

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 26, 2025

Case Number: 2025-CPL-827 / 2025-CVR-827

Property Address: 2855 North Franklin Road (approximate address)

Location: Warren Township, Council District #9

Petitioner: Castle Peak Capital, LLC, and Castle Peak Property, LLC, by Justin Kingen and David Kingen

Zoning: I-3

Request: Approval of a Subdivision Plat to be known as Castle Peak, subdividing 33.29 acres into two lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for proposed Lot Two with zero-foot street frontage (minimum 75-foot street frontage required).

Waiver Requested: None

Current Land Use: Industrial building and undeveloped

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the variance request.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated May 12, 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 Pat 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 Franklin Road shall be noted in the Final Plat.
13. The access easements to Lot Two shall be clearly defined on the Final Plat.
14. That the approval shall be in accordance with the variance requested.
15. That a tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to final plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for proposed Lot Two to have zero feet of street frontage when a minimum of 75 feet is required.

SITE PLAN AND DESIGN

The site is zoned I-3 and is comprised of two parcels, 7007606 and 7046307, that will be subdivided into two (2) lots to be known as Castle Peak with the change in property lines. Lot One will consist of the existing building on site and associated parking lot and Lot Two will contain an undeveloped wooded parcel.

STREETS

Lot One would front on Franklin Road and Lot Two would gain access to Franklin Road by means of two (2), 30-foot-wide non-exclusive access easements that would run through Lot One. No new streets are proposed as part of this petition.



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SIDEWALKS

Sidewalks are required as a part of this plat. A sidewalk does not exist along Franklin Road and would need to be installed as part of this platting process.

STAFF ANALYSIS

The subject site contains two (2) separate parcels with one (1) parcel having zero street frontage. Because the intent of the subdivision plat is to adjust an existing condition by realigning the eastern property boundary of Lot One and western property boundary of Lot Two, staff determined that the use or value of adjacent properties would not be affected in an adverse manner.

Staff had concerns with the potential clear-cutting of the site and would request that a tree inventory, tree assessment and preservation plan be prepared by a certified arborist and submitted for Administrator Approval.

For these reasons, staff is recommending approval of the variance request and the plat petition subject to specific conditions.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Industrial building and undeveloped	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3 / I-3 / SU-18	Commercial / Power Substation
South:	C-3 / D-4 / SU-2	Commercial / Residential / School
East:	I-3	Industrial
West:	I-3	Warehouse
Thoroughfare Plan		
Franklin Road	Primary Arterial Street	90-foot proposed right-of-way and 40-foot existing right-of-way.
Petition Submittal Date	May 12, 2025	

EXHIBITS



AERIAL IMAGE

[illegible]



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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 granting of this variance will not be injurious to the public health, safety, morals, or general welfare given that these are two existing parcels that are simply having their property lines slightly modified.

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 use of the property is consistent with the Marion County Land Use Plan Pattern Book and the value of the nearby residences won't be affected in an adverse manner given that this is an existing industrial use

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

The strict application of the zoning ordinance requirements creates a practical difficulty given that this parcel currently exists with zero street frontage. This variance, should it be granted, will allow for the existing parcel to be legally established.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

PHOTOS



Photo of proposed Lot One that faces Franklin Road.



Southern anticipated access drive.



Photo of the proposed Lot Two where the grass and tree line start.



Photo of the existing industrial building and associated parking lot to remain on Lot One.



Photo of proposed Lot One looking north with Lot Two to the east.



Photo of the northern property boundary south of the railroad track.