

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

June 25, 2026

**Case Number:** 2026-CZN-820 / 2026-CVR-820  
**Property Address:** 4710, 4716, 4724, 4738, 4742 and 4910 Bluff Road  
**Location:** Perry Township, Council District #22  
**Petitioner:** Alt Construction, LLC, by Brian J. Tuohy  
**Current Zoning:** DA (FF)

Rezoning of 27.26 acres from the D-A (FF) district to the I-2 (FF) district to provide for light industrial uses, including warehousing, wholesaling and distribution.

**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a loading area between the front lot line along Bluff Road and the front line of the building (not permitted), and to provide for 39 parking spaces (minimum of 260 spaces required)

**Current Land Use:** Single-family dwellings / agricultural uses

**Staff Recommendations:** Denial

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance that was filed by the petitioner's representative that continued these petitions from the May 28, 2026 hearing, to the June 25, 2026 hearing.

**STAFF RECOMMENDATION**

Staff recommends denial of the rezoning and variance requests. If the requests are 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. A 59.5-foot half right-of-way shall be dedicated for the future expansion of West Thompson Road right-of-way and a 45-foot half right-of-way along Bluff Road, 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 prior to the issuance of an Improvement Location Permit (ILP).
2. 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 / receptables provided for the proper disposal of trash and other waste.

## PETITION OVERVIEW

This 27.26-acre site, zoned D-A (FF), is comprised of six parcels developed with single-family dwellings and agricultural uses. It is surrounded by commercial uses to the north, zoned C-7; single-family and two family dwellings to the south, zoned D-P (FF); single-family dwellings to the east, across Bluff Road zoned D-A; and railroad right-of-way / industrial uses / commercial uses to the west, zoned C-7 (FF) and I-3 (FF), respectively.

## REZONING

The request would rezone the site to the I-2 district to provide for light industrial uses, including warehousing, wholesaling and distribution. “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.”

The Comprehensive Plan recommends suburban neighborhood typology for the site.

Recommended land uses in this 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.

Industrial uses are not included as a recommended land use in the suburban neighborhood typology. Furthermore, The Pattern Book removes industrial typologies “as a recommended land use where they would be adjacent to a living or mixed-use typology.”

## Floodway / Floodway Fringe – Hau Eisen Ditch

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way for the future extension of West Thompson Road and a 45-foot half right-of-way along Bluff Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **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**

Historically, the railroad corridor adjacent to this site has been viewed and has served as a strong boundary between industrial and heavy commercial uses to the west and residential uses to the east of the railroad corridor. Once that boundary would be disrupted, staff believes industrial uses would continue to intrude into the long established agricultural corridor and the residential neighborhoods.

Allowing any type of industrial use on this site would negatively impact and be detrimental to the existing land uses generally consisting of low density residential and agricultural uses. Encroachment of even light industrial uses would disrupt the existing quality of life and general welfare of the community in this area.

Staff is also concerned with the lack of appropriate access to this site. As proposed, access would be gained from West Thompson Road, which has not been improved to the level of supporting both number of daily trips and vehicle weight of traffic that would be generated by the proposed industrial uses.

For these reasons, staff strongly recommends denial of the rezoning request.

**VARIANCES OF DEVELOPMENT STANDARDS**

There are two variance requests that would permit a loading area in the front yard and allow a reduction of required parking.

As proposed a loading area would be permitted between the front lot line along Bluff Road and the front line of the building, which would not be permitted. Staff believes that this would be a self-imposed practical difficulty because the site is primarily undeveloped with few limitations that would require development standards variances. Consequently, staff would not support this variance.

The second variance request would provide 39 parking spaces when the Ordinance requires a minimum of 260 parking spaces. No documentation has been submitted that would support the reduction of parking or reason for only 39 parking spaces. If the reduction is the result of the use, staff believes this would also be a self-imposed practical difficulty that would not be supportable.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A (FF)	
<b>Existing Land Use</b>	Single-family dwellings / agricultural uses	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-7	Commercial uses
South:	D-P (FF)	Single- and two-family dwellings
East:	D-A	Single-family dwellings
West:	I-3	Industrial uses

<b>Thoroughfare Plan</b>		
Bluff Road	Primary Arterial	Existing 50-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – Haueisen Ditch floodplain	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 10, 2026	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 10, 2026	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “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.”

### 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 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.

**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

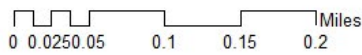
**2003-ZON-079 / 2003-DP-011; 5102 Bluff Road (south of site)**, requested rezoning of 16.77 acres, being in the D-6 (FF) (FW) (W-5) district to the D-P (FF) (FW) (W-5) district to provide for residential development at a density of 4.05 units per acre, **approved**.

**2000-ZON-161; 5102 Bluff Road (south of site)**, requested rezoning of 18.6 acres from the D-A (FW) (FF) (W-5) to the D-6 (FW)(FF) (W-5) to provide for multi-family residential uses, **approved**.

EXHIBITS



4710 Bluff Road



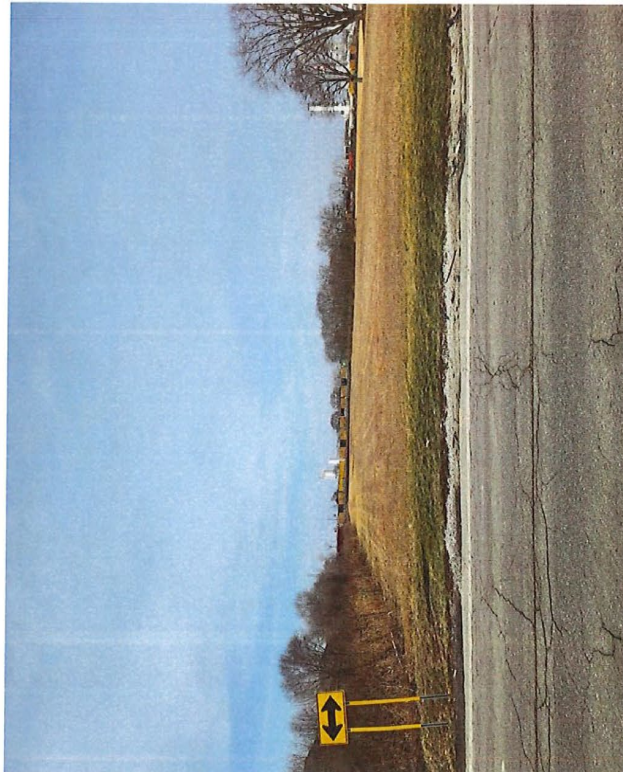


**PRELIMINARY SITE CONCEPT**  
**BLUFF INDUSTRIAL**

MARION COUNTY, INDIANA - APRIL 3, 2025



Current Streetscape from Bluff Road



Proposed Streetscape from Bluff Road



10/10/2024



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 west side of the site borders a railroad. In between the proposed loading areas and Bluff Road, petitioner proposes to install an approximately 10' tall landscape berm along Bluff Road and a stormwater management pond at the southeastern portion of the site. Such landscaping berm and pond will provide a significant buffer screen between the loading areas and Bluff Road. Additionally, the loading areas are over 300 feet from Bluff Road. Adequate separation and screening will exist between the loading areas and Bluff Road and the location of the loading areas will not be injurious to the general welfare of the community. Additionally, because of rail service to the site, the number of parking spaces is adequate for the proposed warehousing, wholesaling and distribution use and increasing the number of parking spaces will increase pavement on the site for parking that is unnecessary and will be unused.

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 long distance between the loading areas and Bluff Road along with the proposed approx. 10' tall landscape berm/buffer and pond at the southeast corner of the site provide ample separation and buffering between Bluff Road and the loading areas. The proposed parking is adequate for the proposed use of the site and reduces the need of an abundance of pavement on the site for unused parking spaces. The variance will allow substantial capital investment into a site which is bordered by a railroad. The proposed improvements to the site will significantly increase the assessed value of the site.

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

The site is bordered by a railroad on the west side of the site. To allow for potential businesses to utilize the railroad, the truck loading areas need to be located on the opposite side of the proposed building, which is the east side of the building. Additionally, requiring an increase to the number of parking spaces will require an abundance of unnecessary pavement on the site. The strict application of the terms of the zoning ordinance will prevent the development and use of the site with improvements that benefit from and are consistent with the site's location along a railroad.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_



View looking south along Bluff Road



View looking north along Bluff Road



View looking northeast across Bluff Road



View looking east across Bluff Road



View looking southeast across Bluff Road



View from site looking west



View from site look east



View from site looking northwest



View from site looking north