

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 20, 2025

Case Number: 2025-ZON-122
Property Address: 1700 and 1730 West Thompson Road and 1650 Harco Way
Location: Perry Township, Council District #22
Petitioner: Heritage Aggregates LLC, by Misha Rabinowitch
Current Zoning: I-4 (FF) / C-7 (FF)
Request: Rezoning of 71.753-acres from the I-4 (FF) and C-7 (FF) districts to the I-4 (FF) (GSB) district to provide for gravel sand burrow operations.
Current Land Use: Excavation operations
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on this petition.

STAFF RECOMMENDATION

Approval of the request, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Petitioner shall submit to the Division of Planning, Department of Metropolitan Development, a site plan that shows the mining plan on the site, including anticipated phasing and timing of mining.
2. All operations and development shall be subject to the Operations Plan and The Reclamation Plan, both file-dated October 16, 2025.
3. All work or development on the site shall be in substantial compliance with the Site Plan and with the mining plan approved by the Administrator.
4. Any storage of fuel or other non-organic products, the loading areas, and any equipment maintenance areas shall be at a location which has an impermeable base line and diking sufficient to contain at least 110% of product loss from the largest of the storage tanks or containers.
5. Owners shall cause a tree inventory to be conducted and submitted to the Division of Planning, Department of Metropolitan Development, prior to the removal of any trees along the southern boundary, which inventory shows the species and size of all Heritage Trees. Owner shall submit for approval of the Administrator a landscape plan, indicating species and size of the landscape elements, prior to the issuance of an Improvement Location Permit for the concrete plants. The plan shall preserve, to the extent reasonably possible, all existing

- trees. All landscaping shown shall be maintained in compliance with the maintenance and replacement requirements of the Ordinance in effect as of the date of these Commitments.
6. There shall be an interior road system made of gravel or stone located on the site, which shall be maintained with dust control as required in these Commitments.
 7. Heritage Aggregate LLC shall comply with all applicable laws, including EDEM, OSHA or other applicable laws, statutes, or ordinance.
 8. Such mosquito control shall be maintained as necessary surrounding the subject real estate.
 9. Operator shall maintain effective control of the driveways and intersections as required by IDEM, including South Harding Street
 10. All lighting utilized shall comply with the Ordinance provisions related to lighting.
 11. The Owner shall maintain the perimeter of the site in a workmanlike manner, including removing of dead trees and maintaining the grass.

PETITION OVERVIEW

This 71.753-acre site, zoned I-4 (FF) and C-7 (FF), is developed an excavation operation. It is surrounded by an approximately 250-foot-wide utility easement the north, zoned I-4 (FF); I-465 ramp to the south, zoned I-4 (FF); excavation operations to the east, zoned C-7 (FF); and excavation operations to the west, zoned I-4 (FF).

Petition 96-SE1-7 was a Special Exception of the Industrial Zoning Ordinance to provide for the extraction, aggregate washing and screening process for sand and gravel.

REZONING

The request would rezone the site to the I-4 (FF) (GSB) district. “The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.”

Recommended land uses in this typology include light industrial, heavy industrial, heavy commercial, small-scale offices, retailing, and personal or professional services; and wind / solar farms.

The GSB overlay district allows for the extraction of sand, gravel, mineral or other earthen materials within Marion County.

The Comprehensive Plan recommends Heavy Industrial typology for the site.

Comprehensive Plan Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The entire site is located within the 100-year floodplain of the White River.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Planning Analysis

This site and surrounding land uses have historically been used for excavation operation. The Ordinance defines excavation as “breaking of ground, digging, mining, removal, or displacement of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone, loam, rock, clay, silt, or other naturally deposited material, whether alone or in combination.”

Staff supports this rezoning request because of past and current operations, surrounding heavy industrial land uses and the consistency with the Plan recommendation of heavy industrial typology.

GENERAL INFORMATION

Existing Zoning	I-4 (FF) / C-7(FF)	
Existing Land Use	Excavation operation	
Comprehensive Plan	Heavy Industrial typology	
Surrounding Context	Zoning	Land Use
North:	I-4 (FF)	Utility easement
South:	I-4 (FF)	I-465 ramp
East:	C-7 (FF)	Excavation operation
West:	I-4 (FF)	Excavation operation
Thoroughfare Plan		
West Thompson Road	Local Street	Existing 80-130-foot right-of-way and proposed 50-foot right-of-way.
Harco Way	Private drive	Existing 60-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – 100-year floodplain of the White River	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Heavy Industrial. The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Heavy Industrial Typology*
 - The primary entrance should be served by an arterial street.
 - All development should include sidewalks along the street frontage.
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

ZONING HISTORY

96-SE1-7; 4602 South Harding Street a/k/a/ 4400 South Harding Street, requested a Special Exception of the Industrial Zoning Ordinance to provide for the extraction, aggregate washing and screening process for sand and gravel, approved.

VICINITY

96-V3-39 / 96-SE3-4; 4750 South Harding Street, (west of site), requested a variance of developments standards of the Industrial Zoning Ordinance to provide for the construction of a recycling operation for the staging, sorting, baling, and loading of non-toxic, recyclable construction and demolition materials, including the composting of yard materials and biodegradable construction materials accessed via a private street, with approximately 17 acres of outside operations and storage of materials, zero loading docks provided, gravel maneuverability and parking areas, a berm six to eight feet in height along the north, south, and southwest property lines, and a chain-link fence, six feet in height along Belmont Avenue in the required setback area, **granted**.

96-UV1-33; 4530 South Harding Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for an asphalt and cold mix processing facility with zero feet of public street frontage provided, with access to be gained via 60-foot-wide feet, **granted**.

92-UV1-79; 2709 West Epler Avenue (south of site); requests a variance of use and development standards of the Dwelling Districts Zoning Ordinance and Flood Control Ordinance to permit extraction of sand, gravel and earthen minerals; **granted**.

91-SE2-1 / 91-UV2-36; 4507 South Belmont Avenue (north of site), requested a Special Exception of the Industrial Zoning Ordinance to permit the construction and use of an asphalt plant without the required public street frontage, with all weather access, **granted**.

91-AP2-10; 4720 South Belmont Avenue (west of site), requested approval for a modification of conditions and site plan pursuant to petition 90-SE2-25 to permit the manufacturing of concrete prestressed building products to occur outdoors, the outdoor storage of steel forms and rolls of wire mesh, and the storage of material in excess of the six-foot-tall security fence, **approved**.

90-SE2-25; 4720 South Belmont Avenue (west of site), requested a Special Exception of the Industrial Zoning Ordinance to permit the construction of a concrete pipe manufacturing facility without the required loading dock, outdoor storage in excess of 75% of enclosed buildings, a gravel surface for outdoor storage, and to permit a zero-foot setback from the property line, **granted**.

90-UV1-61; 2103 West Epler Avenue (south of site); request variance of use from the SU-23 district to permit a temporary asphalt plant for a period of two years; **granted**.



**Department of Metropolitan Development
Division of Planning
Current Planning**

85-Z-88; 4530 South Harding Street (east of site); requested rezoning of 5.0 acres, being in the I-4-S district, to the C-6 classification to provide for the construction of a budget motel, **approved.**

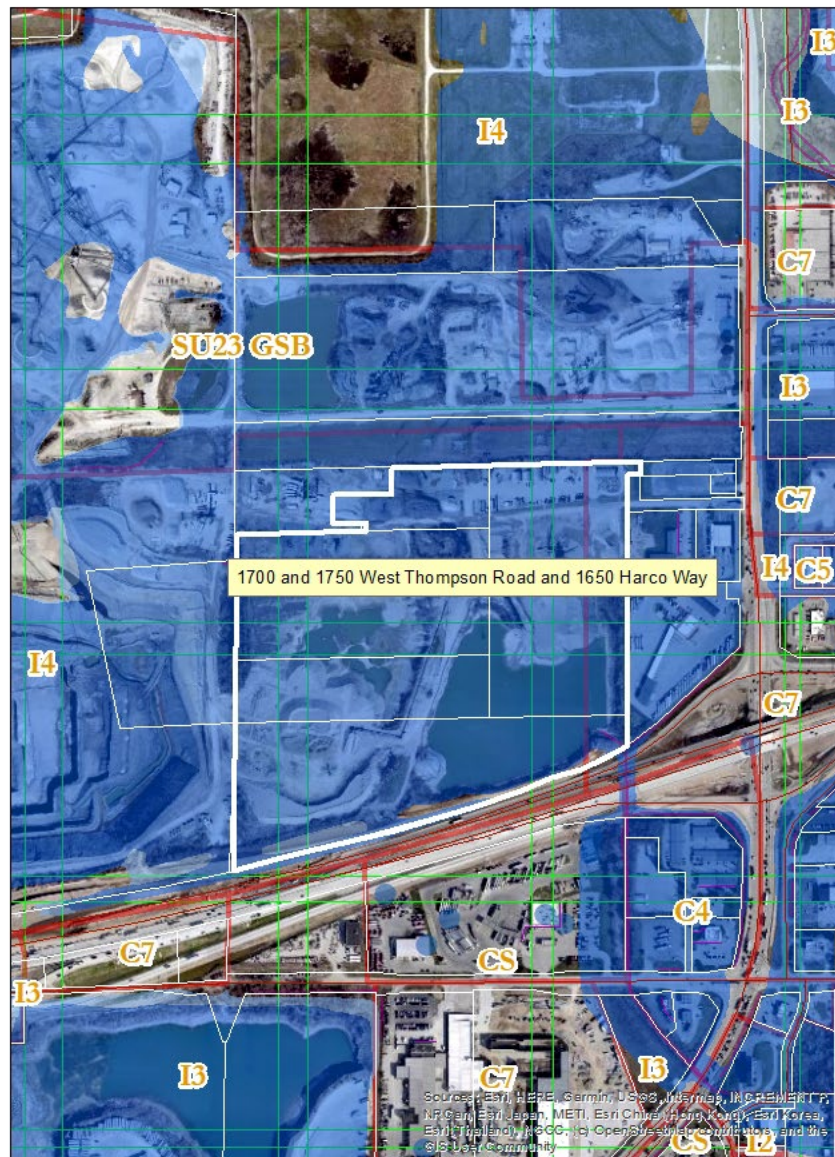
84-AP-190; 1851 West Thompson Road (south of site); requests modification of commitments made in 81-Z-71 and 82-Z-72 to allow relocation of a landscape strip; **approved.**

82-Z-72; 1801-2399 West Thompson Road (south of site); requests rezoning of 140 acres, being in the A-2 District, to the GSB Secondary classification, to permit excavation of sand and gravel; **approved.**

81-Z-71; 1801-2399 West Thompson Road (south of site); requests rezoning of 140 acres, being in the I-3-S district, to the SU-23 classification, to permit excavation of sand and gravel; **approved.**

EXHIBITS

Site Aerial



1700 and 1730 West Thompson Road and 1650 Harco Way



0 0.0375 0.075 0.15 0.225 0.3 Miles

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, OpenStreetMap contributors, and the GIS User Community



View from site looking east



View from site looking south



View from site looking south



View from site looking south



View of site looking south



View of site looking south



View from site looking southwest



View from site looking east towards Harding Street



View from site looking north



View from site looking north



View from site looking north



View from site looking north