

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
HEARING EXAMINER

December 18, 2025

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for December 18, 2025, at 1:00 P.M., in the Public Assembly Room of the City-County Building, Indianapolis, Indiana, for various purposes, including the holding of a Public Hearing on various petitions listed on the Notice of Public Hearing, and for taking official action upon public business and public Notice thereof as required by IC 5-14-1.5.

Staff members present were Kathleen Blackham, Senior Planner; Marleny Iraheta, Senior Planner; Jeffrey York, Manager; Bryce Patz, Manager; Edward D. Honea, Jr., Current Planning Administrator; and Nancy G. Whitaker, Hearing Specialist.

Judy Weerts Hall, Hearing Examiner, called the meeting to order at 1:00 P.M. She stated that the Hearing Examiner's hearing today would be conducted under the Rules of Procedure of the Metropolitan Development Commission (MDC). She informed those present of the time permitted to present testimony in support of the Petition and opposition to it. He stated the procedures for filing a request to appeal his recommendations to the Commission, as well as any approved or denied petitions. The Hearing Examiner explained that **recommendations** for Petitions heard that day would be forwarded to the MDC for consideration at its meeting on **January 21, 2026**, unless noted otherwise.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2025-APP-018 | 5001 Riverview Drive (NEW)

Washington Township, Council District #7

UQ-1 (FF) (FW)

Butler University, by Bradley D'Agnillo

University Quarter One Approval to provide for improvements and expansion of an outdoor tennis facility, including new courts and bleacher seating.

Marleny Iraheta (Staff) confirmed that the Petitioner requested a continuance to the February 26, 2026, date to allow new Notice to be given.

Hearing no further comments, the Hearing Examiner granted a continuance to February 26, 2026, with Notice.

2025-MOD-017 | 405, 409, and 411 South Shortridge Road

Warren Township, Council District #20

C-S

SRMK, LLC, by David Kingen and Justin Kingen

Modification of Commitments and Site Plan related to 2018-ZON-068 to terminate Commitment # 2 (Attachment "D", item 3) to eliminate the requirement of the submittal of a tree assessment for Administrator's Approval prior to site preparation, and to permit development of the site subject to the site plan filed with this petition (tree assessment required to be submitted for Administrator's Approval prior to site preparation and site to be developed per the site plan file-dated, September 13, 2018).

The Petitioner's representative, Justin Kingen (2722 Manker Street, Indianapolis, IN) requested a continuance to the January 29, 2026, meeting, with Notice, to allow further work on the petitions and to present the Petition to the Warren Township Development Association (WTDA) Marleny Iraheta had no objection to the continuance request.

Hearing no further comments, the Hearing Examiner granted a continuance to January 29, 2026, with Notice.

2025-ZON-084 | 4001 South Keystone Avenue (NEW)

Perry Township, Council District #19
Aman LLC, by Tyler Ochs

Rezoning of 1.075 acres from the C-4 district to the C-S district to provide for all C-3 uses and an automobile fueling station.

Kathleen Blackham (Staff) requested continuance to the January 15, 2026 meeting, with Notice, to allow the minimum required period of Notice to have occurred prior to hearing. The Petitioner's attorney, Tyler Ochs (Bose McKinney and Evans, 111 Monument Circle, Indianapolis, IN) agreed and noted that Notice had been given.

Hearing no further comments, the Hearing Examiner granted a continuance to January 15, 2026.

2025-ZON-092 / 2025-VAR-011 | 2502 Lambert Street AKA 2501 West Morris Street (NEW)

Center Township, Council District #17
D-7 (FF) and
C-7 (FF)

WRR Renwald Real Estate, LLC, by Benjamin A. Spandau and Thomas R. Steele

Rezoning of 4.79 acres from the D-5 (FF) and C-7 (FF) districts to the I-3 (FF) district to provide for a commercial parking lot.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot for commercial truck and trailer parking.

Kathleen Blackham (Staff) said Staff had no comments.

The Hearing Examiner acknowledged Automatic Continuance to January 29, 2026, filed by City-County Councilor.

2025-ZON-108 (Amended) / 2025-VAR-008 | 1360 East 30th Street

Center Township, Council District #8

Monon Development Group, LLC, by Christopher White

Rezoning of 0.98-acre from the I-2 district to the C-S district to provide for a mixed-use development consisting of commercial retail hotel, entertainment and recreational amenities.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to eliminate the development standards of the C-S district and to provide for development generally consistent with the plans filed.

Kathleen Blackham (Staff) noted that the Petitioner had issues with Staff's right-of-way dedication request, which would require a full public hearing for the Petitions. After discussions between Ms. Blackham, Mr. White and the Hearing Examiner, the Hearing Examiner decided to transfer the Petitions to the MDC for initial hearing.

The Petitioner's representative, Christopher White (Monon Development Group, 8555 North River Road, Suite 220, Indianapolis, IN), agreed to the Hearing Examiner's suggestion to the MDC for the initial hearing, in order to allow further discussions about issues regarding right-of-way and setbacks.

Hearing no further comments, the Hearing Examiner transferred the Petitions to the MDC for initial hearing on January 21, 2026.

2025-ZON-114 | 4005 East Southport Road

Perry Township, Council District #24

Southport Road Development LLC, by David Gilman

Rezoning of 3.67 acres from the D-P (FW) (FF) district to the I-1 (FW) (FF) district to provide for industrial uses.

Marleny Iraheta (Staff) acknowledged that the rezoning petition was being amended to the D-P district and explained that Staff wished to keep the Petitions on the HE agenda until a date for the D-P hearing could be set with the MDC. She suggested that the Petitions be continued to January 15, 2026, at this time (as a placeholder meeting) to await the determination of the MDC hearing date. The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN) agreed with the continuance.

Hearing no further comments, the Hearing Examiner continued the Petitions to January 15, 2026, as currently filed.

2025-ZON-119 | 8560 North College Avenue
Washington Township, Council District #2
Cooper Property Management LLC, by Joseph D. Calderon

Rezoning of 0.64-acre from the SU-7 District to the C-1 classification to provide for an optometrist office.

The Petitioner's attorney, Joseph Calderon (11 South Meridian Street, Indianapolis, IN) confirmed the withdrawal of the Petition. Marleny Iraheta (Staff) said Staff had no comments.

Hearing no further comments, the Hearing Examiner acknowledged the withdrawal of the Petition.

2025-ZON-128 | 2802 Lafayette Road (NEW)
Wayne Township, Council District #11
PFFO QOZB, LLC, by Michael Rabinowitch

Rezoning of 5.6 acres from the C-4 (FF) district to the C-7 (FF) district to provide for small-scale commercial workspace and self-storage uses.

The Petitioner's attorney, Misha Rabinowitch (One Indiana Square, Suite 1800 Indianapolis, IN), requested a continuance to January 29, 2026, to allow time to address Staff's issues and to meet with the neighborhood. Marleny Iraheta (Staff) said Staff had no comments.

Hearing no other comments, the Hearing Examiner granted a continuance of the Petition to January 29, 2026.

2025-CAP-854 / 2025-CVR-854 | 6340 Intech Commons Drive (NEW)
Pike Township, Council District #6
C-S
Intech Park Partners, LLC, by Timothy E. Ochs and Jennifer Milliken

Modification of Commitments related to petition 98-Z-233 to modify Commitment 20 to provide for no more than two free-standing fast food or drive-through restaurants within 'Area

"F", within three hundred forty-five feet (345 feet) of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than two hundred feet (200 feet) to the east right-of-way of Intech Boulevard (current commitment limits the number of free-standing fast food or drive-through restaurants to one within 'Area "F", within three hundred forty-five feet (345 feet) of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than four hundred feet (400 feet) to the east right-of way of Intech Boulevard.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for zero stacking spaces at the end of each service unit (minimum of two stacking

spaces at the end of each service unit required), and to provide for 15 off-street parking spaces (maximum of seven off-street parking spaces required).

President of PTRA, Susan Blair, requested a continuance of the Petitions to January 29, 2026, to allow time for PTRA to review and hear the Petitions. Ms. Blair had intended but failed to file an Automatic Continuance request. The Petitioner's attorney, Timothy Ochs (One American Square, Suite 2900, Indianapolis, IN), did not object to the continuance. Marleny Iraheta (Staff) said Staff also did not object to this first request for continuance by the Remonstrator.

Hearing no further comments, the Hearing Examiner granted a continuance to January 29, 2026.

2025-CAP-856 / 2025-CVR-856 / 6400, 6449, 6500, 6559, 6565, 6600, and 6833 Kentucky Avenue, and 6700, 7924, 7944, 8002, 8032, and 8210 Camby Road (NEW)

Decatur Township, Council District #21

I-2

Sabey Data Center Properties, LLC, by J. Murray Clark

Modification of Commitments, related to 2020-CZN-834, to add four commitments associated with a proposed data center use, including details of a closed-loop air cooled system, commitment to pay all related costs associated with a proposed substation for said data center, develop the site in accordance with the site plan and building elevations, file dated November 6, 2025, to provide for building heights of 30 feet for East Building A and 50 feet for West Building B, to provide for sidewalks, outdoor amenities, loading docks, short-term truck parking, landscaping, connection to sewers for various addresses on Camby Road, and dedication of public streets.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a data center technology park (not permitted) and to provide for 200 parking spaces (minimum 708 parking spaces, or one parking space for each 1,500 square feet of floor area required).

Bryce Patz (Staff) said Staff had no comments.

Hearing no further comments, the Hearing Examiner acknowledged the Automatic Continuance to January 29, 2026, filed by Registered Neighborhood Organization.

EXPEDITED PETITIONS

2025-APP-019 | 8936 Southpointe Drive

Perry Township, Council District #23

HD-2

ForMotion Clinic, by Ed Williams

Hospital District Two Approval to provide for a proposed wall sign along the south elevation for a medical clinic.

The Petitioner's representative, Ed Williams (4400 Peggy Hollow Road, Shoals, IN), briefly summarized the request and agreed with Staff's conditions for approval in the Staff Report. Kathleen Blackham (Staff) said Staff had no comments.

Hearing no other comments, the Hearing Examiner recommended approval to the MDC and placed the Petition on the January 21, 2026, agenda.

2025-CZN-852 / 2025-CVR-852 (Amended) | 2522 North Butler Avenue and 5200 East 25th Street

Warren Township, Council District #9
D-4 and I-2

Eastside Coverage I70, LLC, by Joseph D. Calderon

Rezoning of 1.61 acres from the D-4 district to the I-2 district to provide for light industrial uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage ~~comprising of 91,869 square feet at 2522 North Butler (maximum of 16,978.5 square feet of outdoor storage, or 25% of the square footage of all buildings permitted), and to provide for outdoor storage~~ zero-foot from a protected district (minimum 500-foot separation from a protected district permitted).

The Petitioner's attorney, Joseph Calderon (11 South Meridian Street, Indianapolis, IN), described petition 2025-CZN-852. He then amended 2025-CVR-852, removing the request for a variance in excess of 25% of the buildings' square footage. He requested that the Petition be placed on the expedited docket, knowing no remonstrators and having garnered the support of Staff and the WTDA. Marleny Iraheta (MI) said Staff did not object to amending the variance after receiving the amended plans and Staff supported expediting the Petitions.

The Hearing Examiner acknowledged the amendment of the variance petition as described and placed the Petitions on the Expedited Docket.

Mr. Calderon then explained that 5200 was already zoned as I-2 and therefore is not being rezoned. He added that WTDA had given unanimous approval of the Petitions. Marleny Iraheta (Staff) thanked the Petitions for their amendments to the proposal and added that a fence variance would need to be sought later. She said Staff supported the approval of the Petitions.

After 2025-CVR-852 was amended and after expediting the Petitions, the Hearing Examiner recommended approval of 2025-CZN-852 to the MDC and placed the Petition 2025-CZN-852 on the January 21, 2026, agenda. She also approved 2025-CVR-852 (Amended) and adopted the Findings of Fact.

2025-CZN-853 / 2025-CPL-853 | 5023, 5047, and 5101 Madison Avenue, 1257 and 1265 East Thompson Road

Perry Township, Council District #23
Indiana Members Credit Union, by Michael Rabinowitch

Rezoning of 0.22-acre from the C-1 (TOD) district to the C-5 (TOD) district to provide for an expansion of an existing used vehicle sales lot.

Approval of a Subdivision Plat, to be known as Stanton Madison Avenue and Howland Place Subdivision, dividing 11.05 acres into six lots.

The Petitioner’s attorney, Misha Rabinowitch (One Indiana Square (211 North Pennsylvania Street, Suite 1800, Indianapolis, IN), explained the two Petitions needed for a wall sign for medical use in an HD-2 district and agreed to the Plat conditions in the Staff Report. Kathleen Blackham (Staff) said Staff had no comments.

Hearing no other comments, the Hearing Examiner recommended approval of 2025-CZN-853 to MDC and placed the Petition on the January 21, 2026, agenda. She also approved 2025-CPL-853, subject to the conditions in the Staff Report.

PETITIONS FOR PUBLIC HEARING:

2025-ZON-100 | 1231 West Troy Avenue
Perry Township, Council District #22
Jaak Properties, LLC, by David Gilman

Rezoning of 1.125 acres from the D-4 (FF) and C-5 (FF) districts to the I-2 (FF) district to provide for light industrial uses.

The Petitioners’ representative, David Gilman (211 South River Avenue, Suite H, Indianapolis, IN), noted that the owners of Indy’s Best Towing, leased the site in spring 2024 to expand operations with IMPD and through Indiana State Police impound contracts. The request aligned with the Comprehensive Plan’s light industrial designation. Surrounding uses included I-3 (warehouse/semi-truck parking) to the north, C-7 (asphalt paving) to the east, D-4 (two single-family residences) to the south, and I-2 to the west. The property, operating under C-5 for decades without any commitments, had accumulated junk vehicles and parts. Since leasing, his clients invested substantially in site cleanup and restoration. The conceptual plan introduced green space buffering southern residences, full site paving with striped parking, and outdoor storage enclosed with opaque fencing. Because the site was within floodway fringe overlay, the clients were committed to a professionally prepared spill recovery plan. Six written commitments had been prepared: (1) site maintenance with proper trash disposal; (2) site plan, landscape, and lighting plan submitted by March 1, 2026; (3) all improvements, violation corrections, and mobile home removal by October 1, 2026; (4) spill recovery plan implementation; (5) perimeter screening with opaque fence per 10-22-25 rendering; and (6) compliance with 11,000-pound weight limits on local streets. The Northwest Perry Neighborhood Association opposed the petition. Adjacent residential and business property owners had provided support letters recognizing site improvements.

The Hearing Examiner questioned Mr. Gilman first about the business timeline. Mr. Gilman clarified the business started in 2019 at 1324 West Sumner Avenue for Indiana Auto Auction

towing. His clients had leased the current Troy Avenue site in spring 2024 for expanded operations. Commenting on Councilor Annee's opposition letter, Mr. Gilman stated that his clients and he had sent emails, priority mail, and certified mail attempting to meet with the Councilor and neighborhood, but no response had been received to-date. Mr. Gilman then confirmed eight support letters had been received that were from residential properties immediately south and adjoining businesses to the east.

Remonstrator Thomas Lorenz (3759 South Pennsylvania Street, Indianapolis, IN 46227), Northwest Perry Neighborhood Association leader, spoke against the Petition citing erosion into residential neighborhood, environmental concerns, and the Petitioner's failure to respect zoning laws. The Frog Holler area had experienced incremental commercial industrial expansion against residential development since I-465 construction. He noted that Staff report photos showed a fence on the property line with no landscaping and a flatbed truck against the fence near a residence which were ongoing violations. The site was in a floodway fringe with poor drainage; flooding photos taken in May showed area street conditions. He pointed out that proposed zoning would allow inoperable vehicle storage, creating environmental risks (fuel, oil, battery acid, chemicals) in a flood-prone area. Although the Petitioners had offered commitments at the October neighborhood meeting including a spill recovery plan and landscaping outside the fence, Northwest Perry doubted future compliance based on the violation history. Since 2021, residents repeatedly complained about Indy's Best operation on neighborhood streets, particularly at 3331 Arbor Street (which showed nineteen D-4 zoned lots with flatbed trucks in aerial imagery). City database records showed extensive violations at 3331 Arbor since 2017, including multiple inoperable vehicles (April 2017), dirt mounds (June 2017), land alteration in flood zone (December 2018), vehicle parts/commercial vehicles/parking (December 2019), zoning violations (August 2023, November 2025), and failure to obtain structural permits (January 2025, currently in collections). The nineteen lots at 3331 Arbor were owned by Randy Troy Allen Hughes (believed to be Troy Hughes, Vice President of Indy's Best) with the owner address listed as 1324 Sumner Avenue, owned by former Indy's Best address, which was owned by Willie Hughes. Aerial photography showed 1324 West Sumner and neighboring properties (1316, 1312 West Sumner – which were four D-4 lots, all owned by Willie Hughes) with flatbed trucks, indicating non-residential use. City database showed investigations, violations, and citations for these properties since 2020. Northwest Perry learned Indy's Best applied for non-consensual towing license but was denied due to lack of appropriate zoning, suggesting this rezoning would enable license acquisition and increase neighborhood activity. Northwest Perry urged denial.

Remonstrator Bernie Gaskin (3336 Arbor Street, Indianapolis, IN) testified that she lived across from 3331 Arbor where flatbeds operated all hours for years, parking in her driveway at 3-6 a.m. in order to lock the commercial gate. Despite promises at the neighborhood meeting to stay off the street, trucks returned the next day. For three years, 100 dump trucks brought dirt to the flood zone, and construction began last spring without permits. She opposed creating another junkyard nearby where her daughter would play, citing safety concerns about fluids and hazards.

Remonstrator Cassandra Gaskin (residing at the corner of Murray Street and Coffee Street, Indianapolis, IN), 65-year resident, testified that tow trucks violated laws by running stop signs and speeding daily, yet complaints resulted in closed cases. She recommended denial of the Petition, stating the Petitioners were not upstanding citizens and avoided laws.

Kathleen Blackham (Staff) noted a variance petition had initially filed for this request and then had been withdrawn; subsequently, this rezoning was filed. Staff recommended approval of the

rezoning request as the Comprehensive Plan recommended I-2 light industrial. While the Pattern Book recommended removing uses in environmentally sensitive areas (flood plain), commercial industrial uses to the west, north, and east would mitigate residential impact to the south. Staff requested a final site plan to ensure only Troy Avenue access (arterial), not Coffee Street or Arbor Street (local streets). Violation 25005733 included ten violations: signage without permits, commercial vehicle storage, unpermitted towing business, on-screen storage, unpaved/unstriped parking, unenclosed dumpster, barbed wire fencing, inoperable vehicle storage, and outdoor storage exceeding square footage. If the Petition was approved, all violations and mobile home removal would have to be completed by October 1, 2026. Ms. Blackham said Staff was sympathetic with the neighborhood concerns but recommended approval if the Petitioners complied with commitments, noting substantial green space buffering in site plan. Photographs showed proposed fencing would violate development standard requirements (three front yards, 3.5-foot maximum) and a variance would be needed. Responding to questioning by the Hearing Examiner, Staff confirmed no variances currently existed on other properties Mr. Lorenz had referenced.

The Hearing Examiner read aloud Councilor Annee's (CD #22) email opposing Petition No. 2025-ZON-100, in which he stated that he stood with neighbors and Northwest Perry Neighborhood Association requesting denial based on facts and circumstances presented by Remonstrators.

During rebuttal, Mr. Gilman clarified that Troy Hughes, who owned 3331 Arbor Street, was not affiliated with 1231 West Troy or Indy's Best Towing. The Arbor property, originally owned by the Hughes family grandfather, contained personally owned vehicles, not towed vehicles. Since moving the business to West Troy, no violations existed there and all prior violations at the Sumner residence were resolved. Mr. Gilman asked that references to 3331 Arbor Street not be confused with this petition, as Indy's Best didn't conduct business there. Mr. Gilman noted that Staff reviewed and supported the rezoning petition, recognizing operations aligned with the developed area and Comprehensive Plan. He pointed out that the Hugheses demonstrated good faith by resolving prior issues, relocating to a commercial site, and offering written commitments. Regarding West Troy violations: the mobile home was inherited; the sign violation could be resolved with permit; pending violations (paving, striping, opaque fence) could be completed after the rezoning approval, advancing construction plans through Department of Business and Neighborhood Services to meet the October 1st commitment with plans due by March 1st. The Arbor property violations involved vehicle storage, not business operations, and were unaffiliated with Indy's Best. All Sumner Avenue violations were closed. The address of 1324 Sumner appeared on property records for taxing purposes only (grandfather's former residence), not indicating responsibility for current activities.

Mr. Gilman concluded that the Petition sought to rezone property allowing operation in a commercial area. He noted that committed improvements addressed Staff's I-2 compliance and environmental concerns, and that adjacent properties that were most impacted by the business location had provided written support letters.

During the remonstrator rebuttal period, Mr. Lorenz shared that Troy Hughes introduced himself as Vice President of Indy's Best Towing at their neighborhood meeting. While many dots connected, he didn't believe the Petitioners would comply with commitments or current zoning requirements. Cassandra Gaskin confirmed that Troy Hughes attended the November neighborhood meeting as Vice President of Indy's Best. Despite promises to keep trucks off the street, operations continued daily across from her house. She submitted photos showing

ongoing operations at 3331 Arbor with the commercial fence. Ms. Gaskin said she had never been contacted about the disturbances despite years of daily activity affecting her property.

The Hearing Examiner acknowledged this was a complicated decision to make as the Petitioner viewed the area as already commercial industrial while neighbors questioned allowing the business near their homes. While recognizing support from some neighbors and significant site cleanup since Indy's Best took over, the Hearing Examiner expressed concern about other properties and their relationship to this petition, noting many unaddressed issues remained.

Hearing no further comments, the Hearing Examiner recommended denial of 2025-ZON-100 to the MDC and placed the Petition on the January 21, 2026, agenda She urged continued communication to resolve misunderstandings.

2025-ZON-131 | 1255 Roosevelt Avenue (NEW)

Center Township, Council District #13

1255 Roosevelt Partners, LLC, by Tyler Ochs

Rezoning of 3.66 acres from the I-4 (FF) district to the C-S (FF) district to provide for indoor recreational uses including a pickleball facility, a bar/tavern, and all I-4 uses.

The Petitioner's attorney, Tyler Ochs (Bose McKinney and Evans, 111 Monument Circle, Indianapolis, IN), explained the rezoning from I-4 to C-S. Indoor recreational facilities were not permitted in I-4; Staff had recommended rezoning the property over filing a use variance. The existing 67,000 square foot industrial warehouse (with 6,800 square feet office space) would dedicate approximately 32,000 square feet to a pickleball facility operating seven days per week, with twelve indoor courts, a pro shop, two private event spaces, and a beer wall. Surrounding zoning included vacant C-3 (north), railroad and I-4 (south), I-4 (west), and C-S (east). The LLC members had membership interest in the eastern C-S property, containing North Mass Boulder (gym/fitness/lifestyle facility), office space, and restaurant. The pickleball facility would bring less intense use with pedestrian activity aligning with the area development, particularly the cottage home neighborhood, south and across the railroad tracks. While acknowledging Staff's mixed village use recommendation, Mr. Ochs noted the areas west, north, and south remained extremely industrial with prevalent railroad. The C-S request represented a downzoning with significantly less intense use. In response to Staff concerns, the Petitioners provided a list of I-4 uses for which they would commit to excluding and which eliminated traditional I-4 uses with environmental concerns, as a good faith attempt toward moving closer to commercial zoning while adding the pickleball facility and bar/tavern.

The Hearing Examiner confirmed that the existing building would be used, with the pickleball facility occupying the eastern half which was closer to Mass Avenue Boulder. Mr. Ochs pointed out that the property was not within Cottage Home neighborhood boundaries. No neighborhood groups, individual property owners, or surrounding businesses had contacted the Petitioner about the Petition, and no remonstrance had been received. He noted that LLC members owned other LLCs instrumental in developing land in the area, but Mr. Ochs said he did not know the exact relationship with North Mass Boulder.

Kathleen Blackham (Staff) said Staff recommended denial of the Petition, while supporting the pickleball court itself. She relayed that Staff had concerns about the I-4 uses despite the exclusions, citing the Comprehensive Plan's village mixed-use recommendation. Recent

rezonings (2023, 2022, two in 2017) had moved from I-4 toward more consistent zoning, including C-S for village mixed-use. Ms. Blackham said Staff felt I-4 was inappropriate given the east/west development, including mixed-use/apartments (west) and C-S uses (east). Staff had not heard from anyone in terms of support or opposition, but Staff was concerned that the request contradicted the Comprehensive Plan's village mixed-use vision.

The Hearing Examiner asked Ms. Blackham if the excluded uses list had changed Staff's recommendation. Ms. Blackham responded that it had not and she shared a list of I-4 uses that Staff would like prohibited. Ms. Blackham said Mr. Ochs's response had eliminated some concerns but there were concerns that remained about heavy manufacturing and heavy equipment sales/repair. Staff would support artisan manufacturing (excluded by the Petitioner but permitted in an I-2 district).

The Hearing Examiner then confirmed uses were in the same building with same ownership, not split ownership and the pickleball company would be a tenant, so there would be multiple tenants with same ownership.

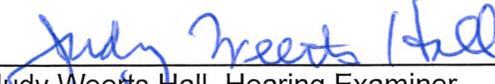
During the Petitioner's rebuttal period, Mr. Ochs noted after eliminating I-1 uses and already-agreed exclusions, there were still remaining uses for which Staff and the Petitioner disagreed. He noted that I-4 uses were currently permitted. Mr. Ochs said he believed that Staff was using this project (a tenant, not permanent fixture) as a bargaining chip to down-zone the site further. Originally the request had been filed as use variance for split tenancy and then the Petitioners refiled the request as a rezoning per Staff's recommendation. The pickleball facility represented significantly less intensive use, moving in Staff's requested direction. The Petitioner eliminated approximately ten uses. If denied, the property would remain I-4 with all intensive uses allowed. The Petitioner requested approval as a fair compromise, noting it added an exciting use while transitioning closer to the Comprehensive Plan's vision for the property, while maintaining some current I-4 uses.

The Hearing Examiner noted the exciting area revitalization along Mass Avenue and the I-70 corridor. While understanding Staff's concerns about maintaining development momentum, she noted the property was currently I-4 with other I-4 zoning in the area. She also acknowledged the client had regained control over the building's remaining space beyond the pickleball facility.

The Hearing Examiner recommended approval, subject to commitments, to the MDC and placed the Petition on the January 21, 2026, agenda.

ADJOURNMENT

There was no further business before the Hearing Examiner, so the meeting adjourned at 2:50 P.M.



Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission