



METROPOLITAN DEVELOPMENT COMMISSION

May 6, 2026

Case Number: 2026-ZON-084
Property Address: 4001 South Keystone Avenue
Location: Perry Township, Council District #19
Petitioner: Aman, LLC, by Tyler Ochs
Current Zoning: C-4
Request: Rezoning of 1.075 acres from the C-4 district to the C-S district to provide for all C-3 uses and an automobile fueling station
Current Land Use: Convenience store
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition, with notice, at the request of staff from the December 18, 2025 hearing, to the January 15, 2026 hearing, due to a delay in providing notice documents to the petitioner's representative

The Hearing Examiner acknowledged a timely automatic continuance was filed by a remonstrator that continued this petition from the January 15, 2026 hearing, to the February 12, 2026 hearing. However, due to scheduling conflicts, the Hearing Examiner continued this petition to the March 12, 2026 hearing, at the request of the petitioner's representative and the remonstrator's representative.

This petition was heard by the Hearing Examiner on March 12, 2026. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The Metropolitan Development Commission continued this petition from the April 1, 2026 hearing, to the May 6, 2026 hearing, at the request of the petitioner's representative, without objection from the remonstrator's representative or staff.

STAFF RECOMMENDATION

Denial. If this request would be approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 60-foot half right-of-way shall be dedicated along the frontage of South Keystone Avenue; a 59.5-foot half right-of-way shall be dedicated along the frontage of Hanna Avenue, and a 40-foot half right-of-way shall be dedicated along Carson Avenue as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 1.075-acre site, zoned C-4, is developed with a convenience store and associated parking. It is surrounded by commercial uses to the north, across East Hanna Avenue, zoned C-4; commercial uses to the south, across Carson Avenue, zoned C-3; a single-family dwelling to the east, zoned D-3; and commercial uses to the west, across South Keystone Avenue, zoned C-3.

Petitions 2016-ZON-083 / 2016-VAR-003 rezoned the site from the C-3 district to the C-4 classification and a variance of development standards to allow for a liquor store with reduced separation from a protected district. These petitions were approved.

Petition 2022-MOD-010 requested modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses. This petition was denied.

Petition 2024-MOD-011 requested a modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” from the list of prohibited uses. This petition was denied.

REZONING

The request would rezone the site to the C-S district to provide for C-3 uses and an automobile fueling station. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends village mixed-use typology for the site.

Recommended land uses in this typology include detached / attached / small- and large- scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens. As proposed, this rezoning request would not be consistent with the Plan recommendation of village mixed-use.

C-S Statement – July 10, 2025

The C-S Statement provides for all C-3 uses and an automobile fueling station.

The site plan depicts the location of the convenience store, with access drives along East Hanna Avenue and South Keystone Avenue. There is a third access drive that connects this site to the adjacent commercial property to the south.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

The Special Commercial district (C-S) is established for the following purposes:

- 1.To encourage a more creative approach in land planning, superior site and structural design and development and an efficient and desirable use of open space.
- 2.To provide for a use of land with high functional value.
- 3.To assure compatibility of land uses, both within the C-S district and with adjacent areas.
- 4.To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
- 5.To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

Staff believes that development of this site with a gasoline station does not align with any of the above purposes that the Ordinance outlines for the C-S district. The site is already zoned C-4, which permits 59 primary land use categories and 26 accessory uses. Furthermore, many of those land use categories identify additional specific uses within that category. In staff's opinion this site has many permitted uses that would serve the surrounding neighborhood and support the Plan recommendation of village mixed-use.

Mixed-Use Typologies have a balance of places where people live and places where people work. Generally, only **uses that are compatible with residential uses are recommended in these typologies**. More intense uses, such as hospitals or universities in the 'Institution-Oriented Mixed-Use' have conditions attached to them that mitigate their impact on nearby residential neighborhoods."

As proposed this rezoning would not be consistent with the Comprehensive Plan recommendation of village mixed-use.

Staff recommended denial of the 2016 rezoning request because the Plan recommendation at that time specifically recommended the C-3 district / community commercial. Additionally, staff was concerned with the impact on the adjacent neighborhood of the C-4 district permitted uses, including the liquor store and the potential fueling station / convenience store.

Staff recommended denial of the 2022 modification of the Commitments related to the 2016-ZON-083 to modify Commitment #2 to remove "Automobile Fueling Station" and "Automobile and Light Vehicle Wash" from the list of prohibited uses.

Staff recommended denial of the 2024 modification of the Commitments related to the 2016-ZON-083 to modify Commitment #2 to remove "Automobile Fueling Station" from the list of prohibited uses.



The current plan recommendation of village mixed-use would be consistent with the C-3 District and provide for more small-scale and pedestrian-friendly uses and activities. The introduction of an automobile fueling station would not be appropriate for this site and would negatively impact the residential uses.

After the denial of the 2022 modification to permit an automobile fueling station, a 2800 square-foot convenience store and an automobile and light vehicle wash, the petitioner constructed the 2800 square-foot convenience store. When staff visited the site, the convenience store was operational with an active customer business.

Staff believes that the convenience store is an improvement to the site that had fallen in disrepair and neglect and supports the Plan recommendation of village mixed-use. However, allowing further development of the site for an automobile fueling station would increase the commercial intensity and encroachment that would be detrimental to the surrounding land uses by introducing increased traffic, noise, lighting and trash into this area.

There have been no changes in the surrounding land uses since the 2022 denial of a similar request that would cause staff to support the rezoning to provide for an automobile fueling station. In other words, an automobile fueling station at this location would negatively impact surrounding land uses, particularly the residential uses to the east.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Convenience store	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North: C-4	Commercial uses
	South: C-3	Commercial uses
	East: D-3	Single-family dwelling
	West: C-3	Commercial uses
Thoroughfare Plan		
South Keystone Avenue	Primary Arterial	Existing 90-foot right-of-way and proposed 120-foot right-of-way.
Hanna Avenue	Primary Arterial	Existing 84-foot right-of-way and proposed 119-foot right-of-way.
Carson Avenue	Secondary Arterial	Existing 60-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	

Overlay	No
Wellfield Protection Area	No
Site Plan	October 10, 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	July 10, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Small-Scale Offices, Retailing, and Personal or Professional Services (defined as “commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.”)

- Mixed-use structures are preferred.
- **Automotive uses (such as gas stations and auto repair)** and uses with drive-through lanes are excluded.
- **Should not include outdoor display of merchandise**

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

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)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).



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Current Planning**

- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

2024-MOD-011; 4001 South Keystone Avenue, requested modification of the commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” from the list of prohibited uses, **denied**.

2022-MOD-010; 4001 South Keystone Avenue, requested modification of the commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses, **denied**.

2016-ZON-083 / 2016-VAR-003; 4001 South Keystone Avenue, requested rezoning of 1.075 acres from the C-3 district to the C-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a liquor store, within 70 feet of a protected district, **approved and granted**.

VICINITY

2006-ZON-138; 2616 East Hanna Avenue (north of site), requested rezoning of 1.82 acres, from the D-4 District, to the C-1 classification to provide for the expansion of a nursing home, **approved**.

99-UV1-126; 4031-4051 Carson Avenue (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor sales of produce, flowers, plants and other seasonal good, **granted**.

98-UV2-92, 2602 East Hanna Avenue (north of site); requested variance of use of the Dwelling Districts Zoning Ordinance, to provide for mini-warehouses, **granted**.

95-Z-83/95-Z-84, 2401 National Avenue (north of subject site); requested a rezoning of 9.02 acres, being in the D-7 Dwelling District, to the C-S Commercial Special classification, to provide for a catering hall, offices and warehousing, **approved**.

87-UV1-111, 3950 South Keystone Avenue (north of site); requested a variance of use of the Commercial and Dwelling Districts Zoning Ordinances to provide for a car wash, **granted**.

83-Z-215, 3647 South Keystone Avenue (north of site); requested a rezoning of 0.77 acre, being in the D-4 Dwelling District, to the C-1 classification, to provide for office uses, **approved**.

74-Z-196, 2540 East Hanna Avenue (west of site); requested a rezoning of 5.18 acres, being in the C-3 Commercial District, to the C-4 classification, to provide for a supermarket and retail commercial uses, **approved**.

70-Z-232, 2600 East Hanna Avenue (north of site); requested a rezoning of 17.4 acres, being in the D-4 District, to the D-7 classification, to provide for apartments, **approved**.

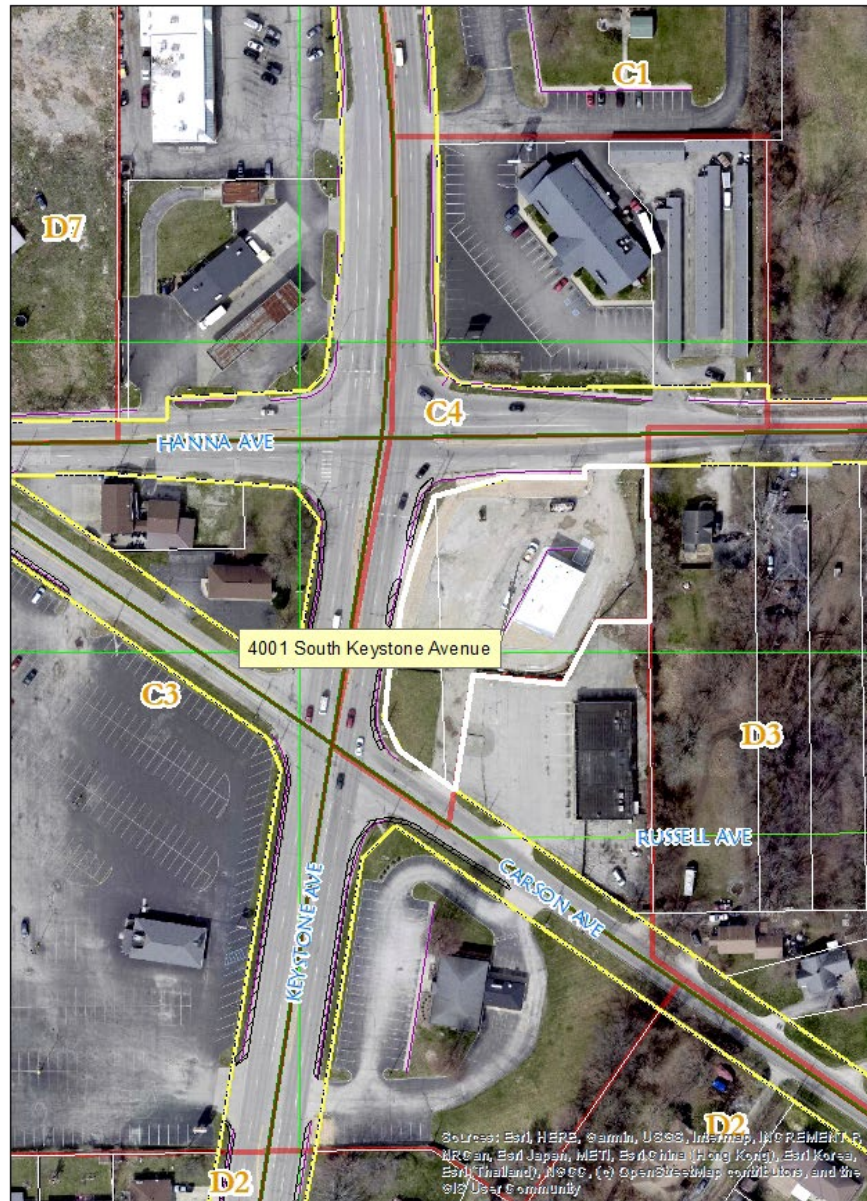


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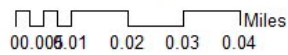
70-Z-23, 2400 East Hanna Avenue (west of site); requested a rezoning of 7.25 acres, being in the D-4 District, to the C-3 classification, to provide for office and retail uses, **approved.**

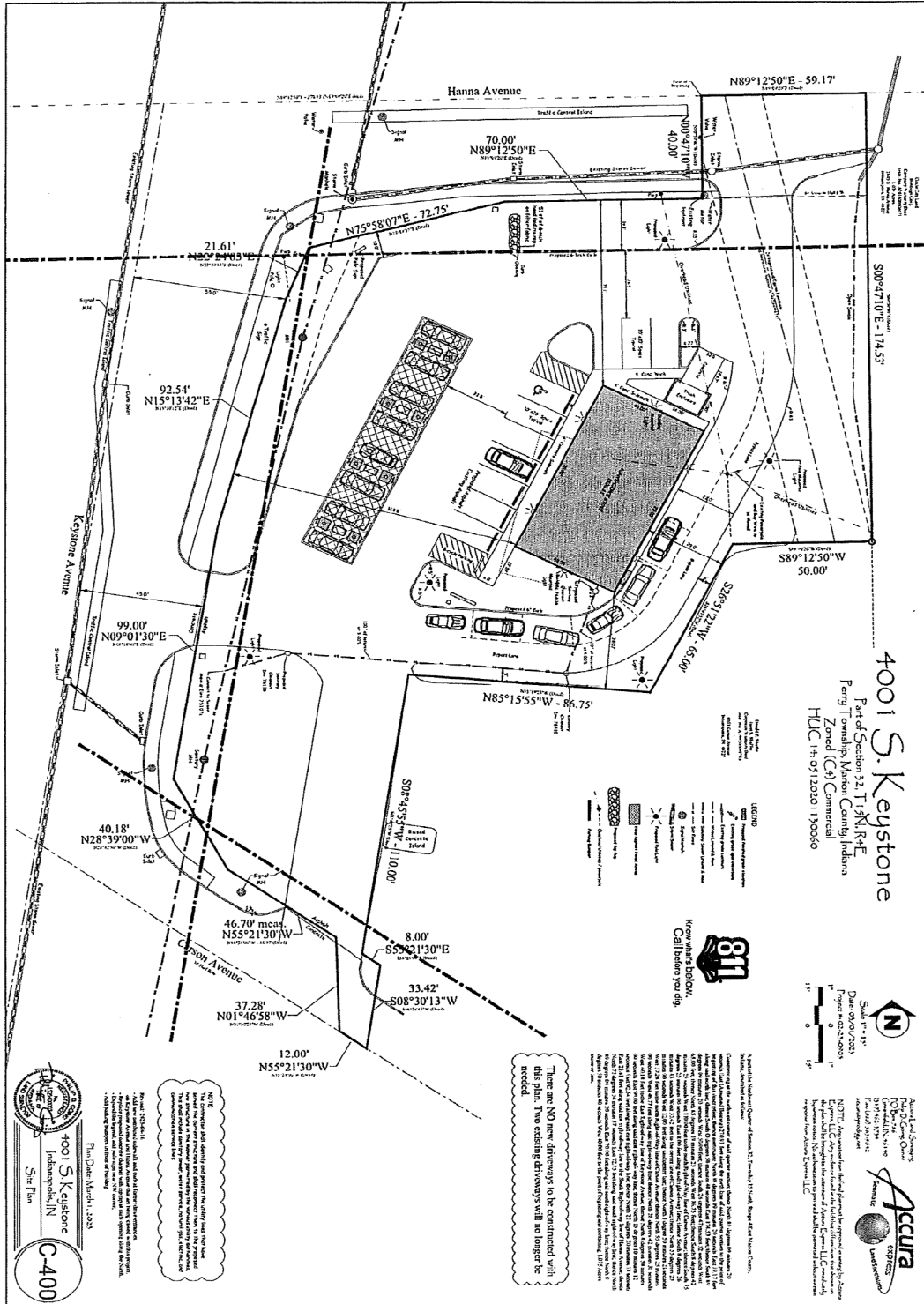
69-Z-246, 3838 South Keystone Avenue (north of site); requested a rezoning of 1.97 acres, being in the D-4 Dwelling District, to the C-3 classification, to provide for retail uses, **approved.**

EXHIBITS



4001 South Keystone Avenue





C-S STATEMENT

4001 S. Keystone Avenue (“Site”)

The Site is a corner lot fronting Keystone Avenue and Hanna Avenue, two extremely high traffic roads in Indianapolis. The Site, which remained vacant for roughly four years and was bound by commitments, currently is used for a newly constructed convenience store. The owner has significantly cleaned up the Site, removed unnecessary ingress/egress access points, and has constructed a new, state of the art, convenience store. This rezone will allow for the convenience store, an asset to the community, to continue operation by adding automobile fueling stations to the Site.

1. Uses: The following uses shall be permitted uses on the Site:
 - a. All C-3 Permitted Uses as described in the Marion County Zoning Ordinance
 - b. Automobile Fueling Station

2. Improvements
 - a. Convenience Store (already constructed)
 - b. Automobile Fueling Pumps

3. Site Plan: A site plan depicting layout has been filed with the Department of Metropolitan Development. The Convenience Store on the Site has already been constructed and is operating.

MEMORANDUM OF EXAMINER'S DECISION

2026-ZON-084

4001 South Keystone Avenue

The petition requests the rezoning of 1.08 acres from the C-4 district to the C-S district to provide for all C-3 uses and an automobile fueling station.

Your Hearing Examiner visited the site prior to the hearing and noted its current use as a convenience store. Retail uses are on the other three corners of this intersection, and a residence is east of it.

The petitioner's representative described the recent zoning history of the site, beginning with a petition in 2016 which rezoned the site from C-3 to C-4 to allow the relocation of a liquor store and included a commitment to prohibit an automobile fueling station. A modification of commitments was filed in 2022 and again in 2024 to remove automobile fueling from the list of prohibited uses, and both petitions were denied. A convenience store was constructed on the site within the last two years, and the petitioner would like to allow an automobile fueling station on the site. The petitioner's representative opined that this is a busy intersection and the addition of an automobile fueling station would not increase traffic or the footprint of the building. The irregular shape of the site was also noted.

The remonstrator's representative explained that the remonstrator owned a nearby automobile fueling station and convenience store. The representative said that there are 5 automobile fueling stations less than a mile from this site, and no more are needed. A letter of opposition from Marion County Alliance of Neighborhood Associations was presented, with chief concerns expressed that the commitment was negotiated in good faith and a modification was denied twice, the intensification of the site is incompatible with surrounding uses, and the request is contrary to the Comp Plan. A petition of opposition was presented, although very few signees included addresses on it.

Staff stated that the request was an inappropriate use of the C-S district, because it is neither special nor creative. Staff also said that an automobile fueling station does not conform with the Comp Plan recommendation of Village Mixed Use, and said that it had consistently opposed an automobile fueling station on this site.

As your Hearing Examiner has previously opined during the hearings for the modification of commitments in 2022 and 2024, a public hearing is not the forum for a business to keep a competitor out of the area, nor is the number of existing automobile fueling stations within close proximity a reason for denial. It is your Hearing Examiner's opinion, however, there have been no significant land use changes in the area during the last ten years that warrant allowing an automobile fueling station on this site. The request does not meet the spirit and intent of the C-S district, and would allow a use that does not conform with the Comp Plan. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on April 1, 2026



View looking north along north Keystone Avenue



View looking north along South Keystone Avenue



View looking east along Hanna Avenue



View looking northeast across intersection of Hanna Avenue and South Keystone Avenue



View of site looking northeast across intersection of Carson Avenue and South Keystone Avenue



View of site looking south across Hanna Avenue



View of site looking south across Hanna Avenue