

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 15, 2026

Case Number: 2025-CPL-857 / 2025-CVR-857

Property Address: 9450 Counselors Row (Approximate Address)

Location: Washington Township, Council District #4

Petitioner: Keystone Witness, LLC, by Brian J. Tuohy

Zoning: C-S

Request: Approval of a Subdivision Plat, to be known as 9450 Counselor's Row, dividing 7.61 acres into two lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a proposed hotel with a building height of 74 feet (maximum 45 feet permitted), a maximum front yard setback of 135 feet (maximum 85-foot front yard setback required), parking space stall size of nine-foot by 18-foot, or 162 square feet (minimum nine-foot by 18-foot, or 180 square-foot required), and a Green Factor Score of 0.087 (minimum Green Factor Score of 0.22 required).

Waiver Requested: None

Current Land Use: Hotel and parking lot

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for these petitions.

STAFF RECOMMENDATION

Staff **recommends approval** of the height, setback, and parking space sizes with the condition that the ADA parking spaces meet the 20-foot length requirement.

Staff **recommends denial** of the Green Factor Score variance.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated November 19, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat. prior to recording.

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat. prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
11. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
12. The sidewalk installation along Counselors Row, Advisory Way, and Advisory Link shall be noted in the Final Plat.
13. That the approval shall be in accordance with the variances requested.

PETITION OVERVIEW

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

The 7.61 acres site, zoned C-S, developed with a hotel and parking lot. The site is surrounded by restaurants and commercial uses to the north, a commercial shopping center to the east, and commercial buildings to the west and south all zoned C-S.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow a proposed hotel with a building height of 74 feet. The Ordinance requires that buildings in the C-S district be a maximum of 45 feet tall in the Metro Context Area per Table 744-201-3.

Development Standards of the Ordinance, specifically those relating to building height, are intended to maintain a consistent development pattern and scale within the districts, by discouraging the overdevelopment of lots. The height requirement for primary buildings is set at a limit that ensures orderly development and does not negatively impact adjacent property owners.

Staff determined that the proposed height would not be out of character with the surrounding area due to the existing 67-foot-tall hotel.

The request would also allow for a 135-foot front yard setback from Advisory Way, deficient parking space stall size of 9-foot by 18-foot or 162 square feet, and a deficient Green Factor Score of 0.087.

The maximum front setback is 85 feet, but the allowance of an increased front setback would ensure sufficient parking is proposed on site, which staff would support. The parking stall sizes would be supportable so long as the required ADA parking spaces meet the 20-foot length requirement.

Staff would not support the Green Factor Score reduction since the allowance of a height variance should provide more land area for landscaping. Because the required landscaping on site would be deficient, the option to reduce the building height and reduce the number of hotel rooms would create a reduction in total parking spaces since they coincide with the room count.

Staff would note that sidewalks are not shown on the submitted site plan. The Ordinance would require sidewalks to be constructed around the site's perimeter, with the development of the property.

SITE PLAN AND DESIGN

The proposed development would provide for two (2) commercial lots on 7.61 acres to be known as 9450 Counselor's Row. The subject site is part of a large office, commercial, industrial research, light industrial and service complex and is currently developed with a hotel and parking lot. Proposed Lot 1, measuring 5.38 acres, would contain the existing hotel and proposed Lot 2, measuring 2.03 acres, would provide for a future hotel development.

Lot 1 previously received a variance that allowed for a 67-foot-tall hotel to exceed the maximum permitted height of 45 feet. The proposed subdivision would meet all of the standards of the subdivision regulations and the C-S standards from rezoning petition 80-Z-91A.

STREETS

The subject site is surrounded by three private streets within the larger business complex, Counselors Row, Advisory Way and Advisory Link. No new streets are proposed with this plat.

SIDEWALKS

Sidewalks shall be provided along both sides of all streets internal to the subdivision, as well as along any existing or proposed perimeter streets that border the subdivision.

Sidewalks are required along all private street frontages and would need to be installed as part of this platting process.

In conclusion, Staff is recommending approval of the variance requests apart from Green Factor Score and recommends approval of the plat petition subject to specific conditions.



Department of Metropolitan Development
Division of Planning
Current Planning

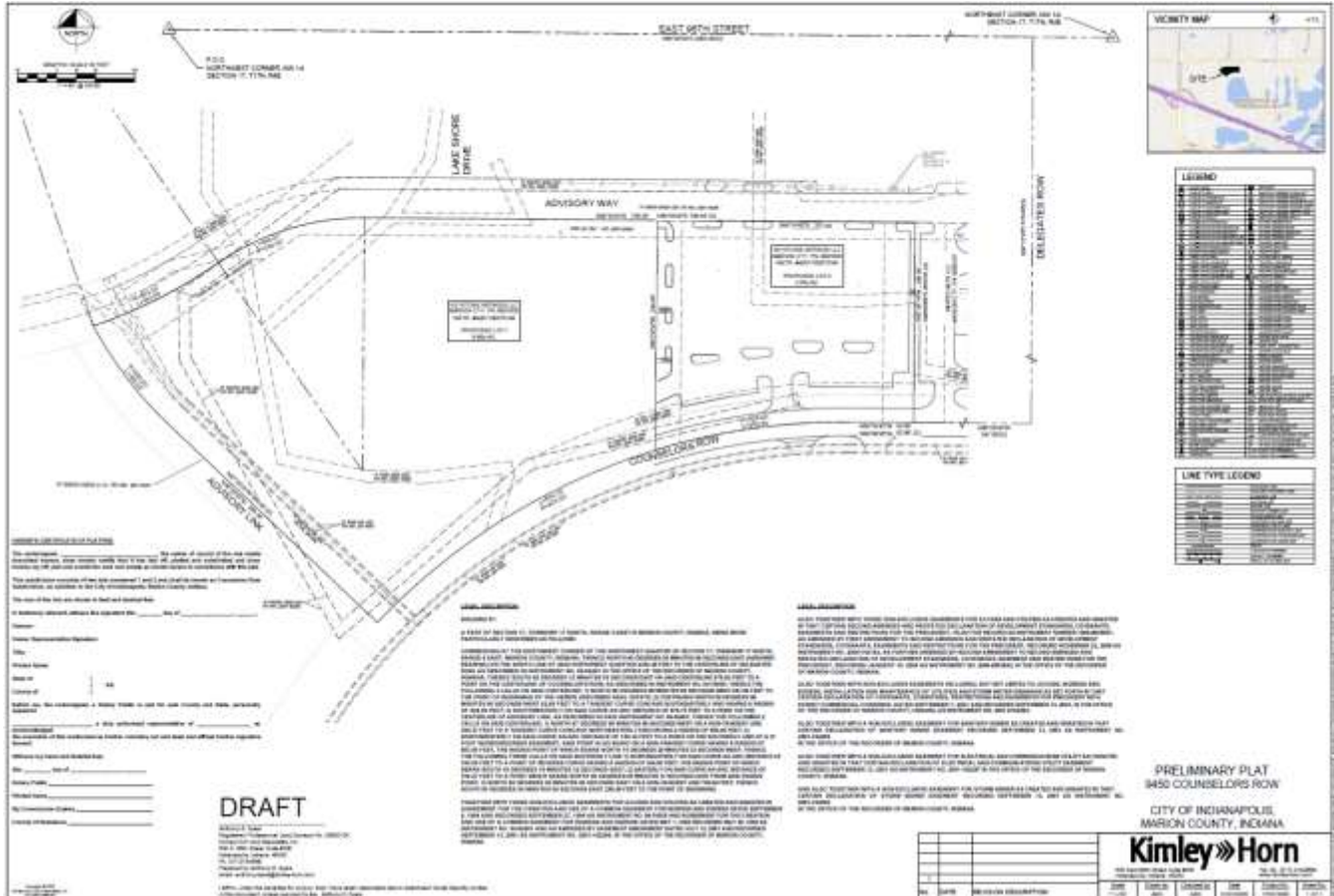
GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Hotel and parking lot	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Restaurants and commercial buildings
South:	C-S	Commercial buildings
East:	C-S	Commercial shopping center
West:	C-S	Commercial building
Thoroughfare Plan		
Counselors Row	Private Street	N/A
Advisory Way	Private Street	N/A
Advisory Link	Private Street	N/A
Petition Submittal Date	November 19, 2025	

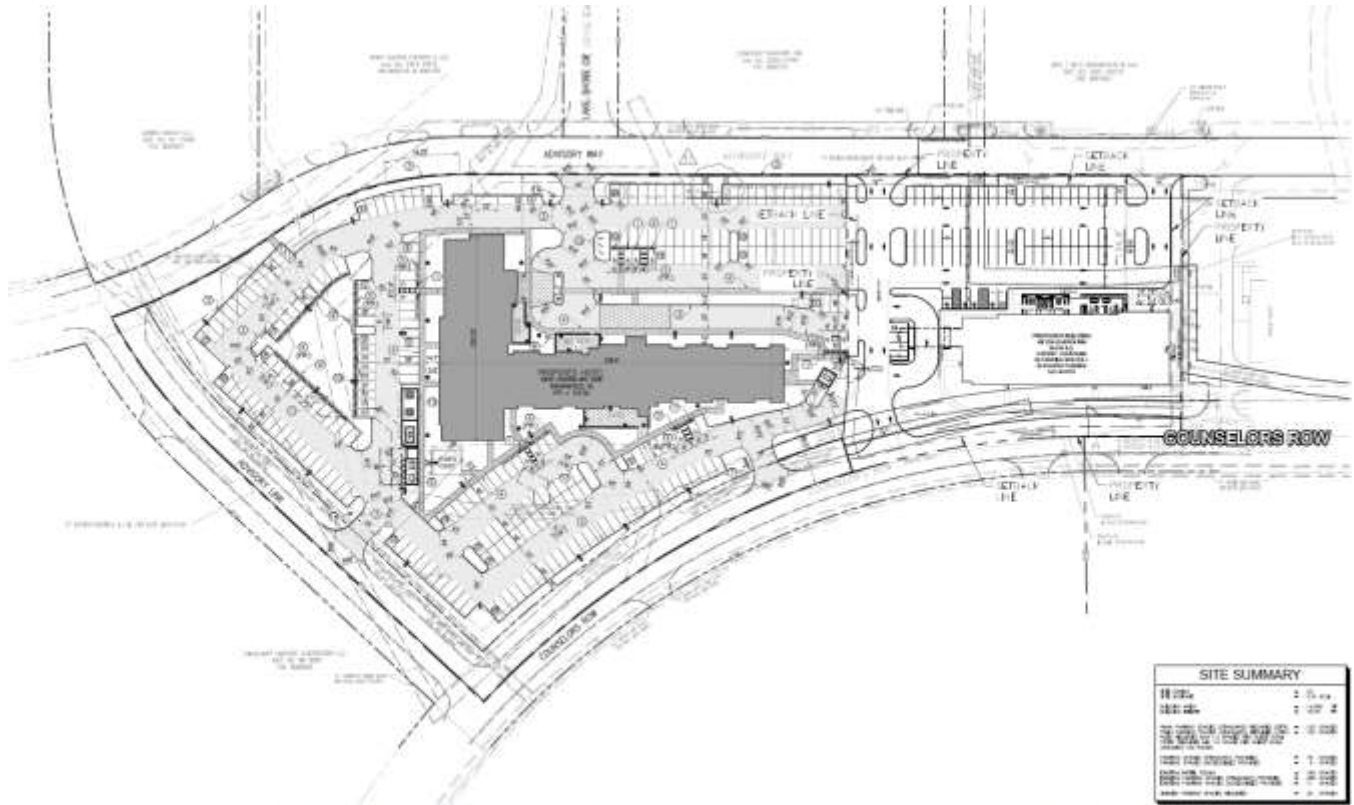
EXHIBITS



Aerial Map



Site Plan



Elevations

ELEVATION



SIDE A ELEVATION

LEGEND-EXTERIOR FINISHES			
CODE	DESCRIPTION	FINISH	NOTE
E1	BRICKWORK	BRICKWORK	
E2	CONCRETE	CONCRETE	
E3	GLASS CURTAIN WALL	GLASS CURTAIN WALL	
E4	GLASS CURTAIN WALL	GLASS CURTAIN WALL	
E5	GLASS CURTAIN WALL	GLASS CURTAIN WALL	
E6	GLASS CURTAIN WALL	GLASS CURTAIN WALL	



FRONT ELEVATION

ELEVATION



SIDE B ELEVATION

LEGEND-EXTERIOR FINISHES			
CODE	DESCRIPTION	FINISH	NOTE
E1	BRICKWORK	BRICKWORK	
E2	CONCRETE	CONCRETE	
E3	GLASS CURTAIN WALL	GLASS CURTAIN WALL	
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E5	GLASS CURTAIN WALL	GLASS CURTAIN WALL	
E6	GLASS CURTAIN WALL	GLASS CURTAIN WALL	



REAR ELEVATION

Isometric Views

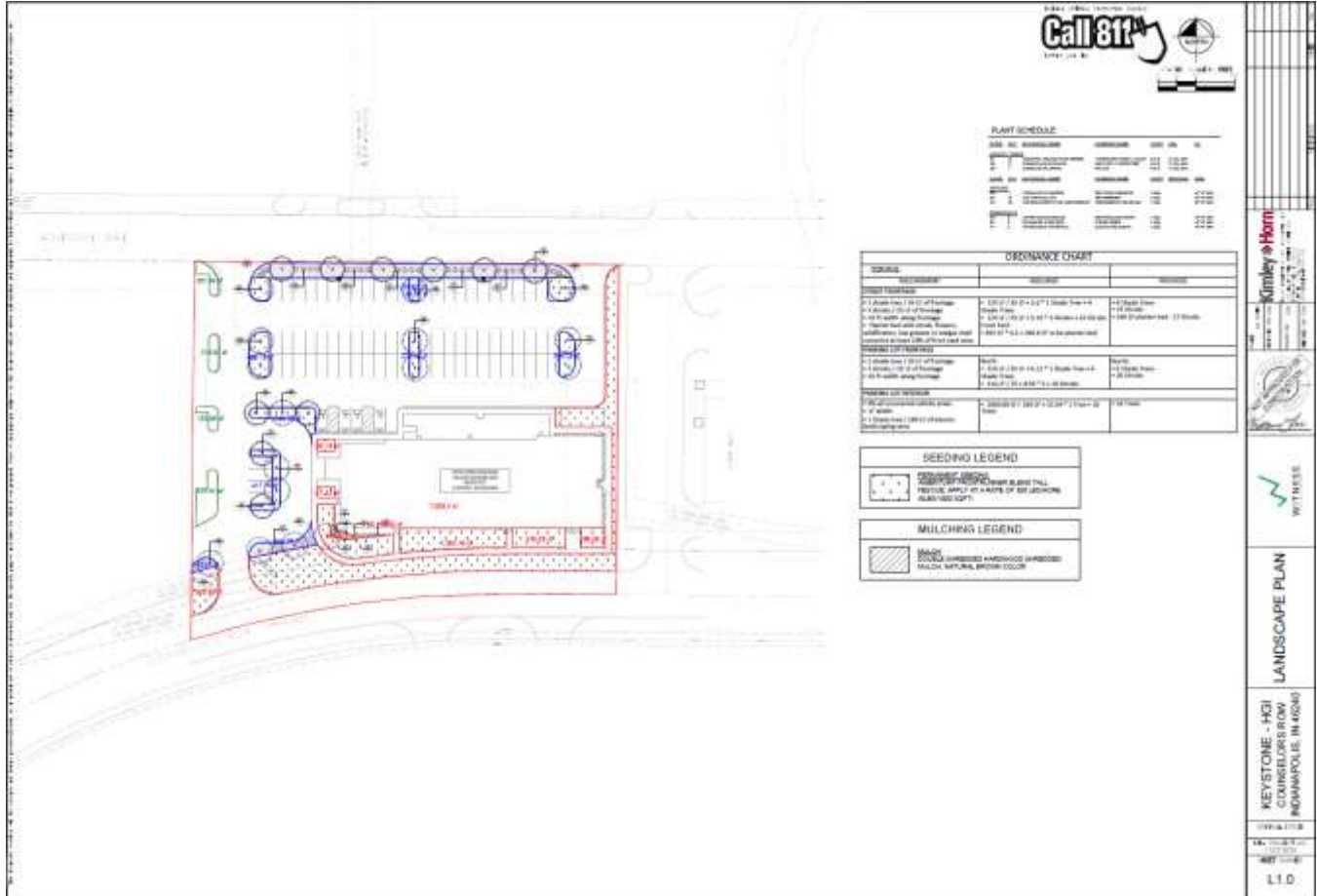
3D VIEWS



3D VIEWS



Landscape Plan



Green Factor Sheet

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		Mira Keystone Hotel		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
Parcel Size		88,003		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity	-	11,200	0.2	2,240
Large shrubs or ornamental grasses [1]	0	16 sq. ft. per	0.3	-
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity	-		1.0	-
Areas other than required yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity	-	3,200	0.7	2,240
Large shrubs or ornamental grasses [1]	51	16 sq. ft. per	0.3	245
Small trees [2]	0	50 sq. ft. per	0.3	-
Medium trees [3]	0	100 sq. ft. per	0.4	-
Large trees [4]	26	200 sq. ft. per	0.4	2,080
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf	-	1,138	0.8	910
Undisturbed contiguous areas 10,000 sf or more	-		1.5	-
Significant Trees over 10 in. DBH preserved	0	250 sq. ft. per	0.5	-
Heritage Tree over 8 in. DBH preserved	0	250 sq. ft. per	0.5	-
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	0	250 sq. ft. per	0.5	-
Building or Structural Features				
Permeable paving for walkways, parking lots, etc	-		1.2	-
Photocatalytic pavement or building exterior	-		1.5	-
White roof area	-		0.1	-
Vegetated walls - area of wall covered	-		0.7	-
Infiltration areas, underground chambers or surface, such as sand filters	-		1.5	-
Green roofs				
Area of green roof with less than 2 in. but not more than 4 in. growing depth	-		1.2	-
Area of green roof with over 4 in. growing depth	-		1.4	-
Off-site improvements				
Tree credit to the Tree Fund [6]	0	100 sq. ft. per	0.4	-
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales	-		1.5	-
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator	-		0.4	-
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water	-		0.2	-
Landscaping visible to passersby (adjoining & up to 85 ft depth)	-		0.1	-
Landscaping to be maintained in food cultivation	-		0.2	-
Landscape area utilizing structural soil	-		0.4	-
Total Green Factor Score				0.0877

Green Factor Sheet (Continued)

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		<i>Mira Keystone Hotel</i>		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
<p>Notes for Green Factor</p> <p>[1] Large shrubs or ornamental grasses are those that reach 3 ft or more in height at maturity.</p> <p>[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.</p> <p>[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.</p> <p>[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.</p> <p>[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be stable and include established vegetation as evidenced by the presence of mature trees, understory plants or grasses other than turfgrass.</p> <p>[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of the site's credited trees may be tree credits. Contribution method and amount to be established by the Metropolitan Development Commission.</p>				
Indicate the Tree species in each size category:				
Small trees species =				
Medium tree species =				
Large tree species =				



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The height variance will not be injurious because the hotel next door is nearly as tall and there are other buildings within the same commercial park that are as tall or taller than the proposed five-story hotel. Such buildings have not been injurious to the community. The variance for the setback will not have any injury because the adjacent hotel was granted a similar variance in 2017 and no injury has occurred. The variance for the parking space size is a minimal request and will allow adequately sized parking spaces for cars and SUVs. The size of the spaces meets the requirements of Section 744-404.D.2.b. which requires spaces for uses other than residential uses to be 9'x18'. The size of the spaces is common in Indianapolis and some of the parking spaces for the hotel next door are similarly sized. Such spaces do not cause injury to the community. The site is an infill site and is currently improved with a paved parking area. A reduced green factor score will not cause injury to the community as new landscaping will be added to areas that are currently paved.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

Approval of the variances will allow for the development of a new hotel to serve visitors to the commercial park and surrounding area. The approval will allow a surface parking lot to be improved with a five-story hotel representing a substantial capital investment in the commercial park. Such hotel will significantly improve the assessed value of this area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The site is unique because it is bordered by two streets, one of which is curved in a manner that reduces the usable building area of the site. Without the height variance, the hotel will not be able to be developed with a hotel similar to the hotel next door. The variance for the setback is needed because the site has two front yards and it will allow the new hotel to be placed in a similar location north to south as the existing adjacent hotel. The variance for the reduction in parking space size will allow for the installation of drive aisles that line up with the existing drive aisles for the hotel next door. The site is an infill site and is improved with a long-existing parking area. There is a practical difficulty in developing the site and meeting the green factor, which would require the installation of several hundred trees, which would require an unreasonable amount of area on the site and would result in burdensome maintenance costs.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

PHOTOS



Photo of the Proposed Lot 2 looking southeast from Advisory Way.



Photo of the Proposed Lot 1 looking southwest from Advisory Way.



Photo of the proposed parcel split looking south towards Counselors Row.



Photo of the Proposed Lot 2 looking east.



Photo of the proposed parcel split looking north from Counselors Row.



Photo of the Proposed Lot 2 looking north.