



# Metropolitan Development Commission Hearing Examiner (February 20, 2025 - Special Meeting - Rescheduled from February 13, 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, February 20, 2025

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### **2025-MOD-001 | 4021 West 71st Street**

Pike Township, Council District #6

**\*\*Request for one-day waiver of 23-day notification period for written and posted Notice**

#### **2025-CAP-804 / 2025-CVR-804 | 324 West Morris Street and 325 Wilkins Street**

Center Township, Council District #18

**\*\*Request for three-day waiver of 23-day notification period for written Notice**

## PETITIONS REQUESTING TO BE CONTINUED:

### 1. **2025-MOD-001 | 4021 West 71st Street**

Pike Township, Council District #6

I-1

Turner Adventures LLC, by Rebekah Phillips

Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 to provide for an agreement for contribution in lieu of sidewalk construction along 71st Street (previous commitment required the sidewalk to be installed within one year of zoning approval).

**\*\*Staff request for continuance for cause to February 27, 2025, with Notice**

### 2. **2024-ZON-101 (Amended) | 1820 South Arlington Avenue**

Warren Township, Council District #20

Prime USA, Inc., by David Gilman

Rezoning of 22.02 acres from the D-A (FF) to the D-S (FF) district to provide for single-family residential development.

**\*\*Petitioner has withdrawn the Petition**

### 3. **2024-ZON-136 | 10635 Indian Creek Road South**

Franklin Township, Council District #25

Gurudwara Shaheedan, Inc., by Joseph D. Calderon

Rezoning of 7.544 acres from the D-A (FF) (FW) district to the SU-1 (FF) (FW) district to provide for religious uses.

**\*\*Petitioner has withdrawn the Petition**

**4. 2024-ZON-143 | 4505 South Harding Street**

Perry Township, Council District #22  
Blue Beacon, Inc., by Jennifer Milliken and Timothy Ochs

Rezoning of 5.22 acres from the MU-1 (FF) district to the C-7 (FF) classification to provide for a heavy vehicle wash.

**\*\*Remonstrator request for continuance for cause to March 13, 2025, with Notice**

**5. 2025-ZON-001 | 4150 North High School Road**

Pike Township, Council District #5  
Nica Auto and Fleet Repair, LLC, by Joseph D. Calderon

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

**\*\*Staff request for continuance for cause to March 13, 2025, with Notice as needed**

**6. 2024-CZN-851 / 2024-CPL-851 | 7801 South Franklin Road**

Franklin Township, Council District #25  
Brenda K. Van Note Revocable Trust, by Chase Henderson

Rezoning of 4.00 acres from the D-A district to the D-2 district to provide for residential uses.

Approval of a subdivision plat, to be known as Capstone Lane, dividing 4.00 acres into nine lots.

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

**7. 2025-CZN-802 / 2025-CPL-802 / 2025-CVR-802 | 5801 Mills Road**

Decatur Township, Council District #21  
Grand Communities, LLC, by David Gilman

Rezoning of 16.5 acres from the SU-2 district to the D-4 district to provide for attached single-family dwellings.

Approval of a Subdivision Plat to be known as Oak Springs, dividing 16.5 acres into 74 lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 76-foot lot width for all lots (minimum 90-foot lot width required), seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required), and 13 lots without public street frontage (public street frontage required).

**\*\*Staff request for continuance for cause to March 13, 2025**

**8. 2025-CAP-804 / 2025-CVR-804 | 324 West Morris Street and 325 Wilkins Street**

Center Township, Council District #18  
C-S  
Kaur Properties, LLC, by Adam DeHart

Modification of commitments and site plan related to 2019-CZN-827, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no landscaping along Missouri Street (minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no interior landscaping within the parking area (minimum landscaping consisting of 6% land area within parking area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

**\*\*Petitioner request for continuance for cause to March 13, 2025, with Notice**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**9. 2024-APP-032 | 8075 and 8181 North Shadeland Avenue**

Lawrence Township, Council District #3

HD-1 and HD-2 (FF)

Community Health Network, Inc., and Community Health Network Foundation, Inc., by Timothy H. Button

Hospital District-One and Hospital District-Two Approval for reconfiguration of existing parking areas to provide for additional ADA-compliant spaces, construction of a proposed 400-space surface parking lot, consolidation of two service drives into one service drive, and replacement of existing brine and bulk oxygen tanks.

**10. 2025-CVR-807 / 2025-CPL-807 | 6902 and 6943 Highland Ridge Court**

Franklin Township, Council District #24

D-1

Mark Simion

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed detached single-family dwelling on proposed Lot 5, with zero-foot lot width and zero-foot street frontage (minimum 90-foot lot width required, and minimum 45-foot street frontage required).

Approval of a Subdivision Plat, to be known as Simion Estates, a replat of Lots 1 and 2, dividing 11.484 acres into three lots.

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

**11. 2024-ZON-093 (2nd Amended) | 4410 Allisonville Road**

Washington Township, Council District #8

EZ-Stor LLC, by David Kingen & Emily Duncan

Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

**12. 2024-ZON-123 | 281 and 303 North Elder Avenue and 320, 322, 324, 326, 328, 330, 332, and 334 North Miley Avenue and 1821 West New York Street**

Center Township, Council District #18

NDZA, by David Kingen and Emily Duncan

Rezoning of 1.19 acres from the I-4, D-5, and D-5 (RC) districts to the SU-7 and SU-7 (RC) classifications to provide for not-for-profit uses.

**13. 2024-ZON-137 | 1137 West 21st Street**

Center Township, Council District #12

Riverside Renewal, LLC, by Josh Smith

Rezoning of 0.4-acre from the I-2 (W-5) district to the D-8 (W-5) classification to provide for residential uses.

**14. 2024-ZON-140 | 6519 Carrollton Avenue**

Washington Township, Council District #7

GP CM Carrollton Avenue, by Misha Rabinowitch

Rezoning of 0.177-acre from the D-4 (FF) district to the C-3 (FF) classification to provide for commercial uses.

**15. 2024-CZN-845 (Amended) | 5022 Rockville Road**

Wayne Township, Council District #16

Cultivar Properties, LLC, by David Gilman

Rezoning of 3.03 acres from the C-3 (FF) and C-5 (FF) districts to the I-1 (FF) classification to provide for light industrial uses.

## PETITIONS FOR PUBLIC HEARING (New Petitions):

**16. 2024-ZON-110 | 6670 East 38th Street**

Lawrence Township, Council District #9  
Tikal, Inc., by Mitch Sever

Rezoning of 2.37 acres from the C-3 (TOD) district to the C-7 (TOD) classification to provide for a building contractor, with outdoor storage of equipment and materials.

**17. 2025-ZON-002 | 6120 East Thompson Road**

Franklin Township, Council District #24  
Thompson and Commerce Properties LLC, by Richard Henderson

Rezoning of 4.732 acres from the D-P (FF) district to the D-6 (FF) district to provide for residential uses.

**18. 2025-ZON-003 | 7420 North Shadeland Avenue**

Lawrence Township, Council District #3  
Shane Ellison

Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

**19. 2024-CZN-835 / 2024-CVR-835 | 789 and 792 Edgemont Avenue**

Center Township, Council District #12  
Church of Christ Holiness USA Inc. by Joseph Phillips

Rezoning of 0.81-acre from the D-5 (W-5) district to the SU-1 (W-5) district to provide for religious uses.

The variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 7.6-foot-tall internally illuminated pylon sign within 40 feet of a dwelling district (pylon sign not permitted within 600 feet of a dwelling district, illuminated sign not permitted within 50 feet of a dwelling district).

**20. 2024-CPL-852 / 2024-CVR-852 | 1217 East 88th Street**

Washington Township, Council District #2  
D-2 (TOD)

Drew Dawson, Jocelyn Dawson, Michael Land, Jasmine Land, Warner Moses, and Lynne Moses, by Michael Rabinowitch

Approval of a Subdivision Plat to be known as Nora Woods II, dividing 1.84 acres into four lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one, single-family detached dwelling on each of the four proposed lots, without public street frontage (minimum 40 feet of street frontage on each lot required).

**21. 2024-CZN-856 / 2024-CVR-856 | 7200 Brookville Road**

Warren Township, Council District #20  
Gerald L. Cowan

Rezoning of 1.675 acres from the D-2 (FW) district to the C-7 (FW) classification to provide for truck parking.

Variance of development standards and a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot, with zero-foot front and rear yard transitional yard setbacks, no landscaping along the front and rear transitional yards, and no interior landscaping (minimum 9% of lot covered with landscaping required, minimum 10-foot front and rear yard transitional yards required, minimum one tree per 35 feet of street frontage required, minimum three large shrubs per 35 feet of street frontage required).

## Additional Business:

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



**METROPOLITAN DEVELOPMENT COMMISSION** February 20, 2025  
**HEARING EXAMINER**

**Case Number:** 2025-MOD-001

**Property Address:** 4021 West 71st Street (approximate address)

**Location:** Pike Township, Council District #6

**Petitioner:** Turner Adventures LLC, by Rebekah Phillips

**Current Zoning:** I-1

**Request:** Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 to provide for an agreement for contribution in lieu of sidewalk construction along 71st Street (previous commitment required the sidewalk to be installed within one year of zoning approval).

**Current Land Use:** Commercial Contractor Business

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

Staff is requesting a **continuance for cause from the February 20, 2025 hearing to the February 27, 2025 hearing date with mailed notice** to allow additional time to meet the notice requirements since a technical error prevented the legal notice information from being sent to the petitioner in a timely manner for this hearing.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The subject site is developed with a commercial building and associated parking area. It is bordered to the west, south, and east by undeveloped land, zoned I-2, and commercial and industrial properties to the north, zoned C-S and I-1.

**MODIFICATON**

The request would terminate commitment #3 related to a rezoning petition, 2023-ZON-078, that required sidewalk installation within one year of approval along 71<sup>st</sup> Street.



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Instead, the petitioner proposes that an agreement for contribution in lieu of sidewalk construction be accepted.

**STAFF ANALYSIS**

When the rezoning petition was considered, staff provided a conditional approval. The sidewalk installation commitment could have disputed at that time, but the petitioner agreed to it knowing it included a one-year deadline for installation.

The sidewalk installation request was due to staff's concern regarding the high volume of traffic and pedestrian activity along 71st Street, which could have been mitigated in the long run with the sidewalk.

Staff noted that if additional time for the sidewalk installation was needed, then staff would be willing to consider an extension of the timeframe in the future through a modification petition. The option to install the sidewalk in sections over time was also proposed during conversations prior to the filing of this request.

It is unfortunate that the commitment has not been fulfilled to date considering the rezoning was approved by the City-County Council on December 4, 2023, but staff is not supportive of the request for contribution in lieu of sidewalk installation.

This type of request is only considered in locations where site conditions cause extreme difficulty in the construction of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request is required to include supporting documentation.

The petitioner provided documentation noting difficulty in receiving responses from engineering companies and included the cost associated with the installation. Unfortunately, neither are adequate reasons to warrant a waiver of the sidewalks.

Furthermore, no site difficulties exist to prevent the installation of sidewalks since there is more than adequate right-of-way to locate the sidewalks south of the drainage ditches along the street frontage.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-1	
<b>Existing Land Use</b>	Commercial Contractor Business	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-S / I-1	Commercial / Industrial
South:	I-2	Undeveloped
East:	I-2	Undeveloped
West:	I-2	Undeveloped



Thoroughfare Plan		
71 <sup>st</sup> Street	Primary Arterial Street	119-foot proposed right-of-way and 90-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends light industrial development for this site.
- 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, 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.





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- **Heavy Commercial Uses**
  - Removed as a recommended land use where they would be adjacent to a living typology.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
  - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
  - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- The site falls within the Industrial Reserve (IR) overlay. It is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.
- This overlay removes the Small-Scale Offices, Retailing, and Personal or Professional Services and Heavy Commercial Uses.

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

- Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

#### Infill Housing Guidelines

- Not Applicable to the Site.

#### Indy Moves

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

- The Indy Bike Master Plan 2011 proposed the Northtown Trail, which is an existing on-street bike lane along 71<sup>st</sup> Street from Winton Drive to Spring Mill Road.
- A complete street greenway is proposed along 71<sup>st</sup> Street known as the Northtown Trail from Georgetown Road to Michigan Road per the FullCIRCLE Indy Greenways Master Plan 2014 and Indy Thoroughfare Plan 2016. This proposed multi-use path would be on the south side of the road and is considered a high priority project.
- The 71st Street Complete Street & Northtown Trail will provide a key east-west multimodal connection on the Northwest side of Indianapolis, while establishing continuity in roadway configuration with a consistent three-lane typical section. Although this corridor already includes bike lanes, much of it is lacking pedestrian infrastructure. The Northtown Trail provides continuity for people walking along



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the corridor, while also providing an off-street facility for bicyclists. People walking along the north side of 71st Street (opposite the Northtown Trail) will benefit from new sidewalks for the length of the project. A consistent three-lane typical section, with one travel lane in each direction and a two-way center turn lane, will be created by relocating and consolidating the existing bike lanes with the Northtown Trail to minimize right-of-way acquisition.



## ZONING HISTORY

### Zoning History – Site

**2023-ZON-078; 4021 West 71st Street** (subject site), Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor, **approved.**

**78-Z-35; 4021 West 71st Street** (subject site), Rezoning of the site being in the A-2 district to the C-1 classification to permit real estate office, **approved.**

### Zoning History - Vicinity

**2017-ZON-084; 4040 and 4042 West 71st Street** (north of site), Rezoning of 3.14 acres from the C-S district to the C-S classification to provide for C-1 uses, I-1 uses, warehouse and event center, **approved.**

**2003-ZON-187; 4040 and 4042 West 71st Street** (north of site), Rezoning of 3.139 acres from the I-1-S District to the C-S classification to provide for C-1 and I-1-S uses, including an expansion of existing contractor offices and warehouses, **approved.**

**2002-ZON-179; 4212 West 71st Street** (northwest of site), Rezoning of 9.974 acres from I-1-S to I-3-S, to provide for industrial uses within an existing structure, **approved.**

**2001-ZON-131; 3980 West 71st Street** (northeast of site), Rezoning of 2.08 acres from the C-P District to the SU-1 classification to provide for religious uses, **approved.**

**98-Z-115; 4202 West 71st Street** (northwest of site), Rezoning of 1.939 acres from I-1-S(FF) to I-2-S(FF), **approved.**

**96-CP-22Z / 96-CP-22P; 3840 West 71st Street** (northeast of site), Rezoning of 13.77 acres from the D-S District to the C-P classification to provide for single-family residential, commercial, and industrial development and plan approval dividing 13.77 acres into 28 residential lots and three commercial blocks, **approved.**

**86-Z-256; 4002 West 71st Street** (northeast of site), Rezoning of 12.77 acres, being in the A-2 district, to the D-S classification, to provide for residential development, **approved.**

**86-Z-38; 4102 West 71st Street** (north of site), Rezoning of 16.32 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

**70-Z-247; 4202 West 71st Street** (northwest of site), Rezoning of 16.25 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

**EXHIBITS**





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2023-ZON-078 COMMITMENTS

**A202300100918**

**12/06/2023 08:19 AM**

**FAITH KIMBROUGH  
MARION COUNTY IN RECORDER**

**FEE: \$ 35.00**

**PAGES: 6**

**By: JN**

**STATEMENT OF COMMITMENTS**

**M.I. 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:** A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

**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. A 59.5-foot half right-of-way shall be dedicated along the frontage of 71<sup>st</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. A sidewalk shall be installed within one year of approval along 71<sup>st</sup> Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance.

*MDC's Exhibit B -- page 1 of 6*





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4. Owner agrees that should they decide to display seasonal lights, display shall be limited to the following dates with the following listed restrictions:
- Thanksgiving to January 6. Lighting display shall be limited to the primary structure, walkway, and drive on these dates.
  - February 14. Lighting display shall be limited to the primary structure and the light colors limited to red, pink, and white on this date.
  - March 17. Lighting display shall be limited to the primary structure and the light colors limited to green and white on this date.
  - Memorial Day Weekend. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on these dates.
  - July 4. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on this date.
  - September 11. Lighting display shall be limited to the primary structure and the light colors limited to red, white and blue on this date.
  - October 31. Lighting display shall be limited to the primary structure and the light colors limited to orange and black on this date.
  - The Tuesday before Thanksgiving through Thanksgiving. Lighting display shall be limited to the primary structure and the light colors limited to red, orange, and yellow on these dates.
  - Should the Indianapolis Colts make the Super Bowl, blue and white lights on the primary structure are permitted the week preceding the Super Bowl through the week following the Super Bowl.
5. The following uses in Table 743-1: Use Table, of the Consolidated Zoning and Subdivision Ordinance, I-1 district, shall be prohibited:
- Auctioneering and Liquidating Services
  - Dry Cleaning Plant or Industrial Laundry
  - Outdoor Advertising Off-Premise Sign (Billboard)
  - Firearm Sales
  - Power Generating Facility, Local
  - Substations and Utility Distribution Nodes
  - Wireless Communications Facility
  - Automobile Fueling Station
  - Heliport or Helistop
  - Transit Center
  - Recycling Station



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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2023-ZON-078 by the City-County Council changing the zoning classification of the real estate from a C-1 zoning classification to a I-1 zoning classification; or

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the I-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning 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 # 2023-ZON-078.







PROPOSED COMMITMENTS

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:**

A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. Commitment Number 3 shall be terminated and petitioner shall enter into an agreement for contribution in lieu of sidewalk construction with the Department of Metropolitan Development, City of Indianapolis.
2. All other commitments subject to 2023-ZON-078 and recorded in Instrument #A202300100918 shall remain in full force and effect.
3. 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".

*MDC's Exhibit C -- page 1 of 3*



Department of Metropolitan Development  
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4021 W. 71<sup>st</sup> Street, Indianapolis, IN 46268  
Civil Engineering Inquiries for Installation of Sidewalk

These inquiries are for engineering work only and are in addition to an estimated \$11,000 for the concrete work to install the sidewalk.

Company/Individual Contacted	Response
Joel Brane Kruse Consulting, Inc. 7384 Business Center Dr.	They do not work in that area
Dan Kovert Wilcox Environmental Engineering	Received no response
Maurer Surveying	Received no response
Benjamin Houle Landworx Engineering	Originally agreed to do the project but then failed to respond to additional inquiries
Roger Ward Engineering	Too small of a project for them to do
Fritz Engineering	Provided an estimate for boundary retracement and topographic survey, preliminary site layout, site construction plans, stormwater management analysis and design, and agency review assistance for a total of \$22,365. These services do not include labor and materials for the actual sidewalk installation.
Silver Creek Engineering Inc.	No response received
Shive Hattery Architecture + Engineering	No response received
Bowen Engineering	No response received
Weihe Engineers Inc.	No response received
JPS Engineers	No response received
WGI Services	They stated they would not be the appropriate fit for their needs.
Keeler Webb	No response received
Circle Design Group	No response received
Jessica Hartman Align Civil Engineering	They were not interested in the work because there was too much red tape.
Greg Snelling Snelling Engineering	Estimated the cost for civil engineering services alone would be \$20,000-\$30,000
Matthew Holbrook	Originally agreed to take a look at the project, but no response after two months of waiting.



Department of Metropolitan Development  
Division of Planning  
Current Planning



14020 Mississinewa Drive  
Carmel, IN 46033  
P: 317-324-8695  
[www.Fritz-Eng.com](http://www.Fritz-Eng.com)

December 19, 2023

Ms. Capricia Turner, Member  
Ethan & Caprica Turner, LLC  
1888 W. CR 571 South  
Clayton, IN 46118

**RE: Mosquito Squad Site Improvements**  
4021 W. 71<sup>st</sup> Street  
FES Proposal # 231205

Dear Ms. Turner,

Thank you for your consideration of Fritz Engineering Services, LLC ("FES") and the opportunity to provide Ethan & Caprica Turner, LLC ("Client") this proposal for services related to the Mosquito Squad Site Improvements project generally located at 4021 W. 71st Street in Indianapolis, Indiana.

A Contract for Professional Services is provided on the following page including a summary of costs. Our detailed proposed scope of services is provided in Attachment A. Attachment B provides a list of staff hourly rates and reimbursable expenses. Services will be provided in accordance with the General Terms and Conditions provided in Attachment C.

We look forward to the opportunity to review this proposal with your team. Please feel free to contact us if additional information is needed or there are any questions regarding this proposal.

Sincerely,

*Fritz Engineering Services, LLC*

Ashton L. Fritz, P.E., CFM, CPESC  
Principal

[ashton@Fritz-Eng.com](mailto:ashton@Fritz-Eng.com)

(PE Licensed in Indiana, Ohio, Michigan, Kentucky, Alabama, Maine, New Hampshire, Colorado)





Department of Metropolitan Development  
 Division of Planning  
 Current Planning

**CONTRACT FOR PROFESSIONAL SERVICES**

Date:	December 19, 2023	By:	Ashton Fritz	FES Proposal #:	231205
<b>CLIENT CONTACT INFORMATION</b>					
Client:	Ethan & Caprica Turner, LLC	Tel. #:			
Representative:	Capricia Turner	Mobile #:	317-750-4737		
Title:	Member	E-mail:	<a href="mailto:Capricia.turner@mosquitosquad.com">Capricia.turner@mosquitosquad.com</a>		
Billing Address:	1888 W. CR 571 South	Fax #:			
City, State Zip:	Clayton, IN 46118				
<b>PROJECT INFORMATION</b>					
Project Name:	Mosquito Squad Site Improvements	Common Location:	4021 W. 71st Street		
State:	Indiana	County:	Marion		
City:	Indianapolis	Subdivision:	---		
<b>SCOPE OF SERVICES:</b>					
<p>Fritz Engineering Services, LLC will provide the various services outlined in our proposal #231205 dated December 19, 2023 (attached) for the Mosquito Squad Site Improvements project located at 4021 W. 71st Street. The Scope of Services is more specifically outlined in Attachment A. This proposal is valid for a period of 90 days from the date listed above. If not authorized to proceed within that period, FES reserves the right to review and revise any scope and/or fees after that period.</p>					
<b>COST OF SERVICES SUMMARY:</b>					
<b><u>LUMP SUM SERVICES:</u></b>					
BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY			\$	5,515	
PRELIMINARY SITE LAYOUT			\$	850	
SITE CONSTRUCTION PLANS			\$	9,800	
STORMWATER MANAGEMENT ANALYSIS AND DESIGN			\$	3,700	
AGENCY REVIEW ASSISTANCE			\$	2,500	
			<b>TOTAL</b>	<b>\$ 22,365</b>	
			<b>DOWN PAYMENT REQUIRED, 20%</b>	<b>\$ 4,473</b>	
<b><u>HOURLY SERVICES:</u></b>					
CONSTRUCTION ADMINISTRATION (Hourly by Staff Classification)					
AS REQUESTED SERVICES (Hourly by Staff Classification)					
Note: All invoices paid by credit card or virtual card shall be subject to a 3% processing fee.					
<p>Services not listed in the above Scope may be provided on a mutually agreed fee or on an hourly basis as requested by Client. Services provided on an hourly rate will be performed and billed by Staff Classification as provided in Attachment B. Reimbursable expenses will be in addition to the fees noted above. Reimbursable expenses will be billed on an as-used basis in accordance with the rates provided in Attachment B. Please note that we assume Ethan &amp; Caprica Turner, LLC will provide FES with checks required for plan submittal, plan review and other required fees.</p>					
<p>Ethan &amp; Caprica Turner, LLC hereby agrees to the Scope of Services outlined in Attachment A, the Billing Rates provided in Attachment B and the contract terms and conditions provided in Attachment C. Please return a copy of the signed contract via one of the following methods:</p>					
<b>Email:</b>	<a href="mailto:ashton@Fritz-Eng.com">ashton@Fritz-Eng.com</a>				
<b>Fax:</b>	(317) 324-8717				
<b>Mail:</b>	Fritz Engineering Services, LLC 14020 Mississinewa Drive Carmel, IN 46033				
<b>SIGNATURE:</b>		<b>DATE:</b>			
<b>PRINTED NAME:</b>	Capricia Turner	<b>TITLE:</b>	Member		





Department of Metropolitan Development  
Division of Planning  
Current Planning



Silvers Concrete & Paving

Capricia Turner  
4021 W 71st St  
Indianapolis, IN 46268

(317) 750-4737  
capricia.turner@gmail.com

ESTIMATE	#7062
ESTIMATE DATE	Sep 8, 2023
TOTAL	\$10,820.00

CONTACT US  
1311 W. 96th Street  
Indianapolis, IN 46260

(463) 777-1302  
office@silverscap.com

Service completed by: Joe Large

ESTIMATE

Services	amount
<p>Brushed Project 960 sf (6x160) sidewalk. No excavation besides needed for sidewalk backfill, forming etc.not responsible for utility relocation</p> <p>1. If necessary, lay plywood down for equipment mobilization so damage to your yard is kept at a minimum. Depending on the equipment being used this is not always the case.</p> <p>2. Demo earth and any other materials and haul away debris. Re-establish sub grade. Includes checking existing sub grade. Add additional compacted #53 stone as needed. If necessary, use a laser to grade. This covers removal of concrete/asphalt up to 5" in depth. Anything greater than this is subject to an additional fee.</p> <p>3. Form, pour and finish new concrete at a depth of 4" at 4500PSI(INDOT Class A)</p> <p>4. Fiber mesh reinforced.</p> <p>5. Brush finish.</p> <p>6. If needed, any public utilities will be marked for the customer.</p> <p>7. If needed, any permit required for the job will be obtained for the customer. Building permits and projects in Zionsville excluded.</p> <p>8. We typically ask for \$500 at the time of signing the contract unless discussed otherwise.</p>	\$10,820.00













Photo of the property east of the subject site.



Photo of the subject site.



Photo of the property west of the subject site.



Photo of the street frontage west of the entrance drive.



Photo of the street frontage east of the entrance drive.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-101 (Amended)

**Property Address:** 1820 South Arlington Avenue

**Location:** Warren Township, Council District # 20

**Petitioner:** Prime USA, Inc. by David Gilman

**Request:** Rezoning of 22.02 acres from the D-A (FF) district to the D-S (FF) district to provide for single-family residential development.

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

**PETITION HISTORY**

The Hearing Examiner acknowledged a timely automatic continuance request filed by a registered neighborhood organization that continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing.

The Hearing Examiner acknowledged a timely automatic continuance request filed by the petitioner’s representative that continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing.

Because the petition was amended and required new notice, the Hearing Examiner continued this petition from the November 14, 2024 hearing, to the December 12, 2024 hearing.

The Hearing Examiner continued this petition from the December 12, 2024 hearing, to the January 23, 2025 hearing, to provide additional time for further discussions.

The Hearing Examiner continued this petition from the January 23, 2025 hearing, to the February 20, 2025 hearing, without notice, to provide additional time to submit a site plan and continue discussions with the neighbors and neighborhood organization.

The petitioner’s representative submitted an e-mail, file dated February 4, 2025, **withdrawing the petition**. This would require acknowledgement from the Hearing Examiner.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-136  
**Property Address:** 100635 Indian Creek Road South  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Gurudwara Shaheedan, Inc., by Joseph D. Calderon  
**Current Zoning:** D-A (FF) (FW)  
**Request:** Rezoning of 7.544 acres from the D-A (FF) (FW) district to the SU-1 (FF) (FW) district to provide for religious uses.  
**Current Land Use:** Undeveloped land  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a remonstrator’s representative that continued this petition from the December 12, 2024 hearing, to the January 9, 2025 hearing.

The Hearing Examiner continued this petition from the January 9, 2025 hearing, to the January 13, 2025 hearing, at the request of the petitioner’s representative to provide time for discussions with the neighborhood organization.

Due to unforeseen circumstances the February 13, 2025 hearing, was moved to a Special Hearing on February 20, 2025.

The petitioner’s representative submitted an e-mail, file dated January 16, 2025, **withdrawing the petition**. This would require acknowledgement from the Hearing Examiner.

**METROPOLITAN DEVELOPMENT COMMISSION** February 20<sup>th</sup>, 2025  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-143  
**Property Address:** 4505 South Harding Street (Approximate Address)  
**Location:** Perry Township, Council District #22  
**Petitioner:** Blue Beacon, Inc. by Jennifer Milliken and Timothy Ochs  
**Current Zoning:** MU-1  
**Request:** Rezoning of 5.22 acres from the MU-1 (FF) district to the C-7 (FF) district to provide for a heavy vehicle wash.  
**Current Land Use:** Commercial  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This petition was automatically continued by a registered neighborhood organization from the January 9<sup>th</sup>, 2025, to the February 13<sup>th</sup>, 2025, hearing.  
 The February 13<sup>th</sup>, 2025, hearing date was rescheduled to February 20<sup>th</sup>, 2025.  
 A remonstrator has submitted a written continuance for cause request to continue this matter from the February 20,2025 hearing to the March 13<sup>th</sup>, 2025, hearing to allow additional time to amend the request and provide new notice.

**STAFF RECOMMENDATION**

Staff recommends approval, with the commitments of the rezone request. 1. Substantial compliance with the site plan

**PETITION OVERVIEW**

**LAND USE**

The 5.22-acre subject site a vacant lot located within the South Indianapolis Industrial City Subdivision situated in the North Perry Neighborhood.

The surrounding zoning designation and land use are as follows:

- North:** Zoned I-3 -Industrial Uses (Truck Driving School & Auto Sales)
- South:** Zoned C-5/C-7 -Commercial Use/ (Restaurants & Hotel or Motel)
- East:** Zoned I-4 -Industrial Use (Truck Parking)
- West:** Zoned C-7 -Commercial Use (Truck Wash & Truck Stop)

## **REZONING REQUEST**

This petition seeks to rezone this site from the MU-1 (Mixed-Use District One) to the C-7 (High-Intensity Commercial District) to district to allow for the use of Heavy Vehicle Washing Station.

### **Zoning District Overview:**

- **MU-1 (Mixed-Use District One):** Districts are intended for the development of high-rise office uses and apartments intermixed, grouped or in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand, typically located in the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes”.
- **C-7 (High-Intensity Commercial District):** Characterized by commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses.
- **FF (Floodway Fringe District):** Which is a secondary zoning district that overlays the primary zoning district. FF indicates a 1% chance for significant flooding as well as shallow flooding in any given year. FF is based upon hydrological data and is delineated on the FEMA maps.

### **STAFF ANALYSIS**

Given the surrounding property zoning and land uses geared towards industrial use mainly the maintenance, sale and parking of trucks, staff believes rezoning the property to C-7 to allow for truck washes aligns with the neighborhood needs.

### **Traffic Impact Analysis:**

A Traffic Impact Study, dated November 21<sup>st</sup>, 2024, was conducted and reviewed by the Department of Public Works (DPW). The findings are as follows: The conclusions of which are.

- The proposed development is projected to add 13 new trips during the A.M. peak hour (7 in / 6 out) and 17 new trips during the P.M. peak hour (9 in / 8 out).
- S. Harding Street and Proposed Site Driveway (Full Access)
- Based on the right turn guidelines in Figure 46-4A of the IDM, the volume of traffic on S. Harding Street combined with the projected right turning site traffic volumes, a right turn lane is not warranted during either peak hour in 2026.
- Based on the results of the traffic analysis, it was found that the projected traffic volumes would have a minimal impact on the area roadways.

These findings have been incorporated into the provided below in **Exhibit C**

### **Comprehensive Plan Considerations:**

The Comprehensive Plan recommends this areas for Community Commercial Use, however, staff finds this designation inconsistent with both the existing and future land use trends in the area.

**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

- The area is located off Highway 40 W, with the closest residential located on the other side of the highway.
- The surrounding areas are all industrial or commercial uses geared towards semi-truck industry.

White the proposed use does not align with the comprehensive plan’s recommendation; it does reflect the existing built environment. Therefore, staff is recommending approval of this rezone petition with the conditions below.

1. Substantial compliance with the site plan

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-1	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-3	Industrial Use
South:	I-4	Industrial Use
East:	I-4	Commercial Uses, Industrial Use
West:	C-7	Industrial Use
<b>Thoroughfare Plan</b>		
Harding Street	Primary Arterial	102-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes- Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/09/2024	
<b>Site Plan (Amended)</b>	12/16/2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Community Commercial development for the subject site.





**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

- The **Community Commercial**, “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.”

- “**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.”

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## Zoning History

### Zoning History - Vicinity

**2022ZON085; 4505 South Harding Street;** (Subject Site) Rezoning of 5.22 acres from the MU-1 (FF) to the I-3 (FF) district. **Withdrawn**

**2021CZN842; 4505 South Harding Street;** (Subject Site) Rezoning of 5.22 acres from the MU-1 district to the I-3 district. **Withdrawn**

**2012CZN813; 4580,4600 and 4800 S Harding Street (),** Requested rezoning of 37.1 acres from the C-2, C-3, C-5, C-7, and I-3-S Districts to the I-4-S (FF) Classification to provide for a motor truck terminal. **Approved.**

**2012CVR813; 4580,4600 and 4800 South Harding Street(),** Variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales (not permitted) and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line (30-foot setback from the proposed right-of-way or 100 feet from the centerline, whichever is greater required, 30-foot side setback required). **Granted.**

**2012ZON063; 4605 South Harding Street;** Rezoning of 0.75-acre from the C-3 (FF) District to the C-7 (FF) classification to provide for the parking of semi-tractors and trailers. **Approved**

**2009SE1005; 4607 South Harding Street,** requested special exception of the CZO to provide for an amusement arcade, **Approved.**

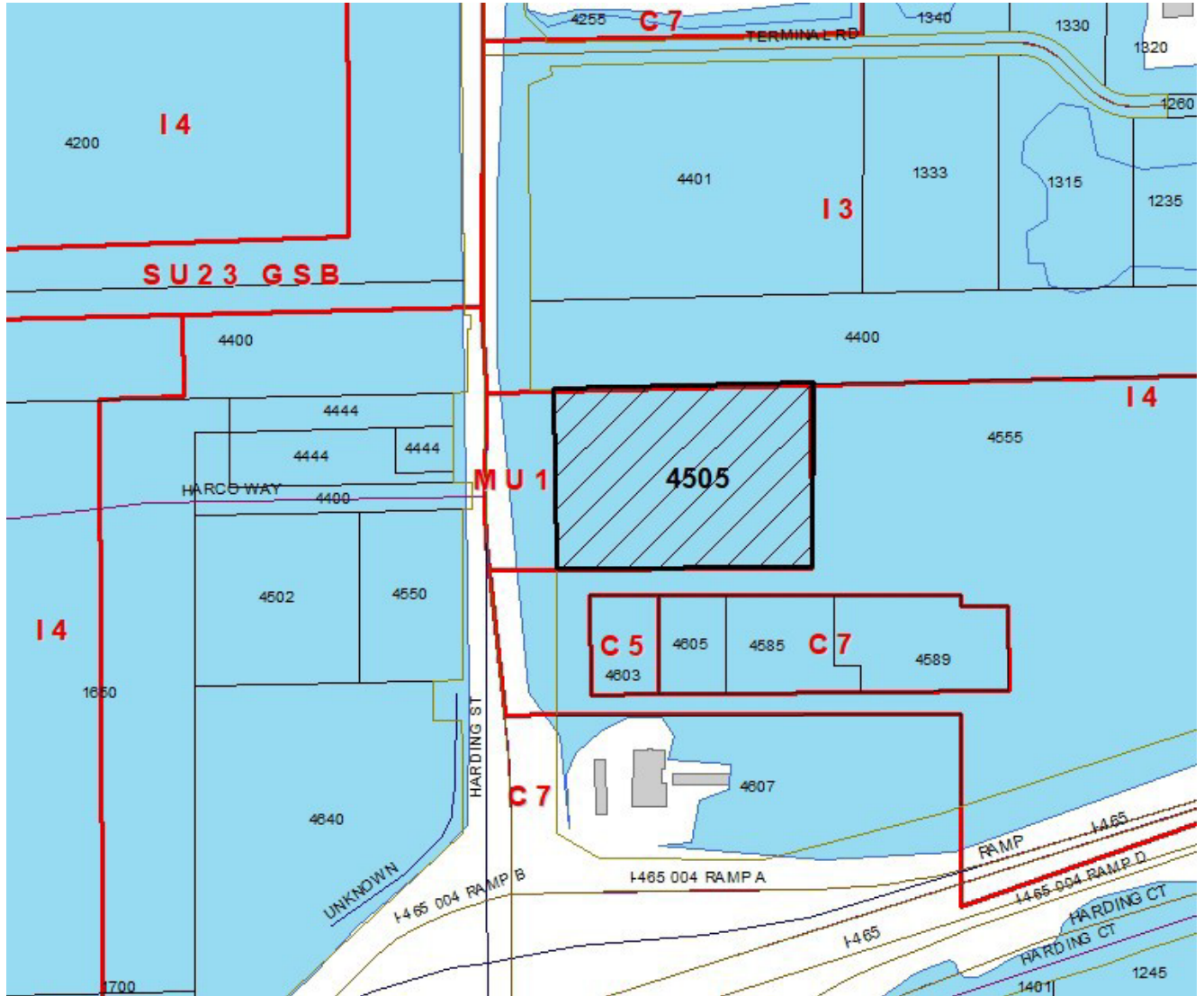
**98-Z-249; 4504 South Harding Street** (west of site), requested rezoning of 2.57 acres from C-5 to C-7, **approved.**

**98-V2-14; 4584 South Harding (),** requested variance of development standards of the Sign Regulations to provide for an off-premises advertising sign, **granted.**

**95-Z-141; 4640 South Harding Street** (southwest of site), requested rezoning of 8.64 acres from I-4-S to C-7, **approved**

**88-Z-178; 4444 South Harding Street** (northwest of site), requested rezoning of 17.86 acres from I-4-S and C-6 to C-7, **approved.**

**88-Z-171; 4610 South Harding Street Approved,** requested rezoning of C-6 and I-4-S district, to C-7 classification to provide for a Truckstop operation, **Approved.**

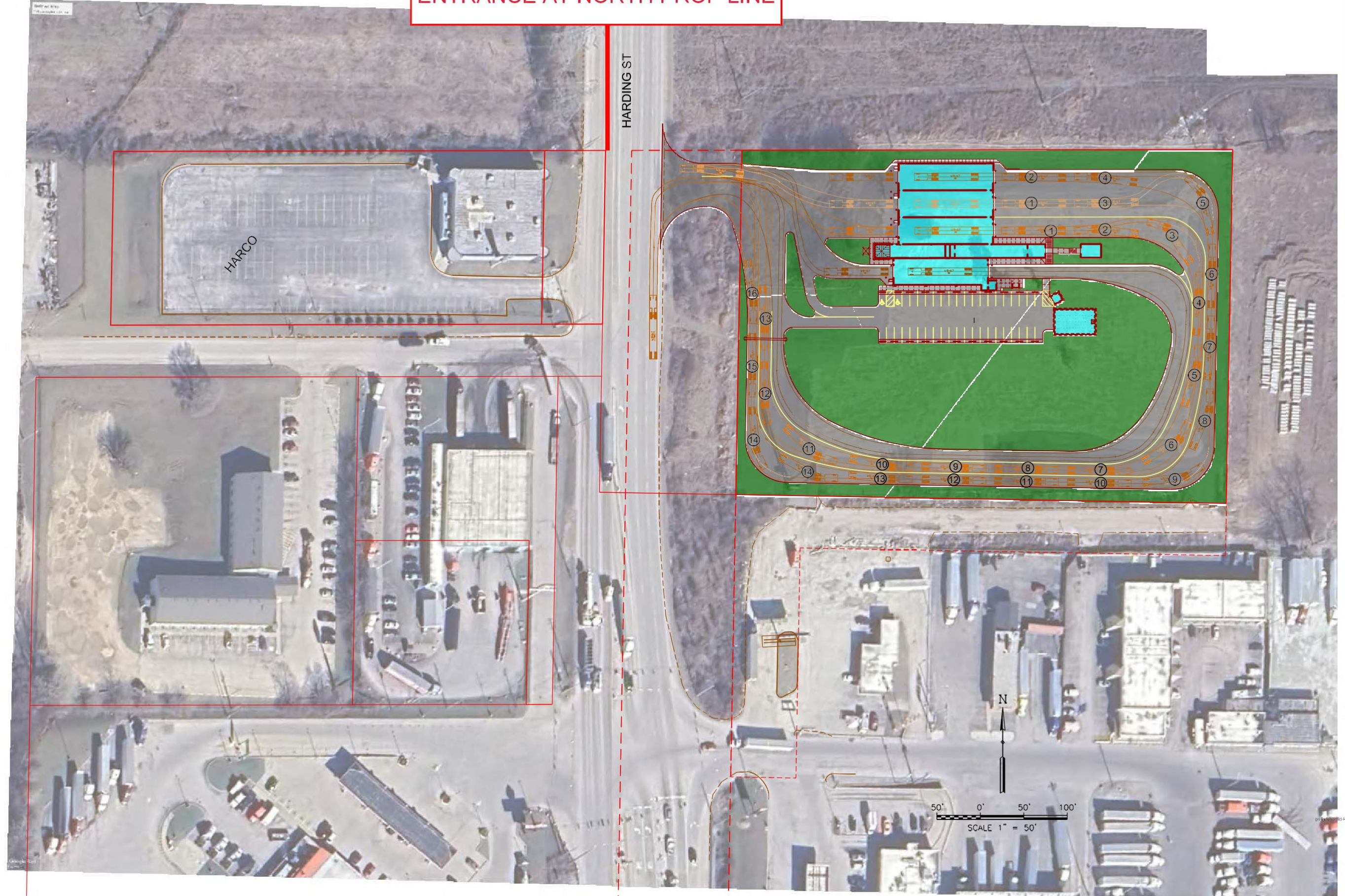






# EXHIBIT B

## BBI INDIANAPOLIS OPTION 2A ENTRANCE AT NORTH PROP LINE



PRELIMINARY

PLANS PREPARED BY: **BLUE BEACON, INC.**

LOGO:

SHEET TITLE: **PRELIMINARY SITE PLAN - OPTION 2a**  
**BLUE BEACON OF SALINA**  
 2303 N. NINTH ST., SALINA, KS 67401

Item 4.

REVISIONS:

DATE:	8/8/2024
DATE:	8/8/2024
DATE:	8/8/2024

JOB NO.: TRUCK WASH #1

FILE NAME: D:\Projects\Pre\SitePlan-021a.dwg

SCALE: 1" = 50'

SHEET 38 OF 38



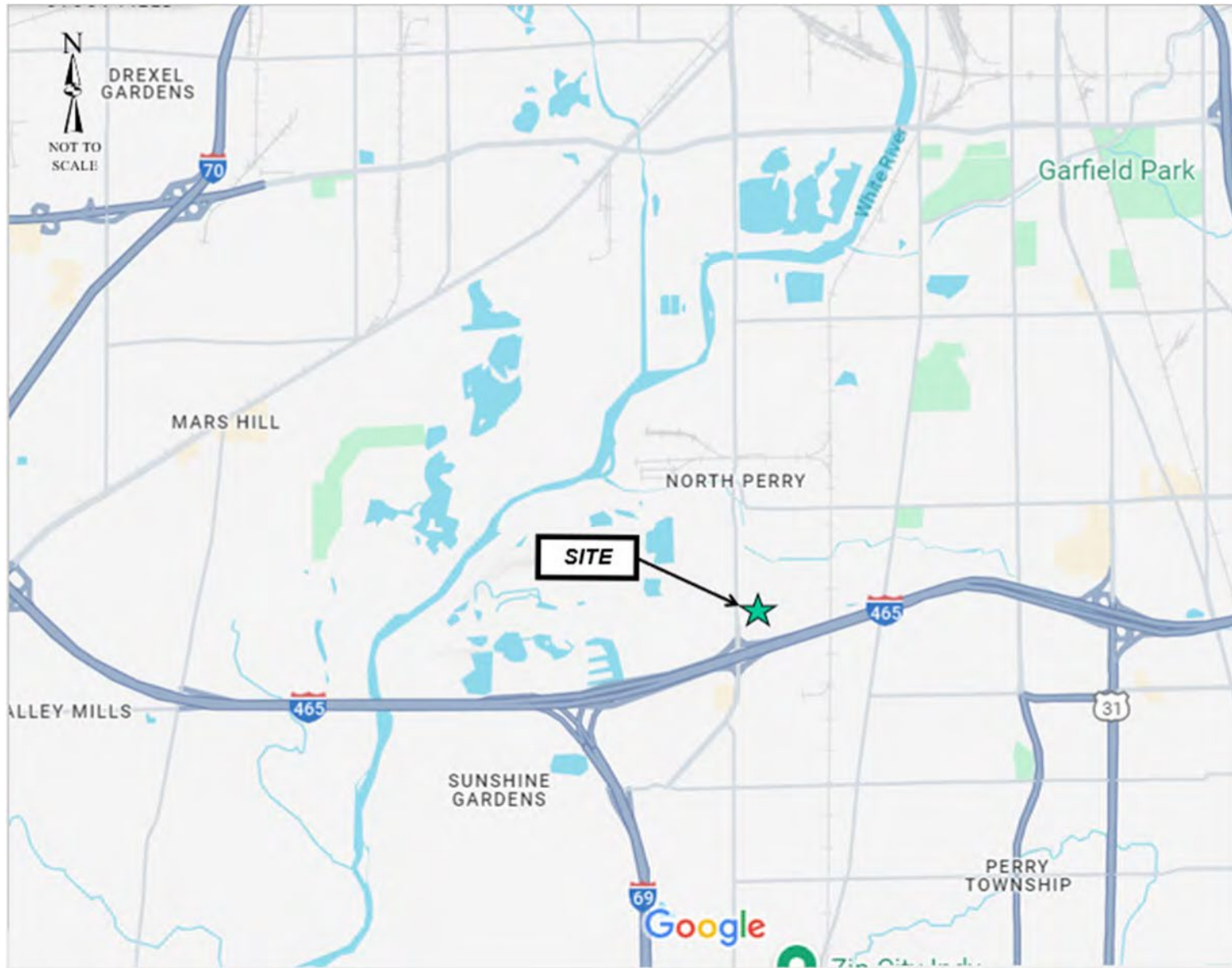
# EXHIBIT C

## 1. Conclusions

Based on the results of the study, the conclusions are as follows:

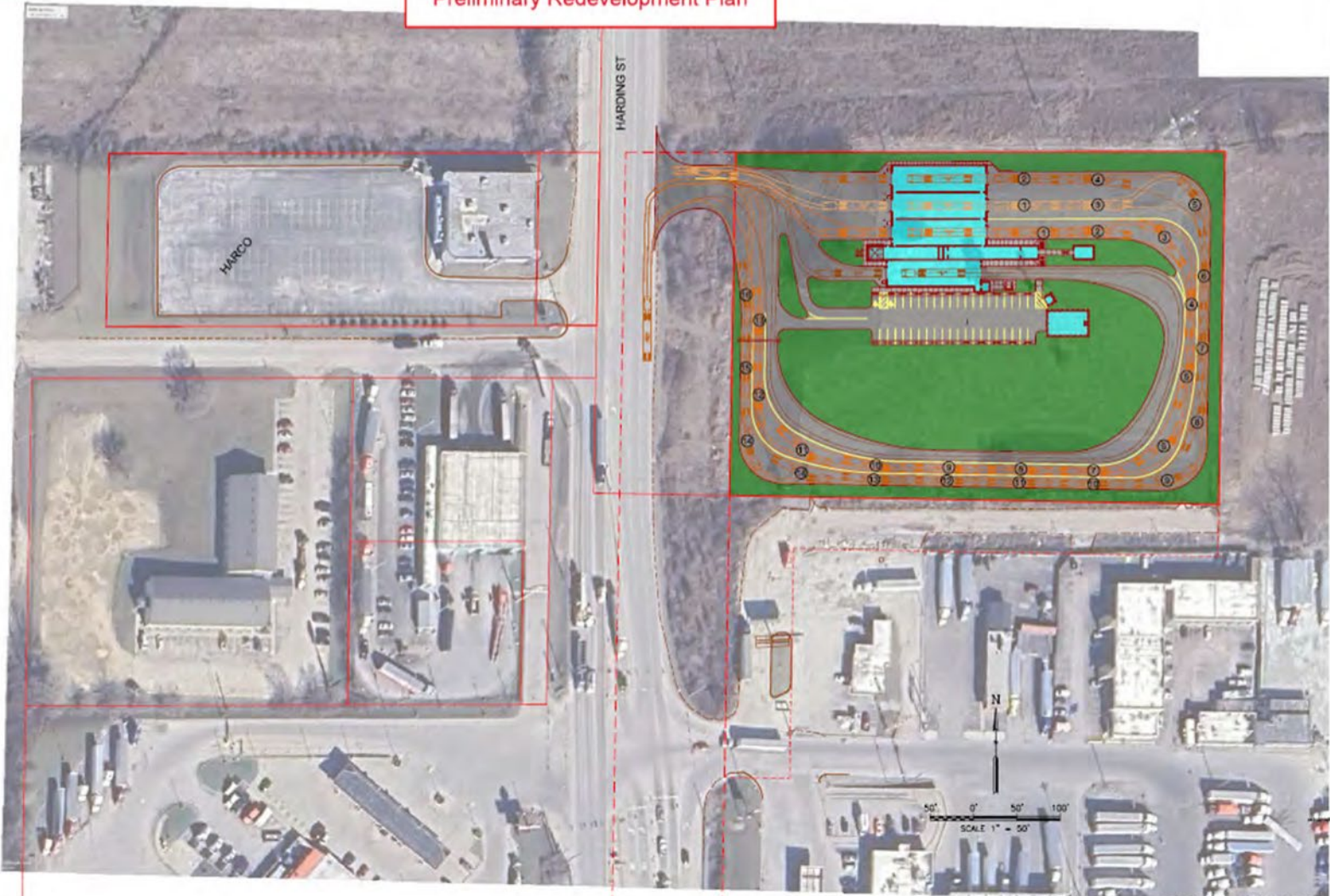
- In 2026, the proposed development is projected to add 13 new trips during the A.M. peak hour (7 in / 6 out) and 17 new trips during the P.M. peak hour (9 in / 8 out).
- S. Harding Street and Proposed Site Driveway (Full Access)
  - Based on the right turn guidelines in Figure 46-4A of the IDM, the volume of traffic on S. Harding Street combined with the projected right turning site traffic volumes, a right turn lane is not warranted during either peak hour in 2026.

Figure 1: Site Location





Blue Beacon Truck Wash  
INDIANAPOLIS  
Preliminary Redevelopment Plan




**BLUE BEACON, INC.**  
 PRELIMINARY SITE PLAN - OPTION 2a  
 BLUE BEACON OF SALINA  
 2021 N. NORTH ST. SALINA, MO 65157  
 PRELIMINARY PLANS  
 DATE: 08/2024  
 SCALE: 1" = 50'  
 SHEET: C1.0

EXHIBIT D SITE PHOTOS



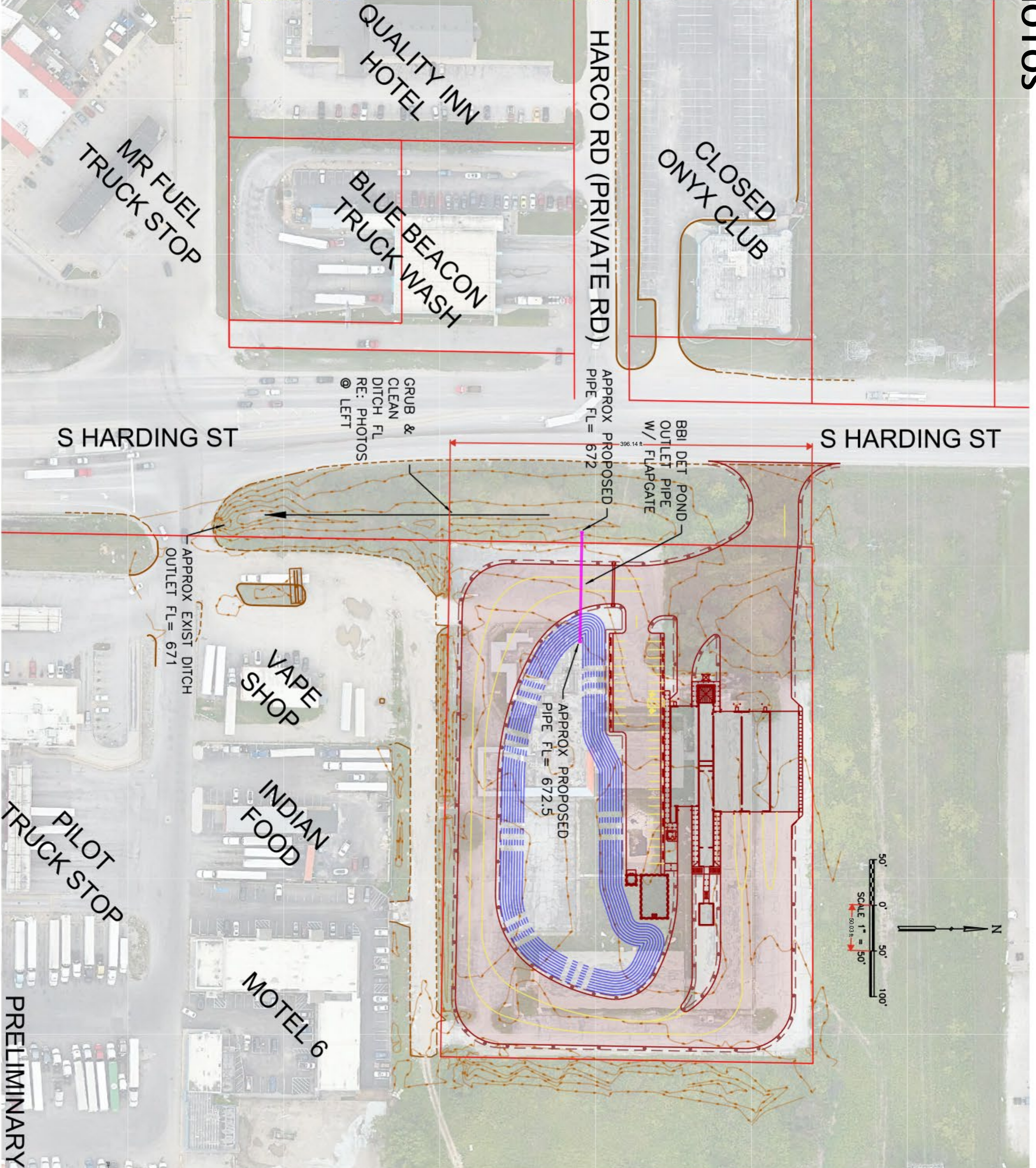
2012 GOOGLE EARTH



2018 GOOGLE EARTH



2022 GOOGLE EARTH



SHEET <b>PD1.0</b> OF	SUBMITTAL: <b>PRELIMINARY PLANS</b> DATE: 12/16/2024	SHEET TITLE: <b>PRELIMINARY DRAINAGE SITE PLAN          BLUE BEACON OF SALINA</b> 2303 N. NINTH ST., SALINA, KS 67401	PLANS PREPARED BY:	FOR:
	JOB NO.: TRUCK WASH #1	FILE NAME: TRUCK WASH #1	BLUE BEACON, INC.	

**METROPOLITAN DEVELOPMENT COMMISSION** **February 20<sup>th</sup> 2025**  
**HEARING EXAMINER**

**Case Number:** 2025ZON001  
**Property Address:** 4150 North High School Road (Approximate Address)  
**Location:** Pike Township, Council District #5  
**Petitioner:** Nica Auto and Fleet Repair, LLC by Joseph D. Calderon  
**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:** Commerical  
**Staff Recommendations:** Continue  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff is requesting a continuance for cause to **continue this matter from the February 20<sup>th</sup>, 2025 hearing to the March 13<sup>th</sup>, 2025, hearing** to allow additional time to review the building plans and if new notice is needed.

**PETITION OVERVIEW**

**LAND USE**

The 1.89-acre subject site is developed with a two-family dwelling in the Circle City Addition Subdivision in the Near Southside neighborhood. This development is within ½ mile of Gateway West Park.

The surrounding zoning designations and land uses are as follows:

<b>North:</b>	Zoned D-7	Multi-Family Use/ Woodhaven Park Apartments
<b>South:</b>	Zoned C-3/SU-1	Commerical Use / Stripmall and Olivet Baptist Chrch.
<b>East:</b>	Zoned C-3	Commerical Use/ Stripmall and reglious Use Olivet Baptist Chrch
<b>West:</b>	Zoned C-S	Commerical Use / EL Pasisano Warehouse Home Goods Stores.

**STAFF ANALYSIS**

**REZONING REQUEST:**

This petition seeks to rezone the site from C-3 (Neighborhood Commercial District) to the C-5 (General Commercial District) in order to build and operation an auto sales store.

The comprehensive plan shows this area as Heavy Commercial . The proposed use Auto mobile repair shop aligns with that use. The site plan shows access of an access road with public entry off of High School Road. The property is visiable objstructed by two exising commerical centers on side of a private drive. This rezone would also allow for a reasonbly buffer between commerical uses and the more intense warehouse uses .

Petition will need to be reviewed for Variances

- Fence Material -Chain link not allowed in front yard
- Fence Height – Max height front yard 3.5
- Landscaping – Commerical abutting a residential
- Parking Requirement – not reviewd.
- Sidewalk Connections- Not sidewalk connection to exting network.
- Etc.

**Zoning District Overview:**

**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.

**RDA/EDA Area:** A redevelopment area (RDA) or economic development area (EDA) are established to promote reinvestment and redevelopment in a defined geography and enable certain statutory redevelopment tools. Practically, a TIF district must be located within an RDA or EDA.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Commerical	
<b>Comprehensive Plan</b>	Heavy commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-7	Residential Use
South:	C-3	Commerical Use
East:	C-3	Commercial Uses, Religious Use
West:	C-S	Commerical Use
<b>Thoroughfare Plan</b>		
High school Road	Primary collector	102-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	1/21/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Community Commercial development for the subject site.
- The **Heavy Industrial** typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
  - **Heavy Commercial Uses**

Should be located along an arterial or collector streets.

- **Small-Scale Offices, Retailing, and Personal or Professional Services**  
Should be subordinate to and serving the primary heavy commercial uses. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the heavy commercial typology. Should be located and served in such a way that the use will not interfere with heavy commercial traffic or loading.

**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)

## ZONING HISTORY

### Subject Site

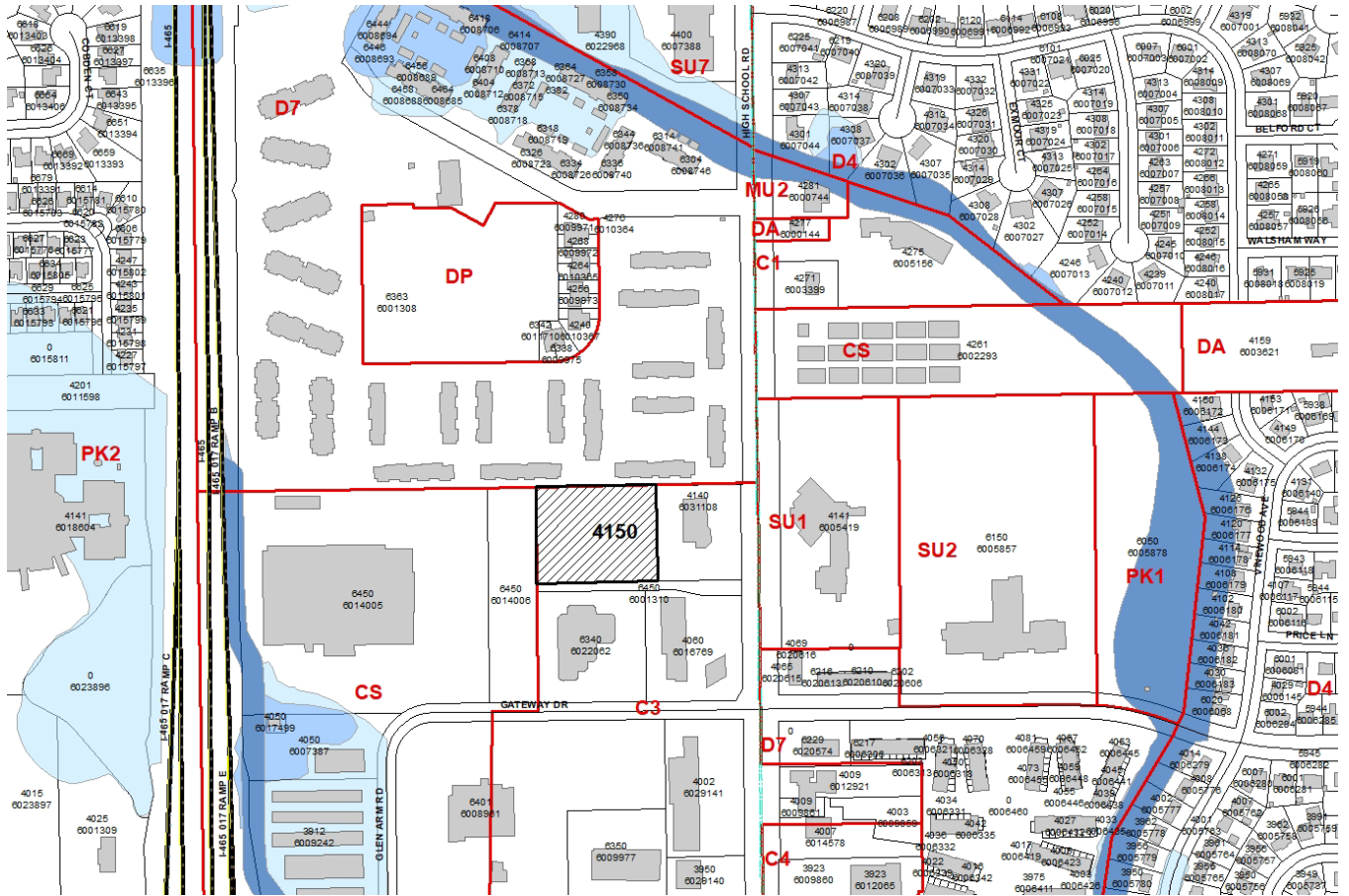
**64-Z-139; North of 38<sup>th</sup> Street** (Subject Site), Request rezoning of 66.77 acres parcel of ground, being in an A-2 (Agricultural) district to a B-3 (business) Classification, to provide for the construction of a regional shopping Center, Located north of 38<sup>th</sup> street between High School Road and I-465 in Pike Township. **Approved.**

### Vicinity

**2014ZON060; 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**

**86-Z-27; 4002** (West of Subject 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**

**EXHIBITS**







View of property subject site



View of subject property



Looking west



Looking East

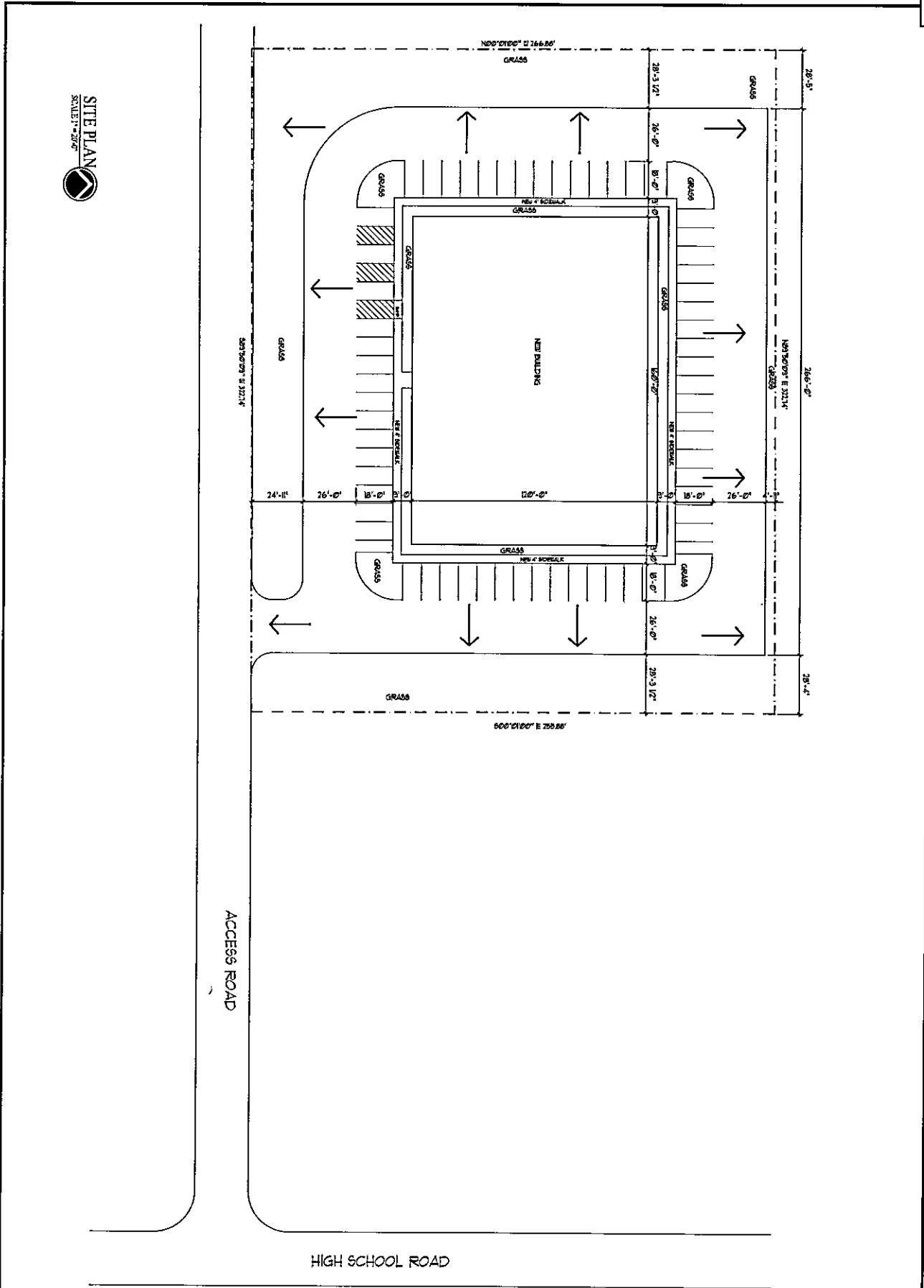


Looking form private drive to subject site



Looking form private drive to subject site

SITE PLAN  
SCALE: 1" = 20'-0"



**SITE PLAN**  
 4140 NORTH HIGH SCHOOL ROAD  
 INDIANAPOLIS, INDIANA 46254

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**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-CZN-851 / 2024-CPL-851

**Property Address:** 7801 South Franklin Road

**Location:** Franklin Township, Council District #13

**Petitioner:** Brenda K. Van Note Revocable Trust by Chase Henderson

**Request:** Rezoning of 4.00 acres from the D-A district to the D-2 district to provide for residential uses.

Approval of a subdivision plat, to be known as Capstone Lane, dividing 4.00 acres into nine lots.

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

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a remonstrator that continued these petitions from the January 9, 2025 hearing, to the February 13, 2025 hearing.

Due to unforeseen circumstances the February 13, 2025 hearing, was moved to a Special Hearing on February 20, 2025.

The petitioner’s representative submitted an e-mail, file dated February 11, 2025, **withdrawing the petition**. This would require acknowledgement from the Hearing Examiner.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2025-CZN-802 / 2025-CPL-802 / 2025-CVR-802

**Property Address:** 5801 Mills Road (Approximate Address)

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

**Petitioner:** Grand Communities, LLC, by David Gilman

**Current Zoning:** SU-2

**Request:** Rezoning of 16.5 acres from the SU-2 District to the D-4 District to provide for attached single-family dwellings.

**Current Land Use:** Approval of a Subdivision Plat to be known as Oak Springs, dividing 16.5 acres into 74 lots.

**Staff Recommendations:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 76-foot lot width for all lots (minimum 90- foot lot width required), seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required), and 10 lots without public street frontage (public street frontage required).

**Staff Reviewer:** Vacant

**PETITION HISTORY**

Staff is requesting a continuance for cause request to **continue this matter from the from the February 20, 2025, hearing to the March 13<sup>th</sup> hearing** to allow time for the petitioner to provide staff with additional information for review.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the March 13, 2025, hearing.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2025-CAP-804 / 2025-CVR-804  
**Property Address:** 324 West Morris Street and 325 Wilkins Street (Approximate Addresses)  
**Location:** Center Township, Council District #18  
**Petitioner:** Kaur Properties, LLC, by Adam DeHart  
**Current Zoning:** C-S

**Request:** Modification of commitments and site plan related to 2019-CZN-827, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no landscaping along Missouri Street (minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no interior landscaping within the parking area (minimum landscaping consisting of 6% land area within parking area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

**Current Land Use:** Gas Station, Convenience Store, and Undeveloped

**Staff Recommendations:** To be determined.

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

**PETITION HISTORY**

The petitioner submitted a written continuance for cause request to **continue this matter from the February 20, 2025 hearing to the March 13, 2025 hearing** to allow additional time to amend the request and provide new notice.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the March 13, 2025 hearing.

**METROPOLITAN DEVELOPMENT COMMISSION** **February 20<sup>th</sup>, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-APP-032  
**Property Address:** 8075 and 8181 North Shadeland Avenue (approximate address)  
**Location:** Lawrence Township, Council District #3  
**Petitioner:** Community Health Network., Inc., and Community Health Network Foundation, Inc., by Timothy H. Button  
**Current Zoning:** HD-1  
**Request:** Hospital District-One and Hospital District-Two Approval for reconfiguration of existing parking areas to provide for additional ADA-compliant spaces, construction of a proposed 400-space surface parking lot, consolidation of two service drives into one service drive, and replacement of existing brine and bulk oxygen tanks.  
**Current Land Use:** Hospital  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The subject site is developed with a hospital complex. It is surround by commercial development to the north, across North Shadeland Avenue, zoned C-4; medical offices to the south, across Clearvista Drive, zoned HD-1; medical offices to the east, across Clearvista Way, zoned HD-2; and medical offices and commercial uses to the west, across North Shadeland Avenue, zoned HD-1 and C-S respectively.

- North:** Zoned I-3 contains the industrial uses of Truck Driving School & Auto Sales.
- South:** Zoned I-3 contains gas station, restaurants, and Hotel/Motel use.
- East:** Zoned I-4 contains Truck parking Uses and Vacant.
- West:** Zoned C-7 contains blue Beacon Truck Washing location, a Truck Stop.

The Comprehensive Plan recommends regional special use. This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway

### **HOSPITAL DISTRICT ONE APPROVAL**

This request would provide for the Hospital District-One Approval to provide an updated parking lot configuration, and the net addition of 361 parking spaces, and the replacement of existing brine and bulk oxygen tanks.

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

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan,
- b. Create and maintain a desirable, efficient, and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses,
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities,
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads,
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

### **STAFF ANALYSIS**

The proposed updates to add new 400 employee parking lots, and modification to the existing parking lot to add increase traffic circulation by consolidating service drives, and ADA complain



parking align with the regional Special use recommendation of the Comprehensive Plan as hospitals are a given example of regional special use. The proposed plan aligns with the development standards of the zoning ordinance. For these reasons, Staff is **recommending approval** of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	HD-1	
<b>Existing Land Use</b>	Hospital	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	HD-2/ C-4	Medical Offices/ Commercial Uses
South:	HD-2	Medial offices
East:	HD-2	Parking lot/ parking garage
West:	C-4/C-S	Commercial uses
<b>Thoroughfare Plan</b>		
Shadeland Avenue	Collector Street	112-foot proposed right-of-way
Clearvista Drive	Local Street	50-foot proposed right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	12/30/2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	12/30/2024	
<b>Findings of Fact</b>	12/30/2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Community Commercial development for the subject site.
- **The Regional Special Use**
  - This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county.
  - Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.
  - Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans.

Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

**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)

**ZONING HISTORY**

- **2019-APP-007; 8075 North Shadeland Avenue** (subject site), requested to provide for three wall signs, **approved.**
- **2018-APP-018; 7165 (7150-parcel) Clearvista Drive and 8181 Shadeland Avenue** (east of site), requested Hospital District One approval to provide for additional parking and general site modifications, including sign and light pole relocations, entrance drive revisions, landscaping and other miscellaneous modifications, and to provide for a temporary gravel construction/contractor parking and construction staging area, **approved.**
- **2017-CAP-805 / 2017-CVR-805; 7979 and 8075 North Shadeland Avenue; 7150 Clearvista Drive and 8102 Clearvista Parkway** (subject site), requested Hospital District Two Approval to provide for a sign program, including wall signs, pylon signs and incidental signs and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for pylon signs, with deficient setback and separation and exceeding the height, **approved.**
- **2015-APP-020; 8075 Shadeland Avenue and 7150 Clearvista Drive** (subject site), requested Hospital District-One Approval to provide for a skybridge pedestrian connector, with a minimum clearance of 17.5 feet over Clearvista Way, from Community Hospital North to the Community Heart and Vascular Hospital, **approved.**
- **2012-CAP-834/ 2012-CVR-834; 7150 Clearvista Drive** (south of site), requested HD1 and HD2 approval to replace a wall sign on the south facade of the parking garage, with a smaller wall sign and to provide for the erection so five, eight-foot tall, 20-square foot identification signs along Clearvista Way, and a variance of developments standards of the sign Regulations to provide for eight-foot tall, 20-square foot identification signs with reduced setbacks for Clearvista Way and exceeding the square feet permitted, **approved.**
- **2014-APP-005; 7229 Clearvista Drive** (south of site); requested Hospital District One Approval to provide for the construction of an approximately 4,100-square foot oncology annex, with additional parking and with sidewalks constructed elsewhere on the Community Hospital Campus, subject to Administrator's Approval, **approved.**
- **2012-CZN/CAP-803; 7250 and 7343 Clearvista Drive** (south of site); requested rezoning of 11.4 acres from HD-1 and HD-2 to HD-1 and HD-1 Approval for a 63,000-square foot rehabilitation hospital, **approved.**
- **2012-CAP-816 and 2012-CVR-816; 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177 and 8180 Clearvista Parkway and 8075, 8100 and 8181 North Shadeland Avenue** (subject site), requested Hospital District One and Hospital District Two Approval to provide for a campus-wide sign program including replacement and new building identification wall signs, and replacement and new identification and incidental freestanding signs, **approved;** and variances of development standards of the Sign Regulations to provide for one southwest-facing, 441-square foot wall sign with a sign area 12% of the facade area to which it is attached, and one northeast-facing, 435-square foot wall sign with a sign area 5.2% of the facade area to which it is attached, a package of nine freestanding incidental/identification signs along Clearvista Parkway and Clearvista Drive which do not meet separation requirements, as indicated on the site plan, file-dated July 16, 2012, a

package of 28 freestanding directional incidental signs with sign areas up to 108.4 square feet, and heights up to 16.25 feet, and a package of freestanding parking and loading incidental signs with heights up to six feet, **granted**.

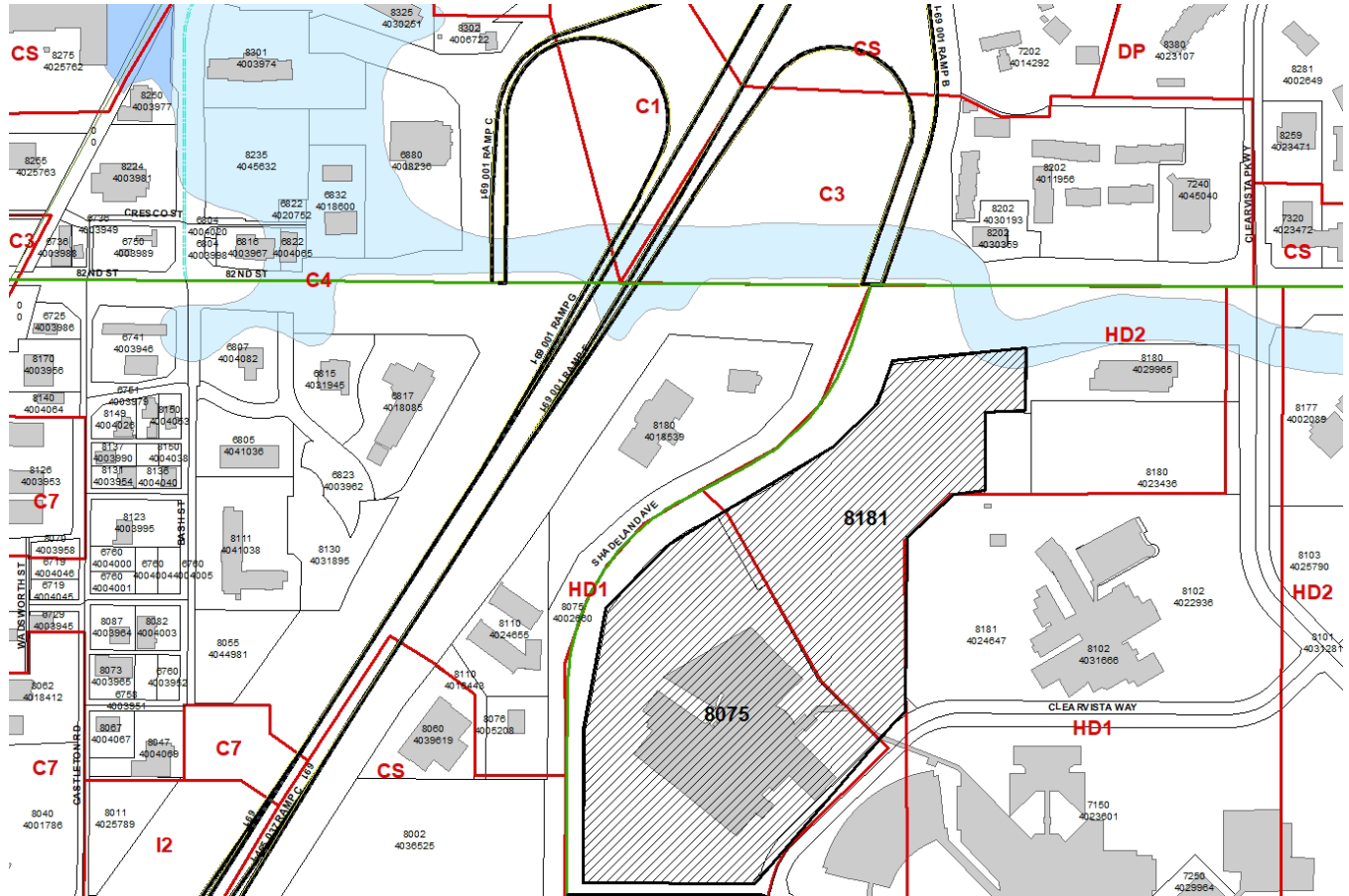
- **2012-CZN/CAP-803; 7250 and 7343 Clearvista Drive** (south of site); requested rezoning of 11.4 acres from HD-1 and HD-2 to HD-1 and HD-1 Approval for a 63,000-square foot rehabilitation hospital, **approved**.
- **2007-APP-814; 7250 Clearvista Drive** (south of site); requested HD-1 Approval and HD-2 Approval to provide for the expansion of an interior access drive, approved.
- **2001-APP-125; 7250 Clearvista Drive** (south of site); requested HD-1 Approval to provide for the construction of a parking lot with 104 spaces to serve the Indiana Surgery Center and Heart Hospital, approved.
- **2007-APP-814; 7250 Clearvista Drive** (south of site); requested HD-1 Approval and HD-2 Approval to provide for the expansion of an interior access drive, approved.
- **2007-APP-042; 7150, 7229 and 7250 Clearvista Drive and 8101, 8102, 8103 and 8177 Clearvista Parkway and 8100, 8075 and 8181 North Shadeland Avenue** (subject site), requested Hospital District One approval to provide for a 472.42-square foot wall sign on the west facade of the parking garage and a 121.46-square foot wall sign above an entrance on the interior of the site and Hospital District Two approval to provide for a 377.2-square foot wall sign on the south facade of the parking garage, approved.
- **2007-VAR-826 and 2007-APP-826; 8102 Clearvista Parkway** (north of site), requested Hospital District One Approval to provide for two six-foot tall, 24-square foot pylon signs, three 4.5-foot tall, 13.5-square foot incidental signs and an 83.67-square foot wall sign, and Variance of Development Standards of the Sign Regulations to provide for three, 4.5-foot tall, 13.5-square foot incidental signs, and a six-foot tall, 24-square foot pylon sign with a seven-foot setback from the existing right-of-way of Clearvista Parkway, **approved**.
- **2004-APP-068; 7250 Clearvista Drive** (south of site), requested Hospital District One Approval and Hospital District Two Approval to provide for the removal of 422 off-street surface parking spaces, the construction of a six-story, 1,140 parking space parking garage to be linked to the main hospital building by a pedestrian walkway and to a proposed six-story, 93,000- square foot addition of physicians' offices by an overhead pedestrian bridge, a one-story, 7,500- square foot addition to the emergency room, a six-story, 385,000-square foot general ward addition, a two-story, 47,200-square foot surgery ward addition and a six-story, 93,000-square foot addition of physicians' office, **approved**.
- **2004-APP-044; 7250 Clearvista Drive** (south of site), requested Hospital District One Approval and Hospital District Two Approval to provide for a two-story, 24,000-square foot hospital addition, the relocation of a hospital entrance with the addition of a drop-off lane, and the addition 976 parking spaces, **approved**.
- **2001-APP-161; 7150 Clearvista Drive** (south of site), requested Hospital District One Approval and Hospital District Two Approval to provide for the expansion of an interior access drive, **approved**.
- **2001-APP-125; 7250 Clearvista Drive** (south of site); requested HD-1 Approval to provide for the construction of a parking lot with 104 spaces to serve the Indiana Surgery Center and Heart Hospital, approved.



Department of Metropolitan Development  
Division of Planning  
Current Planning

- **2001-APP-067; 7150 Clearvista Drive** (south of site), requested Hospital District One Approval and Hospital District Two Approval to provide for the construction of a three-story addition to an existing health care facility, **approved**.

**EXHIBITS**





Department of Metropolitan Development  
Division of Planning  
Current Planning

PHOTOS EXHIBITS
Insert Photos
Insert Photos
Insert Photos

GENERAL NOTES:

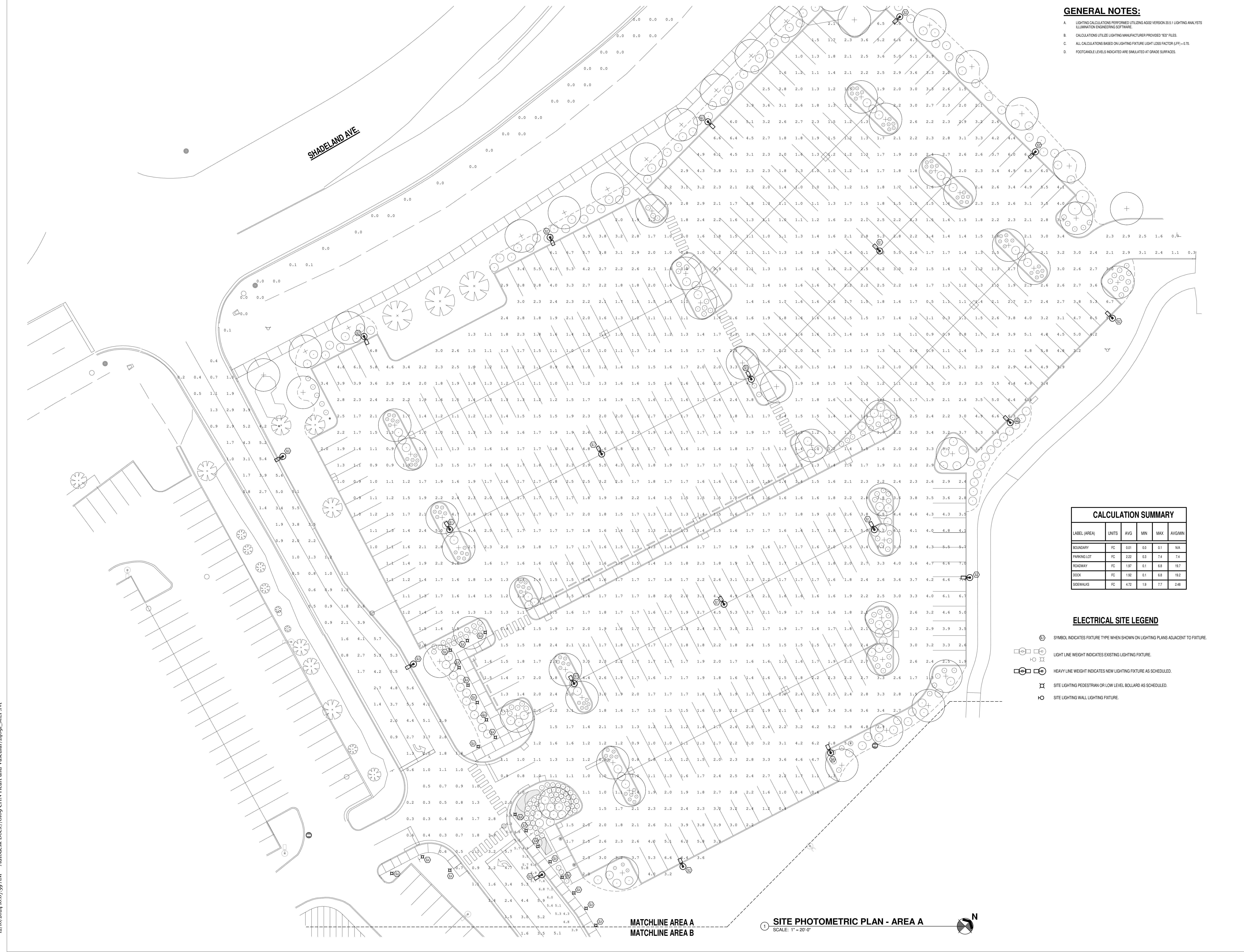
- A. LIGHTING CALCULATIONS PERFORMED UTILIZING AGI32 VERSION 20.1 LIGHTING ANALYSIS ILLUMINATION ENGINEERING SOFTWARE.
- B. CALCULATIONS UTILIZE LIGHTING MANUFACTURER PROVIDED 'IES' FILES.
- C. ALL CALCULATIONS BASED ON LIGHTING FIXTURE LIGHT LOSS FACTOR (LLF) = 0.70.
- D. FOOTCANDLE LEVELS INDICATED ARE SIMULATED AT GRADE SURFACES.

**CALCULATION SUMMARY**

LABEL (AREA)	UNITS	AVG	MIN	MAX	AVGMIN
BOUNDARY	FC	0.01	0.0	0.1	NA
PARKING LOT	FC	2.22	0.3	7.4	7.4
ROWWAY	FC	1.97	0.1	6.6	19.7
DOCK	FC	1.92	0.1	6.6	19.2
SIDEWALKS	FC	4.72	1.9	7.7	24.8

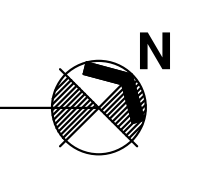
ELECTRICAL SITE LEGEND

- ⊗ SYMBOL INDICATES FIXTURE TYPE WHEN SHOWN ON LIGHTING PLANS ADJACENT TO FIXTURE.
- LIGHT LINE WEIGHT INDICATES EXISTING LIGHTING FIXTURE.
- ⊕ HEAVY LINE WEIGHT INDICATES NEW LIGHTING FIXTURE AS SCHEDULED.
- ⊗ SITE LIGHTING PEDESTRIAN OR LOW LEVEL BOLLARD AS SCHEDULED.
- ⊙ SITE LIGHTING WALL LIGHTING FIXTURE.



MATCHLINE AREA A  
MATCHLINE AREA B

SITE PHOTOMETRIC PLAN - AREA A  
SCALE: 1" = 20'-0"







**Project Overview for Petition for Approval**

**8075 and 8181 Shadeland Avenue**

**for**

**Community Health Network, Inc. and Community Health Network Foundation, Inc.**

**Community Heart and Vascular Hospital, New 400 Space Employee Parking Lot on Former Site of Parking Lot of former Hilton Hotel at 8181 Shadeland Avenue**

The purpose of this project is to provide the parking spaces needed for employees at the Community Heart and Vascular Hospital with a goal to increase capacity for patient parking immediately adjacent to the hospital, and to allow for reconfiguration of the existing parking areas to provide for additional ADA compliant parking spaces in the existing parking lot of the hospital.

To accommodate this need, a 400 space employee parking lot to the northeast of the hospital is proposed on the former site of the Hilton Hotel and its associated parking areas. This will satisfy the parking need as shown below.

Number of spaces	Location
400	New employee parking lot
-29	Spaces lost to the driveway consolidation
-10	Regular spaces lost in the existing employee lot due to req'd ADA spaces
361	Net increase in parking

In addition to this new parking lot, this proposal includes a request for the replacement of the hospital's brine tank and bulk oxygen tanks, located near the existing dock. These tanks need refurbishment and are currently undersized for the amount of use the hospital has. These tanks will be relocated to the opposite side of the dock service drive for the need to maintain the existing tanks while the new ones are being constructed.

Lastly, there currently are two parallel service drives on the east side of this hospital due to the fact that separate drives existed at one time when there was a hotel located on the new parking lot property. These are being consolidated to create better use of the land and allow the new employee parking to be closer to the hospital.

Landscape and site lighting per ordinance requirements will be provided for the new parking lot.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2025-CVR-807 / 2025-CPL-807

**Property Address:** 6902 and 6943 Highland Ridge Court (Approximate Addresses)

**Location:** Franklin Township, Council District #24

**Petitioner:** Mark Simion

**Current Zoning:** D-1

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed detached single-family dwelling on proposed Lot 5, with zero-foot lot width and zero-foot street frontage (minimum 90-foot lot width required, and minimum 45-foot street frontage required).

Approval of a Subdivision Plat, to be known as Simion Estates, a replat of Lots 1 and 2, dividing 8.389 acres into three lots.

**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 variance.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 18, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.



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

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. The ingress/egress easement shall be more clearly defined on the final plat.

## PETITION OVERVIEW

### LAND USE

The subject site contains two lots and is zoned D-1. The smaller of the two existing lots, 6943 Highland Ridge Court, is improved with a single-family dwelling. The larger lot at 6902 Highland Ridge Court is also developed with a single-family dwelling and will be the predominant lot to be replated for the newly proposed Lot 5.

### VARIANCE

The grant of the request would allow a proposed detached single-family dwelling on proposed Lot 5, with zero-foot lot width and zero-foot street frontage

Per Table 744-201-1: Dimensional Standards for Districts D-A through D-5II, the D-1 district requires a 90-foot lot width and 45-foot street frontage.

Because the site is already developed with single-family dwellings that gain access to Southport Road through a private access, staff did not find that the addition of one more lot would create any issues.

### PLAT

The plat would replat Lots 1 and 2, dividing 11.484 acres into three lots to be known as Simion Estates. The proposed plat would meet the standards of the D-1 district except for the development standards included in the companion variance request.

### TRAFFIC / STREETS

The replated lots would front on Harcourt Ridge Court which is a private driveway easement. No new streets are proposed as part of this petition.



**SIDEWALKS**

Sidewalks do not exist along Harcourt Ridge Court and sidewalks along East Southport Road were waived for this subdivision per 2013-PLT-006.

**STAFF ANALYSIS**

Staff is supportive of the subdivision plat because the addition of one lot in this subdivision would not substantially affect the existing lots within this subdivision.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1		
<b>Existing Land Use</b>	Residential		
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	D-A	Residential (Single-family dwelling)
	South:	D-A	Residential (Single-family dwelling)
	East:	D-A	Residential (Single-family dwelling)
	West:	D-A	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>			
Highland Ridge Court	Private Street	Not included in the Thoroughfare Plan.	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	Yes		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	December 18, 2024		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	N/A		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	January 10, 2025		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	N/A		

**COMPREHENSIVE PLAN ANALYSIS**  
 Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)



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**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### Zoning History – Site

**2013-PLT-006; 6152 East Southport Road** (subject site), Approval of a Subdivision Plat to be known as Simion Estates, a replat of Lots 5-23 and 25-28 of Southern Plateaux, as recorded in Plat Book 30, Page 94, subdividing 13.39 acres into four lots, with a waiver of sidewalks, **approved**.

**86-V1-106; 6152 East Southport Road** (subject site), Variance of Development Standards to provide for two single-family dwellings on a single lot with insufficient frontage (needed 90, 50 proposed), **approved**.

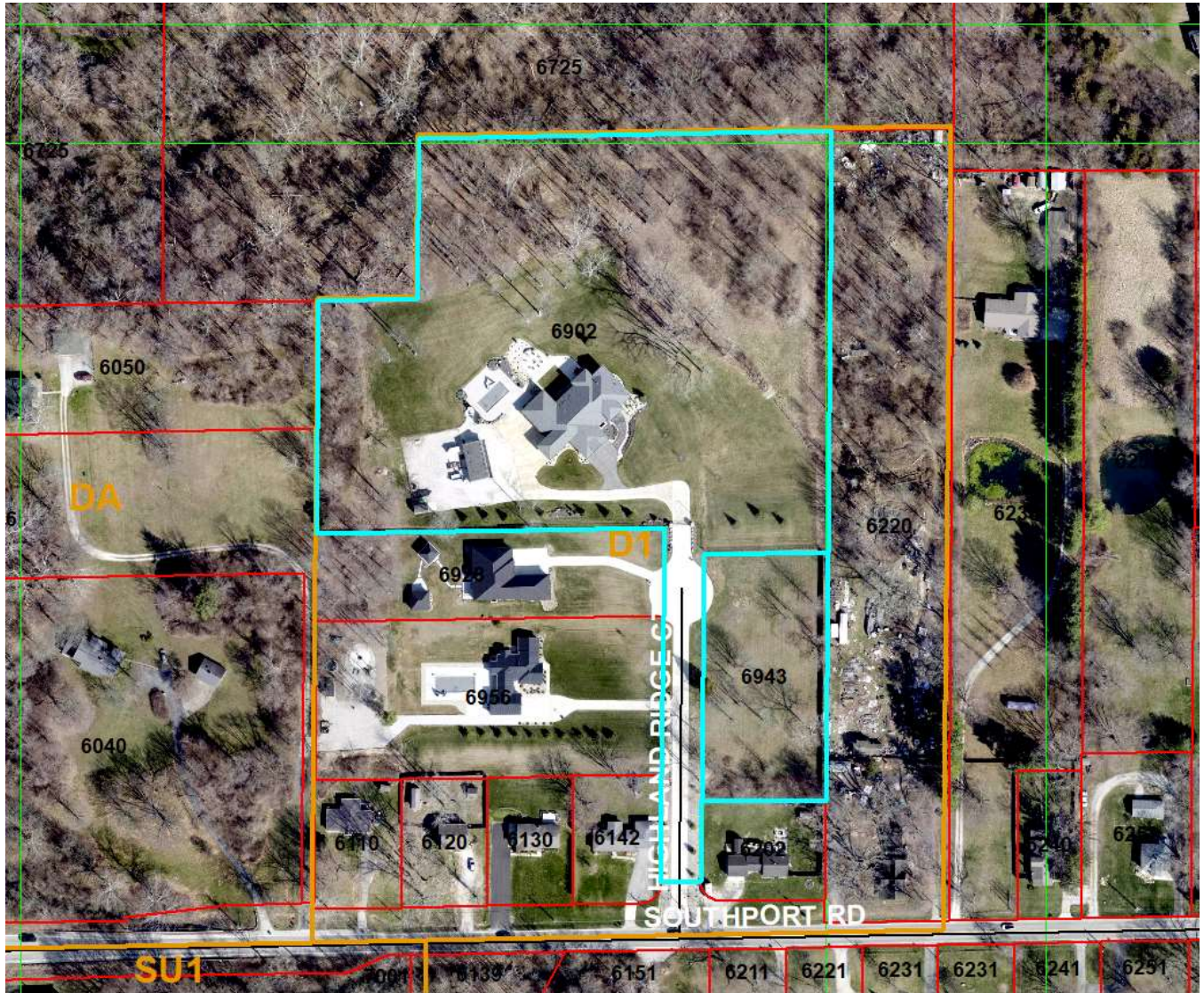
**75-VAC-16; 29 South Walnut Street** (subject site), Vacation of lots 5 through 23 and lots 25 through 28 inclusive of the Southern Plateaux Subdivision including all roads, easements except 5-foot easement in rear of lots 5, 6, 7, and 8, and rights-of-way as recorded in Plat Book 30, Page 94 in the office of the Marion County Recorder **approved**.

### Zoning History – Vicinity

**2012-DV1-041; 6152 East Southport Road** (southwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for four lots, a) with three lots having zero feet of frontage and lot width, without direct access to a public street (45 feet of frontage, 90 feet of lot width at the required setback line and direct access to a public street required), and b) with Lot Two (8.4 acres) having 45 feet of lot width, accessory building area of 4,361 square feet or 155.7% of the main floor area of the primary dwelling and accessory use area of 6,161 square feet or 220.1% of the total floor area of the primary dwelling (minimum 90 feet of lot width required, maximum 2,100 square feet of accessory building area or 75% of the main floor area of the primary dwelling, maximum 2,792.2 square feet or 99.9% of the total floor area of the primary dwelling), **approved**.

**64-Z-71; Southeast corner of Southport Road and Arlington Avenue** (southwest of site), Rezoning of 5 acres, being in A-2 District to SU-1 classification to provide for the construction of a church and parsonage, **approved**.

**EXHIBITS**

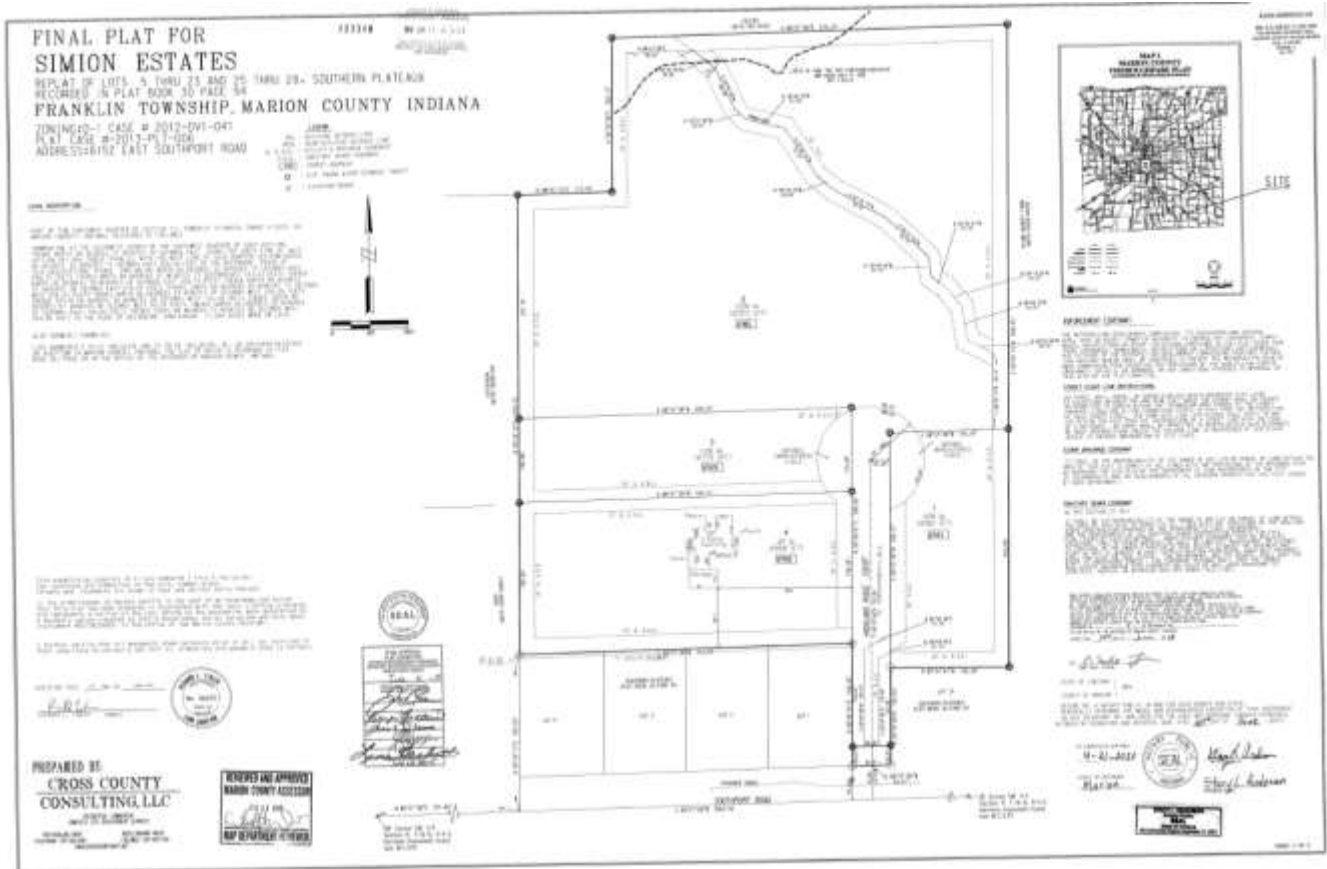






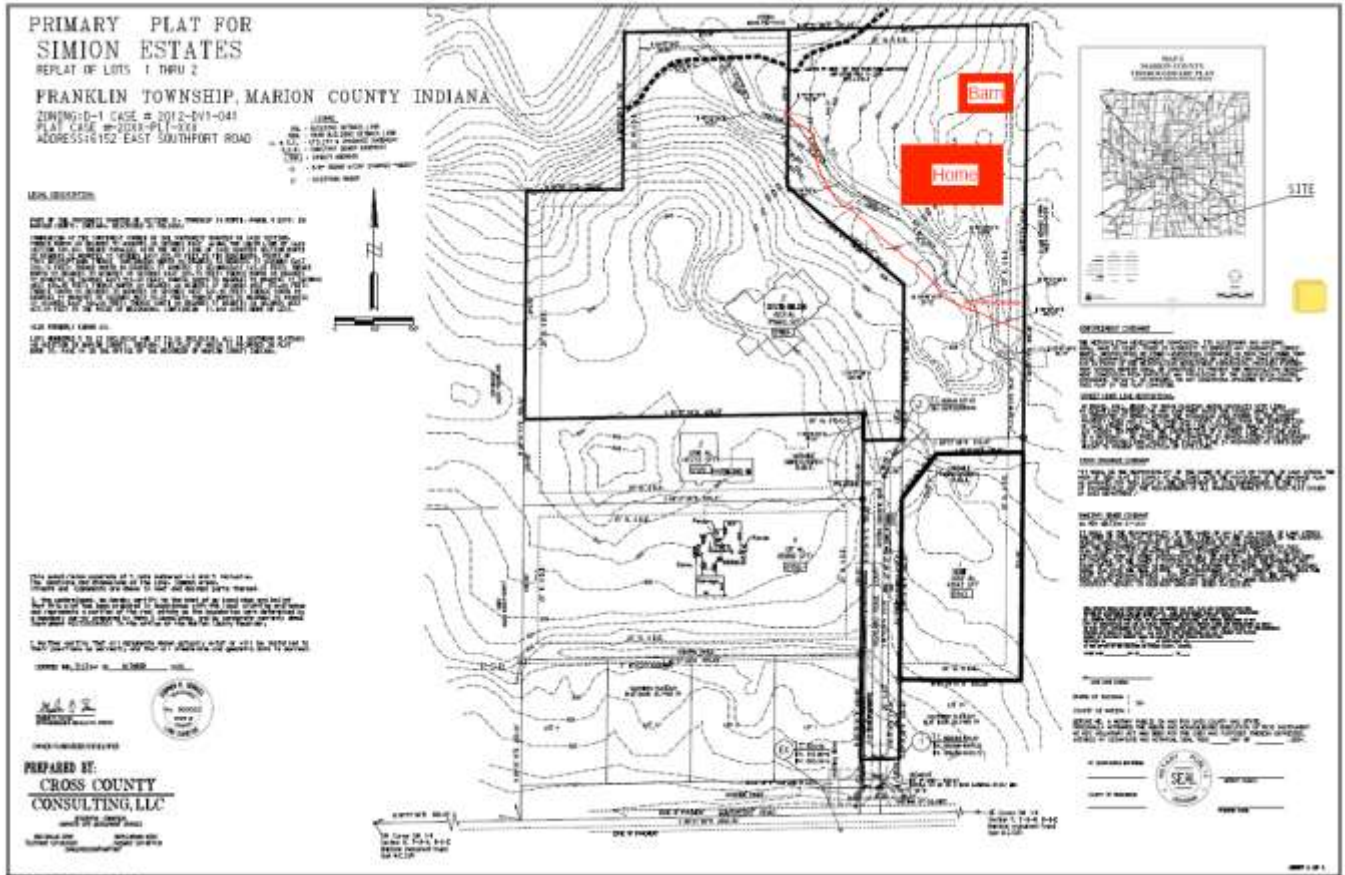
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PREVIOUS SUBDIVISION PLAT





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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 existing subdivision was approved with a private street that has access to East Southport Road. The variance request will be consistent with the adjacent developed lots. The subdivision has adequate utilities ready available to the site.

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

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

The proposed development is for a detached single family estate home with out buildings. This is consistent with the development on the adjacent lots.

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

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

The existing subdivision was approved by the BZA to have a private street. The site is developed in compliance with the BZA approved site plan.

Lot number 2 is the largest lot in the subdivision and after the replat will be of similar size as the adjacent lots.

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

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 6943 Harcourt Ridge Court, Lot 1, south of the newly proposed Lot 5.



Photo of 6902 Harcourt Ridge Court which is Lot 2.



Photo of Lot 3 and 4 southwest of the new lot.



Private street entrance to the subdivision looking north.



Photo of the single-family dwellings south of the subdivision entrance.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-093 (2<sup>nd</sup> Amended)  
**Property Address:** 4410 Allisonville Road (Approximate Address)  
**Location:** Washington Township, Council District #8  
**Petitioner:** EZ-Stor LLC, by David Kingen & Emily Duncan  
**Current Zoning:** C-S  
**Request:** Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.  
**Current Land Use:** Industrial  
**Staff Recommendations:** Approval with commitments.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR FEBRUARY 20, 2025 HEARING EXAMINER**

This petition was continued from the December 12, 2024 hearing to the February 13, 2025 hearing date at the request of the petitioner. At this hearing the petitioner withdrew the variance petition, 2024-VAR-011, which was acknowledged by the Hearing Examiner.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

The petitioner proposed a commitment to having no more than 639 units at this location, which would correlate with the limitation that was approved in 2019 through 2019-CZN-826. Staff determined that the reduction in unit count to be proposed from a total of 875 to 639 would be acceptable since it would not increase the number of units. Had the total of 875 been kept it would have generated more traffic on site, which staff considered problematic.

A revised building elevation was submitted to be more acceptable, but staff is requesting that the final building elevations be submitted for Administrative Approval and review by the City Architect.

Staff also requests that a final site plan be submitted for Administrative Approval to note an entry gate at the western fence where the connecting sidewalk is proposed, for a walkway to be proposed from the west gate entrance to the new building, and for the sidewalk to extend along the entire street frontage of East Fall Creek Parkway North Drive with a grass buffer between the sidewalk and street to provide added protect for pedestrians.

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



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Current Planning**

1. An 82-foot half right-of-way shall be dedicated along the frontage of Allisonville 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 final site plan shall be submitted for Administrative Approval to note a sidewalk along the entire street frontage of East Fall Creek Parkway North Drive with a grass buffer area, an entry gate at the western fence where a connecting sidewalk will extend to the existing sidewalk, and a walkway that extends from the west entry gate to the new proposed building entrance.
3. The final building elevations shall be submitted for Administrative Approval and review by the City Architect.
4. No more than a total of 639 units will be located at this facility.

**ADDENDUM FOR DECEMBER 12, 2024 HEARING EXAMINER**

This petition was continued from the November 14, 2024 hearing to the December 12, 2024 hearing at the request of the petitioner.

An updated site plan was submitted on November 8, 2024 for review and a drainage plan was provided on November 5, 2024.

The additional plans show the proposed sidewalk relocation, proposed street frontage landscaping, in addition to providing an entrance gate along Old Allisonville Road to allow access to the site from the street parking spaces.

Ultimately, the changes proposed to the site plan did not alter staff's denial recommendation. It was determined that the expansion of the use would not be supportable. If allowed to expand, it would not allow for the site to operate as a true C-S district should with other uses on site and there are no plans to incorporate other uses either.

**ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER**

This petition was continued from the September 26, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner to allow additional time to make changes to the plans and provide to staff for review. No changes to the plans were submitted to the case file.

**September 26, 2024**

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.



**STAFF RECOMMENDATION**

Staff **recommends denial** of the requests.

If approved against staff's recommendation, approval shall 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. An 82-foot half right-of-way shall be dedicated along the frontage of Allisonville 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 3.25-acre site, zoned C-S, is developed with a self-storage facility. It is surrounded by commercial uses to the northwest, across Old Allisonville Road and west, zoned C-5; medical office and multi-family dwellings to the east, across Allisonville Road, zoned MU-1; Fall Creek, park, and multi-family dwellings, across Binford Boulevard, to the south, zoned PK-2, PK-1, and D-7.

Petition 2000-ZON-869 rezoned the site to the C-S (W-1) to provide for a self-storage, self-service automobile wash bays and an apartment for an on-site manager.

**REZONING**

This request would rezone C-S district to the C-S classification to provide for C-1 office uses, one dwelling unit for the on-site manager and an expansion of the self-storage facility, see Development Statement.

“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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The Ordinance identifies the purposes of the C-S District:

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 Comprehensive Plan recommends office/industrial mixed-use. “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.”

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.

This site is located in an environmentally sensitive area (100-year floodplain). “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.”

The request would be consistent with the Comprehensive Plan recommendation, however, staff is concerned that the expansion would result in a site that would be covered with buildings and pavement, leaving little space for landscaping and buffering for surrounding land uses (park and residential). Furthermore, the area proposed for expansion is located in the 100-year floodplain.

Staff would not object to an appropriate and reasonable expansion that would provide more areas of landscaping and buffering, but as proposed, a site primarily of hard surface would not be supportable.



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### **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. All uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

### **Wellfield Protection Secondary Zoning**

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

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

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

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

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

The subject site is located in W-1 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning



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chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of an 82-foot half right-of-way along Allisonville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**VARIANCE OF DEVELOPMENT STANDARDS**

This request would provide for nine parking spaces when the Ordinance requires one parking space for every 30 units, for a total of 30 required parking spaces for the 875 units proposed. The information filed indicates that the requirement would be decreased by 21 spaces.

The petitioner’s representative has not provided a finding of fact that presents a practical difficulty for a reduction of parking spaces. Furthermore, staff believes there is not a practical difficulty in the use of the site if the required number of parking spaces would be provided.

**STAFF ANALYSIS**

The grant of the request would allow for a two-story building expansion of the self-storage facility that would include 546 new units on site, with a total of 875 units.

Staff has concerns with the proposal since it would significantly reduce the green space in the front yard and would remove the trees that are in front of the existing building. Additionally, the existing sidewalk would be removed with no indication on the proposed site plan that a new sidewalk installation would be proposed as required.

Lastly, staff determined that the newly proposed building would create a site is completely made up of pavement and buildings which would leave no green space for drainage proposed. The request for the reduction of parking spaces indicates the overdevelopment of the site since the increased number of required parking spaces would not be needed without the large expansion proposed on site.

Because the rezoning would be tied to the C-S Statement and the site plan, staff cannot recommend approval of the rezoning since it would allow for the expansion that is not supportable by staff.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Mini warehouses	
<b>Comprehensive Plan</b>	Office/Industrial Mixed-Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-5	Commercial
South:	D-7 / PK-1 / PK-2	Park and Multi-family dwellings
East:	MU-1	Medical Office and Multi-family dwellings
West:	C-5	Commercial



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<b>Thoroughfare Plan</b>		
Old Allisonville Road	Local Street	48-foot proposed right-of-way and 74-foot existing right-of-way.
Allisonville Road	Secondary Arterial Street	126-foot proposed right-of-way and 82-foot existing right-of-way.
Binford Boulevard	Binford Boulevard	104-foot proposed right-of-way and 116-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	August 26, 2024	
<b>Site Plan (Amended)</b>	November 8, 2024	
<b>Elevations</b>	August 26, 2024	
<b>Elevations (Amended)</b>	October 14, 2024	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	August 2, 2024	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

- Marion County Land Use Plan Pattern Book (2019) recommends office/industrial mixed-use development for the 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,



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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.
- **Small-Scale Retailing, and Personal or Professional Services**
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
  - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
  - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

**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)

- Indy Moves Transportation Integration Plan (2018) proposes a complete streets multi-use path along Allisonville Road from Binford Boulevard to 56<sup>th</sup> Street.



## ZONING HISTORY

### Zoning History – Site

**2019-CZN-826; 4410 Allisonville Road** (subject site), Rezoning of 3.25 acres from the C-S district to the C-S district to provide for C-1 office uses and to expand a self-storage facility, **approved**.

**2019-CVR-826; 4410 Allisonville Road** (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for nine parking spaces, a 20.3-foot tall, 221-square foot freestanding pole sign, with a 140-square foot digital display equaling 63% of the sign area located 50 feet from the nearest protected district (maximum 20-foot height for pole signs, maximum 100-square foot digital display, pole sign not permitted with digital display, digital display cannot exceed 40% of sign area, 600-foot separation required). **withdrawn**.

**2019-CVC-826; 4410 Allisonville Road** (subject site), Vacation of an irregular portion of Binford Boulevard, being approximately 70 feet wide, consisting of 0.28 acre from the west right-of-way line of Allisonville Road to a point along the 70-foot right-of-way of Binford Boulevard 265.72 feet to the west, being a part of Lots 20, 21, 23, 24, 25 and 26 in Fall Creek Boulevard Addition recorded in Plat Book 20, Page 34 in the Office of the Recorder of Marion County, with a waiver of the assessment of benefits, **adopted**.

**2013-VAC-010; 4410 Allisonville Road** (subject site), Vacation of four-foot-wide utility easements along the east side of Lots Four to Eleven, along the west side of Lots 18-23, along the south side of Lot 21 and along the north side of Lots 23-24, **approved**.

**2000-VAC-869; 4405 Allisonville Road** (subject site), Vacation of the four utility easements: **approved**.

**2000-ZON-869; 4405 Allisonville Road** (subject site), Rezoning of 2.8 acres from the C-5 (W-1) district to the C-S (W-1) classification to provide for a self-storage facility, self-service automobile wash bays, and an apartment, **approved**.

**96-VAC-22; 4407 Allisonville Road** (subject site), Vacation of a utility easements, being approximately 8 feet in cumulative width, between Lots 4 through 11 and Lots 18 through 24 of Fall Creek Boulevard Addition, recorded in Plat book 20, page, 34, **withdrawn**.

### Zoning History – Vicinity

**2020-DV3-065; 4405 Allisonville Road** (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16.33-foot-tall building and façade transparencies ranging from seven percent to 24% (minimum 25-foot height and 40% transparency required), **void**.

**2017-ZON-044; 2717 Anna Lane** (east of site), Rezoning of 1.194 acres from the MU-1 (W-1) (FF) District to the C-3 (W-1) (FF) classification, **withdrawn**.



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**93-UV1-17; 4446 Allisonville Road** (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an automobile sales service and repair shop including body work, **approved.**

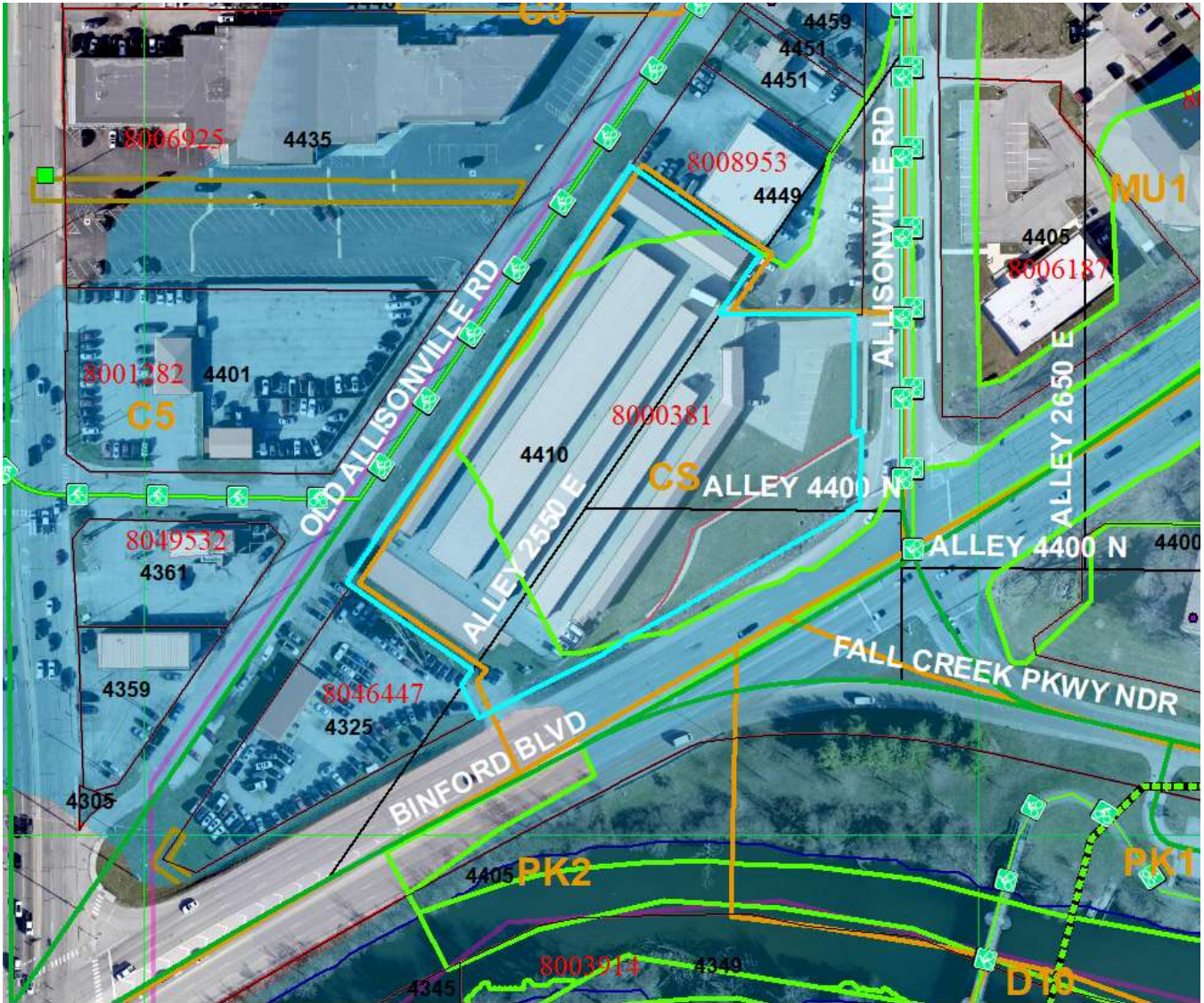
**91-UV1-141; 4359 North Keystone Avenue** (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to permit a building addition resulting in a setback of 28 feet from the centerline of Allisonville Road (70-foot setback from centerline required), **denied.**

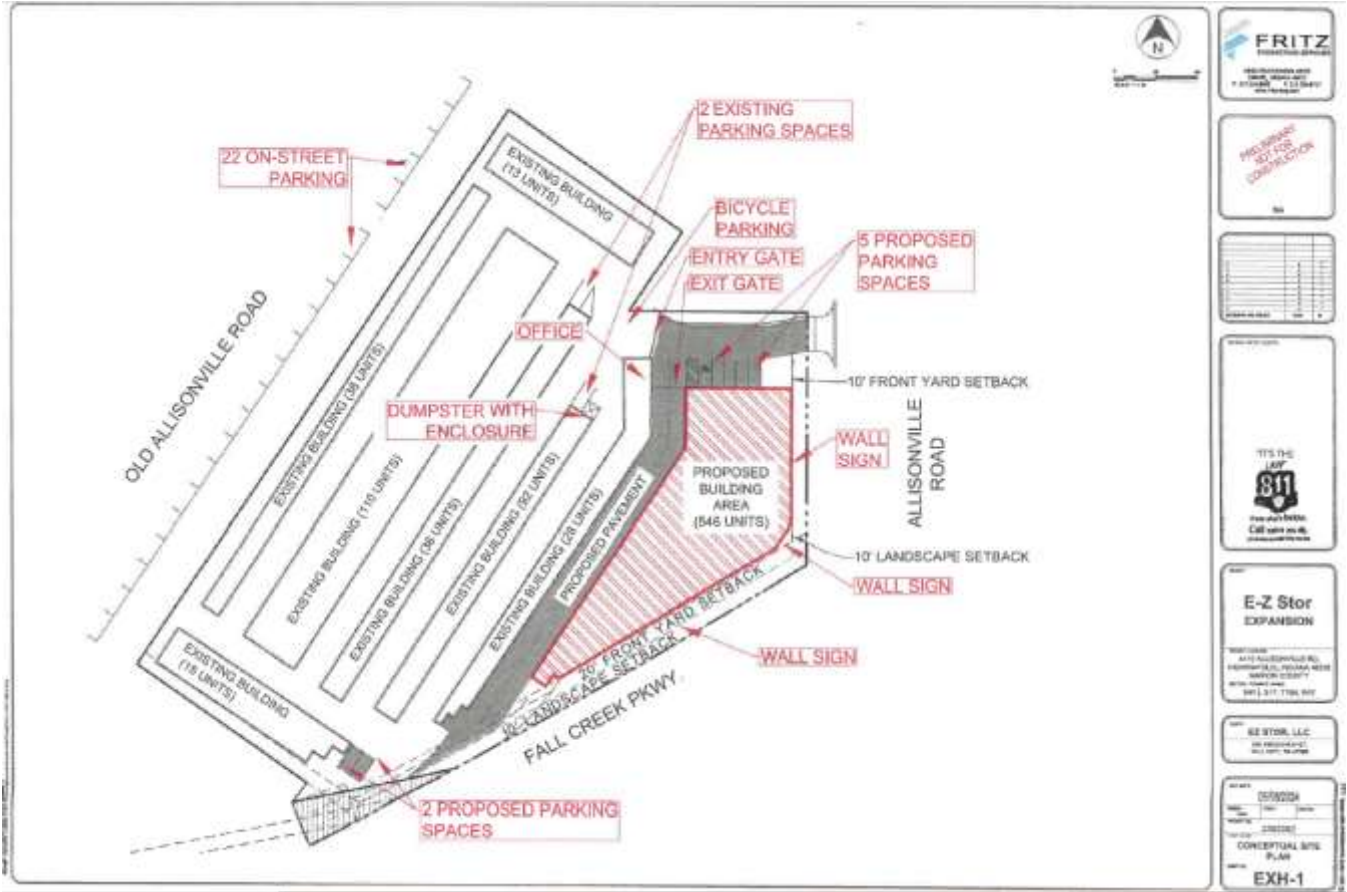
**89-UV1-109; 4446 Allisonville Road (north of site)**, Variance of use of the Commercial Zoning Ordinance to provide for operation of an automobile sales, service and repair shop including body work, **approved for three years.**

**85-V2-127; 4359 North Keystone Avenue** (southwest of site), Variance of development standards to permit a building addition located within the required setback, **granted.**



EXHIBITS





AMENDED SITE PLAN

**FRITZ**  
 ARCHITECTURAL & INTERIOR DESIGN

**PROPOSED SITE FOR CONSTRUCTION**

SITE DEVELOPMENT SUMMARY TABLE	
PLANNING JURISDICTION	CLYDE COUNTY COURTHOUSE
CITY OF INDIANAPOLIS	100 ALLENDALE RD
PARCEL SIZE	3.0 AC +/-
MAX. COVERED FOOTPRINT	38'
MAX. BUILD HEIGHT	35' MAX
SETBACKS	FRONT 35' SIDE 35' REAR 35' 30' MIN. REAR SETBACK FOR DRIVEWAY TRANSFER
OFFSTAIRS	FRONT 35' SIDE 35' REAR 35'
OVERHANGS	FRONT 35' SIDE 35' REAR 35'
PARKING REQUIRED	TYPICAL PARKING SPACES: 30' x 50' = 1500 30' x 40' = 1200 30' x 30' = 900 TOTAL SPACES REQUIRED = 30' x 40' x 100 = 30 SPACES
PARKING PROVIDED	30' x 50' = 1500 30' x 40' = 1200 30' x 30' = 900 TOTAL SPACES PROVIDED = 3600
BIKE PARKING	NOT REQUIRED
VEHICLE STAGING	NA

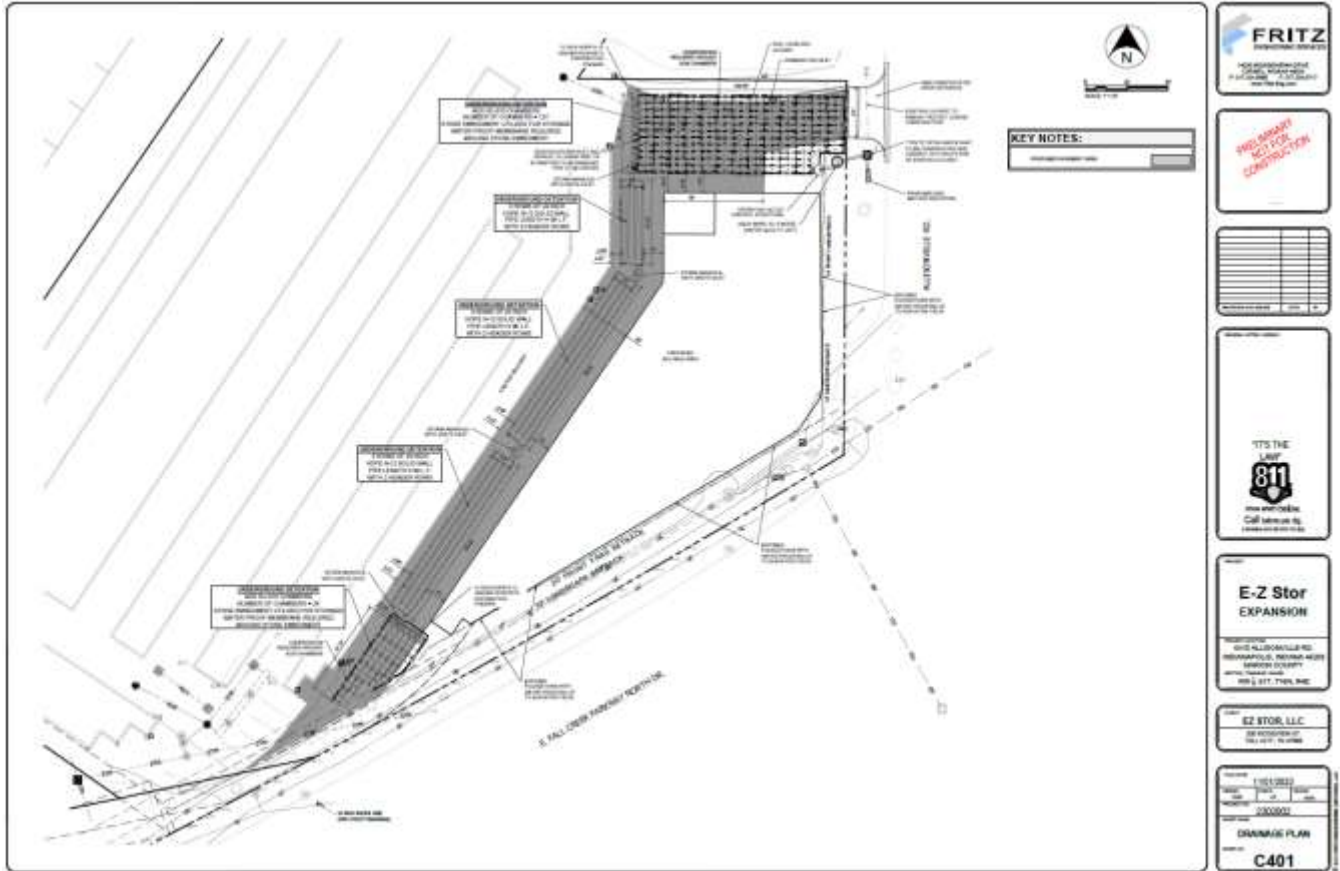
**NOTE:**

**E-Z Stor EXPANSION**  
 100 ALLENDALE RD  
 INDIANAPOLIS, IN 46204-4000  
 317.577.1100 FAX  
 317.577.1100

**EZ STOR, LLC**  
 100 ALLENDALE RD  
 INDIANAPOLIS, IN 46204-4000

**CONCEPTUAL SITE PLAN**  
**EXH-1**

DRAINAGE PLAN





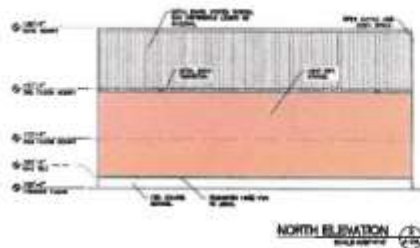
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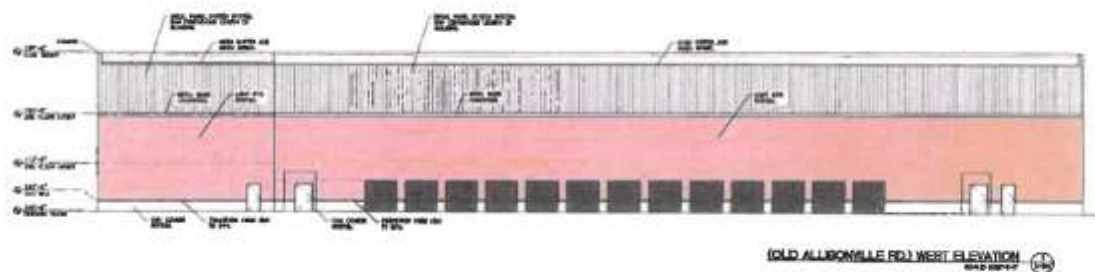
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A-212



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3<sup>RD</sup> AMENDED ELEVATIONS



4<sup>th</sup> AMENDED ELEVATIONS





**Development Statement**

Petitioner seeks to Modify previously approved and adopted Development Statement for 4410 Allisonville R as follows:

**Uses:**

**Self Storage** Number of units shall increase a minimum of 329 (existing) to 875 (proposed)

**C-1 Office Uses**

One dwelling unit for the on site manager

**Building:** One primary building for all the uses with 46,800 square feet existing to 56,472 square feet proposed

**Parking:** Office use, patrons and employees of self storage facility and manager of the self storage facility; Nine (9) on site per site plan on file

Provide and maintain five (5) on site bike parking spaces per site plan on file

**Signs:**

Three (3) Wall signs per site plan on file

**Landscaping:**

Erect and maintain and supplement existing perimeter landscaping and ornamental fencing per site plan and elevations on file

**Exterior finish of elevations:**

Replace existing exterior finish of masonry and brick with masonry, brick stucco and corrugated metal

**Trash:**

Dumpster with enclosure

**Safety and security:**

Entry Gate with keypad security system, surveillance cameras around the perimeter of the site. New exit gate only

7/12/24





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Division of Planning  
Current Planning

2019 C-S Statement

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

- C-1 office uses
- Self storage facility (329 units existing; 310 more units proposed)

Buildings:

- One (1) proposed addition to the existing primary building at the facility with no changes to the additional five (5) buildings; with existing square feet and proposed square feet to be added.

Parking:

- Retail: Four (4) off street parking provided.
- Self-Storage: Five (5) off street parking spaces provided; with one (1) being an ADA parking space.
- Provide five (5) on site bike parking spaces

Signs:

- One (1) free standing pylon or monument signs (one per street frontage), with digital components per the site plan and sign elevation on file
- Wall signage shall comply with the Sign Regulations

Landscaping:

- Maintain and supplement existing perimeter landscaping and ornamental fencing per site plan on file.
- 

Exterior finish:

- Maintain existing exterior finish for the addition

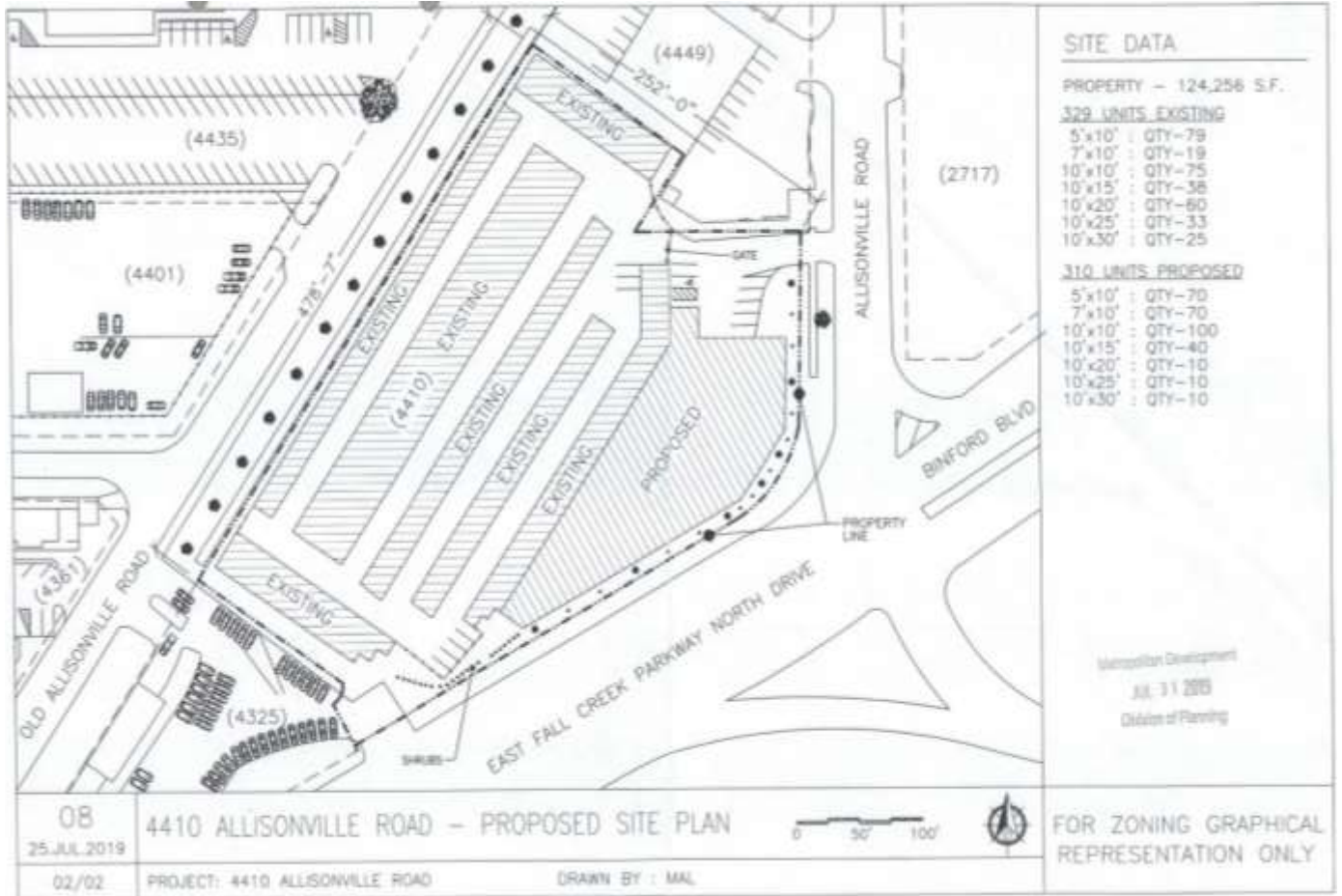
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Metropolitan Development  
JUL 31 2019  
Division of Planning



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2019 Site Plan





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2000-ZON-869 COMMITMENTS

Case # . 2000 - ZON - 869  
(4)  
2001-008462

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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)  
(Attached)

FILED  
MAY 15 2001  
DEPT. METRO DEVELOPMENT  
BY \_\_\_\_\_

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. An amended site plan shall be submitted for, and subject to, Administrator's approval prior to the issuance of an Improvement Location Permit. Said site plan shall indicate a minimum 20-foot setback from Binford Boulevard, ingress and egress only from Allisonville Road within 20 feet of the north property line, and extensive landscape treatment along Binford Boulevard. (At the ingress/egress point, Allisonville Road is also known as Temple Avenue.)
3. Elevations of the Binford Boulevard frontage shall be submitted for, and subject to, Administrator's approval prior to obtaining an Improvement Location Permit. Said elevations shall include masonry or brick finished facades along Binford Boulevard.

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





Photo of the subject site looking north.



Photo of the subject site looking northwest.



Photo of the subject site looking west.



Photo of the subject site looking southwest.



Photo of the street frontage along Binford Boulevard looking northeast.



Photo of the street frontage along Binford Boulevard looking southwest.



Photo of the southwestern property boundary and existing storage building.



Photo of the northwestern property boundary and existing storage buildings along Old Allisonville Road.





Photo of the storage facility looking northeast.



Photo of the storage facility looking northwest from Binford Boulevard.



Photo of Fall Creek across Binford Boulevard looking south.



Medical office and multifamily dwellings east of the site.



Commercial uses north of the site.



Photo of the commercial use southwest of the site.



Photo of the commercial uses northwest of the site across Old Allisonville Road.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-123

**Property Address:** 281 and 303 North Elder Avenue and 320, 322, 324, 326, 328, 330, 332, and 334 North Miley Avenue and 1821 West New York Street (approximate addresses)

**Location:** Center Township, Council District #18

**Petitioner:** NDZA, by David Kingen and Emily Duncan

**Current Zoning:** I-4, D-5, and D-5 (RC)

**Request:** Rezoning of 1.19 acres from the I-4, D-5, and D-5 (RC) districts to the SU-7 and SU-7 (RC) classifications to provide for not-for-profit uses.

**Current Land Use:** Not-for-profit use and undeveloped land

**Staff Recommendations:** Approval with a commitment.

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

**PETITION HISTORY**

**ADDENDUM FOR FEBRUARY 20, 2025 HEARING EXAMINER**

This petition was continued from the January 9, 2025 hearing to the February 13, 2025 hearing date at the request of the petitioner to allow additional time for the mailed notices to be sent.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

Staff continues to **recommend approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 24-foot half right-of-way shall be dedicated along the frontage of New York Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

**January 9, 2025**

This petition was continued from the December 12, 2024 hearing to the January 9, 2025 hearing at the request of staff due to a publication error.

This is the first public hearing for this petition.



## STAFF RECOMMENDATION

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

1. A 24-foot half right-of-way shall be dedicated along the frontage of New York Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

### LAND USE

The 1.19-acre subject site consists of a dozen parcels, two of which are used for a non-for-profit organization, two others are developed with a playground, and the remaining are undeveloped.

The site is surrounded by single-family dwellings and undeveloped lots to the west and north, zoned D-5, undeveloped lots to the west, zoned I-4, and industrial lots to the east and south, zoned I-4 within the Regional Center.

### REZONING

The grant of the request would rezone the site from the I-4, D-5, and D-5 (RC) districts to the SU-7 district to provide for not-for-profit uses.

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

The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.

The SU-7 district permits charitable, philanthropic, and not-for-profit institutions.



**Regional Center**

The site falls within the Regional Center Secondary Zoning District and would require Regional Center Approval.

All development of land and demolition of structures located within the Regional Center and the North Meridian Street Corridor district shall be subject to the Commission's approval as included within a required Site and Development Plan approved as hereinafter provided.

**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 New York Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**STAFF ANALYSIS**

The proposed not-for-profit uses could align with the Near West Neighborhood Land Use Plan (2014) depending on what type of operation occurs since half of the parcels are recommended for special use development. However, not-for-profit uses would not align with the high-density residential development recommendation for the remainder of the parcels.

However, this request would address the community principles and objectives outlined in the Neighborhood Plan to encourage and stimulate economic development, create job opportunities in the area, and provide an environment where blight and deterioration can be more easily reversed.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-4, D-5, and D-5 (RC)	
<b>Existing Land Use</b>	Not-for-profit use and undeveloped land	
<b>Comprehensive Plan</b>	Special Use, 5 to 8 and 8 to 15 Residential Units per Acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Residential (Single and two-family dwellings) / Undeveloped
South:	D-5 / I-4 (RC)	Residential (Single-family dwellings) / Undeveloped
East:	I-4 (RC)	Industrial
West:	D-5 / I-4	Residential (Single-family dwellings) / Undeveloped
<b>Thoroughfare Plan</b>		
Elder Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Miley Avenue	Local Street	



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New York Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
		48-foot proposed right-of-way and 45-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Near West Neighborhood Land Use Plan (2014)
- Blue Line Transit-Oriented Development Strategic Plan (2018)

**Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see Near West Neighborhood Land Use Plan (2014) below.

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

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018) but does not fall within the Transit-Oriented Development Secondary District.
- The site is within ½ mile from the Harding Street and Washington Street proposed transit station classified as a community center.



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Division of Planning  
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- The Community Center typology recommends a dense mixed-use neighborhood center with a minimum of 2 stories at core, no front or side setbacks at core, zero to 10-foot front setbacks and zero to 10-foot. side setbacks at the periphery. Multi-family housing with a minimum of 3 units, structured parking at the core and attractive surface parking at the periphery are recommended as well.

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

- The site falls within the Near West Neighborhood Land Use Plan (2014).
- The site has split recommendations for Special Use, 5 to 8 and 8 to 15 Residential Units per Acre.
- The special use category consists of a variety of public, semi-public and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers and public safety facilities) or are unite uses exhibiting significant impacts on adjacent property (such as the Indianapolis Airport, Indiana State Fair, and Indianapolis Motor Speedway).
- The recommendation for residential development greater than five and equal to 8 units per acre in suburban and rural areas is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.
- The recommendation for residential development greater than eight and equal to 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.

### **Infill Housing Guidelines**

- Not Applicable to the Site.

### **Indy Moves**

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

- Not Applicable to the Site.





## ZONING HISTORY

### Zoning History – Site

**2005-UV2-020; 307 North Elder Avenue** (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a one-story, 2,818-square foot community center (not permitted), with a 5.47-foot front yard setback along New York Street (minimum 25-foot front yard setback required), with a 2.5-foot encroachment into the clear sight triangle at the intersection of New York Street and Elder Avenue (not permitted), and with a lot open space of 62.88 percent (minimum 65 percent lot open space required), **granted**.

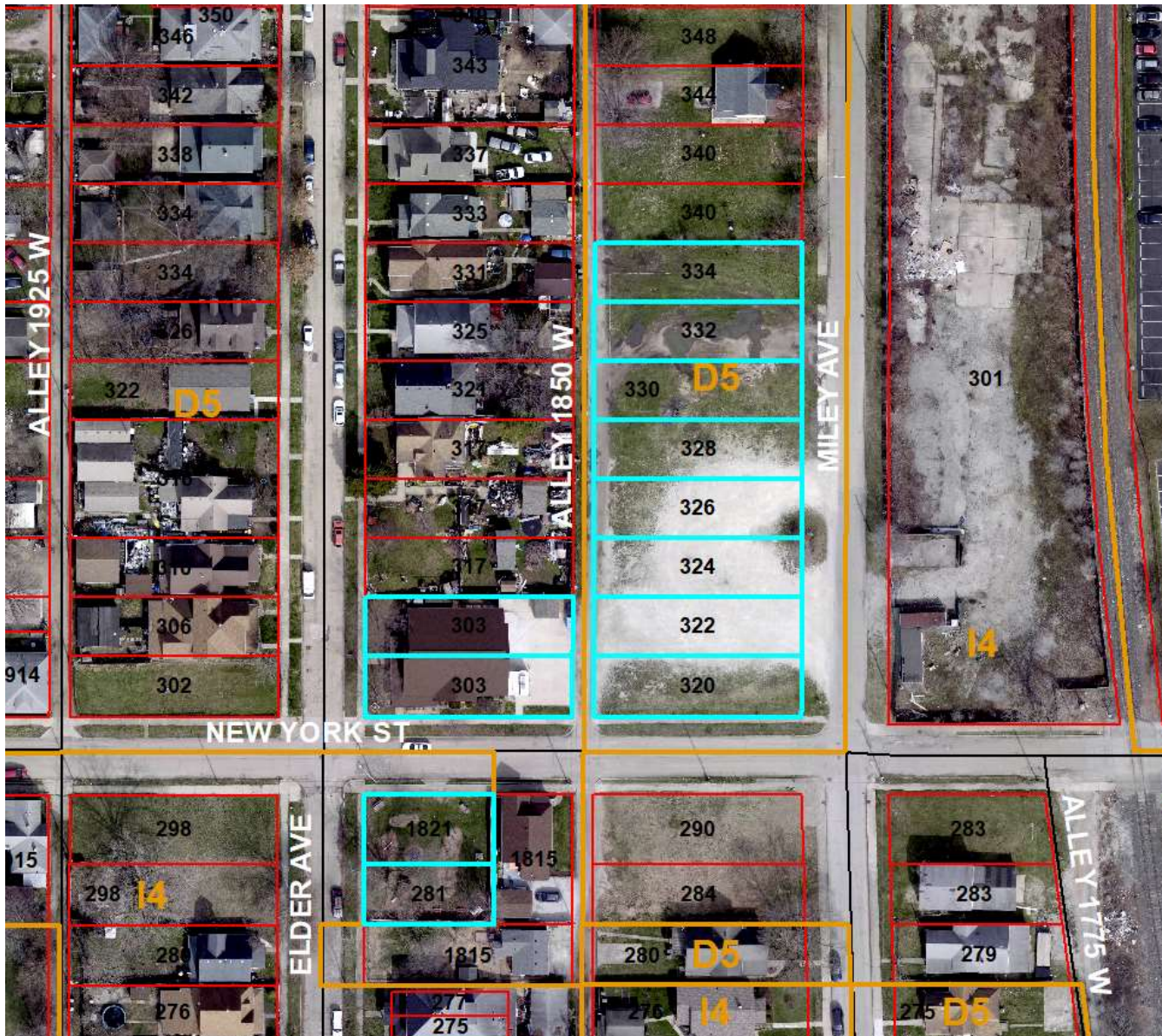
### Zoning History – Vicinity

**2016-ZON-038; 1730 Astor Street, 261 and 269 North Elder Street; 1721 West Market Street; 1746 West Miami Street; 221, 252, 259, 266, 268, 271, 275 and 280 Miley Avenue; 1815 West New York Street; 210, 211, 215, 217, 218 and 224 North Richland Street; 410 North White River Parkway; 1519 Wilcox Street** (southeast of site), Rezoning of 2.6 acres from the I-4 (RC) (W-5), I-4 (W-5) and C-3 (RC) (W-1) districts to the D-5 (RC) (W-1) and the D-5 (RC) (W-5) and D-5 (W-5) classifications, **approved**.

**2013-SE1-003; 1751 West Vermont Street** (east of site), Special Exception of the Industrial Zoning Ordinance to legally establish a vehicle towing, wrecking, storage, and salvage operation, with two office trailers, **denied**.

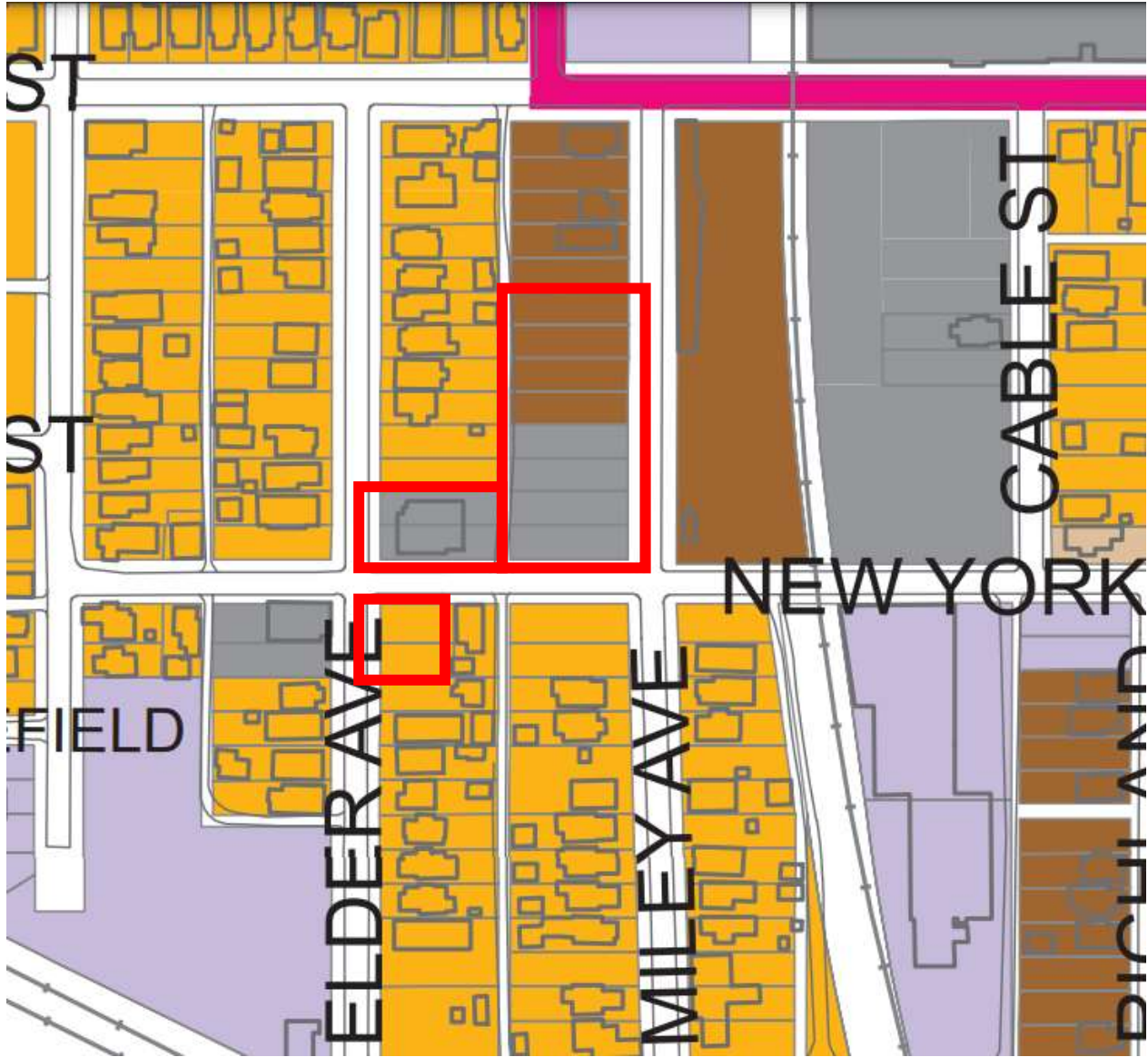
**2002-ZON-154; 284-290 Miley Avenue** (southeast of site), Rezoning of 0.22 acres from the I-4-U District to the SU-1 district for religious uses, **withdrawn**.

EXHIBITS





NEAR WEST NEIGHBORHOOD LAND USE PLAN (2014)



Land Use Plan - Southeast Portion of Neighborhood

(2) 1.75 - 3.5 Units/Acre	(7) Urban Mixed Use	(13) Office Commercial	Floodway
(3) 3.5 - 5 Units/Acre	(8) Village Mixed Use	(14) Community Commercial	Bodies of Water
(4) 5 - 8 Units/Acre	(10) Park	(15) Heavy Commercial	
(5) 8 - 15 Units/Acre	(11) Linear Park	(17) Light Industrial	
(6) Over 15 Units/Acre	(12) Special Use	(18) General Industrial	Critical



Photo of the subject site to the left looking north along Miley Avenue.



Photo of the subject site looking west toward New York Street from Miley Avenue.



Photo of the subject site at 303 North Elder Avenue looking west from the alley.



Photo of the alley that splits the subject sites looking north.



Photo of the subject site at 303 North Elder Avenue



Photo of the playground at 1821 West New York Street to the right of the residential building.



Industrial site east of the site.



Undeveloped lots and single-family dwelling to the north.



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





**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-137  
**Property Address:** 1137 West 21<sup>st</sup> Street  
**Location:** Center Township, Council District #12  
**Petitioner:** Riverside Renewal, LLC, by Josh Smith  
**Current Zoning:** I-2 (W-5)  
**Request:** Rezoning of 0.4 acres from the I-2 (W-5) district to the D-8 (W-5) district to provide for residential use.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Denial  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the December 19, 2025 hearing, to the January 23, 2025 hearing, at the request of staff to provide additional time for discussions with the petitioner’s representative.

The Hearing Examiner continued this petition from the January 23, 2025 hearing, to the February 20, 2025 hearing, at the request of the petitioner’s representative to provide time for further consideration of the request and to submit new documents.

No updated documents have been filed.

**STAFF RECOMMENDATION**

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

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



## PETITION OVERVIEW

This 0.4-acre site, zoned I-2, is undeveloped and surrounded by a single-family dwelling and vacant land to the north, across East 21<sup>st</sup> Street, zoned D-5 and I-3, respectively; a single-family dwelling to the south, zoned D-5; industrial uses to the east, across Rembrandt Street, zoned I-3; and a single-family dwelling to the west, zoned D-5.

## REZONING

The request would rezone the site from the I-2 district to the D-8 district provide for multi-unit dwellings. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

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

The United Northwest Neighborhood Plan recommends residential uses at 3.5 to five units per acre, with a recommended D-5 district that would provide for low density and single-family dwellings.

As proposed, this request would not be consistent with the Plan. The proposal would provide for three structures that would consist of two to four dwelling units in each building, with density ranging from 15 to 30 units per acre. The petitioner’s representative submitted an amended site plan file-dated January 15, 2025, that provided for two four-unit buildings and one two-unit building for a total of ten dwelling units. Both proposals would far exceed the recommended density in the Plan.

### Maximum Floor Area Ratio / Minimum Livability Ratio

To provide appropriate amenities for multi-family developments (over two dwelling units per building), the D-8 district requires the floor area ratio and livability space ratio. The maximum floor area ratio is 0.60 for one to three floors and 0.80 for four to five floors. The minimum livability space ratio is 0.66.

The floor area ratio is the measurement that compares the size of a building’s floor area to the size of the land upon which it is built and determines whether the scale and mass of the development is compatible with the surrounding neighborhood.



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The livability space ratio measures the amount of space dedicated to open, green and recreational areas within a built environment that contributes to the overall quality of life for the residents and users.

### **Wellfield Protection Secondary Zoning**

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

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

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

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

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

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



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## **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

## **Planning Analysis**

Because the proposed rezoning would introduce a zoning district and housing typology that would not be consistent with the adjacent residential development to the north, south and east, staff does not support this rezoning request.

The adjacent neighborhood to the north, south and west is zoned D-5 and is a walkable neighborhood. It did not develop in a manner that would allow for this dense of housing. The proposal would also create or encourage a disjointed pattern of residential development that does not follow the Housing Infill Guidelines and could have a destabilizing impact on the neighborhood.



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Current Planning**

Staff believes the Neighborhood Plan recommendation of low-density development in the D-5 district would be more appropriate and compatible with the neighborhood. Three single-family dwellings with possibly an accessory dwelling unit above a detached garage would maintain the neighborhood character and be consistent with the Infill Housing Guidelines in terms of massing, scale, building height and open space.

Staff would also note a 2022 rezoning to the D-5 district adjacent to the south along Rembrandt Street included three lots, two of which have been developed with single-family dwellings. Staff supported this request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 (W-5)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	3.5 to 5 units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5 (W-5) / I-3 (W-5)	Single-family dwelling / vacant land
South:	I-2 (W-5)	Single-family dwelling
East:	I-3 (W-5)	Industrial uses
West:	D-5 (W-5)	Single-family dwelling
<b>Thoroughfare Plan</b>		
East 21 <sup>st</sup> Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Rembrandt Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	November 18, 2024	
<b>Site Plan (Amended)</b>	January 16, 2025	
<b>Elevations</b>	January 16, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

Not Applicable to the Site.

### 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.

Staff believes appropriate application of The Pattern Book for the proposed D-8 district in this area would be those guidelines associated with the traditional neighborhood typology.

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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Current Planning**

- *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**

United Northwest Neighborhood Plan (2008). This Plan recommends low density residential typically 3.5 to 5 dwelling units per gross acre consisting of single-family dwellings.

### **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.”

Because no elevations were submitted for review to confirm that the proposed dwelling would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

**Indy Moves**

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database





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## ZONING HISTORY

**2022-ZON-079; 2018, 2022 and 2030 Rembrandt Street**, requested rezoning of 0.36 acre from the I-2 (W-5) district to the D-5 (W-5) district, **approved**.

**2003-ZON-157; 2024 & 2028 Gent Avenue and 1201, 1221, & 1225 West 21<sup>st</sup> Street (west of site)**, requested the rezoning of 0.67 acre from the D-5 district to the SU-1 district, **approved**.

**2003-ZON-138; 1209 & 1225 West 20<sup>th</sup> Street (southwest of site)**, requested the rezoning of 0.1 acre from the D-5 district to the SU-2 district, **approved**.

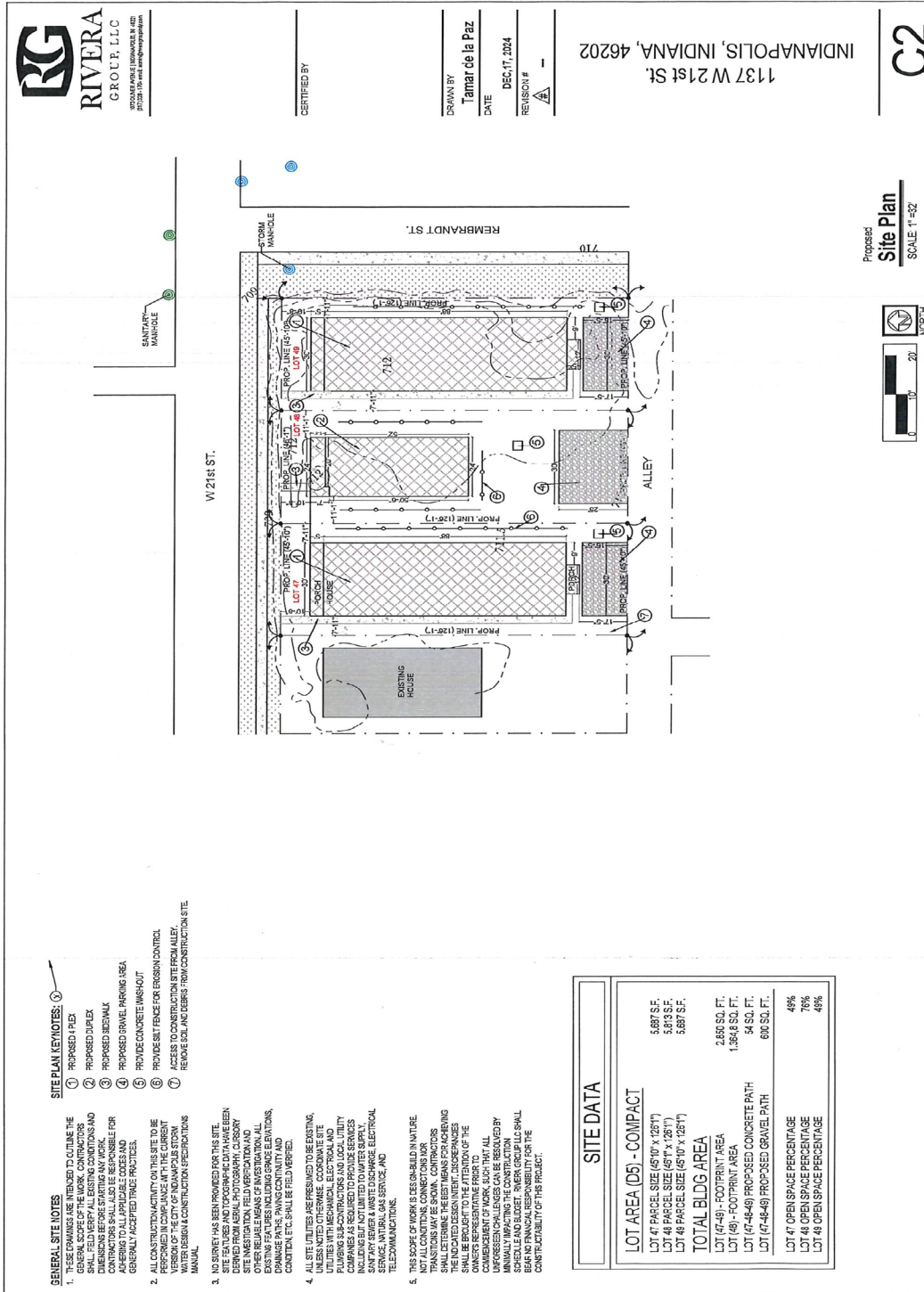
**2003-UV3-031; 2024 & 2028 Gent Avenue (west of site)**, requested a variance of use to provide for the storage of construction trailers in a dwelling district and a variance of development standards to provide for excessively tall fences, **approved**.





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Updated Site Plan – January 16, 2025



C2  
1137 W 21st St.  
INDIANAPOLIS, INDIANA, 46202

**RIVERA GROUP, LLC**  
CERTIFIED BY

DRAWN BY: Tamar de la Paz  
DATE: DEC 17, 2024  
REVISION #


- SITE PLAN KEYNOTES:**
- 1. PROPOSED PAVED
  - 2. PROPOSED DUPLEX
  - 3. PROPOSED BIENVALE
  - 4. PROPOSED DRIVEWAY PARKING AREA
  - 5. PROPOSED CONCRETE FINISH/OUT
  - 6. PROVIDE SIGN FENCE OR EROSION CONTROL
  - 7. ACCESS TO CONSTRUCTION SITE FROM ALLEY
  - 8. PEOPLE SHALL BE USING FROM CONSTRUCTION SITE

**GENERAL SITE NOTES**

1. THESE PERMITS ARE INTENDED TO OBTAIN THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND CONDITIONS SHALL BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT VERSION OF THE CITY OF INDIANAPOLIS STORM WATER DESIGN AND CONSTRUCTION MANUAL.
3. ALL SURVEY HAS BEEN PROVIDED FOR THIS SITE. SEE PLAN FOR ALL SURVEY DATA. HAS BEEN DERIVED FROM AERIAL PHOTOGRAPHY, CURSORY SITE INVESTIGATION, FIELD VERIFICATION AND ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, DRAINAGE PATNS, PAVING CONTINITY AND CONDITION, ETC. SHALL BE FIELD VERIFIED.
4. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING, UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH ALL UTILITIES AND ALL UTILITIES COMPANIES AS REQUIRED TO PROVIDE SERVICES INCLUDING BUT NOT LIMITED TO WATER SUPPLY, GAS, SEWER, TELEPHONE, CABLE, ELECTRIC, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
5. THIS SCOPE OF WORK IS DESIGNED IN A NATURE NOT ALL CONDITIONS, CONNECTIONS OR TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND BE RESPONSIBLE FOR THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO ANY CONSTRUCTION. ALL UNRESOLVED CHALLENGES CAN BE RESOLVED BY MANUALLY IMPACTING THE CONSTRUCTION SCHEDULE AND BUDGET. WHEN GROUP LLC SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THIS PROJECT.

SITE DATA	
<b>LOT AREA (D5) - COMPACT</b>	
LOT 47 PARCEL SIZE (65'0" x 128'11")	5,687 SF
LOT 48 PARCEL SIZE (65'0" x 128'11")	5,813 SF
LOT 49 PARCEL SIZE (65'0" x 128'11")	5,687 SF
<b>TOTAL BLDG AREA</b>	
LOT (47-49) - FOOTPRINT AREA	2,696 SQ. FT.
LOT (48) - FOOTPRINT AREA	1,894.8 SQ. FT.
LOT (47-48-49) PROPOSED CONCRETE PATH	54 SQ. FT.
LOT (47-48-49) PROPOSED GRAVEL PATH	600 SQ. FT.
LOT 47 OPEN SPACE PERCENTAGE	48%
LOT 48 OPEN SPACE PERCENTAGE	76%
LOT 49 OPEN SPACE PERCENTAGE	48%

Elevations - January 16, 2025



**RIVERA**  
GROUP, LLC  
REGISTERED ARCHITECTS IN INDIANA AND ILLINOIS

CERTIFIED BY

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DRAWN BY  
**Tamar de la Pez**

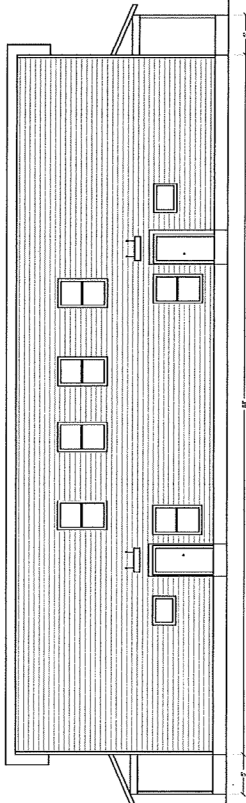
DATE  
DEC. 17, 2024

REVISION #  
A

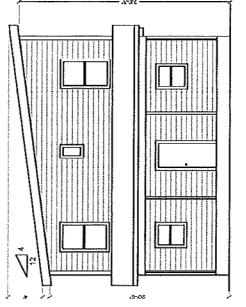
1137 W 21st St.  
 INDIANAPOLIS, INDIANA, 46202

Proposed JPL EX  
**Elevations**  
 SCALE: 3/8"=1'-0"

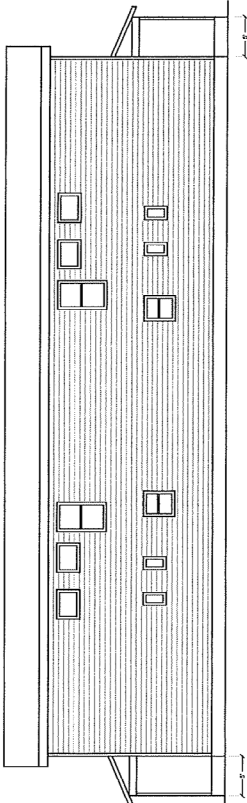




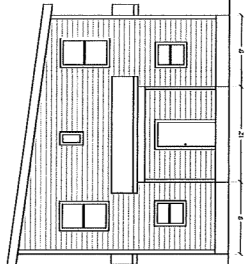
PROPOSED WEST ELEVATION




PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



**RIVERA**  
GROUP, LLC  
PROFESSIONAL ENGINEER LICENSE NO. 12103  
 ARCHITECT LICENSE NO. 12103

CERTIFIED BY \_\_\_\_\_

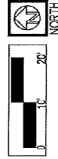
DRAWN BY  
**Tamar de la Paz**

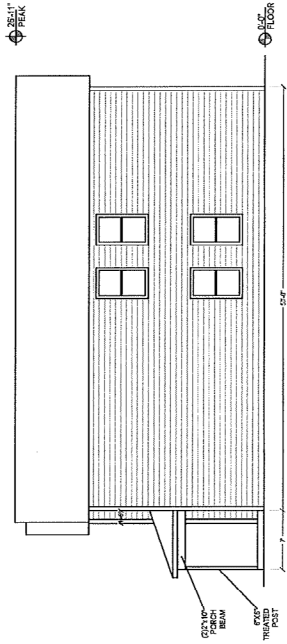
DATE  
DEC 17, 2024

REVISION #  
A

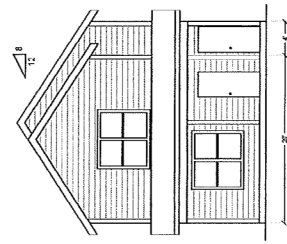
137 W 21st St.  
 INDIANAPOLIS, INDIANA, 46202

Proposed DUPLEX  
**Elevations**  
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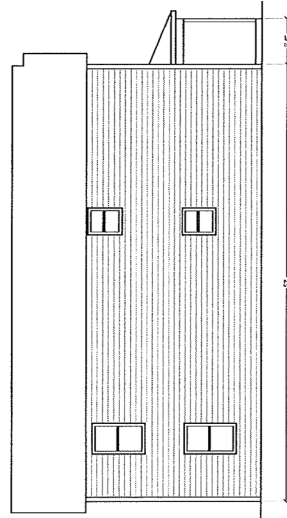




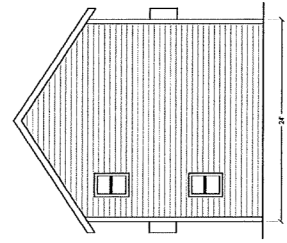
PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION

Site Plan – November 18, 2024

**RIVERA GROUP, LLC**  
 970 OLIVE PARKWAY, INDIANAPOLIS, IN 46202  
 317.236.1566 | rivera@riveragroup.com

CERTIFIED BY \_\_\_\_\_

DRAWN BY **Tamar de la Paz**

DATE **NOV. 08, 2024**

REVISION # **A**

INDIANAPOLIS, INDIANA, 46202

1137 W 21st ST.

**C2**

Proposed  
**Site Plan**  
SCALE: 1" = 42'

NORTH  
0 10 20'

**GENERAL SITE NOTES:**

- THESE DRAWINGS ARE INTENDED TO OUTLINE THE WORK CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR GENERAL ACCEPTED TRADE PRACTICES.
- ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN ACCORDANCE WITH THE MOST RECENT VERSION OF THE CITY OF INDIANAPOLIS STORM WATER DESIGN & CONSTRUCTION SPECIFICATIONS MANUAL.
- NO SURVEY HAS BEEN PROVIDED FOR THIS SITE. SITE FEATURES AND TOPOGRAPHY DATA HAVE BEEN OBTAINED FROM THE CITY OF INDIANAPOLIS. OTHER RELIABLE MEANS OF INVESTIGATION, ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, UTILITIES, AND SURVEY DATA SHALL BE FIELD VERIFIED.
- ALL UTILITIES ARE REFERENCED TO EXISTING. ALL SIZES AND DEPTHS ARE REFERENCED TO THE UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES. CONTRACTORS SHALL VERIFY ALL UTILITIES INCLUDING BUT NOT LIMITED TO WATER, SEWER, SANITARY, RIVER & WASTE DISCHARGE, ELECTRICAL, SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.
- THE SCOPE OF WORK IS DESIGN-BUILD IN NATURE. NOT ALL CONDITIONS, CONNECTIONS, OR UTILITIES ARE SHOWN. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ADDRESSING THE INDICATED DISCREPANCIES OR DISCREPANCIES. CONTRACTORS SHALL BE RESPONSIBLE FOR THE COMMENCEMENT OF WORK, SUCH THAT ALL UNRESOLVED CHALLENGES CAN BE RESOLVED BY THE CONTRACTOR. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, SCHEDULE AND BUDGET. RIVERA GROUP, LLC SHALL BEAR NO FINANCIAL RESPONSIBILITY FOR THE CONSTRUCTIBILITY OF THIS PROJECT.

**SITE DATA**

<b>LOT AREA (D5) - COMPACT</b>	
LOT 47 PARCEL SIZE (45'10" x 128'11")	5,697 S.F.
LOT 48 PARCEL SIZE (45'1" x 128'11")	5,614 S.F.
LOT 49 PARCEL SIZE (45'10" x 128'11")	5,697 S.F.
<b>TOTAL BLDG AREA</b>	
LOT 47-48-49 - FOOTPRINT AREA	2,850 SQ. FT.
PROPOSED CONCRETE PATH (EACH LOT)	340 SQ. FT.
PROPOSED GRAVE PARKING LOT (EACH LOT)	495 SQ. FT.
<b>LOT 47 OPEN SPACE PERCENTAGE</b>	48%
<b>LOT 48 OPEN SPACE PERCENTAGE</b>	46%
<b>LOT 49 OPEN SPACE PERCENTAGE</b>	48%



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



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



View looking southwest across intersection of East 21<sup>st</sup> Street and Rembrandt Street



View of adjacent properties looking northwest along East 21<sup>st</sup> Street





View looking northeast at adjacent property to the north of Rembrandt Street



View of adjacent property to the south looking west across Rembrandt Street



View of site looking west across Rembrandt Street



View of site looking west across Rembrandt Street



View of site looking northwest across Rembrandt Street



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



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 20, 2025

<b>Case Number:</b>	2024-ZON-140
<b>Property Address:</b>	6519 Carrollton Avenue (Approximate Address)
<b>Location:</b>	Washington Township, Council District #7
<b>Petitioner:</b>	GP CM Carrollton Avenue, by Misha Rabinowitch
<b>Current Zoning:</b>	D-4 (TOD) (FF)
<b>Request:</b>	Rezoning of 0.177-acre from the D-4 (TOD) (FF) district to the C-3 (TOD) (FF) classification to provide for commercial uses.
<b>Current Land Use:</b>	Office
<b>Staff Recommendations:</b>	Approval with a commitment.
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the January 9, 2025 hearing to the February 13, 2025 hearing at the request of a registered neighborhood organization.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

**STAFF RECOMMENDATION**

Staff **recommends approval** 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:

- The following uses shall be included as prohibited used with this approval:
  - Business, art, or other post-secondary proprietary school
  - Day Care Center or Nursery School
  - Schools: Elementary, Middle or High Schools
  - Hospital
  - Plasma (Blood) Center
  - Bar or Tavern
  - Department Store

**PETITION OVERVIEW**

**LAND USE**

The 0.177-acre subject site is developed with a primary and accessory structure with parking area.



**Department of Metropolitan Development  
Division of Planning  
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General office uses were permitted for both the residence and accessory buildings under 78-UV2-13 but were limited by occupancy of the current owner and a plan of operation that is now outdated.

A variance of use, 2024-UV2-001, was granted in 2024 to allow for an office use, per the filed site plan and plan of operation with a variance of development standards to provide for placement of a primary freestanding sign. The approval was subject to a commitment that the site would be rezoned by the end of 2024 “to a C-1 or other appropriate zoning classification”.

The site is surrounded by formerly residential properties, zoned D-4, that have since been converted to allow for low intensity commercial uses through use variances. The property to the west of the site is undeveloped.

## **REZONING**

The request would rezone the site from the D-4 district to the C-3 classification to provide for commercial uses.

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

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.

## **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.



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Division of Planning  
Current Planning**

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**STAFF ANALYSIS**

Several parcels within the immediate vicinity of this property have been rezoned to the C-1 Office-Buffer District designation, while others have obtained variances of uses to allow for low intensity commercial use such as offices while retaining the D-4 zoning designation.

The rezoning request for the C-3 district would align with the village mixed-use recommendation of the Broad Ripple Village Plan Envision Broad Ripple (2012).

Given that there was a commitment to rezone the site when the use variance, 2024-UV2-001, was granted, staff is supportive of the rezoning request. However, staff has concerns with the high volume and additional traffic that could be generated and lack of parking availability for some uses permitted in the C-3 district. Therefore, staff requests that the petitioner include the following uses in their prohibited list:

- Business, art, or other post-secondary proprietary school
- Day Care Center or Nursery School
- Schools: Elementary, Middle or High Schools
- Hospital
- Plasma (Blood) Center
- Bar or Tavern
- Department Store

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4 (TOD) (FF)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-4 Commercial (Office)
	South:	D-4 Commercial (Bakery)
	East:	D-4 Commercial (Office and Café)
	West:	D-4 Undeveloped
<b>Thoroughfare Plan</b>		
Carrollton Avenue	Local Street	48-foot proposed right-of-way and 44-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	



<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	December 2, 2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- It is within 1000 feet of the existing Red Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.
- The proposed commercial district would not conflict with the Plan.

**Neighborhood / Area Specific Plan**

- The Broad Ripple Village Plan Envision Broad Ripple (2012) assigns this property to the Village Mixed-Use typology, which allows for a mixed-use core of small, neighborhood office/retail nodes, public and semi-public uses, open space, and light industrial development.
- The site is also designated as being with Critical Area 2 (Broad Ripple Village; Village Mixed-Use development recommended) and is an environmentally sensitive area (floodplain).



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

- The plan also designates it as an environmentally sensitive area since it is located within a floodplain. This land use category and critical area seeks to promote a village-type atmosphere through residential and commercial uses and design choices appropriate for neighborhood gathering places.
- The proposal would align with the neighborhood plan.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.





## ZONING HISTORY

### Zoning History – Site

**2024-UV2-001; 6519 Carrollton Avenue** (subject site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an office use, per the filed site plan and plan of operations (not permitted); and variance of development standards to provide for placement of a primary freestanding sign (two signs permitted for residential communities), **granted**.

**78-UV2-13**, Variance of use and Development Standards to permit remodeling of 2 residences for general office use, small residence in rear to be rented for office use in future, if not needed by owner, as per plans filed, off-street parking available, **approved**.

### Zoning History – Vicinity

**2022-ZON-104; 6520 Ferguson Street (northeast of site)**, Rezoning of 0.18 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district to provide for office uses, **approved**.

**2015-MO2-005; 6515 Carrollton Avenue (south of site)**, Modification of Commitments and Site Plan related to 2013-UV2-021 to terminate Commitment Five, requiring the trash enclosure and dumpster to be located in the southeast corner of the rear parking lot, with removal access from the alley, and to modify the site plan file-dated October 3, 2013, **granted**.

**2013-UV2-021; 6515 Carrollton Avenue (south of site)**, Variance of use of the Dwelling Districts Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a 470-square foot addition (not permitted) to the east end of an existing building, approved for use as a bakery and coffee house, with retail sales and outdoor seating (2012-UV2-022), to provide for an additional parking space (not permitted), and to provide for a free-standing sign (not permitted), with a three-foot front setback (15-foot front setback or the front established building line, whichever is less), **granted**.

**2013-UV2-011; 6516 Ferguson Street (east of site)**, Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for: massage therapy in the eastern portion of the proposed building (not permitted, previously approved for a gift and antique shop, interior decorator and psychologist office (74-UV1-74A, 74-UV1-131, 80-UV2-51)); to convert the detached garage to an attached garage, with a five-foot rear setback (20-foot rear setback required) for use as a commercial café serving food and non-alcoholic beverages (not permitted); to add two outdoor freezer and refrigeration units (not permitted), with a zero-foot north side setback (minimum five-foot side setback required); to provide for outdoor seating south of and west of the converted garage, with a zero-foot setback from the west property line (not permitted, 20-foot rear yard required); to provide for window signs, and to provide for a four-foot tall, 18-square foot freestanding sign with a four-foot front setback (second revised); and with a parking area with a zero-foot south side setback (minimum five-foot side setback and 13-foot aggregate setback required), **granted**.

**2012-UV20-22; 6515 Carrollton Avenue (south of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for a bakery and coffee house, with retail sales (not permitted), **granted**.



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**2005-UV1-009; 6523 Carrollton Avenue (east of site)**, provide for office uses (not permitted) within an existing 1,073.38-sq.ft. single-family dwelling, with a proposed 518.2-sq.ft. addition, with a 566-sq.ft. detached garage in D-4, **granted**.

**2003-UV3-022; 6524 Carrollton Avenue (northwest of site)**, Variance of Use and development standards of the Commercial Zoning Ordinance to provide for a beauty salon (not permitted), with seven off-street parking spaces (nine off-street parking spaces permitted), **granted**.

**2000-UV1-027; 6515 Carrollton Avenue (south of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for a remodeling business (not permitted), within an existing single-family dwelling, **granted**.

**2000-UV1-025; 6523 Carrollton Avenue (north of site)**, Variance of use of the Dwelling Districts Zoning Ordinance to provide for retail uses in an existing single-family dwelling (not permitted), **granted**.

**99-UV3-72; 6512 Ferguson Street (southeast of site)**, to provide for a 4-seat hair salon with off-street parking, **granted**.

**94-UV2-78; 6524 Carrollton Avenue (northwest of site)**, variance of use and development standards of the Commercial Zoning Ordinance to provide for a boutique business in an existing two-story 2,112 square foot building with storage located in the basement (not permitted), parking 4.5 feet from Coil Street (minimum 20 foot setback required), parking 3 feet from the west property line and 0.5 feet from the south property line (minimum 10-foot setback required for each), **granted**.

**89-Z-177; 6524 Carrollton Avenue (northwest of site)**, approval of 0.177 acres to the C-1 District classification, **approved**.

EXHIBITS







**Prohibited Uses**

1. Substation Distribution
2. Transit Center
3. Wireless Communication Facility
4. Assisted Living Facility
5. Nursing Home
6. Check Cashing/Validation Service
7. Outdoor Advertising Off Premises Sign
8. Grocery Store
9. Pawn Shop
10. Club or Lounge
11. Laundromat
12. Mortuary/Funeral Home
13. Vape Shop



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2024-UV2-001 COMMITMENT

A202400011851

02/15/2024 11:16 AM

FAITH KIMBROUGH

MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 3

By: DG

MW COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE  
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.

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 the parcel of real estate:

Legal Description:

Lot 32 in Light's Broad Ripple Subdivision, now in the City of Indianapolis, as per plat thereof, recorded in Plat Book 9, page 20, in the Office of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. Owner shall file a petition to rezone the property by the end of 2024 with the full intent to rezone the property to a C-1 or other appropriate zoning classification.

2.

3.

4.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2024-UV2-001 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,

BZA's Exhibit A -- Page 1 of 3





Photo of the subject site.



Photo of the driveway looking east and two parking spaces.



Photo of an accessory building on site.



Photo of the parking area on site.





Photo of the rear entrance to the main building.



Photo of the business south of the site.



Photo of the property north of the site.



Photo of the undeveloped land west of the site.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 20, 2025

<b>Case Number:</b>	2024-CZN-845 (Amended)
<b>Property Address:</b>	5022 Rockville Road (Approximate Address)
<b>Location:</b>	Wayne Township, Council District #16
<b>Petitioner:</b>	Cultivar Properties, LLC., By David Gilman
<b>Current Zoning:</b>	C-3 / C-5 (FF)
<b>Request:</b>	Rezoning of 3.03 acres from the C-3 (FF) and C-5 (FF) districts to the I-1 (FF) classification to provide for light industrial uses.
<b>Current Land Use:</b>	Undeveloped
<b>Staff Recommendations:</b>	Denial
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the December 12, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner and staff to allow staff additional time to review a revised site plan submitted December 3, 2024.

At the December 12, 2024 hearing, the petitioner withdrew the variance requests to provide for a 15-foot east side transitional yard setback and a 10-foot north rear yard setback. The request that remains is only the rezoning petition.

This petition was continued for cause from the January 9, 2025 hearing to the February 13, 2025 hearing at the request of the petitioner to allow them additional time to continue discussions with the Department of Public Works and allow staff additional time for staff to review a plan of operation submitted on January 2, 2025.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.



## PETITION OVERVIEW

### LAND USE

The 3.03-acre subject site is an undeveloped commercial lot. It is bordered to the east by single-family dwellings, zoned D-4, to the north by a telecommunications company, zoned SU-35, to the west by a public utility station, zoned C-5, in addition to a telecommunications company, zoned SU-35, and to the south by an office, zoned C-3.

### REZONING

The request would rezone the site from the C-3 and C-5 districts to the I-1 district to allow for light industrial uses.

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

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.



**Floodway Fringe**

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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**STAFF ANALYSIS**

The request would allow for the introduction of an industrial district where other industrial districts are not present.

Because the site is sandwiched between C-5 and SU-35 districts to the west and a D-4 district to the east, a proposal to include an I-1 district and consider it a transitional district is not accurate. Instead, it would be an outlier and would not serve as an intended buffer from heavier industrial or commercial districts.

Staff has concern with the industrial district encroaching into the residential area, which would not align with the Comprehensive Plan recommendation for suburban neighborhood development.

Although the C-3 district currently borders the D-4 district, it has not been developed and has provided some protection for the residents to the east. Additionally, the uses permitted in the C-3 district would overall be less intense than those permitted in an I-1 district because the suburban neighborhood development recommendation contemplates small-scale offices, retailing, and personal or professional services.

The petitioner provided a list of prohibited uses such as a Transit Center, Heliport, Heavy Equipment Sales, Service or Repair, Firearms Sales, and a Gas Station. They also proposed five self-imposed commitments in the Plan of Operation, but staff did not find reason to support the request since the intended users could locate in other areas that would be more suitable for the development.

For these reasons, staff recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 / C-5 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Enter Comprehensive Plan Recommendation	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	SU-35	Telecommunications Company
South:	C-3	Office
East:	D-4	Residential (Single-family dwellings)

West:	C-5 / SU-35	Public Utility Station / Telecommunications Company
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial Street	119-foot proposed right-of-way and 80-foot to 108-foot range of existing right-of-way.
<b>Context Area</b>	Compact or Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 26, 2024	
<b>Site Plan (Amended)</b>	February 5, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

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



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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.
  - 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 Offices, Retailing, and Personal or Professional Services**
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.

#### 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)

- Indy Moves Transportation Integration Plan (2018), specifically the IndyMoves PedalIndy 2018 Plan, proposes a complete street on-street bike lane along Rockville Road from Lynhurst Drive to Rockville Avenue.



## ZONING HISTORY

### Zoning History - Vicinity

**2006-ZON-038; 5212 Rockville Road** (west of site), Rezoning of 1.683 acres, being from the SU-35 District, to the C-3 classification to provide for neighborhood commercial uses, **approved.**

**95-Z-163; 5206 Rockville Road** (west and north of the site), Rezoning of 13.63 acres, being in the D-A and C-5 districts to the SU-35 classification to provide for construction of a 100 by 48-foot equipment / administration building, nine to 12 satellite dishes ranging from 12 to 15 feet in diameter and a 100-foot-tall monopole antenna structure, **approved.**

**76-Z-21; 5206 Rockville Road** (west and north of the site), Rezoning 7.67 acres from the C-3 district to the C-5 classification to permit installation and repair of various telephone equipment, **approved.**

**65-Z-160; Rockville Road and Lynhurst Drive** (north of site), Rezoning of 3.64 acres being in A-2 district to B-6 classification to provide for the construction of a customer service building and garage for utility use, **approved.**

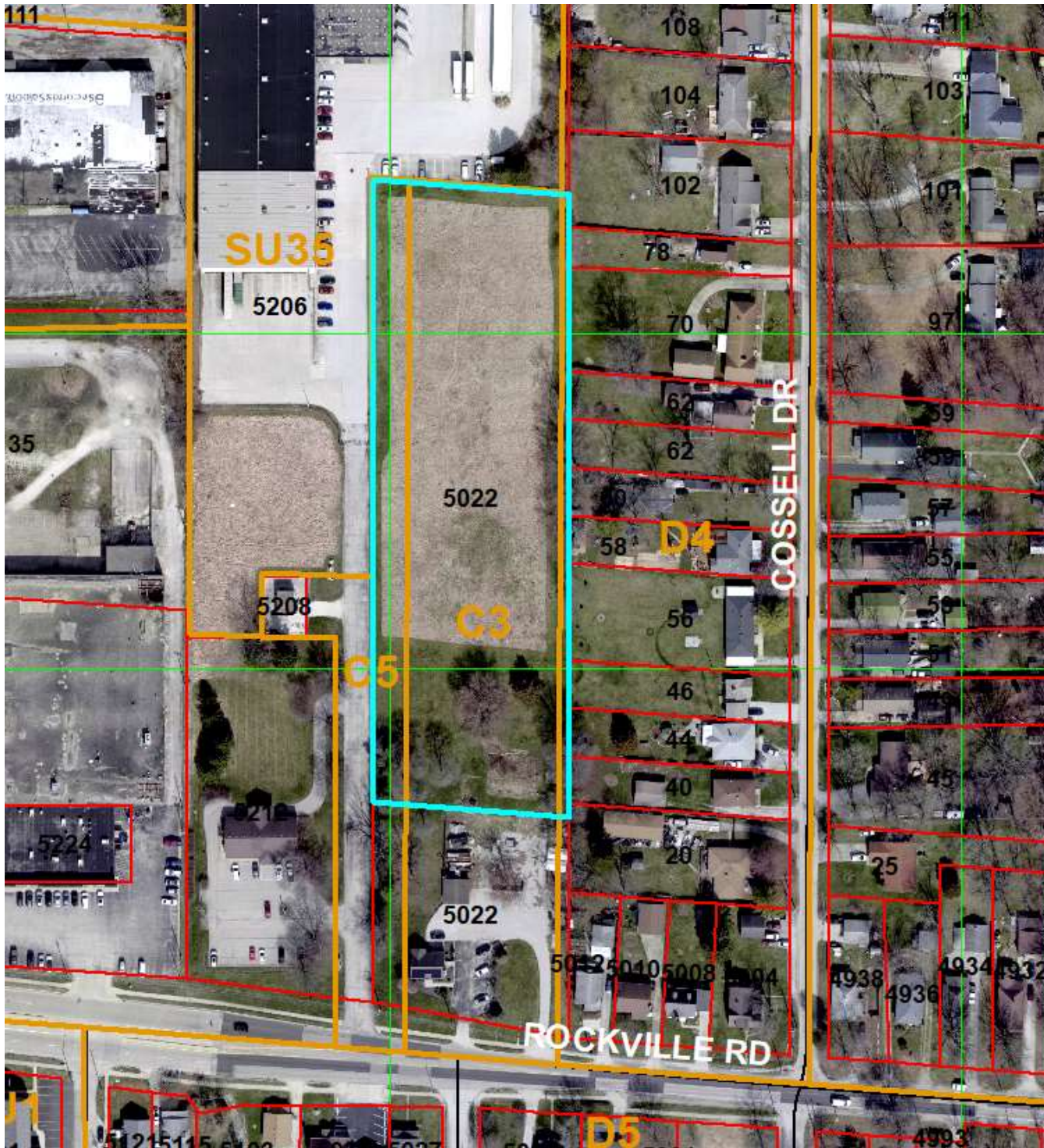
**61-Z-118; Rockville Road and Lynhurst Drive** (west of site), Rezoning of 9.3 acre, being in B-6 district, to Special Use 42 classification to permit the construction of a Mixing Substation (which induces air into natural gas), **approved.**

**58-Z-67; 5026 Rockville Road** (west and north of the site), Rezoning from the A-1 district to B-6 classification to permit the erection of a Service Center and use thereof by Citizens Gas and Coke Utility, **approved.**

**58-Z-44; Rockville Road and Lynhurst Drive** (west of site), rezoning of seven-acre plot of ground being in an A-1 district to a B-6 classification to provide for the construction of a Bowling Alley and restaurant, **approved.**



EXHIBITS

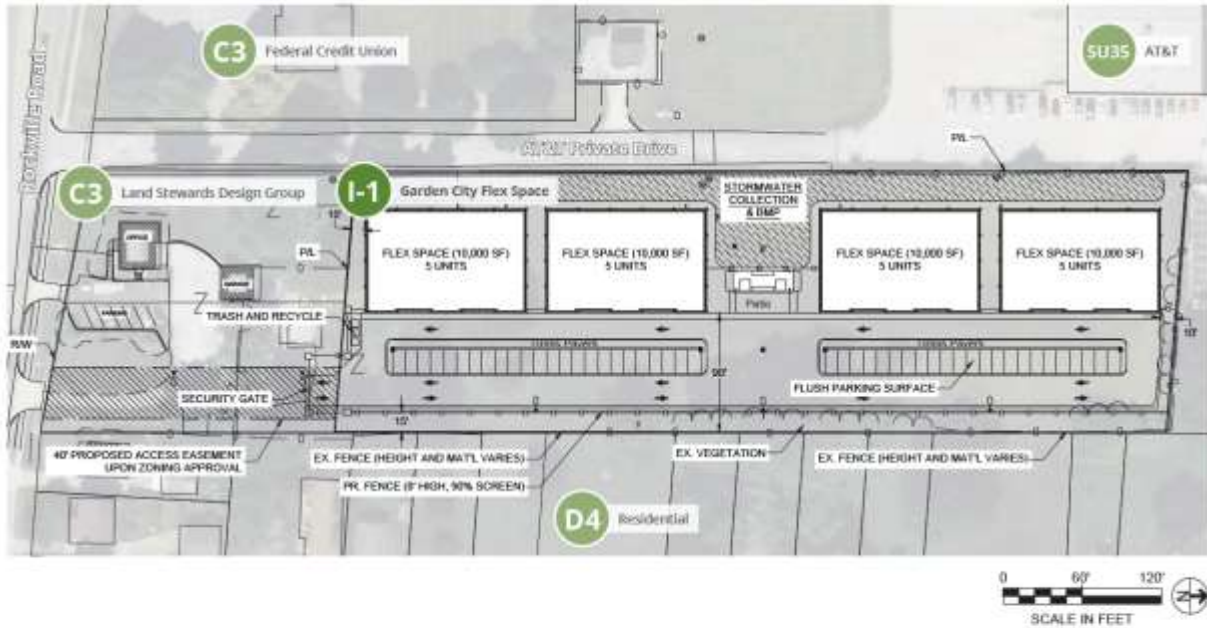


SITE PLAN



5022 ROCKVILLE RD, INDIANAPOLIS, IN 46224  
10-09-24

GARDEN CITY FLEX SPACE  
SITE LAYOUT



5022 ROCKVILLE RD, INDIANAPOLIS, IN 46224  
10-09-24

GARDEN CITY FLEX SPACE  
SITE LAYOUT



AMENDED SITE PLAN



**Red Lynx Development (Std. I-1 Transition Side and Rear Yard)**

LAND STEWARDS DESIGN GROUP  
01/18/2025

DEVELOPMENT STATS:  
TOTAL SF FLEX SPACE: 37,250  
TOTAL PARKING SPACES: 53



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

**Plan of Operation  
5022 Rockville Road  
1/22/2025**

**BACKGROUND**

The site is located at 5022 Rockville Road, just east of N. Lynhurst Dr., and is comprised of two lots, totaling approximately 4.0 acres. The North Lot will be referred to as the "Site" in this document and contains approximately 3.0 acres. The Site is located adjacent to C3 (south), C5 (west), SU35 (north and west), and D4 (east). Some trees remain on the south end of the site and along the perimeter to the north, east, and south.

**Business Use**

The owner would like to make better use of the site and provide for indoor, light industrial uses (I-1 District) However, certain I-1 uses will be prohibited. Those include a Transit Center, Heliport, Heavy Equipment Sales, Service or Repair, Firearms Sales, and a Gas Station. The owners have controlled this property for over 20 years looking for the most appropriate use and believe the light industrial use is more suitable than commercial retail, offices or residential. We have received requests from multiple local business owners related to purchasing or leasing this land for business and warehousing needs that are not being met by other local offerings.

The design of the proposed project has thoughtfully considered the residential neighbors to the east with a full screen and landscaping along the east side of the entire Site. Furthermore, the potential project has been discussed in detail with AT&T administration and engineers to the north and west for utility access needs for sanitary and storm. The residential lots to the east of the site have very deep lots and the required fifty (50) foot transitional yard will provide the needed screening and buffering for the residences.

**Workforce**

It is anticipated that there will be 15 to 30 full-time employees on-site during normal business hours.

**Hours of Operation**

Business hours will be conducted during normal daytime hours from 7am to 7pm.

**Traffic**

The entrance will be relocated to align with Rebecca Drive and all traffic will be directed to use only Rockville Road east and west bound traffic.

**Off-Street Parking**

Each building will have the required off-street parking available. There are 39 employee and customer parking spaces proposed.



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**Shipping/Receiving**

Shipping and receiving will be conducted through normal delivery services such as Amazon, FedEx, and UPS. There will be no semi-truck and trailer traffic permitted to the site. The enforcement of this restriction will be done with tenant leases, owner's zoning commitments and clearly posted signage.

**Waste**

All waste products will be removed by a private refuse business.

**Self-Imposed Written Commitments**

1. The site will be developed in substantial compliance with the site plan file dated ??/??/2024.
2. The entrance will be relocated in a design approved by the Department of Public Works, including any improvements to Rockville Road, prior to occupancy of the buildings.
3. The landscape transitional yard along the east property will always be maintained in good condition and any dead landscape plant will be replaced immediately. The fence will always remain in place and maintained in good condition.
4. Building elevations will be submitted to the staff for Administrator's approval, prior to the issuance of an Improvement Location Permit.
5. The Owners will prohibit any semi-truck and trailer traffic entering or leaving the subject property.



Photo of the subject site to the right looking north along a private drive to the west of the site.



Photo of the subject site looking north.



Photo of the subject site looking east towards the single-family dwellings.



Photo of the subject site looking south.



Photo of the subject site looking east towards the single-family dwellings.



Photo of the property west of the site.





Photo of the office south of the subject site looking west on Rockville Road.



Photo of the street frontage at the C-3 parcel to the south not included in the request.



**METROPOLITAN DEVELOPMENT COMMISSION** **January 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-110

**Property Address:** 6670 East 38<sup>th</sup> Street

**Location:** Lawrence Township, Council District #9

**Petitioner:** Tikal, Inc., by Mitch Sever

**Current Zoning:** C-3 (TOD)

**Request:** Rezoning of 2.37 acres from the C-3 (TOD) district to the C-7 (TOD) classification to provide for a building contractor, with outdoor storage of equipment and materials.

**Current Land Use:** Commercial Office

**Staff Recommendations:** Denial.

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

**PETITION OVERVIEW**

This 2.37-acre site, zoned C-3 (TOD), is comprised of two parcels. The eastern parcel is developed with a commercial use and the remaining acreage is undeveloped. It is surrounded by railroad right-of-way and undeveloped land to the north, zoned D-4 (TOD) and SU-16 (TOD) (indoor and outdoor recreation and entertainment), respectively; commercial uses to the south, across East 38<sup>th</sup> Street, zoned C-7 (TOD); undeveloped land to the east, zoned SU-16 (TOD); and railroad right-of-way and East 38<sup>th</sup> Street right-of-way to the west, zoned D-4 (TOD).



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There have been seven petitions dating back to 1961 through 2022, including a rezoning and variances for commercial development on the eastern parcel. See Zoning History. The most recent (2022) rezoned the site to the C-3 (TOD) district.

## REZONING

The request would rezone the site to the C-7 (TOD) (High Intensity Commercial) district to provide for a building contractor and outdoor storage of equipment and materials. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”

The Comprehensive Plan recommends community commercial typology for the site.

Recommended land uses in this typology include small- and large- scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

This request would provide for a commercial C-7 district that is characterized as more compatible with industrial uses that include major outdoor storage and display, rather than low intensity commercial uses that serve nearby neighborhoods.

The Plan of Operation, file dated November 22, 2024, states that the site would primarily be used for storage of equipment and materials, with hours of operation Monday through Saturday from 8:00 a.m. to 8:00 p.m.

Additionally, this site is located within the Transit Oriented Development (TOD) overlay. Consequently, proposed land uses should enhance and support pedestrian experience and activities. The proposed high intense commercial use would be disruptive of the Comprehensive and TOD plans and would be wholly inappropriate for this site and surrounding land uses. The current C-3 district allows for land uses that are supportable of and contribute to the purpose and goals of the TOD overlay.

## Site Plan

The initial site plan file dated September 5, 2024, provided for a 22,000-square foot building in the undeveloped area to the west of the existing building. The site plan, file dated October 11, 2024, removes the building, leaving the western portion of the site for approximately 81,000 square feet of outdoor storage, which would be consistent with the Plan of Operation.



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Division of Planning  
Current Planning**

## Violations

On May 3, 2024, Violation VIO24-003753 was issued, followed by five citations (CIT24-00164, CIT24-00165, CIT24-00166, CIT24-00167 and CIT24-00168) issued on August 2, 2024.

Violations include: outdoor storage of junk, trash or debris; outdoor storage of inoperable vehicles; outdoor storage of vehicle parts; parking or storage of commercial vehicles; non-permitted use of the property for a fleet terminal; outdoor storage of commercial or industrial liquids; vehicle repair; storage of portable storage; failure to install sidewalks; parking lot in poor condition; unpaved parking lot; unstriped parking lot; no ADA parking spaces; and fence exceeding 42 inches.

## Overlays

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.

## Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;



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- 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
- 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 (TOD)	
<b>Existing Land Use</b>	Commercial office / undeveloped land	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-4 (TOD) / SU-16 (TOD)	Railroad right-of-way / undeveloped land
South:	C-7 (TOD)	Commercial uses
East:	SU-16 (TOD)	Undeveloped land
West:	D-4 (TOD)	Railroad right-of-way / East 38 <sup>th</sup> Street right-of-way
<b>Thoroughfare Plan</b>		
East 38 <sup>th</sup> Street	Primary arterial	Existing 92-150-foot right-of-way and proposed 88-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 5, 2024	
<b>Site Plan (Amended)</b>	October 11, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two 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 – 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.

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

Purple Line Transit-Oriented Development Strategic Plan (2021).

This site is located within the Transit Oriented Development Overlay.

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 transit stop located at the intersection of East 38<sup>th</sup> Street and Shadeland Avenue, with a District Center typology.

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



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Characteristics of the District Center typology are:

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

#### Modifications

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. This site lies within the Transit-Oriented Development overlay. Below are the recommended modifications within this overlay.

- There are no added uses or removed uses.
- Development of small- and large- offices, retailing, and personal or professional services and large-scale schools, places of worship, community serving institutions / infrastructure and other places of assembly “should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking).
- Bollards or other vehicular barriers should be present in small-scale parks.

#### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

#### Infill Housing Guidelines

- Not Applicable to the Site.

#### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2022-ZON-094; 6670 East 38<sup>th</sup> Street**, rezoned 2.63 acres from the D-4 (TOD) and C-3 (TOD) districts to the C-3 (TOD) district to provide for neighborhood commercial development, **approved**.

**2021-ZON-113; 6670 East 38<sup>th</sup> Street**, requested rezoning of 2.63 acres from the D-4 and C-3 districts to the C-S classification, **withdrawn**.

**97-Z-124; 6670 East 38<sup>th</sup> Street**, requested rezoning of 0.51 acre from the D-4 District to the C-3 classification to provide for neighborhood commercial, **approved**.

**95-UV3-18; 6670 East 38<sup>th</sup> Street**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an automobile body repair and paint business, with a 32-square foot pole sign, and with the bottom of the sign face having a ground clearance of six feet, **granted**.

**75-UV3-102; 6670 East 38<sup>th</sup> Street**, requested a variance of use and development standards to permit the sales and service of sailboats and accessories in an existing residence, with a pole sign and chain link fence, **granted**.

**73-UV2-153; 6670 East 38<sup>th</sup> Street**, requested a variance of use of the Dwelling Districts Zoning Ordinance to permit an existing residence to be used as a residence and show room for the sale of recliner chairs, with a setback variance and with off-street parking located in the required transitional yard, **granted**.

**61-V-711; 6670 East 38<sup>th</sup> Street**, requested a one-year extension of the approved temporary permit for the continued operation of an open-air auto sales lot, **granted**.

## VICINITY

**2009-ZON-012; 6690 East 38<sup>th</sup> Street (east of site)**, requested rezoning of 0.5 acre, from the D-4 District, to the SU-16 classification to provide for indoor or outdoor commercial recreation uses, **approved**.

**2006-ZON-135; 6680 East 38<sup>th</sup> Street and 3828 Elizabeth Street (east of site)**, requested rezoning of 2.57 acres from D-4 to SU-16, **approved**.

**94-Z-154 / 94-CV-22; 6729-6747 East 38<sup>th</sup> Street (east of site)**, requested rezoning of 0.35 acre, being in the D-3 and C-4 Districts, to the C-4 classification to provide for commercial retail uses and a variance of development standards of the Commercial Zoning Ordinance to legally establish five existing buildings, parking, maneuverability areas with reduced setbacks without landscaping, unpaved parking within the right-of-way of Elizabeth Street, outdoor display of merchandise within the required front yard and a 132-square foot pole sign with a reduced setback from East 38<sup>th</sup> Street, **approved and granted**.





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**94-UV3-30; 6710 East 38<sup>th</sup> Street (east of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor automobile sales, rental and display, **denied**.

**91-UV3-6; 6729 East 38<sup>th</sup> Street (east of site)**, requested a variance of use to permit a variety store within an existing building and a variance of development standards of the Sign Regulations to legally establish the existing sign, **granted**.

**91-UV2-84; 6685 East 38<sup>th</sup> Street (west of site)**, requested variance of use of the Dwelling Districts Zoning Ordinance to permit an automobile repair garage within an existing building, **approved**.

**84-UV2-53; 6667 East 38<sup>th</sup> Street (east of site)**, requested variance of use and development standards to provide for the additional use of the property for the sales and service of trucks and truck equipment, **approved**.

**82-UV3-118; 6667 East 38<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to permit a wrecker service with storage and motor vehicle repair, related to a motorcycle repair shop, **denied**.





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Tikal, Inc.  
6670 East 38<sup>th</sup> Street

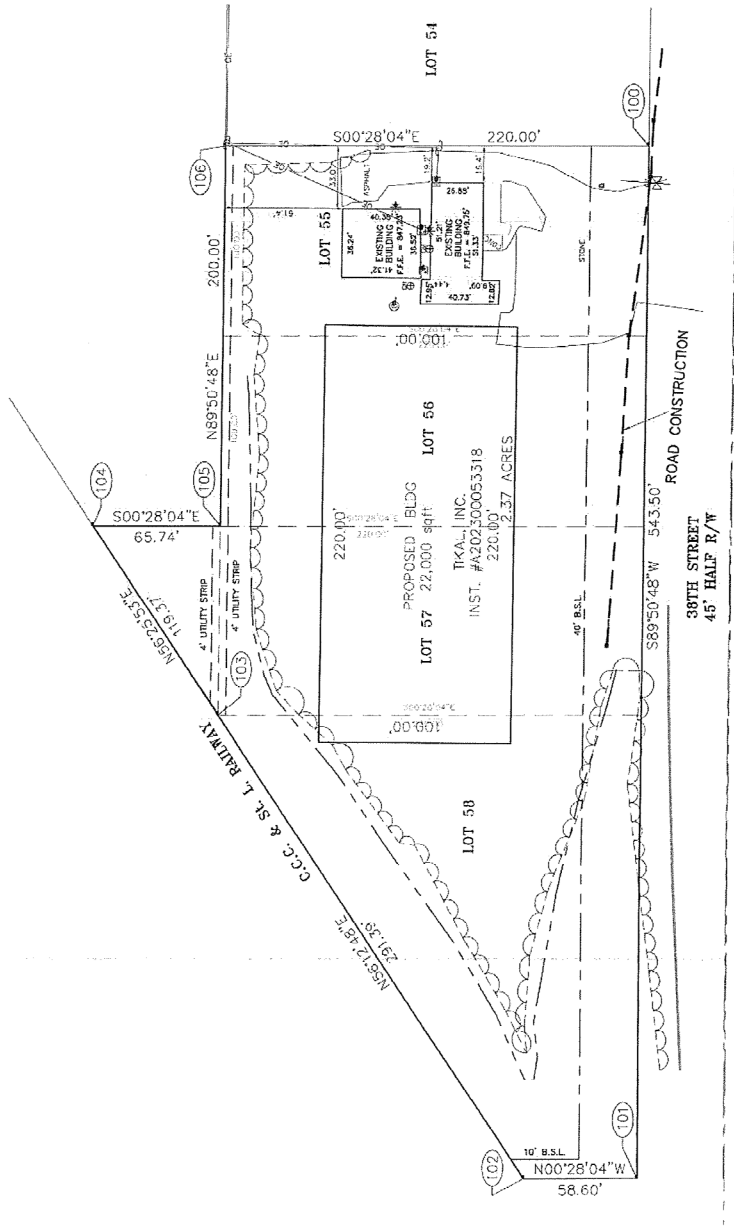
**Plan of Operation**

Tikal, Inc., is a multi-state builder and construction management company. It's Indianapolis headquarters are located at 5155 North Shadeland Avenue where it employ roughly 40 personnel. The intended use of the site located at 6670 East 38<sup>th</sup> Street is primarily for storage of equipment and materials. There only traffic to the site will be a maximum of 5 employees at one time. Hours of operation will be Monday through Saturday from 8:00 a.m. to 8:00 p.m.



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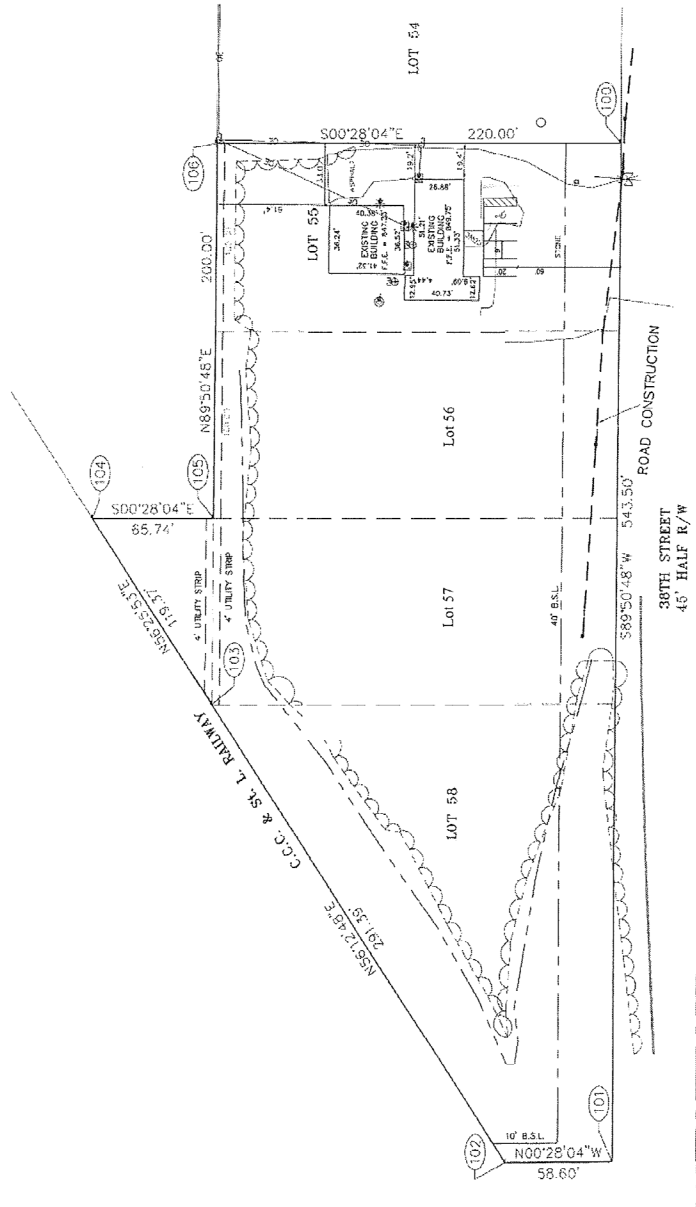
Site Plan – September 5, 2024





Department of Metropolitan Development  
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Current Planning

Site Plan – October 11, 2024





View looking east along East 38<sup>th</sup> Street



View of site looking northwest across East 38<sup>th</sup> Street



View of site looking northwest across East 38<sup>th</sup> Street



View of adjacent property to the east looking north



View of property looking southwest across East 38<sup>th</sup> Street to the south





**METROPOLITAN DEVELOPMENT COMMISSION** February 20<sup>th</sup> 2025  
**HEARING EXAMINER**

**Case Number:** 2025ZON002  
**Property Address:** 6120 East Thompson Road (Approximate Address)  
**Location:** Franklin Township, Council District #24  
**Petitioner:** Thompson and Commerce Properties, LLC by Richard Henderson  
**Current Zoning:** D-P  
**Request:** Rezoning of 4.732 acres from the D-P (FF) district to the D-6 (FF) district to provide for residential uses.  
**Current Land Use:** Commerical  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** with the following commitment.

1. Prior to ILP petitioner receive administrative approval for site plan review.

**PETITION OVERVIEW**

**LAND USE**

The 4.73-acre subject site is part of the South of The Villas at Franklin Crossing Subdivision within the Poplar Grove Neighborhood. Thompson Park is located to the southeast of the property.

The surrounding zoning designations and land uses are as follows:

<b>North:</b>	Zoned D-A	Residential Use / The Villas at Franklin Crossing
<b>South:</b>	Zoned D-P	Commerical Use Residential Use / (CVS Drug) (Belmont Subdivion)
<b>East:</b>	Zoned D-P	Commerical Use/ (Franklin Corners Strip Mall)
<b>West:</b>	Zoned C-3	Commerical Use / Gas Station, Medical Office & Franklin Township Chapel



**REZONING REQUEST**

This petition would rezone this site from the **D-P Planned Unit Development District** to the **D-6 (Dwelling District Six)** to allow the development of Five (5) multi-unit buildings with a total of 23 dwelling units. The density of the development (4.86 units per acre).

This area was first developed in the 2000 (2000ZON032/2000DP007), when the area was rezoned from D-A to D-P Planned Unit Development Plan that allowed for a mix of residential and retail development.

The Comprehensive Plan so this area as Community Commercial, this project fits the overall theme of the previously approved development plan desired mix of commercial and residential uses.

The Site plan review by staff has elements of non compliance to the zoning ordinance such as dead end streets and lack of amenities. If rezoning petition is approved staff would request.

1. Prior to ILP petitioner receive administrative approval for site plan review.

**Zoning District Overview:**

**D-P (Planned Unit Development District):** Which is predominantly residential in nature, but may include supportive commercial or industrial development. the D-P requires metropolitan development commission approval of all uses, site and development plans. creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district.

**D-6 (Dwelling District Six):** Which permits medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. the district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities with a typical density of 6 to 9 residential units per acre.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-P	
<b>Existing Land Use</b>	undeveloped	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-A	Residential Use
South:	D-P	Commercial Use
East:	D-P	Commercial Uses, Residential
West:	C-3	Residential Use
<b>Thoroughfare Plan</b>		



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East Thompson Road	Primary Arterial	50-foot right-of way existing and a 140-foot right-of way proposed
South Arlington Avenue	Primary Arterial	50-foot right-of way existing and a 140-foot right-of way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends:
- 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, Hair and Body Care Salons.
  - 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.



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- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the 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, 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)

## ZONING HISTORY

### SUBJECT SITE

**2001ZON823/2001APP823/2001PLT832 (2001DP005); 6040 East Thompson Road;** requests a rezoning of 17.346 acres from D-P to D-P to provide for 41, two-family residential lots, and a modification of development statement, related to petition 2000-ZON-032 (2000-DP-007), to provide for:

- 82 dwelling units (76 dwelling units approved by the development statement), with minimum main floor livable space between 1,300 square feet (minimum main floor livable space between 1,050 square feet approved by the development statement),
- all dwelling units with an attached garage capable of storing at least two vehicles (75-percent of the dwelling units shall have an attached garage capable of storing at least two vehicles and 25-percent of the dwelling units may construct a garage to store one vehicle approved by the development statement),
- eliminate paragraph II-A-2, both access points on Arlington Avenue and Thompson Road for the connector street with a boulevard design with landscape islands,
- eliminate paragraph II-A-3, a residential boulevard street incorporating landscaping islands and landscaping along either side of the connector,
- eliminate paragraph II-A-4, the connector street with a 70-foot maximum right-of-way and a 34-foot maximum pavement width.
- Plat Request: Subdivision approval of 17.349 acres into 41 lots.

**2000-ZON-032 (2000-DP-007); 6040 East Thompson Road** Rezone 32.26 acres from the D-A to DP to provide for two-family residential development, multi-family residential development for seniors, offices, and neighborhood service and retail development.  
**Approved**

### VICINITY

**2023ZON038; 6041 East Thompson Road** (South of Subject Site) Rezoning of 3.40 acres from the C-S and D-P districts to the C-3 district to provide for a neighborhood commercial development. **Approved**

**2007ZON848/2007VAR848; 6041 East Thompson Road** (South of Subject Site), Rezoning of 1.5 acres, from the D-P District, to the C-S classification to provide for the following uses: A single family dwelling, all C-3 uses, temporary seasonal retail sales, retail sale of a lawnmower, ATVS, Scooters, and detached accessory buildings, with a 2,475-square foot outdoor display area and three accessory buildings on display at one time.

Variance of Development standards of the Commercial Zoning Ordinance to Legally Establish a 3,430-square foot gravel parking lot (paved and striped parking required) with a zero-foot east side setback (minimum 15ft east transitional side yard required). **Approved.**

**97-Z-107/97-DP-6; 6401 East Thompson Road**, request rezoning of 100 acres, being in the D-A District, to the DP classification to provide for a planned unit development, consisting of a 320-lot single-family residential development at 3.2 units per acre and an 8-acre park.  
**Approved.**



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**97-Z-132 /97-DP-8; 6001 East Thompson Road** (South of Subject Site), Request a rezoning of 73.27 acres, being in the D-A District, to the DP Classification to provide for 3 existing residences, a 94- lot single-family residential development, 49 one story fourplexes, and C-1 or C-3 uses, **Approved.**

**99-Z-113/99-DP-20; 4501 South Arlington Avenue,** Request rezoning of 25.8 acres from D-A to DP to provide for two-family residential development. **Approved.**

**98-CP-21-Z; 4727 South Arlington Avenue** (North of Subject Site), request rezoning of 17.70 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development, **Approved.**

**91-Z-13; 4410 South Arlington Avenue,** request rezoning of 28.62 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development. **Approved.**

**72-Z-135; 4500-500 South Arlington Avenue,** request rezoning of 160 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development. **Approved.**

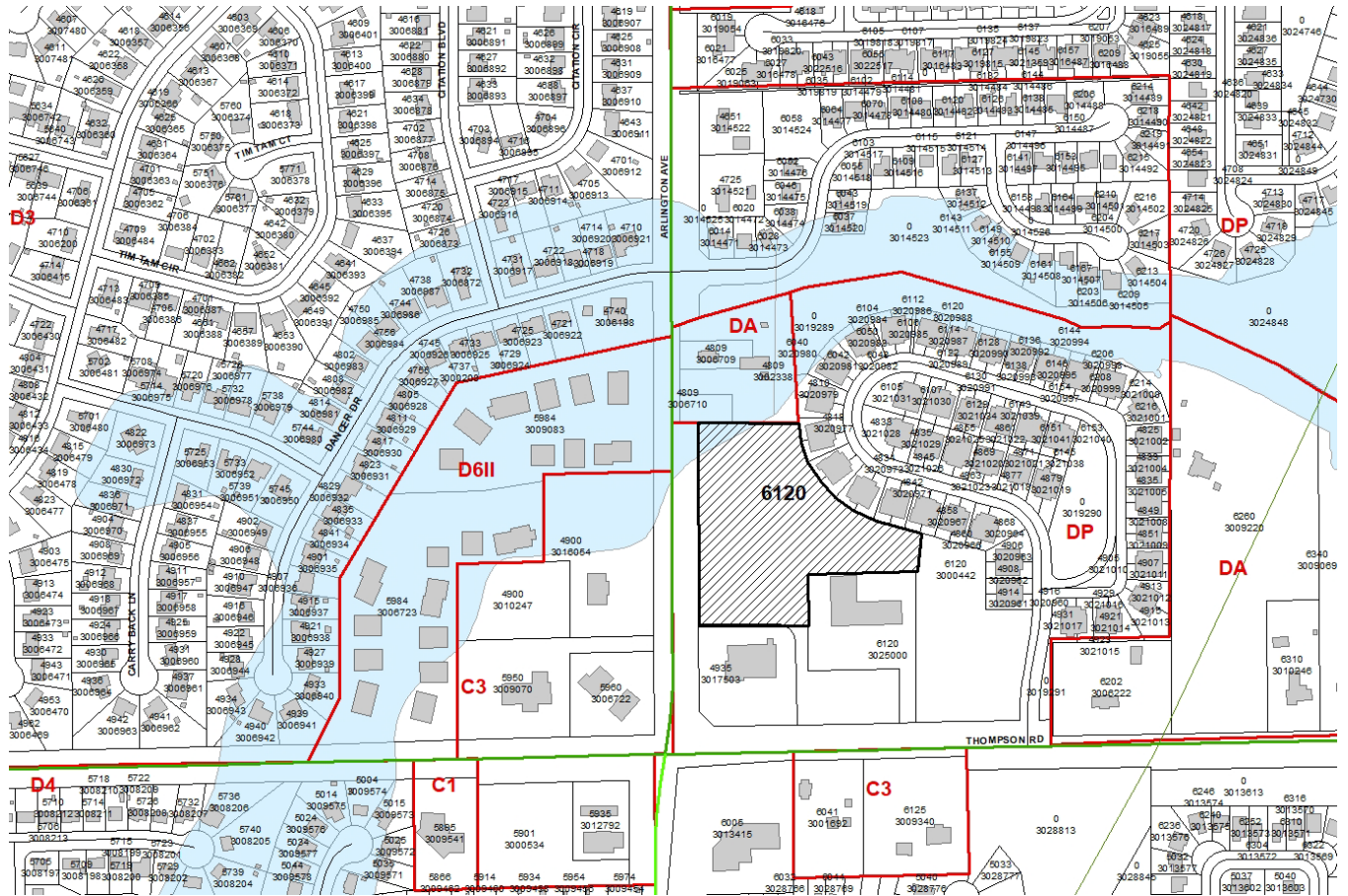
**73-Z-281; 4902 South Arlington Avenue** (East of Subject Site), request rezoning of 8.69 acres, being in D-3 district to C-3 classification for convenience shopping center including branch bank.

**73-Z-282; 4902 South Arlington Avenue** (East of Subject Site), request to rezone 0.92 acres from D-3 to C-3



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EXHIBITS



**PHOTO EXHIBITS**



On Subject Site looking at Villas Sub



On Subject Site looking at Villas Sub



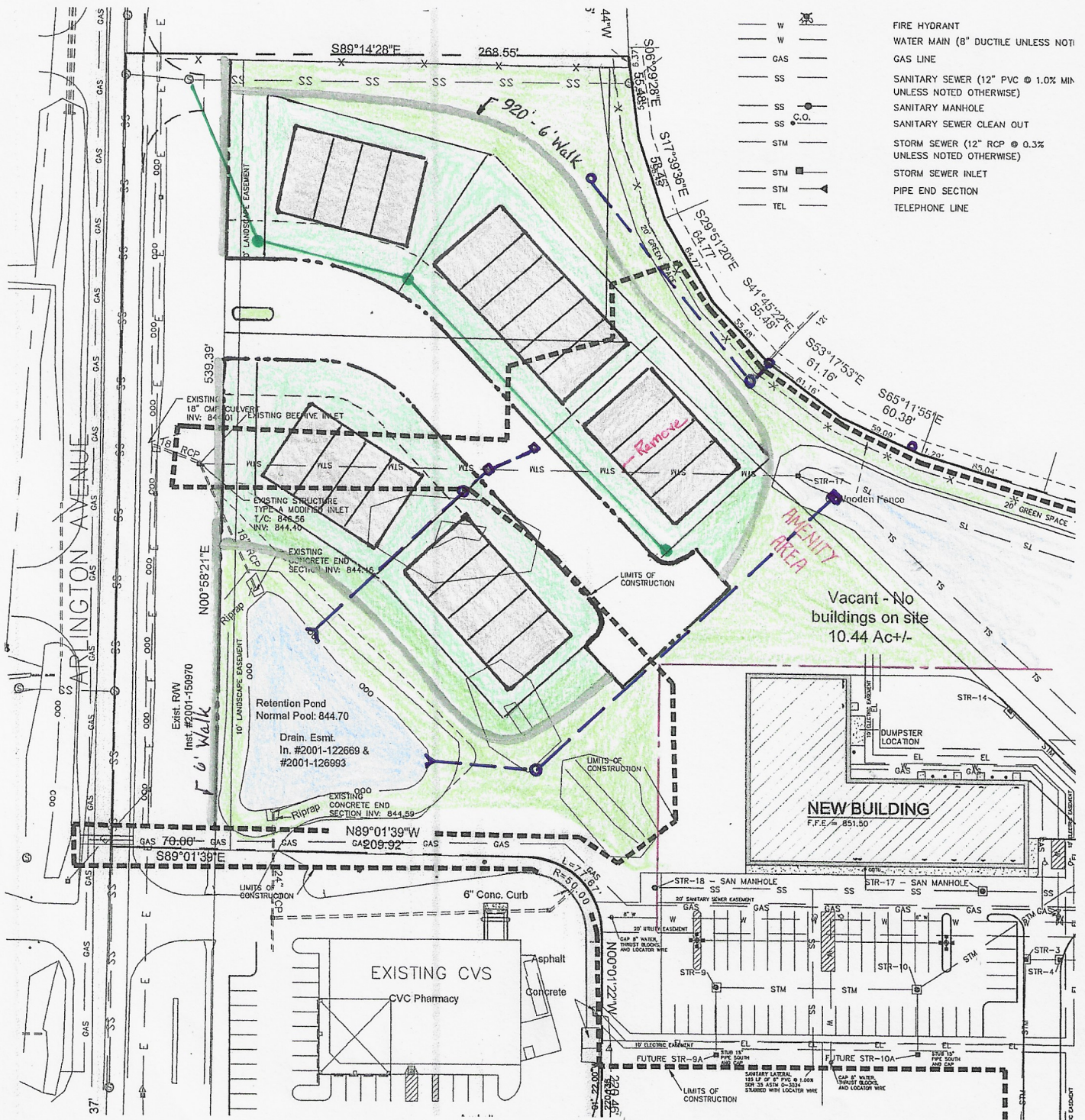
Subject property Vacant



Looking towards commercial property



# FRANKLIN CORNERS



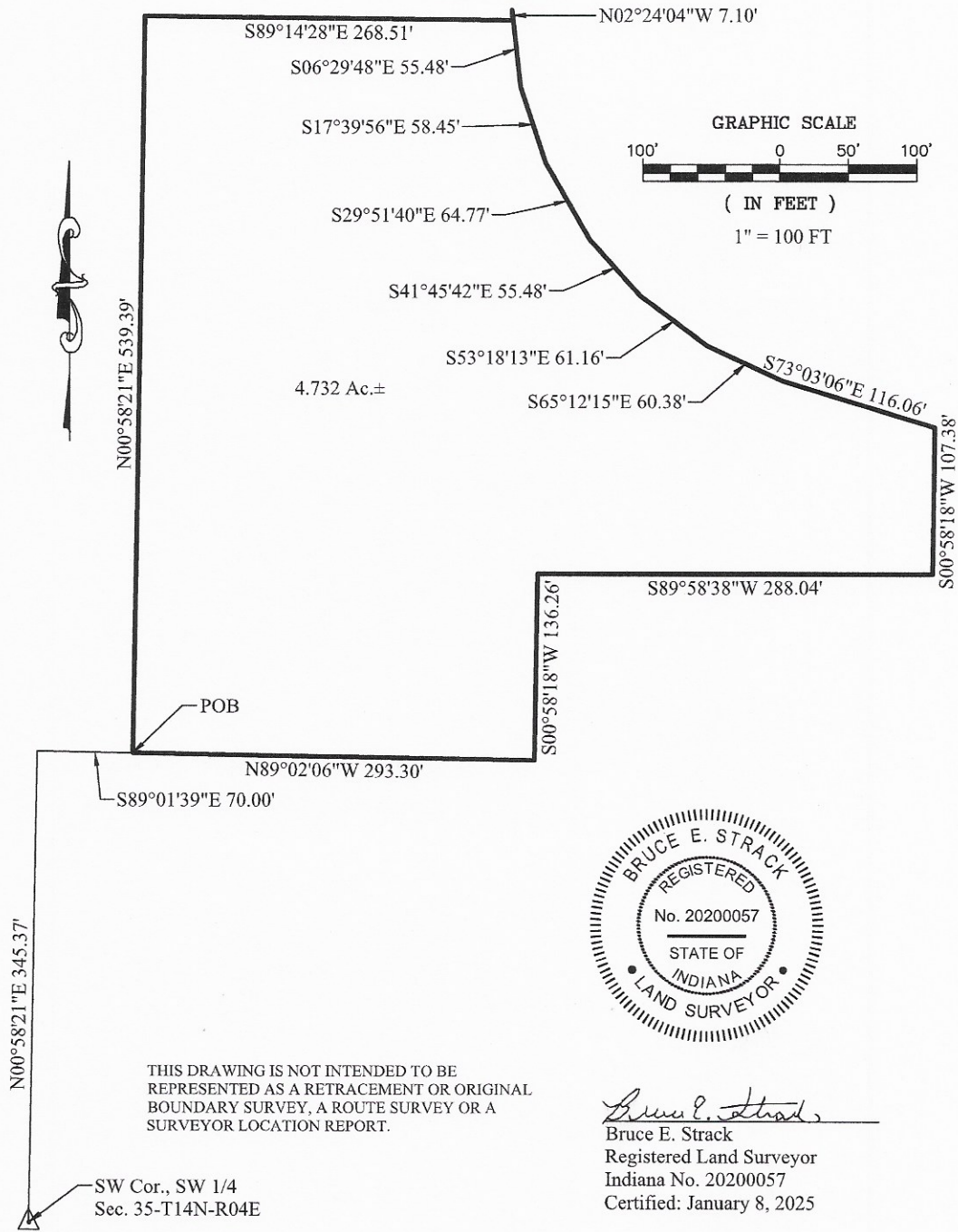
- W FIRE HYDRANT
- GAS WATER MAIN (8" DUCTILE UNLESS NOTED OTHERWISE)
- SS GAS LINE
- SS SANITARY SEWER (12" PVC @ 1.0% MIN UNLESS NOTED OTHERWISE)
- SS SANITARY MANHOLE
- SS SANITARY SEWER CLEAN OUT
- STM STORM SEWER (12" RCP @ 0.3% UNLESS NOTED OTHERWISE)
- STM STORM SEWER INLET
- STM PIPE END SECTION
- TEL TELEPHONE LINE

23 UNITS

SCALE 1" = 100'

### Exhibit B

Prepared for: Henderson Engineering & Consulting, LLC  
Zoning Exhibit



<p>STOEPPELWERTH</p> <p>ALWAYS ON</p> <p>7965 East 106th Street, Fishers, IN 46038-2505 phone: 317.849.5935 fax: 317.849.5942</p>	JOB NO. 114942HEN	PAGE
	DRAWN BY: JAB	2
	CHECKED BY: BES	
	DATE DRAWN: 01/08/2025	
	FIELDWORK DATE: N/A	
	OF 2 SHEETS	



**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2025-ZON-003

**Property Address:** 7420 North Shadeland Avenue (Approximate Address)

**Location:** Lawrence Township, Council District #3

**Petitioner:** Shane Ellison

**Current Zoning:** C-1

**Request:** Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

**Current Land Use:** Commercial Contractor Business

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

If approved against staff’s recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission’s Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 56-foot half right-of-way shall be dedicated along the frontage of Shadeland 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 1.15-acre site is developed with a commercial building, accessory structure, and associated parking areas in front and behind the primary building.



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Division of Planning  
Current Planning**

It is subject to a zoning violation, VIO24-009392, that includes violations for the failure to obtain sign permits, a sign in the right-of-way, prohibited signs on site, outdoor storage of construction/demolition debris, tires and miscellaneous vehicle parts on site, storage of inoperable vehicles without valid license plates, unpermitted construction contractor use, storage of vehicles not permitted in the C-1 district, unenclosed dumpster, deficient parking area, and unmanaged sidewalks, pedestrian ways interior access or parking areas.

A few of these violations appear to have been addressed at the time of staff's site visit, but the violation has not closed them out while others are still present on site.

The site is bordered to the north and south by offices, zoned C-1, a commercial shopping strip to the east across Shadeland Avenue, zoned C-4, and single-family dwellings to the west across I-465, zoned D-2.

## **REZONING**

The request would rezone the property from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

## **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 Shadeland Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.



**STAFF ANALYSIS**

The grant of the request would introduce the most intense commercial district to an area comprised of low to medium commercial districts. The block west of Shadeland Avenue is recommended for office commercial development by the Comprehensive Plan. The entire block is zoned C-1 except for the corner lot at 75<sup>th</sup> and Shadeland Avenue that is zoned C-S.

A variety of zoning districts can be seen east of Shadeland Avenue that range between C-1, C-4, D-P, SU-1, and SU-34.

Staff determined that rezoning to the C-7 district to provide for a commercial and building contractor business, more specifically a masonry contractor, would be inappropriate in an area designated for office use. Furthermore, no other high intense commercial districts are in the immediate area. Approval of the request would not align with the context of the surround area.

Staff had concerns with the disorderly outdoor storage of materials on site and would not support the materials being located near the Blue Creek Stream along the western property boundary that requires a 50-foot stream protection corridor along both sides of the top of bank.

The petitioner was informed that a sign permit would be needed for the sign on the western façade of the shed that faces the interstate if one has not already been applied for.

Although the C-7 district would allow for the intended use on site, it is not an appropriate district at this location. Instead, the existing C-1 district is most appropriate and aligns with the office commercial recommendation of the Comprehensive Plan.

For these reasons, staff recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Commercial Contractor Business	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	C-1 Offices
	South:	C-1 Offices
	East:	C-4 Commercial Shopping Strip
	West:	D-2 I-465 and Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 100-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	



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<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	January 14, 2025
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- 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.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Appropriate as a primary use only in major employment centers.
  - 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.



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

- 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 not align with this recommendation.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multi-use path from Johnson Road/Fall Creek to Hague Road/82<sup>nd</sup> Street.



## ZONING HISTORY

### Zoning History – Site

**2008-DV2-006; 7420 Shadeland Avenue** (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14,000 square-foot office building, and to provide for an existing 3,000 square-foot office building to remain during construction of the new building with sixteen off-street parking spaces (minimum 60 parking spaces required), **withdrawn.**

**81-Z-4; 7305 North Shadeland Avenue** (along street frontage of subject site), rezoning of 46.57 acres, being in the D-P district, to the C-1 classification, to provide for office use, **approved.**

**71-Z-228; 7100 to 7500 North Shadeland Avenue** (subject site), Rezoning of 20.06 acres from A-2 district to C-1 classification to provide for Commercial Use, **approved.**

### Zoning History – Vicinity

**85-Z-49; 7321 North Shadeland Avenue** (east of site), Rezoning of 3.56 acres, being in the C-1 and C-4 districts, to the C-4 classification, to provide for retail commercial development, **approved.**

**81-Z-3; 7405 North Shadeland Avenue** (east of site), Rezoning of 13.85 acres, being in the D-P district, to the C-4 classification, to provide for retail commercial development, **approved.**

**73-Z-234; 7401 North Shadeland Avenue** (east of site), Rezoning of 108.5 acres, being in an A-2 district to D-P classification to provide for a Planned Unit Development Community, consisting of apartments, condominiums, detached cluster housing, conventional platted lots, recreation areas, commercial development, and an office park, as per plans filed, **approved.**



**EXHIBITS**







Subject site street frontage looking south along Shadeland Avenue.



Photo of the subject site.



Photo of the front parking area and offices north of the site.



Commercial shopping strip east of the site.



Northern property boundary looking west.



Photo of the rear parking area.



Photo of the existing outdoor storage of materials.



Proximity of outdoor storage in relation to the Blue Creek Stream.



Photo of Blue Creek Stream and interstate in the background.



Photo of what appears to be the start of a perimeter fence and enclosed dumpster at the rear.

**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024CZN835 / 2024CVR835

**Property Address:** 789 and 792 Edgemont Avenue (Approximate Address)

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

**Petitioner:** Church of Christ Holiness USA., Inc. by Joseph Phillips

**Current Zoning:** D-5 (W-5)  
 Rezoning of 0.81-acre from the D-5 (W-5) district to the SU-1 (W-5) district to provide for religious uses.

**Request:** Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 7.6-foot-tall internally illuminated pylon sign, within 40 feet of a dwelling district (pylon sign not permitted within 600 feet of a dwelling district, illuminated sign not permitted within 50 feet of a dwelling district).

**Current Land Use:** Church

**Staff Recommendations:** Split

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the rezoning request.  
 Staff also **recommends approval** of the development standards variance for a pylon sign located 24 feet from a dwelling district.  
 However, Staff **recommends denial** of the variance request for an internally illuminated sign.

**PETITION OVERVIEW**

**LAND USE**

The 0.45-acre subject site, located at 792 Edgemont Ave, is currently vacant land within the Allen’s 2<sup>nd</sup> North Addition. The adjacent property at 789 Edgemont Ave is occupied by the Church of Christ Holiness USA. Both sites are situated in the Near NW- Riverside neighborhood.





**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

The surrounding zoning designation and land use are as follows.

- North:** Zoned D-5 Residential use (Single-family dwelling units).  
**South:** Zoned PK-2 Park and Open Space (Watkins Park, a Community Park).  
**East:** Zoned PK-2 Park and Open Space (The Flanner House)  
**West:** Zoned D-5 Residential Use (Single-family dwelling units).

### STAFF ANALYSIS

### REZONING REQUEST

This petition seeks to rezone the site located at 792 Edgemont Ave from the D-5 (Dwelling District Five) (W-5) district to the SU-1 (Special Use District On) (W- 5) district to allow for religious use.

The proposed rezoning aligns with the comprehensive plan, which designates this area for **Dwellings 3.5 - 5 Units per Acre** otherwise **Suburban Neighborhood Typology**. This typology permits among others:

- Small-Scale Schools
- Places of Worship
- Neighborhood-Serving Institutions/ Infrastructure
- Other Places of Assembly.

Rezoning to allow a place of worship is consistent with the intended use and goals of the pattern book. Additionally, with four existing places of worship in the neighborhood, this use is compatible with the area.

### Zoning District Overview:

- **D-5 (Dwelling District Five):** Intended for medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. Designed for urban, built-up areas of the Community using a rectilinear development pattern to achieve the fine grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required.
- **SU-1(Special Use District One):** Which permits religious uses.
- **W-5 (Wellfield Protection District Five):** Which is a secondary zoning district that overlays the primary zoning district. W-5 indicates a five-year time-of-travel protection area around a municipal water wellfield.

### VARIANCE REQUESTS

**Request 1:** To provide for a 7.6-foot-tall pylon sign.

**Ordinance:** According to the Zoning Ordinance **Table 744-906-12. A.** *“No Freestanding Pylon Sign shall be permitted within 600 feet of a Dwelling District.”*

### Findings of Fact:

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



**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

- a. The presence of three existing pylon signs on this street indicates that granting this request would not cause harm.
- 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:***
  - a. Places of worship commonly have pylon signs, and their presence in residential districts is permitted. This variance would not substantially impact surrounding property values.
- 3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:***
  - a. The ordinance subjects all special-use districts to the same distance restrictions, even when an SU-1 district is often interwoven with dwelling districts, creating unnecessary hardship.

**Staff recommendation:**

**Approval** of the pylon sign within 24 feet of a dwelling district, given the presence of similar signs in the area and the integration of SU-1 districts within residential districts.

**Request 2: To allow an internal illuminated sign within 50 feet of a dwelling district.**

**Ordinance:** According to Zoning Ordinance Table 744-906-12. F. states: “*No illumination permitted on signs within 50 feet of a protected district.*”

- 1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:***
  - a. Granting this variance **will be injurious** as, this ordinance is intended to protect public welfare by preventing light pollution, which could negatively impact nearby residents.
- 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:***
  - a. Granting this variance **would adversely** affect adjacent properties by allowing light pollution and trespass, which would disturb use and enjoyment.
- 3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:***
  - a. Strict application **will not** result in practical difficulties, as the applicant can still use a non-illumination sign. No justification has been provided to demonstrate that the need for the illumination sign outweighs potential harm.



**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Church	
<b>Comprehensive Plan</b>	Dwellings 3.5 - 5 Units per Acre /Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	3.5-5 Units per acre
South:	PK-1/ PK-2	Park and Open Space
East:	PK-2	Park and Open Space
West:	D-5	3.5-5 Units per acre
<b>Thoroughfare Plan</b>		
Edgemont Ave	Local Street	48-foot proposed right-of-way
Franklin Pl	Local Street	48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes, White River- W5	
<b>Site Plan</b>	08/21/2024	
<b>Site Plan (Amended)</b>	1/21/2025	
<b>Elevations</b>	1/21/2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	1/21/2025	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Suburban Neighborhood Typology (Dwellings 3.5 - 5 Units per Acre) and Special Use for the subject site.
- Small-Scale Schools, Places of Worship, Neighborhood-Serving Institutions/ Infrastructure, and Other Places of Assembly.

“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 rezoning of the property into a place of worship aligns with the intended use and goals of the pattern book. The addition of a church use aligns with the existing neighborhood as there are four places of warship within the neighborhood.

**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)



**METROPOLITAN DEVELOPMENT COMMISSION**  
**Division of Planning**  
**Current Planning**

**Zoning History**

**Zoning History – N/A**



**Photos Exhibit**



Looking across Edgemont Avenue at the rezoning subject site



The front of the church



Looking across Edgemont Avenue towards the church

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 variance being requested is for an internal illuminated sign with LED lamps, thus eliminating the need for overhead power lines, polls or an additional electrical stand alone power source. Power supply for said sign is a 20 amp circuit, 120 volts, 1.2 amps power source emanating from the church.

**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**

Said sign will be installed ten feet of the main sidewalk in front of said church. With this set back compliance, should variance be granted the sign will not affect the value of the area adjacent to the property in any manner.

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

Current zoning codes restrict use of a lighted sign in the area.

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

With out a variance the petitioner will not be able to experience the full intended use of the new sign, should permission not be granted for use of an internal illuminating LED light sign.

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

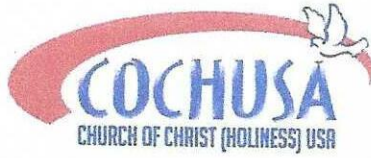
No construction, other than the installation of a 7'6" internal illuminated LED lamp sign is being requested.

**DECISION**

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

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

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



Logo graphics obtained from websites are insufficient quality for the large format printing process. Please see our website <https://www.stewartsigns.com/artwork/requirements> for acceptable file formats. Vector file preferred.



Item 19.



**StewartSigns**  
ONE SIGN. ONE COMPANY

1-800-237-3928 [stewartsigns.com](http://stewartsigns.com)

**Announcer 46**  
Cabinet size: 4'x6' / 4 Lines of 4" Tracking  
(200) Sk: 1026244-4 Cust: 1038881  
2/27/2024 CW/jArena PROPOSAL  
Scale: 3/4"=1' Cabinet color: Black

Signature \_\_\_\_\_

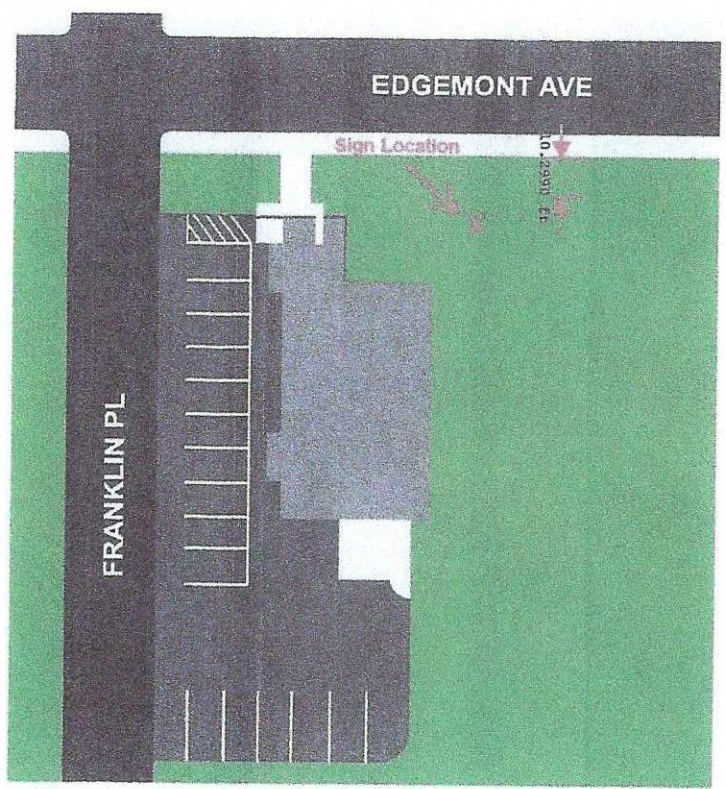
Date \_\_\_\_\_

Please confirm that all lettering, colors and graphic are correct before signing. Changes to artwork after signature is received will incur a \$500 art change



\*This custom artwork is not intended to provide an exact match for ink, vinyl or paint. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illuminatic





DESIGNED BY: CA  
 REVISED LAST BY: CA

Field survey required prior to fabrication. All electrical is configured to 220V unless otherwise specified.

APPROVED BY

DATE

317.251.1219  
 isfsigns.com  
 IS SIGNS  
 6468  
 Indiana  
 217  
 ad 220

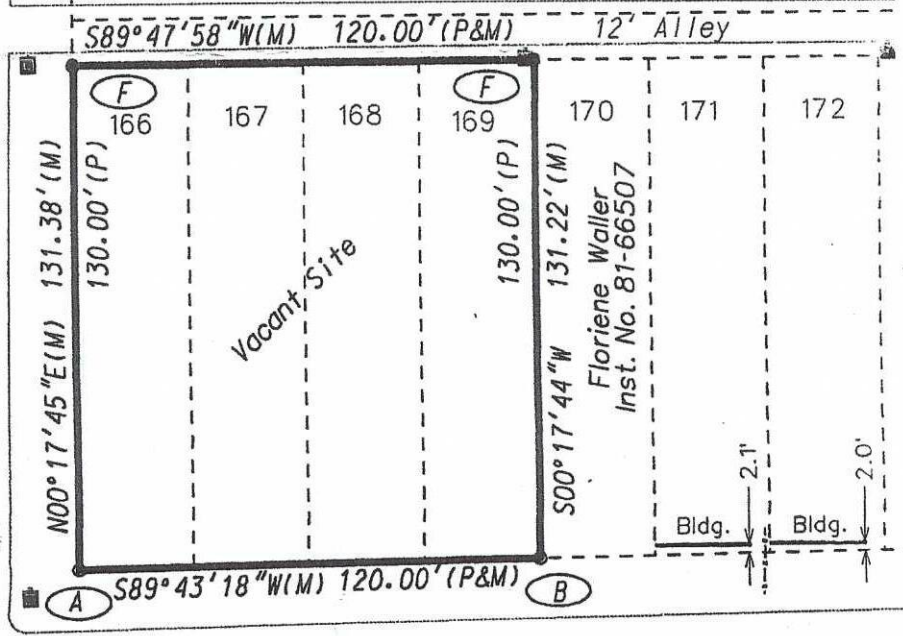
1/32" Scale

The contents herein are the property of the creator. Permission to reproduce, copy or use the design or proposal can only be obtained through written agreement with IS SIGNS. Due to process variations and printing capabilities, the colors shown are only to be used as a close representation of final product.

# 25th Street

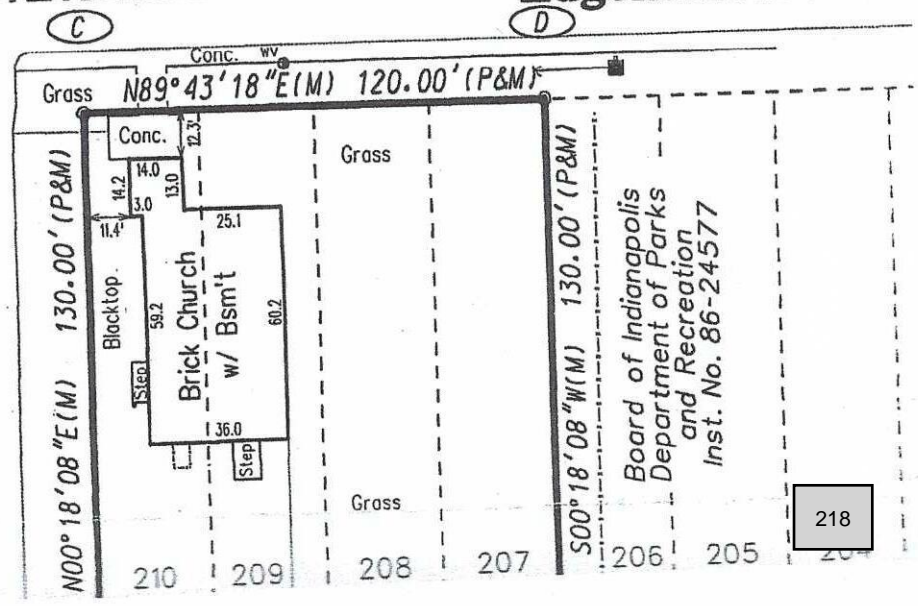
Paved Road  
60' R/W

Isabella Street (Public)



# Edgemont Avenue

ved Road





**METROPOLITAN DEVELOPMENT COMMISSION** **February 20, 2025**  
**HEARING EXAMINER**

**Case Number:** 2024-CPL-852 / 2024-CVR-852  
**Property Address:** 1217 East 88<sup>th</sup> Street  
**Location:** Washington Township, Council District #2  
**Petitioner:** Drew Dawson, Jocelyn Dawson, Michael Land, Jasmine Land, Warner Moses, and Lynne Moses, by Michael Rabinowitch  
**Current Zoning:** D-2  
**Request:** Approval of a Subdivision Plat to be known as Nora Woods II, dividing 1.84 acres into four lots. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one, single-family detached dwelling on each of the four proposed lots, without public street frontage (minimum 40 feet of street frontage on each lot required).  
**Current Land Use:** Vacant accessory building.  
**Staff Recommendations:** Approval of the Subdivision Plat (Nora Woods II). Denial of the Variance of Development Standards  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated December 2, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



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

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 1.84-acre site, zoned D-2, is developed with an accessory building that would be demolished. It is surrounded by single-family dwellings to the north and east, zoned D-2; commercial uses to the south, zoned C-3 (TOD); and the Monon Trail to the west, zoned D-2.

### PLAT

#### Site Plan

The request would provide for a subdivision plat known as Nora Woods II that would divide the parcel into four lots, each developed with a detached single-family dwelling.

#### Streets

All four lots would be served by a private drive along East 88<sup>th</sup> Street located within an easement that would also include a 30-foot utility easement in the northern portion of the drive. There would be a cul-de-sac at the terminus of the drive that would serve as access to the proposed four lots.

#### Sidewalks

Sidewalks do not exist but would be required as development occurs. A Performance Bond would also be required during the platting process.

#### Waivers

None requested.



**VARIANCE OF DEVELOPMENT STANDARDS**

The request would provide for one, single-family detached dwelling on each of the four proposed lots, without public street frontage when the Ordinance requires a minimum 40 feet of street frontage on each lot.

A purpose of required feet street frontage of a public street is related to the safety of the residences and the ability of emergency vehicles to easily locate and gain access to individual dwellings. The petitioner has agreed to place an incidental sign that would include addresses at the entrance drive along East 88<sup>th</sup> Street that would identify each of the proposed single-family dwellings and a cul-de-sac with appropriate maneuverability, but staff continues to support the provisions and purposes of the Ordinance.

Staff believes that two lots on this site would be supportable but four lots increases safety concerns of the residents.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2	
<b>Existing Land Use</b>	Vacant accessory building	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-2	Single-family dwelling
South:	C-3 (TOD)	Commercial uses
East:	D-2	Single-family dwelling
West:	D-2	Monon Trail
<b>Thoroughfare Plan</b>		
East 88 <sup>th</sup> Street	Local Street	Existing 44-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 2, 2024 (Plat)	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Not Applicable to the Site.

**Pattern Book / Land Use Plan**

Not Applicable to the Site.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**67-Z-57; East 91<sup>st</sup> Street to East 87<sup>th</sup> Street**, requested rezoning of 18.75 acres being in the A-2 district to the D-7 classification to provide for the construction of apartments, **undecided**.

### VICINITY

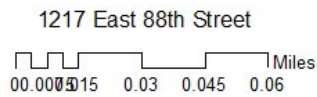
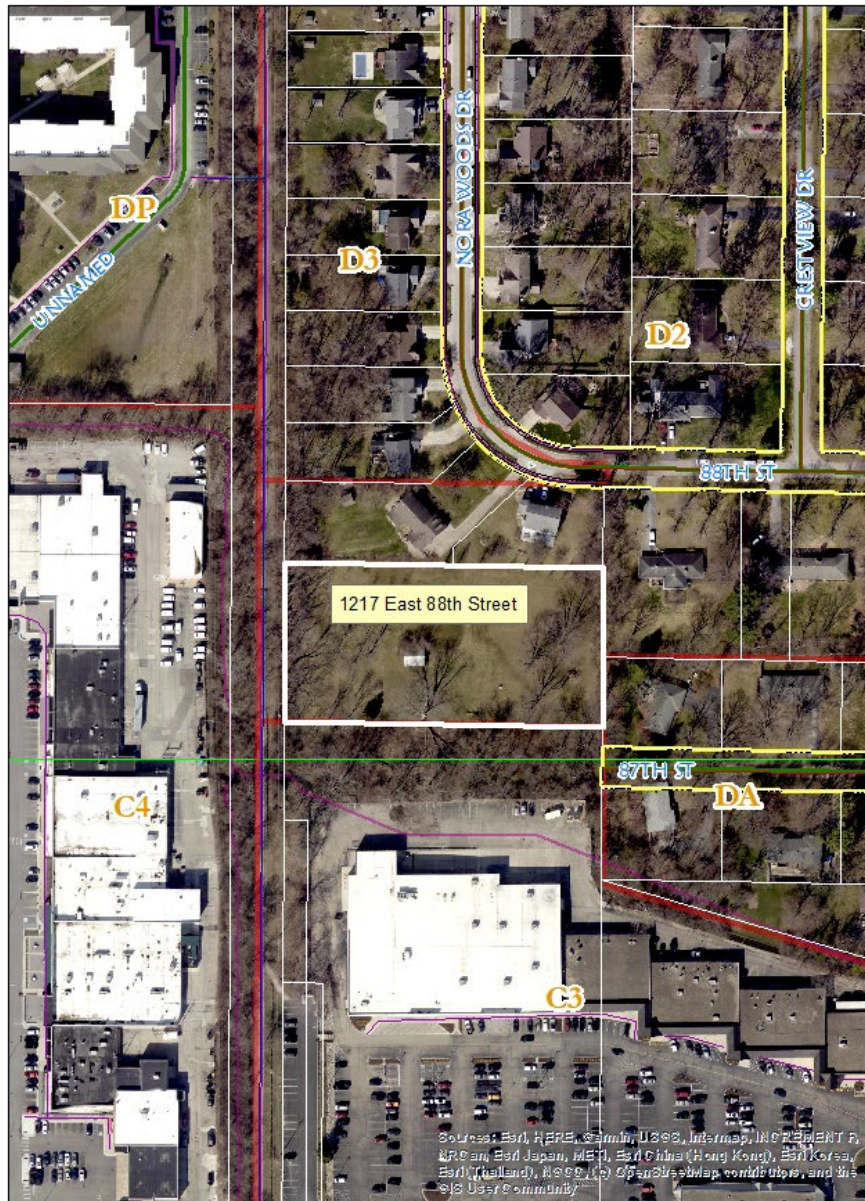
**84-Z-192 / 84-CV-24; 1420 East 86<sup>th</sup> Street (south of site)**, requested rezoning of 11.29 acres being in the D-2, C-3 and C-4 districts to the C-3 classification to provide for the reconstruction of a new retail commercial center and a variance of development standards to reduce the number of required parking spaces, **approved and granted**.

**73-Z-215; 1439 East 86<sup>th</sup> Street (west of site)**, requested rezoning of 0.66 acre, being in the SU district to the C-4 classification to provide for commercial uses, **approved**.

**67-Z-58; North of 86<sup>th</sup> Street and East of the Monon Trail (south of site)**, requested rezoning of 3.50 acres being in the A-2, B-2, B-6 and I-2-U districts to the B-2 classification to provide for commercial uses, **approved**.

**67-Z-2; 1650 East 86<sup>th</sup> Street (south of site)**, requested rezoning of 2.36 acres, being in the A-2 district to the B-2 classification to provide for retail sales and personal service shops, **approved**.

**EXHIBITS**









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:

Access to each lot will be provided by private easement and driveway with a minimum width of 20 feet and a cul-de-sac with proper turning and maneuvering areas for emergency vehicles.

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

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:

Access to each lot will be provided by private easement and driveway with a minimum width of 20 feet and a cul-de-sac with proper turning and maneuvering areas for emergency vehicles.

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

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 parcel is nearly 2 acres in size and essentially landlocked such that complying with the frontage requirements presents practical difficulty in appropriate use and development of the real estate in accordance with the existing D-2 development standards.

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

DECISION

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

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

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



View looking southwest into site from East 88<sup>th</sup> Street



View looking north along Nora Woods Drive



View looking east along East 88<sup>th</sup> Street



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 20, 2025

**Case Number:** 2024-CZN-856 / 2024-CVR-856

**Property Address:** 7200 Brookville Road

**Location:** Warren Township, Council District #20

**Petitioner:** Gerald Cowan

**Current Zoning:** D-2

Rezoning of 1.675 acres from the D-2 (FW) district to the C-7 (FW) classification to provide for truck parking.

**Request:**

Variance of development standards and a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot, with zero-foot front and rear yard transitional yard setbacks, no landscaping along the front and rear transitional yards, and no interior landscaping (minimum 9% of lot covered with landscaping required, minimum 10-foot front and rear yard transitional yards required, minimum one tree per 35 feet of street frontage required, minimum three large shrubs per 35 feet of street frontage required).

**Current Land Use:** Floodway

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

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



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2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 1.675-acre site, zoned D-2, is undeveloped floodway surrounded by floodway to the north, zoned D-2 (FW); floodway to the south, across Brookville Road, zoned I-1 (FW); commercial uses to the east, across Shortridge Road, zoned D-2 (FF); and commercial uses to the west, zoned D-2 (FW).

## REZONING

The request would rezone the site from the D-2 district to the C-7 (High Intensity Commercial) district. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”

The Comprehensive Plan recommends a non-typology land use, which is a standalone land use that is mapped outside of the typology system due to the scale or the nature of the use. The non-typology land use recommended for this site is floodway which is “a category that 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.”

As proposed, this request would not be consistent with the Plan recommendation of floodway and would, in fact, be under the jurisdiction of the State of Indiana, Department of Natural Resources.

## Site Plan – Plan of Operation

The amended site plan, file dated January 2, 2025, would provide for asphalt on the entire site and providing 20 parking spaces for trucks. No structures are proposed.

Access would be from South Shortridge Road, with what appears to be limited to left turn into the site and a right turn out of the site.



The Plan of Operation, file-dated December 30, 2024, states that the site would be accessible 24 hours a day for 365 days a year.

Repairs would be made as needed from a mechanic that would visit the site and be equipped with tools to make the repairs.

**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.

**Stream Protection Corridor**

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

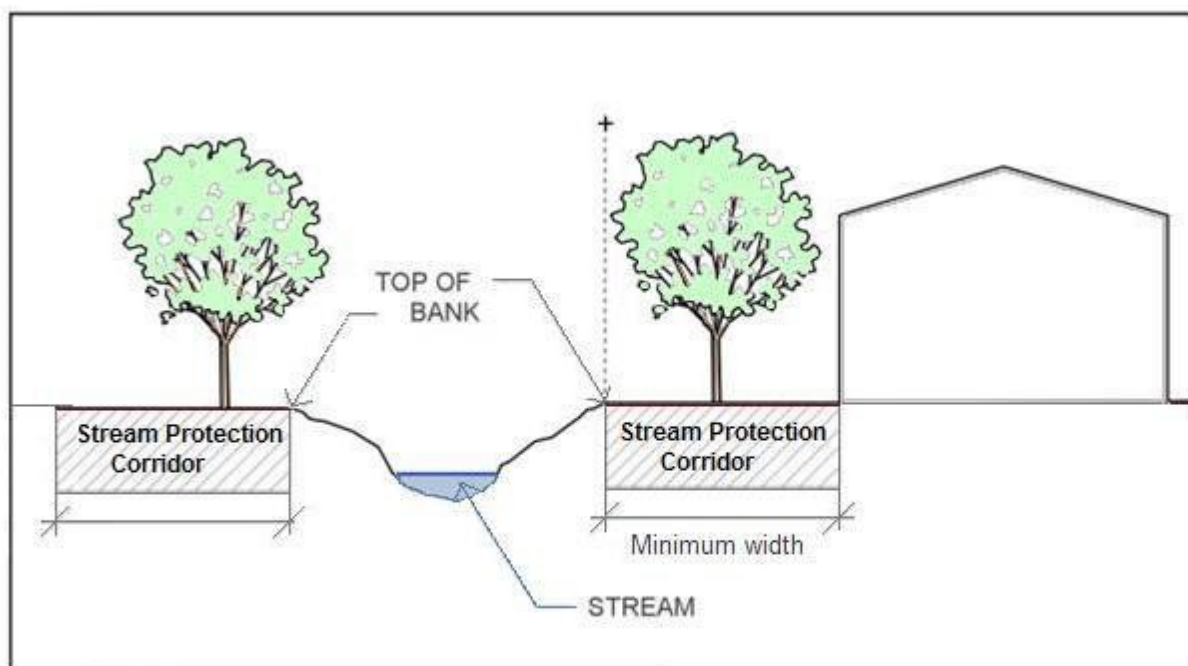
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Fisher Branch lies within the Metro Context Area and is located along the western boundary of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



**Stream Protection Corridor**





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

The entire site has significant amounts of natural vegetation and trees. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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

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

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

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

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

### **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.



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Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

### **Variance of Development Standards / Special Exception**

As proposed this request would provide for zero-foot front and rear transitional yards when the Ordinance requires 10 feet. Allowing the zero-foot setback also eliminates required landscaping in the transitional yards. Both the setbacks and landscaping provide an appropriate buffer between intense commercial uses and surrounding land uses. Consequently, lack of the required buffer would negatively impact surrounding land uses.

Grant of the special exception would be detrimental to the surrounding land uses and disrupt the function of the floodway that could cause damage to surrounding properties and existing development on those properties.

### **Planning Analysis**

As proposed this request would be wholly inappropriate for this site that lies within the floodway of Fisher Branch. Based upon the site plan, the wooded site would be clear-cut, paved, and all the trees removed, with no land available to mitigate the removal of the trees or provide the appropriate buffers.

The site plan file-dated January 2, 2025, does not provide contours or identify the top of the bank of Fisher Branch so it is not possible to determine the amount of encroachment into the stream protection corridor that would occur when this site would be developed. Preserving the stream protection corridor would be critical to maintaining stabilization of the stream bank within this floodway.



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Furthermore, a commercial parking lot on this site without any buffers provided by landscaping and setbacks and located within a floodway would result in a substantial negative impact on surrounding properties, including contaminated water and property damage.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-2 (FW)	
<b>Existing Land Use</b>	Floodway / undeveloped land	
<b>Comprehensive Plan</b>	Floodway	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: D-2 (FW)	Floodway
	South: I-1 (FW)	Floodway
	East: D-2 (FF)	Commercial uses
	West: D-2 (FF)	Commercial uses
<b>Thoroughfare Plan</b>		
Brookville Road	Primary arterial	Existing 237-foot right-of-way and proposed 112-foot right-of-way.
South Shortridge Road	Local Street	Existing 90-168-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 30, 2024	
<b>Site Plan (Amended)</b>	January 2, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	December 30, 2024	
<b>Findings of Fact (Amended)</b>	January 2, 2025	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Floodway, a non-typology land use.

**Pattern Book / Land Use Plan**

- *Not Applicable to the Site.*

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**87-Z-87; 1112 South Shortridge Road**, requested rezoning of 3.03 acres from the D-2 district to the C-ID classification to provide for a contractor and a warehouse, **withdrawn**.

**81-Z-104; 1120 South Shortridge Road**, requested rezoning of 3.03 acres being in the D-2 district, to the C-7 classification to provide for a car and truck radiator and body shop, **denied**.

## VICINITY

**77-Z-100; 7540 Brookville Road (east of site)**, requested rezoning of 2.0 acres from the D-2 district to the C-5 classification, **approved**.

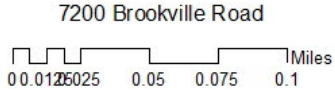
**76-Z-83; 11435 Sears Road (east of site)**, requested rezoning of 4.48 acres, being in the D-2 district to the I-2-S classification to provide for office warehouse, **approved**.

**76-Z-32; 7540 Brookville Road (west of site)**, requested rezoning of 1.12 acres from the D-2 district to the C-43 classification to provide for retail sales and service of lawn care equipment, **approved**.

**70-V2-41; 1121 Shortridge Road (east of site)**, requested a variance of use and rear yard requirements to permit erection of an addition to the west side of the existing commercial building, **granted**.

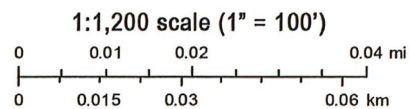
**65-V-145; 1121 Shortridge Road (east of site)**, requested a variance of use and development standards to permit construction of a commercial building to be used as an office and for storage, **granted**.

**EXHIBITS**





## 7200 Brookville Road



Owner: Gerald L. Cowan  
 216 Carrigan Point  
 Noblesville, IN 46062

N.B. No structures will be built on the property at any time.

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



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SPECIAL EXCEPTION

PLAN OF OPERATION

In short, the Plan of Operation will be 24-7-365 access for parking of trucks with no employees, except drivers and a mechanic, and no facilities.

Workforce: Drivers and a mechanic. The mechanic will work on-site and only when needed.

Clients and Customers: None on this property.

Processes Conducted on Site: Parking of trucks and repairs as needed.

Materials Used: Trucks and tools needed for repairs. There will be no structures on-site, so the mechanic will bring any necessary tools on-site and those tools will be removed when the work is completed.

Shipping and Receiving: None.

Waste: Oil from changes will be disposed of in compliance with sound environmental requirements and required recycling regulations.





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Petition Number 2024-CMP-856

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

PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT

1. The proposed use meets the definition of that use in Chapter 740, Article II because it is intended to be a location for the "temporary storage of automotive vehicles." This meets the definition of "Parking area" and/or "Parking lot" and/or "Parking lot, commercial" and/or "Automobile and vehicle storage" as defined in Chapter 740, Article II. Additionally, no structures will be built on the property, so it complies with all applicable Floodway restrictions.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because it will have limited impact on the surrounding properties. The parking area will be maintained as a private property and only authorized vehicles will be allowed to park on the property. There will be no public traffic flow on or off the property. There will be no structures built and any noise and/or odors produced will be no greater than those produced on the adjacent, heavily traveled Brookville Road. The property will not create a nuisance in any form.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because it will have limited (if any) impact on the adjoining property. There is a creek that separates the two properties and this creek will remain unchanged. Additionally, there is a tree-line that will obscure the view of any vehicles parked on this property. The adjoining property will notice no significant change in the ability to enjoy the property. No structures will be built on the property, so the impact to the Floodway will not be affected.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because it is located in close proximity to Interstate 465, which is used for the necessary transportation of goods throughout Indianapolis and to and from Indianapolis. The use of this property as a parking area for delivery vehicles will increase the patronage of the food and other retail establishments in the area.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because Chapter 744, Article IV, Section 744-401 (E) explicitly states, "Nothing in this chapter shall prevent the establishment of, or expansion of the amount of, parking areas to serve any existing land." Furthermore, Section 744-404 (A)(1)(a) indicates, "accessory off-street parking areas shall be provided on the same lot as the building or use served unless an exception is specifically provided in the Zoning Ordinance and shall not be located within the public right-of-way." The parking area would not be in the public right-of-way and the proximity to I-465 makes it an ideal location for the "use served" as outlined above.



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6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

it meets all applicable standard as outlined above.

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7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

the proposed use adheres to all the requirements of Section 743-305 (CC) "Parking lot, commercial." Specifically, the parking facility will not inhibit traffic or hinder pedestrian traffic. Additionally, the entrance/exit is from a side street (Shorridge Rd), which has very little motor vehicle or pedestrian traffic. As such, the entrance/exit will not inhibit traffic and will not hinder or compromise the pedestrian traffic or walkability. The size of the entire property is under 2 acres, so naturally the parking lot will be under 2 acres.

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**DECISION**

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

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

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**EXHIBIT A**

**Heritage Tree Conservation**

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

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

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



View looking west across intersection of Brookville Road and South Shortridge Road



View looking south along South Shortridge Road



View looking north along South Shortridge Road



View looking south along South Shortridge Road



View of site looking west across South Shortridge Road



View of site looking west across South Shortridge Road



View of site looking west across South Shortridge Road



View of site looking west across South Shortridge Road



View looking west across South Shortridge Road along Fisher Branch



View looking east across South Shortridge Road along Fisher Branch