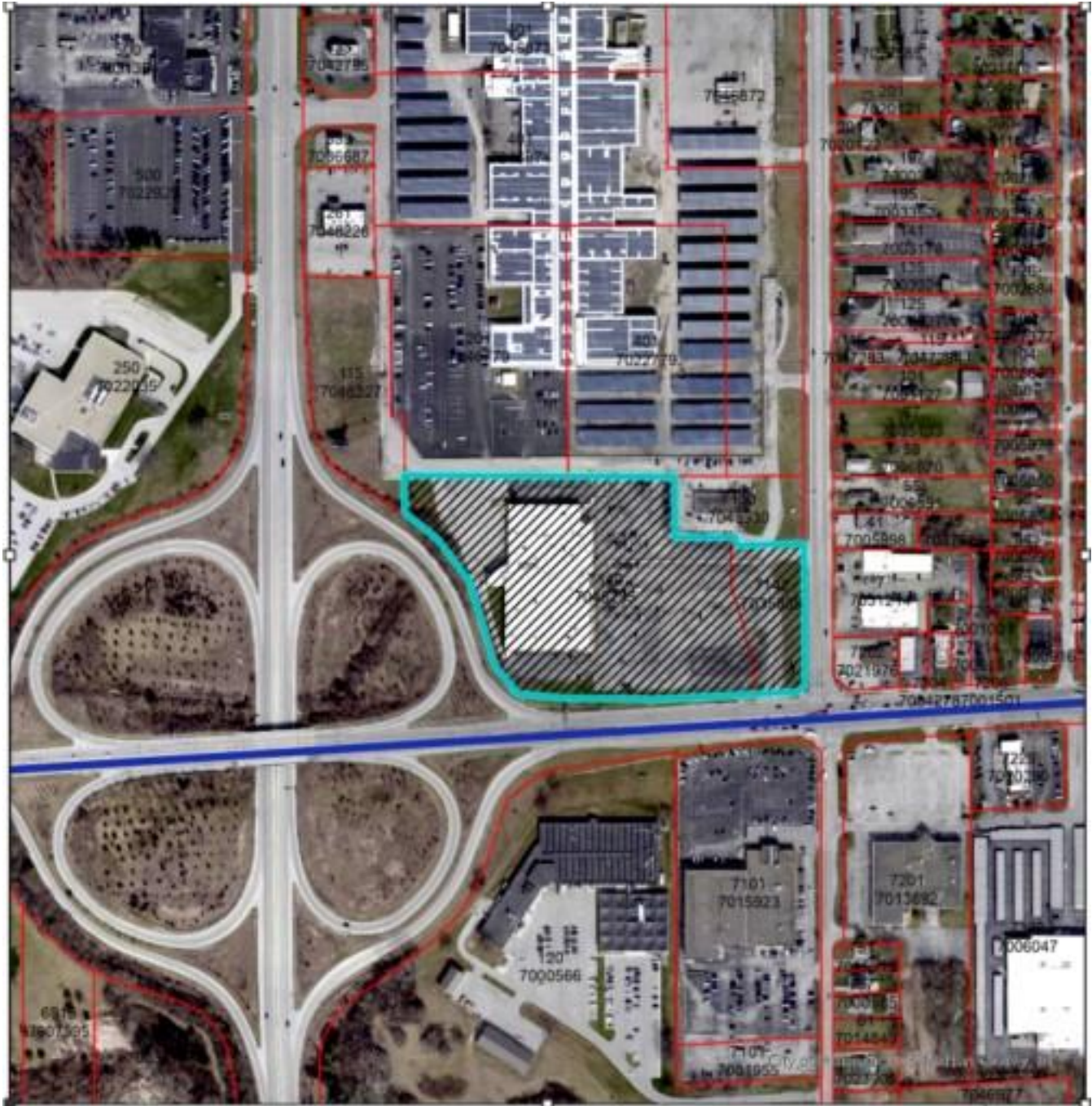


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87-HOV-143, 7206 East Washington Street (east of site), variance of development standards to provide for a freestanding sign located twelve feet from the right-of-way; **approved**.

84-Z-53; 30 South Shortridge Road (south of site), request the rezoning of 6.35 acres, being in the D-2 and C-2 Districts, to the C-5 classification to provide for the construction of an appliance store and warehouse, **approved**.

EXHIBITS



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

Petition Number 2025-CVR-_____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION

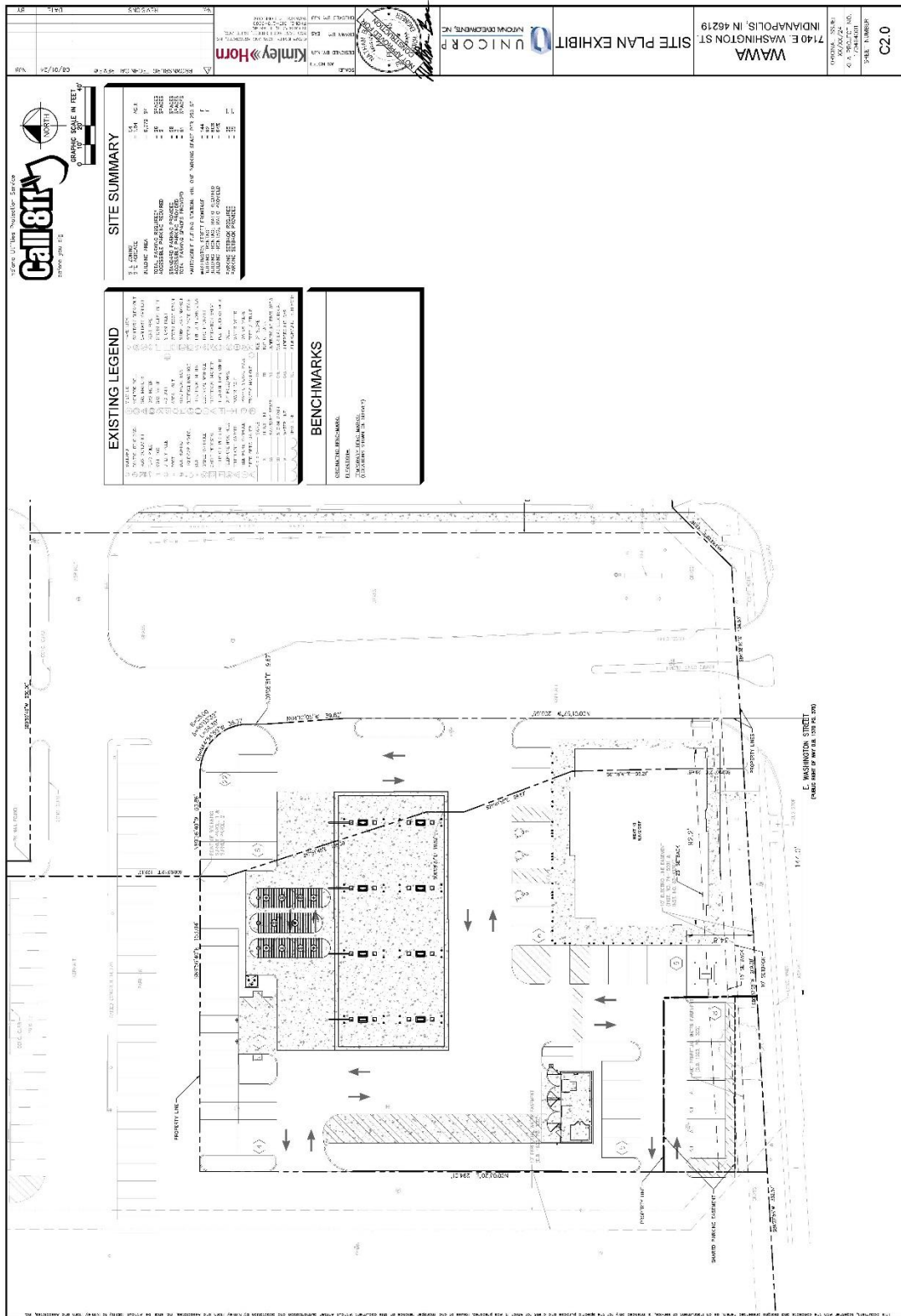
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

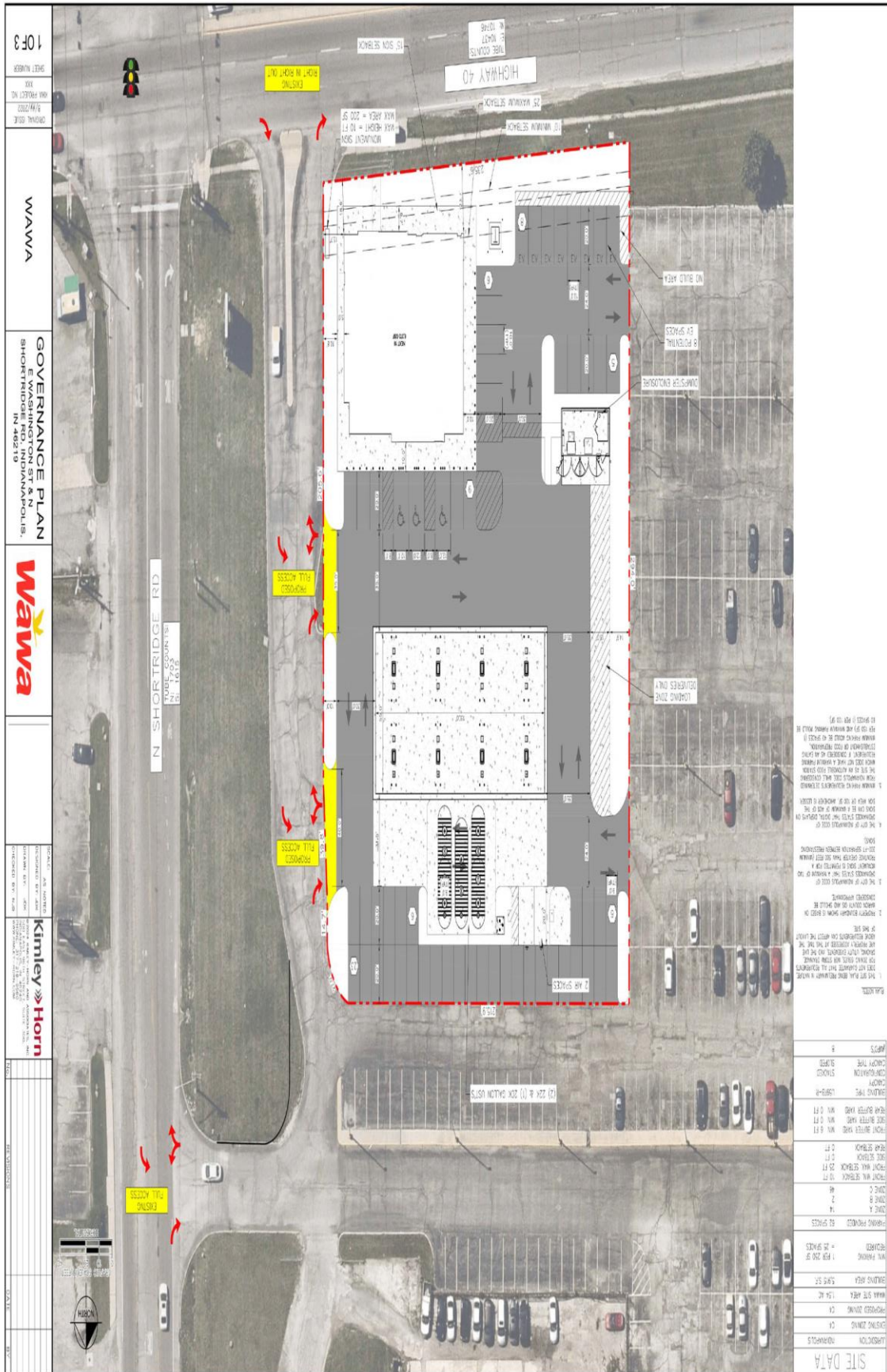
Adopted this _____ day of _____, 20 _____

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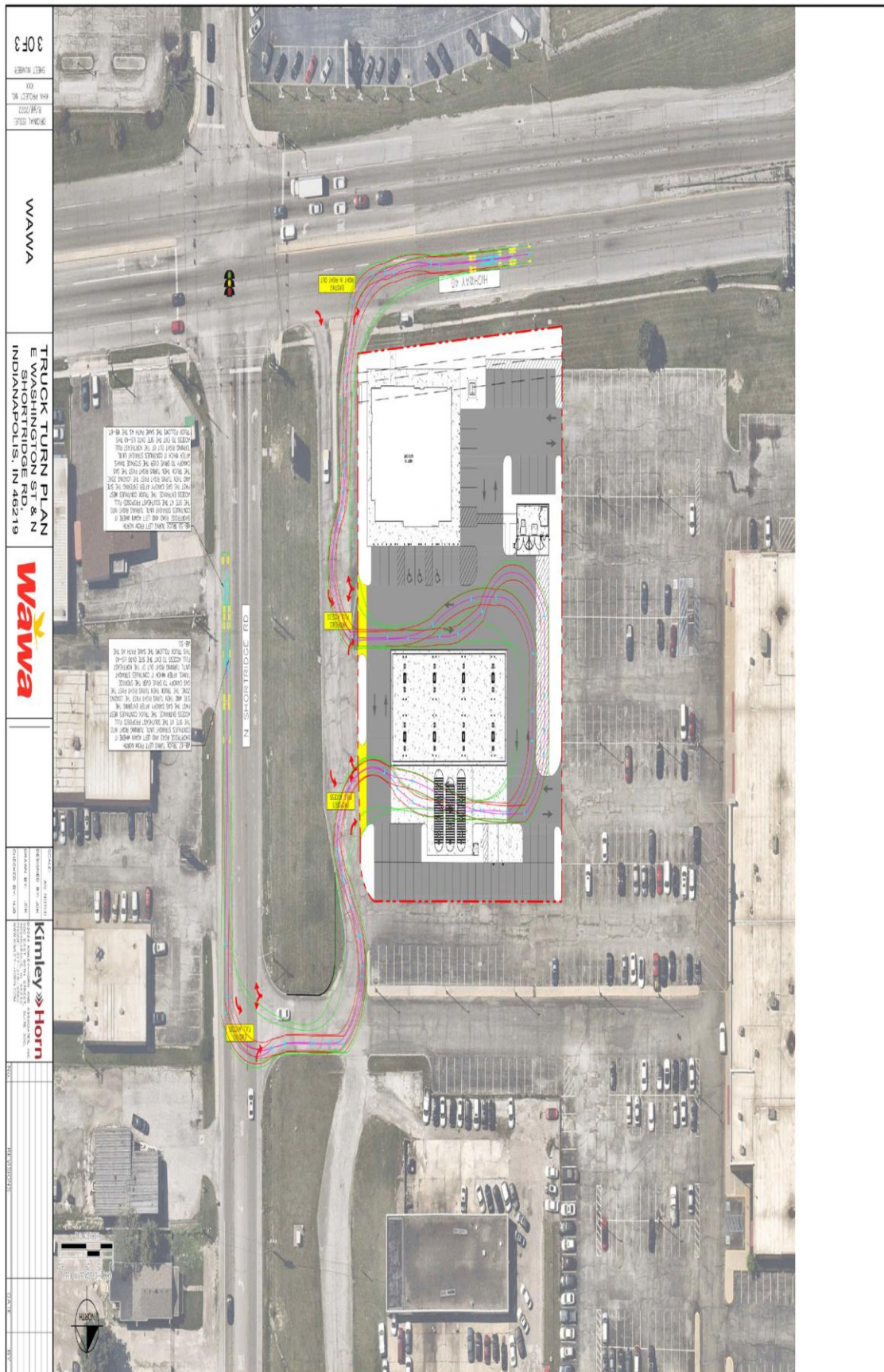


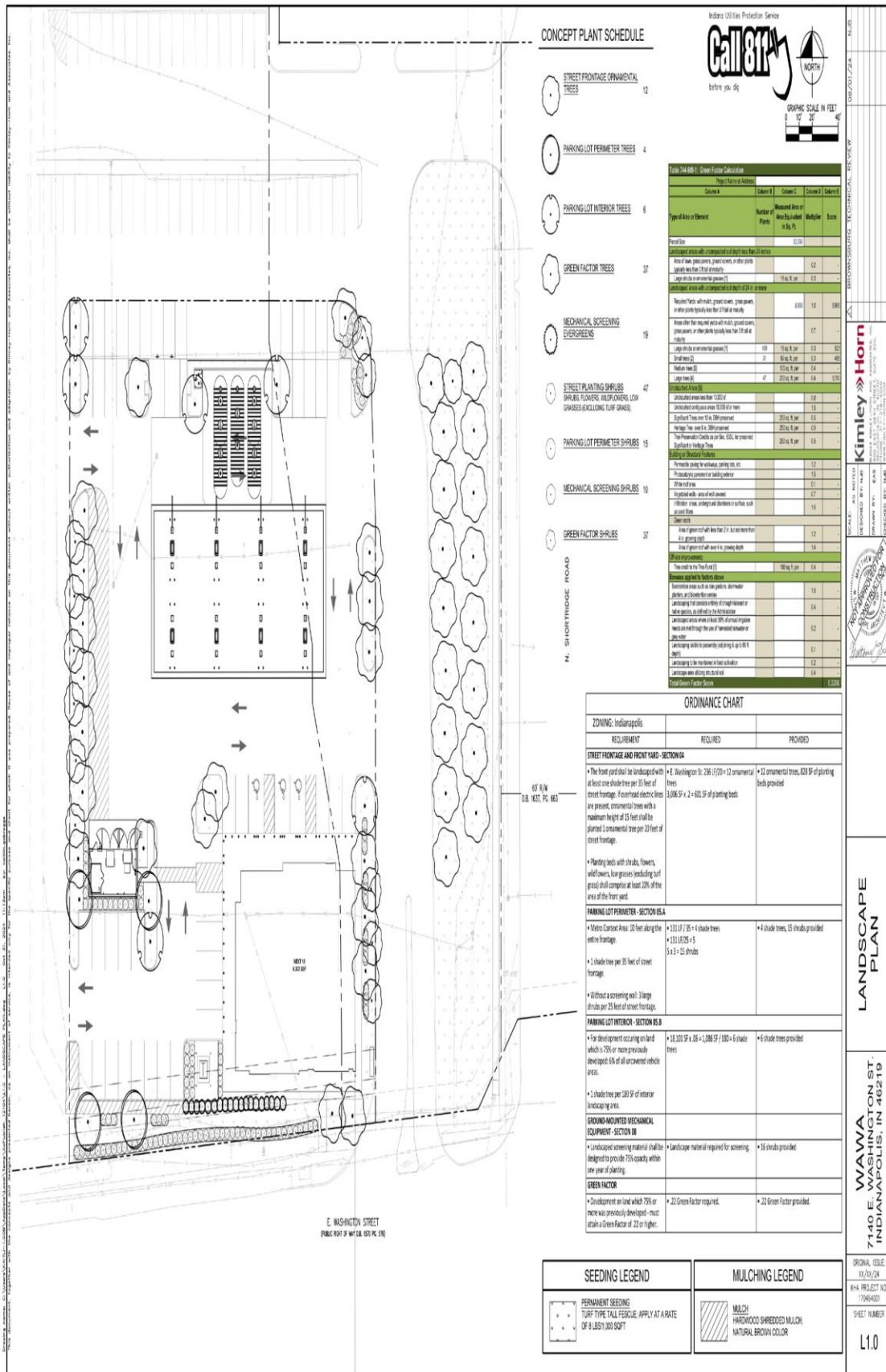
**Department of Metropolitan Development
Division of Planning
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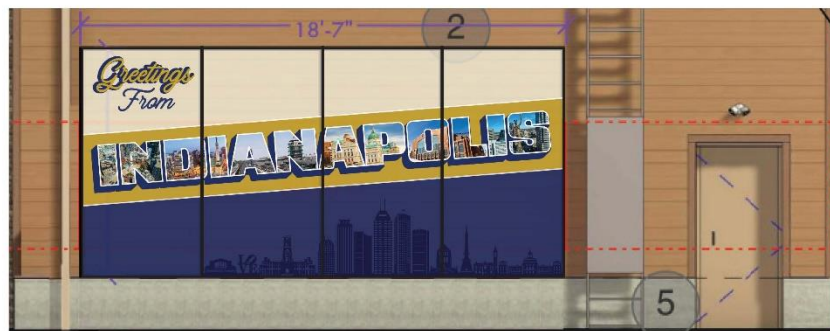
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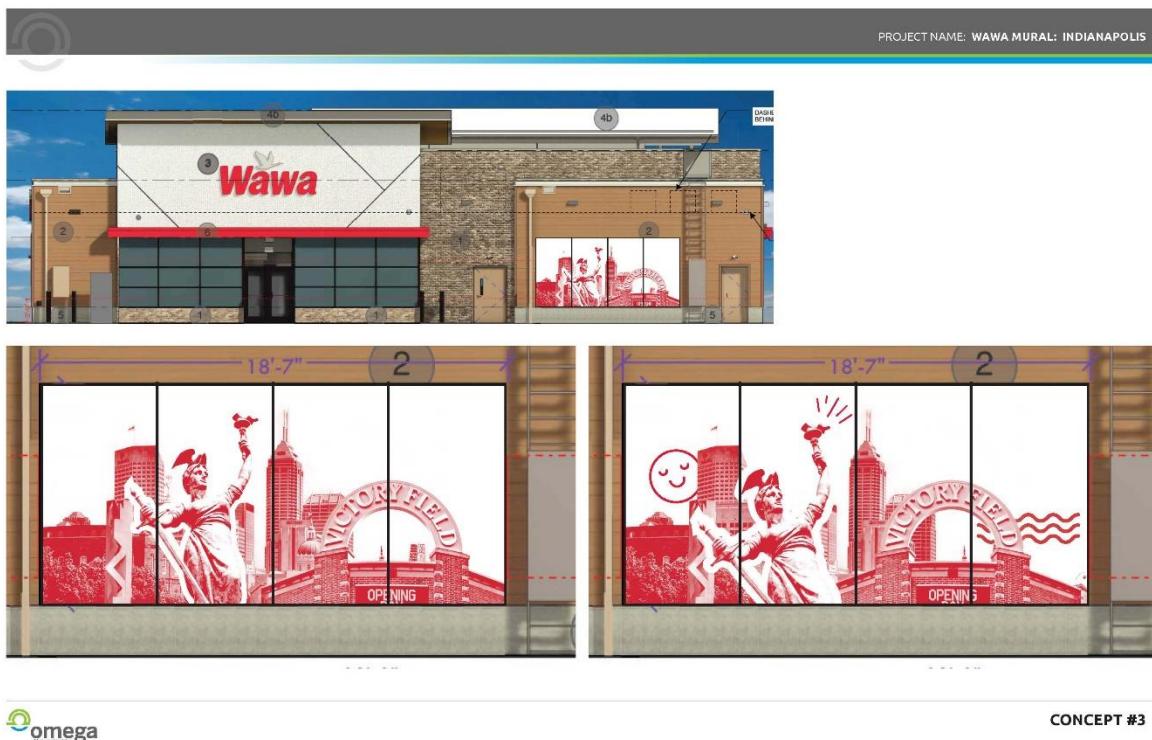




CONCEPT #1



CONCEPT #2



Petitioner's Exhibit

List of Variances

7140-7142 East Washington:

1. **Ch. 742, Art. II, Sec. 07, Table 742-207-2:** Automobile Fueling Station limited to 8 pump islands/service areas; 8 two-sided pump islands/service areas proposed.
2. **Ch. 744, Art. VI 1, Sec. 702, Table 744-702-3:** Surface parking in connector frontage has a 40% maximum of lot width behind the front building line; portions of parking are located north of the front building line exceed 40% of the lot width.

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3. **Ch. 744, Art. VII, Sec. 702, Table 744-702-3:** First story street frontage transparency of 40% - 90% required; Less than 40% first floor transparency on Washington Street frontage provided.



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