



Metropolitan Development Commission Hearing Examiner (February 12, 2026) Meeting Agenda

Meeting Details

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

Date: Thursday, February 12, 2026 **Time:** 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-MOD-025 | 7555 Old Trails Road

Warren Township, Council District #20
C-5 (TOD)

Teamsters Safety Training and Educational Fund, by Brian Tuohy

Modification of Commitments related to 2008-ZON-010, to modify Commitment #7, to provide for a truck driving training school as a permitted use (previous commitment prohibits a list of specific uses, including schools (except daycare)).

****Automatic continuance to March 12, 2026, filed by Registered Neighborhood Organization**

2. 2025-ZON-110 (Amended) | 10302 East 38th Street

Lawrence Township, Council District #15
Desmonde Monroe, by Lindsey Wikstrom

Rezoning of 7.726 acres from the SU-1 (FF) district to the D-6 (FF) classification to provide for a multi-family residential development.

****Staff request for continuance for cause to March 12, 2026**

3. 2025-ZON-116 (Amended) / 2025-VAR-009 | 7701 Walnut Drive

Pike Township, Council District #1
ATC Watertown LLC, by Kate Duncan

Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

****Petitions were withdrawn by the Petitioner**

4. 2025-CPL-862 / 2025-CVR-862 | 10401 and 10435 East Washington Street

Warren Township, Council District #20
Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

Approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station (not permitted), and to provide for 36 parking spaces (maximum of eight parking spaces permitted).

****Petitioner request for continuance for cause to February 26, 2026**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2025-ZON-075 / 2025-VAR-005 (Amended) | 5416 North College Avenue

Washington Township, Council District #7
Firkins, LLC, by Joseph D. Calderon

Rezoning of 0.22-acre from the D-3 (TOD) and C-3 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small mixed-use building, with zero-foot side and transitional yard setbacks, zero open space, zero-foot rear transitional yard, a 40-foot street frontage (minimum five-foot side yard and 15-foot transitional yard setbacks required, minimum 5%, or 50 square feet per unit of open space required, minimum of 15-foot landscape buffer, or a six-foot-tall opaque wall, berm, fence or dense vegetative screen required, 50-foot street frontage required).

6. 2025-ZON-143 / 1860 Sugar Grove Avenue

Center Township, Council District #12
Full Circle Development II LLC, by Jason Wolfe

Rezoning of 0.12 acres from the C-1 (W-1) district to the D-5 (W-1) classification to provide for residential uses.

7. 2025-CZN-859 / 2025-CVR-859 / 2025-CPL-859 | 1536 Prospect Street

Center Township, Council District #18
The Whitney Company, LLC, by Garrick Walton

Rezoning of 0.233-acre from the C-4 district to the D-8 district to provide for residential uses.

Variance of Development Standards to legally establish a single-family, with 1.2-foot and 1.6-foot side yard setbacks (minimum five-foot side yard setback required), and a second existing single-family dwelling, with 1.7-foot and 2.5-foot side yard setbacks (minimum five-foot side yard setback required).
Approval of a Subdivision Plat, to be known as Replat of Lot 315 in E. T. S. K. and A. E. Fletcher's Woodlawn Suburb Subdivision, dividing 0.233-acre into two lots.

8. 2025-CZN-863 / 2025-CVR-863 / 1921 Prospect Street

Center Township, Council District #18
Morris Cohen, by Mark and Kim Crouch

Rezoning of 0.12-acre from the C-4 district to the D-8 district for a four-unit multi-unit structure. Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for side yard building setbacks of three feet on each side (minimum five-foot side yard building setbacks required) and one-foot side yard setbacks for a surface parking area (minimum five-foot side yard setbacks required).

9. 2026-ZON-004 | 3 Beachway Drive

Wayne Twp., CD #16
SBP Properties, LLC, by Stephanie Fall

Rezoning of 2.536 acres from the D-6 district to the C-3 district to legally establish an existing neighborhood commercial development.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

10. 2025-ZON-124 / 2025-VAR-012 / 2505 North Sherman Drive

Center Township, Council District #8
Metrobloks, LLC, by Tyler Ochs

Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building height (maximum 38-foot building height permitted), no maximum front yard setback (maximum 65-foot front setback permitted), to provide for 60 parking spaces (minimum one parking space for each 1,500 square feet of floor area required).

11. 2025-ZON-128 (Amended) | 2802 Lafayette Road

Wayne Township, Council District #11

PFFO QOZB, LLC, by Michael Rabinowitch

Rezoning of 5.6 acres from the C-4 (FF) district to the I-1 (FF) district to provide for small-scale commercial workspace and self-storage uses.

12. 2025-ZON-133 | 2650 West Epler Avenue, 5201, 5205, 5215, and 5225 South Warman Avenue

Perry Township, Council District #22

K & S Realty LLC, by Mindy Westrick Brown and Mark R. Leach

Rezoning of 40.11 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

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

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or planneroncall@indy.gov, within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)

HEARING EXAMINER

for

METROPOLITAN DEVELOPMENT COMMISSION (MDC)

Contractual Zoning Professional	Approving Authority	Term
Judy Weerts Hall	MDC	01/01/2026 - 12/31/2026
David DiMarzio (Alternate)	MDC	01/01/2026 - 12/31/2026

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



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-MOD-025

Address: 7555 Old Trails Road (approximate address)

Location: Warren Township, Council District #20

Zoning: C-5 (TOD)

Petitioner: Teamsters Safety Training and Educational Fund, by Brian Tuohy

Request: Modification of Commitments related to 2008-ZON-010, to modify Commitment #7, to provide for a truck driving training school as a permitted use, (previous commitment prohibits a list of specific uses including schools (except daycare)).

Current Land Use: Undeveloped

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

A Registered Neighborhood Organization has filed an Automatic Continuance, **continuing this petition to the March 12, 2026, hearing**, from the February 12, 2026, hearing.

This will require the Hearing Examiner's acknowledgement.



Department of Metropolitan Development
Division of Planning
Current Planning

Item 2.

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-110 (Amended)
Property Address: 10302 East 38th Street
Location: Lawrence Township, Council District #15
Petitioner: Desmonde Monroe, by Lindsey Wikstrom
Request: Rezoning of 7.726 acres from the SU-1 (FF) district to the D-6 (FF) district to provide for a multi-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the October 23, 2025 hearing, to the November 13, 2025 hearing, at the request of petitioner's representative, to provide additional time for discussions with staff.

The Hearing Examiner continued this petition from the from the November 13, 2025 hearing, to December 11, 2025 hearing, at the request of staff, to provide additional time for clarification and confirmation of the request.

The Hearing Examiner continued this petition from the December 11, 2025 hearing, to the January 15, 2026 hearing, at the request of the petitioner's representative to provide additional time to amend the request to the D-6 (FF) district, along with the site plan and building elevations.

The Hearing Examiner continued this petition from the January 15, 2026 hearing, to the February 12, 2026 hearing, at the request of the staff, to provide time for the Traffic Impact Study to be conducted, submitted and reviewed.

Staff is requesting a **continuance from the February 12, 2026 hearing, to the March 12, 2026 hearing**. Staff understands that a traffic engineer has not been engaged and needs additional time for discussions with the petitioner's representative.



Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-116 (Amended) / 2025-VAR-009
Property Address: 7701 Walnut Drive
Location: Pike Township, Council District # 1
Petitioner: ATC Watertown LLC, by Kate Duncan
Request: Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the November 13, 2025 hearing, to the December 11, 2025 hearing, with notice, to provide additional time to provide required published notice of this amended petition.

The Hearing Examiner acknowledged the timely automatic continuance that was filed by a registered neighborhood organization that continued these petitions from the December 11, 2025 hearing, to the January 15, 2026 hearing.

The Hearing Examiner acknowledged the timely automatic continuance that continued these petitions from the January 15, 2026 hearing, to the February 12, 2026.

In an e-mail, dated February 2, 2026, the petitioner's representative withdrew both petitions. This would require acknowledgement from the Hearing Examiner.



Department of Metropolitan Development
Division of Planning
Current Planning

Item 4.

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-CPL-862 / 2025-CVR-862

Address: 10401 and 10435 East Washington Street (*Approximate Addresses*)

Location: Warren Township, Council District #20

Petitioner: Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda

Request: Approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block.
Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station (not permitted), and to provide for 36 parking spaces (maximum of eight parking spaces permitted).

Waiver Requested: No

Current Land Use: Parking Lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued by a Registered Neighborhood Organization, from the January 15, 2026, hearing, to the February 12, 2026, hearing.

The petitioner has requested this petition be continued for cause, from the February 12, 2026, hearing, to the February 26, 2026, hearing. Staff has no objection and will make the request on the petitioner's behalf.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-075 / 2025-VAR-005 (Amended)

Property Address: 5416 North College Avenue

Location: Washington Township, Council District #7

Petitioner: Firkins LLC, by Joseph D. Calderon

Current Zoning: D-3 (TOD) / C-3 (TOD)

Rezoning of 0.22-acre from the D-3 (TOD) and C-3 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small mixed-use building, with zero-foot side and transitional yard setbacks, zero open space, zero-foot rear transitional yard, a 48-foot tall building without street frontage landscaping, with a 40-foot street frontage (minimum five-foot side yard and 15-foot transitional yard setbacks required, minimum 5%, or 50 square feet per unit of open space required, minimum of 15-foot landscape buffer, or a six-foot-tall opaque wall, berm, fence or dense vegetative screen required, 35-foot maximum transitional building height, street frontage landscaping required, 50-foot street frontage required).

Request:

Current Land Use: Commercial uses

Staff Recommendations: Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the July 24, 2025 hearing, to the August 28, 2025 hearing.

The Hearing Examiner continued this petition from the August 28, 2025 hearing, to the October 9, 2025 hearing, and to the November 20, 2025 hearing, at the request of the petitioner's representative for additional time to amend the request and send new notice.

The Hearing Examiner continued these petitions from the October 9, 2025 hearing, to the November 20, 2025 hearing, and to the February 12, 2026 hearing, at the request of the petitioner's representative to allow additional time to amend the request, provide new notice and update the submitted documents.

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. Development of the site shall be in substantial compliance with the site plan and elevations, filed-dated January 6, 2026.
2. The north building elevation shall provide opportunity for public art to be installed within two years from completion of the project.

PETITION OVERVIEW

This 0.22-acre site, zoned D-3 (TOD) and C-3 (TOD), is developed with a commercial building and associated parking. It is surrounded by commercial uses to the north, zoned C-1 (TOD); commercial uses to the south, zoned D-3 (TOD) and C-3 (TOD); commercial uses to the east, across North College Avenue, zoned C-3 (TOD); and a single-family dwelling to the west, zoned D-3 (TOD).

REZONING

The request would rezone the site to the MU-2 district to provide for a mixed-use development. "The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts."

The Comprehensive Plan recommends Urban Mixed-Use typology for the site.

Recommended land uses in this typology include attached housing; small- / large- scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; boutique hotels; small- and large- scale offices, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; artisan manufacturing and food production; small-scale parks; structured parking; and community farms / gardens.

As proposed, this rezoning request would align with the Comprehensive Plan recommendation of urban mixed-use.

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.”

VARIANCES OF DEVELOPMENT STANDARDS

This request would allow a small mixed-use building on this site with zero-foot setbacks when the Ordinance requires a five-foot side yard and 15-foot transitional setback. Consequently, these setbacks impact the ability to provide the required 5% or 50-square feet of open space and the 15-foot landscape buffer on this site.

Generally, staff would not support these variance requests but given the development context of this site, the surrounding commercial uses and the proximity of the transit station, staff believes that supporting these variance requests would have minimal impact on the adjacent land uses and enhance the pedestrian experience at this neighborhood commercial node.

Staff would note the some of the requested variances would be similar to those that were supported by staff when the site to the east, across North College Avenue, was developed approximately 20 years ago.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD) / C-3 (TOD)	
Existing Land Use	Commercial uses	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	C-1 (TOD)	Commercial uses
South:	D-3 (TOD) / C-3 (TOD)	Commercial uses
East:	C- 3 (TOD)	Commercial uses
West:	D-3	Single-family dwelling
Thoroughfare Plan		
North College Avenue	Primary arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes. Transit-Oriented Development overlay	
Wellfield Protection Area	No	

Site Plan	June 24, 2025
Site Plan (Amended)	January 6, 2026
Elevations	June 24, 2025
Elevations (Amended)	January 6, 2026
Landscape Plan	N/A
Findings of Fact	September 12, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Urban Mixed-Use typology. The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.

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 – Urban Mixed-Use 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.
- Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.

- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.

Small-Scale Multifamily Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).

- Should be located along an arterial or collector street.
- The primary entrance should be served by an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development

Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Mixed-use structures are preferred.
- Should not include outdoor display of merchandise.

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 and provides the following recommendation.

Small-Scale Offices, Retailing, and Personal and Professional Services - Development 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.)

Red Line / Blue Line / Purple Line TOD Strategic Plan

Red Line Transit-Oriented Development Strategic Plan (2021)

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 adjacent transit stop located at the intersection of North College Avenue and East 54th Street, with a Walkable Neighborhood typology.

Walkable Neighborhood stations are located in well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.

Characteristics of the Walkable Neighborhood typology are:

- Mix of uses at the station with stabilized residential beyond
- Off-street parking is discouraged and should be limited to garages

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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:

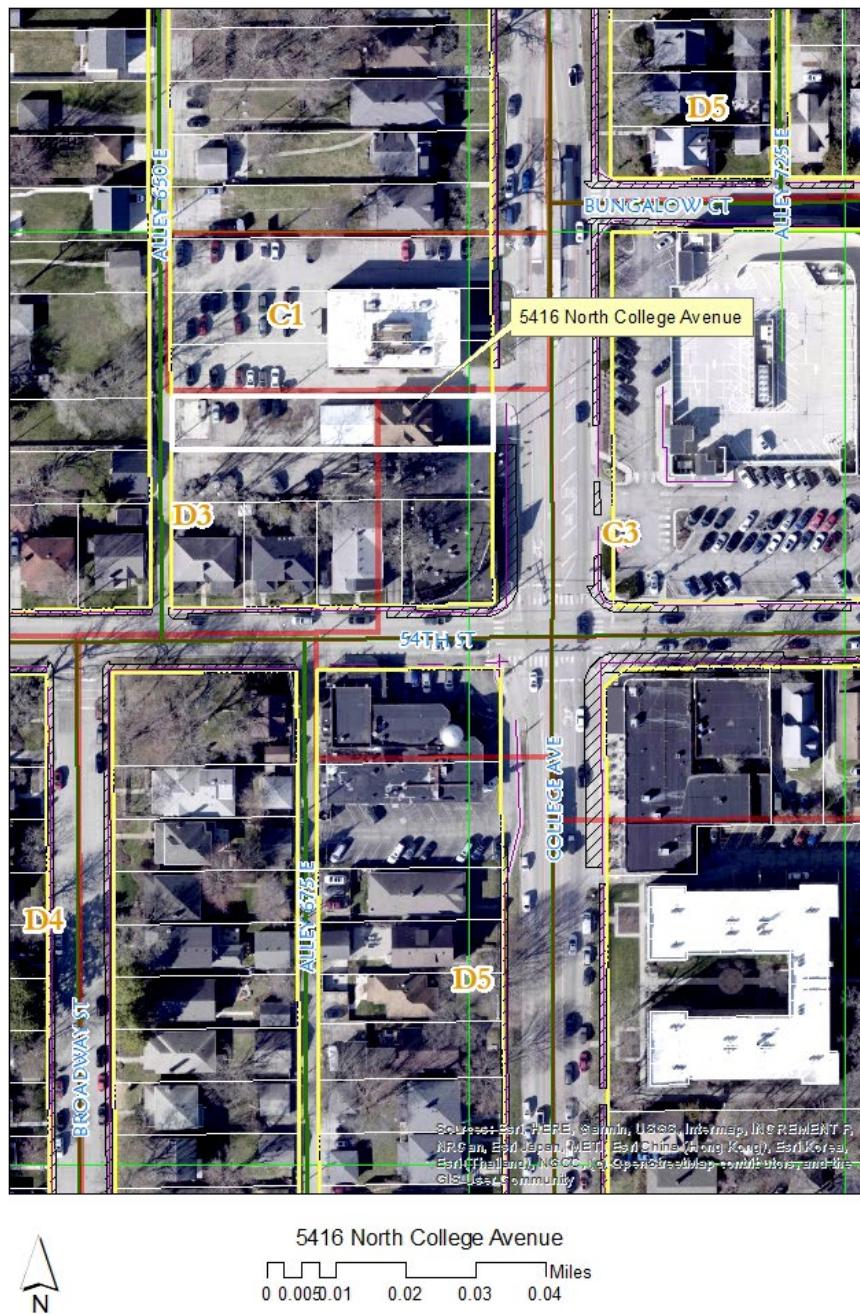
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways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



ZONING HISTORY

2005-ZON-811 / 2005-VAR-811; 5401-5425 North College Avenue, 720 East 54th Street, and 705-707 Bungalow Court (east of site), requested rezoning of 2.0 acres, being in the C-3 (W-5) and D-5 (W-5) districts, to the C-3 (W-5) classification to provide for neighborhood commercial development; and variances of development standards to provide for a grocery store with zero / reduced setbacks, no landscaping in east transitional yard, encroachment into the clear-sight triangle, parking / dumpsters in the transitional yard, reduced parking and parking spaces, unscreened off-street loading area and maneuvering within the right-of-way, **approved and granted.**

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The variances sought are consistent with the prevailing development pattern and will allow for alley access to the property as desired by the zoning ordinance while eliminating an existing curb cut on College Avenue.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed building will represent the elimination of a non-conforming building/use and result in a mixed use building that largely meets required standards.

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

Some of the standards requiring variances for the proposed project are not achievable with a 40 foot wide lot and the others are difficult to implement, given the site is 100% impervious today.

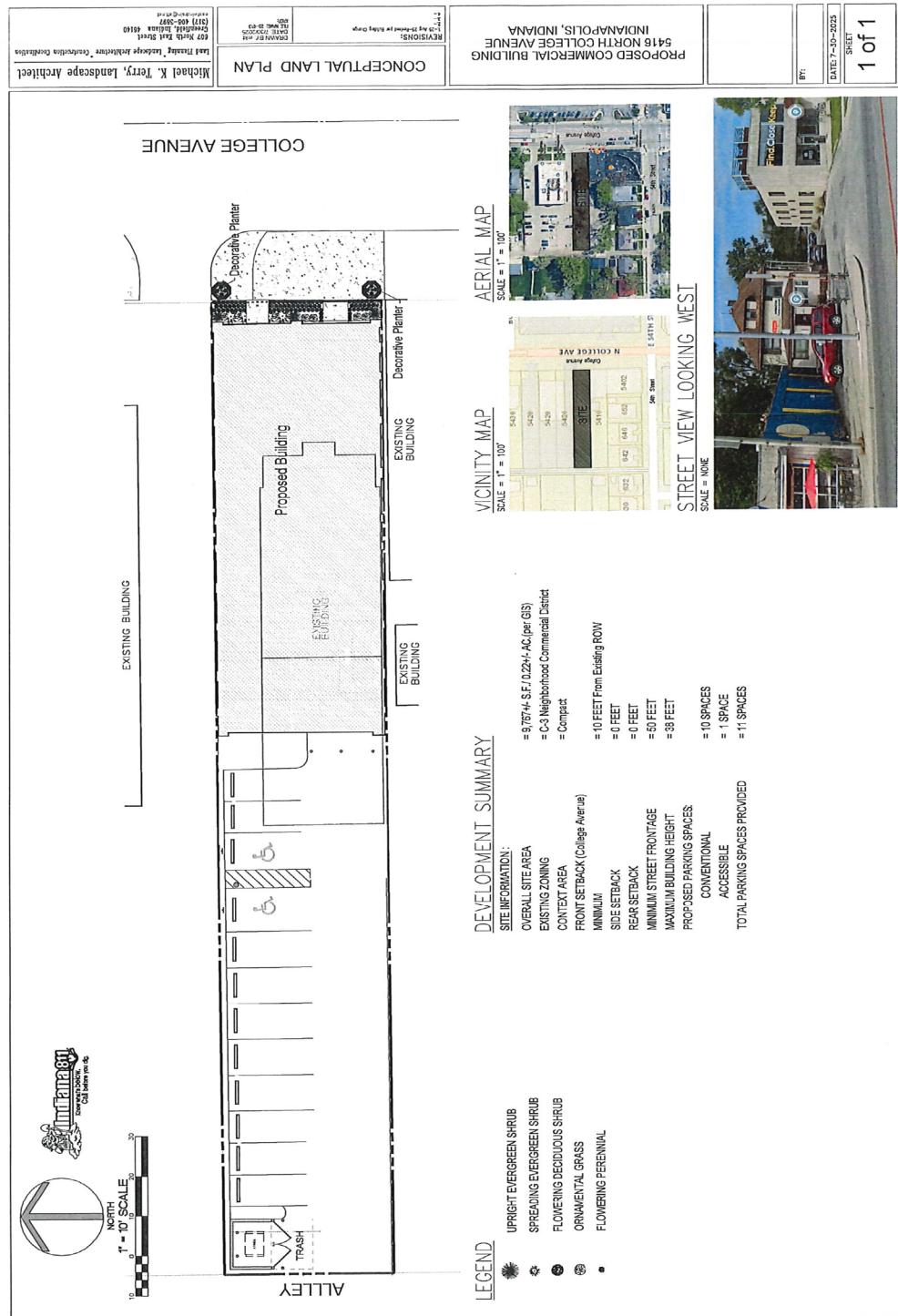
DECISION

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

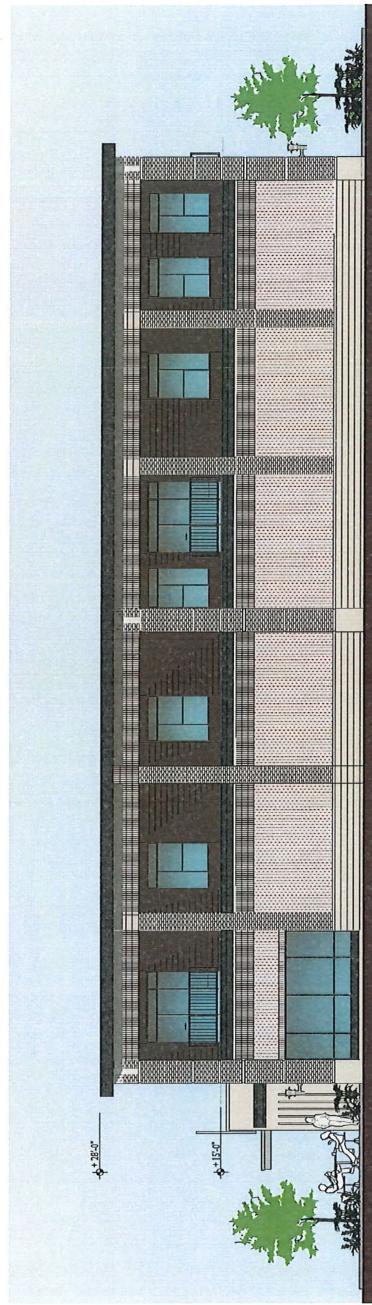
Adopted this _____ day of _____, 20 ____



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







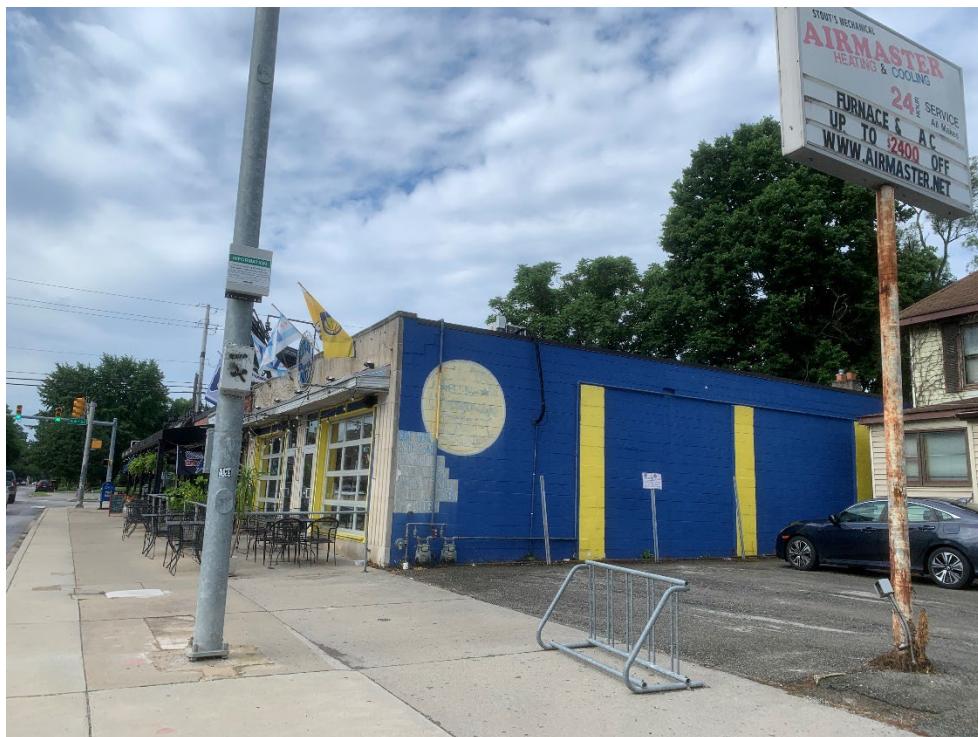
BROAD RIPPLE MIXED-USE DEVELOPMENT

0104-26
SCALE 30'2" = 1'-0"
PROJECT # 250040

5416 NORTH COLLEGE AVENUE, INDIANAPOLIS



View of site looking west



View of adjacent property to the south looking southwest



View of adjacent property to the north looking northwest



View from site looking east across North College Avenue



View of site looking east from north / south alley



View of site looking east from north / south alley



View of rear of site looking southeast



View from north / south alley looking southeast



View from rear of site looking southwest



View from rear of site looking northeast



Department of Metropolitan Development
Division of Planning
Current Planning



View from rear of site looking north along north / south alley



MDC HEARING EXAMINER

February 12, 2026

Case Number:	2025-ZON-143
Property Address:	1860 Sugar Grove Avenue (<i>approximate address</i>)
Location:	Center Township, Council District #12
Petitioner:	Full Circle Development II LLC, by Jason Wolfe
Current Zoning:	C-1 (W-1)
Request:	Rezoning of 0.12 acres from the C-1 (W-1) district to the D-5 (W-1) classification to provide for residential uses.
Current Land Use:	Undeveloped; Previously Residential
Staff Recommendations:	Staff recommends approval of this petition.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 1860 Sugar Grove Avenue is an undeveloped midblock parcel on the western side of Sugar Grove Avenue and south of 19th Street to the north. The property was previously developed with a single-family residence that was demolished in 2023 (see Photo 2 of Exhibits) and appears to have been a legally non-conforming use within the site's C-1 zoning. Adjacent land uses are residential in nature, and access to an improved alley is available from the west.
- Approval of this rezoning request would be to facilitate the construction of a new single-family residence at the property utilizing a similar footprint to the previous residence, per the below site plan. Since the C-1 zoning of the property wouldn't allow for legal construction of a single-family residence, this petition seeks to reclassify the site to the D-5 zoning district which would allow the proposed residential use by-right. The provided site plan indicates compliant setbacks and open space as well as the placement of a rear-yard detached garage for vehicle access from the alley.
- This site is currently zoned C-1 (Office-Buffer District) to act as a buffer between uses of differing intensity typically comprised of office uses such as medical and dental facilities, education services, and certain public and semi-public uses.

- The proposed D-5 zoning district is intended for medium and large-lot housing formats (primarily detached housing) within either new, walkable suburban neighborhoods or for infill situations in established urban areas. Similarly, the United Northwest Neighborhood Plan recommends the site be developed with low intensity residential (3.5-5 dwelling units/acre). The proposed zoning and land use would be consistent with the Comprehensive Plan recommendation.
- Additionally, the property is located within a Wellhead Protection Area, which is a Secondary Zoning District indicating a one-year time-of-travel protection area around a municipal water wellfield. This would place limitations and require additional reviews for commercial usage, but would not impact the ability of the site to be developed for single-family residential uses.
- The petitioner had previously filed for a Variance of Use (petition 2025-UV1-026) to allow for the construction of this single-family residence while maintaining the property's C-1 zoning. Staff had indicated to the petitioner that having the parcel rezoned to a residential zoning district matching the surrounding context would be a more appropriate method to allow for the proposed land use. At staff suggestion, the Variance of Use was withdrawn.
- Since the proposed D-5 zoning district would be consistent with the recommendation of the Comprehensive Plan and would complement existing D-5 zoning for parcels of similar size to the east, west, and south, staff recommends approval of the rezoning request.

GENERAL INFORMATION

Existing Zoning	C-1 (W-1)	
Existing Land Use	Undeveloped; Previously Residential	
Comprehensive Plan	Dwellings 3.5 – 5 Units per Acre	
Surrounding Context	Zoning	Surrounding Context
North:	C-1	North: Undeveloped
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential
Thoroughfare Plan		
Sugar Grove Avenue	Local Street	60-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	12/22/2025	
Site Plan (Amended)	N/A	
Elevations	12/22/2025	
Elevations (Amended)	N/A	

Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan recommends this property for Low Density Residential development (typically single-family dwellings with a density of 3.5 to 5 units per acre).

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025UV1026, Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a two-story single-family residence with a detached 2-car garage (not permitted), per the site plan, **withdrawn**.

ZONING HISTORY – VICINITY

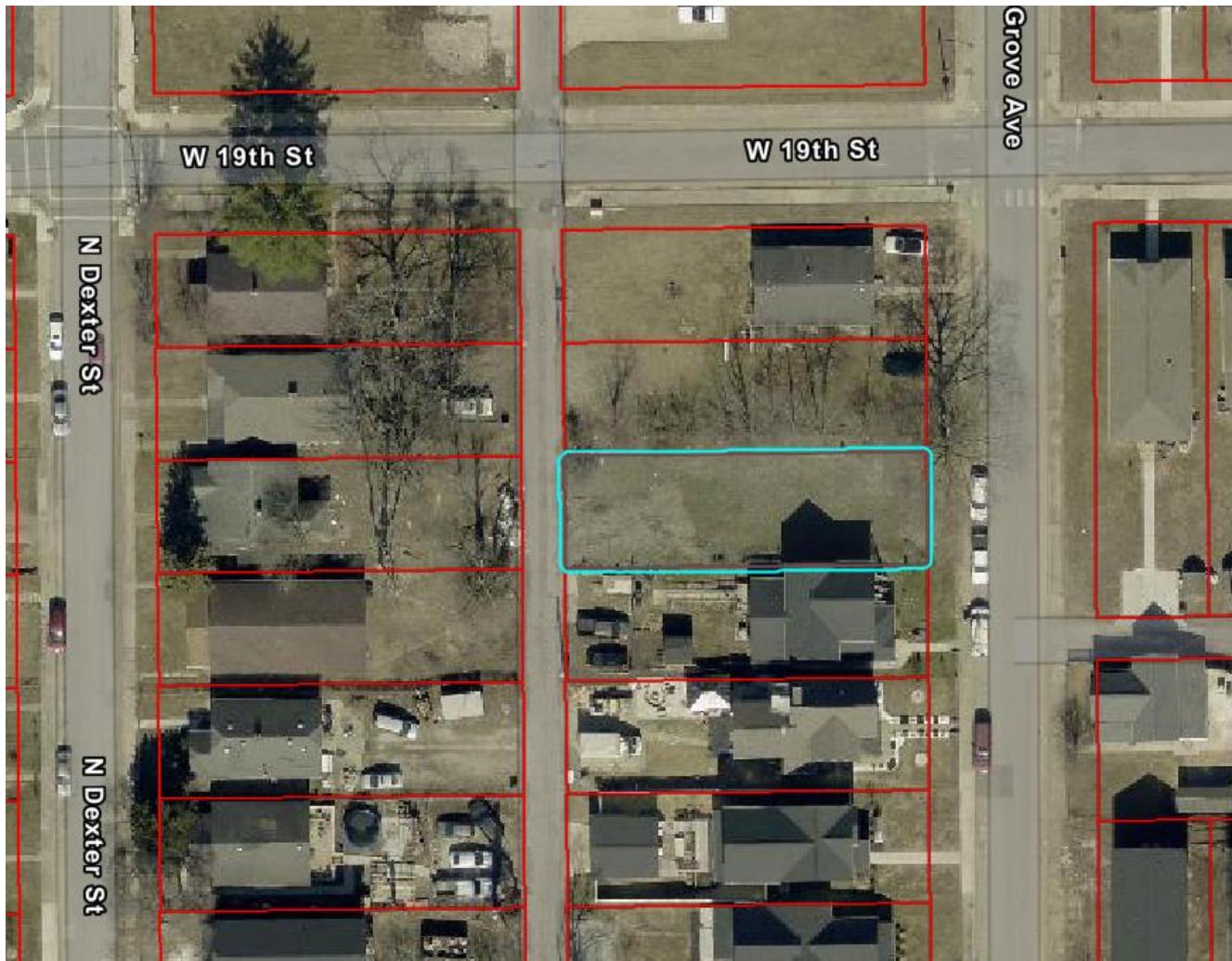
2022DV2018 ; 1805 Sugar Grove Avenue (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached accessory structure with vehicular access from Sugar Grove Avenue (alley access required), **approved**.

2022ZON013 ; 1248 W 19th Street (east of site), Rezoning of 0.529 acre from the C-1 (W-1) and C-3 (W-1) districts to the D-5 (W-1) to allow for the construction of single-family homes, **approved**.

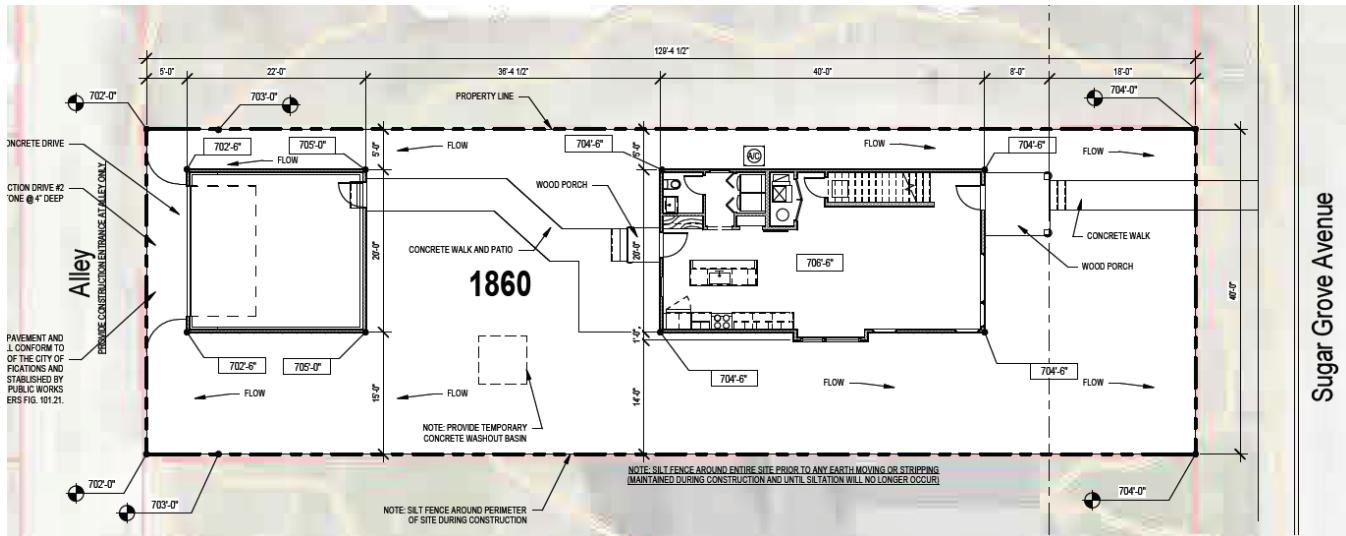
2003ZON084 ; 1917 to 2043 Sugar Grove Avenue; 1212 to 1220 and 1226 to 1235 West 20th Street (northeast of site), Rezone 4.80 acres from D-5 to SU-2 to provide for educational uses, **approved**.

EXHIBITS

2025ZON143 ; Aerial Map



2025ZON143 ; Site Plan



2025ZON143 ; Front Façade Rendering



2025ZON143 ; Photographs

Photo 1: Subject Parcel from East



Photo 2: Previous Residence on Subject Parcel (June 2019)

2025ZON143 ; Photographs (continued)

Photo 3: Subject Site Viewed from Alley to West



Photo 4: Adjacent Property to East

2025ZON143 ; Photographs (continued)

Photo 5: Adjacent Property to North



Photo 6: Adjacent Property to South

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-CZN-859 / 2025-CVR-859 / 2025-CPL-859

Property Address: 1536 Prospect Street

Location: Center Township, Council District #18

Petitioner: The Whitney Company, LLC, by Garrick Walton

Current Zoning: C-4

Rezoning of 0.233-acre from the C-4 district to the D-8 district to provide for residential uses.

Request: Variance of Development Standards to legally establish a single-family, with 1.2-foot and 1.6-foot side yard setbacks (minimum five-foot side yard setback required), and a second existing single-family dwelling, with 1.7-foot and 2.5-foot side yard setbacks (minimum five-foot side yard setback required).

Approval of a Subdivision Plat, to be known as Replat of Lot 315 in E. T. S. K. and A. E. Fletcher's Woodlawn Suburb Subdivision, dividing 0.233-acre into two lots.

Current Land Use: Vacant

**Staff
Recommendations:** Approval of the rezoning, variance and plat.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the January 15, 2026 hearing, to the February 12, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated November 24, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.

4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

This 0.233-acre site, zoned C-4, is developed with two single-family dwellings. It is surrounded by a single-family dwelling to the north, zoned D-5, commercial uses to the south, across Prospect Street, zoned C-4; a single-family dwelling to the east, zoned D-5; and a single-family dwelling to the west, zoned C-4.

PLAT

Site Plan

The site is developed with two historic single-family dwellings.

Streets

The site fronts on Prospect Street. No new streets are proposed.

Sidewalks

Sidewalks exist along Prospect Street.

Waivers

None.



Department of Metropolitan Development
Division of Planning
Current Planning

REZONING

The request would rezone the site to the D-8 district to provide for residential development. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

“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 purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends village mixed-use typology for the site.

Recommended land uses in this typology include detached / attached / small-scale multi-family / large-scale multi-family housing; assisted living facilities / nursing homes / group homes; bed and breakfast; small-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; small-scale parks; artisan manufacturing and food production / structured parking; and community farms / gardens.

This request would align with the Plan recommendation of village mixed-use and the historical residential use of this site.

VARIANCES OF DEVELOPMENT STANDARDS

The request would legally establish two single-family dwellings on two lots with reduced setbacks. One dwelling would have a 1.2-foot and a 1.6-foot side yard setback. The second dwelling would have a 1.7-foot and a 2.5-foot setback. The Ordinance requires five-foot side setbacks.

Staff supports these variances because this lot and the dwellings have existed for over 100 years without negatively impacting the neighborhood, while contributing to the residential neighborhood character.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Single-family dwellings	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwelling
South:	C-4	Commercial uses
East:	D-5	Single-family dwelling
West:	C-4	Single-family dwelling
Thoroughfare Plan		
East Prospect Street	Primary arterial	Existing 80-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	November 24, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	November 24, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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 – Village Mixed Use 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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.

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. Garages should be loaded from an alley or sides street when possible and should be detached if located on the side of the house.

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.



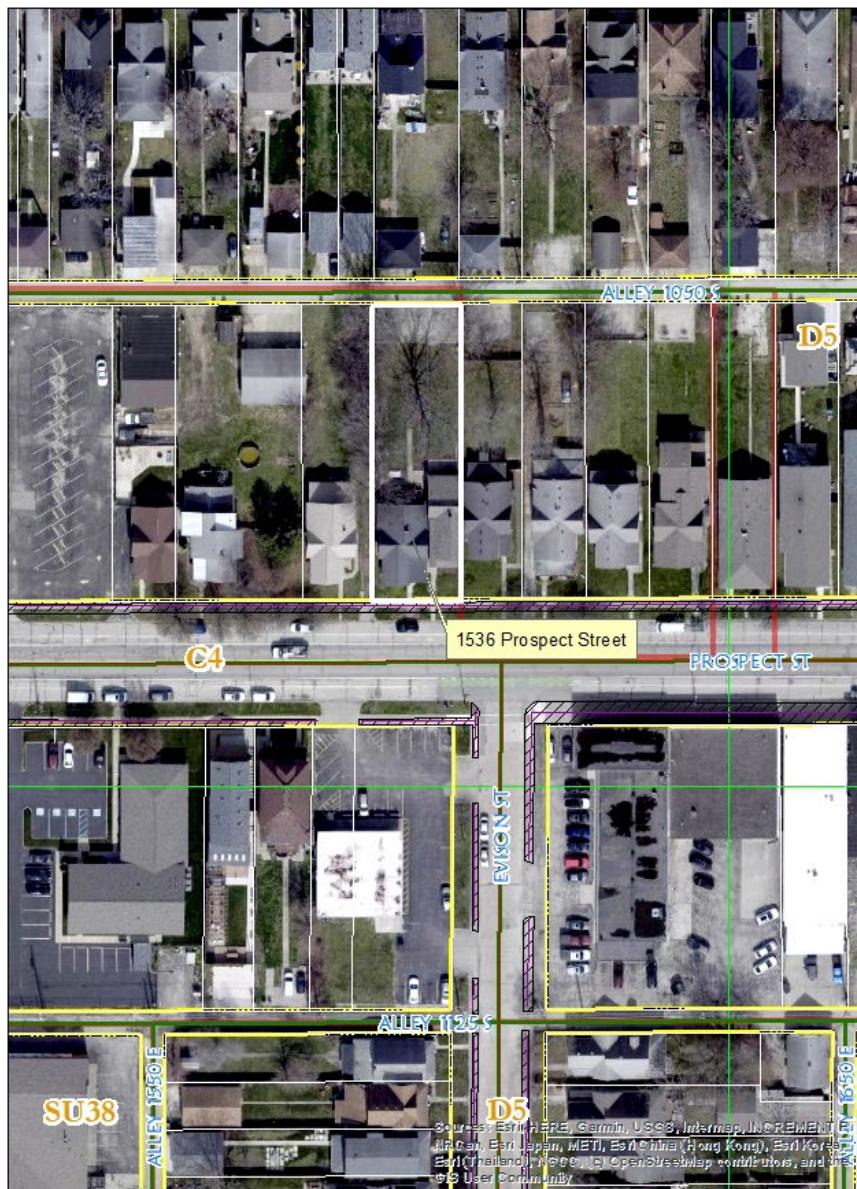
Department of Metropolitan Development
Division of Planning
Current Planning

Item 7.

ZONING HISTORY

97-Z-95; 1542, 1602, 1606 and 1610 Prospect Street (east of site), requested rezoning of 0.69 acre, being in the C-4 district to the D-5 classification to provide for residential development, **approved.**

EXHIBITS

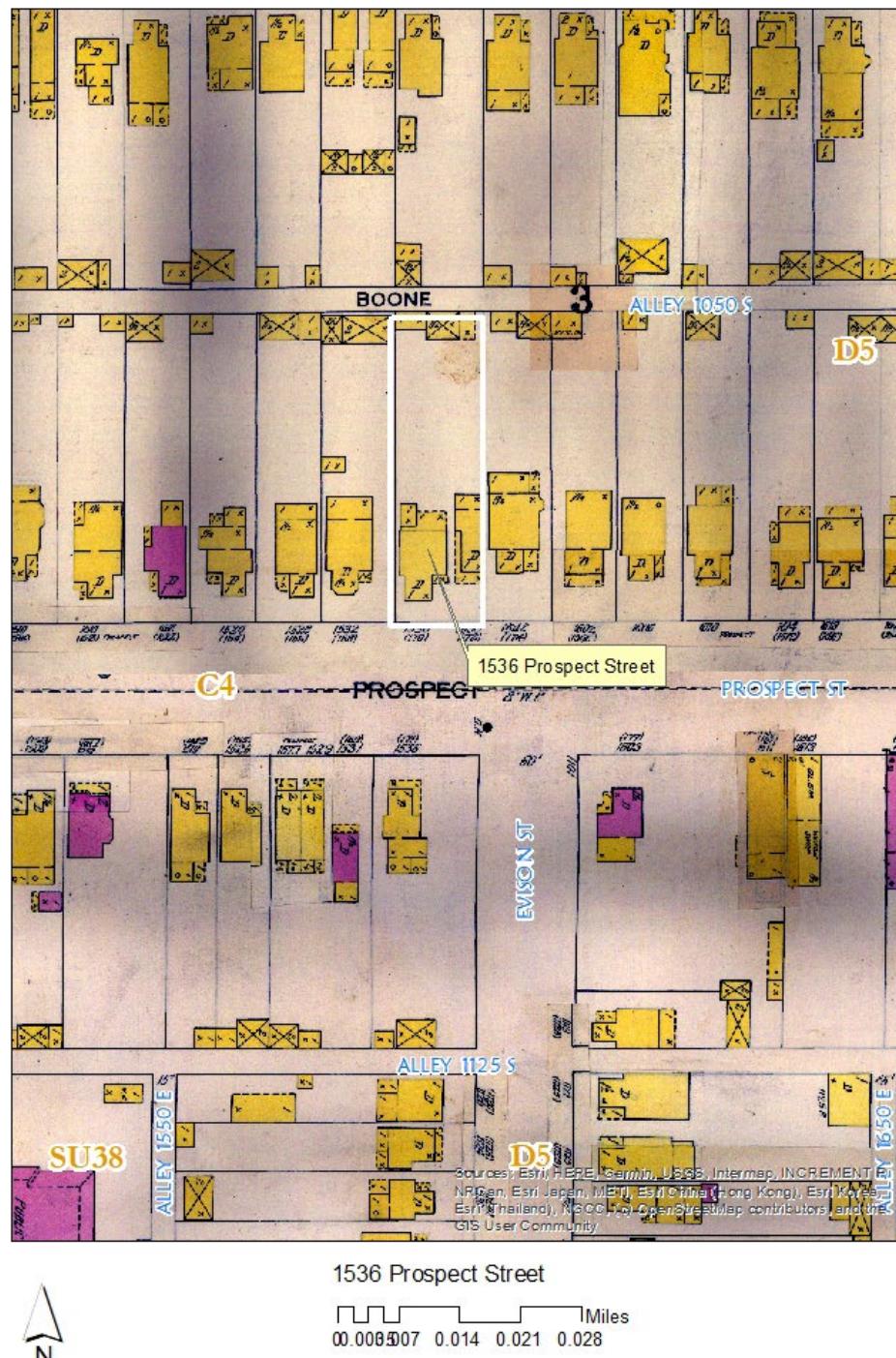


1536 Prospect Street



0.000 0.007 0.014 0.021 0.028 Miles

Sanborn 1898





Department of Metropolitan Development

Division of Planning

Current Planning

Item 7.

E T S K & A E FLETCHER'S
WOODLAWN SUBURB
LOT 315
CENTER TOWNSHIP
MARION COUNTY, IN

1536 & 1538 PROSPECT STREET. INDPLS, IN 46203

Scale: 1" = 30'

LEGEND

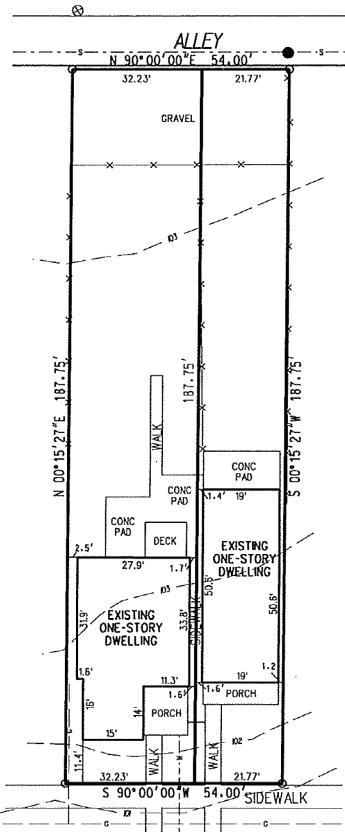
B.S.L. = BUILDING SETBACK LINE
 U. E. = UTILITY EASEMENT
 SFT. = SQUARE FEET
 (G) = GAS METER
 (E) = ELECTRIC PEDESTAL
 -W- = WATER LINE
 -S- = SANITARY SEWER LATERAL
 -E- = ELECTRIC LINE
 -G- = GAS LINE
 ☐ = EXISTING FIRE HYDRANT
 ☈ = UTILITY POLE
 ● = SANITARY SEWER MANHOLE
 ☎ = TELEPHONE PEDESTAL
 -F- = FENCE LINE
 ○ = REBAR W/ CAP

LEGAL DESCRIPTION:

LEGAL DESCRIPTION
LOT NUMBERED 315 IN E.T.S.K. & A.E.
FLETCHER'S WOODLAWN SUBURB,
NOW IN THE CITY OF INDIANAPOLIS
AS PER PLAT THEREOF RECORDED
IN PLAT BOOK 3, PAGE 156 IN THE
OFFICE OF THE RECORDER OF MARION
COUNTY, INDIANA

FLOOD HAZARD STATEMENT:

NONE OF THE SUBJECT TRACT SHOWN LIES WITHIN THAT SPECIAL FLOOD HAZARD ZONE "A" AS SHOWN BY COMMUNITY PANEL 18097C0144 F OF THE FLOOD INSURANCE RATE MAPS FOR, MARION COUNTY, INDIANA (MAPS DATED APRIL 19, 2016).



Certificate of Surveyor

I, Stephen D. Servies, do hereby certify the site plan shown is true & correct to the best of my knowledge & belief.

This 10th day of November, 2025

Stephen Danner

PROSPECT STREET

BACK OF CURR

PREPARED FOR:		SITE PLAN		PREPARED BY: GARRICK WALTON	
THE WHITNEY COMPANY, LLC 1507 DELOSS ST. INDPLS, IN 46201 317-602-4861		DATE: 11-7-25	REVISIONS:	CROSS COUNTY CONSULTING, LLC 5921 CADILLAC DRIVE INDPLS, IN 46224 317-563-2210	
		JOB: C2025.54			
		SCALE: 1" • 30'			



Department of Metropolitan Development
Division of Planning
Current Planning

Item 7.

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

there will be no change in use of land.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the use & value is consistent with all the adjacent properties.

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

there are existing residential homes on the property.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along Prospect Street



View looking east along Prospect Street



Department of Metropolitan Development
Division of Planning
Current Planning



View of site looking north across Prospect Street



View of site looking northwest across Prospect Street



Department of Metropolitan Development
Division of Planning
Current Planning



View looking northeast across Prospect Street at residential development east of site



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-CZN-863 / 2025-CVR-863
Property Address: 1921 Prospect Street
Location: Center Township, Council District #18
Petitioner: Morris Cohen, by Mark and Kim Crouch
Current Zoning: C-4
Request: Rezoning of 0.12-acre from the C-4 district to the D-8 district for a four-unit multi-unit structure.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for side yard building setbacks of three feet on each side (minimum five-foot side yard building setbacks required) and one-foot side yard setbacks for a surface parking area (minimum five-foot side yard setbacks required).
Current Land Use: Vacant
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan, file dated December 29, 2025.

PETITION OVERVIEW

This 0.12-acre site, zoned C-4, is vacant and surrounded by commercial uses to the north, across Prospect Street, zoned C-4; a single-family dwelling to the south, zoned D-5; single-family dwellings to the east and west, zoned C-4.

REZONING

The request would rezone the site to the D-8 district to provide for residential development. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and



Department of Metropolitan Development
Division of Planning
Current Planning

the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

“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 purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends traditional neighborhood typology for the site.

Recommended land uses in this typology include detached / attached / small-scale multi-family / large-scale multi-family housing; assisted living facilitates / nursing homes; group homes; bed and breakfast; small-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; small-scale parks; and community farms / gardens.

This request would align with the Plan recommendation of traditional neighborhood and the historical residential use.

VARIANCES OF DEVELOPMENT STANDARDS

These requests would provide for side yard building setbacks of three feet on each side yard and one foot side yard setback for a surface parking area. The Ordinance requires a minimum five-foot side yard setback for both building and parking areas.

Staff supports these variances because this lot, as originally platted, is a deficient lot (lot area and lot width) as it relates to the current Zoning Ordinance. Relief from development standards is reasonable and would not negatively impact the current character of surrounding residential development in the area.

Staff also believes it is appropriate to support the historical residential uses and the current ongoing redevelopment efforts in the area.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-4	Commercial uses
South:	D-5	Single-family dwelling
East:	C-4	Single-family dwelling
West:	C-4	Single-family dwelling
Thoroughfare Plan		
East Prospect Street	Primary arterial	Existing 80-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 29, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	December 29, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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:

Conditions for All Land Use Types –Traditional 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.
- 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.
- 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.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- 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 15 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.

Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

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

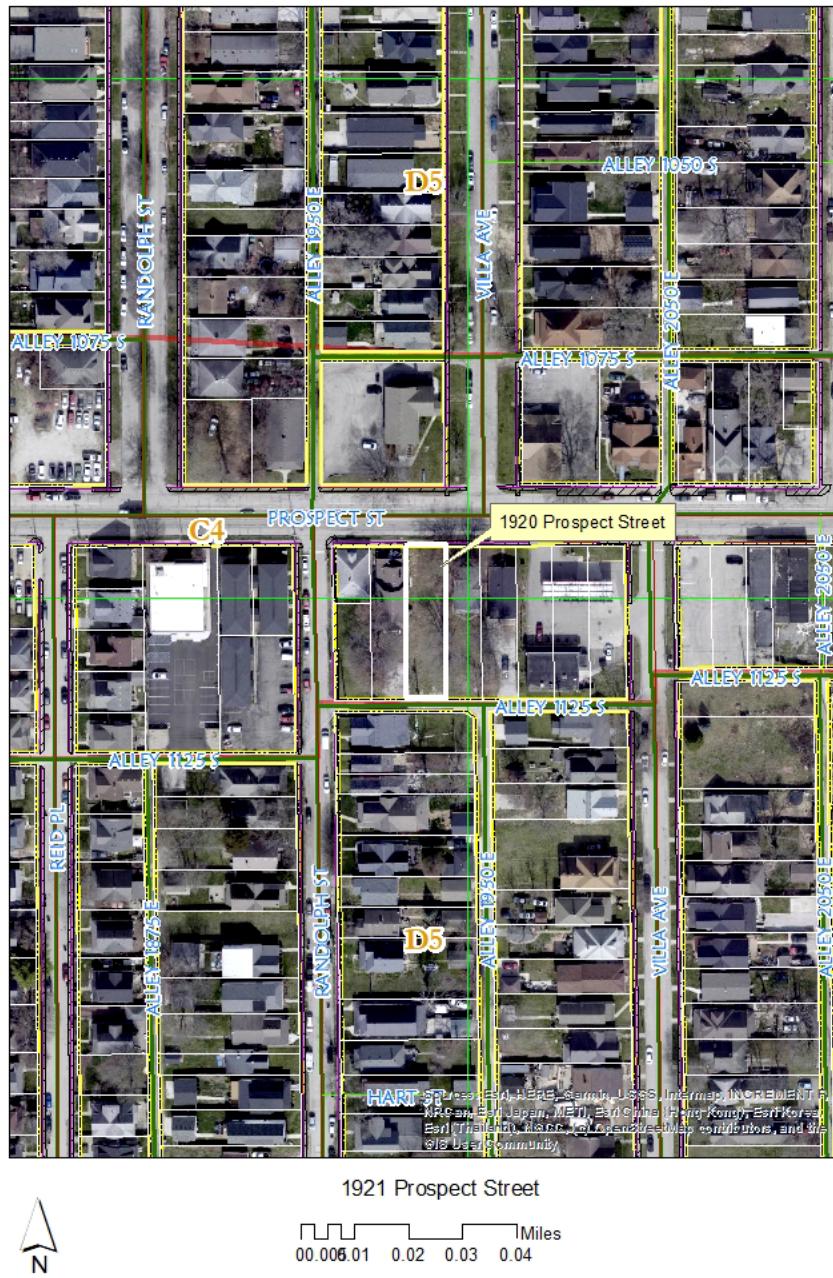
2018-UV2-019; 1917 and 1921 Prospect Street (west of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three townhome units with detached garages, **granted**.

96-UV2-123; 1921 Prospect Street (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a multi-family residence with 4-units, **granted**.

2011-HOV-032; 1108 Reid Place (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a single-family dwelling and detached garage, **granted**.

2004-UV3-036; 2347 Prospect Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a 1,082-square foot single-family dwelling with a 72-square foot front porch, **granted**.

EXHIBITS



Sanborn 1915

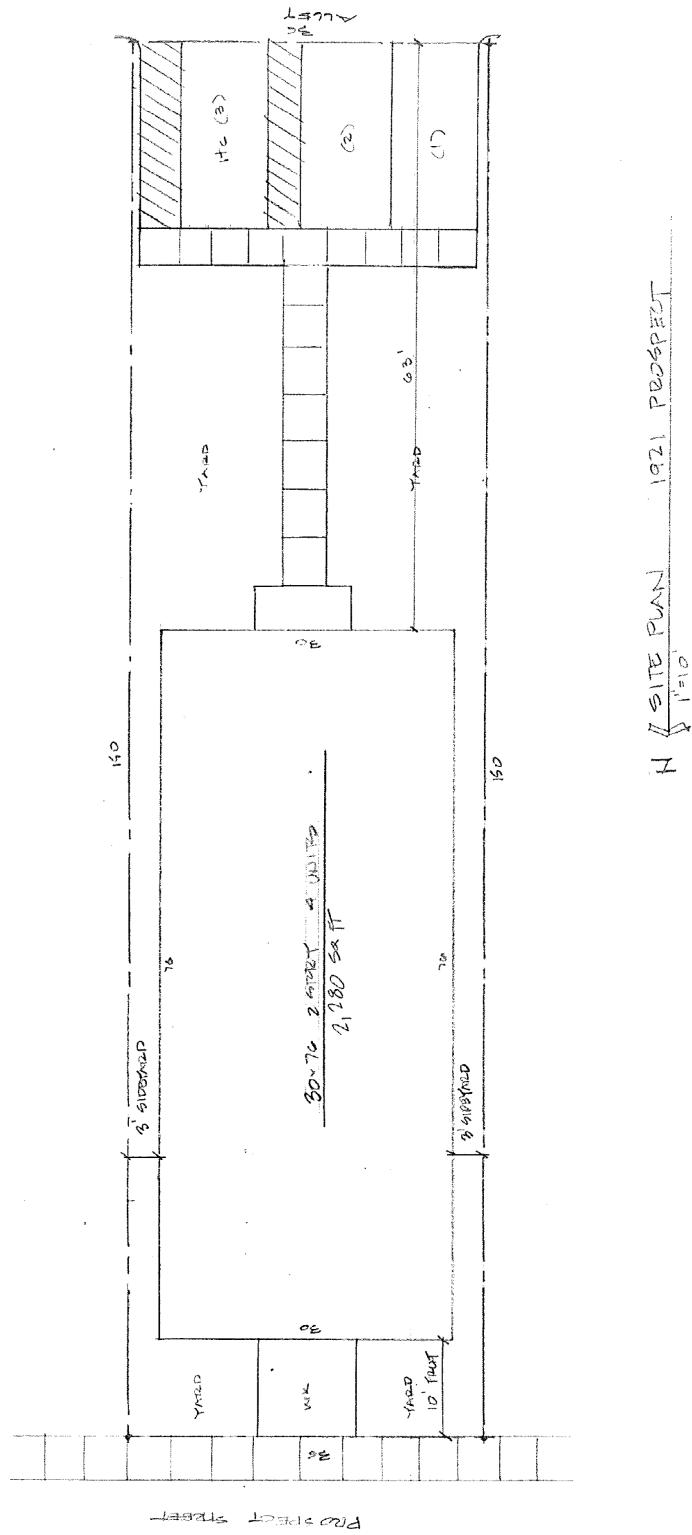




**Department of Metropolitan Development
Division of Planning
Current Planning**

Item 8.

BUDDY = 47% OWNED
BUDDY = 12.60
BUDDY = 4500
BUDDY = 5%
BUDDY = 47% OWNED





Department of Metropolitan Development
Division of Planning
Current Planning

Item 8.

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the grant will allow for the construction of a 4 unit multi-unit residence for private residential use.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the proposed 4 unit will be consistent with the development in the area and fulfills the need for housing in the area.

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

a 30' wide foundation for a 4 unit is functionable and since the lot is 5400sf the required side setbacks are 5' resulting in a need to reduce the required side setbacks to 3'. Without variance approval, proposed multi unit will not be constructed.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking east along Prospect Street



View looking west along Prospect Street



View of site looking south across Prospect Street



View of adjacent properties to the southeast looking across Prospect Street



View of adjacent properties to the southwest looking across Prospect Street



View of site looking north from east / west alley to the south

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2026-ZON-004
Property Address: 3 Beachway Drive
Location: Wayne Township, Council District #16
Petitioner: SBP Properties, LLC, by Stephanie Fall
Current Zoning: D-6
Request: Rezoning of 2.536 acres from the D-6 district to the C-3 district to legally establish an existing neighborhood commercial development
Current Land Use: Commercial uses
Staff Recommendations: Approval.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on this petition.

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:

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 2.536-acre site, zoned D-6, is developed with a commercial strip center. It is surrounded by multi-family dwellings to the north, zoned D-6; commercial uses to the south, across Rockville Road, zoned C-4; commercial uses to the east, zoned C-3; and commercial uses to the west, zoned D-6.



REZONING

The request would rezone the site the C-3 district to legally establish an existing neighborhood commercial development. "The C-3 Neighborhood Commercial District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine- grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters."

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The 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.

As proposed, this request would align with the Comprehensive Plan recommendation of community commercial.

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

This site was included in petition 65-Z-94 that rezoned 55.65 acres to the D-6 district to provide for apartments and cluster detached housing. Historical aerials depict development of the existing commercial strip center on this site in 1972. Through the intervening years, variances of uses have supported commercial development on this site, including adjoining properties to the east and west of this site.

Staff supports this rezoning request because of the historical commercial uses and the Comprehensive Plan recommendation of community commercial.

GENERAL INFORMATION

Existing Zoning	D-6	
Existing Land Use	Commercial uses	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-6	Multi-family dwellings
South:	C-4	Commercial uses
East:	C-3	Commercial uses
West:	D-6	Commercial uses
Thoroughfare Plan		
Beachway Drive	Primary arterial	Existing 192-foot right-of-way and proposed 190-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	

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

Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet).

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

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

2022-UV1-003; 3 Beachway Drive, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the expansion of an existing grocery store, **granted**.

2019-UV2-019; 3 Beachway Drive, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a stock room expansion (not permitted) to the north side of the existing convenience/grocery store and the addition of a freestanding cooler/freezer (not permitted) to the east of the convenience/grocery store, **granted**

VICINITY

2014-DV3-062; 81 N Mickley Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a six-foot tall fence in the front yard of Mickley Avenue (maximum 42-inch-tall fence permitted within the required front yard), **denied**.

2013-DV3-030; 5801 Rockville Road (south of site), requested a variance of development standards of the Sign Regulations to legally establish a freestanding sign within 224 feet of another freestanding sign (300-foot separation required), **granted**.

2009-APP-048; 14 Beachway Drive (east of site), requested a modification of Commitments, related to petition 97-Z-221, to terminate Commitment Three, which currently prohibits the sale of liquor, **denied**.

2009-VAR-002; 14 Beachway Drive (east of site), requested a variance of Development Standards of the Commercial Zoning Ordinance to provide for carryout package liquor sales within thirteen feet of a protected district, **denied**.

2008-ZON-808 and 2008-VAR-808; 5725 and 5789 Rockville Road (southeast of site), requested rezoning of 1.4 acres from the D-2 zoning District to the C-S classification to provide for C-1 and C-3 uses, with specific exclusions. Variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through within 63 feet of a protected district (minimum 100-foot separation required), and to provide for a three-lane bank drive-through with deficient off-street stacking spaces (minimum six stacking spaces required before the final component of each drive-through lane), **withdrawn**.

2005-UV3-009; 5815 Rockville Road (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for sales of portable backyard storage buildings and accessories (not permitted) with outdoor display of merchandise without an enclosed building (not permitted), and with off-street parking located on an abutting lot (off-street parking required to be located on the same lot as the use served), **granted**.

2004-UV3-025; 5789 Rockville Road (southeast of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a store for collectables and antiques (not permitted) in an existing single-family dwelling, **withdrawn**.



Item 9.

Department of Metropolitan Development
Division of Planning
Current Planning

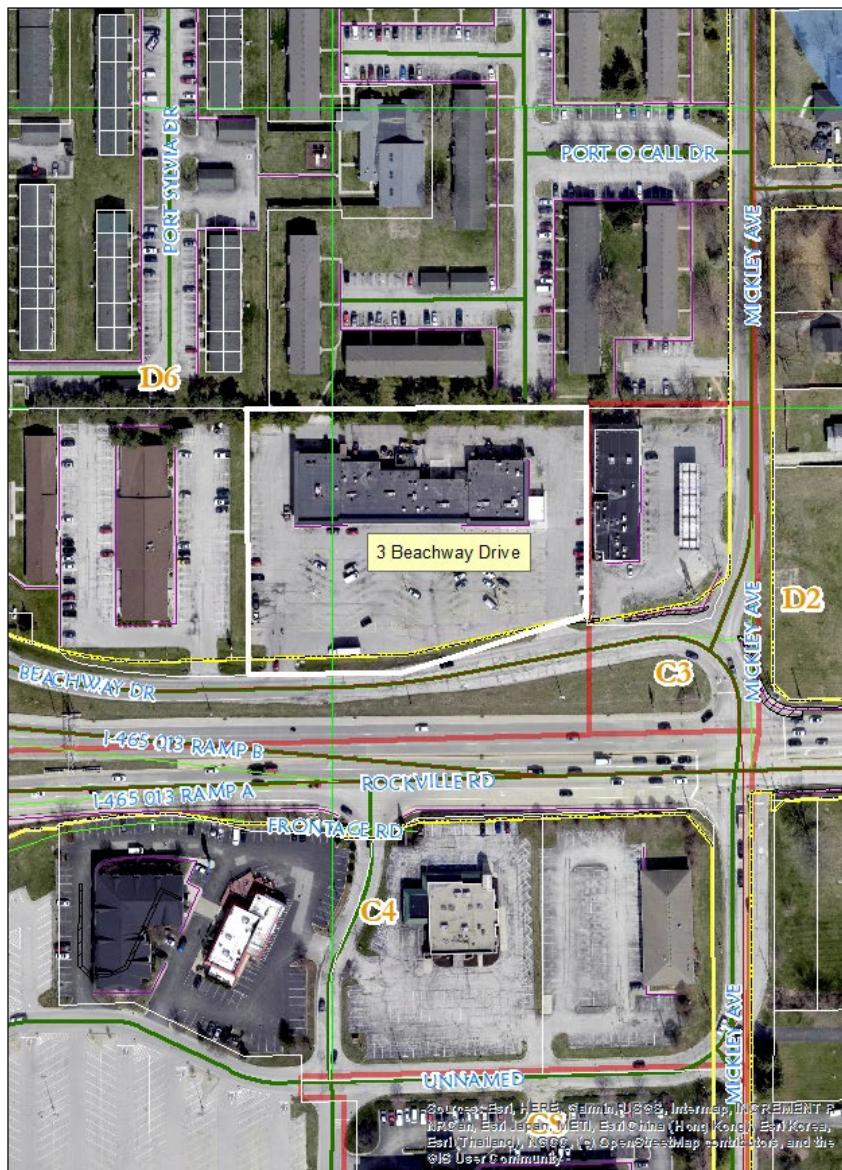
97-Z-221; 14 Beachway Drive, (east of site), requested rezoning of 0.836 acre, being in the D-6 District to the C-3 classification to provide for neighborhood commercial uses, which may include the continued operation of a gasoline station and convenience store and restaurant use, **approved**.

96-UV1-24; 5815 Rockville Road (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor display of lawn furniture, storage buildings, picnic tables, gazebos, deck and playground equipment, **granted**.

87-UV1-33; 14 Beachway Drive (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,084.75-square foot living area and garage addition to a single-family dwelling, with a zero-foot rear setback (minimum twenty-foot rear setback required), **granted**.

67-V4-240; 5802 Rockville Road (east of site), requested a variance of use to provide for the construction and operation of a gasoline station, convenience retail sales center and office building as per plans filed, **granted**.

EXHIBITS

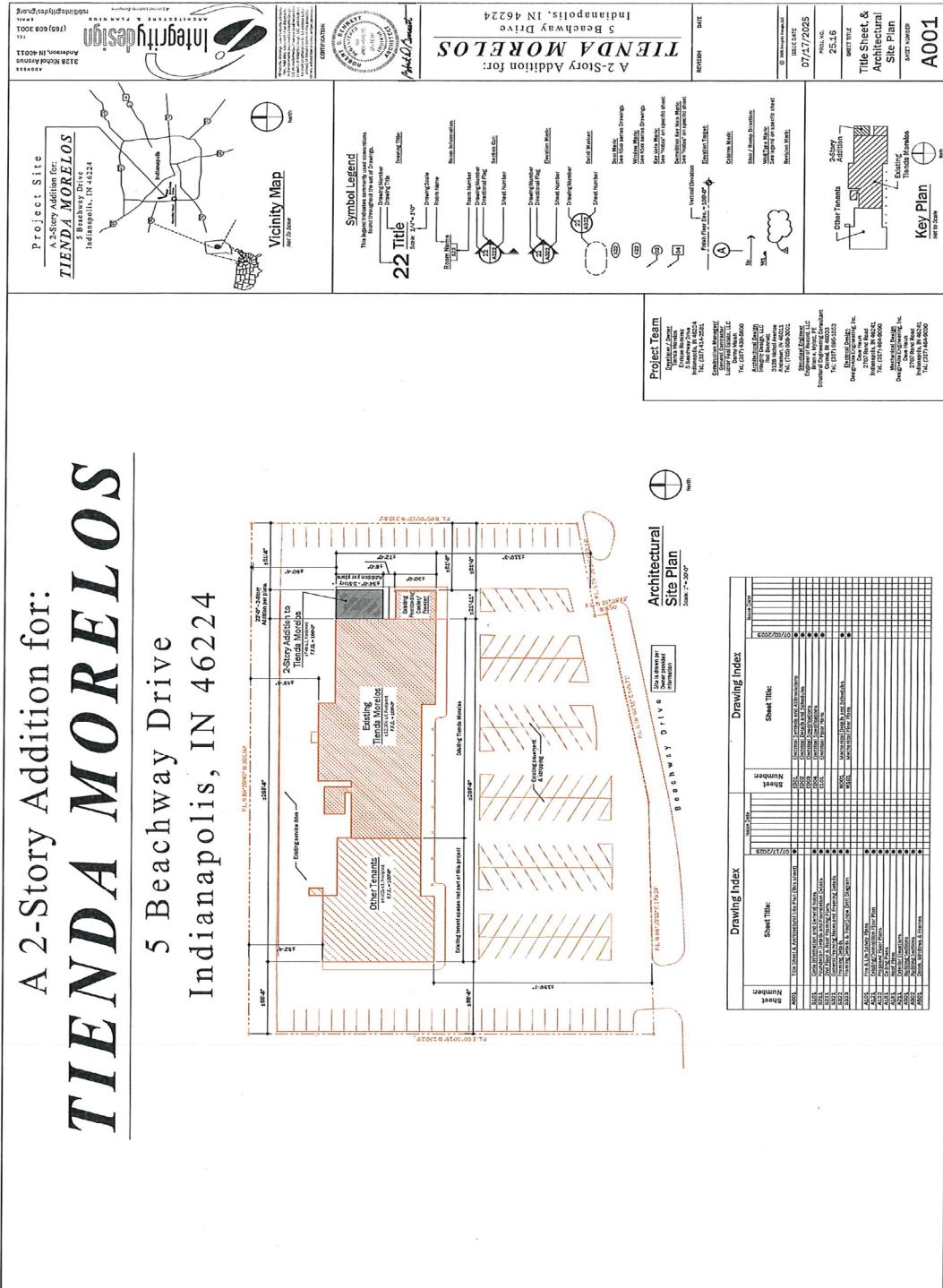




A 2-Story Addition for:
TIENDA MORELOS

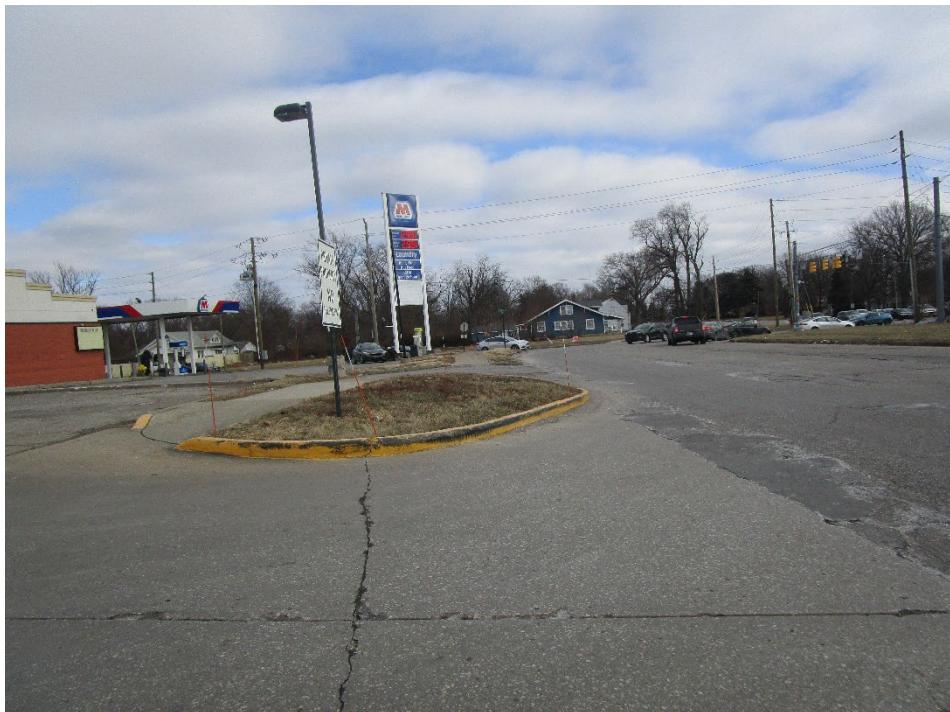
A 2-Story Addition for:

5 Beachway Drive
Indianapolis, IN 46224





View looking west along Beachway Drive



View looking east along Beachway Drive



View from western portion of the site looking south



View from site looking west



View of western portion of the site looking north



View of site looking east



View of site looking north



View of site looking northeast



Department of Metropolitan Development
Division of Planning
Current Planning



View from the eastern portion View of the site looking northeast

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-124 / 2025-VAR-012
Property Address: 2505 North Sherman Drive
Location: Center Township, Council District #8
Petitioner: Metrobloks, LLC, by Tyler Ochs
Current Zoning: I-2
Request: Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.
Current Land Use: Truck and trailer parking
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the December 11, 2025 hearing, to the January 15, 2026 hearing.

The Hearing Examiner continued these petitions from the January 15, 2026 hearing, to the February 12, 2026 hearing, at the request of a neighborhood organization.

STAFF RECOMMENDATION

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

1. All mechanical yards, electrical yards, transformer arrays and generator areas shall be enclosed by sound absorption apparatus no more than five feet from the units and extend at least eight feet above the height of the rooftop units.
2. All mechanical equipment, including but not limited to generators, HVAC systems, and cooling / chilling systems shall be screened from public right-of-way and adjoining properties.

3. Any and all testing of equipment shall be limited between the hours of 7:00 a.m. and 6:00 p.m.
4. Development of the site shall be in accordance with the document file-dated October 1, 2025, and titled "IND-A Sherman Project: Information for the Martindale-Brightwood Community." See Exhibit A.
5. Prior to the issuance of an Improvement Location Permit (ILP), a report that describes the methodology on how the property owner / operator shall measure and monitor decibel levels at the property line shall be submitted to assure compliance with all rules and regulations related to permitted level of noise.
6. Final site plans, landscaping / Green Factor plans, photometric plans, and building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 13.68-acre site, zoned I-2 (industrial overlay), is developed with truck and trailer parking. It is surrounded by commercial uses to the north, zoned C-7; railroad right-of-way / Massachusetts Avenue to the south, zoned I-2; industrial uses to the east, zoned I-2; and single-family dwellings and commercial uses to the west, across North Sherman Drive, zoned D-5 and C-3, respectively.

REZONING

The request would rezone the site to the C-S district to provide for a data center, business, professional or government offices and all uses in the I-2 zoning classification. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."

All C-S District uses shall:

1. Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana; and
2. Create and maintain a desirable, efficient and economical use of land with high functional value and compatibility of land uses, within the C-S District and with adjacent uses; and
3. Provide sufficient and well-designed access, parking and loading areas; and
4. Provide traffic control and street plan integration with existing and planned public streets and interior access roads; and
5. Provide adequately for sanitation, drainage and public utilities; and
6. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.



Department of Metropolitan Development
Division of Planning
Current Planning

The Comprehensive Plan recommends light industrial typology for the site. The Ordinance contemplates that the Restricted District I-1 or Light Industrial District I-2 permitted uses would generally be appropriate within this typology.

Recommended land uses in this typology include light industrial uses; heavy commercial uses; small-scale offices, retailing, and personal or professional services; and wind or solar farm.

Overlays

This site is also located within an overlay, specifically the Industrial Reserve (IR). "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 Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

Site Plan (Conceptual)

The site plan, file dated October 17, 2025, provides for two buildings. The larger building (approximately 112,640 square feet and 25 electrical generators) would front along the railroad right-of-way and Massachusetts Avenue. The second building (approximately 55,500 square feet and 11 electrical generators) would front along North Sherman Drive. Approximately 80 parking spaces would be provided between the two buildings.

Access to the site would be gained from two driveways along North Sherman Drive. The southern drive would be the primary access, with a secondary access on the northern drive.

Perimeter fencing around the entire site would provide security of operations that are proposed on the site.

C-S Statement

The C-S Statement, file dated November 10, 2025, identifies the proposed uses for a data center, all I-2 uses, and office uses to include business, professional or government offices. Permitted accessory uses would include all accessory uses permitted in the I-2 district, plus a temporary construction yard, office or equipment storage.

The Statement states that except for building height and no maximum front setback, the development would comply with the Ordinance development standards for the C-S district.

A Sign Program would be developed and submitted for Administrator Approval and would include a pylon or monument sign (not to exceed 10 feet tall), wall / awning / canopy / window signs, and other incidental, temporary that would be permitted in an industrial district.

Parking would be provided for employees, maintenance personnel and visitors, with no retail or customer traffic. Approximately 70 parking spaces, which would exceed the typical operational demand.

The Statement explains the possibility of phased development as generally shown on the concept plan but allows for future reconfiguration on the site that could increase the number of buildings, subject to Administrator Approval.

An environmental noise study (submitted with this petition) was conducted to determine noise levels and measures that would be required to comply with the Ordinance and EPA guidelines.

The Statement explains that the abutting property to the north (Parcel #1098788) is included in the site plan but not included in the rezoning. That property would remain I-2.

Finally, all site lighting would comply with the Ordinance, including perimeter foot-candle levels and fixtures that would prevent light spillover on to abutting properties.

Environmental Noise Study – September 18, 2025

The study involved documenting existing noise ordinances within the area and developing a preliminary acoustic model to assess noise propagation from the mechanical and electrical equipment that would serve the facility.

The State of Indiana delegates all noise ordinances to local municipalities and the City of Indianapolis ordinance does not specify noise limits. Consequently, the recommended maximum levels were based on other Indiana municipalities and the EPA guidelines at 55 dBA at the property line of single-family dwellings and 65 dBA at the commercial property line.

The noise mapping determined that the chilled water units and electrical generators would be primary sources of noise exceeding the recommended levels. It was recommended that sound barriers be installed around both the chilled water units and electrical generators. See Exhibit B.

Staff would request a commitment that would provide for all mechanical yards, electrical yards, transformer arrays and generator areas to be enclosed by sound absorption apparatus no more than five feet from the units and extend at least eight feet above the height of the rooftop units.



VARIANCES OF DEVELOPMENT STANDARDS

There are three requested variances related to building height, front yard setback and reduced parking.

The maximum height permitted in the C-S District is 38 feet. As proposed the variance would allow for a 70-foot-tall building, which would be almost double the permitted height.

Because of three park facilities (Colorado and 29th Street, Brightwood Park and Pogues Run Art and Nature Park), Indy Parks has requested that earthen mounds and year around screening be installed to visually mitigate the impact of the proposed 70-foot-tall buildings. Additionally, staff believes the visual impact of 70-foot-tall buildings along North Sherman Drive should be buffered by the installation and maintenance of columnar robust evergreen trees.

Staff's support of this height variance would be subject to substantial visual buffering that would provide well-maintained year around screening and subject to a landscape plan submitted for Administrator Approval prior to the issuance of an Improvement Location Permit. (ILP).

The front building setback along North Sherman Drive would be similar to the setback of the adjacent commercial center to the south. As proposed, the area between the building and the right-of-way of North Sherman Drive and outside the perimeter fence would be developed and maintained with a pocket park that would be available to the community. Staff believes this green space would serve as a buffer

The last variance would allow for reduced parking, which would be consistent with the reduced number of employees that are characteristic of data center operations, once constructed and operational. This use does not require the number of employees typically associated with industrial and office uses. Consequently, staff believes the reduced number of required parking spaces would be supportable.

Planning Analysis

As proposed the request would rezone the site to the C-S district with a data center as the primary use, along with all I-2 uses, and office uses that would include business, professional or government.

The Comprehensive Plan recommends light industrial, with an Industrial Reserve overlay that would remove small-scale office, retailing and personal / professional services and heavy commercial, as recommended by the Pattern Book.

The Industrial Reserve Overlay was established to protect and reserve larger tracts of land that would support and enhance the City's competitive efforts that would encourage current residents and businesses to remain and bring new residents and businesses into the community.

The proposed uses would align with the Plan recommendation of light industrial, as well as the purpose of the overlay of industrial reserve.

Staff supports pedestrian connectivity, both within the site and along North Sherman Drive. Construction activities would likely access the site from North Sherman Drive, which could result in significant damage to the existing sidewalk fronting North Sherman Drive. If any reconstruction or restoration of the sidewalk would be necessary, it would need to comply with the Department of Public Works standards.

Staff would also request that pavement markings for pedestrian crossings be provided on the two access drives along North Sherman Drive frontage.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Truck and trailer parking	
Comprehensive Plan	Light Industrial	
Surrounding Context		
North:	<u>Zoning</u>	<u>Land Use</u>
	C-7	Commercial uses
South:	I-2	Railroad right-of-way
East:	I-2	Truck and trailer parking
West:	C-3 / D-5	Commercial uses / Single-family dwellings
Thoroughfare Plan		
North Sherman Drive	Primary arterial	Existing 58-foot right-of-way and proposed 88-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes. Industrial Reserve Overlay	
Wellfield Protection Area	No	
Site Plan	October 17, 2025	
Site Plan (Amended)	N/A	
Elevations	October 22, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 17, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	November 10, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”

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:

Light Industrial Use

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Modified uses (Industrial Reserve)

- Added Uses - No uses are added.
- Modified Uses - No uses are modified.
- Removed Uses –
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses

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

2022-UV2-016; 2505 North Sherman Drive, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a truck terminal with heavy truck/equipment repair, **withdrawn**.

2021-CZN-833A / 2021-CZN-833B / 2021CVR-8332021-CZN-833A / 2021-CZN-833B / 2021-CVR-833; 2505 North Sherman Drive, requested a Rezoning of 13.15 acres from the I-2 district to the I-3 district, requested a Rezoning of 0.52 acre from the I-2 district to the C-S district to provide for truck repair and all C-3 uses with exclusions, and requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, **withdrawn**.

95-UV3-124; 2501 North Sherman Drive, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide a commercial material recycling facility and municipal solid waste transfer station within two existing buildings with outdoor storage of vehicles being 70% of the square footage of the buildings, **denied**.

VICINITY

2022-ZON-011; 4005 East 26th Street (north of site), requested rezoning of 0.56 acre from the C-3 district to the C-7 district to allow for automobile service and repair, **approved**.

2020-ZON-095; 4022 East 26th Street (north of site), requested rezoning of 1.12 acres from the D-5 district to the C-5 district, **approved**.

2017-CZN-842 / 2017-CVC-842; 3701 & 3737 East 25th Street and 2402, 2422 & 2430 Sherman Drive (southwest of site), requested the rezoning of 1.75 acre from the C-4 and C-5 districts to the SU-37 District and the vacation of six and a half lots, **approved**.

2017-ZON-023; 4005 East 26th Street (north of site), requested rezoning of 0.72 acre from the D-5 district to the C-3 district, **approved**.

2008-ZON-008; 2415 and 2417 Station Street (west of site), requested rezoning of 0.3444 acre, from the C-4 district, to the C-5 classification to provide for general commercial uses, **approved**.

2006-ZON-095; 3915 East 26th Street (north of site), requested rezoning of 0.48 acre from the D-5 district to the C-7 district, **approved**.

2004-ZON-060; 2620 North Sherman Drive (west of site), requested rezoning of 1.0 acre, being in the D-5 district to the SU-1 classification to legally establish religious uses, **approved**.

2002-ZON-026; 2435 Station Street (southwest of site), requested the rezoning of 0.17 acre from the C-5 district to the SU-1 district, **withdrawn**.

2002-ZON-808 / 2002-VAC-808; 4201 Massachusetts Avenue (east of site), requested the rezoning of 8.4 acres from the D-5 and C-7 districts to the I-4-U district and the vacation of portions of 25th Street, Colorado Street, Gladstone Avenue and Forest Manor Court and three alleys, **approved**.

97-Z-224; 2403 – 2435 Sherman Drive (southwest of site), requested the rezoning of 7.3 acres from the I-2-U district to the C-4 district, **approved**.

96-Z-215 / 96-CV-37; 2601 Sherman Drive (north of site), requested the rezoning of 1.05 acre from the D-5 district to the I-2-U district and a variance of development standards to provide for deficient front setback, transitional yard, number of loading spaces, number of parking spaces and landscaping, **approved**.

95-UV1-24; 3906, 3914, 3918, and 3922 East 26th Street (north of site), requested a variance of use to provide for a truck dispatch operation, **granted**.

94-UV3-4; 4002 East 26th Street (north of site), requested variance of use to provide for auto repair with overnight storage of two tow trucks in a dwelling district, **granted**.

93-V1-120; 3823 Massachusetts Avenue (south of site), requested a variance of development standards to provide for a deficient front setback, **granted**.

88-Z-239; 2407 North Sherman Drive (south of site), requested rezoning of 0.29 acre from the I-2-S district to the C-4 classification to provide for commercial uses, **approved**.

86-UV1-9; 4022 East 26th Street (north of site), requested a variance of use to provide for the expansion of a light industrial use, **granted**.

74-UV1-153; 4022 East 26th Street (north of site), requested a variance of use to provide for the expansion of a light industrial use, **granted**.

58-V-447; 4022 East 26th Street, requested a variance of use to provide for a light industrial use, **granted**.

57-V-24; 4022 East 26th Street, requested a variance of use to provide for a warehouse, **granted**.

EXHIBITS

Site Aerial



0 0.01 0.03 0.06 0.09 0.12 Miles

C-S Statement

Introduction: Petitioner, Metrobloks, LLC, seeks to rezone approximately 13.68 acres of property commonly known as 2505 N. Sherman Drive, Indianapolis, Indiana (“Property”) as shown on the conceptual site development plan attached hereto as Exhibit A (“Concept Plan”), in order to facilitate initial development of the Property for a small-scale, urban data center project.

Zoning: The Property is currently zoned I-2. Since the use as a “Data Center” is not explicitly enumerated in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Ordinance”), Petitioner is proposing a rezone of the Property to a C-S zoning designation.

Proposed Permitted Primary Uses of the Property as described and defined in the Ordinance:

1. “Data Center” which shall mean “A centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials and storage in bulk for data center accessory equipment and materials.”
2. All uses that are currently permitted in the I-2 zoning district.
3. Office: Business, Professional or Government.

Permitted Accessory Uses of the Property as described and defined in the Ordinance:

1. All Accessory Uses permitted in an I-2 zoning district.
2. Temporary Construction Yard, Office, or Equipment Storage

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Ordinance, except that (i) the maximum building height shall be seventy feet (70’); and there shall be no maximum setback from proposed right of way required, subject to approval of variances for said standards.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs: The following sign types shall be permitted on the Property:

1. Pylon or Monument Sign (not to exceed ten (10) feet in height and no more than one (1) total).

2. Wall Signs, Awning, Canopy and Window Signs.
3. Incidental, Temporary, and Other Signs as would otherwise be permitted in an industrial zoning district.

A sign program shall be developed and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Parking: Parking for the Data Center use shall be provided in an amount sufficient to accommodate employees, maintenance personnel, and occasional visitors associated with daily operations. The Property will not generate retail or customer traffic. The total number of parking spaces may be determined based on operational need at the time of detailed site plan approval and may be adjusted administratively without the need for a C-S amendment, provided that sufficient parking is available for employees and visitors during normal operations. The Concept Plan currently illustrates approximately seventy (70) parking spaces, which is anticipated to exceed typical operational demand.

Phasing of Development:

The Property may be developed in multiple phases. Additionally, the Property may be developed as generally shown on the Concept Plan; provided, however, prior to applying for an Improvement Location Permit, a final site and development plan shall be tendered for Administrator Approval. Nothing contained in this C-S Statement or shown on the Concept Plan shall preclude or restrict the number or configuration of buildings and structures which may be located on the Property, so long as the standards contained in this C-S Statement are met.

Adjacent Property:

4002 Massachusetts Avenue, Indianapolis, IN (Tax Parcel #49-07-28-103-001.000-101) is included in the Concept Plan (“Adjacent Property”). For the avoidance of doubt, the Adjacent Property is not to be included in the proposed change to a C-S rezoning. The Adjacent Property is currently rezoned I-2, and the zoning designation of the Adjacent Property shall not be changed due to this Petition.

Environmental Noise Study:

The Property will incorporate detailed noise modeling and analysis of on-site equipment to ensure compliance with the Ordinance and EPA guidelines. Thoughtful design measures, such as sound-attenuating barriers around the cooling systems, will be incorporated to control and minimize sound, reflecting our commitment to being a considerate neighbor.

Photometric Study:

All lighting will comply with Ordinance limits and remain below maximum foot-candle levels at property lines. Fixtures will be shielded and directed to prevent light spillover and maintain a respectful, low-impact presence.

EXHIBIT A



October 1, 2025

Martindale Brightwood Community

Re: Proposed Data Center at the 25th & Sherman Ave. Indianapolis, IN location

IND-A Sherman Project: Information for the Martindale-Brightwood Community

Dear Members of the Martindale-Brightwood Community,

Metrobloks is committed to being transparent, respectful, and a good neighbor. We are grateful for the engagement the community has shown, and appreciate the concerns brought forth. We believe in our design, and we believe that this project will not have a negative impact to the Martindale-Brightwood community. In fact, as this site is zoned to allow light industrial use, we believe the quality of our project exceeds alternative projects that could come to this site.

We came to the community voluntarily, excited to hear how we can partner to create symbiotic project. We understand that a Data Center project can be concerning, as Data Centers have received some bad press, rightfully deserved in many cases, for reasons that were reflected in the well-researched concerns you have brought forward. However, our product has also taken into consideration the wrongs of past Data Center designs. Please allow us to address each of the concerns presented with some additional context below:

Water Use

- **Our Data Center Design:** Our cooling system is *closed-loop* and designed to recycle water continuously.
- **Impact:** This type of cooling system is different from other systems that have been used in Data Centers that require a large amount of water for cooling (ex: Direct-Evaporative systems). It will also use less than other industries/uses that are allowed on this site due to the zoning (light industrial)
- **Protection:** We will not draw from or deplete neighborhood aquifers. We will pull zero water from groundwater sources. The cooling system loop will be filled over time during construction at low-impact rate of fill from the public utility line. The first building system will need approximately 19,000 gallons, the second building will need approximately 47,500 gallons.
- **Comparison:** Below is a chart comparing water usage based on some other allowed uses for this site (by current zoning) with the same building square footage:

M1 Light Industry:	Warehouse	Light Manufacturing	Office	Metrobloks
Average range of water use/year	1 Million gallons – 2.3 Million gallons	5 Million gallons – 11.6 Million gallons	4 Million gallons – 5 Million gallons	0 gallons – 3,325 gallons

metrobloks

Energy Use

- **Our power is separately contracted:** The data center will purchase electricity through long-term agreements directly with the utility or wholesale market. This means our usage is not spread across residential bills. We are paying for the infra to serve us. For Large load projects , AES works with IURC and Developer to ensure the costs are distributed fairly and no adverse impact on existing Resi customers.
- **We pay for the infrastructure that we need:** If the utility has to upgrade a substation or lines to serve us, those costs are assigned to us, not to you.
- **No subsidies from residents:** The community will not be asked to “subsidize” our power. Our agreements are structured so that the data center pays for its demand, upgrades, and service.
- **Regulated by state authorities:** Indiana has strong oversight by the Utility Regulatory Commission, which ensures residential customers aren’t paying extra to cover industrial customers like us.
- **Grid improvements benefit everyone:** Any upgrades the utility makes to serve our facility will strengthen the grid, increasing reliability for households and businesses alike.
- **Comparison:** Indiana’s power system and utility oversight are different from some other systems that have made the news for data center impacts on utilities (like PJM auctions and East Coast Markets), and rate impacts here don’t automatically follow those trends. AES are in MISO not PJM, there is no data to support that MISO providing power to DC is driving costs up for residential customers. Requirement by INDY for AES to phase into renewables (Carbon free power) drives up costs , which has nothing to do with DCs.

Noise & Heat

- **Design:** The design of this site incorporates sound barriers around the equipment, which will dampen noise to be comparable to everyday background levels currently in the area. Noise levels at the property line will meet (or be quieter than) city standards.
- **Heat:** Heat is contained and managed on-site — this will not impact the neighborhood.

Air Quality

- **Generators:** Backup generators are tested only a few hours per year, with strict environmental controls.
- **Comparison:** A data center on this site will generate less air pollution than other uses that are allowed here by zoning, such as uses that would receive a large amounts of truck traffic.
- **Construction:** Dust is managed by industry-standard practices (watering, fencing, filters), as with any construction project that could come to this site.

metrobloks

Jobs & Community Impact

- **Construction:** Dozens of local construction jobs during the 18-24 month build.
- **Operations:** While long-term jobs are fewer, they are high-skill, high-wage positions, and we are open to training and internships for local residents.
- **Partnerships:** We are exploring community benefits such as park improvements, public art/murals, and local workforce development.

Land Use

- **Context:** The site is currently underutilized industrial land. Our development revitalizes this property without displacing homes.
- **Future:** We want to partner with Martindale-Brightwood leaders to ensure the project aligns with neighborhood goals and brings lasting benefits.

Our Commitment

- We will not raise your electric or water bills.
- We will invest in the community outside our fence line.
- We will continue open conversations, with regular updates and opportunities for input.

Metrobloks looks forward to building a partnership with Martindale-Brightwood.

We take these concerns seriously, and we're committed to being good neighbors. If you ever hear something that worries you, we'll be here to answer your questions directly. This project is about investing in the future of this community, not adding to your household expenses.

Thank you,

The Metrobloks Team



metrobloks

Metrobloks in Indianapolis

Not every data center is created equal, at Metrobloks we build data centers responsibly, different by design and with intention

What We're Building

A modern, low-impact data center along Massachusetts Ave. corridor, designed for:

- Quiet operation with minimal traffic to the site
- Clean and aesthetic design with community improvements, including landscaping and murals involving local architects and artists
- Community investment that strengthens local infrastructure

Benefits for the Neighborhood

Community Investment

An estimated \$10 million of additional property tax revenues associated with the new construction

Architectural landscaping and greenery to improve the site's appearance

Construction of high quality new commercial space on a site currently zoned industrial

Better Environment

Revitalize an under-utilized lot and surrounding area with a modern, low-impact data center development

Low daily traffic. No fleets of daily delivery trucks typical to standard industrial building projects

Long-term investment that creates stable value and local benefits for decades

Our Sustainability Promise

Uses closed-loop cooling, filled once, reused continuously

The data center's cooling system uses very little water - less than most homes, and far less than other types of large facilities

No groundwater drawn from the neighborhood

Energy

Metrobloks pays for all power upgrades

No subsidies from residents

Grid improvements increase reliability for everyone

Noise & Air

With sound attenuation operates at less than 50 dB(A), similar to home appliances

Backup generators produce 90% less pollution than a school bus

Far cleaner than warehouses or factories allowed under current zoning

community@metrobloks.com

metrobloks.com



Department of Metropolitan Development
Division of Planning
Current Planning

Item 10.

EXHIBIT B

MCCLURE ENGINEERING

September 18, 2025

Mr. Michael Lyons, AIA
HKS
3131 E. Camelback Road, Suite 400
Phoenix, AZ 85016

Re: Metrobloks IND-A Data Center Facility
Environmental Acoustic Study
McClure No. 167301.000

Dear Mr. Michael Lyons,

We are pleased to present our findings from the Environmental Noise Study for the Metrobloks IND-A Data Center. This study involved documenting existing noise ordinances in the area and developing a preliminary acoustic model to assess noise propagation from mechanical and electrical equipment serving the facility.

This report outlines key findings from the study and provides recommendations for noise mitigation strategies based on environmental impact considerations.

NOISE ORDINANCE COMPLIANCE

Noise generated within a given area must comply with ordinances at the state, county, and municipal levels. The following ordinances apply to the proposed site of the new Metrobloks IND-A Data Center Facility.

- A. State of Indiana
 - Indiana delegates all noise ordinances development and enforcement to local municipalities.
- B. Marion County
 - Marion County adopts the same noise codes as the City of Indianapolis. Enforcement and definitions are identical to those outlined in Article III: Noise.
- C. City of Indianapolis
 - Article III Section 391-302. Unlawful noises.
 - i. "Unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the city, given the time of day and environment in which the sound is made."
 - ii. Establishes Nighttime parameters to be 10:00 p.m. and 7:00 a.m.
 - 1. In Reference to "Exhausts, blowers, engines, and motors"
 - a. "Between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located, shall be *prima facie* evidence of a violation of this subsection."
 - iii. Establishes noise shall not be disruptive at "any place other than the property on which the sound source is located".

EXECUTIVE SUMMARY

Local ordinances in the location of the construction area do not specify noise limits. Therefore, recommended maximum levels were based on standards from other Indiana municipalities and EPA guidelines: 55 dBA at the property line of single-family residences and 65 dBA at commercial property lines.

Michael Lyons, AIA
September 12, 2025
Page 2 of 4

Preliminary noise modeling and analysis of the equipment serving the data center included the following:

Building A1

1. 40 DX Units OR 11 Chilled Water Units
2. 22 Liebert Chillers DX Units
3. 2 Rooftop DOAS Units
4. 11 Electrical Generators (located behind the Data center building)

Building A2

1. 100 DX Units OR 25 Chilled Water Units
2. 50 Liebert Chillers DX Units
3. 2 Rooftop DOAS Units
4. 25 Electrical Generators (located behind the Data center building)

Noise mapping confirmed that the DX Units, Chilled Water Units and generators are the primary sources of noise, with designs exceeding the 55 dBA limit at the residential property line and 65 dBA at the commercial property line. To mitigate this impact, it is recommended that sound barriers be installed around the perimeter of cooling systems. The barrier should:

- Be placed no more than 5 feet from the units
- Extend at least 8 feet above the height of the rooftop units.

Generator noise should be kept at a maximum of 67 dBA at 23 feet away from the source.

Potential products for this application include:

- Kinetics – Noiseblock or approved equivalent

Other acoustic barrier products include the following. Note that these products do not have absorptive qualities and do not provide the same quality as the Kinetics Noiseblock product.

- Acoustiblok – Acoustifence
- Alliance Fence & Supply SimTek Fence

Table 1 summarizes the noise levels found at four (4) different property lines for the generators, DX units, and Chilled Water units, with and without recommended noise mitigation measures. Values in red indicate levels exceeding the recommended noise criteria.

Scenario		Northeast Residential Property Line (LAeq)	North Residential Property Line (LAeq)	South Commercial Property Line (LAeq)	West Residential Property Line (LAeq)
Generators	75 dBA, 23ft away	56.1	60	67.2	52
	67 dBA, 23ft away	43.1	50.9	58.8	47
DX Units	Solo ¹	54.2	59	57.4	56.5
	With Noiseblock ²	48.1	51.6	52.3	50.4
	With Generators ³	54.5	59.6	61.2	57
	Solo	55	60.5	58.6	57.2

Michael Lyons, AIA
September 12, 2025
Page 3 of 4

Chilled Water Units	With Noiseblock	48.8	52.0	51.5	49.9
	With Generators	55.3	60.9	61.7	57.6
Full System with recommendations ⁴	DX Units	49.0	53.1	54.9	51.4
	Chilled Water Units	50.4	54.1	54.5	51.3

¹ Modeled with only the units running.
² Modeled with only the units running with a surrounding Kinetics Noiseblock barrier (8ft taller than units).
³ Modeled with both the units and electrical generators running. Accounts for a power outage scenario.
⁴ Modeled without the generators running.

Table 1 – Summarized Results

ANALYSIS AND DISCUSSION

A total of three (3) simulations were conducted using noise propagation software to assess changes in sound levels at the residential property line. The following descriptions outline each simulation, with associated noise maps provided in Appendix I of this report.

SIMULATION DESCRIPTIONS

1. Simulation 1 (Map 1) Generators only
 - o Represents the noise propagation of the DQLF 2750 electrical generators located behind the data centers.
 - o The simulation includes noise attenuation housing that reduces noise levels to 75 dBA at a distance of 23 feet.
2. Simulation 2 (Map 2) DX Rooftop Units Only
 - o Represents noise propagation from the Munters Syscool 500kW Cooling System Units.
3. Simulation 3 (Map 3) Chilled Water Units Only
 - o Represents noise propagation from the Chilled Water Units.

Please contact me if you have any questions.

Sincerely,



Jared Carrier, P.E.

JTC:rmbn



Item 10.

Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
The building height is slightly higher than the C-S standard, but is more than appropriate for an industrial area. Additionally, a large portion of the excess height is due to noise barriers to significantly reduce any excess noise to the surrounding properties. The removal of the maximum setback allows the building to be more in line with the surrounding properties, as well as allows for a pocket park to exist in front of the building, which will act as a community asset and screening for the project. Due to the limited amount of employees compared to traditional warehousing, and the lack of customers entering the building, the parking variance will provide for more than enough parking so as to avoid on-street parking in the neighborhood for employees.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
1. The extra height allows for noise reduction barriers to be implemented so as to not impact the adjacent properties.
2. The removal of a maximum setback allows the data center buildings to be tucked further back near the railroad and other industrial properties, and further allows a park stand in between the first building and Sherman Ave. This will add value to the area.
3. The parking, as shown on the site plan, is more than enough for the amount of employees that will be on-site. This will prevent on-street parking nearby, and further, the limited employees for a data center will also not materially increase traffic.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
1. This is an industrial zone. A data center is not enumerated in the ordinance, and a C-S zoning makes sense for an integrated small-scale data center. However, the height requirement for the C-S zone is not appropriate for an industrial building and is too limited. 2. Due to the location of the building tucked behind the property to the west with only wide flagpole access to N. Sherman, and running against the railroad tracks, the maximum setback would result in a building that cannot properly fit with that small of a maximum setback. This variance allows a thoughtfully constructed building to occur. While the warehouse use in the ordinance is applied for data center parking, it is not appropriate due to the lack of employees and customers.

DECISION

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

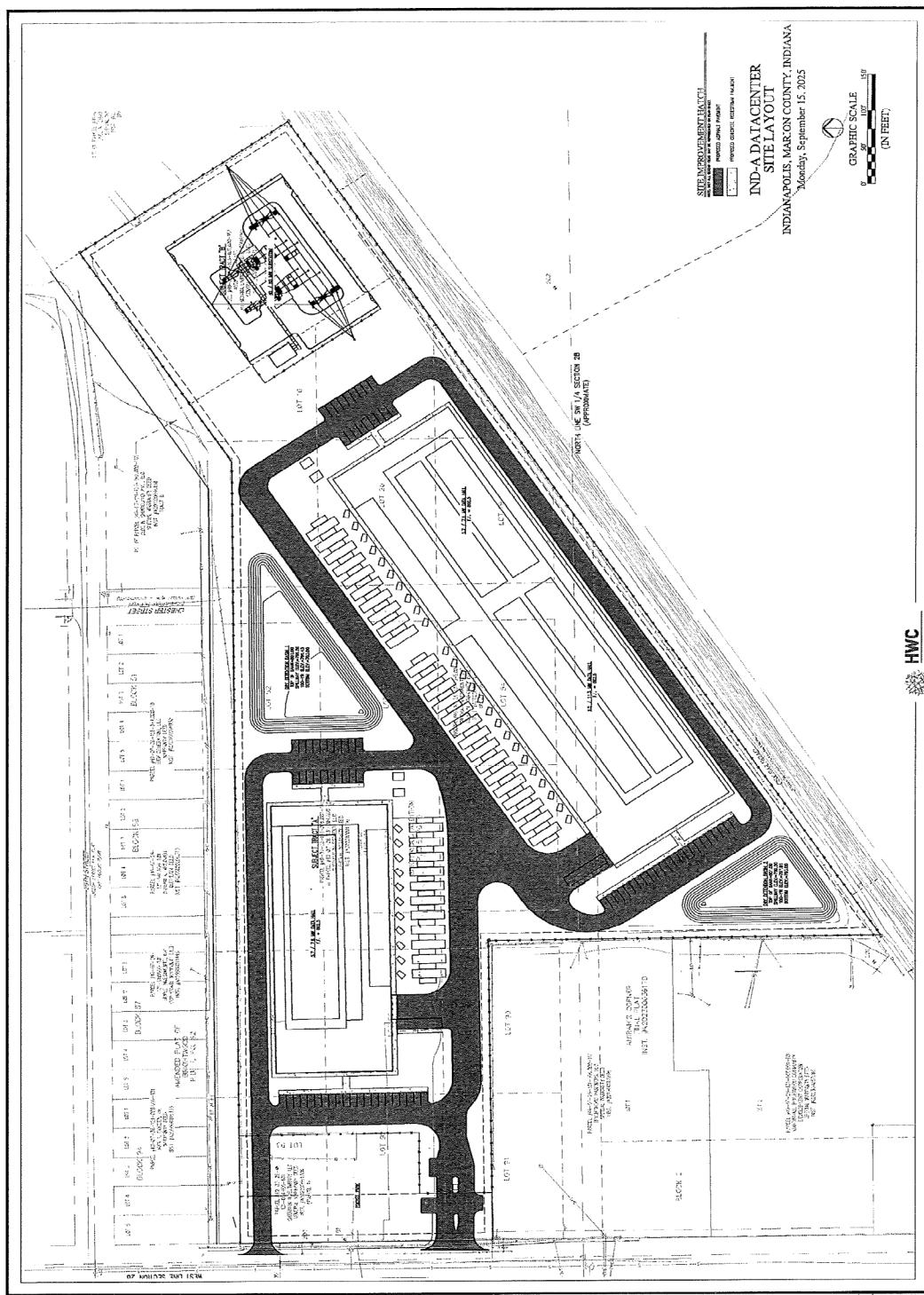
Adopted this _____ day of _____, 20 _____



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

Item 10.

Site Plan

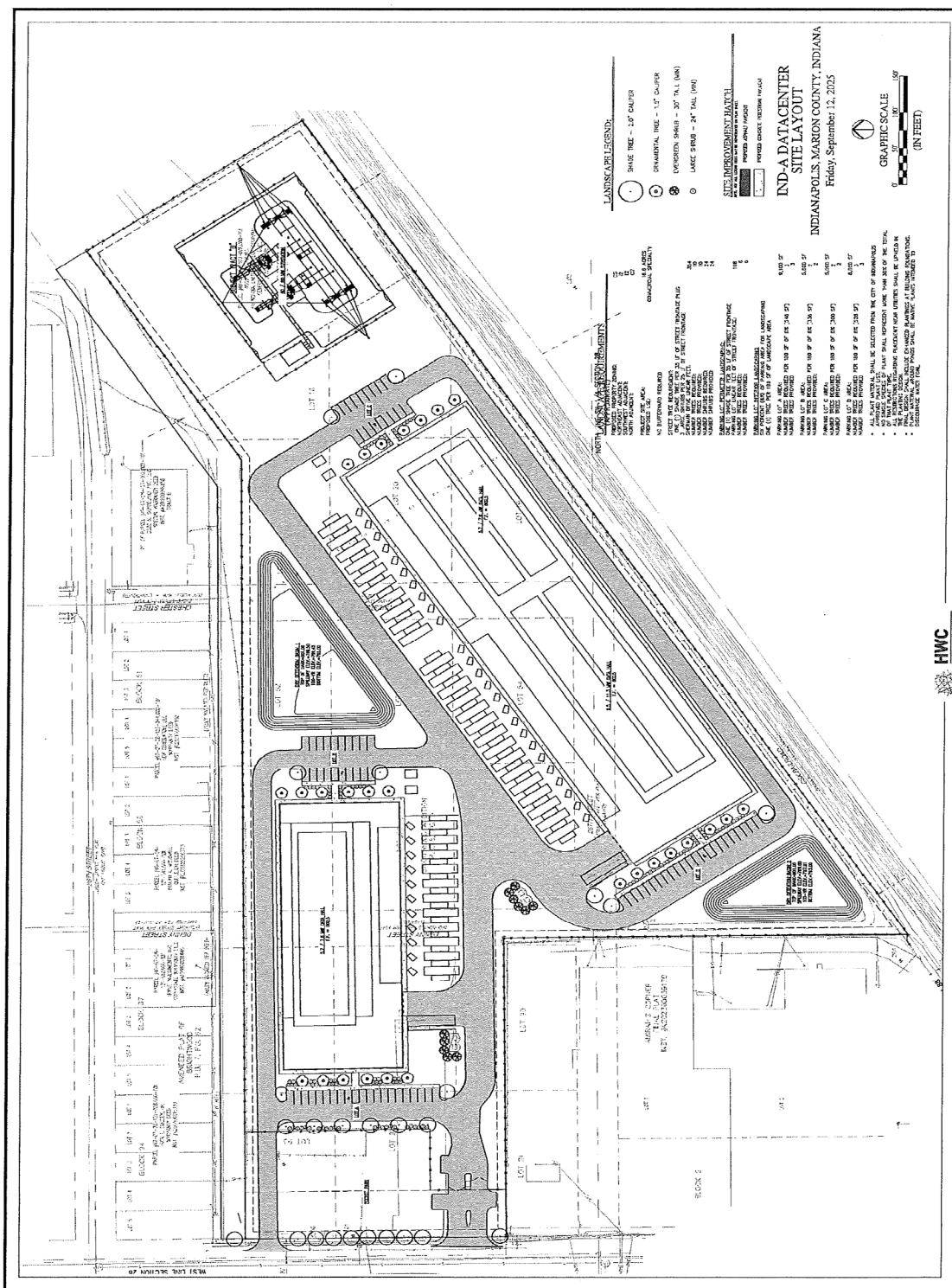




**Department of Metropolitan Development
Division of Planning
Current Planning**

Item 10.

Landscape Plan



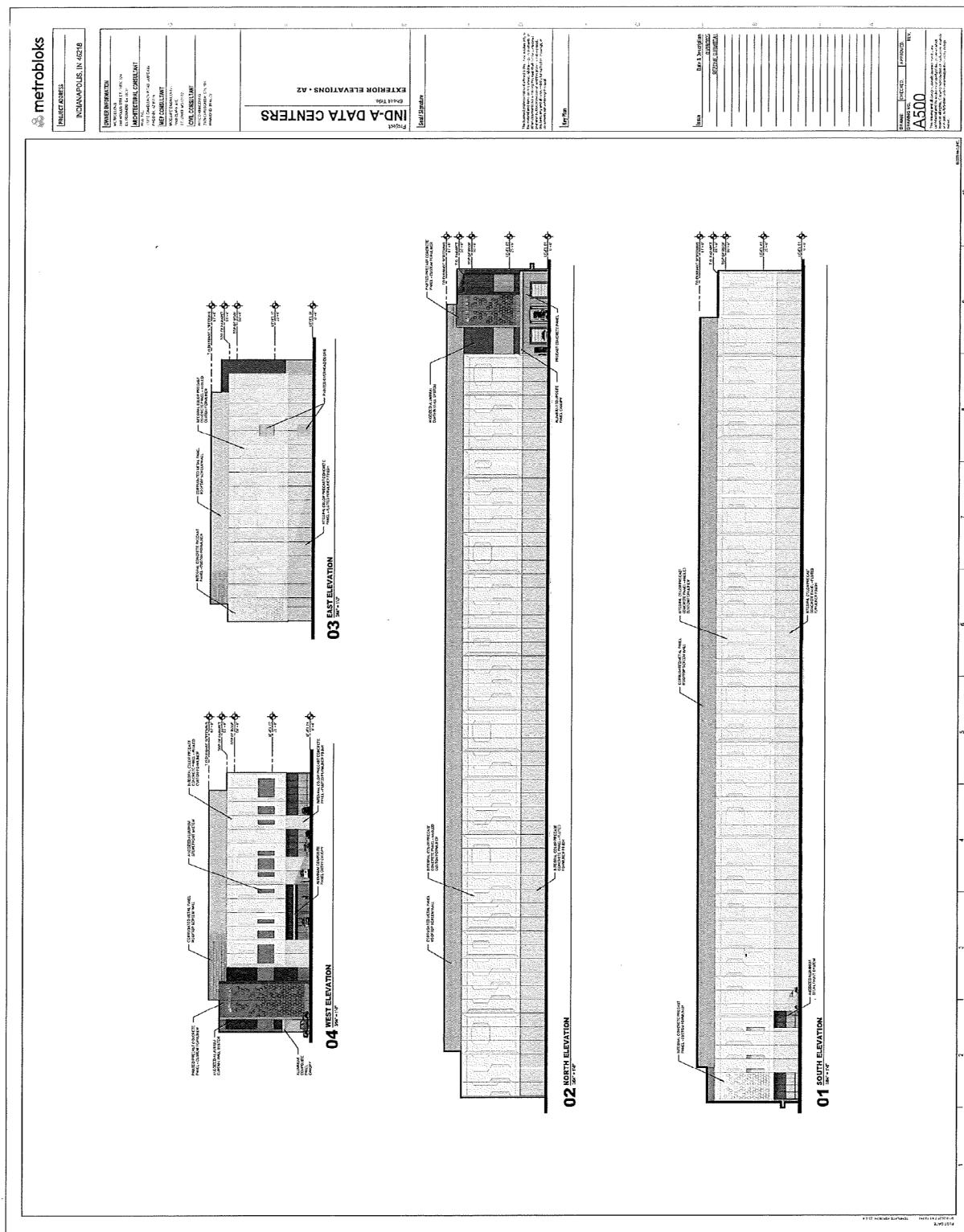
HWC
ENGINEERING



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

Item 10.

Building Elevations / Renderings



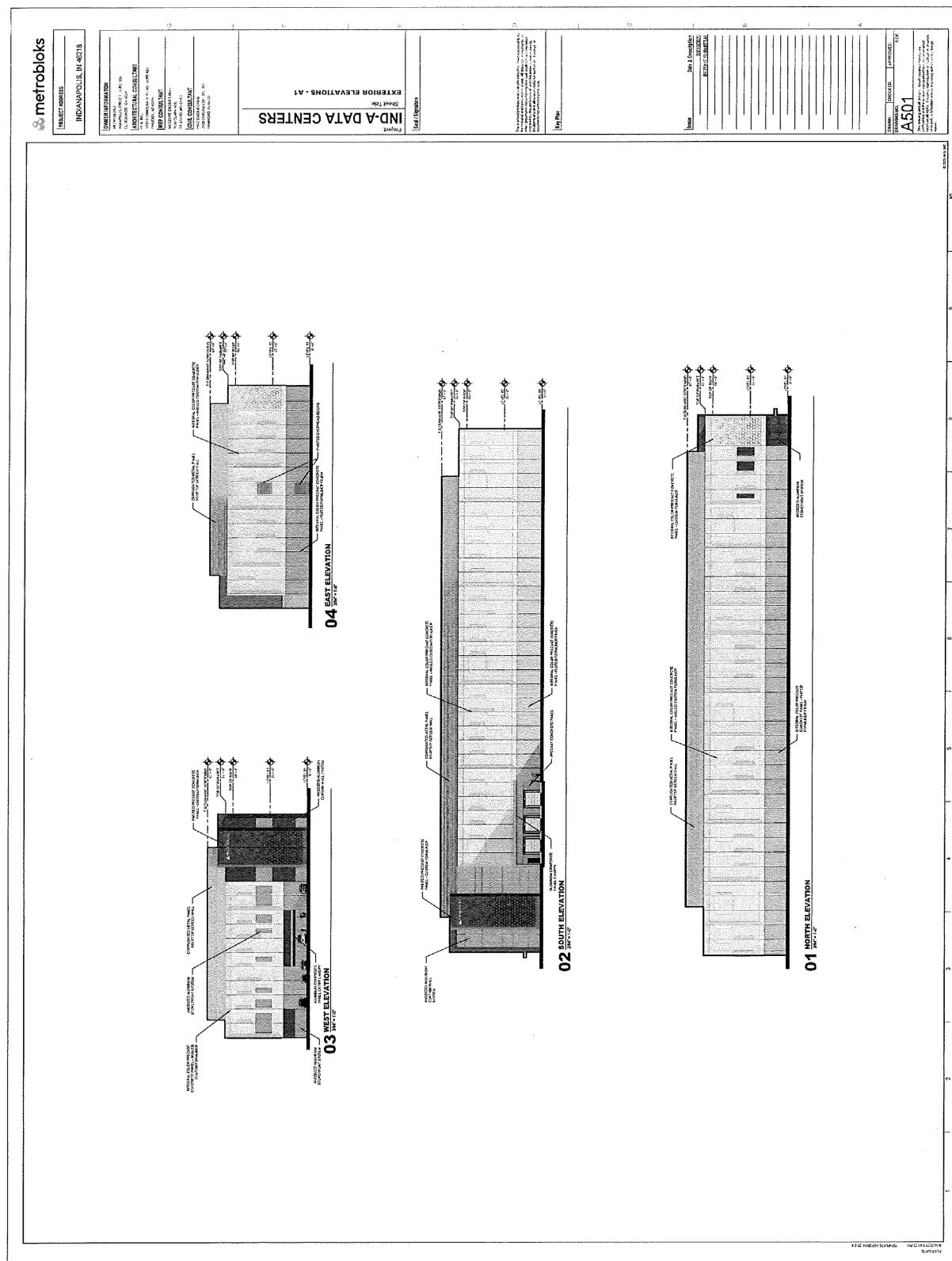


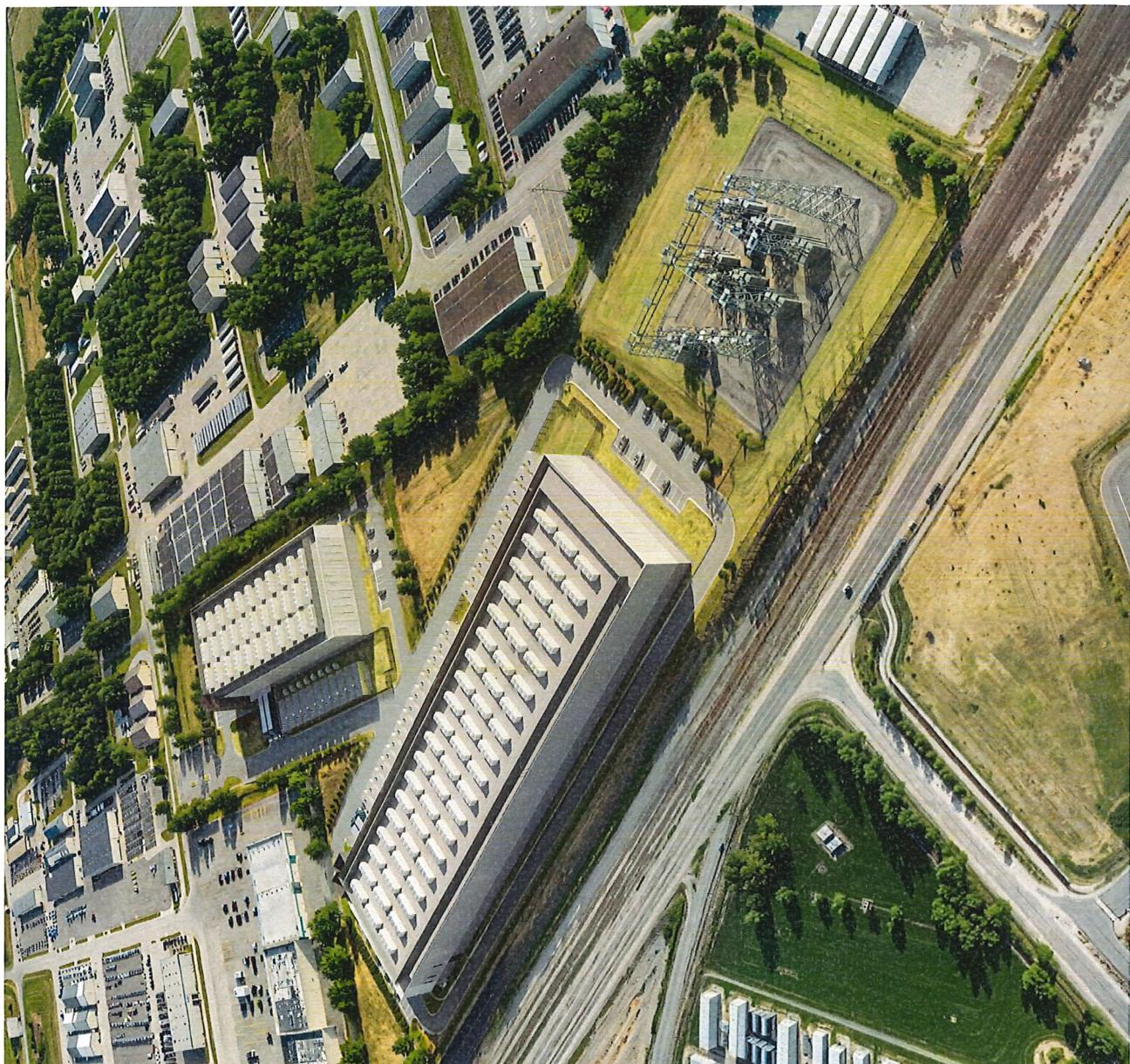
Department of Metropolitan Development

Division of Planning

Current Planning

Item 10.







Department of Metropolitan Development
Division of Planning
Current Planning





DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning







View looking south along North Sherman Drive



View looking north along North Sherman Drive



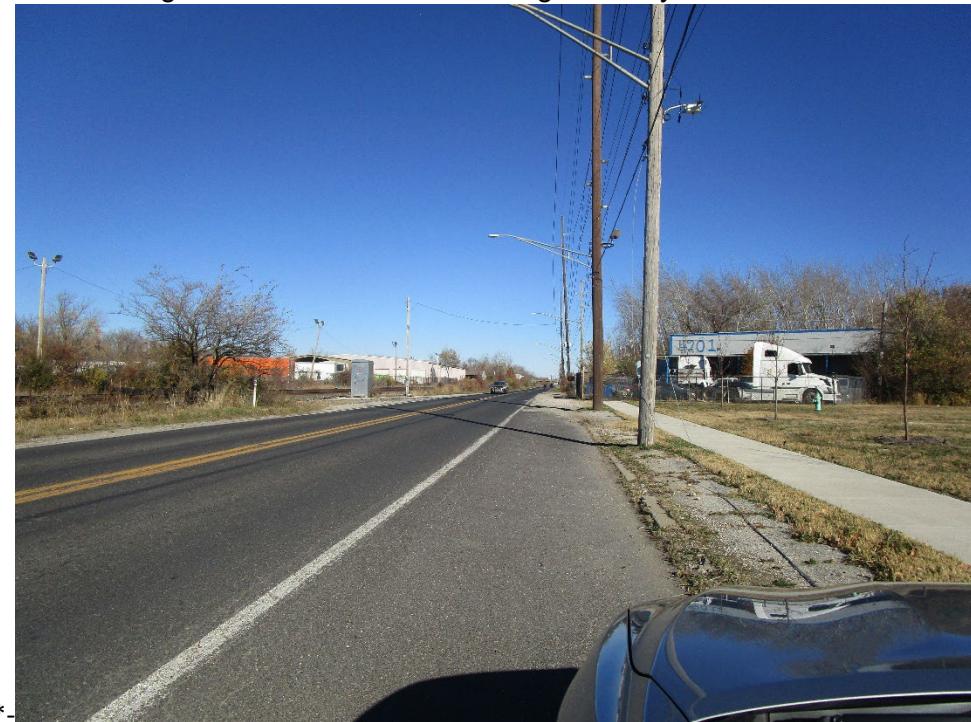
View of commercial strip center to the east located to the southeast of site



View of site looking west across railroad right-of-way and Massachusetts Avenue



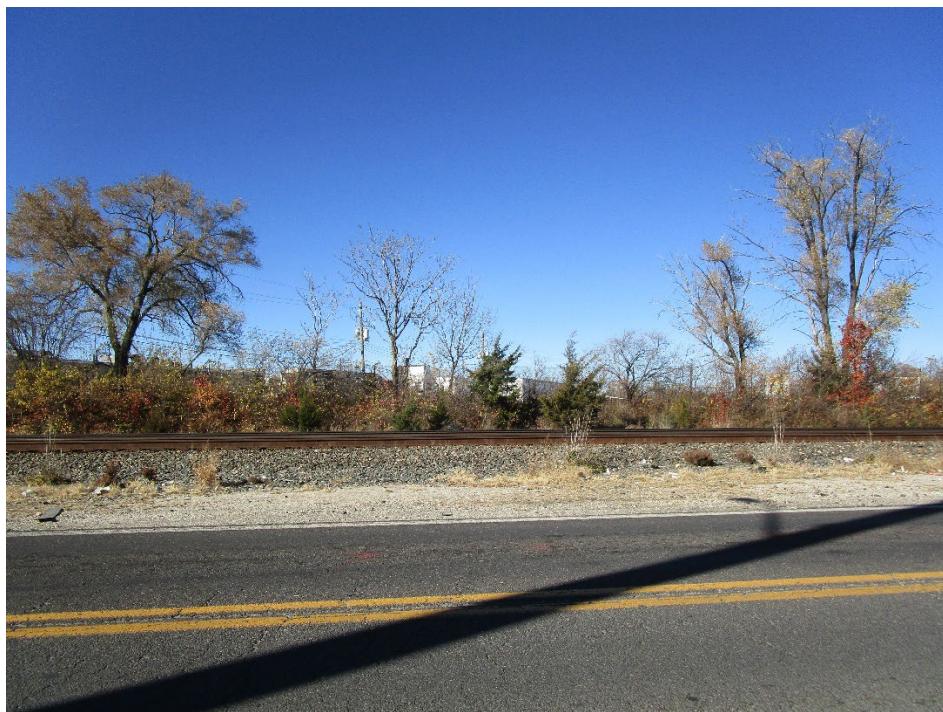
View of site looking northwest across railroad right-of-way and Massachusetts Avenue



View of site looking northeast across railroad right-of-way and Massachusetts Avenue



View looking northeast along railroad right-of-way and Massachusetts Avenue



View of site looking north across railroad right-of-way and Massachusetts Avenue



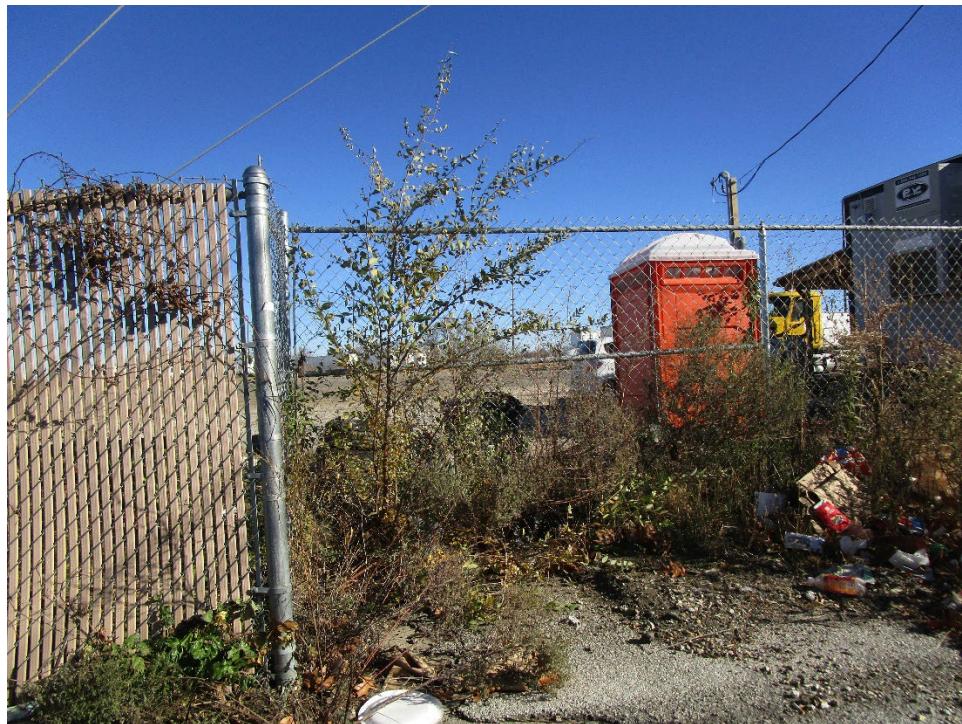
View of site looking north across railroad right-of-way and Massachusetts Avenue



View of site looking northwest across railroad right-of-way and Massachusetts Avenue



View of site looking east from adjacent commercial use to the north



View of site looking east from adjacent commercial use to the north



View of site looking east from adjacent commercial use to the north



View of site looking southeast from adjacent commercial use to the north



Department of Metropolitan Development
Division of Planning
Current Planning



View looking west along northern boundary towards North Sherman Drive

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-128 (Amended)
Property Address: 2802 Lafayette Road (approximate address)
Location: Wayne Township, Council District #11
Petitioner: PFFO QOZB, LLC, by Michael Rabinowitch
Current Zoning: C-4 (FF)
Request: Rezoning of 5.6 acres from the C-4 (FF) district to the I-1 (FF) district to provide for small-scale commercial workspace and self-storage uses.
Current Land Use: Undeveloped land
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the December 18, 2025 hearing to the January 29, 2026 hearing at the request of the petitioner. An additional continuance was requested by the petitioner from January 29, 2026 to the February 12, 2026 hearing date.

Amendment: This petition was amended to rezone the site to the I-1 (FF) district instead of the initially requested C-7 district. A revised site plan and building elevation were also submitted (see Exhibits).

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against Staff's recommendation, approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

A 56-foot half right-of-way shall be dedicated along the frontage of 30th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 5.6-acre subject site is comprised of a portion of a larger parcel (9050857).

The site is bordered to the west by commercial businesses, zoned I-3 and C-4, commercial building and associated parking lot to the south, zoned C-4, commercial uses to the east, zoned C-S and C-5, and a commercial business to the north, zoned C-5.

REZONING

The grant of the request would rezone the property from the C-4 district to the I-1 district to provide for small-scale commercial workspace and self-storage uses.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

FLOODWAY / FLOOD FRINGE

Depending on the exact property lines, a minute sliver of the southwest corner of the site may fall within the floodway fringe of Little Eagle Creek. Although development does not appear to be proposed in the flood fringe, any development within the floodway and floodway fringe must comply with the Flood Control Secondary Zoning Districts regulations.

A portion of the southwest corner of the site falls 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 56-foot half right-of-way along 30th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The request would specifically rezone the property to the I-1 (FF) district to allow for a facility that will serve small businesses, entrepreneurs, and service providers. The intent is to allow light manufacturing, product assembly, e-commerce fulfillment, business storage, and professional services.

The petitioner's representative confirmed that there are no current plans to improve the southern part of the property. However, if the proposal is successful a second phase of similar development to the south may be proposed.

In 2012, the site was zoned I-3-S and was rezoned to the current C-4 (FF)(FW) district to propose a community center, fitness facility, and fraternal lodge through 2012-ZON-029. The commercial rezoning was also consistent with neighborhood plans that were applicable in 2012.

Staff is recommending denial of the request since the proposed use would not align with the Community Commercial Uses recommendation the West 30th Street Corridor Plan (2010).

Furthermore, the I-1 zoning doesn't support the redevelopment potential of the Eagledale and Flackville neighborhoods. It doesn't generate any potential for redevelopment of this commercial corridor, but rather walls off a property with street frontage.

Staff did not find there to be any reason to support the Restricted Industrial District (I-1) rezoning or industrial type use of the site. Instead, the existing C-4 district is appropriate and allows for mixed-use opportunities.

It should be noted that the I-1 district's setbacks would need to be met in addition to providing the required lighting and parking which were not provided on the conceptual site plan. The landscape plan submitted would meet the required Green Factor score of 0.30. Additionally, there may even be issues with meeting the transparency requirements for this district. Therefore, staff would not have any approval be subject to the submitted site plan.

GENERAL INFORMATION

Existing Zoning	C-4 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial Uses	
Surrounding Context	Zoning	Land Use
North:	C-5	Commercial
South:	C-4	Commercial
East:	C-S / C-5	Commercial

West: I-3 / C-4	Commercial
Thoroughfare Plan	
30 th Street	Primary Arterial Street
Merchants Drive	Private Road
Context Area	Metro
Floodway / Floodway Fringe	Yes
Overlay	No
Wellfield Protection Area	No
Site Plan	November 10, 2025
Site Plan (Amended)	January 29, 2026
Elevations	November 10, 2025
Elevations (Amended)	January 29, 2026
Landscape Plan	January 15, 2026
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- West 30th Street Corridor Plan (2010)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see the West 30th Street Corridor Plan (2010) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site falls within the West 30th Street Corridor Plan (2010) and is recommended for Community Commercial Uses.
- This land use category is for low-intensity retail commercial, and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional, and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
 - Maximum Gross Floor Area: 125,000 square feet
 - Maximum Acreage: 25 acres
 - Service Area Radius: 2 miles
 - Location: On an arterial or at the intersection of an arterial with a collector.
 - Maximum Out lots: 3
- The West 30th Street area is contained within the study areas of a number of other planning documents. The other adopted plans and studies that were prepared on larger planning areas must be acknowledged and their recommendations integrated within the corridor plan.
- The Eagledale Neighborhood Plan was adopted in 2001. The coverage of the plan includes all of the neighborhoods developed as Eagledale, their adjoining commercial districts, schools, parks and special uses such as churches. The plan also covers a portion of the West 30th Street study area located west of Lafayette Road and east of the CSX Railroad. The plan had an emphasis on issues and concerns felt on a neighborhood level, including education, human and public services, reducing crime and improving communications in the community. Land use and physical development recommendations included the establishment of a community center, adding streetlights and maintaining public infrastructure.
- The Indianapolis Bike Plan and User Map project was initiated in 1999 by the Indianapolis Metropolitan Planning Organization (IMPO). The plan has been used by the Departments of Public Works and Parks and Recreation to develop a system of bike routes, bicycle lanes, off-street trails, and other types of facilities that connect residential areas with shopping, employment centers, and recreation. Three bike routes are included within the 30th Street plan area. Route #41 is located on Lafayette Road. Route #45 is located on Cold Spring Road and Route #56 is located on West 30th Street.
- The site falls within Critical Area of the Neighborhood Plan. The location of it is southwest of the intersection of 30th Street and Lafayette Road.
- Current Situation: This area is about nine and one-third acres in size and is largely undeveloped. It fronts on busy Lafayette Road (in 2007, 25,000 vehicles a day south of 30th Street) and has access to 30th Street. It includes the historic Flackville School, which currently sits empty. A line of trees runs north to south across the center of the area. The area is generally surrounded by commercial land uses.



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

- Recommendations: The area's size and location can accommodate a wide variety of uses. The primary land use recommendation for this site is Community Commercial. However, other land uses such as multifamily residential, light industrial, heavy commercial or mixed-use may be appropriate depending on the development standards of the use. Due to the proliferation of automotive sales along Lafayette Road in recent years, development of the site as automotive sales is not recommended, unless utilized to relocate existing auto sales from an inappropriate site such as a floodplain.
- A mixed-use development that could bring together service providers, residential units and possibly retailing and offices would be welcome on this site.
- If feasible, rehabilitation of the Flackville School into any new development is recommended as a contribution to the cultural heritage of the area.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site falls within the Indy Moves Transportation Integration Plan (2018) which proposes the 30th Street Multi-Use Path along 30th Street from Moller Road to White River Parkway West.
- It is described as a multi-use path that will provide safe bicycle and pedestrian connection on the near Northwest side of Indianapolis.

ZONING HISTORY

Zoning History – Site

89-Z-113; 3623 West 30th Street (subject site), Rezoning of 13.4 acres, being in the I-3-S district, to the C-4 classification to conform zoning to its use of a shopping center, **approved**.

Zoning History – Vicinity

2025-ZON-102; 2802 Merchants Drive and 2802 Lafayette Road (south of site), Rezoning of 13.05 acres from the C-4 (FF) (FW) district to the C-7 (FF) (FW) district to provide for heavy commercial uses, **pending**.

2016-ZON-065; 2930 Lafayette Road (east of site), Rezoning of 3.562 acres from the C-4 district to the C-S classification to provide for a self-storage facility, **approved**.

2014-DV1-065; 2922 Merchants Drive (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the outdoor storage (not permitted) of motor vehicles for an automobile repair shop, **granted**.

2014-UV2-012; 3649 West 30th Street (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for the parking, storage and sale of vehicles (not permitted), per plans filed, **granted**.

2012-ZON-029; 2802 Merchants Drive (south of site), Rezoning 7.84 acres, from the I-3-S (FW) (FF) District to the C-4 (FW) (FF) classification to provide for commercial uses, **approved**.

2005-UV3-022; 2802 Merchants Drive (south of site), Variance of Use of the IZO to legally establish a 2,080-square foot concrete outdoor storage area for use by an entertainment center operating by variance petition 2000-UV1-010, **granted**.

2000-UV1-010; 2802 Merchants Drive (south of site), Variance of Use of the IZO to provide for a restaurant, a nightclub, and a retail center, **granted**.

93-UV3-49; 2802 Merchants Drive (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for a nightclub, **granted**.

90-UV1-4; 2808 Merchants Drive (west of site), Variance of Development Standards of the Sign Regulations to permit a second pole sign for a single user within an integrated center, **granted**.

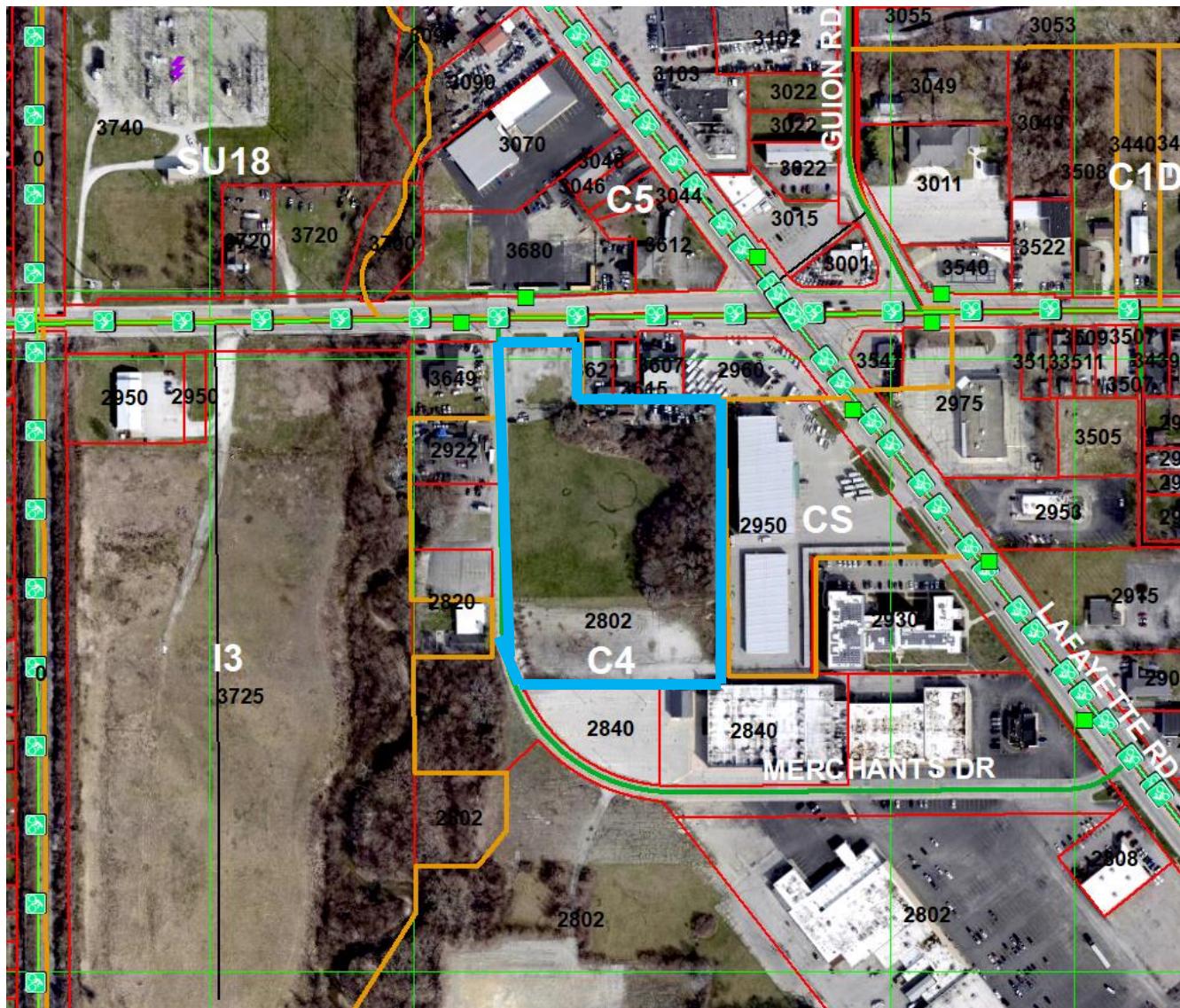
88-UV2-83; 2808 Merchants Drive (west of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the operation of a day care center in an existing building with off-site parking, **withdrawn**.



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

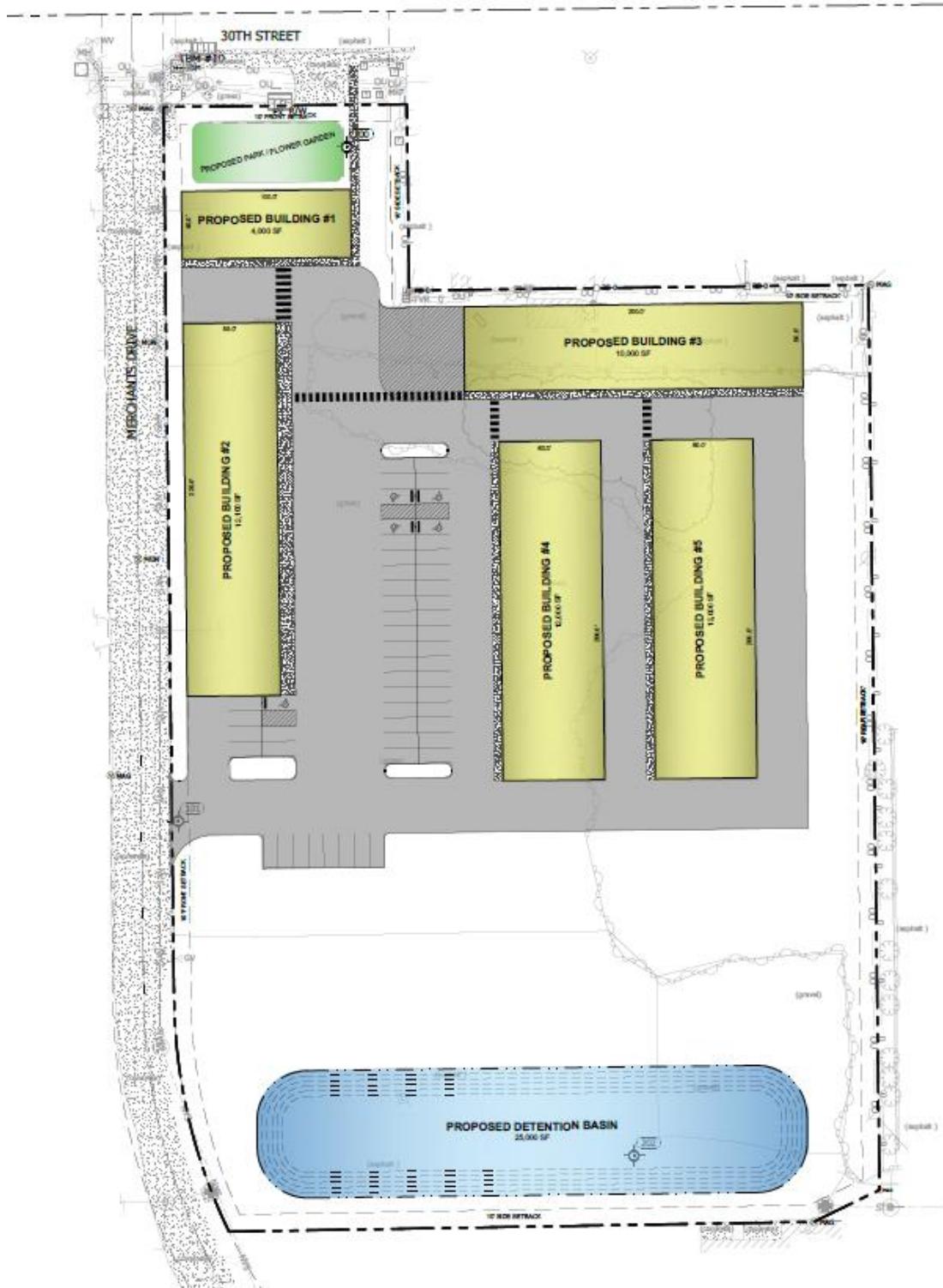
83-Z-49; 2930 Lafayette Road (east of site), Rezoning of 5.46 acres from the SU-2 District to the C-4 classification to provide for various uses including a pizza place and catering service, civic center and museum, **approved**.

EXHIBITS



AERIAL MAP

SITE PLAN (1/29/26 REVISION)



SITE PLAN

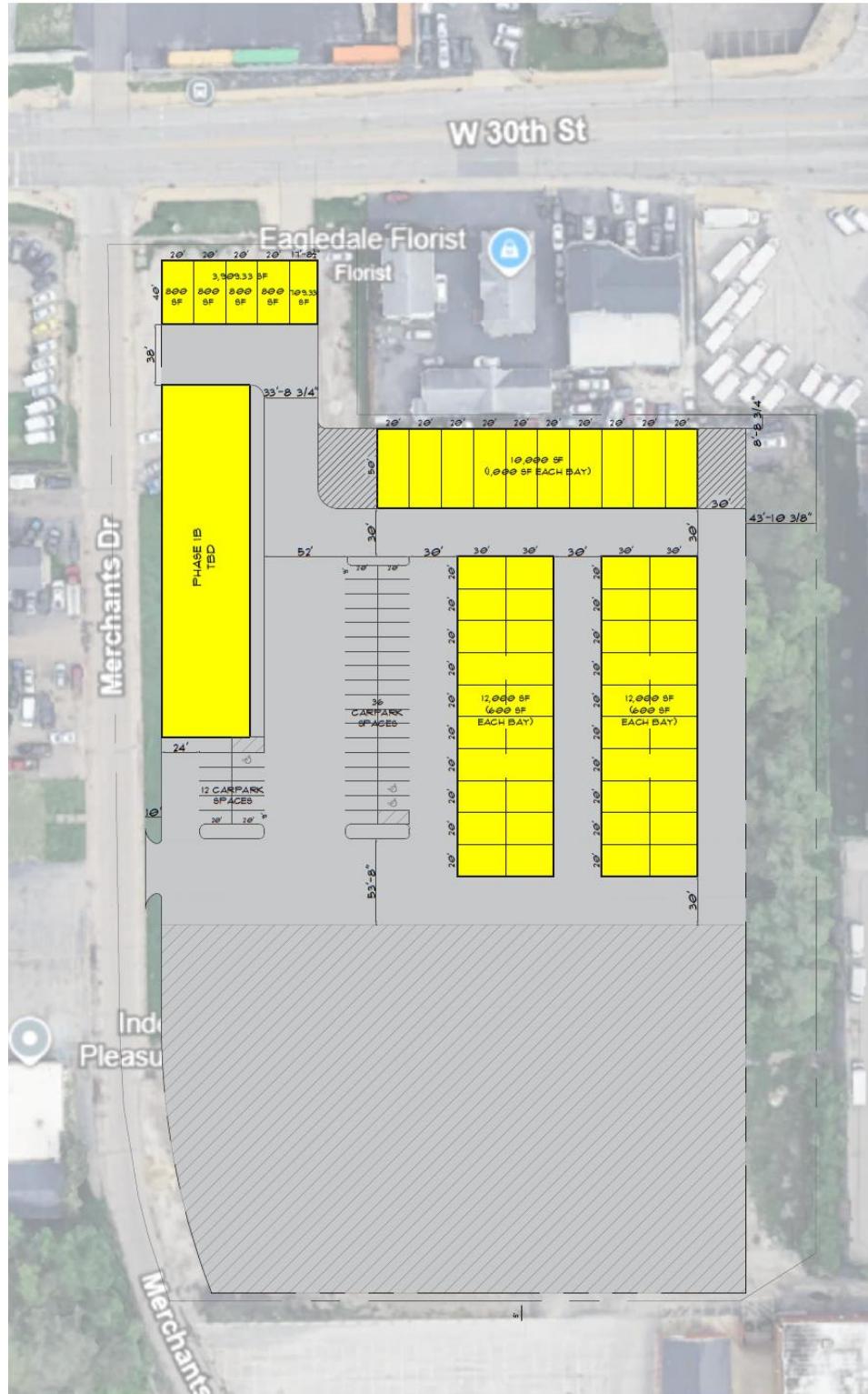


SITE DEVELOPMENT SUMMARY TABLE	
ZONE CLASSIFICATION, CITY OF INDIANAPOLIS, IN.	CA METRO CONTEXT (OFFICE, BUSINESS, PROFESSIONAL USE PERMITTED BY ZONING CLASSIFICATION)
PARCEL SIZE	~5 ACRES
MIN. STREET FRONTAGE	50'
MAX. LOT COVERAGE	N/A
MAX. BLDG HEIGHT	65' FT. MAX.
SETBACKS	
FRONT	N/A
SIDE	0 FT.
REAR	0 FT.
BUFFERYARDS / GREENBELTS	
FRONT FT. GREEN SPACE / BUFFER YARD, PROVIDED 10'	
SIDE FT. GREEN SPACE / BUFFER YARD, PROVIDED 10'	
REAR FT. GREEN SPACE / BUFFER YARD, PROVIDED 10'	
PARKING REQUIRED	N/A
PARKING PROVIDED	18 REGULAR SPACES AND 1 ADA SPACE
BICYCLE PARKING PROPOSED	N/A
VEHICLE STACKING	N/A

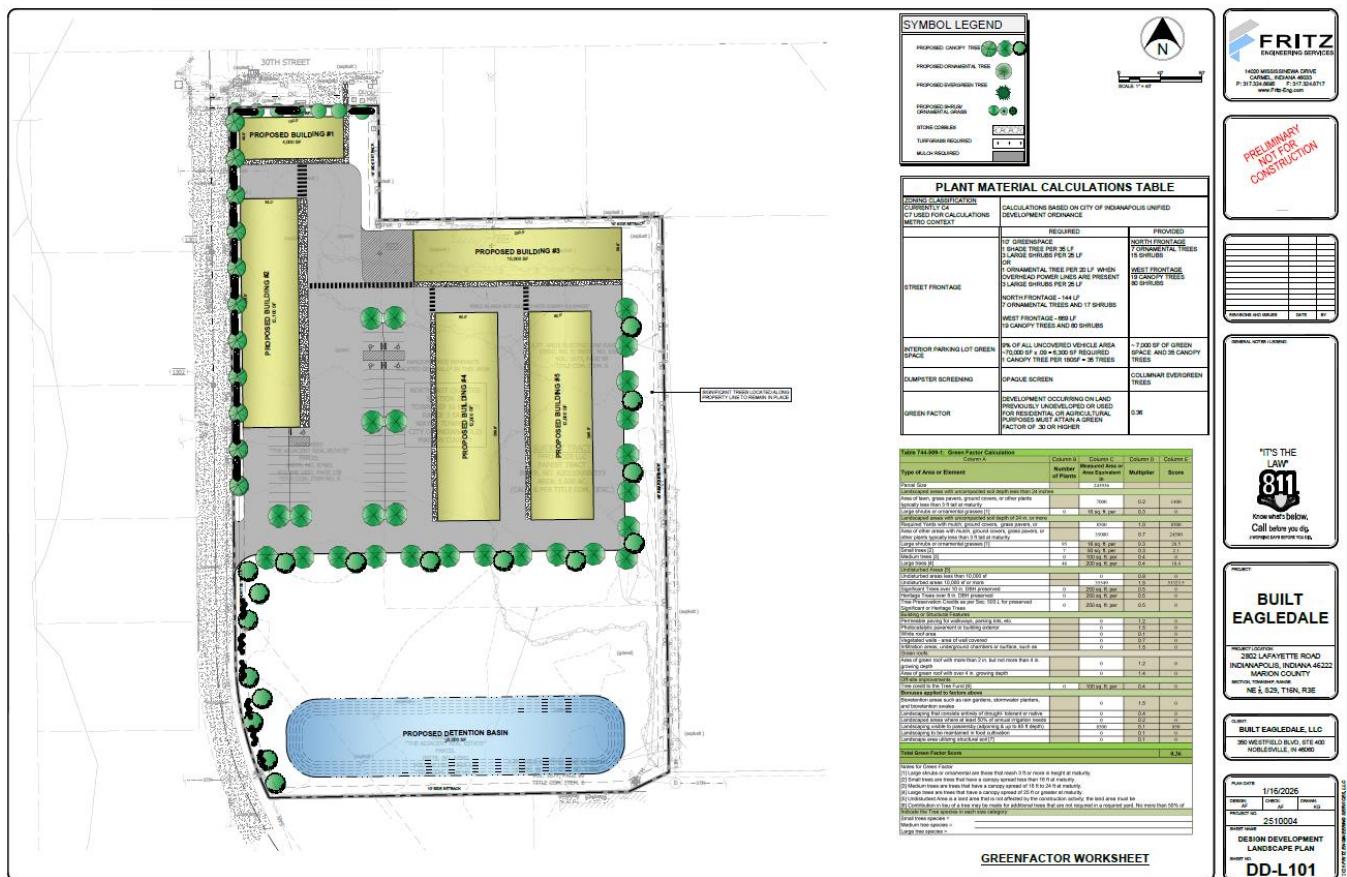
NOTES: GREEN SPACES ARE PROVIDED ALONG THE PROPERTY LINES TO AID IN MEETING THE REQUIRED GREEN FACTOR SCORE OF .30 OR HIGHER.

OWNER	PROJECT TITLE/LOCATION	ARCHITECT	ENGINEER	CONTRACTOR	PRELIMINARY DRAWINGS
Alt Construction, LLC 	SETH ALT  CONTRACTOR GARAGES 10TH ST. & MERCHANTS DR. INDIANAPOLIS, INDIANA, IN 46222 MARION COUNTY				CONTINUED A 001

SITE PLAN CLOSE-UP



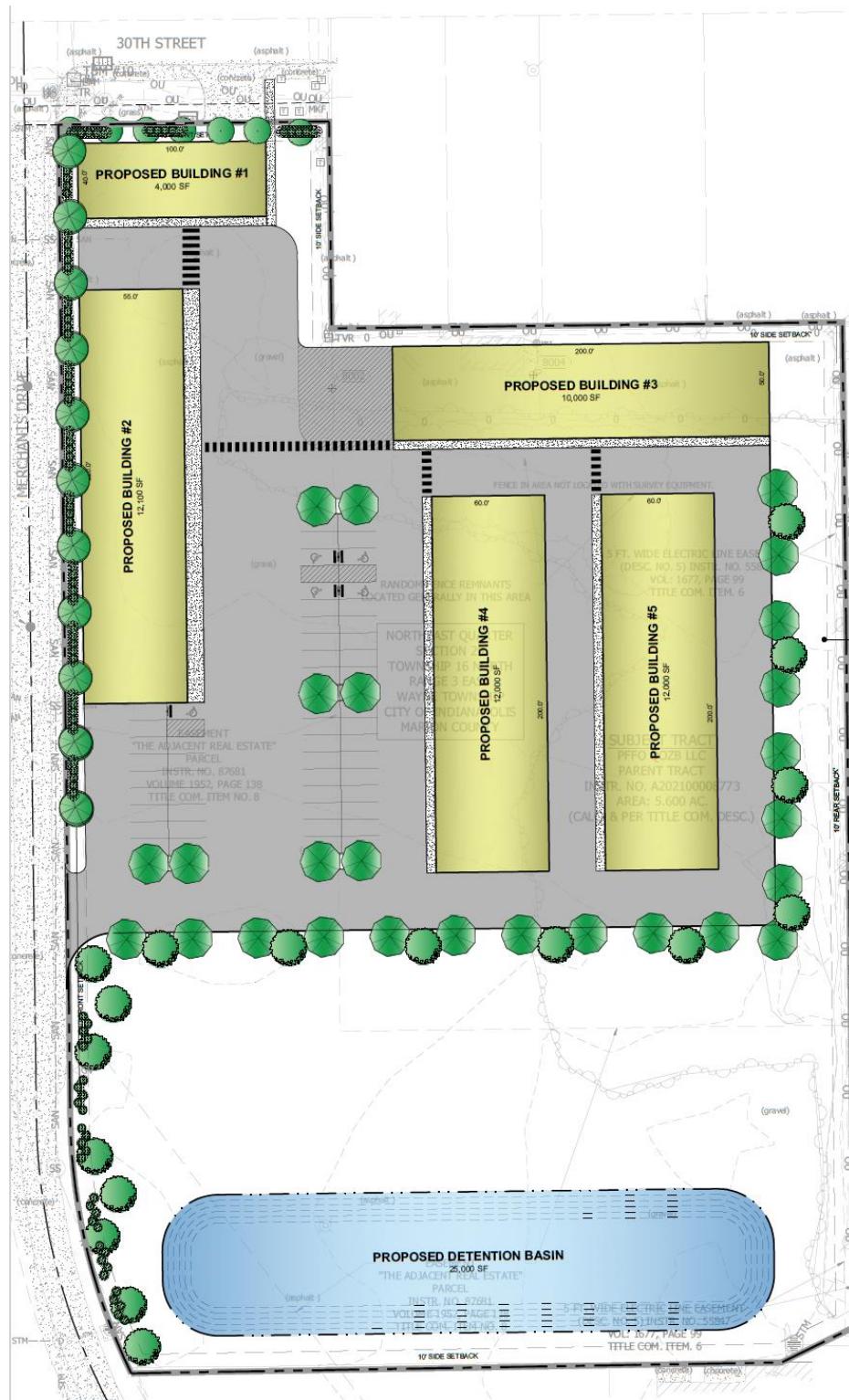
AMENDED SITE PLAN / LANDSCAPE PLAN





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

AMENDED SITE PLAN / LANDSCAPE PLAN (CLOSE-UP)



GREEN FACTOR SHEET

Table 744-509-1: Green Factor Calculation

Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in	Multiplier	Score
Parcel Size		243936		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		7000	0.2	1400
Large shrubs or ornamental grasses [1]	0	16 sq. ft. per	0.3	0
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or		8500	1.0	8500
Area of other areas with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		35000	0.7	24500
Large shrubs or ornamental grasses [1]	95	16 sq. ft. per	0.3	28.5
Small trees [2]	7	50 sq. ft. per	0.3	2.1
Medium trees [3]	0	100 sq. ft. per	0.4	0
Large trees [4]	46	200 sq. ft. per	0.4	18.4
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		0	0.8	0
Undisturbed areas 10,000 sf or more		35549	1.5	53323.5
Significant Trees over 10 in. DBH preserved	0	250 sq. ft. per	0.5	0
Heritage Trees over 8 in. DBH preserved	0	250 sq. ft. per	0.5	0
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	0	250 sq. ft. per	0.5	0
Building or Structural Features				
Permeable paving for walkways, parking lots, etc.		0	1.2	0
Photocatalytic pavement or building exterior		0	1.5	0
White roof area		0	0.1	0
Vegetated walls - area of wall covered		0	0.7	0
Infiltration areas, underground chambers or surface, such as		0	1.5	0
Green roofs:				
Area of green roof with more than 2 in. but not more than 4 in. growing depth		0	1.2	0
Area of green roof with over 4 in. growing depth		0	1.4	0
Off-site improvements				
Tree credit to the Tree Fund [6]	0	100 sq. ft. per	0.4	0
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales		0	1.5	0
Landscaping that consists entirely of drought- tolerant or native		0	0.4	0
Landscaped areas where at least 50% of annual irrigation needs		0	0.2	0
Landscaping visible to passersby (adjoining & up to 85 ft depth)		8500	0.1	850
Landscaping to be maintained in food cultivation		0	0.1	0
Landscape area utilizing structural soil [7]		0	0.1	0
Total Green Factor Score				0.36
Notes for Green Factor				
[1] Large shrubs or ornamental are those that reach 3 ft or more in height at maturity.				
[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.				
[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.				
[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.				
[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be				
[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of				
Indicate the Tree species in each size category:				
Small trees species =				
Medium tree species =				
Large tree species =				

PETITIONER PROPOSED COMMITMENTS

LIST OF COMMITMENTS

2802 Lafayette Road

1. No outside storage shall be permitted.
2. The following uses shall be prohibited:
 - (a) Club or Lounge
 - (b) Adult Entertainment Business
 - (c) Bar or Tavern
 - (d) Night Club or Cabaret
 - (e) Tattoo Parlor
 - (f) Firearm Sales
 - (g) Outdoor Advertising, Billboards
 - (h) Pawn Shop
 - (i) Check Cashing
3. Approval shall be subject to substantial continuity within the site plan and elevations file dated November 6, 2025



Department of Metropolitan Development
Division of Planning
Current Planning

PROPOSED RENDERINGS (1/29/26 REVISION)





Department of Metropolitan Development
Division of Planning
Current Planning

PROPOSED RENDERINGS



PROPOSED RENDERINGS (Continued)



PROPOSED RENDERINGS (Continued)





Department of Metropolitan Development
Division of Planning
Current Planning

PROPOSED RENDERINGS (Continued)





Department of Metropolitan Development
Division of Planning
Current Planning

EXAMPLE PHOTOS OF THE FACILITY



Photo of the built product.



Drone view of a developed facility.



Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site's east side looking south from 30th Street.

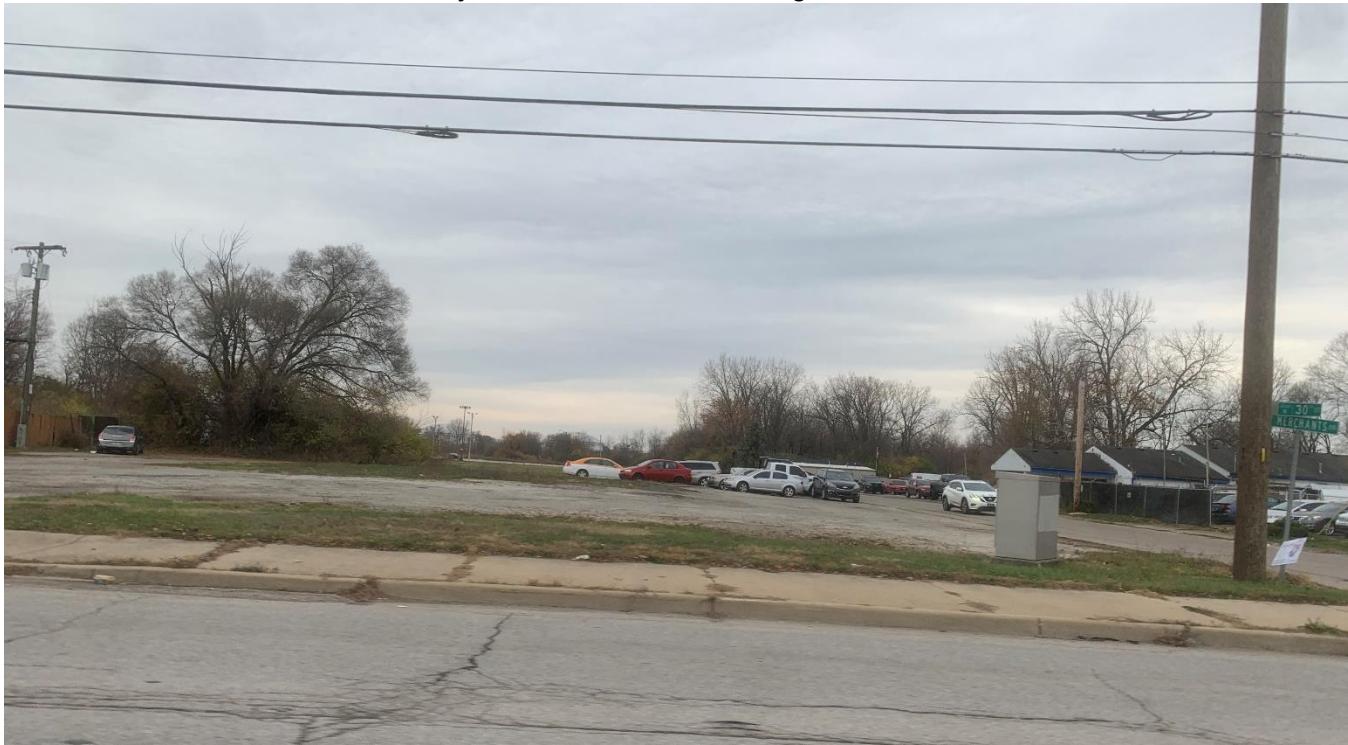


Photo of the subject site's west side looking south from 30th Street.



Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site's street frontage looking west on 30th Street towards a used car dealer.



Photo of the subject site looking south from the center of the site.



Photo of the subject site looking north from the southwest corner of the site.



Photo of the subject site looking east from the southwest corner.



Photo of a towing company west of the site.



Photo of a commercial building and associated parking lot west of the site.



DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the commercial property east of the site.



Photo of a distribution service business north of the site.

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

February 12, 2026

Case Number: 2025-ZON-133
Property Address: 2650 West Epler Avenue, 5201, 5205, 5215, and 5225 South Warman Avenue (Approximate Address)
Location: Perry Township, Council District #22
Petitioner: K & S Realty LLC, by Mindy Westrick Brown and Mark R. Leach
Current Zoning: D-A (FF) / D-5 (FF)
Request: Rezoning of 40.11 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.
Current Land Use: Undeveloped / Residential
Staff Recommendations: Staff recommends **denial** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by the petitioner and acknowledged by the Hearing Examiner, moving this petition from the January 15, 2026 hearing to the February 12, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of the request.

If approved against Staff's recommendation, approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

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

PETITION OVERVIEW

LAND USE

The 40.11-acre subject site is comprised of six (6) total parcels: 2650 West Epler Avenue (5002467) is the largest of those parcels with a size of approximately 31.86 acres and frontage along both Epler and Warman. The five (5) parcels addressed to Warman are located to the north of the 5002467 parcel.

The site is bordered to the south by operations related to excavation of gravel, sand, and borrow (zoned D-A GSB), Interstate 69/State Road 37 to the east (zoned I-3), and single-family residential uses to the west and north (zoned D-A).

REZONING

The grant of this request would rezone the property from the D-A (FF) and D-5 (FF) districts to the I-3 district to provide for medium-industrial uses.

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

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

FLOOD FRINGE

Most of this property is located within the floodway fringe, with only a small portion of the property to the southeast near the Epler frontage not falling within the designated floodway fringe. Any development within the Floodway Fringe must comply with Flood Control Secondary Zoning Districts regulations. The proposed use of truck parking mentioned within submittal documents provided by the applicant would not be allowed use within the floodway fringe.

DEPARTMENT OF PUBLIC WORKS

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

STAFF ANALYSIS

The request would rezone the property to the I-3 (FF) district to allow for medium intensity industrial uses. Application documents indicate that a portion of the 2650 West Epler Avenue (10 acres furthest to east) would likely be used for tractor and trailer truck parking with exclusive vehicle access coming from Epler Avenue to the south, although other I-3 uses could be considered. No site plan showing the proposed layout of truck parking spaces was provided for staff review.

In 2003, the site was zoned SU-23 (a special use district for gravel and sand operations) and was rezoned to the D-5 district to provide for single-family residential uses. This residential rezoning is consistent with the current Comprehensive Plan recommendation, and shows that residential development has been previously contemplated for this site.

Staff is recommending denial of the request since the proposed use would not align with the Suburban Neighborhood Uses recommendation from the Marion County Land Use Plan Pattern Book. Additionally, it is unclear if the contemplated development would allow for the preservation of existing natural resources at the site per its placement within the Environmentally Sensitive Areas Overlay.

Areas to the east of this site on the other side of the relocated I-69/SR-37 have Comprehensive Plan recommendations for Heavy Commercial development, and truck parking currently exists in these locations (see Photo 10 within Exhibits). Staff would contend that the relocated highway forms a logical buffer separating industrial use north of Epler from areas either containing single-family homes or contemplated for future residential use as reflected by both current zoning and Plan recommendations.

This petition would rezone the site to a district that would only allow the proposed use by grant of a Special Exception (and a Variance of Use if the size of the lot were to exceed two acres), as well as a Floodway Fringe area that wouldn't allow for the proposed truck parking. Approval of this rezone wouldn't replace the need for those additional petitions, and in general, it is not a planning best practice to rezone property for a new use not allowed by that zone.

Application documents indicated that only portions of the Epler Avenue parcel would be utilized for the proposed use. If this is to be the case, it is unclear why the five (5) additional smaller parcels to the north of the subject site (several of which are currently improved with single-family residences in accordance with the Plan recommendation) have been included within the request for industrial zoning.

Staff did not find there to be any reason to support the Medium Industrial District (I-3) rezoning or industrial type use of the site. Instead, the existing D-5 district is appropriate and would allow for single-family residential opportunities consistent with the Comprehensive Plan.

It should be noted that grant of this rezoning would not allow for deviation from any applicable dimensional standards for development of the site, or from the need for additional zoning petitions as discussed above (a Special Exception and Variance of Use would be required, at a minimum). Although the commitments proposed by the petitioner would not alter staff's recommendation, if approved it would be better to have those commitments in place than to not have them.

GENERAL INFORMATION

Existing Zoning	D-A (FF) & D-5 (FF)	
Existing Land Use	Undeveloped / Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-A	Residential
South:	D-A GSB	Mining Operations
East:	I-3 / D-5	Interstate
West:	D-A	Residential
Thoroughfare Plan		
Epler Avenue	Street Type	58-foot existing right-of-way and 80-foot proposed right-of-way
Warman Avenue	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes; Environmentally Sensitive	
Wellfield Protection Area	No	
Site Plan	Requested, but not available	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected



Department of Metropolitan Development
Division of Planning
Current Planning

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 $\frac{1}{4}$ mile of a frequent transit line, greenway, or park.

- Heavy commercial and industrial land uses are not recommended within this 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.
 - Heavy commercial and industrial land uses are not recommended within this typology as they have potentially severe environmental impacts associated with stormwater runoff.

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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2020-ZON-019; 2650 West Epler Avenue (subject site), Rezoning of 39.644 acres from the D-5 (FF) district to the I-3 (FF) district, **withdrawn**.

2013-DV3-005; 5205 South Warman Avenue (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish 184 linear feet of an eight-foot-tall fence along the south lot line, encroaching nine feet into the front yard (maximum six-foot tall fence permitted, maximum 42-inch fence permitted within the front yard), **approved**.

2009-APP-038; 5320 South Belmont Avenue and 5201 Warman Avenue, modification of commitments related to 2003-ZON-183, **withdrawn**.

2009-ZON-017; 5320 South Belmont Avenue (subject site and east of site), Rezoning of 4.445 acres, being in the D-5 (FF) District, to the I-3-S (FF) classification to provide for medium intensity industrial uses in a suburban location, **approved** over staff recommendation of denial.

2003-ZON-181; 5320 South Belmont Avenue (subject site), Rezoning of 111.856 acres from SU-23 (GSB) (W-5) (FW) (FF) to the D-5 (GSB) (W-5) (FW) (FF) classification to provide for single-family development, **approved**.

83-Z-196; 2545 West Thompson Road (subject site), Rezoning of 44.9 acres, being in the A-2 district, to the A-2/GSB Secondary classification, to permit extraction and processing of mineral aggregate, **withdrawn**.

Zoning History – Vicinity

2011UV3006; 5320 South Belmont Avenue (northeast of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for a temporary asphalt stockpile until December 31, 2012, located zero feet from the south side transitional lot line, 10 feet from the east and west side transitional lot lines and 12 feet from the north side lot line (100-foot side transitional yard required, 30-foot side yard required), and to provide for a lot without the required street frontage (75 feet of street frontage required), with indirect access to Thompson Road via an access easement (direct access required), **denied**.

87-SE-3; 5320 South Belmont Avenue (northeast of site), special exception to provide for a concrete mixing plant, **approved**.

82-Z-72; 1801-2399 West Thompson Road (east of site), rezoning of 140 acres, being in an I-3-S district, to the GSB Secondary classification, to provide for the excavation of sand and gravel, **approved**.

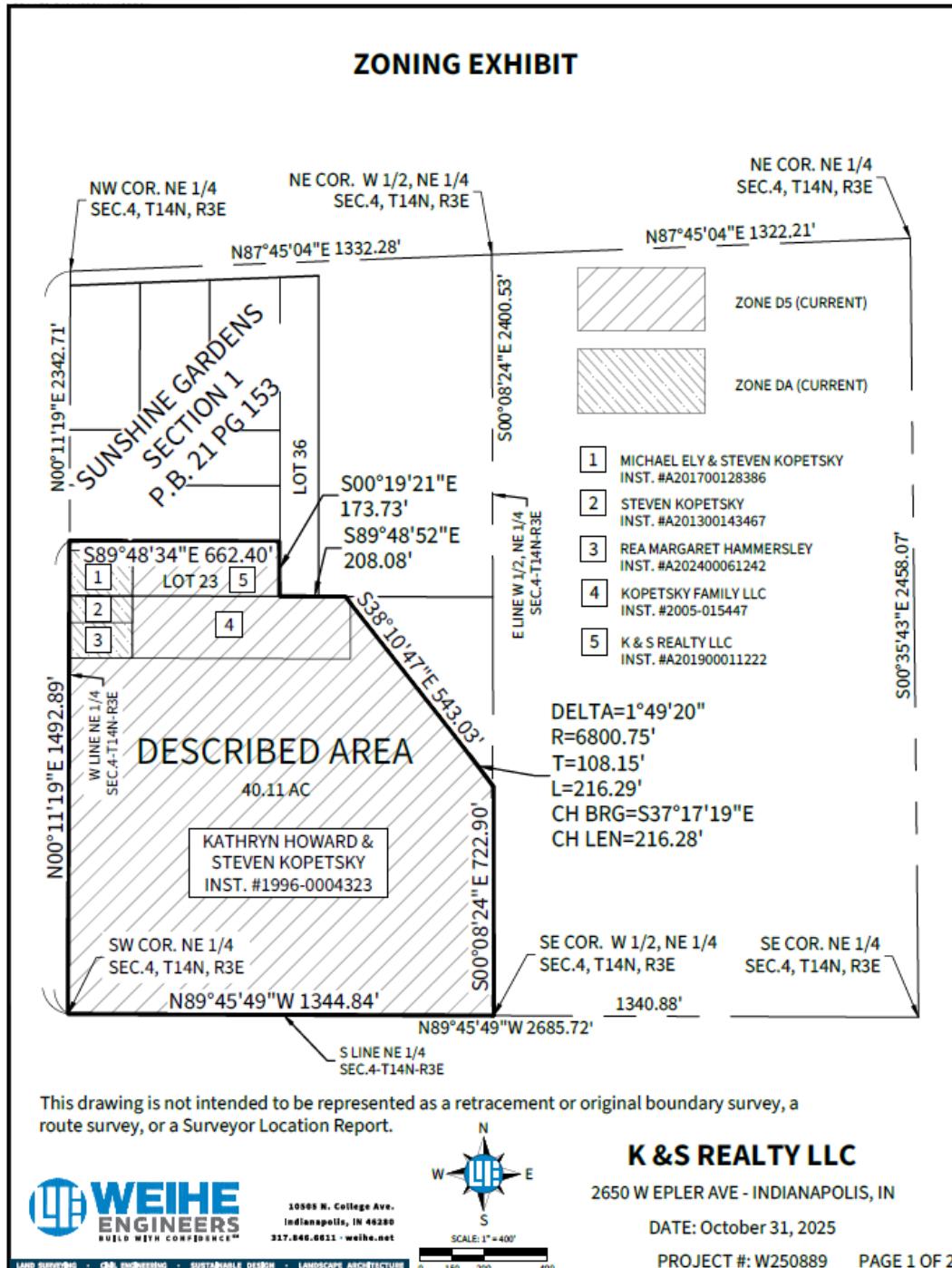
82-Z-71; 1801-2399 West Thompson (east of site), rezoning of 140 acres, being in an I-3-S district, to the SU-23 classification, to provide for a permanent gravel and sand processing plant, **approved**.

EXHIBITS

2025ZON133 ; Aerial Map



2025ZON133 ; Zoning Exhibit



2025ZON133 ; Project Description (provided by applicant)

The Kopetsky family / K&S Realty LLC in Perry Township (the “Kopetskys”) respectfully requests a rezoning of their property near the northwest corner of I-69/SR 37 and Epler Avenue (the “Real Estate”) to I-3 for Medium Industrial land uses.

The main 33.46-acre parcel is addressed as 2650 W. Epler Avenue, and there are five smaller parcels to the north that are included in this rezoning request. East of the Real Estate is the interstate highway and many other I-3 Medium Industrial properties. South of the Real Estate is a very large, over 230 acres+, parcel used as a gravel, sand, and borrow mining/processing operation, where a permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling can occur. A few residential properties lie to the north of the Real Estate, and the properties to the west of Warman Avenue are all residential as well.

The majority of the Real Estate was originally zoned I-3, but in the early 2000s the Kopetskys rezoned to D-5 because of plans to build residential homes around the manmade lakes that had been dug out at the time. The residential homes were never built, and the manmade lakes are being filled back in, so the Kopetskys would like to return the Real Estate to I-3 zoning.

The Kopetskys would use a portion of 2650 W. Epler Avenue for tractor and trailer truck parking, similar to the current use of their property east of the highway at 5320 S. Belmont Avenue. The Kopetskys’ property east of the highway is currently zoned I-3, and they also would like their property west of the highway, which is currently zoned D-5 and D-A, to be rezoned to I-3 also. The purpose of this rezoning is to free up space east of the highway by moving some of the parking to the west of the highway.

The condition of the streets in the immediate area have greatly improved in the past three years with the redesign of the I-69/SR 37 highway layout. Epler Avenue has been repaved from near Warman Avenue on the west to past the interchange and Kopetsky Drive on the east. The road pavement appears to be highly rated, durable, and holding up well to the heavy traffic and equipment already utilizing the roadway for access to the highways. Any trucks at the Real Estate would be able to travel east on Epler Avenue’s newly updated roadway and head south on either Belmont Avenue or at I-69/SR 37 or continue east on Epler Avenue and then travel north on SR 37/Harding Street to get to I-465. All this travel would be on the new roadways.

The Kopetskys agree to the following to ensure that nothing would be changing from the residential neighbors’ perspective:

- to preserve all of the natural barriers and buffers, trees, etc. along Warman Avenue and Epler Avenue,
- to limit the tractor and trailer truck parking to the east side of 2650 W. Epler Avenue, not getting any closer to Warman Avenue than the current lake edge (approximately 200 feet from the Warman Avenue right-of-way),
- to retain access to the site from Epler Avenue only, to keep the same single access point on Epler Avenue, and to NOT access the site from Warman Avenue,
- to direct trucks leaving the site to exit east only toward the highways and not west toward Warman Avenue and the residential neighborhood, and to post signage stating the same, and
- to work with DMD staff to determine any additional commitments for the benefit of the adjacent neighbors to the north and west, and the community at-large.

2025ZON133 ; Photographs



Photo 1: Subject Site Access Drive Viewed from South (April 2025)

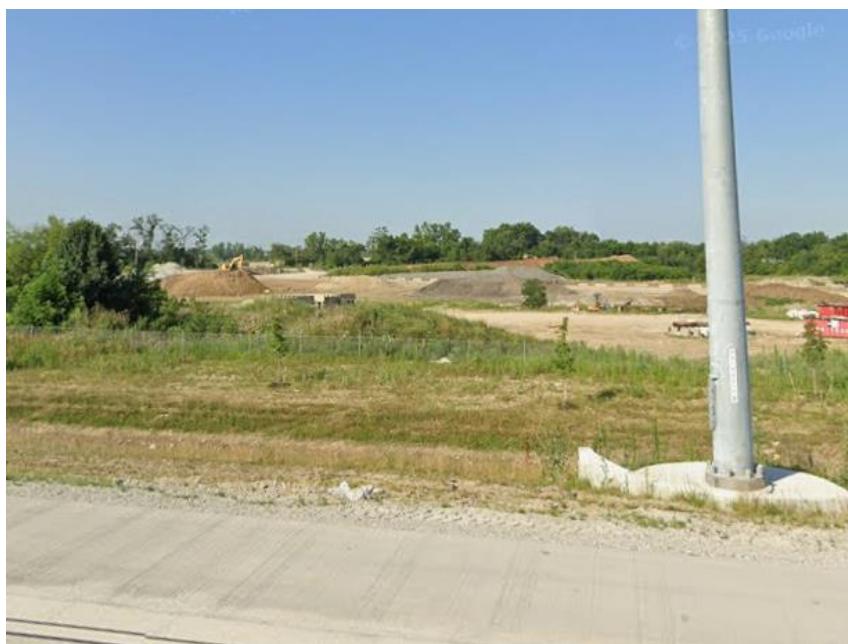


Photo 2: Subject Site Viewed from State Road 37 to East (July 2025)

2025ZON133 ; Photographs (continued)



Photo 3: Interior of Epler Parcel Looking North



Photo 4: Interior of Epler Parcel Looking West

2025ZON133 ; Photographs (continued)



Photo 5: Warman Frontage at Epler Intersection Looking North



Photo 6: Existing Residence at 5225 S Warman Avenue

2025ZON133 ; Photographs (continued)

Photo 7: Existing Residence at 5125 S Warman Avenue



Photo 8: Existing Residence at 5205 S Warman Avenue

2025ZON133 ; Photographs (continued)



Photo 9: Adjacent Property to South



Photo 10: Existing Truck Parking to East of SR 37 (April 2025)

2025ZON133 ; Photographs (continued)



Photo 11: Adjacent Residence to West of Site



Photo 12: Adjacent Residences to West of Site

2025ZON133 ; Photographs (continued)

Photo 13: Adjacent Residence to West of Site



Photo 14: Adjacent Residence to North of Warman Parcels