

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-120 / 2025-VAR-013

Property Address: 2901 East 10th Street and 959 North Oxford Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Evan Marshall, by Lucas Brown

Current Zoning: C-3

Request: Rezoning of 0.16-acre from the C-3 district to the MU-2 district.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five parking spaces (minimum 32 parking spaces required), to provide for two 8-foot by 16-foot, or 128-square-foot parking spaces (minimum 9-foot by 18-foot, or 180 square feet required), to provide for one ADA parking space at 8-foot by 16-foot, or 128-square-foot (minimum 8-foot by 20-foot required), to provide for an 18'11" aisle width (20-foot aisle width required for small vehicles) and to provide for a three-foot south side transitional yard setback (minimum 15-foot transitional yard setback required).

Current Land Use: Vacant Commercial Building and Undeveloped Lot

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was previously continued from the November 13, 2025 hearing to the December 11, 2025 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the requests.

PETITION OVERVIEW

LAND USE

The 0.16-acre subject site is developed with a commercial building and an undeveloped lot.

It is surrounded by a commercial parking lot to the north associated with a vacant building, zoned C-3, commercial and residential uses to the west, zoned C-3 and MU-2, a single-family dwelling to the south, zoned D-3, and a commercial use to the east, zoned C-3.

REZONING

The request would rezone the property from the C-3 district to the MU-2 district to allow for retail, restaurant, and residential uses.

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. It does not allow those businesses that require the outdoor display, sale, or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

VARIANCE OF DEVELOPMENT STANDARDS

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five parking spaces (minimum 32 parking spaces required), to provide for two 8-foot by 16-foot, or 128-square-foot parking spaces (minimum 9-foot by 18-foot, or 180 square feet required), to provide for one ADA parking space at 8-foot by 16-foot, or 128-square-foot (minimum 8-foot by 20-foot required), to provide for an 18'11" aisle width (20-foot aisle width required for small vehicles) and to provide for a three-foot south side transitional yard setback (minimum 15-foot transitional yard setback required).

Per Table 744-402-1: Required Parking Table, the proposed 4,900 square feet of restaurant space would require 32 minimum parking spaces. The proposed 725 square feet of retail space would require two (2) minimum parking spaces. The singular proposed residential unit would require one (1) minimum parking space. In total, the minimum required parking spaces for the proposal would be 35.

The Ordinance permits a 10% parking reduction for proximity to an IndyGo Transit Emphasis Corridor transit stop. The bus stop at the Rural Street and 10th Street intersection would allow this reduction to apply to the subject site. Thus, the total required number of parking spaces would then be 32.

Because the site has limited undeveloped area with much of it already containing a commercial building, staff determined that there is a practical difficulty with meeting the parking requirements.

The three proposed parking spaces on site and two proposed street parking would be the extent of parking spaces that could be accommodated at this property. However, to provide this number of spaces, the small vehicle dimensions would be used instead of the standard vehicle dimensions which staff can support to provide an ADA parking space and one for the dwelling unit.

The narrow area available for parking also prevents the full 20-foot aisle width required for small vehicles and the 15-foot transitional yard requirement to be met. Instead, an 18-foot 11-inch aisle width and three-foot south side transitional yard would be proposed.

STAFF ANALYSIS

The request would rezone the site to allow for a mixed-use building that would include retail space and an apartment unit.

The proposal would align with the Comprehensive Plan recommendations for Traditional Neighborhood and Village Mixed-Use which contemplate residential uses and neighborhood serving businesses.

The reuse of the existing building and proposed small addition limits the ability to provide the parking requirements of the Ordinance on site. Because this is no fault of the property owner, staff determined that the rezoning and variances requested for this mixed-use development are supportable and recommends approval of the requests.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial Building	
Comprehensive Plan	Traditional Neighborhood and Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Surface parking lot
South:	D-5	Residential (Single-family dwelling)
East:	C-3	Commercial
West:	C-3 / MU-2	Commercial / Residential
Thoroughfare Plan		
10 th Street	Primary Arterial Street	56-foot proposed right-of-way and 49-foot existing right-of-way.
Oxford Street	Local Street	48-foot proposed right-of-way and 40-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	November 3, 2025
Site Plan (Amended)	November 4, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	November 17, 2025
Findings of Fact (Amended)	December 1, 2025
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood and Village Mixed-Use development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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.
- **Conditions for All Land Use Types**
 - 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.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.

- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - 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 located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred. Should not include outdoor display of merchandise.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All Land Use Types**
 - 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.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- **Conditions for All Housing**
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.

- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- **Small-Scale Offices, Retailing and Personal or Professional Services**
 - Mixed-Use structures are preferred.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site falls within The Near Eastside Quality of Life Plan (2020).
- The 2020 Near Eastside Quality of Life planning process has culminated in the creation of nine neighborhood focus areas which includes Economic & Workforce Development and Housing.
- Economic & Workforce Development: The Near Eastside mobilizes existing assets and attracts new investment in our local residents, businesses, and places in order to maximize their full potential as we create abundant and productive linkages to our city, state, and beyond.
- Housing: The Near Eastside is a place that promotes fair, equitable, and affordable housing for all, without regard to income, race, ethnicity, housing status, or class and that improves the community as a whole while not forcing others out.

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

94-UV3-130; 2905 East 10th Street (subject site), Variance of Use of the Commercial Zoning Ordinance to provide for church use, with a food pantry (not permitted), **dismissed**.

Zoning History – Vicinity

2022-DV2-010; 2827 East 10th Street (west of site) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of parking spaces into an outdoor seating area resulting in one ADA parking space (minimum seventeen parking spaces, one ADA space required), **granted**.

2013-DV1-032; 2902 East 10th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a 24-seat restaurant, with zero parking spaces (eight total parking spaces required, one handicapped parking space required), carryout food service within 92 feet of a protected district (minimum 100 feet required) and a trash enclosure in front of the building line within the right-of-way of Oxford Street (trash enclosure must be behind the front building line and located outside of the right-of-way), **granted**.

2010-DV3-029; 2828-2834 East 10th Street and 1012 North Oxford Street (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a grocery store, with a pergola having a 27.583-foot setback from the centerline of 10th Street, with parking spaces having a 26.16-foot setback from the centerline of 10th Street, with 19 parking spaces, with a zero-foot rear yard setback, with a freestanding sign with a 2.33-foot front setback, with outdoor seating proposed under the wood pergolas, and with carry-out food provided within 35 feet of a protected district, **granted**.

2008-DV1-058; 1001 and 1011 North Rural Street and 2914 East 10th Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for an additional gas pump and a 480-square foot gas station canopy addition with a 50.9-foot front setback from the centerline of North Rural Street (minimum 70 foot front setback required), a 17-foot wide, two-way drive aisle south and west of the gas station canopy addition (minimum 20-foot side drive aisle required), and to provide for a zero-foot front landscape yard along a portion of Rural Street frontage of the site and to legally establish a five-foot front landscape strip, (minimum ten-foot front landscape strip required) and Variance of Development Standards of the Sign Regulations to provide for pylon sign, with a one-foot front setback from the rights-of-way of East 10th Street and Rural Street (minimum fifteen-foot front setback required), **granted**.

2005-HOV-011; 2811 East 10th Street (west of site), Variance of Development Standards of the Sign Regulations to provide for the placement of four, fourteen-square foot projecting banner signs located ten feet above grade on an existing mixed-use building (banner signs not permitted), **granted**.

2001-ZON-802/2001-VAR-802; 2811-2819 East 10th Street and 946 and 956 North Oxford Street (west of site), Rezoning of 0.30 acre from the C-3 District to the C-3C classification to provide for



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commercial and residential uses and Variance of Development Standards of the Commercial Zoning Ordinance, to provide for off-street parking and an interior access drive located within the rear transitional yard, and 25 off-street parking spaces, **approved and granted.**

89-HOV-9; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Sign Regulations to provide for a canopy sign with a setback of forty-five feet from the center line of Rural Street and fifty-three feet from the center line of 10th Street (seventy feet required), **granted.**

88-HOV-35; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a transitional yard of six feet (twenty feet required) and to provide for an addition to an existing structure and Variance of Development Standards of the Sign Regulations to provide for a pole sign to be located in the right-of-way, **granted.**

87-UV3-116; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a building addition to a convenience store without provision of the required transitional yard or parking, **granted.**

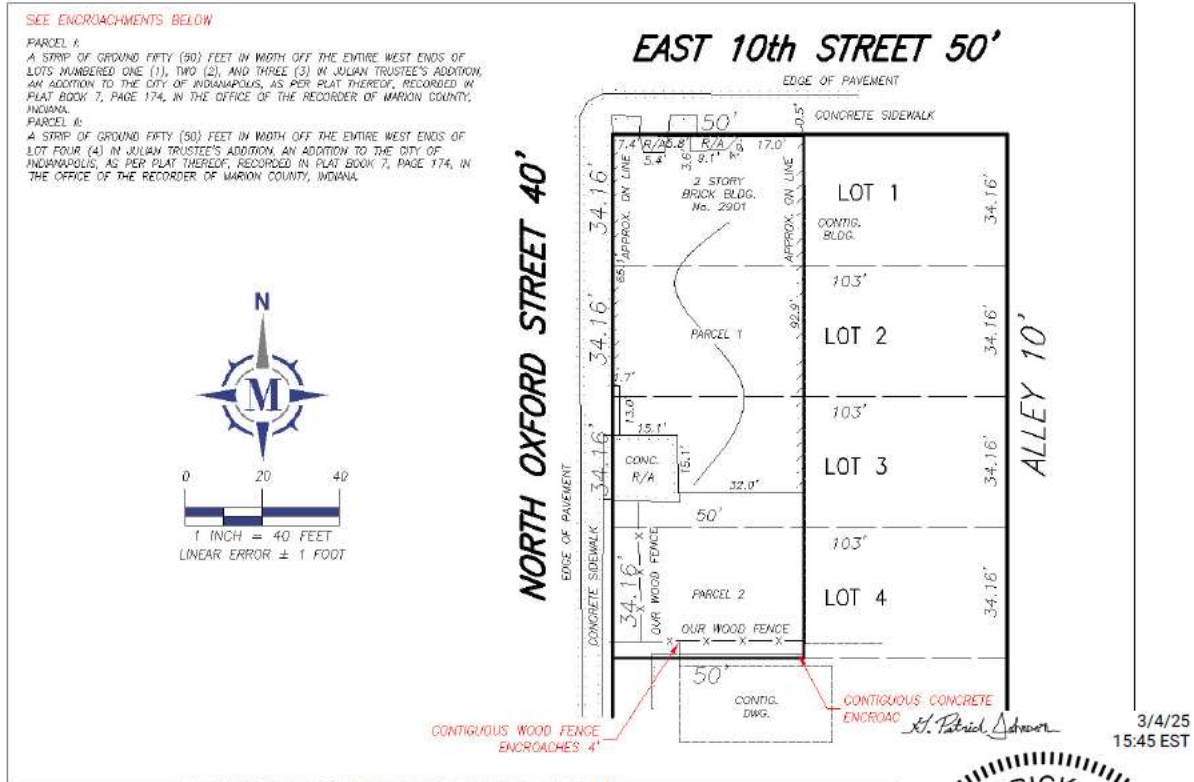
87-V3-69; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of an addition to a convenience store without the require amount of parking and with a trash dumpster located in the transitional yard, **denied.**

EXHIBITS



AERIAL MAP

SURVEY



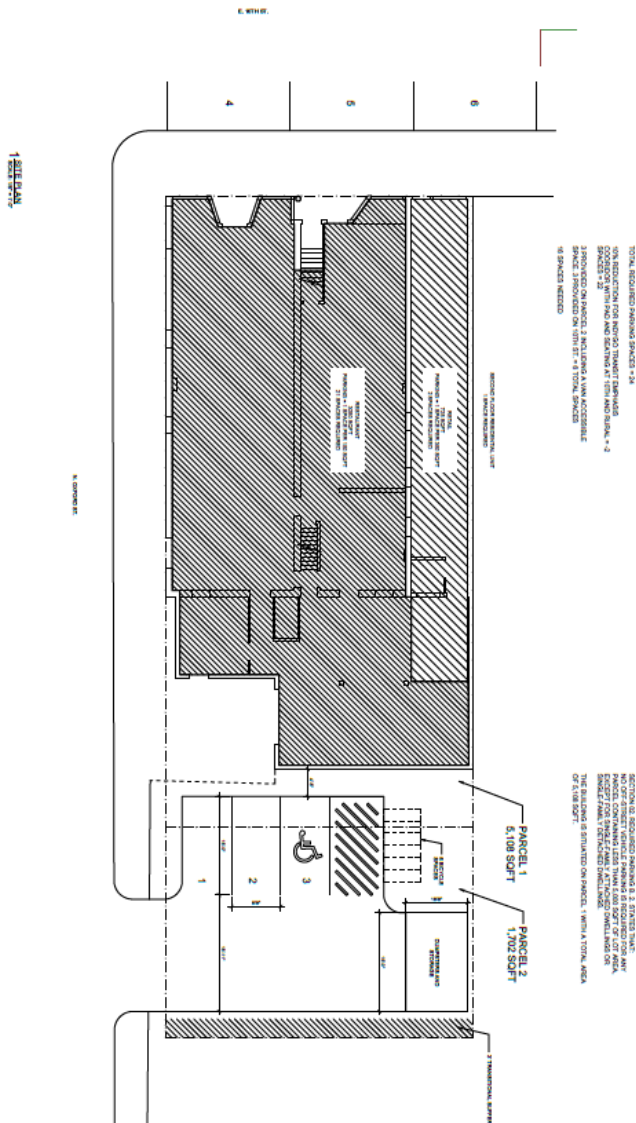
PROUDLY SERVING SINCE 1970

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.



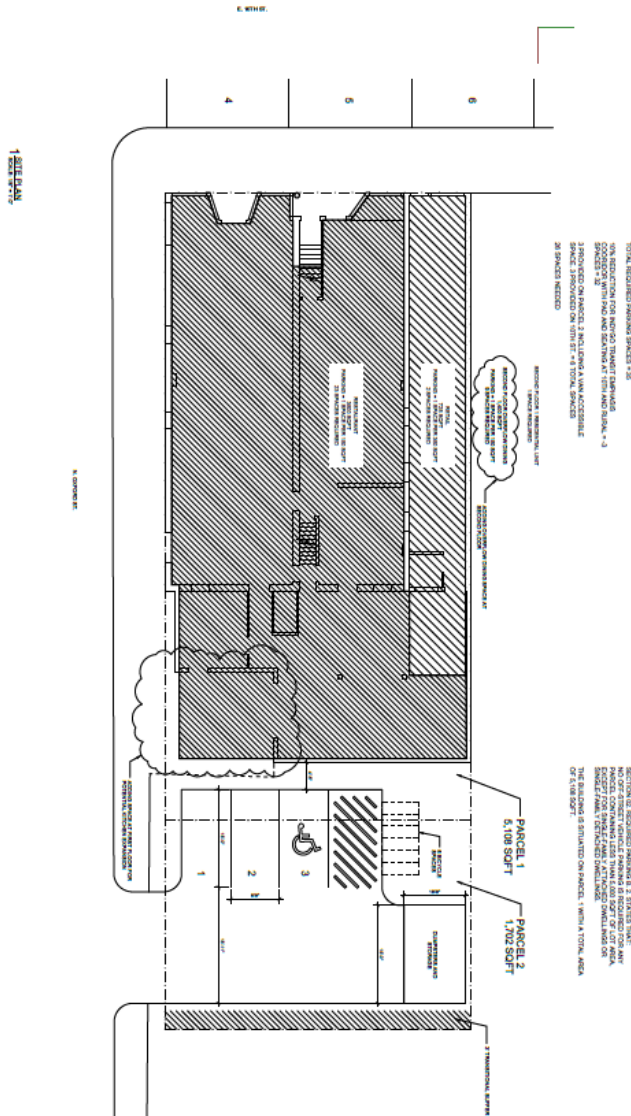
SITE PLAN



FOR REVIEW ONLY. NOT FOR CONSTRUCTION.

[illegible]

AMENDED SITE PLAN



2025 W. 10TH ST. N.W. CHL.
 317-465-1179


 <p>BrewerSmith 2025 W. 10TH ST. N.W. CHL. 317-465-1179</p>	<p>2901 E. 10TH ST. INDIANAPOLIS, IN</p>	<p>CERTIFICATION</p> <p>REVISIONS</p>	<p>PRELIMINARY SITE PLAN</p> <p>11-04-25</p> <p>PRINT 24 X 36 FULL SIZE OR 12X18 HALF SIZE</p> <p>SHEET NUMBER AS101</p>
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Photo of the subject site looking south from 10th Street.



Photo of the subject site at 2901 East 10th Street looking east from Oxford Street.



Photo of the subject site at 959 Oxford Street looking east from Oxford Street.



Photo of a single-family and two-family dwelling south of the subject site.



Photo of the commercial property east of the subject site.



Photo of the commercial property west of the subject site.



Photo of the surface parking lot west of the subject site.



Photo of the commercial property north of the site.