

METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
HEARING EXAMINER

**JULY 24, 2025**

The regular meeting of the Hearing Examiner (Judy Weerts Hall) for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for July 24 2025, at 1:00 P.M., in the Public Assembly Room of the City-County Building, Indianapolis, Indiana, for various purposes, including the holding of a Public Hearing on various petitions listed on the Notice of Public Hearing, and for taking official action upon public business and public Notice thereof as required by IC 5-14-1.5.

Staff members present were Desire Irakoze, Principal Planner II; Kathleen Blackham, Senior Planner; Marleny Iraheta, Senior Planner; Jeffrey York, Manager, and Nancy G. Whitaker, Hearing Specialist.

Ms. Weerts Hall called the meeting to order at 1:00 P.M. She stated that the Hearing Examiner's hearing today would be conducted under the Rules of Procedure of the Metropolitan Development Commission (MDC). She informed those present of the time permitted to present testimony in support of the Petition and opposition to it. She stated the procedures for filing a request to appeal her recommendations to the Commission, as well as any approved or denied petitions. The Hearing Examiner explained that **recommendations** for Petitions heard that day would be forwarded to the MDC for consideration at its meeting on **August 20, 2025**, unless noted otherwise.

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**SPECIAL REQUESTS, CONTINUANCES, AND WITHDRAWALS**

**2025-APP-003 | 620 East 21st Street (NEW)**

Center Township, Council District #13

PK-2

DeQuan Branch, by Jorge Gonzales

Park District-Two Approval to provide for a three-story single-family dwelling with an attached garage.

Kathleen Blackham (Staff) relayed that Staff needed more time to work with the Petitioner.

**The Hearing Examiner granted Staff's request for a continuance of the Petition to August 14, 2025.**

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**2025-MOD-014 | 25 Country Woods Drive (NEW)**

Perry Township, Council District #22

D-P

KCP RE, LLC, by Ross McArthur

Modification of the Development Statement related to petition 83-Z-105 (83-DP-3) to modify the allowed signage provide for a 23-square-foot building sign (#11 – Signs limits signage to one, six-square-foot freestanding sign for the purpose to advertise ‘for sale’, ‘for rent’, or for ‘construction’ information).

Kathleen Blackham (Staff) said Staff requested a continuance to August 28<sup>th</sup> hearing due to an issue that had arisen relative to Notice given.

**Hearing no other comments, the Hearing Examiner granted Staff’s request for a continuance of the Petition to August 28, 2025, with Notice.**

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**2025-ZON-054 | 126 and 130 Koehne Street**

Center Township, Council District #18

Westlane Pentecostal Assembly Church, Inc., by Justin Kingen and David Kingen

Rezoning of 0.18-acre from the D-8 (RC) (TOD) district to the SU-1 (RC) (TOD) district.

The Petitioner’s representative, Justin Kingen (618 East Market Street, Indianapolis, IN), to allow time to appear at an upcoming String Town Neighborhood Association meeting.

Desire Irakoze (Staff) said Staff supported the continuance request.

**Hearing no other comments, the Hearing Examiner granted the Petitioner’s request for a continuance of the Petition to August 28, 2025.**

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**2025-CPL-825 / 2025-CVR-825 | 7140 and 7142 East Washington Street Avenue**

Warren Township, Council District #14

C-4 (TOD)

Fieldstone Financial, LLC, by Joseph D. Calderon

Approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station, with 16 pump islands/service areas (eight permitted), with portions of a surface parking area in front of the front building line, with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (surface parking areas required behind the front building line, 25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

The Petitioner’s attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), said the Petitioner was appreciative of Staff’s request for a continuance. He said the Petitioner had been working on amending the site plan and addressing some concerns raised by Staff. Mr. Calderon said he would forward an updated elevation plan to Staff. Upon questioning by the

Hearing Examiner, Mr. Calderon said the Petitioner had the support of WTDA and had engaged with Councilor Nielsen.

Desire Irakoze (Staff) noted letters of remonstrance had been received, as well as a greater number of letters of support.

**Hearing no other comments, the Hearing Examiner granted Staff's request for a continuance of the Petitions to August 14, 2025.**

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**2025-ZON-071 | 4765 West 71st Street (NEW)**

Pike Township, Council District #6

Heavy Haulers Rental and Trucking, Inc., by Steven Brown

Rezoning of 0.98-acre from the C-3 and I-2 districts to the I-2 district to provide for light industrial uses.

The Petitioner's attorney, Steven Brown (5645 East Raymond Street, Indianapolis, IN) requested a continuance to September 25, 2025, to allow the Petitioner to meet with the PTRAs and continue to work with Staff on some issues.

Marleny Iraheta (Staff) said Staff had no objection to the continuance request since it was the Petitioner's first request.

**Hearing no other comments, the Hearing Examiner granted the Petitioner's request for a continuance of the Petition to September 25, 2025.**

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**2025-ZON-075 | 5416 North College Avenue (NEW)**

Washington Township, Council District #7

Firkins, LLC, by Joseph D. Calderon

Rezoning of 0.22-acre from the D-3 (TOD) and C-3 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development.

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), acknowledged the receipt of the filed automatic continuance by Meridian Kessler Neighborhood Association (MKNA) and would be meeting with MKNA in an upcoming virtual meeting. He also noted that, following correspondence received and shared with the architect, revised plans may be forthcoming.

Marleny Iraheta (Staff) said Staff had no comments about the automatic continuance request and appreciated learning of the Petitioner's potential amendment of the Petition.

**The Hearing Examiner acknowledged the automatic continuance of the Petition to August 28, 2025, filed by a Registered Neighborhood Organization.**

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**2025-ZON-077 | 6501 Mann Road (NEW)**

Decatur Township, Council District #21

Kittle Property Group, by Joseph D. Calderon

Rezoning of 26.83 acres from the SU-1 (FF) (FW) and D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for a multi-family residential development.

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), acknowledged the receipt of the filed automatic continuance by DTCC, whom Mr. Calderon said the Petitioner would be meeting with on July 28<sup>th</sup>. Mr. Calderon said the Petitioner may need a possible continuance to allow for potential revisions and possibly conduct a traffic study.

Desire Irakoze (Staff) was supportive of the continuance request.

**Hearing no other comments, the Hearing Examiner acknowledged the automatic continuance of the Petition to August 28, 2025, filed by a Registered Neighborhood Organization.**

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**2025-CPL-833 / 2025-CVR-833 | 6801 Stanley Road (NEW)**

Decatur Township, Council District #21

D-3

Claudia and Jose Garcia, by David Gilman

Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quillin Acres Addition, dividing 2.008 acres into two lots.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a septic system for each lot (connection to public or semipublic sanitary sewer facilities required), to provide for a lot width and street frontage of 15 feet for proposed Lot 2 (minimum 70-foot lot width required and minimum 35 feet of street frontage required), and to legally establish a detached accessory structure, with a 5.3-foot north side yard setback (minimum six-foot side yard required).

**Hearing no other comments, the Hearing Examiner acknowledged the withdrawal of both petitions.**

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**EXPEDITED PETITIONS**

**2025-APP-007 | 6451 East Thompson Road**

Franklin Township, Council District #24

PK-1

City of Indianapolis, Department of Parks, and Recreation, by Benjamin Jackson

Park District One Approval to provide for park improvements, including replacement playground equipment and sidewalks, resurface and restripe existing basketball court, and seating areas in multiple locations.

Ben Jackson, Senior Planner for IndyParks, briefly explained the Petition's request. Marleny Iraheta (Staff) said that, as worked out with Mr. Jackson, with the northern sidewalk connection, and with DPW's agreement, the commitment for right-of-way dedication has been struck

(removed). Staff recommended placing the Petition on the expedited docket with the one remaining commitment.

Ms. Iraheta explained that, if Commitment Two was agreed upon, Ms. Iraheta would amend the language to read as worked out with the Petitioner. She added that Staff was comfortable in waiving the right-of-way dedication at this time since the right-of-way dedication could be completed outside of the public hearing process.

**Hearing no other comments, the Hearing Examiner recommended approval of the expedited Petition, subject to the remaining amended sidewalk/trail commitment, and placed the Petition on the August 20, 2025 MDC agenda.**

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**2025-ZON-070 | 631 South High School Road**

Wayne Township, Council District #17

Jordan Vermillion

Rezoning of 1.263 acres from the D-3 (FF) and SU-1 (FF) districts to the D-3 (FF) district to legally establish a detached single-family dwelling.

The Petitioner, Jordan Vermillion (632 South High School Road, Indianapolis, IN), briefly explained the request. Desire Irahoze (Staff) said the rezoning would allow the owner to continue using the property for residential purposes.

**Hearing no other comments, the Hearing Examiner recommended approval of the expedited Petition and placed the Petition on the August 20, 2025 MDC agenda.**

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**2025-ZON-072 | 2027 Spruce Street**

Center Township, Council District #19

Dennis Kenneally, by Josh Smith

Rezoning of 0.30-acre from the I-3 district to the D-5 district to legally establish a detached single-family dwelling.

The Petitioner's representative, Josh Smith, explained that the two adjacent parcels are being rezoned to accommodate an expansion of a home.

Kathleen Blackham (Staff) said Staff has no further comments.

**Hearing no other comments, the Hearing Examiner recommended approval of the expedited Petition and placed the Petition on the August 20, 2025, MDC agenda.**

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**2025-ZON-073 | 5720 South Walcott Street**

Center Township, Council District #23

Jacob International Investment, by Andrew Wert

Rezoning of 0.159-acre from the C-1 district to the D-3 district to provide for a proposed detached single-family dwelling.

Andy Wert, land use professional, Church Church Hitle and Antrim (Two North Ninth Street, Noblesville, IN), relayed the rezoning was to allow his client to build on the lot.

Desire Irakoze (Staff) stated that Staff supported the rezoning request.

**Hearing no other comments, the Hearing Examiner recommended approval of the expedited Petition and placed the Petition on the August 20, 2025 MDC agenda.**

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**2025-ZON-076 | 6568 Cornell Avenue**

Washington Township, Council District #7

KMK, LLC, by Joseph D. Calderon

Rezoning of 0.21-acre from the C-S (FF) (TOD) district to the MU-2 (FF) (TOD) district to provide for an expansion of an existing day care facility.

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), stated the petition would allow the expansion of the existing preschool. Mr. Calderon said Broad Ripple Village Association supported the project, subject to specified commitments.

Marleny Iraheta (Staff) said the commitments listed twenty uses that were to be prohibited at the location. She noted that a number of them were already prohibited in the MU-2 district and could be removed.

**Hearing no other comments, the Hearing Examiner recommended approval of the expedited Petition, subject to the commitments listing the prohibited uses, and placed the Petition on the August 20, 2025 MDC agenda.**

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**PUBLIC HEARINGS**

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**2025-ZON-065 | 5034 Lafayette Road**

Pike Township, Council District #6

5034 Lafayette Road, LLC, by Tyler Ochs

Rezoning of 3.72 acres from the C-3 and I-2 districts to the C-7 district to provide for a commercial and building contractor.

The Petitioner's attorney, Tyler Ochs (McKinney and Evans, 111 Monument Circle, Suite 2700, Indianapolis, IN), described the rezoning request to rezone two parcels to C-7 zoning. The property at 5034 Lafayette Road had existing building improvements and fencing, while the 5115 Freyn Drive parcel was currently undeveloped with trees. The Petitioner had met with Pike Township Residence Association (PTRA), which had submitted a letter of support for the project. The Petitioner sought to expand his building and commercial contracting business. The plan for Freyn Drive included outdoor storage with no planned building improvements, requiring tree clearing, while preserving a 10-15-foot buffer on the eastern portion to screen the area from Lafayette Road. The Petitioner had committed to a landscape buffer along the 5034 frontage. Mr. Ochs said the requests aligned with the Comprehensive Plan, which called for heavy commercial use, with existing C-7 zoning to the north and south. Mr. Ochs said the Petitioner accepted the majority of the landscaping commitments and agreed to remove the

front yard fence and address the Freyn Drive parking violations. He had worked with PTRa to develop a list of prohibited uses due to the intensive nature of the C-7 zoning. Mr. Ochs added that the Petitioner was willing to make a payment in lieu of sidewalk installation as a sign of good faith. However, Mr. Ochs argued that sidewalks were not required under the Ordinance since no building construction was planned.

The Hearing Examiner questioned whether the third page of the commitments had accompanied the PTRa letter, and she inquired about the Petitioner's contact with nearby individual property owners. Mr. Ochs confirmed that all commitments had been shared with PTRa for its review and approval. He added that he had no contact with nearby property owners or remonstrators.

Desire Irakoze (Staff) reviewed the PTRa letter and the revised permitted use table for C-7 uses. He clarified that payment in lieu of sidewalks required approval from the Current Planning Administrator, with a variance, if the request was denied. Mr. Irakoze pointed out that property zoned I-2 had a cap on the percentage of outdoor storage allowed, whereas property zoned C-7 did not. Outdoor storage was an accessory use in C-7 districts and was required to be secondary to primary commercial contractor use. Heavy outdoor storage was not permitted in a C-7 district. He also explained that DPW requested a right-of-way dedication because the Lafayette Road frontage was 16.5 feet, not the required 25 feet for a 50-foot right-of-way. Staff preferred a site plan review for large-scale outdoor storage to assess the visual impact. The chain link fence in the front yard was not permitted in C-7. He noted that various City plans included plans for a bicycle protective lane on Lafayette Road, which would support sidewalk connectivity despite the current lack of sidewalks.

During rebuttal, Mr. Ochs disagreed with the Staff's interpretation of the sidewalk requirement, arguing that the Ordinance required sidewalks for a building that was "constructed, erected, enlarged, extended, reconstructed, relocated, or converted to commercial use." He pointed out that the property was already for commercial use with no building construction planned, and therefore, the sidewalk requirement was not applicable. Payment was being offered as a good-faith gesture to improve connectivity. Mr. Ochs noted that the suitability of the building's location for a contractor's use and the fact that the 5115 Freyn Drive parcel was secluded in a heavy commercial area. The building at 5034 Lafayette Road was set back significantly from Lafayette Road with planned landscaping improvements. The commitments included a substantial good-faith effort and included the acceptance of additional right-of-way dedication.

**After the public hearing, the Hearing Examiner recommended approval of the Petition, despite Staff's concerns, noting that existing C-7 zoning surrounded the property and that there was limited visual impact due to the site's non-prominent location. The Hearing Examiner found the payment in lieu of sidewalks to be acceptable due to the limited Lafayette Road frontage. The Petition was approved, subject to commitments, including commitments listing the prohibited uses outlined in the PTRa letter, dated July 24, 2025, and the commitments on the third page of the letter, as well as the additional right-of-way dedication along Freyn Drive. The petition was placed on the August 20, 2025, MDC agenda.**

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## **ADJOURNMENT**

There was no further business before the Hearing Examiner, so the meeting adjourned at 2:00 P.M.

  
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Judy Weerts Hall, Hearing Examiner  
Metropolitan Development Commission