



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 14, 2026

Case Number: 2026-APP-007
Property Address: 7307 West 38th Street
Location: Pike Township, Council District #5
Petitioner: Barry Foster, by Justin Taylor
Current Zoning: PK-2
Request: Park District Two approval to provide for a 35.573-square-foot front entry pylon sign.
Current Land Use: Veterinarian Office
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the April 9, 2026 hearing, to the May 14, 2026 hearing, to provide required notice.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 1.92-acre site, zoned PK-2, is developed with a veterinarian treatment center. It is surrounded by multi-family dwellings to the north across West 38th Street, and multi-family dwellings to the south, east and west, all zoned PK-2.

Petition 2003-APP-120 requested approval to legally establish a full-service veterinary clinic, to provide for a dog run and a building addition. Petition 79-AP-8 provided for veterinary center in an existing residence.

PK-2 APPROVAL

This request would provide for Park District Two Approval to allow for the replacement of a front entry pylon sign for a veterinarian treatment center



Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

“The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission. The Commission must, also make written findings concerning any decision to approve or disapprove a Site and Development Plan.”

This request would allow for the installation of a 35.573-square-foot entry sign that would replace an existing sign. The proposed sign would allow for identification of the veterinarian treatment center that would not negatively impact surrounding land uses. It appears that the existing sign would be upgraded and be more visible to those visiting the clinic and would not have any negative impact on traffic safety.

GENERAL INFORMATION

Existing Zoning	PK-2
Existing Land Use	Veterinarian Treatment Center
Comprehensive Plan	Community Commercial

Surrounding Context	Zoning	Land Use
North:	PK-2	Multi-family dwellings
South:	PK-2	Multi-family dwellings
East:	PK-2	Multi-family dwellings
West:	PK-2	Multi-family dwellings
Thoroughfare Plan		
West 38 th Street	Primary arterial	Existing 140-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	January 20, 2026	
Site Plan (Amended)	N/A	
Elevations	January 20, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 20, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. “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.”

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 – Community Commercial 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.

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

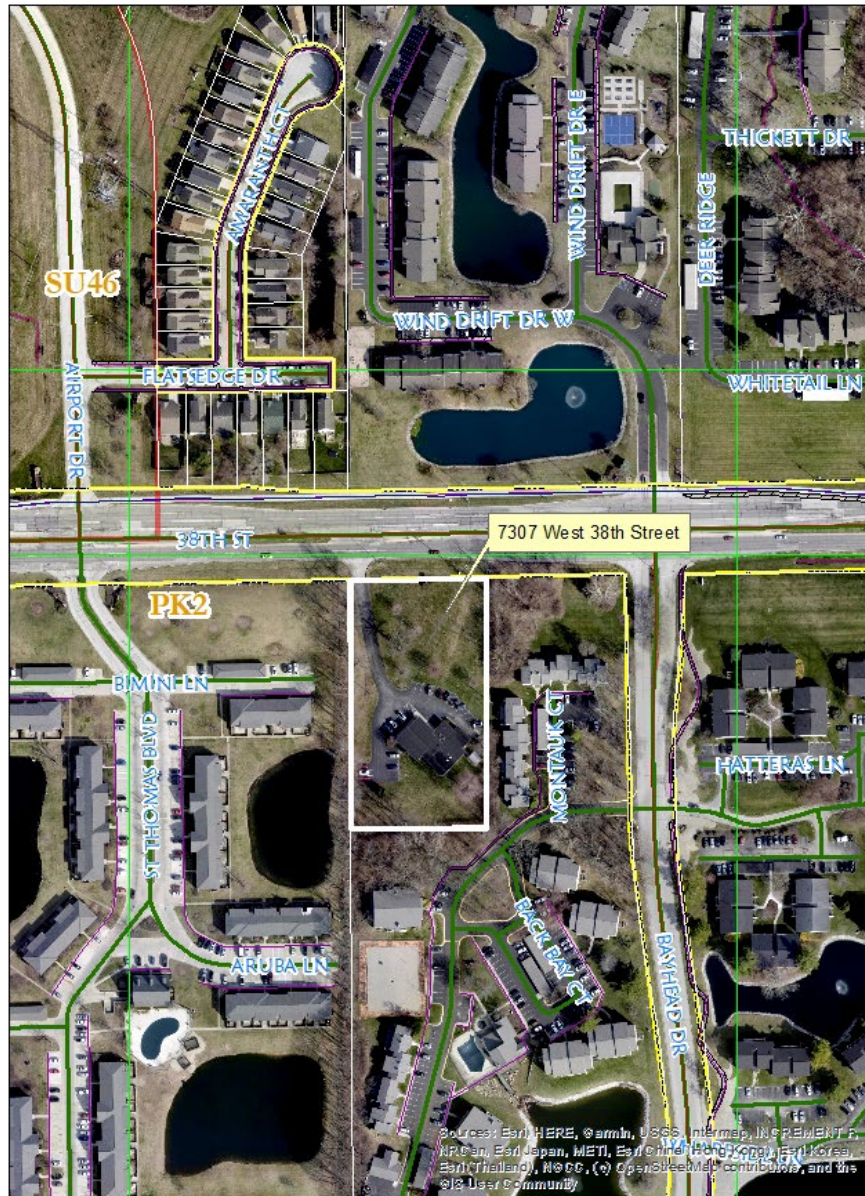


ZONING HISTORY

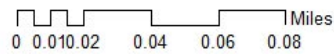
2003-APP-120; 7307 West 38th Street, requested Park District Two to legally establish a full-service veterinary clinic, to modify Commitment Number One of 79-AP-8 related to the prohibition of dog runs, a and to provide for a 1.9038-square-foot addition, **approved**.

79-AP-8, 7307 East 38th Street, requested Park District Two approval to allow for the use of an existing residence as a medical veterinarian treatment center, **approved**.

EXHIBITS

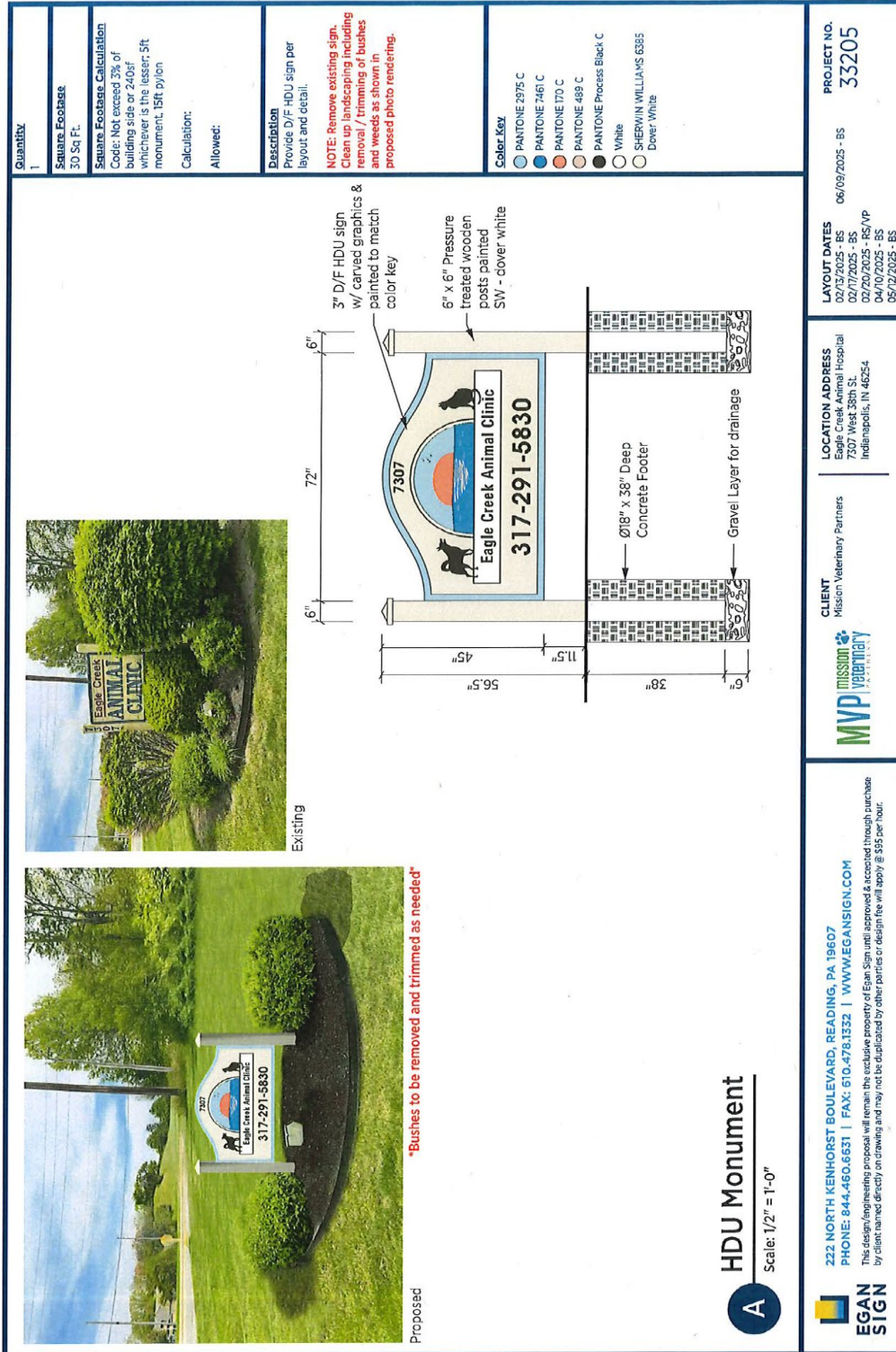


7307 West 38th Street



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Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20____

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

We are working to improve the aesthetic value and attractiveness of the property. The existing commercial sign, _____ along with the current overgrown landscape, that we are proposing to remove and replace is currently heaving and the sign is deteriorating because of this condition. We are proposing the installation of a lower profile sign that _____ ties the beauty of Eagle Creeks water and sun into the design. _____

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

We will be replacing the existing commercial sign that has been worn and adversely affected by the existing landscape. _____ We are proposing a lower profile sign, that is no larger than the existing sign, and removing the overgrown landscaping to allow for the sign to not be blocked. The replacement sign will also be fabricated out of material that will weather the moisture and temperatures. _____

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Section C is not applicable to our petition for improvement as we are proposing the improvement in the aesthetic of the existing commercial sign. We understand the desire to improve inclusivity and accessibility; however, the proposal is directed to addressing the aesthetic value and attractiveness and compatibility of the land use. _____

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Section D is not applicable to our petition for improvement as we are proposing the improvement in the aesthetic of the existing commercial sign. We understand the desire to improve inclusivity and accessibility; however, the proposal is directed to addressing the aesthetic value and attractiveness and compatibility of the land use. _____

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

We understand the desire to protect and conserve the eco system. The requested commercial sign replacement and relocation will utilize the same electrical draw currently being used. Additionally, the grade will not be affected as we will solely disturb the soil where we are placing new posts and utilize gravel to allow appropriate drainage. _____

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The requested commercial sign replacement will take up no additional space as compared to the existing sign.
The new, lower profile sign, will still be visible with the removal of the existing overgrown landscaping. The design highlights the beauty of Eagle Creek with the water and sunset built into the design.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Section G is not applicable to our petition for improvement as we are proposing the improvement in the aesthetic of the existing commercial sign. We understand the desire to improve connectivity, inclusivity and accessibility; however, the proposal is directed to addressing the aesthetic value and attractiveness and compatibility of the land use.

DECISION

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

Adopted this _____ day of _____, 20 ____

 Commission President/ Secretary



View looking east along West 38th Street



View looking west along West 38th Street



View of site looking south along entrance drive



View from site looking north