



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

June 25, 2026

**Case Number:** 2026-APP-011 / 2026-VAR-008  
**Property Address:** 5001 East Raymond Street (approximate address)  
**Location:** Center Township, Council District #19  
**Petitioner:** City of Indianapolis, by Kevin Montgomery  
**Current Zoning:** SU-9 (FW) (FF) / D-2  
Special Use District Nine Approval to provide for a six-foot tall fence within the front yard of Emerson Avenue, per plans filed.  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the placement of chain-link fence both within a front-yard area and within side yards without vinyl coating (not permitted).  
**Current Land Use:** Animal Care Services  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Michael Weigel, Principal Planner I

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested approval and variance.

**PETITION OVERVIEW**

**LAND USE**

5001 East Raymond Street is a 25.25-acre property (parcel number 1000462) at the southwest corner of the intersection of Raymond and Emerson Avenue. The Lick Creek runs through the southern portion of the lot, and most of the property is zoned SU-9 (a small portion to the northwest is zoned D-2). Surrounding land uses include a school to the west, residences and a fueling station to the north, an undeveloped parcel with substantial areas within the floodway to the east, and residences to the south.

The property was rezoned to the SU-9 designation in 2024 to allow for the development of government buildings related to animal care and control, including outdoor dog parks, kennels, and accessory parking areas. Later that year, administrative approval was granted for the site layout within Exhibits below, which included the placement of a fence surrounding the animal care services use at the site.

## SPECIAL DISTRICT NINE APPROVAL

The SU-9 zoning district is a special use designation to allow for building and grounds used by any department of a town, city, township, county, state, or federal government. Development within this district should broadly mirror the standards of the C-1 zoning district on a dimensional level.

Granting the Special District Nine approval petition would allow for the property to have a fence within a height of 6 feet within the front yard of Emerson Avenue. Although the comparable C-1 district would typically require a fence height of 3.5 to 4 feet within the front yard, 742-109.A and 742.109.G of the Indianapolis Zoning Ordinance indicate that **(a)** the Commission shall have the authority to approve site and development plans for buildings and structures; and **(b)** that the Administrator may approve alternative for the development standards applicable to the comparable C-1 district so long as the alternative is appropriate for the site and its surroundings as well as the intent of the stated standards. This is why an approval petition is being sought as opposed to a variance of development standards.

The installed fence runs parallel to the established front building line of the building along the Raymond Street frontage, which is why no approval petition would be required for front yard fence with a height of 6 feet in the front yard of Raymond (just within Emerson Avenue, per below plans).

## VARIANCE OF DEVELOPMENT STANDARDS

In addition to limitations on fence height, the Ordinance also places regulations on allowed fence *materials*. Specifically, Table 744-510-1 indicates that the SU-9 zoning district would only allow for chain link fencing in side and rear yards and when coated in black, brown, or dark green vinyl or equivalent. Since the SU-9 zoning district is specifically invoked by this table, approval of the chain link fence in the front yard and without vinyl coating could not be granted via an approval petition as described above, and would instead require the grant of a variance of development standards.

## STAFF ANALYSIS

Staff would note that:

- the Comprehensive Plan Pattern Book does not provide explicitly guidance related to fences;
- the proposed fence would not come close to encroaching within the required clear-sight triangle;
- the Ordinance does contemplate some instances in which government facilities such as penal institutions are allowed fencing beyond standard limitations; and
- the unique nature of this use would require a base level of protection for *surrounding* properties as well as the subject site given the concentration of animals that would be housed within the structures and the proximity of those animals to multiple high-traffic frontages.

For these reasons, staff feels that this alternative would be appropriate for the site and its surroundings and recommends **approval** of the Special District Use Nine Approval for increased fence height as well as the variance related to the fence materials. This recommendation is directly related to the intensity of the proposed animal care services use, and should not be viewed as precedent justifying staff support for front-yard fencing in contexts not involving governmental animal care of this intensity.

## GENERAL INFORMATION

<b>Existing Zoning</b>	SU-9 (FW) (FF) / D-2		
<b>Existing Land Use</b>	Animal Care Services		
<b>Comprehensive Plan</b>	Suburban Neighborhood / Floodway		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	C-3 / D-2 / D-4	Commercial / Residential
	South:	D-3	Residential / Floodway
	East:	D-A / C-4	Residential / Floodway
	West:	SU-2	Educational
<b>Thoroughfare Plan</b>			
Emerson Avenue	Primary Arterial	155-foot proposed right-of-way and 102-foot existing right-of-way	
Raymond Street	Primary Arterial	113-foot proposed right-of-way and 102-foot existing right-of-way	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	Yes		
<b>Overlay</b>	Yes		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	May 22, 2026		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	May 22, 2026		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	May 22, 2026		
<b>Findings of Fact</b>	June 5, 2026		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- 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.



- The land use of an animal care services center would be considered a community-serving institution by the Comprehensive Plan. This is a contemplated land use within the typology when located along arterial streets, in harmony with surroundings, and with pedestrian infrastructure and near bus service
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

#### **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)

- Not Applicable to the Site.

## ZONING HISTORY

### Zoning History – Site

**2024ADM251**, Approval of improvements related to an Animal Care & Control government facility, **approved**.

**2024ZON053**, Rezoning of 25.25 acres from the D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF) districts to the SU-9 (FF) (FW) district to provide for government buildings and services, including a 70,000 square-foot animal care center, two dog parks, a livestock barn and outdoor area, and an outdoor kennel area, **approved**.

**68-Z-197**, Rezoning of 26.90 acres, being in A-2, D-2 & D-3 districts to D-6II classification to provide for the construction of an apartment complex, **approved**.

### Zoning History – Vicinity

**2023ZON072 ; 2143 South Emerson Avenue (northeast of site)**, Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-5 district to provide for residential uses, **approved**.

**2023DV1052 ; 2251 Sloan Avenue (west of site)**, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall chain link fence within the front yards of Sloan Avenue and Raymond Street (chain link fencing not permitted within front yards, maximum height of 3.5 feet permitted), **denied**.

**2018HOV027 ; 2403 South Emerson Avenue (east of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish accessory buildings and structures in front of the established front building line of the primary dwelling (not permitted), **approved**.

**2017UV2024 ; 2143 South Emerson Avenue (northeast of site)**, Variance of use of the Consolidated Zoning and Subdivision Ordinance to permit an automobile sales lot (not permitted), with three storage trailers and a garage to store wrecked automobiles and two storage trailers and a garage for automobiles preparing to be sold (not permitted), **denied**.

**2006UV1026 ; 2414 South Emerson Avenue (south of site)**, Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the keeping and raising of 20 goats and sheep (not permitted), and to legally establish a 429-square foot barn with a 3.5-foot north side yard setback (minimum six-foot side yard setback required) and with an 11-foot aggregate side yard (minimum 16-foot aggregate side yard required), **denied**.

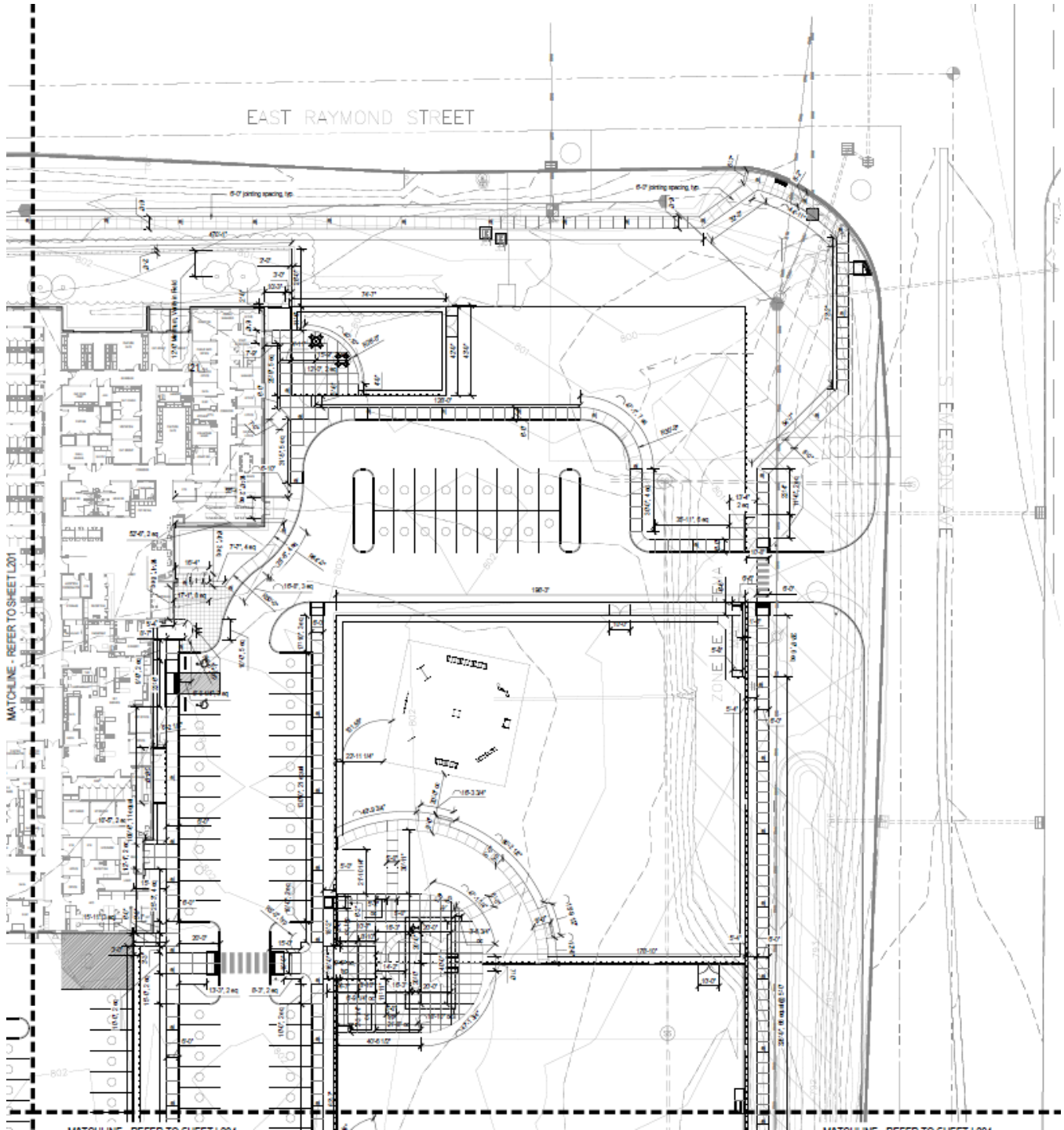
**EXHIBITS**

**2026APP011 ; Aerial Map**

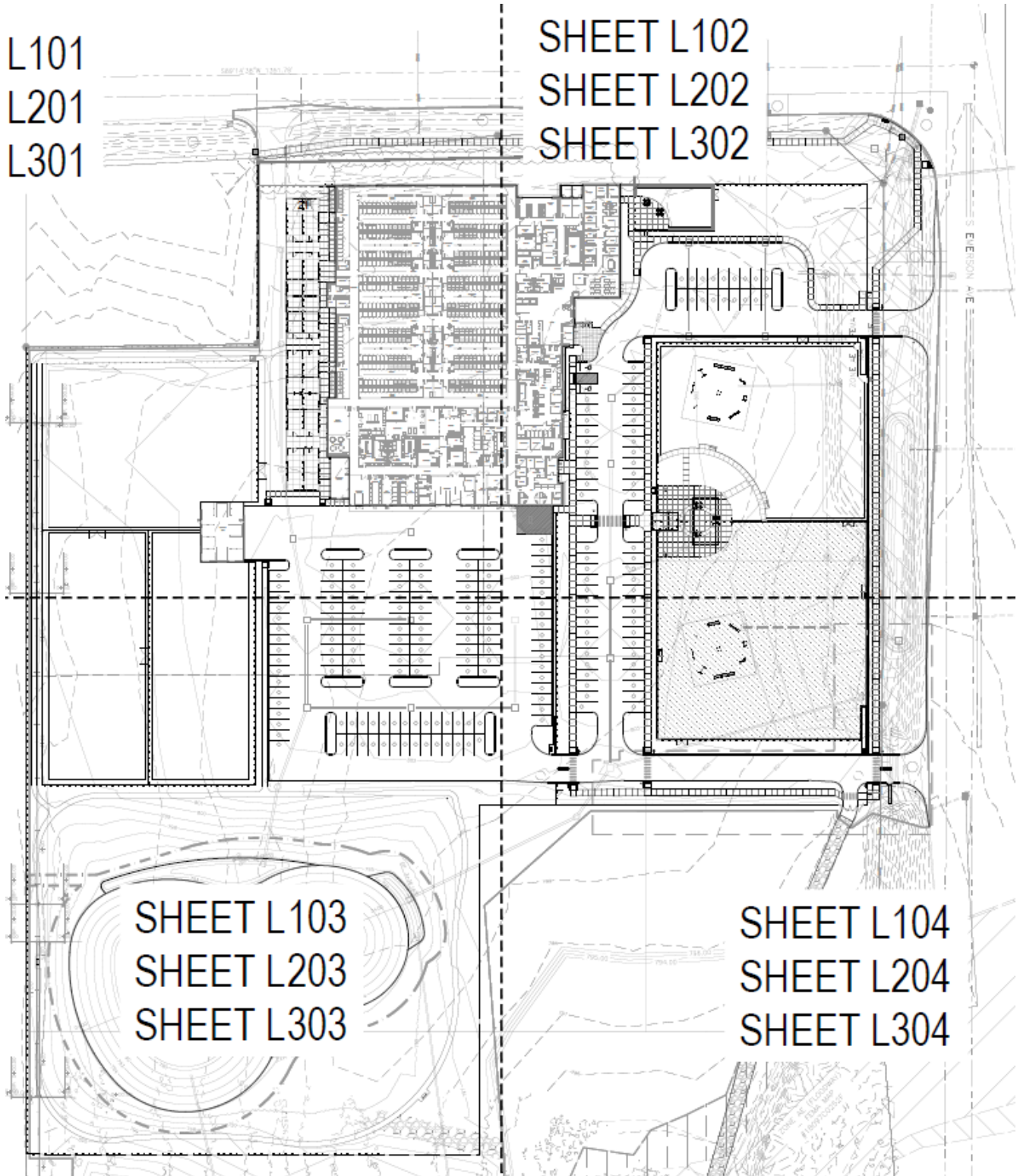


*Note: aerial image taken prior to completion of animal care facility*

**2026APP011 ; Site Plan (Northeast Corner)**



**2026APP011 ; Site Plan (Full Property)**



**2026APP011 ; Project Narrative (Partial)**

The new animal care shelter has just opened and is finishing up final construction punch items. Over the past several months the building has become a target for vandalism as well as theft throughout construction. While the goal of the facility is to welcome in the community and promote a friendly atmosphere for those looking for adoption or the other services provided, it is now apparent that during after hours the building is at risk of ongoing damage. The worst incident thus far was when someone in the middle of the night broke out 3 large windows along Raymond St.

The shelter administration has requested a fence be installed along Raymond, connecting to the rest of the project’s fencing which will now create an entirely enclosed site around the building. The location is shown on the attached plans, uploaded. The fence will be 6’ high black vinyl coated chain link that is the same as the rest of the project.

**2026APP011 ; Findings of Fact**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The requested fence is off of the road and sidewalk roughly 20’. There is no health or safety impacts, only visual. In fact the fence is needed to improve the safety of staff and volunteers at the building as well as help prevent vandalism to the building.

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2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The Animal Care Shelter has brought a quality government service facility and services, along with several full and part time jobs to a site that has long been vacant. All other sides of the building already included the same fencing as is proposed and we believe it does not detract from the quality of the property - it is simply necessary for the function and safety. Overall the project is adding value to the surrounding area and the fence will not change that.

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3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

We have already seen the difficulties of not having this fence. In the last six months there have been several criminal activities at the property, as the fencing went up around the other sides we saw more impact specifically on the north elevation. The most serious event was when a vandal broke out 3 large section of the new glass wall along Raymond. The fence will add a necessary layer of protection for the building and its patrons.

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**2026APP011 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Northeast

**2026APP011 ; Photographs (continued)**



Photo 3: Subject Site Viewed from East



Photo 4: Subject Site (Dog Park) Viewed from East

**2026APP011 ; Photographs (continued)**



Photo 5: Southeastern Portion of Subject Site



Photo 6: Northwestern Portion of Subject Site

**2026APP011 ; Photographs (continued)**



Photo 7: Adjacent Property to East



Photo 8: Adjacent Property to North