



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number: 2025-CZN-865 (Amended) / 2025-CVR-865 (Amended)

Property Address: 4054, 409, and 411 South Shortridge Road

Location: Warren Township, Council District #20

Petitioner: SRMK Realty, LLC, by Justin Kingen

Current Zoning: C-S

Rezoning of 8.48 acres from C-S to C-S to provide for all I-1 uses, truck and trailer parking, auto-related service or repair, outdoor storage of contractor equipment, vehicles awaiting repair, and recreational vehicles.

Request:

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 125-foot front yard setback (maximum front yard setback of 85 feet permitted); off-street parking area within the front yard with a zero-foot setback (not permitted, 10-foot front setback required); side yard setbacks from four and eight feet (10-foot side yard required); a ten-foot-tall chain link fence within the side and rear yards and a six-foot tall chain link fence in the front yard (maximum six-foot-tall fence permitted within the side and rear yards and maximum 3.5-foot-tall fence permitted in the front yard); and deficient landscaping in the rear transitional yard buffer (15-foot transitional yard landscape buffer required)..

Current Land Use: Commercial uses

Staff Recommendations: Denial of the rezoning and variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the February 26, 2026 hearing, to the March 26, 2026 hearing, at the petitioner's representative request, to provide additional time for continued discussions with the neighborhood organization and staff.

The Hearing Examiner continued these petitions from the March 26, 2026 hearing, to the April 23, 2026 hearing, and to the May 14, 2026 hearing, at the request of staff and the petitioner's representative, to provide time for discussions related to the requests.

The Hearing Examiner continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing, to amend the variance of development standards request and provide new notice.

The variance of development standards requests was amended to reflect how the site has been developed over the years. Staff recommended denial of 2018 rezoning request and continues to recommend denial because the use of the site has increased in intensity to the current heavy commercial uses that do not align with the Comprehensive Plan recommendation of suburban neighborhood and office commercial, which negatively impacts the surrounding land uses, particularly to the north.

STAFF RECOMMENDATION

Staff recommends denial of the rezoning and the variances. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. A 30-foot half right-of-way shall be dedicated along the frontage of South Shortridge Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and / or prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 2.16-acre site, zoned C-S, is comprised of three parcels developed with commercial uses. It is surrounded by a mobile home community to the north, zoned D-11; commercial uses to the south, zoned C-7; railroad right-of-way to the east, zoned D-A; and industrial uses to the west, across South Shortridge Road, zoned I-3.

Petition 2018-ZON-068 rezoned this site to the C-S district to provide for all C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicle sales, repair and service.

REZONING

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to renovate the two existing hotels to provide for multi-family uses. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include

high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends suburban neighborhood and office commercial typologies for the site.

Recommended land uses in the suburban neighborhood typology include detached / attached / multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; and community farms / gardens.

Recommended land uses in the office commercial typology include large-scale offices, small-scale offices, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

Site Plan

The site plan, dated May 7, 2026, includes both the existing development and proposed development with an existing one-story structure and four accessory buildings that serve existing businesses. Access is located along South Shortridge Road on the northern parcel.

Outdoor parking is generally located along the perimeter of the site along the northern boundary and eastern boundary. Outdoor storage is located along the southern boundary related to a commercial contractor.

Proposed buildings include a shelter for covered outdoor storage, an addition to the existing one-story building and an accessory building.

The entire boundary of the site is fenced with fence heights between six-feet-tall and 10-feet-tall. An electric fence is located inside the perimeter fence along all boundaries.

With the exception of a concrete surface at the access drive, the remainder of the site is covered with asphalt millings and / or unpaved.

Development Statement (C-S Statement)

The Development Statement, dated May 7, 2026, identifies permitted uses as I-1 uses, four categories of vehicle-related operations, and outdoor storage.

The Statement lists all existing and proposed buildings, along with the square footage, with a total of 191 parking spaces and five bicycle spaces.

Signage would consist of the existing free-standing sign, a pylon sign and a wall sign.



The Statement notes that the perimeter fence would provide screening and buffering and that existing tree line and natural vegetation along the southern and eastern boundaries would be preserved to the extent possible.

Plan of Operation

The Plan of Operation, file dated May 7, 2026, lists 10 items that include hours of operation, site access, outdoor storage / screening, fencing / security, surface materials, site maintenance, auto repair / truck operation, site upkeep and when amendments to the Plan of Operations would require the filing of a petition.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 30-foot half right-of-way along South Shortridge Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff would note that a proposed greenway is proposed along this area of South Shortridge Road.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed, this request would not be consistent with either of the Comprehensive Plan recommendations.

Staff recommended denial of the 2018 rezoning primarily to support the Comprehensive Plan recommendations and minimize the impact of the proposed uses on the surrounding land uses.

Staff believes this rezoning request that eliminates the sales of heavy truck and heavy equipment provides some relief from the permitted uses on surrounding land uses. Furthermore, the Development Statement and Plan of Operation provides more details related to future development, the permitted uses and outdoor operations.

The Development Statement provides for three signs that include an existing freestanding sign, an existing wall sign and a proposed pylon sign. Staff believes that the proposed sign would not be appropriate and would, in fact, require a variance, which staff would not support.

Staff recommended denial of the previous request and the submitted amendments are not substantial enough for staff to now recommend approval.

VARIANCES OF DEVELOPMENT STANDARDS

There are three variances requested that relate to the front yard setback, parking in the front yard and a ten-foot-tall chain link fence in the side and rear yards.

The Ordinance requires a maximum front yard setback of 85 feet. If granted, this request would allow for a 140-foot front yard setback. The closest building to the right-of-way along South Shortridge Road is 54 feet, with the parking lots being approximately 74 feet from the right-of-way. Consequently, staff does not see a need for this variance.

Parking in the front yard is not permitted and it appears that the site has developed over the years without the appropriate permits.

Staff also believes the 10-foot-tall fence creates a compound appearance that could be mitigated by lowering the height to the required six feet. Furthermore, the electric fence located around the perimeter of the site and behind the chain link fence provides security that would not be compromised by lowering the 10-foot-tall fence to six feet. In other words, staff believes there is no practical difficulty in the use of the land that would require a 10-foot-tall fence in addition to an electrical fence.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Industrial / commercial use	
Comprehensive Plan	Suburban Neighborhood / Office Commercial	
Surrounding Context	Zoning	Land Use
	North: D-11	Mobile home community
	South: C-7	Commercial uses
	East: D-2	Railroad right-of-way
	West: I-3	Industrial uses
Thoroughfare Plan		
South Shortridge Road	Local Street	Existing 30-60-foot right-of-way and proposed 60-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 30, 2025	
Site Plan (Amended)	April 15, 2026 / May 7, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 2, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	December 30, 2025 / April 15, 2026 / May 7, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood (northern parcel) and Office Commercial typologies (southern two parcels).

“The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

“The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

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:

Conditions for All Land Use Types – Suburban Neighborhood Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged

Conditions for All Land Use Types – Office Commercial Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.

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

2018-ZON-068;405, 409, and 411 South Shortridge Road, requested rezoning of 8.77 acres from the D-11 and C-7 district to the C-S classification to provide for C-1 uses; I-1 uses; warehouse; commercial and building contractor; truck and trailer parking; and heavy truck, heavy equipment and vehicles sales, repair and service, **approved**.

2005-ZON-155; 409 South Shortridge Road, requested rezoning of two acres from the D-11 District to the I-2-S classification to provide for industrial uses, **withdrawn**.

98-Z-100 / 98-CV-18; 411 South Shortridge Road, requested a rezoning of 2.93 acres from D-A to C-ID to provide for an auctioneering service and accessory, incidental uses, **approved**.

91-Z-90 / 91-CV-4; 405 South Shortridge Road, requested rezoning of two acres, being in the D-A District to the D-11 classification to provide for the expansion of a mobile dwelling park, with the rear perimeter yard reduced from 50 feet to 20 feet and the minimum distance between buildings reduced from 25 feet to 22 feet, **approved**.

89-Z-144 / 89-CV-21; 405 South Shortridge Road, requested rezoning of 5.545 acres, being in the A-2 District to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and the minimum distance between buildings reduced from 25 feet to 22 feet., **approved**.

88-Z-232/ 88-CV-32; 405 South Shortridge Road, requested rezoning of 18.213 acres, being in the A-2 District, to the D-11 classification to provide for a mobile dwelling park, with reduced perimeter yards and the minimum distance between building reduced form 15 feet to 22 feet, **approved**.

86-UV1-1; 411 South Shortridge Road, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a storage and maintenance building for an existing electric company and for the continued operation of an automobile and small engine repair facility, **granted**.

84-UV1-40; 411 South Shortridge Road, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the rental and repair of commercial search light, electrical contracting, fabrication, maintenance and sales of radio towers, automobile repair service, and the outside storage of related equipment and materials, **granted**.

83-UV2-119; 405 Shortridge Road, requested a variance of the use of the (A-2) Marion County Master Plan Permanent Zoning Ordinance to allow automobile service with storage with a sign, **denied**.

81-Z-72; 405 South Shortridge Road, requested rezoning of 9.58 acres being in an A-2 District, to the C-5 classification, to provide for a car lot, **denied**.

69-V-48; 411 South Shortridge Road, requested a variance of use to provide for retail sales and storage of electrical products and equipment, **granted**.



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63-V-48; 411 South Shortridge Avenue, requested a variance of use to provide for the retail sales and storage of electrical products and equipment with an office in the existing residence, **granted**.

61-V-98; 431 South Shortridge Road, requested variance of use to provide for a union hall, offices, and community center with children's play area and off-street parking, **granted**.

VICINITY

2022-CVR-868 / 2022-CVR-868; 431 South Shortridge Road (south of site); requested rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard, and without the required front-yard landscaping, **approved and granted**.

2007-ZON-071; 415 South Shortridge Road (south of site), requested rezoning of 2.74 acres from the C-1 District to the C-ID classification to provide for commercial-industrial uses, **approved**.

2005-DV1-029; 7441 Chinook Circle (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a mobile home park with distances between dwelling units varying from 9.5 feet to 30.5 feet and to allow for the ongoing placement of mobile homes with a minimum of 9.5 feet distance between dwelling units (minimum 25-foot separation between dwelling units required), and two dwellings with front yard setbacks of 4.9 feet and 7.3 feet respectively (minimum ten-foot front building setback required), **granted**.

2000-SE1-003; 404 Peachtree Lane (north of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for a manufactured home, **granted**.

99-V1-101; 458 South Peachtree Lane (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 20-foot tall (maximum 17 feet permitted), 1,376-square foot detached garage, creating 1,378 square feet of detached accessory structures, or 119% of the size of the main floor area of the primary residence (maximum 860 square feet or 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 1,876 square feet, or 164% of the size of the floor area of the primary residence (maximum 1,147 square feet of 99% of the size of the main floor area of the primary residence permitted), **granted**.

98-SE1-9/98-V1-89; 7375 Alice Avenue (north of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured dwelling with the dimensions of 72 by 26 feet, and requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the manufactured dwelling, utilizing private septic system (attachment to public or semi-public sanitary sewer facilities required), **granted**.

98-V3-88; 302 South Peachtree Lane (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling



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without connecting to public water and sewer facilities (attachment to public or semipublic water and sewer facilities required), **granted**.

94-UV1-108; 129 South Shortridge Road (north of site), requested a variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the construction of a 6,784-square foot building to be used as an engineering and design office, including the assembly of prototypes (not permitted), **denied**.

86-UV1-4; 431 South Shortridge Road (north of site), requested a variance of use of the Permanent Zoning Ordinance to provide for an addition to an existing union hall and offices, **granted**.

86-Z-78; 415 South Shortridge Road (south of site), requested rezoning of four acres, being in the A-1 Districts to the C-1 classification to provide for the construction of an office building, **approved**.

Development Statement 2018

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

- C-1 Uses
- I-1 Uses
- Warehouse
- Commercial and Building contractor; including landscape facility (no outdoor storage)
- Truck and Trailer parking
- Heavy Truck/ Heavy Equipment and vehicle sales, service and repair

Metropolitan Development

JUN 29 2018

Division of Planning

Buildings:

- Retain existing primary commercial/ industrial building with approximately five thousand square feet and two small accessory storage buildings as depicted on the site plan and a new small accessory building not to exceed two hundred square feet on the existing 409 So. Shortridge Road property to serve as an electrical storage/ guard station facility

Parking:

- Twenty four (24) on-site parking spaces provided; with one (1) being ADA parking spaces.
- Provide five (5) bike spaces to south of the 411 So. Shortridge Road building

Signs:

- Retention of existing free standing sign and existing (3) wall signs on west façade of the 411 So. Shortridge Road.
- One (1) new non illuminated ground sign, being a size not to exceed fifty (50) square feet for new user
- Signage shall comply with the Sign Regulations

Screening and buffering:

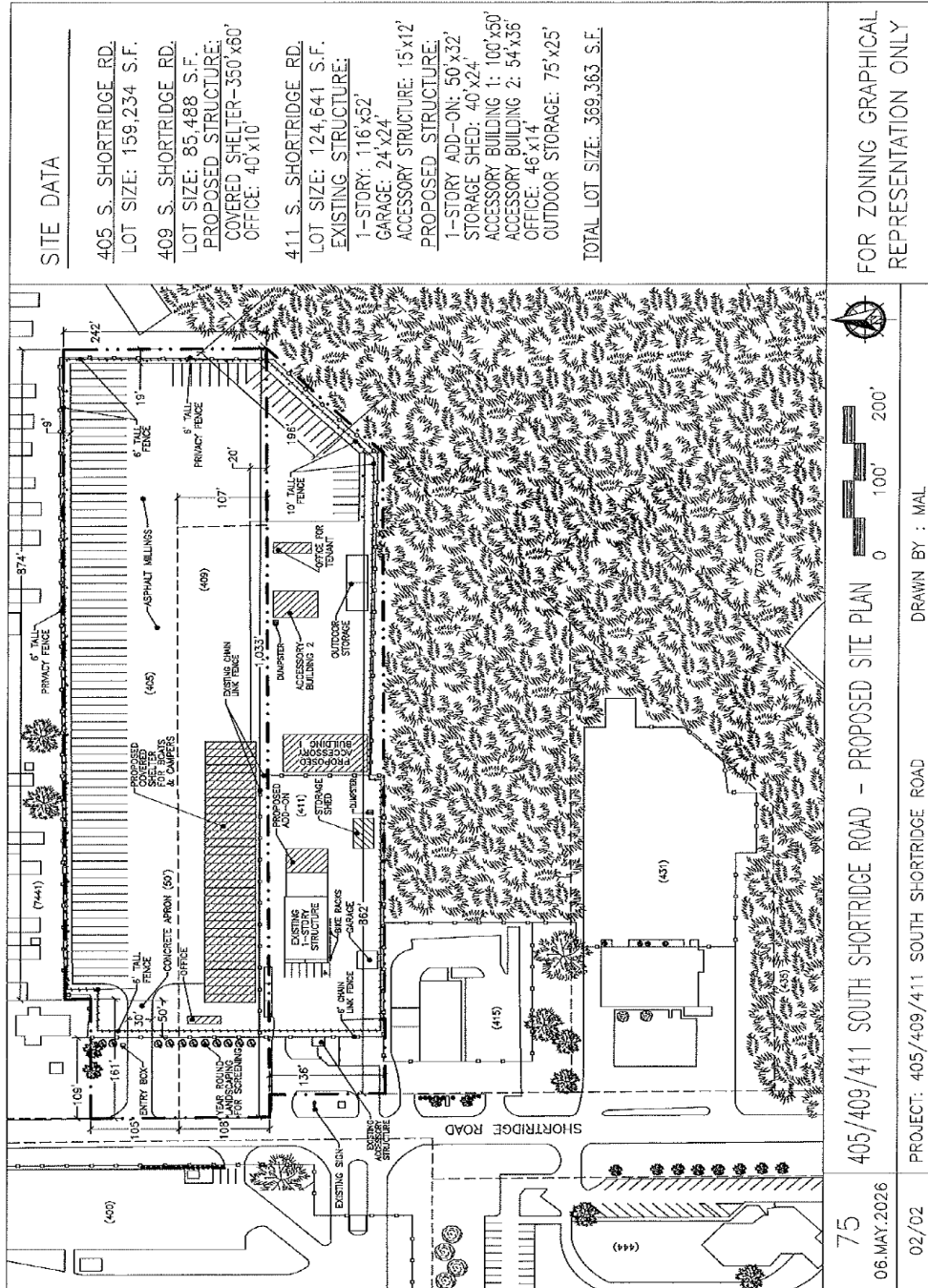
- Maintain existing tree line and foliage depicted on the proposed site plan to the north, northeast and east.
- Additional landscaping per site plan on file

Trash and Refuse

- Dumpster shall be enclosed to the east of the 411 S. Shortridge Road building.

6/20/18

SITE PLAN - MAY 7, 2026



SITE DATA

405 S. SHORTRIDGE RD.
 LOT SIZE: 159,234 S.F.
 409 S. SHORTRIDGE RD.
 LOT SIZE: 85,488 S.F.
 PROPOSED STRUCTURE:
 COVERED SHELTER-350'x60'
 OFFICE: 40'x10'
 411 S. SHORTRIDGE RD.
 LOT SIZE: 124,641 S.F.
 EXISTING STRUCTURE:
 1-STORY: 116'x52'
 GARAGE: 24'x24'
 ACCESSORY STRUCTURE: 15'x12'
 PROPOSED STRUCTURE:
 1-STORY ADD-ON: 50'x32'
 STORAGE SHED: 40'x24'
 ACCESSORY BUILDING 1: 100'x50'
 ACCESSORY BUILDING 2: 54'x35'
 OFFICE: 46'x14'
 OUTDOOR STORAGE: 75'x25'
 TOTAL LOT SIZE: 369,363 S.F.

FOR ZONING GRAPHICAL
 REPRESENTATION ONLY

75
 06 MAY 2026
 02/02
 405/409/411 SOUTH SHORTRIDGE ROAD - PROPOSED SITE PLAN
 PROJECT: 405/409/411 SOUTH SHORTRIDGE ROAD
 DRAWN BY: MAL



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 requested variances relate to the placement of an existing building, the location of parking, and the height of perimeter fencing on a developed commercial site. The proposed conditions will not introduce new or more intense uses to the site and will not increase traffic, noise, or other impacts beyond those historically associated with the property. The fencing improvements enhance site security and help screen commercial operations from adjacent residential areas. Granting the requested variances will maintain orderly development while protecting the health, safety, and welfare of the surrounding community.

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 surrounding area contains a mix of commercial, industrial, and residential uses, and the subject site has long functioned as a commercial property. The variances will not alter the permitted use of the property nor introduce incompatible development. The increased fence heights provide visual buffering and limit potential impacts to nearby residential properties. The existing building setback and parking configuration have been in place for an extended period without demonstrated adverse effects on adjacent properties or property values.

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

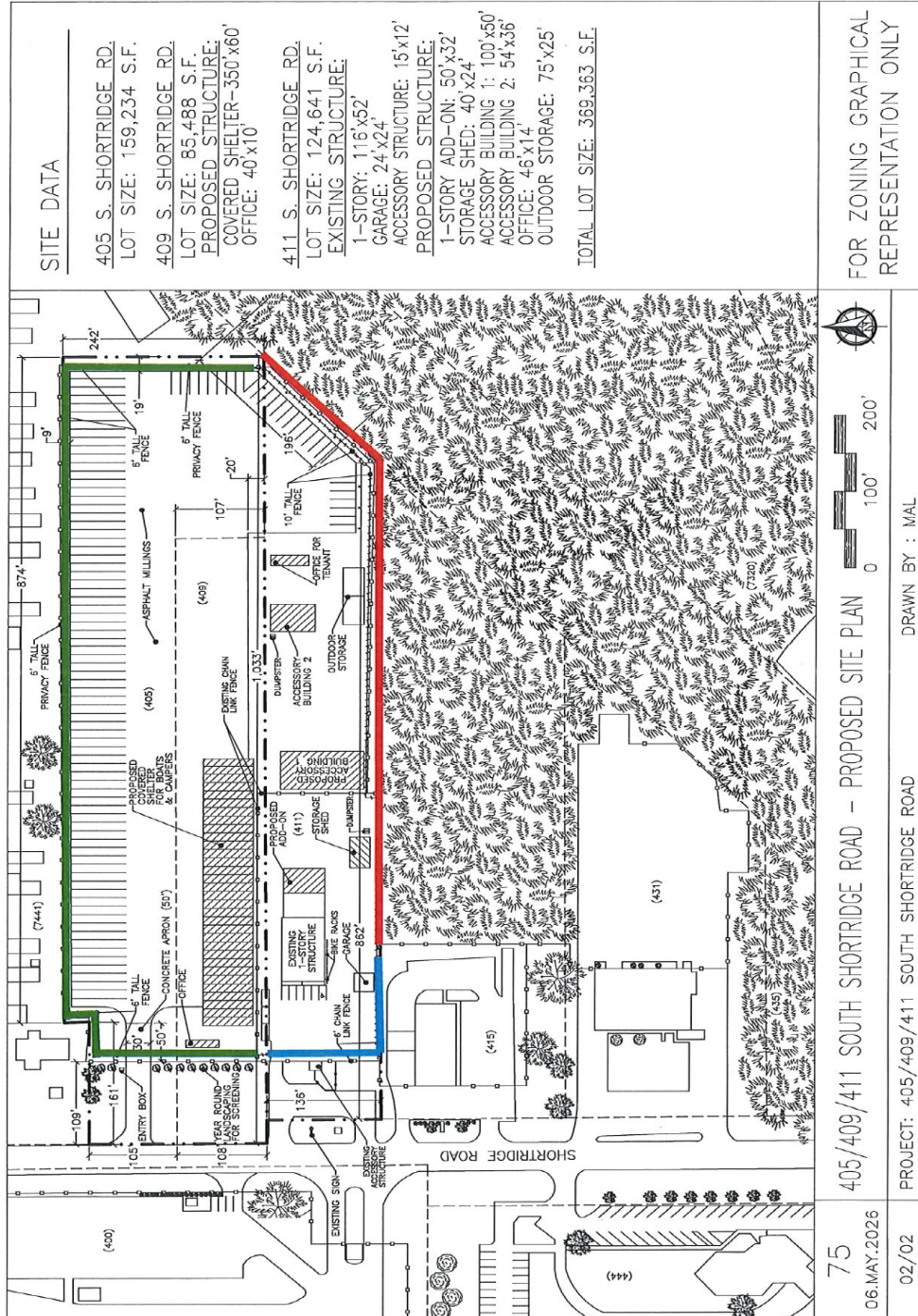
The subject site is a large, previously developed property with an existing building located significantly farther from the right-of-way than permitted under current standards. Strict compliance with the maximum front setback and parking placement standards would require demolition or substantial reconfiguration of the site, which is impractical given the existing improvements and operational needs. Additionally, compliance with fence height limitations would prevent the property owner from providing adequate security and buffering appropriate for the site's size, configuration, and adjacency to residential districts.

DECISION

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

Adopted this _____ day of _____, 20 ____

SITE PLAN - 10-FOOT-TALL FENCE LOCATION - MAY 7, 2026



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FOR ZONING GRAPHICAL REPRESENTATION ONLY

75
 06.MAY.2026
 02/02

405/409/411 SOUTH SHORTRIDGE ROAD - PROPOSED SITE PLAN
 PROJECT: 405/409/411 SOUTH SHORTRIDGE ROAD
 DRAWN BY : MAL

COMMITMENTS 2018



A201800106381

10/17/2018 03:33 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 10
By: CJ

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 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: 405, 409 & 411 South Shortridge Road

See Attached Legal Description

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. See "Attachment D & E"

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:

- (a) the adoption of rezoning petition # 2018-ZON-068 by the City-County Council changing the zoning classification of the real estate from a D-11 & C-7 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

MDC's Exhibit B -- page 1 of 5

Metropolitan Development

SEP 17 2018

Division of Planning

(710)

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the _____ zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068.

IN WITNESS WHEREOF, owner has executed this instrument this 17th day of SEPTEMBER, 20 18.

Signature: Frank Wolf
 Printed: Frank Wolf
 Title / Organization: Owner
 Name: _____

Signature: _____
 Printed: _____
 Title / Organization: _____
 Name: _____

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Metropolitan Development
 SEP 17 2018
 Division of Planning

Before me, a Notary Public in and for said County and State, personally appeared FRANK WOLF, OWNER owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 17th day of SEPTEMBER, 20 18

Notary Public JK
Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

JUSTIN KINGEN Notary Public - Seal State of Indiana Marion County My Commission Expires May 30, 2022
--

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. – Justin Kingen

This instrument was prepared by Justin Kingen

Metropolitan Development
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and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the _____ zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of September, 2018.

Signature: [Signature]
 Printed: MICHAEL KITTERMAN
 Title /
 Organization
 Name: Sec/Tres SRMK Realty

Signature: [Signature]
 Printed: Sean Rizzi
 Title /
 Organization
 Name: Pres. SRMK Realty

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

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2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2018-ZON-068.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of September, 2018.

Signature: [Signature]
 Printed: MICHELLE K. HERRMAN
 Title /
 Organization
 Name: Sec/Tres SRMK Realty

Signature: [Signature]
 Printed: Sean Rizzi
 Title /
 Organization
 Name: Pres. SRMK Realty

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

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ATTACHMENT "D":

Petitioner commits to the following:

1. The entrance to the trailer parking area shall be developed in such a fashion so as to leave room for two trucks with trailers to be in a waiting area outside of the entry gate and yet not projecting into the public right of way of So. Shortridge Road
2. A web site shall be developed by the petitioners to so instruct clients, or users of the trailer parking area to gain access preferably to the site using So. Shortridge Road from the north via East Washington Street.
3. A tree assessment by a certified arborist shall be filed for Administrator's Approval prior to any site preparation or disturbance of the site. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance; if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.
4. The hours of operation for the truck and trailer parking on this site shall be restricted to only between 8 am and 6 pm, Monday through Saturday.
5. All exterior lighting shall be shielded so as to prohibit light spillage onto adjoining residential properties.

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8/27/18

Attachment "E"

Petitioner commits to exclude the following:

1. Off premise (billboards) signs
2. Electronic Variable Message Signs

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8/2/18



DEVELOPMENT STATEMENT 2025-CVR-865 – MAY 7, 2026

405, 409, & 411 South Shortridge Road Development Statement:

Petitioner requests approval of a rezoning to the C-S (Commercial Special) district and approval of this Development Statement, which shall govern all permitted uses and development on the Real Estate.

I. Permitted Uses

The following uses shall be permitted on the Real Estate. Any use not expressly listed below shall be prohibited.

A. I-1 Uses

B. Vehicle-Relation Operations

1. Truck and Trailer parking
2. Truck or Heavy Vehicle Repair
3. Automobile, Motorcycle, and Light Vehicle Service or Repair
4. Automobile, Motorcycle, and Light Vehicle Sales or Rental

C. Outdoor Storage (As Regulated)

Outdoor storage shall be permitted **only within the secured fenced areas** shown on the Site Plan.

Permitted outdoor storage includes:

1. Construction Contractor equipment & materials
2. Vehicle staging associated with auto repair
3. Recreational Vehicles (RVs), campers, and tow-behind units

Outdoor storage shall be secured and maintained consistent with the requirements in the Plan of Operation and fencing commitments.

II. Buildings

405 South Shortridge Road

- None

409 South Shortridge Road

- Office (400 SF)
- Covered Shelter for Vehicles (Proposed)

411 South Shortridge Road

- Commercial Structure - Auto-Repair Shop & Office (6,000 SF)
- Accessory Structure - Garage (576 SF)
- Accessory Structure – Storage Shed (960 SF)
- Commercial Structure – Office (700 SF)
- Commercial Structure (Proposed) – 1,728 Add-on to existing Auto-Repair Shop & Office
- Commercial Structure (Proposed) – Additional Office/Storage (5,000 SF)

III. Parking

1. A minimum of twenty-four (24) parking spaces shall be provided, including one (1) ADA-accessible space on 411 South Shortridge Road.
2. One hundred and sixty-six (166) parking spaces shall be provided on 405 and 409 South Shortridge Road.
3. A minimum of five (5) bicycle parking spaces shall be provided near the 411 building.

IV. Signs

1. Existing free-standing and wall signage may remain.
2. One additional non-illuminated ground sign not exceeding 50 square feet shall be permitted.
3. All signage shall comply with applicable Sign Regulations.

V. Screening & Buffering

An existing 6' foot tall metal, privacy fence shall provide screening & buffering around the perimeter of the 405 & 409 South Shortridge Road parcels.

An existing 10' foot tall, chain-link fence shall provide screening & buffering around the side and rear yards of the 411 South Shortridge Road parcel. The existing 10' chain-link fence will be removed in the front yard of 411 and replaced with a new, 6' chain-link fence.

The existing tree line and natural vegetation along the south & east property boundaries shall be preserved to the extent practicable.

VI. Trash & Refuse

All trash shall be stored in an enclosed dumpster area located east of the 411 building.

VII. Compliance with Plan of Operation

All uses shall operate in accordance with the **Plan of Operation** approved with this petition.

Any substantial deviation from that Plan shall require administrative approval or an amendment, as determined by the Department of Metropolitan Development.

PROPOSED COMMITMENTS

405, 409 & 411 South Shortridge Road – Commitments (2025-CZN/CVR-865)

Commitment 1 – Access / Circulation

Vehicular access to the site shall be provided from South Shortridge Road, and site circulation shall be designed to minimize impacts to adjacent residential streets.

Commitment 2 – Website / Wayfinding

A website shall be maintained by the petitioner to instruct clients and users of the site regarding preferred access routes to the property, including access via South Shortridge Road from the north via East Washington Street, to minimize impacts on surrounding residential streets.

Commitment 3 – Tree Mitigation (Revised)

The prior commitment requiring the submittal of a tree assessment by a certified arborist prior to site preparation or disturbance is hereby removed and replaced with the following:

The petitioner shall plant twenty-four (24) trees within Warren Township as mitigation for previously removed heritage trees.

The species, size, and planting locations of the trees shall be determined in coordination with the Department of Metropolitan Development and the Warren Township Development Association (WTDA).

Tree planting locations may be on-site or off-site within Warren Township, subject to approval by the Planning Administrator.

The trees shall be planted within a timeframe approved by the Planning Administrator following final rezoning approval.

Commitment 4 – Hours of Operation (Revised)

The hours of operation for truck and trailer parking on the site shall be restricted to 8:00 a.m. to 9:00 p.m., Monday through Saturday.

Commitment 5 – Exterior Lighting

All exterior lighting shall be fully shielded and designed to prevent light spillover onto adjacent residential properties.

Commitment 6 – Landscaping Installation

All landscaping depicted on the Site Plan filed with petitions 2025-CZN-865 and 2025-CVR-865 shall be installed by October 1, 2026, including the twenty-four (24) mitigation trees referenced in Commitment 3.

Commitment 7 – Fence Modifications

All fence modifications shown on the Site Plan filed in connection with petitions 2025-CZN-865 and 2025-CVR-865 shall be completed on or before October 1, 2026, and shall comply with the fence regulations set forth in the Consolidated Zoning and Subdivision Ordinance.

PLAN OF OPERATION – MAY 7, 2026

405, 409, & 411 South Shortridge Road - Plan of Operation

1. Hours of Operation

The property of 411 South Shortridge Road will operate during the following hours:

- Monday through Friday: 8:00 a.m. to 6:00 p.m.
- Saturday, Sunday, and major holidays: Closed

The properties of 405 and 409 South Shortridge Road will operate during the following hours:

- Monday through Saturday: 8:00 a.m. to 9:00 p.m.

All truck movements, operational equipment prep, and outdoor activity will occur only during the listed hours. Occasional job emergencies may happen outside of these hours.

2. Site Access and Vehicle Circulation

All access will occur from the existing drive entrance. Trucks and service vehicles will enter and exit on-site without staging or idling on public streets. All inbound and outbound movements will comply with the posted hours and be managed to minimize impacts on adjacent properties.

3. Outdoor Storage and Screening

Outdoor storage will take place only within the secured, fenced portions of the property. Stored materials, equipment, commercial vehicles, and recreational vehicles will remain behind the perimeter fencing and will not extend into required yards, rights-of-way, or neighboring parcels. The existing fencing provides screening of stored items, and the site will be maintained in an orderly and contained manner at all times.

4. Fencing and Security

The property will utilize the existing six-foot perimeter fencing and 10-foot fence on the side yards and rear yards of all 3 parcels (405, 409, & 411 South Shortridge Road). Electric security system will be maintained along portions of the property, to protect storage equipment and automobiles. Access gates will remain locked outside of business hours. Exterior lighting will be shielded and directed downward to prevent glare onto adjoining properties.

5. Surface Material and Site Maintenance

Asphalt millings/asphalt are used as the primary surface material within the fenced areas. The millings will be regularly maintained to control dust, prevent displacement, and preserve proper drainage. The site will be kept free of trash, debris, and loose

materials. Drainage patterns will remain consistent with the existing approved site conditions.

6. Auto Repair Operations

Auto repair activities will occur inside the main building. Services will include general automotive repair, maintenance, diagnostics, and related work typical of a commercial auto repair business. All repair work, tools, and equipment will be contained indoors. Customer vehicles awaiting service will be stored behind the fenced area or inside the building.

7. Emissions and Environmental Practices

The property will comply with local environmental regulations for fluid disposal, hazardous materials handling, and emissions. Spill-response materials will be maintained on site at all times, and routine inspections will be conducted to ensure compliance.

8. Truck Operation and Management

Truck arrivals and departures will be scheduled within operating hours and managed to avoid congestion or conflicts with local traffic. Trucks will be staged inside the fenced yard and will not idle or queue on public streets. Deliveries, pickups, and material loading will occur within the secure fenced area.

9. Property Upkeep and Operational Monitoring

The property will be inspected regularly to ensure compliance with this Plan of Operation. Maintenance responsibilities include surfacing upkeep, fence repairs, drainage monitoring, landscaping care (where applicable), and general housekeeping. Any operational adjustments will be made proactively to preserve compliance and minimize impacts on surrounding properties.

10. Amendments

Any future changes to hours of operation, outdoor storage quantities, fencing, surfacing, or operational activities will require an amendment to this Plan of Operation and/or a modification of commitments, as determined by the Department of Metropolitan Development.



View looking north along South Shortridge Road



View looking south along South Shortridge Road



View of site looking north along South Shortridge Road



View of site looking south along South Shortridge Road



View from site looking west across South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking southeast across South Shortridge Road