



Metropolitan Development Commission (November 1, 2023) Meeting Notice

Meeting Details

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

Date: Wednesday, November 01, 2023 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes: October 18, 2023

Bid Opening: RFP-13DMD-2023-6-The Drake Apartments

Policy Resolutions:

REAL ESTATE:

1. 2023-R-034

Metropolitan Development Commission authorizes DMD to enter into a technology contract at an initial annual cost of ninety-eight thousand six hundred dollars (\$98,600) for services to support land bank operations, real estate management, and other redevelopment work.

2. 2023-R-035

Metropolitan Development Commission authorizes DMD to enter into a stewardship agreement with partners to stabilize and maintain Old Fire Station 18 while engaging the community to help assess adaptive reuses of Old Fire Station 18 as part of the Central State project and to capture such terms in an agreement that may lead to disposition and a project agreement or agreement(s) for redevelopment.

ECONOMIC DEVELOPMENT / INCENTIVES:

3. 2023-E-042

Authorizes reimbursement for local public improvements totaling nine million two hundred forty thousand dollars (\$9,240,000) from various Allocation Areas to provide additional capacity to the Department of Public Works Capital Improvement Plan.

4. 2023-E-043

Authorizes reimbursement for local public improvements totaling twenty five million eight hundred sixty seven thousand four hundred fifty dollars (\$25,867,450) from various Allocation Areas to provide funding for economic development related infrastructure projects.

5. 2023-E-044

Declaratory Resolution to create an Additional Professional Sports Development Area and Approving a Development Area Plan.

6. 2023-A-036 (For Public Hearing)

Resolution authorizing a hearing regarding termination of the Personal Property Tax Abatement associated with Economic Revitalization Area Resolution 2019-A-036, 2019, for FedEx Supply Chain, Inc, located at 5425 Exploration Drive, Council District #20, Decatur Township.

7. 2023-A-037 (For Public Hearing)

Resolution authorizing a hearing regarding compliance with and amendments to the terms the Real Property Tax Abatement associated with Economic Revitalization Area Resolution 2018-A-046, 2018, as well as a Waiver of the 2023 deduction application filing deadline for MiraVista Diagnostics, LLC, and Mirabella Technologies, LLC located at 4705 Decatur Boulevard, Council District #22, Decatur Township.

8. 2023-A-038 (For Public Hearing)

Final Economic Revitalization Area Resolution for OnPoint Fort Ben, LLC, located at 5745 Lawton Loop East Drive, Council District #4, Lawrence Township. (Recommend approval of five (5) years real property tax abatement.)

COMMUNITY INVESTMENTS:

9. 2023-C-010

Authorizes the Department of Metropolitan Development to enter into an agreement with The Indianapolis Foundation, Housing to Recovery Fund to provide funding for support services for people who are experiencing homelessness, in an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000) from the Indianapolis Housing Trust Fund.

FINANCIAL SERVICES:

10. 2023-FS-002

Increase the amount of the professional services agreement with Resultant, LLC by a thousand dollars for leadership development and training.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

11. 2023-APP-027 | 739 North Traub Avenue

Center Township, Council District #11
PK-1

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

Park District One Approval to provide for playground equipment, ball courts, a shelter and other park improvements.

12. 2023-APP-028 | 2424 (2360) Dr Martin Luther King Jr Street

Center Township, Council District #11
PK-1 (W-1) (W-5)

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

Park District One Approval to provide for playground equipment, game courts, a pavilion and other park improvements.

13. 2023-MOD-016 (Amended) | 12676 Shorevista Drive

Lawrence Township, Council District #5
D-P (FF)
Andrew Schenck, by David Gilman

Modification of the development statement for 90-Z-110 for Lot 279 of Admiral's Bay, Section Six, to provide for a boathouse with a zero-foot rear setback protruding approximately nine feet into Geist Reservoir (minimum 20-foot rear setback or 788.4 feet above mean sea level, whichever is greater, no covered boat docks permitted and may not protrude into the Reservoir).

14. 2023-ZON-074 (Amended) | 2013 Southeastern Avenue

Center Township, Council District #12
Omar Hasan, by Mark and Kim Crouch

Rezoning of 0.22 acre from the C-1 district to the D-8 district to provide for two duplexes / townhome development.

15. 2023-ZON-079 (Amended) | 2153 North Arsenal Avenue

Center Township, Council District #17
Greater Joshua Missionary Baptist Church, by Kevin Thomas

Rezoning of 0.634 acre from the I-3 district to the SU-1 district to provide for religious uses.

16. 2023-ZON-088 | 8815 and 8817 Haverstick Road

Washington Township, Council District #2
Roman Catholic Archdiocese of Indianapolis, Inc. as trustee for Our Lady of Peace Cemetery, by Paul Carroll

Rezoning of 2.99 acres from the D-A district to the SU-10 district to provide for cemetery uses.

17. 2023-ZON-089 | 2918 Jackson Street

Wayne Township, Council District #16
Hi-Tone Ventures, LLC, by Anthony Morman

Rezoning of 0.23 acre from the D-5 (TOD) district to the D-8 (TOD) district to provide for a small apartment use.

18. 2023-ZON-092 | 2701 North College Avenue

Center Township, Council District #17
JBCC Holdings, LLC, by John Cross

Rezoning of 0.15 acre from the C-3 district to the MU-2 district to provide for mixed-use development.

19. 2023-CZN-847 / 2023-CAP-847 | 4175 and 4225 West Washington Street

Wayne Township, Council District #22
Department of Parks and Recreation, by Kate Warpool
Rezoning of 2.11 acres from the C-5 (TOD) and SU-2 (TOD) districts to the PK-1 (TOD) district to provide for park uses.

Park District One approval to provide for a new playground, parking area, game courts, shelters and other park improvements.

20. 2023-CZN-853 | 2029 Massachusetts Avenue

Center Township, Council District #17
Shanea Howell, by Sarah Walters

Rezoning of 0.14 acre from the C-3 district to the D-8 district.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

21. PLAT PETITION APPROVED BY THE PLAT COMMITTEE, APPEAL FILED BY REMONSTRATOR:

2023-PLT-064 | 6243 East Washington Street

Warren Township, Council District # 12

C-4

Irvington Plaza Associates, by Nathan Barr

Approval of a Subdivision Plat, to be known as Irvington Plaza, dividing 15.75 acres into six lots and one block.

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

2023-ZON-091 | 9371 Zionsville Road (8902 Zionsville Road)

Pike Township, Council District #1

Callaway Group, LLC, by Marc Menkveld

Rezoning of 1.061 acres from the SU-39 district to the I-4 district to provide for heavy industrial uses.

23. COMPANION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:

2023-VAR-001 (Amended) | 2802 South Holt Road

Wayne Township, Council District #16

Maninder Singh

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted);
- e. Construction of a building within a six-foot front yard setback from Farnsworth Street (10-foot front yard setback required); and
- f. The location of a parking area and outdoor storage with a zero-foot south and west side transitional yard (10-foot transitional yard required).

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

2023-CZN-830 / 2023-CVR-830 | 201 West 38th Street and 3750 North Capitol Avenue

Center Township, Council District #7

C-4 / D-5

Martin Petroleum Inc., by Pat Rooney

Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard 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. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. F

accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

Redevelopment and

Property Management
Tolemi Contract

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-034**

WHEREAS, The City of Indianapolis, Department of Metropolitan Development ("DMD"), is engaging in disposition and redevelopment activities within the Marion County Redevelopment District in Marion County, Indiana ("Redevelopment District"); and

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

WHEREAS, the Department of Metropolitan Development, ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, is engaging in redevelopment activities in the Marion County Redevelopment District ("Project Area"); and

WHEREAS, in furtherance of said redevelopment activities within the Project Area, the DMD, in cooperation with the City's Information Services Agency (ISA), desires to contract with OPPORTUNITYSPACE, INC. d/b/a/ Tolemi ("Tolemi") for subscription property portfolio management and other services ("Services") to facilitate redevelopment and property management of City-owned land bank and other properties located inside the Project Area ("Properties"); and

WHEREAS, DMD seeks authorization to enter into a contract for an initial period of one year at a cost of **\$98,600** with the option to extend for three (3) years at an annual cost of **\$95,000** per year for each additional year and an option to adjust Services and for such contract to be payable from all sources of funding available for such Services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to enter into a contract as described above to provide property portfolio management and other Services as described above.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents to amend/extend the Agreement in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the Commission so as to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney *sek*

John J. Dillon III, President

Sheila Kinney, Asst. Corp Counsel

Date: _____

Date: 10/25/2023

Redevelopment
Central State- Old IFD 18
Stewardship/Disposition

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-035**

WHEREAS, the Department of Metropolitan Development, (hereinafter "DMD"), by authority of and pursuant to I.C. 36-7-15.1, is engaging in disposition and redevelopment activities within the Marion County Redevelopment District specifically the Central State Project ("Project Area") on the grounds of the former Central State Hospital;

WHEREAS, pursuant to I.C. 36-7-15.1 the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values and has broad legal authority to undertake projects to encourage redevelopment, including acquisition and disposition of real property; and

WHEREAS, DMD acquired real property on the Central State hospital campus, formerly owned by the State of Indiana, commonly known as **Old IFD 18** and located at the corner of W. Washington St. and Tibbs in Marion County, Indiana ("Property"); and

WHEREAS, in accordance with IC 36-7-15.1-15, the DMD/MDC publicly offered the Property for sale for redevelopment by a Request for Proposals (**RFP-13DMD-2022-5**) dated January 20, 2022, with bidder responses due on April 18, 2022. Offers were received and evaluated, and DMD would like to pursue the proposal for the Property from ROKH LLC by entering in to a Stewardship and Planning Agreement with ROKH, LLC and its partners including, but not limited to, historic preservation and community fundraising experts (collectively "**ROKH**") to continue facility stabilization and maintenance while gathering community input on future adaptive reuses and redevelopment plans to be captured in a future project agreement for the Property once specific plans are determined.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to enter into a Stewardship and Planning Agreement, as referenced above, to address stabilization and maintenance of the Property while engaging the community to help determine future adaptive reuses and redevelopment plans to be captured in a future project agreement or agreements.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the MDC so as to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

John J. Dillon III, President

Date: October 11, 2023

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-E-042**

**RESOLUTION APPROPRIATING EXPENDITURE
OF TAX INCREMENT FINANCE REVENUE FUNDS**

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

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

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

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

WHEREAS, the Department of Public Works (hereinafter “DPW”), a division of the Consolidated City of Indianapolis – Marion County, has the power to contract for the construction or improvement of public ways, sidewalks, sewers, waterlines, or other local public improvements that are necessary for economic development within the Allocation Areas; and

WHEREAS, IC 36-7-15.1-26 authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements;

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

1. That the Commission hereby authorize the Director of DMD and the Director of DPW to utilize the expenditure of unobligated funds on deposit in the respective Allocation Funds in an aggregate amount not to exceed \$9,240,000.00 as listed in Exhibit A by Allocation Area to reimburse the Consolidated City for reasonable expenses associated with local public improvements identified in Exhibit B. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

2. The City Controller is hereby authorized to disburse moneys in an in an aggregate amount not to exceed \$9,240,000.00 as listed in Exhibit A by Allocation Area for the local public improvements noted Exhibit B.
3. This Resolution shall take effect immediately upon adoption by the Commission.

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


John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 1st day
of November, 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

Approved as the Availability of Funding



Sarah Riordan, Controller
10/24/2023

Date

Exhibit A

To Resolution No. 2023-E-042

TIF Allocation Area	Amount
86th Street / Zionsville Road Allocation Area	1,000,000
Airport Allocation Area	2,100,000
Barrington Allocation Area	250,000
United Northwest Area Allocation Area	350,000
96 th Street/ Castleton Allocation Area	1,000,000
Consolidated Redevelopment Allocation Area	4,540,000
Total	9,240,000

Exhibit B

To Resolution No. 2023-E-042

86th Street / Zionsville Road TIF

- ST-23-081 Street Construction/Reconstruction (BOT)

Airport TIF

- ST-21-095 Concrete Pavement Joint Repair Heathrow Way from Ameriplex Pkwy to Kentucky Ave

Barrington HoTIF

- ST-22-100 Residential Street Reconstruction - Sector 5

United Northwest Area TIF

- ST-23-077(B)CN Residential Street Reconstruction - Sector 1 (NW)

96th Street/Castleton TIF

- ST-20-103 Concrete Pavement Rehabilitation Area No. 1
- ST-22-097 Residential Street Reconstruction - Sector 2

Consolidated Redevelopment TIF

- BM-24-114 16th St over White River (2408 F) STBG FY2024
- ST-24-114 Concrete Rehabilitation 2024
- ST-25-161D Market Street Reconstruction, Illinois St to Monument Circle

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-E-043**

**RESOLUTION APPROPRIATING EXPENDITURE
OF TAX INCREMENT FINANCE REVENUE FUNDS**

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

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

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

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

WHEREAS, the Department of Public Works (hereinafter “DPW”), a division of the Consolidated City of Indianapolis – Marion County, has the power to contract for the construction or improvement of public ways, sidewalks, sewers, waterlines, or other local public improvements that are necessary for economic development within the Allocation Areas; and

WHEREAS, IC 36-7-15.1-26 authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements;

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

1. That the Commission hereby authorize the Director of DMD and the Director of DPW to utilize the expenditure of unobligated funds on deposit in the respective Allocation Funds in an aggregate amount not to exceed \$25,867,450.00 as listed in Exhibit A by Allocation Area to reimburse the Consolidated City for reasonable expenses associated with local public improvements identified in Exhibit B. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

2. The City Controller is hereby authorized to disburse moneys in an in an aggregate amount not to exceed \$25,867,450.00 as listed in Exhibit A by Allocation Area for the local public improvements noted Exhibit B.
3. This Resolution shall take effect immediately upon adoption by the Commission.

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

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 1st day
of November, 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

Approved as the Availability of Funding



Sarah Riordan, Controller

Oct 24, 2023

Date

Exhibit A

To Resolution No. 2023-E-043

TIF Allocation Area	Amount
Airport Allocation Area	4,442,950
North Midtown Allocation Area	200,000
96th Street/ Castleton Allocation Area	5,000,000
Consolidated Redevelopment Allocation Area	16,224,500
Total	25,867,450

Exhibit B

To Resolution No. 2023-E- E-043

Airport TIF

- ST-29-020 Girls School Rd - Perimeter Rd to 21st St
- ST-30-054 Washington St Rehabilitation - I-465 to Holt Rd

North Midtown TIF

- 42nd St and 54th St Sidewalks

96th Street/Castleton TIF

- GT-06-001 Nickel Plate Trail

Consolidated Redevelopment TIF

- ST-25-507 Indianapolis Cultural Trail 3.0 (Design)
- ST-25-533 Elevator Hill Improvements (Design Pine to College)
- ST-25-533 Elevator Hill Improvements (Construction Highland to Pine)
- ST-25-542 Market St Reconstruction - Capitol Ave to Illinois St (Design)
- NBA All Star 2024 Preparations
- ST-25-541 Market St Reconstruction - Pennsylvania to Delaware (Design)

**RESOLUTION OF THE
METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, ACTING AS THE
REDEVELOPMENT COMMISSION OF THE
CITY OF INDIANAPOLIS, INDIANA,
DECLARING AN AREA IN MARION COUNTY, INDIANA
AS AN ADDITIONAL PROFESSIONAL SPORTS DEVELOPMENT AREA AND
APPROVING A DEVELOPMENT AREA PLAN**

RESOLUTION NO. 2023-E-044

WHEREAS, in accordance with IC 36-7-31.5 et. seq. (the “Act”), the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”) desires to establish a certain geographical area as an additional professional sports development area (the “Tax Area”);

WHEREAS, the Commission may establish the Tax Area before July 1, 2024 pursuant to the procedures set forth for the establishment of an economic development area under the Act; and

WHEREAS, as contemplated by the Act, the Commission desires to designate certain facilities or complex of facilities that are (A) located within the Tax Area and (B) (i) used to hold a professional sporting event, and which in addition, may be used to hold other entertainment events, including any publicly owned parking garage, plaza, or infrastructure that is constructed or renovated in connection with the construction of the facility used to hold a professional sporting event; (ii) used in the training of a team engaged in professional sporting events; (iii) used in whole or in part to manage and operate the professional team that would participate in the facility used to hold a professional sporting event; or (iv) a mixed use development, consisting, in part, of retail space, office space, apartment dwelling units, and one or more hotels (collectively, the “Designated Facilities”) in order to make available certain funds to the Capital Improvement Board of Managers of Marion County, Indiana (the “Board”) to pay any costs related to the facility described in (b)(i) herein, and hereinafter referred to as the “Stadium Project”, including such costs provided in Section 15 of the Act; and

WHEREAS, each of the Designated Facilities are within a straight line distance of one (1) mile of the Stadium Project, as required by Section 4 of the Act; and

WHEREAS, the Tax Area is a special taxing district authorized by the General Assembly of the State of Indiana to enable the County of Marion County (the “County”) to provide special benefits to taxpayers in the Tax Area by promoting economic development that is of public use and benefit; and

WHEREAS, in connection with establishing the Tax Area, the Commission caused to be prepared an additional professional sports development area plan (the “Area Plan”) including a map showing the boundaries of the Tax Area; and

WHEREAS, the Area Plan is attached to this resolution as Exhibit A, and the Area Plan is incorporated into this resolution by this reference; and

WHEREAS, the Area Plan is presented to the Commission at this meeting for consideration and approval of the Commission; and

WHEREAS, the Area Plan and additional and supporting information were reviewed and considered at this meeting; and

WHEREAS, the Commission determines that no residents or business operations of the Tax Area will be displaced by the proposed activity hereunder;

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

Section 1. The foregoing recitals are incorporated into this resolution by this reference.

Section 2. (a) The Commission hereby finds that each of the Designated Facilities to be undertaken or that has been undertaken in the Tax Area (A) is all or any part of one (1) or more buildings, structures, or improvements constituting a capital improvement (as defined in the Act), (B) will benefit the public health and welfare and will be of public utility and benefit and (C) will protect or increase state and local tax bases and tax revenues.

(b) The Tax Area, is hereby designated, declared and determined to be an "additional professional sports development area" and a new "tax area" under the Act. The Commission hereby further finds that one or more of the Designated Facilities located in the Tax Area is: (i) used to hold a professional sporting event, and which in addition, may be used to hold other entertainment events, including any publicly owned parking garage, plaza, or infrastructure that is constructed or renovated in connection with the construction of the facility used to hold a professional sporting event; (ii) used in the training of a team engaged in professional sporting events; (iii) used in whole or in part to manage and operate the professional team that would participate in the facility used to hold a professional sporting event; or (iv) a mixed use development, consisting, in part, of retail space, office space, apartment dwelling units, and one or more hotels;

(c) The Tax Area as established by the Commission is a special taxing district authorized by the general assembly to enable the County to provide special benefits to taxpayers in the Tax Area by promoting economic development that is of public use and benefit.

Section 3. In support of the findings and determinations set forth in Section 2 of this resolution, the Commission hereby adopts the specific findings set forth in the Area Plan.

Section 4. The Area Plan is hereby in all respects approved, and the Secretary of the Commission is hereby directed to file a certified copy of the Area Plan with this resolution and the minutes of this meeting.

Section 5. (a) The covered taxes, as defined in the Act (the "Covered Taxes"), attributable to a taxable event or Covered Taxes earned in the Tax Area shall be allocated to the Marion County Additional Professional Sports Development Area Fund established pursuant to Section 10 of the Act; provided, however, that for purposes of this resolution and the Tax Area, Covered Taxes shall not include any food and beverage tax imposed under IC 6-9 and, furthermore, under the Act, does not include (i) innkeeper's tax imposed under IC 6-9-8 or (ii) admissions tax imposed under IC 6-9-13.

(b) In addition to the foregoing allocation, it is contemplated that to further support the public purposes of this resolution, the Board shall adopt a resolution (subject to any requirements and limitations set forth therein) which directs that (i) food and beverage tax imposed under IC 6-9, (ii) innkeeper's tax imposed under IC 6-9-8 or (iii) admissions tax imposed under IC 6-9-13, received by the Board due to taxable transactions in the Tax Area are to be segregated by the Board and used for the same purposes as the Marion County Additional Professional Sports Development Area Fund described in Section 15 of the Act.

(c) Notwithstanding the foregoing provisions of this Section 5, Covered Taxes attributable to a taxable event or Covered Taxes from income earned in the Tax Area may not be allocated to the Marion County Additional Professional Sports Development Area Fund established pursuant to Section 10 of the Act until this resolution and all resolutions adopted by the Commission in connection with the public hearing of the Commission authorized by Section 11 of this resolution are approved by the State Budget Agency, as contemplated by Section 7 of the Act.

Section 6. The Tax Area shall terminate not later than thirty-two (32) years after the first collection of Covered Taxes from the Tax Area, as provided in the Act and the foregoing allocation provisions shall apply to the entire Tax Area:

(i) Covered Taxes may not be collected in the Tax Area until the date on which all the conditions set forth in the Act are met; and

(ii) As provided in Section 8(c) of the Act, the total amount of state revenue captured by the Tax Area may not exceed nine million five hundred thousand dollars (\$9,500,000) per state fiscal year, for not more than thirty-two (32) years after the first allocation of Covered Taxes from the Tax Area.

Section 7. Until the expiration of the Tax Area, as contemplated by Section 6 of this resolution, the officers of the Commission are hereby authorized and directed to make by and on behalf of the Commission any and all filings with the Department of State Revenue required by Section 9 of the Act.

Section 8. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

Section 9. The Commission hereby determines that this resolution and the Area Plan conform to the comprehensive plan of development for the City, and the Commission hereby approves this resolution and the Area Plan in all respects.

Section 10. The Secretary or any other officer of the Commission is hereby authorized, empowered and directed to set and give notice as the date, time and place that is determined to be suitable for a public hearing as an opportunity for the receiving of remonstrances and other testimony from persons interested in or affected by the proceedings pertaining to the Tax Area.

Section 11. The Secretary or any other officer of the Commission hereby is authorized, empowered and directed by and on behalf of the Commission (a) to publish notice of the adoption of this resolution and of the public hearing established in Section 10 of this resolution, (b) to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1, as contemplated by the Act, and (c) to take any other action by and on behalf of the Commission as the Secretary or such other officer deems necessary or desirable to effect this resolution and any other resolution contemplated by this resolution. Any such publication or other actions heretofore made or taken hereby are, ratified and approved by the Commission.

Section 12. Following (a) the public hearing of the Commission authorized in Section 10 of this resolution, (b) compliance with the notice requirements of the Act, and (c) the adoption of one or more resolutions of the Commission confirming this resolution as approved by the Commission or as amended by such resolutions of the Commission, the Secretary or any other officer of the Commission hereby is authorized, empowered and directed by and on behalf of the Commission to submit this resolution together with any resolutions adopted in connection with the public hearing of the Commission authorized in Section 10 of this resolution to the State Budget Committee for review and recommendation to the State Budget Agency.

Section 13. This resolution, together with the Area Plan and any additional and supporting information, shall be submitted to the City-County Council of the City and of the County, as provided in the Act.

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Adopted at the regular meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 1, 2023, at the City-County Building, Public Assembly Room, Indianapolis, Indiana.

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

By: _____
President

Exhibit A

ADDITIONAL MARION COUNTY PROFESSIONAL SPORTS DEVELOPMENT AREA PLAN

November 1, 2023

Introduction

As permitted by IC 36-7-31.5, et. seq. (the “Act”), this is the Additional Marion County Professional Sports Development Area Plan (the “Area Plan”), as approved by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), by Resolution No. 23-E-044, adopted November 1, 2023 (the “Declaratory Resolution”). (This Area Plan as approved in a preliminary form, may be supplemented and amended by the Commission.)

As contemplated by the Act, the Commission desires to designate certain facilities or complex of facilities that are that are (A) located within the Tax Area (as defined herein) and (B) (i) used to hold a professional sporting event, and which in addition, may be used to hold other entertainment events, including any publicly owned parking garage, plaza, or infrastructure that is constructed or renovated in connection with the construction of the facility used to hold a professional sporting event; (ii) used in the training of a team engaged in professional sporting events; (iii) used in whole or in part to manage and operate the professional team that would participate in the facility used to hold a professional sporting event; or (iv) a mixed use development, consisting, in part, of retail space, office space, apartment dwelling units, and one or more hotels (collectively, the “Designated Facilities”). In order to make available certain funds to the Capital Improvement Board of Managers of Marion County, Indiana (the “Board”) to pay any costs related to the facility described in (b)(i) herein, and hereinafter referred to as the “Stadium Project”, including such costs provided in Section 15 of the Act, it is contemplated that the Board will establish a mechanism consistent with the Act whereby certain Covered Taxes (as defined in and limited by the Declaratory Resolution), attributable to taxable events or Covered Taxes from income earned in the Tax Area as thereby allocated to the Marion County Additional Professional Sports Development Area Fund will be held and made available for the foregoing purposes.

1. Description of Area Plan

a. Boundaries of Tax Area

The boundaries of the Tax Area contains certain noncontiguous tracts of land with Marion County, Indiana and that are within a straight line distance of not more than one (1) mile from the Stadium Project (the “Tax Area”), as shown or described on the map set forth on the attached Schedule I.

b. Designated Facilities

Each of the Designated Facilities has been determined and is recited herein to include (i) the facilities set forth on the attached Schedule 2, each of which are in service and operating prior to the date of adoption of the Declaratory Resolution and (ii) upon their respective completion, the facilities set forth on the attached Schedule 3, each of which are anticipated to be initially placed in service and operating after the date of adoption of the Declaratory Resolution. The Designated Facilities may be updated when determined appropriate without the necessity of amending this Area Plan by given notice thereof to the Department pursuant to section 9 of the Act.

c. Area Plan Objectives

The Area Plan objectives are to:

- (i) Provide sources of funds to the Board to pay any costs related to the Stadium Project, including such costs provided in Section 15 of the Act, and thereby foster and further the activity and ancillary benefits accruing directly and indirectly as a result of the Designated Facilities.
- (ii) Benefit the public health and welfare and be of public utility and benefit.
- (iii) Protect or increase state and local tax bases and tax revenues.

2. Proposed Activities

a. Tax Area Declaration

The Tax Area is a part of special taxing district authorized by the General Assembly to enable the County to provide special benefits in the Tax Area by promoting economic development that is of public use and benefit.

b. Purposes

Covered Taxes attributable to a taxable event or Covered Taxes from income earned in the Tax Area will be allocated to the Marion County Additional Professional Sports Development Area Fund established pursuant to IC 36-7-31.5, subject to the further provisions of such law.

c. Description of Stadium Project

The Stadium Project will be located in in the Tax Area and shall consist of a multipurpose stadium that will be the permanent home of the Indy Eleven men's and women's soccer teams. The ultimate scope and costs of the Stadium Project will be dependent upon (A) projected (i) Covered Taxes, (ii) food and beverage tax imposed under IC 6-9 and received by the Board due to taxable transactions in the Tax Area, (iii) innkeeper's tax imposed under IC 6-9-8 and received by the Board due to taxable transactions in the Tax Area and / or (iv) admissions tax imposed under IC 6-9-13 and received by the Board due to taxable transactions in the Tax

Area, each of which to be used for the same purposes described in Section 15 of the Act (collectively, the “Projected Available PSDA Revenues”) and (B) the amount of bond proceeds that will be made available to pay costs of the Stadium Project when determined by comparing Projected Available PSDA Revenues to financing and related costs (including (i) requirements to pay principal and interest on such bonds, (ii) capitalized interest requirements, (iii) reserve requirements, (iv) appropriate coverage ratios, (v) bond issuance and servicing costs and (vi) capital and operational requirements for the Stadium Project), each as determined by the City and Board.

The development and financing of the Stadium Project will be coordinated with certain other developments in the proposed “Eleven Park”, which in addition to the Stadium Project is expected to include approximately 600 apartments; 205,000 square feet of office space; over 197,000 square feet for retail space and restaurants; a hotel; public plazas with green space; and public parking garages.

d. Finding(s)

The activities herein recited will further and fulfill the objectives set forth in the Area Plan and this Supplemental Plan.

3. Procedures for Plan Changes

Supplements and amendments to this Area Plan will be made in accordance with the laws of the State of Indiana.

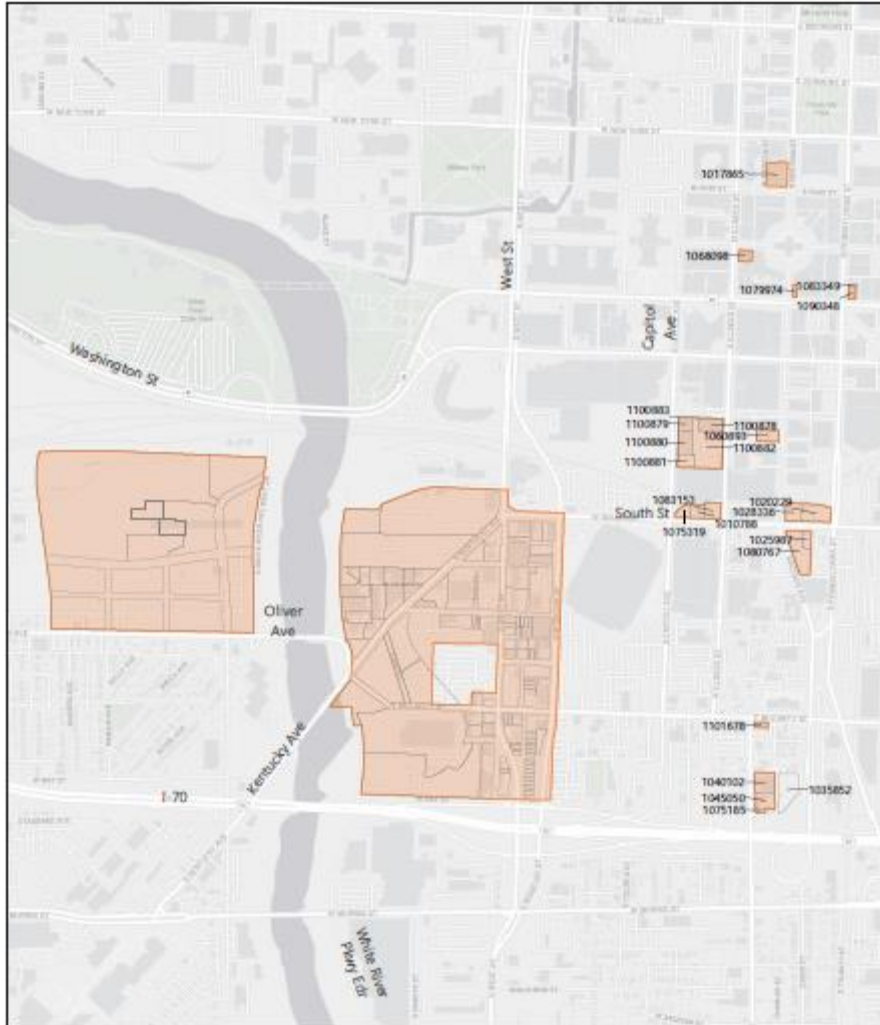
4. List of Owners of Property to be Acquired

No property situated in the Tax Area is to be acquired to accomplish the purposes of this Area Plan.

Schedule 1

MAP OF THE TAX AREA

**Proposed Professional Sports Development
Area Boundary**



Schedule 2

**Name, Approximate Street Address and Specific Local Parcel # of
Designated Facilities
In Additional Marion County Professional Sports Development Area
For an Allocation Established Pursuant IC 36-7-31.5-4
Operating Prior to the Date of Adoption of Resolution No. 23-E-044**

220 N. Meridian Street
Indianapolis, Indiana 46204
Local Parcel #: 1017865

Schedule 3

**Name, Approximate Street Address and Specific Local Parcel # of Designated Facilities
In Additional Marion County Professional Sports Development Area
For an Allocation Established Pursuant IC 36-7-31.5-4
Anticipated to be Initially Placed in Service and Operating
After the Date of Adoption of Resolution No. 23-E-044**

Eleven Park

402 Kentucky Avenue

Indianapolis, Indiana 46225

Local Parcel #: 1027884, 1082546, 1107179, 1104767, 1107180, 1104766, 1104765, 1105073, 1105072, 1104774, 1104775, 1104764, 1104768, 1104769, 1104776, 1104770, 1104771, 1104773, 1104772, 1023196, 1045339, 1039716, 1045349, 1045340, 1034181, 1066772, 1081761, 1010827, 1026421, 1026445, 1045294, 1010353, 1071535, 1027443, 1076970, 1027444, 1076972, 1003003, 1107587, 1043777, 1020677, 1013085, 1020688, 1076815, 1026745, 1054237, 1004601, 1034418, 1028309, 1104221, 1060379, 1076949, 1041864, 1011359, 1064683, 1055551, 1010823, 1052179, 1023783, 1062292, 1041865, 1037052, 1062451, 1105303, 1076948, 1052249, 1097636, 1105302, 1080528, 1080529, 1080530, 1099830, 1076951, 1023795, 1007972, 1007991, 1017001, 1053890, 1053891, 1060772, 1060773, 1053340, 1066528, 1014213, 1014434, 1051217, 1066126, 1007978, 1066790, 1044356, 1031372, 1004619, 1076956, 1034059, 1034057, 1066937, 1059074, 1003633, 1034060, 1034050, 1087885, 1073589, 1037609, 1007980, 1018354, 1051219, 1043351, 1023192, 1004698, 1028790, 1036218, 1037767, 1038203, 1044367, 1057711, 1099496, 1102085

Certain developments located at the following approximate street addresses and specific Local Parcel #:

365 S. Meridian Street
Indianapolis, Indiana 46225
Local Parcel #: 1028336

20 E South Street
Indianapolis, Indiana 46225
Local Parcel #: 1020229

25 E South Street
Indianapolis, Indiana 46225
Local Parcel #: 1025987

16 E Henry Street
Indianapolis, Indiana 46225
Local Parcel #: 1080767

201 S Capitol Ave
Indianapolis, Indiana 46225
Local Parcel #: 1100882, 1100880, 1100881, 1100879, 1100878

350 South Illinois Street
Indianapolis, Indiana 46225
Local Parcel #: 1083153, 1010788, 1075319

340 S White River Pky
Indianapolis, Indiana 46204
Local Parcel #: 1107342, 1107415, 1107333, 1107416, 1107418, 1107346, 1107334,
1107335, 1107336, 1107337, 1107338, 1107339, 1107347, 1107417

17 W Market Street
Indianapolis, Indiana 46204
Local Parcel #: 1068098

1 N Meridian Street
Indianapolis, Indiana 46204
Local Parcel #: 1079974

1 N. Pennsylvania Street
Indianapolis, Indiana 46204
Local Parcel #: 1090348, 1083349

801 S Meridian Street
Indianapolis, Indiana 46225
Local Parcel #: 1101678

230 S Meridian Street
Indianapolis, Indiana 46225
Local Parcel #: 1060893

915 S Meridian Street
Indianapolis, Indiana 46225
Local Parcel #: 1040102, 1045050, 1075185, 1035852

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
RESOLUTION TO
TERMINATE FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR**

**FedEx Supply Chain, Inc.
5425 Exploration Drive**

Resolution No. 2023-A-036

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to the installation of new equipment in Economic Revitalization Areas; and

WHEREAS, I.C. 6-1.1-12.1 pursuant to I.C. 6-1.1-12.1, FedEx Supply Chain, Inc. (hereinafter "Applicant") filed a designation application requesting that the subject real estate at 5425 Exploration Drive (the "Subject Real Estate") be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the proposed installation of new eligible personal property (hereinafter "Project"); and

WHEREAS, on Wednesday, June 5th, 2019 the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2019-A-041, 2019 preliminarily designating the Subject Real Estate as an Economic Revitalization Area; and

WHEREAS, on Wednesday, July 17th, 2019, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2019-A-054, 2019 (the "Resolution"), confirming designation of the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving five (5) years personal property tax abatement (the "Abatement"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement (hereinafter the "MOA") executed by and between the Applicant and the City of Indianapolis (hereinafter referred to as the "City"), the Applicant indicated that \$9,000,000 in personal property investments would be made at the Subject Real Estate, and 225 new full-time permanent positions would be created at an average wage of \$16.07 per hour as a result of the Project (collectively the "Commitments") and in consideration thereof, the Commission approved the Resolutions and the Applicant accepted the terms and conditions of the Resolutions by accepting the benefits thereof; and

WHEREAS, the Resolutions directed the Department of Metropolitan Development ("DMD") to survey the Applicant's Project annually for seven (7) years and the Commission reserved its rights to reduce the dollar amount, or rescind in its entirety, the deduction being received by the Applicant for failure to achieve the benefits described in the Statement of Benefits and/or the MOA or for failure to respond to the mandatory survey; and

WHEREAS, the Applicant has indicated they will cease operations at the Subject Real Estate; and

WHEREAS, pursuant to Resolution 2019-A-054 of the Commission, authorizes DMD to evaluate and determine on behalf of the Commission whether each property owner who has been awarded a tax abatement has substantially complied with its Statement of Benefits and whether failure to comply

was caused by factors beyond the control of the property owner. DMD has determined the Applicant has not complied with the Statement of Benefits; and

WHEREAS, the Applicant has realized a tax savings of \$223,563.94 to date due to the Abatement; and

WHEREAS, the Department of Metropolitan Development, on behalf of the Commission and in agreement with the Applicant, determined that the Abatement should be terminated, and the Applicant will pay damages of \$223,563.94 of tax savings received by the Applicant, and subsequently they set 1:00 p.m. on Wednesday, November 1st, 2023, for the public hearing of remonstrances and objections from persons interested in whether the Abatement for the Subject Real Estate should be terminated, and payment of the damages should be reimbursed to the City; and

WHEREAS, proper legal notices were published stating when and where such final hearing would be held; and

WHEREAS, at such final hearing, evidence and testimony (along with all written remonstrances and objections previously filed) were considered by the Commission; and

WHEREAS, the DMD and The City of Indianapolis have satisfied all other conditions precedent to termination of the Economic Revitalization Area designations and associated tax abatement deductions;

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission hereby confirms DMD’s preliminary finding that the Applicant has not substantially complied with the Statement of Benefits contained in the Resolutions or met the Commitments contained in the MOA.
2. The Commission now hereby determines that the Applicant has failed to or will be unable to substantially comply with the Commitments (as identified and agreed upon in the Statement of Benefits form contained in the attachments to the Resolutions and/or the MOA), entitling DMD to terminate, through the Commission, the tax abatement deductions regarding the Subject Real Estate and relative to the Project and Resolutions and authorizes the Director of DMD to sign the Termination Agreement.
3. The Commission hereby acknowledges that Applicant’s agreement and consent to the termination of the tax abatement and repayment of damages, as authorized by this Final Resolution
4. The Commission determines that the MOA for the Subject Real Estate shall be terminated upon adoption of this Final Resolution.
5. The Commission hereby directs that the Applicant shall pay to the City of Indianapolis damages in the amount of \$223,563.94, within 60 days of the adoption of this Final Resolution, and authorizes the Director of the Department of Metropolitan Development to take such action as is necessary to recover said damages should they not be timely remitted. Upon repayment of said damages, the Commission shall release Applicant from any and all other liabilities related to the Abatement or the termination of the Abatement.

- 6. A copy of this Final Resolution shall be filed with the Marion County Auditor and Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillion III, President

Dated

Approved as to Legal Form
and Adequacy this 23rd day
of October 2023

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

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

**RESOLUTION WAIVING CERTAIN FILING REQUIREMENTS OF THE ECONOMIC
REVITALIZATION AREA DESIGNATION APPROVED BY RESOLUTION
2018-A-046, AND APPROVING AMENDMENTS TO THE ASSOCIATED AGREEMENT**

RESOLUTION NO. 2023-A-037

REAL PROPERTY TAX ABATEMENT

MiraVista Diagnostics, LLC & Mirabella Technologies, LLC

4705 Decatur Boulevard

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

WHEREAS, on Wednesday, September 19th, 2018, the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2018-A-043, 2018 preliminarily designating 4705 Decatur Boulevard, Indianapolis, Indiana (the "Subject Real Estate") as an Economic Revitalization Area; and

WHEREAS, on Wednesday, October 15th, 2018 after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2018-A-046, 2018 (hereinafter, the "Resolution"), designating the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving six (6) years real property tax abatement for the benefit of MiraVista LLC & Mirabella Technologies, LLC. (hereinafter "Applicant" and the "Abatement"); and

WHEREAS, I.C. 6-1.1-12.1-5 requires an Applicant for Economic Revitalization Area designation to annually file with the real property return a certified deduction schedule, including forms known as the Compliance with a Statement of Benefits Real Estate Improvements Property, or Form CF1/Real Property (hereinafter "CF-1"), (hereinafter the "Deduction Application") with the Marion County Assessor (hereinafter "Assessor"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement (hereinafter referred to as the "MOA") executed by and between the Applicant and the City of Indianapolis (hereinafter referred to as the "City"), the Applicant indicated that \$4,064,832 in real property improvements would be made at the Subject Real Estate, 53 permanent positions would be retained at an average wage of \$35.19 per hour, and 22 permanent positions would be created at an average wage of \$35.19 per hour as a result of the Project (collectively, the "Commitments"); and

WHEREAS, the Applicant submitted SB-1 Statement of Benefits forms that showed the Applicant met the retained jobs and retained wages; and

WHEREAS, the Applicant's submitted SB-1 Statement of Benefits forms also showed that the Applicant exceeded the real property investment commitment; and

WHEREAS, the Applicant submitted SB-1 Statement of Benefits forms that showed the Applicant failed to meet the job creation Commitments and job creation wages ; and

WHEREAS, the Applicant subsequently confirmed to DMD that they would be unlikely to comply with the job creation Commitment and job creation wages by the Commitments dates; and

WHEREAS, the City and Applicant (collectively, the “Parties”) desire to amend the MOA in the following manner: reduce the job creation commitment to 16 full-time permanent positions, at an average hourly wage of not less than \$32.58 per hour, by December 31, 2026, and in consideration of these amendments to the agreement, to increase the retained positions to 63 full-time permanent positions, at an average hourly wage of not less than \$41.97 and subsequently set 1:00 p.m. on Wednesday, November, 1st, 2023, for the public hearing of remonstrances and objections from persons interested in the Applicant’s compliance with Resolutions and MOA, and if the payment of the damages should be made to the City; and

WHEREAS, I.C. 6-1.1-12.1-11.3(a)(5) allows the Commission to waive non-compliance for certain filing requirements of the statutory abatement process, including the filing deadline for the certified deduction applications, provided that the Commission holds a public hearing and adopts a resolution approving such waivers (hereinafter “the Waiver”); and

WHEREAS, the Assessor, without the Commission’s adoption of the Waiver, is legally prohibited from accepting the Applicant’s 2023 deduction applications due to the untimeliness of the filing; and

WHEREAS, the Commission fixed 1:00 p.m. on November 1st, 2023, in the Public Assembly Room of the City-County Building for public hearing regarding the Waiver of Applicant’s noncompliance relative to the 2023 Pay 2024 deduction application filing dates (hereinafter, the “Public Hearing”); and

WHEREAS, such Public Hearing shall only consider the specified Waiver relative to the Applicant’s deduction filing and shall not constitute any other waiver of non-compliance of any other requirements of the Project pursuant to the Resolution and the executed Memorandum of Agreement, including but not limited to the Applicant’s commitments regarding the number and deadline dates for job creation and retention, wages and salaries of Applicant’s employees, and capital investment in the Project; and

WHEREAS, the Department of Metropolitan Development published proper legal notices for the Public Hearing stating the time, date, and location that the Commission would hear remonstrances and public input concerning the Waiver of Applicant’s noncompliance with the filing deadline for the 2023 Pay 2024 Abatement deduction applications.

NOW, THEREFORE, IT IS RESOLVED:

1. Following the Public Hearing and after consideration of all public input and the facts presented to the Commission, the Commission now confirms, adopts and approves the Waiver of Applicant’s failure to file, in a timely manner, the 2023 deduction application, for which Applicant desires to claim deductions for taxes payable in 2024 under I.C. 6-1.1-12.1 *et seq.*, and the Commission finds and confirms all such noncompliance relative to the 2023 Pay 2024 deduction application filing deadline is hereby waived.
2. The Commission hereby determines that the Applicant is unlikely to be able to comply with the job creation Commitments and job creation wages, as stated in the Statements of Benefits, the Resolutions, and the MOA.

3. The Commission finds that the reduction in job creation and decrease in average hourly wage, increase in retention positions, and increase retention wages as set forth in this resolution, are reasonable deviations from the Commitments set forth in the SB-1s, Resolutions and MOA, and authorizes the Director of DMD to execute the Amended Memorandum of Agreement, attached hereto as Exhibit A and incorporated herein, between the Parties (“Amended MOA”).
4. A copy of this resolution shall be filed with the Marion County Auditor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 23rd day
of October 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
FINAL ECONOMIC REVITALIZATION AREA RESOLUTION
RESOLUTION NO. 2023-A-038
REAL PROPERTY TAX ABATEMENT**

OnPoint Fort Ben, LLC
5745 Lawton Loop East Drive

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

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

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

WHEREAS, I.C. 6-1.1-12.1 empowers the Commission, at the time an Economic Revitalization Area is designated, to limit the dollar amount of the deduction that will be allowed with respect to a project; and

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

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

WHEREAS, the Applicant has requested the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the Project set forth in the attachment to this Resolution and occurring on the Subject Real Estate; and

WHEREAS, I.C. 6-1.1-12.1-11.3 empowers the Commission, by resolution and following a public hearing, to waive the requirement that an area be designated as an economic revitalization area before initiation of the redevelopment; and

WHEREAS, the Applicant is requesting, pursuant to the provisions of I.C. 6-1.1-12.1-11.3, that the Commission waive the requirement that an area be designated as an economic revitalization area before the initiation of the redevelopment (the "Waiver"); and

WHEREAS, during a preliminary hearing at 1:00 p.m. on Wednesday, August 16, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, considered the Waiver, and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Preliminary Resolution No. 2023-A-033**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of five (5) years ("Preliminary Resolution"); and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the fiscal body of the unit which established the allocation area, in this case the Common Council of City of Lawrence, Indiana (hereinafter referred to as "Common Council") adopts a resolution approving the Statement of Benefits; and

WHEREAS, the Common Council, on October 19, 2023, adopted Resolution No. 13, 2023, approving the Applicant's Statement of Benefits; and

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

WHEREAS, proper legal notices were published indicating the adoption of such Preliminary Resolution and Waiver and stating when and where such final public hearing would be held.

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now amends, confirms, adopts and approves such Preliminary Resolution and Waiver thereby finds and establishes the area as an Economic Revitalization Area subject to the conditions that designation as an Economic Revitalization Area allows the abatement of property taxes only relative to the Project and the effectiveness of the designation can be terminated by action of the Commission if:
 - A. The Applicant is unable to secure approval of the necessary variance or rezoning petition to provide for the proposed development.
 - B. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in the final resolutions as supplemented by information in the application, site plan and elevations; or
 - C. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
2. The Economic Revitalization Area (ERA) designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the ERA period, this termination does not limit the period of time the Applicant or

successor owner is entitled to receive a partial abatement of property taxes to a period of not less than five (5) years.

3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. This Economic Revitalization Area designation is limited to allowing the partial abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for installation of new manufacturing equipment under I.C. 6-1.1-12.1-4.5.**
5. The Commission has determined that the Project can be reasonably expected to yield the benefits identified in the attached "statement of benefits" and the "statement of benefits" is sufficient to justify the partial abatement of property taxes requested, based on the following findings:
 - A. The estimate of the value of the proposed Project is reasonable for projects of that nature.
 - B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.
 - C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.
 - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed Project.
 - E. The "Totality of Benefits" is sufficient to justify the deduction.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures, Workforce Support Commitments and investment figures contained in the applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the applicant and the City, and/or the statement of benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the Memorandum of Agreement and/or "statement of benefits", or for failure to respond to the mandatory survey.
7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this Resolution annually for at least nine (9) years. The dates of the initial nine (9) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032.

- 8. The Subject Real Estate and Project area are approved for an abatement period of **five (5) years**.
- 9. The real property tax abatement shall utilize the following abatement schedule:

ONPOINT FORT BEN, LLC
REAL PROPERTY TAX ABATEMENT SCHEDULE

YEAR OF DEDUCTION	PERCENTAGE
1 st	75%
2 nd	65%
3 rd	55%
4 th	45%
5 th	35%

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

METROPOLITAN DEVELOPMENT COMMISSION

 John J. Dillon III, President

 Date

Approved as to Legal Form
 and Adequacy this 22nd day
 of October 2023.

/s/ Toae Kim
 Toae Kim,
 Deputy Chief Counsel

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located within former Fort Benjamin Harrison and within the Fort Harrison Redevelopment Area.

Current Zoning:..... D-P

Qualified New Jobs Created: 11

Qualified Jobs Retained: 21

Estimated Cost of proposed project: \$3,580,000.00

STAFF ANALYSIS

OnPoint Fort Ben, LLC has begun the process of redeveloping the historic Fort Benjamin Harrison “PX” building (c. 1908). Phase I of the project consisted of required stabilization of a long-vacant building. \$2.5MM was invested on improvements such as ADA accessibility improvements, new roof as well as truss support system, new elevator, new doors and windows, masonry restoration, new HVAC, new electrical service to the building with distribution panels and the creation of a new asphalt parking lot with sidewalks, curbs and dumpster enclosure.

OnPoint is also proposing ‘Phase II’ of the PX redevelopment, which is a proposed, additional, \$1,080,000 real property investment. This additional investment would be focused on interior finishes and is necessary to convert the ‘white box’ shell into two floors of leasable office space.

OnPoint Fort Ben has identified two tenants to occupy the PX building, an architectural firm and a property management company. Both are local firms that are seeking to expand. The Applicant therefore has committed to at least twenty-one (21) jobs being retain in the completed structure and eleven new jobs being created, at an average wage rate of \$35.00/hr. The Inclusivity Plan will consist of donating 5% of estimated savings to Employ Indy, to support Indy Achieves Completion Grants.

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

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

RECOMMENDATION: Staff recommends approval of five (5) years real property tax abatement.

TOTALITY OF BENEFITS

- PETITIONER:** OnPoint Fort Ben, LLC
- INVESTMENT:** Staff estimates that the proposed investment of \$3,580,000.00 should result in an increase to the tax base of approximately \$1,131,200.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of approximately \$79,586.71 (a 56% savings). During the abatement period, the petitioner is expected to pay an estimated \$62,607.69 in real property taxes relative to the new investment. Since the property was government owned as-of the 2023 assessment date, the property is currently tax exempt. After the tax abatement expires, the petitioner can be expected to pay an estimated \$35,533.62 in real property taxes annually on the new improvements.
- EMPLOYMENT:** The petitioner estimates that this project will retain twenty-one (21) positions at an average wage of \$44.00/hr. and will create at least eleven (11) positions at an average wage of \$35.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Lawrence Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.
- STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

PROJECT SUMMARY

Applicant: OnPoint Fort Ben, LLC

Subject Real Estate: 5745 Lawton Loop East Drive

Lawrence Township Parcel Number: 4038416

Project Description:

OnPoint Fort Ben, LLC is a subsidiary of general contracting firm Meyer-Najam. OnPoint was selected by the Fort Harrison Reuse Authority (FHRA), a statutory redevelopment commission, to redevelop the historic “PX” or Post Exchange building on the grounds of Fort Benjamin Harrison, in 2022. The PX Building was constructed in 1908 to serve the then-active military base, and later converted into a noncommissioned officers club. Since the closure of the base in 1995, the building has fallen into vacancy and deteriorated to the point where demolition was a serious consideration.

Since acquisition, OnPoint has invested \$2.5MM to address aesthetic and structural issues, as well as general modernization of the structure. This ‘Phase I’ stabilization of the PX Building has been completed and is not eligible for tax abatement without the MDC’s grant of a waiver, which has been requested. OnPoint is also proposing ‘Phase II’ of the PX redevelopment, which is a proposed, additional, \$1,080,000 real property investment. This additional investment would be focused on interior finishes and is necessary to convert the ‘white box’ shell into two floors of leasable office space.

OnPoint Fort Ben has identified two tenants to occupy the PX building, an architectural firm and a property management company. Both are local firms that are seeking to expand. The Applicant therefore has committed to at least twenty-one (21) jobs being retain in the completed structure and eleven new jobs being created, at an average wage rate of \$35.00/hr.

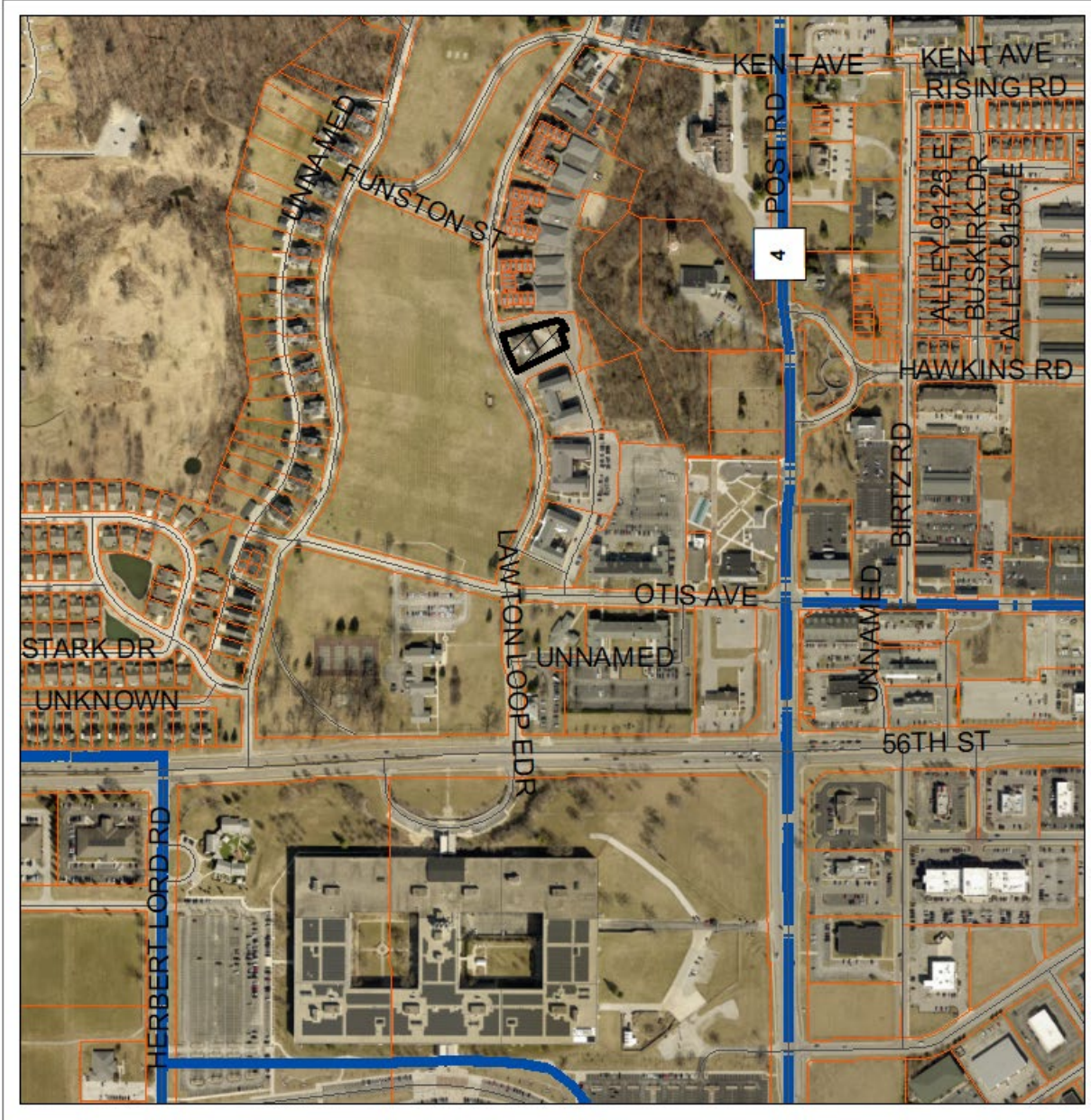
New Jobs Created: 11 at \$35.00/hr.

Jobs Retained: 21 at \$44.00/hr.

Estimated Cost of Project: \$3,580,000.00

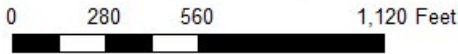
RECOMMENDATION: Staff recommends approval of five (5) years real property tax abatement.

OnPoint Fort Ben, LLC
5745 Lawton Loop East Drive



Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED August 8, 2023

METROPOLITAN DEVELOPMENT COMMISSION

OF

MARION COUNTY, INDIANA

Resolution No. 2023-C-010

WHEREAS, I.C. 36-7-15.1-35.5 authorizes the Metropolitan Development Commission (“MDC”), acting as the redevelopment commission for the Consolidated City of Indianapolis, to establish a supplemental housing program and a housing trust fund; and

WHEREAS, MDC resolution 02-B-002 establishes the Supplemental Housing Program and the Indianapolis Low Income Housing Trust Fund (“Trust Fund”); and

WHEREAS, I.C. 36-7-15.1-35.5(j) establishes the housing trust fund advisory committee (Committee”); and

WHEREAS, the Department of Metropolitan Development (“DMD”) has funds available in the Indianapolis Low Income Housing Trust Fund; and

WHEREAS, the Housing Trust Fund Advisory Committee recommends Indianapolis Low Income Housing Trust funds be awarded to The Indianapolis Foundation, Housing to Recovery Fund to provide funding for support services for people who are experiencing homelessness, in an amount not to exceed One Million Two Hundred and Fifty Thousand Dollars 00/100 (\$1,250,000.00); and

WHEREAS, the DMD and the grantee wish to enter into a new contract;

NOW, THEREFORE, BE IT RESOLVED:

1. The Director of the DMD is hereby authorized by the MDC to enter into a grant agreement with The Indianapolis Foundation, Housing to Recovery Fund in an amount not to exceed One Million Two Hundred and Fifty Thousand Dollars 00/100 (\$1,250,000.00).
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

Approved as to legal form and adequacy:

Metropolitan Development Commission:

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

By: _____
John J. Dillon III, President

Date: 10/25/2023

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-FS-002**

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

WHEREAS, in Resolution No. 2021-FS-001, the Commission authorized DMD to enter into an agreement with Resultant LLC, to provide leadership development and training; and

WHEREAS, in Resolution No. 2022-FS-002, the Commission authorized DMD to amend the agreement with Resultant, LLC to provide for additional compensation; and

WHEREAS, in Resolution No. 2023-FS-001, the Commission authorized DMD to extend the term for an additional year; and

WHEREAS, DMD wishes to further amend the agreement with Resultant, LLC to provide for additional compensation.

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

1. The Commission hereby authorizes DMD to amend the professional services agreement with Resultant, LLC to increase the compensation by One Thousand Dollars (\$1,000), with a new not to exceed amount of Eighty-One Thousand Dollars (81,000). The Commission hereby finds and determines that the use of these services will be in the best interest and for the benefit of the City of Indianapolis.
2. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further actions and execute such documents as he deems necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:

/s/ Toae Kim

John J. Dillon III, President

Toae Kim, Deputy Chief Counsel

Date: 10/10/23

Date: _____



PLAT COMMITTEE **November 1, 2023**

Case Number: 2023-PLT-064

Property Address: 6243 East Washington Plaza (*Approximate Address*)

Location: Warren Township, Council District # 12

Petitioner: Irvington Plaza Associates, by Nathan Barr

Zoning: C-4

Request: Approval of a Subdivision Plat, to be known as Irvington Plaza, dividing 15.75 acres into six lots and one block.

Waiver Requested: None

Current Land Use: Commercial Integrated Center

Staff Reviewer: Allison Richardson, Senior Planner

PETITION HISTORY

NOVEMBER 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was approved, by a 4-0 vote, by the Plat Committee at their hearing on October 11, 2023. Subsequent to that approval, a registered neighborhood filed an Appeal of the Plat Committee’s decision, for hearing before the Metropolitan Development Commission on November 1, 2023.

OCTOBER 11, 2023, PLAT COMMITTEE

This petition was automatically continued by request of a registered neighborhood organization from the September 13, 2023, hearing, to the October 11, 2023, hearing. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated August 2, 2023, 2023, 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



Department of Metropolitan Development
 Division of Planning
 Current Planning

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.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is zoned C-4 and developed with a commercial integrated center. The proposed plat would subdivide the property into six lots on the northern portion of the property along existing leased spaces and to provide for future commercial development. The 10.68- acre block would be reserved for a future development to be determined. The proposed plat meets the standards of the C-4 zoning classification. All future development must comply with the Transit Oriented Development overlay district standards.

STREETS

Lots One, Three, Four, and Five would have frontage on Washington Street to the north. Lots Two and Six and Block A would be accessed via easements as shown on the preliminary plat. Block A has a small frontage on Kenyon Street to the east. An alley runs the length of the west property line, adjacent to Lots One and Two and Block A, but is only partially developed. No new streets are proposed as part of this petition.

SIDEWALKS

Sidewalks are existing along Washington Street.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Integrated Center	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Single and two-family residential
South:	D-5 / I-2	Single and two-family residential / Industrial
East:	C-4 / D-5 / I-2	Commercial / Multi-family / Industrial
West:	D-5 / SU-9	Single and two-family residential / Fire station
Thoroughfare Plan		

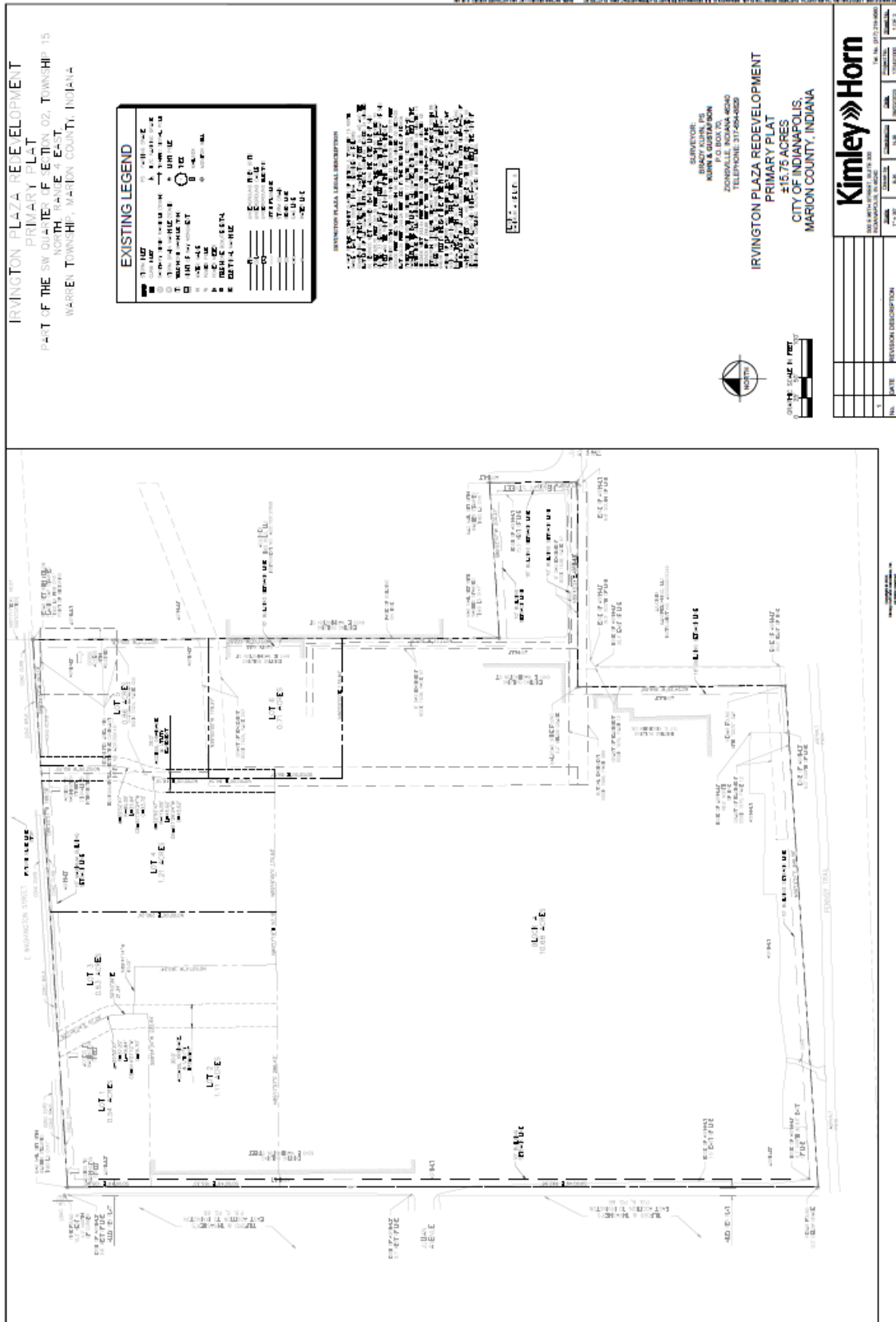


Department of Metropolitan Development
Division of Planning
Current Planning

Washington Street	Primary Arterial	80-feet existing and proposed
Kenyon Street	Local Street	25-feet existing and 48-feet proposed
Petition Submittal Date	August 2, 2023	

EXHIBITS





PHOTOS



Proposed Lots One, Two, and Three, looking west. Washington Street shown right



Proposed Lot Two and Block A, looking southwest



Proposed Lots Three and Four and Block A, looking south



Proposed Lots Four and Six, looking southeast



Proposed Lots Four and Five, looking east. Washington Street shown left.



Proposed Block A, looking west



View of site from proposed Block A, proposed Lots One through Six in background, looking north



Proposed Block A, looking north



View of Lots One through Four, looking west



East of site, looking south

STAFF REPORT

Item 22.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-091
Address: 9371 Zionsville Road (8902 Zionsville Road) (Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Callaway Group, LLC, by Marc Menkveld
Request: Rezoning of 1.061 acres from the SU-39 district to the I-4 district to provide for heavy industrial uses.

ADDENDUM FOR NOVEMBER 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on October 12, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning request. Subsequently, the petitioner filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

RECOMMENDATIONS

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

A 63-foot half right-of-way shall be dedicated along the frontage of Zionsville 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).

SUMMARY OF ISSUES

LAND USE

- ◇ The 1.061-acre subject site (Parcel 6007751) is an undeveloped lot. It is bordered to the north and east by an undeveloped industrial lot, zoned I-3, to the west by an industrial campus, zoned I-4, and to the south by an undeveloped industrial lot, zoned I-4.

REZONING

- ◇ The request would rezone the property from the SU-39 district to the I-4 district to provide for heavy industrial uses.
- ◇ The SU-39 district is a special use district with limited permitted uses such as water tanks, water pumping station and similar structures not located on buildings. This makes development for any other use on this site impossible.

(Continued)

- ◇ The proposed I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.
- ◇ The Comprehensive Plan recommends heavy industrial development for this site. “The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ Where heavy industrial uses are proposed the primary entrance should be served by an arterial street. Industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street. Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Industrial Reserve Overlay

- ◇ The subject site falls within the Industrial Reserve overlay, which 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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 63-foot half right-of-way along Zionsville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ The proposed I-4 district would be ideal for the site in question since it would align with the heavy industrial development recommendation of the Comprehensive Plan, is surrounded by industrial districts in all directions, and is in the Industrial Reserve overlay that prioritizes industrial development in areas that are prime for such uses.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE
SU-39 Metro Undeveloped

(Continued)

SURROUNDING ZONING AND LAND USE

North	I-3	Undeveloped
South	I-4	Undeveloped / Industrial
East	I-3	Undeveloped
West	I-4	Industrial

COMPREHENSIVE PLAN

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

THOROUGHFARE PLAN

Zionsville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with an 80-foot existing right-of-way and a 126-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

75-Z-118; 8905 North Zionsville Road (subject site), Rezoning of 1.26 acres, being in the I-3-S classification to the SU-39 classification to permit tank for distribution of water to the public, **approved.**

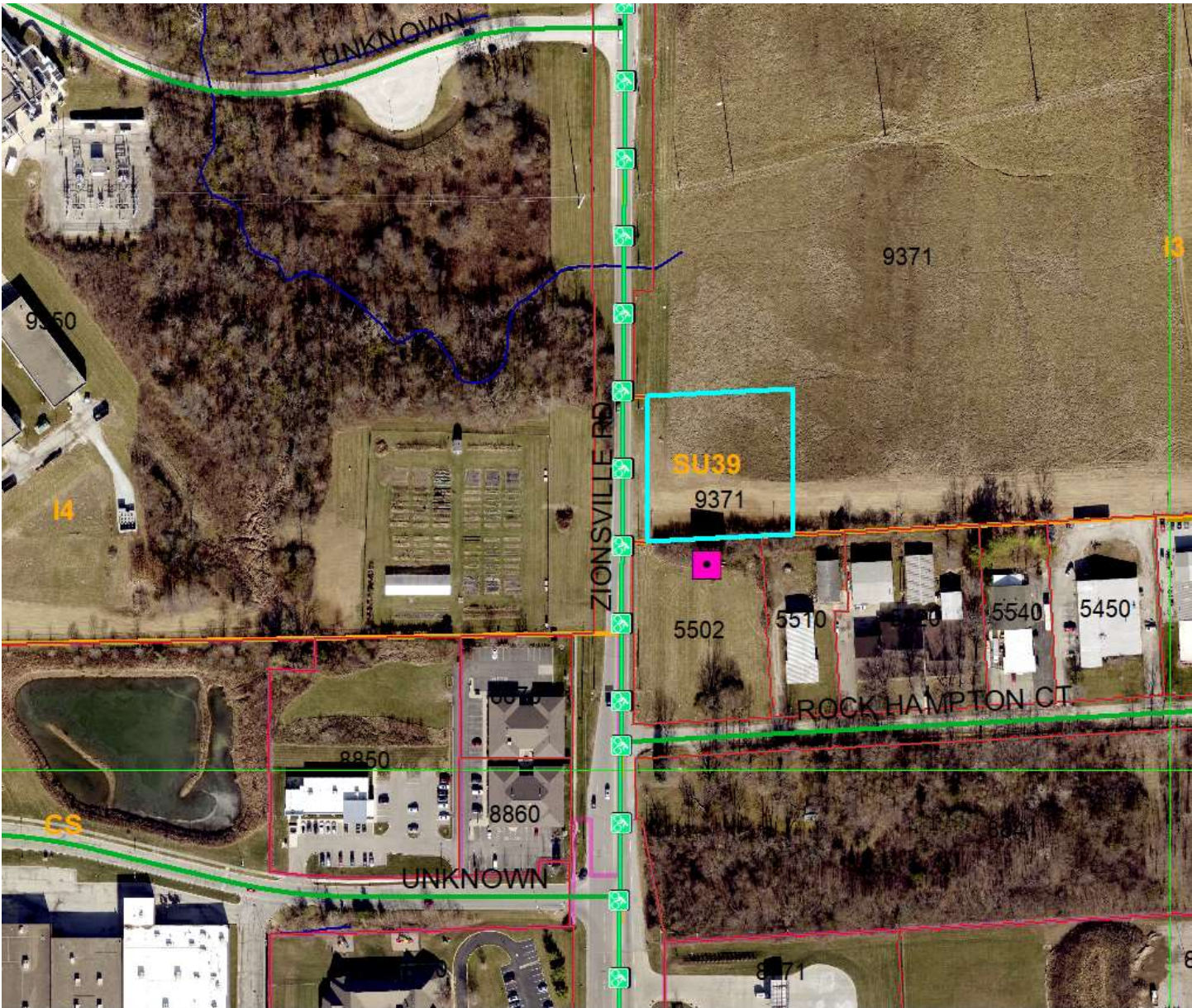
ZONING HISTORY – VICINITY

2004-ZON-099; 5704 West 85th Street (southwest of site), Rezoning 7.189 acres, being in the C-3 and C-S Districts to the C-S classification to provide for the expansion of an existing integrated shopping center, **approved.**

2003-ZON-102; 8750 and 9550 Zionsville Road (southwest of site), Rezoning of 57.42 acres from the C-S and C-3 District so the C-S District, **approved.**

93-Z-122; 8750 Zionsville Road (southwest of site), Rezoning of 2.916 acres from the C-S and C-3 Districts to the C-S classification to provide for preschool, day nursery and kindergarten uses, **approved.**

MI



MEMORANDUM OF EXAMINER'S DECISION

2023-ZON-091

9371 Zionsville Road

The petition requests a rezoning of 1.06 acres from the SU-39 district to the I-4 district to provide for heavy industrial uses.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the industrial uses west and south of the site and mostly undeveloped land north and east of it.

The petitioner's representative stated that the subject site was zoned I-3-S prior to it being rezoned to the current SU-39 district in 1975, and also suggested a mapping error may have occurred in the 1990's which indicated the property was still zoned I-3-S. Because of a pipeline easement on the south end of the site, the requested right-of-way dedication along Zionsville Road would impede the ability of the site to be developed, and the representative opined that the requested dedication was premature.

Staff confirmed that the legal description used in the 1975 rezoning petition was identical to the legal description used for this petition. Staff also explained that the request for right-of-way dedication by the Department of Public Works is standard when a rezoning petition is requested.

In your Hearing Examiner's opinion, right-of-way dedication is a reasonable request. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on November 1, 2023



Photo of the Subject Property: 9371 Zionsville Road



Photo of the Subject Property: 9371 Zionsville Road



Photo of the southern property boundary.



Photo of the undeveloped industrial lot.



Photo of the industrial campus west of the site.



Photo of the commercial property southwest of the site.

STAFF REPORT

Item 23.

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

Case Number: 2023-ZON-024 / 2023-VAR-001 (Amended)
Address: 2802 South Holt Road (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Maninder Singh
Request: Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted);
- e. Construction of a building within a six-foot front yard setback from Farnsworth Street (10-foot front yard setback required); and
- f. The location of a parking area and outdoor storage with a zero-foot south and west side transitional yard (10-foot transitional yard required).

November 1, 2023

At the October 4, 2023 hearing of the Metropolitan development Commission, Staff requested a continuance of the request in order to review an amended site plan that was submitted after the publication of the report. After review, the request was amended to allow for the construction of a building with a reduced setback from Farnsworth Street, and to allow for the location of a parking area and outdoor storage area with zero-foot south and west side transitional yards.

(Continued)

After review of the request and discussion with the petitioner, Staff recommends approval of the request, subject to the following commitments being reduced to writing on the Commissions Exhibit "B" forms at least three days prior to the MDC Hearing:

1. Within two years of the date of approval, or upon the completion of a freestanding building, whichever occurs first, variance items a, c, and d shall be null and void; and
2. Outdoor storage of individual vehicles shall not exceed 72 hours; and
3. The request shall be in substantial compliance with the amended site plan, file-dated September 30, 2023.

OCTOBER 4, 2023

At the September 6, 2023 hearing of the Metropolitan Development Commission, the petitioner requested a continuance so that the petitioner could further work with Staff to clarify the request. Subsequently, Staff met with the petitioner to discuss the request. At this meeting, it was determined that an additional continuance would be necessary to draft a new site plan and potentially amend the request which would require notice. The length of this continuance request is dependent on the petitioners ability to submit an amended site plan.

SEPTEMBER 6, 2023

At the August 16, 2023 hearing of the Metropolitan Development Commission, the petitioner requested and was granted a for cause continuance to the September 6, 2023 hearing. Staff continues to **recommend denial**.

AUGUST 16, 2023

At the July 27, 2023 hearing of the Hearing Examiner, the Hearing Examiner recommended approval of the rezoning portion of this petition. However, the Hearing Examiner recommended denial of the filed variances of development standards. The petitioner filed a timely appeal of the Hearing Examiners decision to recommend denial of the variances. Staff continues to **recommend denial**.

JULY 27, 2023

At the June 29, 2023 hearing, the petitioner requested a for cause continuance to July 27, 2023, hearing in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

JUNE 29, 2023

At the May 25, 2023, hearing, the petitioner requested a for cause continuance to the June 29, 2023, hearing, in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. The petitioner has indicated they intended to request an additional continuance in order to produce one. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

(Continued)

May 25, 2023

RECOMMENDATIONS

Staff **recommends approval** of the rezoning but **recommends denial** of the variances.

LAND USE ISSUES

- ◇ This 0.36-acre site is split zoned C-4 (FF) and D-5 (FF). The site is improved with a gravel parking area, a portable storage structure and six-foot tall chain-link perimeter fence topped with barbed wire. North of the subject site is a commercial structure housing a tobacco shop and a barber shop, within the C-4 District. West of the subject site are single-family dwellings within both the C-4 and D-5 Districts. To the south is a recreational playground and religious use facility within the D-5 District. East of the site is an automobile fueling station within the I-3 District.
- ◇ This site is recommended for Community Commercial development by the Comprehensive Plan and is located within its Environmentally Sensitive overlay.
- ◇ According to aerial images and Google Maps Street View, the site was previously improved with a small commercial walk-up eating establishment, including a carport structure for the associated parking. This structure was demolished around 2017.

REZONING

- ◇ The request would uniformly zone the property C-4. Currently, only a portion of the northernmost tract is zoned C-4, with the remainder of the property zoned D-5.
- ◇ The C-4 District is the Community-Regional Commercial District under the Ordinance and provides for medium-intense commercial uses intended to serve the broader community rather than a specific neighborhood. Uses permitted within this district typical generate substantial traffic and rely on access to major thoroughfares and are typically characterized by indoor operations with limited outdoor activities.
- ◇ The comprehensive plan's Community Commercial recommendation is generally reflective of the C-4 District. Specifically, it is intended to provide for low-intensity commercial and office uses that serve nearby neighborhoods through freestanding buildings or small integrated centers.
- ◇ This site is also within the Environmentally Sensitive overlay of the comprehensive plan. This overlay is intended to preserve high quality woodlands, wetlands or other natural resources and mitigate damage to such resources by development. This overlay specifically indicates which land uses may not be appropriate within it. The proposed use, on a site of this size, is not excluded from the recommendation. Therefore, the rezoning request would align with the Comprehensive Plan recommendation.
- ◇ As filed, the request would provide for the operation of an automobile body repair shop, which is permitted within the C-4 District. This use requires that all servicing, motor repair, or body repair be conducted within an enclosed building. Within the C-4 District, vehicles awaiting repair may not be stored outdoors for longer than 24 hours, as outdoor storage and operations begin to be permitted within the C-5 District.

(Continued)

VARIANCES

- ◇ As proposed, the site would utilize the existing portable storage structure for the storage of tools associated with automobile repair, and the construction of a shed for the storage of automobile parts and other accessories related to the business. Such structures are not permitted in order to promote an orderly aesthetic. Repairs would be conducted outdoors until a permanent structure can be constructed.
- ◇ There is currently a six-foot tall chain link perimeter fence, including gated access to Farnsworth Street and Holt Road, with barbed wire on the site. Given the lack of a building on the site, a six-foot tall fence would not be permitted on the site. Barbed wire fences are prohibited by the zoning ordinance except for facilities associated with public safety or prisons and jails. The vehicle gates are also within the access drive clear sight triangles.
- ◇ Fence height limitations are intended to promote an orderly aesthetic and uniform streetscape as fences of such height can appear industrial in nature. The clear sight triangle is intended to preserve visibility and promote safety by reducing the risk for vehicular-pedestrian collisions.
- ◇ The request also would allow for the use of a gravel parking area. All commercial districts require hardscaped surfaces for parking areas, in order to avoid the circulation of dust particulate and ensure predictable drainage.
- ◇ Staff believes that the proper, orderly development of the site, including construction of a freestanding building is not only appropriate in the context of the district, but would eliminate any practical difficulty. In Staff's opinion, any practical difficulty associated with the site is self-imposed due to the reluctance to develop this vacant site in compliance with minimum expectations associated with the C-4 District.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4, D-5 Commercial structure, vacant

SURROUNDING ZONING AND LAND USE

North -	C-4	Tobacco Shop and Barber Shop
South -	D-5	Playground
East -	I-3	Automobile Fueling Station
West -	C-4, D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN

The Land Use Pattern Book (2019) recommends Community Commercial development.

THOROUGHFARE PLAN

This portion of Farnsworth Street is classified as a Local Street with an existing and proposed 58-foot right-of-way. This portion of Holt Road is classified as a Primary Arterial with an existing and proposed 95-foot right-of-way.

CONTEXT AREA

This site is located within the Compact Context Area.

SITE PLAN

File-dated April 28, 2023.

(Continued)

ZONING HISTORY

None.

EDH

**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:

- Allowing a taller 6 ft fence, even though it's more than the usual 3.5 ft for C4 zoning, won't harm people's health, safety, or well-being in the community.
- The proposed fence height might not fit with the current plan, but it's important to make the property safer, especially after a past theft.
- Putting up a taller fence not only makes the petitioner's property more secure but also helps to keep the whole community safe by discouraging criminals.
- If thieves see that properties in the neighborhood are well-protected and tough to get into, they might think twice about trying to commit crimes in the area.
- Also, because the property is next to an I3-zoned area where there are heavier industrial activities, having a taller fence makes a lot of sense.

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

- The higher 6 ft fence fits well with the surrounding industrial area and doesn't spoil the look or view of the place.
- The fence looks good and is built well, so it adds to the overall look of the neighborhood.
- Because it makes the property safer and clearly marks where the residential area starts and the commercial area ends, the fence helps keep the neighborhood peaceful.
- So, allowing a higher fence won't harm the use or value of properties nearby. Instead, it helps create a safer and better-defined neighborhood.

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

If the petitioner has to stick to the rule of only having a 3.5 ft fence, it would create problems. The petitioner's property, which often houses expensive vehicles for personal use and repair, has been a target of theft in the past, highlighting the need for a higher fence to safeguard these valuable assets. Besides the security concerns, the property is located next to an industrially zoned area, making a taller fence necessary to clearly mark boundaries. Therefore, without the allowance for a higher fence, it could interfere with the petitioner's ability to protect their assets and use their property securely and comfortably.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

Granting the variance for outdoor storage and open-air work will not harm the community's health, safety, or general well-being. The petitioner plans to store vehicles securely within a 5 ft fence and will further enhance security with camera surveillance. Work hours will be respectful to the community (9 am to 10 pm), with regular maintenance and cleaning of the site to minimize noise and visual impact. The petitioner has a waste disposal strategy in place to protect the environment and plans to construct a building within the next 4-5 years to further improve the site. Given the property's industrial surroundings, these measures align with the character of the area and demonstrate a commitment to community standards.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

Granting the variance for outdoor storage and open-air work won't negatively impact the use or value of the neighboring properties. The activities align with the industrial character of the surrounding D-zoned area, ensuring compatibility. The petitioner is committed to managing noise, visuals, and waste, maintaining a clean site and limiting work hours to respect the community's tranquility. A secure 6ft fence will be installed for privacy and boundary delineation. The petitioner's plans to construct a building within the next 4-5 years demonstrate a commitment to improving the property, which can enhance the overall value of the neighborhood.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The need for the variance arises from the petitioner's intention to construct a building on the property in 4 to 5 years. During this initial period, the petitioner seeks to familiarize themselves with the area and establish a client base before making a significant investment in constructing a permanent structure. The variance allows for temporary outdoor storage and open-air work, providing the flexibility needed to operate efficiently and assess the suitability of the property for their business. Therefore, the variance is specifically driven by the petitioner's strategic approach and the need to adapt to the unique circumstances of their long-term plans.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

If we strictly follow the rules of the zoning ordinance for the property, it would create unusual and unnecessary difficulties. The property doesn't currently have a suitable building for our work, and complying with the ordinance would make it very challenging for us to operate. It would cause financial hardship and might even force us to delay our operations or find a different location. Considering the industrial nature of the area and our efforts to address any potential issues, granting the variance would be a fair and practical solution that doesn't harm the community or neighboring properties.

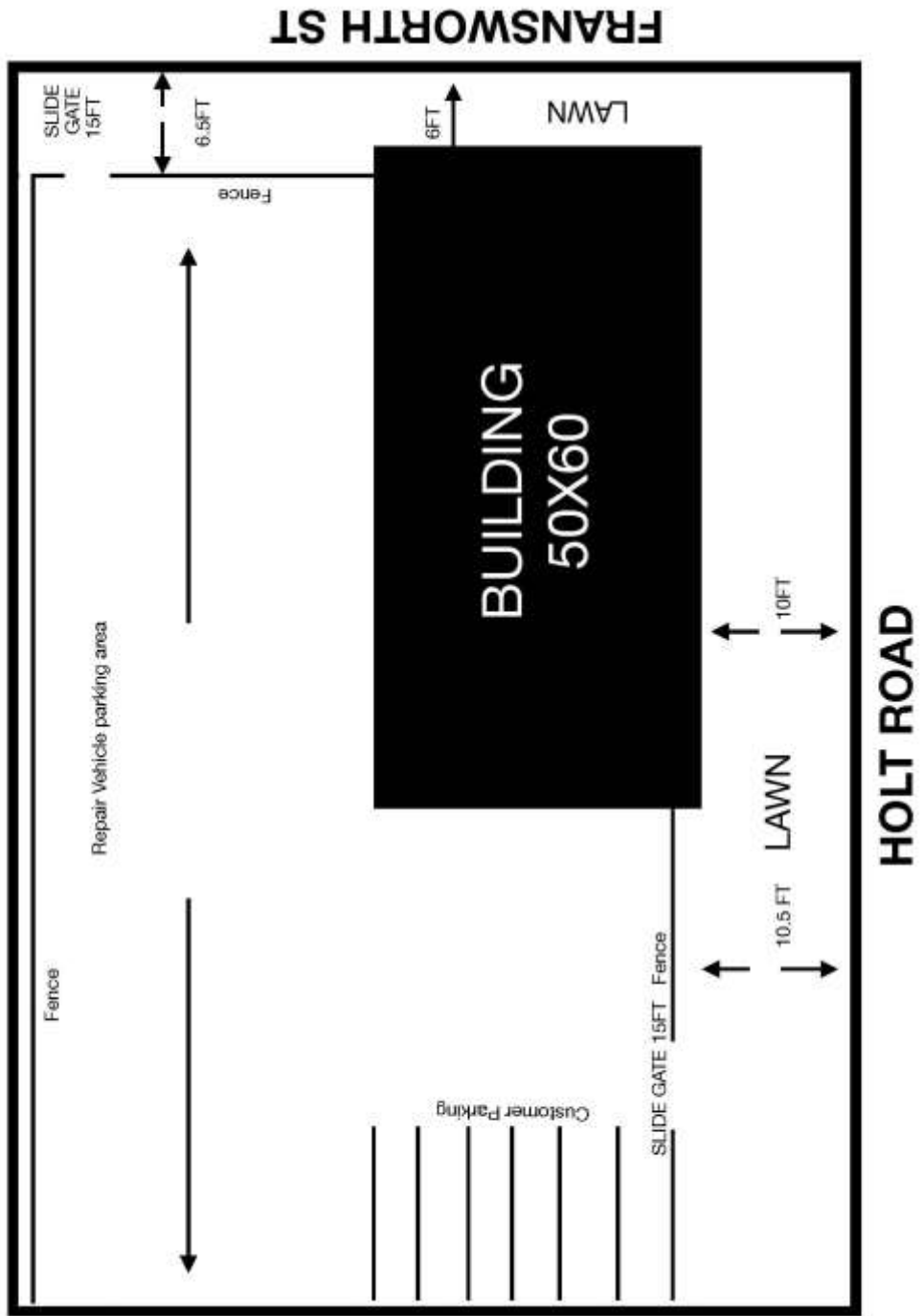
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The grant does not interfere substantially with the comprehensive plan because it supports the community's economic growth and aligns with future development goals. The variance is temporary and respects the plan's vision, as the petitioner plans to build a permanent structure in the future. The grant addresses the property's specific needs without compromising the plan's overall objectives. Measures are in place to minimize any potential disturbances, like noise or waste, showing a commitment to responsible practices. Overall, the variance respects the comprehensive plan while benefiting the community's development.

DECISION

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

Adopted this _____ day of _____, 20 ____





0.00501 0.02 0.03 0.04
Miles



Photographs:



Photo One: Facing North along Holt Road.



Photo Two: Facing West South along Holt Road. Automobile fueling station on left.



Photo Three: Facing West along Farnsworth Street, subject site on left.



Photo Four: Facing West across Holt Road towards subject site.



Photo Five: Facing South along Holt Road. Subject site on right.



Photo Six: Vehicle Gate along Farnsworth Street, with barbed wire.



Photo Seven: Southern lot along abutting playground.



Photo Eight: Western lot line, adjacent to single-family dwellings.

STAFF REPORT

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

Case Number: 2023-CZN-830 / 2023-CVR-830
Address: 201 West 38th Street and 3750 North Capitol Avenue (approximate address)
Location: Center Township, Council District #7
Petitioner: Martin Petroleum Inc., by Pat Rooney
Request: Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

ADDENDUM FOR NOVEMBER 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were continued for cause from the October 4, 2023 hearing to the November 1, 2023 hearing at the request of the petitioner's representative. No new information was provided to the case file.

ADDENDUM FOR OCTOBER 4, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were continued for cause from the August 16, 2023 hearing to the October 4, 2023 at the request of the petitioner's representative. No new information was provided to the case file.

ADDENDUM FOR AUGUST 16, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were continued for cause from the July 19, 2023 hearing to the August 16, 2023 hearing at the request of the petitioner's representative.

Staff **recommends approval** of the rezoning request for 201 West 38th Street.

Staff **recommends denial** of the variance of use and development standards request for 3750 North Capitol Avenue.

ADDENDUM FOR JULY 19, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on June 29, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the variance requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

A continuance for cause request was submitted by the petitioner's representative to continue these petitions from the **July 19, 2023 hearing, to the August 16, 2023 hearing**. This would require a vote from the Metropolitan Development Commission.

(Continued)

RECOMMENDATIONS

Staff **recommends approval** of the rezoning request.

Staff **recommends denial** of the variance of use and development standards request.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site consists of a gas station and convenience store on the north parcel with an undeveloped residential lot at the southern parcel.
- ◇ The site is surrounded with an auto repair shop and single-family dwellings to the west, zoned D-5, tire shop to the north, zoned C-3, liquor store to the east, zoned C-4, and single and two-family dwellings to the east and south, zoned D-5.

REZONING

- ◇ The grant of the rezoning request would correct the split zoned northern parcel from the D-5 and C-4 districts to the C-4 classification for the entire parcel where the current gas station and convenience store are located.
- ◇ The property at 201 West 38th Street is recommended for village mixed-use development by the Comprehensive Plan. Staff recommended the petitioner rezone the northern parcel to prevent future issues with the continued use and development of the northern parcel since the existing uses are not permitted in the D-5 district.
- ◇ The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- ◇ Therefore, staff would recommend approval of the rezoning request.

VARIANCE OF USE

- ◇ This request would allow the redevelopment of a convenience store within the D-5 district. The site consists of two parcels with the north parcel split zoned between D-5 and C-4 and the southern parcel zoned D-5.

- ◇ The purpose of the D-5 (Dwelling District Five) district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, build-up areas of the community and where all urban public and community facilities and services are available. The D-5 district typically has a density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan.
- ◇ The purpose of the C-4, Community-Regional District is to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The uses permitted in this district may feature several large traffic generators and require excellent access from major thoroughfares.
- ◇ The Pattern Book recommends the property at 3750 North Capitol Avenue for traditional neighborhood development.
- ◇ 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.
- ◇ The Comprehensive Plan recommends village mixed-use development for the northern parcel (201), which the C-4 (community-regional commercial) District would be consistent with the recommendation, depending upon the context of the site. In this case, surrounding land uses are commercial along the north, west and east, but low-density residential is located south and would not be adequately buffered from this more intense 24-hour / seven-day use. The proposed use would not be appropriate for the southern parcel because the Comprehensive Plan recommends traditional neighborhood development, which would align more with small-scale offices, retailing, and personal or professional services rather than a regional use.
- ◇ The site is located within the Red Line TOD Strategic Plan, but it is not located within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the use included in this request.
- ◇ The closest station to the site is located within a ½ a mile to the east at the intersection of 38th Street and Meridian Street. This station is categorized as a District Center with the potential for a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories with no front or side setbacks, multi-family housing with a minimum of 5 units and structured parking only with active first floor.
- ◇ TOD investments here should leverage significantly higher residential and employment densities, demonstrations projects, urban living amenities and workforce housing.

(Continued)

- ◇ The commercial intensity and the impact upon the surrounding residences would include, but not be limited to, light, noise, and trash. Furthermore, the proposed use would be more of a regional draw, rather than serving just the surrounding residential neighborhood and would be a wholly and inappropriate commercial encroachment into a D-5 protected district. For these reasons, staff is recommending denial of the variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a zero-foot south side transitional yard where the Ordinance requires a 10-foot south side transitional yard. The purpose of the 10-foot transitional yard is to provide separation and a buffer between residential uses and more intense uses, such as a fueling station and convenience store. The impact of this 24-hour, seven-day operation upon residential uses would be magnified with the proposed transitional yard reductions. Staff determined the reduced setbacks are a result of the proposed expansion of the use, which would be detrimental to the surrounding neighborhood.
- ◇ The lack of a south transitional yard shows clear evidence that this site is not suitable for a convenience store and fueling station expansion which would have a negative impact on the surrounding residential neighborhood. The proposed use would be better suited on a site that would accommodate the proposed use, while complying with required development standards.
- ◇ If approved against staff’s recommendation, the Department of Public Works would request that the eastern most driveway along 38th Street be closed to reduce vehicular conflicts with the heavy pedestrian traffic along this corridor.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4 / D-5 Compact Commercial / Undeveloped Lot

SURROUNDING ZONING AND LAND USE

North	C-3	Commercial
South	D-5	Residential (Single-family dwelling)
East	C-4 / D-5	Commercial / Residential (Two-family dwelling)
West	D-5	Commercial and Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Marion County Land Use Plan Pattern Book (2019) recommends village mixed-use on the north parcel and traditional neighborhood development on the south parcel.

THOROUGHFARE PLAN

38th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 101-foot existing right-of-way and a 114-foot proposed right-of-way.

(Continued)

THOROUGHFARE PLAN	Capitol Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
CONTEXT AREA	This site is located within the compact context area.
SITE PLAN	File-dated June 12, 2023.
ELEVATIONS	File-dated June 12, 2023.
RENDERINGS	File-dated June 12, 2023.
FLOOR PLAN	File-dated June 12, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

85-UV1-34; 201 West 38th Street (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include an 8.6-foot rear transitional yard (20 feet required) and a pole sign located at six and eight feet from 38th Street and Capitol Avenue respectively (15 feet required), **granted**.

ZONING HISTORY – VICINITY

2018-UV3-026; 227 West 38th Street (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility (not permitted), **granted**.

2013-CVR-814; 148 West 28th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline station and a 484-square foot addition to an existing building, with a canopy with a 64.42-foot setback from the centerline of Capitol Avenue (70-foot setback from centerline required), with a parking area with a zero-foot setback from Capitol Avenue (10-foot front setback required), with access drives with a 1.5-foot front setback along Capitol Avenue and a 2.5-foot front setback along 38th Street (10-foot front setback required), with carryout food service within 10 feet of a D-5 zoned protected district (100-foot separation required), **withdrawn**.

2013-UV1-038; 202 West 38th Street (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,380-square foot storage addition (not permitted) for a tire sales and repair shop, with a one-foot north side transitional yard (20-foot transitional yard required), **withdrawn**.

95-V1-128; 3807 Graceland Avenue (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally-establish a detached garage measuring 27 x 33 feet: a) resulting in the square footage devoted to accessory buildings being 80% of the square footage devoted to the primary building (maximum 75% permitted); b) with a side yard setback from the north property line being 2.4 feet (minimum 4 feet required); c) resulting in 46% of the lot being open space (minimum 65% required), **granted**.

93-UV2-23; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an automobile repair shop with the variance being valid only for Albert Sutton, **granted**.

89-AP2-4; 227 West 38th Street (west of site), Approval of extension of time to obtain an Improvement Location Permit to modify condition #2 concerning the site plan approved pursuant to petition 88-UV2-9, **granted**.

89-UV3-96; 148 West 28th Street (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a restaurant with carry-out service, **denied**.

88-UV2-9; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair business with signs. The grant shall be for a temporary period of five years, expiring January 12, 1993, **granted**.

85-UV1-34; 201 West 38th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance and development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include a 6.6-foot rear transitional yard (20 feet required) and a pole sign located at 6 and 8 feet from 38th Street and Capitol Avenue respectively (15 feet required). The sign will also include separate panels for the food mart, gas prices and food mart items, **granted**.

84-UV2-21; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a former service station for automobile repair to be a temporary variance for three years, expiring on March 20, 1987, **granted**.

83-UV2-78; 3801 North Capitol Avenue (northeast of site), Variance of use and development standards to provide for a carry-out restaurant within one-hundred feet of a residential zoning district, a reduction in required transitional yards, a drive-up window canopy in required front yard setback and a pole sign within the clear-sight area, **granted**.

MI

2023-CZN-830 / 2023-CVR-830; Location Map

Item 24.



2023-CZN-830 / 2023-CVR-830; Aerial Map



MEMORANDUM OF EXAMINER'S DECISION

2023-CZN/CVR-830

201 W. 38th St, 3750 N. Capitol Ave.

The petitions request the rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district, with a variance of use to provide for the redevelopment of a convenience store within a residential district and a variance of development standards to permit a zero foot south side transitional yard (10 foot side transitional yard required).

Your Hearing Examiner visited the site prior to the hearing and noted the existing gas station and convenience store on the north end of the site and a vacant lot on its south end. A variety of auto-related and commercial uses exist in the area, as well as single-family and two-family residences.

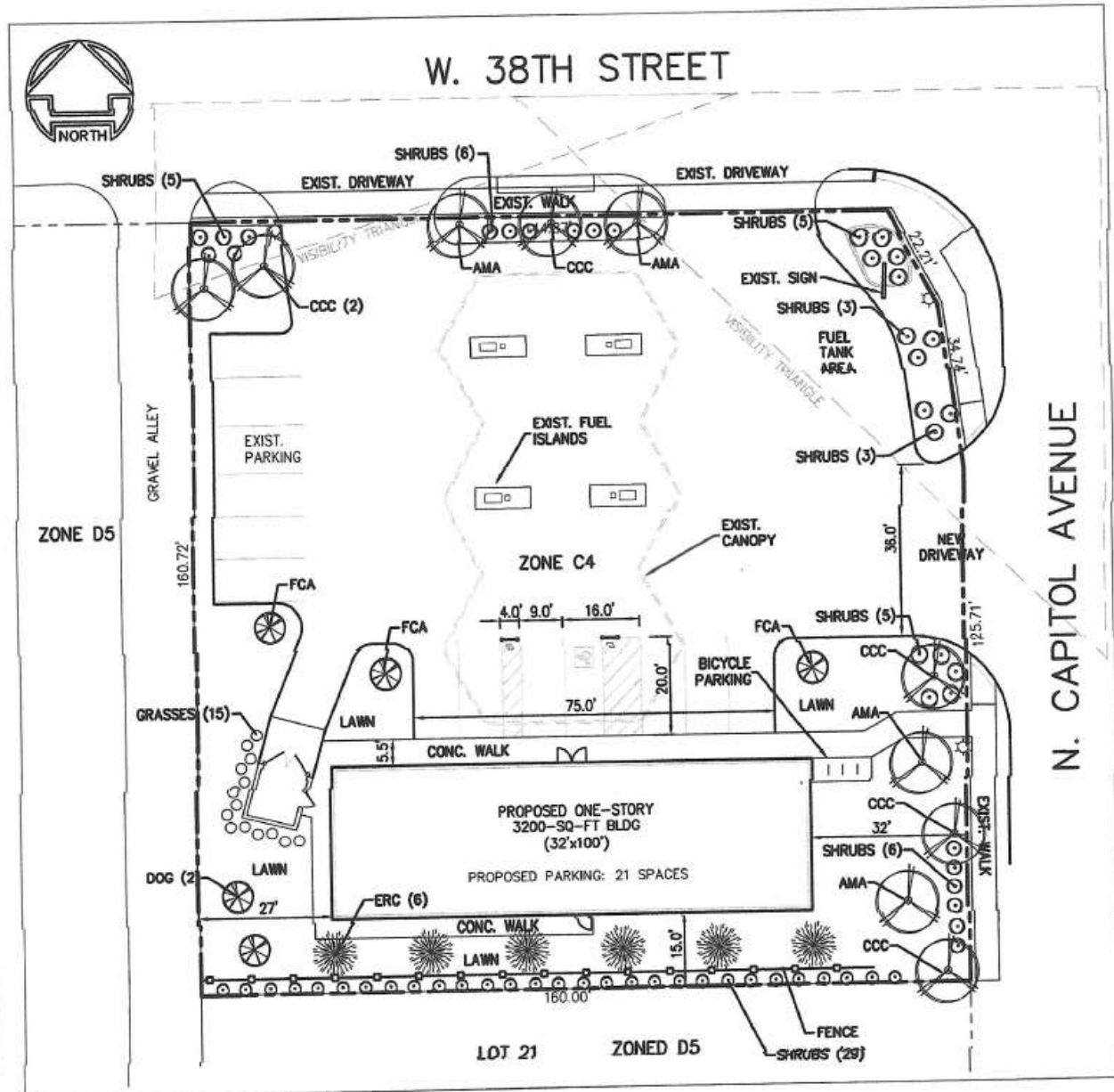
The petitioner's representative explained that the 18 year owners of the existing gas station and convenience store want to redevelop the site, including the vacant parcel to the south, with a new convenience store and enhanced landscaping. The representative described meeting with neighbors and neighborhood groups to garner support, and referenced the plan of operation, commitments, and a petition of support with over 200 signatures. A neighbor stated that the proposal would improve the corner and the neighborhood.

The president of Crown Hill Neighborhood Association shared that several neighborhood groups in the Midtown area were excited about this transformational project; however, commitments requested by these groups were not completely reflected in the commitments proposed by the petitioner.

Staff stated that, because the north parcel had a split zoning, staff recommended approval of the rezoning petition. Staff expressed concern with having the convenience store on south parcel, without a transitional yard, because of activity associated with this use, including lights, noise, trash, and incompatibility with the residences to the south.

In your Hearing Examiner's opinion, while a redevelopment of the existing gas station and convenience store may enhance the neighborhood, encroachment into the residential area to the south should be avoided. The encroachment would be exacerbated by not providing the required transitional yard. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on July 19, 2023

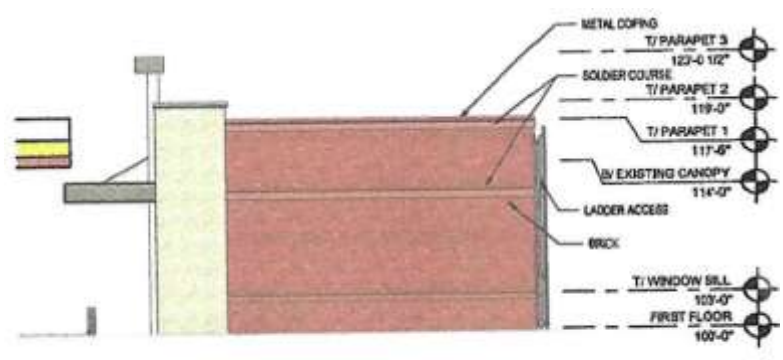
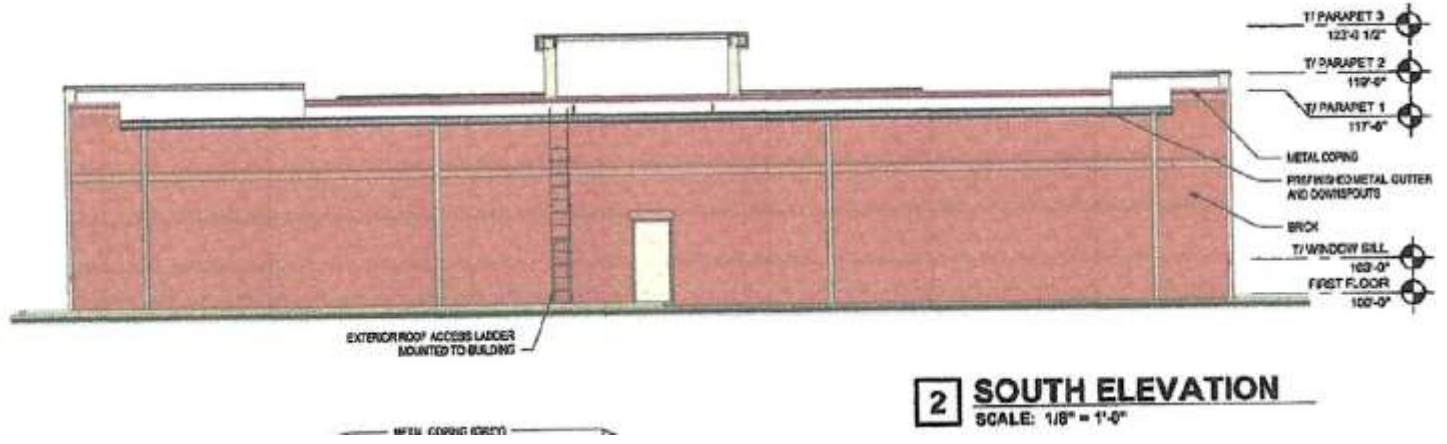


**PROPOSED SITE PLAN
CONVENIENCE STORE
IMPROVEMENTS
201 W. 38th Street
Indianapolis, IN**

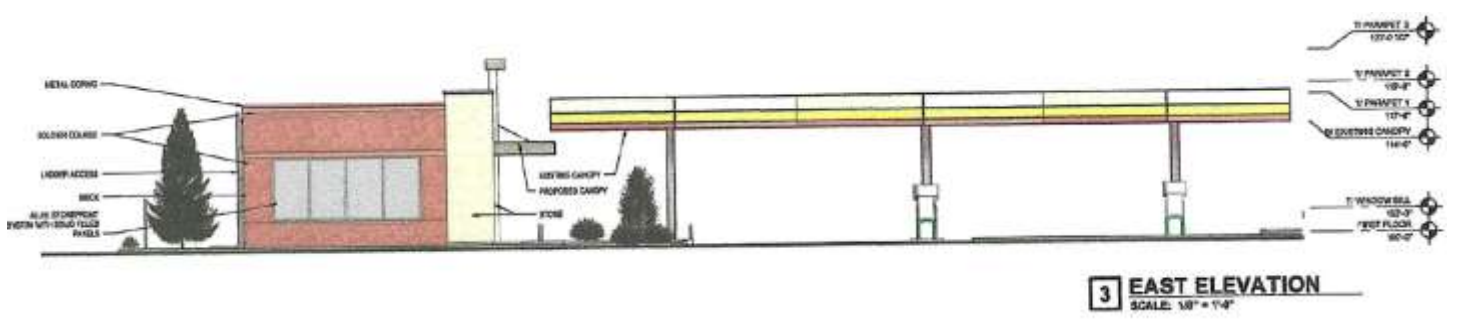
SPIARS ENGINEERING LLC

April 21, 2023

- PROPOSED TREES**
STREET TREES: (10 REQUIRED, 1 PER 35' OF STREET FRONTAGE)
- AMA=AMERICAN MOUNTAIN ASH
 - CCC=COMMON CHOKE CHERRY
 - ERC=EASTERN RED CEDAR
- ORNAMENTAL TREES:
- DOG=PAGODA DOGWOOD
 - FCA=FLOWERING CRABAPPLE
- SHRUBS AND GRASSES = 72



4 WEST ELEVATION
SCALE: 1/8" = 1'-0"





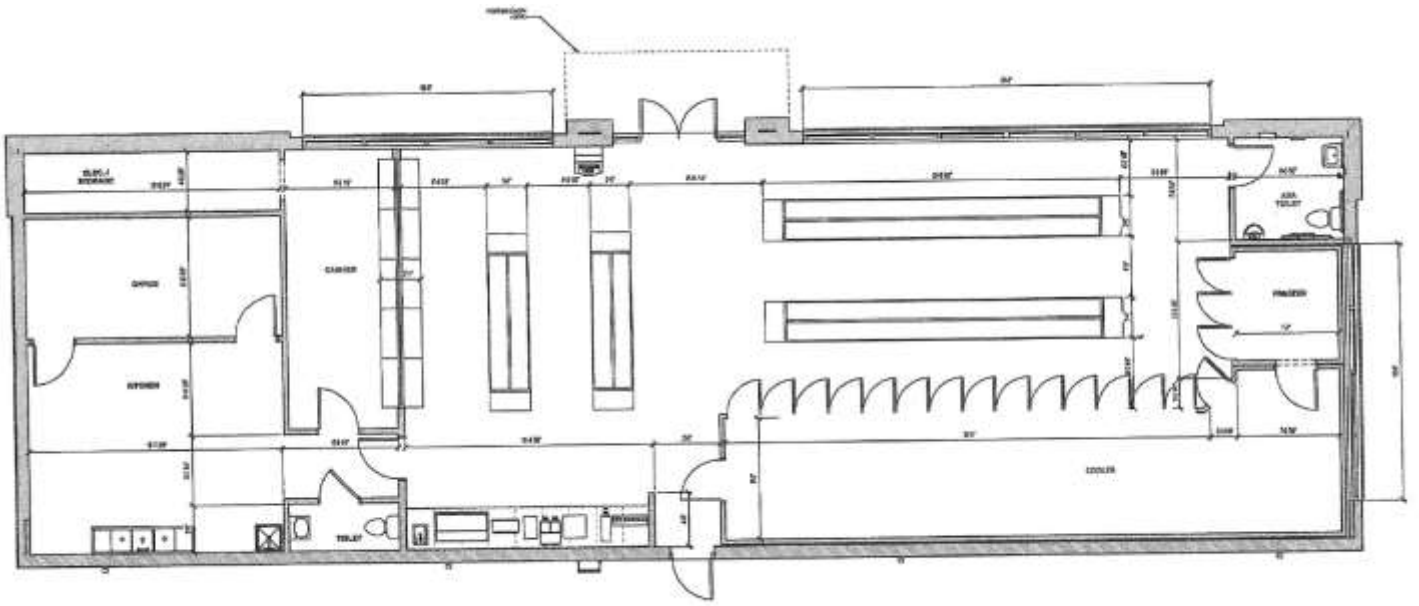
SOUTHEAST PERSPECTIVE



NORTH PERSPECTIVE



NORTHEAST PERSPECTIVE



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the property is already a retail gas station along a busy street with similar properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, and the property will be more aesthetically pleasing.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

granting the variance will increase the value of the subject property and the adjacent properties because the property will be redeveloped with a new and improved building instead of the old, dilapidated building currently on the property.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

a portion of the property is C-4 and a portion of the property is D-5, and the property was developed as a gas station when convenience stores mainly sold tobacco products instead of now when the convenience stores sell groceries which require a building with much larger square footage in order store and display the products.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow petitioner to sell the same inventory being offered by petitioner's competitors instead of going out of business.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the use would still be the same, retail gas station, which is compatible with Village Mixed Use.

DECISION

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

Adopted this _____ day of _____, 20 ____

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 property is already a retail gas station along a busy street with retail properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, including a transitional yard with abundant landscaping between the actual property and any residential properties.

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:

granting the variance will increase the value of the property and surrounding properties because the property will be redeveloped with a new, modern building which will replace the old, run down building currently on the property. The property and adjacent properties will also benefit from the substantial landscaping included in the transitional yard which will create a buffer between the property and any adjacent residential properties.

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

the subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow the petitioner to sell additional groceries instead of limiting sales to tobacco products.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site and street frontage along 38th Street looking east.



Western property boundary abutting an alley.



Existing southern property boundary and undeveloped residential lot to be included in the site.



Proposed location of the new convenience store abutting single-family dwellings to the south.



Street frontage along Capitol Avenue looking south.



Undeveloped residential lot to be included in the project development.



Commercial and residential uses east of the site.



Commercial use north of the site.



Commercial use west of the site.