



# Metropolitan Development Commission Hearing Examiner (January 15, 2026) Meeting Agenda

## Meeting Details

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

**Date:** Thursday, January 15, 2026

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2025-ZON-084 | 4001 South Keystone Avenue**

Perry Township, Council District #19  
Aman LLC, by Tyler Ochs

Rezoning of 1.075 acres from the C-4 district to the C-S district to provide for all C-3 uses and an automobile fueling station.

**\*\*Automatic Continuance to February 12, 2026, filed by a Remonstrator**

**2. 2025-ZON-110 (Amended) | 10302 East 38th Street**

Lawrence Township, Council District #15  
Desmonde Monroe, by Lindsey Wikstrom

Rezoning of 7.726 acres from the SU-1 (FF) district to the D-6 (FF) classification to provide for a multi-family residential development.

**\*\*Staff request for continuance for cause to February 12, 2026**

**3. 2025-ZON-112 | 641 Langsdale Avenue and 2110, 2058 Dr. Martin Luther King Jr. Street**

Center Township, Council District #12  
2058 Property Group LLC, by Joel Bruns

Rezoning of 12.6 acres from the C-7 and I-4 (W-1) districts to the C-S (W-1) districts to provide for C-7 and I-4 uses.

**\*\*Staff request for continuance for cause to January 29, 2026**

**4. 2025-ZON-114 | 4005 East Southport Road**

Perry Township, Council District #24  
Southport Road Development LLC, by David Gilman

Rezoning of 3.67 acres from the D-P (FW) (FF) district to the I-1 (FW) (FF) district to provide for industrial uses.

**\*\*Staff request for continuance for cause to January 29, 2026**

**5. 2025-ZON-116 (Amended) / 2025-VAR-009 | 7701 Walnut Drive**

Pike Township, Council District #1  
ATC Watertown LLC, by Kate Duncan

Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center.  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

**\*\*Automatic Continuance to February 12, 2026, filed by Petitioner**

**6. 2025-ZON-133 | 2650 West Epler Avenue, 5201, 5205, 5215, and 5225 South Warman Avenue**

Perry Township, Council District #22  
K & S Realty LLC, by Mindy Westrick Brown and Mark R. Leach

Rezoning of 40.11 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.

**\*\*Automatic Continuance to February 12, 2026, filed by Petitioner**

**7. 2025-CAP-847 / 2025-CVR-847 | 3502 North White River Parkway West Drive**

Center Township, Council District #12  
City of Indianapolis Department of Parks and Recreation, by Matt Vogel

Park District One Approval to provide for a recreational building for an indoor archery range, with retail space, repair shop, classrooms, and entertainment space within the building, and two outdoor archery ranges.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a recreational building within the floodway (not permitted).

**\*\*Staff request for continuance for cause to January 29, 2026**

**8. 2025-CZN-859 / 2025-CVR-859 / 2025-CPL-859 | 1536 Prospect Street**

Center Township, Council District #18  
The Whitney Company, LLC, by Garrick Walton

Rezoning of 0.233-acre from the C-4 district to the D-8 district to provide for residential uses.

Variance of Development Standards to legally establish a single-family, with 1.2-foot and 1.6-foot side yard setbacks (minimum five-foot side yard setback required), and a second existing single-family dwelling, with 1.7-foot and 2.5-foot side yard setbacks (minimum five-foot side yard setback required).

Approval of a Subdivision Plat, to be known as Replat of Lot 315 in E. T. S. K. and A. E. Fletcher's Woodlawn Suburb Subdivision, dividing 0.233-acre into two lots.

**\*\*Automatic Continuance to February 12, 2026, filed by Registered Neighborhood Organization**

**9. 2025-CPL-862 / 2025-CVR-862 | 10401 and 10435 East Washington Street**

Warren Township, Council District #20  
Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

Approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station (not permitted), and to provide for 36 parking spaces (maximum of eight parking spaces permitted).

**\*\*Automatic Continuance to February 12, 2026, filed by Registered Neighborhood Organization**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:



**10. 2024-MOD-019 | 8907 Fathom Crest**  
Lawrence Township, Council District #4  
D-P  
Bryan Harris

Modification of D-P Statement for Beamreach Section 3, related to 78-Z-152, to modify plat restriction 2. (v) to allow for a minimum side yard of six feet and an aggregate of 13 feet (current plat restriction requires a 22-foot aggregate side yard in all areas excepting Area 17 which allows 16 feet and no side yard less than eight feet in all areas, excepting in Area 17 which may be six feet).

**11. 2025-MOD-023 | 8707 Shelby Street**  
Perry Township, Council District #23  
HD-2  
Shelby Street Property, LLC, by C. Addison Bradford

Modification of Commitments related to 97-Z-123 to terminate Commitment Number #1 to provide for a 45-foot half right-of-way (previous commitment required dedication of a 70-foot half right-of-way).

**12. 2025-ZON-136 | 1711 North College Avenue**  
Center Township, Council District #13  
1711 N College Ave LLC., by John Smith

Rezoning of 0.12 acre from the C-1 district to the D-8 district to provide for residential uses.

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**13. 2025-ZON-098 (Amended) | 6157 East 38th Street**  
Warren Township, Council District #9  
Thomas L. Pottschmidt

Rezoning of 5.16 acres from the C-5 (TOD) district to the I-3 (TOD) district for medium industrial uses.

**14. 2025-ZON-124 / 2025-VAR-012 | 2505 North Sherman Drive**  
Center Township, Council District #8  
Metrobloks, LLC, by Tyler Ochs

Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building height (maximum 38-foot building height permitted), no maximum front yard setback (maximum 65-foot front setback permitted), to provide for 60 parking spaces (minimum one parking space for each 1,500 square feet of floor area required).

**15. 2025-ZON-125 | 9700 East Thompson Road**  
Franklin Township, Council District #25  
Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy

Rezoning of 39.85 acres from the D-A (FF) district to the D-4 (FF) district to provide for a single-family residential development.

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**16. 2025-MOD-024 | 5601 and 5621 Madison Avenue and 1525 East Dudley Avenue**  
Perry Township, Council District #23  
C-5 (TOD)  
Jade Investments of Indy Inc., by David E. Dearing

Modification of Commitments Numbers #2 and #5 related to 2015-ZON-007, subject to the site plan, file-dated November 18, 2025, for landscaping and office location (previous commitments provided for Administrator's Approval for redevelopment or replacement of the residential structure, no other commercial use and removal of the mobile office within 24 months after final approval of the rezoning).

**17. 2025-ZON-132 (Amended) | 5736 Madison Avenue**

Perry Township, Council District #23  
Jade Investments GMA, LL, by David E. Dearing

Rezoning of 1.21 acres from the D-1 (TOD) district to the C-1 (TOD) district to provide for a day care center and office / commercial uses.

**18. 2025-CPL-857 / 2025-CVR-857 | 9450 Counselors Row**

Washington Township, Council District #4  
Keystone Witness, LLC, by Brian J. Tuohy

Approval of a Subdivision Plat, to be known as 9450 Counselor's Row, dividing 7.61 acres into two lots.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed hotel with a building height of 74 feet (maximum 45 feet permitted), a maximum front yard setback of 135 feet (maximum 85-foot front yard setback required), parking space stall size of nine-foot by 18-foot, or 162 square feet (minimum nine-foot by 18-foot, or 180 square-foot required), and a Green Factor Score of 0.087 (minimum Green Factor Score of 0.22 required).

**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 [planneroncall@indy.gov](mailto: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.

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or [planneroncall@indy.gov](mailto:planneroncall@indy.gov), within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)

**HEARING EXAMINER**

for

**METROPOLITAN DEVELOPMENT COMMISSION (MDC)**

Contractual Zoning Professional	Approving Authority	Term
Judy Weerts Hall	MDC	01/01/2026 - 12/31/2026
David DiMarzio (Alternate)	MDC	01/01/2026 - 12/31/2026

This meeting can be viewed live at [indy.gov: Channel 16 Live Web Stream](#). The recording of this meeting will also be archived (along with recordings of other City/County entities) at [indy.gov: Watch Previously Recorded Programs](#).



Department of Metropolitan Development  
Division of Planning  
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-084  
**Property Address:** 4001 South Keystone Avenue  
**Location:** Perry Township, Council District #19  
**Petitioner:** Aman LLC, by Tyler Ochs  
**Request:** Rezoning of 1.075 acres from the C-4 district to the C-S district to provide for all C-3 uses and an automobile fueling station.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

A timely automatic continuance was filed by a remonstrator that would **continue this petition from the January 15, 2026 hearing, to the February 12, 2026 hearing.** This would require acknowledgement from the Hearing Examiner.



Department of Metropolitan Development  
Division of Planning  
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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-ZON-110 (Amended)  
**Property Address:** 10302 East 38<sup>th</sup> Street  
**Location:** Lawrence Township, Council District #15  
**Petitioner:** Desmonde Monroe, by Lindsey Wikstrom  
**Request:** Rezoning of 7.726 acres from the SU-1 (FF) district to the D-6 (FF) district to provide for a multi-family residential development.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the October 23, 2025 hearing, to the November 13, 2025 hearing, at the request of petitioner's representative, to provide additional time for discussions with staff.

The Hearing Examiner continued this petition from the from the November 13, 2025 hearing, to December 11, 2025 hearing, at the request of staff, to provide additional time for clarification and confirmation of the request.

The Hearing Examiner continued this petition from the December 11, 2025 hearing, to the January 15, 2026 hearing, at the request of the petitioner's representative to provide additional time to amend the request to the D-6 (FF) district, along with the site plan and building elevations.

Staff is requesting a **continuance from the January 15, 2026 hearing, to the February 12, 2026 hearing**, to provide time for the Traffic Impact Study to be conducted, submitted and reviewed.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-112  
**Property Address:** 641 Langsdale Avenue and 2110, 2058 Dr. Martin Luther King Jr. Street  
**Location:** Center Township, Council District #12  
**Petitioner:** 2058 Property Group LLC, Joel Bruns  
**Request:** Rezoning of 12.6 acres from the C-7 (W-1) and I-4 (W-1) districts to the C-S (W-1) district to provide for C-7 and I-4 uses.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the November 13, 2025 hearing, to December 11, 2025 hearing, to provide additional time to conduct a Traffic Impact Study (TIS) and for further discussions regarding the request.

The Hearing Examiner Staff continued this petition from the December 11, 2025 hearing, to the January 15, 2026 hearing, at staff's request to provide additional time to review the TIS and for continued discussions with the petitioner and their representative.

Staff is requesting a **continuance from the January 15, 2026 hearing, to the January 29, 2026 hearing**, to provide additional time for discussions with the petitioner's to clarify the request.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-ZON-114  
**Property Address:** 4005 East Southport Road (Approximate Addresses)  
**Location:** Perry Township, Council District #24  
**Petitioner:** Southport Road Development LLC, by David Gilman  
**Current Zoning:** D-P  
**Request:** Rezoning of 3.67 acres from the D-P (FW) (FF) district to the I-1 (FW) (FF) district to provide for industrial uses.  
**Current Land Use:** Undeveloped Lot  
**Staff Recommendations:** To be determined.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the November 13, 2025 hearing to the December 18, 2025 hearing at the request of the petitioner to amend the request.

This petition was continued from the December 18, 2025 hearing to the January 15, 2026 hearing to provide the petitioner additional time to finalize the changes to their request.

Staff is requesting a **continuance for cause from the January 15, 2026 hearing to the January 29, 2026 hearing** to allow staff additional time to process the amended filing.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the January 29, 2026 hearing.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-ZON-116 (Amended) / 2025-VAR-009

**Property Address:** 7701 Walnut Drive

**Location:** Pike Township, Council District # 1

**Petitioner:** ATC Watertown LLC, by Kate Duncan

**Request:** Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued these petitions from the November 13, 2025 hearing, to the December 11, 2025 hearing, with notice, to provide additional time to provide required published notice of this amended petition.

The Hearing Examiner acknowledged the timely automatic continuance that was filed by a registered neighborhood organization that continued these petitions from the December 11, 2025 hearing, to the January 15, 2026 hearing.

The petitioner's representative has filed a timely automatic continuance that would continue these petitions from the January 15, 2026 hearing, to the February 12, 2026. This would require acknowledgement by the Hearing Examiner.





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-ZON-133

**Property Address:** 2650 West Epler Avenue, 5201, 5205, 5215, and 5225 South Warman Avenue (Approximate Address)

**Location:** Perry Township, Council District #22

**Petitioner:** K & S Realty LLC, by Mindy Westrick Brown and Mark R. Leach

**Current Zoning:** D-A (FF) and D-5 (FF)

**Request:** Rezoning of 40.11 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.

**Current Land Use:** Undeveloped land and Single-Family Dwellings

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

A timely **automatic continuance** request was filed by the petitioner, continuing this petition **from the January 15, 2026 hearing to the February 12, 2026 hearing**. This would require acknowledgement from the Hearing Examiner.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the February 12, 2026 hearing.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-CAP-847 / 2025-CVR-847

**Property Address:** 3502 North White River Parkway West Drive (Approximate Address)

**Location:** Center Township, Council District #12

**Petitioner:** City of Indianapolis Department of Parks and Recreation, by Matt Vogel

**Current Zoning:** PK-1 (FF) (FW)

**Request:** Park District One Approval to provide for a recreational building for an indoor archery range, with retail space, repair shop, classrooms, and entertainment space within the building, and two outdoor archery ranges.  
Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a recreational building within the floodway (not permitted)

**Current Land Use:** Park

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

Staff is requesting a **continuance for cause from the January 15, 2026 hearing to the January 29, 2026 hearing** to provide staff additional time to discuss the request and formulate a recommendation.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the January 29, 2026 hearing.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-CZN-859 / 2025-CVR-859 / 2025-CPL-859

**Property Address:** 1536 Prospect Street

**Location:** Center Township, Council District #18

**Petitioner:** The Whitney Company, LLC, by Garrick Walton

**Request:** Rezoning of 0.233-acre from the C-4 district to the D-8 district to provide for residential uses.

Variance of Development Standards to legally establish a single-family, with 1.2-foot and 1.6-foot side yard setbacks (minimum five-foot side yard setback required), and a second existing single-family dwelling, with 1.7-foot and 2.5-foot side yard setbacks (minimum five-foot side yard setback required).

Approval of a Subdivision Plat, to be known as Replat of Lot 315 in E. T. S. K. and A. E. Fletcher's Woodlawn Suburb Subdivision, dividing 0.233-acre into two lots.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

A timely automatic continuance was filed by a registered neighborhood organization that would **continue these petitions from the January 15, 2026 hearing, to the February 12, 2026 hearing**. This would require acknowledgement from the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-CPL-862 / 2025-CVR-862

**Address:** 10401 and 10435 East Washington Street (*Approximate Addresses*)

**Location:** Warren Township, Council District #20

**Petitioner:** Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

**Request:** Approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station (not permitted), and to provide for 36 parking spaces (maximum of eight parking spaces permitted).

**Current Land Use:** Commercial

**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

A Registered Neighborhood Organization has filed an Automatic Continuance, **continuing this petition to the February 12, 2026, hearing**, from the January 15, 2026, hearing.

This will require the Hearing Examiner's acknowledgement.



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METROPOLITAN DEVELOPMENT COMMISSION  
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January 15, 2026

**Case Number:** 2024-MOD-019

**Property Address:** 8907 Fathom Crest (Approximate Address)

**Location:** Lawrence Township, Council District #4

**Petitioner:** Bryan Harris

**Current Zoning:** D-P

**Request:** Modification of D-P Statement for Beamreach Section 3, related to 78-Z-152, to modify plat restriction 2. (v) to allow for a minimum side yard of six feet and an aggregate of 13 feet (current plat restriction requires a 22-foot aggregate side yard in all areas excepting Area 17 which allows 16 feet and no side yard less than eight feet in all areas, excepting in Area 17 which may be six feet).

**Current Land Use:** Single-family dwelling

**Staff Recommendations:** No Recommendation

**Staff Reviewer:** Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff has **no recommendation** for this modification.

PETITION OVERVIEW

LAND USE

The subject site, zoned D-P, is in the Geist neighborhood and is specifically within the Beamreach Subdivision. It is developed with a single-family dwelling with a fenced in rear yard containing an inground pool and detached accessory structures. It is surrounded by single-family dwellings, zoned D-P.

Petition 78-Z-152 rezoned the site from the SU and D-2 Districts to the D-P district to provide for a planned unit development for residential use. With the creation of this subdivision, commitments associated to the development were put in place.

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**MODIFICATION**

The request would modify plat restriction 2. (v) to allow for a minimum side yard of six (6) feet and an aggregate of 13 feet (side yards). The 78-Z-152 Development Statement requires a 22-foot aggregate side yard in all areas excepting Area 17 which allows 16 feet and no side yard less than eight feet in all areas, excepting in Area 17 which may be six feet. The subject site does not fall within Area 17.

**Staff Analysis**

Because staff played no role in the limitations placed for the development of the subdivision such as the minimum side yard or aggregate side yard limitations, staff does not have a recommendation.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	Enter Zoning and Secondary Districts	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-P	Residential (Single-family dwelling)
South:	D-P	Residential (Single-family dwelling)
East:	D-P	Residential (Single-family dwelling)
West:	D-P	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Fathom Crest	Local Street	50-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	October 9, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	October 9, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Suburban Neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one



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acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

**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**

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
  - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
  - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new

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- construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
  - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

**Indy Moves**

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

- Not Applicable to the Site.



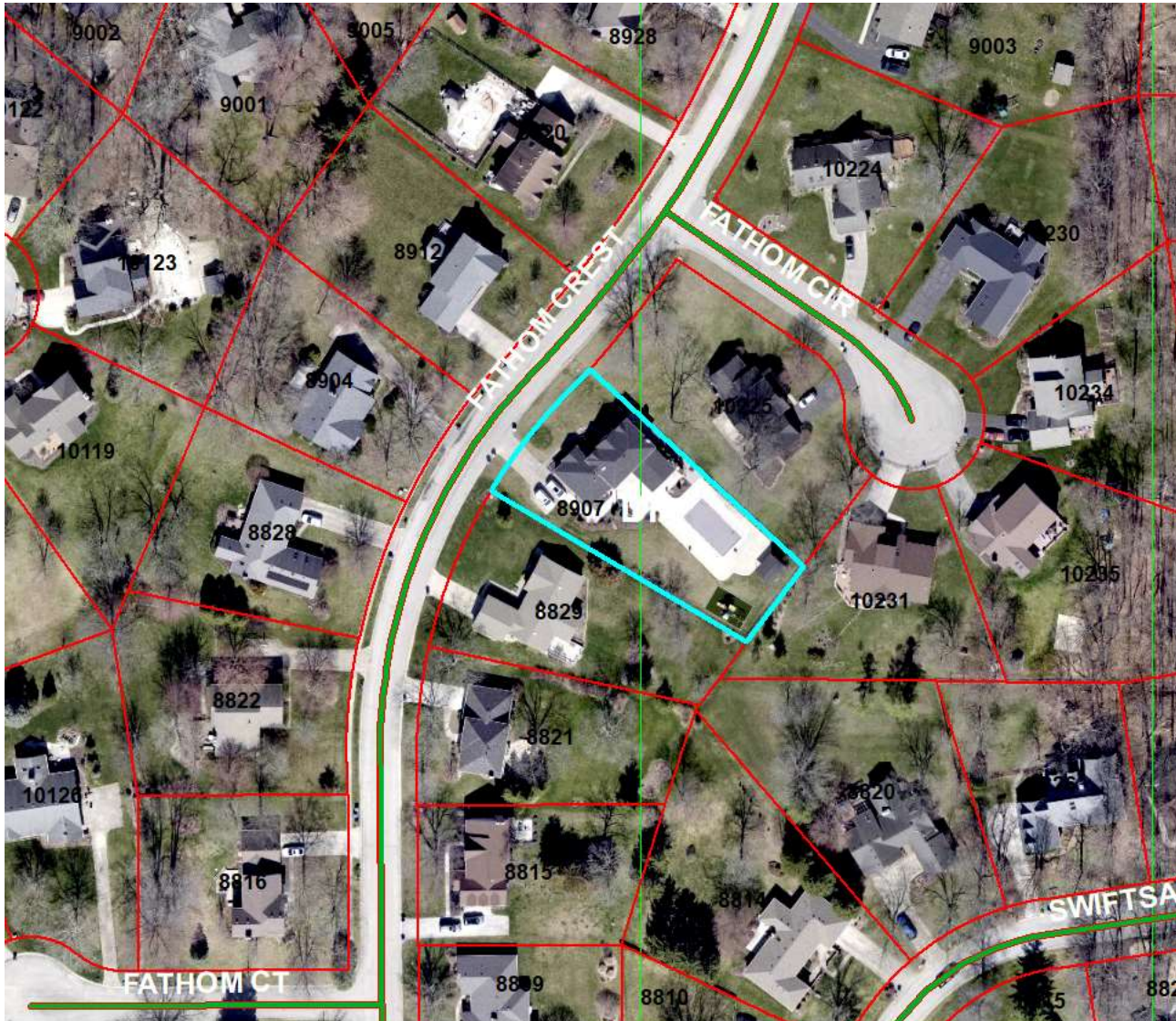
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## ZONING HISTORY

### Zoning History – Site

**78-Z-152; 10301 Fall Creek Road** (subject site), Rezoning of 280.00 acres, being in SU and D-2 districts, to the D-P classification to permit planned unit development for residential use by platting, **approved.**

EXHIBITS



AERIAL MAP







## FIRST FLOOR PLAN

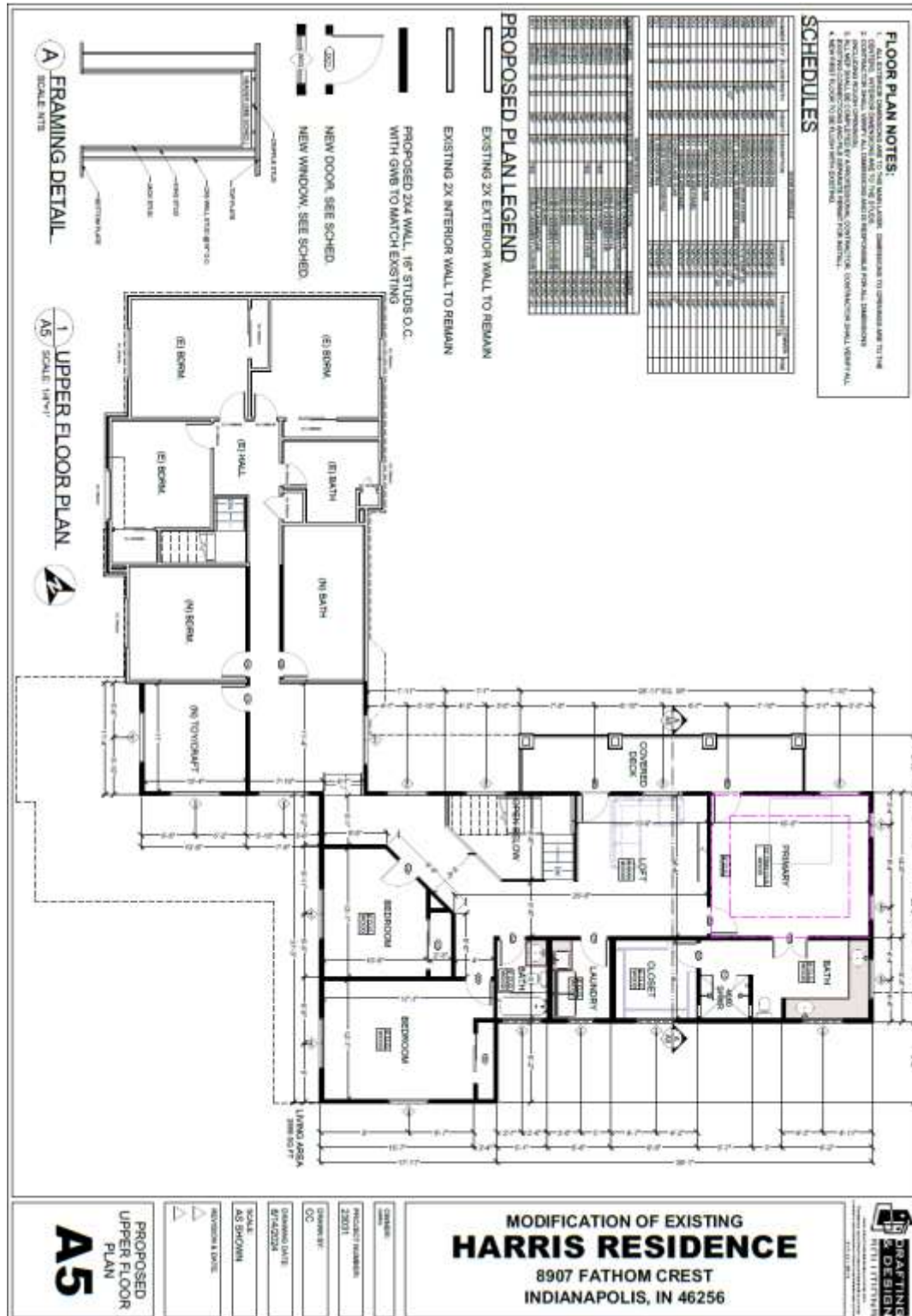






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SECOND FLOOR PLAN



# ELEVATIONS



## ELEVATIONS (Continued)



D-P MODIFICATION

STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR  
SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

Beam Reach Sec 3 L 114  
49-01-17-107-008.000-400

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Attached with petition - Requesting a modification of Beam Reach Sec 3 - Allowable minimum setback
2. of 8 feet Add 22' Aggregate to be modified for the existing plans of 6' setback And an
3. Aggregate of 13'
4. Specifically 78-2-152
- 5.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or



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Photo of the subject site.



Photo of the subject site looking south.





Photo of the rear yard.



Photo of the proposed side yard reduction.





Photo of the abutting dwelling to the south.



Photo of the abutting dwelling to the north.



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Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling northwest of the site.



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-MOD-023  
**Property Address:** 8707 Shelby Street  
**Location:** Perry Township, Council District #23  
**Petitioner:** Shelby Street Property, LLC, by C. Addison Bradford  
**Current Zoning:** HD-2 (FF)  
**Request:** Modification of Commitments related to 97-Z-123 to terminate Commitment Number Two to provide for a 45-foot half right-of-way (previous commitment required dedication of a 70-foot half right-of-way).  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

Approval of this modification request.

**PETITION OVERVIEW**

This 8.948-acre site, zoned HD-2 (FF), is undeveloped and surrounded by land undergoing development to the north and east, zoned HD-2; commercial uses and multi-family dwellings to the south, zoned C-1 and HD-2, respectively; and religious uses and single-family dwellings to the west, across Shelby Street, zoned SU-1 and D-A, respectively.

Petitions 97-Z-123 / 97-AP-70 rezoned this site to the HD-2 (FF) district to provide for hospital related uses, such as an independent and assisted care living community and an approval petition to provide for independent and assisted care living community.

**MODIFICATION**

The request would modify commitments related to 97-Z-123 to terminate Commitment Number Two to provide for a 45-foot half-right-of-way, rather than a 70-foot half right-of-way. See Exhibit A.



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When this site was rezoned in 1997, the Department of Capital Asset Management, Transportation Section, requested a 70-foot half right-of-way. The Marion County Thoroughfare Plan now recommends a 90-foot right-of-way (45-foot half-right-of-way), which is the existing right-of-way along this portion of Shelby Street. No additional right-of-way would be necessary.

Staff, therefore, supports the termination of the Commitment Number Two related to the 1997 commitments. This commitment would be replaced with a commitment dedicating a 45-foot half right-of-way.

## GENERAL INFORMATION

<b>Existing Zoning</b>	HD-2 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	HD-2 (FF)	Undergoing development
South:	C-1 / HD-2	Commercial uses / multi-family dwellings
East:	HD-2	Undergoing development
West:	SU-1 / D-A	Religious uses / single-family dwellings
<b>Thoroughfare Plan</b>		
Shelby Street	Primary Collector	Existing 90-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes. Buffalo Creek 500-year unregulated	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	



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## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

### Pattern Book / Land Use Plan

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

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

#### *Conditions for All Land Use Types – Suburban Neighborhood Typology*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### **Infill Housing Guidelines**

Not Applicable to the Site.

### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

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

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.





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## ZONING HISTORY

**97-Z-123 / 97-AP-70, 8649-8707 Shelby Street**, requested rezoning of 19.5 acres, from D-A to HD-2, to provide for hospital related uses, such as an independent and assisted care living community and to provide for an independent and assisted care living community, consisting of nine cluster housing structures of 4 units each for independent living, a 40,000 square foot independent care facility, and a 40,000 square foot assisted care living facility, **approved**.

### VICINITY

**2015-ZON-103; 8607 Shelby Street (north of site)**, requested rezoning of one acre from the D-A (FW) (FF) District to the HD-2 (FW) (FF) classification to provide for a 125-unit assisted living facility, **approved**.

**2015-ZON-015; 8601 Shelby Street (north of site)**, requested rezoning of 4.05 acres from the D-A (FW) (FF) District to the HD-2 (FW) (FF) classification to provide for a 125-unit assisted living facility, **approved**.

**2004-APP-038; 8615-8707 Shelby Street (north of site)**, requested Hospital District-Two Approval to provide for a 208-unit assisted living facility, **approved**.

**2003-ZON-080; 8725 Shelby Street (south of site)**, requested a rezoning of 0.76 acre from D-A to C-1, to provide for office development, **approved**.

**97-Z-69; 8818-8826 Shelby Street (south of site)**, requested rezoning of 6 acres, from D-A to C-1, to provide for a doctor's office, **approved**.

**95-Z-50; 8926 Shelby Street (south of site)**, requested rezoning of 1.84 acres from D-A to C-1, to provide for family practice doctor's office, **approved**.

**94-UV3-85; 920 East South County Line Road (south of site)**, requested a variance of use to permit the manufacture of patio furniture in a detached garage, seasonal outdoor display and sale of patio furniture, and on-site storage, granted, (limited to site's current residents and termination upon the sale of the property; no signs permitted; and no outdoor display), **granted**.

**90-Z-89; 1126 East South County Line Road (south of site)**, requested Hospital District-Two approval to permit the development of a medical office center and medically related retail uses, **approved**.

**88-AP-87; 1110 East South County Line Road (south of site)**, requested Hospital District-Two approval to permit the development of a convenience store with gasoline sales, **withdrawn**.

**86-Z-210; 1126 East South County Line Road (south of site)**, requested rezoning of 10.3 acres, being in the D-A District, to the HD-2 classification to provide for hospital support uses, **approved**.



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**86-Z-168; 8807 Shelby Street (south of site)**, requested rezoning of 10 acres, being in the D-A District, to the HD-2 classification to provide for multi-family residential development, **approved**.



EXHIBITS





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## EXHIBIT A

97-8-123

(5)

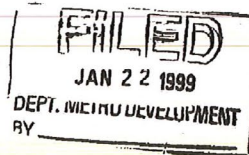
## STATEMENT OF COMMITMENTS \*

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: (insert here or attach)

See Exhibit A attached hereto and made a part hereof.



## 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. A 70 foot half right-of-way shall be dedicated along South Shelby Street as per the request of the Department of Capital Asset Management, Transportation Section (DCAM). 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 DCAM.
3. A Sign Program shall be submitted for and subject to Administrator's Approval prior to the issuance of an Improvement Location Permit. Pole signs shall be prohibited.
4. \_\_\_\_\_
5. \_\_\_\_\_

12/01/99 10:01AM MARION COUNTY RECORDER JUN 18 00 PMES: 5  
Inst # 1999-0024593

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.

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COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 97-7-123 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a HD-2 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 HD-2 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. 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. \_\_\_\_\_

The undersigned hereby authorizes the Neighborhood and Development Services Division 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 # 97-7-123.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of January, 1999.

WHITE RIVER DEVELOPMENT GROUP, INC.

By Signature Dennis E. Copenhagen (Seal) Signature \_\_\_\_\_ (Seal)

Printed Dennis E. Copenhagen  
Vice-President

Printed \_\_\_\_\_

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\* This Statement of Commitments is identical to the Statement of Commitments executed and filed with the Department of Metropolitan Development on July 10, 1997 and is being executed and delivered to replace the original or such previous Statement of Commitments, which was inadvertently misplaced, so that the same may be recorded.



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STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF MARION                )

*Before me, a Notary Public in and for said County and State, personally appeared*  
Dennis E. Copenhaver, Vice President of  
White River Development Group, Inc., 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 14<sup>th</sup> day of January, 19 99.

Signature Loraine R. Ottinger  
Printed LORAIN R. OTTINGER  
County of Residence Johnson

My Commission expires 11/16/2001

This instrument was prepared by James B. Burroughs

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EXHIBIT A

DESCRIPTION

Lot Numbered 3, 4, 5 & 6 in T.R. Jones and Co.'s First Five Acre Tract Addition in Perry Township, Marion County, Indiana, as per plat thereof recorded in Plat Book 19, Page 140, in the office of the recorder of Marion County, Indiana;

Except the following described parcel;

A part of the Southwest Quarter of Section 19, Township 14 North, Range 4 East, in Marion County, Indiana, said part also being a part of Tract Number 6 in T.R. Jones & Co.'s First Five Acre Tract Addition as per plat thereof recorded in Plat Book 19, Page 140, in the office of the recorder of Marion County, Indiana being more particularly described as follows:

Beginning at a point on the west line of said Quarter Section, distant 1100 feet North of the Southwest corner thereof, said point also being the Southwest corner of said Tract # 6 aforesaid, running thence East and parallel to the South line of said quarter section 300 feet; thence North and parallel to said West line 110 feet; thence West and parallel to the said South line 300 feet to a point on said West line, thence South on and along said West line 110 feet to the point of beginning, containing 0.76 acres, more or less.



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ATTACHMENT "A"

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a.) and (b.) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;
  - (d) provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment (b.), a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a.) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

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View looking north along Shelby Street



View looking south along Shelby Street





View of site looking north across Shelby Street



View of site looking north across Shelby Street





View of site looking northeast from abutting property to the south



View of site looking east from abutting property to the south



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-136  
**Property Address:** 1711 North College Avenue (Approximate Address)  
**Location:** Center Township, Council District #13  
**Petitioner:** 1711 N College Ave LLC., by John Smith  
**Current Zoning:** C-1  
**Request:** Rezoning of 0.12 acre from the C-1 district to the D-8 district to provide for residential uses.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.12-acre site is comprised of an undeveloped parcel. The site is surrounded by single-family dwellings to the north and east, zoned D-8, a multi-family building to the south, zoned C-1, and apartments to the west, zoned PK-2.

**REZONING**

The request would rezone the property to the D-8 district to allow for residential uses that are not permitted in the existing C-1 district.

The C-1 District is designed to perform two (2) 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

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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 D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium- and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

### STAFF ANALYSIS

The request would rezone the property to the D-8 district to allow for residential uses.

According to an 1898 Sanborn Map, the site was once developed residentially and the rezoning of the site to a Dwelling District for residential use would not be out of line with the existing residential development of the surrounding area.

Therefore, staff is supportive of the rezoning because it would allow for residential development and would align with the Traditional Neighborhood recommendation of the Comprehensive Plan.

All the applicable private frontage design standards of Table 744-701-2 will need to be met.

### GENERAL INFORMATION

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-8	Residential (single-family dwelling)
South:	C-1	Residential (multi-family dwelling)
East:	D-8	Residential (single-family dwelling)
West:	PK-2	Residential (multi-family dwellings)
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	



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<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.



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- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.
- **Attached Housing**
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- **Small-Scale Multi-Family Housing**
  - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of small-scale multi-family housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
  - In predominantly platted, single-family neighborhoods, site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
  - Parking should be either behind or interior to the development.
  - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

**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

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
  - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
  - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
  - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
  - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and



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overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### Zoning History – Vicinity

**2018-UV1-008; 1701 North College Avenue** (south of site), Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing building into a four-unit multi-family dwelling, with a two-story rear deck and a four-space 960-square foot detached garage (not permitted), with an eight-foot south front transitional setback and a five-foot rear transitional setback (10-foot front transitional and eight-foot rear transitional setback required), **granted.**

**2017-CZN-827/2017-CPL-827; 715 East 17<sup>th</sup> Street and 1661 North College Avenue** (south of site), Rezoning of 0.24 acre from the C-1 district to the D-8 classification to provide for three dwelling units and Approval of a Subdivision Plat to be known as 17<sup>th</sup> Street Townhomes, dividing 0.24 acre into three lots, **approved, and granted.**

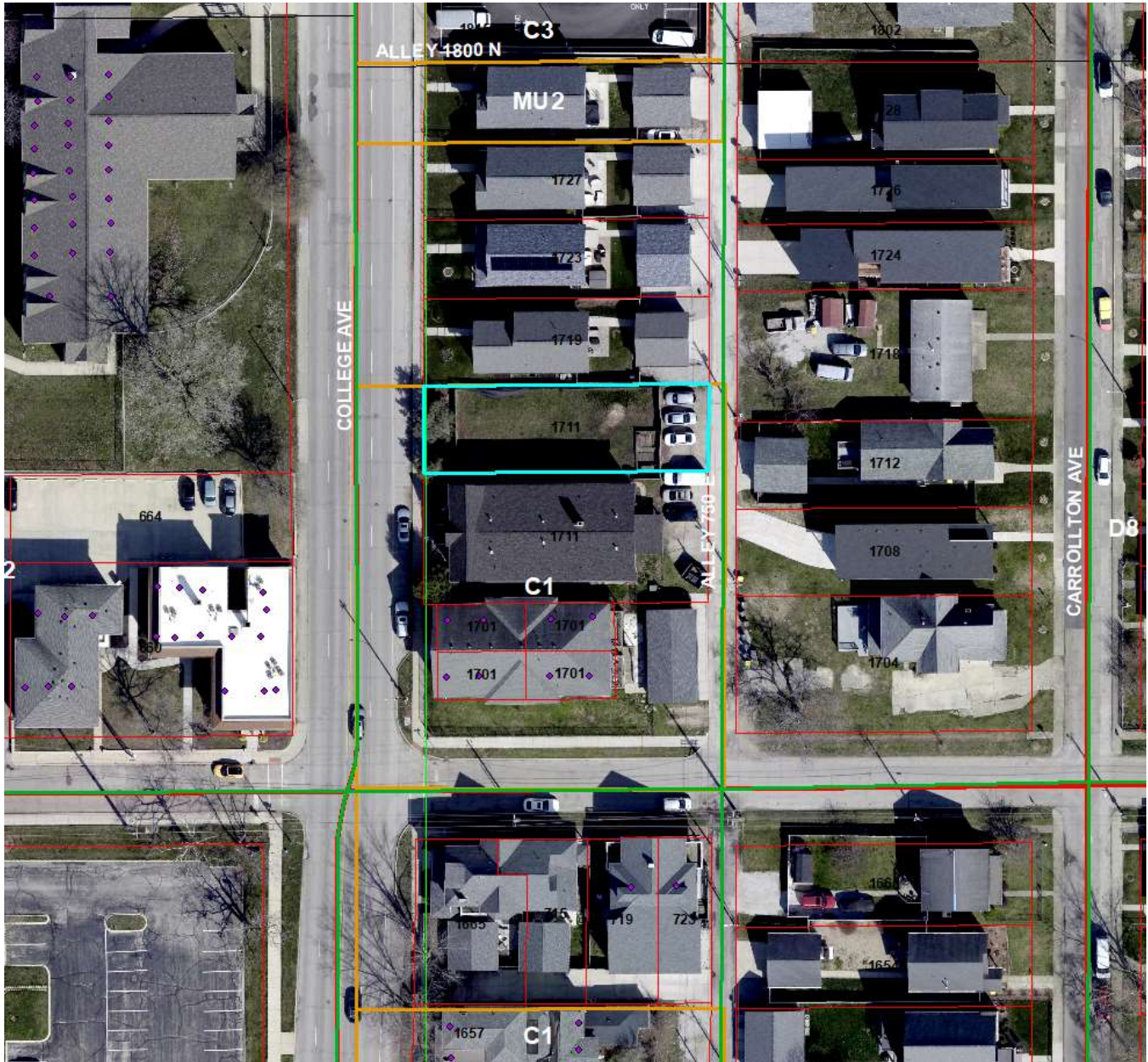
**2017-ZON-015; 1719, 1723, and 1727 North College Avenue** (north of site), Rezoning of 0.33 acre, being in the MU-2 and C-1 Districts, to the D-8 classification to provide for residential development, **approved.**

**2013-ZON-024; 1731-1819 (odd) North College Avenue** (north of site), Rezoning of 0.79 acre, being in the D-8 District, to the C-3C classification to provide for commercial development, **approved.**

**2006-ZON-825/2006-VAR-825; 1731-1815 North College Avenue** (north of site), Rezoning of 0.89 acre from C-1 to D-8 to provide for the construction of multifamily dwellings with variances related to setback, **approved.**

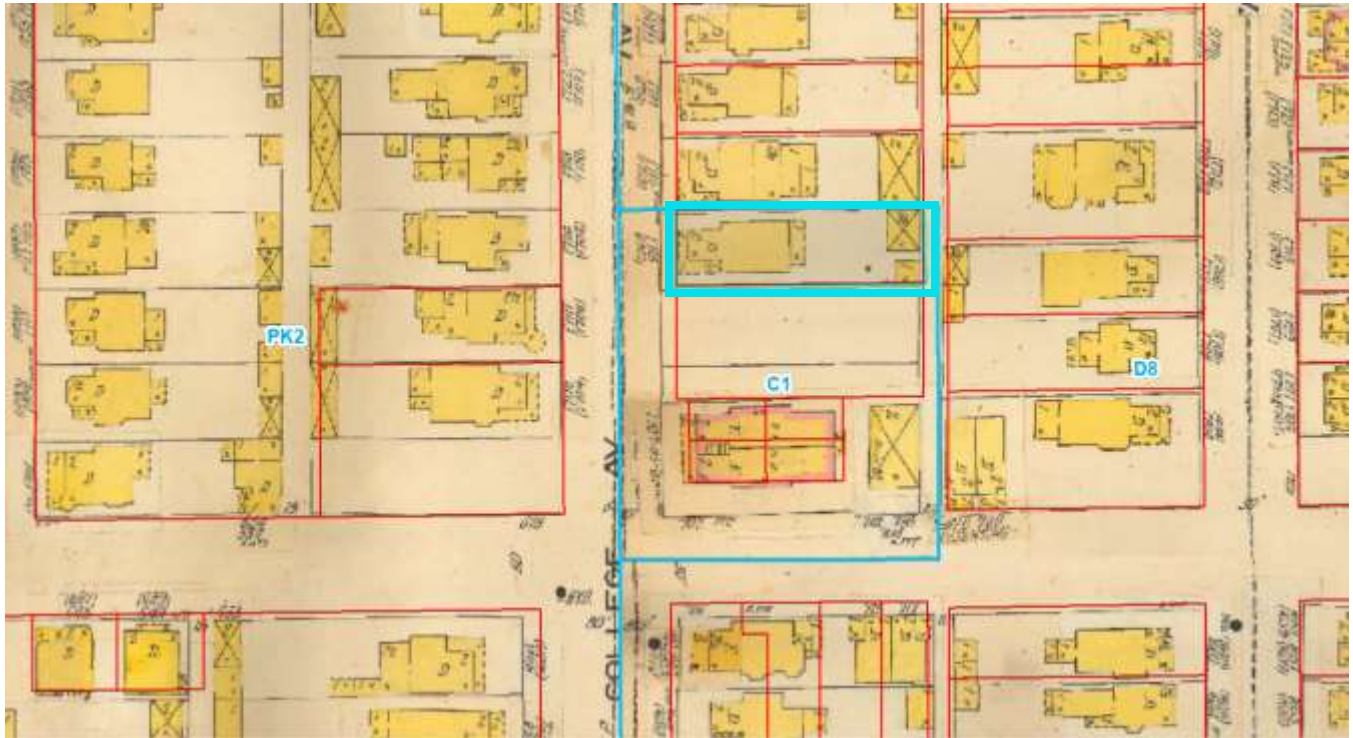
**70-Z-260; Between 16<sup>th</sup> and 22<sup>nd</sup> Street** (west of site), Rezoning of 80 acres, being in C-1, C-3, C-4, and D-8 districts, to the PK-2 classification, **approved.**





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Photo of the subject site looking east from College Avenue.



Photo of single-family dwellings north of the site.





Photo of a multi-family building south of the site.



Photo of the alley east of the subject site looking north.



Photo of the subject site from the alley.



Photo of the subject site looking west from the existing fence.





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METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER

January 15, 2026

**Case Number:** 2025-ZON-098 (Amended)  
**Property Address:** 6157 East 38th Street (Approximate Address)  
**Location:** Warren Township, Council District #9  
**Petitioner:** Thomas L. Pottschmidt  
**Current Zoning:** C-5 (TOD)  
**Request:** Rezoning of 5.16 acres from the C-5 (TOD) district to the I-3 (TOD) district for medium industrial uses.  
**Current Land Use:** Auto Repair Shop  
**Staff Recommendations:** Denial with commitment.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

PETITION HISTORY

**ADDENDUM FOR JANUARY 15, 2026 HEARING EXAMINER**

This petition was continued for cause from the November 13, 2025 hearing to the January 15, 2026 hearing at the request of the petitioner.

**Amendment:** The request was amended to include an additional parcel for a total 5.16 acres where the initial request included 1.8 acres.

A conceptual site plan was submitted on December 12, 2025 to represent the potential layout of the site. Additionally, the petitioner noted that the intended use of the existing building on the western parcel, 7026581, would be for an ice manufacturing plant and the undeveloped parcel, 7007810, would have a proposed warehouse. The lease of the existing auto repair shop would be terminated.

The proposed warehouse use would be permitted in the I-1 district and the ice manufacturing plant, classified under the Processing and Packaging of Food and Beverages use, would require a special exception in the I-1 district, which staff determined would be supportable. Unfortunately, the petitioner did not confirm if they would consider the I-1 district that would align with the Light Industrial recommendation of the Comprehensive Plan.

Unfortunately, staff's **denial recommendation** has not changed with the addition of the adjacent parcel.

**November 13, 2025**

This petition was automatically continued from the October 9, 2025 hearing to the November 13, 2025 hearing at the request of a Registered Neighborhood Organization.

## STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

A 59.5-foot half right-of-way shall be dedicated along the frontage Thompson Road as per the request of the Department of Public Works (DPW), Engineering Division. 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 DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

### LAND USE

The 1.8-acre subject site is developed with a large commercial building used for an auto repair shop. It is bordered to the west by a laundromat, zoned C-5, to the east by an undeveloped lot, zoned C-5, and a railroad to the south, zoned C-5. There is a restaurant, zoned C-4, and a grocery store, zoned C-S, to the north of the site across 38<sup>th</sup> Street.

### REZONING

The grant of the request would rezone the property from the C-5 district to the I-3 district to permit for medium industrial uses.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etcetera. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to Protected Districts.

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.

### TRANSIT ORIENTED DEVELOPMENT SECONDARY DISTRICT

The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These

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development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

## **DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 44-foot half right-of-way along 38<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **STAFF ANALYSIS**

The site is currently utilized as an auto repair shop within the existing building with associated outdoor storage of vehicles. To staff's understanding, the auto repair business will not be relocated from the site.

In Staff's opinion, the request to increase the zoning district from commercial to industrial would not be necessary since the subject parcel is used to capacity without vacant space in the existing building to allow an additional tenant. Instead, new development on site would only be possible with the removal of the wooded area south of the building. If this were proposed, staff is concerned with the clearing of the site in the event heritage trees are present that would need to be preserved.

The petitioner's representative indicated that they had intended to include the undeveloped parcel to the east with the rezoning request but failed to amend the filing. Therefore, staff's review is solely based on the parcel that was requested in the application form.

As proposed, the I-3 district would allow for medium industrial uses that would not align with the Comprehensive Plan recommendation of Light Industrial development. Instead, it would draw in more intense uses that could generate pedestrian and cyclist conflicts.

Lastly, the existing C-5 (TOD) district aligns more with the Comprehensive Plan recommendation and could remain without issue.

For these reasons, staff is recommending denial of the request since it was determined that the industrial rezoning of this site would be inappropriate along the Blue Line Transit Oriented Development corridor

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by not meeting the intent of the Transit Oriented Development Secondary District to promote walkability and neighborhood serving businesses.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-5 (TOD)	
<b>Existing Land Use</b>	Auto Repair Shop	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-4 / C-S	Restaurant / Grocery Store
South:	C-5	Railroad
East:	C-5	Undeveloped
West:	C-5	Laundromat
<b>Thoroughfare Plan</b>		
38 <sup>th</sup> Street	Primary Arterial Street	88-foot proposed right-of-way and 77-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 12, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	November 9, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)



## Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Light Industrial development of the stie.
- 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.
- **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 Commercial Uses**
  - Removed as a recommended land use where they would be adjacent to a living typology.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- When the Light Industrial typology is located within the Transit-Oriented Development (TOD) overlay, there are specific uses to be modified or removed. The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- The modified or removed uses are as follow:
  - **Modified Uses**
    - Small Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
    - Light Industrial Uses - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.
  - **Removed Uses**
    - Heavy Commercial Uses
    - Wind or Solar Farms

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located within a ¼ mile west of the site at the 38<sup>th</sup> Street and Arlington Avenue intersection. It is classified as a community center typology that has the following characteristics:
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
  - Multi-family housing with a minimum of 3 units
  - Structured parking at the core and attractive surface parking at the periphery

### **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)

- Indy Moves Transportation Integration Plan (2018) recommends an off-street walk/bike multi-use path along 38th Street. From Sutherland Avenue to Post Road.

## ZONING HISTORY

### Zoning History – Site

**55-A-32; East of Arlington Avenue on the south side of 38<sup>th</sup> Street** (subject site), Rezoning of a tract of land containing approximately 8.97 acres, being in an R-3 (Residential) district, to a B-6 (7) classification to provide for the construction and operation of a drive-in restaurant, **approved**.

### Zoning History – Vicinity

**2021-CZN-857 / 2021-CVR-857; 6205, 6215 and 6225 East 38<sup>th</sup> Street** (east of site), Rezoning of 7.27 acres from the C-5 district to the I-1 district to provide for a commercial contractor and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial contractor with outside storage of materials and equipment in excess of 25% of the square-footage of the buildings (maximum 25% of all buildings permitted).

**2020-CZN-840 / 2020-CVR-840; 6190 East 38<sup>th</sup> Street and 3850 North Sheridan Avenue** (north of site), Rezoning of 6.6 acres from the SU-1 and C-4 districts to the C-S district to provide for a medical device manufacturing facility, including warehousing, wholesaling and distribution as an accessory use; all C-1 uses; vocational, technical or industrial school or training facility; hospital; animal care and veterinary services; farmers' market; artisan food and beverage; business, home and personal services or repair (not including a tattoo parlor); eating establishment or food preparation; indoor recreation and entertainment; department store; grocery store; light and heavy general retail; transit center; recycling station; all accessory uses permitted by the C-4 district; and with all proposed signs meeting C-4 standards. Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building height of 65 feet and to eliminate the maximum setback requirement (38-foot height permitted and maximum 65-foot setback permitted), **approved and granted**.

**93-Z-74; 3745 North Arlington Avenue** (west of site), Rezoning of 7.29 acres, being in the C-5, D-4 and D-A Districts, to the I-2-S classification to provide for the construction of a second building for industrial purposes, **approved**.

**62-Z-143; South of 38<sup>th</sup> Street approximately 300 feet east of Arlington Avenue** (west of site), Rezoning of 5.08 acres, being in B-3 district, to B-5 classification to permit automobile sales and service, **approved**.

**61-Z-80; Northeast corner of Arlington Avenue and East 38<sup>th</sup> Street** (north of site), Rezoning of 18.45 acres to U3-H1-A2 classification to permit a retail store, **approved**.

**57-A-24; South and west site of Arlington Avenue and 30<sup>th</sup> Street** (west of site), Rezoning of a parcel of land containing approximately 3.5 acres, being in R-4 and R-3 areas to B-3 classification to provide for the construction and development of a community shopping center consisting of personal service shops, retail sales and auditorium, **approved**.

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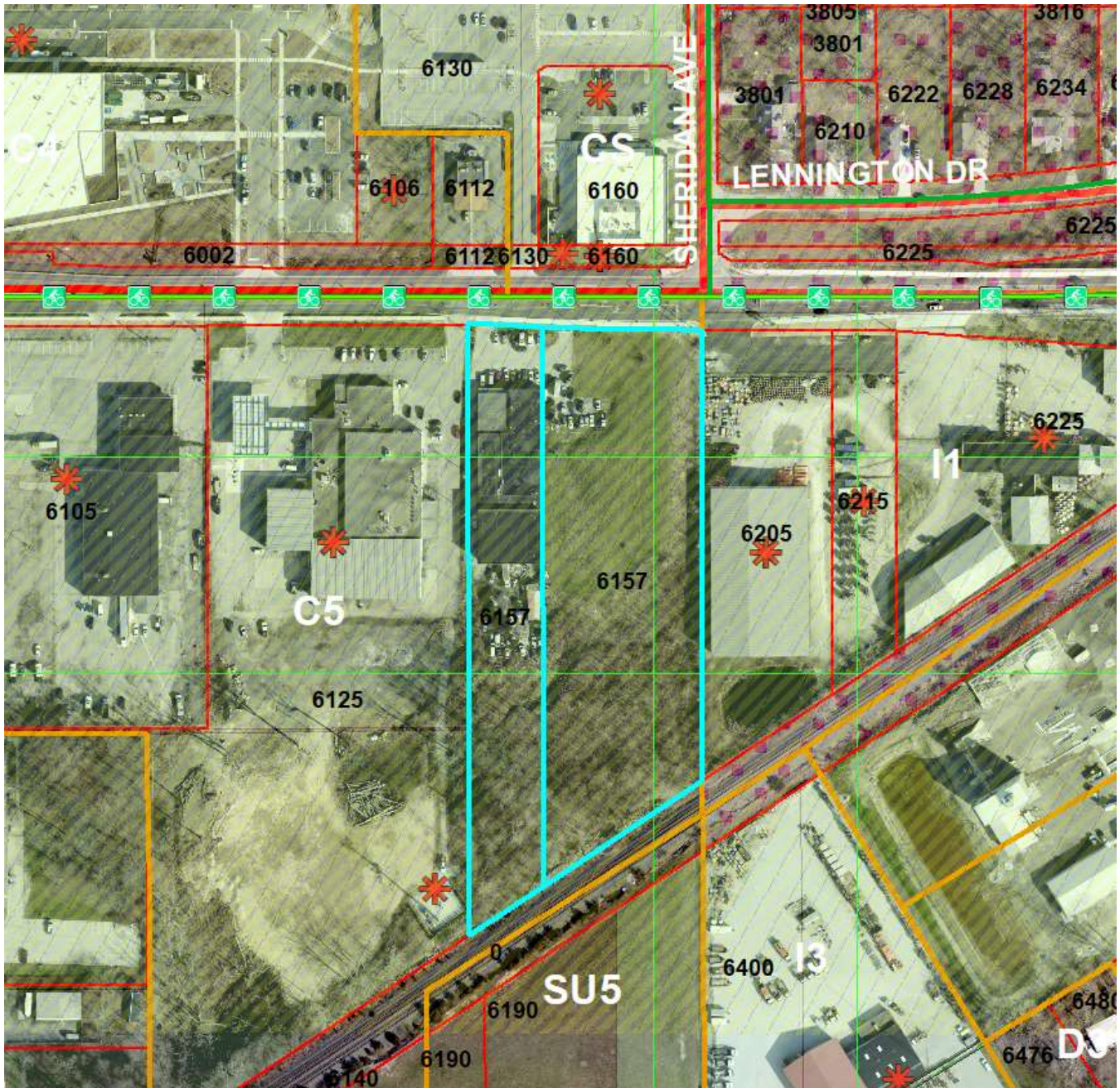
**55-A-120; Northeast corner of State Roads 52 and 100** (east of site), Rezoning of a tract of land containing approximately 23 acres, being in an A-2 (Agricultural) district to a B-3 classification to provide for the construction of a shopping center consisting of five principal buildings for retail sales, inside service restaurant, personal service shops and auditorium, **approved.**

**55-A-221; South of 38<sup>th</sup> Street and east side of Arlington Avenue** (west of site), Rezoning of a parcel of land containing 1.209 acres, being in an A-2 (Agricultural) district to an A-1 classification to provide for the construction of commercial green houses, **approved.**

**55-A-222; South of 38<sup>th</sup> Street and east side of Arlington Avenue** (west of site), Rezoning of a parcel of land containing 0.45 of an acre, being in an A-2 (Agricultural) district to a B-1 classification to permit the operation of a retail fruit store in existing residence, **approved.**

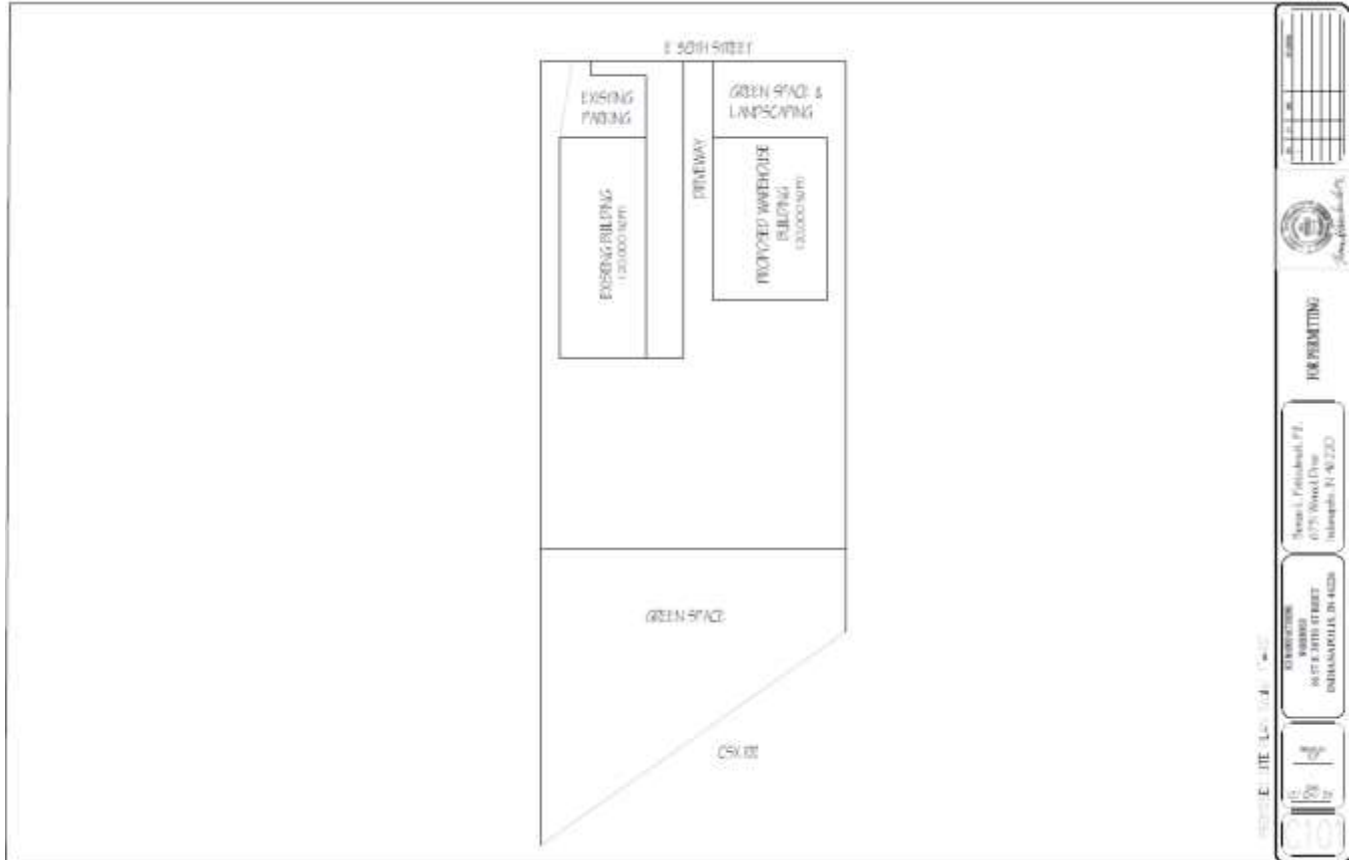


EXHIBITS



AERIAL MAP

SITE PLAN



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ELEVATION

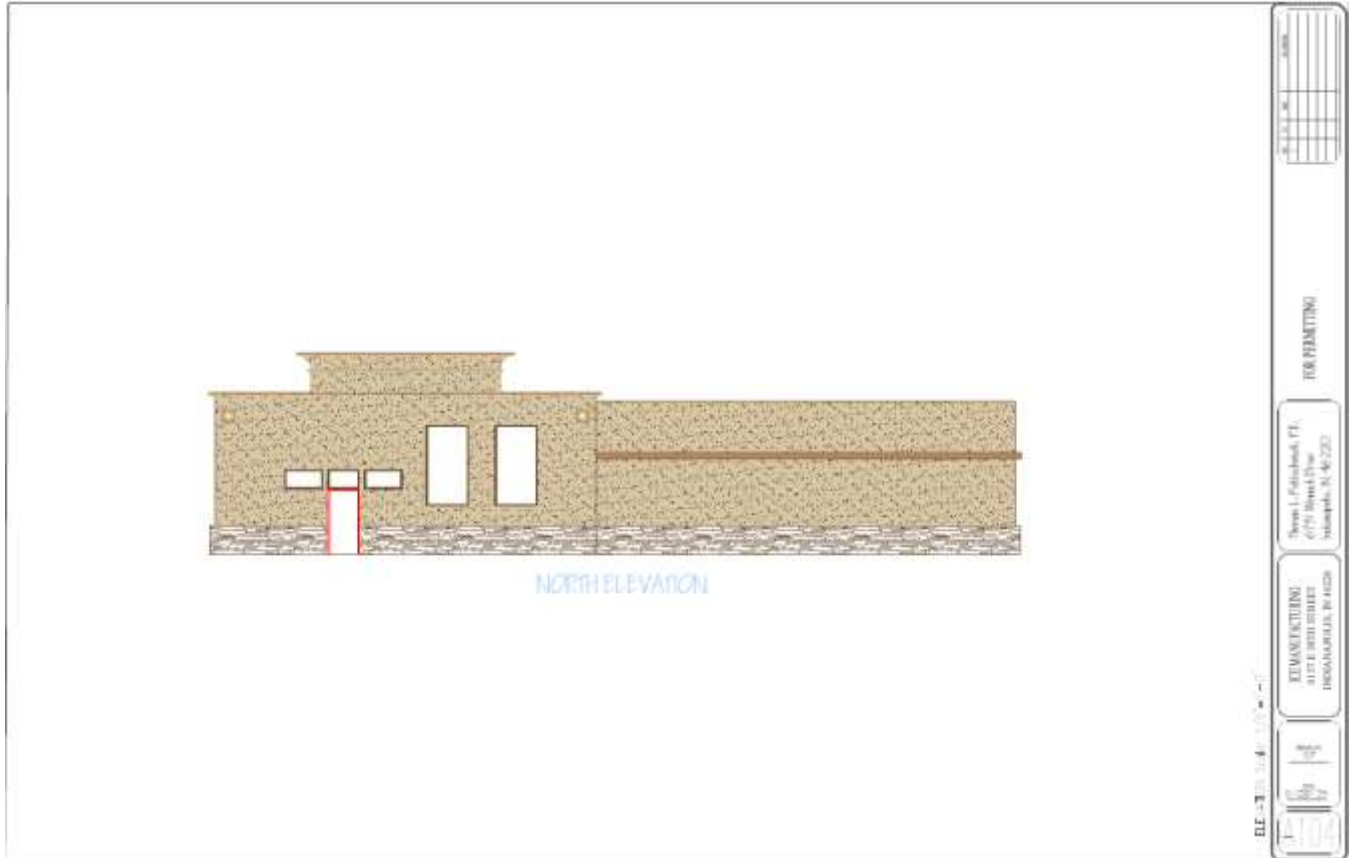






Photo of 6157 East 38th Street looking south across 38<sup>th</sup> Street.



Photo of the subject site's western building façade looking north.





Photo of the rear yard of the subject site.



Photo of the undeveloped rear portion of the site looking south.



Photo of the adjacent undeveloped property east of the site.



Photo of the laundromat west of the site.





Photo of a restaurant north of the site.



Photo of a grocery store northeast of the site.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-124 / 2025-VAR-012

**Property Address:** 2505 North Sherman Drive

**Location:** Center Township, Council District #8

**Petitioner:** Metrobloks, LLC, by Tyler Ochs

**Current Zoning:** I-2

Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building height (maximum 38-foot building height permitted), no maximum front yard setback (maximum 65-foot front setback permitted), to provide for 60 parking spaces (minimum one parking space for each 1,500 square feet of floor area required).

**Current Land Use:** Truck and trailer parking

**Staff  
Recommendations:** Approval

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued this petition from the December 11, 2025 hearing, to the January 15, 2026 hearing.

**STAFF RECOMMENDATION**

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

1. All mechanical yards, electrical yards, transformer arrays and generator areas shall be enclosed by sound absorption apparatus no more than five feet from the units and extend at least eight feet above the height of the rooftop units.
2. All mechanical equipment, including but not limited to generators, HVAC systems, and cooling / chilling systems shall be screened from public right-of-way and adjoining properties.
3. Any and all testing of equipment shall be limited between the hours of 7:00 a.m. and 6:00 p.m.
4. Development of the site shall be in accordance with the document file-dated October 1, 2025, and titled "IND-A Sherman Project: Information for the Martindale-Brightwood Community." See Exhibit A.



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5. Prior to the issuance of an Improvement Location Permit (ILP), a report that describes the methodology on how the property owner / operator shall measure and monitor decibel levels at the property line shall be submitted to assure compliance with all rules and regulations related to permitted level of noise.
6. Final site plans, landscaping / Green Factor plans, photometric plans, and building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

This 13.68-acre site, zoned I-2 (industrial overlay), is developed with truck and trailer parking. It is surrounded by commercial uses to the north, zoned C-7; railroad right-of-way / Massachusetts Avenue to the south, zoned I-2; industrial uses to the east, zoned I-2; and single-family dwellings and commercial uses to the west, across North Sherman Drive, zoned D-5 and C-3, respectively.

## REZONING

The request would rezone the site to the C-S district to provide for a data center, business, professional or government offices and all uses in the I-2 zoning classification. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."

All C-S District uses shall:

1. Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana; and
2. Create and maintain a desirable, efficient and economical use of land with high functional value and compatibility of land uses, within the C-S District and with adjacent uses; and
3. Provide sufficient and well-designed access, parking and loading areas; and
4. Provide traffic control and street plan integration with existing and planned public streets and interior access roads; and
5. Provide adequately for sanitation, drainage and public utilities; and
6. 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 for Marion County, Indiana.

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The Comprehensive Plan recommends light industrial typology for the site. The Ordinance contemplates that the Restricted District I-1 or Light Industrial District I-2 permitted uses would generally be appropriate within this typology.

Recommended land uses in this typology include light industrial uses; heavy commercial uses; small-scale offices, retailing, and personal or professional services; and wind or solar farm.

### **Overlays**

This site is also located within an overlay, specifically the Industrial Reserve (IR). “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 Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

### **Site Plan (Conceptual)**

The site plan, file dated October 17, 2025, provides for two buildings. The larger building (approximately 112,640 square feet and 25 electrical generators) would front along the railroad right-of-way and Massachusetts Avenue. The second building (approximately 55,500 square feet and 11 electrical generators) would front along North Sherman Drive. Approximately 80 parking spaces would be provided between the two buildings.

Access to the site would be gained from two driveways along North Sherman Drive. The southern drive would be the primary access, with a secondary access on the northern drive.

Perimeter fencing around the entire site would provide security of operations that are proposed on the site.

### **C-S Statement**

The C-S Statement, file dated November 10, 2025, identifies the proposed uses for a data center, all I-2 uses, and office uses to include business, professional or government offices. Permitted accessory uses would include all accessory uses permitted in the I-2 district, plus a temporary construction yard, office or equipment storage.

The Statement states that except for building height and no maximum front setback, the development would comply with the Ordinance development standards for the C-S district.

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A Sign Program would be developed and submitted for Administrator Approval and would include a pylon or monument sign (not to exceed 10 feet tall), wall / awning / canopy / window signs, and other incidental, temporary that would be permitted in an industrial district.

Parking would be provided for employees, maintenance personnel and visitors, with no retail or customer traffic. Approximately 70 parking spaces, which would exceed the typical operational demand.

The Statement explains the possibility of phased development as generally shown on the concept plan but allows for future reconfiguration on the site that could increase the number of buildings, subject to Administrator Approval.

An environmental noise study (submitted with this petition) was conducted to determine noise levels and measures that would be required to comply with the Ordinance and EPA guidelines.

The Statement explains that the abutting property to the north (Parcel #1098788) is included in the site plan but not included in the rezoning. That property would remain I-2.

Finally, all site lighting would comply with the Ordinance, including perimeter foot-candle levels and fixtures that would prevent light spillover on to abutting properties.

**Environmental Noise Study – September 18, 2025**

The study involved documenting existing noise ordinances within the area and developing a preliminary acoustic model to assess noise propagation from the mechanical and electrical equipment that would serve the facility.

The State of Indiana delegates all noise ordinances to local municipalities and the City of Indianapolis ordinance does not specify noise limits. Consequently, the recommended maximum levels were based on other Indiana municipalities and the EPA guidelines at 55 dBA at the property line of single-family dwellings and 65 dBA at the commercial property line.

The noise mapping determined that the chilled water units and electrical generators would be primary sources of noise exceeding the recommended levels. It was recommended that sound barriers be installed around both the chilled water units and electrical generators. See Exhibit B.

Staff would request a commitment that would provide for all mechanical yards, electrical yards, transformer arrays and generator areas to be enclosed by sound absorption apparatus no more than five feet from the units and extend at least eight feet above the height of the rooftop units.

## **VARIANCES OF DEVELOPMENT STANDARDS**

There are three requested variances related to building height, front yard setback and reduced parking.

The maximum height permitted in the C-S District is 38 feet. As proposed the variance would allow for a 70-foot-tall building, which would be almost double the permitted height.

Because of three park facilities (Colorado and 29<sup>th</sup> Street, Brightwood Park and Pogues Run Art and Nature Park), Indy Parks has requested that earthen mounds and year around screening be installed to visually mitigate the impact of the proposed 70-foot-tall buildings. Additionally, staff believes the visual impact of 70-foot-tall buildings along North Sherman Drive should be buffered by the installation and maintenance of columnar robust evergreen trees.

Staff's support of this height variance would be subject to substantial visual buffering that would provide well-maintained year around screening and subject to a landscape plan submitted for Administrator Approval prior to the issuance of an Improvement Location Permit. (ILP).

The front building setback along North Sherman Drive would be similar to the setback of the adjacent commercial center to the south. As proposed, the area between the building and the right-of-way of North Sherman Drive and outside the perimeter fence would be developed and maintained with a pocket park that would be available to the community. Staff believes this green space would serve as a buffer

The last variance would allow for reduced parking, which would be consistent with the reduced number of employees that are characteristic of data center operations, once constructed and operational. This use does not require the number of employees typically associated with industrial and office uses. Consequently, staff believes the reduced number of required parking spaces would be supportable.

## **Planning Analysis**

As proposed the request would rezone the site to the C-S district with a data center as the primary use, along with all I-2 uses, and office uses that would include business, professional or government.

The Comprehensive Plan recommends light industrial, with an Industrial Reserve overlay that would remove small-scale office, retailing and personal / professional services and heavy commercial, as recommended by the Pattern Book.

The Industrial Reserve Overlay was established to protect and reserve larger tracts of land that would support and enhance the City's competitive efforts that would encourage current residents and businesses to remain and bring new residents and businesses into the community.

The proposed uses would align with the Plan recommendation of light industrial, as well as the purpose of the overlay of industrial reserve.



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Staff supports pedestrian connectivity, both within the site and along North Sherman Drive. Construction activities would likely access the site from North Sherman Drive, which could result in significant damage to the existing sidewalk fronting North Sherman Drive. If any reconstruction or restoration of the sidewalk would be necessary, it would need to comply with the Department of Public Works standards.

Staff would also request that pavement markings for pedestrian crossings be provided on the two access drives along North Sherman Drive frontage.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Truck and trailer parking	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	C-7	Commercial uses
South:	I-2	Railroad right-of-way
East:	I-2	Truck and trailer parking
West:	C-3 / D-5	Commercial uses / Single-family dwellings
<b>Thoroughfare Plan</b>		
North Sherman Drive	Primary arterial	Existing 58-foot right-of-way and proposed 88-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. Industrial Reserve Overlay	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	October 17, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	October 22, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	October 17, 2025	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	November 10, 2025	

## 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 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

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

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

#### *Light Industrial Use*

- 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.

#### Modified uses (Industrial Reserve)

- Added Uses - No uses are added.
- Modified Uses - No uses are modified.
- Removed Uses –
  - Small-Scale Offices, Retailing, and Personal or Professional Services
  - Heavy Commercial Uses

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### **Infill Housing Guidelines**

Not Applicable to the Site.

### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

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

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**2022-UV2-016, 2505 North Sherman Drive**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a truck terminal with heavy truck/equipment repair, **withdrawn**.

**2021-CZN-833A / 2021-CZN-833B / 2021-CVR-833 2021-CZN-833A / 2021-CZN-833B / 2021-CVR-833; 2505 North Sherman Drive**, requested a Rezoning of 13.15 acres from the I-2 district to the I-3 district, requested a Rezoning of 0.52 acre from the I-2 district to the C-S district to provide for truck repair and all C-3 uses with exclusions, and requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, **withdrawn**.

**95-UV3-124; 2501 North Sherman Drive**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide a commercial material recycling facility and municipal solid waste transfer station within two existing buildings with outdoor storage of vehicles being 70% of the square footage of the buildings, **denied**.

## VICINITY

**2022-ZON-011; 4005 East 26<sup>th</sup> Street (north of site)**, requested rezoning of 0.56 acre from the C-3 district to the C-7 district to allow for automobile service and repair, **approved**.

**2020-ZON-095; 4022 East 26<sup>th</sup> Street (north of site)**, requested rezoning of 1.12 acres from the D-5 district to the C-5 district, **approved**.

**2017-CZN-842 / 2017-CVC-842; 3701 & 3737 East 25<sup>th</sup> Street and 2402, 2422 & 2430 Sherman Drive (southwest of site)**, requested the rezoning of 1.75 acre from the C-4 and C-5 districts to the SU-37 District and the vacation of six and a half lots, **approved**.

**2017-ZON-023; 4005 East 26<sup>th</sup> Street (north of site)**, requested rezoning of 0.72 acre from the D-5 district to the C-3 district, **approved**.

**2008-ZON-008; 2415 and 2417 Station Street (west of site)**, requested rezoning of 0.3444 acre, from the C-4 district, to the C-5 classification to provide for general commercial uses, **approved**.

**2006-ZON-095; 3915 East 26<sup>th</sup> Street (north of site)**, requested rezoning of 0.48 acre from the D-5 district to the C-7 district, **approved**.

**2004-ZON-060; 2620 North Sherman Drive (west of site)**, requested rezoning of 1.0 acre, being in the D-5 district to the SU-1 classification to legally establish religious uses, **approved**.

**2002-ZON-026; 2435 Station Street (southwest of site)**, requested the rezoning of 0.17 acre from the C-5 district to the SU-1 district, **withdrawn**.



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**2002-ZON-808 / 2002-VAC-808; 4201 Massachusetts Avenue (east of site)**, requested the rezoning of 8.4 acres from the D-5 and C-7 districts to the I-4-U district and the vacation of portions of 25<sup>th</sup> Street, Colorado Street, Gladstone Avenue and Forest Manor Court and three alleys, **approved**.

**97-Z-224; 2403 – 2435 Sherman Drive (southwest of site)**, requested the rezoning of 7.3 acres from the I-2-U district to the C-4 district, **approved**.

**96-Z-215 / 96-CV-37; 2601 Sherman Drive (north of site)**, requested the rezoning of 1.05 acre from the D-5 district to the I-2-U district and a variance of development standards to provide for deficient front setback, transitional yard, number of loading spaces, number of parking spaces and landscaping, **approved**.

**95-UV1-24; 3906, 3914, 3918, and 3922 East 26<sup>th</sup> Street (north of site)**, requested a variance of use to provide for a truck dispatch operation, **granted**.

**94-UV3-4; 4002 East 26<sup>th</sup> Street (north of site)**, requested variance of use to provide for auto repair with overnight storage of two tow trucks in a dwelling district, **granted**.

**93-V1-120; 3823 Massachusetts Avenue (south of site)**, requested a variance of development standards to provide for a deficient front setback, **granted**.

**88-Z-239; 2407 North Sherman Drive (south of site)**, requested rezoning of 0.29 acre from the I-2-S district to the C-4 classification to provide for commercial uses, **approved**.

**86-UV1-9; 4022 East 26<sup>th</sup> Street (north of site)**, requested a variance of use to provide for the expansion of a light industrial use, **granted**.

**74-UV1-153; 4022 East 26<sup>th</sup> Street (north of site)**, requested a variance of use to provide for the expansion of a light industrial use, **granted**.

**58-V-447; 4022 East 26<sup>th</sup> Street**, requested a variance of use to provide for a light industrial use, **granted**.

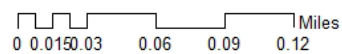
**57-V-24; 4022 East 26<sup>th</sup> Street**, requested a variance of use to provide for a warehouse, **granted**.

2505 North Sherman Drive

Alley 3750 E, Sherman Dr, 26th St, Alley 3650 E, Penny St, Alley 3650 N, Chestnut Ave, Alley 4000 E, Forest Man Crave, Alley 4500 E, 25th St, Roosevelt Ave

Lot numbers: 12, C7, D5, C5, C3, C4, SU37, I4, I2

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



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C-S Statement

Introduction: Petitioner, Metrobloks, LLC, seeks to rezone approximately 13.68 acres of property commonly known as 2505 N. Sherman Drive, Indianapolis, Indiana ("Property") as shown on the conceptual site development plan attached hereto as Exhibit A ("Concept Plan"), in order to facilitate initial development of the Property for a small-scale, urban data center project.

Zoning: The Property is currently zoned I-2. Since the use as a "Data Center" is not explicitly enumerated in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance ("Ordinance"), Petitioner is proposing a rezone of the Property to a C-S zoning designation.

Proposed Permitted Primary Uses of the Property as described and defined in the Ordinance:

1. "Data Center" which shall mean "A centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials and storage in bulk for data center accessory equipment and materials."
2. All uses that are currently permitted in the I-2 zoning district.
3. Office: Business, Professional or Government.

Permitted Accessory Uses of the Property as described and defined in the Ordinance:

1. All Accessory Uses permitted in an I-2 zoning district.
2. Temporary Construction Yard, Office, or Equipment Storage

Development 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 Ordinance, except that (i) the maximum building height shall be seventy feet (70'); and there shall be no maximum setback from proposed right of way required, subject to approval of variances for said standards.

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 or project phase shall be consistent with the Concept Plan and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

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

1. Pylon or Monument Sign (not to exceed ten (10) feet in height and no more than one (1) total).

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2. Wall Signs, Awning, Canopy and Window Signs.
3. Incidental, Temporary, and Other Signs as would otherwise be permitted in an industrial zoning district.

A sign program shall be developed and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Parking: Parking for the Data Center use shall be provided in an amount sufficient to accommodate employees, maintenance personnel, and occasional visitors associated with daily operations. The Property will not generate retail or customer traffic. The total number of parking spaces may be determined based on operational need at the time of detailed site plan approval and may be adjusted administratively without the need for a C-S amendment, provided that sufficient parking is available for employees and visitors during normal operations. The Concept Plan currently illustrates approximately seventy (70) parking spaces, which is anticipated to exceed typical operational demand.

Phasing of Development:

The Property may be developed in multiple phases. Additionally, the Property may be developed as generally shown on the Concept Plan; provided, however, prior to applying for an Improvement Location Permit, a final site and development plan shall be tendered for Administrator Approval. Nothing contained in this C-S Statement or shown on the Concept Plan shall preclude or restrict the number or configuration of buildings and structures which may be located on the Property, so long as the standards contained in this C-S Statement are met.

Adjacent Property:

4002 Massachusetts Avenue, Indianapolis, IN (Tax Parcel #49-07-28-103-001.000-101) is included in the Concept Plan ("Adjacent Property"). For the avoidance of doubt, the Adjacent Property is not to be included in the proposed change to a C-S rezoning. The Adjacent Property is currently rezoned I-2, and the zoning designation of the Adjacent Property shall not be changed due to this Petition.

Environmental Noise Study:

The Property will incorporate detailed noise modeling and analysis of on-site equipment to ensure compliance with the Ordinance and EPA guidelines. Thoughtful design measures, such as sound-attenuating barriers around the cooling systems, will be incorporated to control and minimize sound, reflecting our commitment to being a considerate neighbor.

Photometric Study:

All lighting will comply with Ordinance limits and remain below maximum foot-candle levels at property lines. Fixtures will be shielded and directed to prevent light spillover and maintain a respectful, low-impact presence.



## EXHIBIT A



October 1, 2025

Martindale Brightwood Community

Re: Proposed Data Center at the 25th & Sherman Ave. Indianapolis, IN location

### IND-A Sherman Project: Information for the Martindale-Brightwood Community

Dear Members of the Martindale-Brightwood Community,

Metrobloks is committed to being transparent, respectful, and a good neighbor. We are grateful for the engagement the community has shown, and appreciate the concerns brought forth. We believe in our design, and we believe that this project will not have a negative impact to the Martindale-Brightwood community. In fact, as this site is zoned to allow light industrial use, we believe the quality of our project exceeds alternative projects that could come to this site.

We came to the community voluntarily, excited to hear how we can partner to create symbiotic project. We understand that a Data Center project can be concerning, as Data Centers have received some bad press, rightfully deserved in many cases, for reasons that were reflected in the well-researched concerns you have brought forward. However, our product has also taken into consideration the wrongs of past Data Center designs. Please allow us to address each of the concerns presented with some additional context below:

#### Water Use

- **Our Data Center Design:** Our cooling system is *closed-loop* and designed to recycle water continuously.
- **Impact:** This type of cooling system is different from other systems that have been used in Data Centers that require a large amount of water for cooling (ex: Direct-Evaporative systems). It will also use less than other industries/uses that are allowed on this site due to the zoning (light industrial)
- **Protection:** We will not draw from or deplete neighborhood aquifers. We will pull zero water from groundwater sources. The cooling system loop will be filled over time during construction at low-impact rate of fill from the public utility line. The first building system will need approximately 19,000 gallons, the second building will need approximately 47,500 gallons.
- **Comparison:** Below is a chart comparing water usage based on some other allowed uses for this site (by current zoning) with the same building square footage:

M1 Light Industry:	Warehouse	Light Manufacturing	Office	Metrobloks
Average range of water use/year	1 Million gallons – 2.3 Million gallons	5 Million gallons – 11.6 Million gallons	4 Million gallons – 5 Million gallons	0 gallons – 3,325 gallons



#### Energy Use

- **Our power is separately contracted:** The data center will purchase electricity through long-term agreements directly with the utility or wholesale market. This means our usage is not spread across residential bills. We are paying for the infra to serve us. For Large load projects , AES works with IURC and Developer to ensure the costs are distributed fairly and no adverse impact on existing Resi customers.
- **We pay for the infrastructure that we need:** If the utility has to upgrade a substation or lines to serve us, those costs are assigned to us, not to you.
- **No subsidies from residents:** The community will not be asked to “subsidize” our power. Our agreements are structured so that the data center pays for its demand, upgrades, and service.
- **Regulated by state authorities:** Indiana has strong oversight by the Utility Regulatory Commission, which ensures residential customers aren’t paying extra to cover industrial customers like us.
- **Grid improvements benefit everyone:** Any upgrades the utility makes to serve our facility will strengthen the grid, increasing reliability for households and businesses alike.
- **Comparison:** Indiana’s power system and utility oversight are different from some other systems that have made the news for data center impacts on utilities (like PJM auctions and East Coast Markets), and rate impacts here don’t automatically follow those trends. AES are in MISO not PJM, there is no data to support that MISO providing power to DC is driving costs up for residential customers. Requirement by INDY for AES to phase into renewables (Carbon free power) drives up costs , which has nothing to do with DCs.

#### Noise & Heat

- **Design:** The design of this site incorporates sound barriers around the equipment, which will dampen noise to be comparable to everyday background levels currently in the area. Noise levels at the property line will meet (or be quieter than) city standards.
- **Heat:** Heat is contained and managed on-site — this will not impact the neighborhood.

#### Air Quality

- **Generators:** Backup generators are tested only a few hours per year, with strict environmental controls.
- **Comparison:** A data center on this site will generate less air pollution than other uses that are allowed here by zoning, such as uses that would receive a large amounts of truck traffic.
- **Construction:** Dust is managed by industry-standard practices (watering, fencing, filters), as with any construction project that could come to this site.



#### Jobs & Community Impact

- **Construction:** Dozens of local construction jobs during the 18-24 month build.
- **Operations:** While long-term jobs are fewer, they are high-skill, high-wage positions, and we are open to training and internships for local residents.
- **Partnerships:** We are exploring community benefits such as park improvements, public art/murals, and local workforce development.

#### Land Use

- **Context:** The site is currently underutilized industrial land. Our development revitalizes this property without displacing homes.
- **Future:** We want to partner with Martindale-Brightwood leaders to ensure the project aligns with neighborhood goals and brings lasting benefits.

#### Our Commitment

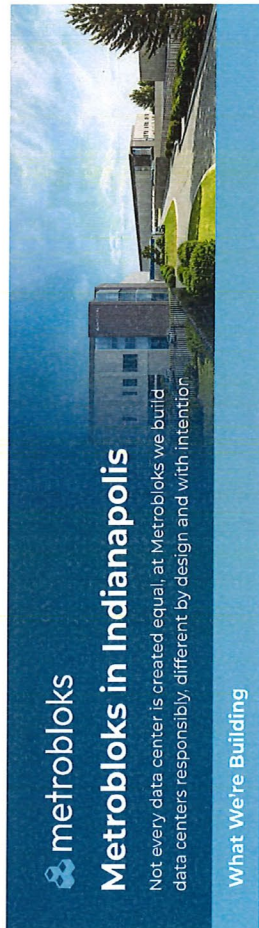
- We will not raise your electric or water bills.
- We will invest in the community outside our fence line.
- We will continue open conversations, with regular updates and opportunities for input.

#### Metrobloks looks forward to building a partnership with Martindale-Brightwood.

We take these concerns seriously, and we're committed to being good neighbors. If you ever hear something that worries you, we'll be here to answer your questions directly. This project is about investing in the future of this community, not adding to your household expenses.

Thank you,

The Metrobloks Team



**metrobloks**  
**Metrobloks in Indianapolis**  
Not every data center is created equal, at Metrobloks we build data centers responsibly, different by design and with intention

**What We're Building**

A modern, low-impact data center along Massachusetts Ave. corridor, designed for:

- Quiet operation with minimal traffic to the site
- Clean and aesthetic design with community improvements, including landscaping and murals involving local architects and artists
- Community investment that strengthens local infrastructure

### Benefits for the Neighborhood

#### Community Investment

An estimated \$10 million of additional property tax revenues associated with the new construction



#### Better Environment

Revitalize an under-utilized lot and surrounding area with a modern, low-impact data center development



- Architectural landscaping and greenery to improve the site's appearance
- Construction of high quality new commercial space on a site currently zoned industrial
- Low daily traffic. No fleets of daily delivery trucks typical to standard industrial building projects
- Long-term investment that creates stable value and local benefits for decades

### Our Sustainability Promise



#### Water

- Uses closed-loop cooling, filled once, reused continuously
- The data center's cooling system uses very little water - less than most homes, and far less than other types of large facilities
- No groundwater drawn from the neighborhood



#### Energy

- Metrobloks pays for all power upgrades
- No subsidies from residents
- Grid improvements increase reliability for everyone



#### Noise & Air

- With sound attenuation operates at less than 50 dBA, similar to home appliances
- Backup generators produce 90% less pollution than a school bus
- Far cleaner than warehouses or factories allowed under current zoning

community@metrobloks.com

metrobloks.com



## EXHIBIT B

### McCLURE ENGINEERING

September 18, 2025

Mr. Michael Lyons, AIA  
HKS  
3131 E. Camelback Road, Suite 400  
Phoenix, AZ 85016

Re: Metrobloks IND-A Data Center Facility  
Environmental Acoustic Study  
McClure No. 167301.000

Dear Mr. Michael Lyons,

We are pleased to present our findings from the Environmental Noise Study for the Metrobloks IND-A Data Center. This study involved documenting existing noise ordinances in the area and developing a preliminary acoustic model to assess noise propagation from mechanical and electrical equipment serving the facility.

This report outlines key findings from the study and provides recommendations for noise mitigation strategies based on environmental impact considerations.

#### NOISE ORDINANCE COMPLIANCE

Noise generated within a given area must comply with ordinances at the state, county, and municipal levels. The following ordinances apply to the proposed site of the new Metrobloks IND-A Data Center Facility.

- A. State of Indiana
  - Indiana delegates all noise ordinances development and enforcement to local municipalities.
- B. Marion County
  - Marion County adopts the same noise codes as the City of Indianapolis. Enforcement and definitions are identical to those outlined in Article III: Noise.
- C. City of Indianapolis
  - Article III Section 391-302. Unlawful noises.
    - i. "Unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the city, given the time of day and environment in which the sound is made."
    - ii. Establishes Nighttime parameters to be 10:00 p.m. and 7:00 a.m.
      - 1. In Reference to "Exhausts, blowers, engines, and motors"
        - a. "Between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located, shall be prima facie evidence of a violation of this subsection.
    - iii. Establishes noise shall not be disruptive at "any place other than the property on which the sound source is located".

#### EXECUTIVE SUMMARY

Local ordinances in the location of the construction area do not specify noise limits. Therefore, recommended maximum levels were based on standards from other Indiana municipalities and EPA guidelines: 55 dBA at the property line of single-family residences and 65 dBA at commercial property lines.

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September 12, 2025  
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Preliminary noise modeling and analysis of the equipment serving the data center included the following:

Building A1

1. 40 DX Units OR 11 Chilled Water Units
2. 22 Liebert Chillers DX Units
3. 2 Rooftop DOAS Units
4. 11 Electrical Generators (located behind the Data center building)

Building A2

1. 100 DX Units OR 25 Chilled Water Units
2. 50 Liebert Chillers DX Units
3. 2 Rooftop DOAS Units
4. 25 Electrical Generators (located behind the Data center building)

Noise mapping confirmed that the DX Units, Chilled Water Units and generators are the primary sources of noise, with designs exceeding the 55 dBA limit at the residential property line and 65 dBA at the commercial property line. To mitigate this impact, it is recommended that sound barriers be installed around the perimeter of cooling systems. The barrier should:

- Be placed no more than 5 feet from the units
- Extend at least 8 feet above the height of the rooftop units.

Generator noise should be kept at a maximum of 67 dBA at 23 feet away from the source.

Potential products for this application include:

- Kinetics – Noiseblock or approved equivalent

Other acoustic barrier products include the following. Note that these products do not have absorptive qualities and do not provide the same quality as the Kinetics Noiseblock product.

- Acoustiblok – Acoustifence
- Alliance Fence & Supply SimTek Fence

**Table 1** summarizes the noise levels found at four (4) different property lines for the generators, DX units, and Chilled Water units, with and without recommended noise mitigation measures. Values in **red** indicate levels exceeding the recommended noise criteria.

Scenario		Northeast Residential Property Line (LAeq)	North Residential Property Line (LAeq)	South Commercial Property Line (LAeq)	West Residential Property Line (LAeq)
Generators	75 dBA, 23ft away	56.1	60	67.2	52
	67 dBA, 23ft away	43.1	50.9	58.8	47
DX Units	Solo <sup>1</sup>	54.2	59	57.4	56.5
	With Noiseblock <sup>2</sup>	48.1	51.6	52.3	50.4
	With Generators <sup>3</sup>	54.5	59.6	61.2	57
	Solo	55	60.5	58.6	57.2

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Chilled Water Units	With Noiseblock	48.8	52.0	51.5	49.9
	With Generators	55.3	60.9	61.7	57.6
Full System with recommendations <sup>4</sup>	DX Units	49.0	53.1	54.9	51.4
	Chilled Water Units	50.4	54.1	54.5	51.3

<sup>1</sup> Modeled with only the units running.  
<sup>2</sup> Modeled with only the units running with a surrounding Kinetics Noiseblock barrier (8ft taller than units).  
<sup>3</sup> Modeled with both the units and electrical generators running. Accounts for a power outage scenario.  
<sup>4</sup> Modeled without the generators running.

Table 1 – Summarized Results

## ANALYSIS AND DISCUSSION

A total of three (3) simulations were conducted using noise propagation software to assess changes in sound levels at the residential property line. The following descriptions outline each simulation, with associated noise maps provided in Appendix I of this report.

### SIMULATION DESCRIPTIONS

1. Simulation 1 (Map 1) Generators only
  - o Represents the noise propagation of the DQLF 2750 electrical generators located behind the data centers.
  - o The simulation includes noise attenuation housing that reduces noise levels to 75 dBA at a distance of 23 feet.
2. Simulation 2 (Map 2) DX Rooftop Units Only
  - o Represents noise propagation from the Munters Syscool 500kW Cooling System Units.
3. Simulation 3 (Map 3) Chilled Water Units Only
  - o Represents noise propagation from the Chilled Water Units.

Please contact me if you have any questions.

Sincerely,



Jared Carrier, P.E.

JTC:rmbn

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

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:  
The building height is slightly higher than the C-S standard, but is more than appropriate for an industrial area. Additionally, a large portion of the excess height is due to noise barriers to significantly reduce any excess noise to the surrounding properties. The removal of the maximum setback allows the building to be more in line with the surroundings properties, as well as allows for a pocket park to exist in front of the building, which will act as a community asset and screening for the project. Due to the limited amount of employees compared to traditional warehousing, and the lack of customers entering the building, the parking variance will provide for more than enough parking so as to avoid on-street parking in the neighborhood for employees.
  
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
  1. The extra height allows for noise reduction barriers to be implemented so as to not impact the adjacent properties.
  2. The removal of a maximum setback allows the data center buildings to be tucked further back near the railroad and other industrial properties, and further allows a park stand in between the first building and Sherman Ave. This will add value to the area.
  3. The parking, as shown on the site plan, is more than enough for the amount of employees that will be on-site. This will prevent on-street parking nearby, and further, the limited employees for a data center will also not materially increase traffic.
  
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
  1. This is an industrial zone. A data center is not enumerated in the ordinance, and a C-S zoning makes sense for an integrated small-scale data center. However, the height requirement for the C-S zone is not appropriate for an industrial building and is too limited.
  2. Due to the location of the building tucked behind the property to the west with only wide flagpole access to N. Sherman, and running against the railroad tracks, the maximum setback would result in a building that cannot properly fit with that small of a maximum setback. This variance allows a thoughtfully constructed building to occur. While the warehouse use in the ordinance is applied for data center parking, it is not appropriate due to the lack of employees and customers.

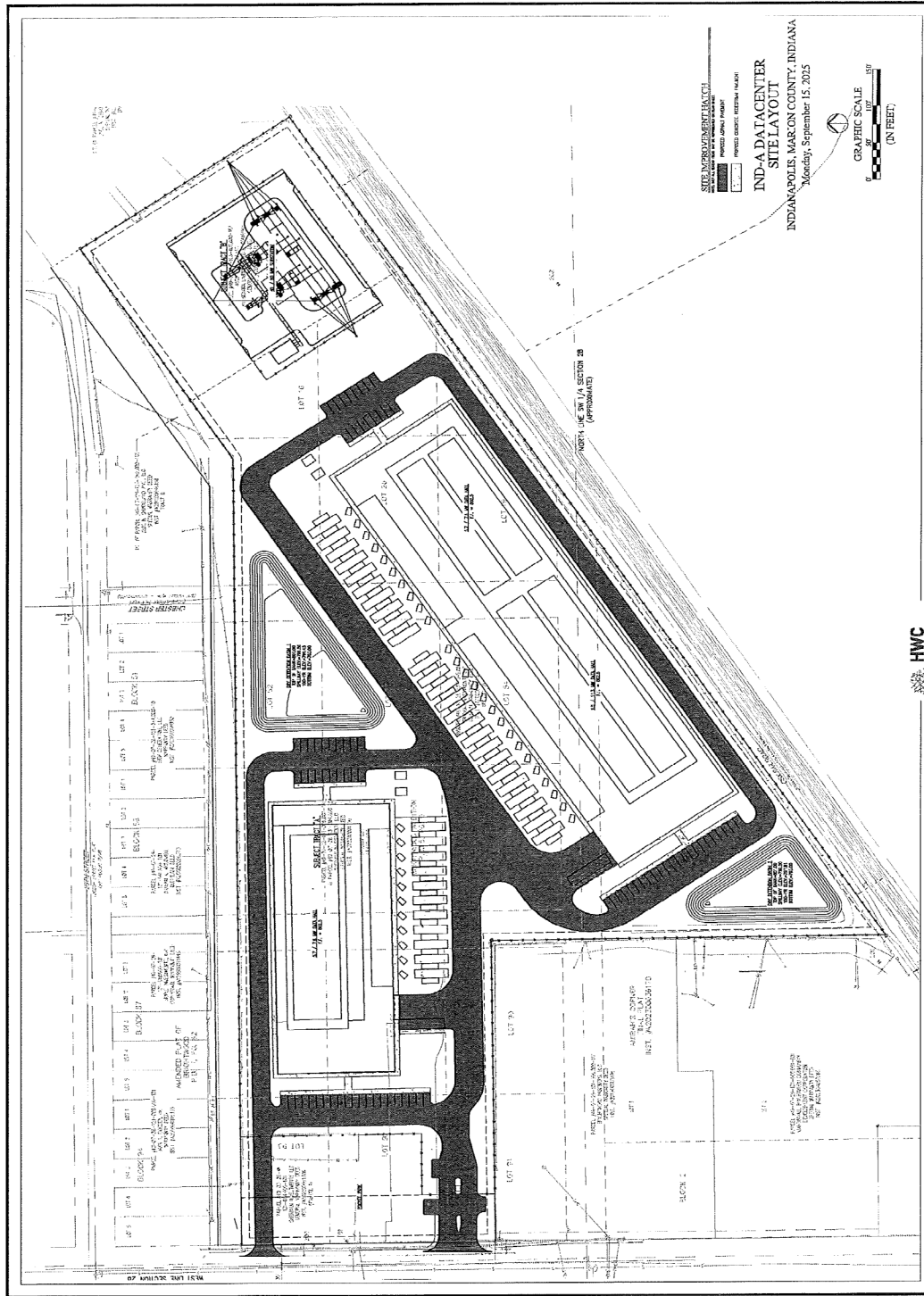
**DECISION**

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

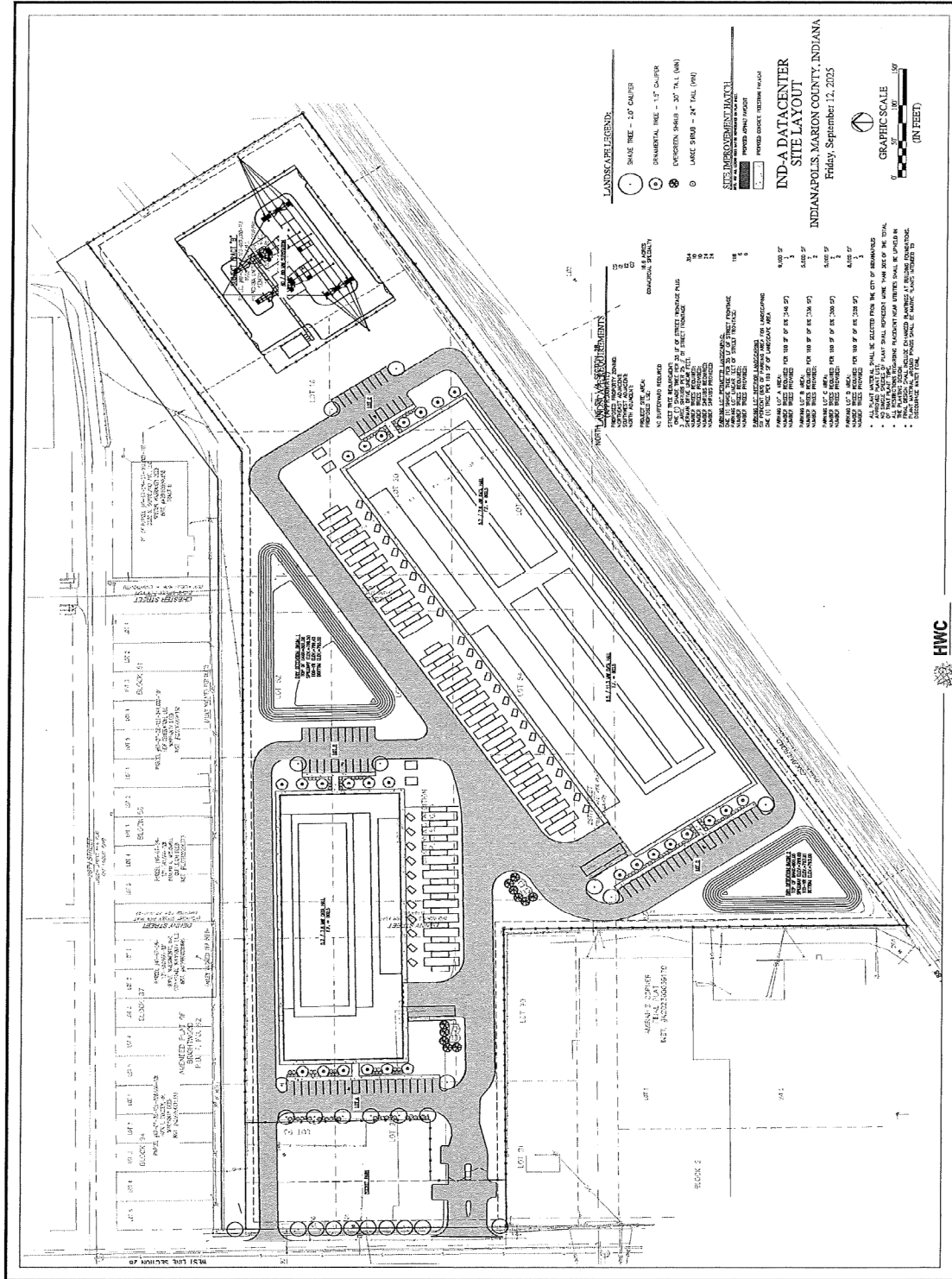
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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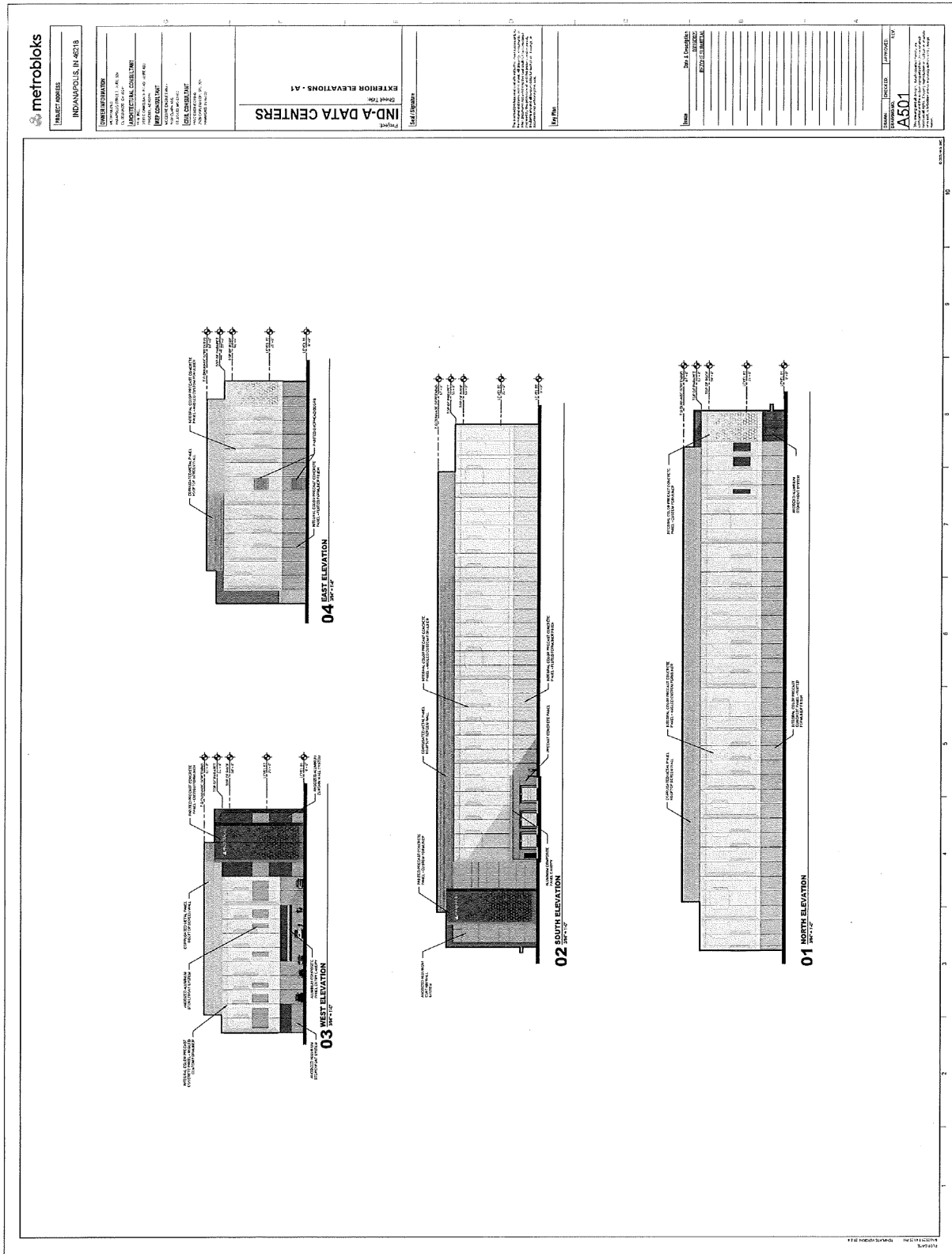


Landscape Plan



















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View looking south along North Sherman Drive



View looking north along North Sherman Drive

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View of commercial strip center to the east located to the southeast of site



View of site looking west across railroad right-of-way and Massachusetts Avenue





View of site looking northwest across railroad right-of-way and Massachusetts Avenue



\* View of site looking northeast across railroad right-of-way and Massachusetts Avenue





View looking northeast along railroad right-of-way and Massachusetts Avenue



View of site looking north across railroad right-of-way and Massachusetts Avenue





View of site looking north across railroad right-of-way and Massachusetts Avenue



View of site looking northwest across railroad right-of-way and Massachusetts Avenue





View of site looking east from adjacent commercial use to the north



View of site looking east from adjacent commercial use to the north





View of site looking east from adjacent commercial use to the north



View of site looking southeast from adjacent commercial use to the north



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



View looking west along northern boundary towards North Sherman Drive

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-125  
**Property Address:** 9700 East Thompson Road (Approximate Address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy  
**Current Zoning:** D-A (FF)  
**Request:** Rezoning of 39.85 acres from the D-A (FF) district to the D-4 (FF) district to provide for a single-family residential development.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval with commitments.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the December 11, 2025 hearing to the January 15, 2026 hearing at the request of a Registered Neighborhood Organization.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

1. A 45-foot half right-of-way shall be dedicated along Thompson Road as per the request of the Department of Public Works, Traffic Planning Section (DPW). 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 DPW. The DPW has requested that the right-of-way be granted within 60 days of approval.
2. Development of the site shall not occur without the issuance of a Letter of Amendment (LOMA) from FEMA, or full compliance with the Floodway Fringe (FF) standards.

**PETITION OVERVIEW**

**LAND USE**

The 39.85-acre subject site consists of undeveloped agricultural land. The site is bordered to the east by Interstate 74 with a park across it, zoned PK-1, single-family dwellings to the west, zoned D-3 and D-A,

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

and a mix of commercial and residential uses as well as undeveloped land to the south, zoned C-4, D-A, and C-5.

## **REZONNIG**

The request would rezone the site from the D-A district to the D-4 district to provide for a single-family residential development.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The D-4 district is intended for low or medium-intensity, single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

## **DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Thompson Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **FLOOD FRINGE**

This site has a secondary zoning classification of a Floodway Fringe (FF). 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 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 (D-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts regulations.



This site lies within the floodway fringe of Big Run Creak, which runs along the northern portion of the site and floodway fringe of Bethel Creek along the southern portion of the site.

## **STAFF ANALYSIS**

The rezoning would allow for the development of a single-family residential subdivision with 105 proposed lots.

The Big Run Creek, classified as a Category One Stream, runs east to west along the northern corner of the site according to aerial mapping. This stream requires a 100-foot Stream Protection Corridor parallel along both sides of the top of bank because it is in the Metro Context Area.

Bethel Creek, classifieds as a Category Two Stream, runs east to west along the southern portion of the site and requires a 50-foot stream protection corridor parallel along both sides of the top of bank in the Metro Context Area.

The proposed layout would have four parcels within the Stream Protection Corridors. It would be ideal if the proposed development were to be rearranged in a manner to ensure the full parcel could be outside of the Stream Protection Corridors, but if development does not occur in these areas, then variances would not be required. Staff would not support variances to encroach into the Stream Protection Corridors.

Staff has concerns with the entirety of the site falling within the 100-year floodplain and the proposed complete build out of the site to the maximum capacity. This would be achieved by using a lot width and lot area exception for subdivisions in the D-S, D-1, D-2, D-3, and D-4 zoning districts that allows the reduction of the lot width and lot area for up to 20 percent of the total number of lots within the subdivision. Instead, the proposed lots could meet the required standards to reduce the number of units on site.

If development would occur within the 100-year floodplain, a significant reduction of units would be requested by staff and the cluster option should be proposed to allow a large portion of the site to remain undeveloped to ensure adequate drainage on site could occur. Staff would not support variances within the floodplain.

The subject site is almost entirely within the Floodway Fringe (FF). While the FF district does not prohibit residential development, the petitioner must demonstrate that development is feasible while meeting all requirements of Article V, including elevation above Flood Protection Grade and avoidance of substantial improvement triggers.

The petitioner submitted a memorandum stating the intent to file for a Letter of Map Amendment (LOMA) from FEMA, which was similarly approved for the adjacent subdivision to the west of the subject site that would remove the site from within the floodplain designation. If approved, the site could be developed without issue and would not be required to meet the Floodway Fringe (FF) standards.

Staff recommends approval of the request with the commitment that development shall not occur without the issuance of a Letter of Map Amendment (LOMA) from FEMA or full compliance with the Floodway Fringe (FF) standards.

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## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	PK-1	I-74 and Park
South:	C-5 / C-4 / D-A	Undeveloped / Commercial / / Residential (Single-family dwellings)
East:	PK-1	Park
West:	D-3 / D-A	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Thompson Road	Primary Arterial Street	90-foot proposed right-of-way and 52-140-foot existing right-of-way range.
Southeastern Avenue	Primary Collector Street	90-foot proposed right-of-way and 100-foot existing right-of-way.
I-74	Freeway	N/A
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	October 22, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Suburban Neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



### **Neighborhood / Area Specific Plan**

- The site falls within the Wanamaker Community Master Plan.
- It identifies Thompson Road, east of Southeastern Avenue, as marked for multi-modal expansion.
- Wetlands, waterways, and floodplains are essential contributors to ecosystems due to their natural abilities to clean and store stormwater. If cultivated and functional, they can act as the lungs of the landscape and help maintain flora and fauna. The location of the existing waterways, watersheds, wetlands, floodplains, and water bodies are all important considerations for future public spaces, trail connections, parks, and for future development considerations.
- Flooding along Big Run Creek occurs occasionally but stormwater management has been improved in recent years due to added infrastructure with the development of new subdivisions.

### **Infill Housing Guidelines**

- Not Applicable to the Site.

### **Indy Moves**

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

- The site falls within the Indy Moves Transportation Integration Plan (2018) which proposes an off-street multi-use path along Thompson Road from Southeastern Avenue to County Line Road.
- The site falls within the Indy Moves Transportation Integration Plan (2018) which proposes an off-street multi-use path along Southeastern Avenue from Franklin Road to Southeastway Park

## ZONING HISTORY

### Zoning History – Vicinity

**2023-CZN-865 / 2023-CPL-865; 9665 Southeastern Avenue** (south of site), Rezoning of 1.809 acres from the D-A to the D-S district to provide for a single-family dwelling lot and Approval of a Subdivision Plat, to be known as Star-Southeastern Development, dividing 3.225 acres into two lots, **approved**.

**2018-CZN-827; 9900 East Thompson Road** (east of site), Rezoning of 53.34 acres from the D-P (FF) district to the PK-1 (FF) classification to provide for parks, **approved**.

**2018-ZON-017; 9600 Southeastern Avenue** (west of site), Rezoning from the D-A (FF) district to the D-3 (FF) district, **approved**.

**2005-ZON-120; 9741 Pentecost Road** (north of site), Rezoning 68.337 acres, being in the D-A (FF) District, to the D-3 (FF) classification to provide for residential uses, **approved**.

**2003-ZON-060; 9900, 10050, 10500, and 10640 East Thompson Road and 10101 and 10401 Pentecost Road** (east of site), Rezoning of 422.943 acres, being in the D-P (FF)(FW) District, to the D-P (FF)(FW) classification to provide for 833 single-family dwellings, **approved**.

**2000-ZON-111; 9950 Southeastern Avenue** (southeast of site), Rezoning of 10.34 acres from D-A to SU-1 to provide for a church, **approved**.

**96-Z-18; 4650 Senour Road** (east of site), Rezone 4.23 acres from D-A (FW)(FF) to D-P (FW)(FF) to provide for a mixed-use development, including single-family residences, a golf course, and a neighborhood commercial center, **approved**.

**86-Z-245; 9811 East Thompson Road** (south of site), Rezoning from the SU-1 district to the CID district, **denied**.

**74-Z-63; 9811 East Thompson Road** (south of site), Rezoning from the A-2 district to the C-4 district, **approved**.

**60-Z-39; Southwest corner of Thompson Road and U.S. 421** (south of site), Rezoning from the A-2 district to the B-5 district (modern C-5 district), **approved**.

## EXHIBITS



AERIAL MAP

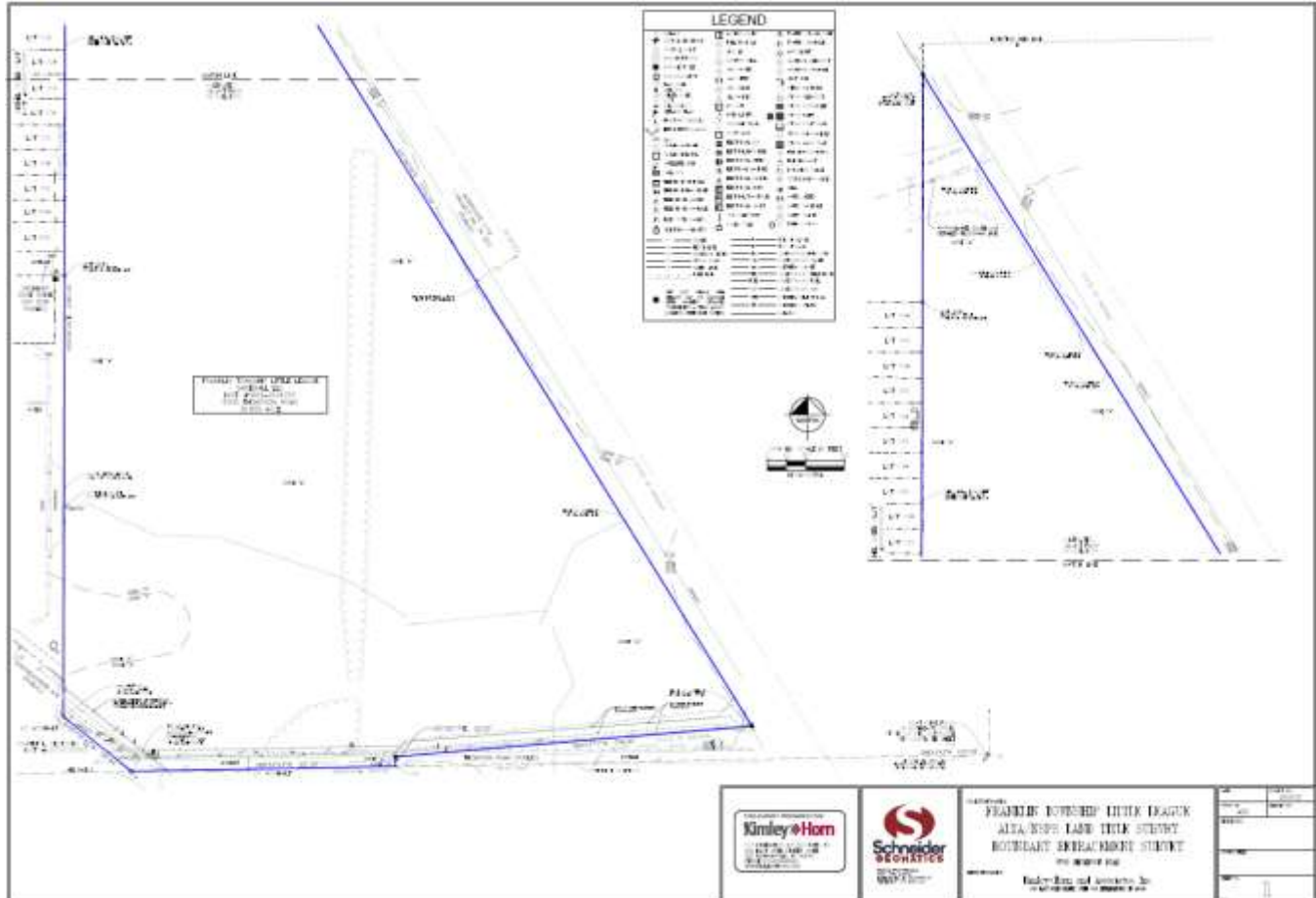


SITE PLAN





SURVEY







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



3850 Priority Way S. Dr., Suite 110, Indianapolis, IN 46240 | [spacecoinc.com](http://spacecoinc.com)

## MEMORANDUM

To: Cheyenne Hoffa – Forestar

From: Michael S. Mondus, P.E., CFM

Date: November 25, 2025

RE: 9700 E. Thompson Road (AKA Little League Parcel)  
Indianapolis, Indiana  
Spaceco Project No. 13680

The approximate 39.85 acre parcel located north of Thompson Road, west of the of the I-74 Expressway, and east of the Bethel Creek Subdivision is currently vacant farmland and is proposed to be developed with single family homes. There are two drainageways that flow through the parcel. Big Run Creek is located at the north most point of the parcel and a smaller drainageway, Bethel Creek, flows through the southern end of the parcel.

Currently a majority of the parcel is mapped as Zone A floodplain on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate maps. In 2016 a Floodplain Analysis and Regulatory Assessment was prepared by Landwater Group, Inc. in conjunction with the adjacent development of the Bethel Creek subdivision. The analysis showed that a majority of that development to be located outside of the Big Run Creek floodplain. That study was reviewed and approved by the Indiana Department of Natural Resources as MR-34034. The elevations from that study were then used to obtain a Letter of Map Amendment (LOMA) from FEMA (Case No. 18-05-3144A issued 07/27/18) to administratively remove the floodplain designation for a majority of the adjacent Bethel Creek subdivision.

The flood elevations established by the MR-34034 study will be used to file a LOMA application with FEMA for this parcel. Based on current topographic data a majority of the site is above the floodplain elevation and can have the floodplain designation removed. See attached exhibit.

The smaller, non-regulatory Bethel Creek drainageway flows through the south end of the site. An analysis of this drainageway was also performed by Landwater Group, Inc. in conjunction with the adjacent Bethel Creek subdivision. When the Bethel Creek project was constructed, the storage volume associated with the Bethel Creek drainageway that were displaced by the development were compensated for through the construction of a pond at the south end of that development.

The development of this project proposes to maintain the tributary flow from the adjacent development that comes from the Bethel Creek drainageway, and convey it to the downstream culvert under I-74. Portions of the existing drainageway are proposed to be realigned with this development, however all of the existing storage volume associated with the drainageway that exists on the parcel will be maintained on the site, so there will be no decrease in storage volume and no impacts to upstream or downstream areas.

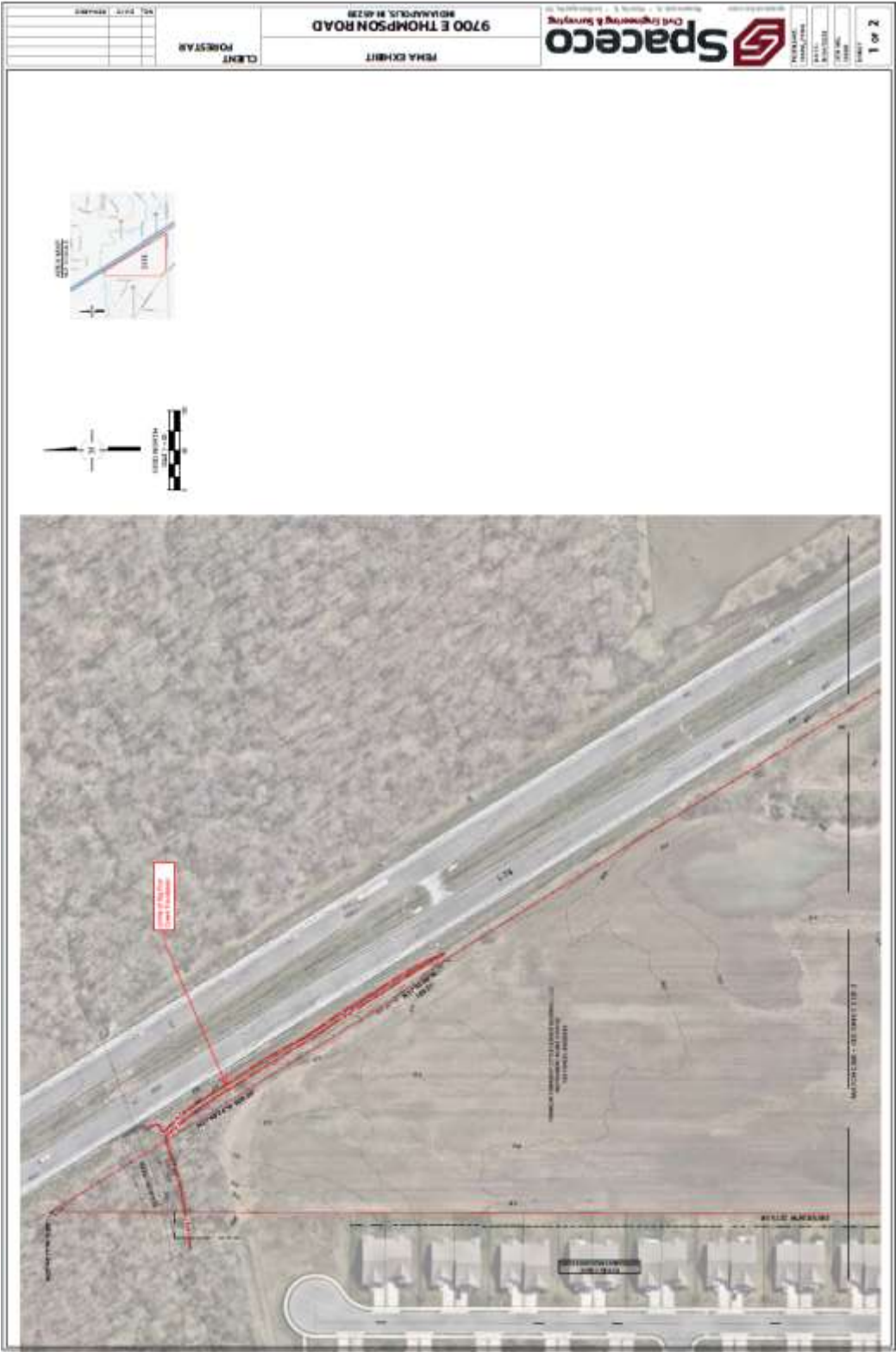
Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map





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FEMA EXHIBIT





FEMA EXHIBIT (Continued)



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Photo of the subject site looking northwest from Thompson Road towards the proposed entrance.



Photo of the subject site looking north.

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Current Planning



Photo of the subject site looking east.



Photo of a commercial building south of the site.





Photo of the commercial property south of the site.



Photo of the subject site looking east from Orchard Cove Drive.



Photo of the subject site looking south.



Photo of the subject site looking north.



Photo of the entrance drive from Southeastern Avenue to the proposed subdivision.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-MOD-024

**Property Address:** 5601 and 5621 Madison Avenue and 1525 Dudley Avenue

**Location:** Perry Township, Council District #23

**Petitioner:** Jade Investments of Indy, Inc., by David Dearing

**Current Zoning:** C-5 (TOD)

**Request:** Modification of Commitments Numbers #2 and #5 related to 2015-ZON-007, subject to the site plan, file-dated November 18, 2025, for landscaping and office location (previous commitments provided for Administrator's Approval for redevelopment or replacement of the residential structure, no other commercial use and removal of the mobile office within 24 months after final approval of the rezoning).

**Current Land Use:** Automobile Sales

**Staff Recommendations:** Denial.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

Denial.

**PETITION OVERVIEW**

This 2.0-acre site, zoned C-5 (TOD), is comprised of four parcels developed with an automobile sales operation. It is surrounded by commercial uses to the north, across Dudley Avenue and to the south, across Whalen Avenue, both zoned C-3 (TOD); single-family dwellings to the east, zoned D-3 (TOD); and commercial uses and a single-family dwelling to the west, across Madison Avenue, zoned C-1 (TOD) and D-1 (TOD), respectively.

Petition 94-Z-203 rezoned 1.58 acres of this site to the C-5 district to provide for an automobile sales operation and mobile office structure. Petition 2015-ZON-007 rezoned an additional 0.- acre to the C-5 district to provide for automobile sales and repair and modify Commitment Two to reduce the required east and west transitional yards.

## **MODIFICATION**

The request would modify “additional” Commitments Numbers #2 and #5 related to 2015-ZON-007, subject to the site plan, file-dated November 18, 2025, for landscaping and office location. Previous commitments provided for Administrator’s Approval for redevelopment or replacement of the residential structure, no other commercial use and removal of the mobile office within 24 months after final approval of the rezoning. See Exhibit A.

Both the 2015 site plan and the one submitted with this petition are included in this report but both site plans are the same that provides for landscaping and location of the mobile structure (office).

No reason has been provided that explains why the landscaping has not been installed when agreed upon in 2015. No reason has been provided that explains why the mobile office remains despite agreement that it would be removed by 2017.

Staff does not support this request because nothing has changed over the past ten years. Furthermore, staff is concerned with the failure to comply with the required use specific standards that would minimize the impact of this General Commercial District (D-5) on the surrounding less intense commercial and residential land uses.

Staff also believes that a commercial building along this corridor to support this business would be more appropriate than the existing mobile office.

## **Violations – VIO24-002430**

On March 22, 2024, VIO24-002430 was issued that identified six violations. Three violations related to Use-Specific Standards for failure for provide a hard surface for outdoor display, outdoor storage exceeding the 25% of the total gross floor area of enclosed buildings, and failure to provide required off-street parking for automobile sales.

The remaining three violations relate to failure to comply with the agreed upon commitments that include lack of landscaping, failure to submit a landscape plan for Administrator Approval and failure to remove the mobile office within 24 months following approval of the rezoning.

## **Overlays**

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

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.

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This site is located within the transit-oriented overlay with the nearest proposed transits stops located at the intersections of Shelby Street / Hanna Avenue and Madison Avenue / County Line Road and outside the walk sheds of those proposed stations.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5 (TOD)	
<b>Existing Land Use</b>	Automobile vehicle sales	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-3 (TOD)	Commercial uses
South:	C-3 (TOD)	Commercial uses
East:	D-3 (TOD)	Single-family dwellings
West:	C-1 (TOD) / D-1 (TOD)	Commercial uses / single-family dwelling
<b>Thoroughfare Plan</b>		
Madison Avenue	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
Dudley Avenue	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.
Whalen Avenue	Local Street	Existing 40-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit-Oriented Development (TOD)	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	November 18, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

### Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Community Commercial Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

### 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.”

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

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**2015-ZON-007; 5601 and 5621 Madison Avenue and 1525 East Dudley Avenue**, requested rezoning of 0.30 acre from the D-3 district to the C-5 classification to legally establish and provide for automobile sales and repair and other commercial uses, and to modify Commitment Two of 94-Z-203 (5601 and 5621 Madison Avenue) to reduce the required east side and west front transitional yards, **approved**.

**94-Z-203; 5601-5621 South Madison Avenue**, requested a rezoning of 1.58 acres from C-3 to C-5 to provide for an automobile sales operation and mobile office structure, **approved**.

**72-UV2-99; 5601 Madison Avenue**, requested a variance of use, setback and transitional yard requirements to permit an open-air trailer sales, rentals and storage with billboard sign to remain and erect pole sign, **granted**.

### Vicinity

**94-Z-196; 5433 South Madison Avenue (north of site)**, requested rezoning of 0.44 acre, being in the C-3 District, to the C-5 classification to provide for commercial development, **approved**.

**91-Z-176; 5559 Madison Avenue (north of site)** requested rezoning of 0.58 acre, being in the C-3 District, to the C-5 classification to provide for the sales and service of used automobiles, **approved**.

**91-Z-57; 1523 East Epler Avenue (north of site)**, requested rezoning of 0.5 acre, being in the 1-2-U District, to the C-5 classification to provide for an automobile body shop, **approved**.

**91-V2-77; 1523 East Epler Avenue (north of site)**, requested a variance of development standards to provide for the continued operation of a body shop with 15 parking spaces and to allow an existing sign to remain at 11 feet from the right-of-way, **granted**.

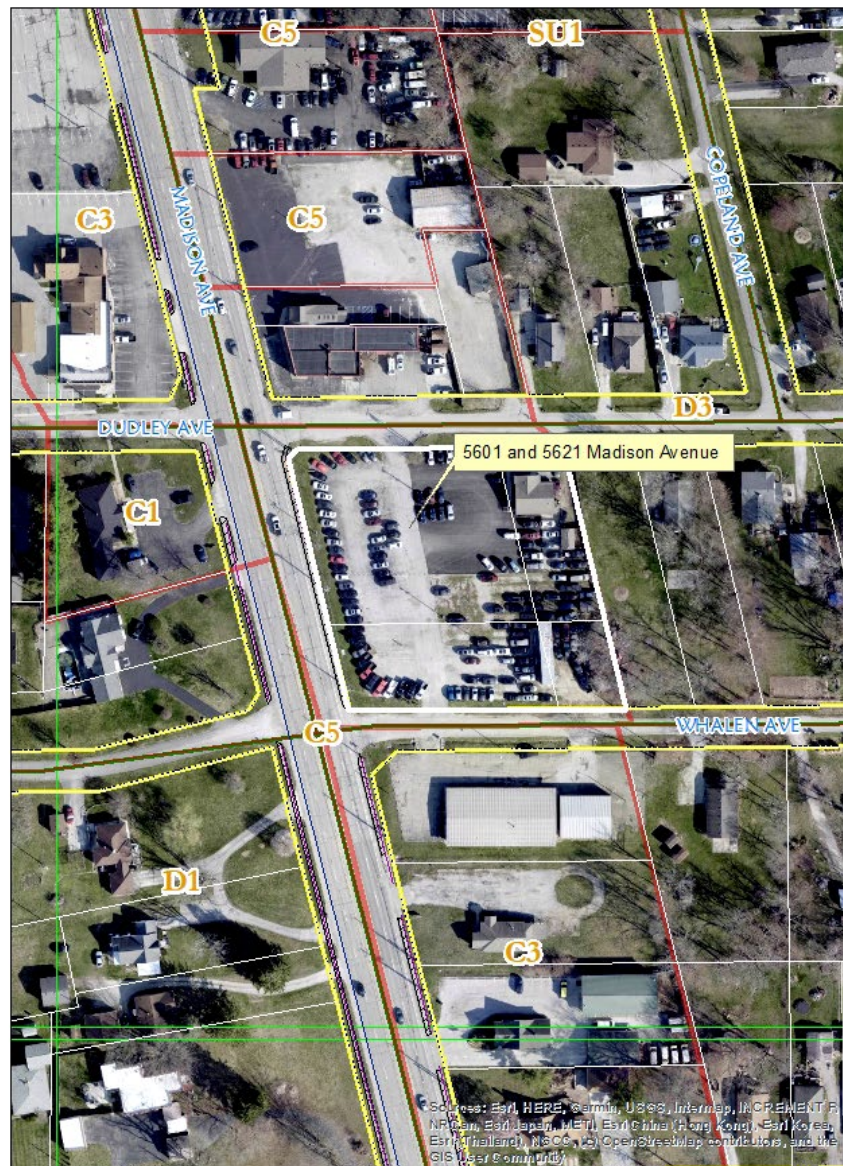
**90-Z-184; 5525 Madison Avenue (north of site)**, requested rezoning of 0.36 acre, being in the C-3 District, to the C-5 classification to provide for automobile sales, **approved**.

**88-Z-140; 5452 Madison Avenue (north of site)**, requested rezoning of 1 acre, being in the D-1 and C-3 Districts, to the C-4 classification to provide for the construction of a neighborhood shopping center, **approved**.

**88-Z-56; 5410 Madison Avenue (north of site)**, requested rezoning of 0.75 acre, being in the SU-9 District, to the C-5 classification to provide for an ambulance service, **approved**.



EXHIBITS



5601 and 5621 Madison Avenue



00.008.01 0.02 0.03 0.04 Miles

## 2015-ZON-007 Site Plan



2025-MOD-024 Site Plan

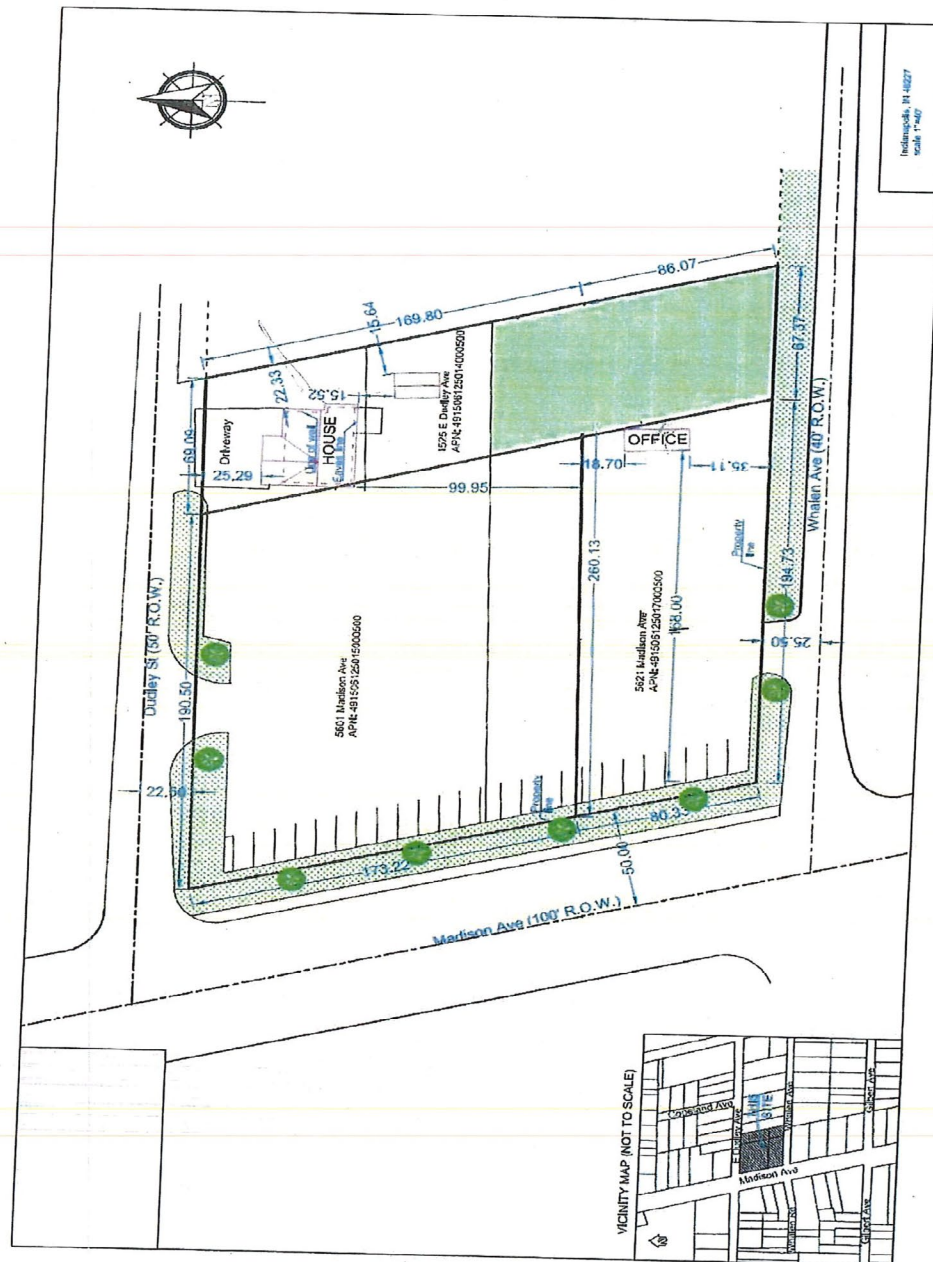


EXHIBIT 2



EXHIBIT A

A201500054955  
 06/11/2015 8:47 AM  
 KATHERINE SWEENEY BELL  
 MARION COUNTY IN RECORDER  
 FEE: \$ 28.50  
 PAGES: 6  
 By: GW

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METROPOLITAN DEVELOPMENT

STATEMENT OF MODIFICATION OR TERMINATION  
 OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
 COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
 CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
 OR SPECIAL EXCEPTION PETITION

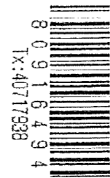
In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

**Legal Description:** See Attached Exhibit "A"

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Terminate commitment #2 of 94-Z-203 recorded as Instrument Number 1996 0157715 as recorded in the Office of the Marion County Recorder.
2. See Additional Commitments on Attached Exhibit "B"
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

MDC's Exhibit C - - page 1 of 4



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METROPOLITAN DEVELOPMENT

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or 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.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition **2015 ZON 007**.

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. 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. \_\_\_\_\_
4. \_\_\_\_\_

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # \_\_\_\_\_ by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this 23<sup>rd</sup> day of April, 2015.

Signature: \_\_\_\_\_  
 Printed: Jay Sandefur  
 Title / Member, Jade Investments of  
 Organization Indy  
 Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title / \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Name: \_\_\_\_\_

MDC's Exhibit C - - page 2 of 4



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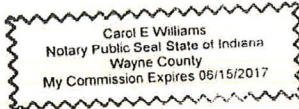
METROPOLITAN DEVELOPMENT

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

*Before me, a Notary Public in and for said County and State, personally appeared Jay Sandefur, Owner of the real estate and Member of Jade Investments of Indy 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

23 day of April, 20 15



Carol E Williams

Notary Public  
Carol E Williams

Printed Name of Notary Public

My Commission expires: 6-15-2017

My County of residence: Wayne

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.

This instrument prepared by: Jeffrey M. Bellamy, Attorney at Law, Supreme Court No. 24090-49  
1900 Market Square Center, 151 N. Delaware Street, Indianapolis, IN 46204

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Bruce H. H. H.

Secretary, Metropolitan Development Commission



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Division of Planning  
Current Planning

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METROPOLITAN DEVELOPMENT

*Exhibit B – Statement of Additional Commitments*

*The following Commitments are hereby incorporated by the Parties as if included where noted in the foregoing document:*

1. A landscape plan, providing for a minimum 10-foot front yard along all street frontages (subject to the grant of a variance for a reduced front transitional yard along Madison Avenue), and a 20-foot east transitional yard, shall be submitted for Administrator's Approval within 30 days of the approval of this request, with implementation of the landscape plan within 90 days of the approval of this request.
2. Redevelopment or replacement of the existing residential structure shall be subject to Administrator's Approval, with residential character and design elements to be emphasized in any replacement structure. No other commercial use shall occur east of the current dwelling structure.
3. The existing dwelling at 1525 Dudley Avenue indicated on the site plan file-dated February 11, 2015, may only be used as an office or a dwelling. The existing detached garage at 1525 Dudley Avenue shall only be used for accessory parking or storage of office supplies, new parts, or general storage. No repair shall be permitted on the 1525 Dudley Avenue parcel. Any building constructed shall not include overhead doors facing the south.
4. Prior to the construction of any new structures on the site, site and elevation plans shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit. Prior to commencement of any construction on the 5621 Madison Avenue parcel the existing six-foot tall opaque fence shall be continued along the eastern boundary. As part of construction for any development of 5621 Madison, a row of evergreen trees shall be planted inside the eastern boundary within the transitional yard.
5. The mobile office structure indicated on the site plan file-dated February 11, 2015 shall only be permitted to remain on-site for 24 months after the approval of this rezoning. Thereafter, it shall be removed from the site.

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View looking north along Madison Avenue



View looking south along Madison Avenue





View looking east along Dudley Avenue



View looking west along Dudley Avenue





View of site looking south across Dudley Avenue



View of site looking southeast across Dudley Avenue





View looking south across Dudley Avenue and Madison Avenue



View of site looking east across Madison Avenue





View of site looking east across intersection of Whalen Avenue and Madison Avenue



View of site looking north across Whalen Avenue



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Division of Planning  
Current Planning



View of site looking north across Whalen Avenue



View of site looking north across Whalen Avenue

Department of Metropolitan Development  
Division of Planning  
Current Planning



View of site looking northwest across Whalen Avenue



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-ZON-132 (Amended)  
**Property Address:** 5736 Madison Avenue  
**Location:** Perry Township, Council District #23  
**Petitioner:** Jade Investments GMS, LLC, by David E. Dearing  
**Current Zoning:** D-1 (TOD)  
**Request:** Rezoning 1.21 acres from the D-1 (TOD) district to the C-1 (TOD) district to provide for a day care center and office / commercial uses.  
**Current Land Use:** Single-family dwelling  
**Staff Recommendations:** Denial.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

Denial. If approved, staff would request that 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. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
2. A 56-foot half right-of-way shall be dedicated along the frontage of Madison Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. 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 DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. 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.



## PETITION OVERVIEW

This 1.21-acre site, zoned D-1 (TOD), is comprised of two lots and developed with a single-family dwelling. It is surrounded by single-family dwellings to the north, south and west, all zoned D-1 (TOD) and multi-family dwellings to the east, across Madison Avenue, zoned D-9 (TOD).

## REZONING

The request would rezone the site to the C-1 (TOD) to provide for a day care center and office / commercial uses. “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 Comprehensive Plan recommends suburban neighborhood typology for the site.

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

As proposed, this request would not be consistent with the Plan recommendation of suburban neighborhood.

## Overlays

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

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.

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This site is located within the transit-oriented overlay with the nearest proposed transits stops located at the intersections of Shelby Street / Hanna /Avenue and Madison Avenue / County Line Road and outside the walk sheds of those proposed stations.

**Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Madison Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Wetland Preservation**

The aerial indicates a possible wetland located in the southwest area of the site.

The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would request that a wetlands delineation be conducted to determine the type and quality and how the area could be preserved and integrated into the development as an amenity prior to the issuance of an Improvement Location Permit.

## **Stream Protection Corridor**

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

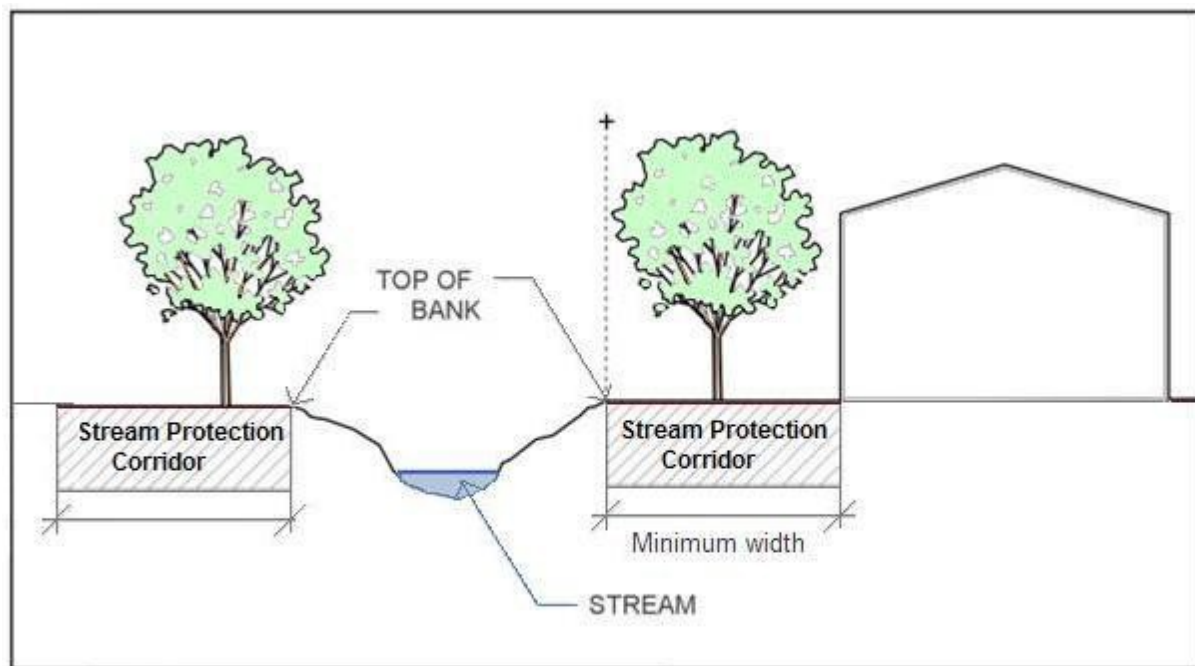
There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”



A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Fawn Run lies within the Metro Context Area and is located along the southern boundary of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



**Stream Protection Corridor**

## 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.

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All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

### **Planning Analysis**

Small commercial nodes are recommended in the suburban neighborhood typology. Additionally, the Pattern Book provides development guidelines to minimize the impact of commercial uses on surrounding neighborhoods and land uses.

As proposed, the commercial use would be located mid-block when the Pattern Book recommends commercial nodes be “located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses.” The approximately three-acre commercial node to the south of this site is approximately 200 feet from this site.

No development plan has been submitted that would provide information related to whether the proposed commercial uses could be developed, without the need for variances, on this site with appropriate protections of the residential uses to the north, south and west that would include buffering and screening as recommended in the Pattern Book, while maintaining and protecting the natural features of this site.

Additionally, staff believes the commercial rezoning at this location would disrupt the existing residential land uses and neighborhood to the north, south and west and compromise the recommendations of the Comprehensive Plan and the development guidelines provided in The Pattern Book, both of which

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supports orderly development. Otherwise, this request would allow commercial encroachment into a solidly residential area that would not be appropriate for this neighborhood.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-1 (TOD)	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-1 (TOD)	Single-family dwelling
South:	D-1 (TOD)	Single-family dwelling
East:	D-9 (TOD)	Multi-family dwellings
West:	D-1 (TOD)	Single-family dwelling
<b>Thoroughfare Plan</b>		
South Madison Avenue	Secondary Arterial	Existing 90-108-foot right-of-way and proposed 112-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density



of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

### **Pattern Book / Land Use Plan**

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

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

#### *Conditions for All Land Use Types – Suburban Neighborhood Typology*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

*Small-scale offices, retailing, and personal or professional services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

Red Line Transit-Oriented Development Strategic Plan (2021).

### **Neighborhood / Area Specific Plan**

Not Applicable to the Site.

### **Infill Housing Guidelines**

Not Applicable to the Site.

### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

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

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**2012-CZN 832 / 2012-CVC-832 / 2012-CVR-832; 5700, 5727, 5735 and 5745 Madison Avenue, 1587 Gilbert Avenue (east of site)**, requested rezoning of 5.808 acres from the D-3 and C-3 Districts to the D-9 classification to provide for multifamily residential uses; a vacation of Lots 1-16 of Waddell's Addition recorded in Plat Book 24, Pages 275-276, including Waddell Street, easements and building setback lines, with a waiver of the assessment of benefits; and a variance of development standards to provide for a multifamily development with reduced north, east and south perimeter yards, **approved and granted**.

**2006-ZON-061; 5717 Madison Avenue (east of site)**, requested rezoning of 0.47 acre from D-3 to C-3, **approved**.

**2002-ZON-019; 5700 Madison Avenue (east of site)**, requested rezoning of 3.98 acres from D-3 to C-3, **approved**.



EXHIBITS



5736 Madison Avenue



0 0.015 0.03 0.045 0.06 Miles



Department of Metropolitan Development  
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View looking south along Madison Avenue



View of site looking west across Madison Avenue



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



View of site looking west across Madison Avenue



View looking northwest across Madison Avenue



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 15, 2026**

**Case Number:** 2025-CPL-857 / 2025-CVR-857

**Property Address:** 9450 Counselors Row (Approximate Address)

**Location:** Washington Township, Council District #4

**Petitioner:** Keystone Witness, LLC, by Brian J. Tuohy

**Zoning:** C-S

**Request:** Approval of a Subdivision Plat, to be known as 9450 Counselor's Row, dividing 7.61 acres into two lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed hotel with a building height of 74 feet (maximum 45 feet permitted), a maximum front yard setback of 135 feet (maximum 85-foot front yard setback required), parking space stall size of nine-foot by 18-foot, or 162 square feet (minimum nine-foot by 18-foot, or 180 square-foot required), and a Green Factor Score of 0.087 (minimum Green Factor Score of 0.22 required).

**Waiver Requested:** None

**Current Land Use:** Hotel and parking lot

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first hearing for these petitions.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the height, setback, and parking space sizes with the condition that the ADA parking spaces meet the 20-foot length requirement.

Staff **recommends denial** of the Green Factor Score variance.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated November 19, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat. prior to recording.

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
11. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
12. The sidewalk installation along Counselors Row, Advisory Way, and Advisory Link shall be noted in the Final Plat.
13. That the approval shall be in accordance with the variances requested.

## PETITION OVERVIEW

### SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

### LAND USE

The 7.61 acres site, zoned C-S, developed with a hotel and parking lot. The site is surrounded by restaurants and commercial uses to the north, a commercial shopping center to the east, and commercial buildings to the west and south all zoned C-S.

### VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow a proposed hotel with a building height of 74 feet. The Ordinance requires that buildings in the C-S district be a maximum of 45 feet tall in the Metro Context Area per Table 744-201-3.

Development Standards of the Ordinance, specifically those relating to building height, are intended to maintain a consistent development pattern and scale within the districts, by discouraging the overdevelopment of lots. The height requirement for primary buildings is set at a limit that ensures orderly development and does not negatively impact adjacent property owners.

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Staff determined that the proposed height would not be out of character with the surrounding area due to the existing 67-foot-tall hotel.

The request would also allow for a 135-foot front yard setback from Advisory Way, deficient parking space stall size of 9-foot by 18-foot or 162 square feet, and a deficient Green Factor Score of 0.087.

The maximum front setback is 85 feet, but the allowance of an increased front setback would ensure sufficient parking is proposed on site, which staff would support. The parking stall sizes would be supportable so long as the required ADA parking spaces meet the 20-foot length requirement.

Staff would not support the Green Factor Score reduction since the allowance of a height variance should provide more land area for landscaping. Because the required landscaping on site would be deficient, the option to reduce the building height and reduce the number of hotel rooms would create a reduction in total parking spaces since they coincide with the room count.

Staff would note that sidewalks are not shown on the submitted site plan. The Ordinance would require sidewalks to be constructed around the site's perimeter, with the development of the property.

## **SITE PLAN AND DESIGN**

The proposed development would provide for two (2) commercial lots on 7.61 acres to be known as 9450 Counselor's Row. The subject site is part of a large office, commercial, industrial research, light industrial and service complex and is currently developed with a hotel and parking lot. Proposed Lot 1, measuring 5.38 acres, would contain the existing hotel and proposed Lot 2, measuring 2.03 acres, would provide for a future hotel development.

Lot 1 previously received a variance that allowed for a 67-foot-tall hotel to exceed the maximum permitted height of 45 feet. The proposed subdivision would meet all of the standards of the subdivision regulations and the C-S standards from rezoning petition 80-Z-91A.

## **STREETS**

The subject site is surrounded by three private streets within the larger business complex, Counselors Row, Advisory Way and Advisory Link. No new streets are proposed with this plat.

## **SIDEWALKS**

Sidewalks shall be provided along both sides of all streets internal to the subdivision, as well as along any existing or proposed perimeter streets that border the subdivision.

Sidewalks are required along all private street frontages and would need to be installed as part of this platting process.

In conclusion, Staff is recommending approval of the variance requests apart from Green Factor Score and recommends approval of the plat petition subject to specific conditions.



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**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Hotel and parking lot	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	C-S	Restaurants and commercial buildings
South:	C-S	Commercial buildings
East:	C-S	Commercial shopping center
West:	C-S	Commercial building
<b>Thoroughfare Plan</b>		
Counselors Row	Private Street	N/A
Advisory Way	Private Street	N/A
Advisory Link	Private Street	N/A
<b>Petition Submittal Date</b>	November 19, 2025	

## EXHIBITS

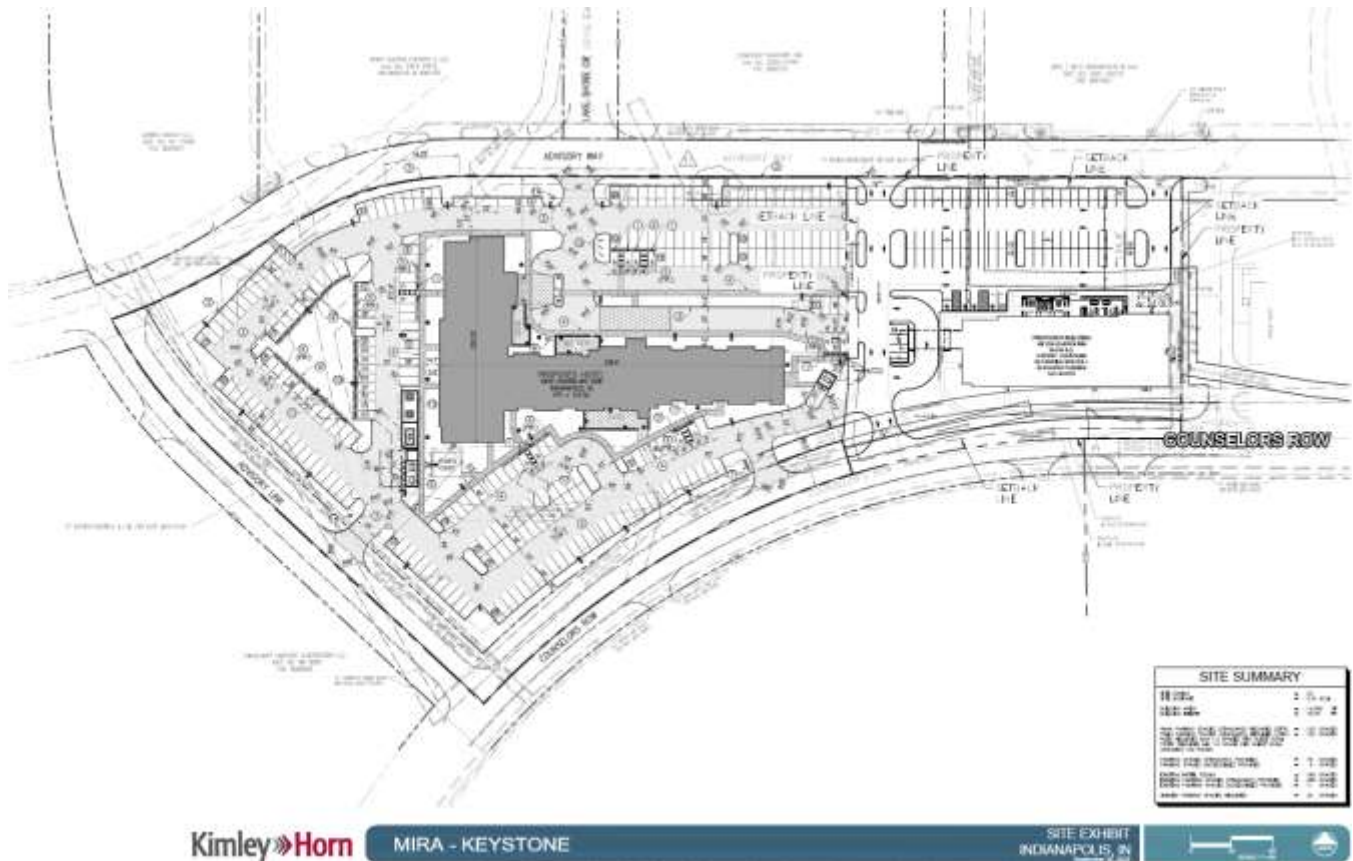


Aerial Map

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[illegible]





## Elevations

### ELEVATION



LEGEND-EXTERIOR FINISHES			
CODE	DESCRIPTION	FINISH CODE	NAME
E1	BRICKWORK	BRICKWORK FINE	BRICK
E2	BRICKWORK	BRICKWORK 2	BRICK
E3	BRICKWORK	BRICKWORK 3	BRICK
E4	BRICKWORK	BRICKWORK 4	BRICK
E5	BRICKWORK	BRICKWORK 5	BRICK
E6	BRICKWORK	BRICKWORK 6	BRICK
E7	BRICKWORK	BRICKWORK 7	BRICK
E8	BRICKWORK	BRICKWORK 8	BRICK
E9	BRICKWORK	BRICKWORK 9	BRICK
E10	BRICKWORK	BRICKWORK 10	BRICK



SIDE A ELEVATION



FRONT ELEVATION

### ELEVATION



LEGEND-EXTERIOR FINISHES			
CODE	DESCRIPTION	FINISH CODE	NAME
E1	BRICKWORK	BRICKWORK FINE	BRICK
E2	BRICKWORK	BRICKWORK 2	BRICK
E3	BRICKWORK	BRICKWORK 3	BRICK
E4	BRICKWORK	BRICKWORK 4	BRICK
E5	BRICKWORK	BRICKWORK 5	BRICK
E6	BRICKWORK	BRICKWORK 6	BRICK
E7	BRICKWORK	BRICKWORK 7	BRICK
E8	BRICKWORK	BRICKWORK 8	BRICK
E9	BRICKWORK	BRICKWORK 9	BRICK
E10	BRICKWORK	BRICKWORK 10	BRICK



SIDE B ELEVATION



REAR ELEVATION

Isometric Views

3D VIEWS

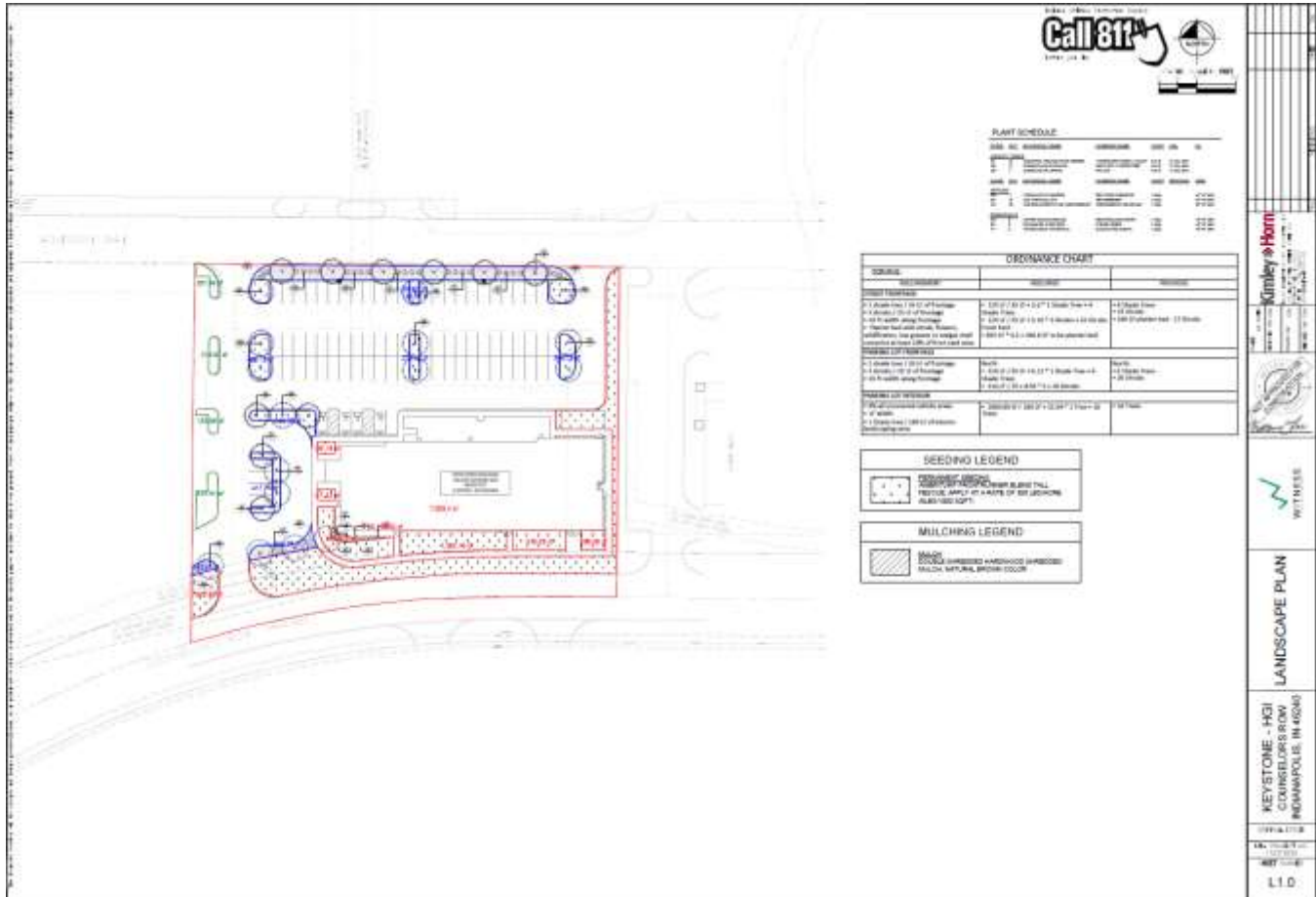


3D VIEWS





## Landscape Plan



**Green Factor Sheet**

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		Mira Keystone Hotel		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
Parcel Size		88,003		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity	-	11,200	0.2	2,240
Large shrubs or ornamental grasses [1]	0	16 sq. ft. per	0.3	-
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity	-		1.0	-
Areas other than required yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity	-	3,200	0.7	2,240
Large shrubs or ornamental grasses [1]	51	16 sq. ft. per	0.3	245
Small trees [2]	0	50 sq. ft. per	0.3	-
Medium trees [3]	0	100 sq. ft. per	0.4	-
Large trees [4]	26	200 sq. ft. per	0.4	2,080
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf	-	1,138	0.8	910
Undisturbed contiguous areas 10,000 sf or more	-		1.5	-
Significant Trees over 10 in. DBH preserved	0	250 sq. ft. per	0.5	-
Heritage Tree over 8 in. DBH preserved	0	250 sq. ft. per	0.5	-
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	0	250 sq. ft. per	0.5	-
Building or Structural Features				
Permeable paving for walkways, parking lots, etc	-		1.2	-
Photocatalytic pavement or building exterior	-		1.5	-
White roof area	-		0.1	-
Vegetated walls - area of wall covered	-		0.7	-
Infiltration areas, underground chambers or surface, such as sand filters	-		1.5	-
Green roofs				
Area of green roof with less than 2 in. but not more than 4 in. growing depth	-		1.2	-
Area of green roof with over 4 in. growing depth	-		1.4	-
Off-site improvements				
Tree credit to the Tree Fund [6]	0	100 sq. ft. per	0.4	-
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales	-		1.5	-
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator	-		0.4	-
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water	-		0.2	-
Landscaping visible to passersby (adjoining & up to 85 ft depth)	-		0.1	-
Landscaping to be maintained in food cultivation	-		0.2	-
Landscape area utilizing structural soil	-		0.4	-
Total Green Factor Score				0.0877

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Green Factor Sheet (Continued)

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		Mira Keystone Hotel		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
<p>Notes for Green Factor</p> <p>[1] Large shrubs or ornamental grasses are those that reach 3 ft or more in height at maturity.</p> <p>[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.</p> <p>[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.</p> <p>[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.</p> <p>[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be stable and include established vegetation as evidenced by the presence of mature trees, understory plants or grasses other than turfgrass.</p> <p>[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of the site's credited trees may be tree credits. Contribution method and amount to be established by the Metropolitan Development Commission.</p>				
Indicate the Tree species in each size category:				
Small trees species =				
Medium tree species =				
Large tree species =				





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METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The height variance will not be injurious because the hotel next door is nearly as tall and there are other buildings within the same commercial park that are as tall or taller than the proposed five-story hotel. Such buildings have not been injurious to the community. The variance for the setback will not have any injury because the adjacent hotel was granted a similar variance in 2017 and no injury has occurred. The variance for the parking space size is a minimal request and will allow adequately sized parking spaces for cars and SUVs. The size of the spaces meets the requirements of Section 744-404.D.2.b. which requires spaces for uses other than residential uses to be 9'x18'. The size of the spaces is common in Indianapolis and some of the parking spaces for the hotel next door are similarly sized. Such spaces do not cause injury to the community. The site is an infill site and is currently improved with a paved parking area. A reduced green factor score will not cause injury to the community as new landscaping will be added to areas that are currently paved.

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

Approval of the variances will allow for the development of a new hotel to serve visitors to the commercial park and surrounding area. The approval will allow a surface parking lot to be improved with a five-story hotel representing a substantial capital investment in the commercial park. Such hotel will significantly improve the assessed value of this area.

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

The site is unique because it is bordered by two streets, one of which is curved in a manner that reduces the usable building area of the site. Without the height variance, the hotel will not be able to be developed with a hotel similar to the hotel next door. The variance for the setback is needed because the site has two front yards and it will allow the new hotel to be placed in a similar location north to south as the existing adjacent hotel. The variance for the reduction in parking space size will allow for the installation of drive aisles that line up with the existing drive aisles for the hotel next door. The site is an infill site and is improved with a long-existing parking area. There is a practical difficulty in developing the site and meeting the green factor, which would require the installation of several hundred trees, which would require an unreasonable amount of area on the site and would result in burdensome maintenance costs.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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

## PHOTOS



Photo of the Proposed Lot 2 looking southeast from Advisory Way.



Photo of the Proposed Lot 1 looking southwest from Advisory Way.





Photo of the proposed parcel split looking south towards Counselors Row.



Photo of the Proposed Lot 2 looking east.





Photo of the proposed parcel split looking north from Counselors Row.



Photo of the Proposed Lot 2 looking north.