

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
HEARING EXAMINER**

August 27, 2026

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for August 27, 2026, 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 Kathleen Blackham, Senior Planner; Robert Uhlenhake, Senior Planner; Josh Levesque, Senior Planner; Michael Weigel, Principal Planner I; Noah Pappas, Manager; Bryce Patz, Current Planning Administrator; and Nancy G. Whitaker, Administrative Coordinator.

Judy Weerts Hall, Hearing Examiner, called the meeting to order at 1:01 P.M. She noted that the current planning Staff was continuing to limit the number of new petitions to 10 per hearing for an indefinite period. She stated that the public hearings would be conducted in accordance with the Rules of Procedure of the Metropolitan Development Commission (MDC), and that Petitioners and Remonstrators each had a total of 15 minutes for sworn testimony, followed by the Staff recommendation, and then each side had five minutes for rebuttal. Reasonable additional time would be allowed for any member of the City-County Council. The Hearing Examiner stated that any party dissatisfied with a recommendation or decision had an automatic right to appeal, which must be filed with the Department of Metropolitan Development within five business days, with additional Notice as required under the MDC Rules of Procedure. She noted that recommendations for zoning, approval, and modification petitions would be forwarded to the MDC for consideration at its meeting on Wednesday, September 16, 2026, and that any Commitments agreed to for such petitions must be submitted to Staff no later than September 9, 2026. The Hearing Examiner also noted that any variance, plat, and vacation decisions made that day would be final unless the petition decisions were appealed.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2026-MOD-003 | 8600 Combs Road

Franklin Township, Council District #25

I-3

Punjab Property Inc., by Patrick Rooney

Modification of Commitments related to petition 2005-ZON-160 to include Commitment Number 1, to allow for truck or heavy vehicles sales, rental, or repair (commitment allowed only manufacture, assembly of repair of machinery and machinery components in the I-3-S district); Commitment Number 2 to allow for truck or heavy vehicles sales, rental, or repair (commitment allowed only construction companies, contractors, and home remodeling companies in the I-2-S district); Commitment Number 5 to provide for one building subject to the plans and elevations dated February 10, 2026, (required certain exterior materials on mini-warehouse buildings); Commitment Number 6 to

protect and preserve existing trees outside of the construction limits and install landscaping subject to the landscaping plan dated February 10, 2026, (commitment provided for landscaping and exterior building materials related to mini-warehouse development); Commitment Number 11 to provide for parking/storage of trucks and trailers subject to the site plan dated February 10, 2026, (identified location of outdoor storage and eliminated outdoor storage of commercial vehicles, semi-truck and trailers); Commitment Number 19 to provide for one building subject to the site plan dated February 10, 2026, (commitment limited building height to 35 feet and not to exceed total of 15,000 square feet); Commitment Number 26 would provide for a perimeter fence and landscaping subject to the site plan dated February 10, 2026, (commitment identified location and materials of fencing); and Commitment Number 17 would be terminated and deleted (commitment limited semi-truck traffic to an average of a total of not more than two trips to and from the site per week).

The Petitioner's attorney, Patrick Rooney (1638 Shelby Street, Suite 101, Indianapolis, IN), requested that the Petition be continued to October 29, 2026, noting that Staff had relayed that the Department of Public Works (DPW) was requesting a traffic impact study (TIS) and that a wetland delineation report that some in the neighborhood had referenced had been provided to Mr. Rooney. Mr. Rooney commented that his engineer had not found any of the property designated as wetlands per his reports. In response to questions from the Hearing Examiner, Mr. Rooney acknowledged that Staff had first raised the traffic study request several weeks prior to the hearing that day and that there had been a miscommunication with the neighborhood regarding the continuance request, noting he had communicated about the TIS prior to this meeting.

Robin Heldman (8824 Combs Road, Indianapolis, IN), opposed the continuance and said that she had found out about the continuance request on the day of the hearing and, and asked what would happen procedurally if the continuance were not granted.

The Hearing Examiner announced that she did not believe the Petition could be heard that time since the traffic study was not available, and that continuing it to October 29, 2026, was preferable to transferring it to the Metropolitan Development Commission for an initial hearing, since it would likely require a continuance there as well as the Petition would need to be scheduled initially for September 16, 2026.

Ms. Heldman agreed to the October 29, 2026 date as feasible for her to attend. She also noted that a revised site plan which the Petitioner still not been submitted to Staff.

City-County Councilor Brian Mowery, Council District #25, said he opposed the Petition and asked for the Petition to move forward to hearing. Councilor Mowery was concerned about the width of County Line and Combs Roads and questioned the ability of the intersection and lanes to handle semitruck traffic. Councilor Mowery requested that his opposition and previously submitted letter be considered when the Petition's hearing occurred.

Kathleen Blackham (Staff) clarified that DPW had requested a traffic operations analysis (TOA), rather than a full traffic impact study. DPW asked for the TOA to focus on the intersections of Stop 11 and Combs Road and County Line and Combs Road. Ms. Blackham pointed out that the Petition had initially been set for hearing in April. She stated that Staff would support the continuance to October 29, 2026, with Notice, but would not support any additional continuance requests by the Petitioner. Ms. Blackham added that no wetland delineation report had been filed by the Petitioner nor an updated site plan. After discussions between the Hearing Examiner

and Staff, the Hearing Examiner noted that it was the Petitioner's responsibility to provide a wetland study, or the engineer would need to provide documentation that the site was not a wetland. Mr. Rooney concluded that he felt he could be ready for the October 29, 2026 hearing.

The Hearing Examiner encouraged the Petitioner's attorney to keep Councilor Mowery, the Franklin Township Civic League (FTCL), and interested neighbors informed about the Petition.

Hearing no other comments, the Hearing Examiner continued 2026-MOD-003 to October 29, 2026, with Notice.

2026-ZON-065 | 4402 Madison Avenue
Perry Township, Council District #23
2 Jets LLC, by Samuel Salazar

Rezoning of 2.13 acres from the D-3 district to the C-5 district to provide for commercial contractor uses.

Josh Levesque (Staff) said the Petitioner and a neighborhood organization requested a continuance for cause to September 24, 2026. Staff had no objection to the request.

Hearing no other comments, the Hearing Examiner continued the Petition to the September 24, 2026 meeting.

2026-ZON-072 | 7644 Big Bend Boulevard
Center Township, Council District #19
City of Indianapolis Department of Parks and Recreation, by Daniel Krzywicki

Rezoning of 27.28 acres from the D-P district to the PK-1 district to allow for use as a community park.

****Automatic Continuance to September 24, 2026, filed by a Registered Neighborhood Organization.**

Michael Weigel (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of 2026-ZON-072 to the September 24, 2026 meeting.

2026-CZN-836 / 2026-CVR-836 | 2326 East 44th Street
Washington Township, Council District #8
Celtic Realty, LLC, by Justin Kingen

Rezoning of 0.38-acre from the I-2 (W-1) district to the C-4 (W-1) district to provide for commercial uses including automotive service and repair.

Variance of Use and Development Standards to provide for automotive service and repair, with outdoor storage of vehicles awaiting repair (not permitted), reduced parking (minimum 31 spaces required), and to legally establish a roof sign (not permitted).

****Staff request for continuance for cause to September 24, 2026.**

The Petitioner's representative, Justin Kingen (2722 Manker Street, Indianapolis, IN), requested a 2-day waiver for posted Notice and a 4-day waiver for written Notice for the 23-day notification periods. Kathleen Blackham (Staff) stated that the delay was due to Staff and that Staff supported the requested waivers.

Mr. Kingen said the Petitioner was in support of Staff's request for a continuance to September 24, 2026.

Hearing no other comments, the Hearing Examiner granted a two-day waiver of the posted Notice requirement and a four-day waiver of the written Notice requirement. She continued Petitions 2026-CZN-836 and 2026-CVR-836 to September 24, 2026.

2026-CZN-838 / 2026-CVR-838 | 6915 East Washington Street

Warren Township, Council District #20

New Creations Restoration Church, Inc., by Justin Kingen

Rezoning of 12.35 acres from the D-2 (TOD), C-4 (TOD), and MU-1 (TOD) districts to the C-S (TOD) district to legally establish religious uses, four buildings with a total of 14 dwelling units, landscaping contractor and a commercial building contractor, and to provide for a food pantry and child-care services.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing building that exceeds the maximum front yard setback along Washington Street, to provide for a trash dumpster without screening on all sides, a trash dumpster within the front yard along Shadeland Avenue, and reduced parking (front yard setback required to be between zero and 26 feet from street right-of-way, trash dumpster shall be enclosed on all sides, trash dumpster not permitted within front yard and minimum parking standards are required).

****Staff request for continuance for cause to October 29, 2026.**

The Petitioner's representative, Justin Kingen (2722 Manker Street, Indianapolis, IN), requested a 1-day waiver of the written Notice and a 1-day waiver of posted Notice for the 23-day notification periods. Mr. Kingen said that the Petitioner supported Staff's request for continuance to October 29, 2026. Kathleen Blackham (Staff) stated that Staff had no objection to the 1-day waivers, and that the continuance would be with additional Notice if required.

Hearing no other comments, the Hearing Examiner granted a one-day waiver of the written and posted Notice, and continued Petitions 2026-CZN-838 and 2026-CVR-838 to October 29, 2026, with Notice as necessary.

2026-CZN-842 / 2026-CVR-842 | 3830 North Rural Street, 3801 North Temple Avenue, 3830 Meadows Drive, and 2806 and 2840 East 38th Street

Washington Township, Council District #8

Health and Hospital Corporation of Marion County, by Joseph D. Calderon

Rezoning of 9.33 acres from the D-5 (W-1) (TOD), D-P (W-1) (TOD), C-1 (W-1) (TOD), and C-4 (W-1) (TOD) districts to the SU-9 (W-1) (TOD) district to provide for offices for public health uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple rows of surface parking in front of the building (maximum of one row of surface parking permitted in front of the building).

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), requested a two-day waiver of written and posted Notice. Kathleen Blackham (Staff) stated that Staff had no objection to the waivers.

Hearing no other comments, the Hearing Examiner granted a two-day waiver of written and posted Notice for Petitions 2026-CZN-842 and 2026-CVR-842.

2026-CZN-844 / 2026-CVR-844 | 6620 Northview Way

Washington Township, Council District #3

K&J Acquisitions LLC, by Joseph D. Calderon

Rezoning of 1.74 acres from the SU-1 district to the C-3 district to provide for commercial retail uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through stacking space aisle within the front yard along Binford Boulevard (not permitted).

****Automatic Continuance to September 24, 2026, filed by a City-County Councilor.**

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), commented that he had been in touch with Councilor Boots and the neighborhood. Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of Petitions 2026-CZN-844 and 2026-CVR-844 to September 24, 2026.

EXPEDITED PETITIONS

The Hearing Examiner stated that the expedited portion of the docket consisted of Petitions for which Staff had recommended approval and had not been made aware of any opposition, and that testimony would be taken if a Remonstrator or other member of the public appeared in

opposition to a Petition. Nancy Whitaker read into the record the Petitions on the expedited portion of the docket, and all those intending to testify on those Petitions were sworn in as a group.

2026-APP-015 | 1807 Central Avenue
Center Township, Council District #13
PK-2
Moose Holdings LLC, by Paul Musielak

Park District Two approval to provide for the construction of a single-family dwelling and a detached garage.

The Petitioner's representative, Paul Musielak (2301 Central Avenue, Indianapolis, IN), explained that the Petition sought Park District Two approval for construction of a new, single-family dwelling, along with a carriage house. Mr. Musielak agreed with Staff's approval recommendation subject to substantial compliance with the site plan and elevations, filed-dated July 2, 2026. Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-APP-015, subject to substantial compliance with the site plan and elevations filed dated July 2, 2026, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-ZON-051 | 4150 North High School Road
Pike Township, Council District #5
Nica Auto & Fleet Repair, LLC, by David Dearing

Rezoning of 1.9 acres from the C-4 district to the C-7 district to provide for used car sales and heavy vehicle repair.

The Petitioner's representative, David Dearing (921 East 86th Street, Suite 203, Indianapolis, IN), explained that the rezoning was to allow for used car sales and heavy-truck repair, in addition to the Petitioner's current auto-repair business services. He added that the Petitioner agreed with Staff's two recommended Commitments and read aloud the following additional Commitments negotiated with the PTRAs (most notably involving equal-opportunity and open-occupancy requirements; site maintenance and containers for trash disposal; prohibited uses, including a plasma center, substance-abuse facility, check-cashing and validation service, adult-entertainment nightclub and retail business, temporary and ongoing firework sales, indoor recreation and entertainment (an event center, a daily emergency shelter, general outdoor recreation and entertainment, indoor recreation and entertainment, and a truck stop; a revised site plan which indicated the required number of disabled-parking spaces; and compliance with the City's outdoor-lighting standards under City's Ordinance. Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-051, subject to the Commitments in the Staff Report and the requested PTRAs Commitments, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-ZON-055 | 1624 East 46th Street
Washington Township, Council District #7
K & D Epic Holdings LLC, by David Gilman

Rezoning of 0.14-acre from the SU-1 district to the D-5 district to allow for residential uses.

The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), explained that the Petition would allow construction of a duplex, and requested that the recommendation of approval be made subject to termination of a prior Commitment under 2005-ZON-054 requiring the alley to be paved since the alley was in good condition. Josh Levesque (Staff) stated that, prior to any work being done, there was an understanding that the Petitioner would file a modification petition to terminate that the prior Commitment. Mr. Gilman confirmed his understanding surrounding the filing of a future modification petition regarding the alley pavement.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-055, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-ZON-059 | 337 East Morris Street
Center Township, Council District #18
Habitat for Humanity of Greater Indianapolis, Inc, by Chris Barnett

Rezoning of 0.093-acre from the SU-1 district to the D-8 district to provide for residential uses.

The Petitioner's representative, Chris Barnett (3135 North Meridian Street, Indianapolis, IN), explained that the property had been donated to Habitat for Humanity by the United Methodist Conference of Indiana. Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-059, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-ZON-069 | 11150 Southeastern Avenue
Franklin Township, Council District #25
Anton and Jennifer Howard

Rezoning of 26.7 acres from the SU-1 district to the D-A district to provide for residential and agricultural uses.

The Petitioner, Anton Howard (19478 Silver Spring Drive, Noblesville, IN), stated that the rezoning would allow him to build a single-family home for his family, and noted that he had

received no calls about the rezoning request. Jeremy Torres (5835 Karen Drive, Indianapolis, IN) announced that he had been concerned that the Petition was subdividing the entire 26 acres. Now that he understood the Petition was for a single home, he no longer had any objection. Josh Levesque (Staff) stated that Staff had received only informal questions and no formal objection.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-069, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-ZON-073 | 2355 North College Avenue and 717 East 24th Street

Center Township, Council District #8

~~Jacob International Investment, by Andrew Wert~~

Brooke Bernhardt, by Paul Musielak

Rezoning of 0.16-acre from the C-1 district to the D-8 district to provide for detached single-family residential use.

Robert Uhlenhake (Staff) announced that the Petitioner's name and the name of the representative had been listed incorrectly in the legal Notice. Mr. Uhlenhake requested a waiver of the MDC's Rules of Procedure to correct the Petitioner and representative from Jacob International Investment, by Andrew Wert, to Brooke Bernhardt, by Paul Musielak. The Petitioner's representative, Paul Musielak, agreed with the correction.

Hearing no other comments, the Hearing Examiner waived the MDC's Rules of Procedure and allowed the correction of the request to Brooke Bernhardt and Paul Musielak, for the Petitioner and the Petitioner representative, respectively, and recommended Approval of the Petition, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

2026-CZN-827 / 2026-CPL-827 | 2015 Wagner Lane and 3669 Van Buren Street

Center Township, Council District #19

Habitat for Humanity for Greater Indianapolis, Inc., by Leslie Steinert

Rezoning of 2.27 acres from D-6II to D-5 for residential development.

Approval of a Subdivision Plat to be known as Wagner Lane Estates, Section 2, subdividing 2.27 acres into nine lots.

The Petitioner's representative, Keith Cruz, Landworks Engineering (6311 East Westfield Boulevard, Indianapolis, IN), agreed with the 12 conditions of the subdivision regulations for approval of the plat Petition. Josh Levesque (Staff) noted these were continued Petitions and no correspondence was received.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CZN-827, to be placed on the September 16, 2026 agenda of the Metropolitan Development

Commission, and approved 2026-CPL-827, finding that the Plat filed dated April 22, 2026, complied with the standards of the subdivision regulations, subject to the 12 conditions in the Staff Report.

2026-CZN-842 / 2026-CVR-842 | 3830 North Rural Street, 3801 North Temple Avenue, 3830 Meadows Drive, and 2806 and 2840 East 38th Street

Washington Township, Council District #8

Health and Hospital Corporation of Marion County, by Joseph D. Calderon

Rezoning of 9.33 acres from the D-5 (W-1) (TOD), D-P (W-1) (TOD), C-1 (W-1) (TOD), and C-4 (W-1) (TOD) districts to the SU-9 (W-1) (TOD) district to provide for offices for public health uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple rows of surface parking in front of the building (maximum of one row of surface parking permitted in front of the building).

The Petitioner's attorney, Joe Calderon (11 South Meridian Street, Indianapolis, IN), explained the purpose of the Petitions was to "clean up" multiple, current zoning classifications across the Health and Hospital Corporation campus and to allow for ongoing remodeling of an office building, and provide additional surface parking in front of the building. He noted that a neighbor on Temple Avenue had appeared today and had raised concerns but had left satisfied after speaking with Mr. Calderon. Councilor Gibson was in support for the Petitions. Kathleen Blackham (Staff) noted that a letter that initially seemed to be in remonstrance but, on further review, simply requested additional information. Staff supported the approval of the Petitions.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CZN-842, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission, and granted 2026-CVR-842, subject to the site plan, and adopted the Findings of Fact.

PETITIONS FOR PUBLIC HEARING

2026-ZON-045 | 2003 North College Avenue

Center Township, Council District #13

Maigida Investment LLC, by David Gilman

Rezoning of 0.11-acre from the D-8 district to the MU-2 district to provide for a small mixed-use development.

The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), identified Maigida Investment LLC, as the Petitioner, and Uchenna Ugeh, as the property owner. The request was for rezoning the property to MU-2 for a small mixed-use building with retail on the ground floor (approximately 4,300 square feet) with two apartments above. Mr. Gilman felt the development was compatible with the area and appropriately located near Parks and Trails, supporting walkability and small-scale retail and housing options, aligning with

modern planning principles. He pointed out the site location and described the nearby surroundings and parking availability. Mr. Gilman displayed the site plan and elevation renderings. He relayed that the Broadway Park Neighborhood Association (BPNA) supported the Petition and that the Petitioner had negotiated ten commitments with the BPNA (restriction to seven uses of all the permitted MU-2 uses; compliance with defined elevations, materials, and the site plan; parking variances would not be filed; restrictions set for outdoor activities; prohibition of drive-through windows and outdoor speakers; requirement for fully shielded, ground lighting; and requirement for fencing with landscaping along property lines to the north and east. Mr. Gilman relayed that the City-County Councilor had emailed support for the project, but a formal letter had not been received.

Aleta Osborn (1957 North College Avenue, Indianapolis, IN), the owner of a building at the corner of 20th Street and College Avenue, opposed the project due to safety issues. She stated that she was very concerned about traffic due to the narrow 20th Street and College Avenue intersection. Ms. Osborn detailed accidents which included a vehicle which had hit her building. She questioned the use of on-street parking near the site. Ms. Osborn suggested that a parking lot to help with off-street parking and a stop light at the intersection might help. Ms. Osborn noted that her business was in the Kennedy King Neighborhood area, and she had not seen any support from Kenndy King.

Robert Uhlenhake (Staff) noted that the Comprehensive Plan recommended traditional neighborhood development, which allowed residential use as well as small-scale offices and retailing as described in the Petitioner's proposal. Staff recommended approval of the Petition to allow the infill development. Mr. Uhlenhake explained that on-site parking was not a requirement for commercial lots which were less than 5,000 square feet. He added that a bus line served College Avenue. Upon questioning by the Hearing Examiner, Mr. Uhlenhake shared that Staff had received communication only from the Broadway Neighborhood, which initially requested continuance and then recently stated support subject to the Commitments that the Broadway Neighborhood had shared. Staff received no other communication beyond discussing parking issues with the Remonstrator at the site.

In rebuttal, Mr. Gilman described no-parking signage along 20th Street and stated that delivery vehicles and customers had been observed parking in no-parking areas. He promised that the Petitioner would continue to work with surrounding business owners, including Ms. Osborn, to discourage deliveries from being made in the no-parking areas. Mr. Gilman noted that the Petitioner had worked closely with the Broadway Park Neighborhood Association but had not been contacted by the Kennedy King Neighborhood Association. He again noted emails in support that had been received from the Councilor. Mr. Gilman relayed that surface parking on the site was not an option since it was prohibited by the Ordinance, and that a variance would not result in an overall increase in parking spaces due to a loss of parking due to accessing the site from 20th Street.

In rebuttal, Ms. Osborn restated her concerns about traffic generated due to the Monon Trail and College Avenue. She concluded that she did not feel that the safety concerns she raised had been addressed.

The Hearing Examiner noted the uniqueness of the site due to its small size and the restrictions that have resulted from the surrounding development. She also believed the proposed mixed-use development did conform with the Comprehensive Plan's recommendation of traditional neighborhood, and that the proposed scale was appropriate. The Hearing Examiner also felt

that the traffic issues at the intersection already exist and would not be significantly intensified by the development.

Hearing no further comments, after a public hearing, the Hearing Examiner recommended Approval of 2026-ZON-045, subject to the ten Commitments requested by the Broadway Park Neighborhood Association, to be placed on the September 16, 2026 agenda of the Metropolitan Development Commission.

ADJOURNMENT

There was no further business before the Hearing Examiner, the Hearing Examiner adjourned the meeting at 2:19 P.M.


Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission