

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 9, 2025

Case Number: 2024-CVR-834 (2nd Amended) / 2024-CPL-834 (Amended)

Property Address: 6650 South Meridian Street

Location: Perry Township, Council District #22

Petitioner: Chinn United Pentecostal Church, by Katlyn Grey

Current Zoning: D-A

Request: Variance of Development Standards and a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses on proposed Lot One, with a zero-foot north side yard setback and a 20-foot south side yard setback (minimum 30-foot required) and a 15-foot rear yard setback (minimum 75-foot required).

Approval of a Subdivision Plat, to be known as 6650 South Meridian Street Addition, dividing 14.68 acre into two lots.

Current Land Use: Single-family dwelling / accessory building

Staff Approval of the plat request and special exception.

Recommendations: Denial of the variance of development standards request.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the October 24, 2024 hearing, to the November 21, 2024 hearing, at the request of remonstrators.

The Hearing Examiner continued these petitions from the November 21, 2024 hearing, to the December 12, 2024, because the variance request was amended and new notice was required. The amendment removed the religious uses from Lot Two and requested religious uses for Lot One.

The Hearing Examiner continued these petitions from the December 12, 2024 hearing, to the January 9, 2024 hearing, at staff's request to amend the request and provide new notice because the lot lines on the Plat had to be adjusted to comply with the D-A development standards and another setback variance was required based upon an amended site plan.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated December 12, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

Staff recommends approval of the Special Exception, 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. Final site plan, landscaping plan, photometric plan, and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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 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.
3. 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 / receptacles provided for the proper disposal of trash and other waste.

Staff recommends denial of the variances of development standards.

PETITION OVERVIEW

This 14.28-acre site, zoned D-A, is developed with a single-family dwelling and an accessory building. It is surrounded by single-family dwellings to the north, south and to the east, across South Meridian Street, all zoned D-3; and single-family dwellings to the west, zoned D-A.

PLAT

Site Plan

The request would provide for a subdivision plat known as 6650 South Meridian Street Addition that would divide the parcel into two lots. Lot One would have an “L” shape configuration and consist of approximately 8.174 acres, with proposed development for religious uses. Lot Two would be an approximately 5.508-acre lot that would maintain the existing dwelling and accessory building.

An amended plat, file-dated December 12, 2024, adjusted lot lines to comply with the D-A district development standards for the existing structures on Lot Two, including a 30-foot /combined 75-foot side yards and a 75-foot rear yard.

Streets

Both Lot One and Lot Two would front on South Meridian Street. No new streets are proposed as part of this petition.

Sidewalks

Sidewalks do not exist but would be required as development occurs.

Waivers

None requested.

SPECIAL EXCEPTION VARIANCE

This request would allow for religious uses on Lot One (northern lot).

Religious uses are generally considered compatible with residential development if they are designed and developed properly to address issues such as parking, hours of operation, outdoor activities, signs, setbacks, lighting and landscaping.

Given the required variances of development standards of the D-A district and the abutting neighborhoods, staff is concerned with the impact the proposed development would have on surrounding residential land uses. Consequently, staff's support of this request would be subject to Administrator Approval of the final site plan, landscaping plan, photometric plan, and building elevations to assure that all development standards of the D-A district are met to minimize impact on surrounding residential land uses.

Additionally, the amended site plan, file-dated December 12, 2024, provides for approximately 290 parking spaces. The Ordinance permits a minimum of four parking spaces for each seat in the place of worship or one parking space for each 1,000 square feet of floor area. It should be noted that no ADA spaces are shown when seven reserved ADA spaces would be required, two of which would be required to be van accessible.

Plan of Operation

The Plan of Operation, file-dated August 27, 2024, indicates that the worship hall would provide seats for between 250-300 people, with a capacity of 300+ people for special events.

Hours of operation would be Saturday from 6:00 P.M.-9:00 P.M. and Sunday from 12:00 p.m. to 4:00 p.m., with occasional hours for special holidays and celebrations.

VARIANCE OF DEVELOPMENT STANDARDS

As initially filed, this request would permit reduced setbacks that would include a zero-foot transitional side setback along the northern transitional boundary and 15-foot transitional side setback along the southern boundary.

The amended site plan, file dated December 12, 2024, increased the setbacks but pursuant to the Ordinance, the rear and northern side setbacks do not comply with the Ordinance because parking lots are treated as buildings and are required to comply with the setback requirements. As proposed, the parking lots encroach into those setbacks.

The Ordinance would require a 30-foot / combined 75-foot side setbacks and 75-foot rear setback to provide an appropriate buffer between the residential land uses and the proposed parking lots. Reduced setbacks would be wholly inappropriate and result in substantial impact on the residential uses abutting the northern boundary, the southern boundary and the western boundary.

The amended site plan also removes the "soccer field" label and replaces it with "green space," yet provides setbacks for the "green space." If, in fact, a soccer field is planned as part of the development on Lot One, staff believes the label should indicate that on the site plan and provide the appropriate setbacks to minimize the impact on adjacent residential uses.

Staff, therefore, does not support any of the requested variances for setbacks because of the detrimental impact on the surrounding residential uses. Failure to provide the required setbacks and appropriate buffers would result in substantial impact on the surrounding land uses and the quality of life.

Furthermore, the practical hardship noted in the Findings of Fact is self-imposed given the fact that the 8.174-acre parcel (Lot One) is undeveloped. Staff believes the site could be developed without any variances, while preserving the existing substantial wooded area and mitigating impact on the abutting residential uses by providing the required setbacks.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the central portion of the 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 prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and 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) 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.

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 dioica*), 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 issuance date. See Exhibit A, Table 744-503-3: Replacement Trees

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

PLANNING ANALYSIS

As previously noted, staff supports the proposed amended plat and finds that it complies with the Subdivision Ordinance.

Staff supports the proposed special exception to provide for religious uses, subject to Administrator Approval of the final site plan, landscaping plan, photometric plan, and building elevations.

Staff's support is also subject to a tree inventory, tree assessment and preservation plan. The wooded area should be preserved because it could provide an amenity area.

Staff does not support any of the requested development standard variances. As previously noted, staff believes the undeveloped size of Lot One eliminates the need for any development standard variances and would not support any future requested variances. The requested reduced setbacks would be detrimental to the surrounding neighborhoods and result in substantial negative impact on their quality of life.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-family dwelling / accessory building	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3	Single-family dwellings
South:	D-3	Single-family dwellings
East:	D-3	Single-family dwellings
West:	D-A	Single-family dwellings
Thoroughfare Plan		
South Meridian Street	Primary Arterial	Existing 100-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 27, 2024	
Site Plan (Amended)	December 12, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	August 27, 2024 / October 4, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typologies. “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 one to five 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.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
 - 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.
- *Large-Scale Schools, Places of Worship Community Servicing Institutions / Infrastructure, and Other Places of Assembly (defined as schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.)*

- Should be located along an arterial 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.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
- Should be located within one-half mile of a bus or rapid transit stop unless there is no bus service within the institution's service area.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

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)

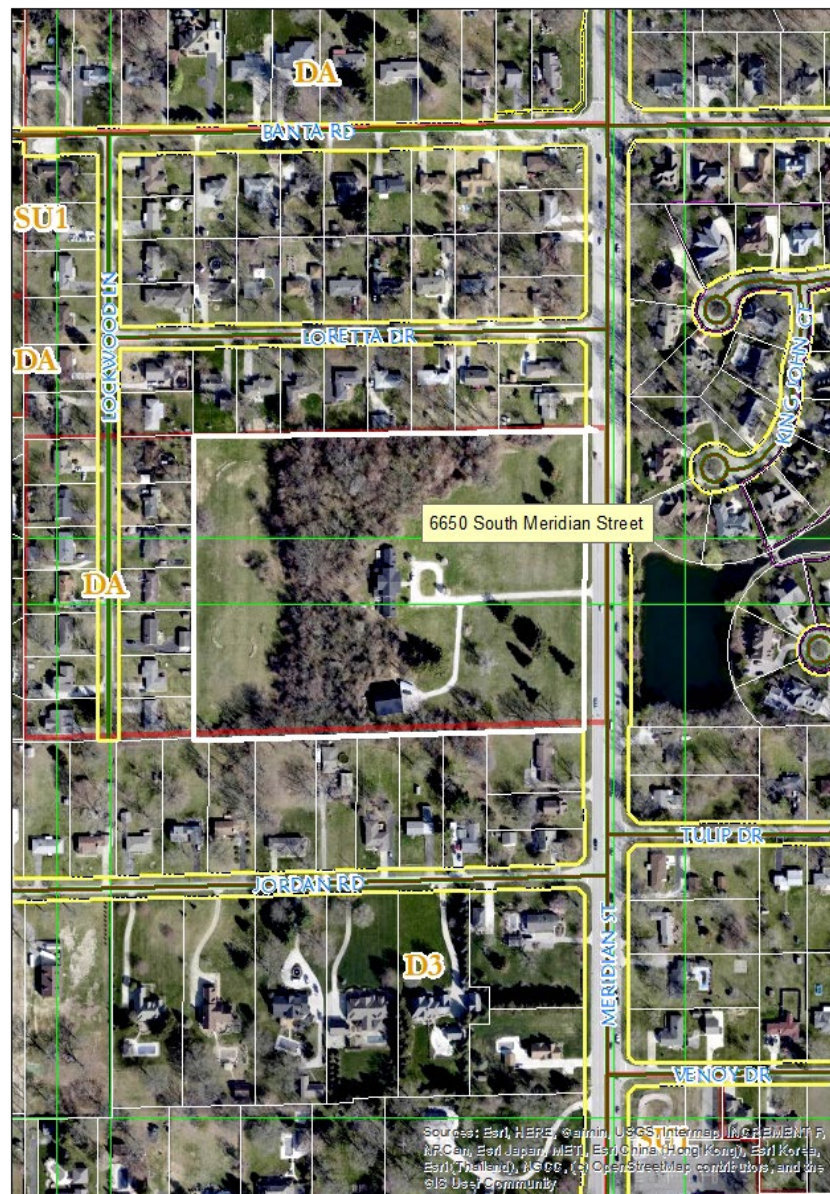
- The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, 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

None.

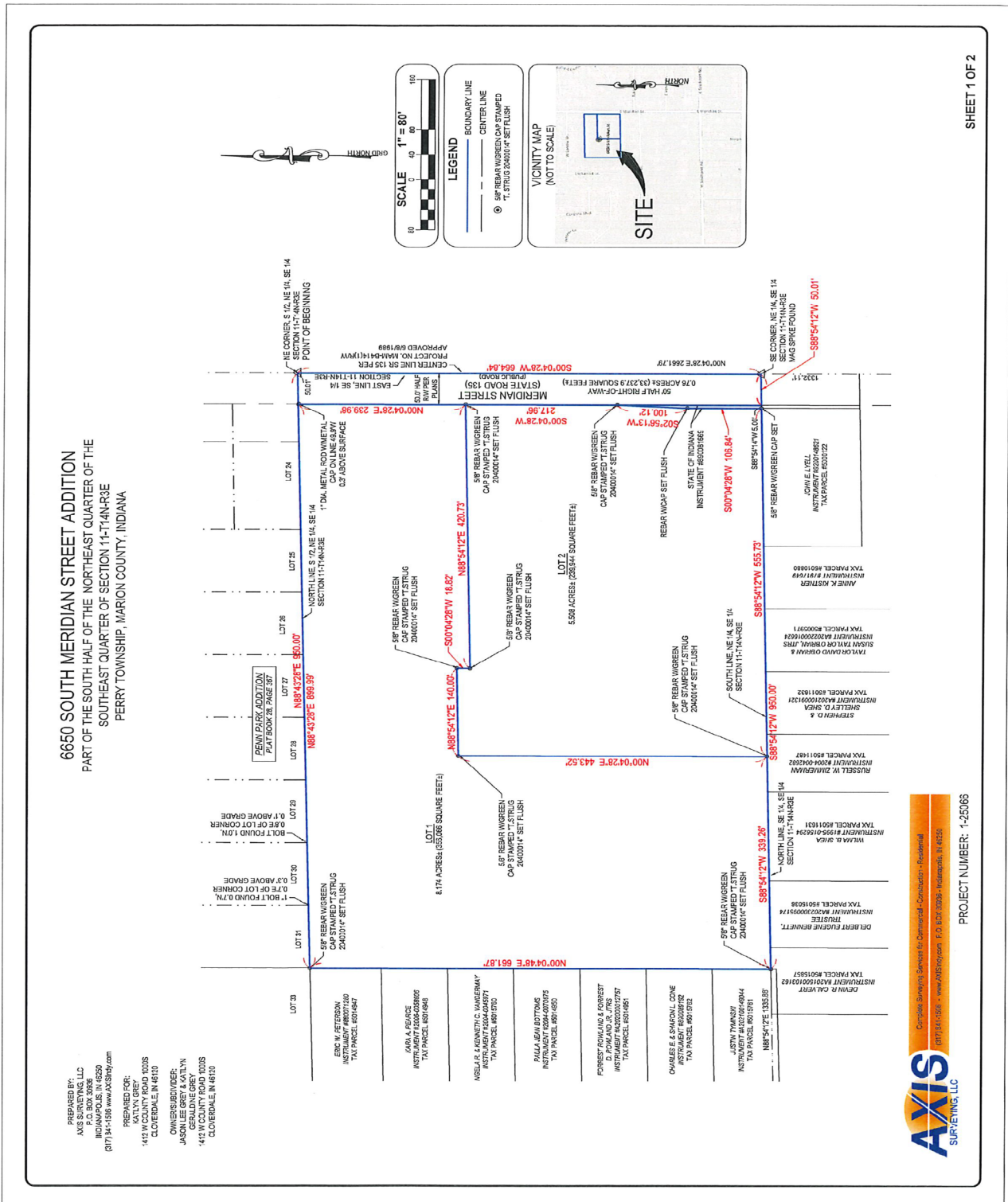
EXHIBITS



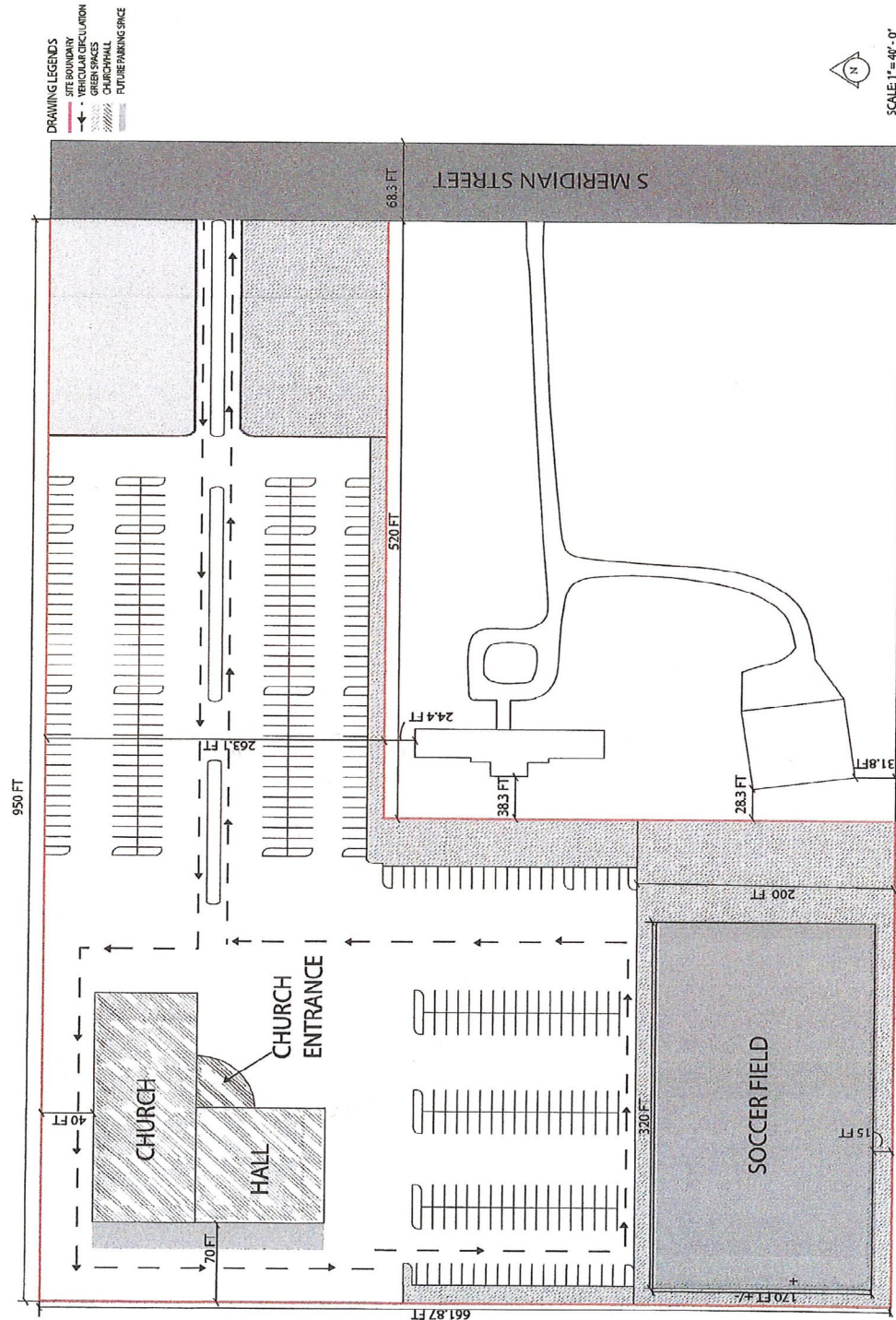
6650 South Meridian Street

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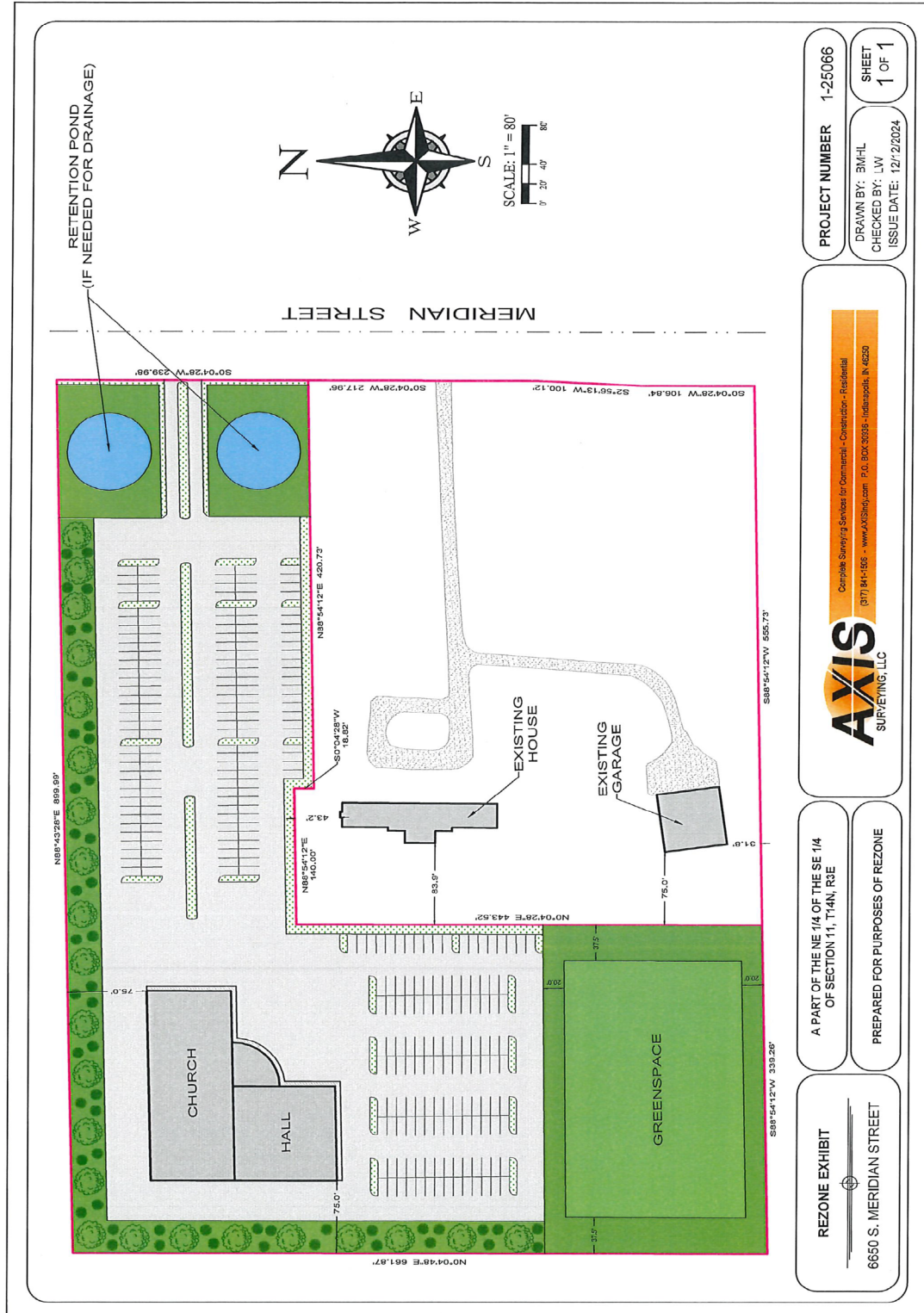
Amended Plat – December 12, 2024



Site Plan – August 27, 2024



Amended Site Plan – December 12, 2024



Plan of Operation – Chin United Pentecostal Church

Proposed Future Site at 6648 S Meridian Dr.

The Chin United Pentecostal Church (CUPC) was started over 10 years ago and is steadily growing. This request for a Special Exception for the property located at 6648 S Meridian St, Indianapolis IN, to allow for land to be used for religious purposes.

CUPC would like to make this the future home of their worship and assembly halls, to accommodate the growing membership and provide services needed by members of our community and support the surrounding neighborhoods.

Currently there are two paid employees, and many volunteers that assist in the day to day operations. The hope in purchasing this property and receive a Special Exception to use for Religious purposes is to build a new, larger worship hall to seat between 250-300 people, expand the number and sizes of our Sunday School Classrooms, and build an assembly hall that will be used for larger events such as wedding receptions, funeral receptions and larger holiday celebrations, with intended capacity to be 300+.

Hours of operation for services will be Saturday 6:00-9:00 pm and Sundays 12:00-4:00 p.m. with occasional exceptions for special holidays and celebrations. All parking will be onsite with no street parking available at this location. There will be occasional weekday use by limited numbers of people with exception of occasional Religious holidays, celebrations, and special events such as funerals.

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
All the land and buildings that will be constructed will be for the sole purpose of divine Worship as well as
related accessory uses,, such as Sunday School, weddings, funerals, Religious Holiday Celebrations

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because

the Church shall be a place of peaceful assembly, a few days per week use at most, will not operate activities overnight on any
regular basis, and any church functions or activities that take place outside of the building shall follow all city/county
noise ordinances and curfew laws.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because

Use of the land will not infringe on the adjoining properties or the rights of their occupants to enjoy the use of their properties,
as the purpose is for peacefull assembly for worship purposes.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because

the church is family oriented and assembles peacefully, and will be compatible with the neighboring homes. There are other
Churches and commerical properties in close vicinity on the main road of Meridian as well.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because

currently there is no structures on the property as it is vacant land. Any future construction, parking, landscaping will be
properly completed with permits and per community/city requirements.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

Intended use is for future construction of a Worship Hall and Assembly hall to host worship services as well as church functions.
Any construction, landscaping and parking designs will have city approval/permits prior to start of any work.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because
Religious Use is allowed with Special Exception for current zoning and meets the standards set forth.

DECISION

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is APPROVED.

Adopted this _____ day of _____, 20 ____

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Petition Number 2024-CVR-834

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

It is to allow for increased parking for church goers.

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 area will be used to expand parking and will not adversely affect the surrounding properties, as the parking areas will only be used a few hours a day, a few days a week.

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

It will reduce the amount of parking spaces available for our growing membership.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

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 product.

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



View looking north along South Meridian Street



View looking south along Meridian Street



View from site looking east across South Meridian Street



View from site looking southeast across South Meridian Street



View of site looking southwest



View of site looking west



View of site looking southwest



View of site looking south



View of site looking west



View from site looking north



View from site looking north



View from site looking east towards South Meridian Street