



METROPOLITAN DEVELOPMENT COMMISSION

March 4, 2026

Case Number: 2025-ZON-133 (Amended)
Property Address: 2650 West Epler Avenue & 5201 South Warman Avenue (Approximate Address)
Location: Perry Township, Council District #22
Petitioner: K & S Realty LLC, by Mindy Westrick Brown and Mark R. Leach
Current Zoning: D-A (FF) / D-5 (FF)
Request: Rezoning of 38.53 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.
Current Land Use: Undeveloped / Residential
Staff Recommendations: Staff recommends **approval** of the amended petition subject to the seven proposed commitments.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

ADDENDUM FOR MARCH 4TH MDC HEARING: This petition was recommended for denial by the Hearing Examiner on February 12, 2026. Between that point in time and this hearing, the petitioner provided an updated project narrative document and proposed commitments as well as a preliminary site plan (within Exhibits below; not binding but shows a general vision for the site layout). They also amended the petition to remove three of the residential parcels that had been part of the initial request (5205, 5215 and 5225 South Warman). Staff feels that the amended request and proposed commitments below would reduce impacts on residential areas to the west and would recommend **approval** of the amended request, subject to the seven commitments within Exhibits.

A timely automatic continuance request was filed by the petitioner and acknowledged by the Hearing Examiner, moving this petition from the January 15, 2026 hearing to the February 12, 2026 hearing.

STAFF RECOMMENDATION

Staff recommended denial of the initial request before the Hearing Examiner (prior to removal of three of the residential parcels and drafting of below commitments).

If approved against Staff's recommendation, approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Epler Avenue, 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).

PETITION OVERVIEW

LAND USE

The 40.11-acre subject site is comprised of six (6) total parcels: 2650 West Epler Avenue (5002467) is the largest of those parcels with a size of approximately 31.86 acres and frontage along both Epler and Warman. The five (5) parcels addressed to Warman are located to the north of the 5002467 parcel.

The site is bordered to the south by operations related to excavation of gravel, sand, and borrow (zoned D-A GSB), Interstate 69/State Road 37 to the east (zoned I-3), and single-family residential uses to the west and north (zoned D-A).

REZONING

The grant of this request would rezone the property from the D-A (FF) and D-5 (FF) districts to the I-3 district to provide for medium-industrial uses.

The D-5 district is intended for medium- and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from Protected Districts and buffered by intervening lighter industrial districts. Where this district abuts Protected Districts, setbacks are large and enclosure of activities and storage is required.

FLOOD FRINGE

Most of this property is located within the floodway fringe, with only a small portion of the property to the southeast near the Epler frontage not falling within the designated floodway fringe. Any development within the Floodway Fringe must comply with Flood Control Secondary Zoning Districts regulations. The proposed use of truck parking mentioned within submittal documents provided by the applicant would not be allowed use within the floodway fringe.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Epler Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.



STAFF ANALYSIS

The request would rezone the property to the I-3 (FF) district to allow for medium intensity industrial uses. Application documents indicate that a portion of the 2650 West Epler Avenue (10 acres furthest to east) would likely be used for tractor and trailer truck parking with exclusive vehicle access coming from Epler Avenue to the south, although other I-3 uses could be considered. No site plan showing the proposed layout of truck parking spaces was provided for staff review.

In 2003, the site was zoned SU-23 (a special use district for gravel and sand operations) and was rezoned to the D-5 district to provide for single-family residential uses. This residential rezoning is consistent with the current Comprehensive Plan recommendation, and shows that residential development has been previously contemplated for this site.

Staff is recommending denial of the request since the proposed use would not align with the Suburban Neighborhood Uses recommendation from the Marion County Land Use Plan Pattern Book. Additionally, it is unclear if the contemplated development would allow for the preservation of existing natural resources at the site per its placement within the Environmentally Sensitive Areas Overlay.

Areas to the east of this site on the other side of the relocated I-69/SR-37 have Comprehensive Plan recommendations for Heavy Commercial development, and truck parking currently exists in these locations (see Photo 10 within Exhibits). Staff would contend that the relocated highway forms a logical buffer separating industrial use north of Epler from areas either containing single-family homes or contemplated for future residential use as reflected by both current zoning and Plan recommendations.

This petition would rezone the site to a district that would only allow the proposed use by grant of a Special Exception (and a Variance of Use if the size of the lot were to exceed two acres), as well as a Floodway Fringe area that wouldn't allow for the proposed truck parking. Approval of this rezone wouldn't replace the need for those additional petitions, and in general, it is not a planning best practice to rezone property for a new use not allowed by that zone.

Application documents indicated that only portions of the Epler Avenue parcel would be utilized for the proposed use. If this is to be the case, it is unclear why the five (5) additional smaller parcels to the north of the subject site (several of which are currently improved with single-family residences in accordance with the Plan recommendation) have been included within the request for industrial zoning.

Staff did not find there to be any reason to support the Medium Industrial District (I-3) rezoning or industrial type use of the site. Instead, the existing D-5 district is appropriate and would allow for single-family residential opportunities consistent with the Comprehensive Plan.

It should be noted that grant of this rezoning would not allow for deviation from any applicable dimensional standards for development of the site, or from the need for additional zoning petitions as discussed above (a Special Exception and Variance of Use would be required, at a minimum). Although the commitments proposed by the petitioner would not alter staff's recommendation, if approved it would be better to have those commitments in place than to not have them.

GENERAL INFORMATION

Existing Zoning	D-A (FF) & D-5 (FF)	
Existing Land Use	Undeveloped / Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-A Residential
	South:	D-A GSB Mining Operations
	East:	I-3 / D-5 Interstate
	West:	D-A Residential
Thoroughfare Plan		
Epler Avenue	Street Type	58-foot existing right-of-way and 80-foot proposed right-of-way
Warman Avenue	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes; Environmentally Sensitive	
Wellfield Protection Area	No	
Site Plan	02/24/2026	
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

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- 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 ¼ mile of a frequent transit line, greenway, or park.

- Heavy commercial and industrial land uses are not recommended within this 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.
 - Heavy commercial and industrial land uses are not recommended within this typology as they have potentially severe environmental impacts associated with stormwater runoff.

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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2020-ZON-019; 2650 West Epler Avenue (subject site), Rezoning of 39.644 acres from the D-5 (FF) district to the I-3 (FF) district, **withdrawn**.

2013-DV3-005; 5205 South Warman Avenue (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish 184 linear feet of an eight-foot-tall fence along the south lot line, encroaching nine feet into the front yard (maximum six-foot tall fence permitted, maximum 42-inch fence permitted within the front yard), **approved**.

2009-APP-038; 5320 South Belmont Avenue and 5201 Warman Avenue, modification of commitments related to 2003-ZON-183, **withdrawn**.

2009-ZON-017; 5320 South Belmont Avenue (subject site and east of site), Rezoning of 4.445 acres, being in the D-5 (FF) District, to the I-3-S (FF) classification to provide for medium intensity industrial uses in a suburban location, **approved** over staff recommendation of denial.

2003-ZON-181; 5320 South Belmont Avenue (subject site), Rezoning of 111.856 acres from SU-23 (GSB) (W-5) (FW) (FF) to the D-5 (GSB) (W-5) (FW) (FF) classification to provide for single-family development, **approved**.

83-Z-196; 2545 West Thompson Road (subject site), Rezoning of 44.9 acres, being in the A-2 district, to the A-2/GSB Secondary classification, to permit extraction and processing of mineral aggregate, **withdrawn**.

Zoning History – Vicinity

2011UV3006; 5320 South Belmont Avenue (northeast of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for a temporary asphalt stockpile until December 31, 2012, located zero feet from the south side transitional lot line, 10 feet from the east and west side transitional lot lines and 12 feet from the north side lot line (100-foot side transitional yard required, 30-foot side yard required), and to provide for a lot without the required street frontage (75 feet of street frontage required), with indirect access to Thompson Road via an access easement (direct access required), **denied**.

87-SE-3; 5320 South Belmont Avenue (northeast of site), special exception to provide for a concrete mixing plant, **approved**.

82-Z-72; 1801-2399 West Thompson Road (east of site), rezoning of 140 acres, being in an I-3-S district, to the GSB Secondary classification, to provide for the excavation of sand and gravel, **approved**.

82-Z-71; 1801-2399 West Thompson (east of site), rezoning of 140 acres, being in an I-3-S district, to the SU-23 classification, to provide for a permanent gravel and sand processing plant, **approved**.

EXHIBITS

2025ZON133 ; Aerial Map



2025ZON133 ; Hearing Examiner Memo

MEMORANDUM OF EXAMINER'S DECISION

2025-ZON-133

2650 W. Epler, and 5201-5225 S. Warman Ave.

The petition requests the rezoning of 40.11 acres from the D-A (FF) and D-5 (FF) districts to the I-3 (FF) district to provide for medium industrial uses.

Your Hearing Examiner visited the site prior to the hearing and noted the remnants of gravel extraction on the site, with several residences along Warman Avenue at the northwest corner of the site. The new I-69 is east of the site and a gravel, sand, and borrow operation is south of Epler Avenue. Single family residences are west and north of the site.

The petitioner's representative explained that the petitioner's acreage in the area was split by the construction of I-69. The major portion of the subject site was rezoned from I-3-S to D-5 in 2003 to allow for residential development. The petitioner now wants to use some of this site for truck tractor and trailer parking, as it does on its site east of I-69. A letter of support was submitted from the City-County Councillor for this district.

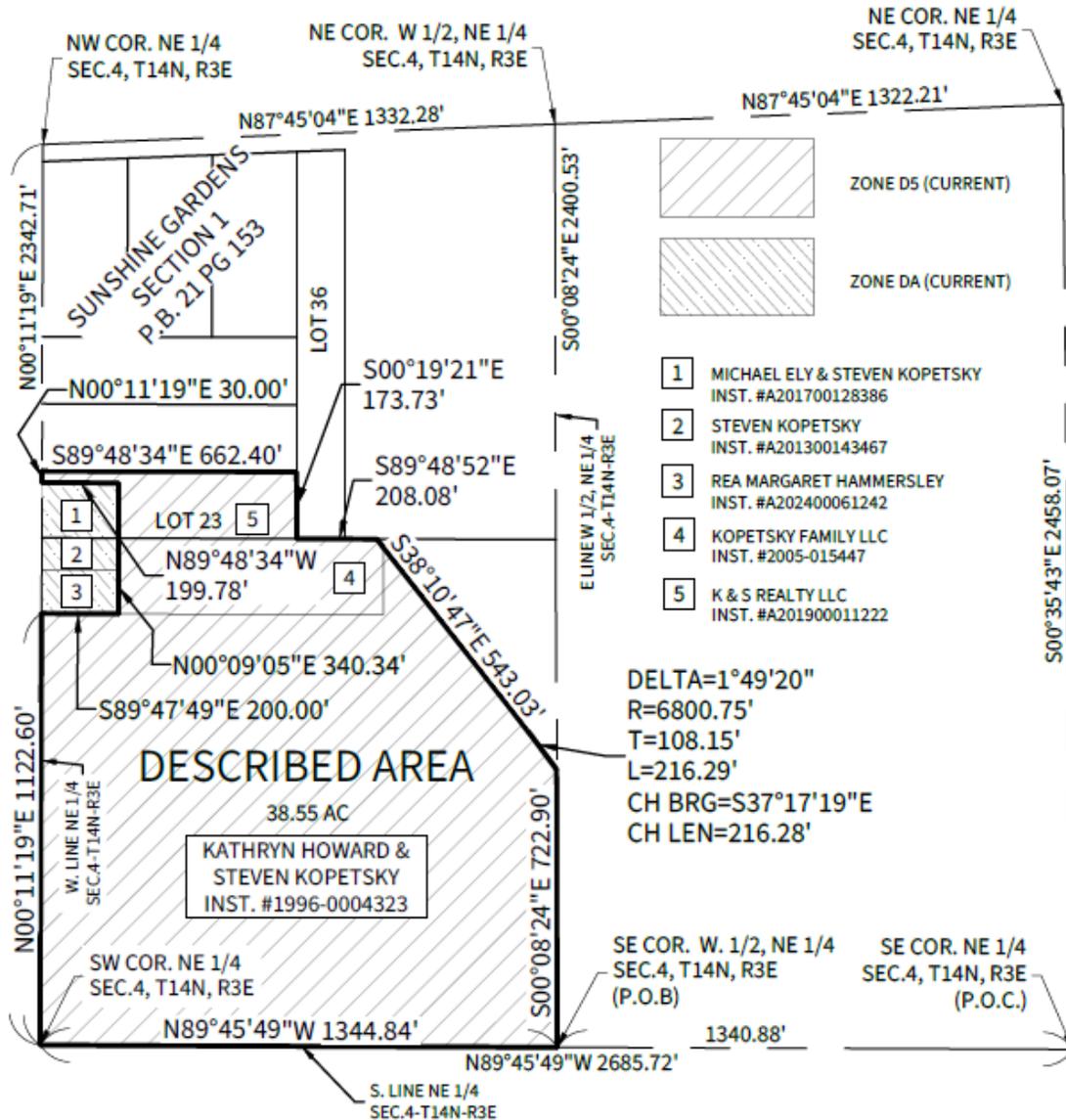
No remonstrators attended the hearing.

Staff explained that a medium industrial district, wherever practical, should be located away from protected districts and should be buffered by light industrial districts. The lack of a proposed site plan made it more difficult to assess the impact on residences in the area. Staff cited the Comp Plan recommendation of suburban residential neighborhood. Staff also pointed out that a special exception would be required for truck parking on this site.

In your Hearing Examiner's opinion, medium industrial development of this site would be inconsistent with existing development, would be incompatible with adjacent residential areas, and would not conform with the Comp Plan. Although light industrial development may be warranted, the requested I-3 district is not. Denial of this petition was recommended.

2025ZON133 ; Zoning Exhibit

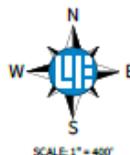
ZONING EXHIBIT



This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.



10505 N. College Ave.
Indianapolis, IN 46280
317.846.8611 - weihe.net

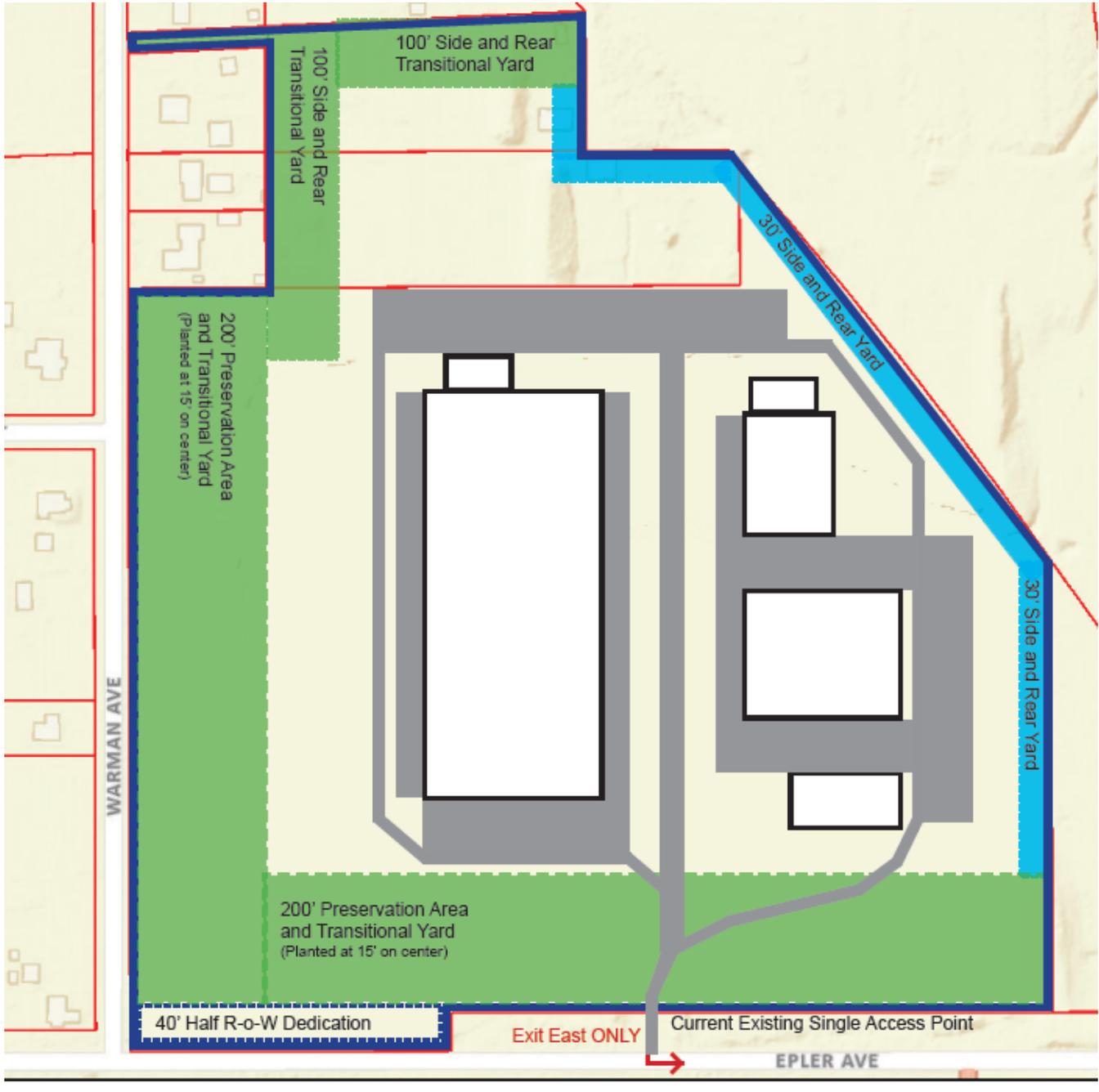


K & S REALTY LLC

2650 W EPLER AVE - INDIANAPOLIS, IN

DATE: NOVEMBER 5, 2025

2025ZON133 ; Preliminary Site Plan (not binding)



2025ZON133 ; Project Description (updated; provided by applicant)

The Kopetsky family / K&S Realty LLC in Perry Township (the “Kopetskys”) respectfully requests a rezoning of their property near the northwest corner of I-69/SR 37 and Epler Avenue (the “Real Estate”) to I-3 for Medium Industrial land uses.

The main 33.46-acre parcel is addressed as 2650 W. Epler Avenue, and there are five smaller parcels to the north that are included in this rezoning request. East of the Real Estate is the interstate highway and many other I-3 Medium Industrial properties. South of the Real Estate is a very large, over 230 acres+, parcel used as a gravel, sand, and borrow mining/processing operation, where a permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling can occur. A few residential properties lie to the north of the Real Estate, and the properties to the west of Warman Avenue are all residential as well.

The majority of the Real Estate was originally zoned SU-23 (GSB), for permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling (Gravel-Sand-Borrow District), which has the Heavy Industrial District (I-4) as the listed applicable district for development standards review. In the early 2000s the Kopetskys rezoned to D-5 because of plans to build single-family residential homes around the manmade lakes that had been dug out at the time. After many years of working with homebuilders to try to develop the Real Estate residentially, the single-family homes were never built. As there is no appetite for residential development on the Real Estate, and the manmade lakes are now being filled back in, the Kopetskys would like to return the Real Estate to industrial type zoning.

The condition of the streets in the immediate area have greatly improved in the past three years with the redesign of the I-69/SR 37 highway layout. Epler Avenue has been repaved from near Warman Avenue on the west to past the interchange and Kopetsky Drive on the east. INDOT has stated that Epler Avenue is designed for 1,000 heavy trucks a day for 20-25 years. The road pavement appears to be highly rated, durable, and holding up well to the heavy traffic and equipment already utilizing the roadway for access to the highways. Any trucks at the Real Estate would be able to travel east on Epler Avenue’s newly updated roadway and head south on either Belmont Avenue or at I-69/SR 37 or continue east on Epler Avenue and then travel north on SR 37/Harding Street to get to I-465. All this travel would be on the new roadways.

2025ZON133 ; Proposed Commitments & Excluded Uses (provided by applicant)

1. A 40-foot half right-of-way shall be dedicated along the frontage of Epler Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The owner of the Property shall preserve currently existing natural barriers, buffers, trees, etc. along Warman Avenue and along Epler Avenue within 200 feet of the proposed minimum right-of-way as indicated by the current Thoroughfare Plan. Within these areas, no trees shall be removed unless the tree is damaged, diseased, dead, classified as an invasive plant species, is required to be removed in order to comply with safety requirements of any governmental agency, or is required to be removed to accommodate drainage, utilities, or other infrastructure. If a tree is damaged or otherwise removed by the owner of the Property, then the owner of the Property shall reestablish the tree within this area subject to the availability of space for their healthy growth.
3. The owner of the Property shall limit any industrial use of the Property to the east side of 2650 W. Epler Avenue (Local Parcel # 5002467), not getting any closer to Warman Avenue than 200 feet from the Warman Avenue right-of-way (approximately the current lake edge).
4. The owner of the Property shall retain access to the Property from Epler Avenue only. Access shall be in the same general location as the currently existing single access point on Epler Avenue. There shall be no direct vehicular access to or from the Property from Warman Avenue.
5. The owner of the Property shall direct any industrial use trucks leaving the Property to exit east only, toward the highways, and not west toward Warman Avenue and the residential neighborhood. The owner of the Property shall post signage stating the same.
6. Additional landscaping and screening shall be installed and maintained by the owner of the Property, subject to the requirements of the Zoning Ordinance, prior to the issuance of an Improvement Location Permit (ILP). Existing landscaping and screening on the Property shall count towards these requirements as allowed by the Zoning Ordinance. Where needed for transitional yard landscaping, trees shall be planted at 15 feet on center instead of the required 25 feet on center.
7. The following uses shall be prohibited on the Real Estate: Crematorium, Dry Cleaning Plant or Industrial Laundry, Heavy Manufacturing, Automobile Fueling Station, Heliport or Helistop, Transit Center, Truck Stop, Recycling Station, Waste or Recycling Transfer Facility.

2025ZON133 ; Photographs



Photo 1: Subject Site Access Drive Viewed from South (April 2025)



Photo 2: Subject Site Viewed from State Road 37 to East (July 2025)

2025ZON133 ; Photographs (continued)



Photo 3: Interior of Epler Parcel Looking North



Photo 4: Interior of Epler Parcel Looking West

2025ZON133 ; Photographs (continued)



Photo 5: Warman Frontage at Epler Intersection Looking North



Photo 6: Existing Residence at 5225 S Warman Avenue

2025ZON133 ; Photographs (continued)



Photo 7: Existing Residence at 5125 S Warman Avenue



Photo 8: Existing Residence at 5205 S Warman Avenue

2025ZON133 ; Photographs (continued)



Photo 9: Adjacent Property to South



Photo 10: Existing Truck Parking to East of SR 37 (April 2025)

2025ZON133 ; Photographs (continued)



Photo 11: Adjacent Residence to West of Site



Photo 12: Adjacent Residences to West of Site

2025ZON133 ; Photographs (continued)



Photo 13: Adjacent Residence to West of Site



Photo 14: Adjacent Residence to North of Warman Parcels