



METROPOLITAN DEVELOPMENT COMMISSION

November 20, 2024

Case Number:	2024-MOD-017
Property Address:	25 McLean Place
Location:	Center Township, Council District #12
Petitioner:	Illinois Street Self Storage LLC, by Michael Rabinowitch
Current Zoning:	C-S (RC) (TOD) (W-5)
Request:	Modification of Commitments related to 2016-CVR-842 and 2016-CZN-842 to terminate Commitments # 1 and # 2 on Attachment "D" which requires 10,000-square feet of building space to be reserved for office / retail space, artisan food / beverage, artisan manufacturing uses and required the building to be subject to the elevations, filed-dated March 2, 2017.
Current Land Use:	Self-storage facility (warehousing)
Staff Recommendations:	Denial.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This petition was heard by the Hearing Examiner on October 24, 2024. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The petitioner's representative has requested a **continuance from the November 20, 2024 hearing, to the December 4, 2024 hearing**, due to a scheduling conflict. Staff would have no objection to the continuance.

STAFF RECOMMENDATION

Denial. If approved staff would request that approval 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:

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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 1.18-acre site, zoned C-S (RC) (TOD) (W-5), is developed with a self-storage facility. It is surrounded by vacant land and a parking lot to the north, across McLean Place, zoned MU-2 (RC) (TOD) (W-5) and C-4 (RC) (TOD) (W-5), respectively; a multi-family dwelling, office uses with associated parking to the south, zoned C-4 (RC) (TOD) (W-5) and MU-2 (RC) (TOD) (W-5), respectively; office uses and associated parking to the east, zoned C-4 (RC) (TOD) (W-5); and office uses to the west, across North Illinois Street, zoned C-4 (RC) (TOD) (W-5).

Petitions 2016-CZN-842 and 2026-CVR-842 rezoned the site to the C-S district to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street with building encroachments into the clear sight triangles of the abutting streets and alleys.

MODIFICATION

The request would modify the commitments Number One and Two related to petitions 2016-CZN-842 and 2016-CVR-842 that required 10,000-square feet of the building space to be reserved for office / retail space / artisan food or beverage / artisan manufacturing uses, with building elevations subject to documents file-dated March 2, 2017.

The Comprehensive Plan recommends urban mixed-use typology for the site.

Staff initially recommended denial of the 2016 petitions because this site was located within the boundaries of three land use plans (North Meridian Street Corridor [16th Street to 30th Street Land Use Plan], Redline Transit-Oriented Development Strategic Plan, and Near North / Fall Creek Plan) all of which recommended mixed use, when the proposed use was for a self-storage facility with a small office.

Following negotiations with the petitioner and their representative, staff supported the request, subject to 10,000 square feet of the building being reserved for other uses. This agreement was documented in commitments that also included building elevations to be subject to the March 2, 2017 elevations. See Exhibit A.

Five years later the petitioner and their representative filed a modification (2022-MOD-009) to eliminate the agreed upon 2016 commitments. Staff recommended denial of that request, the Hearing Examiner recommended denial and the petition was withdrawn prior to the hearing before the Metropolitan Development Commission.

The petitioner and their representative have filed yet another request to eliminate the agreed upon commitments. Following discussions with the petitioner and their representative, staff would accept reducing the amount of square footage dedicated for uses other than self-storage units (warehousing) to 4,000 square feet, thereby agreeing to allow an additional 6,000 square feet of storage.



Staff repeatedly stated the need to preserve commercial space along the North Illinois Street frontage and provided acceptable options (A through D) on August 5, 2024, that would retain commercial space and increase the storage space. See Exhibit B.

On September 5, 2024, the petitioner and their representative filed a modification that would provide a minimum of 2,000 square feet of office and commercial use. See Exhibit C.

Since 2016, updated land use plans for this site have been adopted and now include the Red Line Transit-Oriented Strategic Plan (2021) and the Purple Line Transit-Oriented Strategic Plan (2021), both with a District Center typology of dense mixed-use.

As submitted staff believes the request of 2,000 square feet of office and commercial use unacceptable and continues to recommend denial. The continued enlargement of the self-storage space runs contrary to City policy, which has evolved since 2016. This land use contributes nothing to the surrounding area and does not promote the principles of community, economic or neighborhood connectivity and engagement that is the cornerstone for the Regional Center and Transit-Oriented Development Secondary districts.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.



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“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

Again, the Zoning Ordinance establishes Secondary Zoning Districts to further regulate environmentally sensitive areas or areas with increased development and connectivity potential. Secondary Districts have the added effect of creating increased scrutiny for uses that could impact the surrounding areas. Self-storage uses often have an impact on public safety by introducing increased traffic, competing points of pedestrian traffic and vehicular traffic, as well as the potential of unknown environmental contamination from surface run-off.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Regional Center

The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

GENERAL INFORMATION

Existing Zoning	C-S (RC) (TOD) (W-5)	
Existing Land Use	Self-storage facility	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	MU-2 (RC) (TOD) (W-5) / C-4 (RC) (TOD) (W-5)	Vacant land / parking lot
South:	C-4 (RC) (TOD) (W-5) / MU-2 (RC) (TOD) (W-5)	Multi-family dwelling / office uses / parking
East:	C-4 (RC) (TOD) (W-5)	Office uses / parking
West:	C-4 (RC) (TOD) (W-5)	Office uses /parking
Thoroughfare Plan		
North Illinois Street	Primary Arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
Mc Lean Place	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	

Floodway / Floodway Fringe	No
Overlay	Yes – Transit-Oriented Development / Regional Center
Wellfield Protection Area	Yes – W-5 White River
Site Plan	September 5, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.”
- Indianapolis Regional Center Guidelines (2008).
 - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Urban Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021) and Purple Line Transit-Oriented Development Strategic plan (2021)

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk of a proposed transit stop located at the intersection of North Meridian Street and East 22nd Street with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

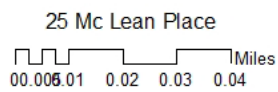
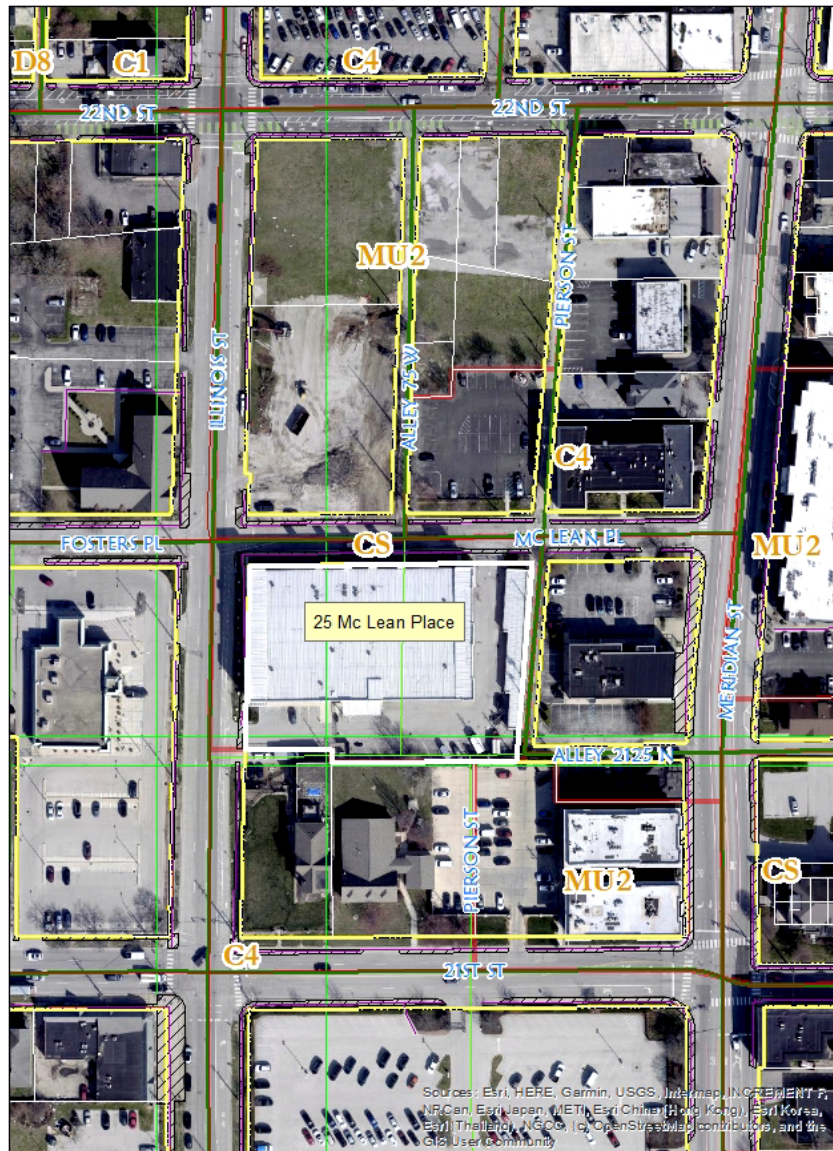
ZONING HISTORY

2022-MOD-009; 25 Mc Lean Place, requested modification of comments related to 2016=CZN-842 and 2016-CVR-842 to terminate Commitments # 1 and #2 on Attachment “D” which required 10,000 square feet of building space to be reserved for office / retail space, artisan food / beverage space, artisan manufacturing uses and required the building be subject to elevations, file-dated March 2, 2017, **denied**.

2017-REG-100; 25 McLean Place, requested Regional Center Approval to provide for demolition of existing buildings and the construction of a three-story commercial building, with associated surface parking area along Illinois Street, **approved**

2016-CZN-842 / 2016-CVR-842; 25 Mc Lean Place, requested rezoning of 1.1 acres, from the C-4 (RC) (W-5) district to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1, and MU-2 uses, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street (10-foot setback required and interior landscaping required), and with building encroachments into the clear sight triangles of the abutting streets and alleys **approved**.

EXHIBITS



MEMORANDUM OF EXAMINER'S DECISION

2024-MOD-017

25 McLean Place

The petition requests a modification of commitments related to 2016-CZN/CVR-842 to terminate commitments #1 and #2, which require 10,000 square feet of building space to be reserved for office/retail space, artisan food/beverage, and artisan manufacturing uses and require the building to be subject to elevations file-dated March 2, 2017.

Your Hearing Examiner visited the site prior to the hearing and noted the self-storage facility on it. The site is primarily surrounded by offices, multi-family dwellings, and parking lots.

The petitioner's representative explained that, despite trying to market the 10,000 square feet for office or commercial use for more than six years, there is no interest in the space. As an alternative, the representative suggested reducing the commercial area from 10,000 square feet to 2,000 square feet. Several letters of support from the City-County Councilor and neighborhood leaders were presented, and the developer stated that times have changed and opined that the market can't be forced.

A representative from IndyGo remonstrated, and spoke about the need to activate the street front and make this a livable and walkable area. The representative also pointed out that this site is within 1/2 mile of the Red and Purple Lines and that the Transit Oriented District (TOD) does not allow self storage.

Staff recounted that it opposed the 2016 rezoning for self-storage, and only relented when the petitioner agreed to 10,000 square feet of commercial use. Staff opposed a similar modification requested several years ago, and it was denied. Staff said that it would be willing to agree to reducing the commercial



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area from 10,000 square feet to 4,000 square feet, even though adding more self-storage space is in direct conflict with the Regional Center and TOD Plans.

In your Hearing Examiner's opinion, nothing has changed since 2017, or 2022, that would warrant the modification of this commitment. The proposed expansion of self-storage does not contribute to the viability of the area, and certainly does not promote walkability. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on November 20, 2024

Site Plan

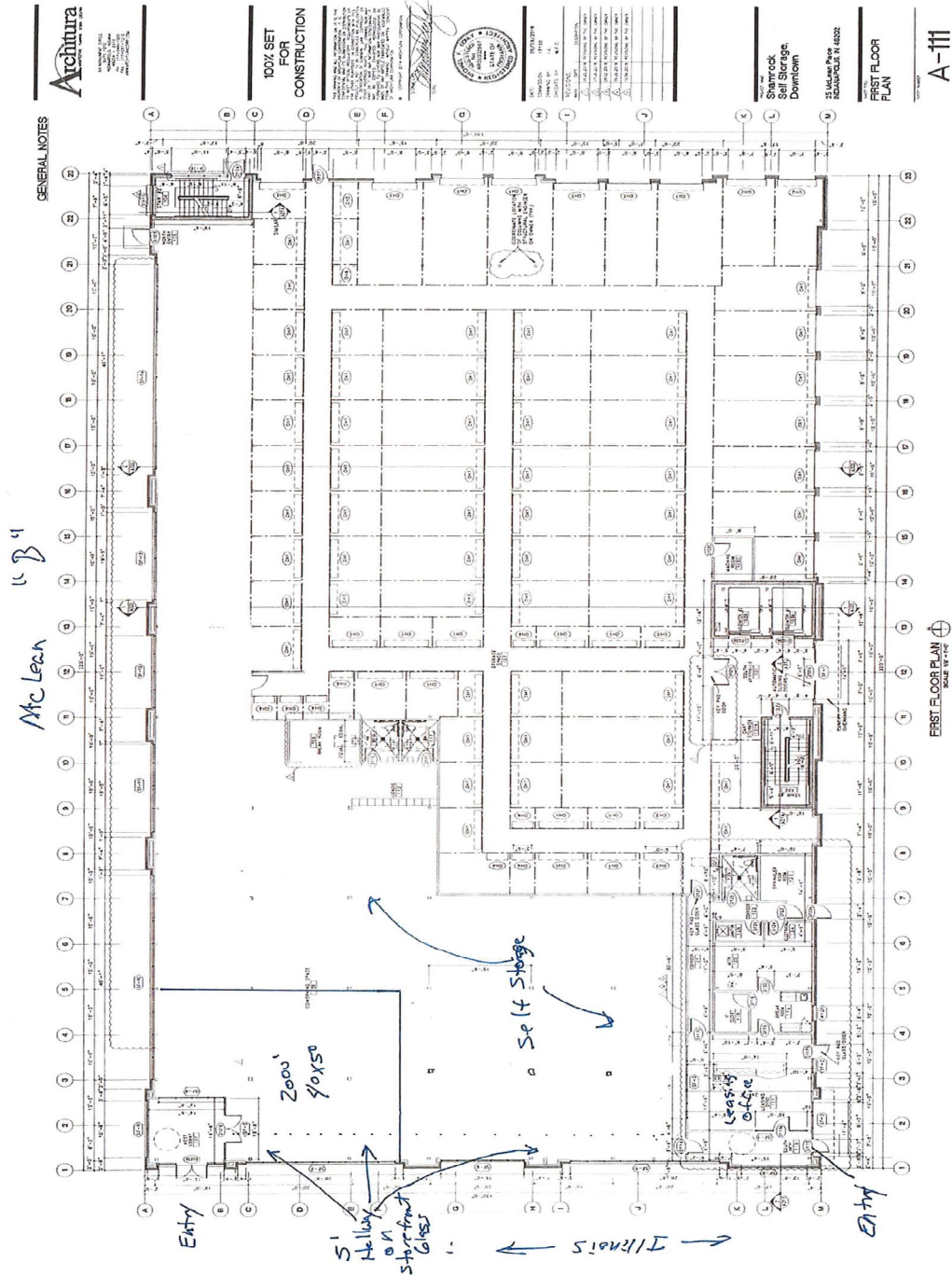


EXHIBIT A

W

A201700103358

09/13/2017 9:51 AM
 KATHERINE SWEENEY BELL
 MARION COUNTY IN RECORDER
 FEE: \$ 35.00
 PAGES: 8
 By: DW



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) 25 McLean Place

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 Attachment "D" & "E"
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.

COMMITMENTS contained in this instrument shall be effective upon:

MDC's Exhibit B - - page 1 of 5

Metropolitan Development
 AUG 29 2017
 Division of Planning

8

- (a) the adoption of rezoning petition # 2016-CZN-842/ 2016-CVR-842 by the City-County Council changing the zoning classification of the real estate from a C-4 (RC) (W-5) zoning classification to a C-S (RC) (W-5) zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S (RC) (W-5) zoning classification or until such other time as may be specified herein.


These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. _____
5. _____

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2016-CZN-842/ 2016-CVR-842.

IN WITNESS WHEREOF, owner has executed this instrument this 21 day of AUGUST, 2017.

Signature:

Signature: 

MDC's Exhibit B - - page 2 of 5

Metropolitan Development

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Division of Planning

Printed: DAVID C. CRICHLAN
 Title /
 Organization: OWNER
 Name: _____

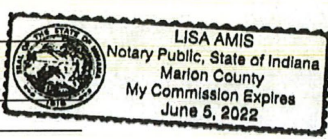
Printed: _____
 Title /
 Organization
 Name: _____

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared DAVID C. CRICHLAN, owner owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21 day of August, 20 17

Lisa Amis
 Notary Public
 Printed Name of Notary Public
 My Commission expires: June 5, 2022
 My County of residence: Marion



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. NANCY G. WHITAKER

This instrument was prepared by David Kingen

ATTACHMENT "A"

MDC's Exhibit B -- page 3 of 5

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

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- (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

LEGAL DESCRIPTION

Lots 1-4 & 19-21 and the adjacent vacated alley in Lazarus & Pierce's Meridian Place in Plat Book 8, Page 192 Office of Marion County.

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ATTACHMENT "D"

Petitioner commits to the following

1. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on No. Illinois Street and McLean Place, for office/ retail space/ artisan food and beverage/ artisan manufacturing uses.
2. Subject to the elevations, file dated 3/2/17

8/8/17

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ATTACHMENT "E":

Petitioner commits to exclude the following uses from the site:

1. Check cashing facility
2. Night club, private club or lounge
3. Outdoor advertising, off premise sign
4. Manufacturing, Light

5/15/17

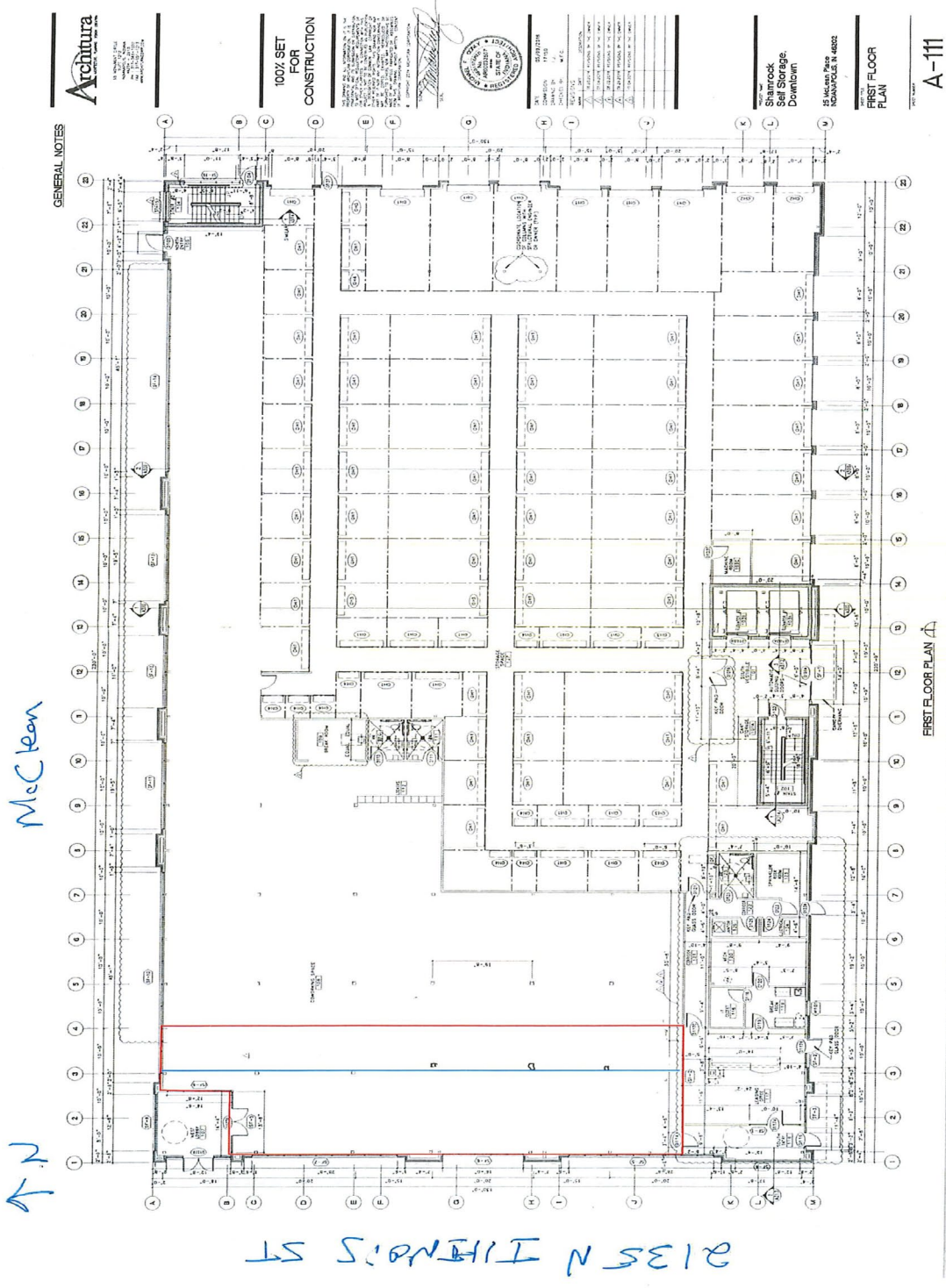
Metropolitan Development

AUG 29 2017

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EXHIBIT B

A



Maclean

← 2

2135 N ILLINOIS ST

FIRST FLOOR PLAN

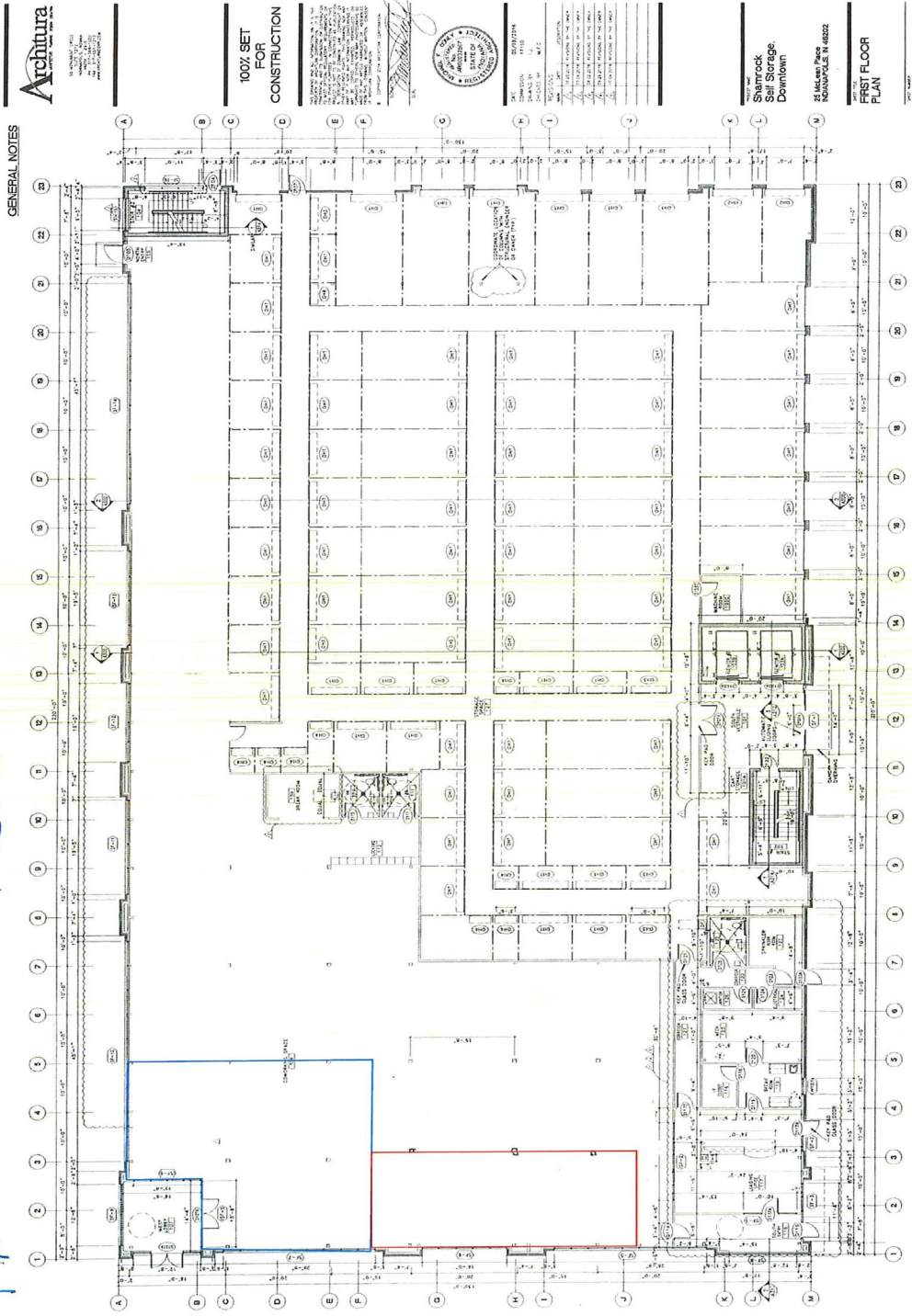
A-111

B

McClean

← N

2135 N THOMAS ST



GENERAL NOTES

Architura

100% SET FOR CONSTRUCTION

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS, INDIANA, ZONING ORDINANCES AND THE CITY OF INDIANAPOLIS, INDIANA, BUILDING CODES.



2. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS.

Shamrock Self Storage Downtown

2135 N THOMAS ST INDIANAPOLIS, IN 46202

FIRST FLOOR PLAN

A-111

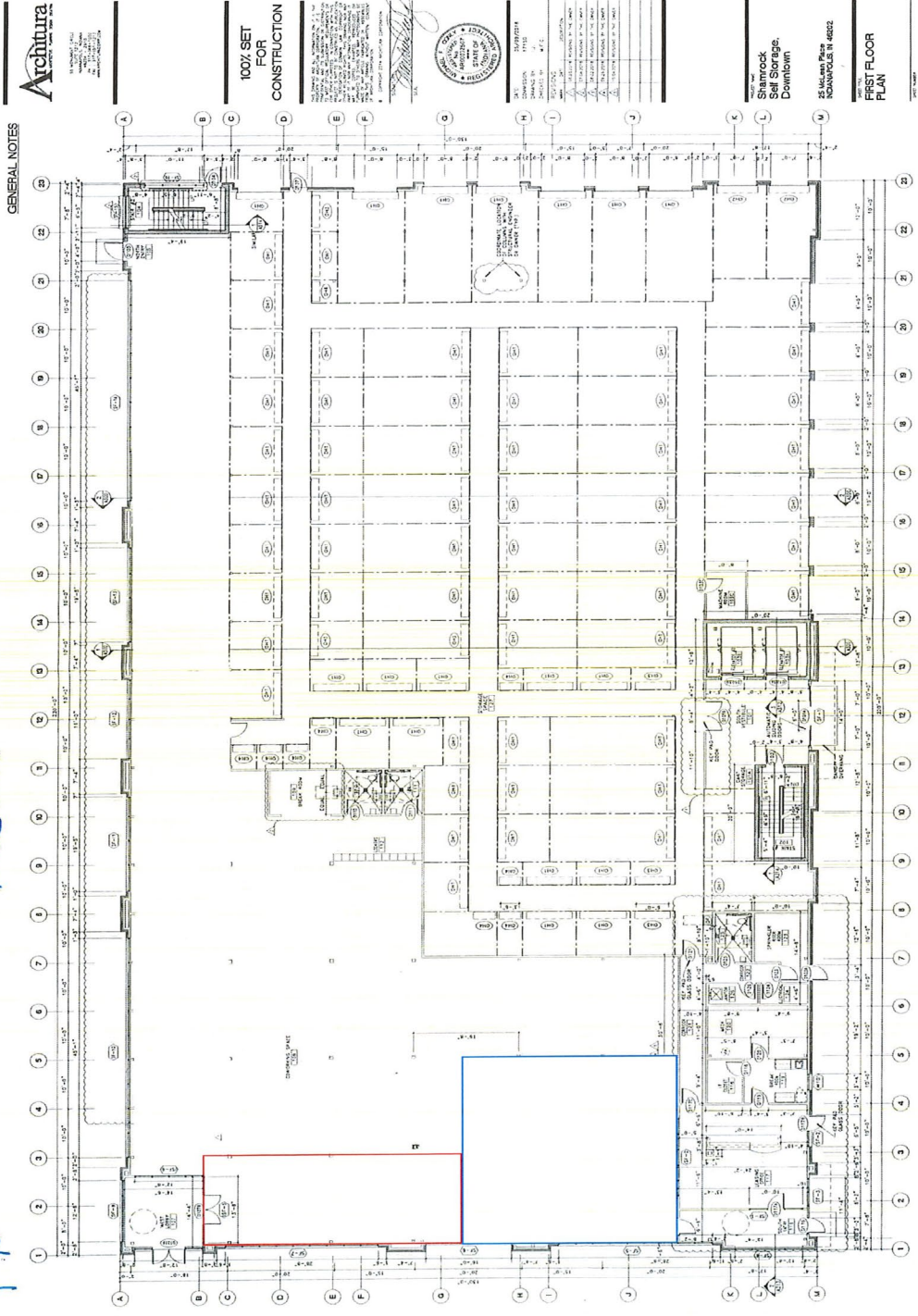
FIRST FLOOR PLAN

C

McCrean

← N

2135 N THOMPSON ST



GENERAL NOTES

Architura

100% SET FOR CONSTRUCTION

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES, THE LATEST EDITIONS THEREOF, AND ANY AMENDMENTS THEREOF.



PROJECT: Shamrock Self Storage, Downbom
 DATE: 11/15/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

Shamrock Self Storage, Downbom

2135 N THOMPSON ST
 INDIANAPOLIS, IN 46202

FIRST FLOOR PLAN

A-111

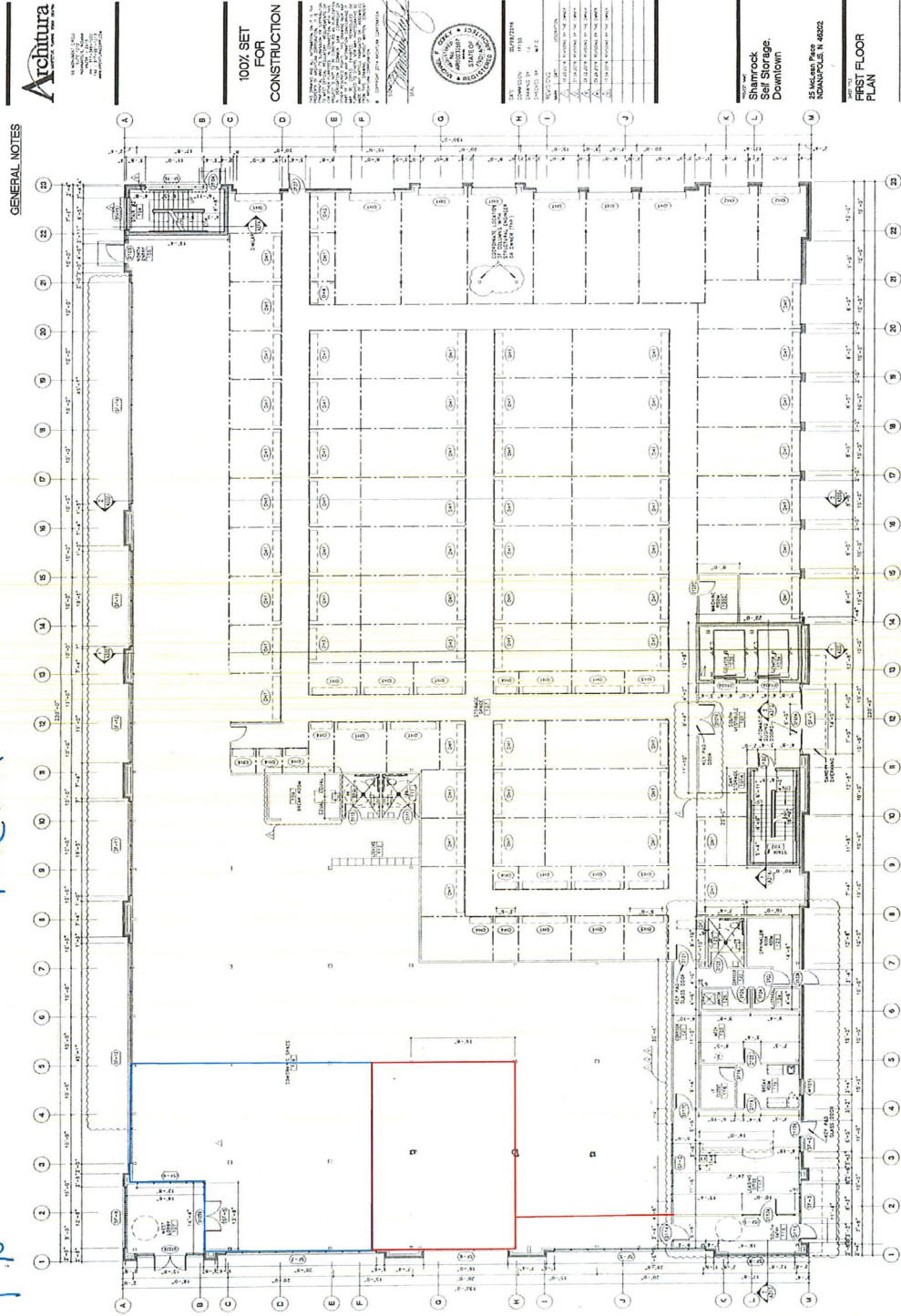
FIRST FLOOR PLAN

D

McCrack

← N

2135 N THOMAS ST



GENERAL NOTES

Archinura
 ARCHITECTS
 1000 N. W. 10th St.
 Fort Lauderdale, FL 33304
 Phone: 754.463.1111
 Fax: 754.463.1112
 Website: www.archinura.com

100% SET FOR CONSTRUCTION

THIS SET OF PLANS IS TO BE USED FOR CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION AND TRAFFIC CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL AND HISTORIC PRESERVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL SERVICES AND HEALTH CARE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EDUCATION AND TRAINING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECREATION AND LEISURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL AND ARTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND INFORMATION TECHNOLOGY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENERGY AND ENVIRONMENTAL PROTECTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION AND TRAFFIC CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL AND HISTORIC PRESERVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL SERVICES AND HEALTH CARE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EDUCATION AND TRAINING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECREATION AND LEISURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL AND ARTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND INFORMATION TECHNOLOGY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENERGY AND ENVIRONMENTAL PROTECTION.



PROJECT NO.	12345
DATE	12/31/2024
SCALE	AS SHOWN
DESIGNED BY	J. D. SMITH
CHECKED BY	M. A. JONES
APPROVED BY	K. L. BROWN
DATE OF APPROVAL	12/31/2024
PROJECT NAME	2135 N THOMAS ST
CLIENT	ABC COMPANY
LOCATION	1000 N. W. 10th St.
CITY	Fort Lauderdale, FL
STATE	FL
COUNTY	Dade
ZONING	RS-1
PERMIT NO.	12345
ISSUE DATE	12/31/2024
EXPIRES	12/31/2025
REVISIONS	1.0

Shimrock
 Self Storage
 Downtown

25 McCracken Place
 MIAMI, FL 33132

FIRST FLOOR PLAN

A-111

FIRST FLOOR PLAN



EXHIBIT C

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:

Lots 1-4 and 19-21 and the adjacent vacated alley in Lazarus & Pierce’s Meridian Place in Plat Book 8, Page 192 in the Office of the Marion County Recorder.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. The Statement of Commitments recorded as Instrument No. A201700103358 shall be modified as follows:

Petitioner shall reserve and market a minimum of 2,000 square feet fronting on N. Illinois Street and McLean Street for office or commercial use, including artisan food and beverage, artisan manufacturing, community center, and light general retail that is ancillary to the existing self-storage business (e.g., boxes, padding, plastic wrap, and other packing supplies).

2. _____

3. _____
4. _____
5. _____

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

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. _____
4. _____

These COVENANTS may be enforced by the Metropolitan Development Commission.



Department of Metropolitan Development
Division of Planning
Current Planning

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # _____ by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 20_____.

Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared _____ owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 20 _____

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

This instrument was prepared by Michael Rabinowitch, Dinsmore & Shohl LLP, One Indiana Square, Suite 1800, Indianapolis, IN 46204

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the _____ day of _____, 20 ____.

Secretary, Metropolitan Development Commission



View looking west along Mc Lean Place



View looking east along Mc Lean Place



View looking south along North Illinois Street



View looking north along North Illinois Street



View of site looking east across North Illinois Street



View of site looking east across North Illinois Street



View of site looking east across North Illinois Street



View of site looking northeast across North Illinois Street



View from site looking southwest across North Illinois Street



View from site looking northwest across North Illinois Street



View from site looking north across Mc Lean Place



View from site looking north across Mc Lean Place



View from site looking north across Mc Lean Place