



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

June 12, 2025

**Case Number:** 2025-ZON-001  
**Property Address:** 4150 North High School Road (Approximate Address)  
**Location:** Pike Township, Council District #5  
**Petitioner:** Nica Auto and Fleet Repair, LLC by David E. Dearing.  
**Current Zoning:** C-3  
**Request:** Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.  
**Current Land Use:** Pike Township, Council District #5  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR JUNE 12, 2025 HEARING EXAMINER**

The petition was continued for cause from the May 15, 2025 hearing to the June 12, 2025 hearing to provide time for discussions between staff and the petitioner's representative, with new notice.

No new information has been provided.

**ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER**

The petition was continued for cause from the April 10, 2025 hearing to the May 15, 2025 hearing to allow time to find adequate representation.

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

This petition was continued for cause from the February 20, 2025 to the April 10, 2025 hearing to allow time to find adequate representation.

**FEBRUARY 20, 2025**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** with the following conditions:

1. The petitioner provides a complaint landscape plan for Administrative Approval.
2. The petitioner provides sidewalk and sidewalk connections.

3. Reduce the front yard fence to 3.5 feet in height.

## PETITION OVERVIEW

### LAND USE

The 1.89-acre subject site is currently developed with a 19,200-square-foot auto repair shop known as Nica Auto & Fleet Repair. The petitioner seeks to rezone the site from C-3 (Neighborhood Commercial District) to the C-5 (General Commercial District) in order to allow for the continued operation of the automotive repair facility.

### ZONING OVERVIEW

The request would rezone the site from the C-3 (Neighborhood Commercial) district to the C-5 (General Commercial) to allow for an Automobile, Motorcycle, and Light Vehicle Service or Repair use which is not permitted in the existing commercial district.

**C-3 (Neighborhood Commercial District):** Characterized extensive range of retail sales and personal, professional and business services required to meet the demands of the residential neighborhood in proximity. C-3 generally does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations.

**C-5 (General Commercial District):** Designed 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.

### STAFF ANALYSIS

The property development history reveals a pattern of non-conforming uses;

- June 2024: Google street view image depicts the site being used as a parking lot for various heavy vehicles including Sem-Trucks, Trailer trucks, Box Trucks, and more.
- May 2024: Zoning violation citation issued (VIO24-004471) for unauthorized outdoor vehicle operations.
- January 2025: Current building construction completed.

The property currently has an nine (9) open zoning-related violations. Of those zoning-related violations identified, approval of this rezone request will resolve six (6) of those. The Remaining Violations Requiring Additional Action (3 of 9):

1. Vehicle Sales Operations: Not permitted in C-3 or C-5 districts (Table 743-1)
2. Front Yard Fence Height: Exceeds 42-inch maximum (Table 744-510-2) - *Variance required*
3. Fence Post Height: Exceeds permitted height by 12 inches (Section 744-510.C.3) - *Variance required*



The Comprehensive Plan designates this area for **Heavy Commercial** use, making the proposed automotive repair shop consistent with the area’s intended purpose. The site plan includes access via a public entry off High School Road.

The property is visually obscured by two (2) existing commercial centers along a private drive, reducing potential aesthetic conflicts with surrounding businesses. Moreover, rezoning to C-5 would establish a transition buffer between commercial operations and warehouse activities, ensuring a more cohesive land-use pattern.

For these reasons, staff is recommending **approval** of the rezoning request:

1. The petitioner shall provide a compliant landscape plan for administrative approval.
2. The petitioner shall install sidewalk improvements and pedestrian connections.
3. Front yard fence height shall be reduced to a maximum of 3.5 feet.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Heavy Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-7 Commercial Use
	South:	C-3/SU-1 Commercial Use
	East:	C-3 Commercial Use
	West:	C-S Commercial Use
<b>Thoroughfare Plan</b>		
High School Road	Primary Collector	70-foot right-of-way existing and a 102-foot right-of-way Proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Airspace Secondary District	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	1/21/2025	
<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)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Heavy Commercial development for the subject site. The **Heavy Commercial** typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yard.
  - **Heavy Commercial Uses**
    - Should be located along an arterial or collector streets.
      - *Resilient 2.3: Traffic can play a major role in determining whether a certain use is appropriate for a neighborhood or areas.*

### 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)

- Not Applicable to the Site.

## ZONING HISTORY

**70-Z-6; 4002 North High School Road** (subject site), request rezoning of 23.30 acres, being the B-3 district to C-3 classification to provide for sales, service and office facilities, **approved**.

**70-Z-5; 6450 Gateway Drive** (includes subject site), requested rezoning of 28 acres from the B-3 to C-S to provide for a distribution center inclusive of warehousing, small assembly and packing, computer center, technical data processing and offices, **approved**.

**64-Z-139; North of 38th Street** (subject site), request rezoning of 66.77 acres parcel of ground, being in an A-2 (Agricultural) district to a B-3 (business) Classification, to provide for the construction of a regional shopping Center, located north of 38th street between High School Road and I-465 in Pike Township, **approved**.

## VICINITY

**2014-ZON-060; 6450 Gateway Drive** (west of subject site), rezoning of 9.127 acres from the C-S district to the C-S classification to provide for an indoor warehouse, offices, wholesale display and distribution of grocery-related items, and an indoor sports education and training complex, including soccer, boxing and karate, **approved**.

**2011ZON042; 6150 Gateway Drive** (east of site), rezoning of 10 acres from the D-4 and PK-1 (FF) Districts to the SU-2 (FF) classification to provide for educational uses, **approved**.

**2010ZON069; 6150 Gateway Drive** (east of site), rezoning of 10.00 acres, from the D-4 (FF) and PK-1 (FF) Districts to the SU-2 (FF) classification to provide for public school uses, **withdrawn**.

**2011-CZN-872/2011-CVR-827; 6450 Gateway Drive;** (west of subject site), requested a rezoning of 9.17 acres, from the C-S District, to the C-S classification to provide for all C-5 uses and a portable storage container business and distribution center and a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor storage higher than the fence, within zero feet of a protected district, **approved**.

**99-Z-150; 4141 North High School Road** (east of site), Rezone 5.79 acres from D-4 to SU-1 to provide for an existing church and parking lot, **approved**.

**90-Z-42; 4261 North High School Road** (east of site), rezoning 6.31 acres from D-A District to C-S classification to provide for the development of self-storage warehouses, **approved**.

**86-Z-27; 4002 North High School Road** (west of site), request rezoning of 10.73 acres, being in the C-S district to the C-5 classification to provide for the construction of a night club. **Approved**

**85-Z-148; 6450 Gateway Drive** (west of site), requested rezoning to C-S to allow for all C-5 uses and whole sales, **approved**.

**79-Z-176; 6500 Gateway Drive,** requested rezoning of seven acres from C-S to C-5 to provide for construction of a multipurpose recreation center, **approved**.

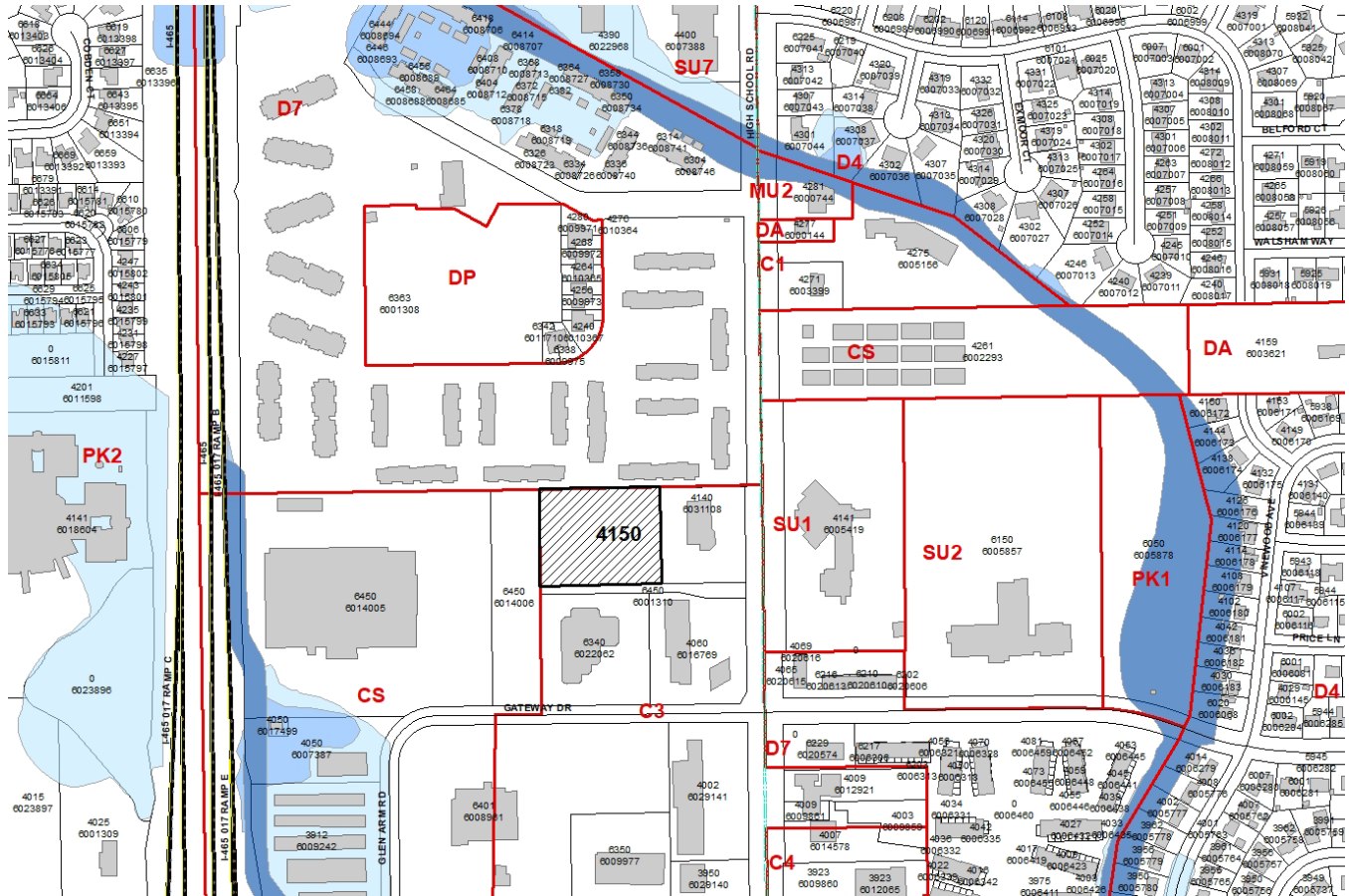


**Department of Metropolitan Development  
Division of Planning  
Current Planning**

**70-Z-7; 4102 North High School Road** (north of site) request rezoning of 1.36 acres, being in A-2 & D-7 districts to D-7 classification to provide for apartments, **approved.**

**77-Z-87 (77-DP-1); 6363 Commons Drive** (north of site), The petitioner is requesting that approximately 6 acres located at 6363 Commons Drive be rezoned from D-7 to DP (Planned Unit Development), **approved.**

**EXHIBITS**



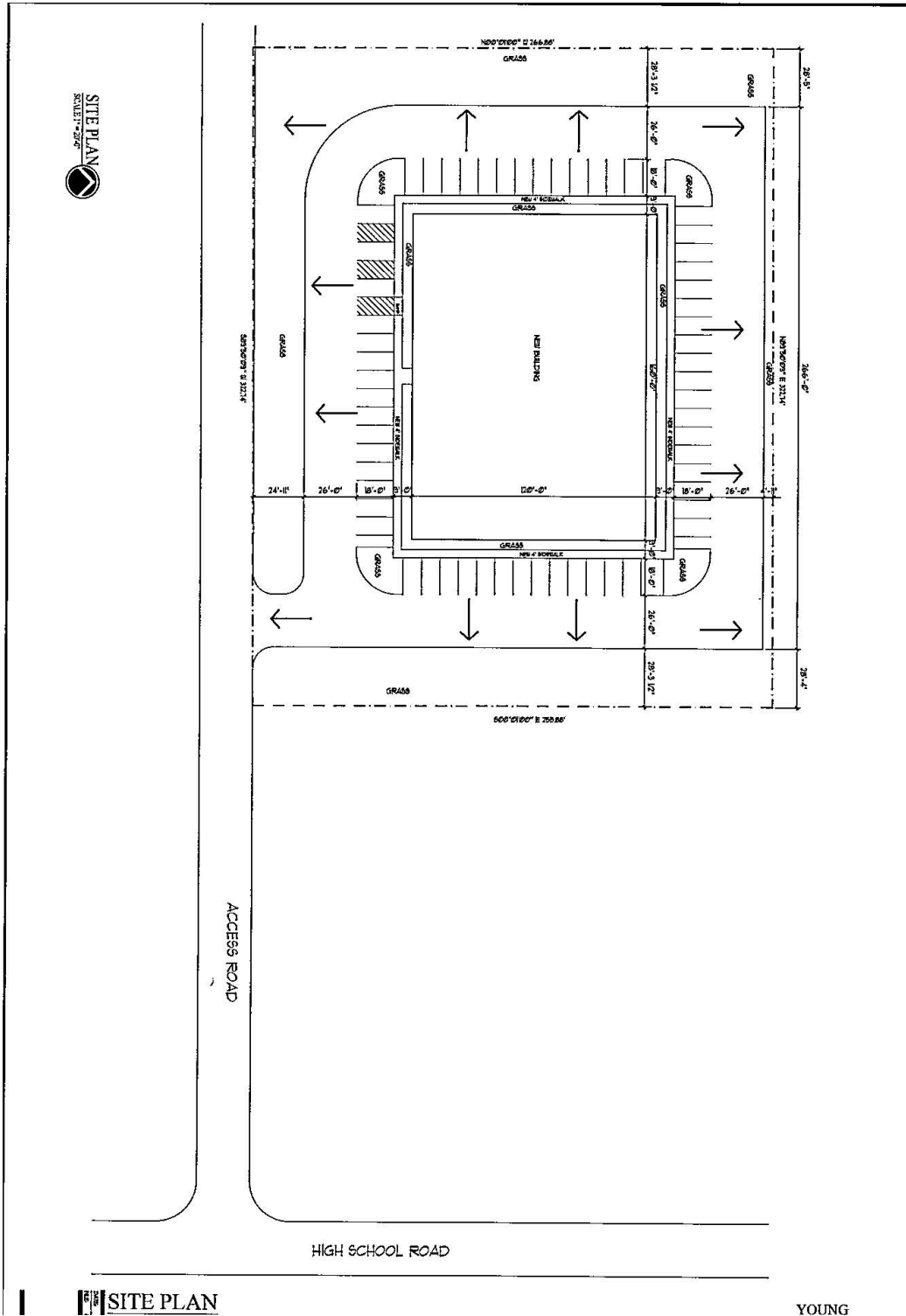


Figure 1 Site Plan





Figure 2 View of the subject building



**Figure 3 View west looking along the access road**



*Figure 4 View of subject building and fence*



*Figure 5 View of Sign*

Zoning violations related to **VIO24-00471**

1. **744-903.B** The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903. B. - Failure to obtain a sign permit for the display of pole sign).
2. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle repair is not a permitted use in a C-3 zoning district...Nica Auto & Fleet Repair).
3. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle storage is not a permitted primary use in a C-3 zoning district).
4. **Table 743-1 Use Table** The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a C-3 zoning district).



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

5. **744-510-2** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard).
6. **744-510. C.3** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (744-510. C.3. - Fence post height exceeding 1ft. above the permitted height of the fence).
7. **743-306.AA.3.** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (743-306.AA.3. - Parked recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes for more than one instance, not to exceed 15 days per calendar year).
8. **743-306. AA.1.** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (743-306.AA.1. a - No recreational vehicle shall project into a required side or rear yard setback).
9. **744-508. B.1.a** Failure to comply with use-specific standards and zoning district development standards for the C-3 district; (744-508. B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).