

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 10, 2026

Case Number: 2026-ZON-043
Property Address: 7030 East 33rd Street
Location: Warren Township, Council District #9
Petitioner: Damon Wiggins
Current Zoning: MU-1

Request: Rezoning 1.19 acres from the MU-1 district to the C-5 district for a used automobile sales business.
Current Land Use: Commercial office uses
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the June 25, 2026 hearing, to the July 23, 2026 hearing, and approved staff's request for a continuance to the August 13, 2026 hearing, and to the September 10, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends denial of the request. If approved, staff would request that approval of the rezoning, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. 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.
2. The site shall be developed in substantial compliance with the site plan, statement of commitments, and development statement all file-dated April 28, 2026.

PETITION OVERVIEW

This 1.19-acre site, zoned MU-1, is developed with commercial office uses. It is surrounded by commercial uses to the north, zoned C-4; commercial uses to the south, across East 33rd Street, zoned C-S; residential uses to the east, zoned D-3; and commercial uses to the west, zoned C-3.

REZONING

The request would rezone the site to the C-5 district to provide for a used automobile sales business. "The C-5 (General Commercial) District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares should avoid locating adjacent to protected districts."

The Comprehensive Plan recommends community commercial typology for the site.

Recommended land uses in this typology include small- and large- scale offices, retailing, and personal or professional services; small- and large- 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 Comprehensive Plan recommendations. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

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

The proposed rezoning request would not align with the Comprehensive Plan recommendation of community commercial. The C-5 district would introduce a more intense commercial use that would negatively impact the abutting residential use to the east because it would introduce vehicular activities and outdoor storage. The current commercial office use prohibits outdoor storage and provides a buffer to these residential uses from the commercial uses located to the west around the intersection of North Shadeland Avenue and East 33rd Street.

Staff finds the level of commercial uses and activities that would be permitted within this district would be more appropriately located at intersections of arterial or collector streets, rather than mid-block where surrounding land uses would negatively be impacted.

GENERAL INFORMATION

Existing Zoning	MU-1	
Existing Land Use	Commercial office uses	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4	Commercial uses
South:	C-S	Commercial uses
East:	D-5	Single-family dwellings
West:	C-3	Commercial uses
Thoroughfare Plan		
East 33 rd Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 28, 2026	
Site Plan (Amended)	N/A	
Elevations	N/A	

Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

2022-ZON-095; 3275 and 3295 North Shadeland Avenue (west of site), requested rezoning of 2.04 acres from the C-S district to the C-4 district to provide for commercial uses, **approved**.

2004-UV2-005; 7015 East 33rd Street (west of site), requested a variance of use to provide for a warehouse for a contractor in a C-3 district, **approved**.

89-Z-172; 3150 North Shadeland Avenue (west of site), requested the rezoning of eight acres from the C-4 district to the C-S district to provide for C-4 and I-3-S uses, **approved**.

86-V2-147; 3245 North Shadeland Avenue (west of site), requested a variance of use to provide for the temporary outdoor sales of Christmas trees, **withdrawn**.

86-V2-26; 3220 North Shadeland Avenue (west of site), requested a variance of development standards to provide for an addition to an industrial building, **approved**.

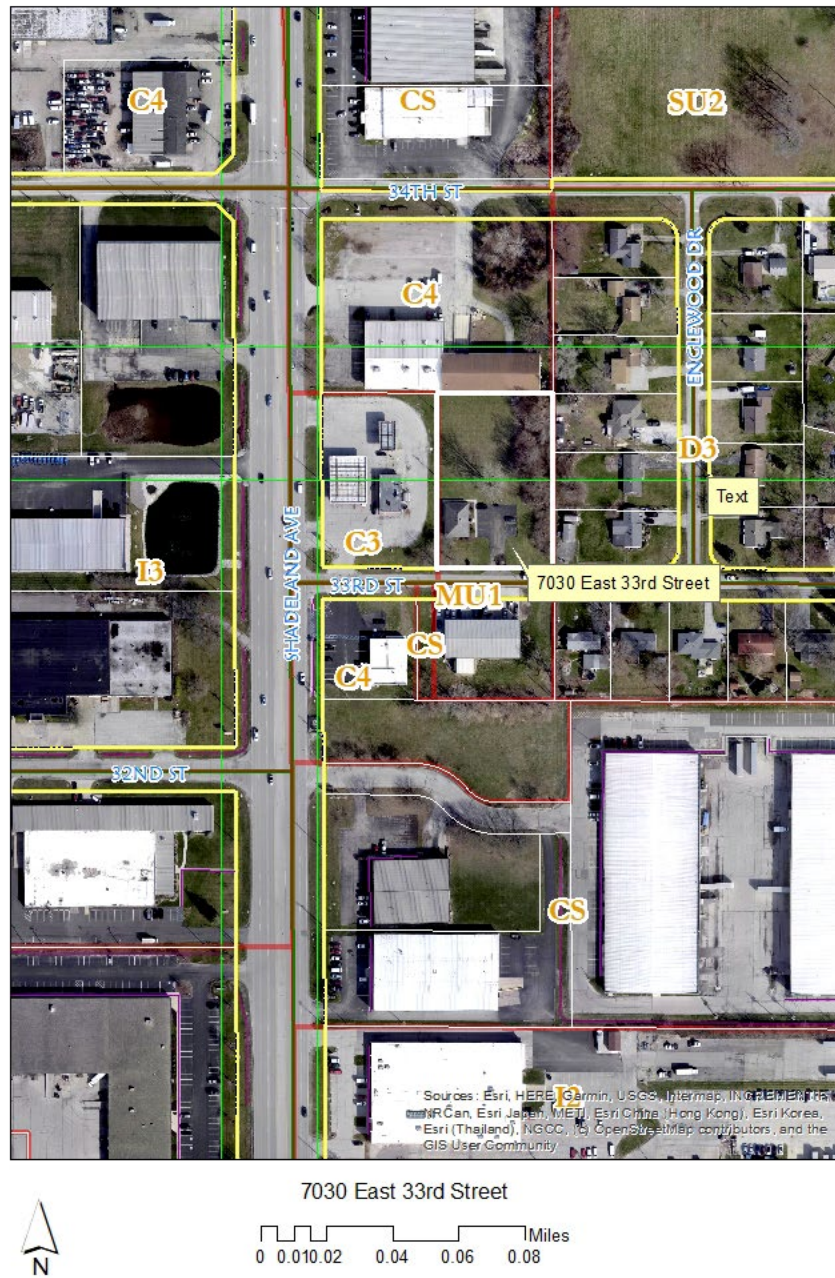
75-Z-60, 3301 North Shadeland Avenue (west of site), requested rezoning of 1.19 acres, being in the A-2 district, to the C-3 classification to permit self-service gas station, **approved**.

72-Z-235; 3201 North Shadeland Avenue (west of site), requested the rezoning of 16.8 acres from the A-2, C-4, and I-2-S districts to the C-S district to provide for commercial and industrial development, **approved**.

72-Z-125; 7015 East 33rd Street (south of site), requested rezoning of 0.785-acre, being in the C-2 district, to the C-3 classification to provide for retail sales, **approved**.

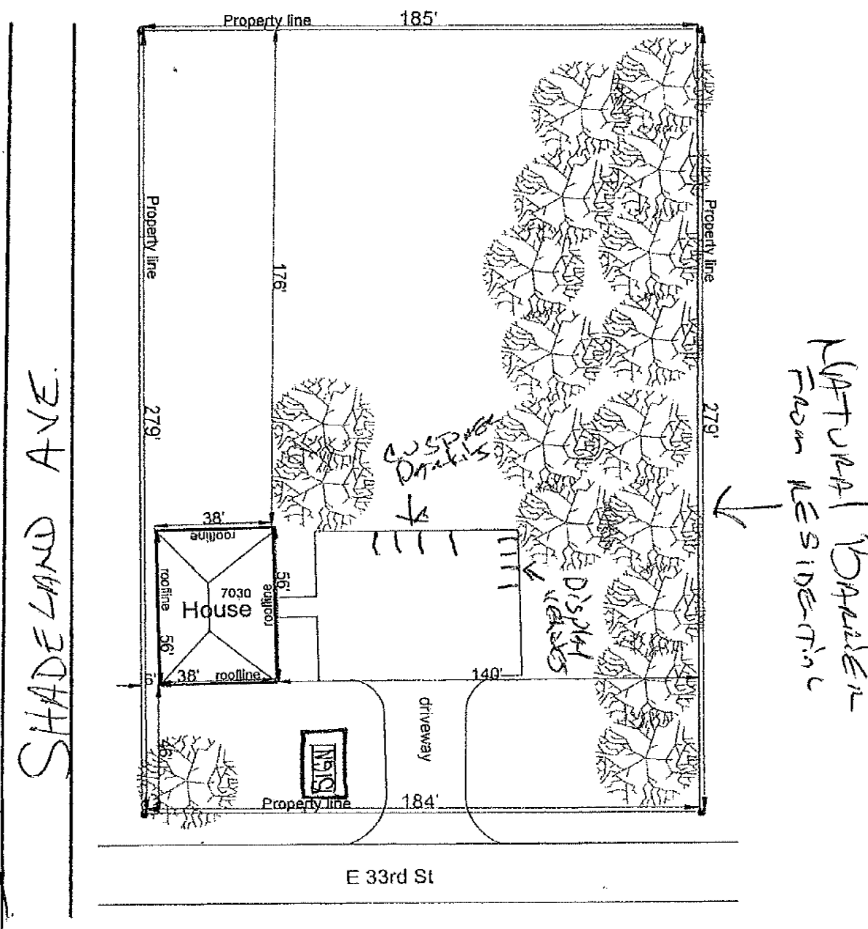
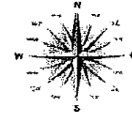
71-Z-116; 3351 North Shadeland Avenue (west of site), requested rezoning of 2.37 acres being in the A-2 district, to the C-4 classification to provide for retail stores and general businesses, **approved**.

EXHIBITS



SITE PLAN

Address: 7030 E 33rd St
 City, State, ZIP: Indianapolis, IN 46226
 Country: USA
 Scale 1"=30'



Development Statement

The subject property located at 7030 E. 33rd Street, Indianapolis, Indiana, is currently improved with an existing commercial building and associated parking. The site has historically been used for office and commercial purposes.

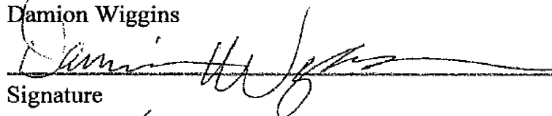
The petitioner proposes to utilize the existing structure and site for a **used automobile sales business**. No significant structural changes to the building are proposed. The existing parking and access points will be used to accommodate vehicle display and customer parking.

The proposed use is consistent with the surrounding area, which includes a mix of commercial, office, and residential uses. The property is located along East 33rd Street near Shadeland Avenue, a corridor that supports neighborhood-serving commercial activity.

The development will operate in a manner that is orderly and compatible with adjacent properties, with no significant increase in traffic, noise, or other impacts beyond typical commercial use.

Petitioner:

Damion Wiggins



Signature

Date: 4/24/2020

STATEMENT OF COMMITMENTS

Petitioner: Damion Wiggins

Property Address: 7030 E. 33rd St., Indianapolis, IN 46226

The petitioner hereby agrees to the following commitments regarding the use and development of the subject property:

1. Use of Property

The property shall be used for:

- Used automobile sales
- Office operations related to vehicle sales
- Uses incidental to automobile sales

2. Vehicle Limit & Display

- A maximum of **3 vehicles** shall be displayed on-site at any time
- All vehicles shall be **operable, licensed, and in good condition**
- Vehicles will be arranged in an **orderly and maintained manner**

3. Repairs and Maintenance

- No major mechanical repairs, body work, or painting shall occur on-site
- Only minor cleaning and detailing of vehicles will be permitted

4. Hours of Operation

- Monday – Saturday: 10 AM to 6 PM
- By Appointment Only

5. Lighting

- All exterior lighting has been updated and **downward-directed and shielded**
- Lighting shall not spill onto adjacent residential properties

6. Noise and Nuisance

- No outdoor loudspeakers or paging systems
- Operations shall not create excessive noise, odor, or nuisance

7. Traffic

The proposed use is not expected to generate traffic beyond what is typical for commercial uses along this corridor, and existing roadways are adequate to support the use.

8. Screening and Buffering

- Existing natural buffering on east end of property shall be maintained where present
- Additional screening will be installed if required by the City

9. Prohibited Uses

The following shall not occur on the property:

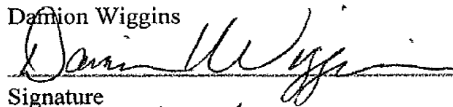
- Salvage or junkyard operations
- Storage of inoperable vehicles
- Outdoor storage of parts, tires, or debris

10. Compliance

The petitioner agrees to comply with all applicable City of Indianapolis zoning and development standards, as well as any additional conditions imposed by the Metropolitan Development Commission or Board of Zoning Appeals.

Petitioner:

Danion Wiggins



Signature

Date: 4/26/2020

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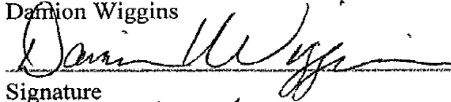
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Petitioner:

Danion Wiggins



Signature

Date: 4/26/2020



View looking east along East 33rd Street



View looking west along East 33rd Street



View of site looking northeast across East 33rd Street



View of site looking north across East 33rd Street



View of site looking northwest across East 33rd Street



View of site looking southeast from adjacent property to the west



View of site looking east from adjacent property to the west



View of site looking southeast from adjacent property to the west



View from site looking south across East 33rd Street