

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 12, 2026

Case Number: 2025-ZON-075 / 2025-VAR-005 (Amended)

Property Address: 5416 North College Avenue

Location: Washington Township, Council District #7

Petitioner: Firkins LLC, by Joseph D. Calderon

Current Zoning: D-3 (TOD) / C-3 (TOD)

Rezoning of 0.22-acre from the D-3 (TOD) and C-3 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development.

Request:

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small mixed-use building, with zero-foot side and transitional yard setbacks, zero open space, zero-foot rear transitional yard, a 48-foot tall building without street frontage landscaping, with a 40-foot street frontage (minimum five-foot side yard and 15-foot transitional yard setbacks required, minimum 5%, or 50 square feet per unit of open space required, minimum of 15-foot landscape buffer, or a six-foot-tall opaque wall, berm, fence or dense vegetative screen required, 35-foot maximum transitional building height, street frontage landscaping required, 50-foot street frontage required).

Current Land Use: Commercial uses

**Staff
Recommendations:** Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the July 24, 2025 hearing, to the August 28, 2025 hearing.

The Hearing Examiner continued this petition from the August 28, 2025 hearing, to the October 9, 2025 hearing, and to the November 20, 2025 hearing, at the request of the petitioner's representative for additional time to amend the request and send new notice.

The Hearing Examiner continued these petitions from the October 9, 2025 hearing, to the November 20, 2025 hearing, and to the February 12, 2026 hearing, at the request of the petitioner's representative to allow additional time to amend the request, provide new notice and update the submitted documents.

STAFF RECOMMENDATION

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

1. Development of the site shall be in substantial compliance with the site plan and elevations, file-dated January 6, 2026.
2. The north building elevation shall provide opportunity for public art to be installed within two years from completion of the project.

PETITION OVERVIEW

This 0.22-acre site, zoned D-3 (TOD) and C-3 (TOD), is developed with a commercial building and associated parking. It is surrounded by commercial uses to the north, zoned C-1 (TOD); commercial uses to the south, zoned D-3 (TOD) and C-3 (TOD); commercial uses to the east, across North College Avenue, zoned C-3 (TOD); and a single-family dwelling to the west, zoned D-3 (TOD).

REZONING

The request would rezone the site to the MU-2 district to provide for a mixed-use development. "The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts."

The Comprehensive Plan recommends Urban Mixed-Use typology for the site.

Recommended land uses in this typology include attached housing; small- / large- scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; boutique hotels; small- and large- scale offices, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; artisan manufacturing and food production; small-scale parks; structured parking; and community farms / gardens.

As proposed, this rezoning request would align with the Comprehensive Plan recommendation of urban mixed-use.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

VARIANCES OF DEVELOPMENT STANDARDS

This request would allow a small mixed-use building on this site with zero-foot setbacks when the Ordinance requires a five-foot side yard and 15-foot transitional setback. Consequently, these setbacks impact the ability to provide the required 5% or 50-square feet of open space and the 15-foot landscape buffer on this site.

Generally, staff would not support these variance requests but given the development context of this site, the surrounding commercial uses and the proximity of the transit station, staff believes that supporting these variance requests would have minimal impact on the adjacent land uses and enhance the pedestrian experience at this neighborhood commercial node.

Staff would note the some of the requested variances would be similar to those that were supported by staff when the site to the east, across North College Avenue, was developed approximately 20 years ago.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD) / C-3 (TOD)	
Existing Land Use	Commercial uses	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1 (TOD)	Commercial uses
South:	D-3 (TOD) / C-3 (TOD)	Commercial uses
East:	C- 3 (TOD)	Commercial uses
West:	D-3	Single-family dwelling
Thoroughfare Plan		
North College Avenue	Primary arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes. Transit-Oriented Development overlay	
Wellfield Protection Area	No	

Site Plan	June 24, 2025
Site Plan (Amended)	January 6, 2026
Elevations	June 24, 2025
Elevations (Amended)	January 6, 2026
Landscape Plan	N/A
Findings of Fact	September 12, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Urban Mixed-Use typology. The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 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 – Urban 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.
- Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.

- 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.

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Small-Scale Multifamily Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).

- Should be located along an arterial or collector street.
- The primary entrance should be served by an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development

Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Mixed-use structures are preferred.
- Should not include outdoor display of merchandise.

Modifications

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay and provides the following recommendation.

Small-Scale Offices, Retailing, and Personal and Professional Services - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)

Red Line / Blue Line / Purple Line TOD Strategic Plan

Red Line Transit-Oriented Development Strategic Plan (2021)

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located adjacent transit stop located at the intersection of North College Avenue and East 54th Street, with a Walkable Neighborhood typology.

Walkable Neighborhood stations are located in well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.

Characteristics of the Walkable Neighborhood typology are:

- Mix of uses at the station with stabilized residential beyond
- Off-street parking is discouraged and should be limited to garages

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.”

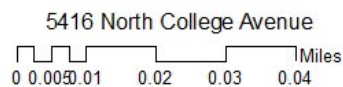
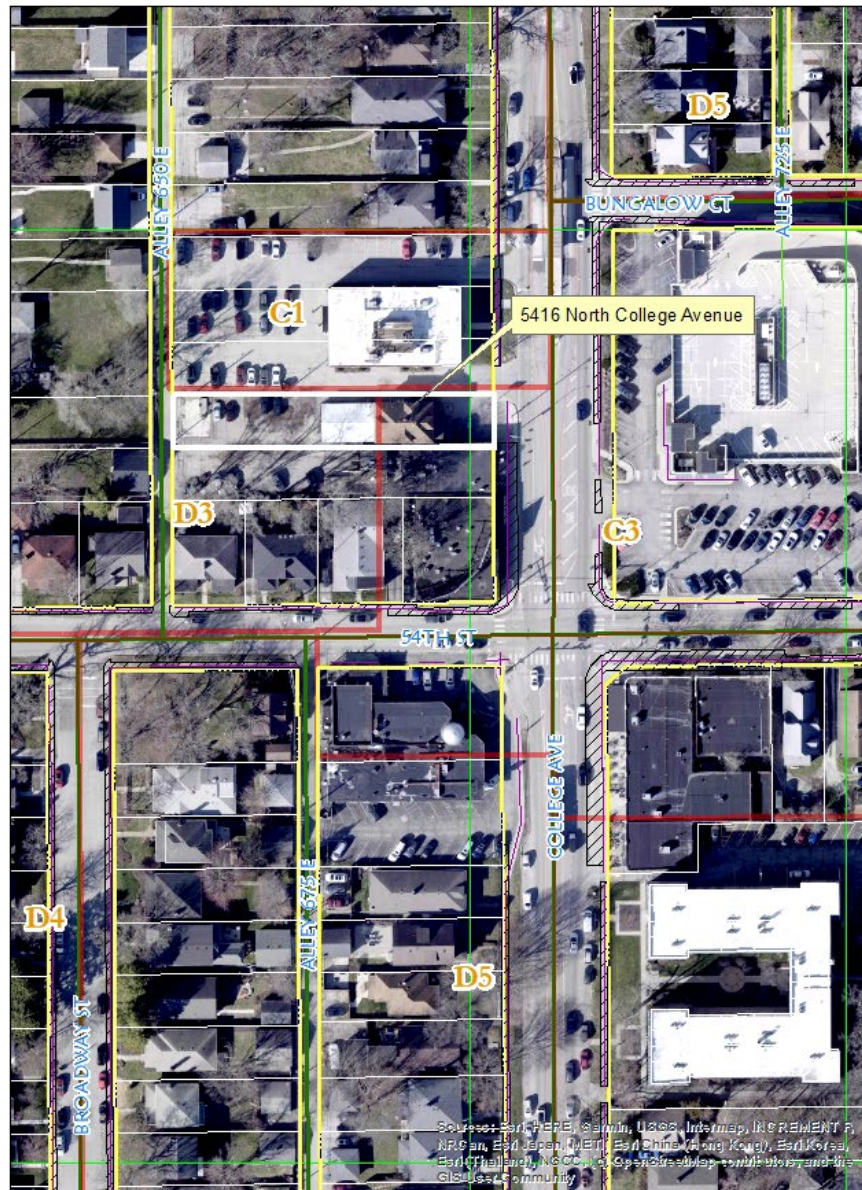
The following listed items describe the purpose, policies and tools:

- 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

2005-ZON-811 / 2005-VAR-811; 5401-5425 North College Avenue, 720 East 54th Street, and 705-707 Bungalow Court (east of site), requested rezoning of 2.0 acres, being in the C-3 (W-5) and D-5 (W-5) districts, to the C-3 (W-5) classification to provide for neighborhood commercial development; and variances of development standards to provide for a grocery store with zero / reduced setbacks, no landscaping in east transitional yard, encroachment into the clear-sight triangle, parking / dumpsters in the transitional yard, reduced parking and parking spaces, unscreened off-street loading area and maneuvering within the right-of-way, **approved and granted**.

EXHIBITS



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The variances sought are consistent with the prevailing development pattern and will allow for alley access to the property as desired by the zoning ordinance while eliminating an existing curb cut on College Avenue.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed building will represent the elimination of a non-conforming building/use and result in a mixed use building that largely meets required standards.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

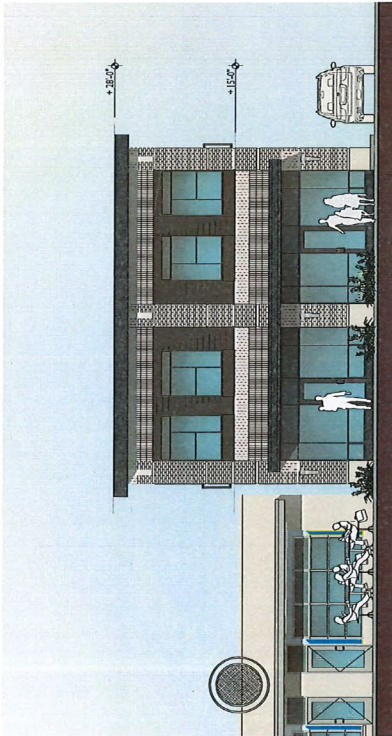
Some of the standards requiring variances for the proposed project are not achievable with a 40 foot wide lot and the others are difficult to implement, given the site is 100% impervious today.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____





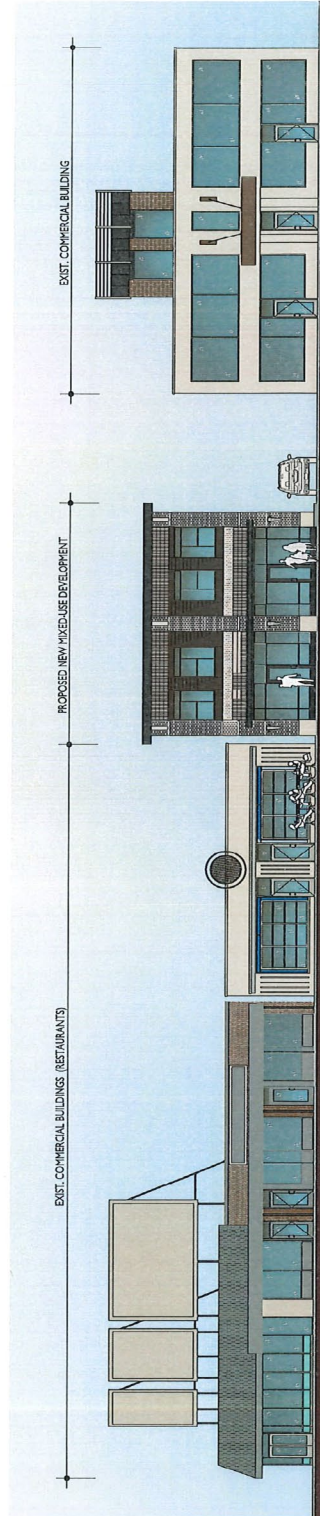
EAST ELEVATION - COLLEGE AVE.

3/32" = 1'-0"



WEST ELEVATION - ALLEYWAY

3/32" = 1'-0"



STREET VIEW - COLLEGE AVE.

1/32" = 1'-0"

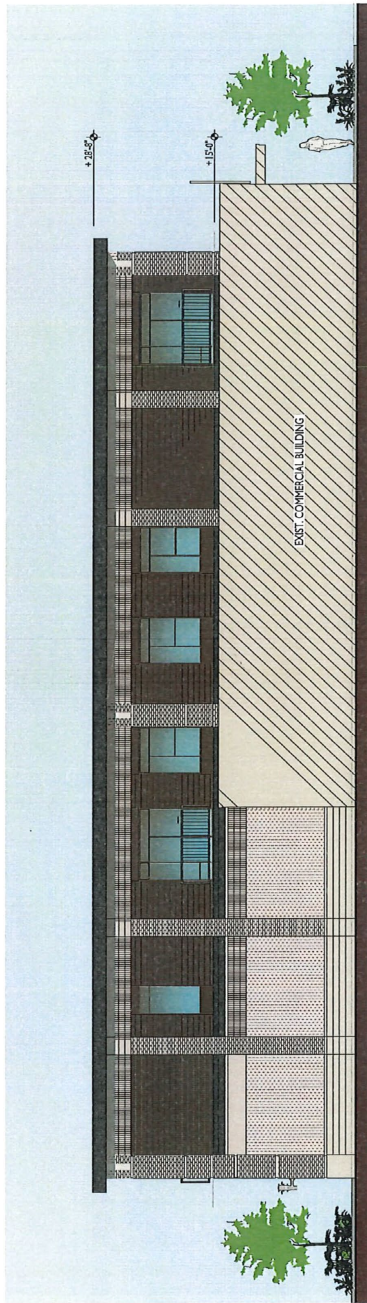
BROAD RIPPLE MIXED-USE DEVELOPMENT

01.04.25

SCALE 3/32" = 1'-0"

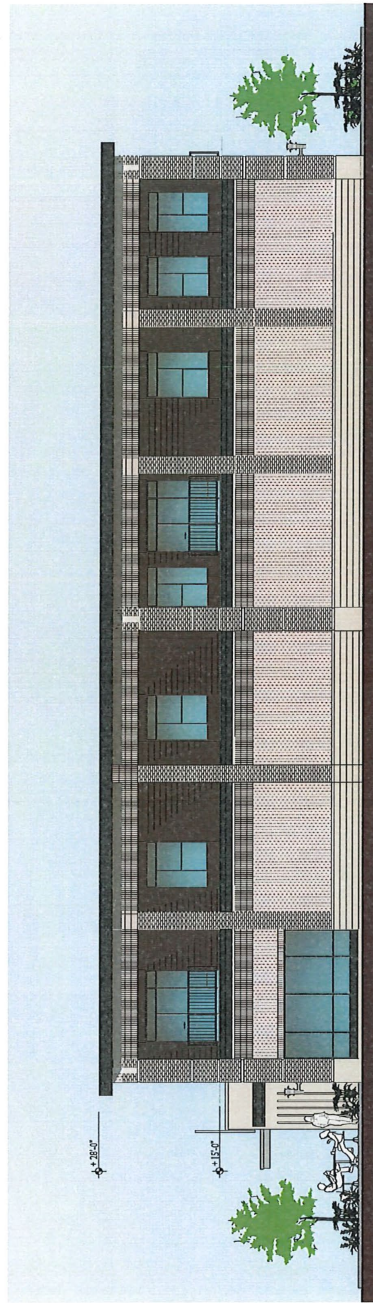
PROJECT # 250040

5416 NORTH COLLEGE AVENUE, INDIANAPOLIS



SOUTH (SIDE) ELEVATION

3/32" = 1'-0"



NORTH (SIDE) ELEVATION

1/16" = 1'-0"

BROAD RIPPLE MIXED-USE DEVELOPMENT

01.04.26

SCALE: 3/32" = 1'-0"

PROJECT # 250040

5416 NORTH COLLEGE AVENUE, INDIANAPOLIS



View of site looking west



View of adjacent property to the south looking southwest



View of adjacent property to the north looking northwest



View from site looking east across North College Avenue



View of site looking east from north / south alley



View of site looking east from north / south alley



View of rear of site looking southeast



View from north / south alley looking southeast



View from rear of site looking southwest



View from rear of site looking northeast



View from rear of site looking north along north / south alley