METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER — November 19, 2026

Case Number:	2026-ZON-067
Property Address:	1231 West Troy Avenue
Location:	Perry Township, Council District #22
Petitioner:	Jaak Properties, LLC, by David Gilman
Current Zoning:	D-4 (FF) / C-5 (FF)
Request:	Rezoning of 1.125 acres from the D-4 (FF) and C-5 (FF) districts to the I-2 (FF) district to provide for light industrial uses.
Current Land Use:	Industrial uses
Staff Recommendations:	Approval
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 12, 2026 hearing, to the November 19, 2026 hearing, at the request of staff to provide required notice.

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. 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 / receptables provided for the proper disposal of trash and other waste.
2. A site plan, landscape / Green Factor plan, and lighting plan be submitted for Administrator Approval by March 1, 2027, that complies with all development standards of the I-2 (FF) district including, but not limited to, transitional yard setbacks, screening, paved /striped parking lot, and outdoor storage / operations. Site access shall be limited to West Troy Avenue.
3. Any and all improvements, along with correcting all the violations and removal of the mobile home, shall be completed by October 1, 2027.

PETITION OVERVIEW

This 1.125-acre site, zoned D-4 (FF) and C-5 (FF) is developed with a commercial building and outdoor storage. It is surrounded by industrial uses to the north, zoned I-3 (FF); single-family dwellings to the south, zoned D-4 (FF); commercial uses to the east, across Arbor Avenue, zoned C-7 (FF); and outdoor storage to the west, across Coffey Street, zoned I-3 (FF).

Petition 2025-UV3-008 requested a variance of use to provide for a towing service. This petition was withdrawn, and a rezoning filed as 2025-ZON-100, which was also withdrawn.

REZONING

The request would rezone the site to the I-2 (FF) district for light industrial uses. "The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation."

The Comprehensive Plan recommends Light Industrial typology for the site.

As proposed, this request would generally be consistent with the Comprehensive Plan recommendation but would not align with the Pattern Book recommendations that would mitigate the impact of the proposed towing operation from the abutting residential uses to the south.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "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 Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The entire site is located with the 100-year floodplain of White River and Highland Creek.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) 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 purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

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 receptables for proper disposal of trash and other waste.

Planning Analysis

As proposed, the request would be consistent with the Comprehensive Plan recommendation but would not be consistent with recommendations and guidelines in the Pattern Book because of the ES overlay related to the floodplain.

The Pattern Book recommends that traffic avoid local streets and feed onto an arterial street. Access to this site appears to be limited to West Troy Avenue, a primary arterial. Because of the site's frontage on two local streets (Arbor Avenue and Coffey Street), staff believes site access should not occur on either of those local streets. This would mitigate the impact on the residential uses to the south of potentially 24-hours, seven days a week heavy traffic to the site.

Modifications identified in the Pattern Book for environmentally sensitive areas removes light industrial uses as a recommended land use.

Because of the surrounding commercial and industrial uses to the west, north and east, however, staff supports the request and believes that site improvements consistent with the Ordinance would mitigate some concerns on surrounding land uses, particularly the residential uses to the south. Consequently, staff would request the submittal of a site plan, landscape / Green Factor plan, and photometric plan for Administrator Approval by March 1, 2027. This submittal should be consistent with all the development standards for the I-2 district including, but not limited to, transitional yard setbacks, landscaping, screening, lighting and identification of the area for outdoor storage and operations (limited to 1,078 square feet).

These plans should also address violations, including but not limited to paving and striping of the parking areas, which would require an Improvement Location Permit (ILP). Staff would also request that site access be limited to West Troy Avenue.

During the site visit, staff observed a dilapidated and uninhabitable mobile home on the site. Because residential uses are not permitted in the I-2 district and the mobile home appears to be unrelated to the proposed towing operation, this structure should be removed.

Staff would note that the maximum front yard fence height is 3.5. There are three front yards on this site and truck parking is not permitted in the floodway fringe.

Staff would request that any and all site improvements, including the removal of the mobile home be completed by October 1, 2027.

GENERAL INFORMATION

Existing Zoning	D-4 (FF) / C-5 (FF)	
Existing Land Use	Towing service operation	
Comprehensive Plan	Light industrial	
Surrounding Context	**Zoning**	**Land Use**
North:	I-3 (FF)	Industrial uses
South:	D-4 (FF)	Single-family dwelling
East:	C-7 (FF)	Commercial uses
West:	I-3 (FF)	Outdoor storage
Thoroughfare Plan		
West Troy Avenue	Primary Arterial	Existing 84-foot right-of-way and proposed 56-foot right-of-way.
Arbor Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Coffey Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes – 100-year floodplain of White River and Highland Creek	
Overlay	Overlay – Environmental Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	June 24, 2026	
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 Light Industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-

storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic."

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:

Light Industrial Uses

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed into an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Modifications

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Environmental Sensitive Areas (ES) overlay, with the following modifications.

Added Uses

No uses are added.

Modified Uses

Small-Scale Offices, Retailing, and Personal or Professional Services – Any development impacting wetlands or high-quality woodlands should include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Removed Uses

Heavy Commercial Uses
Light Industrial Uses
Wind or Solar Farms

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)

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

2025-ZON-100; 1231 West Troy Avenue, requested rezoning of 1.125 acres from the D-4 (FF) and C-5 (FF) districts to the I-2 (FF) district to provide for light industrial use, **withdrawn**.

2025-UV3-008; 1231 West Troy Avenue, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a towing facility, **withdrawn.**

VICINITY

2022-ZON-074 / 2022-VAR-005; 1305 West Troy Avenue (west of site), requested rezoning of 0.8 acre from the C-5 (FF) and D-4 (FF) districts to the I-3 (FF) district and a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for truck parking/storage in the floodway fringe**, approved / withdrawn.**

2022-UV3-005; 3017 & 3031 Chase Street (southwest of site), requested a variance of use to provide for outdoor storage of vehicles and equipment in a D-4 district, **withdrawn.**

2015-ZON-043; 1447 West Troy Avenue (west of site), requested the rezoning of 1.6 acre from the C-5 district to the I-3-U district, **approved.**

2010-ZON-012; 3017 South Chase Street (southwest of site), requested the rezoning of 0.32 acre from the D-4 district to the I-2-S district, **denied.**

2004-ZON-057; 1447 West Troy Venue (west of site), requested the rezoning of 0.64 acre from the D-4 district to the C-5 district, **approved.**

2003-ZON-116; 3017 – 3019 South Harding Street (southwest of site), requested the rezoning of 1.2 acre from the D-4 district to the I-2-U district, **approved.**

96-UV1-59; 2995 South Harding Street (northwest of site), requested a variance use to provide for a mobile office leasing business in an I-3-U district and a variance of development standards to provide for excess outdoor storage, **approved.**

94-UV3-136; 3011 Chase Street (southwest of site), requested a variance of use to provide for motorcycle repair and sales and a contracting business in a dwelling district, **approved.**

EXHIBITS



1231 West Troy Avenue

N

0 0.0075015 0.03 0.045 0.06 Miles



View looking east along West Troy Avenue



View looking west along West Troy Avenue



View looking south along Arbor Avenue



View looking north along Arbor Avenue



View of site looking west across Arbor Avenue



View of site looking west across Arbor Avenue



View looking south along Coffey Street



View looking north along Coffey Street



View of southern portion of site looking east across Coffey Street



View of site looking south across West Troy Avenue



View of site looking south across West Troy Avenue



View of site looking south across West Troy Avenue



View of site looking southwest across West Troy Avenue