

METROPOLITAN DEVELOPMENT COMMISSION

February 27, 2025

Case Number: [2024-CZN-843 / 2024-CAP-843 / 2024-CPL-843]
Property Address: [6243 East Washington Street (Approximate Address)]
Location: [Warren Township, Council District #14]
Petitioner: [Tallen Capital Partners, LLC, by Joseph D. Calderon]
Current Zoning: [C-4]
Request: [Rezoning of 6.91 acres from the C-4 district to the MU-2 district to provide for a mixed-use development.]

Modification of Commitments related to 2023-PLT-064 to strike them in their entirety and replace them with the following commitments:

1. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property: Club or Lodge; Emergency Shelter, Daily; Methadone Clinic or Treatment Facility; Plasma (Blood) Center; Substance Abuse Treatment Facility; Check Cashing or Validation Service; Mortuary, Funeral Home; Outdoor Advertising Off-Premises Sign; Adult Entertainment Business; Adult Entertainment Business: Retail; Bar that does not offer food service; Indoor Spectator Venue; Night Club or Cabaret; Commercial and Building Contractors; Hotel, Motel, or Hostel; Logistics R&D; Firearm Sales; Fireworks Sales, On-going or Temporary; Liquor store, except for a retail store, warehouse store or big box store selling beer, wine and spirits of 10,000 square feet of gross leasable area or larger, including, but not limited to retailers: Bev Mo, Binny's, Total Wine, etc., will be allowed to operate upon the Property. In addition, any pharmacy and/or grocery store, hybrid market, mass merchandiser and/or big box retailer such as Target, Walmart, Meijer's, etc., may sell beer, wine and spirits; Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of the lease in the shopping center located on the Subject Property. In the event that EZPawn or its successors in interest vacate the Property then no Pawn Shops will be permitted thereafter.; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Parking Lot, Commercial; Parking Garage, Commercial unless it is a component of the residential or mixed-use component of the

Property; and Recycling Station, unless it is a component of the residential component of the property; and

2. Temporary Outdoor Events are prohibited with the exception of farmer’s markets, food and wine or beer tasting event, live music events, outdoor plays, cultural, civic and charitable events which are all permitted uses. Limited to any residential component of the Property outdoor seating, dining, out door grills, birthday, pickleball, basketball games, outdoor exercise, yoga, recreational and other residential tenant parties, uses and events are permitted uses; and

3. A Recycling Collection Point shall only be permitted on Lot Block A, and only in conjunction with any residential component of the Property as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to, clothes, shoes, books and furniture shall not be permitted; and

4. A connection point between the Subject Property and the Pennsy Trail to the south shall be established, and shall feature at least a bench, a green area and a bicycle rack.

Approval of a Subdivision Plat to be known as Amended Irvington Plaza Redevelopment Primary Plat, dividing 15.75 acres into seven lots.]

Waiver Requested	None
Current Land Use:	Commercial Integrated Center
Staff Recommendations:	Staff recommends approval, With Commitments
Staff Reviewer:	[Eddie Honea, Interim Current Planning Administrator]

PETITION HISTORY

[This petition was scheduled for initial hearing on November 21, 2024. Staff requested a continuance to the December 19, 2024, in order to provide for payment and publication of notice.

For the December 19, 2024 hearing, an automatic continuance was filed by a registered neighborhood organization, continuing this petition to the January 23, 2025 hearing of the Hearing Examiner.

For the January 23rd, 2025 hearing, an automatic continuance was filed by the Petitioner, continuing this to todays February 27, 2025 hearing of the Hearing Examiner.]

STAFF RECOMMENDATION

REZONING

The request, as proposed, would rezone a 6.91-acre portion of the overall 15.75-acre lot, proposed as Block A below, from the C-4 District to the MU-2 District.

The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses. It is also intended to incorporate employment hubs, institutional and residential uses that complement the intended compact, walkable development pattern.

This use is intended to be applied as a small node or along a busy corridor within the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use typology. This district should be applied for projects which range from 2 to 20 acres but may factor in its context and what district integrates best into surrounding neighborhoods and existing zoning districts.

A conceptual site plan, file-dated February 14, 2025, indicates that Block A proposes five, five-story multi-family dwelling buildings, a detention area, 225 surface parking spaces, an additional connection point to the Pennsy Trail, two outdoor grilling areas, two multi-use fitness courts and an outdoor park space.

Staff would note that any integration to the Pennsy Trail require the approval of DPW, subject to their Indy Greenways Full Circle design standards.

While Staff would note that the filed site plan is conceptual, Staff is concerned about the amount of hard surfacing proposed to remain, the absence of trail activating first floor mixed-use space and the modular footprint and orientation of the structure.

Given these concerns, Staff would request that final site plan and elevations be subject to Administrator's Approval, by commitment, addressing these concerns to include the following:

- Elevations will use the filed "Precedent Imagery and Design Inspiration" document (see Exhibits) as a guide to reflect similar material, fenestration and outdoor seating where appropriate.
- A reduction in surface parking area with enhanced parking lot landscaping, with final surface parking area for Block A not containing greater than 25 percent of the minimum parking spaces required by Ordinance.
- That failure to include commercial space within the first floor along the Pennsy Trail require use of the Green Factor landscaping standards as a guide for the overall landscaping requirement of Block A.

In addition, Staff requests a commitment that an overall property agreement that guarantees tenant signage on the two permitted freestanding signs that could be permitted along the Washington Street frontage be secured to prevent the necessity of a future filing of a variance of development standards for additional non-permitted freestanding signs. Staff would note that the Kenyon Street frontage could be improved with a third freestanding sign by-right.

Staff **recommends approval** of the request, subject to the above language being reflected in commitments.

MODIFICATION OF COMMITMENTS

The subject site was the subject of a previous plat petition (2023-PLT-064), which sought to plat the property into six lots. This request was approved by the Plat Committee on October 11, 2023, and was subsequently appealed by remonstrators, to the Metropolitan Development Commission.

The appeal was denied, and approval of the plat affirmed, after the petitioner agreed to several commitments requested by area residents. These commitments are now requested to be modified to strike them in their entirety and replace them with those outlined in the request.

A substantial element of those commitments included a prohibition of uses that would otherwise be permitted by the C-4 District, and some of which by the MU-2 District. Staff would note that the proposed prohibitive uses largely mirror those that are being stricken, with five exceptions:

1. The previous commitments prohibited bars outright. As proposed, the new commitments would prohibit bars that do not offer food service;
2. The previous commitments prohibited liquor stores outright. As proposed, the new commitments would allow for liquor stores that contain at least 10,000 square feet, as well as retailers to sell alcohol in an accessory capacity;
3. The previous commitments prohibited commercial parking garages, whereas the proposed commitments would allow them in association with a residential or mixed-use use;
4. The previous commitments prohibited recycling stations outright, whereas the proposed commitments would allow them as a component of a residential development of the site; and
5. The previous commitments prohibited Temporary Outdoor Events, while permitted Temporary Outdoor Sales and Display. The proposed commitments maintain this prohibition, but introduce language allowing for farmers markets, food and wine or beer tasting events, live music events, outdoor plays and cultural, civic and charitable events. It also clearly indicates that outdoor amenity space and their use would not be subject to prohibition.

In Staff's opinion, the nature of the modifications outlined above are conducive to the intent of the MU-2 District.

The proposed commitments also strike a commitment that would have prohibited drive-throughs within 600 feet of a proposed Blue Line transit station. The commitment being deleted read as follows:

"The following accessory use as described in Table 743-1 of the Zoning Ordinance shall be restricted as follows:

There shall be no accessory drive through along the Washington Street frontage or within 600 feet of the proposed Blue Line transit station. If a commitment modification or change is needed in the future to allow for a drive through within the TOD, then the application and enforcement of this is to be through a modification of the commitments, and not through the variance process."

Staff would note that the underlined portion above would not be regulatory, and that if the commitment remains in effect – inclusion of a drive through as part of future development would require both a modification of commitments and a variance of development standards. An applicant cannot use the Commissions commitment form to bypass the established regulatory path to deviate from the Ordinance.

Staff would note that the proposed and approved Ridgeway Road Station will be located within 35 feet of the subject site. The Transit Oriented Development Overlay does not outright prohibit drive throughs within 600 feet of a transit station but does require them to be wholly located behind or beside a building. Staff would impress that it would likely vehemently oppose any future such variance filing given the intent of the TOD overlay, the comprehensive plan (see below) and the redevelopment nature of this significant site.

Given these factors, particularly the inapplicable nature of the previous commitment regarding drive throughs, Staff recommends **approval** of this portion of the request.

PLAT

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 11, 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.

Site Plan and Design

The site is currently zoned C-4, with the proposed Block A requesting to be rezoned to the MU-2 District as part of this request. It is improved with a five-building commercial integrated center. The proposed plat would subdivide the property into seven lots to provide for the redevelopment of the overall subject site, anticipated to include adaptive reuse of existing structures and new structures contingent upon the approval of the rezoning of the proposed 6.91-acre Block A. Lots one through six meet the standards of the C-4 Districts, whereas Block A meets requirements of the MU-2 District, and future development



would be required to meet these standards. All future development of the overall site must comply with the Transit-Oriented Development Overlay district standards.

Streets

Lots One, Three, Four and Five would front along East Washington Street. Lots Two, Six and Block A would be accessed via easements as shown on the preliminary plat. Block A has a small frontage on South Kenyon Street to the East. An alley runs the length of the west property line, abutting Lots One, Two and Block A, but is only partially improved. No new streets are proposed as part of this petition.

Sidewalks

Sidewalks are existing along Washington Street. Future construction of sidewalks along the frontage of Kenyon Street would be required upon construction of a freestanding building within Block A.

PETITION OVERVIEW

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Integrated Center	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Single and two-family residential
South:	D-5 / I-2	Single and two-family residential / Industrial
East:	C-4 / D-5 / I-2	Commercial / Multi-family / Industrial
West:	D-5 / SU-9	Single and two-family residential / Fire Station
Thoroughfare Plan		
Washington Street	Primary Arterial	80-foot existing and proposed
Kenyon Street	Local Street	25-feet existing and 48-feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes: Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	February 4, 2025	
Site Plan (Amended)	February 14, 2025	
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

- [Blue Line Strategic Plan, the Irvington Neighborhood Plan, various elements of Indy Moves, Throughfare Plan 2019]

Pattern Book / Land Use Plan

- [Not applicable to the Site. Please see Neighborhood / Area Specific Plan below. Neighborhood Plans that were recently adopted prior to the adoption of the Land Use Pattern Book (2019) or were the product of extensive neighborhood input and deemed viably strategic for future land use policy guidance were excluded from the initial version of the Pattern Book.]

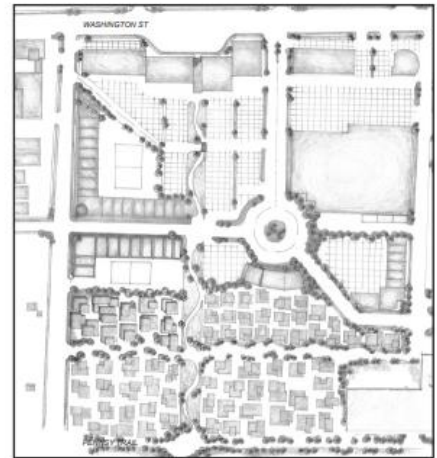
Red Line / Blue Line / Purple Line TOD Strategic Plan

- [The Blue Line Transit-Oriented Development Strategic Plan (2018) classifies the area immediately around the future Ridgeline Drive TOD potential as at the level of “Catalyze + Connect”. This classification is designated for station areas that offer some physical and market foundation for supporting TOD and are characterized by either strong urban form with limited Market Strength, or limited urban form with more robust mark strength.
 - This classification promotes projects that help catalyze future private development and increase activity levels through density and the use of urban amenities. Staff would note that of the nodes within this classification, the Ridgeview Station area is the closest to being reclassified as an “Infill + Enhance” area, which represent the most TOD ready areas along the BRT lines.
 - Staff would note that the TOD Investment Framework Scoring element of this plan specifically states that the strongest TOD potential, along the Blue Line, is specifically between the Central Green Boulevard and Ridgeview Drive stations.
- The Ridgeview Drive Station is categorized as a District Center typology. This typology recommends dense mixed-use hubs for multiple neighborhoods with tall buildings. It promotes a minimum of three stores at core with no front or side setbacks, while promoting multi-family housing with a minimum of five units. It also recommends structured parking only with an active first floor.
- Of note, this plan modifies the land use recommendation for the subject site to Neighborhood Commercial.

]

Neighborhood / Area Specific Plan

- The Irvington Neighborhood Plan (2008) recommends community commercial development for the subject site.
 - The Irvington Neighborhood Plan does not expressly outline guidance on the criteria for establishing land use plan recommendations, instead relying on the Zoning Ordinance in effect at the time to indicate appropriate uses. While a new Zoning Ordinance, Indy Rezone (2016), has been adopted since the implementation of this plan, the Community Commercial uses and general policy regarding its application remain largely the same. This land use category is generally indicative of the C-3 and C-4 Districts, depending on site contexts. Of note, however, are some uses have been removed or included in districts more intense than those previously permissible. In addition, use-specific standards, specifically those related to spacing and separation, have been enacted for uses where they previously did not apply.
- The Irvington Neighborhood Plan goes into great length outlining the importance of the redevelopment of Irvington Plaza in regard to the overall vitality of Irvington, that Staff views it as what would be considered a Critical Area element that is common within comprehensive planning.
 - The Economic Development subcommittee of the Steering Committee was tasked primarily with the evaluation of Irvington Plaza. The Committee recognized the importance of the potential of the Plaza to serve as an extension of the then burgeoning main strip of Washington Street, west of the Plaza.
 - At that time, the steering committee expressly stated that a long-term concern was its total redevelopment through removal and restoration. As a result of its review, the Committee placed an emphasis on attracting new business, promoting business expansion, and encouraging the renovation of the now destroyed Marsh grocery store. Staff would note that there are various notes about improving the quality of the former Marsh, in hopes of providing a stronger grocery retail for the community.
 - The Irvington Neighborhood Plan recognized that the Plaza was one of the earliest auto-oriented retail developments in the City, but expressly envisioned its redevelopment would result in a more urban friendly integral component along the Washington Corridor. The Committee even produced three sketches that promoted different approaches to redeveloping the plaza, ranging from improving landscaping in the parking lots to complete renovation. A common theme of these visions included connections to the then proposed Pennsy Trail, improved integration of public transit and visually improving the parking lots with medians and extensive landscaping. Staff would note that the Pennsy Trail is now improved, and the TOD Overlay District has been adopted, and the Blue Line approved for construction



Infill Housing Guidelines

- [Not applicable to the Site.]

Indy Moves

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

- [The Indy Moves – Final Plan (2018) proposed a Post Road Multi-Use Path, apart of Phase Two of Pennsy Trail connectivity. This plan proposes to connect the Pennsy Trail to 38th Street along Post Road. This trail is expressly intended to provide a safe means of access for multi-modal users along the Pennsy Trail and provide access to the Irvington area for underserved pedestrians and cyclists. It is also intended to provide enhanced access to the Blue Line as well as connectivity to the Post Road multi-use path leading into F
- The Marion County Pedestrian Plan (2016) characterizes Irvington as a Growth Village, which is generally defined as an area focused on outer ring commercial village centers that are not within walking distance of downtown. They are typically characterized by segregated land uses, resulting in substantial walking distance between destinations, as well as limited street connectivity forcing people to walk further between destinations, transit stops and neighborhood streets. This imposes a substantial challenge to people using mobility devices. These areas are often characterized by limited street lighting, missing sidewalks and curb ramps. Given these elements, projects that support pedestrian land use typology allocation targets are given a high score. At the time of adoption, Irvington was in the midst of preparing for a significant streetscape project.
- The Indy Greenways Full Circle Master Plan (2014) expressly acknowledged the Pennsy Trail as an essential east-west connection on the City's East side, providing connectivity between Irvington, the Town of Cumberland, Hancock County and various east-side neighborhoods. This plan specifically called for integrating the trail and neighborhoods and its neighborhood centers, as well as providing connections to transit stations along the Blue Line.]

ZONING HISTORY

Subject Site:

2023-PLT-064; 6243 East Washington Street; requests Approval of a Subdivision Plat, to be known as Irvington Plaza, dividing 15.75 acres into six lots and one block; **approved.**

2006-DV1-006; 6243 East Washington Street; requests variance of development standards of the Commercial Zoning Ordinance to legally establish a 350-square foot fenced in outdoor storage and trash area with barbed wire (not permitted) with a 0.5-foot west side transitional yard; **withdrawn.**

2003-DV1-040; 6243 East Washington Street; requests variance of the Commercial Zoning Ordinance to legally establish a tras container and compactor without the required screening; **granted.**

93-HOV-105; 6241 East Washington Street; requests variance of development standards of the Sign Regulations to provide for an awning sign with a sign copy indicating products and services available; **granted.**

87-SE3-6; 6301 East Washington Street; requests a Special Exception of the Zoning Ordinance to allow twelve coin-operated arcade gaming machines; **granted.**]

Vicinity:

2019-DV1-006; 6127 East Washington Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a tattoo parlor within 50 feet of the nearest protected district; **denied.**

2017-CVR-810; 6201 East Washington Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a one-foot front transitional yard, without landscaping; **granted.**

2017-CZN-810; 6201 East Washington Street; requests rezoning to the C-4 classification; **approved.**

2003-UV2-026; 6138 East Washington Street; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales and display with a zero-foot east transitional yard along North Sheridan Avenue; **dismissed.**

2000-ZON-078; 25 and 17 South Sheridan Avenue; rezoning of 0.44-acre from the D-5 District to the SU-9 classification; **granted.**

98-UV1-1; 6201 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a building, being 12 by 32 feet, for the environmental remediation purposes; **granted.**



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96-UV3-32; 6511 Julian Avenue; requests variance of use of the Industrial Zoning Ordinance to provide for the operation of a test market retail beauty salon within a portion of an existing 6,000 square foot building; **granted.**

95-V1-76; 6201 East Washington Street; requests variance of development standards of the Sign Regulations to provide for the placement of eight signs at an existing gasoline station, including: one illuminated awning of 24 square feet each, two non-illuminated wall signs of 20 square feet each, two illuminated service island canopy signs of 9.38 square feet each, and three non-illuminated spandrel signs of 8.05 square feet each; **granted.**

95-UV1-156 6110 East Washington Street; requests variance of use of the Commercial Zoning Ordinance to provide for a church within an existing building; **granted.**

93-HOV-31; 6201 East Washington Street; requests variance of development standards of the Sign Regulations of Marion County to provide for the construction of a pole sign with less than the require 15 foot setback from the right-of-way and to allow the placement of gasoline pricing panels; **granted.**

90-UV2-27; 6101 East Washington Street; requests variance of use of the Commercial Zoning Ordinance and Dwelling District Zoning Ordinance to legally establish a fire protection company; **granted.**

90-UV2-9; 6202 East Washington Street; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an addition to an existing single-family residence to provide for the sales of lift chairs and beds for the handicapped with one parking space; variance of use **approved;** variance of development standards **withdrawn.**

90-UV3-2; 6525 East Washington Street; requests variance of use of the Commercial Zoning Ordinance to permit that portion of an existing building presently used for the service and repair of rental equipment to be used as a rental storage facility; **granted.**

88-SE1-7; 126 South Sheridan Avenue; requests special exception to provide for the placement and use of a manufactured home; **granted.**

85-Z-94; 6501 Julian Avenue; requests rezoning of 2.1 acres, being in the D-5 and C-4 Districts, to the I-2-S classification, to provide for manufacturing; **approved.**

85-UV1-117; 6507 Julian Avenue; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the design and manufacturing of aircraft tooling and component parts; **granted.**

85-UV2-90; 6501 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for government offices; **granted.**

84-UV1-122; 6201 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the erection of gasoline station canopy over the existing pump islands; **granted.**



Department of Metropolitan Development
Division of Planning
Current Planning

83-UV2-65; 6401 Julian Avenue; requests variance of use and development standards to allow off-street parking and loading in the front yard of a hair-care products distribution facility; **granted.**

82-UV1-14; 6401 Julian Avenue; requests variance of use to provide for an addition to a building for the processing, storage and distribution of hair care and cosmetic products; **granted.**

76-UV2-36; 6501 Julian Avenue; request variance of use, front setback and rear yard requirements, to erect an addition to warehouse for limited retail and wholesale of merchandise; **granted.**

75-UV2-129; 6501 Julian Avenue; requests variance of use and development standards to expand warehouse on street requested to be vacated; **granted.**

73-UV1-38; 6501 East Washington Street; requests variance of use to provide for a restaurant; **granted.**

66-V1-11; 6505 Julian Avenue; requests variance of use, front setbacks, and rear yard requirements to permit erection and operation of a 50 foot by 200 foot warehouse; **granted.**

EXHIBITS

Exhibit A: Context Map:

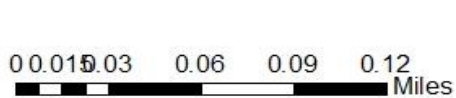
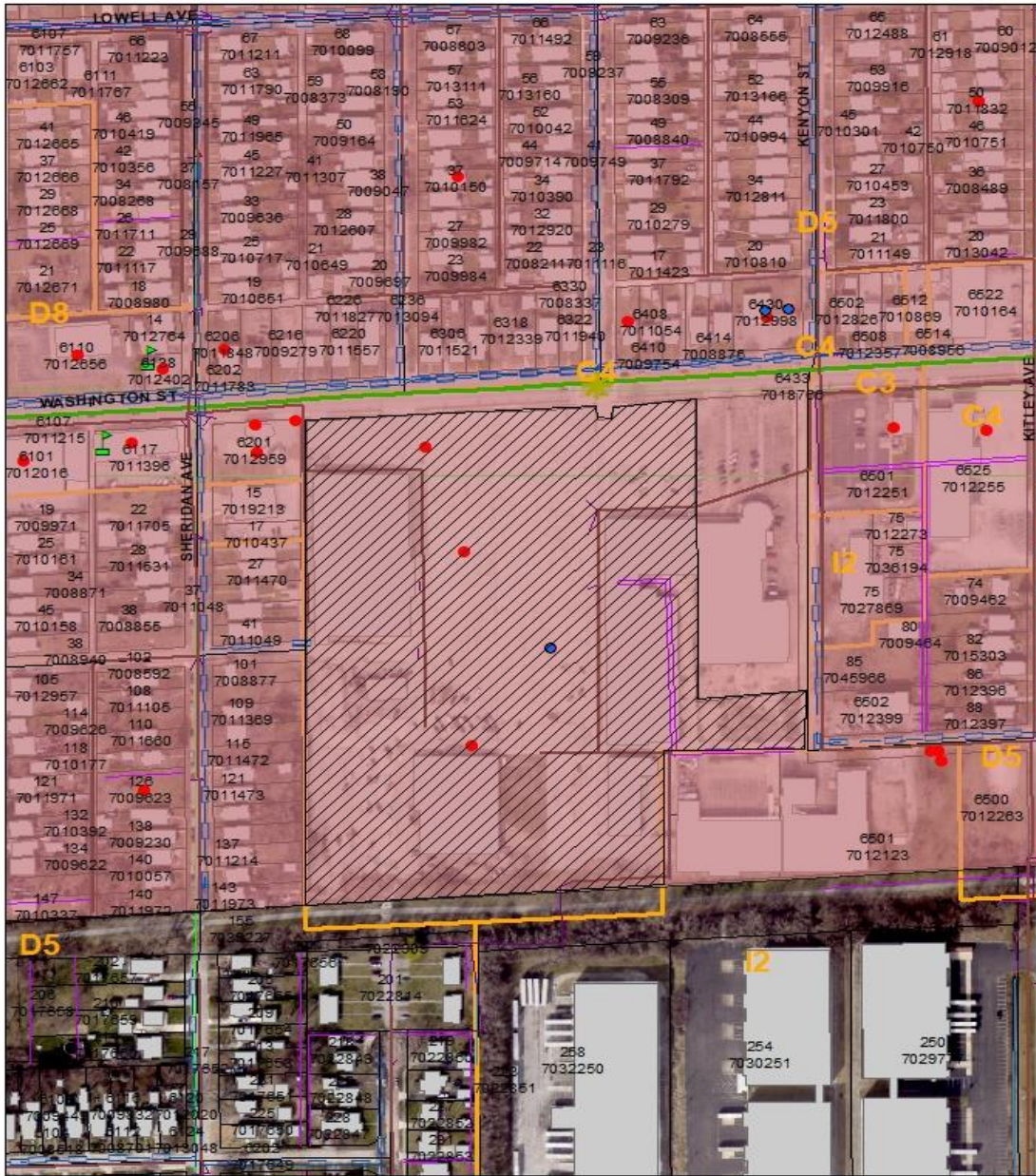


Exhibit B: Original Commitments:

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11/08/2023 02:13 PM

FAITH KIMBROUGH
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 6

By: JN

STATEMENT OF COMMITMENTS

AR
**COMMITMENTS CONCERNING THE PRIMARY APPROVAL OF A SUBDIVISION
PLAT, DEVELOPMENT PLAN, APPROVAL OF A VACATION OF ALL OR PART
OF A PLAT, OR VACATION OF PUBLIC WAYS, EASEMENTS, PUBLIC PLACES
OR PARTS THEREOF**

In accordance with IC 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto (the "Subject Property").

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning Ordinance (the "Zoning Ordinance"), shall not be permitted on the Subject Property:
 - a) Club or Lodge
 - b) Emergency Shelter, Daily
 - c) Methadone Clinic or Treatment Facility
 - d) Plasma (Blood) Center
 - e) Substance Abuse Treatment Facility
 - f) Check Cashing or Validation Service
 - g) Mortuary, Funeral Home
 - h) Outdoor Advertising Off-Premises Sign
 - i) Adult Entertainment Business
 - j) Adult Entertainment Business: Retail
 - k) Bar or Tavern
 - l) Indoor Spectator Venue
 - m) Night Club or Cabaret
 - n) Commercial and Building Contractors

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- o) Hotel, Motel, or Hostel
- p) Logistics R&D
- q) Firearm Sales
- r) Fireworks Sales, On-going or Temporary
- s) Liquor Store
- t) Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of its lease, including any existing renewal terms.
- u) Automobile and Light Vehicle Wash
- v) Automobile Fueling Station
- w) Automobile, Motorcycle, and Light Vehicle Service or Repair
- x) Parking Lot, Commercial
- y) Parking Garage, Commercial
- z) Recycling Station

3. The following accessory use as described in Table 743-1 of the Zoning Ordinance shall be restricted as follows:
There shall be no accessory drive through along the Washington Street frontage or within 600 feet of the proposed Blue Line transit station. If a commitment modification or change is needed in the future to allow for a drive through within the TOD, then the application and enforcement of this to be through a modification of the commitments, and not through the variance process.
4. Temporary Outdoor Events are prohibited. Temporary Outdoor Display and Sales are permitted.
5. A Recycling Collection Point, shall be permitted only on Block "A" as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to: clothes, shoes, books, and furniture, shall not be permitted.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

Exhibit C: Proposed Plat:

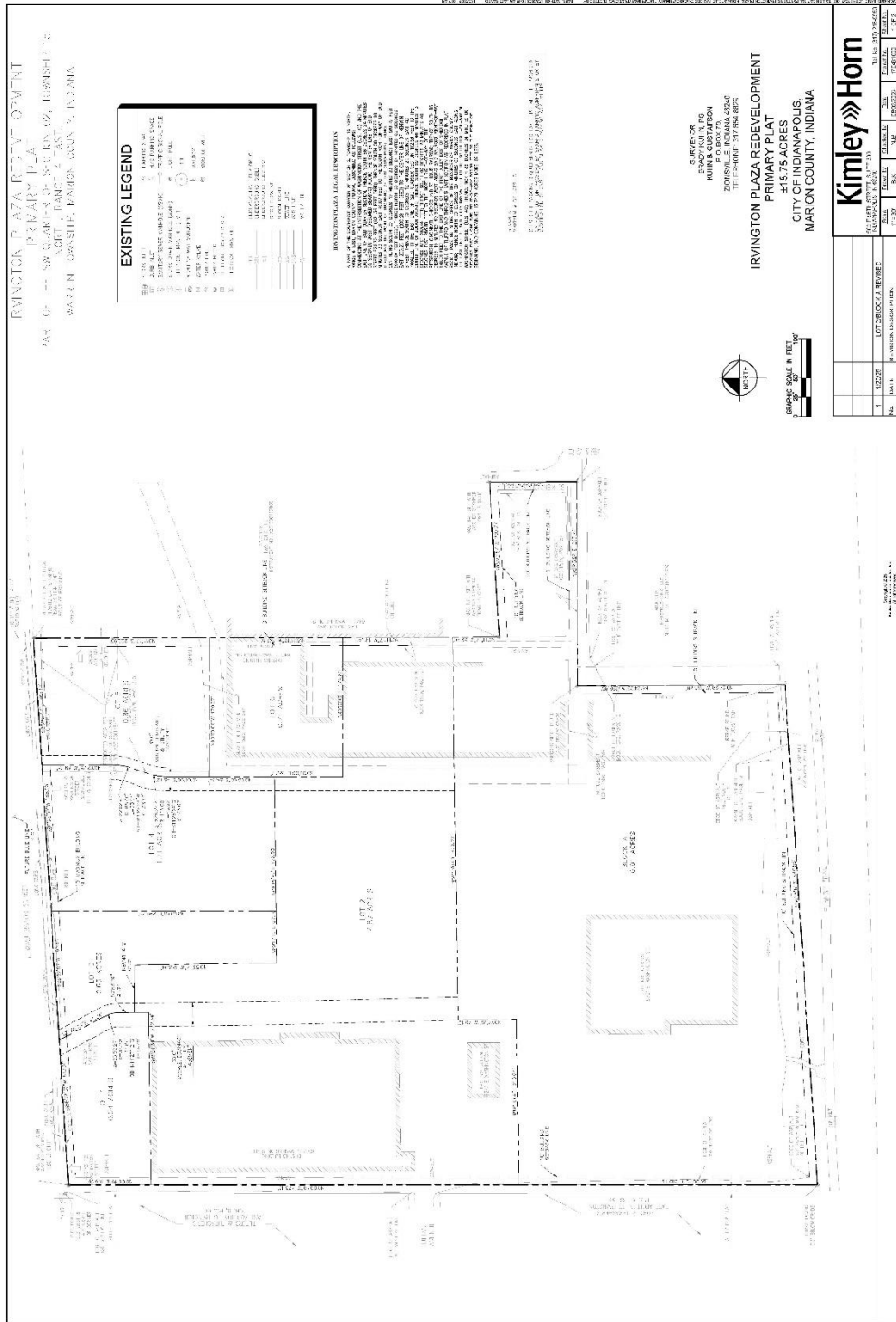


Exhibit E: Precedent Imagery and Design Inspiration

IRVINGTON PLAZA DESIGN PRECEDENTS

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BLACKLINE
 T ALLEN
 CAPITAL PARTNERS, LLC

DESIGN INSPIRATION
 SINGLE STORY RETAIL EXAMPLES

IRVINGTON PLAZA DESIGN PRECEDENTS

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DESIGN INSPIRATION
 BIG BOX RETAIL AND MULTIFAMILY EXAMPLES

Exhibit F: Photos:



Photo One: Facing East along Washington Street



Photo Two: Facing West Along Washington Street



Photo Three: General Area of Proposed Transit Station at Intersection



Photo Four: Dwellings Located North, Across Washington Street



Photo Five: Looking South, Towards Structures Along Eastern Portion of Site; Existing Signage



Photo Six: Looking Southwest Across Site, Towards Structures On Western Portion of Site



Photo Seven: Façade of Eastern Structures



Photo Eight: Vacant Former Dairy Queen, Located Within Southwest Portion of Site



Photo Nine: Rear of Former Marsh Supermarket, After Fire Damage



Photo Ten: Looking West, Along Julian Avenue



Photo Eleven: Looking West, Southernmost Structure to the Left



Photo Twelve: Looking South, Towards Pennsy Trail



Photo Thirteen: Looking North From Rear of Site, Washington Street in Far Background



Photo Fourteen: Looking East, Across Kenyon Street