



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**April 10, 2025**

**Case Number:** 2025-ZON-003  
**Property Address:** 7420 North Shadeland Avenue (Approximate Address)  
**Location:** Lawrence Township, Council District #3  
**Petitioner:** Shane Ellison  
**Current Zoning:** C-1  
**Request:** Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.  
**Current Land Use:** Commercial Contractor Business  
**Staff Recommendations:** Denial  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENUM FOR APRIL 10, 2025 HEARING EXAMINER**

This petition was continued from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of a City-County Councilor to allow additional time for discussions regarding the request. No new information was submitted to the case file.

**ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER**

This petition was continued from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of a City-County Councilor to allow additional time for discussions regarding the request.

**February 20, 2025**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **strongly recommends denial** of the request.

If approved against staff's recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 56-foot half right-of-way shall be dedicated along the frontage of Shadeland Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the

acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## **PETITION OVERVIEW**

### **LAND USE**

The 1.15-acre site is developed with a commercial building, accessory structure, and associated parking areas in front and behind the primary building.

It is subject to a zoning violation, VIO24-009392, that includes violations for the failure to obtain sign permits, a sign in the right-of-way, prohibited signs on site, outdoor storage of construction/demolition debris, tires and miscellaneous vehicle parts on site, storage of inoperable vehicles without valid license plates, unpermitted construction contractor use, storage of vehicles not permitted in the C-1 district, unenclosed dumpster, deficient parking area, and unmanaged sidewalks, pedestrian ways interior access or parking areas.

A few of these violations appear to have been addressed at the time of staff's site visit, but the violation has not closed them out while others are still present on site.

The site is bordered to the north and south by offices, zoned C-1, a commercial shopping strip to the east across Shadeland Avenue, zoned C-4, and single-family dwellings to the west across I-465, zoned D-2.

### **REZONING**

The request would rezone the property from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or



## Department of Metropolitan Development Division of Planning Current Planning

appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

### DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Shadeland Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### STAFF ANALYSIS

The grant of the request would introduce the most intense commercial district to an area comprised of low to medium commercial districts. The block west of Shadeland Avenue is recommended for office commercial development by the Comprehensive Plan. The entire block is zoned C-1 except for the corner lot at 75<sup>th</sup> and Shadeland Avenue that is zoned C-S.

A variety of zoning districts can be seen east of Shadeland Avenue that range between C-1, C-4, D-P, SU-1, and SU-34.

Staff determined that rezoning to the C-7 district to provide for a commercial and building contractor business, more specifically a masonry contractor, would be inappropriate in an area designated for office use. Furthermore, no other high intense commercial districts are in the immediate area. Approval of the request would not align with the context of the surround area.

Staff had concerns with the disorderly outdoor storage of materials on site and would not support the materials being located near the Blue Creek Stream along the western property boundary that requires a 50-foot stream protection corridor along both sides of the top of bank.

The petitioner was informed that a sign permit would be needed for the sign on the western façade of the shed that faces the interstate if one has not already been applied for.

Although the C-7 district would allow for the intended use on site, it is not an appropriate district at this location. Instead, the existing C-1 district is most appropriate and aligns with the office commercial recommendation of the Comprehensive Plan.

For these reasons, staff recommends denial of the request.

### GENERAL INFORMATION

Existing Zoning	C-1
Existing Land Use	Commercial Contractor Business
Comprehensive Plan	Office Commercial

<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	C-1	Offices
South:	C-1	Offices
East:	C-4	Commercial Shopping Strip
West:	D-2	I-465 and Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 100-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 14, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- 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.

- **Conditions for All Land Use Types**

- 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 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

- **Small-Scale Offices, Retailing, and Personal or Professional Services**

- Appropriate as a primary use only in major employment centers.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- 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.

- The request would not align with this recommendation.

**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 Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multi-use path from Johnson Road/Fall Creek to Hague Road/82<sup>nd</sup> Street.

## ZONING HISTORY

### Zoning History – Site

**2008-DV2-006; 7420 Shadeland Avenue** (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14,000 square-foot office building, and to provide for an existing 3,000 square-foot office building to remain during construction of the new building with sixteen off-street parking spaces (minimum 60 parking spaces required), **withdrawn**.

**81-Z-4; 7305 North Shadeland Avenue** (along street frontage of subject site), rezoning of 46.57 acres, being in the D-P district, to the C-1 classification, to provide for office use, **approved**.

**71-Z-228; 7100 to 7500 North Shadeland Avenue** (subject site), Rezoning of 20.06 acres from A-2 district to C-1 classification to provide for Commercial Use, **approved**.

### Zoning History – Vicinity

**85-Z-49; 7321 North Shadeland Avenue** (east of site), Rezoning of 3.56 acres, being in the C-1 and C-4 districts, to the C-4 classification, to provide for retail commercial development, **approved**.

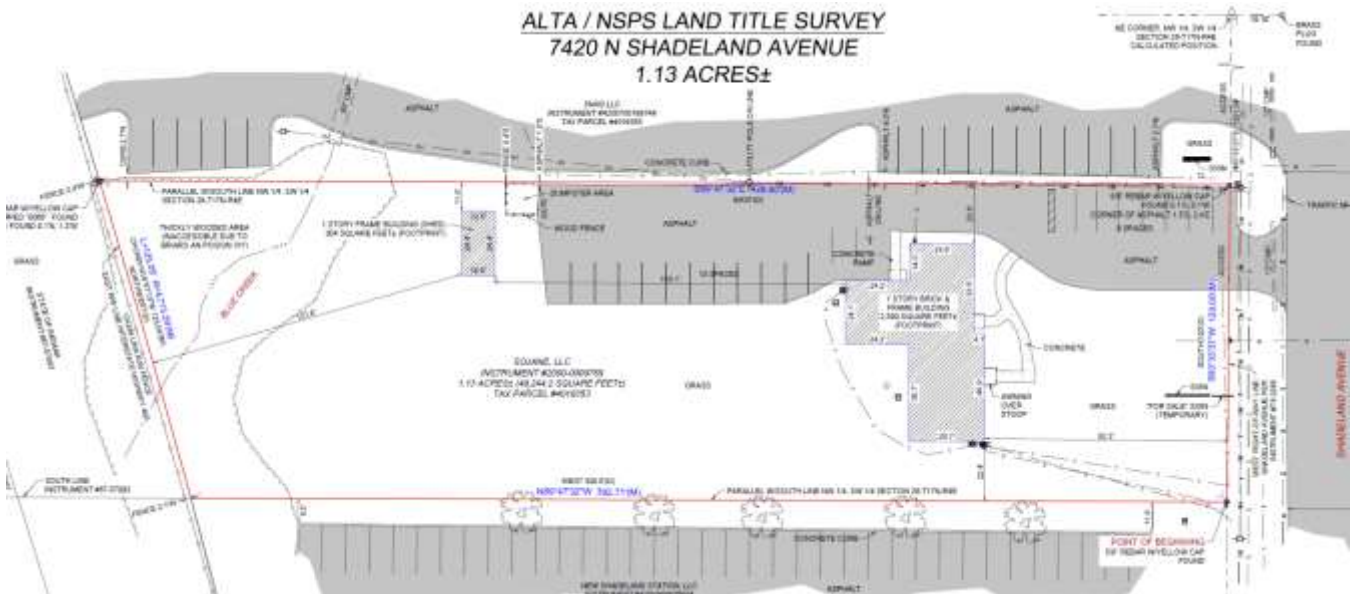
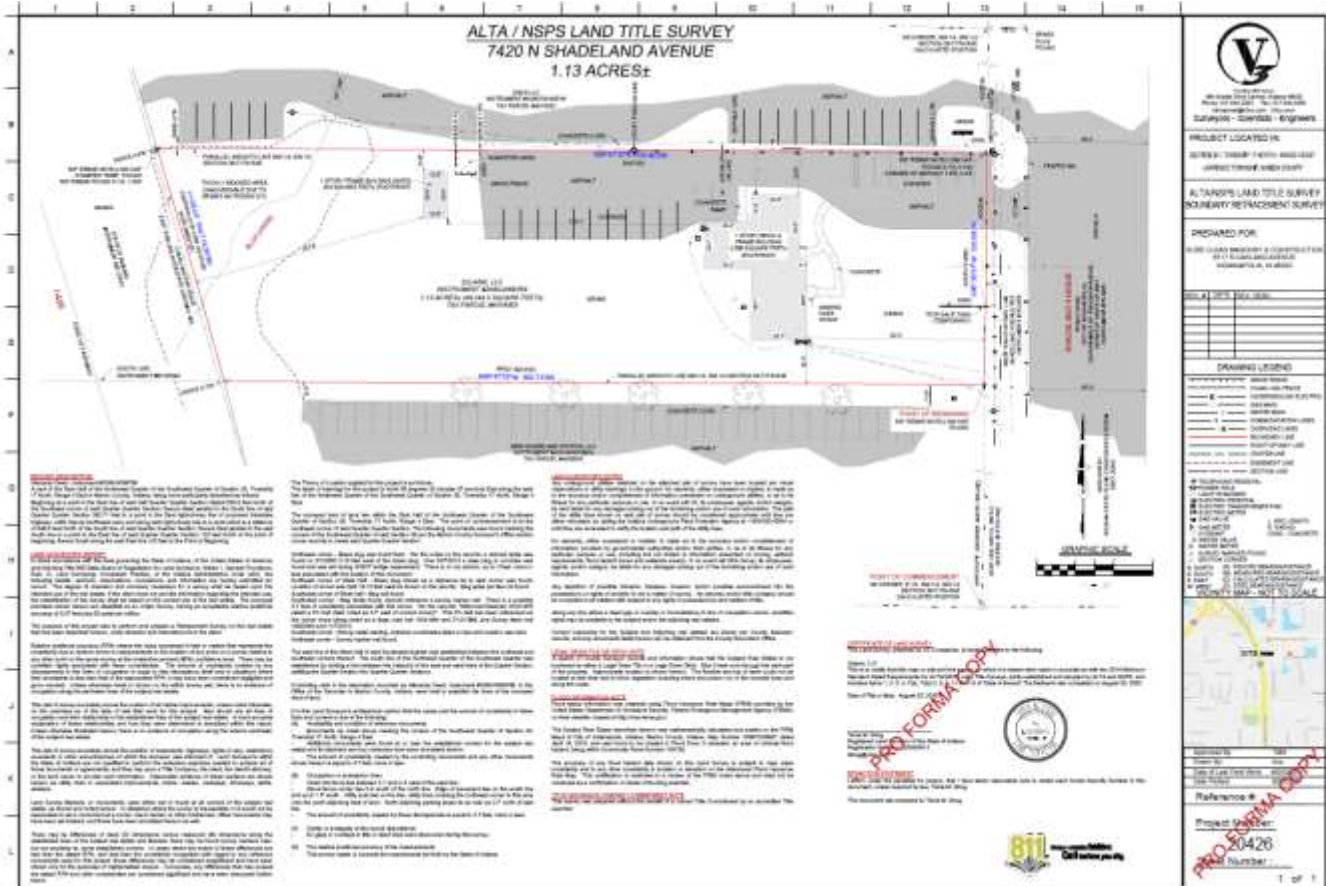
**81-Z-3; 7405 North Shadeland Avenue** (east of site), Rezoning of 13.85 acres, being in the D-P district, to the C-4 classification, to provide for retail commercial development, **approved**.

**73-Z-234; 7401 North Shadeland Avenue** (east of site), Rezoning of 108.5 acres, being in an A-2 district to D-P classification to provide for a Planned Unit Development Community, consisting of apartments, condominiums, detached cluster housing, conventional platted lots, recreation areas, commercial development, and an office park, as per plans filed, **approved**.



EXHIBITS









Subject site street frontage looking south along Shadeland Avenue.



Photo of the subject site.



Photo of the front parking area and offices north of the site.



Commercial shopping strip east of the site.





Northern property boundary looking west.



Photo of the rear parking area.



Photo of the existing outdoor storage of materials.



Proximity of outdoor storage in relation to the Blue Creek Stream.





Photo of Blue Creek Stream and interstate in the background.



Photo of what appears to be the start of a perimeter fence and enclosed dumpster at the rear.