METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number:	2026-APP-016
Property Address:	45 West 40th Street (approximate address)
Location:	Washington Township, Council District #7
Petitioner:	City of Indianapolis Department of Parks and Recreation, by Kyle Koger
Current Zoning:	PK-1 (TOD)
Request:	Park District One Approval to provide for the replacement of existing playground equipment, a new park shelter, and new internal concrete sidewalks.
Current Land Use:	Park
Staff Recommendations:	Approval
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

10/15/26: The petition was recommended for approval by the Hearing Examiner after a public hearing was conducted. An appeal of that decision was filed by a remonstrator. A memo detailing the Hearing Examiner's rationale for recommending approval has been added to the Exhibits below.

9/10/26: A timely automatic continuance was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

PETITION OVERVIEW

LAND USE

The subject property (parcel number 8031779) is 9.48 acres in size and currently contains Tarkington Park (a public park). Current improvements include parking areas, a café and restaurant tenant space, restrooms, a splash pad, playground equipment, sport courts (basketball, tennis and pickleball), and sport fields. Surrounding land uses include apartments to the north and east, a community center to the north, and commercial and institutional uses to the east, west, and south.

PARK DISTRICT APPROVAL

The PK-1 (Park District One) zoning district permits a variety of sizes and ranges of parkland and facilities, which is consistent with the current land use of a public park at the subject site. PK-1 is a

Development Plan District that requires Metropolitan Development Commission approval of all uses and site/development plans.

The property also falls within the TOD Secondary Zoning Overlay (areas near existing or proposed bus rapid transit lines, such as the nearby Red and Purple Line along 38th Street) as well as within a Secondary Area of the Meridian Street Preservation Commission (an area requiring design approval for changes in land use or rezoning).

Approval of this petition would allow for replacement of existing playground equipment at the site, as well as for the placement of a new park shelter (in the approximate location of a previous shelter) and for the placement of new internal concrete sidewalks within the northwestern section of the park, per plans filed.

STAFF ANALYSIS

The PK-1 zoning district allows for the recreational and park uses that already exist on the site and that would be continued by approval of this petition, and the newly proposed shelter canopy would meet setback requirements for the district. Additionally, Findings of Fact provided by the petitioner indicate that the proposed improvements will provide new curb ramps and internal pathways providing pedestrian access to existing amenities, as well as additional bicycle parking (see full Findings below).

It appears that a small portion of the site (including current playground areas) is comprised of an unvacated 'stub' alley. Although it would not impact the ability of the Commission to approve this request, staff would encourage the property owner to seek vacation of this 'stub' alley in the future.

The original site plan filed along with this request on July 24th indicated removal of twelve different trees from the property because of this project. After consultation with both staff and with members of the community, revised plans were provided (see Exhibits below) which indicate the removal of only 3 trees. Additionally, recent improvements to sport field areas on the southeastern portion of this property resulted in the planting of 77 new deciduous native hardwood trees.

Given the congruence with Ordinance requirements and Comprehensive Plan recommendations as well as proactive steps take to minimize tree removal and maximize internal pedestrian connectivity, staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	PK-1 (TOD)	
Existing Land Use	Park	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	**Zoning**	**Land Use**
North:	SU-7 / D-9	Community Center / Apartments
South:	MU-2 / SU-1	Parking Lot / Church
East:	D-9 / C-1 / MU-1	Apartments / Commercial
West:	C-1 / C-4	Commercial
Thoroughfare Plan		
40th Street	Local Street	48-foot proposed right-of-way and

	Illinois Street	Primary Collector	51-foot existing right-of-way 56-foot proposed right-of-way and 63-foot existing right-of-way
	39th Street	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way
	Meridian Street	Primary Arterial	78-foot proposed right-of-way and 70-foot existing right-of-way
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Yes ; Transit-Oriented Development		
Wellfield Protection Area	No		
Site Plan	July 24, 2026		
Site Plan (Amended)	September 18, 2026		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	July 24, 2026		
Findings of Fact	July 24, 2026		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red and Purple Line Transit Oriented Development Strategic Plans

Pattern Book / Land Use Plan

- Large Scale Parks are generally over 10 acres in size. This is a stand-alone land use mapped outside of the typology system due to the scale and nature of the use.
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Since this site is located near the Meridian/38th BRT stop of the Red and Purple Lines, it is recommended to the District Center TOD typology. This typology is designed for walkable areas of multiple city blocks, serving as cultural and commercial hubs for multiple neighborhoods with a mix

of office, retail, entertainment, and residential uses with a higher density desired nearest to the bus stops. Off-street parking is discouraged and should be limited to garages.

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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2015APP003, Park District Two Approval to provide for the redevelopment of a park, per plans filed, **approved.**

77-AP-45, Approval to utilize premises for multi-service center providing social services as well as offices, meeting areas for recreational uses in the Butler-Tarkington neighborhood, **approved.**

Zoning History – Vicinity

2023ZON064 ; 40 West 20th Street (north of site), Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish for establish a community center, **approved.**

2021MOD010 ; 3901 North Meridian Street (east of site), Modification of the Commitments of 2017-CZN-817 and 2017-CVR-817 to terminate Commitments One and Two requiring development of the site to be substantially compliant with the site plan and elevations file-dated July 17, 2017 and that multi-family development on the site shall include an addition of a sixth floor to the existing building or construction of a new eight-unit multi-family building per said 2017 site plan, **approved.**

2018DV1022 ; 3902 North Illinois Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a building within the clear sight triangle of the abutting street and alley (not permitted), with a zero-foot side transitional setback and a zero-foot south front setback, and to provide for a zero-foot east front transitional setback (eight-foot side transitional setback along alley, 10-foot front and front transitional yard required), to legally establish a sign with an eight-foot front setback (15-foot front setback required), to provide for a sidewalk café consisting of 58% of the distance from back of the curb (50% permitted), and to provide for an outdoor seating area enclosed by a 3.5-foot tall fence within the clear sight triangle of the abutting streets (not permitted), **approved.**

2017CZN817 ; 3901 North Meridian Street (east of site), Rezoning of 1.5 acres from the C-1 and D-5 districts to the MU-1 district, **approved.**

2017CVR817 ; 3901 North Meridian Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for accessory retail and commercial uses exceeding 10% of the gross floor area and with no single use exceeding 5,000 square feet in gross floor area, **approved.**

2017CZN815 ; 3808 North Meridian Street (south of site), Rezoning of 7.03 acres from the C-3, C-4 and SU-1 districts to the MU-2 district, **approved.**

EXHIBITS

2026APP016 ; Hearing Examiner Memo

MEMORANDUM OF EXAMINER'S DECISION

2026-APP-016 **45 West 40th Street**

The petition requests Park District One approval to provide for the replacement of existing playground equipment, a new park shelter, and new internal concrete sidewalks.

Your Hearing Examiner visited the site prior to the hearing and noted its long term use as a public park. A community center and apartments are north of the site, apartments and commercial uses are east of it, a church is south of it, and commercial uses are west of it.

The petitioner's representative described proposed upgrades to the park, including removing and replacing playground equipment and the shelter house. Several community engagement sessions were held in 2025 to allow input, and the plan was redesigned to reduce the number of trees removed from 12 to 3, with the addition of 86 new trees. A representative of the Parks Alliance of Indianapolis spoke in support of the petition, as did the grant coordinator from Butler University. There were also letters of support from the City-County Councilor, Butler-Tarkington Neighborhood Association, and Martin Luther King Center.

Two remonstrators attended the hearing, primarily to gather information. One stated the preference to have no trees removed and to maintain natural elements of the park, and the other asked for clarification on the location of the new shelter. Although two letters of opposition were filed, neither author attended the hearing.

The staff reiterated that the upgrades focus on the northwest corner of the park, and opined that the renovations are consistent with historic use of the site. New sidewalks will improve connectivity, and the three trees proposed for removal are not heritage trees.

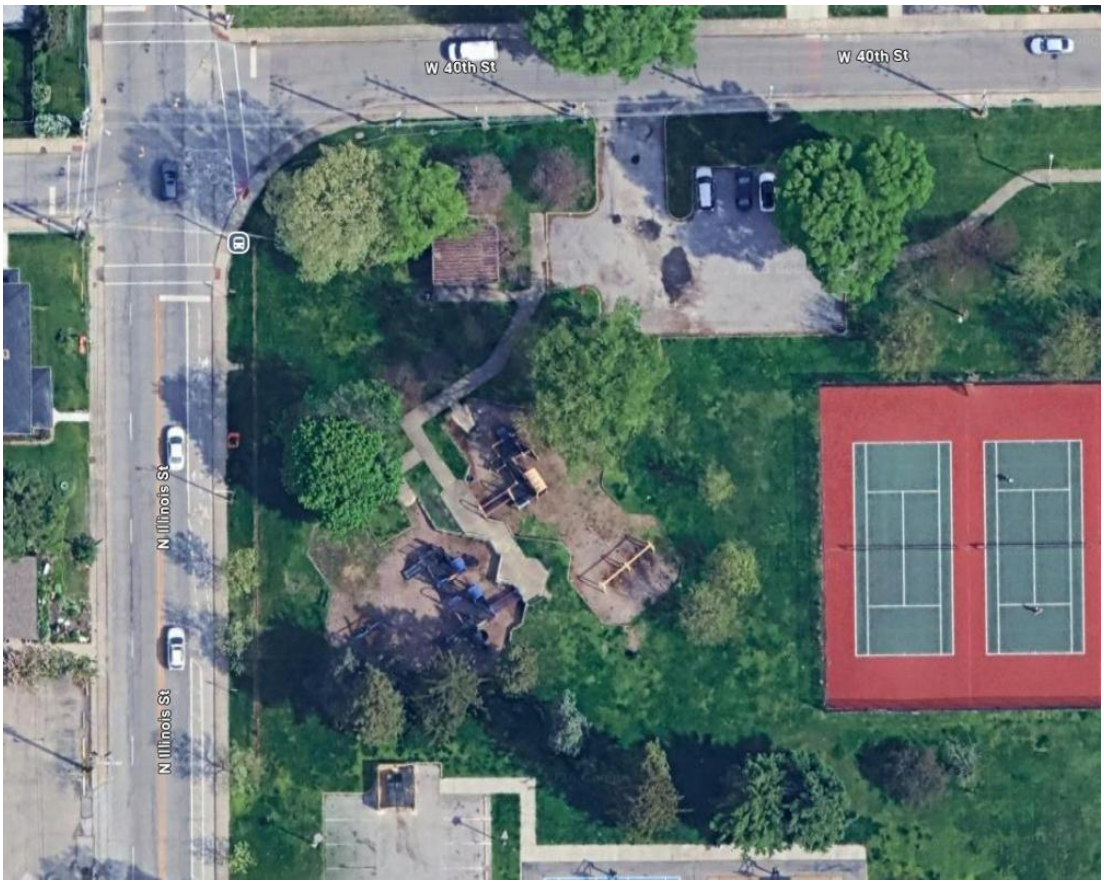
In your Hearing Examiner's opinion, the proposed improvements will enhance the park and improve connectivity, while maintaining the character of the park. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on November 18, 2026

2026APP016 ; Aerial Map



2026APP016 ; Aerial Map (Zoomed)

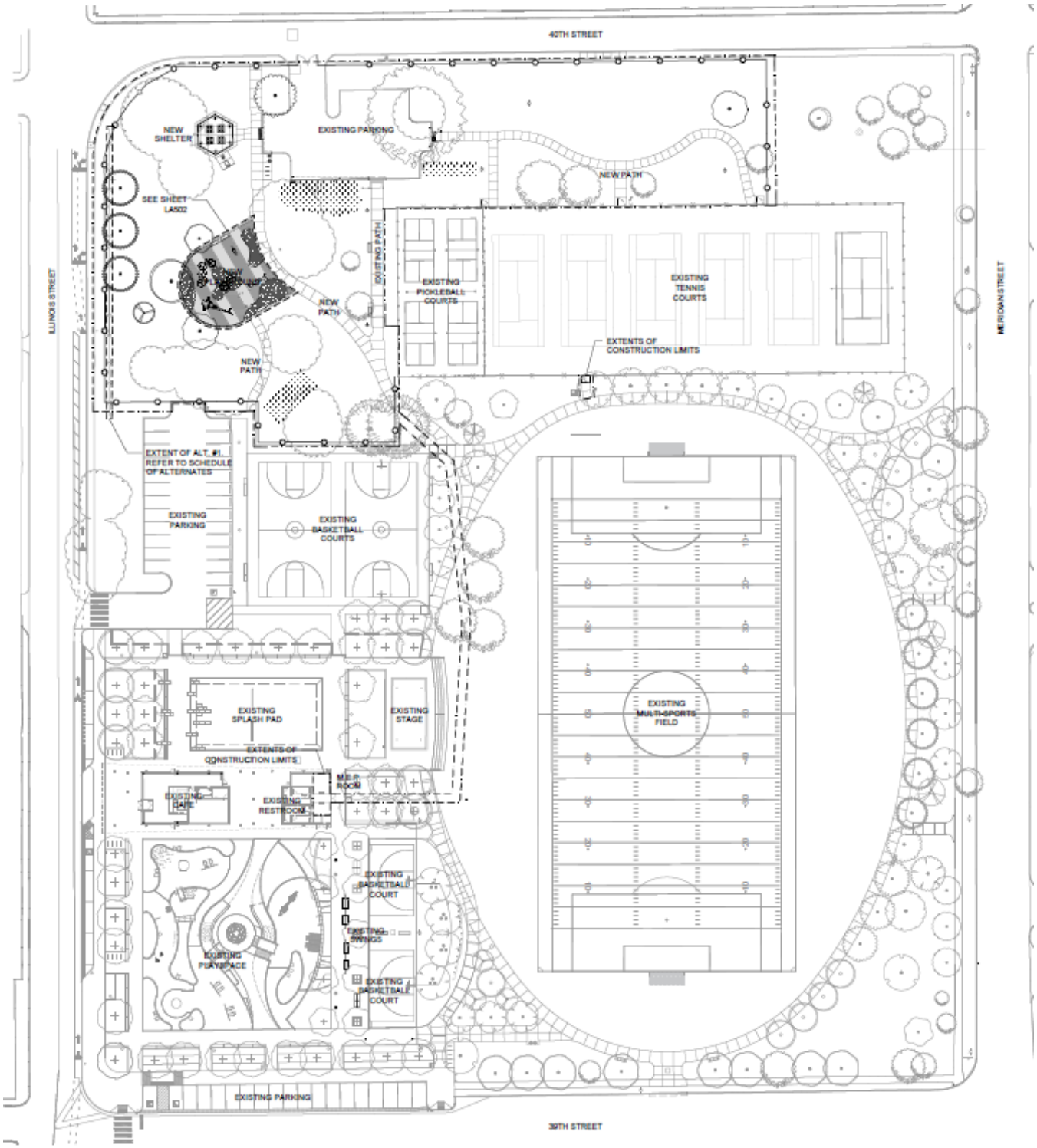


2026APP016 ; Sample Elevation of Shelter

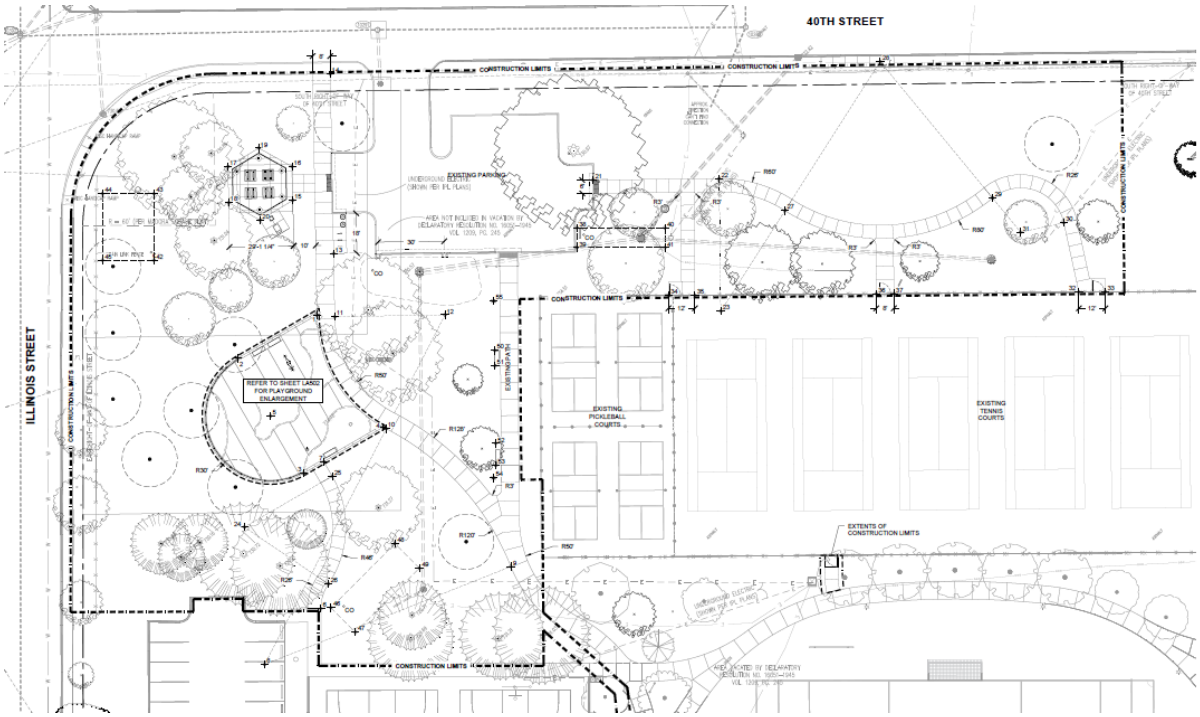


Department of Metropolitan Development
Division of Planning
Current Planning

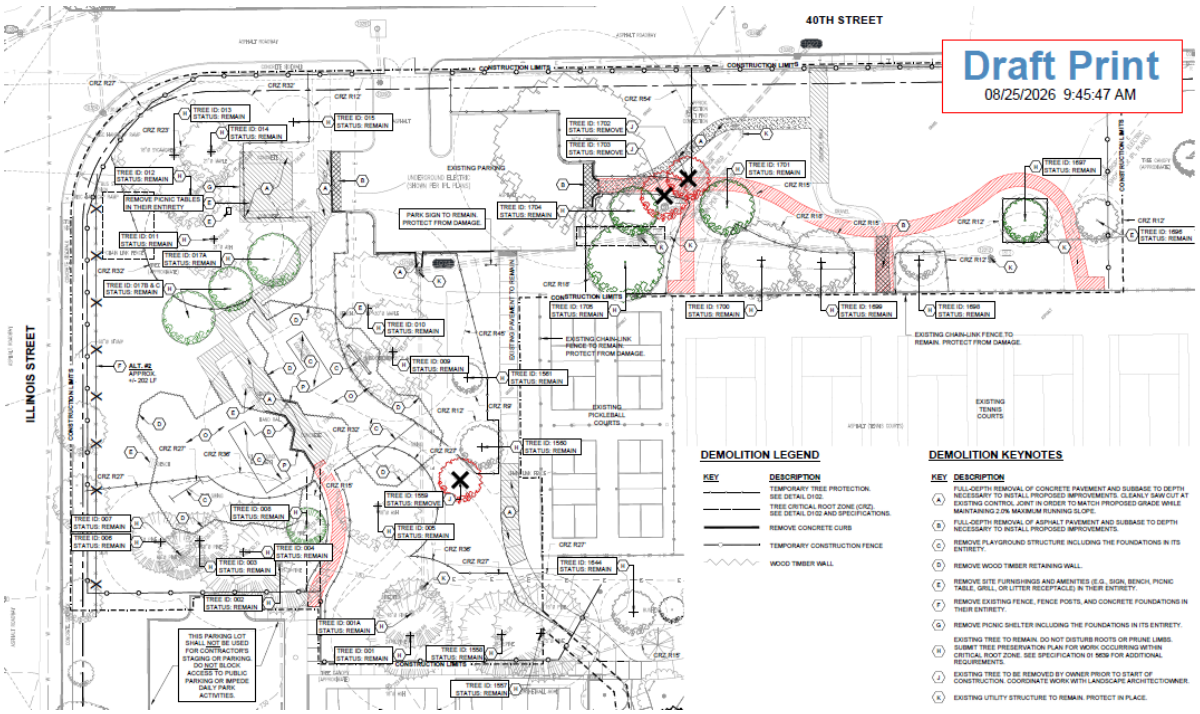
2026APP016 ; Site Plan



2026APP016 ; Site Plan (Zoomed)



2026APP016 ; Tree Removal Plan



2026APP016 ; Findings of Fact

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

It conforms to the existing parks & open space land use.

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:

It provides valuable outdoor recreation and leisure opportunities for surrounding residential and commercial land uses. The proposed improvements will conform to the existing land use and address critical safety, accessibility, and quality-of life concerns through the construction of a new playground area, new open-air park shelter, and new pathways. No existing commercial, residential, or industrial land uses will be impacted by the proposed improvements.

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

The proposed improvements will provide new curb ramps and pathways that provide pedestrian access from the north parking lot to the adjacent park shelter, playground, and tennis court. The pathways will also connect to other existing amenities and facilities within the park, including restrooms, splash pad, basketball courts, and south playground. Additional bicycle parking will be provided to encourage alternative transportation.

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

The proposed improvements will not impact existing vehicular transportation traffic flow and/or circulation.

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

New on-site stormwater detention basins and BMPs will be constructed to maximize on-site infiltration of runoff from adjacent impermeable surfaces. Additional litter receptacles will be installed to collect park users' waste. LED site lighting will be installed to provide clear sightlines at night and improve overall security.

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 proposed design minimizes new development impact by utilizing the footprint of the existing park amenities and infrastructure. Careful consideration was made during the design to mitigate impact to existing tree canopy. Proposed grading was designed to work with the existing surface drainage system.

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:

The proposed design includes new sidewalks that meet ADA regulations. These sidewalks provide accessible access and connectivity to the proposed playground and shelter, as well as existing park amenities – including the north parking lot, tennis and pickleball courts, basketball courts, splash pad, and south playground. The proposed sidewalks within the project site will provide additional connectivity to the public transit stop located on North Illinois Street and the existing public sidewalk located along the south side of West 40th Street. Additional bicycle parking opportunities will be provided within the project limits to encourage multi-modal access to the park.

2026APP016 ; Photographs



Photo 1: Existing Shelter Viewed from North



Photo 2: Existing Shelter Viewed from East

2026APP016 ; Photographs (continued)



Photo 3: Existing Tennis Courts and Proposed Pathway Area Viewed from West



Photo 4: Proposed Pathway Area Viewed from North

2026APP016 ; Photographs (continued)



Photo 5: Existing Playground Viewed from West



Photo 6: Existing Playground Viewed from South

2026APP016 ; Photographs (continued)



Photo 7: Existing Parking Area Viewed from North



Photo 8: Adjacent Property to West

2026APP016 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to Northeast