

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

August 19, 2026

The regular meeting of the Metropolitan Development Commission (MDC) of Indianapolis-Marion County, IN, was held on Wednesday, August 19, 2026, at 1:00 P.M. in the Public Assembly Room of the City-County Building, Indianapolis, IN, for various purposes, including the holding of a Public Hearing on various Petitions listed on the Notice of Public Hearing, and for taking official action upon public business and public Notice thereof as required by IC 5-14-1.5.

ATTENDANCE

The following Commission members were present:

John J. Dillon III, President
Brent Lyle
Brian P. Murphy, Secretary
Brigid Robinson
Bruce Schumacher, Acting Secretary
Gregg West

The following Commission members were absent:

Brandon Herget

The following City of Indianapolis employees were present:

Megan Vukusich	Director – DMD
Jennifer Fults	Deputy Director, Strategy and Collaboration – DMD
Carmen Lethig	Deputy Director, Planning, Preservation and Design – DMD
Kathy Frazier Battle	Principal Program Manager, Economic Incentives – DMD
Kathleen Blackham	Senior Planner – DMD
Jeffrey York	Manager, Current Planning – DMD
Bryce Patz	Administrator, Current Planning – DMD
Nancy Whitaker	Administrative Coordinator – DMD
Chris Steinmetz	Senior Counseling Attorney – ACC / OCC

BUSINESS

CALL TO ORDER

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

MINUTES

Commissioner Murphy made a Motion to adopt the Minutes from the July 15, 2026 meeting; Commissioner Lyle seconded the Motion; the Commission adopted the Minutes by a roll-call vote (5:0:1) as follows:

Ayes: Dillon, Lyle, Murphy, Schumacher, West
Noes: None
Recusals: Robinson

The Minutes from the July 15, 2026 meeting were adopted.

Commissioner Lyle made a Motion to adopt the Minutes from the August 5, 2026 meeting; Commissioner Robinson seconded the Motion; the Commission adopted the Minutes by a roll-call vote (5:0:1) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, West
Noes: None
Recusals: Schumacher

The Minutes from the August 5, 2026 meeting were adopted.

SPECIAL REQUESTS

Kathy Frazier Battle (Principal Program Manager, DMD) requested a continuance for **Resolution Nos. 2026-A-016 and 2026-A-017** to the September 16, 2026 meeting.

Remonstrator Elder Amoja Ajabu (P.O. Box 2696, Indianapolis, IN) commented on the Metrobloks resolutions as well as the ordinance amendment on the agenda. Mr. Ajabu supplied documentation to be entered into the record.

2026-A-016 (For Public Hearing)

Final Economic Revitalization Area Resolution for Metrobloks, LLC, located at 2505 North Sherman Drive, Council District #8, Center Township. (Recommend approval of ten (10) years real property tax abatement.)

Hearing no other comments, Commissioner Lyle made a Motion to continue **Resolution No. 2026-A-016** to the September 16, 2026 meeting; Commissioner Murphy seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes: None
Recusals: None

The Commission continued Resolution No. 2026-A-016 to the September 16, 2026 meeting.

2026-A-017 (For Public Hearing)

Final Economic Revitalization Area Resolution for Metrobloks, LLC, located at 2505 North Sherman Drive, Council District #8, Center Township. (Recommend approval of fifteen (15) years enhanced personal property tax abatement.)

Hearing no other comments, Commissioner Schumacher made a Motion to continue **Resolution No. 2026-A-017** to the September 16, 2026 meeting; Commissioner West seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes: None
Recusals: None

The Commission continued Resolution No. 2026-A-017 to the September 16, 2026 meeting.

The Petitioner's attorney, Misha Rabinowitch, requested a continuance for **Petition No. 2026-ZON-060** to the October 21, 2026 meeting, citing ongoing design issues on the project and the need to address neighbor concerns.

2026-ZON-060 | 1305 Broad Ripple Avenue

Washington Township, Council District #7

Zinkan Enterprises, by Misha Rabinowitch

Rezoning of 1.54 acres from the D-5 district to the D-P district to provide for a mixed-use development consisting of 94 multi-family dwellings and approximately 9,000 square feet of neighborhood and service commercial uses.

Kathleen Blackham (Staff) indicated that Staff had no objection to the continuance of **Petition No. 2026-ZON-060** to the October 21, 2026 meeting.

Hearing no other comments, Commissioner Robinson made a Motion to continue **Petition No. 2026-ZON-060** to the October 21, 2026 meeting; Commissioner Murphy seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes: None
Recusals: None

The Commission continued Petition No. 2026-ZON-060 to the October 21, 2026 meeting.

POLICY RESOLUTIONS

EMERGENCY WALK-ON RESOLUTION No. 2026-A-009:

President Dillon introduced an emergency walk-on resolution which resulted after historic flooding within Marion County over the past weekend. Abby Brands, Director, Department of Business and Neighborhood Services, outlined **Resolution No. 2026-A-009**, which waived Improvement Location Permit (ILP) fees and other flood-related fees that were within the MDC's purview for property owners affected by the flooding. A forthcoming executive order which waived related permit fees for flood-damage rehabilitation was anticipated.

Commissioner Schumacher made a Motion to add **Resolution No. 2026-A-009** to the agenda; Commissioner Robinson seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes: None
Recusals: None

Resolution No. 2026-A-009 was added to the agenda.

President Dillon made a Motion to approve **Resolution No. 2026-A-009**; Commissioner Murphy seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes: None
Recusals: None

The Commission approved the Emergency Walk-on Resolution No. 2026-A-009.

Nancy Whitaker (Administrative Coordinator) read the following Policy Resolutions into the record:

REAL ESTATE:

2026-R-024 Authorizes the Department of Metropolitan Development to extend an existing on-call agreement with Wiss, Janney, Elstner Associates to provide ongoing engineering services for DMD-owned property to December 31, 2026.

2026-R-025 Authorizes the Department of Metropolitan Development to amend the existing agreement with Stevenson Legal Group by increasing the overall contractual not to exceed amount by \$20,000.

2026-R-026 Authorizes the Department of Metropolitan Development to sell the property located at 1322 Columbia to the owner of the adjacent business at the appraised value.

2026-R-027 Authorizes the Department of Metropolitan Development to convey title or an option to purchase title of Property to transferee as approved by Vacant to Vibrant Review Committee for the purpose of providing development that will best serve the interest of the City.

ECONOMIC DEVELOPMENT / INCENTIVES:

2026-A-042 Preliminary Economic Revitalization Area Resolution for Sabey Data Center Properties LLC, located at 6400 Kentucky Avenue, Council District #21, Decatur Township. (Recommend approval of ten (10) years real property tax abatement.)

2026-A-043 Preliminary Economic Revitalization Area Resolution for Sabey Data Center Properties LLC, located at 6400 Kentucky Avenue, Council District #21, Decatur Township. (Recommend approval of fifteen (15) years enhanced personal property tax abatement.)

President Dillon noted that **Resolution Nos. 2026-R-024, 2026-R-025, 2026-R-026, 2026-R-027, 2026-A-042, and 2026-A-043** did not stand for public hearing. Hearing no comments or questions, Commissioner Murphy made a Motion to approve **Resolution Nos. 2026-R-024** (6:0:0), **2026-R-025** (6:0:0), **2026-R-026** (5:0:1), **2026-R-027** (6:0:0), **2026-A-042** (6:0:0), and **2026-A-043** (6:0:0); Commissioner Robinson seconded the Motion; the Motion was carried by a roll-call vote as follows:

Ayes: Dillon, Lyle, Murphy (all except 2026-R-026), Robinson, Schumacher, West
Noes: None
Recusals: Murphy (2026-R-026 only)

The Commission approved Resolution Nos. 2026-R-024, 2026-R-025, 2026-R-026, 2026-R-027, 2026-A-042, and 2026-A-043.

PETITIONS OF NO APPEAL

Nancy Whitaker (Administrative Coordinator) read the following Petition into the record.

Petitions Recommended for Approval by the Regional Center Hearing Examiner:

2026-REG-015 | 412 West McCarty Street, 1717 and 1721 Chadwick Street

Center Township, Council District #18

CBD-2 (RC)

TWG 412 McCarty Street, LLC, by Joseph D. Calderon

Regional Center Approval to provide for a six-story, mixed-use development, consisting of 270 dwelling units, 204 parking spaces within an integrated parking garage, and approximately 6,500 square feet of commercial and retail space.

Jeffrey York (Manager, Current Planning, DMD) provided background for **Petition No. 2026-REG-015**. He explained that the Petition had been filed in February 2026 and that, after meetings between Staff, the City Architect, and the developer, revised plans had been received on May 29, 2026. Mr. York described the changes which included improved storefronts along Missouri and McCarty Streets (of which some incorporated public art), a more definitive material palette with increased, lower level masonry, a roof deck, enlarged corner balconies, refined paint and wayfinding colors, decorative metal screening of the parking garage along vehicle frontages, and a 20-foot access easement over Pogue's Run, a DPW request.

The Petitioner's attorney, Joseph Calderon (11 South Meridian Street, Indianapolis, IN), was asked by President Dillon as to whether the property closing concerns that he had shared at a prior meeting were still in play. Mr. Calderon relayed that the closing had occurred but added that he could not speak regarding any milestones and deferred those questions to a representative of the Petitioner.

President Dillon stated that, due to competing demands, he had not yet had a chance to fully review the Regional Center plans. He inquired as to whether the Petitioner would agree to a continuance to the September 2, 2026 meeting to allow this to occur.

The Petitioner's representative, Chase Smith, TWG Development, stated that the Petitioner closed on the property before the August 31, 2026 deadline, had arranged its full capital stack of debt and equity financing under the understanding that construction would begin immediately after the property had been acquired. He added that there was a hold on all City permits pending the Regional Center approval. Mr. Smith relayed that the Petitioner had anticipated receiving permits and beginning construction by mid-September 2026, and that a continuance of the approval of the Regional Center approval to September 2, 2026, without some accommodation, would jeopardize the timeline since permit review could not occur until after the permit hold was removed.

President Dillon asked for Mr. Calderon's opinion on the proposed accommodation. Mr. Calderon suggested that DMD might be allowed to conditionally release the Regional Center hold, allowing the Department of Business and Neighborhood Services (DBNS) to process the permits during the continuance, without adversely affecting the Commission's review.

Regarding the accommodation, Megan Vukusich (Director, DMD) deferred to Bryce Patz (Administrator, Current Planning, DMD), who explained that DMD did have an early release mechanism, under which the Petitioner would need to assume all risk. Staff would support the issuance of an early conditional release given the Petitioner's cooperation with Staff throughout the review process.

Mr. Patz proposed the following Motion: that DMD Staff, through the Administrator of Current Planning, would release an early conditional Improvement Location Permit (ILP) agreement to the Petitioner, allowing the ILP process to move forward, subject to final approval of **Petition No. 2026-REG-015** by the Commission at the September 2, 2026 meeting. Mr. Calderon said that the Petitioner agreed with the accommodation.

President Dillon made a Motion that DMD Staff release an early conditional ILP agreement to the Petitioner on the terms described above, subject to final approval of **Petition No. 2026-REG-015** by the Commission at the September 2, 2026 meeting; Commissioner Murphy seconded the Motion; the Motion was carried by a roll-call vote (6:0:0) as follows:

Ayes: Dillon, Lyle, Murphy, Robinson, Schumacher, West

Noes: None

Recusals: None

The Commission continued Petition No. 2026-REG-015 to the September 2, 2026 meeting, subject to the provision of an Early Conditional Release of Improvement Location Permit agreement.

PETITIONS FOR PUBLIC HEARING

PROPOSAL TO AMEND THE ZONING AND SUBDIVISION CONTROL ORDINANCE OF INDIANAPOLIS-MARION COUNTY, INDIANA:

2026-AO-001 (Amended)

A proposal for a General Ordinance to amend Chapter 740-202 (Definitions) and 742-109 (Special Use Districts), pertaining to data center development, of the Consolidated Zoning and Subdivision Control Ordinance for Indianapolis-Marion County.

President Dillon explained the Rules of Procedure governing the hearing.

Staff Presentation

Bryce Patz (Administrator, Current Planning, DMD) explained that on August 10, 2026, the City-County Council amended the ordinance amendment which had been approved on July 1, 2026 by the Commission, by striking the prior language and inserting a new Section One, which provided that Section 742-009 (L) of the Zoning Ordinance was reserved for data center regulations to be developed by Staff following a moratorium on the permitting or allowance of any data centers within the jurisdiction of the MDC, ending no later than December 31, 2027. Mr. Patz explained that, during the moratorium, community experts would be consulted on standards

which addressed data center campus size, maximum building height and footprint, sound levels (including decibel and low-frequency noise), brownfields and other environmental concerns including subsurface testing, generator testing plans, and electronic waste disposal plans. Mr. Patz further explained that the Council also revised the definition of "data center" to exclude a structure or facility whose primary use was a wireless communications facility, substation, utility distribution node, public safety facility, or post office, as defined in Chapter 740, Article 2. Staff recommended approval of Ordinance Amendment No. 2026-AO-001 (Amended), as amended by the City-County Council on August 10, 2026.

Commission Questions

Commissioner West asked Mr. Patz whether the consultation process would be ongoing during the moratorium prior to the moratorium's end date. Mr. Patz shared that DMD was already working to assemble technical, environmental, and utility experts as requested by the City-County Council, to bring recommended regulations to the Commission for approval.

Commissioner Murphy asked if the moratorium's language "on the permitting or allowance of any and all data centers within the jurisdiction of the [Commission]" would apply to the three data center projects, already approved by the Commission by land-use petitions, none of which had yet begun construction. Mr. Patz replied that the moratorium applied only to new land-use petitions for data centers filed after the adoption, and that the three previously approved projects were not affected. Commissioner Murphy believed that the proposed moratorium language did not expressly limit its scope to land-use decisions and stated his concern that it might be interpreted to include Improvement Location Permits (ILPs) for the three already approved projects, since the permits were tied to zoning.

Megan Vukusich (Director, DMD) deferred to Chris Steinmetz (Senior Counseling Attorney, OCC) regarding the legal question. Mr. Steinmetz advised that, under the Vested Rights Act (IC 36-7-4-1109), the regulations, in place on the date an application was filed, governed for a three year period following the filing, and that to the extent the moratorium language was unclear, it would be preempted by state statute for the three already approved projects.

Commissioner Murphy inquired whether an ILP was under the jurisdiction of the MDC and if it could be considered subject to the proposed moratorium language. Mr. Patz explained that an ILP was the zoning mechanism used to reach permits, whereas DBNS handled the issuance of ILPs.

In response to Commissioner Murphy, President Dillon and Mr. Steinmetz noted that the Commission had no authority at this stage to amend the Council's language; the Commission could only vote the ordinance amendment up or down, and if voted down, the matter would be sent back to the City-County Council for another vote. Commissioner Murphy acknowledged the defined process.

Commissioner Lyle asked what mechanism was available to DBNS to process permits during the moratorium given that DMD, not DBNS, was the body that developed zoning regulations. Ms. Vukusich explained that DBNS was a separate agency that applied the same zoning ordinance administered by DMD and issued the Improvement Location Permit by verifying that a site plan met the standards previously approved under the applicable rezone or variance, regardless of how long ago that approval was granted. Mr. Patz added that other permits (foundational, grading, stormwater) were also issued by DBNS outside the ILP process. Commissioner Lyle asked how this would affect the three grandfathered projects specifically; Mr. Patz responded

that, because those zoning matters had already been settled by this Commission, the Petitions granted would continue to be governed by regulations in place at the time of the approvals. The moratorium would apply to future action after the date the ordinance amendment was adopted, so that no ILP could be issued for a new data center use after the ordinance amendment was adopted, while the three grandfathered projects would remain unaffected.

Public Testimony

President Dillon opened the floor for public testimony. President Dillon asked members of the public in support of the moratorium to stand; the majority of the meeting attendees stood. Remonstrator Elder Amoja Ajabu testified in remonstrance. Mr. Ajabu stated that the three previously approved data center projects should not be allowed to be completed as well as any other future data center development.

City-County Councilor Dan Boots, Council District #3, shared his support of the moratorium, stating that the City-County Council viewed it as an important tool to pause and allow DMD to study data center regulation, that the Council appropriated funding for a special study to engage outside experts, and that the Council was not voting against data centers generally but seeking time to study them appropriately.

City-County Councilor Hart, Council District #20, testified in opposition to the moratorium, stating that he had cast the sole dissenting vote when the Council had voted on the moratorium. Councilor Hart noted that he had reviewed two data center petitions. He believed the development standards previously adopted by the MDC gave the City a useful starting point, that developers could and did commit to exceeding those standards, and that pausing data center regulation until a new City-County Council took office in 2028 could put a future, less experienced Council at a disadvantage relative to developers. Councilor Hart recommended that the Commission retain the standards it originally adopted and deny the Council's amended recommendation.

Councilor Boots commented that he respected Councilor Hart's position but noted that the Council's vote was in favor of the moratorium was 23:1 (Councilor Hart had cast the dissenting vote).

Commission Questions

Commissioner Murphy asked Councilor Boots, a participant in drafting the moratorium language, to share his understanding of whether the moratorium did not apply to the three data center projects already approved by the MDC. Councilor Boots confirmed that it did not, stating that the Council was advised of the constitutional reasons described by Mr. Steinmetz regarding retroactive application and understood that the moratorium would not affect the three already approved projects.

President Dillon stated for the record that the applicable statutory citation was the Vested Rights Act, IC 36-7-4-1109.

President Dillon directed the Commissioners to mark their ballots. The ballots for **Ordinance Amendment No. 2026-AO-001 (Amended)** were marked as follows (6:0:0):

Ayes:	Dillon, Lyle, Murphy, Robinson, Schumacher, West
Noes:	None

Recusals: None

The Commission approved Ordinance Amendment No. 2026-AO-001 (Amended).

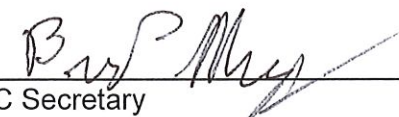
ADDITIONAL BUSINESS

Seeing no additional business, President Dillon asked for a Motion to adjourn. Commissioner Schumacher made the Motion. The meeting was adjourned at 2:00 P.M.



President
Metropolitan Development Commission

Attest:



MDC Secretary

Date:

September 2, 2026