



# Metropolitan Development Commission (April 17, 2024) Meeting Notice

## Meeting Details

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

**Date:** Wednesday, April 17, 2024

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes:

March 20, 2024

April 3, 2024

## Policy Resolutions:

### REAL ESTATE:

#### 1. 2024-R-006

Metropolitan Development Commission authorizes DMD lease of the property at 39 W. Jackson Pl, 150, Indianapolis, IN to MUSIC FOR ALL, INC.

### ECONOMIC DEVELOPMENT / INCENTIVES:

#### 2. 2024-A-016 (For Public Hearing)

Final Economic Revitalization Area Resolution for Bila Solar Inc., located at 1301 South White River Parkway East Drive, Council District #16, Center Township. (Recommend approval of five (5) years personal property tax abatement.)

#### 3. 2024-A-017

Preliminary Economic Revitalization Area Resolution for Novartis LLC and Advanced Accelerator Applications USA, Inc. located at 8250 Challenger Drive Amendment to Phase One and Approval of Phase Two. (Recommended approval of a seven (7) year real property tax abatement.

#### 4. 2024-A-018

Preliminary Economic Revitalization Area Resolution for Novartis LLC and Advanced Accelerator Applications USA, Inc. located at 8520 Challenger Drive. (Recommended approval of ten (10) year personal property abatement for Phase One and a seven (7) year personal property abatement for Phase 2.

### HISTORIC PRESERVATION:

#### 5. 2024-HP-001 (For Public Hearing)

The IHPC is recommending to the MDC the adoption of “The Church of the Holy Cross Historic Area Plan- #44” into the Comprehensive Plan for Marion County. The Plan maps out the boundaries of the historic area located at 125 N. Oriental Street and provides preservation guidelines and recommendations based on the historic, architectural, and cultural significance of the buildings on the parcel, which include the Church, Rectory, Gymnasium, and School Building.

**Zoning Petitions:**

**Special Requests**

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

**6. 2023-ZON-125 | 4027 West 10th Street**

Wayne Township, Council District #15 (#16 Beginning 2024)  
Insight Engineering, by Don Fisher

Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.

**7. 2024-ZON-008 | 8560 North College Avenue**

Washington Township, Council District #2  
Blake and Associates, by Jonathan Blake

Rezoning of 0.64 acre from the SU-7 district to the SU-1 district to provide for religious uses.

**\*\*Petitioner has withdrawn the Petition**

**8. 2024-ZON-010 | 8235 Bash Street**

Lawrence Township, Council District #4  
Sohum Hotels, Castleton, LLC, by David Kingen

Rezoning of 1.793 acres from the C-3 and C-4 districts to the C-4 district to provide for regional commercial uses.

**9. 2024-ZON-019 | 337 Lincoln Street**

Center Township, Council District #18  
Josh and Rebecca Plemon, by Mark and Kim Crouch

Rezoning of 0.12 acre from the C-1 district to the D-5II district to provide for residential uses.

**10. 2024-ZON-020 | 3838, 3840, 3852 and 3862 East Washington Street**

Center Township, Council District #13  
Shepherd Community, Inc., by Mindy Westrick Brown

Rezoning of 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses.

**11. 2024-ZON-024 | 1836 Gent Avenue**

Center Township, Council District #12  
Stonecroft, LLC, by David Kingen

Rezoning of 0.88 acre from the I-2-(W-1) district to the D-8 (W-1) district to provide for residential uses.

**12. 2024-CZN-806 | 4896 Kentucky Avenue**

Decatur Township, Council District #21  
Taco Bell of America, LLC, by Josh Graber

Rezoning of 0.6735 acre from the C-5 district to the C-4 district to provide for a restaurant use.

**13. 2024-CZN-810 | 2460, 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street**

Center Township, Council District #12  
Chatham Park Development, LLC, by Andi M. Metzel

Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.

## PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

### 14. 2024-ZON-007 | 3000 North German Church Road

Warren Township, Council District #15  
Hession Properties, LLC, by Silvia B. Miller

Rezoning of 9.8 acres from the C-3 (FW) (FF) district to the C-5 (FW) (FF) district to provide for heavy commercial uses.

## Petitions for Public Hearing

## PETITIONS FOR PUBLIC HEARING:

### 15. REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

#### 2024-ZON-012 | 1170 Kentucky Avenue

Center Township, Council District #18  
KM23 Property, LLC, by David Kingen

Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

### 16. COMPANION PETITIONS SCHEDULED FOR INITIAL HEARING:

#### 2024-CZN-808 / 2024-CPL-808 | 11329 Maze Road

Franklin Township, Council District #25  
KDB, LLC, by David A. Retherford

Rezoning of 8.18 acres from the D-A (FW) (FF) District to the D-P (FW) (FF) District, to provide for three single-family dwelling lots.

Approval of a Subdivision Plat to be known as Caldwell Farms, dividing 8.18 acres into three lots.

## Additional Business:

### 17. ADOPTION OF NEGATIVE FINDINGS OF FACT FOR VARIANCE PETITION DENIED ON MARCH 20, 2024

#### 2023-UV3-022 | 8345 Bash Street

Lawrence Township, Council District #3 (#4 Beginning 2024)  
C-4  
CF Laughner Associates, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto:planneroncall@indy.gov) before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

Union Station  
Leasing  
Music for All/Bands of America

**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA  
Resolution No. 2024- R-006**

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

WHEREAS, pursuant to I.C. 36-7-15.1-6, and 7(a) (2) the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values and has the authority to lease property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the City and its inhabitants; and

WHEREAS, in the furtherance of said redevelopment, the DMD has had a lease in place with the organization known as Music for All, Inc- previously known as Bands of America, Inc ("Tenant"), for certain property at **39 W. Jackson Pl, STE 150, ( "Property")** and desires to extend or enter into a new lease with Tenant; and

WHEREAS, the proposed lease agreement for said Property would be on the terms and conditions that the MDC considers best for the city and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. DMD is hereby authorized by the Metropolitan Development Commission to lease **39 W. Jackson Pl, 150, Indianapolis, IN, 46225** to MUSIC FOR ALL, INC.. to promote the use of land in the manner that best serves the interest of the City and its inhabitants. on the terms and conditions that are best for the City and its inhabitants
2. The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof and hereby ratified, confirmed and approved.

Approved as to Adequacy & Legal Form  
Sheila Kinney *sek*  
\_\_\_\_\_  
Sheila E. Kinney, Asst. Corp Counsel  
Date: 4/9/2024

Metropolitan Development Commission  
\_\_\_\_\_  
John J. Dillon III, President  
Date: \_\_\_\_\_

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

**Resolution No. 2024-A-016**

**PERSONAL PROPERTY TAX ABATEMENT**

**Bila Solar, Inc.**

1301 (aka 1249) South White River Parkway East Drive

**WHEREAS, I.C. 6-1.1-12.1** allows a partial abatement of property taxes attributable to the installation of new 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 and determine the length of the abatement period and annual deduction 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 areas 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 preliminary hearing at 1:00 p.m. on Wednesday, September 6, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and the Commission adopted **Preliminary Resolution No. 2023-A-034 ("Preliminary Resolution")**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area, and subject to the adoption of a confirming resolution by the Commission and subject to limiting conditions, and it fixed 1:00 p.m. on Wednesday, **May 1, 2024**, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in whether the Subject Real Estate should be

designated as an Economic Revitalization Area to allow for the installation of the Specified New Equipment;  
and

**WHEREAS**, a copy of such Preliminary Resolution was properly filed with the Marion County Assessor and proper legal notices were published indicating the adoption and substance of such Preliminary Resolution and stating when and where such final hearing would be held; and

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

**WHEREAS**, at such final Hearing, evidence and testimony, and Factual Assertions 1 through 6 stated on the attachment to the Preliminary Resolution,) were considered by the Commission.

**NOW, THEREFORE, IT IS RESOLVED:**

1. The Commission now amends, confirms, adopts, and approves such Preliminary Resolution and thereby designates, finds and establishes the Subject Real Estate to be an Economic Revitalization Area. This designation is subject to the conditions that designation allows abatement of property taxes only relative to the installation of the Specified New Equipment on the Subject Real Estate. 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 the Specified New Equipment is filed with the County Assessor.
2. **The Economic Revitalization Area designation terminates December 31, 2026. 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 from May 1, 2024, to December 31, 2026.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the Subject Real Estate before termination of such designation, to a period of less than five (5) years.
3. The partial abatement of property taxes attributable to the installation of the Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
4. 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. 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 \$7,000,000.00.
5. The Commission has determined that the Project can reasonably be expected to yield the benefits identified in the attached personal property statement of benefits (the "Statement of Benefits") and that the Statement of Benefits is sufficient to justify the partial abatement of property taxes requested, based on the following findings:
  - A. The estimate of the cost of the Specified New Equipment is reasonable for equipment of that type.

- B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed installation of the Specified New Equipment.
  - E. The "Totality of Benefits" is sufficient to justify the deduction.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the Applicant and the City, and/or the Statement of Benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the attached Memorandum of Agreement and/or "Statement of Benefits" or failure to respond to the mandatory survey.
  7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this resolution annually for not less than seven (7) years. The dates of the initial seven (7) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030.
  8. The Statement of Benefits is approved, and the Subject Real Estate area and Applicant's Specified New Equipment are approved for an abatement deduction period of **five (5) years**.
  9. The five (5) year personal property tax abatement shall utilize the following deduction schedule:

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

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

METROPOLITAN DEVELOPMENT COMMISSION

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John J. Dillon III, President

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Date

Approved as to Legal  
Form and Adequacy this  
9th day of April 2024.

Sheila Kinney *sek* 4/9/2024

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Sheila Kinney,  
Asst. Corporation Counsel



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

Street Address:.....1301 (aka 1249) South White River Parkway East Drive

Qualified New Jobs Created: ..... 115

Qualified Jobs Retained: ..... None.

Estimated Cost of Equipment: ..... \$7,000,000.00

**STAFF ANALYSIS**

Bila Solar, Inc. is a designer and manufacturer of a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant tenant space of an industrial building, partially occupied by Eli Lilly and Elanco, as the proposed US headquarters and production facility. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila Solar headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out of phase 1 will take place over the next three years, with an estimated equipment expenditure of \$7,000,000.00. As a result of the project, the company would commit to the creation of the 115 new jobs by 2026.

The proposed use and the planned personal property investments will result in net benefits for the downtown area and the County. The petitioner will be donating five percent of its estimated abatement savings to support area Employ Indy’s Indy Achieves completion grants program.

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

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

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

**TOTALITY OF BENEFITS**

- PETITIONER:** Bila Solar, Inc.
- INVESTMENT:** Staff estimates that the proposed investment of \$7,000,000.00 should result in an increase to the tax base of approximately \$2,800,000.00 of assessed value in the first year of operation. Staff estimates that over the five (5) year personal property tax abatement period the petitioner will realize savings of approximately \$232,688.62 (a 59.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$156,567.38 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$58,388.40 in personal property taxes annually related to the new equipment.
- QUALIFIED EMPLOYMENT:** The petitioner estimates that this project will create one-hundred and fifteen (115) positions at an average wage of \$28.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Center Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment in Marion County.
- STAFF COMMENT:** Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

**PROJECT SUMMARY**

Applicant: Bila Solar, Inc.

Subject Real Estate: 1301 (aka 1249) South White Rive Parkway East Drive

Center Township Parcel Number: 1106212

Project Description:

Bila Solar, Inc. is a privately funded company incorporated in Delaware. Bila Solar’s products include a proprietary, ultra-lightweight solar panel that incorporates composite materials in lieu of glass. The company has identified a vacant space in a building partially-occupied by Eli Lilly and Elanco building as the US headquarters and production facility for Bila Solar. The company has secured a nine-year lease for 157,785 square feet of the approximately 447,000-square foot building, which two five-year extension options.

The combined Bila headquarters and manufacturing facility will require a significant investment in taxable personal property, specific solar panel manufacturing equipment. The new facility will be a state-of-the-art robotic factory for the manufacture and assembly of solar modules. The installation of new equipment and build-out of phase 1 will take place over the next three years, with an estimated equipment expenditure of \$7,000,000.00. As a result of the project, Bila Solar would commit to the creation of the 115 new jobs by 2026.

New Jobs Created: 115 at \$28.00/hr.

Job Retained: None.

Estimated Cost of Project: \$7,000,000.00

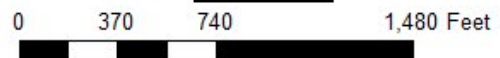
**RECOMMENDATION:** Staff recommends approval of five (5) years personal property tax abatement.

# Bila Solar, Inc. 1301 South White River Parkway East Drive



### Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED August 16, 2023

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

**PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2024-A-017**

**REAL PROPERTY TAX ABATEMENT**

**Novartis Manufacturing LLC and Advanced Accelerator Applications USA, Inc.  
Amendment to Phase One and Approval of Phase Two  
8520 Challenger Drive**

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

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

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

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

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

**WHEREAS,** in 2020, Applicant had submitted Phase One of the Project for the Commission's consideration; and

**WHEREAS,** during a hearing at 1:00 p.m. on Wednesday, November 18, 2020, the Commission received information regarding Phase One of the Project, and evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was

provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to Resolution 2020-A-031; and

**WHEREAS**, in March 2024, Applicant submitted Phase Two of the Project for Commission's consideration; and

**WHEREAS**, during a hearing at 1:00 p.m. on Wednesday, April 17, 2024, the Commission received information regarding Phases One and Two of the Project and additional evidence about whether the Subject Real Estate's designation as an Economic Revitalization Area warrants an extension, in regard to Phase One, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution, in regard to Phase Two.

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

1. The Subject Real Estate's previously designated status as an Economic Revitalization Area is preliminary extended for an abatement period of ten (10) years for Phase One of this Project with a proposed abatement schedule as shown on the attachment to Commission Resolution 2020-A-044, and in regard to Phase Two of this Project, for an abatement period of seven (7) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
  - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
  - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area designation terminates three (3) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the three (3) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of less than ten (10) years for Phase One of the Project and seven (7) years for Phase Two of the Project.
4. This Economic Revitalization Area (ERA) designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment and rehabilitation activities

occurring in the ERA, to those respective tax savings attributable to the construction of buildings not greater than 139,000 square feet of leasable area, inclusive of Phases One and Two.


- 5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
- 6. The Commission fixes 1:00 p.m. on Wednesday, June 5, 2024, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period for the Phase Two Project at seven (7) years and establish an abatement schedule.
- 7. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

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

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this 9<sup>th</sup> day  
of April, 2024

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

**ATTACHMENT TO**

**METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION**

**REAL PROPERTY TAX ABATEMENT**

**FACTUAL INFORMATION**

Applicant: Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.

Subject Real Estate: 8520 Challenger Drive

Decatur Township Parcel Number: 2014725

**PROJECT DESCRIPTION**

Novartis Manufacturing LLC is an international pharmaceutical company, headquartered in Basel, Switzerland, with focused on medications, advanced therapy platforms and data science. Advanced Accelerator Applications USA, Inc. is a subsidiary of Novartis, focused on nuclear medicine theragnostics, which is a disease management strategy involving the integration of nuclear medicine diagnostic imaging and therapy.

In 2020, Novartis was approved for incentives for construction of a new, 59,450-square foot advanced manufacturing and laboratory facility on 16.64 acres of undeveloped land in the Purdue Research Park at Ameriplex. This \$61MM real property investment in the Phase One project is now the largest Radioligand (targeted molecule) therapy manufacturing site in the Novartis network of companies.

With Phase One complete, Novartis is now proposing to expand their complex with the construction of a new 79,000-square foot manufacturing facility. This Phase Two project will require additional investment of \$53,400,000.00 to construct the new building. In addition to construction costs, Novartis would invest an additional \$56,600,000.00 in eligible personal property as part of the Phase Two expansion. As a result of the project, Novartis would commit to retain 170 recently created jobs and create an additional 145 new jobs by the end of 2026.

**FACTUAL ASSERTIONS**

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



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

**PROPOSED ABATEMENT SCHEDULE**  
**NOVARTIS MANUFACTURING LLC AND**  
**ADVANCED ACCELERATOR APPLICATIONS USA, INC.**  
**PHASE II PROJECT**  
**REAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	85%
3 <sup>rd</sup>	71%
4 <sup>th</sup>	57%
5 <sup>th</sup>	43%
6 <sup>th</sup>	29%
7 <sup>th</sup>	14%

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

Area Surrounding Subject Real Estate: The site is located in the Purdue Research Park at Ameriplex, an industrial park just south of I-70 and the Indianapolis International Airport.

Current Zoning: ..... C-S

New Jobs Created:..... 145

Jobs Retained:..... 170

Estimated Cost of proposed project: \$53,400,000.00

**STAFF ANALYSIS**

Novartis Manufacturing LLC is an international pharmaceutical company, and Advanced Accelerator Applications USA, Inc. is a subsidiary of Novartis, focused on nuclear medicine theragnostics, which is a disease management strategy involving the integration of nuclear medicine diagnostic imaging and therapy.

In 2020, the Novartis companies began investment of \$61MM to construct and over \$108MM in personal property to equip a 59,450-square foot advanced manufacturing and laboratory facility on 16.64 acres of undeveloped land in the Purdue Research Park at Ameriplex Certified Technology Park (CTP). This “Phase One” development has resulted in the creation 170 new jobs. In each respect, Novartis greatly outperformed the initial commitments made to the City in 2020.

Phase Two is a proposed investment of \$53,400,000.00 to construct a new 79,000-square foot building for radiopharmaceutical manufacturing and distribution, and \$56,600,000.00 in new eligible equipment. Phase Two will also result in the creation of 145 new jobs by 2026.

In the Phase One, the petitioner’s Inclusivity Plan committed five percent of its estimated abatement savings to an internship program. For Phase Two, Novartis will make a donation to the Commission for a project to improve pedestrian connectivity within the Ameriplex industrial park.

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 seven (7) years real property tax abatement for the Phase Two project.

## TOTALITY OF BENEFITS

**PETITIONER:**

**Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.**

**PHASE II  
INVESTMENT:**

Staff estimates that the proposed investment of \$53,400,000.00 should result in an increase to the tax base of approximately \$37,380,000.00 of assessed value. Staff estimates that over the seven (7) year real property tax abatement period the petitioner will realize savings of approximately \$5,168,940.77 (a 61.4% savings). During the abatement period, the petitioner is expected to pay an estimated \$3,248,787.65 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of \$348,644.90 annually (pay 2024 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$1,577,818.07 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the value of existing improvements.

**EMPLOYMENT:**

The petitioner estimates that this project will retain one-hundred and seventy (170) positions at an average wage of \$48.00/hr. and will create one-hundred and forty-five (145) new positions at an average wage of \$46.00/hr. Staff finds these figures to be reasonable for a project of this nature.

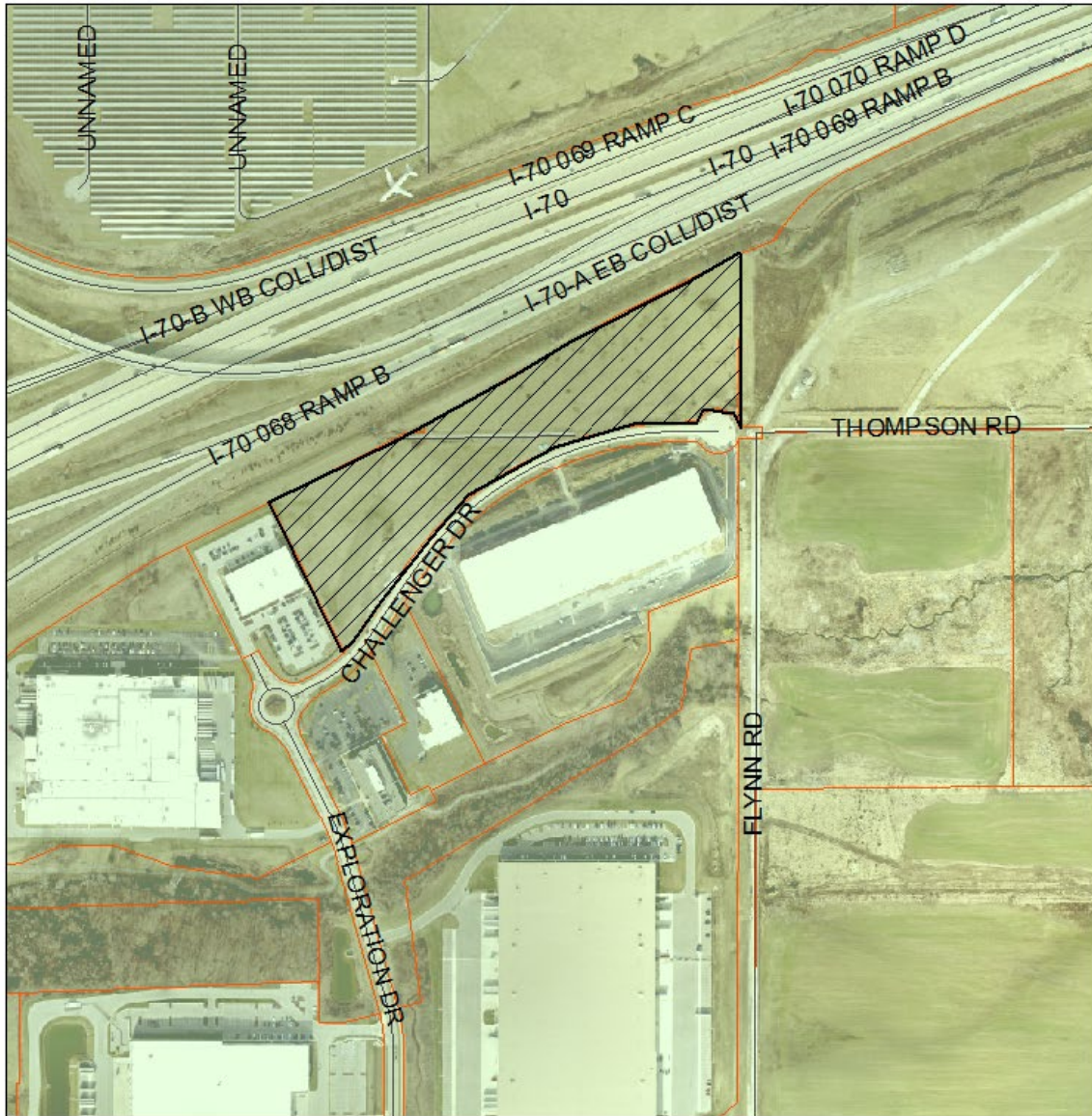
**OTHER BENEFITS:**

Staff believes this project is significant for Decatur Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

**STAFF COMMENT:**

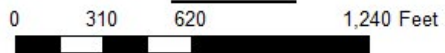
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.  
8520 Challenger Drive



**Legend**

-  TIF Districts
-  Project Site



Produced by: DMD REED October 13, 2020

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

**PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

**Resolution No. 2024-A-018**

**PERSONAL PROPERTY TAX ABATEMENT**

**Novartis Manufacturing LLC and Advanced Accelerator Applications USA, Inc.**  
8520 Challenger Drive

**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 and determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

**WHEREAS,** the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to 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 an ownership 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,** in 2020, Applicant had submitted Phase One of the Project for the Commission's consideration; and

[Type here]

**WHEREAS**, during a hearing at 1:00 p.m. on Wednesday, November 18, 2020, the Commission received information regarding Phase One of the Project, and 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 Resolution 2020-A-044, and

**WHEREAS**, in March 2024, Applicant submitted Phase Two of the Project for Commission’s consideration; and

**WHEREAS**, during a hearing at 1:00 p.m. on Wednesday, April 17, 2024, the Commission received information regarding Phases One and Two of the Project and additional evidence about whether the Subject Real Estate’s designation as an Economic Revitalization Area warrants an extension, in regard to Phase One, and sufficient evidence was provided which tended to establish Assertions 1, 2, 3, 4, 5 and 6 stated on the attachment to this Resolution, in regard to Phase Two.

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

1. The Subject Real Estate’s previous designation as an Economic Revitalization Area is preliminary extended for an abatement period of ten (10) years for Phase One of the Project, with a proposed abatement schedule as shown on the attachment to Resolution 2020-A-032, and, in regard to Phase Two, for an abatement period of seven (7) 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, 2026. 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 December 16, 2020 to December 31, 2026.** 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 ten (10) years, in regard to Phase One investments, and not less than seven (7) years in regard to Phase Two investments. 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 \$165,000,000.00, inclusive of Phases One and Two.
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).

*Novartis Manufacturing LLC Phase II - 7 Year Personal Property Tax Abatement*

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 5, 2024, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period for the Phase Two Project at seven (7) 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 9<sup>th</sup> day  
of April, 2024

 for Sheila Kinney

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



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

**FACTUAL INFORMATION**

Applicant: Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.

Subject Real Estate: 8520 Challenger Drive

Decatur Township Parcel Number: 2014725

**PROJECT DESCRIPTION**

Novartis Manufacturing LLC is an international pharmaceutical company, headquartered in Basel, Switzerland, with focused on medications, advanced therapy platforms and data science. Advanced Accelerator Applications USA, Inc. is a subsidiary of Novartis, focused on nuclear medicine theragnostics, which is a disease management strategy involving the integration of nuclear medicine diagnostic imaging and therapy.

In 2020, Novartis was approved for incentives and began construction of a new, 59,450-square foot advanced manufacturing and laboratory facility on 16.64 acres of undeveloped land in the Purdue Research Park at Ameriplex. The project is now the largest Radioligand (targeted molecule) therapy manufacturing site in the Novartis network of companies.

Novartis has now proposed a Phase Two expansion of their operations, which would require additional real estate investment of \$53,400,000.00 to construct a second, 79,000-square foot building. In addition to construction costs, Novartis would invest \$65,600,000.00 in eligible personal property to equip the new facility. As a result of the project, Novartis would commit to retain the 170 positions created since 2020 and create an additional 145 new jobs by the end of 2026.

**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:
  - A.  Existing facility
  - B.  Expanded facility

[Type here]

- C.  New facility  
 D.  Vacated or converted facility

4. The facility meets the appropriate requirements:

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

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

B.  of a new facility;

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

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

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

- A.  Is outside an Allocation Area as defined in I.C. 36-7-15.1-26, or
- B.  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**  
**PHASE II PROJECT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	100%
2 <sup>nd</sup>	85%
3 <sup>rd</sup>	71%
4 <sup>th</sup>	57%
5 <sup>th</sup>	43%
6 <sup>th</sup>	29%
7 <sup>th</sup>	14%

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

Street Address:.....8520 Challenger Drive

New Jobs Created: ..... 145

Jobs Retained: ..... 170

Estimated Cost of Equipment: \$56,600,000.00

**STAFF ANALYSIS**

Novartis Manufacturing LLC is an international pharmaceutical company, and Advanced Accelerator Applications USA, Inc. is a subsidiary of Novartis, focused on nuclear medicine theragnostics, which is a disease management strategy involving the integration of nuclear medicine diagnostic imaging and therapy.

The Novartis companies invested \$61MM to construct and \$108MM to equip a 59,450-square foot advanced manufacturing and laboratory facility on 16.64 acres of undeveloped land in the Purdue Research Park at Ameriplex, a State of Indiana Certified Technology Park (CTP). The project is Novartis’ first Indianapolis research and production facility and is the largest Radioligand (targeted molecule) therapy manufacturing site in the Novartis network of companies.

Novartis has now proposed a Phase Two expansion of their campus. This expansion would include construction of an additional 79,000 square-foot manufacturing building and an additional \$56,600,000.00 in eligible personal property to equip the expanded facility. The new project would result in the retention of the 170 jobs created since 2020 and creation of an additional 145 new jobs by 2026.

In Phase One, the petitioner committed five percent of its estimated abatement savings to develop a paid summer internship for Marion County college students which will create career pathways within the larger company. For Phase Two, Novartis will make a donation to the Commission to help improve pedestrian connectivity within the Ameriplex industrial park.

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 seven (7) years personal property tax abatement for the Phase Two Project.

**TOTALITY OF BENEFITS**

**PETITIONER:**                    **Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.**

**PHASE II****INVESTMENT:**

Staff estimates that the proposed investment of \$56,600,000.00 should result in an increase to the tax base of approximately \$22,640,000.00 of assessed value in the first year of operation. Staff estimates that over the seven (7) year personal property tax abatement period the petitioner will realize savings of approximately \$2,894,386.13 (a 56.0% savings). During the abatement period, the petitioner is expected to pay an estimated \$2,271,196.30 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$764,565.52 in personal property taxes annually related to the new equipment.

**EMPLOYMENT:**

The petitioner estimates that this project will retain one-hundred and seventy (170) jobs at an average wage of \$48.00/hr. and will create one-hundred and forty-five (145) jobs at an average wage of \$46.00/hr. Staff finds these figures to be reasonable for a project of this nature.

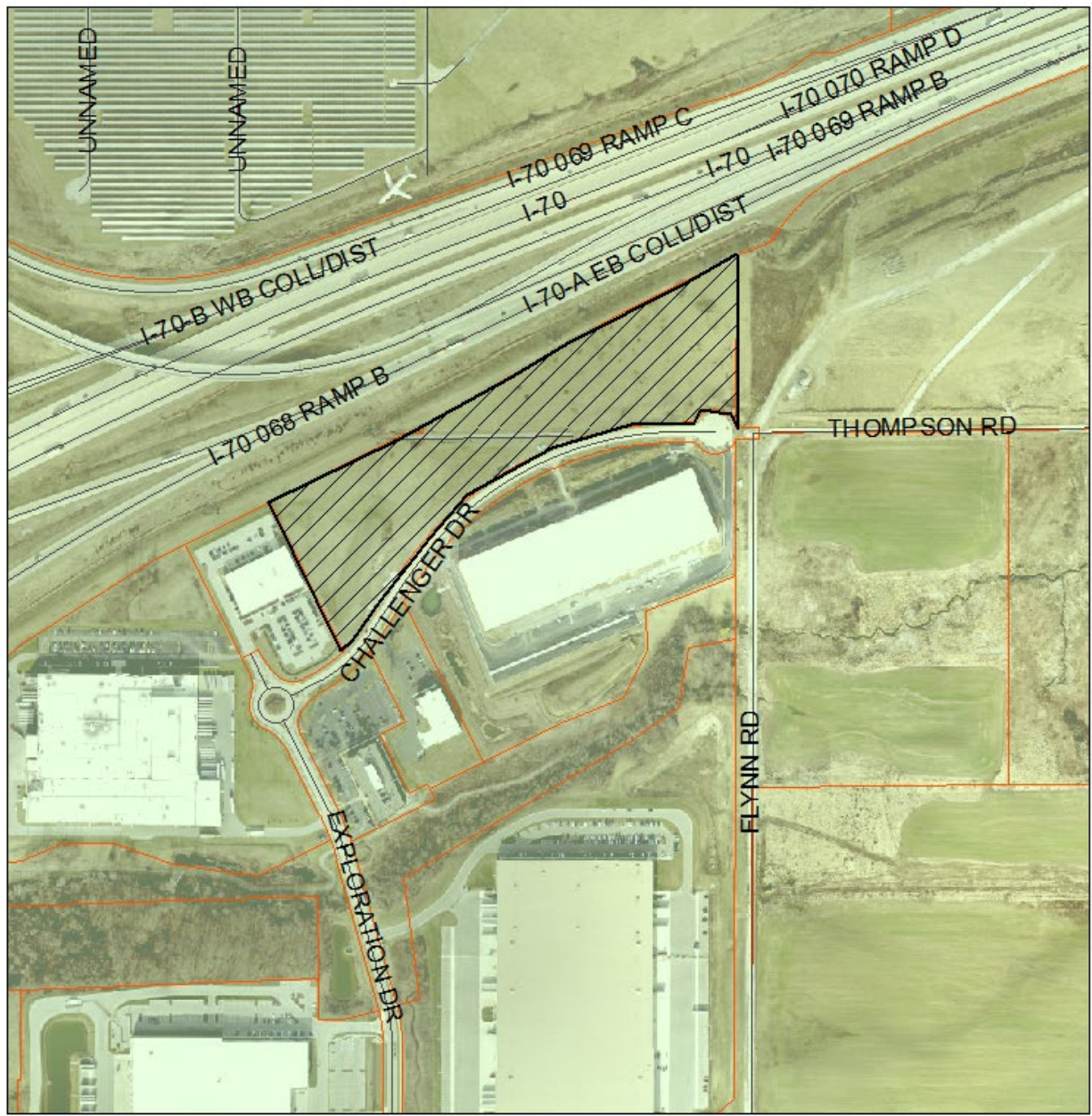
**OTHER BENEFITS:**

Staff believes this project is significant for Decatur 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:**

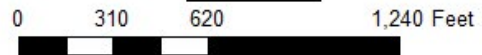
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

Novartis Manufacturing LLC and  
Advanced Accelerator Applications USA, Inc.  
8520 Challenger Drive



**Legend**

- TIF Districts
- Project Site



Produced by: DMD REED October 13, 2020

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

**RESOLUTION NO. 2024-HP-001**

**THE CHURCH OF THE HOLY CROSS**

**HISTORIC AREA**

RESOLUTION NO. **2024-HP-001** ADOPTION OF HISTORIC AREA PRESERVATION PLAN 44 (HC)-THE CHURCH OF THE HOLY CROSS HISTORIC AREA, AS A SEGMENT OF THE COMPREHENSIVE PLAN OF MARION COUNTY, INDIANA.

WHEREAS, the Indianapolis Historic Preservation Commission (the "IHPC") is required by I.C. 36-7-11.1-6 to prepare a historic preservation plan for designating a historic area of Marion County and to recommend the plan to the Metropolitan Development Commission for adoption as a part of the Comprehensive Plan for Marion County; and

WHEREAS, the boundary of The Church of the Holy Cross Historic Area is described and depicted on the attached page, marked "Attachment A"; and

WHEREAS, on March 27, 2024, the IHPC adopted Resolution 2024-R-01 declaring The Church of the Holy Cross Historic Area to be of historic and architectural significance and listing it on the Marion County Register of Historic Places; and

WHEREAS, on March 27, 2024, the IHPC adopted Resolution 2024-R-02 recommending to the Metropolitan Development Commission that Historic Preservation Plan 44 (HC)- The Church of the Holy Cross Historic Area, be adopted as a part of the Comprehensive Plan for Marion County, Indiana; and

WHEREAS, Historic Preservation Plan 44 (HC) – The Church of the Holy Cross Historic Area may from time to time be amended, modified, revised or replaced; and

WHEREAS, pursuant to I.C. 36-7-4 and I.C. 36-7-11.1, the Metropolitan Development Commission of Marion County, Indiana, desires to amend the Comprehensive Plan for Marion County, Indiana, by adoption of Historic Preservation Plan 44 (HC)- The Church of the Holy Cross Historic Area;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to I.C. 36-7-4 and I.C. 36-7-11.1, the Metropolitan Development Commission of Marion County, Indiana hereby amends the Comprehensive Plan for Marion County, Indiana, by adoption of Historic Preservation Plan 44 (HC) – The Church of the Holy Cross Historic Area, which is attached hereto, and made a part of this resolution and by incorporating the same as an amendment to the Comprehensive Plan for Marion County, Indiana.

BE IT FURTHER RESOLVED that the Director of the Department of Metropolitan Development is directed to mail or deliver certified copies of this Resolution 2024-HP-001, to the Mayor of the City of Indianapolis, and the City-County Council of Indianapolis. The Director shall also file one (1) copy of this resolution in the office of the Recorder of Marion

County together with a copy or summary of Historic Preservation Plan 44 (HC) – The Church of the Holy Cross Historic Area.

METROPOLITAN DEVELOPMENT COMMISSION

Adopted the 17<sup>th</sup> day of April, 2024

Dated: \_\_\_\_\_

\_\_\_\_\_  
John J. Dillon III---President  
Metropolitan Development Commission

APPROVED AS TO LEGAL FORM  
AND ACCURACY THE \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2024.

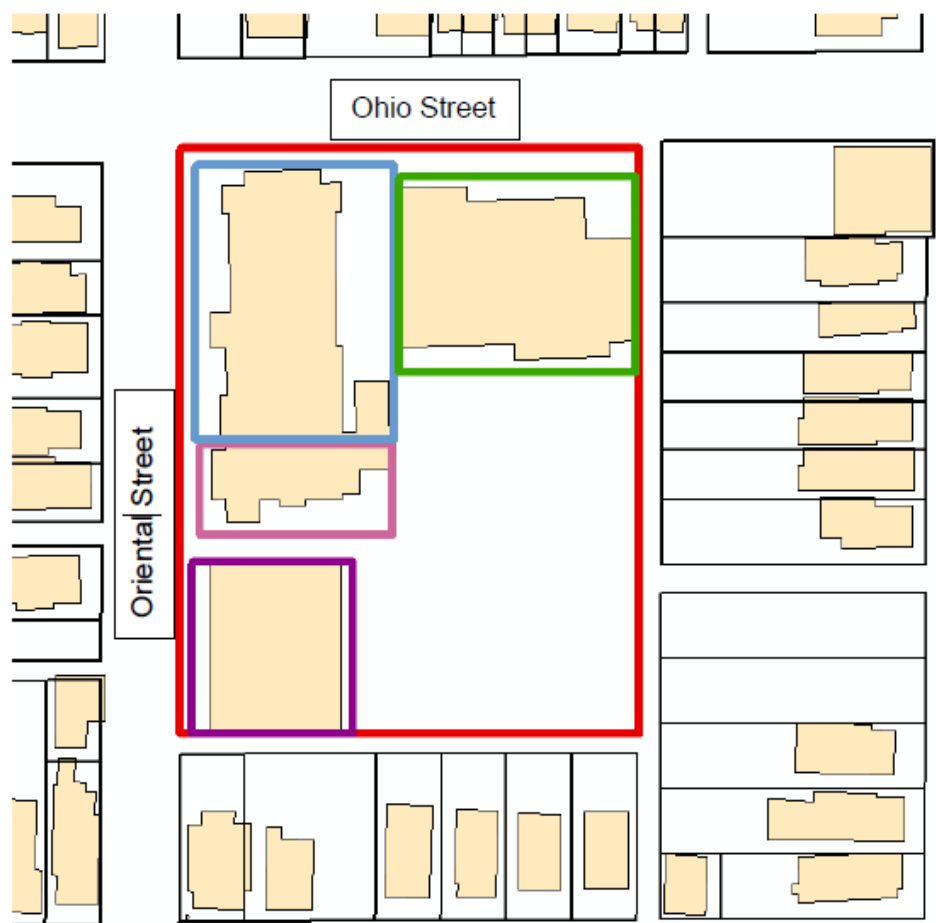
\_\_\_\_\_  
Christopher Steinmetz  
Assistant Corporation Counsel  
Office of Corporation Counsel – City of Indianapolis







"ATTACHMENT A"  
HISTORIC AREA BOUNDARY MAP  
The Church of the Holy Cross Historic Area  
125 N. Oriental Street, Indianapolis, Marion County, Indiana

The boundary of The Church of the Holy Cross Historic Area is the subject property and is comprised of one parcel of land known as "the historic area," which includes four buildings commonly known as: Holy Cross Church, Rectory, Gymnasium and School building (and historically known as: The Church of the Holy Cross, the Holy Cross Convent, Holy Cross School and Kelley Center). The property is described as follows:

Holy Cross Addition L1 as recorded in Plat Book 27 page 196 in the office of the Marion County Recorder on 9/16/1947.



-  Building 1: Holy Cross Church
-  Building 2: The Rectory
-  Building 4: The Gymnasium
-  Building 3: The School

METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA

STATE OF INDIANA )

) SS:

COUNTY OF MARION )

CERTIFICATION

I, Brian Murphy, Vice Secretary of the Metropolitan Development Commission of Marion County, Indiana, do hereby certify that the attached RESOLUTION NO. 2024-HP-001, AMENDING A SEGMENT OF THE COMPREHENSIVE PLAN OF MARION COUNTY, INDIANA- HISTORIC PRESERVATION PLAN 44 -THE CHURCH OF THE HOLY CROSS HISTORIC AREA- is a true copy of the resolution adopted by the Metropolitan Development Commission of Marion County, Indiana, following a public hearing at a meeting of said Commission on April 17, 2024, and the original of said resolution is on file of record in the office of the Department of Metropolitan Development of Marion County, Indiana.

Witness my hand and official seal of the Metropolitan Development Commission of Marion County, Indiana, \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brian Murphy, Vice Secretary  
Metropolitan Development Commission of  
Marion County, Indiana

COMMISSION  
SEAL



**METROPOLITAN DEVELOPMENT COMMISSION** **April 17, 2024**

**Case Number:** 2024-ZON-012

**Property Address:** 1170 Kentucky Avenue (Approximate Address)

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

**Petitioner:** KM23 Property, LLC, by David Kingen

**Current Zoning:** C-1

**Request:** Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

**Current Land Use:** Commercial

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

**ADDENDUM FOR APRIL 17, 2024, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on March 28, 2024. After a full hearing, the Hearing Examiner recommended approval of the request. Subsequently, a remonstrator filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

**March 28, 2024**

This petition was continued from the March 13, 2024 hearing to the March 28, 2024 hearing at the request of the petitioner.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 1.38-acre subject site is in the West Indianapolis neighborhood and is part of the Davis’ Nordyke subdivision. The site is developed with a vacant commercial building and associated parking lot.

The site abuts I-3 industrial properties on three sides and is across from heavy commercial properties, zoned C-7, to the east.



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

## REZONING

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

## STAFF ANALYSIS

The grant of the request would allow for the commercial site to be rezoned to I-3 for industrial use. The petitioner noted that the subject site would be combined with the parcel to the south at 1176 Kentucky Avenue that is currently zoned I-3.

The site was originally zoned I-3-U in 1972 and was changed to the C-1 district through rezone petition 72-Z-102. Staff is supportive of the rezoning to the I-3 district because it would allow for continued industrial uses in an area that is bordered by a predominately industrially zoned block, with the subject site being an outlier.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-3	Industrial
South:	C-7	Undeveloped
East:	C-7	Enter Land Use
West:	I-3	Industrial
<b>Thoroughfare Plan</b>		
Kentucky Avenue	Primary Arterial	104-foot existing right-of-way and 88-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	



<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	N/A
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Marion County Land Use Plan Pattern Book (2019)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Although the Comprehensive Plan does not contemplate industrial uses in this typology, the context of the adjacent industrial properties is conducive for industrial use of the site as well.

**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.



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**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



## ZONING HISTORY

### SUBJECT SITE ZONING HISTORY

**99-NC-44; 1170-1180 Kentucky Avenue** (subject site), Certificate of Legal Non-Conforming Use for development standards to include side yard and rear yard setbacks of zero feet, **approved**.

**99-V1-134; 1170 Kentucky Avenue** (subject site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an existing building, and to provide for a 5,700 square foot, two-story addition, having a zero rear yard setback (minimum 10 feet required), **granted**.

**93-AP-118; 1170 Kentucky Avenue** (subject site), Regional Center Approval to remove all INB identification signs from site and install one (1) 3-foot by 3-foot single-faced wall sign with 18-inch non-illuminated letters on the south elevation; install (1) 24-inch by 24-inch single-faced wall sign at the south elevation entry; and, install two (2) 5-foot by 5-foot single-faced walls, on each, on the east and west elevations, respectively. The two existing directional signs will remain and be refaced with the "NBD Bank" logo, **approved**.

**81-V3-136; 1170 Kentucky Avenue** (subject site), Variance of Sign Regulations Ordinance, 71-AO-4, as amended, to provide for new standardized signage replacing existing signage, as per filed, **granted**.

**76-UV3-54; 1170 Kentucky Avenue** (subject site), Variance of use of the Industrial Zoning Ordinance to provide for a bank drive through and canopy, and a parking lot, **granted**.

**72-Z-102; 1170 Kentucky Avenue** (subject site), Rezoning of 1.45 acres from I-3-U to C-1 to provide for a branch bank and service center, **approved**.

**EXHIBITS**







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**MEMORANDUM OF EXAMINER'S DECISION**

**2024-ZON-012**

**1170 Kentucky Avenue**

The petition requests the rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

Your Hearing Examiner visited the site prior to the hearing and noted that it is surrounded by industrial uses on the north, south, and west. Heavy commercial uses are across Kentucky Avenue.

The petitioner's representative described the proposed renovation of the site for the headquarters of a local construction company. While the headquarters would be constructed on the subject site, there will be landscaping installed on this site as well as on property southwest of it. The petitioner described their business as being done primarily in the Indy Metro area, with focus on industrial and commercial construction, and most of the equipment is stored on job sites rather than on the property southwest of the subject site. The petitioner and petitioner's representative met with several neighborhood groups and agreed to a number of commitments and prohibited uses.

Representatives of West Indianapolis Neighborhood Congress and West Indianapolis Development Corporation remonstrated. Reasons for opposition included the area is being revitalized with hospitality and entertainment uses, this is a regressive land use, industrial use is inappropriate for this corner pillar of downtown, and they have all of the industrial uses they want and need.

Staff reiterated that the site is surrounded by I-3 on three sides and is an outlier site. Staff pointed out that three of the proposed excluded uses are not allowed by the ordinance.

In your Hearing Examiner's opinion, the requested I-3 district is consistent with surrounding zoning and land uses. The comprehensive approach to landscaping the site in conjunction with the site to the southwest is a plus, and commitments and prohibited uses restrict the site. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on April 17, 2024



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ATTACHMENT "D":

**DRAFT**

Petitioner commits to the following:

1. No outdoor storage shall be permitted on the subject site.
2. No semi-trailer parking on the subject site shall be permitted.
3. No pylon signs shall be permitted on the site.
4. Landscaping will be provided by 7/1/2025 and maintained on the property.
5. No lighting shall be projected off the site.
6. Truck access to and from the site from 7 am to 6 pm Monday through Friday; 8 am to 5 pm, Saturdays, none on Sundays.
7. No electric fence shall be erected on the site.
8. Company contacts will be provided on the company website.

3/25/24

2024-20N-012

DRAFT

ATTACHMENT "E":

Petitioner commits to exclude the following 13 uses from the subject site:

1. Agricultural Machinery and equipment sales, rental & repair or maintenance
2. Agricultural uses, buildings & Structures
3. Processing and packaging of food and beverage
4. Auctioneering and liquidating services
5. Crematorium (Special Exception)
6. Dry cleaning plant or industrial laundry
7. Outdoor advertising off premise sign
8. Hazardous Materials or Objectionable Substances Manufacturing
9. Automobile & vehicle storage or auction
10. Automobile Fueling Station
11. Automobile, Motorcycle and Light vehicle service and repair
12. Truck or heavy vehicle sales, retail
13. Waste or recycling transfer facility
14. Heavy Outdoor storage
15. Temporary fireworks sales
16. Other vehicle sales or rental
17. Electronic off premises (billboard) signs
18. Power generating facility (major)
19. Recycling station or transfer
20. Waste station

3/25/24



Photo of the subject site looking north along the Kentucky Avenue Street frontage.



Photo of the subject site looking west at the existing building.



Photo of the subject site looking south along the Kentucky Avenue street frontage.



Photo of the existing building looking south from the property to the north.



Photo of the industrial property north of the subject site.

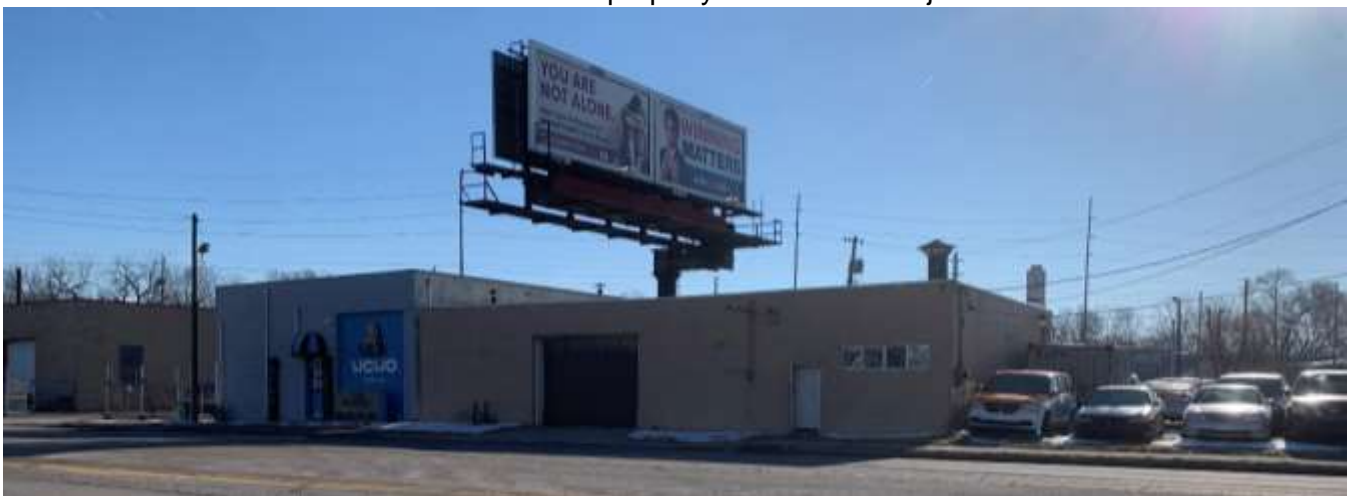


Photo of the commercial businesses east of the site across Kentucky Avenue.



Photo of the undeveloped lot southeast of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **April 17, 2024**

**Case Number:** 2024-CZN-808 / 2024-CPL-808

**Property Address:** 11329 Maze Road (approximate address)

**Location:** Franklin Township, Council District #25

**Petitioner:** KDB, LLC, by David A. Retherford

**Zoning:** D-A

**Request:** Rezoning of 8.18 acres from the D-A (FW) (FF) District to the D-P (FW) (FF) District, to provide for three single-family dwelling lots.  
Approval of a Subdivision Plat to be known as Caldwell Farms, dividing 8.18 acres into three lots.

**Waiver Requested:** None

**Current Land Use:** Agricultural Land

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

**PETITION HISTORY**

This petition was automatically continued from the March 20, 2024 hearing to the April 17, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the rezoning request subject to the following commitment being reduced to writing on the Commission’s Exhibit “B” forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Maze Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated March 1, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

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



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5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

**PETITION OVERVIEW**

**LAND USE**

The request would rezone the 8.18-acre site from the D-A (FW) (FF) district to the D-P (FW) (FF) classification to provide for three single-family dwelling lots.

The site is predominately surrounded by single-family dwellings except for large commercial buildings that were once used for a seed storage and distribution business as well as a propane distribution business.

**REZONING**

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

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.





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4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

“Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.”

### **FLOODWAY / FLOODWAY FRINGE**

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. It also has the secondary zoning classification of a Floodway (FW).

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

The southern portion of the site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway along the southern property boundary where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.



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## **D-P STATEMENT**

The D-P Statement, file-dated February 6, 2024, describes the project as a proposed estate lot and mini-farm residential subdivision which provides for three lots which will average approximately 2.6 acres each in size.

The Development Statement also addresses development standards such as setbacks, open space, landscaping, and leaves the lot area, lot width and street frontage per the proposed subdivision plat. It is noted that any standards not addressed in the D-P Statement would default to the D-A standards.

The properties would be served by septic systems and private wells.

There are commitments included that address minimum square-footage for the dwellings, architectural standards, building materials, limitations for types of building construction and building types.

## **PLAT**

### **SITE PLAN AND DESIGN**

The subject site is an undeveloped lot zoned D-A and was used for agricultural purposes. This proposed plat would divide the existing parcel into three lots that would have single-family dwellings. This plat petition would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

## **STREETS**

Both Lot 17A and 17B would front on Rural Street with Lot 17B containing most of the frontage, with Lot 17A sitting primarily behind Lot 17B.

Lots 2 and 3 would front on Maze Road with Lot 2 containing most of the street frontage, with Lot 3 sitting primarily behind Lot 2 with a 30-foot street frontage for a driveway. Lot 1 would gain access to Maze Road through a pre-existing 50-foot-wide access easement that borders along the western property boundary. No new streets are proposed.

## **SIDEWALKS**

Sidewalks do not exist along Maze Road.

Section 744-303.A notes "When a lot is part of an approved major residential subdivision that includes or required sidewalks, sidewalks must be installed." Therefore, the installation of sidewalks for this minor subdivision are not required for this development.

## **DEPARTMENT OF PUBLIC WORKS**

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



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**STAFF ANALYSIS**

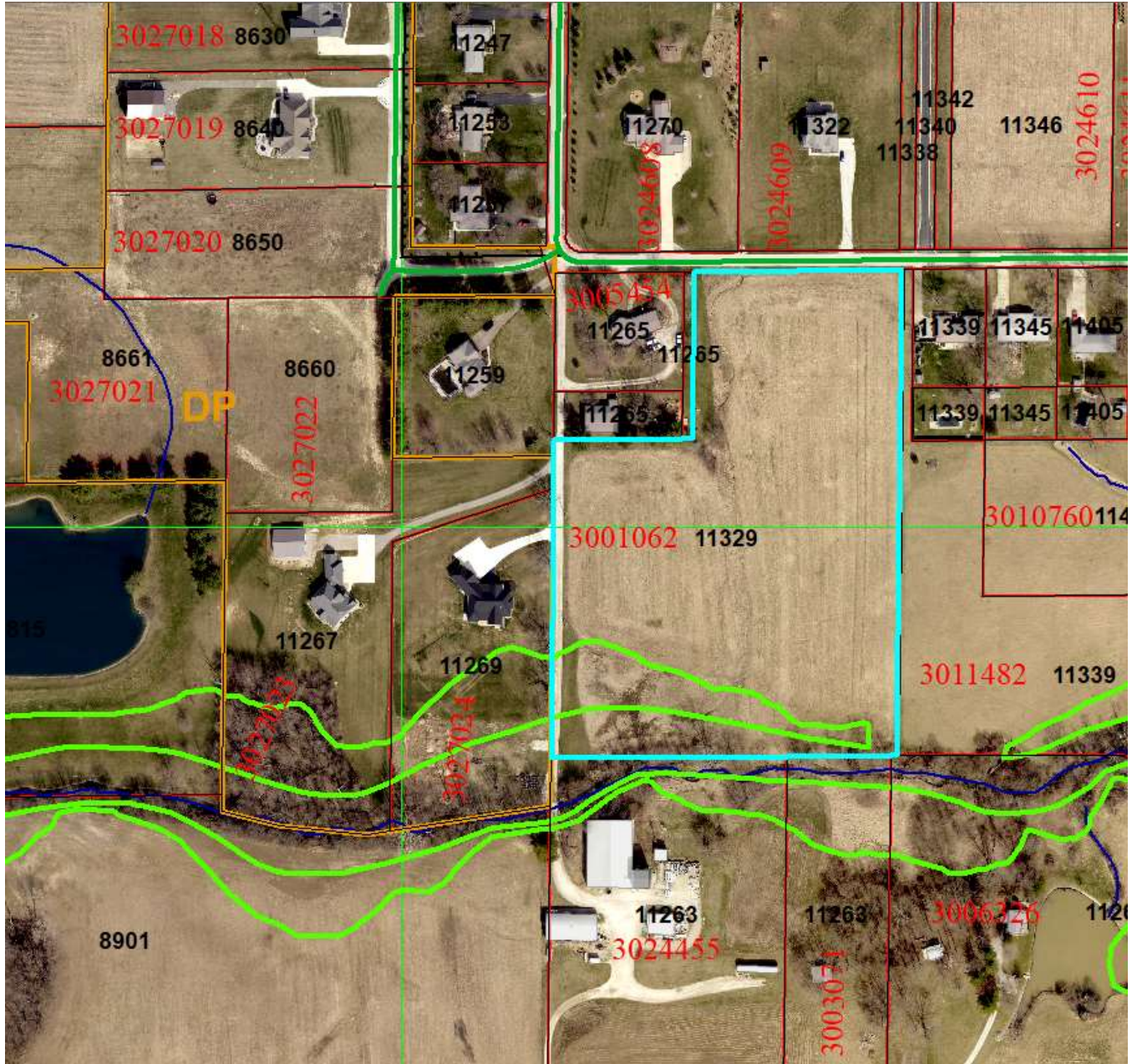
Although this development is not typical for the D-P district, staff is supportive of the request since the three lots would be estate lots and would be in line with the rural or estate neighborhood recommendation of the Comprehensive Plan.

Approval shall be subject to the conceptual site plan, file-dated December 27, 2023, D-P Statement file-dated February 6, 2024 and the right-of-way dedication commitment.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural Land	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Residential (Single-family dwellings)
South:	D-A	Industrial
East:	D-A	Residential (Single-family dwellings)
West:	D-A / D-P	Residential (Single-Family dwellings)
<b>Thoroughfare Plan</b>		
Maze Road	Secondary Arterial	30-foot existing and 80-foot proposed right-of-way.
<b>Petition Submittal Date</b>	December 27, 2023	

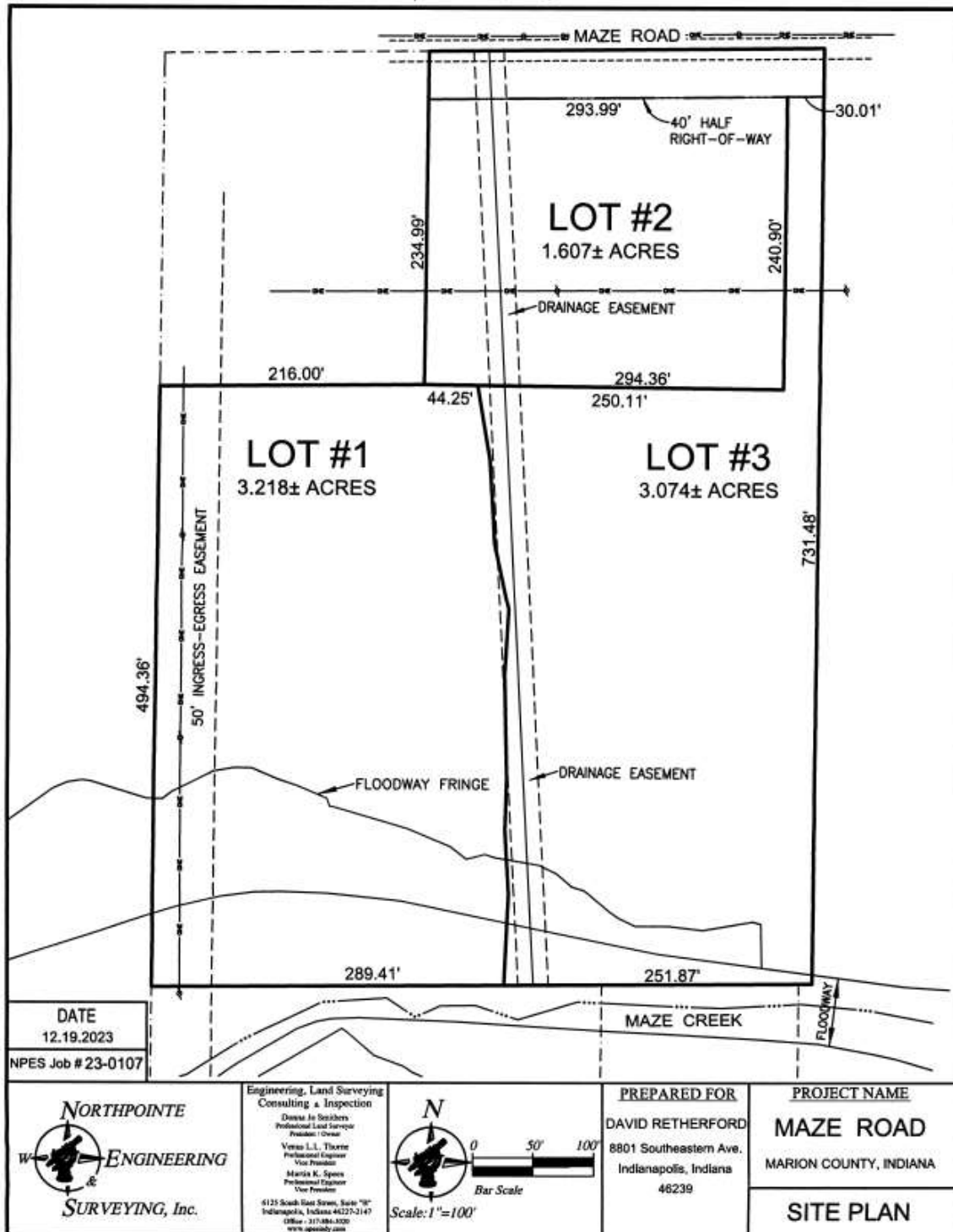
**EXHIBITS**

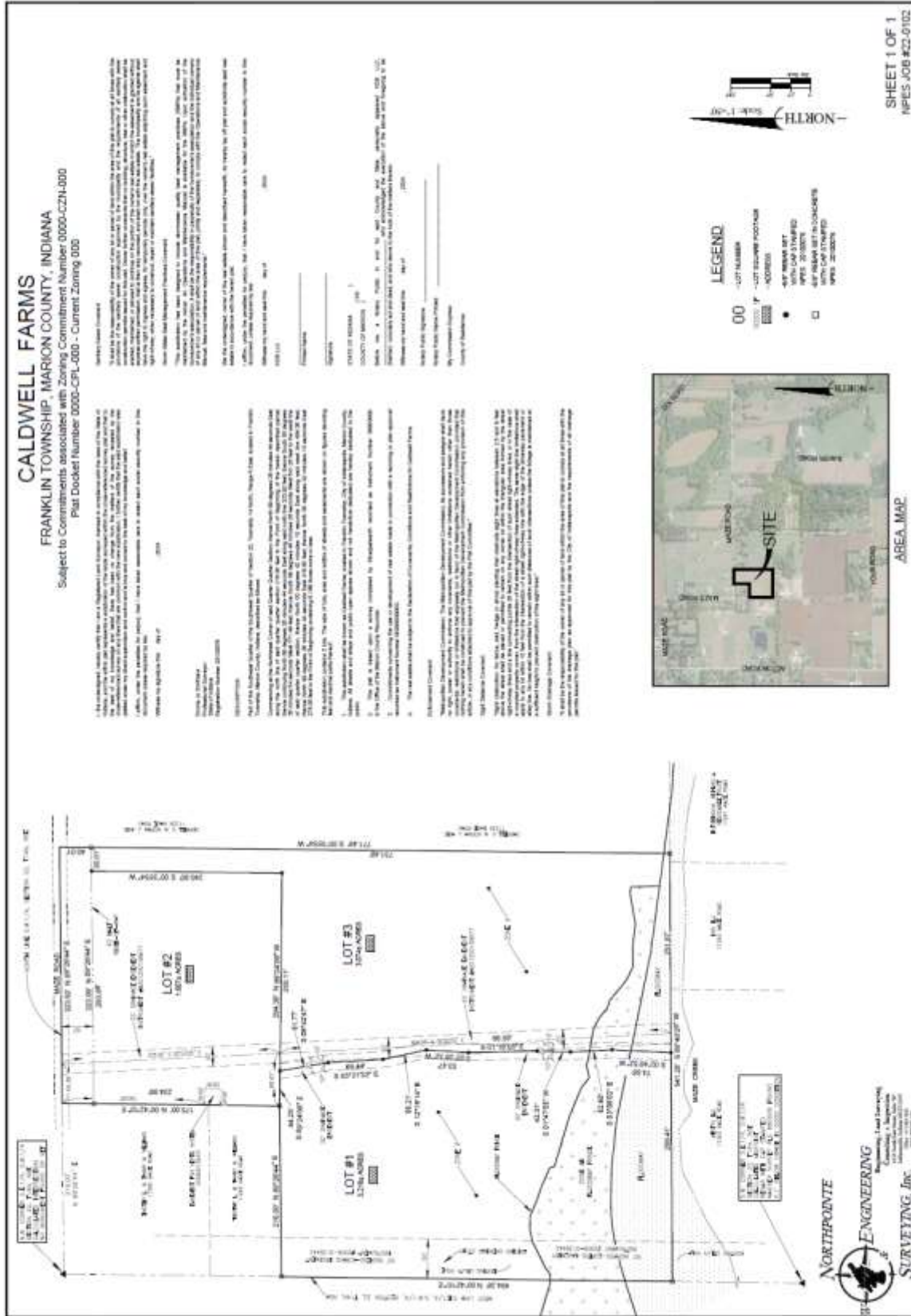




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11329 Maze Rd







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Caldwell Farms Subdivision

11329 Maze Road (approx.)

PRELIMINARY PLAN

PLANNED UNIT DEVELOPMENT

202\_-ZON-\_\_\_\_

Prepared by

David A. Retherford, Attorney at Law, Inc.  
Attorney for the Petitioner

February 6, 2024



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**I. Statement of Purposes:** This project is a proposed estate lot and mini-farm residential subdivision which provides for three lots which will average approximately 2.6 acres each in size (after grant of right of way), which will be created via the rezoning and platting of the subject property. The lots have been laid out to be compatible with existing and future site conditions, and also the well-established pattern of large lot residential estate lots and mini-farms on surrounding lands on both sides of Maze Road as it extends East of Acton Road, which has created a corridor of this unique style of development in the far southeast corner of the City.

The property is comprised of 8.18 acres. The legal description is attached hereto as Exhibit A, which is incorporated herein by this reference. A companion plat approval petition was filed shortly following the D-P meeting. The site is located on the South side of Maze Road, approximately ½ mile Southeast of the intersection of Acton Road and Maze Road, in Franklin Township. The site is irregular in shape, with 324 lineal feet of street frontage along the South side of Maze Road. The site also includes a pre-existing shared 50 foot wide access easement through the west portion of Lot 1, which extends offsite to the North and connects to Maze Road. There are multiple other existing D-A and D-P zoned large tracts which are developed with single family homes to the North, East and West of the subject property. In addition, homes on estate lots exist all along Maze Road from its intersection with Acton Road and extending to the East to where Maze Road terminates into Dix Road approximately .5 mile East of the site. Immediately West of the subject property is an existing 8 lot estate residential development which is similarly zoned D-P and was platted as the Hutchinson Farms Subdivision by the same team of developers as the subject property.

The site topography is rolling farm ground which falls off to the South down to a creek running along the South line. A underground drainage line which provides an outlet for several perimeter drains for the homes on the North side of Maze Road runs generally North to South just east of the deep ravine which runs through the property and has been designed around. The centerline of the open ditch within that ravine is to be platted as the common lot line between Lots 1 and 3. The property is unique due to the extreme changes in elevation which offer opportunities for a home to be built on each lot which could include a side or rear yard walkout basement. There are no existing stands of trees on the site.

Maze Road is a secondary arterial.

**II. Preliminary Plan:** The subject 8.18 acres will be divided into three (3) estate sized lots as shown on the Conceptual Plan attached hereto as Exhibit B, which is incorporated herein by this reference. The total overall density of the development will be .37 residential units per gross acre. The area is currently shown on the Comprehensive Plan for Franklin Township as being appropriate for development as a Rural or Estate Neighborhood, and this development complies with that recommendation.

A. Development Standards

1. Residence Building Setback Line.





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- a. For Lot 1 on the Conceptual Plan, the home is anticipated to be oriented to face to the North, or possibly to the West. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure for this Lot from the North lot line shall be not less than Seventy Five (75) Feet, and not less than fifty (50) feet from the East lot line, and not less than (30) feet from the East edge of the access easement running through the West portion of the lot, and not less than One Hundred and Fifty (150) feet from the South lot line.
  - b. For Lot 2 on the conceptual plan, the home is anticipated to be oriented to face to the North. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure on Lot 1 shall be not less than Seventy Five (75) feet from the South edge of the Maze Road right of way, and not less than thirty (30) feet from the East lot line, and not less than fifty (50) feet from the South lot line. In addition, no structures shall be built west of the East edge of the pre-existing drainage easement running through the west portion of the lot.
  - c. For Lot 3 on the Conceptual Plan, the home is anticipated to be oriented to generally face to the North. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure on this lot shall be not less than Fifty (50) feet from the North line (defined as the north line of the lot as it extends West from the south end of the 30 foot wide access corridor which connects to Maze Road), and not less than thirty (30) feet from the East lot line, and not less than Seventy Five (75) feet from the West lot line, and not less than One Hundred and Fifty (150) feet from the South lot line.
2. Accessory Structures. The size, design, location, and exterior materials of any proposed accessory structure on a lot shall be subject only to the prior written approval of the Developer or its successor in interest; and all accessory structures, decks over 18 inches high and similar shall be set back not less than thirty (30) feet from the lot line(s) unless specifically approved otherwise in writing by the Developer or its successor in interest.
  3. Lot Area. Each Lot shall have the minimum lot area as shown on the recorded Final Plat.
  4. Lot Width and Street frontage. Each Lot shall have a minimum lot width and street frontage as shown on the recorded Final Plat. Note that Lot 1 shall have zero lot width and zero frontage on the public street due to the fact that it gains access to Maze Road through the pre-existing easement running along the west portion of said Lot, as shown on the Plat.
  5. Open Space. Minimum Open Space shall be 85%.



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6. Landscaping. The initial landscaping package installed on each lot by the builder shall include at a minimum 4 trees (2' min. caliper for deciduous, 6' foot min. height for evergreen, no white pines); and 15 shrubs and/or decorative grasses. All landscaping is to be installed within 6 months of the initial occupancy of the home, weather permitting; and shall be well maintained and/or replaced as necessary by the homeowner.

B. Proposed Layout of Streets, Site Access, and Other Basic Elements of the Plan.

1. Streets/driveways: Lots 2 and 3 will gain access to Maze Road via the respective direct frontage each lot includes along the South side of Maze Road. Lot 1 will gain access to Maze Road via the pre-existing access easement and driveway contained therein which is shared with the two homes directly West of said Lot, and the property to the South of the Lot, as will be shown and defined on the recorded Final Plat and the associated recorded Declaration of Covenants and Restrictions (the "Declaration"), roughly as indicated on the Conceptual Plan.

2. The layout of the development is as shown on the proposed Conceptual Plan, and on the subsequent approved Plat.

3. Septic systems are proposed to provide sanitary sewer service.

4. Private wells are proposed to provide water service to each of the residences.

C. D-A uses and default standards. The permitted uses, and all other standards not established at a different distance or value pursuant to the approved D-P Preliminary Plan, the approved Plat and/or the recorded Declaration, shall be determined based as if the Site was otherwise covered by the applicable provisions of the D-A section of the Dwelling Districts Zoning Ordinance.

1. The following uses which are otherwise authorized by the D-A ordinance, shall be prohibited:

- a. Commercial Greenhouses and Plant Nurseries

**III. Commitments:**

1. Any residence constructed on a lot shall contain livable space, exclusive of porches and attached garages, of not less than 2,500 square feet for a one-story residence, and/or 2,000 square feet on the ground floor for any residence containing more than one story. The terms "more than one story" shall include both a traditional two story home and also a one-story home which includes a loft or bonus room which is above the first story but is generally contained within the roof structure of the first story of the home with the exception of dormers and the like.

2. Vinyl siding shall not be permitted on the first-floor exterior of any residence.

3. The first-floor exterior of the residence, with the exception of doors, windows, trim, and architectural features shall be covered in brick, stone, stucco, or other composite and/or masonry



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product including but not limited to the concrete board and sheet products manufactured by the James Hardie Companies©, and those products identified as “LP” siding.

4. The residence shall include an attached or detached garage containing a total of not less than 480 square feet.
5. No “plain” concrete block shall be used on any portion of the exterior of the residence other than the building foundation.
6. The minimum roof pitch shall be a 5/12.
7. The maximum number of Lots in the development shall be Three (3).
8. No manufactured homes, house trailers, or previously constructed homes that are dismantled and moved to the Real Estate to be reconstructed, shall be constructed or placed on the Real Estate. However, this condition shall not prohibit log homes or other quality homes for which all or portions of the home is assembled off-site as part of the initial construction process, and then is disassembled for transport and final reassembly on site; nor shall this condition prohibit quality homes for which the framing walls and/or trusses are constructed off-site and then are transported to the site for final assembly.
9. No mobile home, construction trailer, unfinished basement, tent, shack, barn, or any temporary or permanent outbuilding shall at any time be used as a residence, either temporarily or permanently.
10. A construction trailer shall not be placed on the site any earlier than 60 days prior to the commencement of construction on the proposed residence, nor shall it be left on the site more than thirty (30) days after the completion of the residence. No construction trailer shall have “advertising” on the exterior of the trailer which is considered “off-site advertising” for any business or location other than the builder, subcontractors, and suppliers associated with the construction occurring on site.
11. The following issues shall be addressed in the Declaration to be recorded against each of the lots and made effective as of the sale of each lot by the Developer:
  - a. No Lot shall be permitted to be used or maintained as a dumping ground for rubbish. Trash, garbage, junk or other unsightly materials or waste shall not be kept outdoors. No inoperable or junk vehicles, unlicensed vehicles, or vehicles under major repair, shall be parked or stored outdoors on any lot.
  - b. Driveway culverts, drainage swales and underground drainage lines designed to handle primarily surface water runoff, shall be installed in such a manner that all applicable drainage regulations are complied with.
  - c. Any pre-existing underground tiles and/or drainage lines shall not be damaged or restricted as a result of an intentional or grossly negligent act of a builder or lot owner. If



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necessary, any pre-existing tile or line on the lot shall be relocated or routed around the residence or construction areas at the lot owner's expense, and in such a manner that the performance of said line to the benefit of any other properties (as measured prior to construction commencing) is not materially and negatively impacted.

9. Upon the recordation of the Final Plat, additional right-of-way shall be deemed dedicated thereby sufficient to result in a total forty (40') wide half right-of-way along the Maze Road frontage of Lots 2 and 3. 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.

10. Any septic system which is utilized to service any home in the development shall comply with the requirements for septic systems in Marion County at the time the applicable permit is filed.

**IV. Order of Development:** The construction of the first of the proposed homes is anticipated to begin in 2024.

**V. Environmental Impact Consideration:** Existing soils which require same will be subject to appropriate erosion control measures if disturbed during construction.

**PHOTOS**



Photo of the proposed Lot 3 looking south.



Photo of the proposed Lot 2 looking west on Maze Road.



Photo of the proposed Lot 1 looking south along the existing access easement west of the site.



Photo of the proposed Lot 1 to the right looking north on the access easement.



Photo of the southern property boundary looking east on the site.



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



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



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





Single-family dwelling east of the site.



Single-family dwellings north of the subject site across Maze Road.

Petition Number: 2023-UV3-022

METROPOLITAN BOARD OF ZONING APPEALS, DIVISION \_\_\_\_\_.

PETITION FOR VARIANCE OF USE

NEGATIVE FINDINGS OF FACT

- 1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS OR GENERAL WELFARE OF THE COMMUNITY. The use of the site to provide for automobile sales would be too intense for the subject site and out of character with surrounding properties.
  
- 2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT AFFECT THE USE AND VALUE OF ADJACENT PROPERTIES IN A SUBSTANTIALLY ADVERSE MANNER. The use of the site to provide for automobile sales would be too intense for the subject site and out of character with surrounding properties.
  
- 3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE NEED FOR A VARIANCE ARISES FROM A CONDITION PECULIAR TO THE PROPERTY. There is no peculiar condition with the subject site that would prevent it from being developed as a permitted commercial use.
  
- 4. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT. The property could be developed as a permitted commercial use.
  
- 5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN. The construction of a building to be used for automobile sales would exceed the area plan recommendation for Community Commercial Uses creating a more intense use for the subject site.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE OF USE petition is DENIED.

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

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