



Metropolitan Development Commission Hearing Examiner (June 11, 2026) Meeting Agenda

Meeting Details

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

Date: Thursday, June 11, 2026

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2026-ZON-039 | 6501 Mann Road

Decatur Township, Council District #21
Kittle Property Group, by Joseph D. Calderon

Rezoning of 26.83 acres from the SU-1 (FF) (FW) and D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for a multi-family residential development.

****Automatic Continuance to July 9, 2026, filed by Registered Neighborhood Organization**

2. 2026-ZON-041 | 3553 Shelby Street

Perry Township, Council District #23
Cameron & Caden Shake, by Mark & Kim Crouch

Rezoning of 0.48-acres from the C-3 (TOD) district to the D-10 (TOD) district to provide for multifamily housing.

****Petitioner request for continuance for cause to August 13, 2026, with Notice as needed**

3. 2026-CPL-812 / 2026-CVR-812 | 4800 North Raceway Road

Pike Township, Council District #5
D-S

Estate of Lois E. Williams, by John Moore

Approval of a Subdivision Plat, dividing 2.4 acres into three partial lots to be known as Williams Minor Plat, a three-lot subdivision, with the remainder of each lot being in Hendricks County.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots, with reduced lot width (minimum 150-foot required), with reduced street frontage (minimum 75 feet required), reduced lot size (minimum one acre required), to provide for an accessory structure as the primary use on one lot (not permitted) and a five-foot rear setback (minimum 25-foot setback required).

****Automatic Continuance to July 9, 2026, filed by Registered Neighborhood Organization**

4. 2026-CZN-813 (Amended) / 2026-CVR-813 | 1127 South East Street

Center Township, Council District #18
Josh Smith

Rezoning of 0.12-acre from the C-5 district to the D-8 district to provide for a multi-unit dwelling, consisting of two units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling, consisting of two units, with encroachment within the clear-sight triangle of Morris Street and East Street (not permitted) and no maximum front setback (19.9 feet maximum permitted).

****Staff continuance for cause to June 25, 2026, with Notice**

5. 2026-CVC-819 | 5849 Crittenden Avenue | Assessment of Benefits

Washington Township, Council District #7

Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee, Bishop Chatard High School, Inc., by Brian J. Tuohy

Vacation of a portion of East Northgate Street, being 50 feet wide, from the east right-of-way line of Crittenden Avenue (also being the northwest corner of Lot 100 of Northdale, an addition to the City of Indianapolis), 279 feet to a point (also being the northeast corner of Lot 30 in said subdivision).

****Staff request for continuance for cause to July 9, 2026 for AOB hearing**

6. 2026-CZN-821 / 2026-CVR-821 | 3404, 3432, 3434, 3438 and 3444 North Illinois Street

Center Township, Council District #8

D-10 (TOD)

Redline Holdings XII, LLC, by Justin Kingen

Rezoning of 1.12 acres from the D-10 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development, including approximately 99 dwelling units and 2,507 square feet of commercial space.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use development (not permitted), with a 10-foot front yard setback (25-foot front setback required); with a zero-foot rear yard setback (minimum 10 feet required); with a perimeter yard from zero to 10 feet in width (minimum of 20 feet required); with one primary entry feature (minimum of one primary entry feature for every fifty feet required); to provide for excessive wall plane or blank wall façade (blank wall limited to fifty linear feet and 600 square feet of façade); with a FAR of 2.77 (maximum 0.80 FAR permitted); with a LSR of 0.078 (0.66 required); with 47 on-street and off-street parking spaces provided (minimum 82 parking spaces required), and with reduced first-story transparency (minimum 60% transparency required) and reduced upper story transparency (minimum 20% transparency required); and with eight street trees along North Illinois Street (11 street trees required).

****Automatic Continuance to July 9, 2026, filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2026-ZON-027 | 1611 East 18th Street

Center Township, Council District #8

Diamonds Xellent Investments LLC (Diego Gomez), by Jorge Oscar Gonzales Vasquez

Rezoning of 0.12-acre from the C-3 district to the D-8 district to provide for residential development.

8. 2026-ZON-029 / 2026-VAR-007 | 1003 West 30th Street

Center Township, Council District #12

Skyline General Contracting Corp, by Jorge Gonzales

Rezoning of 0.09-acre from the C-3 district to the D-5 district to provide for residential use.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residence with a front building line of 25 feet (range of 10 to 19.9 feet required).

- 9. 2026-ZON-030 | 3505 South Harding Street**
Perry Township, Council District #22
Jose de Jesus Padilla Zavala, by Jorge Oscar Gonzales

Rezoning of 0.24-acre from the D-4 (FF) district to the C-3 (FF) district to provide for a multi-tenant retail building.

- 10. 2026-ZON-038 | 1830 Shelby Street**
Center Township, Council District #18
Abiodun Babalola (Truworth Realty LLC), by Leyla Paz

Rezoning of 0.15-acre from the MU-1 (TOD) district to the D-5 district to provide for the construction of a duplex.

- 11. 2026-ZON-040 | 2422 & 2430 Prospect Street**
Center Township, Council District #18
Terra Resources, LLC, by Antonio Amaryllis aka Jonathan Padilla

Rezoning of 0.23 acres (total across two noncontiguous lots) from the I-3 district to the D-5 district to provide for residential uses.

- 12. 2026-CZN-823 / 2026-CVR-823 | 4240 Bluff Road**
Perry Township, Council District #22
Otis James & Tonya Haimes, by David Gilman

Rezoning of 1.14 acres from the SU-7 district to the D-1 district to provide for residential uses.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 13. 2025-ZON-114 (Second Amended) / 2026-VAR-002 | 4005 East Southport Road**
Perry Township, Council District #24
Southport Road Development LLC, by David Gilman

Rezoning of 3.67 acres from the D-P (FF) (FW) district to the C-S (FF) (FW) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial structure with zero feet of street frontage (minimum 50 feet of street frontage required), and for a zero-foot front setback (minimum ten-foot front setback required).

- 14. 2026-ZON-035 | 7323 South Mooresville Road**
Decatur Township, Council District #21
Redwood Apartment Neighborhoods, by Clark Quinn Law

Rezoning of 21.66 acres from the D-A (FW) (FF) district to the D-6 (FW) (FF) district to provide for residential uses.

- 15. 2025-CZN-865 (Amended) / 2025-CVR-865 (Amended) | 405, 409, and 411 South Shortridge Road**
Warren Township, Council District #20
SRMK Realty, LLC, by Justin Kingen

Rezoning of 8.48 acres from C-S to C-S to provide for all I-1 uses, truck and trailer parking, auto-related service or repair, outdoor storage of contractor equipment, vehicles awaiting repair, and recreational vehicles.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 125-foot front yard setback (maximum front yard setback of 85 feet permitted); off-street parking area within the front yard with a zero-foot setback (not permitted, 10-foot front setback required); side yard setbacks from four and eight feet (10-foot side yard required); a ten-foot-tall chain link fence within the side and rear yards and a six-foot tall chain link fence in the front yard (maximum six-foot-tall fence permitted within the side and rear yards

and maximum 3.5-foot-tall fence permitted in the front yard); and deficient landscaping in the rear transitional yard buffer (15-foot transitional yard landscape buffer required).

16. 2026-CVR-805 / 2026-CPL-805 | 4200 South East Street

Perry Township, Council District #23

C-4

Southern Plaza SC, LLC, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width (not permitted), and without a hard-surfaced walkway from the building's main front entrance to the public right-of-way (hard-surfaced walkway required).

Approval of a Subdivision Plat, to be known as Southern Plaza, dividing 26.84 acres into two lots.

17. 2026-CVR-810 / 2026-CPL-810 | 6801 Stanley Road

Decatur Township, Council District #21

D-3

Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for two primary dwellings on two lots with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to both legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required) and temporarily allow for a residential lot improved with solely an accessory structure (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quilin Acres Subdivision, subdividing 2.01 acres into two lots.

18. 2026-CVR-815 / 2026-CPL-815 | 305 Fintail Drive

Warren Township, Council District #20

I-3

DCB Indianapolis, LLC, by Mindy Westrick Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required).

Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

19. 2026-CPL-822 / 2026-CVR-822 | 3731 Wellington Avenue

Warren Township, Council District #9

D-5

Word of God Christian Tabernacle Church, Inc, by Chris Hinkle

(Amended) Approval of a Subdivision Plat to be known as Bella Rosa Estates, dividing 2.773 acres into 13 single-family detached lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine lots with less than 40-foot lot width (minimum 40-foot lot width 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 planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference

the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

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

HEARING EXAMINER

for

METROPOLITAN DEVELOPMENT COMMISSION (MDC)

Contractual Zoning Professional	Approving Authority	Term
Judy Weerts Hall	MDC	01/01/2026 - 12/31/2026
Vacant		

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



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-ZON-039
Property Address: 6501 Mann Road
Location: Decatur Township, Council District # 21
Petitioner: Kittle Property Group, by Joseph D. Calderon
Request: Rezoning of 26.83 acres from the SU-1 (FF) (FW) and D-A (FF) (FW) districts to the D-7 (FF) (FW) district to provide for a multi-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance has been filed by a registered neighborhood organization that would **continue this petition from the June 11, 2026 hearing, to the July 9, 2026 hearing.** This would require acknowledgement from the Hearing Examiner.



MDC HEARING EXAMINER

June 11, 2026

Case Number: 2026-ZON-041
Property Address: 3553 Shelby Street (*approximate address*)
Location: Perry Township, Council District #23
Petitioner: Cameron & Caden Shake, by Mark and Kim Crouch
Request: Rezoning of 0.48-acre from the C-3 (TOD) district to the D-10 (TOD district) to provide for multifamily housing
Current Land Use: Residential
Staff Reviewer: Josh Levesque, Senior Planner

PETITION OVERVIEW

- The petitioner has requested a 2-month continuance to allow for the purchase of an additional parcel. This purchase may change the size and scope of the existing project and will likely require new notice. Staff supports this continuance to allow for any needed changes to the petition. This petition will be continued to the August 13th, 2026, hearing.



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-CZN-812 / 2026-CVR-812

Property Address: 4800 Raceway Road

Location: Pike Township, Council District # 5

Petitioner: Estate of Lois E; Williams, by John Moore

Request: Approval of a Subdivision Plat, dividing 2.4 acres into three partial lots to be known as Williams Minor Plat, a three-lot subdivision, with the remainder of each lot being in Hendricks County.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots, with reduced lot width (minimum 150-foot required), with reduced street frontage (minimum 75 feet required), reduced lot size (minimum one acre required), to provide for an accessory structure as the primary use on one lot (not permitted) and a five-foot rear setback (minimum 25-foot setback required).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance has been filed by a registered neighborhood organization that would **continue this petition from the June 11, 2026 hearing, to the July 9, 2026 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-CZN-813 (Amended) / 2026-CVR-813

Property Address: 1127 South East Street

Location: Center Township, Council District #18

Petitioner: Josh Smith

Request: Rezoning of 0.12-acre from the C-5 district to the D-8 district to provide for a multi-unit dwelling, consisting of two units

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling, consisting of two units, with encroachment within the clear-sight triangle of Morris Street and East Street (not permitted) and no maximum front setback (19.9 feet maximum permitted).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing, to amend the petition and provide new notice. Due to timing issues, these petitions will need to be **continued from the June 11, 2026 hearing, to the June 25, 2026 hearing**, with notice, which has been provided.



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-CZN-819 / 2026-CVC-819

Property Address: 5849 Crittenden Avenue

Location: Washington Township, Council District 7

Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee, Bishop Chatard High School, Inc., by Brian J. Tuohy

Current Zoning: D-5

Rezoning of 0.48-acre from the D-5 district to the SU-2 district to provide for school uses.

Request: Vacation of a portion of East Northgate Street, being 50 feet wide, from the east right-of-way line of Crittenden Avenue (also being the northwest corner of Lot 100 of Northdale, an addition to the City of Indianapolis), 279 feet to a point (also being the northeast corner of Lot 30 in said subdivision).

Current Land Use: Educational uses and public street

Staff Recommendations: Approval of the rezoning request and the vacation.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The rezoning and vacation petitions were approved on May 28, 2026, and the assessment of benefits was scheduled for hearing on June 11, 2026. An appraisal report has not been submitted, so this hearing will need to be **continued to July 9, 2026**.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning and the vacation request.

PETITION OVERVIEW

This 0.48-acre site, zoned D-5, is developed with a single-family dwelling and public street. It is surrounded by educational uses to the north, zoned SU-2; a single-family dwelling to the south, zoned D-5; a parking lot to the east, zoned SU-2; and a single-family dwelling to the west, across Crittenden Avenue, zoned D-5.



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

REZONING

This request would rezone the site to the SU-2 district to provide for school uses.

“No building, structure, premises or part thereof shall be constructed, erected converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator.”

All land use within the Special Use districts shall be limited to the use or uses as identified in the Ordinance.

The Comprehensive Plan recommends suburban neighborhood typology for the site.

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

As proposed, this request would be consistent with and align with the Plan recommendation of suburban neighborhood that allows large-scale schools.

VACATION

This request would vacate a portion of East Northgate Street being 50 feet wide, from the east right-of-way line of Crittenden Avenue (also being the northwest corner of Lot 100 of Northdale, an addition to the City of Indianapolis), 279 feet to a point (also being the northeast corner of Lot 30 in said subdivision)

The request would permit adjacent properties, to the north and south, to be combined and incorporated into the school campus without an intervening public street, which could improve the safety of students.

Procedure

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.



Department of Metropolitan Development
 Division of Planning
 Current Planning

After a vacation of public right-of-way the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

RECOMMENDED MOTION: That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on June 11, 2026; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2026-CVC-819; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwelling and public street	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North: SU-2	Educational uses
	South: D-5	Single-family dwelling
	East: SU-2	Parking lot
	West: D-5	Single-family dwelling
Thoroughfare Plan		
Crittenden Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 3, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Conditions for All Land Use Types – Suburban Neighborhood Typology

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

Large-Scale Schools, Places of Worship, and Other Places of Assembly (defined as schools, places of worship, and other places of assembly that are generally more than five acres in size. particularly large centers of education such as township high schools and universities would not be included in this definition, and are considered to be regional special use).

- Should be located along an arterial street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.



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

- Should be located within one-half mile of a bus or rapid transit stop, unless there is no bus service within the institution's service area.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



ZONING HISTORY

2025-CZN-829 / 2025-CVC-828; 5802, 5808, 5814, and 5820 Evanston Avenue (east of site), requested rezoning of 1.56 acres from the D-5 district to the SU-2 district to provide for school uses and a vacation of Evanston Avenue, **approved**.

2018-ZON-016; 5824, 5830, 2834, and 5840 Evanston Avenue (east of site), requested rezoning of 0.8 acre, from the D-4 districts to the SU-2 classification, **approved**.

2004-ZON-818; 5714-5745 Evanston Avenue and 2019 Northdale Lake Drive (southeast of site), requested rezoning of 2.25 acres being in the D-6II District, to the D-P classification to legally establish multi-family residential development with a density of 10.70 units per acre, **approved**.

2000-ZON-069; 5885 Crittenden Avenue (north of site), requested rezone 10.6 acres from the D-5 to SU-2 to legally establish an existing high school and related athletic facilities, **approved**.

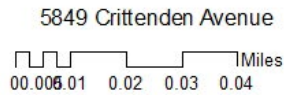
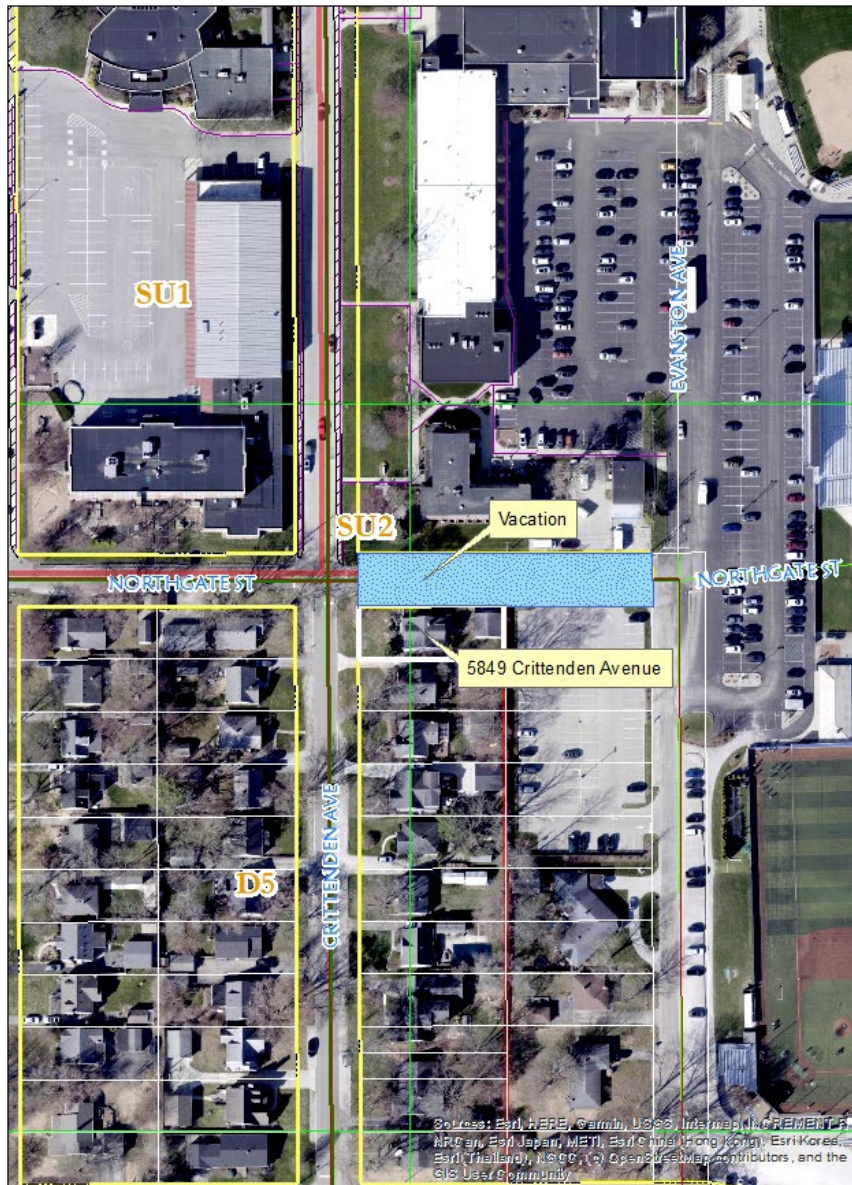
91-P-60; 2002 East 56th Street (east of site), requested approval of subdivision plat to be known as Northdale Subdivision, dividing 3.3+ acre into 4 lots, **approved**.

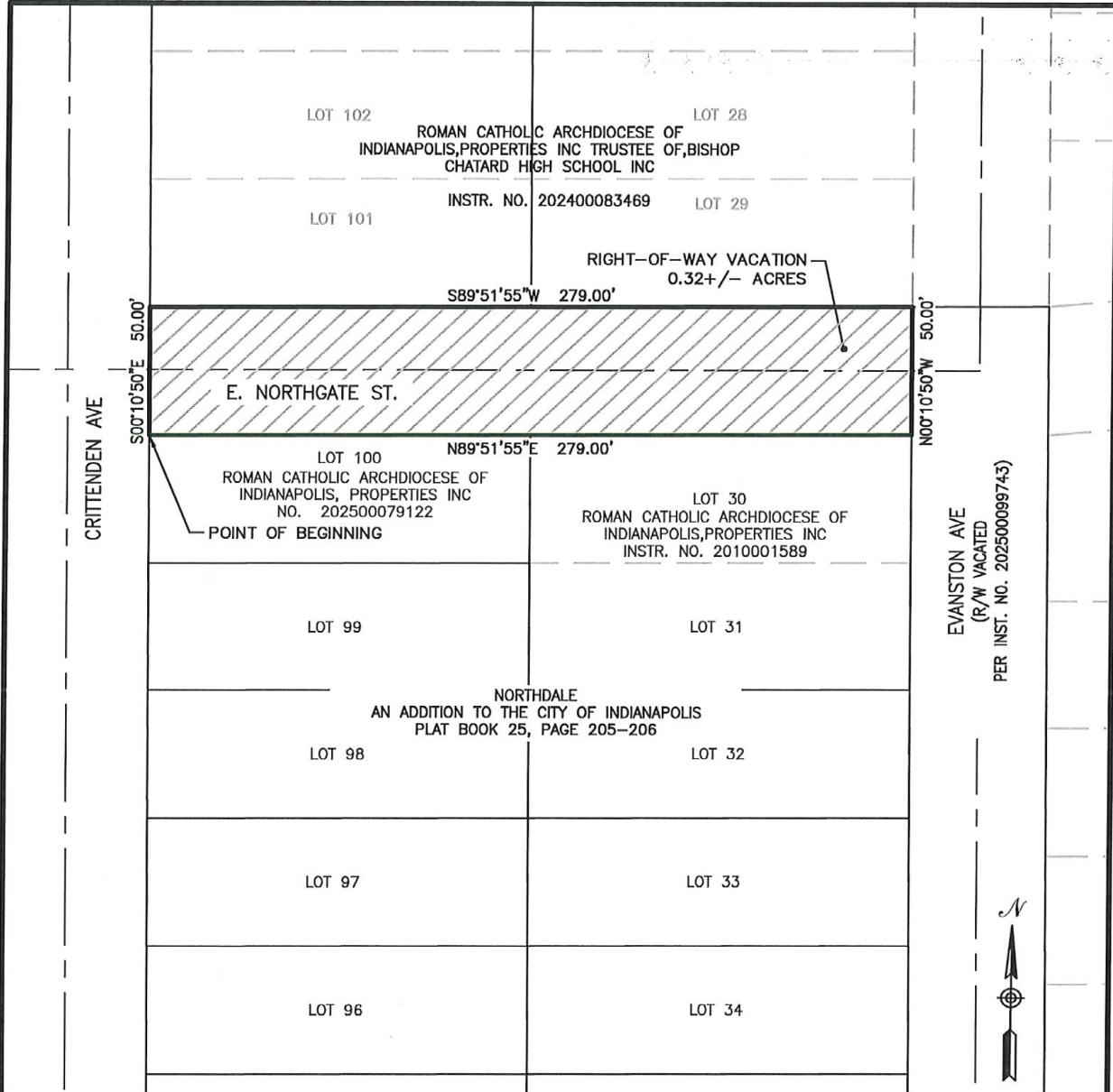
70-Z-56; 1700 – 1900 East 54th Street (south of site), requested rezoning of 55.75 acres being in the D-4 and D-5 districts to the D-6II classification to provide for the construction of an apartment and townhouse development, **approved**.

70-Z-52; South side of Kessler Boulevard, East Drive, between Crittenden and Norwaldo Avenues (north of site), requested rezoning 3.70 acres from the D-5 district to the SU-1 classification to provide for the construction of a new church building with off street parking as per plans filed, **approved**.

67-Z-105; All lots east of Evanston and lots on west and east of Caroline Between and including lots facing East 58th Street and Northgate Street (east of site), requested rezoning of approximately 6.573 acres being in the D-5 district to Special Use (2) classification to permit recreational purposed, **approved**.

EXHIBITS





PREPARED BY:



PO BOX 70
ZIONSVILLE, IN 46077
(317)344-2822

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.



SHEET 1 OF 2

PROJECT NO.: 240301
DRAWN BY: AM
DATE: 03/27/2026

A&F ENGINEERING
Transportation & Site Engineering
8365 KEYSTONE CROSSING, SUITE 201
INDIANAPOLIS, IN 46240

RIGHT-OF-WAY VACATION
PROJECT:
BISHOP CHATARD
HIGH SCHOOL
INDIANAPOLIS, INDIANA



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

Petition Number _____

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

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

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
 The vacation will allow the Petitioner to develop and improve the site with a parking area and related improvements for use by Chatard High School. The portion of Northgate Street to be vacated terminates at the entrance of the school's parking lot and is not a through street. Additionally, Petitioner owns the parcels on both sides of the portion of Northgate Street to be vacated. The vacation allows for the connection of school owned property without an intervening public street and promotes safety by separating school traffic from neighborhood traffic. The vacation will allow for substantial investment in the area and off street parking for the school.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking east along East Crittenden Avenue



View looking west along East Crittenden Avenue



View of school campus looking north from East Crittenden Avenue



View of school campus looking north from East Crittenden Avenue



View of school campus looking north from East Crittenden Avenue



View of school campus looking northeast from East Crittenden Avenue



View of school campus looking east from East Crittenden Avenue



View looking southeast across recently vacated Evanston Avenue



View looking south along recently vacated Evanston Avenue



View of campus looking south across East Crittenden Avenue



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



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-CZN-821 (Withdrawn) / 2026-CVR-821

Property Address: 3404, 3432, 3434, 3438 and 3444 North Illinois Street

Location: Center Township, Council District # 8

Petitioner: Redline Holdings XII, LLC, by Justin Kingen

Request: Rezoning of 1.12 acres from the D-10 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development, including approximately 99 dwelling units and 2,507 square feet of commercial space.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use development (not permitted), with a 10-foot front yard setback (25-foot front setback required); with a zero-foot rear yard setback (minimum 10 feet required); with a perimeter yard from zero to 10 feet in width (minimum of 20 feet required); with one primary entry feature (minimum of one primary entry feature for every fifty feet required); to provide for excessive wall plane or blank wall façade (blank wall limited to fifty linear feet and 600 square feet of façade); with a FAR of 2.77 (maximum 0.80 FAR permitted); with a LSR of 0.078 (0.66 required); with 47 on-street and off-street parking spaces provided (minimum 82 parking spaces required), and with reduced first-story transparency (minimum 60% transparency required) and reduced upper story transparency (minimum 20% transparency required); and with eight street trees along North Illinois Street (11 street trees required)..

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance has been filed by a registered neighborhood organization that would **continue this petition from the June 11, 2026 hearing, to the July 9, 2026 hearing.** This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-ZON-027

Property Address: 1611 East 18th Street

Location: Center Township, Council District #8

Petitioner: Diamonds Xellent Investments LLC (Diego Gomez), by Jorge Oscar Gonzales Vasquez

Current Zoning: C-3

Request: Rezoning of 0.12-acre from the C-3 district to the D-8 district to provide for residential development.

Current Land Use: Vacant

Staff Recommendations: Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning. The recommendation does not include approval of the site plan or elevations.

PETITION OVERVIEW

This 0.12-acre site, zoned C-3, is vacant and surrounded by commercial uses to the north, across East 18th Street; vacant land to the south, zoned C-3; vacant land to the east, zoned D-5; and commercial uses to west, across Roosevelt Avenue, zoned C-3.

REZONING

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



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“To advance the Livability Principles of this Code, the D-5, D-5II, **D-8**, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends traditional neighborhood typology for the site.

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

This request would align with the Plan recommendation of traditional neighborhood and the historical residential use.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Vacant land	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-3 / C-1 Commercial uses
	South:	C-3 Vacant land
	East:	D-5 Vacant land
	West:	C-3 Commercial uses
Thoroughfare Plan		
Roosevelt Avenue	Primary Arterial	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
East 18 th Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	



Wellfield Protection Area	No
Site Plan	March 3, 2026
Site Plan (Amended)	N/A
Elevations	March 3, 2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology. “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.”

Pattern Book / Land Use Plan

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

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

Conditions for All Land Use Types –Traditional Neighborhood Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.



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- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Detached Housing

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”



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These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Indy Moves

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

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

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

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



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ZONING HISTORY

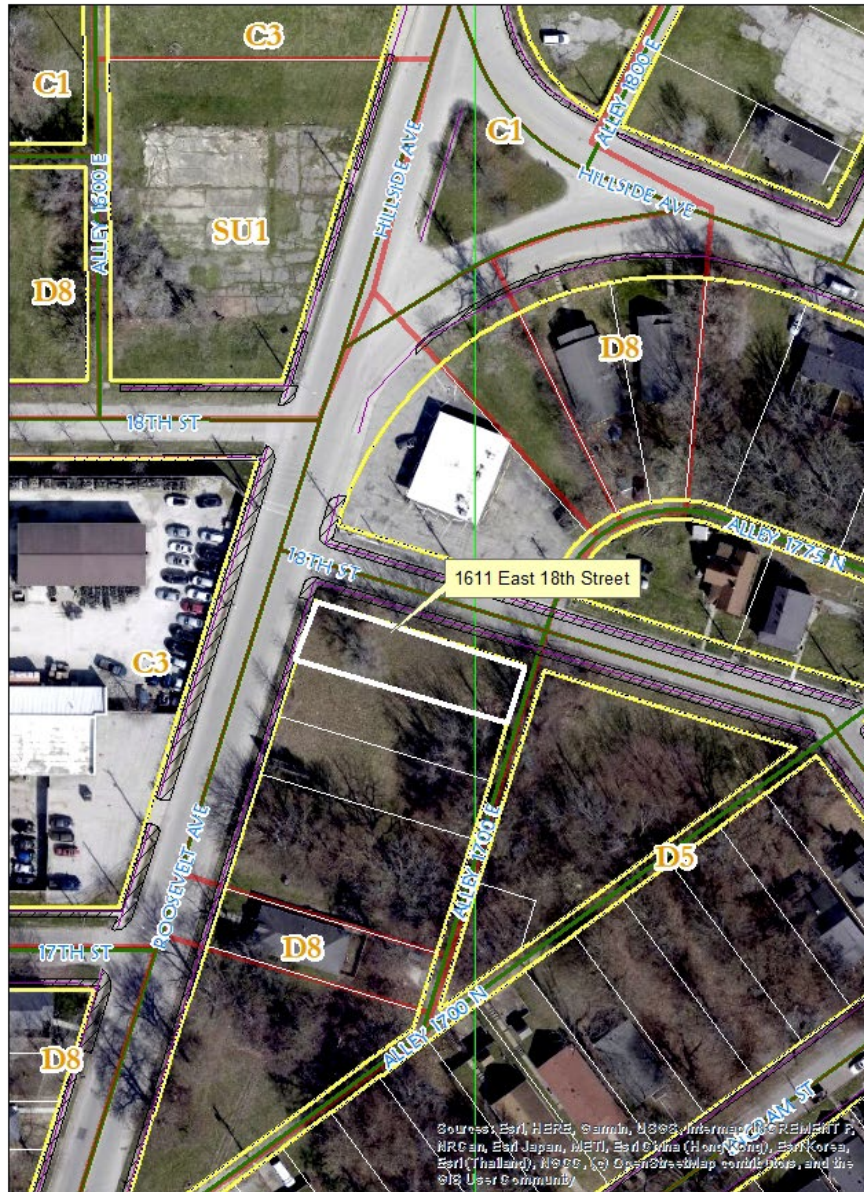
2026-ZON-025; 1719 Roosevelt Avenue (south of site), requested rezoning of 0.12-acre from the C-3 district to the D-8 district to provide for residential development, **pending**.

2006-ZON-098; 1701 Roosevelt Avenue (south of site), requested rezoning of 0.1 acre, from the C-3 District, to the D-8 classification to provide for residential uses, **approved**.

2006-ZON-101; 1743 and 1747 Roosevelt Avenue (northeast of site), requested a rezoning of .58 acre, being in the C-1 Commercial District, to the D-8 Dwelling District classification to provide for residential uses, **approved**.

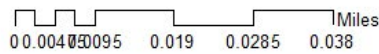
96-Z-77 and 96-CV-22; 1813-1829 Roosevelt Avenue (east of site), requested a rezoning of .97 acre, being in the D-5 Dwelling District, to the D-8 Dwelling District classification and variances of development standards relating to setbacks and the encroachment of dumpsters and parking into the required yards, to provide for multi-family residential development, **approved**.

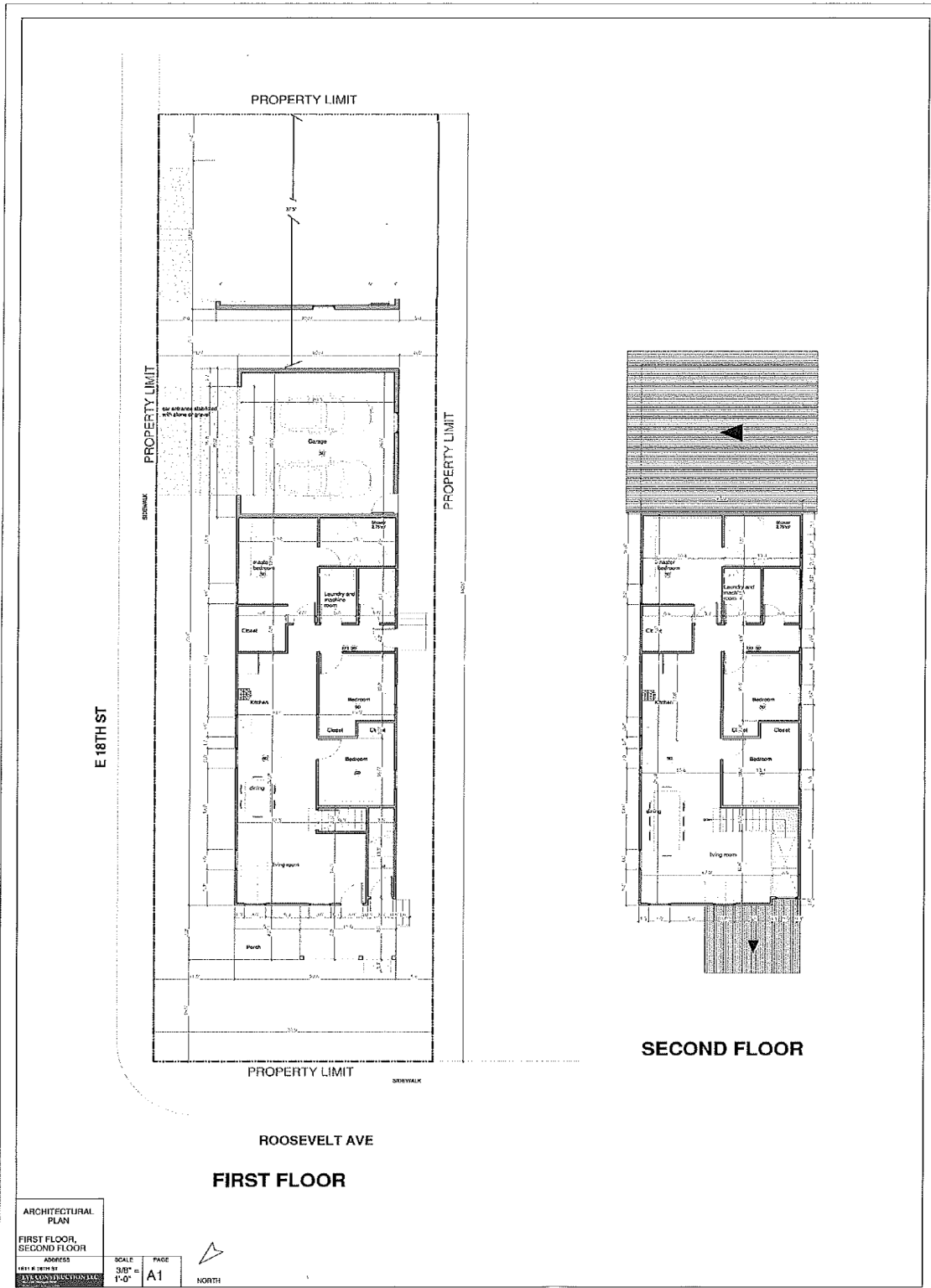
EXHIBITS

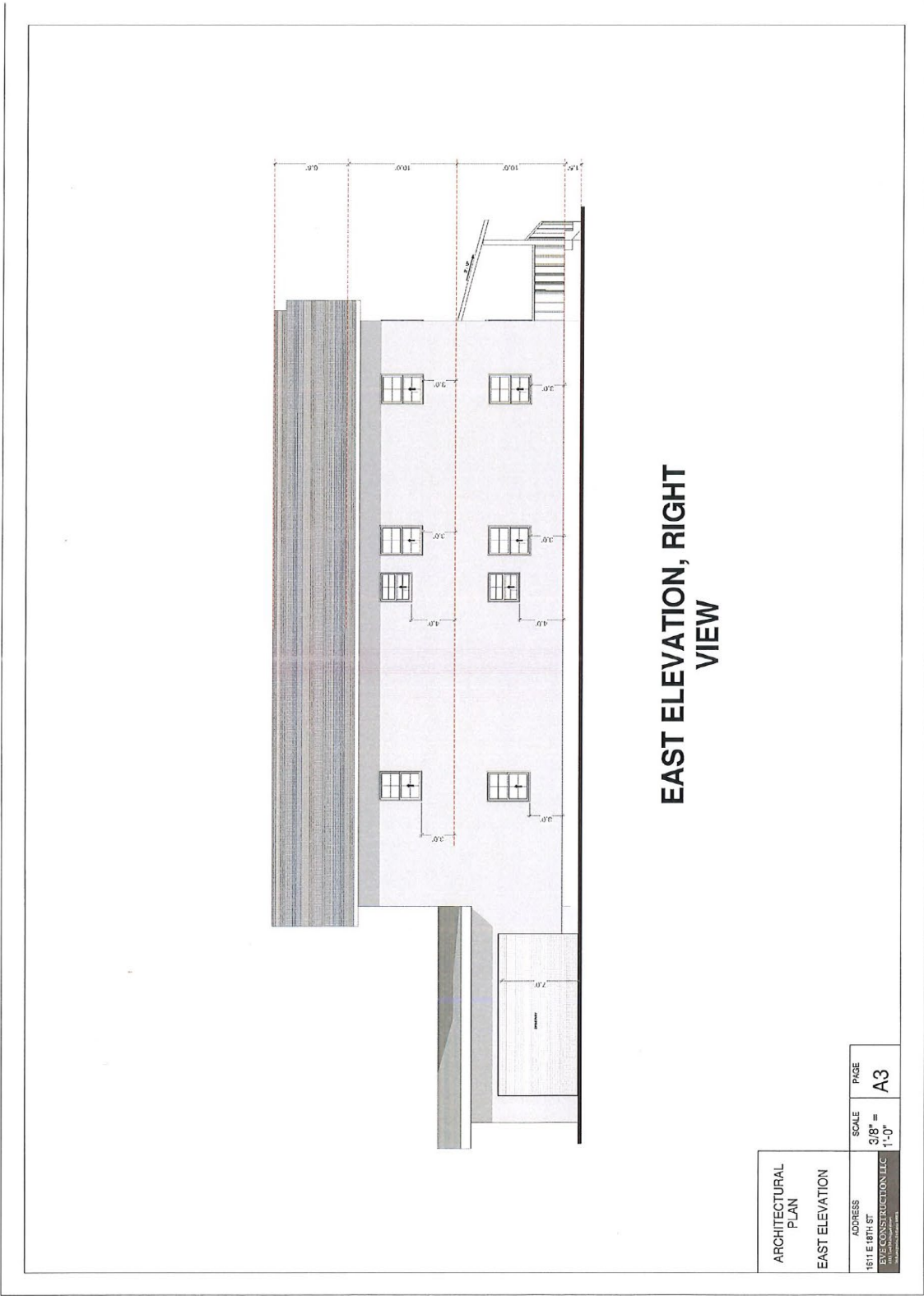


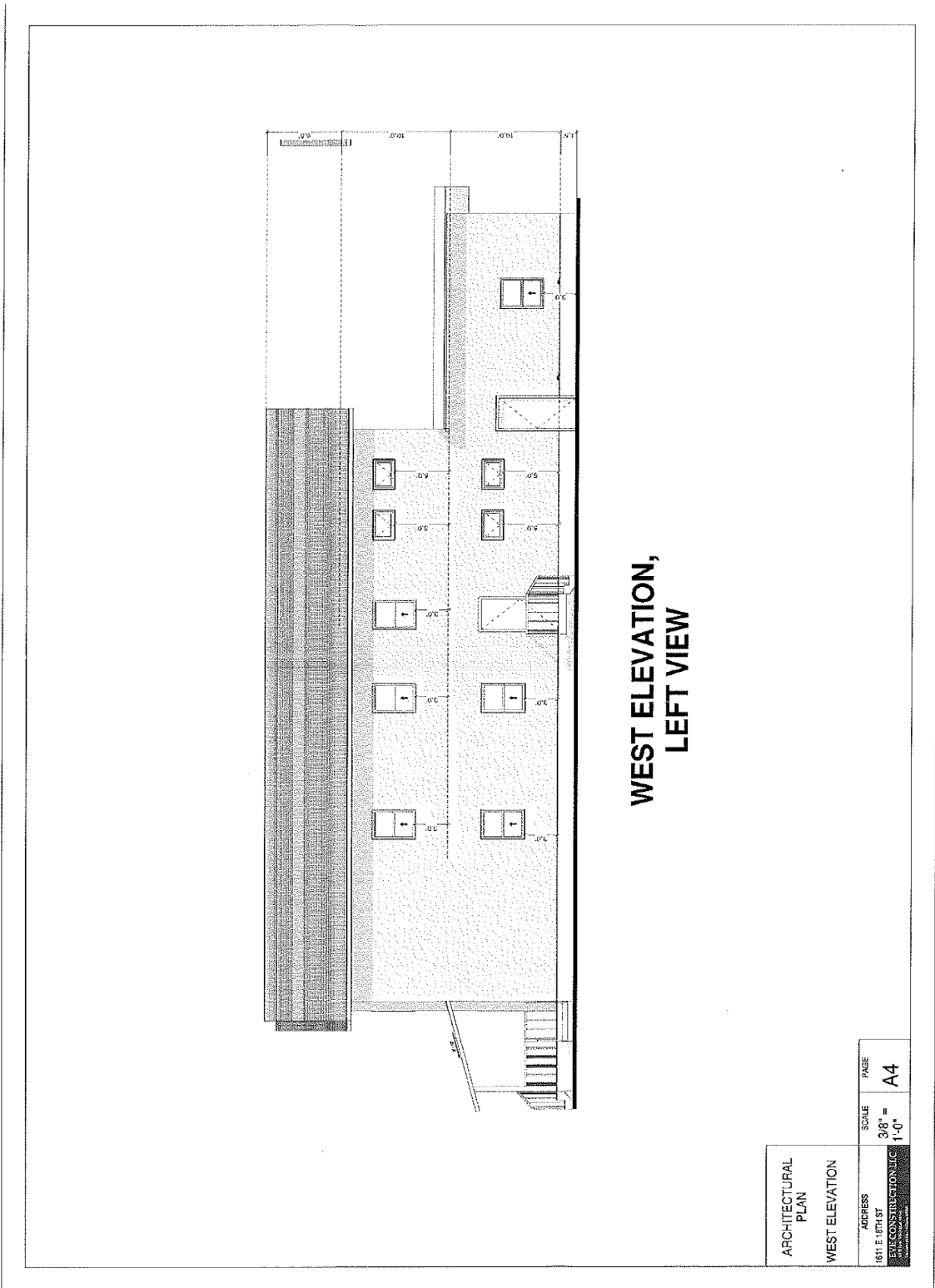
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Esri (Thailand), NAVTEQ, © OpenStreetMap contributors, and the GIS User Community

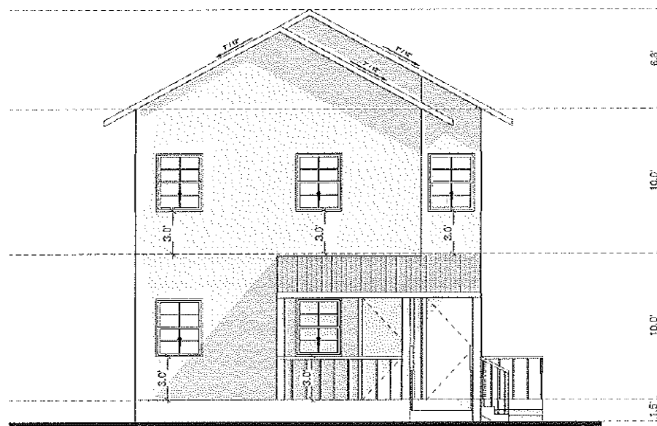
1611 East 18th Street









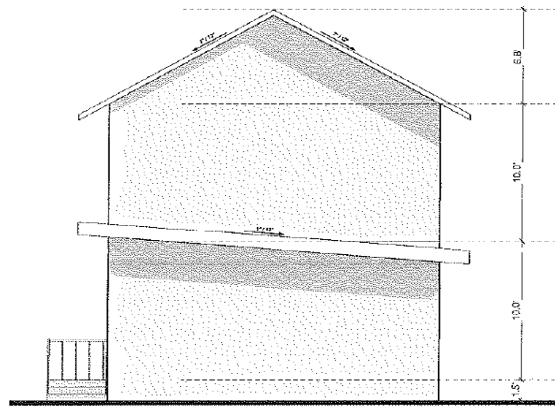


**NORTH ELEVATION,
FRONT VIEW**

ARCHITECTURAL
PLAN
NORTH ELEVATION

ADDRESS	SCALE	PAGE
1611 E 18TH ST	3/8" = 1'-0"	A2

EYE CONSTRUCTION LLC
1113 2nd Ave. Suite 100
Burlington, WI 53105



**SOUTH ELEVATION,
REAR VIEW**

ARCHITECTURAL
PLAN
SOUTH ELEVATION

ADDRESS	SCALE	PAGE
1611 E 18TH ST EVE CONSTRUCTION LLC 2011 1611 E 18TH ST DENVER, CO 80202	3/8" = 1'-0"	A5



View looking east along East 18th Street





View of site looking south across East 18th Street



View of site looking south across East 18th Street



View looking south at intersection of East 18th Street and Roosevelt Avenue



View of site looking east across Roosevelt Avenue



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number: 2026-ZON-029 / 2026-VAR-007

Property Address: 1003 West 30th Street (*Approximate Address*)

Location: Center Township, Council District #12

Petitioner: Skyline General Contracting Corp, by Jorge Gonzales

Current Zoning: C-3
Rezoning of 0.09-acre from the C-3 district to the D-5 district to provide for residential use.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residence with a front building line of 25 feet (range of 10 to 19.9 feet required).

Current Land Use: Undeveloped

Staff Recommendation: Staff recommends **approval** of the rezoning and variance requests.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the rezoning and variance requests.

PETITION OVERVIEW

LAND USE

1003 West 30th Street is a 0.09-acre parcel with a width of 30 feet located at the southwestern corner of the intersection of 30th and Rader Street. The property was previously improved with a residential structure that occupied both the subject lot and the property to the west; this building was demolished between 1986 and 1990. Surrounding lots and land uses are either undeveloped or residential in nature. The property is currently zoned C-3 for commercial usage.

REZONING

Approval of this petition would rezone the property from the C-3 designation to the D-5 zoning district to allow for residential use. The petitioner has indicated that they would pursue development of a single-family residence on this property, which would be allowed for a lot of this width within D-5.



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The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in new strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan.

VARIANCES OF DEVELOPMENT STANDARDS

Since this property is located within a Walkable Neighborhood district and on a block with an established context of residences being placed near the front of lots (a Terrace frontage per Table 744-701-2), the enforceable front building line for new residential development would range from 10 feet to 19.9 feet. The applicant has indicated that they would be seeking a front building line of at least 25 feet from the front lot line, which would require approval of a Variance of Development Standards.

STAFF ANALYSIS

A previous application was filed in late 2025 for a Variance of Use to allow for development of a duplex while maintaining the C-3 zoning of the lot. This petition (2025UV2018) was withdrawn upon staff's recommendation, and a filing for a rezoning to the D-5 district was made instead.

Staff would note that the D-5 zoning district would align with the United Northwest Neighborhood Plan recommendation for residential development of 3.5-5 dwelling units per acre, and that the narrow width of this corner lot would not make residential development feasible. The site is also surrounded by residential zoning on all 4 sides, and several neighboring lots have been granted rezonings from commercial to residential zoning in a similar fashion. Staff recommends **approval** of the rezoning.

With regards to the variance, staff notes that the location of this lot at the intersection of two public streets results in the creation of a required clear-sight triangular area where development exceeding 2.5 feet in height would not be permitted (see diagram within Exhibits below). Placement of a house with a compliant front building line between 10 and 19.9 feet would necessarily result in encroachment that house within the required clear-sight triangle. Development of the site would not be possible without a variance related to either clear-sight triangle encroachment or the front building line range.

Staff would note that the proposed 25-foot front building line would avoid any clear-sight issues while also placing the new residence roughly in line with residences on the *east* side of Rader Street, which would serve to reduce any incongruence with applicable Infill Housing Guidelines (see Comprehensive Plan Analysis below). The proposed variance would serve to preserve visibility and public safety for the intersection, and given that immutable site characteristics would require some form of variance relief, staff would recommend **approval** of the requested variance related to the front building line range.



Department of Metropolitan Development
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GENERAL INFORMATION

Existing Zoning	C-3		
Existing Land Use	Undeveloped		
Comprehensive Plan	Dwellings 3.5 – 5 Units per Acre		
Surrounding Context	Zoning	Surrounding Context	
	North:	D-8	North: Residential
	South:	D-5	South: Undeveloped
	East:	D-5	East: Residential
	West:	D-5	West: Residential
Thoroughfare Plan			
30 th Street	Primary Arterial	61-foot existing right-of-way and 78-foot proposed right-of-way	
Rader Street	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	03/10/2026		
Site Plan (Amended)	06/04/2026		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	03/10/2026		
Findings of Fact (Amended)	06/01/2026		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan



- Infill Housing Guidelines

Pattern Book / Land Use Plan

- Not Applicable to the Site. See Neighborhood Plan below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this site for Low Density Residential development (typically 3.5 to 3 dwelling units per gross acre for single family dwellings).

Infill Housing Guidelines

- When front setbacks are different, homes should be built in the 'setback range', and when setbacks are the same homes should match the existing context. Corner sites should reflect context from both streets. Guidelines do not provide specific guidance related to clear-sight triangles.



ZONING HISTORY

ZONING HISTORY – SITE

2025UV2018, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a single-family residence (not permitted), per the site plan, **withdrawn**.

96-V2-31, Variance of Development Standards of the Sign Regulations to provide for the placement of a 5.75 by 6.75 foot advertising being (1) located 110 feet of a protected district (minimum 240 foot separation from a protected district fronting on the same street required); (2) 5.75 feet in height (maximum 4 feet in height permitted); (3) with a front setback of 2.5 feet from West 30th Street (minimum 55 feet required); (4) with a front setback of 6.5 feet from Rader Street (minimum 25 feet required); (5) located within the clear-sight triangular area (not permitted), **approved**.

ZONING HISTORY – VICINITY

2003DV3005 ; 970 West 30th Street (northeast of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a 15-foot front yard setback for a single-family dwelling from Rader Street (minimum 25-foot front setback required), **approved**.

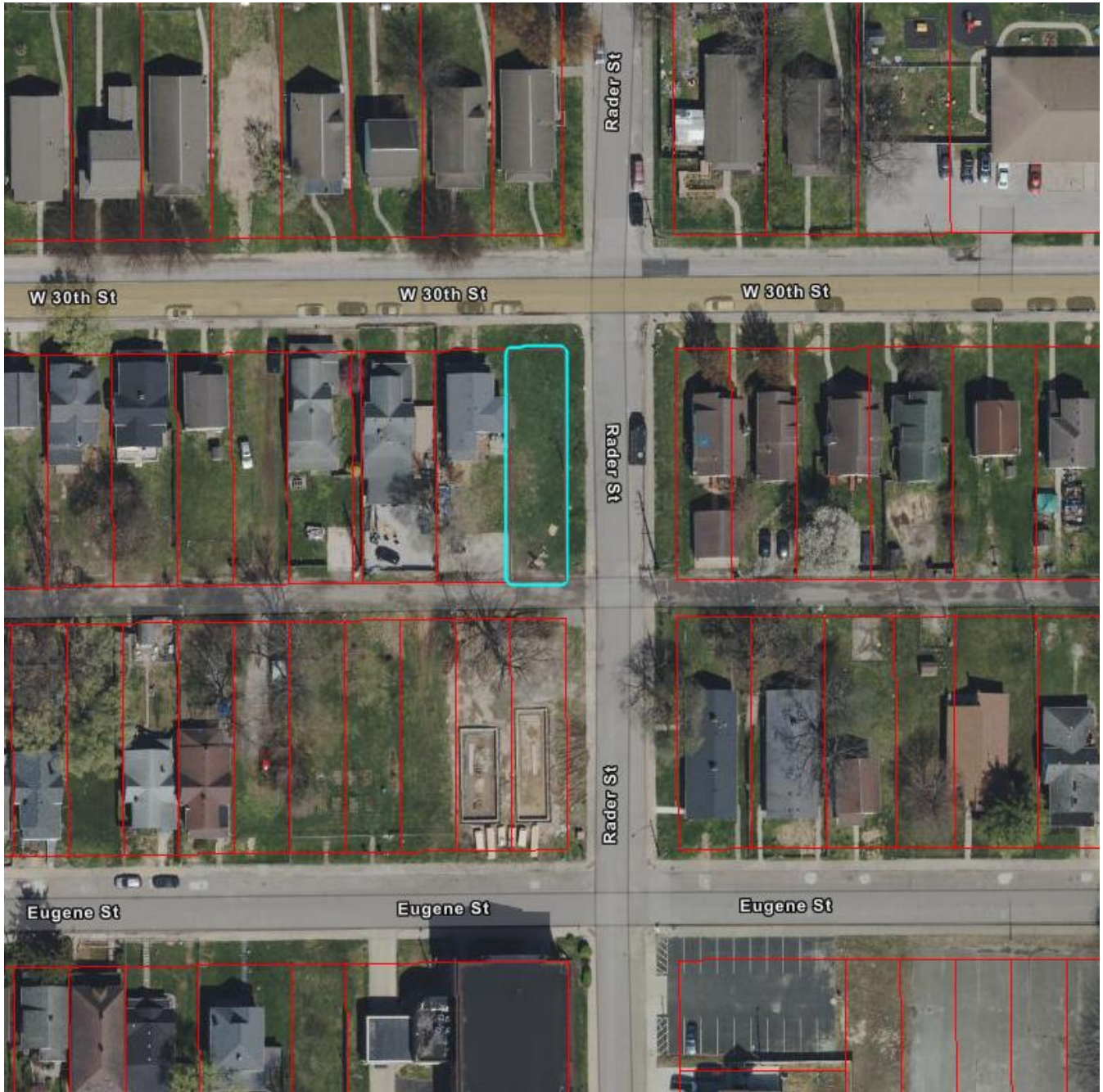
2002ZON059 ; 962 West 30th Street (northeast of site), Rezone 0.30 acre, from C-3 District, to D-5 to provide for single-family residential development, **approved**.

2001ZON126 ; 1021 West 30th Street (west of site), Rezone 0.10 acre, from C-3 District, to D-5 to provide for residential development, **approved**.

2000HOV015 ; 1006 West 30th Street (north of site), Variance of Development Standards of the Dwelling Districts to provide for the construction of a single-family dwelling, with a 7.2-foot front setback along Rader Street (minimum 8-foot setback along a local street required per 99-CV-21V) and 3.2-foot side yard setback (minimum 4-foot side yard setback required), **approved**.

EXHIBITS

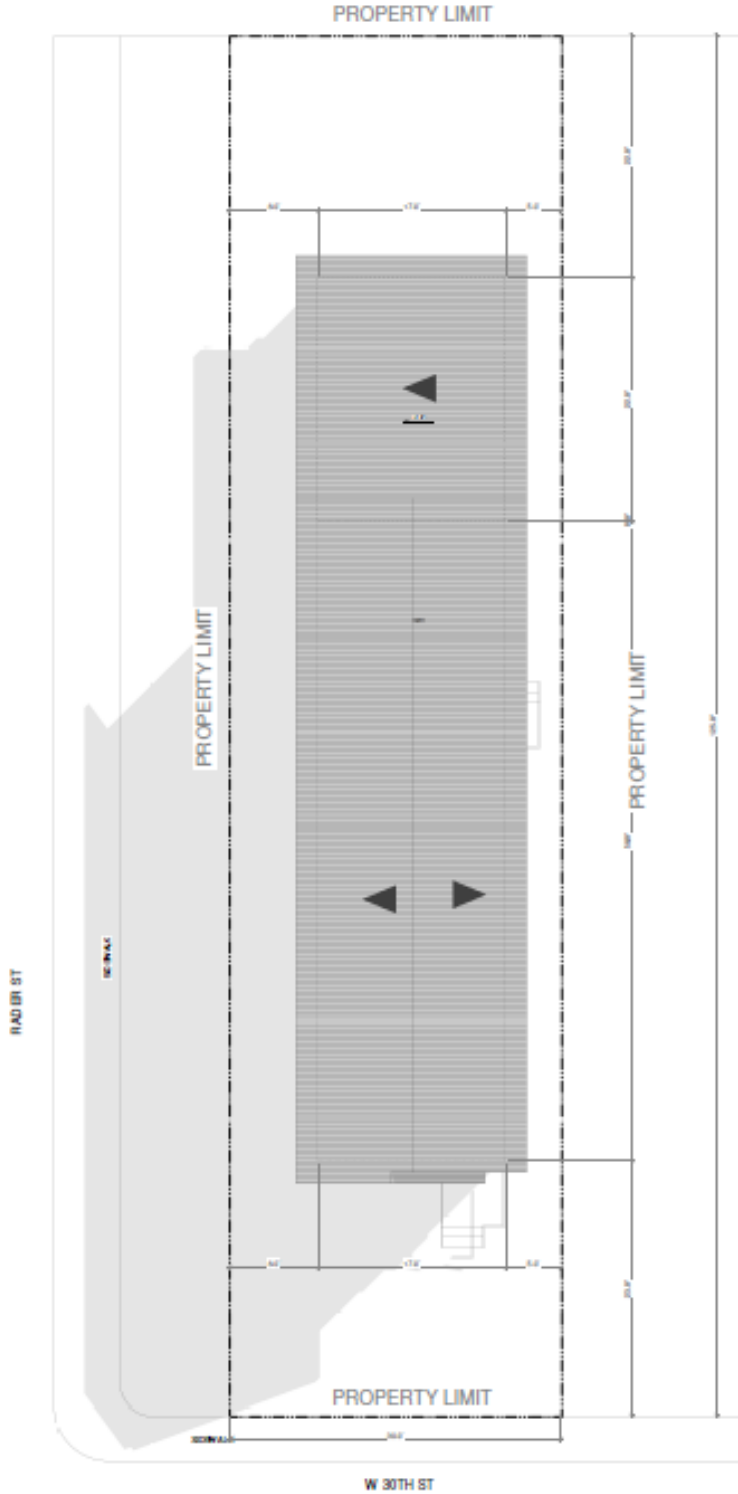
2026-ZON-029 / 2026-VAR-007 ; Aerial Map





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2026-ZON-029 / 2026-VAR-007 ; Site Plan



2026-ZON-029 / 2026-VAR-007 ; Clear-Sight Triangular Area



2026-ZON-029 / 2026-VAR-007 ; Findings of Fact

Although Findings of Fact were provided, they were not provided on City forms prior to publication of this report. This would be required to be submitted to City staff prior to the petition being heard in full.

2026-ZON-029 / 2026-VAR-007 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from Southeast

2026-ZON-029 / 2026-VAR-007 ; Photographs (continued)



Photo 3: Adjacent Property to West

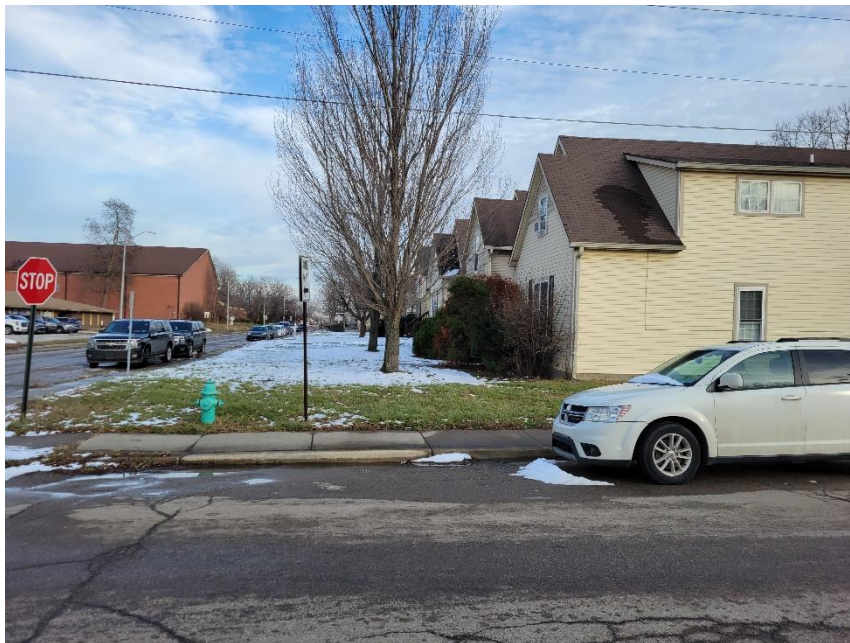


Photo 4: Adjacent Property to East

2026-ZON-029 / 2026-VAR-007 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to Northwest



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

June 11, 2026

Case Number:	2026-ZON-030
Property Address:	3505 South Harding Street (<i>approximate address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Jose de Jesus Padilla Zavala, by Jorge Oscar Gonzales
Current Zoning:	D-4 (FF)
Request:	Rezoning of 0.24-acre from the D-4 (FF) district to the C-3 (FF) district to provide for a multi-tenant retail building.
Current Land Use:	Unoccupied Residential
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

5/14/2026: A timely automatic continuance request was filed by a registered neighborhood group.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

LAND USE

The 0.24-acre site is comprised of a parcel developed with a vacant residential structure built around 1920 as well as a detached garage built in 1952. The site is surrounded by industrial uses to the north and south (zoned D-4 and I-2 respectively), residential uses to the east zoned D-4, and commercial uses to the west zoned C-3 and D-4.

REZONING

The request would rezone the property from the D-4 (FF) district to the C-3 (FF) district to allow for a multi-tenant retail building that would not be permitted in the existing D-4 district.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. The D-4 district has a typical density of 4.2 units per gross acre.



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The C-3 (Neighborhood Commercial) zoning district is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of use include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments.

The FF (Floodway Fringe) is a secondary zoning district that overlays the primary zoning district. FF indicates a 1% chance for significant flooding as well as shallow flooding in any given year. FF is based upon hydrological data and is delineated on the FEMA maps.

STAFF ANALYSIS

The Comprehensive Plan Pattern Book recommends this property to the Heavy Industrial working typology, and also places it within an Environmentally Sensitive Areas (ES) overlay. More detailed information is available in the "Comprehensive Plan Analysis" section below, but staff would note that (a) most heavy industrial land uses would be removed from consideration by the Plan when near residential areas as would be the case here, (b) the Plan contemplates small-scale retail or professional service uses within the Heavy Industrial typology in some instances, and (c) the size of this parcel would not allow for feasible industrial development that would respect setback requirements.

The Plan of Operation provided by the applicant indicates that potential users might include a barbershop or coffee shop, and that no drive-thru facilities are being considered for the property. Staff feels that uses of this intensity could be supportive for residences to the east, and that the C-3 district might serve as a buffer between those homes and higher-intensity zoning and uses along the Harding Street corridor.

The site plan provided by the applicant indicates a design that would require multiple variances, including but not limited to deficient landscaped area and a reduction of the required transitional yard to the east. Staff would be unlikely to support variances to allow for development that does not meet the standards of the C-3 zoning district. Staff would note that the level of parking and paving shown would almost double the required minimum, and that it would likely make meeting stormwater retention standards within the Floodway Fringe difficult.

The petitioner has indicated that they will explore options to amend the site plan in the future to either avoid the need for variances or would apply for variances separately at a later date. The only questions considered by this staff report would be the appropriateness of the C-3 zoning district for the site, and staff feels that given the surrounding land use context and Plan recommendation that a commercial district of this intensity would be appropriate. Therefore, staff recommends **approval** of the rezoning request, with the caveat that substantial future variances would be unlikely to be supported.



Department of Metropolitan Development
 Division of Planning
 Current Planning

GENERAL INFORMATION

Existing Zoning	D-4 (FF)	
Existing Land Use	Unoccupied Residential	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
	North:	D-4
	South:	I-2
	East:	D-4
	West:	D-4 / C-3
Thoroughfare Plan		
Harding Street	Primary Arterial	84-foot existing right-of-way and 102-foot proposed right-of-way
Sumner Avenue	Primary Collector	74-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	03/05/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- 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 building 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.
 - Small-scale Offices, Retailing, and Personal or Professional Services land uses are contemplated for the typology in instances where they would be subordinate to and serving primarily industrial uses, when adjacent to interstate interchanges or arterial streets at the edge of the typology, and when placed in a manner that would not interfere with industrial traffic or loading.
- The Environmentally Sensitive Areas (ES) overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development.



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- For Small-scale Offices, Retailing, and Personal or Professional Services land uses, development impacting wetlands or woodland should include a one-for-one replacement of such features, and development should preserve or add at least 10% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

95-UV1-77, variance of use of the Dwelling Districts Zoning Ordinance to provide for retail sales (not permitted), including furniture, baby items and sports equipment, **approved**.

ZONING HISTORY – VICINITY

2023ZON021 ; 3449 South Harding Street (north of site), Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers, **approved**.

2022CZN812 ; 3602 South Harding Street (southwest of site), Rezoning of 4.47 acres from the D-4 (FF) district to the I-3 (FF) district, **approved**.

2022CVR812 ; 3602 South Harding Street (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 65-foot east transitional yard (150 feet required) and 22-foot south side yard (30 feet required), **approved**.

2021ZON066 ; 3449 South Harding Street (north of site), Rezoning of 0.75 acre from the D-4 (FF) district to the C-S (FF) district to provide for a convenience store and gasoline station, **denied**.

2016UV1011 ; 3512 South Harding Street (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the indoor parking and storage of construction vehicles (not permitted), related to a construction business (not permitted), **approved**.

2015HOV003 ; 3544 South Harding Street (southwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to legally establish two single-family dwellings on one lot (not permitted), per plans filed, **approved**.

2005ZON016 ; 1309 West Sumner Avenue (east of site), rezone 1.717 acres, being in the D-4 (FF) District, to the C-S (FF) classification to provide for a truck and trailer sales and storage facility, **withdrawn**.

2004ZON032 ; 3515 South Harding Street (south of site), rezone 0.80 acre, being in the D-4 (FF) District, to the I-2-S (FF) classification to provide for industrial uses, **approved**.

97-Z-7 ; 1309 West Sumner Avenue (east of site), rezoning of 0.753 acre, being in the D-A District, to the I-3-S classification to provide for industrial uses, **denied**.

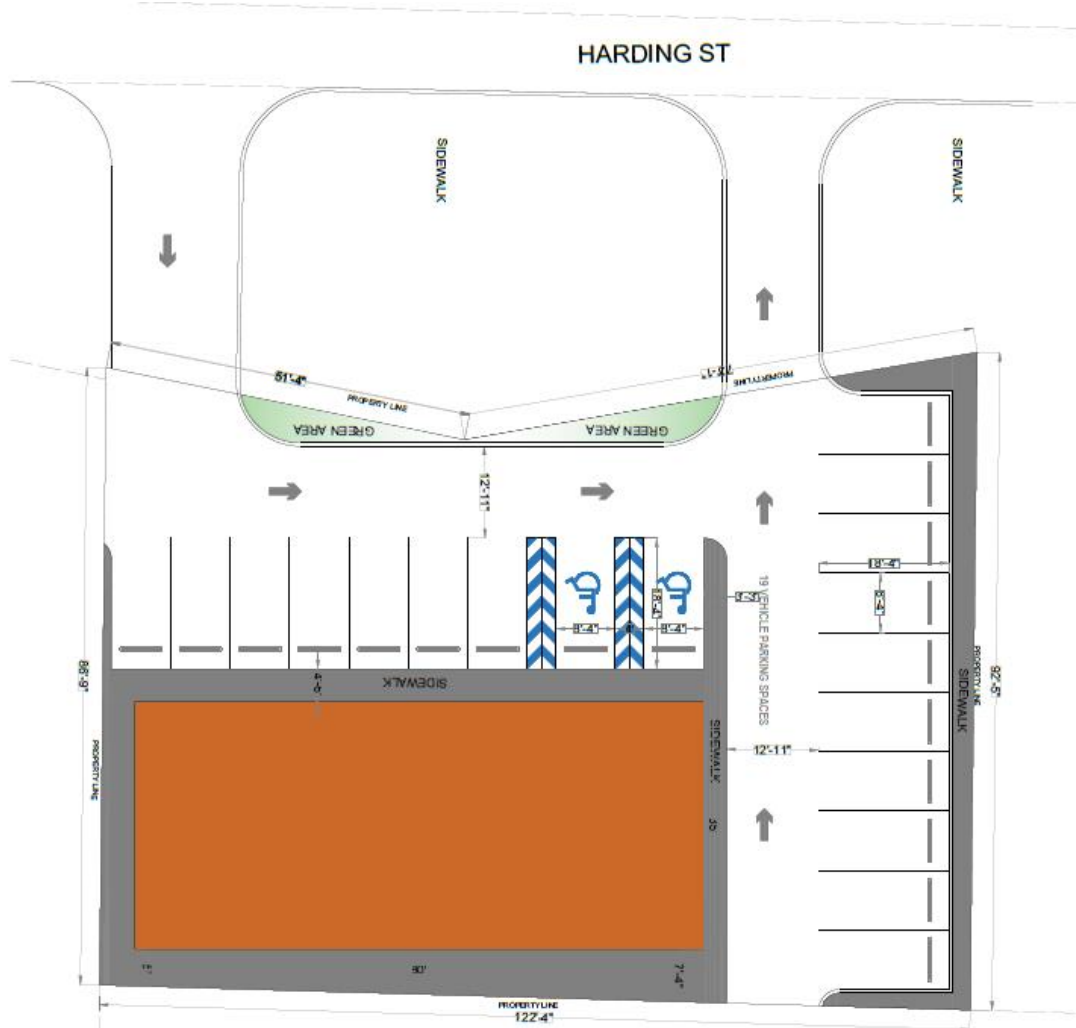
96-V1-103 ; 3602 South Harding Street (southwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of 60 by 80 foot accessory building for an existing single-family residence resulting in the total square footage of accessory buildings being 5,241 square feet or 314% of the square footage devoted to the primary structure, **approved**.

EXHIBITS

2026ZON030 ; Aerial Map



2026ZON030 ; Site Plan / Elevation Rendering



PROPOSED ELEVATION

SITE DATA:
 PARCEL SIZE (10281.43 SQ.FT)
 PARCEL : #5011742
 PROP. NEW BUILDING AREA: (2800 SQ.FT)



2026ZON030 ; Operation Plan (Partial)

1. Project Vision and Concept

The vision for 3505 S Harding St is to transform an underutilized industrial property into a vibrant, neighborhood-scale retail hub. The plan is to create a small commercial center that provides essential services to the surrounding community in a walkable and accessible format. The development will consist of a single structure subdivided into multiple suites to accommodate a barber shop, a coffee shop, and other small-scale retail tenants. This adaptive reuse project aims to reduce blight, increase neighborhood amenities, and generate local tax revenue without the need for heavy industrial traffic or infrastructure.

2. Proposed Land Use and Tenancy

The building will be designed for "plug-and-play" retail tenants whose build-out requirements are minimal. The focus is on service and retail uses that are compatible with neighboring properties and do not involve drive-through facilities or outdoor storage.

- **Anchor Tenant Concept:** The space will be subdivided to allow for a coffee shop (which typically requires minimal kitchen exhaust and plumbing) and a barber shop (requiring simple plumbing for sinks).
- **Flex Retail:** Additional offices will be leased to retailers such as tailors, small gift shops, or estheticians, all of which are low-impact uses permitted in the C-4 district.
- **Operating Hours:** Operations will be limited to daytime and early evening hours (e.g., 7:00 AM to 9:00 PM) to minimize impact on adjacent residential or vacant industrial neighbors.

3. Site Plan and Building Modifications

To comply with the application requirements for an Improvement Location Permit (ILP) and the rezoning petition, the following physical plans will be drafted professionally:

- **Building Improvements:** The exterior of the existing industrial structure will be renovated with a more pedestrian-friendly facade, including large display windows and a defined entryway, as required by commercial design standards. Exterior elevation plans will be submitted showing new finishing materials, door and window dimensions, and lighting.
- **Parking and Circulation:** A detailed site plan will be drawn to scale showing new, striping for off-street parking, designated bicycle parking, and clear pedestrian walkways connecting the sidewalk to the building entrances. The plan will indicate dimensions for all curb cuts and driveway connections to S Harding St.
- **Landscaping:** A landscape plan will be prepared to add visual screening and green space, including new trees and shrubs along the frontage to satisfy the city's landscaping and screening requirements.
- **Lighting:** A lighting plan will be included to show low-level, cutoff fixtures for the parking area to ensure safety without creating light pollution for neighboring properties.

2026ZON030 ; Photographs



Photo 1: Existing Buildings Viewed from West



Photo 2: Subject Site Viewed from Northwest

2026ZON030 ; Photographs (continued)



Photo 3: Subject Site + Existing Buffering Viewed from North



Photo 4: Adjacent Property to East

2026ZON030 ; Photographs (continued)



Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to Northwest

2026ZON030 ; Photographs (continued)



Photo 7: Adjacent Property to South



Photo 8: Adjacent Property to West and Southwest



MDC HEARING EXAMINER

June 11, 2026

Case Number:	2026-ZON-038
Property Address:	1830 Shelby Street (<i>approximate address</i>)
Location:	Center Township, Council District #18
Petitioner:	Abiodun Babalola (Truworth Realty LLC), by Leyla Paz
Request:	Rezoning of 0.15 acres from the MU-1 (TOD) district to the D-5 (TOD) district to provide for the construction of a duplex.
Current Land Use:	Undeveloped
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 1830 Shelby Street is an undeveloped lot roughly 0.15-acre in size. Currently zoned MU-1, this parcel sits midblock on Shelby between Iowa Street and Naomi Street. The block hosts a variety of land uses, including residences, a barber shop, a church, a plumbing company, and a butcher shop. The block is split between MU-1, MU-2, and SU-1 zoning districts.
- Historic aerial images show a single-family residence on this property until at least 2015. Property record cards show that two parcels were combined in 2016 or 2017 to create the lot as it exists today.
- The Ordinance indicates the purpose of the MU-1 district as being “intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.”
- The Comprehensive Plan contemplates the Village Mixed-Use typology for this parcel. This 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



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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. 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.”

- The site is also roughly 265 feet from the Red Line Bus Rapid Transit (BRT) stop at Shelby Street and East Pleasant Run Parkway North Drive. The 2020 Red Line Strategic Plan conceptualized the typology as a walkable neighborhood. Characteristics of this walkable neighborhood include:
 1. A mix of uses at the station area and primarily residential beyond
 2. A maximum of 3 stories throughout
 3. No front or side setbacks at the core; 0-15-foot front setbacks and 0-20-foot side setbacks and the periphery
 4. A mix of multi-family and single-family housing

- Infill Housing Guidelines also guide staff’s analysis for this site. MU-1 calls for apartments and high rises. In the context of the surrounding homes, this would feel out of place. Such a building may feel more appropriate across the street by the butcher shop or directly near the BRT stop. Here, however, a duplex is more contextually appropriate with the existing homes on the block. As the Comprehensive Plan stated, village mixed-use does not have to be vertically mixed. The mixed-use can come in the context of the block. With the butcher shop, the small commercial space on the corner of Pleasant Run and Shelby, and further lots better suited to larger mixed-use development, a duplex would not conflict with the Comprehensive Plan. Furthermore, both the Comprehensive Plan and the Red Line strategic plan indicate that a variety of housing types should be considered. Duplexes help to provide additional density compared to the existing single-family homes to the north.

- Based on the analysis above, staff recommends approval of this petition. Staff will note that this petition is for a rezone only. A minimum lot width of 60 feet is required for a duplex in the D-5 district. The petitioner will need to seek a variance for deficient lot width should they wish to follow through on the plans for a duplex. Additionally, all other development standards must be met.

GENERAL INFORMATION

Existing Zoning	MU-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Village Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	MU-1	North: Residential/Commercial
South:	MU-1	South: Residential/Vacant
East:	MU-2	East: Commercial/Parking
West:	D-5	West: Residential
Thoroughfare Plan		



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Shelby Street	Primary Arterial	65-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	4/9/2026	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan contemplates the Village Mixed-Use typology for this parcel. This 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. 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.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site is within a quarter-mile of the Red Line Bus Rapid Transit (BRT) stop at Shelby Street and East Pleasant Run Parkway North Drive. The 2020 Red Line Strategic Plan conceptualized the typology as a walkable neighborhood. Characteristics of this walkable neighborhood include:



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- A mix of uses at the station area and primarily residential beyond
- A maximum of 3 stories throughout
- No front or side setbacks at the core; 0-15-foot front setbacks and 0-20-foot side setbacks and the periphery
- A mix of multi-family and single-family housing
- Structured parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Building Massing & Elevations

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2005ZON828; 1821-1849 Shelby Street, Rezoning of 0.88-acre from the C-2 district to the C-3C classification to provide for a meat market, neighborhood commercial and residential uses, **approved**.

2007ZON124; 1737, 1743, 1745, and 1801 Shelby Street, Rezoning of 0.4235-acre, being in the C-2 district, to the SU-1 classification to legally establish and provide for the expansion of religious uses.

EXHIBITS

2026ZON038; Aerial Map



IGIO, Microsoft, Vantor | Esri Community Maps Contributors, City of Indianapolis Marion Co, © OpenStreetMap, Mi... Powered by Esri

2026ZON038; Photographs



Photo 1: Subject site as seen from Shelby Street

2026ZON038; Photographs (cont'd)



Photo 2: In front of subject site looking north

2026ZON038; Photographs (cont'd)



Photo 3: In front of subject site looking south

2026ZON038; Photographs (cont'd)



Photo 4: Red Line Bus Rapid Transit stop roughly 265 feet from the subject site

2026ZON038; Photographs (cont'd)



Photo 5: View of property from alley looking towards Shelby Street

2026ZON038; Photographs (cont'd)



Photo 6: Alley behind subject property looking south

2026ZON038; Photographs (cont'd)



Photo 7: Alley behind subject property looking north

MDC HEARING EXAMINER

June 11, 2026

Case Number: 2026-ZON-040
Property Address: 2422 & 2430 Prospect Street (*approximate address*)
Location: Center Township, Council District #18
Petitioner: Terra Resources, LLC, by Antonio Amaryllis aka Jonathan Padilla
Request: Rezoning of 0.23-acre (total across two noncontiguous lots) from the I-3 to the D-5 district to provide for residential uses.
Current Land Use: Residential
Staff Recommendations: Staff recommends **approval** of this petition.
Staff Reviewer: Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 2422 and 2430 Prospect Street are two noncontiguous lots that total roughly 0.23-acre. Both lots are currently developed with single-family homes. Property record cards indicate the home at 2422 Prospect Street was built in 1910 while the home at 2430 Prospect Street was built in 1915. Despite the longstanding historic residential nature of this block, this block is zoned I-3. Properties to the north are also zoned I-3, while the property south across Prospect Street is zoned SU-1. Properties to the southeast are zoned D-5.
- While the Ordinance does allow for the restoration of nonconformities and a one-time 50% expansion of an existing nonconformity along established lot lines, any new development would be required to meet current I-3 development and use standards. Residential uses are not permitted within the I-3 district.
- The Ordinance defines the I-3 district as a “Medium Industrial District” and describes its purpose as “an intermediate district for industries that present moderate risks to the public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.”



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- The Ordinance indicates the D-5 district is “intended for medium and large-lot housing formats, primarily detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.”
- The Comprehensive Plan contemplates the Traditional Neighborhood typology for these parcels. This 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.”
- Whereas the current I-3 district does not fit with the residential character of the existing single-family residences on these properties, does not fit residential context of the neighborhood, and does not fit with the Comprehensive Plan, the Ordinance specifically identifies the D-5 district as a fit for the Traditional Neighborhood typology. Rezoning to a D-5 would represent a corrective zoning allow for development that is appropriate to the surrounding context. As such, staff recommends approval of this petition.
- Staff will note that, while the lot for 2422 Prospect Street meets the D-5 40-foot lot width requirement for a single-family home, 2430 Prospect Street does have a deficient lot width. Any development beyond the existing footprint would require a variance for deficient lot width. Additionally, staff will note that all other development standards must be met.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Single-Family Homes	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	I-3	North: Car Lot / Scrapyard
South:	SU-1	South: Religious
East:	I-3	East: Residential
West:	I-3 / C-4	West: Residential / Commercial
Thoroughfare Plan		
Prospect Street	Primary Arterial	60-foot existing right-of-way and 56-foot proposed right-of-way



Context Area	Compact
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	4/13/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Comprehensive Plan contemplates the Traditional Neighborhood typology for these parcels. This 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.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan



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- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

98-Z-198; 2401-2423 East Prospect Street, Rezoning of 1 acre from C-4 and D-5 to SU-1, **approved**.

2010-CZN-805 / 2010-CVR-805; 1037 South Keystone Avenue

- Rezoning of 3.4 acres from I-3-U district to the I-4-U classification to provide for an automobile crushing business, **withdrawn**
- Special Exception and Variance of Development Standards of the Industrial Zoning Ordinance to provide for an automobile crushing business,
 - With a 10-foot tall wood privacy fence, a storage area for crushed automobiles and vehicle parking, with a one-foot setback, without landscaping, from Keystone Avenue (100-foot front setback from the centerline of Keystone Avenue, with landscaping, required), and **(withdrawn)**
 - With existing buildings with one and five-foot south side setbacks, without landscaping (20-foot side setback, with landscaping, required) **(approved)**

2011-CZN-815 / 2011-CVR-815; 2401 East Prospect Street

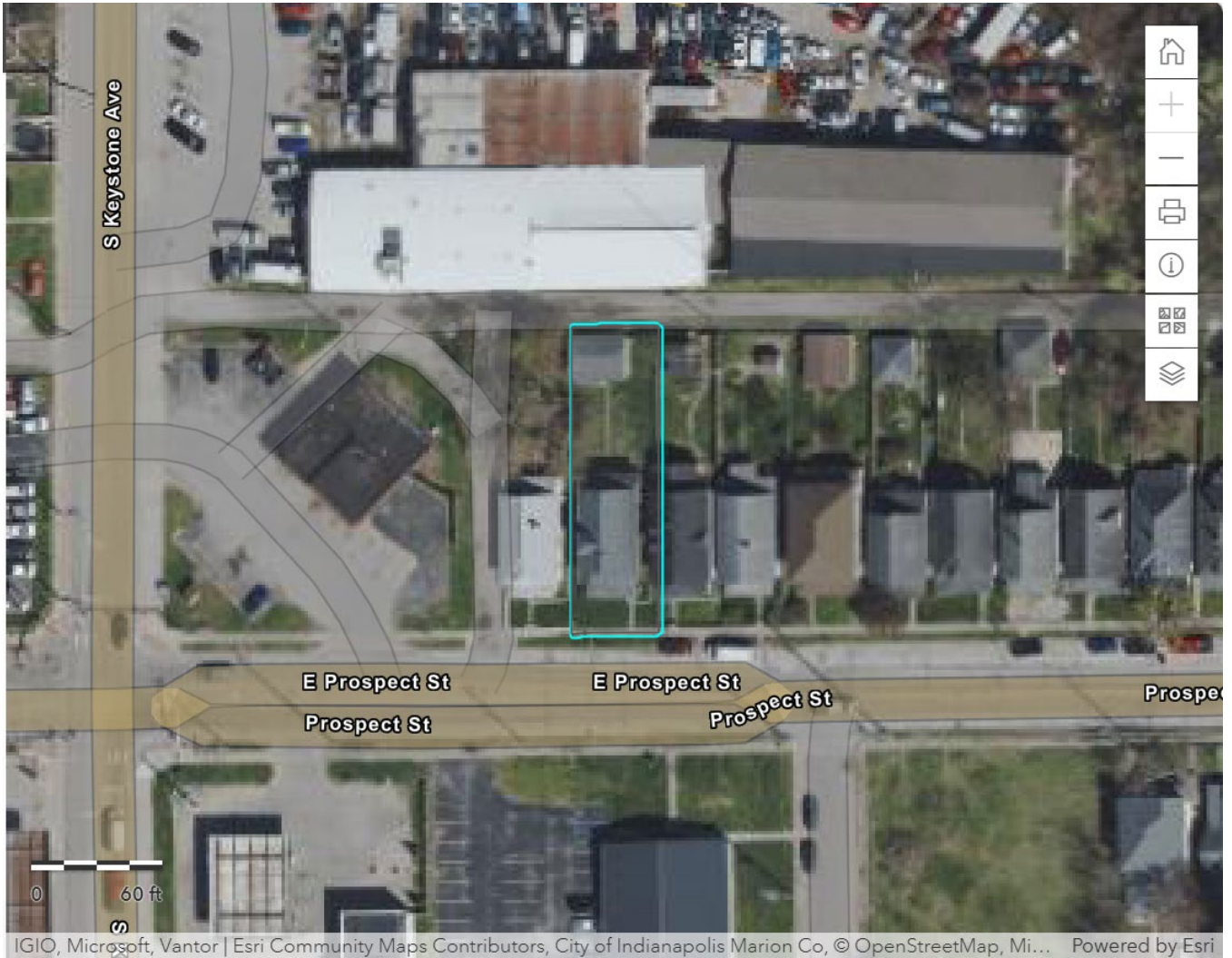
- Rezoning of 0.47-acre from the SU-1 district to the C-3 classification to provide for commercial uses, **approved**.
- Variance of Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the construction of a 3,502-square-foot convenience store/gasoline station **(approved)**,
 - With a 10-foot east side transitional setback for the building and parking lot (20-foot transitional setback required),



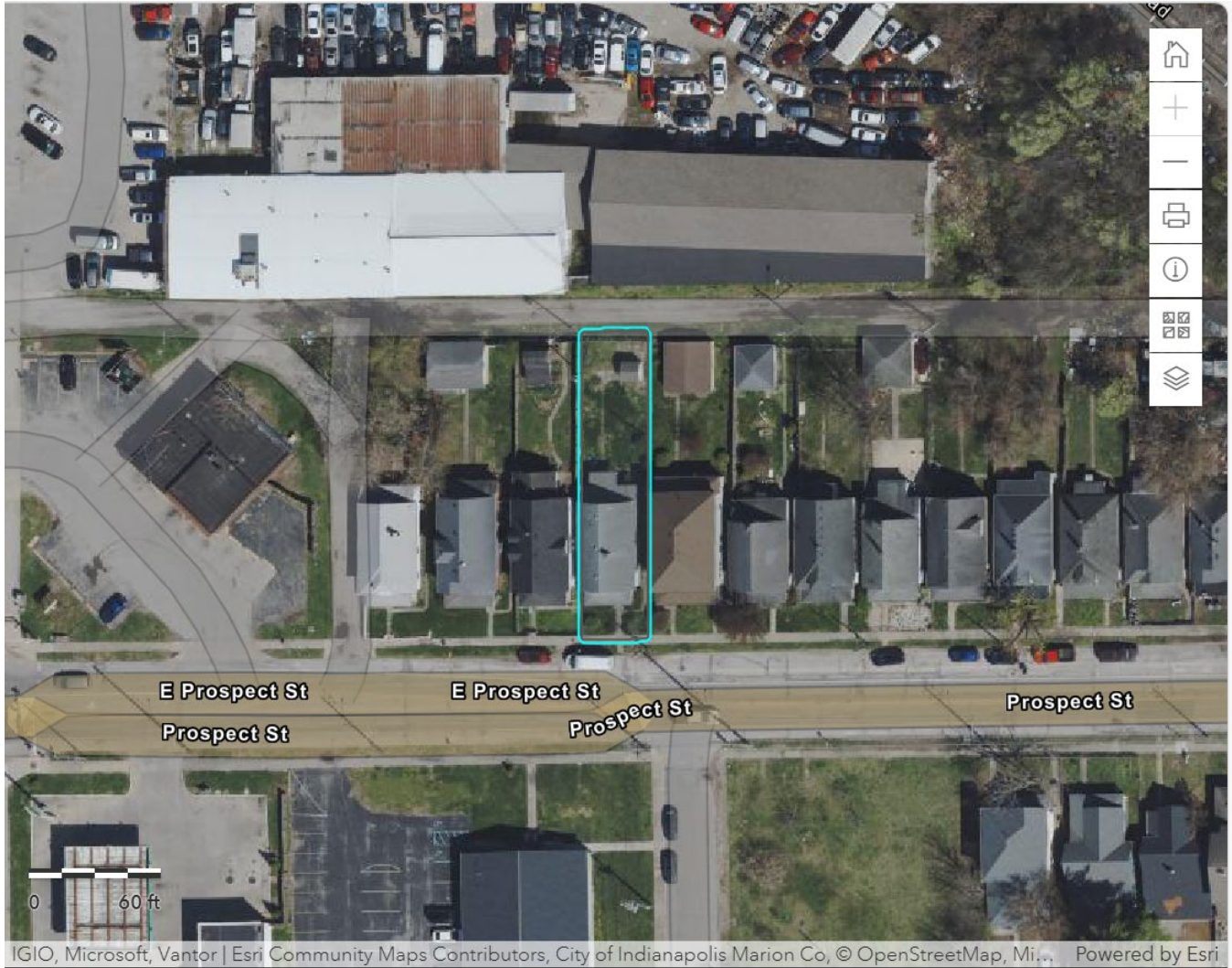
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- With a canopy having a 64-foot setback from the centerline of Prospect Street and a 55.5-foot setback from the centerline of Keystone Avenue (70-foot setback from the centerline required),
- With carryout food service within ten feet of a protected district (100-foot separation required),
- With two pylon signs within eight feet of a protected district to the east and south (50-foot side setback required for freestanding signs)

EXHIBITS
2026ZON040; Aerial Map for 2422 Prospect Street



2026ZON040; Aerial Map for 2430 Prospect Street



2026ZON040; Photographs



Photo 1: 2422 Prospect Street

2026ZON040; Photographs (cont'd)



Photo 2: Looking east from 2422 Prospect Street

2026ZON040; Photographs (cont'd)



Photo 3: Looking west from 2422 Prospect Street

2026ZON040; Photographs (cont'd)



Photo 4: Church across the street from subject sites

2026ZON040; Photographs (cont'd)



Photo 5: Surrounding context to the southwest of the subject sites

2026ZON040; Photographs (cont'd)



Photo 6: 2430 Prospect Street

2026ZON040; Photographs (cont'd)



Photo 7: Looking east from 2430 Prospect Street

2026ZON040; Photographs (cont'd)



Photo 8: 2422 Prospect Street as seen from the alley

2026ZON040; Photographs (cont'd)



Photo 8: 2430 Prospect Street as seen from the alley

2026ZON040; Photographs (cont'd)



Photo 9: Alley behind subject sites looking east

2026ZON040; Photographs (cont'd)



Photo 10: Alley behind subject sites looking west



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER** **June 11, 2026**

Case Number: 2026-CZN-823 / 2026-CVR-823
Property Address: 4240 Bluff Road (*Approximate Address*)
Location: Perry Township, Council District #22
Petitioner: Otis James & Tonya Haines, by David Gilman
Current Zoning: SU-7

Rezoning of 1.14 acres from the SU-7 district to the D-1 district to provide for residential uses.

Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

Staff Recommendation: Staff recommends **approval** of the rezoning and variance requests.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the rezoning and variance requests.

PETITION OVERVIEW

LAND USE

The subject parcels, both addressed 4240 Bluff, total 1.14 acres in size and are both zoned SU-7. The easternmost parcel (parcel number 5013172) contains a 3-unit apartment building and circular driveway area, and the second undeveloped parcel to the southwest contains a septic system related to that apartment. The residential structure was converted to a 3-unit apartment in the 1980s but was not legally established until 2025, via the petition 2025UV3031.

The property has frontage on Bluff Road to the east and is bordered by single-family residences to the south and east (zoned D-A and D-1 respectively), a used car sales lot to the north (zoned D-A and operating by a Use Variance), and a large agricultural parcel to the west zoned SU-7.



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Approval of this petition would allow for the construction of a new detached garage with a secondary dwelling unit (SDU) on the second floor. Concurrently, the apartment unit would be remodeled to contain only 2 units instead of 3 (meaning that the net dwelling units on the property would remain unchanged).

REZONING

The rezoning request, if approved, would change the primary zoning designation of this parcel from the SU-7 District to the D-1 District.

The SU-7 District is a special use district that permits charitable, philanthropic and not-for-profit institutions. These parcels and the larger property to the west were rezoned to this designation in 1978 to allow for a meeting hall and social functions for a Southside Fellowship Center, which was never constructed on the subject properties or the lot to the west.

The D-1 District is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory.

VARIANCE OF USE

The D-1 district doesn't allow for the current 3-unit apartment use (legally established by a different Variance of Use in 2025). A reduction of the intensity of this structure from 3 units to 2 units would be allowed by-right per previous grant of that variance. However, the proposed accessory use of an SDU is only allowed on lots that are developed with *single-family residences* as a primary use, per relevant use-specific standards from 743-306 of the Ordinance. Since this configuration would result in placement of a new SDU on a lot with a 2-unit primary structure, a Variance of Use would be required.

Minimum setbacks and parking requirements would be met, and staff also confirmed with the Marion County Department of Health that soil reports for the proposed change have already been completed and that, with modifications, the site could support the requested number of units. It does not appear that any Variances of Development Standards would be required to allow for the proposed layout.

STAFF ANALYSIS

A previous petition application was made earlier in 2026 for solely a Variance of Use that would have allowed for a 2-unit primary building and SDU on the lot while maintaining the SU-7 zoning district originally intended for a fellowship center. The SU-7 district does not allow residential uses by-right (duplexes or SDUs), so staff recommended that the petitioner withdraw and refile for the currently proposed companion petition. The applicant was amendable to this suggestion.

Staff would note that the cessation of residential use and replacement with a nonprofit use on a lot of this size in this location would be relatively unlikely. Additionally, the D-1 zoning district would both match the zoning to the east of the site and would align with both the existing lot sizes and the recommendation



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Current Planning**

from the Comprehensive Plan for Rural and Estate Neighborhood development. For these reasons, staff would recommend **approval** of the request to rezone the property away from the SU-7 zoning district and to the D-1 zoning district.

Findings of Fact provided by the applicant in support of the requested Variance of Use maintain that “functionally and visually, this arrangement is comparable to a traditional three-unit apartment building, but with greater compatibility to the surrounding residential character”. Staff would note that although a duplex with a secondary dwelling unit would not typically be contemplated for the D-1 zoning district given the resulting density, the proposed change would bring the lot closer to the district intent than the currently existing, legally established 3-unit apartment existing since the 1980s: 2 units in 1 structure is less intense than 3, and secondary dwelling units are allowed in many residential contexts. Given this somewhat unique context, staff recommends **approval** of the requested Variance of Use.

GENERAL INFORMATION

Existing Zoning	SU-7	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	SU-7 / D-A	North: Agricultural / Auto Repair
South:	D-A	South: Residential
East:	D-1	East: Residential
West:	SU-7	West: Agricultural
Thoroughfare Plan		
Bluff Road	Primary Arterial	90-foot existing right-of-way and 96-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	03/23/2026	
Site Plan (Amended)	N/A	
Elevations	03/23/2026	
Elevations (Amended)	04/15/2026	
Landscape Plan	N/A	
Findings of Fact	03/23/2026	
Findings of Fact (Amended)	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2026UV3006, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted), **approved**.

2025UV3031, Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a three-unit apartment (not permitted), **approved**.

78-Z-82, rezoning to SU-7, **approved**.

ZONING HISTORY – VICINITY

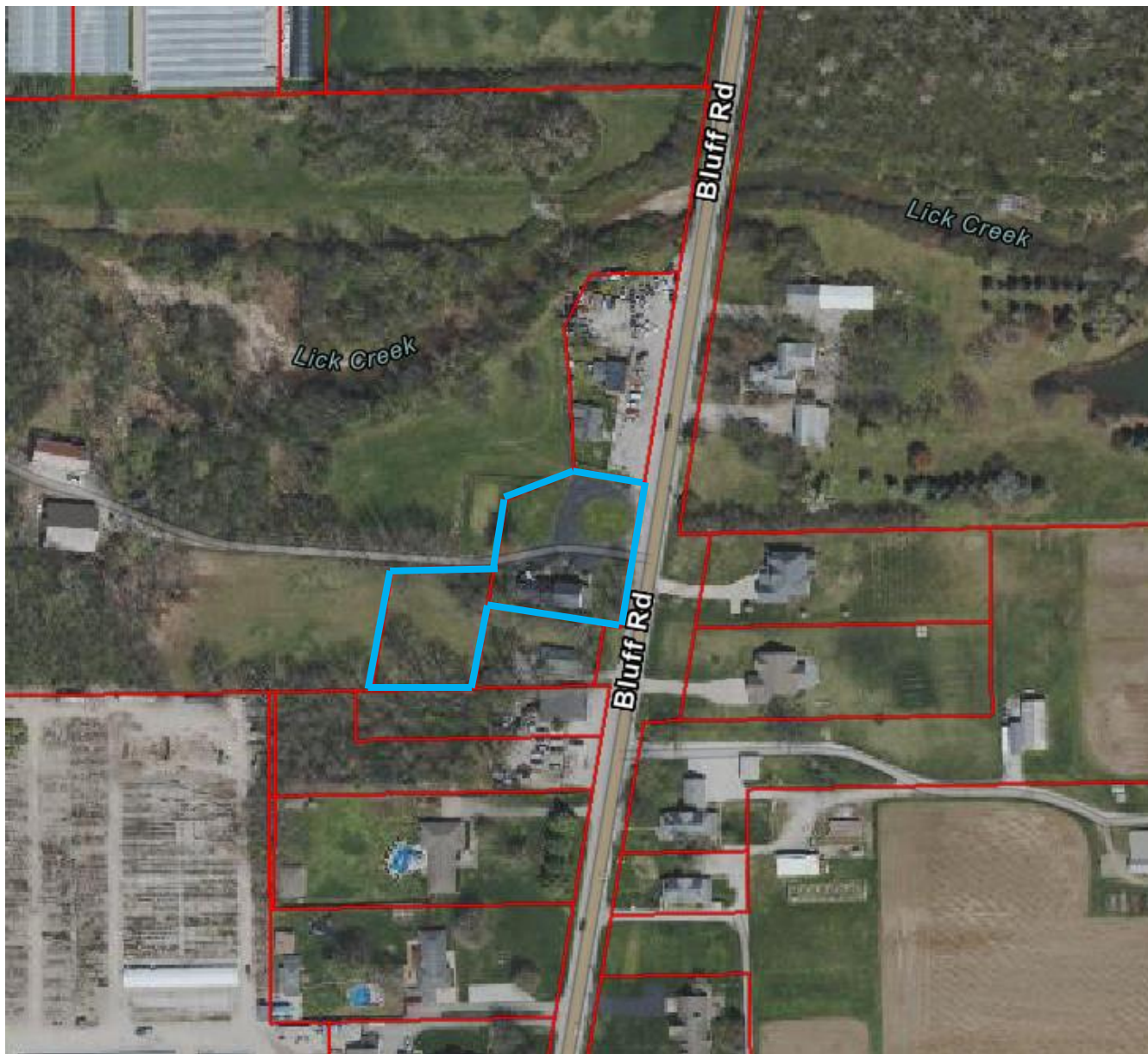
2018UV2009 ; 4200 Bluff Road (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair business (not permitted) and to legally establish setbacks for the existing parking lot, dwelling and commercial building, per plans filed (40-foot front setback from proposed right-of-way, 30-foot side and 75-foot aggregate side and 75-foot rear setback required), **approved**.

2013CVR801 ; 4241 Bluff Road (east of site), Approval of a Subdivision Plat to be known as Kocher Subdivision dividing 2.44 acres into two lots, **approved**.

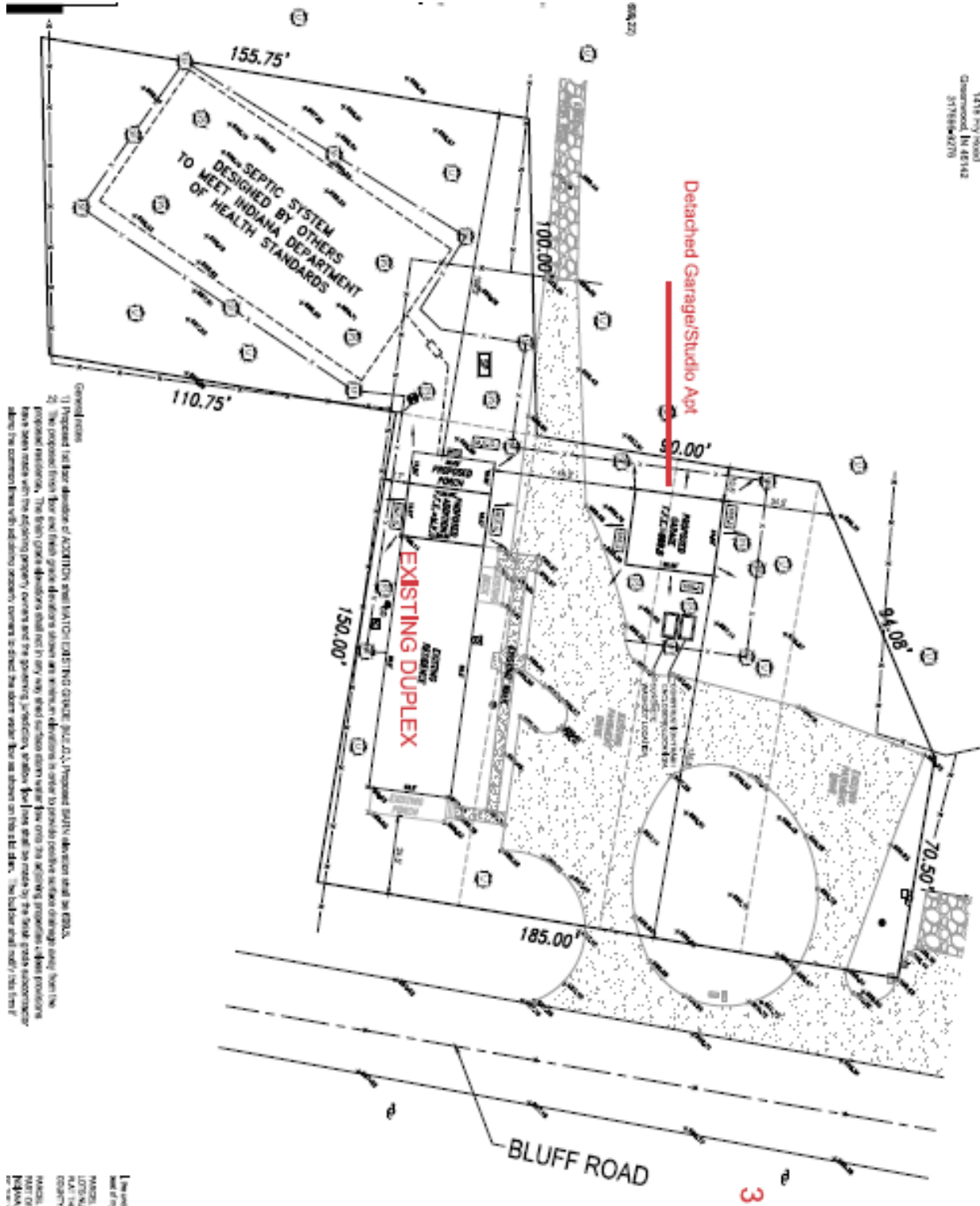
2013CZN801 ; 4241 Bluff Road (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 4.89 acre parcel (D-A) with 90 feet of frontage (125 feet of frontage required), **approved**.

EXHIBITS

2026-CZN-823 / 2026-CVR-823 ; Aerial Map



2026-CZN-823 / 2026-CVR-823 ; Site Plan



General notes:
 1) Proposed lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 2) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 3) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 4) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 5) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 6) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.
 7) The proposed front, side and rear lot lines shown are APPROXIMATE. APPROXIMATE DISTANCE, SEE A.S. PROPOSED SURVEY, DISTANCE AND BEARING.

1. The owner
 2. The address
 3. The lot
 4. The lot
 5. The lot
 6. The lot
 7. The lot
 8. The lot
 9. The lot
 10. The lot



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2026-CZN-823 / 2026-CVR-823 ; Elevations (Duplex)



2026-CZN-823 / 2026-CVR-823 ; Elevations (SDU/Garage)





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

2026-CZN-823 / 2026-CVR-823 ; Findings of Fact

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

The existing residence has functioned as a multi-unit dwelling for over forty years, demonstrating long-standing compatibility with the surrounding area

As part of this petition, the structure will be remodeled and brought into full compliance with all applicable building and health department codes, ensuring safe occupancy.

The proposed studio apartment above the detached garage will likewise meet all relevant building and health standards.

The site will be developed to preserve proper drainage and avoid any traffic hazards, with no increase in intensity beyond what is typical for residential use.

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

The existing residence has operated as a multi-unit home for over forty years, demonstrating longstanding compatibility with the surrounding area.

The exterior of the remodeled residence will retain the rural estate character of the neighborhood, preserving its visual harmony and residential appeal.

The new detached garage and studio apartment will be constructed using materials and architectural design consistent with the primary residence, ensuring a cohesive and unobtrusive appearance.

The adjacent properties are both commercial in nature and will not be affected by the continuation of residential use on the subject site.

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

The zoning and variance history of the site supports the continued use of the property for three residential units. The Special Use zoning designation was originally granted to accommodate a specific non-profit use, allowing the existing dwelling to function as a meeting hall. That institutional use has since ceased, and the dwelling is no longer needed for assembly or organizational purposes. The structure is residential in both character and construction, having originally been built as a home. Its scale, layout, and architectural features remain consistent with residential use.

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 Special Use zoning designation is for a specific non-profit use that no longer exist, therefore, the dwelling is no longer needed as a meeting hall.

The existing dwelling cannot be used as constructed and the use of the dwelling under the terms of the Special Use zoning is no longer necessary.

The approved variance for a three-unit residential use continues to be served by the proposed configuration of a duplex-style primary residence and a detached garage with a second-story studio apartment. Functionally and visually, this arrangement is comparable to a traditional three-unit apartment building, but with greater compatibility to the surrounding residential character.

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

The proposed three-unit residential use is well-suited to the site's larger rural setting and will not disrupt the area's established character.

The property is a large horse farm and includes one of the original residences along this segment of Bluff Road, contributing to the area's longstanding rural identity.

The existing residence is residential in scale and appearance, and its continued use—now in a duplex configuration—preserves the architectural and visual qualities typical of Rural Estate Residential development.

The proposed configuration distributes the three units across two structures in a manner that reflects traditional rural development patterns.

2026-CZN-823 / 2026-CVR-823 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Subject Site Viewed from North

2026-CZN-823 / 2026-CVR-823 ; Photographs (continued)



Photo 3: Adjacent Property to West



Photo 4: Adjacent Property to North

2026-CZN-823 / 2026-CVR-823 ; Photographs (continued)



Photo 5: Adjacent Property to East



Photo 6: Adjacent Property to South



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2025-ZON-114 (Second Amended) / 2026-VAR-002

Property Address: 4005 East Southport Road

Location: Perry Township, Council District #24

Petitioner: Southport Road Development, LLC, by David Gilman

Current Zoning: D-P (FF)

(Second Amended) Rezoning of 3.67 acres from the D-P (FF) (FW) district to the C-S (FF) (FW) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution.

Request:

A Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial structure with zero feet of street frontage (minimum 50 feet of street frontage required), and for a zero-foot front setback (minimum ten-foot front setback required).

Current Land Use: Undeveloped

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 13, 2025 hearing, to the December 18, 2025 hearing, January 15, 2026 hearing, and to the January 29, 2026 hearing at the request of the petitioner to provide time to amend the request.

The Hearing Examiner continued these petitions from the January 29, 2026 hearing, to the February 26, 2026 hearing, to the March 12, 2026 hearing, and to the April 29, 2026 hearing at the request of staff to provide time to meet with staff and discuss the request.

Staff requests a continuance of this petition from the January 29, 2026, hearing to the February 26, 2026, hearing, in order to meet with the petitioner.

Staff requests a continuance of this petition from the March 12, 2026, hearing to the April 9, 2026, hearing. The petitioner has submitted a variance petition that will companion this request.

The Hearing Examiner continued these petitions from the April 9, 2026 hearing to the May 14, 2026 hearing, and to the June 11, 2026 hearing, at the request of the petitioner’s representative.



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The Development Statement (C-S Statement) file dated April 7, 2026, has now been included in the staff report, which provides the history of the site, current site conditions, surrounding land uses, Comprehensive Plan land use recommendation, development standards, and utilities / drainage.

The recent submittals provide additional information, but the proposed use has not changed. Consequently, staff continues to recommend denial of these requests.

June 11, 2026

The petitioner's representative filed an updated Development Statement, dated May 8, 2026, that stated no outdoor storage would be permitted as an added item in the Statement.

The petitioner's representative also filed a Traffic Impact Statement, dated May 27, 2026, that anticipated 103 trips per day, with only 10 commercial truck trips per day. The number of semi-trucks would be minimal, with most of the vehicles would be passenger vehicles, heavy duty pickups and panel vans. See Exhibit C.

The proposed uses have not changed, staff continues to recommend denial primarily due to the Comprehensive Plan recommendation of office commercial, which would be contemplated as a C-1 district, with much lower intensity than C-4 (Community-Regional) and industrial uses.

STAFF RECOMMENDATION

Denial.

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

1. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



PETITION OVERVIEW

This 3.67-acre site, zoned D-P (FF), is undeveloped and surrounded by commercial uses to the north, zoned D-P (FF); undeveloped / open space to the south, zoned D-P (FW) (FF); commercial uses to the east, zoned C-4 (FW)(FF); and commercial uses (vacant) to the west, zoned D-P (FF).

Petitions 98-Z-129 / 98-DP-18 (FW) (FF) rezoned this site from D-6II, C-2 and C-6 (FW) (FF) districts to the D-P (FW) (FF) district to provide for commercial uses and park uses.

REZONING

The request would rezone the site to the C-S (FW) (FF) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends office commercial typology for the site.

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

As proposed, this request would not be consistent with the Plan recommendation of office commercial.

C-S Statement

No C-S Statement has been submitted. However, Exhibit B provide a list of permitted uses that would include all C-4 uses (except adult entertainment), commercial or building contractors, artisan manufacturing (e-commerce) and warehouse, wholesale, distribution (under 12,000 square feet).

Site Plan / Elevations

The site plan provide for one-story 21,000 square foot building north of the retention pond with parking to the north and west of the building, with approximately 36 parking spaces.

Site access would be via the existing western access drive



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Overlays

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

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

Much of this site is covered floodway / floodway fringe of Little Buck Creek and woodlands are located along the eastern boundary of the site.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Stream Protection Corridor

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



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

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

The Stream Protection Corridor is defined as:

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

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

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

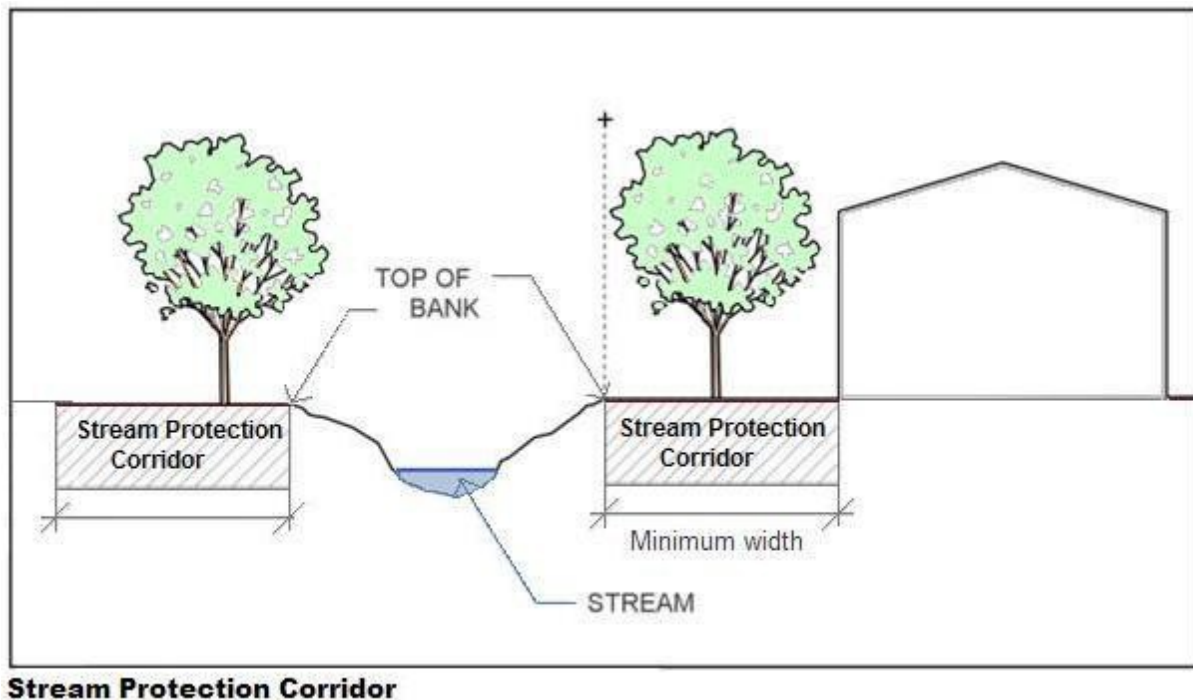
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

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

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

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

Little Buck Creek lies within the Metro Context Area and is located along the northern portion of the site. It is designated as a Category One stream requiring a 100-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the northern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.



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If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A. Table 744-503-3: Replacement Trees.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

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

Environmental public nuisance means:

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



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

VARIANCE OF DEVELOPMENT STANDARDS

As proposed, the request would provide for a zero-foot street of frontage and zero-foot front setback. The Ordinance requires a minimum of 50 feet of frontage and a minimum 10-foot front setback.

Staff believes both requests indicate that this proposed development cannot be accommodated on this site and would result in a negative impact on surrounding land uses. One of the purposes of the street frontage is for visibility and easy access and the setback provides an appropriate buffer from adjacent land uses. The inability to provide these requirements is a strong indication that the proposed development is not appropriate and would have a detrimental impact on surrounding land uses.

Planning Analysis

As proposed this request would not align with the Comprehensive Plan recommendation of office commercial.

Site access would be from two drives along East Southport Road that could present safety issues and conflicts with the existing commercial uses related to truck traffic entering and leaving the site along this primary arterial.

Staff is also concerned that outdoor storage would become an issue because no information has been submitted that would describe this function related to commercial and building contractors.

No information has been submitted related to signage. Because this site is located to the south and behind existing commercial uses, staff is concerned with how this proposed developed and the proposed uses would be identified.

The overlays of this site (floodplain / woodlands) along with the stream protection corridor presents challenges and concerns related to what staff views as industrial and intense commercial uses and the impact on those environmental features as well as surrounding land uses.

Based on the constraints of this site, staff believes the proposed use would be wholly inappropriate and too intense for this site.

GENERAL INFORMATION

Existing Zoning	D-P (FW) (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-P (FF)	Commercial uses
South:	D-P (FW) (FF)	Undeveloped / open space
East:	C-4 (FW) (FF)	Commercial uses
West:	D-P (FF)	Commercial uses (vacant)



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Thoroughfare Plan		
East Southport Road	Primary arterial	Existing 95-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. Little Buck Creek	
Overlay	Yes. Floodplain / Woodlands	
Wellfield Protection Area	No	
Site Plan	September 30, 2025	
Site Plan (Amended)	March 8, 2026	
Elevations	September 30, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 8, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	April 7, 2026	

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

The Comprehensive Plan recommends Office Commercial typology. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

Pattern Book / Land Use Plan

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

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



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Conditions for All Land Use Types – Office Commercial Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



ZONING HISTORY

98-Z-129 / 98-CP-18; 3901 East Southport Road, requested rezoning of 16.39 acres from the D-6II, C-2 and C-6 ((FW) (FF) to the DP (FW)(FF) to provide for commercial uses and park uses, **approved**.

VICINITY

98-Z-65 / 98-DP-11; 7120 South Sherman Drive East (east of site), requested rezoning of 28.41 acres, being in the D-A district, to the D-P classification to provide for a mixed residential community of condominiums, **approved**.

88-Z-3, 4802 East Stop Eleven Road (south of site), requested rezoning of 174.73 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development, **approved**.

84-Z-110; 4001 East Southport Road, requested rezoning of 3.9 acres, being in the A-2 district, to the D-3 classification to provide for residential development **approved**.

71-Z-97C; 3731 East Southport Road, requested rezoning of 3.9 acres, being in the A-2 district, to the C-3 classification to provide for residential development, **approved**.

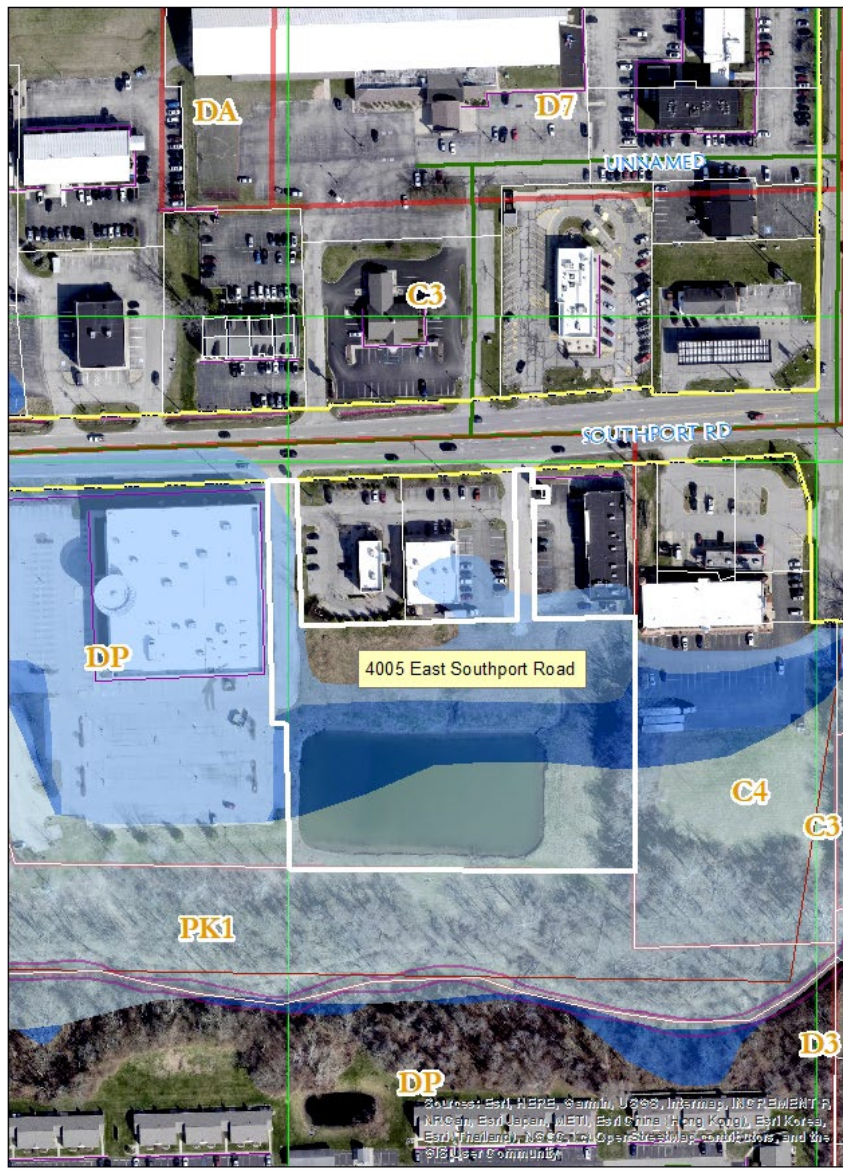
71-Z-97D; 4001 East Southport Road, requested rezoning of 9.7 acres, being in the A-2 district, to the C-2 classification to provide for commercial development, **approved**.

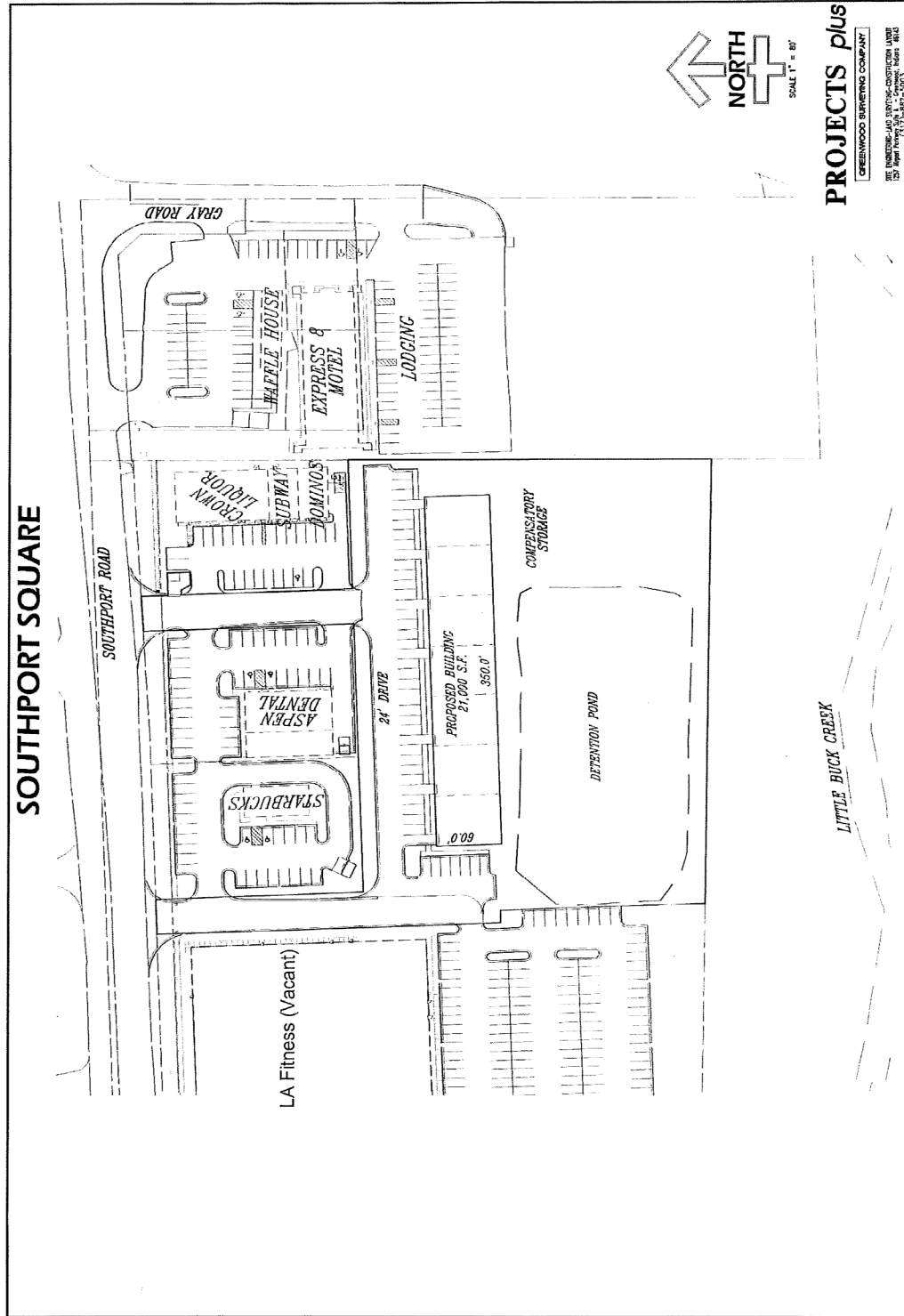
71-Z-97E; 3851 East Southport Road, requested rezoning of 9.3 acres, being in the A-2 district, to the D-6II classification to provide for multi-family residential development, **approved**.

71-Z-19; 7300-7500 blocks of South Sherman Drive, requested rezoning of 29.7 acres, being in the A-2 district, to the D-3 classification to provide for residential development, **approved**.

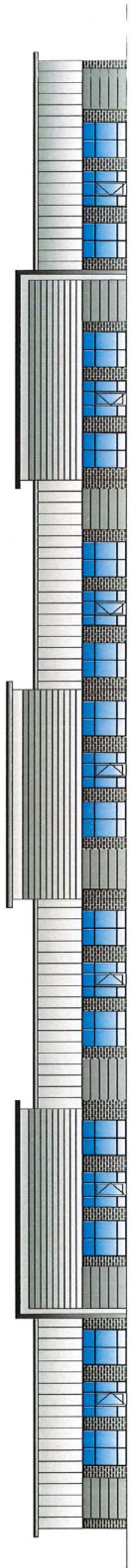
71-Z-198; 7200-7500 blocks of South Sherman Drive, requested rezoning of 57.55 acres, being in the A-2 district, to the D-3 classification to provide for residential development, **approved**.

EXHIBITS





PROJECTS plus
 GREENWOOD SURVEYING COMPANY
 125 Maple Park Dr., Suite 100
 St. Louis, MO 63105
 Tel: 314-487-2000
 Fax: 314-487-2003



3901 E Southport Road
Proposed Flex Space
21,000 SQFT



DEVELOPMENT STATEMENT UPDATED – MAY 8, 2026

DEVELOPMENT STATEMENT

4005 E Southport Road
2025-ZON-114 (Amended)
Proposed Commercial Special (CS)
Previous Cases (North Parcel Only)
3901 E Southport Road
98-Z-129 (98-DP-18)
2007-APP-022
January 28, 2026

May 8, 2026 (No Outdoor Storage Added)

Introduction and Background

The development proposed under Case 98-Z-129 (98-DP-18), designated as the North Parcel on Exhibit "A," encompasses 10.116 acres, of which only 3.674 acres remain undeveloped.

The proposed Outlot development represents the final phase of an integrated center, utilizing the existing curb cuts along Southport Road. Permitted uses under the Development Plan are limited to C4 classifications (excluding adult entertainment), with this proposed addition of select I-1 light industrial uses as outlined in Exhibit "B." The center has otherwise been fully developed and sold as Outlots, making this petition the last opportunity to complete the North Parcel's development.

The titled owners have already demonstrated their commitment to community benefit by donating approximately six (6) acres of the North Parcel-wildlife habitat and woodland-to the Parks Department for PK-1 classification and the expansion of Gray Park.

Importantly, this rezoning petition introduces no changes that would affect Gray Park or the South Parcel, as previously referenced in Case 98-Z-65 (98-DP-11) and Case 98-Z-129 (98-DP-18). The request simply enables compatible, limited light industrial uses to ensure the successful development of the final Outlot while maintaining consistency with prior approvals and protecting adjacent parkland.

The Site and Existing Site Details

The Site, identified as the undeveloped portion of the North Parcel on Exhibit "A," comprises 3.674 acres. It is located north of approximately six (6) acres donated to the Parks Department for the expansion of Gray Park, west of the existing motel site, south of three (3) developed Outlots along East Southport Road, and east of a vacant fitness center.

The Site currently contains three (3) commercial buildings accommodating both single-tenant and multi-tenant uses. The developed Outlots, together with this remaining undeveloped Outlot, are subject to the site plan shown in Exhibit “C”.

Surrounding Zoning and Use

To the East

Immediately East is a motel (DP), and a restaurant (C4) and further east is a residential subdivision (PUD).

To the South

The South Parcel is largely undeveloped, consisting of land donated to the Parks Department for the expansion of Gray Park (PK1), as well as areas within the floodway and flood fringe of Little Buck Creek.

To the West

Immediately to the west lies a vacant Life Fitness Center (DP). There is speculation that this property will be repurposed as an event center.

To the North

To the North are three (3) developed Outlots for single and multi-use tenants (DP).

Present Zoning of the Subject Outlot

The subject Outlot is currently zoned DP, permitting C4 uses. Despite being actively marketed for commercial use, it has remained undeveloped for more than 27 years, making it the only Outlot in this condition. This rezoning request seeks to expand the range of allowable uses to encourage long-overdue development of the site. Importantly, only a limited set of light industrial uses—outlined in Exhibit “B”—are proposed.

The petitioners bring a proven history of successful projects that integrate commercial and light industrial uses. This balanced mix has consistently demonstrated compatibility, with little to no adverse impact on daily operations, parking availability, customer activity, or traffic flow. Approving this request will not only unlock the potential of a long-dormant property but also ensure its development aligns with established patterns of compatible, sustainable growth.

The Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject property for Office Commercial use, which is inconsistent with the existing C4 Community Commercial zoning to the North and West. Directly south of the parcel lies land donated by the petitioner to the Parks Department for the expansion of Gray Park.

Development Standards

The development standards were previously modified under 2007-APP-022, modifying the C4 development standards along the West and South boundary lines. The subject Outlot of this petition (4005 E. Southport Road) shall continue to benefit from that approval, which exempts setback, use, and landscaping requirements along the west and south property lines adjoining Gray Park.

As part of this petition, the final landscape plan will incorporate the designated landscape areas along the south and west property lines of the North Parcel, as shown on the attached Site Plan. In addition, supplemental landscape materials will be installed on the Park property adjacent to the lower parking area. This plan will be subject to Parks Department approval and will utilize native plantings to ensure ecological compatibility and long-term sustainability.

This rezoning request also permits limited light industrial uses, including seven (7) overhead doors and thirty-six (36) parking spaces, as depicted in Exhibit "C". These improvements will facilitate functional site development while maintaining compatibility with surrounding uses and enhancing the visual buffer to Gray Park.

There will be no outdoor storage on the site.

A separate companion variance will be included with the rezoning petition to maintain the private access easement to Southport Road without the required public street frontage and front yard setback.

Utilities and Drainage

The site has all public and private utilities readily available.

The existing stormwater retention basin and compensatory storage area have previously been designed and constructed to meet the requirements of the stormwater management ordinance.



DEVELOPMENT STATEMENT

4005 E Southport Road
2025-ZON-114 (Amended)
Proposed Commercial Special (CS)
Previous Cases (North Parcel Only)
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 98-Z-129 (98-DP-18)
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The existing stormwater retention basin and compensatory storage area have previously been designed and constructed to meet the requirements of the stormwater management ordinance.



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EXHIBIT "B"

4005 East Southport Road
Permitted C4 and I-1 Use List
2025-ZON-114 (Amended)

1. All C-4 Uses, Except Adult Entertainment
2. Commercial or Building Contractors
3. Artisan Manufacturing (e-commerce)
4. Warehouse, Wholesale, Distribution (Under 12,000 sqft)



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EXHIBIT C – Traffic Impact Statement



1 Cor. 10:31
...whatever you do,
do it all for the glory of God.

Judith Wertz-Hall
Hearing Examiner
Indianapolis Department of Metropolitan Development
200 East Washington Street
Indianapolis, Indiana 46204

May 27, 2026

Re: Traffic Impact Statement for Proposed Flex Space
4005 East Southport Road
Indianapolis, Indiana 46217
Yarger Engineering Job Number: 20260502

Judith Wertz-Hall:

Introduction

I am Brad Yarger, PE, President of Yarger Engineering, Inc. with over 40 years of traffic engineering experience in Indiana. I started Yarger Engineering, Inc. in Indianapolis in 1994 after working for INDOT and several consulting firms.

Per my client’s request, we have considered the traffic impacts for the site at 4005 East Southport Road, and the proposed use with flex space for general contractors, engineers, printing companies, beauty supply shops, and trades, such as plumbers, electricians, HVAC, etc. The proposed size of the development at 21,000 sft. with a small parking lot also limits what uses can go in the building. The proposed design has overhead doors on the front of the building, but no loading docks for commercial trucks.

The lack of street frontage diminishes the site’s appeal as retail stores or service uses like gas stations, so uses on the site are likely not to have regular customer traffic, but instead it would lend itself to employee traffic. The proposed uses are low traffic generators that don’t have many customers coming to them, nor a high density of employees per square foot like offices. The proposed uses also do not generate a high volume of semis like a large warehouse would have.

Trip Generation and Classification Study

Since flex space is not a land use contained in the ITE Trip Generation Manual, we collected traffic videos, reduce them to traffic counts, and calculated trip generation rates and vehicle classifications for three flex space sites in the central Indiana area:

1. 1257 Airport Parkway, 23,000 sft, overhead doors, no loading docks
2. Franklin Road, 44,000 sft, overhead doors, four loading docks (two not in use)
3. 6011 Hanna Avenue 50,000 sft, overhead doors, no loading docks

All of the traffic data was collected in May of 2026.

Trip Generation Rates

We calculated trip generation rates on a daily and hourly basis. The daily and peak hour information is shown in the table below. More hourly information can be found in the appendix.

The morning and afternoon peaks normally are assumed to occur between 7:00 – 9:00 AM and 4:00 – 6:00 PM, but in several cases for the data collection sites, the actual morning or afternoon peaks occurred outside of those times, typically at lunch time, and are shown in the table below with an asterisk.

The lower portion of the table also shows the ITE Trip Generation Manual, 12th Edition’s rates for light industrial, warehousing, general office, strip retail, and fast-food restaurants for comparison with other allowable uses in C-4 or C-5 commercial districts.



Mr. Shuel
 May 27, 2026
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Location	Size	Units	Loading Docks	Daily Rate	AM Peak	PM Peak
Airport Parkway	23	KSFT	No	5.74	0.57 (0.70*)	0.37 (0.52*)
Franklin Road	44	KSFT	Yes	6.25	0.90	0.42 (0.66*)
Hanna Avenue	50	KSFT	No	4.52	0.43 (0.44*)	0.34 (0.51*)
Combined	117	KSFT	Some	5.41	0.61	0.35 (0.56*)
Airport & Hanna	73	KSFT	No	4.90	0.46 (0.49*)	0.35 (0.49*)
ITE Class	Code	Units	Loading Docks	Daily Rate	AM Peak	PM Peak
Light Industrial	110	KSFT	Maybe	3.60	0.74	0.72
Warehouse	150	KSFT	Yes	1.38	0.15	0.17
Office	710	KSFT	No	7.83	1.24	1.18
Strip Retail	822	KSFT	No	54.45	5.40	6.27
High-Turnover Restaurants	932	KSFT	No	103.75	8.97 (12.17*)	9.18 (15.44*)

As can be seen from the above comparison, flex space rates per KSFT are:

- A little higher rate than light industrial on a daily basis, but lower rates per a peak hour basis.
- Higher rate than warehouse rates, but the ITE warehouse data has an average size of 554,000 sft., while our data collection sites and our proposed site are 50,000 sft. or less, so the two are hardly comparable. The warehouse uses much more of its space to store items, and storage generates much fewer trips as items are not active.
- Lower than office rates in both daily and the peak hours.
- Much lower than retail and restaurant in both daily and the peak hours.

Vehicle Classification

We classified the vehicles into four classes:

1. Passenger vehicles including light duty pickups, SUVs, and passenger vans
2. Heavy duty pickups, heavy duty/panel vans, and passenger vehicles with trailers
3. Commercial single unit trucks (box, stake bed, large delivery vehicles, etc.)
4. Semis with trailers (tractors only were in the single unit class)

For comparison, we have included ITE Trip Generation Manual, 12th Edition land uses of light industrial, warehouse, and general office. There are some similarities between ITE’s light industrial and flex space, but their light industrial data contains one tenant in a large building, while flex space will have many smaller tenants sharing a building, or in smaller individual buildings. Warehouses are typically much



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bigger than flex space, with average warehouse in the ITE data being 554,000 sft, while the flex spaces are 500 to 10,000 sft per tenant.

ITE Trip Generation Manual has some information on heavy vehicles, but didn't stratify the truck classification to the level we did. The ITE definition says:

“Truck Trip—The movement of a commercial cargo transport vehicle across a site cordon line. This includes off-site parked vehicles that load or unload cargo bound to or from the study site. Commercial cargo is typically transported in either medium-duty or heavy-duty trucks. A service vehicle entering or exiting a site is not considered a truck trip.”

A service vehicle would include those vehicles shown in our classification as a heavy-duty pickup or panel van.

ITE Trip Generation Manual didn't provide truck information for strip retail or restaurants, but both uses have some semi traffic delivering products for sale.

Table 2 – Vehicle Classification							
Location	Size	Units	Loading Docks	Passenger Vehicles	HD Pickups & Vans	Single Units Trucks	Semis with Trailers
Airport Parkway	23	KSFT	No	87%	4%	9%	0%
Franklin Road	44	KSFT	Yes	72%	22%	5%	1%
Hanna Avenue	50	KSFT	No	85%	4%	9%	2%
Combined	117	KSFT	Some	80%	12%	7%	1%
Airport & Hanna	73	KSFT	No	86%	4%	9%	1%
ITE Class	Code	Units	Loading Docks	Non-Commercial Trucks		Commercial Trucks	
Light Industrial	110	KSFT	Some	93%		7%	
Warehouse	150	KSFT	Yes	69%		31%	
Office	710	KSFT	No	99%		1%	

Conclusion

The proposed flex space site at 4005 East Southport Road is 21,000 sft., without loading docks but with smaller overhead doors, so we anticipate 103 trips per day, 10 trips in the morning peak hour, and 7 trips in the afternoon peak hour. Of those daily trips, we anticipate there being only 10 commercial truck trips per day. Since there won't be a loading dock, the number of semis should be minimal, and box trucks will need to have to have a lift gate on the truck. Most of the vehicles should be passenger vehicles, heavy duty pickups and panel vans.



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In comparison, Southport Road just east of the site carries about 23,000 vehicles per day, with 1,450 vehicles per hour at 8:00 AM, and 2,170 vehicles per hour at 5:00 PM.

If you have any questions or comments, please call me at (317) 475-1100. You may also email me at bwyarger@yargerengineering.com.



Sincerely,
Yarger Engineering, Inc.
Bradley W. Yarger
Bradley William Yarger, P.E.
President

BWY/bwy
Attachments: Trip Generation and Classification for Flex Space Appendix



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The access easement serving the outlot functions as part of an integrated commercial center and is constructed as an asphalt drive designed for safe and efficient vehicular circulation. Its width, pavement structure, and internal circulation pattern support predictable traffic movements and ensure that vehicles can enter, exit, and maneuver without conflict. Because this easement provides a direct, well

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:

All the adjacent parcels have developed under the same access arrangement without any negative impact on their use, marketability, or value. The continued development and stable condition of these surrounding properties demonstrates that the absence of direct street frontage on this outlot has not created any adverse effect on adjacent property values.

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

The outlot was originally approved by the Metropolitan Development Commission in this configuration, with the intent that it function as part of an integrated commercial center rather than as a standalone parcel. As a result, the site was designed and constructed with a shared entrance and a common internal access drive that provides circulation throughout the development. Because the parcel relies on this established access system and does not have the ability to obtain independent street frontage, it cannot be developed in compliance with current standards without the benefit of a variance.

DECISION

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

Adopted this _____ day of _____, 20 ____



EXHIBIT A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city’s Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking east along East Southport Road



View looking west along East Southport Road



View of site looking southwest



View of site looking northeast



View of site looking south



View of site looking southwest



View of site looking west



View of site looking east



View of site looking southeast



View from site looking north along western access drive



View looking south along western access drive



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number:	2026-ZON-035
Property Address:	7323 South Mooresville Road
Location:	Decatur Township, Council District #21
Petitioner:	Redwood Apartments Neighborhoods, by Clark Quinn Law, Joseph Csikos
Current Zoning:	D-A (FW) (FF)
Request:	Rezoning of 21.66 acres from the D-A (FW) (FF) district to the D-6 (FW) (FF) district to provide for residential uses.
Current Land Use:	Agricultural uses.
Staff Recommendations:	Approval
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the May 14, 2026 hearing, to the June 11, 2026 hearing.

STAFF RECOMMENDATION

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of West Southport 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).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. A final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that provides for safe pedestrian and vehicular circulation throughout the site, including well-connected network of sidewalks and maneuverability of emergency vehicles.



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PETITION OVERVIEW

This 21.66-acre site, zoned D-A (FW)(FF), is developed with agricultural uses, including a single-family dwelling and accessory buildings. It is surrounded by undeveloped land to the north and east, zoned D-4; single-family dwellings to the south, across West Southport Road, zoned D-A (FF) (FW); and single-family dwellings to the west, across South Mooresville Road, zoned D-3 (FW) (FF).

REZONING

The request would rezone the site to the D-6 district. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends village mixed-use typology for the site.

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

As proposed, this request would align with the Plan recommendation of village mixed-use and generally align with Critical Area 006 recommendations and guidelines.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along West Southport Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



Floodway / Floodway Fringe – Goose Creek

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-6 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Stream Protection Corridor

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

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

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

The Stream Protection Corridor is defined as:

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

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



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

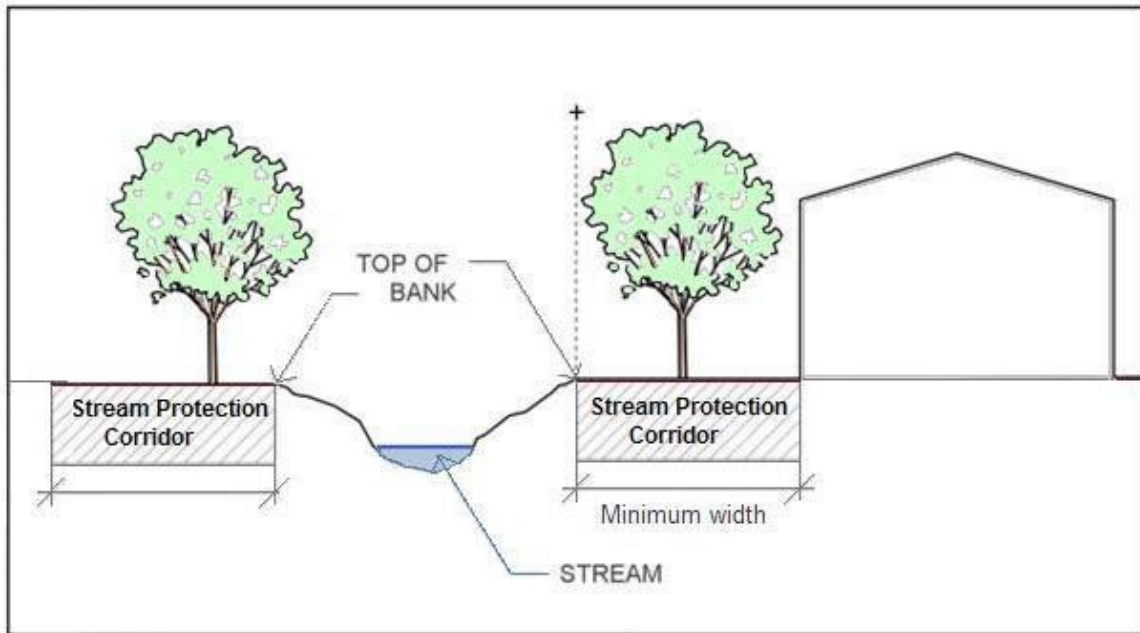
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

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

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

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

Goose Creek lies within the Metro Context Area and is located at the southwest corner of the site. It is designated as a Category One stream requiring a 100-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

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

Environmental public nuisance means:

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



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- 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

Planning Analysis

As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use and would provide 99 dwelling units within 17 one-story buildings with attached garages.

Access would be along South Mooresville Road, with emergency access along West Southport Road, with private streets providing access to each of the units.

Staff recognizes that the site plan is conceptual but pedestrian connections throughout the project, including both internal and external, would be required but are not shown. Staff is also concerned with the ability for emergency vehicles to maneuver within this development and provide critical services.

Furthermore, the location of this site within Critical Area 006, results in additional recommendations and guidelines related to land use and development, that includes but not limited to a well-connected pedestrian network. Consequently, staff would request that a final site plan be submitted for Administrator Approval that would provide for these features.

GENERAL INFORMATION

Existing Zoning	D-A (FW) (FF)	
Existing Land Use	Agricultural	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North:	D-4 Undeveloped land
	South:	D-A (FW) (FF) Single-family dwellings
	East:	D-4 Undeveloped land
	West:	D-A (FW) (FF) Single-family dwellings
Thoroughfare Plan		
South Mooresville Road	Primary Arterial	Existing 80-100-foot right-of-way and proposed 80-foot right-of-way.
West Southport Road	Primary Arterial	Existing 40-80-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – Goose Creek	
Overlay	Yes – Critical Area 006	



Wellfield Protection Area	No
Site Plan	March 23, 2026
Site Plan (Amended)	May 18, 2026
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. “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.”

This site is also located within Critical Area 006. This Critical Area is intended to promote master-planned, walkable suburbanism with a **high degree of both vehicle and pedestrian connectivity**. Development should include a spectrum of housing types and a mix of neighborhood-serving commercial uses and neighborhood gathering places. Development should not consist of a single housing type or land use.

Pattern Book / Land Use Plan

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

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



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Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Large-scale Multi-family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

The Pattern Book also addresses modified uses when a site is located within a Critical Area

- Added Uses
 - No uses are added
- Modified Uses
 - Multi-family housing – Should be located at the core of the site, rather than the edges.
 - All uses – Development should emphasize horizontal, rather than vertical mixed use, with different uses in different buildings. **Site design should include a well-connected intrasite pedestrian network with buildings connected directly to pedestrian sidewalks or pathways.** Vehicular drives and parking should be designed to minimize conflicts with pedestrian access. Development at the edges of the site should be sensitive to the massing and character of adjacent uses
- Removed Uses
 - No uses removed.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.



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Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



ZONING HISTORY

2024-ZON-097; 6402 West Southport Road and 7300 South Mooresville Road (north/east of site), requested rezoning of 48.4 acres from the D-A district to the D-4 district for a residential development, **approved**.

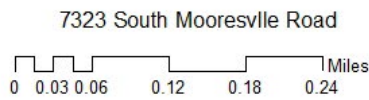
2024-ZON-098; 6545 West Southport Road (south of site), requested rezoning of 104.8 acres from the D-A district to the D-P District to provide for a detached single-family residential development of a maximum of 323 dwelling units, with amenities and accessory, temporary and special exception uses permitted in the D-4 district, except for two-family dwellings and group homes, which would be prohibited, **approved**.

2020-ZON-032; 6007 West Southport Road (southeast of site), Rezoning of 4.78 acres from the D-A district to the D-S district, **withdrawn**.

94-Z-218; 5820 West Southport Road (northeast of site), Rezoning of 37.675 acres from D-A to D-4 for residential subdivision, **approved**.

94-Z-51; 5630 West Southport Road (east of site), Rezoning of 80 acres, being in the D-A District, to the D-4 classification to provide for single-family residential subdivision, **approved**.

EXHIBITS



Site Plan – May 18, 2026



INDIANAPOLIS S. MOORESVILLE RD IN P1 PUD Rezoning | 04-22-2026

Redwood
 A PLANNING AND DESIGN FIRM

RESIDENT AMENITY AREA PRECEDENT PLAN & IMAGES



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INDIANAPOLIS S. MOORESVILLE RD IN PT PUD Rezoning | 04-22-2026



View looking south on South Mooresville Road



View looking north across intersection of South Mooresville Road and West Southport Road



View looking south along South Mooresville Road



View looking east along West Southport Road



View of site looking east across South Mooresville Road



View of site looking east across South Mooresville Road



View of site looking east across South Mooresville Road



View of site looking east across South Mooresville Road



View of site looking east across South Mooresville Road



View of site looking north across West Southport Road



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2025-CZN-865 (Amended) / 2025-CVR-865 (Amended)
Property Address: 4054, 409, and 411 South Shortridge Road
Location: Warren Township, Council District #20
Petitioner: SRMK Realty, LLC, by Justin Kingen

Current Zoning: C-S

Rezoning of 8.48 acres from C-S to C-S to provide for all I-1 uses, truck and trailer parking, auto-related service or repair, outdoor storage of contractor equipment, vehicles awaiting repair, and recreational vehicles.

Request:

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 125-foot front yard setback (maximum front yard setback of 85 feet permitted); off-street parking area within the front yard with a zero-foot setback (not permitted, 10-foot front setback required); side yard setbacks from four and eight feet (10-foot side yard required); a ten-foot-tall chain link fence within the side and rear yards and a six-foot tall chain link fence in the front yard (maximum six-foot-tall fence permitted within the side and rear yards and maximum 3.5-foot-tall fence permitted in the front yard); and deficient landscaping in the rear transitional yard buffer (15-foot transitional yard landscape buffer required)..

Current Land Use: Commercial uses

Staff Recommendations: Denial of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the February 26, 2026 hearing, to the March 26, 2026 hearing, at the petitioner’s representative request, to provide additional time for continued discussions with the neighborhood organization and staff.

The Hearing Examiner continued these petitions from the March 26, 2026 hearing, to the April 23, 2026 hearing, and to the May 14, 2026 hearing, at the request of staff and the petitioner’s representative, to provide time for discussions related to the requests.

The Hearing Examiner continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing, to amend the variance of development standards request and provide new notice.



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The variance of development standards requests was amended to reflect how the site has been developed over the years. Staff recommended denial of 2018 rezoning request and continues to recommend denial because the use of the site has increased in intensity to the current heavy commercial uses that do not align with the Comprehensive Plan recommendation of suburban neighborhood and office commercial, which negatively impacts the surrounding land uses, particularly to the north.

STAFF RECOMMENDATION

Staff recommends denial of the rezoning and the variances. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. A 30-foot half right-of-way shall be dedicated along the frontage of South Shortridge 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 / or prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 2.16-acre site, zoned C-S, is comprised of three parcels developed with commercial uses. It is surrounded by a mobile home community to the north, zoned D-11; commercial uses to the south, zoned C-7; railroad right-of-way to the east, zoned D-A; and industrial uses to the west, across South Shortridge Road, zoned I-3.

Petition 2018-ZON-068 rezoned this site to the C-S district to provide for all C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicle sales, repair and service.

REZONING

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to renovate the two existing hotels to provide for multi-family uses. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include



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high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends suburban neighborhood and office commercial typologies for the site.

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

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

Site Plan

The site plan, dated May 7, 2026, includes both the existing development and proposed development with an existing one-story structure and four accessory buildings that serve existing businesses. Access is located along South Shortridge Road on the northern parcel.

Outdoor parking is generally located along the perimeter of the site along the northern boundary and eastern boundary. Outdoor storage is located along the southern boundary related to a commercial contractor.

Proposed buildings include a shelter for covered outdoor storage, an addition to the existing one-story building and an accessory building.

The entire boundary of the site is fenced with fence heights between six-feet-tall and 10-feet-tall. An electric fence is located inside the perimeter fence along all boundaries.

With the exception of a concrete surface at the access drive, the remainder of the site is covered with asphalt millings and / or unpaved.

Development Statement (C-S Statement)

The Development Statement, dated May 7, 2026, identifies permitted uses as I-1 uses, four categories of vehicle-related operations, and outdoor storage.

The Statement lists all existing and proposed buildings, along with the square footage, with a total of 191 parking spaces and five bicycle spaces.

Signage would consist of the existing free-standing sign, a pylon sign and a wall sign.



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The Statement notes that the perimeter fence would provide screening and buffering and that existing tree line and natural vegetation along the southern and eastern boundaries would be preserved to the extent possible.

Plan of Operation

The Plan of Operation, file dated May 7, 2026, lists 10 items that include hours of operation, site access, outdoor storage / screening, fencing / security, surface materials, site maintenance, auto repair / truck operation, site upkeep and when amendments to the Plan of Operations would require the filing of a petition.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 30-foot half right-of-way along South Shortridge Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff would note that a proposed greenway is proposed along this area of South Shortridge Road.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

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

Environmental public nuisance means:

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



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4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

Planning Analysis

As proposed, this request would not be consistent with either of the Comprehensive Plan recommendations.

Staff recommended denial of the 2018 rezoning primarily to support the Comprehensive Plan recommendations and minimize the impact of the proposed uses on the surrounding land uses.

Staff believes this rezoning request that eliminates the sales of heavy truck and heavy equipment provides some relief from the permitted uses on surrounding land uses. Furthermore, the Development Statement and Plan of Operation provides more details related to future development, the permitted uses and outdoor operations.

The Development Statement provides for three signs that include an existing freestanding sign, an existing wall sign and a proposed pylon sign. Staff believes that the proposed sign would not be appropriate and would, in fact, require a variance, which staff would not support.

Staff recommended denial of the previous request and the submitted amendments are not substantial enough for staff to now recommend approval.

VARIANCES OF DEVELOPMENT STANDARDS

There are three variances requested that relate to the front yard setback, parking in the front yard and a ten-foot-tall chain link fence in the side and rear yards.

The Ordinance requires a maximum front yard setback of 85 feet. If granted, this request would allow for a 140-foot front yard setback. The closest building to the right-of-way along South Shortridge Road is 54 feet, with the parking lots being approximately 74 feet from the right-of-way. Consequently, staff does not see a need for this variance.

Parking in the front yard is not permitted and it appears that the site has developed over the years without the appropriate permits.



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Staff also believes the 10-foot-tall fence creates a compound appearance that could be mitigated by lowering the height to the required six feet. Furthermore, the electric fence located around the perimeter of the site and behind the chain link fence provides security that would not be compromised by lowering the 10-foot-tall fence to six feet. In other words, staff believes there is no practical difficulty in the use of the land that would require a 10-foot-tall fence in addition to an electrical fence.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Industrial / commercial use	
Comprehensive Plan	Suburban Neighborhood / Office Commercial	
Surrounding Context	Zoning	Land Use
	North: D-11	Mobile home community
	South: C-7	Commercial uses
	East: D-2	Railroad right-of-way
	West: I-3	Industrial uses
Thoroughfare Plan		
South Shortridge Road	Local Street	Existing 30-60-foot right-of-way and proposed 60-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 30, 2025	
Site Plan (Amended)	April 15, 2026 / May 7, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 2, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	December 30, 2025 / April 15, 2026 / May 7, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood (northern parcel) and Office Commercial typologies (southern two parcels).



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

“The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

Pattern Book / Land Use Plan

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

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

Conditions for All Land Use Types – Suburban Neighborhood Typology

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

Conditions for All Land Use Types – Office Commercial Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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

ZONING HISTORY

2018-ZON-068;405, 409, and 411 South Shortridge Road, requested rezoning of 8.77 acres from the D-11 and C-7 district to the C-S classification to provide for C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicles sales, repair and service, **approved**.

2005-ZON-155; 409 South Shortridge Road, requested rezoning of two acres from the D-11 District to the I-2-S classification to provide for industrial uses, **withdrawn**.

98-Z-100 / 98-CV-18; 411 South Shortridge Road, requested a rezoning of 2.93 acres from D-A to C-ID to provide for an auctioneering service and accessory, incidental uses, **approved**.

91-Z-90 / 91-CV-4; 405 South Shortridge Road, requested rezoning of two acres, being in the D-A District to the D-11 classification to provide for the expansion of a mobile dwelling park, with the rear perimeter yard reduced from 50 feet to 20 feet and the minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

89-Z-144 / 89-CV-21; 405 South Shortridge Road, requested rezoning of 5.545 acres, being in the A-2 District to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and the minimum distance between buildings reduced from 25 feet to 22 feet., **approved**.

88-Z-232/ 88-CV-32; 405 South Shortridge Road, requested rezoning of 18.213 acres, being in the A-2 District, to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and the minimum distance between building reduced form 15 feet to 22 feet, **approved**.

86-UV1-1; 411 South Shortridge Road, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a storage and maintenance building for an existing electric company and for the continued operation of an automobile and small engine repair facility, **granted**.

84-UV1-40; 411 South Shortridge Road, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the rental and repair of commercial search light, electrical contracting, fabrication, maintenance and sales of radio towers, automobile repair service, and the outside storage of related equipment and materials, **granted**.

83-UV2-119; 405 Shortridge Road, requested a variance of the use of the (A-2) Marion County Master Plan Permanent Zoning Ordinance to allow automobile service with storage with a sign, **denied**.

81-Z-72; 405 South Shortridge Road, requested rezoning of 9.58 acres being in an A-2 District, to the C-5 classification, to provide for a car lot, **denied**.

69-V-48; 411 South Shortridge Road, requested a variance of use to provide for retail sales and storage of electrical products and equipment, **granted**.



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63-V-48; 411 South Shortridge Avenue, requested a variance of use to provide for the retail sales and storage of electrical products and equipment with an office in the existing residence, **granted**.

61-V-98; 431 South Shortridge Road, requested variance of use to provide for a union hall, offices, and community center with children's play area and off-street parking, **granted**.

VICINITY

2022-CVR-868 / 2022-CVR-868; 431 South Shortridge Road (south of site); requested rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard, and without the required front-yard landscaping, **approved and granted**.

2007-ZON-071; 415 South Shortridge Road (south of site), requested rezoning of 2.74 acres from the C-1 District to the C-ID classification to provide for commercial-industrial uses, **approved**.

2005-DV1-029; 7441 Chinook Circle (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a mobile home park with distances between dwelling units varying from 9.5 feet to 30.5 feet and to allow for the ongoing placement of mobile homes with a minimum of 9.5 feet distance between dwelling units (minimum 25-foot separation between dwelling units required), and two dwellings with front yard setbacks of 4.9 feet and 7.3 feet respectively (minimum ten-foot front building setback required), **granted**.

2000-SE1-003; 404 Peachtree Lane (north of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for a manufactured home, **granted**.

99-V1-101; 458 South Peachtree Lane (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 20-foot tall (maximum 17 feet permitted), 1,376-square foot detached garage, creating 1,378 square feet of detached accessory structures, or 119% of the size of the main floor area of the primary residence (maximum 860 square feet or 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 1,876 square feet, or 164% of the size of the floor area of the primary residence (maximum 1,147 square feet of 99% of the size of the main floor area of the primary residence permitted), **granted**.

98-SE1-9/98-V1-89; 7375 Alice Avenue (north of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured dwelling with the dimensions of 72 by 26 feet, and requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the manufactured dwelling, utilizing private septic system (attachment to public or semi-public sanitary sewer facilities required), **granted**.

98-V3-88; 302 South Peachtree Lane (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling



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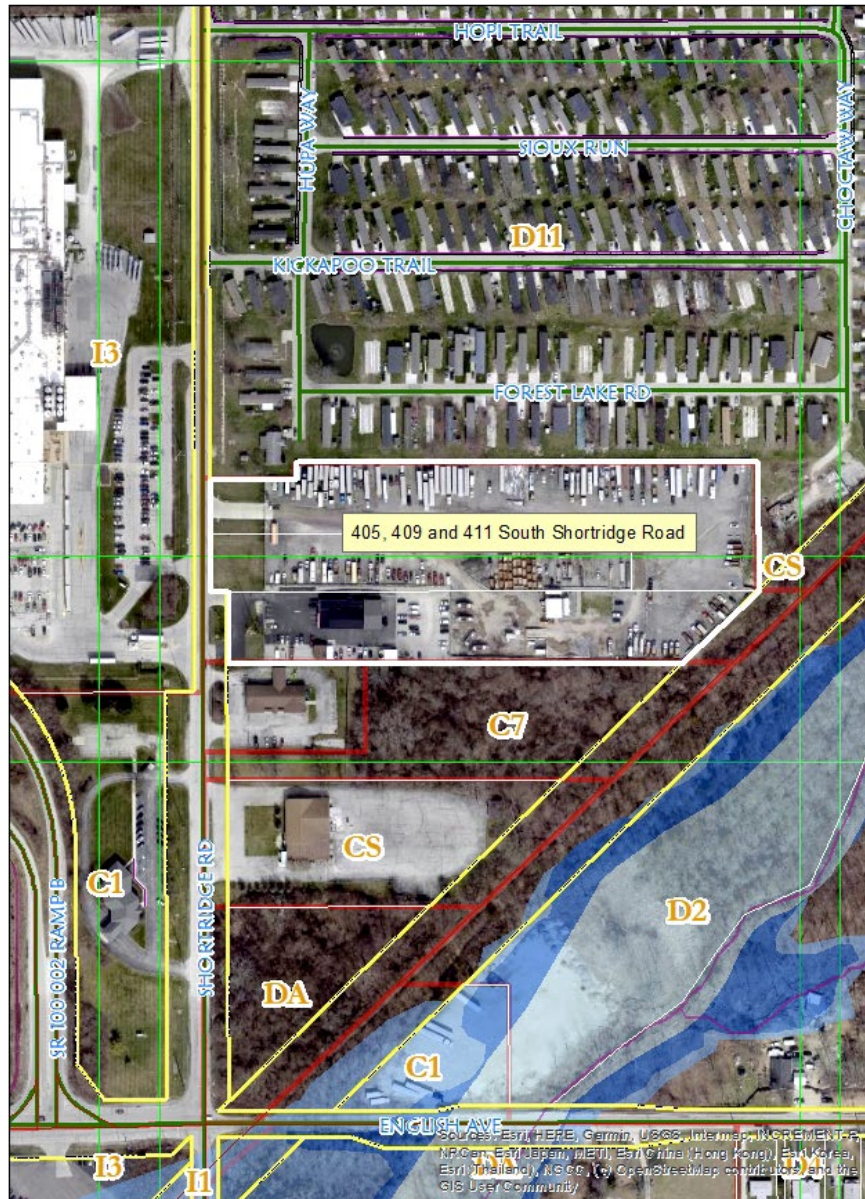
without connecting to public water and sewer facilities (attachment to public or semipublic water and sewer facilities required), **granted**.

94-UV1-108; 129 South Shortridge Road (north of site), requested a variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the construction of a 6,784-square foot building to be used as an engineering and design office, including the assembly of prototypes (not permitted), **denied**.

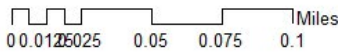
86-UV1-4; 431 South Shortridge Road (north of site), requested a variance of use of the Permanent Zoning Ordinance to provide for an addition to an existing union hall and offices, **granted**.

86-Z-78; 415 South Shortridge Road (south of site), requested rezoning of four acres, being in the A-1 Districts to the C-1 classification to provide for the construction of an office building, **approved**.

EXHIBITS



405, 409 and 411 Shortridge Road





Development Statement 2018

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

Metropolitan Development

JUN 29 2018

Division of Planning

- C-1 Uses
- I-1 Uses
- Warehouse
- Commercial and Building contractor; including landscape facility (no outdoor storage)
- Truck and Trailer parking
- Heavy Truck/ Heavy Equipment and vehicle sales, service and repair

Buildings:

- Retain existing primary commercial/ industrial building with approximately five thousand square feet and two small accessory storage buildings as depicted on the site plan and a new small accessory building not to exceed two hundred square feet on the existing 409 So. Shortridge Road property to serve as an electrical storage/ guard station facility

Parking:

- Twenty four (24) on-site parking spaces provided; with one (1) being ADA parking spaces.
- Provide five (5) bike spaces to south of the 411 So. Shortridge Road building

Signs:

- Retention of existing free standing sign and existing (3) wall signs on west façade of the 411 So. Shortridge Road.
- One (1) new non illuminated ground sign, being a size not to exceed fifty (50) square feet for new user
- Signage shall comply with the Sign Regulations

Screening and buffering:

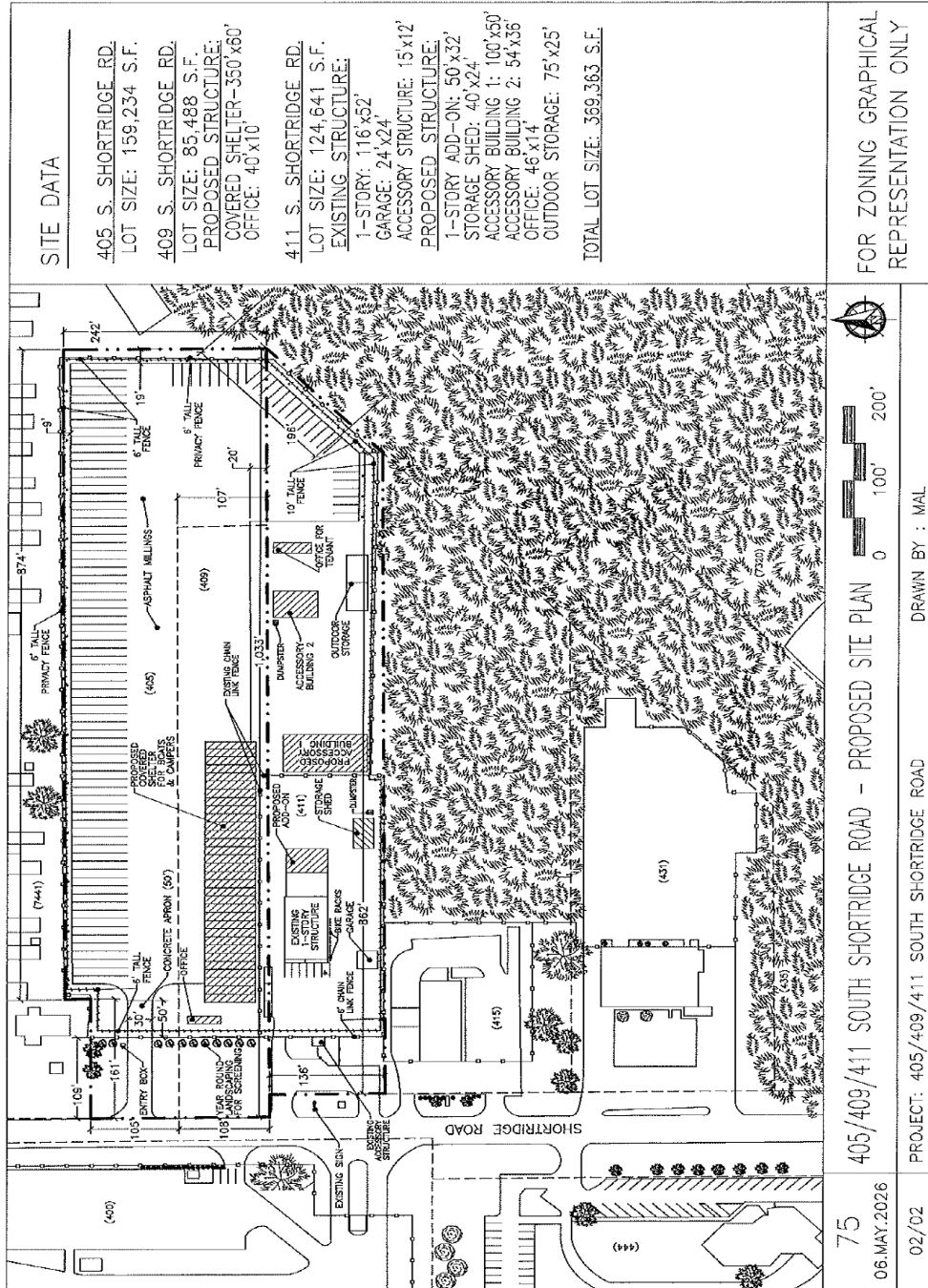
- Maintain existing tree line and foliage depicted on the proposed site plan to the north, northeast and east.
- Additional landscaping per site plan on file

Trash and Refuse

- Dumpster shall be enclosed to the east of the 411 S. Shortridge Road building.

6/20/18

SITE PLAN - MAY 7, 2026





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The requested variances relate to the placement of an existing building, the location of parking, and the height of perimeter fencing on a developed commercial site. The proposed conditions will not introduce new or more intense uses to the site and will not increase traffic, noise, or other impacts beyond those historically associated with the property. The fencing improvements enhance site security and help screen commercial operations from adjacent residential areas. Granting the requested variances will maintain orderly development while protecting the health, safety, and welfare of the surrounding community.

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 surrounding area contains a mix of commercial, industrial, and residential uses, and the subject site has long functioned as a commercial property. The variances will not alter the permitted use of the property nor introduce incompatible development. The increased fence heights provide visual buffering and limit potential impacts to nearby residential properties. The existing building setback and parking configuration have been in place for an extended period without demonstrated adverse effects on adjacent properties or property values.

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

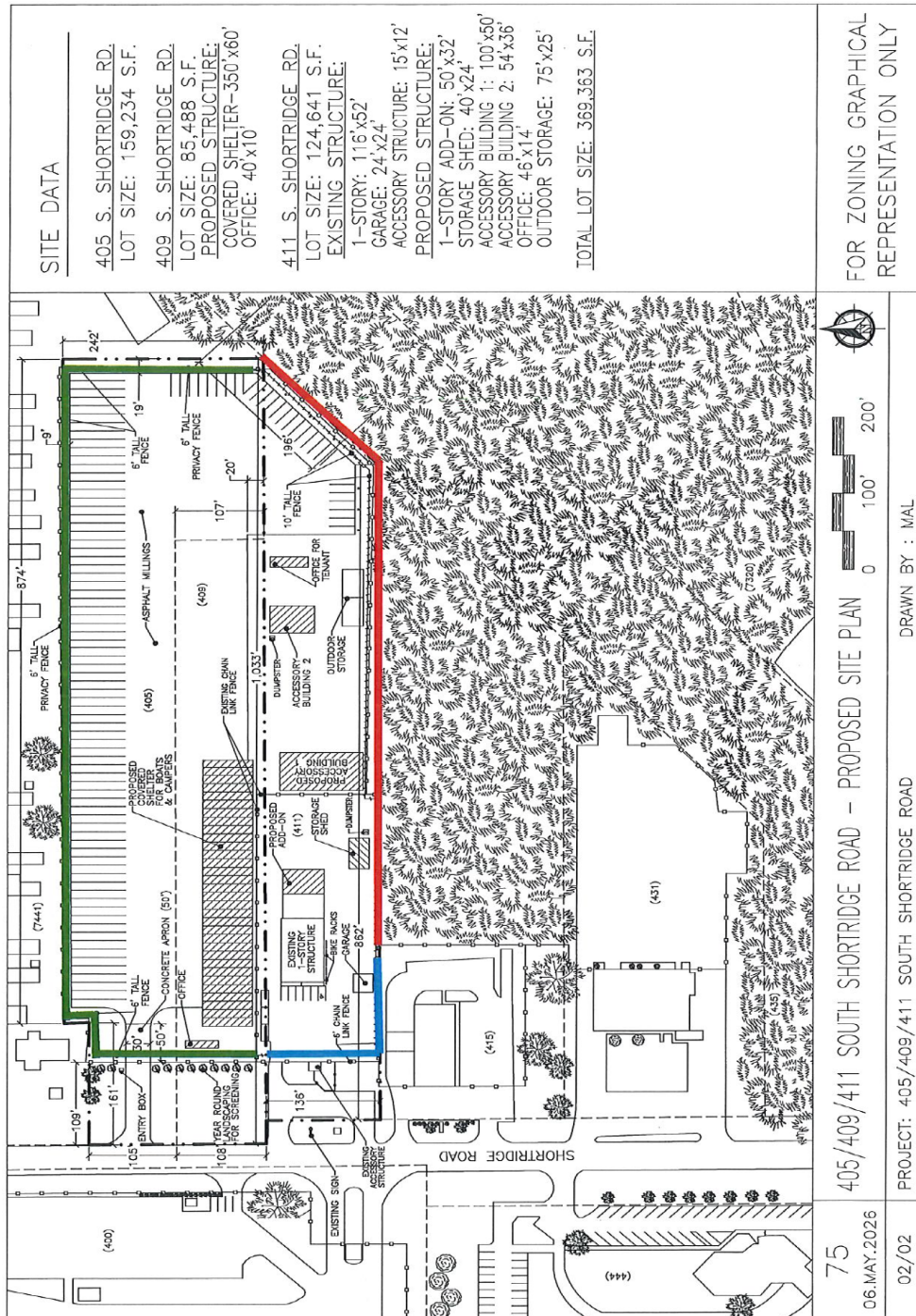
The subject site is a large, previously developed property with an existing building located significantly farther from the right-of-way than permitted under current standards. Strict compliance with the maximum front setback and parking placement standards would require demolition or substantial reconfiguration of the site, which is impractical given the existing improvements and operational needs. Additionally, compliance with fence height limitations would prevent the property owner from providing adequate security and buffering appropriate for the site's size, configuration, and adjacency to residential districts.

DECISION

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

Adopted this _____ day of _____, 20 ____

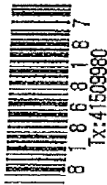
SITE PLAN - 10-FOOT-TALL FENCE LOCATION - MAY 7, 2026





Department of Metropolitan Development
Division of Planning
Current Planning

COMMITMENTS 2018



A201800106381

10/17/2018 03:33 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 10
By: CJ

STATEMENT OF COMMITMENTS

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

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

Legal Description: 405, 409 & 411 South Shortridge Road

See Attached Legal Description

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. See "Attachment D & E"

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

* COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2018-ZON-068 by the City-County Council changing the zoning classification of the real estate from a D-11 & C-7 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

MDC's Exhibit B -- page 1 of 5

Metropolitan Development

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Division of Planning

(110)



Department of Metropolitan Development
Division of Planning
Current Planning

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

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068

IN WITNESS WHEREOF, owner has executed this instrument this 17th day of SEPTEMBER, 20 18.

Signature: Frank Wolf
 Printed: Frank Wolf
 Title / Organization: Owner
 Name: _____

Signature: _____
 Printed: _____
 Title / Organization: _____
 Name: _____

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Metropolitan Development
 SEP 17 2018
 Division of Planning



Department of Metropolitan Development
Division of Planning
Current Planning

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

Witness my hand and Notarial Seal this 17th day of SEPTEMBER, 20 18

Notary Public JK
Printed Name of Notary Public
My Commission expires:
My County of residence:



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. – Justin Kingen

This instrument was prepared by Justin Kingen

Metropolitan Development
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Division of Planning



Department of Metropolitan Development
Division of Planning
Current Planning

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

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of September, 2018.

Signature: [Signature]
 Printed: MICHAEL KITTERMAN
 Title /
 Organization
 Name: Sec/Tres SRMK Realty

Signature: [Signature]
 Printed: Sean Rizzi
 Title /
 Organization
 Name: Pres. SRMK Realty

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Metropolitan Development
 SEP 17 2018
 Division of Planning



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Current Planning

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

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of September, 2018.

Signature: [Handwritten Signature]
 Printed: MICHELLE K. HERMAN
 Title /
 Organization
 Name: Sec/Tres SRMK Realty

Signature: [Handwritten Signature]
 Printed: Sean Rizzi
 Title /
 Organization
 Name: Pres. SRMK Realty

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Metropolitan Development
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Department of Metropolitan Development
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Current Planning

ATTACHMENT "D":

Petitioner commits to the following:

1. The entrance to the trailer parking area shall be developed in such a fashion so as to leave room for two trucks with trailers to be in a waiting area outside of the entry gate and yet not projecting into the public right of way of So. Shortridge Road
2. A web site shall be developed by the petitioners to so instruct clients, or users of the trailer parking area to gain access preferably to the site using So. Shortridge Road from the north via East Washington Street.
3. A tree assessment by a certified arborist shall be filed for Administrator's Approval prior to any site preparation or disturbance of the site. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance; if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.
4. The hours of operation for the truck and trailer parking on this site shall be restricted to only between 8 am and 6 pm, Monday through Saturday.
5. All exterior lighting shall be shielded so as to prohibit light spillage onto adjoining residential properties.

Metropolitan Development

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8/27/18



**Department of Metropolitan Development
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Current Planning**

Attachment "E"

Petitioner commits to exclude the following:

1. Off premise (billboards) signs
2. Electronic Variable Message Signs

Metropolitan Development
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Division of Planning

8/2/18



DEVELOPMENT STATEMENT 2025-CVR-865 – MAY 7, 2026

405, 409, & 411 South Shortridge Road Development Statement:

Petitioner requests approval of a rezoning to the C-S (Commercial Special) district and approval of this Development Statement, which shall govern all permitted uses and development on the Real Estate.

I. Permitted Uses

The following uses shall be permitted on the Real Estate. Any use not expressly listed below shall be prohibited.

A. I-1 Uses

B. Vehicle-Relation Operations

1. Truck and Trailer parking
2. Truck or Heavy Vehicle Repair
3. Automobile, Motorcycle, and Light Vehicle Service or Repair
4. Automobile, Motorcycle, and Light Vehicle Sales or Rental

C. Outdoor Storage (As Regulated)

Outdoor storage shall be permitted **only within the secured fenced areas** shown on the Site Plan.

Permitted outdoor storage includes:

1. Construction Contractor equipment & materials
2. Vehicle staging associated with auto repair
3. Recreational Vehicles (RVs), campers, and tow-behind units

Outdoor storage shall be secured and maintained consistent with the requirements in the Plan of Operation and fencing commitments.

II. Buildings

405 South Shortridge Road

- None

409 South Shortridge Road

- Office (400 SF)
- Covered Shelter for Vehicles (Proposed)

411 South Shortridge Road

- Commercial Structure - Auto-Repair Shop & Office (6,000 SF)
- Accessory Structure - Garage (576 SF)
- Accessory Structure – Storage Shed (960 SF)
- Commercial Structure – Office (700 SF)
- Commercial Structure (Proposed) – 1,728 Add-on to existing Auto-Repair Shop & Office
- Commercial Structure (Proposed) – Additional Office/Storage (5,000 SF)



Department of Metropolitan Development
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Current Planning

III. Parking

1. A minimum of twenty-four (24) parking spaces shall be provided, including one (1) ADA-accessible space on 411 South Shortridge Road.
2. One hundred and sixty-six (166) parking spaces shall be provided on 405 and 409 South Shortridge Road.
3. A minimum of five (5) bicycle parking spaces shall be provided near the 411 building.

IV. Signs

1. Existing free-standing and wall signage may remain.
2. One additional non-illuminated ground sign not exceeding 50 square feet shall be permitted.
3. All signage shall comply with applicable Sign Regulations.

V. Screening & Buffering

An existing 6' foot tall metal, privacy fence shall provide screening & buffering around the perimeter of the 405 & 409 South Shortridge Road parcels.

An existing 10' foot tall, chain-link fence shall provide screening & buffering around the side and rear yards of the 411 South Shortridge Road parcel. The existing 10' chain-link fence will be removed in the front yard of 411 and replaced with a new, 6' chain-link fence.

The existing tree line and natural vegetation along the south & east property boundaries shall be preserved to the extent practicable.

VI. Trash & Refuse

All trash shall be stored in an enclosed dumpster area located east of the 411 building.

VII. Compliance with Plan of Operation

All uses shall operate in accordance with the **Plan of Operation** approved with this petition.

Any substantial deviation from that Plan shall require administrative approval or an amendment, as determined by the Department of Metropolitan Development.

4.15.26



PROPOSED COMMITMENTS

405, 409 & 411 South Shortridge Road – Commitments (2025-CZN/CVR-865)

Commitment 1 – Access / Circulation

Vehicular access to the site shall be provided from South Shortridge Road, and site circulation shall be designed to minimize impacts to adjacent residential streets.

Commitment 2 – Website / Wayfinding

A website shall be maintained by the petitioner to instruct clients and users of the site regarding preferred access routes to the property, including access via South Shortridge Road from the north via East Washington Street, to minimize impacts on surrounding residential streets.

Commitment 3 – Tree Mitigation (Revised)

The prior commitment requiring the submittal of a tree assessment by a certified arborist prior to site preparation or disturbance is hereby removed and replaced with the following:

The petitioner shall plant twenty-four (24) trees within Warren Township as mitigation for previously removed heritage trees.

The species, size, and planting locations of the trees shall be determined in coordination with the Department of Metropolitan Development and the Warren Township Development Association (WTDA).

Tree planting locations may be on-site or off-site within Warren Township, subject to approval by the Planning Administrator.

The trees shall be planted within a timeframe approved by the Planning Administrator following final rezoning approval.

Commitment 4 – Hours of Operation (Revised)

The hours of operation for truck and trailer parking on the site shall be restricted to 8:00 a.m. to 9:00 p.m., Monday through Saturday.

Commitment 5 – Exterior Lighting

All exterior lighting shall be fully shielded and designed to prevent light spillover onto adjacent residential properties.

Commitment 6 – Landscaping Installation

All landscaping depicted on the Site Plan filed with petitions 2025-CZN-865 and 2025-CVR-865 shall be installed by October 1, 2026, including the twenty-four (24) mitigation trees referenced in Commitment 3.



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

Commitment 7 – Fence Modifications

All fence modifications shown on the Site Plan filed in connection with petitions 2025-CZN-865 and 2025-CVR-865 shall be completed on or before October 1, 2026, and shall comply with the fence regulations set forth in the Consolidated Zoning and Subdivision Ordinance.

4.15.26

PLAN OF OPERATION – MAY 7, 2026

405, 409, & 411 South Shortridge Road - Plan of Operation

1. Hours of Operation

The property of 411 South Shortridge Road will operate during the following hours:

- Monday through Friday: 8:00 a.m. to 6:00 p.m.
- Saturday, Sunday, and major holidays: Closed

The properties of 405 and 409 South Shortridge Road will operate during the following hours:

- Monday through Saturday: 8:00 a.m. to 9:00 p.m.

All truck movements, operational equipment prep, and outdoor activity will occur only during the listed hours. Occasional job emergencies may happen outside of these hours.

2. Site Access and Vehicle Circulation

All access will occur from the existing drive entrance. Trucks and service vehicles will enter and exit on-site without staging or idling on public streets. All inbound and outbound movements will comply with the posted hours and be managed to minimize impacts on adjacent properties.

3. Outdoor Storage and Screening

Outdoor storage will take place only within the secured, fenced portions of the property. Stored materials, equipment, commercial vehicles, and recreational vehicles will remain behind the perimeter fencing and will not extend into required yards, rights-of-way, or neighboring parcels. The existing fencing provides screening of stored items, and the site will be maintained in an orderly and contained manner at all times.

4. Fencing and Security

The property will utilize the existing six-foot perimeter fencing and 10-foot fence on the side yards and rear yards of all 3 parcels (405, 409, & 411 South Shortridge Road). Electric security system will be maintained along portions of the property, to protect storage equipment and automobiles. Access gates will remain locked outside of business hours. Exterior lighting will be shielded and directed downward to prevent glare onto adjoining properties.

5. Surface Material and Site Maintenance

Asphalt millings/asphalt are used as the primary surface material within the fenced areas. The millings will be regularly maintained to control dust, prevent displacement, and preserve proper drainage. The site will be kept free of trash, debris, and loose



materials. Drainage patterns will remain consistent with the existing approved site conditions.

6. Auto Repair Operations

Auto repair activities will occur inside the main building. Services will include general automotive repair, maintenance, diagnostics, and related work typical of a commercial auto repair business. All repair work, tools, and equipment will be contained indoors. Customer vehicles awaiting service will be stored behind the fenced area or inside the building.

7. Emissions and Environmental Practices

The property will comply with local environmental regulations for fluid disposal, hazardous materials handling, and emissions. Spill-response materials will be maintained on site at all times, and routine inspections will be conducted to ensure compliance.

8. Truck Operation and Management

Truck arrivals and departures will be scheduled within operating hours and managed to avoid congestion or conflicts with local traffic. Trucks will be staged inside the fenced yard and will not idle or queue on public streets. Deliveries, pickups, and material loading will occur within the secure fenced area.

9. Property Upkeep and Operational Monitoring

The property will be inspected regularly to ensure compliance with this Plan of Operation. Maintenance responsibilities include surfacing upkeep, fence repairs, drainage monitoring, landscaping care (where applicable), and general housekeeping. Any operational adjustments will be made proactively to preserve compliance and minimize impacts on surrounding properties.

10. Amendments

Any future changes to hours of operation, outdoor storage quantities, fencing, surfacing, or operational activities will require an amendment to this Plan of Operation and/or a modification of commitments, as determined by the Department of Metropolitan Development.

11.24.25



View looking north along South Shortridge Road



View looking south along South Shortridge Road



View of site looking north along South Shortridge Road



View of site looking south along South Shortridge Road



View from site looking west across South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking southeast across South Shortridge Road



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number: 2026-CVR-805 / 2026-CPL-805

Address: 4200 South East Street (*Approximate Address*)

Location: Perry Township, Council District #23

Zoning: C-4

Petitioner: Southern Plaza SC, LLC, by Brian J. Tuohy

Requests: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width (not permitted), and without a hard-surfaced walkway from the building's main front entrance to the public right-of-way (hard-surfaced walkway required).

Approval of a Subdivision Plat, to be known as Southern Plaza, dividing 26.84 acres into two lots.

Waiver Requested: No

Current Land Use: Parking Lot

Staff Recommendations: Approval of the Subdivision Plat.

Approval of the Variance request to provide for a restaurant without a hard-surfaced walkway from the building's main front entrance to the public right-of-way.

Denial of the Variance request to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued from the May 14, 2026, hearing, to the June 11, 2026, hearing at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated April 6, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:



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

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, 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

LAND USE

The 26.84-acre site is zoned C-4 and developed with an integrated commercial shopping center with an associated parking lot. The proposed plat would subdivide the property into two (2) lots: Lot One would be 25.48-acres and Lot Two would be 1.36 acres. The proposed plat meets the standards of the C-4 zoning classification.

The site is surrounded by commercial uses to the north, west, and south all zoned C-4. To the east, there are commercial uses that are zoned C-1 and C-3, and a single-family dwelling that is zoned D-3.

STREETS

Lot One and Lot Two would front on South East Street. No new streets are proposed as part of this Plat petition.

SIDEWALKS

There are no sidewalks along South East Street.



VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width.

Limitations on the placement of stacking spaces within front yards exist to reduce congestion and vehicular conflict with patrons of the restaurant and pedestrians as well as to allow for attractive, pedestrian-oriented storefronts facing rights-of-way.

The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is currently developed with an accessory parking lot that will be removed to provide for the new construction of the restaurant. The site could be designed with the stacking spaces located to the rear of the front façade by reducing the number of proposed stacking spaces to the rear of the façade. Any practical difficulty is self-imposed by the desire to provide for one and one-half drive through stacking spaces in the front yard of the site.

The grant of the Variance request would provide for a restaurant without a hard-surfaced walkway from the building’s main front entrance to the public right-of-way. The subject site fronts on a portion of South East Street where the frontage is controlled by the State of Indiana due to its proximity to an interstate entrance ramp. The State will not allow for a pedestrian sidewalk along this portion of the public right-of-way. Therefore, Staff would find no reason to require a hard surfaced walkway to a non-existent sidewalk.

Although building elevations were not provided, staff would note that the C-4 transparency requirements would need to be met so that petitioner should keep that in mind as they proceed with their proposal.

STAFF ANALYSIS

For these reasons, staff is recommending **denial** of the Variance request to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width. Staff is recommending **approval** of the Variance request to provide for a restaurant without a hard-surfaced walkway from the building’s main front entrance to the public right-of-way.

GENERAL INFORMATION		
Existing Zoning	C-4	
Existing Land Use	Parking Lot	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Land Use
	North:	C-4 Commercial
	South:	C-4 Commercial
	East:	C-1 / C-3 / D-3 Commercial / Single-family residential
	West:	C-4 Commercial
Thoroughfare Plan		
South East Street	Primary Arterial	155-foot proposed and existing right-of-way.
Petition Submittal Date	February 18, 2026	

EXHIBITS

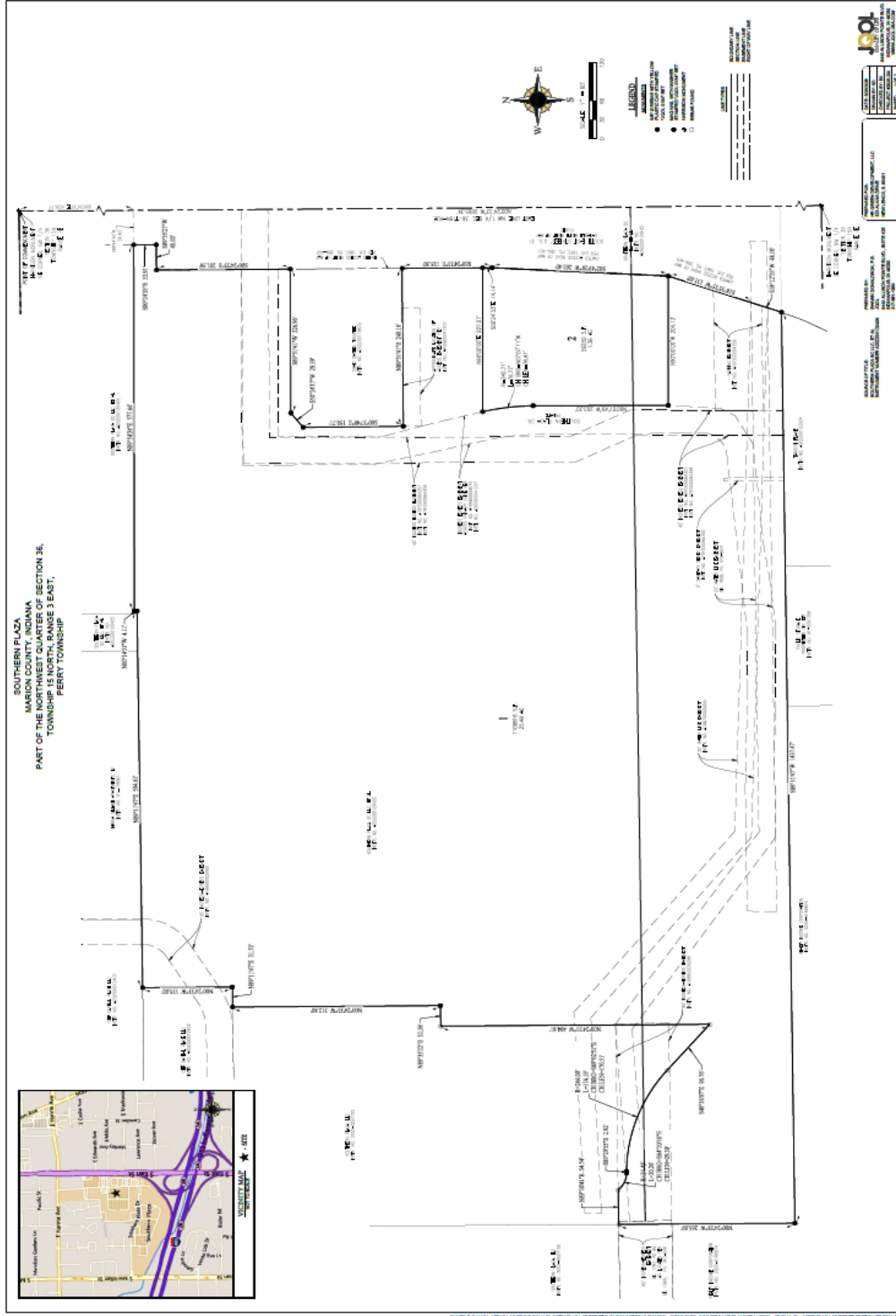
LOCATION MAP





Department of Metropolitan Development
Division of Planning
Current Planning

PLAT SURVEY





FINDINGS OF FACT

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 site has been configured in a way to create a separation between drive-thru and dine-in traffic for the proposed Chick-fil-A restaurant ("CFA"). Doing so promotes safe and efficient traffic flow throughout the site. The CFA parking lot and drive-thru lane have been designed to accommodate a sufficient queue of cars which will help prevent backups onto the adjacent access drives and roadways. The variance from Code Section 743-306-I allows for this design. Per the Zoning Ordinance, 2 stacking spaces are required at the exit of the drive-thru. Given the layout of the building and drive thru, this results in approx. one and one-half stacking spaces being located in the front yard. The requested variance from Code Section 744-301-F would not be a risk to the community because INDOT does not want pedestrians walking on that side of East St. as its within the right-of-way of I-465. The I-465 interchange ramp is immediately south of the site, which has no sidewalk or other infrastructure to facilitate safe walking for pedestrians. Pedestrian traffic will be mostly from the existing shopping center west of the site.

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 subject property lies within an existing commercial zoning district which allows restaurant uses with drive thru. The adjacent properties to the north, west, and south have the same commercial zoning designation. The site will be attractively landscaped to improve the appearance of the site. The proposed landscape has been designed to meet the intent of City Code and screening & buffers have been provided to the maximum extent practicable along the east side of the site where the property abuts S. East Street with residential uses on the opposite side of the ROW. It is CFA's belief that the proposed restaurant with drive-thru facility and parking lot is compatible with the general land use of the neighboring properties and would not diminish or impair property values. The new CFA development will attract more business to the area. The variance from Code Section 743-306-I will only help ensure efficient and safe operations within the CFA site which will help eliminate any negative impacts to adjacent properties. The variance from Code Section 744-301-F will not have an adverse affect because INDOT has stated they would not allow sidewalk in their ROW.

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

It would prevent the Chick-fil-A development from maximizing site circulation and providing an efficient site layout. Due to the project being a redevelopment of an existing parking lot within an already developed shopping center, Chick-fil-A believes that the proposed site layout is an efficient use of the given space. In order to provide adequate parking for dine-in guests and a sufficiently long drive-thru queue, the site has been configured with the CFA dual-lane drive-thru starting on the north side of the site, running counterclockwise along the west side of the building, and ending on the south side of the CFA building. The drive-thru lane and building have been positioned in a way to promote circulation through the site in order to prevent backups within the parking lot and onto adjacent access drives. The walkway requirement in Code Section 744-301-F results in practical difficulties because the Authority Having Jurisdiction (IN DOT) has stated that they would not allow sidewalk in the ROW along the frontage of the CFA site. Because of the site's location within an already developed shopping center, there is a practical difficulty in the use of this property without the requested stacking space variance.

PHOTOS



Photo of a portion of proposed Lot 1 looking southwest.



Photo of a portion of proposed Lot 1 looking north.



Photo of Proposed Lot 2 looking south



Photo of approximate area for the requested one and one-half drive-through stacking spaces in the front yard, looking south.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number:	2026-CVR-810 / 2026-CPL-810
Property Address:	6801 Stanley Road (<i>Approximate Address</i>)
Location:	Decatur Township, Council District #21
Petitioner:	Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman
Current Zoning:	D-3 Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for two primary dwellings on two lots with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to both legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required) and temporarily allow for a residential lot improved with solely an accessory structure (not permitted).
Request:	Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quilin Acres Subdivision, subdividing 2.01 acres into two lots.
Current Land Use:	Residential & Unpermitted Commercial
Staff Recommendation:	Staff recommends approval of the variances, subject to commitments. Staff recommends approval of the plat, subject to conditions.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

5/14/26: The petitioner and the Decatur Township Land Use Committee agreed to a joint continuance request to the June 11th hearing date, to allow time for the petitioner's representative to present to the neighborhood group.

4/9/26: A timely automatic continuance was filed by a registered neighborhood organization to continue this petition to the May 14th Hearing Examiner date.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances, subject to the following commitments:

1. Installation of any new septic system or adjustments to any existing septic system shall be conducted in consultation with and per the regulations of the Marion County Health Department or other relevant bodies.
2. Required permits to allow for construction of a single-family residence on the newly created lot with temporary placement of solely an accessory structure shall be filed with and issued by the Department of Business and Neighborhood Services within 6 months of petition approval.



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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 3, 2026, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. 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.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

LAND USE

6801 Stanley Road is a residential parcel approximately 2 acres in size that is currently improved with a single-family residence and several accessory structures. The primary residence on the western portion of the site has a square footage of 820 square feet, and an accessory garage has historically existed near that primary residence. In 2022, permits were approved to allow for construction of a second detached accessory structure to the east (approved site plan below). This structure was built both taller and larger than the primary residence, which was noted within the open violation case VIO25-005622.

The property is zoned D-3 to allow for residential development, and surrounding properties are also residential in nature and zoned D-3.



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

A previous companion petition (2025CVR833 and 2025CPL833) for the property was withdrawn in 2025, and on staff's recommendation the Variance of Use filed earlier in 2026 (2026UV3006) was converted to this existing companion petition seeking both a replat to create two separate lots and three (3) variances.

PLAT

Approval of the plat petition would result in the creation of two separate lots. Lot 1 would have a size of 0.527 acres and would contain the existing residence and detached garage nearest the residence. Lot 2 would have a size of 1.481 acres and would contain the 2022 detached structure, a new single-family residence to be constructed, and the septic fields for both residences. An easement for the septic field is shown on the provided plat, and a driveway access easement would potentially be required for the shared driveway as well.

Each lot would front on Stanley Road to the west. No new streets would be created as a part of the plat, and no new sidewalk would need to be added due to the residential exception found within 744-303.B of the Indianapolis Zoning Ordinance. The proposed lots would meet standards of the D-3 zoning district.

VARIANCES OF DEVELOPMENT STANDARDS

Approval of this petition would allow for the construction of a second primary residence on the proposed Lot 2 that would have square footage and height exceeding that of the detached structure mentioned within the open violation at the site. The site plan provided for staff review also shows a small rear addition onto the rear of the existing residence and is viewable within the Exhibits below.

Although this project would cure the portions of the violation related to the size and height of the 2022 building exceeding the currently existing primary residence, staff identified three (3) variances:

- Both the existing residence and the new residence would utilize a septic system, and Ordinance would require residences within the D-3 zoning district to connect to public or semipublic sanitary sewer facilities. This would require a Variance of Development Standards.
- The detached garage existing at the site prior to 2022 has a northern side setback of 5.3 feet, and the D-3 district would require a setback of 6 feet. Approval of this variance would legally establish that detached garage in this location.
- The approval of the lot subdivision would result in a temporary period of time where Lot 2 would solely be improved with an accessory structure without a primary residence on the lot, which would require a Variance of Use.

The violation case opened at this property cited the accessory structure for being larger and taller than the primary building. However, this enforcement action also mentioned nine (9) other zoning non-conformities related to the outdoor parking of numerous commercial and inoperable vehicles in the rear yard of the site (full Notice of Violation and related photos within the Exhibits below). Relief from those citations was not requested as a part of this petition, and the petitioner's representative has indicated to staff that the violations unrelated to the accessory structure have been resolved. Approval of this petition would not allow for a commercial contractor or for outdoor storage, and continued non-compliance would be subject to additional enforcement action by the Department of Business and Neighborhood Services.



STAFF ANALYSIS

Since the proposed plat meets the standards of the D-3 zoning district and would not require any waivers of the Subdivision Regulations, staff recommends **approval** of the requested plat petition.

Staff reached out to representatives with the Marion County Health Department in February of 2026 to inquire about the feasibility of having residential properties at this site connected to local sewer, and if the septic fields shown would be satisfactory from their perspective. A substantial portion of the response provided by that agency is within the Exhibits below, which indicates that (a) connecting the site to sewer would require an extension of almost a half-mile and (b) that the septic layout shown on plans provided would be feasible if installed per Code. The petitioner was agreeable to a commitment that the new septic areas installed would meet MCDH requirements, and for these reasons staff recommends **approval** of the variance related to the lack of a sanitary sewer for the existing or proposed residence.

The older detached garage on the property appears to have existed in that location since 2006, per aerial photography and the property card. Although not eligible for legal non-conforming status, the Findings provided by petitioner indicate that no negative externality has existed in the 20 years since placement of that structure and that the requested relief would only be for 0.7 feet. Staff agrees that the variance would be minor in nature and recommends **approval** of the request.

Approval of the plat petition would result in the creation of a lot solely developed with an accessory structure, and accessory buildings are not allowed in the D-3 zoning district without a related primary residence on the lot. However, the property owner would be unable to obtain permits to allow for construction of that second residence until the lots had been split (a variance for two primary residences on one lot would be required otherwise). The petitioner indicated their agreement to a commitment that permits to allow for construction of that building would be applied for and obtained within six (6) months of petition approval. Since this would result in Lot 2 only being developed with an accessory structure for the short period of time needed to obtain permits and would void the variance if permits were not obtained, staff recommends **approval** of this request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential & Unpermitted Commercial	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Residential
	South:	South: Residential
	East:	East: Residential
	West:	West: Residential
Thoroughfare Plan		
Stanley Road	Local Street	90-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	



Floodway / Floodway Fringe	No
Overlay	Yes
Wellfield Protection Area	No
Site Plan	02/02/2026
Site Plan (Amended)	03/03/2026
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	02/02/2026
Findings of Fact (Amended)	05/08/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development.
 - A small portion of the property to the southwest falls within an Environmentally Sensitive Areas overlay, intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.





ZONING HISTORY

ZONING HISTORY – SITE

2026DV2033, Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of a second primary dwelling on a lot (not permitted) with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required), **withdrawn and replaced by this petition.**

2025CVR833, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a septic system for each lot (connection to public or semipublic sanitary sewer facilities required), to provide for a lot width and street frontage of 15 feet for proposed Lot 2 (minimum 70-foot lot width required and minimum 35 feet of street frontage required), and to legally establish a detached accessory structure, with a 5.3-foot north side yard setback (minimum six-foot side yard required), **withdrawn.**

2025CPL833, Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quillin Acres Addition, dividing 2.008 acres into two lots, **withdrawn.**

ZONING HISTORY – VICINITY

2019DV1061 ; 8806 Camby Road (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for the expansion of a detached garage in front of the established building line of the Stanley Avenue (not permitted), **approved.**

2014DV2009 ; 6611 Stanley Road (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,584-square foot pole barn, creating an accessory building area of 2,304 square feet or 180% of the main floor area of the primary building and accessory use area of 2,572 square feet or 201% of the total floor area of the primary dwelling (maximum 75% of the main floor area of the primary dwelling or 963 square feet permitted, maximum 99.9% of the total floor area of the primary dwelling or 1,279 square feet permitted), **approved.**

2009DV1029 ; 6907 Stanley Road (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for: (a) a lot with a 35-foot lot width at the required front setback line (minimum 70-foot lot width required); (b) a 1,350-square foot building in front of the established front building line (not permitted); (c) resulting in an accessory use area of 2,666 square feet, being 141 percent of the total living area of the primary structure (maximum 1,900 square feet or 99.99 percent of the total living area of the primary structure permitted), **approved.**

2006DV2012 ; 6646 Stanley Road (northwest of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,160 square foot barn resulting in 3,847 square feet of accessory structure area or 186 percent of the main floor area of the primary dwelling (maximum 1,554 square feet or 75 percent of the main floor area of the primary dwelling permitted), and resulting in 3,907 square feet of accessory use area or 189 percent of the total living area of the primary dwelling (2,072 square feet or 100 percent of the total living area of the primary dwelling permitted), **approved.**

EXHIBITS

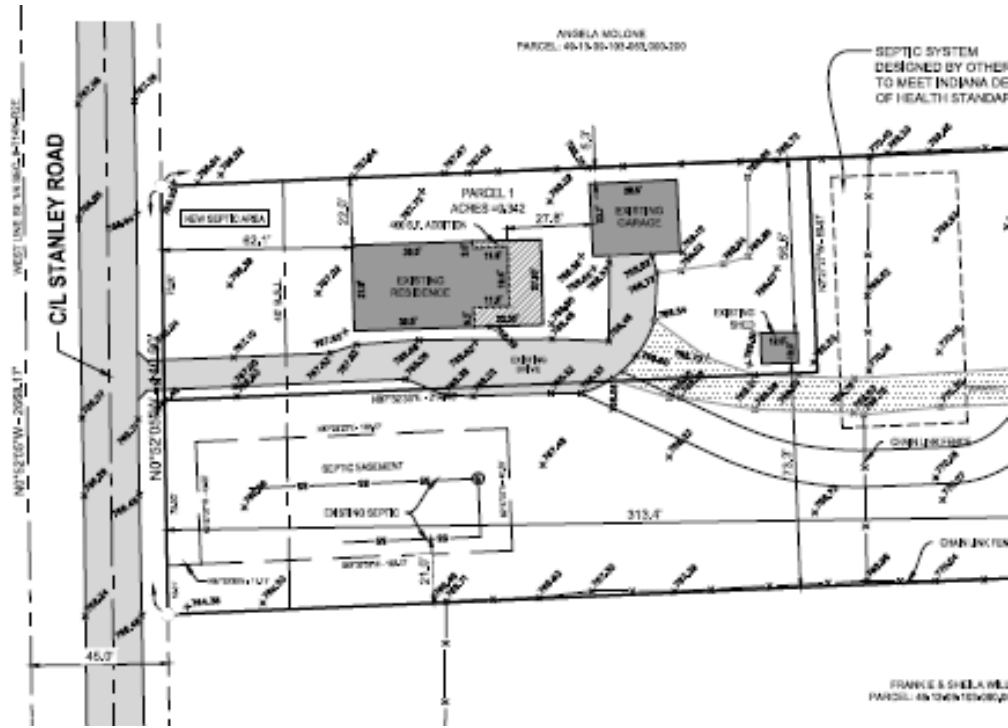
2026-CVR-810 / 2026-CPL-810 ; Aerial Map (2025)



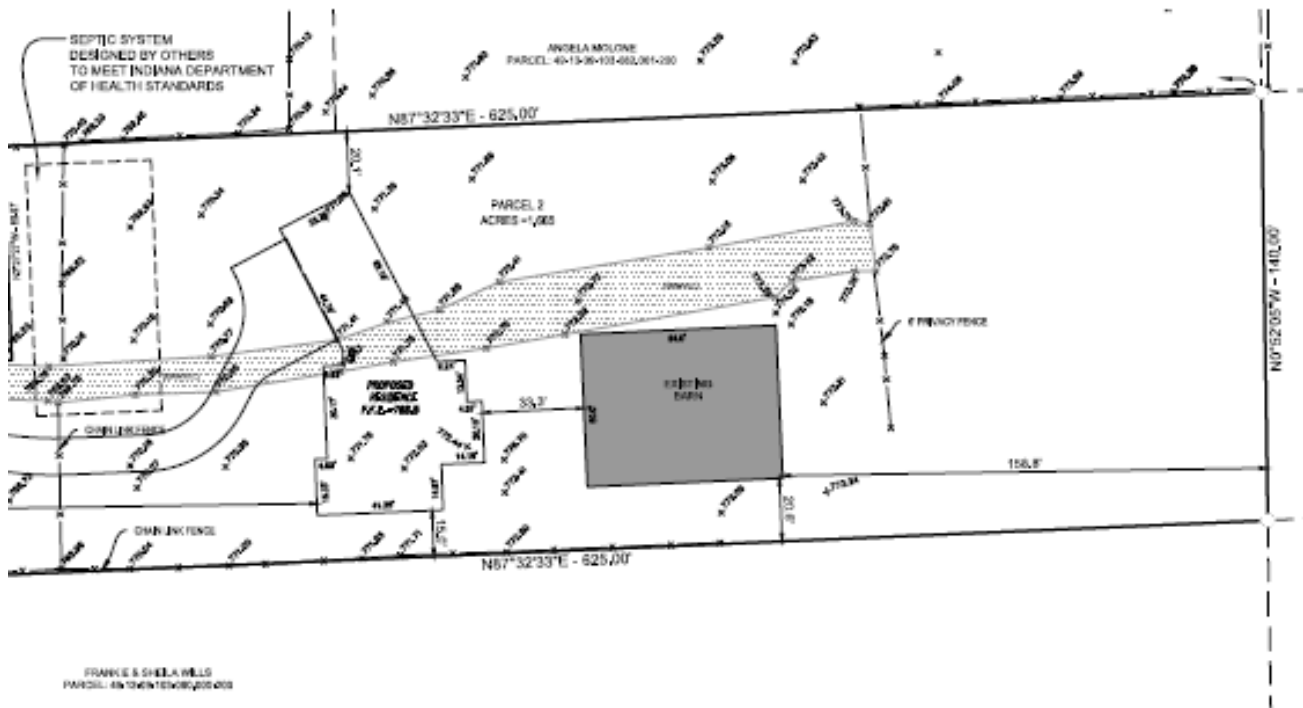


Department of Metropolitan Development
Division of Planning
Current Planning

2026-CVR-810 / 2026-CPL-810 ; Site Plan (western half)



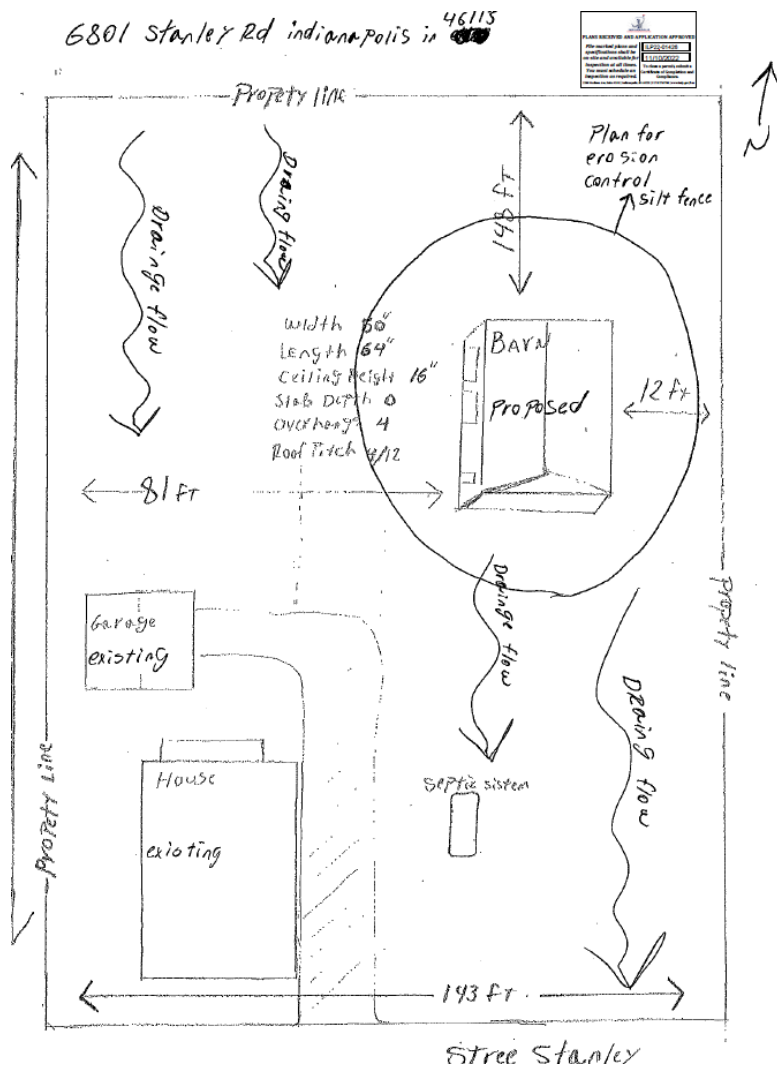
2026-CVR-810 / 2026-CPL-810 ; Site Plan (eastern half)



2026-CVR-810 / 2026-CPL-810 ; Aerial Map (2022; zoomed)



2026-CVR-810 / 2026-CPL-810 ; Site Plan Approved by Permitting (ILP22-01426)





Department of Metropolitan Development
Division of Planning
Current Planning

2026-CVR-810 / 2026-CPL-810 ; Notice of Violation (VIO25-005622)

Section 740 -1005.A.3. Civil Zoning Violation

Specific Violation: The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Tarps, scrap wood, loose trash, and other miscellaneous items throughout the property).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable... Multiple vehicles invalid plates).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of vehicle parts in any zoning district, the provisions of which do not specifically permit such a use; (Tires, wheels, bumper, and other miscellaneous vehicle parts throughout the property).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, holding landscaping or construction equipment...Sealcoating tank, air compressor).

Section 740 -1005.A.5. Civil Zoning Violation

Specific Violation: The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length... 18ft. trailer).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (743-306.A.1.a - Any accessory use or structure shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot...accessory structure larger than the primary structure).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A construction contractor / asphalt company is not a permitted use in a D-3 zoning district).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a D-3 zoning district...porta-john, pallets, drainage pipes).

Section 740 -1005.A.7. Civil Zoning Violation

Specific Violation: The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle storage is not a permitted primary use in a D-3 zoning district).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (743-306.A.2.c. - The height of any accessory building or minor residential structure shall be less than the height of the primary building).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-3 district; (743-306.AA.2. - No more than 2 recreational vehicles shall be permitted to be parked outside in a D-3 zoning district).



2026-CVR-810 / 2026-CPL-810 ; Septic Information (MCHD; email 2/20/26)

1. The closest sanitary sewer main that could be accessed is located at 67 and Camby Road. It would have to be extended approximately half a mile to get to this property, so financially it's not a feasible option. All the other homes on Stanley utilize septic systems for their sewage treatment.

2. The smaller septic system area on the plan (the westernmost one) is the existing septic system for the current residence, and while older, it is still functioning properly and would not need to be replaced or upgraded at this time. All we would require is that a legal easement be obtained if it ends up being on the other parcel when they split the lots. The larger (easternmost) septic area is for the new proposed home. They actually came to us before starting the process to make sure a septic would even be feasible. We have evaluated soil, reviewed floor plans, and issued minimum requirements. While we have not issued a permit yet (application has not been submitted), we have met the septic installer on site and laid a proposed septic out that will meet all requirements. It's a tight fit, but a septic that's up to code will work.

3. Nothing else really concerns us about this layout besides what was already mentioned. The existing home would need an easement granted to keep the existing septic on the new parcel, and the area for the new home is limited, so we want to make sure it is not disturbed during construction of the home, because if this area is ruined we may not be able to get another septic in. The builder and property owners have been made aware of this and seem to have taken it seriously.

2026-CVR-810 / 2026-CPL-810 ; Findings of Fact (Septic)

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

The subject property—and surrounding properties—are not served by public sanitary sewer service, and properly designed and maintained private sewage disposal systems are the accepted and regulated method of wastewater treatment in this vicinity. Each system has been reviewed, approved, and the existing system inspected by the Marion County Public Health Department to ensure compliance with all applicable environmental and performance standards. All new residential construction will be designed and built in accordance with current building codes and health regulations, providing safe and sanitary living conditions equivalent to those served by public sewer. The continued use of approved septic systems therefore poses no risk to public health or safety and maintains the established development pattern of the area without adverse impact on the community's welfare.

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 subject property—and the immediate area—are not served by public sanitary sewer service, and private septic systems are the standard, established method of wastewater disposal for comparable properties. Allowing this system maintains the same development pattern that already exists throughout the vicinity, ensuring no change in character, intensity, or perceived desirability of the area.

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

The surrounding area is not served by public sanitary sewer service, and no extension of municipal infrastructure is planned or feasible for this portion of the community. Requiring a connection at such distance would impose excessive cost and logistical barriers of necessary right of way and multiple driveway interruptions. Because the property cannot reasonably connect to a public system, strict enforcement would effectively prevent any practical or beneficial use of the land. This relief enables reasonable use of the property without altering the essential character of the area or diminishing the use or value of adjacent properties.



Department of Metropolitan Development
Division of Planning
Current Planning

2026-CVR-810 / 2026-CPL-810 ; Findings of Fact (Existing Garage)

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

The existing detached garage, constructed in 2006, is located only six inches closer to the side lot line than the ordinance minimum setback standard. This minimal deviation does not create any condition that would be injurious to the public health, safety, or general welfare. The structure has stood in its current location for nearly two decades without incident, demonstrating that its placement does not interfere with emergency access, sight visibility, drainage patterns, or the safe use of adjoining 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:

The detached garage encroaches only six inches into the required side setback and has existed in this location for nearly twenty years without any known adverse effect on the surrounding community. The six-inch setback deviation is minimal and not noticeable from the street or adjoining 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 detached garage was constructed in 2006 and has remained in its current location for nearly twenty years without any adverse impact on neighboring properties or the surrounding community. Requiring strict enforcement now would serve no public purpose and would instead impose an unnecessary hardship by enforcing the owner to alter or reconstruct a long-established, fully functional accessory structure solely to correct a six-inch deviation.

2026-CVR-810 / 2026-CPL-810 ; Findings of Fact (Temporary Accessory No Primary)

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

All permits for the primary residence have already been filed with the Department of Business and Neighborhood Services (BNS), and the primary residence is actively moving through the formal permit review and approval process. The existing accessory structure is not intended to function independently, and the site is regulated and supervised by the BNS. The BNS retains full oversight of the site and primary residence construction, ensuring compliance with all applicable codes.

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

This variance is granted solely to allow the temporary placement of an accessory structure for the owner's private, personal storage during the construction of the primary residence. The existing accessory structure shall not be used for commercial purposes, business activity, or public access.

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

The owner relied in good faith on the permit that was issued, and the existing accessory structure was built under the BNS authorization and inspection process. It was discovered after the construction was complete and all the inspections passed that there was an error on the permit site plan. Once the error was identified, the owner's initiated the proper steps to bring the property into full compliance, including filing a variance, plat and all permits for the new primary residence, which are now actively under review.

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 permit approval process creates a practical difficulty that is unique to this property because the existing accessory structure was constructed under a permit that the BNS issued, reviewed, and inspected without identifying any zoning or compliance concerns. The petitioner submitted plans, paid all required fees, and proceeded only after receiving formal approval from the BNS. The structure subsequently passed all required inspections, confirming to the property owner that the improvement was lawful and consistent with the BNS direction.

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

The property's primary use will remain as residential in compliance with the land use plan.

2026-CVR-810 / 2026-CPL-810 ; Photographs



Photo 1: Existing Residence and Detached Structure Viewed from Stanley



Photo 2: Newer Detached Structure Viewed from Stanley

2026-CVR-810 / 2026-CPL-810 ; Photographs (continued)



Photo 3: Newer Detached Structure Viewed from Northwest (October 2025)



Photo 4: Newer Detached Structure Viewed from North (August 2025)

2026-CVR-810 / 2026-CPL-810 ; Photographs (continued)



Photo 5: Rear Yard Vehicle Storage Area Viewed Through Fence (June 2025)



Photo 6: Commercial Trailer Behind Newer Detached Structure (June 2025)

2026-CVR-810 / 2026-CPL-810 ; Photographs (continued)



Photo 7: Commercial Trailers Near Rear Yard Fenced Area (June 2025)



Photo 8: Commercial Trailers from Stanley Frontage (August 2025)

2026-CVR-810 / 2026-CPL-810 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest + Stanley Road



Photo 10: Adjacent Property to Southwest



METROPOLITAN DEVELOPMENT COMMISSION **June 11, 2026**
HEARING EXAMINER

Case Number: 2026-CVR-815 / 2026-CPL-815
Property Address: 305 Fintail Drive
Location: Warren Township, Council District #20
Petitioner: DCB Indianapolis, LLC, by Mindy Westrick Brown
Current Zoning: I-3

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required).

Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots.

Current Land Use: Vacant.

Staff Recommendations: Approval of the variance and plat requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing.

STAFF RECOMMENDATION

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

- All mechanical equipment, including but not limited to generators, HVAC, and cooling/chilling systems shall be screened from public right-of-way and adjoining properties, consistent with Sec. 744-500.
- Provide staff with the measurement method by a qualified acoustical engineer on how property owner shall determine decibel levels at property line for monitoring and compliance shall be submitted prior to ILP issuance.
- The existing utility easement shall provide the transitional yard along the northern property boundary of the subject site.
- There shall be no generator testing between 5:00 p.m. and 7:00 a.m.



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- All outdoor lighting for the proposed use of a data center technology park shall comply with the full Development Standards and remain directed away from all adjacent parcels (744-604).

In addition to Staff's commitments, the petitioner has agreed to additional commitments, if Variance of Use for a data center campus is approved:

- A minimum 200-foot transitional yard along the northern property boundary.
- Berms ranging from three (3) to eight (8) feet in height, with a vegetated buffer strip consisting of two staggered rows of evergreen trees along the property line abutting the protected district.
- Developer-funded substation construction and associated electrical infrastructure in coordination with local electric utility.
- Development shall be in substantial conformance with the Data Center Site Plan filed in the companion variance matter, and the maximum roofline height of all three proposed buildings shall be sixty (60) feet.
- All water utilized by the data center shall be provided by a municipal provider, and the developer shall not utilize natural aquifers to supply the facility. For rare emergency or unforeseen mechanical issue, water shall be disposed of in accordance with IDEM regulations and shall not be discharged into the public wastewater system.
- Prohibition of long-term truck parking, truck storage, and commercial truck maintenance on-site, with limited allowances for short-term loading and specialized equipment deliveries.
- Construction hour limitations consistent with the Consolidated City-County noise ordinance.
- Prohibition of cryptocurrency mining and nuclear energy facilities, including nuclear power plants, small modular reactors, micro-reactors, and nuclear fuel storage facilities, shall be prohibited on the Property.
- An annual gift for no less than five years for trail stewardship for the Pennsy Trail to The Parks Alliance of Indianapolis (aka The Indianapolis Parks Foundation, Inc.).
- Coordinate with the local electric provider for planting of native seed mix within the existing transmission line easement along the northern property boundary.
- Spill prevention, control, and countermeasure (SPCC) planning in compliance with IDEM prior to permit issuance.
- Generator operations shall comply with IDEM air permit limits.
- Exterior lighting shall comply with zoning ordinance requirements and required exterior parking lot lighting fixtures shall be solar powered, with motion sensor controls utilized for pedestrian areas and entrances where feasible.
- Construction and repair activities shall not occur between 6:00 p.m. and 7:00 a.m., except in cases of urgent necessity in the interest of public health and safety.
- Mechanical yards, electrical yards, transformer arrays, and generator areas shall be enclosed by a screen wall approximately ten (10) feet in height.



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Staff recommends that the Hearing Examiner approve and find that the plat, file dated March 23, 2026, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat
11. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner

PETITION OVERVIEW

This 32.406-acre site, zoned I-3, is vacant and surrounded by the Pennsy Trail and utility substation to the north, zoned I-3, D-5, C-S and C-4; industrial uses to the east and south, and undeveloped land to the west, all zoned I-3.

This site was included in petition 56-Z-4 that rezoned 272.23 acres to the I-3 district.

Overlays

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

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.



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The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

PLAT

Site Plan

This site is located within the Thunderbird Business Park. **See Exhibit A.**

This request would divide 32.406 acres (Block A) into two lots for data center development. Block A, Lot 1 would be 25.707 acres and Block A, Lot 2 would be 6.598 acres.

Block A, Lot 1 would be developed with Building 1 at 69,128 square feet and a height of 22 feet. Block A, Lot 2 would be developed with Building 2 at 142,152 square feet and a height of 56 feet and Building 3 at 194,708 square feet and a height of 56 feet.

Equipment yards would be internal to the site and behind the proposed buildings.

Access to this site would be along Fintail Drive, which is a private street that intersects with English Avenue and serves as access to sites within this business park.

Streets and Traffic

No new streets are proposed as part of this petition.

Waivers

Because this site is served by a private street, sidewalks would not be required.

VARIANCE OF USE

The petitioner is requesting a Variance of Use to permit a data center campus, an unlisted land use, within the I-3 zoning district. The Variance of Use is required as a direct result of the Administrator's unlisted land use interpretation issued pursuant to Section 743-210.

Variance of Use Criteria Analysis

The petitioner seeks a Variance of Use to allow a data center campus on property zoned I-3, with additional commitments specific to this use. Using the unlisted interpretation provided, the petitioner must demonstrate compliance with the variance criteria under Indiana Code 36-7-4-918.4, including but not limited to:

- That the approval will not be injurious to public health, safety, morals, or general welfare;
- That the use and value of adjacent property will not be substantially adversely affected;



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- That the need for the variance arises from conditions unique to the property;
- That the strict application of the ordinance results in unnecessary hardship;
- That the variance does not interfere substantially with the comprehensive plan.

Public Health, Safety, Morals, and General Welfare

Public testimony and correspondence have raised concerns related to potential impacts of the proposed data center use, including noise, operation of diesel-fueled generators, and overall energy consumption. Staff acknowledges these concerns as part of the public record and took that into consideration during the zoning analysis.

The review of a Variance of Use is limited to whether the proposed use, as conditioned and regulated, is incompatible with public health, safety, morals, or general welfare under the standards of the Consolidated Zoning and Subdivision Ordinance and State Code. Indy Rezone anticipates industrial uses with operational impacts and addresses such impacts through applicable development standards, performance regulations, and the ability to impose enforceable commitments.

In this case, the petitioner has proposed commitments that directly regulate operational characteristics of the data center campus, including limitations on generator testing hours, sound level monitoring at the property line, required buffering and screening, and use of a closed-loop cooling system. Emergency generators would be enclosed in insulated structures and subject to IDEM air permitting requirements. Per the Plan of Operations submitted on April 27, 2026, spill prevention, control, and countermeasure (SPCC) plan will be implemented in compliance with IDEM regulations.

The petitioner has also committed to funding necessary electrical infrastructure improvements, including a future on-site substation, to ensure that associated costs are not borne by local ratepayers, per the Findings of Fact for the Variance of Use.

In addition, a Trip Generation Comparison memorandum states that “comparing the information for the total daily trips anticipated by DC Blox to those of the ITE manual, DC Blox proposes a 65% reduction in total daily trips compared to the average data center campus of comparable size.” **See Exhibit B.**

Based on the proposed commitments and applicable regulatory oversight, staff finds that the requested Variance of Use, as conditioned, does not create an unregulated or unchecked impact on public health, safety, morals, or general welfare beyond what is contemplated for industrial development within the I-3 zoning district.

Because of the historical use of the property, the petitioner conducted research related to possible environmental contamination of the property. The previous owner enrolled the entire property in IDEM’s Voluntary Remediation Program (VRP) in January 2015, that resulted in an Environmental Restrictive Covenant (ERC) on July 21, 2022. Following remediation operations, IDEM issued a Certificate of Completion in February 2023, and the State of Indiana issued a Covenant Not to Sue Ford.



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Prior to the sale of the land to the petitioner, the developer coordinated with the Indiana Brownfield Program and conducted additional remediation operations that resulted in an updated ERC on March 21, 2025. **See Exhibit C.**

Adjacent Property Impacts

The subject site's size, configuration, and separation from the nearby protected district (Pennsy Trail), combined with enhanced transitional yards, existing easements and operational commitments, materially reduce potential off-site impacts with strict adherence to the commitments to install enhanced screening to neighboring properties.

Vehicular circulation, and egress associated with the proposed data center campus would be limited to existing access points along Fintail Drive and would not introduce large deviations of current traffic impacts along English Avenue, post construction and operation of the data center technology park.

This commitment continues to function as a binding mitigation measure that limits traffic-related impacts to adjacent properties. When evaluated in conjunction with the proposed site layout and operational commitments, staff finds that the requested Variance of Use does not introduce adjacent property impacts beyond those contemplated and regulated under the existing I-3 zoning.

Uniqueness of the Property

The subject property is a portion of an industrial area with significant depth, existing utility easements, and proximity to high-capacity electrical transmission infrastructure. Its size and configuration allow for considerable transitional yards and buffering that would not be feasible on smaller industrial parcels.

The site was previously rezoned to I-3 for development of large-scale (over 272 acres) industrial uses. One of the uses occupied approximately 152 acres that provided for operation of a vehicle manufacturing facility between 1957 and 2012. While the ordinance does not expressly list "data center" as a permitted use, the operational characteristics of the proposed campus align closely with light industrial development patterns.

Additionally, the property's proximity to existing substations and available transmission capacity makes it uniquely suited for high-capacity electrical infrastructure necessary to support a data center campus. Staff finds that the combination of site size, depth, infrastructure access, and prior industrial entitlement constitutes conditions peculiar to the property that support the requested variance.

Unnecessary Hardship

Strict application of the ordinance would prohibit the proposed use solely due to the absence of a listed land use classification, despite the site's physical suitability and infrastructure capacity. Staff finds that this constitutes an unnecessary hardship not created by the petitioner.

Comprehensive Plan



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The current request for a Variance of Use seeks approval of a data center campus, an unlisted use under Indy Rezone. While data centers are not expressly listed as a permitted use, the proposed use is industrial in nature and aligns with the general employment and industrial character contemplated by the I-3 zoning district. The variance does not introduce a new land use category, nor does it represent a further departure from the Comprehensive Plan.

Accordingly, staff finds that the requested Variance of Use does not materially conflict with the Comprehensive Plan recommendation of heavy industrial and Industrial Reserve overlay when considered in the context of the existing I-3 zoning, and that the proposal continues to advance an industrial use consistent with the established zoning framework for the site.

Commitments Associated with the Variance of Use

The petitioner has proposed a comprehensive set of commitments directly tied to approval of the variance of use. These commitments function as enforceable, site-specific development and operational standards that apply only if the Property is developed as a data center campus. These commitments include, but are not limited to:

- A minimum 200-foot transitional yard along the northern property boundary;
- Eight-foot berms with evergreen landscaping and perpetual maintenance requirements;
- Noise monitoring and compliance with a 65-decibel limit at the property line;
- Prohibition of generator testing between 5:00 p.m. and 7:00 a.m.;
- Prohibition of cryptocurrency mining and nuclear energy facilities;
- Screening walls of ten (10) feet around the utility yards and operational areas
- Closed-loop air cooling systems;
- Developer-funded utility infrastructure improvements; and
- Annual gift for no less than five years for trail stewardship (Pennsy Trail) to The Parks Alliance of Indianapolis (aka The Indianapolis Parks Foundation, Inc.).
- Coordinate with the local electric provider to provide planting of native seed mix within the existing transmission line easement along the northern property boundary.
- Spill prevention, control and countermeasure (SPCC) planning in compliance with IDEM prior to permit issuance
- Prohibition of long-term truck parking, truck storage, and commercial truck maintenance on-site, with limited allowances for short-term loading and specialized equipment deliveries

Staff finds that these commitments are clear, measurable, and enforceable, and are directly related to mitigating potential impacts associated with the proposed data center campus use. The commitments materially exceed the minimum buffering and screening requirements of the Consolidated Zoning and Subdivision Ordinance and address potential concerns related to noise, visual screening, lighting, traffic operations, water usage, and utility infrastructure.



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Staff further finds that the commitments do not conflict with the intent of Indy Rezone and instead operate as enhanced performance standards tailored to the specific characteristics of the proposed use.

VARIANCE OF DEVELOPMENT STANDARDS

Parking Reduction

The petitioner requests a Variance of Development Standards to provide no less than 100 on-site, off-street parking spaces, whereas 420 off-street parking spaces are required per the Consolidated Zoning and Subdivision Ordinance. The required minimum number of parking spaces for the proposed data center campus cannot be calculated using a listed land use category because data centers are not an expressly permitted or defined use within Indy Rezone. In such cases, the Administrator may assign a parking requirement based on the most similar land use pursuant to 744-105.

The petitioner has provided documentation that the nature of the proposed use generates low on-site parking demand, particularly once operational. Data center employment levels are typically limited to maintenance, security, and technical staff, resulting in parking demand substantially below parking ratios used for other commercial or industrial classifications. Reducing unused parking areas avoids unnecessary impervious surface expansion, minimizes runoff impacts, and preserves areas available for additional buffering or landscape improvements, consistent with the purpose and intent of Indy Rezone.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Vacant	
Comprehensive Plan	Heavy Industrial (Industrial Reserve Overlay)	
Surrounding Context	Zoning	Land Use
	North:	D-5/ C-S / C-4 Pennsy Trail
	South:	I-3 Industrial uses
	East:	I-3 Industrial uses
	West:	I-3 Undeveloped land
Thoroughfare Plan		
Fintail Drive	Private Street	N/A
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes - Transit-Oriented Development / Industrial Reserve	
Wellfield Protection Area	No	
Site Plan	March 23, 2026	
Site Plan (Amended)	April 27, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	



Landscape Plan	N/A
Findings of Fact	March 23, 2026
Findings of Fact (Amended)	May 28, 2026
C-S/D-P Statement	Plan of Operation April 27, 2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Heavy Industrial typology. “The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.”

Pattern Book / Land Use Plan

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

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

Heavy Industrial Uses

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2018).

This site is located within a ½ mile walk of a proposed transit stop located at the intersection of East Washington Street and Ridgeview Drive, with a District Center typology.



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District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



ZONING HISTORY

56-A-4; between South Kitley Avenue and State Road 100; requested rezoning of 272.23 acres from the A-2 district to the I-3 classification to provide for the development of various manufacturing industrial uses, **approved.**

VICINITY

2013-CZN-822 / 2013 CVR-822; 6915 East Washington Street (northeast of site), requested rezoning of 12.44 acres from the D-2, C-2 and C-6 districts to the D-8 classification to provide for single-family, two-family and multi-family residential development and a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for single-family, two-family and multi-family residential development with private streets, **withdrawn.**

2008-ZON-855 / 2008-VAR-855; 6701 English Avenue (south of site), requested rezoning of 14.85 acres, from the I-3-S District, to the I-4 U classification to provide for heavy urban industrial uses and a Special Exception of the Industrial Zoning Ordinance to provide for a non-ferrous scrap metal recycling operation, **approved and granted.**

2004-ZON-023; 6617 and 6691 East Washington Street (north of site), requested rezoning of 3.94 acres from the D-5 district to the SU-2 classification to provide for education uses, **approved.**

2002-ZON-098; 100 South Edmondson Avenue (north of site), requested rezoning of 3.05 acres from the D-5 district to the C-S classification to provide for a general contractor, **approved.**

95-Z-106; 6715 East Washington Street (north of site), requested rezoning of 3.995 acres from the D-5 district to the C-S district to provide for mini-warehouses, **approved.**

93-Z-169; 6691 East Washington Street (north of site), requested rezoning of four acres from the C-5 district to the C-4 classification to provide for a grocery store, **approved.**

90-Z-1778; 6643 East Washington Street (north of site) requested rezoning of 0.6 acre, being in the C-5 district, to the C-1 classification to provide for a dentist office, **approved.**

88-Z-77 / 88-CV-9; 6703 East Washington Street (north of site), requested rezoning for our acres, being in the D-5 district, to the C-S classification to provide for a self-storage / mini-warehouse facility with a combined office and residence or a manager with a variance of development standards for reduced setbacks, **denied.**

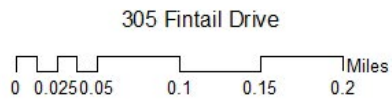
84-Z-144; 6601 East Washington Street, (north of site), requested rezoning of 0.49 acre, being in the C-3 district, to the C-4 classification to provide for an automobile service station, **approved.**



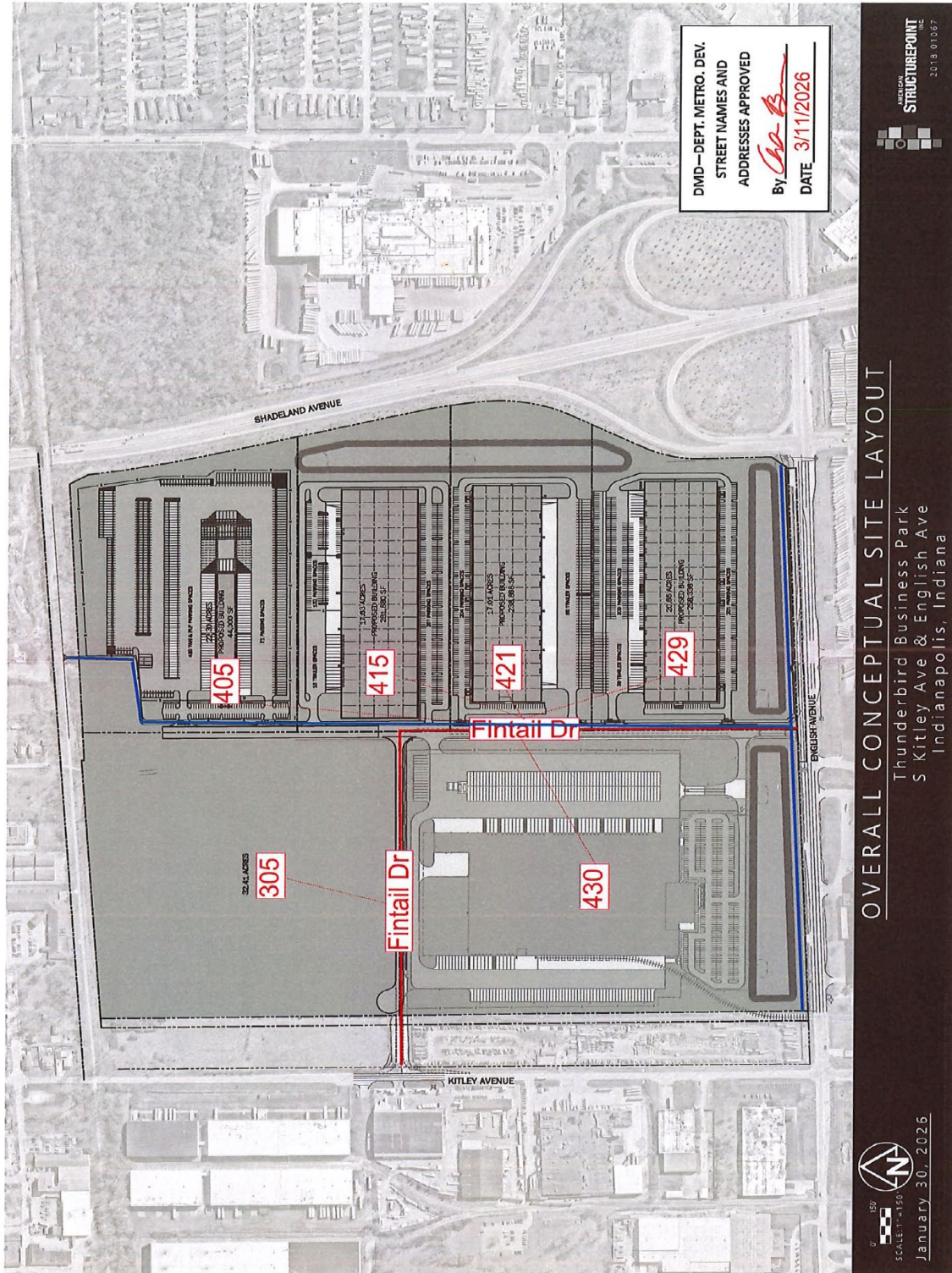
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83-Z-197; 6601 East Washington Street (north of site), requested rezoning of 5.5 acres, being in the D-5 district, to the C-3 classification to provide for office / retail showroom for vacuum cleaners, **approved.**

EXHIBITS



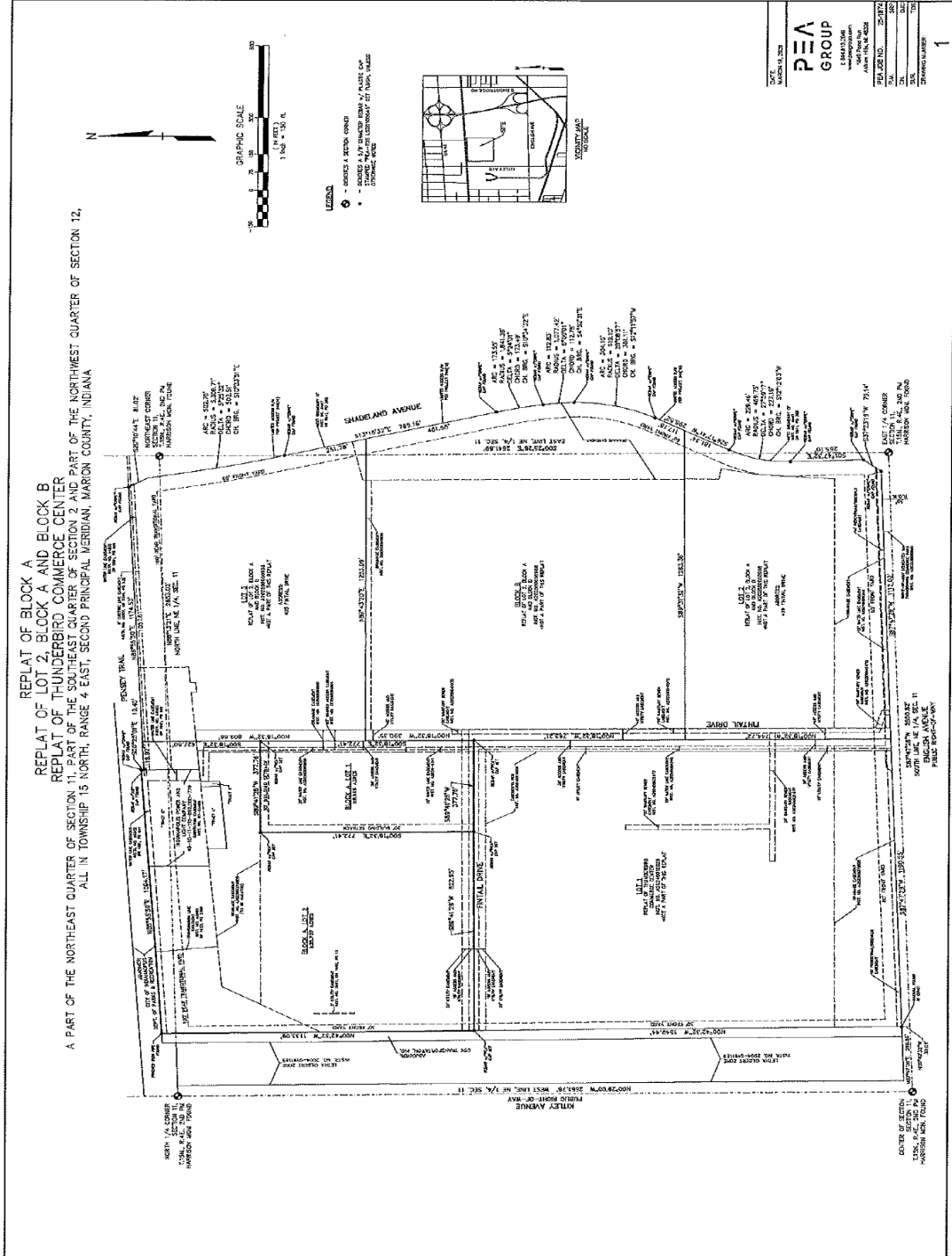
THUNDERBIRD CONCEPTUAL SITE LAYOUT – EXHIBIT A



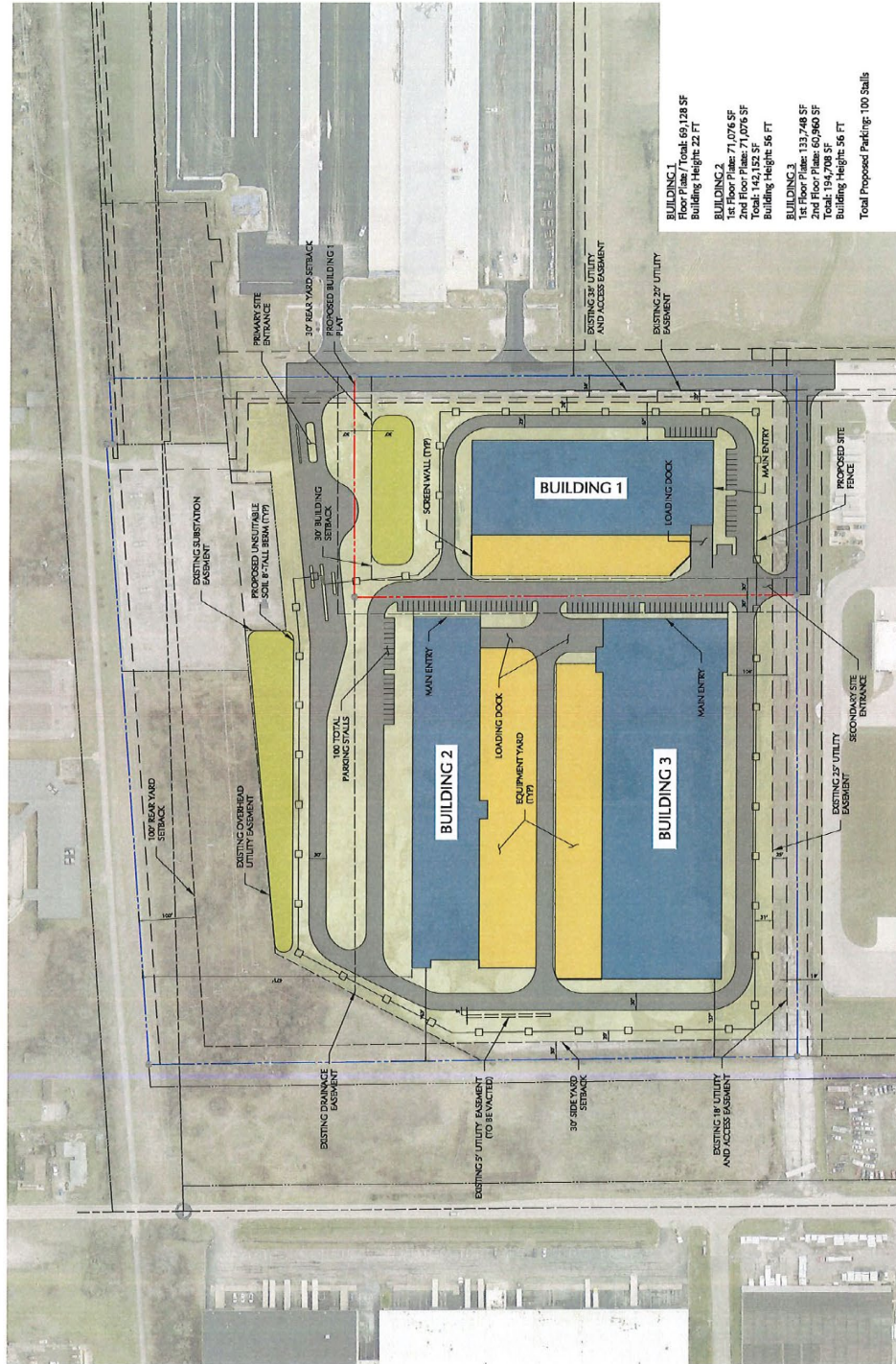


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PROPOSED PLAT – March 23, 2026



Site Plan – March 23, 2026





Plan of Operation - April 27, 2026

PLAN OF OPERATION

DC BLOX Data Centers / Thunderbird Commerce Center

305 Fintail Drive, Indianapolis, IN 46219

DCB Indianapolis, LLC by Faegre Drinker Biddle & Reath LLP

April 27, 2026

Project Overview and Phasing

As shown on the attached site plan, the project will include:

- **Building 1** (one-story) +/- 80K SF
- **Building 2** (two-story) +/- 140K SF
- **Building 3** (two-story) +/- 190K SF
- **Existing Substation** +/- 2.4 acres - for reliable power delivery

The project will be constructed over two phases with the first phase of construction to begin immediately upon variance and replat approval. The first phase will be the one-story 80K SF building; and is expected to be completed within 24 months. The second phase of construction will be comprised of the two larger buildings and will likely begin construction in two years and be completed in four years. At full buildout, the campus will employ approximately 35 full-time, high-wage operations staff.

Capital Investment and Tax Benefits

The project represents a total investment in the range of \$2 - \$2.2 billion, split approximately:

- **DC BLOX Investment** – \$700-800 million in land, site development, and building construction.
- **Tenant Investment** – \$1.3-1.4 billion in servers, networking equipment, and high-performance AI hardware.

This dual stream of capital ensures not only property-tax generation but also ongoing reinvestment in cutting-edge computing infrastructure.

With billions invested, this campus will be among the largest property-tax contributors in Warren Township/Marion County, strengthening Indianapolis as a national technology hub.



PLAN OF OPERATION

Construction and Job Impacts

- **Estimated Direct Construction Jobs:** +/- 600 workers on-site during the multi-year build.
- **Estimated Indirect/Induced Jobs:** Each direct job is estimated to support additional jobs in the broader economy, including supply chain, logistics, manufacturing, and services. CBRE 2024 report states that there are 7.4 indirect jobs for every direct data center job.

Long-Term Operations:

- **Direct Employment:** +/- 35 permanent, high-wage employees.
- **Estimated Indirect/Induced Employment:** Using a 2.0x multiplier, another 60-70 jobs supported in the community through security, contractors, IT services, and local vendors.

Transportation and Deliveries at Full Buildout

The project is a low-impact industrial use compared to manufacturing or logistics. At full buildout:

- **Vendor Deliveries:** +/- 35 per week.
- **Customer Visits:** +/- 45-50 per week.
- **Employee Traffic:** +/- 35 daily commuters.

Water Usage

DC BLOX water use is based on a closed loop cooling system that requires a one-time water load. After the initial system load the projected annual water usage is similar to an office building (Office Restrooms, Breakroom/Kitchen Use, Showers, Generic Janitorial Use, Landscaping Irrigation, and Humidity Control). In the case of rare emergency or unforeseen mechanical issue, water will be disposed of per IDEM regulations and not discharged into the public wastewater system.

Outdoor Operations

The project will include utility yards/outdoor operations, due to operational and infrastructure requirements associated with these data centers, including generators for emergency power of each building. Building 1 is expected to have approximately 6 generators. Building 2 is expected to have approximately 14 generators. Building 3 is expected to have approximately 36 generators. A spill prevention, control and countermeasure (“SPCC”) plan will be in effect which will be in compliance with IDEM. All exterior lighting will meet the zoning ordinance requirements.

The generators will be located in insulated enclosures and will have fuel storage tanks that support up to a 48-hour runtime at 100% load. The generators will only run during testing and power outages, and testing will not occur between 5:00 p.m. and 7:00 a.m., and not generally on weekends



PLAN OF OPERATION

nor holidays. The generators will operate strictly within the limits of the IDEM air permit. A sound study will be prepared by a qualified acoustical engineer demonstrating that noise levels at the Property line will not exceed 65 decibels, measured L_{max}, during regular and emergency operation. The method of measurement will be submitted to the Administrator, and annual sound testing will be conducted at least once per year to ensure noise levels do not exceed the maximum level.

The generator system will be designed with multiple layers of containment, monitoring, regulation, and inspection under federal, state, and fire code standards. The generators will be individual generators, each with its own separate belly tank for fuel storage. The generators' belly tanks will be located up off the ground and will be double-lined tanks with alarm sensors. The following protocols will be performed for the data center development:

Code of Governance	Requirement	Frequency
EPA – SPCC (40 CFR 112)	Visual inspection of Belly tanks for leaks, corrosion, structural damage	Monthly
	Inspection of secondary containment for cracks, fluid accumulation, drainage control	Monthly
	Formal tank integrity testing (per recognized standard such as STI SP001)	5 Years
NFPA 110	Inspection of generator fuel system as part of EPSS system inspection	Annually
NFPA 30	Inspection of tank shell, supports, vents, piping, and overfill protection	Annually
International Fire Code (IFC)	AST compliance inspection by Authority Having Jurisdiction (AHJ)	Annually
STI SP001 (Industry Standard)	External inspection of shop-fabricated aboveground tank	Annually
	Formal integrity evaluation of shop-fabricated aboveground tank	3-5 years
Practice Added above Code	Visual leak check of tank seams, fittings, and connections	Weekly
	Check for water accumulation in fuel and drain if necessary	Monthly
	Fuel quality testing (diesel degradation, microbial growth)	Annually
	Inspect vent caps, flame arrestors, and emergency vents for obstruction	Monthly
	Verify overfill alarm functionality	Semi-Annual
	Review and update SPCC Plan	5 Years
	Corrosion protection review (coating condition, underside inspection)	Annually

DC BLOX Proven Track Record

DC BLOX has established a proven track record of successfully developing and operating digital infrastructure, with a consistent focus on execution, reliability, and long-term performance. The company has delivered multiple data centers, fiber networks, and cable landing stations, demonstrating the ability to plan, construct, and operate complex, mission-critical facilities. Its projects are characterized by on-time delivery, coordinated utility integration, and scalable design to support enterprise, hyperscale, and network customers.

As a vertically integrated digital infrastructure provider, DC BLOX owns and operates edge-market data centers, boasts a regional network spanning the Southeast, and manages the critical cable landing stations in Myrtle Beach, SC and Palm Coast, FL. Our commitment extends further as we acquire land, secure power commitments, and collaborate with top-tier partners to meet the escalating demand for customized hyperscale-ready data center solutions with integrated dark fiber connectivity.

DC BLOX is known for its disciplined, relationship-driven approach, working closely with utilities, economic development organizations, and local governments to align projects with infrastructure availability and community objectives. Operationally, the company maintains high



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PLAN OF OPERATION

standards for security, resiliency, and uptime, supporting critical digital workloads with reliable, always-on operations. In addition, DC BLOX has a strong record of delivering projects that contribute to local economic development and enhanced connectivity, reinforcing its role as a trusted infrastructure partner. DC BLOX has edge node data centers and data center campuses across the US; with facilities completed or currently under construction in Nashville, Birmingham, Montgomery, Chattanooga, Huntsville, Atlanta, and Richmond.

Community Impact and Engagement

DC BLOX is committed to being a responsible, long-term community partner, with a focus on economic contribution, transparency, and proactive engagement. The proposed data centers will generate significant local tax revenue, while placing minimal demand on municipal resources due to low traffic, limited staffing, and no public access.

DC BLOX engages early and consistently with local stakeholders, including government officials, utilities, and community groups, to ensure open communication and address questions related to development and operations. The company also supports the communities it serves through local investment, charitable contributions, and employee volunteerism, reinforcing its role as an active community participant. Additionally, DC BLOX's infrastructure investments contribute to enhanced regional connectivity and economic development, helping attract businesses and support long-term growth. Overall, DC BLOX's approach emphasizes responsible development, community alignment, and ongoing transparency throughout the lifecycle of its projects.

DC BLOX will coordinate with The Parks Alliance of Indianapolis, for no less than five years, to contribute an annual gift for trail stewardship, benefiting the Pennsy Trail. Additionally, DC BLOX, in coordination with the local electric provider, will plant native wildflower seed mix and native grasses seed mix within the existing transmission line easement at the north end of the site near the Pennsy Trail.



EXHIBIT B – Trip Generation Memorandum – June 3, 2026



Technical Excellence
 Practical Experience
 Client Responsiveness

June 3, 2026

DC Blox

Subject: 305 Fintail Drive Data Center Campus; Indianapolis, Indiana
 Trip Generation Memo

To Whom It May Concern:

This letter presents the trip generation for three (3) proposed data centers on the proposed data center campus located at 305 Fintail Drive, in the Thunderbird Commerce Center in Indianapolis, Indiana and compare it to the previously proposed warehouse/distribution center on the property.

The first phase of the project proposes building an approximately 70,000 SF data center. The subsequent phases propose building approximately 142,000 SF and 195,000 SF data centers respectively, totaling approximately 407,000 SF of data center. Prior to DC Blox involvement with the property, a 280,000 SF warehouse/distribution center was proposed.

Site access will be provided from a new driveway provided along Fintail Drive (private roadway). Fintail Drive connects to English Avenue where an existing traffic control light is located. The improvements for the DC Blox campus do not propose modifications to the existing traffic control light on English Avenue.

Trip generation estimates were prepared using the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 12th Edition. Table 1 summarizes the peak hour and daily trip generation for the proposed 407,000 SF data center using the average rates for Land Use Code 160 and comparing this to a 280,000 SF building using the average rates for Land Use Code 150 – Warehousing, Land Use Code 140 – Manufacturing, and Land Use Code 110 - Light Industrial (all approved uses for the property zoning, I-3).

Table 1: Trip Generation Comparison

ITE Code	Land Use	Size (SF)	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Proposed Use									
160	Data Center	407,000	28	9	37	12	21	33	298
150	Warehouse	280,000	30	12	42	16	32	48	387
140	Manufacturing	280,000	164	44	208	71	148	219	1196
110	Light Industrial	280,000	156	52	208	81	121	202	1008

11235 SE 6th Street, Suite 150 Bellevue, WA 98004 T: 425.845.3825 F: 425.845.3826 www.langan.com

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305 Fintail Drive Data Center Campus
Trip Generation Memo

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Data Center – ITE LUC 160

AM Peak Hour	T = 0.09 x (1,000 SF)	75% entering, 25% exiting
PM Peak Hour	T = 0.08 x (1,000 SF)	35% entering, 65% exiting
Daily	T = 0.73 x (1,000 SF)	50% entering, 50% exiting

Warehouse – ITE LUC 150

AM Peak Hour	T = 0.15 x (1,000 SF)	70% entering, 30% exiting
PM Peak Hour	T = 0.17 x (1,000 SF)	34% entering, 66% exiting
Daily	T = 1.38 x (1,000 SF)	50% entering, 50% exiting

Manufacturing – ITE LUC 140

AM Peak Hour	T = 0.74 x (1,000 SF)	79% entering, 21% exiting
PM Peak Hour	T = 0.78 x (1,000 SF)	29% entering, 71% exiting
Daily	T = 4.27 x (1,000 SF)	50% entering, 50% exiting

General Light Industrial (General Urban/Suburban) – ITE LUC 110

AM Peak Hour	T = 0.74 x (1,000 SF)	75% entering, 25% exiting
PM Peak Hour	T = 0.72 x (1,000 SF)	40% entering, 60% exiting
Daily	T = 3.60 x (1,000 SF)	50% entering, 50% exiting

Per the ITE trip generations, the proposed 407,000 SF data center campus will have 23% reduction in daily trips compared to a typical 280,000 SF warehouse, 75% reduction compared to a typical manufacturing build, and a 70% reduction compared to a typical light industrial build.

DC Blox has estimated 35 weekly vendor deliveries, 45-50 weekly customer visits and 35 daily employees in the final condition; this is equivalent to 52 daily individuals visiting the campus or approximately 104 total daily trips. Using the AM and PM peak hour metrics relative to the total daily trips estimates from the client, this equates to approximately 13 peak AM trips (10 entering and 3 exiting) and 12 peak PM trips (4 entering and 8 exiting) in the final condition.

Comparing the information for the total daily trips anticipated by DC Blox to those of the ITE manual, DC Blox proposes a 65% reduction in total daily trips compared to the average data center campus of comparable size.

This trip generation memo is limited to the trips generated by the proposed development and does not analyze the capacity of the existing roadway network nor does it take into account existing traffic counts on the existing road network. This letter is not intended to be used as a traffic impact analysis.

Sincerely,

Spencer Humphrey
Associate Principal



EXHIBIT C – Environmental Summary

14 April 2026

Connor Henderson
Director of Land Acquisition
DC BLOX Parent, LLC
1040 Crowne Point Parkway
Atlanta, Georgia 30338

**Re: Environmental Summary
Project Thunderhead
305 Fintail Drive
Indianapolis, Indiana
Langan Project No.: 792018001**

Dear Mr. Henderson,

The DC Blox Indianapolis, LLC (“DCB”) property consists of approximately 32.5 acres of a 152+-acre former industrial manufacturing facility. The property was previously owned by Ford Motor Company and operated as a vehicle manufacturing facility between 1957 and 2012. Ford’s operations included coal storage, hazardous waste storage, wastewater treatment, and sludge solidification/burn pit. Ford’s historical operations resulted in environmental impacts including light nonaqueous phase liquids (LNAPL), volatile organic compounds (VOCs), semi volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) impacts at concentrations exceeding Indiana Department of Environmental Management (“IDEM”) and U.S. Environmental Protection Agency standards. An LNAPL plume was identified in groundwater beneath an outdoor waste storage area.

In January 2015, Ford enrolled the entire Ford property in IDEM’s Voluntary Remediation Program (“VRP”) and began active remediation activities in 2017. Impacted soil was either removed from the site or heat-treated via electrical resistance heating on-site by Ford. In 2018, areas identified as sources of dense nonaqueous phase liquids (DNAPL) or chlorinated VOCs were dewatered. On July 21, 2022, an Environmental Restrictive Covenant (“ERC”) was recorded by Ford pursuant to IDEM’s VRP. In February 2023, Ford successfully completed its remediation efforts. IDEM issued a Certificate of Completion, and the State of Indiana issued a Covenant Not to Sue Ford. Thus, Ford had successfully completed the environmental investigation and remediation required by IDEM; however, certain environmental contaminants remained on the property.

On August 17, 2022, Thunderbird CC Land Partners, LLC (“Thunderbird”) purchased 109+ acres from Ford. Thunderbird undertook a considerable amount of redevelopment work at this brownfield site. As a result, Thunderbird requested and received approval from the Indiana Brownfield Program to terminate the original ERC and replace it with a new ERC with use and development restrictions that were tailored to the updated condition of the property, including the property that is being sold to DCB.

On March 21, 2025, the updated ERC was recorded by Thunderbird. The updated ERC included the Comfort Letter that was issued on June 20, 2024 by the Indiana Brownfields Program to Thunderbird. The Comfort Letter provides a detailed description of Ford’s operational history of the property and the environmental investigation and remedial efforts undertaken by Ford and Thunderbird, which resulted in them being issued the Covenant Not To Sue and Comfort Letter, respectively. The ERC also included the Reasonable Steps Update Letter issued on January 29, 2025 by the Indiana Brownfields Program to Thunderbird.



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*Environmental Summary
Project Thunderhead
Indianapolis, Indiana
Langan Project No.: 792018001*

*14 April 2026
Page 2 of 2*

The updated ERC includes restrictions on the drilling or excavation of soil and the requirement that any such work complies with an IDEM-approved Soil Management Plan. The updated ERC also prohibits the use of groundwater from the subject property. The updated ERC requires vapor evaluation and potential vapor mitigation for new buildings, along with additional construction and operational restrictions that run with the land and bind subsequent owners and operators to protect workers and the community from potential exposure to residual impacts.

DCB has entered into a Real Estate Purchase Agreement with Thunderbird to purchase approximately 32.5 acres of the larger Ford property. DCB's proposed repurposing and redevelopment of this former industrial facility and brownfield site as a data center is fully consistent with the uses allowed by IDEM and the Indiana Brownfields Program. DCB is fully aware of and will abide by the updated ERC, which imposes certain construction and operational restrictions that run with the land to protect workers and the community from the residual impacts on the property. Before any commercial/industrial building is constructed by DCB, a vapor intrusion evaluation will be completed to determine whether a vapor barrier and/or other vapor mitigation steps would be required for the buildings to protect future indoor workers from potential vapor migration from the subsurface into the buildings.

DCB will also fulfill the requirement in the updated ERC that a minimum 2-foot clean soil and vegetative barrier be installed in areas not covered by buildings, parking lots or sidewalks. In the event that DCB is interested in using any of the stockpiled soil and debris that is currently located on the property, DCB will comply with the IDEM-approved Soil Management Plan and the related sampling requirements.

Sincerely,

Langan Engineering and Environmental Services, LLC

Joseph Good, PE, LEED AP
200 West Madison Street, Suite 2900
Chicago, Illinois 60606

Plews Shadley Racher & Braun LLP

Christopher J. Braun, Esq.
1346 North Delaware Street
Indianapolis, Indiana 46202-2415



Variance of Use – Findings of Fact – May 28, 2026

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
Please see attached.

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
Please see attached.

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

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
Please see attached.

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

DECISION

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

Adopted this _____ day of _____, 20 ____



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

The variance grant will allow the former Ford manufacturing plant to be developed as a data center campus. This variance grant will not be injurious but will be a benefit to the community by allowing for a data center campus designed in accordance with contemporary industry standards and subject to applicable regulatory oversight at this location which is already zoned I-3 for Medium Industrial Uses. As demonstrated through evidence in the record from the filed Trip Generation Memo from Langan Engineering, the proposed data center campus would generate fewer daily trips than either warehouse use or light industrial use of the property. Since data centers typically generate less traffic than many I-3 uses, the proposed use will generate materially fewer daily vehicle trips than what is already permitted in the I-3 zoning, such as distribution centers and manufacturing facilities. This reduction would significantly lower diesel commercial truck traffic demand. Additionally, the data center will be cooled using a closed-loop system, will potentially utilize the already-existing substation, and the petitioner will directly cover all incremental interconnection costs for any additional power. This ensures that the infrastructure costs necessary to serve the proposed use will be borne by the developer, and will not be passed on to the local ratepayers. This way, the proposed use will have adequate power by utilizing the existing substation without creating power disadvantages to the community.

Additionally, all applicable health and safety standards of the zoning ordinance, revised code of the consolidated city and county, state statute, and federal laws shall be complied with for this project. It is important to note that the proposed use will create less emissions than the permitted uses under the current I-3 zoning. Moreover, the proposed use will be safer for the public than many permitted uses under the current I-3 zoning because the data center will not create manufacturing waste.

All necessary approvals from relevant agencies, including the Department of Business and Neighborhood Services, and the Indiana Department of Environmental Management, shall be obtained. Further, the proposed use commitments will ensure that there will be no increase in detrimental conditions such as noise or traffic beyond what would be experienced or expected with the current I-3 zoning.

Concerns related to potential impacts of the proposed data center use, including noise, operation of diesel-fueled generators, and overall energy consumption have



been addressed. The review of a Variance of Use is limited to whether the proposed use, as conditioned and regulated, is incompatible with public health, safety, morals, or general welfare under the standards of the Consolidated Zoning and Subdivision Ordinance and State Statute. Indy Rezone anticipates industrial uses with operational impacts and addresses such impacts through applicable development standards, performance regulations, and the ability to impose enforceable commitments. In this case, the petitioner has suggested action that directly regulates operational characteristics of the data center campus, including use of a closed-loop cooling system and potentially utilizing an existing electrical substation. Additionally, environmental permitting and emissions standards fall under the jurisdiction of applicable state and federal agencies. Emergency generators will be enclosed in insulated structures and subject to IDEM air permitting requirements. A spill prevention, control, and countermeasure (SPCC) plan will be implemented in compliance with IDEM regulations. The petitioner has also committed to pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution infrastructure needed to service the data center. In addition, the Trip Generation Memo indicates the proposed use will generate materially fewer daily vehicle trips than the already existing I-3 zoning. Based on the proposed plans and applicable regulatory oversight, the requested Variance of Use does not create an unregulated or unchecked impact on public health, safety, morals, or general welfare beyond what is contemplated for industrial development within an I-3 zoning district.

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

The variance grant to allow the site to be developed as a data center campus per the site plan will not adversely affect adjacent properties. The site plan demonstrates transitional yard setbacks and mounding to assist in mitigating visual, noise, and operational impacts to adjacent properties.

Evidence in the record from the Report titled Analysis of Residential Property Value Impact from Integra Realty Resources demonstrates that the proposed facility will not substantially adversely affect the use or value of surrounding residential properties, as similarly situated neighborhoods near comparable Indiana data centers experienced appreciation rates consistent with their broader markets and no meaningful deterioration in sales performance metrics.



Additionally, the proposed use is consistent with the existing industrial development pattern and density across the nearby area. Residentially zoned properties near this area have existed adjacent to similar and more industrially intensive uses without adverse effects. The proposed use encourages compatible development because of its industrial character, which is a less intensive use than what is currently permitted under the I-3 medium industrial zoning. Further, the proposed use will include significant setbacks, mounding, and landscaping, adding a potentially more aesthetically pleasing view than a manufacturing facility or distribution center permitted under the current zoning would. Per the Trip Generation Memo filed and associated with the petition, there is anticipated to be no increase in traffic from other permitted industrial uses, but instead the proposed data center campus will generate far fewer trips than estimated for other permitted industrial uses of the property which is located within an industrial commerce center business park. The proposed use will not increase the intensity beyond what is already contemplated under the current zoning, and will not be a substantial deviation from neighborhood character beyond the current permitted uses.

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

The variance is needed for the property, which is uniquely suited for high-capacity electrical infrastructure due to an existing substation already located on the parcel, and available acreage for additional facilities due to the condition that a data center use is not explicitly identified or defined as a permitted use anywhere in the zoning ordinance. By the zoning ordinance not expressly defining or listing data centers as a permitted use in any district, it creates regulatory ambiguity for a use that shares operational characteristics with permitted light industrial and technology park uses. As local electric utility's power supply limits where data center uses can be located, this property is peculiarly situated in an ideal location with available transmission. This property has great connections to the existing electrical grid, as a substation already exists on the property, and also has surplus acreage available for a new substation to serve the data center campus energy consumption needs. Access to high-capacity electrical infrastructure makes the property uniquely suited for data center development compared to typical industrial parcels. It is an existing medium industrial-zoned property and ideally zoned for a non-intense warehouse of data equipment, and it has enough acreage size for appropriate buffers for the data center buildings. Additionally, the close proximity to major interstate highways also help to make this an ideal location for the project. These infrastructure characteristics are not commonly available across typical industrial parcels within the district and



therefore distinguish the subject property from other properties within the same zoning classification.

The subject property is a large, contiguous industrial tract with significant depth, existing utility easements, and proximity to high-capacity electrical transmission infrastructure, including an already existing substation. Its size and configuration allow for considerable transitional yards and buffering that would not be feasible on smaller industrial parcels. The site is currently zoned as I-3 medium industrial, which permits manufacturing and distribution centers. While the ordinance doesn't expressly provide "data center" as a permitted use, the operational characteristics of the proposed campus align closely with the I-3 medium industrial zoning district. Additionally, the property's proximity to existing substations and available transmission capacity makes it uniquely suited for high-capacity electrical infrastructure necessary to support a data center campus. The combination of site size, depth, infrastructure access, and prior industrial use constitutes conditions peculiar to the property that support the requested variance.

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

An unusual and necessary hardship results from strict application of the zoning ordinance because a data center use is not explicitly identified or defined as a permitted use anywhere in the zoning ordinance. Therefore, the hardship was not self-created, and the data center campus project cannot be developed as proposed even though (a) the property is zoned medium industrial, (b) the proposed data center campus is consistent with medium industrial uses approved within the current zoning, and (c) the filed site plan and commitments would provide significant assurances, safeguards, and protections to nearby properties and the general community at large. Currently, the property remains undeveloped and vacant. Thus, the unnecessary hardship arises from the absence of a defined data center use classification within the ordinance, not from any action taken by the current owner.

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

The comprehensive plan is not materially different from the project use. The comprehensive plan indicates that the area is intended for heavy industrial uses.



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Since the project already aligns with the nature of the current industrial designation in the comprehensive plan, the proposed use does not interfere with the comprehensive plan whatsoever, and certainly not substantially. This area is already an established industrial area, with surrounding properties that include a distribution center, a recycling center, a towing service, and several other warehouses. The addition of the proposed data center use fits seamlessly within the comprehensive plan and the surrounding areas and fully aligns within the nature of the area. Further, the proposed use would be a significantly less intensive use than what uses are already permitted. Data centers do not generate the same level of emissions as other industrial uses do. And, data centers don't create manufacturing waste, unlike many other uses which would be permitted in the comprehensive plan.

This project would not substantially interfere with the comprehensive plan, if at all. According to Merriam-Webster, "substantial" means "considerable in quantity; significantly great." *Substantial*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/substantial#dictionary-entry-1> (last visited Mar. 17, 2026). Accordingly, "[i]t is not every interference with the Comprehensive Plan which will preclude the granting of a zoning variance. The only burden upon a petitioner for a variance in this respect is that he show that it does not 'substantially interfere.'" *Suess v. Vogelgesang*, 281 N.E.2d 536, 539 (1972). Requests which interfere with the comprehensive plan to a greater degree than the current project have been found not to "substantially interfere" with the property. For example, operation of a convenience store in a residentially zoned parcel was held not to substantially interfere with the comprehensive plan. *Jansen*, 302 N.E.2d at 543-44. Similarly, the operation of a physician's office in a residential house did not substantially interfere with the comprehensive plan. *Vogelgesang*, 281 N.E.2d at 539. While these cases involve the operation of a business within a residential area, this project contemplates operation of an industrial use within an industrial zoning, which already conforms to the comprehensive plan. By comparison, the present project does not appear to interfere with the comprehensive plan at all.



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Current Planning

Variance of Development Standards – Findings of Fact - May 28, 2026

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:
Please see attached.

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:
Please see attached.

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

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

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

Generally, the variance grant will not be injurious to the community because it would allow for the development of this property in a way compatible with the surrounding development, which are almost all industrial properties located across Kitley Avenue and English Avenue. The variance grant would allow for the development of the vacant, unused property in a highly secure and well-maintained manner which would improve safety over the property's currently vacant and unused state. The on-site security of the facility would also benefit the neighbors.

The variance grant would not increase traffic in this community over and above other potential I-3 uses. Generally, traffic generated by proposed data center development would be significantly less than the former use of a manufacturing facility and other similar uses. This reduction in traffic would include substantially less demand for on-site parking.

The variance grant to allow Minimum Off-Street Vehicle Parking Spaces required at 250 spaces if developed as a data center campus will not be injurious but will be a benefit of the community by reducing the paved surface required at the campus. Additional parking over and above 250 spaces is not needed for this type of use and would necessitate an increase in the amount of impervious surface by paving additional ground, thus reducing the amount of green space, for no added benefit.

The required minimum number of parking spaces for the proposed data center use cannot be calculated using a listed land use category because data centers are not an expressly permitted or defined use within Indy Rezone. In such cases, the Administrator may assign a parking requirement based on the most similar land use pursuant to Sec. 744-105. The proposed data center use generates low on-site parking demand, particularly once operational. Data center employment levels are typically limited to maintenance, security, and technical staff, resulting in parking demand substantially below parking ratios used for other commercial or industrial classifications. Reducing unused parking areas avoids unnecessary impervious surface expansion, minimizes runoff impacts, and preserves areas available for additional buffering or landscape improvements, consistent with the purpose and intent of Indy Rezone.

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

Generally, the variance grant will not affect the use or value of adjacent properties in a substantially adverse manner. The variance grant would allow for the development of this property in a manner that fits aesthetically with the area, per the commitments, to develop the property in substantial conformance with the Data Center Site Plan. The surrounding area is largely industrial with a few residential properties. With the anticipated improvements, the value of this property is anticipated to increase, therefore and thereby benefiting neighboring properties in the community.

The variance grant would allow for the adequate amount of on-site parking needed for the proposed use. The variance grant to allow Minimum Off-Street Vehicle Parking Spaces Required at 250 spaces if developed as a data center campus will not adversely affect adjacent properties but will be a benefit to them by reducing the paved surface required at the technology park.

The variance grant would not increase traffic in the adjacent areas over and above other potential I-3 uses. Generally, traffic generated by data center uses would be much less than what would be experienced or expected with surrounding uses such as distribution facilities and manufacturing plants authorized under the current zoning. This reduction in traffic would include substantially less demand for on-site parking.

The required minimum number of parking spaces for the proposed data center use cannot be calculated using a listed land use category because data centers are not an expressly permitted or defined use within Indy Rezone. In such cases, the Administrator may assign a parking requirement based on the most similar land use pursuant to Sec. 744-105. The proposed data center use generates low on-site parking demand, particularly once operational. Data center employment levels are typically limited to maintenance, security, and technical staff, resulting in parking demand substantially below parking ratios used for other commercial or industrial classifications. Reducing unused parking areas avoids unnecessary impervious surface expansion, minimizes runoff impacts, and preserves areas available for additional buffering or landscape improvements, consistent with the purpose and intent of Indy Rezone.



3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

Generally, strictly applying the zoning ordinance causes significant economic injury because it would not allow for the proposed development of this property due to the operational and infrastructure requirements associated with the proposed data center use. The hardship and significant economic injury are not self-created, but are created by the property’s size, shape, and location and width of existing utility easements on the property.

The strict application will result in additional paving for parking spaces that will never be used. The data center campus will be fenced for security and only those individuals permitted to access the site at specific times will need parking. Therefore, the amount of parking will be highly regulated and utilized in the most efficient manner, and there will never be a need for more than the 250 parking spaces provided. Practical difficulties will ensue if additional parking spaces are mandated as additional spaces would be costly and would not be able to be located in the most efficient locations nearest the proposed data center buildings.

The required minimum number of parking spaces for the proposed data center use cannot be calculated using a listed land use category because data centers are not an expressly permitted or defined use within Indy Rezone. In such cases, the Administrator may assign a parking requirement based on the most similar land use pursuant to Sec. 744-105. The proposed data center use generates low on-site parking demand, particularly once operational. Data center employment levels are typically limited to maintenance, security, and technical staff, resulting in parking demand substantially below parking ratios used for other commercial or industrial classifications. Reducing unused parking areas avoids unnecessary impervious surface expansion, minimizes runoff impacts, and preserves areas available for additional buffering or landscape improvements, consistent with the purpose and intent of Indy Rezone. The strict application will result in smaller total gross floor area of enclosed buildings and/or smaller total square footage of utility yards and outdoor operational areas, which in turn would make the proposed development unfeasible, thus resulting in a practical difficulty in the use of the property.



View looking north along Fintail Drive



View of site looking west across Fintail Drive



View of site looking west across Fintail Drive



View of site looking west across Fintail Drive



View of site looking west across Fintail Drive



View of site looking northwest across Fintail Drive



View of site looking northwest across Fintail Drive



View looking north from Fintail Drive towards the Pennsy Trail



View looking northeast across Fintail Drive at adjacent land under development



View looking east across Fintail Drive at adjacent land under development



View looking east across Fintail Drive at adjacent land under development



View looking east across Fintail Drive at adjacent land under development



View looking east across Fintail Drive at adjacent land under development



Enter any photographs or site plans



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number: 2026-CPL-822 / 2026-CVR-822 (Amended)
Address: 3731 Wellington Avenue (*Approximate Address*)
Location: Warren Township, Council District #9
Petitioner: Word of God Christian Tabernacle Church, Inc, by Chris Hinkle
Zoning: D-5
Requests: Approval of a Subdivision Plat to be known as Bella Rosa Estates, dividing 2.773 acres into 13 single-family detached lots.
 Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine lots with less than 40-foot lot width (minimum 40-foot lot width required).
Waiver Requested: No
Current Land Use: Undeveloped
Staff Recommendations: Approval of the Subdivision Plat.
 Approval of the Variance request to provide for nine lots with less than 40-foot lot width.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

Amended Petition: This petition was amended to reduce the number of platted lots from 14 lots to 13 lots. The number of lots with reduced lot width is to be amended as well, with both subject to an updated plat to be submitted for Administrator's Approval. No new notice would be required as the request would be less intense than the original published notice.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, to be submitted for Administrator's Approval, which complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.



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3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, 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

LAND USE

The 2.773-acre site is zoned D-5 and is undeveloped. Previously a neighborhood swimming club occupied the site but has since been removed. The proposed plat would subdivide the property into thirteen (13) lots. Each lot would front on an extension of Wellington Avenue and would range in size from 0.12-acre to 0.305-acre. The proposed plat will meet the standards of the D-5 zoning classification.

The site is adjacent to commercial uses to the north zoned CS, and residential uses to the west, south and east, all zoned D-5.

STREETS

All lots will front on a to be constructed extension of Wellington Avenue.

SIDEWALKS

Sidewalks will be provided along the Wellington Avenue extension.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would provide for nine (9) lots with less than 40-foot lot width. An updated plat to be submitted for Administrator's Approval may reduce the number of lots needing this reduced width variance.



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Limitations on the placement of lots due to the cul-de-sac configuration, will require that most lots will be pie shaped, which results in a narrow lot width at the front of the lot. The lot width does become zoning compliant deeper into the lot.

The strict application of the terms of the zoning ordinance would constitute a hardship due to the origination of the street placement.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial Uses	
Surrounding Context	Zoning	Land Use
North:	C-S	Commercial
South:	D-5	Single-family residential
East:	D-5	Single-family residential
West:	D-5	Single-family residential
Thoroughfare Plan		
Wellington Avenue	Local Street	49-foot proposed and existing right-of-way.
Petition Submittal Date	April 3, 2026	

EXHIBITS

LOCATION MAP





FINDINGS OF FACT

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 proposed development of the fourteen single-family lots will not affect the surrounding properties. The homes will be constructed in accordance with the City of Indianapolis standards and will provide fresh life to an aging neighborhood. As the development is at the end of an existing cul-de-sac, the surrounding neighbors will need to go out of their way to view the proposed development.

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 property is located at the end of a cul-de-sac within a platted residential development that was constructed in the 1960's. The property has been a vacant lot for the past 35 years and has acted as an eyesore to the surrounding properties. The proposed development will increase the value of the surrounding single-family neighborhood by helping to revitalize the neighborhood and alleviate the vacant lot.

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

The overall size of the property is not large enough to allow for the strict application of the zoning ordinance. If the lot width requirements were followed, the proposed development of the site would not be financially feasible and therefore the vacant lot would remain.

PHOTOS



Wellington Avenue looking north at subject site



Subject site, looking north.



Subject site, looking northwest.



Subject site, looking northeast.



Adjacent dwellings to the southwest.



Adjacent dwellings to the southeast.