

**METROPOLITAN DEVELOPMENT COMMISSION  
INDIANAPOLIS-MARION COUNTY, INDIANA**

**January 7, 2026**

The regular meeting of the Metropolitan Development Commission (MDC) of Indianapolis-Marion County, IN, was held on Wednesday, January 7, 2026, at 1:00 P.M. in the Public Assembly Room of the City-County Building, Indianapolis, IN, 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.

**ATTENDANCE**

The following Commission members were present:

John J. Dillon III, President  
Megan Garver, Vice-President  
Brandon Herget  
Brent Lyle  
Daniel Moriarty  
Brian P. Murphy, Secretary  
Brigid Robinson  
Gregg West

The following Commission member was absent:

Bruce Schumacher, Acting Secretary

The following City of Indianapolis employees were present:

Megan Vukusich	Director - DMD
Carmen Lethig	Deputy Director, Planning, Preservation and Design – DMD
Kathy Frazier Battle	Program Manager, Economic Incentives - DMD
Kathleen Blackham	Senior Planner - DMD
Marleny Iraheta	Senior Planner - DMD
Shannon Norman	Principal Planner II - Ordinance Revision
Bryce Patz	Manager - DMD
Jeffrey York	Manager - DMD
Edward D. Honea, Jr.	Current Planning Administrator - DMD
Nancy Whitaker	Board Specialist - DMD
Chris Steinmetz	Senior Counseling Attorney ACC / OCC

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**BUSINESS**

**CALL TO ORDER**

President Dillon called the meeting to order at 1:00 P.M. and led the recitation of the Pledge of Allegiance.

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## **MINUTES**

Commissioner Garver made a Motion to adopt the Minutes from the December 17, 2025 meeting; Commissioner Herget seconded the Motion; the Commission adopted the Minutes by voice vote (8:0:0) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West  
Noes: None  
Recusals: None

**The Minutes from the December 17, 2025 meeting were adopted.**

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## **SPECIAL REQUESTS**

Benjamin Bennett (6762 State Road 144, Greenwood, IN) requested a waiver of MDC Rules of Procedure, which required a three-month waiting period before filing a new petition for a property after a petition (2025-ZON-119) had been withdrawn (December 18, 2025) for said property. Mr. Bennett was acquiring the property at 8560 North College Avenue and planned to run a senior living home and would be rezoning the property to the D-3 classification, which was in alignment with the Comprehensive Plan.

Marleny Iraheta (Staff) explained that Staff supported the waiver of the Rules for this Petition. Upon being questioned by President Dillon, Edward Honea (Administrator, Current Planning) agreed that he was also comfortable with granting the waiver.

Hearing no comments or questions from the Commission or from the public, Commissioner West made a Motion to approve the waiver; Commissioner Robinson seconded the Motion; the Motion was carried by a roll-call vote (8:0:0) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West  
Noes: None  
Recusals: None

**The Commission approved a waiver of the MDC Rules of Procedure, which require a three-month waiting period before filing a new petition for a property (8560 North College Avenue, Indianapolis, IN) after a petition (2025-ZON-119) has been withdrawn.**

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The Petitioner's attorney, Brian Tuohy (9294 North Meridian Street, Indianapolis, IN), requested a continuance for **Petition No. 2025-ZON-062 (Amended)** to February 4, 2026, to allow executed commitments to be filed.

## **REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEAL FILED:**

**2025-ZON-062 (Amended) | 5709 Five Points Road and 7340 East Edgewood**  
Franklin Township, Council District #25  
Grand Communities, LLC, by Brian J. Tuohy

Rezoning of 64.64 acres from the D-A (FF) district to the D-4 (FF) district to provide for residential development.

Kathleen Blackham (Staff) said Staff had no objection to the continuance request.

Hearing no comments or questions from the Commission or from the public, Commissioner Lyle made a Motion to continue Petition No. **2025-ZON-062 (Amended)** to February 4, 2026; Commissioner Murphy seconded the Motion; the Motion was carried by a roll-call vote (8:0:0) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West  
Noes: None  
Recusals: None

**The Commission continued Petition No. 2025-ZON-062 (Amended) to the February 4, 2026 meeting.**

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Marleny Iraheta (Staff) requested a continuance for **Petition No. 2025-CZN-844 (Amended)** to January 21, 2026, to allow executed commitments to be filed.

REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
NO APPEAL FILED:

**2025-CZN-844 (Amended) | 127 East 34th Street**

Center Township, Council District #8

Hoosier Outreach, Inc., by Craig McCormick

Rezoning of 0.11-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for a small apartment consisting of four units.

Hearing no comments or questions from the Commission or from the public, Commissioner Herget made a Motion to continue Petition No. 2025-CZN-844 (Amended) to January 21, 2026; Commissioner Moriarty seconded the Motion; the Motion was carried by a roll-call vote (8:0:0) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West  
Noes: None  
Recusals: None

**The Commission continued Petition No. 2025-CZN-844 (Amended) to the January 21, 2026 meeting.**

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## POLICY RESOLUTIONS

### ECONOMIC DEVELOPMENT / INCENTATIVES:

**2025-A-001 (For Public Hearing)** Final Economic Revitalization Area Resolution with request for waiver of non-compliance for Waste Management of Indiana, LLC, located at 2025 Stout Field West Drive, Council District #17, Wayne Township. (Recommend approval of six (6) years personal property tax abatement.)

Kathy Battle (Program Manager, Economic Incentives – DMD) explained that Waste Management had already invested over \$30 million to construct a new state-of-the-art recycling facility and was committing to an additional \$39.5 million in personal property investment for advanced recycling equipment. The company participated in the City's RFP for recycling and hauling services and received a contract to process recyclables. Due to the timing of the contract award and the application process, some equipment had already been installed in the new facility, although it had not yet been commissioned, which created the need for a waiver of non-compliance. As part of this project, ten jobs would be retained, and 39 new jobs would be created with an above-average wage of \$27.11 per hour. Additionally, 5% of the estimated tax savings would go towards the construction of a bus stop along Minnesota Avenue and Holt Road to assist with a bus route for area employees. Resolution 2026-A-001 included both the request for a six-year personal property tax abatement for qualifying equipment and approval of the waiver of non-compliance related to the timing of equipment installation. Staff recommended approval of the resolution authorizing the six-year personal property tax abatement and granting the waiver of non-compliance.

Commissioner Herget commended Ms. Battle, her team, Waste Management, and everyone at the City involved with the project. He noted that this represented a major investment in the City's sustainability goals. President Dillon pointed out that this situation with Waste Management had been presented in pre-meetings twice and discussed at length, noting that Ms. Battle had been working on this for quite some time and had done a good job of keeping the Commission updated.

Hearing no further comments or questions from the Commission or the public, Commissioner West made a Motion to approve the Resolutions; Commissioner Robinson seconded the Motion; the Motion was carried by a roll-call vote (6:0:2) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Robinson, West

Noes: None

Recusals: Commissioners Moriarty and Murphy recused themselves from the vote.

**The Commission approved Resolution No. 2025-A-001.**

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#### **PETITIONS OF NO APPEAL**

#### **Petitions Recommended for Approval by the Hearing Examiner:**

##### **2025-APP-017 | 8075 North Shadeland Avenue**

Lawrence Township, Council District #3

HD-1

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

Hospital District One Approval to provide for two building additions, including a 10,587-square-foot emergency department expansion, and a 19,004-square-foot expansion of the existing lab, surgery, imaging, and pharmacy portion of the hospital.

**2025-MOD-022 | 5110 East 82nd Street**

Washington Township, Council District #3

C-S (FF)

Garrett Acquisitions, LLC, by Joseph D. Calderon

Modification of Commitments and Site Plan related to rezoning petition 2023-CZN-816, to modify commitment #3, to provide for the development to comply with the site plan, file-dated October 31, 2025 (previous commitment required compliance with the site plan, file-dated March 23, 2023).

**2025-ZON-120 | 2901 East 10th Street and 959 North Oxford Street**

Center Township, Council District #13

Evan Marshall, by Lucas Brown

Rezoning of 0.16-acre from the C-3 district to the MU-2 district.

**2025-CZN-845 | 1032 and 1040 South East Street**

Center Township, Council District #18

1032 1040 LLC, by David and Justin Kingen

C-5

Rezoning of 0.34 acres from the C-5 district to the D-8 classification to provide for residential development.

Hearing no other questions or comments, Commissioner Murphy made a Motion to approve the above-listed **Petitions of No Appeal [Petition Nos. 2025-APP-017 (8:0:0), 2025-MOD-022 (8:0:0), 2025-ZON-120 (8:0:0) and 2025-CZN-845 (8:0:0)]** that the Hearing Examiner recommended for approval; Commissioner West seconded the Motion; the Motion was carried by a roll-call vote as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West

Noes: None

Recusals: None

**The Commission approved Petition Nos. 2025-APP-017, 2025-MOD-022, 2025-ZON-120 and 2025-CZN-845.**

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**PETITIONS FOR PUBLIC HEARING**

**ORDINANCE AMENDMENT FOR INITIAL HEARING:**

2025-AO-001 | Indianapolis-Marion County

A proposal for a General Ordinance to amend Chapter 740, 741 and 742 pertaining to Flood Control, Stormwater Management and the Wellfield Secondary District of the Consolidated Zoning and Subdivision Control Ordinance for Indianapolis-Marion County.

President Dillon noted that there were no Remonstrators present.

Shannon Norman (Principal Planner II - Ordinance Revision) presented proposed amendments to the Consolidated Zoning and Subdivision Ordinance for the City of Indianapolis and Marion County related to flood control, stormwater management, and the wellfield secondary district. These changes were prompted by regulatory changes at the federal level from the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA), as well as requirements from the Indiana Department of Environmental Management (IDEM) and

the Department of Natural Resources. The Department of Metropolitan Development's goal was to adhere to federal and state recommendations, align with sister agencies on regulations and policies, and provide efficiency and clarity for the public, developers, and citizens. A key development driving these amendments was that the Department of Business and Neighborhood Services (BNS) adopted a standalone flood damage control prevention ordinance in 2024, the first time the City had done this. Prior to this, flood control regulations had been part of the zoning ordinance since 1972. The Department of Public Works (DPW) also adopted a new stormwater design and construction specifications manual that addressed stormwater management and impacted the flood control ordinance. Ms. Norman explained that separating zoning requirements from permitting requirements made the process more streamlined and simplified, allowing people to clearly understand which department they need to go to for permits versus zoning approvals. The proposed changes also removed ambiguity by clarifying that while the zoning ordinance set minimum standards, specific technical requirements were addressed in other sections of the revised code. The amendments had been open for public comment for approximately seven weeks, and no comments had been received for or against the proposed changes.

President Dillon recognized Ms. Norman's hard work on the amendments. Hearing no comments or questions from the Commission or from the public, he made a Motion to approve **Ordinance Amendment 2025-AO-001**; Commissioner West seconded the Motion; the Motion was carried by a roll-call vote (8:0:0) as follows:

Ayes: Dillon, Garver, Herget, Lyle, Moriarty, Murphy, Robinson, West  
Noes: None  
Recusals: None

**The Commission approved Ordinance Amendment 2025-AO-001.**

Ms. Norman commented that the Amendment would be introduced to City-County Council on February 2, 2026, which was the next step in the Ordinance Amendment's passage.

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**REZONING PETITION RECOMMENDED FOR DENIAL BY HEARING EXAMINER, APPEAL FILED BY PETITIONER:**

**2025-ZON-126 | 3441 West Washington Street**

Wayne Township, Council District #17

Jesus Ivan Ibarra Tamayo

Rezoning of 0.76-acre from the I-3 (FF) (TOD) district to the C-5 (FF) (TOD) district to provide for general commercial uses.

President Dillon explained the Rules governing the hearing and noted no Remonstrators were present.

Edgar Gonzalez (6705 Kevin Drive, Indianapolis, IN), the Petitioner representative, explained that the property was currently classified as industrial, but everything adjacent to it was commercial. He noted that across the railroad tracks, behind the property, the property was zoned industrial. The location had housed a car dealership 10-15 years ago, which was why he and his cousin had assumed the property was zoned for that use during the time he and his cousin had rented it. He was requesting C-5 zoning to open a car sales shop. Mr. Gonzalez said that the businesses next door and across the street were car dealerships. While there were a few houses down the street, no houses existed on that side of the railroad tracks, and

those properties were zoned industrial. Mr. Gonzalez said the Councilor had said people were wanting to "gentrify the area" and make it more friendly to the public with easements. He commented that he could not see how this would happen, given the concentration of repair shops and dealers, questioning how a coffee shop or other business could fit in this corner. He noted that on the other side of the bridge, there were restaurants and grocery shops, but "that was a different area." He added that the Councilor wanted to keep the site residential, but there were no residential areas on the strip where the property was located.

Upon being questioned by Commissioner Garver as to what currently existed on the site, Mr. Gonzalez explained that the building had a mechanic's shop on one side with a small office on the other. He wanted to turn the site into what it had been 10-15 years ago - a small family-owned used car lot.

President Dillon asked Marleny Iraheta (Staff) who the Councilor was that had been referenced by Mr. Gonzalez. Ms. Iraheta replied that it was Councilor Evans. Ms. Iraheta said Staff recommended denial of the I-3 to C-5 rezoning request for a car dealership. The site was partially within the Eagle Creek floodway fringe, raising contamination concerns. The site also fell within the Transit-Oriented Development (TOD) Secondary District, which was meant to coordinate compact, walkable, urban development with public transit investment. The Ordinance noted that auto sales and vehicle-related uses, when concentrated, had a detrimental effect on TOD objectives. The TOD overlay limited auto sales to half an acre; because of this limitation, this site would require a variance of use even if rezoned to C-5 due to its size, and she noted that she had relayed this need to the applicant. Ms. Iraheta also noted that C-5 zoning at this location, within the proposed Blue Line BRT corridor, would be counterintuitive to TOD purposes, as TOD promotes walkable development with varied services. Councilor Evans had submitted a letter of opposition. Staff requested that a commitment for right-of-way dedication be required by the Commission if the Commission approved the Petition against Staff's recommendation of denial.

Commissioner West asked whether the subject property was in the floodway or floodplain. Ms. Iraheta (Staff) responded that it was within the floodway fringe, with the 100-year floodplain on the west side of the property. Commissioner West then asked if the adjacent auto dealerships were also in the same floodplain. Ms. Iraheta explained that the blue overlay shown on the projection screens was the floodway fringe, noting there was a variance of use to the east for a dealership and to the north there was a C-5 property that appeared to operate some sort of auto dealership but had no vehicles on site during her inspection. Commissioner West commented that storage would likely be on the property, which was partially in the floodplain, but perhaps not in the floodplain itself, and Ms. Iraheta confirmed this was correct.

Commissioner Murphy asked Staff to repeat information about the variance that would be required if the rezoning were approved. Ms. Iraheta (Staff) explained that the TOD overlay limited any automobile uses to half an acre, and since the site in question was 0.76 acre and in a TOD overlay, that in order for Mr. Gonzalez to be able to apply for an auto dealership and to operate on this property, a variance of use would need to be approved to allow the C-5 use to exceed the half-acre limit. Commissioner Murphy confirmed this limitation existed because the property was in a TOD.

Commissioner Lyle asked whether the auto dealership to the north fell within the same floodplain and wondered whether there would be a way to allow additional providers of the same service in the same area, given that there were other entities with auto sales in the vicinity. Ms. Iraheta (Staff) responded that the dealership to the north at 3444 Washington

Street did not fall within the floodplain, though the property north of that one appeared to be within the floodplain.

Commissioner West noted that the Petitioner appeared to be using only half an acre and asked whether Staff had counseled the Petitioner about the variance procedure. Ms. Iraheta (Staff) responded that the current business was auto repair. She said she did inform the Petitioner that a variance of use would be required, but the Petitioner had not responded to that comment. As of now, the Petitioner was only requesting rezoning of the property to the C-5 district.

Commissioner Garver asked if the property was currently zoned I-3, which staff confirmed. Commissioner Garver commented that I-3 zoning seemed like a worse thing to have in a flood zone or floodplain than C-5 zoning and asked what kind of business could operate under the current I-3 zoning. Ms. Iraheta explained that a variety of uses were permitted within the I-3 district, including the current auto repair business, which continues to operate on site. Staff noted that while I-3 was not ideal within the flood fringe and the site was not being operated as an industrial district today.

Commissioner Murphy commented that the flood fringe had nothing to do with zoning or what was before the Commission and asked for a correction if he was wrong. Staff confirmed this was correct, explaining that the flood fringe was part of Staff's concern because of what contaminants could get into the waterway, and the main concern was the TOD overlay that would reduce automobile use in this location. Commissioner Murphy confirmed that the flood fringe itself was not a zoning matter. Ms. Iraheta explained that what the flood fringe would impact was future improvements. If the owner wanted to build a structure within the flood fringe, that could be an issue, but clearly, this was not going to happen due to the site layout. Commissioner Murphy asked if the existing improvements were in the flood fringe, and Staff confirmed the existing improvements did not appear to be within the flood fringe.

On rebuttal, Mr. Gonzalez, the Petitioner's representative, explained that where the blue overlay started, there was a big sign used for advertising, so cars could not be parked there. On the back of the property, where there was an overlay, there were trees, so cars could not be parked there as well. He questioned why the blue overlay would have any effect on the actual usable area of the property.

Shannon Norman (Principal Planner - Ordinance Revision) addressed the Commission to note that potential contaminants were only one part of the floodplain discussion. The disturbance of land within the floodplain (anything that could dislodge the stream bank) had to be considered as part of the development review process. She noted that C-5 was an intense commercial district, and regardless of whether this particular use might or might not be sustainable, rezoning to C-5 could mean that many other uses could disturb the floodplain. While not arguing this would happen, Ms. Norman noted that a rezoning decision could impact what happened after approval of this Petition and the variance.

Commissioner Murphy commented that the rezoning itself would not really facilitate or prevent that type of disturbance, noting that, irrespective of the zoning, even if the property stayed industrial, if there was a redevelopment plan that contemplated disturbance, that would have to be approved. He noted that this was not really a zoning issue but more a site development issue. Ms. Norman responded that while that could be true, if the site is rezoned as requested, the development plan would be incongruous with the secondary district for flood control as well as the TOD, as had been mentioned. Commissioner Murphy acknowledged understanding.

Commissioner Robinson asked if he had been working at that site for a long time with the mechanic. Mr. Gonzalez explained that he had rented the property, and several cars were purchased for repair. While applying for licensing, the zoning issues were revealed; he estimated it had been less than one year since this process had begun.

Commissioner West said he agreed with Ms. Norman that a change to commercial zoning could be far-reaching. He noted that his building had a billboard over it, and things could be parked under it, and he also noted that trees could be removed. However, he stated he was a fan of small businesses. Commissioner West asked if the Petitioner would be willing to apply for the variance or commit to half an acre or whatever it took to work with Staff and find a way to be respectful to the floodplain. Mr. Gonzalez responded that so long as there was a small area to park and sell cars, he didn't mind how big the area was because none of that back area was being used.

Edward Honea (Administrator, Current Planning) addressed the Commission, stating he wanted to try to reenter the conversation. He acknowledged that the proposed use was automobile repair and car sales, but noted these were heavily restricted by the presence of the TOD overlay. Staff's main concern about future redevelopment was based primarily on the TOD overlay. Staff believed it was a slippery slope to suggest filing a variance of use because Staff would have the same concerns. Mr. Honea explained that TOD was intended to promote more pedestrian-oriented businesses, and specifically, the Blue Line's strategic plan identified the areas between Central State and Irvington Plaza as those most clearly identified to benefit from future redevelopment efforts. While this property was outside that area, being slightly west of Central State, it was not very far west, so Staff saw it as a critical part of implementing that segment and realizing the investment that had been put into the overlay with IndyGo. For this reason, Mr. Honea strongly requested that the petition be denied and relayed that any future potential filing would likely be met with a Staff recommendation of denial for uses that are prohibited or otherwise restricted by the TOD overlay, which this would be, since the site was greater than half an acre.

Commissioner Lyle asked whether it would be appropriate to see some resolution where the current business owner committed to operate that type of business within the half-acre portion of the site, and also asked if the TOD policy would not allow that type of business to operate because it's not future forward and walkable business opportunity. Mr. Honea explained that the regulation was by lot size, so even though the Petitioner was using less than half an acre, the Petitioner would still need a variance. Mr. Honea added that he would be very hesitant to enter those types of negotiations because it was counter to the policy and intent. He noted that, as seen through the Staff Report photos, the site was already cluttered, and he would be concerned that this unorderliness could extend beyond that half acre, eventually getting into the floodway fringe and contaminating waterways.

Commissioner Lyle said he heard Staff's concerns but noted that the property currently serves as a mechanic shop / an auto shop that, in many cases, has larger implications for spillage and waste management opportunities than a car dealership naturally would. He wondered how the fact that there was another car dealership directly north played into the TOD decision, asking if that was a grandfathered situation. Mr. Honea explained that the existing auto sales operations in the area would be legal non-conforming by virtue of having begun operation before the TOD adoption in 2021. For this site and its potential remedies, it would require a variance. However, since it's already zoned I-3 and already operating a permitted use, giving the Petitioner the

latitude to operate and deviate even further through the grant of another variance was going in the opposite direction of what the TOD overlay had intended to provide.

Commissioner West asked if the Petitioner were to replat and divide the property to result in half an acre, whether the property would comply. Mr. Honea responded that could achieve getting the site under half an acre, but there would be concerns. The property was an I-3 lot with a request for C-5 zoning, which were two of the more intense districts in the zoning ordinance. I-3 was where heavy industrial zoning begins to manifest, and C-5 includes Super Targets and Lowe's with outdoor lumber - those are the types of sizes expected with C-5. To circumvent the TOD regulations through replatting by presumably creating an almost non-useable portion of an I-3 lot, which would not be able to meet its setbacks, would not be good planning practice.

President Dillon summarized, stating that the Hearing Examiner had recommended denial of the request, and that Councilor Evans was against the Petition as well as Staff. The main issue was the TOD overlay that had changed the situation. He noted a variance of use had been discussed and noted that if the Petitioner lost, the Petitioner would not be able to file again for 12 months unless a waiver of the Rules of Procedure prohibiting it was requested by the Petitioner. President Dillon asked MDC Counsel and Staff if anything was missed, and both confirmed the summary was complete.

President Dillon directed the Commissioners to their ballots, and the ballots were marked as follows:

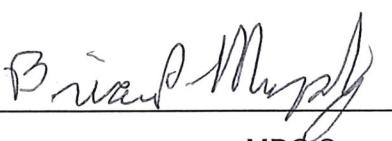
Ayes: Garver, Moriarty, Murphy, Robinson  
Noes: Dillon, Herget, Lyle, West

**President Dillon noted that due to the tie vote, the hearing was voided. He continued Petition No. 2025-ZON-126 to January 21, 2026, for a *de novo* hearing.**

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#### ADDITIONAL BUSINESS

Seeing no additional business, President Dillon adjourned the meeting at 1:54 P.M.



President

Metropolitan Development Commission

Attest: Brian Murphy  
MDC Secretary

Date: JANUARY 21, 2026