

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA

HEARING EXAMINER

JUNE 29, 2023 – MEETING RESULTS

Notice is hereby given that the Hearing Examiner for the Metropolitan Development Commission of Marion County held public hearings on Thursday, **June 29, 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:*

EXPEDITED PETITIONS:

2023-MOD-012 | 6107 Timberland Way | Recommended Approval to MDC July 19, 2023

Decatur Township, Council District #20

D-3

Simone D. Ridgeway

Modification of the Commitments related to petition 97-Z-30 to modify Commitment #20 to allow for a privacy fence along the property boundary (current commitment limits privacy fencing to being used in conjunction with a porch, patio, deck, terrace or pool, it must be located within fifteen feet of said structure and shall not encroach into the required building setbacks).

2023-ZON-031 | 3807 Graceland Avenue | Recommended Approval, subject to commitments, to MDC July 19, 2023

Washington Township, Council District #7

Larry K. Covington, by Jamilah Mintze

Rezoning of 0.35 acre from the D-5 district to the D-8 district to provide for a seven-unit townhome development.

2023-ZON-038 | 6041 and 6125 East Thompson Road | Recommended Approval, subject to commitments, to MDC July 19, 2023

Franklin Township, Council District #18

Albert Fullenkamp, by David Gilman

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.

2023-ZON-046 | 7250 North Keystone Avenue | Recommended Approval, subject to commitments, to MDC July 19, 2023

Washington Township, Council District #2

Hansen Collision, Inc., by J. Murray Clark

Rezoning of 4.199 acres from the D-4 and C-4 (FF) district to the C-4 (FF) district to provide for automobile, motorcycle, and light vehicle service or repair.

2023-ZON-051 | 1354 Shelby Street | Recommended Approval to MDC July 19, 2023

Center Township, Council District #21

Churchyard, LLC, by David Gilman

Rezoning of 0.30 acre from the MU-1 (TOD) district to the MU-2 (TOD) district to provide for retail commercial uses.

2023-CAP-819 / 2023-CVR-819 | 2801 South Pennsylvania Street | Recommended Approval of 2023-CAP-819, subject to commitments, to MDC July 19, 2023. Approved 2023-CVR-819, subject to the Findings of Fact.

Center Township, Council District #16

2801 S Pennsylvania LLC, by Jason E. Burk

D-8

Modification of Commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan (parking areas within front yard limited to 30-foot widths).

PREVIOUSLY CONTINUED PETITIONS:

2022-CVC-848 (Amended) | 419 & 441 East Ohio Street, 424 East Wabash Street and 124 & 132 North East Street | PUBLIC HEARING - Assessment of Benefits | Approved

Center Township, Council District #17

Moes, LLC / Feroze and Sons, LLC, by David Kingen and Emily Duncan

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street. ~~with a waiver of the assessment of benefits.~~

2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876 (Third Amended) | 1507 & 1517 West Vermont Street and 333 Koehne Street Street | PUBLIC HEARING | Recommended Approval of 2022-CZN-876 to MDC July 19, 2023; Approved 2022 CVR-876 (as amended for off-street parking spaces) subject to Findings of Fact; Approved 2022-CVC-876 subject to Findings of Fact

Center Township, Council District #16

Own It Enterprise, LLC, by David Kingen and Emily Duncan

Rezoning of 0.721-acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for side and rear yard setbacks of zero feet when abutting an alley (minimum ten-foot required), and to legally establish a zero-foot front setback for vehicle areas (minimum eight-foot required). ~~and for 31 off-street parking spaces (maximum of 23 off-street parking spaces permitted).~~

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 136 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.05-acre, with a waiver of the assessment of benefits.

2023-MOD-008 | 10832 Portside Court | **Granted Continuance request by Petitioner to July 27, 2023**

Lawrence Township, Council District #5

D-P (FF)

Raymond and Kimberly Peck, by Russell L. Brown

Modification of the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to legally establish a paver patio (with table, stairs, railing and fire pit), with zero-foot side setbacks (eight-foot side and 22-foot aggregate side setback required).

2023-MOD-009 | 4375 Kentucky Avenue | **Granted Continuance requests by Staff and Petitioner to July 27, 2023**

Decatur Township, Council District #22

C-S

Five Star Oil, Inc., by Garrett E. Lawton

Modification of the Commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to September 30, 2023 (previous commitments required completion by several dates in 2020).

2023-ZON-004 | 5680 Eden Village Drive | **Granted Continuance request (with Notice) to July 27, 2023, to allow submission of a companion petition**

Pike Township, Council District #8

Olanrewaju Ahmeed Azeez

Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

2023-ZON-024 / 2023-VAR-001 | 2802 South Holt Road | **Granted Continuance request by Petitioner to July 27, 2023**

Wayne Township, Council District #16

Maninder Singh

Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence with barbed wire (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts, barbed wire prohibited);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The permanent location of a portable storage structure (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted); and
- e. Lack of hard surfaced parking area (hard surfaced parking areas required).

2023-ZON-025 / 2023-VAR-002 | 1002 West Hanna Avenue and 3500 Division Street | PUBLIC HEARING | Recommended Denial of 2023-ZON-025 to MDC July 19, 2023; Denied 2023-VAR-002

Perry Township, Council District #20
Lauth Group, Inc., by Brian J. Tuohy

Rezoning of 24 acres from the I-2 (FF) and D-3 (FF) districts to the I-3 (FF) district to provide for a plastic recycling facility.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for development within the north and east transitional yards (100-foot transitional yard required).

2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road | Acknowledged Automatic Continuance by Registered Neighborhood Organization to July 27, 2023

Franklin Township, Council District #18
Quicktrip Corporation, by J. Murray Clark

Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

NEW PETITIONS:

2023-ZON-052 | 5745 Kentucky Avenue | Acknowledged Automatic Continuance by Registered Neighborhood Organization to July 27, 2023, and granted Continuance request for cause by Petitioner to August 10, 2023

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-CZN-814 / 2023-CVR-814 | 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street | Acknowledged Automatic Continuance by Registered Neighborhood Organization to July 27, 2023

Pike Township, Council District #1
Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark

Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan

Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

2023-CAP-822 / 2023-CVR-822 | 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street | **Granted Continuance request by Staff and Petitioner to July 13, 2023**

Center Township, Council District #17

1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC and Indianapolis Film Project, by David Kingen

MU-2

Modification of the Site Plan and Commitments for 2017-CZN-816 / 2017-CVR-816 as modified by 2018-MOD-006 to:

- A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.
- B. Terminate Commitment #18 which required certain building materials and colors for the building façade and former window openings.
- C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.75-foot tall fence with eleven-foot tall support posts surrounding an outdoor dining area (maximum 3.5-foot tall fence permitted).

2023-CZN-830 / 2023-CVR-830 | 201 West 38th Street and 3750 North Capitol Street | **PUBLIC HEARING | Recommended Denial of 2023-CZN-830 to MDC July 19, 2023; Denied 2023-CVR-830**

Center Township, Council District #7

C-4 / D-5

Martin Petroleum Inc., by Pat Rooney

Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard 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.