



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 24, 2024

Case Number: 2024-MOD-015 (2nd Amended)
Property Address: 3500 East 20th Street (Approximate Address)
Location: Center Township, Council District #13
Petitioner: Adam DeHart
Current Zoning: C-S
Request: Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation (current commitments states any new construction requires Administrator's Approval and other uses are limited).
Current Land Use: Industrial
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDEDUM FOR OCTOBER 24, 2024 HEARING EXAMINER

This petition was continued from the October 10, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner.

ADDEDUM FOR OCTOBER 10, 2024 HEARING EXAMINER

This petition was continued from the September 26, 2024 hearing to the October 10, 2024 hearing at the request of the petitioner.

September 26, 2024

This petition was automatically continued from the August 29, 2024 hearing to the September 26, 2024 hearing at the request of a registered neighborhood organization.

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of the request.

If approved against staff's recommendation approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 28-foot half right-of-way shall be dedicated along the frontage of 21st Street, 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 prior to the issuance of an Improvement Location Permit (ILP).
2. A 29-foot half right-of-way shall be dedicated along the frontage of Olney Street, 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 prior to the issuance of an Improvement Location Permit (ILP).
3. DPW Greenways requests a right-of-way dedication of 15 feet along Olney Street and 20 feet along 21st Street.
4. DPW Greenways request that the fence be placed behind any required landscaping, berm, or tree line per the required setbacks.
5. The barbed wire on site shall be removed.

PETITION OVERVIEW

LAND USE

The subject site is located in the Near Eastside Neighborhood and the western half of the site falls within the North Brookside Park Subdivision platted on May 7, 1902.

West of Olney Street are single-family dwellings, a church and a building material store zoned MU-1, SU-1, and I-3. To the north are undeveloped parcels and a pharmaceutical company, zoned I-3. A railroad borders the property to the immediate east with an auto repair shop and industrial uses further east, zoned I-3. Brookside Park is located south of the site and is zoned

According to aerial photos, the previous building on site appears to have been demolished between 2011 and 2012. A wrecking permit, WRK11-00684, confirms this.

MODIFICATION /TERMINATION

The C-S district is subject to the site plan and Development Statement on file for the use of the property per 2002-ZON-166. Changes to the site require a modification petition to be filed, which is the case in question.



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Division of Planning
Current Planning**

The request is to construct a construction waste recycling facility including the following: security/scale house, maintenance/repair shop, drywall recycling facilities, construction equipment storage, contractor yard, and concrete recycling operation on the existing gravel lot on the existing 29.61± acre site.

The project narrative also notes that “future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.”.

These updates are shown in the newly submitted site plan which include the construction of four buildings, associated parking, new access drive on 21st street, and the location of the construction equipment storage areas, dumpster storage area, wood chip recycling / mulch storage area, concrete washout pit, crushed concrete storage area, concrete crusher and sorting equipment, and concrete stockpile area.

Commitment #6 required noted that “other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002”.

The modification would have the site be subject to the revised preliminary development plan (Project Narrative) file dated June 14, 2024.

Commitment #7 noted “Any addition or reconstruction of structures shall be subject to Administrator’s Approval prior to issuance of Improvement Location Permit”.

The modification would have the development of the site subject to the revised site plan which has been amended and was filed August 20, 2024.

PROJECT NARRATIVE

The Project Narrative notes that “there is a portion of the Southeast side of the property which is enrolled in Indiana’s Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage”.

It also notes that “The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21st Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned.”

Lastly, the Project Narrative notes that “storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility”.



DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along 21st Street and a 29-foot half right-of-way along Olney Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

ENVIRONMENTAL CONCERNS

Staff understands that there is an Environmental Restrictive Covenant on site which limits the uses of the subject site and designates a specific area in the southeast corner of the site where the owner shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the "Construction Worker Restriction Area" as depicted in Exhibit C.

The Environmental Restrictive Covenant also places parameters regarding the change in use of the site or construction of new structures to be occupied by persons on site. Proof would need to be provided to confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulations, or laws. If the results and analysis of groundwater, soil, and or soil-gas sampling demonstrate that no risk of unacceptable vapor exposure risk exists, then IDEM could grant a waiver of the restriction for the proposed change in site use and/or new construction.

STAFF ANALYSIS

The permitted uses in this C-S district were intended to be used for the building that previously existed on site and for remainder of the site. The previous site plan is included the staff report as reference to the limited amount of undeveloped land that would have been available for additional uses on site. The intention was not for the entirety of the site to be an outdoor operation.

The proposal would not align with the light industrial recommendation of the Comprehensive Plan and would go against principles and visions from The Near Eastside Quality of Life Plan (2020) which focus on addressing the environmental conditions in the community, to ensure physical and psychological health of the neighbors.

Staff is very concerned with the proposed use of the site since it is near the single-family dwellings to the west which is wholly inappropriate considering they should be protected from intense uses.

Pogue's Run Greenway is proposed on the east side of Olney and the south side of 21st Street adjacent to the subject site, which would need to be buffered and protected from any development proposed on the subject site. The existing barbed wire on the perimeter fence would need to be removed for the protection of the future trail users and because it is not permitted.

Staff would prefer that one driveway be proposed along 21st Street to prevent collisions between future trail users and vehicles entering and existing the subject site. In staff's opinion, there is more than enough land availability to ensure sufficient turnaround access on site.

Additional concerns are regarding the air pollution and air quality. Although measures would be taken to address the Drywall Recycling Facilities with the indoor operations, it cannot be guaranteed that there



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will be 100 percent containment of particulate matter. Even with the proposed internal operations of this use, the concrete recycling operation would still be proposed. There could be negative health impacts to the surrounding residents due to the crushing of concrete and equipment emissions.

Waterway contamination is another concern due to the Concrete Recycling Operation's open-air piles of crushed concrete and concrete stockpile areas that could impact the unnamed tributary stream at the southeast corner of the site that runs into Pogue's Run with contaminants in runoff and drainage. Also, a large portion of the site is designated for construction equipment storage that could include several machinery and vehicles that could leak fluids.

Lastly, there is the concern with the noise and vibration levels from the Concrete Recycling Operation and truck deliveries on site. It is understood that noise and vibration is associated with such a use but said use does not have to be near single-family dwellings.

In an email correspondence, the petitioner proposed the following commitments:

1. Closing of the Olney curb cut
2. Along Olney Street frontage - 50' of Green space including required landscaping per 2002-ZON-166 and the current UDO transition yard landscaping requirements and fence.
3. Along Brookside Park frontage - 50' of Green space strip along the common south property line. This area is currently heavily wooded, and the woods will be left in place and undisturbed, except for the installation of utilities and storm sewer servicing the facility. Additionally, we will commit to The Heritage Tree Conservation provisions of Section 744-503.K of the UDO apply to all development or redevelopment on this parcel. The noted category 2 stream in this area will not be disturbed (note this stream is landlocked and does not flow to Pogues Run).
4. Any Gypsum operations, servicing, or processing (except off-street loading) shall be conducted within completely enclosed buildings.
5. The project will comply with the Indianapolis Stormwater Technical Standards.

A written document with the voluntary commitments has not been provided to the case file, but Staff determined they should be incorporated into the report.

Although the petitioner revised the site plan to increase the setback along Olney Street, confirmed the indoor operation of the Drywall Recycling Facilities, proposed a "DO NOT DISTURB AREA" at the southeast corner of the site and along the south and east property boundaries, and provided a 50-foot transitional yard along the southern border from the park, staff's denial recommendation stands.

These types of businesses should be located solely in industrial areas where there wouldn't be an immediate impact to residents.

The proposed uses are not changing and that is what staff cannot support due to the potential health risks that would be present and would not be eliminated. The approval of this request would negatively impact the quality of life of the single-family residents to the west of the site.

In Staff's opinion, other uses could be considered given the multiple zoning district uses permitted with this C-S district that would require indoor operations limiting or possibly eliminating the outdoor storage or operations completely.



Staff is strongly against the proposal since it would be wholly inappropriate and inconsiderate of the residents to the west.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Land Use
North:	I-3	Undeveloped / Pharmaceutical Company
South:	PK-1	Park
East:	I-3	Railroad / Auto Repair Shop / Industrial
West:	MU-1/ SU-1//I-3	Residential (Single-family dwellings) / Church / Industrial
Thoroughfare Plan		
21 st Street	Primary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Olney Street	Local Street	58-foot proposed right-of-way and 50-foot existing right-of-way.
Sherman Drive	Primary Arterial Street	88-foot proposed right-of-way and 136-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	July 21, 2024	
Site Plan (Amended)	August 20, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	August 16, 2024	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	July 21, 2024 – Dated June 14, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends light industrial development at this site.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic
- Light industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.
- The Pattern Book has the specific stipulations for the following uses:
 - **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
 - **Heavy Commercial Uses**
 - Removed as a recommended land use where they would be adjacent to a living typology.
- The site falls within the Industrial Reserve (IR) overlay which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access. The following stipulations apply when the property falls within this overlay.
 - Removed Uses
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within The Near Eastside Quality of Life Plan (2020).
- A guiding principle for the Plan is Resiliency. The Plan promotes environments, strategies, and approaches focused on healing recovery, and growth design to support neighbors who have experienced trauma in addressing and managing the impact of adversity to reach their fullest potential.
- The Plan notes under guiding principles that “We believe in providing the necessary resources and infrastructure, while addressing the environmental conditions in the community, to ensure physical and psychological health of our neighbors.”
- One of the Plan focus areas is Health, Wellness, & Family Strengthening. Priority #7 is to improve health equity in the community. More specifically action step 7.4 is notes to “identify and address the public health impacts of climate change and environmental justice for our Near Eastside community”.
- This action step would address when marginalized communities are harmed by land uses that would not benefit them.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site is impacted by the Indy Greenways Full Circle Master Plan, Part One (2014).
- Plans are underway for a new Pogue’s Run Greenway on the east side of Olney and the south side of 21st Street adjacent to the subject site.



The site is marked with a yellow "X" in the map.



ZONING HISTORY

Zoning History – Site

2002-ZON-166; 3500 East 20th Street (subject site), Rezone 30 acres from I-3-U to C-S, to provide for commercial and industrial uses, including uses within the C-1, C-2, C-3, C-4, I-1-U, I-2-U, I-3-U, and I-4-U districts, **approved**.

Zoning History – Vicinity

2018-ZON-055; 2005 North Sherman Drive (east of site), Rezoning of 5.22 acres from the SU-16 district to the I-3 classification, **approved**.

2015-ZON-025; 2044 Olney Street (west of site), Rezoning of 0.84 acre, from the C-2 District, to the SU-1 classification to provide for a church and fellowship hall, with reduced setbacks, including a zero-foot setback along Olney Street, **approved**.

95-Z-161; 3418 East 20th Street (west of site), Rezoning of 0.5 acre from the C-2 classification to the SU-1 district to provide for religious uses, **approved**.

94-Z-147; 3721 East 21st Street (east of site), Rezone 1.75 acres from I-3-U to C-5 for automobile sales, service and automobile body repair, **withdrawn**.

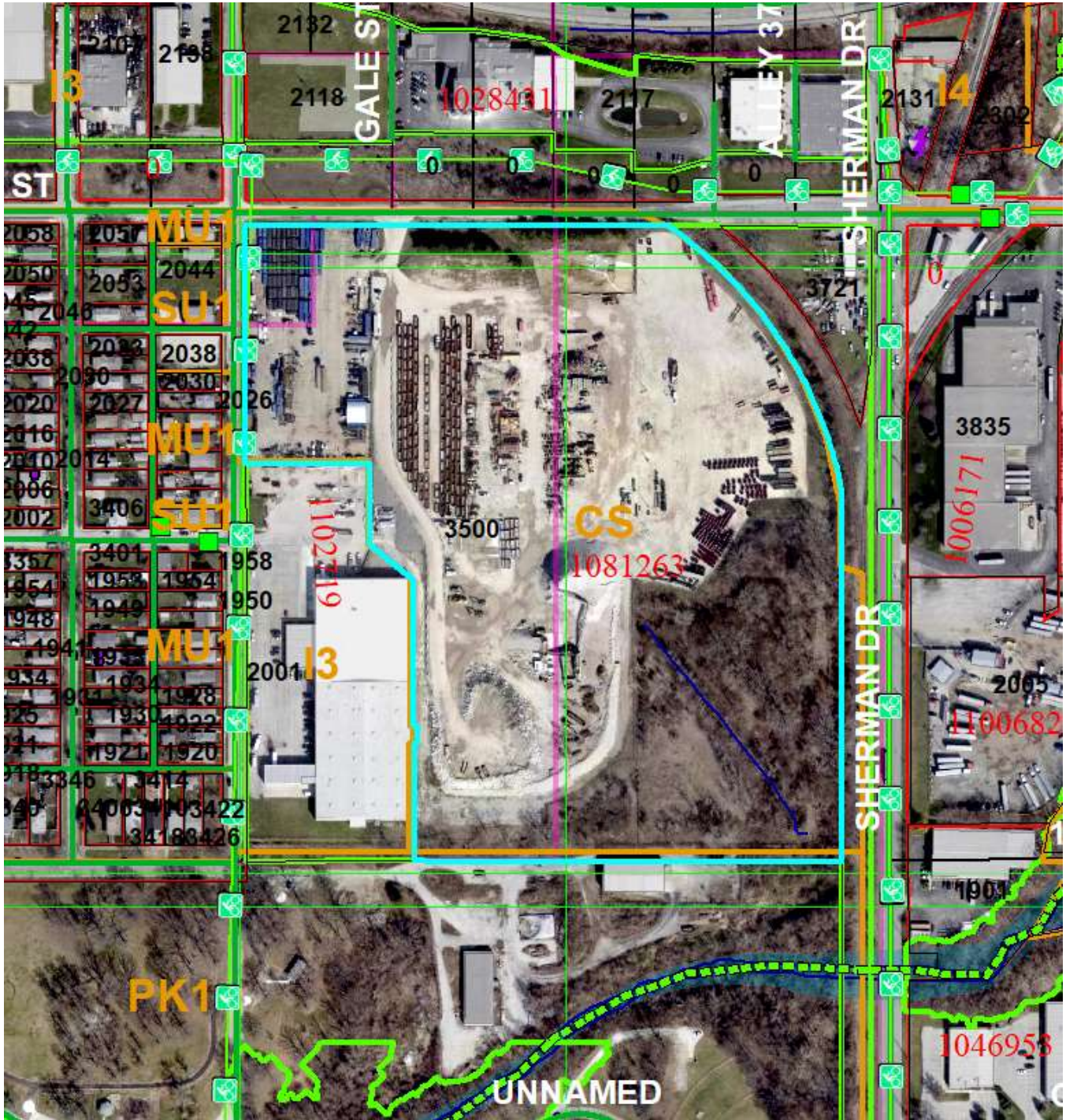
91-Z-53; 2005 North Sherman Drive (east of site), Rezoning of 5.38 acres, being in the PK-1 district, to the SU-16 classification to provide for a softball complex with associated accessory buildings, **approved**.

89-Z-174; 2128-2146 North Olney Street and 2121 Avondale Place (north of site), Rezoning of 2.96 acres being in the D-5 District, to the I-3-U classification, to provide for the inclusion of the tracts into the Rural/I-70, Phase VI Industrial Park, **approved**.

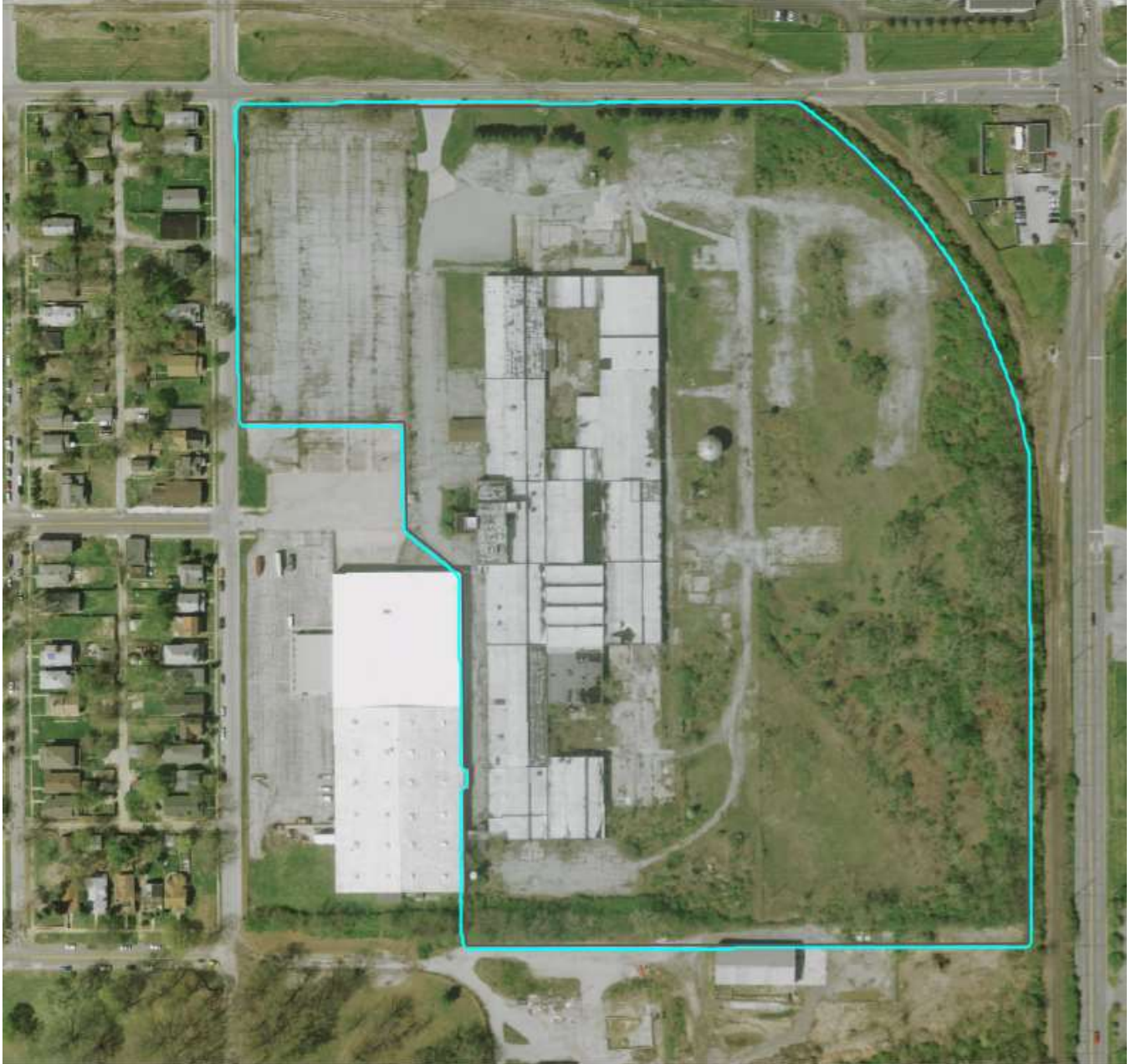
88-Z-123; 1901 North Sherman Drive (east of site), Rezoning of 0.031 acre, being in the PK-1 District, to the I-3-U classification to provide for a building addition for industrial use, **approved**.

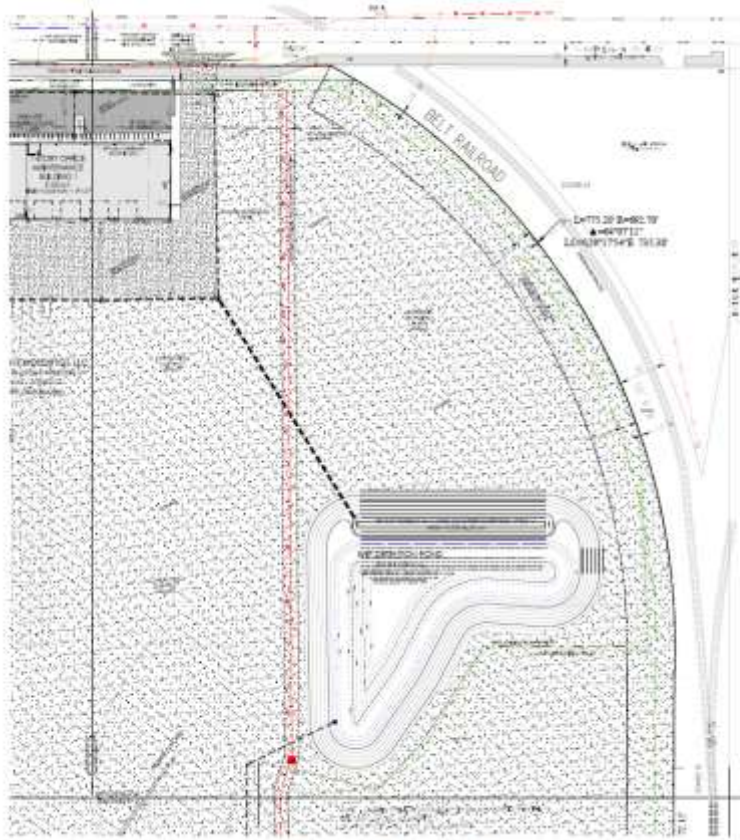
86-Z-186; 1901 North Sherman Drive (southeast of site), Rezoning of 1.99 acres, being in the PK-1 District, to the I-3-U classification to provide for industrial uses, **approved**.

EXHIBITS



2011 AERIAL MAP








LEGEND

1. 10' EASEMENT	11. 10' EASEMENT	21. 10' EASEMENT
2. 10' EASEMENT	12. 10' EASEMENT	22. 10' EASEMENT
3. 10' EASEMENT	13. 10' EASEMENT	23. 10' EASEMENT
4. 10' EASEMENT	14. 10' EASEMENT	24. 10' EASEMENT
5. 10' EASEMENT	15. 10' EASEMENT	25. 10' EASEMENT
6. 10' EASEMENT	16. 10' EASEMENT	26. 10' EASEMENT
7. 10' EASEMENT	17. 10' EASEMENT	27. 10' EASEMENT
8. 10' EASEMENT	18. 10' EASEMENT	28. 10' EASEMENT
9. 10' EASEMENT	19. 10' EASEMENT	29. 10' EASEMENT
10. 10' EASEMENT	20. 10' EASEMENT	30. 10' EASEMENT

PROPOSED SITE PLAN

1. 10' EASEMENT	11. 10' EASEMENT
2. 10' EASEMENT	12. 10' EASEMENT
3. 10' EASEMENT	13. 10' EASEMENT
4. 10' EASEMENT	14. 10' EASEMENT
5. 10' EASEMENT	15. 10' EASEMENT
6. 10' EASEMENT	16. 10' EASEMENT
7. 10' EASEMENT	17. 10' EASEMENT
8. 10' EASEMENT	18. 10' EASEMENT
9. 10' EASEMENT	19. 10' EASEMENT
10. 10' EASEMENT	20. 10' EASEMENT



 KELLER-WEBB ASSOCIATES Planning & Professional Services 1000 N. ALLEN AVENUE, SUITE 200 INDIANAPOLIS, IN 46202 TEL: 317.541.1111 WWW.KWA.COM	 RENAISSANCE COMMERCIAL REAL ESTATE 1000 N. ALLEN AVENUE, SUITE 200 INDIANAPOLIS, IN 46202 TEL: 317.541.1111 WWW.RENAISSANCE.COM	 BROOKSIDE RECYCLING RENAISSANCE HOLDINGS, LLC 1000 N. ALLEN AVENUE, SUITE 200 INDIANAPOLIS, IN 46202 TEL: 317.541.1111 WWW.RENAISSANCE.COM
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C.2

LANDSCAPE PLAN



PROJECT NARRATIVE

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors

TELEPHONE (317) 574-0140 www.keelerwebb.com

486 Gradle Drive
Carmel, Indiana 46032

June 14, 2024

Attn: Plan Reviewer
Division of Neighborhood & Building Services
City of Indianapolis
1200 South Madison Avenue
Indianapolis, IN

Re.: Renascent Holdings, LLC – Brookside Recycling
3555 East 21st Street, Indianapolis, Indiana

PROJECT NARRATIVE

Keeler-Webb Associates is acting as agent surveyor/engineer for Mr. Josh Campbell with Renascent Holdings, LLC who is the Owner and Renascent, Inc. is the General Contractor for this project which will operate as Brookside Recycling. We are proposing to construct a Construction Waste Recycling facility including the following: Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation on the existing gravel lot on the existing 29.61± Acre site. Future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.

The property has a variety of surrounding uses with I3 zoning property north of 21st Street and I-70, I3 uses and Railroad R/W to the East, Brookside Park to the south, I3 zoned Chisholm Lumber & Supply to the southwest, and residential & church properties on the West side of Olney Street.

Historically the site was developed in 1890's by Connecticut Mutual Life Insurance Company. In early 1900's the property was the site of Laycock Bed Spring Co. manufacturing bed springs. In 1916 the property was sold to Premier Motor Company manufacturing automobiles on the site. In 1928 the site was leased to Rub-Tex Company and used to produce battery containers. The Richardson Company took over the property in 1933 and purchased the subject real estate in 1940. The Richardson Company continued to manufacture battery containers. In 1982 Richardson was acquired by TRC Divestiture Company which then merged into CK Witco Corporation, which changed its name to Crompton Corporation continuing the battery operation on the site. In 1995 the operation was sold and operated by Conner Corporation. In 1999 Connor Corporation ceased the battery container operation but continued to use the subject property for

PROJECT NARRATIVE (Continued)

warehousing and distribution. In December 1999 Crompton Corporation sold the subject property to Ruby Park, LLC.

This property is affected by a previously approved Rezoning petition 2002-ZON-166 by Ruby Park, LLC. including commitments for the previous site use. The Rezone to CS with commitments was approved for a multi-tenant 233,000 sq.ft. dilapidated building.

The petitioner and owner are respectfully requesting a Modification of Site Plan and Modification the following Commitments made in 2002:

1. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 6:**
"Other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002." The modified site plan is being submitted for review and approval.
2. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 7:**
"Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to issuance of Improvement Location Permit." The modified site plan reflects the new buildings and proposed site improvements.

The environmental condition of the subject property contributes to the owner's well thought out plan to redevelop the property. There is a portion of the Southeast side of the property which is enrolled in Indiana's Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage.

The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21st Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned. This site has been designed to be in compliance with CS zoning and 2002-ZON-166.

We are submitting for Infrastructure/Drainage and ILP permits. The impervious area on site will be minimally changed. The existing site has all utilities available on the site or in the adjacent right-of-way North Olney Street on the west side of the property, and 21st Street to the north.

Storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility.

PROJECT NARRATIVE (Continued)

The proposed uses comply with the previously approved CS zoning district uses. These uses respect the existing conditions both on and around the property. CS zoning has proven to be a successful model for redevelopment of industrial dinosaur site similar to this one (i.e., Western Select, Thompson Consumer Electronics and Schwitzer facilities).

Construction is planned to begin immediately upon approval by all appropriate agencies. The fully developed site will provide jobs to the community, property tax dollars for the City of Indianapolis, and provide a necessary recycling service for the community as a whole. The design of the facility will meet requirements set in local and state building codes and will not be a fire hazard to the public. There is sufficient capacity in all the utilities available to this site, and no off-site improvements or upgrades will be necessary to construct or operate this facility. This project is being submitted for your review and comment prior to issuing plans for permits. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,
KEELER-WEBB ASSOCIATES



Adam DeHart, PS, EMT-P, CPESC, CESSWI
Project Manager

PLAN OF OPERATION

CW Recycling / Brookside Materials

Drywall Recycling & OCC/ Vinyl Baling / Concrete Crushing / Maintenance

1. Workforce

- **Size and Composition:** The workforce will include:
 - Operations Manager (oversees all operations)
 - Processing Technicians (operate machinery and sort materials)
 - Mechanics
 - Welders
 - Administrative Staff
 - Total staff of 20-25 people
- **Training:** All employees will receive training on safety protocols, drywall recycling processes, and equipment operation. As well as training in IDEM environmental regulations and proper waste handling as required.

2. Clients & Customers

- **Target Market:**
 - Construction and demolition companies (C&D) generating drywall waste.
 - Renovation and remodeling contractors
 - Landfill diversion programs.
 - Individuals with drywall scrap (limited quantities)
- **Services Offered:**
 - Drywall waste collection
 - On-site processing and recycling of drywall
 - Bulk Bag loading
 - Truck and trailer loading

3. Processes Conducted on Site

- **Truck Receiving:**
 - All material will be weighed via State Certified Scales inbound and outbound.
 - Tickets will be given to customers with weight and pricing.
 - Trucks will then be directed to the designated tipping area for separation and processing.
- **Material Receiving: Drywall and Drywall Scraps**
 - Incoming drywall waste will be inspected for contamination (e.g., paint, wood, metal).
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated drywall will be unloaded and stockpiled.
- **Processing:**
 - Drywall is crushed into smaller pieces using machinery such as an impact crusher.
 - Screening: Crushed material is screened to separate different sized fractions.
 - Magnetic Separation: Steel screws and fasteners are removed with magnets.
 - Air Separation: Paper facing is separated from the gypsum core using air classifiers.
 - Grinding: Gypsum core may be further ground into a fine powder for specific applications.

PLAN OF OPERATION (Continued)

- **Product Manufacturing:**
 - Recycled materials can be used to manufacture new products:
 - Recycled drywall for construction (requires additional processing)
 - Soil amendments for agricultural applications
 - Waste solidification
- **Material Receiving: Concrete Washout Out Dumpsters**
 - Incoming concrete washout boxes
 - Concrete residue is scraped out.
 - Remaining concrete residue is sprayed out with water.
- **Processing:**
 - Concrete residue removed from washout box is recycled in with crushed concrete.
- **Material Receiving: OCC (Old Corrugated Cardboard) & Vinyl**
 - Incoming OCC & Vinyl waste will be inspected for contamination.
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated OCC & Vinyl will be unloaded and stockpiled by type.
- **Processing:**
 - Bale materials using a conveyor and horizontal baler.
- **Product Manufacturing:**
 - Recycled materials can be used to manufacture new products:
 - Recycled OCC for use in new paper for corrugated boxes (requires additional processing)
 - Recycled vinyl can be used to create new products such as fencing and decking (requires additional processing)
- **Material Receiving: Waste Concrete and Concrete Washout**
 - Incoming waste concrete and washout
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated concrete will be unloaded and stockpiled.
- **Processing:**
 - **Crushing:** Concrete is crushed into smaller pieces using machinery such as impact crushers.
 - **Screening:** Crushed material is screened to separate different sized fractions.
 - **Magnetic Separation:** Steel screws, fasteners and rebar are removed with magnets.
 - Plant is operated under an IDEM approved Air Permit # 777-46341-05414
- **Material Receiving: Scrap Metal**
 - Scrap Metal is received from demolition sites.
 - Rebar and concrete re-enforcing wire is removed from crushed concrete.
 - After cutting metal for size reduction metal is used in new products (requires additional processing)

PLAN OF OPERATION (Continued)

- **Processing:**
 - Processors are used to cut up scrap metal to reduce size.
 - Magnet is used to load and move scrap to trailer.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Recycled steel
 - Other various uses

- **Material Receiving: Wood (Future)**
 - Dimensional wood
 - Limbs, tree trunks

- **Processing:**
 - Wood grinder
 - Wheel loader for locating material.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Mulch
 - Other various uses

- **Process: Machine Repair / Welding Shop / Wash Bay**
 - Company machinery will be maintenance and repaired.
 - Machinery and roll off boxes will be repaired using welders.
 - Machines will also be cleaned in a designated wash bay.

4. Materials Used

- Drywall waste (gypsum board, plasterboard)
- Processing consumables like crusher parts and screen meshes.
- Energy (electricity for machinery)
- OCC
- Vinyl siding
- Baling wire
- Welding materials
- Oils and grease
- Cleaning fluids
- Diesel Fuel
- Gasoline

PLAN OF OPERATION (Continued)

5. Shipping and Receiving

- **Receiving:** Drywall waste will be delivered by trucks from C&D companies, contractors, or collection programs.
- **Machine Delivery:** Machinery will be transported on low boy trailers and flatbeds.
- **Shipping:**
 - Recycled gypsum products will be shipped to manufacturers or distributors.
 - Separated paper facing may be baled and sold for recycling.
 - Minimal waste is expected; any remaining non-recyclable materials will be disposed of according to local regulations.

6. Waste Management

- The goal is to minimize waste generation.
- Contaminated materials may require special disposal depending on the contaminants.
- Dust generated during processing will be controlled using a dust collection system.
- Residual waste will be disposed of at a licensed landfill according to regulations.
- **Environmental:** The plant will comply with all local, state, and federal environmental regulations regarding air and water quality, dust control, and waste disposal
 - Dust control for the property will be managed using a water truck dampening the roadways and entrances and exits.
 - Noise from machinery will be suppressed by the building walls and surrounding landscaping.
- **Security:** The security of the plant will be achieved using perimeter fencing and gates limiting access to the property with only 2 points of entry or exit to control the flow of traffic that will be directed to the scale house for weighing and examination of loads and then directed to the proper area of the site for loading or unloading. The fence will also keep public and criminal activity out along with restricting access to public, employees, and visitors to outside the fence and entering the north side of buildings.
 - Security camera system with operate 24hr a day along with individual building alarms.
 - The site will have lighting though out the property that will include, but not limited to, parking lot lights and exterior building lights.
- **Storage on Site:** On and around the site there will be the storing of empty roll off containers of various sizes. Along with the storage of roll off boxes there will be machines stored on the property, typical types of machines stored will include, but not be limited to, cranes, excavators, wheel loaders, forklifts, conveyors, and bull dozers.
- Semi-trucks and trailers for transporting machinery and goods will be stored on site.
 - Parts related for use with, and maintenance or repair of these machines will also be stored on site which may include, for example, excavator buckets or tracks for machines.

PLAN OF OPERATION (Continued)

- **Site Dust Control:**
 - Roads will be misted with a water truck.
 - Crusher dust is controlled with water during crushing process.
 - Drywall dust will be controlled with baghouse inside of the structure.
 - All material processing will be done inside of the structure.
- **Shipping**
 - Future Railroad spur to be added for shipping or receiving of materials to recycling yards or from various sites.

7. Hours of Operation / Traffic

- Monday thru Friday 7am – 5pm
- Saturdays (TBD as needed)
- Vehicle traffic – 95 trucks per day and 15-20 cars

2002-ZON-166 COMMITMENTS

METROPOLITAN
DEVELOPMENT COMMISSION
PETITIONER'S EXHIBIT
NO. 02-ZON-166

CAUSE NO..... SECRETARY.....
DATE.....

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. 36-7-4-613 or I.C. 36-7-4-614, 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: (insert here or attach)

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 owner shall install landscaping, in accordance with transitional yard standards as set forth in the Industrial Zoning Ordinance, along the property frontage along both Olney Street and 21st Street, in an area measuring ten (10) feet in width beginning at the existing fence as shown on the Site Plan filed with the Department of Metropolitan Development and file-stamped November 7, 2002 and extending to the interior of the property. Said landscaping shall be installed within six (6) months following commencement of the construction of any buildings on Parcel 1(C).
3. There shall be no building erected on Parcel 1(C) in excess of thirty five (35) feet in height.
4. The owner shall maintain the existing landscaping fronting on Sherman Drive and 21st Street in thriving condition; provided, however, nothing in this commitment shall prohibit owner from removing brush, scrub, weeds, diseased or predatory trees or plants.
5. The following uses set forth in the I-4-U zoning district (as of the date of these commitments) shall be prohibited anywhere on the Subject Property: 1) abrasives and asbestos products, 2) manufacturing of detergents / soaps, 3) manufacturing of rubber / rubber products, 4) manufacturing of tires, 5) oil or gas bulk storage, 6) veneer mills, or 7) tire recapping.
6. Other use and development limitations are set forth in the Preliminary Development Plan filed with the Department of Metropolitan Development and file stamped November 7, 2002.
7. Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to the issuance of an Improvement Location Permit.

3500 E. 21st St. MDC's Exhibit B - - page 1 of 3

1096867 03/18/03 10:28AM WANDA HARTIN MARION CITY RECORDER HLM 19.00 PAGES: 6
Inst # 2003-0056282

SCANNED

2002-ZON-166 DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN

Petitioner, Ruby Park, LLC ("Petitioner") is the owner of what is commonly known as Ruby Park, formerly known as the Richardson Rubber Plant, Witco Plant, and Connor Corporation Plant. The site is located at 3705 East 21st Street, Indianapolis, Indiana 46218 ("Subject Property"). Petitioner acquired the Subject Property in December 2000 from Crompton Corporation, f/k/a CK Witco Corporation, as successor by merger to Witco Corporation, as successor by merger to TRC Divestiture Company, f/k/a The Richardson Company.

As explained below, a parcel that was originally part of the Subject Property was sold to Elliott-Williams Co., Inc. ("E-W"). The E-W parcel now has the street address of 3500 E. 20th Street and the Petitioner's parcel now has the street address of 3705 E. 21st Street. The E-W parcel will be referred to as the "EW Parcel".

The Subject Property had been a single user site and Petitioner now finds the I-3-U zoning classification for the Subject Property to be somewhat incompatible with the ongoing redevelopment of the Subject Property as a multi-tenant, multi-use facility. Consequently, Petitioner is seeking to rezone the Subject Property (approximately 30 acres) to the C-S zoning district.

THE SITE

The Subject Property is comprised of approximately 30 acres and is located just west of the southwest corner of Sherman Drive and 21st Street, and is depicted on the site plan attached hereto as Exhibit "A" (the "Site Plan").

In the northwest corner of the Subject Property adjacent to and north of the E-W Parcel there is a currently undeveloped paved area of approximately 2.92 acres ("Parcel 1C"), as shown on the Site Plan.

Part of the Subject Property that is east of and adjacent to the E-W Parcel and Parcel 1C is a 15.3 acre parcel of land ("Parcel 1A") which contains a 233,000 square foot building (the "Ruby Park Building"), as shown on the Site Plan.

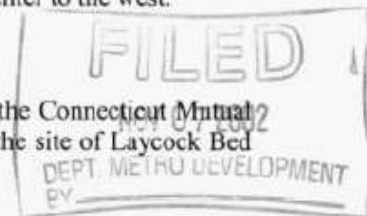
The east 11.37 acres of the Subject Property ("Parcel 2") is an undeveloped parcel that is east of and adjacent to Parcel 1A, as shown on the Site Plan.

Petitioner is seeking to rezone all of the Ruby Park Parcel.

The Subject Property has a variety of uses surrounding it; namely, (a) industrial uses and I-70 to the north, (b) railroad tracks, industrial uses and a softball field to the east, (c) a City of Indianapolis Public Works station and Brookside Park to the south, and (d) single family, multi-family and some special use properties such as the Trinity Community Center to the west.

HISTORY OF THE SITE

The Subject Property was originally developed in the 1890's by the Connecticut Mutual Life Insurance Company. In the early 1900's the Subject Property was the site of Laycock Bed



2002-ZON-166 DEVELOPMENT PLAN (Continued)

Spring Co. for the manufacturing of bed springs. Around 1916 the Subject Property was sold to Premier Motor Co. which manufactured automobiles at the site. In 1928 the site was leased to Rub-Tex Co. and used for the production of battery container parts. The Richardson Company took over the site from Rub-Tex in 1933 and purchased the Subject Property from Premier in 1940. Richardson continued manufacturing battery containers. In 1982 Richardson was acquired by TRC Divestiture Company, which merged into Witco Corporation, which merged into CK Witco Corporation, which is now known as Crompton Corporation. TRC/Witco/Crompton continued the battery operation at the site. In 1995 Witco sold the battery container operation to Connor Corporation and leased the Subject Property to Connor. In early 1999 Connor Corporation ceased its battery container operations but continued to use the Subject Property for warehousing and distribution. In December 1999 Crompton Corporation sold the Subject Property to Petitioner.

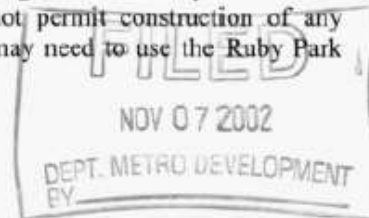
EXISTING STRUCTURES, USES AND ZONING

The 233,000 square foot Ruby Park Building was originally constructed in the 1890's. A fire in 1950 caused extensive damage and as a result, there was major reconstruction to the Ruby Park Building. The building contains approximately 18 individual units (i.e., tenant bays) interconnected by 6' wide by 8' high double doors. 17 of the 18 units are single story manufacturing/warehousing units. One of the units is a 3-story office structure with approximately 6,000 square feet of space on each floor. The Ruby Park Building is currently 77% vacant.

The entire Subject Property is currently zoned I-3-U which was appropriate when it was being operated as a single user facility, with manufacturing being the primary use and other uses being permitted incidental uses. However, in order to permit a variety of uses and occupants and encourage proper redevelopment of the Subject Property, the I-3-U designation is no longer appropriate as an exclusive zoning district for the Ruby Park Parcel.

Petitioner believes that the C-S zoning district is appropriate in order to recognize that the Ruby Park Parcel may not be used or occupied for purposes of which it was originally constructed. Part of the intent of the C-S zoning district is to apply it to redevelopment sites such as the Ruby Park Parcel. There are a variety of zoning districts surrounding the site: I-3-U to the north, I-3-U, I-4-U and SU-16, to the east, PK-1 and I-3-U to the south and C-2 and D-5 to the west.

The environmental condition of the Subject Property also contributes to Petitioner's request. Crompton Corporation (the prior property owner) currently has the Subject Property enrolled in Indiana's Voluntary Remediation Program ("VRP") administered by the Indiana Department of Environmental Management ("IDEM"). In particular, the undeveloped Parcel 2 has historically been used as a landfill for waste materials from previous operations conducted on the developed portions of the Subject Property. As part of the VRP it may not be possible to use a large portion of Parcel 2 for anything other than outside storage, as for example a railroad transfer site. The soil compaction due to the landfill may not permit construction of any structures on Parcel 2. Therefore a potential user of Parcel 2 may need to use the Ruby Park Building for its operation ancillary to Parcel 2 site storage.



2002-ZON-166 DEVELOPMENT PLAN (Continued)

As part of the VRP the Subject Property will have deed restrictions encumbering the entire Subject Property. In order to fully develop the Subject Property given the unknown nature of the future deed restrictions, Petitioner proposes various uses to permit proper development.

PROPOSED USES

The Petitioner proposes to redevelop the Ruby Park Parcel, and has already done so in part, to encourage a variety of commercial, retail and industrial tenants to occupy the existing structure and land. The Petitioner proposed the following permitted uses:

- C-1
- C-2
- C-3
- C-4
- I-1-U
- I-2-U
- I-3-U
- I-4-U

LIMITATION ON USES

Notwithstanding the foregoing, the following uses shall not be permitted:

- Agricultural Uses
- Bar/Tavern/Drinking Place
- Adult Entertainment Business
- Bed and Breakfast Inn
- Massage Parlor
- Package Liquor Store
- Check cashing or Check Advance or Short Term Loan Business (however full service financial institutions shall be permitted)

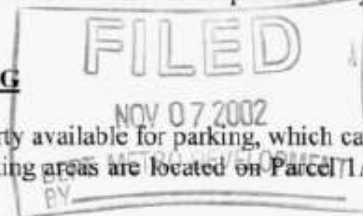
TRAFFIC

Currently the site is accessed from one curb cut on 21st Street, one curb cut on Olney Street and one railroad track access on 21st Street. Once traffic is in the site the interior circulation pattern is such that vehicles can easily access the Ruby Park Building and Parcels 1B and 2. The curb cuts and access points will not change. The Petitioner does propose (1) an additional curb cut to be located on 21st Street east of the current curb cut, and (2) an additional curb cut to be located on Olney Street south of the current curb cut.

Once traffic is within the boundaries of the Ruby Park Parcel there is ample driveway, roadway and dock access to service the Ruby Park Building.

PARKING AND LOADING

Currently there are more than three acres of the property available for parking, which can accommodate approximately 500 parking spaces. These parking areas are located on Parcel 1A



2002-ZON-166 DEVELOPMENT PLAN (Continued)

and 1C. There is significant undeveloped area on Parcel 2 to accommodate additional parking. Petitioner believes it has adequate parking to serve the entire Subject Property. In addition to the existing parking spaces, there is a significant amount of space around the building that is currently unused that can be used for tenant and visitor parking. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1000 square feet of gross leasable area, notwithstanding any future expansions.

Currently there are a variety of drive-in doors and dock facilities to serve the Ruby Park Building. As tenant requirements dictate, additional docks and drive-in doors may be constructed.

LANDSCAPING

The Subject Property features perimeter landscaping on 21st Street, Sherman Drive and the south border as shown on the site plan. There will be no further encroachments on to the existing landscaped areas.

SIGNAGE

The Subject Property currently has no existing free-standing signs (except for a temporary real estate brokerage "Property For Rent" sign at the 21st Street entrance). The Petitioner proposes free standing signs on 21st Street and Olney Street in locations substantially as shown on the site plan. The signs would have adequate separation of 300 feet or more from each other. The Petitioner may also allow tenants to erect wall signs and may indeed promote Ruby Park with wall signs. All wall signs shall conform to the Sign Regulations of Marion County.

BUILDING

The Ruby Park Building will need alterations in order to accommodate the variety of tenants and uses planned for the Subject Property. Although most of the new users will move into the existing structure and the nature of work to be performed will be tenant finish work, there may be some instances in which building expansions or new building construction may be desirable.

For example, Parcel 1C is ideally suited to be divided into two 1-1/2 acre parcels on which 10,000 square foot (or so) buildings could be built. The frontage on 21st Street and Olney Street makes for an attractive parcel. Or, the area south of Unit 18 once was part of the Ruby Park Building but burned down many years ago. It may be advantageous to expand the Ruby Park Building to once again include that area.

The Petitioner requires the flexibility to accommodate the needs of prospective tenants or buyers or for those instances following damage or destruction of an existing improvement. Therefore, Petitioner proposes that it be able to develop and construct improvements anywhere on the Subject Property, except in "no build" areas shown on the Site Plan. Any and all such expansions and/or new construction shall be performed so as to respect existing set-back lines. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1,000 square feet of gross leasable area, notwithstanding any future expansions. By way of example, consider a similar

2002-ZON-166 DEVELOPMENT PLAN (Continued)

redevelopment site, the former Western Electric Plant. Several new uses, including hotels and a restaurant have been developed on that site on previously undeveloped, but usable ground. It is contemplated that the Subject Property can be redeveloped in a similar fashion.

CONCLUSION

The Subject Property is a perfect candidate for the C-S zoning district. It is a large industrial site in the middle of a highly developed mixed use urban neighborhood. The original purpose for which the Subject Property was constructed is no longer served or viable. The Petitioner proposes a plan in which there is a flexible menu of uses that will enable the Petitioner to attract a variety of tenants needed to assure the long term viability of the Ruby Park Parcel. The existing infrastructure is already in place, and very little retrofitting is necessary.

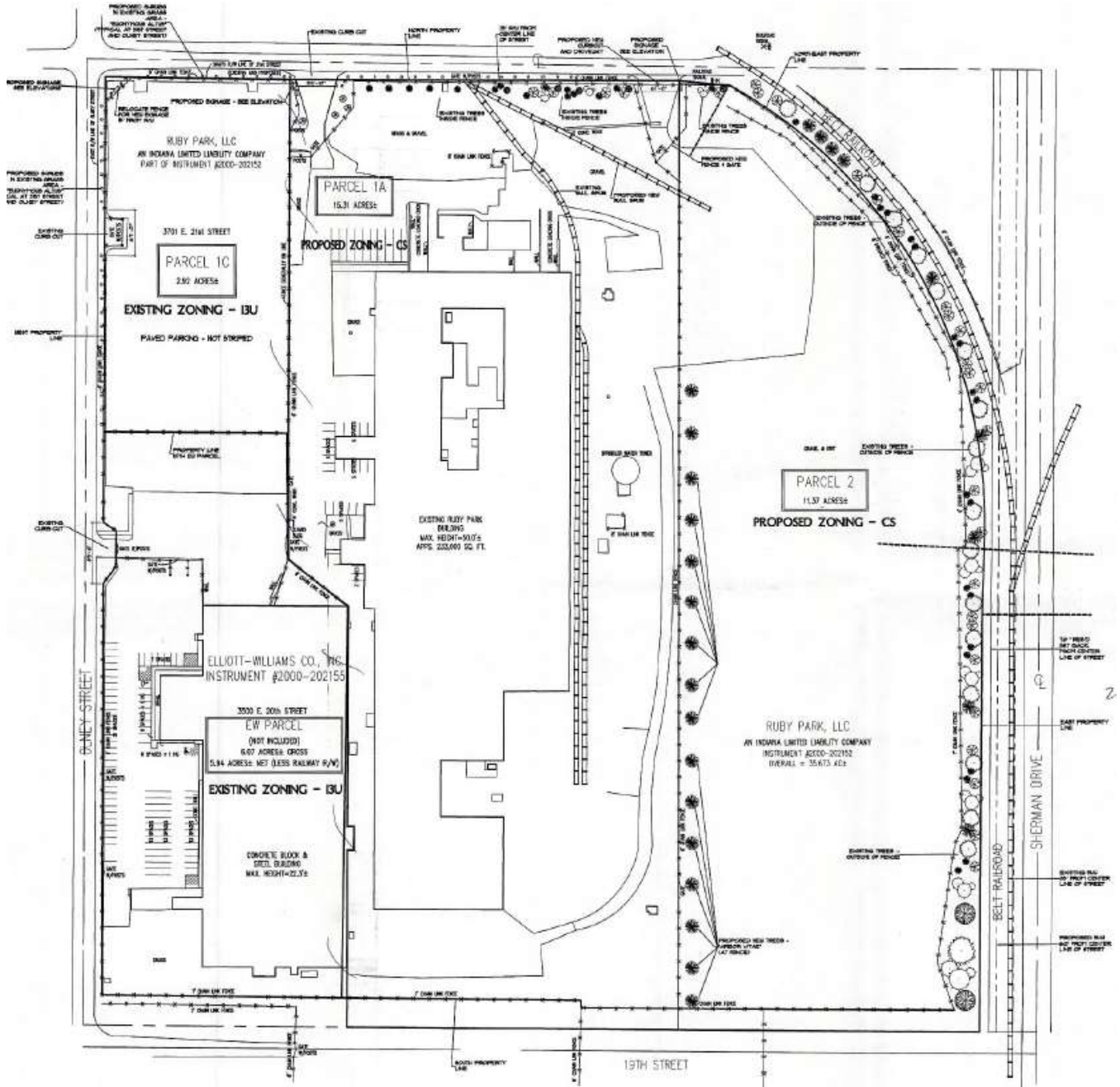
Future growth and development of the facility is possible with the C-S zoning district. Given the environmental condition of the Subject Property and the upcoming deed restrictions, retaining the current zoning would essentially prevent the growth and development of much of the Ruby Park Parcel. The limitation of uses proposed respect the existing conditions both on and around the Subject Property.

The C-S classification has proven to be a successful model for redevelopment of industrial "dinosaur" sites such as the Western Select Facility, the former Thomson Consumer Electronics facility and the former Schwitzer facility. Petitioner's plan is well thought out and will further the intent of the C-S district and will help enable Petitioner to successfully redevelop the Ruby Park Parcel. A fully developed Subject Property that provides jobs to the community and property tax dollars to the City of Indianapolis is a far more desirable and efficient use of a 100-year-old manufacturing facility.

For all the foregoing reasons, Petitioner respectfully requests that the Metropolitan Development Commission approve this Development Plan, the Site Plan and the requested rezoning to the C-S zoning district.



2002-ZON-166 SITE PLAN





Department of Metropolitan Development
Division of Planning
Current Planning

RESTRICTIVE COVENANT PAGE 1

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04/25/2023 09:50 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 52

By: LB

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT ("Covenant") is made this 25th day of April, 2023, by Renascent Holdings, LLC (Renascent), 935 W Troy, Indianapolis, Indiana 46225-224 (together with all successors and assignees, collectively "Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of Marion, Indiana, which is located at 3500 E. 20th Street and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by deed on June 16, 2022, and recorded on June 23, 2022, as Deed Record A202200071470, in the Office of the Recorder of Marion County, Indiana. The Real Estate consists of approximately 28.3 acres and has also been identified by the county as parcel identification number 49-07-32-219-002.000-101. The Real Estate, to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit B. A "Construction Worker Restriction Area", to which additional restrictions apply, is depicted on a map attached hereto as Exhibit C.

WHEREAS: Corrective action was implemented in accordance with IC 13-25-4 and/or other applicable Indiana law as a result of a release of hazardous substances relating to the Former Chemtura Site. The incident number assigned by the Indiana Department of Environmental Management ("Department" or "IDEM") for the release is State Cleanup Site #0000456.

WHEREAS: Certain contaminants of concern ("COCs") remain in the soil and groundwater of the Real Estate following completion of corrective action. The Department has determined that the COCs will not pose an unacceptable risk to human health at the remaining concentrations, provided that the land use restrictions contained herein are implemented and engineering controls maintained to protect human health and the environment. The known COCs are volatile organic compounds (VOCs), Resource Conservation and Recovery Act (RCRA) metals, and polycyclic-aromatic hydrocarbons (PAHs) as listed in Tables 1 through 11 in Exhibit D, which is attached hereto and incorporated herein.

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Department, which is located in the Indiana Government Center North building at 100 N. Senate Avenue, Indianapolis, Indiana. The documents may also be viewed electronically in the Department's Virtual File Cabinet by accessing the Department's Web Site (currently www.in.gov/idem/). The Real Estate is also depicted as a polygon on IDEM's GIS webviewer (currently <https://on.in.gov/ideminteractivemap>).

NOW THEREFORE, Owner subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:



RESTRICTIVE COVENANT PAGE 2

I. RESTRICTIONS

1. Restrictions. The Owner:

- (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
- (b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to: human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.
- (c) Shall not use the Real Estate for any agricultural use.
- (d) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using the Department's current risk based guidance. Upon the Department's request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws; and disposal of such soils must also be done in accordance with all applicable federal and state laws.
- (e) Shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the "Construction Worker Restriction Area" depicted on Exhibit C, unless soil disturbance obligations listed in the preceding paragraph, and in accordance with the *Soil Management Plan – Construction Worker Restriction Area* dated January 18, 2023, described in VFC #83423696, and any approved IDEM updates, are followed. In addition, the Owner shall provide written notice to the Department in accordance with paragraph 14 below at least fifteen (15) days before the start of soil disturbance activities. The Owner, upon the Department's request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment.
- (f) Prior to the change in use of the site or construction of new structures to be occupied by persons at the Real Estate, the current Owner of the Real Estate shall confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulation, or law. This may include conducting groundwater, soil, and/or soil-gas sampling for the volatile organic compounds ("VOCs") or semi-volatile organic compounds ("SVOCs") of concern. The results

RESTRICTIVE COVENANT PAGE 3

and analyses of such sampling shall be presented to IDEM in support of the Owner's determination whether an unacceptable vapor exposure risk exists. If the results demonstrate that no such risk currently exists, IDEM will provide its concurrence in writing and grant the Owner a waiver of this restriction for the proposed change in site use and/or new construction. If the results demonstrate that an unacceptable risk to human health exists, then the Owner must submit plans for mitigation for approval by IDEM and must conduct adequate indoor sampling to demonstrate the effectiveness of the approved remedy.

- (g) Shall maintain the integrity of fencing around the perimeter of the Construction Worker Restriction Area, which is depicted on Exhibit C via GPS coordinates; this perimeter fencing serves as an engineered barrier to prevent direct contact with the debris and lead-impacted soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair. No trespassing signage must be posted along the fencing and annual inspections shall be conducted to maintain the functional integrity of the fencing and signage. The fencing must be maintained and inspections must be conducted in accordance to the *Fence Inspection and Maintenance Plan* dated August 18, 2022, described in VFC #83438316, and any approved IDEM updates. Owner shall notify the Department in writing at least fifteen (15) days in advance of conducting any construction or excavation work that may impact the fencing, unless an emergency exists. Owner shall ensure that the integrity of the fencing is restored immediately after disturbance by any construction or excavation work. Upon IDEM's request, the Owner shall provide written evidence showing the engineered control has been restored to its complete integrity.

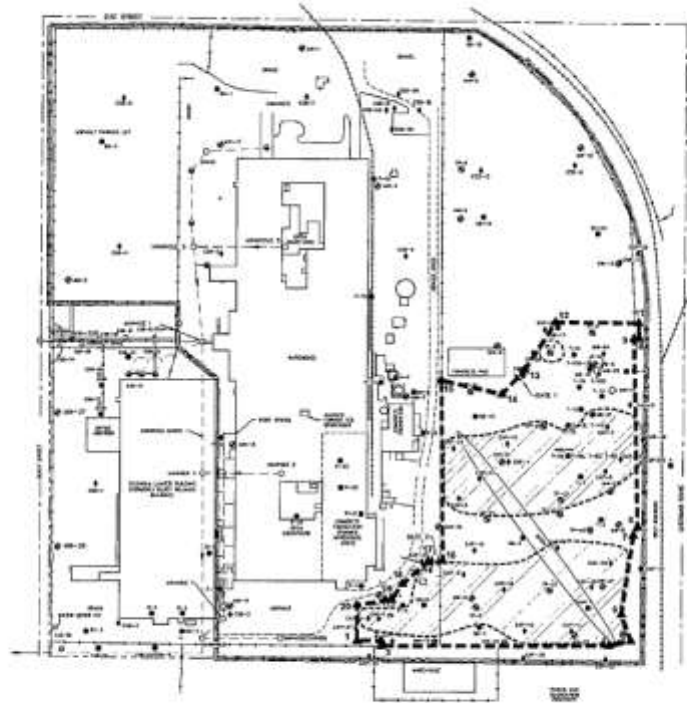
II. GENERAL PROVISIONS

2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.
3. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions set forth in paragraph 1 above and with all other terms of this Covenant.
4. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of monitoring compliance with this Covenant and ensuring its protectiveness; this right includes the right to take samples and inspect records.

EXHIBIT C

EXHIBIT C – CONSTRUCTION WORKER RESTRICTION AREA

Point	Latitude	Longitude
1	39.792504	-86.104774
2	39.792503	-86.104594
3	39.792475	-86.104594
4	39.792483	-86.102910
5	39.792511	-86.102751
6	39.792662	-86.102820
7	39.793117	-86.102737
8	39.793166	-86.102706
9	39.794246	-86.102741
10	39.794247	-86.102703
11	39.794335	-86.102708
12	39.794336	-86.103322
13	39.794061	-86.103549
14	39.793922	-86.103715
15	39.794000	-86.104162
16	39.792963	-86.104144
17	39.792961	-86.104251
18	39.792831	-86.104438
19	39.792741	-86.104521
20	39.792707	-86.104777



LEGEND

- MONITORING WELL
- CATCH BASIN
- SEWER - ABANDONED JUNE 2017
- MONITORING WELL
- ONE "TOP DEFORMATION" SAMPLE LOCATION
- SOIL BORING
- SOIL BORING - DECONTAMINATED
- TEST PIT
- FENCE
- LEAD BY SOIL 3 COMMERCIAL/ INDUSTRIAL SCREENING LEAD BY SOIL WELLS (SURFACE SOIL) AND/OR DECONTAMINATION SCREENING LEAD BY SOIL WELLS (SUBSURFACE SOIL) - ONE SOIL BOREHOLE USED WITH THE CONSTRUCTION WORKER RESTRICTION AREA
- PROPERTY BOUNDARY (APPROXIMATE)
- FENCING LOCATION FOR CONSTRUCTION WORKER RESTRICTION AREA
- ▲ SURVEY COORDINATE POINT FOR CONSTRUCTION WORKER RESTRICTION AREA

FORMER CHEMTURA SITE	
NOV 2017	
REVISIONS	
NO.	DESCRIPTION
1	CONSTRUCTION WORKER RESTRICTION AREA
2	06/27/19 EXHIBIT C



Photo of the subject site street frontage looking north on Olney Street.



Photo of the subject site street frontage looking south on Olney Street from the closed driveway on site.



Photo of the driveway to be closed off Olney Street



Photo of the subject site street frontage looking north on Olney Street from the closed driveway on site.



Photo of existing storage materials on site looking southeast from the closed driveway.



Photo of existing storage materials on site looking east from the closed driveway.



Photo of existing storage materials on site looking northeast from the closed driveway.



Photo of the northwest corner of the site looking east.



Photo of single-family dwellings west of the site.



Photo of a church west of the site.



Photo of single-family dwellings west of the site looking south on Olney Street



Photo of single-family dwellings west of the site looking south on Olney Street.



Photo of the intersection at 21st Street and Olney Street looking south.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the existing driveway along 21st Street.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the subject site street frontage along 21st Street looking west.



Photo of some outdoor operation on site that is producing dust and debris.



Photo of the outdoor storage on site looking south.



Photo of the auto repair shop east of the site.



Photo of the pharmaceutical company to the north.



Photo of the pharmaceutical company to the north.



Photo of the undeveloped industrial sites north of the site.



Photo of the undeveloped industrial sites north of the site.