



Metropolitan Development Commission (September 4, 2024) Meeting Notice

Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

Date: Wednesday, September 04, 2024 **Time:** 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes: August 21, 2024

Policy Resolutions:

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

1. 2024-APP-014 | 8247 Harcourt Road

Washington Township, Council District #2

HD-1 / HD-2

RDoor Housing Corporation, by Brian. J. Tuohy

Hospital District Two Approval to provide for a proposed expansion of an existing multi-family residential development, consisting of 55 dwelling units within three buildings and outdoor amenity areas.

2. 2024-ZON-039 | 3803, 3805, 3919, 4051, and 4233 Lafayette Road, 4262, 4266, 4270, and 4360 West 38th Street, 4702, 4750, and 4825 Century Plaza Road

Pike Township, Council District #5

PFFO QOZB LLC, by Alex Intermill and Tyler Ochs

Rezoning of 126.55 acres from the C-4, C-5, and MU-2 (FF) districts to the C-S (FF) district to provide for C-4 and MU-2 permitted uses, plus commercial retail, community center, athletic fields and courts, film production studios, hotels, multi-family dwellings, and educational uses.

3. 2024-ZON-075 | 7015 Brookville Road

Warren Township, Council District #20

Liberty Boatwrks, LLC, by Joseph D. Calderon

Rezoning of 2.85 acres from the I-1 district to the I-3 district to provide for boat sales and repair.

4. 2024-ZON-077 | 122 North College Avenue

Center Township, Council District #13

Cole, Inc., by David Kingen and Emily Duncan

Rezoning of 0.45-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district.

5. 2024-ZON-078 | 402 South Carroll Road

Warren Township, Council District #20
Kristopher Holeyfield

Rezoning of 4.623 acres from the D-P district to the D-A district.

6. 2024-ZON-086 | 1429, 1433 & 1439 Deloss Street

Center Township, Council District #13
Structure Investments, LLC, by Elizabeth Bentz Williams

Rezoning of 0.32-acre from the I-2 district to the D-8 district to develop three single-family dwellings.

7. 2024-CAP-828 | 1013 West Morris Street

Center Township, Council District #18
C-7 (FF)
Indy Grille Family Restaurant, LLC, by Adam DeHart

Modification of Conditions and Site Plan related to 85-UV2-52 to delete Condition #3 which states that Morris Street shall be used for exit only and shall be properly identified as such and to modify the site plan related to 85-UV2-52 to provide for additions to the existing structure and additional surface parking area.

8. 2024-REG-032 | 817-831 Charles Street (odd) and 826-840 Union Street (even)

Center Township, Council District #18
CBD-2 (RC)
Honor Investments LLC, by Russell L. Brown

Regional Center Approval to provide for the construction of 16 townhomes within four, four-story buildings, with attached garages.

9. 2024-REG-041 | 40 South Alabama Street

Center Township, Council District #18
CBD-2 (RC)
City of Indianapolis, by Steve Winters

Regional Center Approval to provide for demolition of the former Marion County Jail 1 building.

PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

10. 2024-ZON-071 | 1302 East Stop 11 Road

Perry Township, Council District #23
HRE Brothers, LLC, by Michael Rabinowitch

Rezoning of 1.788 acres from the D-A district to the C-3 district to provide for a restaurant and other commercial uses.

****Petitioner withdrawal of the Petition**

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

11. MODIFICATION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2024-MOD-011 (Amended) | 4001 South Keystone Avenue

Perry Township, Council District #19
C-4
Aman, LLC, by Tyler Ochs

Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove "Automobile Fueling Station" from the list of prohibited uses.

****Petitioner request for continuance to September 18, 2024**

12. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2024-ZON-079 | 2400 and 2406 North Tibbs Avenue

Wayne Township, Council District #11

Noble, Inc., by Joseph D. Calderon

Rezoning of 14.7 acres from the SU-7 District to the D-P District, to provide for a fire station, attached multi-family dwellings, a community center, community garden, indoor and outdoor recreation facilities, offices, medical and dental center, or clinic, surface parking and uses permitted in the SU-7 and SU-9 districts.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



METROPOLITAN DEVELOPMENT COMMISSION **September 4, 2024**

Case Number: 2024-MOD-011 (Amended)
Property Address: 4001 South Keystone Avenue
Location: Perry Township, Council District #19
Petitioner: Aman, LLC, by Tyler Ochs
Current Zoning: C-4
Request: Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” from the list of prohibited uses.
Current Land Use: Commercial uses (vacant)
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that was filed by a remonstrator that continued this petition from the July 11, 2024 hearing, to the August 15, 2024 hearing.

This petition was heard by the Hearing Examiner on August 15, 2024, who acknowledged the petitioner’s representative’s withdrawal of the portion of the request that would remove “automobile / light vehicle wash” from the list of prohibited uses. After a full hearing, the Hearing Examiner recommended denial of the modification of the 2016 commitments to remove “automobile fueling station” from the list of prohibited uses. Subsequently, the petitioner’s representative filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

The petitioner’s representative has requested a **continuance from the September 4, 2024 hearing, to the September 18, 2024 hearing**, due to a scheduling conflict. Staff would not object to the continuance.

STAFF RECOMMENDATION

Denial. If this request would be approved, staff would request that approval be 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:



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Current Planning

1. A 60-foot half right-of-way shall be dedicated along the frontage of South Keystone Avenue; a 59.5-foot half right-of-way shall be dedicated along the frontage of Hanna Avenue, and a 40-foot half right-of-way shall be dedicated along Carson 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).
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.
3. The two access drives in proximity of the intersection of South Keystone Avenue and East Hanna Avenue (the northernmost access drive along South Keystone Avenue and the westernmost access drive along East Hanna Avenue) (Exhibit B) shall be eliminated, unless the DPW agrees that the access drives are necessary for operation of a automobile fueling station, including servicing the underground tanks.

PETITION OVERVIEW

MODIFICATION

This 1.075-acre site, zoned C-4, is developed with a vacant commercial building and associated unpaved parking. It is surrounded by commercial uses to the north, across East Hanna Avenue, zoned C-4; commercial uses to the south, across Carson Avenue, zoned C-3; a single-family dwelling to the east, zoned D-3; and commercial uses to the west, across South Keystone Avenue, zoned C-3.

Petitions 2016-ZON-083 / 2016-VAR-003 rezoned the site from the C-3 district to the C-4 classification and a variance of development standards to allow for a liquor store with reduced separation from a protected district. These petitions were approved.

Petition 2022-MOD-010 requested modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses. This petition was denied.

Once again, this request would modify commitments related to 2016-ZON-083, Commitment #2, to remove “automobile fueling station’ and “automobile / light vehicle wash” from the list of prohibited uses. See Exhibit A.

The Comprehensive Plan recommends Village Mixed-Use typology. “Mixed-Use Typologies have a balance of places where people live and places where people work. Generally, only **uses that are compatible with residential uses are recommended in these typologies**. More intense uses, such as hospitals or universities in the ‘Institution-Oriented Mixed-Use’ have conditions attached to them that mitigate their impact on nearby residential neighborhoods.”



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As proposed this modification would not be consistent with the Comprehensive Plan recommendation of village mixed-use.

Staff recommended denial of the 2016 rezoning request because the Plan recommendation at that time specifically recommended the C-3 district / community commercial. Additionally, staff was concerned with the impact on the adjacent neighborhood of the C-4 district permitted uses, including the liquor store and the potential fueling station / convenience store.

Staff recommended denial of the 2022 modification of the Commitments related to the 2016-ZON-083 to modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses.

The current plan recommendation of village mixed-use would be consistent with the C-3 District and provide for more small-scale and pedestrian-friendly uses and activities. The introduction of an automobile fueling station, a 2,800 square foot convenience store, and an automobile and light vehicle wash would not be appropriate for this site and would negatively impact the residential uses.

After the denial of the 2022 modification to permit an automobile fueling station, a 2800 square-foot convenience store, and an automobile and light vehicle wash, the petitioner has taken the liberty of constructing the 2800 square-foot convenience store. When staff visited the site, the convenience store was not operational, and the parking area was in disrepair.

The addition of an automobile and light vehicle wash would further intensify the use of the site and would be more impactful on surrounding property owners and land uses, particularly the residential neighborhood to the east. Car wash operations typically include the need for drive-through lanes, which are not permitted within 100-feet of a protected district or in the front yards and the exit drive as measured from the vehicle exit of the washing mechanism or activity to the pavement edge of the street would require a minimum of 100 feet in length. These use specific development standards provide the appropriate buffer and separation to minimize the impact on adjacent land uses that can be detrimental and adversely affect surrounding land uses.

The site plan only provides for a convenience store and fuel canopy. Based upon the use specific standards for an automobile and light vehicle wash, it is very likely that variances would be required. Staff believes the need for variances would be a clear indication that the proposed uses would result in over development of the site and negatively impact surrounding land uses because the appropriate buffers would not be provided.

Staff believes that the convenience store is an improvement to the site that had fallen in disrepair and neglect. However, allowing further development of the site for an automobile fueling station and car wash would increase the commercial intensity and be detrimental to the surrounding land uses by introducing increased traffic, noise, lighting and trash into this area.



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Furthermore, the five access drives depicted on the site plan, filed-dated June 9, 2024, seemed excessive so staff contacted the Department of Public Works (DPW) regarding the impact of the five access drives on vehicular and pedestrian safety. DPW recommended that the two access drives in proximity of the intersection of South Keystone Avenue and East Hanna Avenue be eliminated (the northernmost access drive along South Keystone Avenue and the westernmost access drive along East Hanna Avenue). See Exhibit B.

If approved, staff would request a commitment requesting that the two access drives depicted on Exhibit B be eliminated, unless the DPW agrees that the access drives are necessary for operation of an automobile fueling station, including servicing the underground tanks.

There have been no changes in the surrounding land uses since the 2022 denial of a similar request that would cause staff to support the modification to provide for an automobile fueling station and automobile and light vehicle wash. In other words, an automobile fueling station and vehicle wash at this location would negatively impact surrounding land uses, particularly the residential uses to the east.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 60-foot half right-of-way along South Keystone Avenue, the dedication and conveyance of a 59.5-foot half right-of-way along East Hanna Avenue and the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue. These dedications would also be consistent with the Marion County Thoroughfare Plan.

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

Existing Zoning	C-4	
Existing Land Use	Convenience store	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North: C-4	Commercial uses
	South: C-3	Commercial uses
	East: D-3	Single-family dwelling
	West: C-3	Commercial uses
Thoroughfare Plan		
South Keystone Avenue	Primary Arterial	Existing 90-foot right-of-way and proposed 120-foot right-of-way.
Hanna Avenue	Primary Arterial	Existing 84-foot right-of-way and proposed 119-foot right-of-way.
Carson Avenue	Secondary Arterial	Existing 60-foot right-of-way and proposed 80-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 9, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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 – Village Mixed-Use 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.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.



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- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as “commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.”)*
 - Mixed-use structures are preferred.
 - **Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.**
 - **Should not include outdoor display of merchandise.**

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 describe 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

2022-MOD-010; 4001 South Keystone Avenue, requested modification of the commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses, **denied**.

2016-ZON-083 / 2016-VAR-003; 4001 South Keystone Avenue, requested rezoning of 1.075 acres from the C-3 district to the C-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a liquor store, within 70 feet of a protected district, **approved and granted**.

VICINITY

2006-ZON-138; 2616 East Hanna Avenue (north of site), requested rezoning of 1.82 acres, from the D-4 District, to the C-1 classification to provide for the expansion of a nursing home, **approved**.

99-UV1-126; 4031-4051 Carson Avenue (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor sales of produce, flowers, plants and other seasonal good, **granted**.

98-UV2-92, 2602 East Hanna Avenue (north of site); requested variance of use of the Dwelling Districts Zoning Ordinance, to provide for mini-warehouses, **granted**.

95-Z-83/95-Z-84, 2401 National Avenue (north of subject site); requested a rezoning of 9.02 acres, being in the D-7 Dwelling District, to the C-S Commercial Special classification, to provide for a catering hall, offices and warehousing, **approved**.

87-UV1-111, 3950 South Keystone Avenue (north of site); requested a variance of use of the Commercial and Dwelling Districts Zoning Ordinances to provide for a car wash, **granted**.

83-Z-215, 3647 South Keystone Avenue (north of site); requested a rezoning of 0.77 acre, being in the D-4 Dwelling District, to the C-1 classification, to provide for office uses, **approved**.

74-Z-196, 2540 East Hanna Avenue (west of site); requested a rezoning of 5.18 acres, being in the C-3 Commercial District, to the C-4 classification, to provide for a supermarket and retail commercial uses, **approved**.

70-Z-232, 2600 East Hanna Avenue (north of site); requested a rezoning of 17.4 acres, being in the D-4 District, to the D-7 classification, to provide for apartments, **approved**.

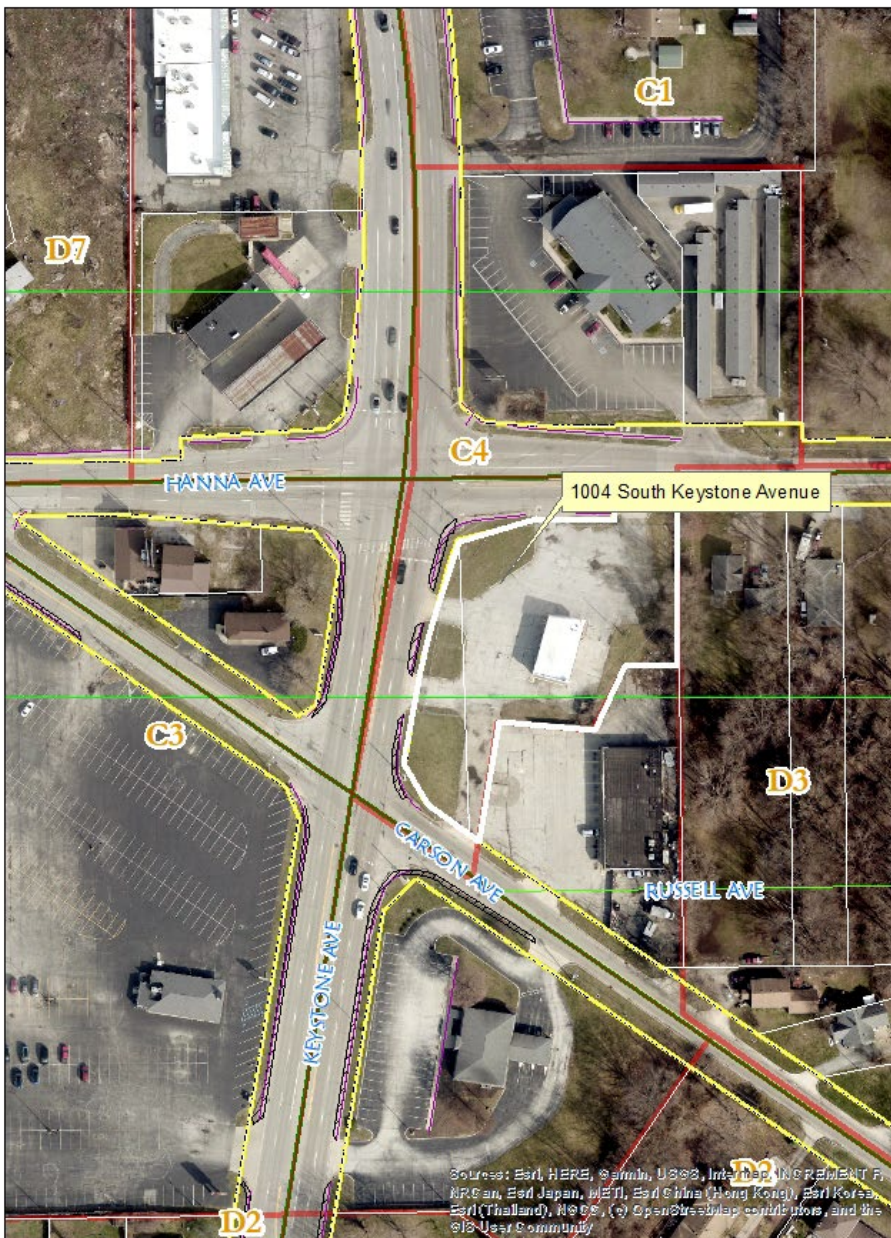


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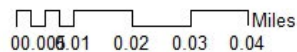
70-Z-23, 2400 East Hanna Avenue (west of site); requested a rezoning of 7.25 acres, being in the D-4 District, to the C-3 classification, to provide for office and retail uses, **approved.**

69-Z-246, 3838 South Keystone Avenue (north of site); requested a rezoning of 1.97 acres, being in the D-4 Dwelling District, to the C-3 classification, to provide for retail uses, **approved..**

EXHIBITS



4001 South Keystone Avenue



MEMORANDUM OF EXAMINER'S DECISION

2024-MOD-011

4001 South Keystone Avenue

The petition requests the modification of commitments related to 2016-ZON-083 to modify commitment #2 to remove “automobile fueling station” from the list of prohibited uses.

Your Hearing Examiner visited the site prior to the hearing and noted the vacant commercial building and unpaved parking on it. Commercial uses are north, south, and west of the site, and residential use is to the east.

The petitioner’s representative explained that the site was rezoned to C-4 in 2016 to allow a liquor store to move across the street to the site, with commitments including the prohibition of an automobile fueling station. The relocation did not happen, and the site has been vacant for about 6 years. Petition 2022-MOD-010 also requested a modification of commitments to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses, and it was denied. The petitioner’s representative stated that neighbors support the current modification, and presented a petition of support and a letter of support from the City-County Councillor. About 10 supporters attended the hearing.

About 10 remonstrators attended the hearing, and the primary remonstrator represented an automobile fueling station with convenience store in the area. There was also a petition of opposition. Concerns expressed included the number of businesses owned by the petitioner, enforcement action on this site, and the addition of another automobile fueling station and convenience store in the area.

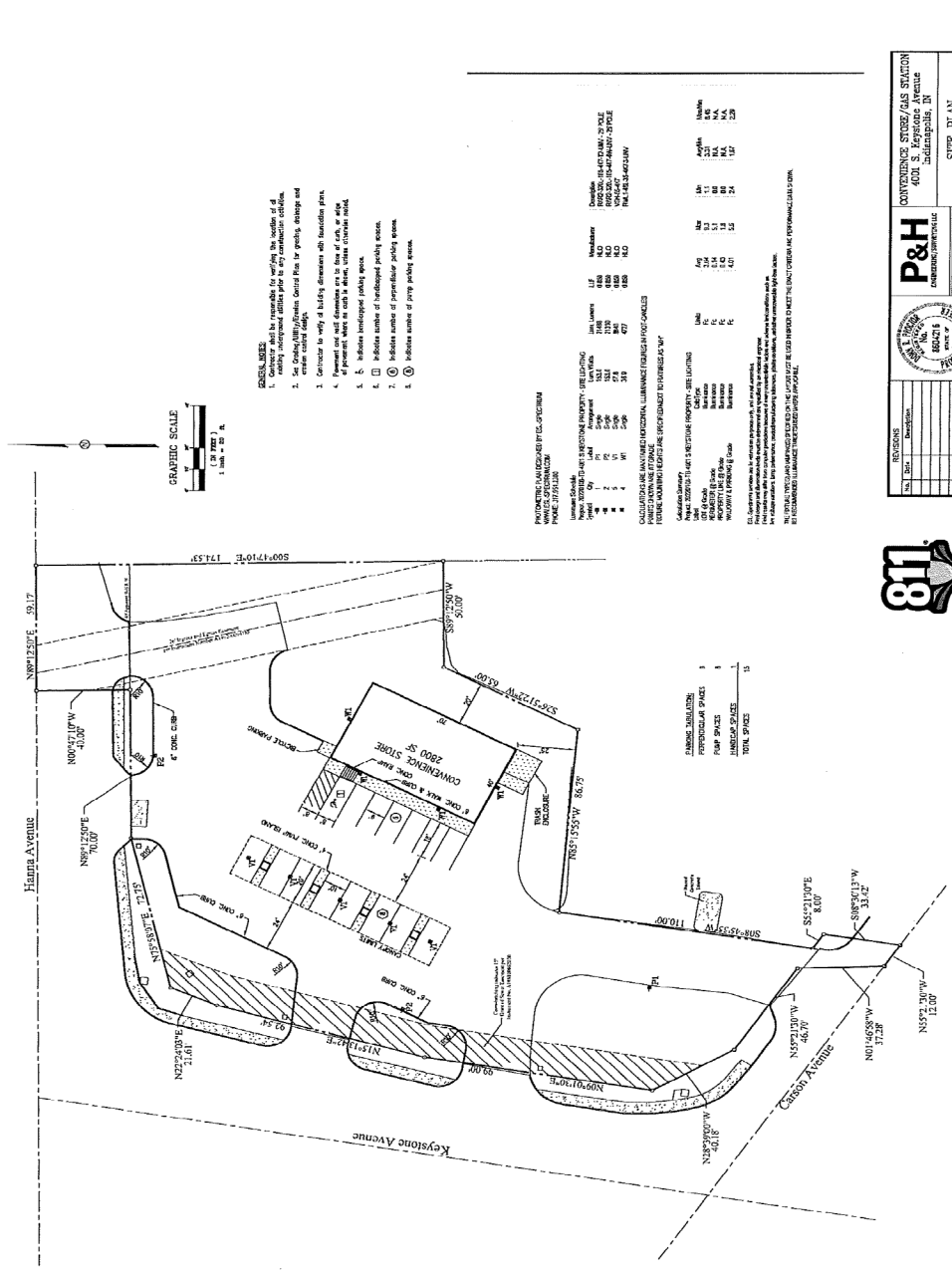
Staff explained that, based on the Comp Plan and Pattern Book, the use of the site should be pedestrian oriented and should exclude automobile fueling stations. Staff also opined that the proposed use would likely generate noise, trash, and bright lights.

In your Hearing Examiner’s opinion, this public hearing is still not the proper forum to address the issue of competition between like businesses in the area. As your Hearing Examiner opined in 2022, the extremely limiting commitments approved as part of 2016-ZON-083 were made intentionally to lessen the impact of the C-4 zoning district. The reasons for the denial recommendation made in 2022 remain valid today. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on September 4, 2024



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- GENERAL NOTES:**
1. Contractor shall be responsible for verifying the location of all existing utilities and structures on the site.
 2. See General Notes for details on grading, drainage and erosion control details.
 3. Contractor to verify all building dimensions with foundation plans.
 4. Payment for all work shall be made in full at the time of work, or after completion, when work is done, unless otherwise noted.
 5. All materials shall be of the highest quality.
 6. All materials shall be of the highest quality.
 7. All materials shall be of the highest quality.
 8. All materials shall be of the highest quality.

PROPOSED BUILDING FOOTPRINT SPECIFICATIONS

Room	Area (sq. ft.)	Volume (cu. ft.)	Notes
Office	1,200	14,400	1st Floor
Office	1,200	14,400	2nd Floor
Office	1,200	14,400	3rd Floor
Office	1,200	14,400	4th Floor
Office	1,200	14,400	5th Floor
Office	1,200	14,400	6th Floor
Office	1,200	14,400	7th Floor
Office	1,200	14,400	8th Floor
Office	1,200	14,400	9th Floor
Office	1,200	14,400	10th Floor
Office	1,200	14,400	11th Floor
Office	1,200	14,400	12th Floor
Office	1,200	14,400	13th Floor
Office	1,200	14,400	14th Floor
Office	1,200	14,400	15th Floor
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Office	1,200	14,400	21st Floor
Office	1,200	14,400	22nd Floor
Office	1,200	14,400	23rd Floor
Office	1,200	14,400	24th Floor
Office	1,200	14,400	25th Floor
Office	1,200	14,400	26th Floor
Office	1,200	14,400	27th Floor
Office	1,200	14,400	28th Floor
Office	1,200	14,400	29th Floor
Office	1,200	14,400	30th Floor

P&H
Professional Engineers & Architects
4001 S. Cassin Avenue
Suite 100
Hanna, ND 58040
701.237.4444
www.pandh.com

CONVENIENCE STORE/GAS STATION
4001 S. Cassin Avenue
Hanna, ND 58040

ENGINEERS
SUPERVISORS
PLANNERS

SITE PLAN
S2





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EXHIBIT A

A201700053736

05/09/2017 10:32 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 31.50
PAGES: 7
By: SC

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See the attached "Exhibit A".

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The following uses, as defined in the Zoning Ordinance for Marion County, Indiana, shall be prohibited as permitted uses on the subject property: Methadone Clinic or Treatment Facility; Substance Abuse Treatment Facility; Adult Entertainment Business, including retail; Night Club or Cabaret; Automobile Fueling Station; Automobile, Motorcycle and Light Vehicle Service, Repair, Sales or Rental; Temporary or portable Video Boards advertising for sale services or products not available on the subject real estate; Automobile and Light Vehicle Wash; Blood Plasma Center; Tattoo Parlor; Power Generating Facility; Pawn Shop; Firearm Sales; Firework Sales; Seasonal sales unless associated with a business that is open year around; Emergency Shelter; Check Cashing or Validation Services; the sale of merchandise in tents or trailers; and Recycling Station.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

MDC's Exhibit B -- page 1 of 7

M11224070.3

Metropolitan Development

MAR 29 2017

Division of Planning



Metropolitan Development
Jun 27 2022
Division of Planning





Department of Metropolitan Development
Division of Planning
Current Planning

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2016-ZON-083 by the City-County Council changing the zoning classification of the real estate from a C-3 zoning classification to a C-4 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-4 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Metropolitan Development Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
- 3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments).

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2016-ZON-083.

IN WITNESS WHEREOF, owner has executed this instrument this 20 day of March, 2017.

Q S L COMPANY

By: Mary Deborah Turnerford

MDC's Exhibit B -- page 2 of 7

111224070.3

Metropolitan Development

MAR 29 2017

Division of Planning

Metropolitan Development
Jun 27 2022
Division of Planning



View of site looking south



View of site looking east



View of site looking northwest



View from site looking northwest across South Keystone Avenue



View from site looking west across South Keystone Avenue and Carson Avenue



View from site looking northwest across intersection of East Hanna Avenue and South Keystone Avenue



View from site looking north across East Hanna Avenue



View from site looking northeast across East Hanna Avenue



View from site looking east at adjacent property



View from site looking southeast at adjacent property



View from site looking south at adjacent commercial property



View from site looking south at adjacent parking lot



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION

September 4, 2024

Case Number:	2024-ZON-079
Property Address:	2400 and 2406 North Tibbs Avenue (approximate addresses)
Location:	Wayne Township, Council District #11
Petitioner:	Noble, Inc., by Joseph D. Calderon
Current Zoning:	SU-7
Request:	Rezoning of 14.7 acres from the SU-7 District to the D-P District, to provide for a fire station, attached multi-family dwellings, a community center, community garden, indoor and outdoor recreation facilities, offices, medical and dental center, or clinic, surface parking and uses permitted in the SU-7 and SU-9 districts.
Current Land Use:	Offices
Staff Recommendations:	Approval with commitments.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the August 21, 2024 hearing to the September 4, 2024 hearing at the request of staff for the publication of the legal notice.

STAFF RECOMMENDATION

Staff **recommends approval** of the request 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. A 40-foot half right-of-way shall be dedicated along the frontage of Tibbs 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).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). Heritage trees



**Department of Metropolitan Development
Division of Planning
Current Planning**

proposed for removal shall be indicated as such and shall be replaced on site per Table 744-503-3 of the Ordinance.

3. Interior sidewalk connections shall be noted in a final site plan and sidewalks along the street frontage of Tibbs Avenue shall be installed.
4. Approval shall be subject to the D-P Statement file-dated August 27, 2024 and substantial compliance with the conceptual site plan, file-dated August 13, 2024. The final site plan, landscape plan, and building elevations shall be submitted for Administrative Approval, prior to the issuance of an Improvement Location Permit.

PETITION OVERVIEW

LAND USE

The 14.7-acre subject site is developed with a commercial building utilized by a non-profit organization, associated parking lot, undevoted wooded land to the west, and a fire station at the northeast corner of the site.

REZONING

The request would rezone the property from the SU-7 district to the D-P district to provide for a fire station, attached multi-family dwellings, a community center, community garden, indoor and outdoor recreation facilities, offices, medical and dental center, or clinic, surface parking and uses permitted in the SU-7 and SU-9 districts.

The SU-7 district only allows for the development of charitable, philanthropic, and not-for-profit institutions.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.



**Department of Metropolitan Development
Division of Planning
Current Planning**

7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

“Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.”

D-P STATEMENT

The D-P Statement, file-dated August 27, 2024, describes the project as having three lots, Lots A, B and C, which will be proposed with different uses.

Lot A will encompass the existing building and proposed building expansion, potential new buildings, as well as athletic fields. The uses permitted for Lot a will includes those permitted in the SU-7 district, community center, indoor/outdoor recreation facilities, office uses (business/professional/government), and medical/dental center or clinic.

Lot B will be utilized for approximately 120 attached multi-family residential units as the primary use. Currently 111 units would be proposed, but no more than 130 units shall be onsite. Accessory uses to be allowed would be outdoor recreation such as swimming pool, game courts, athletic fields, playgrounds, community garden, minor residential features, and surface parking. The preliminary plan notes two three-story apartment complexes to be centrally located on the site.

Lot C will allow for the development of a newly proposed fire station (IFD#30). Uses permitted would be those in the SU-9 district and the uses permitted on Lot A.

Each of these lots will have specific development standards and setbacks per the parameters listed in the D-P statement. Sign regulations are proposed within the D-P statement, but a sign program for Lots A and B will be prepared and submitted for Administrator’s Approval prior rot the application for a sign permit.

The D-P statement notes that a landscaping and tree preservation plan will be submitted for Administrator’s Approval prior to obtaining an Improvement Location Permit.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The parking standards of the Ordinance will be met and would be permitted to have shared parking per the Ordinance standards.

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 Tibbs Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff has concerns regarding the amount of the Forest Alliance Woodlands to be removed in the western portion of the site with the proposal. The D-P Statement calls out a tree preservation plan to be proposed, but staff requests a tree inventor, assessment, and preservation plan to be prepared by a certified arborist and submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. Heritage trees to be removed shall be replaced on site per Table 744-503-3 of the Ordinance.

Another item of concern is the lack of interior sidewalk connections in the proposed development plan and lack of sidewalks along the entire street frontage which are requirements of the Ordinance. With this proposal aiming to assist people with developmental disabilities and provide affordable housing, it is vital that the site is easily accessible by pedestrians or bicyclists as well.

Staff was made aware of an IndyGo bus route and existing stop on site, which will need to be addressed between the petitioner and IndyGo.

Overall, staff is supportive of the request to rezone the site to the D-P district since it would include a mix of uses that would be beneficial to the community. However, staff’s approval recommendation is subject to the D-P Statement file-dated August 27, 2024 and substantial compliance with the conceptual site plan, file-dated August 13, 2024 In addition to providing the right-of-way dedication as requested by DPW, the installation of interior sidewalks and installation of sidewalks along Tibbs Avenue, and the submittal of a tree preservation plan.

GENERAL INFORMATION

Existing Zoning	SU-7	
Existing Land Use	Non-profit organization	
Comprehensive Plan	Regional Special Use	
Surrounding Context	Zoning	Land Use
North:	C-4 / I-4 / C-S	Fire Station / Gas Company / Lumber Business
South:	SU-7	Non-profit organization
East:	D-5	Residential (Single-family dwellings)
West:	C-S	Solar Panel Farm
Thoroughfare Plan		



**Department of Metropolitan Development
Division of Planning
Current Planning**

Tibbs Avenue	Primary Collector	80-foot proposed right-of-way and 70-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	June 27, 2024	
Site Plan (Amended)	August 13, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	August 27, 2024.	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends regional special use development of the site.
- The Regional Special Use is a non-typology land use, which is a stand-alone land use mapped outside of the typology system due to their scale or nature of use. This category provides for public, semi-public, and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

Red Line / Blue Line / Purple Line TOD Strategic Plan



**Department of Metropolitan Development
Division of Planning
Current Planning**

- 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

96-UV2-105; 2502 North Tibbs Avenue (subject site), Variance of use of the Special Districts Zoning Ordinance to provide for an eight-space parking lot expansion for an existing fire station (not permitted), **granted.**

Zoning History - Vicinity

2021-SE1-002; 3621 Lawnview Lane (south of site), Special Exception to legally establish a daycare center, **granted.**

2013-ZON-009; 2400 North Tibbs Avenue (west of site), Rezoning of 68.29 acres from the C-S (FF) District to the C-S (FF) classification to provide for a solar farm and uses and storage related to an automobile racing track to the west, **approved.**

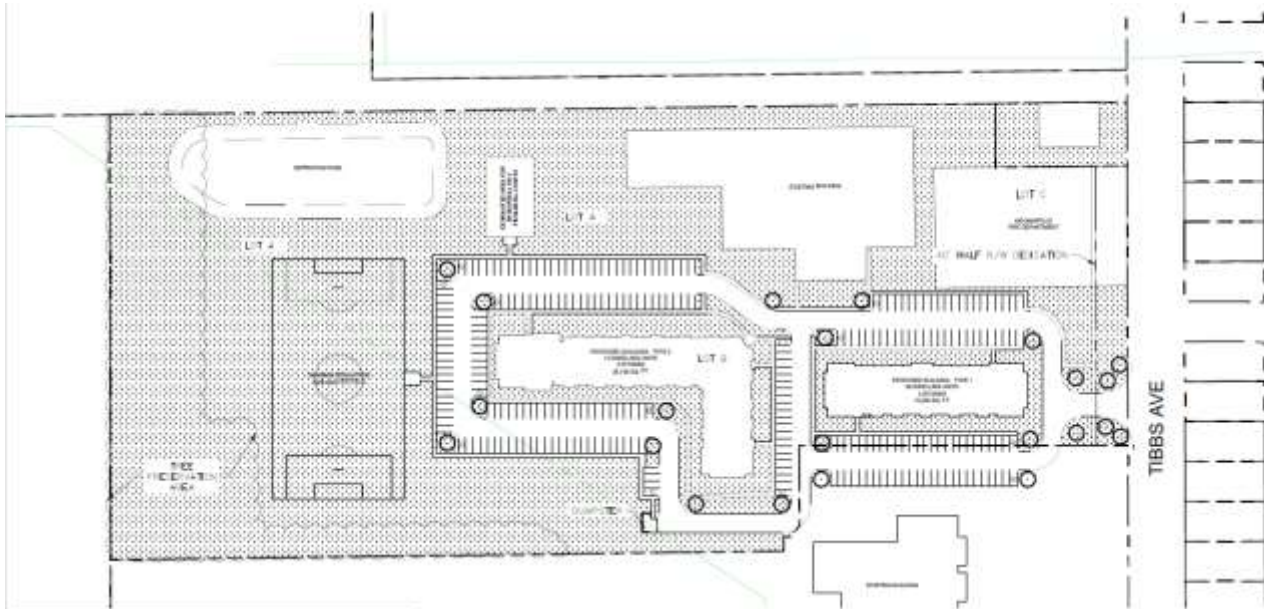
2000-ZON-049; 3700 West 21st Street (west of site), Rezoning of 132.83 acres from D-6II to C-S to provide for a maintenance and storage area related to a golf course and motor speedway, a future expansion area, and a nursery, **approved.**

96-Z-167; 2702 North Tibbs Avenue (north of site), Rezoning of 12 acres, being in the C-4 District, to the C-S classification to provide for C-4 uses, child day care center, convalescent/nursing home, auctioneer services, automobile storage, building material sales and storage, convenience market, crating and packaging service, contractor businesses (except concrete, excavation, landscaping, masonry, stonework, pool, septic systems, and demolition contractors), distribution operations, light equipment and tool sales/service/rental, linen supplier, mini-warehouse, photo-finish lab, repair facility, storage and transfer facilities, warehousing and wholesaling, **approved.**

84-Z-32; 3202 North Tibbs Avenue (west of site), Rezoning of 104.89 acres from DP-S1 to D-6II to conform the zoning to its existing use, and future development, **approved.**

EXHIBITS





SITE SUMMARY	
EXISTING BUILDING IMPROVEMENTS: EXISTING ADULT CARE FACILITY	
PROPOSED IMPROVEMENTS: 111 APARTMENT/STAY UNITS, 4 TRACTS	
FACILITY IMPROVEMENTS: 21 TRACTS	
SITE ACREAGE	= 14.8 ACRES
PARKING SPACES PROVIDED (APARTMENT UNITS)	= 111 SPACES
PARKING SPACES PROVIDED (OTHER)	= 156 SPACES
FLOORPLAN: N/A	



**Department of Metropolitan Development
Division of Planning
Current Planning**

Preliminary DP Plan

2400 – 2406 North Tibbs Avenue

Introduction

Noble, Inc. (“Noble”) and T&H Development, LLC (“T&H”), are seeking to develop property containing approximately 14.7 acres and commonly addressed as 2400 – 2406 North Tibbs Avenue (the “Subject Property”). Collectively, Noble and T&H are referred to herein as the “Petitioner”. The Subject Property is zoned SU-7, and is improved with an existing building used by Noble to provide services to its clients as a not-for-profit focused on serving those with developmental disabilities, Noble has proposed additional development on Lot A. T&H is proposing a multi-family community on Lot B, as generally shown on the preliminary site plan submitted with and attached to this Preliminary DP Plan as Exhibit “A” (the “Preliminary Site Plan”). Noble is also coordinating the relocation of the existing fire station (IFD #30), currently located on property commonly known as 2440 N. Tibbs Avenue, to a dedicated parcel on the Subject Property shown as Lot C on the Preliminary Site Plan.

The Proposed Development/Permitted Uses

Both primary and accessory uses permitted by this Preliminary DP Plan are those which are either referenced or defined in Chapter 743, Article II, Table 743-1 “Use Table” of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis, Marion County (the “Zoning Ordinance”).

A. Lot A Permitted Uses: The Lot A proposed development consists of an expansion to the existing building, potential new buildings, as well as athletic fields, all as shown on the Preliminary Site Plan, which is subject to change, as provided for in this Preliminary DP Plan.

Permitted Primary uses on Lot A shall include:

1. Uses permitted under the SU-7 zoning district.
2. Community Center.
3. Indoor/Outdoor Recreation Facilities.
4. Office Uses (Business/Professional/Government).
5. Medical/Dental Center or Clinic.

Lot A Development Standards/Setbacks: Primary buildings and accessory structures (other than sidewalks, pathways and similar features) constructed on Lot A shall meet the following minimum setbacks:

1. Front Yard (Tibbs Avenue): Buildings: 50 feet from the proposed right of way line; Accessory Uses: 20 feet from proposed right of way line.
2. Side Yards: Buildings and Game Courts/Fields: 25 feet from north property line, 20 feet from south property line; Accessory Uses: 10 feet from the applicable property lines.
3. Rear Yard (to west property line): Buildings: 100 feet from west property line; Game Courts/Fields: 50 feet from west property line; Accessory Uses: 50 feet from west property line.
4. Existing buildings and Accessory Uses, including existing buildings, signs, parking areas and landscaping (“Existing Improvements”) are permitted in their current location(s), and for purposes of this Preliminary DP Plan, and may be rebuilt or redeveloped on their current locations, even if the Development Standards set forth in 1-3 hereinabove are not met.

Therefore the Existing Improvements shall be considered legally conforming and shall not be considered legally non-conforming.

B. Lot B Permitted Uses: The Lot B development proposes approximately 120 attached multi-family residential units.

Permitted Primary uses on Lot B shall include:

1. Attached Multi-family dwellings, currently planned at 111 individual units; provided, however, 111 units shall not be considered a maximum. The maximum number of multi-family units shall not exceed 130.

C. Permitted Accessory uses for Lots A, B and C may include:

1. Outdoor Recreation, which may include a swimming pool, game courts, athletic fields, playgrounds, etc.
2. Community Garden.
3. Minor Residential features, including pathways, sidewalks, benches and the like.
4. Surface Parking.

Lot B Development Standards/Setbacks: Attached multi-family buildings and accessory structures (other than sidewalks, pathways and similar features) constructed on Lot B shall meet the following minimum setbacks:

1. West property line: Buildings: 100 feet; Accessory Uses: 80 feet.
2. North and South Property Lines: Buildings: 120 feet from north property line of Lot B, 20 feet from south property line; Accessory Uses: 10 feet from north property line of Lot B, 10 feet from south property line of Lot B.
3. East Property Line: Buildings: 60 feet; Accessory Uses: 30 feet. Both shall be measured from existing right-of-way of Tibbs Avenue.

D. Lot C Permitted Uses: The Lot C development proposes a new fire station (IFD #30).

Permitted Primary uses on Lot C shall include:

1. Uses permitted under the SU-9 zoning district.
2. Uses permitted on Lot A, as described hereinabove.

Lot C Development Standards/Setbacks: Buildings and accessory structures on Lot C shall meet the following minimum setbacks:

1. Front Yard (Tibbs Avenue): Buildings: 50 feet from the proposed right-of-way; Accessory Uses: 20 feet from proposed right-of-way line.
2. Side/Rear Yards: Buildings: 25 feet from north, west and south lot line; Accessory Uses: 10 feet from the north, west and south lot line.

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Subject Property, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality. Preliminarily, a retention pond is shown south of the main attached multi-family building.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Sidewalks: Sidewalks shall be provided along the Tibbs Road frontage of the Subject Property unless a waiver is sought at the time of platting Lots A, B and C. There will be internal sidewalks within the multi-family units on Lot B. There are some sidewalks serving the existing buildings on Lot A. A pedestrian plan for the athletic fields proposed for Lot A will be submitted for Administrators Approval. Notwithstanding the foregoing, the Indianapolis Fire Department shall be able to determine if sidewalks are necessary and appropriate with respect to Lot C's frontage on Tibbs Avenue.

Signs: The following signs shall be permitted:

1. Freestanding (for the benefit of Lot A): One (1) Monument sign, not to exceed 8 feet in height, fronting on Tibbs Avenue.
2. Freestanding (for the benefit of Lot B): One (1) Monument sign, not to exceed 8 feet in height, and must front on Tibbs Avenue.
3. Freestanding (for the benefit of both Lots A and B): One (1) Pylon sign not to exceed 15 feet in height or one (1) Monument sign not to exceed 10 feet in height.
4. Secondary: a) Vehicle Entry Point; b) Incidental (as permitted by the Sign Regulations in Chapter 744, Article IX of the Zoning Ordinance).
5. Wall Projecting Blade (as permitted by the Sign Regulations in Chapter 744, Article IX of the Zoning Ordinance).

Where not specified herein, sign dimensions and locations shall be governed by the Sign Regulations of Marion County, as applied to mixed use districts, set forth in Chapter 744, Art. IV of the Zoning Ordinance. A sign program for Lots A and B shall be prepared and submitted for Administrator's Approval prior to application for a sign permit.

Landscaping/Tree Preservation: Petitioner proposes tendering a detailed landscaping plan for the entire Subject Property for Administrator's Approval prior to obtaining an Improvement Location Permit. Petitioner will do a tree survey inventory of the existing trees to the west of the areas proposed to be improved as shown on the Preliminary Site Plan, and shall submit a proposed tree preservation plan for Administrative Approval prior to obtaining an Improvement Location Permit.

Miscellaneous

Amenities: The development of the Subject Property, at a minimum, shall provide the following amenities:

1. Active and passive recreation space.

Parking: Site parking for the Subject Property, which will be located generally as shown on the Preliminary Site Plan. The number of parking spaces shall equal the minimum required pursuant to Ch. 744, Art. IV, Section 02, Table 744-402-1, as reduced by Table 744-403-1, as there may be shared parking between Lots A and B. Bicycle Parking shall be provided pursuant to Ch. 744, Art. IV, Section 03.C.

Access: One (1) proposed curb cut on Tibbs Avenue serving Lots A and B, as generally shown on the Preliminary Site Plan. The Indianapolis Fire Department (Lot C), shall be able to determine access to Lot C outside of the requirements of this DP Plan and the Zoning Ordinance.

Administrative Approval of Future Site Plans: Final site plans and development plans may be submitted in total or in phases. The Administrator shall have the right to issue final approval of the final site plans and development plans so long as the final approval of the final site plans and development plans are consistent with the permitted uses, development standards, and landscaping requirements set forth in this Preliminary DP Plan.



Department of Metropolitan Development
Division of Planning
Current Planning

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. At least twenty-five percent (25%) of the existing trees located near the west end of the Subject Property shall remain undisturbed.
3. Access to the proposed athletic fields shall be via dedicated pathways which shall have a surface that is in compliance with Americans With Disabilities Act standards.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.



Photo of the subject site and existing building.



Photo of the existing parking lot on site looking west.



Photo of the existing parking lot on site looking northwest.



Photo of the Salvation Army south of the site.



Photo of the proposed location of the fire station south of the existing one.



Photo of the existing fire station looking west.



View of the northern property boundary looking southwest.



Photo of the northern property boundary looking southwest.



Photo of the existing building looking east.



Photo of the existing building looking north.



View of the site looking northwest towards the gas company.



Photo of the woodlands on the west end of the site.



Photo of the existing shelter area.



Photo of the subject site looking east towards the parking lot.



Photo of the street frontage looking north along Tibbs Avenue.



Photo of the street frontage looking south along Tibbs Avenue.



Photo of the single-family dwellings east of the site.



Photo of the single-family dwellings east of the site.



Photo of the gas company northwest of the site.



Photo of the lumber business north of the site.



Photo of the lumber business north of the site.