

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 12, 2025**

**Case Number:** 2025-MOD-013

**Property Address:** 10100 East 46<sup>th</sup> Street

**Location:** City of Lawrence, Lawrence Township, Council District #10

**Petitioner:** Michael Jones, by Will Gooden and Elizabeth Bentz Williams

**Current Zoning:** SU-7

**Request:**

Modification of the Commitments related to petition 2001-ZON-002 to modify Commitments #3 and #4 to allow for development to be in substantial compliance with the site plan, dated April 25, 2025, and that any future change in the site plan shall be subject to Administrator's Approval, and that the use of the property shall be in substantial compliance with the narrative, dated March 28, 2025 (previous commitments required development in substantial compliance with the site plan, filed-dated March 16, 2001 and that the use be in substantial compliance with the narrative, file-dated April 3, 2001)

**Current Land Use:** Social services facility

**Staff Recommendations:** Approval, subject to the commitments noted below:

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "C" forms at least five (5) business days prior to the MDC hearing:

1. Commitment Three (Instrument # 2001-0069117) shall be amended to read: "Development shall be in substantial compliance with the site plan, file-dated May 8, 2025. Any future change in the site plan shall be subject to Administrator Approval and required permits."
2. Commitment Four (Instrument # 2001-0069117) shall be amended to read: "The use of the property shall be in substantial compliance with the narrative file-dated May 8, 2025."
3. All other commitments shall remain in full force and affect.

## PETITION OVERVIEW

This 4.92-acre site, zoned SU-7 (charitable, philanthropic and not-for-profit institution) is developed with single-family dwelling and the associated parking. It is surrounded by single-family dwellings to the north, east and west, zoned D-A and single-family dwellings to the south, across East 46<sup>th</sup> Street, zoned D-P.

## MODIFICATION

The request would modify the commitments related to petition 2001-ZON-002 to modify Commitments #3 and #4 to allow for development to be in substantial compliance with the site plan, file-dated May 8, 2025, and that any future change in the site plan shall be subject to Administrator's Approval, and that the use of the property shall be in substantial compliance with the narrative, file-dated May 8, 2025 (previous commitments required development in substantial compliance with the site plan, filed-dated March 16, 2001 and that the use be in substantial compliance with the narrative, file-dated April 3, 2001. See Exhibit A.

Services offered on this site have obviously evolved since the 2001 rezoning. This modification would allow for this change, including the removal of four (4) proposed buildings and change in the population to be served in accordance with the Site Plan and Plan of Operation, both file-dated May 8, 2025.

The site plan retains the existing one-story dwelling as the only structure on the site, along with a parking lot north of the structure. The Plan of Operation details the population to be served, hours of operation, daily programming and activities and the number of employees residing at the facility who would be responsible for programming, resident care, sobriety testing, maintenance and security.

The proposed modification would not disrupt the surrounding land uses and would continue to be in compliance with the SU-7 district as a charitable, not-for-profit facility.

## GENERAL INFORMATION

<b>Existing Zoning</b>	SU-7	
<b>Existing Land Use</b>	Social services	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-A	Single-family dwelling
South:	D-P	Single-family dwellings
East:	D-A	Single-family dwelling
West:	D-A	Single-family dwelling

Thoroughfare Plan		
East 46 <sup>th</sup> Street	Primary Collector	Existing 85-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 8, 2025	
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	Plan of Operation, May 8, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology.

“The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of one to five dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

### Pattern Book / Land Use Plan

Not Applicable to the Site.

### 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

**2001-ZON-002; 10100 East 46<sup>th</sup> Street**, requested a rezoning of 5.0 acres, being in the D-A district, to the SU-7 classification to provide for a youth housing and counseling facility, **approved**.

**2000-ZON-170; 10100 East 46<sup>th</sup> Street**, requested a rezoning of 5.0 acres, being in the D-A district, to the SU-7 classification to provide for a youth housing and counseling facility, **withdrawn**.

## VICINITY

**2004-ZON-020; 10151-10852 East 52<sup>nd</sup> Street and 4724 North German Church Road (east of site)**, requested a rezoning of 150.35 acres from the D-A (FW)(FF) district to the D-4 (FW)(FF) classification to provide for 510 single-family dwellings, resulting in 3.39 units per acres, **approved**.

**2002-ZON-163 (2004-DP-25); 10151 East 52<sup>nd</sup> Street (south of site)**, requested rezoning of 63 acres from the D-A district to the D-P classification to provide for a residential development at a density of 4.24 units per acres, **withdrawn**.

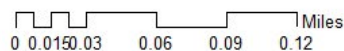
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EXHIBIT A

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STATEMENT OF COMMITMENTS  
METROPOLITAN  
DEVELOPMENT COMMISSION  
PETITIONER'S EXHIBIT  
CALC. NO. 2001-20N-002  
DATE 9-18-2001  
SECRETARY

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owner agrees to dedicate a 70 foot half right-of-way along 46th Street as per the request of the Department of Capital Asset Management, Transportation Section (DCAM). The owner shall use its best efforts to grant the requested right-of-way within 60 days of approval of the Petition. The owner shall not grant additional easements to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants by DCAM.
3. Owner agrees that the development of the property shall occur in substantial compliance with the site plan, file dated March 16, 2001, a copy of which is attached hereto and incorporated herein by reference as Attachment "B".
4. Owner agrees that the use of the property shall be in substantial compliance with the Narrative, file dated April 3, 2001, a copy of which is attached hereto and incorporated herein by reference as Attachment "C".

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

MDC's Exhibit B -- page 1

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Inst # 2001-0069117

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COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2001ZON002 by the City-County Council changing the zoning classification of the real estate from a DA zoning classification to a SU-7 zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the SU-7 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. \_\_\_\_\_

The undersigned hereby authorizes the Division of Neighborhood Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2001-ZON-002.

IN WITNESS WHEREOF, owner has executed this instrument this 18<sup>th</sup> day of April, 2001

Signature: Brian Dowers Signature: \_\_\_\_\_  
 Printed: Brian Dowers Printed: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Brian Dowers The Executive Director of Indianapolis owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated True that any representations therein contained are true. Challong

Witness my hand and Notarial Seal this  
18<sup>th</sup> day of April, 2001  
Carla Shade  
 Notary Public  
CARLA SHADE  
 Printed Name of Notary Public  
 My Commission expires: 4-8-2008  
 My County of residence: MARION

This instrument was prepared by \_\_\_\_\_

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**ATTACHMENT "A"**

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

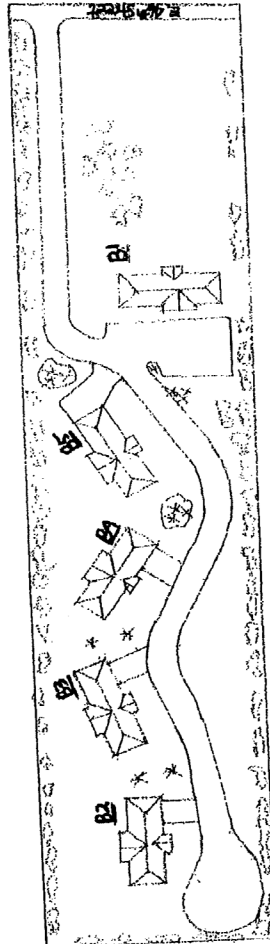
An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

ATTACHMENT "B"



# FIVE HOME MASTER SITE PLAN

Existing One Story Residence  
 Proposed Future One Story Residences  
 Proposed Immediate Two Story Residence

B1:  
 B2, 3 and 4:  
 B5:

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ATTACHMENT "C"



TEEN CHALLENGE  
LIFE CENTER  
The Proven Cure For The Drug Epidemic  
INDIANAPOLIS

### Narrative of a Normal Day at Indianapolis Teen Challenge

Each weekday our students, ages 13-18 wake up with one staff member at 6:30 am. Breakfast, chores and morning devotions are completed before leaving for school at 8:00 am. All ten girls and one staff teacher travel in one 15 passenger van to Calvary Temple located at 2901 N. Post Road to run our private school.

All ten girls are at school until 1:00 pm at which time they return to Teen Challenge to eat lunch. While the girls are attending school, we have one office staff member and the executive director at the Teen Challenge home. After lunch there are two full time staff members, one part time staff member on duty for the afternoon. From 3 pm to 5 pm, the girls work on studies that they have received from their counselor during their counseling sessions that week or they go to Fort Benjamin Harrison Park for exercise with staff members. The girls also have Bible studies, scripture memorization or counseling sessions during the afternoon, depending on the day.

During the evening, all girls have supper, call their parents or attend church services. They retire for bed at 9:30 pm. On Tuesday's and Friday's we do service projects for Calvary Temple and an area nursing home. On Saturday's we go to the mall, the park, watch videos, have family counseling sessions or the girls leave the center with their parents for a weekend visit. On Sunday's we go to Calvary Temple for worship or travel to share the vision of Teen Challenge with churches all over the state of Indiana.

Teen Challenge has the following employees:

Executive director: 45 hours a week (9am-5pm Mon-Fri)  
Program director: 30 hours a week (9 am-4:30 pm Mon-Thurs)  
2 Live-in Counselors: 45 hours a week (Various schedules-one 1<sup>st</sup> shift and one 2<sup>nd</sup> shift)  
Teacher: 40 hours a week (8:00 am-4:00 pm Mon-Fri)  
Part time teacher: 8 hours a week (6:30 am-2:30 pm Fri)  
Bookkeeper: 4 hours a week (Nights and works in her home for us)

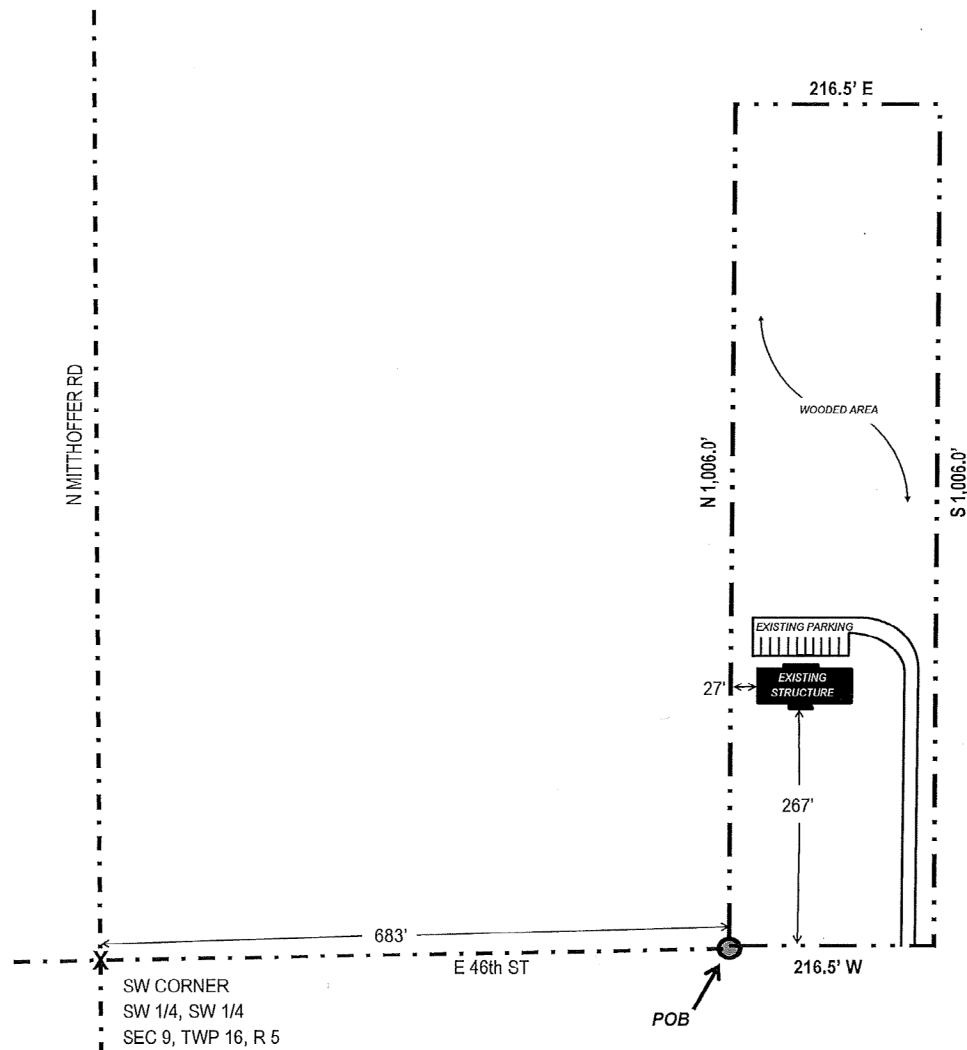
No one who works here pays rent. Only two staff members live here. These two live-in counselors receive room and board as part of their salary package. All students have constant staff supervision.

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Part of the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North,  
Range 5 East, more particularly described as follows:

Beginning at a point on the South line of said Quarter Quarter Section 683 feet East of  
the Southwest corner thereof; thence North and parallel with the West line of said  
Quarter Quarter Section 1006 feet to a point; thence East and parallel with the South  
line of said Quarter Quarter Section 216.5 feet to a point; thence South and parallel  
with the West line of said Quarter Quarter Section 1006 feet to a point in the South line  
of said Quarter Quarter Section; thence West upon and along said South line 216.5 feet to  
the place of beginning.

## Site Plan – May 8, 2025



## Plan of Operation – May 8, 2025

### **PLAN OF OPERATION**

#### ***Celebrate Freedom "The House"***

***10100 East 46<sup>th</sup> Street***

#### ***Use:***

The house provides faith-based programming to aid the unhoused population and those suffering from substance abuse and addiction. Individuals in the program are provided mental and physical therapy through state and federal resources. The program aids in life skills including obtaining proper identification, buying and preparing food and job placement. The eight-bedroom facility provides for a maximum of ten (10) participants in, typically, double occupancy rooms.

#### ***Hours of operation:***

The house is a 24-hour facility providing programming for residents; however, typical activity takes place during business hours.

#### ***Programming and daily activity:***

Educating residents in coping with everyday life is a core goal. Utilizing resources such as the Healthy Indiana Plan, VA resources, and the SNAP program is also included. Functioning as home with some residents leaving for work at their jobs. There are meetings, study groups and Bible studies, as well as church attendance as part of daily activities. At the end of a typically 12-month program, the goal is to have residents that are physically, mentally, and spiritually healthy and have permanent housing and employment.

#### ***Employees:***

Three individuals live in the house providing for daily direction of programming, day to day maintenance, resident care, and sobriety testing. Additional individuals may staff the facility from time to time, but not reside on premises.

#### ***Site Plan:***

The operation will utilize the site as it currently exists within the +/- 3,500 square foot ranch house and associated parking. No additional structures, parking, or lighting is anticipated.

#### ***Site Maintenance & Security:***

Site will be maintained in accordance with residential expectations by staff and residents. Security of the house will be maintained by the full-time staff residing on the property.

#### ***Future:***

Any changes to the Plan of Operation or Site Plan shall be subject to Administrative review and approval.



View looking east along East 46<sup>th</sup> Street



View looking west along East 46<sup>th</sup> Street



View of site looking northeast across East 46<sup>th</sup> Street



View of site looking north across East 46<sup>th</sup> Street



View of site looking northwest across East 46<sup>th</sup> Street



View looking southwest at neighborhood to the south across East 46<sup>th</sup> Street



View looking southeast at neighborhood to the south across East 46<sup>th</sup> Street