

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 10, 2026

Case Number: 2026-CZN-845 / 2026-CVR-845
3909, 3919, and 3949 South State Avenue

Property Address: 3904, 3932, and 3940 Asbury Street
1798 Hanna Avenue (*Approximate Addresses*)

Location: Perry Township, Council District #19

Petitioner: University of Indianapolis, by Justin Kingen

Current Zoning: UQ-1 and D-5

Request: Rezoning of 2.31 acres from the UQ-1 and D-5 districts to the UQ-1 classification to provide for school uses (K-12).
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a north side yard setback of 15 feet (minimum 46-foot side yard setback required, or one foot for each foot of building height required).

Current Land Use: Undeveloped / University Office

Staff Recommendation: Staff recommends **approval** of the rezoning, subject to a commitment.
Staff recommends **approval** of the variance, subject to a commitment.

Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

N/A

STAFF RECOMMENDATION

Staff recommends **approval** of the requested rezone, subject to the following commitment:

- The petitioner will submit a Heritage Tree Preservation Plan to the Current Planning Division for Administrative Approval.

Staff recommends **approval** of the requested variance, subject to the following commitment:

- The petitioner will submit a Landscaping Plan which will include a 15-foot-wide landscape buffer area along the northern lot line to the Current Planning Division for Administrative Approval. Such landscape buffer should meet the standards of 744-506-B.1 and include landscaping from the *Indianapolis Selected Plant List* as approved by the Metropolitan Development Commission.

PETITION OVERVIEW

LAND USE

The parcels listed above are largely undeveloped except for a property on the southern end of this tract at the corner of Hanna and State that appears to have once been a single-family home that was converted into an office space for UIndy. The subject site is roughly 2.31 acres in size and is split-zoned between UQ-1 and D-5. Parcels to the west are part of UIndy's campus and are zoned UQ-1. Parcels to the north and east are zoned D-5. Parcels to the south are zoned D-3.

Rezoning

The proposed innovation center will serve primarily as a K-12 school owned by UIndy and operated by Perry Township Schools. The building may also house some university offices and other university-related uses. While schools are allowed in any district per HEA 1515 (2025), the petitioner is seeking to rezone the entirety of the subject site to UQ-1 to allow for the possibility of university-related uses.

Table 742-108-4 highlights the permitted uses within the UQ-1 District

Table 742-108-4: Permitted Uses in University Quarter Districts	
- All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process. - All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743. - Filing of a petition for, and Commission approval of, a Development Plan shall not be required for those projects listed in Section 742-108.D.2.	
District/ Use Category	Permitted Uses
UQ-1 University Quarter One District	
Residential Uses	Multifamily dwellings.
Public, Institutional, Religious, and Civic Uses	Business, Art, or Other Post-Secondary Proprietary School; College or University; Community Center; and Day Care Center or Nursery School.
Commercial and Industrial Uses	Substations and Utility Distribution Nodes; and Wireless Communication Facility.
NOTE: Commission's approval is required prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 District, except as listed in Section 742-108.D.2.	

Rezoning to UQ-1 would also align with the Comprehensive Plan's "Regional Special Use" typology assigned to the site. This typology "provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway."

Given the context of the surrounding university uses, the fact that schools can locate in any district, the potential for combined K-12 and university uses, and the alignment with the Comprehensive Plan, staff recommends **approval** of this petition, subject to the following commitment:

- The petitioner will submit a Heritage Tree Preservation Plan to the Current Planning Division for Administrative Approval.

Variance

For minimum side and rear yard setbacks, UQ-1 requires either 15 feet or one foot for each foot of building height, whichever is greater. Plans show that the building will be roughly 46 feet tall. Given that the one foot for each foot of building height would be greater in this case, that rule would apply and petitioners would be required to have 46-foot side yard setback on the northern part of the property. A 46-foot setback more than twice as large as the required side setback for I-4 in the Compact Context Area (20 feet). Such a large setback would impact parking and maneuverability on site. Decreased maneuverability could increase the change of traffic conflicts between cars, buses, and pedestrians. The petitioner is proposing to install a 15-foot-wide landscape buffer to provide separation between the parking areas and the dwelling district to the north. This meets the minimum required side yard setback for UQ-1. Given the practical difficulties to parking and maneuverability that would arise from a 46-foot setback and given that the petitioner is committing to a 15-foot-wide buffer along the northern lot line, staff is recommending **approval** of this variance subject to the following commitment:

- The petitioner will submit a Landscaping Plan which will include a 15-foot-wide landscape buffer area along the northern lot line to the Current Planning Division for Administrative Approval. Such landscape buffer should meet the standards of 744-506-B.1¹ and include landscaping from the *Indianapolis Selected Plant List* as approved by the Metropolitan Development Commission.

GENERAL INFORMATION

Existing Zoning	D-5 / UQ-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-3/	South: Residential
East:	D-5	East: Residential
West:	UQ-1	West: Institutional
Thoroughfare Plan		
State Avenue	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Hanna Avenue	Primary Arterial	72-foot existing right-of-way and 88-foot proposed right-of-way

¹ 744-506-B.1 includes a landscape buffer at least 15 feet wide. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 30 linear feet of lot line and 3 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses.

Asbury Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	6/29/2026	
Site Plan (Amended)	N/A	
Elevations	7/8/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

The Comprehensive Plan assigns the “Regional Special Use” typology to the site. This typology “provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.”

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.

ZONING HISTORY

ZONING HISTORY – SITE

2011-ZON-022; 3919 & 3949 South State Avenue, Rezoning of 1.12 acres, being the D-5 district, to the UQ-1 classification to provide for university uses, **approved subject to commitments.**

2011-CVR-831; 3919-3949 South State Avenue, Variance of Development Standards of the Special Districts Zoning Ordinance to provide for a temporary wireless communication facility, with a 65-foot-tall wood pole (maximum 35-foot height permitted), **approved.**

2011-CVR-832; 3919-3949 South State Avenue, Variance of Development Standards of the Special Districts Zoning Ordinance to provide for a temporary wireless communication facility, with a 100-foot-tall monopole tower (maximum 35-foot height permitted), **approved.**

ZONING HISTORY – VICINITY

2011-CZN-836 and 2011-CAP-836; 1633 East Hanna Avenue, Rezoning of 0.46 acre, from the D-3 district to the UQ-1 classification, to provide for university-related uses / University Quarter One approval to incorporate this site into a parking lot approved by 2011-CZN-808 and 2011-CAP-808, **approved**

2014-CVR-811; Multiple Addresses, Approved, Variance of Development Standards of the Special Districts Zoning Ordinance and the Sign Regulations to provide for:

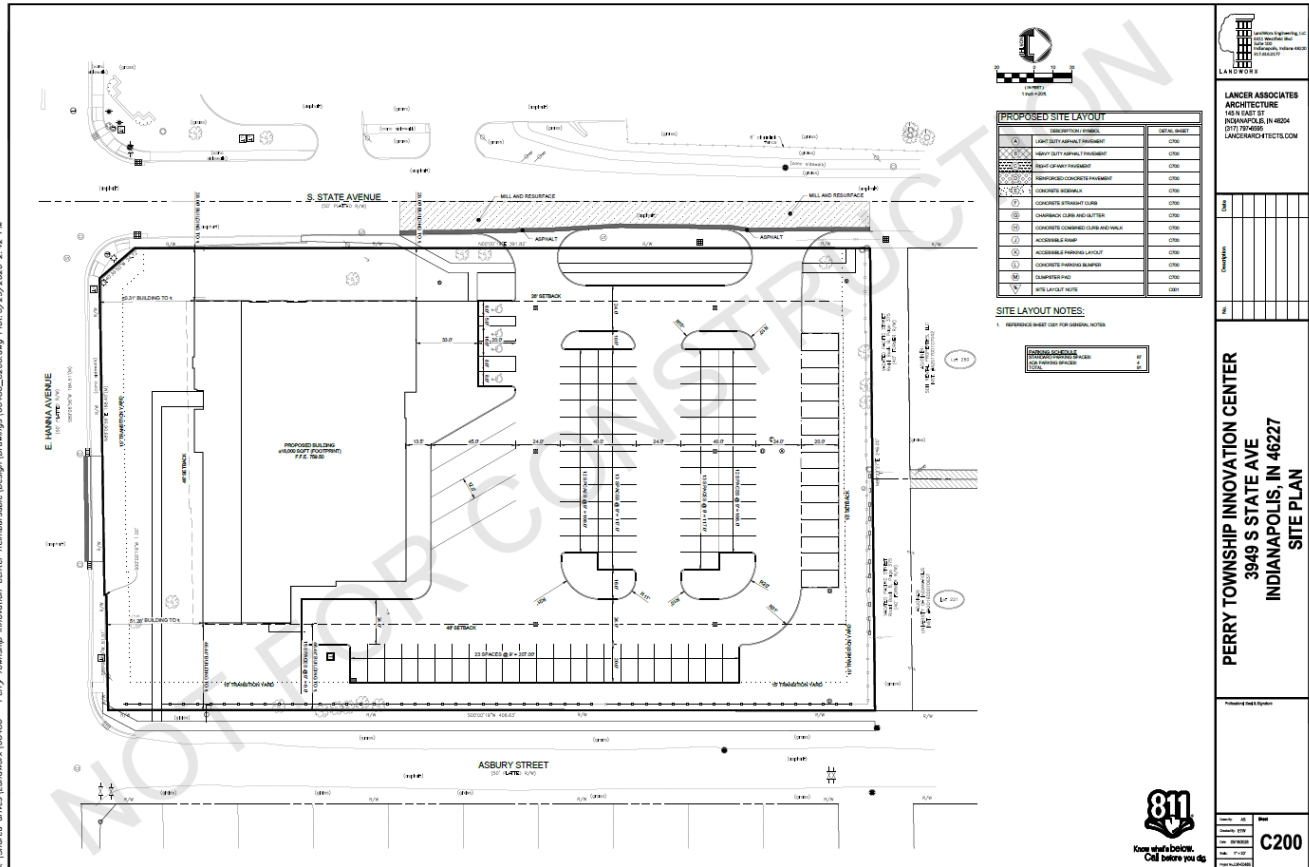
- A) An approximately 80-foot-tall building (maximum 35-foot-tall building permitted)
- B) With a parking lot, with a 16.88-foot front setback along Matthews Avenue (25-foot front setback required)
- C) One, 8t-foot-tall, 40-square-foot freestanding sign, with a 10-foot setback from Hanna Avenue (15-foot setback required), within 60 feet and 445 feet, respectively, of D-3 and D-4 zoned dwelling districts (maximum height of feet permitted within 600 feet of a dwelling district), and
- D) With 660 square feet of wall signs on the east elevation (maximum 3% of the façade or approximately 422 feet permitted)

EXHIBITS

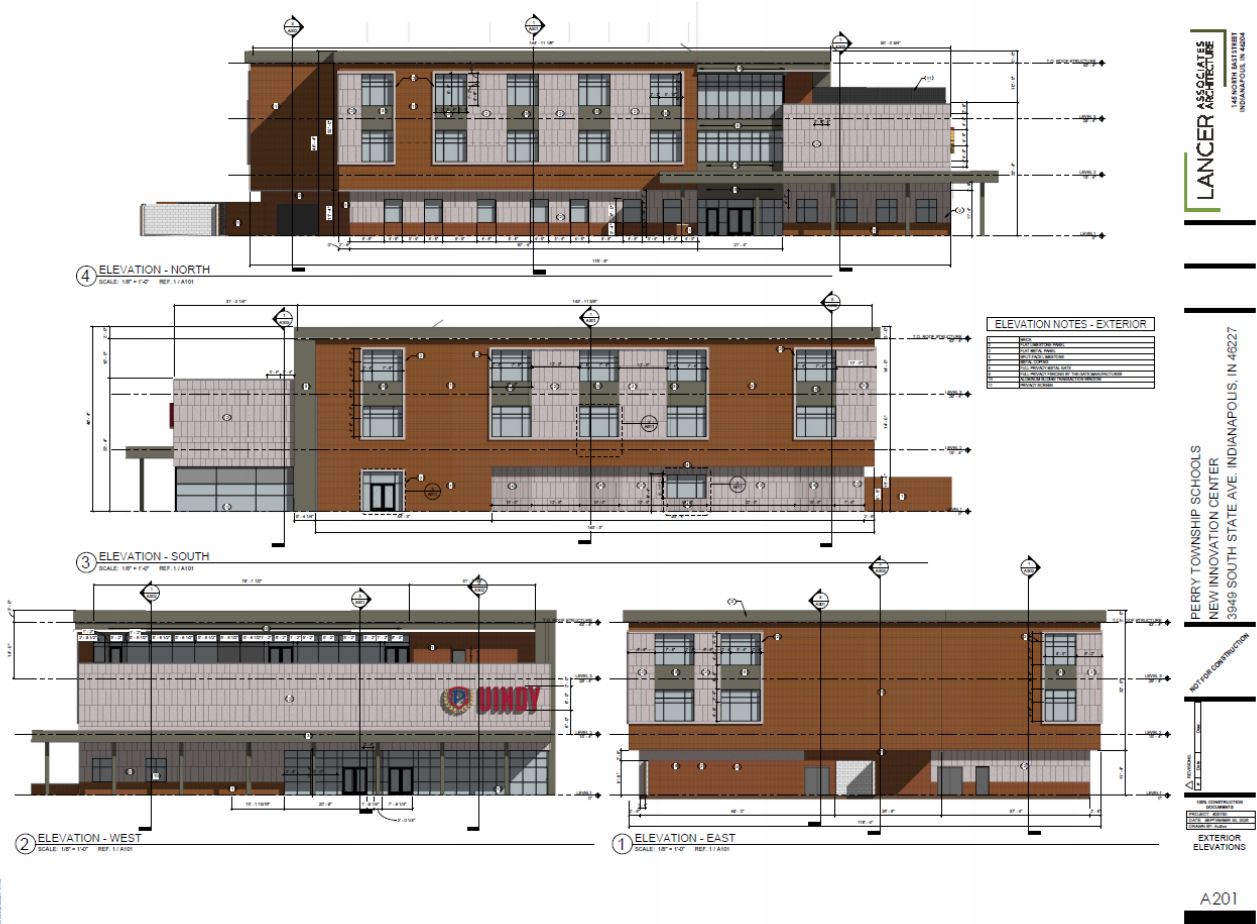
2026-CZN-845 / 2026-CVR-845; Aerial Map



2026-CZN-845 / 2026-CVR-845; Site Plan



2026-CZN-845 / 2026-CVR-845; Elevations



2026-CZN-845 / 2026-CVR-845; Findings of Fact

**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 reduced yard runs along the north property line, where the site improvements are limited to surface parking. The building itself sits well south of this line, at a distance greater than the required 46-foot yard. The parking area at the reduced setback introduces no traffic, drainage, or safety condition that a 46-foot yard would prevent. The site's vehicle access, circulation, and drainage area addressed through the Site and Development Plan.

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 adjacent area to the north will experience a parking lot at a 15-foot setback, a low-intensity improvement consistent with the surrounding pattern of development. The 15-foot yard will be landscaped in accordance with the Landscape Plan, as filed as part of the Site and Development Plan, providing a planted buffer along the shared line. The remainder of the site maintains generous yards, including 40+-foot front yards along Hanna Avenue and Asbury Street.

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

The required side/rear yard in the UQ-1 district scales with building height, one foot of yard for each foot of height; so the proposed 46-foot building height produces a 46-foot required yard along the north line even though the building is located far from that line. Strict application would create a 46-foot-deep band of the site for a yard measured against a building that does not stand near it, eliminating the parking field needed to serve the school and forcing the loss of usable site area on a property bounded by street frontages on its other three sides, where no side or rear yard flexibility exists.

2026-CZN-845 / 2026-CVR-845; Photographs



Photo 1: On eastern edge of subject site looking north

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 2: Subject site seen from the east. State Avenue and UIndy are in background

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 3: Looking north along Asbury Street

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 4: Looking south along Asbury Street. Intersection of Asbury and Hanna can be seen in background

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 5: View of subject site from the west

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 6: Looking north along State Avenue

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 7: Looking southwest along State Avenue. Parking for UIndy and UIndy Health Pavilion can be seen. Intersection of Hanna Ave and State Ave can be seen in left background

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 8: Building on southeastern corner of State and Hanna. Currently used by UIndy. Expected to be demolished.

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 9: Looking east along Hanna Avenue

2026-CZN-845 / 2026-CVR-845; Photographs (continued)



Photo 10: Looking west along Hanna