



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 12, 2026

Case Number: 2025-ZON-110 (Amended)
Property Address: 10302 East 38th Street
Location: Lawrence Township, Council District #15
Petitioner: Desmonde Monroe, by Lindsey Wikstrom
Current Zoning: SU-1 (FF)
Request: Rezoning of 7.726 acres from the SU-1 (FF) district to the D-6 (FF) district to provide for a multi-family residential development.
Current Land Use: Religious uses
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the October 23, 2025 hearing, to the November 13, 2025 hearing, at the request of petitioner's representative, to provide additional time for discussions with staff.

The Hearing Examiner continued this petition from the from the November 13, 2025 hearing, to December 11, 2025 hearing, at the request of staff, to provide additional time for clarification and confirmation of the request.

The Hearing Examiner continued this petition from the December 11, 2025 hearing, to the January 15, 2026 hearing, at the request of the petitioner's representative to provide additional time to amend the request to the D-6 (FF) district, along with the site plan and building elevations.

The Hearing Examiner continued this petition from the January 15, 2026 hearing, to the February 12, 2026 hearing, at the request of the staff to provide time for the Traffic Impact Study (TIS) to be conducted, submitted and reviewed.

The Hearing Examiner continued this petition from the February 12, 2026 hearing, to the March 12, 2026 hearing, at the request of staff to provide time for the TIS to be conducted, submitted and reviewed by staff.

Staff believes this petition should move forward with an approval recommendation subject to commitments related to a tree study, TIS and maintaining the property.

STAFF RECOMMENDATION

Approval, subject to following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. Prior to the issuance of an Improvement Location Permit (ILP), a Traffic Impact Study (TIS) shall be conducted, submitted, and reviewed by staff. The developer and / or property owner shall coordinate with the Department of Public Works and install required infrastructure improvements that would be included in development of the site.
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 7.726-acre site, zoned SU-1 (FF) is developed with religious uses. It is surrounded by multi-family dwellings to the north, zoned D-6 (FF); educational uses and multi-family dwellings to the south, across East 38th Street, zoned SU-2 (FF) and D-7; undeveloped land to the east, zoned D-6II (FF) and multi-family dwellings to the west, zoned D-6 (FF)

Petition 95-Z-103 rezoned this site to the SU-1 district.

REZONING

The request would rezone the site to the D-6 district provide for multi-family uses. "The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working



within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”

The East 38th Street Corridor Plan recommends special use for the site, along with a secondary land use recommendation (Index #17) of light industrial.

As proposed, this request would provide for seven three-story buildings for 158 dwelling units and 158 parking spaces at a density of 20.5 units per acre.

Staff understands that a plat will be filed consisting of two lots. Lot One (1.753 acres) would be developed for religious uses and Lot Two (7.726 acres) would be developed for residential uses as noted above. See Exhibit A.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-7 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

The northern half of this site lies within the 100-year floodplain of Hunter Mitthoefer Ditch.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit B, Table 744-503-3: Replacement Trees

Traffic Impact Study, (TIS)

Staff requested a Traffic Impact Study because of the increased traffic impact created by the proposed number of units.

This study has not been submitted for review by staff.

Based on the Thoroughfare Plan, additional right-of-way would not be requested, but site access remains an issue due to surrounding land uses and pavement widths along East 38th Street. Development of the site should provide appropriate infrastructure improvements to accommodate site access and maintain and / or improve traffic and pedestrian safety along this corridor.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.



All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed the request would not align with the Plan recommendation of special use or the light industrial secondary land use recommendation. Staff, however, supports this request because it would result in development of the site that would be compatible and consistent with the surrounding land uses that are generally comprised of multi-family residential development.

Furthermore, staff believes the secondary land use recommendation of light industrial would disrupt the residential development in this area and could be considered spot zoning. Spot zoning is "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."

GENERAL INFORMATION

Existing Zoning	SU-1 (FF)
Existing Land Use	Religious uses
Comprehensive Plan	Special Use

Surrounding Context	Zoning	Land Use
North:	D-6 (FF)	Multi-family dwellings
South:	SU-2 (FF) / D-7)	Educational uses / Multi-family dwellings
East:	D-6II (FF)	Undeveloped land
West:	D-6 (FF)	Multi-family dwellings
Thoroughfare Plan		
East 38 th Street	Primary arterial	Existing 112-foot right-of-way and proposed 104-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. 100-year floodplain of Hunter Mitthoefer Ditch	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	September 5, 2025	
Site Plan (Amended)	December 4, 2025	
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	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Not Applicable to the Site.

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

East 38th Street Corridor Plan (2012)

The Neighborhood Plan recommends Special Use. “This land use category consists of a variety public, semi-public and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers and public safety facilities) or are unique uses exhibiting significant impacts on adjacent property (such as the Indianapolis International Airport Indiana State Fair and Indianapolis Motor /speedway).”

The Plan also provides secondary land use recommendation by assigning an “Index Number.” This site has an Index Number of 17, identified as Light Industrial.

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

95-Z-103; 10304 East 38th Street, requested rezoning of 10 acres from the D-A (FF) district to the SU-1 (FF) classification for religious uses, **approved**.

Vicinity

2005-ZON-162; 10200 East 38th Street (east of site), requested rezoning of 31.149 acres, being in the D-5 (FF) District, to the D-6II (FF) classification to provide for the construction of multi-family dwellings, **approved**.

2001 UV3-027; 10512 East 38th Street (east of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a radio communication facility with a 468-foot lattice tower and a 20 by 20-foot transmitter shelter, **granted**.

98-Z-132; 4102 North German Church Road (east of site), requested rezoning of 98 acres from the D-A (FW)(FF) District to the D-5II (FF)(FW) classification, **approved**.

98-CP-Z; 10202 East 38th Street (west of site), requested rezoning of 31,149 acres, being in the D-A District, to the D-5 classification, **approved**.

96-CP-11Z (a); 3850 North German Church Road (east of site), requested a rezoning of 60.492 acres, being in the D-7 (FF) and C-3 (FF) classification to provide for a church, **approved**.

Site Plan – December 4, 2025

ROCK OF FAITH COMMUNITY

REZONING PETITION
 1032 E 38th St
 Indianapolis, IN 46215

GENERAL NOTES
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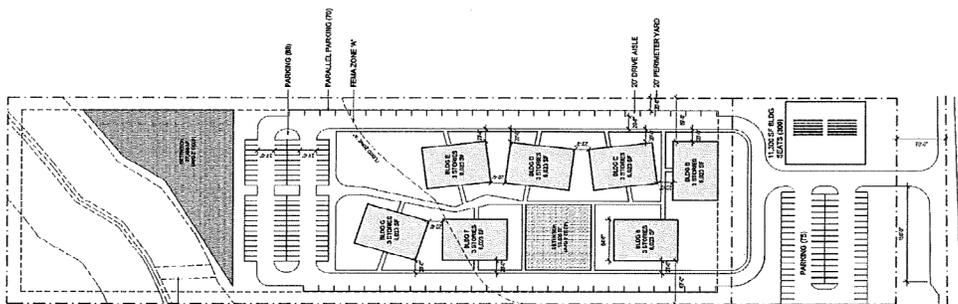
No.	Description	Date
1	DK Rezoning Petition	11/14/25
2	Issued For	Done

DESIGNED BY:
 METROPOLITAN DEVELOPMENT
 DIVISION OF PLANNING

Project No.	Date	Drawn By	Scale

SITE PLAN

Sheet Number: **A-0.1**



PROPOSED CHANGE
 ELDER &
 COMMUNITY
 ADAPTATION

1

1 SITE PLAN
 SCALE: 1/8" = 1'-0"

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EXHIBIT B

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city’s Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking west along East 38th Street



View from site looking east along East 38th Street



View from site looking west



View from site looking west



View from site looking north



View from site looking northwest



View from site looking northeaste



View from site looking east



View from site looking south



View from site looking east



View from site looking east



View from site looking southeast across East 38th Street