**METROPOLITAN DEVELOPMENT COMMISSION** **November 12, 2026**
**HEARING EXAMINER**

| | |
|---|---|
| **Case Number:** | 2026-ZON-077 |
| **Property Address:** | 2004 East 86th Street |
| **Location:** | Washington Township, Council District #2 |
| **Petitioner:** | Michael and Maureen Surak, by Justin Kingen |
| **Current Zoning:** | D-A |
| **Request:** | Rezoning of 3.02 acres from the D-A (FF) (FW) district to the C-1 (FF) (FW) district to provide commercial office uses. |
| **Current Land Use:** | Undeveloped |
| **Staff Recommendations:** | Approval |
| **Staff Reviewer:** | Kathleen Blackham, Senior Planner |

## PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance by a registered neighborhood organization that continued this petition from the September 10, 2026 hearing, to the October 15, 2026 hearing.

The Hearing Examiner continued this petition from the October 15, 2026 hearing, to the October 29, 2026 hearing, at the request of the petitioner's representative.

The Hearing Examiner continued this petition from the October 29, 2926 hearing to the November 12, 2026 hearing, at the request staff.

Discussions with the petitioner's representative and owner resulted in amendments to staff's requested commitments that are listed below. Staff also understands that the petitioner's representative has negotiated commitments with the neighbors and neighborhood organization that include, but not limited to, excluded uses.

## STAFF RECOMMENDATION

Staff recommends approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d)

identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

2. The owner shall convey the adjacent parcel, addressed as 1948 East 86th Street (Parcel # 8034623), to Indiana Wildlife Federation, or its designee, for conservation and public park purposes within 60 days of final approval by the City County Council.
3. Owner shall grant a perpetual transportation easement in favor of Indy Parks and Indiana Wildlife Federation, or its designee, over the entire parking lot to provide public access to the adjoining nature preserve to the west of this site.
4. Final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). In addition to proposed site development, the site plan shall also identify the public transportation easement that includes the entire parking lot and identify parking area available to the public that would provide a minimum of 20% of the overall parking spaces available for commercial uses.
5. 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 3.02-acre site, zoned D-A, is comprised of two undeveloped parcels surrounded by a single-family dwelling to the north, zoned D-A; educational uses to the south, across East 86th Street, zoned SU-2; single-family dwellings to the east, across El Rico Drive, zoned D-A; and undeveloped land to the west, zoned D-A.

### REZONING

The request would rezone the site to the C-1 Office Buffer District to provide for commercial office uses. “The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.”

The Comprehensive Plan recommends suburban neighborhood typology and floodway / floodway fringe. for the site.

Recommended land uses in this typology include detached / attached / 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; and community farms / gardens.

**Overlays**

This site is also located within two overlays, specifically the Residential Corridor Reserve (RR) Overlay and Environmentally Sensitive Overlay (ES). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by schools, hospitals, or corporate campuses.

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

High quality woodlands, specifically identified as Forest Alliance Woodlands, are located along the western and northwestern boundaries of the site.

**Tree Preservation / Heritage Tree Conservation**

There are significant amounts of natural vegetation and trees throughout this site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

**Site Plan – August 26, 2026**

The site plan, file-dated August 26, 2026, provides for two proposed office buildings fronting along East 86th Street, with a parking lot north of the buildings that consists of 57 parking spaces to serve both the commercial office uses and the proposed nature preserve / outdoor learning center.

Pedestrian access to the nature preserve would be provided by a connection from the sidewalk that would serve and be located along the north façade of the proposed western building.

Site access would be gained from El Rico Drive along the eastern boundary of the site.

This request is limited to rezoning the site and does not include approval of the site plan. Staff, however, would request submittal of the final site plan to review site access and impact on the surrounding land uses.

**Floodway / Floodway Fringe (Haverstick Creek) – Southwest Corner of Site**

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances

**Stream Protection Corridor**

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
The Stream Protection Corridor is defined as:

> "A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value."

Stream is defined as "a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water."

Stream Bank is defined as "the sloping land that contains the stream channel and the normal flows of the stream."

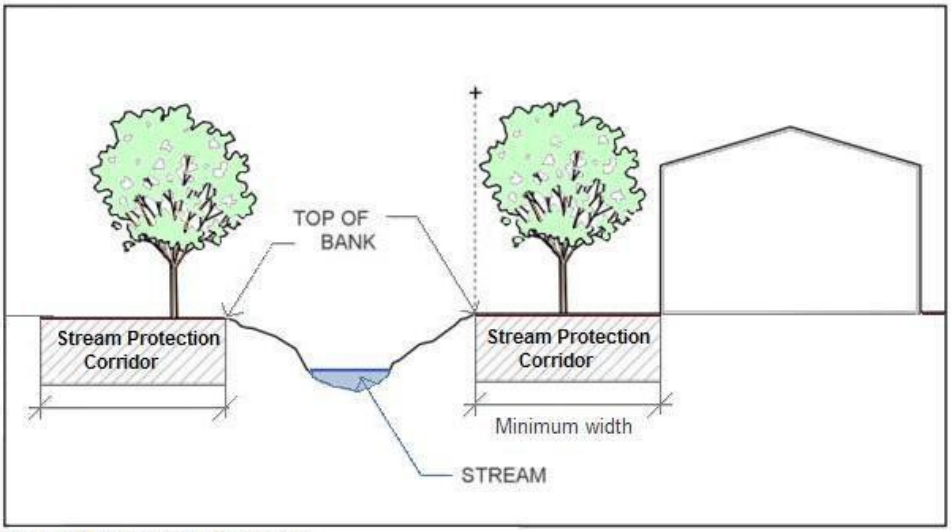
Stream Channel is defined as "part of a watercourse that contains an intermittent or perennial base flow of groundwater origin."

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: "A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams."

A Category Two Stream is defined as: "An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps."

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Haverstick Creek lies within the Metro Context Area and is located at the southwest corner of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.




**Stream Protection Corridor**

**Planning Analysis**

As proposed, this request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood. However, staff supports this request and finds that the C-1 district would have minimal impact on the surrounding land uses, including the nature preserve. Furthermore, this request would offer protection of the adjacent wooded area and creek to the west from future development and more intense commercial encroachment.

## GENERAL INFORMATION

| | | |
|---|---|---|
| **Existing Zoning** | D-A | |
| **Existing Land Use** | Undeveloped land | |
| **Comprehensive Plan** | Suburban Neighborhood | |
| **Surrounding Context** | **Zoning** | **Land Use** |
| North: | D-A | Single-family dwelling |
| South: | SU-2 | Educational Uses |
| East: | D-A | Single-family dwellings |
| West: | D-A | Undeveloped land |
| **Thoroughfare Plan** | | |
| East 86th Street | Primary Arterial | Existing 92-foot right-of-way and proposed 102-foot right-of-way. |
| El Rico Drive | Local Street | Existing 48-foot right-of-way and proposed 50-foot right-of-way |
| **Context Area** | Metro | |
| **Floodway / Floodway Fringe** | Yes, Haverstick Creek | |
| **Overlay** | Yes – Residential Corridor Reserve and Environmentally Sensitive | |
| **Wellfield Protection Area** | No | |
| **Site Plan** | July 27, 2026 | |
| **Site Plan (Amended)** | August 28, 2026 | |
| **Elevations** | August 28, 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 Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that

enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."

## 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 –Suburban Neighborhood 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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

## 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."

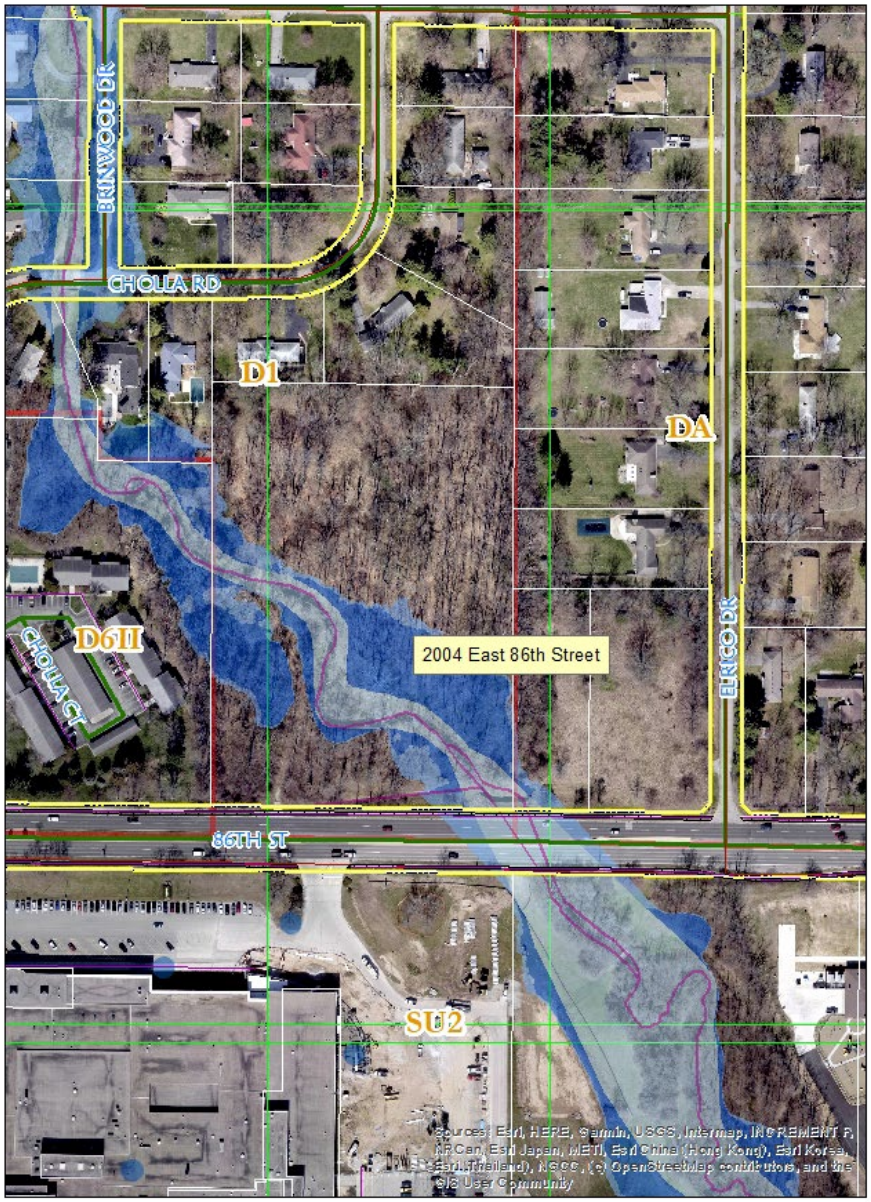
The following listed items describe the purpose, policies and tools:

- 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

**98-Z-22; 2004 East 86th Street,** requested the rezoning of 4.0 acres from the D-A district to the D-P classification to provide for an assisted living community, consisting of 82 assisted living units and 24 special care units, as well as related dining, recreational and administrative facilities, **withdrawn.**

## EXHIBITS




2004 East 86th Street

N

0 0.010.02 0.04 0.06 0.08 Miles

**EXHIBIT A**

**Heritage Tree Conservation**

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry products.

| **Table 744-503-3: Replacement Trees** | | |
|---|---|---|
| **Size of tree removed or dead (inches)** | **Number of Trees to be planted to replace a Heritage Tree** | **Number of Trees to be planted to replace an existing tree** |
| Over 36 DBH | 15 | 10 |
| 25.5 to 36 DBH | 11 | 8 |
| 13 to 25 DBH | 8 | 6 |
| 10.5 to 12.5 DBH | 6 | 4 |
| 8.5 to 10 DBH | 5 | 4 |
| 6.5 to 8 | 3 | 2 |
| 4 to 6 | 2 | 2 |
| 2.5 to 3.5 | 1 | 1 |

## CREEK PRESERVATION

The broader Nora area was historically described as a wooded and swampy landscape associated with the White River and tributary creeks. Historic Indianapolis describes the pre-settlement landscape as forested and wet, with Native peoples using the river and tributary waterways for hunting and farming.

## NORA NEIGHBORHOOD HISTORY

In 1871, Peter Lawson established the Nora post office/ general-store center near today's Westfield Boulevard and 86th Street. The community grew, building a small community.

The community continued to grow into a transportation stop in 1883 due to the arrival of the Monon Railroad, but remained classified as rural into the 1900s.

Following postwar development after the 1950's, the Nora landscape has transformed from wooded and creek-based landscapes to an automobile-oriented suburban community.

## SOURCES

https://historicindianapolis.com/what-exactly-is-nora/

https://www.monon.org/bygone_site/bygone/indy.php

https://indyencyclopedia.org/nora/

## SITE CONNECTIONS







50' 100' 200' 400

# CONCEPTUAL SITE PLAN

8/10/26 UPDATED PLAN, IMPLEMENTED CIVIL INSIGHTS



DELV DESIGN | © 2026 DELV DESIGN STUDIO, LLC.

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

01 Indoor / Outdoor Relation

02 Vestibule Entry

03 Office Spaces
(12,000 SF TOTAL)

04 Fenced-in Maintenance







# CONCEPTUAL MASSING STUDY

HOW CAN AN OFFICE BUILDING INTEGRATE INTO AN ESTALISHED NEIGHBORHOOD?



DELV DESIGN | © 2026 DELV DESIGN STUDIO, LLC.



PERSPECTIVE FROM ELRICO DRIVE
CONCEPTUAL DESIGN

DEVELOPMENT PLANNING | 8026-074 E 86TH STREET DEVELOPMENT 08.10.2026 | 3

DELV DESIGN | © 2026 DELV DESIGN STUDIO, LLC.

Light, warm, natural, neutral palette
Light, warm, natural, neutral palette
Warm natural stone or brick masonry veneer;
Standing seam metal roof
Warm natural stone or brick masonry veneer;
Standing seam metal roof
Thermally modified or composite wood siding;
Standing seam metal roof
Thermally modified or composite wood siding;
Standign Seam metal roof
EXTERIOR MATERIALS
CONCEPTUAL DESIGN
DEVELOPMENT PLANNING | 8026-074 E 86TH STREET DEVELOPMENT 08.10.2026 | 4
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View looking west along East 86th Street



View looking east along East 86th Street



View looking north along El Rico Drive




View looking south along El Rico Drive



View looking west across El Rico Drive



View of site looking west across El Rico Drive




View from site looking southeast across intersection



View of site looking northwest across El Rico Drive



View of site looking northwest across East 86th Street from property to the south




View of site looking north across East 86th Street from property to the south