

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-MOD-008
Property Address: 7436 Rockville Road (Approximate Address)
Location: Wayne Township, Council District #16
Petitioner: Jeffrey Shelton
Current Zoning: C-3
Request: Modification of the Commitments for 2006-ZON-146, to terminate a portion of Commitment #9, which prohibits the use of tobacco stores (previous commitment removed tobacco stores as a permitted use).
Current Land Use: Commercial
Staff Recommendations: No Recommendation
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first time hearing this petition.

STAFF RECOMMENDATION

Staff is recommending **no recommendation** for this request.

PETITION OVERVIEW

LAND USE

This 0.95-acres subject site, zoned C-3, is a developed commercial lot that currently contains grocery, liquor store, and a proposed Happy Daze shop that sells tobacco and associated products. It is surrounded to north and west, zoned D-7, multi-family residential, the east, zoned C-3, restaurant, to the south, zoned C-1 and D-5, commercial use and residential use.

MODIFICATION

This request would modify commitments associated with petition **2006-ZON-146** that prohibits a tobacco store. Commitment #9 limited the number of permitted uses otherwise allowed in the C-3 district. Those uses are automobile oil change or lubrication shops; gasoline service station or truck stop; tattoo parlor; pawn shop; tobacco store; temporary seasonal retail sales uses shall not include fireworks sales.

STAFF ANALYSIS

Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial Use	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-7	Multi-family dwellings
South:	C-1	Rockville Road
East:	C-3	Restaurant
West:	D-7	Multi-family dwelling
Thoroughfare Plan		
Rockville Road	Primary Arterial	Enter ROW Requirement vs
Rockleigh Avenue	Local Street	Proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Airspace Secondary Zoning District	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 17, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan (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.”
- **Small-Scale Offices, Retailing, and Personal or Professional**
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - 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.

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

ZONING HISTORY

2006-ZON-146; 7436 Rockville Road (subject site), Rezoning of 1.18 acres, being in the C-S district to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2000-DV3-020; 7440 Rockville Road (subject site), variance of development standards to provide for a 14 by 48-foot outdoor advertising sign (billboard) located zero feet from a protected district, and within 450 feet of an existing billboard, **denied**.

72-Z-34; 7450 Rockville Road (subject site), rezoning of 1.118 acres from D-7 to C-S to provide for a food market, **granted**.

62-Z-187; 7210 Rockville Road (subject site), rezoning of 17.50 acres, being in the A-2 district to the B-2 classification to permit a shopping center.

62-Z-186; 7210 Rockville Road (subject site), rezoning of 15.337 acres, being in the A-2 district to the R-6 classification to permit Apartment buildings.

Vicinity

2019-ZON-104; 7503 Rockville Road (south of site), Rezoning of 0.182 acre from the D-5 district to the C-1 district, **approved**

2001-UV3-012; 7503 Rockville Road (south of site), request a variance of use of the Dwelling Districts Zoning Ordinance to provide for an insurance agency, within an existing dwelling, **granted**.

98-2-282; 7441 Rockville Road (east of site), requested a rezoning of 0.25 acre from the D-5 District to the C-1 classification to provide for a professional office, **approved**.

98-2-107; 7435 Rockville Road (west of site), requested rezoning of 1.498 acres, being in the D-5 district to the C-S classification to provide for the construction of self-storage facilities, **approved**.

96-2-57; 7515 Rockville Road (west of site), requested rezoning of 1.486 acres, being in the D-5 District, to the C-4 classification to provide for commercial uses including a fast food restaurant with a drive-through, **approved**.

92-2-13; 7445 Rockville Road (east of site), requested rezoning of 3.26 acres, being in the I-3-S District, to the C-1 classification to provide for commercial development, **approved**.

88-2-167; 7501 Rockville Road, (east of site), requested rezoning of 5.36 acres from the D-5 District to the C-S classification to provide for mini-warehouse development, **approved**.

80-2-35; 202 South Girls School Road (east of site), requested rezoning of three acres, being in the C-4 District, to the SI-27 classification to provide for a library, **approved**.



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

75-2-467; 96 South Girls School Road (east of site), requested rezoning of 0.80 acre, being in the D-5 District to the C-4 classification to provide for commercial development, **approved**.

67-Z-154; 7430 Rockville Road (east of site), requested rezoning of 7.588 acres, being in the A-2 and D-7 District, to the D-7 classification to provide for the construction of multi-family dwellings, **approved**.

67-Z-155; 7402 Rockville Road (east of site), requested rezoning of 8.08 acres, being in the A-2 District, to the B-3 classification to provide for the construction of a small shopping center.

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Plan of Operation for 7436 Rockville Road, Indianapolis, IN 46214

1. Workforce

- Workforce of 4 people
- Workers work on-site
- The hours of operation are between 10:00 a.m. and 11:00 p.m. Sunday through Saturday
- Workers typically drive their own vehicles and park in the parking lot
- The building is protected by an ADT alarm system and a DVR camera system with remote access

2. Clients & Customers

- Customers are middle aged to elderly and typically working class or retired
- Customers come to the business and the average number of customers is approximately 50 per day
- Many customers walk or use wheelchairs, the majority drive and park in the provide parking lot

3. Processes Conducted on Site

- The onsite activity is retail sales all conducted inside the building
- There are no outdoor activities conducted on the site
- Customers are monitored by the DVR system while on site for their protection

4. Materials Used

- The materials used are normal items you would find in a smoke shop including cigars, E-cigarette devices, candles, and incense
- There only hazardous materials stored on site are butane and lighter fluid used for refilling lighters
- All hazardous materials are stored in cool, dry where they are not exposed to direct sunlight or heat

5. Shipping & Receiving

- Items are shipped and received using standard delivery services including USPS, UPS, and FedEx All deliveries are made using box trucks
- The average number of deliveries is approximately 3 per week with usual hours being between 10:00 a.m. to 4:00 p.m.

6. Waste

- Waste is mostly cardboard and plastic
- Waste is disposed of onsite dumpsters
- Waste that can be recycled is taken to an offsite facility to be processed



Figure 1 looking at Rockleigh Avenue from subject property



Figure 2 Looking at entrance Rockville Road from subject property



Figure 3 Looking west on Rockville Road from Subject property



Figure 4 Looking at the intersection between Rockville Road and RockLeigh Avenue.



Figure 5 Looking the tenant building Sign