

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-ZON-052
Property Address: 4446 Mann Road (Approximate Address)
Location: Decatur Township, Council District #21
Petitioner: Dave and Sons Properties II, by David Gilman
Current Zoning: C-3
Request: Rezoning of 0.825-acre from the C-3 district to the C-4 district for an automobile fueling station and a convenience store.
Current Land Use: Commercial
Staff Recommendations: Denial
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff recommends **denial** of this request. However, should the Hearing Examiner approve this petition, staff requests that the approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of Mann Road, 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

This 0.825-acre subject site is zoned C-3 and developed with a vacant 2,222-square-foot car wash. To the north is a Domino's Pizza, also zoned C-3. To the east, zoned D-4, is single-family residential, To the west is a religious use (church) zoned SU-1. The parcel to the south is currently vacant, but further south is The Mayflower Park Subdivision, which was platted in 1961

(63-P-39,60-P-101) and largely built out by 1966. The Manchester Village apartments, located to the north was constructed by 1972. The commercial node, of which the subject property would be a part, began to develop in the late 1970s.

REZONING

This petition request would rezone the site from C-3 (Neighborhood Commercial) District to the C-4 (Community-Regional) District.

C-3 is the 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-4 is the Community-Regional Commercial District designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

TRAFFIC STUDY

A trip generation analysis indicates that approximately 58% of traffic generated by the proposed development would travel north on Mann Road, while 42% would travel south. No peak-hour trips are expected to use the access road west of the site.

To mitigate potential traffic impacts, a northbound left-turn lane and a southbound right-turn lane are recommended. The post-development level of service (LOS) for the affected intersection remains consistent with existing conditions

STAFF ANALYSIS

This petition requests a rezoning from the C-3 district to the C-4 district. The C-3 district is intended for neighborhood-serving retail and service operations. The C-4 district is intended for major business groups, regional-sized shopping centers, and heavy traffic generators. Some typical C-4 land uses that are not permitted in the C-3 district are motels, heavy general retailing, liquor stores, and vehicle-related uses such as car washes, gas stations, and auto repair.

The subject site was zoned C-3 in 1976 (76-Z-119). In 1984, a Variance of Use (89-UV3-14) was granted that provided for a car wash (Automobile and Light Vehicle Wash). This is a use that is permitted in a C-4. The petition was recommended for approval by the staff, in part, because of the "relative small scale of the proposed use" and that the proposed use would be

separated from the “residences to the south by a distance of approximately three hundred feet.” In 1977, a Modification (77-AP-166) was approved expanding the use to have an additional driveway and sign.

In 2013, a Variance of Development Standards (2013-DV1-051) was granted that provided for commercial development with a deficient number of parking spaces and carry-out food service within 100 feet of a protected district. The grant of the variance was subject to a list of commitments including a prohibition on electronic variable message signs and the exclusion of all adult-oriented businesses, check cashing facilities, cash for gold or silver facilities, billboards, liquor stores, taverns, drive-up windows, oil lube services, tattoo parlors and pawn shops.

In 2021, a rezoning petition (2021-ZON-019), was denied, this would have rezoned the property to the south, from C-3 district to the C-4 districts, Staff recommended denial, in part, because “C-4 permits land uses that are too intense to be in such proximity to dwellings”.

The current proposal includes a 3,000-square-foot building with four (4) fueling islands, 11 parking spaces, and two (2) access points. This represents a substantial increase in the intensity of use compared to surrounding properties. The site would function as a standalone commercial use surrounded on all sides by less intense zoning districts.

Given the increased intensity, the existing residential adjacency, and prior staff positions on similar requests, staff recommends **denial** of this petition

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Commercial
South:	C-3	Commercial
East:	D-4	Residential (Single-family dwelling)
West:	SU-1	Religious (Church)
Thoroughfare Plan		
Mann Road	Primary Arterial	70-foot existing right-of-way and a 119-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 31, 2024	

Site Plan (Amended)	N/A
Elevations	May 8, 2025
Elevations (Amended)	N/A
Landscape Plan	January 31, 2024
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan (2019)

Pattern Book / Land Use Plan

The **Community Commercial** typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

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)

- **Thoroughfare Plan (2019)**

ZONING HISTORY

SITE

89-UV3-14; 4445 Mann Road (subject site), requested a variance of use to provide for a car wash in a C-3 district, **granted**

77-AP-166; 4390 Mann Road (subject of site), requested a modification of site plan to provide for an additional outlet, driveway and sign, **approved**.

76-Z-119; 4390 Mann Road (subject site), requested the rezoning of 12 acres from the D-6II district to the C-3 district, **approved**

VICINITY

2021-ZON-019; 4460 Mann Road (south of site), requested a rezoning of 2.34 acres from the C-3 district to the C-4 district, **denied**.

2021-ZON-080; 4402 Mann Road (north of site), Rezoning of 0.45 acre from the C-3 district to the C-4 district, **denied**.

2021-UV2-002; 4407 Mann Road (northeast of site), requested a variance of use to provide for the conversion of a single-family dwelling into two dwelling units in a commercial district, **approved**.

2020-CZN-826/2020-CVR-826; 4407 Mann Road (northeast of site) requested the rezoning of 0.457 acre from the D-4 district to the C-1 district and a variance of development standards to provide for a deficient side transitional yard, **approved**.

2013-ZON-043; 4459 Mann Road (southeast of site) requested the rezoning of 4.94 acres from the SU-1 district to the D-7 district, **approved**.

2013-DV1-051; 4000 Mann Road (north of site) requested a variance of development standards to provide for a deficient number of parking spaces, an off-site sign, and carry-out food service within 100 feet of a protected district, **approved**.

2013-UV3-022; 4423 Mann Road (north of site) requested a variance of use to provide for two single-family dwellings on one lot, **approved**.

2002-ZON-128; 4459 Mann Road (southeast of site), requested the rezoning of 4.49 acres from the D-4 district to the SU-1 district, **approved**.

92-Z-38; 4370 Mann Road (west of site), requested the rezoning of five acres from the SU-34 district to the SU-1 district, **approved**.

86-Z-208; 4370 Mann Road (west of site), requested the rezoning of five acres from the C-3 district to the SU-34 district, **approved**.

The map displays a residential area with the following details:

- Streets:** A grid of streets is shown with red lines. A road on the right is labeled "MAIN RD".
- Lot Numbers:** Various lot numbers are printed in black, including 4821, 4233, 4340, 4402, 4407, 4430, 4450, 4446, 4423, 4445, 4459, 4823, 4370, 4815, 4832, 4824, 4818, 4812, 4804, 4742, 4732, 4724, 4714, 4608, and 4800.
- Zoning Designations:** Red text indicates zoning districts: "D 6 I I", "SU 1", "C 3", "C 1", "D 4", "D 6 I I", and "C 4".
- Highlighted Lot:** Lot 4446 is outlined in black and filled with diagonal hatching.
- Water Body:** A blue area on the right side of the map represents a body of water.

Figure 1: Area Map

4446 Mann Rd Proposed BP

3000 sqft store with 4 islands

Legend

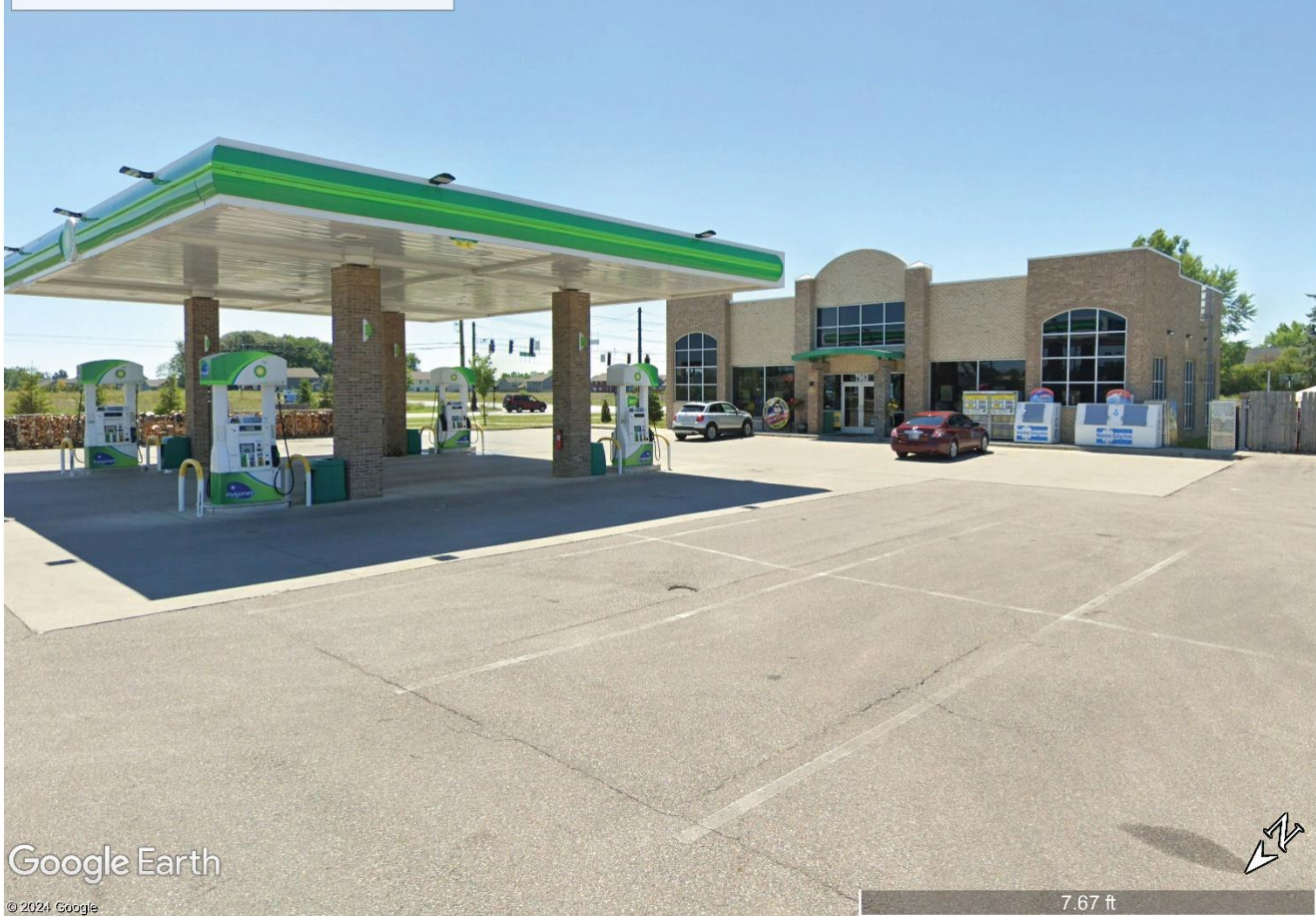


Figure 2: Proposed BP Gas Station to look like this existing example

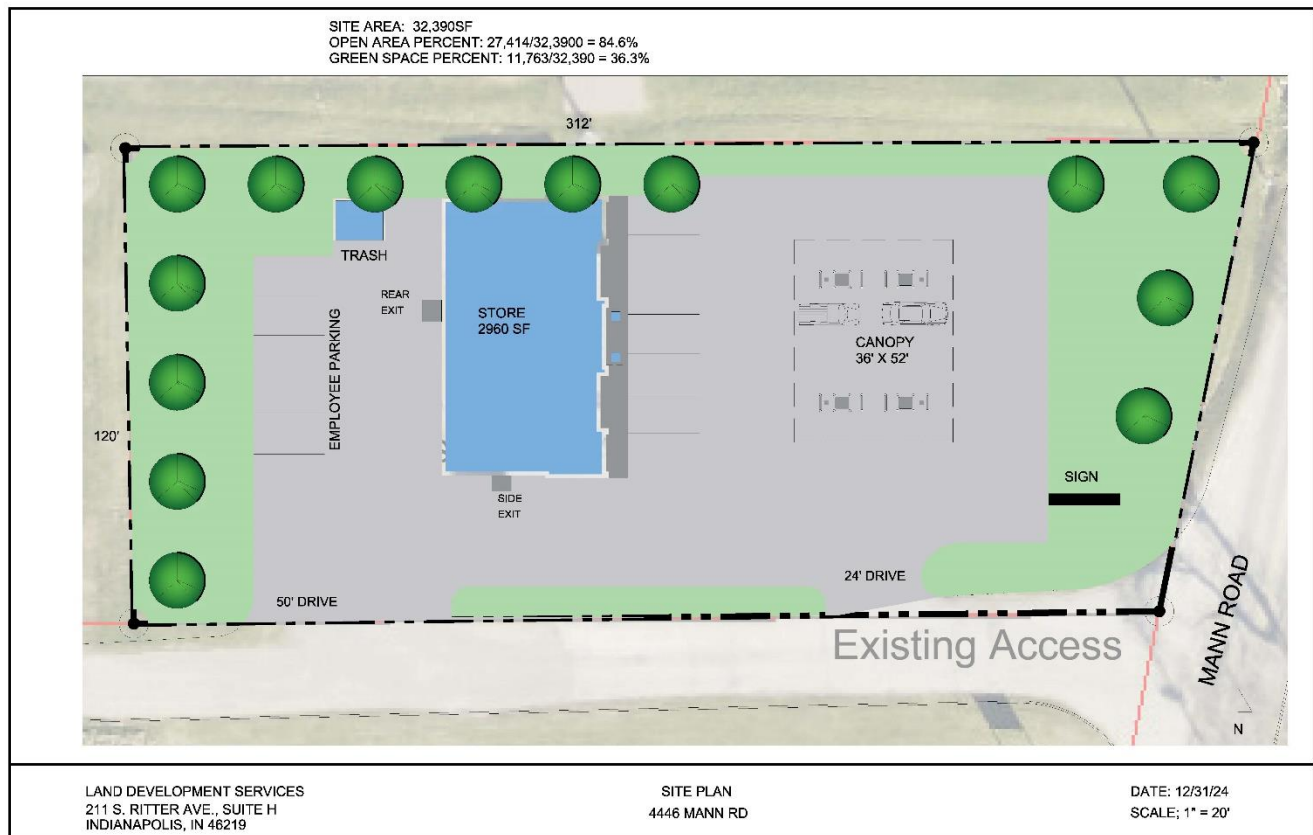


Figure 3: Proposed Site Plan



Figure 4: View of entrance



Figure 5: View of existing building



Figure 6: View of entrance on to Mann Road



Figure 7 View looking north at Dominos Pizza