



Metropolitan Development Commission (May 15, 2024) Meeting Notice

Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

Date: Wednesday, May 15, 2024

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes: May 1, 2024

Policy Resolutions:

REAL ESTATE:

1. 2024-R-009

Authorizes DMD to convey 3440 N. Capitol to the Indianapolis Neighborhood Housing Partnership, Inc. for the sale price of one thousand five hundred dollars (\$1,500) and certain commitments to be made by INHP for the purpose of creating affordable housing opportunities on City-owned vacant property.

ECONOMIC DEVELOPMENT / INCENTIVES:

2. 2024-E-014

Approves a confirmatory resolution for the Allison Pointe TIF allocation area for the Allison Pointe multifamily development led by J.C. Hart Company.

3. 2024-E-015

Approves a TIF Pledge Resolution for the Allison Pointe multifamily development project led by J.C. Hart Company, Inc.

4. 2024-A-021

Revised Preliminary Economic Revitalization Area Resolution for Calumet Specialty Products Partners, L.P., located at 1060 North Capitol Avenue, Council District #12, Center Township. (Recommend approval of four (4) years personal property tax abatement.)

BOND BANK:

5. 2024-BB-001

Authorizes the expenditure of unobligated funds on deposit in the respective Allocation Funds in the total estimated amount of two thousand one hundred eighty-two dollars and fifty cents (\$2,182.50) but not to exceed two thousand one hundred eighty-three dollars (\$2,183.00), to reimburse the Bond Bank for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses described in Exhibit A (collectively, the "Prior

Projects”) that are related to local public improvements which are physically located in or physically connected to the respective Allocation Areas, pursuant to Section 26(b)(3)(G) of the Redevelopment Act.

PLANNING:

6. 2024-P-007

Metropolitan Development Commission authorizes DMD to enter into a planning services contract with MultiStudio, Inc. for consulting services related to an audit of the Indianapolis-Marion County Zoning and Subdivision Control Ordinance.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

7. 2024-APP-006 | 8801 East Edgewood Avenue

Franklin Township, Council District #25

PK-1

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for new playground equipment and play surfaces, game courts, shelters, and walking paths.

8. 2024-APP-007 | 3110 Moller Road

Wayne Township, Council District #11

PK-1 (FF) (FW)

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for a restored football field and bleachers, new multi-purpose playing field, new playing courts, bridge repair and walking paths.

9. 2024-ZON-022 | 1102 Pleasant Street

Center Township, Council District #18

Boomerang, LLC, by David Kingen

Rezoning of 0.10 acre from the C-5 (TOD) district to the D-8 (TOD) district to legally establish residential uses.

10. 2024-ZON-027 | 1101 and 1117 South Sherman Drive

Center Township, Council District #19

Liberty Commercial Investors, LLC., by Donald W. Fisher

Rezoning of 0.68-acre from the D-5 and C-3 districts to the C-5 district to provide for automobile sales.

11. 2024-ZON-031 | 5312 South Emerson Avenue

Perry Township, Council District #24

Ranveer Singh Khangura

Rezoning of 1.02 acres from the D-A district to the C-1 district to provide for office uses.

12. 2024-ZON-033 | 1802 and 1808 West Morris Street

Center Township, Council District #18

West Indianapolis Development Corporation, by Lisa Laflin

Rezoning of 0.31-acre from the C-4 district to the D-5 district to provide for two, single-family dwellings.

13. 2024-ZON-034 | 412 West McCarty Street, and 717 and 721 Chadwick Street

Center Township, Council District #18

TWG Development, LLC, by Joseph D. Calderon

Rezoning of 1.97 acres from the I-3 (RC) district to the CBD-2 (RC) district to provide for a mixed-use development.

- 14. 2024-ZON-037 | 2362 English Avenue**
Center Township, Council District #18
Miguel Villasol, by Kim and Mark Crouch

Rezoning of 0.112-acre from the C-3 district to the D-5II district to provide for residential uses.

- 15. 2024-CAP-807 | 8235 Crawfordsville Road**
Wayne Township, Council District #11
Elcan and Associates, Inc., by Donna Jo Smithers

Modification of Commitments related to 94-Z-39 and 94-CV-11 (Amended) to modify Commitment #3 to allow for a single-use site (current commitment requires development as an integrated center).

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

16. REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

2024-ZON-012 | 1170 Kentucky Avenue
Center Township, Council District #18
KM23 Property, LLC, by David Kingen

Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

17. REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2024-ZON-025 | 7500 East 30th Street
Warren Township, Council District #9
Calumet Civil Contractors, Inc., by John Cross

Rezoning of 68.45 acres from the C-S (FF) (FW) district to the C-S (FF) (FW) district to provide for uses permitted under 2006-ZON-110, in addition to commercial and building contractors and outdoor storage and operations.

18. REZONING PETITION TRANSFERRED BY THE HEARING EXAMINER FOR INITIAL HEARING:

2024-ZON-042 | 3404, 3432, 3434, 3438 and 3444 North Illinois Street
Center Township, Council District #8
Redline Holdings XII, LLC, by Emily Duncan and David Kingen

Rezoning of 1.12 acres from the D-8 (TOD) and C-4 (TOD) district to the D-9 (TOD) district to provide for multi-family dwelling uses.

****Staff continuance with cause to June 26, 2024 with new Notice**

19. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2024-ZON-014 | 7125 Wellingshire Boulevard, 2702 West Stop 11 Road and 7750 SR 37
Perry Township, Council District #22
Wellingshire Partners, LLC, by Joseph D. Calderon

Rezoning of 57.81 acres from the D-P (FF) (W-1) district to the D-P (FF) (W-1) district to revise the list of permitted uses for Parcels 2, 12 and 13 of the Southern Dunes (formerly Wellingshire) Planned Unit Development. Permitted uses would be as follows:

Parcel 2 (7125 Wellingshire Boulevard) Public, Institutional, Religious and Civic Uses, Medical or Dental Offices, Centers or Clinics, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Financial and Insurance Services, Hair and Body Care Salon or Service, Bar or Tavern, Eating Establishment or Food Preparation (any type), Indoor Recreation and Entertainment, Hotel, Motel, Offices (Business, Professional or Government), Outdoor Recreation and Entertainment, Grocery Store, Liquor Store, Retail, Light and Heavy General, Automobile and Light Vehicle Wash, Automobile, Motorcycle, Light Vehicle Service or Repair, Vehicle Charging Station and other Accessory Uses;

Parcels 12 and 13 (2702 West Stop 11 Road & 7750 SR 37) Medical or Dental Offices, Centers or Clinics, Schools, Elementary, Middle, High, Vocational, Technical, or Industrial School or Training Facility, Day Care Center or Nursery School, Business, Art, or other Post-Secondary Proprietary School, Private Post-Secondary School (Non-Proprietary), Club or Lodge, Community Center, Religious Uses, Medical or Dental Laboratories, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Garden as Primary Use, Indoor Agricultural Use, including greenhouse, warehouse growing of agricultural products, Outdoor Advertising Off-Premises Signs, Wireless Communications Facility, Mini-Warehouses (Self-Storage), Renewable Energy Facility (Solar/ Geothermal), Commercial Parking Lot and other Accessory Uses.

****Automatic Continuance to June 26, 2024, filed by Registered Neighborhood Organization**

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2024-R-009**

WHEREAS, the Department of Metropolitan Development ("DMD"), by authority of and pursuant to IC 36-7-15.1, is engaging in disposition and redevelopment activities within the Marion County Redevelopment District; and

WHEREAS, pursuant to IC 36-7-15.1-6, the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the City/DMD owns various vacant properties located in Marion County, Indiana and received American Rescue Plan Act/ State and Local Fiscal Recovery Funds ("ARPA Funds"); and

WHEREAS, DMD seeks to use those ARPA funds as well as other funds available to DMD to facilitate the creation of affordable housing opportunities on its inventory of vacant properties ("Properties"); and

WHEREAS, DMD solicited applications from organizations interested in administering the ARPA funds to create affordable housing opportunities with responses due in March of 2023, evaluated the offers and, subject to programmatic approval from the City of Indianapolis' Office of Finance and Management and in accordance with Treasury regulations, awarded funds to the selected organizations to administer the funds to create affordable housing [Resolution No. 2023-R-018]; and

WHEREAS, DMD now seeks to convey an additional property- **3440 N. Capitol Ave. / Parcel #1062924** ("Property") to the Indianapolis Neighborhood Housing Partnership, Inc. ("INHP") in consideration of \$1500 and certain commitments to be made by INHP to create affordable housing opportunities on City-owned vacant properties (collectively, "Consideration") .

NOW, THEREFORE, BE IT RESOLVED THAT:

1.The Metropolitan Development Commission hereby authorizes the DMD to convey title to the City-owned Property to INHP for the Consideration described above, for the purpose of creating affordable housing opportunities on City-owned vacant property.

2.The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate, to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved, for the conveyance of said Property in accordance with this Resolution.

Approved as to Adequacy & Legal Form
Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Metropolitan Development Commission

John J. Dillon III, President

Date: Sheila Kinney 5/8/2024

Date: _____

RESOLUTION NO. 2024-E-014**CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE
ALLISON POINTE ECONOMIC DEVELOPMENT AREA**

WHEREAS, on February 7, 2024, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), adopted Declaratory Resolution No. 2024-E-005 (the “Declaratory Resolution”), (i) declaring that the Allison Pointe Economic Development Area (the “Area”) in the City of Indianapolis (the “City”) is an economic development area, which declaration was supported by a factual report and findings contained within the Declaratory Resolution, (ii) established an allocation area whose boundaries and parcels are coterminous with the Area (the “Allocation Area”), and (iii) declaring that the Area is subject to economic development activities pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, the Commission also approved an Economic Development Plan (the “Plan”) for the Area which contained specific recommendations for the acquisition, construction and equipping of approximately 313 multi-family units and a parking garage that has approximately 324 parking spaces with the gross building square footage totaling approximately 383,452 sq. ft. and the net residential square footage totaling approximately 273,877 sq. ft. (collectively, the “Project”).

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) has approved the establishment of the Area and the Allocation Area, the Plan, and the actions of the Commission establishing the Area pursuant to the Act;

WHEREAS, the Commission published notice on May 3, 2024, of the adoption and substance of the Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on May 15, 2024, on the adoption of the Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Area, together with a statement disclosing the impact of the Area, which includes:

- (A) The estimated economic benefits and costs incurred by the Area, as measured by increased employment and anticipated growth of real property assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, certain estimates contained in the Declaratory Resolution and Plan have been refined, which refinements do not require additional notices or proceedings under Indiana Code 36-7-15.1 and which were described at the below referenced public hearing; and

WHEREAS, prior to the adoption of the resolutions hereinafter set forth, and at such meeting, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed;

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the establishment of the Area and the Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Area and the Allocation Area, as described in Exhibit A hereto.
2. The Commission hereby finds that the Area and the Allocation Area are necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Area and the Allocation Area pursuant to the Declaratory Resolution and the Act.
3. The Declaratory Resolution and Plan approved by the Commission on February 7, 2024, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.
4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Area and the Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.
5. This Confirmatory Resolution shall be effective upon passage.

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ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 15th day of May, 2024.

METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis, Indiana

John J. Dillon III, President

Approved for Legal Adequacy:

Office of Corporation Counsel

By:_____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf
Scott A. Krapf
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.

EXHIBIT A

**DESCRIPTION AND MAP OF ALLISON POINTE
ECONOMIC DEVELOPMENT AREA AND ALLOCATION AREA**

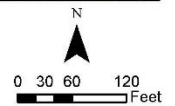
Address: 5110 E. 82nd St., Indianapolis, Indiana
Local Parcel #: 8056920
State Parcel #: 49-02-21-125-022.000-800



Allison Pointe Allocation Area

Legend

 Allison Pointe Allocation Area



LR02314.0776572 4867-9876-0629v3

METROPOLITAN DEVELOPMENT COMMISSION

OF

MARION COUNTY, INDIANA

RESOLUTION NO. 2024-E-015

A RESOLUTION REGARDING THE REDEVELOPMENT DISTRICT OF THE CITY OF INDIANAPOLIS, INDIANA PLEDGING TAX INCREMENT FROM THE ALLISON POINTE ALLOCATION AREA TO THE PAYMENT OF CERTAIN ECONOMIC DEVELOPMENT REVENUE BONDS

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”); and

WHEREAS, the Commission, on behalf of the District, has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which (i) declared and confirmed an area of the City of Indianapolis, Indiana (the “City”), known as the Allison Pointe Economic Development Area (the “Economic Development Area”), to be an “economic development area” within the meaning of Indiana Code 36-7-15.1, as amended, (ii) designated such Economic Development Area as an allocation area known as the Allison Pointe Allocation Area (the “Allocation Area”), for purposes of Indiana Code 36-7-15.1-26, and (iii) created the Allison Pointe Allocation Fund (the “Allocation Fund”), pursuant to Indiana Code 36-7-15.1-26, into which taxes on real property located in the Allocation Area are to be deposited in accordance with, and for the purposes stated in, the Act and the Declaratory Resolution (such deposited taxes, herein the “Tax Increment”), and adopted an economic development plan for the Economic Development Area (the “Plan”); and

WHEREAS, J.C. Hart Company, Inc., and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”), desires to finance certain projects, additions or improvements within the Allocation Area, including all or any portion of the Project (as defined herein); and

WHEREAS, the City intends to enter into the Financing Agreement (the “Financing Agreement”) and a Project Agreement (the “Project Agreement”) with the Developer in connection with the Developer’s development and construction of the Project; and

WHEREAS, the Developer desires to finance the Project (as hereinafter defined) in connection with a development consisting of approximately 313 multi-family units and a parking garage that has approximately 324 parking spaces with the gross building square footage totaling approximately 383,452 sq. ft. and the net residential square footage totaling approximately 273,877 sq. ft. (collectively, the “Project”); and

WHEREAS, the Commission has been advised that the City intends to authorize and issue certain economic development revenue bonds of the City, in one or more series, all or any portion of which may be taxable or tax-exempt for federal income tax purposes, designated as the “City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2024 (Federally Taxable – Allison Pointe Project)” (with such additional or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued), in an aggregate principal amount not to exceed Twelve Million Dollars (\$12,000,000) (the “Bonds”), for the purposes of providing funds to pay for (a) the financing of all or a portion of the Project, in accordance with the terms of the Financing Agreement, the Project Agreement, and other such documents as deemed necessary; and (b) costs and expenses incurred in connection with or on account of the issuance of the Bonds authorized herein, and the proceeds of the Bonds will be deposited with a financial institution serving as trustee pursuant to a trust indenture (the “Indenture”) between the City and such trustee and disbursed to the Developer during construction of the Project, as provided for in the Indenture, the Financing Agreement and the Project Agreement; and

WHEREAS, the Bonds will be payable from the lesser of (i) eighty percent (80%) of the Tax Increment revenues received from the newly created Allocation Area or (ii) debt service due on the Bonds in such year and considering any prior year shortfalls (the “TIF Revenues”); and

WHEREAS, pursuant to Indiana Code 36-7-15.1-26(b)(3)(D), the Commission now desires to pledge the TIF Revenues to the payment of the principal of, premium (if any), and interest on the Bonds as the same becomes due.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

1. The Commission hereby finds that the pledge of the TIF Revenues to the payment of principal of and interest on the Bonds to finance the Project, will help accomplish the Plan for the Economic Development Area and will promote the economic development of the City and the Economic Development Area.

2. The Commission hereby irrevocably pledges the TIF Revenues (representing the lesser of eighty percent (80%) of the Tax Increment received in the Allocation Area or the debt service due on the Bonds in such year and considering any prior year shortfalls) to the payment of principal of and interest on the Bonds in accordance with and subject to the terms and conditions of the Financing Agreement, the Project Agreement and the Indenture.

3. The Commission and the District hereby covenant that on or before one (1) business day prior to each Interest Payment Date (as defined in the Indenture), the trustee shall deposit all TIF Revenues (as received from the Controller, acting on behalf of the Redevelopment Commission) into the Bond Fund (as defined in the Indenture), but no more than shall be necessary for the payment of the principal of and interest on the Bonds on the immediately

succeeding Interest Payment Date (taking into consideration any amounts currently deposited therein), together with Annual Fees (as defined in the Indenture) coming due within the next six (6) months.

4. There are no other prior liens, encumbrances or other restrictions on the Commission's ability to pledge the TIF Revenues to the payment of the Bonds. The remaining Tax Increment not pledged by the Commission hereunder (such non-pledged Tax Increment, herein the "Surplus Tax Increment") shall be used by the Commission for any purpose permitted by law, including the release of such Surplus Tax Increment to the taxing units in the Allocation Area as provided under the Act and the pledge thereof to additional obligations of the District.

5. So long as the Bonds remain outstanding, the Commission shall not make any further pledges of the TIF Revenues without the prior written consent of the holders of the Bonds. As set forth in Section 4, the Commission may use the Surplus Tax Increment for any purposes permitted by the Act, including making pledges thereof to obligations, without the consent of the holders of the Bonds.

6. In connection with the Project, the Commission hereby authorizes any officer of the Commission or the Department of Metropolitan Development ("DMD") to enter into a one or more project and financing agreements with the Developer and/or such other entities as may be necessary, desirable or appropriate, in form and substance and on terms and conditions acceptable to such officer of the Commission or DMD, together with any and all changes as may be necessary, desirable or appropriate, which shall be evidence by such officer's execution thereof.

7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

8. All resolutions and orders, or parts thereof, in conflict with the provision of this Resolution, are, to the extent of such conflict, hereby repealed or amended.

9. This Resolution shall be in full force and effect immediately upon its passage and signing. The Secretary of the Commission is hereby directed to deliver a certified copy of this Resolution to the Controller of the City.

10. The Mayor, the Controller and any other officer of the City and the Commission are hereby authorized and directed, in the name and on behalf of the City, acting for and on behalf of the District, to execute and deliver such further documents and to take such further actions as such person deems necessary, desirable or appropriate to effect the purposes of this Resolution, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

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ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 15th day of May, 2024.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

John J. Dillon III, President

Approved for Legal Adequacy:

Office of Corporation Counsel

By:_____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf
Scott A. Krapf
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46204.

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

**REVISED PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION
Resolution No. 2024-A-021**

PERSONAL PROPERTY TAX ABATEMENT

Calumet Specialty Products Partners, L.P.
1060 North Capitol Avenue

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to the installation of Equipment (hereinafter the "Project") in Economic Revitalization Areas; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas, determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to the installation of new equipment; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which attachment is hereby incorporated by reference, has a leasehold interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, the Applicant had previously requested that the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the installation on the Subject Real Estate of certain new manufacturing, logistical distribution, information technology, and/or research and development equipment (hereinafter "Specified New Equipment"); and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, February 7, 2024, ("Hearing") the Commission received evidence about whether the Subject Real Estate should be designated as an Economic

Calumet Specialty Products Partners, L.P. - 4 Year Personal Property Tax Abatement

Revitalization Area and sufficient evidence was provided which tended to establish Assertions 1, 2, 3, 4, 5 and 6 stated on the attachment to that Resolution No. 2024-A-007; and

WHEREAS, Applicant has since submitted a Revised personal property Statement of Benefits to the Commission as part of its application for Economic Revitalization Area designation changing its Statement of Benefits to include 190 jobs instead of 220 jobs and seeks approval to confirm the preliminary designation of the Subject Real Estate as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of four (4) years with a proposed abatement schedule as shown on the Revised attachment to this Revised Preliminary Economic Revitalization Area Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows a partial abatement of property taxes only relative to Specified New Equipment. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature to the specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for new equipment is filed with the Indiana Department of Local Government Finance.
3. **The Economic Revitalization Area designation terminates December 31, 2027. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed and in operation on the Subject Real Estate during the period June 5, 2024, to December 31, 2027.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the subject real estate before termination of such designation, to a period of less than four (4) years. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to an equipment investment of not greater than \$5,000,000.00.
4. The partial abatement of property taxes attributable to the installation of Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
5. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the abatement of real property taxes attributable to redevelopment or rehabilitation activities under I.C. 6-1.1-12.1-3.

6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance
Calumet Specialty Products Partners, L.P. - 4 Year Personal Property Tax Abatement

with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

- 7. The Commission fixes 1:00 p.m. on Wednesday, June 5, 2024, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period at four (4) years.
- 8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 15th day
of May, 2024

Sheila Kinney *sek*

Office of Corporation Counsel

ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
PERSONAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Calumet Specialty Products Partners, L.P.

Subject Real Estate: 1060 North Capitol Avenue

Center Township Parcel Number: 1089734

PROJECT DESCRIPTION

Founded in 1919 and headquartered on the west side of Indianapolis since 1990, Calumet Specialty Products Partners, L.P. (“Calumet”) is a manufacturer and distributor of lubricants and oils, such as base oils, specialty oils, solvents, esters, waxes, fuels, asphalt, and performance products, for use in a variety of industries. Calumet operates over 10 facilities across North America, including specialty product manufacturing and production facilities. Calumet products are available in more than 90 countries across the world.

Evolving business needs have resulted in Calumet’s decision to vacate its existing headquarters location upon lease expiration. Calumet is seeking high quality office space with access to amenities that will allow for recruitment and retention of top-level talent as well as foster a culture where employees are excited to collaborate in-person. The company has secured a nine-year lease, with extension options, for 50,000 square feet of the ‘Stutz I’ development, in downtown. Calumet would invest at least \$4,505,000 in new eligible personal property in order to equip the new facility. As a result of the project, Calumet would commit to the retention and relocation of the 190 jobs currently housed at their existing facility.

FACTUAL ASSERTIONS

1. The application was filed with the Department of Metropolitan Development prior to the New Equipment being installed.
2. The specified New Equipment meets the definition of "New Manufacturing Equipment", “New Logistical Distribution Equipment”, “New Information Technology Equipment”, and/or "New Research and Development Equipment" found in I.C. 6-1.1-12.1, as interpreted by the Indiana Department of Local Government Finance.
3. The specified New Equipment will be installed on the subject real estate in one of the following types of facilities:
 - A. Existing facility
 - B. Expanded facility

- C. New facility
 D. Vacated or converted facility

4. The facility meets the appropriate requirements:

A. of an existing, expanded or vacated or converted facility:

1. The area in which the facility is located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 01-A-041, 2001), or
2. The operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and
3. the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and
4. the facility is technologically, economically or energy obsolete, which obsolescence may lead to a decline in employment and tax revenues.

B. of a new facility;

1. the area in which the facility is to be located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 97-A-110, 1997), or
2. The operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and
3. the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and
4. the facility is technologically, economically or energy obsolete, which obsolescence may lead to a decline in employment and tax revenues.

5. The facility will benefit Marion County by creating or retaining permanent jobs, increasing the property tax base, avoiding environmental harm, securing the attraction, retention or expansion of targeted businesses.

6. The subject real estate on which the facility is, or will be located:

- A. Is outside an Allocation Area as defined in I.C. 36-7-15.1-26, or
- B. inside an Allocation Area, but has been determined by the Commission to be acceptable for personal property tax abatement.

PROPOSED ABATEMENT SCHEDULE
CALUMET SPECIALTY PRODUCTS PARTNERS, L.P.
PERSONAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	75%
3 rd	50%
4 th	25%

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address:.....1060 North Capitol Avenue

New Jobs Created:..... None

Jobs Retained:..... 190

Estimated Cost of Equipment: \$4,505,000.00

STAFF ANALYSIS

Calumet Specialty Products Partners, L.P. (“Calumet”) is a manufacturer and distributor of lubricants and oils, such as base oils, specialty oils, solvents, esters, waxes, fuels, asphalt, and performance products for use in a variety of industries. Calumet has decided to vacate its existing headquarters on the west side of Indianapolis in order to relocate to higher quality office space with access to amenities that will allow for recruitment and retention of top-level talent.

Calumet has proposed to lease 50,000 square feet (20%) of the Stutz I facility as their new headquarters. Stutz I is a former automotive manufacturing facility (C.1919) which has for decades operated as artists’ lofts and which is currently in the midst of a major renovation, which was financed in part by the issuance of Tax Increment Financed bond, which are repaid though increases to *real* property taxes. The company has secured a nine-year lease, with extension options, for 50,000 square feet of the ‘Stutz I’ development. Calumet would invest at least \$4,505,000 in eligible personal property in order to equip the new facility. As a result of the project, Calumet would commit to the retention and relocation of the 190 jobs currently housed at their existing facility.

The proposed use and the planned real estate investments will result in net benefits for the TIF allocation area and the County. The leasing of 20% of the Stutz I building to this tenant will help support the property taxes necessary to repay the TIF bonds. The petitioner will also be donating five percent of its estimated abatement savings to support workforce development programs.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff’s opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of four (4) years personal property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: Calumet Specialty Products Partners, L.P.

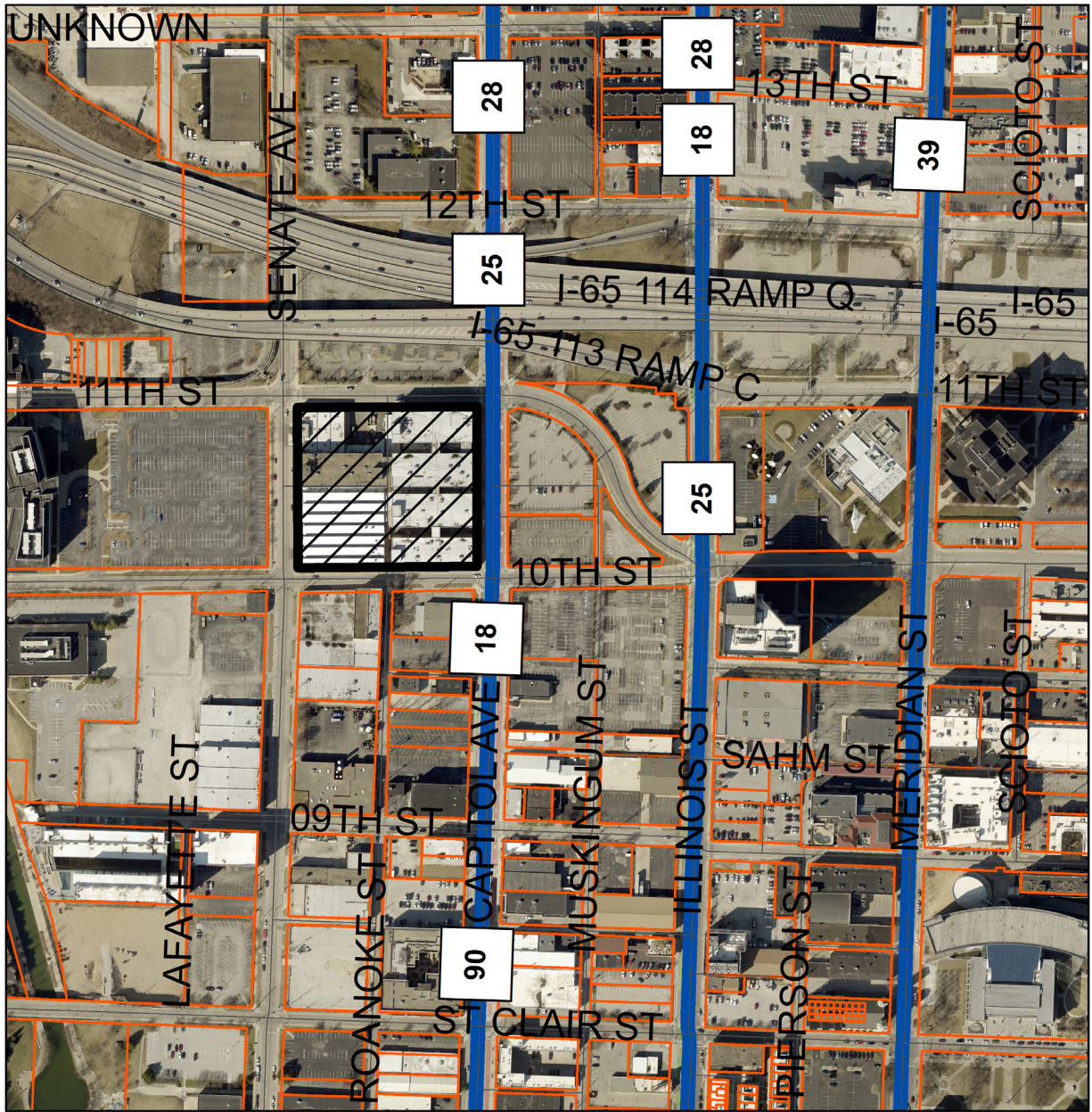
INVESTMENT: Staff estimates that the proposed investment of \$4,505,000.00 should result in an increase to the tax base of approximately \$1,802,000.00 of assessed value in the first year of operation. Staff estimates that over the four (4) year personal property tax abatement period the petitioner will realize savings of approximately \$129,440.09 (a 60.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$83,496.84 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$40,082.25 in personal property taxes annually related to the new equipment.

EMPLOYMENT: The petitioner estimates that this project will retain two hundred and twenty (190) jobs at an average wage of \$46.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS: Staff believes this project is significant for Center Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment in Marion County.

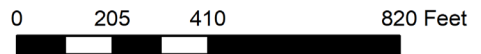
STAFF COMMENT: Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

Calumet Specialty Products Partners, L.P.
1060 North Capitol Avenue



Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED January 23, 2024

RESOLUTION NO. 2024-BB-001

**RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA, AUTHORIZING REIMBURSEMENTS TO THE
INDIANAPOLIS LOCAL PUBLIC IMPROVEMENT BOND BANK OUT OF CERTAIN
TAX INCREMENT FINANCE ALLOCATION FUNDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Redevelopment Act”);

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, the Redevelopment Act permits the Commission to create allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established certain redevelopment project areas and/or economic development areas which are identified on Exhibit A attached hereto (collectively, the “Areas”), has designated all or a portion of the Areas as separate allocation areas under the Redevelopment Act (collectively, the “Allocation Areas”) for purposes of capturing TIF Revenues, has created separate allocation funds (collectively, the “Allocation Funds”) for the respective Allocation Areas into which the TIF Revenues are deposited, and has approved separate redevelopment and/or economic development plans for the respective Areas (collectively, the “Plans”); and

WHEREAS, the Commission now desires to authorize the use of unobligated funds from the respective Allocation Funds to reimburse The Indianapolis Local Public Improvement Bond Bank (the “Bond Bank”) for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses that are related to local public improvements physically located in or physically connected to the respective Allocation Areas, as permitted by Section 26(b)(3)(G) of the Redevelopment Act.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The Commission hereby authorizes the expenditure of unobligated funds on deposit in the respective Allocation Funds in the total estimated amount of \$2,182.50 but not to exceed \$2,183.00, to reimburse the Bond Bank for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses described in Exhibit A (collectively, the “Prior Projects”) that are related to local public improvements which are physically located in or physically connected to the respective Allocation Areas, pursuant to Section 26(b)(3)(G) of the Redevelopment Act. The Commission hereby finds and determines that the Bond Bank’s

advancement of funds, for and on behalf of the City, for the Prior Projects has furthered the objectives of the respective Plans for each of the respective Areas.

2. The City Controller is hereby authorized to disburse the moneys from the respective Allocation Funds for the reimbursements of the Prior Projects authorized above and more particularly described on Exhibit A hereto. The Mayor and City Controller of the City, the officers of the Commission and the Director of the Department of Metropolitan Development, are hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution.

3. This Resolution shall take effect immediately upon adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on May 15, 2024, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis, Indiana

John Dillon, President

Approved as to the availability of funding:

Sarah Riordan, City Controller

Approved as to form and legality:

Ethan Hudson, Office of Corporation Counsel

Exhibit A

DESCRIPTION OF THE PRIOR PROJECTS

TIF Area Name	Amount	Expense Explanation
Consolidated Airport TIF	\$ 2,182.50	Legal Fees
Total	\$ 2,182.50	

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2024-P-007**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”), is authorized to approve the employment of all persons engaged by contract to render professional or consulting services for the Department of Metropolitan Development (“DMD”); and

WHEREAS, DMD is in need of planning consulting services regarding a thorough audit of the Indianapolis-Marion County Zoning and Subdivision Control Ordinance (“IndyRezone”) in regards to equity development and has identified MultiStudio, Inc. as a planning consulting firm with the requisite skills and expertise to perform such services; and

NOW THEREFORE BE IT RESOLVED by the Commission as follows:

1. The Commission hereby authorizes DMD to enter into an agreement for planning consulting services with MultiStudio, Inc. for an initial term through December 31, 2024 in an amount not to exceed \$55,000.
2. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission:

By: Christopher Steinmetz
Christopher Steinmetz, Asst. Corp. Counsel

By: _____
John Dillon III, President

Date: 05/08/2024

Date: _____



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2024**

Case Number: 2024-ZON-012

Property Address: 1170 Kentucky Avenue (Approximate Address)

Location: Center Township, Council District #18

Petitioner: KM23 Property, LLC, by David Kingen

Current Zoning: C-1

Request: Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

Current Land Use: Commercial

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 15, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was continued from the April 17, 2024 hearing to the May 15, 2024 hearing at the request of a remonstrator.

ADDENDUM FOR APRIL 17, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on March 28, 2024. After a full hearing, the Hearing Examiner recommended approval of the request. Subsequently, a remonstrator filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

March 28, 2024

This petition was continued from the March 13, 2024 hearing to the March 28, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 1.38-acre subject site is in the West Indianapolis neighborhood and is part of the Davis’ Nordyke subdivision. The site is developed with a vacant commercial building and associated parking lot.



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

The site abuts I-3 industrial properties on three sides and is across from heavy commercial properties, zoned C-7, to the east.

REZONING

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

STAFF ANALYSIS

The grant of the request would allow for the commercial site to be rezoned to I-3 for industrial use. The petitioner noted that the subject site would be combined with the parcel to the south at 1176 Kentucky Avenue that is currently zoned I-3.

The site was originally zoned I-3-U in 1972 and was changed to the C-1 district through rezone petition 72-Z-102. Staff is supportive of the rezoning to the I-3 district because it would allow for continued industrial uses in an area that is bordered by a predominately industrially zoned block, with the subject site being an outlier.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-3 Industrial
	South:	C-7 Undeveloped
	East:	C-7 Enter Land Use
	West:	I-3 Industrial
Thoroughfare Plan		
Kentucky Avenue	Primary Arterial	104-foot existing right-of-way and 88-foot proposed right-of-way.
Context Area	Compact	



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 Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- 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.
- Although the Comprehensive Plan does not contemplate industrial uses in this typology, the context of the adjacent industrial properties is conducive for industrial use of the site as well.

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



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

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

SUBJECT SITE ZONING HISTORY

99-NC-44; 1170-1180 Kentucky Avenue (subject site), Certificate of Legal Non-Conforming Use for development standards to include side yard and rear yard setbacks of zero feet, **approved**.

99-V1-134; 1170 Kentucky Avenue (subject site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an existing building, and to provide for a 5,700 square foot, two-story addition, having a zero rear yard setback (minimum 10 feet required), **granted**.

93-AP-118; 1170 Kentucky Avenue (subject site), Regional Center Approval to remove all INB identification signs from site and install one (1) 3-foot by 3-foot single-faced wall sign with 18-inch non-illuminated letters on the south elevation; install (1) 24-inch by 24-inch single-faced wall sign at the south elevation entry; and, install two (2) 5-foot by 5-foot single-faced walls, on each, on the east and west elevations, respectively. The two existing directional signs will remain and be refaced with the "NBD Bank" logo, **approved**.

81-V3-136; 1170 Kentucky Avenue (subject site), Variance of Sign Regulations Ordinance, 71-AO-4, as amended, to provide for new standardized signage replacing existing signage, as per filed, **granted**.

76-UV3-54; 1170 Kentucky Avenue (subject site), Variance of use of the Industrial Zoning Ordinance to provide for a bank drive through and canopy, and a parking lot, **granted**.

72-Z-102; 1170 Kentucky Avenue (subject site), Rezoning of 1.45 acres from I-3-U to C-1 to provide for a branch bank and service center, **approved**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

MEMORANDUM OF EXAMINER'S DECISION

2024-ZON-012

1170 Kentucky Avenue

The petition requests the rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

Your Hearing Examiner visited the site prior to the hearing and noted that it is surrounded by industrial uses on the north, south, and west. Heavy commercial uses are across Kentucky Avenue.

The petitioner's representative described the proposed renovation of the site for the headquarters of a local construction company. While the headquarters would be constructed on the subject site, there will be landscaping installed on this site as well as on property southwest of it. The petitioner described their business as being done primarily in the Indy Metro area, with focus on industrial and commercial construction, and most of the equipment is stored on job sites rather than on the property southwest of the subject site. The petitioner and petitioner's representative met with several neighborhood groups and agreed to a number of commitments and prohibited uses.

Representatives of West Indianapolis Neighborhood Congress and West Indianapolis Development Corporation remonstrated. Reasons for opposition included the area is being revitalized with hospitality and entertainment uses, this is a regressive land use, industrial use is inappropriate for this corner pillar of downtown, and they have all of the industrial uses they want and need.

Staff reiterated that the site is surrounded by I-3 on three sides and is an outlier site. Staff pointed out that three of the proposed excluded uses are not allowed by the ordinance.

In your Hearing Examiner's opinion, the requested I-3 district is consistent with surrounding zoning and land uses. The comprehensive approach to landscaping the site in conjunction with the site to the southwest is a plus, and commitments and prohibited uses restrict the site. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on April 17, 2024

STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: 1170 Kentucky Avenue (See Attached Exhibit "A")

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. No outdoor storage shall be permitted on the subject site.
3. No semi-trailer parking on the subject site shall be permitted.
4. No pylon signs shall be permitted on the site.
5. Landscaping will be provided by 7/1/2025 and maintained on the property.
6. No lighting shall be projected off the site.
7. Truck access to and from the site from 7 am to 6 pm Monday through Friday; 8 am to 5 pm, Saturdays, none on Sundays.
8. No electric fence shall be erected on the site.
9. Company contacts will be provided on the company website.



Department of Metropolitan Development
Division of Planning
Current Planning

Petitioner commits to exclude the following I-3 uses from the subject site:

1. Agricultural Machinery and equipment sales, rental & repair or maintenance
2. Agricultural uses, buildings & Structures
3. Processing and packaging of food and beverage
4. Auctioneering and liquidating services
5. Crematorium (Special Exception)
6. Dry cleaning plant or industrial laundry
7. Outdoor advertising off premise sign
8. Automobile & vehicle storage or auction
9. Automobile Fueling Station
10. Automobile, Motorcycle and Light vehicle service and repair
11. Truck or heavy vehicle sales, retail
12. Waste or recycling transfer facility
13. Heavy Outdoor storage
14. Temporary fireworks sales
15. Other vehicle sales or rental
16. Power generating facility (major)
17. Recycling station or transfer

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

MDC's Exhibit B - - page 2 of 6



Photo of the subject site looking north along the Kentucky Avenue Street frontage.



Photo of the subject site looking west at the existing building.



Photo of the subject site looking south along the Kentucky Avenue street frontage.



Photo of the existing building looking south from the property to the north.



Photo of the industrial property north of the subject site.

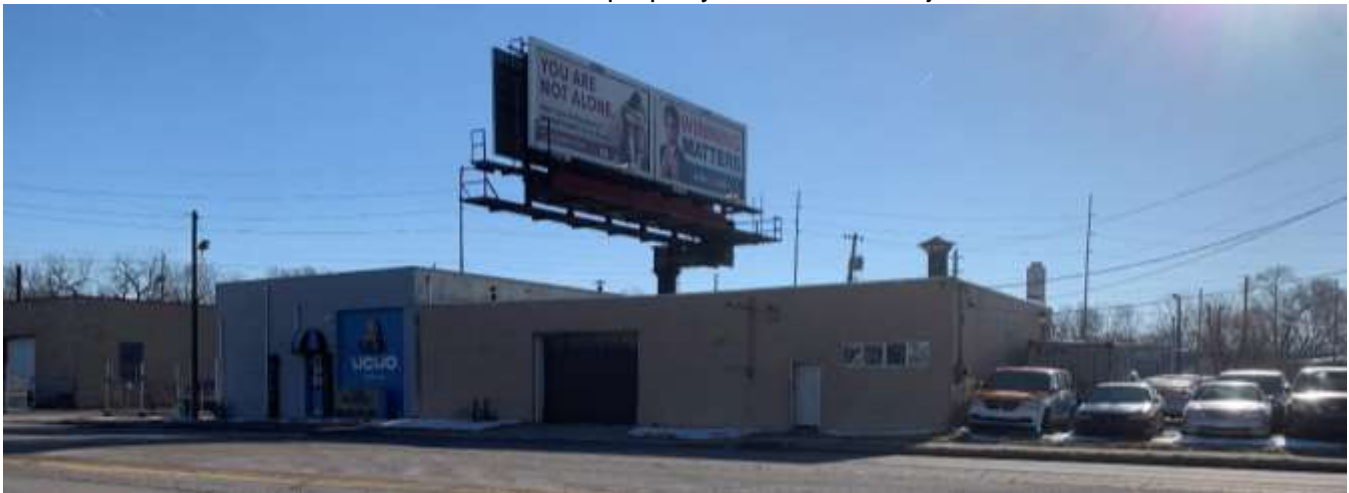


Photo of the commercial businesses east of the site across Kentucky Avenue.



Photo of the undeveloped lot southeast of the site.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2024

Case Number:	2024-ZON-025
Property Address:	7500 East 30th Street
Location:	Warren Township, Council District #9
Petitioner:	Calumet Civil Contractors, Inc., by John Cross
Current Zoning:	C-S (FF)(FW)
Request:	Rezoning of 68.45 acres from the C-S (FF)(FW) district to the C-S (FF)(FW) district to provide for uses permitted under 2006-ZON-110, in addition to commercial and buildings contractors and outdoor storage and operations.
Current Land Use:	Undeveloped
Staff Recommendations:	Denial
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the March 28, 2024 hearing, to the April 25, 2024, hearing.

This petition was heard by the Hearing Examiner on April 25, 2024. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The petitioner's representative submitted an amended site plan file-dated May 1, 2024, that decreased the storage area from approximately 28 acres to 19 acres and maintained the 200-foot buffer.

Staff believes that reclaiming / recycling of concrete, which would occur on this site, would be considered a waste or recycling transfer facility, which is defined as "a site or facility where solid waste is unloaded from collection vehicles and transferred onto transport vehicles, either immediately or following a temporary storage period, aggregation, composting, or sorting. The facility may feature sorting, **use of a crushing apparatus, and the storage of the material until it is transported.** The definition includes solid waste and recyclables that are transferred from a vehicle or container to another vehicle or container for transportation purposes. This definition does not include motorized vehicles or vehicle parts, which is instead included in a Wrecking or Salvage Facility."



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

The Ordinance permits this use in the I-3 and I-4 districts and requires a Special Exception in the I-2. When this site was zoned to the C-S district, I-2 uses were permitted but does not permit I-2 uses by special exception. Consequently, staff believes the use would not be permitted under the current C-S district and is further evidence that the request is wholly inappropriate and would have a major negative impact the abutting neighborhood to the north and west.

Staff continues to strongly recommend denial of this request.

STAFF RECOMMENDATION

Denial. If approved, staff would request approval be 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. Final site plan and elevations of any future structures shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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.
3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and 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) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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.

PETITION OVERVIEW

This 68.45 acre-acre site, zoned C-S (FF)(FW) is undeveloped, except for three off-premises signs (billboards) oriented to Interstate 465. It is surrounded by single-family dwellings to the north, zoned D-5; industrial uses to the south, across East 30th Street, zoned I-3; Interstate I-465 right-of-way to the east, zoned C-S (FF); and single-family dwellings uses to the west, zoned D-3.

Beginning in 1991 this site has been the subject of several petitions, including rezonings and variances. The rezonings requested industrial uses and the variances allowed for off-premises signs (billboards).



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

Rezoning

The request would rezone both parcels to the C-S (Commercial Special) District. The purpose of the C-S District is to:

1. Encourage:
 - a. A more creative approach in land planning.
 - b. Superior site and structural design and development.
 - c. An efficient and desirable use of open space.
2. Provide for a use of land with high functional value.
3. Assure compatibility of land uses, both within the C-S District and with adjacent areas.
4. Permit special consideration of property with outstanding feature, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. Provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The amended C-S Statement, dated March 19, 2024, states that commercial / building contractors and outdoor storage / operations would be additional permitted uses.

The Comprehensive Plan recommends light industrial typology for the site that would be contemplated to be consistent with the I-1 and I-2 districts.

The C-S Statement describes typical materials of crushed concrete, clean dirt and other similar materials used by civil contractors that would be stored on site. Staff asked whether the concrete would be processed on site, but no information has been provided. If this operation would occur on this site, the result would be noise and dust that would negatively impact the air quality and quality of life for the surrounding residential land uses.

Staff also asked how the stored materials would be contained to avoid encroachment into the floodplain areas. No response has been provided.

It is, however, clear that the commitments from the 2006 rezoning would be eliminated and all protections for the neighborhood removed. See Exhibit A.

Staff would note that no commitments have been submitted by the petitioner's representative.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation and the Pattern Book removes this use as a recommended land use when adjacent to living typologies, which in this situation abuts the entire western and eastern boundaries. Staff would note that operations in light industrial typologies would be enclosed. Because approximately half of the site would provide for outdoor storage as a primary use, the use would be consistent with the heavy industrial typology.



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

In staff's opinion, the commitments associated with the 2006 rezoning provided the appropriate buffer from the residential neighborhood that required a 200-foot "non-disturbance area" along the northern boundary and a 200-foot "non-disturbance area" along the western boundary to the southern terminus of the storage area and a 100-foot area from this southern terminus of the storage area to 30th Street. However, this request would eliminate that buffer and replace it with a 50-foot buffer. Staff believes this reduction is wholly inappropriate and unacceptable. Approximately 34 residences would be negatively impacted by the proposed use of the site.

This request would substantially increase the intensity of the use of the site and eliminate the buffer area protecting the residential uses abutting this site.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "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."

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

Much of this site is covered by high quality woodlands (specifically identified as Forest Alliance Woodlands), 100-year floodplain and a large wetland. Based on the amended site plan, the northern portion (approximately 28 acres) of the site (Forest Alliance Woodlands) would be clear cut to provide for outdoor storage of materials along with an additional four acres at the southeast corner of the site. In other words, almost half of the site would be used for outdoor storage.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the northern half of the site and the southeast corner. 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.



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

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and 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) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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 issuance date. See Exhibit B, Table 744-503-3: Replacement Trees.

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-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



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 receptables for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	C-S (FF)(FW)	
Existing Land Use	Undeveloped / off premises signs (billboards)	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwellings
South:	I-3	Industrial uses
East:	C-S (FF)(FW)	Interstate 465 right-of-way
West:	C-S (FF)(FW)	Single-family dwellings



Department of Metropolitan Development
 Division of Planning
 Current Planning

Thoroughfare Plan		
East 30th Street	Primary Collector	Existing 90-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Environmental Sensitive Areas (ES)	
Wellfield Protection Area	No	
Site Plan	March 1, 2024	
Site Plan (Amended)	March 25, 2024 and May 1, 2024	
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	March 19, 2024 (Updated)	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic”.

Pattern Book / Land Use Plan

- *Light Industrial Uses*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.



Department of Metropolitan Development
Division of Planning
Current Planning

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 describes 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



MEMORANDUM OF EXAMINER’S DECISION

2024-ZON-025

7500 East 30th Street

The petition requests the rezoning of 68.45 acres from the C-S (FF)(FW) district to the C-S (FF)(FW) district to provide for commercial and buildings contractors and outdoor storage and operations, in addition to uses permitted under 2006-ZON-110.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the single family residences north and west of it. Interstate I-465 abuts the site on the east, and industrial uses are south of 30th Street.

The petitioner’s representative explained the proposal to use the site for a civil contractor, with uses to include the storage of asphalt, clean dirt, and concrete, commercial vehicle storage, and use of a portable concrete crusher. Access would be limited to 30th Street, the storage of materials would be away from the Flood Fringe and controlled by silt fences, and Heritage Tree regulations would be followed. The representative opined that the decibel level of the concrete crusher would be minimal due to its distance from the residences.

Letters of opposition were received from the State Senator, the City-County Councilor, Warren Township Development Association (WTDA), and Indiana Forest Alliance (IFA), and a petition was signed by about 30 residents. A representative of IFA appeared and expressed concern with clear cutting, loss of wetlands, impact on quality of life, and the development of an environmentally sensitive area. A representative of WTDA expressed similar concerns, along with the impact on residents that abut the site on the north and west.

Staff stated that the proposal did not conform with the Comp Plan recommendation of light industrial development, and highlighted the Pattern Book recommendation to not have industrial development adjacent to residential areas. Staff also expressed concern with lack of details about the use of the concrete crusher.

In your Hearing Examiner’s opinion, the request is too intense for this site and would have a grossly negative impact on the residents in the area and on this environmentally sensitive area. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on May 15, 2024



ZONING HISTORY

2006-ZON-110; 7500-7534 East 30th Street, requested rezoning of 69.174 acres, being in the I-2-S (FF)(FW) District, to the C-S (FF)(FW) classification to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment, **approved**.

2000-ZON-122; 7522, 7530, and 7534 East 30th Street, rezoning of 0.35 acre from D-4 to I-2-S to provide for light industrial uses, **approved**.

97-AP-32; 7702 East 30th Street, termination of commitments related to petition 91-Z-137, to delete erroneously recorded commitments, **approved**.

93-V3-54; 7702 East 30th Street, variance of development standards to provide for the erection of a 50-foot tall off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

93-V3-53; 7702 East 30th Street, variance of development standards to provide for the erection of an off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

93-V3-52; 7702 East 30th Street, variance of development standards to provide for the erection of an off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

92-Z-50; 7522, 7530, and 7534 East 30th Street, rezoning of 1.1 acres from D-4 to I-2-S to provide for light industrial uses, **approved**.

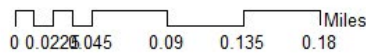
91-Z-137; 7702 East 30th Street, rezoning of 68 acres from D-4 and D-A to I-2-S to provide for light industrial uses, **approved**.

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swis, Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community.

7500 East 30th Street





Amended Site Plan – May 1, 2024

REZONE SITE PLAN
 STOCKPILE AREA WITH TREE REMOVAL
 7500 E 30th STREET, INDIANAPOLIS



EXISTING LEGEND

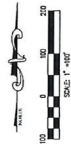
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PREPARED BY:

 CROSSROAD ENGINEERS, APC
 11500 SHILOH ROAD, SUITE 200, INDIANAPOLIS, IN 46241
 MAY 1, 2024

**REZONE SITE PLAN
STOCKPILE AREA WITH TREE REMOVAL
7500 E 30th STREET, INDIANAPOLIS**



EXISTING LEGEND

- PROPERTY LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- EXISTING ALLEY
- EXISTING DRIVEWAY
- EXISTING FLOODWAY
- EXISTING FLOOD WALL
- EXISTING FLOOD HAZARD
- EXISTING FLOOD ZONE
- EXISTING FLOOD DAMAGE SUSCEPTIBLE ZONE
- EXISTING FLOOD CONTROL CHANNEL
- EXISTING FLOOD CONTROL STRUCTURE
- EXISTING FLOOD CONTROL WALL
- EXISTING FLOOD CONTROL GATE
- EXISTING FLOOD CONTROL VALVE
- EXISTING FLOOD CONTROL BARRIAGE
- EXISTING FLOOD CONTROL DAM
- EXISTING FLOOD CONTROL LEVEE
- EXISTING FLOOD CONTROL DIKE
- EXISTING FLOOD CONTROL BOUNDARY
- EXISTING FLOOD CONTROL FENCE
- EXISTING FLOOD CONTROL SIGN
- EXISTING FLOOD CONTROL LIGHT
- EXISTING FLOOD CONTROL SOUND
- EXISTING FLOOD CONTROL VIBRATION
- EXISTING FLOOD CONTROL SHOCK
- EXISTING FLOOD CONTROL COLLISION
- EXISTING FLOOD CONTROL CONTACT
- EXISTING FLOOD CONTROL INTERFERENCE
- EXISTING FLOOD CONTROL OBSTRUCTION
- EXISTING FLOOD CONTROL HINDERANCE
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- EXISTING FLOOD CONTROL CONTRADICTION
- EXISTING FLOOD CONTROL CONFLICT

BY: [Signature] DATE: [Date]

PREPARED BY:

CHRISTOPHER ENGINEERING, INC.
 11000 E. 38th Street, Suite 100
 Indianapolis, IN 46226
 PHONE: 317.551.1234
 FAX: 317.551.1235
 WWW: www.christophereng.com
 MARCH 25, 2004



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

C-S DEVELOPMENT STATEMENT

Introduction: The Petitioner, Calumet Civil Contractors, Inc., is under contract to purchase the subject property. The property was rezoned to CS in 2007 under Case No. 2006-ZON-110 to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment. The then-owner also agreed to certain commitments recorded on January 31, 2007 as Instrument No. 2007-0019683. Petitioner seeks to rezone to C-S to permit all current uses as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Petitioner intends to use the property to store materials prior to use at jobs or sale to clients. Petitioner anticipates using 40 acres of the property as temporary storage. Staging areas would be used for storage locations. No permanent construction is currently anticipated. The entire perimeter is fenced. Business operations would be from 8-4 and sales are business-to-business. Typical materials stored would be crushed concrete, clean dirt, and other similar materials used for the civil contractor business.

Zoning: The property is currently zoned C-S.

Permitted Uses: Proposed Permitted Primary Uses of the Subject Property are all current permitted uses under Case No. 2006-ZON-110 as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the I-2 zoning district, for Commercial and Building Contractors and Outdoor Storage.

Developmental Standards: Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744, Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building, if any erected, shall be consistent with the Concept Plan tendered for Administrative Approval prior to obtaining an Improvement Location Permit. The property is already adequately screened for outdoor storage uses.

Signs: The following sign types shall be permitted on the Subject Property:

1. Three billboards along 465 shown on the site plan.

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

Phasing of Development: The Subject Property may be used as generally shown on the site plan submitted with the C-S rezoning petition and this C-S Development Statement. Prior to applying for an Improvement Location Permit required in conjunction with any new development or redevelopment of the Subject Property, a final site and development plan, consistent with the standards contains in this C-S Statement, shall be tendered for Administrator's Approval.

STATEMENT OF INTENT

7500 E. 30TH ST., INDIANAPOLIS, IN 46226

The Petitioner, Calumet Civil Contractors, Inc., is under contract to purchase the subject property. The property was rezoned to CS in 2007 under Case No. 2006-ZON-110 to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment. The then- owner also agreed to certain commitments recorded on January 31, 2007 as Instrument No. 2007- 0019683. Petitioner seeks to rezone to C-S to permit all current uses as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Petitioner further seeks to terminate the commitments for the purpose or reevaluating any needed commitments with planning staff.

Request:

Petitioner, Calumet Civil Contractors, Inc., has existed for over 40 years. Petitioner is involved in all phases of site development and road construction including Asphalt Paving, Earthwork, Sewer and Underground Utility Installation, and Concrete Construction. Petitioner intends to use the property to store materials prior to use at jobs or sale to clients. Petitioner anticipates using 40 acres of the property as temporary storage. Staging areas would be used for storage locations. No permanent construction is currently anticipated. The entire perimeter is fenced. Business operations would be from 8-4 and sales are business-to-business. Typical materials stored would be crushed concrete, clean dirt, and other similar materials used for the civil contractor business.

The property is currently unimproved. The property and area will benefit if the property can be utilized. The comprehensive land plan recommends the property be light industrial. Commercial and Building Contractors use is permitted in all Industrial zoning districts. Outdoor Storage and Operations is listed as an accessory use in all Industrial zoning districts. The property is already adequately screened for outdoor storage uses. The outdoor storage use would be a primary use of the property.



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A

2006-20N-110
7500 E. 30th St.

JAN 17 2007

027
①

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Attachment "B"

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Access to the Real Estate shall be limited to 30th Street, including all construction traffic and all utilities except (i) drainage using Pleasant Run North Branch, (ii) the existing 10 inch VCP sanitary sewer which exits the Real Estate in the right-of-way of the Renfrew Drive sub street, (iii) telephone, electric, water and gas which may need to enter the Real Estate at the northwest corner of the site from the sub street located between 33rd and 34th streets, and (v) one additional point of perpendicular access for electric along the west property line.
3. A natural buffer area, to be designated as a Non-Disturbance Area, shall be maintained to a minimum depth of (i) Two Hundred (200) feet along the north perimeter property line and (ii) Two Hundred (200) feet along the west perimeter line to the southern terminus of the storage area and (iii) One Hundred (100) feet from the southern terminus of the storage area to 30th Street. This natural buffer area shall be preserved in its natural state but shall be maintained in an attractive and professional manner including supplemental plantings to provide effective screening and cutting of invasive, undesirable or low quality shrubs, woods or trees. No improvements (other than a fence) shall be erected or maintained within or upon such Non-Disturbance Area and no trees, bushes, shrubbery or other vegetation shall be removed from the Non-Disturbance Area except those which are minimally required by the public utility companies, governmental agencies, developer or the Department of Public Works of the City of Indianapolis in connection with such entity's use of Utility Easements and/or Drainage Easements or for erection of a fence. In addition, a minimum six (6) foot tall fence shall be installed prior to occupancy of a building constructed on the Real Estate along a line at or within approximately 12 feet from (unless otherwise requested by the adjacent neighbors), the north and west perimeter property lines, except along the west property line where the fence may turn east and run toward the building at such location as Developer desires. Said fence shall be maintained in good repair at all times. Maintenance, attention or removal of vegetation (primarily for dead, dying or diseased vegetation) within the natural buffer area shall be the obligation of Owner and any removal of vegetation shall only be as the result of a request approved by the Administrator, except where such removal is required to assure the health and safety of the general public.
4. Any building constructed on the Real Estate and any equipment storage area established on the Real Estate shall be a minimum of Two Hundred (200) feet from the west and north property lines.

MDC's Exhibit B -- page 1 of 4

01/31/07 09:29AM JULIE L. WOODHIES MARION CTY REDLINER JWJ 23.00 PAGES: 7

Inst # 2007-0019683



Department of Metropolitan Development
Division of Planning
Current Planning

- 5. No accessory lighting provided on the Real Estate shall cause illumination at or beyond the west and north perimeter property lines in excess of 0.1 foot-candles of light. All lights mounted on poles shall be limited to a pole height of thirty (30) feet and the fixtures shall be a "shoe box" type fixture.
- 6. Loading doors shall not be permitted along the south (front) or west facades of the building.
- 7. The east perimeter of any equipment storage area established on the Real Estate shall be buffered by a staggered double row of conifer trees, each row being planted twenty feet (20') on center. The species of the conifers shall be from the City's approved landscape list. The conifers shall be 5 to 6 feet in height at the time of planting. The buffer shall be located in a twenty-five foot (25') area located immediately west of a vertical plane created by the west edge of the existing three advertising signs located on the Real Estate. The buffer may include existing hard-wood deciduous trees that may exist in this buffer area. All healthy hardwood trees in this buffer area, such as oak, maple and ash, which are greater than 2.5 inches in diameter, will be preserved and included in the buffer landscaping. The landscape plan and hard-wood preservation plan for this buffer area shall be subject to the review and approval of the Administrator.
- 8. Within Sixty days (60) after approval of the rezoning, Petitioner shall dedicate a sixty foot (60') half right-of-way along 30th Street. 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 Department of Public Works.
- 9. Commitments with the Department of Public works related to general infrastructure, storm water management, and sanitary sewer and wastewater management as set forth in Attachment "C".

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2006-ZON-110 by the City-County Council changing the zoning classification of the real estate from a L-2-S zoning classification to a CS zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the CS zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Metropolitan Development Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval.



Department of Metropolitan Development
Division of Planning
Current Planning

Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

- 3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
- 4. Warren Township Development Association
- 5. Thirty-Eighth & Community Improvement Association

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2006-ZON-110.

IN WITNESS WHEREOF, owner has executed this instrument this 2nd day of JANUARY, 2007.

SMC PNEUMATICS, INC.

Signature: [Signature]
Printed: Yoshiaki TAKADA

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared YOSHIKI TAKADA, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.



Witness my hand and Notarial Seal this 2nd day of January, 2007
Mark W. Slaton
Notary Public
Printed Name of Notary Public: MARK W. SLATON
My Commission expires: AUG 28, 2014
My County of residence: JOHNSON

This Instrument prepared by Philip A. Nicely, Attorney at Law, Bose McKinney & Evans LLP, 301 Pennsylvania Parkway, Suite 300, Indianapolis, Indiana 46280.



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

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 30th Street



View looking east along East 30th Street



View looking south along Richardt Avenue



View looking east from intersection of Richardt Avenue and East 30th Street



View of site looking northwest across East 30th Street



View of site looking northwest across East 30th Street



View of site looking northeast across East 30th Street



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



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METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2024**

Case Number: 2024-ZON-042

Property Address: 3404, 3432, 3434, 3438 and 3444 North Illinois Street (Approximate Addresses)

Location: Center Township, Council District #8

Petitioner: Redline Holdings XII, LLC, by Emily Duncan and David Kingen

Current Zoning: Enter Current Zoning District

Request: Rezoning of 1.12 acres from the D-8 (TOD) and C-4 (TOD) district to the D-9 (TOD) district to provide for multi-family dwelling uses

Current Land Use: Undeveloped

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was scheduled for the May 15, 2024 hearing of the Metropolitan Development Commission by a special request, which was granted by the Hearing Examiner on April 11, 2024.

CONTINUANCE REQUEST

Staff recommends this petition be **continued from the May 15, 2024 hearing to the June 26, 2024 hearing** to allow sufficient time for the petition to be amended and proper notice to be provided.

A site plan submitted to the case file notes that 101 units will be proposed, where a maximum of 50 units are permitted in the D-9 district. Instead, the property would need to be rezoned to the D-10 district that permits 51 units and greater.

Additionally, variances might be required which could be added to the request or requested with a separate petition at a different time.

PETITION OVERVIEW

This petition is to be continued to the June 26, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2024**

Case Number: 2024-ZON-014

Property Address: 7125 Wellingshire Boulevard, 2702 West Stop 11 Road and 7750 SR 37

Location: Perry Township, Council District #22

Petitioner: Wellingshire Partners, LLC, by Joseph D. Calderon

Current Zoning: D-P (W-5)

Request: Rezoning of 57.81 acres from the D-P (FF) (W-1) district to the D-P (FF) (W-1) district to revise the list of permitted uses for Parcels 2, 12 and 13 of the Southern Dunes (formerly Wellingshire) Planned Unit Development. Permitted uses would be as follows:

Parcel 2 (7125 Wellingshire Boulevard) Public, Institutional, Religious and Civic Uses, Medical or Dental Offices, Centers or Clinics, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Financial and Insurance Services, Hair and Body Care Salon or Service, Bar or Tavern, Eating Establishment or Food Preparation (any type), Indoor Recreation and Entertainment, Hotel, Motel, Offices (Business, Professional or Government), Outdoor Recreation and Entertainment, Grocery Store, Liquor Store, Retail, Light and Heavy General, Automobile and Light Vehicle Wash, Automobile, Motorcycle, Light Vehicle Service or Repair, Vehicle Charging Station and other Accessory Uses.

Parcels 12 and 13 (2702 West Stop 11 Road & 7750 SR 37) Medical or Dental Offices, Centers or Clinics, Schools, Elementary, Middle, High, Vocational, Technical, or Industrial School or Training Facility, Day Care Center or Nursery School, Business, Art, or other Post-Secondary Proprietary School, Private Post-Secondary School (Non-Proprietary), Club or Lodge, Community Center, Religious Uses, Medical or Dental Laboratories, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Garden as Primary Use, Indoor Agricultural Use, including greenhouse, warehouse growing of agricultural products, Outdoor Advertising Off-Premises Signs, Wireless Communications Facility, Mini-Warehouses (Self-Storage), Renewable Energy Facility (Solar/ Geothermal), Commercial Parking Lot and other Accessory Uses.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance has been filed by a registered neighborhood organization, **continuing this petition from the May 15, 2024 hearing, to the June 26, 2024 hearing.** This would require acknowledgement from the Commission.