Metropolitan Development Commission (November 18, 2026) Meeting Notice

Meeting Details

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

Date: Wednesday, November 18, 2026 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes: October 21, 2026

Special Requests

Policy Resolutions:

REAL ESTATE:

1. **2026-R-040**

Authorizes the Department of Metropolitan Development to transfer cemetery property at Central State to the Wayne Township Trustee.

2. **2026-R-041**

Authorizes the Department of Metropolitan Development to amend demolition contract 22507 with Ray's Demolition for a new not-to-exceed amount of $45,000.

3. **2026-R-042**

Authorizes the Department of Metropolitan Development to negotiate and execute an Agreement with the Allied Logistical Services, Inc. in a not-to-exceed amount of $600,000 through December, 2028.

ECONOMIC DEVELOPMENT / INCENTIVES:

4. **2026-A-016 (For Public Hearing)**

Approves a Final Economic Revitalization Area Resolution for Metrobloks, LLC, located at 2505 North Sherman Drive, Council District #8, Center Township. (IEDI recommends approval of ten (10) years real property tax abatement.)

****Request will be made for continuance to December 16, 2026**

5. **2026-A-017 (For Public Hearing)**

Approves a Final Economic Revitalization Area Resolution for Metrobloks, LLC, located at 2505 North Sherman Drive, Council District #8, Center Township. (IEDI recommends approval of fifteen (15) years enhanced personal property tax abatement.)

****Request will be made for continuance to December 16, 2026**

6. 2026-A-051

Approves a Preliminary Economic Revitalization Area for Indy Nova Apartments, a subsidiary of New City Development, located at 2955 North Meridian Street, Council District #12, Center Township. (Recommend approval of ten (10) years real property tax abatement.)

7. 2026-A-055 (For Public Hearing)

Authorizes a hearing regarding termination of the Personal Property Tax Abatement associated with Economic Revitalization Area Resolution 2023-A-019, 2023, Geniphys, located at 7750 Zionsville Road, Council District #1, Pike Township.

8. 2026-A-056

Approves a Preliminary Economic Revitalization Area for Novartis Manufacturing, LLC, located at 8520 Challenger Drive, Council District #21, Decatur Township. (Recommend approval of six (6) years personal property tax abatement.)

9. 2026-E-006

Authorizes the Department of Metropolitan Development to extend a current contract with Butler, Fairman and Seufert through December 31, 2027, in order to complete tasks related to the Illinois and Capitol Streetscapes Project as construction progresses.

COMMUNITY INVESTMENTS:

10. 2026-C-006

Authorizes the Department of Metropolitan Development to negotiate and execute an agreement to provide bridge housing at the St. George Bridge Housing facility for people who are experiencing homelessness and/or suffering from Substance Abuse Disorder in an amount not to exceed $831,747 through December 31, 2027.

11. 2026-C-008

Authorizes the DMD to negotiate and amend the Agreement with the Coalition for Homelessness Intervention and Prevention to increase the total not-to-exceed amount to $7,658,130, with all funds being utilized towards the STHI for people currently experiencing chronic and/ or street homelessness pending City-Council adoption of Fiscal Ordinance Proposal No. 337, 2026.

PLANNING:

12. 2026-P-013 (Public Hearing)

Amends the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and Plat Committee to update filing, notice, hearing, virtual participation, and related administrative procedures.

13. 2026-P-016

Authorizes the Department of Metropolitan Development to execute an amendment to the agreement with Judith Weerts Hall as Hearing Examiner to extend the term of service to December 31, 2027, and appoints Brian Robinson as Regional Center Hearing Examiner and Megan Phillippe as alternate Regional Center Hearing Examiner, each for the period from January 1, 2027 through December 31, 2027.

HISTORIC PRESERVATION:

14. 2026-HP-002 (For Public Hearing)

Adopts the “The Former St. Francis de Sales Catholic Church Preservation Plan 46 – the Former St. Francis de Sales Catholic Church (HA-46 SF)” as part of the Comprehensive Plan for Indianapolis-Marion County. The Plan

provides preservation guidelines and recommendations based on the historic, architectural, and cultural significance of the Former St. Francis de Sales Church.

Zoning Petitions:

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

15. 2026-MOD-008 | 4310 North Carroll Road
Lawrence Township, Council District #15
D-P
Lennar Homes of Indiana, LLC, by Brian J. Tuohy

Modification of the Development Statement for 2024-ZON-081, to reduce the Minimum Street Frontage from 50 feet to 30 feet and to eliminate the term “home” in that line item identified in the Development Standards Table.

16. 2026-ZON-045 | 2003 North College Avenue
Center Township, Council District #13
Maigida Investment LLC, by David Gilman

Rezoning of 0.11-acre from the D-8 district to the MU-2 district to provide for a small mixed-use development.

17. 2026-ZON-065 (Amended) | 4402 Madison Avenue
Perry Township, Council District #23
2 Jets LLC, by Samuel Salazar

Rezoning of 2.13 acres from the D-3 district to the C-3 district to provide for potential C-3 uses.

18. 2026-ZON-083 | 707 Bates Street
Center Township, Council District #18
Daniel Phair

Rezoning of 0.134-acre from the I-4 (RC) district to the D-8 (RC) district to provide for residential development.

19. 2026-ZON-086 | 2826 Ruckle Street
Center Township, Council District #12
Bruce E Webb, by Josh Smith of RG Development LLC

Rezoning of 0.24 acres from the MU-2 district to the D-8 district to provide for residential uses.

20. 2026-ZON-087 | 1022 East 52nd Street & 5235 Winthrop Avenue
Washington Township, Council District # 7
TCC Real Estate Holdings LLC, by Justin Kingen

Rezoning of 3.34 acres from the I-4 (W-5) district to the MU-2 (W-5) district to provide for office, personal service, retail and food service uses within two existing buildings.

21. 2026-ZON-088 | 1612 North Somerset Avenue
Wayne Township, Council District #11
Brian Tuohy

Rezoning of 0.27-acre from the D-5 district to the C-4 district to provide for expansion of existing commercial use.

22. 2026-ZON-090 | 3431 North Illinois Street
Center Township, Council District #8
Hi-Tone Ventures, LLC, by Anthony Morman

Rezoning of 0.12 acre from the C-4 (TOD) district to the D-8 (TOD) district to provide for residential development.

23. 2026-ZON-091 | 1636 East 46th Street
Washington Township, Council District #7
Hi Tone Ventures LLC, by Anthony Morman

Rezoning of 0.15-acre from the SU-1 (W-1) district to the D-5 (W-1) district to provide for a two-unit dwelling.

24. 2026-ZON-094 | 7001 Hoover Road
Washington Township, Council District #2
Landon Hurt

Rezoning of 0.247 acres from the SU-38 district to the SU-6 district to provide for an addition to an existing assisted living facility.

25. 2026-CZN-850 | 6300 Mann Road
Decatur Township, Council District #21
Anthony Elrod, by Justin Kingen

Rezoning of 24.7 acres from the D-A (FF) (FW) district to the D-3 (FF) (FW) district to provide for residential development.

PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

26. APPROVAL PETITION RECOMMENDED FOR APPROVAL BY HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

2026-APP-016 | 45 West 40th Street
Washington Township, Council District #7
PK-1 (TOD)
City of Indianapolis Parks and Recreation, by Kyle Koger

Park District One Approval to provide for the replacement of existing playground equipment, a new park shelter, and new internal concrete sidewalks.

27. ADMINISTRATOR'S APPEAL OF PLAT COMMITTEE DECISION FOR VACATION PETITON:

2026-VAC-007 | 1525, 1540, and 1543 West Ohio Street; 211, 217 and 221 North Reisner Street; & 126 and 130 Koehne Street
Center Township, Council District #18
Church, Westside Pentecostal Assembly Trustees, by Justin Kingen

Vacation of the first north-south alley east of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Ohio Street, south 180 feet, to the north right-of-way line of Everett Street, with a waiver.

Vacation of the first north-south alley east of Reisner Street, being 15.12 feet in width, beginning at the south right-of-way line of Astor Street, south 56.20 feet, with a waiver of the assessment of benefits.

28. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2026-ZON-085 | 2815 Mozart Way
Warren Township, Council District #20
Sharyka Gray

Rezoning of 0.12-acre from the D-P district to the D-P district to provide for single-family residential and transitional living quarters uses for up to six children, ages 10 to 17.

****Staff request for continuance for cause to December 2, 2026**

29. COMPANION PETITIONS SCHEDULED FOR INTIAL HEARING:

2026-CZN-841 / 2026-CVR-841 | 5935 West 56th
Pike Township, Council District #5
Exponential Equity Group, Inc., by Misha Rabinowitch

Rezoning of 10.3 acres, from the SU-1 district to the D-P district to provide for a development consisting of 34 multi-family units and 10 townhomes, and existing religious uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a total of 214 parking spaces (minimum 232 parking spaces required).

Additional Business:

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

METROPOLITAN DEVELOPMENT COMMISSION (MDC)

MEMBER ROSTER

Commissioner	Appointing Authority	Term
John J. Dillon III (President)	Mayor	01/01/2026 – 12/31/2026
Vacant	Mayor	
Brian P. Murphy (Secretary)	Mayor	01/01/2026 – 12/31/2026
Bruce Schumacher (Acting Secretary)	Mayor	01/01/2026 – 12/31/2026
Brandon Herget	City-County Council	02/02/2026 – 02/02/2027
Brent Lyle	City-County Council	12/02/2025 – 12/02/2026
Cindy Kirchhofer	City-County Council	10/05/2026 – 10/19/2027
Brigid Robinson	Mayor	01/01/2026 – 12/31/2026
Gregg West	City-County Council	06/01/2026 – 05/07/2027

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

METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. **2026-R-040**

WHEREAS, the Department of Metropolitan Development ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, engages in redevelopment activities within the Marion County Indiana Redevelopment District Area, specifically the Former Central State Hospital ("Area"); and

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission ("MDC") acts as the redevelopment commission of the Consolidated City of Indianapolis ("City); and, consistent with the policy and purpose of I.C. 36-7-15.1, has a duty to promote the use of land in the manner that best serves the interests of the City and its inhabitants, including authority to repair and maintain structures for redevelopment purposes; and

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, DMD needs to be able to transfer properties to the appropriate entities; and

WHEREAS, DMD owns cemeteries within the Area- including cemeteries at 3000 Washington St.-parcel #9042123 and at 222 N. Tibbs -parcel #9059995 (collectively, "City Cemeteries") located across from and adjacent to a cemetery owned by Wayne Township; and

WHEREAS, part of the Wayne Township Trustee's Offices regular responsibilities include cemetery maintenance; and DMD and Wayne Township have agreed to transfer ownership of the City Cemeteries to Wayne Township.

WHEREAS, DMD and Wayne Township have agreed to transfer ownership of said cemeteries to Wayne Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The DMD is hereby authorized by the Commission to transfer ownership of cemeteries to Wayne Township.
2. The 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
Sheila Kinney, Asst. Corp Counsel
Date: 10/30/2026

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

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-R-041

WHEREAS, the Metropolitan Development Commission of Marion County (the "Commission") serves as the Redevelopment Commission of the Consolidated City of Indianapolis, Indiana ("City") pursuant to IC 36-7-15.1 (the "Redevelopment Act"); and

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

WHEREAS, by Resolution No. 2019-R-007, the MDC previously approved the 10th & Rural Streetscapes Project ("Project") for the purpose of environmental justice, providing for realignment of intersection and general street improvements; and

WHEREAS, The City Department of Metropolitan Development ("DMD"), on behalf of the MDC, in engaging in the Project finds it necessary to demolish a structure located at 2634 E. 10th St. in order to facilitate the demolition of a neighboring structure sharing utility lines; and

WHEREAS, DMD needs to amend contract number 22507 to add an additional $30,000 to facilitate the demolition of this additional structure; and

WHEREAS, DMD is requesting the MDC to authorize the use of locally available funds in an amount not to exceed $30,000, increasing the total contract amount to $45,000.

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

1. The MDC hereby authorizes an amendment to contract number 22507 to increase the expenditure of locally available funds for the cost of necessary demolition as described above by an amount not to exceed $30,000, for a new contract total of $45,000.
2. The City Controller is hereby authorized to expend locally available funds for the activities described above. The Mayor and Controller of the City, the officers of the MDC and the Director of the DMD are hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.
3. This Resolution shall take effect immediately upon adoption by the MDC.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 18, 2026.

Approved as to legal form and adequacy:

By: Sheila Kinney
Sheila Kinney, Asst. Corp. Counsel

Date: 11/5/2026

Metropolitan Development Commission:

By:_____
John J. Dillon III, President

Date:_____

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-R-042

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the City of Indianapolis, Indiana ("City") under I.C. 36- 7-15. 1 (the "Redevelopment Act"); and

WHEREAS, in furtherance of said redevelopment activities within Marion County, the Department of Metropolitan Development ("DMD") contracts for property preservation services – including boarding, debris removal, and fencing, etc. ("Services") for DMD-owned properties; and

WHEREAS, to identify providers for Services, DMD conducted a Request for Bids (**RFB-13DMD-103)** in conjunction with the Office of Finance & Management's Purchasing Division and identified Allied Logistical Services, Inc. ("Contractor") as the responsible and responsive contractor with the lowest price to provide the required Services;

WHEREAS, DMD desires to enter in a two (2) year contract for Services for an amount not-to-exceed $600,000 payable from all sources of funding available for such services through 12/31/2028.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes DMD to enter into a two (2) year contract with Allied Logistical Services, Inc. in an amount not to exceed $600,000.00 for property preservation services through 12/31/2028.

2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the Commission so as to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.

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

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

John J. Dillon III, President

Approved as to Adequacy of Legal Form:

Sheila Kinney
Sheila Kinney, Assistant Corporation Counsel
Date: 11/9/2026

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA

FINAL ECONOMIC REVITALIZATION AREA RESOLUTION

RESOLUTION NO. 2026-A-016

REAL PROPERTY TAX ABATEMENT

Metrobloks LLC
2505 North Sherman 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 for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

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

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

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

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

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

WHEREAS, during a preliminary hearing at 1:00 p.m. on Wednesday, **July 15, 2026** the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Preliminary Resolution No. 2026-A-014 ("Preliminary Resolution")** preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of ten (10) years ("Preliminary Resolution"); and it fixed 1:00 p.m. on

Wednesday, **October 21, 2026** for a public hearing of remonstrances and objections from persons interested in whether the Subject Real Estate should be designated as an Economic Revitalization Area; 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 the City have entered into a Memorandum of Agreement which shall be utilized to measure compliance with the proposed Project described in the attachment to this Resolution; and

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

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now confirms, amends, adopts, and approves such Preliminary Resolution and thereby finds, and establishes the area as an Economic Revitalization Area subject to the conditions that designation as an Economic Revitalization Area allows the abatement of property taxes only relative to the Project and the effectiveness of the designation can be terminated by action of the Commission if:

    A. The Applicant is unable to secure approval of the necessary variance or rezoning petition to provide for the proposed development.

    B. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in the final resolutions as supplemented by information in the application, site plan and elevations; or

    C. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.

2. The Economic Revitalization Area designation terminates five (5) years after the date a final resolution is adopted ; however, relative to redevelopment or rehabilitation completed before the end of the five (5) year period or **December 31, 2031**, this termination does not limit the period of time the Applicant or successor owner is entitled to receive a partial abatement of property taxes to a period of less than ten (10) years.

3. This Economic Revitalization Area designation is limited to allowing the partial abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for installation of new manufacturing equipment under I.C. 6-1.1-12.1-4.5**. 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.

4. Pursuant to I.C. 6-1.1-12.1-17, the Commission desires to utilize an alternative abatement schedule. The alternative schedule shall allow for **60% deduction** of the increased property taxes for each of the ten years of the real property tax abatement. This incentive is contingent upon the Company investing no less than two hundred fifty million dollars **$250,000,000** in qualified real property improvements.

5. The Commission has determined that the Project can reasonably be expected to yield the benefits identified in the attached "statement of benefits" and the "statement of benefits" is sufficient to justify the partial abatement of property taxes requested, based on the following findings:

   A. The estimate of the value of the proposed Project is reasonable for projects of that nature.

   B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.

   C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.

   D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed Project.

   E. The "Totality of Benefits" is sufficient to justify the deduction.

6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the applicant and the City, and/or the statement of benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the Memorandum of Agreement and/or "statement of benefits", or for failure to respond to the mandatory survey.

7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this Resolution annually for twelve (12) years. The dates of the twelve (12) surveys shall be on or about the following dates: 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, and 2040.

8. The Subject Real Estate and Project area are approved for an abatement period of **ten (10) years**.

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

[Remainder left intentionally blank, signatures to follow]

PROPOSED ABATEMENT SCHEDULE
REAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1st	60%
2nd	60%
3rd	60%
4th	60%
5th	60%
6th	60%
7th	60%
8th	60%
9th	60%
10th	60%

METROPOLITAN DEVELOPMENT COMMISSION

_____
John J. Dillion III, President

_____
Date

Approved as to Legal Form
and Adequacy this 14th day of
October 2026.

Sheila Kinney
_____
Sheila Kinney,
Assistant Corporation Counsel

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located at the intersection of 25th Street and North Sherman Drive, situated just south of the railroad tracks with frontage along North Sherman Drive.

Current Zoning..... C-S

New Jobs Created ..... 35 at $46.14/hr.

Jobs Retained: N/A

Estimated Cost of proposed project: $250,000,000.00

STAFF ANALYSIS

Metrobloks is a recently established U.S.-based developer and operator of next-generation data center infrastructure, formed in 2024 to address rapidly increasing demand for high-performance computing capacity supporting enterprise, cloud, and AI-driven workloads. The company specializes in delivering end-to-end development services, including site selection, power coordination, infrastructure buildout, and long-term operations. Metrobloks has indicated that Indianapolis offers competitive advantages for digital infrastructure investment due to available industrial sites, strong utility partnerships, and proximity to major fiber routes. The company has been engaged with City staff and local stakeholders to ensure alignment with long-term economic development and community objectives.

The proposed project consists of a two-building data center campus located at 2505 N. Sherman Drive in the Martindale–Brightwood community. The campus is anticipated to include up to two buildings totaling approximately 332,000 square feet, constructed in phases based on customer demand and availability of utility infrastructure, particularly power. Metrobloks plans to invest approximately $250 million in real property improvements and essential facility infrastructure, with additional investment in enterprise IT equipment installed in alignment with construction timelines. The project structure anticipates significant additional tenant-driven computing equipment investment over time, contingent on power allocation at the site.

The data center campus is expected to generate meaningful economic benefits for Marion County through large-scale capital investment, job creation, and ongoing operations. Metrobloks has committed to prioritizing local hiring and workforce development in partnership with workforce agencies, community colleges, and technical training providers. These efforts are intended to create pathways into data center operations, electrical and mechanical trades, and critical-infrastructure careers. Staff notes that the project represents a long-term, high-value asset in an industry that continues to expand rapidly, positioning Indianapolis as a competitive location for advanced digital infrastructure.

Data centers require substantial upfront investment in specialized power and mechanical systems, and the project remains highly mobile given competing jurisdictions offering similar site characteristics with more aggressive incentive structures. Metrobloks is also working with the District Councilor, Indy Economic Development Inc. (IEDI), and the City to contribute to infrastructure

improvements, parks, and community grant initiatives that support broader neighborhood connectivity and development in Martindale-Brightwood.

The applicant is requesting tax abatement to assist in off-setting the initial high costs of equipment 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. Staff believes that a project such as this would not be economically feasible without the tax abatement incentive. IEDI recommends approval of the abatement due to the scale of the proposed investment, the highly competitive nature of the data center industry, and the project's potential to attract high-value technology tenants to Indianapolis. As a colocation data center provider, Metrobloks leases space and critical infrastructure to multiple customers rather than operating as a single-user facility. The enhanced abatement helps improve the competitiveness of the project and allows the company to pass a portion of those savings through to prospective tenants, supporting the attraction and retention of businesses that invest in advanced technology, digital infrastructure, and innovation-driven operations.

This allows the project to reach its highest tax value and return on investment for the city. The recommendation recognized the significant real property investment required to build and modernize data center facilities, while also supporting long-term growth of Indianapolis' digital economy. The abatement offered is structured to also provide immediate tax revenue to the city and is tied to an upfront Inclusion Plan payment. This abatement term and level is commiserated with other abatements offered for this scope and scale of project.

Indianapolis Economic Development Inc. 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: DMD Staff at the recommendation of Indianapolis Economic Development, Inc. forwards resolution 2026-A-016 for consideration of approval of ten(10) years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: Metrobloks, LLC

INVESTMENT: Staff estimates that the proposed investment of $250,000,000.00 should result in an increase to the tax base of approximately **$83,000,000.00** of assessed value. Staff estimates that over the ten (10) year real property tax abatement period the petitioner will realize savings of approximately **$12,911,370.00** (a 60% savings). During the abatement period, the petitioner is expected to pay an estimated $**8,662,600.00** 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 $5,502.00 annually (2026 pay 2025 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated $**2,270,654.00** in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the current value of the land.

EMPLOYMENT: The petitioner estimates that this project will create a minimum of thirty-Five (35) positions at an average wage of not less than $46.14/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 high new tax revenue that is long-term, potential job creation and retention and tenant attraction. Furthermore, staff believes the petitioner's Project will lead to continued future investment and development in Marion County. This will represent one of the largest investments in the City's history.

STAFF COMMENT: DMD Staff at the recommendation of Indianapolis Economic Development Inc. believes the "Totality of Benefits" arising from the Project are sufficient to justify the granting of the tax abatement.

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PROJECT SUMMARY

Factual Information

Applicant: Metrobloks, LLC

Subject Real Estate: 2505 North Sherman Drive

Center Township Parcel Numbers: 1098703

PROJECT DESCRIPTION

Metrobloks, a U.S. based developer of next-generation data center infrastructure, is planning a two-building data center campus at 2505 N. Sherman Drive. Since 2024 to meet rising demand for high-performance computing, the company provides end-to-end development services from site selection to long-term operations. The Indianapolis campus will include up to two buildings totaling about 332,000 square feet, developed in phases based on customer demand, utility readiness, and available power.

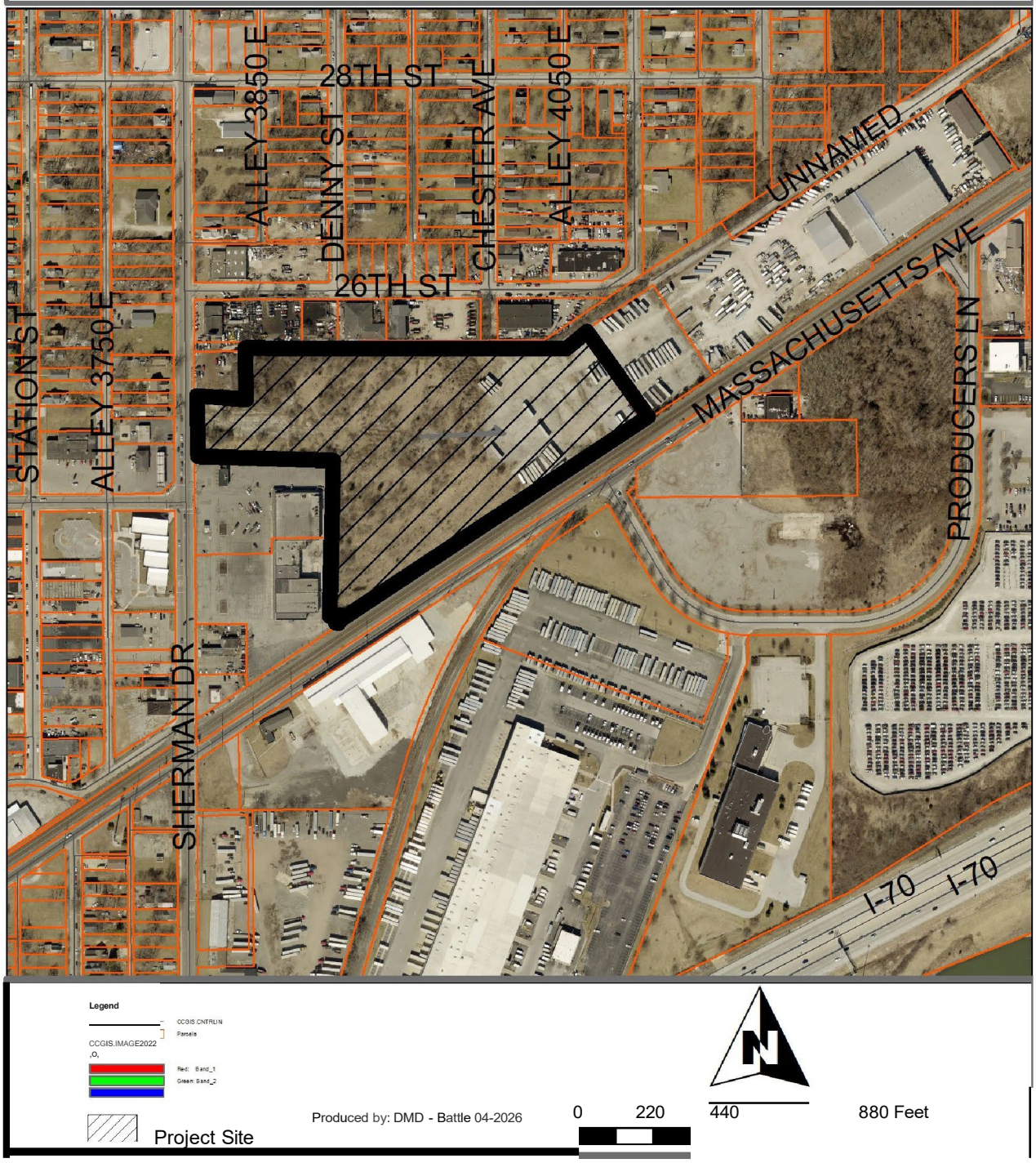
The project includes approximately $250 million in real property and IT infrastructure investments, supported by up to $3.1 billion in partnerships with major equipment manufacturers. Once completed, the facility will support enterprise, cloud, and advanced computing workloads while generating economic benefits through capital investment, job creation, and ongoing operations. Metrobloks will prioritize local hiring in partnership with workforce and training organizations in Marion County.

To ensure competitiveness in a capital-intensive industry, Metrobloks is seeking public support to offset significant upfront infrastructure costs and risks related to power and pre-leasing. Working alongside the District Councilor, Indy Economic Development Inc. (IEDI), and the Department of Public Works, the company also plans to contribute to infrastructure improvements, parks, and community grant initiatives that support broader neighborhood connectivity and development in Martindale–Brightwood.

RECOMMENDATION: DMD Staff at the recommendation of Indianapolis Economic Development, Inc. forwards resolution 2026-A-016 for consideration of approval of ten(10) years real property tax abatement.

Project Site-Map – Exhibit A

Metrobloks, LLC Project Site
2505 North Sherman Drive
Parcel #1098703



METROPOLITAN DEVELOPMENT COMMISSION OF

MARION COUNTY, INDIANA

FINAL ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2026-A-2017

PERSONAL PROPERTY TAX ABATEMENT

Metrobloks, LLC
2505 North Sherman 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 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 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 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, during a preliminary hearing at 1:00 p.m. on Wednesday**, July 15, 2026,** 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. 2026-A-015**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area 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, **October 21, 2026** 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 Assertions 1 through 6 stated on the attachment to this Resolution, (along with all written remonstrances and objections previously filed) were considered by the Commission;

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now confirms, adopts and approves such Preliminary Resolution and thereby designates, finds and establishes the Subject Real Estate as 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, at 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 Township Assessor.

2. The **Economic Revitalization Area designation terminates December 31, 2043. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed on the Subject Real Estate during the period September 16, 2026, to December 31, 2043**. 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 fifteen (15) 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.

5. The Commission has determined that the Project can reasonably be expected to yield the benefits identified in the attached "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. 6-1.1-12.1-5.1(b), 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 a total of fifteen (15) years plus two (2) additional years. The dates of the seventeen (17) of surveys shall be on or about the following dates: **2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045.**

8. The Subject Real Estate and Project area are approved for an abatement period of fifteen (15) years.

9. The fifteen (15) years personal property tax abatement shall utilize the following deduction schedule.

YEAR OF DEDUCTION	PERCENTAGE
1ST	90%
2ND	90%
3RD	90%
4TH	90%
5TH	90%
6TH	90%
7TH	90%
8TH	90%
9TH	90%
10TH	90%
11TH	90%
12TH	90%
13TH	90%
14TH	90%
15TH	90%

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

METROPOLITAN DEVELOPMENT COMMISSION

_____

John J. Dillon III, President

_____

Date

Approved as to Legal Form
and Adequacy this 14th day

of October 2026.

Sheila Kinney
Sheila Kinney
Assistant Corporation Counsel

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address ..... 2505 North Sherman Drive

New Jobs Created.....35 at $46.14/hr.

Jobs Retained .....N/A

Estimated Cost of Equipment: $406,000,000.00 (Metrobloks) $2,700,000,000.00 (Tenant)

STAFF ANALYSIS

Metrobloks is proposing a $250 million real property investment for digital infrastructure, along with an additional $3.1 billion in personal property investment, in Martindale-Brightwood, representing one of the largest private capital projects in Indianapolis history. The company plans to develop a two-building data center campus across approximately 15 acres at 2505 North Sherman Drive.

Metrobloks' design approach emphasizes sustainability, operational efficiency, and community integration. The campus will incorporate modern cooling technologies and a closed-loop water-reduction system that significantly minimizes long-term water usage. The peak water usage is equivalent to a residential household. Extensive screening, green space, and perimeter landscaping are planned to reduce visual and noise impacts on surrounding neighborhoods. Additionally, Metrobloks intends to fund several infrastructure improvements that enhance long-term grid reliability and modernization to benefit the surrounding area.

Upon completion, Metrobloks anticipates creating roughly 35 permanent full-time positions with an average hourly wage of $46.14/hr., reflecting strong wage competitiveness within the metropolitan region's technology and infrastructure sectors. The company has committed to local hiring and training programs with local schools and skilled labor entities in addition to the FTE commitments above. Data centers require substantial upfront investment in specialized power and mechanical systems, and the project remains highly mobile given competing jurisdictions offering similar site characteristics with more aggressive incentive structures. As part of its commitments under the proposed tax abatement, Metrobloks has agreed to and worked with the District Councilor, City of Indianapolis and Indy Economic Development Inc. (IEDI) to contribute 12.5% of its total tax savings toward infrastructure improvements, parks and community grant initiatives that support broader neighborhood connectivity and development in Martindale–Brightwood. This is above the 5% inclusion plan minimum.

The applicant is requesting tax abatement to assist in off-setting the high costs of equipment 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. Staff believes that a project such as this would not be economically feasible without the tax abatement incentive.

IEDI recommends approval of the abatement due to the scale of the proposed investment, the highly competitive nature of the data center industry, and the project's potential to attract high-value technology tenants to Indianapolis. As a colocation data center provider, Metrobloks leases space and critical infrastructure to multiple customers rather than operating as a single-user facility. The enhanced abatement helps improve the competitiveness of the project and allows the company to pass a portion of those savings through to prospective tenants, supporting the attraction and retention of businesses that invest in advanced technology, digital infrastructure, and innovation-driven operations. The recommendation recognized the significant personal property investment required to equip and modernize data center facilities, while also supporting long-term growth of Indianapolis' digital economy. The enhanced abatement includes a mandatory performance review and re-evaluation in year 10 to ensure the project continues to deliver the anticipated economic benefits and remains aligned with the City's development objectives. The high value of the personal property and future tenant refreshes that are an industry standard, make this projec a long-term return of investment leading to this companying being a top taxpayer in Marion County. Based on th

project's substantial capital investment and potential to attract high-quality employers, IEDI finds that the enhanced personal property abatement is warranted and serves public purpose.

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

RECOMMENDATION: DMD Staff at the recommendation of Indianapolis Economic Development Inc. forwards resolution 2026-A-017 for consideration of approval of fifteen (15) years personal property tax abatement.

STATEMENT OF BENEFITS

PETITIONER: **Metrobloks, LLC**

INVESTMENT: *(Metrobloks)*
Staff estimates that the proposed investment of **$406,000,000.00** ($398,000,000 qualified investment) over the fifteen (15) year enhanced personal property tax abatement periods for the respective investments, the petitioner will realize savings of approximately **$39,698,170.00** (a 90% savings). In aggregate, over the course of each investment's respective abatement period, the petitioner is expected to pay an estimated $**4**,**410,907.00** in qualified personal property taxes related to the new equipment. After all the respective tax abatements expire, the petitioner can be expected to pay an estimated **$716,388.00** in qualified personal property taxes annually related to the new equipment.

(Tenant)
Staff estimates that for the proposed investment of $**2,700,000,000.00** ($1,350,000,000 for each Cycle 1 and 2), over the respective fifteen (15) year enhanced personal property tax abatement periods for the respective investments, the petitioner will realize savings of approximately **$128,655,232.00** (a 90% savings) assuming each respective investment is retired after 5 years and refreshed only once (in Cycle 2) approximately 5 years after each investment in Cycle 1. In aggregate, over the course of each investment's respective abatement period, the petitioner is expected to pay an estimated **$14,295,026.00** in personal property taxes related to the new equipment. *Metrobloks' assumptions assume tenant personal property retirement and no refresh beyond cycle 2, so there is no estimated annual personal property taxes post-abatement. This proves a conservative floor estimate of taxes paid.*

EMPLOYMENT: The petitioner estimates that this project will create thirty-five (35) new positions at an average or minimum wage of $46.14/hr. Staff finds these figures to be reasonable for a project of this nature. In addition, company has committed to school and workforce partnerships as well as local hiring.

OTHER BENEFITS: Staff of Indianapolis Economic Development Inc. 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. This project represents one of the largest investments in the history of the City.

STAFF COMMENT: DMD Staff at the recommendation of Indianapolis Economic Development Inc. believes the "Totality of Benefits" arising from the Project are sufficient to justify the granting of the tax abatement.

PROJECT SUMMARY

Applicant: **Metrobloks, LLC**

Subject Real Estate: 2505 North Sherman Drive

Center Township Parcel Number: Parcel #1098703

Project Description

Metrobloks, a U.S. based developer of next-generation data center infrastructure, is planning a two-building data center campus at 2505 N. Sherman Drive. Formed in 2024 to meet rising demand for high-performance computing, the company provides end-to-end development services from site selection to long-term operations. The Indianapolis campus may include up to two buildings totaling about 332,000 square feet, developed in phases based on customer demand, utility readiness, and available power.

The project includes approximately $250 million in real property and IT infrastructure investments, supported by up to $3.1 billion in partnerships with major equipment manufacturers. Once completed, the facility will support enterprise, cloud, and advanced computing workloads while generating economic benefits through capital investment, job creation, and ongoing operations. Metrobloks will prioritize local hiring in partnership with workforce and training organizations in Marion County.

To ensure competitiveness in a capital-intensive industry, Metrobloks is seeking public support to offset significant upfront infrastructure costs and risks related to power and pre-leasing. Working alongside the District Councilor, Indy Economic Development Inc. (IEDI), and the Department of Public Works, the company also plans to contribute to contribute to infrastructure improvements, parks, and community grant initiatives that support broader neighborhood connectivity and development in Martindale–Brightwood.

New Jobs Created: 35 at $46.14/hr.

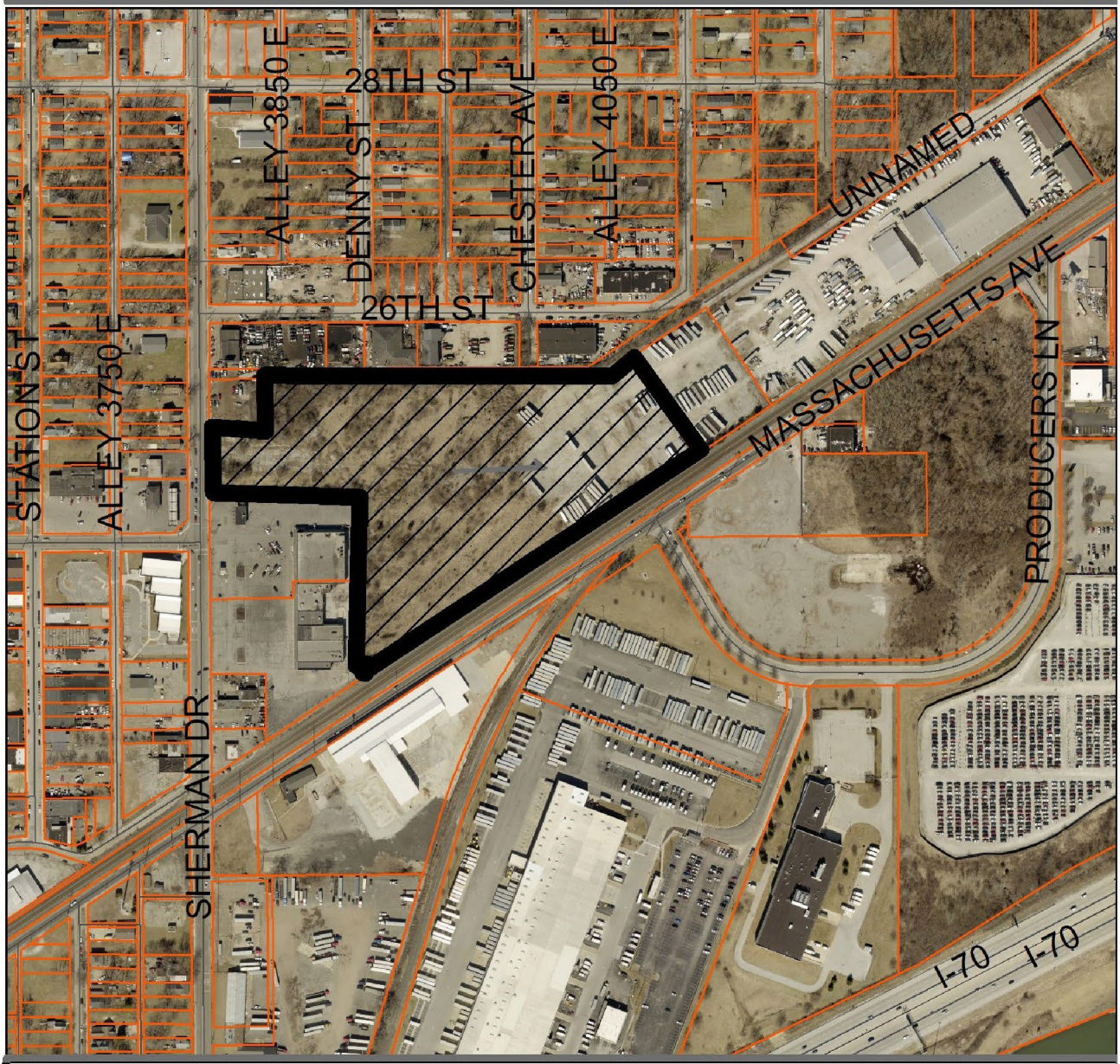
Job Retained: N/A

Estimated Cost of Project: $2,700,000,000.00

RECOMMENDATION: DMD Staff at the recommendation of Indianapolis Economic Development, Inc. forwards resolution 2026-A-017 for consideration of approval of fifteen (15) years personal property tax abatement.

EXHIBIT A - SITE MAP

Metrobloks, LLC Project Site
2505 North Sherman Drive
Parcel #1098703



Legend

CCGIS.CNTRLIN
Parcels
CCGIS.IMAGE2022
Red: Band_1
Green: Band_2
Blue: Band_3

Produced by: DMD - Battle 04-2026

0 220 440 880 Feet

Project Site

METROPOLITAN DEVELOPMENT COMMISSION OF

MARION COUNTY, INDIANA

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2026-A-051

REAL PROPERTY TAX ABATEMENT

Indy Nova Apartments, LLC
2955 North Meridian Street

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, the applicant shall replat Parcel Number 1088109, located at 2955 North Meridian Street, for the explicit purpose of subdividing the existing parcel to establish a separate lot for the proposed construction of a new four-story multifamily residential building distinct from the existing business office currently situated on the said parcel; and

WHEREAS, upon replating, the proposed apartment building shall constitute an independent parcel for all development and assessment purposes, and the granting of the requested tax abatement shall be expressly conditioned upon the successful completion and recording of the approved replat; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, **November 18, 2026**, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area,

and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of up to **ten (10)** 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. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.

4. The Economic Revitalization Area designation terminates **December 31, 2029, (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 up to **ten (10)** years.

5. This Economic Revitalization Area 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 in the ERA, to those respective tax savings attributable to the redevelopment of buildings number **one (1)** at approximately **118932** square feet.

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, **December 2**, **2026** in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at up to **ten (10)** years and establish an abatement schedule.

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 2nd day
of November 2026

Sheila Kinney
_____
Sheila Kinney
Assistant Corporation Counsel

ATTACHMENT TO

METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION

REAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Indy Nova Apartments, LLC

Subject Real Estate: 2955 North Meridian Street

Center Township Parcel Numbers: 1088109

PROJECT DESCRIPTION

Indy Nova Apartment, LLC, a subsidiary of New City Development, has been a long-standing and valued partner in advancing neighborhood revitalization and mixed-use multifamily development throughout Indianapolis.

For the proposed redevelopment at 2955 North Meridian Street, Indy Nova Apartment intends to invest $25,607,287 in the construction of a four-story, walk-up multifamily residential building comprising of 95 new apartment homes and approximately 372 parking spaces. The developer has committed to designating 11 units at 60% AMI and reserving 15 units under the Master Leasing Program. These dedicated affordable units will broaden access to stable housing and further the City's overarching affordability objectives.

In addition, the developer will apply for the HOME Grant Program to seek additional funding for the Project and shall comply with all requirements associated with the HOME grant Program.

The project is expected to create three new jobs, offering an average hourly wage of $20.

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. _X_ is not located in a planned area with a tax abatement policy.

2. _X_ 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. _X_ Current zoning allows project.

   B. ___ Appropriate petition is on file.

   C. ___ Final approval for variance, rezoning or approval petition has been granted.

4. A. _X_ 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. _X_ 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. _X_ 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
REAL PROPERTY TAX ABATEMENT

Indy Nova Apartments, LLC

YEAR OF DEDUCTION	PERCENTAGE
1st	90%
2nd	90%
3rd	90%
4th	90%
5th	90%
6th	90%
7th	90%
8th	90%
9th	90%
10th	90%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is in the heart of Center Township, just south of 30th Street, north of 29th Street and east of Meridian Street. The parcel will be replated to separate the multifamily residential building from the existing office building.

Current Zoning: ..... CS

New Jobs Created: ..... 3 at an average of $20.00/hr.

Jobs Retained: 0

Estimated Cost of proposed project: $25,607,287.00

STAFF ANALYSIS

Indy Nova Apartments, LLC has been a long-standing and valued partner in advancing neighborhood revitalization and mixed-use multifamily development throughout Indianapolis. The company has established a strong record of delivering transformative projects, including the Hobbs Station development and Polk Stables.

For the proposed redevelopment at 2955 North Meridian Street, Indy Nova intends to invest $25,607,287 in the construction of a four-story, walk-up multifamily residential building comprising 95 new apartment homes and approximately 372 parking spaces.

The developer has committed to designating 11 units at 60% AMI and reserving 15 units under the Master Leasing Program. These dedicated affordable units will broaden access to stable housing and further the City's overarching affordability objectives. In addition, the developer will apply for the HOME Grant Program to seek additional funding for the Project and shall comply with all requirements associated with the HOME grant Program.

The project is expected to create three new jobs, offering an average hourly wage of $20. Collectively, these investments underscore Indy Nova's sustained commitment to equitable development and long-term neighborhood advancement.

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 **ten (10)** years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: Indy Nova Apartments, LLC

INVESTMENT: Staff estimates that the proposed investment **of $25,607,287.00** should result in an increase to the tax base of approximately **$10,608,000.00** of assessed value. Staff estimates that over the **ten (10)** year real property tax abatement period the petitioner will realize savings of approximately **$2,027,949.82 (an 85% savings).** During the abatement period, the petitioner is expected to pay an estimated **$351,262.46** 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 **$6,619.50** annually (pay 2026 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated **$237,921.23** in real property taxes annually on new improvements, in addition to the annual taxes attributable to the current value of the land.

EMPLOYMENT: The petitioner will create a minimum of **three (3)** positions at an average wage of not less than **$20.00/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 and development in Marion County.

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

Project Site

Nova Apartments
2955 N Meridian Street
Parcel #1088109



METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
RESOLUTION TO
TERMINATE SIX (6) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR

Geniphys
7750 Zionsville Road

Resolution No. 2026-A-055

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

WHEREAS, I.C. 6-1.1-12.1 pursuant to I.C. 6-1.1-12.1, Geniphys (hereinafter "Applicant") filed a designation application requesting that the subject real estate at 7750 Zionsville Road (the "Subject Real Estate") be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the proposed installation of new eligible personal property (hereinafter "Project"); and

WHEREAS, on Wednesday, April 19th, 2023, the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2023-A-018, 2023 preliminarily designating the Subject Real Estate as an Economic Revitalization Area; and

WHEREAS, on Wednesday, May 3rd, 2023, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2023-A-019, 2023 (the "Resolution"), confirming designation of the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving six (6) years personal property tax abatement (the "Abatement"); and

WHEREAS, in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement (hereinafter the "MOA") executed by and between the Applicant and the City of Indianapolis (hereinafter referred to as the "City"), the Applicant indicated that $7,455,000 in personal property investments would be made at the Subject Real Estate, and that 2 retained positions at an average hourly wage of not less than $65.00, and 43 new full-time permanent positions would be created at an average wage of $40.03 per hour as a result of the Project (collectively the "Commitments") and in consideration thereof, the Commission approved the Resolutions and the Applicant accepted the terms and conditions of the Resolutions by accepting the benefits thereof; and

WHEREAS, the Resolution directed the Department of Metropolitan Development ("DMD") to survey the Applicant's Project annually for twelve (12) years and the Commission reserved its rights to reduce the dollar amount, or rescind in its entirety, the deduction being received by the Applicant for failure to achieve and maintain the benefits described in the Statement of Benefits and/or the MOA or for failure to respond to the mandatory survey; and

WHEREAS, the Applicant did not meet the MOA requirements. Specifically, the Applicant failed to achieve and maintain the new job commitment; and

WHEREAS, pursuant to Resolution 2023-A-019, 2023 of the Commission, authorizes DMD to evaluate and determine on behalf of the Commission whether each property owner who has been awarded a tax abatement has

substantially complied with its Statement of Benefits and whether failure to comply was caused by factors beyond the control of the property owner. DMD has determined the Applicant has not complied with the Statement of Benefits; and

WHEREAS, the Applicant has realized a tax savings of $26, 816.55 to date due to the Abatement; and

WHEREAS, the Department of Metropolitan Development, on behalf of the Commission and in agreement with the Applicant, determined that the Abatement should be terminated, and the Applicant will pay damages to the amount of $ 23,699.32 of tax savings received by the Applicant, and subsequently they set 1:00 p.m. on Wednesday, November 18, 2026, for the public hearing of remonstrances and objections from persons interested in whether the Personal Property Tax Abatement for the Project should be terminated, and payment of the damages should be reimbursed to the City; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission hereby confirms DMD's preliminary finding that the Applicant has not substantially complied with the Statement of Benefits contained in the Resolutions or met and maintain the Commitments contained in the MOA.

2. The Commission now hereby determines that the Applicant has failed to or will be unable to substantially comply with the Commitments (as identified and agreed upon in the Statement of Benefits form contained in the attachments to the Resolutions and/or the MOA), entitling DMD to terminate, through the Commission, the tax abatement deductions regarding the Personal Property Tax Abatement for the Project-and relative to the Project and Resolutions and authorizes the Director of DMD to sign the Termination Agreement.

3. The Commission hereby acknowledges the termination of the above-described tax abatement, and the Applicant is required to repay the damages, as authorized by this Termination Resolution.

4. The Commission determines that the MOA for the Personal Property Tax Abatement for the Project shall be terminated upon adoption of this Termination Resolution.

5. The Commission hereby directs that the Applicant shall pay to the City of Indianapolis damages in the amount of $23,669.32 within 60 days of the adoption of this Termination Resolution and authorizes the Director of the Department of Metropolitan Development to take such action as is necessary to recover said damages should not be timely remitted. Upon repayment of said damages, the Commission shall release Applicant from any and all other liabilities related to the Abatement or the termination of the Abatement.

6. On the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitution, modification and additions which are not substantial in nature.

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

Signature Page

METROPOLITAN DEVELOPMENT COMMISSION

_____

John J. Dillon III, President

_____

Dated

Approved as to Legal Form
and Adequacy this 5th day
of November 2026

Sheila Kinney

Sheila Kinney
Office of Corporation Counsel

METROPOLITAN DEVELOPMENT COMMISSION OF

MARION COUNTY, INDIANA

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2026-A-056

PERSONAL PROPERTY TAX ABATEMENT
Multi-Phase Expansion; Phase Three and Amending and Restating Phase One & Two

Novartis Manufacturing, LLC
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, determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

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

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

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which attachment is hereby incorporated by reference, has 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, the Commission adopted Resolution 2020-A-044 on December 16, 2020, approving a ten (10) year personal property tax abatement with a personal property investment amount of $22,220,000 for Phase One of a multi-phase expansion; and

WHEREAS, in 2024, the Commission adopted Resolution 2024-A-024 amending the Phase One personal property investment from $22,220,000 to $108,400,000, and approving an additional Phase Two investment in personal

property in the amount of $56,600,000 in consideration of an additional six (6) year personal property tax abatement; and

WHEREAS, during a hearing held at 1:00 p.m. on Wednesday, May 1, 2024, the Commission received information regarding Phase One and Phase Two of the Project, as well as evidence concerning whether the Subject Real Estate's designation as an Economic Revitalization Area warrants an extension for Phase One and Phase Two, and sufficient evidence was presented establishing Assertion 1 and tending to establish Assertions 1, 2, 3, 4, 5, and 6 listed in the attachment to this Resolution for Phase Two; and

WHEREAS, the Applicant now seeks to invest an additional $95,000,000 in personal property at its existing facility to support continued growth, constituting Phase Three of the multi-phase project, for the Commission's consideration; and

WHEREAS, during a hearing held at 1:00 p.m. on November 18, 2026, the Commission received information regarding Phase One, Phase Two, and Phase Three of the Project, as well as additional evidence concerning whether the Subject Real Estate's designation as an Economic Revitalization Area warrants an extension for all Phases, and sufficient evidence was provided tending to establish Assertions 1, 2, 3, 4, 5, and 6 stated in the attachment to this Resolution in regard to Phase Three.

NOW, THEREFORE, BE RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of **six (6)** years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.

2. Designation as an Economic Revitalization Area allows a partial abatement of property taxes only relative to Specified New Equipment. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications, and additions which are not substantial in nature to the specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for new equipment is filed with the Indiana Department of Local Government Finance.

3. The **Economic Revitalization Area designation terminates December 31, 2030. 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, 2030**. However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the subject real estate before termination of such designation, to a period of less than **six (6) years**. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to a combined equipment investment total of not greater than **$260,000,000.00.**

4. The partial abatement of property taxes attributable to the installation of Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).

5. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the

abatement of real property taxes attributable to redevelopment or rehabilitation activities under I.C. 6-1.1-12.1-3.

6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

7. The Commission fixes 1:00 p.m. on Wednesday **December 16, 2026**, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area and fix the length of the abatement period at **six (6) years.**

8**.** All other terms of resolutions #2020-A-044 and #2024-A-024; not in conflict with this Resolution remain the same.

9. 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 30th day
of October 2026.

Sheila Kinney

Sheila Kinney
Asst Corporation Counsel

ATTACHMENT TO

METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION

PERSONAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Novartis Manufacturing, LLC

Subject Real Estate: 8520 Challenger Drive

Decatur Township Parcel Number: #2014725

PROJECT DESCRIPTION

The Applicant proposes a Phase Three investment consisting of approximately $95,000,000 in new personal property to support continued growth at its Indianapolis radiopharmaceutical manufacturing campus. This phase includes the design and installation of a state-of-the-art radioligand therapy (RLT) production line, along with enhancements to existing equipment and capabilities in its existing building. The new production assets are intended to increase radiopharmaceutical output and expand RLT manufacturing capacity in response to growing customer demand.

This Phase Three investment builds on prior phases of development at the site. In 2020, the Novartis company-initiated Phase One, investing $108,000,000 in personal property to equip a 73,000-square-foot advanced manufacturing and laboratory facility on 16.64 acres in the Purdue Research Park at the Ameriplex Certified Technology Park (CTP). In 2024, Phase Two followed, involving construction of a new 79,000-square-foot radiopharmaceutical manufacturing and distribution facility and an additional $56,600,000 in new personal property.

Together, Phases One, Two, and Three represent a coordinated, multi-phase expansion of Novartis's Indianapolis operations. This resolution will consolidate all phases under a single, unified compliance schedule, simplifying annual reporting and improving long-term oversight of project commitments.

FACTUAL ASSERTIONS

1. The application was filed with the Department of Metropolitan Development prior to the New Equipment being installed.

2. The specified New Equipment meets the definition of "New Manufacturing Equipment", "New Logistical Distribution Equipment", "New Information Technology Equipment", and/or "New Research and Development Equipment" found in I.C. 6-1.1-12.1, as interpreted by the Indiana Department of Local Government Finance.

3. The specified New Equipment will be installed on the Subject Real Estate in one of the following types of facilities:

   ☒ Existing facility

☐ Expanded facility

☐ New facility

☐ Vacated or converted facility

4. The facility meets the appropriate requirements:

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

   ☒ the area in which the facility is located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 01-A-041, 2001), or

   ☐ the operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and

   ☐ the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and

   ☐ the facility is technologically, economically, or energy obsolete, continued obsolescence, which may lead to a decline in employment and tax revenues.

   B. of a new facility, and

   ☐ the area in which the facility is located has become "undesirable for normal development" (as defined in Metropolitan Development Commission Resolution No. 01-A-041, 2001), or

   ☐ the operation in the facility is a distressed business (as defined in Resolution No. 97-A-110, 1997), and

   ☐ the specified new equipment is being installed to relieve the conditions causing the business to be distressed, and

   ☐ the facility is technologically, economically, or energy obsolete, continued obsolescence, which may lead to a decline in employment and tax revenues.

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

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

   ☒ outside an Allocation Area as defined in I.C. 36-7-15.1-26; or

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

PROPOSED ABATEMENT SCHEDULE
PERSONAL PROPERTY TAX ABATEMENT

Novartis Manufacturing, LLC

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address:…… 8520 Challenger Drive

New Jobs Created: ..... 24 at an average wage of $48/hr.

Jobs Retained:…….264 at an average wage of $48/hr.

Estimated Cost of Equipment: Phase Three - $95,000,000 / Restating Phase One & Two - $165,000,000

STAFF ANALYSIS

Novartis Manufacturing, LLC is an international pharmaceutical company specializing in medications, advanced therapy platforms, and data-driven medical technologies. Its subsidiary, Advanced Accelerator Applications USA, Inc., focuses on nuclear medicine theragnostics integrating advanced diagnostic imaging with targeted therapeutic applications. The Indianapolis campus is a key manufacturing center for the company's radioligand therapy (RLT) products.

Phase One, initiated in 2020, resulted in construction of the initial advanced manufacturing facility and installation of $108,000,000 significant new equipment to support radiopharmaceutical production. This phase exceeded expectations, including the creation of 170 new jobs well above original commitments made to the City. Phase Two, approved in 2024, added a second major production building and eligible new equipment totaling $56,600,000. Phase Two is projected to generate 55 additional jobs by 2026.

The company now seeks approval of Phase Three, reflecting continued growth in global demand for RLT products. The proposed $95,000,000 personal property investment will expand production capacity, increase manufacturing throughput, and introduce enhanced technologies into the existing facility. Phase Three is expected to create 24 new high-wage jobs, averaging $48 per hour, and will retain 264 existing positions at the same wage level.

Given the scale of the multi-phase project and the overlapping timelines of prior abatement approvals, staff recommends consolidating the outstanding commitments of Phases One and Two with the proposed commitments of Phase Three. Restating and combining all phases into a single compliance schedule will streamline CF-1 reporting, reduce administrative burden for both the Applicant and the City, and support consistent monitoring of job creation and investment obligations.

The Applicant has met or exceeded all commitments associated with Phase One and Phase Two and is on track to meet future obligations. Staff finds that the proposed Phase Three investment continues the company's demonstrated pattern of strong performance and ongoing economic contribution to Indianapolis. Accordingly, staff concludes that the evidence supports consideration of the requested amendment and restatement of the prior resolutions to incorporate Phase Three and unify compliance requirements for all phases.

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

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

RECOMMENDATION: Staff recommends approval of **six (6)** years personal property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: **Novartis Manufacturing, LLC**

INVESTMENT: Staff estimates that the proposed ***phase three*** investment of **$95,000,000.00** should result in an increase to the tax base of approximately $38,000,000.00 of assessed value in the first year of operation. Staff estimates that over the six (6) year personal property tax abatement period the petitioner will realize savings of approximately $3,931,906.63 (a 50.26% savings). During the abatement period, the petitioner is expected to pay an estimated $3,892,582.10 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated $491,556.60 in personal property taxes annually related to the new equipment.

(To be combined into one 6-year schedule running concurrently with phase three)

Staff estimates that the proposed ***phase two*** 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 six (6) year personal property tax abatement period the petitioner will realize savings of approximately $2,342,588.58 (a 67.93% savings). During the abatement period, the petitioner is expected to pay an estimated $1,106,701.45 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated $292,864.25 in personal property taxes annually related to the new equipment.

Staff estimates that the proposed ***phase one*** 10-year investment, currently in year 4 of a **$108,000,000.00** investment has resulted in an increase to the tax base of approximately $34,688,000.00 of assessed value in the current year of operation. Staff estimates that over the six (6) year personal property tax abatement period the petitioner will realize savings of approximately $2,512,484.34 (a 50.26% savings). During the abatement period, the petitioner is expected to pay an estimated $1,195,634.68 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated $467,409.96 in personal property taxes annually related to the new equipment.

EMPLOYMENT: The petitioner estimates that this project will create **twenty-four (24)** new positions at an average wage of **$48.00/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 a tax abatement.

Novartis Manufacturing, LLC
8520 Challenger Drive



METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. **2026-E-006**

WHEREAS, the Department of Metropolitan Development ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, engages in redevelopment activities within the Marion County Redevelopment District Area, Marion County, Indiana, specifically the Union Station Bridge Rehabilitation ("Project"); and

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission ("MDC") acts as the redevelopment commission of the Consolidated City of Indianapolis ("City); and, consistent with the policy and purpose of I.C. 36-7-15.1, has a duty to promote the use of land in the manner that best serves the interests of the City and its inhabitants, including authority to repair and maintain structures for redevelopment purposes; and

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, DMD requires timely access to a broad array of services, including professional design engineering services; and

WHEREAS, DMD has contract #19173 in place with Butler, Fairman & Seufert (BF&S) for such professional design engineering services as part of the project ("Services;") and

WHEREAS, DMD seeks authorization to extend contract #19173 through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The DMD is hereby authorized by the Commission to extend the Butler, Fairman & Seufert contract related to the Services described above.
2. The 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
Sheila Kinney, Asst. Corp Counsel
Date: 10/27/2026

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

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-C-006

WHEREAS, substance abuse and inadequate mental health services persist in the Indianapolis community; and

WHEREAS, The City of Indianapolis, Indiana ("City") desires to address, reduce, treat, and prevent substance abuse and the deleterious effects of inadequate mental health services in Indianapolis; and

WHEREAS, the national Opioid Settlement Fund has published a List of Opioid Remediation Uses to include programs and facilities that provide supportive housing for people suffering from Substance Abuse Disorder; and

WHERAS, the Metropolitan Development Commission (the "MDC"), through the Department of Metropolitan Development (the "DMD"), has previously approved funding in Resolution 2025-C-009 towards the operations of the St. George Bridge Housing facility (the "Facility"), to assist City efforts to provide recovery services and programs related to Substance Abuse Disorder and bridge housing to permanent supportive housing (the "Services"); and

WHEREAS, the MDC has previously identified the Circle Area Community Development Corporation ("CACDC") and their partners as qualified to deliver the Services and operating the Facility through contract #22168 in a total not-to-exceed of $807,521 for program year 2026; and

WHEREAS, the DMD seeks authorization to enter into a contractual engagement to provide Services at the Facility for program year 2027, inclusive of amending contract #22168, for a total not-to-exceed of Eight Hundred Thirty-One Thousand Seven Hundred Forty-Seven and 00/100 ($831,747.00) of program funds through December 31, 2027

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The MDC hereby authorizes the DMD to negotiate and execute an agreement to provide the Services at the Facility, inclusive of amending contract #22168 with the CACDC and their partners, for program year 2027 funding in an amount not-to-exceed Eight Hundred Thirty-One Thousand Seven Hundred Forty-Seven and 00/100 ($831,747.00) through December 31, 2027.

2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents for the Agreement in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the MDC to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified and approved

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 18, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

Resolution No. 2026-C-006

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

_____
John J. Dillon III, President

Approved as to Adequacy of Legal Form:

_____
Christopher Steinmetz, Asst. Corp. Counsel

Date: 11/09/2026

METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2026-C-008

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

WHEREAS, chronic and street homelessness exists in Indianapolis; and

WHEREAS, The MDC previously approved funding towards the City of Indianapolis' Streets to Home Initiative (the "STHI") in Resolution No. 2025-C-001, 2025-C-003, and 2026-C-004 in partnership with the Coalition for Homelessness Intervention and Prevention ("CHIP") to provide services, programs, rental assistance, and other functions for the STHI for people currently experiencing chronic and/or street homelessness; and

WHEREAS, the Department of Metropolitan Development, (the "DMD"), is anticipated to receive additional funds in furtherance of the Streets to Home Initiative if approved by the City-County Council in Fiscal Ordinance Proposal No. 337, 2026; and

WHEREAS, the DMD now desires to amend the existing Agreement with CHIP to increase the contract amount by $3,000,000 for a total not to exceed amount of $7,658,130 for the STHI for people currently experiencing chronic and/or street homelessness pending City-Council adoption of Fiscal Ordinance Proposal No. 337, 2026.

NOW, THEREFORE, BE IT RESOLVED:

1. The DMD is hereby authorized to negotiate and amend the Agreement with the CHIP to increase the total not to exceed amount to $7,658,130, with all funds being utilized towards the STHI for people currently experiencing chronic and/ or street homelessness pending City-Council adoption of Fiscal Ordinance Proposal No. 337, 2026.

2. The Director of the DMD is hereby authorized to execute all necessary documents for the contract in accordance with this resolution.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 18, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

Resolution No. 2026-C-008

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

John J. Dillon III, President

Approved as to Adequacy of Legal Form:

Christopher Steinmetz, Asst. Corp. Counsel

Date: 11/10/2026

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-P-013

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission"), pursuant to Indiana Code 36-7-4, is established as the planning and zoning authority for Marion County, Indiana, and is empowered to adopt rules regarding the administration of its affairs; and

WHEREAS, the Commission has reviewed proposed amendments to the Rules of Procedure of the Metropolitan Development Commission and Hearing Examiner and the Plat Committee; and

WHEREAS, the proposed amendments update procedures related to petition filing and docketing, public notice, hearing-material deadlines, hearing and meeting procedures, virtual participation, and related administrative requirements; and

WHEREAS, notice of a public hearing regarding the proposed amendments has been published in accordance with applicable notice requirements, and the proposed amendments and redlined Rules of Procedure have been made available for public review; and

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, that the Rules of Procedure of the Metropolitan Development Commission and Hearing Examiner and the Rules of Procedure of the Plat Committee are hereby amended as shown in the attached final drafts presented to and approved by the Commission, and as amended at the public hearing held on November 18, 2026, and are incorporated herein by reference.

BE IT FURTHER RESOLVED that the amendments adopted by this Resolution shall become effective on November 18, 2026, and shall apply as provided in the respective Rules of Procedure.

The foregoing Resolution No. 2026-P-013 is hereby adopted by the affirmative vote of the Metropolitan Development Commission of Marion County, Indiana, this 18th day of November, 2026.

_____
John J. Dillon III, President
Metropolitan Development Commission

Approved as to Legal Form this 10th day of November 2026.

_____
Christopher Steinmetz
Corporation Counsel

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Resolution Number:	2026-P-013
Location:	Indianapolis-Marion County, Indiana
Petitioner:	Department of Metropolitan Development
Request:	Amends the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and Plat Committee to update filing, notice, hearing, virtual participation, and related administrative procedures
Staff Recommendations:	**Approve**
Staff Reviewer(s):	Carmen Lethig, Deputy Director—Department of Metropolitan Development Bryce Patz, Administrator—Current Planning

STAFF RECOMMENDATION

The Department of Metropolitan Development (DMD) has conducted a review and proposed updates to the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and the Plat Committee. The proposed amendments clarify and update procedures related to petition filing and docketing, public notice, hearing-material deadlines, hearing and meeting procedures, virtual participation, and related administrative requirements.

RULES AND PROCEDURES AMENDMENT OVERVIEW

The proposed updates to the Metropolitan Development Commission and Hearing Examiner Rules of Procedure and the Plat Committee Rules of Procedure are intended to clarify, modernize, and better align existing administrative and hearing processes. The amendments address petition filing and docketing, notice requirements, submission deadlines, hearing and presentation procedures, virtual participation, and related administrative provisions. The proposed changes also include technical and organizational updates intended to improve consistency, provide clearer expectations for applicants and interested parties, and support the efficient administration of public hearings.

Community Engagement

Staff provided multiple opportunities for public awareness and input regarding the proposed Rules and Procedures updates:

- October 7, 2026 – Staff presented an overview of the proposed updates at Pre-MDC.

- October 9, 2026 – Proposed redlines were posted to the City's Koveio community engagement platform for public comment.
- October 9, 2026 – Staff recorded a presentation summarizing the proposed Rules and Procedures updates and posted it to the City's website.
- October 15, 2026 – Staff held a virtual community session with Registered Neighborhood Organizations and encouraged public comment.
- October 27, 2026 – Staff held a second virtual community session with Registered Neighborhood Organizations and encouraged public comment.
- November 6, 2026 – The Koveio public-comment period closed.

Exhibits: Summaries of Propsoed Changes to Rules and Procedures

Attached to this staff report are summary exhibits identifying the proposed changes to the Metropolitan Development Commission and Hearing Examiner Rules of Procedure and the Plat Committee Rules of Procedure. Each exhibit organizes the amendments by Article and Section and provides the corresponding proposed redline language to support the Commission's line-by-line review and consideration of individual changes.

Public Comment Summary

The public comment period on Konveio closed on November 6, 2026. Comments received focused on how the proposed procedural changes could affect the amount of time available for neighborhood organizations and other interested parties to review petitions, prepare comments, and participate in public hearings.

Key themes and suggested changes included:

- **Notice and Review Time:** Several commenters expressed concern that establishing a 10-day minimum notice requirement could result in less time for interested parties to review petitions and coordinate neighborhood responses. Some commenters requested retaining the existing 23-day language or providing additional safeguards when notice or supporting materials are received close to the hearing date. The proposed change establishes a minimum notice requirement; Staff will continue providing legal notice materials to petitioners after filing, completion of intake, and payment of applicable fees so that petitioners may provide notice in advance of the minimum deadline, consistent with current administrative practice as it is today.
- **Presentation and Speaking Time:** Comments addressed the proposed changes to presentation time, with some commenters requesting additional time for complex petitions or organized neighborhood presentations. Other comments supported shorter initial presentation periods or suggested allowing additional time at the discretion of the presiding officer.
- **Continuance Procedures:** Some commenters raised concerns regarding the relationship between notice timing and the deadline for requesting a continuance. Suggested changes included providing flexibility when an interested party receives notice or supporting materials close to the applicable deadline.

- **Written Public Comments:** Comments addressed the timing for inclusion of written comments in the advance hearing packet and requested that comments received later in the process remain available to the decision-making body and part of the petition record.
- **Other Hearing Procedures:** Individual comments addressed provisions related to testimony by City-County Council members or members-elect and requested additional flexibility in hearing procedures for petitions involving complex or significant issues.

Overall, the comments reflected a recurring concern regarding the amount of time available for public review and participation when the proposed notice, submission, continuance, and hearing procedures are considered together.

Exhibit A

Metropolitan Development Commission
Rules and Procedures
Proposed Changes List

Legend: Proposed additions are shown in red underline. ~~Proposed deletions are shown in red strikethrough.~~

1. Article I – General Rules; Section 1, Definitions – "Speedway Hearing Examiner"

Proposed Redline

~~A specific Hearing Examiner includes the "Speedway Hearing Examiner". The Commission shall appoint a resident of the Town of Speedway to act as the Speedway Hearing Examiner.~~

2. Article I – General Rules; Section 1, Definitions – "Presentation"

Proposed Redline

"Presentation" shall mean a slide deck, display boards, handouts, visual aids, or other demonstrative materials prepared by or on behalf of an applicant solely to summarize or explain materials timely submitted in connection with a petition. A Presentation does not include, and may not modify, amend, supplement, or conflict with, a petition, site plan, plat, elevations, proposed commitments or conditions, supporting documents, exhibits, or any other materials or submissions subject to a submission deadline under these Rules.

3. Article I – General Rules; Section 1, Definitions – "Staff"

Proposed Redline

"Staff" shall mean the staff of the Commission who administers the public hearing process and provides formal recommendations on land use matters.

4. Article III – Filing of Petitions; Section 2, Filing Required at Least Thirty-Five Days Prior to Hearing

Proposed Redline

~~All petitions, except for Regional Center, shall be filed at least thirty-five (35) days prior to the initial hearing at which they are to be considered, unless otherwise approved by the Administrator.~~

A. Hearing and Filing Schedule. The Hearing and Filing Schedule, as published on the Commission's website, establishes all applicable deadlines, including filing deadlines, staff report preparation deadlines, notice issuance dates, and target hearing dates.

B. Minimum Filing Requirement. Except for Regional Center petitions, all petitions shall be filed no fewer than thirty-five (35) days prior to the initial hearing at which the petition is to be considered.

C. Compliance With Intermediate Deadlines. All interim dates and procedural requirements identified in the Hearing and Filing Schedule must be met before any petition may be placed on an agenda or heard. All supporting documents, exhibits, revised materials, and any other materials that an applicant wants the Commission, Committee, or Hearing Examiner to review, including any Presentation, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the applicable hearing or meeting. Notwithstanding the foregoing, the City retains sole discretion to accept a Presentation submitted after this deadline; that discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to this deadline.

D. No Exceptions; Missed Deadlines; Late Presentations. No exceptions or deviations from the filing deadline, related schedule requirements, or agenda-materials deadline are permitted, except that the City may accept a late Presentation in its sole discretion as provided in Section C above. If an applicant misses any applicable submission deadline, the applicant must request a continuance; the missed deadline shall not be automatically accommodated and late-submitted materials shall not be added to the agenda or considered at the scheduled hearing or meeting, other than a late Presentation accepted by the City in its sole discretion. A Presentation accepted after the applicable deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

5. Article III – Filing of Petitions; Section 9, Fees – Subsection B, Improvement Location Permit Fees

Proposed Redline

~~B. IMPROVEMENT LOCATION PERMIT FEES – Delete this subsection in its entirety, including: (1) Non-Refundable Application Fee; (2) New Single-family Construction; (3) Single-family Accessory Buildings and Additions; (4) Two-family/Cluster/Attached; (5) Other Improvements associated with single- and two-family; (6) Multi-Family; (7) Signs; (8) Commercial, Industrial or Special Use; and (9) Floodplain Development Plan Review Fees, together with all associated fee amounts.~~

The proposed redline removes the entire Improvement Location Permit Fees subsection and its fee table.

6. Article IV – Docketing of Petitions; Section 1, Docketing by Administrator

Proposed Redline

Each complete petition filed in proper form shall be considered complete when all required application materials, supporting documents, studies or reports, plans, certifications, and other required information have been submitted and all applicable filing fees have been paid. ~~numbered and docketed by the Administrator within ten (10) days after a petition has been filed for hearing either before the Hearing Examiner or the Commission~~Within ten (10) days after a complete petition has been filed and all applicable filing fees have been received, the Administrator shall number and docket the petition for hearing before the Hearing Examiner, Committee, or Commission, as applicable. However, the Commission may, by resolution, adopt any method of assignment of cases it deems appropriate.

7. Article IV – Docketing of Petitions; Section 3, Docket Numbers

Proposed Redline

After determination by the Administrator that a petition, ordinance or resolution is complete and has been presented in proper form with all required exhibits, ~~and~~ supporting documents, and applicable filing fee has been assessed, such petition, ordinance or resolution shall be filed and numbered consecutively in the order of its filing.

8. Article V – Notice; Section 1.B(1), Additional Notice by Petitioners

Proposed Redline

Additional notice shall be given by the petitioner by registered, certified or first-class mail at least ~~twenty-three (23)~~ten (10) days before the date of the hearing.

9. Article V – Notice; Section 1.B(3), Petitions to Vacate an Alley, Street, Easement, or Public Grounds

Proposed Redline

Additional notice of a petition to vacate an alley, street, easement, or public grounds shall be given by registered, certified or first-class mail at least ~~twenty-three (23)~~ten (10) days before the date of the hearing.

10. Article V – Notice; Section 1.C, Notice on Subject Property

Proposed Redline

Notice for applicable petitions shall be posted at least ~~twenty-three (23)~~ten (10) days before the date of hearing.

11. Article VI – Public Hearings; Section 1, Time and Place of Public Hearings

Proposed Redline

Regular meetings and public hearings of the Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 ~~pm~~o'clock P.M on the 1st and 3rd Wednesday of each month.

12. Article VI – Public Hearings; Section 3, All Meetings and Hearings Public

Proposed Redline

All meetings and hearings of the Commission, Committee or Hearing Examiner shall be conducted in accordance with the Indiana Open Door Law (IC 5-12-1.5-3.5, as amended from time to time). Staff shall ensure that an accurate record of all meetings is prepared and kept, prepare the agenda for the meeting, notify the members of the meetings and maintain records of the Commission. The final agenda for each meeting or hearing shall be made available not fewer than five (5) days before the meeting or hearing. Once the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable, the agenda is final and no agenda changes are permitted.

13. Article VI – Public Hearings; Section 4, Quorum and Official Vote – Electronic Voting

Proposed Redline

When an electronic voting system is used, the voting period shall remain open for a fixed duration of one (1) minute. During this time, members may cast or change their votes. Once the voting period has expired, no changes to votes shall be permitted. The presiding officer shall then close the vote and announce the result.

14. Article VI – Public Hearings; New Section 5, Virtual Attendance

Proposed Redline

Virtual attendance for meetings of the Commission, Committee or Hearing Examiner is permitted so long as it is done in accordance with IC 5-14-1.5-3.5 (as amended from time to time). If any member(s) participates in a meeting of the Commission, Committee or Hearing Examiner hearing virtually, then all votes shall be by roll call or voice vote.

15. Article VI – Public Hearings; Appearance Required Prior to Testimony and Evidence by Parties – Written Appearance

Proposed Redline

Any person interested in any petition shall have the right to enter a written appearance in the petition. Such written appearance shall indicate the name of the person appearing, or the name of any attorney or agent appearing on behalf of the

interested party, and the address and telephone number of the party, attorney, or agent. The filing of the petition shall be deemed as an appearance therein by the petitioner and his attorney or agent. Any person interested in a petition shall also have the right to appear at the public hearing and state his or her issues, without filing a written appearance.

16. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Presentation Time

Proposed Redline

Petitioners and remonstrators, respectively, shall be permitted a total of ~~twenty (20)~~fifteen (15) minutes each for the presentation of evidence, statements and argument at the public hearing of every petition. Petitioners/supporters shall have ~~fifteen (15)~~ten (10) minutes for their initial presentation. Remonstrators/opponents shall have ~~fifteen (15)~~ten (10) minutes for their initial presentation.

17. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Order of Presentation

Proposed Redline

Staff shall present its review of the request, recommendation, and evidence, if any. Then;

A reasonable additional time shall be allowed for any member or member-elect of the City-County Council to provide testimony regarding a petition.

A reasonable additional time may be allowed for any member or member-elect of the City-County Council to provide rebuttal testimony.

18. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Group Presentation

Proposed Redline

The Chairman, President or Hearing Examiner may, at their discretion, extend the presentation time for a petitioner or remonstrator appearing on behalf of a group to up to fifteen (15) minutes for the presentation of evidence, statements, and arguments in support of or in opposition to the matter under consideration.

19. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Public Comment Deadline

Proposed Redline

Letters and written communication mailed, hand delivered, emailed to the Staff or submitted through the Commission website no later than 4:00 PM on the day, five (5) calendar days prior to the hearing date will be included in the hearing packet

sent in advance to the Commission, Committee or Hearing Examiner as the case may be.

20. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Applicant Hearing Materials

Proposed Redline

All supporting documents, exhibits, revised materials, other materials an applicant wants reviewed or included in the hearing packet, and any Presentation must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the hearing or meeting. Applicant materials submitted after that deadline will not be included in the hearing packet, added to the agenda, or reviewed at the scheduled hearing or meeting; the applicant must request a continuance and shall not receive automatic accommodation for the missed deadline, except that the City retains sole discretion to accept a Presentation submitted after that deadline. That discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Letters and website submissions received after the public-comment deadline will be included in the case file and made available to the Commission, Committee or Hearing Examiner at the hearing.

21. Article VI – Public Hearings; Orderly Conduct Required

Proposed Redline

~~Every person appearing at the hearings shall abide by the order and directives of the presiding officer. Discourteous, disorderly or contemptuous conduct shall be regarded as a breath of the privileges extended by the Commission and shall be dealt with by the presiding officer as is deemed fair and proper.~~

Pursuant to Indiana law, every person attending a hearing of the Commission or Committee shall abide by the order and direction of the Commission or the Committees' presiding officer. Every person appearing before the Hearing Examiner shall abide by the order and direction of the Hearing Examiner. Attendees shall not engage in behavior that disrupts a meeting. Attendees shall not engage in audible conversations that are disruptive and shall exhibit respect to the Committee, Commission, the Hearing Examiner, the Administrator, Staff and other individuals attending the public meetings. All cell phones and other electronic devices should be silenced or turned off during public meetings. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of these rules and shall be dealt with as the presiding officer directs, which may include directing the attendee to leave the meeting and, if the attendee refuses, directing a law enforcement officer

to remove the attendee from the meeting. Attendees shall not address the Commission, the Committee or the Hearing Examiner except as provided herein.
If an attendee engages in disruptive behavior, then the presiding officer of the Commission or Committee, or the Hearing Examiner may respond in the following manner:
Issue three (3) verbal warnings to the disruptive attendee.
After issuing the third warning, if disruptive behavior from the attendee continues, the attendee will be directed to leave the meeting.
If an attendee refuses to leave the meeting when directed by the presiding officer for a violation of these rules, then the presiding officer may direct a law enforcement officer to remove the attendee from the meeting.
Nothing in this section shall be interpreted to prohibit a law enforcement officer from immediately removing an attendee from a meeting if: (i) removal of the attendee is necessary to maintain order or ensure the safety of another person; (ii) the attendee commits a criminal offense; or (iii) the attendee violates these rules and procedures.

22. Article VI – Public Hearings; Disqualification for Personal or Financial Interest – Disputed Conflict Procedure

Proposed Redline

If the existence of a personal or financial interest under this Section is disputed, the presiding President or Chairman, as the case may be, shall make a summary determination on the record after allowing brief statements from the member of the Commission or Committee, as the case may be, and any party who raises the conflict. The Chairman/President's determination shall be final and binding for purposes of the relevant proceedings. If the Chairman/President determines that a conflict exists, the member shall be disqualified under this Section and shall not participate in the hearing, deliberation, findings of fact, or vote on the matter and shall leave the hearing room during testimony and deliberations on the petition. The minutes shall reflect the objection, the Chairman/President's ruling, and the member's disqualification, if ordered.

23. Article VI – Public Hearings; Amendments to Any Petition

Proposed Redline

~~Requests to amend any petition may be filed in writing prior to or at the beginning of any hearing, or made orally at the hearing. Any remonstrators present shall have the right To be heard on any objections they may have to such proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and readvertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Further, in any~~

~~petition needing re-docketing and re-advertising, the petitioner shall pay an additional filing fee.~~

Requests to amend any petition must be filed in writing before the agenda-materials deadline in Article III, Section 2 and before the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable. No oral request to amend a petition may be made at the hearing if it would require an agenda change or consideration of materials not timely submitted. Any remonstrators present shall have the right to be heard on objections to a timely proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny timely requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and re-advertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Any amendment requiring re-docketing, re-advertising, revised notice, or a change to the final agenda shall require the applicant to request a continuance and shall not receive automatic accommodation; the petitioner shall pay any additional filing fee required.

24. Article VI – Public Hearings; Commitments, Amendments and Supplements to Supporting Documents

Proposed Redline

~~Requests to amend or supplement supporting documents to any petition, including revised site plan, revised elevations, proposed commitments and conditions, must be filed no later than the Monday of the week prior to the week of the scheduled hearing.~~

~~If supporting documents (including information which may be used to support staff's position) are amended or supplemented between the Monday of the week prior to the week of the scheduled hearing and the beginning of the hearing, or at the hearing, it shall be within the discretion of the Commission, Committee or Hearing Examiner to continue the petition. In making this determination, consideration shall be given to whether or not the staff, petitioners, and any remonstrators have had sufficient time to adequately review these new supporting documents.~~

All requests to amend or supplement supporting documents to any petition, including revised site plans, revised elevations, exhibits, proposed commitments and conditions, any Presentation, and any other materials an applicant wants reviewed, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the scheduled hearing or meeting. Except for a late Presentation accepted by the City in its sole discretion under this Section, no

exceptions to this deadline are permitted.

Materials submitted after the deadline in this Section shall not be added to the agenda, included in the hearing packet, or reviewed at the scheduled hearing or meeting, except for a Presentation accepted by the City in its sole discretion. The City's discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. If an applicant misses the deadline for any materials or submissions other than a late Presentation accepted by the City in its sole discretion, the applicant must request a continuance; the missed deadline shall not be automatically accommodated, and the Commission, Committee or Hearing Examiner shall not be required to continue the petition solely to accommodate late-submitted materials.

25. Article VIII – Final Disposition of Petitions; Section 6, Final Disposition of Vacation Petitions – New Commitments Subsection

Proposed Redline

COMMITMENTS.

If deemed advisable, the Committee may require or permit the petitioner to make written commitments concerning the use or development of the subject property.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Committee may require and the commitment(s) shall authorize their recording by the Division of Planning in the Office of the Recorder of Marion County, Indiana upon adoption of a vacation or plat petition by the Committee. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file. The commitments shall be in substantially the form set forth by the Commission.

Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Committee may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. The commitments may be modified or terminated by a decision of the Committee, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Committee shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Committee, and recorded in the office of the Recorder of Marion County, Indiana. The modification or

termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

Exhibit B

Plat Committee
Rules and Procedures
Proposed Change List

Legend: Proposed additions are shown in red underline. ~~Proposed deletions are shown in red strikethrough.~~

1. Article I – Plat Committee, General; Section 1, Definitions – "Administrator"

Proposed Redline

"Administrator" shall mean the Administrator of Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).

Moves the Administrator definition from former Article IX to Article I and revises the wording to "Administrator of Division of Planning."

2. Article I – Plat Committee, General; Section 1, Definitions – "Commission"

Proposed Redline

"Commission" shall mean the Metropolitan Development Commission of Marion County, Indiana.

Moves the Commission definition from former Article IX to Article I and adds "of Marion County, Indiana."

3. Article I – Plat Committee, General; Section 1, Definitions – "Committee"

Proposed Redline

"Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.

Moves the Committee definition from former Article IX to Article I.

4. Article I – Plat Committee, General; Section 1, Definitions – "Interested Parties"

Proposed Redline

"Interested Parties" shall mean the following people and/or organizations: owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property; owners of property within the area included in the petition who are not petitioners; owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition; neighborhood organizations whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of

Metropolitan Development; the City-County Councilor whose District includes all or some part of the subject property.

Adds a definition of Interested Parties.

5. Article I – Plat Committee, General; Section 1, Definitions – "Staff"

Proposed Redline

"Staff" shall mean the staff of the Committee who administers the public hearing process and provides formal recommendations on land use matters.

Adds a definition of Staff.

6. Throughout Rules – Defined-Term Consistency for "Committee"

Proposed Redline

After defining "Committee" as the five-member Plat Committee, delete the word ~~Plat~~ before "Committee" where the defined term is used throughout the Rules.

Technical terminology change applied throughout the document; no change to the identity or authority of the Plat Committee.

7. Article II – Public Hearings; Section 12, Quorum – Electronic Voting

Proposed Redline

When an electronic voting system is used, the voting period shall remain open for a fixed duration of one (1) minute. During this time, members may cast or change their votes. Once the voting period has expired, no changes to votes shall be permitted. The presiding officer shall then close the vote and announce the result.

Adds a procedure for electronic voting.

8. Article II – Public Hearings; New Section, Virtual Attendance

Proposed Redline

VIRTUAL ATTENDANCE - Virtual attendance for meetings of the Committee is permitted so long as it is done in accordance with IC 5-14-1.5-3.5 (as amended from time to time). If any member(s) participates in a meeting of the Committee hearing virtually, then all votes shall be by roll call or voice vote.

Adds virtual attendance and voting procedures.

9. Article II – Public Hearings; Section 16, Time Allowed and Procedure for Hearing of Petitions – Total Presentation Time

Proposed Redline

Petitioners and remonstrators, respectively, shall be permitted a total of ~~20~~ fifteen (15) minutes for presentation of evidence, statements, and argument at the public hearing of every petition.

Reduces total presentation time for each side from 20 minutes to 15 minutes.

10. Article II – Public Hearings; Section 16.D – Petitioner Initial Presentation

Proposed Redline

Petitioners and persons appearing in support of the petition being heard shall first have ~~15~~ ten (10) minutes for the presentation of evidence, statements and argument in support of the matter being considered. A reasonable additional time shall then be allowed for cross-examination and redirect examination of petitioner's witnesses.

Reduces the petitioner/support initial presentation from 15 minutes to 10 minutes.

11. Article II – Public Hearings; Section 16.E – Remonstrator Initial Presentation

Proposed Redline

Remonstrators and persons appearing in opposition to the petition shall then have ~~15~~ ten (10) minutes for the presentation of evidence, statements, and argument in opposition to the matter being considered. A reasonable additional time shall then be allowed for cross-examination and redirect examination of remonstrators' witnesses.

Reduces the remonstrator/opposition initial presentation from 15 minutes to 10 minutes.

12. Article II – Public Hearings; Section 16.H and 16.I – Rebuttal Time

Proposed Redline

The petitioner shall then have five (5) minutes for rebuttal. Remonstrators and persons appearing in opposition to the petition shall then have five (5) minutes for rebuttal.

Technical clarification expressing the existing rebuttal time as "five (5)" minutes.

13. Article II – Public Hearings; Section 16.J – City-County Council Testimony

Proposed Redline

A reasonable additional time may be allowed for any member or member-elect of the City-County Council to provide rebuttal testimony.

Extends the provision to a member-elect of the City-County Council.

14. Article III – Filing and Docketing of Petitions; Section 24, Docket Number

Proposed Redline

After determination by the Administrator that a petition has been presented in proper form with all required exhibits, materials, ~~and~~ information, and all applicable filing fees have been paid, such petition shall be filed and numbered consecutively in the order of its filing.

15. Article IV – Notice; Section 30.B(1), Plat Petitions and Petitions to Vacate a Plat or Portion of a Plat

Proposed Redline

Additional notice shall be given by the petitioner by registered, certified or first-class mail at least ~~twenty-three (23)~~ ten (10) days before the date of the hearing.

Reduces the petitioner mailing notice period from 23 days to 10 days.

16. Article IV – Notice; Section 30.B(2), Petitions to Vacate an Alley, Street, Easement, or Public Grounds

Proposed Redline

Petitioner shall give additional notice by registered, certified or first class mail at least ~~twenty-three (23)~~ ten (10) days before the date of the hearing.

Reduces the petitioner mailing notice period from 23 days to 10 days.

17. Article IV – Notice; Section 30 – Condominium Notice Cross-Reference

Proposed Redline

In the case of property that is subject to I~~.~~C~~.~~ 32-25, each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners.

Technical citation-formatting change from "I.C." to "IC."

18. Article IX – Definitions – Deletion and Relocation

Proposed Redline

~~ARTICLE IX - DEFINITIONS~~

~~As used in these Rules of Procedure, the following terms shall have the following meanings:~~

~~"Administrator" shall mean the Administrator of the Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).~~

~~"Commission" shall mean the Metropolitan Development Commission.~~

~~"Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.~~

Deletes the former standalone Definitions article because the definitions are relocated to Article I; new definitions of Interested Parties and Staff are also added in Article I.



METROPOLITAN DEVELOPMENT COMMISSION

of Marion County, Indiana

RULES OF PROCEDURE

ADOPTED: November 5, 1986
LAST REVISED: _____, 2026

Metropolitan Development Commission Rules of Procedure Amendment History		
Date	**Resolution No.**	**Subject**
November 5, 1986		*Adopted*
August 17, 1988	88-R-68	*Administrator's Approval fees & procedure*
September 5, 1990	90-R-38	*Traffic Impact Study procedure*
October 3, 1990	90-R-46	*Fees*
August 7, 1991	91-R-21	*Supplemental Review Process & Refiling rule waiver*
September 2, 1992	92-R-40	*Notice to City-County Councillors*
November 15, 1995		*Regional Center sign fees*
May 15, 1996	96-N-004	*Floodplain development fees & procedure*
December 4, 1996	96-N-006	*Nonconforming Use Certification*
December 7, 2005	2005-P-006	*Fees, Notice changes, etc.*
October 1, 2008	2008-P-12	*Regional Center & Speedway Hearing Examiners*
December 2, 2009	2009-P-4	*Modification Petitions, Numbering, etc.*
December 2, 2009	2009-P-5	*Petition Filing Fees*
June 16, 2010	2010-DCE-01	*ILP Fees — effective August 1, 2010*
June 16, 2010	2010-DCE-01, Sec. 2	*ILP Fees — effective January 1, 2011*
March 1, 2012	2012-P-007	*Residency & Make-up of the Commission* *Publication of Zoning Ordinance* *Appeal of the Hearing Examiner or Committee* *Judicial Review Procedure, Variance Appeal*
June 4, 2014	2014-P-005	*Council review of rezoning petitions and other legislative changes*
March 1, 2017	2017-P-009	*Tree Fund*
November 2, 2022	2022-P-016	*Computation of Time and various changes*
_____, 2026	[_____]	

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Commented [SK1]: Update once additional headings are confirmed throughout.

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Rules of Procedure

ARTICLE I - GENERAL RULES

1. DEFINITIONS.

As used in these Rules of Procedure, the following terms shall have the following meanings:

A. "Administrator" shall mean the Administrator of Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).

B. "Board" shall mean the Metropolitan Board of Zoning Appeals of the City of Indianapolis, Marion County, Indiana.

C. "Clerk" shall mean the clerk of the City-County Council of the City of Indianapolis /Marion County, Indiana.

D. "City-County Council" or "Council" shall mean the City-County Council of the City of Indianapolis /Marion County, Indiana.

E. "Commission" shall mean the Metropolitan Development Commission of Marion County, Indiana.

F. "Commitment" shall be as prescribed in IC 36-7-4.

G. "Committee" shall be a committee composed of at least three members of the Metropolitan Development Commission to conduct any public hearing required to be held by the Commission. Any such committee shall be appointed by the President of the Metropolitan Development Commission and shall conduct any public hearing designated by the Commission or by the President of the Commission.

H. "Companion Petition" shall mean any combination of petitions authorized by IC 36-7-4-403.5. Petitions involving lands within any excluded city may not be included in any companion petitions.

I. "Condition" shall be as prescribed in IC36-7-4.

J. "Covenant" shall be as prescribed in IC36-7-4.

K. "Division" shall mean the Division of Planning of the Department of Metropolitan Development.

L. "Hearing Examiner" shall mean a person designated by the Commission to conduct any hearing required to be held by the Commission and shall include the Indianapolis Historic Preservation Commission (IHPC) when the IHPC is conducting hearings for the Commission regarding property located in historic preservation areas established pursuant to IC 36-7-11.1. Only one person may be designated as a Hearing Examiner to conduct a particular hearing; however, the Commission may designate more than one Hearing Examiner to conduct

different hearings. The Commission (or the President of the Commission in an emergency) shall designate the cases to be heard by the Hearing Examiner. If the Hearing Examiner is unable to hear an assigned case because of sickness, absence, disqualification or any other cause, the President of the Commission, or in his or her absence the vice-president of the Commission, may designate any other person to act as a Hearing Examiner.

A specific Hearing Examiner includes the `Regional Center Hearing Examiner'. Regional Center Hearing Examiner shall be an employee or contracted employee of the City of Indianapolis appointed by the Commission with specific knowledge and experience in urban design.

~~A specific Hearing Examiner includes the "Speedway Hearing Examiner". The Commission shall appoint a resident of the Town of Speedway to act as the Speedway Hearing Examiner.~~

M. "High Impact Project" shall mean a project that is: new construction valued at a construction cost value exceeding one million dollars; remodeling or modification of existing development valued at a construction cost value exceeding $500,000.00; proposing the construction of floor area exceeding 10,000 gross square feet; proposing an area of surface parking exceeding 20,000 gross square feet; or demolition of historic structure as determined by the Administrator.

N. "Interested Parties" shall mean the following people and/or organizations: owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property; owners of property within the area included in the petition who are not petitioners; owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition; neighborhood organizations whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development; the City-County Councilor whose District includes all or some part of the subject property.

O. "Presentation" shall mean a slide deck, display boards, handouts, visual aids, or other demonstrative materials prepared by or on behalf of an applicant solely to summarize or explain materials timely submitted in connection with a petition. A Presentation does not include, and may not modify, amend, supplement, or conflict with, a petition, site plan, plat, elevations, proposed commitments or conditions, supporting documents, exhibits, or any other materials or submissions subject to a submission deadline under these Rules.

P. "Staff" shall mean the staff of the Commission who administers the public hearing process and provides formal recommendations on land use matters.

2. MAKE-UP OF THE COMMISSION

The Commission is made up of nine appointed members, as follows:

- Five members, of whom no more than three (3) may be of the same political party, appointed by the Mayor of the City of Indianapolis.
- Four members, of whom no more than two (2) may be of the same political party, appointed by the City-County Council of Indianapolis and Marion County.

Each Member shall comply with the residency requirements of IC 36-7-4-216 and if necessary the Commission may conduct a hearing to determine such residency compliance.

3. OFFICERS OF THE COMMISSION

The Commission shall select annually a President, Vice President, Secretary and Acting Secretary from its membership.

The President shall preside at all meetings and, in his or her absence or disability, the Vice President shall preside. In the absence or disability of both the President and Vice President, the Secretary shall preside.

4. POWERS OF THE COMMISSION

The Commission has the power to:

A. Assign and reassign addresses and, prior to final approval by the Mayor, make recommendations to name and rename streets so that their names are easy to understand and to avoid duplication or conflict with other names;

B. Exercise the thoroughfare planning powers conferred by IC 36-7-4-506;

C. Adopt amendments to, or additional segments of, the comprehensive plan;

D. Adopt resolutions governing land use policy for Marion County;

E. Approve and recommend to the City-County Council additional ordinances for the zoning or districting of all lands within Marion County;

F. Approve and recommend to the City-County Council proposed ordinances for the amendment or repeal of the zoning ordinances;

G. Approve a proposed use and site and development plan, or revised plans, required by a zoning ordinance as a condition of development;

H. Approve the modification or termination of covenants and commitments;

I. Concurrently exercise the powers of the Board for the purpose of granting or denying,

(1) a variance from the development standards (such as height, bulk or area) of the zoning ordinance; or

(2) a special exception from the terms of the zoning ordinance;

J. Hear appeals by the Staff of any decision of the Board granting an administrative appeal, special exception or variance petition that raises a question of substantial zoning policy;

K. Hear appeals by a City-County Councilor to the Commission of any decision of the Board regarding a variance of use petition that raises a question of substantial zoning policy and that affects only real property located outside the boundaries of an excluded city;

L. Hear appeals of any decision of the Plat Committee;

M. Concurrently exercise the powers of the Plat Committee for the purpose of granting or denying a plat petition or vacation petition in connection with its consideration of a rezoning petition, an approval petition, a variance petition, or a special exception petition; and

N. Exercise all powers conferred on it by statute in the manner prescribed by statute. This section shall not be construed as a limitation on such powers.

5. PRESIDENT TO DECIDE POINTS OF ORDER

The President, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the members of the Commission present.

6. REQUESTS FOR CONTINUANCE AND SPECIAL REQUESTS

All requests for continuances and special requests normally shall be considered at the beginning of each public hearing.

7. COMPUTATION OF TIME

In computing any period of time under these Rules of Procedure, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period required or allowed is less than seven (7) days, intermediate

Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

ARTICLE II - PROPOSALS TO AMEND OR PARTIALLY REPEAL THE TEXT OF THE ZONING ORDINANCE

1. WHO MAY INITIATE

Proposals to amend or partially repeal the text of the zoning ordinance may only be initiated by the Commission.

2. FILING OF PROPOSAL AND HEARING

After the proposal is prepared it shall be filed with the Administrator who shall docket the proposal for consideration by the Commission at a public hearing to be held within sixty (60) days of the filing of the proposal.

3. NOTICE

The Commission shall give notice of the public hearing by publication in accordance with IC 5-3-1 at least ten (10) days before the date set for the hearing. The notice shall contain:

A. The time and place of the hearing;

B. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies:

C. A summary of the subject matter contained in the new proposal (not the entire text)that describes any new or changes provisions;

D. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

E. That the proposal is on file and may be examined before the hearing in the offices of the Administrator;

F. That written objections to the proposal that are filed with the Secretary of the Commission before the hearing will be considered;

G. That oral comments will be heard; and

H. That the hearing may be continued from time to time as may be found necessary.

4. NO ADDITIONAL NOTICE REQUIRED

The Commission need not give any additional notice of a public hearing on a proposal to amend or partially repeal the text of the zoning ordinance.

5. CONDUCT OF HEARINGS

Public hearings on proposals to amend or partially repeal the text of the zoning ordinance shall be conducted in accordance with Article VI of these Rules of Procedure.

6. CERTIFICATION OF PROPOSAL

If a proposal to amend or partially repeal the text of the zoning ordinance receives a favorable recommendation from the Commission, the Administrator, or the Administrator's agent, shall, within ten (10) business days of the Commission's decision, certify a copy of the proposal to the Clerk.

7. ACTION BY CITY-COUNTY COUNCIL

At the first regular meeting of the City-County Council after the proposal is certified (or at any subsequent meeting within ninety (90) days after certification) the Council may adopt, reject or amend the proposal by a three-fifths (3/5) vote of its full membership. The Council shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

If the Council adopts the proposal, it takes effect as other Ordinances of the Council.

If the Council fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

If the Council rejects or amends the proposal, it shall be returned to the Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission shall have forty-five (45) days in which to consider the rejection or amendment and report to the Council as follows:

A. If the Commission approves the amendment or fails to act within the forty-five (45) days period, the ordinance stands as passed by the Council as of the date of the filing of the Commission's report of approval with the Council or the end of the forty-five (45) days period.

B. If the Commission disapproves the rejection or amendment, the action of the Council on the original rejection or amendment stands only if confirmed by another vote of the Council within forty-five (45) days after the Commission certifies its disapproval. If the Council fails to confirm its action under this subsection, the ordinance takes effect as if it had been adopted forty-five (45) days after the Commission certifies its disapproval.

8. PUBLICATION OF ZONING ORDINANCES

The Administrator shall print the text of the zoning ordinance, a part of the Revised Code of the Consolidated City of Indianapolis, in book form. Upon the adoption of a proposal to amend or partially repeal the text of the zoning ordinance, the Administrator shall have such ordinance as amended reprinted in book form. Two (2) copies of the zoning ordinance as printed in book form shall be filed in the office of the Administrator and shall be kept on file in that office for public inspection.

ARTICLE III - FILING OF PETITIONS FOR ZONE MAP CHANGES, APPROVALS, VARIANCES, PLATS OR VACATIONS

1. WHO MAY FILE

Amendments to the zoning ordinance proposing to change the zone maps may be initiated by the Commission or by a petition signed by property owners who own at least fifty per cent (50%) of the land involved in the petition.

A petition for approval, modification, a variance, a special exception, a plat or a vacation petition for a particular parcel or parcels of property may be filed by the property owner(s) or the owner's authorized agent. Variances of development standards, or special exceptions from the terms of the Zoning Ordinance may be filed with a petition for rezoning, or as part of a companion petition. Variances of use, plats, and vacations may only be filed as part of a companion petition.

A duly appointed agent or representative may sign a petition on behalf of the owner of the subject parcel. Any authorization to sign the petition or otherwise act on the owner's behalf with respect to the rezoning, approval, variance, special exception, plat or vacation request shall be in writing, signed by the owner on a form provided by the City with the application submitted at the time of filing the petition.

For purposes of this section, owner is defined to include:

A. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the most recent records of the assessor;

B. A contract vendee; or

C. A long-term lessee (but only if the lease is recorded among the records of the County recorder and has at least twenty-five (25) years remaining before its expiration date at the time of filing the petition.

2. FILING REQUIRED AT LEAST THIRTY-FIVE DAYS PRIOR TO HEARING

~~All petitions, except for Regional Center, shall be filed at least thirty-five (35) days prior to the initial hearing at which they are to be considered, unless otherwise approved by the Administrator~~.

A. Hearing and Filing Schedule. The Hearing and Filing Schedule, as published on the Commission's website, establishes all applicable deadlines, including filing deadlines, staff report preparation deadlines, notice issuance dates, and target hearing dates.

B. Minimum Filing Requirement. Except for Regional Center petitions, all petitions shall be filed no fewer than thirty-five (35) days prior to the initial hearing at which the petition is to be considered.

C. Compliance With Intermediate Deadlines. All interim dates and procedural requirements identified in the Hearing and Filing Schedule must be met before

any petition may be placed on an agenda or heard. All supporting documents, exhibits, revised materials, and any other materials that an applicant wants the Commission, Committee, or Hearing Examiner to review, including any Presentation, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the applicable hearing or meeting. Notwithstanding the foregoing, the City retains sole discretion to accept a Presentation submitted after this deadline; that discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to this deadline.

D. No Exceptions; Missed Deadlines; Late Presentations. No exceptions or deviations from the filing deadline, related schedule requirements, or agenda-materials deadline are permitted, except that the City may accept a late Presentation in its sole discretion as provided in Section C above. If an applicant misses any applicable submission deadline, the applicant must request a continuance; the missed deadline shall not be automatically accommodated and late-submitted materials shall not be added to the agenda or considered at the scheduled hearing or meeting, other than a late Presentation accepted by the City in its sole discretion. A Presentation accepted after the applicable deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

3. FILING ON COMMISSION'S FORMS REQUIRED

All petitions to the Commission shall be made on forms to be supplied by the Commission and shall include one copy of the applicable petition, one copy of the legal description of the subject property, and three copies of the exhibits, material, and other information required by and specified on said forms. The Commission may require electronic filing of applications, supporting exhibits and materials. Any communication purporting to be a petition not on forms furnished by the Commission or not containing the information called for on said forms, shall be regarded as a mere notice of intention to petition and shall be of no force or effect until it is filed in the form required.

For vacations of streets and alleys, an as-built right-of-way improvement survey, shall be prepared by a registered land surveyor and submitted, detailing adjoining property owners, all physical improvements and easement restrictions, including but not limited, to pavement and right-of-way widths, structural encroachments, sidewalks, easements, above-ground and underground utilities and curb cuts.

4. COMMITMENTS

Each petitioner who is seeking to amend the zoning ordinance to change the zone maps pursuant to IC 36-7-4-608 or who is requesting the approval of a development plan required by the zoning ordinance as a condition of development shall submit to the Commission properly executed commitments in substantially the form set forth by the

Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

Such commitments may be submitted at the time the petition is filed, but in no event shall such commitments be filed later than the date of the hearing on the petition.

5. REQUIRED FINDINGS OF FACT

In every variance petition, special exception petition, vacation petition to vacate a plat or a portion of a plat, waiver of plat standards and specifications, modifications related to a variance or special exception petition, or approval petition for a special district, petitioner shall, at the time of filing the petition, file proposed detailed written findings of fact. Any other interested party may file proposed findings of fact at any time prior to the Friday preceding the date set for the hearing.

6. SPECIFYING OF REQUEST REQUIRED

All variance, special exception and approval petitions must specify the ordinance(s) and development, performance or other standard(s) and regulation(s), condition(s) or approval(s) sought by the petitioner to be modified or approved. A mere recitation in the petition that development is, or will be, "per plans filed" is insufficient to modify any standard(s) or regulation(s) of the applicable ordinance(s).

7. TRAFFIC IMPACT STUDIES

Each petition for zone map change, petition for commission approval, petition for variance, plat petition or vacation petition shall be subject to the provisions of the "Applicant's Guide, Transportation Impact Studies for Proposed Development" dated June 29, 1990, which is incorporated herein by reference and made a part of these Rules of Procedure.

8. CONTIGUOUS LOTS

For rezoning, variance, approval and modification petitions, the subject lots must be contiguous to be considered as one petition filing.

9. FEES

In order to compensate for the expense of advertising and/or processing, the following fee shall be paid by the applicant at the time of filing a petition or requesting a service or upon issuance of the permit:

A. FILING FEES:

(1) Petition Requesting a Zoning Base Map Change (Rezoning) to a:	
(a) Commercial or Industrial District	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(b) Special District (to include all Special Use, University Quarter, Hospital, Historic Preservation, Speedway, and Park Districts)	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.

(c) D-P District (Planned Unit Development) or C-S District (Special Commercial District)	$3 499.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(d) Dwelling District over three acres	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(e) Dwelling District three acres or less	$ 479.00
(f) Gravel-Sand-Borrow District (GSB District) or Special Use District XIII (SU-13 District) or Special Use District XXIII (SU-23 District) or Special Use District XXVIII (SU-28 District) or Special Use District XLI (SU-41 District)	$5,499.00 plus $69.00 for each acre or any portion thereof over 1 acre.
(g) Any other District	$3,299.00 plus $19.00 for each acre or any portion thereof over 1 acre.

(2) Petition Requesting Commission Approval	
(a) Approvals in the Regional Center (RC) for:	
1. RC New Construction, Addition to, or Exterior Renovation of a Building or Parking Garage (excluding single-and two-family residential):	
i. Less than 5,000 square feet and less than 2 stories and not a High Impact Project	$479.00
ii. High Impact Project-5,000 to 30,000 square feet or between 3-6 stories	$1,299.00
iii High Impact Project—over 30,00 square feet or 7 stories or more	$1,999.00
2. RC Surface Parking Lot	$2,299.00
3. RC Wireless Facility	$450.00
4. RC Sidewalk café	$450.00
5. RC Non-building structures only, such as art, appurtenances, etc.	$450.00
6. RC Building Identification Signs (petitions for multiple Bldg. Identification Signs are levied the largest applicable base fee and then the per sign fee):	
i. Window signs/sign face changes	NO COST
ii. Wall, Awning, Canopy, Projecting, Marquee, or Suspended sign (64 sf or less)	$450.00 plus $29.00 per sign
Wall, Awning, Canopy, Projecting, Marquee, or Suspended sign (greater than 64 sf)	$1,250.00 plus $29.00 per sign
iv. Roof sign	$2,270.00 plus $29.00 per sign
v. All other Bldg. Identification signs	$450.00 plus $29.00 per sign
6. RC Freestanding sign	$1,870.00 per sign
7. RC Off-Premises sign	$3,299.00 per sign face
8. RC construction, addition to, or renovation of an Individual Single- or Two-Family dwelling, Addition, outbuilding, or associated accessory Structure	No cost

9. RC paint color	No cost
11. RC demolition NOT considered a High Impact Project	$479.00
12. RC demolition considered a High Impact Project	$1,999.00
(b) Approvals in a Special District (e.g., Hospital, University Quarter, Park) for:	
1. New Construction, Addition to, or Exterior Renovation of a Building or Parking Garage (excluding single-and two-family residential):	$2,789.00
2. Surface Parking lot	$2,789.00
3. On-premise Signs	$2,760.00 plus $29.00 per sign
4. Off-Premises Sign	$3,299.00 per sign
5. Construction, addition to, or renovation of an individual Single or Two-family dwelling, addition, outbuilding, or associated accessory structure	$479.00
6. Single or Two-family residential Subdivision	$2,789.00
7. Master Plan or Use Approval (excluding signs)	$2,789.00

(3) Petition Requesting Approval to Modify a previously-approved petition	
(a) Approval to modify or terminate covenants, commitments, conditions, or development statement in:	
1. D-P or C-S or Special district	$1,999.00
2. all other districts	$1,899.00
(b) Approval to modify or terminate a site plan, elevation or other plan in:	
1. D-P or C-S or Special district	$2,199.00
2. all other districts	$2,099.00
Note: If a petition pertaining to the same property requests approval as described in both subsection a. and subsection b. above, then the fee would be only the higher of the two.	
(c) Approval for one single- or two-family dwelling, regardless of the district, to modify or terminate:	
1. covenants, commitments, conditions, or development statement	$ 479.00
2. site plan, elevation or other plan	$ 529.00
Note: If a petition pertaining to the same property requests approval as described in both subsection 1. and subsection 2. above, then the fee would be only the higher of the two.	
(d) Additional fee for any petition involving a petition over 20 years ago or a petition that has been modified more than twice	$ 159.00

(4) Petition Requesting a Variance or Special Exception	
(a) Variance of Development Standards of the:	
1. Dwelling Districts Zoning Ordinance	$550.00 plus $29.00 for each Variance of Development Standards requested

2. Sign regulations for on-premises sign(s)	$1,970.00 plus $29.00 for each Variance of Development Standards requested
3. Sign regulations for off-premises sign(s)	$3,270.00 plus $29.00 for each Variance of Development Standards requested
4. Commercial, Industrial and all other Zoning Ordinance	$1,970.00 plus $29.00 for each Variance of Development Standards requested
(b) Variance of Use for a:	
1. Single or Two-family Dwelling use	$579.00 plus $29.00 for each variance of development standards requested
2. All other uses	$1,999.00 plus $ 29.00 for each variance of development standards requested
(c) Special Exceptions pertaining to:	
1. Commercial or Industrial Use	$1,650.00 plus $29.00 for each variance of development standards requested
2. Dwelling Use for a Manufactured Home	$ 479.00 plus $29.00 for each variance of development standards requested
3. Religious Use	$1,650.00 plus $29.00 for each variance of development standards requested
4. Wireless Facility	$1,650.00 plus $29.00 for each variance of development standards requested

(5) Petition regarding Plat approval	
(a) Preliminary Plat for a Major Subdivision	$2,999.00 plus $19 per lot
(b) Preliminary Plat for a Minor Subdivision	$2,299.00 plus $19 per lot
(c) Preliminary Plat for a Cluster subdivision	$3,899.00 plus $19 per lot
(d) Additional fee for a Waiver of Subdivision Control Ordinance	$479.00
(e) Secondary Plat for a Major or Cluster subdivision	$1,699.00
(f) Secondary Plat for a Minor subdivision	$499.00

(6) Petition Requesting Vacation or vacation approval	
(a) Vacating a Street or alley right-of-way	$4,299.00 plus $5 per 10 linear foot of the street or alley
(b) All other vacation requests	$2,899.00

(7) Administrative Appeal:

(a) Appeal of the Administrator's interpretation of the ordinance (must be filed concurrently with another petition)	$1,970.00
(b) Administrative Appeal of an Administrative action, such as issuance of an ILP, approval or denial of a development plan submittal, action upon an Administrator's Approval	$2,379.00

(8) Miscellaneous:	
(a) Amendment to a Petition that changes the requested use requiring revised legal notice after legal notice has been published	$799.00
(b) Amendment to a Petition pertaining to the C-S or D-P District requiring revised legal notice after legal notice has been published	$849.00
(c) Amendment to any other Petition requiring revised legal notice after legal notice has been published	$250.00
(d) Subdivision Surety Reduction	$139.00 per surety per section
(e) Sidewalk or Street Sign Inspection of a subdivision and Surety Release	$139.00 per section
(f) Address/Street Name changes:	
1. Request for Change of Address	$300.00 per lot
2. Street Name Change (other than public safety reasons)	$1 500.00 per block
(g) Appeal of Address Guidelines and Standards	$300.00
(h) Certified copy of records, ordinances or other information	$10.00 plus any photocopying charges
(i) Zoning affidavits for licensure (such as auto dealers)	$293.00 ($85.00 minimum)
(j) Research, production or similar work	$85.00 per hour of review (over 1st hour)
(k) Zoning Confirmation (see notes below):	
1. Classification and Enforcement Status	$85.00 minimum
2. History and Non-Conforming Use Research	$85.00 per hour of review (over 1st hour)

(Notes: A Zoning Classification and Enforcement Status consists of a letter stating the zoning district of the property as shown on the most current zoning base maps and states any active code enforcement activity. A zoning classification letter does not include any information on possible variances or commitments also on the site.

History Research of a site, in addition to a statement of current zoning district status, also includes research of zoning and variance petitions, as well as permit history, pertaining to the property.

Nonconforming Use Research involves detailed study of zoning regulations and classifications for a site to assess the legal status of a use or structure on that site, based on historic zoning ordinances and base maps, as well as petition and permit files of the Department of Metropolitan Development.)

(9) Administrator's Approval: (see notes below)	
(a) Specific Review	$99.00
(b) General Review	$279.00

(Notes: In those petitions where the Commission, Hearing Examiner or Committee has granted a rezoning, variance, special exception or approval subject to a variance condition or written commitment that stipulates the review and approval of a final plan by the Administrator, a "specific review" relates to a specified item or items requiring approval, such as signs, landscaping or parking lot layout. A "general review" relates to an overall review of the entire plan and any specific requirements placed on the plan by the Commission, Hearing Examiner, or Committee.

The fee for "Administrator's Approval" shall be assessed, and payment due, at the time of submittal.)

(10) Certificate of Legally Established Nonconforming Use: *	
(a) Single- or Two-family residential use and associated development standards	$299.00
(b) All other uses and development standards	$479.00
* Note: Any research conducted shall be billed at a rate of $85 per hour with an $85 minimum fee.	

~~**B. IMPROVEMENT LOCATION PERMIT FEES:**~~

~~(1) Non-Refundable Application Fee~~	~~$32.00~~

~~(2) New Single-family Construction:~~	
~~(a) Metes and bounds~~	~~$199.00~~
~~(b) Platted Master Permit~~	~~$156.00~~
~~(c) Platted~~	~~$156.00~~

~~(3) Single-family Accessory Buildings and Additions:~~	~~$108.00~~

~~(4) Two-family/Cluster/Attached:~~	~~$199.00~~

~~(5) Other Improvements associated with single- and two-family (including, but not limited to; ponds, satellite dishes, radio towers):~~	~~$108.00~~

~~(6) Multi-Family:~~	
~~(a) New Construction~~	~~$682.00 (plus $29.00 per unit)~~
~~(b) Additions~~	~~$682.00 (plus $29.00 per unit)~~
~~(c) Additions (excluding Dwelling Unit):~~	~~$380.00 for improvements up to and including 1,000 square~~

	~~feet of area (plus $122.00 per additional 1,000 square feet)~~
~~(d) Other Improvements: (including, but not limited to; awnings, ponds, roof line changes, satellite dishes, radio towers)~~	~~$170.00~~

~~(7) Signs~~	
~~(a) Off-Premises sign:~~	
~~i. Sign area up to and including 100 square feet:~~	~~$417.00~~
~~ii. Sign area greater than 100 square feet:~~	~~$838.00~~
~~(b) On-Premises Freestanding Pole, Pylon, Roof, Ground Sign:~~	~~$422.00~~
~~(c) On-premises Building, Wall, Incidental signs others~~	~~$142.00~~
~~(d) Business - awnings or canopies with signs:~~	~~$170.00~~

~~(8) Commercial, Industrial or Special Use:~~	
~~(a) New Construction:~~	~~$380.00 for improvements up to and including 1,000 square feet of area (plus $122.00 per additional 1,000 square feet)~~
~~(b) Awnings, Canopies without a sign:~~	~~$170.00~~
~~(c) Surface Parking:~~	~~$152.00 per every 1,000 square feet of new area~~
~~(d) Other Improvements (including, but not limited to; ponds, satellite dishes, radio towers):~~	~~$170.00~~

~~(9) Floodplain Development Plan Review Fees:~~	
~~(a) Plan Review for New Single-family Construction:~~	~~$183.00~~
~~(b) Plan Review for Single-family accessory buildings, additions, and craft permits~~	~~$117.00~~
~~(c) Plan Review Fees for Commercial and Subdivision Development:~~	
~~i Initial fee for plat and/or plan submittal with up to3 hours of technical review~~	~~$514.00~~
~~ii Hourly rate (over 3 hours)~~	~~$242.00~~
~~(d) Alternative Accelerated Plan Review for Commercial and Subdivision Development~~	
~~i. Accelerated initial fee for plat and/or plan submittal with 1 hour of technical review~~	~~$301.00~~
~~ii. Accelerated hourly rate (over 1st hour)~~	~~$301.00~~
~~(e) Review and approval of community acknowledgement for FEMA removal from floodplain for single family residential structures.~~	~~$93.00~~

~~C.~~B. WAIVER OR MODIFICATION OF FEES

(1) The Commission may at any time for good cause shown, or upon its own motion, waive or modify the applicable filing fee to not less than one hundred ($100.00) dollars, transfer a filing fee and waive or modify the

fee for an Improvement Location Permit required as a part of the decision of the Commission, said permit fee schedule being established by these Rules of Procedure. Modification of the permit fee for an Improvement Location Permit shall not be less than the minimum fee specified by these Rules of Procedure.

(2) To encourage the development of green building projects, the Director of the Department of Code Enforcement is authorized to create and implement a policy discounting or offering rebates for permits issued by the Department of Code Enforcement under these rules for green building projects. Such discount or rebate shall not exceed fifty percent (50%) of the total cost of each permit issued.

(3) The Director of the Department of Code Enforcement is also authorized to create and implement a policy discounting permit issued by the Department of Code Enforcement under these rules for charitable corporations organized under Section 501(c)(3) of the Internal Revenue Code. Such discount or rebate shall not exceed fifty percent (50%) of the total cost of each permit issued.

~~D.~~C. REDUCTION OF FEES

Where three or more petitions are being heard together as companion petitions, the fee shall be 75% of the total fee of all petitions added together.

~~E.~~D. FEES FOR PERMITS OBTAINED AFTER COMMENCEMENT OF WORK

If work for which a permit is required has commenced in violation of the provisions of 2015-P-010 (G.O. 24, 2015) as amended, the permit fee shall be five (5) times the applicable amount stated in Article II, 7; provided, however, that the maximum fee incurred under this section shall be five thousand dollars ($5,000.00) plus the amount of the normal fee for the permit.

~~F.~~E. REFUND OF FEES OF WITHDRAWN OR TRANSFERRED PETITIONS

The Administrator may, upon request and for good cause shown, refund the applicable filing fee if the petition is withdrawn prior to the publishing or mailing of any public notice. The Administrator may, upon request and for good cause shown, refund all except one hundred ($100.00) dollars of the applicable filing fee if the petition is withdrawn before any public hearing. The request shall be in writing and received within 90 days of withdrawal.

The Administrator may, upon request and for good cause shown, transfer the applicable filing fee to another petition pertaining to the same property if the transfer of the petition occurs before any public hearing. The request shall be in writing and received within 90 days of the transfer.

~~G.~~F. DEPARTMENTAL FEE WAIVER

For all departments of the City of Indianapolis, all fees outlined above shall be waived for projects in which 1) a department is the applicant or petitioner and the project is located on property owned by the department or the City of Indianapolis; or 2) the Department of Metropolitan Development or the Commission is the applicant or petitioner.

~~H.~~G. STATE FEE WAIVER

For all departments of the State of Indiana, all fees outlined above shall be waived for projects in which a department is the applicant or petitioner and the project is located on property owned by the department or the State of Indiana.

~~I.~~H. MAINTENANCE OF FUNDS

The Commission shall establish a non-reverting fund to maintain the receipts from any filing fees for petitions and other activities in accordance with IC 36-7-4-411 to defray administrative costs.

~~J.~~I. TREE FUND

The Commission establishes the non-reverting Tree Fund for the purpose of administering the Landscaping and Screening provisions of the Consolidated Zoning/Subdivision Ordinance, such as the Green Factor.

The Tree Fund shall be used by the City of Indianapolis to purchase and plant trees and to maintain the trees for an initial establishment period. The establishment period is typically two growing seasons. The trees shall be installed in and along public rights-of-way and on public lands such as parks.

A contribution of $1000.00 to the Tree Fund provides the contributor one tree credit that may be used for the calculation of the Green Factor requirement.

The Tree Fund may accept other monies not related to the Green Factor.

ARTICLE IV - DOCKETING OF PETITIONS

1. DOCKETING BY ADMINISTRATOR

Each complete petition filed in proper form shall be considered complete when all required application materials, supporting documents, studies or reports, plans, certifications, and other required information have been submitted and all applicable filing fees have been paid. ~~numbered and docketed by the Administrator.~~ W~~w~~ithin ten (10) days after a complete petition has been filed and all applicable filing fees have been received, the Administrator shall number and docket the petition for hearing before the Hearing Examiner, Committee, or Commission, as applicable. ~~for hearing either before the Hearing Examiner or the Commission~~. However, the Commission may, by resolution, adopt any method of assignment of cases it deems appropriate.

A. The Administrator may limit the number of new petitions docketed for the Hearing Examiner.

B. Petitions rezoning to the D-P District shall be scheduled for initial hearing before the Metropolitan Development Commission (not before the Hearing Examiner).

C. Regional Center Approval Petitions that include a High Impact Project shall be docketed directly before the Regional Center Hearing Examiner.

~~**D.**~~ Petitions that affect only property within the corporate boundaries of an excluded city, the legislative body of the excluded city may decide that the legislative body act as the Hearing Examiner and hold the public hearing.

2. TRANSFER TO COMMISSION

The Hearing Examiner may transfer, in his or her discretion, any petition on his or her docket to the full Commission and, in the event of transfer, may require the petitioner to give additional notice to adjoining property owners as is prescribed by these Rules. The Commission may transfer any petition from the docket of the Hearing Examiner to the docket of the full Commission.

3. DOCKET NUMBERS

After determination by the Administrator that a petition, ordinance or resolution is complete and has been presented in proper form with all required exhibits, ~~and~~ supporting documents, and applicable filing fee has been assessed, such petition, ordinance or resolution shall be filed and numbered consecutively in the order of its filing. The docket numbers shall begin anew on January 1, of each year and for all petitions to be heard within that year shall be hyphenated with the numbers of the year, and initial(s) indicating the type of petition, followed by the number of the petition. The system of initials indicating the type of petition shall be established and maintained by the Administrator.

4. ORDER OF HEARING PETITIONS

On the date set for hearing, petitions shall come before the Hearing Examiner, Committee or Commission, as docketed by the Administrator, in the regular order of their consecutive numbers, except that companion variance petitions, companion special exception petitions, companion plat petitions, and/or companion vacation petitions shall be heard concurrently with the related rezoning petition. However, petitions that are appealed, transferred from the Hearing Examiner or continued from a previous hearing shall be heard at the beginning of the public hearing, in the order enumerated above, before the regularly docketed petitions. The Commission may alter the order to assure that all petitioners and interested parties may be heard.

5. DOCKETING PROCEDURES FOR EXPEDITED PETITIONS (HEARING EXAMINER DOCKET ONLY)

Petitions may be scheduled out of their regular consecutive number order, if they are placed on the expedited portion of the docket. Petitions may be expedited and placed on the beginning of the docket by the Administrator only if the following criteria are met:

A. There shall be no known remonstrance to the petition;

B. Staff shall be recommending approval of the petition; and

C. The petitioner shall be in agreement with the commitments and/or conditions as proposed in the written Staff report.

Prior to placing a petition on the expedited docket, Staff shall verbally discuss the commitments and/or conditions with the petitioner or the petitioner's representative.

ARTICLE V - NOTICE

1. NOTICE REQUIREMENTS

Notice of all petitions or other zoning-related matters to be heard by the Hearing Examiner, Committee or Commission, other than proposals to amend or partially repeal the text of the zoning ordinance, shall be given to all interested parties or property owners, in the following manner:

A. NOTICE BY PUBLICATION

When the Commission is required by law to publish a notice of a public hearing on a petition or other matter, such notice shall be published by the Commission at least ten (10) days prior to the date set for the hearing.

B. ADDITIONAL NOTICE - ADDITIONAL NOTICE BY PETITIONERS TO OWNERS OF ADJOINING LAND, NEIGHBORHOOD ORGANIZATIONS AND AFFECTED CITY-COUNTY COUNCILORS

(1) Additional notice of each petition, except Regional Center, Park District One, Hospital District One, University Quarter District One, and Central Business District-Special Approval Petitions, shall be given by the petitioner by registered, certified or first-class mail at least ~~twenty-three (23)~~ ten (10) days before the date of the hearing (on the form prescribed by the Commission) to all of the following parties:

a. owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property.

b. owners of property within the area included in the petition who are not petitioners.

c. owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition.

In no event shall notice be required to be given to owners of land located more than six-hundred and sixty (660) feet from the subject property. However, the Indianapolis Department of Public Works (DPW) and the Indiana Department of Transportation (INDOT) shall not constitute a property owner requiring notice if the property is right-of-way used for

street or highway purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT.

(2) Additional notice for Plat petitions and petitions to vacate a plat or a portion of a plat, including but not limited to the vacation of a platted building line or covenant, shall be given by the petitioner by registered, certified or first-class mail at least ten (10) days before the date of the hearing (on the form prescribed by the Commission) to all of the following parties:

a. owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property;

b. owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six hundred and sixty (660) feet of the perimeter of the subject property described in the petition; and

c. each owner of land in the affected section of the plat.

In no event shall notice be required to be given to owners of land located more than six-hundred and sixty (660) feet from the subject property. However, the Indianapolis Department of Public Works and the Indiana Department of Transportation (INDOT) shall not constitute a property owner requiring notice if the property is right-of-way used for street or highway purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT.

(3) **Petitions to vacate an Alley, Street, Easement, or Public Grounds.** Additional notice of a petition to vacate an alley, street, easement, or public grounds shall give by registered, certified or first-class mail at least ten (10)~~twenty-three (23)~~ days before the date of the hearing (on a form prescribed by the Commission) to all of the following parties:

a. owners of all real estate, or interests therein;

b. all abutting property owners along such street, alley, or public ground to be vacated. If the proposed vacation terminates at mid-block (i.e., at a location other than a right-of-way with an intersecting street), such notice shall include all owners from the termination of the vacation to the next intersecting street, in the same direction, beyond such termination;

c. owners of all adjoining parcels of ground to a depth of two (2) ownerships, within six hundred sixty (660) feet of the perimeter of the subject right-of-way. However, the Indianapolis Department of Public Works or its successor and the Indiana Department of Transportation (INDOT) or its successor shall not constitute a property owner requiring notice if the property is right-of-way used for street purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT;

d. all public utilities, the Department of Public Works of Indianapolis-Marion County, and the Department of Public Safety of Indianapolis-Marion County;

e. office or board entitled to receive legal notices for any city or town affected by the proposed vacation; and

f. any excluded city, if the proposed vacation is within the boundaries of an excluded City.

(4) For purposes of the notice requirement of this Section, where any of such adjacent parcels of land are owned by petitioner, the subject property shall be deemed to include any land owned by petitioner adjacent to the land described in the petition.

(5) In the case of property that is subject to IC 32-25, each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners.

(6) For the purpose of determining names and addresses of legal title owners, the records in the office of the Assessors of Marion County and the similar office designated for ownership records by each County adjoining Marion County that list the current owner(s) of record at a point in time within fourteen (14) days of the date on which the notice shall be sent, shall be deemed to be true names and addresses of persons entitled to notice and if notice is sent to such persons for the purposes of the hearing before the Hearing Examiner, Committee or Commission, such notice shall be deemed proper.

Such notice shall state:

a. the time and place of the hearing;

b. the geographic area (by address or other identifiable locational or geographic characteristic) that is the subject of the zone map change (this does not require the identification of any real property by metes and bounds);

c. the name of the petitioner;

d. the docket number and a description of the proposed zone map change, approval, variance, special exception, plat or vacation requested in the petition;

e. the petition and file, including the legal description of the subject property, may be examined in the offices of the Commission;

f. that written objections to the petition that are filed with the Secretary of the Commission before the hearing will be considered;

g. that oral comments concerning the petition will be heard; and

h. that the hearing may be continued from time to time as may be found necessary.

(7) Such notice shall also be sent in the same manner to each neighborhood organization whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development (a copy of which is on file in the offices of the Commission and incorporated herein by reference). Neighborhood organization notification shall be given for every petition, except Regional Center (non-High Impact Projects), University Quarter District One, and Central Business District-Special Approval Petitions.

Each quarter, a new Neighborhood Organization Map shall be adopted by the Staff. Any neighborhood organization that meets the minimum criteria of organizational status established by the Commission and desires to be included upon the Neighborhood Organization Map of the Department of Metropolitan Development shall file in the office of the Administrator of the Planning Division, on a form prescribed by the Commission, a statement of its name, current address, boundaries, membership, and such other data as may be required by the Commission. No notice shall be required to be sent to any neighborhood organization not appearing on the Neighborhood Organization Map. For purposes of such notice, the names, addresses and boundaries of neighborhood organizations as they appear upon the Neighborhood Organization Map shall be deemed the true names, addresses and boundaries thereof.

The list of those neighborhood organizations entitled to notice shall be provided to the petitioner by the Staff.

(8) Such notice shall also be sent in the same manner to each City-County Councilor whose District includes all or some part of the subject property. City-County Councilor notification shall be given for every petition, except Regional Center (non-High Impact Projects), University Quarter District One, and Central Business District-Special Approval Petitions. The list of those City-County Councilors entitled to notice shall be provided to the petitioner by the Staff.

C. NOTICE ON SUBJECT PROPERTY

Notice for all rezoning, variance, special exception, plat, vacation, PK-2 approval, Regional Center for High Impact Projects, and HD-2 approval petitions, and all companion petitions allowed under the provisions of IC 36-7-4-403.5, on a form prescribed by the Commission, shall be posted at least ~~twenty-three (23)~~ ten (10) days before the date of hearing. Said notice shall be located in a conspicuous place on the subject property along each public street frontage, except Interstate highways. Such notice shall not be located within any public right-of-way, unless authorized by the Administrator. Said notice shall remain posted until resolution of the petition. The

Administrator may require a nominal, refundable deposit for said notice. Deposit shall be refunded upon return of said notice within 60 days of petition resolution.

D. COMMISSION-SPONSORED PETITIONS

The requirements of Sections 1(B) and (C) of Article V shall not be applicable to petitions initiated by the Commission. The Commission shall determine the requirements, if any, for notice on such petitions.

E. ADDITIONAL NOTICE FOR TALL STRUCTURES AND DEVELOPMENT IN NOISE SENSITIVE AREAS

The petitioner applying for a petition involving a structure regulated under IC 8-21-10 shall provide evidence to the Commission that notice was delivered to any public use airport located within the distance described in IC 8-21-10-3 of the structure regulated under IC 8-21-10 not less than sixty (60) days before the initial hearing of the petition. Said notice shall include the direction to send comments to the attention of the Commission.

2. AFFIDAVIT OF NOTICE

Petitioner, his attorney or agent shall furnish evidence of compliance with the notice requirements by filing a notarized statement in the offices of the Commission or the Committee listing the names and addresses of property owners and neighborhood organizations to whom notice was sent by certified, registered or first class mail and certifying that notice was posted on the subject property. Said notarized statement shall be postmarked or filed in the offices of the Commission or the Committee within three (3) days following the mailing of notice.

3. DEFECTIVE NOTICE

If proper notice pursuant to Sections 1 (B) and (C) of Article V has not been given, the Hearing Examiner, Committee or Commission, as the case may be, may continue the petition until a later date to allow time for un-notified persons to prepare for hearing. Personal appearances shall waive any defect in notice unless the defect in the notice is timely raised at the beginning of the hearing when the Hearing Examiner, Committee or Commission is considering requests for continuances.

If the Failure to give proper notice is not discovered until after the hearing, the Commission or the Committee may take the following action:

A. If the petition has been approved by the Committee, Hearing Examiner or the Commission but is not required to be or has not been certified to the City-County Council for its approval, the Commission may order the petition to be reheard by the Committee, Hearing Examiner or the Commission upon proper notice given by the Petitioner.

B. If the petition has been certified to the City-County Council for its approval but not yet approved by the City-County Council, the Commission may rescind its recommendation approving such petition and may direct the Administrator to amend his certification to exclude such petition and shall set the petition for

rehearing by the Committee, Hearing Examiner or Commission upon proper notice given by the Petitioner.

ARTICLE VI - PUBLIC HEARINGS

1. TIME AND PLACE OF PUBLIC HEARINGS

Regular meetings and public hearings of the Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M ~~pm~~ on the 1st and 3rd Wednesday of each month. If the regular meeting day falls on a Legal Holiday, such meeting shall be held on the following day that is not a legal holiday.

Public hearings of the Hearing Examiner normally shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M. on the Thursday of the week following the regular meeting of the Commission. Additional public hearings of the Hearing Examiner may be scheduled at the discretion of the Administrator. If scheduled, said hearing shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M. on the remaining Thursdays. Public Hearings of the Regional Center Hearing Examiner are scheduled at the discretion of the Administrator. If scheduled, said hearing normally shall be held in the City-County Building, Indianapolis, Indiana, at 10:00 o'clock A.M. on the Thursday of the week following the regular meeting of the Commission.

Hearing dates, times and locations may be scheduled or rescheduled in a timely manner by the Administrator, if the Administrator determines that a scheduled hearing would create a conflict with another scheduled hearing or public meeting.

2. SPECIAL MEETINGS

Special meetings may be called by the President or by two (2) members of the Commission, upon written request to the Secretary, who shall send to all members thereof, at least three (3) days in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the date, time and place of the special meetings are fixed in a regular meeting and all members of the Commission are present at that regular meeting.

3. ALL MEETINGS AND HEARINGS PUBLIC

All meetings and hearings of the Commission, Committee or Hearing Examiner, except such meetings that are legally constituted executive sessions, shall be open to the public and petitioner(s), remonstrator(s) and other persons desiring to be heard shall have the right to give testimony, in accordance with these rules. All meetings and hearings of the Commission, Committee or Hearing Examiner shall be conducted in accordance with the Indiana Open Door Law (IC 5-12-1.5-3.5, as amended from time to time). Staff shall ensure that an accurate record of all meetings is prepared and kept, prepare the agenda for the meeting, notify the members of the meetings and maintain records of the Commission. The final agenda for each meeting or hearing shall be made available not fewer than five (5) days before the meeting or hearing. Once the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable, the agenda is final and no agenda changes are permitted.

4. QUORUM AND OFFICIAL VOTE

A majority of the members of the Commission constitutes a quorum. A quorum must be present for official action at a regular or properly called special meeting. Unless indicated otherwise within these Rules, action of the Commission is not official, unless it is authorized, at a regular or properly called special meeting by:

A. At least five (5) members, when eight (8) or nine (9) members are present at the meeting; or

B. At least four (4) members, when fewer than eight (8) members are present at the meeting.

A simple majority of the total membership shall constitute a quorum of a Committee and action of the Committee is official if concurred in by a simple majority of the total membership of the Committee.

When an electronic voting system is used, the voting period shall remain open for a fixed duration of one (1) minute. During this time, members may cast or change their votes. Once the voting period has expired, no changes to votes shall be permitted. The presiding officer shall then close the vote and announce the result.

5. VIRTUAL ATTENDANCE.

Virtual attendance for meetings of the Commission, Committee or Hearing Examiner is permitted so long as it is done in accordance with IC 5-14-1.5-3.5 (as amended from time to time). If any member(s) participates in a meeting of the Commission, Committee or Hearing Examiner hearing virtually, then all votes shall be by roll call or voice vote.

6. INDECISIVE VOTE

When a vote of the Commission or Committee does not result in an official action of the Commission or Committee as set forth in section 4 above, the petition or resolution shall be automatically re-docketed and heard at the next regularly scheduled meeting of the Commission, unless otherwise rescheduled by the Commission or the Committee at the same meeting at which the indecisive vote occurred.

7. ANY PARTY MAY APPEAR IN PERSON, BY AGENT OR BY ATTORNEY

At all hearings, any party may appear in person, by agent or by attorney.

An attorney or other representative of any party, petitioner or remonstrator may testify as to facts of which said agent has particular knowledge relating to the issues of the petition, but in so testifying the attorney or representative shall be sworn and subject to cross-examination as are the petitioner's or remonstrator's other witnesses.

The Administrator shall appear in person, by agent or by attorney and present evidence, statements and arguments in support of or in opposition to any petition or other matter being considered.

8. APPEARANCE REQUIRED PRIOR TO TESTIMONY AND EVIDENCE BY PARTIES

A. Adverse parties or remonstrators to any petition pending determination and decision by the Commission shall be required to enter a written or oral appearance specifying their names and addresses prior to the presentation of testimony and evidence.

B. Where such appearance is entered at least five (5) days prior to such public hearing, the petitioner shall supply such adverse party or parties with a copy of the petition and plot plan of the property involved, upon written request to the petitioner.

Any person interested in any petition shall have the right to enter a written appearance in the petition. Such written appearance shall indicate the name of the person appearing, or the name of any attorney or agent appearing on behalf of the interested party, and the address and telephone number of the party, attorney, or agent. The filing of the petition shall be deemed as an appearance therein by the petitioner and his attorney or agent. Any person interested in a petition shall also have the right to appear at the public hearing and state his or her issues, without filing a written appearance.

9. CONTINUANCE

A continuance on any non-petition matter shall be at the discretion of the Commission and shall not be eligible for an automatic continuance by the Administrator. A continuance on any petition (all companion petitions shall be considered as one petition) may be granted in one of three ways:

A. Commission/Hearing Examiner/Committee Continuance

The Commission, Hearing Examiner, or Committee may, at any time, on its own discretion, continue the hearing of any petition. The Commission, Hearing Examiner, or Committee may decide if re-notification of interested property owners shall be required if a petition is continued at a hearing for which proper notice was given by petitioner in compliance with the notice requirements of Article V hereof.

B. Automatic Continuance

Each interested party, as defined, petitioner(s) and/or remonstrator(s), shall be granted only one automatic continuance by the Administrator, to be used at either the Hearing Examiner or Commission hearing, provided the continuance request meets the following:

(1) The continuance request must be the first request for continuance by that party.

(2) The continuance request must be made in writing by the party and filed by 5:00 p.m. on the seventh (7th) day prior to the day of the scheduled hearing.

(3) The continuance request shall be for the same body (Commission, Committee, or Hearing Examiner) as originally scheduled.

(4) For the Commission and the Hearing Examiner, the continuance request shall include the new date of the hearing in accordance with the scheduling requirements set forth in these Rules.

(5) The party requesting the continuance shall give notice to all parties required to be served notice by Article V hereof, and to attorneys, agents, or other individuals who have entered their appearance or are known to represent petitioner(s), remonstrator(s), or other parties. Such notice shall be mailed at.

(6) If the continuance is granted to a date other than requested in the written request, the party shall notify all parties entitled to receive notice of the date to which the hearing has been continued and shall file a copy of such notice with the Administrator.

(7) An affidavit of notice shall be submitted to the Administrator at the time the continuance request is filed.

(8) An automatic continuance request cannot be withdrawn after being file-stamped and accepted by the office of the Administrator.

C. Continuance for Cause

All other continuances shall be considered a continuance for cause, which may be granted by the Commission, Hearing Examiner, or Committee at the hearing. The Commission or Hearing Examiner shall base its decision to grant or not to grant the request on testimony from parties at the hearing. At the hearing, written requests for continuance shall be considered prior to verbal requests for continuance. The Commission shall give strong consideration to the first continuance made by a City-County Councilor for a petition where a City-County Councilor has appealed a decision of a BZA regarding a variance of use.

10. MOTION TO DISMISS

In order for a remonstrator's "motion to dismiss" to be considered by the Hearing Examiner, Committee or Commission, said motion must be filed with the Administrator, and a copy served upon petitioner or designated agent, no later than the Friday before the date of the scheduled hearing. Failure to comply with this provision shall result in summary dismissal of the "motion to dismiss" by the Hearing Examiner, Committee or Commission.

11. TIME ALLOWED AND PROCEDURE FOR HEARING OF RESOLUTIONS

Interested parties for and against a resolution, respectively, shall be permitted a total of ten (10) minutes each for the presentation of evidence, statements and argument at the public hearing for resolutions that require a public hearing before the Committee or Commission, as follows:

A. Persons appearing in opposition of the resolution being heard shall first have ten (10) minutes for the presentation of evidence, statements and arguments in opposition of the matter being considered.

B. Persons appearing in support of the resolution shall then have ten (10) minutes for the presentation of evidence, statements and argument in support to the matter being considered.

C. A reasonable additional time shall be allowed for any member of the City-County Council to provide testimony regarding a resolution.

D. The Director of the Department of Metropolitan Development in person, by agent or by attorney shall be given a reasonable time for the presentation of evidence, statements and arguments in support of, or in opposition to, the matter being considered.

12. TIME ALLOWED AND PROCEDURE FOR HEARING OF PETITIONS

Petitioners and remonstrators, respectively, shall be permitted a total of ~~twenty (20)~~ fifteen (15) minutes each for the presentation of evidence, statements and argument at the public hearing of every petition that requires a public hearing before the Hearing Examiner, Committee or Commission, as follows:

A. **Staff** shall present its review of the request, recommendation, and evidence, if any. Then;

B. **Petitioners** and persons appearing in support of the petition being heard shall first have ten~~fifteen~~ (10~~5~~) minutes for the presentation of evidence, statements and arguments in support of the matter being considered.

A reasonable additional time shall then be allowed by the Hearing Examiner, Committee or Commission for cross-examination and redirect examination of petitioner's witnesses.

C. **Remonstrators** and persons appearing in opposition to the petition shall then have ~~fifteen (15)~~ ten (10) minutes for the presentation of evidence, statements and argument in opposition to the matter being considered.

A reasonable additional time shall then be allowed by the Hearing Examiner, Committee or Commission for cross-examination and redirect examination of remonstrator's witnesses.

D. A reasonable additional time shall be allowed for any **member or member-elect of the City-County Council** to provide testimony regarding a petition.

E. The **Administrator** in person, by agent or by attorney shall be given a reasonable time by the Hearing Examiner, Committee or Commission for the presentation of evidence, statements and arguments in support of, or in opposition to, the matter being considered.

F. The **petitioner** shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of remonstrators' or the Administrator's evidence, and a brief closing statement.

G. **Remonstrators** and persons appearing in opposition to the petition shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of petitioner's rebuttal evidence or the Administrator's evidence and a brief closing statement.

H. A reasonable additional time may be allowed for any **member or member-elect of the City-County Council** to provide rebuttal testimony.

I. Neither petitioners nor remonstrators shall be permitted to reserve for rebuttal any time not used during their initial presentations.

J. The Chairman, President or Hearing Examiner may, at their discretion, extend the presentation time for a petitioner or remonstrator appearing on behalf of a group to up to fifteen (15) minutes for the presentation of evidence, statements, and arguments in support of or in opposition to the matter under consideration.

K. The presiding President, Chairman or Hearing Examiner, as the case may be, shall have authority to cut off repetitious and irrelevant testimony, and also shall have authority, unless, in the case of the President being otherwise directed by a majority of the Commission in session at that time, to extend specified periods of time, when it is appropriate in the interest of affording to all interested parties a fair hearing.

L. Letters and written communication mailed, hand delivered, emailed to the Staff or submitted through the Commission website no later than 4:00 PM on the day, five (5) calendar days prior to the hearing date will be included in the hearing packet sent in advance to the Commission, Committee or Hearing Examiner as the case may be.

All supporting documents, exhibits, revised materials, other materials an applicant wants reviewed or included in the hearing packet, and any Presentation must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the hearing or meeting. Applicant materials submitted after that deadline will not be included in the hearing packet, added to the agenda, or reviewed at the scheduled hearing or meeting; the applicant must request a continuance and shall not receive automatic accommodation for the missed deadline, except that the City retains sole discretion to accept a Presentation submitted after that deadline. That discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Letters and website submissions received after the public-comment deadline will be included in the case file and made available to the Commission, Committee or Hearing Examiner at the hearing.

13. ORDERLY CONDUCT REQUIRED

~~Every person appearing at the hearings shall abide by the order and directives of the presiding officer. Discourteous, disorderly or contemptuous conduct shall be regarded as a breath of the privileges extended by the Commission and shall be dealt with by the presiding officer as is deemed fair and proper.~~

A. Pursuant to Indiana law, every person attending a hearing of the Commission or Committee shall abide by the order and direction of the Commission or the Committees' presiding officer. Every person appearing before the Hearing Examiner shall abide by the order and direction of the Hearing Examiner. Attendees shall not engage in behavior that disrupts a meeting. Attendees shall not engage in audible conversations that are disruptive and shall exhibit respect to the Committee, Commission, the Hearing Examiner, the Administrator, Staff and other individuals attending the public meetings. All cell phones and other electronic devices should be silenced or turned off during public meetings. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of these rules and shall be dealt with as the presiding officer directs, which may include directing the attendee to leave the meeting and, if the attendee refuses, directing a law enforcement officer to remove the attendee from the meeting. Attendees shall not address the Commission, the Committee or the Hearing Examiner except as provided herein.

B. If an attendee engages in disruptive behavior, then the presiding officer of the Commission or Committee, or the Hearing Examiner may respond in the following manner:

1. Issue three (3) verbal warnings to the disruptive attendee.
2. After issuing the third warning, if disruptive behavior from the attendee continues, the attendee will be directed to leave the meeting.
3. If an attendee refuses to leave the meeting when directed by the presiding officer for a violation of these rules, then the presiding officer may direct a law enforcement officer to remove the attendee from the meeting.
4. Nothing in this section shall be interpreted to prohibit a law enforcement officer from immediately removing an attendee from a meeting if: (i) removal of the attendee is necessary to maintain order or ensure the safety of another person; (ii) the attendee commits a criminal offense; or (iii) the attendee violates these rules and procedures.

14. CONTACTING ANY COMMISSION MEMBER, COMMITTEE MEMBER OR HEARING EXAMINER REGARDING PENDING PETITION PROHIBITED; ADMINISTRATOR'S WRITTEN STATEMENT OF FACTS OR OPINION TO BE FILED NOT LESS THAN SIX (6) DAYS PRIOR TO THE HEARING

No person shall contact any member of the Commission, Committee or Hearing Examiner, as the case may be, in advance of a public hearing, on a petition then pending for decision with intent to influence such person's action on such petition, except that the staff of the Division may submit, not less than six (6) days prior to any proposed

hearing, a statement in writing, stating any facts concerning the physical characteristics of the area involved in the petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts.

The staff of the Division may include in any such statement an opinion of the proposed amendment or other pending petition. A copy of such statement shall be furnished simultaneously to all persons shown of record.

In all petitions to be heard by a Hearing Examiner, any person disagreeing with the written statement of the staff of the Division shall be afforded the opportunity to file a written response thereto not less than two (2) days prior to hearing which shall be considered by the Hearing Examiner in evaluating such staff comments.

However, nothing herein shall prohibit any interested party from requesting a continuance, in writing, as provided for by these rules.

15. NO DECISION OR FINDING CONCERNING A VARIANCE, SPECIAL EXCEPTION, OR VACATION UNLESS BASED UPON FACTS IN PERMANENT RECORDS AND/OR WRITTEN STATEMENT FILED BY ADMINISTRATOR

No decision or finding of the Hearing Examiner, Committee or Commission shall be made concerning a variance, special exception, or petition to vacate all or part of a plat unless it is based upon facts submitted at a hearing and made a part of the permanent record and/or such written statement filed by the Administrator, the Administrator's agent or the Administrator's attorney.

Provided, however, nothing herein contained shall deny the right of the Hearing Examiner, Committee or Commission members to inspect land involved in any petition to be heard by the Commission.

16. DISQUALIFICATION OF COMMISSION OR COMMITTEE MEMBER OR HEARING EXAMINER IN CASE OF PERSONAL OR FINANCIAL INTEREST

1. A member of the Commission, Committee or a Hearing Examiner who has some personal or direct or indirect financial interest in any petition or resolution presented, or is biased or prejudiced or otherwise unable to be impartial, shall disqualify himself or herself insofar as the particular petition or resolution is concerned and shall not participate as a member in the Committee's or Commission's hearing, findings of fact for a variance, special exception, or vacation, or decision. The member disqualifying himself or herself shall do so before the hearing of that particular petition or resolution. The record of the particular petition or resolution concerned shall note any such disqualification.

   If the Hearing Examiner must disqualify himself or herself in accordance with this section, the petition(s) shall be forwarded directly to the Commission for initial hearing.

2. If the existence of a personal or financial interest under this Section is disputed, the presiding President or Chairman, as the case may be, shall make a summary

determination on the record after allowing brief statements from the member of the Commission or Committee, as the case may be, and any party who raises the conflict. The Chairman/President's determination shall be final and binding for purposes of the relevant proceedings. If the Chairman/President determines that a conflict exists, the member shall be disqualified under this Section and shall not participate in the hearing, deliberation, findings of fact, or vote on the matter and shall leave the hearing room during testimony and deliberations on the petition. The minutes shall reflect the objection, the Chairman/President's ruling, and the member's disqualification, if ordered.

17. AMENDMENTS TO ANY PETITION

~~Requests to amend any petition may be filed in writing prior to or at the beginning of any hearing, or made orally at the hearing. Any remonstrators present shall have the right To be heard on any objections they may have to such proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and readvertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Further, in any petition needing re-docketing and re-advertising, the petitioner shall pay an additional filing fee.~~

Requests to amend any petition must be filed in writing before the agenda-materials deadline in Article III, Section 2 and before the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable. No oral request to amend a petition may be made at the hearing if it would require an agenda change or consideration of materials not timely submitted. Any remonstrators present shall have the right to be heard on objections to a timely proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny timely requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and re-advertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Any amendment requiring re-docketing, re-advertising, revised notice, or a change to the final agenda shall require the applicant to request a continuance and shall not receive automatic accommodation; the petitioner shall pay any additional filing fee required.

18. COMMITMENTS, AMENDMENTS AND SUPPLEMENTS TO SUPPORTING DOCUMENTS

~~Requests to amend or supplement supporting documents to any petition, including revised site plan, revised elevations, proposed commitments and conditions, must be filed no later than the Monday of the week prior to the week of the scheduled hearing.~~

~~If supporting documents (including information which may be used to support staff's position) are amended or supplemented between the Monday of the week prior to the week of the scheduled hearing and the beginning of the hearing, or at the hearing, it shall be within the discretion of the Commission, Committee or Hearing Examiner to continue the petition. In making this determination, consideration shall be given to whether or not the staff, petitioners, and any remonstrators have had sufficient time to adequately review these new supporting documents.~~

All requests to amend or supplement supporting documents to any petition, including revised site plans, revised elevations, exhibits, proposed commitments and conditions, any Presentation, and any other materials an applicant wants reviewed, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the scheduled hearing or meeting. Except for a late Presentation accepted by the City in its sole discretion under this Section, no exceptions to this deadline are permitted.

Materials submitted after the deadline in this Section shall not be added to the agenda, included in the hearing packet, or reviewed at the scheduled hearing or meeting, except for a Presentation accepted by the City in its sole discretion. The City's discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. If an applicant misses the deadline for any materials or submissions other than a late Presentation accepted by the City in its sole discretion, the applicant must request a continuance; the missed deadline shall not be automatically accommodated, and the Commission, Committee or Hearing Examiner shall not be required to continue the petition solely to accommodate late-submitted materials.

19. ALL TESTIMONY UNDER OATH

All testimony before the Commission, Committee or Hearing Examiner shall be given under oath or affirmation that shall be administered by some person qualified to administer oaths.

20. MINUTES AND RECORD OF HEARING

The Hearing Examiner, Committee and Commission shall keep minutes of his/her or its proceedings, investigations and other official action and in all petitions heard by him/her or the Committee or Commission; and shall record the vote on all action taken. A shorthand, stenotype or electronic record shall be made of all hearings of the Commission, Committee or Hearing Examiner and shall remain on file in the offices of the Metropolitan Development Commission for a period of six months following the hearing and determination. All minutes and records filed in the offices of the Commission shall be public records.

A transcription of such verbatim record of any hearing may be ordered by any party, and the cost thereof shall be paid by the party ordering such copy or copies.

21. RECORD OF VOTING

In all petitions heard by the Commission or Committee, the Commission's vote shall be by ballot or recorded by roll call vote. All such ballots shall remain on file in the offices of the Commission and shall be public records. Rezonings, approval, variances, special exceptions, plats and vacation petitions shall be voted on as separate cases.

22. SEPARATION / WITHDRAWAL OF COMPANION PETITIONS

When petitions are filed and docketed as companion petitions, those petitions may not be separated for continuance or hearing purposes, until the required hearing process

causes the petitions to be separated. Individual petitions, however, may be withdrawn, as allowed by Article VIII, Section 2.

ARTICLE VII - RECOMMENDATION

1. RECOMMENDATION OF THE HEARING EXAMINER

Upon the conclusion of the hearing before all Hearing Examiners, the Hearing Examiner shall announce whether his or her recommendation to the Commission shall be that the petition(s) be approved, disapproved, or approved subject to conditions, amendments or commitments by the petitioner, and at such time the Hearing Examiner shall announce the date of final action by the Commission on the Hearing Examiner's recommendation.

2. HEARING EXAMINER'S COMMENT

The Hearing Examiner shall report his or her findings of fact and his or her recommendation to the Commission.

3. COVENANTS AND COMMITMENTS

A. COVENANTS

Any parole covenants made to the Hearing Examiner or the Commission, such parole covenants, being defined as any representation of fact or intention made verbally in a public hearing and identified by the person making the same as a covenant, or any plans, drawings or exhibits submitted pursuant to said ordinance, shall be reduced to the form of a recordable written covenant(s) and signed by the owner(s) of the real estate. The written covenants shall authorize their recording by the Division in the office of the Recorder of Marion County, Indiana, upon the final adoption of the Zoning Ordinance by the City-County Council. Following the recording of the covenants, the Division shall return the original recorded covenants to petitioner and shall retain a copy of the recorded covenants in its file. The covenants shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Covenants may be modified by a decision of the Metropolitan Development Commission, or its successor, made at a public hearing after proper notice has been given. Any modification of the covenants approved by the Commission shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission, and recorded in the office of the Recorder of Marion County, Indiana. The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. of these Rules of Procedure.

B. COMMITMENTS

If deemed advisable, the party hearing the petition, (the Hearing Examiner, the Commission, or the City-County Council), may require or permit the petitioner to make written commitments concerning the use or development of the subject property. The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for as long as the real estate to

which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made or for such other length of time as the Commission may require and the commitment(s) shall authorize their recording by the Division in the Office of the Recorder of Marion County, Indiana upon the final adoption of the Zoning Ordinance by the City-County Council or upon adoption of an approval, variance, special exception, vacation or plat petition by the Commission. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.

The commitments shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. of these Rules of Procedure.

The party hearing the petition, (the Hearing Examiner, the Commission, or the City-County Council), may require in such commitment the designation of any specially affected persons, who (in addition to persons entitled to receive notice of the rezoning under Article V, Section 1(B) shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015.

The commitments may be modified or terminated by a decision of the Metropolitan Development Commission, or its successor, made at a public hearing after proper notice has been given, or by a decision of the City-County Council, as it is considering a rezoning petition, in accordance with Article VIII, 5, of these Rules. Any modification or termination of the commitments approved by the Commission or City-County Council shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission or City-County Council, and recorded in the office of the Recorder of Marion County, Indiana.

If the effect of a modification of commitment made by the City-County Council is to make the commitment less stringent than the commitment approved by the Metropolitan Development Commission, the modified commitment shall be referred to the Commission for further review. The Commission shall, not later than forty-five (45) days after referral of the modified commitment:

A. ratify the modified commitment; or

B. certify a recommendation to the City-County Council that the commitment be further modified.

After considering the recommendations of the Commission, the City-County Council shall make the final decision on the terms of the modified commitments.

The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

4. ADMINISTRATOR'S APPROVAL AUTHORIZED

The Administrator is authorized to grant or deny final plan approval in the following instances:

A. In those petitions where the Commission, Hearing Examiner, or Committee grants a rezoning to the D-P District or in other petitions for rezoning, variance, special exception, approval, plat or vacation (as noted in Article III) that are subject to a condition or written commitment that stipulates the review and approval of a final plan by the Administrator;

B. In Regional Center petitions; and

C. In applications and petitions authorized by the applicable zoning ordinance.

5. AUTHORITY AND REVIEW PROCESS OF ADMINISTRATOR'S APPROVAL

The Administrator shall have the following authority and shall follow the following procedures in the review process:

A. Administrator's approval of final plans shall be obtained prior to applying for an Improvement Location Permit. It is suggested that the Administrator be consulted early in the design stage of the project in order that any needed changes can easily be incorporated in to final plans. (This suggestion is not to be interpreted as a requirement for approval.)

B. The scope of review of a final plan by the Administrator may include, but not be limited to, one or more of the following development aspects:

(1) site layout;

(2) building location, configuration and appearance (i.e. elevations);

(3) parking location, count, and configuration;

(4) interior traffic flow;

(5) ingress and egress to the development

(6) sign location, size and design;

(7) extent, placement, and specifications for landscaping, and landscape screening;

(8) fencing, fence location, height, materials, and elevations;

(9) pedestrian connectivity and public transit accessibility; and

(10) an illumination or lighting plan;

(11) requirements of the D-P or C-S District; or

(12) requirements of the ordinance of the specific district in which it is located.

C. In exercising discretion to approve or disapprove a final plan, the Administrator shall use the following standard:

1. If the condition or written commitment indicates that the applicable development aspects will comply with certain written standards (e.g. Architectural Graphics Standards) or a development example (e.g., a development project in existence in Marion County), the Administrator will be guided by the standard expressed by the written document or example.

2. If a standard is not provided under a., the Administrator will be guided by the comments prepared and presented in the staff report, statements made at the hearing by the petitioner, remonstrators and other interested parties and comments made by decision makers during the course of the hearing.

3. If a standard is not provided under a., and if comments and statements mentioned in b. do not provide an adequate standard, the Administrator shall consider what is "good professional practice under the circumstances". In determining what is good professional practice under the circumstances, the Administrator will be guided by the characteristics of similar development of superior quality in Marion County.

The standard applied by the Administrator is not confined to the standard that can be inferred from the development standard of the applicable zoning district and may include standards described in plans and/or testimony presented at the public hearing and agreed to in principle by the petitioner.

D. If the Administrator does not approve a plan submitted by the petitioner, and no alternative plan acceptable to both parties can be agreed upon, the petitioner shall have the right to appeal such action of the Administrator. Such an appeal shall be filed as an approval petition for an Administrative Appeal. This appeal must be filed within 23 days from the date of the denial or the approval, unless otherwise indicated by ordinance.

E. Any interested party shall have the right to appeal such action of the Administrator. Such appeal shall be filed as an approval petition for an Administrative Appeal. This appeal must be filed within 23 days from the date of the decision by the Administrator, unless otherwise indicated by ordinance.

6. FILING OF REQUEST FOR APPEAL OF THE HEARING EXAMINER OR COMMITTEE

Any interested party, including the Administrator, may file a request for an appeal of a decision or the recommendation as certified to the Commission by the Hearing Examiner or Committee. Said request for appeal shall simply state that the party requests a hearing by the Commission. Appeals shall be filed in the offices of the Commission as follows:

Rezoning, companion variance (only associated with a rezoning petition allowed by IC 36-7-4-918.8) or modification petition:	By five (5) p.m., five (5) days following the Hearing Examiner or Committee decision.
Approval petition for special districts allowed by IC 36-7-4-1400 series:	By five (5) p.m., five (5) days following the Hearing Examiner or Committee decision.
Plat or vacation petition as a companion petition in a combined hearing allowed by IC 36-7-4-403.5:	By five (5) p.m., five (5) days following Hearing Examiner or Committee decision.
Variance or modification of a variance or special exception petition as a companion petition in a combined hearing allowed by IC 36-7-4-403.5:	By five (5) p.m., five (5) days following Hearing Examiner or Committee decision.

7. SERVICE OF REQUEST FOR APPEAL UPON OTHER PARTIES

Upon the same day as a request for appeal is filed in the offices of the Commission, a copy thereof shall be served, personally or by first class, registered or certified mailing, upon the opposing party as follows: a remonstrator shall serve petitioner's attorney or, if none has appeared, the petitioner as named and at the address stated in the petition; a petitioner shall serve all remonstrators' attorneys who appeared at the hearing and, if none appeared, shall serve the first two persons who spoke on behalf of remonstrators, at their addresses as stated at the hearing; the Administrator, upon filing a request for appeal, shall serve both petitioner and remonstrators as above provided. A certificate evidencing such service shall be filed with the Commission.

8. DOCKETING FOR COMMISSION ACTION

Every petition subject to the Commission's review shall automatically be placed on the docket of the next regular meeting of the Metropolitan Development Commission held not sooner than five (5) days after the expiration of the time for filing a request for an appeal in such petition, provided, however, no petition shall be so docketed until all the covenants and/or commitments required or allowed by the Hearing Examiner or Committee, and which comply with the requirements of Article VII, shall have been filed with the Administrator. At each hearing before the Hearing Examiner or Committee, notice of such hearing dates before the Commission shall either be posted or announced by the Hearing Examiner with respect to petitions heard on such day. Each such hearing before the Commission shall be deemed a continuation of the hearing before the Hearing Examiner and no further advertisement or notice of such Commission hearing shall be required.

9. ACTION BY THE COMMISSION WITHOUT HEARING IF NO REQUESTS FOR APPEAL FILED

As to any petition in which no requests for appeal are filed, as and within the time permitted, and in which the stipulated commitments have been executed and submitted, the Commission shall, without allowing further evidence or argument by the parties, act upon the recommendation for decision certified by the Hearing Examiner, at the first meeting of the Commission at which the petition(s) appears on the Commission docket or at any subsequent meeting to which said petition may be continued.

At said time the Commission may either (1) approve the recommendation of the Hearing Examiner, or (2) set the petition(s) for hearing at the next regularly scheduled meeting of the Commission. If said petition(s) is scheduled for hearing as set forth above, the Administrator shall notify in writing those persons designated in Section 7, and in said notice set forth the time and place that said petition(s) will be heard by the Commission.

10. HEARING BY COMMISSION IF REQUEST FOR APPEAL FILED OR INITIAL HEARING BY COMMISSION

If a request for an appeal is filed, as and within the time permitted in Section 6, or in an initial hearing by the Commission, the Commission shall proceed to hear the petition at its first meeting at which the petition appears on its docket or at any subsequent meeting to which the same may be continued.

At such hearing, all parties, including the Administrator, shall be allowed to present evidence and argument relevant to the petition, as provided for in Article VI, Section 6.

Any commitment required or allowed by the Commission and any parole or written covenant submitted by the petitioner at such hearing shall comply with all requirements of form and recording set forth in Article VII, Section 3. In such commitment, the Commission may require the designation of any specially affected persons or categories of specially affected persons, who (in addition to persons entitled to receive notice of the rezoning under Article V, Section 1(b)) shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. At the conclusion of such hearing, the Commission shall make its decision on said petition(s).

11. WITHDRAWAL OF REQUEST FOR APPEAL

Any person filing a request for appeal of the recommendation certified by the Hearing Examiner or Committee shall have the right to withdraw the same prior to the hearing of the petition before the Metropolitan Development Commission. If all such requests in a petition are withdrawn, the Metropolitan Development Commission shall proceed to act upon the petition(s) in the same manner as it would have had the request(s) not been filed.

ARTICLE VIII - FINAL DISPOSITION OF PETITIONS

1. DISMISSAL OF PETITIONS

The Commission, Committee or Hearing Examiner may dismiss a petition for want of prosecution or for lack of jurisdiction.

No parcel of ground that has been included in any petition that has been dismissed by the Hearing Examiner, Committee or Commission for want of prosecution shall again be included in any petition filed for consideration within a period of three (3) months from the date of the dismissal, except upon motion to permit refiling by a majority vote of all members present at a regular or special meeting, for good cause shown.

2. WITHDRAWAL OF PETITIONS

No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No parcel of ground that has been included in a petition that has been withdrawn by the petitioner shall again be included in any petition filed for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit refiling, adopted by a majority vote of all members of the Commission who are entitled to vote, for good cause shown. A petition, docketed for the Commission, may be withdrawn after hearing and recommendation by the Hearing Examiner or Committee.

3. REFILING/RE-DOCKETING FOLLOWING ADVERSE DECISION

A. No parcel of ground, or part of a parcel that has been the subject of an adverse decision of **a rezoning or variance of use** petition shall be included in a rezoning or variance of use petition filed within a period of twelve (12) months from the date of either the adverse decision by the Commission, or an adverse decision of the City-County Council, or an adverse decision of any Division of the Metropolitan Board of Zoning Appeals, unless the body which previously denied the petition decides, by a majority vote of all members present, or in the case of an adverse rezoning decision, the Commission decides by an official vote, to allow a refiling within the twelve (12) month period.

B. No parcel of ground, or part of a parcel that has been the subject of an adverse decision of a **variance of development standards, special exception, plat or vacation petition** shall be included in a variance of development standards, special exception, plat or vacation petition filed within a period of twelve (12) months from the date of either the adverse decision by the Commission, or an adverse decision of any Division of the Metropolitan Board of Zoning Appeals, unless the body which previously denied the petition decides, by a majority vote of all members present to allow a refiling within the twelve (12) month period.

C. No parcel of ground that has been the subject of an adverse decision of an **approval or modification petition** by the Commission shall again be included in an approval or modification petition filed for consideration by the Commission, Committee or Hearing Examiner within a period of three (3) months from the date of an adverse decision by the Commission, except upon motion to permit refiling adopted by the determination of the Hearing Examiner, Committee or an official vote of the Commission, whichever the case may be.

D. Notice shall be given to all interested parties or property owners of any request to secure a waiver of this rule, in accordance with the notice requirements of Article V of these Rules of Procedure.

4. NOTICE OF COMMISSION'S DECISION

Within five (5) days after granting a zone map change, approval, special exception, variance from the terms of the zoning ordinance, plat or vacation, the Commission shall file with the Division a copy of its decision.

However, if a representative of the Division appears at the hearing granting a zone map change, approval, special exception, variance from the terms of the zoning ordinance, plat or vacation then this appearance shall be considered notice to the Division of the Commission's decision, and a copy of the decision need not be filed.

The Commission, when it has a hearing, or the Hearing Examiner, when he/she makes a decision on a petition which is not appealed, shall condition the grant of variance, special exception, or plat in such a manner that it takes effect if and when the recommended ordinance amendment is approved by the City-County Council.

5. ZONE MAP CHANGES: ADOPTION BY CITY-COUNTY COUNCIL AFTER APPROVAL BY METROPOLITAN DEVELOPMENT COMMISSION

A. CERTIFICATION

If a zoning ordinance changing the zone maps is approved, denied, or no recommendation is made by the Commission, the Administrator, or the Administrator's agent, shall, within ten (10) days following the decision, certify a copy of the ordinance, if the petition is approved, or a copy of the Commission's decision, if the petition is not approved, to the clerk of the City-County Council, provided, however, no petition shall be considered finally approved by the Commission or be so certified until all the covenants and/or commitments required or allowed by the Commission, and which comply with the requirements of Article VII, shall have been filed with the Administrator.

B. ADOPTION OF ZONE MAP CHANGES

At the first regular meeting of the City-County Council after a proposal to change the zone maps is certified, the Council may, by a majority of those voting, schedule the proposal for a hearing on a date not later than its next regular meeting.

(1) If the Council:

a. Fails to schedule the proposal for a hearing; or

b. Schedules it for a hearing but fails to act on it within thirty (30) days after certification; the ordinance takes effect as if it had been adopted (as certified) thirty (30) days after certification.

(2) If the Council schedules the proposal for a hearing, it shall announce the hearing during a meeting and enter the announcement in its memoranda and minutes. The announcement must state:

a. The date, time and place of the hearing;

b. A description of the proposed changes in the zone maps;

c. That written objections to the proposal filed with the Clerk of the Council will be heard; and

d. That the hearing may be continued from time to time as may be found necessary.

(3) If the Council rejects the proposal at a hearing scheduled, it is defeated. Rejection of the proposal does not preclude it from being proposed again under IC 36-7-4-608, subject to Section 3 above.

C. CITY-COUNTY COUNCIL APPROVAL OR REJECTION OF ZONE MAP CHANGES

If the City-County Council holds a public hearing as above provided, it may take action with respect to said proposal by a three-fifths (3/5) vote of its full membership. If said ordinance is approved, the Commission shall then make the necessary modifications of the zone maps and shall keep them available in the offices of the Division.

D. WITHDRAWAL OF PETITIONS PENDING BEFORE THE CITY-COUNTY COUNCIL

Petitions may be withdrawn by the petitioner after the Commission approves the petition and before the City-County Council votes.

6. FINAL DISPOSITION OF VACATION PETITIONS

A. HEARING CONCLUSION

Upon the conclusion of the hearing, the Hearing Examiner, Committee or Commission shall find and decide whether the vacation is in the public interest; whether any interests of the public, any utility or governmental unit shall be reserved, and any other conditions to be imposed in the decision; and whether there shall be a hearing on assessment of benefits or award of damages.

(1) Vacation without assessment of benefits or award of damages.

In any vacation case in which there has been no acquisition by governmental condemnation or purchase, no construction or maintenance by a governmental agency and no public use of the subject property, or any part thereof, there shall be no assessment of benefits. No benefits shall be assessed against any land in governmental or public ownership, or to be vacated for governmental or public use or for use by a semi-public institution or agency engaged in a public, non-proprietary function, such as education or welfare.

(2) Vacation petitions with assessment of benefits.

All other vacation petitions are with assessment of benefits. The assessment of benefits may occur at the same hearing as the vacation petition, or at the next regularly scheduled hearing after the vacation petition is approved.

Petitioner shall select, from a panel of appraisers designated by the Commission (a list of which is on file in the office of the Division), an

appraiser who, upon his selection by petitioner and notification thereof by the Secretary of the Commission, shall appraise any benefits to property or interests beneficially affected by the vacation. One copy of the appraisal report shall be filed at least 10 days prior to the hearing on the assessment. The appraisal fee shall be paid by Petitioner at the hearing upon assessment of benefits or within 10 days thereafter.

Upon the conclusion of the hearing, the Hearing Examiner, Committee or Commission may either sustain or modify the assessments of benefits.

Payment of assessments shall be by check payable to the City Controller at the hearing upon assessment of benefits or within one year thereafter.

B. RECORDING VACATIONS

The Administrator shall not record the adopted Vacation Resolution until after all appeal periods have passed, or after final disposition of an appealed vacation petition. Within one year of the vacation approval (unless time extended by the Hearing Examiner, Committee or Commission), the petitioner shall indicate, in writing, compliance with all conditions required by the vacation that were required to be completed prior to recording said vacation. After the compliance letter is received and after all assessment and appraisal fees have been paid by the petitioner, the Administrator shall be authorized to record with the Marion County Auditor and the Marion County Recorder certified copies of the adopted Vacation Resolution, survey, and Hearing Examiner, Committee or Commission's decision.

C. COMMITMENTS.

If deemed advisable, the Committee may require or permit the petitioner to make written commitments concerning the use or development of the subject property.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Committee may require and the commitment(s) shall authorize their recording by the Division of Planning in the Office of the Recorder of Marion County, Indiana upon adoption of a vacation or plat petition by the Committee. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file. The commitments shall be in substantially the form set forth by the Commission.

Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Committee may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. The commitments may be modified or terminated by a decision of the Committee, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Committee shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by

the Committee, and recorded in the office of the Recorder of Marion County, Indiana. The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

7. LETTER OF GRANT OR DENIAL

Following final action on a zone map change, approval, special exception, variance, plat or vacation petition, the Administrator shall notify the petitioner of the final decision by sending the petitioner a letter of grant or denial that shall include, if a letter of grant, all conditions imposed.

8. VARIANCE CONDITIONS IMPOSED BY COMMISSION -AFFIDAVIT OF COMPLIANCE

Whenever the decision of the Commission is conditioned upon petitioner's compliance with a requirement imposed by the Commission concerning construction or site development (e.g. installation of landscaping, fencing, paving, curb stops or any comparable requirement) and such condition is recited in the notice to petitioner of the Commission's decision. Petitioner shall be required to notify the Commission of the timely fulfillment of such requirement by filing an affidavit of compliance in the offices of the Commission. If the time for fulfillment of the condition is stated in the Commission's decision, such affidavit shall be filed within thirty (30) days after the time allowed for fulfillment. If the time for fulfillment is not stated in the Commission's decision, the affidavit shall be filed within thirty (30) days after the completion of construction authorized by the Commission's decision, whichever is earlier.

Failure to comply with any conditions imposed by the Metropolitan Development Commission shall constitute a violation enforceable by governmental authority pursuant to the provisions of IC 36-7-4-1014.

9. APPEAL PROCEDURE

A. JUDICIAL REVIEW

The following are final decisions of the Commission that may be reviewed in accordance with Indiana Code 36-7-4-1600 Series:

(1) A final decision under the 700 series of this chapter (subdivision control) including: primary approval or disapproval of a plat; imposition of a condition on primary approval of a plat; approval or disapproval of the vacation of all or part of a plat; approval or disapproval of the vacation of any recorded covenants filed with the plat; or imposition of a condition on approval of the vacation of all or part of a plat (which may include the vacation of any recorded covenants filed with the plat).

(2) Approval or disapproval of a variance from the zoning ordinance.

(3) A final decision under IC 36-7-4-1015 (appeal of a commitment modification or termination), unless the modification was made by the City-County Council.

(4) A final decision under IC 36-7-4-1400 Series (development plans).

(5) A final decision under IC 36-7-4-1500 Series of this chapter (planned unit development), when authority to make a final decision is delegated to the plan commission by the legislative body under IC 36-7-4-1511.

Such petitions for judicial review shall be presented to the court within thirty (30) days after the decision of the Metropolitan Development Commission. The petitioner for judicial review shall pay the costs of preparation of transcripts of any hearing before the Commission needed for the judicial review.

B. ADMINISTRATOR'S APPEAL OF ANY DECISION OF THE METROPOLITAN BOARD OF ZONING APPEALS OR THE BOARD OF ZONING APPEALS OF AN EXCLUDED CITY TO THE COMMISSION

The Administrator may appeal to the Commission any decision of a Board of Zoning Appeals granting an administrative appeal, or a special exception or variance from the terms of the zoning ordinance. A City-County Councilor, in whose district the parcel of real property is located, may appeal to the Commission a decision of a Board of Zoning Appeals approving, denying, or otherwise concerning a variance of use from the terms of the zoning ordinance that affects only real property located outside the corporate boundaries of an excluded city. The Administrator or City-County Councilor shall file the notice of appeal within five (5) days after the Board has rendered its decision. The notice must certify that the decision raises a substantial question of zoning policy appropriate for consideration by the Commission. The Commission shall hear the appeal at its next regular meeting held not less than five (5) days after the notice of appeal is filed. In hearing appeals, the Metropolitan Development Commission sits as a Board of Zoning Appeals and shall be treated as if it is a Board. The Commission may accept into evidence the written record of the hearing before the Board of Zoning Appeals, if any, along with other evidence introduced by the Division or interested parties. The Commission shall consider the matter de novo, but the decision of the Board is considered affirmed unless two-thirds (2/3) of the Commission members voting vote to deny the administrative appeal, special exception, or variance.

Appeals by the Administrator of a variance or special exception heard by the Hearing Examiner as part of a companion petition requires a majority vote as outlined in Article VI, Section 4, Quorum and Official Vote.

10. EXHIBITS

All exhibits submitted for consideration by the Commission, whether submitted by the petitioner or a remonstrator, shall become property of the Commission and will not be returned to the submitting party.

ARTICLE IX - SUPPLEMENTAL REVIEW PROCESS

1. ESTABLISHMENT OF SUPPLEMENTAL REVIEW PROCESS

The Commission establishes a flexible procedure for more intense review and more complete presentation of major approval, rezoning, and variance petitions, and companion petitions permitted by IC 36-7-4-403.5. This procedure, called the Supplemental Review Process, generally applies to petitions that, because of development size or intensity, will have a significant effect on drainage ways, parks, roadways, or sewer systems. Under the Supplemental Review Process, not all petitions will follow exactly the same procedure but common elements of the Process include:

A. Additional information about the effect of the development on infrastructure is requested from the petitioner.

B. Review of the supplemental information is made by the Department of Metropolitan Development, Department of Parks and Recreation, and Department of Public Works.

C. Interested persons and organizations in the community are notified about the petition.

D. A coordination meeting led by Department of Metropolitan Development staff is conducted to discuss the petition with the petitioner, representatives of affected City Departments, interested persons and organizations in the community.

E. The petition is scheduled for hearing before the Commission (not before the Hearing Examiner).

F. The Staff provides information that is more substantial to the Commission at the time of presentation of the petition, including information about the effect of the proposed development on infrastructure adequacy.

2. GOAL OF SUPPLEMENTAL REVIEW PROCESS

The goal of the Supplemental Review Process is to allow the Commission to make more informed decisions on the major petitions that affect adequacy of drainage systems, parks, roadways, and sewer systems. This goal is accomplished by establishing a structured means for provision of more accurate and complete information about the impact of the proposed development on infrastructure and establishing meetings among interested parties so that this information can be shared and conflicts among competing interests can be identified and, if possible, resolved. The Supplemental Review Process shall not unreasonably burden the resources of petitioners or needlessly protract the petition process. City staff shall be reasonable in applying Supplemental Review Process requirements and attentive to meeting City response time deadlines established under the Process.

3. APPLICATION OF SUPPLEMENTAL REVIEW PROCESS

Petitions that meet the thresholds for the Supplemental Review Process will be the subject of a request by Staff to be included in the Process. The petitioner is not required to participate in the Supplemental Review Process. However, petitions that meet Supplemental Review Process thresholds but do not participate in the Process, Staff shall assume reasonable infrastructure impacts based on the most intense development allowed by the petition in analyzing the petition and shall point out in the Staff comment that the petitioner has declined to participate in the Supplemental Review Process.

"Automatic" continuances, provided for under Article VI, 8, B, are not allowed, for either petitioner(s) or remonstrator(s), if the petition is being considered under the Supplemental Review Process.

A petitioner who agrees to participate in the Supplemental Review Process may, at any time, withdraw from the Process.

4. RULES FOR SUPPLEMENTAL REVIEW PROCESS

Procedural rules applying specifically to the Supplemental Review Process are hereby adopted by the Commission and are found in a booklet entitled "Supplemental Review Process User Manual". This booklet provides detailed information about Supplemental Review Process requirements and operation. The Supplemental Review Process is governed by these Rules of Procedure and the Supplemental Review Process User Manual. In case of a conflict, these Rules of Procedure control.

5. AMENDMENT OF SUPPLEMENTAL REVIEW PROCESS PROCEDURES

The Supplemental Review Process User Manual may be amended by action of the Commission in the same manner that these Rules of Procedure are amended.

ARTICLE X - ADDRESS GUIDELINES AND STANDARDS

1. ESTABLISHMENT OF THE ADDRESS GUIDELINES AND STANDARDS

To carry out its responsibilities regarding the assignment and reassignment of addresses and, the naming and renaming of streets, the Commission establishes the "Address Guidelines and Standards for Indianapolis/Marion County."

2. OBJECTIVES OF THE ADDRESS GUIDELINES AND STANDARDS

A. To improve the process in the assignment of new addresses.

B. To establish a review committee to correct existing addresses that would potentially delay emergency responses or the delivery of mail, goods and services.

C. To establish uniform address standards within Indianapolis/ Marion County for the use of street names and the location and display of address numbers.

D. To incorporate elements in the assignment and approval process that allows various interdependent agencies to share information through electronic integration.

3. RULES OF THE ADDRESS GUIDELINES AND STANDARDS

Procedural rules applying specifically to the assignment and reassignment of addresses or the naming and renaming of street names are hereby adopted by the Commission and are found in a document entitled "Address Guidelines and Standards for Indianapolis/Marion County." The Address Guidelines and Standards for Indianapolis/Marion County provides detailed information about addressing requirements and the naming and renaming of streets. The assignment and reassignment of addresses, as well as the naming and renaming of streets, are governed by these Rules of Procedure and the "Address Guidelines and Standards for Indianapolis/Marion County." In case of conflict, these Rules of Procedure control.

4. AMENDMENT OF ADDRESS GUIDELINES AND STANDARDS

The "Address Guidelines and Standards for Indianapolis/Marion County" document may be amended by the action of the Commission in the same manner that these Rules of Procedure are amended.

ARTICLE XI - CERTIFICATE OF LEGALLY ESTABLISHED NONCONFORMING USE

1. APPLICATION FOR CERTIFICATE

A property owner may petition for a certificate stating that the owner's property, though nonconforming to the uses and development standards set forth in the zoning ordinances of Indianapolis and Marion County, Indiana, shall nevertheless be deemed to be legally established as of the date of such certificate. To petition for such a certificate, the owner/petitioner shall submit the following:

A. An application for such certificate on a form prescribed by the Department of Metropolitan Development, which form shall require the submission of materials such as affidavits, city directory entries, assessment records, real estate records, or any other applicable proof, establishing that the use or development standards applicable to the property occurred prior to:

(1) the applicable zoning ordinances in place at the time the nonconformity(ies)was established; or,

(2) April 8, 1969 (in order to claim the specific exemption noted in 2. below).

B. A site survey, drawn to scale, noting all buildings and improvements on the property by type, use and construction.

C. Legal description of the subject property.

D. Application fee, as adopted by the Commission and noted in Article III, 9, A (Filing Fees) of its Rules of Procedure.

2. REVIEW OF SUBMISSION

A. The Administrator shall review the submission against the ordinances in place for the property, specifically in relation to the date of establishment claimed in the submission.

B. In cases where the owner/petitioner is claiming the exception noted as "legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969," found in the applicable zoning ordinances, the Administrator shall review the submission to ensure that the provisions of the ordinance relative to the exceptions have been satisfied.

3. CERTIFICATION

If the provisions of the exceptions noted above are satisfied, or, alternatively, if the documentation substantiates that the use or development standards associated with the property pre-date the applicable zoning ordinance in place as of the date claimed by the owner/petitioner, the Administrator shall issue a certificate of legally established nonconforming use.

Said certificate shall include the following:

A. the legal description of the property;

B. the street address;

C. a statement describing the nonconforming uses which are permitted or nonconforming development standards which are specifically involved;

D. a statement that, as of the date of issuance of the certificate, the nonconformities of the use or improvements of the property noted are deemed to be legally established;

E. the date of issuance;

F. Signature of the Administrator.

The certificate shall be notarized and shall be in a form that is acceptable for recording by the Recorder of Marion County, Indiana.

4. DISTRIBUTION OF CERTIFICATE; MAINTENANCE OF RECORDS

A copy of the certificate shall:

A. be recorded by the owner/petitioner with the Office of the Recorder of Marion County, Indiana.

B. be mailed by Department of Metropolitan Development staff to the Registered Neighborhood Association(s) within which the property is located.

C. be delivered by Department of Metropolitan Development staff to the applicable Assessor having jurisdiction over the property.

The Department of Metropolitan Development shall maintain a permanent record of all such certificates issued, which record shall be available to the public and shall be organized by common address of the property.

5. DENIAL OF CERTIFICATE

If after review of the submission, the Administrator determines it does not meet the requirements of this Article and the applicable ordinances referenced, the Administrator shall deny the application for certification.

6. ENGINEERS' CERTIFICATION OF CORRECTION

Engineers' "Certificates of Error" or "Certificates of Correction" reciting and correcting subsequently discovered engineering or surveying errors of measurements or typographical error in recording plats, re-plats or vacations shall require approval by the Administrator prior to recording.

ARTICLE XII - WAIVER OF RULES

1. The Commission, Committee or Hearing Examiner shall have the right to waive the Rules of Procedure upon their own motion, or upon request of an interested party, for good cause shown. However, a waiver request cannot be granted that would be inconsistent with Indiana Code.

2. The Commission, Committee or Hearing Examiner may grant a waiver from subdivision standards upon written findings of fact that: (1) the waiver is the minimum necessary; (2) strict application would result in practical difficulties; and (3) the waiver will not adversely affect public health, safety, or adjacent property. The Commission, Committee or Hearing Examiner may accept or require commitments to ensure the waiver's continued compatibility. All waiver approvals and commitments must be memorialized in writing and included in the record.

ARTICLE XIII - AMENDMENTS TO RULES OF PROCEDURE

Amendments to these Rules of Procedure shall be made by the Commission upon the affirmative vote of a majority of the members of the Commission who are entitled to vote.

ARTICLE XIV - ADOPTION

The foregoing Rules of Procedure of the Metropolitan Development Commission of Marion County, Indiana, are hereby adopted by the affirmative vote of the undersigned members of said Commission, this ____ day of _____, 2026

John J. Dillon III, Commissioner and President	_____, Commissioner and Vice- President
_____, Commissioner and Vice-Secretary	_____, Commissioner
_____, Commissioner	_____, Commissioner
_____, Commissioner	_____, Commissioner
_____, Commissioner	

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA

ATTEST:

_____, Counsel
Metropolitan Development Commission
of Marion County, Indiana

PLAT COMMITTEE

of the
Metropolitan Development Commission of
Marion County, Indiana

RULES OF PROCEDURE

ADOPTED:	March, 1979	
REVISED:	August 17, 1988	
	October 3,1990	
	August 14,1992	
	November 19, 1997	
	December 1, 2005	
	November 19, 2009	
	June 4, 2014	(2014-P-006)
	April 9, 2018	(2018-P-003)
	November 2, 2022	(2022-P-016)

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RULES OF PROCEDURE

ARTICLE I - PLAT COMMITTEE, GENERAL

1. **DEFINITIONS** - As used in these Rules of Procedure, the following terms shall have the following meanings:

   A. "Administrator" shall mean the Administrator of Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).

   B. "Commission" shall mean the Metropolitan Development Commission of Marion County, Indiana

   C. "Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.

   D. "Interested Parties" shall mean the following people and/or organizations: owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property; owners of property within the area included in the petition who are not petitioners; owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition; neighborhood organizations whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development; the City-County Councilor whose District includes all or some part of the subject property.

   ~~B.~~**E.** "Staff" shall mean the staff of the Committee who administers the public hearing process and provides formal recommendations on land use matters.

2. **MEMBERS** - The ~~Plat~~ Committee shall consist of five (5)members.

3. **OFFICERS** - Annually at the first regular meeting of the ~~Plat~~ Committee, a chairman, Vice- Chairman, and Secretary shall be elected from its members. The Chairman shall preside at all meetings, and in his or her absence or disability the Vice-Chairman shall preside.

4. **CHAIRMAN TO DECIDE POINTS OF ORDER** - The Chairman, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Committee in session at that time.

5. **MINUTES, RECORDS** - The ~~Plat~~ Committee shall keep minutes of its meetings, proceedings and other official actions, and of all petitions heard by it, and shall record the vote on all actions taken.

6. **BALLOT VOTE** - In all petitions heard by the ~~Plat~~ Committee, the Committee's vote shall be by ballot. All such ballots shall remain on file in the office of the Metropolitan Development Commission and shall be public records.

7. **WHO MAY FILE** - A petition for a plat may be filed by the property owner(s).

A petition for a vacation of land in a plat, or part of a plat may be filed by owners of all or part of the plat pertaining to the land owned by the petitioner.

A petition for a vacation of a street, alley, easement, or public grounds may be filed by all of the owner(s) of the real estate adjacent to the property proposed for vacation.

A duly appointed agent or representative may sign a petition on behalf of the owner of the subject parcel. Any authorization to sign the petition or otherwise act on the owner's behalf with respect to the plat or vacation request shall be in writing, signed by the owner on a form provided by the City with the application, and submitted at the time of filing the petition.

For purposes of this section, owner is defined to include:

A. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the most recent records of the township assessor;

B. A contract vendee;

C. A long-term lessee (but only if the lease is recorded among the records of the County recorder and has at least twenty-five (25) years remaining before its expiration date at the time of filing the petition.

8. **MINIMUM FILING TIME REQUIRED PRIOR TO HEARING** - All petitions shall be filed at least forty (40) days prior to the hearing at which they are to be considered, unless otherwise requested by petitioner and approved by the Administrator.

9. **COMPUTATION OF TIME -** In computing any period of time under these Rules of Procedure, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours. A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period required or allowed is less than seven (7) days, intermediate Saturdays, Sundays, state

holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

ARTICLE II - PUBLIC HEARINGS

1. **TIME AND PLACE OF PUBLIC HEARINGS -** Regular meetings, designated as public hearings of the ~~Plat~~ Committee of the Metropolitan Development Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 p.m. on the second Wednesday of each month. If such regular meeting day falls on a legal holiday, such meeting shall then be held on the following day that is not a legal holiday, unless the Administrator determines that it would create a conflict with another scheduled hearing or meeting. The Administrator shall then select an alternate hearing date.

2. **SPECIAL MEETINGS -** Special meetings may be called by the Chairman or by three (3) members of the ~~Plat~~ Committee upon written request to the Secretary, who shall send to all members thereof, at least two (2) days in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a previous regular meeting.

3. **ALL MEETINGS AND HEARINGS PUBLIC** - All regular or special meetings and hearings of the ~~Plat~~ Committee shall be open to the public.

4. **QUORUM -** The ~~Plat~~ Committee consists of five (5) members. A majority of the five (5) members of the ~~Plat~~ Committee shall constitute a quorum. No action of the ~~Plat~~ Committee is official unless concurred by a majority of its members.

   A. When an electronic voting system is used, the voting period shall remain open for a fixed duration of one (1) minute. During this time, members may cast or change their votes. Once the voting period has expired, no changes to votes shall be permitted. The presiding officer shall then close the vote and announce the result.

5. **VIRTUAL ATTENDANCE** - Virtual attendance for meetings of the Committee is permitted so long as it is done in accordance with IC 5-14-1.5-3.5 (as amended from time to time). If any member(s) participates in a meeting of the Committee hearing virtually, then all votes shall be by roll call or voice vote.

6. **INDECISIVE VOTE -** If in any case, the vote of the ~~Plat~~ Committee does not result in official action as set forth in Article II, 4 above, the petition shall be automatically re-docketed and heard at the next regularly scheduled meeting of the ~~Plat~~ Committee

7. **WRITTEN APPEARANCES -** Any person interested in any petition shall have the right to enter a written appearance in the petition. Such written appearance shall indicate the name of the person appearing, or the name of any attorney or agent appearing on behalf of the interested party, and the address and telephone number of the party, attorney, or agent. The ~~Plat~~ Committee shall prepare and make available appropriate forms for such purpose, or the person interested may file such information in any form desired provided that the foregoing information is provided. The filing of the petition shall be deemed as an

appearance therein by the petitioner and his attorney or agent. Any person interested in a petition shall also have the right to appear at the public hearing and state his or her issues, without filing a written appearance.

8. CONTINUANCE - A continuance on any petition may be granted in one of three ways:

A. Plat Committee Continuance: The ~~Plat~~ Committee may, at any time, at its own discretion, continue the hearing of any petition. The ~~Plat~~ Committee may decide if re- notification of interested property owners shall be required if a petition is continued at a hearing for which proper notice was given by petitioner in compliance with the notice requirements of Article IV hereof.

B. Automatic Continuance: Each party (petitioner(s) and remonstrator(s)) shall be granted only one automatic continuance by the Administrator, to be used at the hearing, provided the continuance request meets the following:

(1) The continuance request must be the first request for continuance by that party.

(2) The continuance request must be made in writing and filed no less than by 5:00pm on the seventh (7) day prior to the day of the scheduled hearing.

(3) The continuance request shall include the new date of the hearing that would be the next regularly scheduled meeting of the ~~Plat~~ Committee.

(4) The party requesting the continuance shall give notice to all parties required to be served notice by Article IV hereof and to attorneys, agents or other individuals who have entered their appearance or are known by the party requesting the continuance to represent petitioner(s), remonstrator(s) or other parties. However, registered neighborhood organizations and City-County Councillors shall be required to give notice only to attorneys, agents, petitioners, and individuals who have signed a remonstrators of record form in the petition file.

Such notice shall be mailed at least seven (7) days prior to the hearing.

(5) If the continuance is granted to a date other than requested in the written request, the party requesting the date change shall notify all parties entitled to receive the notice of the date to which the hearing has been continued and shall file a copy of such notice with the Administrator.

(6) An affidavit of notice shall be submitted to the Administrator at the time the continuance request is filed.

(7) An automatic continuance cannot be withdrawn after being file-stamped and accepted by the Division of Planning.

C. **Continuance for** Cause: All other continuances shall be considered a Continuance for Cause that may be granted by the ~~Plat~~ Committee at the hearing. If both the petitioner(s) and remonstrator(s) do not agree to a Continuance for Cause, the ~~Plat~~ Committee shall base its decision to grant or not to grant the request on testimony from both parties at the hearing. At the hearing, written requests for continuance shall be considered prior to verbal requests for continuance.

9. **TIME ALLOWED AND PROCEDURE FOR HEARING OF PETITIONS** - Petitioners and remonstrators, respectively, shall be permitted a total of ~~20~~ fifteen (15) minutes for presentation of evidence, statements, and argument at the public hearing of every petition. The procedure of presentation shall be as follows:

A. Petitioners and persons appearing in support of the petition being heard shall first have ~~15~~ ten (10) minutes for the presentation of evidence, statements and argument in support of the matter being considered. A reasonable additional time shall then be allowed for cross-examination and redirect examination of petitioner's witnesses.

B. Remonstrators and persons appearing in opposition to the petition shall then have ~~15~~ ten (10) minutes for the presentation of evidence, statements, and argument in opposition to the matter being considered. A reasonable additional time shall then be allowed for cross-examination and redirect examination of remonstrators' witnesses.

C. A reasonable additional time shall be allowed for any member of the City-County Council to provide testimony regarding a petition.

D. The Administrator, in person, or by agent or by attorney shall be given a reasonable time by the Committee for the presentation of evidence, statements, and arguments in support of, or in opposition to the matter being considered.

E. The petitioner shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of remonstrators' evidence and a brief closing statement.

F. Remonstrators and persons appearing in opposition to the petition shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of petitioner's rebuttal evidence and a brief closing statement.

G. A reasonable additional time may be allowed for any member or member-elect of the City-County Council

H. to provide rebuttal testimony.

I. Neither petitioners nor remonstrators shall be permitted to reserve for rebuttal any time not used during their initial presentations.

J. The presiding officer shall have authority to cut off repetitious and irrelevant testimony, and to extend the total 20 minute periods specified above, upon the request of any interested party, where appropriate in the interest of affording to all interested parties a fair hearing.

10. ORDERLY CONDUCT REQUIRED - Every person appearing before the ~~Plat~~ Committee shall abide by the order and directives of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Committee and shall be dealt with by the presiding officer as he or she deems fair and proper.

11. ANY PARTY MAY APPEAR IN PERSON, BY AGENT OR BY ATTORNEY - At all hearings, any party may appear in person, by agent or by attorney.

An attorney or other representative of any party, petitioner or remonstrator may testify as to facts of which he has particular knowledge relating to the issues of the petition, but in so testifying the attorney or representative shall be sworn and subject to cross- examination, as are other witnesses.

12. CONTACTING ANY COMMITTEE MEMBER REGARDING PENDING PETITION PROHIBITED; ADMINISTRATOR'S WRITTEN STATEMENT OF FACTS OR OPINION - No person, firm, corporation, public employee, or body politic shall contact any member of the ~~Plat~~ Committee orally, or in writing, in advance of public hearing in a petition then pending for decision in an effort to influence such member's votes, except that the Administrator, or a member of his or her staff, may submit prior to any proposed hearing, a written statement of planning facts or opinion regarding such petition. A copy of such statement shall be furnished simultaneously to the petitioner and persons who have filed written appearances as outlined in Article II, Section 6.

13. DISQUALIFICATION IN CASE OF PERSONAL OR FINANCIAL INTEREST - A member of the Committee who has any personal or direct or indirect financial interest in any petition presented shall disqualify himself or herself insofar as the particular petition is concerned, and shall not participate in the hearing and decision of such petition. The member disqualifying himself or herself shall do so before the petition is heard and shall not sit with the Committee while the testimony relating to the petition is in progress.

14. ALL TESTIMONY UNDER OATH - All testimony before the ~~Plat~~ Committee shall be given under oath or affirmation that shall be administered by some person, qualified to administer oaths.

15. RECORD OF HEARING - A verbatim recording, stenographic record, or stenotype record shall be made of all hearings of the ~~Plat~~ Committee and shall remain on file in the office of the Department of Metropolitan Development for a period of six (6) months following hearing and determination, subject to State records retention laws. A transcript of such record of any hearing may be ordered by any party, and the cost thereof shall be paid by the party ordering such copy or copies. All exhibits, whether submitted by a

petitioner or remonstrator, shall become the property of the ~~Plat~~ Committee and shall not be returned to the submitting party.

ARTICLE III - FILING AND DOCKETING OF PETITIONS

1. **FILING ON COMMITTEE'S FORMS REQUIRED -** All petitions shall be presented for filing on forms supplied by the ~~Plat~~ Committee and shall include the exhibits, material, and information required by and specified on said forms.

   Any communication purporting to be a petition not filed on such forms or not containing the information called for on said forms, shall be regarded as a mere notice of intention to file a petition and shall be of no force or effect until such filing is made on the required forms and contain all exhibits, materials and information required.

   For vacations of streets and alleys, an as-built right-of-way improvement survey, shall be prepared by a registered land surveyor and submitted, detailing adjoining property owners, all physical improvements and easement restrictions, including but not limited, to pavement and right-of-way widths, structural encroachments, sidewalks, easements, above-ground and underground utilities and curb cuts.

2. **DOCKET NUMBER -** After determination by the Administrator that a petition has been presented in proper form with all required exhibits, materials, ~~and~~ information, and all applicable filing fees have been paid, such petition shall be filed and numbered consecutively in the order of its filing. The docket numbers shall begin anew on January 1, of each year, and all petitions shall be hyphenated with the numbers of the year, and initials indicating the type of petition, followed by the number of the petition. The system of initials indicating the type of petition shall be established and maintained by the Administrator. On the date set for hearing, petitions shall come before the ~~Plat~~ Committee in the regular order of their consecutive numbers, with plat petitions heard first, followed by vacation petitions, and vacation assessment hearings.

3. **DOCKETING PROCEDURES FOR EXPEDITED PETITIONS -** Petitions may be scheduled out of their regular consecutive number order, if they are placed on the expedited portion of the docket. Petitions may be expedited and placed on the beginning of the docket by the Administrator, if, and only if, the following criteria are met:

   A. There is no known remonstrance to the petition;

   B. Staff is recommending approval of the petition; and

   C. The petitioner is in agreement with the conditions as proposed in the written staff report.

4. **FILING FEE -**

   A. In order to compensate for the expense of advertising and processing, per IC-36-7-4- 704 the following fee shall be paid by the applicant at the time of filing:

a. Preliminary Plat for a Major subdivision	$2,999.00 plus $19 per lot
b. Preliminary Plat for a Minor subdivision	$2,299.00 plus $19 per lot
c. Preliminary Plat for a Cluster subdivision	$3,899.00 plus $19 per lot
d. Additional fee for a Waiver of Subdivision Control Ordinance	$ 479.00
e. Secondary Plat for a Major or Cluster Subdivision	$1,699.00
f. Secondary Plat for a Minor subdivision	$ 499.00
(2) Petition Requesting Vacation Approval of:	
a. Vacating a Street or alley right-of-way	$4,299.00 plus $5 per 10
b. All other vacation requests	$linear foot of the street or alley $2,899.00
(3) Miscellaneous:	
a. Amendment to any other Petition requiring revised legal notice after legal notice has been published	$ 250.00
b. Subdivision Surety Reduction	$ 139.00 per surety per section
c. Sidewalk or Street Sign Inspection of a subdivision and Surety Release	$ 139.00 per section
(4) Address/Street name changes:	
a. Request for Change of Address assignment:	$ 300.00 per lot
b. Street name change (other than for public safety reasons)	$1,500.00 per block

B. DEPARTMENTAL FEE WAIVER For all departments of the City of Indianapolis, all fees outlined above shall be waived for projects in which:

(1) a department is the applicant or petitioner and the project is located on property owned by the department or the City of Indianapolis; or

(2) the Department of Metropolitan Development or the Commission is the applicant or petitioner.

C. MAINTENANCE OF FUNDS - As a Committee of the Commission, all monies from any filing fees for petitions and other activities to defray administrative costs shall be directed to the Commission's non-reverting fund to maintain said receipts.

5. ADDITIONAL PROCEDURAL REQUIREMENTS OF SUBDIVISION CONTROL ORDINANCE - Filing of applications for primary or secondary plat (or re-plat) approval (including major, and minor subdivisions), notification, filing of bonds for subdivision

improvement and completion affidavits, recording of plats and all other platting (or re-platting) procedural requirements shall be in accordance with Chapter 741, the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. The Department of Metropolitan Development may require electronic filing of application materials.

6. **ADDITIONAL FILING REQUIREMENTS FOR VACATION PETITIONS** - Filing of applications for vacations petitions shall be in compliance with Chapter 741, the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. For vacations of streets and alleys, an as-built right-of-way improvement survey, shall be prepared by a registered land surveyor and submitted, detailing adjoining property owners, all physical improvements and easement restrictions, including but not limited, to pavement and right-of-way widths, structural encroachments, sidewalks, easements, above-ground and underground utilities and curb cuts. Written proposed Findings of Fact must be submitted for petitions to vacate a plat or a portion of a plat, as well as petitions to vacate streets, alleys, or other public rights-of- way. Forms, outlining the specific types of Findings, are included with the vacation petition forms.

7. **ADDITIONAL FILING REQUIREMENTS FOR WAIVERS -** Filing of applications including a request for a waiver of the Rules of Procedure or the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended, shall be accompanied by a detailed description of the waiver(s) requested. Written proposed Findings of Fact shall be filed for any waiver of the standards and specification of the Subdivision Control Ordinance. Description of the requested waiver(s) of the standards and specification of the Subdivision Control Ordinance shall be included in the Notice as described in Article IV.

ARTICLE IV - NOTICE

1. **NOTICE REQUIREMENTS -** Notice of all petitions to be heard by the ~~Plat~~ Committee shall be given to all interested parties or property owners, in the following manner:

   A. **NOTICE BY PUBLICATION -** When the ~~Plat~~ Committee is required by law to publish a notice of a public hearing on a petition or other matter, such notice shall be published by the Committee at least ten (10) days prior to the date set for the hearing, in accordance with IC- 5-3-1.

   B. **ADDITIONAL NOTICE -** Additional notice by petitioners to owners of adjoining land, neighborhood organizations and affected City-County Councilors.

      (1) Plat Petitions and Petitions to Vacate a plat or a portion of a plat, including but not limited to the vacation of a platted building line or covenant.

      Additional notice of each Plat petitions and petitions to vacate a plat or a portion of a plat, including but not limited to the vacation of a platted building line or covenant, shall be given by the petitioner by registered, certified or first- class mail at least ~~twenty- three (23)~~ ten (10) days before

the date of the hearing (on the form prescribed by the Committee) to all of the following parties:

(a) owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property.

(b) each owner of land in the affected section of the plat.

(c) owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six hundred and sixty (660) feet of the perimeter of the subject property described in the petition.

In no event shall notice be required to be given to owners of land located more than six-hundred and sixty (660) feet from the subject property. However, the Indianapolis Department of Public Works and the Indiana Department of Transportation (INDOT) shall not constitute a property owner requiring notice if the property is right-of-way used for street or highway purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT.

(2) **Petitions to vacate an Alley**, **Street**, **Easement**, **or Public Grounds**. Petitioner shall give additional notice of a petition to vacate an alley, street, easement, or public grounds by registered, certified or first class mail at least ~~twenty-three (23)~~ ten (10) ~~-~~days before the date of the hearing (on a form prescribed by the Committee) to all of the following parties:

(a) owners of all real estate, or interests therein.

(b) all abutting property owners along such street, alley, and/or public ground to be vacated. If the proposed vacation terminates at mid-block (i.e., at a location other than a right-of-way with an intersecting street), such notice shall include all owners from the termination of the vacation to the next intersecting street, in the same direction, beyond such termination.

(c) owners of all adjoining parcels of ground to a depth of two (2) ownerships, within six hundred sixty (660) feet of the perimeter of the subject right-of- way. However, the Indianapolis Department of Public Works or its successor and the Indiana Department of Transportation (INDOT) or its successor shall not constitute a property owner requiring notice if the property is right-of-way used for street purposes, except for interstate right-of- way, in which case notice shall be sent to the INDOT.

(d) all public utilities, the Department of Public Works of Indianapolis-Marion County, and the Department of Public Safety of Indianapolis- Marion County,

(e) office or board entitled to receive legal notices for any city or town affected by the proposed vacation, and

(f) any excluded city, if the proposed vacation is within the boundaries of an excluded City.

(3) For purposes of the notice requirement of this Section, where any of such adjacent parcels of land are owned by petitioner, the subject property shall be deemed to include any land owned by petitioner adjacent to the land described in the petition.

(4) In the case of property that is subject to I-C- 32-25, each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners.

(5) For the purpose of determining names and addresses of legal title owners, the records in the office of the Assessors of Marion County and the similar office designated for ownership records by each County adjoining Marion County that list the current owner(s) of record at a point in time within fourteen (14) days of the date on which the notice shall be sent, shall be deemed to be true names and addresses of persons entitled to notice and if notice is sent to such persons for the purposes of the hearing before the Committee, such notice shall be deemed proper.

Commented [BP2]: With the notice down to 10 days, should this be adjusted?

(6) Such notice shall state:

(a) the time and place of the hearing;

(b) the geographic area (by address or other identifiable locational or geographic characteristic) that is the subject of the plat or vacation (this does not require the identification of any real property by metes and bounds);

(c) the name of the petitioner;

(d) the docket number and a description of the proposed plat or vacation requested in the petition;

(e) the petition and file, including the legal description of the subject property, may be examined in the offices of the Committee;

(f) that written objections to the petition that are filed with the Secretary of the Committee before the hearing will be considered;

(g) that oral comments concerning the petition will be heard; and

(h) that the hearing may be continued from time to time as may be found necessary.

(7) Such notice shall also be sent in the same manner to each neighborhood organization whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development (a copy of which is on file in the offices of the Committee and incorporated herein by reference). The Neighborhood Organization map shall be maintained as provided for in the Metropolitan Development Commission's Rules of Procedure. For purposes of such notice, the names, addresses and boundaries of Neighborhood Organization Map shall be deemed the true names, addresses and boundaries thereof. The list of those neighborhood organizations entitled to notice shall be provided to the petitioner by the staff of the Committee.

(8) Such notice shall also be sent in the same manner to each City-County Councillor whose District includes all or some part of the subject property. City-County Councillor notification shall be given for every petition. The list of those City-County Councillors entitled to notice shall be provided to the petitioner by the staff of the Committee.

C. NOTICE ON SUBJECT PROPERTY - Notice for all petitions, on a form prescribed by the Commission, shall be posted at least twenty-three (23) days before the date of hearing.

Said notice shall be located in a conspicuous place on the subject property along each public street frontage, except Interstate highways. For vacations of streets and alleys, said notice shall be posted upon private property abutting each terminus of the proposed vacation area. Such notice shall not be located within any public right-of- way, unless authorized by the Administrator.

Said notice shall remain posted until resolution of the petition. The Administrator may require a nominal, refundable deposit for said notice. Deposit shall be refunded upon return of said notice within 60 days of petition resolution.

The requirements of Sections 1(B) and (C) of this Article shall not be applicable to petitions initiated by the Commission. The Commission shall determine the requirements, if any, for notice on such petitions.

D. ADDITIONAL NOTICE FOR TALL STRUCTURES AND DEVELOPMENT IN NOISE SENSITIVE AREAS - The petitioner applying for a petition involving a structure regulated under IC 8-21-10 shall provide evidence

to the Commission that notice was delivered to any public use airport located within the distance described in IC 8-21-10-3 of the structure regulated under IC 8-21-10 not less than sixty (60) days before the initial hearing of the petition. Said notice shall include the direction to send comments to the attention of the Commission.

2. **AFFIDAVIT OF NOTICE -** Petitioner, his or her attorney or agent shall furnish evidence of compliance with the notice requirements by filing a notarized statement in the offices of the Committee listing the name and addresses of property owners and neighborhood organizations to whom notice was sent by certified, registered or first class mail and certifying that notice was posted on the subject property. Said notarized statement shall be postmarked or filed in the offices of the Committee within three (3) days following the mailing and posting of notice.

3. **DEFECTIVE NOTICE** - If proper notice pursuant to Sections 1 (B) and (C) of this Article has not been given, the Plat Committee may continue the petition until a later date to allow time for un-notified persons to prepare for hearing. Personal appearances shall waive any defect in notice unless the defect in the notice is timely raised at the beginning of the hearing, when the Plat Committee is considering requests for continuances. If the failure to give proper notice is not discovered until after the hearing, the Plat Committee may order the petition to be reheard by the Committee, upon proper notice given by the petitioner.

ARTICLE V - APPEALS TO COMMISSION

1. **PLATS -** Any interested party, including the Administrator, may file a request for an appeal of the recommendation of the Plat Committee, including any conditions. Such request for appeal shall be filed in the offices of the Commission no later than by 5 p.m. of the 5th day following the action of the Plat Committee, per IC-36-7-4-708. Said request for appeal shall simply state that the party requests a hearing by the Commission. Prior to or upon the same day as a request for appeal is filed in the offices of the Commission, a copy thereof shall be served, personally or by mailing, upon the opposing party as follows: a remonstrator shall serve petitioner's attorney or agent or, if none has appeared, the petitioner as named and at the address stated in the petition; a petitioner shall serve all remonstrators' attorneys or agents who appeared at the hearing and, if none appeared, shall serve the first two persons who spoke on behalf of remonstrators, at their addresses as stated at the hearing; the Administrator shall serve both petitioner and remonstrators as above provided. Documentation evidencing such service shall be filed with the Commission. The Commission shall hear the appeal at its next regular meeting held at least 10 days after the notice of appeal is filed.

2. **VACATIONS -** Appeals of the decision of the Plat Committee regarding the vacation of plats or parts of plats, vacation of public ways, easements, or public places or parts thereof shall follow the same procedure noted in Section 1 of this Article V, in accordance with IC- 36-7-4-712.

3. **COMMISSION DECISION FINAL -** A final decision of the Commission, including: primary approval or disapproval of a plat; imposition of a condition on primary approval of a plat; approval or disapproval of the vacation of all or part of a plat; approval or

disapproval of the vacation of any recorded covenants filed with the plat; or imposition of a condition on approval of the vacation of all or part of a plat (which may include the vacation of any recorded covenants filed with the plat) may be reviewed in accordance with Indiana Code 36-7-4-1600 (Judicial Review).

Such petitions for judicial review shall be presented to the court within thirty (30) days after the decision of the Metropolitan Development Commission. The petitioner for judicial review shall pay the costs of preparation of transcripts of any hearing before the Commission needed for the judicial review.

ARTICLE VI - FINAL DISPOSITION OF PETITIONS

1. FINAL DISPOSITION OF PLAT PETITIONS

A. Written notice of the Committee's decision upon petitions for plat or re-plat approval shall be sent by regular mail to the petitioner.

B. Such notice shall state the conditions, if any, imposed upon the approval of plats (or re-plats).

C. Written findings of fact shall be prepared indicating the reasons for approval or disapproval of the petition, per IC-36-7-4-707.

2. FINAL DISPOSITION OF VACATION PETITIONS

A. **HEARING CONCLUSION -** Upon the conclusion of the hearing, the Plat Committee shall find and decide:

(1) For the vacation of an alley, easements, street or public grounds, whether the vacation is in the public interest in accordance with IC 36-7-4-712; whether any interests of the public, any utility or governmental unit shall be reserved; any other conditions to be imposed in the decision; and whether there shall be a hearing on assessment of benefits or award of damages. **OR**

(2) For the vacation of plat or portions of plats, whether (a) conditions in the platted area have changed so as to defeat the original purpose of the plat; (b) it is in the public interest to vacate all or part of the plat; and (c) the value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation, in accordance with IC-36-7-3-11.

B. **ASSESSMENT OF BENEFITS**

(1) **Vacation without Assessment of Benefits or Award of Damages**. In any vacation petition in which there has been no acquisition by governmental condemnation or purchase, no construction or maintenance by a governmental agency and no public use of the subject property, or any part thereof, there shall be no assessment of benefits. No benefits shall be assessed against the owner of any land in governmental or public

ownership, or to be vacated for governmental or public use or for use by a semi-public institution or agency engaged in a public, non- proprietary function, such as education or welfare.

(2) **Vacation Petitions with Assessment of Benefits**. All other vacation petitions are with assessment of benefits. The assessment of benefits may occur at the same hearing as the vacation petition, or at the next regularly scheduled hearing after the vacation petition is approved.

(3) **Selection of Appraiser**. Petitioner shall select, from a panel of appraisers designated by the Metropolitan Development Commission (a list of which is on file in the office of the Department of Metropolitan Development, Division of Planning), an appraiser who, upon his selection by petitioner and notification thereof by the Secretary of the Committee, shall appraise any benefits to property or interests beneficially affected by the vacation. One copy of the appraisal report shall be filed at least 10 days prior to the hearing on the assessment. The appraisal fee shall be paid by Petitioner at the hearing upon assessment of benefits or within 10 days thereafter.

(4) **Determination of Assessment**. Upon the conclusion of the hearing, the Plat Committee may either sustain or modify the assessments of benefits.

(5) **Payment of Assessment**. Payment of assessments shall be by check payable to the City Controller that may be submitted at the hearing upon assessment of benefits, or within one year thereafter.

C. VACATIONS IN EXCLUDED CITY OR INCLUDED TOWN - If the Plat Committee finds that the Excluded City or Included Town acquired the subject property by condemnation or purchase, or that it has performed construction or maintenance on the subject property or any part thereof, the Plat Committee shall refer final action upon assessment of benefits or award of damages to such City or Town. Within thirty (30) days after final action upon assessment of benefits or award of damages, the petitioner shall file with the Plat Committee, a certified copy of the final action of the City or Town and proof of compliance with any conditions imposed in the Plat Committee's decision. Within ten (10) days after recording the vacation, Petitioner shall file proof thereof with the Plat Committee. If the Plat Committee finds that the City or Town did not acquire the subject property by condemnation or purchase and further finds that it has neither performed construction or maintenance on the subject property, then the Plat Committee shall proceed in accordance with Section 2, A of this Article.

D. RECORDING VACATIONS - The Administrator shall not record the adopted Vacation Resolution until after all appeal periods have passed, or after final disposition of an appealed vacation petition. If any conditions are imposed on a vacation by the Plat Committee, petitioner shall, within one year of the vacation approval (unless time is extended by the Committee), indicate, in writing, compliance with all conditions of the vacation that were required to be completed

prior to recording said vacation. After the compliance letter is received and after all assessment and appraisal fees have been paid by the petitioner, the Administrator shall be authorized to file with the Marion County Auditor and record with the Marion County Recorder certified copies of the adopted Vacation Resolution, survey, and Committee's decision.

E. **COMMITMENTS -** If deemed advisable, the Committee may require or permit the petitioner to make written commitments concerning the use or development of the subject property.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Committee may require and the commitment(s) shall authorize their recording by the Division of Planning in the Office of the Recorder of Marion County, Indiana upon adoption of a vacation or plat petition by the Committee. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file. The commitments shall be in substantially the form set forth by the Metropolitan Development Commission.

Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Committee may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. The commitments may be modified or terminated by a decision of the Committee, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Committee shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Committee, and recorded in the office of the Recorder of Marion County, Indiana. The modification or termination shall be in substantially the form set forth by the Metropolitan Development Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

F. **DISMISSAL OF PETITIONS** -The Plat Committee may dismiss a petition for want of prosecution or for lack of jurisdiction.

G. **WITHDRAWAL OF PETITIONS -** No petition may be withdrawn by the petitioner after a vote has been ordered by the Chairman. No plat or vacation petition that has been withdrawn by the petitioner shall again be placed on the docket for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit re-docketing, adopted by the affirmative vote of a majority of the members of the Committee.

H. **REDOCKETING FOLLOWING ADVERSE DECISION -** No plat or vacation petition that has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Committee within a period of one year from

the date of the decision, except upon motion to permit re- docketing, adopted by the affirmative vote of a majority of the members of the Committee.

ARTICLE VII - ENGINEERS' CERTIFICATION OF CORRECTION

Engineers' "Certificates of Error" or "Certificates of Correction" reciting and correcting subsequently discovered engineering or surveying errors of measurements or typographical error in recording plats, re-plats or vacations shall require approval by the Administrator prior to recording.

ARTICLE VIII - WAIVERS

1. **WAIVER OF RULES -** The Plat Committee, upon the affirmative vote of a majority of the members present and entitled to vote, shall have the right to waive the Rules of Procedure upon its own motion or upon request of an interested party for good cause shown. However, a waiver request cannot be granted that would be inconsistent with Indiana Code.

2. **WAIVER OF STANDARDS AND SPECIFICATIONS -** After notice in accordance with these Rules and upon the affirmative vote of a majority of the members present and entitled to vote, the Plat Committee shall have the right to waive the standards and specifications of the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. Said waiver shall be based upon Findings of Fact as prescribed by the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended.

~~ARTICLE IX - DEFINITIONS~~

~~As used in these Rules of Procedure, the following terms shall have the following meanings:~~

1. ~~"Administrator" shall mean the Administrator of the Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).~~
2. ~~"Commission" shall mean the Metropolitan Development Commission.~~
3. ~~"Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.~~

~~ARTICLE X~~ARTICLE IX – AMENDMENTS

Amendments to these Rules of Procedure shall be made by the Metropolitan Development Commission upon the affirmative vote of a majority of the members of the Commission who are entitled to vote.

The foregoing Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, are hereby adopted by the affirmative vote of the undersigned members of said Commission, this 2nd day of November, 2022. The Effective Date of this Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana shall be November 2, 2022.

Commented [BP3]: Adjust for scheduled hearing

John J. Dillon III, Commissioner and President	Megan Garver, Commissioner and Vice-President
Bruce Schumacher, Commissioner and Vice-Secretary	Mindy Westrick, Commissioner
Karina Bruns, Commissioner	William Selm, Commissioner
Alpha Blackburn, Commissioner	Brigid Robinson, Commissioner
Vincent Ash, Commissioner	

Commented [BP4]: Adjust for hearing

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA

ATTEST: _____
Katelyn Campbell,
Counsel, Metropolitan
Development Commission
of Marion County, Indiana

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METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-P-016

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

WHEREAS, the Commission is empowered to designate hearing examiners to conduct any public hearing required to be held by the Commission or make any decision required to be made by the Commission, or both, under Indiana Code§ 36-7-4-402; and

WHEREAS, the Commission designated Judith Weerts Hall as hearing examiner for the period of January 1, 2025, through December 31, 2025, in Resolution 2024-P-010, adopted on November 20, 2024 as well as January 1, 2026, through December 31, 2026, in Resolution 2025-P-012, adopted on November 5, 2025 ; and

WHEREAS, the Commission now seeks to extend the term of service through December 31, 2027 with Judith Weerts Hall and to designate a hearing examiner and alternate hearing examiner for the Regional Center hearings; and

WHEREAS, the Commission desires to appoint Brian Robinson as Regional Center Hearing Examiner for the period from January 1, 2027, through December 31, 2027; and

WHEREAS, the Commission desires to appoint Megan Phillippe as alternate Regional Center Hearing for the period from January 1, 2027, through December 31, 2027.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby designates Judith Weerts Hall as hearing examiner for the period from January 1, 2027, through December 31, 2027.

2. The Commission directs the Department of Metropolitan Development ("DMD") to amend its 2024 professional services agreement with Judith Weerts Hall to extend the term of service to terminate on December 31, 2027.

3. The Commission hereby designates Brian Robinson as Regional Center Hearing Examiner for the period from January 1, 2027, through December 31, 2027.

4. The Commission hereby designates Megan Phillippe as alternate Regional Center Hearing Examiner for the period from January 1, 2027, through December 31, 2027.

5. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable by such Director to effectuate the authorizations set forth in this Resolution.

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

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on November 18th, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

Resolution No. 2026-P-016

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

John J. Dillon III, President

Approved as to Adequacy of Legal Form:

Christopher Steinmetz, Asst. Corp. Counsel

Date: 11/09/2026

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA
RESOLUTION NO. 2026-HP-002
THE FORMER ST. FRANCIS DE SALES CATHOLIC CHURCH

WHEREAS, the Indianapolis Metropolitan Development Commission (the “Commission” or “MDC”) serves as the Plan Commission of the Consolidated City of Indianapolis-Marion County, Indiana (the "City") under IC 36-7-4 (the “Local Planning and Zoning statute”); and

WHEREAS, in that capacity the Commission serves as the planning and zoning authority; and

WHEREAS, as it is the duty of the Commission to adopt, after a public hearing, segments of the Marion County Comprehensive Plan; and

WHEREAS, the Indianapolis Historic Preservation Commission (the "IHPC") has been given the statutory power and duty to identify by declaratory resolution areas, structures, and sites in the county having historic or architectural significance, and prepare historic plans for them; and

WHEREAS, the IHPC has the power and the duty under IC 36-7-11.1-6 to prepare proposed historic preservation plans for all appropriate areas of the county and submit proposed historic preservations plans to the MDC for consideration for adoption as a segment of the comprehensive plan of the county; and

WHEREAS, the IHPC considers the former St. Francis de Sales Catholic Church located at 2186 North Sherman Drive, Indianapolis, Marion County, Indiana to be of historic and architectural significance, and a historic plan has been prepared for the former St. Francis de Sales Catholic Church; and

WHEREAS, on August 12, 2026 the IHPC approved Resolution 2026-R-02 and thereby declared the former St. Francis de Sales Catholic Church to be of historic and architectural significance; designated it as an historic area and placed on the Marion County Register of Historic Properties; and on the same date approved Resolution 2026-R-03 and thereby recommended to the MDC that Historic Preservation Plan 46 – The Former St. Francis de Sales Catholic Church be adopted as a segment of the Comprehensive Plan for Marion County; and

NOW THEREFORE BE IT RESOLVED:

1. That, pursuant to IC 36-7-4 and IC 36-11.1, the Metropolitan Development Commission of Marion County, Indiana, hereby amends the Comprehensive Plan for Marion County, Indiana by the adoption of The Historic Area Preservation Plan 46 – The Former St. Francis de Sales Catholic Church (which is attached hereto), and made a part of this resolution and by incorporating same as an amendment of the Comprehensive Plan for Marion County, Indiana.
2. That the Director of the Department of Metropolitan Development shall make one complete copy

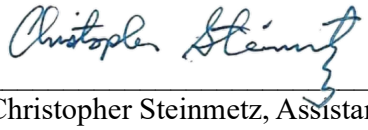
of the plan available in the Office of the MDC and shall file (1) copy of this resolution in the Recorder of Marion County together with a copy or summary of The Former St. Francis de Sales Catholic Church Preservation Plan 46 – the Former St. Francis de Sales Catholic Church.

Adopted the 18th day of November, 2026

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA

_____
John J. Dillon III ---President
Metropolitan Development Commission

APPROVED AS TO LEGAL FORM
AND ACCURACY THE 9th DAY
OF NOVEMBER, 2026.



_____
Christopher Steinmetz, Assistant Corporation Counsel

HISTORIC AREA PRESERVATION PLAN – 46

FORMER ST. FRANCIS DE SALES CHURCH HA-46 (SF)

2186 N. Sherman Dr
Marion County, Indianapolis 46218

A PART OF THE
COMPREHENSIVE PLAN
FOR MARION COUNTY, INDIANA

Adopted by the Indianapolis Historic Preservation Commission

August 12, 2026

Adopted by the Metropolitan Development Commission
(Date to be added upon adoption)

Prepared By:

Staff of the Indianapolis Historic Preservation Commission
1842 City-County Building
200 East Washington Street
Indianapolis, Marion County, Indianapolis

Credits

Mayor Joseph H.
Hogsett City of
Indianapolis

Director Megan Vukusich
Department of Metropolitan Development

City-County Council Members

Leroy Robinson (District 1)
Dan Boots (District 3)
Nick Roberts (District 4)
Carlos Perkins (District 6)
Ron Gibson (District 8)
Alison Brown (District 10)
Vop Osili (District 12)
Andy Nielsen (District 14)
Jessica McCormick (District 16)
Kristin Jones (District 18)
Michael Paul Hart (District 20)
Derek Cahill (District 23)
Brian Mowery (District 25)(Minority Leader)
Brienne Delaney (District 2)
Maggie A Lewis (District 5) (President)
John Barth (District 7)
Keith L. Graves (District 9)
Crista Lee Wells (District 11)
Jesse Brown (District 13)
Rena Allen (District 15)
Jared Evans (District 17) (Majority Leader)
Frank Mascari (District 19)
Joshua Bain (District 21)
Paul Annee (District 22)
Michael Dilk (District 24)

Metropolitan Development Commission

John J Dillon III (President)
Brigid Robinson
Gregg West
Brandon Herget
Bruce Schumacher
Brent Lyle
Brian Murphy
Daniel Moriarty

Indianapolis Historic Preservation Commission (IHPC)

William A. Browne, Jr FAIA (President)
Annie Lear
Anjanette Sivilich
David Baker (Vice President)
Disa Watson
Michael Bivens
Anson Keller
Susan Williams (Secretary)
Krystin Wiggs

IHPC Staff

Meg Busch	Administrator
Emily Jarzen	Principal Architectural Reviewer
Shelbi Long	Senior Architectural Reviewer
Miriam Burkett	Preservation Planner
Morgan Marmolejo	Architectural Reviewer
Caroline Emenaker	Architectural Reviewer

Indiana Landmarks

Brad Ward	President
Mark Dollase	Vice President of Preservation Services
Alex Brooks	Community Preservation Specialist
Sam Burgess	Director, Central Regional Office
Cynthia Arias Matus	Intern
Kaitlynn Jackson	Intern

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Former St. Francis de Sales Church Building

Historic Area Plan

Section 1: Owner

Rock Impact, LLC
5719 Massachusetts Avenue
Indianapolis, IN 46218

Section 2: Historic Area Delineation & Legal Description

The subject property contains three buildings and a parking lot. The "historic area" includes only one building, the former St. Francis de Sales Church (also known most recently as the Performing Arts Center of Martin University) located at the northwest corner of the property at the corner of 22nd and Avondale Place. All other land and buildings on the parcel are not included in the historic area.
The property is described as follows: **Lynchs Sub L8 & L9 B10 also Downey & Irwins Sub Hutchings & Darnells Brookside Add L 35 Thru L50 B9 & All Vac Sts & Alleys Adj**

Section 3: Physical Description and Construction Information

Known dates of construction and architects:

1. St. Francis de Sales (ca. 1913 George V. Bedell, Architect- Renaissance Revival)

Physical Description

Building 1: St. Francis de Sales Catholic Church

The St. Francis DeSales church building sits on the corner of Avondale Place and East 22nd Street, at the edge of the former Martin University campus in the Martindale-Brightwood neighborhood of Indianapolis, Indiana. The exterior is brick, almost entirely stretcher bond with one soldier and one rowlock course just under the eaves of the side facades. It is highlighted with buff limestone trim, windowsills, and various decorative elements. The gable portion of the roof is black asphalt shingles with patinaed copper trim, gutters, and eaves. The domes on the front-facing towers and rear semi-conical roof above the apse are entirely patinaed copper.

Section 4: Statement of Significance

SUMMARY

St. Francis de Sales Church is historically and architecturally significant as a longstanding religious, educational, and community institution associated with the development of Indianapolis's Near Eastside. Established as a Catholic parish in 1881, St. Francis de Sales served generations of Indianapolis residents for more than a century and played an important role in the religious and social life of the surrounding neighborhood. The present church, constructed in 1913, represents the institutional maturity of the

parish and remains a tangible expression of the Catholic community that helped shape the neighborhood during the late nineteenth and twentieth centuries.

The parish was established during a period of significant growth in Indianapolis's Catholic population and the expansion of neighborhood-based Catholic institutions. Like other Catholic parishes of the period, St. Francis de Sales developed as a comprehensive community institution rather than simply a place of worship. The parish included a church, parochial school, rectory, facilities associated with religious life, and spaces for social and community activities. The parish school, operated in association with the Sisters of St. Francis, provided generations of children with religious and academic education. Parish activities held in the church and its associated spaces further demonstrate the building's historic role as a center of community life.

ARCHITECTURAL SIGNIFICANCE

The proposed historic resource is comprised of one existing building:
1. St. Francis de Sales Catholic Church

The church is architecturally significant as a 1913 Romanesque Revival Catholic church associated with Indianapolis architect George V. Bedell. The *Encyclopedia of Indianapolis* identifies the former St. Francis de Sales Church as one of Bedell's brick Romanesque Revival churches constructed for Indianapolis neighborhood parishes. Bedell's ecclesiastical work forms an important part of the city's early-twentieth-century architectural heritage.

Former St. Francis De Sales Church Building (c. 1913)

West Facade (front):

The building's primary facade faces west. The facade features a symmetrical composition with clear delineation between base, middle, and top, following a classical Doric system. It's a three-story facade with two belfries flanking the porch, each crowned with a small copper dome with a small copper cross on the top. The belfries have a copper cornice and include two brick Doric pilasters with limestone base and capital on the third and second story of the main facade. A tall stained-glass round-headed window, accentuated by limestone keystones, imposts, and sills that sit below the window, is centered vertically in the belfries. In the upper register of each bell tower, there are louvered round-headed openings on all four sides, each made from wood. A smaller window on the first floor is centered below the second-floor windows. These stained-glass round windows have limestone imposts and sills. An additional headed rectangular door can be found on the basement level. At the center of the facade, there is a raised entry porch that protrudes from the building face by several feet and features two Tuscan limestone columns and two Doric pilasters flanking it and supporting a limestone entablature. Inside the porch, there are three doors. A Romanesque rose window with a limestone surround is at the center of the second story. At the central portion of the facade, a brick and limestone pediment is installed. This includes a carved statue of Jesus Christ adorning the tympanum and a cross on the top of the pediment.

North + South Facade (sides):

Both of the side elevations have six large, stained-glass round-headed windows, centered vertically on the walls. They are each divided into two lights with bull's eyes at the apexes. Each is surrounded by a decorative brick arch, and they are separated by five narrow brick buttresses, with a sixth buttress at the east end. Storm windows have been installed on the exterior side within the traces of each tall round-headed window. The north facade has five rectangular basement windows centered under each stained-glass window, except for the second window from the front, where, instead of a window, there is a door. However, a matching window was originally here as well, given that the size of the break in the limestone plinth course is wider than the door. All the basement windows are currently covered with what appears to be plywood, and the south facade does not contain any basement windows. Towards the east end of both side facades, the building height drops about half of a story. On the south facade, this shorter section juts out to the south. The south side of the short section has one rectangular window and a metal door with a set of concrete steps leading up to it, while the west side has two rectangular windows and a red material covering the original brick wall. On the north facade, the short section is flush with the rest of the north wall and features one rectangular window centered both vertically and horizontally on the wall, a metal door just east of the last brick buttress, and a flat roof.

East Facade (back):

There is a semi-circular apse centered on the flat portion of the roof. The apse has five round-headed windows, evenly spaced, all of which are currently boarded-up. As mentioned, it has a semi-conical copper roof, with a small copper cross on top of the point. Directly behind the cross on the flat gable end wall, there is a small arched window with a decorative brick arch above it. On the lower portion of the back facade, there are four small rectangular windows, all covered with plywood. The northeast corner of the building is missing a downspout where there was previously one, though there is still a downspout present on the southeast corner.

HISTORIC/CULTURAL SIGNIFICANCE

The building at the southeast corner of E 22nd St and Avondale Pl in Indianapolis has a unique and varied history that fascinatingly parallels the history of the Martindale-Brightwood neighborhood the building sits in. Its longest use was as the church building for the St. Francis de Sales congregation. The parish itself was formed in 1881, with this building being built in 1913.[1] The building was designed by prolific Indianapolis architect George V. Bedell, who was well known for designing places of worship such as this building, St. Philip Neri Catholic Church, and Shara Tefilla Synagogue, as well as theatres such as the Ritz, Tacoma, Dream, and Talbot.[2] The church's pastor during its first decades in the building was Rev. Raymond R. Noll, apart from a two-year leave to be an Army chaplain during World War I.[3] Rev. Noll would later be appointed the pastor of St. Philip Neri Catholic Church on the eastside. Rev. Joseph Clancy would later become pastor of St. Francis de Sales, serving from 1934 until his death in 1961.[4]

His time presiding over the church coincided with a growing diversity among its congregants and the Brightwood neighborhood writ large. The neighborhood's economic heartbeat had been the railroad industry, but that had gradually been in decline in Brightwood for decades, culminating in the demolition of its railroad station in 1944.[5] The departure of the railroad industry precipitated the exodus of white homeowners from the neighborhood to the suburbs, and black homeowners gradually filled this vacuum.[6] The immediate postwar years started to reflect this shift among how St. Francis de Sales positioned itself to the community surrounding it. In 1946, St. Francis de Sales posted ads in the *Indianapolis Recorder*, a black publication, for both National Negro Health Week[7] and the Christmas holidays.[8]

Such efforts would continue in 1961 when Rev. Noll was succeeded by Rev. Charles McSween. In 1966, the church's Women's Club met with the Catholic Interracial Council.[9] In the late 1960s, the outspoken black priest Rev. Lawrence E. Lucas from Harlem was an assistant pastor at St. Francis de Sales while he was studying at Christian Theological Seminary in town.[10] A 1968 *Indianapolis Star* article further illustrated this larger change around the church when it described it as being "located in an integrated North-eastside neighborhood."[1] Nonetheless, this integration also belied the concurrent reality of white flight, which appeared to affect St. Francis de Sales as well. The *Star*'s reporting around this time also noted that when Rev. McSween began at St. Francis, there were about 3,000 parishioners but only about 900 at the decade's end.[2] An even larger change came with the construction of Interstate 70, which cut right through Brightwood, leading to the demolition of several homes and businesses and disrupting the overall cohesion of the neighborhood.

St. Francis was not the only Catholic Church in the area facing this decrease in parishioners and resources, as St. Rita's Catholic Church was in a similar predicament, particularly regarding its schools. The two churches decided to merge schools in 1971 with each church maintaining a separate nursery and kindergarten but St. Francis covering grades one through three, while St. Rita's covered grades four through eight.[3] Shortly afterwards, St. Francis' connection to St. Rita's would increase when Rev. Bernard Strange, went from being pastor at St. Rita's to St. Francis. This was also an example of the church's commitment to integration and inclusivity, as Rev. Strange had received an award from the Indianapolis Urban League for his previous work with the predominantly black St. Rita's.[4] During this time, a group of Ugandan nuns from the Sisters of the Immaculate Heart of Mary Reparatrix visited the church, with some staying to serve there.[5]

Rev. Strange was succeeded by Rev. Charles Lahey, who would pass away in 1981 from lung cancer. The months after his death were shrouded in controversy that mirrored the troubled

state the church had been in. A month before Lahey passed away, Indianapolis police officer Gary Potts was arrested by the vice squad for attending an illegal dice game on 38th Street. Potts claimed the game was organized by Lahey to fund his financially struggling church, and *The Indianapolis News* launched an investigation that corroborated Lahey's planning of the event.[6] Associate pastor Rev. Arthur Kelly testified that the church was $100,000 in debt at the time.[7]

Rev. Kelly would oversee weekend liturgies at St. Francis afterwards, but the financial burdens encumbered by the church would ultimately be too much to overcome, causing the school and church to both close, with the final Sunday Service on June 19, 1983. Brother Douglas Roach, who was the administrator of the church in its final years, directly blamed the creation of I-70 for the hardships faced by Brightwood and thus the church.[1] By 1983, there were less than 100 parishioners at St. Francis, though the school had added grades in recent years.[2] The final service attracted almost 500 people, though the parishioners were siphoned to different parishes and the items inside the church were distributed to the appropriate parties, while the building faced an uncertain future.[3]

In February 1987, a new chapter began for the building after its purchase by Martin Center College. Martin Center College, later renamed Martin University in 1990, was originally founded in 1977 with a property on N College Ave. They were led by Father Boniface Hardin, who would bring his indefatigable energy to the university as its head until 2007. The building would be the university's primary performing arts center in the ensuing decade, hosting events such as graduation but also providing a venue for groundbreaking poets such as Etheridge Knight, Nicki Giovanni, and Gwendolyn Brooks.[4] In addition, it hosted veterans of the civil rights movement such as James Bevel and James Forman.[5] In May 2026, the building and the surrounding Martin University campus buildings were purchased by Eastern Star Church.

Section 5: Preservation Objectives

The subject brick church structure on the site and architectural and historic character thereof shall be preserved as a significant resource of Indianapolis and Marion County.

Section 6: Preservation Criteria

A. Any development, construction, reconstruction, restoration, or alteration of the subject structures exterior shall be appropriate to the property's historic and architectural values and significance.

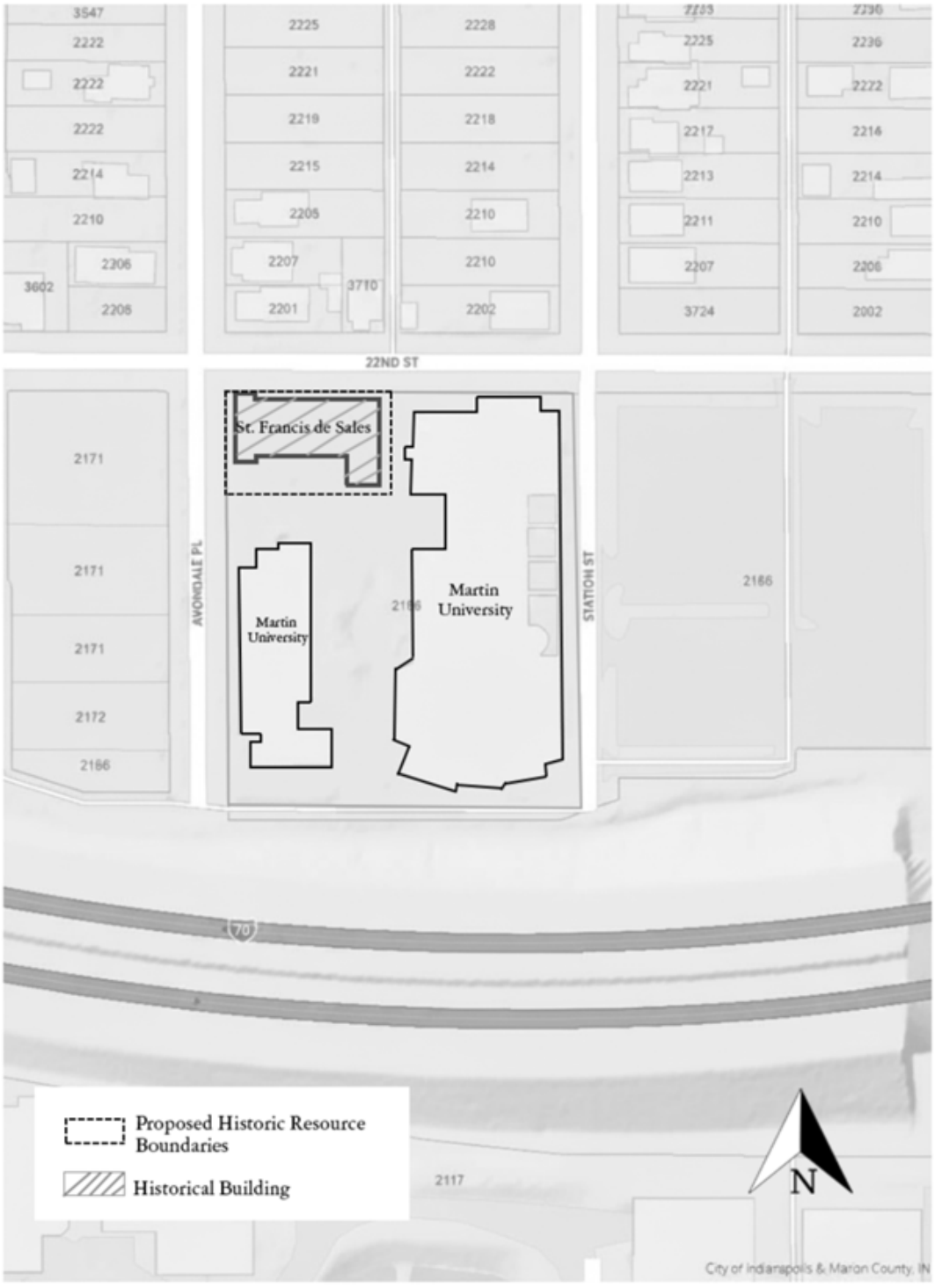
B. Any development, construction, reconstruction, restoration, or alteration to the exterior shall be visually compatible and appropriate in function, general design, arrangement, color, texture, and materials to the design and character of the historic area.

C. The IHPC shall use the *Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitation, Restoring & Reconstructing Historic Buildings*[1] to determine appropriateness when it reviews and makes decisions regarding development, construction, reconstruction, preservation, restoration, alteration, and demolition in the historic area.

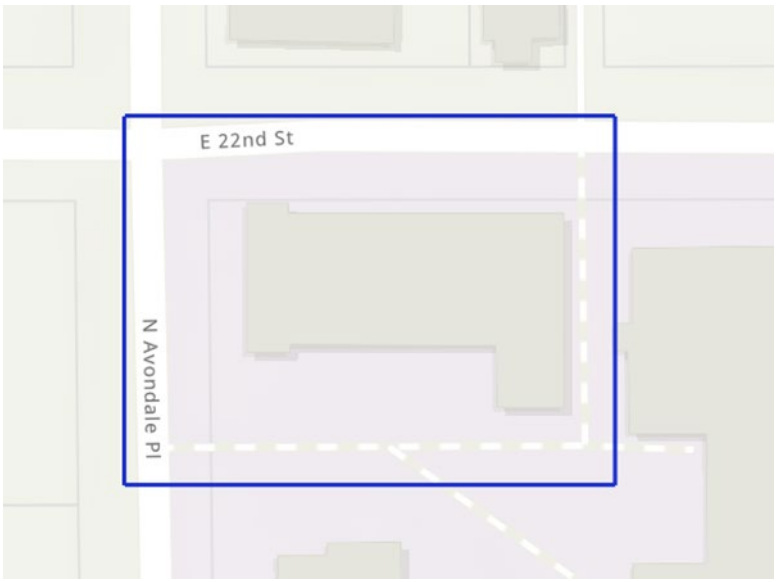
Section 7: Identification and Designation of Historic Area

The former St. Francis De Sales Church Building located at 2186 N. Sherman Drive, Indianapolis, Marion County, Indiana is hereby identified and designated as an Indianapolis Historic Landmark. This plan has been prepared in accordance with the State Statute IC 36-7-11.1, which establishes and empowers the Indianapolis Historic Preservation Commission. After the approval of this plan by the Indianapolis Historic Preservation Commission and its adoption by the Metropolitan Development Commission as part of the Marion County Comprehensive Plan, the provisions and requirements of IC 36-7-11.1 and this plan apply to all property and structures within the delineated area.

Section 8: Maps and Photographs



Site Plan of proposed historic building included in the historic area boundaries.



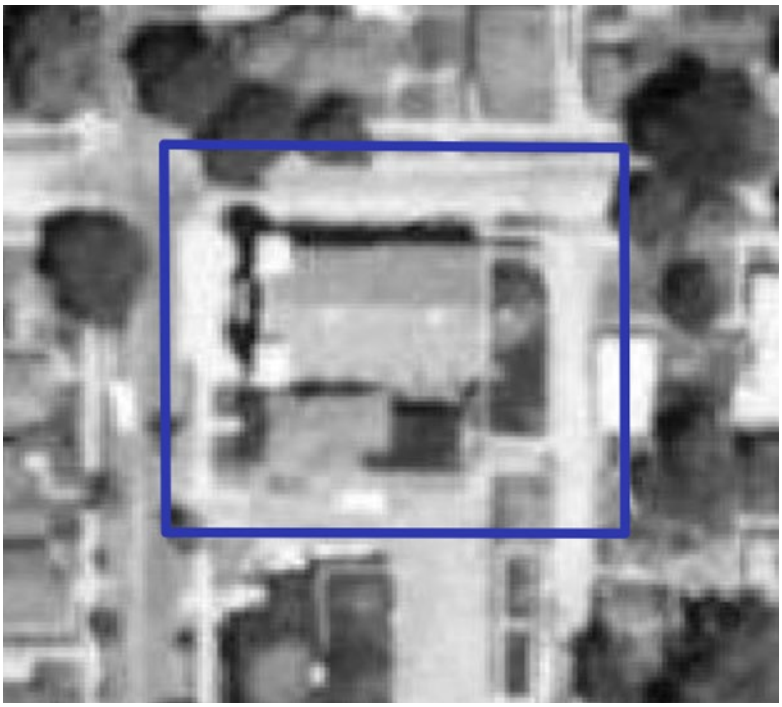
Location of St. Francis de Sales Catholic Church



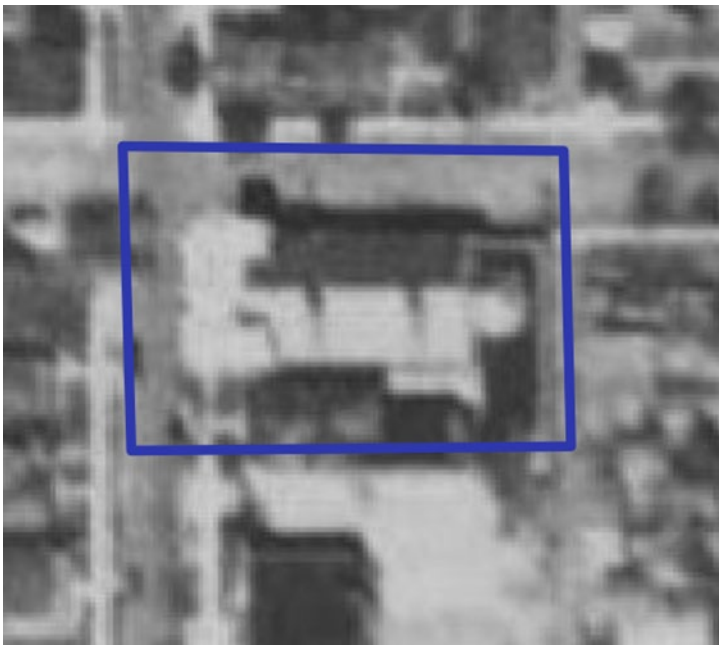
Current Aerial, St. Francis de Sales Catholic Church



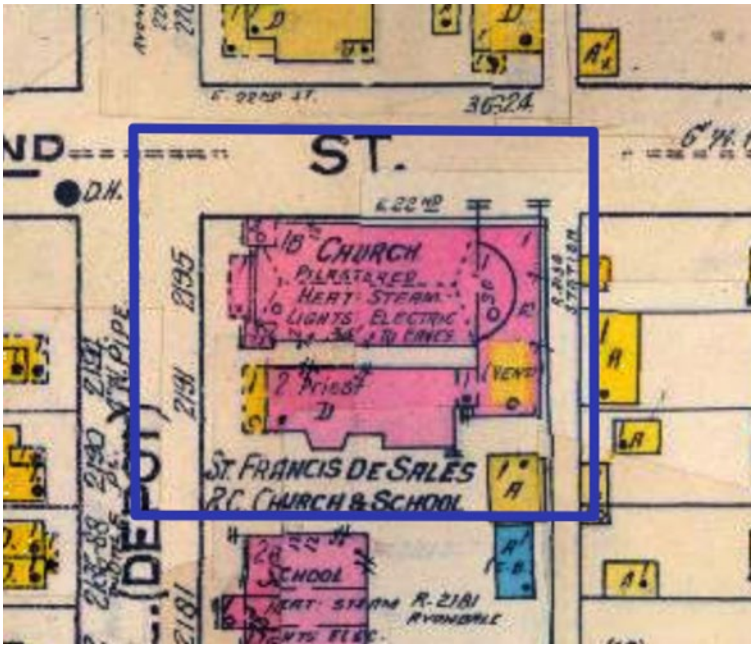
Aerial, 1972



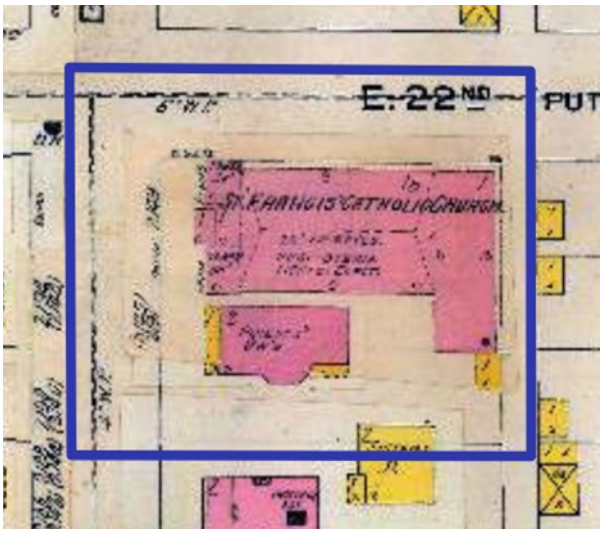
Aerial, 1962



Aerial, 1937



Sanborn, 1915



Sanborn, 1898



Image of newly constructed church

Current Conditions Photos (Taken August 10, 2026)
Former St. Francis de Sales Church Building



Front (west) facade



South facade



North facade

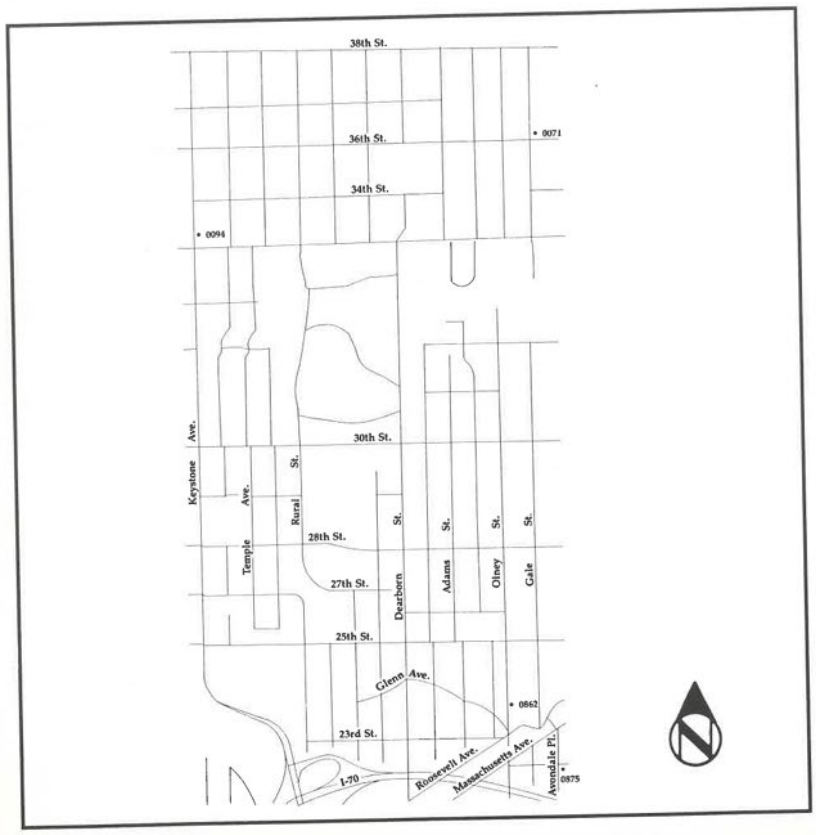


East facade

Section 9: Additional Documentation

Center Township Interim Report

Map #2
Sites #0071-0094, 0862-0875

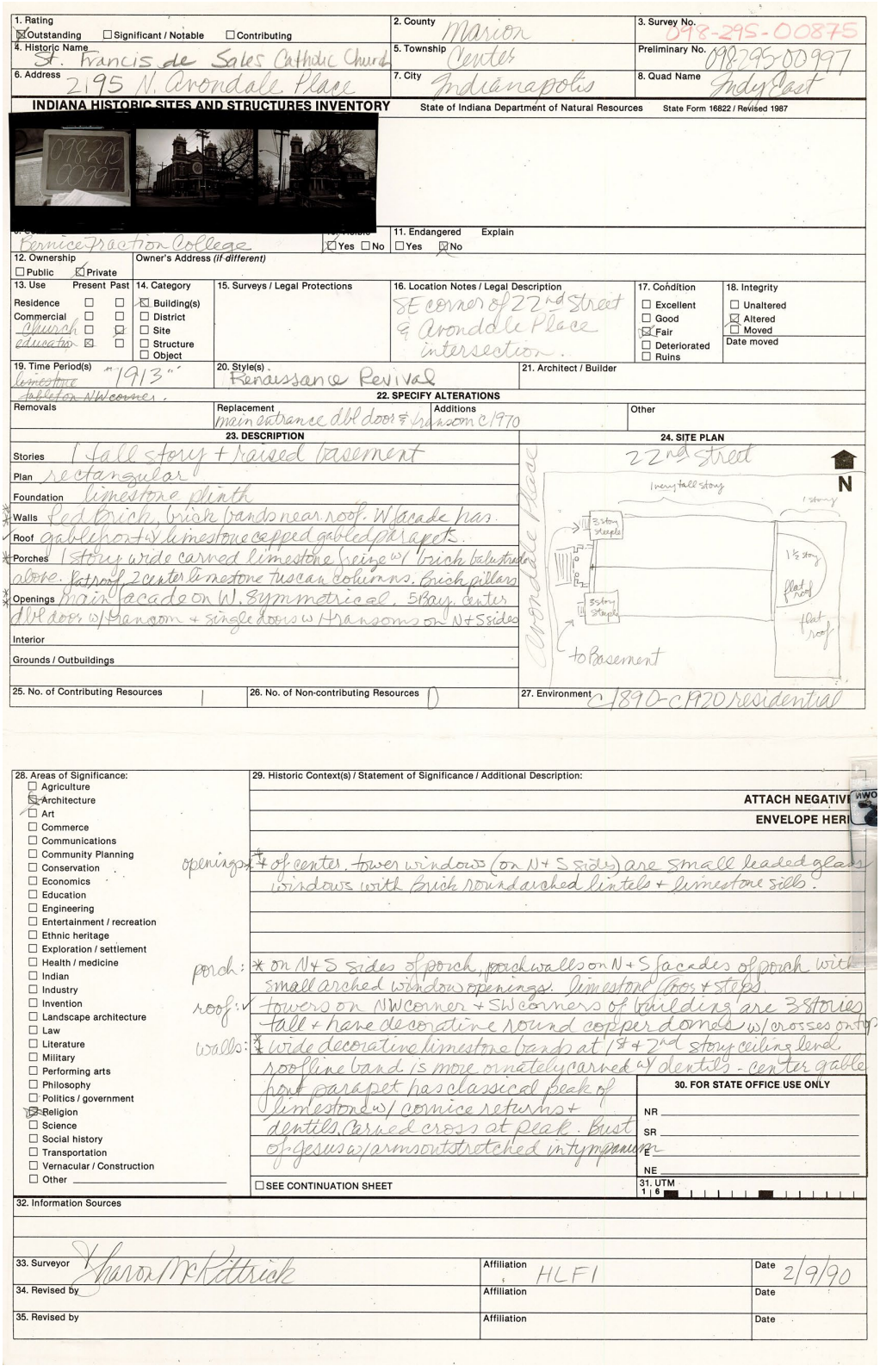


No.	Rtg.	Description
0071	N	**George Rogers Clark School No. 1,** 3614 E. 36th Street; Collegiate Gothic, 1925 (Donald Graham, architect)/1948/1950/ 1954; Architecture, Education (295)
0094	N	**Joyce Kilmer School No. 69,** 3421 N. Keystone Avenue; 1931/1951 (Harrison & Turnock, architect); Architecture, Education (295)
0862	O	**James Russell Lowell School No. 51,** 2301 N. Olney Street; Romanesque Revival/Neoclassical, 1900 (T. A. Winterroud, architect; Von Sprickleson and Smith, builder)/1913 (R. F. Daggett, architect; W. P. Junglaus Co., builder)/ 1955; Architecture, Education (295)
0875	O	**St. Francis de Sales Catholic Church,** 2195 N. Avondale Place; Renaissance Revival, 1913; Architecture, Religion (295)



0875

Center Township Survey Card Site # 098-295-00875 (Rating "O" Outstanding)



1. Rating: ☒ Outstanding ☐ Significant / Notable ☐ Contributing
2. County: Marion
3. Survey No.: 098-295-00875
4. Historic Name: St. Francis de Sales Catholic Church
5. Township: Center
Preliminary No.: 098-295-00997
6. Address: 2195 N. Arondale Place
7. City: Indianapolis
8. Quad Name: Indy East

INDIANA HISTORIC SITES AND STRUCTURES INVENTORY — State of Indiana Department of Natural Resources — State Form 16822 / Revised 1987

Bernice Fraction College.

10. Notable: ☐ Yes ☐ No
11. Endangered: ☐ Yes ☒ No — Explain

12. Ownership: ☐ Public ☒ Private
Owner's Address *(if different)*

13. Use — Present / Past:
Residence ☐ ☐
Commercial ☐ ☐
Church ☐ ☒
education ☒ ☐

14. Category: ☒ Building(s) ☐ District ☐ Site ☐ Structure ☐ Object

15. Surveys / Legal Protections

16. Location Notes / Legal Description: SE corner of 22nd Street & Arondale Place intersection.

17. Condition: ☐ Excellent ☐ Good ☒ Fair ☐ Deteriorated ☐ Ruins

18. Integrity: ☐ Unaltered ☒ Altered ☐ Moved
Date moved

19. Time Period(s): limestone tablet on NW corner. "1913"

20. Style(s): Renaissance Revival

21. Architect / Builder

22. SPECIFY ALTERATIONS

Removals | Replacement: main entrance dbl doors & transom c/1970 | Additions | Other

23. DESCRIPTION

Stories: 1 tall story + raised basement
Plan: rectangular
Foundation: limestone plinth
Walls: Red brick, brick bands near roof. W facade has.
Roof: gable ends w/ limestone capped gabled parapets.
Porches: 1 story wide carved limestone freize w/ brick balustrade above. Portico 2 center limestone tuscan columns. Brick pillars
Openings: Main facade on W. Symmetrical, 5 Bay, center dbl doors w/ transom + single doors w/ transoms on N + S sides
Interior
Grounds / Outbuildings

24. SITE PLAN

25. No. of Contributing Resources: 1
26. No. of Non-contributing Resources: 0
27. Environment: c/1890-c/1920 residential

28. Areas of Significance:
☐ Agriculture
☒ Architecture
☐ Art
☐ Commerce
☐ Communications
☐ Community Planning
☐ Conservation
☐ Economics
☐ Education
☐ Engineering
☐ Entertainment / recreation
☐ Ethnic heritage
☐ Exploration / settlement
☐ Health / medicine
☐ Indian
☐ Industry
☐ Invention
☐ Landscape architecture
☐ Law
☐ Literature
☐ Military
☐ Performing arts
☐ Philosophy
☐ Politics / government
☒ Religion
☐ Science
☐ Social history
☐ Transportation
☐ Vernacular / Construction
☐ Other _____

29. Historic Context(s) / Statement of Significance / Additional Description:

ATTACH NEGATIVE
ENVELOPE HERE

openings: ¼ of center, tower windows (on N + S sides) are small leaded glass windows with brick round arched lintels + limestone sills.

porch: * on N + S sides of porch, porch walls on N + S facades of porch with small arched window openings. limestone floors + steps.

roof: towers on NW corner + SW corners of building are 3 stories tall + have decorative round copper domes w/ crosses on top

walls: * wide decorative limestone bands at 1st + 2nd story ceiling level. roofline band is more ornately carved w/ dentils - center gable front parapet has classical peak of limestone w/ cornice returns + dentils. Carved cross at peak. Bust of Jesus w/ arms outstretched in tympanum

☐ SEE CONTINUATION SHEET

30. FOR STATE OFFICE USE ONLY
NR
SR
E
NE

31. UTM
1 | 6

32. Information Sources

33. Surveyor: Sharon McKittrick — Affiliation: HLFI — Date: 2/9/90
34. Revised by — Affiliation — Date
35. Revised by — Affiliation — Date

1. Rating: ☒ Outstanding ☐ Significant / Notable ☐ Contributing
2. County: Marion
3. Survey No.: 098-295-00875
4. Historic Name: St. Francis de Sales Catholic Church
5. Township: Center
Preliminary No.: 098295 00997
6. Address: 2195 N. Avondale Place
7. City: Indianapolis
8. Quad Name: Indy East

INDIANA HISTORIC SITES AND STRUCTURES INVENTORY — State of Indiana Department of Natural Resources — State Form 16822 / Revised 1987



Bernice Traction College
10. Visible: ☒ Yes ☐ No
11. Endangered: ☐ Yes ☒ No — Explain

12. Ownership: ☐ Public ☒ Private — Owner's Address (if different)

13. Use	Present	Past	14. Category	15. Surveys / Legal Protections	16. Location Notes / Legal Description	17. Condition	18. Integrity
Residence	☐	☐	☒ Building(s)		SE corner of 22nd Street & Avondale Place intersection.	☐ Excellent	☐ Unaltered
Commercial	☐	☐	☐ District			☐ Good	☒ Altered
Church	☐	☒	☐ Site			☒ Fair	☐ Moved
education	☒	☐	☐ Structure			☐ Deteriorated	Date moved
			☐ Object			☐ Ruins	

19. Time Period(s): limestone tablet on NW corner. "1913"
20. Style(s): Renaissance Revival
21. Architect / Builder:

22. SPECIFY ALTERATIONS

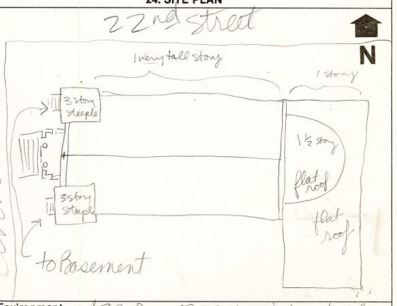
Removals	Replacement	Additions	Other
	main entrance dbl doors & transom c1970		

23. DESCRIPTION

Stories: 1 tall story + raised basement
Plan: rectangular
Foundation: limestone plinth
Walls: Red brick, brick bands near roof. W facade has
Roof: gable front w limestone capped gabled parapet.
Porches: 1 story wide carved limestone frieze w/ brick balustrade above. Flat roof 2 center limestone Tuscan columns. Brick pillars
Openings: main facade on W. Symmetrical. 5 Bay. Center dbl doors w/ transom + single doors w/ transoms on N + S sides
Interior:
Grounds / Outbuildings:

25. No. of Contributing Resources: 1
26. No. of Non-contributing Resources: 0

24. SITE PLAN



27. Environment: 1890-CR20 residential

28. Areas of Significance:
☐ Agriculture
☒ Architecture
☐ Art
☐ Commerce
☐ Communications
☐ Community Planning
☐ Conservation
☐ Economics
☐ Education
☐ Engineering
☐ Entertainment / recreation
☐ Ethnic heritage
☐ Exploration / settlement
☐ Health / medicine
☐ Indian
☐ Industry
☐ Invention
☐ Landscape architecture
☐ Law
☐ Literature
☐ Military
☐ Performing arts
☐ Philosophy
☐ Politics / government
☒ Religion
☐ Science
☐ Social history
☐ Transportation
☐ Vernacular / Construction
☐ Other _____

Print File ARCHIVAL PRESERVERS — STYLE NO. 35-1 — PHOTO PLASTIC PRODUCTS, INC. P.O. BOX 17638 ORLANDO, FLORIDA 32860 • (305) 896-3100 — INSERT EMULSION SIDE DOWN
DATE — ASSIGNED BY
2171 Avondale Pl. 00875



NO 1A

openings: tall center tower windows w/ stained glass
windows with Brick
porch: * on N + S sides of porch, porch walls on N + S facades of porch with small arched window openings. limestone floors + steps
roof: * towers on NW corner + SW corners of building are 3 stories tall + have decorative round copper domes w/ crosses on top
walls: * wide decorative limestone bands at 1st + 2nd story ceiling level. roofline band is more ornately carved w/ dentils - center gable front parapet has classical peak of limestone w/ cornice returns + dentils. Carved cross at peak. Bust of Jesus w/ arms outstretched in tympanum

☐ SEE CONTINUATION SHEET

30. FOR STATE OFFICE USE ONLY
NR
SR
E
NE

31. UTM 1 | 6

32. Information Sources:

33. Surveyor	Affiliation	Date
Sharon McKittrick	HLFI	2/9/90
34. Revised by	Affiliation	Date
35. Revised by	Affiliation	Date

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the CRITERION
Vol. XXVI, No. 18, February 6, 1987 Indianapolis, Indiana

Former church is sold to college

Archdiocese sells former St. Francis Church to Martin Center College

by John F. Fink

The Archdiocese of Indianapolis has sold he former St. Francis de Sales Church, on Avondale Place between I-70 and 22nd St. n Indianapolis, to Martin Center College, he non-denominational college founded by Benedictine Father Boniface Hardin.

Indianapolis Archbishop Edward T. O'Meara said he was "delighted that we were able to take something useless and turn to something positive." The church has been closed since 1983.

Financial details of the transaction were ot disclosed, but both Archbishop O'Meara nd Father Boniface said that the sale was or a "nominal price."

"I feel that this is a worthy resolution of situation whereby we've been holding this roperty for so many years," Archbishop 'Meara said.

"What Father Boniface is doing is totally compatible with the mission of the hurch," the archbishop said. "It benefits hose who need a helping hand—low income eople and those who can get forgotten in ociety." He said that Father Boniface has e permission of his Benedictine superiors do what he is doing.

Father Boniface, in expressing his appreciation, told the archbishop that the sale is "a sign of your personal concern for what we're doing at Martin Center College. It is a good sign among black Catholics. You symbolize the bishops who are doing something positive among minorities and the poor."

The archbishop and Father Boniface agreed that the church will not be used for worship purposes and it will not use the name Francis de Sales. Father Boniface said that it will become the college's Avondale campus. The main campus is located at 3553 N. College Ave.

Martin Center College was founded by Father Boniface in 1977 as a division of Martin Center, which he founded in 1969 as a training place for human relations, particularly in the areas of race relations and affirmative action. The college was incorporated and became autonomous in 1979. It offers Bachelor of Arts degrees in three departments and Bachelor of Science degrees in nine.

The college is open to both white and black students. In the last graduating class, 79 percent was black and 21 percent white. The college has had 84 graduates.

The college and center are named for Martin Luther King, Jr. and St. Martin de Porres.



CHURCH SOLD—As Benedictine Father Boniface Hardin prepares to give Archbishop Edward T. O'Meara a check for the purchase of the former St. Francis de Sales Church, the archbishop is ready to hand over the deed and keys to the building. The church, closed since 1983, was bought by Martin Center College. (Photo by Richard Cain)

1987 Article from the Criterion about the sale of the church building from the Archdiocese of Indianapolis to Fr. Boniface Hardin for Martin Center College (later known as Martin University.)

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number:	2026-APP-016
Property Address:	45 West 40th Street (approximate address)
Location:	Washington Township, Council District #7
Petitioner:	City of Indianapolis Department of Parks and Recreation, by Kyle Koger
Current Zoning:	PK-1 (TOD)
Request:	Park District One Approval to provide for the replacement of existing playground equipment, a new park shelter, and new internal concrete sidewalks.
Current Land Use:	Park
Staff Recommendations:	Approval
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

10/15/26: The petition was recommended for approval by the Hearing Examiner after a public hearing was conducted. An appeal of that decision was filed by a remonstrator. A memo detailing the Hearing Examiner's rationale for recommending approval has been added to the Exhibits below.

9/10/26: A timely automatic continuance was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of the request.

PETITION OVERVIEW

LAND USE

The subject property (parcel number 8031779) is 9.48 acres in size and currently contains Tarkington Park (a public park). Current improvements include parking areas, a café and restaurant tenant space, restrooms, a splash pad, playground equipment, sport courts (basketball, tennis and pickleball), and sport fields. Surrounding land uses include apartments to the north and east, a community center to the north, and commercial and institutional uses to the east, west, and south.

PARK DISTRICT APPROVAL

The PK-1 (Park District One) zoning district permits a variety of sizes and ranges of parkland and facilities, which is consistent with the current land use of a public park at the subject site. PK-1 is a

Development Plan District that requires Metropolitan Development Commission approval of all uses and site/development plans.

The property also falls within the TOD Secondary Zoning Overlay (areas near existing or proposed bus rapid transit lines, such as the nearby Red and Purple Line along 38th Street) as well as within a Secondary Area of the Meridian Street Preservation Commission (an area requiring design approval for changes in land use or rezoning).

Approval of this petition would allow for replacement of existing playground equipment at the site, as well as for the placement of a new park shelter (in the approximate location of a previous shelter) and for the placement of new internal concrete sidewalks within the northwestern section of the park, per plans filed.

STAFF ANALYSIS

The PK-1 zoning district allows for the recreational and park uses that already exist on the site and that would be continued by approval of this petition, and the newly proposed shelter canopy would meet setback requirements for the district. Additionally, Findings of Fact provided by the petitioner indicate that the proposed improvements will provide new curb ramps and internal pathways providing pedestrian access to existing amenities, as well as additional bicycle parking (see full Findings below).

It appears that a small portion of the site (including current playground areas) is comprised of an unvacated 'stub' alley. Although it would not impact the ability of the Commission to approve this request, staff would encourage the property owner to seek vacation of this 'stub' alley in the future.

The original site plan filed along with this request on July 24th indicated removal of twelve different trees from the property because of this project. After consultation with both staff and with members of the community, revised plans were provided (see Exhibits below) which indicate the removal of only 3 trees. Additionally, recent improvements to sport field areas on the southeastern portion of this property resulted in the planting of 77 new deciduous native hardwood trees.

Given the congruence with Ordinance requirements and Comprehensive Plan recommendations as well as proactive steps take to minimize tree removal and maximize internal pedestrian connectivity, staff recommends **approval** of this petition.

GENERAL INFORMATION

Existing Zoning	PK-1 (TOD)	
Existing Land Use	Park	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	**Zoning**	**Land Use**
North:	SU-7 / D-9	Community Center / Apartments
South:	MU-2 / SU-1	Parking Lot / Church
East:	D-9 / C-1 / MU-1	Apartments / Commercial
West:	C-1 / C-4	Commercial
Thoroughfare Plan		
40th Street	Local Street	48-foot proposed right-of-way and

Illinois Street	Primary Collector	51-foot existing right-of-way 56-foot proposed right-of-way and 63-foot existing right-of-way
39th Street	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way
Meridian Street	Primary Arterial	78-foot proposed right-of-way and 70-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes ; Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	July 24, 2026	
Site Plan (Amended)	September 18, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	July 24, 2026	
Findings of Fact	July 24, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red and Purple Line Transit Oriented Development Strategic Plans

Pattern Book / Land Use Plan

- Large Scale Parks are generally over 10 acres in size. This is a stand-alone land use mapped outside of the typology system due to the scale and nature of the use.
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Since this site is located near the Meridian/38th BRT stop of the Red and Purple Lines, it is recommended to the District Center TOD typology. This typology is designed for walkable areas of multiple city blocks, serving as cultural and commercial hubs for multiple neighborhoods with a mix

of office, retail, entertainment, and residential uses with a higher density desired nearest to the bus stops. Off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2015APP003, Park District Two Approval to provide for the redevelopment of a park, per plans filed, **approved.**

77-AP-45, Approval to utilize premises for multi-service center providing social services as well as offices, meeting areas for recreational uses in the Butler-Tarkington neighborhood, **approved.**

Zoning History – Vicinity

2023ZON064 ; 40 West 20th Street (north of site), Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish for establish a community center, **approved.**

2021MOD010 ; 3901 North Meridian Street (east of site), Modification of the Commitments of 2017-CZN-817 and 2017-CVR-817 to terminate Commitments One and Two requiring development of the site to be substantially compliant with the site plan and elevations file-dated July 17, 2017 and that multi-family development on the site shall include an addition of a sixth floor to the existing building or construction of a new eight-unit multi-family building per said 2017 site plan, **approved.**

2018DV1022 ; 3902 North Illinois Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a building within the clear sight triangle of the abutting street and alley (not permitted), with a zero-foot side transitional setback and a zero-foot south front setback, and to provide for a zero-foot east front transitional setback (eight-foot side transitional setback along alley, 10-foot front and front transitional yard required), to legally establish a sign with an eight-foot front setback (15-foot front setback required), to provide for a sidewalk café consisting of 58% of the distance from back of the curb (50% permitted), and to provide for an outdoor seating area enclosed by a 3.5-foot tall fence within the clear sight triangle of the abutting streets (not permitted), **approved.**

2017CZN817 ; 3901 North Meridian Street (east of site), Rezoning of 1.5 acres from the C-1 and D-5 districts to the MU-1 district, **approved.**

2017CVR817 ; 3901 North Meridian Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for accessory retail and commercial uses exceeding 10% of the gross floor area and with no single use exceeding 5,000 square feet in gross floor area, **approved.**

2017CZN815 ; 3808 North Meridian Street (south of site), Rezoning of 7.03 acres from the C-3, C-4 and SU-1 districts to the MU-2 district, **approved.**

EXHIBITS

2026APP016 ; Hearing Examiner Memo

MEMORANDUM OF EXAMINER'S DECISION

2026-APP-016 **45 West 40th Street**

The petition requests Park District One approval to provide for the replacement of existing playground equipment, a new park shelter, and new internal concrete sidewalks.

Your Hearing Examiner visited the site prior to the hearing and noted its long term use as a public park. A community center and apartments are north of the site, apartments and commercial uses are east of it, a church is south of it, and commercial uses are west of it.

The petitioner's representative described proposed upgrades to the park, including removing and replacing playground equipment and the shelter house. Several community engagement sessions were held in 2025 to allow input, and the plan was redesigned to reduce the number of trees removed from 12 to 3, with the addition of 86 new trees. A representative of the Parks Alliance of Indianapolis spoke in support of the petition, as did the grant coordinator from Butler University. There were also letters of support from the City-County Councilor, Butler-Tarkington Neighborhood Association, and Martin Luther King Center.

Two remonstrators attended the hearing, primarily to gather information. One stated the preference to have no trees removed and to maintain natural elements of the park, and the other asked for clarification on the location of the new shelter. Although two letters of opposition were filed, neither author attended the hearing.

The staff reiterated that the upgrades focus on the northwest corner of the park, and opined that the renovations are consistent with historic use of the site. New sidewalks will improve connectivity, and the three trees proposed for removal are not heritage trees.

In your Hearing Examiner's opinion, the proposed improvements will enhance the park and improve connectivity, while maintaining the character of the park. Approval of this petition was recommended.

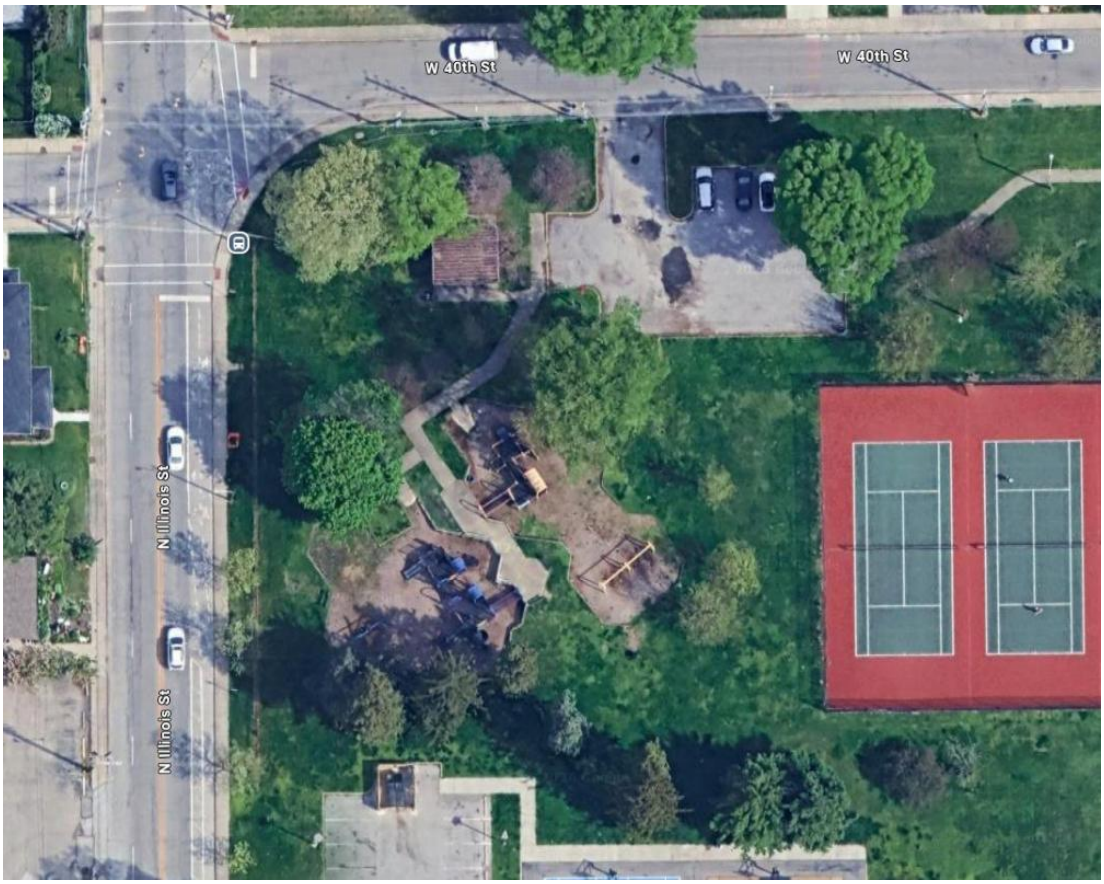
For Metropolitan Development Commission Hearing on November 18, 2026

Department of Metropolitan Development
Division of Planning
Current Planning

2026APP016 ; Aerial Map



2026APP016 ; Aerial Map (Zoomed)



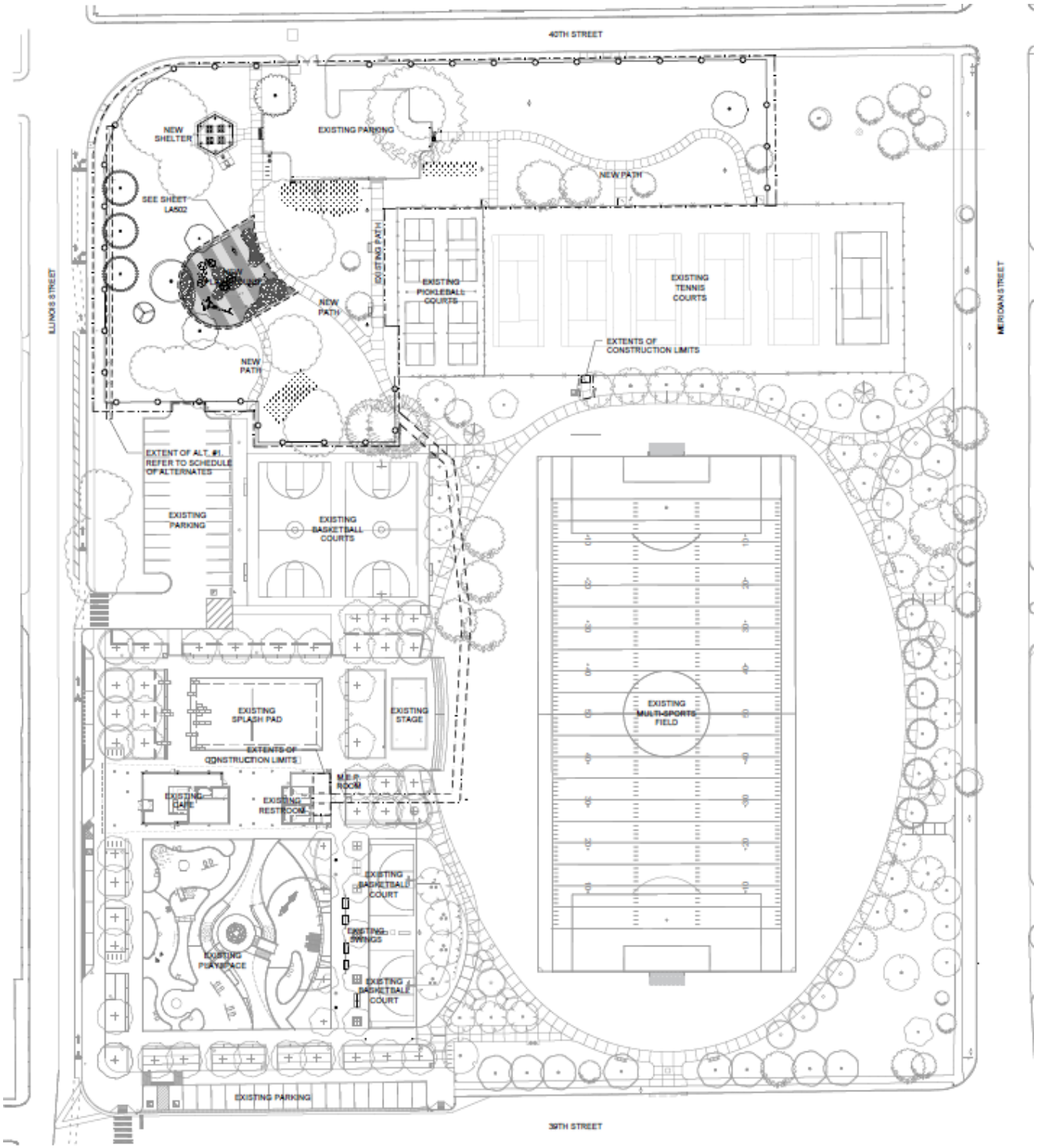
2026APP016 ; Sample Elevation of Shelter



DMD INDY
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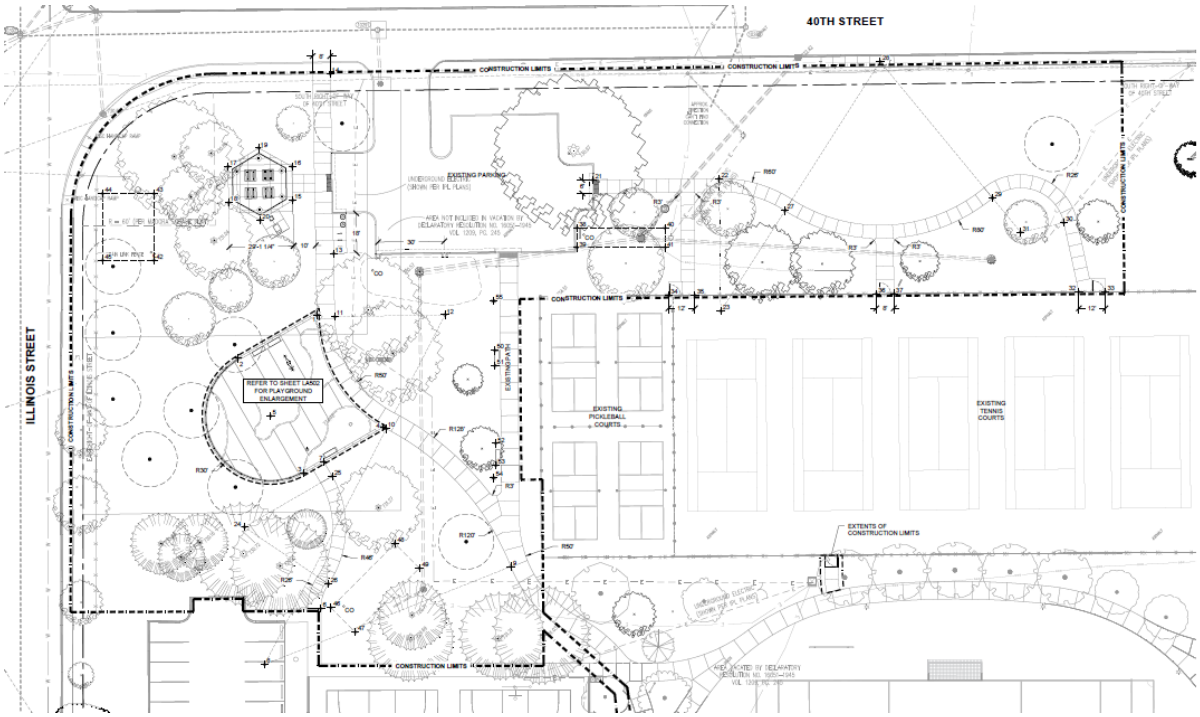
2026APP016 ; Site Plan



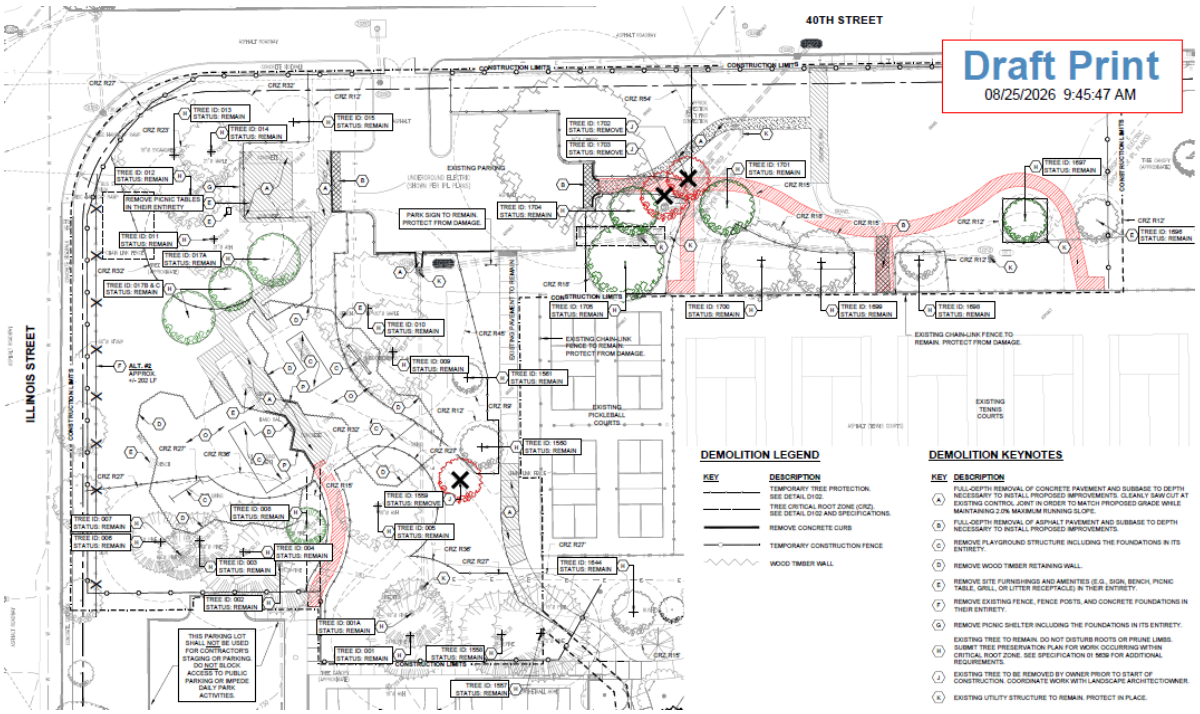
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2026APP016 ; Site Plan (Zoomed)



2026APP016 ; Tree Removal Plan



2026APP016 ; Findings of Fact

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

It conforms to the existing parks & open space land use.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

It provides valuable outdoor recreation and leisure opportunities for surrounding residential and commercial land uses. The proposed improvements will conform to the existing land use and address critical safety, accessibility, and quality-of life concerns through the construction of a new playground area, new open-air park shelter, and new pathways. No existing commercial, residential, or industrial land uses will be impacted by the proposed improvements.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

The proposed improvements will provide new curb ramps and pathways that provide pedestrian access from the north parking lot to the adjacent park shelter, playground, and tennis court. The pathways will also connect to other existing amenities and facilities within the park, including restrooms, splash pad, basketball courts, and south playground. Additional bicycle parking will be provided to encourage alternative transportation.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

The proposed improvements will not impact existing vehicular transportation traffic flow and/or circulation.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

New on-site stormwater detention basins and BMPs will be constructed to maximize on-site infiltration of runoff from adjacent impermeable surfaces. Additional litter receptacles will be installed to collect park users' waste. LED site lighting will be installed to provide clear sightlines at night and improve overall security.

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The proposed design minimizes new development impact by utilizing the footprint of the existing park amenities and infrastructure. Careful consideration was made during the design to mitigate impact to existing tree canopy. Proposed grading was designed to work with the existing surface drainage system.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

The proposed design includes new sidewalks that meet ADA regulations. These sidewalks provide accessible access and connectivity to the proposed playground and shelter, as well as existing park amenities – including the north parking lot, tennis and pickleball courts, basketball courts, splash pad, and south playground. The proposed sidewalks within the project site will provide additional connectivity to the public transit stop located on North Illinois Street and the existing public sidewalk located along the south side of West 40th Street. Additional bicycle parking opportunities will be provided within the project limits to encourage multi-modal access to the park.

2026APP016 ; Photographs



Photo 1: Existing Shelter Viewed from North



Photo 2: Existing Shelter Viewed from East

2026APP016 ; Photographs (continued)



Photo 3: Existing Tennis Courts and Proposed Pathway Area Viewed from West



Photo 4: Proposed Pathway Area Viewed from North

2026APP016 ; Photographs (continued)



Photo 5: Existing Playground Viewed from West



Photo 6: Existing Playground Viewed from South

2026APP016 ; Photographs (continued)



Photo 7: Existing Parking Area Viewed from North



Photo 8: Adjacent Property to West

2026APP016 ; Photographs (continued)



Photo 9: Adjacent Property to Northwest



Photo 10: Adjacent Property to Northeast

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number: 2026-VAC-007

Property Address: 1525, 1540, and 1543 West Ohio Street; 211, 217 and 221 North Reisner Street; & 126 and 130 Koehne Street (*Approximate Addresses*)

Location: Center Township, Council District #18

Petitioner: Church, Westside Pentecostal Assembly Trustees by Justin Kingen

Request: Vacation of the first north-south alley east of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Ohio Street, south 180 feet, to the north right-of-way line of Everett Street, with a waiver of the assessment of benefits.

Vacation of the first north-south alley east of Reisner Street, being 15.12 feet in width, beginning at the south right-of-way line of Astor Street, south 56.20 feet, with a waiver of the assessment of benefits.

Waiver Requested: Assessment of Benefits

Current Land Use: Parking/Maneuvering Area for Religious Use

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

10/7/26: A continuance request made by the petitioner was granted to continue the hearing for this petition to the November 18th, 2026 hearing date of the MDC. A request will be made by the petitioner on the day of the hearing to rejoin part A and part B of the petition. The report below has been updated from the original version seen by the Plat Committee to provide recommended motion language for alternate approval or denial options.

9/7/26: The Plat Committee heard testimony related to the petition and then acted upon a split-ballot motion made by Committee member Joe Smoker (part A was to be for the 180-foot alley, and Part B was to be for the 56.2-foot alley). However, the subsequent vote did not conform to the motion as originally stated. As a result, there is a question regarding the procedural validity of the resulting recommendation and action. On September 10th, the Administrator filed a formal appeal of the recommendation and action (per Article V, Section 1 of the Rules of Procedure) to allow for the matter to be considered by the full Commission through the public hearing process.

8/12/26: A continuance request made by the petitioner was granted to allow them time to obtain demolition permits related to two residences previously removed.

STAFF RECOMMENDATION

Staff finds the **vacation** would be in the public interest and recommends the vacation petition be **approved**. Staff supports the **waiver of the Assessment of Benefits** and recommends **approval** subject to the below commitment.

RECOMMENDED MOTION (approval of waiver request): That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Metropolitan Development Commission confirm and ratify the adoption of Declaratory Resolution 2026-VAC-007; that the vacation be subject to the right of public utilities under IC 36-7-3-16; and subject to the following commitment: *(see next page of report)*

> *That a Regional Center approval petition and Improvement Location Permit be filed retroactively for the expansion of parking area done at 1540 West Ohio Street, 217 & 221 Reisner Street, and within the northern alley within six (6) months of approval of the vacation petition.*

Should the Commission wish to either approve a vacation but deny the waiver of the Assessment of Benefits (which would require an appraisal to ascertain the value of the land) or deny a vacation (which would require removal of paving from the alley), the below recommended language could be applicable:

RECOMMENDED MOTION (denial of solely the waiver request): That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be required; that the Metropolitan Development Commission confirm and ratify the adoption of Declaratory Resolution 2026-VAC-007; and that the vacation be subject to the right of public utilities under IC 36-7-3-16.

RECOMMENDED MOTION (denial of vacation): That the Metropolitan Development Commission find that the proposed vacation is not in the public interest and deny the vacation request.

PETITION OVERVIEW

SUMMARY

This request involves two alleys in total: the southernmost alley is 180 feet in length and connects Ohio Street and Everett Street between Reisner Street and Koehne Street, and the northernmost alley stub is located to the south of Astor Street (also between Reisner and Koehne). A portion of the alley between the northern alley stub and Ohio Street was previously vacated by the petition 75-VAC-3. Alley to the north of the subject site is improved with gravel and used for access by multiple homes, whereas alley to the south of the subject site is unimproved and does not appear to be regularly utilized for access. An Exhibit showing areas of proposed vacation is within the Exhibits below.

The properties are currently improved with one building to the north of Ohio Street containing a religious use, one accessory building to the south of Ohio Street, and accessory paved parking areas for the religious use on the subject parcels on either side of the alleys seeking vacation. Demolition of a residence and an expansion of parking areas to the south of Ohio Street occurred in 2015. Similarly, the parking areas to the north were expanded in 2023 (see aerial photographs within Exhibits below).

Although a Regional Center approval and Improvement Location Permit were granted for the 2015 expansion, no similar zoning approvals were given for the more recent 2023 expansion of parking areas onto both privately owned parcels as well as into the remaining alley stub. Additionally, no encroachment license applications appear to have been made for the placement of paving within the two existing alleys.

Approval of the vacation petition would allow for the alley areas already paved to be utilized for private function. It would remove the need for a retroactive ENC license but would not impact the need for any retroactive Regional Center or ILP approval on the northern parcel. Given **(a)** the 'stub' nature of the remaining alley to the north; **(b)** the lack of through-connectivity from the alley to the south (which is unimproved and terminates after 1 block); and **(c)** the fact that land on either side of these alleys is jointly owned and already improved with accessory parking areas, staff would agree that a vacation petition to allow for private maintenance to legally continue would be within the public interest and recommends **approval** of the requested vacations.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner, nor Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.
The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. Gorby v. McEndarfer 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.
After a vacation of public right-of-way, the County Assessor determines how the vacated right-of-way will be assessed for tax purposes. Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

ASSESSMENT OF BENEFITS

Staff would note that both alleys are improved with paving, but that it does not appear that these improvements were originally installed by the City in 2015 and 2023, or that there has been City involvement with maintenance of those paved areas since installation. The work appears to have been done by the property owner on either side of the alley, without an encroachment license. Although the Assessment of Benefits waiver would be based upon both the value of the land itself as well as any improvements upon it, the aerial photographs below demonstrate that the property owner has done all installation of paved areas and therefore would have been directly responsible for much of the assessed value of the land and improvements.

Staff would also note that although vacation approval would remove the need for an encroachment license, it would *not* remove the need for Regional Center approval or an Improvement Location Permit for the parking expansion undertaken at the three northern parcels in 2023. Staff would recommend **approval** of the waiver of the assessment of benefits on the condition that a retroactive application for those missing zoning approvals be made within 6 months of approval of the vacation. The petitioner indicated their agreement to this commitment as written above.

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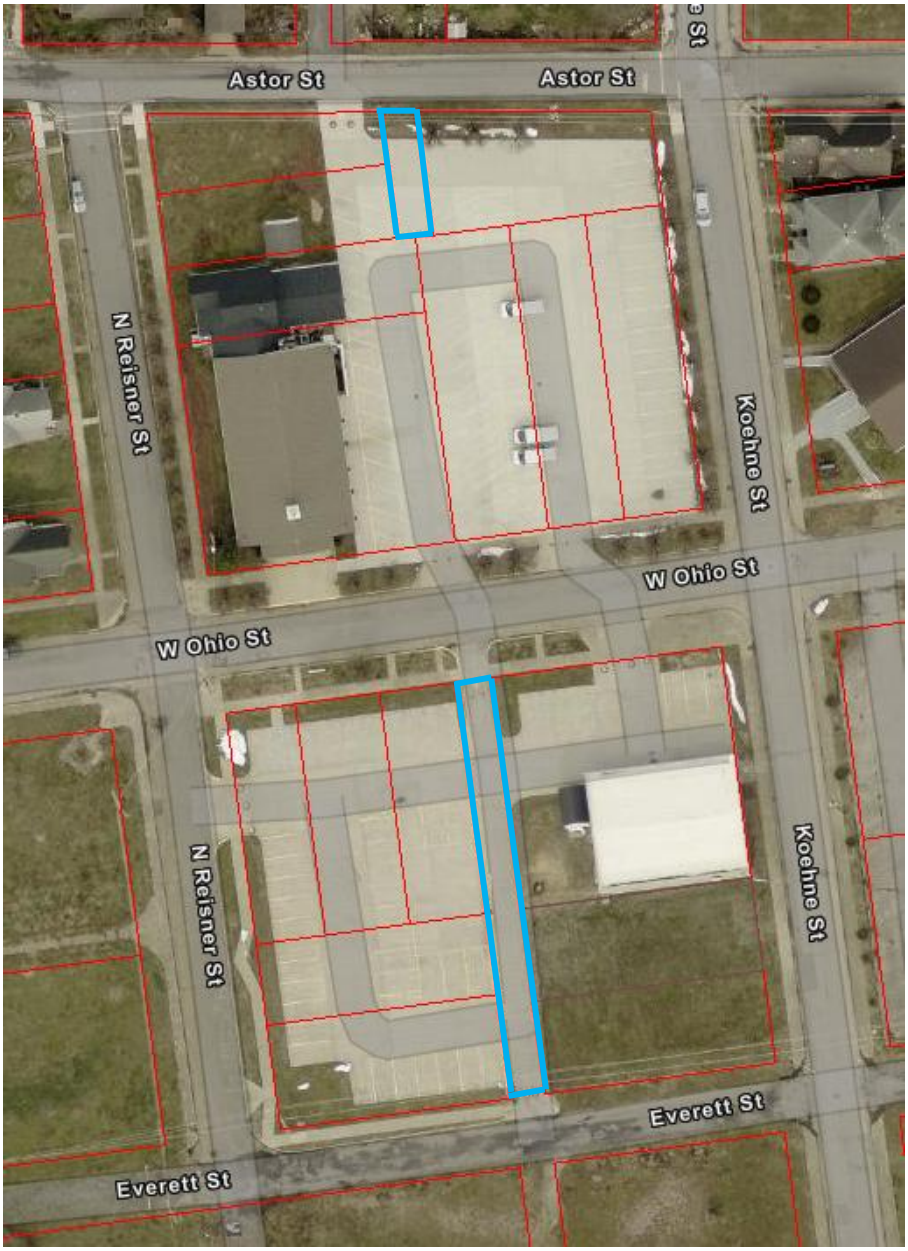
GENERAL INFORMATION

Existing Zoning	SU-1 (TOD)	
Existing Land Use	Parking/Maneuvering Area for Religious Use	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Land Use**
North:	D-8	Residential
South:	I-4 / C-3	Residential / Undeveloped
East:	SU-1 / D-8	Residential / Institutional
West:	D-8 / PK-1	Residential / Park
Thoroughfare Plan		
Astor Street	Local Street	30-foot existing and 48-feet proposed
Ohio Street	Local Street	64-foot existing and 58-feet proposed
Everett Street	Local Street	31-foot existing and 48-feet proposed
Petition Submittal Date	July 7, 2026	

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EXHIBITS

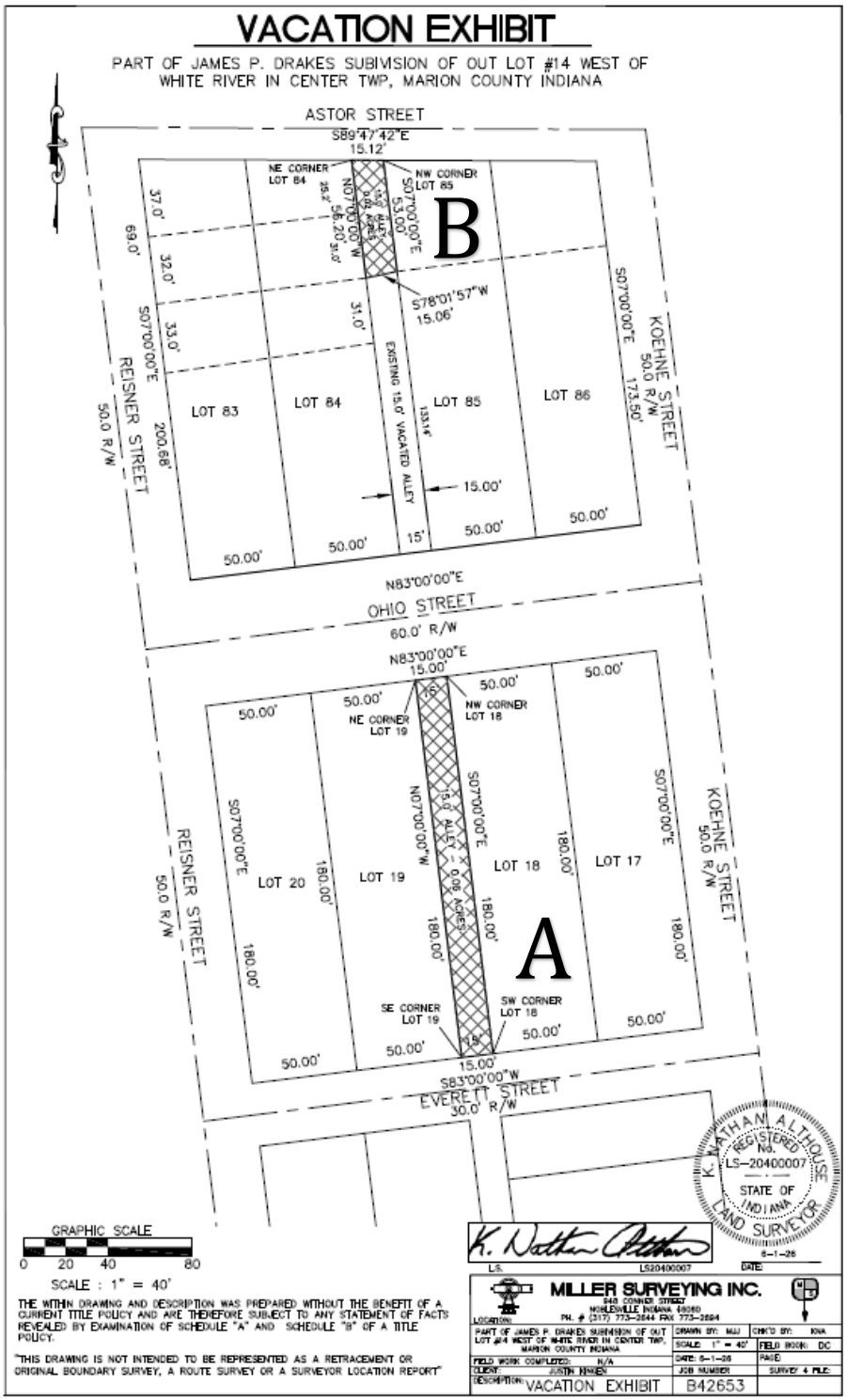


1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

The lots abutting the proposed alley vacations have come under common ownership and have been used in such a way that they are functionally unusable by the general public. Approval of this vacation request would relinquish Any responsibility of the City to improve and or maintain these alleys, allowing for the prioritization of other rights-of-way.

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Note: letters 'A' and 'B' denote the first and second portions of the previously split request



2023 aerial of northern parcels



2014 aerial of southern parcels

PHOTOS



Photo 1: Northern Alley to be Vacated Viewed from Astor



Photo 2: Northern Alley to be Vacated Viewed from Astor (May 2019)



Photo 3: Previously Vacated Alley Viewed from Ohio



Photo 4: Southern Alley to be Vacated Viewed from Ohio



Photo 5: Southern Alley to be Vacated Viewed from Ohio (May 2014)



Photo 6: Southern Alley to be Vacated Viewed from Everett



Photo 7: Public Alley to North of Subject Site Viewed from Astor



Photo 8: Public Alley to South of Subject Site Viewed from Everett



Photo 9: Existing Building on 1540 Ohio and 211 Reisner



Photo 10: Existing Building on 1525 Ohio

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METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number:	2026-ZON-085
Property Address:	2815 Mozart Way
Location:	Warren Township, Council District #20
Petitioner:	Sharyka Gray
Request:	Rezoning of 0.12-acre from the D-P district to the D-P district to provide for single-family residential and transitional living quarter uses for up to six children, ages 10 to17.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a continuance from the November 18, 2026 hearing, to the December 2, 2026, hearing, to provide time for the petitioner to submit updated information.

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number:	2026-CZN-841 / 2026-CVR-841
Property Address:	5935 West 56th Street (*Approximate Address*)
Location:	Pike Township, Council District #5
Petitioner:	Exponential Equity Group, Inc., by Misha Rabinowitch
Current Zoning:	SU-1
Request:	Rezoning of 10.3 acres, from the SU-1 district to the D-P district to provide for a development consisting of 34 multi-family units and 10 townhomes, and existing religious uses. (To Be Withdrawn) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a total of 214 parking spaces (minimum 232 parking spaces required).
Current Land Use:	Undeveloped
Staff Recommendation:	Staff recommends **approval** of the requested rezone.
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

10/21/26: Prior to the hearing, staff was made aware that full legal notice requirements were not met due to a glitch in the generation of the list of surrounding property owners provided to the petitioner. To allow for the mailing of full legal notice in a manner compliant with State regulations, staff requested that the petition be continued to the November 18, 2026 hearing date with new notice.

9/16/26: An automatic continuance was filed by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **approval** of the rezoning request, subject to the following commitments being reduced to writing on the MDC's Exhibit "A" form prior to the issuance of the letter of grant:

1. The Apartment building shall be intended, operated, and maintained as housing for persons fifty-five (55) years of age or older in accordance with the Fair Housing Act, as amended, the Housing for Older Persons Act, and applicable implementing regulations. At all times permitted by law, at least eighty percent (80%) of the occupied dwelling units in the Apartment building shall be occupied by at least one (1) person who is fifty-five (55) years of age or older. The owner, operator, and/or property manager shall publish and adhere to written policies and procedures demonstrating an intent to operate the Apartment building as housing for persons fifty-five (55) years of age or older and shall establish, maintain, and regularly update reliable age-verification procedures for occupants in accordance with applicable federal requirements. Nothing in this commitment shall be construed to require or authorize any action inconsistent with the Fair

Housing Act, the Housing for Older Persons Act, or any other applicable federal, state, or local law.

2. Subject to approval of the Pike Township Fire Department, no separate ingress/egress access off of West 56th Street shall be provided for the Apartment building or the Townhomes. Ingress and egress shall be provided by the existing driveway.
3. Landscaping for the Apartment building and Townhomes shall be as per the site and landscaping plan submitted and file-dated September 1, 2026. All landscaping shall be installed within six (6) months of completion of construction of the Apartments. Landscaping shall be maintained and replaced as needed.
4. Administrative approval of building elevations for the Apartments and for the Townhomes, anticipated to be constructed in phases, shall be obtained prior to issuance of an Improvement Location Permit (ILP). Such administrative approval shall include review and approval by the City Architect in coordination with the Department of Metropolitan Development. Such plans shall also be submitted to PTRA for review and comment prior to obtaining Administrator's Approval.
5. Prior to issuance of an ILP for either the Apartments or the Townhomes, parking agreements and/or easements providing for shared access and parking by and among the three (3) proposed lots shall be recorded.
6. A High-Intensity Activated CrossWalK (HAWK) pedestrian signal with accompanying painted crosswalk, connecting sidewalks, and ADA ramps shall be installed to connect the subject site with existing multi-use path to the north of 56th Street concurrently with the development of the first phase of the project. The petitioner shall coordinate with Department of Public Works (DPW) on the location and design, and DPW shall meet and consult with the Pike Township Residents Association (PTRA) prior to their approval to discuss the installation plan and incorporate feedback as appropriate.
7. Signage shall be limited to one monument sign, as provided by the City of Indianapolis sign regulations for residential zoning districts.
8. Parking lot lighting shall be directed downward and away from adjacent residential properties in compliance with all applicable ordinances and regulations.
9. No outdoor sound amplification system or bell tower shall be permitted on the site.
10. No temporary buildings shall be permitted on the site, except for those necessary during building construction.

Due to the applicability of Table 744-403-1 of the Ordinance (Shared Parking Reduction Factors) for calculation of required minimum parking spaces, staff and the petitioner have determined that the requested variance would not be required. It will be **withdrawn** from consideration at the hearing.

PETITION OVERVIEW

5935 West 56th Street is currently developed with a church (Nu Corinthian Baptist Church) with a size of 35,079 square feet and a sanctuary with 750 seats, in addition to accessory parking areas within the front and side yards. The subject area of this petition would comprise two parcels in total: one parcel (6001342) is 9.33 acres in size and is currently developed with the church and was rezoned to the SU-1 district in 1998, and the other parcel (6002959) is located to the northwest, is around 1 acre in size, and was rezoned to SU-1 in 2009. Both parcels have frontage on 56th Street to the north.

Surrounding land uses include single-family homes to the west, residential subdivisions to the southwest and south, the I-65 highway to the east, and land zoned for park usage to the north. The site is located near Eagle Creek Park to the west, and a multi-use path (Eagle Creek Trail) runs along the northern portion of 56th Street near the subject property.

REZONING

This request would rezone the site to the D-P District. 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.
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.

D-P Statement – June 17, 2026

Approval of this rezoning to D-P would allow for a multi-phase affordable housing community to be developed (“Rebuilding the Village”). It would allow for the church use to remain in place while also allowing for the development of 34 affordable senior apartments (Phase I) as well as for 10 additional townhome or duplex units (Phase II), for a total of 44 new dwelling units subject to substantial conformity with the filed site plan. Development standards for the church would be subject to C-1 zoning classification, and the multifamily and townhome areas would be subject to D-8 development standards. Installation of landscaping and signage would be subject to administrative approval. The full D-P statement is within the Exhibits below.

Site Plan – June 17, 2026

The site plan and elevations provided for review indicate that the new apartment building would have a footprint of 12,600 square feet in size and would be 3 stories in height, and that the future townhomes would be around 5500 square feet per building (2 buildings total). The plan also appears to indicate that the property will be subdivided into 3 lots in the future to allow for individual resale of each portion of the property (church, apartment, townhomes); a subdivision is not being sought as a part of this filing.

The apartment building would be on the northeastern portion of the site closest to the interstate, while the townhomes would be on the northwestern parcel. The existing private drive would continue to be utilized for access to all 3 sites, and 214 parking spaces would be provided for each of the uses (152 spaces for the church, 35 for the apartments, and 27 for the townhomes. Sidewalks would be installed both internally within the development and along portions of 56th Street owned by the petitioner, and per a commitment agreed to by the petitioner a HAWK pedestrian crosswalk would be installed between their property and an existing multi-use path to the north (not shown on the most recent site plan, but will be installed concurrently). The full site plan and apartment renderings are within Exhibits below.

STAFF ANALYSIS

Comprehensive Plan Recommendations

The Comprehensive Plan Pattern Book for Marion County recommends the eastern parcel to the Suburban Neighborhood typology, and the northwestern parcel to the Rural or Estate Neighborhood typology (additional description within Comprehensive Plan Analysis below). The Suburban Neighborhood typology contemplates multifamily housing along arterial streets, with parking behind or interior to development, and with building scale commensurate with nearby improvements. Similarly, the Suburban Neighborhood typology contemplates large-scale places of worship if along arterials, with continuous pedestrian infrastructure between the site and any nearby residential development, if near transit, and if in harmony with the surrounding neighborhood. The Rural or Estate Neighborhood typology does not include attached housing as a recommended land use.

The proposed land use would not run significantly counter to the guidance of the Comprehensive Plan: 9.33 of the project's 10 acres are within a typology where the proposed land uses are contemplated, and the portion with the least dense housing would be placed closest to existing single-family homes along 56th (with some landscape buffering to remain in place). Additionally, the project would be placed near Eagle Creek Park (a substantial community resource justifying some additional density).

Pedestrian Connectivity

The petitioner has agreed to the installation of a High-Intensity Activated CrossWalK (HAWK) signal with accompanying painted crosswalk, connecting sidewalks, and ADA ramps. HAWK signals involve pedestrians pressing a 'walk' button which would then trigger traffic lights suspended over the road indicating that drivers should either prepare to stop or come to a complete stop to allow for safe crossing.

A representative from the Department of Public Works has indicated that given the midblock location of this property, a HAWK signal would be the only safe option to provide direct connection from the subject site to the multi-use path to the north. The Exhibits below show in more detail how the HAWK signal would work for both drivers and motorists in practice as well as examples of HAWK signals in Indianapolis.

Rezoning Recommendation

Two explicitly enumerated purposes of D-P districts are 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” and 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”. Staff would contend that the proposed project would create a substantial increase in pedestrian connectivity via installation of the HAWK signal and would also result in a greater diversity of housing types to utilize the large existing parking area. For these reasons, and due to the congruence with the residential recommendations of the Comprehensive Plan, staff recommends **approval** of the rezoning request, subject to the three (3) commitments listed on the first page of the staff report.

Additional commitments have been proposed by the petitioner in coordination with a neighborhood group, which are within the Exhibits below. Staff would not object to their inclusion, with the exception of Commitment #6 which indicates that PTRA approval would be *required* for the proposed crosswalk (staff would prefer that this be phrased as *consultation* without full veto power; see Commitment #3 proposed by staff on the first page of this report).

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GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood / Rural or Estate Neighborhood	
Surrounding Context	**Zoning**	**Surrounding Context**
North:	PK-1	North: Park
South:	D-P	South: Residential / Undeveloped
East:	SU-1	East: Interstate
West:	D-A / D-P	West: Residential
Thoroughfare Plan		
56th Street	Primary Arterial	130-foot existing right-of-way and 102-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/17/2026	
Site Plan (Amended)	09/01/2026	
Elevations	06/17/2026	
Elevations (Amended)	N/A	
Landscape Plan	09/01/2026	
Findings of Fact	06/17/2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	06/17/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of frequent transit line, greenway, or park.
- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- The property is located to the south of existing multi-use path on the northern section of 56th Street, which connects to the Eagle Creek Greenway further to the west.

ZONING HISTORY

ZONING HISTORY – SITE

2009ZON073, Rezoning of one acre, from the D-A District, to the SU-1 classification to provide for religious uses, specifically multi-family dwellings for senior citizens, **approved.**

98-Z-27, rezone 9.33 acres from D-A to SU-1, **approved.**

ZONING HISTORY – VICINITY

2014MOD021 ; 5550 Lafayette Road (east of site), Modification of Commitments related to 97-Z-13, 2006-APP-169 and 2008-APP-027 to terminate Commitment Two of 2006-APP-169 to permit the removal of the quick kurb “access control” delineators at the site entrance and the opening of the “right turn in lane” from 56th Street, and to terminate Commitment One of Petition 97-ZON-213, as modified by 2008-APP-027, in order to allow for additional ground signs and wall signage on facades other than the front façade of the building, per plans filed, **withdrawn.**

2007VAR858 ; 5550 Lafayette Road (east of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 300-square foot outdoor seating area (not permitted), **approved.**

2003VAR813 ; 5510 Lafayette Road (east of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a coffee shop with outdoor seating (not permitted), **denied.**

97-Z-213 ; 5510 Lafayette Road (east of site), rezoning of 7.05 acres, being in the D-A district, to the C-3 classification to provide for neighborhood commercial uses excluding the following uses: outdoor advertising signs, tattoo parlors, oil lubrication shops, pawn shops, automobile repair, gambling/bingo facilities, motorcycle shops, and video arcades, **approved.**

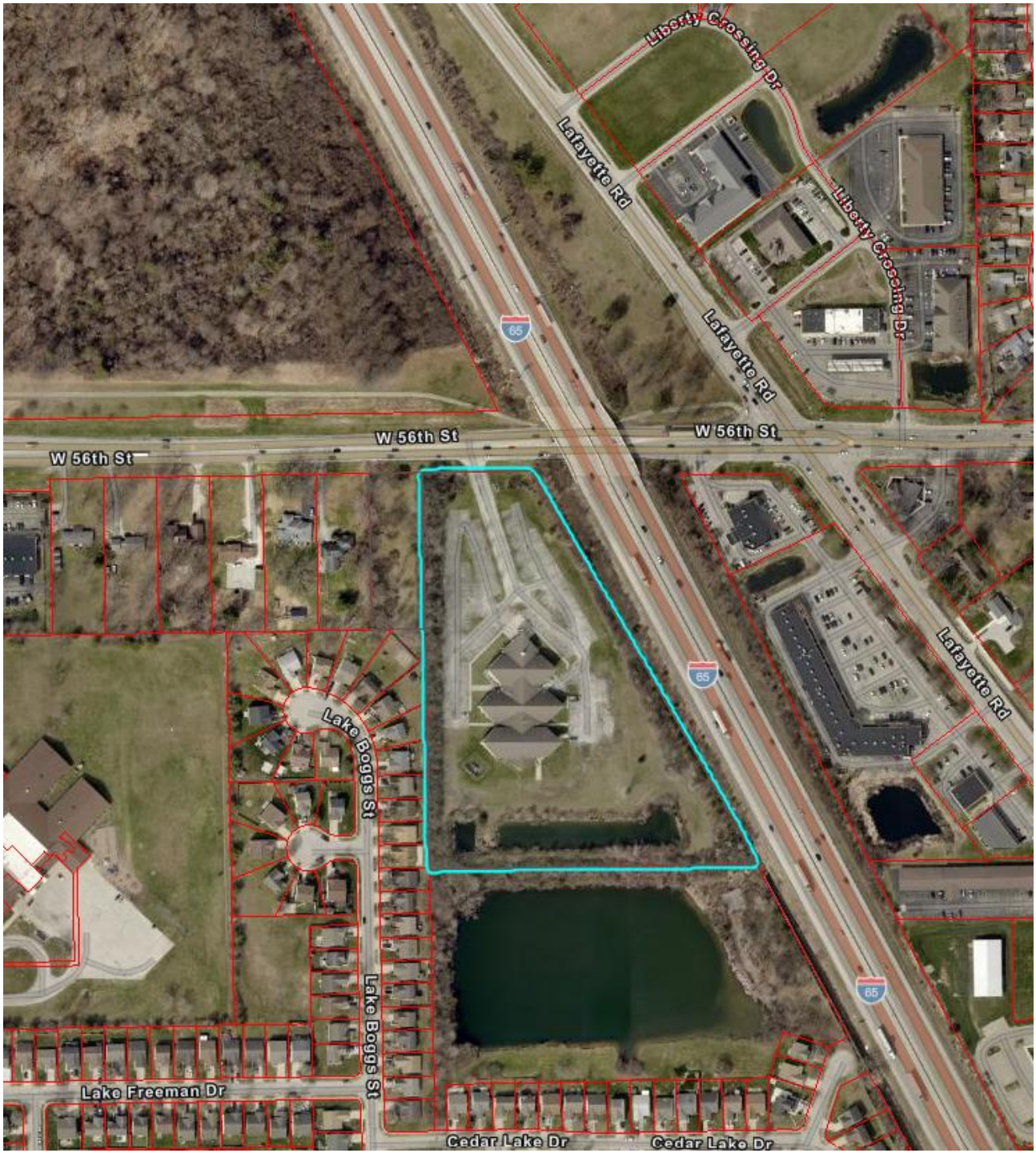
97-CP-43Z ; 5345 North High School Road (west of site), Rezone 52.48 acres from D-A and SU-43 to D-P to provide for a single-family residential development, consisting of 201 lots, **approved.**

96-CP-23Z ; 5950 West 52nd Street (south of site), Rezone 40 acres from D-A and SU-43 to D-P to provide for 159 single-family residential lots, **approved.**

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EXHIBITS

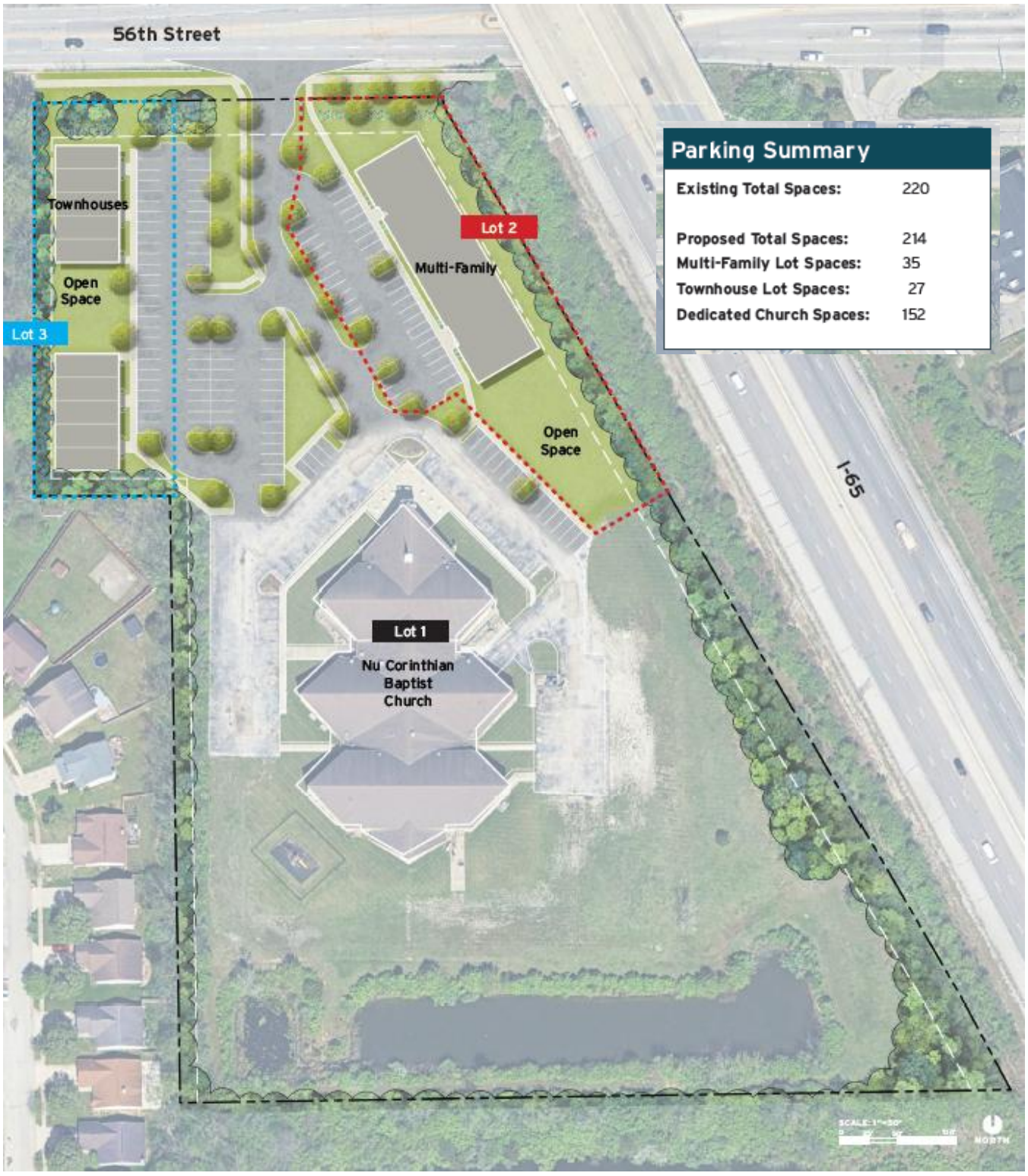
2026-CZN-841 / 2026-CVR-841 ; Aerial Map



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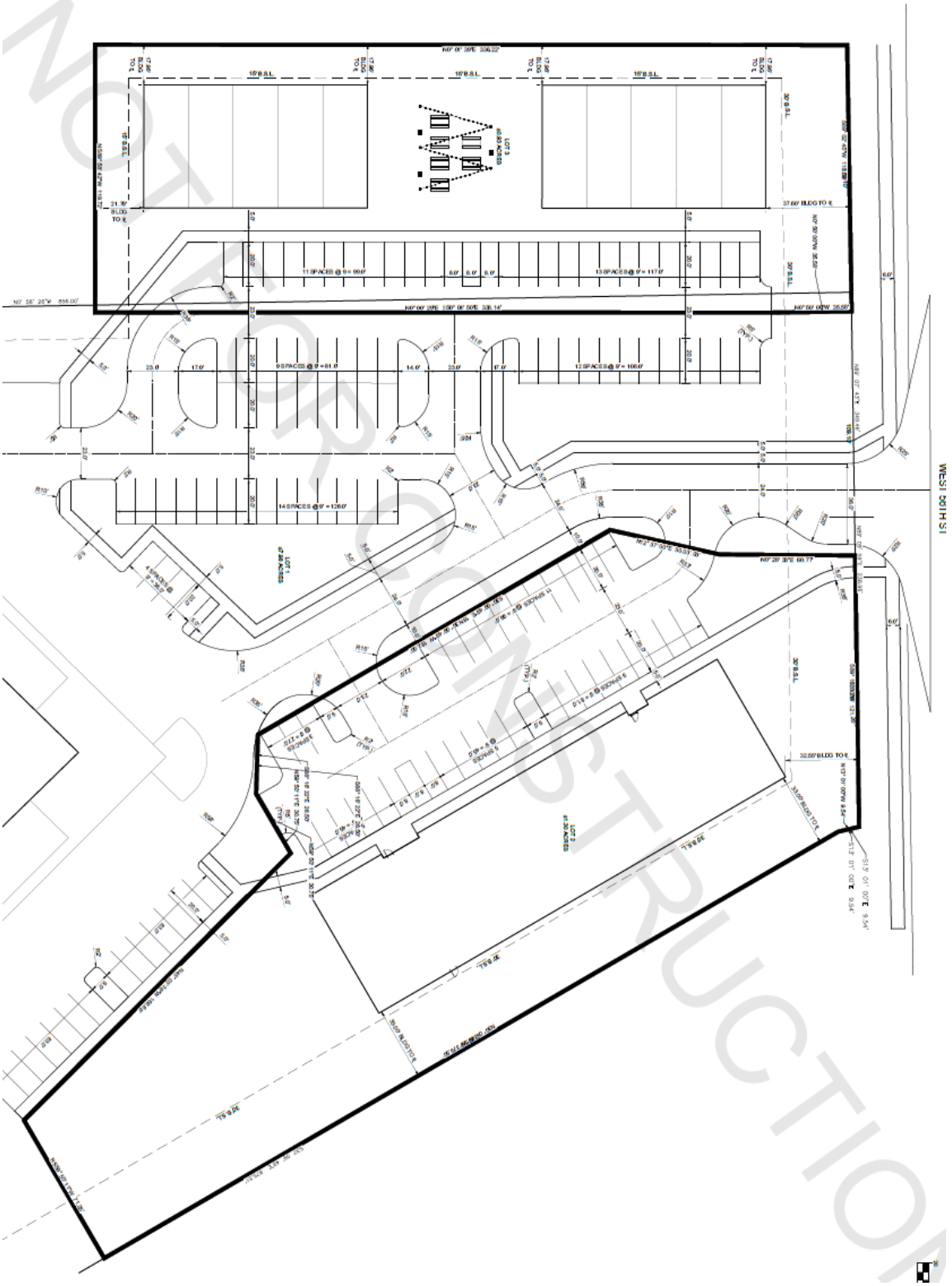
2026-CZN-841 / 2026-CVR-841 ; Site Layout



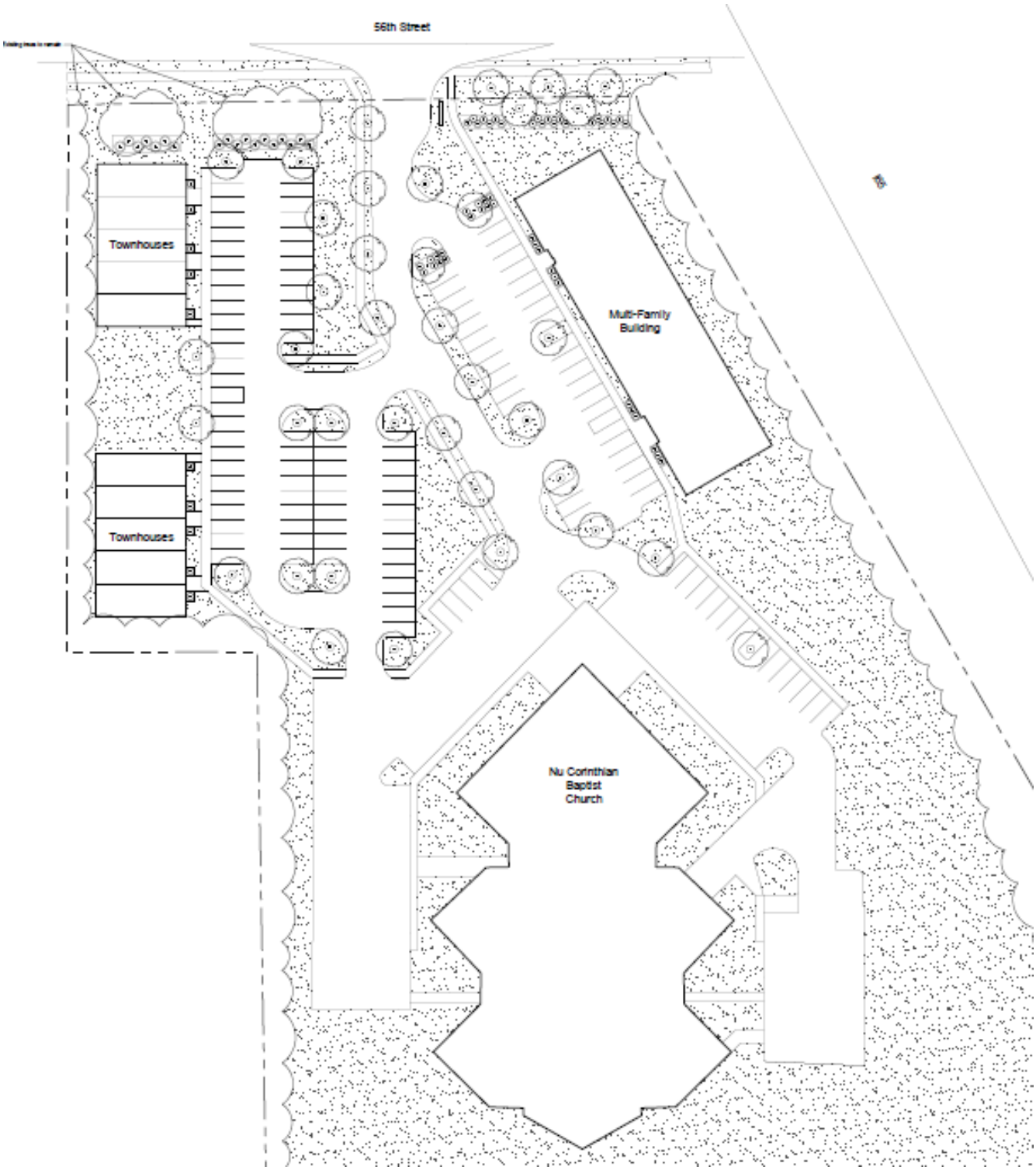
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2026-CZN-841 / 2026-CVR-841 ; Site Plan (Detail)



2026-CZN-841 / 2026-CVR-841 ; Landscape Plan



2026-CZN-841 / 2026-CVR-841 ; D-P Statement (1 of 2)

DEVELOPMENT STATEMENT

5936 W. 56TH STREET

I. PROJECT DESCRIPTION

Rebuilding the Village is proposed to be a multi-phase affordable housing community located on the 9.34 acre church-owned campus at 5935 W. 56th Street, near Eagle Creek Park (the "Development"). The campus is situated along the Eagle Creek Trail with easy access to I-65, local services, and green space — an ideal setting for seniors to live with dignity and connection to the broader community.

The Development will be developed in substantial conformity with the conceptual site plan attached hereto as **Exhibit A**. The two- phase redevelopment will include as Phase 1 of the project, construction of 34 affordable senior apartments, with 20% of the units designated as supportive housing for seniors experiencing homelessness. Phase 2 of the project envisions 10 additional townhome or duplex units to expand housing opportunities on the campus.

II. PERMITTED USES

Lot 1 (The Church Parcel) – Religious Uses

Lot 2 (The Multifamily Parcel) – Multifamily

Lot 3 – (The Townhome/Duplex Parcel) - Townhomes

III. DEVELOPMENT STANDARDS

a. The Church Parcel. Development standards from the C-1 zoning classification of the City of Indianapolis Zoning Ordinance (the "Ordinance") shall apply to the Church Parcel, except as otherwise stated herein.

b. The Multifamily Parcel. The Medium Apartment Residential Building Type Standards from Table 742.103.03, and, otherwise, the D-8 development standards of the Ordinance shall apply to the Multifamily Parcel, except as otherwise stated herein. No more than 34 units shall be permitted.

c. The Townhome/Duplex Parcel. The Row House-Small Lot Residential Building Type Standards from Table 742.103.03, and, otherwise, the D-8 development standards of the Ordinance shall apply to the Townhome Parcel, except as otherwise stated herein. No more than 10 units shall be permitted.

IV. Access, Common Areas, and Amenities

2026-CZN-841 / 2026-CVR-841 ; D-P Statement (2 of 2)

Access to the Development shall be via a shared drive at the existing church access drive as shown on the conceptual site plan. Common areas and amenities shall be accessible to church members, tenants, owners, and their guests. Development amenities shall include, but not be limited to, a resident lounge, fitness room, leasing and management office, mail room, landscaped open space, pedestrian walkways, outdoor gathering areas, and campus connectivity.

V. Parking

A total of no less than 214 parking spaces shall be available for the shared use of church members, tenants, owners, and their guests. A breakdown of the parking spaces on each lot is as follows:

Church Parcel – 152 spaces

Multifamily Parcel – 35 spaces

Townhome/Duplex Parcel – 27 spaces (in addition to attached 2 car garages)

VI. Landscaping

Landscaping shall adhere to Ordinance requirements, including the Green Factor Calculation. A landscaping plan shall be submitted for administrator's review and approval prior to the issuance of an Improvement Location Permit for the Multifamily Parcel and the Townhome Parcel.

VII. Signage

All project and building identification signage shall be submitted for administrator's approval prior to the issuance of an Improvement Location Permit for the Multifamily Parcel and the Townhome Parcel.

VII. Sidewalks and Connectivity

Pedestrian walkways and sidewalks shall be constructed within the Development and along public rights-of-way as depicted on the approved site plan.

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DIVISION OF PLANNING | CURRENT PLANNING

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Current Planning

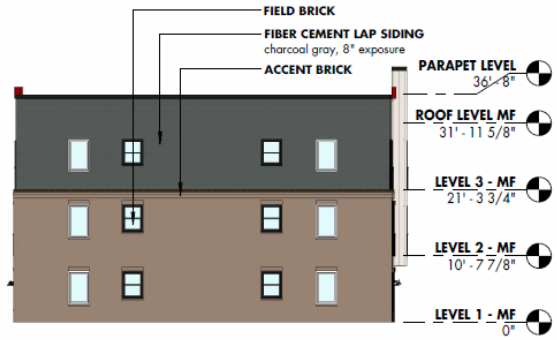
2026-CZN-841 / 2026-CVR-841 ; Apartment Elevations



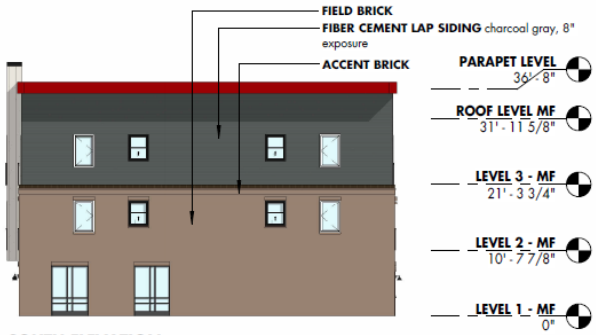
EAST ELEVATION
1/16" = 1'-0"



WEST ELEVATION
1/16" = 1'-0"



NORTH ELEVATION
1/16" = 1'-0"



SOUTH ELEVATION
1/16" = 1'-0"

2026-CZN-841 / 2026-CVR-841 ; Apartment Exterior Renderings

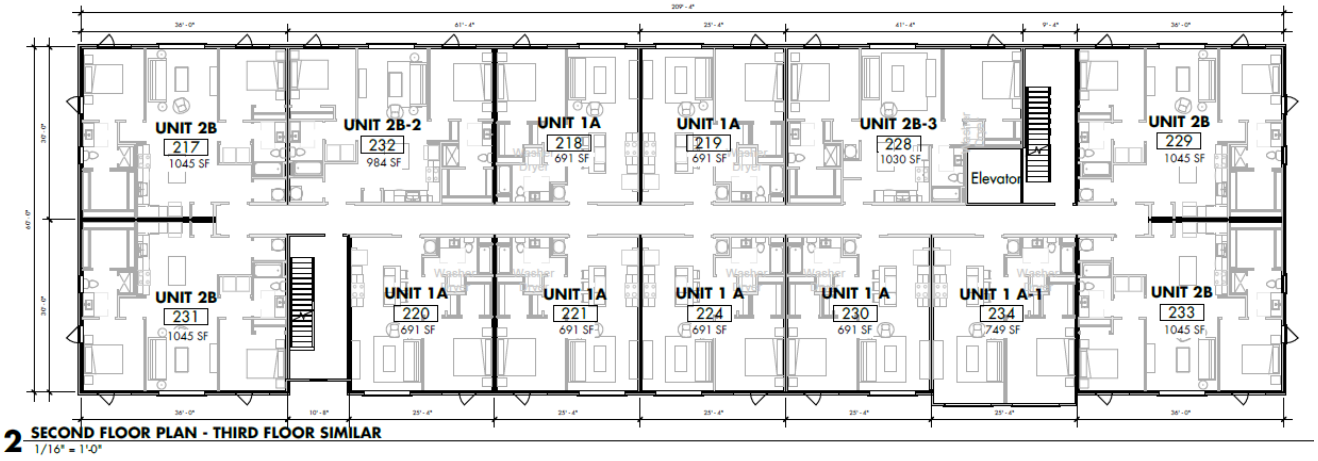




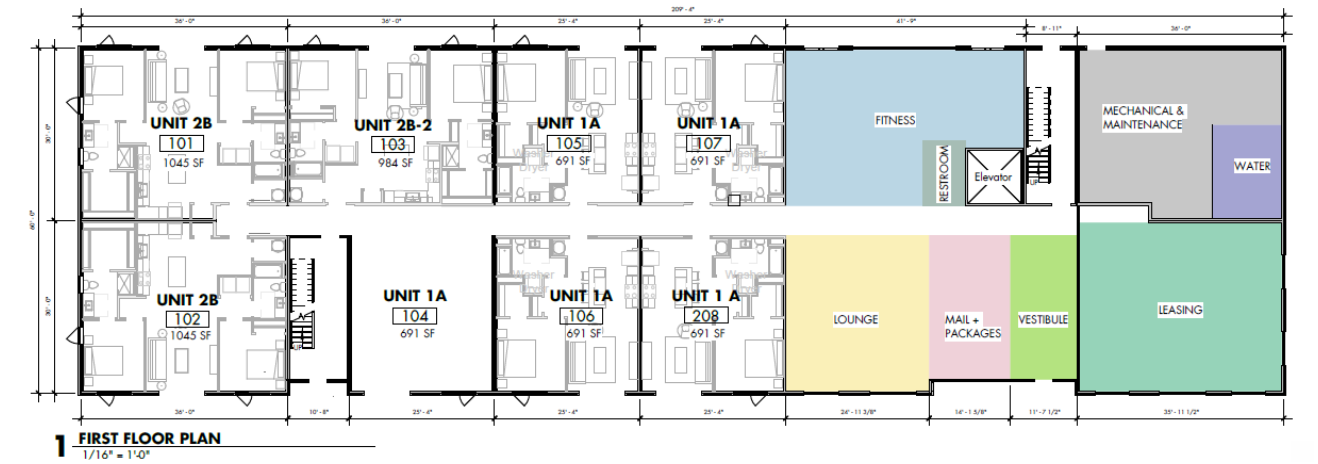
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2026-CZN-841 / 2026-CVR-841 ; Apartment Floorplans



2 SECOND FLOOR PLAN - THIRD FLOOR SIMILAR
1/16" = 1'-0"



1 FIRST FLOOR PLAN
1/16" = 1'-0"

2026-CZN-841 / 2026-CVR-841 ; Findings of Fact

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

based upon the shared parking arrangement sufficient onsite parking for each of the proposed uses is provided.

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

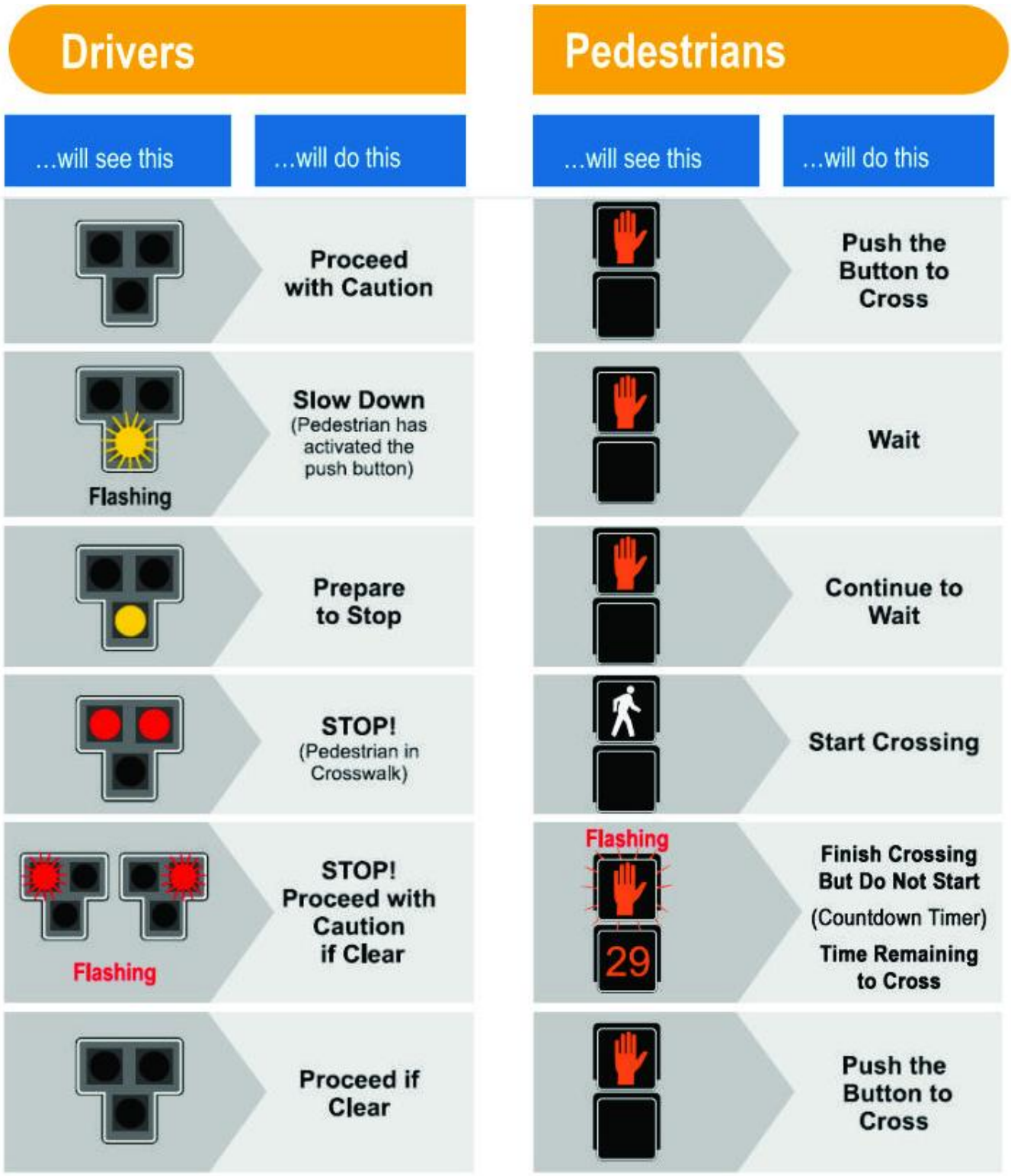
the site is isolated from other uses, no on-street parking is available, and, based upon the shared parking arrangement sufficient onsite parking for each of the proposed uses is provided.

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

because the site provides sufficient parking for each of the proposed uses, including religious uses, and the parking requirements for the residential use do not take into account that 20% of the units will be set aside for senior housing where anticipated automobile usage is reduced.

Department of Metropolitan Development
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2026-CZN-841 / 2026-CVR-841 ; HAWK Signal Functionality (Source: Michigan DOT)



2026-CZN-841 / 2026-CVR-841 ; Local HAWK Examples



East Washington Street near Willard Park (August 2025)



Michigan Street near IU Indianapolis Campus (September 2024)



Georgetown Road near 71st Street Kroger (October 2024)

2026-CZN-841 / 2026-CVR-841 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Existing Church Viewed from North

2026-CZN-841 / 2026-CVR-841 ; Photographs (continued)



Photo 3: Existing Parking Area Viewed from North



Photo 4: Proposed Apartment Area Viewed from North

2026-CZN-841 / 2026-CVR-841 ; Photographs (continued)



Photo 5: Proposed Townhome Parcel Viewed from East



Photo 6: 56th Frontage to West of Access Driveway

2026-CZN-841 / 2026-CVR-841 ; Photographs (continued)



Photo 7: 56th Frontage to East of Access Driveway



Photo 8: Adjacent Property and Multi-Use Path to North (September 2022)

2026-CZN-841 / 2026-CVR-841 ; Photographs (continued)



Photo 9: Southern Portion of 56th Street Between Subject Site and Lafayette Road (July 2024)



Photo 10: Northern Portion of 56th Street Between Subject Site and Lafayette Road