



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 15, 2026

Case Number: 2025-ZON-098 (Amended)
Property Address: 6157 East 38th Street (Approximate Address)
Location: Warren Township, Council District #9
Petitioner: Thomas L. Pottschmidt
Current Zoning: C-5 (TOD)
Request: Rezoning of 5.16 acres from the C-5 (TOD) district to the I-3 (TOD) district for medium industrial uses.
Current Land Use: Auto Repair Shop
Staff Recommendations: Denial with commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 15, 2026 HEARING EXAMINER

This petition was continued for cause from the November 13, 2025 hearing to the January 15, 2026 hearing at the request of the petitioner.

Amendment: The request was amended to include an additional parcel for a total 5.16 acres where the initial request included 1.8 acres.

A conceptual site plan was submitted on December 12, 2025 to represent the potential layout of the site. Additionally, the petitioner noted that the intended use of the existing building on the western parcel, 7026581, would be for an ice manufacturing plant and the undeveloped parcel, 7007810, would have a proposed warehouse. The lease of the existing auto repair shop would be terminated.

The proposed warehouse use would be permitted in the I-1 district and the ice manufacturing plant, classified under the Processing and Packaging of Food and Beverages use, would require a special exception in the I-1 district, which staff determined would be supportable. Unfortunately, the petitioner did not confirm if they would consider the I-1 district that would align with the Light Industrial recommendation of the Comprehensive Plan.

Unfortunately, staff's **denial recommendation** has not changed with the addition of the adjacent parcel.

November 13, 2025

This petition was automatically continued from the October 9, 2025 hearing to the November 13, 2025 hearing at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

A 59.5-foot half right-of-way shall be dedicated along the frontage Thompson Road 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).

PETITION OVERVIEW

LAND USE

The 1.8-acre subject site is developed with a large commercial building used for an auto repair shop. It is bordered to the west by a laundromat, zoned C-5, to the east by an undeveloped lot, zoned C-5, and a railroad to the south, zoned C-5. There is a restaurant, zoned C-4, and a grocery store, zoned C-S, to the north of the site across 38th Street.

REZONING

The grant of the request would rezone the property from the C-5 district to the I-3 district to permit for medium industrial uses.

The C-5 District is designed to provide areas 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. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etcetera. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to Protected Districts.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts Protected Districts, setbacks are large and enclosure of activities and storage is required.

TRANSIT ORIENTED DEVELOPMENT SECONDARY DISTRICT

The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These

development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 44-foot half right-of-way along 38th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The site is currently utilized as an auto repair shop within the existing building with associated outdoor storage of vehicles. To staff's understanding, the auto repair business will not be relocated from the site.

In Staff's opinion, the request to increase the zoning district from commercial to industrial would not be necessary since the subject parcel is used to capacity without vacant space in the existing building to allow an additional tenant. Instead, new development on site would only be possible with the removal of the wooded area south of the building. If this were proposed, staff is concerned with the clearing of the site in the event heritage trees are present that would need to be preserved.

The petitioner's representative indicated that they had intended to include the undeveloped parcel to the east with the rezoning request but failed to amend the filing. Therefore, staff's review is solely based on the parcel that was requested in the application form.

As proposed, the I-3 district would allow for medium industrial uses that would not align with the Comprehensive Plan recommendation of Light Industrial development. Instead, it would draw in more intense uses that could generate pedestrian and cyclist conflicts.

Lastly, the existing C-5 (TOD) district aligns more with the Comprehensive Plan recommendation and could remain without issue.

For these reasons, staff is recommending denial of the request since it was determined that the industrial rezoning of this site would be inappropriate along the Blue Line Transit Oriented Development corridor

by not meeting the intent of the Transit Oriented Development Secondary District to promote walkability and neighborhood serving businesses.

GENERAL INFORMATION

Existing Zoning	C-5 (TOD)	
Existing Land Use	Auto Repair Shop	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4 / C-S	Restaurant / Grocery Store
South:	C-5	Railroad
East:	C-5	Undeveloped
West:	C-5	Laundromat
Thoroughfare Plan		
38 th Street	Primary Arterial Street	88-foot proposed right-of-way and 77-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	December 12, 2025	
Site Plan (Amended)	N/A	
Elevations	November 9, 2025	
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)
- Purple Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Light Industrial development of the site.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Heavy Commercial Uses**
 - Removed as a recommended land use where they would be adjacent to a living typology.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- When the Light Industrial typology is located within the Transit-Oriented Development (TOD) overlay, there are specific uses to be modified or removed. The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- The modified or removed uses are as follow:
 - **Modified Uses**
 - Small Scale Offices, Retailing, and Personal or Professional Services - 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.)
 - Light Industrial Uses - 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.) Only small-scale light industrial uses are appropriate in this overlay.
 - **Removed Uses**
 - Heavy Commercial Uses
 - Wind or Solar Farms

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located within a ¼ mile west of the site at the 38th Street and Arlington Avenue intersection. It is classified as a community center typology that has the following characteristics:
 - A dense mixed-use neighborhood center
 - Minimum of 2 stories at core
 - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
 - Multi-family housing with a minimum of 3 units
 - Structured parking at the core and attractive surface parking at the periphery

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)

- Indy Moves Transportation Integration Plan (2018) recommends an off-street walk/bike multi-use path along 38th Street. From Sutherland Avenue to Post Road.

ZONING HISTORY

Zoning History – Site

55-A-32; East of Arlington Avenue on the south side of 38th Street (subject site), Rezoning of a tract of land containing approximately 8.97 acres, being in an R-3 (Residential) district, to a B-6 (7) classification to provide for the construction and operation of a drive-in restaurant, **approved**.

Zoning History – Vicinity

2021-CZN-857 / 2021-CVR-857; 6205, 6215 and 6225 East 38th Street (east of site), Rezoning of 7.27 acres from the C-5 district to the I-1 district to provide for a commercial contractor and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial contractor with outside storage of materials and equipment in excess of 25% of the square-footage of the buildings (maximum 25% of all buildings permitted).

2020-CZN-840 / 2020-CVR-840; 6190 East 38th Street and 3850 North Sheridan Avenue (north of site), Rezoning of 6.6 acres from the SU-1 and C-4 districts to the C-S district to provide for a medical device manufacturing facility, including warehousing, wholesaling and distribution as an accessory use; all C-1 uses; vocational, technical or industrial school or training facility; hospital; animal care and veterinary services; farmers' market; artisan food and beverage; business, home and personal services or repair (not including a tattoo parlor); eating establishment or food preparation; indoor recreation and entertainment; department store; grocery store; light and heavy general retail; transit center; recycling station; all accessory uses permitted by the C-4 district; and with all proposed signs meeting C-4 standards. Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building height of 65 feet and to eliminate the maximum setback requirement (38-foot height permitted and maximum 65-foot setback permitted), **approved and granted**.

93-Z-74; 3745 North Arlington Avenue (west of site), Rezoning of 7.29 acres, being in the C-5, D-4 and D-A Districts, to the I-2-S classification to provide for the construction of a second building for industrial purposes, **approved**.

62-Z-143; South of 38th Street approximately 300 feet east of Arlington Avenue (west of site), Rezoning of 5.08 acres, being in B-3 district, to B-5 classification to permit automobile sales and service, **approved**.

61-Z-80; Northeast corner of Arlington Avenue and East 38th Street (north of site), Rezoning of 18.45 acres to U3-H1-A2 classification to permit a retail store, **approved**.

57-A-24; South and west site of Arlington Avenue and 30th Street (west of site), Rezoning of a parcel of land containing approximately 3.5 acres, being in R-4 and R-3 areas to B-3 classification to provide for the construction and development of a community shopping center consisting of personal service shops, retail sales and auditorium, **approved**.



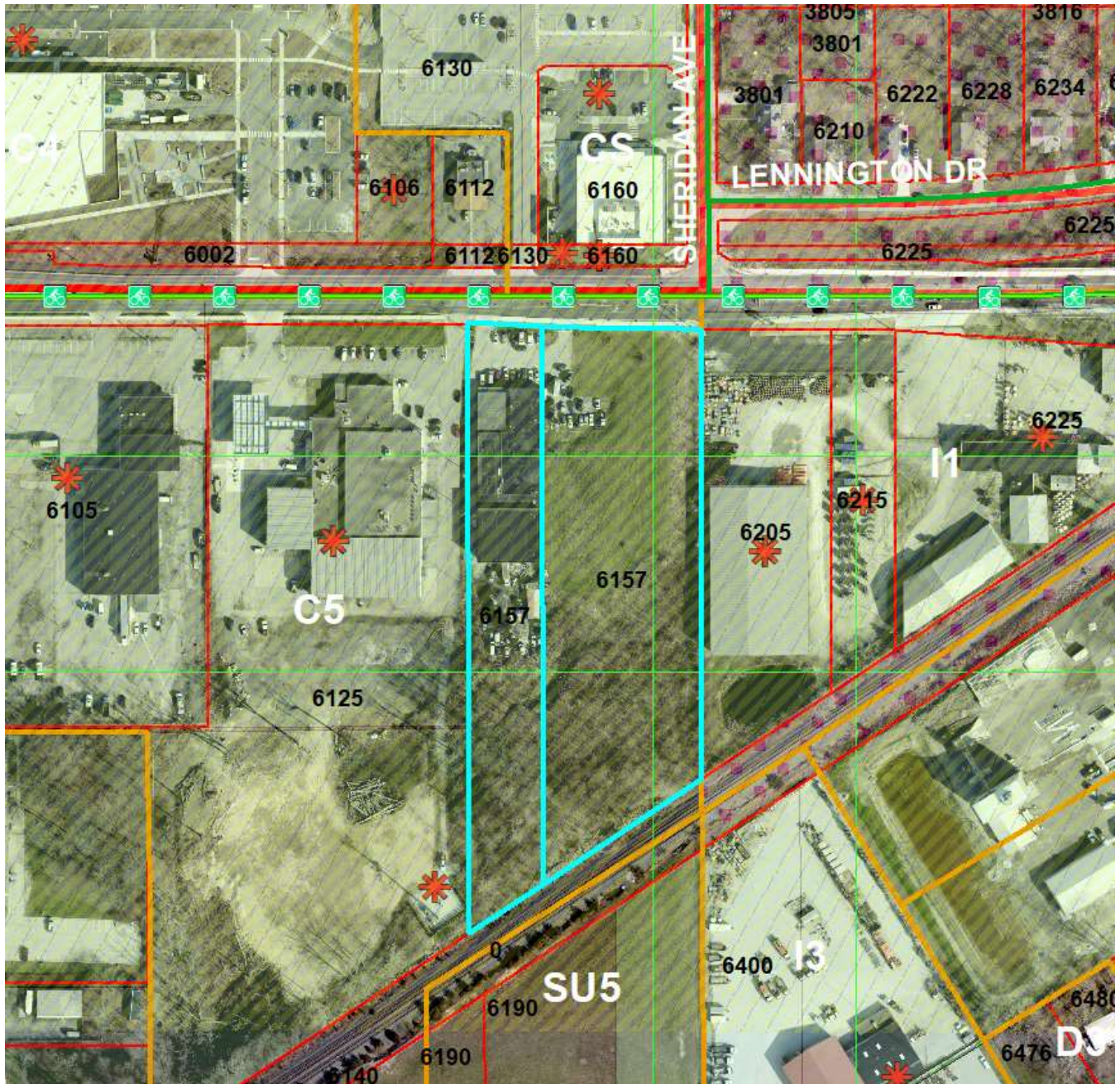
**Department of Metropolitan Development
Division of Planning
Current Planning**

55-A-120; Northeast corner of State Roads 52 and 100 (east of site), Rezoning of a tract of land containing approximately 23 acres, being in an A-2 (Agricultural) district to a B-3 classification to provide for the construction of a shopping center consisting of five principal buildings for retail sales, inside service restaurant, personal service shops and auditorium, **approved.**

55-A-221; South of 38th Street and east side of Arlington Avenue (west of site), Rezoning of a parcel of land containing 1.209 acres, being in an A-2 (Agricultural) district to an A-1 classification to provide for the construction of commercial green houses, **approved.**

55-A-222; South of 38th Street and east side of Arlington Avenue (west of site), Rezoning of a parcel of land containing 0.45 of an acre, being in an A-2 (Agricultural) district to a B-1 classification to permit the operation of a retail fruit store in existing residence, **approved.**

EXHIBITS



AERIAL MAP

[illegible]

ELEVATION





Photo of 6157 East 38th Street looking south across 38th Street.



Photo of the subject site's western building façade looking north.



Photo of the rear yard of the subject site.



Photo of the undeveloped rear portion of the site looking south.



Photo of the adjacent undeveloped property east of the site.



Photo of the laundromat west of the site.



Photo of a restaurant north of the site.



Photo of a grocery store northeast of the site.