

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA

HEARING EXAMINER

JANUARY 11, 2024 - HEARING RESULTS

Notice is hereby given that the Hearing Examiner for the Metropolitan Development Commission of Marion County held public hearings on Thursday, **January 11, 2024**, 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-ZON-120 | 9501 36th Place | Recommended for Approval to MDC February 7, 2024

Warren Township, Council District #14 (#15 Beginning 2024)
Indianapolis Public Schools, by Russell McClure

Rezoning of 9.12 acres from the D-4 district to the SU-7 district to provide for a non-profit center providing education, mentoring and meals.

2023-CZN-867 / 2023-CVR-867 (2nd Amendment) | 2233 Dr Martin Luther King Jr Street | Recommended 2023-CZN-867 for Approval to MDC February 7, 2024. Approved 2023-CVR-867 after variance was amended (as per below); approval subject to the site plan & the Findings of Fact.

Center Township, Council District #11 (#12 Beginning 2024)
Days Property Group, LLC, by Sarah Walters

Rezoning of 0.17 acres from the C-1 (W-1) district to the D-8 (W-1) district to legally establish and provide for the expansion of an existing two-family dwelling with a new detached garage.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for the expansion of a 3.5-foot north side yard setback for the dwelling ~~and allow for a 3.5-foot north side yard setback for a detached garage~~ (five feet required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

2023-ZON-086 | 6185, 6421, 6423 and 6441 East 34th Street | Granted Continuance for cause to February 29, 2024, with Notice

Warren Township, Council District #13
Ben Singh Bashal, by David Gilman

Rezoning of 4.3 acres from the D-3 and C-S districts to the I-3 district to provide for truck/trailer parking and repair.

2023-ZON-102 | 117 (119) North Sherman Drive | Granted Continuance for cause to February 15, 2024

Center Township, Council District #12
Verma Properties, Inc., by Sharmin Frye

Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

2023-ZON-109 | 5136 Michigan Road | **Granted Continuance for cause to February 15, 2024**

Washington Township, Council District #8
Paramount Schools of Excellence, Inc., by Timothy Ochs

Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road | **Granted Continuance for cause to February 29, 2024**

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).

2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Amended) | 3838 East 46th Street | **After a Public Hearing, Recommended Approval of 2023-CZN-859 to the MDC February 7, 2024. Approved 2023-CVR-859, subject to the site plan and the Findings of Fact. Approved 2023-CPL-859, subject to the plat file-dated October 3, 2023 and the twelve conditions in the Staff Report.**

Washington Township, Council District #9
Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett

Rezoning of 4.22 acres from the SU-1 (FW) (FF) to the D-5 (FW) (FF) district to provide for residential uses.

Variance of Development Standards to provide for an access drive extending 34-feet into the Stream Protection Corridor of Devon Creek for a maximum length of 107 feet (100-foot Stream Protection Corridor Required) and a 68-foot front setback along 46th Street for property address 3860 East 46th Street (front building line range of 20 to 50 feet required).

Approval of a Subdivision Plat, to be known as Devon Creek, dividing 4.22-acres into ten single-family detached lots and one common area, including the vacation of an irregular portion of right-of-way at the northwest corner of the intersection of East 46th Street and Millersville Road containing 2,307.8 square feet, with a waiver of the sidewalk requirement along a 65-foot segment of Millersville Road.

PETITIONS FOR PUBLIC HEARING (New Petitions):

2023-MOD-021 | 10 South Mickley Avenue | Granted a 3-day Waiver for Written Notice, reducing the notification period from 23 days to 20 days. After a Public Hearing, Recommended for Approval of the modification of Commitments, subject to Commitment on Page 76 of Staff Report, to MDC February 7, 2024.

Wayne Township, Council District #15 (#16 Beginning 2024)

C-4

Zach Wilkinson

Modification of Commitments related to 90-Z-48 to terminate Commitment #2.C, which restricts the permitted uses of the subject site to C-1 uses, to provide for a gas station.

2023-ZON-115 | 5850 Fortune Circle West | Acknowledged the Withdrawal of the Petition

Wayne Township, Council District #22 (#17 Beginning 2024)

GriffGen Investments, LLC, by Brian Jones

Rezoning of 3.997 acres from the C-S district to the C-S district to add licensed group home to the list of permitted uses for the site.

2023-ZON-116 | 2002 North Tibbs Avenue | After a Public Hearing, Recommended for Denial to MDC February 7, 2024

Wayne Township, Council District #11

Hugo Rubin de Celis

Rezoning of 0.35 acres from the D-5 district to the C-3 district to provide for food sales from food trucks.

2023-ZON-118 | 5181 North High School Road | Granted Continuance for Cause to February 15, 2024, with Notice

Pike Township, Council District #10 (#5 Beginning 2024)

Abdulateef O. Aregbe

Rezoning of 1.98 acres from the D-A (FW) (FF) and D-6 districts to the D-6 (FW) (FF) district to provide for a residential triplex.

2023-ZON-119 | 7725 Kentucky Avenue | Granted Continuance for Cause to January 25, 2024

Decatur Township, Council District #20 (#21 Beginning 2024)

Lennar Homes of Indiana, LLC, by Brian J. Tuohy

Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

2023-CZN-864 / 2023-CVR-864 | 6100 North Keystone Avenue | Acknowledged the Withdrawal the Petitions. Granted a partial refund of the filing fees in the amount of \$3,662.75.

Washington Township, Council District #2 (#7 Beginning in 2024)

TWG Development, LLC, by Joseph D. Calderon

Rezoning of 2.49 acres from the C-4 district to the MU-2 district to provide for a multi-family building.

Variance of development standards for the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot tall, five-story multi-family building with a 3.75-foot front yard, a 22-foot front building setback, a ten-foot south transitional yard (maximum 35-foot height permitted, five foot front yard required, maximum 20-foot front setback permitted and fifteen-foot transitional yard required).

2023-CAP-866 / 2023-CVR-866 | 3502 North Shadeland Avenue | Acknowledged the Automatic Continuance to February 15, 2024, filed by a registered neighborhood organization

Warren Township, Council District #13 (#9 Beginning 2024)

C-S

3500 Shadeland, LLC, by Russell L. Brown

Modification of Site Plan, Plan of Operation and Commitments related to 2021-ZON-010 / 2021-VAR-002, 2007-ZON-841 / 2007-VAR-841 and 2014-MOD-008 to provide for a revised site plan for a home repair/improvement contractor consisting of two phases with Phase I to include an approximately 16,500 square foot building with approximately 20 Parking Spaces and Phase II to include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures, and a modification of Commitment #3 to allow for compliance with the site plan submitted with this petition in two development phases.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15,000-square foot building with a five-foot north side setback (minimum 10-foot setback 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.