



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

November 13, 2025

Case Number: 2025-ZON-102 (Amended)
Property Address: 2802 Merchants Drive and 2802 Lafayette Road (Approximate Addresses)
Location: Wayne Township, Council District #11
Petitioner: Timberland Home Center, by David Gilman
Current Zoning: C-4 (FF) (FW)
Request: Rezoning of 13.05 acres from the C-4 (FF) (FW) district to the C-7 (FF) (FW) district to provide for heavy commercial uses.
Current Land Use: Undeveloped land
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the October 9, 2025 hearing to the November 13, 2025 hearing at the request of the petitioner to allow them additional time to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 13.05-acre subject site is comprised of one (1) compete parcel (9050857) and a portion of another (9026830).

The site is bordered to the west by an undeveloped lot, zoned I-3, a gas company to the south, zoned I-4, commercial uses to the east, zoned C-4, and a commercial building and associated parking lot to the north, zoned C-4.

REZONING

The grant of the request would rezone the property from the C-4 district to the C-7 district to permit heavy commercial uses.

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.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

FLOODWAY / FLOOD FRINGE

This site lies partially within the floodway and floodway fringe of Little Eagle Creek, which runs along the site's west property boundary line. Development within the floodway and floodway fringe must comply with the Flood Control Secondary Zoning Districts regulations.

STAFF ANALYSIS

The petition was initially filed to rezone the site from the C-4 (FF)(FW) district to the to the I-3 (FF)(FW) district. The request was later amended to rezone the site to the C-7 (FF)(FW) district.

In 2012, the site was zoned I-3-S and was rezoned to the current C-4 (FF)(FW) district to propose a community center, fitness facility, and fraternal lodge through 2012-ZON-029. The commercial rezoning was also consistent with neighborhood plans that were applicable in 2012.

The current proposed use would be a lumber company, which falls under the Commercial and Building Contractors classification. The intent would be to house unlimited outdoor operation and storage of lumber materials for manufactured wood products such as wood trusses, floor joists, and the like for local builders.

Staff has concerns with the proposed use in relation to the Little Eagle Creek along the western property boundary and environmentally sensitive areas such as the floodplain, floodway, and forest alliance woodlands that border the property along the west and southwest portions of the site.

Staff is recommending denial of the request since the proposed use would not align with the Community Commercial or Floodway recommendations of the Comprehensive Plan.

Furthermore, the C-7 district is not intended to serve the surrounding residents or community as is recommended with the Community Commercial typology. Instead, this district provides for services for companies and overall regional area rather than individuals or community members and is more compatible with industrial activities.

One item to note is the fence height limitations of the I-3 district are six (6) feet in the front yard and 10 feet at the side and rear yards. Considering the primary building is noted to be at the rear of the site, everything forward of the building is in the front yard. The fence heights would need to be reduced in the front yard to be compliant. The petitioner was informed that the fence regulations per Table 744-510-2 would need to be adhered to.

Staff did not find there to be any reason to support a High-Intensity Commercial District (C-7) rezoning or industrial type use of the site.

GENERAL INFORMATION

Existing Zoning	C-4 (FF) (FW)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial and Floodway	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4	Commercial
South:	I-4	Gas Company
East:	C-4	Commercial
West:	I-3	Undeveloped
Thoroughfare Plan		
Merchants Drive	Private Road	Not Applicable
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 8, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
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

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Community Commercial development for the majority of the site and recommends the Floodway typology along the western property boundary.
- 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.
- **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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - 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.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
 - 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.
- In environmentally sensitive areas, small scale offices, retailing, and personal or professional services are modified to which any development impacting wetlands or high-quality woodlands should include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.
- The Large-Scale Offices, Retailing, and Personal or Professional Services Large-Scale Schools and Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly recommendations are removed.
- A western portion of the site is recommended as a floodway that is a non-typology land use.
- These stand-alone land uses are mapped outside of the typology system due to their scale or the nature of their use.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.

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

2012-ZON-029; 2802 Merchants Drive (subject site), Rezoning 7.84 acres, from the I-3-S (FW) (FF) District to the C-4 (FW) (FF) classification to provide for commercial uses, **approved**.

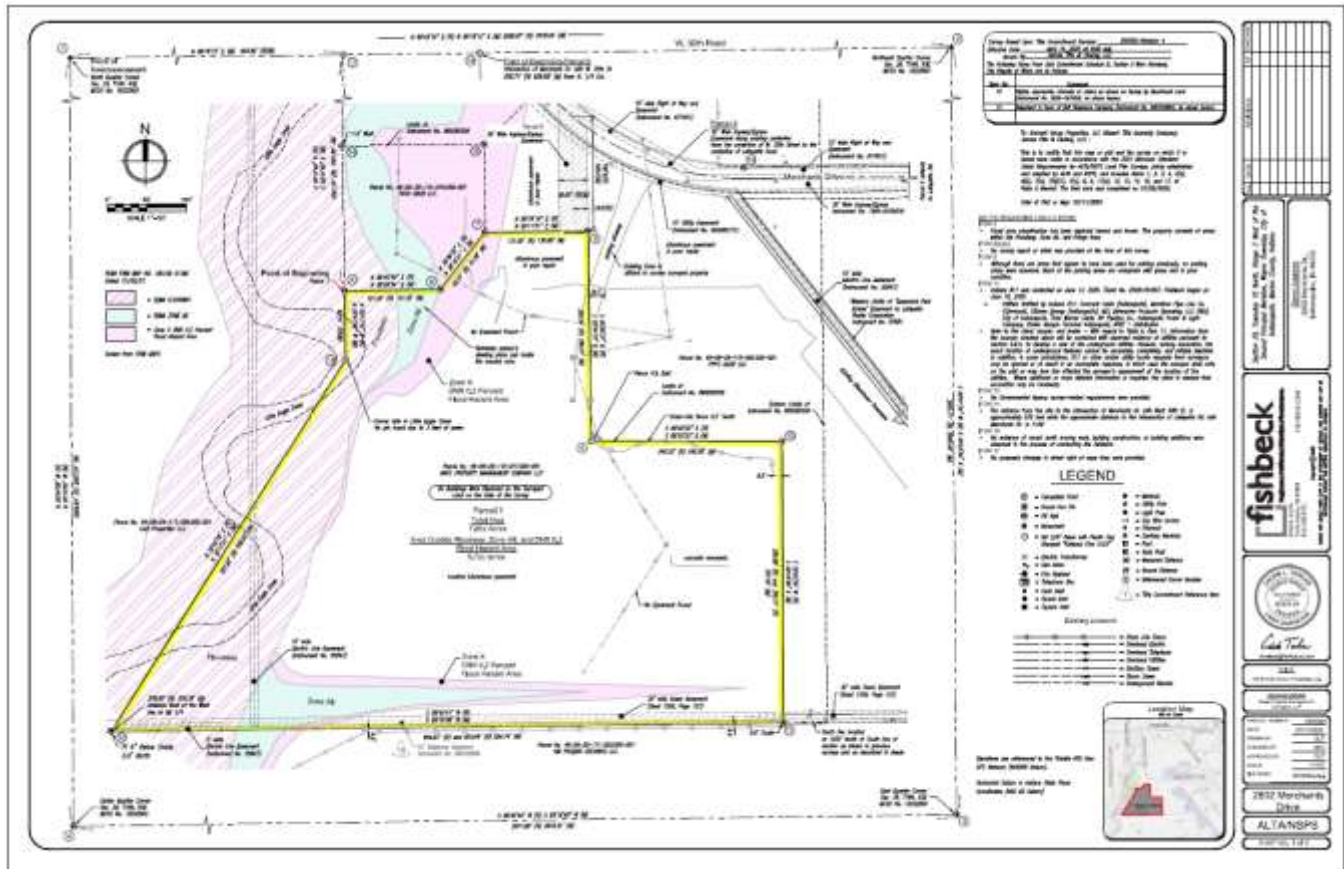
2005-UV3-022; 2802 Merchants Drive (subject site), Variance of Use of the IZO to legally establish a 2,080-square foot concrete outdoor storage area for use by an entertainment center operating by variance petition 2000-UV1-010, **granted**.

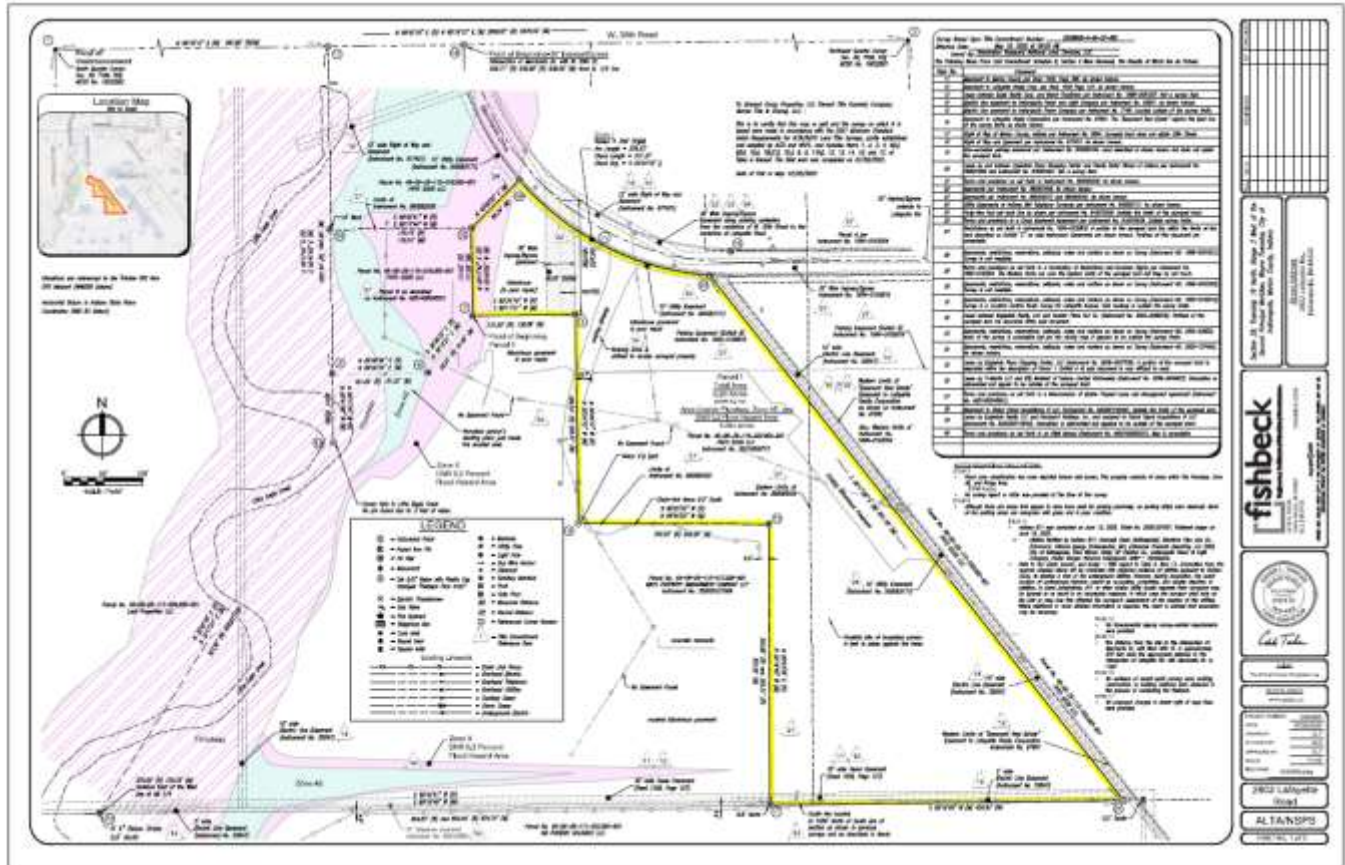
2000-UV1-010; 2802 Merchants Drive (subject site), Variance of Use of the IZO to provide for a restaurant, a nightclub, and a retail center, **granted**.

89-Z-113; 3623 West 30th Street (subject site), Rezoning of 13.4 acres, being in the I-3-S district, to the C-4 classification to conform zoning to its use of a shopping center, **approved**.

[illegible]

AERIAL MAP





Parcel 1
 Total Area
 5.20 Acres
 226365 Sq. Feet

Area Outside Floodway, Zone AE, and
 DNR 0.2 Flood Hazard Area
 5.09± acres

Parcel No. 49-06-29-115-002.000-901
 PFFO QOZB LLC.
 Instrument No. 20210008773

SITE PLAN

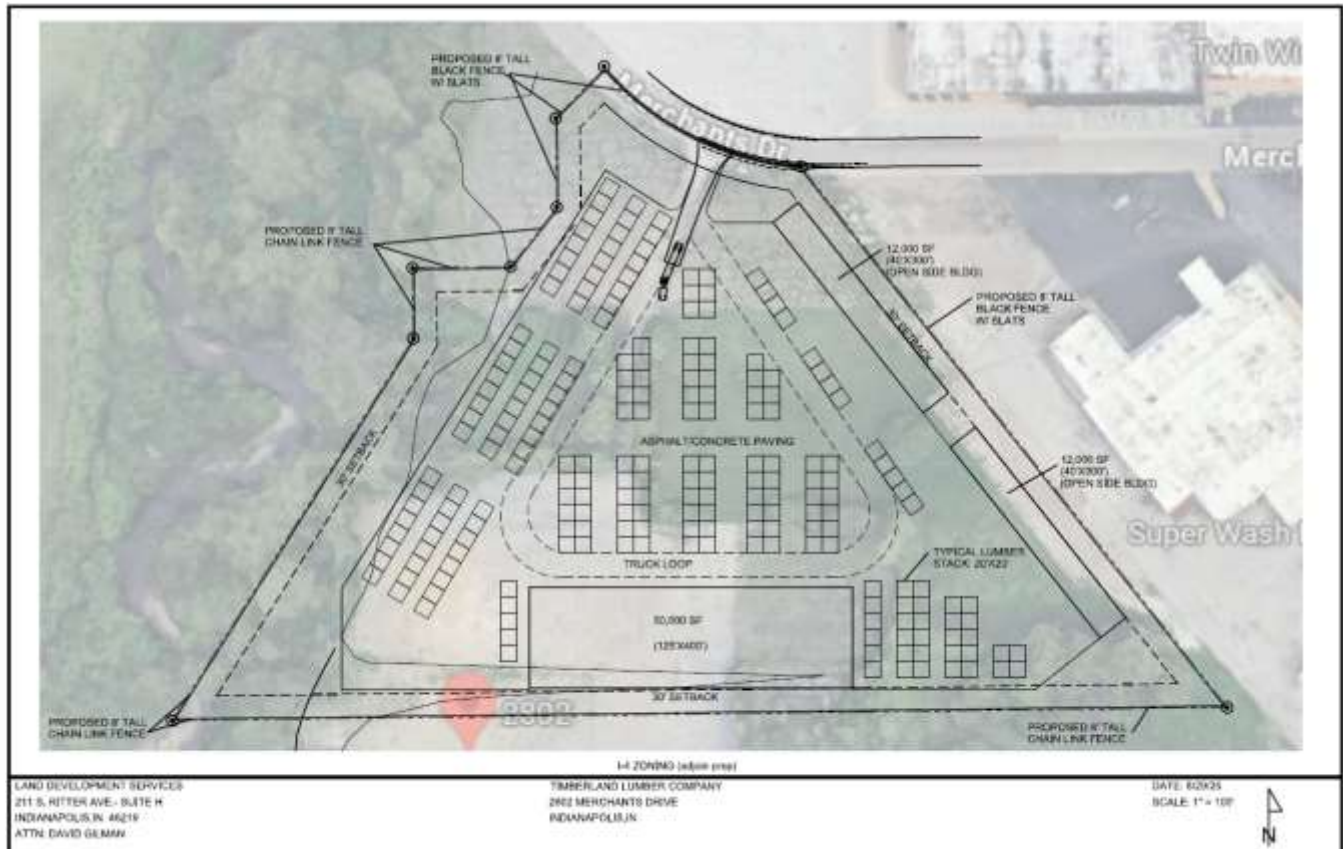




Photo looking south towards the east end of the subject site.



Photo looking south towards the east end of the subject site.



Photo looking northwest towards the western property boundary.



Photo of the property northwest of the site.



Photo of the property north of the subject site



Drive that leads towards the commercial shopping center.



Photo of the drive that leads to the middle of the site.



Photo of the subject site looking southeast.



Photo of the subject site looking south.



Photo of the subject site looking southwest.