

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
HEARING EXAMINER**

May 28, 2026

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for May 28, 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; Robert Uhlenhake, Senior Planner; Josh Levesque, Senior Planner; Michael Weigel, Principal Planner I; Jeffrey York, Manager; Bryce Patz, 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 noted that the Department of Metropolitan Development was currently interviewing candidates for the Alternate Hearing Examiner, but that the appointment and training would not be completed by late July. Therefore, the July 23, 2026 Hearing Examiner meeting was canceled. The Hearing Examiner also noted that planning Staff was currently limiting the number of new petitions to 10 per hearing for an indefinite period. She reminded attendees to silence electronic devices and to take any conversations to the hallway. She stated that the public hearings would be conducted in accordance with the Rules of Procedure of the Metropolitan Development Commission (MDC), and that Petitioners and Remonstrators each had a total of 15 minutes for sworn testimony, followed by the Staff recommendation, and then each side had five minutes for rebuttal. Reasonable additional time would be allowed for any member of the City-County Council. The Hearing Examiner stated that any party dissatisfied with a recommendation or decision had an automatic right to appeal, which must be filed with the Department of Metropolitan Development within five business days, with Notice as required under the MDC Rules of Procedure. She noted that recommendations for zoning approval and modification petitions would be forwarded to the MDC for consideration at its meeting on Wednesday, June 17, 2026, and that any Commitments agreed to for such petitions must be submitted to Staff no later than June 10, 2026. The Hearing Examiner also noted that any variance, plat, and vacation decisions made that day would be final unless appealed.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2026-CAP-825 / 2026-CVR-825 | 1931 Lake of the Pines Drive (NEW)

Wayne Township, Council District #16

D-11 (FF) (FW)

Lake of the Pines, LLC, by Kameron Gladish

Modification of Commitments associated with 2022-CZN-802 / 2022-CVR-802 to terminate all commitments and to establish new commitments to construct a proposed 120-foot-tall wireless communication facility.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed 120-foot-tall wireless communication facility (not permitted).

Michael Weigel (Staff) stated that the property owner had initially provided consent to the Petitioner to file on the owner's behalf in December of 2025. That consent was revoked in writing on May 15, 2026, and was not restored prior to the hearing date. Therefore, the Petitions could not go forward for hearing, and Staff requested that they be dismissed.

Hearing no other comments, the Hearing Examiner dismissed Companion Petitions 2026-CAP-825 and 2026-CVR-825.

2026-MOD-003 | 8600 Combs Road

Franklin Township, Council District #25

I-3

Punjab Property Inc., by Patrick Rooney

Modification of Commitments related to petition 2005-ZON-160 to include Commitment Number 1, to allow for truck or heavy vehicle sales, rental, or repair; Commitment Number 2, to allow for truck or heavy vehicle sales, rental, or repair; Commitment Number 5, to provide for one building subject to the plans and elevations dated February 10, 2026; Commitment Number 6, to protect and preserve existing trees outside of the construction limits and install landscaping subject to the landscaping plan dated February 10, 2026; Commitment Number 11, to provide for parking/storage of trucks and trailers subject to the site plan dated February 10, 2026; Commitment Number 19, to provide for one building subject to the site plan dated February 10, 2026; Commitment Number 26, to provide for a perimeter fence and landscaping subject to the site plan dated February 10, 2026; and Commitment Number 17 to be terminated and deleted.

The Petitioner's attorney, Patrick Rooney (1638 Shelby Street, Indianapolis, IN), said the Petitioner agreed with the continuance to July 9, 2026. He noted that the Franklin Township Development Association and the property owner had also agreed to the July 9 continuance date.

Kathleen Blackham (Staff) requested a continuance to July 9, 2026. She explained that Staff had early questions about a wetland on the property, and that recent correspondence copied to Staff indicated the Petitioner intended to engage an engineering firm to examine the wetland. Staff worked with interested parties in establishing the July 9 date.

Hearing no other comments, the Hearing Examiner continued 2026-MOD-003 to the July 9, 2026 meeting.

2026-ZON-018 / 2026-VAR-004 | 5510 Millersville Road

Washington Township, Council District #3

R. Michael Thomas, by Ted Nolting

Rezoning of 2.75 acres from the D-3 and C-4 districts to the C-3 district to provide for a veterinary hospital.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an outdoor animal run/exercise area located 88 feet from a protected district (100-foot separation required).

Robert Uhlenhake (Staff) stated that the City-County Councilor had contacted Staff the prior week to request a continuance, noting this was the Councilor's second request for continued discussion with the neighborhood and the Petitioner. The Petitioner was in agreement. Staff had no objection to the continuance.

Hearing no other comments, the Hearing Examiner continued Companion Petitions 2026-ZON-018 and 2026-VAR-004 to the June 25, 2026 meeting.

2026-CZN-820 / 2026-CVR-820 | 4710, 4716, 4724, 4738, 4742, and 4910 Bluff Road (NEW)
Perry Township, Council District #22
Alt Construction, LLC, by Brian J. Tuohy

Rezoning of 27.26 acres from the D-A (FF) district to the I-2 (FF) district to provide for light industrial uses, including warehousing, wholesaling, and distribution.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a loading area between the front lot line along Bluff Road and the front line of the building (not permitted), and to provide for 39 parking spaces (minimum of 260 spaces required).

The Petitioner's attorney, Brian J. Tuohy (9294 North Meridian Street, Indianapolis, IN), confirmed that the Automatic Continuance had been filed and that Notice had been provided to all required parties. He requested that the Automatic Continuance be approved.

Kathleen Blackham (Staff) stated the matter required only the Hearing Examiner's acknowledgment.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of Companion Petitions 2026-CZN-820 and 2026-CVR-820 to the June 25, 2026 meeting, filed by the Petitioner.

2026-CZN-819 / 2026-CVC-819 | 5849 Crittenden Avenue (NEW)
Washington Township, Council District #7
Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee, Bishop Chatard High School, Inc., by Brian J. Tuohy

Rezoning of 0.48-acre from the D-5 district to the SU-2 district to provide for school uses.

Vacation of a portion of East Northgate Street, being 50 feet wide, from the east right-of-way line of Crittenden Avenue (also being the northwest corner of Lot 100 of Northdale, an addition to the City of Indianapolis), 279 feet to a point (also being the northeast corner of Lot 30 in said subdivision).

The Petitioner's attorney, Brian J. Tuohy (9294 North Meridian Street, Indianapolis, IN), requested that Companion Petitions 2026-CZN-819 and 2026-CVC-819 be moved to the expedited portion of the docket. He explained that a neighbor across the street on Crittenden Avenue had sent a letter requesting an Automatic Continuance, but the letter was not filed timely. The Petitioner subsequently met with the neighbor on Tuesday, reviewed the proposed plans, and the neighbor sent an email that morning withdrawing the remonstrance. There were no other Remonstrators, and the Petitioner had received a letter of support from a neighborhood organization. The immediate neighbor to the south had no objection.

Kathleen Blackham (Staff) confirmed Mr. Tuohy's account and noted that a phone call had been received from the same interested party early that morning, but that person was not in attendance. Staff had no objection to placing the Petitions on the expedited portion of the docket.

The Hearing Examiner placed Companion Petitions 2026-CZN-819 and 2026-CVC-819 on the expedited portion of the docket.

2026-MOD-001 | 7536 South Emerson Avenue

Perry Township, Council District #24

D-P

HSL Emerson, LLC, by Joseph D. Calderon

Modification of the site plan and Development Statement related to 2023-ZON-050 to remove age restriction of head of household (head of household being at least 55 years of age); allow multi-family units within five buildings (multi-family units limited to a single building); remove all references to Lot A; provide for a clubhouse and pool as a permitted accessory use; reduce accessory use setback along southern property line to 10 feet (accessory use setback along southern property line required 20 feet); provide for no less than 200 parking spaces (no less than 130 parking spaces allowed); provide for required bicycle parking spaces; and amend site plan in accordance with the amended Development Statement.

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), requested a continuance to August 13, 2026. He explained that following the prior continuance, the Petitioner had begun engaging a civil engineer for drainage plans and a traffic engineering firm to update the traffic study. However, the subject parcel was now under discussion for purchase by the developer of an adjoining parcel to the west, which had been rezoned to D-611 the prior year, and a continuance to August 13 was needed to allow time to complete due diligence on the potential transaction. Mr. Calderon stated that Councilor Dilk, the McFarland Farms HOA, and Mr. Singh, the adjoining developer, were all in agreement with the August 13 date.

Kathleen Blackham (Staff) confirmed Mr. Calderon's account and had no objection to the continuance to the August 13, 2026 meeting.

Hearing no other comments, the Hearing Examiner continued 2026-MOD-001 to the August 13, 2026 meeting.

2026-CZN-816 / 2026-CVR-816 | 4511 Allisonville Road

Washington Township, Council District #8

Broad Ripple Construction, LLC, by Joseph D. Calderon

Rezoning of 0.21-acre from MU-1 (FF) to C-S (FF) to provide for a contractor's office, offices, light manufacturing, artisan manufacturing, research and development, consumer services and repair of consumer goods, vocational, technical, or industrial school, medical or dental offices, hair and body salon, financial and insurance offices, and a day care.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a reduction of the transparency requirement of the front façade between three feet and eight feet of the wall surface, within 50 feet of a primary entrance (minimum 40% transparency required), and to provide for a six-foot-tall fence within the front yard (maximum height of 3.5 feet permitted).

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), requested a continuance to June 25, 2026. He explained that a significant right-of-way grant was in play for the site, and that due to the holiday, the surveyor was unable to complete the survey work until the following week to confirm the impact of the grant and establish the property lines. The continuance was needed to allow time for the survey, and to allow the Petitioner to react to the results and coordinate with Staff.

Kathleen Blackham (Staff) had no objection to the continuance to June 25, 2026.

Hearing no other comments, the Hearing Examiner continued Companion Petitions 2026-CZN-816 and 2026-CVR-816 to the June 25, 2026 meeting.

2026-ZON-016 / 2026-VAR-005 | 3030 Southeastern Avenue

Center Township, Council District #18

JO & CE Real Estate LLC, by Dylan Seesman

Rezoning of 0.34-acre from D-5 (FF) to MU-2 (FF), for an existing building to be renovated for commercial retail uses and up to six dwelling units on the second floor.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 18 parking spaces, including one accessible parking space and one compact parking space (minimum 19 spaces required), with vehicle maneuvering of three parking spaces within the right-of-way of Southeastern Avenue (not permitted).

Representing the Petitioner, Michael Johnson (275 Veterans Way, Carmel, IN) requested a continuance to June 25, 2026.

Robert Uhlenhake (Staff) stated that the Petitions needed to be continued in order to add an additional variance. Staff was not aware of any opposition or other interested parties and supported the continuance to the June 25, 2026 meeting, with Notice.

Hearing no other comments, the Hearing Examiner continued Companion Petitions 2026-ZON-016 and 2026-VAR-005 to the June 25, 2026 meeting, with Notice.

EXPEDITED PETITIONS

2026-APP-008 | 7979 Shadeland Avenue (NEW)

Lawrence Township, Council District #3

HD-2

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

Hospital District Two Approval to provide for a sign package to include one additional building wall sign.

The Petitioner's attorney, Timothy H. Button (500 North Meridian Street, Suite 550, Indianapolis, IN), representing Community Health Network and Community Health Network Foundation, described the request as the installation of a single additional building wall sign at the Cancer Center on the Community Hospital North Campus.

Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-APP-008 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

2026-APP-009 | 8401 Harcourt Road (NEW)

Washington Township, Council District #2

HD-1

St. Vincent Hospital and Health Care Center Inc., by Joseph D. Calderon

Hospital District-One Approval to provide for the replacement of existing common areas with a new therapeutic garden and outdoor amenities.

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), representing Ascension St. Vincent, described proposed improvements to the Stress Center's existing courtyard area, including landscaping and passive and active recreational areas for

patients. No new building construction was proposed. He noted that the Northside Community Council had submitted a letter of no objection.

Michael Weigel (Staff) had no additional comments and recommended approval.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-APP-009 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

2026-ZON-002 / 2026-VAR-006 (Amended) | 456 South Emerson Avenue

Center Township, Council District #14

Singh Auto Repair LLC, by Steven Brown

Rezoning of 0.42-acre from the D-5 district to the C-3 district to provide for commercial uses.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for Automobile, Motorcycle, and Light Vehicle Service or Repair.

The Petitioner's attorney, Steven Brown (5645 East Raymond Street, Indianapolis, IN), stated that the request sought to rezone the property to C-3 and grant a variance for the continued use of the existing auto repair shop. He submitted photographs of the existing property and renderings of the proposed building as an exhibit.

Robert Uhlenhake (Staff) had no additional comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-002 to the MDC and placed the Petition on the June 17, 2026 MDC agenda. The Hearing Examiner approved 2026-VAR-006 (Amended) and adopted the Findings of Fact.

2026-ZON-025 | 1719 Roosevelt Avenue

Center Township, Council District #8

Diego Abraham Gomez Lara, by Jorge Oscar Gonzales Vasquez

Rezoning of 0.12-acre from the C-3 district to the D-8 district to provide for residential development.

Jorge Gonzales (4415 East Michigan Street, Indianapolis, IN) stated that the goal was to rezone the property to D-8 to allow for the construction of a duplex. The Hearing Examiner noted that the Staff report indicated that approval would not include the site plan or building elevations, and that any development would need to meet the development standards of the D-8 district.

Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-025 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

2026-ZON-033 | 4200 South Harding Street (NEW)

Perry Township, Council District #22

Hanson Aggregates, Midwest Inc., by Misha Rabinowitch

Rezoning of 20.18 acres from the I-4 (FF) district to the I-4 (FF) (GSB) district to provide for mining operations.

The Petitioner's attorney, Misha Rabinowitch (One Indiana Square, Suite 1800, 211 North Pennsylvania Street, Indianapolis, IN), described the request as a correction to the zoning records for a large mining operation in the I-69 and I-465 area. All parcels within the operation were zoned I-4, and most had the gravel, sand, and borrow GSB overlay designation. Two to three parcels had been identified that were missing the GSB overlay designation, and the rezoning sought to add it for consistency.

Michael Weigel (Staff) had no additional comments and recommended approval.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-033 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

2026-ZON-037 | 23 Woodland Drive (NEW)

Center Township, Council District #18

Keyon Johnson, by RG Development (Josh Smith)

Rezoning of 0.081 acres from the C-7 (TOD) district to the D-5 (TOD) district to allow for the construction of a single-family home.

The Petitioner's representative, Josh Smith, RG Development (1073 Oliver Avenue, Indianapolis, IN), stated that both sides of the subject block had been residential for over 100 years. The home previously on the subject property was demolished in 2015, and the property owner was ready to build a new home. He requested the rezoning from C-7 to D-5.

Josh Levesque (Staff) noted that a site plan issue identified in the Staff report had been resolved through work with the Petitioner and that no further action was needed on that matter.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-037 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

2026-CAP-811 / 2026-CVR-811 | 1258 Windsor Street (NEW)

Center Township, Council District #13

Indianapolis Film Project, by Justin Kingen

Modification of Commitments associated with 2018-MOD-008, relative to the subject site, to terminate all commitments, and to replace them with updated commitments for the existing use on the site and new commitments to provide for a proposed pocket park, with pedestrian features. The proposed commitments include restrictions for signage, façade and material guidance, and use of site as a theatre, family friendly restaurant, and a gathering or event space.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an outdoor seating area without the required fence, wall, or similar barrier between the outdoor seating area and the right-of-way (a fence, wall, or similar barrier required), and encroachment of outdoor seating and park amenities within the clear-sight triangle (not permitted).

Justin Kingen (2722 Manker Street, Indianapolis, IN), representing Indianapolis Film Project, owner of the Can-Can Cinema, described the proposed pocket park on the north side of the theater. He stated that the park was designed to better connect pedestrians between Spades Park Library, the Trail, and the Windsor Park neighborhood. Mr. Kingen noted letters of support from Councilor Jesse Brown, the Windsor Park Neighborhood Association, and the Allen White Hill Charitable Foundation.

Kathleen Blackham (Staff) recommended approval of the variances. She noted that the Commitments had been negotiated with the neighborhood and that Staff did not offer a recommendation on those. Approval of the variances was subject to substantial compliance with the site plan filed dated May 18, 2026, and to the issuance of an encroachment license from the Department of Business and Neighborhood Services, which would need to be obtained before the variances would take effect.

Mr. Kingen confirmed that was the Petitioner's understanding.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CAP-811 to the MDC and placed the Petition on the June 17, 2026 MDC agenda. The Hearing Examiner approved 2026-CVR-811 subject to substantial compliance with the site plan dated May 18, 2026, and subject to the obtaining of an encroachment license from the Department of Business and Neighborhood Services and adopted the Findings of Fact

2026-CZN-817 / 2026-CPL-817 | 2504–2542 (even) and 2511–2543 (odd) Walker Place (NEW)

Center Township, Council District #19

Sueson AV 3, LLC, IHR Builders, LLC, and Walker Place Equity Fund, LLC, by Joseph D. Calderon

Rezoning of 4.597 acres from the D-P district to the D-5II district to provide for single-family attached dwellings.

Approval of a Subdivision Plat to be known as Replat of Lots 1–13 Walker Place Subdivision, dividing 4.597 acres into 26 lots, with a waiver of the open space requirements in Chapter 741, Article III, Section 10 B of the Consolidated Zoning and Subdivision Ordinance.

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), described the project as a rezoning of a subdivision approved in early 2022 as a development plan with A and B lots intended for duplexes, of which only two duplex units had been built. The proposed rezoning to D-5II was intended to provide greater flexibility under the new ordinance's walkable neighborhood regulations, which permit duplexes, small single-family homes, and multi-unit houses. The companion replat sought to remove the A and B lot designations with no increase in the total number of lots. A waiver of the open space requirement was included because the subdivision predated the 2016 adoption of that standard. Mr. Calderon stated that the Petitioners had reviewed and accepted the plat conditions.

Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CZN-817 to the MDC and placed the Petition on the June 17, 2026 MDC agenda. The Hearing Examiner approved 2026-CPL-817, filed dated March 23, 2026, finding that the plat complied with the standards of the subdivision regulations and subject to the conditions listed in the Staff Report.

2026-CAP-818 / 2026-CVR-818 | 1440 East County Line Road (NEW)

Perry Township, Council District #23

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

Hospital District Two Approval to provide for a sign program for a medical facility.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a canopy sign that would exceed the maximum width of the canopy (signs limited to 45% of the width of the canopy) and for a pylon sign that would exceed 15 feet in height (maximum height of 15 feet permitted).

The Petitioner's attorney, Timothy H. Button (500 North Meridian Street, Suite 550, Indianapolis, IN), representing Community Health Network, described a sign program prepared following the Metropolitan Development Commission's prior approval of additions to the MD Anderson Cancer Center on the Community Hospital South Campus. The program included ten new signs, two of which required variances. The first variance was for a main entrance pylon sign exceeding the permitted height; because the additions to the cancer center required relocation of the main entrance, a larger pylon sign was needed to assist wayfinding for patients and caregivers. The second variance was for a canopy sign at the oncology radiology entrance that exceeded the permitted width. Mr. Button noted that Councilor Cahill had submitted a letter of support.

Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CAP-818 to the MDC, subject to substantial compliance with all related documents filed dated March 23, 2026, and placed the Petition on the June 17, 2026 MDC agenda. The Hearing

Examiner approved 2026-CVR-818, subject to the same plans and adopted the Findings of Fact.

2026-CZN-819 / 2026-CVC-819 | 5849 Crittenden Avenue (NEW)

Washington Township, Council District #7

Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee, Bishop Chatard High School, Inc., by Brian J. Tuohy

Rezoning of 0.48-acre from the D-5 district to the SU-2 district to provide for school uses.

Vacation of a portion of East Northgate Street, being 50 feet wide, from the east right-of-way line of Crittenden Avenue (also being the northwest corner of Lot 100 of Northdale, an addition to the City of Indianapolis), 279 feet to a point (also being the northeast corner of Lot 30 in said subdivision).

The Petitioner's attorney, Brian J. Tuohy (9294 North Meridian Street, Indianapolis, IN), with Bill Sahm, President of Bishop Chatard High School, described the request as a rezoning of approximately one-half acre on the southeast corner of Crittenden and Northgate Avenues, and a companion vacation of the portion of East Northgate Street between Crittenden and Evanston Avenues. Mr. Tuohy noted that in 2025, Bishop Chatard had completed a similar rezoning and street vacation on Evanston Avenue, and that the acquisition of the subject property placed the school on both sides of that short stretch of Northgate Avenue. The vacation would allow Bishop Chatard to control traffic in and out of the campus. He stated that a traffic study by Steve Fehribach [A&F Engineering] found that the vacation would not adversely affect traffic in the area. Mr. Tuohy had also discussed the Petition with Councilor Barth.

Kathleen Blackham (Staff) had no further comments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CZN-819 to the MDC and placed the Petition on the June 17, 2026 MDC agenda. The Hearing Examiner approved the vacation petition, finding that the proposed vacation set forth in 2026-CVC-819 was in the public interest, and that a hearing upon the Assessment of Benefits would be held on June 11, 2026. The Hearing Examiner confirmed and ratified the adoption of Declaratory Resolution 2026-CVC-819, subject to the rights of public utilities under Indiana Code 36-7-3-16.

PETITIONS FOR PUBLIC HEARING

2026-ZON-023 | 5436 Brookville Road

Warren Township, Council District #14

Brew Brothers Inc., by Baldeep Baidwan

Rezoning of 1.6 acres from the C-3 district to the I-2 district to provide for light industrial uses, including warehousing and distribution.

The Petitioner's representative, Eddie Hager (2839 South Pasadena Street, Indianapolis, IN) testified that the Petitioner wanted to redevelop the site for a warehouse for distribution of nuts, bolts, and screws for the trucking industry. He described the subject site as a former gas station which had undergone environmental reviews, environmental cleanup, and all cleared for development of the site." The parts would be stored on site and available for sale to "people that wish to buy custom made items that'll be made either by hand or by machinery upon request." Mr. Hager described the site as currently "vacant and is just an old, abandoned gas station." He relayed that the site would be "cleaned up with fencing from the neighborhood." Additional trees would be added for buffering. The existing site could not be developed for residential, or park use because of the previous use. Mr. Hager said the site would be developed like what was in the neighborhood and throughout Brookville Road quarter. The site will have limited hours. He noted that the Petitioner and he had worked with Staff, the Councilman, and the "Irvington Neighborhood Association, and the Warren Township Redevelopment Committee." After presenting to both latter organizations, "...at this time they have no objection on the project, and Councilman Andy Nielsen was also in that meeting as well. And he has no objections to the Commitments that have been addressed with the Staff and filed with the Staff."

Upon being questioned by the Hearing Examiner about the existence of letters from either organization, Mr. Hager concluded he had no letters of support from the organizations or Councilor Nielsen, adding "actually, he [Nielsen] said he would be here. He was committed to be here, but he's not here today." The Hearing Examiner inquired if customers would come to the site. Baldeep Baidwan (4636 Creighton Lane, Indianapolis, IN) clarified that orders would be placed online, and parts would be shipped to the customers, noting that customers could come to the site but said that "ninety-nine percent of the orders would be placed online." Upon further questioning, Mr. Baidwan explained that the business was currently operating at 3291 Madison Avenue and this would be an additional location. Mr. Baidwan reported that there would be no manufacturing and no outdoor storage. The Hearing Examiner inquired further about the building and remediation. Mr. Baidwan said there was no building on the site and that there would be a new building. Mr. Hager interjected that the site had already been through Phase One through Three studies and "and at this time there's no concern for additional monitoring at the site by IDEM." The Hearing Examiner acknowledged having seen a support letter from the adjacent property owner. Mr. Hager argued that due to existing infrastructure and easements, any additional traffic should not have a negative impact on the area. He noted a commitment to restrict the use of the site if zoned I-2 to the proposed use only and the need for job opportunities in the area. He explained that the site would have limited hours of operation, and that drainage on the site would be improved.

Robert Uhlenhake (Staff) stated that the request sought to rezone the property from the C-3 district to the I-2 district for light industrial uses, including warehousing, which was not currently permitted in the C-3 district. Although the Comprehensive Plan recommended light industrial uses for the site, Staff believed that recommendation was outdated, having been made when the Navistar Foundry (heavy commercial use) operated across Brookville Road to the south and necessitated a step-down zoning buffer. The Navistar Foundry was demolished in 2018 and had been replaced by a U.S. Postal Service warehouse distribution facility, which would itself be accommodated in I-2 zoning. Staff was concerned that approving I-2 zoning for new construction west of Brookville Road would create industrial encroachment into an area that included a D-5-zoned parcel to the north with a pending residential zoning petition, a legally non-conforming dwelling immediately to the west, a religious use zoned SU-1, and a string of residential properties along Brookville Road. Staff recommended Denial. Mr. Uhlenhake noted that Staff had received correspondence from the Irvington Community Council and the Warren

Township Development Association only regarding hearing dates, not regarding support or opposition to the Petition, and that no correspondence had been received from the Councilor beyond scheduling matters. Upon being questioned by the Hearing Examiner as to whether any neighbors or property owners had contacted him, Mr. Uhlenhake replied that none had.

In rebuttal, Mr. Hager stated that an adjacent parcel had been approved for rezoning from D-5 to I-2 approximately two years prior, at a location further into the neighborhood than the subject site, and was now surrounded by fencing with razor wire, creating a greater negative impact on the surrounding area. He reiterated that the subject site could not be realistically redeveloped for residential or park use due to the environmental restrictions from the former gas station, and that the Petitioner had worked cooperatively with the Councilor, the Warren Township Redevelopment Committee, and the Irvington Neighborhood Association to address concerns about operations, hours, site development, and buffering. Mr. Hager noted that the site had generated little tax revenue for approximately 25 years.

The Hearing Examiner stated that the property was a vacant site already zoned C-3, which permitted a number of retail and commercial uses, and that the remediated site could be redeveloped for any of those permitted uses under its current zoning. She agreed with Staff's assessment that the Comprehensive Plan's light industrial recommendation had been tied to the level of industrial activity previously in the area, which had since changed, and that the site should continue to serve as a buffer between the industrial uses to the south and the residential uses to the north. The Hearing Examiner noted that obtaining and submitting written documentation of recommendations (including any additional commitments) from neighborhood groups and the Councilor, when a Petitioner has met with those parties, has been helpful in the past when provided for the record.

Hearing no further comments, after a public hearing, the Hearing Examiner recommended Denial of 2026-ZON-023 to the MDC and placed the Petition on the June 17, 2026 MDC agenda.

ADJOURNMENT

There was no further business before the Hearing Examiner, so the meeting adjourned at 2:13 P.M.


Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission