METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER — November 12, 2026

Case Number:	2026-ZON-075
Property Address:	5820 South Emerson Avenue
Location:	Perry Township, Council District #24
Petitioner:	RCP Development, LLC, by Joseph D. Calderon
Current Zoning:	C-3
Request:	Rezoning of 2.15 Acres from the C-3 district to the C-4 district to provide for commercial uses.
Current Land Use:	Undeveloped
Staff Recommendations:	Denial
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the September 10, 2026 hearing, to the October 15, 2026 hearing, at the request of the petitioner's representative to provide additional time to meet with the neighbors.

The petitioner's representative submitted a preliminary landscape plan on October 7, 2026, that is included in the staff report, along with proposed commitments negotiated with the neighborhood organization. Staff continues to recommend denial for the reasons stated in this report.

The Hearing Examiner continued this petition from the October 15, 2026 hearing, to the November 12, 2026 hearing, at the request of the neighborhood organization.

STAFF RECOMMENDATION

Staff recommends denial. If approved, staff would request that approval of the rezoning be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

> 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 / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 2.15-acre site, zoned C-3, is undeveloped and surrounded by undeveloped land to the north, zoned C-3; commercial uses to the south, across East Edgewood Avenue, zoned C-3; commercial office uses to the east, across South Emerson Avenue, zoned C-S; and undeveloped land to the west, zoned D-5II. Petition 2006-ZON-133 rezoned this site to the C-3 district.

Staff would note that this request is limited to the southwest corner of a larger parcel (14.15 acres) and would require the filing and approval of a plat that would separate this site from the larger parcel.

REZONING

The request would rezone the site from the C-3 District to the C-4 classification to provide for a gasoline service station / convenience store. "The Community-Regional C-4 District "is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities."

The Comprehensive Plan recommends community commercial typology and commercial office typology for the site.

Recommended land uses in community commercial typology include small- and large- 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; and small-scale parks.

Recommended land uses in the office commercial typology include large-scale offices, small-scale offices, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

Site Plan / Building Elevations – July 24, 2026

A proposed site plan and elevations were submitted with the rezoning request, but the staff recommendation is only applicable to the rezoning request.

Staff would, however, note that sidewalks would be required along South Emerson Avenue and East Edgewood Avenue, along with required landscaping and Green Factor.

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 receptables for proper disposal of trash and other waste.

Planning Analysis

As proposed the request would not align with the Comprehensive Plan recommendations of office commercial or community commercial typologies.

The request would be an unacceptable increase in commercial intensity that would have a detrimental impact on surrounding land uses to the west recently rezoned for residential uses, office uses to the east and a pharmacy to the south. Allowing a large-scale intense regional commercial use at this location would erode the integrity of the Comprehensive Plan, dilute its effectiveness and weaken protection of the existing residential uses and less intense commercial uses in this area.

Additionally, community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses. The proposed C-4 rezoning would remove the buffer that would be provided by the recommended office commercial typology to the west and north and the existing C-3 district that would negatively impact the potential residential uses to the west.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial / Office Commercial	
Surrounding Context	**Zoning**	**Land Use**
North:	C-3	Undeveloped
South:	C-3	Commercial uses
East:	C-S	Commercial office uses
West:	D-5II	Undeveloped
Thoroughfare Plan		
South Emerson Avenue	Primary Arterial	Existing 140-foot right-of-way and proposed 86-foot right-of-way.
East Edgewood Avenue	Primary Arterial	Existing 140-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	July 24, 2026	
Site Plan (Amended)	N/A	
Elevations	July 24, 2026	
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

The Comprehensive Plan recommends Community Commercial and Office Commercial typologies.

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.

The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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.

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 – Community Commercial 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.

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- 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.

- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Conditions for All Land Use Types – Office Commercial 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.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development

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-134; 5820 South Emerson Avenue (west of site), rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved.**

2006-ZON-133; 5820 South Emerson Avenue; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved.**

VICINITY

2024-ZON-131; 5820 South Emerson Avenue (west of site), requested rezoning of 21.23 acres from the C-1, C-3, and D-A districts to the D-5II district to provide for townhome and duplex development, **approved.**

2022-CZN-872 / 2022-CVR-872; 4822 East Edgewood Avenue and 5820 South Emerson Avenue (west of site), rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development and a variance of development standards to provide for a building height of 49.5 feet, **denied.**

2021-ZON-125 / 2022-VAR-001;4822 East Edgewood Avenue and 5820 South Emerson Avenue(est of site), requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn.**

2021-ZON-005; 6009 & 6047 South Emerson Avenue (south of site), requested rezoning of 5.00 acres from the D-A district to the C-4 district for a gas station/convenience store, **approved**.

2017-ZON-082; 6009 South Emerson Avenue (south of site), requested rezoning of 2.20 acres from the D-A districts to the C-4 classification to provide for a gasoline service station, **denied.**

2008-ZON-019; 6026 South Emerson Avenue (west of site), requested rezoning of one acre from the D-A District, to the C-1 classification to provide for office-buffer commercial uses, **approved.**

2007-ZON-054; 5202 East Edgewood Avenue (north of site), requested rezoning of 0.6 acre, from the D-A District to the C-S classification to provide for uses permitted in the C-1 District, **approved.**

2007-ZON-850 / 2007-VAR-850; 6004 South Emerson Avenue (south of site), requested rezoning of 2.9 acres, from the D-A District to the C-3 classification to provide for neighborhood commercial uses and a variance of development standards to provide for a drive-through without the required separation from a protected district, the sale of alcohol without the required separation from a protected district, and reduced transitional yards, **approved.**

2007-ZON-047; 5815 and 5829 South Emerson Avenue (south of site), requested rezoning of six acres from the D-A District to the C-S classification to provide for C-3 and C-1 uses, **approved.**

2005-APP-002; 5905-5935 South Emerson Avenue (east of site), modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved.**

2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site), rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved.**

2005-ZON-215; 5640 South Emerson Avenue (north of site), rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved.**

2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site), rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved.**

2004-ZON-049; 5800 South Emerson Avenue (north of site), rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

2002-UV1-004; 5800 South Emerson Avenue (north of site), variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted.**

2002-ZON-012; 5935 South Emerson Avenue (east of site), rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved.**

2000-ZON-012; 5935 South Emerson Avenue (south of site), requested rezoning of 5.23 acres from the D-A District to the C-S classification to provide for all C-1 uses and certain C-3 uses, **approved.**

95-Z-183; 5728 South Emerson Avenue (north of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved.**

95-Z-73; 4684 East Edgewood Avenue (west of site), rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved.**

95-Z-35; 4784 East Edgewood Avenue (west of site), rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved.**

EXHIBITS

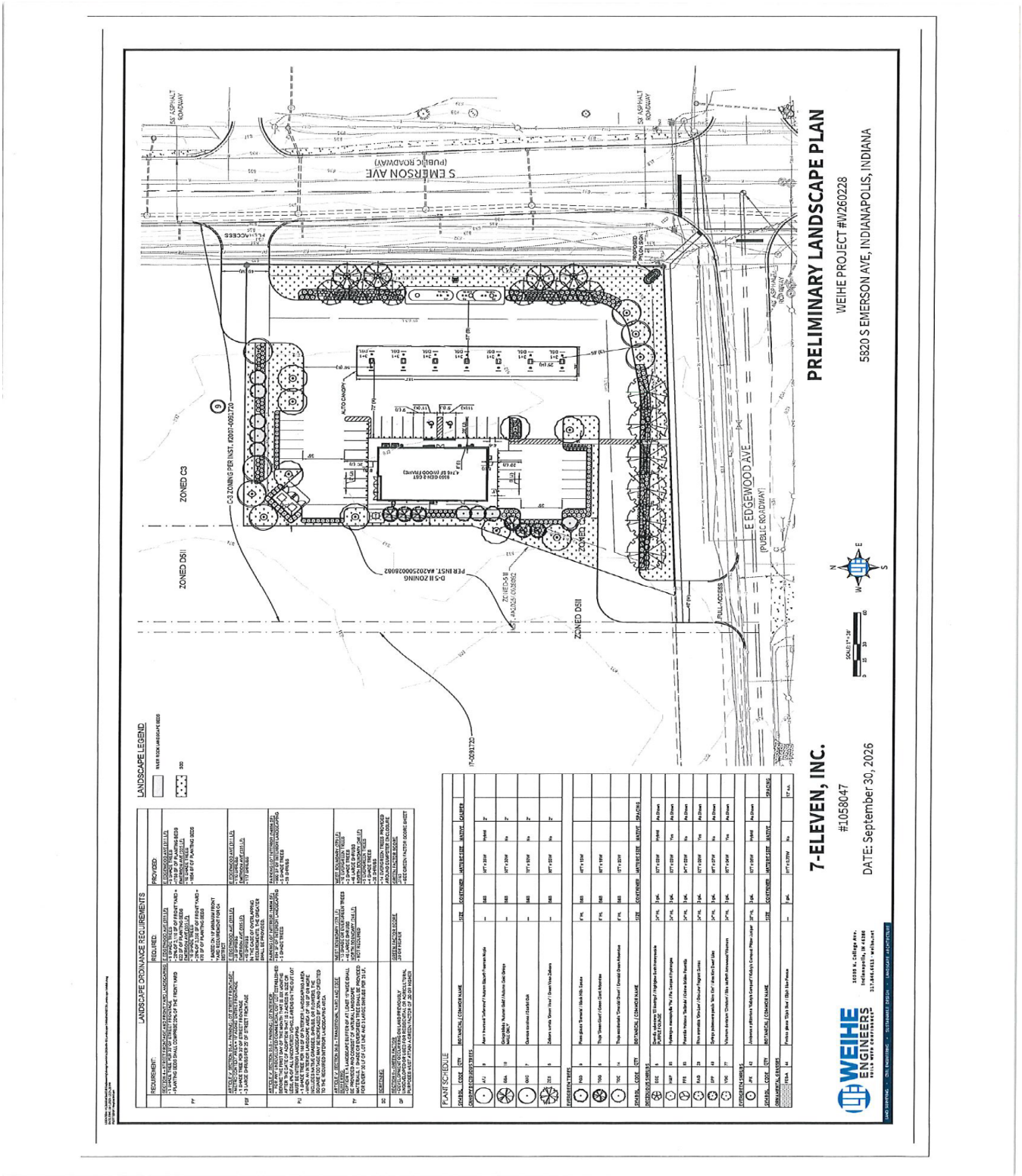


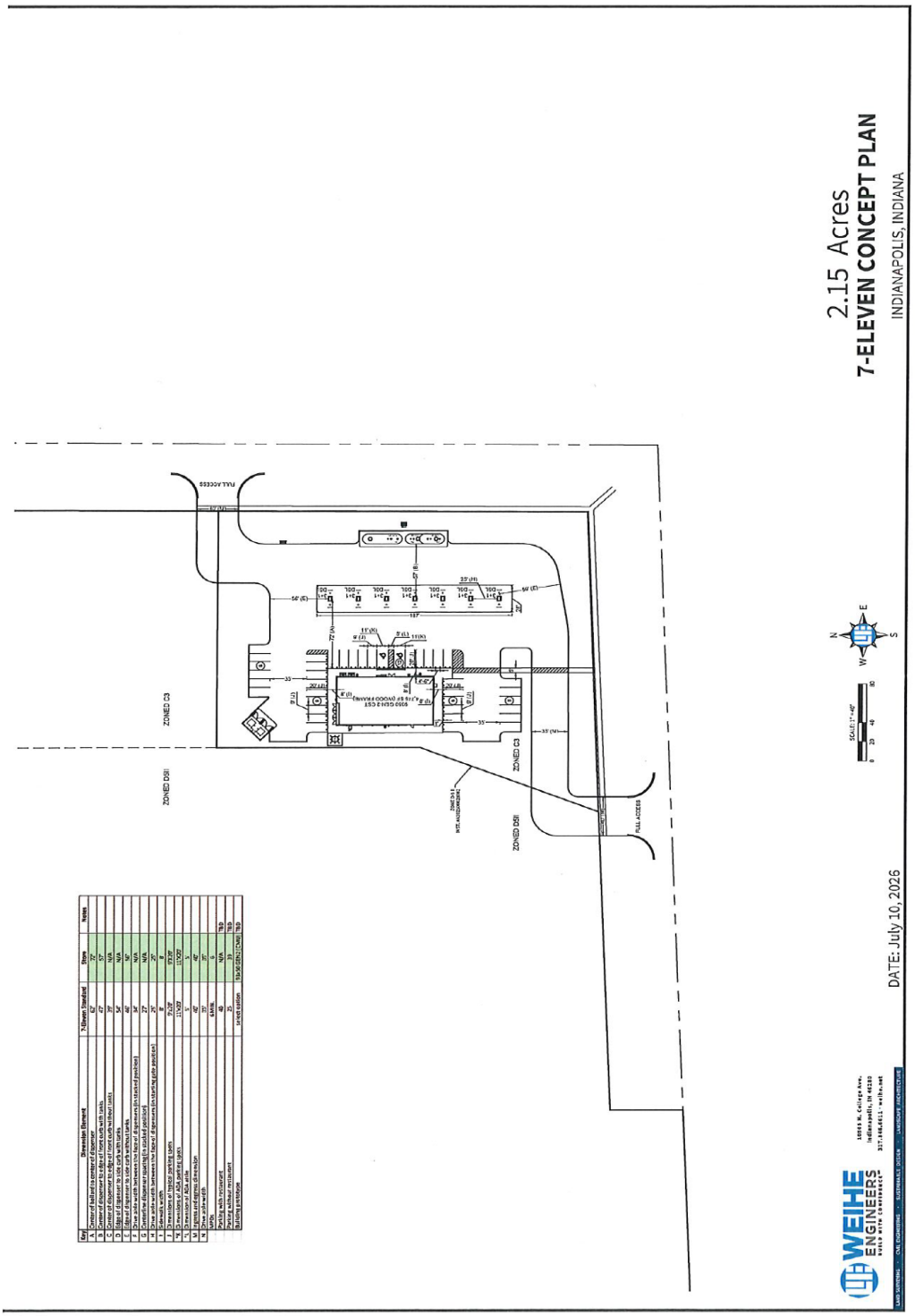
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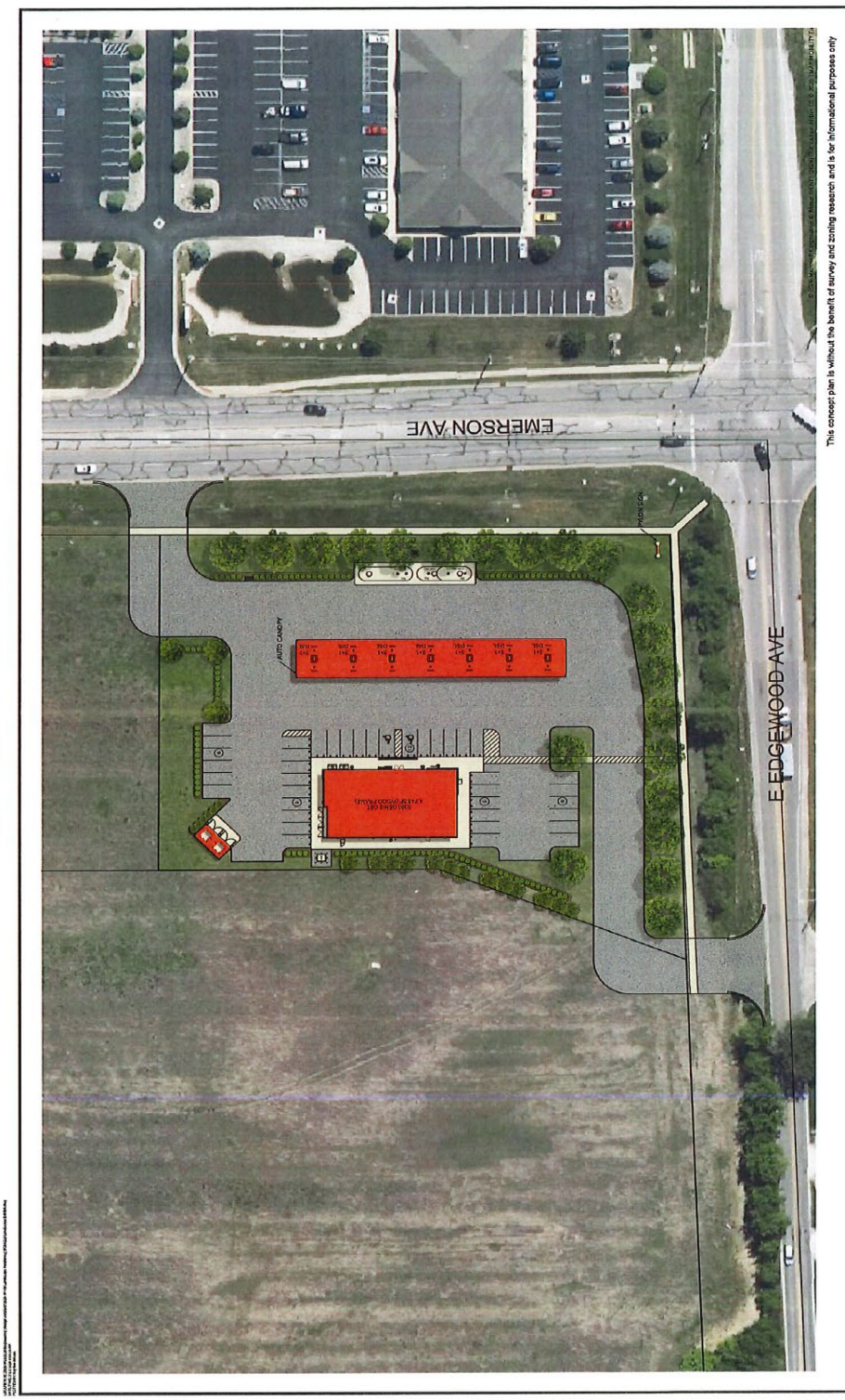
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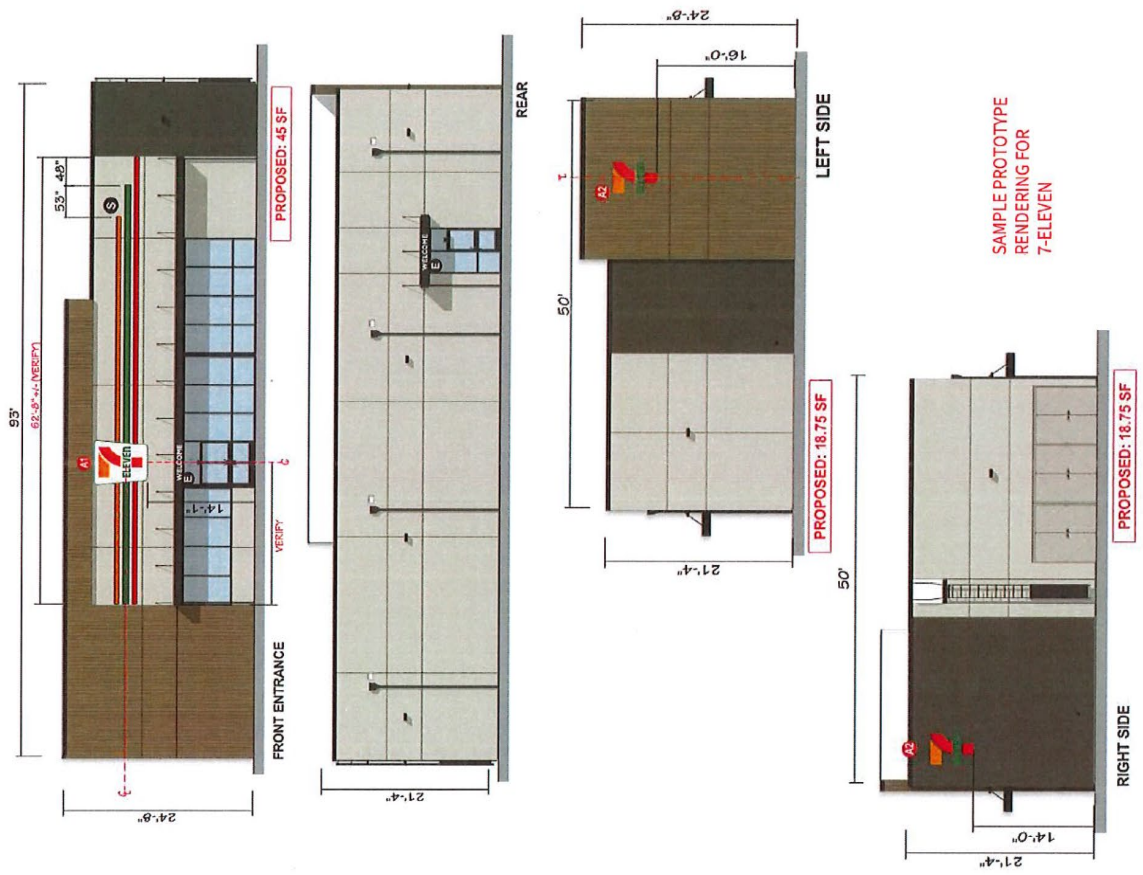
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Landscape Plan – October 7, 2026




2.15 Acres
7-ELEVEN CONCEPT PLAN
INDIANAPOLIS, INDIANA
DATE: July 10, 2026
WEIHE ENGINEERS
ZONED C3
ZONED D5II
FULL ACCESS
RIGHT-IN/RIGHT-OUT ONLY


EMERSON AVE
E EDGEWOOD AVE
AUTO CANOPY
This concept plan is without the benefit of survey and zoning research and is for informational purposes only
SITE LAYOUT
W260228
5820 S EMERSON AVE, INDIANAPOLIS, INDIANA
7-ELEVEN, INC.
#10058047
DATE: July 10, 2026
WEIHE ENGINEERS


PROPOSED: 45 SF
FRONT ENTRANCE
REAR
LEFT SIDE
PROPOSED: 18.75 SF
RIGHT SIDE
PROPOSED: 18.75 SF
SAMPLE PROTOTYPE
RENDERING FOR
7-ELEVEN



View looking north along South Emerson Avenue



View looking northwest across the intersection of South Emerson Avenue and East Edgewood Avenue



View looking west along East Edgewood Avenue



View looking east along East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking southwest across South Emerson Avenue