



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

June 27, 2024

**Case Number:** 2024-MOD-005  
**Property Address:** 8316 Belfast Drive  
**Location:** Decatur Township, Council District #13  
**Petitioner:** Unicorp National Developments, Inc., by Mike Timko  
**Current Zoning:** C-S  
**Request:** Modification of Development Statement related to petition 95-Z-149 to modify item K. Landscape Easements, to provide for a minimum of 10-foot landscape easement measured from the back of curb along all public and private streets (current commitment required a minimum 45-foot landscape easement measured from the back of curb along all public and private streets)  
**Current Land Use:** Undeveloped property  
**Staff Recommendations:** Approval, subject to the commitments noted below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the petitioner and the neighborhood organization.

**STAFF RECOMMENDATION**

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

1. Final site plan, landscape plan (exceeding the minimum required landscaping that would incorporate evergreen plant materials to provide year around buffering and low evergreens or hedge directly behind the proposed building to allow for visibility), and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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

### Modification

This 2.757-acre site, zoned C-S, is comprised of two contiguous undeveloped parcels and surrounded with undeveloped land to the north, across AmeriPLEX Parkway, zoned D-A; a hotel and undeveloped land to the south, zoned C-S; a single-family dwelling to the east, zoned SU-46 and C-4; and commercial uses to the west, zoned C-S.

Petition 95-Z-149 rezoned 1,204.6 acres to the C-S classification to provide for a mixed-use advanced technology and commercial park.

The request would modify the Development Statement related to petition 95-Z-149 to modify item K. Landscape Easements, to provide for a minimum of 10-foot landscape easement measured from the back of curb along all public and private streets. The current commitment requires a minimum 45-foot landscape easement measured from the back of curb along all public and private streets. See Exhibit A.

Staff believes this request is supportable if the landscaping would be enhanced by exceeding the minimum required landscaping that would incorporate evergreen plant materials to provide year around buffering and low evergreens or hedge directly behind the proposed building to allow for visibility.

### 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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Undeveloped land	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Undeveloped land
South:	C-S	Hotel / undeveloped land
East:	SU-46 / C-4	Single-family dwelling
West:	C-S	Commercial uses
<b>Thoroughfare Plan</b>		
Belfast Drive	Private street	Existing 30-wide pavement.
Ameriplex Parkway	Primary arterial	Existing 260-foot right-of-way and proposed 112-foot right-of-way.
Flynn Road	Local Street	Existing 70-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 22, 2024	
<b>Site Plan (Amended)</b>	N/A	
<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

- The Comprehensive Plan recommends Community Commercial typology for the site. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book 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 – Community Commercial 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.
- *Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)*
  - Should be located along an arterial street.
  - Outdoor display of merchandise should be limited.
  - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.

- 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 no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

#### **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 describes 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

**95-Z-149 / 95-CV-29;596=50 Kentucky Avenue**, requested rezoning of 1,204.6 acres, being in the D-A, D-3, I-2-S, I-3-S, and I-4-S districts, to the C-S classification to provide for a mixed-use advanced technology and commerce park and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a mixed-use advanced technology and commerce park with all development standards of the C-S district being waived in their entirety with alternative standards proposed for Commercial areas would meet C-3, C-4 or C-6 development standards; Industrial areas would generally exceed C-S development standards with the following general exceptions: a) may be developed with private street with a front setback of 50 feet from the right-of-way, and b) outside storage and activities would be in accordance with I-2-S and I-3 S development standards; and a variance of the development standards of the Sign Regulations to permit the implementation of an overall sign program which provide for: a) five project monument signs and 10 boundary markers in addition to the other permitted identification signs; and, construction signs larger than 64-square feet, subject to Administrator Approval, **approved and granted**.

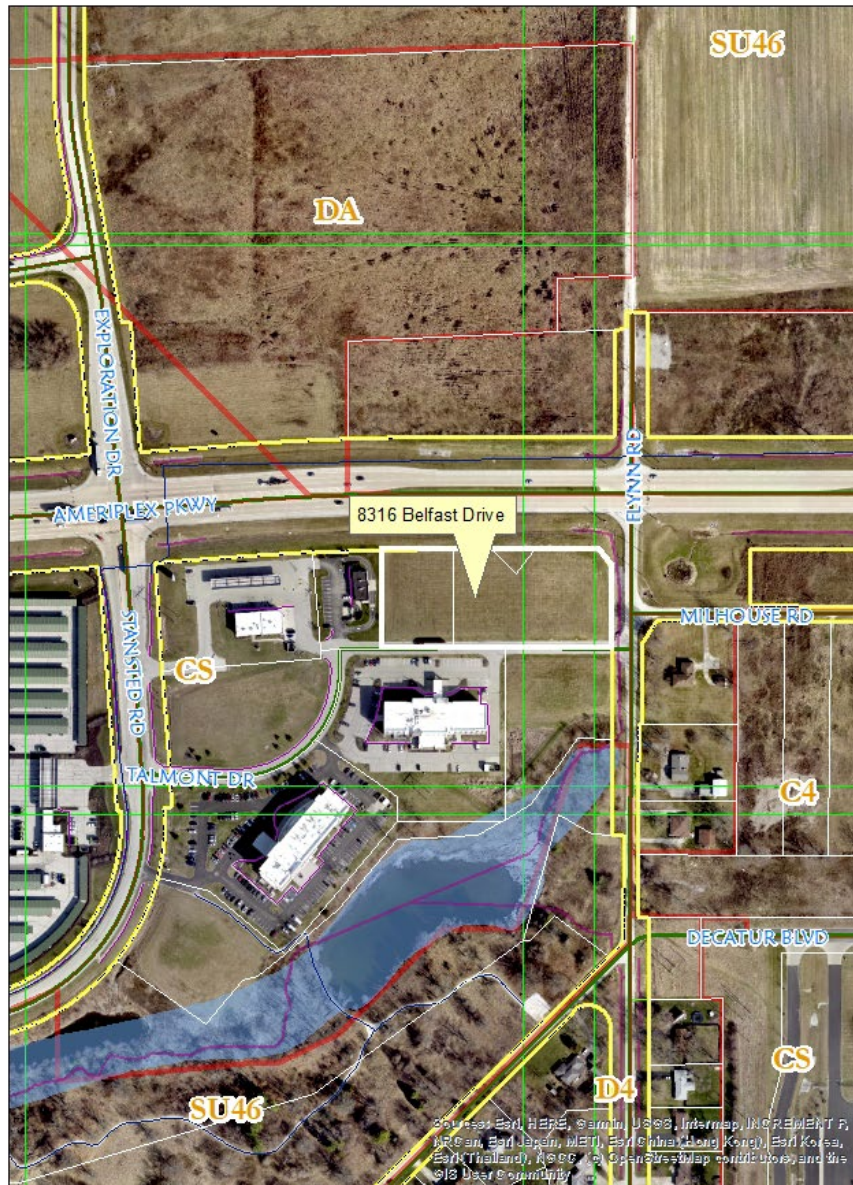
### VICINITY

**2007-ZON-018; 8000-8133 and 8203-8219 Milhouse Road and 6103 Flynn Road (east of site)**, requested rezoning of 17.383 acres, being in the D-A and C-S districts, to the C-S classification to provide for all C-1, C-4 and C-6 commercial uses, and all I-2 industrial uses, **approved**.

**98-CP-33Z; 8133-8241 Milhouse Road and various addresses (east of site)** requested rezoning of 147.6 acres from the C-S, D-A and D-4 districts to the C-S classification to provide for a mixed-use advanced technology and commerce park, **approved**.

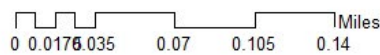
**98-CP-33V, 8133-8241 Milhouse Road and various addresses (east of site)**, requested a variance of development standards to waive all development standards applicable to the C-S district and replacing them with alternative standards, **granted**.

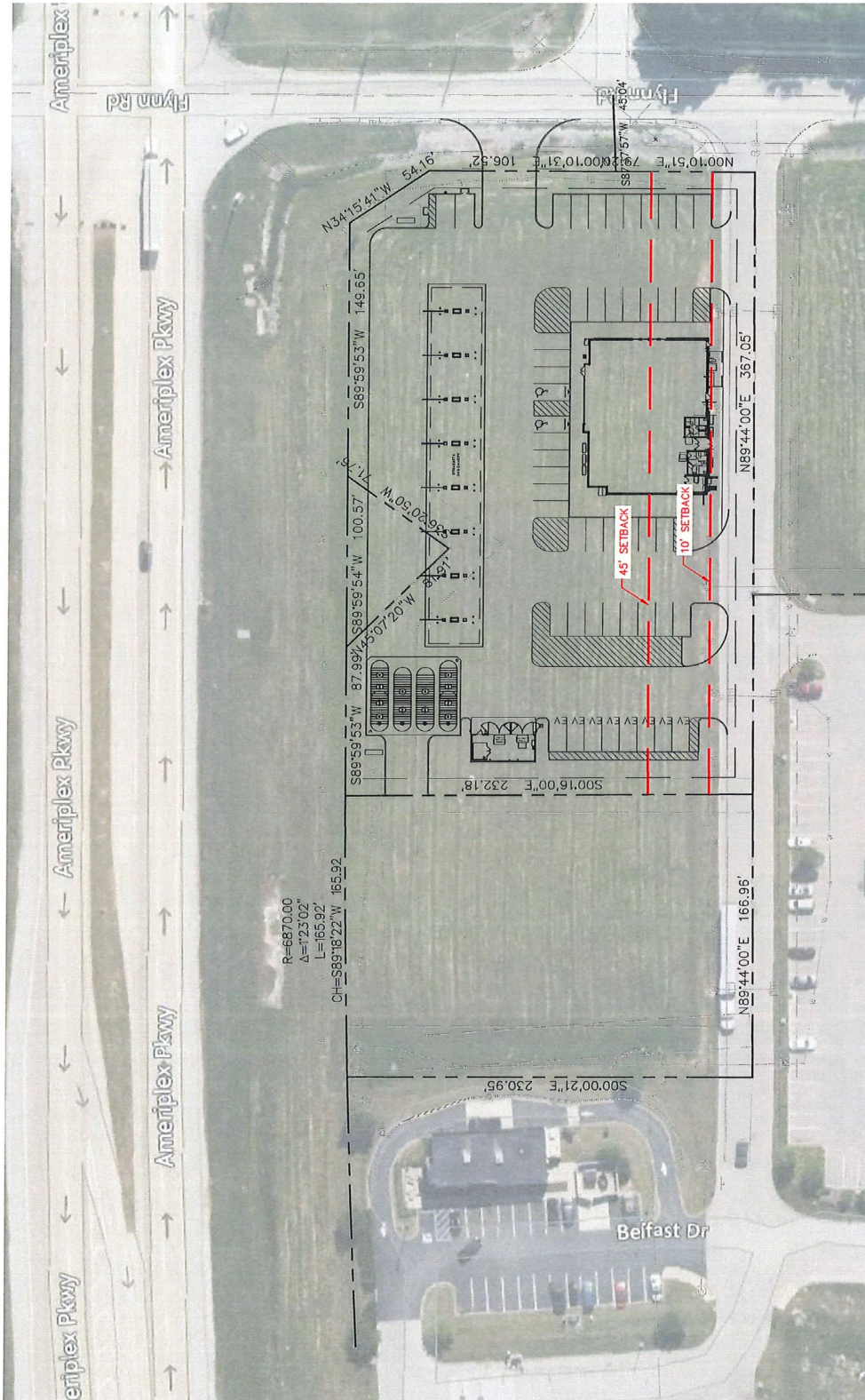
EXHIBITS



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri Thailand, KGS, Swisstopo, OpenStreetMap contributors, and the GIS User Community

8316 Belfast Drive





SCALE 1"=50'

**WAWA AMERIPLEX**

**Kimley»Horn**

**SITE PLAN & SURVEY OVERLAY  
INDIANAPOLIS, IN  
APR 24, 2024**



**EXHIBIT A**

The conceptual primary road network which is depicted on the Proposed Land Use Plan for AmeriPlex and a secondary road network may be developed in increments as users of AmeriPlex are identified and located within AmeriPlex or on a phase by phase basis.

**H. LIMITATION ON CONSTRUCTION TRAFFIC**

Upon construction of any portion of the road network depicted on the Proposed Land Use Plan for AmeriPlex, construction traffic will be instructed to utilize the new roads to the extent practical to gain access to a construction site so as to avoid using the following road segments: existing Mendenhall Road from SR 67/Kentucky Avenue to Thompson Road; existing Milhouse Road from SR 67/Kentucky Avenue to Flynn Road; existing Thompson Road from SR 67/Kentucky Avenue to Mendenhall Road; and, existing Flynn Road from Milhouse Road to Stanley Road.

**I. UTILITIES**

Public or semi-public utilities will be extended to serve each site within AmeriPlex. Each user within AmeriPlex shall be required to utilize the public or semi-public water and sanitary sewer facilities. No private wells shall be permitted.

All utility lines intended to serve the users within AmeriPlex shall be extended underground, except for water towers which may be required by individual uses. This statement is not intended to prohibit satellite dishes, communication antenna, inlets, manholes, risers, boxes, alarms or other required above-ground ancillary elements typically associated with such installations; nor does this statement imply the intent to relocate the existing overhead high voltage transmission lines to underground facilities.

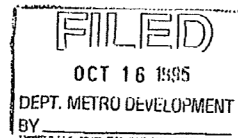
**J. KENTUCKY AVENUE INTERSECTIONS**

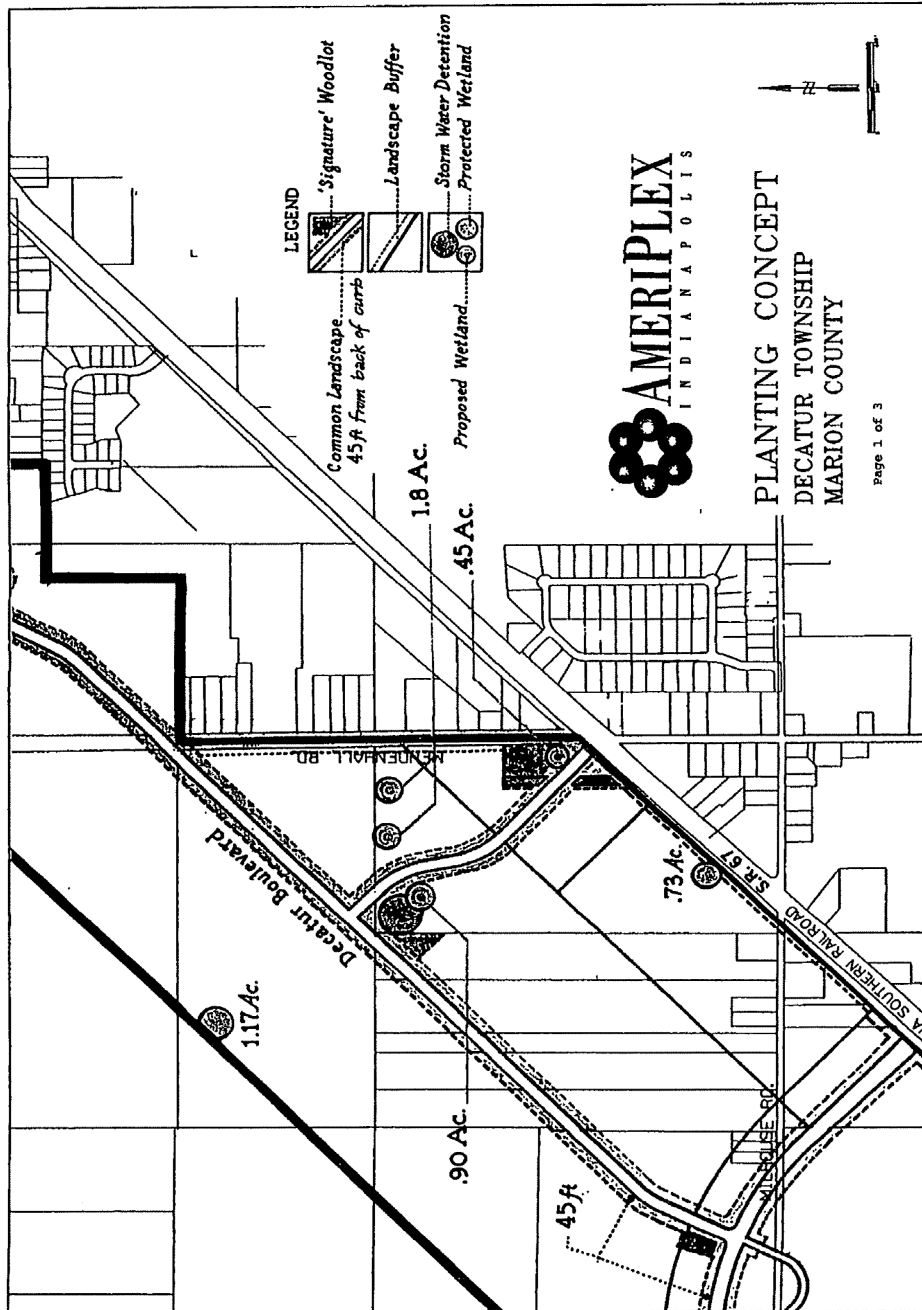
As depicted on the Proposed Land Use Plan for AmeriPlex, there will be only two public road intersections along the SR 67/Kentucky Avenue frontage of the real estate included in this rezoning petition. The northern intersection will be the reconstructed Mendenhall Road intersection. The southern intersection will be at the location of the "Six Points Road Connector" (a.k.a., AmeriPlex Parkway) and will eventually provide access to the proposed I-70 interchange.

**K. LANDSCAPE EASEMENTS**

A forty-five (45) foot landscape easement measured from the back of curb shall be maintained along all public and private roadways developed within AmeriPlex. Plantings within this landscape easement area shall be consistent with the standards depicted on the Planting Concept exhibit filed with this rezoning petition.

95-2-149

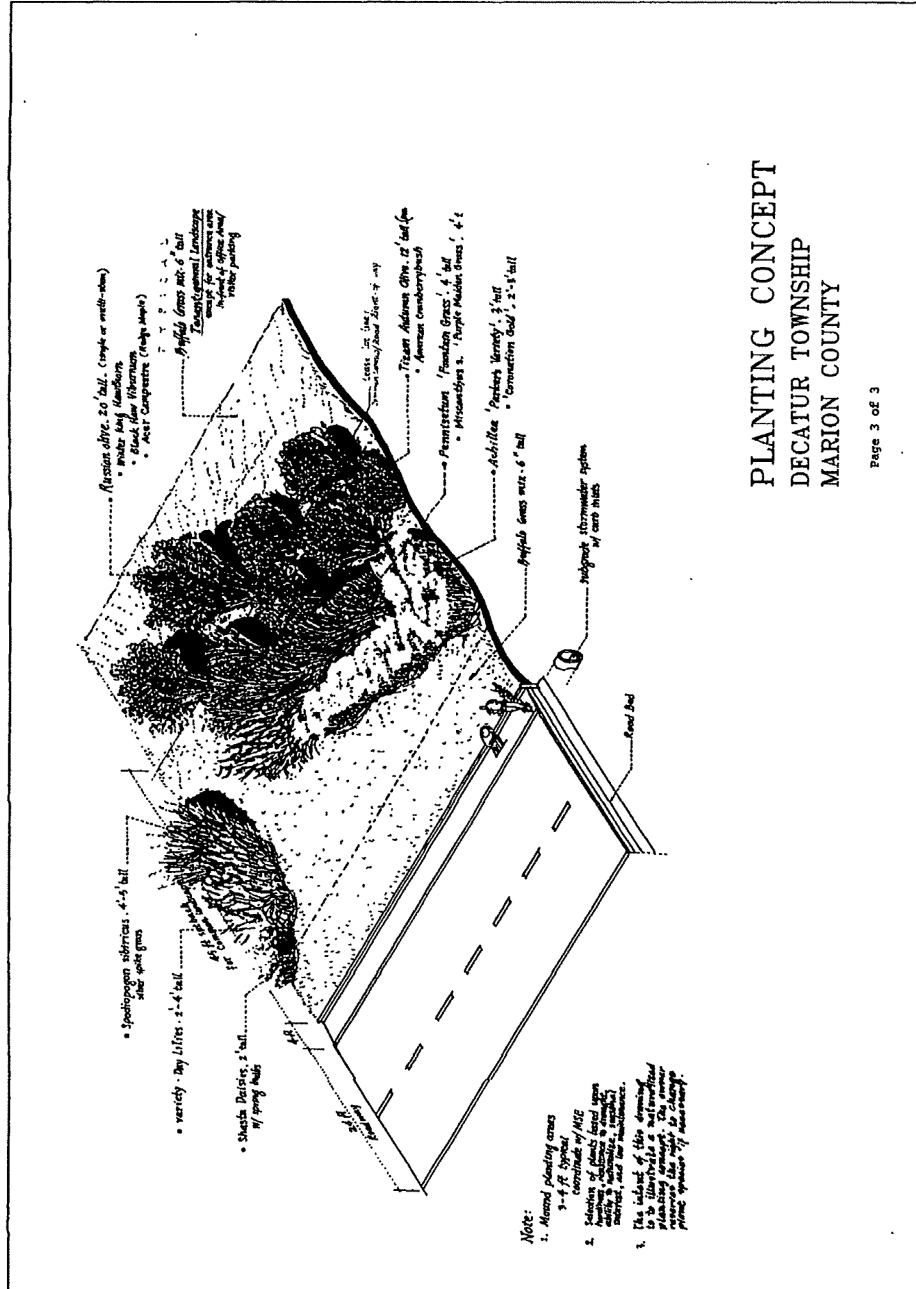




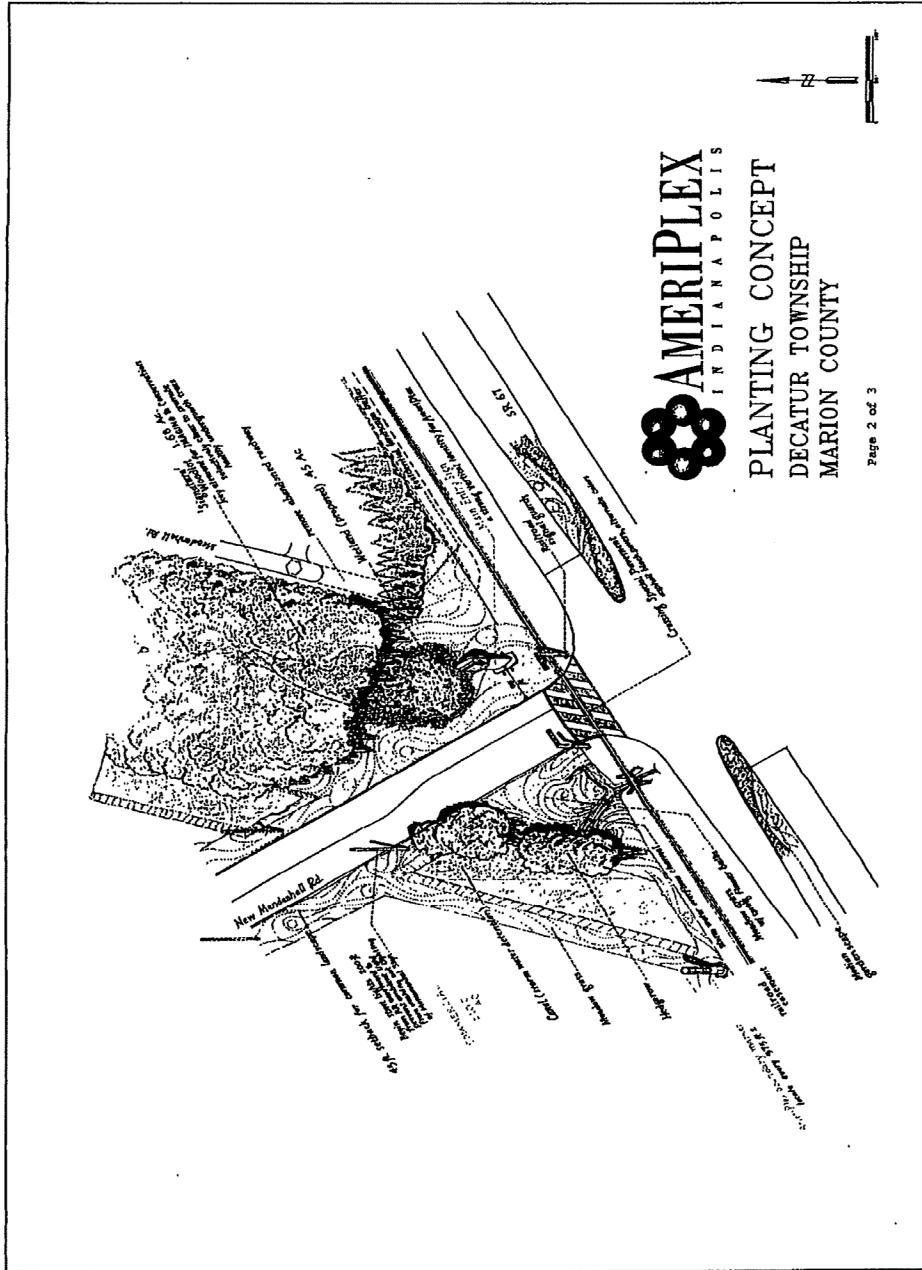
95-2-14A

**FILED**  
 OCT 16 1995  
 DEPT. METRO DEVELOPMENT  
 BY

671-2-96



**FILED**  
 OCT 16 1995  
 DEPT. METRO DEVELOPMENT



95-2-149

**FILED**  
 OCT 16 1995  
 DEPT. METRO DEVELOPMENT  
 BY



View looking east along Belfast Drive



View looking south along Belfast Drive



View of site looking north across Belfast Drive from the access drive of property to the south.



View of site looking north across Belfast Drive



View of site looking east across Flynn Road



View looking northwest across intersection of Belfast Drive and Flynn Road



View looking south along Flynn Road