



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-CAP-832 / 2024-CVR-832

**Property Address:** 8640, 8814, and 8816 South Arlington Avenue and 5624 East County Line Road (Approximate Addresses)

**Location:** Enter Township, Enter Council District

**Petitioner:** GP-CM County Line Partners, LLC, by Brian J. Tuohy

**Current Zoning:** C-S

**Request:** Modification of the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 227 spaces (minimum 246 parking spaces required) and to provide for a 20-foot-tall screen wall within the south side yard (maximum six-foot tall screen wall permitted).

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval of the modification with commitments. Denial of the variances.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the September 16, 2024 hearing to the October 24, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the variances.

Staff **recommends approval** of the modification 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. The enclosure material surrounding the three outdoor storage locations should have a similar color scheme as the proposed building for better architectural integration. A final elevation of the enclosure material shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit.

2. Approval of the three outdoor storage locations shall be subject to the site plan, file-dated August 21, 2024.

## PETITION OVERVIEW

### LAND USE

The subject site is part of an overall development plan, that is currently undeveloped. It is bordered to the north by an apartment complex, zoned C-S, and undeveloped land to the west, south, and east, zoned C-S.

### MODIFICATION

The grant of the request would modify the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

The proposed requests would only be applicable to Building 2 of the development and would not be for the overall development.

### VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would allow for a reduction in parking spaces from the 246 required to the 227 proposed. This would be a parking space reduction of 19 spaces.

The total floor area of 90,000 square feet for the manufacturing portion would require one parking space per 1,000 square feet equaling 90 parking spaces and the total floor area of 235, 000 square feet for the warehousing portion would require one per 1,500 square feet equaling 156 parking spaces.

The other variance request would be to allow for a 20-foot-tall screen wall in the side yard, where the height limitation would be six feet.

### STAFF ANALYSIS

As proposed, the request would continue to be consistent with the I-65 / County Line Road Strategic Plan that recommends interchange area mixed-use.

Staff will be recommending approval of the modification request for outdoor storage and operations since it would be limited to Building 2 of the overall development and would not change any of the existing conceptual landscape plans previously approved in Conceptual Site Plan (pages 1-9) as provided in the staff report. Furthermore, the proposed outdoor storage will be located along the southern building façade



that will not be visible from the apartment complex to the north and would be fenced and sufficiently screened per the rendering provided to staff.

Staff will request a commitment for the final elevation of the outdoor storage enclosure to be submitted for Administrative Approval to ensure that a similar color scheme of the building would be applied to the enclosure material proposed.

Staff is not supportive of the variance request because the parking space requirement can be reduced by utilizing the parking space adjustments allowed by the Ordinance to eliminate the need for a variance. For example, five shared parking spaces could be proposed onsite that would allow for a reduction of 20 parking spaces since one shared parking space would reduce the requirement by four spaces.

In addition, 35 percent of the required parking spaces could be reduced if other parking adjustments were proposed.

As for the 20-foot wall proposed along the south side setback, staff would not be supportive of this request and would limit the wall height to six feet per the Ordinance limitation for all other districts.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Interchange Area Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-S Multi-family dwellings
	South:	C-S Undeveloped
	East:	C-S Undeveloped
	West:	C-S Undeveloped
<b>Thoroughfare Plan</b>		
Arlington Avenue	Primary Collector Street	106-foot proposed right-of-way and 50-foot existing right-of-way.
County Line Road	Primary Arterial Street	102-foot proposed right-of-way and 99-foot existing half right-of-way.
I-65	Freeway	No proposed right-of-way and range of 425 to 2, 205-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	



Site Plan	August 21, 2024
Site Plan (Amended)	N/A
Elevations	August 21, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 21, 2024

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- I-65 / County Line Road Strategic Plan (2014)
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see the I-65 / County Line Road Strategic Plan (2014) below.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The I-65 / County Line Road Strategic Plan (2014) recommends interchange area mixed-use.
- The Plan identifies this site as being located within Critical Area J, which provides many development considerations, including building materials and design, landscaping, signs, pedestrian connectivity, streetscape appearance, and lighting, that should be factored into how this area should be developed.
- Because this site is considered a gateway into Indianapolis and the Plan included design considerations, staff believes overall site aesthetics are critical.

**Infill Housing Guidelines**

- Not Applicable to the Site.



### **Indy Moves**

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

- Indy Moves Transportation Integration Plan (2018) recommends a complete street proposed multi-use path along Arlington Avenue from Southport Avenue to County Line Road.



## ZONING HISTORY

### Zoning History – Site

**2022-ZON-060 / 2022-VAR-006; 8615, 8640, 8721, 8814, 8816, 8840, 8914, 8950 South Arlington Avenue, 5624, 5740, 6000, 6200, 6336, 6376 East County Line Road, and 8700 Combs Road** (subject site), Rezoning of 208.24 acres from the C-S, C-4 and D-A districts to the C-S district to provide for a commercial and industrial development with limited I-1, I-2 and C-4 uses, Modification of petition 2019-ZON-069 (Commitments recorded at Instrument #2020-00073675) to terminate the C-S Statement, C-S Site Plan and Commitments and replace them with those filed with this petition, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading areas between the front building lines and front lot lines (not permitted), **approved and granted.**

**2019-ZON-069; 8516 and 8600 South Arlington Avenue and 5624 East County Line Road** (subject site), Rezoning of 104 acres from the D-A district to the C-S district to provide for approximately 320 multi-family residential units on approximately 22 acres within the northern half of the site and I-1 and C-4 uses on the approximately 82 acres of the remainder of the site. **approved.**

**2009-ZON-030; 8814 and 8816 South Arlington Avenue** (southern parcel), Rezoning of 32 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **approved.**

### Zoning History – Vicinity

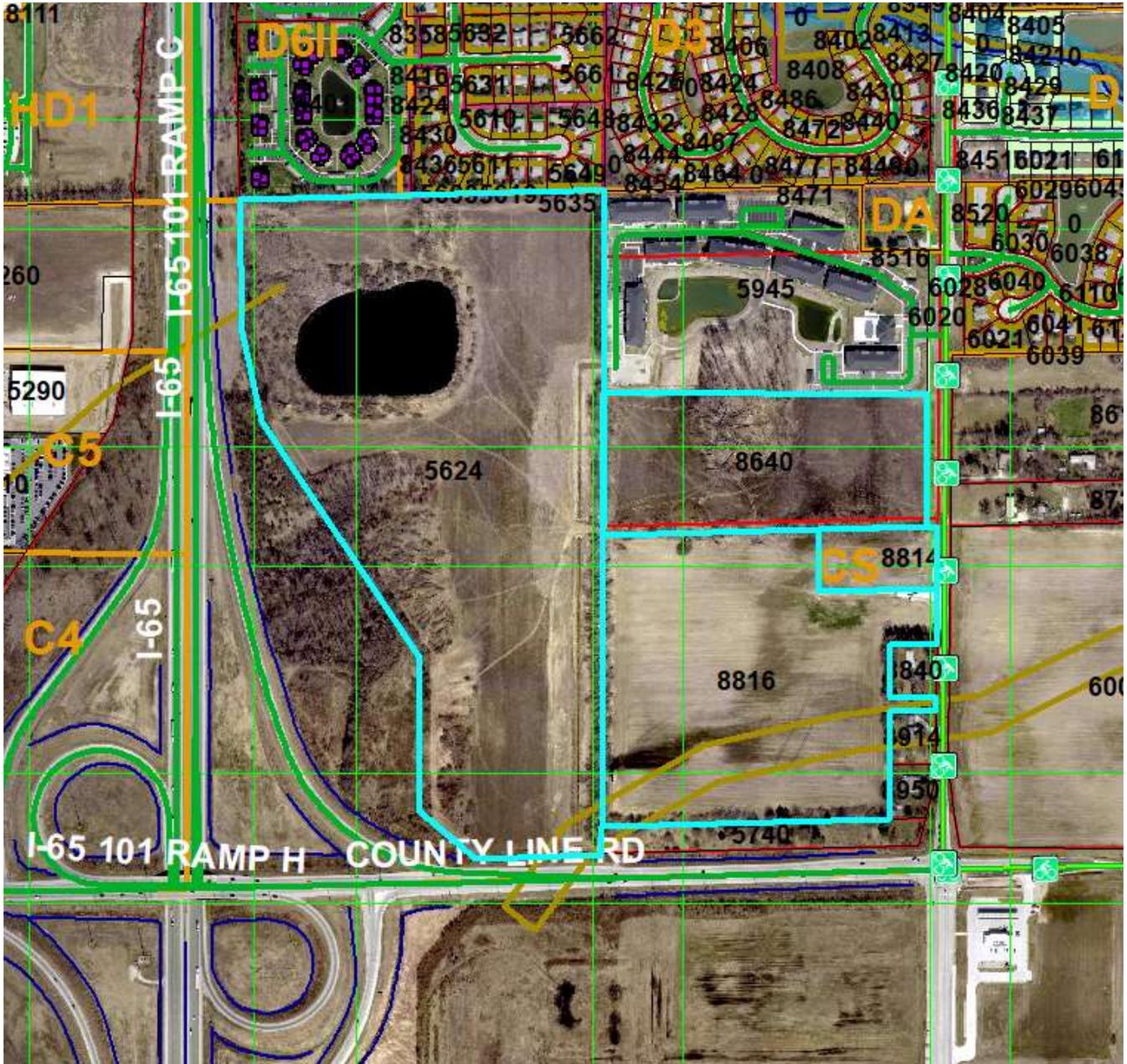
**2019-ZON-069; 8516 and 8600 South Arlington Avenue and 5624 East County Line Road**, requested rezoning of 104 acres from the D-A district to the C-S district to provide for approximately 320 multi-family residential units on approximately 22 acres within the northern half of the site and I-1 and C-4 uses on the approximately 82 acres of the remainder of the site, **approved.**

**2009-ZON-030; 8814 and 8816 South Arlington Avenue**, requested rezoning of 32 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **approved.**

**2005-ZON-817; 8511 and 8516 South Arlington Avenue** (northeast of site), Rezoning of 40 acres, being in the D-A District, to the D-P classification to provide for a single-family subdivision for adults only, and a church, **approved.**

**94-SE1-8 / 94-V1-89; 8516 South Arlington Avenue**, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for a church use and a variance of development standards of the Sign Regulations to permit a 40-square foot ground sign for an existing church use, **granted.**

EXHIBITS



Area Map





Proposed Building 2 Rendering





**Proposal Description**

8640 S. Arlington Avenue, Part of 8814, S Arlington Avenue,  
Part of 8816 S. Arlington Avenue & Part of 5624 E County Line Rd

The approximately 17.996 +/- acre site ("Site"), more particular described on the legal description field herewith, was part of approximately 208 +/- acres zoned to CS in Case No. 2022-ZON-060 (the "2022 Zoning"). The 2022 Zoning was subject to a C-S Statement filed dated November 18, 2022 ("2022 C-S Statement") and Commitments recorded as Instrument No. A202200134327 ("2022 Commitments"). Additionally, a Site Plan including the Site was approved on February 20, 2024 ("Approved Site Plan").

Petitioner proposes to develop on the Site a new approximately 324,880 sf industrial building with approximately 227 automobile parking spaces, limited covered outdoor storage areas on the south side of the building and an approximately 20' screen wall at the southeast corner of the building, as approximately depicted on the proposed Building 2 Site Plan ("Building 2 Site Plan") and proposed Building 2 Rendering ("Building 2 Rendering") filed herewith. To provide for the construction of the new building and other related improvements as approximately depicted on the Building 2 Site Plan and Building 2 Elevation, Petitioner respectfully requests the following, as related to the Site:

1. To modify the 2022 C-S Statement to allow limited covered outdoor storage areas as approximately depicted on the Building 2 Site Plan and Building 2 Rendering.
2. To terminate Paragraph 11.n. of Exhibit 3 of the 2022 Commitments to allow limited covered outdoor storage areas as approximately depicted on the Building 2 Site Plan and Building 2 Rendering.
3. To modify Paragraph 22 of Exhibit 3 of the 2022 Commitments and to modify the 2024 Site Plan to provide for the development of the Site as depicted on the Building 2 Site Plan and Building 2 Rendering.
4. A variance of Chapter 744, Article IV, Section 02 (Table 744-402-1) to reduce the required parking to provide for approximately 227 automobile parking spaces.



STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

**Legal Description:** See attached Exhibit 1

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. As to the Site, Commitment Numbers 11.n. and 22 of the Commitments recorded as Instrument No. A202200134327 and made in connection with Petition No. 2022-ZON-060 shall be terminated.
2. The following shall be a new commitment, as to the Site:

Development of the Site shall be in substantial compliance with the site plan and rendering file-dated \_\_\_\_\_.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition # \_\_\_\_\_.



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The requested parking variance will provide for improvement of the site without an overabundance of surface parking spaces. The proposed number of parking spaces for the business to be located on the site is sufficient to meet the needs of the business's employees, customers and visitors. Less than 1/3 of the proposed approximately 325,000 sf building will be used for manufacturing purposes. The remaining portion of the building will be used as a warehouse, which requires less parking than manufacturing.

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 number of parking spaces for the business to be located on the site is sufficient to meet the needs of the business's employees, customers and visitors, and as such, less parking than required will not adversely affect the use or value of adjacent property. The entire approximately 325,000 sf building will not be used for manufacturing, as approximately 2/3 of the building will be used as a warehouse, which requires less parking than manufacturing. The proposed new building will represent a capital investment on a currently unimproved site, which will increase the assessed value of the site. The reduction in surface parking areas will result in more "green space" being retained on 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 parking requirements of the zoning ordinance will result in the site being over-improved with unnecessary parking spaces and asphalt area. The parking spaces provided are sufficient for the business's employees, customers and visitors. If the number of parking spaces required is calculated on the basis of square footage by each use within the building, the parking spaces provided in the proposed plan nearly meet the parking spaces required, as calculated as follows: for the 90,000 sf of manufacturing, 90 spaces are required; for the 235,000 sf of warehouse, 156 spaces are required; for a total of 246 spaces required. Petitioner proposes 227 spaces, which is approximately 92% of the required parking under the ordinance if the parking of the proposed uses is calculated as set forth herein.

**DECISION**

Metropolitan Development  
Nov 18 2022  
Division of Planning

**Third Amended**  
*Sub* **C-S Statement**

Petitioner respectfully requests that the approximately 208.24 acre +/- site (the "Site") located at the northwest and northeast corners of Arlington Avenue and County Line Road (the "Intersection") be rezoned to the C-S district to provide for industrial and commercial uses on the Site.

A portion of the Site located at the northwest corner of the Intersection was previously rezoned to the C-S District under Case No. 2019-ZON-069 ("2019 Rezoning"). As part of the 2019 Rezoning, a C-S Statement file-dated March 6, 2020 (the "2019 C-S Statement") was approved. The 2019 C-S Statement included a Conceptual Site Plan as Exhibit A (the "2019 C-S Plan"). Further, Commitments were recorded as part of the 2019 Rezoning as Instrument No. A202000073675 (the "2019 Commitments"). As to the previously zoned C-S portion of the Site, Petitioner requests to replace the 2019 C-S Statement, the 2019 C-S Plan and the 2019 Commitments with the C-S Statement and Conceptual Site Plan to be approved as part of this rezoning and any Commitments recorded in connection with this rezoning.

Attached as Exhibit A (pages 1 – 9) is a proposed preliminary Conceptual Site Plan (the "Conceptual Site Plan") of the development proposed by Petitioner. Specifically, Petitioner proposes the following:

**A. Industrial Area.**

1. **I-1 / I-2 Uses:** I-1 and I-2 Uses shall be permitted on approximately 108.05 acres at the northwest corner of the Intersection and on approximately 83.79 acres at the northeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "I-1 / I-2 Area"). Prior to development of the I-1 / I-2 Area of the Site, a site plan depicting the proposed location of improvements, driveways and ingress and egress to and from this portion of the Site shall be submitted for Administrator's approval, which shall not be unreasonably withheld.
2. Approximately 5.50 acres located within the I-1 / I-2 Area, as approximately depicted on the attached Conceptual Site Plan and labeled "Wetland/Amenity Area", will be retained as an amenity area for use by employees and customers within the I-1 / I-2 Area.
3. The following I-1 / I-2 uses shall be prohibited within the I-1 / I-2 Area:
  - a. Agricultural uses, buildings and structures
  - b. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - c. Garden as a primary use
  - d. Auctioneering / liquidating services
  - e. Dry cleaning plant or industrial laundry
  - f. Outdoor advertising off-premise sign

- g. Heavy equipment sales, service or repair
- h. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
- i. Local power generating facility
- j. Substations / utility distribution nodes
- k. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
- l. Automobile fueling station
- m. Recycling station
- n. Outdoor storage /operations
- o. Amateur radio antenna (accessory uses)

B. Commercial Area.

1. **C-4 Uses:** C-4 Uses shall be permitted on approximately 6.40 acres at the northwest corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "C-4 Area"). Prior to development of the C-4 Area of the Site, a site plan depicting the proposed location of improvements, driveways and ingress and egress to and from this portion of the Site shall be submitted for Administrator's approval, which shall not be unreasonably withheld.
2. The following C-4 uses shall be prohibited within the C-4 Area:
  - a. Daily emergency shelter
  - b. Elementary, middle or high schools
  - c. Montessori schools that are greater than 15,000 sf (Montessori schools that are less than 15,000 sf, nursery schools and day care centers shall be permitted)
  - d. Religious uses
  - e. Plasma (blood) center
  - f. Substance abuse treatment facility
  - g. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - h. Garden as a primary use
  - i. Check cashing or validation service
  - j. Outdoor advertising off-premise sign
  - k. Adult entertainment business
  - l. Adult entertainment business (retail)
  - m. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - n. Ongoing fireworks sales
  - o. Pawn shop
  - p. Local power generating facility
  - q. Substations /utility distribution nodes
  - r. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)



Department of Metropolitan Development  
Division of Planning  
Current Planning

- s. Recycling station
- t. Amateur radio antenna
- u. On-going outdoor display and sales (accessory uses)
- v. Automobile fueling station

C. Proposed Commitments. Petitioner proposes the Commitments file-dated November 18, 2022.

Exhibit A  
 Page 1 of 9

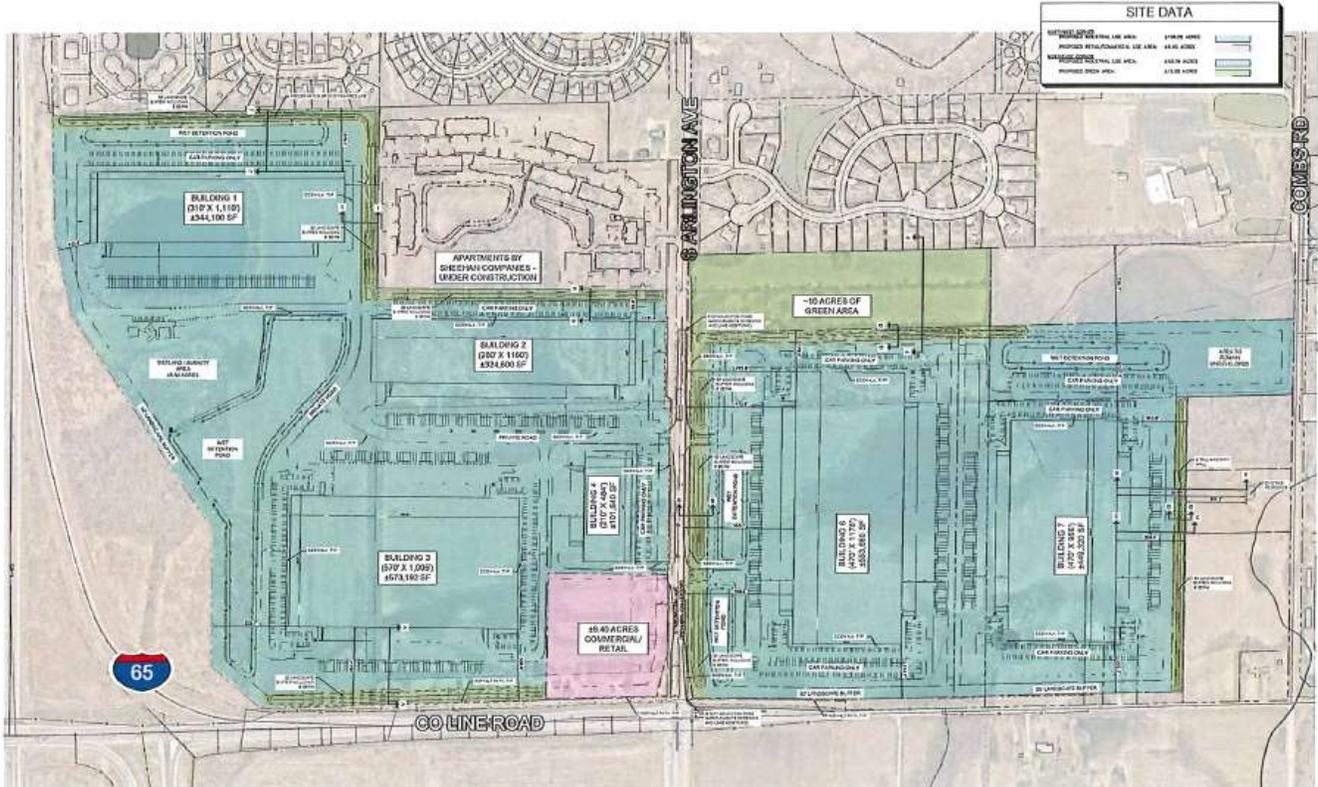


Exhibit A  
 Page 2 of 9

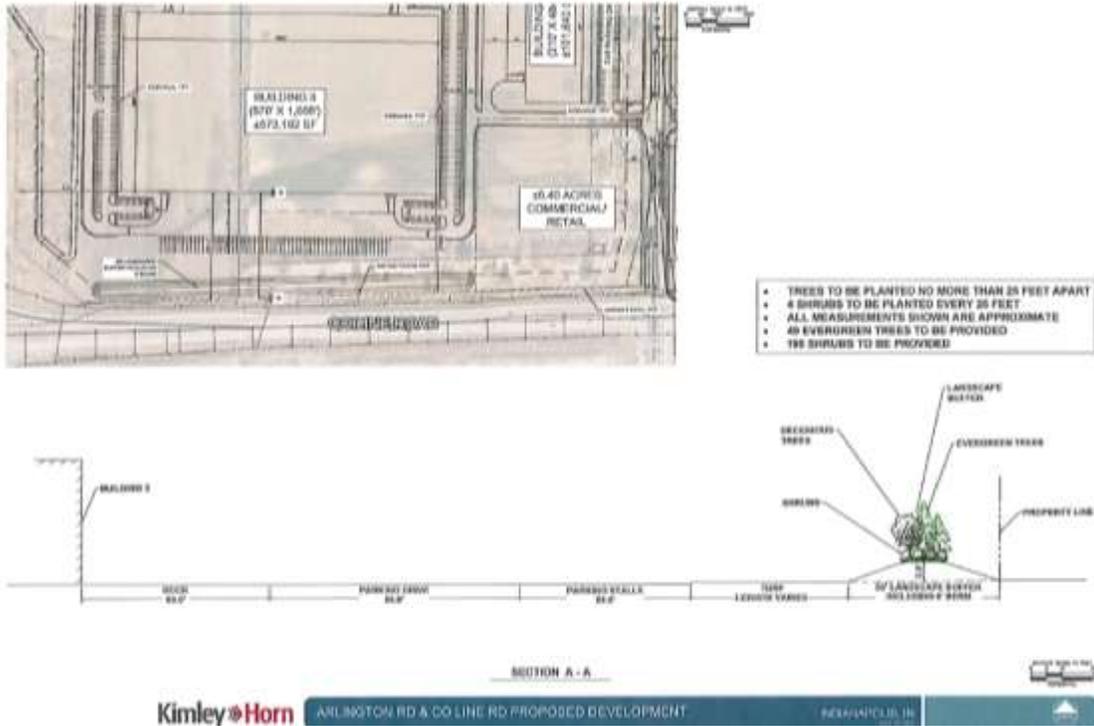


Exhibit A  
 Page 3 of 9

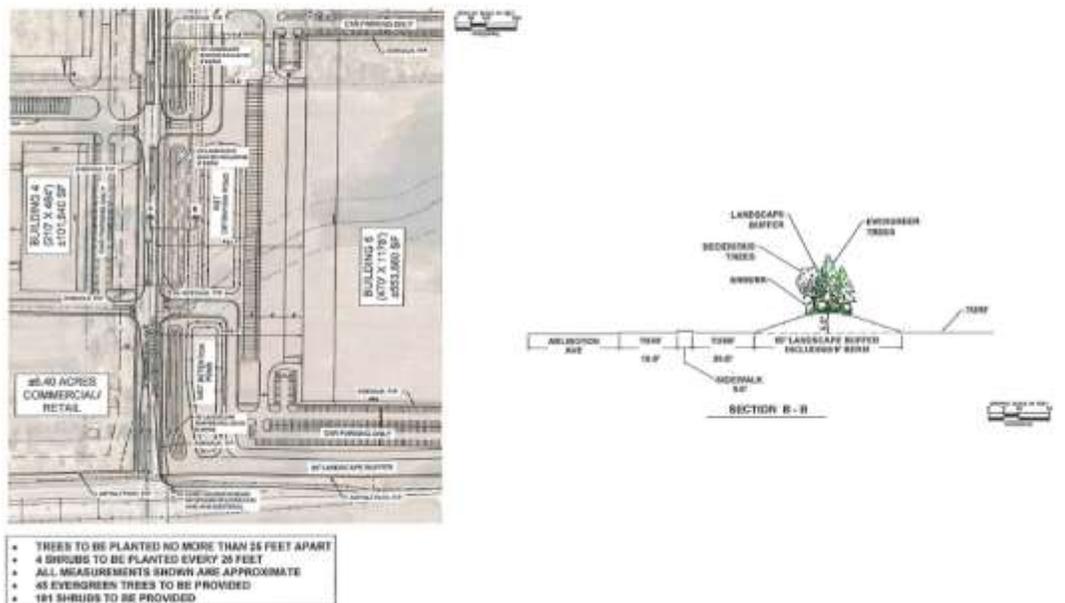
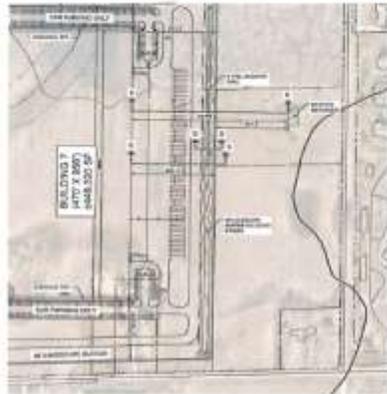


Exhibit A  
 Page 4 of 9



\* Wall only located along common border between site and real estate commonly known as 8824 Combs Rd.

SECTION D-D

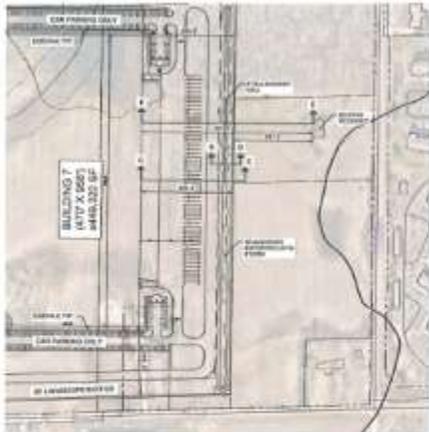
- TREES TO BE PLANTED NO MORE THAN 25 FEET APART. PROVIDED THAT TREES TO BE PLANTED APPROXIMATELY 12.5 FEET APART IN AREA WHERE MASONRY WALL IS LOCATED.
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 38 EVERGREEN TREES TO BE PROVIDED
- 152 SHRUBS TO BE PROVIDED



SECTION C-C

\* Wall only located along common border between site and real estate commonly known as 8824 Combs Rd.

Exhibit A  
 Page 5 of 9



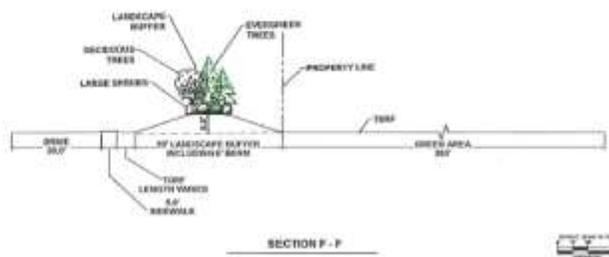
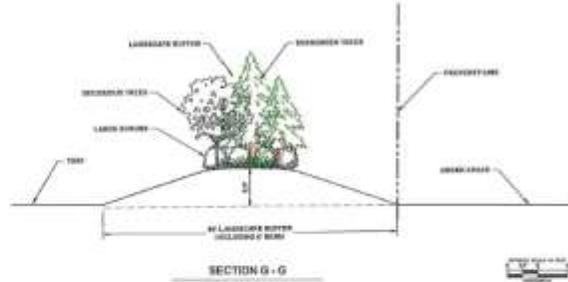
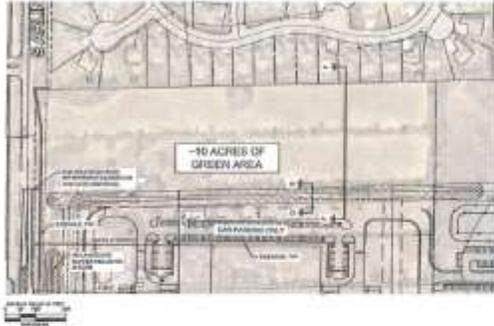
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- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 38 EVERGREEN TREES TO BE PROVIDED
- 152 SHRUBS TO BE PROVIDED



SECTION E-E

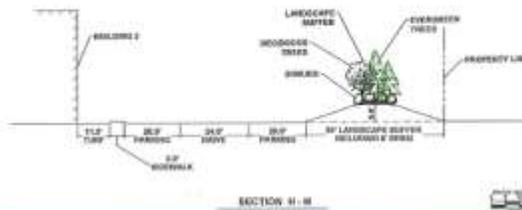
\* Wall only located along common border between site and real estate commonly known as 8824 Combs Rd.

Exhibit A  
 Page 6 of 9



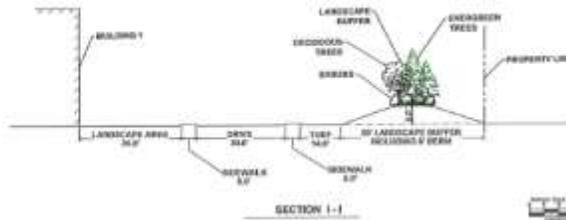
- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 26 EVERGREEN TREES TO BE PROVIDED
- 230 SHRUBS TO BE PROVIDED

Exhibit A  
 Page 7 of 9



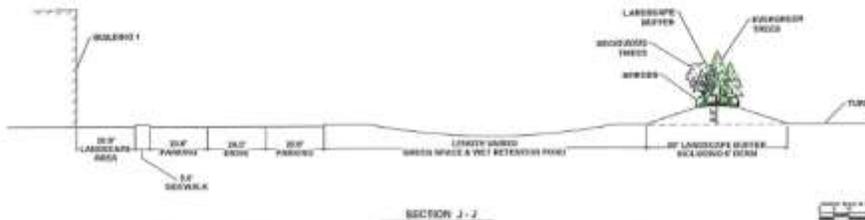
- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 26 EVERGREEN TREES TO BE PROVIDED
- 230 SHRUBS TO BE PROVIDED

Exhibit A  
 Page 8 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 86 EVERGREEN TREES TO BE PROVIDED
- 340 SHRUBS TO BE PROVIDED

Exhibit A  
 Page 9 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 86 EVERGREEN TREES TO BE PROVIDED
- 340 SHRUBS TO BE PROVIDED

2022-ZON-060 COMMITMENTS AND C-S STATEMENT

Metropolitan Development  
 Nov 18 2022  
 Division of Planning

DocId:20110603  
 Tx:42028017

*JL* STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:** *See attached Exhibit 1 and Exhibit 2.*

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. See attached Exhibit 3.

3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

### Exhibit 3

#### Commitments

2022-ZON-060 / 2022-VAR-006

1. Petitioner agrees to install the landscape buffers, including mounding, trees and shrubs as approximately depicted and described on the Conceptual Site Plan attached hereto as Exhibit A (pages 1-9). Such landscaping shall be installed in the various areas of the site upon completion of construction of the buildings adjacent to such landscaped areas. Petitioner shall install a double row of evergreen trees on the landscaped mounds that run parallel to County Line Road, Combs Road and Arlington Avenue and on the portion of the landscaped mound that borders the real estate commonly known as 8824 Combs Road (Parcel No. 3010678). A final landscape plan shall be submitted and subject to Administrator's approval prior to the issuance of an Improvement Location Permit.
2. Petitioner agrees to install an approximately 6' tall masonry wall along the portion of the site that borders the real estate commonly known as 8824 Combs Road (Parcel No. 3010678). The approximate location of the proposed wall is depicted on Pages 1 and 4 of Exhibit A.
3. There shall be no access to / from the site from Combs Road.
4. The area labeled "Area To Remain Undeveloped" located adjacent to and west of Combs Road at the northeast corner of the site shall remain undeveloped. Such area is approximately depicted on Page 1 of Exhibit A. Additionally, the Petitioner agrees to preserve approximately 10 acres of "Green Area" adjacent to and east of S. Arlington Avenue, as approximately depicted on Page 1 of Exhibit A.
5. Any dumpster located east of Building 7 (as labeled on Page 1 of Exhibit A) shall be located to the west of the landscaped buffer labeled D-D (the "D-D Buffer"), such D-D Buffer shall be located along a portion of the eastern border of the site and is approximately depicted on Pages 1 and 4 of the attached Exhibit A. Such dumpster(s) shall be located within an enclosed area located west of the above referenced landscaped buffer.
6. No outdoor storage by an industrial use shall be permitted within 500 feet of a protected district.
7. No lighting shall be installed east of the proposed mound to be located in the D-D Buffer. Any lighting on the easternmost building, labeled Building 7 on the attached Page 1 of Exhibit A, shall be downward directed.
8. The proposed buildings on the site shall not exceed 45' in height; provided that the "Exceptions to Building Height Limits" listed in Table 744-204-1 of the Zoning Ordinance for Marion County, Indiana relating to parapets and to roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating

fans, skylights, or similar equipment to operate and maintain the structure shall apply. Additionally, no single building shall exceed more than 600,000 sf in size.

9. Petitioner, in its development of the site, shall comply with all Marion County drainage regulations.
10. A 53-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue and a 40-foot half right-of-way shall be dedicated along the frontage of Combs Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
11. The following I-1/I-2 Uses shall be prohibited within the approximately 191.84 +/- acres (approximately 108.05 +/- acres near the northwest corner of County Line Road and Arlington Avenue and approximately 83.79 acres at the northeast corner of County Line Road and Arlington Avenue) to be developed for I-1 and I-2 uses:
  - a. Agricultural uses, buildings and structures
  - b. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - c. Garden as a primary use
  - d. Auctioneering / liquidating services
  - e. Dry cleaning plant or industrial laundry
  - f. Outdoor advertising off-premise sign
  - g. Heavy equipment sales, service or repair
  - h. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - i. Local power generating facility
  - j. Substations / utility distribution nodes
  - k. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
  - l. Automobile fueling station
  - m. Recycling station
  - n. Outdoor storage /operations
  - o. Amateur radio antenna (accessory uses)
12. The following C-4 uses shall be prohibited within the approximately 6.4 acre +/- area located at the northwest corner of County Line Road and Arlington Avenue to be developed for commercial uses, which is labeled "Commercial/Retail" on Page 1 of Exhibit A:
  - a. Daily emergency shelter
  - b. Elementary, middle or high schools

- c. Montessori schools that are greater than 15,000 sf (Montessori schools that are less than 15,000 sf, nursery schools and day care centers shall be permitted)
  - d. Religious uses
  - e. Plasma (blood) center
  - f. Substance abuse treatment facility
  - g. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - h. Garden as a primary use
  - i. Check cashing or validation service
  - j. Outdoor advertising off-premise sign
  - k. Adult entertainment business
  - l. Adult entertainment business (retail)
  - m. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - n. Ongoing fireworks sales
  - o. Pawn shop
  - p. Local power generating facility
  - q. Substations /utility distribution nodes
  - r. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
  - s. Recycling station
  - t. Amateur radio antenna
  - u. On-going outdoor display and sales (accessory uses)
  - v. Automobile fueling station
13. Proposed building elevations shall be submitted for Administrator's Approval which shall not be unreasonably withheld, prior to the issuance of an ILP. Pursuant to the I-65 / County Line Road Strategy Plan for Critical Area J, design features of improvements shall include exterior materials, finished sides, articulated walls, landscaping, location of trash containers and signage. Attached as Exhibit B are photographs of industrial buildings with exterior materials and design features that serve as examples of buildings with acceptable exterior materials and design features for certain elevations of the proposed industrial buildings on the site.
14. No dock doors of an industrial building that is adjacent to protected districts to the north of the site shall face the protected districts to the north.
15. To discourage commercial / industrial traffic from traveling through the Multi-Family development (the "Multi-Family Development") being constructed adjacent to the portion of the site at the northwest corner of County Line Road and Arlington Avenue, no direct access / connection shall be established between the Multi-family Development and the site.
16. In addition to the sidewalks required by ordinance, development of the site shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks shall be a minimum of 5' in width. Additionally, in lieu of the

sidewalk along the County Line Road frontage, an approximately 10' – 12' wide asphalt path shall be installed. Installation of such asphalt path shall coincide with installation of roadway improvements to County Line Road.

17. Prior to completion of Buildings 1, 2 and 3 as labeled on Page 1 of Exhibit A, Petitioner shall install an amenity area in the location labeled "Wetland / Amenity Area" as approximately depicted on Page 1 of Exhibit A. Such amenity area shall include outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the site.
18. The roadway improvements recommended within the Traffic Impact Study prepared by A&F Engineering dated June 2022 and within the Memorandum prepared by A&F Engineering to Jill Palmer dated August 9, 2022 shall be completed. The roadway improvements on the west side of Arlington Avenue shall begin upon the commencement of construction of the development on the west side of Arlington Avenue and the roadway improvements on the east side of Arlington Avenue shall begin upon the commencement of construction of the development on the east side of Arlington Avenue.
19. As each portion of the site is developed, a tree assessment and preservation plan (for the portion of the site that is to be developed) by a certified arborist shall be submitted for Administrator's Approval prior to any preparation or disturbance of that portion of the site where development is proposed. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance, if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.
20. A wetlands delineation shall be conducted prior to the issuance of an ILP to assess the existence and quality of the existing wetlands and determine how these areas can be mitigated or preserved and integrated into the proposed development.
21. 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 provided for the proper disposal of trash and other waste.
22. Development of the site shall be in substantial conformance with the Third Amended C-S Statement file-dated November 18, 2022, and in substantial compliance with the Conceptual Site Plan (pages 1 - 9) attached hereto as Exhibit A.





Photo of the subject site street frontage looking south along South Arlington Avenue.



Photo of the subject site looking east towards the South Arlington Avenue.



Photo of the subject site looking southeast.



Photo of the subject site looking south.



Photo of the subject site looking west.



Photo of the apartment complex north of the site.



Photo of the apartment complex north of the site.



Photo of the subject site to the right looking east from the northwest corner of the site.



Photo of undeveloped land northwest of the subject site



Photo of the undeveloped land east of the site.



Photo of the undeveloped land south of the subject site.



Photo of the access drive south of the subject site.



Photo of the undeveloped land south of the subject site.



Photo of the subject to the right looking west.



Photo of the subject site looking west from Arlington Avenue.