

BOARD OF ZONING APPEALS DIVISION I

August 04, 2026

Case Number: 2026DV1037

Property Address: 1515 S Drover St (*approximate address*)

Location: Center Township, Council District 18

Petitioner: Jamilah Mintze, Ingredion Incorporated

Current Zoning: I-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit erection of several accessory structures proposed as part of a co-generation facility within the required 30 feet front setback measured from the right-of-way of White River Parkway (West Drive). The structures vary from 1.5 feet to 29 feet from the right-of-way line, 50-feet required. Without landscaping (landscaping required).

Current Land Use: Industrial

Staff Recommendations: **Approval** With Commitments

Staff Reviewer: Adrienne Baker, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the variance request, subject to the following commitment being reduced to writing on the BZA's Exhibit "A" form at least three days prior to the BZA hearing:

A landscape plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

Petitioner requests a Variance of Development Standards to permit several accessory structures associated with a new co-generation facility to encroach into the required 50-foot front setback along White River Parkway, with proposed setbacks ranging from 1.5 feet to 29 feet. The petition also seeks relief from landscaping requirements. The site is subject to an EPA-mandated paving consent decree to reduce dust generated from the site. This eliminated all usable green space that could accommodate required landscaping.

Ingredion has previously planted trees along White River Parkway, but these trees have a shortened lifespan due to poor soil conditions and must be replaced every few years. All other potential planting

locations conflict with underground natural gas lines, storm and sanitary sewers, other utility infrastructure, and overhead power and telecommunications lines, making the required landscaping infeasible. The existing right-of-way along White River Parkway already exceeds the Thoroughfare Plan's recommended maximum of 67 feet, further constraining the buildable area and compounding setback difficulties. The surrounding area is entirely industrial, and the site is zoned I-4.

The findings of fact in support of the variance establish that the request will not be injurious to public health, safety, morals, or general welfare because the proposed structures will not interfere with vehicle or pedestrian traffic and will not encroach upon any clear sight triangle. The use and value of adjacent properties will not be adversely affected, as the reduced setback does not impact access or visibility for neighboring industrial parcels.

Practical difficulties arise from the strict application of the setback and landscaping standards because the ordinance does not account for the lack of curb cuts along the frontage and does not consider that the existing right-of-way already exceeds the Thoroughfare Plan standards. Combined with unavoidable conflicts between required landscaping and extensive underground and overhead utilities, these conditions make compliance with the ordinance impractical.

GENERAL INFORMATION

Existing Zoning	I-4	
Existing Land Use	Industrial	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	I-4, SU16	North: Industrial, Indoor, and outdoor recreation and entertainment
South:	I-4, SU18	South: Industrial, Light, and power substation
East:	I-4	East: Industrial
West:	I-4, I-3	West: Industrial
Thoroughfare Plan		
White River Parkway	Primary Collector	67-foot existing right-of-way 56-foot proposed right-of-way
Drover Street	Local Street	48-foot existing right-of-way 48-foot proposed right-of-way
CSX Railroad	Special Corridor	100-foot existing right-of-way 100-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 14, 2026	
Site Plan (Amended)	N/A	

Elevations	May 14, 2026
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	May 14, 2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.
- Front Setback Exceptions: The minimum required front setback for a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site. In the case of a corner lot, the average is derived from the established front setback of the nearest improved lot and the setback established by ordinance.
 - Notwithstanding the provisions of subsection 1, no building or structure shall be permitted to encroach upon any proposed right-of-way, as designated in the Official Thoroughfare Plan; upon any existing right-of-way; or within any Clear Sight Triangular Area.
- Development activities associated with facilities that include generators, whether permanent or temporary, must submit a Site and Development Plan to be reviewed for conformity with the standards of Section 742-204 by the Technically Qualified Person.
- Historically Significant Areas- Indianapolis Park & Boulevard System
 - Protected Areas: All areas inside the boundaries of Marion County which are adjacent to and within 660 feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary that is not perpendicular or normal to the centerline of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within 660 feet of the edge of the right-of-way of the highway in the adjoining county.
 - When adjacent to any protected district the transitional yard dimensional standards must be a minimum of 50' and the building height is a maximum of 35'.

- All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.

Pattern Book / Land Use Plan

- The Light Industrial typology accommodates industrial, production, distribution, and repair activities conducted entirely within enclosed structures and unlikely to generate noticeable light, odor, noise, or vibration. This typology is typically composed of freestanding buildings or clusters of buildings, often organized within industrial parks. Representative uses include warehousing, self-storage, parts assembly, laboratories, wholesaling, and printing. Industrial and truck traffic shall be separated from local and residential traffic to maintain safety and minimize conflicts.
- Industrial truck traffic shall not utilize local or residential streets. Streets internal to industrial developments shall be designed to connect directly to an arterial street. Industrial uses shall be removed as a recommended land use in locations where they would be directly adjacent to a living or mixed-use typology.
- Small-Scale Offices, Retailing, and Personal or Professional Services Should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

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)

Minimum Right-of-Way includes the following components: six-foot sidewalks and the applicable transition/grading/utility, landscape buffer, curb & gutter, and travel lane widths. Maximum Right-of-Way includes all applicable components. Include either a landscape buffer or on-street parking with landscape bump-out. ROW standards do not accommodate both.

ZONING HISTORY

ZONING HISTORY - SITE

97-HOV-63; 1515 S White River PKWY W Dr; Variance of Development Standards of the Industrial Zoning Ordinance to provide for a front setback of thirteen feet and nine inches (13'-9') from the right-of-way of Drover Street (20 feet required) to provide for a building addition for a quality assurance laboratory and offices; **approved**.

ZONING HISTORY - VICINITY

2022ZON078; 8965 Rockville Rd; Rezoning of 0.57 acre from the D-2 district to the C-1 district to provide for retail uses; **withdrawn**.

2008ZON830; 1341-1440 Bridge Street and 1052 York Street; Rezoning of approximately 5.49 acres being in the C-1 & D-5 Districts to the I-3-U classification to provide for the continued growth and development of the Lilly Technology Center; **approved**.

2006DV1041; 1001 Belt Street; Variance Of Development Standards of the Industrial Zoning Ordinance to provide for no landscaping in the required twenty-foot front yard and required fifty-foot front transitional yard along York Street (landscaping required), and to provide for no landscaping within the required 50-foot transitional side yard along the alley extending from York Street to Belt Street (landscaping required); **withdrawn**.

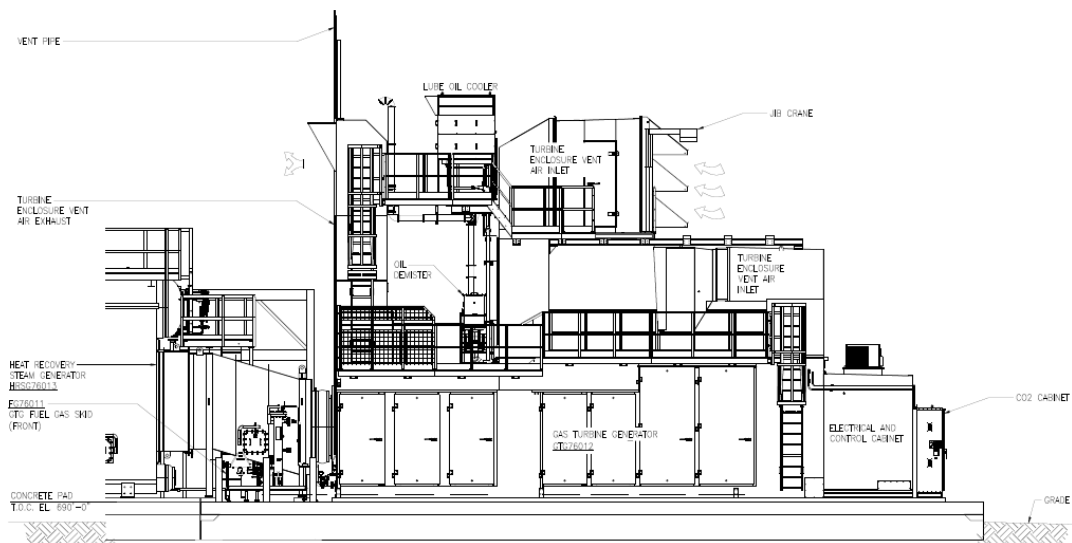
2006ZON011; 1306-1350 Silver Avenue, 1315-1375 Silver Avenue, 1102 York Street, 1233-1339 Bridge Street, 1242-1250 Bridge Street; rezoning of 8.692 acres, being in the C-1 and D-5 Districts, to the I-3-U classification to provide for the expansion of industrial uses; **approved**.

2001DV3050; 1405 Nordyke Avenue; Variance of Use of the Dwelling District Zoning Ordinance to provide for a 5000 square foot material storage and office building to support existing industrial operations on neighboring industrial site (industrial not permitted in a dwelling district); **withdrawn**.

86-V2-123; 1415 Drover Street; Variance of Development Standards of the Industrial Zoning Ordinance to provide for an addition to an existing building with a side yard setback of six (6) inches (20 feet required); **denied**.

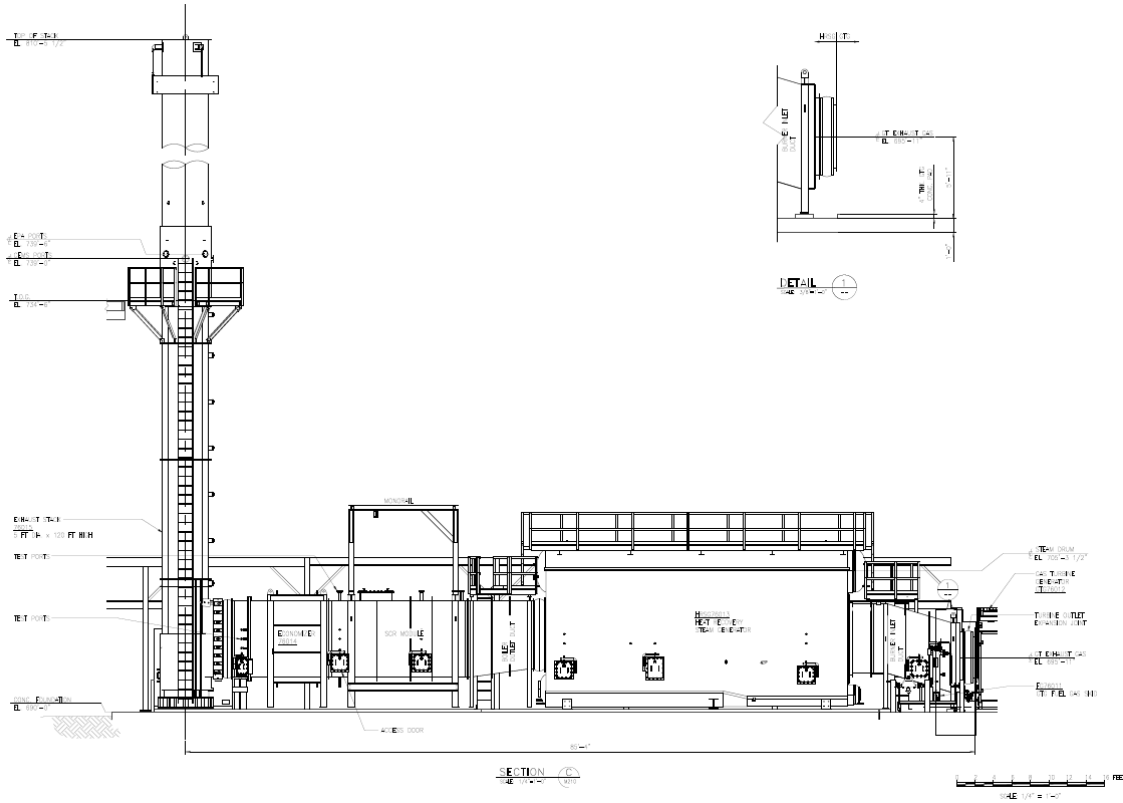


Overall Site Plan:

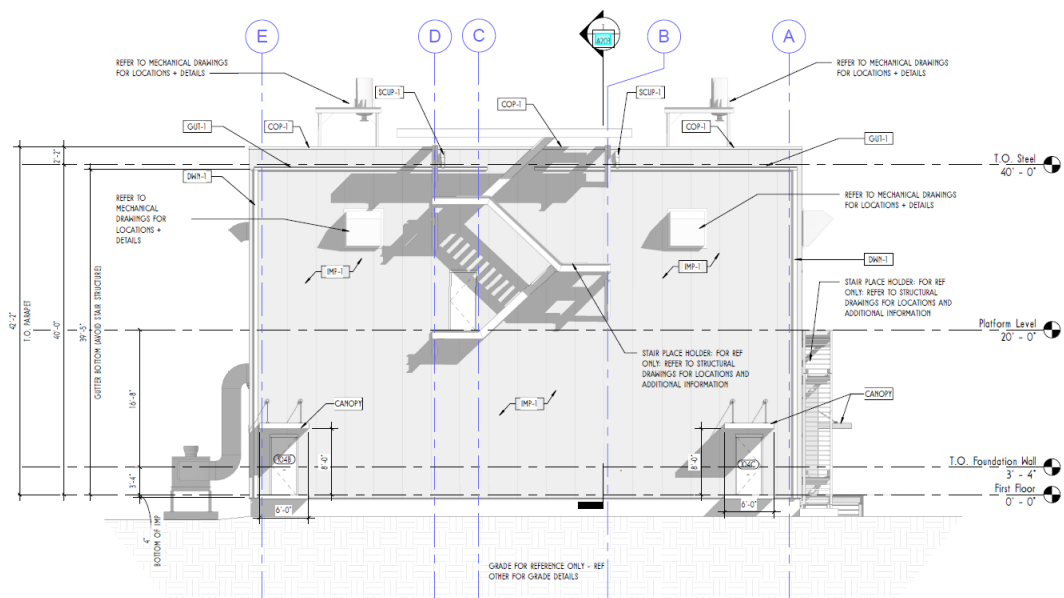


SECTION F
 SCALE 1/4"=1'-0"

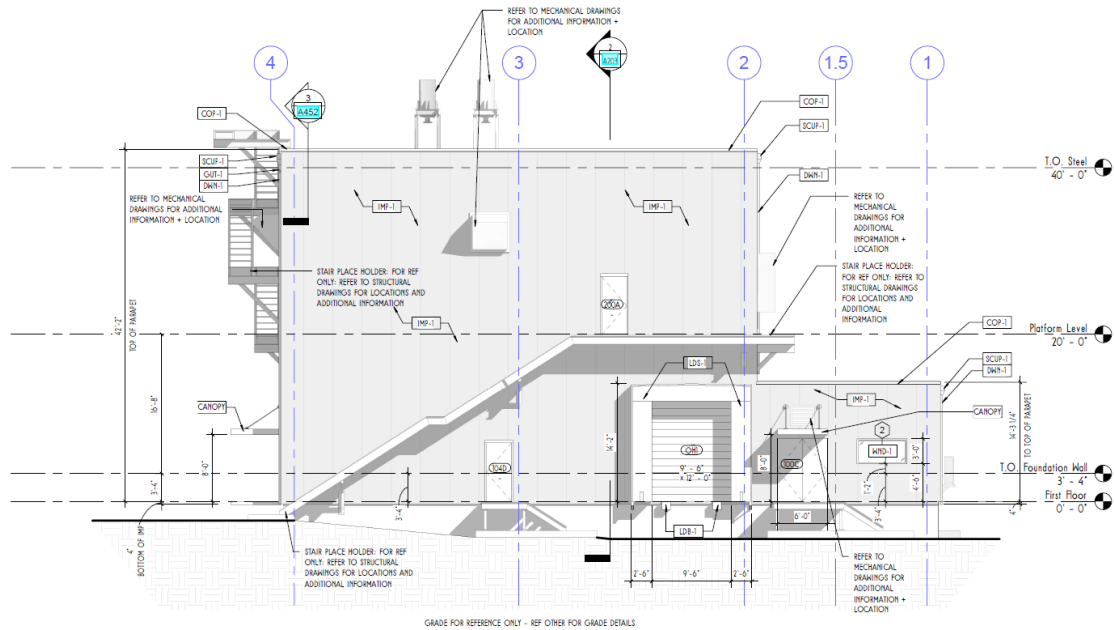
Site Plans: Elevations



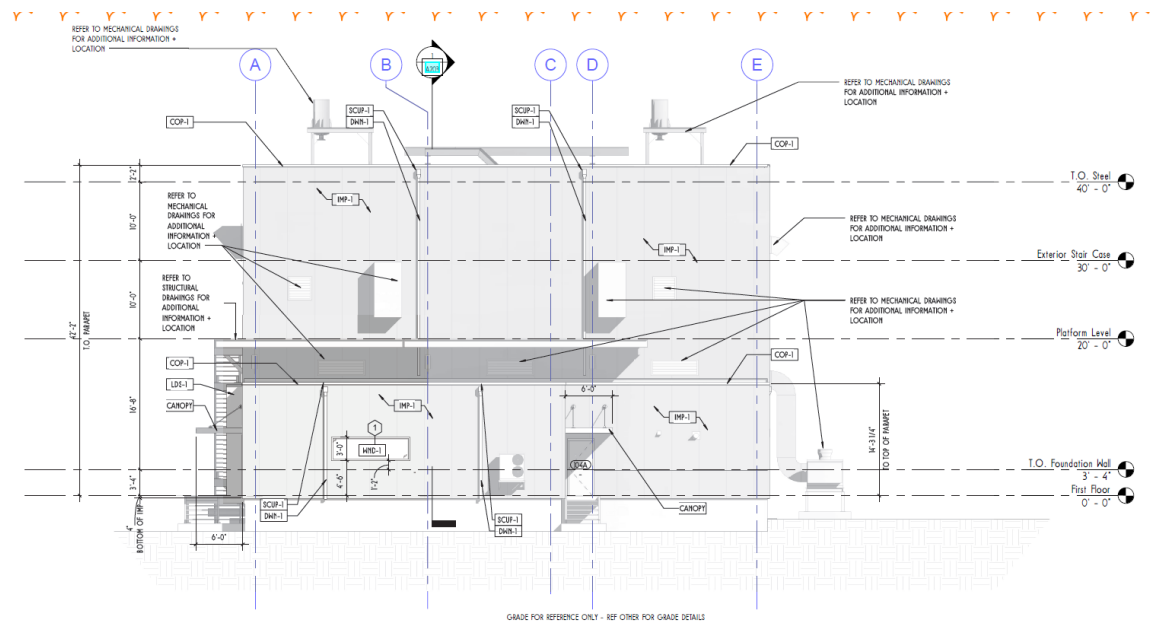
East Elevations:



North Elevations:

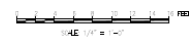


West Elevations:



[illegible]

The architectural section drawing, titled "SECTION E", illustrates a vertical cut through a building. On the left, a staircase leads up from a ground level marked "EL. FIN.". Above the stairs is a room containing a "CONCRETE" wall and a "TILE" floor. The main part of the section shows a tall, narrow space with a vaulted ceiling and a "CEILING" structure. To the right of this central area is another room with a "TILE" floor and a "CEILING". A detailed view of a window or door frame is shown on the far right, with labels indicating its components: "FRAME", "GLASS", and "SILL". The drawing uses standard architectural symbols for walls, floors, ceilings, and structural elements.



Petitioner Exhibit

33. Paving Mitigation Project. The goal of the Paving Mitigation Project is to reduce fugitive PM generated by onsite traffic on unpaved or partially paved roads and parking areas, which the Parties estimate will reduce an estimated 10.45 tons per year of airborne PM. By September 15, 2023, Defendant shall complete paving on the following unpaved roadways and parking/yard/staging areas depicted in Appendix A: Employer and Contractor Parking (Drover), Contractor Yard, Gate 6 Entrance, Contractor Pass Through, and Starch Truck Staging. This paving shall be conducted with asphalt or concrete material. Within 60 Days of completing the Paving Mitigation Project, Defendant shall submit for EPA review and approval pursuant to Section IX (Deliverables), a Paving Mitigation Project Completion Report that documents the date that the Paving Mitigation Project was completed. In completing the Paving Mitigation Project, Defendant shall comply with all applicable state and local laws, ordinances, regulations, and permitting requirements.

From: David Williams
Sent: Thursday, April 2, 2026 9:06 AM
To: Barnett, Chase <chasebarnett@fawilhelm.com>
Subject: EPA Consent Decree

<https://www.justice.gov/enrd/media/1326011/dl?inline>

Regards,

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Findings of Fact:

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

the structures requiring the setback variance will not interfere with any vehicular or pedestrian traffic along White River Parkway, including line of sight (no encroachment into any clear site triangle).

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 setback from White River Parkway does not impact the access or visibility to or from any adjoining property.

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

the setback requirement does not take into account the lack of curb cuts along the road frontage, nor does it allow for analysis of the actual amount of right of way compared to the thoroughfare plan recommended right of way. In this case, the actual right of way far exceeds the Thoroughfare Plan recommendation of a maximum of 67 feet of total right of way.

Site Photos along White River Parkway West









