

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 12, 2026

Case Number: 2026-ZON-004
Property Address: 3 Beachway Drive
Location: Wayne Township, Council District #16
Petitioner: SBP Properties, LLC, by Stephanie Fall
Current Zoning: D-6
Request: Rezoning of 2.536 acres from the D-6 district to the C-3 district to legally establish an existing neighborhood commercial development
Current Land Use: Commercial uses
Staff Recommendations: Approval.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on this petition.

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:

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 2.536-acre site, zoned D-6, is developed with a commercial strip center. It is surrounded by multi-family dwellings to the north, zoned D-6; commercial uses to the south, across Rockville Road, zoned C-4; commercial uses to the east, zoned C-3; and commercial uses to the west, zoned D-6.

REZONING

The request would rezone the site the C-3 district to legally establish an existing neighborhood commercial development. “The C-3 Neighborhood Commercial District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine- grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.”

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The Comprehensive Plan recommends community commercial typology for the site.

Recommended land uses in this typology include small- and large- scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

As proposed, this request would align with the Comprehensive Plan recommendation of community commercial.

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

This site was included in petition 65-Z-94 that rezoned 55.65 acres to the D-6 district to provide for apartments and cluster detached housing. Historical aerials depict development of the existing commercial strip center on this site in 1972. Through the intervening years, variances of uses have supported commercial development on this site, including adjoining properties to the east and west of this site.

Staff supports this rezoning request because of the historical commercial uses and the Comprehensive Plan recommendation of community commercial.

GENERAL INFORMATION

Existing Zoning	D-6	
Existing Land Use	Commercial uses	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-6	Multi-family dwellings
	South: C-4	Commercial uses
	East: C-3	Commercial uses
	West: D-6	Commercial uses
Thoroughfare Plan		
Beachway Drive	Primary arterial	Existing 192-foot right-of-way and proposed 190-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	

Wellfield Protection Area	No
Site Plan	N/A
Site Plan (Amended)	N/A
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

The Comprehensive Plan recommends Community Commercial. 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.

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 – Community Commercial 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.

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- 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.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

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

2022-UV1-003; 3 Beachway Drive, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing grocery store, **granted**.

2019-UV2-019; 3 Beachway Drive, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a stock room expansion (not permitted) to the north side of the existing convenience/grocery store and the addition of a freestanding cooler/freezer (not permitted) to the east of the convenience/grocery store, **granted**

VICINITY

2014-DV3-062; 81 N Mickley Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence in the front yard of Mickley Avenue (maximum 42-inch-tall fence permitted within the required front yard), **denied**.

2013-DV3-030; 5801 Rockville Road (south of site), requested a variance of development standards of the Sign Regulations to legally establish a freestanding sign within 224 feet of another freestanding sign (300-foot separation required), **granted**.

2009-APP-048; 14 Beachway Drive (east of site), requested a modification of Commitments, related to petition 97-Z-221, to terminate Commitment Three, which currently prohibits the sale of liquor, **denied**.

2009-VAR-002; 14 Beachway Drive (east of site), requested a variance of Development Standards of the Commercial Zoning Ordinance to provide for carryout package liquor sales within thirteen feet of a protected district, **denied**.

2008-ZON-808 and 2008-VAR-808; 5725 and 5789 Rockville Road (southeast of site), requested rezoning of 1.4 acres from the D-2 zoning District to the C-S classification to provide for C-1 and C-3 uses, with specific exclusions. Variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through within 63 feet of a protected district (minimum 100-foot separation required), and to provide for a three-lane bank drive-through with deficient off-street stacking spaces (minimum six stacking spaces required before the final component of each drive-through lane, **withdrawn**.

2005-UV3-009; 5815 Rockville Road (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for sales of portable backyard storage buildings and accessories (not permitted) with outdoor display of merchandise without an enclosed building (not permitted), and with off-street parking located on an abutting lot (off-street parking required to be located on the same lot as the use served), **granted**.

2004-UV3-025; 5789 Rockville Road (southeast of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a store for collectables and antiques (not permitted) in an existing single-family dwelling, **withdrawn**.



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

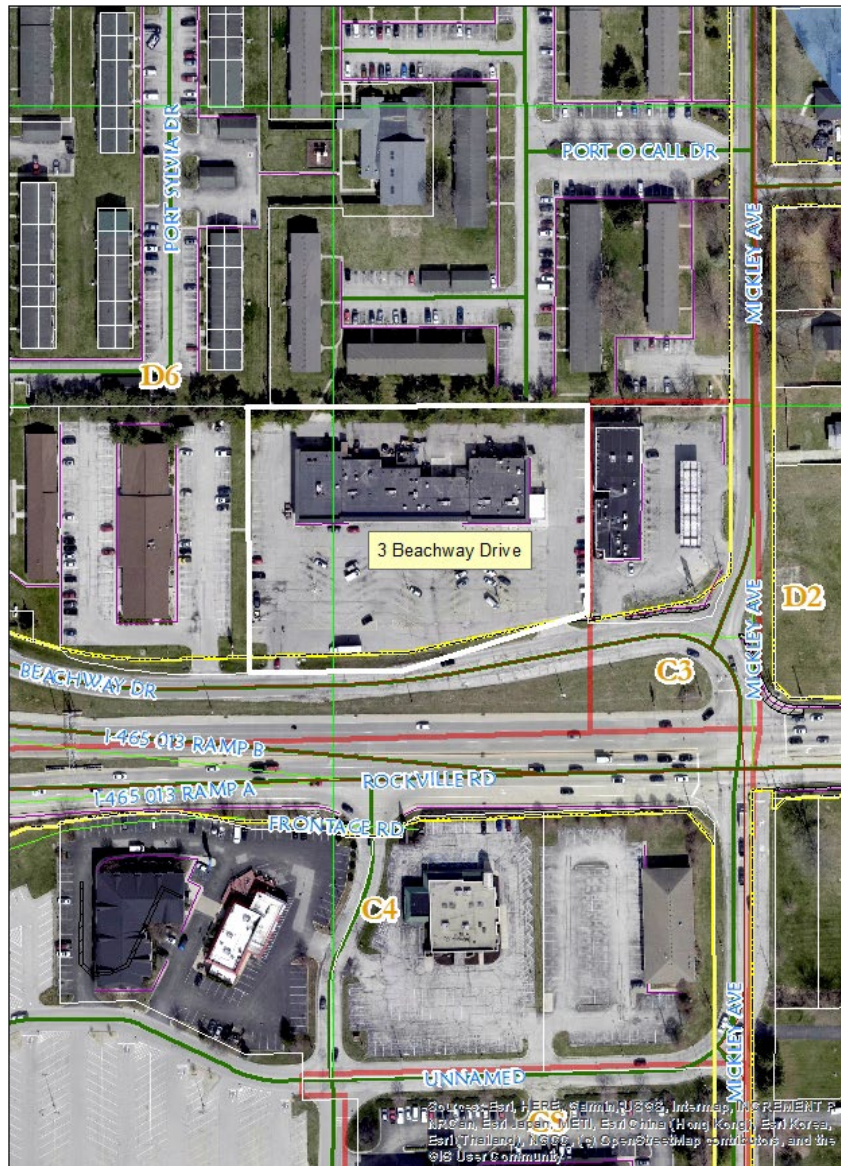
97-Z-221; 14 Beachway Drive, (east of site), requested rezoning of 0.836 acre, being in the D-6 District to the C-3 classification to provide for neighborhood commercial uses, which may include the continued operation of a gasoline station and convenience store and restaurant use, **approved**.

96-UV1-24; 5815 Rockville Road (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor display of lawn furniture, storage buildings, picnic tables, gazebos, deck and playground equipment, **granted**.

87-UV1-33; 14 Beachway Drive (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,084.75-square foot living area and garage addition to a single-family dwelling, with a zero-foot rear setback (minimum twenty-foot rear setback required), **granted**.

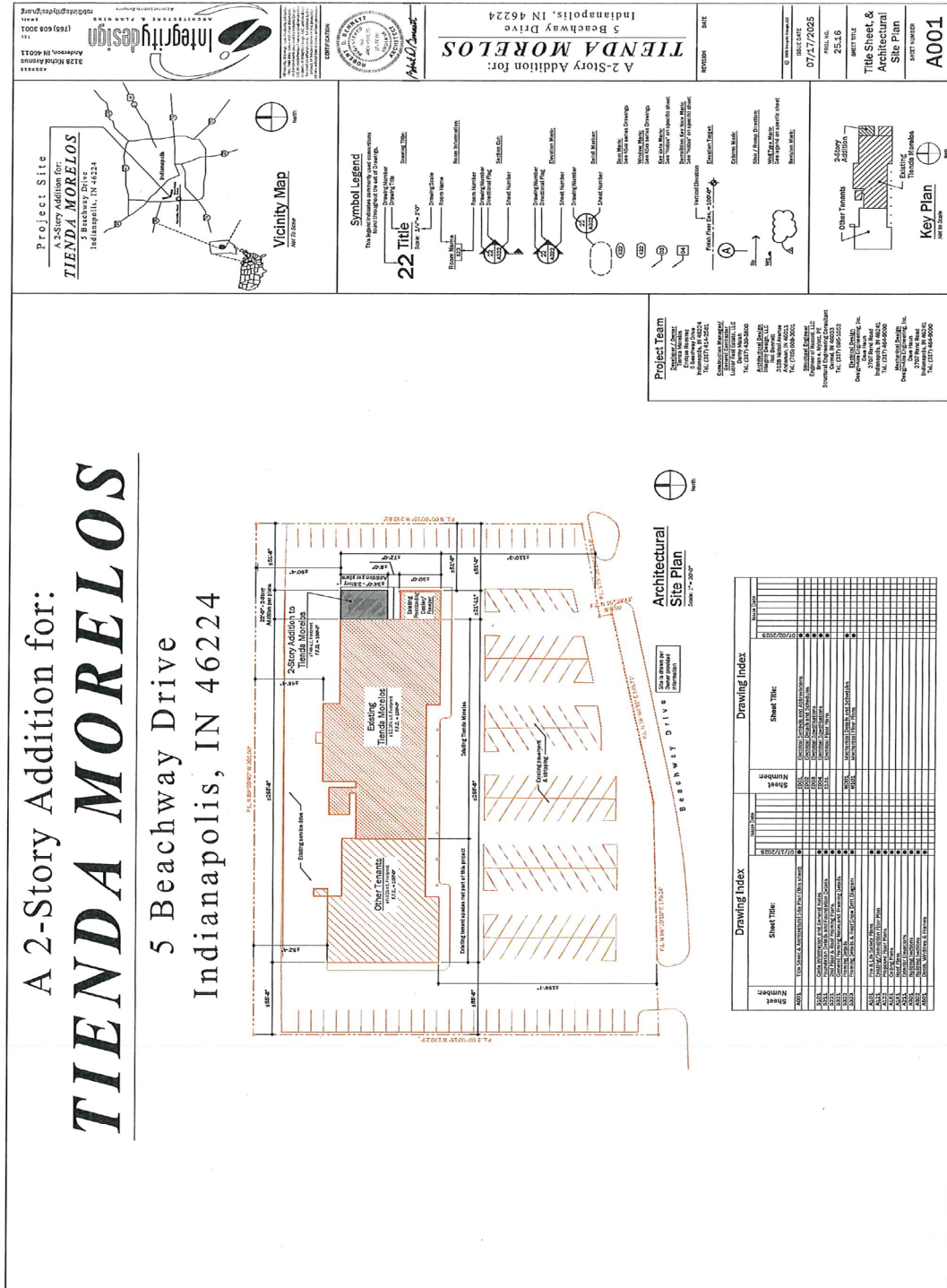
67-V4-240; 5802 Rockville Road (east of site), requested a variance of use to provide for the construction and operation of a gasoline station, convenience retail sales center and office building as per plans filed, **granted**.

EXHIBITS



3 Beachway Drive

0 0.0075015 0.03 0.045 0.06 Miles





View looking west along Beachway Drive



View looking east along Beachway Drive



View from western portion of the site looking south



View from site looking west



View of western portion of the site looking north



View of site looking east



View of site looking north



View of site looking northeast



View from the eastern portion View of the site looking northeast