



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 17, 2026

Case Number: 2026-ZON-023
Address: 5436 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: Brew Brothers Inc, by Baldeep Baidwan
Request: Rezoning of 1.6 acres from the C-3 district to the I-2 district to provide for light industrial uses, including warehousing and distribution.
Staff Recommendations: Denial
Current Land Use: Undeveloped
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY AND ADDENDUM

This petition was automatically continued by a registered Neighborhood Organization, from April 23, 2026, to the May 28, 2026, hearing.

This petition was heard by the Hearing Examiner on May 28, 2026. After a full hearing, the Hearing Examiner recommended denial of this petition. Subsequently, the petitioner filed an appeal of the Hearing Examiner's decision. A memorandum of the Hearing Examiner's recommendation is attached.

Upon further review of the Zoning History section, it was determined that an adjacent rezoning petition, with its associated variances, was not included in the original staff report. They are included below.

2023-CZN-838; 5437 Greenfield Avenue (east of site), requested the Rezoning of 0.73 acre from the D-5 District to the I-2 District, approved subject to commitments.

2023-CVR-838A; 5437 Greenfield Avenue (east of site), requested a Special Exception to legally establish heavy outdoor storage associated with a commercial contractor in an I-2 Classification, approved subject to commitments.

2023-CVR-838B; 5437 Greenfield Avenue (east of site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish heavy outdoor storage associated with a commercial contractor with a six-foot wide north transitional yard and within the side and rear yard setbacks, approved subject to commitments.

STAFF RECOMMENDATION

Staff recommends **denial** of the request.

PETITION OVERVIEW

LAND USE

The 1.6-acre subject site is an undeveloped parcel.

REZONING

The request would rezone the property to the I-2 district to allow for light industrial uses including warehousing that are not permitted in the existing C-3 district.

The C-3 (Neighborhood Commercial) zoning district is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of use include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments.

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. 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. Whenever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.

STAFF ANALYSIS

Although the Comprehensive Plan recommendation is for light industrial uses, Staff feels that this recommendation is outdated and a remnant from other heavy commercial uses that are no longer in the area. The Navistar Foundry was previously located across Brookville Road from the subject site and was appropriately zoned I-4. The subject site received its Comprehensive Plan light industrial recommendation at the time of the Foundry's existence, to provide for a step down in intensity of uses.

The Navistar Foundry was fully demolished and removed in 2018. On its site, a large light industrial warehouse distribution center has been developed more recently, which would normally be permitted in the I-2 district. Staff feels the proposed site should be a step down in use from this large warehouse distribution center and not an extension of its light industrial use across Brookville Road. Maintaining the C-3 zoning would provide for that step down from Industrial uses to Commercial uses.

Staff acknowledges there are a fair number of other light industrial uses to the east and south of the subject site. These sites have a greater separation from adjoining residential uses, than the subject site does. There are several single-family dwellings and a religious use adjacent to the west of the subject site. There are other parcels and dwellings to the north of the site as well.

Staff is also concerned that the approval of this I-2 zoning would allow for industrial uses to continue to creep up Brookville Road further west and north into a larger residential area. Keeping the C-3 zoning for this site would stop that industrial encroachment and act as a step down in intensity from those existing light industrial uses to the east and south.



GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial	
Overlay	N/A	
Surrounding Context	Zoning	Surrounding Context
	North: D-5	Undeveloped / Single-family dwellings
	South: I-4	Regional Warehouse Distribution
	East: C-7	Automobile sales
	West: C-3 / D-5	Single-family dwellings / Religious use
Thoroughfare Plan		
Brookville Road	Primary Collector	77-foot existing right-of-way and 88-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	N/A	
Wellfield Protection Area	N/A	
Site Plan	N/A	
Elevations	N/A	
Landscape Plan	N/A	
Commitments	N/A	
Findings of Fact	N/A	
C-S / D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Comprehensive Plan recommends Light Industrial development of the site.
- 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.

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

2022-CZN-867; 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue (north of site), Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development, **pending**.

2022-CZN-840 / 2022-CVR-840; 5436 Brookville Road (subject site), Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading bays in the front yard, **withdrawn**.

2008-UV2-017; 441 South Ritter Avenue (northeast of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for a counseling center/meeting place for Alcoholics Anonymous in an existing 8,520-square foot building, legally establish the 8,520-square foot building with an eight-foot front setback, without landscaping in the required front yard along Ritter Avenue (landscaping required), and to legally establish a 1,392-square foot storage building with a zero-foot west side setback, Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a paved, commercial drive aisle and a portion of a storage building (not permitted), **granted**.

2006-UV1-025; 441 South Ritter Avenue (east of site), Variance of Use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the expansion of an existing roofing contractor's business permitted by variance petition 91-UV1-55, with the construction of a 2,150-square foot building for use as a metal fabrication shop (not permitted) and a Variance of Development Standards of the Commercial Zoning Ordinance to provide for a three-foot landscape strip along South Ritter Avenue, **granted**.

2006-ZON-022; 471 South Ritter Avenue (east of site), Rezoning of 0.5 acre, from the C-5 District to the C-S classification to provide for all C-4 uses, roofing contracting, catering, auto restoration, and sheet metal fabrication uses, **withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

2002-ZON-139; 5424 Brookville Road (southwest of site), Rezoning from the D-5 district to the C-5 classification, **denied**.

2002-ZON-134; 5536 Brookville Road (southeast of site), Rezone 0.78 acres, being in the C-1, C-5 and D-5 Districts, to C-5 classification to provide for a truck repair facility and storage, **approved**.

2000-ZON-043; 5402 Brookville Road (west of site), Rezoning from the D-5 district to the SU-1 classification, **approved**.

89-HOV-103; 5346 Brookville Road (southwest of site), Variance to provide for a pricing sign on the canopy within the required 70-foot setback from the street centerline in the C-3 district, **granted**.

87-V1-29; 5436 Brookville Road (subject site), requested a Variance to provide for a gas station canopy with a 1.5-foot setback in the C-3 district, **granted**.

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EXHIBITS

MEMORANDUM OF HEARING EXAMINER'S DECISION

MEMORANDUM OF EXAMINER'S DECISION

2026-ZON-023

5436 Brookville Road

The petition requests the rezoning of 1.6 acres from the C-3 district to the I-2 district to provide for light industrial uses, including warehousing and distribution.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the residential uses west, north, and northeast of the site. Auto sales are east of it, and a warehouse distribution center is south of Brookville Road.

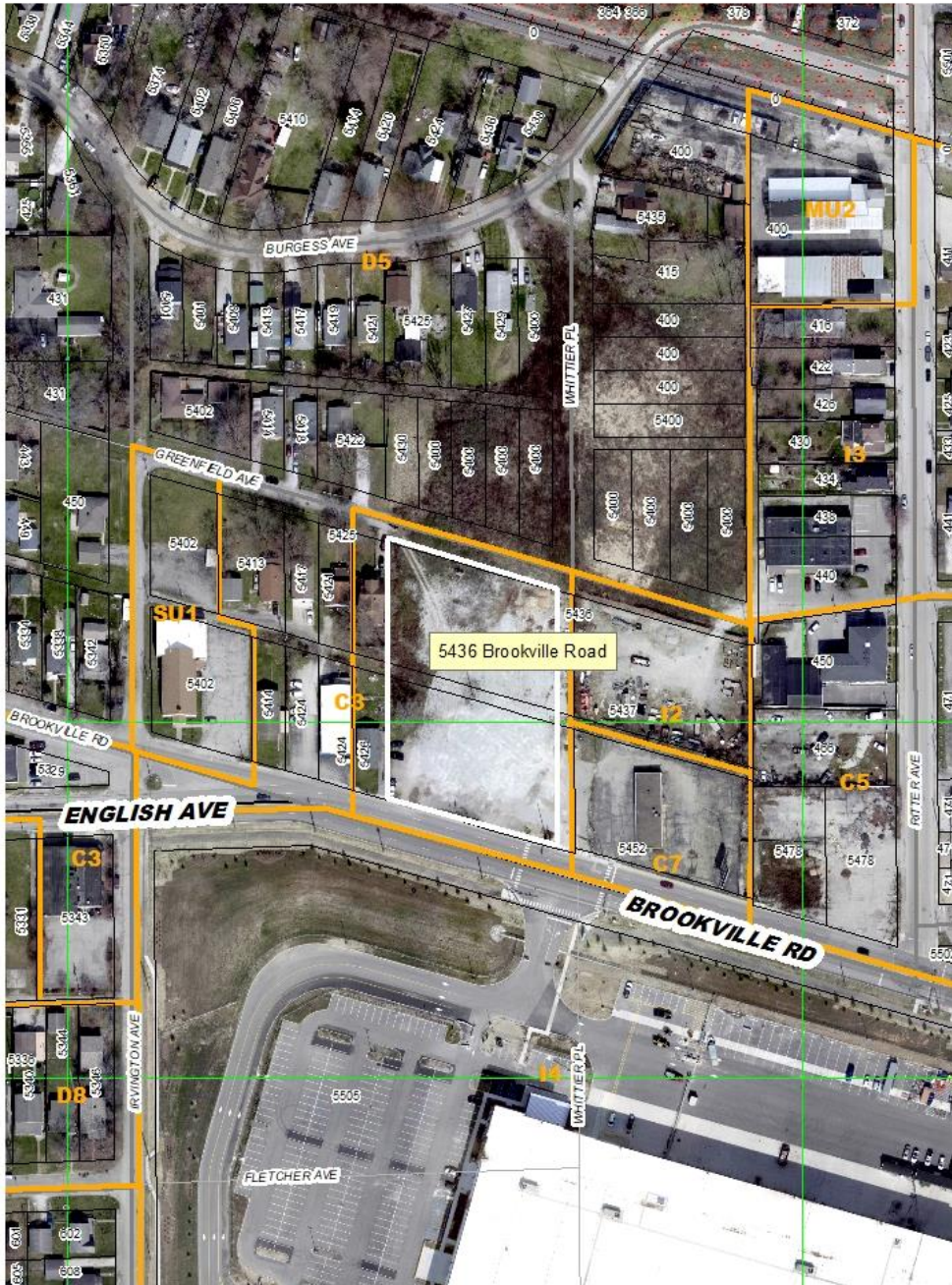
The petitioner's representative described the previous use of the site as a gas station, which was removed about 25 years ago followed by site remediation. The intent is to build a 4,500 square foot building for warehouse distribution of nuts, bolts, and screws custom made for the trucking industry. All activity would be inside, and almost all sales would be done online. A plan of operation was submitted. Although the petitioner's representative stated that the request was supported by two neighborhood groups and the City-County Councilor for the district, there was no written support from any of them. There was a letter of support from an adjacent property owner.

Staff explained that, because the Comp Plan was prepared when a heavy industrial use existed south of Brookville Road, light industrial development was recommended for the subject site; however, now that the site south of Brookville Road is redeveloped with a light industrial use, this site is not needed as a buffer from a heavy industrial use. Staff also expressed concern with industrial development creeping along Brookville Road and encroaching into residential areas.

In your Hearing Examiner's opinion, the current C-3 zoning district allows for redevelopment of the site that is compatible with residential uses in the area, and industrial use of the site would have a negative impact on these residential uses. Denial of the petition was recommended.

For Metropolitan Development Commission Hearing on June 17, 2026

LOCATION MAP



PHOTOS



Subject site, looking north



Single family dwelling and neighborhood commercial to the west of subject site, looking north.



Automobile sales use to the east of site, looking northeast.



Light industrial warehouse distribution center to the south.