

METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA

HEARING EXAMINER

**DECEMBER 15, 2022 - HEARING RESULTS**

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission of Marion County held public hearings on Thursday, December 15, 2022, at 1:00 P.M. in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana 46204.

EXPEDITED PETITIONS

**2022-ZON-127     *Recommended Approval to MDC 1/4/23, subject to the commitments in the Staff Report.***

1302 Columbia Avenue

Center Township, Council District #17

Heath Outdoor, by Amy Lapka

Rezoning of 0.803 acre from the I-3 district to the C-4 district to provide for a garden center, brewery, distillery and restaurant.

**2022-ZON-129     *Recommended Approval to MDC 1/4/2023.***

3904 and 3908 North Audubon Road

Lawrence Township, Council District #13

Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

Rezoning of 0.85 acres from the SU-1 (TOD) district to the D-5 (TOD) district.

**2022-ZON-130     *Recommended Approval to MDC 1/4/2023.***

8020 Brookville Road

Warren Township, Council District #18

Rahi Petroleum Inc., by Christian C. Badger

Rezoning of 1.38 acres from the C-3 District to the C-4 District to provide for the expansion of a fueling station.

**2022-CZN-863 / 2022-CVR-863     *Granted a Continuance for Cause to 12/29/2022***

4437 Clark Drive and 4532 Northeastern Ave

Franklin Township, Council District #25

David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust

Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

**2022-ZON-063 (Amended)     *Recommended Approval to MDC 1/4/2023, subject to the commitments in the Staff Report.***

4720 Kingsway Drive

Washington Township, Council District #9  
MRE Investors, LLC, by Patrick Rooney  
Rezoning of 3.28 acres from the C-3 (W-5) district to the C-4 (W-5) district to provide for indoor entertainment/banquet hall.

**2022-ZON-116      *Recommended Approval to MDC 1/4/2023, subject to the commitments in the Staff Report.***

205 Palmer Street  
Center Township, Council District #16  
Tom and Hawk Properties, LLC, by Alex Intermill  
Rezoning of 1.07 acres from the I-4 district to the C-5 district to provide for an art gallery, artist studios, art market place and an indoor entertainment venue/banquet facility.

**CONTINUED PETITIONS:**

**2022-MOD-009                      *Granted a Continuance for Cause to 2/9/2023.***

25 McLean Place  
Center Township, Council District #11, Zoned C-S (RC) (TOD) (W-5)  
Illinois Street Self Storage, LLC, by David Kingen and Emily Duncan  
Modification of the Commitments related to 2016-CZN-842 and 2016-CVR-842 to terminate Commitments #1 and #2 on Attachment "D" which required 10,000-square feet of building space to be reserved for office/retail space/artisan food or beverage/artisan manufacturing uses and required the building be subject to elevations, file-dated 3/2/17.

**2022-ZON-091                      *Granted a Continuance for Cause to 1/26/2023 with notice.***

3510 Division Street  
Perry Township, Council District #20  
Sumner St, LLC, by Casey Cloyd  
Rezoning of 1.69 acres from the D-4 (FF) district to the I-2 (FF) district.

**2022-ZON-092 / 2022-VAR-010 (Amended)                      *Granted a Continuance for Cause to 2/23/2023.***

3301 North Raceway Road  
Wayne Township, Council District #6  
Sammy and Annie Dotlich, by Joseph D. Calderon  
Rezoning of 3.75 acres from the D-4 district to the I-1 district to legally establish a commercial/building contractor.  
Variance of development standards to provide for outdoor storage in excess of 25% of enclosed buildings and within 500 feet of a protected district (outdoor storage limited to 25% of enclosed buildings, not permitted within 500 feet of a protected district).

**2022-ZON-110                      *Recommended Denial to MDC 1/4/2023.***

2920 and 2926 Bluff Road  
Center Township, Council District #16  
Ben Singh Bashal

Rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

**2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 *Granted a Continuance for Cause to 2/9/2023 with notice.***

5436 Brookville Road

Warren Township, Council District #12

Baldeep Baidwan, by David Kingen and Emily Duncan

Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for fifteen parking spaces (32 parking spaces required).

Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

**2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 (Amended) *Automatic continuance filed by a remonstrator to 1/12/2023 acknowledged.***

1806 South East Street

Center Township, Council District #16

1800 BLOK, LLC, by Paul J. Lambie

Rezoning of 0.11 acre from the C-3 District to the MU-2 district to provide for a mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit row house with a first story elevated two feet above street level (four foot elevation required), with patios encroaching seven feet into the right-of-way on Iowa Street (not permitted), with lot areas of 690 square feet (minimum 1,200 square feet required), with a five-foot rear-yard setback (fifteen feet required), a zero-foot west side-yard setback for proposed Lot Three (five-feet required), with a parking and service area located within a transitional yard (ten-foot transitional yard required), and to provide for a mixed-use building with deficient landscaping/street trees (20% planting beds required in a front yard, one ornamental street tree per every 20 feet of frontage required), and encroaching into the clear sight triangle of East Street and Iowa Street.

Approval of a Subdivision Plat to be known as Blok's Replat of Lot 98 in Kappes & Franks Subdivision, dividing 0.11 acre into three lots.

**2022-CZN-857 / 2022-CVR-857 (Amended) *Six-day waiver of legal notice requirements for mailing of amended notice granted; After a Public Hearing, Recommended denial of the Rezoning Petition to MDC on 1/4/23, Variance denied.***

3730, 3740 & 3766 North Kitley Avenue and

6490, 6520 & 6522 Massachusetts Avenue

Warren Township, Council District #13

WEB Property Group, LLC, by Alex C. Intermill

Rezoning of 16.76 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district).

**2022-CZN-861 / 2022-CVR-861(Amended) *Granted a Continuance for Cause to 1/26/2023.***

4016 East 82nd Street

Washington Township, Council District #3

Edward Rose Properties, Inc., by Joseph D. Calderon

Rezoning of 9.805 acres from the C-S (FW)(FF) district to C-S (FW)(FF) district to provide for a 300-unit multi-family development with a Modification of Commitments related to 89-Z-208, as amended by 94-Z-103 and 2011-CZN-800, to amend Commitment #4 to add multi-family uses as a permitted use to Parcel D of Area B.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage (50 feet required), with a maximum setback greater than 85 feet from 82<sup>nd</sup> Street (maximum 85-foot setback permitted), with a maximum building height of 55 feet (maximum 45 feet permitted) and encroachment into the 100-foot stream protection corridor.

**2022-CZN-862 / 2022-CVR-862      *Granted a Continuance for Cause to 3/9/2023.***

5204, 5206 and 5216 South Harding Street

Perry Township, Council District #20

Quiktrip Corporation, by J. Murray Clark

Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and thirteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

**2022-CZN-869 / 2022-CVR-869 (Amended) *After a Public Hearing, Recommended Approval of the Rezoning Petition to MDC on 1/4/2023, subject to Commitments Withdrawal of variance request for deficient green factor acknowledged; variance for signs approved.***

1631 and 1851 West Thompson Road

Perry Township, Council District #20

Truck County of Indiana, Inc., by Timothy E. Ochs

Rezoning of 21.85 acres from the I-4 (FF) district to the C-7 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four free-standing signs (maximum two permitted per frontage) along Thompson Road, with 184 feet and 187 feet of separation between signs (minimum 300 feet required), with two pole signs being 60 feet tall (maximum 20-foot tall pole signs permitted, maximum one pole sign permitted per street frontage).

**NEW PETITIONS:**

**2022-ZON-128      *Automatic continuance filed by registered neighborhood organization to 1/12/2023 acknowledged.***

4116 Mann Road  
Decatur Township, Council District #22  
The Bodley Group, LLC, by Michael Rabinowitch  
Rezoning of 10.99 acres from the D-A district to the D-7 district to provide for a multi-family development.

**2022-CZN-847 / 2022-CVR-847      *Granted a Continuance for Cause to 2/9/2023.***

2619, 2625 and 2627 West Washington Street  
Wayne Township, Council District #16  
Purewal Holdings, Inc., by David Kingen and Emily Duncan  
Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

**2022-CZN-871 / 2022-CPL-871      *Automatic continuance filed by registered neighborhood organization to 1/12/2023 acknowledged.***

4901 West 56<sup>th</sup> Street  
Pike Township, Council District #8  
Dove Asset Partners, by Elizabeth Bentz Williams  
Rezoning of 14.53 acres from the SU-5 district to the C-S district to provide for a mini-warehouse (self-storage) facility and wireless/radio communication towers.  
Approval of a Subdivision Plat to be known as AAA Development and Consulting, LLC Minor Plat, dividing 14.53 acres into two lots.

**2022-CZN-872 / 2022-CVR-872      *Granted a Continuance for Cause to 1/26/2023.***

4822 East Edgewood Avenue and 5820 South Emerson Avenue  
Perry Township, Council District #24  
IN Indianapolis Emerson, LLC, by Joseph Calderon  
Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).

**SPECIAL REQUESTS (NOT ON 12-15-2022 DOCKET)**

**2022-ZON-109      *Withdrawal acknowledged at 9-29-2022 hearing, was granted partial refund of filing fees in the amount of \$1,437.00 at 12-15-2022 hearing.***

7962 East Southport Road (Approximate Address)  
Franklin Township, Council District #25

Joyce Clark, by David E. Dearing

Rezoning of 14 acres from the D-A district to the D-3 district.

**2022-CZN-867 / 2022-CVC-867      *Granted a continuance for cause at 12-1-2022 hearing to 12/29/2022. Granted a further continuance for cause to 2-9-2023, with notice.***

5400 and 5430 Greenfield Avenue and 400 Burgess Avenue (*Approximate Addresses*)

Warren Township, Council District #12

Baldeep Baidwan by David Kingen and Emily Duncan

Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

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 [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.