

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**April 24, 2025**

**Case Number:** 2025-ZON-029  
**Property Address:** 3939 Madison Avenue (approximate address)  
**Location:** Perry Township, Council District #23  
**Petitioner:** University RS LLC, by Timothy Ochs and Jennifer Milliken  
**Current Zoning:** C-7 (TOD)  
**Request:** Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses.  
**Current Land Use:** Commercial  
**Staff Recommendations:** **Approval**  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this rezoning request.

**PETITION OVERVIEW**

**LAND USE**

This 7.79-acre site, zoned C-7 (TOD), is currently developed with a commercial office building which contains the Department of Motor Vehicles. There is also a sign for Hope Academy. The property is surrounded by various commercial, residential and university uses and is located directly west of the University of Indianapolis campus.

**REZONING**

This request would rezone the site to C-4 (Community-Regional Commercial District) district to accommodate for schools (Elementary, Middle or High Schools) and offices (business, professional or government uses). The Indianapolis South BMV Branch is permitted in both the C-4 and the C-7 zoning district, the rezoning is essential to allow the site to be utilized for the Hope Academy High School.

This site falls within the Shelby Street Corridor Plan, which designates the area as Critical Area A: University Shoppes. The plan's near-term goal recommends rezoning the C-7 zoning district to a more

appropriate commercial zoning classification that better aligns with existing uses. Staff finds that rezoning to C-4 is the most suitable option.

## ZONING DISTRICT OVERVIEW

**C-7 (High-Intensity Commercial District):** characterized by commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses.

**C-4 (Community-Regional Commercial District):** designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

**TOD (Transit Oriented Development Secondary District):** established on all lots, wholly or partially, within 1,000' of the centerline of a mapped Bus Rapid Transit (BRT) Line. Dwelling, Industrial, CBD and IHPC districts are exempt from the provisions of this Secondary District. The intent of the TOD Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-7 (TOD)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
	North: C-7	Commercial Use
	South: C-3/D-3	Residential Use
	East: I-3	University of Indianapolis
	West: C-4	Commercial Use
<b>Thoroughfare Plan</b>		
East Hanna Avenue Madison Avenue	Primary Arterial	____-foot existing right-of-way & 102-foot proposed right-of-way.
	Primary Arterial	____-foot existing right-of-way & 102-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit-Oriented Development Overlay	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	3/25/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	

Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Pattern Book
- Shelby Street Corridor Plan (2008)

### Pattern Book / Land Use Plan

- The **Community Commercial typology** provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **Small-Scale Schools, Places of Worship, and Other Places of Assembly**
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Healthier 1.1: Making areas walkable, enjoyable, and safe is critical to active living.
  - Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Healthier 4.1: Places where children and other vulnerable populations spend long periods of time should be separated from major sources of air pollution.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- University of Indianapolis Typology: District Center
- Corridor Commercial

### Neighborhood / Area Specific Plan

- Shelby Street Corridor Plan (2008) recommends this area as Community Commercial and Critical Area A.
- University Shoppes, 3915 and 3919 Madison Avenue

- **Near Term**

- Encourage the continuing redevelopment of the “University Shoppes” shopping center with a tenant mix that appeals to the campus and neighborhood. Encourage restaurants to have exterior seating areas.
- Change sites zoned C-7 to more appropriate commercial zoning that better matches current uses.

- **Long Term**

- Along with the parcels to the north, the center has potential for more intensive land uses that would enhance the near-university setting.
- Lodging and conference facilities related to academic and community programs could complement office and research facilities.

### **Infill Housing Guidelines**

- Not Applicable to the Site.

### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Applicable to the Site.

## ZONING HISTORY

**79-Z-12; 3939 Madison Avenue** (subject site) request rezoning of 10.42 acres, being in the I-3-U district, to C-7 classification to permit storage, sale and services of autos and trucks over one-half ton, **approved**.

**2016-ZON-030 (Amended); 3808 Shelby Street** (northeast of site) request rezoning of 1.21 acres, from the UQ-1 District, to the MU-2 classification to provide for artisan food and beverage productions, with outdoor seating, **approved**.

**2012-ZON-079; 3808 Shelby Street** (northeast of site) request rezoning of 1.21 acres from the I-3-U District to the C-4 classification to provide for commercial uses, **approved**.

**2011-ZON-021; 3920,4005 and 4011 Shelby Street and 1109,1219 and 1400 East Hanna Avenue** (east of site), requested rezoning of 1.69 acres, being in the D-4, C-3, and C-7 Districts, to the UQ-1 classification to provide for university uses, **approved**.

## EXHIBITS



Photo: 1 Looking at Hope Academy from the parking lot





*Photo: 2 Looking north towards the BMV*



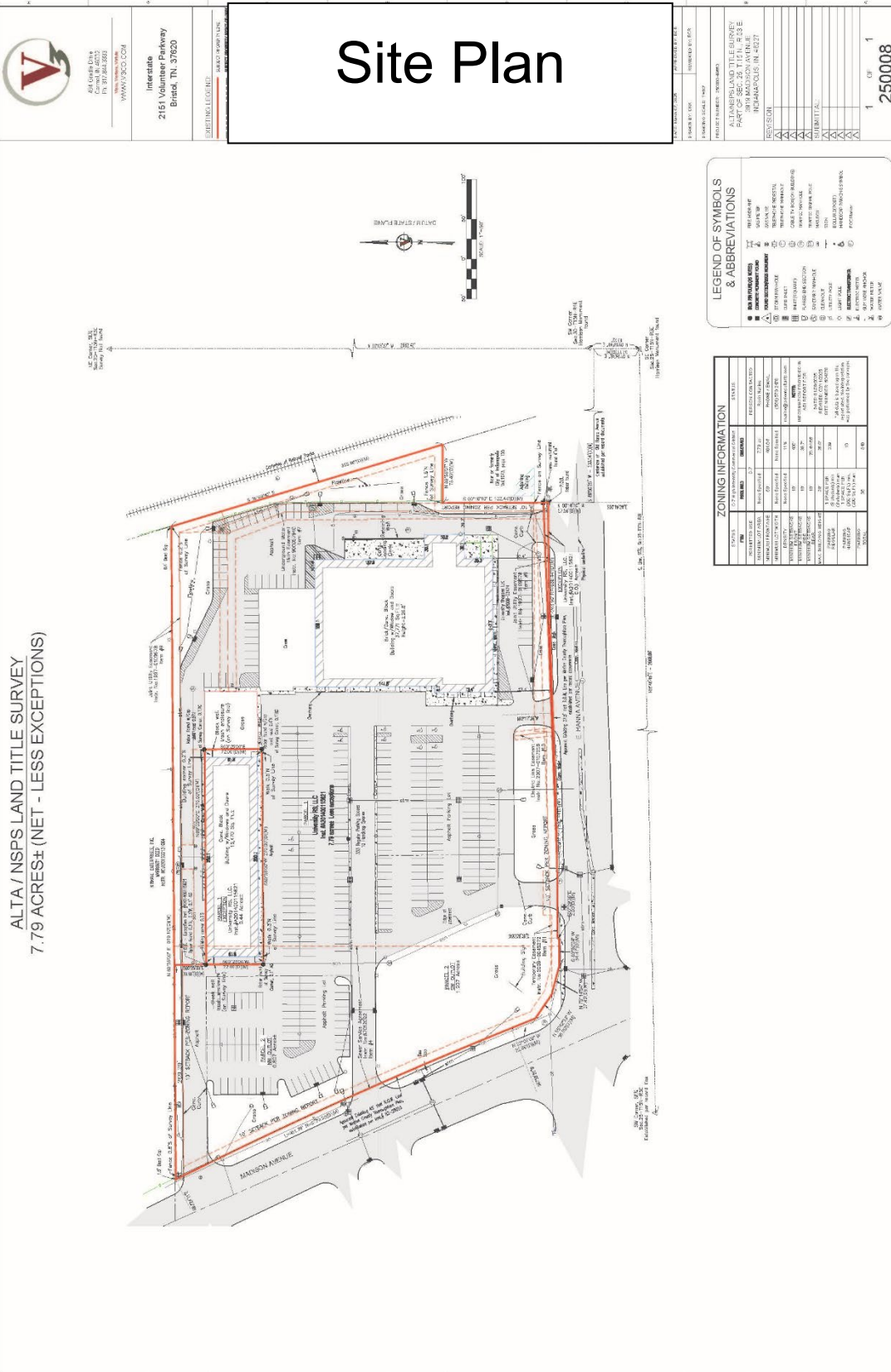


Photo: 3 Looking South across E Hanna Ave





Photo: 4 Looking at the Hope Academy School bus parked on the south side of the building



## **Plan of Operations**

This rezoning request applies to the building known as 3919 Madison Avenue and the associated parking which is addressed 3919 Madison Avenue. It does not apply to the adjacent commercial building with an address of 3915 Madison Avenue since that is on a separate parcel.

The building at 3919 Madison Avenue has two tenants, a BMV office and the Hope Academy charter school. The purpose for the down zoning from C7 to C4 is to legally permit the school.

### **Hope Academy**

The official school day takes place from 9am to 3:20pm. Students may be on site before and after that for counseling or extracurricular activities. Faculty and staff may be on site before or after for preparation, meetings, and the like. In general, the school operates during typical business hours.

Hope Academy provide free transportation for their students by operating two bus loops in Marion County and by contracting with Miller Transportation for students who live outside of the 465 loop.

Faculty and staff may arrive by car or by bus, as there are two adjacent Indy Go routes (29 and 31.) There is also a nearby Red Line stop at Shelby Street near Campus Drive, but that is separated from this parcel by an active freight rail line which can make access difficult. Hope Academy's administration, including its head of school, are located on site. Currently, Hope Academy has 35 students with an average class size of 7 students.

There is ample on-site parking.

### **Indianapolis South BMV Branch**

This BMV office has the following operating hours:

- Tuesdays from 9am to 6:30pm
- Wednesdays/Thursdays/Fridays from 9am-5pm
- Saturdays from 9am to 12:30pm

It is closed on Sundays and Mondays.

Customers and staff may arrive by car or bus as described above for the school.

BMV staff also would lead driving tests as needed from this location.

Behind the building there is dedicated space for loading and waste removal. Deliveries for the school, which is predominantly food, are made during normal business hours.