

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 27, 2026

Case Number: 2026-CZN-842 / 2026-CVR-842

Property Address: 3830 North Rural Street, 3801 North Temple Avenue, 3830 Meadows Drive, and 2806 and 2840 East 38th Street

Location: Washington Township, Council District #8

Petitioner: Health and Hospital Corporation of Marion County, by Joseph D. Calderon

Current Zoning: D-5 (W-1) (TOD), D-P (W-1) (TOD), C-1 (W-1) (TOD), and C-4 (W-1) (TOD)

Request: Rezoning of 9.33 acres from the D-5 (W-1) (TOD), D-P (W-1) (TOD), C-1 (W-1) (TOD), and C-4 (W-1) (TOD) districts to the SU-9 (W-1) (TOD) district to provide for offices for public health uses.

Current Land Use: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple rows of surface parking in front of the building (maximum of one row of surface parking permitted in front of the building).

Staff Recommendations: Government Services related to public health uses

Staff Reviewer: Approval of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing for these petitions.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning and the variance request.

PETITION OVERVIEW

This 9.33-acre site, zoned D-5 (W-1) (TOD), D-P (W-1) (TOD), C-1 (W-1) (TOD), and C-4 (W-1) (TOD), comprised of nine parcels, is developed with a governmental services campus related to public health uses. It is surrounded by commercial uses and undeveloped land to the north, zoned C-1 (W-1) (TOD) and D-P (W-1) (TOD), respectively; commercial uses to the south, across East 38th Street, zoned C-3 (W-1) (TOD); commercial uses to the east, across Meadows Drive, zoned D-P (W-1) (TOD); and commercial uses to the west, across North Rural Street, zoned C-1 (W-1) (TOD).

REZONING

The request would rezone the site to the SU-9 (W-1) (TOD) district to provide for office for public health uses. “The SU-9 District permits buildings and grounds used by any department of town, city, township, county, state or federal government.”

“No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided.”

The Comprehensive Plan recommends village mixed-use typology for the site.

Recommended land uses in this typology include detached / attached / small-scale multi-family / large-scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing and personal or professional services; small- and large- scale schools, places of worship, neighborhood / community serving institutions / infrastructure, and other places of assembly; and small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens.

As proposed, this request would align with the Plan recommendation of village mixed-use as a community serving institution. Furthermore, the rezoning would bring the entire campus into one zoning district that would be consistent with the existing uses.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “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 Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

A transit stop is located at the intersection of East 38th Street and Meadow Drive (southeast corner of the site), with a District Center typology.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

The subject site is located in W-5 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

VARIANCE OF DEVELOPMENT STANDARDS

As proposed, this request would allow for multiple rows of surface parking in front of the building when the Ordinance limits a maximum of one row of surface parking permitted in front of the building.

Because the site is a redevelopment project that typically has site constraints related to historical land uses and infrastructure, staff believes that relief from the Ordinance is supportable and that impact on surrounding land uses would be minimal. Staff would also note that the parking lot would be limited to employees and accessed from an internal drive, leaving the sidewalk along Meadows Drive unimpeded by access drives that would compromise pedestrian safety.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1) (TOD) / D-P (W-1) (TOD) / C-1 (W-1) (TOD) / C-4 (W-1) (TOD)	
Existing Land Use	Governmental Services Campus related to public health uses	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1 (W-1) (TOD) / D-P (W-1) (TOD)	Commercial uses / undeveloped land
South:	C-3 (W-1) (TOD)	Commercial uses
East:	D-P (W-1) (TOD)	Commercial uses
West:	C-1 (W-1) (TOD)	Commercial uses
Thoroughfare Plan		
East 38 th Street	Primary Arterial	Existing 60-foot right-of-way and proposed 88-foot right-of-way.
North Temple Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Meadows Drive	Primary Collector	Existing 80-foot right-of-way and proposed 78-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development (TOD)	
Wellfield Protection Area	Yes – W-1 Fall Creek	
Site Plan	July 1, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	

Findings of Fact	July 1, 2026
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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 – Village Mixed-Use 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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly (defined as public, semi-public, and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are government complexes, small claims courts, and probation centers.

- 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.
- Should be located within one-half mile of a bus or rapid transit stop.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Purple Line Transit-Oriented Development Strategic Plan (2021).

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

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

2010-ZON-042 / 2010-DP-003; 3801-4005 Meadows Drive and 3805 3806 North Dearborn Street, requested rezoning of 101.9 acres, from the D-8 (W-5), D-9 (W-5), SU-2 (W-5), C-4 (W-5) and C-S (W-5) district, to the D-P (W-5) classification to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 Districts, special and institutional uses permitted within the SU-1, SU-2, SU-6, SU-7, SU-9, SU-37, SU-38, SU-39 Districts, mixed-use areas of residential and commercial in the same building as well as live/work units, including light manufacturing and assembly and residential, commercial and institutional uses within the same building, and uses permitted within the SU-3 and SU-9 Districts and agricultural uses, including a community garden and the sale of products produced therein, **approved**.

2007-ZON-132, 2740 East 38th Street, requested rezoning of 0.859 acre, being in the D-5 (W-5) district, to the C-3 (W-5) classification to provide for community-regional commercial uses, **approved**.

2006-ZON-008; 4000 Meadows Drive, requested rezoning of 13.95 acres from C-1 (W-5), C-4 (W-5), and D-8 (W-5) to SU-2 (W-5) to provide for a charter school, **approved**.

2001-ZON-165; 3940 Meadows Drive, requested rezoning of 12.5 acres from C-4 to C-S to provide for a general contractor with related offices and outdoor storage, general offices, educational use, and C-3 uses, **approved**.

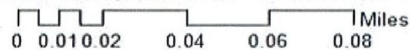
2000-ZON-031; 3960 Meadows Drive, requested rezoning of eight acres from C-4 to C-S to provide for I-3 uses, **withdrawn**.

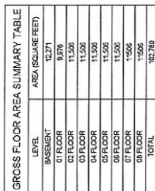
96-Z-189; 3801 North Temple Avenue, requested rezoning of 1.05 acres from the D-5 district to the C-1 classification, **approved**.

90-UV2-49; 2740 East 38th Street, requested a variance of use to permit the continued operation of a car wash and automobile accessories sales in a D-5 district, **granted**.

89-UV2-16; 2740 East 38th Street, requested a variance of use to permit the continued operation of a car wash and automobile accessories sales, in a D-5 district, **granted**.

61-Z-30; 3939 Meadows Drive, requested rezoning of 3.4 acres, being in the U-1, H-1, and A-1 districts to the U-3, H-3 and A-2 classification to provide for a hotel, **approved**.





Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

**Table 744-404-1: Limitations to
Parking in Front of a Building**

FINDINGS OF FACT

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

the proposed condition matches the existing quantity of parking rows on the north side of the building being considered the front and has not caused safety issues since it's placement in the 1970s. The parking area is privately used by the Health and Hospital Corporation and Marion County Public Health Department for employee use only. Once the adjacent project to the east is complete, there will be no public access or public facing services provide at 3838 Rural St.

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 double row parking on the north side of the building being considered the front is an existing condition. The double row parking is being replaced matching the current configuration, and only needs to be removed to facilitate installation of underground chambers to accommodate drainage permit requirements as the rest of the viable space for detention is filled with underground utilities that cannot be relocated due to utility easements. Additionally, the property is not large enough to accommodate the required minimum number of off-street parking spaces. The existing building requires 294 parking spaces, but utilizing all available space, which includes perpetuating double row parking on the north face, can only achieve 240 spaces.

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

the project would be even more deficient below the minimum parking space requirement. The area is also home to an electrical equipment, an existing loading area with elevator, and the existing dumpster enclosure. The pavement for vehicle access would still be required to perpetuate existing conditions and access requirements, but the removal of parking striping to disallow parking would only result in wasted hardscape without a use rather than removal of said hardscape. The electrical equipment and loading area cannot be relocated to make the removed parking a useful space.

DECISION

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

Adopted this _____ day of _____, 20 _____



View of site looking north across East 38th Street



View of site looking northeast across intersection of East 38th Street and Meadow Drive



View of site looking west across Meadows Drive



View of site looking southwest across Meadows Drive



View of site looking south across East 39th Street



View of site looking south across East 39th Street



V

View of site looking south across East 39th Street



View of site looking east across North Rural Street



View of site looking east across North Rural Street



View of site looking southeast across North Rural Street



View looking northwest at the western building



View looking west across North Rural Street of the western building



View from site looking southeast across North Rural Street