

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA

HEARING EXAMINER

AUGUST 10, 2023 – HEARING RESULTS

Notice is hereby given that the Hearing Examiner for the Metropolitan Development Commission of Marion County held public hearings on Thursday, **August 10, 2023**, at 1:00 PM in the Public Assembly Room on the 2nd Floor of the City-County Building, 200 East Washington Street, Indianapolis, IN on the following petitions:*

PETITIONS EXPEDITED:

2023-MOD-015 | 3150 East Thompson Road | Granted a Ten-Day Waiver of Notice for the notification period for the corrected, mailed Legal Notice. Recommended Approval, subject to Commitments, to MDC September 6, 2023

Perry Township, Council District #24
C-3
Steven H. Huth & Linda J. Huth

Modification of the Commitments related to petition 85-Z-137 to terminate Commitments #1 and #4 to allow for a building addition to the existing flower shop, an access drive and additional parking (current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137 hearing).

2023-ZON-071 | 707 and 711 East McCarty Street | Recommended Approval to MDC September 6, 2023

Center Township, Council District #16
Lindsay and Patrick Mullen, by Jason Wolfe

Rezoning of 0.26 acre from the I-3 (RC) district to the D-8 (RC) district to provide for a single-family dwelling.

2023-CZN-833 / 2023-CPL-833 | 3815 North Lawndale Avenue | Recommended Approval of 2023-CZN-833 to MDC September 6, 2023; Approved 2023-CPL-833, subject to the eleven conditions in the Staff Report

Pike Township, Council District #10
317 Realty Group LLC, by Jynell D. Berkshire

Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.

Approval of a Subdivision Plat to be known as Lawndale Addition, dividing 1.192 acres into eight lots.

2023-CZN-838 / 2023-CVR-838A / 2023-CVR-838B (Amended) | 5437 Greenfield Avenue | Recommended Approval of 2023-CZN-838 to MDC September 6, 2023; Approved 2023-CVR-838A & adopted the Findings of Fact; Approved 2023-CVR-838B, subject to commitments, & after amending the variance request during the hearing

Warren Township, Council District #12
Glenroy Construction Co. Inc, by Brian J. Tuohy

Rezoning of 0.73 acre from the D-5 District to the I-2 District.

Special Exception to legally establish heavy outdoor storage associated with a commercial contractor in an I-2 Classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish heavy outdoor storage associated with a commercial contractor with ~~in a six-foot wide~~ north transitional yard and ~~within~~ the side and rear yard setbacks (30-foot transitional yard required, 10-foot side and rear setbacks required) ~~and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited).~~

2023-CVC-840 / 2023-CVR-840 | 260 South Illinois Street (101 West Georgia Street), 201 South Capitol Avenue | Approved 2023-CVC-840 & adopted the Findings of Fact; Approved 2023-CVR-840 & adopted the Findings of Fact

Center Township, Council District #16
Improvement Board, by Aaron Hurt

Vacation of air-rights over a portion of South Capitol Avenue, for an overhead walkway, from a point 124.34 feet south of the southeast corner of Georgia Street and Capitol Avenue, of irregular Capitol shape (0.087 acres), west over the 90-foot right-of-way of Capitol Avenue and being between the elevations of 726.00 feet and 760.00 feet above sea level, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-story tall hotel, ballroom and parking garage encroaching into the Sky-Exposure Plane Two for Illinois Street, Georgia Street and Capitol Avenue.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

2023-ZON-043 | 1400 Campbell Avenue | Continued by the Hearing Examiner to September 14, 2023

Warren Township, Council District #19
JAK Holdings Group, LLC, by Mark and Kim Crouch

Rezoning of 1.16 acres from the C-1 district to the D-7 district.

2023-ZON-052 | 5745 Kentucky Avenue | Acknowledged the Withdrawal of Petition; Granted Partial Refund of the Filing Fees in the amount of \$1,170.00

Decatur Township, Council District #20
Unicorp National Developments, Inc., by Joseph D. Calderon

Rezoning of 2.575 acres from the D-A district to the C-4 district to provide for a gas station/convenience store.

2023-ZON-055 | 8850 East 21st Street | After a Public Hearing, Recommended Approval to MDC September 6, 2023

Warren Township, Council District #19

8850 Twenty First Street, Inc, by David E. Dearing

Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

2023-ZON-056 | 3700 and 3818 South Post Road | After a Public Hearing, Recommended Approval to MDC September 6, 2023

Franklin Township, Council District #18
West Side Tractor Sales, by David A Retherford

Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

2023-ZON-057 | 6801 and 6921 Mills Road and 6912 Camby Road | Granted Continuance to October 12, 2023

Decatur Township, Council District #20
Arbor Homes, by Caitlin Dopher

Rezoning of 106.721 acres from the D-A district to the D-4 district to provide for residential development.

2023-ZON-063 (2nd Amended) | 3855 & 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue | Granted Continuance to September 14, 2023, with Notice

Lawrence and Washington Townships, Council Districts #9 and #13
Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen

Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

2023-CVR-832 / 2023-CPL-832 | 2144 East 12th Street | Granted Continuance to August 24, 2023

Center Township, Council District #17
D-5
Bybee Holdings LLC, by Jynell D. Berkshire

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet and a lot width of 27.82 feet (40-foot lot width required);

And the construction of a single-family dwelling on each lot, with:

- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
- d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre into two lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

2023-MOD-015 | 3150 East Thompson Road | Granted a One-Day Waiver of Notice for the notification period for the corrected, mailed Legal Notice. After a Public Hearing, Recommended Approval to MDC September 6, 2023

Perry Township, Council District #24
C-3
Steven H. Huth & Linda J. Huth

Modification of the Commitments related to petition 85-Z-137 to terminate Commitments #1 and #4 to allow for a building addition to the existing flower shop, an access drive and additional parking (current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137 hearing).

2023-ZON-061 | 5201 South Harding Street | Granted Continuance to October 12, 2023

Perry Township, Council District #20
Gurdeep Singh, by Pat Rooney

Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.

2023-ZON-068 | 510 and 555 Fairfield Avenue | Granted Continuance to September 28, 2023

Center Township, Council District #9
GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen

Rezoning of 1.08 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

2023-ZON-070 | 456 South Emerson Avenue | Granted Continuance to September 28, 2023

Center Township, Council District #12
Marjorie Armour & Shane Brothers, by David Kingen

Rezoning of 0.42 acre from the D-5 district to the C-4 district to provide for commercial uses.

2023-CZN-839 / 2023-CVR-839 | 802 South West Street | Granted Continuance to September 14, 2023

Center Township, Council District #16
McCarty West Associates, LLC, by Hannah Able

Rezoning of 0.25 acres from the I-4 (RC) district to the D-10 (RC) district to provide for multi-family dwelling uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-story, 21-unit multi-family building on a 10,931-square foot lot (minimum 12,000-square foot lot required for a medium apartment use), with a zero-foot corner side setback along McCarty Street (ten feet required), a zero-foot south side setback (five feet required), a zero-foot rear setback (ten feet required), with a Floor-Area Ratio (FAR) of 1.35 (maximum 0.8 FAR permitted) and a Livability Space Ratio (LSR) of 0.48 (minimum 0.66 LSR required).

*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. For a complete list of petitions, staff reports, and hearing results, visit <https://indianapolis-in.municodemeetings.com/DMDmeetings>. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at 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.