

**From:** [Tom McNulty](#)  
**To:** [DMDpubliccomments](#)  
**Subject:** 2022-CZN-821 / 2022-CVR-821 / 2022-CVC-821 / 2022-CPL-821 (Amended) 6548, 6552 and 6556 Cornell Avenue and 6535 Ferguson Street (Approximate Addresses)  
**Date:** Thursday, May 26, 2022 11:03:50 AM

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Dear Hearing Examiner,

This email is in connection with hearing numbers 2022-CZN-821 / 2022-CVR-821 / 2022-CVC-821 / 2022-CPL-821 (Amended) 6548, 6552 and 6556 Cornell Avenue and 6535 Ferguson Street (Approximate Addresses) to be conducted at 1:00 pm on May 26, 2022.

I own a real estate company located at the corner of 66th and Cornell Ave. I would like to express my **STRONG** opposition to the proposed project simply because it will cause a parking nightmare from 64th to 67th Streets on Cornell Ave., Ferguson Street, and the surrounding streets.

With employees of up to 100 and visiting customers/clients, the 45 parking spots the project is projected to have certainly will not be nearly enough. In my opinion, the project should have at least 110 parking spots. The tenants/occupants of this project will very likely NOT be getting to work on public transportation (ie, the bus line that is 4 blocks away). They will also likely NOT be ride sharing. Certainly in the last couple of years employees have been working remotely due to Covid but the goal of most businesses is to have their employees back in the workplace. With an additional 55-70 cars needing parking spots beyond the 45 they will have, this will cause a completely unreasonable burden on this neighborhood. In addition, this will greatly affect the small businesses that rely on short term customer parking on the surrounding streets.

I am not opposed to this kind of project in Broad Ripple but it must have its OWN adequate parking. The other businesses and the visitors to the Monon Trail need the already limited street parking without such an increase in vehicular volume.

Thank you for your consideration.

Tom McNulty  
President  
McNulty Real Estate Services  
317-507-0688

**From:** [Denny Oklak](#)  
**To:** [DMDpubliccomments](#)  
**Subject:** 2022-CZN-821 / 2022-CVR-821 / 2022-CVC-821 / 2022-CPL-821 (Amended) 6548, 6552 and 6556 Cornell Avenue and 6535 Ferguson Street (Approximate Addresses)  
**Date:** Thursday, May 26, 2022 10:10:54 AM

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Dear Hearing Examiner,

This email is in connection with hearing numbers 2022-CZN-821 / 2022-CVR-821 / 2022-CVC-821 / 2022-CPL-821 (Amended) 6548, 6552 and 6556 Cornell Avenue and 6535 Ferguson Street (Approximate Addresses) to be conducted at 1:00 pm on May 26, 2022.

I am the owner of the property located at 930 E. 66th Street, Indianapolis, IN 46260 which is located approximately 50 yards to the north of the properties subject to this hearing. I would like to express my strong opposition to the proposed project for the following reasons.

1) Inadequate Parking - The petition requests approval for certain zoning and other changes in order to build an approximate 60,000 square foot, four-story office building with restaurant space on the first floor at this location. The proposal includes newly constructed parking with 45 spaces available and assumes use of four street parking spaces on Cornell Avenue in front of the project. The developer has provided information to the Broad Ripple Land Use Committee that assumes they will have 80-100 employees on a daily basis in this facility in addition to leasing space in the building to additional office tenants (number of additional employees in leased space not provided). Under the Transit-Oriented Overlay the required number of parking spaces appears to be 115 for this size of building so this project is far short of the required parking. I would also add that I am highly doubtful that 115 parking spaces is adequate for this size of an office building with this number of employees. Today the street parking spaces available on Cornell Avenue and 66th Street in this area are nearly always close to being full during the day with parking by other office users such as myself and other uses including a daycare center two properties north of the proposed project.

2) Traffic and Access Issues - Cornell Avenue is a narrow residential street with barely enough room for two cars to pass when the angled parking slots are full and there are cars in the west curbside spaces (which is typical during the daytime hours). Adding the additional traffic this project to Cornell Avenue is going to cause major traffic issues. The access to this site is very limited and will create potentially dangerous traffic and pedestrian situations. The sole access from the Northeast is Westfield Road to 65th Street and east to Cornell Avenue. This property is north of 65th Street on Cornell. The area between Westfield Road and Cornell Avenue crosses the Monon Trail with significant pedestrian and bicycle traffic and is already dangerous as there is a stop sign on Cornell just west of the Monon Trail with space for only one car to stop after crossing the Trail. Adding all of the additional traffic related to this project to this intersection will create added danger to pedestrians and bicyclists.

3) Envision Broad Ripple - The Envision Broad Ripple Plan provides that within the Neighborhood Village District (which includes this property) *inappropriate* uses include:

- Uses that generate mostly vehicular traffic
- Uses that require a lot of parking
- Uses that create conflicts between pedestrians and vehicles

(See Envision Board Ripple Plan Appendix F)

For these reasons I **strongly** oppose approval of this proposed project. Please feel free to contact me with any questions.

Denny Oklak (Retired Chairman and Chief Executive Officer, Duke Realty Corporation)  
Member, Monon Investments LLC  
930 E. 66th Street  
Indianapolis, IN 46220

[denny.oklak@gmail.com](mailto:denny.oklak@gmail.com)  
317-679-5848

**From:** [Clarke Kahlo](#)  
**To:** [Blackham, Kathleen](#)  
**Cc:** [Pleasant, Matt](#); [Barth, John](#)  
**Subject:** 2022-CZN-821, 6548 et seq. Cornell Avenue by BR HQ Real Estate  
**Date:** Tuesday, May 24, 2022 9:05:31 AM

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Hello Kathleen Blackham and MDC Hearing Examiner Weerts-Hall,

The petition 2022-CZN-821 should be denied.

This section of Cornell Avenue still retains some of the ambience of the former "village" scale of Broad Ripple and it would be a shame to further diminish it to accommodate the profit-seeking and colonizing ambitions of a commercial developer who, in my opinion, has already destroyed much of the ambience of Broad Ripple Park. (petitioner Avenue Development/BR HQ Real Estate is the developer of the imposing and impactful joint Community Health Network medical office and a redeveloped Indy Park community center currently under construction).

The Staff Report reflects many hours of publicly-funded planning research and review, so I'll borrow (excerpt) from that report, seeking to emphasize the following yet points: **the existence of a designated Environmentally Sensitive Area and Floodway Fringe (FF), non-conformance with the Envision Broad Ripple plan's recommendation of Village Mixed-Use, setting a negative precedent of intense commercial development in an area lacking sufficient infrastructure, and compromising the historic character of the area.**

Quoting the pertinent excerpts from the Staff Report:

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"Overlays (pertinent excerpts):

- ◇ This site is also located within two overlays, specifically the Transit-Oriented Development (TOD) overlay and Environmentally Sensitive Area (ES) overlay. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a 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. ....
- ◇ This site is located within the floodway fringe of White River. This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. The designation of the FF District is to

guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (MU-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance

"Planning Analysis (excerpts):

"As proposed, this request does not comply with the Envision Broad Ripple Plan of village mixed-use or the recently updated Ordinance related to Transit-Oriented Development overlay. Consequently, the impact of this development would negatively impact the surrounding land uses and possibly set a precedent of intense commercial development in an area that lacks the infrastructure to support increased traffic in the area. Furthermore, the development would not be compatible with and would compromise the historic character of the neighborhood. ◇ Because of the need for variances and the vacation, staff believes development of the site, as proposed, would represent over development in an area that is clearly an area that represents village mixed-use. In other words, the proposed development would be more appropriate along commercial corridors located along collector or arterial streets."

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Incidentally, in the two pages of petitions shown in the Zoning History section of the Staff Report, I see the following listing:

"2000-ZON-074; 6600 Westfield Boulevard (east of site across Cornell Avenue and Monon Trail), requested rezoning of 7.5 acres from C-S (FF) to C-S (FF) to provide for a restaurant and tavern, granted."

That site is the former wooded Patterson Press property which would have made an ideal public park, having direct connection with both White River and the Monon Trail. Alas, that alternative vision, promoted by our ad hoc remonstrance group, Citizens for a Better Broad Ripple, failed to get traction. (Now, 22 years later, the Council's new Environmental Sustainability Committee has taken close notice of the long-standing parkland and annual parks funding deficiencies and is seeking to ameliorate them). The rezoning petition for commercial retail (a "Tavern on the Trail" and other unspecified uses) was approved by the MDC, however the restaurant project ultimately failed to receive financing, and was subsequently replaced by what is now The Reserve condominium community. My point is that it's all too easy for the community to lose track of project approvals which have inexorably chipped away at the natural fabric which has made Broad Ripple an oasis in the urban area.

Madam Hearing Examiner, I recall that, among many others, you were a regular participant in the lengthy but systematic process of meetings and analysis which created the Envision Broad Ripple plan, as it sought to balance the desire for economic development with preserving village amenity and coherence. I hope that you will draw from that experience, take cognizance of the many recent approvals of high-intensity and impactful projects, and see fit to recommend Denial to the MDC.

Clarke Kahlo

4454 Washington Boulevard  
Indianapolis

**From:** [Clarke Kahlo](#)  
**To:** [Blackham, Kathleen](#)  
**Cc:** [Pleasant, Matt](#)  
**Subject:** re: 2022-CZN-821, the June 23rd Hearing Examiner's hearing  
**Date:** Saturday, July 16, 2022 4:08:20 PM

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Hello Kathleen,

Since I didn't receive the usual acknowledgement of receipt, I'm wondering if this correspondence was received and duly included in the record and in the materials which the MDC will see.

Clarke Kahlo

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**From:** "Clarke Kahlo" <ckahlo@toast.net>  
**Sent:** Saturday, July 2, 2022 7:41 AM  
**To:** "Blackham, Kathleen" <Kathleen.Blackham@indy.gov>  
**Cc:** "Pleasant, Matt" <matt.pleasant@indy.gov>  
**Subject:** 2022-CZN-821, the June 23rd Hearing Examiner's hearing

Kathleen,

It was refreshing to see you recite the lyrics from Joni Mitchell's timeless song from 1970! **"Don't it always seem to go, That you don't know what you have till it's gone, You pave paradise, Put in a parking lot".**

It was also refreshing to hear the Hearing Examiner's later comment when she recalled former remonstrators-attorney Ray Goode's memorable quip from MDC hearings during the 1980s and 90s: **"You can dress a pig up in a tuxedo, but it's still a pig."**

I also recall his quip from my planning days. It seemed to help persuade the MDC to deny a few over-reaching petitions. And it's obviously still applicable.

[\(1\) Joni Mitchell Big Yellow Taxi 1970.mp4 - Bing video](#)

[Metropolitan Development Commission Hearing Examiner \(granicus.com\)](#)

Clarke Kahlo

**From:** [Clarke Kahlo](#)  
**To:** [Blackham, Kathleen](#)  
**Cc:** [Pleasant, Matt](#); [Whitaker, Nancy G.](#); [Denman, Andre T](#)  
**Subject:** 2022-CZN/CVR/CVC/CPL-821, urge denial  
**Date:** Wednesday, July 27, 2022 12:54:08 PM

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Kathleen and Commission,

Thanks for considering this (my 5th) written remonstrance comment. Previous comments were supplied on 5-24-22, 6-30-22, 7-2-22, and 7-18-22. I hope the Commission has opportunity to review them.

Another important consideration meriting note is the loss of public greenspace i.e., its conversion to vehicle parking, along the west edge of the Monon Trail which has occurred, primarily during the 1990s as I recall. This was done by carving out portions of the Monon greenway ROW along Cornell Ave, from 64th Street to approximately 6600 N. for additional parking spaces. The greenway is also considered "green infrastructure" due in part to its stormwater control function. (As you might know, Broad Ripple Avenue and Winthrop Avenue are currently undergoing construction for higher capacity sewers).

The conversion of greenway parkland to car parking was the result of the rapid popularity of the trail in the Broad Ripple area and the familiar pressure from area merchants for more parking. The publicly-owned greenspace became an easy answer for former mayor Goldsmith's staff. I believe the proposed mixed use building would increase pressure to further carve out more greenway for car parking.

To further exacerbate area pressures, very soon the Monon Trail will be widened in Broad Ripple from 10 feet of asphalt (plus 2-foot gravel shoulders each side) to 14 feet (plus the shoulders). This widening will be done because of anticipated increases in trail users-- many of whom access the trail in Broad Ripple.

Also, the Planning Staff report contains a photo of the numerous trees within the Ferguson/Cornell alley ROW, which is proposed by the developer for vacation (along with no benefit assessment). These too would be removed (lost) if the petitions were to be approved.

These considerations have not been previously noted by planning staff, yet in my opinion are germane to the evaluation of potential impact. To my knowledge, Indy Parks has not commented on the petition, which is expected because of its long-standing policy of not commenting on land use petitions because they don't want to possibly conflict with the DMD.

The petitions should be denied.

Clarke Kahlo





**From:** [Clarke Kahlo](#)  
**To:** [Blackham, Kathleen](#)  
**Cc:** [Pleasant, Matt](#); [Whitaker, Nancy G.](#)  
**Subject:** 2022-CZN/CVR/CVC/CPL-821 -- Some much needed sales resistance  
**Date:** Monday, July 18, 2022 9:16:13 AM

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Hello Kathleen and Metropolitan Development Commission,

I urge the staff and MDC to exercise their implicit duty of sales resistance to overdevelopment by denying Avenue Development's petition, including both the commercial building on Cornell and the associated parking lot on Ferguson Street.

From the Hearing Examiner's June 23rd hearing, here are examples of petitioner's rebuttable sales pitches:

1. Atty. Rabinowitch: "daytime employment in Broad Ripple is "desperately needed". No-- we don't *need* to completely transform Broad Ripple into an office park and cluster of apartments and condos (2019 IBJ report below) for the primary benefit of retailers, investors, and developers.

[Apartment-building blitz reshapes Broad Ripple – Indianapolis Business Journal \(ibj.com\)](#)

From my observation at the time (2009-2012), both you (as assigned staff) and Ms. Weerts-Hall (as a Broad Ripple area resident) were actively involved throughout the extensive Envision Broad Ripple planning process. On June 23rd, neither Staff nor Hearing Examiner Weerts-Hall indicated the relevance of Mr. Rabinowitch's professed need for more office uses to attain the village's commercial sustainability. To the contrary, infrastructure inadequacies in this area were cited as rationale to oppose this overdevelopment.

2. Mr. Rabinowitch: "there needs to be balance" No-- it is not "balance" to incrementally and inexorably eliminate bungalow-based small businesses in the village, as he and other well-practiced petitioners' attorneys seek to persuade you to authorize.

2. Mr. Rabinowitch: "...there needs to be a compromise..." This is another alluring pitch. For many years, Broad Ripple has been subjected to plenty of "compromise" by policy-makers, the results of which are unwelcome by many citizens.

3. developer Mattingly (Avenue): "We are the largest private contributor to the river walk project to Broad Ripple Park". The company's philanthropy, doubtless enabled by a sizable development fee from the Community Health/park building, should not enable the Avenue people to buy their way into approval of an inappropriate office building.

Avenue is building the monstrous community center/medical office in Broad Ripple park. We all recall that the project survived concerted community opposition which argued that it was overdevelopment for the park and not needed. The ultimate result and public benefit remain to be seen, of course. Yet it is now clear that the huge

building visually dominates the landscape and has changed the pastoral/greenspace aesthetic of the park. The proposed building on Cornell would also be out of scale with the area. As Hearing Examiner Weerts-Hall noted at the hearing, quoting a former Indianapolis zoning attorney, "You can dress up a pig in a tuxedo, but it's still a pig."

Unfortunately, sales resistance has become much more of a social "survival skill" -- and a planning and regulatory skill -- than it was in 1992 when Wendell Berry aptly urged us to exercise it (below).

Clarke Kahlo

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Indianapolis, IN 46205

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From *The Joy of Sales Resistance* (the preface to Wendell Berry's insightful 1992 book):

"Dear Reader,

This is a book about sales resistance. We live in a time when technologies and ideas (often the same thing) are adopted in response not to need but to advertising, salesmanship, and fashion. Salesmen and saleswomen now hover about us persistently as angels, intent on "doing us good" according to instructions set forth by persons educated at great expense in the arts of greed and prevarication. The first duty of writers who wish to be of any use even to themselves is to resist the language, the ideas, and the categories of this ubiquitous sales talk, no matter from whose mouth it issues. But then, this is also the first duty of everybody else. Nobody who is awake accepts the favors of these hawkers of guaranteed satisfactions, these escape artists, these institutional and commercial fanatics, whether politically correct, or politically incorrect.

Wendell Berry, Sex, Economy, Freedom and Community, 1992