



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 26, 2025**

**Case Number:** 2025-ZON-057  
**Property Address:** 7905 East 42nd Street (approximate address)  
**Location:** Lawrence Township, Council District #9  
**Petitioner:** Kartik Patel, by Thomas Pottschmidt  
**Current Zoning:** C-3 and C-4  
**Request:** Rezoning of 3.28 acres from the C-3 and C-4 districts to the C-4 district to provide for community-regional commercial uses including a proposed hotel.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval with a commitment.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the rezoning 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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate the layout of all proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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.

**PETITION OVERVIEW**

**LAND USE**

The 3.28-acre subject site is an undeveloped wooded commercial lot. It is surrounded by multi-family dwellings north of the site, zoned D-7, undeveloped parcel to the east, zoned C-3, warehouse to the south, zoned D-6II, and commercial use west, zoned C-S and C-5.



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## REZONING

This petition would rezone the split-zoned property from the C-4 and C-3 districts to the C-4 district.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

The 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, as specified.

## STAFF ANALYSIS

Although rezoning the entire site to the C-4 district for a hotel use is not directly compatible with the Office Commercial Uses recommendation of the Comprehensive Plan, it would allow for one cohesively-zoned parcel which would make development of the site more efficient and orderly.

The site plan submitted is conceptual and was not reviewed for compliance purposes. The applicant was informed during the inquiry process that staff would not support any variances for development of the site because it is an undeveloped lot and any proposed development would have the capability to work within the standards of the Ordinance without issue.

Staff had concerns with the potential clear-cutting of the site and would request that a tree inventory, tree assessment and preservation plan be prepared by a certified arborist and submitted for Administrator Approval.

For these reasons, staff is recommending approval of the request subject to the commitment.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 and C-4	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Office Commercial Uses	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-7	Residential (Multi-family dwellings)

	South:	D-6II	Warehouse / Wholesale Distributor
	East:	C-3	Undeveloped
	West:	C-S / C-5	Commercial
<b>Thoroughfare Plan</b>			
	42 <sup>nd</sup> Street	Primary Collector Street	80-foot proposed right-of-way and 111-foot existing right-of-way.
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	May 16, 2025		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	N/A		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	N/A		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- East 38th Street Corridor Plan (2012)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see East 38th Street Corridor Plan (2012) below.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The site falls within the East 38th Street Corridor Plan (2012) and recommends Office Commercial Uses.

- This land use category is for low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Office Commercial Uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are representative of this land use category: medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, day care centers, mortuaries, and communications studios.

#### **Infill Housing Guidelines**

- Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

### Zoning History – Site

**87-Z-215; 7901-8015 East 42nd Street** (subject site), rezoning of 12.07 acres, being in the D-5 and A-2 Districts, to the C-3 classification to provide for retail uses, **approved**.

**74-Z-142; 7851 East 42nd Street** (subject site), rezoning of 10.64 acres, being in the D-7 District, to the C-4 classification to provide for commercial development, **approved**.

**71-Z-239; East 42<sup>nd</sup> Street** (subject site), Rezoning of 6.89 acres, being in the D-5 District, to the C-2 classification to provide for offices, **approved**.

### Zoning History – Vicinity

**2014-CZN-834; 7701, 7707, 7709, 7715, 7807 and 7857 East 42nd Street** (west of site), Rezoning of 18.5 acres from the D-5, C-4, C-5, C-S and C-ID districts to the C-5 classification to provide for a home improvement store, **approved**.

**2013-ZON-072; 4002 North Franklin Road** (south of site), Rezoning of 14.77 acres from the I-2-S district to the D-6II classification to provide for multi-family development, **approved**.

**2007-ZON-010; 4002 North Franklin Road** (south of site), rezoning of 16.48 acres from the SU-16 District to the I-2-S classification to provide for industrial uses, **approved**.

**95-Z-105; 7808 East 38<sup>th</sup> Street and 7705 East 42<sup>nd</sup> Street;** (west of site), Rezone 30 acres from C-2, C-ID, D-7, and C-3 to the C-S classification, **approved**.

**88-Z-160; 7625 Pendleton Pike** (northwest of site), Rezoning of 1.85 acres, being in the C-5 and D-7 districts, to the C-5 classification to provide for commercial development, **approved**.

**87-Z-166; 4002 North Franklin Road** (south of site), rezoning of 22 acres, being in the C-4 and D-5 Districts, to the SU-16 classification to provide for a recreation center, **approved**.

**78-Z-121; 7701 East 42nd Street** (southwest of site), rezoning of 9.05 acres, being in the C-2 District, to the C-5 classification to permit a motel, **approved**.

**72-Z-207; 4203 North Franklin Road** (northeast of site), Rezoning of 4.80 acres, being in D-7 district to C-3 classification to provide for a neighborhood retail sales and service center, **approved**.

**71-Z-239A; 7950 East 38th Street** (southeast of site), Rezoning of 8.76 acres, being in the D-5 District, to the C-3 classification to provide for commercial development, **approved**.

**71-Z-239B; 7802 East 38th Street** (south of site), Rezoning of 10.96 acres, being in the A-2 District, to the C-2 classification to provide for offices and other allowable development, **approved**.



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**71-Z-239C; Between Franklin Road and Interstate 465, north of East 38th Street** (south of site), requests rezoning of 47.99 acres, being in the A-2 District, to the D-7 classification to provide for apartments, **approved**.

**68-Z-156; East 42<sup>nd</sup> Street and I-465** (west of site), Rezoning of 10 acres, being in the D-5 district to the U3-H2-A2 classification to provide for a hotel and general offices, **approved**.



EXHIBITS











Photo of the subject site looking south across 42<sup>nd</sup> Street.



Photo of the subject site looking southeast across 42<sup>nd</sup> Street.



Photo of the subject site looking north along the access drive.





Photo of the multi-family dwellings north of the site.



Photo of commercial uses west of the site.



Photo of the warehouse south of the site.



Photo of the undeveloped property east of the site looking west from Franklin Road.