



# Metropolitan Development Commission (September 20, 2023) 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, September 20, 2023    **Time:** 1:00 PM

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

## Business:

**Adoption of Meeting Minutes:** September 6, 2023

## Policy Resolutions:

### ECONOMIC DEVELOPMENT / INCENTIVES:

**1. 2023-A-035 (For Public Hearing)**

Final Economic Revitalization Area Resolution for Bilas Solar, Inc., located at 1301 (aka 1249) South White River Parkway East Drive, Council District # 16, Center Township. (Recommend approval of eight (8) years personal property tax abatement.)

### PLANNING:

**2. 2023-P-016**

Authorizes the Director of DMD to accept funds from the Mellon Foundation and Purdue University, West Lafayette on behalf of the Commission and to use those funds to enter into a professional services agreement with EKLA Studio LLC, to partially fund the creation of the Indiana Avenue Certified Strategic Plan.

## Zoning Petitions:

### Special Requests

### PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

**3. 2023-APP-020 | 8260 Naab Road**

Washington Township, Council District #1  
HD-2  
SPT Ivey 8260 Naab MOB, by Doug Staley

Hospital District - Two Approval to provide for one wall sign.

**4. 2023-APP-021 | 8091 Township Line Road**

Washington Township, Council District #1  
HD-1 / HD-2  
Paragon Dream I, LLC, by Doug Staley

Hospital District-One and Two Approval to provide for one wall sign.

**5. 2023-APP-023 (Amended) | 310 West 42nd Street**

Washington Township, Council District #7

PK-1

Indy Parks, by Ben Jackson

Park District One Approval to provide a new spray ground.

**6. 2023-MOD-014 | 6011 Copeland Mills Drive**

Decatur Township, Council District #20

D-3

Jesse Cook

Modification of the Commitments related to petition 97-Z-30 to modify Commitment #20 to allow for a privacy fence along the property boundary (current commitment limits privacy fencing to being used in conjunction with a porch, patio, deck, terrace or pool, it must be located within fifteen feet of said structure and shall not encroach into the required building setbacks).

**7. 2023-ZON-026 | 6501 Brookville Road**

Warren Township, Council District #18

Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

**8. 2023-CZN-834 | 4202 East 10th Street and 1009 Gladstone Avenue**

Center Township, Council District #12

Mountain Goat Properties, LLC, by Pat Rooney

Rezoning of 0.134 acre from the C-4 district to the D-5II district.

**9. 2023-CZN-835 | 1100, 1106, 1110, 1114, 1118 and 1122 English Avenue**

Center Township, Council District #12

Lexington Place, LLC / LP 2, LLC, by Luke Burrow

Rezoning of 0.54 acre from the C-1 and C-5 districts to the D-8 district.

**10. 2023-CZN-842 | 2601 East New York Street and 239 North Temple Avenue**

Center Township, Council District #17

Englewood Community Development Corporation, by Joseph D. Calderon

Rezoning of 0.76 acre from the MU-1 district to the D-8 district.

**11. 2023-REG-059 | 260 South Illinois Street (101 West Georgia Street), 201 South Capitol Avenue**

Center Township, Council District #16

CBD-2 (RC)

Capital Improvement Board, by Aaron Hurt

Regional Center Approval to provide for demolition of an existing parking garage, ice rink and outdoor plaza, and for the construction of a 40-story hotel, convention and ballroom space and outdoor amenities.

**PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):**

**12. 2022-CZN-867 (Amended) | 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue**

Warren Township, Council District #12

Baldeep Baidwan by Adam Hoffer

Rezoning of 2.71 acres from the D-5 district to the D-8 district to provide for residential development.

**Petitions for Public Hearing**

**PETITIONS FOR PUBLIC HEARING:**

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

**2023-ZON-064 | 40 West 40th Street**

Washington Township, Council District #7

Martin Luther King Multi-Service Center, by David Kingen

Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

**14. COMPANION PETITIONS RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:**

**2023-CZN-823 / 2023-CVC-823 | 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street**

Center Township, Council District #21

GSS, LLC, by Mary E. Solada

Rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district.

Vacation of the first 15-foot wide alley west of Draper Street, from the north lot line of Lot 69 of The Justice C. Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA  
FINAL ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2023-A-035**

**PERSONAL PROPERTY TAX ABATEMENT**

**Bila Solar, Inc.**

1301 (aka 1249) South White River Parkway East Drive

**WHEREAS, I.C. 6-1.1-12.1** allows a partial abatement of property taxes attributable to the installation of new 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 and determine the length of the abatement period and annual deduction 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 areas 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 has 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 preliminary hearing at 1:00 p.m. on Wednesday, September 6, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and the Commission adopted **Preliminary Resolution No. 2023-A-034 ("Preliminary Resolution")**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area, and subject to the adoption of a confirming resolution by the Commission and subject to limiting conditions, and it fixed 1:00 p.m. on Wednesday, **September 20, 2023**, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in whether the Subject Real Estate should be



designated as an Economic Revitalization Area to allow for the installation of the Specified New Equipment;  
and

**WHEREAS**, a copy of such Preliminary Resolution was properly filed with the Marion County Assessor and proper legal notices were published indicating the adoption and substance of such Preliminary Resolution and stating when and where such final hearing would be held; and

**WHEREAS**, pursuant to Commission Resolution No. 01-A-041, 2001, the Applicant and City have entered into a Memorandum of Agreement which shall be utilized to measure compliance with the proposed Project described in the attachment to this resolution; and

**WHEREAS**, at such final Hearing, evidence and testimony, and Factual Assertions 1 through 6 stated on the attachment to the Preliminary Resolution,) were considered by the Commission.

**NOW, THEREFORE, IT IS RESOLVED:**

1. The Commission now amends, confirms, adopts and approves such Preliminary Resolution and thereby designates, finds and establishes the Subject Real Estate to be an Economic Revitalization Area. This designation is subject to the conditions that designation allows abatement of property taxes only relative to the installation of the Specified New Equipment on the Subject Real Estate. 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 the Specified New Equipment is filed with the County Assessor.
2. **The Economic Revitalization Area designation terminates December 31, 2026. 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 from September 20, 2023, to December 31, 2026.** 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 eight (8) years.
3. The partial abatement of property taxes attributable to the installation of the Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
4. 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. 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 \$37,000,000.00.
5. The Commission has determined that the Project can reasonably be expected to yield the benefits identified in the attached personal property statement of benefits (the "Statement of Benefits") and that the Statement of Benefits is sufficient to justify the partial abatement of property taxes requested, based on the following findings:
  - A. The estimate of the cost of the Specified New Equipment is reasonable for equipment of that type.

- B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - E. The "Totality of Benefits" is sufficient to justify the deduction.
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 with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the Applicant and the City, and/or the Statement of Benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the attached Memorandum of Agreement and/or "Statement of Benefits" or failure to respond to the mandatory survey.
  7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this resolution annually for not less than fourteen (14) years. The dates of the initial fourteen (14) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037
  8. The Statement of Benefits is approved and the Subject Real Estate area and Applicant's Specified New Equipment are approved for an abatement deduction period of **eight (8) years**.
  9. The eight (8) year personal property tax abatement shall utilize the following deduction schedule:

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	90%
3 <sup>rd</sup>	80%
4 <sup>th</sup>	70%
5 <sup>th</sup>	60%
6 <sup>th</sup>	55%
7 <sup>th</sup>	40%
8 <sup>th</sup>	35%

10. A copy of this Resolution shall be filed with the Marion County Auditor.

METROPOLITAN DEVELOPMENT COMMISSION

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John J. Dillon III, President

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Date

Approved as to Legal Form  
and Adequacy this 11<sup>th</sup> day  
of September, 2023.

/s/Toae Kim  
Toae Kim,  
Deputy Chief Counsel

**STAFF COMMENT**  
**PERSONAL PROPERTY TAX ABATEMENT**

Street Address:.....1301 (aka 1249) South White River Parkway East Drive

Qualified New Jobs Created: ..... 244

Qualified Jobs Retained: ..... None.

Estimated Cost of Equipment: ..... \$36,000,000.00

**STAFF ANALYSIS**

Bila Solar, Inc. is a designer and manufacturer of a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant tenant space of an industrial building, partially occupied by Eli Lilly and Elanco, as the proposed US headquarters and production facility. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila Solar headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out will take place over the next four years, with an estimated equipment expenditure of \$36,000,000.00. As a result of the project, the company would commit to the creation of the 244 new jobs by 2026.

The proposed use and the planned personal property investments will result in net benefits for the downtown area and the County. The petitioner will be donating five percent of its estimated abatement savings to support area Employ Indy's Indy Achieves completion grants program.

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 eight (8) years personal property tax abatement.

**TOTALITY OF BENEFITS**

<b><u>PETITIONER:</u></b>	Bila Solar, Inc.
<b><u>INVESTMENT:</u></b>	Staff estimates that the proposed investment of \$36,000,000.00 should result in an increase to the tax base of approximately \$14,400,000.00 of assessed value in the first year of operation. Staff estimates that over the eight (8) year personal property tax abatement period the petitioner will realize savings of approximately \$1,923,374.74 (a 66.3% savings). During the abatement period, the petitioner is expected to pay an estimated \$979,362.86 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$300,283.20 in personal property taxes annually related to the new equipment.
<b><u>QUALIFIED EMPLOYMENT:</u></b>	The petitioner estimates that this project will retain two-hundred and forty-four (244) positions at an average wage of \$26.24/hr. Staff finds these figures to be reasonable for a project of this nature.
<b><u>OTHER BENEFITS:</u></b>	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.
<b><u>STAFF COMMENT:</u></b>	Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

## **PROJECT SUMMARY**

Applicant: Bila Solar, Inc.

Subject Real Estate: 1301 (aka 1249) South White Rive Parkway East Drive

Center Township Parcel Number: 1106212

**Project Description:**

Bila Solar, Inc. is a privately funded company incorporated in Delaware. Bila Solar's products include a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant space in a building partially-occupied by Eli Lilly and Elanco building as the US headquarters and production facility for Bila Solar. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out will take place over the next four years, with an estimated equipment expenditure of \$36,000,000.00. As a result of the project, Bila Solar would commit to the creation of the 244 new jobs by 2026.

New Jobs Created: 244 at \$26.24/hr.

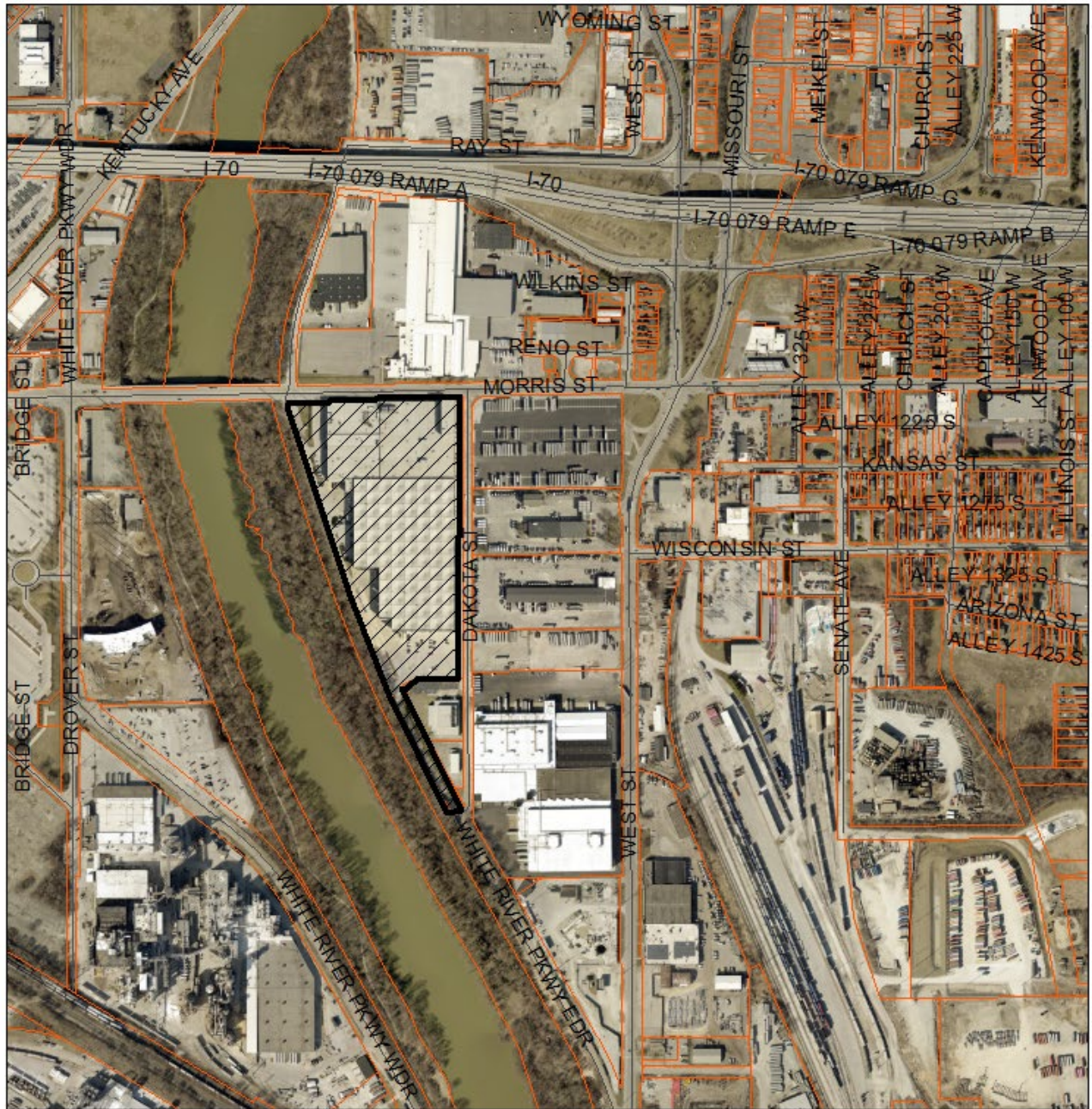
Job Retained: None.

Estimated Cost of Project: \$36,000,000.00

**RECOMMENDATION:** Staff recommends approval of eight (8) years personal property tax abatement.



Bila Solar, Inc.  
1301 South White River Parkway East Drive



**Legend**

-  IndyGo Transit Routes
-  Parcels
-  Project Site



0 370 740 1,480 Feet

Produced by: DMD REED August 16, 2023

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2023-P-016**

**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 wishes to enter into an agreement for the creation of the Indiana Avenue Certified Strategic Plan, and has identified Elizabeth Kennedy by and through EKLA Studio LLC as a contractor with the requisite skills to perform such services; and

**WHEREAS**, the Commission serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under I.C. 36-7-15.1 (the “Redevelopment Act”); and

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

**WHEREAS**, Section 7 of the Redevelopment Act provides that the Commission may accept grants or other forms of financial assistance to assist in the exercise of its powers and duties; and

**WHEREAS**, the Mellon Foundation wishes to grant one hundred thousand dollars (\$100,000) (the “Funds”) to the Commission to partially fund the creation of the Indiana Avenue Certified Strategic Plan; and

**WHEREAS**, Purdue University wishes to grant two hundred fifty thousand dollars (\$250,000) (the “Funds”) to the Commission to partially fund the creation of the Indiana Avenue Certified Strategic Plan; and

**WHEREAS**, the commission wishes to accept the Funds from both the Mellon Foundation and Purdue University.

**WHEREAS**, the Redevelopment Act permits the Commission to designate 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 the Consolidated Redevelopment Project Area (the “Consolidated Redevelopment Area”), has designated the Consolidated Redevelopment Area as an allocation area (the “Consolidated Redevelopment Allocation Area”) for the purposes of capturing TIF Revenues, has created an allocation fund (“the Consolidated Redevelopment Allocation Program Fund”) for the Consolidated Redevelopment Allocation Area into which TIF Revenues are deposited, and has approved the Consolidated Redevelopment Project Area Redevelopment Plan, (the “Consolidated Redevelopment Plan”); and

**WHEREAS**, to facilitate the creation of the Indiana Avenue Certified Strategic Plan, the Commission now desires to authorize the contribution of unobligated funds from the Consolidated Redevelopment Allocation Program Fund to the cost of creation of the plan, which will be located in the Consolidated Redevelopment Area in accordance with the Consolidated Redevelopment Plan, in an amount not to exceed one hundred fifty thousand dollars (\$150,000).



**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Development Commission of Marion County, Indiana as follows.

1. The Commission authorizes DMD to accept Funds from the Mellon Foundation on behalf of the Commission in an amount not to exceed one hundred thousand dollars (\$100,000) to be used by DMD to contract with Elizabeth Kennedy by and through EKLA Studio LLC.
2. The Commission authorizes DMD to accept Funds from Purdue University on behalf of the Commission in an amount not to exceed two hundred fifty thousand dollars (\$250,000) to be used by DMD to contract with Elizabeth Kennedy by and through EKLA Studio LLC.
3. The Commission authorizes DMD to enter into a professional services agreement with Elizabeth Kennedy by and through EKLA Studio LLC to aid in the creation of the Indiana Avenue Certified Strategic Plan in an amount not to exceed five hundred thousand dollars (\$500,000).
4. The Commission hereby dedicates and authorizes the expenditure of the TIF Revenues in the Consolidated Redevelopment Allocation Program Fund, in an amount not to exceed one hundred fifty thousand dollars (\$150,000), for the purpose of reimbursing DMD for the expenditures described in Paragraph 3.
5. The City Controller is hereby authorized to disburse moneys from the Allocation Fund for the local public improvements noted above. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further actions and execute such documents as she deems necessary or advisable to effectuate the authorizations set forth in this Resolution.
6. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:

/s/ Toae Kim  
Toae Kim, Deputy Chief Counsel

\_\_\_\_\_  
John J. Dillon III, President

Date: August 3, 2023

Date: \_\_\_\_\_

Approved as the Availability of Funding

\_\_\_\_\_  
Sarah Riordan, Controller

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-064  
**Address:** 40 West 40th Street (*Approximate Address*)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Martin Luther King Multi-Service Center, by David Kingen  
**Request:** Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

#### **ADDENDUM FOR AUGUST 16, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

After a full public hearing on July 27, 2023, this petition was recommended for approval by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by a remonstrator.

Subsequent to the Hearing Examiner hearing, the petitioner has submitted a preliminary tree inventory. The inventory shows that there are 28 trees on the site, eight of which are Heritage Trees. Heritage Trees are trees over 18 inches in diameter of certain species. Removal of Heritage Trees on sites larger than 20,000 square feet is prohibited unless certain determinations are made. Among these determinations are if the tree is terminally diseased or a threat to public health or safety, a hazard to traffic, or is preventing development that cannot be physically designed to protect the tree. Removal of a Heritage Tree can result in the requirement to plant replacement trees. The preliminary tree inventory is included below.

Staff continues to **recommend approval** of this petition subject to the commitment below.

#### **RECOMMENDATION**

Staff **recommends approval** of this request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

Prior to the issuance of any Improvement Location Permit for this site, a tree inventory and preservation plan shall be submitted for Administrator's Approval. The size species, location and condition of any Heritage Tree shall be provided. Any new development on the site shall avoid disturbance of Heritage Trees to the extent possible.

(Continued)

## **STAFF REPORT 2023-ZON-064 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the structure on the site was built in the late 1950s or early 1960s. The site is currently the home of a multi-service center.
- ◇ The 2018 Comprehensive Land Use Plan recommends City Neighborhood for the subject site. This typology consists largely of multi-family housing and other forms of attached dwellings. It is intended to be dense and walkable with a full range of city services and public amenities.
- ◇ The subject site is within the jurisdictional area of the Meridian Street Preservation Commission. This State agency has the authority for prior approval of zoning petitions within its jurisdiction. If the MSPC gives prior approval to a rezoning, the petition may proceed through the City's land use petition process. However, the MSPC's prior approval does not obligate the Hearing Examiner or the Metropolitan Development Commission to approve a petition.
- ◇ This request was heard by the MSPC on May 16, 2023 and given prior approval subject to two commitments:
  - Improvements shall be carried out in accordance with the submitted documentation presented at the May 16, 2023 Commission hearing and filed with the MSPC,
  - The applicant shall work with residents and neighborhood organizations on the proposed plans for the expansion.
- ◇ As is evident from the photographs below, the site has a number of large, mature trees. These trees exhibit the intrinsic benefits of large trees in general, but also help blend this large institutional use into the context of the neighborhood where large trees on single-family lots and in Tarkington Park are the norm.

#### **ZONING**

- ◇ This petition requests a rezoning to the SU-7 district. This Special Use district provides for charitable, philanthropic and not-for-profit institutions.

(Continued)

## **STAFF REPORT 2023-ZON-064 (Continued)**

- ◇ Land in any SU District is subject to the following site and development requirements, which are evaluated at the time of an application for an Improvement Location Permit. The site and development plan, proposed uses, buildings and structures must:
  - Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
  - Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
  - Provide sufficient and adequate access, parking and loading areas;
  - Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
  - Provide adequately for sanitation, drainage and public utilities; and
  - Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan;
  - Provide sidewalks along eligible public streets and pedestrian accessibility to available public transit.
- ◇ Development in a Special Use district requires approval by the Administrator. In addition to the points above, in the SU-7 district the Administrator would use MU-1 development standards in his or her review, but would have the authority to modify them as appropriate to the use and context. Among the MU-1 development standards are a minimum front transitional yard of twenty feet and a minimum rear transitional yard of 15 feet. The site plan submitted with this petition does not meet those standards and ideally should be redesigned to do so. Redesign might also help with tree preservation on the site.
- ◇ Approval of this zoning petition does not approve the submitted site plan.
- ◇ In staff's opinion, the SU-7 district is appropriate as it is responsive to the City Neighborhood recommendation of the Comprehensive Land Use Plan and would conform the zoning of the site to its long-term and appropriate use.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-2

Compact

Multi-service center

(Continued)

## **STAFF REPORT 2023-ZON-064 (Continued)**

### **SURROUNDING ZONING AND LAND USE**

North	D-2	Single-family dwelling
South	PK-1	Tarkington Park
East	D-2, D-9	Multi-family residential complex
West	D-5, SU-2	Single-family dwellings, elementary school

**COMPREHENSIVE LAND USE PLAN** The Washington Township Comprehensive Plan (2018) recommends City Neighborhood.

**THOROUGHFARE PLAN** 40th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

Illinois Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE** This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT** This site is not located within a wellfield protection district.

### **ZONING HISTORY – SITE**

**97-UV3-66; 40 West 40<sup>th</sup> Street**, requested a variance of use for a community center in a dwelling district and variances of development standards for a ground sign with deficient setbacks, **approved**.

### **ZONING HISTORY – VICINITY**

**2018-DV1-021; 4030 North Illinois Street (west of site)**, requested a variance of development standards to provide for an over-height fence, **approved**.

**97-UV3-19; 4002 North Meridian Street (east of site)**, requested a variance of use to provide for a rooftop telecommunications facility, **withdrawn**.

klh

\*\*\*\*\*

# STAFF REPORT 2023-ZON-064, Location



# STAFF REPORT 2023-ZON-064, Aerial photograph (2022)





**STAFF REPORT 2023-ZON-064, Site Plan**



**STAFF REPORT 2023-ZON-064, Hearing Examiner's Memorandum****MEMORANDUM OF EXAMINER'S DECISION****2023-ZON-064****40 West 40th Street**

The petition requests the rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

Your Hearing Examiner visited the site prior to the hearing and noted the multi-service center on it, with a high-rise multi-family residential building east of it and single family residences to the north. Tarkington Park is south of 40th Street, and single family residences are on the west side of Illinois Street.

The petitioner's representative explained that the multi-service center was established by variance in 1997, and the request would conform the zoning district to the use. An expansion of the multi-service center is proposed, and all plans would be subject to administrator's approval. The Meridian Street Preservation Commission granted prior approval of the rezoning petition, and the Butler Tarkington Neighborhood Association voted to support the rezoning request, both of which were documented in writing. The petitioner agreed to staff's request for a commitment for a tree inventory and preservation plan. A neighbor spoke in support.

About six remonstrators attended and spoke at the hearing, and about six letters of opposition were received. The primary concern was the potential loss of green space and trees on the western portion of the site. Other concerns included increased traffic, pedestrian and biker safety, noise, and inability to give input once the property is rezoned.

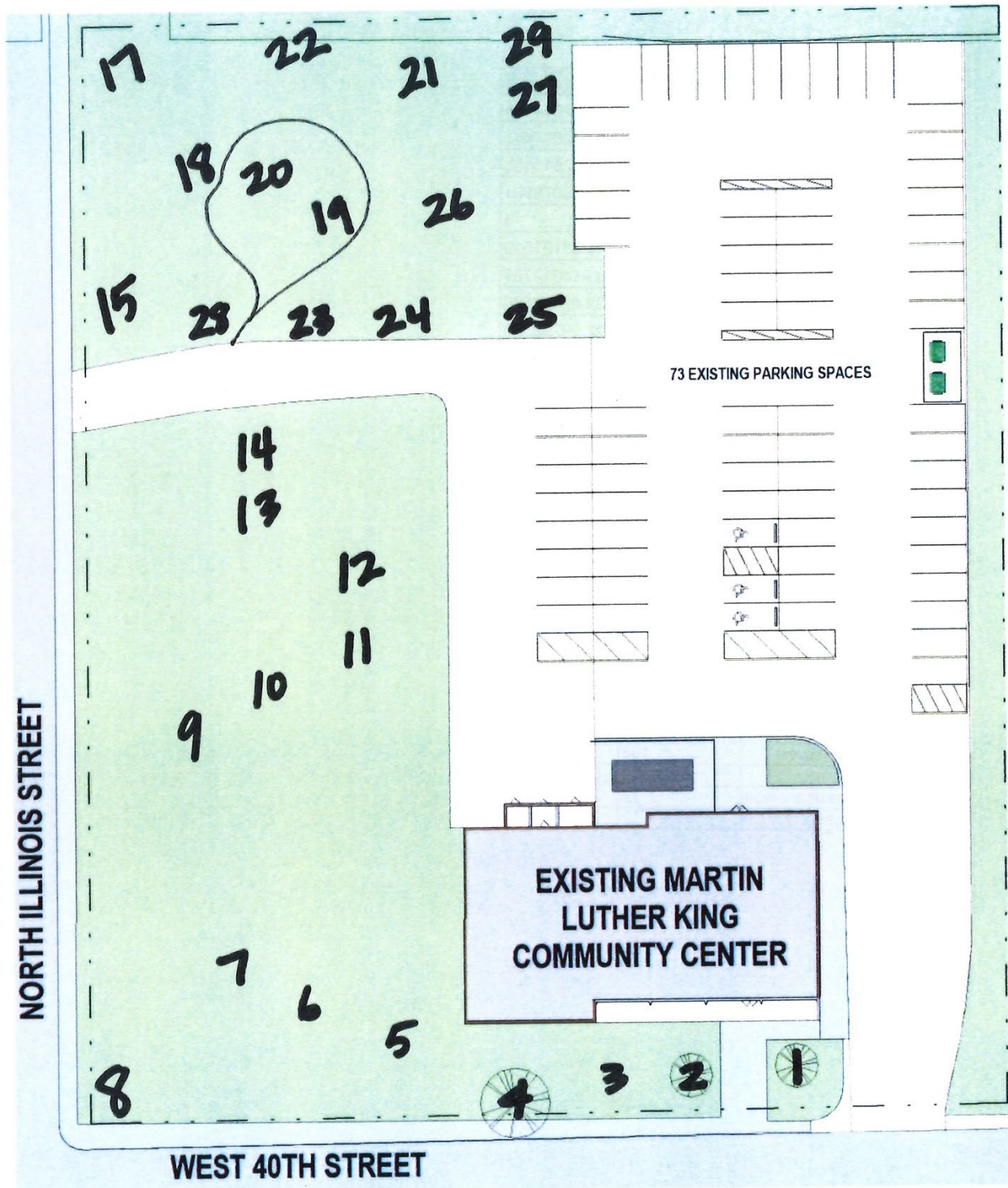
Staff opined that the Comp Plan recommendation of City Neighborhood is being met because this established use is dense, walkable, and a public amenity. Because the conceptual site plan does not meet transitional yard requirements, revisions would be necessary, and all final plans are subject to administrator's approval.

In your Hearing Examiner's opinion, it is appropriate to rezone this site to SU-7 to reflect its use for the last 25 years. In addition to the administrator having approval of all final plans, your Hearing Examiner requested a commitment that all plans will be provided to neighbors and neighborhood groups for review. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on August 16, 2023



**STAFF REPORT 2023-ZON-064, Tree Inventory**



\* 28 trees. There is no #16 on the list.

Trees 4, 8, 9, 13, 14, 15, 17 and 25 are Heritage Trees.

number	type	circumfrence	diameter
1	coffee	31	9.872611465
2	coffee	31	9.872611465
3	coffee	31	9.872611465
4	hackberry	112	35.66878981
5	thicket shadebush		3
6	maple (red)	45	14.33121019
7	coffee	17	5.414012739
8	oak	124	39.49044586
9	maple (sugar)	70	22.29299363
10	oak	36	11.46496815
11	oak	36	11.46496815
12	maple (red)	100	31.84713376
13	oak	88	28.02547771
14	sweetgum	96	30.57324841
15	hackberry	124	39.49044586
17	hackberry	170	54.14012739
18	redbud	26	8.280254777
19	maple (silver)	74	23.56687898
20	mulberry	63	20.06369427
21	maple (silver)	108	34.39490446
22	serviceberry	10	3.184713376
23	cedar	37	11.78343949
24	redbud	62	19.74522293
25	hackberry	58	18.47133758
26	maple (silver)	108	34.39490446
27	oak	28	8.917197452
28	japanese snowba	78	24.84076433
29	serviceberry	10	3.184713376



**STAFF REPORT 2023-ZON-064, Photographs**



Looking north across 40<sup>th</sup> Street at the subject site.



Looking east from Illinois Street at the site.





Looking south along the Illinois Street frontage of the site.



Looking north from Illinois Street. The subject site is to the right.





Looking east from Illinois Street at the neighbor to the north.



Looking south across 40<sup>th</sup> Street at Tarkington Park.



Looking northeast from 40th Street at the neighbor to the east.

## STAFF REPORT

Item 14.

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-CZN-823 and 2023-CVC-823  
**Address:** 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street  
(Approximate Address)  
**Location:** Center Township, Council District #21  
**Petitioner:** GSS, LLC, by Mary E. Solada  
**Request:** Rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district.

Vacation of the first 15-foot wide alley west of Draper Street, from the north lot line of Lot 69 of The Justice C. Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

#### **ADDENDUM FOR SEPTEMBER 20, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued these petitions from the August 2, 2023 hearing, to the September 20, 2023 hearing, without notice, at the request of the petitioner's representative.

#### **ADDENDUM FOR AUGUST 2, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission acknowledged the automatic continuance by the petitioner's representative that continued these petitions from the July 5, 2023 hearing, to the August 2, 2023, hearing.

#### **ADDENDUM FOR JULY 5, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Hearing Examiner on June 15, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the vacation requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

A timely automatic continuance was filed by the petitioner's representative continuing these petitions from the **July 5, 2023 hearing, to the August 2, hearing**. This would require acknowledgement from the Metropolitan Development Commission.

(Continued)



**June 15, 2023**

**RECOMMENDATIONS**

Staff **recommends denial** of these requests.

If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. 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.
2. A site plan, landscape plan, and building elevations shall be submitted to Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

**RECOMMENDED MOTION (denial):** That the Metropolitan Development Commission find that the proposed vacation is not in the public interest and that the waiver of the assessment of benefits be denied.

**RECOMMENDED MOTION (approval):** That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-823; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ This 9.56-acre site, zoned D-10 (TOD) and I-3 (TOD), is undeveloped. It is surrounded by a railroad right-of-way to the north, zoned I-3; single-family dwellings to the south, zoned I-3; industrial uses to the east, zoned I-3; and single-family dwellings to the west, zoned D-5.

**REZONING**

- ◇ This request would rezone the site from the D-10 (TOD) and I-3 (TOD) Districts to the I-3 (TOD) classification. "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.

(Continued)



- ◇ The Comprehensive Plan recommends heavy industrial typology. “The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

#### *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.

#### *Heavy Industrial Uses*

- The primary entrance should be served by an arterial street.
- 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.

### **Overlays**

- ◇ This site is located within an overlay, specifically Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ½ mile walk to a transit stop located at the intersection of Shelby Street and Raymond Street, with a Community Center typology.

(Continued)

- ◇ This typology is described as walkable commercial centers with a range of commercial types (aging to new strip commercial, office, shopping malls, big box). It is a mixed of retail, entertainment, office and residential as desired. Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.
- ◇ Characteristics of the Community Center typology are:
  - A dense mixed-use neighborhood center
  - Minimum of two stories at core
  - No front or side setbacks at core; zero to 10-foot front setbacks and zero-to 10-foot side setbacks at the periphery.
  - Multi-family with a minimum of three units
  - Structured parking at the core and attractive surface parking at the periphery

### **Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
  1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
  2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
  3. A drainage or stormwater management facility as defined in [Chapter 561](#) of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
  4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

(Continued)

**Site Plan**

- ◇ The site plan, file-dated April 10, 2023, provides for 13 buildings of various sizes with a total square footage of 99,795-square feet, along with 88 parking spaces located along the Van Buren Street frontage and the southeast portion of the site.
- ◇ With the exception of a dry retention basin at the northwest corner of the site, the site is covered with buildings and pavement. No landscape plan has been provided.
- ◇ A sidewalk is proposed along Van Buren Street but there are no internal sidewalks or any connections to the sidewalk along Van Buren.

**Plan of Operation**

- ◇ The Plan of Operation, file-dated April 10, 2023, describes the development as industrial warehouse space for small businesses.
- ◇ As proposed the site would offer storage space, distribution / warehouse facilities and office space.
- ◇ There would not be any permanent loading docks, but a forklift would be available for the tenants.
- ◇ Two to three large truck deliveries per day is anticipated.
- ◇ Although the property would be monitored 40 hours per week by an on-site manager, no hours or days of operation have been provided.

**VACATION****Summary**

- ◇ This request would Vacate a portion of the first 15-foot-wide alley west of Draper Street, from the north lot line of Lot 69 of the Justice C. Adams South Park subdivision, north 44 feet to the north lot line of Lot 70 in said subdivision and an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in the Justice C Adams subdivision. All with a waiver of the Assessment of Benefits.
- ◇ As proposed the vacated area would provide open space that would allow for the proposed redevelopment of the site.
- ◇ Staff does not support this vacation request because it is an integral component to the rezoning request for industrial uses that staff believes is not appropriate for this site.

(Continued)

**Assessment of Benefits**

- ◇ The petitioner has requested a waiver of the Assessment of Benefits for the subject right-of-way. Staff, however, does not support the waiver of the assessment of benefits because of its association with the industrial rezoning.

**Procedure**

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.
- ◇ The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, \*82, 191 N.E.2d 786, \*\*791 (Ind.App.1963). However, there are possible exceptions to this general rule.
- ◇ After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.
- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

**Planning Analysis**

- ◇ The request would be consistent with the Comprehensive Plan recommendation of heavy industrial typology but would be wholly inappropriate at this location abutting residential uses because of the development guidelines provided in the Pattern Book. Furthermore, this proposed use would be in conflict with the transit-oriented Plan that generally recommends residential and a range of commercial uses. No industrial uses are recommended.
- ◇ The Pattern Book outlines seven development guidelines related to light and heavy industrial uses primarily related to site access that would mitigate the impact of industrial uses on adjacent residential uses.
- ◇ The guidelines state that local streets should not be used and entrance to industrial uses should feed into an arterial street. The only access to the site would be Van Buren Street, which is a local street with an existing 40-foot right-of-way. In other words, the industrial uses would create traffic patterns in the area that would compromise the safety and security of the surrounding land uses.

(Continued)

- ◇ Staff believes that existing D-10 district provides appropriate transitions from the industrial uses to the north and to allow rezoning to the I-3 district would be wholly inappropriate and would be detrimental to the surrounding residential neighborhood.
- ◇ If approved, staff would request Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that would provide for pedestrian connectivity both internally and to the sidewalk along Van Buren Street, year around landscaping along the site perimeter, and building materials that would be harmonious with the surround land uses.

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

D-10                      Undeveloped  
(TOD) / I-3  
(TOD)

**SURROUNDING ZONING AND LAND USE**

North -	I-3	Railroad right-of-way
South -	I-3	Single-family dwellings
East -	I-3	Industrial uses
West -	D-5	Single-family dwellings

**COMPREHENSIVE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy industrial typology.

Marion County Land Use Pattern Book (2019).

Red Line Transit-Oriented Development Strategic Plan (2021)

**THOROUGHFARE PLAN**

This portion of Van Buren Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

This portion of Draper Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

**CONTEXT AREA**

This site is located within the compact context area.

**OVERLAY**

This site is located within a transit-oriented development overlay (TOD).

**SITE PLAN**

File-dated April 10, 2023

**LANDSCAPE PLAN**

File-dated June 6, 2023

**PLAN OF OPERATION**

File-dated April 10, 2023

**FINDINGS OF FACT**

File-dated April 20, 2023

(Continued)

**ZONING HISTORY**

**2013-ZON-058; 1545 Van Buren Street**, requested rezoning of 9.0 acres from the I-3-U district to the D-10 district to provide for multi-family residential development, **approved**.

kb

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## MEMORANDUM OF EXAMINER'S DECISION

**2023-CZN/CVC-823      1545 Van Buren St., 2014-2018 Draper St.**

The petitions request the rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district, with the vacation of a portion of an alley and of an irregular portion of right-of-way.

Your Hearing Examiner visited the site prior to the hearing and noted the industrial uses north and east of the site and the residential uses west and south of the site.

The petitioner's representative explained that the petitioner purchased the site about 10 years ago and had been unable to obtain financing for multi-family housing, which was the use approved by the project agreement with the County Commissioners. Substantial remediation work was done, and the petitioner was released from the project agreement in 2022. The proposed development would provide self storage for small businesses. About one dozen letters of support were submitted, and three neighbors spoke in support of the proposed development and in opposition to subsidized housing.

Two residents remonstrated at the hearing, and there were letters of opposition from Fountain Square Alliance Neighborhood and from the Healthy Communities Coordinator. Remonstrators expressed concern with health and safety, quality of life, the need for senior/affordable housing, and disappointment with the lack of communication by the petitioner.

Staff stated that, while the Comp Plan recommends heavy industrial use for the site, the Pattern Book recommends that industrial use not be on local streets and should not be adjacent to residential use. Staff also explained that the TOD overlay recommends a walkable development with mixed uses, and that there is a strong push for affordable housing.

In your Hearing Examiner's opinion, the proposed development is not an acceptable deviation from the Pattern Book and from the TOD overlay. Your Hearing Examiner is also concerned with the impact the proposed development would have on residents. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on July 5, 2023



## PLAN OF OPERATION

GSS LLC  
1545 Van Buren Street

The Petitioner plans to operate a franchise of RISE Commercial District at 1545 Van Buren Street (the "Property"). The objective of RISE Commercial District is to make industrial warehouse space affordable and accessible for all small businesses.

The Property consists of approximately 9.56 acres, and is located north of Legrande Avenue. G.W. Berkheimer Co., Inc., a heating, ventilation, air conditioning, and refrigeration wholesaler, along with Snodgrass Sheet Metal are located on the parcels adjacent to the east of the Property. Originally zoned to the Medium Industrial District (I-3), the Property was rezoned to the Residential Zoning District (D-10) by an entity related to the Petitioner in 2013. Petition has expended considerable effort to attempt to redevelop the site with multi-family housing but has been unable to secure a development partner for same nor any feasible financing. The Property location has proven to be a better match with the Comprehensive Plan recommendation of General Industrial use and development.

To a great extent, RISE Commercial District will function much like an industrial-warehouse-office facility for small businesses, providing storage space, distribution, and bookkeeping activities, all permitted in the requested Light Industrial District (I-2). RISE Commercial District will offer units ranging from 400 square feet to 1,400 square feet for rent, with the target tenant consisting of small businesses looking to accelerate their growth. RISE Commercial District intends each unit to be utilized as office space, warehouse space, and business storage space. Unlike mini storage facilities, RISE Commercial District is not meant for tenants to utilize units as personal storage space. Additionally, RISE Commercial District will offer tenants free wifi, the use of conference rooms, and access to public restrooms.

The proposed plan for RISE Commercial District consists of 13 buildings, ranging in size from 2,340 square feet to 9,720 square feet. Each building will be of rectangle shape – ranging in lengths from 90 feet to 162 feet, and widths from 26 feet to 70 feet. Within the 13 buildings, the proposed plan contains 91 units that Petitioner anticipates to lease. There will be no permanent loading docks on site, and none of the units will contain a loading dock. However, there will be a forklift available on-site for use by tenants as needed for loading and unloading purposes.

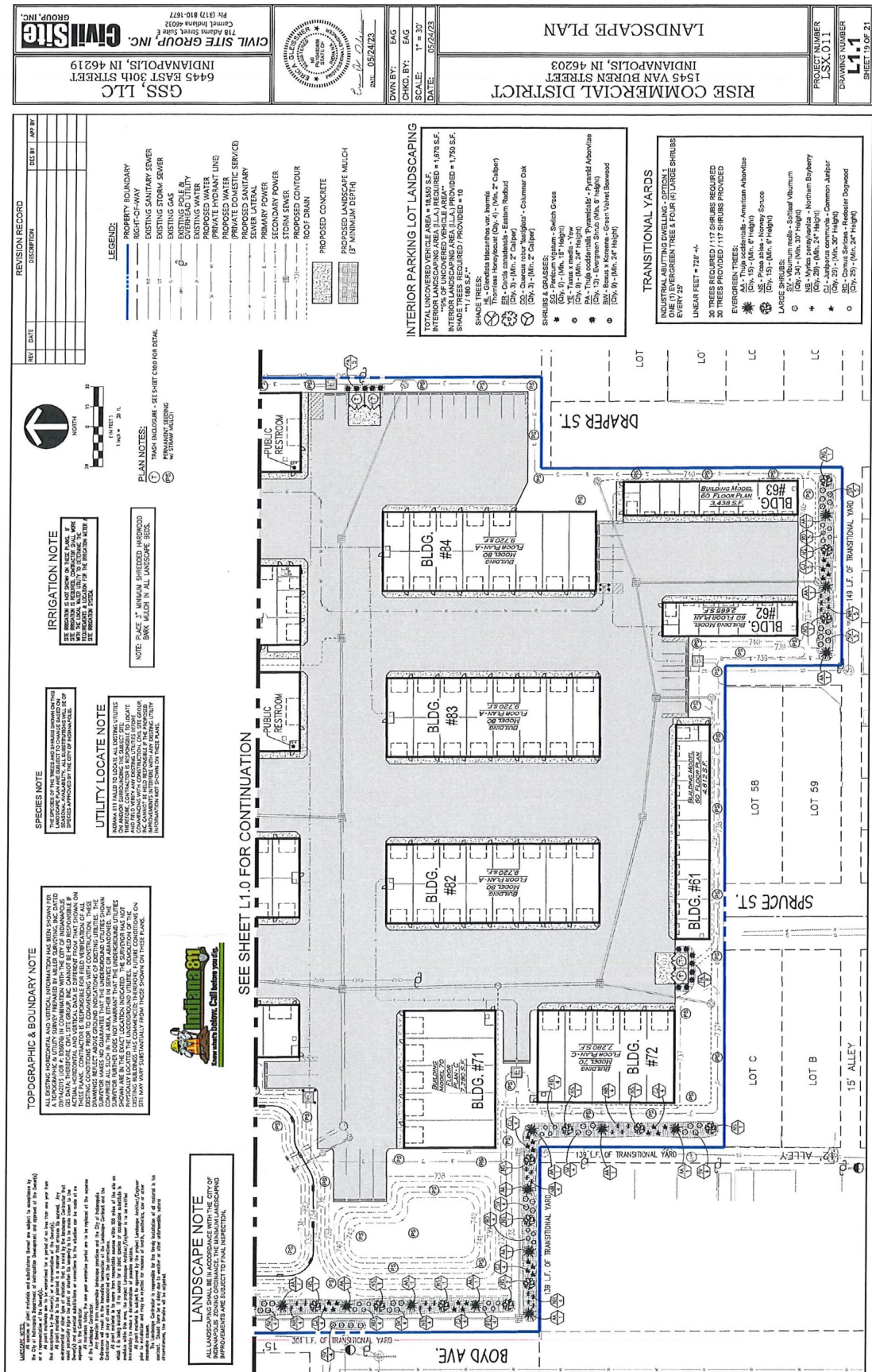
There will be no large trucks based on-site. The only anticipated large truck traffic is from deliveries and pick-ups only – the Petitioner anticipates an average of 2 to 3 large deliveries per day. Additionally, the Property will be monitored 40 hours per week by an on-site manager.

RISE Commercial District already has 5 successful locations in Indiana, and hopes to add another at the Property. For more information on RISE Commercial District, visit their website at [Warehouse Space, Office Space, Business Storage Space | RISE Commercial District](#).



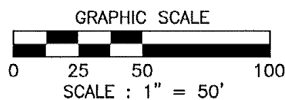
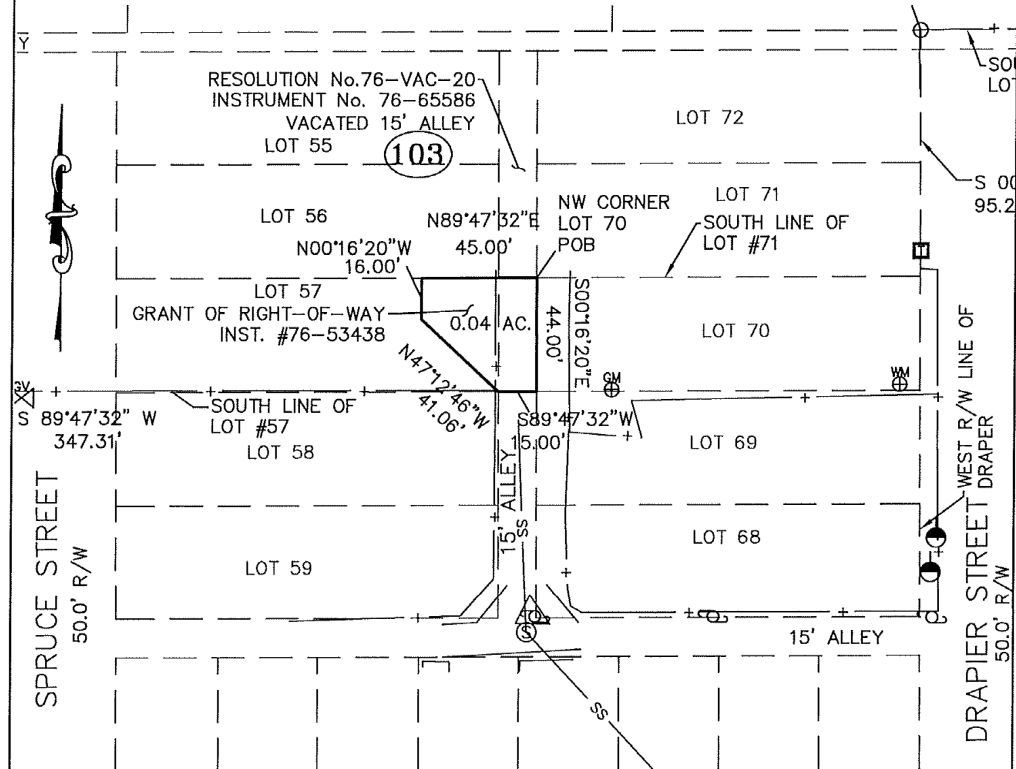


## LANDSCAPE PLAN




# VACATION EXHIBIT

PART OF LOT 57 AND 15.0' WIDE ALLEY LYING EAST OF SAID LOT 57  
IN JUSTUS C. ADAMS' SOUTH PARK ADDITION TO THE CITY OF  
INDIANAPOLIS, MARION COUNTY, INDIANA



THIS SURVEY IS NOT COMPLETE AND/OR  
VALID WITHOUT BOTH PAGES.

**PAGE 1 OF 2**

R.L.S. LS20400007		4-4-23	
DATE:			
 <b>MILLER SURVEYING INC.</b> 948 CONNER STREET NOBLESVILLE INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694			
LOCATION: PART OF LOT 57 AND 15.0' WIDE ALLEY LYING EAST OF SAID LOT 57 IN JUSTUS C. ADAMS' SOUTH PARK ADDITION TO THE CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA		DRAWN BY: MJJ SCALE: 1" = 80'	PREPARED BY: KNA FIELD BOOK: DC
FIELD WORK COMPLETED: 3-13-23 CLIENT: LOU SCHIESZ		DATE: 4-4-23 JOB NUMBER	PAGE: DC SURVEY 4 FILE:
DESCRIPTION: RETRACEMENT SURVEY		B40949	26 SCHIESZ

Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
PLAT COMMITTEE  
HEARING EXAMINER  
OF MARION COUNTY, INDIANA**

**PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE**

**FINDINGS OF FACT**

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:  
the alley has been underutilized for many years. Additionally, the Petitioner owns the surrounding property  
and is proposing to develop a franchise of RISE Commercial District, with the objective being to make industrial warehouse space  
affordable and accessible for small businesses. This industrial use will compliment surrounding property uses (Snodgrass  
Sheet Metal and G.W. Berkhelmer Co.), and the proposed vacated property is intended to be incorporated into the development.

**DECISION**

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20<sup>23</sup>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





View looking east along Van Buren Street



View looking west along Van Buren Street





View from site looking east



View of site looking southeast across Van Buren Street





View of site looking south across Van Buren Street



View of site looking south across Van Buren Street





View of site looking southeast across Van Buren Street



View from site looking northeast across Van Buren Street





View of site looking north from neighborhood to the south



View of site looking north from neighborhood to the south





View of site looking north from neighborhood to the south