



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 20, 2025

**Case Number:** 2024-CZN-845 (Amended)  
**Property Address:** 5022 Rockville Road (Approximate Address)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Cultivar Properties, LLC., By David Gilman  
**Current Zoning:** C-3 / C-5 (FF)  
**Request:** Rezoning of 3.03 acres from the C-3 (FF) and C-5 (FF) districts to the I-1 (FF) classification to provide for light industrial uses.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Denial  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the December 12, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner and staff to allow staff additional time to review a revised site plan submitted December 3, 2024.

At the December 12, 2024 hearing, the petitioner withdrew the variance requests to provide for a 15-foot east side transitional yard setback and a 10-foot north rear yard setback. The request that remains is only the rezoning petition.

This petition was continued for cause from the January 9, 2025 hearing to the February 13, 2025 hearing at the request of the petitioner to allow them additional time to continue discussions with the Department of Public Works and allow staff additional time for staff to review a plan of operation submitted on January 2, 2025.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

## PETITION OVERVIEW

### LAND USE

The 3.03-acre subject site is an undeveloped commercial lot. It is bordered to the east by single-family dwellings, zoned D-4, to the north by a telecommunications company, zoned SU-35, to the west by a public utility station, zoned C-5, in addition to a telecommunications company, zoned SU-35, and to the south by an office, zoned C-3.

### REZONING

The request would rezone the site from the C-3 and C-5 districts to the I-1 district to allow for light industrial uses.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.



**Floodway Fringe**

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**STAFF ANALYSIS**

The request would allow for the introduction of an industrial district where other industrial districts are not present.

Because the site is sandwiched between C-5 and SU-35 districts to the west and a D-4 district to the east, a proposal to include an I-1 district and consider it a transitional district is not accurate. Instead, it would be an outlier and would not serve as an intended buffer from heavier industrial or commercial districts.

Staff has concern with the industrial district encroaching into the residential area, which would not align with the Comprehensive Plan recommendation for suburban neighborhood development.

Although the C-3 district currently borders the D-4 district, it has not been developed and has provided some protection for the residents to the east. Additionally, the uses permitted in the C-3 district would overall be less intense than those permitted in an I-1 district because the suburban neighborhood development recommendation contemplates small-scale offices, retailing, and personal or professional services.

The petitioner provided a list of prohibited uses such as a Transit Center, Heliport, Heavy Equipment Sales, Service or Repair, Firearms Sales, and a Gas Station. They also proposed five self-imposed commitments in the Plan of Operation, but staff did not find reason to support the request since the intended users could locate in other areas that would be more suitable for the development.

For these reasons, staff recommends denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 / C-5 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Enter Comprehensive Plan Recommendation	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	SU-35 Telecommunications Company
	South:	C-3 Office
	East:	D-4 Residential (Single-family dwellings)

West:	C-5 / SU-35	Public Utility Station / Telecommunications Company
<b>Thoroughfare Plan</b>		
Rockville Road	Primary Arterial Street	119-foot proposed right-of-way and 80-foot to 108-foot range of existing right-of-way.
<b>Context Area</b>	Compact or Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 26, 2024	
<b>Site Plan (Amended)</b>	February 5, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

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

- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.

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

- Not Applicable to the Site.

#### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

#### **Infill Housing Guidelines**

- Not Applicable to the Site.

#### **Indy Moves**

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

- Indy Moves Transportation Integration Plan (2018), specifically the IndyMoves PedalIndy 2018 Plan, proposes a complete street on-street bike lane along Rockville Road from Lynhurst Drive to Rockville Avenue.

## ZONING HISTORY

### Zoning History - Vicinity

**2006-ZON-038; 5212 Rockville Road** (west of site), Rezoning of 1.683 acres, being from the SU-35 District, to the C-3 classification to provide for neighborhood commercial uses, **approved.**

**95-Z-163; 5206 Rockville Road** (west and north of the site), Rezoning of 13.63 acres, being in the D-A and C-5 districts to the SU-35 classification to provide for construction of a 100 by 48-foot equipment / administration building, nine to 12 satellite dishes ranging from 12 to 15 feet in diameter and a 100-foot-tall monopole antenna structure, **approved.**

**76-Z-21; 5206 Rockville Road** (west and north of the site), Rezoning 7.67 acres from the C-3 district to the C-5 classification to permit installation and repair of various telephone equipment, **approved.**

**65-Z-160; Rockville Road and Lynhurst Drive** (north of site), Rezoning of 3.64 acres being in A-2 district to B-6 classification to provide for the construction of a customer service building and garage for utility use, **approved.**

**61-Z-118; Rockville Road and Lynhurst Drive** (west of site), Rezoning of 9.3 acre, being in B-6 district, to Special Use 42 classification to permit the construction of a Mixing Substation (which induces air into natural gas), **approved.**

**58-Z-67; 5026 Rockville Road** (west and north of the site), Rezoning from the A-1 district to B-6 classification to permit the erection of a Service Center and use thereof by Citizens Gas and Coke Utility, **approved.**

**58-Z-44; Rockville Road and Lynhurst Drive** (west of site), rezoning of seven-acre plot of ground being in an A-1 district to a B-6 classification to provide for the construction of a Bowling Alley and restaurant, **approved.**

EXHIBITS

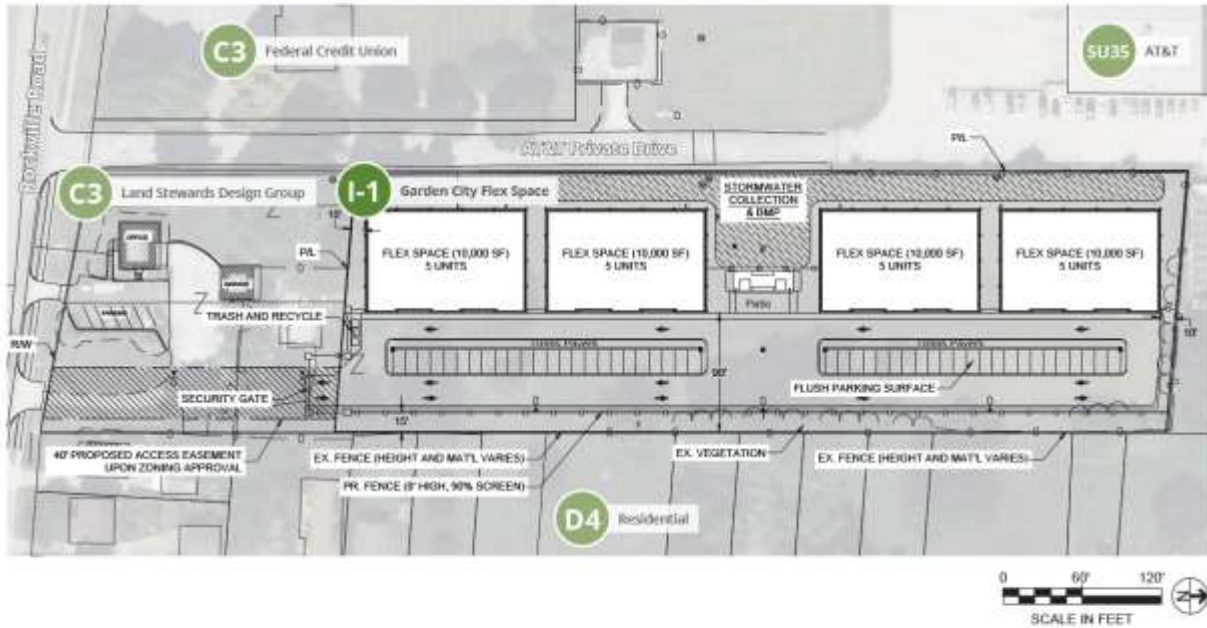


SITE PLAN



5022 ROCKVILLE RD, INDIANAPOLIS, IN 46224  
 10-09-24

**GARDEN CITY FLEX SPACE**  
 SITE LAYOUT



5022 ROCKVILLE RD, INDIANAPOLIS, IN 46224  
 10-09-24

**GARDEN CITY FLEX SPACE**  
 SITE LAYOUT





AMENDED SITE PLAN



**Red Lynx Development (Std. I-1 Transition Side and Rear Yard)**

LAND STEWARDS DESIGN GROUP  
 01/18/2025

DEVELOPMENT STATS:  
 TOTAL SF FLEX SPACE: 37,250  
 TOTAL PARKING SPACES: 53



**Plan of Operation**  
**5022 Rockville Road**  
**1/22/2025**

**BACKGROUND**

The site is located at 5022 Rockville Road, just east of N. Lynhurst Dr., and is comprised of two lots, totaling approximately 4.0 acres. The North Lot will be referred to as the "Site" in this document and contains approximately 3.0 acres. The Site is located adjacent to C3 (south), C5 (west), SU35 (north and west), and D4 (east). Some trees remain on the south end of the site and along the perimeter to the north, east, and south.

**Business Use**

The owner would like to make better use of the site and provide for indoor, light industrial uses (I-1 District) However, certain I-1 uses will be prohibited. Those include a Transit Center, Heliport, Heavy Equipment Sales, Service or Repair, Firearms Sales, and a Gas Station. The owners have controlled this property for over 20 years looking for the most appropriate use and believe the light industrial use is more suitable than commercial retail, offices or residential. We have received requests from multiple local business owners related to purchasing or leasing this land for business and warehousing needs that are not being met by other local offerings.

The design of the proposed project has thoughtfully considered the residential neighbors to the east with a full screen and landscaping along the east side of the entire Site. Furthermore, the potential project has been discussed in detail with AT&T administration and engineers to the north and west for utility access needs for sanitary and storm. The residential lots to the east of the site have very deep lots and the required fifty (50) foot transitional yard will provide the needed screening and buffering for the residences.

**Workforce**

It is anticipated that there will be 15 to 30 full-time employees on-site during normal business hours.

**Hours of Operation**

Business hours will be conducted during normal daytime hours from 7am to 7pm.

**Traffic**

The entrance will be relocated to align with Rebecca Drive and all traffic will be directed to use only Rockville Road east and west bound traffic.

**Off-Street Parking**

Each building will have the required off-street parking available. There are 39 employee and customer parking spaces proposed.



**Shipping/Receiving**

Shipping and receiving will be conducted through normal delivery services such as Amazon, FedEx, and UPS. There will be no semi-truck and trailer traffic permitted to the site. The enforcement of this restriction will be done with tenant leases, owner's zoning commitments and clearly posted signage.

**Waste**

All waste products will be removed by a private refuse business.

**Self-Imposed Written Commitments**

1. The site will be developed in substantial compliance with the site plan file dated ??/??/2024.
2. The entrance will be relocated in a design approved by the Department of Public Works, including any improvements to Rockville Road, prior to occupancy of the buildings.
3. The landscape transitional yard along the east property will always be maintained in good condition and any dead landscape plant will be replaced immediately. The fence will always remain in place and maintained in good condition.
4. Building elevations will be submitted to the staff for Administrator's approval, prior to the issuance of an Improvement Location Permit.
5. The Owners will prohibit any semi-truck and trailer traffic entering or leaving the subject property.



Photo of the subject site to the right looking north along a private drive to the west of the site.



Photo of the subject site looking north.



Photo of the subject site looking east towards the single-family dwellings.



Photo of the subject site looking south.



Photo of the subject site looking east towards the single-family dwellings.



Photo of the property west of the site.



Photo of the office south of the subject site looking west on Rockville Road.



Photo of the street frontage at the C-3 parcel to the south not included in the request.