

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2025

Case Number: 2025-ZON-025
Property Address: 1922 East 38th Street (Approximate Address)
Location: Washington Township, Council District #8
Petitioner: Rula Alkhassib and Rahaf Roman, by Yvonne Humphries
Current Zoning: C-4 (TOD) (W-1) (W-5)
Request: Rezoning of 0.37-acre from the C-4 (TOD) (W-1) (W-5) district to the C-5 (TOD) (W-1) (W-5) district to provide for automobile sales.
Current Land Use: Auto Service Experts
Staff Recommendations: Denial
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff recommendation **denial**

PETITION OVERVIEW

LAND USE

This 0.37-acre site, zoned C-4 (TOD),(W-1) (W-5) and is developed with an existing automobile repair shop. The property is surrounded to the north and west by commercial uses, similarly zoned C-4 (TOD)(W-1) (W-5); a single-family residential use to the south zoned D-5 (TOD) (W-5) , a religious use to the east zoned SU-1 (TOD)(W-1) (W-5).

C-4 is the 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.

The site falls within three overlay districts:

- **Transit Oriented Development (TOD)** Secondary District applies to all parcels within 1,000 feet of a mapped Bus Rapid Transit line, promoting compact, walkable urban development patterns that complement transit investment.
- **Wellfield Protection District One (W-1)** indicates a one-year time-of-travel protection area around a municipal water wellfield.
- **Wellfield Protection District Five (W-5)** indicates a five-year time-of-travel protection area around a municipal water wellfield.

REZONING

The property has a history of zoning violations, including improper dumpster placement. It was previously included in petition 59-Z-117, which sought to rezone the site to a B-4 classification; that petition was ultimately withdrawn. Aerial imagery indicates that the current structure was constructed around 1978.

The petitioner request rezoning of the subject site to C-5 (TOD) (W-1) (W-5) district to allow the for the sale of automobiles.

C-5 is the General Commercial District designed for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed.

STAFF ANALYSIS

The subject site is strategically positioned approximately 700 feet from the 38th & Orchard Station EB (Purple Line) and approximately 1,500 feet (¼ mile) from the 38th & Keystone Station WB (Purple Line). A bus stop is located at the intersection of 38th Street and Caroline Avenue.

Staff finds the rezoning request incompatible with established planning guidance for several reasons:

1. The proposal conflicts with the Comprehensive Plan's **Community Commercial** designation for this area, as describe below in the comprehensive analysis
2. The request contradicts the objectives outlined in the Purple Line Transit-Oriented Development Strategic Plan (2020), as describe below in the comprehensive analysis.
3. The proposed use would undermine TOD design principles that prioritize pedestrian-friendly development while discouraging automobile-oriented uses near transit stations.
4. The request presents several development standards concerns related to parking, outdoor storage, landscaping, and encroachment into required setbacks.

Additionally, Section 742-204. E.2.h expressly prohibits "Mobile vehicle wash, service or repair uses" within any wellfield or flood protection district. The current automobile repair shop appears to be a non-conforming use under this regulation.

Based on the staff analysis of applicable Zoning regulations, planning objectives, and environmental considerations, staff recommends **denial** of the requested rezone.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD) (W-5) (W-1)	
Existing Land Use	Auto Service Experts	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4	Undeveloped
South:	D-5	Single-Family Residential
East:	SU-1	Religious Use
West:	C-4	Restaurant Use
Thoroughfare Plan		
East 38 TH Street	Primary Arterial	88-foot proposed right-of-way
Caroline Avenue	Local Street	48-foot Proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	TOD	
Wellfield Protection Area	W-1 and W-5	
Site Plan	March 3, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	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

- Marion County Land Use Plan Pattern Book (2019)

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

TRANSIT-ORIENTED DEVELOPMENT (TOD)

- **Large-Scale Offices, Retailing, and Personal or Professional Services**
- Outdoor display of merchandise should be limited.
 - **Competitive 3.1: AESTHETICS**
 - Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.
- Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - **Inclusive 1.3: ACCESS TO EDUCATION, JOBS, SERVICES, & COMMUNITY**
 - Promoting housing near transit is just one part of the equation. Transit can only be a successful tool for economic mobility if it connects residents to the education, jobs, services, and community amenities that provide opportunities for success. Additionally, complete communities should have cultural, educational, and other community amenities within close proximity to housing. Education, jobs, services, and community amenities should be accessible to all
 - **Inclusive 2.2 WALKABILITY + TRANSIT ACCESS**
 - 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. Transit helps older adults to access health care and human services more easily (American Planning Association, 2014) and helps teenagers to access education and job opportunities without having to rely on family members for transportation. Additionally, transit access allows people with disabilities to be more independent.
 - **Competitive 1.1 VIBRANT, WALKABLE PLACES**
 - Vibrant walkable places can be created by allowing for more density (so that there are enough residents to support vibrant small businesses and restaurants), by activating buildings at-grade (through transparency, externalized entryways, and public-private space) to create a more interesting and engaging pedestrian experience, by creating pedestrian connections between destinations, and by promoting a range of uses in the same area (so that the area is activated throughout the entire day).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- **Purple Line Transit-Oriented Development STRATEGIC PLAN (2020)**
- **PURPLE LINE SEGMENT 3**
 - The stations at 38th and Keystone and 38th and Meadows were the highest-scoring stations in this segment. The NMTC eligibility, percentage of land in TIF, and residential vacancy rate were the major factors contributing to the higher scores of these stations. Overall, this segment had the lowest scoring station in the analysis at 38th and Arlington.
- **DISCOURAGE CAR-ONLY USES**

- Discourage or otherwise prohibit uses that rely solely on automobile trips, such as gas stations, car washes, storage facilities, motels, low-intensity industrial uses, or any other such use that is not likely to contribute to the pedestrian environment. These facilities should be located outside the primary focus area to the extent possible.
- **CC (Community Center Stations)**
 - Located in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multifamily residential infill development.
 - Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- IndyMoves 2018
 - BRT Priority Complete Street Upgrade
- Pedal Indy Network
- Pedal Indy proposes a safe, well-connected bicycle network that provides access for all Indianapolis residents while stewarding limited public resources. To do this, the plan proposes hundreds of miles of bicycle facilities, balancing higher-cost protected facilities where safety needs are greatest with lower-cost “Neighborways” that offer traffic calming and placemaking enhancements and reach into the heart of neighborhoods.
 - Proposed Multi-Use Path

ZONING HISTORY

59-Z-117; 8020 Mooresville road (subject site) request rezoning of two acres, being in A-2 district, to B-4 classification to provide for construction and operation of a gasoline service station located at the northeast corner of US #31 and County Line Road, **denied**

96-Z-221; 2002 East 38th street (east of site), request a rezoning of 1.26 acres, being in the C-4 District, to the SU-1 classification, **to provide for religious uses. approved**

91-Z-159; 3921 Millersville Road (north of site), request the rezoning of 1.2 acres, being in the D-5 District, to the SU-1 classification to provide for the construction of a new church, **approved**

EXHIBITS



Photo: 1 Area Map of Subject Site

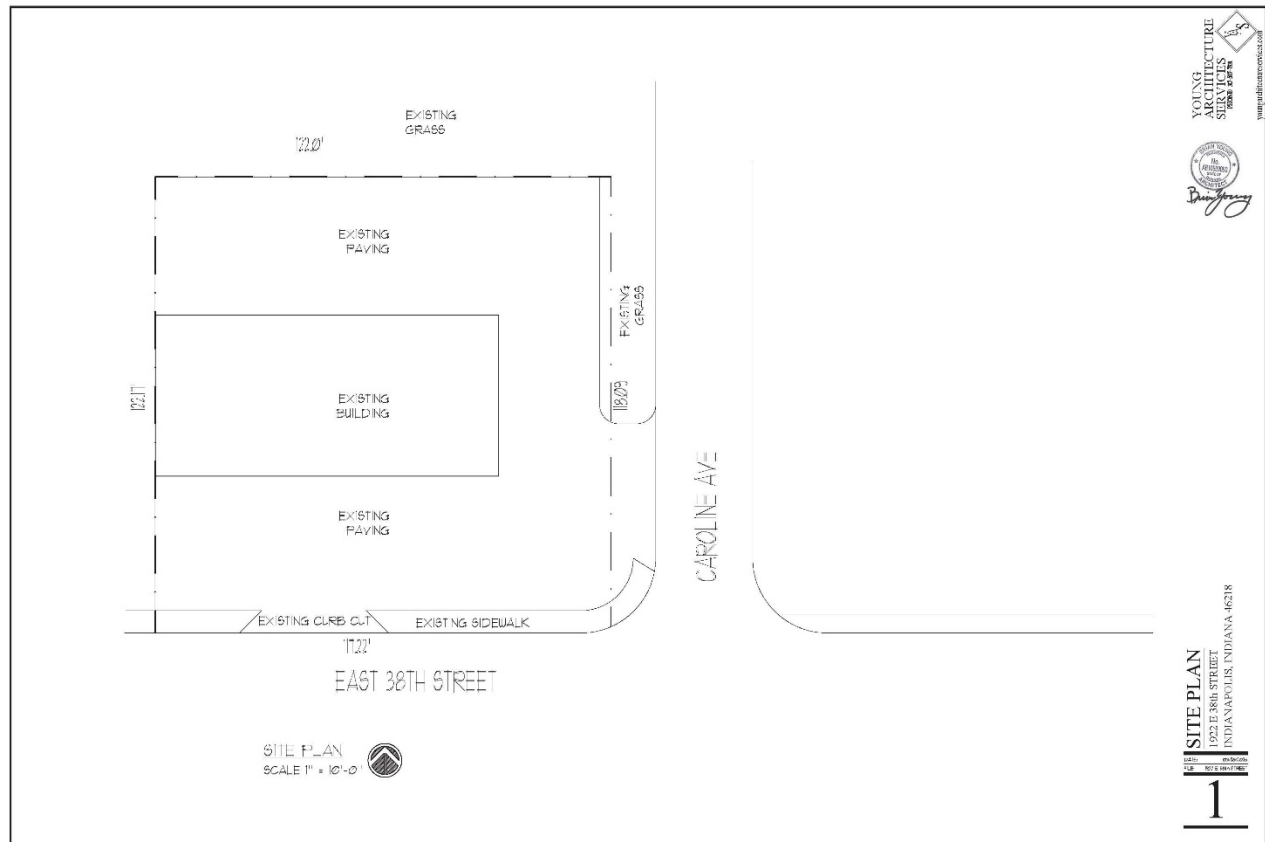


Figure 1 Proposed Site Plan



Photo: 2 Looking east on 38th St.



Photo: 3 Looking North on Carrol Ave



Photo: 4 Looking across 38th street



Photo: 5 Looking at the subject property

Plan of Operation

I purchased this property two years ago and started Express Auto due to the need for the neighborhood to have access to a local auto repair shop. I have since noticed a need for the residence to be able to purchase used and affordable vehicles. I'm requesting to rezone the business from auto repair zoned C4 to auto sales zoned C5. The neighbors have told me it would be wonderful to be able to purchase automobiles right in the neighborhood and that it would be a great convince. I intend to hire and train local neighbors on how to communicate with the public and become experience salesmen. This would be a way to provide excellent service as wells as opportunities for employment to the local community. I intend to hire 4 sales personal. They will be paid hourly as well as commission for sales of cars. They will be professionally trained to service the customers. They will work onsite.

- Number of employees: 4
- Hours of Operation: 9:00 AM to 5:00 PM, Monday through Saturday
- Number of Vehicles for sale: 15 – 22

WORK FORCE

- a. There will be 4 auto salespersons.
- b. They will be paid hourly plus commission on the sales of cars.
- c. The employees will provide their own transportation to work.
- d. There is parking on the premises for them to park vehicles cars.

CLIENTS AND CUSTOMERS

Our typical customers would be local neighbors and residents looking for a reliable used car at a reasonable price. They will visit our car lot to view the vehicles for sale. We have parking for them on our front and side lot.

PROCESSES CONDUCTED ON SITE



**Department of Metropolitan Development
Division of Planning
Current Planning**

We will have advertised vehicles on site mostly outside that are for sale. The cars will display a for sale sign in the window on the dashboard. Our sales representatives will approach the potential buyers to see if they need any help. We do have security cameras and an alarm system.

MATERIALS USED

We have auto repair equipment onsite. We provide repairs for the vehicles we sale. When we purchase new batteries and equipment we have an ongoing relationship with Auto Zone to pick up all equipment that no longer is useable.

SHIPPING AND RECEIVING

The majority of the parts we use for the vehicles are brought locally.

WASTE

As mentioned before Auto Zone takes old batteries and old auto parts that are no longer useable. I keep old oil from oil changes to use in an oil heater that is used as part of my heating system.