



# Metropolitan Development Commission (March 19, 2025) Meeting Notice

## Meeting Details

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

**Date:** Wednesday, March 19, 2025      **Time:** 1:00 PM

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

## Business:

**Adoption of Meeting Minutes:** March 5, 2025

### Special Requests

## Policy Resolutions:

### ECONOMIC DEVELOPMENT / INCENTIVES:

**1. 2025-A-013 (For Public Hearing)**

Resolution authorizing an amendment to the 2023 Real Property Tax Abatement approved by Resolution 2023-A-008 at Hall Place Apartments located at 1720, 1726, and 1744 N. Illinois Street and 1715 Hall Place, Council District #12, Center Township.

**2. 2025-A-014 (For Public Hearing)**

Resolution authorizing an amendment to the 2023 Real and Personal Property Tax Abatements approved by Resolutions 2023-A-010 and 2023-A-011 for Monarch Distributing, LLC located at 430 Fintail Drive, Council District #20, Warren Township.

**3. 2025-A-015 (For Public Hearing)**

Resolution authorizing a waiver of the 2024 pay 2025 deduction application filing deadlines for the tax abatement approved by Resolution 2021-A-023 for EHOB, Inc., located at 250 Belmont and 2350 Turner Ave., Council District #18, Warren Township.

### PLANNING:

**4. 2025-P-003**

Resolution to make various appointments of the Metropolitan Development Commission including: the Marion County Boards of Zoning Appeals; alternate Hearing Examiner; Hearing Officers; and the Plat Committee.

## Zoning Petitions:

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

**5. 2024-APP-032 | 8075 and 8181 North Shadeland Avenue**

Lawrence Township, Council District #3

HD-1 and HD-2 (FF)

Community Health Network, Inc., and Community Health Network Foundation, Inc., by Timothy H. Button

Hospital District-One and Hospital District-Two Approval for reconfiguration of existing parking areas to provide for additional ADA-compliant spaces, construction of a proposed 400-space surface parking lot, consolidation of two service drives into one service drive, and replacement of existing brine and bulk oxygen tanks.

**6. 2024-ZON-093 | 4410 Allisonville Road**

Washington Township, Council District #8

EZ-Stor LLC, by David Kingen & Emily Duncan

Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

**7. 2024-ZON-123 | 281 and 303 North Elder Avenue and 320, 322, 324, 326, 328, 330, 332, and 334 North Miley Avenue and 1821 West New York Street**

Center Township, Council District #18

NDZA, by David Kingen and Emily Duncan

Rezoning of 1.19 acres from the I-4, D-5, and D-5 (RC) districts to the SU-7 and SU-7 (RC) classifications to provide for not-for-profit uses.

**8. 2024-ZON-131 | 5820 South Emerson Avenue**

Perry Township, Council District #24

IN Indianapolis Emerson, LLC, by Joseph D. Calderon

Rezoning of 21.23 acres from the C-1, C-3, and D-A districts to the D-5II district to provide for townhome and duplex development.

**9. 2024-ZON-132 | 3702-3744 North Keystone Avenue**

Center Township, Council District #19

Fortified Group, LLC, by Dale Pruitt

Rezoning of 1.61 acres from the C-3 (TOD) (W-5) and D-5 (TOD) (W-5) districts to the MU-2 (TOD) (W-5) district to provide for a 95-unit multi-family complex and mixed-use development.

**10. 2024-ZON-137 | 1137 West 21st Street**

Center Township, Council District #12

Riverside Renewal, LLC, by Josh Smith

Rezoning of 0.4-acre from the I-2 (W-5) district to the D-8 (W-5) classification to provide for residential uses.

**11. 2024-ZON-140 | 6519 Carrollton Avenue**

Washington Township, Council District #7

GP CM Carrollton Avenue, by Misha Rabinowitch

Rezoning of 0.177-acre from the D-4 (TOD) (FF) district to the C-3 (TOD) (FF) classification to provide for commercial uses.

**12. 2024-ZON-143 | 4505 South Harding Street**

Perry Township, Council District #22

Blue Beacon, Inc., by Jennifer Milliken and Timothy Ochs

Rezoning of 5.22 acres from the MU-1 (FF) district to the C-7 (FF) classification to provide for a heavy vehicle wash.

**13. 2025-ZON-004 (Amended) | 6700 West Ralston Road**

Decatur Township, Council District #21

Gretchen Willkie, Earl Swart, and Gwen Swart, by David Gilman

Rezoning of 28.240 acres from the D-A (FF) district to the D-S (FF) district to provide for a nine-lot single-family detached residential development.

**14. 2025-ZON-010 | 2352 South West Street**

Center Township, Council District #18  
Working Man's Roadhouse, by Clark P. Kirkman

Rezoning of 1.15 acres from the D-5 (FF) and I-3 (FF) districts to the C-5 (FF) district to provide for commercial uses, including a bar/tavern, with outdoor entertainment.

**15. 2024-CZN-835 | 789 and 792 Edgemont Avenue**

Center Township, Council District #12  
Church of Christ Holiness USA Inc. by Joseph Phillips

Rezoning of 0.81-acre from the D-5 (W-5) district to the SU-1 (W-5) district to provide for religious uses.

**16. 2024-CAP-843 | 6243 East Washington Street**

Warren Township, Council District #14  
Tallen Capital Partners, LLC, by Joseph D. Calderon

Modification of Commitments related to 2023-PLT-064 to strike them in their entirety and replace them with the following commitments:

1. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property: Club or Lodge; Emergency Shelter, Daily; Methadone Clinic or Treatment Facility; Plasma (Blood) Center; Substance Abuse Treatment Facility; Check Cashing or Validation Service; Mortuary, Funeral Home; Outdoor Advertising Off-Premises Sign; Adult Entertainment Business; Adult Entertainment Business: Retail; Bar that does not offer food service; Indoor Spectator Venue; Night Club or Cabaret; Commercial and Building Contractors; Hotel, Motel, or Hostel; Logistics R&D; Firearm Sales; Fireworks Sales, On-hoing or Temporary; Liquor store, except for a retail store, warehouse store or big box store selling beer, wine and spirits of 10,000 square feet of gross leasable area or larger, including, but not limited to retailers: Bev Mo, Binny's, Total Wine, etc., will be allowed to operate upon the Property. In addition, any pharmacy and/or grocery store, hybrid market, mass merchandiser and/or big box retailer such as Target, Walmart, Meijer's, etc., may sell beer, wine and spirits; Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of the lease in the shopping center located on the Subject Property. In the event that EZPawn or its successors in interest vacate the Property then no Pawn Shops will be permitted thereafter.; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Parking Lot, Commercial; Parking Garage, Commercial unless it is a component of the residential or mixed-use component of the Property; and Recycling Station, unless it is a component of the residential component of the property; and

2. Temporary Outdoor Events are prohibited with the exception of farmer's markets, food and wine or beer tasting event, live music events, outdoor plays, cultural, civic and charitable events which are all permitted uses. Limited to any residential component of the Property outdoor seating, dining, outdoor grills, birthday, pickleball, basketball games, outdoor exercise, yoga, recreational and other residential tenant parties, uses and events are permitted uses; and

3. A Recycling Collection Point shall only be permitted on Lot Block A, and only in conjunction with any residential component of the Property as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to, clothes, shoes, books and furniture shall not be permitted; and

4. A connection point between the Subject Property and the Pennsy Trail to the south shall be established, and shall feature at least a bench, a green area and a bicycle rack.

**17. 2024-CZN-843 | 6243 East Washington Street**

Warren Township, Council District #14  
Tallen Capital Partners, LLC, by Joseph D. Calderon

Rezoning of 6.91 acres from the C-4 district to the MU-2 district to provide for a mixed-use development.

**18. 2024-CZN-845 | 5022 Rockville Road**

Wayne Township, Council District #16  
Cultivar Properties, LLC, by David Gilman

Rezoning of 3.03 acres from the C-3 (FF) and C-5 (FF) districts to the I-1 (FF) classification to provide for light industrial uses.

19. **2025-CZN-806 | 5433 Shelbyville Road**  
Franklin Township, Council District #24  
Sarabjit Singh and Baljit Kaur, by Pat Rooney

Rezoning of 9.109 acres from the D-A (FW) district to the D-1 (FW) district to provide for residential uses.

20. **2025-ZON-008 | 81 Irving Court**  
Warren Township, Council District #14  
Rev. Jonathan Reinink

Rezoning of 0.12-acre from the SU-1 (TOD) district to the D-5 (TOD) district to legally establish residential uses.

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

21. **2025-ZON-006 (Amended) | 5335 Madison Avenue**  
Perry Township, Council District #23  
James W. and Dawn E. Horner, by Christian C. Badger

Rezoning of 0.37-acre from the C-3 (TOD) and C-4 (TOD) districts to the C-5 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.

#### **Petitions for Public Hearing**

#### **PETITIONS FOR PUBLIC HEARING:**

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

**2024-ZON-073 / 2024-ZON-073B | 2155 Kessler Boulevard, West Drive**

Washington Township, Council District #2  
Broadmoor Investments, LLC, by Russell L. Brown

Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district to provide for residential uses.

Rezoning of 7.68 acres from the SU-34 district to the D-5II district to provide for residential uses.

23. REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

**2024-ZON-110 | 6670 East 38th Street**

Lawrence Township, Council District #9  
Tikal, Inc, by Mitch Sever

Rezoning of 2.37 acres from the C-3 (TOD) district to the C-7 (TOD) classification to provide for a building contractor, with outdoor storage of equipment and materials.

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

**2024-ZON-144 | 7500 South Sherman Drive**

Perry Township, Council District #24  
Eugene and Elsie J. Daulton, by Elizabeth Bentz Williams and Russell L. Brown

Rezoning of 61.55 acres from the D-A district to the D-3 district.

**\*\*Remonstrator request for continuance for cause**

#### **Additional Business:**

25. ADOPTION OF NEGATIVE FINDINGS OF FACT FOR VARIANCE PETITION DENIED ON FEBRUARY 5, 2025

**2024-CVR-834 (3rd Amended) | 6650 South Meridian Street**

Perry Township, Council District #22

D-A

Chin United Pentecostal Church, by Katlyn Grey

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses on proposed Lot One.

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

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

**RESOLUTION  
AUTHORIZING AMENDMENTS TO THE MEMORANDUM OF AGREEMENT  
ASSOCIATED WITH RESOLUTION 2023-A-008 REGARDING REAL PROPERTY TAX  
ABATEMENT**

**RESOLUTION NO. 2025-A-013**

**Hall Place Apartments LLC**  
1720, 1726, and 1744 N. Illinois Street and 1715 Hall Place

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

**WHEREAS**, pursuant to I.C. 6-1.1-12.1, Arrow Street Development, Inc. (owner/developer of Hall Place Apartments; hereinafter “Applicant”) filed a designation application requesting that the subject real estate at 1720, 1726, and 1744 N. Illinois Street hereinafter “Subject Real Estate”) be designated as an Economic Revitalization Area for the purpose of achieving real property tax savings in connection with redevelopment or rehabilitation activities (hereinafter “Project”); and

**WHEREAS**, on Wednesday, February 15, 2023, the Metropolitan Development Commission (hereinafter “Commission”) adopted Preliminary Economic Revitalization Area Resolutions No. 2023-A-008 preliminary designating the Subject Real Estate as an Economic Revitalization Area expiring December 31, 2025; and

**WHEREAS**, on Wednesday, March 1, 2023, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2023-A-013 (hereinafter “Resolution”), designating the Subject Real estate as an Economic Revitalization Area for the purpose of receiving up to ten (10) years real property tax abatement (hereinafter “Abatement”); and

**WHEREAS**, in the Statement of Benefits Form contained in the Resolution and the Memorandum of Agreement (hereinafter “MOA”) executed by and between the Applicant and the City of Indianapolis (hereinafter “City”), the Applicants indicated, among other requirements, that a minimum of \$79,000,000 in real property improvements would be made at the Subject Real Estate, and would have four (4) permanent positions that would be created at an average wage of \$18.00 per hour as a result of the Project (collectively, the “Commitments”); and

**WHEREAS**, in Resolution # 2023-A-013 it requires the Department of Metropolitan Development to survey the Project described in the attachment to this Resolution annually for at least nineteen (19) years. The dates of the initial nineteen (19) surveys shall be on or about the following dates: 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040 and 2041.

**WHEREAS**, in the MOA Exhibit B, the Project is to maintain the rent restrictions described therein for 15 consecutive years following full occupancy of the forty-one units described as 50%, 60% and 80% Area Median Income (AMI) affordable units, respectively, as described. Also, the Applicant is annually required to provide proof in the "Housing Report" of 100% compliance with the specified rent restrictions. The Housing Report shall be included with the Annual

Survey; or, in the event the City does not provide an Annual Survey, the Housing Report shall accompany the Applicant's annual Compliance with Statement of Benefits Form (Form CF-1).

**WHEREAS**, the Applicant submitted a request, on February 5, 2025, to extend the Economic Revitalization Area to December 31, 2028, extending the deadline for hiring four (4) jobs and the investment period to December 31, 2028; and

**WHEREAS** the City and Applicant (collectively, the “Parties”) desire to amend the Resolution and MOA in the following manner: to extend the end date of the Economic Revitalization Area to December 31, 2028, thus extending the deadline for hiring four (4) jobs and the investment period to December 31, 2028; and as set forth in this Amending Resolution, and subsequently set 1:00 p.m. on Wednesday, March 19, 2025, for the public hearing of remonstrances and objections from persons interested in the Applicant’s compliance with Resolutions and MOA, and whether the payment of the damages should be made 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 City of Indianapolis has satisfied all other conditions precedent to hold the hearing to amend the terms of the Economic Revitalization Area designations, associated tax abatement deductions and the associated Memorandum of Agreement.

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

1. The Commission finds that allowing an extension of the ERA for Hall Place LLC is a reasonable deviation from the Commitments set forth in the SB-1, Resolution and MOA. It authorizes the Director of DMD to execute the Amended Memorandum of Agreement.
2. The Commission directs the Department of Metropolitan Development to continue to monitor the Applicant’s Project for the remainder of the term agreed upon in the Amended MOA.

METROPOLITAN DEVELOPMENT COMMISSION

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

\_\_\_\_\_  
Dated

Approved as to Legal Form  
and Adequacy March 7<sup>th</sup>, 2025.

*Sheila Kinney*  
\_\_\_\_\_  
Approved for Legal Form and Adequacy  
Office of Corporation Counsel

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

**FINAL RESOLUTION TO  
AUTHORIZE AMENDMENTS TO THE MEMORANDUM OF AGREEMENT  
ASSOCIATED WITH RESOLUTIONS 2023-A-010 AND 2023-A-011 REGARDING REAL  
AND PERSONAL PROPERTY TAX ABATEMENT**

**Reyes Holdings, LLC and Lone Oak - Indianapolis, LLC  
d/b/a Monarch Distributing, LLC  
430 Fintail Drive**

**Resolution No. 2025-A-014**

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

**WHEREAS,** pursuant to I.C. 6-1.1-12.1, Reyes Holdings, LLC and Lone Oak – Indianapolis, LLC, d/b/a Monarch Distributing, LLC ("Applicant") filed designation applications requesting that the subject real estate at 430 Fintail Drive ("Subject Real Estate") be designated as an Economic Revitalization Area for the purpose of achieving real and personal property tax savings in connection with the proposed redevelopment or rehabilitation activities, and installation of new equipment. ("Project"); and

**WHEREAS,** on Wednesday, February 15, 2023, the Metropolitan Development Commission ("Commission") adopted Preliminary Economic Revitalization Area Resolutions No., 2023-A-005 and, 2023-A-006 preliminarily designating the Subject Real Estate as an Economic Revitalization Area; and

**WHEREAS,** on Wednesday, February 22, 2023, after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolutions No. 2023-A-010 and 2023-A-011, ("Resolutions"), designating the Subject Real estate as an Economic Revitalization Area for the purpose of receiving five (5) years real and personal property tax abatements; and

**WHEREAS,** in the Statement of Benefits Form contained in the Resolutions and the Memorandum of Agreement ("MOA") executed by and between the Applicant and the City of Indianapolis ("City"), the Applicant indicated that \$5,101,250 in personal property investments would be made at the Subject Real Estate, and \$57,251,931 in real property improvements would be made at the Subject Real Estate, 483 permanent positions would be retained at an average wage of \$36.00 per hour as a result of the Project (collectively, the “Commitments”); and

**WHEREAS,** the Applicant submitted SB-1 Statement of Benefits forms showed that the Applicant exceeded the personal property and real property investment commitments and the job retention commitment.

**WHEREAS,** the Applicant subsequently requested DMD to add RBD Transit, LLC, an affiliate company of Monarch Distributing, LLC, as an additional applicant named to the MOA.



**WHEREAS**, the Applicant also requested DMD change the dates to the Economic Revitalization Area (ERA) to January 1, 2025 – January 1, 2027 from March 1, 2023 – December 31, 2024, to extend the personal property investment to January 1, 2027.

**WHEREAS**, the City and Applicant (collectively, the “Parties”) desire to amend the MOA in the following manner: add RBD Transit, LLC as an additionally named company under applicant and to change the dates of the ERA to January 1, 2025 to January 1, 2027, as set forth in this Amending Resolution, and subsequently set 1:00 p.m. on Wednesday, March 19th, 2025, for the public hearing of remonstrances and objections from persons interested in the Applicant’s compliance with Resolutions and MOA, and whether the payment of the damages should be made 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 hold the hearing to amend the terms of the Economic Revitalization Area designations, associated tax abatement deductions and the associated Memorandum of Agreement.

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

1. The Commission finds that allowing the change of the ERA for Monarch Distributing, LLC and adding RBD Transit, LLC to the list under applicant names are reasonable deviations from the Commitments set forth in the SB-1, Resolution and MOA. It authorizes the Director of DMD to execute the Amended Memorandum of Agreement, attached hereto as Exhibit A and incorporated herein, between the Parties (“Amended MOA”).
2. The Commission directs the Department of Metropolitan Development to continue to monitor the Applicant’s Project for the remainder of the term agreed upon in the Amended MOA.

METROPOLITAN DEVELOPMENT COMMISSION

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

\_\_\_\_\_  
Dated

Approved as to Legal Form  
and Adequacy this 12th day  
of March 2025.

*Sheila Kinney*  
\_\_\_\_\_  
Approved for Legal Form and Adequacy  
Office of Corporation Counsel

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

**RESOLUTION WAIVING CERTAIN FILING REQUIREMENTS OF THE ECONOMIC  
REVITALIZATION AREA DESIGNATION APPROVED BY RESOLUTION  
2021-A-023,**

**RESOLUTION NO. 2025-A-015**

**PERSONAL PROPERTY TAX ABATEMENT**

**EHOB, Inc.**

250 Belmont and 2350 Turner Ave.

**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,** on Wednesday, March 17<sup>th</sup>, 2021 the Metropolitan Development Commission (hereinafter "Commission") adopted Preliminary Economic Revitalization Area Resolution No. 2021-A-020, 2021 preliminarily designating 250 Belmont and 2350 Turner Ave, Indianapolis, Indiana (the "Subject Real Estate") as an Economic Revitalization Area; and

**WHEREAS,** on Wednesday, April 7<sup>th</sup>, 2021 after conducting a public hearing, the Commission adopted Final Economic Revitalization Area Resolution No. 2021-A-023, 2021 (hereinafter, the "Resolution"), designating the Subject Real Estate as an Economic Revitalization Area for the purpose of receiving six (6) years personal property tax abatement for the benefit of EHOB , Inc. 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 "Applicant" and the "Abatement"); and

**WHEREAS, I.C. 6-1.1-12.1-5** requires an Applicant for Economic Revitalization Area designation to annually file with the personal property return a certified deduction schedule, including forms known as the Compliance with a Statement of Benefits Real Estate Improvements Property, or Form CF1/Personal Property (hereinafter "CF-1"), (hereinafter the "Deduction Application") with the Marion County Assessor (hereinafter "Assessor"); and

**WHEREAS,** on July 16, 2024, Applicant filed the 2024 and 2025 CF-1 forms with Department of Metropolitan Development, as staff to the Commission, which indicated Applicant has exceeded the job commitment of 31 new positions, was compliant with retained positions and new and retained wage commitments, and has meet the Personal Property Investment commitment per the Memorandum of Agreement, signed in consideration of the Abatement; and

**WHEREAS, I.C. 6-1.1-12.1-11.3(a)(5)** allows the Commission to waive non-compliance for certain filing requirements of the statutory abatement process, including the filing deadline for the certified deduction applications, provided that the Commission holds a public hearing and adopts a resolution approving such waivers (hereinafter "the Waivers"); and

**WHEREAS,** the Assessor, without the Commission's adoption of the Waivers, is legally prohibited from accepting the Applicant's deduction applications due to the untimeliness of the filing; and

**WHEREAS**, the Commission fixed 1:00 p.m. on March 19<sup>th</sup> 2025 in the Public Assembly Room of the City-County Building for public hearing regarding the Waivers of Applicant’s noncompliance relative to the 2024 Pay 2025 deduction application filing dates (hereinafter, the “Public Hearing”); and

**WHEREAS**, such Public Hearing shall only consider the specified Waiver relative to the Applicant’s deduction filing and shall not constitute any other waiver of non-compliance of any other requirements of the Project pursuant to the Resolution and the executed Memorandum of Agreement, including but not limited to the Applicant’s commitments regarding the number and deadline dates for job creation and retention, wages and salaries of Applicant’s employees, and capital investment in the Project; and

**WHEREAS**, the Department of Metropolitan Development published proper legal notices for the Public Hearing stating the time, date, and location that the Commission would hear remonstrances and public input concerning the Waiver of Applicant’s noncompliance with the filing deadline for the 2024 Pay 2025 Abatement deduction applications.

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

- 1. Following the Public Hearing and after consideration of all public input and the facts presented to the Commission, the Commission now confirms, adopts and approves the Waiver of Applicant’s failure to file, in a timely manner, the 2024 deduction applications, for which Applicant desires to claim deductions for taxes payable in 2025 under I.C. 6-1.1-12.1 *et seq.*, and the Commission finds and confirms all such noncompliance relative to the 2024 Pay 2025 deduction application filing deadline is hereby waived.
- 2. 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 3<sup>rd</sup> day  
of March 2025.

*Sheila Kinney*  
\_\_\_\_\_  
Approved for Legal Form and Adequacy  
Office of Corporation Counsel

**METROPOLITAN DEVELOPMENT COMMISSION  
MARION COUNTY, INDIANA  
RESOLUTION NO. 2025-P-003**

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

WHEREAS, under Indiana Code§ 36-7-4-402, 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; and

WHEREAS, under IC 36-7-4-902, the Commission is empowered to appoint members to the Metropolitan Board of Zoning Appeals; and

WHEREAS, under IC 36-7-4-923, the Commission is empowered to appoint a Hearing Officer who may exercise some of the powers of the Metropolitan Board of Zoning Appeals; and

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

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby designates David DiMarzio as the alternate Hearing Examiner for the period from January 1, 2025, through December 31, 2025.
2. The Commission hereby appoints Andrew Katona to the Metropolitan Board of Zoning Appeals, Division I, for the period from January 1, 2025, through December 31, 2025.
3. The Commission hereby appoints Tom Barnes to the Metropolitan Board of Zoning Appeals, Division II, for the period from January 1, 2025, through December 31, 2025.
4. The Commission hereby appoints JoAnna Taft to the Metropolitan Board of Zoning Appeals, Division III, for the period from January 1, 2025, through December 31, 2025.
5. The Commission hereby appoints Rahnae Napoleon to the Metropolitan Board of Zoning Appeals, as an alternate, for the period from January 1, 2025, through December 31, 2025.
6. The Commission hereby appoints Matt Hostetler as Hearing Officer for the period from January 1, 2025, through December 31, 2025.
7. The Commission hereby appoints Heather Reid as Hearing Officer for the period from January 1, 2025, through December 31, 2025.
8. The Commission hereby appoints Brittany Rasdall to the Plat Committee for the period from January 1, 2025, through December 31, 2025.

- 9. The Commission hereby appoints Destiny LeJohn to the Plat Committee for the period from January 1, 2025, through December 31, 2025.
  
- 10. The Commission hereby appoints Kelly Evans to the Plat Committee for the period from January 1, 2025, through December 31, 2025.
  
- 11. The Commission hereby appoints Janis Wilson to the Plat Committee for the period from January 1, 2025, through December 31, 2025.
  
- 12. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission

\_\_\_\_\_  
Ethan Hudson, Asst. Corp. Counsel

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



**METROPOLITAN DEVELOPMENT COMMISSION** **March 19, 2025**

**Case Number:** 2024-ZON-073 and 2024-ZON-073B

**Property Address:** 2155 Kessler Boulevard, West Drive

**Location:** Washington Township, Council District #2

**Petitioner:** Broadmoor Investments, LLC, Russell L. Brown

**Current Zoning:** SU-34 (FF)

**Request:** Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district and B. Rezoning of 7.68 Acres from the SU-34 district to the D-5II district to provide for residential uses.

**Current Land Use:** Undeveloped land

**Staff Recommendations:** Denial.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged a timely automatic continuance by a City-County Councilor that continued these petitions from the July 25, 2024 hearing, to the August 29, 2024 hearing.

The Hearing Examiner acknowledged a timely automatic continuance filed by the petitioner’s representative that continued these petitions from the August 29, 2024 hearing, to the September 26, 2024 hearing.

Based upon updated information from the petitioner’s representative, staff determined that a Traffic Impact Study (TIS) would be warranted. Consequently, the Hearing Examiner continued these petitions from the September 26, 2024 hearing, to the December 12, 2024 hearing, and to the January 9, 2025 hearing, to provide additional time for the TIS to be conducted, submitted to the file and reviewed by staff.

The Hearing Examiner continued these petitions from the January 9, 2025 hearing, to the January 23, 2025 hearing, at the request of the petitioner’s representative.

These petitions were heard by the Hearing Examiner on January 23, 2025. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner’s representative filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

The Metropolitan Development Commission continued these petitions from the February 19, 2025 hearing, to the March 5, 2025 hearing, at the request of the petitioner’s representative.



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

The petitioner's representative has proposed a reduction of total units from 40 down to 35 total units. Dwelling units in the D-5II district would be reduced from 27 units to 22 units. The dwelling units in the D-4 district remain at 13 units. Additionally, the primary entrance to Broadmoor County Club would not be relocated to the access drive along Knollton Road from this proposed development. Only an emergency access would be provided to Broadmoor County Club (Street A). The primary access would remain along Kessler Boulevard West Drive. See amended Site Plan, file dated February 26, 2025.

Staff would note that the petitioner and their representative are not in agreement with the requested dedication of right-of-way along Kessler Boulevard West Drive. Staff continues to request that dedication.

After further consideration and review of the amended request, staff continues to recommend denial of the request from a land use perspective and impact on surrounding land uses, as noted in the comments below.

If approved, staff would request the following additional commitment related to Knollton Road for a total of five requested commitments:

A sight distance analysis (horizontal and vertical) along Knollton Road shall be conducted during the permitting process and any right-of-way improvements required as a result of development to the property shall be installed by the petitioners and / or the developer.

The Metropolitan Development Commission continued these petitions from the March 5, 2025 hearing, to the March 19, 2025 hearing, at the request of staff, to provide additional time to review and consider the most recent site plan file dated February 26, 2025.

### **March 19, 2025**

After further review, staff continues to **recommend denial** for the reasons noted in this report. If approved, staff would request that approval be subject to five commitments noted below.

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



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

4. A 59.5-foot half right-of-way shall be dedicated along the frontage of 2155 Kessler Boulevard West Drive and West 56<sup>th</sup> Street (between the site access drive and Knollton Road to the east (approximately 990 feet) and a 45-foot half right-of-way along the frontage of Knollton Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
5. A sight distance analysis (horizontal and vertical) along Knollton Road shall be conducted during the permitting process and any right-of-way improvements required as a result of development to the property shall be installed by the petitioners and / or the developer.

Staff has conferred with the Department of Public Works related to the dedication of right-of-way along Kessler Boulevard West Drive / West 56<sup>th</sup> Street. Staff believes the dedication of this right-of-way should be between the access drive to the site and Knollton Road to the east (approximately 990 feet), rather than the entire frontage of the site between Kessler Boulevard North Drive and Knollton Road.

### STAFF RECOMMENDATION

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

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
4. A 59.5-foot half right-of-way shall be dedicated along the frontage of 2155 Kessler Boulevard West Drive and West 56<sup>th</sup> Street (between the site access drive and Knollton Road to the east (approximately 990 feet) and a 45-foot half right-of-way along the frontage of Knollton Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).





## PETITION OVERVIEW

This 13.69-acre site, zoned SU-34 (Club rooms, fraternal rooms / fraternity and lodge and public ballroom) (FF), is undeveloped and surrounded by a driving range to the north, zoned SU-34; single-family dwellings to the south, zoned D-S; single-family dwellings to the east, across Knollton Road, zoned D-S; and a country club to the west, zoned SU-34.

The request would rezone the southern portion of the site to the D-4 (FF) and the northern portion of the site to the D-5II district. “The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood Typologies of the Land Use Pattern Book.

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

The Comprehensive Plan recommends the non-typology land use of regional special use.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation of regional special use because the recommended land use serves as a specific and stable institutional purpose for a portion of the population.



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

## Overlays

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

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

The entire site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands.

## Tree Preservation / Heritage Tree Conservation

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

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

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

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

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



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

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

### **Floodway Fringe**

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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-4 and D-5II in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

The southeast corner of the site is located within the unregulated 500-year floodplain.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Kessler Boulevard West Drive / West 56<sup>th</sup> Street and a 45-foot half right-of-way along Knollton Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Traffic Impact Study (TIS)**

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are acceptable if found to operate at LOS D or better.

The TIS, file dated November 25, 2024, studied baseline existing conditions; impact of proposed development (trip generation, directional distribution diverted trips / site access); 2024 forecasted conditions; and 2034 forecasted conditions.

Four intersections were studied:

- Kessler Boulevard and Broadmoor Country Club
- Kessler Boulevard and West 56th Street
- Kessler Boulevard and Knollton Road
- West 56th Street and Knollton Road



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

Analysis was conducted for two scenarios. Scenario One – Access to the Broadmoor Country Club along Kessler Boulevard would be removed and relocated to Knollton Road access that would also serve the proposed residential development. Scenario Two – Access to the Broadmoor Country Club would remain along Kessler Boulevard and the access drive along Knollton Road would serve only the proposed residential development.

Recommendations:

- A westbound left-turn lane is recommended at the intersection of Kessler Boulevard and Knollton Road.

### **Environmental Public Nuisances**

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

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

Environmental public nuisance means:

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

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



Department of Metropolitan Development  
Division of Planning  
Current Planning

## Planning Analysis

The proposed development of approximately 13.7 acres is part of a 200-acre country club development that has existed for at least 87 years. The 1937 aerial is the earliest aerial that depicts development of the golf course and club buildings.

Staff believes that the proposed residential development would not be supportable on this site that has a Comprehensive Plan recommendation of regional special use that is a land use that does not contemplate residential uses.

The density of the proposed D-4 district (approximately six acres) would be 2.5 units per acre. The density of the proposed D-5II district (approximately 7.5 acres) would be 4.6 units per acres.

Very low density (D-S) is adjacent to the site to east and south and described as “intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”

This area did not develop in a manner that would allow for this dense of housing. The proposal would also create or encourage a disjointed pattern of residential development that would not be compatible with the existing residential land uses and could have a destabilizing impact on the neighborhood.

The proposed site plan depicts an access drive along Knollton Road that could also serve as a primary entrance to the country club. There would be a detention pond and 10 attached dwellings (townhomes) north of the access drive. Development south of the access drive would include 18 attached dwellings (townhomes) and 15 detached single-family dwellings.

Street A and Street B would likely be private streets, with gates installed at the western boundary of the site and the intersection of Street A and Street B.



Department of Metropolitan Development  
Division of Planning  
Current Planning

## GENERAL INFORMATION

<b>Existing Zoning</b>	SU-34 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: SU-34	Golf driving range
	South: D-S (FF)	Single-family dwellings
	East: D-S (FF)	Single-family dwellings
	West: SU-34	Country club buildings
<b>Thoroughfare Plan</b>		
Kessler Boulevard, West Drive	Primary Arterial	Existing 100-foot right-of-way and proposed 119-foot right-of-way.
Knollton Road	Primary Collector	Existing 60-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes, unregulated 500-year floodplain	
<b>Overlay</b>	Yes, Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 20, 2024	
<b>Site Plan (Amended)</b>	February 26, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends the non-typology land use of regional special use. This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.



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

The non-typology land uses are stand-alone uses that are outside the typology system due to their scale or the nature of their use.

**Pattern Book / Land Use Plan**

Not Applicable to the Site.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

Not Applicable to the Site.

**Infill Housing Guidelines**

Not Applicable to the Site.

**Indy Moves**

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

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

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

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

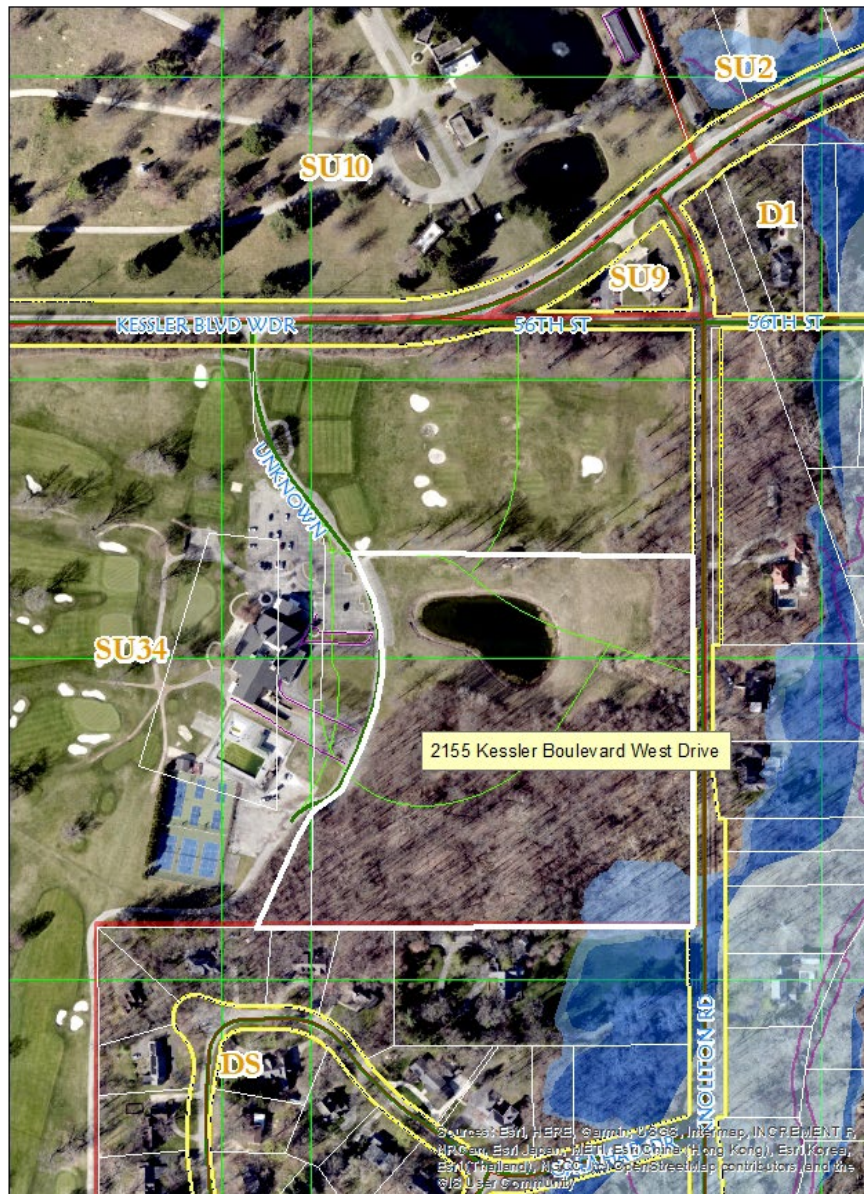


**ZONING HISTORY**

None.

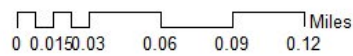


**EXHIBITS**



Source: Esri, HERE, Garmin, Swisstopo, Intermap, INCREMENT P, NRCan, Esri Japan, Swisstopo, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, IGN, CNRS, and other contributors, and the user community.

2155 Kessler Boulevard West Drive





**EXHIBIT A**

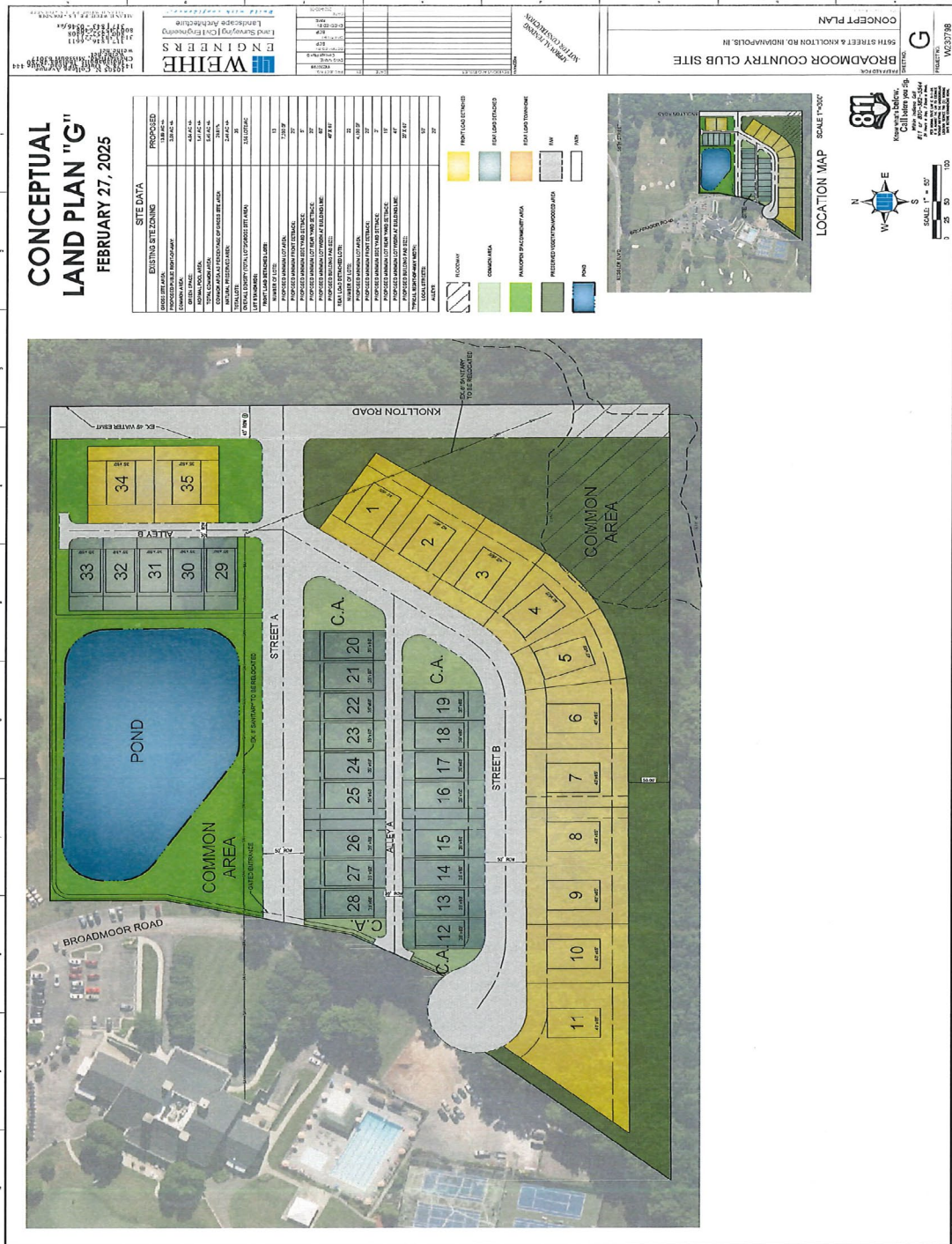
**Heritage Tree Conservation**

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

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

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

Amended Site Plan 02.26.2025







Department of Metropolitan Development  
Division of Planning  
Current Planning

**MEMORANDUM OF EXAMINER'S DECISION**

**2024-ZON-073/073B**

**2155 Kessler Blvd, West Drive**

The petitions requests the rezoning of 6.01 acres from the SU-34(FF) district to the D-4(FF) district and the rezoning of 7.68 acres from the SU-34 district to the D-5ll district to provide for residential uses.

Your Hearing Examiner visited the heavily wooded site prior to the hearing and noted the established homes on large lots along both sides of Knollton Road south and east of the site, and a subdivision with large lots south of it. Broadmoor County Club is north and west of the site.

The petitioner's representative described the proposed infill development as a way to maintain the country club, which has been in existence for over 100 years. The density would increase from south to north, and all residents would be required to have a country club membership. Because the existing access to the country club from Kessler Boulevard is not ideal, the primary access to this site, and to the country club, would be from Knollton Road. It was also suggested that the proposed development would help meet demand for housing in Washington Township, and that the proposed density is not out of character for the larger area.

More than 30 remonstrators attended the hearing, and a petition of opposition was presented with more than 50 signatures. Several remonstrators spoke, and the primary reasons of opposition were the proposed density, inconsistency of the requested zoning districts with surrounding zoning districts, access from Knollton Road, and clearing of trees.

Staff explained that, while the Comp Plan recommended regional special use because of the current zoning of SU-34, very low density residential development would be appropriate for this site. Staff expressed concern that the request would introduce a disjointed pattern of development, and that clear cutting of trees on the site would happen.



Department of Metropolitan Development  
Division of Planning  
Current Planning

In your Hearing Examiner's opinion, the requested zoning districts and proposed development are completely out of character with this area. While a special use needs some flexibility in order to maintain its place in a neighborhood, it should not be to the detriment of the neighborhood. Your Hearing Examiner is also concerned with the proposed access on Knollton Road, and the impact the development would have on the high quality woodlands covering the site. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on February 19, 2025



View of site looking west across Knollton Road



View of site looking west across Knollton Road



View of site looking west across Knollton Road



View of site looking west across Knollton Road





View of site looking west across Knollton Road



View of site looking east across existing driving range



View of site looking south along drive that abuts the western site boundary



View of site looking north along drive that abuts the western site boundary



Department of Metropolitan Development  
Division of Planning  
Current Planning

## METROPOLITAN DEVELOPMENT COMMISSION

March 19, 2025

<b>Case Number:</b>	2024-ZON-110
<b>Property Address:</b>	6670 East 38 <sup>th</sup> Street
<b>Location:</b>	Lawrence Township, Council District #9
<b>Petitioner:</b>	Tikal, Inc., by Mitch Sever
<b>Current Zoning:</b>	C-3 (TOD)
<b>Request:</b>	Rezoning of 2.37 acres from the C-3 (TOD) district to the C-7 (TOD) classification to provide for a building contractor, with outdoor storage of equipment and materials.
<b>Current Land Use:</b>	Commercial Office
<b>Staff Recommendations:</b>	Denial.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

## PETITION HISTORY

This petition was heard by the Hearing Examiner on February 20, 2025. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

## STAFF RECOMMENDATION

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

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 2.37-acre site, zoned C-3 (TOD), is comprised of two parcels. The eastern parcel is developed with a commercial use and the remaining acreage is undeveloped. It is surrounded by railroad right-of-way and undeveloped land to the north, zoned D-4 (TOD) and SU-16 (TOD) (indoor and outdoor recreation and entertainment), respectively; commercial uses to the south, across East 38<sup>th</sup> Street, zoned C-7 (TOD); undeveloped land to the east, zoned SU-16 (TOD); and railroad right-of-way and East 38<sup>th</sup> Street right-of-way to the west, zoned D-4 (TOD).



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

There have been seven petitions dating back to 1961 through 2022, including a rezoning and variances for commercial development on the eastern parcel. See Zoning History. The most recent (2022) rezoned the site to the C-3 (TOD) district.

## **REZONING**

The request would rezone the site to the C-7 (TOD) (High Intensity Commercial) district to provide for a building contractor and outdoor storage of equipment and materials. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”

The Comprehensive Plan recommends community commercial typology for the site.

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

This request would provide for a commercial C-7 district that is characterized as more compatible with industrial uses that include major outdoor storage and display, rather than low intensity commercial uses that serve nearby neighborhoods.

The Plan of Operation, file dated November 22, 2024, states that the site would primarily be used for storage of equipment and materials, with hours of operation Monday through Saturday from 8:00 a.m. to 8:00 p.m.

Additionally, this site is located within the Transit Oriented Development (TOD) overlay. Consequently, proposed land uses should enhance and support pedestrian experience and activities. The proposed high intense commercial use would be disruptive of the Comprehensive and TOD plans and would be wholly inappropriate for this site and surrounding land uses. The current C-3 district allows for land uses that are supportable of and contribute to the purpose and goals of the TOD overlay.

## **Site Plan**

The initial site plan file dated September 5, 2024, provided for a 22,000-square foot building in the undeveloped area to the west of the existing building. The site plan, file dated October 11, 2024, removes the building, leaving the western portion of the site for approximately 81,000 square feet of outdoor storage, which would be consistent with the Plan of Operation.



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

## Violations

On May 3, 2024, Violation VIO24-003753 was issued, followed by five citations (CIT24-00164, CIT24-00165, CIT24-00166, CIT24-00167 and CIT24-00168) issued on August 2, 2024.

Violations include: outdoor storage of junk, trash or debris; outdoor storage of inoperable vehicles; outdoor storage of vehicle parts; parking or storage of commercial vehicles; non-permitted use of the property for a fleet terminal; outdoor storage of commercial or industrial liquids; vehicle repair; storage of portable storage; failure to install sidewalks; parking lot in poor condition; unpaved parking lot; unstriped parking lot; no ADA parking spaces; and fence exceeding 42 inches.

## Overlays

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

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

## Environmental Public Nuisances

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

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

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;



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

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

### GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 (TOD)	
<b>Existing Land Use</b>	Commercial office / undeveloped land	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-4 (TOD) / SU-16 (TOD)	Railroad right-of-way / undeveloped land
South:	C-7 (TOD)	Commercial uses
East:	SU-16 (TOD)	Undeveloped land
West:	D-4 (TOD)	Railroad right-of-way / East 38 <sup>th</sup> Street right-of-way
<b>Thoroughfare Plan</b>		
East 38 <sup>th</sup> Street	Primary arterial	Existing 92-150-foot right-of-way and proposed 88-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 5, 2024	
<b>Site Plan (Amended)</b>	October 11, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”

### Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Community Commercial Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Purple Line Transit-Oriented Development Strategic Plan (2021).

This site is located within the Transit Oriented Development Overlay.

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ½ mile walk of a transit stop located at the intersection of East 38<sup>th</sup> Street and Shadeland Avenue, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.



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

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

#### Modifications

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay. Below are the recommended modifications within this overlay.

- There are no added uses or removed uses.
- Development of small- and large- offices, retailing, and personal or professional services and large-scale schools, places of worship, community serving institutions / infrastructure and other places of assembly “should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking).
- Bollards or other vehicular barriers should be present in small-scale parks.

#### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

#### Infill Housing Guidelines

- Not Applicable to the Site.

#### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2022-ZON-094; 6670 East 38<sup>th</sup> Street**, rezoned 2.63 acres from the D-4 (TOD) and C-3 (TOD) districts to the C-3 (TOD) district to provide for neighborhood commercial development, **approved**.

**2021-ZON-113; 6670 East 38<sup>th</sup> Street**, requested rezoning of 2.63 acres from the D-4 and C-3 districts to the C-S classification, **withdrawn**.

**97-Z-124; 6670 East 38<sup>th</sup> Street**, requested rezoning of 0.51 acre from the D-4 District to the C-3 classification to provide for neighborhood commercial, **approved**.

**95-UV3-18; 6670 East 38<sup>th</sup> Street**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an automobile body repair and paint business, with a 32-square foot pole sign, and with the bottom of the sign face having a ground clearance of six feet, **granted**.

**75-UV3-102; 6670 East 38<sup>th</sup> Street**, requested a variance of use and development standards to permit the sales and service of sailboats and accessories in an existing residence, with a pole sign and chain link fence, **granted**.

**73-UV2-153; 6670 East 38<sup>th</sup> Street**, requested a variance of use of the Dwelling Districts Zoning Ordinance to permit an existing residence to be used as a residence and show room for the sale of recliner chairs, with a setback variance and with off-street parking located in the required transitional yard, **granted**.

**61-V-711; 6670 East 38<sup>th</sup> Street**, requested a one-year extension of the approved temporary permit for the continued operation of an open-air auto sales lot, **granted**.

## VICINITY

**2009-ZON-012; 6690 East 38<sup>th</sup> Street (east of site)**, requested rezoning of 0.5 acre, from the D-4 District, to the SU-16 classification to provide for indoor or outdoor commercial recreation uses, **approved**.

**2006-ZON-135; 6680 East 38<sup>th</sup> Street and 3828 Elizabeth Street (east of site)**, requested rezoning of 2.57 acres from D-4 to SU-16, **approved**.

**94-Z-154 / 94-CV-22; 6729-6747 East 38<sup>th</sup> Street (east of site)**, requested rezoning of 0.35 acre, being in the D-3 and C-4 Districts, to the C-4 classification to provide for commercial retail uses and a variance of development standards of the Commercial Zoning Ordinance to legally establish five existing buildings, parking, maneuverability areas with reduced setbacks without landscaping, unpaved parking within the right-of-way of Elizabeth Street, outdoor display of merchandise within the required front yard and a 132-square foot pole sign with a reduced setback from East 38<sup>th</sup> Street, **approved and granted**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**94-UV3-30; 6710 East 38<sup>th</sup> Street (east of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor automobile sales, rental and display, **denied**.

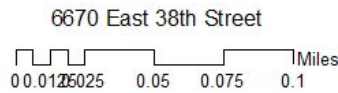
**91-UV3-6; 6729 East 38<sup>th</sup> Street (east of site)**, requested a variance of use to permit a variety store within an existing building and a variance of development standards of the Sign Regulations to legally establish the existing sign, **granted**.

**91-UV2-84; 6685 East 38<sup>th</sup> Street (west of site)**, requested variance of use of the Dwelling Districts Zoning Ordinance to permit an automobile repair garage within an existing building, **approved**.

**84-UV2-53; 6667 East 38<sup>th</sup> Street (east of site)**, requested variance of use and development standards to provide for the additional use of the property for the sales and service of trucks and truck equipment, **approved**.

**82-UV3-118; 6667 East 38<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to permit a wrecker service with storage and motor vehicle repair, related to a motorcycle repair shop, **denied**.

**EXHIBITS**





**MEMORANDUM OF EXAMINER'S DECISION**

**2024-ZON-110**

**6670 East 38th Street**

The petition requests the rezoning of 2.37 acres from the C-3(TOD) district to the C-7(TOD) district to provide for a building contractor, with outdoor storage of equipment and materials.

Your Hearing Examiner visited the site prior to the hearing and noted the small office building on it and outdoor storage. Railroad right-of-way is north and west of the site, undeveloped land is north and east of it, and commercial uses are south of 38th Street.

The petitioner's representative explained that the petitioner does subcontractor work for homebuilders and was established about 20 years ago. While the business office is located several miles from this site, the petitioner purchased this site two years ago for storage and maintenance of equipment. The representative stated that the site was being cleaned up to address zoning violations, and opined that the proposed use would be a low traffic generator and would be a compatible land use.

No remonstrators appeared, although there was a letter of opposition from the Metropolitan Planning Organization because this site is in a TOD overlay.

Staff described the requested C-7 district as being a substantial increase in intensity allowing unlimited outdoor storage, and suggested it would be more compatible in an area with industrial uses. While the current C-3 district allows uses that are supportive of pedestrian activities in the TOD overlay, the C-7 district does not. Staff also expressed concern with multiple zoning violations on the site.

In your Hearing Examiner's opinion, C-7 is not appropriate or compatible in this area. The plan of operation proposes operating 8 a.m. until 8 p.m. Monday through Saturday and unlimited outdoor storage, which exacerbates the incompatibility. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on March 19, 2025



Department of Metropolitan Development  
Division of Planning  
Current Planning

Tikal, Inc.  
6670 East 38<sup>th</sup> Street

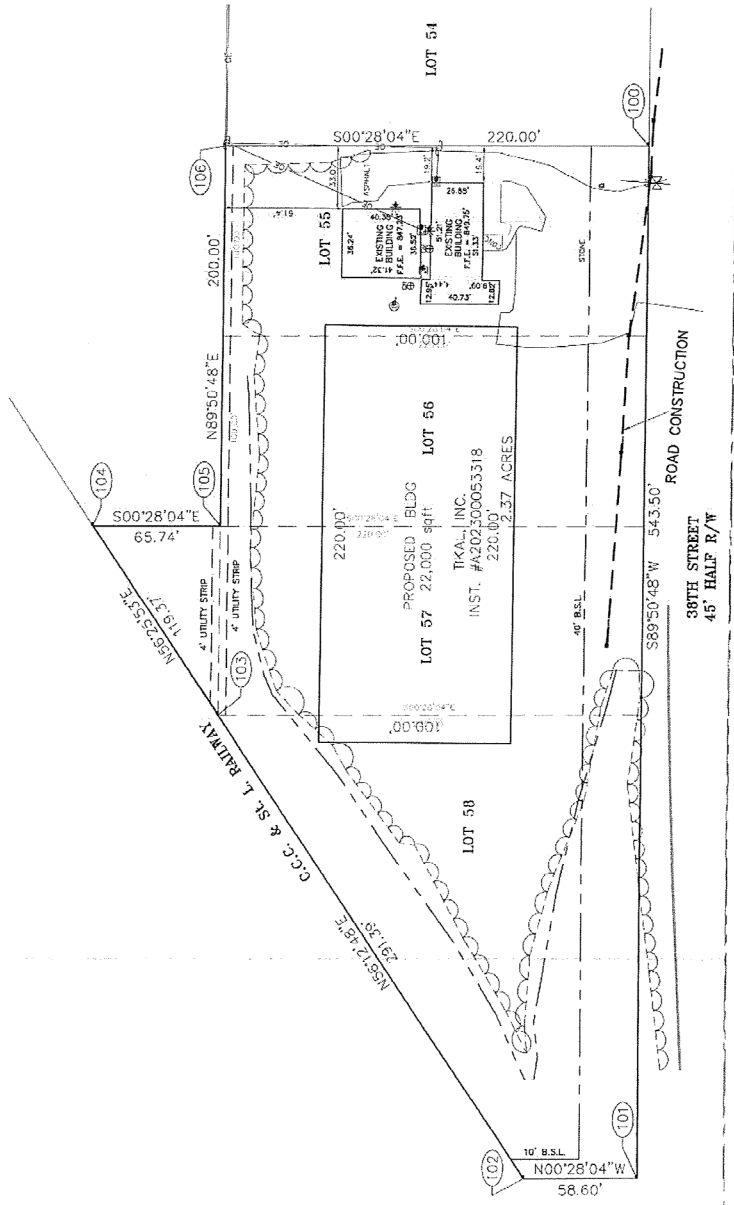
**Plan of Operation**

Tikal, Inc., is a multi-state builder and construction management company. It's Indianapolis headquarters are located at 5155 North Shadeland Avenue where it employ roughly 40 personnel. The intended use of the site located at 6670 East 38<sup>th</sup> Street is primarily for storage of equipment and materials. There only traffic to the site will be a maximum of 5 employees at one time. Hours of operation will be Monday through Saturday from 8:00 a.m. to 8:00 p.m.



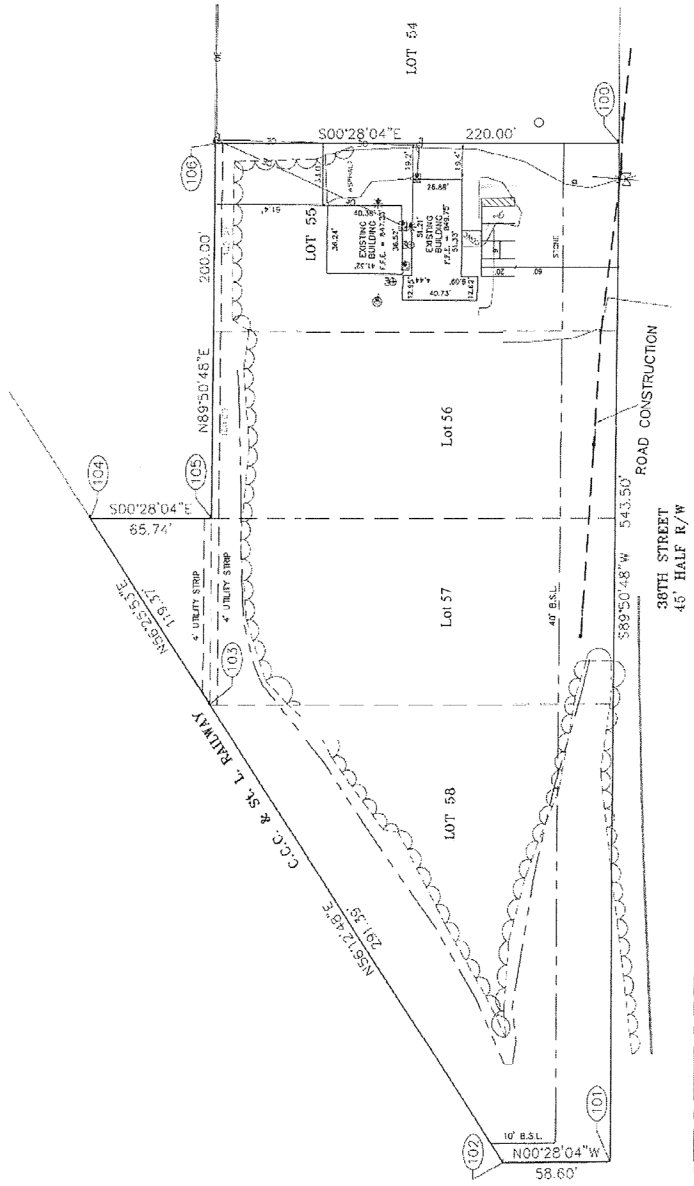
Department of Metropolitan Development  
 Division of Planning  
 Current Planning

Site Plan – September 5, 2024





Site Plan – October 11, 2024





View looking east along East 38<sup>th</sup> Street



View of site looking northwest across East 38<sup>th</sup> Street





View of site looking northwest across East 38<sup>th</sup> Street



View of adjacent property to the east looking north



View of property looking southwest across East 38<sup>th</sup> Street to the south



## METROPOLITAN DEVELOPMENT COMMISSION

March 19, 2025

<b>Case Number:</b>	2024-ZON-144
<b>Property Address:</b>	7500 South Sherman Drive
<b>Location:</b>	Perry Township, Council District #24
<b>Petitioner:</b>	Eugene and Elsie J. Daulton, by Elizabeth Bentz Williams
<b>Current Zoning:</b>	D-A
<b>Request:</b>	Rezoning of 61.55 acres from the D-A district to the D-3 district
<b>Current Land Use:</b>	Undeveloped land
<b>Staff Recommendations:</b>	Approval, subject to the commitments noted below:
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

## PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a remonstrator that continued this petition from the January 23, 2025 hearing, to the February 27, 2024 hearing.

This petition was heard by the Hearing Examiner on February 27, 2025. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The remonstrators have requested a continuance, but the date of the continuance has not been provided at this time.

## STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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



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

2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 61.55-acre site, zoned D-A, is undeveloped and surrounded by single-family dwellings to the north, zoned D-3; two-family dwellings and single-family dwellings to the south, zoned D-5II and D-P, respectively; single-family dwellings and amenity area to the east, zoned D-3; and single-family dwellings to the west, zoned D-A.

## REZONING

The request would rezone the site from the D-A district to the D-3 district. “The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends suburban neighborhood typology for the site.

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



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

## **Overlays**

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

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

Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands, with wetlands scattered throughout the site.

## **Traffic Operation Analysis (TOA)**

Because the proposed development would not meet the threshold for a Traffic Impact Study (TIS), a TOA was prepared. A TOA evaluates the performance of a road network or specific intersection, analyzing traffic flow, congestion levels, delays, and safety issues. See Exhibit A.

Based on the number of vehicles at each of the study intersections, the new development would not cause a negative effect to the existing neighborhoods or street system.

## **Tree Preservation / Heritage Tree Conservation**

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

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

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



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

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

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

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

### **Wetland Preservation**

The aerial indicates possible wetlands located throughout the site.

The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would recommend that approval be subject to the following commitment:

A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.



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

## Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

## Planning Analysis

The proposed rezoning to the D-3 district to provide for 137 lots for single-family dwellings would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The typical density of this typology is one to five units per acre. This proposed cluster development would provide 2.22 units per acre. It would also be compatible with the surrounding residential neighborhoods.



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

Because of the woodlands, wetlands, and 175-foot-wide power line easement (southeast corner), a cluster subdivision is proposed. A cluster subdivision is defined as “a form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while the remaining land is reserved in perpetuity. Recreational purposes, common open space and preservation of environmentally sensitive features are examples of some purposes of the remaining land.”

“Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

The following criteria must all be fulfilled to be eligible for a cluster subdivision.

- Unique topographical features on the site, including but not limited to slopes, streams, and natural water features, are protected and preserved.
- Wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features are protected and preserved.
- Common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways are provided.
- Innovative residential environment is produced.
- Alteration of the natural site features is minimized through the design and situation of individual lots, streets, and buildings.
- Diversity and originality in lot layout and individual building design achieves the best possible relationship between development and the land.
- The land area devoted to motor vehicle access is minimized.

Because the proposed rezoning supports and is consistent with the Comprehensive Plan recommendation of suburban neighborhood, compatible with the surrounding residential development, and would protect and preserve the woodlands and wetlands, staff supports this request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Undeveloped land	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-3	Single-family dwellings
South:	D-5II / D-P	Two-family / single-family dwellings
East:	D-3	Single-family dwellings
West:	D-A	Single-family dwellings





Department of Metropolitan Development  
 Division of Planning  
 Current Planning

Thoroughfare Plan		
South Sherman Drive	Primary Collector	Existing 70-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes – Environmentally Sensitive Areas	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 13, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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



Department of Metropolitan Development  
Division of Planning  
Current Planning

- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  
- *Conditions for All Housing*
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
  - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
  
- *Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

Not Applicable to the Site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**Neighborhood / Area Specific Plan**

Not Applicable to the Site.

**Infill Housing Guidelines**

Not Applicable to the Site.

**Indy Moves**

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

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

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

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



Department of Metropolitan Development  
Division of Planning  
Current Planning

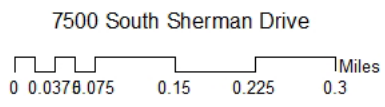
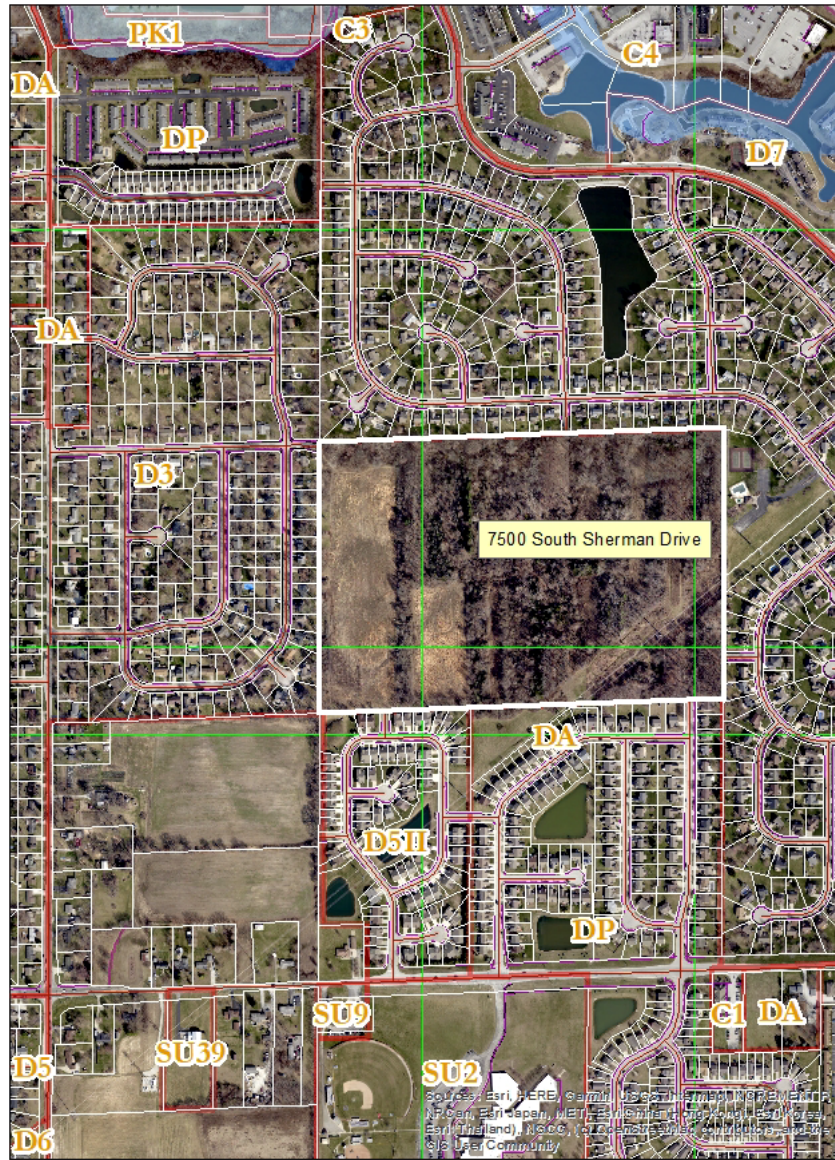
## ZONING HISTORY

**2004-ZON-054; 4226 Stop 11 Road (south of site)**, requested rezoning of 21.48 acres, being in the D-A district, to the D-5II classification to provide for residential development, **approved**.

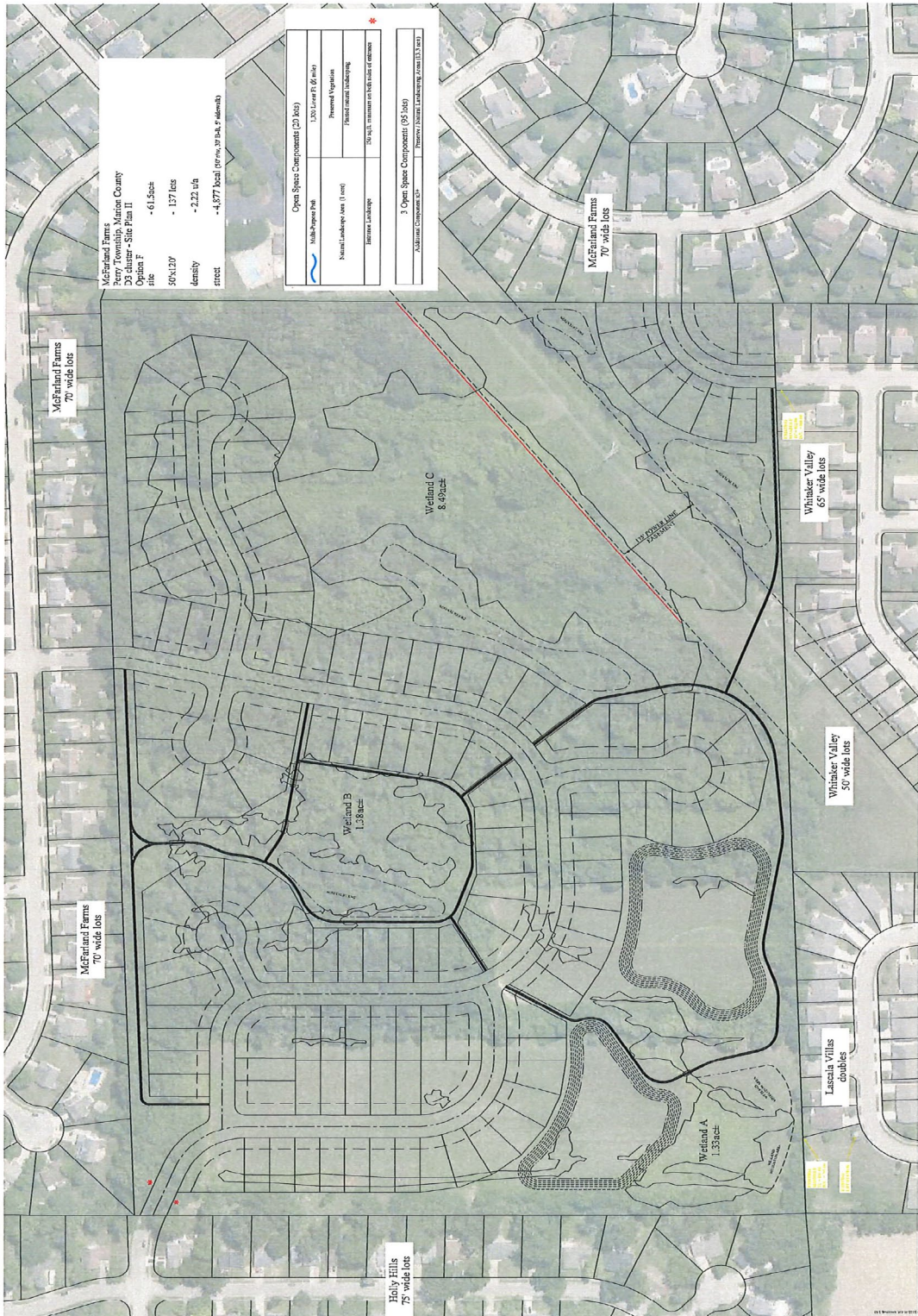
**99-Z-217 / 99-DP-34; 4620 East Stop 11 Road (south of site)**, requested rezoning of 68.8 acres from the D-A district to the D-P classification to provide for single-family residential development, **approved**.

**88-Z-3; 4802 East Stop 11 Road (north and east of site)**, requested rezoning of 174.73 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residences, **approved**.

**EXHIBITS**









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

**EXHIBIT A – Traffic Operational Analysis**



8365 Keystone Crossing, Suite 201  
Indianapolis, Indiana 46240  
(317) 202-0864  
www.af-eng.com

February 7, 2025

Mr. Mark St. John  
Administrator – Planning & Compliance  
DPW, City of Indianapolis  
200 E. Washington Street  
Indianapolis, IN 46204  
mark.stjohn@indy.gov

Re: McFarland Farms  
Traffic Analysis

Dear Mr. St. John,

The purpose of this analysis will be to determine the increased traffic at the following study area intersections:

- Sherman Drive & E. Stop 10 Road
- Southport Road & McFarland Boulevard
- Emerson Avenue & McFarland Boulevard

Scope of Work

In order to determine the effect of the traffic generated by the new subdivision will have on the above-mentioned study intersections, the following tasks were conducted:

- Traffic counts were conducted at study area intersections during AM peak hour and PM peak hour. The AM peak hours that were counted were 6Am-9AM and PM peak hours were counted were 2:30PM – 7:30PM.
- The number of trips that will be anticipated from the additional single-family residences were calculated. The following table illustrates those trips

Land Use	Size	Trip Generation			
		AM Peak		PM Peak	
		Entry	Exit	Entry	Exit
Single-Family / Detached Housing	130 Dwelling Units	24	71	80	47

- New calculated trips will be assigned to each of the study intersections to determine a new volume of traffic that will be added at those locations.

EXPERIENCE. REPUTATION. RELATIONSHIPS





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

A&F ENGINEERING CO., LLC

Page 2 of 3

Existing Traffic Volumes

The following tables are the summary of the existing traffic volumes that were counted at each of the study intersections. The highest volumes at each of the intersections were used for this analysis. The count summaries are enclosed with this memorandum.

Sherman Drive & E. Stop 10 Road									
	Northbound			Southbound			Westbound		
	L	T	R	L	T	R	L	T	R
<b>AM Peak Hour</b> (7:30 AM – 8:30 PM)	-	304	4	11	264	-	7	-	14
<b>PM Peak Hour</b> (3:30 PM – 4:30 PM)	-	360	6	14	459	-	6	-	17

Southport Road & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	H	L	T	R	L	T	R	L	T	R
<b>AM Peak Hour</b> (7:30 AM – 8:30 PM)	69	38	197	60	35	7	9	580	106	89	543	50
<b>PM Peak Hour</b> (4:30 PM – 5:30 PM)	132	81	178	50	39	19	19	711	186	325	967	91

Emerson Avenue & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
<b>AM Peak Hour</b> (7:15 AM – 8:15 PM)	24	520	62	104	678	74	107	48	96	11	5	5
<b>PM Peak Hour</b> (4:15 PM – 5:15 PM)	97	991	24	48	703	123	106	19	136	85	50	91

Percentage Increase of Traffic

The following table is a summary of the percentage of traffic and new vehicles that will be increased at each of the study intersections:

Increase of Traffic				
Intersection	Percentage Increase		New Vehicles	
	AM	PM	AM	PM
Sherman Drive & E. Stop 10 Road	3.1%	2.9%	19	25
Southport Road & McFarland Boulevard	2.9%	2.4%	51	68
Emerson Avenue & McFarland Boulevard	1.6%	1.4%	25	34



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

A&F ENGINEERING CO., LLC

Page 3 of 3

Conclusion

Based on the number of vehicles at each of the study intersections, the new development will not cause a negative effect to the existing neighborhoods or street system.

Sincerely,  
A&F Engineering Co., LLC

  
Steven J. Fehribach, P.E.  
President  
/cmc

/enclosed



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

### Exhibit B

#### Heritage Tree Conservation

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

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

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



View of site looking east from Stop 10 Road



View of site looking northeast from Stop 10 Road



View of site looking northeast from Lascala Boulevard



View of site looking northeast from Lascala Boulevard



View of site looking north along Whitaker Valley Boulevard



View of site looking west along Mint Drive



View of site looking northwest from Mint Drive



View of site looking south from Tarragon Drive

Petition Number 2024-CVR-834 (3<sup>rd</sup> Amended)

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

**PETITION FOR RELIGIOUS USE SPECIAL EXCEPTION**

**NEGATIVE FINDINGS OF FACT**

1. Based on the evidence submitted, the petitioner failed to meet its burden of proof to show that the proposed use meets the definition of that use in Chapter 740, Article II because the required documents for the petition were not submitted.
2. Based on the evidence submitted, the petitioner failed to meet its burden of proof that the proposed use would not injure or adversely affect the adjacent area or property values in that area because the site plan and plan of operation did not include development details and features that would protect the adjacent area or property values of the residential neighborhood.
3. Based on the evidence submitted the petitioner failed to meet its burden of proof that the grant would not materially and substantially interfere with the lawful use and enjoyment of adjoining property because the site plan and plan of operation did not include development details and features that would protect the lawful use and enjoyment of the adjoining residential properties.
4. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use would be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because information was not submitted that could be reviewed to determine compatibility with the character of and compatibility of the use with the residential district.
5. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because the site plans submitted did not conform with the development standards of the D-A district.
6. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because the site plans submitted did not include details that indicated compliance with the performance standards or development standards of the Zoning Ordinance.
7. Based on the evidence submitted the petitioner failed to meet its burden of proof that the proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for current zoning and meets the standards set forth because the documents submitted did not include the required information to determine whether use specific and special exception standards would be met.



**DECISION**

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is denied.

_____	_____
_____	_____
_____	_____
_____	_____