

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

June 11, 2026

The regular meeting of the Hearing Examiner for the Metropolitan Development Commission of Marion County, Indiana, was scheduled for June 11, 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 current planning Staff was continuing to limit the number of new petitions to 10 per hearing for an indefinite period, and that there would be no Hearing Examiner meeting on July 23, 2026. 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, July 1, 2026, and that any Commitments agreed to for such petitions must be submitted to Staff no later than June 24, 2026. The Hearing Examiner also noted that any variance, plat, and vacation decisions made that day would be final unless the petition decisions were appealed.

SPECIAL REQUESTS, CONTINUANCES, WITHDRAWALS

2026-ZON-027 | 1611 East 18th Street

Center Township, Council District #8

Diamonds Xellent Investments LLC (Diego Gomez), 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.

No one appeared on behalf of the Petitioner. Kathleen Blackham had no objection in continuing the Petition to the next meeting.

Hearing no other comments, the Hearing Examiner continued 2026-ZON-027 to the June 25, 2026 meeting.

2026-ZON-029 / 2026-VAR-007 | 1003 West 30th Street

Center Township, Council District #12

Skyline General Contracting Corp, by Jorge Gonzales

Rezoning of 0.09-acre from the C-3 district to the D-5 district to provide for residential use.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a residence with a front building line of 25 feet (range of 10 to 19.9 feet required).

No one appeared on behalf of the Petitioner. Michael Weigel (Staff) had no objection to the continuance and indicated that planning Staff would reach out to remind the Petitioner's representative of the need to attend the next hearing.

Hearing no other comments, the Hearing Examiner continued Petitions 2026-ZON-029 and 2026-VAR-007 to the June 25, 2026 meeting.

2026-ZON-030 | 3505 South Harding Street

Perry Township, Council District #22

Jose de Jesus Padilla Zavala, by Jorge Oscar Gonzales

Rezoning of 0.24-acre from the D-4 (FF) district to the C-3 (FF) district to provide for a multi-tenant retail building.

No one appeared on behalf of the Petitioner. Prior to this Petition being called the hearing, Tom Lorenz (3759 South Pennsylvania Street, Indianapolis, IN) raised the matter during special requests, noting that he had been informed by email that the Petitioner had agreed to amend the Petition from a C-3 to a C-1 rezoning, but that the Notice still reflected C-3.

Michael Weigel (Staff) stated that his recollection was that the Petitioner had agreed in writing to amend the request to the C-1 (FF) designation in order to secure support from Mr. Lorenz's group, but that he was working to locate the email confirming this and had no objection to continuing the matter to allow time to do so.

Hearing no other comments, the Hearing Examiner continued 2026-ZON-030 to the June 25, 2026 meeting.

2026-ZON-038 | 1830 Shelby Street

Center Township, Council District #18

Abiodun Babalola (Truworth Realty LLC), by Leyla Paz

Rezoning of 0.15-acre from the MU-1 (TOD) district to the D-5 district to provide for the construction of a duplex.

No one appeared on behalf of the Petitioner. Josh Levesque (Staff) had no objection to continuing the Petition to the next meeting.

Hearing no other comments, the Hearing Examiner continued 2026-ZON-038 to the June 25, 2026 meeting.

2026-ZON-039 | 6501 Mann Road
Decatur Township, Council District #21
Kittle Property Group, by Joseph D. Calderon

Rezoning of 26.83 acres from the SU-1 (FF) (FW) and D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for a multi-family residential development.

The Hearing Examiner acknowledged that Joseph D. Calderon was present on behalf of the Petitioner but noted that no testimony was required given the Automatic Continuance.

Kathleen Blackham (Staff) stated that an Automatic Continuance to July 9, 2026 had been filed by a Registered Neighborhood Organization, and that the matter required only the Hearing Examiner's acknowledgment.

Hearing no other comments, the Hearing Examiner acknowledged the Automatic Continuance of 2026-ZON-039 to the July 9, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-ZON-041 | 3553 Shelby Street
Perry Township, Council District #23
Cameron & Caden Shake, by Mark & Kim Crouch

Rezoning of 0.48-acre from the C-3 (TOD) district to the D-10 (TOD) district to provide for multifamily housing.

Josh Levesque (Staff) stated that the Petitioner requested a continuance for cause to August 13, 2026, with Notice as needed. He explained that the continuance request was intended to facilitate the potential purchase of an additional parcel that may be included within the Petition, which may also require new Notice if a new address is involved.

Hearing no other comments, the Hearing Examiner continued 2026-ZON-041 to the August 13, 2026 meeting, with Notice as needed.

2026-ZON-057 | 3709 East Washington Street (Walk-on Petition)
Englewood Community Development Corporation, by Joseph D. Calderon

The Petitioner's attorney, Joseph D. Calderon (11 South Meridian Street, Indianapolis, IN), representing the Englewood Community Development Corporation, requested that a newly filed rezoning Petition for the Sherman Commons Shopping Center on East Washington Street be transferred directly to the MDC for an initial hearing. He explained that the Petition was filed to facilitate an affordable housing project that was subject to IHEDA deadlines, and that Staff was supportive of the request.

Jeffrey York (Staff) confirmed that Staff had no objection to the Petition proceeding directly to the MDC and noted that the case number would be reassigned once an invoice was issued.

Hearing no other comments, the Hearing Examiner transferred the Petition currently identified as 2026-ZON-057 to the MDC and placed it on the July 15, 2026, MDC agenda.

2026-CVR-810 / 2026-CPL-810 | 6801 Stanley Road

Decatur Township, Council District #21

D-3

Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for two primary dwellings on two lots with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to both legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required) and temporarily allow for a residential lot improved with solely an accessory structure (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quilin Acres Subdivision, subdividing 2.01 acres into two lots.

The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), requested that Companion Petitions 2026-CVR-810 and 2026-CPL-810 be placed on the expedited portion of the docket. He stated that the Petitions had Staff support and the Petitioner agreed with the recommendations, had reached agreement with the neighborhood, and had negotiated written Commitments on file with the neighborhood. He noted that one letter of remonstrance had been received but that the Remonstrator was not present and asked that the audience be polled before the Petitions were placed on the expedited docket.

Michael Weigel (Staff) stated that Staff recommended approval of the Companion Petitions, subject to two Commitments requested by Staff, and that the Decatur Township Civic Council (DTCC) also recommended approval, subject to 11 separate Commitments, for a total of 13. Staff had reached out to both Remonstrators and had not received a response and had no objection to expediting the Petitions.

The Hearing Examiner placed Companion Petitions 2026-CVR-810 and 2026-CPL-810 on the expedited portion of the docket, to be confirmed when called, if no Remonstrator appeared.

2026-CPL-812 / 2026-CVR-812 | 4800 North Raceway Road

Pike Township, Council District #5

D-S

Estate of Lois E. Williams, by John Moore

Approval of a Subdivision Plat, dividing 2.4 acres into three partial lots to be known as Williams Minor Plat, a three-lot subdivision, with the remainder of each lot being in Hendricks County.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three lots, with reduced lot width (minimum 150-foot required), with reduced street frontage (minimum 75 feet required), reduced lot size

(minimum one acre required), to provide for an accessory structure as the primary use on one lot (not permitted) and a five-foot rear setback (minimum 25-foot setback required).

The Petitioner's representative, John Moore, was present and did not object to the Automatic Continuance to July 9, 2026, filed by a Registered Neighborhood Organization.

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 Petitions 2026-CPL-812 and 2026-CVR-812 to the July 9, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-CZN-813 (Amended) / 2026-CVR-813 | 1127 South East Street

Center Township, Council District #18

Josh Smith

Rezoning of 0.12-acre from the C-5 district to the D-8 district to provide for a multi-unit dwelling, consisting of two units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling, consisting of two units, with encroachment within the clear-sight triangle of Morris Street and East Street (not permitted) and no maximum front setback (19.9 feet maximum permitted).

Kathleen Blackham (Staff) stated that Staff was requesting a continuance for cause to June 25, 2026, with Notice, and that Notice of the amended Petition had already been sent.

Hearing no other comments, the Hearing Examiner continued Petitions 2026-CZN-813 (Amended) and 2026-CVR-813 to the June 25, 2026 meeting, with Notice.

2026-CVC-819 | 5849 Crittenden Avenue | Assessment of Benefits

Washington Township, Council District #7

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

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), was present on behalf of Bishop Chatard High School.

Kathleen Blackham (Staff) requested a continuance for cause to July 9, 2026 for the Assessment of Benefits hearing, to provide additional time for an appraisal to be conducted and submitted.

Hearing no other comments, the Hearing Examiner continued the Assessment of Benefits for 2026-CVC-819 to the July 9, 2026 meeting.

2026-CZN-821 / 2026-CVR-821 | 3404, 3432, 3434, 3438 and 3444 North Illinois Street
Center Township, Council District #8
D-10 (TOD)
Redline Holdings XII, LLC, by Justin Kingen

Rezoning of 1.12 acres from the D-10 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development, including approximately 99 dwelling units and 2,507 square feet of commercial space.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use development (not permitted), with a 10-foot front yard setback (25-foot front setback required); with a zero-foot rear yard setback (minimum 10 feet required); with a perimeter yard from zero to 10 feet in width (minimum of 20 feet required); with one primary entry feature (minimum of one primary entry feature for every fifty feet required); to provide for excessive wall plane or blank wall façade (blank wall limited to fifty linear feet and 600 square feet of façade); with a FAR of 2.77 (maximum 0.80 FAR permitted); with a LSR of 0.078 (0.66 required); with 47 on-street and off-street parking spaces provided (minimum 82 parking spaces required), and with reduced first-story transparency (minimum 60% transparency required) and reduced upper story transparency (minimum 20% transparency required); and with eight street trees along North Illinois Street (11 street trees required).

The Petitioner's representative, Justin Kingen (2722 Manker Street, Indianapolis, IN), stated that an Automatic Continuance to July 9, 2026 had been filed by a Registered Neighborhood Organization, that he had no objection to the continuance, and noted that discussions with the neighborhood regarding the Petitions were ongoing.

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 Petitions 2026-CZN-821 and 2026-CVR-821 to the July 9, 2026 meeting, filed by a Registered Neighborhood Organization.

2026-CPL-822 / 2026-CVR-822 | 3731 Wellington Avenue
Warren Township, Council District #9
D-5
Word of God Christian Tabernacle Church, Inc, by Chris Hinkle

(Amended) Approval of a Subdivision Plat to be known as Bella Rosa Estates, dividing 2.773 acres into 13 single-family detached lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine lots with less than 40-foot lot width (minimum 40-foot lot width required).

After discussion with the Hearing Examiner, City-County Councilor Michael-Paul Hart, CD #20, representing Councilor Graves and the Warren Township Development Association (WTDA), requested a continuance for cause to the July 9, 2026, meeting. Councilor Hart explained that the Petitioner had been unable to attend the WTDA's meeting before the deadline to file an Automatic Continuance had passed. The Hearing Examiner said that a letter requesting a continuance had been received from Councilor Graves.

Robert Uhlenhake (Staff) confirmed that a letter had been received from Councilor Graves following publication of the Staff Report, requesting a continuance for one month (July 9, 2026, meeting), and noting that the WTDA's next meeting was scheduled for July 2, 2026.

The Petitioner, Chris Hinkle (115 Roundup Trail, Fishers, IN), requested that the Petitions instead be moved to the expedited portion of the docket, stating that he had worked with Staff and had reached agreement on the latest plan, and that the request for a continuance had only been received the previous afternoon and believed the Petitions should move forward.

The Hearing Examiner stated that the expedited docket was reserved for Petitions with Staff support and no known remonstrance or interest and declined to move the Petitions to the expedited docket. She noted that this was the first request for a continuance and granted it, with the expectation that the Petitioner would attend WTDA's July 2 meeting.

Hearing no other comments, the Hearing Examiner continued Petitions 2026-CPL-822 and 2026-CVR-822 to the July 9, 2026, meeting.

EXPEDITED PETITIONS

2026-ZON-040 | 2422 & 2430 Prospect Street

Center Township, Council District #18

Terra Resources, LLC, by Antonio Amaryllis aka Jonathan Padilla

Rezoning of 0.23 acres (total across two noncontiguous lots) from the I-3 district to the D-5 district to provide for residential uses.

The Petitioner, Antonio Amaryllis (1261 Viena Court, Hampton, GA), stated that the property had historically been a house which had at some point been converted to industrial use, and that he had purchased the property to restore it for use as a residence. He stated that he wished to improve the appearance of the area and provide housing, and that no one had contacted him after Notice was sent or the sign was posted.

Josh Levesque (Staff) stated that Staff viewed the rezoning as a corrective measure, that the property appeared to be residential in nature and had always had that appearance, and that Staff supported the Petition with no Conditions or Commitments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-ZON-040 to the MDC and placed the Petition on the July 1, 2026 MDC agenda.

2026-CVR-810 / 2026-CPL-810 | 6801 Stanley Road

Decatur Township, Council District #21

D-3

Claudia and Garcia Aboyetes & Jose M. Chicas, by David Gilman

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for two primary dwellings on two lots with the provision of a septic system for each dwelling (connection to public or semipublic sanitary sewer facilities required), and to both legally establish a detached accessory structure with a 5.3-foot north side yard setback (minimum 6-foot side yard required) and temporarily allow for a residential lot improved with solely an accessory structure (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 42 in Quilin Acres Subdivision, subdividing 2.01 acres into two lots.

After the Petitions had been expedited, the Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), testified that several code violations on the property had been corrected except for matters that would be cured through the grant of the plat and the variance. He stated that the Petitioner had negotiated a total of Commitments, eleven with the Decatur Township Civic Association (DTCC) and two with Staff and asked that three previously submitted findings of fact for the variances be incorporated by reference into the record.

Michael Weigel (Staff) confirmed that a total of 13 Commitments were proposed, two from Staff and 11 from the DTCC, and that Staff recommended approval of both the plat and the variance petition. Staff noted that approval would not grant relief for any items related to existing code violations beyond those addressed by the variance and plat petitions.

Hearing no other comments, the Hearing Examiner approved 2026-CPL-810 and found that the Plat filed dated March 3, 2026, complied with the standards of the subdivision regulations, subject to the 12 conditions in the written Staff Report. The Hearing Examiner granted 2026-CVR-810, subject to a total of 13 Commitments to Staff and the Decatur Township Civic Council and adopted the Findings of Fact.

2026-CZN-823 / 2026-CVR-823 | 4240 Bluff Road

Perry Township, Council District #22

Otis James & Tonya Haimes, by David Gilman

Rezoning of 1.14 acres from the SU-7 district to the D-1 district to provide for residential uses.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit residential structure in addition to a detached garage with secondary dwelling unit (not permitted).

The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), testified that the owners had previously received approval of a use variance to allow three units within the existing dwelling structure, but that converting the structure to three units had proven structurally challenging. The Petitioner instead sought to retain the existing structure as a duplex and add a third unit above the detached garage. He stated that the Petition had accordingly changed from a use variance to a rezoning to D-1, with a companion variance of use to allow a two-unit structure with a detached dwelling unit above the garage, and that Staff recommended approval with no commitments.

Michael Weigel (Staff) confirmed that Staff recommended approval without commitments.

Hearing no other comments, the Hearing Examiner recommended Approval of 2026-CZN-823 to the MDC and placed the Petition on the July 1, 2026 MDC agenda. The Hearing Examiner approved 2026-CVR-823 subject to the site plan and adopted the Findings of Fact.

PETITIONS FOR PUBLIC HEARING

2025-ZON-114 (Second Amended) / 2026-VAR-002 | 4005 East Southport Road

Perry Township, Council District #24

Southport Road Development LLC, by David Gilman

Rezoning of 3.67 acres from the D-P (FF) (FW) district to the C-S (FF) (FW) district to provide for all C-4 uses, except adult entertainment, and to permit commercial or building contractors, artisan manufacturing (e-commerce), and warehouse, wholesale, and distribution.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial structure with zero feet of street frontage (minimum 50 feet of street frontage required), and for a zero-foot front setback (minimum ten-foot front setback required).

The Petitioner's representative, David Gilman (211 South Ritter Avenue, Suite H, Indianapolis, IN), corrected the case number identified on the docket from 2025-ZON-144 to 2025-ZON-114. Using a series of exhibits, he explained that the subject parcel was the last remaining vacant outlot of a development plan approved in 1998 for Southport Shops, bordered by a vacant LA Fitness building to the west, a C-4-zoned hotel to the east, and a park and apartment community to the south. He stated that because the outlot contained no residential component, Staff had determined that a C-S rezoning, rather than a DP rezoning, was the appropriate filing. He described the Petitioner's existing flex-space building, which houses a mix of tenants including an engineering firm, a printing company, a plumbing contractor, a beauty supply retailer, a comic book distributor, a fitness studio, and a general contractor, and presented this building and a comparable flex-space development elsewhere in Marion County as examples of the type of development proposed. He distinguished the proposal from larger flex-warehouse developments designed for regional logistics users, noting that the proposed 21,000-square-foot building would have no loading docks and would accommodate up to seven tenant suites of approximately 3,000 square feet each, oriented towards office, retail, and light warehouse uses.

Mr. Gilman stated that, in response to concerns raised at an earlier hearing regarding truck traffic, the Petitioner engaged a licensed traffic engineer to evaluate comparable sites. He noted that the existing center pylon sign on Southport Road had unused tenant panels, so no new freestanding sign would be required, and that the site's existing entrances and exits, incorporated into the Southport Road widening project, would continue to control internal circulation with only minor adjustments.

Brad Yarger, President of Yarger Engineering, Inc. (1401 Alimingo Drive, Indianapolis, IN), a traffic engineer testified regarding a traffic study of comparable flex-space developments in Marion County. He stated that flex space is not addressed in the ITE Trip Generation Manual,

so data was collected over nine weekdays from three comparable sites, classifying vehicles as passenger vehicles, heavy-duty pickups, cargo vans, single-unit commercial trucks, and semi-trucks. He testified that flex space generates an average of five daily trips per 1,000 square feet, compared to approximately eight for office and 34 for medical office uses, and about half a trip per 1,000 square feet during peak hours, compared to over one trip for office and over three for medical office uses. He stated that the comparable sites showed approximately nine percent single-unit commercial truck trips, with one comparable site recording no semi-truck trips, compared to approximately seven percent for industrial uses and 31% for warehouse uses. He concluded that the proposed development would generate approximately 100 vehicle trips per day, including approximately 10 commercial truck trips, with most trips consisting of passenger vehicles, heavy-duty pickups, and vans, compared to approximately 160 daily trips for a similarly sized office building.

Attorney Paul Carroll (13 North State Street, Greenfield, IN), representing American Senior Communities, Jackson's Realty & Builders Company, Turtle Creek Management, New Home Health, and Indianapolis Baptist Temple in remonstrance, stated that Staff had recommended denial of both Petitions and that the Remonstrators supported Staff's recommendation. He stated that the Marion County Comprehensive Plan designated the property for office-commercial uses such as medical and dental facilities, insurance and real estate offices, financial institutions, design firms, and law firms, and that the proposed commercial and building contractor, artisan manufacturing, and warehouse, wholesale, and distribution uses were not office-commercial uses and were inconsistent with that designation. He stated that the site carried dual Floodway and Floodway Fringe secondary zoning along Little Buck Creek and was within the Environmentally Sensitive Areas Overlay, and that the proposed 21,000-square-foot building with seven overhead doors presented environmental concerns given its proximity to a retention pond and the creek. He argued that the requested variances for zero feet of street frontage and a zero-foot front setback were not marginal deviations but requests for complete exemption from those development standards, and that the Petitioner had not demonstrated that the property could not be put to any conforming use, only that its preferred use could not comply with the standards. He stated that Staff's recommendation of denial had been consistent since the Petition was first heard in November 2025 and requested that the Hearing Examiner adopt Staff's recommendation of denial.

Kathleen Blackham (Staff) stated that Staff recommended denial of both Petitions. She explained that while the C-S district allows a mixture of commercial and industrial uses, the proposed commercial and building contractor, artisan manufacturing, and warehouse, wholesale, and distribution uses would introduce industrial uses into an area surrounded by D-P-zoned property to the west and north, park to the south, and C-4 to the east, none of which include industrial uses. She stated that Staff was recommending two Commitments, relating to a tree inventory and to keeping the site and improved areas maintained and free of trash, but that Staff continued to believe the proposed uses would not be appropriate for the area and would introduce an industrial use where none currently exists. She confirmed that, aside from the parties represented by Mr. Carroll, Staff had not heard from any other interested parties.

The Hearing Examiner confirmed with Staff that the property had originally been planned for retail-commercial use under the original development plan and that this use remained currently allowed. She noted that letters of support had been received from Councilors Dilk and Barth, the manager of the Super 8 Motel, and the managing agent of property at 3935 East Southport Road.

In rebuttal, Mr. Gilman stated that the three limited industrial uses proposed, commercial and building contractors, artisan manufacturing oriented toward e-commerce and non-automated production, and a small-scale warehouse, wholesale, and distribution component, were low-impact and tailored to the size of the proposed building and tenant spaces, and would not create traffic, compatibility, or park-use impacts. He stated that the overhead doors would be glazed, decorative, and limited to 12 feet by 12 feet, that no doors would face the park to the rear of the property, and that the traffic study confirmed the proposal would not create a traffic problem. He noted that the property had been zoned C-4 under the development plan for over 25 years without attracting office development due to its location away from the Southport Road frontage, and that none of the floodway, woodland, or stream protection corridor areas on the site would be disturbed. He stated that, as an outlot of an integrated center without public street frontage, the Petitioner believed a hardship existed to support the requested variances.

In rebuttal, Mr. Carroll restated that the Petition would introduce industrial uses onto an island of light commercial, residential, and park uses, and that this remained an improper use regardless of the size of the building.

The Hearing Examiner stated that, while the proposed building was relatively small at 21,000 square feet, it would introduce an industrial element to the site, which she felt was inappropriate. She noted that although the zoning base map showed D-P zoning to the west and north, those areas had been developed commercially under the original development plan. She stated that the manner in which the original development plan was laid out, leaving this outlot without street frontage and separated from the remainder of the commercial development, appeared to be a self-imposed hardship related to how the site was platted and was now being split off and rezoned.

Hearing no further comments, after a public hearing, the Hearing Examiner recommended Denial of 2025-ZON-114 (Second Amended) to the MDC and placed the Petition on the July 1, 2026, MDC agenda. The Hearing Examiner denied 2026-VAR-002.

2026-ZON-035 | 7323 South Mooresville Road
Decatur Township, Council District #21
Redwood Apartment Neighborhoods, by Clark Quinn Law

Rezoning of 21.66 acres from the D-A (FW) (FF) district to the D-6 (FW) (FF) district to provide for residential uses.

The Petitioner's attorney, Russell Brown (320 North Meridian Street, Suite 1100, Indianapolis, IN), of the Clark Quinn law firm, appeared with Greg Thurman, Vice President of Acquisitions for Redwood Apartment Neighborhoods, and Spencer Fears, a summer intern. He described the request as a rezoning of approximately 19 acres at the northeast corner of Mooresville Road and Southport Road from D-A to D-6, to allow for 99 single-story multi-family units. He stated that Redwood has built and managed single-story, market-rate, attached-garage multi-family communities in central Indiana since 2012, that the portfolio-wide average resident age was approximately 51.2 years, and that fewer than five percent of residents portfolio-wide were children. He stated that the request conformed to the Comprehensive Plan's recommendation for the area at a density below the recommended range, that no variances were requested, and that the floor area ratio and living space ratio calculations for the conceptual layout complied with D-6 standards.

Mr. Brown stated that, although Staff had indicated support for a D-6 rezoning without variances, the Petitioner had not obtained the support of the Decatur Township Civic Council despite multiple meetings. He addressed concerns raised in the Civic Council's letter, stating that the request did not seek relief from amenity requirements, that Redwood residents value private streets and open space rather than clubhouse-style amenities, and that a proposed overlook seating area would allow residents to enjoy open space, much of which is within the floodway. Regarding emergency access, he stated that the Decatur Township Fire Department had confirmed that an emergency-only access point on Southport Road, controlled by a Knox box, was an appropriate solution, and that the final site design would be subject to administrative review to confirm turning radii for emergency vehicles. Regarding pedestrian connectivity, he stated that exterior sidewalks were not shown on the concept plan due to narrow bridges over the creek on both Mooresville and Southport Roads, but that the Petitioner was not requesting a waiver of the sidewalk requirement and that this issue would be resolved prior to Improvement Location Permit issuance. He stated that the Petitioner had voluntarily agreed to several Commitments, including a cap of 99 units, single-story construction, and attached garages and private entries for each unit.

Pat Andrews (Decatur Township Civic Council), chair of its Land Use Committee, testified that the Civic Council had voted six to four to oppose the Petition. She stated that the Comprehensive Plan designates the area, a 200-acre former farm, as Village Mixed-Use, with multi-family development intended to be at the core of the site, and that this Petition placed multi-family housing along the edges. She stated that the Civic Council's concerns centered on connectivity, amenities, and the proposed emergency-only access, noting that the only connectivity shown was in the northeast corner of the site, and presented several alternative circulation concepts, including opening the proposed emergency access on Southport Road to regular traffic, opening a cul-de-sac near Mooresville Road, or both, to create looped circulation for large vehicles such as school buses and trash trucks. She stated that other Redwood developments in central Indiana each had more than one point of circulation and requested that the Hearing Examiner grant a continuance to allow the site plan to be amended or otherwise deny the Petition.

Kathleen Blackham (Staff) stated that Staff recommended approval, noting that the Petition conformed to the Comprehensive Plan's Village Mixed-Use recommendation, which included small- and large-scale multi-family housing, and that the Critical Area text calls for multi-family housing to be located in the core of the site, which Staff believed had been achieved given that the majority of the development was located to the north and east of the site's Mooresville Road and Southport Road frontages. Staff was requesting a commitment related to submission of the final site plan for Administrator's Approval to ensure internal pedestrian connectivity and connections to future sidewalks along Mooresville Road and Southport Road, in coordination with the Department of Public Works (DPW) trails section. Staff confirmed that it had not had direct discussions with the Decatur Township Fire Department regarding the emergency-only access but had included the DPW in discussions and had requested a turn study, which had not yet been submitted.

The Hearing Examiner stated that, since the Petitioner had already presented its case, she would not grant a continuance at that point in the hearing.

In rebuttal, Mr. Brown stated that the proposed development, with a Commitment of 99 units and single-story construction, complied with the Comprehensive Plan's description of small-scale multi-family development. He acknowledged that the site presented circulation challenges due to floodway constraints and the cost of developing within the floodway and stream

protection corridor and stated that the Petitioner was not requesting that the Petition be subject to substantial compliance with the site plan, recognizing that issues remained to be resolved through the administrative review process. He stated that the Petitioner would agree to provide the final site plan to DTCC for its input as well.

In rebuttal, Ms. Andrews shared that, although the proposed product was attractive, the lack of circulation remained a significant concern, particularly with respect to trash collection, package delivery, and children waiting for the school bus on Mooresville Road. She stated that the Administrator's Approval process would provide limited opportunity for further input from the Civic Council and reiterated the request that emergency-only access be reconsidered and that the Petition otherwise be denied.

The Hearing Examiner stated that the requested D-6 rezoning was appropriate at this location and conformed to the Comprehensive Plan's recommendation. She stated that the Commitment requiring Administrator's Approval of the final site plan specifically required that the site plan provide safe pedestrian and vehicular circulation, including a well-connected network of sidewalks and maneuverability for emergency vehicles, and that this would be a recorded commitment. The Hearing Examiner noted that the development was oriented towards older adults and residents without children, who would be aware of the available amenities before choosing to live there.

Hearing no further comments, after a public hearing, the Hearing Examiner recommended Approval of 2026-ZON-035 to the MDC and placed the Petition on the July 1, 2026 MDC agenda, subject to the Commitments presented, as amended to provide that the final site plan would also be submitted to the Decatur Township Civic Council for comment.

2025-CZN-865 (Amended) / 2025-CVR-865 (Amended) | 405, 409, and 411 South Shortridge Road

Warren Township, Council District #20
SRMK Realty, LLC, by Justin Kingen

Rezoning of 8.48 acres from C-S to C-S to provide for all I-1 uses, truck and trailer parking, auto-related service or repair, outdoor storage of contractor equipment, vehicles awaiting repair, and recreational vehicles.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 125-foot front yard setback (maximum front yard setback of 85 feet permitted); off-street parking area within the front yard with a zero-foot setback (not permitted, 10-foot front setback required); side yard setbacks from four and eight feet (10-foot side yard required); a ten-foot-tall chain link fence within the side and rear yards and a six-foot tall chain link fence in the front yard (maximum six-foot-tall fence permitted within the side and rear yards and maximum 3.5-foot-tall fence permitted in the front yard); and deficient landscaping in the rear transitional yard buffer (15-foot transitional yard landscape buffer required).

The Petitioner's representative, Justin Kingen (2722 Manker Street, Indianapolis, IN), appeared with Sean Ritzy and Mike Kttermann, owners and operators of Shortridge [Outdoor] Storage and Rightway Automotive, the two businesses occupying the three parcels. He explained that a September 2002 tornado destroyed a building that had fronted Shortridge Road, which was

never rebuilt, and that the site had operated behind the existing fence line since that time. He described a 2018 rezoning of the three parcels to C-S with negotiated Commitments, including Commitment Number 3, which required a tree assessment by a certified arborist prior to any development of the site. He stated that the property owners had removed dead landscaping and cottonwoods from the site some years ago as routine cleanup, with no citation issued, but that a 2024 sign permit application revealed that the tree assessment had not been performed. Following a study by a licensed arborist, it was determined that approximately three heritage trees had been removed, requiring 24 replacement trees under the ordinance, and the Petitioner had been working with the Warren Township Development Association and Warren Township Public Schools to identify planting locations.

Mr. Kingen stated that, as the Petitioner worked through a modification Petition to address the tree Commitment, it became apparent that the 2018 rezoning had not accurately described the uses occurring on the site, including Right Way Automotive's vehicle repair operations, which did not match the permitted use described in the 2018 development statement. He stated that Staff and the Petitioner agreed that rezoning the property from C-S to C-S, updating the development statement, modernizing the Commitments, and eliminating the previously approved heavy truck and heavy equipment sales use entirely would be the appropriate approach, representing a correction and a narrowing of the 2018 entitlements rather than an expansion. Regarding the variances, he explained that the 125-foot front yard setback and the off-street parking within the front yard resulted from the loss of the building destroyed by the 2002 tornado, that the side yard setbacks reflected existing buildings constructed long ago adjacent to commercial property and a railroad right-of-way, and that the fence variance would lower the 10-foot chain link fence along the front of 411 South Shortridge Road to six feet, matching a fence approved by the BZA in 2023 for the 405 and 409 parcels, while retaining the existing 10-foot fence along the railroad corridor and the commercial property to the south, which was installed in 2003 when the property was zoned CID.

Mr. Kingen stated that the Petition replaced the prior plan of operation, which permitted heavy truck and heavy equipment sales under five Commitments, with a 10-item enforceable plan of operation and seven recordable Commitments, including the two Commitments requested by Staff. He noted that the Warren Township Development Association had voted to support the Petitions and had negotiated Commitments with the Petitioner, that its president, Ron Phillips, had submitted a letter and email of support, and that adjacent neighbors had no objection and no Remonstrators were known.

Kathleen Blackham (Staff) stated that Staff recommended denial of the rezoning. She explained that when the Petition was first reviewed in 2018, Staff had recommended denial because the Comprehensive Plan recommended a less intense Suburban Neighborhood and Office Commercial designation than what existed on the site. While the current rezoning would eliminate heavy truck and heavy equipment sales, which Staff viewed favorably, and provided a more detailed plan of operation and a site plan supporting future development, Staff remained concerned that a required tree assessment had not been completed before vegetation was cleared from the site, and whether all existing buildings had received appropriate permitting. Staff also raised concerns regarding signage, noting that the Development Statement's commitment to comply with sign regulations conflicted with the retention of the existing freestanding sign and three existing wall signs, plus one new non-illuminated ground sign, which Staff believed would require a variance that had not been requested. Staff further stated that it saw no practical difficulty supporting the 10-foot fence proposed along the southern and eastern portions of the site, given the presence of an existing electrical fence, and that a six-foot fence could comply with the ordinance. For these reasons, Staff continued to recommend denial.

The Hearing Examiner asked Kathleen Blackham (Staff) whether enforcement action had been taken on the site, and Ms. Blackham confirmed that enforcement action had occurred a couple of years prior, following the 2018 rezoning, but that Staff was not aware of any recent inspection for permitting violations. Justin Kingen stated that he was aware of one trash-related citation within the last couple of years that had since been satisfied and closed and offered to add a Commitment for the Petitioner to research and confirm that all improvements on the site were properly permitted within one to two months. Regarding signage, Mr. Kingen clarified that no new sign was being proposed and that references to signage in the filing simply reflected what had been approved in 2018; a 2024 sign permit application had led to the discovery of the tree assessment issue, and the Petitioner was no longer pursuing that sign permit.

The Hearing Examiner questioned Mr. Kingen further about the fence locations, and Mr. Kingen referred to an exhibit showing the fence that would be lowered to six feet along the front of 411 South Shortridge Road, the fence that would remain at 10 feet along the railroad corridor, and the six-foot metal fence along the south side of the property approved in 2023.

The Hearing Examiner inquired whether a letter had been received from Warren Township, and Nancy Whitaker (Hearing Specialist) confirmed that no such letter was in the file. Mr. Kingen stated that any such letter may have been sent directly to Staff, and Kathleen Blackham (Staff) stated that Staff may not have placed a copy of the letter in the file.

The Hearing Examiner stated that there appeared to be unresolved questions regarding what permits had been obtained for improvements on the site, and that she believed these questions should be addressed before a recommendation was made, rather than after. She stated that she would be agreeable to proceeding that day if the Petitioner wished, but that her recommendation would be denial absent further investigation. She proposed a continuance of approximately one month to allow the site to be researched and a plan developed to address any outstanding permitting issues.

Mr. Kingen agreed to a continuance of the hearing, and the Hearing Examiner stated that the Petitions would be continued with the understanding that the site would be thoroughly researched and investigated, and that a plan would be developed for addressing any outstanding issues.

Hearing no further comments, the Hearing Examiner continued Companion Petitions 2025-CZN-865 (Amended) and 2025-CVR-865 (Amended) to the August 13, 2026 meeting, with the understanding that the site would be thoroughly researched and investigated regarding outstanding permitting issues, and that a plan to address any such issues would be presented.

2026-CVR-805 / 2026-CPL-805 | 4200 South East Street
Perry Township, Council District #23
C-4
Southern Plaza SC, LLC, by Brian J. Tuohy

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width (not permitted), and

without a hard-surfaced walkway from the building's main front entrance to the public right-of-way (hard-surfaced walkway required).

Approval of a Subdivision Plat, to be known as Southern Plaza, dividing 26.84 acres into two lots.

The Petitioner's attorney, Brian J. Tuohy (9294 North Meridian Street, Indianapolis, IN), appeared with Dwight Robertson, representative of the owner of Southern Plaza SC, LLC, Joe Vavrina, an engineer for Chick-fil-A, and Brett Armistead, development manager for Chick-fil-A. He described Southern Plaza as a roughly 50-to-65-year-old shopping center on the city's south side, just north of I-465, and stated that the Petitions would split a 1.36-acre outlot for a new Chick-fil-A restaurant from the remainder of the center. He stated that the proposed sidewalk variance was necessary because INDOT controls the East Street frontage and would not permit a sidewalk in that right-of-way, which abuts the I-65/I-465 ramp.

Mr. Tuohy described the proposed site plan, developed through discussions with Staff, which orients the restaurant toward East Street with the drive-through and bypass lanes located on the north, west, and south sides of the building, keeping the majority of stacking out of the front yard. He stated that the requested variance involved only approximately one and one-half stacking spaces at the southeast corner of the site, which extend slightly past the edge of the building but remain behind the curb line serving the parking spaces in front of the building, allowing exiting vehicles a clear line of sight along East Street. He noted that a similar variance had been granted for a Culver's restaurant approximately five to six blocks north, at National Avenue and East Street, where Staff had recommended approval of in-front-yard stacking but denial of a related landscaping variance, which was not requested here because the proposed landscaping would exceed the applicable standards.

Mr. Tuohy stated that the Petitions had the support of City-County Councilor Dilk, CD #24, who supported both the use and the sidewalk variance given the dangers of constructing a sidewalk adjacent to the I-465 interchange; the Northwest Perry Neighborhood Association, following a presentation on May 27; and the Gateway Community Alliance. He stated that 94 notices had been sent, that he had received only two calls, both supportive, and that he was not aware of any Remonstrators.

Tom Lorenz (3759 South Pennsylvania Street, Indianapolis, IN), President of the Northwest Perry Neighborhood Association, testified in support of the Petitions on behalf of the Association. He stated that Southern Plaza had been an economic anchor for the neighborhood for approximately 65 years, that the area of the center closest to East Street had become underutilized, and that the Association's support for the Chick-fil-A proposal had been unanimous. While acknowledging Staff's concerns regarding the drive-through stacking variance, he stated that the extension of the drive-through into the front yard did not appear to present a significant safety or aesthetic concern and asked that the Hearing Examiner approve the Petitions.

Robert Uhlenhake (Staff) stated that Staff recommended approval of the Plat, finding that the Plat filed dated April 6, 2026, complied with the standards of the subdivision regulations, subject to the Conditions in the Staff Report. Regarding the sidewalk variance, Staff recommended approval, noting that INDOT controls the East Street right-of-way, that no sidewalk currently exists along that frontage, and that requiring a sidewalk to nowhere would be of limited value. Regarding the requested one and one-half stacking spaces in front of the building, Staff recommended denial, stating that because the site was newly developed, there were no existing

restrictions preventing compliance, and that the configuration as proposed represented a self-imposed design choice rather than a practical difficulty. Staff confirmed that it had received no calls in opposition to the Petitions.

In rebuttal, Mr. Tuohy addressed the Findings of Fact required for the stacking variance. He stated that the variance would not be injurious to the public noting the support of Councilor Dilk, the Gateway Community Alliance, and the Northwest Perry Neighborhood Association, and the absence of any objection among the 94 mailed Notices. He stated that the use or value of adjacent properties would not be adversely affected, noting the significant capital investment represented by the project and the similar variance previously granted nearby with no apparent adverse effect. He stated that the practical difficulty arose from the need to locate the pickup window as far as possible from the order window within this infill site between two roads, and that alternative layouts considered by Chick-fil-A would have resulted in stacking along the entire East Street frontage, which the proposed layout avoids. He noted that landscaping recently provided to the Hearing Examiner would screen the drive-through exit from East Street and would exceed the City's landscaping standards.

The Hearing Examiner noted that Southern Plaza was closer to 65 years old. She recommended Approval of 2026-CPL-805, finding that the Plat filed dated April 6, 2026, complied with the standards of the subdivision regulations, subject to the 10 conditions in the written Staff Report. She granted the variance to not require a hard-surfaced walkway from the building's main front entrance to the public right-of-way, agreeing that such a walkway would present a traffic hazard and was not permitted by INDOT. Regarding the stacking variance, she stated that, given the volume of traffic typically generated by a Chick-fil-A drive-through, additional landscaping along East Street, and the Petitioner's satisfaction of the findings of fact, she would grant the additional one and one-half stacking spaces in the front yard.

Hearing no further comments, after a public hearing, the Hearing Examiner approved 2026-CPL-805 and found that the Plat filed dated April 6, 2026 complied with the standards of the subdivision regulations, subject to the 10 conditions in the Staff Report. The Hearing Examiner granted 2026-CVR-805, subject to the site plan and the Findings of Fact.

2026-CVR-815 / 2026-CPL-815 | 305 Fintail Drive

Warren Township, Council District #20

I-3

DCB Indianapolis, LLC, by Mindy Westrick Brown

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required).

Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots.

The Petitioner's attorney, Mindy Westrick Brown (300 North Meridian Street, Suite 2500, Indianapolis, IN), appeared on behalf of DCB Indianapolis, LLC (DC BLOX), together with Jeff Uphues, CEO, and David Armistead, Senior Vice President of Sales. She described the approximately 32-acre site as the northwest corner of the Thunderbird Commerce Center, a

former Ford assembly plant property zoned I-3 since 1956, bordered by the Kitley Avenue industrial corridor, an existing I-3 facility operated by Monarch, English Avenue, and an AES easement and substation separating the site from the Pennsy Trail. She stated that the Petitions sought a variance of use because a data center, or edge node facility, is not a defined land use under the ordinance, and a variance of development standards to reduce the required parking, along with a companion replat to align the parcels with the proposed phasing. She described the proposed Phase One building as a 70,000-square-foot, single-story structure with six generators located in the interior of the site, screened by a berm to the north, with future phases shown conceptually on the site plan with caps on size, power, and height.

Ms. Westrick Brown described the Petitioner's use of waterless and closed-loop cooling systems, projected to use the water equivalent of approximately eleven homes annually at full build-out, and presented information regarding the Petitioner's prior developments, environmental remediation experience, and community engagement, including meetings with neighborhood organizations, multiple City-County Councilors, and the Warren Township Development Association, which had submitted a letter of support. She stated that the Petitioner had committed to funding necessary electrical infrastructure improvements so that associated costs would not be borne by existing ratepayers, to use green power through an AES offset program, and that two independent property valuation studies found no substantial adverse effect on the value of surrounding properties. She described proposed Commitments addressing generator testing hours, a sound limit of 65 decibels at the property line, diesel particulate filters, lighting mitigation given the distance of over 646 feet to the nearest residence, a decommissioning plan, and a website for ongoing documentation. She stated that the Petitioner agreed with the Staff Report, subject to certain updates to be addressed by Staff, and that the site's location within the Industrial Reserve Overlay, combined with its existing utility infrastructure and fiber access, made it well suited for the proposed use.

Megan Lapa (6155 Oak Avenue, Indianapolis, IN), in remonstrance, stated that the Petitioner had specifically sought out the site because of heavy industrial characteristics, existing utilities, and brownfield status, and argued that Staff's reliance on the absence of a defined land use classification did not constitute the unnecessary hardship required under Indiana law for a variance of use, because the property could be put to other conforming I-3 uses. She stated that the Petitioner's representatives had repeatedly described the site as heavy industrial when it is in fact zoned for medium industrial uses, and that representations regarding energy costs, generator counts, and other commitments had been inconsistent across community meetings. She stated that the Petitioner had declined the community's requests for direct Commitments addressing groundwater monitoring, well restoration, Tier 4 generators, independent sound studies, and a more substantive public information website, and that the property valuation reports relied upon by the Petitioner involved comparable sites that were not fully operational for the periods studied.

Sue Beecher (308 South Audubon Road, Indianapolis, IN), President of the Historic Irvington Community Council, the Friends of Irvington Circle, and Secretary of the Irvington Historical Society, testified in remonstrance, expressing concerns regarding the long-term impact of the proposed data center on the neighborhood, infrastructure, environment, property values, and quality of life, and stated that the City-County Council had recently passed a resolution urging caution on new data center approvals while the city develops stronger standards.

Dawn Briggs (5926 Oak Avenue, Indianapolis, IN), Chair of the [Historic] Irvington Community Council's Land Use Committee, testified in remonstrance, stating that there remained significant

unanswered questions that should be addressed before a variance is granted, and that decisions of this kind cannot be undone once made.

City-County Councilor Andy Nielsen, CD #14 (200 East Washington Street, Indianapolis, IN), testified that the proposed site sits near the boundary of Council District #14 and #20, and that 97 percent of the nearly 1,800 residents living within a half mile of the site reside in District # 14. He stated that a community survey he conducted found that 83% of respondents opposed the proposed data center, with concerns about air quality impacts from diesel generators, grid strain, decommissioning, utility costs, noise and light pollution near a school and the Pennsy Trail, and the conditional nature of proposed community benefits. He requested that the Hearing Examiner recommend denial of the Petitions, citing Staff's acknowledgment of these community concerns in its report.

City-County Councilor Jesse Brown, CD #13, testified that the City-County Council had unanimously requested a moratorium on data center approvals while a new Special Use District for data centers is developed, and that the Petitioner's proposed number of backup diesel generators had increased from a maximum of 28 to a maximum of 56 during discussions with the community. He urged the Hearing Examiner to consider the broader community context in exercising her discretion and to recommend denial.

City-County Councilor Michael-Paul Hart, CD #20 (200 East Washington Street, Indianapolis, IN), testified that, unlike a rezoning, this Petition involved a use variance, and that he evaluates such proposals based on financial impact, utility usage, environmental concerns, and quality of life for residents. He described having personally conducted sound readings at a comparable DC BLOX facility in Atlanta and at the subject site, and stated that ambient noise levels in the area, including those from existing scrap-metal recycling operations and nearby logistics and warehousing uses, were already comparable to the proposed 65-decibel Commitment. He discussed the history of industrial use at the site, noting that the former Ford plant operated from 1957 to 2011 and that the Irvington Community School relocated to its current site, near the former plant, in 2002. He stated that the proposed development would generate tax revenue benefiting an existing Tax Increment Financing district established for Irvington Plaza and Ellenberger Park, as well as significant operating revenue for Warren Township Schools, and that he was working with the Petitioner and Shepherd Community Center regarding potential community investment, including in the Ransburg YMCA and Washington Square Mall. He stated that he had not yet received financial projections from the Indy Economic Development Corporation and could not take a position in favor of or in opposition to the Petitions at this time but identified construction dust mitigation as a significant concern regardless of the outcome of this Petition.

Kathleen Blackham (Staff) stated that Staff had identified two corrections to the Staff Report: the Plat should be dated May 28, 2026, rather than March 23, 2026, and the site, while within the Industrial Reserve Overlay, also lies within the Transit-Oriented Development (TOD) Overlay, which by ordinance excludes industrial uses, so references to that overlay should not apply. Staff stated that the requested variance of use for a data center campus, an unlisted use, had been evaluated against the five statutory criteria for a variance of use. Staff found that the proposed Commitments, addressing generator testing hours, sound monitoring, buffering and screening, a closed-loop cooling system, IDEM air permitting for generators, and Petitioner-funded electrical infrastructure improvements, addressed concerns related to public health, safety, and welfare without creating impacts beyond those contemplated for I-3 development. Staff found that the site's size, depth, existing utility easements, and proximity to high-capacity electrical infrastructure constitute conditions peculiar to the property supporting the requested

variance, and that the inability to develop the unlisted use was an unnecessary hardship not created by the Petitioner. Staff found that the proposed industrial use did not materially conflict with the Comprehensive Plan's recommendation of heavy industrial use and the Industrial Reserve Overlay designation. Regarding the requested parking reduction, Staff found that, because data centers are typically staffed only by maintenance, security, and technical personnel, the standard parking requirement of 420 spaces substantially exceeded actual need, and recommended approval of no less than 100 on-site spaces, reducing unnecessary impervious surface. Staff recommended approval of the Plat, the variance of use, and the variance of development standards. Staff also reported that, as of that morning, 132 emails had been received regarding the Petitions, seven in support, with 14 additional emails received since that time.

In rebuttal, Ms. Westrick Brown stated that DC 's record at its other facilities supported its commitments to the community, that decommissioning was already addressed in the proposed Commitments, and that the Petitioner would agree to add a Commitment addressing construction dust mitigation. She stated that DC had agreed to all eleven restrictions in the amended environmental restrictive covenant for the site, and introduced Chris Braun (1346 North Delaware Street, Indianapolis, IN), an environmental attorney, who summarized the site's remediation history, including a 2023 Certificate of Completion and Covenant Not to Sue issued by IDEM following Ford's environmental investigation and cleanup, and additional restrictive covenants recorded when the site was acquired in 2022.

In rebuttal, Ms. Lapa stated that the Petitioner's representations to the community had been inconsistent, citing differing generator counts presented to different audiences, changing statements regarding tax abatements, and the absence of binding commitments regarding future utility rate impacts, and reiterated the Remonstrators' request that the Petitions be denied.

The Hearing Examiner stated that her role as Hearing Examiner was to make land use recommendations based on the evidence presented, and that the data center use, while not separately defined under the Ordinance, occurs within property that carries a heavier industrial zoning classification with other heavy industrial uses nearby. She recommended Approval of 2026-CPL-815, finding that the Plat filed dated May 28, 2026, complied with the standards of the subdivision regulations, subject to the eleven Conditions in the written Staff Report. Regarding the variances, she stated that, in her opinion, the five required findings of fact for a variance of use had been met, and that the proposed Commitments addressed many, though not all, of the concerns raised. She stated that the requested parking reduction was supportable because the Ordinance's parking requirement substantially exceeded what the proposed use would require, and that minimizing impervious surface served a legitimate purpose.

Hearing no further comments, after a public hearing, the Hearing Examiner approved 2026-CPL-815 and found that the Plat filed dated May 28, 2026, complied with the standards of the subdivision regulations, subject to the eleven conditions in the Staff Report. The Hearing Examiner granted 2026-CVR-815, subject to the Commitments and the site plan, and adopted the Findings of Fact.

ADJOURNMENT

There was no further business before the Hearing Examiner, so the meeting adjourned at 5:31 P.M.


Judy Weerts Hall, Hearing Examiner
Metropolitan Development Commission