

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
HEARING EXAMINER

February 12, 2026

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for February 12, 2026, 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; Michael Weigel, Senior Planner; Robert Uhlenhake, 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. She stated the procedures for filing a request to appeal her 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 **March 4, 2026**, unless noted otherwise.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2025-MOD-025 | 7555 Old Trails Road (NEW)

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)).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

Robert Uhlenhake (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance to March 12, 2026, filed by a Registered Neighborhood Organization.

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. rom the SU-1 (FF) district to the D-6 (FF) classification to provide for a multi-family residential development.

Kathleen Blackham (Staff) requested a continuance to March 12, 2026, explaining that the study engineer for a requested traffic impact study had not been engaged yet. Ms. Blackham noted that Staff would not support additional continuances beyond March 12 and will further discuss the possible withdrawal of the Petition with the Petitioner.

Hearing no other comments, the Hearing Examiner granted a continuance for cause for the Petition to March 12, 2026 and noted this was the last continuance request that Staff would support.

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.

Kathleen Blackham (Staff) relayed that the Petitioner had sent an email on February 2, 2026, withdrawing the Petitions.

The Hearing Examiner acknowledged the withdrawal of the Petitions.

Petitions 2025-CPL-862 and 2025-CVR-862 | 10401 and 10435 East Washington Street
Warren Township, Council District #20
Washington Market Realty, LLC, c/o 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).

Robert Uhlenhake (Staff) explained the Petitioner was out of town and Staff was making the request for continuance on their behalf. Mr. Uhlenhake said Staff had no objection to a continuance to February 26, 2026.

The Hearing Examiner granted a continuance of cause for the Petitions to February 26, 2026.

EXPEDITED PETITIONS

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).

The Petitioner’s attorney, Joseph Calderon (11 South Meridian Street, Indianapolis, IN), explained that all issues had been resolved, and the project scale had been reduced after receiving concerns from MKNA neighbors to the west of the subject site. The mixed-use project with apartments above commercial use was consistent with the intent of the MU-2 district, and the Petitioner agreed to commitments in the Staff Report. Mr. Calderon confirmed that the applicable site plan was dated January 6, 2026.

Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2025-ZON-075 subject to two commitments, and placed it on the March 4, 2026 MDC agenda. She approved 2025-VAR-005 (Amended) and adopted the Findings of Fact.

2025-ZON-143 | 1860 Sugar Grove Avenue (NEW)
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.

The Petitioner’s representative, Jason Wolfe, Wolfe Design (1617 Cornell Avenue, Indianapolis, IN), sought to rezone the subject parcel from C-1 to D-5 to construct a single-family house on a formerly residential parcel.

Michael Weigel (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of the Petition and placed the Petition on the March 4, 2026 MDC agenda.

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.

The property owner, Stacey Walton, Cross County Consulting (5921 Cadillac Drive, Indianapolis, IN), noted a letter of support from the Fountain Square Neighborhood Association. Ms. Walton confirmed that she accepted the conditions in the Staff Report for the plat, file-dated November 4, 2025.

Kathleen Blackham (Staff) had no additional comments.

The Hearing Examiner recommended Approval of 2025-CZN-859 and placed the Petition on the March 4, 2026 MDC agenda. The Hearing Examiner approved 2025-CVR-859 and adopted the Findings of Fact. She also approved 2025-CPL-859, subject to the 2025-ZON-128 (Amended) twelve conditions in the Staff Report.

2025-CZN-863 / 2025-CVR-863 / 1921 Prospect Street (NEW)

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).

The Petitioner's representative, Mark Crouch (124 Pleasant Run Parkway, Indianapolis, IN) thanked Staff for their understanding regarding the side yard setback variance, explaining that the property owner had incurred significant costs in preparing for housing construction and would have had to redo plans for what amounted to a minor change. He said the Petitioner confirmed agreed to substantial compliance with the site plan, file dated December 29, 2025.

Kathleen Blackham (Staff) had no further comments.

The Hearing Examiner recommended Approval of 2025-CZN-863 to the MDC and placed the Petition on the March 4, 2026 MDC agenda. The Hearing Examiner approved 2025-CVR-863 and adopted the Findings of Fact.

2026-ZON-004 | 3 Beachway Drive (NEW)

Wayne Township, Council District #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.

The owner's attorney, Stephanie Fall, Duval & Fall PC (4911 East 56th Street, Indianapolis, IN), explained that the petition requested rezoning of that had been operating as a commercial use since 1972, with previous variances obtained to remain in compliance. The current request aimed to bring the property into full legal conformance. Surrounding uses were predominantly commercial, with C-3 zoning to the east and C-4 zoning to the south, and no changes or expansions were proposed. Ms. Fall acknowledged the Staff commitment for ongoing site maintenance and proper trash disposal and confirmed timely submission of the commitment by February 25.

Kathleen Blackham (Staff) said Staff had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval, subject to Commitments, and placed the Petition on the March 4, 2026 MDC agenda.

PETITIONS FOR PUBLIC HEARING:

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).

The Petitioner's attorney, Tyler Ochs (Bose McKinney & Evans LLP, Indianapolis, IN), introduced Brad Sugarman, an environmental attorney, Ernest Popescu, CEO, Metrobloks, and Hope Martin, Head of Design and Engineering for Metrobloks). Mr. Ochs explained that the property was surrounded by commercial zoning (C-7 to the north and C-5 nearby) with I-4 zoning to the south. The Comprehensive Plan designated the site for light industrial use, and

he noted that the property also fell within an industrial reserve overlay. Mr. Ochs explained that C-S zoning was being sought because data centers were not enumerated in the Marion County zoning ordinance, and Staff had specifically “urged” the Petitioner toward seeking C-S zoning. Six commitments had been agreed to by the Petitioner, covering equipment noise levels, equipment screening, equipment testing protocols, adherence of development to a letter submitted on October 1, 2025, noise measurement methodology, and the requirement that site plans be submitted for Administrator’s Approval prior to seeking an improvement location permit (ILP). The petitioner raised no objections to any of the six commitments. Mr. Ochs described the nature of Metroblok's business as a small company that developed small-scale data centers. He noted that the company would lease space within the data center to a wide variety of tenants, including hospitals, banks, schools, and other businesses, for uses ranging from email storage and cloud services to analytical platforms. While AI use was possible, it was not the sole intent. Mr. Ochs compared this company to hyperscale data centers, emphasizing two key distinctions: scale and water usage. Hyperscale projects typically span 200 to 400 acres with numerous buildings, while this project involved 14 acres and two buildings. With respect to water, the data center would use a closed, recycled loop-chilled water system that would be filled once at the outset with approximately 40,000 to 60,000 gallons, requiring only about 5,000 gallons of maintenance water per year, and thereafter, significantly less than what a typical office or industrial use on the same property would consume. He noted that no groundwater would be drawn from the site. Mr. Ochs displayed project overview images from multiple vantage points, noting that the smaller scale allowed for more architectural creativity than typical hyperscale warehouse-style structures. Regarding the 70-foot height variance, he explained that the roof was at 50 feet, with a 5-foot parapet and 12 feet of additional screening on top to conceal and attenuate noise from rooftop water chillers (necessitating the variance since C-S zoning only permitted 38 feet, compared to 50 feet under industrial zoning). The site plan included two multi-tenant buildings, a retention pond, landscaping, and a park along North Sherman Drive, with the buildings somewhat aligned with the adjacent Safeway, which explained the request to remove the maximum front yard setback requirement.

Mr. Ochs outlined key benefits. First, the project would revitalize a site that has been vacant for approximately 43 years and used intermittently for truck training and parking, and which had become overgrown with trash. The development would bring aesthetic improvements, advanced landscaping, and a significant capital investment of roughly \$500 million, with a long-term commitment from a small business intending to be a lasting member of the community. Metrobloks had also pledged \$2.5 million upon commencement of operations to be directed toward community needs identified through neighborhood input, including affordable housing and infrastructure investments. The project was also expected to generate approximately \$10 million in increased tax base for Martindale Brightwood and the City of Indianapolis, benefiting public services, infrastructure, and schools, while placing minimal demand on those same services.

Mr. Ochs noted that Metrobloks would fund all costs of constructing a nearby substation and connecting to AES's electrical grid, bringing high-fiber connectivity that could attract additional businesses to the area. On jobs, he acknowledged data centers are not large employers but highlighted partnerships with two local building trades councils to keep construction work local, with long-term operations providing engineering, security, and facility staff. An apprenticeship program with local schools was also being explored.

Mr. Ochs then addressed several community concerns, noting the following: water usage would be contained within the closed-loop system with no groundwater drawn; a noise study and photometric study showed compliance with standards; Tier 4 generators produced 90% fewer

emissions than a school bus. Regarding environmental contamination, the City remediated the site in 2012 and IDEM issued a no-further-action letter, and a September 2025 Phase One assessment found no recognized environmental conditions. Metrobloks engaged an environmental consultant (August Mack) to implement a soil management plan with continuous testing during construction. All utility and infrastructure costs would be borne by Metrobloks with no costs passed to residents, and the facility would be fully gated with 24/7 security and fire suppression systems. Mr. Ochs requested that the Hearing Examiner recommend approval of the rezoning request to C-S and approve the three companion variances.

In rebuttal, Jacklyn McMillan Gunn (2302 Ralston Avenue, Indianapolis, IN), Chair of the Martindale Brightwood Land Use and Code Compliance Committee and a founder of the Protect Martindale Brightwood Coalition, stated that the Petitioner refused to engage in the community's established process for reviewing new development, raised a critical scope concern: while the Petition covered only one parcel, the campus spanned three adjacent parcels that must be considered as well. Two were documented brownfields, and the third (402 Massachusetts Avenue, the planned substation site) had no environmental testing on record. Ms. Gunn described the entire site as having a long industrial history with legacy contamination affecting nearly 90% of the property, leaving it largely vacant for decades despite being surrounded by homes, businesses, and community amenities. She noted that while 2507 North Sherman had undergone some remediation, it was not cleared for residential use, questioning why a project should be approved near a site where children could not safely play. She challenged the environmental review as inadequate, as only a draft Phase One executive summary had been released, noting that Phase One assessments did not include core sampling, and noted that the draft characterized the largest parcel as a "business environmental risk." Ms. Gunn argued the project would harm property values, limit generational wealth building, and would replace community-serving uses with infrastructure that benefited outsiders. She further challenged Metroblok's credibility: founded in mid-2024, the company had not broken ground on any of its seven nationally pursued projects and relied on a speculative financing model that sought rezoning approvals before securing tenants or financing. Ms. Gunn detailed the large amount of evidence of the community's opposition of the Petitions by the community that had been gathered.

Cierra Johnson (2727 North Denny Street, Indianapolis, IN), President, One Voice Martindale Brightwood Neighborhood Association, and a neighbor immediately adjacent to the proposed development, presented detailed zoning and land use objections. Ms. Johnson argued that despite seeking C-S zoning, the proposed use constituted heavy industrial, which was inconsistent with the Comprehensive Plan and out of scale with the neighborhood. While not opposing a C-S zoning in principle, One Voice strongly opposed carrying over all I-2 permitted uses. She objected to the 70-foot height variance as excessive and raised serious safety concerns about storing up to 600,000 gallons of diesel fuel across 36 tanks adjacent to homes, churches, and a library. The Uptime Institute classified any data center over 10,000 square feet as a large-scale heavy industrial facility, she noted, and the variances being sought simply confirmed the project was too large for the site. Ms. Johnson warned that construction traffic would turn residential 25th Street into a heavy truck corridor, noting a previous owner abandoned a truck depot plan due to the same access constraints at 25th and Keystone. On environmental matters, she argued that soil management plan enforcement historically fell on residents, and that full remediation would allow the community to attract businesses offering real employment. She urged denial, citing unresolved concerns about noise, water, power consumption, diesel storage, and negligible local economic benefit.

Delma Williams (2741 Sangster Avenue, Indianapolis, IN), a 20-year resident, a member of Oak Hill Association, a board member of One Voice, and a founder of Protect Martindale Brightwood Coalition, opposed the 70-foot height variance, warning the building would tower over Brightwood Plaza. She identified several critical gaps in the noise study: it failed to model all 36 generators operating simultaneously; omitted consideration of cumulative noise from cooling equipment, rooftop HVAC, and the 138 kV substation; and did not account for sound reflection or low-frequency noise that penetrated buildings, which was not captured by standard measurements. Ms. Williams added that parapet screenings were visual features, with no acoustic performance data provided.

City-County Councilor Ron Gibson (CD #8) spoke in support of the Petitions, noting the property had sat vacant and unproductive for over 40 years. While acknowledging residents' valid concerns, he stated he would not support the project if he believed it imposed unreasonable burdens on the neighborhood. Councilor Gibson noted that the site was already zoned for industrial use and felt the project represented a more limited and predictable outcome as compared to other possible industrial uses, especially, with respect to traffic and noise. He cited at least 300 union construction jobs for a duration of a minimum of three years, apprenticeship opportunities prioritized for district residents, a \$2.5 million community investment pledge that he committed to directing appropriately, and to strengthening the tax base without displacing residents or small businesses. He requested approval of the Petitions, allowing Indianapolis to adapt to evolving needs while respecting neighborhood context.

City-County Councilor Jesse Brown (CD #13) (2022 North Riley Avenue, Indianapolis, IN) said he emphatically opposed the project and requested denial of the variances and rezoning requests. He opposed the Metrobloks' data center petition on three grounds: (1) project merits: Metrobloks lacked a "completed" construction track record, had out-of-state leadership, and resembled a speculative scheme to inflate valuation rather than build lasting infrastructure. The site design would be hard to repurpose, and if all proposed data centers in AES's service area were approved, the resulting power demand could raise utility bills and possibly even push AES to burn more fossil fuels, burdening central Indiana residents; (2) dishonest engagement: Metrobloks and local officials promised to work with the community, then immediately excluded residents from jobs, contracts, and follow-up meetings. Councilor Brown framed this against Martindale Brightwood's long history of institutional betrayal (redlining, highway displacement, school closures, and cycles of neglect) arguing that approving the project over clear community opposition would confirm residents' justified distrust; (3) public service: elected officials and appointees answered to residents, not the reverse. He noted the neighborhood conducted over a dozen meetings and public actions and urged the Hearing Examiner to deny the petition in deference to the community's clear directive.

The Hearing Examiner asked to hear from Staff. Kathleen Blackham (Staff) said Staff recommended approval of the rezoning request on the following grounds: (1) the site was already zoned I-2 (light industrial) and the Comprehensive Plan supported that designation; the C-S rezone simply added data center as a permitted use on top of existing I-2 uses; (2) the site sat within an industrial reserve overlay, which the Comprehensive Plan identified as a preferred location for industrial uses, which was consistent with the proposed project. With respect to the variance requests: (1) for the height variances, the buildings' setback from North Sherman Drive reduced the visual impact, and the Petitioner agreed to provide buffering and mounding to mitigate height impacts on nearby parks; (2) any C-S rezoning required Administrator's Approval for the site plan, elevations, landscaping, and lighting before permits would be issued, adding an extra review layer; (3) the reduced parking variance was appropriate because data centers have demonstrably lower parking needs than typical industrial uses. Ms. Blackham acknowledged a

large volume of correspondence opposing the petition along with a number of letters in support; the Hearing Examiner confirmed she had reviewed the correspondence.

During the Petitioner's rebuttal period, Brad Sugarman (Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN), an environmental attorney, focused specifically on environmental due diligence. He explained that Metrobloks engaged environmental professionals to conduct a Phase One Environmental Site Assessment (which was standard due diligence practice before purchasing commercial or industrial property) for both 2505 North Sherman Drive and the adjacent property at 4002 Massachusetts Avenue. Mr. Sugarman addressed environmental conditions on the two parcels: (1) 2505 North Sherman (primary parcel): A preliminary Phase One assessment found no recognized environmental conditions (i.e., no evidence of a hazardous release into the environment); (2) 4002 Massachusetts Avenue (adjacent parcel, not subject to the Petitions): the Phase One assessment flagged a need for additional investigation. He relayed that Metrobloks intended to conduct this additional investigation but had been waiting on the rezoning outcome first.

During the remainder of the Petitioner's rebuttal period, Mr. Ochs emphasized that there was no manufacturing, processing, industrial emissions, waste, or significant truck traffic associated with the facility. He maintained that the use was appropriately classified as light industrial and was suitable for the property. Mr. Ochs acknowledged the community concerns raised throughout the hearing and reiterated that the Petitioner had taken steps to address them, particularly on water and environmental matters. He highlighted the labor union partnerships and the community investment pledge as meaningful contributions to the neighborhood. Mr. Ochs argued that the project signaled Indianapolis as a city open to technological investment and capable of delivering mutually beneficial development outcomes and requested approval.

During the Remonstrators' rebuttal period, Pastor Fitzhugh Lyons Jr., Galilee Missionary Baptist Church (2624 East 25th Street, Indianapolis, IN), framed his arguments around the following key points, while describing in detail how the neighborhood had deep cultural and historical significance: (1) community harm, distant benefit: data centers generate few permanent local jobs while consuming heavy energy and water and straining public infrastructure, making this inequitable development for nearby residents; (2) hold the CEO to his word: Metrobloks' CEO Ernest Popescu had publicly stated on September 23, 2025 that he would withdraw if the community opposed the project. The community's opposition was clear, and Mr. Popescu should honor that commitment; (3) precedent: Google and American Tower both withdrew similar data center petitions in Franklin and Pike Townships when communities spoke clearly and Metrobloks should do the same; (4) unenforceable promises: the \$10 million in projected tax revenue and \$2.5 million community pledge carried no binding guarantees that Martindale Brightwood residents would actually benefit. Without enforceable agreements, those figures were meaningless, and the pledge was disproportionately small against a \$500 million development; and (5) water system concerns: questioned whether the closed-loop water system would perform reliably under real-world conditions, like small leaks and evaporation. He urged the denial of the Petitions.

The Hearing Examiner urged that all parties keep the lines in communication open prior to the Metropolitan Development Commission's hearing the appeal of her recommendation. As a professional zoning expert, the Hearing Examiner noted importantly that commitments on a C-S rezoning would run with the land, meaning the commitments would bind any future owner or operator of the property. She also noted that the property was currently zoned I-2 and was already approved for a range of industrial uses without any commitments. In her professional opinion, she said the Petitioner had provided sufficient data demonstrating that water usage

would be contained through the closed-loop system and noted that energy usage information had also been provided.

The Hearing Examiner recommended Approval of 2025-ZON-124, subject to Commitments, to the MDC and placed the Petition on the March 4, 2026 agenda. She granted approval for 2025-VAR-012 and adopted the Findings of Fact.

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.

Earlier in the meeting, the Petitioner's attorney, Misha Rabinowitz (One Indiana Square, Suite 1800, Indianapolis, IN), made a special request to allow 2025-ZON-128 (Amended) to be moved ahead of the first public hearing on the agenda due to a previously scheduled trip that he had scheduled for this day. Mr. Rabinowitz said he felt he could present the case efficiently. The Petitioner's attorney, Tyler Ochs (Bose McKinney & Evans, LLP, 111 Monument Circle, Suite 2700), representing Metrobloks in the first scheduled public hearing, said he had spoken to Mr. Rabinowitch about this issue last week and Mr. Ochs relayed that he had no objection to the request to allow the hearing for 2025-ZON-128 (Amended) to be heard ahead of the Metrobloks' petition. Cierra Johnson (2727 North Denny Street, Indianapolis, IN), representing Remonstrators for the Metrobloks' petition, also agreed to allow the switching of the order of the petitions on the agenda. Michael Weigel (Staff) said Staff had no recommendation for the request.

Despite both sides representing the Metrobloks' petition consenting to the request, the Hearing Examiner denied the request to move 2025-ZON-128 (Amended) to the top of the public hearing docket, stating concern for setting a precedent for altering docket order whenever there were petitions that had significant public interest. The agenda order remained unchanged.

The Petitioner's attorney, Misha Rabinovitch, clarified that he represented Petitioner Zeke Turner, an experienced local real estate developer, and emphasized from the outset that the proposed use should not be characterized as self-storage. Rather, the project involved small flex industrial buildings offering spaces ranging from 600 to 2,500 square feet for small business owners, entrepreneurs, and trades contractors - such as HVAC technicians, electricians, and plumbers - who need more space than a garage but cannot afford or justify leasing a 5,000 to 15,000 square foot industrial unit on a long-term, inflexible lease. Mr. Rabinovitch described this type of space as a significant gap in the market. Turning to the site context, he described the property as having remained undeveloped for at least 50 years, previously zoned I-3 before being rezoned to C-4 in 2012 in anticipation of commercial development that never materialized. While referring to a paper exhibit, the surrounding area includes C-4 and I-3 zoned properties to the west, C-5 uses to the north, a U-Haul self-storage and rental center to the east, Eagledale Plaza commercial strip center and a senior apartment building to the south and east, and several used car lots in the vicinity. He presented site photos showing abandoned vehicles on the property, vacant land, storage containers on adjacent parcels, and the character of the

surrounding 30th Street and Lafayette Road intersection. He characterized the area as being in significant need of commercial investment and redevelopment.

Mr. Rabinowitch introduced Joan SerVaas, present on behalf of the Board of Directors of the Eagledale Neighborhood Association, noting that the Petitioner worked closely with the association and with the immediately adjacent neighbor, Tiffany Wessel, who owned a flower shop and residence to the east of the site. Letters of support from both the neighborhood association and Ms. Wessel were submitted with the hearing materials. The proposed site plan called for five buildings subdivided into individual units ranging from 600 to 2,500 square feet, for a total of approximately 48,000 square feet across the campus with 65 individual bays. A key design concession in response to Wessel's concerns was pushing Building One (along 30th Street) back to a setback of approximately 50 feet, creating a green space buffer along the frontage that Zeke Turner and his team committed to developing collaboratively with Ms. Wessel according to her preferences (potentially as a pocket park or landscaped flower area). Transparency and windows were also added to the 30th Street building at the request of Staff and Ms. Wessel, a departure from typical warehouse construction. Mr. Rabinowitch association's endorsement.

Mr. Rabinowitch summarized the commitments agreed to by the Petitioner. These included: no outside storage on the property; provision of the green space buffer along 30th Street; a tree preservation and mitigation plan to identify and protect any heritage trees on the site; landscaping and perimeter buffering; lighting that met ordinance requirements, was downlit, and directed away from adjacent properties; and full site security with a fence and gated access restricted to members only. A Green factor calculation demonstrating compliance with the landscaping ordinance was also submitted to Staff.

Zeke Turner, founder and CEO of the Main Street Group (350 Westfield Road, Noblesville, IN), described the project as an opportunity to transform a long-vacant lot into an economic engine for the Eagledale neighborhood. He explained the concept by drawing a parallel to the coworking space revolution that transformed office space for professional services over the past decade (i.e., flexible, affordable workspace that allowed startups and entrepreneurs to grow without large capital commitments). He argued that this revolution never reached the trades sector, leaving behind contractors who have outgrown their garages, HVAC companies expanding their truck fleets, and landscapers needing secure equipment storage. The project would provide "maker's space" for the trades.

Mr. Turner provided the financial details of the project: a \$6.3 million private investment, an expected appraised value of \$11.6 million at completion, capacity for up to 65 businesses, over 100 jobs, and estimated annual property tax payments of approximately \$160,000. He emphasized that these were inherently local, non-exportable jobs in the skilled trades that could not be replaced by artificial intelligence or outsourced overseas. He framed the project around three economic outcomes for the neighborhood: business retention, expansion of growing businesses, and lowering the barrier for new business creation. If approved, the project would break ground in spring, have buildings open by late summer, and welcome its first tenants in the fall, resulting in up to 65 businesses operating on a site that was currently just an empty lot.

Mr. Rabinowitch briefly addressed the rezoning history, noting that the petition was originally filed as a C-4 to C-7 rezone, but then the Petition was amended to I-1, the least intensive industrial classification, after Staff expressed concern about the breadth of uses the C-7 district would permit. He acknowledged that the maker space use was not specifically enumerated in the zoning ordinance, drawing an inadvertent parallel to the data center situation heard earlier,

and closed by requesting a positive recommendation for the I-1 rezoning, subject to the commitments included in the hearing materials.

Michael Weigel (Staff) said that Staff recommended the denial of the Petition. He stated the Petition was originally filed as a C-4 to C-7 rezone and was later amended to I-1 in order to establish small-scale commercial workspace buildings. The proposed uses described in the plan of operation included light manufacturing, product assembly, e-commerce fulfillment, business storage, and professional services, some of which bore resemblance to self-storage, which was likely why the industrial or C-7 classification had been sought rather than a use permissible under the existing C-4 zoning.

Mr. Weigel provided additional site context: the 5.6-acre parcel was part of a larger property, with areas to the west of Merchant's Drive and south of the road's curve excluded from the filing. A portion of the site fell within a floodway fringe designation near a creek in the southwest corner, though the proposed development areas do not overlap with it. Vehicle access would be primarily from Merchant's Drive rather than 30th Street. Five structures were proposed, with the northern portion being the primary development area and the southern portion contemplated for a potential future phase.

Describing planning history, Mr. Weigel noted that the parcel was rezoned from I-3 to C-4 in 2012 to accommodate a community center use that was never built. The current C-4 designation was consistent with the site's recommendation under the West 30th Street Corridor Plan, which called for community commercial development. He stated that the proposed I-1 light industrial zoning was not consistent with the primary recommendation. Staff was concerned that the industrial use would not help meet the development potential of the nearby Egle Dale and Flackville neighborhoods, and that the site plan did not activate the 30th Street frontage. Mr. Weigel acknowledged that the amended landscape plan with the addition of a small landscape feature between the northernmost building and the 30th Street frontage were positive changes but did not alter Staff's overall recommendation. Mr. Weigel further noted that the existing C-4 zoning already permitted dozens of uses, some of which might encompass aspects of what the Petitioner was proposing and suggested there may be room to incorporate certain elements of the project under the current zoning without needing to rezone to I-1. He noted that there was no industrially zoned land directly along Lafayette Road and that self-storage and contractor workspace were not contemplated uses under the community commercial typology. Staff's recommendation of denial was based on the grounds of inconsistency with the Comprehensive Plan. However, if the Hearing Examiner were to approve the Petition over Staff's recommendation, it should be subject to a DPW commitment for right-of-way dedication as well as the Petitioner's own proposed commitments.

The Hearing Examiner asked Mr. Weigel whether he was aware of any emails or phone calls indicating remonstrance, and he confirmed he had not seen any in the case file and that the previous planner had not mentioned any. The Hearing Examiner noted that when she first saw "self-storage" in the petition description, she assumed it referred to a traditional self-storage facility and asked whether similar maker space developments existed elsewhere. Mr. Weigel noted that he was not aware of any in the immediate vicinity, though he could not rule out similar developments elsewhere in the county.

The Hearing Examiner asked Mr. Rabinowitz to confirm during his rebuttal that the Petitioner would agree to dedicate right-of-way (ROW) along 30th Street as requested by DPW, as noted in the Staff report as a 56-foot half right-of-way. Mr. Rabinowitz confirmed agreement with the

ROW dedication, noting that with the building setback of 50 feet, there was ample room for the dedication.

Petitioner Zeke Turner then addressed several outstanding matters. He confirmed that a similar project has already been built at approximately 84th Street and Zionsville Road, operating with secure, gated access and license plate reader technology. He directly addressed the self-storage characterization by explaining that every tenant was required to carry at least \$1 million in commercial general liability insurance, ensuring that occupants were legitimate operating businesses rather than individuals seeking personal storage. The facility would be fully fenced with cameras and coded individual access for each tenant.

Mr. Rabinowitz then addressed Staff's reliance on the West 30th Street Corridor Plan, pointing out that the specific location fell within Critical Area Six of that plan, which he referenced from Tab Six of his paper exhibit. He noted that while the primary recommendation for the area was community commercial, the plan explicitly stated that light industrial, heavy commercial, multifamily residential, or mixed use may also be appropriate given the site's size and location, which supported the argument that the proposed I-1 zoning was not inconsistent with the plan.

Joan SerVaas (3520 Guion Road, Indianapolis, IN), in association with the Eagledale Neighborhood Association, spoke briefly in support. A lifelong area resident and local business owner, she described the neighborhood's ongoing efforts to address blight left by the decline of Lafayette Square and highlighted several revitalization initiatives underway, including trail development connecting the neighborhood to Georgetown and the Speedway linear trail, and the involvement with Eskenazi Health along West 38th Street. Ms. SerVaas said that neighborhood board members with small businesses were excited about the maker space concept and found the pricing reasonable, and that the neighborhood welcomed the improvement over the existing vacant and misused lot.

The Hearing Examiner stated that she now felt that she had a much clearer understanding of the project. She acknowledged Staff's interest in preserving the area for commercial development but characterized the proposal as a hybrid of commercial and industrial use that genuinely addressed a real need for smaller businesses with significant equipment. She emphasized the importance of the Eagledale Neighborhood Association's support and the Petitioner's cooperative relationship with the adjacent neighbor, Tiffany Wessel.

The Hearing Examiner recommended Approval of 2025-ZON-128 (Amended), subject to the revised site plan dated January 29, 2026, and the commitment to dedicate right-of-way along 30th Street, and placed the Petition on the MDC agenda for March 4, 2026.

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.

While referring to an electronic presentation, the Petitioner's attorney, Mindy Westrick Brown, explained that the Petition involved returning several parcels to industrial zoning, consistent with their long prior use. The property was located south of I-465, with the newly constructed I-69 forming the eastern boundary, having effectively split the Kopetsky family's holdings down the middle in recent years. To the south laid a large parcel of over 230 acres used for gravel, sand, and borrow mining and processing. Residential properties existed to the north and west, with additional industrial uses to the north, and Ms. Westrick Brown promised to address buffering measures to protect the western residential neighbors.

The property previously carried I-3 and SU-23 zoning, the latter using I-4 development standards, but in the early 2000s the Kopetsky family rezoned it to D-5 with the intention of building residential homes around a man-made lake created by prior gravel mining operations. The homes were never built, the lake was being filled in, and the family now wished to return the property to I-3 industrial use. The Petition involved five parcels with common ownership interest, with one parcel for which written consent for the rezoning has been provided. Ms. Westrick Brown noted that road quality assessments from INDOT confirm that Epler Avenue had been recently repaved and was rated to support up to 1,000 trucks per day for 20 to 25 years, making it suitable for industrial zoning. A letter of support from City-County Councilor Annee was referenced and entered into the record, reflecting his familiarity with the Kopetsky family and the Kopetsky's longstanding operations in Perry Township.

The Petitioner's attorney said that the Petitioner agreed to the Commitment in the Staff Report and presented five additional commitments developed through discussions with Staff: no use of Warman Avenue as an entrance; preservation of natural tree buffers and barriers along the property perimeter; replacement of trees and a restriction limiting industrial activity to no closer than 200 feet from Warman Avenue; direction of all industrial traffic to exit eastward with proper signage; and installation and ongoing maintenance of landscaping and screening with closer-spaced plantings. The Petitioner's attorney confirmed no remonstrators were present and expressed openness to additional commitments at the Hearing Examiner's direction. The Hearing Examiner noted that the newer commitments did not appear in the case file and asked that they be formally entered into the record. Senior planner Mark Leach (600 East 96th Street, Indianapolis, IN) clarified that the original commitments were filed with the initial application, while the revised and legally refined versions were only recently provided to Staff and were part of the presentation slides.

Michael Weigel (Staff) said the Staff recommended denial of the request to rezone approximately 40 acres across six parcels from residential D-A and D-5 districts to I-3 industrial. He noted that five of the six parcels were located along Warman Avenue to the northwest and included several existing single-family residences appropriately sized for residential use. The largest parcel (approximately 31 acres at 2650 West Epler) was rezoned to D-5 residential in 2003 by the same ownership group currently seeking the rezone back to industrial. The property fell largely within a floodway fringe designation, which restricted certain uses, including truck parking and truck repair. Mr. Weigel noted that truck parking, which the Petitioner's Plan of Operation identified as a likely use, would require additional petitions beyond the rezoning (specifically a special exception and a variance of use due to the floodway fringe restrictions) and that no site plan had been submitted for Staff review.

Staff's recommendation of denial rests on several grounds: the Comprehensive Plan designated the area as suburban neighborhood; the property fell within an environmentally sensitive area overlay; the current D-5 zoning was consistent with those plan recommendations; and it was unclear why the five smaller residential parcels along Warman were included in the rezone request given that the Petitioner's own commitments stated development would be limited to the easternmost ten acres. Staff suggested that the relocated State Road 37/I-69 corridor served as a logical buffer between heavier industrial uses to the east and the residential and lower-intensity industrial areas to the south and west, and that the intensity of use likely to result from this rezoning would exceed that of the existing gravel and mining operations to the south.

The Hearing Examiner asked about a prior rezoning petition 2020-ZON-019, that had withdrawn before a full Staff Report was written. Mr. Weigel indicated it likely faced an unfavorable Staff position, but Mr. Weigel could not confirm the details. Outside counsel, Tom Blankenship (7050 Madison Avenue, Indianapolis, IN), representing K & S Realty, clarified that the 2020 petition was withdrawn because I-69 construction plans were still in flux at the time, making it inappropriate to proceed without knowing the final right-of-way location. Mr. Blankenship noted that additional context about how construction of I-69 had significantly changed access conditions in the area, including the closure of Thompson Road to the north and the elimination of northbound access from Warman to Thompson. He clarified that the D-5 residential zoning was sought by the Kopetsky family in the early 2000s based on discussions with homebuilders who had expressed interest in using the man-made lake as an amenity for single-family homes. That plan was thoroughly investigated but ultimately found no market interest, leaving the D-5 zoning in place with no development ever occurring. Ms. Westrick Brown suggested that the Comprehensive Plan's suburban neighborhood recommendation for the site was likely a direct reflection of that prior rezoning request rather than an independent planning judgment about the land's best use.

Ms. Westrick Brown rebutted Staff's characterization of I-69 as a logical industrial buffer, noting that 230 acres of SU-23 industrial land laid directly to the south extending to the White River, that I-3 parcels existed to the north on the west side of I-69, and that INDOT owned a triangular parcel immediately east of the subject property between I-69 and the site, all indicating significant industrial activity already present on the western side of the highway. On the environmentally sensitive area overlay, Ms. Westrick Brown acknowledged uncertainty about which specific portions of the property were affected, noting that the man-made lake was being filled in, and committed to compliance with all stormwater requirements. Regarding why the smaller residential parcels along Warman were included in the rezone request, Ms. Westrick Brown explained that they share common ownership and their inclusion provided additional transitional yard buffering between the proposed industrial use and neighboring properties to the north, with no intent to develop those parcels.

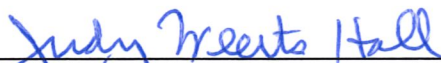
Regarding the truck parking question, Ms. Westrick Brown acknowledged that truck parking was the originally stated intended use but explained that through ongoing discussions with Staff, the Petitioner learned of the additional permitting hurdles that use would require. The decision was made to pursue the I-3 rezoning as a first step and determine specific future uses later, rather than committing to truck parking at this stage.

The Hearing Examiner acknowledged that while the current D-A and D-5 zoning was no longer well-suited to the property given the changed circumstances around the lake and the I-69 construction, she was concerned that I-3 was too intense a classification, particularly without a site plan, given the continued presence of residential properties to the west and in the surrounding area. She noted that the Comprehensive Plan's suburban neighborhood designation was a reflection of the existing D-5 zoning rather than an independent assessment but, nonetheless, concluded that I-3 industrial was not an appropriate buffer classification in this context.

The Hearing Examiner recommended Denial of the Petition to the MDC and placed the Petition on the March 4, 2026 agenda.

ADJOURNMENT

There was no further business before the Hearing Examiner, so the meeting adjourned at 3:36 P.M.



Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission