



Department of Metropolitan Development  
Division of Planning  
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER

February 12, 2026

**Case Number:** 2025-ZON-133

**Property Address:** 2650 West Epler Avenue, 5201, 5205, 5215, and 5225 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 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.

**Current Land Use:** Undeveloped / Residential

**Staff Recommendations:** Staff recommends **denial** of this petition.

**Staff Reviewer:** Michael Weigel, Senior Planner

PETITION HISTORY

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 recommends **denial** of the request.

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

<b>Existing Zoning</b>	D-A (FF) & D-5 (FF)	
<b>Existing Land Use</b>	Undeveloped / Residential	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-A	Residential
South:	D-A GSB	Mining Operations
East:	I-3 / D-5	Interstate
West:	D-A	Residential
<b>Thoroughfare Plan</b>		
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
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes; Environmentally Sensitive	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	Requested, but not available	
<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

- 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**.

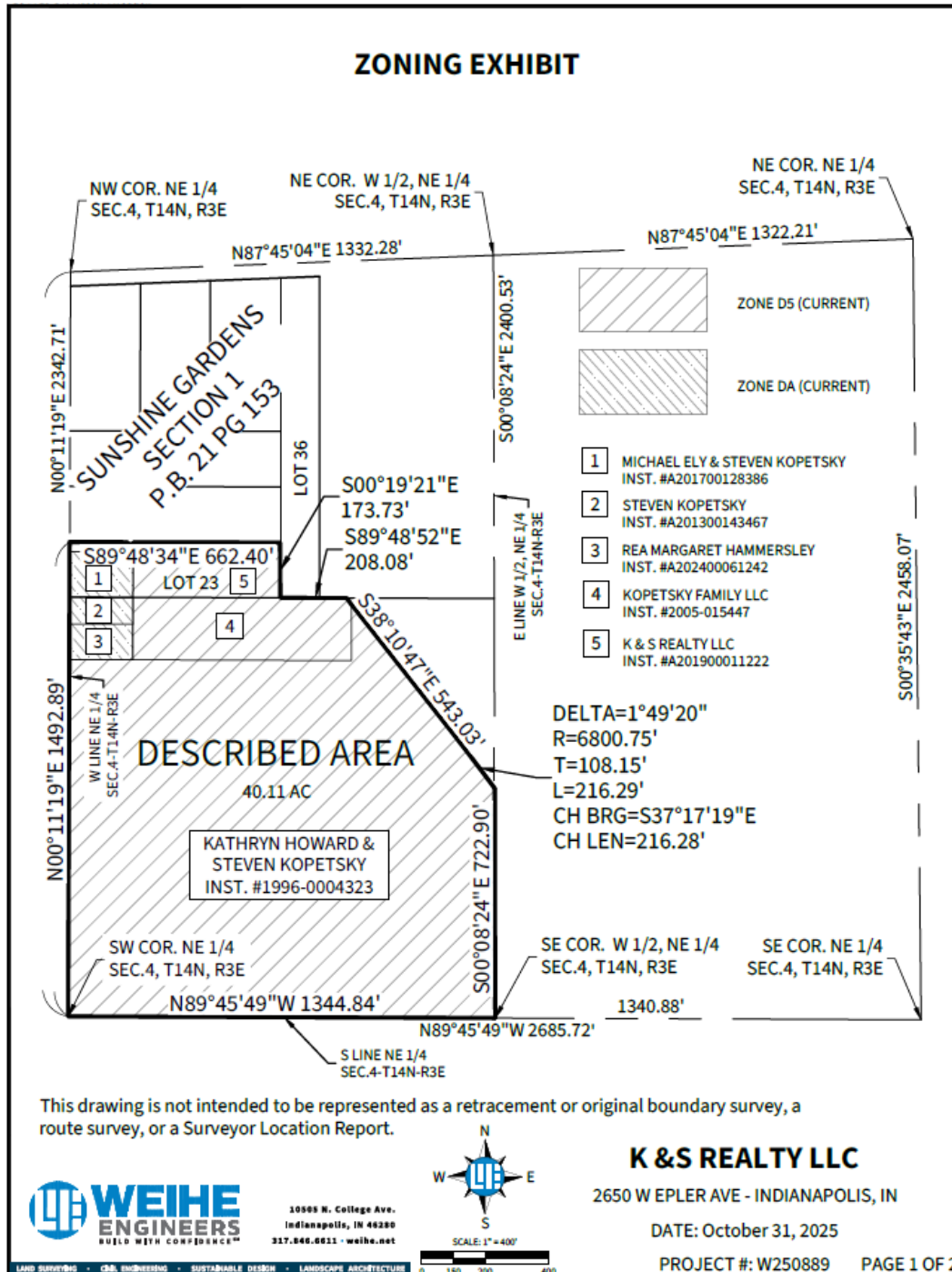


EXHIBITS

2025ZON133 : Aerial Map



**2025ZON133 ; Zoning Exhibit**





### **2025ZON133 ; Project Description (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 I-3, but in the early 2000s the Kopetskys rezoned to D-5 because of plans to build residential homes around the manmade lakes that had been dug out at the time. The residential homes were never built, and the manmade lakes are being filled back in, so the Kopetskys would like to return the Real Estate to I-3 zoning.

The Kopetskys would use a portion of 2650 W. Epler Avenue for tractor and trailer truck parking, similar to the current use of their property east of the highway at 5320 S. Belmont Avenue. The Kopetskys’ property east of the highway is currently zoned I-3, and they also would like their property west of the highway, which is currently zoned D-5 and D-A, to be rezoned to I-3 also. The purpose of this rezoning is to free up space east of the highway by moving some of the parking to the west of the highway.

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. 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.

The Kopetskys agree to the following to ensure that nothing would be changing from the residential neighbors’ perspective:

- to preserve all of the natural barriers and buffers, trees, etc. along Warman Avenue and Epler Avenue,
- to limit the tractor and trailer truck parking to the east side of 2650 W. Epler Avenue, not getting any closer to Warman Avenue than the current lake edge (approximately 200 feet from the Warman Avenue right-of-way),
- to retain access to the site from Epler Avenue only, to keep the same single access point on Epler Avenue, and to NOT access the site from Warman Avenue,
- to direct trucks leaving the site to exit east only toward the highways and not west toward Warman Avenue and the residential neighborhood, and to post signage stating the same, and
- to work with DMD staff to determine any additional commitments for the benefit of the adjacent neighbors to the north and west, and the community at-large.

**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