



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 14, 2026

Case Number: 2025-ZON-114 (Second Amended) / 2026-VAR-002

Property Address: 4005 East Southport Road

Location: Perry Township, Council District #24

Petitioner: Southport Road Development, LLC, by David Gilman

Current Zoning: D-P (FF)

(Second Amended) Rezoning of 3.67 acres from the D-P (FF) (FW) district to the C-S (FF) (FW) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution.

Request:

A Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial structure with zero feet of street frontage (minimum 50 feet of street frontage required), and for a zero-foot front setback (minimum ten-foot front setback required).

Current Land Use: Undeveloped

**Staff
Recommendations:** Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 13, 2025 hearing, to the December 18, 2025 hearing, January 15, 2026 hearing, and to the January 29, 2026 hearing at the request of the petitioner to provide time to amend the request.

The Hearing Examiner continued these petitions from the January 29, 2026 hearing, to the February 26, 2026 hearing, to the March 12, 2026 hearing, and to the April 29, 2026 hearing at the request of staff to provide time to meet with staff and discuss the request.

Staff requests a continuance of this petition from the January 29, 2026, hearing to the February 26, 2026, hearing, in order to meet with the petitioner.

Staff requests a continuance of this petition from the March 12, 2026, hearing to the April 9, 2026, hearing. The petitioner has submitted a variance petition that will companion this request.

The Hearing Examiner continued these petitions from the April 9, 2026 hearing to the May 14, 2026 hearing, at the request of the petitioner's representative.

The Development Statement (C-S Statement) file dated April 7, 2026, has now been included in the staff report, which provides the history of the site, current site conditions, surrounding land uses, Comprehensive Plan land use recommendation, development standards, and utilities / drainage.

The recent submittals provide additional information, but the proposed use has not changed. Consequently, staff continues to recommend denial of these requests.

STAFF RECOMMENDATION

Denial.

If approved, staff would request that approval be 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. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) 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.
2. 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 / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 3.67-acre site, zoned D-P (FF), is undeveloped and surrounded by commercial uses to the north, zoned D-P (FF); undeveloped / open space to the south, zoned D-P (FW) (FF); commercial uses to the east, zoned C-4 (FW)(FF); and commercial uses (vacant) to the west, zoned D-P (FF).

Petitions 98-Z-129 / 98-DP-18 (FW) (FF) rezoned this site from D-6II, C-2 and C-6 (FW) (FF) districts to the D-P (FW) (FF) district to provide for commercial uses and park uses.

REZONING

The request would rezone the site to the C-S (FW) (FF) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to

encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends office commercial typology for the site.

Recommended land uses in this typology include large scale offices, small-scale office, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

As proposed, this request would not be consistent with the Plan recommendation of office commercial.

C-S Statement

No C-S Statement has been submitted. However, Exhibit B provide a list of permitted uses that would include all C-4 uses (except adult entertainment), commercial or building contractors, artisan manufacturing (e-commerce) and warehouse, wholesale, distribution (under 12,000 square feet).

Site Plan / Elevations

The site plan provide for one-story 21,000 square foot building north of the retention pond with parking to the north and west of the building, with approximately 36 parking spaces.

Site access would be via the existing western access drive

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

Much of this site is covered floodway / floodway fringe of Little Buck Creek and woodlands are located along the eastern boundary of the site.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

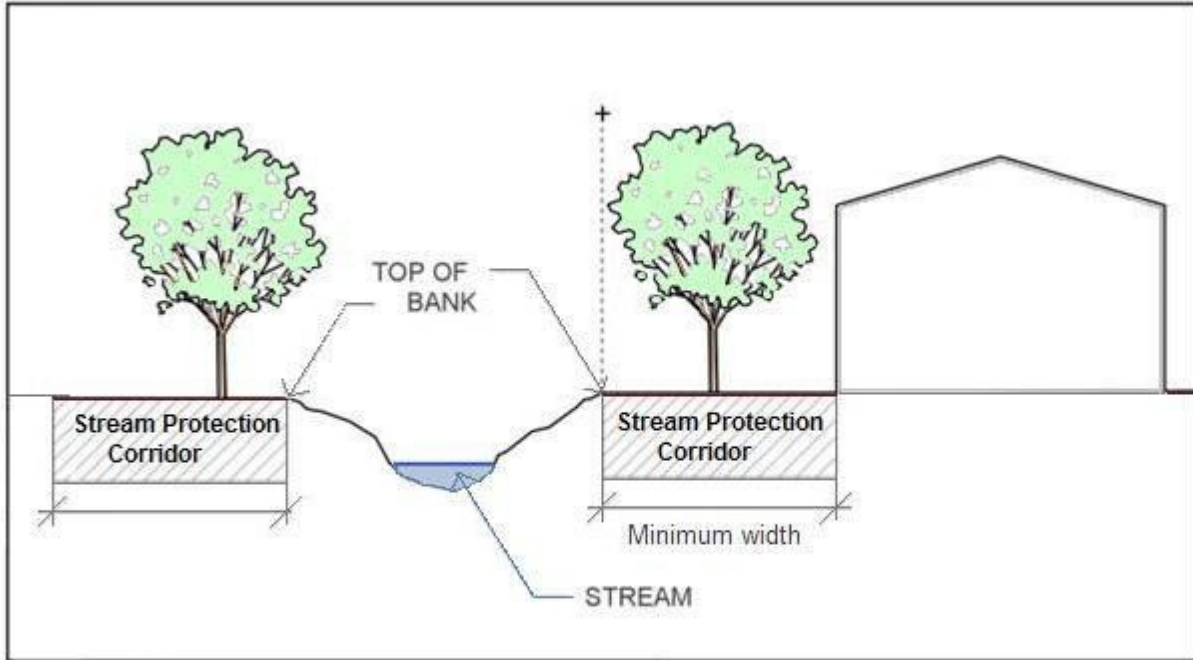
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Little Buck Creek lies within the Metro Context Area and is located along the northern portion of the site. It is designated as a Category One stream requiring a 100-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor



Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the northern 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 of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) 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 Permit (ILP) 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.

VARIANCE OF DEVELOPMENT STANDARDS

As proposed, the request would provide for a zero-foot street of frontage and zero-foot front setback. The Ordinance requires a minimum of 50 feet of frontage and a minimum 10-foot front setback.

Staff believes both requests indicate that this proposed development cannot be accommodated on this site and would result in a negative impact on surrounding land uses. One of the purposes of the street frontage is for visibility and easy access and the setback provides an appropriate buffer from adjacent land uses. The inability to provide these requirements is a strong indication that the proposed development is not appropriate and would have a detrimental impact on surrounding land uses.

Planning Analysis

As proposed this request would not align with the Comprehensive Plan recommendation of office commercial.

Site access would be from two drives along East Southport Road that could present safety issues and conflicts with the existing commercial uses related to truck traffic entering and leaving the site along this primary arterial.

Staff is also concerned that outdoor storage would become an issue because no information has been submitted that would describe this function related to commercial and building contractors.



No information has been submitted related to signage. Because this site is located to the south and behind existing commercial uses, staff is concerned with how this proposed developed and the proposed uses would be identified.

The overlays of this site (floodplain / woodlands) along with the stream protection corridor presents challenges and concerns related to what staff views as industrial and intense commercial uses and the impact on those environmental features as well as surrounding land uses.

Based on the constraints of this site, staff believes the proposed use would be wholly inappropriate and too intense for this site.

GENERAL INFORMATION

Existing Zoning	D-P (FW) (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
North:	D-P (FF)	Commercial uses
South:	D-P (FW) (FF)	Undeveloped / open space
East:	C-4 (FW) (FF)	Commercial uses
West:	D-P (FF)	Commercial uses (vacant)
Thoroughfare Plan		
East Southport Road	Primary arterial	Existing 95-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. Little Buck Creek	
Overlay	Yes. Floodplain / Woodlands	
Wellfield Protection Area	No	
Site Plan	September 30, 2025	
Site Plan (Amended)	March 8, 2026	
Elevations	September 30, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 8, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	April 7, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Office Commercial typology. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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 – Office 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.
- Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.

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

98-Z-129 / 98-CP-18; 3901 East Southport Road, requested rezoning of 16.39 acres from the D-6II, C-2 and C-6 ((FW) (FF) to the DP (FW)(FF) to provide for commercial uses and park uses, **approved**.

VICINITY

98-Z-65 / 98-DP-11; 7120 South Sherman Drive East (east of site), requested rezoning of 28.41 acres, being in the D-A district, to the D-P classification to provide for a mixed residential community of condominiums, **approved**.

88-Z-3, 4802 East Stop Eleven Road (south of site), requested rezoning of 174.73 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development, **approved**.

84-Z-110; 4001 East Southport Road, requested rezoning of 3.9 acres, being in the A-2 district, to the D-3 classification to provide for residential development **approved**.

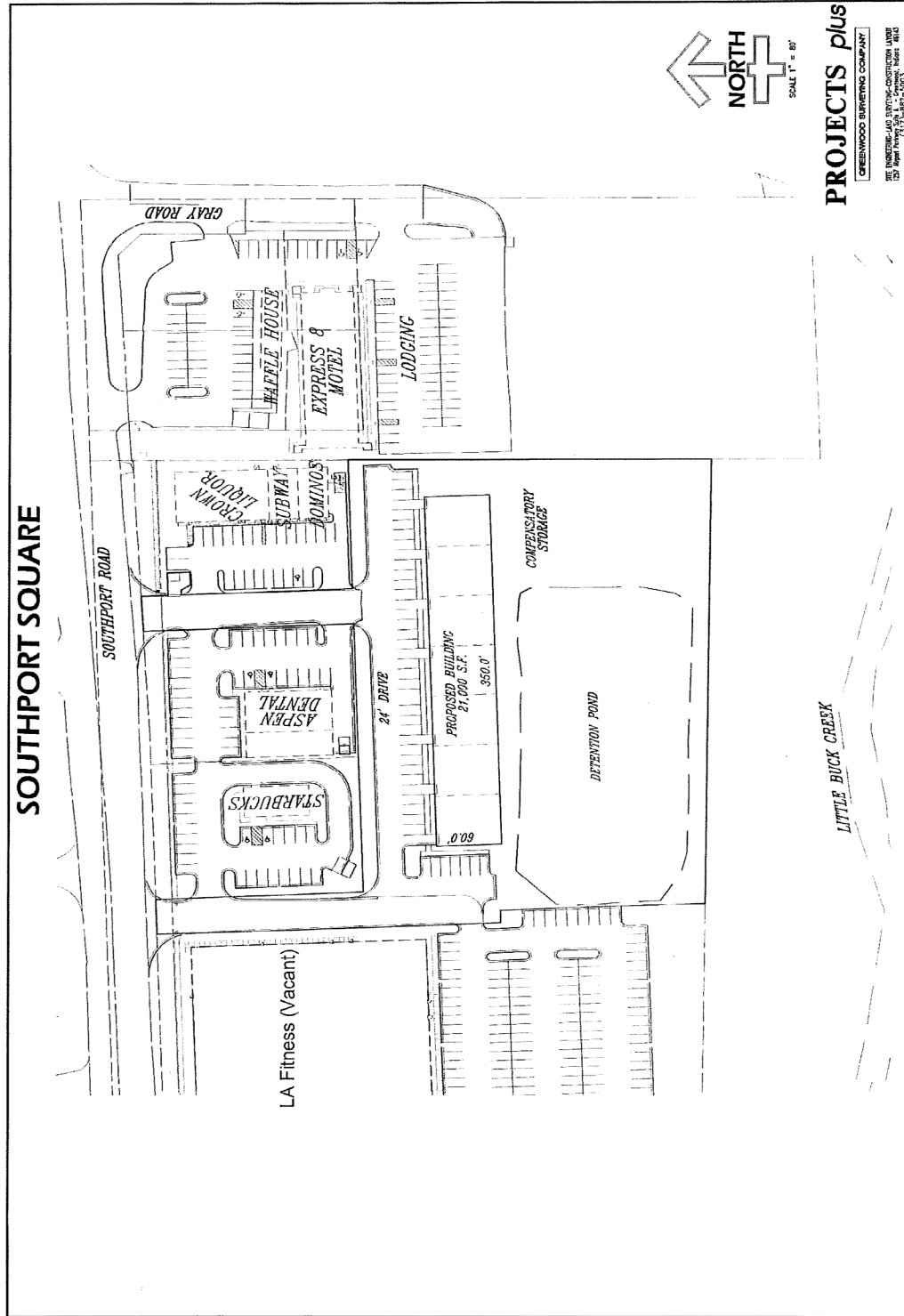
71-Z-97C; 3731 East Southport Road, requested rezoning of 3.9 acres, being in the A-2 district, to the C-3 classification to provide for residential development, **approved**.

71-Z-97D; 4001 East Southport Road, requested rezoning of 9.7 acres, being in the A-2 district, to the C-2 classification to provide for commercial development, **approved**.

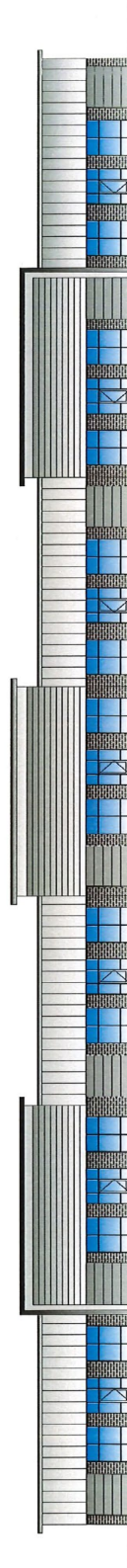
71-Z-97E; 3851 East Southport Road, requested rezoning of 9.3 acres, being in the A-2 district, to the D-6II classification to provide for multi-family residential development, **approved**.

71-Z-19; 7300-7500 blocks of South Sherman Drive, requested rezoning of 29.7 acres, being in the A-2 district, to the D-3 classification to provide for residential development, **approved**.

71-Z-198; 7200-7500 blocks of South Sherman Drive, requested rezoning of 57.55 acres, being in the A-2 district, to the D-3 classification to provide for residential development, **approved**.



PROJECTS plus
 GREENWOOD SURVEYING COMPANY
 157 Maple Park Dr. #107 - 4872 - 5003
 DE INDIANAPOLIS AND SURVEYING CONSTRUCTION LICENSE #1113



3901 E Southport Road
Proposed Flex Space
21,000 SQFT

DEVELOPMENT STATEMENT

4005 E Southport Road
2025-ZON-114 (Amended)
Proposed Commercial Special (CS)
Previous Cases (North Parcel Only)
3901 E Southport Road
98-Z-129 (98-DP-18)
2007-APP-022
January 28, 2026

Introduction and Background

The development proposed under Case 98-Z-129 (98-DP-18), designated as the North Parcel on Exhibit "A," encompasses 10.116 acres, of which only 3.674 acres remain undeveloped.

The proposed Outlot development represents the final phase of an integrated center, utilizing the existing curb cuts along Southport Road. Permitted uses under the Development Plan are limited to C4 classifications (excluding adult entertainment), with this proposed addition of select I-1 light industrial uses as outlined in Exhibit "B." The center has otherwise been fully developed and sold as Outlots, making this petition the last opportunity to complete the North Parcel's development.

The titled owners have already demonstrated their commitment to community benefit by donating approximately six (6) acres of the North Parcel-wildlife habitat and woodland-to the Parks Department for PK-1 classification and the expansion of Gray Park.

Importantly, this rezoning petition introduces no changes that would affect Gray Park or the South Parcel, as previously referenced in Case 98-Z-65 (98-DP-11) and Case 98-Z-129 (98-DP-18). The request simply enables compatible, limited light industrial uses to ensure the successful development of the final Outlot while maintaining consistency with prior approvals and protecting adjacent parkland.

The Site and Existing Site Details

The Site, identified as the undeveloped portion of the North Parcel on Exhibit "A," comprises 3.674 acres. It is located north of approximately six (6) acres donated to the Parks Department for the expansion of Gray Park, west of the existing motel site, south of three (3) developed Outlots along East Southport Road, and east of a vacant fitness center.

The Site currently contains three (3) commercial buildings accommodating both single-tenant and multi-tenant uses. The developed Outlots, together with this remaining undeveloped Outlot, are subject to the site plan shown in Exhibit "C".

Surrounding Zoning and Use

To the East

Immediately East is a motel (DP), and a restaurant (C4) and further east is a residential subdivision (PUD).

To the South

The South Parcel is largely undeveloped, consisting of land donated to the Parks Department for the expansion of Gray Park (PK1), as well as areas within the floodway and flood fringe of Little Buck Creek.

To the West

Immediately to the west lies a vacant Life Fitness Center (DP). There is speculation that this property will be repurposed as an event center.

To the North

To the North are three (3) developed Outlots for single and multi-use tenants (DP).

Present Zoning of the Subject Outlot

The subject Outlot is currently zoned DP, permitting C4 uses. Despite being actively marketed for commercial use, it has remained undeveloped for more than 27 years, making it the only Outlot in this condition. This rezoning request seeks to expand the range of allowable uses to encourage long-overdue development of the site. Importantly, only a limited set of light industrial uses—outlined in Exhibit "B"—are proposed.

The petitioners bring a proven history of successful projects that integrate commercial and light industrial uses. This balanced mix has consistently demonstrated compatibility, with little to no adverse impact on daily operations, parking availability, customer activity, or traffic flow. Approving this request will not only unlock the potential of a long-dormant property but also ensure its development aligns with established patterns of compatible, sustainable growth.

The Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject property for Office Commercial use, which is inconsistent with the existing C4 Community Commercial zoning to the North and West. Directly south of the parcel lies land donated by the petitioner to the Parks Department for the expansion of Gray Park.

Development Standards

The development standards were previously modified under 2007-APP-022, modifying the C4 development standards along the West and South boundary lines. The subject Outlot of this petition (4005 E. Southport Road) shall continue to benefit from that approval, which exempts setback, use, and landscaping requirements along the west and south property lines adjoining Gray Park.

As part of this petition, the final landscape plan will incorporate the designated landscape areas along the south and west property lines of the North Parcel, as shown on the attached Site Plan. In addition, supplemental landscape materials will be installed on the Park property adjacent to the lower parking area. This plan will be subject to Parks Department approval and will utilize native plantings to ensure ecological compatibility and long-term sustainability.

This rezoning request also permits limited light industrial uses, including seven (7) overhead doors and thirty-six (36) parking spaces, as depicted in Exhibit "C". These improvements will facilitate functional site development while maintaining compatibility with surrounding uses and enhancing the visual buffer to Gray Park.

A separate companion variance will be included with the rezoning petition to maintain the private access easement to Southport Road without the required public street frontage and front yard setback.

Utilities and Drainage

The site has all public and private utilities readily available.

The existing stormwater retention basin and compensatory storage area have previously been designed and constructed to meet the requirements of the stormwater management ordinance.



EXHIBIT "B"

4005 East Southport Road
Permitted C4 and I-1 Use List
2025-ZON-114 (Amended)

1. All C-4 Uses, Except Adult Entertainment
2. Commercial or Building Contractors
3. Artisan Manufacturing (e-commerce)
4. Warehouse, Wholesale, Distribution (Under 12,000 sqft)



Petition Number _____

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:

The access easement serving the outlot functions as part of an integrated commercial center and is constructed as an asphalt drive designed for safe and efficient vehicular circulation.

Its width, pavement structure, and internal circulation pattern support predictable traffic movements and ensure that vehicles can enter, exit, and maneuver without conflict.

Because this easement provides a direct, well

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:

All the adjacent parcels have developed under the same access arrangement without any negative impact on their use, marketability, or value.

The continued development and stable condition of these surrounding properties demonstrates that the absence of direct street frontage on this outlot has not created any adverse effect on adjacent property values.

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

The outlot was originally approved by the Metropolitan Development Commission in this configuration, with the intent that it function as

part of an integrated commercial center rather than as a standalone parcel. As a result, the site was designed and constructed with a shared

entrance and a common internal access drive that provides circulation throughout the development. Because the parcel relies on this

established access system and does not have the ability to obtain independent street frontage, it cannot be developed in compliance with current standards without the benefit of a variance.

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 east along East Southport Road



View looking west along East Southport Road



View of site looking southwest



View of site looking northeast



View of site looking south



View of site looking southwest



View of site looking west



View of site looking east



View of site looking southeast



View from site looking north along western access drive



View looking south along western access drive