

BOARD OF ZONING APPEALS DIVISION II

March 10, 2026

Case Number: 2025-DV1-052 (Amended)
Property Address: 4105 West 93rd Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: V 465 LLC, by John B. Gregg
Current Zoning: I-2 / MU-1
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).
Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **approval** of the requested variances.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

3/3/26: The petitioner requested and was granted a continuance and transfer from the March 3, 2026 hearing date of Division I to the March 10, 2026 hearing date of Division II to allow for staff's report to be finalized after the submittal of new information after the new hearing deadline had passed.

2/3/26: The petition was continued by staff request to the March 3, 2026 hearing date to allow for the mailing of amended notice and for additional discussion and provision of supporting documents related to the proposed heritage tree removal.

1/6/25: This petition was continued to the February 3, 2026 hearing date by the petitioner to allow for submittal of a landscape plan.

12/2/25: This petition was automatically continued by a Registered Neighborhood Group to the January 6, 2026 hearing date.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested variances.

PETITION OVERVIEW

- 4105 West 93rd Street is an undeveloped parcel within Pike Township that is 53.65 acres in size. It contains a portion of the Payne Branch Stream as well as tree plots containing heritage trees present since the 1970s. The forested and wetland portion of the property surrounding the

Category II stream cuts northwest to southeast, with undeveloped and cleared portions of the property to the southwest and northeast. It does not appear that areas designated as 'wetlands' on plans provided by the applicant are designated as such by State or federal authorities.

- The property is currently accessible from Robison Road to the northwest as well as 93rd Street to the east. Surrounding land uses include the I-465 freeway to the north; a landscaping contractor and other industrial uses to the west; office buildings, warehouses, and undeveloped land to the south; and a mixture of commercial and hotel uses to the east. 93rd Street also contains several single-family residences accessible only from Waldemar Road further to the east.
- The land use request associated with this petition would result in the placement of an industrial warehousing and distribution center approximately 684,400 square feet (approximately 15.71 acres), in addition to proposed accessory parking and loading spaces (510 standard spaces and 116 truck spaces) and the proposed private drive that would provide access to Waldemar Drive to the east. The petitioner indicated that a potential use for the property might be cold storage related to a pharmaceutical company and that most vehicle traffic would come from the new eastern private drive.
- As proposed, this project would involve the relocation of the Payne Branch Stream from its current orientation substantially overlapping with the proposed structure to an alternate path on the site plan within Exhibits below (stream paths shown in red and blue respectively). The plan would also involve significant removal of existing trees on the site: 16.6 acres of the 18 acres of existing tree line would be cleared. Additionally, plans provided to the City in March of 2025 indicate that the proposed development would result in the removal of 79 different heritage trees from the site.
- The original site plan and proposal provided had indicated a slightly larger building (693,840 square feet) and a relocated Stream Protection Corridor. The building and proposed parking from that layout would have encroached into the Stream Protection Corridor (a zoning non-conformity) and over the petitioner's property line onto neighboring parcels. In January, amended plans were provided that showed a smaller building and reduced parking areas that would no longer encroach into the Stream Protection Corridor (50-foot buffer at each side of the relocated stream).
- Two (2) Variances of Development Standards have been requested in relation to the proposed development. The first would be to allow for the removal of existing heritage trees on site without prior authorization via one of the methods listed within 744-503.K of the Indianapolis Zoning Ordinance. Although the ability to approve removal of heritage trees administratively does exist, staff felt that given the scope and number of trees to be removed that a full public hearing should be required (the Administrative Approval petition 2025-ADM-085 to allow for the heritage tree removal was not granted).
- The second required variance would relate to the proposed parking within the northern front yard of the property. Ordinance would limit front-yard parking in this zone to one double-loaded row, and proposed plans indicate placement of parking stalls exceeding that limitation.

- Staff would note that the original filing had requested a variance related to the proposed development area encroaching into the newly created stream protection corridor, but amended plans indicate that this variance would not be required to allow for the altered layout.
- A full landscape plan showing proposed plantings was provided by the applicant in February, per staff request. Those plans indicate that no additional variances related to landscaping would be required: required perimeter, interior parking areas, and transitional yard plantings would be provided, and the Green Factor score would be a compliant 0.3178. Approval of this petition would not allow for deviation from these standards or from any rules related to the planting of replacement trees for any heritage trees removed at the site.
- The subject property is cross-zoned between the I-2 district (Light Industrial district for industrial uses that are largely enclosed and present minimal risk of dirt, noise, odor, etc. for adjacent properties) and MU-1 district (Mixed-Use One district for high-rise office and apartment uses along arterials). Except for portions of the proposed eastern access drive, the development would be located on the portions of the parcel zoned I-2. The Marion County Land Use Plan Pattern Book recommends the property to a mix of Office Commercial typology (to the north), Community Commercial typology (to the southeast), and Light Industrial typology (to the south and west). It is also partially within an Environmentally Sensitive overlay intended to protect areas with high-quality woodlands, wetlands, or other natural resources.
- The relocation of the stream would require several federal, state, and local environmental approvals. Per staff communication with the Department of Public Works, these approvals would include (but are not necessarily limited to) a Construction Stormwater General Permit from the Indiana Department of Environmental Management, Construction in a Floodway approval from the Department of Natural Resources, Clean Water 401 & 404 approvals if the area contains State-designated wetlands, a drainage permit from the Department of Business and Neighborhood Services, and potential approvals from the Department of Public Works for the City of Indianapolis.
- At the time of the publication of this report, the petitioner had indicated to staff that their Section 401 Water Quality Certification has been granted by IDEM on June 3, 2025, and that approval from the Army Corps of Engineers related to the stream relocation was pending but largely completed. Approval of this petition would not replace the need for any of the listed approvals above and would be narrowly related to permission for the removal of heritage trees and the parking configuration within the front yard.
- Upon review of the initial site plan provided to staff, a representative from the Stormwater division of the Department of Public Works expressed several concerns, including but not limited to a lack of replacement of the riparian buffer surrounding the stream, potential increases in downstream flow, the likelihood of erosion or channel migration that might result from the proposed 90-degree turn of the stream, and a lack of design data related to anticipated flows and velocities, upstream discharges, etc. Although unrelated to the requested variances or standards found within the Zoning Ordinance, staff would encourage the applicant to actively engage in efforts to address

those concerns to obtain local-level drainage and environmental approval as well as the state and federal approvals already granted or in progress.

- The intent of the Ordinance rule related to parking limits in front yard areas is to ensure vibrant and pedestrian-friendly front yards areas and to avoid the appearance of large parking ‘oceans’ in between frontages and buildings. In this instance, staff would note that **(a)** the subject front yard is adjacent to an interstate as opposed to a frontage type that would allow for any sort of pedestrian access; **(b)** that the standard would only be exceeded by the placement of two non-adjacent single-loaded rows to the northeast and northwest of the property; and **(c)** alternate parking layouts would likely result in the placement of additional spaces near existing residences to the east. For those reasons, staff recommends approval of the parking variance.
- Removal of heritage trees from property within Marion County is subject to zoning requirements per 744-503.K of the Indianapolis Zoning Ordinance: it would be prohibited unless determination had been made that a tree is **(a)** dead; **(b)** interfering with the provision of public services or is a hazard to traffic; **(c)** is preventing development that cannot be physically designed to protect the tree; and **(d)** is being harvested from a D-A zoned property for use a timber or forestry product.
- At staff’s request, the petitioner provided a detailed narrative document providing additional context as to why the site could not be developed in an alternate manner, as well as what replacement and mitigation efforts are planned to replace the removed heritage trees. This document indicates that the utilization of several smaller structures would still result in the need for disruption of the stream via multiple crossing points and comparable removal of trees (clustered around the stream), and that the proposed layout would more efficiently utilize space dedicated to parking and loading areas. The document and landscaping plans also indicate that replanting of substantial numbers of new trees would be undertaken per 744-503.K of the Ordinance (over 2300 new trees would be planted), and that they would comply with tree inspection obligations per required federal environmental approvals (full mitigation plan pending). The full text of that narrative is within Exhibits below.
- The petitioner has also proposed commitments in consultation with the adjacent property owner to the east, including enhanced landscape buffering near their property line and limitations on construction hours, lighting, site uses, and vehicle access to 93rd Street. If approved, staff would be unopposed to the inclusion of these additional commitments.
- Staff would also note the extensive environmental reviews which have already occurred to allow for the stream relocation, proposed replanting of trees to compensate for the loss of heritage trees, and that the proposed development would not be dissimilar to other development allowed within the I-2 zoning district. For these reasons, staff recommends approval of the variance related to the removal of heritage trees.

GENERAL INFORMATION

Existing Zoning	I-2 / MU-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial / Light Industrial / Community Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	C-5 / I-2 / MU-1 North: Commercial
	South:	I-2 / C-S South: Undeveloped / Commercial
	East:	C-4 / MU-1 East: Commercial / Residential
	West:	I-4 West: Industrial
Thoroughfare Plan		
Waldemar Road	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
Robison Road	Local Street	50-foot right-of-way existing and 50-foot right-of-way proposed
93 rd Street	Local	50-foot right-of-way existing and 50-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes or No	
Site Plan	11/05/2025	
Site Plan (Amended)	02/10/2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	02/10/2026	
Findings of Fact	Enter Date. N/A if not applicable	
Findings of Fact (Amended)	Enter Date. N/A if not applicable	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Pattern Book recommends the northern portion of the site to the Office Commercial typology (single and multi-tenant office buildings such as medical clinics, hair and body care salons, or financial or legal services), the eastern portion of the site to the Community Commercial typology

(low-intensity commercial and office uses such as groceries, drug stores, or restaurants), and the southwestern portion of the site to the Light Industrial typology (industrial production, distribution and repair uses with enclosed structures).

- The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. This overlay is intended to prevent or mitigate potential damage caused by development, and light industrial land uses are removed as a recommended land use within the ES overlay.

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)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2025ADM085, removal of Heritage Trees from the subject site per 744-503.K of the Indianapolis Zoning Ordinance, **not approved**.

2005ZON059, rezoning of 93 acres, being in the I-2-S and I-4-S districts to the C-4 classification to provide for an integrated retail commercial development, **withdrawn**.

ZONING HISTORY – VICINITY

2015UV2034 ; 9330 Waldemar Road (east of site), Variance of use of the Commercial Zoning Ordinance to provide for the expansion of an exotic animal clinic and veterinary clinic (not permitted), **approved**.

2013MO2001 ; 9330 Waldemar Road (east of site), Modification of the Site Plan and Condition One of 96-UV2-96 to provide for an 840-square foot addition to an exotic animal clinic, **approved**.

2012UV2012 ; 9345 Waldemar Road (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a dog and cat boarding and day-care facility, with on-site grooming services and an outdoor exercise area (not permitted), **approved**.

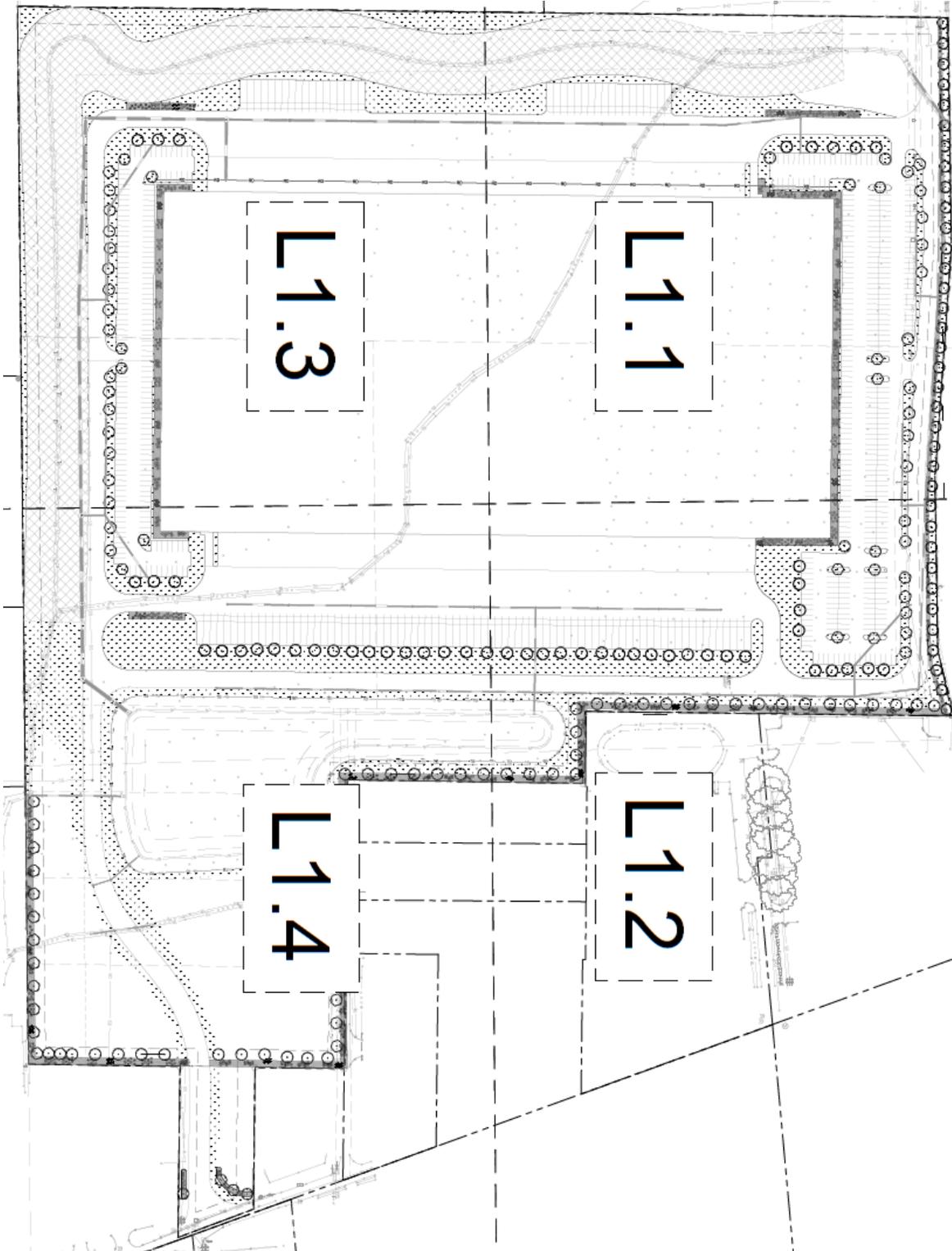
97-Z-49 ; 9730 Waldemar Road (east of site), rezoning of 4.304 acres from the C-2 zoning district to the C-6 zoning district for development of a new hotel development, **approved**.

EXHIBITS

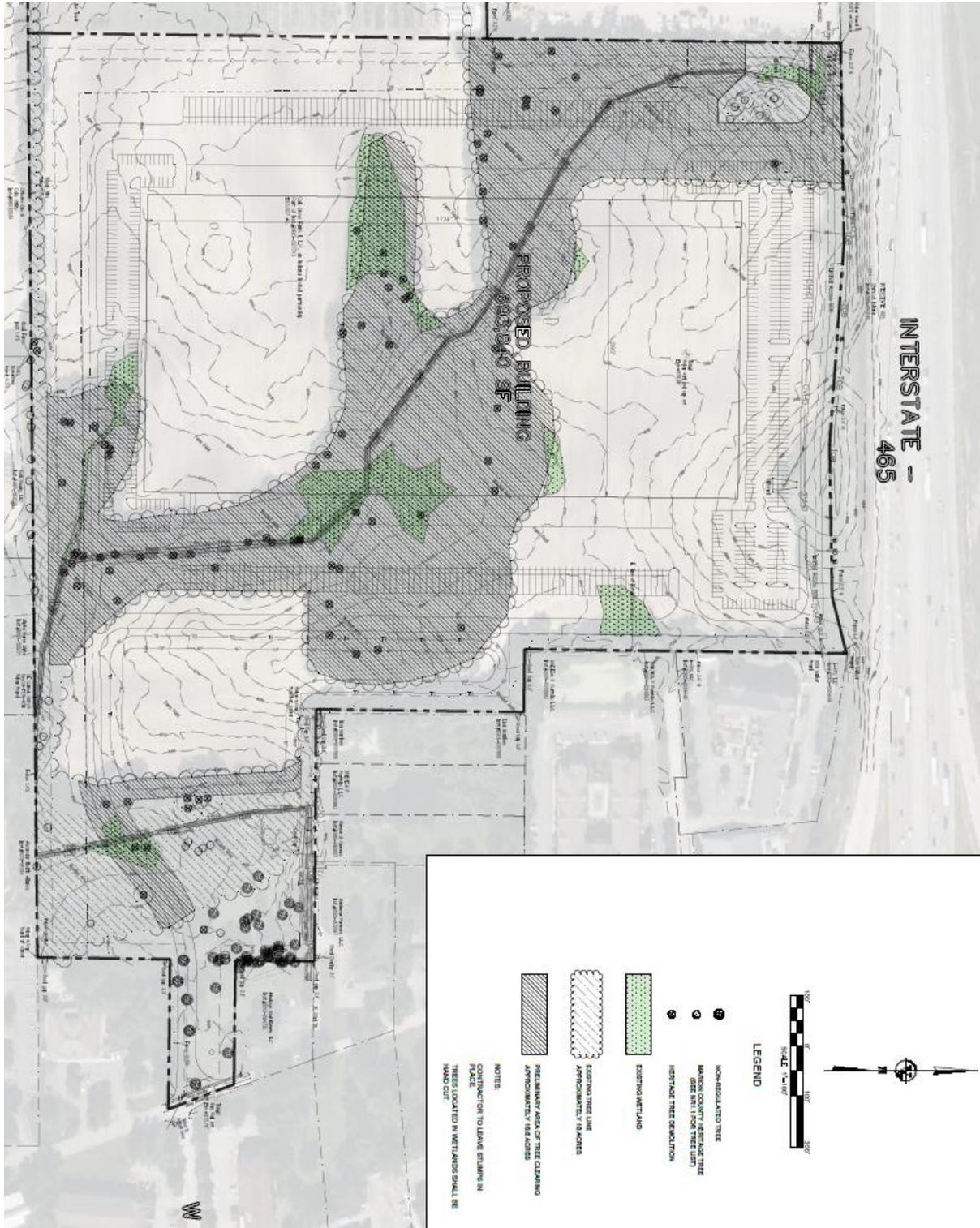
2025DV1052 ; Aerial Map



2025DV1052 ; Landscape Plan



2025DV1052 ; Proposed Heritage Tree Removal (2025-ADM-085; not approved)



2025DV1052 ; Heritage Tree Removal Narrative (provided by applicant)

I. Need for Creek Relocation and Resulting Need for Heritage Tree Replacement

Attached is an existing aerial of the Property. While the property is visible from I-465, it does not have frontage and direct access onto Michigan Road or any other arterial or commercial corridor. Access to the site will have to occur either using 92nd Street at the southeast corner (93rd Street is in very poor condition and provides access to residential uses) or at the very northwest corner of the Property via Robison Road. As shown on this aerial, an open ditch or creek, known as the Payne Branch, bisects the Property. The route of the Payne Branch is through the center of the Property. Prior to the acquisition of the Property by Petitioner, isolated portions of the Property appear to have been farmed. Those areas left unfarmed were located predominantly along the Payne Branch and a small tributary at the southeast corner of the Property, and these are the areas in which the vast majority of the Heritage Trees on the Property are located. The Petitioner proposes to construct a distribution/warehouse facility on the Property, which is a permitted use.

It is the location of the Payne Branch that presents the biggest impediment to avoiding impacts to the Heritage Trees on the site. If the Payne Branch is not relocated, the property will be split into isolated parcels, one on the northern portion of the property and one on the southwest portion of the Property. Developing these isolated parcels for an I-2 use is not feasible. First, the size of the buildings that could be placed on each parcel are not conducive to development of I-2 zoned property without frontage on a commercial corridor. It is not simply the limit on the building footprint that must be considered but also the required parking areas, loading dock and truck circulation areas mandated by the Unified Development Ordinance ("UDO"). Two buildings will not utilize these parking areas, loading docks and circulation areas as efficiently as one. Further, the size of the buildings would not generate an adequate return that would allow for the necessary crossings over the Payne Ditch, particularly for the southwest parcel, which has no viable access to a public road without creating at least two crossings. To exacerbate the problem, the placement of the crossings in areas that have, relatively, less trees is not possible. To access public roads, the areas to the northwest and southeast, which contain a fair number of Heritage Trees, must be disturbed. Relocation of the Payne Branch is necessary, and that relocation must necessarily result in the loss of Heritage Trees.

II. Heritage Trees Replacement and Mitigation

Section 744-503.K of the UDO requires the Petitioner to replant a specified amount of replacement trees for each Heritage Tree removed. Based on the tree inventory, approximately 712 1" trees and 1,424 ½" caliper replacement trees will be planted on site to replace the lost Heritage Trees in compliance with and in excess of the ratios required under the UDO. In fact, as shown on the submitted landscape plan, the Petitioner proposes to plant 2346 trees on the Property, including within the stream protection corridor. The existing stream protection corridor is approximately 1,912 feet long. By relocating the Payne Branch to the south and western boundary, the length of stream protection corridor will increase by 496 feet to a total of 2,408 feet, which increases, in the long run, the amount of habitat along the new stream protection corridor. Moreover, planting within the corridor triggers enhanced replanting, mitigation, and inspection obligations for a period of ten (10) years following installation. Relocation of the creek requires approvals from the Indiana Department of Environmental Management ("IDEM") and the Environmental Protection Agency ("EPA"). The Petitioner has already obtained the Section 401 Water Quality Certification from IDEM and is in the process of securing the remaining federal permits from the U.S. Army Corps of Engineers, which will include mandatory wetlands and habitat mitigation that will be monitored for a period of ten years with any replacement of dead or diseased trees mandatory. The work with the U.S. Army Corps is complete with the exception of the mitigation plan, for which approval is anticipated in the next few months.

III. Compliance with Landscaping and Green Factor Requirements

The landscape plan demonstrates full compliance with the Green Factor calculations and all landscaping requirements applicable to the I2 district, including street frontage/front yard, parking interior, and traditional yard/edge buffer standards. Although not shown on the plans provided to staff, the Petitioner also intends to install a white roof, which further contributes to the Green Factor score.

Through these measures, the Petitioner has exceeded the required Heritage Tree replacement obligations, satisfied all applicable landscaping and Green Factor requirements, and addressed the creek relocation and stormwater management needs associated with development of a distribution warehouse facility in the I2 district. The relocation will increase the area of stream protection corridor in the long run and will result in an increase in trees above and beyond that required under the UDO.

2025DV1052 ; Findings of Fact

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

The proposed variance request would allow Payne Branch Creek to continue as a category 2 stream in its new location hile being longer and meeting the 50ft requirement to preserve animal and vegetation habitat while creating new animal and vegetation habitat while mainting erosion control, improve water quality, offer flood water storage and improve aesthetic value. The heritage trees on the property would be replaced with heritage trees and additional trees, shrubs in accordance with UDO which will increase the aesthetic value. The proposed variance will allow for a safe entry via a private access onto the property for employees and distributors in addition to providing sidewalks along the access drive. The existing landscape to the N and any additional landscaping will block nearly all undesirable visual aesthetics that would impact traffic on 465.

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:

The proposed warehouse/distribution center represents the adjacent property/owners as they are in the business of operating industrial and commercial businesses. The property to the W of the proposed site is OEG Outdoor Environments Group which operates a business in the I4 district and will be blocked from the landscape/facade of the proposed project. The property to the S of proposed site is I@ and non-developed land while the property to the SE is in a CS zone and is a commercial business/warehouse. Both of those properties will be adequately screened by the existing landscape trees and new trees to be planted. The property to E is commercial C4, a hotel and retail structures and will be adequately screened by existing and new landscaping. The property to the N is 465 and the existing landscaping will stay intact and thus screen any undesirable visual aesthetics that would impact to the N.

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

The permitted uses under the UDO Sec 5(B) would not allow for the development of the private access road off of Waldemar Rd and the creation of parking for future employees, because of the current location of Payne Branch Creek and therefore the relocation of the creek is needed for the development in addition to a variance that would allow access to the facility and parking for employees. The requested variance would not impact trees, animal habitat, nor vegetation. Without the relocation of the Creek, the proposed project development of a a warehouse/distribution that will create jobs and property taxes will not be obtainable.

2025DV1052 ; Required Approvals (per letter from DPW – Sustainability)

- USACE 404 authorization for federally jurisdictional stream and wetland impacts
- IDEM Construction Stormwater General Permit (CSGP) for land disturbance over 1 acre
- IDEM 401 Water Quality Certification for jurisdictional wetland impacts and stream relocation
- IDEM Isolated Wetland Permit for state regulated wetland impacts, including grading and fill activities
- IDNR Construction in a Floodway (CIF) authorization
- City of Indianapolis Stormwater drainage permit

2025DV1052 ; Section 401 Water Quality Certification (partial)



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Section 401 Water Quality Certification

VIA E-MAIL

IDEM Number: 2024-652-49-LDC-WQC
USACE Number: LRL-2024-00087-jde
Project Name: Oak Grove Development Project
Authority: 327 IAC 2. CWA Sections: 301, 302, 303, 306, 307, & 401
Date of Issuance: June 3, 2025
Impacts must be completed by: June 3, 2027

Project Description:

The project includes the construction of a warehouse and associated infrastructure. Approximately 1,921 linear feet (lft) of cumulative permanent stream impacts are authorized for the installation of a 2 ft-wide by 50 ft-long culvert crossing over an unnamed tributary (UNT) to Payne Branch (intermittent) and the relocation of 1871 linear feet of Payne Branch (perennial) into 2473 linear feet of open channel and 112 linear feet of channel encapsulated by an 8-foot wide culvert for a crossing. The original stream will be backfilled with earthen fill. Permanent stream impacts will be mitigated by the permittee on-site through the creation of at least 1921 lft of new open stream channel to relocate Payne Branch, for a net total of 602 lft of open stream creation. Cumulative permanent impacts to jurisdictional wetlands will total 0.1 acre (ac) of emergent, 0.05 ac of scrub-shrub, and 1.63 acre of forested wetlands from the placement of earthen fill. Permanent wetland impacts will be mitigated for through the purchase of 0.2 non-forested wetland credits and 1.487 forested wetland credits from the Bull-Buck Mitigation Bank, as well as 6.075 wetland credits from the IDNR In-Lieu-Fee program Upper White service area.

2025DV1052 ; Photographs



Photo 1: Subject Site Viewed from I-465 to North (August 2025)



Photo 2: Subject Site Viewed from 4901 Robison to Northwest

2025DV1052 ; Photographs (continued)



Photo 3: Subject Site Viewed from 4140 W 94th to Northeast



Photo 4: Proposed Site Access Viewed from Waldemar to East

2025DV1052 ; Photographs (continued)



Photo 5: Subject Site Viewed from 4040 Vincennes to Southeast



Photo 6: Subject Site Viewed from 8960 Vincennes to South

2025DV1052 ; Photographs (continued)



Photo 7: Existing Tree Area from Internal to Site



Photo 8: Existing Tree Area from Internal to Site

2025DV1052 ; Photographs (continued)



Photo 9: Internal to Site Looking West



Photo 10: Internal to Site Looking South

2025DV1052 ; Photographs (continued)



Photo 11: Internal to Site Looking Northwest



Photo 12: Existing Creek at Southeast of Site