



# Metropolitan Development Commission (February 7, 2024) Meeting Notice

## Meeting Details

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

**Date:** Wednesday, February 07, 2024      **Time:** 1:00 PM

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

## Business:

**Adoption of Meeting Minutes: 1-17-2024**

## Policy Resolutions:

### REAL ESTATE:

**1. 2024-R-002**

Authorizes DMD to enter into an amendment to the services agreement with Downtown Indy Inc., for the provision of placemaking services for Georgia St. and Monument Circle for additional services in an amount not to exceed three hundred thousand dollars (\$300,000), with a contract total not-to-exceed amount of one million dollars (\$1,000,000).

**2. 2024-R-003 ICTI Placemaking Services**

Authorizes DMD to enter into an amendment to the services agreement with the Indianapolis Cultural Trail, Inc., for the provision of placemaking services for Lugar Plaza, Downtown Canal, and Georgia St., for additional services in an amount not to exceed two hundred thousand dollars (\$200,000), and a new contract total not-to-exceed amount of one million four hundred seventy-five dollars (\$1,475,000).

### ECONOMIC DEVELOPMENT / INCENTIVES:

**3. 2024-E-005**

Declaratory Resolution and Economic Development Area Plan for the Allison Pointe Economic Development Area and Allocation Area, Council District #3, Washington Township.

**4. 2024-E-006 (For Public Hearing)**

Confirmatory Resolution to expand the Brookville Road/Irvington Plaza Economic Development Area and Allocation Area therein, and adopting an amended Economic Development Plan in accordance therewith, Council Districts #14 & 20, Warren Township.

**5. 2024-E-008**

Metropolitan Development Commission authorizes extension of the maturity date of a loan to the Indianapolis Housing Agency.

**6. 2024-E-009**

Metropolitan Development Commission authorizes DMD to enter into a legal services contract with Taft Stettinius & Hollister for legal services related to the acquisition of John Marshall school and other matters.

**7. 2024-E-010**

Authorizes DMD to amend the contract with CMT for the infrastructure project located near 10<sup>th</sup> and Rural to modify services and increase the contract for a total contract amount not to exceed two million seven hundred thirty-eight thousand ninety-four dollars and twenty-five cents (\$2,738,094.25) and authorizes the City Controller to use excess TIF Revenue in the Near Eastside HOTIF in furtherance of the project.

**8. 2024-A-001**

Preliminary Economic Revitalization Area Resolution for E Solutions, LLC, Edwards Electrical & Mechanical, Inc. and Southern Avenue Partnership, LLC, located at 3233 North Post Road, Council District #15, Warren Township. (Recommend approval of five (5) years real property tax abatement.)

**9. 2024-A-002**

Preliminary Economic Revitalization Area Resolution for E Solutions, LLC and Edwards Electrical & Mechanical, Inc, located at 3233 North Post Road, Council District #15, Warren Township. (Recommend approval of five (5) years personal property tax abatement.)

**10. 2024-A-007**

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

**PLANNING:**

**11. 2024-P-002 (For Public Hearing)**

Amends a segment of the Comprehensive Plan of Marion County, Indiana. This amendment, the Chapel Hill Park Master Plan, proposes a master plan to update the park and add amenities according to the plan. The boundary of the Chapel Hill Master Plan includes Chapel Hill Park located at 900 N Girls School Rd, Indianapolis, IN 46214 in Wayne Township, and a half-mile radius surrounding the park.

**12. 2024-P-003**

Authorizes DMD to enter into an agreement for a backup Hearing Examiner and to compensate such Hearing Examiner for services in the year 2024 in an amount not to exceed five thousand dollars (\$5,000.00).

**Zoning Petitions:**

**Special Requests**

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

**13. 2023-MOD-021 | 10 South Mickley Avenue**

Wayne Township, Council District #15 (#16 Beginning 2024)

C-4

Zach Wilkinson

Modification of Commitments related to 90-Z-48 to terminate Commitment #2.C, which restricts the permitted uses of the subject site to C-1 uses, to provide for a gas station.

**14. 2023-ZON-120 | 9501 36th Place**

Warren Township, Council District #14 (#15 Beginning 2024)

Indianapolis Public Schools, by Russell McClure

Rezoning of 9.12 acres from the D-4 district to the SU-7 district to provide for a non-profit center providing education, mentoring and meals.

- 15. 2023-CZN-867 | 2233 Dr Martin Luther King Jr Street**  
Center Township, Council District #11 (#12 Beginning 2024)  
Days Property Group, LLC, by Sarah Walters

Rezoning of 0.17 acres from the C-1 (W-1) district to the D-8 (W-1) district to legally establish and provide for the expansion of an existing two-family dwelling with a new detached garage.

## Petitions for Public Hearing

### PETITIONS FOR PUBLIC HEARING:

- 16. REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:**

**2023-ZON-116 | 2002 North Tibbs Avenue**  
Wayne Township, Council District #11  
Hugo Rubin de Celis

Rezoning of 0.35 acres from the D-5 district to the C-3 district to provide for food sales from food trucks.

- 17. COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:**

**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Amended) | 3838 East 46th Street**  
Washington Township, Council District #9  
Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett

Rezoning of 4.22 acres from the SU-1 (FW) (FF) to the D-5 (FW) (FF) district to provide for residential uses.

Variance of Development Standards to provide for an access drive extending 34-feet into the Stream Protection Corridor of Devon Creek for a maximum length of 107 feet (100-foot Stream Protection Corridor Required) and a 68-foot front setback along 46th Street for property address 3860 East 46th Street (front building line range of 20 to 50 feet required).

Approval of a Subdivision Plat, to be known as Devon Creek, dividing 4.22-acres into ten single-family detached lots and one common area, including the vacation of an irregular portion of right-of-way at the northwest corner of the intersection of East 46th Street and Millersville Road containing 2,307.8 square feet, with a waiver of the sidewalk requirement along a 65-foot segment of Millersville Road.

## Additional Business:

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@indy.gov) before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVLEOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2024-R-002**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the City of Indianapolis, Indiana ("City") under Indiana Code Section 36-7-15.1 (the "Redevelopment Act"); and

WHEREAS, in that capacity, the Commission serves as the governing body of the City of Indianapolis Redevelopment District ("District") and the City's Department of Metropolitan Development ("DMD"); and

WHEREAS, in Resolution No. 2020-R-011 DMD entered into a joint services agreement among DMD, the Department of Public Works ("DPW"), and Downtown Indy Inc., for the provision of placemaking services relative to the City-owned portion of Monument Circle; and

WHEREAS, by Resolution No. 2023-R-006 the MDC authorized an extension of the agreement through December 31, 2023, and additional compensation; and

WHEREAS, the parties now wish to amend the scope to include services for Georgia St. as well as Monument Circle, to extend the term of the agreement through December 31, 2024, and to add an additional compensation not to exceed three hundred thousand dollars (\$300,000), for a total not-to-exceed amount of one million dollars (\$1,000,000).

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

1. The Commission authorizes DMD to enter into an amendment to the joint services agreement with Downtown Indy Inc., for the provision of placemaking services for the City-owned properties as described above and to provide for additional compensation in an amount not to exceed three hundred thousand dollars (\$300,000), with a new contract total not-to-exceed amount of one million dollars (\$1,000,000).
2. The Director of the DMD is hereby authorized and directed to take such further actions and executed such documents as deemed necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission:

Sheila Kinney *sek*

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Sheila Kinney, Asst. Corp. Counsel

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John J. Dillon III, President

Date: 1/31/2024

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

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2024-R-003**

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

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (“District”) and the City’s Department of Metropolitan Development (“DMD”); and

WHEREAS, in 2020, DMD entered into a joint services agreement (#17612) among DMD, DPW, IMCBA, and the Indianapolis Cultural Trail, Inc., (“ICTI”) for the provision of placemaking services relative to the Lugar Plaza, Georgia Street, and City-owned portions of the Downtown Canal; and

WHEREAS, MDC Resolution Nos. 2021-R-021, 2022-R-022, 2023-R-005, and 2023-R-015 amended the compensation, scope and term of the agreement, currently through December 31, 2023; and

WHEREAS, DMD wishes to further amend the agreement to update the scope of services, to add \$200,000 for a new not-to-exceed amount of \$1,475,000, and to extend the term of the agreement through December 31, 2024.

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

1. The Commission authorizes DMD to enter into an amendment to the above-referenced joint services agreement with the Indianapolis Cultural Trail, Inc., to provide for additional services in an amount not to exceed 200,000 with a new contract total not to exceed \$1,475,000.
2. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission:

Sheila Kinney *sek*  
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Sheila Kinney, Asst. Corp. Counsel

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

Date: 1/31/2024

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

**RESOLUTION NO. 2024-E-005  
DECLARATORY RESOLUTION OF THE  
METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA,  
CREATING THE ALLISON POINTE ALLOCATION AREA**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (“Commission”), organized and acting pursuant to the provisions of Indiana Code 36-7-15.1, as amended (the “Act”), has investigated, studied and surveyed economic development within the consolidated city boundaries of the City of Indianapolis and County of Marion, Indiana (“City”); and

WHEREAS, the Commission has identified an area in need of economic development, to be known as the Allison Pointe Economic Development Area (the “Economic Development Area”), in accordance with its powers and duties under the Act, a map and list of parcels of which area are attached hereto as Exhibit A, and has prepared a plan for development of the Economic Development Area (the “Economic Development Plan”) and additional findings, which Economic Development Plan and additional findings are attached hereto as Exhibit B; and

WHEREAS, the Commission now desires to adopt this Declaratory Resolution and to designate certain parcels of property within the Economic Development Area, as identified in Exhibit C, as an allocation area to be known as the “Allison Pointe Allocation Area” (the “Allocation Area”) pursuant to Section 39 of the Act; and

WHEREAS, the Commission has caused to be prepared:

- (1) A map and plat showing: the boundaries of the Economic Development Area and Allocation Area in which property would be acquired for, or otherwise affected by, the establishment of an Allocation Area; the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the Allocation Area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the Allocation Area; the parts of the Allocation Area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks playgrounds, and other public purposes under the Economic Development Plan; and
- (2) List of the various parcels of property that may be affected, including the parcels of the project not in the Economic Development Area and Allocation Area, other than by acquisition, by the establishment of the Economic Development Plan; and
- (3) An estimate of the cost of acquisition, redevelopment and economic development.

WHEREAS, the Economic Development Plan, additional findings and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 26 of the Act permits the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section.

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

Section 1. The foregoing recitals are hereby incorporated by reference.

Section 2. It will be of public utility and benefit to adopt this Declaratory Resolution to establish the Allocation Area in the Economic Development Area in the manner provided for in the Resolution and to develop the Economic Development Area pursuant to the Act.

Section 3. The Economic Development Plan conforms to other development and redevelopment plans of the City of Indianapolis.

Section 4. This Declaratory Resolution is reasonable and appropriate when considered in relation to the Economic Development Plan, as well as the purposes of the Act.

Section 5. The Commission created the Economic Development Plan and finds that the Economic Development Plan for the Economic Development Area:

- (A) Assists in the promotion of significant opportunities for the gainful employment of the citizens of the City;
- (B) Assists in the attraction of major new business enterprises to the City;
- (C) Benefits the public health, safety, morals and welfare of the citizens of the City;
- (D) Increases the economic well-being of the City and the State of Indiana; or
- (E) Serves to protect and increase property values in the City and the State of Indiana.

Section 6. The Commission finds that the Economic Development Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under the Act because of:

- (A) The lack of local public improvement necessary to achieve the level of quality of development described in the Economic Development Plan;
- (B) Existence of improvements or conditions that lower the value of the land below that of nearby land;

- (C) Multiple ownership of land; or
- (D) Other similar conditions, specifically, challenges resulting from existing private party easements and other land conditions.

Section 7. The Commission finds that the accomplishment of the Economic Development Plan will be of public utility and benefit as measured by:

- (A) The attraction of construction and retention of permanent jobs;
- (B) An increase in the property tax base;
- (C) Improved diversity of the economic base; or
- (D) Other similar benefits, specifically, accomplishment of the Economic Development Plan will serve as a basis for making future public improvements.

Section 8. The Economic Development Plan for the Economic Development Area and Allocation Area conforms to the comprehensive plan of development for the consolidated city.

Section 9. The current estimated cost to the Commission of implementing the Economic Development Plan for the Allison Pointe Project is approximately \$79,457,862 (as described in Exhibit B).

Section 10. The Commission finds that the current net assessed value for the Allocation Area is \$1,192,800 and the estimated annual tax increment revenue applicable to such property is \$1,191,793 based on projected plans at this time.

Section 11. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Economic Development Plan and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

Section 12. In support of the findings and determinations set forth above, the Commission hereby adopts the specific findings set forth in the Economic Development Plan and the additional findings attached hereto as Exhibit B.

Section 13. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Economic Development Area. If at any time the Commission proposed to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.



Section 14. The parcels described in Exhibit C are hereby designated as an “allocation area” pursuant to Section 26 of the Act to be known as the “Allison Pointe Allocation Area” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by Section 26 of the Act. Any taxes imposed under IC 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed in accordance with Section 26 of the Act as follows:

Except as otherwise provided in Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 26, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Allocation Area hereby designated as the “Allison Pointe Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of this Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

Section 15. The base assessment date of the Allocation Area shall be January 1, 2024.

Section 16. The provisions of this resolution shall be subject in all respects to the Act and any amendments hereto and the allocation provision herein relating to the Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived in the Allocation Area. The Commission shall notify the Indiana Department of Local Government Finance of the designation of the Allocation Area as an allocation area.

Section 17. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area may be exercised by the Commission in the Economic Development Area, subject to the limitations in IC 36-7-15.1-30.

Section 18. The Commission shall cause to be prepared a statement disclosing the impact of the Allocation Area, including the following:

- (A) The estimated economic benefit and costs incurred by the Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Allocation Area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required

under Section 10 of the Act at least ten (10) days before the date of the public hearing described in this resolution.

Section 19. The Commission hereby finds that the adoption of the foregoing allocation provisions will result in new property taxes that would not have been generated but for the adoption of the allocation provisions. Specifically, the capture of new property taxes in the Allocation Area as tax increment will assist the Commission in its capacity to fund or bond for future projects, including, without limitation, public infrastructure improvements to support the development of the Allocation Area, and the surrounding Economic Development Area, which will generate new property taxes.

Section 20. The Declaratory Resolution is hereby in all respects approved, and shall be effective as of the date of its adoption.

Section 21. This resolution shall be submitted to the City-County Council for its approval of the establishment of the Allocation Area as provided in the Act.

Section 22. The Commission hereby directs the presiding officer of the Commission, after receipt of approval by the City-County Council, to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the office of the Commission, board of zoning appeals, works board, park board, and any other departments, bodies or officers of the City having to do with planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project.

Section 23. The Commission further directs the presiding officer to submit this resolution to the City-County Council for its approval of the establishment of the Allocation Area.

Section 24. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 25. This resolution shall be effective as of its date of adoption.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on February 7, 2024, 1:00 p.m. at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

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

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John J. Dillon III, President

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

/s/ Scott A. Krapf

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Scott A. Krapf  
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46244-0961.

**EXHIBIT A**

**ALLISON POINTE ECONOMIC DEVELOPMENT AREA MAP AND PARCELS**

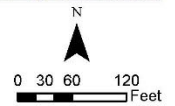
Address: 5110 E. 82nd St., Indianapolis, Indiana  
Local Parcel #: 8056920  
State Parcel #: 49-02-21-125-022.000-800



Allison Pointe Allocation Area

**Legend**

--- Allison Pointe Allocation Area



## **EXHIBIT B**

### **METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA ECONOMIC DEVELOPMENT PLAN FOR THE ALLISON POINTE ECONOMIC DEVELOPMENT AREA**

#### **Purpose and Introduction.**

The Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”) proposes to designate and declare an economic development area within the City of Indianapolis, Indiana (the “City”) to be known as the Allison Pointe Economic Development Area (the “Area”). This document is the plan for the Area (the “Plan”), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-15.1, as amended from time to time (the “Act”), and in this Plan.

Pursuant to the Act, the Plan must be approved by the Commission and the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”). Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 10 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

The Commission also proposes that pursuant to the provisions of Section 26 of the Act, the Area shall constitute a tax increment financing “allocation area” for purposes of the Act. Such allocation area shall be designated as the “Allison Pointe Allocation Area” (hereinafter referred to as the “Allocation Area”) for purposes of distribution and allocation of taxes on real property in the Allocation Area.

#### **Project Objectives**

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the City, increase the economic well-being of the City and the State of Indiana, and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the City, attract major new business enterprises to the City, retain and expand existing significant business enterprises in the City, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base.

#### **Description of the Area**

The Area consists of and is located at 5110 E. 82<sup>nd</sup> St., Indianapolis, Indiana 46250. A map of the Area with a list of parcels within the Area are attached to this Plan as Exhibit A.

#### **Project Description**

The project consists of the acquisition, construction and equipping of approximately 313 multifamily units and a parking garage that has approximately 324 parking spaces, with the gross building square footage totaling approximately 383,452 sq. ft. and the net residential square footage totaling approximately 273,877 sq. ft. (collectively, the “Project”). The total cost for the Project is estimated to be not less than \$79,457,862.

### **Acquisition List**

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire interests in real property in the future, it shall follow procedures set forth in Section 12 of the Act. The Commission may not exercise the power of eminent domain in an economic development area.

### **Estimate of the Cost of Acquisition and Economic Development**

Because the Commission does not intend to acquire property for the Project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the Project. The estimated cost of the Project is \$79,457,862, with the Commission providing a currently estimated amount of not to exceed \$12,000,000 via bond proceeds to fund the development of the Project.

### **Disposal of Property**

The Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 15 of the Act.

### **Statutory Findings**

The Plan for the Area meets the following required findings under Section 29(b) of the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts a major new business enterprise to the City, retains or expands a significant business enterprise existing in the City, or meets other purposes of Sections 28 and 30 of the Act.

Implementing the Plan and constructing the Project will attract companies outside the City and retain growth of companies in the City, which will provide housing and recreational space, which in turn creates commercial development. Additionally, the investment creates economic development, job growth and will increase the property tax base of the City, as well as sales, individual income taxes and corporate taxes generated from the residents of the Project.

Implementing the Plan and constructing the Project may also address the Castleton Strategic Revitalization Plan’s goals of improving pedestrian

access to the Area by installing certain infrastructure such as sidewalks to be agreed to by the City and J.C. Hart Company Inc. (the “Developer”).

Based on the most recent Project information provided by the Developer, the currently estimated future Assessed Value of the Project is \$63,737,700. The estimated annual gross tax revenue, including taxes paid on referendum rates, calculated based on the future Assessed Value and including the estimated Base Assessed Value is approximately \$1,635,446 as calculated by Crowe LLP, as municipal advisers to the City. The currently estimated annual tax increment revenues, calculated based on the future incremental Assessed Value (which excludes the Base Assessed Value) and estimated net property tax rates (net of referendum tax rates) is approximately \$1,191,793 as calculated by Crowe LLP, as municipal advisers to the City.

The number of estimated permanent jobs is 6 and the number of estimated construction related jobs is 225.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 28 and 30 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

The use of tax increment financing from the Allocation Area is necessary to construct the Project. The Project could not occur without the availability of tax increment revenues.

3. The public health and welfare of the citizens of the City will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan and constructing the Project will provide housing and recreational space, which in turn creates commercial development, and will increase the tax base of the City. But for such development, the Area would continue to have a more limited beneficial use and depressed assessed value and therefore provide less opportunity to create economic development and job growth. Implementing the Plan and constructing the Project may also address the Castleton Strategic Revitalization Plan’s goals of improving pedestrian safety and access to the Area by installing certain infrastructure such as sidewalks to be agreed to by the City and the Developer.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

As noted above, the Project will provide housing and recreational space in the City, which in turn creates commercial development and will increase the tax base of the City. The Plan will improve the diversity of the economic base of the City and spur development in the Area.

5. The Plan for the Area conforms to the comprehensive plan of development for the consolidated city.

The Plan conforms to the goals of the other development and redevelopment plans for the City in that it is designed to enhance the economic well-being of the City and its citizens.

### **Financing of the Project**

It will be necessary to issue bonds to provide funds for financing costs and the construction of the Project in the Area. The Commission intends to pledge incremental ad valorem property taxes allocated under Indiana Code 36-7-15.1-26 to support the issuance of bonds, which may be issued by the City upon recommendation by the Indianapolis Economic Development Commission (the “EDC”) pursuant to Indiana Code 36-7-11.9 and Indiana Code 36-7-12. The bond issue will be purchased or guaranteed by the Developer (or an affiliate thereof) who will receive payments over the term of the bond derived from the pledge of incremental ad valorem property taxes of the allocation area, but which amount shall be the lesser of 80% of such incremental property taxes or the amortization amount of the bonds. Any excess of the pledge to the payment of the bonds, and the 20% excess, may, in the City’s sole discretion, be captured and used in the Allison Pointe Allocation Area, or held in a reserve fund that the City can use as needed to address any shortfall in debt on the Allison Pointe Allocation Area. The benefit of utilizing this bond structure is that the City is largely removed from the financial risk associated with this development.

The amount of these bonds may not exceed the total, as estimated by the Developer, of all expenses reasonably incurred in connection with the Project, including:

- (1) The total cost of all land, rights-of-way, and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Project or the issuance of bonds;
- (3) Interest on the bonds and a debt service reserve for the bonds to the extent that the Commission determines that a reserve is reasonably required; and
- (4) Expenses that the Commission is required or permitted to pay under Indiana Code 36-7-15.1.

In the issuance of bonds, the Commission will comply with Indiana Code 36-7-15.1.



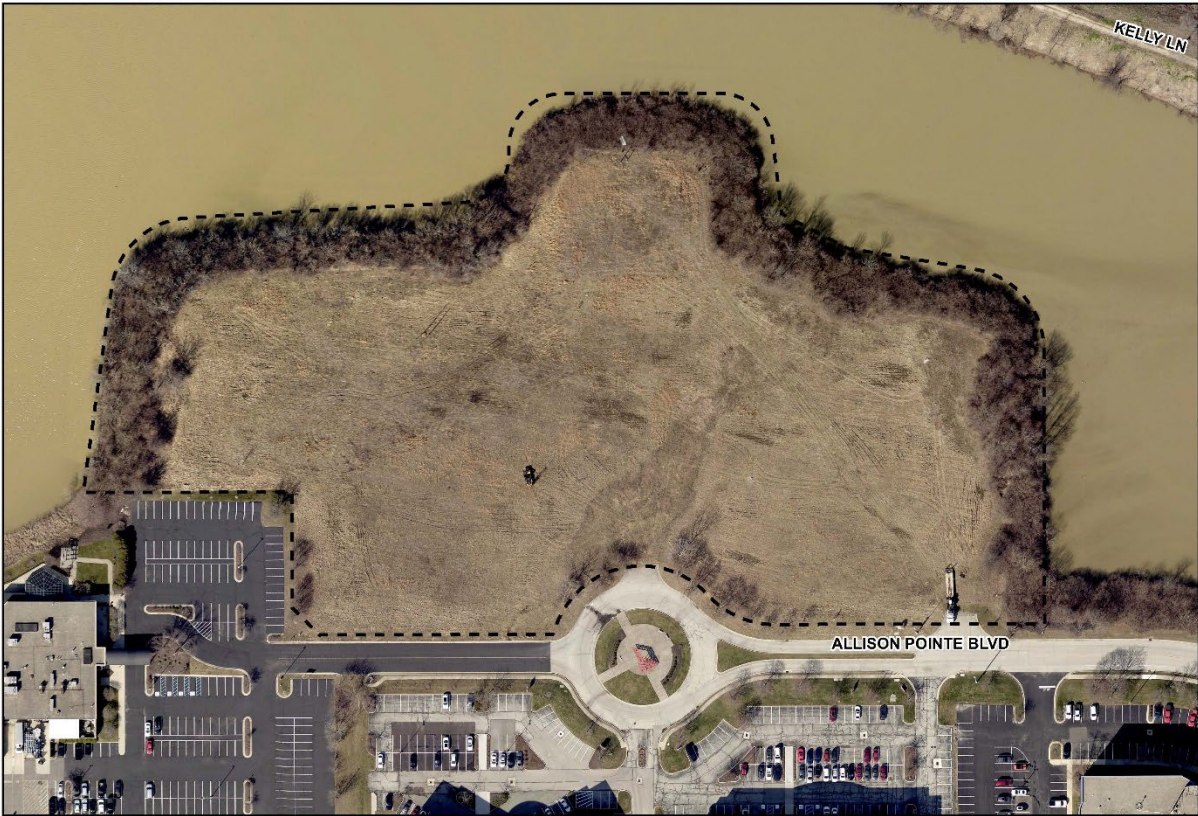
**Amendment of the Plan**

This Plan may be amended by following the procedures described in Indiana Code 36-7-15.1-8 of the Act.

**EXHIBIT A  
TO ECONOMIC DEVELOPMENT PLAN**

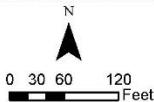
**ALLISON POINTE ECONOMIC DEVELOPMENT AREA MAP AND PARCELS**

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



Allison Pointe Allocation Area

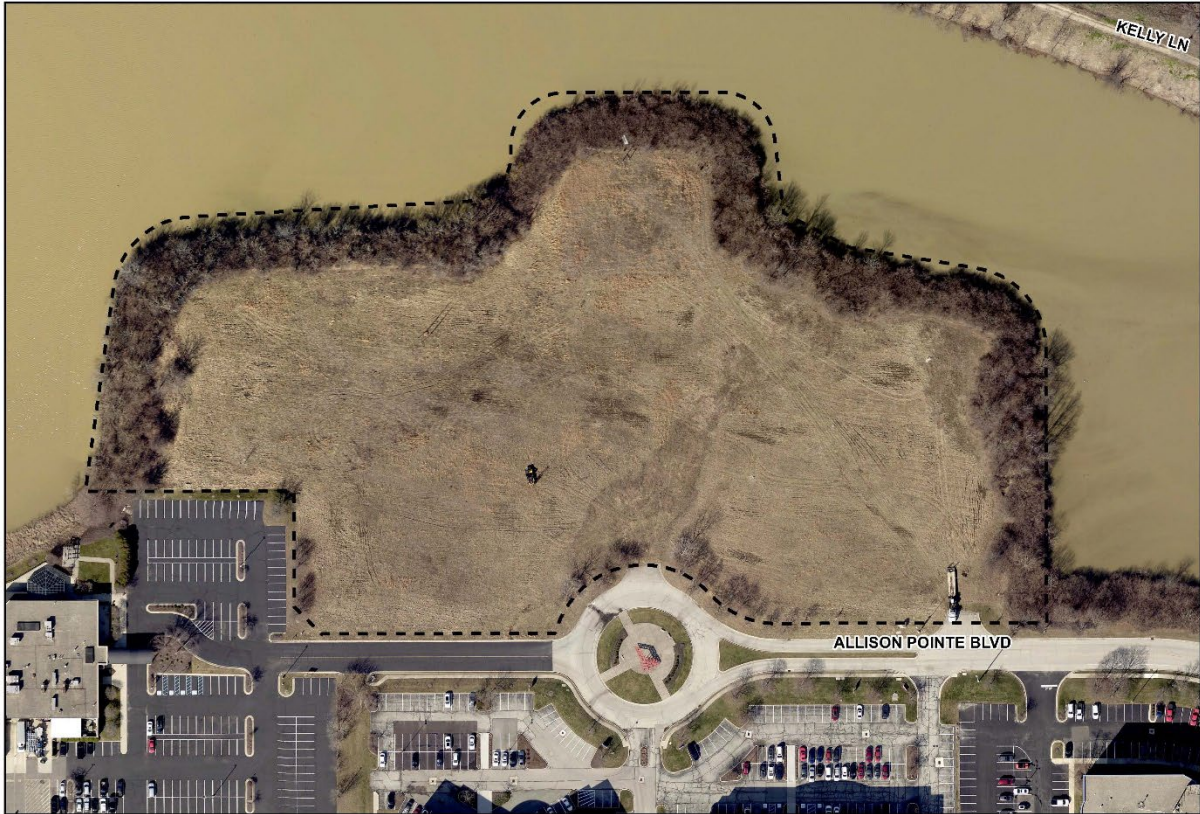
**Legend**  
[Dashed Line] Allison Pointe Allocation Area



**EXHIBIT C**

**ALLISON POINTE ALLOCATION AREA MAP AND PARCELS**

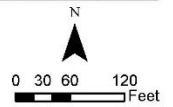
Address: 5110 E. 82nd St., Indianapolis, Indiana  
Local Parcel #: 8056920  
State Parcel #: 49-02-21-125-022.000-800



Allison Pointe Allocation Area

**Legend**

 Allison Pointe Allocation Area



LR02314.0776572 4863-4734-5562v5

**RESOLUTION NO. 2024-E-006****CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA, RELATED TO THE  
IRVINGTON ECONOMIC DEVELOPMENT AREA**

WHEREAS, on March 6, 2019, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”) adopted its Resolution No. 2019-E-005 (the “Original Declaratory Resolution”) which declared an area of the City an economic development area known as the “Brookville Road/Irvington Plaza Economic Development Area” (the “Original Area”), and approved a development plan for the Original Area (the “Original Plan”) pursuant to Indiana Code 36-7-15.1 *et seq.*, and all acts supplemental and amendatory thereto (collectively, the “Act”);

WHEREAS, on December 7, 2022, the Commission adopted its Resolution No. 2022-E-053 (the “First Amended Declaratory Resolution” and collectively with the Original Declaratory Resolution, the “Current Declaratory Resolution”) which included an enlarged area (the “First Enlarged Area” and collectively with the Original Area, the “Current Area”) in the Original Area, created the Irvington-Brookville Road Allocation Area (the “Current Allocation Area”) and approved a First Amendment to the Original Plan (the “First Plan Amendment” and collectively with the Original Plan, the “Current Plan”);

WHEREAS, on December 20, 2023, the Commission adopted an amending Declaratory Resolution No. 2023-E-048 (the “Second Amended Declaratory Resolution”), initially approving a Second Amendment to the Current Plan (“Second Plan Amendment”) for the Current Area pursuant to the Act;

WHEREAS, the Second Amended Declaratory Resolution enlarges the Current Area to include certain additional parcels more particularly described therein (the “Enlarged Area”, together with the Current Area, the “Area”) and expands the Current Allocation Area and designates an additional portion thereof as the Enlarged Irvington-Brookville Road Allocation Area (the “Enlarged Allocation Area” an together with the Current Allocation Area, the “Allocation Area”), as more particularly described in the Second Amended Declaratory Resolution and the Current Plan, as amended by the Second Plan Amendment;

WHEREAS, the Second Plan Amendment contained specific recommendations for certain projects as further described in the Second Amended Declaratory Resolution (collectively, the “Project”);

WHEREAS, on February 5, 2024, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) approved the Second Amended Declaratory Resolution pursuant to the Act;

WHEREAS, the Commission published notice on January 26, 2024, of the adoption and substance of the Second Amended Declaratory Resolution in accordance with the Act and Indiana Code 5-3-1 which public notice also gave notice of a public hearing that was held on February 7,

2024, on the adoption of the Second Amended Declaratory Resolution by the Commission at which public hearing the opportunity to have remonstrances and objections heard by the Commission was provided;

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

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

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

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

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

WHEREAS, after being fully advised in the matter,

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

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the Project, with the enlargement of the Area and Allocation Area, and the establishment and creation of the Enlarged Allocation Area, and with the inclusion of certain right of ways, parcels and property as part of the Area and Allocation Area, as described in the Second Amended Declaratory Resolution.

2. The Commission hereby finds that the Area and Allocation Area are necessary and that the adoption of the allocation provision in the Second Amended Declaratory Resolution will result in new property taxes in the Area that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony and other information provided to the Commission as part of its determination to establish the Area and Allocation Area pursuant to the Second Amended Declaratory Resolution and the Act.

3. The Second Amended Declaratory Resolution and Second Plan Amendment approved by the Commission on December 20, 2023, are hereby confirmed as described in the Act and are incorporated herein and shall be kept on file with the Secretary of the Commission and the Clerk of the City.

4. The Secretary of the Commission is hereby directed to record the final action taken by the Commission, notify the Indiana Department of Local Government Finance of the designation of the Area and Allocation Area within the Area, and to file this Confirmatory Resolution with the Marion County Auditor.

5. This Confirmatory Resolution shall be effective upon passage.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on February 7, 2024, 1:00 p.m. at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

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

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John J. Dillon III, President

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

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

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46244-0961.

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2024-E-008**

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

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

WHEREAS, under the Redevelopment Act, the MDC is empowered to promote the use of land in the manner that best serves the interests of the City and its inhabitants, both from the standpoint of human needs and economic values and to cooperate with departments and agencies of the City and other governmental entities in a manner that best serves the purposes of the Redevelopment Act, for the benefit of the public health, safety, and welfare, and to protect and increase property values in the county and the state; and

WHEREAS, the Indianapolis Housing Agency (“IHA”) performs the public housing function in Marion County pursuant to Indiana Code 36-7-18 *et seq.* and the Revised Code of the Consolidated City and County section 285-400 *et seq.*; and

WHEREAS, pursuant to Indiana Code 36-7-19 *et seq.*, the MDC is authorized to provide aid to housing authorities operating within Marion County, including the provision of financial assistance of any nature; and

WHEREAS, under prior MDC resolutions **2020-E-028** and **2022-E-029**, the MDC authorized and extended Interlocal Cooperation Agreement #18015 providing financial support in the form of a \$1,500,000 loan to IHA (“Agreement”); and

WHEREAS, the MDC and the IHA now wish to extend the maturity date of the loan to December 31, 2025.

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

1. The Director of the Department of Metropolitan Development (“DMD”) is hereby authorized to enter into a second amendment to the above referenced Agreement with the IHA to extend the maturity date of the loan and term of the Agreement through December 31, 2025.
2. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as such director deems necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the MDC.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney  
Sheila Kinney, Asst. Corp Counsel  
Date: 1/24/2024

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



**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2024-E-009**

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

**WHEREAS**, DMD is in need of legal services, including but not necessarily limited to, the acquisition of the former John Marshall school and related matters and has identified **Taft Stettinius & Hollister, LLP** as a law firm with the requisite skills and expertise to perform such services; and

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

1. The MDC hereby authorizes DMD to enter into an agreement for legal services with Taft Stettinius & Hollister, LLP for an initial term through December 31, 2024, in an amount not to exceed \$40,000.
2. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney *sek*

\_\_\_\_\_  
Sheila Kinney, Asst. Corp Counsel

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

Date: 1/31/2024

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

Infrastructure Improvements  
10<sup>th</sup> and Rural

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
Resolution No. 2024-E-010  
APPROPRIATING EXPENDITURE OF TAX  
INCREMENT FINANCE REVENUE FUNDS**

WHEREAS, by authority of and pursuant to I.C. 36-7-15.1 ( "Redevelopment Act" ), the Department of Metropolitan Development ("DMD") engages in redevelopment activities and the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the Consolidated City Indianapolis, Indiana ("City"); and

WHEREAS, in that capacity, the MDC serves as the governing body of the City Redevelopment District ("District"); and

WHEREAS, pursuant to I.C. 36-7-15.1-6, the MDC is charged with the responsibility to promote the use of land in the manner that best serves the interest of the City and its inhabitants, both from the standpoint of human needs and economic values and to cooperate with other departments of the City, including the Department of Public Works ("DPW"); and

WHEREAS, DMD, in cooperation with DPW, is engaging in redevelopment activities within the District, including streetscape and infrastructure improvements near the intersection of 10<sup>th</sup> and Rural St. ("Improvements"); and

WHEREAS, the MDC previously established the Near East Side HOTIF **Allocation Area** ("Area,") has designated the Area as an allocation area for the purpose of capturing TIF Revenues, and has created an allocation fund ("Near Eastside HOTIF **Allocation Fund**") for the Area into which the TIF Revenues are deposited and has approved a "Near Eastside Redevelopment Area Plan ("**Plan**")"; and

WHEREAS, the MDC has the power to use TIF Revenues to reimburse the City for local public improvements within the Area; and

WHEREAS, the MDC previously approved the issuance of Bonds in resolution 2023-BB-009 in a not to exceed amount of Nineteen Million Dollars (\$19,000,000), for the completion of streetscape and pedestrian improvements at the intersection of 10<sup>th</sup> and Rural, (the "Project"); and

WHEREAS, by prior MDC resolutions **2019-R-007** and **2022-E-009**, MDC authorized DMD to contract and pay for services ("Services") related to such Improvements and to utilize remaining infrastructure bond proceeds for use specifically in the Area; and

WHEREAS, **DMD** entered in to **contract #16591** for Services ("Contract") with Crawford, Murphy & Tilly, Inc., ("**CMT**"), which Contract has been previously amended both as allowed by the change order process specified in the Contract and by formal amendment as authorized by resolution **2020-R-040**.

WHEREAS, DMD now requests approval to increase the total not to exceed on the Contract by a total of Eight Hundred Seventy-Three Thousand Forty Dollars (\$873,040) for a total not to exceed of Two Million Seven Hundred Thirty-Eight Thousand Ninety-Four Dollars and 52/100 (\$2,738,094.52); and

WHEREAS, to continue work on the Improvements in conjunction with DPW on the Project, DMD requests the use of excess TIF Revenues available in the Area and Bond funds in furtherance of the Project at the discretion of the City Controller, acting as Treasure of the MDC; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Metropolitan Development Commission authorizes DMD to increase the total note to exceed on contract #16591 with CMT by of Eight Hundred Seventy-Three Thousand Forty Dollars (\$873,040) for a total not to exceed of Two Million Seven Hundred Thirty-Eight Thousand Ninety-Four Dollars and 52/100 (\$2,738,094.52).
2. The City Controller is authorized to disburse excess TIF Revenues in the Near East Side HOTIF Allocation Area Fund totaling Eight Hundred Seventy-Three Thousand Fort Dollars (\$873,040) to afford the additional design costs needed for contract #16951 with CMT.
3. The MDC authorizes DMD and DPW to utilize Bond funds and excess TIF Revenues on hand in the Near East Side HOTIF Allocation Area Fund in furtherance of the Project in a total not to exceed of Nineteen Million Dollars (\$19,000,000) for local public improvements.
4. The City Controller is authorized to disburse excess TIF Revenues in the Near East Side HOTIF Allocation Area Fund as deemed necessary in the completion of the Project. The City Controller must ensure that sufficient balances remain to maintain all existing pledged obligations of the Area.
5. The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate, to best accomplish the objectives set forth herein; and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed, and approved for actions taken in accordance with this Resolution.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney *sek*  
 \_\_\_\_\_  
 Sheila Kinney, Asst. Corp Counsel  
 Date: 1/31/2024

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

Approved as to the availability of funding:

*Sarah Riordan*  
 \_\_\_\_\_  
 Sarah Riordan, City Controller

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

**PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2024-A-001**

**REAL PROPERTY TAX ABATEMENT**

**E Solutions, LLC, Edwards Electrical & Mechanical, Inc.  
and Southern Avenue Partnership, LLC  
3233 North Post Road**

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

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

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

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

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

**WHEREAS,** during a hearing at 1:00 p.m. on Wednesday, February 7, 2024, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of five (5) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
  - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
  - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area designation terminates three (3) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the three (3) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of less than five (5) years.
4. This Economic Revitalization Area (ERA) designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment and rehabilitation activities occurring in the ERA, to those respective tax savings attributable to the redevelopment of an industrial building not greater than 82,744 square feet of leasable area.
5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
6. The Commission fixes 1:00 p.m. on Wednesday, February 21, 2024, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at five (5) years and establish an abatement schedule.

- 7. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

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

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this 31st day  
of January, 2024

Sheila Kinney *sek*  
Sheila Kinney, Asst. Corp. Counsel  
Office of Corporation Counsel

**ATTACHMENT TO  
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION  
REAL PROPERTY TAX ABATEMENT**

**FACTUAL INFORMATION**

Applicant: E Solutions, LLC, Edwards Electrical & Mechanical, Inc. and Southern Avenue Partnership, LLC

Subject Real Estate: 3233 North Post Road

Warren Township Parcel Number: 7042427

**PROJECT DESCRIPTION**

Founded in 1968 in Indianapolis, Edwards Electrical & Mechanical, Inc. has grown to become one of the largest electrical/mechanical contracting firms in the Midwest, offering both new system installation and also servicing of existing systems. The company was locally-owned from 1968-1998, and was re-acquired by local management in 2006. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

Edwards and E Solutions have outgrown their existing east side facility on Shadeland Avenue and have need to expand. The companies have identified a building for lease near East 30<sup>th</sup> Street and Post Road that will accommodate these needed. In order to prepare the building for occupancy and grown by the companies, a collective real property investment of not less than \$2,500,000 has been proposed. Additionally, the companies would make a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

**FACTUAL ASSERTIONS**

1. The Subject Real Estate:
  - A. \_\_\_ Is in a planned area which has a tax abatement policy as a part of its plan, or
  - B. \_\_\_ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or

- C.  is not located in a planned area with a tax abatement policy.
2.  The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
- A.  Current zoning allows project.
- B.  Appropriate petition is on file.
- C.  Final approval for variance, rezoning or approval petition has been granted.
4. A.  The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
- B.  substantial evidence has been provided supporting that work was started under the following appropriate exception: \_\_\_\_\_.
5. A.  The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
- B.  The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
- A.  Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
- B.  Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.



**PROPOSED ABATEMENT SCHEDULE**  
**E SOLUTIONS, LLC, EDWARDS ELECTRICAL & MECHANICAL, INC.**  
**AND SOUTHERN AVENUE PARTNERSHIP, LLC**  
**REAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	80%
3 <sup>rd</sup>	60%
4 <sup>th</sup>	40%
5 <sup>th</sup>	20%

**STAFF ANALYSIS**  
**REAL PROPERTY TAX ABATEMENT**

Area Surrounding Subject Real Estate: The site is located in a heavy industrial area near the northeast corner of East 30<sup>th</sup> Street and North Post Road.

Current Zoning: .....I-4

Qualified New Jobs Created:.....250

Qualified Jobs Retained:.....401

Estimated Cost of proposed project: \$2,500,000.00

**STAFF ANALYSIS**

Edwards Electrical & Mechanical, Inc. is an Indianapolis-based electrical/mechanical contracting firm, offering new system installation and service for clients throughout the Midwest. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

The companies plan to relocate operations to a leased facility at 3233 North Post Road. The leased building is an 82,744-square foot industrial building, owned by Southern Avenue Partnership, LLC. For the first three years, the firms would lease and occupy 81% of the total building, with an expansion to occupy 100% of the building by 2027. The proposed project will require a real property investment of \$2,500,000 and a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

The proposed use and the planned real estate investments will result in net benefits for the area and the County. The petitioner will be donating five percent of its estimated abatement savings to support workforce development projects through Employ Indy.

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

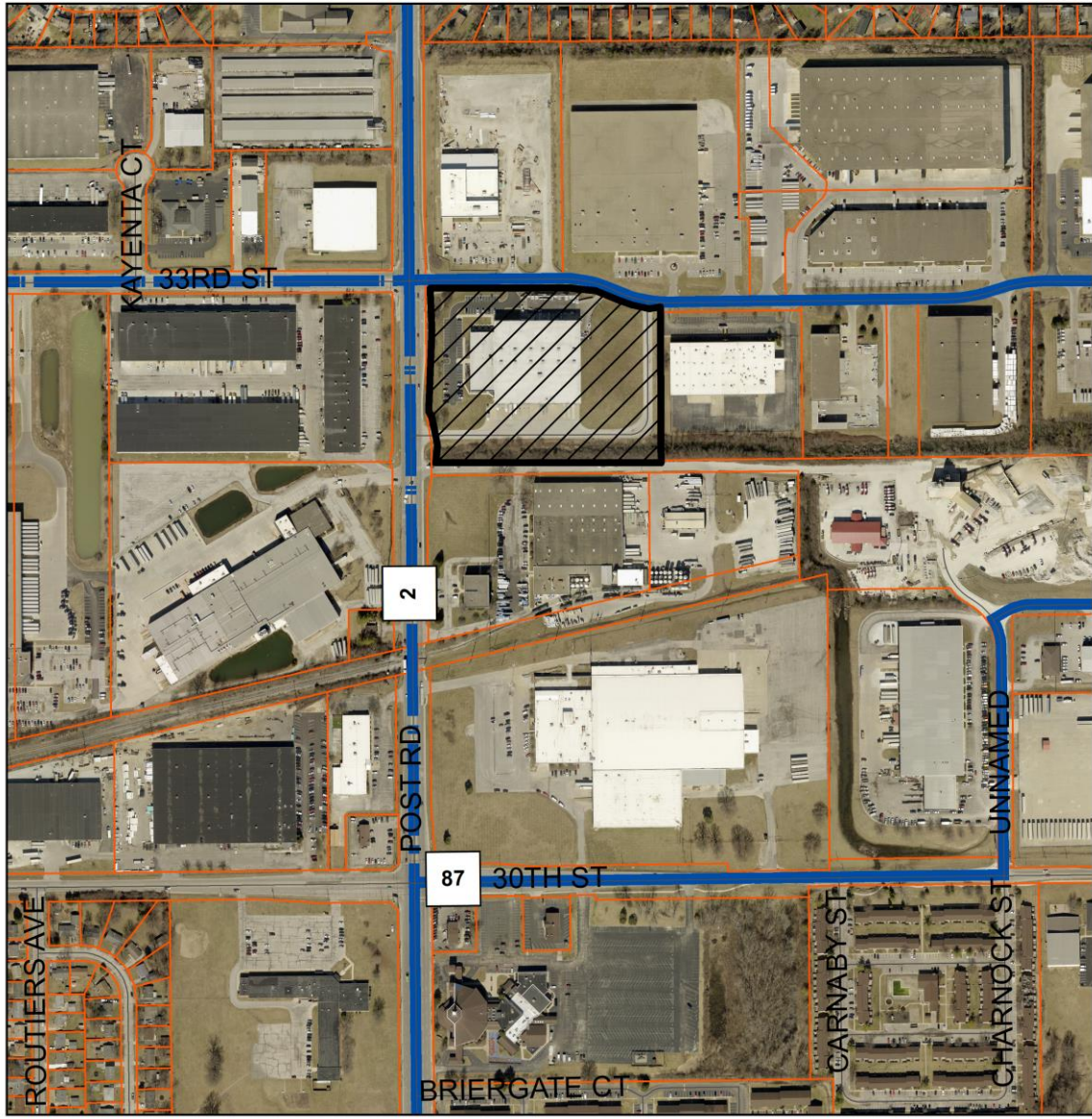
Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

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

**TOTALITY OF BENEFITS**

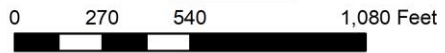
- PETITIONER:** E Solutions, LLC, Edwards Electrical & Mechanical, Inc. and Southern Avenue Partnership, LLC
- INVESTMENT:** Staff estimates that the proposed investment of \$2,500,000.00 should result in an increase to the tax base of approximately \$1,250,000.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of approximately \$104,748.75 (a 71.5% savings). During the abatement period, the petitioner is expected to pay an estimated \$41,838.77 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on this property in the amount of \$77,961.00 annually (pay 2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$112,877.25 in real property taxes annually on the new improvements, in addition to the current taxes.
- EMPLOYMENT:** The petitioner estimates that this project will retain four hundred and one (401) positions at an average wage of \$33.00/hr. and will create two hundred and fifty (250) positions at an average wage of \$37.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Warren Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.
- STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

E Solutions, LLC and Edwards Electrical & Mechanical, Inc.  
3233 North Post Road



**Legend**

- IndyGo Transit Routes
- Parcels
- Project Site



Produced by: DMD REED January 23, 2024

**METROPOLITAN DEVELOPMENT COMMISSION OF**

**MARION COUNTY, INDIANA**

**PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2024-A-002**

**PERSONAL PROPERTY TAX ABATEMENT**

**E Solutions, LLC, and Edwards Electrical & Mechanical, Inc.**

3233 North Post Road

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

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

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

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

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

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

**WHEREAS**, during a hearing at 1:00 p.m. on Wednesday, February 7, 2024, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and sufficient evidence was provided which tended to establish Assertions 1, 2, 3, 4, 5 and 6 stated on the attachment to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of five (5) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows a partial abatement of property taxes only relative to Specified New Equipment. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature to the specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for new equipment is filed with the Indiana Department of Local Government Finance.
3. **The Economic Revitalization Area designation terminates December 31, 2028. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed and in operation on the Subject Real Estate during the period February 21, 2024, to December 31, 2028.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the subject real estate before termination of such designation, to a period of less than five (5) years. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to an equipment investment of not greater than \$3,200,000.00.
4. The partial abatement of property taxes attributable to the installation of Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
5. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the abatement of real property taxes attributable to redevelopment or rehabilitation activities under I.C. 6-1.1-12.1-3.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

- 7. The Commission fixes 1:00 p.m. on Wednesday, February 21, 2024, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period at five (5) years.
  
- 8. A copy of this Resolution shall be filed with the Marion County Assessor.

**METROPOLITAN DEVELOPMENT COMMISSION**

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John J. Dillon III, President

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Date

Approved as to Legal Form  
and Adequacy this 31st day  
of January, 2024

Sheila Kinney *sek*  
\_\_\_\_\_  
Sheila Kinney, Asst. Corp. Counsel  
Office of Corporation Counsel

**ATTACHMENT TO**

**METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION**

**PERSONAL PROPERTY TAX ABATEMENT**

**FACTUAL INFORMATION**

Applicant: E Solutions, LLC, and  
Edwards Electrical & Mechanical, Inc.

Subject Real Estate: 3233 North Post Road

Warren Township Parcel Number: 7042427

**PROJECT DESCRIPTION**

Founded in 1968 in Indianapolis, Edwards Electrical & Mechanical, Inc. has grown to become one of the largest electrical/mechanical contracting firms in the Midwest, offering both new system installation and also servicing of existing systems. The company was locally-owned from 1968-1998, and was re-acquired by local management in 2006. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

Edwards and E Solutions have outgrown their existing east side facility on Shadeland Avenue and have need to expand. The companies have identified a building for lease near East 30th Street and Post Road that will accommodate these needed. In order to prepare the building for occupancy and grown by the companies, a collective real property investment of not less than \$2,500,000 has been proposed. Additionally, the companies would make a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

**FACTUAL ASSERTIONS**

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



- Existing facility
- Expanded facility
- New facility
- Vacated or converted facility

4. The facility meets the appropriate requirements:

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

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

B. of a new facility, and

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

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

6. The Subject Real Estate on which the facility is or will be located

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

**PROPOSED ABATEMENT SCHEDULE**  
**PERSONAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	80%
3 <sup>rd</sup>	60%
4 <sup>th</sup>	40%
5 <sup>th</sup>	20%

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

Street Address:.....3233 North Post Road

New Jobs Created .....250

Jobs Retained: .....401

Estimated Cost of Equipment: \$3,130,000.00

**STAFF ANALYSIS**

Edwards Electrical & Mechanical, Inc. is an Indianapolis-based electrical/mechanical contracting firm, offering new system installation and service for clients throughout the Midwest. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

The companies plan to relocate operations to a leased facility at 3233 North Post Road. The leased building is an 82,744-square foot industrial building, owned by Southern Avenue Partnership, LLC. For the first three years, the firms would lease and occupy 81% of the total building, with an expansion to occupy 100% of the building by 2027. The proposed project will require a real property investment of \$2,500,000 and a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

The proposed use and the planned real estate investments will result in net benefits for the area and the County. The petitioner will be donating five percent of its estimated abatement savings to support workforce development projects through Employ Indy.

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

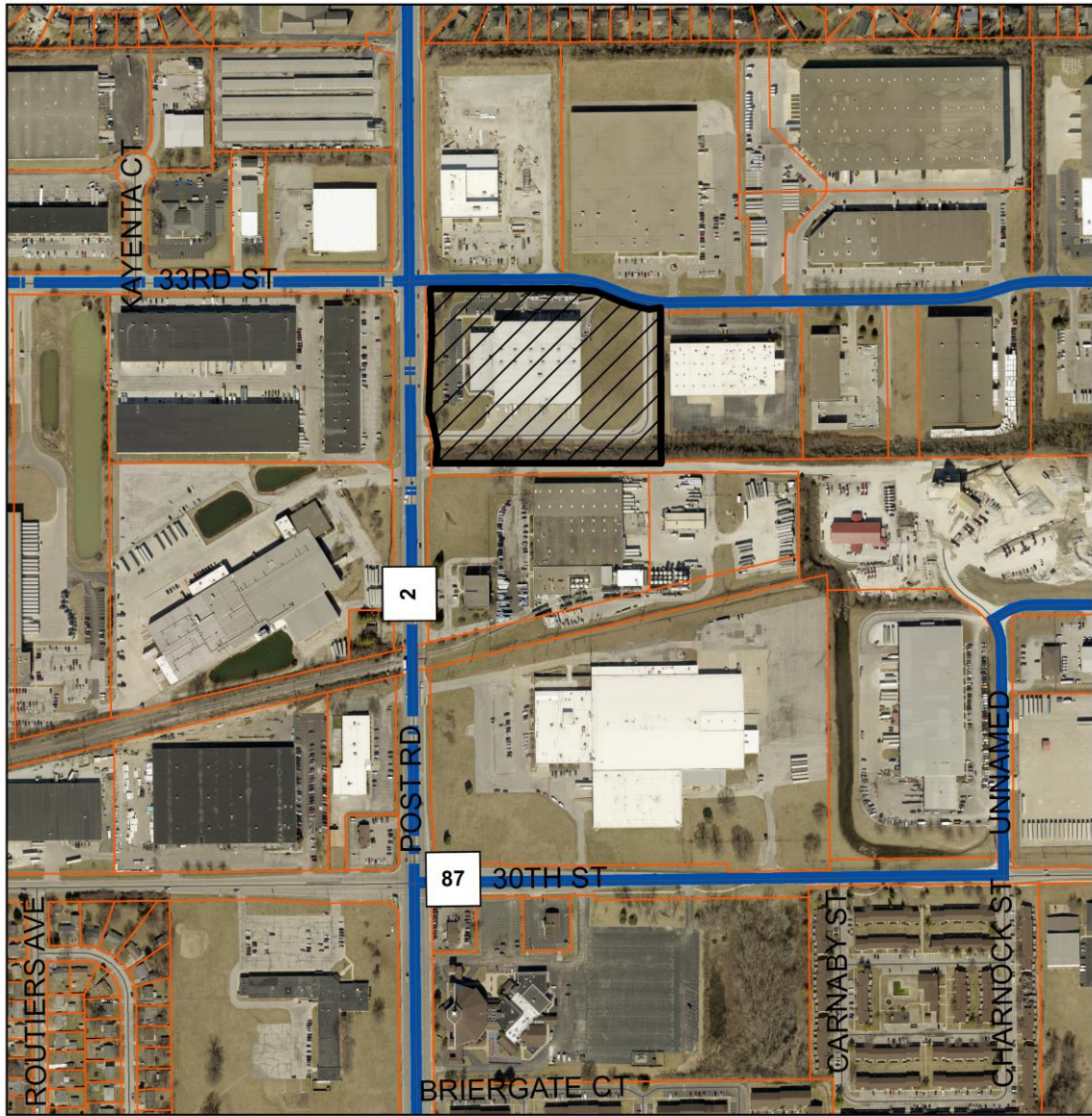
Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

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

## **TOTALITY OF BENEFITS**

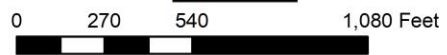
- PETITIONER:** E Solutions, LLC and Edwards Electrical & Mechanical, Inc.
- INVESTMENT:** Staff estimates that the proposed investment of \$3,130,000.00 should result in an increase to the tax base of approximately \$1,252,000.00 of assessed value in the first year of operation. Staff estimates that over the five (5) year personal property tax abatement period the petitioner will realize savings of approximately \$108,139.72 (a 61.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$66,720.86 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$26,229.09 in personal property taxes annually related to the new equipment.
- EMPLOYMENT:** The petitioner estimates that this project will retain four hundred and one positions at an average hourly wage of \$33.00/hr and will create two hundred and fifty (250) new positions at an average wage of \$37.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Warren Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment in Marion County.
- STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

E Solutions, LLC and Edwards Electrical & Mechanical, Inc.  
3233 North Post Road



**Legend**

- IndyGo Transit Routes
- Parcels
- Project Site



Produced by: DMD REED January 23, 2024

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

**Resolution No. 2024-A-007**

**PERSONAL PROPERTY TAX ABATEMENT**

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

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

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

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

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

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

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

**WHEREAS**, during a hearing at 1:00 p.m. on Wednesday, February 7, 2024, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and sufficient evidence was provided which tended to establish Assertions 1, 2, 3, 4, 5 and 6 stated on the attachment to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of four (4) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows a partial abatement of property taxes only relative to Specified New Equipment. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature to the specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for new equipment is filed with the Indiana Department of Local Government Finance.
3. **The Economic Revitalization Area designation terminates December 31, 2027. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed and in operation on the Subject Real Estate during the period April 17, 2024, to December 31, 2027.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the subject real estate before termination of such designation, to a period of less than four (4) years. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to an equipment investment of not greater than \$5,000,000.00.
4. The partial abatement of property taxes attributable to the installation of Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
5. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the abatement of real property taxes attributable to redevelopment or rehabilitation activities under I.C. 6-1.1-12.1-3.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

- 7. The Commission fixes 1:00 p.m. on Wednesday, April 17, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period at four (4) years.
- 8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

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

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this 31st day  
of January, 2024

Sheila Kinney *sek*  
Sheila Kinney, Asst. Corp. Counsel  
Office of Corporation Counsel



**ATTACHMENT TO  
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION  
PERSONAL PROPERTY TAX ABATEMENT**

**FACTUAL INFORMATION**

Applicant: Calumet Specialty Products Partners, L.P.  
Subject Real Estate: 1060 North Capitol Avenue  
Center Township Parcel Number: 1089734

**PROJECT DESCRIPTION**

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

Evolving business needs have resulted in Calumet’s decision to vacate its existing headquarters location upon lease expiration. Calumet is seeking high quality office space with access to amenities that will allow for recruitment and retention of top-level talent as well as foster a culture where employees are excited to collaborate in-person. The company has secured a nine-year lease, with extension options, for 50,000 square feet of the ‘Stutz I’ development, in downtown. Calumet would invest at least \$4,505,000 in new eligible personal property in order to equip the new facility. As a result of the project, Calumet would commit to the retention and relocation of the 220 jobs currently housed at their existing facility.

**FACTUAL ASSERTIONS**

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

- A.  Existing facility
- B.  Expanded facility
- C.  New facility
- D.  Vacated or converted facility

4. The facility meets the appropriate requirements:

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

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

B.  of a new facility;

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

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

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

A.  Is outside an Allocation Area as defined in I.C. 36-7-15.1-26, or

- B.   x   inside an Allocation Area, but has been determined by the Commission to be acceptable for personal property tax abatement.

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

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

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

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

New Jobs Created:..... None

Jobs Retained:..... 220

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

**STAFF ANALYSIS**

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

Calumet has proposed to lease 50,000 square feet (20%) of the Stutz I facility as their new headquarters. Stutz I is a former automotive manufacturing facility (C.1919) which has for decades operated as artists’ lofts and which is currently in the midst of a major renovation, which was financed in part by the issuance of Tax Increment Financed bond, which are repaid though increases to *real* property taxes. The company has secured a nine-year lease, with extension options, for 50,000 square feet of the ‘Stutz I’ development. Calumet would invest at least \$4,505,000 in eligible personal property in order to equip the new facility. As a result of the project, Calumet would commit to the retention and relocation of the 220 jobs currently housed at their existing facility.

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

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

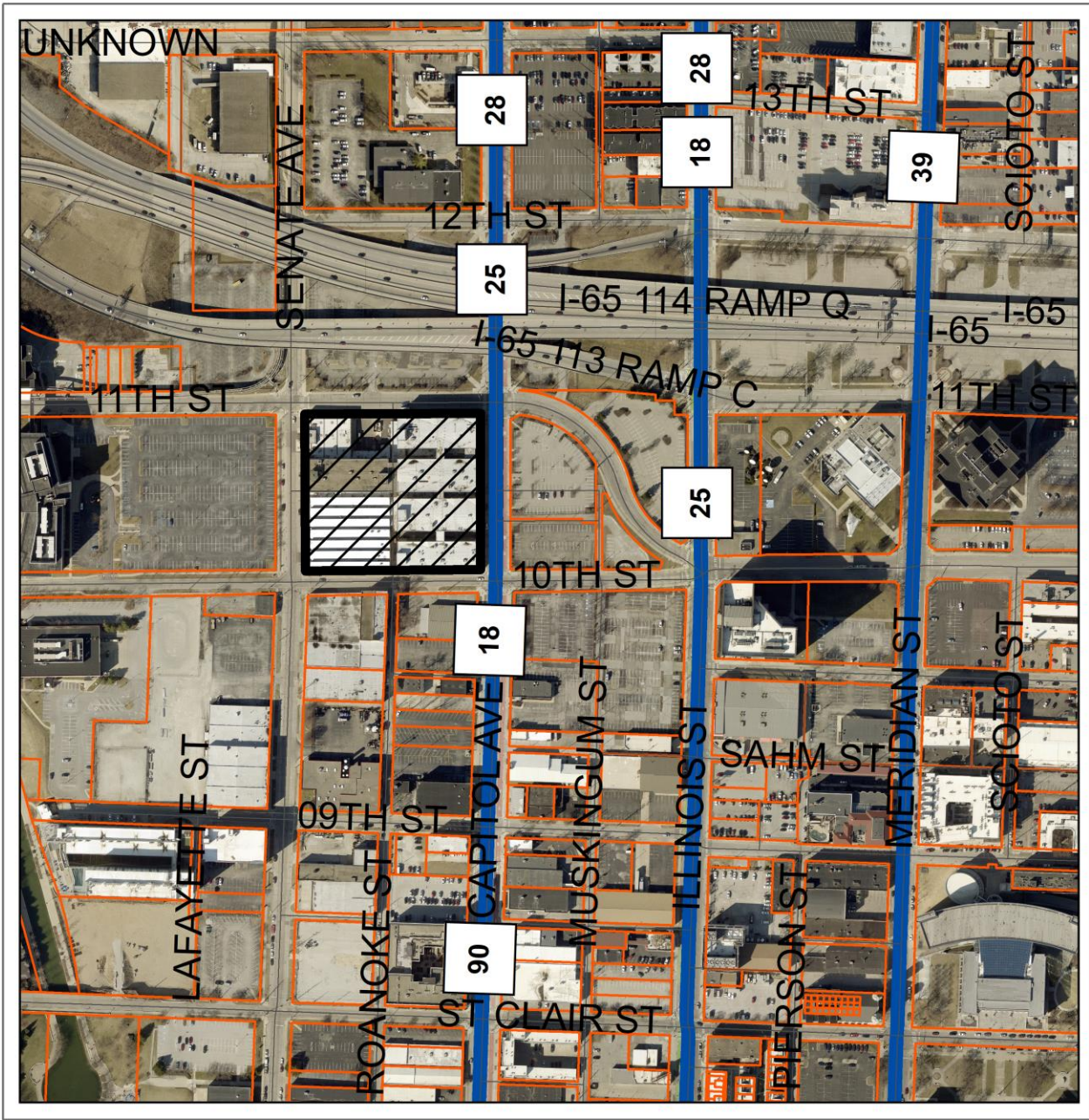
Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

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

**TOTALITY OF BENEFITS**

- PETITIONER:** Calumet Specialty Products Partners, L.P.
- INVESTMENT:** Staff estimates that the proposed investment of \$4,505,000.00 should result in an increase to the tax base of approximately \$1,802,000.00 of assessed value in the first year of operation. Staff estimates that over the four (4) year personal property tax abatement period the petitioner will realize savings of approximately \$129,440.09 (a 60.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$83,496.84 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$40,082.25 in personal property taxes annually related to the new equipment.
- EMPLOYMENT:** The petitioner estimates that this project will retain two hundred and twenty (220) jobs at an average wage of \$46.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Center Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment in Marion County.
- STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

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



**Legend**

- IndyGo Transit Routes
- Parcels
- Project Site



Produced by: DMD REED January 23, 2024

**METROPOLITAN DEVELOPMENT COMMISSION**

**OF MARION COUNTY, INDIANA**

**RESOLUTION NO. 2024-P-002**

RESOLUTION 2024-P-002, amending a segment of the Comprehensive or Master Plan of Marion County, Indiana, the Chapel Hill Park Master Plan.

Be it resolved that, pursuant to I.C. 36-7-4, the Metropolitan Development Commission of Marion County, Indiana, hereby amends the Comprehensive or Master Plan for Marion County, Indiana, by the adoption of the Chapel Hill Park Master Plan, a copy of which is on file and available for inspection during normal business hours in the office of the Department of Metropolitan Development, as an amendment to the Comprehensive or Master Plan of Marion County, Indiana.

Be it further resolved that the Secretary of the Metropolitan Development Commission is directed to certify copies of this Resolution 2024-P-002 amending the Comprehensive or Master Plan of Marion County, Indiana, Chapel Hill Park Master Plan.

Be it further resolved that the Director of the Department of Metropolitan Development is directed to mail or deliver certified copies of this Resolution 2024-P-002, to the Mayor of the City of Indianapolis, the City-County Council of Indianapolis and Marion County, the Board of Commissioners of Marion County, Indiana and to the legislative authorities of the incorporated cities and towns of Marion County, Indiana that are directly affected by this plan: none. The Director shall also file one (1) summary of the plan in the office of the Recorder of Marion County.

DATE: \_\_\_\_\_

METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY, INDIANA

APPROVED AS TO LEGAL FORM  
AND ADEQUACY THIS 8<sup>TH</sup> DAY  
OF January, 2024.

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

Christopher Steinmetz  
Christopher Steinmetz,  
Assistant Corporation Counsel



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

STATE OF INDIANA )

) SS:

COUNTY OF MARION )

**CERTIFICATION**

I, \_\_\_\_\_, Secretary of the Metropolitan Development Commission of Marion County, Indiana, do hereby certify that the attached Resolution 2024-P-002 AMENDING A SEGMENT OF THE COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA – Chapel Hill Park Masterplan – is a true copy of a resolution adopted by the Metropolitan Development Commission of Marion County, Indiana, following a public hearing at a meeting of said commission on February 7, 2024, and that the original of said resolution is on file of record in the office of the Department of Metropolitan Development of Marion County, Indiana.

Witness my hand and official seal of the Metropolitan Development Commission of Marion County, Indiana this 7th day of February 2024.

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
Metropolitan Development Commission  
of Marion County, Indiana

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2024-P-003**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Plan Commission of the Consolidated City of Indianapolis and Marion County, Indiana under IC 36-7-4-202; and

WHEREAS, under IC 36-7-4-402, the MDC is empowered to designate Hearing Examiners to conduct any public hearings required to be held by the MDC or make any decision required to be made by the MDC, or both; and

WHEREAS, the MDC desires to appoint Anne-Marie Taylor as a backup Hearing Examiner for the year 2024; and

WHEREAS the Department of Metropolitan Development ("DMD") wishes to compensate such backup Hearing Examiner for services performed in the year 2024 in an amount not-to-exceed of \$5,000.00.

NOW THEREFORE BE IT RESOLVED THAT:

1. The MDC hereby authorizes DMD to enter into an agreement with Anne-Marie Taylor to serve as a backup Hearing Examiner and to compensate such Hearing Examiner for services in the year 2024 in an amount not to exceed five thousand dollars (\$5,000.00).
2. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable by such Director to effectuate the authorizations set forth in this Resolution.

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

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

\_\_\_\_\_  
Sheila Kinney, Asst. Corp Counsel

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

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

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

## STAFF REPORT

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

**Case Number:** 2023-ZON-116  
**Address:** 2002 North Tibbs Avenue (*Approximate Address*)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Hugo Rubin de Celis  
**Request:** Rezoning of 0.35 acres from the D-5 district to the C-3 district to provide for food sales from food trucks.

#### ADDENDUM FOR FEBRUARY 7, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on January 11, 2024. After a full hearing, the Hearing Examiner recommended denial of the request. Subsequently, the petitioner filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

January 11, 2024

#### RECOMMENDATIONS

Staff **recommends denial** of the request.

#### SUMMARY OF ISSUES

##### LAND USE

- ◇ The 0.35-acre subject site consists of two parcels (9000337 and 9000336) and is developed with a single-family dwelling and storage shed. The property is in a well-established residential neighborhood surrounded by single-family dwellings in each direction.

##### REZONING

- ◇ The request would rezone a residential lot from the D-5 district to the C-3 district to provide for food sales from food trucks, which is not permitted in the existing dwelling district.
- ◇ 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 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 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. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.
- ◇ The site falls within the Near West Neighborhood Land Use Plan (2014), which recommends 3.5 to 5 residential units per acre development.

**Staff Analysis**

- ◇ A food truck service would be classified as an eating establishment or food preparation use in the Consolidated Zoning and Subdivision Ordinance. That use is permitted within the C-3, C-4, C-5, C-7, MU-2, MU-3, and MU-4 districts and all of the central business districts. However, because the food truck would constitute outdoor sales, it would not be permitted in the C-3, or C-4 districts as primary uses. Instead, they would be limited in duration throughout the year per the Outdoor Display and Sales, Temporary use-specific standards below:

**Outdoor Display and Sales, Temporary**

1. In the Dwelling districts, any Temporary Outdoor Display and Sales shall meet the standards of Chapter 987, Article II (Garage Sales).
2. Temporary Outdoor Display and Sales by transient merchants are permitted if licensed under Chapter 987, Article I (Transient Merchant Activity).
3. Temporary Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
4. Unless otherwise regulated, Temporary Outdoor Display and Sales are limited to:
  - a. 30 days and no more than 3 times a calendar year;
  - b. Using no more than 10% of the required on-site parking spaces and maintaining vehicle maneuverability on the site;
  - c. Maintaining a setback of at least 5 feet from any lot line and any sidewalk;
  - d. Not obstructing any clear sight triangular area.
5. In the C-3, CBD and MU districts, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the outdoor display and sales area is limited to 200 square feet or less.

5. In the C-4 district, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the Temporary Outdoor Display and Sales is limited to 200 square feet or less. In addition, Temporary Outdoor Display and Sales for dealers of motor vehicles shall be permitted if the temporary outdoor display and sales:
    - a. Meets the requirements of IC 9-23-2-6 and IC 9-23-2-7;
    - b. Limited in duration to a total of 10 calendar days per event, and no more than two events per calendar year per site or integrated center;
    - c. Limited to vehicles with GVWR of less than 14,000 pounds;
    - d. Not located within 500 feet, measured in any direction, of any protected district. (See Section 743-301) The measurement shall be taken from the perimeter of the display or operations area of the Temporary Outdoor Display and Sales to the zoning boundary of the protected district;
    - e. Complies with all setback requirements for a parking area on the site;
    - f. Does not encroach upon any interior access drive or parking maneuvering area or otherwise inhibit the internal circulation of the remaining vehicle areas.
- ◇ As proposed, the commercial zoning district would be an undue intrusion into a long-established residential area. This would result in additional intensity from the significant commercial customer base, placing demands on parking, and creating increased traffic, lighting, and noise. These externalities would pose a negative impact on the quality of life for the surrounding residents.
  - ◇ A plan of operation was not submitted with the request so the hours of operation, number of days of activity, and the number of anticipated customers cannot be predicted.
  - ◇ Given the area’s D-5 zoning and existing development pattern, neighboring and nearby homeowners have a reasonable expectation of protection from commercial development.
  - ◇ Furthermore, the commercial use would not align with the residential development recommendation of the Near West Neighborhood Land Use Plan (2014) and the site could continue to be developed and used as a residential property as intended.
  - ◇ Staff reached out to the petitioner to confirm if the single-family dwelling would continue to be used residentially, but a response was not provided. If it were to remain, then the residential use would not be permitted in the proposed C-3 District and a variance of use would be required.
  - ◇ Due to the proposed commercial rezoning and uncertainty of the anticipated use of the existing buildings, staff is recommending denial of the request.
  - ◇ Staff would note that Temporary Outdoor Display and Sales by transient merchants are permitted if licensed under Chapter 987, Article I (Transient Merchant Activity). There is also the option of obtaining a Special Event Permit for a limited time and must meet the requirements for the permit and event. Information for either of these options would need to be obtained with the Department of Business and Neighborhood Services.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5            Compact    Residential (Single-family dwelling)

**SURROUNDING ZONING AND LAND USE**

North        D-5        Residential (Single-family dwelling)  
South        D-5        Residential (Single-family dwelling)  
East         D-5        Residential (Single-family dwelling)  
West         D-5        Residential (Single-family dwelling)

**NEIGHBORHOOD PLAN**

The Near West Neighborhood Land Use Plan (2014) recommends 3.5 to 5 residential units per acre development.

**THOROUGHFARE PLAN**

Tibbs Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 70-foot existing right-of-way and a 56-foot proposed right-of-way.

**THOROUGHFARE PLAN**

20<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE**

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

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated November 8, 2023.

**PROPOSED COMMITMENTS**

File-dated November 8, 2023.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

**PREVIOUS CASES**

None.

**ZONING HISTORY – VICINITY**

None.

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**2023-ZON-116**

**2002 North Tibbs Avenue**

The petition requests the rezoning of 0.35 acre from the D-5 district to the C-3 district to provide for food sales from food trucks.

Your Hearing Examiner visited the site prior to the hearing and noted the single family residence and storage shed at the west/back portion of the site. Single family residences surround the site.

The petitioner explained that he had spoken with other food truck owners about redeveloping this site for a food truck court, with up to 10 food trucks on the site at one time, and typical hours being 6 a.m. until 10 p.m. Sunday through Thursday, and 6 a.m. until midnight Friday and Saturday. The residential structure on the site would be used as an office, and electrical hookups would be available to the food trucks so they do not have to use generators.

No remonstrators attended the hearing, and there was no correspondence submitted.

Staff stated that the requested C-3 district is inconsistent among D-5 zoning, and it would allow uses incompatible with the surrounding residential use. Staff expressed concern the outdoor use would have on the residences, especially with the noise, lights, and hours associated with the proposed use.

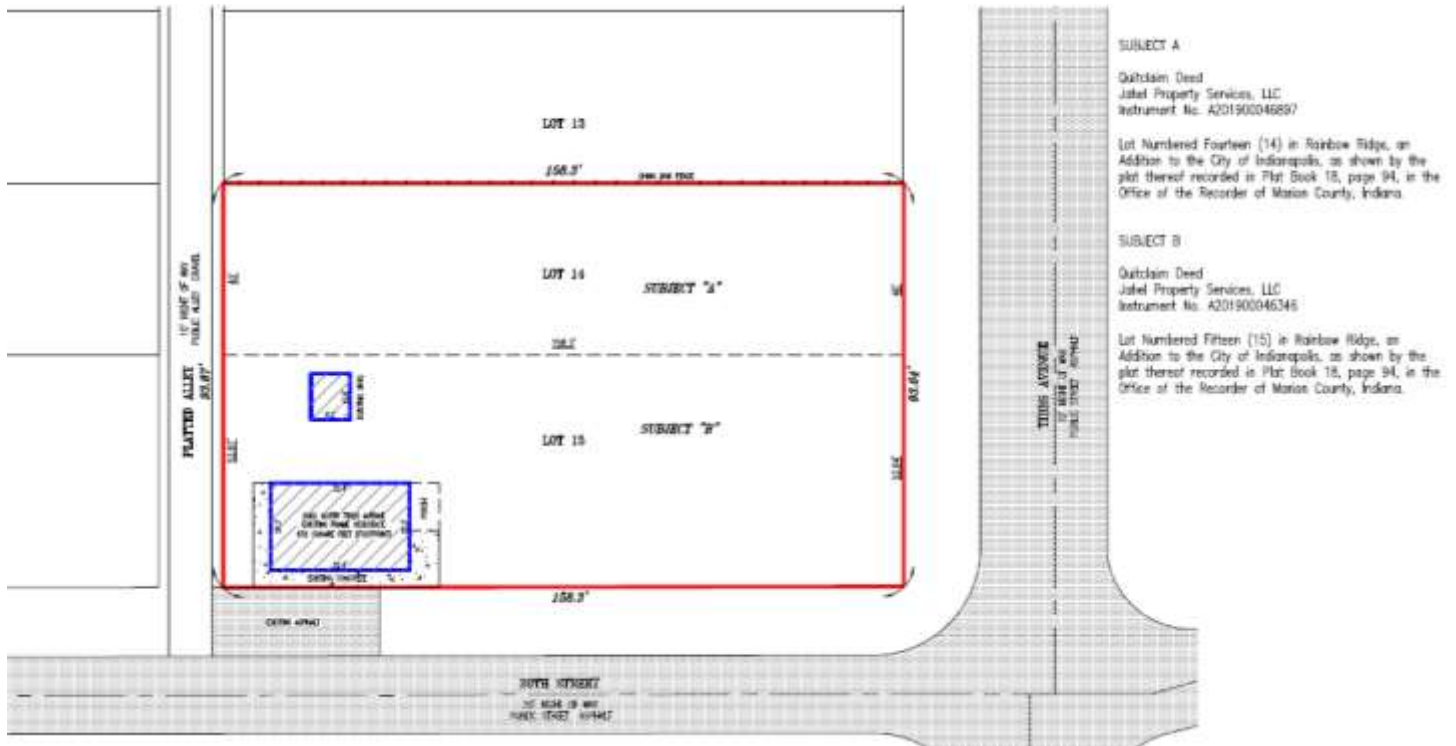
In your Hearing Examiner's opinion, the requested C-3 district is inconsistent in this area, and would allow uses that are incompatible and inappropriate in this neighborhood. While the food truck court is an interesting concept, it should not be located in a residential area. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on February 7, 2024

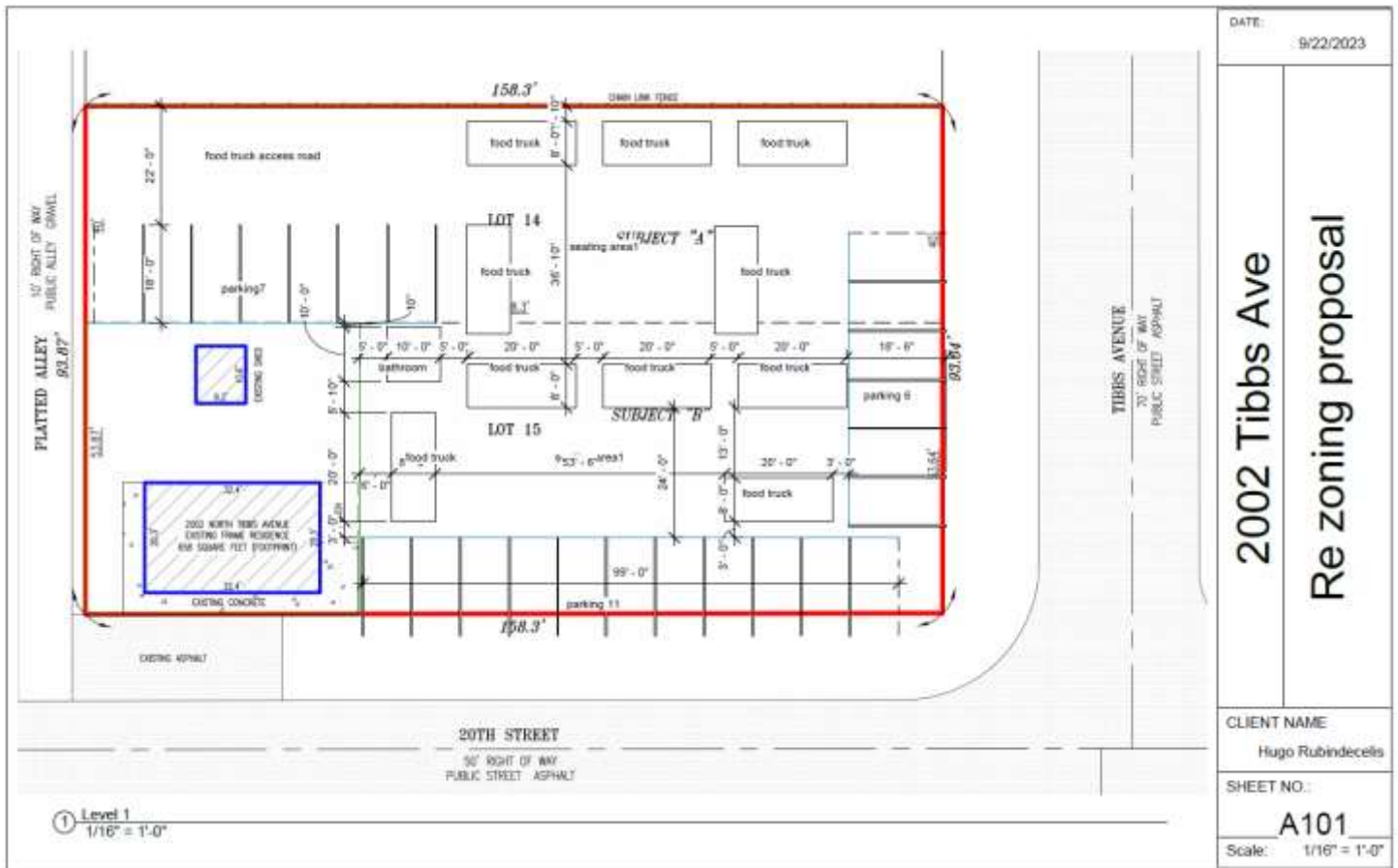


**2023-ZON-116; Existing Site Plan**

Item 16.



**2023-ZON-116; Proposed Site Plan**



**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:** Lot number fourteen 14 and fifteen 15, in rainbow ridge, an addition to the city of Indianapolis, as shown by the plat thereof recorded in Plat Book 18, page 94, in the Office of the Recorder of Marion County, Indiana.

**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. The owner agrees to comply with regulations that pertain to zoning C-3 once the city allows for this change.



Photo of the storage shed and single-family dwelling on site.



Photo of the vacant portion of the subject site.



Photo of the Subject Property: 2002 North Tibbs Avenue



Photo of the Subject Property: 2002 North Tibbs Avenue



Photo of the street frontage along 20<sup>th</sup> Street where parking is not permitted, but proposed on site.



Photo of street frontage along Tibbs Avenue where parking is proposed.



Photo of single-family dwellings east of the site.



Photo of single family dwellings southeast of the site.



Photo of single-family dwellings south of the site.



Photo of a single-family west of the site.



Photo of the alley west of the subject site where food trucks would gain access to the site.

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Amended)  
**Address:** 3838 East 46th Street (approximate address)  
**Location:** Washington Township, Council District #9  
**Petitioner:** Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett  
**Requests:** Rezoning of 4.22 acres from the SU-1 (FW) (FF) to the D-5 (FW) (FF) district to provide for residential uses.

Variance of Development Standards to provide for an access drive extending 34-feet into the Stream Protection Corridor of Devon Creek for a maximum length of 107 feet (100-foot Stream Protection Corridor Required) and a 68-foot front setback along 46<sup>th</sup> Street for property address 3860 East 46<sup>th</sup> Street (front building line range of 20 to 50 feet required).

Approval of a Subdivision Plat, to be known as Devon Creek, dividing 4.22-acres into ten single-family detached lots and one common area, including the vacation of an irregular portion of right-of-way at the northwest corner of the intersection of East 46th Street and Millersville Road containing 2,307.8 square feet, with a waiver of the sidewalk requirement along a 65-foot segment of Millersville Road.

### ADDENDUM FOR FEBRUARY 7, 2024, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on January 11, 2024. After a full hearing, the Hearing Examiner recommended approval of the requests. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

Updated commitments were received on January 31, 2024 and included in this report.

**RECOMMENDED MOTION:** The MDC approves and finds that the plat, file-dated October 3, 2023, complies with the standards of the subdivision regulations, subject to the 14 conditions as follows:

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 the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.

(Continued)



**STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)**

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 are met, prior to the recording of the final plat.
12. That the final plat or covenants shall include who will be responsible for maintenance and upkeep of the common area.
13. The waiver of the sidewalk requirement along a 65-foot segment of Millersville Road shall be approved.
14. The street vacation of right-of-way area as depicted in Exhibit "B", dated November 9, 2023, shall be approved.

**ADDENDUM FOR JANUARY 11, 2024 HEARING EXAMINER**

This petition was continued from the December 14, 2023 hearing to the January 11, 2024 hearing at the request of a remonstrator. No additional information has been provided to the case file.

**ADDENDUM FOR DECEMBER 14, 2023 HEARING EXAMINER**

This petition was continued from the November 9, 2023 hearing, to the December 14, 2023 hearing at the request of a staff to amend the request to include a vacation of the right-of-way request and allow sufficient time to provide new notices.

**Amendment:** The amendment included a vacation of right-of-way at the northwest corner of the intersection of East 46th Street and Millersville Road containing 2,307.8 square feet.

Staff determined that the section of street right-of-way to be vacated was not being utilized as a street since it is overgrown with grass and would not prevent safe passage at this intersection. Furthermore, the use of the proposed vacation would be in the public's best interest to ensure additional housing options can be developed.

For these reasons, staff is **recommending approval** of the request as amended.

(Continued)

**STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)**

**November 9, 2023**

**RECOMMENDATIONS**

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

Staff recommends **approval of the variance of development standards** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated October 3, 2023, 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 the Department of Public Works, 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 are met, prior to the recording of the final plat.
12. That the final plat or covenants shall include who will be responsible for maintenance and upkeep of the common area.

(Continued)

## **STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is comprised of an undeveloped parcel that is zoned SU-1. It is bordered to the north, west, and east by a sports club and associated wooded land, zoned SU-34, and across 46<sup>th</sup> street to the south by single-family dwellings, zoned D-2.
- ◇ This petition would subdivide the property into ten single-family detached lots and one common area with a partial waiver of sidewalks and associated variance of development standards.

#### **REZONING**

- ◇ This petition would rezone this site from SU-1 (FW) (FF) to the D-5 (FW) (FF) district to provide for residential uses.
- ◇ The SU-1 district only permits religious uses to be developed on site.
- ◇ 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 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 Millersville at Fall Creek Valley Village and Corridor Plan (2015) recommends 3.5 to 5 residential units per acre development, which would be permitted in the proposed D-5 district.

#### **FLOODWAY / FLOODWAY FRINGE**

- ◇ The subject site lies within the floodway and floodway fringe of Devon Creek and is subject to the Flood Control Secondary Zoning Districts regulations.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This petition would provide for an access drive extending 34 feet into the 100-foot Stream Protection Corridor of Devon Creek for a maximum length of 107 feet. Early in the planning phase of the development Planning Staff and the Department of Public Works recommended that rear access be provided for the proposed lots since it was determined that the encroachment into the stream protection corridor would be minimal and would prevent the alternative of unnecessary curb cuts along 46<sup>th</sup> Street.

(Continued)

**STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)**

- ◇ This petition would also provide for a 68-foot front setback along 46<sup>th</sup> Street for property address 3860 East 46<sup>th</sup> Street where a front building line range of 20 to 50 feet is required. Due to the anticipated access easement along the eastern property boundary, the proposed location of the single-family dwelling was pushed back to meet the front setback along Millersville Road.

**PLAT**

- ◇ The plat would subdivide the subject site into ten single-family detached lots and one common area. The proposed plat meets the standards of the D-5 (FW) (FF) zoning classification as proposed in the companion rezoning except for the 68-foot front setback along 46<sup>th</sup> Street for property address 3860 East 46<sup>th</sup> Street as proposed in the companion variance petition.
- ◇ The request includes a partial waiver of the sidewalk requirement along a 65-foot segment of Millersville Road.
- ◇ Staff is requesting a commitment to ensure that the final plat or covenants note who will be responsible for maintenance and upkeep of the common area.

**TRAFFIC / STREETS**

- ◇ The proposed lots would front on 46<sup>th</sup> Street with a 34-foot-wide access easement along the northern property boundaries of the ten lots that wraps around to Millersville Road. No new streets are proposed as part of this petition.

**SIDEWALKS**

- ◇ Sidewalks are required on 46<sup>th</sup> Street and Millersville Road.
- ◇ This petition includes a waiver of the sidewalk requirement along a 65-foot segment of Millersville Road. The Department of Public Works determined that the waiver is necessary due to the limited space between the guard rail and pavement to install a proper sidewalk. Additionally, the location of the creek and its topography creates a practical difficulty for the development of a sidewalk along the 65-foot stretch that the waiver is being requested for.

**GENERAL INFORMATION**

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

SU-1	Metro	Undeveloped
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**SURROUNDING ZONING AND LAND USE**

North	SU-34	Sports Club
South	D-2	Residential (Single-family dwellings)
East	SU-34	Undeveloped
West	SU-34	Undeveloped
		(Continued)

**STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)**

NEIGHBORHOOD PLAN	The Millersville at Fall Creek Valley Village and Corridor Plan (2015) recommends 3.5 to 5 residential units per acre development.
THOROUGHFARE PLAN	Millersville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 107-foot existing and a 102-foot proposed right-of-way.
THOROUGHFARE PLAN	46th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated October 3, 2023.
PRELIMINARY PLAT	File-dated October 3, 2023.
FINDINGS OF FACT	File-dated October 3, 2023.
VACATION FINDINGS OF FACT	File-dated November 9, 2023.
PROPOSED COMMITMENTS	File-dated January 31, 2023.

**ZONING HISTORY – SITE**

## EXISTING VIOLATIONS

None.

## PREVIOUS CASES

**98-Z-200; 4602 Millersville Road** (subject site), Rezoning of 4.223 acres, being in the SU-34 District, to the SU-1 classification to provide for a religious use, **approved**.

**92-Z-86; 4650 Millersville Road** (subject site), Rezoning of 70 acres, being in the SU-34 District, to the D-P classification to provide for two-family development, **denied**.

**83-Z-188; 4650 Millersville Road** (subject site), Rezoning of 70 acres, being in the SU-34 District, to the D-6 classification to provide for multi-family development, **withdrawn**.

(Continued)

**STAFF REPORT 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859 (Continued)****ZONING HISTORY – VICINITY**

**94-Z-57; 4650 Millersville Road** (north of site), Rezoning of 49.897 acres, being in the SU-34 District, to the D-P classification to provide for residential development in the floodway fringe, **approved.**

**90-Z-199; 4221-4231 East 46<sup>th</sup> Street** (southeast of site), Rezoning of 2.01 acres from the SU-34/FP/FF District to the D-2/FP/FW classification to provide for a single-family dwelling, **approved.**

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**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Hearing Examiner's Memo****MEMORANDUM OF EXAMINER'S DECISION****2023-CZN/CVR/CPL-859(amended)****3838 E. 46th Street**

The petitions request the rezoning of 4.22 acres from the SU-1 (FW)(FF) district to the D-5 (FW)(FF) district to provide for residential use, with variances of development standards to allow a minimal portion of an access drive within the Stream Protection Corridor of Devon Creek and a 68 foot front setback from 46th Street for 3860 East 46th Street, and approval of a subdivision plat with 10 single family lots and one common area, with a specific right-of-way vacation and specific sidewalk waiver.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the religious use west of it and the sports club that wraps around the site on the northwest and north. Several homes are east of Millersville Road and south of 46th Street, and a dense development lines mainly the east side of Mallard Lake, north of the site.

The petitioner explained that he had worked with staff of both DMD and DPW for about two years, trying to create the best development. DPW recommended the development's single access on Millersville Road. Commitments include only 10 single family residences with no accessory dwelling units, rear loaded garages, and the riparian asset being maintained as a common area. The petitioner also discussed meetings with neighbors and interested parties.

About 20 remonstrators attended the hearing, and six letter of opposition were in the file. Numerous signatures of opposition were presented, but the cover page was not submitted until after the hearing. Stated concerns included access issues, density, speed of traffic on 46th Street, quality of the proposed residences, and environmental impact.

Staff stated that the proposed development is consistent with both the neighborhood plan and the area, and outlined the 7 of the 8 walkable design standards that are being met. Staff also spoke to the specificity of the variances.

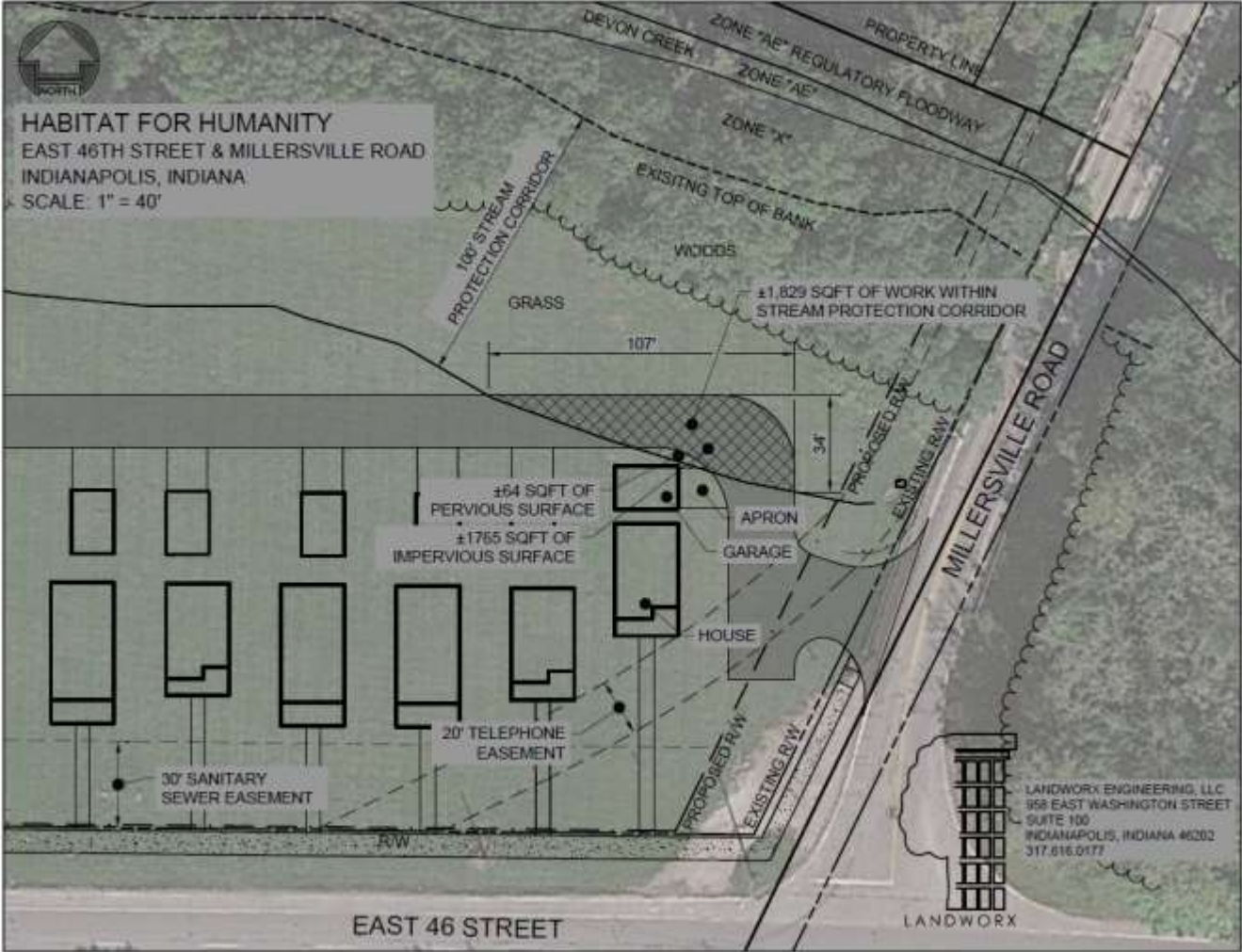
In your Hearing Examiner's opinion, the requested D-5 district is appropriate for this area and conforms with the recommendation of the neighborhood plan, and the proposed density is below the plan recommendation. The petitioner revised development plans based on the professional advice of DMD and DPW. Approval of these petitions was recommended.

For Metropolitan Development Commission Hearing on February 7, 2024





**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Stream Protection Encroachment**





# 2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Preliminary Plat

### DEVON CREEK SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH,  
RANGE 4 EAST, WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA

**PUBLIC NOTICE:** THIS PLAT IS BEING SUBMITTED TO THE MARION COUNTY BOARD OF ZONING AND PLANNING FOR REVIEW AND APPROVAL. THE MARION COUNTY BOARD OF ZONING AND PLANNING HAS THE HONOR OF REVIEWING THIS PLAT AND MAKING RECOMMENDATIONS TO THE MARION COUNTY BOARD OF ZONING AND PLANNING. THE MARION COUNTY BOARD OF ZONING AND PLANNING HAS THE HONOR OF REVIEWING THIS PLAT AND MAKING RECOMMENDATIONS TO THE MARION COUNTY BOARD OF ZONING AND PLANNING.

**ADDITIONAL INFORMATION:** THIS PLAT IS BEING SUBMITTED TO THE MARION COUNTY BOARD OF ZONING AND PLANNING FOR REVIEW AND APPROVAL. THE MARION COUNTY BOARD OF ZONING AND PLANNING HAS THE HONOR OF REVIEWING THIS PLAT AND MAKING RECOMMENDATIONS TO THE MARION COUNTY BOARD OF ZONING AND PLANNING.

**DEVELOPER:** DEVON CREEK SUBDIVISION, INC. (MARION COUNTY RECORDS BOOK 187, PAGE 113)

**PREPARED BY:** ANNA BLACKMON, Notary Public - Seal (MARION COUNTY RECORDS BOOK 187, PAGE 113)

**DATE:** OCTOBER 13, 2023

**COMMISSION EXPIRES:** FEBRUARY 20, 2025

**APPROVED BY:** [Signature]

**DATE:** OCTOBER 13, 2023

**NOTARY PUBLIC:** ANNA BLACKMON

**STATE OF INDIANA:** MARION COUNTY

**LEGAL DESCRIPTION:** THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA.

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**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; 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 intrusion into the Stream Protection Corridor is minimal and necessary to support development of this otherwise difficult-to-develop parcel as per the Area Plan recommendation (3.5-5 dwelling units per acre).

[Redacted area]

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 minimal intrusion into the Stream Protection Corridor will not remove tree cover along the stream, nor will it exacerbate runoff or flooding downstream of the subject property.

[Redacted area]

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

such terms would prevent the required rear access to the property when development is configured to meet other terms of the zoning ordinance that are required to implement the residential use and density recommended by the Area Plan. An additional complicating factor is a pre-existing easement in favor of AT&T which takes so much space at the corner of E. 46th and Millersville that it pushes building sites at the east end of the property so far back that the access drive must of necessity intrude into the Stream Protection Corridor.

[Redacted area]

**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Findings of Fact**

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

**WAIVER OF THE SUBDIVISION REGULATIONS  
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

There is currently no sidewalk along Millersville Road in its entire length between 46th Street and Emerson Way. The subdivision plan proposes to provide such a sidewalk along most of the development's Millersville Road frontage.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

There is not sufficient width between guard rail and pavement at this specific location, nor is there a sidewalk on the Millersville Road bridge over Devon Creek (adjacent to the subject development to the north) to which a public sidewalk on the subdivision site could be connected.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

There is not sufficient width between guard rail and pavement at this specific location to install a regulation sidewalk, and the topography of the site would not allow the guardrail to be moved far enough away from the pavement edge to accommodate a sidewalk.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The subdivision plan provides public sidewalk along the rest of its frontage, which could be connected to a new sidewalk on the Millersville Road bridge over Devon Creek should Indianapolis DPW ever redesign and rebuild the bridge to accommodate a pedestrian way.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

there exists local and practical difficulty in compliance with the regulation.

**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Findings of Fact**

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 former roadway, "old Millersville Road", was abandoned by Marion County in 1956, has been unused and un-maintained since then, and it should be reunited with the adjoining Greater Indy Habitat parcel to support use of the (previously undeveloped) adjoining land for affordable housing development.

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

**DECISION**

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

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



**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Proposed Commitments**

**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:** as per Attachment A

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owner agrees that only one dwelling shall be allowed on each lot in the Devon Creek Subdivision, and no accessory, 2-, 3-, or 4-unit residential structures shall be permitted in the Subdivision.
3. The owner agrees to construct each home in the Devon Creek Subdivision with a partial brick front.
4. The owner agrees to provide a landscape bed with decorative fencing near the front property line of each lot in the Devon Creek Subdivision.
5. \_\_\_\_\_

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

**2023-CZN-859 / 2023-CVR-859 / 2023-CPL-859; Site Photos**



Photo of the street frontage looking west along 46<sup>th</sup> Street.



Photo of the subject site looking northwest from 46<sup>th</sup> Street.



Photo of the subject site looking north from 46th Street.



Photo of the subject site looking northeast from 46<sup>th</sup> Street.



Photo of the street frontage looking east along 46th Street.



Photo of the entire southern street frontage.



Photo of the eastern street frontage looking north on Millersville Road.



Photo of the eastern street frontage looking south on Millersville Road.



Photo looking west towards where the access easement would be proposed.



Photo looking south at Devon Creek located along the northern property boundary.



Photo of the driveway north of the site that leads toward the sports club.



Photo of single-family dwellings north of the sports club driveway.