

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 25, 2025

Case Number: 2025-CZN-836 /2025-CAP-836

Property Address: 4035 Meadows Parkway and 4195 Millersville Road

Location: Washington Township, Council District #8

Petitioner: Garvey Properties, LLC, by Joseph D. Calderon

Current Zoning: C-S (W-5)
Rezoning of 7.01 acres from the C-S (W-5) district to the C-S (W-5) district to provide for continuation of permitted uses under 2013-ZON-037 and 2023-CAP-826, and to add a crematorium use, with no incineration.

Request: Modification of C-S Statement related to 2013-ZON-037 and 2023-CAP-826, to provide for a crematorium use, with no incineration.

Current Land Use: Mixed-Use (Commercial / Industrial)

Staff Recommendations: Denial of both the rezoning and approval requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the August 14, 2025 hearing, to the September 11, 2025 hearing, and to the September 25, 2025 hearing, at the request of the petitioner's representative, to provide additional time for discussion with staff and the Councilor for the district.

Staff is requesting a **continuance from the September 25, 2025 hearing, to the October 9, 2025 hearing**, to provide additional time for further research into proposed use.

STAFF RECOMMENDATION

Denial of the rezoning and modification requests. If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least five business days prior to the MDC hearing:

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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 7.01-acre site, zoned C-S, is developed with industrial style buildings and associated parking and storage areas. It is surrounded by single-family dwellings to the north across Millersville Road, zoned D-5 (W-5); educational uses to the south zoned D-P (W-5); commercial / industrial uses to the east, zoned C-S (W-5); commercial uses to the west, across Meadows Parkway, zoned C-4 (W-5).

Petitions 2013-ZON-037 and 2023-CAP-826, including this site, provided for industrial and commercial uses, as well as I-2-S uses that were initially approved in 1989 and expanded in the subsequent years.

REZONING

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to provide for a crematorium. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."

The Comprehensive Plan recommends Village Mixed-Use typology for the site. Recommended land uses in the Village Mixed-Use typology include residential, commercial, schools, places of assembly, artisan manufacturing / food production but does not include any type of industrial uses.

This typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. The surrounding land uses to the north, west and south supports and is representative of the village mixed-use typology.

As proposed, this request would not be consistent the Comprehensive Plan recommendation of village mixed-use. The proposed crematorium would be a permitted as a "special exception" in the I-3 district and permitted in the I-4, both of which would be districts with intense and heavy industrial uses that would not be appropriate in proximity of protected districts (residential and schools) and the village mixed-use typology. Allowing this use would also potentially set a precedence for expansion of industrial uses on this rather large site that would be detrimental to the surrounding land uses, specifically the adjacent residential neighborhood and schools.

MODIFICATION OF C-S STATEMENT

This request would modify the development statements associated with petitions 2013-ZON-037 and 2023-CAP-826 to include, in addition to existing permitted uses, a crematorium use.

The 1989 rezoning permitted office, commercial and industrial development, with the expansion of uses with the 2013 (landscaping / design / installation business) and 2023 (storage buildings associated with the landscaping business) petitions. This request would expand uses that would be more intense, and therefore, more impactful to surrounding land uses.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located within the **W-5 Fall Creek** wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

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.

GENERAL INFORMATION

Existing Zoning	C-S (W-5)	
Existing Land Use	Commercial and industrial mixed use	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5 (W-5)	Single-family dwellings
South:	D-P (W-5)	Educational uses
East:	C-S (W-5)	Industrial / commercial uses
West:	C-4 (W-5)	Commercial uses

Thoroughfare Plan		
Millersville Road	Primary Collector	Existing 75-foot right-of-way and proposed 50-foot right-of-way.
Meadows Parkway	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes – Fall Creek W-5	
Site Plan	June 23, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	June 23, 2025	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	June 23, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Village Mixed-Use Typology*
 - 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.
 - In master planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.

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

2023-CAP-826 / 2023-CVR-826; 4195 Millersville Road, requested modification of Development Statement and Site Plan related to 2013-ZON-037 to remove the requirement for landscaping and buffering along Millersville Road and Meadows Parkway, and to provide for storage buildings as shown on the site plan submitted with this petition and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building located ten feet from Meadows Parkway with zero transparency, **approved and granted**.

2014-ZON-029; 4201 Millersville Road (northeast of site), requested the rezoning of 6.3 acres from the C-S district to the C-S district to add automobile and motorcycle restoration and storage, lawn care, tree service, contracting offices and operations to the list of permitted uses, **approved**.

2013-ZON-037; 4201 Millersville Road, requested the rezoning of 13.4 acres from the C-S district to the C-S district to provide for a landscape design and installation business, including offices, nursery, material and equipment storage, sculpture garden, retail sales area; offices and production space for the design and fabrication of landscape feature, fencing and artwork for hardscape installation; urban farming and associated uses, aquaponics and related operations; fabrication and warehouse space; general office and flex space; schools and ancillary facilities; other compatible uses and I-2-S uses, **approved**.

89-Z-7; 4201 Millersville Road, requested the rezoning of 14.3 acres from the D-5 district to the C-S district to provide for offices, general storage facilities, manufacturing, processing and packaging of food products, and high-tech research, development and manufacturing, **approved**.

VICINITY

2013-ZON-071; 4175 Millersville Road (southwest of site), requested the rezoning of 1.3 acre from the C-1 district to the C-S district to provide for C-3 uses and a banquet hall, **approved**.

2012-ZON-042; 3801 - 4005 Meadows Drive, 3805 – 3806 North Dearborn Street (southeast of site), requested the rezoning of 102 acres from the D-8, D-9, SU-2, C-4 and C-S district to the D-P district to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 districts, special and institutional uses permitted within the SU-1, SU-2, SU-3, SU-6, SU-7, SU-9, SU-37, SU-38 and SU-39 districts, light manufacturing and assembly, agricultural uses, community garden and sales of products produced therein, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2010-ZON-042; 3801-4005 Meadows Drive, 3805-3806 North Dearborn Street (adjacent to the southwest), requested a rezoning of 101.9 acres from the D-8 (W-5), D-9 (W-5), SU-2 (W-5), C-4 (W-5) and C-S (W-5) Districts, to the D-P (W-5) classification to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 Districts, special and institutional uses permitted within the SU-1, SU-2, SU-6, SU-7, SU-9, SU-37, SU-38, SU-39 Districts, mixed-use areas of residential and commercial in the same building as well as Live/work units, including light manufacturing and assembly and residential, commercial and institutional uses within the same building and uses permitted within the SU-3 and SU-9 Districts and agricultural uses, including a community garden and the sale of products produced therein, **approved.**

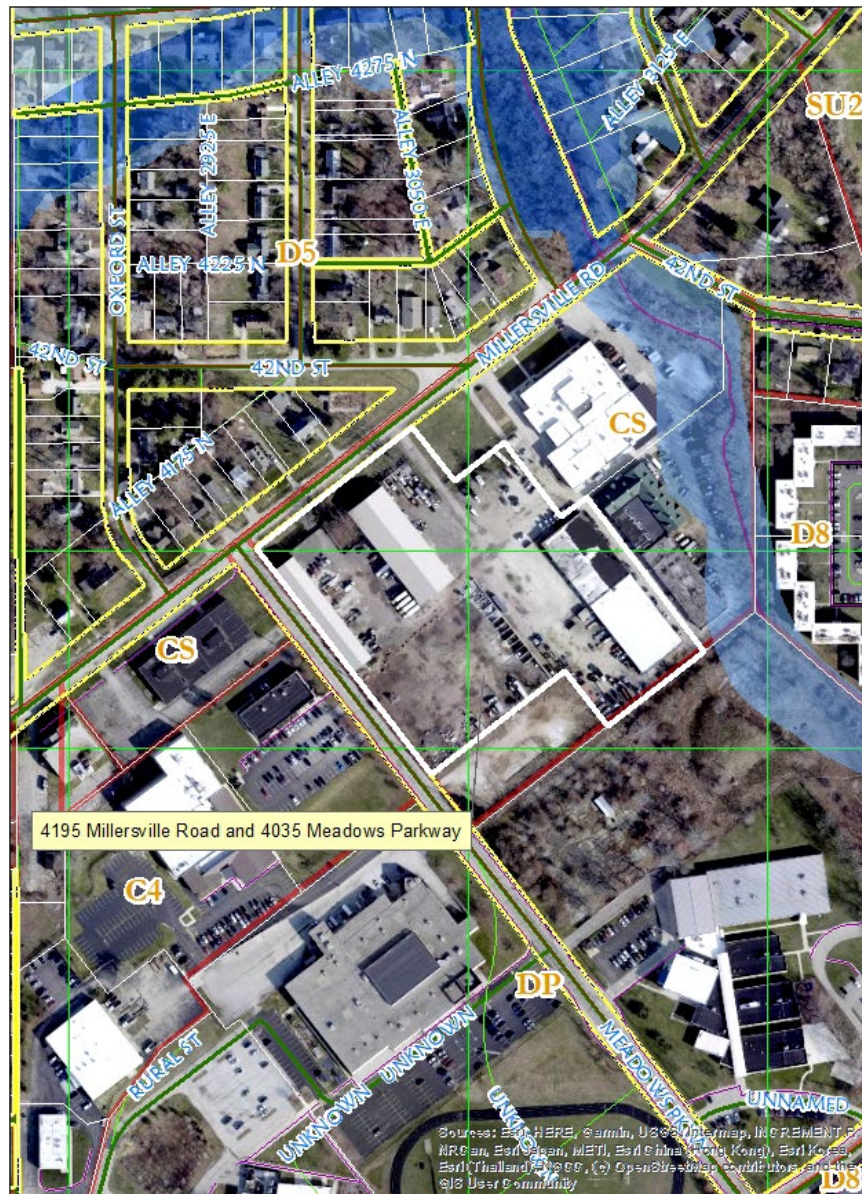
2006-ZON-008; 3980 Meadows Drive (southeast of site), requested the rezoning of 14 acres from the C-1, C-4 and D-8 districts to the SU-2 district, **approved.**

2001-ZON-165; (adjacent to southwest), requested rezoning of 12.5 acres from C-4 to C-S to provide for a general contractor with related offices and outdoor storage, general offices, educational use, and C-3 uses, **approved.**

87-UV1-45; 4201 Millersville Road (northeast of site), requested a variance of use to provide for a loading dock, **approved.**

62-Z-172; 3939 Meadows Drive (southwest of site), requested the rezoning of two acres from the U1-H1-A2 district to the U3-H1-A4 district to provide for the sales of office equipment, **approved.**

EXHIBITS



4195 Millersville Road and 4035 Meadows Parkway



0.0125025 0.05 0.075 0.1 Miles

C-S Statement

Second Amended C-S Development Statement

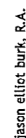
Introduction: Petitioner and Owner, Garvey Properties LLC, seeks to redevelop approximately 7 acres of property commonly known as 4195 Millersville Road (the "Subject Property"), in order to use the Subject Property as a contractor's storage facility, and to provide for potential future use of the Subject Property. Recently, Petitioner/Owner was approached by a user, Serene Reflections Pet Water Cremation, about occupying space in the Subject Property.

Zoning: The Subject Property is currently zoned C-S, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance ("Zoning Ordinance"), pursuant to a rezoning in 2013 under Case Number 2013-ZON-037 (the "2013 Rezoning"). The 2013 Rezoning allowed for the establishment of a headquarters for a landscape/design and installation firm, including an office nursery, material and equipment storage as well as a sculpture garden and retail sales area (the "Primary 2013 Use"). In 2023, pursuant to 2023-CAP/CVR-826, Petitioner/Owner updated the C-S Development Statement and obtained certain development standard variances.

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

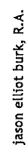
- 1) The Primary 2013 Use.
- 2) Offices and production space for companies involved in design and fabrication of landscape features, fencing and art work to be utilized in landscape installations.
- 3) Urban Farming and associated uses.
- 4) Aquaponics and related operations.
- 5) Fabrication and Warehouse space.
- 6) General Office and Flex (industrial) space.
- 7) Schools and ancillary facilities.
- 8) Other compatible uses and those permitted in the I-2-S zoning district.
- 9) Crematorium (no incineration) – as limited by the Executive Summary of the use attached hereto as Exhibit "A".

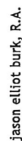
For purposes of this development statement, the intent is to add the Crematorium as an additional use and not otherwise amend the 2023 Amended C-S Development Statement, including, but not limited to, Development Standards and Signs.



**JASON
ELLIOT
CURK
R.A.**

7021 Pipestone Drive, Indy, IN 46217
317.691.3692 | jason@burklegacy.com





**JASON
ELLIOT
BURK
R.A.**

7321 pipestone drive, indy, in 46217
317 691 3692 | aston@burklesey.com



View looking east along East 42nd Street



View looking west along East 42nd Street



View looking south along Meadows Parkway



View looking north along Meadows Parkway



View of site looking northeast across Meadows Parkway



View of site looking northwest



View from site looking west across Meadows Parkway