



Metropolitan Development Commission (May 21, 2025) 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, May 21, 2025

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes: May 7, 2025

Special Requests

Policy Resolutions:

ECONOMIC DEVELOPMENT / INCENTIVES:

1. 2025-A-016

Preliminary Economic Revitalization Area Resolution for Kimball Electronics Indianapolis, Inc., located at 1220 S. Post Road, Council District #20, Warren Township. (Recommend approval of six (6) year personal property tax abatement.)

2. 2025-E-012

Resolution authorizing removal of certain parcels from the Consolidated Fall Creek/Citizens Redevelopment Area and creating the Oxford Row Allocation Area in Council District #12, Center Township.

PLANNING:

3. 2025-P-006

Resolution to appoint Metropolitan Development Commissioner Brandon Herget to the Marion County Plat Committee for the period of from May 21, 2025, through December 31, 2025.

Zoning Petitions:

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

4. 2024-ZON-102 (Amended) | 501 and 525 South East Street

Center Township, Council District #18
NDZA, Inc., by David Kingen and Justin Kingen

Rezoning of 0.13-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district.

5. 2025-ZON-012 | 6900 Milhouse Road

Decatur Township, Council District #21
D. R. Horton – Indiana, LLC, by Brian J. Tuohy

Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.

6. 2025-ZON-019 | 1404 Prospect Street

Center Township, Council District #18
Luxury Leased Homes USA, LLC, by Stephanie J. Truchan

Rezoning of 0.345-acre from the C-5 district to the D-8 district to provide for residential uses.

7. 2025-ZON-027 | 11135 East Washington Street

Warren Township, Council District #20
Indianapolis Public Transportation Corporation d/b/a IndyGo, by Brian J. Tuohy

Rezoning of 5.28 acres from the C-4 (TOD) district to the SU-9 (TOD) district to provide for an IndyGo transit center.

8. 2025-ZON-030 | 454 and 456 Arthur Avenue

Wayne Township, Council District #16
Victor Solano

Rezoning of 0.142-acre from the C-3 district to the D-5 district to provide for a single-family dwelling.

9. 2025-ZON-031 | 2602 West 62nd Street and 6202 Michigan Road

Washington and Pike Townships, Council District #2
Crooked Creek Cultural Campus, Inc. by Joseph D. Calderon

Rezoning of 7.849 acres from the D-A and C-1 districts to the SU-7 district to provide for a not-for-profit organization for community enrichment programming, including education, art, music and performing arts.

10. 2025-ZON-033 | 1322 Columbia Avenue

Center Township, Council District #13
Amy Lapka

Rezoning of 0.144-acre from the D-8 (FF) district to the C-4 (FF) district to provide for expansion of a garden center.

11. 2025-CAP-804 (Amended) | 324 West Morris Street and 325 Wilkins Street

Center Township, Council District #18
C-S
Kaur Properties, LLC, by Adam DeHart

Modification of commitments and site plan related to 2019-CZN-827, to terminate Specific Commitments for Old Southside Neighborhood Association, commitment #1, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store, and, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

12. 2025-CZN-813 | 1406 and 1419 South Capitol Avenue

Center Township, Council District #18
The Annex Management Group, Inc., by Misha Rabinowitch

Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to provide for multi-family dwellings.

13. 2025-CZN-815 / 2025-CAP-815A / 2025-CAP-815B | 1100 West 42nd Street and 4251 Haughey Avenue

Washington Township, Council District #7
SU-2
Butler University, by Brian J. Tuohy

Rezoning of 32.34 acres from the SU-2 district to the UQ-1 district to provide for university-related uses.

Modification of Commitments related to 84-Z-20 to terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary, to terminate Commitment #2, which required buildings to be no taller than two stories, except for three unit buildings, which were permitted to be three stories in height, to terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking, to terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line, to terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation, to terminate Commitment #6, which required a development plan to be subject to staff approval at the time of rezoning.

University Quarter-One Approval to provide for university related uses, continued use of existing student housing, building renovations, and construction a six-story building with Butler Police offices and additional parking spaces.

14. 2025-ZON-039 | 3060 North Meridian Street

Center Township, Council District #8
City of Indianapolis, by Brandon Badger

Rezoning of 0.73-acre from the C-S (TOD) district to the D-9 (TOD) district to provide for multi-family dwellings within The Drake Apartments.

15. 2025-REG-019 | 222 East Market Street

Center Township, Council District #12
CBD-2 (RC)
City of Indianapolis, by Anson Keller

Regional Center Approval to provide for demolition of the west wing of City Market.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

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

2025-CZN-809 / 2025-CVR-809 (Amended) | 8800 East Raymond Street

Warren Township, Council District #20
Alexander Construction and Landscape, by David Retherford

Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot front transitional yard (minimum 100-foot front transitional yard required), with a 30-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), to permit for outdoor loading and unloading of equipment and material 30 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability

Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION
Resolution No. 2025-A-016
PERSONAL PROPERTY TAX ABATEMENT**

**Kimball Electronics Indianapolis Inc.
1220 S 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, May 21, 2025, 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 six (6) 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, 2031. 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 June 18, 2025, to December 31, 2031.** 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 six (6) 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 \$34,500,000.00.
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, June 18, 2025, 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 six (6) 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 day
of April 2025

Sheila Kinney

4/22/2025

Sheila Kinney
Asst Corporation Counsel

ATTACHMENT TO

METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION

PERSONAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Kimball Electronics Indianapolis, Inc.

Subject Real Estate: 1220 S Post Road, Lot 1

Warren Township Parcel Number: 7047605

PROJECT DESCRIPTION

Kimball Electronics, founded in 1961 and based in Jasper, Indiana, operates a key medical manufacturing site in Indianapolis. To support growing market demand, the company is expanding its site with a 10-year lease at 1220 S. Post Road. Kimball proposes investing \$22.3 million in the buildout for renovations and \$34.1 million in equipment and facility outfitting over the next six years to occupy 307,800 square feet of the 584,820 facility.

As part of this initiative, Kimball will retain 165 full-time employees at an average wage of \$32/hr. The project is also committed to creating and maintaining 345 new full-time positions over the six-year period, with an average wage of \$29/hr. Additionally, Kimball will be contributing 5% of its tax savings from the abatement toward workforce training and development initiatives.

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 st	100%
2 nd	85%
3 rd	66%
4 th	50%
5 th	34%
6 th	25%

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address:.....1220 S Post Road, Lot 1

New Jobs Created.....345

Jobs Retained:165

Estimated Cost of Equipment: \$34,146,733.00

STAFF ANALYSIS

Kimball Electronics was founded in 1961 and incorporated in 1998. Headquartered in Jasper, Indiana, the company operates a key manufacturing site in Indianapolis, located at the corner of 30th Street and Catherwood Drive. This facility, part of the Kimball Medical Solutions division, produces medical disposables, drug delivery devices, and precision-molded plastics. Continued growth and increasing demand are driving Kimball to expand its operations.

The company plans to lease 307,800 square feet of space within a 584,820-square-foot facility located at 1220 South Post Road in Indianapolis/Marion County. The lease agreement is anticipated to span 10 years, with future renewal options, as well as the opportunity to purchase the entire facility and a right of first refusal for adjacent space. The new site will accommodate the construction of class 7 and 8 cleanrooms for medical manufacturing, a plastic molding production area, as well as necessary infrastructure including electrical, mechanical, tooling, laboratory, office, and employee service areas such as restrooms and break rooms.

Currently, the company employs 165 employees with a current salary of \$32/hr., with plans to grow the workforce to over 300 employees at an average salary of \$29/hr. as part of this expansion over a 6-year period. The facility will house automation assembly equipment and plastic injection molding machines essential for producing its core medical products. The total investment for the move and construction is estimated at \$34,146,733, which will be fully funded by Kimball Electronics, Inc., and its affiliates. The company will donate 5% of its tax savings toward workforce initiatives.

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 six (6) years personal property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: Kimball Electronics Indianapolis, Inc.

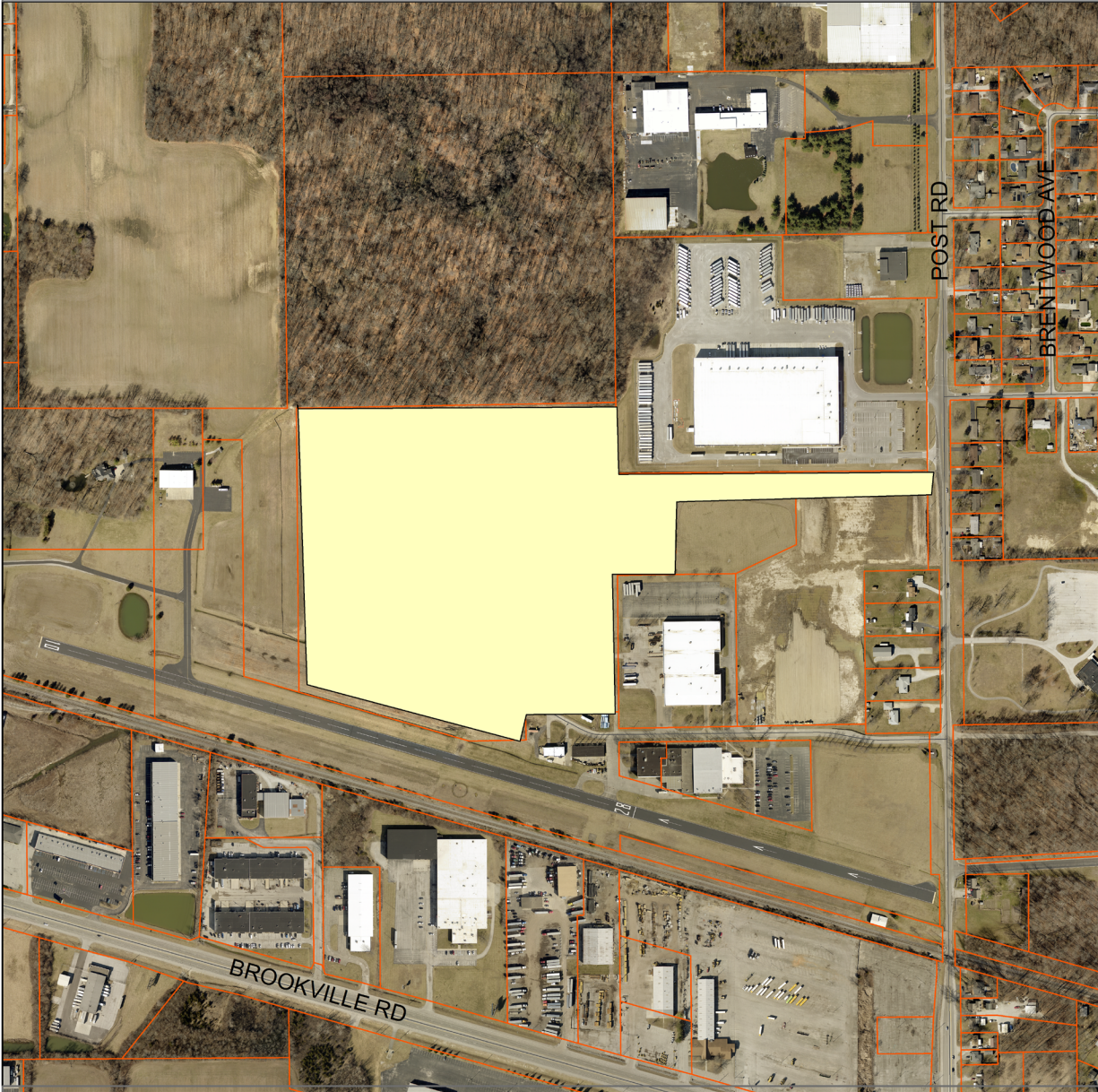
INVESTMENT: Staff estimates that the proposed investment of \$34,146,733.00 should result in an increase to the tax base of approximately \$13,658,693.20 of assessed value in the first year of operation. Staff estimates that over the six (6) year personal property tax abatement period the petitioner will realize savings of approximately \$1,324,057.08 (a 67.7% savings). During the abatement period, the petitioner is expected to pay an estimated \$631,799.49 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$293,378.49 in personal property taxes annually related to the new equipment.

EMPLOYMENT: The petitioner estimates that this project will retain one hundred and sixty-five (165) current positions at an average hourly wage of \$32.00/hr. and will create three hundred forty-five (345) new positions at an average wage of \$29.00/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.

Kimball Electronics Indianapolis, Inc.
1220 S. Post Rd., Lot 1



 Project Site

Produced by: DMD - BATTLE 04/2025



0 320 640 1,280 Feet

RESOLUTION NO. 2025-E-012
DECLARATORY RESOLUTION OF THE
METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, REMOVING CERTAIN PARCELS FROM
THE CONSOLIDATED FALL CREEK/CITIZENS REDEVELOPMENT AREA
AND CREATING THE OXFORD ROW 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, Commission has previously adopted and confirmed resolutions (as amended from time to time, collectively, the “Fall Creek Declaratory Resolution”) which established a redevelopment area known as the “Fall Creek/Citizens Consolidated Redevelopment Area” (the “Fall Creek Redevelopment Area”), approved the Fall Creek/Citizens Consolidated Redevelopment Area Plan (the “Fall Creek Plan”), and designated a portion of the Fall Creek Redevelopment Area as an allocation area to be known as the “Fall Creek/Citizens Consolidated HOTIF Area” (the “Fall Creek Allocation Area”) and approved the Fall Creek/Citizens Housing Program (the “Fall Creek Housing Program”); and

WHEREAS, the Commission has now selected certain parcels (the “Removed Parcels”) to remove from the Fall Creek Allocation Area in the Fall Creek Redevelopment Area and to create a new economic development area to be developed under the Act to be designated the “Oxford Row Economic Development Area” (the “Oxford Row Economic Development Area”) and also establish such new Economic Development Area as a new allocation area (the “Oxford Row Allocation Area”) and which Oxford Row Economic Development Area and Oxford Row Allocation Area are described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Commission has prepared a plan for development of the Oxford Row Economic Development Area (the “Oxford Row Plan”) and additional findings, which Economic Development Plan and additional findings are attached hereto as Exhibit B; and

WHEREAS, after the removal of the Removed Parcels, the Fall Creek Allocation Area is hereafter referred to as the “Amended Fall Creek/Citizens Consolidated HOTIF Allocation Area” (the “Amended Fall Creek Allocation Area”) and the Fall Creek Redevelopment Area is hereafter referred to as the “Amended Consolidated Fall Creek/Citizens Redevelopment Area”; and

WHEREAS, the Removed Parcels have Zero Dollars (\$0) net assessed value and therefore the Commission has determined that there are no owners of outstanding obligations that would be materially adversely affected by the removal of the Removed Parcels; and

WHEREAS, the Commission directed City staff and its municipal advisor to begin the collection of certain data, materials and estimates as required by the Act to permit the Commission

to determine if the removal of the Removed Parcels from the Fall Creek Allocation Area and the creation of the Oxford Row Allocation Area in the Oxford Row Economic Development Area, as well as the amendment of the Fall Creek Plan, as needed, and such data, materials and estimates have been assembled and distributed to the Commission; and

WHEREAS, other than the parcels removed from the current Fall Creek Allocation Area by this resolution, the parcels remaining in the Amended Fall Creek Allocation Area shall maintain the same base assessment date as when originally created; and

WHEREAS, the Oxford Row Allocation Area shall have a base assessment date of January 1, 2025; and

WHEREAS, the remaining portions of the current Fall Creek Allocation Area shall hereafter be a part of the Amended Fall Creek Allocation Area; and

WHEREAS, the Amended Fall Creek Allocation Area and the creation of the Oxford Row Allocation Area and the supporting data related thereto have been reviewed and considered at this meeting; and

WHEREAS, the Commission now desires to adopt this Declaratory Resolution and to designate parcels of property within the Oxford Row Economic Development Area, as identified in Exhibit C, as an allocation area to be known as the “Oxford Row 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 Oxford Row Economic Development Area and Oxford Row Allocation Area in which property would be acquired for, or otherwise affected by, the establishment of an Oxford Row 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 Oxford Row Allocation Area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the Oxford Row Allocation Area; the parts of the Oxford Row Allocation Area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks playgrounds, and other public purposes under the Oxford Row Plan; and
- (2) a list of the various parcels of property that may be affected, including the parcels of the project not in the Oxford Row Economic Development Area and Oxford Row Allocation Area, other than by acquisition, by the establishment of the Oxford Row Plan; and
- (3) an estimate of the cost of acquisition, redevelopment and economic development.

WHEREAS, the Oxford Row 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; and

WHEREAS, in connection with the establishment of the Oxford Row Economic Development Area and Oxford Row Allocation Area, the parcels described in the Oxford Row Plan should be removed from the Fall Creek Redevelopment Area. Together, the Fall Creek Redevelopment Area, the Fall Creek Allocation Area and the Fall Creek Plan, as needed, should be amended to reflect such removal. The Amended Fall Creek Redevelopment Area and the Amended Fall Creek Allocation Area shall now refer to the revised area, excluding the Oxford Row Economic Development Area and Oxford Row Allocation Area.

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. The Commission has identified certain parcels within the Fall Creek Redevelopment Area and the Fall Creek Allocation Area in the redevelopment district of the City, that it desires to include in a new economic development area and allocation area, which the Commission hereby designates as the “Oxford Row Economic Development Area” and the “Oxford Row Allocation Area.”

Section 3. It will be of public utility and benefit to adopt this Declaratory Resolution to establish the Oxford Row Allocation Area in the Oxford Row Economic Development Area in the manner provided for in the Resolution and to develop the Oxford Row Economic Development Area pursuant to the Act.

Section 4. The Oxford Row Plan conforms to other development and redevelopment plans of the City of Indianapolis.

Section 5. This Declaratory Resolution is reasonable and appropriate when considered in relation to the Oxford Row Plan, as well as the purposes of the Act.

Section 6. The Commission created the Oxford Row Plan and finds that the Oxford Row Plan for the Oxford Row 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 7. The Commission finds that the Oxford Row 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 Oxford Row 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 8. The Commission finds that the accomplishment of the Oxford Row 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 Oxford Row Plan will serve as a basis for making future public improvements.

Section 9. The Oxford Row Plan for the Oxford Row Economic Development Area and Oxford Row Allocation Area conforms to the comprehensive plan of development for the consolidated city.

Section 10. The current estimated cost to the Commission of implementing the Oxford Row Plan for the Oxford Row Project is approximately Twelve Million Four Hundred Seventy-Five Thousand Dollars (\$12,475,000).

Section 11. The Commission finds that the current estimated net assessed value for the Oxford Row Allocation Area is Zero Dollars (\$0) and the estimated net assessed value applicable

to such property after development is Seven Million Six Hundred Eighty-Four Thousand Six Hundred Dollars (\$7,684,600) based on projected plans at this time.

Section 12. The Commission finds that no residents of the Oxford Row Economic Development Area will be displaced by any project resulting from the Oxford Row 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 13. In support of the findings and determinations set forth above, the Commission hereby adopts the specific findings set forth in the Oxford Row Plan and the additional findings attached hereto as Exhibit B.

Section 14. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Oxford Row Economic Development Area. If at any time the Commission proposed to acquire specific parcels of land, the required procedures for amending the Oxford Row Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

Section 15. 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 “Oxford Row 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 Oxford Row 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 Oxford Row Allocation Area hereby designated as the “Oxford Row 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 16. The base assessment date of the Oxford Row Allocation Area shall be January 1, 2025.

Section 17. The Fall Creek Redevelopment Area is hereby amended to reflect the removal of the parcels described in the Oxford Row Economic Development Area and such

Amended Fall Creek Redevelopment Area is shown on the map in Exhibit D attached hereto and incorporated herein by reference.

Section 18. The Fall Creek Allocation Area is hereby amended to reflect the removal of the parcels described in the Oxford Row Allocation Area and such Amended Fall Creek Allocation Area is shown on the map in Exhibit E attached hereto and incorporated herein by reference.

Section 19. The Fall Creek Plan and base date for the Fall Creek Allocation Area shall remain unchanged and are hereby ratified and confirmed. The Fall Creek Plan is continued and only amended as needed for the amendments contemplated for the establishment of the Oxford Row Economic Development Area and Oxford Row Allocation Area.

Section 20. The amendments hereby made to the Fall Creek Redevelopment Area, the Fall Creek Allocation Area and the Fall Creek Plan, as needed, are reasonable and appropriate when considered in relation to the Fall Creek Declaratory Resolution and the Fall Creek Plan, and the purposes of the Act.

Section 21. 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 Oxford Row 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 Oxford Row Allocation Area. The Commission shall notify the Indiana Department of Local Government Finance of the designation of the Oxford Row Allocation Area as an allocation area.

Section 22. 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 Oxford Row Economic Development Area, subject to the limitations in IC 36-7-15.1-30.

Section 23. The Commission shall cause to be prepared a statement disclosing the impact of the Oxford Row Allocation Area, including the following:

- (A) The estimated economic benefit and costs incurred by the Oxford Row 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 Oxford Row 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 24. 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 Oxford Row 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 Oxford Row Allocation Area, and the surrounding Oxford Row Economic Development Area, which will generate new property taxes.

Section 25. The Declaratory Resolution is hereby in all respects approved, and shall be effective as of the date of its adoption.

Section 26. This resolution shall be submitted to the City-County Council for its approval of the establishment of the Oxford Row Economic Development Area the Oxford Row Allocation Area as provided in the Act.

Section 27. 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 28. The Commission further directs the presiding officer to submit this resolution to the City-County Council for its approval of the establishment of the Oxford Row Economic Development Area and the Oxford Row Allocation Area.

Section 29. 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 30. 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 May 21, 2025, 1:00 p.m. at the City-County Building, 2nd 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

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.

EXHIBIT A

OXFORD ROW ECONOMIC DEVELOPMENT AREA MAP AND PARCELS

Address: 2460 and 2502 N. Delaware St., Indianapolis, Indiana 46205 (previously 2460, 2502, 2514, 2520 and 2524 N. Delaware St. and 164 E. 25th St., Indianapolis, Indiana 46205)

Local Parcels #: 1068784 and 1033814 (previously 1003054; 1031931; 1058071; 1029028; 1068784 and 1033814)

State Parcels #: 49-06-25-179-027.000-101 and 49-06-25-133-082.000-101 (previously 49-06-25-179-027.000-101; 49-06-25-179-028.000-101; 49-06-25-179-029.000-101; 49-06-25-179-031.000-101; 49-06-25-179-032.000-101; and 49-06-25-133-082.000-101)

Oxford Row EDA and Allocation Area



Legend

- Allocation area
- Economic Development Area (EDA)

EXHIBIT B

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA ECONOMIC DEVELOPMENT PLAN FOR THE OXFORD ROW 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 Oxford Row 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 “Oxford Row 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 2460 and 2502 N. Delaware St., Indianapolis, Indiana 46205 (previously 2460, 2502, 2514, 2520 and 2524 N. Delaware St. and 164 E. 25th St., Indianapolis, Indiana 46205). 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 a 3-story, walk-up style development with approximately 46 residential units alongside approximately at least 5,000 square feet of street level retail space (the “Project”). The total cost for the Project is estimated to be not less than Twelve Million Four Hundred Seventy-Five Thousand Dollars (\$12,475,000).

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 Twelve Million Four Hundred Seventy-Five Thousand Dollars (\$12,475,000) with the Commission providing a currently estimated amount of not to exceed Two Million Twelve Thousand Dollars (\$2,012,000) 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.

Based on the most recent Project information provided by the Developer, the currently estimated future Assessed Value of the Project is Seven Million Six Hundred Eighty-Four Thousand Six Hundred Dollars (\$7,684,600). 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 One Hundred Eighty-Nine Thousand Four Hundred Seventy-Eight Dollars (\$189,478) 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 One Hundred Sixty Thousand Eight Hundred Sixteen Dollars (\$160,816) as calculated by Crowe LLP, as municipal advisers to the City. Such amounts are estimates only and subject to change.

The total number of jobs created is 40. Of the total number of jobs created, 24 are minority positions, 22 women positions and 30 will be filled by Marion County residents.

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.

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 design of Oxford Row is meticulously centered around Delaware Street, ensuring the buildings not only integrate seamlessly with the existing urban fabric but also stand out with architectural distinction. Oxford Row is a transformative community enhancement project aimed at completing an urban neighborhood. The Oxford Row Project will create a strong sense of place for future residents while supporting local business with its retail spaces.

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 in such year and considering any prior year shortfalls to the payment of the bonds and other matters in furtherance of the Project. 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 Oxford Row Allocation Area, or held in a reserve fund that the City can use as needed to address any shortfall in debt on the Oxford Row 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

OXFORD ROW ECONOMIC DEVELOPMENT AREA MAP AND PARCELS

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Oxford Row EDA and Allocation Area



Legend

-  Allocation area
-  Economic Development Area (EDA)

EXHIBIT C

OXFORD ROW ALLOCATION AREA MAP AND PARCELS

Address: 2460 and 2502 N. Delaware St., Indianapolis, Indiana 46205 (previously 2460, 2502, 2514, 2520 and 2524 N. Delaware St. and 164 E. 25th St., Indianapolis, Indiana 46205)

Local Parcels #: 1068784 and 1033814 (previously 1003054; 1031931; 1058071; 1029028; 1068784 and 1033814)

State Parcels #: 49-06-25-179-027.000-101 and 49-06-25-133-082.000-101 (previously 49-06-25-179-027.000-101; 49-06-25-179-028.000-101; 49-06-25-179-029.000-101; 49-06-25-179-031.000-101; 49-06-25-179-032.000-101; and 49-06-25-133-082.000-101)

Oxford Row EDA and Allocation Area



Legend

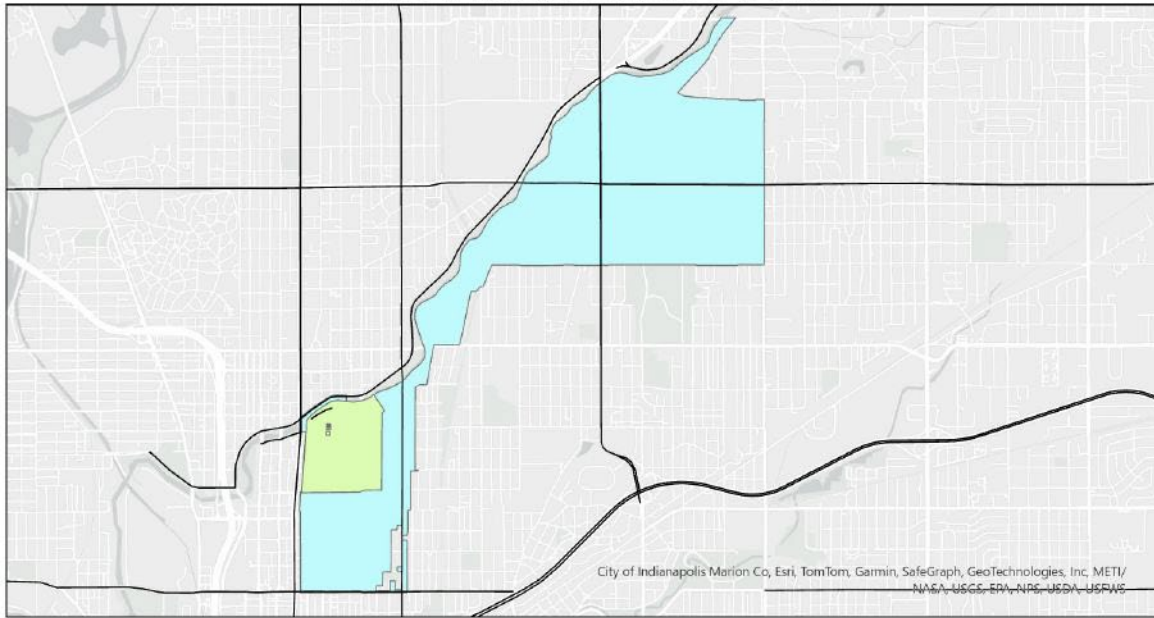
- Allocation area
- Economic Development Area (EDA)

EXHIBIT D

AMENDED FALL CREEK REDEVELOPMENT AREA

(EXCLUDES THE OXFORD ROW ECONOMIC DEVELOPMENT AREA SHOWN ON EXHIBIT A)

**Amended Fall Creek Redevelopment Area
and Allocation Area**



- Oxford Row Allocation Area and Economic Development Area
- Fall Creek Consolidated HOTIF
- Fall Creek Redevelopment Area
- Streets

0 0.25 0.5 1 Miles

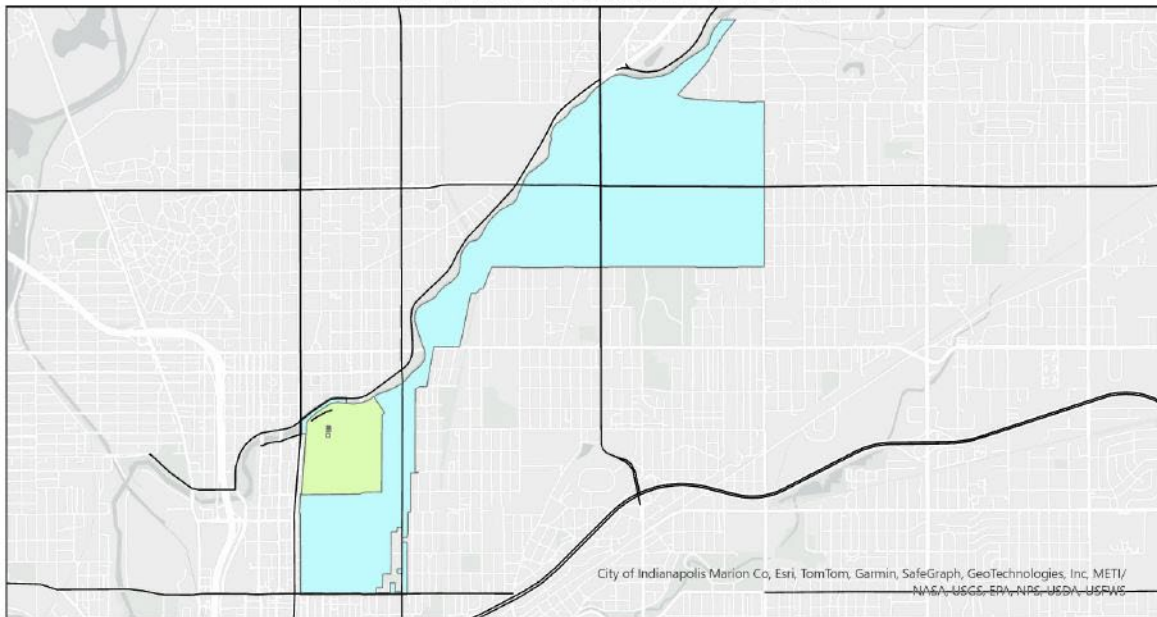


EXHIBIT E

AMENDED FALL CREEK ALLOCATION AREA

(EXCLUDES THE OXFORD ROW ALLOCATION AREA SHOWN ON EXHIBIT C)

**Amended Fall Creek Redevelopment Area
and Allocation Area**



- Oxford Row Allocation Area and Economic Development Area
- Fall Creek Consolidated HOTIF
- Fall Creek Redevelopment Area
- Streets

0 0.25 0.5 1 Miles



LR02314.0797642 4926-9091-7120v16

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2025-P-006**

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

WHEREAS, under IC 36-7-4-701(e), the Commission is empowered to appoint a Plat Committee to hold hearings on and approve plats and replats on behalf of the Commission and requires the appointment of one member of the Commission to the Plat Committee.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby appoints Commissioner Brandon Herget to the Plat Committee for the period from May 21, 2025, through December 31, 2025.
2. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission

Ethan Hudson, Asst. Corp. Counsel

John J. Dillon III, President

METROPOLITAN DEVELOPMENT COMMISSION

May 21, 2025

Case Number: 2025-CZN-809 / 2025-CVR-809 (Amended)

Property Address: 8800 East Raymond Street (Approximate Address)

Location: Warren Township, Council District #20

Petitioner: Alexander Construction and Landscape, by David Retherford

Current Zoning: C-5

Request: Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot front transitional yard (minimum 100-foot front transitional yard required), with a 30-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), to permit for outdoor loading and unloading of equipment and material 30 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).

Current Land Use: Undeveloped

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 21, 2025, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on April 24, 2025. The request was amended to increase the east transitional yard and separation from a protected district to 30 feet and the variance for interior and exterior landscaping was withdrawn. 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.

April 24, 2025

This petition was automatically continued from the February 27, 2025, hearing to the March 27, 2025, hearing at the request of a registered neighborhood organization.

This petition was continued for cause from the March 27, 2025, hearing to the April 10, 2025, hearing at the request of the petitioner.

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After a hearing, but before a recommendation was made by the Hearing Examiner, this petition was continued for cause from the April 10, 2025, hearing to the April 24, 2025, hearing at the request of the petitioner. The petitioner submitted a revised site plan on April 15, 2025, which is below. The site plan, and discussions with the petitioner, have clarified the intent of the request and how the Ordinance would regulate the proposed use and development plan. First, the parking area is confined to only the area from Raymond Street to the proposed paved parking lot, with three regular spaces, and one handicap-accessible space. Interior landscaping that covers 9% of the lot is required when 15 or more parking spaces are required; therefore, this variance may be withdrawn. Secondly, the site plan identifies two specific locations of outdoor equipment storage. The remainder of the unimproved portion of the lot would be for vehicle maneuvering and "minor storage area". Thirdly, the east side transitional yard would be 30 feet, and landscaped. Finally, the site plan identifies Phase one and Phase two of development of the site. Staff believes that while this greatly assists in clarifying the request and reduces the initial impacts that was originally proposed, the recommendation should remain as denial. The use could have potential negative impacts of this use upon the established neighborhood and the Comprehensive Plan. |

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

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

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of Raymond Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP). |

PETITION OVERVIEW

LAND USE

The 4.37-acre subject site is an undeveloped commercially zoned parcel. It is bordered to the west by undeveloped land, zoned C-5, to the north by an industrial property, zoned I-2, to the east by a residential use, zoned D-A, and to the south across Raymond Street by single-family dwellings, zoned D-A.

REZONE

The request would rezone the property from the C-5 district to the I-2 district to provide for a commercial and building contractor's business with potential other businesses permitted in the I-2 district.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of

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motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

VARIANCE OF DEVELOPMENT STANDARDS

The request includes multiple variances for development standards.

The request would provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings. Per Table 743-306-2, the C-5 district only permits outdoor storage of inoperable vehicles awaiting repair which is further limited to 25% of the total gross floor area of enclosed buildings. The proposal would far exceed the 25% limitation of the Ordinance to a point that can be seen as excessive.

The request would provide for a gravel parking and storage area, which is not permitted. According to the Ordinance, for all uses other than Agricultural, Animal Related, and Food Production uses located in the D-A zoning district, parking lots shall provide a durable and dust free surface through one of the following means:

1. The parking lot shall be paved with bricks or concrete; or
2. The parking lot shall be improved with a compacted aggregate base and surfaced with an asphaltic pavement; or
3. The parking lot shall be improved with a compacted aggregate base and surfaced with permeable pavers or permeable pavement approved by the city as appropriate for the type and intensity of the proposed use and for the climate of the city.
4. A gravel surface may be used for a period not exceeding one year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing required by the Zoning Ordinance.
5. For single-family detached dwellings, parking and drive surface may consist of a compacted aggregate base and gravel surface with a distinct edge boundary to retain the gravel.

The request would have deficient transitional yards and a deficient rear yard. As proposed there would be a 52-foot front transitional yard where a minimum 100-foot front transitional yard is required), a 15-foot east side transitional yard where a minimum 50-foot side transitional yard is required, and a 10-

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foot north rear yard where a minimum 30-foot rear yard is required for the I-2 district in the Metro Context Area per Table 744-201-6 of the Ordinance.

The request would not provide the minimum 9% of lot coverage with landscaping required for interior and exterior landscaping needed on site.

The request would reduce the minimum 500-foot separation requirement for storage being higher than the screening to permit for outdoor loading, unloading, and storage of equipment and material from a protected district in the Metro Context Area to 15 feet.

Lastly the request would allow a six-foot tall aluminum fence with masonry columns in the front yard where a maximum 3.5-foot-tall fence is permitted in the front yard.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Raymond Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The submitted Findings of Fact note that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the site because “the presence of the overhead power line easement impacts a significant portion of the site...”. While it is true that a transmission easement crosses the site, the current C-5 district has significantly reduced transitional yard requirements with a variety of uses permitted by right that likely would not require variances.

The Findings of Fact note that “not requiring the paving of the fenced outdoor area shown on the site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt regrind) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust.” It is apparent that the business owner is aware of the issues with gravel parking areas and rather than meeting the standards to prevent dust and debris from getting into the air, they wish to save on the cost while putting the health and welfare of the community at risk.

The Findings of Fact note that the use or value of the area adjacent to the property will not be affected in a substantially adverse manner because “the huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auction for decades without creating any adverse impact”. However, they failed to mention that the property to the north is recommended for heavy commercial development and is solely accessed on Brookville Road which is a heavily commercial and industrial primary arterial street.

The C-5 district permits the use of a commercial and building contractor but does not allow for the excessive outdoor storage that would be proposed with the request. Outdoor storage and operations is

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defined as an outdoor area used for long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles, junk as an accessory use to and associated with a primary use on the property.

The request for multiple variances to even allow the proposed development is proof that the site is not large enough for the I-2 district proposal.

It was determined that the proposal would be inappropriate at this location within proximity to single-family dwellings, school, and church. The Ordinance is in place to prevent these intense uses from being located within proximity to protected districts and when located nearby the regulations ensure adequate buffering is provided. The variances requested in this proposal would undermine this standard of protection provided by the Ordinance.

Furthermore, the I-2 district would not align with the Comprehensive Plan recommendation of suburban neighborhood development which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities which the proposed commercial business contractor would not be, nor would other uses permitted in the I-2 district.

For these reasons, staff is recommending denial of the requests.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: I-2	Industrial
	South: D-A	Residential (Single-family dwellings)
	East: D-A	Residential
	West: C-5	Undeveloped
Thoroughfare Plan		
Raymond Street	Primary Arterial Street	119-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 15, 2025; revised April 15, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 10, 2025; revised April 10, 2025	

**Findings of Fact
(Amended)** N/A

C-S/D-P Statement N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.

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- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- The proposed I-2 district and associated businesses would not align with the Comprehensive Plan recommendation. |

Red Line / Blue Line / Purple Line TOD Strategic Plan

- |Not Applicable to the Site. |

Neighborhood / Area Specific Plan

- |Not Applicable to the Site. |

Infill Housing Guidelines

- |Not Applicable to the Site. |

Indy Moves

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

- |The Indy Moves Transportation Integration Plan (2018), more specifically the IndyMoves PedalIndy 2018 plan proposes an on-street bike lane along Raymond Street from Southeastern Avenue to Mitthoeffer Road. |

ZONING HISTORY

Zoning History – Site

95-Z-199B; 8601 Brookville Road (subject site), Rezoning 100.0 acres from C-5 and D-A to C-5 to provide for an automobile auction, **approved.**

Zoning History – Vicinity

2022-ZON-019; 8405 and 8635 Brookville Road (north of site), Rezoning of 108.53 acres from the C-4 and C-5 districts to the I-2 district, **approved.**

2000-ZON-818; 8856 East Raymond Street (southeast of site), Rezoning of one acre from SU-1, to D-S, to provide for construction of one single-family dwelling, with a two car attached garage, **approved.**

93-Z-12; 8401 East Raymond Street (southwest of site), Rezoning of 46.0 acres, being in the PK-1 District, to the SU-2 classification to provide for construction of a middle school, **approved.**

85-Z-64; 8989 East Raymond Street (southeast of site), Rezoning of 6.59 acres, from C-3 and A-2 to SU-1, to provide for a religious use, **approved.**

82-Z-82; 8502 East Raymond Street (west of site), Rezoning of 22.42 acres, being in the A-2 District, to the SU-7 classification for a home and treatment center for adolescent alcoholics, **withdrawn.**

63-Z-41; (southeast of site) Rezoning from the A-2 district to the B-2 classification to allow for retail stores and offices to be constructed, **approved.**

EXHIBITS



MEMORANDUM OF EXAMINER'S DECISION

2025-CZN-809/2025-CVR-809(amended)

8800 E. Raymond Street

The petitions requests the rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business, with numerous variances of development standards to increase the percentage of outdoor storage and operations, reduce transitional and rear yards, allow gravel parking and storage areas, and reduce the setback for outdoor loading and unloading.

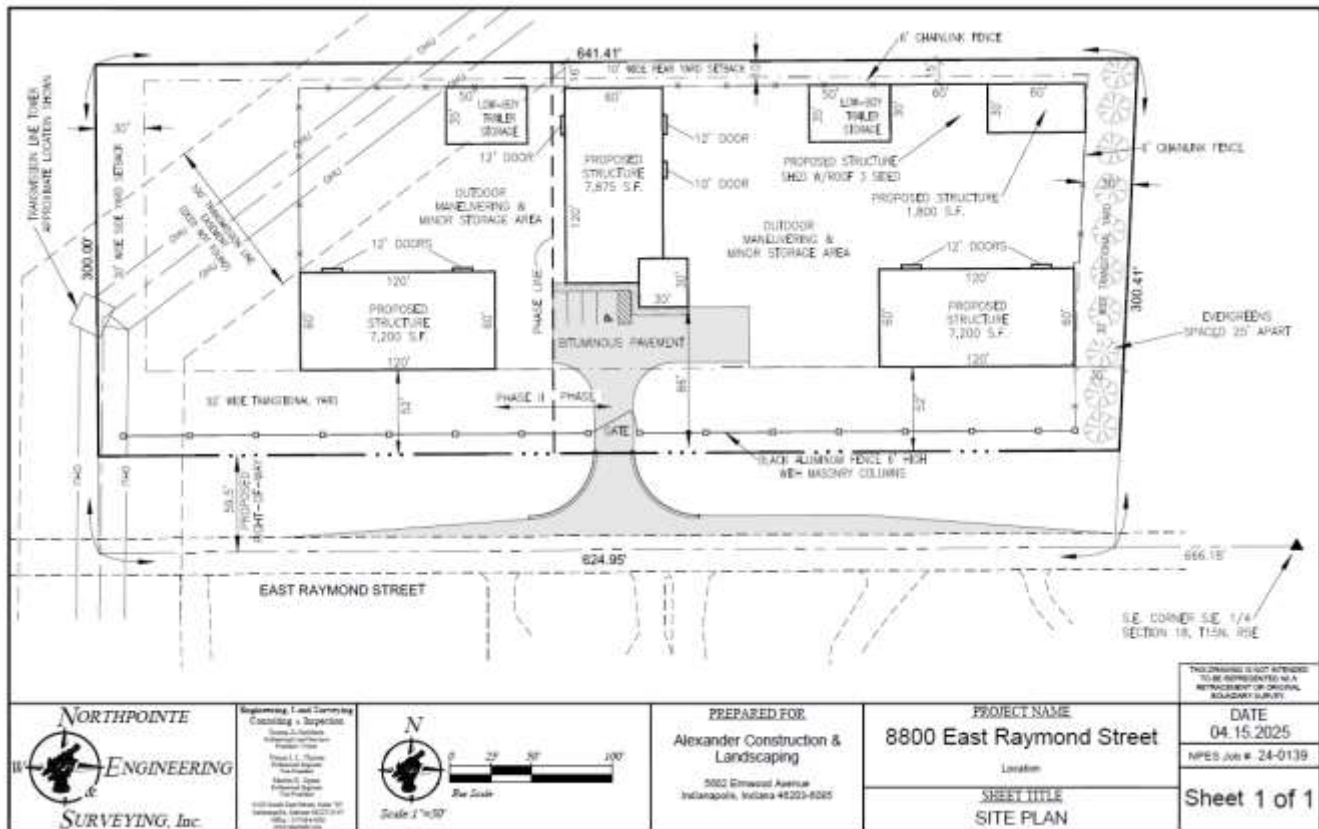
Your Hearing Examiner visited the undeveloped site prior to the hearing and noted residential uses east and south of it. An industrial use is north of the site, and an undeveloped property zoned C-5 is west of it.

The petitioner's representative explained that the petitioner has outgrown his current location. A revised site plan was submitted that removed one variance request and amended several other requests. The representative stated that the residents in the area supported the petitions because they did not want residential development, and letters of support were presented. A letter of support was also submitted from Warren Township Development Association, and its president spoke in support. Petitioner has agreed to 22 commitments.

Staff stated that the revised site plan addressed some of its concerns; however, the requested I-2 district should not be allowed adjacent to a protected district, particularly if the development standards put in place to protect the district are not being met. Staff suggested that the current C-5 district allowed a number of viable uses of the site.

In your Hearing Examiner's opinion, the requested I-2 district is inappropriate for this site and is not compatible with adjacent residential areas. The plethora of variances requested indicates that the proposed development is an over-intensification of the site. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on May 21, 2025



Revised Site Plan

[illegible]

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**Statement of Commitments – 2024-CZN-809 and 2024-CVR-809
8800 E. Raymond Street
4-23-2025**

1. The only primary use permitted on the site shall be as the operational headquarters of a Contractor, and no other uses permitted on I-2 zoned property shall be permitted.
2. No vehicular connection shall be permitted between the subject property and the abutting property to the North which would allow traffic from said property to North to access Raymond Street.
3. All outdoor lighting fixtures shall be shielded so that the light is directed primarily down at all times, with glare screens added if necessary to prevent a direct line of site to the bulb from any residence to the south or east of the site.
4. Any lighting which is placed on a pole shall not exceed forty feet in height, and the light emitted shall be directed inwards onto the site or down only.
5. No material shall be stored outdoors on the site (stored is defined as longer than 72 hours without being moved offsite, and outdoors shall be defined as anywhere not either inside a building or under the roof of the proposed lean-to buildings).
6. No equipment shall be stored outdoors on the site (using the same definition as the preceding Commitment) with the exception that a maximum of two low-boy type trailers used to haul equipment may be stored outdoors along the North edge of the fenced outdoor yard. However, if the west portion of the site is developed in the future for an expansion; and that development contains a fenced outdoor yard as roughly indicated on the Site Plan, then the outdoor storage of a maximum of two additional low boy type trailers shall also be permitted along the North edge of that separate area.
7. With the exception of the limited outdoor storage of trailers as described in the preceding Commitment, the fenced outdoor yard is to be used only for maneuvering and loading and unloading purposes of equipment and material at the beginning and end of each workday, and the parking of employee vehicles during the workday.
8. Any dumpster on the site will only be serviced between 7 AM and 7 PM, and only on weekdays, with the exception of the occasional need due to inclement weather
9. No loading dock shall be permitted.
10. No Communication Antennae shall be permitted.
11. There shall be no sign installed other than a simple sign along the frontage (not to exceed four feet in height containing the four digit address numbers; and a possible business identification sign located on the south facing wall of the office building visible through the entrance.
12. The portion of the east side of the outdoor storage yard which is not screened by a building shall be fenced with a black vinyl coated chain link fence not less than six feet in height.

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13. The 15' transitional yard/setback along the east side of the outdoor storage yard shall be landscaped to include a row of evergreen trees not less than 5 feet tall at the time of planting, and not less than 25 feet apart along the entire length of the outdoor yard (including the backs of the buildings), in order to buffer the storage yard and the backs of the buildings to benefit the property to the East.
14. The portion of the Raymond Street frontage which is east of the east edge of the powerline easement, and is also not part of the entrance, shall be buffered before the proposed use of the site by the petitioner commences, via the installation of a six foot tall black aluminum wrought iron style fence with masonry columns. This same area shall also be buffered via mounding not less than five feet in height (other than narrow gaps required for drainage purposes (if any)), plus a mix of deciduous and evergreen trees and shrubs and grasses similar to the conceptual rendering for this area attached hereto as Exhibit A.
15. At the time the site is initially developed, the mound located near or within the powerline easement shall be removed or flattened so it does not impact drainage; and also at least the portion of the right of way along the North side of Raymond which is also located within the powerline easement shall be cleared and cleaned up. At the same time a drainage swale or ditch shall also be installed just North of Raymond through this same area if required by DPW drainage; and this disturbed area shall be graded and seeded so it can also be mowed.
16. If the outdoor yard is not covered with asphalt regrind or similar material which does not generate significant dust, then the outdoor fenced area shall be regularly treated with dust preventer or similar material which will prevent dust from travelling outside of the boundaries of the subject property due to the maneuvering of equipment and/or the permitted loading and unloading activities on the site.
17. With the exception of the work necessary to comply with the preceding Commitment, the existing trees within the power line easement shall generally not be removed as a part of the development of the east portion of the site unless required to comply with drainage standards. At the time the west portion of the site is developed, the existing trees and brush within fifteen (15) feet of the west line shall not be removed, subject to the rights of removal of same held by the owner of the powerline easement.
18. The maximum building height on the site shall be 35 feet.
19. The South facing wall of the office building visible via the entry drive shall include a stone wainscotting not less than 3 foot tall at the bottom of said wall, similar in appearance to the rendering attached as Exhibit B.
20. The remaining buildings on the Site shall be similar in design to the rendering attached as Exhibit C, including a wainscotting of a different color not less than 3 feet tall along the bottom.
21. The approval of the variance is subject to the Site Plan dated 4/15/2025 which was approved at the hearing.

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22. A 59.5-foot half right-of-way shall be dedicated along the frontage of Raymond Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



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Petition Number _____
METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

Table 743-306-2, Outdoor fenced yard ratio

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

DECISION

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

Adopted this _____ day of _____ 202 5

Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____
METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
Table 743-306-2, Outdoor fenced yard ratio

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

DECISION

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

Adopted this _____ day of _____ 202 5

Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____
METROPOLITAN DEVELOPMENT COMMISSION
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METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
Unpaved Surface of Fenced Outdoor Area

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Not requiring the paving of the fenced outdoor area shown on the Site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt reground) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust.
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 huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property which is heavily wooded, but is zoned C-5, and this property is separated from the subject property by the pre-existing 100' wide overhead power line easement and the tower with lines. To the South across Raymond Street are single family homes on large lots, but the Petitioner's commitments when combined with the low intensity manner in which the site will actually be used will not likely create such substantial adverse impact, especially when compared to what could have been developed on this site per the pre-existing C-5 zoning.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The types of equipment used by the Petitioner, and the low trailers used to haul it, would almost certainly damage the surface of the outdoor storage area unless it is covered with a loose material that allows the necessary sharp turns needed to access the buildings or turn around on the site.

DECISION

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

Adopted this _____ day of _____ 202 5



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OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

744-06 (C) and (D) & 744-08 (C) – landscaping to the north, east and west

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving less landscaping than required by the ordinance in the North, west and east yards presents no reasonable risk of such injury as the existing uses to the north are already more intense, the existing trees and screening are being preserved along the east line, the property to west is heavily wooded and the 100' wide power line easement running along the west not only creates separation but would prevent the planting of any trees, and extra screening, landscaping and fencing is proposed along the visible portion of the site, which is along Raymond Street.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. Not only does it restrict the developable area significantly, the restrictions on trees and landscaping imposed by the utility company owning the rights to the easement would legally prevent the Petitioner from complying with most of the landscape ordinance within the west portion of the site. The properties to the east and west are owned by the same property owner, and they support the grant.

DECISION

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

Adopted this _____ day of _____ 202 5

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

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
744-201-6 – reduced setbacks and transitional yards**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving narrower setbacks and yards along the North, east and South lines presents no reasonable risk of such injury as the existing uses to the north are already more intense, the existing trees and screening are being preserved along the east line, and the Petitioner has committed to install decorative fencing, mounding and landscaping in the south transitional yard which exceeds the requirements in the ordinance.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they support the proposed variances being granted. To the West is remaining property zoned C-5, and the setback and transitional yard significantly exceeds the requirements per the ordinance due to the impact of the overhead power line and easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. In addition, the entire site is not very deep, which makes designing a contractor's facility with sufficient room for buildings and maneuvering areas difficult without reducing the north and south setbacks/transitional yards as proposed.

DECISION

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

Adopted this _____ day of _____ 202 5

Department of Metropolitan Development
Division of Planning
Current Planning

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FINDINGS OF FACT

Table 743-306-2 - outdoor loading and unloading, and minimal outdoor parking/storage, within 500 feet of Protected District

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: As restricted by the Petitioner's Commitments, the grant presents no reasonable risk of such injury, especially in comparison to what would be permitted by the pre-existing C-5 zoning on the subject property.
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 parcels to the North and West are not affected, as the only Protected Districts are to the East and South. However, the fact that the prior uses of the auto auction to the north is relevant to determining that this area is not as likely to be sensitive to a reduction in the 500 foot rule as proposed here. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they support the proposed variance being granted. To the South across Raymond Street are single family homes on large lots, but the Petitioner's detailed and protective commitments when combined with the low intensity manner in which the site will actually be used will not likely create such substantial adverse impact, especially when compared to what could have been developed on this site per the pre-existing C-5 zoning of this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The site simply could not be used for any industrial use involving outdoor activities without such a variance, and the pre-existing C-5 zoning on this site, the C-5 zoning on the property to the West, and the recent rezoning of the property to the north from C-5 to I-2-S have an unique impact on the subject site. The proposal to reduce these specific difficulties via the specific limited and restricted proposal set forth by the Petitioner is a reasonable solution.

DECISION

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

Adopted this _____ day of _____ 202 5



Eastern property boundary of the subject site where the pole sign is located.



Photo of the subject site street frontage.



Photo of the subject site street frontage.

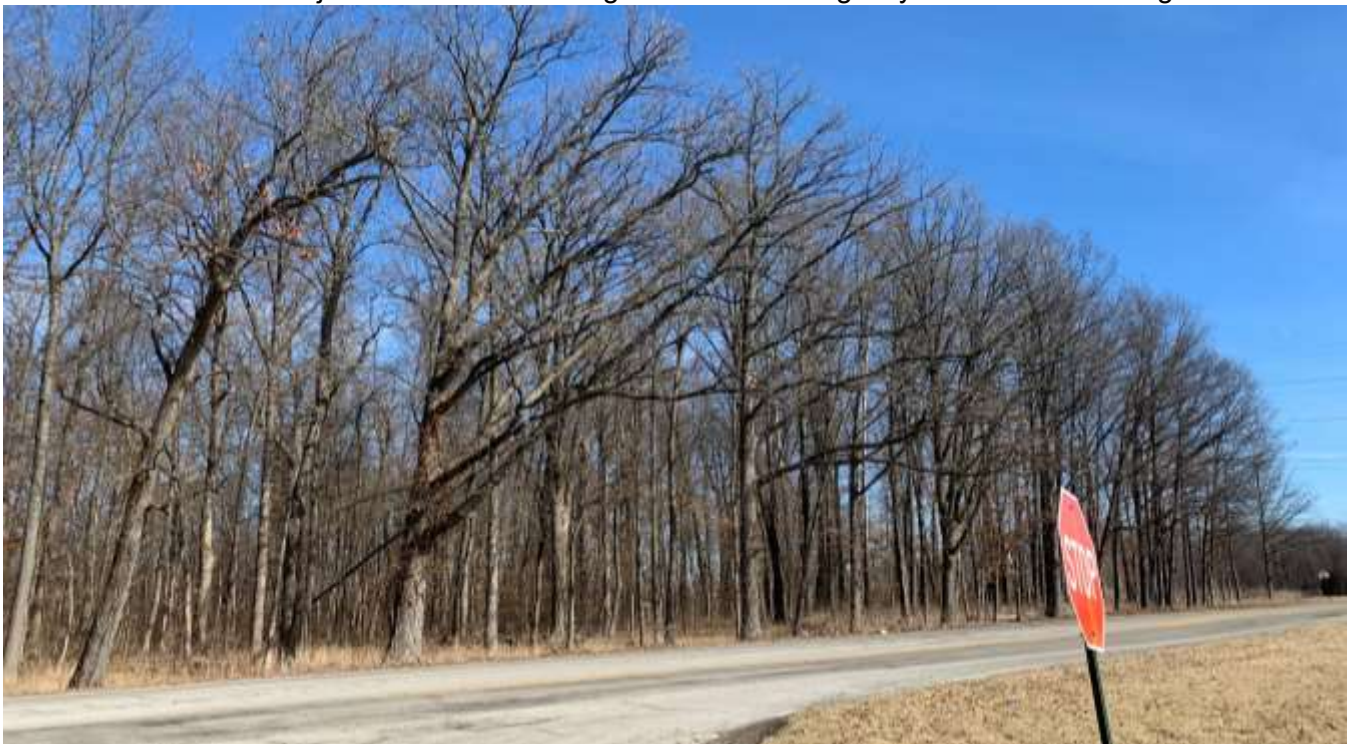


Photo of the western property boundary of the subject site with the transmission line easement.

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Photo of the subject site's street frontage on the left along Raymond Street looking east.



Undeveloped land west of the subject site.



Photo of the single-family dwellings south of the subject site.



Photo of the single-family dwellings south of the subject site.



Photo of the property east of the subject site. |