



Legal Notice of Public Hearing Metropolitan Development Commission

200 East Washington Street Suite 1842, Indianapolis, IN 46204 317-327-5155

TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

A Public Hearing has been scheduled for **Thursday, December 14, 2023, at 1:00 PM** in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Hearing Examiner of the Metropolitan Development Commission will consider the following petition:

Case Number: 2023-ZON-106
Address: 2620 and 2710 Wicker Road (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Reid Litwack, by Joseph D. Calderon
Request: Rezoning of 6.39 acres from the D-A (W-1) district to the I-3 (W-1) district to provide for a fleet terminal and truck parking facility.

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Vicinity Map (approximate location is marked)

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 AM to 4:45 PM, Monday through Friday, excluding legal holidays.



All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Development Commission before the hearing at the above address and such comments will be considered.

The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Public Assembly Room. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting.

Contacting the Hearing Examiner or any member of the Metropolitan Development Commission regarding a pending or future proposal is strictly **PROHIBITED** by both the Rules of Procedure and Indiana State Statute in order to ensure a fair hearing.

Petitioner or Agent for Petitioner Contact Information

Signature: *Joseph D. Calderon*
 Printed Name: Joseph D. Calderon, Barnes & Thornburg LLP
 Street Address: 11 South Meridian Street
 City, State, Zip: Indianapolis, IN 46204
 Phone Number: 317-231-7787 FAX: _____
 Email: jcalderon@btlaw.com

**General Information about this Legal Notice of the
Metropolitan Development Commission (MDC)**

Why am I getting this?	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
Do I need to do anything or go anywhere?	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that this is an opportunity to be informed and speak to that petition.
What is the Hearing Examiner?	The Hearing Examiner is appointed by the Metropolitan Development Commission (MDC) to act on their behalf and is authorized by State Statute. The Hearing Examiner makes a recommendation to the MDC. This recommendation may be appealed to the full MDC.
What is the Metropolitan Development Commission?	The Metropolitan Development Commission (MDC) is an official decision-making body authorized by State Statute consisting of nine (9) citizens of Marion County who serve without compensation. The MDC members are appointed by the Mayor, City-County Council and the County Commission. Among its powers, the MDC has the authority to approve or deny rezoning petitions as well as variance, plat and approval petitions that are filed in conjunction with another petition.
What is a Rezoning?	All property in Marion County is designated with a zoning classification. Marion County uses over four dozen different zoning classifications known as Districts. A rezoning attempts to change that zoning classification. The zoning ordinance identifies uses that are permitted in various zoning districts and the basic standards that development must meet, such as height and setback from property lines.
What do the Zoning Districts mean?	D-A is the Dwelling Agriculture District, which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities. I-3 is the Medium Industrial 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. Permitted uses include processing of food, manufacturing using mechanical manipulation of materials with more intense manufacturing permitted by special exception, heavy equipment sales & service, waste or recycling transfer facility, dry cleaning, medical labs, contractors, warehousing and distribution, fleet terminals, vehicle storage and auction, vehicle repair, heavy equipment sales & repair, outdoor storage, etc. W-1 is Wellfield Protection District One, which is a secondary zoning district that overlays the primary zoning district. W-1 indicates a one-year time-of-travel protection area around a municipal water wellfield. Consult the zoning code for specific details: http://www.indy.gov/dmd
May I contact the petitioner?	Yes. The petitioner's contact information is on the front side of this notice.
May I contact Department of Metropolitan Development (DMD) Staff?	Yes. While you cannot contact the Commission members directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation that is written in the Staff Report. The Staff Planner assigned to this case is Kathleen Blackham Senior Planner. She can be reached at 317-327-5165 or by e-mail at Kathleen.Blackham@Indy.Gov . Letters of support or opposition to this request can be sent to the planner or to DMDpubliccomments@indy.gov The Mayor's Neighborhood Advocate is Rosemary Stockdale, who can be reached at 317-833-4938, or by email at Rosemary.Stockdale@Indy.Gov . Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.
What is a Staff Report?	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
How do I get a Continuance?	An "automatic" continuance of the petition is allowed by right (except for Supplemental Review petitions), one for the petitioner (those presenting the petition) and one for the remonstrator (those against the petition), if it is the first continuance request made by that party. This request must be in compliance with the Rules of Procedure, which are available online in the City-County Building, 200 East Washington Street, Suite 1842. All automatic continuances are for approximately one-month to a regularly scheduled hearing. The request for an automatic continuance must include the new date of the hearing. The petition will be automatically scheduled for the same body as originally scheduled. The person requesting the continuance shall give notice to everyone required to be served with notice and to attorneys or agents who have entered their appearance or are known by the person requesting the continuance to represent petitioner or remonstrator. However, registered neighborhood organizations are only required to give notice to attorneys, agents, petitioner and remonstrators of record. A request for automatic continuance must be filed in writing with the Administrator no later than seven (7) calendar days prior to the day of the scheduled hearing. The Hearing Examiner or MDC decides all other continuance requests. Continuances do not require a fee.
What about Commitments or Conditions?	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner.
Can I appeal?	Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission. Appeals must be made within five (5) business days and be in accordance with the MDC's Rules of Procedure. Please contact the Current Planning staff shortly after the hearing to determine the appropriate procedures.
Where can I get more information?	In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include: Current Planning (Zoning) office for general information: http://www.indy.gov/dmd Determine the neighborhood organizations in your area: http://maps.indy.gov/Indy.Organizations.Web/ Determine your elected officials, including City-County Councilors: https://www.indy.gov/agency/city-county-council or http://maps.indy.gov/MyNeighborhood/