



Metropolitan Development Commission (November 15, 2023) 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, November 15, 2023 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes: November 1, 2023

Policy Resolutions:

ECONOMIC DEVELOPMENT / INCENTIVES:

1. 2023-E-045

Resolution amending Resolution No. 2023-E-029 to approve the funding agreement providing for the acquisition and improvement of real property within the Consolidated Allocation Area.

2. 2023-A-027

Preliminary Economic Revitalization Area Resolution for CTC02 LLC, located at 910 South Post Road, Council District #18, Warren Township. (Recommend approval of up to seven (7) years real property tax abatement.)

3. 2023-A-028

Preliminary Economic Revitalization Area Resolution for Garage Door Doctor, LLC and 5 Star Property, LLC located at 808 South Post Road, Council District #18, Warren Township. (Recommend approval of five (5) years real property tax abatement.)

4. 2023-A-039

Preliminary Economic Revitalization Area Resolution for DJ BCG Monon 22, LLC, located at 929 East 21st Street (aka 1011 East 22nd Street), Council District #17, Center Township. (Recommend approval of ten (10) years real property tax abatement.)

5. 2023-A-040

Preliminary Economic Revitalization Area Resolution for Patch Washington Street, LLC, located at 8501, 8505, 8509, 8517 and 8609 West Washington Street, Council District #22, Wayne Township. (Recommend approval of up to seven (7) years real property tax abatement.)

PLANNING:

6. 2023-P-017

Authorizes the Director of DMD to enter into a professional services agreement with Mojo Up, LLC, to create an overarching marketing communications/public education blueprint for planning process in an amount not to exceed two hundred thousand dollars (\$200,000).

BOND BANK:

7. 2023-BB-005

Preliminary determination to authorize the issuance of economic development tax increment revenue bonds in a maximum aggregate principal amount not to exceed nineteen million dollars (\$19,000,000) to fund the 10th & Rural Infrastructure Project.

8. 2023-BB-006

Preliminary determination to authorize the issuance of economic development special benefits tax bonds in a maximum aggregate principal amount not to exceed twenty five million dollars (\$25,000,000) to purchase the Broad Ripple Park Family Center and approve the purchase of the real estate.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

9. 2023-APP-029 | 1017 Udell Street

Center Township, Council District #11
City of Indianapolis, Department of Parks and Recreation, by Kate Warpool

Park District One Approval to provide for playground equipment and other park improvements.

10. 2023-ZON-004 | 5680 Eden Village Drive

Pike Township, Council District #8
Olanrewaju Ahmeed Azeez

Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

11. 2023-ZON-078 | 4021 West 71st Street

Pike Township, Council District #7
Turner Adventures, LLC, by Rebekah Phillips

Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor.

12. 2023-ZON-082 | 1102 and 1138 Roosevelt Avenue

Center Township, Council District #17
Roosevelt Landsite, LLC, by Russell L. Brown

Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage.

13. 2023-ZON-088 | 8815 and 8817 Haverstick Road

Washington Township, Council District #2
Roman Catholic Archdiocese of Indianapolis, Inc. as trustee for Our Lady of Peace Cemetery, by Paul Carroll

Rezoning of 2.99 acres from the D-A district to the SU-10 district to provide for cemetery uses.

14. 2023-ZON-096 | 4239 Madison Avenue

Perry Township, Council District #24
Timothy J. Derloshon, by John Cross

Rezoning of 0.17 acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses.

- 15. 2023-ZON-097 | 1620 Industry Drive**
Warren Township, Council District #19
Commercial Team Construction, LLC, by David Gilman

Rezoning of 11.4 acres from the C-S district to the C-S district to add indoor recreational uses to the list of permitted uses and to modify Commitment #2, related to petition 2022-MOD-003, to amend the approved site plan.

- 16. 2023-CZN-848 | 2069 Yandes Street**
Center Township, Council District #17
M/E Residential, LLC, by David Gilman

Rezoning of 0.42 acre from the I-3 district to the D-8 district.

- 17. 2023-CZN-852 | 1902 Alvord Street**
Center Township, Council District #17
Urban Core Associates, LLC, by Joseph D. Calderon

Rezoning of 0.64 acre from the MU-1 district to the D-8 district to provide for a townhome development.

- 18. 2023-CZN-857 | 436-444 Spruce Street and 1441 Deloss Street**
Center Township, Council District #17
Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

19. REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEAL FILED / REHEARING SCHEDULED DUE TO ERROR IN CALCULATED ACREAGE:

- 2023-ZON-084 (Amended) | 5640 East 38th Street (3800 Block of Audubon Road)**
Lawrence Township, Council District #13
Jeff Hasser

Rezoning of 0.598 acre from the SU-1 (TOD) district to the D-5 (TOD) district to provide for single-family detached dwellings.

****Petitioner will request a Waiver of Notice for the written notice given for the amended petition**

20. APPROVAL PETITION FILED BY PETITIONER TO APPEAL THE ADMINISTRATOR'S DENIAL OF 2023-ADM-158:

- 2023-APP-030 | 5510 South Emerson Avenue**
Perry Township, Council District #24
D-P
Haven Health Management, LLC, by Cheyenne Riker

Appeal of the Administrator's Decision to deny 2023-ADM-158, which proposed the use of a drug addiction and treatment facility in the D-P classification, based on the Development Statement approved for 2007-APP-131 and 2021-ZON-052.

21. COMPANION PETITIONS RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:

- 2023-CZN-823 / 2023-CVC-823 | 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street**
Center Township, Council District #21
GSS, LLC, by Mary E. Solada

Rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district.
Vacation of the first 15-foot wide alley west of Draper Street, from the north lot line of Lot 69 of The Justice C.

Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

****Petitions have been withdrawn by Petitioner**

22. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2023-ZON-094 | 6729 Westfield Boulevard

Washington Township, Council District #2

J.C. Hart Company, Inc., Chase Development, Inc. and Evergreen, LLC, by Michael Rabinowitch

Rezoning of 21.44 acres from the SU-34 (FF) and D-P (FF) district to the D-P (FF) district to provide for a multi-family and townhome development. Modification of Commitments, related to 2003-ZON-100, to allow development in accordance with the DP Statement, Site Plan, Landscape Plan, Elevations and Renderings filed with this petition.

****Automatic Continuance to December 20, 2023, filed by Registered Neighborhood Organization**

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 dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

RESOLUTION NO. 2023-E-045

**A RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION AMENDING
RESOLUTION NO. 2023-E-029 TO APPROVE THE FUNDING AGREEMENT TO PROVIDE
FOR THE ACQUISITION AND IMPROVEMENT OF REAL PROPERTY WITHIN THE
CONSOLIDATED ALLOCATION AREA**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the "Act");

WHEREAS, the Commission has previously adopted and confirmed resolutions (as amended from time to time) which declared an area of the City, known as the "Consolidated/Harding Street Redevelopment Area," to be a redevelopment project area within the meaning of the Act, and designated a portion of the Consolidated Redevelopment Area, known as the "Consolidated Allocation Area," as an allocation area for the purposes of Section 26 of the Act (the "Consolidated Allocation Area"), all in accordance with the Act;

WHEREAS, the MDC has broad authority to plan and undertake, alone or in cooperation with other agencies, projects to redevelop areas in need of redevelopment-including by funding improvements to, or the acquisition of, real property-pursuant to the Act, IC 36-7-15.1-7(a)(12) and (b)(1)-(2);

WHEREAS, the MDC is authorized to accept loans from any source under the Act, IC 36-7- 15.1-7(a)(14);

WHEREAS, in Resolution No. 2023-E-029, the MDC approved the acceptance of loan proceeds from the Indiana Economic Development Corporation ("IEDC");

WHEREAS, the MDC wishes to amend Resolution No. 2023-E-029 to add the Central Indiana Regional Development Authority ("CIRDA") as a potential funding source for the IEDC/CIRDA Loan, as defined below;

WHEREAS, under IC 36-7.7-3-2 and IC 36-7.7-5-2(a), the CIRDA may finance projects that are of regional importance;

WHEREAS, both the IEDC and the CIRDA have authority under IC 5-28-8-5 and IC 36-7-15.1-41(b) to enter into an agreement to provide funds in connection with a redevelopment project notwithstanding any other law;

WHEREAS, the IEDC and/or CIRDA are willing to loan \$24,400,000 in duly authorized and presently available funds to the MDC (the "IEDC/CIRDA Loan"), which loan proceeds may then be used to provide funding for the acquisition and improvement of real property in order to facilitate redevelopment of an area in need of redevelopment within the Consolidated Allocation Area; and

WHEREAS, the MDC has authority under the Act, IC 36-7-15.1-26(b)(3)(A), to repay the IEDC/CIRDA Loan from allocated tax proceeds of the redevelopment district (the "City Funds") for the purpose of financing redevelopment of the Consolidated Allocation Area.

ACCORDINGLY, be it resolved by the Metropolitan Development Commission that Resolution No. 2023-E-029 is amended as follows:

- 1. Approval.** Pursuant to and in accordance with the Act, the Commission hereby: (a) approves the acceptance of the IEDC/CIRDA Loan proceeds; (b) approves utilization of the IEDC/CIRDA Loan proceeds to fund acquisition and improvement of real property in order to facilitate redevelopment of the Consolidated Allocation Area; and (c) approves the repayment of the IEDC/CIRDA Loan by the Commission solely from City Funds pursuant to a funding agreement with IEDC and/or CIRDA.
- 2. Document Authorization.** The Commission authorizes the Department of Metropolitan Development, acting in consultation with legal counsel and on behalf of the Commission, to negotiate, finalize, and execute a funding agreement with the IEDC and/or CIRCA concerning the IEDC/CIRDA Loan and the repayment thereof by the MDC solely from City Funds.
- 3. Other Actions.** The officers of the Commission hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the President or any such officer deems to be necessary or reasonably appropriate to effect the resolutions set forth herein. Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.
- 4. No Conflict.** All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Resolution hereby are repealed to the extent of such conflict.
- 5. Severability.** If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.
- 6. Effectiveness.** This Resolution shall be in full force and effect from and after its passage.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the ___ day of _____ 2023.

METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis, Indiana

John J. Dillon III, President

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2023-A-027

REAL PROPERTY TAX ABATEMENT

CTC02, LLC
910 South Post Road
(Proposed Lot 3, Wolters Industrial Commercial Plat)

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, November 15, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of up to seven (7) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of not less than five (5) and up to seven (7) years.
5. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment in the ERA, to those respective tax savings attributable to the development of a building of up to approximately 69,000 square feet in total area.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment

figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

7. The Commission fixes 1:00 p.m. on Wednesday, December 6, 2023 in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at up to seven (7) years and establish an abatement schedule.
8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this day 8th
of November, 2023

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

**ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT**

FACTUAL INFORMATION

Applicant: CTC02, LLC
Subject Real Estate: 910 South Post Road
Warren Township Parcel Numbers: 7034604 and a portion of 7006155

PROJECT DESCRIPTION

Commercial Team Construction is a limited liability company based in Indianapolis, Indiana that specializes in industrial real estate development. It was founded in 2003 and has a unique approach to development focusing on Team Focused Contracting. This approach aims to provide clients with a single point of contact throughout the building process from design models and site selection methods to overall project management. CTC02 LLC, a single-point purpose entity, was created by Commercial Team Construction LLC to construct and manage a 68,250-square foot speculative industrial facility at 910 South Post Road. CTC02 LLC has committed to invest \$3,284,205 in the construction of this project.

As part of the development agreement, CTC02 LLC has committed to create not less than 14 new full-time positions at a minimum wage of \$18.00 per hour. The developer has also agreed to target identified Opportunity Industries as tenants for the project. Opportunity Industries are defined as those business sector that provide opportunities for worker advancement without requiring a bachelor’s degree. For each building, if the effort to attract an Opportunity Industry tenant is success, two additional years of real property tax abatement would be authorized.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. ___ Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. ___ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or

- C. is not located in a planned area with a tax abatement policy.
2. The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
- A. Current zoning allows project.
- B. Appropriate petition is on file.
- C. Final approval for variance, rezoning or approval petition has been granted.
4. A. The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
- B. substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
- B. The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
- A. Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
- B. Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.

**PROPOSED ABATEMENT SCHEDULE
CTC02, LLC
REAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	40%
5 th	20%

**PROPOSED ABATEMENT SCHEDULE
CTC02, LLC
REAL PROPERTY OPPORTUNITY BUSINESS EXTENDED TAX ABATEMENT
*(Must be invoked by third year of deduction)***

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	55%
5 th	45%
6 th	35%
7 th	25%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located within the Wolters Industrial Commercial Plat, slightly north of the Pepsi facility on the west side of Post Road between Rawles Ave. and E Prospect St.

Current Zoning: I-2

New Jobs Created: 14

Jobs Retained: None.

Estimated Cost of proposed project: \$3,284,205.00

STAFF ANALYSIS

Commercial Team Construction LLC, through its single-purpose entity, CTC02 LLC, has proposed to invest \$3,284,205 to develop an approximately 69,000-square foot speculative building for lease to one or more industrial users. The addition of such a facility will provide opportunities for smaller regional firms to relocate to, and expand within, Marion County.

CTC02 LLC has committed to a minimum of 14 net new jobs in the industrial building, at a minimum wage of \$18.00/hr. The petitioner’s Inclusivity Plan will dedicate five percent of the estimated abatement value toward employment and training through the Apprenticeship program. Petitioner has also agreed through its Inclusivity Plan to provide a youth apprenticeship, partnering with EmployIndy to select a candidate from Warren Central High School’s Modern Apprenticeship Program. This program will be a three-year commitment beginning Junior year of high school.

The proposed CTC02 LLC tax abatement includes an enhanced incentive if the project if 51% of the gross leasable area of the facility is occupied by one or more tenants that align with the City’s Target & Opportunity Industries. This would help promote industry clustering, job access and opportunities to the surrounding community’s workforce.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff’s opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of up to seven (7) years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: CTC02, LLC

INVESTMENT: Staff estimates that the proposed investment of \$3,284,205.00 should result in an increase to the tax base of approximately \$2,475,000.00 of assessed value. Staff estimates that over the initial five (5) year real property tax abatement period the petitioner will realize savings of approximately \$207,380.25 (a 60.7% savings). During the abatement period, the petitioner is expected to pay an estimated \$134,518.89 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the undeveloped property in the approximate amount of \$18,956.09 annually (pay2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$207,380.25 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the current value of the land.

**OPPORTUNITY
INDUSTRY
INCENTIVE:**

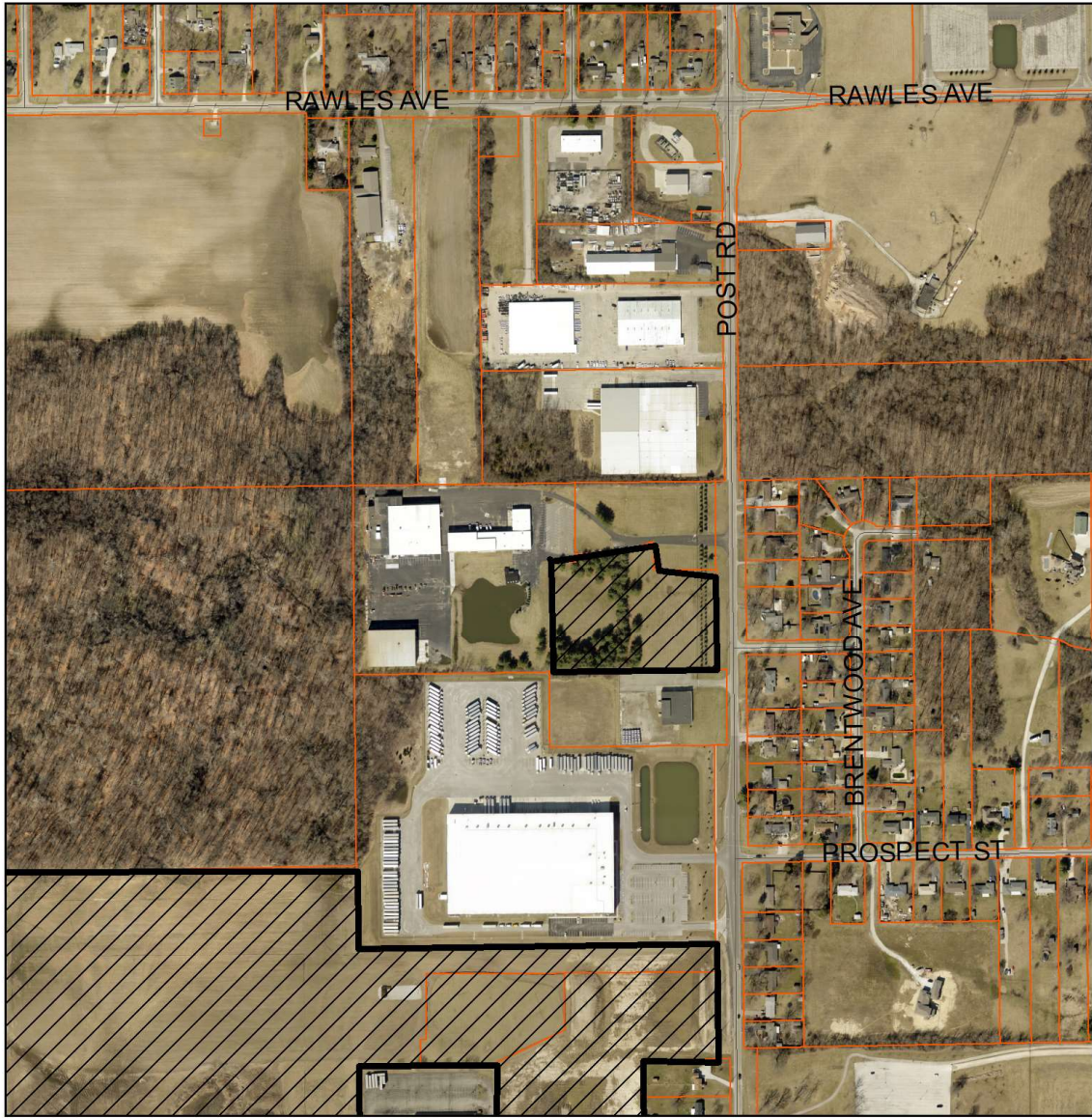
The petitioner has agreed to target Opportunity Industries in their marketing effort to lease or sell the developed property. If petitioner successful in leasing at least 51% of the gross leasable area of the proposed building to such an industry, then the petitioner will be entitled to an alternate deduction schedule, including two (2) more years of deduction. Staff estimates that if the proposed building qualifies for the enhanced real property tax abatement, the petitioner will realize an additional tax savings of approximately \$69,126.75, in addition to the tax savings realized during the initial abatement term. The petition would also pay an additional \$67,632.90 in real property taxes during the enhanced abatement term.

EMPLOYMENT: The petitioner estimates that this project will create a minimum of fourteen (14) positions at a minimum wage of not less than \$18.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS: Staff believes this project is significant for Warren Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

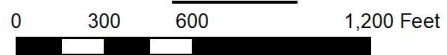
STAFF COMMENT: Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

CTC02, LLC
910 South Post Road - Wolters Industrial Commercial Plat, Lot 3



Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED November 6, 2023

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2023-A-028

REAL PROPERTY TAX ABATEMENT

Garage Door Doctors, LLC and 5 Star Property, LLC
808 South Post Road
(Proposed Lot 2, Wolter Property Commercial Plat)

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, November 15, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of five (5) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of not less than five (5) years.
5. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment in the ERA, to those respective tax savings attributable to the development of a building of up to approximately 32,000 square feet in total area.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment

figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

7. The Commission fixes 1:00 p.m. on Wednesday, December 6, 2023 in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period of five (5) years and establish an abatement schedule.

8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 8th day
of November, 2023

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

**ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT**

FACTUAL INFORMATION

Applicant: Garage Door Doctor, LLC and 5 Star Property, LLC

Subject Real Estate: 808 South Post Road

Warren Township Parcel Numbers: 7034604 and a portion of 7006155

PROJECT DESCRIPTION

Garage Door Doctor, LLC is a family-owned garage door company established in 2009, servicing the Indianapolis area. They specialize in installing and servicing various types of garage doors, including residential, commercial, and industrial. Customer service is key for this company offering same day appointment service as well as 24/7 emergency service. 5 Star Property, LLC, a single-purpose entity, was created by Garage Door Doctor, LLC to construct a 32,000-square foot headquarters office industrial building at 808 South Post Road. 5 Star Property, LLC has committed to invest \$2,500,000.00 in the construction of this project.

As part of the development agreement, 5 Star Property, LLC has committed to retain 48 positions with an average hourly wage of \$23.00 per hour and create at least 30 new full-time positions at an average wage of \$20.00 per hour by December 31, 2027. The petitioner’s Inclusivity Plan will also dedicate five percent of the estimated abatement value toward employment and training through an Apprenticeship program.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or
 - C. is not located in a planned area with a tax abatement policy.

2. The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
 - A. Current zoning allows project.
 - B. Appropriate petition is on file.
 - C. Final approval for variance, rezoning or approval petition has been granted.
4. A. The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
 - B. substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
 - B. The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
 - A. Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
 - B. Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.

PROPOSED ABATEMENT SCHEDULE
Garage Door Doctor, LLC and 5 Star Property, LLC
REAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	40%
5 th	20%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located within the Wolters Industrial Commercial Plat, slightly north of the Pepsi facility on the west side of Post Road between Rawles Ave. and E Prospect St.

Current Zoning: I-2

New Jobs Created: 30

Jobs Retained: 48

Estimated Cost of proposed project: \$2,500,000.00

STAFF ANALYSIS

Garage Door Doctor LLC, through its single-purpose entity, 5 Star Property LLC, has proposed to invest \$2,500,000.00 to develop an approximately 32,000-square foot headquarters office industrial building. Garage Door Doctor LLC will fully occupy the building. The addition of such a facility will bring job growth to the Warren Township area in Marion County.

5 Star Property LLC has committed to retaining 48 jobs with a minimum of 30 new jobs in the industrial building, at an average wage of \$20.00/hr. The petitioner has also agreed through its Inclusivity Plan to provide a youth apprenticeship; partnering with EmployIndy to select a candidate from the Modern Apprenticeship Program with an interest in becoming a garage door technician. This program will be a three-year commitment beginning in the apprentice’s Junior year of high school.

The petitioner is requesting the tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff’s opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of five (5) years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER:

Garage Door Doctor, LLC and 5 Star Property, LLC

INVESTMENT:

Staff estimates that the proposed investment of \$1,939,083.00 should result in an increase to the tax base of approximately \$1,454,312.25 of assessed value. Staff estimates that over the initial five (5) year real property tax abatement period the petitioner will realize savings of approximately \$121,856.82 (a 60.7% savings). During the abatement period, the petitioner is expected to pay an estimated \$79,024.78 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the undeveloped property in the approximate amount of \$18,956.09 annually (2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$121,856.82 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the current value of the land.

EMPLOYMENT:

The petitioner estimates that this project will retain 48 jobs and create a minimum of thirty (30) new positions at an average wage of not less than \$20.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS:

Staff believes this project is significant for Warren Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

STAFF COMMENT:

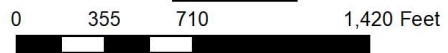
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

Garage Door Doctor LLC and 5 Star Property LLC
808 South Post Road - Wolters Industrial Commerical Plat, Lot 2



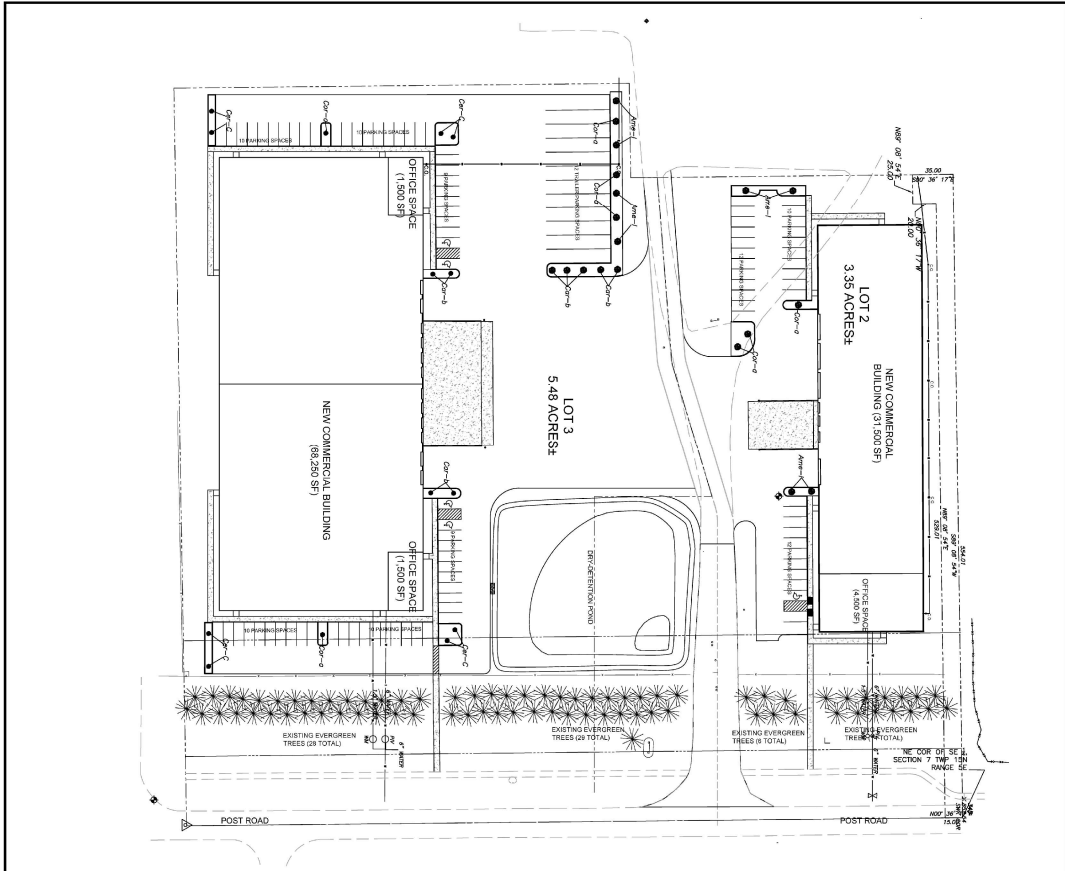
Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



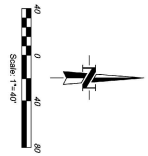
Produced by: DMD REED November 6, 2023

Site Plan



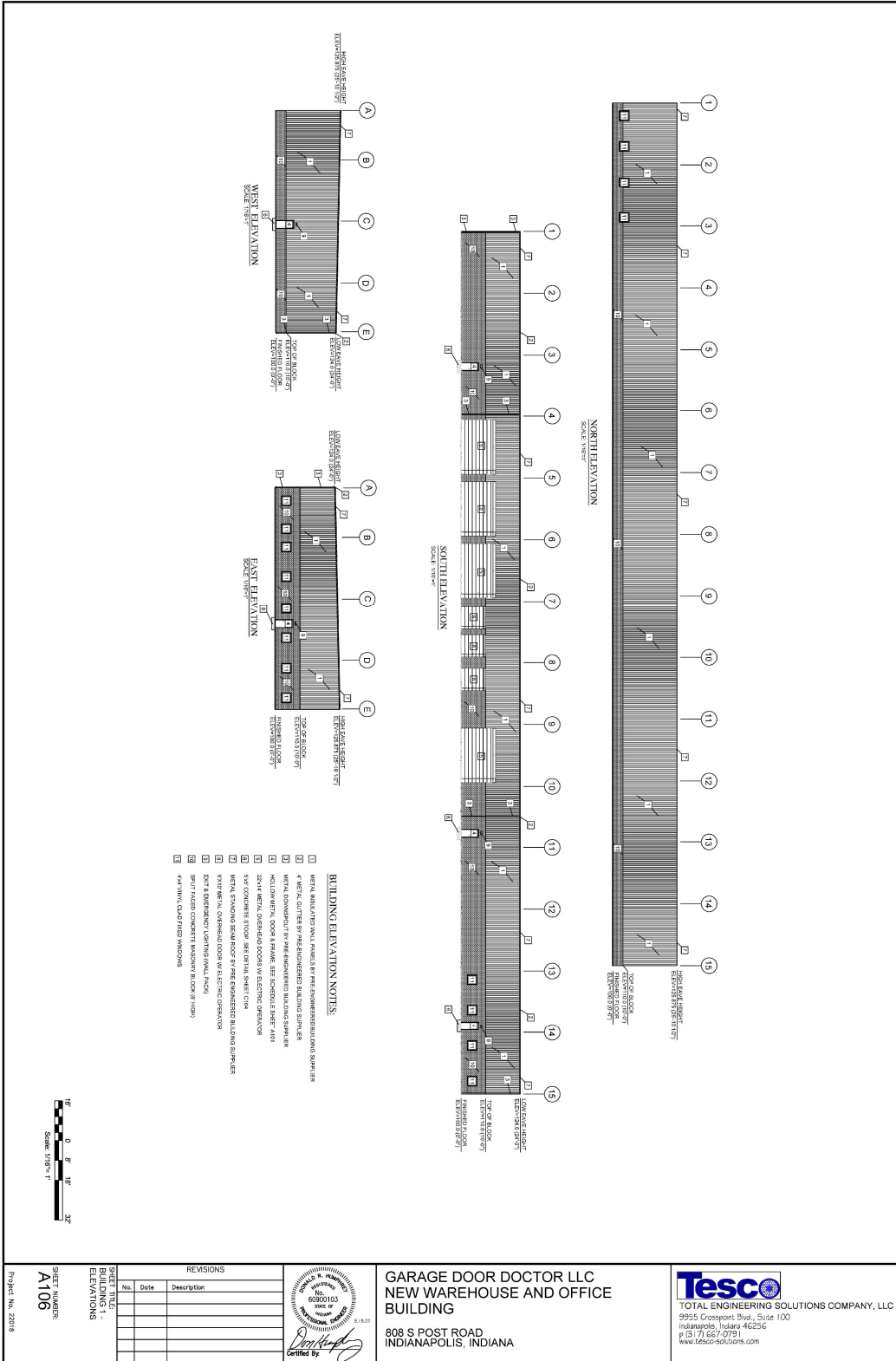
Final Buffer Yard Landscape Requirements
 Required trees 60' T/25' = 4.8 Trees = 80 Stems
 Required trees 25' T/25' = 3 Trees = 48 Stems
 Required trees 20' T/25' = 2 Trees = 32 Stems
 Required trees 15' T/25' = 1 Tree = 16 Stems
 Required trees 10' T/25' = 0.5 Trees = 8 Stems
 Required trees 5' T/25' = 0.25 Trees = 4 Stems
 Required trees 2' T/25' = 0.1 Trees = 1.6 Stems
 Total Required Trees = 11.65 Trees = 188.4 Stems
 Provided trees 237 T/25' = 4.8 Trees = 80 Stems
 Provided trees 227 T/25' = 4.5 Trees = 72 Stems
 Provided trees 217 T/25' = 4.2 Trees = 67.2 Stems
 Provided trees 207 T/25' = 3.9 Trees = 62.4 Stems
 Provided trees 197 T/25' = 3.6 Trees = 57.6 Stems
 Provided trees 187 T/25' = 3.3 Trees = 52.8 Stems
 Provided trees 177 T/25' = 3 Trees = 48 Stems
 Provided trees 167 T/25' = 2.7 Trees = 43.2 Stems
 Provided trees 157 T/25' = 2.4 Trees = 38.4 Stems
 Provided trees 147 T/25' = 2.1 Trees = 33.6 Stems
 Provided trees 137 T/25' = 1.8 Trees = 28.8 Stems
 Provided trees 127 T/25' = 1.5 Trees = 24 Stems
 Provided trees 117 T/25' = 1.2 Trees = 19.2 Stems
 Provided trees 107 T/25' = 0.9 Trees = 14.4 Stems
 Provided trees 97 T/25' = 0.6 Trees = 9.6 Stems
 Provided trees 87 T/25' = 0.3 Trees = 4.8 Stems
 Provided trees 77 T/25' = 0 Trees = 0 Stems
 Provided trees 67 T/25' = 0 Trees = 0 Stems
 Provided trees 57 T/25' = 0 Trees = 0 Stems
 Provided trees 47 T/25' = 0 Trees = 0 Stems
 Provided trees 37 T/25' = 0 Trees = 0 Stems
 Provided trees 27 T/25' = 0 Trees = 0 Stems
 Provided trees 17 T/25' = 0 Trees = 0 Stems
 Provided trees 7 T/25' = 0 Trees = 0 Stems
 Provided trees 0 T/25' = 0 Trees = 0 Stems
 Total Provided Trees = 11.65 Trees = 188.4 Stems

Quantity	Symbol	Botanical Name	Common Name	Size	Container	Notes
1	Trees					
8	Gr-A	Conical evergreen	Pyramidal Spruce	2.5"	BA8	Medium Fir
8	Gr-B	Arborescent shrub	Japanese Barberry	2.5"	BA8	Medium Fir
9	Gr-C	Compact shrub	European Honeysuckle	2.5"	BA8	Medium Fir
8	Gr-D	Compact shrub	Eastern Yew	2.5"	BA8	Medium Fir



<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Description										<p>SHEET TITLE</p> <p>LANDSCAPING PLAN</p>	<p>POST ROAD COMMERCIAL PARK NEW COMMERCIAL BUILDINGS</p> <p>808 & 910 S POST RD. INDIANAPOLIS, INDIANA</p>	<p>Tesco TOTAL ENGINEERING SOLUTIONS COMPANY, LLC 9855 CROSSPOINT BLVD INDIANAPOLIS, IN 46256 P (317) 647-5753 www.tesco-soi.com</p>
No.	Date	Description													

Conceptual Elevations



REVISIONS		
No.	Date	Description



**GARAGE DOOR DOCTOR LLC
NEW WAREHOUSE AND OFFICE
BUILDING**

808 S POST ROAD
INDIANAPOLIS, INDIANA

Tesco
TOTAL ENGINEERING SOLUTIONS COMPANY, LLC
9955 Crosspoint Blvd., Suite 100
Indianapolis, Indiana 46256
P: 317.667.4731
www.tesco-solutions.com

SHEET TITLE:
**BUILDING 1 -
ELEVATIONS**

SHEET NUMBER:
A106

Project No. 22018

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2023-A-039

REAL PROPERTY TAX ABATEMENT

DJ BCG Monon 22, LLC
1011 East 22nd Street

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period, the annual abatement schedule during the term of the abatement and the abatement deduction limit for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, November 15, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of ten (10) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area (hereinafter the “ERA”) designation terminates December 31, 2025; however, relative to redevelopment or rehabilitation completed before the ERA period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of not less than ten (10) years.
4. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.**
5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
6. The Commission fixes 1:00 p.m. on Wednesday, December 6, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at ten (10) years and establish an abatement schedule.
7. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John Dillon, III President

Date

Approved as to Legal Form
and Adequacy October 24, 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

**ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT**

FACTUAL INFORMATION

Applicant: DJ BCG Monon 22, LLC
Subject Real Estate: 1011 East 22nd Street
Center Township Parcel Number: 1027413

PROJECT DESCRIPTION

DJ BCG Monon 22, LLC is a redevelopment partnership formed by two local real estate development companies, Chase Development and Brown Capital Group. The proposed development would consist of the demolition of existing warehouse structures and construction three new three-story multi-family residential buildings, comprising 111 residential units, 57 units of which reserved for households earning less than Area Median Income (AMI). Construction of the Project is scheduled to commence in Q1 2024, with delivery of the units by Q1 2025. The development will create two new full-time permanent positions at or over \$27.00 per hour by the end of 2025.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or
 - C. is not located in a planned area with a tax abatement policy.
2. The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
 - A. Current zoning allows project.

- B. Appropriate petition is on file.
- C. Final approval for variance, rezoning or approval petition has been granted.
4. A. The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
- B. substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
- B. The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
- A. Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
- B. located in an allocation area, but Applicant's statement of benefits has been submitted to the legislative body for its approval as required by I.C.6-1.1-12.1-2(k)

PROPOSED ABATEMENT SCHEDULE
REAL PROPERTY TAX ABATEMENT
DJ BCG MONON 22, LLC

YEAR OF DEDUCTION	PERCENTAGE
1 st	85%
2 nd	85%
3 rd	85%
4 th	85%
5 th	85%
6 th	85%
7 th	85%
8 th	85%
9 th	85%
10 th	85%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located at the southwest corner of 22nd Street and the Monon Trail, in an urban neighborhood comprise of low and mid-density housing and legacy industrial uses.

Current Zoning: D-P

New Jobs Created:..... Two at \$27.00/hr.

Jobs Retained:..... None.

Estimated Cost of proposed project: \$17,780,144.00

STAFF ANALYSIS

DJ BGC Monon 22, LLC has proposed redevelopment of the former Habitat for Humanity ReStore, an architectural salvage and building supply facility. The proposed Project includes the demolition of existing industrial buildings and the construction multi-family residential development, consisting of three, three-story apartment buildings that would be comprised of 111 residential units, 57 units of which reserved for households earning less than Area Median Income (AMI). Construction of the Project is scheduled to commence in Q1 2024, with delivery of the units by Q1 2025.

For the Workforce Support Commitments for the Project, the applicant will be required to set aside 51% of units with rental restrictions. These units shall be provided in the following proportions: 57 units must be affordable at an 80% AMI level (workforce housing). In addition, 29 of these 80% AMI units must maintain this affordability level for 20 years, while 28 must remain affordable for 10 years.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of ten (10) years real property tax abatement.

TOTALITY OF BENEFITS**PETITIONER:****DJ BCG MONON 22, LLC****INVESTMENT:**

Staff estimates that the proposed investment of \$17,780,144.00 should result in an increase to the tax base of approximately \$14,375,100.00 of assessed value. Staff estimates that over the ten (10) year real property tax abatement period the petitioner will realize savings of \$ 2,768,552.02 (an 82.7% savings). During the abatement period, the petitioner is expected to pay an estimated \$577,250.61 in real property taxes on the project. This is in addition to the current taxes being paid on the property in the amount of \$17,157.84 annually (pay 2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$353,965.84 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the current value of the property.

EMPLOYMENT:

The petitioner estimates that this project will create at least two (2) positions at an average wage of \$27.00/hr. Staff finds these figures to be reasonable for a project of this nature.

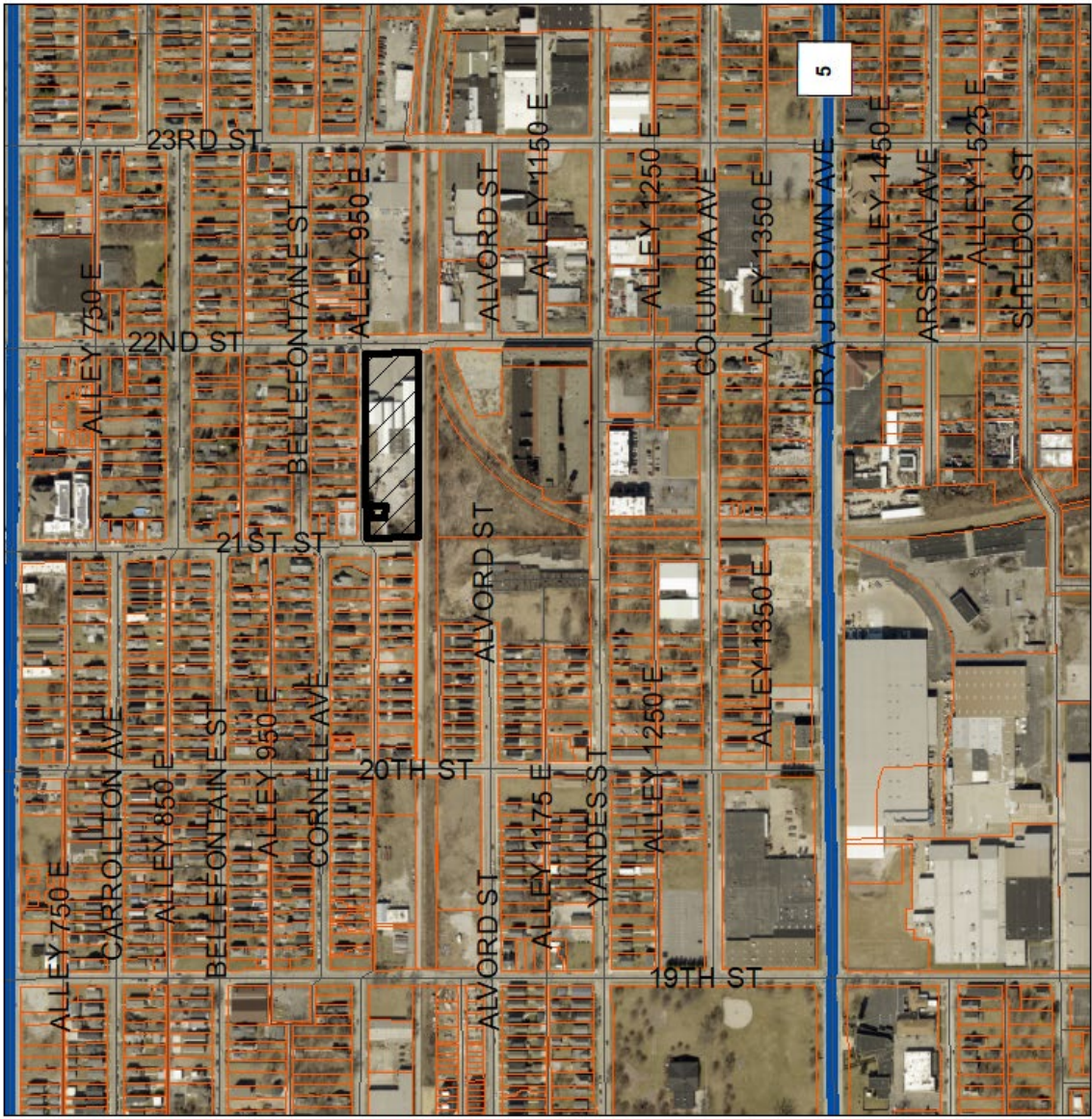
OTHER BENEFITS:

Staff believes this project is significant for Center Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

STAFF COMMENT:

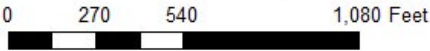
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

DJ BCG Monon 22, LLC
22nd & Monon Apartments - 1011 East 22nd Street



Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED October 24, 2023

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA**

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2023-A-040

REAL PROPERTY TAX ABATEMENT

Patch Washington Street, LLC

8501, 8505, 8509, 8517 and 8609 West Washington Street

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property and to limit the dollar amount of the deduction that will be allowed with respect to a Project, by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, I.C. 6-1.1-12.1-11.3 empowers the Commission, by resolution and following a public hearing, to waive the requirement that an area be designated as an economic revitalization area before initiation of the redevelopment; and

WHEREAS, the Applicant is requesting, pursuant to the provisions of I.C. 6-1.1-12.1-11.3, that the Commission waive the requirement that an area be designated as an economic revitalization area before the initiation of the redevelopment (the "Waiver"); and

WHEREAS, a public hearing upon the Waiver is fixed for Wednesday, December 6, 2023, in the Public Assembly Room of the City-County Building for the receiving of remonstrances and objections from persons interested in or affected by the Waiver; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, November 15, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of up to seven (7) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of less than five (5) years and up to seven (7) years.
4. This Economic Revitalization Area (ERA) designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment and rehabilitation activities occurring in the ERA, to those respective tax savings attributable to the redevelopment of an industrial building not greater than 106,000 square feet of leasable area.

5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
6. The Commission fixes 1:00 p.m. on Wednesday, December 6, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and the Waiver and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and Waiver and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at up to seven (7) years and establish an abatement schedule.
7. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 12th day
of November, 2023

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

**ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT**

FACTUAL INFORMATION

Applicant: Patch Washington Street, LLC

Subject Real Estate: 8501, 8505, 8509, 8517 and 8609 West Washington Street

Wayne Township Parcel Numbers: 9000815, 9027899, 9031589, 9006277, 9010822 and 9025581

PROJECT DESCRIPTION

Patch Washington Street, LLC is a single-purpose business entity created by Westfield-based Patch Development to construct, own and manage a proposed 105,000-square foot, speculative industrial building on the far west side of Indianapolis. The subject site is comprised of six parcels along West Washington Street, totaling 8.71 acres. Prior to acquisition by Patch, the property was tax-exempt and owned by the Indianapolis Airport Authority (“IAA”).

In late 2022, Patch received an offer of tax abatement from the City and its economic development partners, Develop Indy, a unit of the Indy Chamber. Having not previously participated in the City’s tax abatement program, Patch was under the impression that the offer letter represented the ‘approval’ of the abatement.

Moving forward with an assumption of the tax incentive having been approved, Patch closed on the purchase of the real estate from the IAA, Patch subsequently obtained building permits and began construction of the project at a cost of \$12,500,000.00. Shell construction is anticipated to be completed by end of year, and the tenant improvements in spring of 2024. Additionally, Patch has been in negotiations with three potential tenants for the building, which collectively would create not less than 21 new jobs at the site.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. ___ Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. ___ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or

- C. is not located in a planned area with a tax abatement policy.
2. The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
- A. Current zoning allows project.
- B. Appropriate petition is on file.
- C. Final approval for variance, rezoning or approval petition has been granted.
4. A. The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
- B. substantial evidence has been provided supporting that work was started under the following appropriate exception: Waiver Requested.
5. A. The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
- B. The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
- A. Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
- B. Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.

PROPOSED ABATEMENT SCHEDULE
PATCH WASHINGTON STREET, LLC
REAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	40%
5 th	20%

PROPOSED ABATEMENT SCHEDULE
PATCH WASHINGTON STREET, LLC
REAL PROPERTY OPPORTUNITY BUSINESS EXTENDED TAX ABATEMENT
(Must be invoked by third year of deduction)

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	55%
5 th	45%
6 th	35%
7 th	25%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located in a legacy commercial/industrial area, on US 40, north of the Indianapolis International Airport.

Current Zoning: I-2

Qualified New Jobs Created:.....21

Qualified Jobs Retained:..... None.

Estimated Cost of proposed project: \$12,500,000.00

STAFF ANALYSIS

Patch Washington Street, LLC, through its parent company, Patch Development, will soon complete construction of a speculative industrial building of approximately 105,000 square feet in leasable area. Patch had obtained an offer of support for tax abatement from the City and Develop Indy in late 2022. Subsequently, Patch acquired the 8.71-acre site from the Indianapolis International Airport, began construction of the \$12,500,000 project shortly thereafter. Since the project was initiated prior to the submittal of the Statement of Benefits, a Waiver is required. Staff recommends approval of the Waiver, as we believe Patch began the project in good faith, and the project was, and is, aligned with the City’s incentives policy on industrial development.

Petitioner has agreed to target “Opportunity Industries” as tenants for the project. Opportunity Industries are defined as those business sectors that provide for worker advancement without requiring a bachelor’s degree. If an Opportunity Industry tenant or tenants are secured, two additional years of real property tax abatement would be authorized.

The petitioner’s Inclusivity Plan will require donation of five percent of estimated abatement savings to the Indianapolis Housing Trust Fund, to support the development and preservation of affordable housing in the City.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff’s opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of up to seven (7) years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER:

Patch Washington Street, LLC

INVESTMENT:

Staff estimates that the proposed investment of \$12,500,000.00 should result in an increase to the tax base of approximately \$9,375,000.00 of assessed value. Staff estimates that over the initial five (5) year real property tax abatement period the petitioner will realize savings of approximately \$849,530.52 (a 54.1% savings). During the abatement period, the petitioner is expected to pay an estimated \$720,781.98 in real property taxes relative to the new investment. No taxes are currently being paid on the property, as it has been owned by a tax-exempt entity (pay 2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$317,127.75 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the value of the land as improved industrial ground.

OPPORTUNITY

INDUSTRY

INCENTIVE:

The petitioner has agreed to target Opportunity Industries in their marketing effort to lease or sell the developed property. If petitioner successful in leasing at least 51% of the gross leasable area of the building to such an industry, then the petitioner will be entitled to an alternate deduction schedule, including two (2) more years of deduction. Staff estimates that if the building qualifies for the enhanced real property tax abatement, the petitioner will realize an additional tax savings of approximately \$267,954.71, in addition to the tax savings realized during the initial abatement term. The petitioner would also pay an additional \$360,170.29 in real property taxes during the enhanced abatement term.

QUALIFIED

EMPLOYMENT:

The petitioner estimates that this project will create twenty-one (21) new positions at a minimum wage of not less than \$18.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS:

Staff believes this project is significant for Wayne Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

STAFF COMMENT:

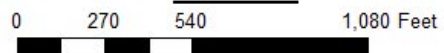
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

Patch Washington Street, LLC
8501, 8505, 8509, 8517 and 8609 West Washington Street



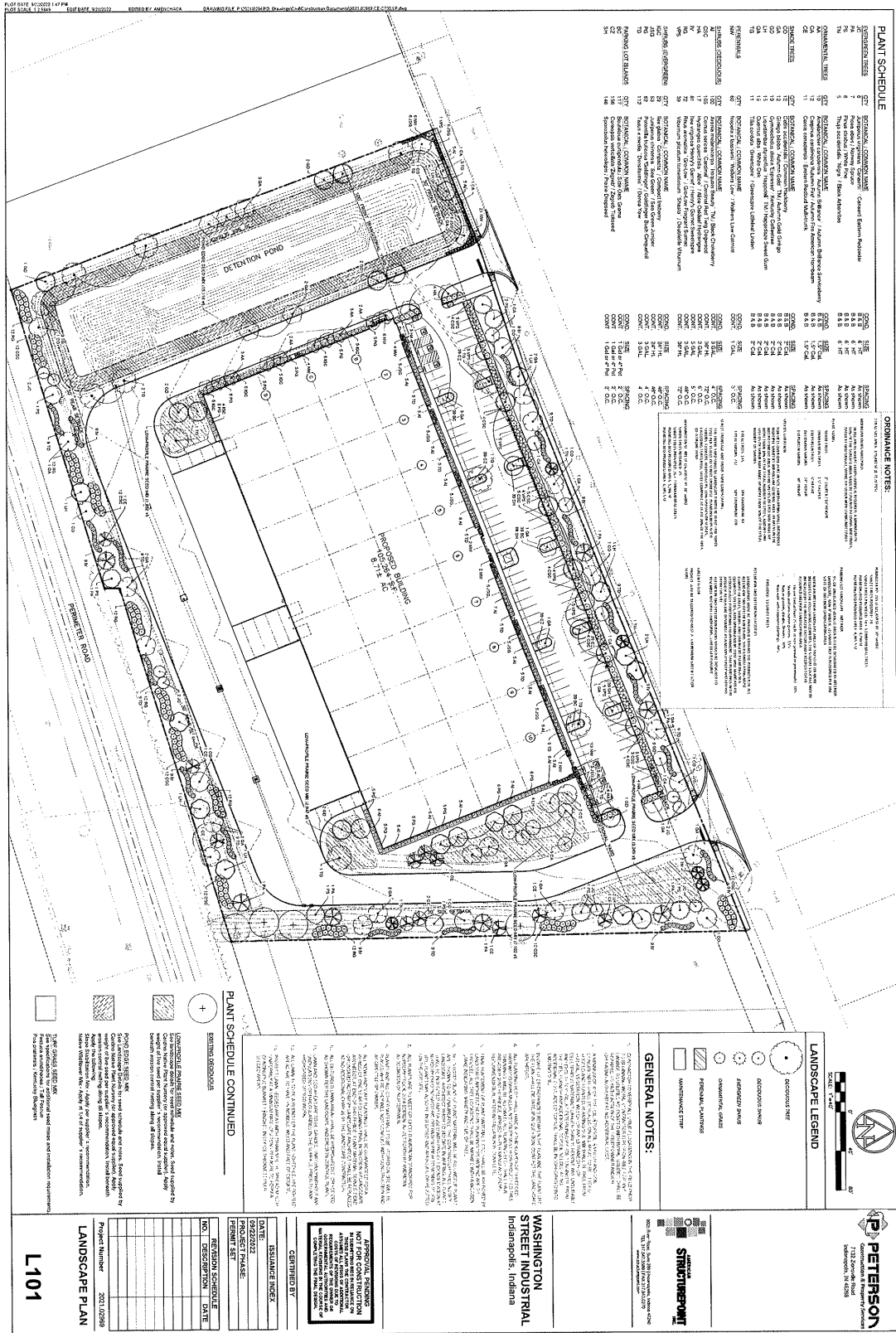
Legend

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED November 6, 2023

Site Plan



**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-P-17**

WHEREAS, the Metropolitan Development Commission of Marion County (the “Commission”) is authorized to approve the employment of all persons engaged by contract to render professional or consulting services for the Department of Metropolitan Development (“DMD”); and

WHEREAS, DMD wishes to enter into a professional services agreement with Mojo Up Marketing + Media, LLC, to create an overarching marketing communications/public education blueprint for DMD’s planning process in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) and shall terminate on December 16, 2025; and

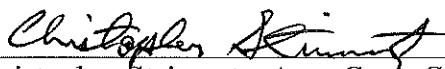
WHEREAS, the agreement will be funded from various sources and DMD will only be funding Fifty Thousand Dollars (\$50,000) of the overall not to exceed amount of Two Hundred Thousand Dollars (\$200,000).

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County as follows:

1. The Commission hereby authorizes DMD to enter into a professional services agreement with Mojo Up, LLC, to create an overarching marketing communications/public education blueprint for planning process in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) of which amount DMD will be providing Fifty Thousand Dollars (\$50,000) and the agreement shall terminate on December 16, 2025.
2. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further actions and execute such documents as deemed necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:



Christopher Steinmetz, Asst. Corp. Counsel

John J. Dillon III, President

Date: 11/8/2023

Date: _____

RESOLUTION NO. 2023-BB-005

A PRELIMINARY BOND RESOLUTION OF THE CITY OF INDIANAPOLIS REDEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE OF THE CITY OF INDIANAPOLIS REDEVELOPMENT DISTRICT TAX INCREMENT REVENUE BONDS (10TH AND RURAL PROJECT) (THE “BONDS”) FOR THE PURPOSE OF FUNDING ADDITIONAL IMPROVEMENTS IN THE DISTRICT

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”); and

WHEREAS, the Commission, on behalf of the District, did, on May 3, 2006, adopt Resolution No. 06-R-018 (the “Near Eastside Declaratory Resolution”) declaring the Near Eastside Redevelopment Area (the “Near Eastside Area”) to be a blighted area within the meaning of Indiana Code 36-7-15.1 (the “Act”), approving a redevelopment plan for the Near Eastside Area (the “Near Eastside Plan”) pursuant to the Act, and creating an allocation area pursuant to the Near Eastside Plan known as the Near Eastside HOTIF Area (the “Near Eastside HOTIF Area”); and

WHEREAS, Resolution No. 06-R-018 was confirmed by the Commission with the adoption of Resolution No. 06-R-020, adopted on June 7, 2006; and

WHEREAS, the Commission has previously issued its Redevelopment District Tax Increment Revenue Bonds, Series 2010A (Near Eastside Housing Program) in the aggregate principal amount of \$7,200,000, dated June 3, 2010, of which \$982,469.37 are outstanding (the “Prior Bonds”) and which is payable solely from Tax Increment (as defined herein) from the Near Eastside Area;

WHEREAS, the Commission now desires to issue tax increment revenue bonds, on a parity with the Prior Bonds, to provide funds to pay the costs of certain additional infrastructure improvements to develop the Near Eastside HOTIF Area together with expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the “Project”); and

WHEREAS, the Commission now desires to continue to develop the Near Eastside Area in order to serve the needs of the City and in order to produce increased tax revenues for the various taxing districts authorized to levy taxes within the Near Eastside HOTIF Area; and

WHEREAS, the Commission finds that in order to provide funds for the payment of the cost of the Project, it will be necessary and in the best interest of the District, and the property and inhabitants thereof, to issue one or more series of bonds of the District which shall be payable solely from the taxes on real property located in the Near Eastside HOTIF Area (the “Allocation Area”) allocated and deposited in the Near Eastside HOTIF Area Allocation Fund (the “Allocation Fund”) pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues

of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), in an aggregate principal amount not to exceed Nineteen Million Dollars (\$19,000,000); and

WHEREAS, the City intends to enter into a Purchase Agreement with The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") (the "Purchase Agreement") in connection with the Project; and

WHEREAS, the Bond Bank anticipates purchasing the Bonds with the proceeds from the issuance of one or more series of bonds of the Bond Bank (the "Bond Bank Bonds"); and

WHEREAS, the Commission desires for the Area to be developed for such uses in order to serve the needs of the City of Indianapolis, Indiana (the "City"), and in order to produce increased tax revenues for the various taxing districts authorized to levy taxes within the Area; and

WHEREAS, the Commission finds that in order to provide funds for the payment of the cost of certain property acquisition, redevelopment and economic development in or serving the Allocation Area, it will be necessary and in the best interest of the Commission and the Redevelopment District of the City of Indianapolis, Indiana (the "District"), and the property and inhabitants thereof, to issue bonds of the District in an aggregate principal amount not to exceed Nineteen Million Dollars (\$19,000,000), which shall be payable solely from taxes on real property located in the Allocation Area allocated and deposited in the allocation fund for the Allocation Area (the "Allocation Fund") created by the Declaratory Resolution pursuant to Section 39 of the Act (the "Tax Increment"); and

WHEREAS, certain preliminary expenditures related to the Project have been or will be incurred by or on behalf of the Commission prior to the issuance and delivery of such bonds; and

WHEREAS, the Commission desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of such bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U.S. Treasury Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations");

NOW THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA:

SECTION 1. For the purpose of procuring funds to pay for the costs of the Project, the City, acting for an on behalf of the Commission and the District, shall make a loan in an amount not to exceed Nineteen Million Dollars (\$19,000,000).

In order to procure funds for such loan, the Controller of the City is hereby authorized and directed, subject to the satisfaction of all applicable legal requirements, to have prepared and to issue and sell the negotiable bonds of the District, in one or more series or issues, the principal of and interest on which are payable from taxes on real property located in the Allocation Area allocated and deposited in the Allocation Fund pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), which bonds shall be issued in the name of the City, for and on behalf of the District, in an aggregate principal amount of not to exceed Nineteen Million Dollars

(\$19,000,000) (the "Bonds"). The Bonds shall mature on or before February 1, 2037 and bear interest at rates not to exceed 8.50%.

The Bonds shall not constitute a corporate obligation or indebtedness of the City but shall constitute an obligation of the District. The Bonds, together with interest thereon, shall be payable solely out of Tax Increment.

The terms of the Bonds shall be provided in a final bond resolution of the Commission.

SECTION 2. The Commission hereby authorizes the publication in accordance with Indiana law of a notice of public hearing regarding the proposed additional appropriation of the proceeds of the Bonds.

SECTION 3. In connection with the Project, the Commission hereby authorizes and directs the Mayor, the City Controller, the officers of the Commission and the Director of DMD, both collectively and in their individual capacities, to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution, including, without limitation, entering into a project agreement with the Bond Bank concerning the Project, in form and substance and on terms and conditions acceptable to such officer of the City, the Commission or DMD executing the same, together with any and all changes as may be necessary, desirable or appropriate, which such approval of the form and substance and any changes thereto conclusively evidenced by such officer's execution thereof.

SECTION 4. The President and Secretary of the Commission are hereby directed to certify a copy of this Resolution to the Controller of the City.

SECTION 5. This Resolution shall be in full force and effect after its adoption by the Commission.

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ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana held on the ___ day of _____, 20__.

METROPOLITAN DEVELOPMENT
COMMISSION OF
MARION COUNTY, INDIANA, acting as the
Redevelopment Commission of the
City of Indianapolis, Indiana

John J. Dillon, President

ATTEST:

Vincent Ash, Secretary



Office of Finance Management

THE METROPOLITAN DEVELOPMENT COMMISSION

OF

MARION COUNTY, INDIANA

RESOLUTION NO 2023-BB-006

BOND RESOLUTION

CITY OF INDIANAPOLIS REDEVELOPMENT DISTRICT
BONDS (BROAD RIPPLE PARK FAMILY CENTER PROJECT)

THE METROPOLITAN DEVELOPMENT COMMISSION

OF

MARION COUNTY, INDIANA

RESOLUTION NO. 2023-BB-006

BOND RESOLUTION

REDEVELOPMENT DISTRICT OF THE CITY OF INDIANAPOLIS, INDIANA

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-15.1, as amended from time to time (the "Act"); and

WHEREAS, the Commission has heretofore adopted resolutions declaring the establishment of the North Midtown Economic Development Area (the "Area") and designating a portion of the Area to be an allocation area commonly known as the North Midtown Allocation Area (the "Allocation Area"), and has further amended said resolutions from time to time; and

WHEREAS, the Commission desires for the Area and the Allocation Area to be developed in order to serve the needs of the City of Indianapolis, Indiana (the "City"), and in order to produce increased tax revenues for the various taxing districts authorized to levy taxes within the Area; and

WHEREAS, the Act authorizes the issuance of bonds of the District payable from allocated tax proceeds, from other revenues of the District or otherwise made available to the District, and from a special tax to be levied upon all of the taxable property located within the District; and

WHEREAS, the Commission finds that in order to provide funds for the payment of the cost of certain property acquisition and redevelopment in or serving the Allocation Area (including, in particular, the acquisition of the Broad Ripple Park Family Center, located at 1426 Broad Ripple Avenue, Indianapolis, Indiana) (the "Facility"), it will be necessary and in the best interest of the District, and the property and inhabitants thereof, to issue bonds of the District in an aggregate principal amount not to exceed Twenty-Six Million Dollars (\$26,000,000) (the "Bonds"), which shall be payable from a special tax to be levied upon all of the taxable property located within the District pursuant to Indiana Code 36-7-15.1-19 (the "Special Tax"), provided that tax increment revenues deposited in the allocation fund for the Allocation Area pursuant to Indiana Code 36-7-15.1-26 (the "Tax Increment") and other revenues legally available to the Commission may be used to pay all or a portion of the principal of and interest on the Bonds; and

WHEREAS, the Commission anticipates that it will use Tax Increment and other revenues legally available to the Commission to pay the principal of and interest on the Bonds,

such that the Commission reasonably anticipates that it will not be required to levy the Special Tax to pay such principal and interest; and

WHEREAS, the Commission now desires to authorize the issuance of the Bonds, in one or more series, to finance the costs of the acquisition of the Facility, together with all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition of the Facility or the issuance of the Bonds and the bond anticipation notes described herein, capitalized interest on the Bonds, a debt service reserve for the Bonds to the extent that the Commission determines that a reserve is reasonably required (including the cost of a surety bond therefor), and any other costs or expenses in connection with or on account of the issuance of the Bonds or the bond anticipation notes therefor (collectively, the "Project Costs"); and

WHEREAS, the issuance of the Bonds is further subject to the approval of such issuance by the City-County Council of the City of Indianapolis and Marion County, Indiana; and

WHEREAS, Indiana Code 5-1.4 provides that a "qualified entity," which term includes the District, may issue and sell its bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Bond Bank, through its Executive Director, has expressed a willingness to purchase one or more series of the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank;

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

SECTION 1. Issuance of Bonds. For the purpose of procuring funds to pay the Project Costs, the City, acting for and on behalf of the District, is hereby authorized to issue bonds in an aggregate principal amount not to exceed Twenty-Six Million Dollars (\$26,000,000).

In order to procure funds to pay said Project Costs, the Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell the negotiable bonds of the District, in one or more series, which bonds shall be issued in the name of the City, for and on behalf of the District, and which shall be designated "City of Indianapolis Redevelopment District Bonds, Series 20___ (Broad Ripple Park Family Center Project)" (the "Bonds") (with the series designation to reflect the calendar year of issuance and an appropriate letter designation in the event that more than one series of the Bonds will be issued), in an aggregate principal amount not to exceed Twenty-Six Million Dollars (\$26,000,000), and which amount (together with expected investment earnings thereon) does not exceed the Project Costs, as estimated by the Commission.

The Bonds shall not constitute a corporate obligation or indebtedness of the City, but shall constitute an obligation of the District. The Bonds, together with interest thereon, shall be payable from the Special Tax, provided that the Tax Increment and other revenues legally

available to the Commission may be used to pay all or a portion of the principal of and interest on the Bonds, as more particularly set forth in Section 7 hereof.

The form and tenor of the Bonds shall be substantially as set forth in Exhibit A attached hereto with such modifications to reflect the negotiated terms of the Bonds. The Bonds shall be issued in fully registered form in denominations of Five Thousand Dollars (\$5,000) or integral multiples thereof, or, if set forth in the Purchase Agreement (as defined herein), in denominations of One Hundred Thousand Dollars (\$100,000), or integral multiples of One Thousand Dollars (\$1,000) in excess thereof (e.g., \$100,000, or \$101,000, or \$102,000, etc.) (the "Authorized Denominations"), not exceeding the aggregate principal amount of the Bonds maturing in any year, and shall be numbered consecutively from ___R-1 upwards (with the Bond numbers to reflect the last two digits of the calendar year of issuance and an appropriate letter designation in the event that more than one series of the Bonds will be issued). The Bonds shall have a final maturity date not later than twenty (20) years after the date of issuance, and principal shall be payable in the amounts and on February 1 of the years set forth in the Purchase Agreement. The Bonds shall bear interest at a fixed rate or rates not exceeding eight percent (8.0%) per annum (the exact rate or rates of interest to be determined by negotiation with the purchaser thereof). The final maturity date, amortization schedule, and interest rate or rates for the Bonds shall be set forth in the Purchase Agreement.

The interest on each series of Bonds shall be payable on each February 1 and August 1 of the years set forth in the Purchase Agreement relating to such series (each such payment date referred to herein as an "Interest Payment Date"). The first Interest Payment Date for each series of Bonds shall be set forth in the Purchase Agreement. Interest on the Bonds shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year, or such other basis as determined by the Controller based upon the advice of the Commission's municipal advisor to be set forth in the Purchase Agreement.

Bonds issued hereunder shall bear an original date which shall be (i) the date of their delivery, or (ii) the first day of the month in which the Bonds are to be delivered, as set forth in the Purchase Agreement (the "Original Date"), and each Bond or BAN (as hereinafter defined) issued hereunder shall also bear the date of its authentication. Bonds or BANs authenticated on or before the fifteenth day of the calendar month immediately preceding the first Interest Payment Date shall be paid interest from their respective Original Date. Bonds or BANs authenticated after the fifteenth day of the calendar month immediately preceding the first interest payment date shall be paid interest from the interest payment date immediately preceding the date of authentication of such Bonds or BANs unless the Bonds or the BANs are authenticated after the fifteenth day of the calendar month immediately preceding an interest payment date, in which case interest thereon shall be paid from such interest payment date.

SECTION 2. Issuance of BANs. In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing to apply to a portion of the costs for which the Bonds are to be issued, the Controller is hereby authorized to have prepared and to issue and sell negotiable bond anticipation notes (the "BANs") of the District, in one or more series, which BANs shall be issued in the name of the City, for and on behalf of the District, in an aggregate principal amount not to exceed Twenty-Six Million Dollars (\$26,000,000), to be designated "City of Indianapolis Redevelopment District Bond Anticipation Notes, Series 20___ (Broad Ripple Park Family Center Project)" (with the series designation to reflect the calendar year of

issuance and an appropriate letter designation in the event that more than one series of the BANs will be issued). The BANs shall be issued in fully registered form, shall be numbered consecutively from ___R-1 upwards) (with the BAN numbers to reflect the last two digits of the calendar year of issuance and an appropriate letter designation in the event that more than one series of the BANs will be issued), shall be issued in denominations of Five Thousand Dollars or integral multiples thereof, or, if set forth in the BAN Purchase Agreement (as defined herein), in denominations of One Hundred Thousand Dollars (\$100,000) or any integral multiple of One Thousand Dollars (\$1,000) in excess thereof (e.g., \$100,000, or \$101,000, or \$102,000, etc.), shall be dated the date of their delivery, and shall bear interest at a fixed rate or rates not exceeding eight percent (8.0%) per annum (the exact rate or rates of interest to be determined by negotiation with the purchaser thereof). The BANs shall mature not later than five (5) years from their date of issuance. The interest on the BANs shall be payable on the dates set forth in the BAN Purchase Agreement and on the final maturity of the BANs. The principal amount, first interest payment date, final maturity date and interest rate or rates for the BANs shall be set forth in the BAN Purchase Agreement. The BANs shall be sold at a price of not less than ninety-seven percent (97.0%) of the par amount thereof. The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs.

The BANs shall not constitute a corporate obligation or indebtedness of the City, but shall constitute an obligation of the District. The principal of and final payment of interest on the BANs shall be payable solely from the proceeds of the issuance and sale hereunder of the Bonds, when and if issued, and interest (other than the final payment of interest) on the BANs shall be payable from any sources legally available to the Commission for the payment thereof.

SECTION 3. Registrar and Paying Agent. The Controller, or such financial institution as the Controller may designate pursuant to this Resolution, is hereby appointed as the Registrar (the Controller or such financial institution and any subsequent registrar appointed pursuant to this Resolution shall hereinafter be referred to as the "Registrar") for the Bonds and the BANs and is hereby charged with the responsibility of authenticating the Bonds and the BANs. The Registrar shall keep and maintain at its principal office books for the registration and for the transfer of the Bonds and the BANs (the "Bond Register"). The Controller is hereby authorized and directed, on behalf of the Commission, to enter into such agreements or understandings with the Registrar as will enable the Registrar to perform the services required of a registrar, and is directed to pay the Registrar for its services out of available funds.

The principal of and premium, if any, on the Bonds and the BANs shall be payable at the principal office of the Controller, or such financial institution as the Controller may designate pursuant to this Resolution, which Controller or designated financial institution is hereby appointed as the Paying Agent (the Controller or such financial institution and any subsequent paying agent appointed pursuant to this Resolution shall hereinafter be referred to as the "Paying Agent") for the Bonds and the BANs. Interest on the Bonds and the BANs shall be paid by check or draft mailed or delivered at least one (1) business day prior to the payment date to the registered owners of the Bonds and the BANs at the address as it appears on the Bond Register as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by such registered owners. All payments on the Bonds and the BANs shall be made in lawful money of the United States of America. The Controller is hereby authorized and directed, on behalf of the Commission, to

enter into such agreements or understandings with the Paying Agent as will enable the Paying Agent to perform the services required of a paying agent, and is directed to pay the Paying Agent for its services out of available funds.

The Registrar or the Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the Commission and by first-class mail to each registered owner of Bonds and BANs then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the Commission. Such notice to the Commission may be served personally or be sent by registered mail. The Registrar or the Paying Agent may be removed at any time as Registrar or Paying Agent by the Commission, in which event the Commission may appoint a successor Registrar or Paying Agent, as the case may be. The Commission shall notify each registered owner of Bonds and BANs then outstanding by first-class mail of the removal of the Registrar or the Paying Agent. Notices to registered owners of Bonds and BANs shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond Register. Any predecessor Registrar shall deliver all the Bonds and the BANs in its possession and the Bond Register to the successor Registrar, and any predecessor Paying Agent shall deliver all the cash in its possession to the successor Paying Agent.

SECTION 4. Transfer and Exchange. Each Bond and BAN shall be transferable or exchangeable only upon the Bond Register by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond or BAN together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds or BAN or BANs in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Bonds and BANs may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be required to transfer or exchange any Bond or BAN called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date to such interest payment date. The City, the Commission, the Registrar and the Paying Agent may treat and consider the person in whose name such Bonds and BANs are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond or BAN is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new Bond or BAN of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond or BAN shall be marked in a manner to distinguish it from the Bond or the BAN for which it was issued; provided, that in the case of any mutilated Bond or BAN, such mutilated Bond or BAN shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond or BAN there shall be first furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond or BAN shall have matured, instead of issuing a duplicate Bond or BAN, the City and the Registrar may, upon receiving indemnity

satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such Bond or BAN with their reasonable fees and expenses in connection with the above. Every substitute Bond or BAN issued by reason of any Bond or BAN being lost, stolen or destroyed shall, with respect to such Bond or BAN, constitute a substitute contractual obligation of the City, acting for and on behalf of the District, whether or not the lost, stolen or destroyed Bond or BAN shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other Bonds or BANs duly issued hereunder.

SECTION 5. Execution and Delivery. The Bonds and the BANs shall be executed in the name of the City, acting for and on behalf of the District, by the manual or facsimile signature of the Mayor of the City (the "Mayor"), and attested by the manual or facsimile signature of the Controller, who shall cause the official seal of the City to be impressed or a facsimile thereof to be printed on each of the Bonds and the BANs. Subject to the provisions for registration, the Bonds and the BANs shall be negotiable under the laws of the State of Indiana.

The Bonds and the BANs shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond or BAN shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution until the certificate of authentication on such Bond or BAN shall have been so executed.

The Mayor is hereby authorized to execute the Bonds and the BANs with his manual or facsimile signature and the Controller is hereby authorized and directed to have the definitive Bonds and BANs prepared, attest the Bonds and the BANs by manual or facsimile signature, and cause the seal of the City to be impressed or a facsimile thereof to be printed on the Bonds and the BANs, all in the form and manner herein provided. In case any officer whose signature appears on the Bonds or the BANs shall cease to hold that office before the delivery of the Bonds or the BANs, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds or the BANs. After the Bonds and the BANs have been properly executed, the Controller shall certify the amount the purchaser is to pay, together with the name and address of the purchaser, and upon receipt of the amount of payment certified, deliver the Bonds and the BANs to the respective purchasers thereof. The Controller shall take a receipt for the Bonds and the BANs delivered to the respective purchasers thereof and pay such purchasers' payments into the respective funds described herein.

SECTION 6. Prepayment and Redemption.

(a) Prepayment of BANs. The BANs are prepayable by the Commission, in whole or in part (and if in part, only in the authorized denominations set forth pursuant to Section 2 hereof and in order of maturity determined by the Commission and by lot within any such maturity or maturities in such manner as may be designated by the Registrar), on any date after the issuance of the BANs (or such other date as set forth in the BAN Purchase Agreement), upon at least seven (7) days' written notice to the registered owner or owners of the BANs to be prepaid, at a prepayment price of one hundred percent (100%) of the principal amount of the BANs to be prepaid, plus accrued and unpaid interest on the BANs so prepaid to the prepayment date.

(b) Optional Redemption of Bonds. The Bonds shall be subject to redemption at the option of the Commission, in whole or in part (and if in part, in Authorized Denominations and in order of maturity determined by the Commission and by lot within any such maturity or maturities in such manner as may be designated by the Registrar), at times to be determined by the Controller and set forth in the Purchase Agreement, upon at least thirty (30) days' written notice to the registered owner or owners of the Bonds to be redeemed, at a redemption price equal to one hundred percent (100%) of the principal amount of the Bonds to be redeemed, plus accrued and unpaid interest on the Bonds so redeemed to the redemption date, and with such redemption premiums, if any, to be set forth in the Purchase Agreement but not in excess of two percent (2%) of the par amount of the Bonds to be redeemed.

(c) Mandatory Sinking Fund Redemption of Bonds. If so specified in the Purchase Agreement, the Bonds shall be subject to redemption prior to stated maturity as follows:

(i) The Bonds shall be subject to mandatory redemption through operation of a sinking fund as described below at a redemption price of one hundred percent (100%) of the principal amount of the Bonds to be redeemed, plus accrued and unpaid interest on the Bonds to be redeemed to the redemption date, and without premium, on the dates and in the principal amounts set forth in the Purchase Agreement. (Bonds subject to mandatory redemption as set forth in this Section 6(c) shall be referred to as "Term Bonds.")

(ii) As and for a sinking fund for the redemption of the principal of the Bonds, the Commission will, until all of the Bonds are paid or payment thereof provided for, cause to be deposited with the Paying Agent on each date on which a mandatory redemption payment is due (each such date being herein called a "Sinking Fund Payment Date"), the required amounts as set forth above. Each such payment shall be applied to the redemption of Bonds on such Sinking Fund Payment Date, as set forth above. Any redemption of less than the entire unpaid principal amount of the Bonds pursuant to Section 6(b) hereof shall not relieve the obligation to deposit amounts for mandatory redemption payments under this Section 6(c).

(iii) The Registrar shall select the Bonds to be redeemed on each Sinking Fund Payment Date by lot in the manner specified in Section 6(d) hereof. The redemption of such Bonds shall be made upon the terms and in the manner stated in Section 6(e) hereof.

(d) Selection of Bonds to be Redeemed. If less than all the Bonds are to be redeemed, then for all purposes in connection with such redemption and the selection by lot of the Registrar of the outstanding Bonds to be redeemed pursuant to Sections 6(b) and 6(c) hereof, each Five Thousand Dollars (\$5,000) (or other minimum denomination) of principal amount of each outstanding Bond in a denomination greater than Five Thousand Dollars (\$5,000) (or other minimum denomination) shall be treated as though it were a separate Bond of the denomination of Five Thousand Dollars (\$5,000) (or other minimum denomination).

For all purposes of this Resolution, unless the context otherwise requires, all provisions relating to the redemption or prepayment of Bonds or BANs shall relate, in the case of any Bond or BAN redeemed or prepaid or to be redeemed or prepaid only in part, to the portion of the principal of such Bond or BAN which has been or is to be redeemed or prepaid. With respect to optional redemption of Term Bonds pursuant to Section 6(b) hereof, an amount equal to the principal amount of such Term Bonds redeemed will be credited toward the latest scheduled mandatory sinking fund payment or payments with respect to such Term Bonds, unless otherwise directed by the Commission.

(e) Notice of Redemption. Unless waived by any holder of Bonds to be redeemed, official notice of any such redemption of Bonds shall be given by the Registrar on behalf of the Commission identifying the Bonds by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of other Bonds.

All official notices of redemption shall be dated and shall state:

- (1) The redemption date;
- (2) The redemption price;
- (3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed;
- (4) That on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after the redemption date; and

- (5) The place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the place provided for the payment of the principal of and premium, if any, on the Bonds.

In addition to the foregoing notice, further notice may be given by the Registrar as it deems appropriate by mail, publication or otherwise to registered securities depositories, national information services or others containing the above information and such further information as the Registrar may deem appropriate, but no defect in said further notice, nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above described.

(f) Redemption Payment. Prior to any redemption date, the Commission shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Commission shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a Bond or Bonds of the same maturity in Authorized Denominations equal to the remaining principal amount.

SECTION 7. Bond Fund; Debt Service Reserve Fund.

(a) Bond Fund. There is hereby continued a separate fund, designated as the "City of Indianapolis Redevelopment District Bond Fund" (the "Bond Fund"), which shall be applied to the payment of the principal of and interest on the Bonds, and all other bonds payable from the Special Tax and/or other revenues of the Commission as contemplated hereby, and to no other purpose not allowed under Indiana Code 36-7-15.1-19. As the Special Tax is collected, it shall be accumulated in an account of the Bond Fund hereby continued and designated as the "Special Tax Account." The Bond Fund shall also have a separate account designated the Revenues Account as described in this Section 7.

The amount of the levy under Indiana Code 36-7-15.1-19 each year of the Special Tax applicable to making payments on the Bonds as set forth in the budget of the Commission shall be reduced by available revenues of the Commission (including, without limitation, any Tax Increment and other revenues set aside by the Commission and utilized for the purposes of paying principal of and interest on the Bonds) to the extent such revenues have been set aside and designated by the Commission for such purpose in the account of the Bond Fund hereby continued and designated as the "Revenues Account." The Commission hereby covenants to levy the Special Tax each year payments are due with respect to the Bonds to the extent the revenues of the Commission described herein are not sufficient to timely pay the principal of and interest on the Bonds.

The amounts expected to be available and so designated in the Revenues Account of the Bond Fund shall be determined at the time the budget and tax levy for a given year is finally fixed, and such amounts shall be used for no purpose except as contemplated above and are hereby pledged by the Commission when deposited into the Revenues Account to the payment of the Bonds, such pledge being effective as set forth in Indiana Code 5-1-14-4 without the necessity of filing or recording this Resolution or any other instrument except in the records of the Commission. If no such revenues are expected to be available in the Revenues Account, the Commission shall levy the Special Tax in the entire amount of the payments due with respect to the Bonds in such year. Any officer of the Commission is authorized to enter into such agreements or undertakings such officer deems necessary or appropriate to further effectuate such pledge of the Special Tax hereunder.

While the Commission is not pledging any other sources to the payment of the Bonds, the Commission hereby certifies that it expects that it will have available Tax Increment and other available revenues of the Commission for deposit into the Revenues Account in each year that the Bonds are outstanding such that it (i) reasonably expects to pay debt service on the Bonds from such available Tax Increment and other available revenues and (ii) reasonably anticipates that it will not be required to levy the Special Tax to pay the principal of and interest on the Bonds.

At any time bonds are outstanding other than Bonds which are payable from the Revenues Account of the Bond Fund, the Commission shall create separate accounts or subaccounts therein to separately account for each issue of bonds.

The proceeds of the Bond Fund shall be deposited with a legally qualified depository or depositories for funds of the City as now provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. Interest earned in each account or fund established under this Resolution shall be credited thereto.

(b) Debt Service Reserve Fund. The Commission shall maintain a Debt Service Reserve Fund in an amount equal to the maximum annual debt service on the Bonds (provided, however, that with respect to any series of the Bonds that is issued on a tax-exempt basis as provided in Section 14 hereof, such amount shall equal the least of (i) the maximum annual debt service on such series of the Bonds, (ii) one hundred twenty-five percent (125%) of the average annual debt service on such series of the Bonds, or (iii) ten percent (10%) of the proceeds of such series of the Bonds, within the meaning of Section 148(d) of the Internal Revenue Code of 1986, as amended (the "Code")) (the "Debt Service Reserve Requirement"). Amounts in the Debt Service Reserve Fund shall secure the Bonds, but no amounts in the Debt Service Reserve Fund shall be available for payment of the BANs. Notwithstanding anything herein to the contrary, for so long as the Bond Bank hold the Bonds, the City may, in its discretion, cause any amounts in the Debt Service Reserve Fund to be held in a debt service reserve fund under a trust indenture (the "Bond Bank Indenture") with respect to the bonds of the Bond Bank that are used to purchase the Bonds (the "Bond Bank Bonds"). In such event, so long as the Bonds are held by the Bond Bank, the trustee under the Bond Bank Indenture (the "Bond

Bank Trustee") shall administer and invest the moneys in such debt service reserve fund held by the Bond Bank Trustee in accordance with this Resolution and the Bond Bank Trust Indenture. For so long as the Bond Bank holds the Bonds, the Commission shall for all purposes of this Resolution be permitted to offset its obligation under this Resolution to maintain a balance in the Debt Service Reserve Fund equal to the Debt Service Reserve Requirement by any amounts on deposit with the Bond Bank Trustee in the debt service reserve fund for the Bond Bank Bonds. For the sake of clarity, if the Bond Bank holds the Bonds, the provisions of Indiana Code 5-1.4-5-4 pertaining to a moral obligation of the City-County Council to appropriate and replenish a debt service reserve fund will not apply to the Bonds or the Bond Bank Bonds.

All money in the Debt Service Reserve Fund shall be used and withdrawn by the Commission solely for the purpose of making deposits into the Bond Fund, in the event of any deficiency in the Bond Fund, or for the purpose of paying the interest on or principal of or redemption premiums, if any, on the Bonds in the event that no other money is lawfully available therefor. More particularly, to the extent there are not sufficient amounts on deposit in the Bond Fund on the third day immediately preceding an Interest Payment Date to pay the principal and interest due on such Interest Payment Date, then there shall be set aside and deposited into the Bond Fund from the Debt Service Reserve Fund, to the extent available, an amount of money, which together with any money contained therein (after previously made deposits), is equal to the aggregate amount of the principal and interest due with respect to the Bonds on such Interest Payment Date. Notwithstanding the foregoing, so long as there is no default hereunder, any amount in the Debt Service Reserve Fund in excess of the Debt Service Reserve Requirement shall be withdrawn from the Debt Service Reserve Fund and deposited in the Revenues Account of the Bond Fund. Money in the Debt Service Reserve Fund shall also be available to make the final payments of interest and principal on the Bonds.

The Commission is hereby authorized to satisfy all or any portion of its obligation to maintain an amount at least equal to the Debt Service Reserve Requirement in the Debt Service Reserve Fund by depositing a debt service reserve fund surety bond in the Debt Service Reserve Fund (including the deposit of a surety in the debt service reserve fund for the Bond Bank Bonds) which is rated at the time of such deposit in one of the two highest rating categories of at least one nationally recognized rating agency.

Notwithstanding anything in this Resolution to the contrary, the Controller, based on the advice of the Commission's municipal advisor, may determine prior to the sale of the Bonds not to fund a reserve for the Bonds, in which case all provisions of this Resolution relating to the Debt Service Reserve Fund shall be of no force. Any such determination by the Controller shall be set forth in a certificate of the Controller executed prior to the issuance of the Bonds.

SECTION 8. Deposit of Proceeds of Bonds and BANs. Proceeds received from the sale of the Bonds and the BANs shall be deposited as follows:

- (a) All accrued interest received at the time of the delivery of the Bonds or the BANs, if any, shall be deposited in the Bond Fund.

(b) The amount of proceeds necessary, if any, to pay capitalized interest on the Bonds (such amount, if any, to be set forth in the Purchase Agreement) shall be deposited in a Capitalized Interest Fund. Amounts in the Capitalized Interest Fund that are not used to pay capitalized interest on the Bonds shall be transferred to the Capital Fund (defined below), unless the acquisition of the Facility has been completed in which case such amounts shall be transferred to the Revenues Account of the Bond Fund. Notwithstanding anything herein to the contrary, in the event that there is a capitalized interest fund in the Bond Bank Indenture for the Bond Bank Bonds, the Commission may treat a corresponding portion of the proceeds of the Bonds as being used for capitalized interest, in lieu of depositing proceeds into the Capitalized Interest Fund.

(c) Subject to the provisions of Section 7(b) hereof, an amount from the proceeds of the Bonds equal to the Debt Service Reserve Requirement shall be deposited in the Debt Service Reserve Fund.

(d) The remaining proceeds from the sale of the Bonds and the BANs, if any, shall be deposited in a special fund to be designated as the "Broad Ripple Park Family Center Capital Fund" (the "Capital Fund") or, to the extent Bonds are issued to retire BANs, an applicable portion of such Bond proceeds shall be deposited in a special fund to be designated as the "Broad Ripple Park Family Center BAN Repayment Fund" and used, together with any other funds of the Commission made available therefor, to repay the principal of and accrued and unpaid interest on the BANs.

SECTION 9. Capital Fund. Proceeds deposited in the Capital Fund shall be deposited with a legally qualified depository or depositories for funds of the City as now provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. The proceeds in the Capital Fund shall be expended only for the purpose of paying the costs of the acquisition of the Facility, including costs of issuance of the Bonds. Any balance or balances remaining in the Capital Fund after the completion of the acquisition of the Facility, which are not required to meet the unpaid portion of the Project Costs, shall be deposited into the Revenues Account of the Bond Fund and used solely for the purposes of that account.

SECTION 10. Sale of Bonds and BANs.

(a) The Controller is hereby authorized and directed to sell one or more series of Bonds at a negotiated sale or sales to the Bond Bank at a price of not less than ninety-seven percent (97.0%) of par plus accrued interest, if any, to the date of delivery of the Bonds. The Controller and the President of the Commission may negotiate a purchase agreement to be entered into with respect to the purchase of the Bonds (the "Purchase Agreement"), and the Controller and/or the President of the Commission hereby are authorized to execute and deliver the Purchase Agreement. The Controller and the President of the Commission are further authorized to carry out, on behalf of the City and the Commission, the terms and conditions set forth in the Purchase Agreement, consistent with the provisions of this Resolution.

(b) The Controller is hereby authorized to sell one or more series of BANs at a negotiated sale or sales to the Bond Bank at a price of not less than ninety-seven

percent (97.0%) of par in accordance with a purchase agreement to be entered into with respect thereto (the "BAN Purchase Agreement"). The Controller and/or the President of the Commission are, and each of them is, hereby authorized to negotiate, execute and deliver the BAN Purchase Agreement. The Controller and the President of the Commission are further authorized to carry out, on behalf of the City and the Commission, the terms and conditions set forth in the BAN Purchase Agreement, consistent with the provisions of this Resolution.

(c) The Controller and/or the President of the Commission are hereby authorized to deem any preliminary official statement or other offering document relating to the issuance of the Bonds to be a "final" official statement as of its date for the purposes of and to the extent required by Rule 15c2-12 of the Securities and Exchange Commission. The Controller and/or the President of the Commission are hereby authorized and directed to execute and deliver a continuing disclosure undertaking, pursuant to which the Commission would agree to provide certain continuing disclosure information, all to the extent required for the purpose of inducing a purchaser to purchase the Bonds and to comply with the provisions of Rule 15c2-12 of the Securities and Exchange Commission. The Controller and the President of the Commission are further authorized to review and approve on behalf of the Commission any disclosure materials prepared in connection with the sale of the Bonds or the BANs or the Bond Bank Bonds.

(d) The Controller and the President of the Commission, with the advice of the Commission's municipal advisor, are authorized to procure a rating or ratings on the Bonds from one or more nationally recognized securities rating agencies. The appropriate officers of the Commission and the City are hereby authorized to take all actions required to obtain a rating for the Bonds or to obtain municipal bond insurance or other credit enhancement on the Bonds, if economically feasible and desirable.

(e) The President of the Commission and/or the Controller is hereby authorized and directed to obtain a legal opinion as to the validity of Bonds and the BANs from Faegre Drinker Biddle & Reath LLP, bond counsel, and to furnish such opinions to the Bond Bank. The cost of said opinions shall be considered as part of the costs incidental to these proceedings and shall be paid out of the proceeds of the Bonds or the BANs, as appropriate.

SECTION 11. Defeasance. If, when the Bonds or the BANs or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or the BANs or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or the BANs or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection

with the redemption, then and in that case the Bonds or the BANs or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the District.

SECTION 12. Supplemental Resolutions Without Consent. The Commission may, from time to time and at any time, without the consent of, or notice to, any of the owners of the Bonds or the BANs, adopt resolutions supplemental hereto (which supplemental resolutions shall thereafter form a part hereof) for any one or more of the following purposes:

- (a) To cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution;
- (b) To grant to or confer upon the owners of the Bonds or the BANs any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds or the BANs;
- (c) To modify, amend or supplement this Resolution to permit the qualification of the Bonds or the BANs for sale under the securities laws of the United States of America or of any of the states of the United States of America;
- (d) To procure a rating on the Bonds or the BANs from a nationally recognized securities rating agency designated in such supplemental resolution or to obtain or maintain bond insurance or other credit enhancement with respect to payments of principal of and interest on the Bonds or the BANs, if such supplemental resolution will not adversely affect the owners of the Bonds or the BANs; or
- (e) Any other purpose which in the judgment of the Commission does not adversely affect the owners of the Bonds or the BANs.

SECTION 13. Supplemental Resolutions Requiring Consent. This Resolution and the rights and obligations of the Commission and the owners of the Bonds or the BANs may be modified or amended at any time by supplemental resolutions adopted by the Commission with the consent of the owners of the Bonds or the BANs holding at least a majority in aggregate principal amount of the outstanding Bonds or the BANs (exclusive of Bonds or BANs, if any, owned by the Commission or the City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds or the BANs affected, reduce the principal amount of any Bond or BAN, reduce the interest rate or premium payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Bond over any other Bond or of any BAN over any other BAN, create a lien securing any Bonds or BANs other than a lien ratably securing all of the Bonds or the BANs outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds or the BANs and shall not be deemed an infringement of any of the provisions of this Resolution or of the Act, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such

action or in any manner to question the propriety thereof or to enjoin or restrain the Commission or any officer thereof from taking any action pursuant thereto.

If the Commission shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the respective owners of the Bonds or the BANs at their addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds or the BANs. The Registrar shall not, however, be subject to any liability to any owners of the Bonds or the BANs by reason of their failure to mail the notice described in this Section 13, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as provided in this Section 13.

Whenever at any time the Commission shall receive an instrument or instruments purporting to be executed by the owners of the Bonds or the BANs of not less than a majority in aggregate principal amount of the Bonds or the BANs then outstanding (exclusive of Bonds or BANs, if any, owned by the Commission or the City), which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the Commission may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the Bonds or the BANs, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental resolution pursuant to the provisions of this Section 13, this Resolution shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

SECTION 14. Federal Tax Matters. Any series of the Bonds or the BANs may be issued as either tax-exempt or taxable with respect to the federal tax treatment of interest on the Bonds or the BANs. Prior to the sale of each series of the Bonds and the BANs, the Controller shall determine, based upon the advice of the Commission's bond counsel and municipal advisor, whether such series of the Bonds or the BANs will be issued as tax-exempt or taxable. In the event that a series of the Bonds or the BANs will be issued as a taxable series, the designation of such series of Bonds or BANs shall be revised to appropriately reflect such taxable nature of the interest on such series of Bonds or BANs for federal income tax purposes. In the event that a series of the Bonds or the BANs will be issued on a tax-exempt basis, the Commission, the District and the City, as appropriate, shall make such certifications, representations and covenants as shall be necessary in order to preserve the tax-exempt nature of the interest on such series of Bonds or BANs for federal income tax purposes. In addition, any series of the Bonds may be issued as "qualified 501(c)(3) bonds" pursuant to Section 145 of the Code and the U.S. Treasury Regulations promulgated thereunder in order to permit the use of a portion of the Facility by organizations described in Section 501(c)(3) of the Code in furtherance of their tax-exempt purposes.

SECTION 15. Miscellaneous.

(a) The appropriate officers of the Commission are hereby authorized to enter into any other agreements (including, without limitation, a trust agreement or a trust indenture with a third party trustee, provided that such trust agreement or trust indenture is consistent with the provisions of this Resolution) as may be necessary or desirable for the purpose of further securing the payment of the principal of and interest on the Bonds or the BANs.

(b) As soon as can be done after the adoption of this Resolution, the President and the Secretary of the Commission are hereby directed to deliver on behalf of the Commission a certified copy of this Resolution to the Controller.

(c) If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

(d) All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed, and this Resolution shall be in immediate effect from and after its adoption.

(e) If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the City or the city or town in which the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.

(f) The Commission hereby expressly authorizes the Mayor, the Controller and the President of the Commission, and each of them, to negotiate with the Bond Bank as to the terms of the Bonds or the BANs, provided that such negotiated terms are consistent with the provisions of this Resolution.

(g) The President, the Vice President and the Secretary of the Commission and the Mayor and the Controller are, and each of them is, hereby authorized to take all such actions and to execute all such instruments, certificates or other documents as are desirable to carry out the transactions contemplated by this Resolution, in such forms as the President, the Vice President and the Secretary of the Commission and the Mayor and the Controller executing the same shall deem proper, to be evidenced by the execution thereof.

* * * * *

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana held on the 15th day of November, 2023.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY

President

ATTEST:

Secretary

Approved: *Scott Jacob Dura*
Office of Finance and Management

Date: 11/8/2023

address as it appears on the books kept by _____, in the _____ of _____, Indiana, as Registrar (the "Registrar") (which term shall include any successor Registrar), for the registration and for the transfer of the bonds (the "Bond Register") as of the fifteenth day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments on this bond shall be made in lawful money of the United States of America.

This bond, together with interest thereon, does not constitute a corporate obligation or indebtedness of the City, but the same is an obligation of the District, which is a special taxing district within the City, and is payable from the Special Tax (as defined in the hereinafter-defined Resolution), provided that the Tax Increment (as defined in the Resolution) and other revenues legally available to the Commission may be used to pay all or a portion of the principal of and interest on the Bonds, as more particularly set forth in the Resolution. Subject to the provisions for registration, this bond is negotiable under the laws of the State of Indiana.

This bond is one of an authorized issue of bonds of the District in the aggregate principal amount of _____ Dollars (\$_____), numbered consecutively from ___R-1 upwards, issued pursuant to Resolution No. 2023-__-__ (the "Resolution"), adopted by the Commission on November 15, 2023, and in strict compliance with Indiana Code 36-7-15.1, for the purpose of procuring funds to pay for (i) the cost of property acquisition, redevelopment and economic development in or serving the Allocation Area, including, in particular, the acquisition of the Broad Ripple Park Family Center (the "Facility"), together with all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition of the Facility or the issuance of the bonds, capitalized interest on the bonds, a debt service reserve for the bonds to the extent that the Commission determines that a reserve is reasonably required (including the cost of a surety bond therefor), and any other costs or expenses in connection with or on account of the issuance of the bonds therefor. Reference is hereby made to the Resolution for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds, the City and the Commission and the terms on which this bond is issued, and to all the provisions of the Resolution to which the owner hereof by the acceptance of this bond assents.

The Bonds maturing on or after _____ 1, 20__ are subject to redemption on _____ 1, 20__, and on any date thereafter, at the option of the Commission in whole or in part (only in authorized denominations of _____ or integral multiples thereof (the "Authorized Denominations")), with the maturities and amounts of the bonds to be redeemed to be selected by the Commission. Bonds so redeemed shall be redeemed on such redemption date at a price of [one hundred percent (100%) of the principal amount of the bonds to be redeemed plus interest accrued on the bonds so redeemed to the date fixed for redemption].

[The bonds are subject to mandatory sinking fund redemption on February 1 in the years and in the principal amounts set forth below, through the operation of a sinking fund, at a redemption price equal to one hundred percent (100%) of the principal amount to be redeemed, plus accrued interest to the redemption date, and without any premium:

Year Principal
 Amount

\$

*

*Final Maturity]

[Any Bonds that have been redeemed (other than pursuant to mandatory sinking fund redemption) or delivered for cancellation or purchased for cancellation and not theretofore applied as a credit against any mandatory sinking fund requirement shall be credited against the current mandatory sinking fund requirement for the Bonds. Each Bond of such maturity so delivered or canceled shall be credited at one hundred percent (100%) of the principal amount thereof against the current mandatory sinking fund requirement, and the principal amount of Bonds of such maturity to be redeemed on such mandatory sinking fund redemption date by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, that such Bonds shall only be credited to the extent redeemed or received on or before forty-five (45) days preceding the applicable mandatory sinking fund redemption date.]

Unless waived by any holder of bonds to be redeemed, official notice of any such redemption shall be given by the Registrar on behalf of the Commission by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the bond or bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of other bonds.

Official notice of redemption having been given as aforesaid, the bonds, or portions of bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Commission shall default in the payment of the redemption price) such bonds or portions of bonds shall cease to bear interest. Upon surrender of such bonds for redemption in accordance with said notice, such bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a bond or bonds of the same maturity in Authorized Denominations equal to the remaining principal amount.

This bond is transferable or exchangeable only upon the Bond Register by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be required to transfer

or exchange this bond if it has been called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date to such interest payment date.

The City, the Commission, the Registrar and the Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the manner provided in the Resolution, the Resolution and the rights and obligations of the Commission and of the owners of the bonds may (with certain exceptions as stated in the Resolution) be modified or amended with the consent of the owners of more than fifty percent (50%) in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the Commission or the City.

The bonds maturing in any one year are issuable only in fully registered form in the Authorized Denominations not exceeding the aggregate principal amount of the bonds maturing in such year.

In the event this bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided that, in the case of this bond being mutilated, this bond shall first be surrendered to the City and the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond the City and the Registrar may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. The City and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, acting for and on behalf of the District, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Resolution, equally and proportionately with any and all other bonds duly issued thereunder.

The Registrar or Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the Commission and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the Commission. Such notice to the Commission may be served personally or be sent by registered mail. The Registrar or the Paying Agent may be removed at any time as Registrar or Paying Agent by the Commission, in which event the Commission may appoint a successor Registrar or Paying Agent, as the case may be. The Commission shall cause the Registered Owner of this bond to be notified, if then outstanding, by first-class mail, of the removal of the Registrar or Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

If this bond or a portion thereof shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call this bond or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of this bond or a portion thereof then outstanding shall be paid or (i) sufficient monies, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient monies for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient monies for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion thereof shall no longer be deemed outstanding or an indebtedness of the District.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the issuance of this bond by the District does not cause any constitutional or statutory limitation of indebtedness to be exceeded.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution authorizing this bond until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Metropolitan Development Commission of Marion County, Indiana, has caused this bond to be executed by the manual or facsimile signature of the Mayor of the City, in the name of the City, acting for and on behalf of the District, and attested by the manual or facsimile signature of the City Controller, who has caused the seal of the City to be impressed or a facsimile thereof to be printed hereon.

CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within mentioned Resolution.

_____, as Registrar

Authorized Representative

Assignment

For value received, the undersigned hereby sells and transfers unto

(Please print or typewrite name and address of transferee)

this bond and all rights hereunder and hereby irrevocably constitutes and appoints _____, attorney, to transfer this bond on the books kept for the registration hereof with full power of substitution in the premises.

Date: _____

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this bond in every particular without alteration or enlargement or any change whatsoever.)

Signature Guaranteed:

(NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.)

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-084 (Amended)
Address: 5640 East 38th Street (3800 Block of Audubon Road) (Approximate Addresses)
Location: Lawrence Township, Council District #13
Petitioner: Jeff Hasser
Request: Rezoning of 0.598 acre from the SU-1 (TOD) district to the D-5 (TOD) district to provide for single-family detached dwellings.

ADDENDUM FOR NOVEMBER 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was amended to rezone an area of 0.598 acre where it was previously heard and recommended for approval by the Hearing Examiner at the September 28, 2023 hearing for an area of 0.47 acre and approved by the Metropolitan Development Commission on October 18, 2023.

Staff discovered that the petition form acreage and subsequent legal description originally submitted were incorrect. This amendment is to accurately note the 0.598 acre to be rezoned from the SU-1 (TOD) district to the D-5 (TOD) district.

A waiver of the second mailing notice will be requested by the petitioner.

Staff **recommends approval** of the request as amended and will have no objection to the waiver of second mailed notice request.

September 28, 2023

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.47-acre subject site consists of two parcels (4002389 and 4002390) that are currently developed as a parking lot that was once used for the church south of the site, zoned SU-1. Single-family dwellings are located north and east of the site, zoned D-5, and a multi-family development is west of the site, zoned D-10.
- ◇ The site is in the Devington Neighborhood and is part of the Puritan Realty Co's subdivision that was platted August 7, 1913.

REZONING

- ◇ The request would rezone the parcels to the D-5 district to provide for single-family detached dwellings.

(Continued)

- ◇ The site is zoned SU-1, which is a special use district that only allows for the operation of a religious use and associated accessory uses which have historically been located here.
- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the site. The Community Commercial typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- ◇ The northern portion of the site does not have a recommendation since it was once part of 39th Street that extended west of Audubon Road which was vacated and became private property.

TRANSIT-ORIENTED DEVELOPMENT OVERLAY

- ◇ The site falls within a ¼ mile of a proposed Purple Line Bus Rapid Transit Station at 38th Street and Layman Avenue that would promote a mix of uses at station area and primarily residential beyond in this walkable neighborhood typology as envisioned by the Purple Line Transit-Oriented Development Strategic Plan (2021).

Staff Analysis

- ◇ Per the submitted site plan and survey, the two parcels would be divided in a manner that would allow for three individual lots with single-family dwellings on each lot.
- ◇ In staff’s opinion, the requested D-5 district for single-family detached dwellings would be appropriate at this mid-block location since it is surrounded by residential uses on three sides.
- ◇ Although the Comprehensive Plan recommends community commercial development for the subject site, an introduction of commercial uses this far north on the block would be out of place. Staff does not typically make recommendations contrary to the Comprehensive Plan unless it is apparent that the recommendation would not align with the context of the area or other plans such as the Purple Line Transit-Oriented Development Strategic Plan (2021).
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE
SU-1 Compact Parking lot

(Continued)

SURROUNDING ZONING AND LAND USE

North	SU-1	Residential (Single-family dwelling)
South	SU-1	Parking lot
East	D-5	Residential (Single-family dwellings)
West	D-10	Residential (Multifamily dwellings)

COMPREHENSIVE PLAN The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN 38th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

TRANSIT-ORIENTED DEVELOPMENT This site is located within the Transit-Oriented Development Overlay, specifically the Bus Rapid Transit Purple Line.

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

SITE PLAN File-dated August 17, 2023.

SURVEY File-dated August 17, 2023.

AMENDED SURVEY File-dated October 30, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2023-UV3-014; 5640 East 38th Street (south of site) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 50 multi-family dwelling units and independently operated social services (not permitted), granted.

2022-ZON-129; 3904 and 3908 Audubon Road (north of site), Rezoning of 0.85 acres from the SU-1 district to the D-5 district, **approved**.

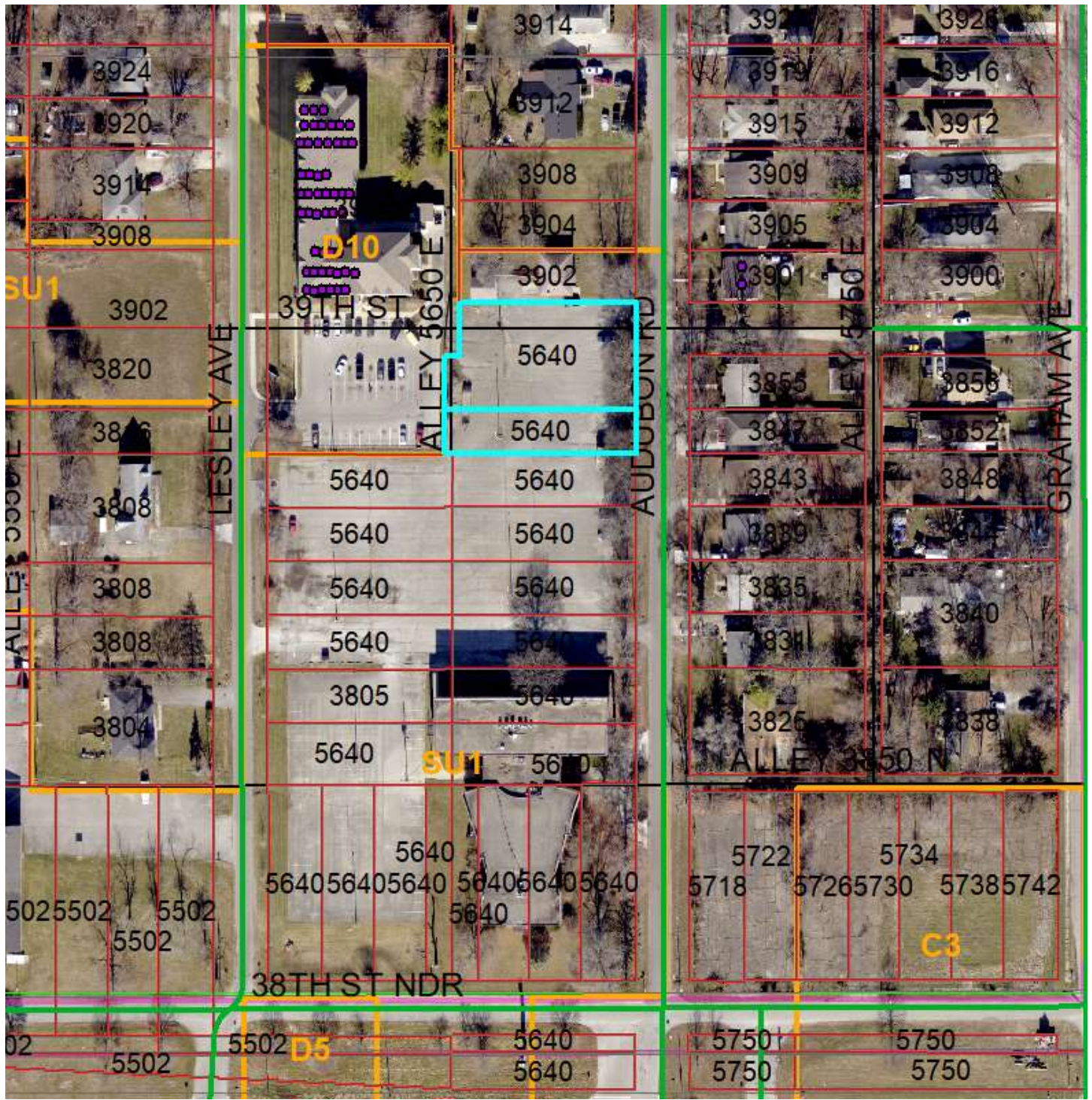
96-Z-94; 5604 to 5640 East 38th Street (south and southwest of site), Rezoning of 0.8 acre, being in the D-5 District, to the SU-1 classification to conform the zoning classification for an existing church use and to provide for additional parking, **approved**.

(Continued)

96-Z-33; 3901 North Lesley Avenue (west of site), Rezoning of 1.5 acres, being in the SU-1 and D-5 Districts, to the D-10 classification to provide for multi-family residential development, **approved**.

95-Z-198; 3901 Lesley Avenue (west of site), Rezone 1.5 acres from SU-1 and D-5 to D-10 with a variance of development standards to permit the construction of a multi-family dwelling, **withdrawn**.

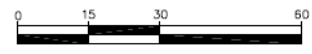
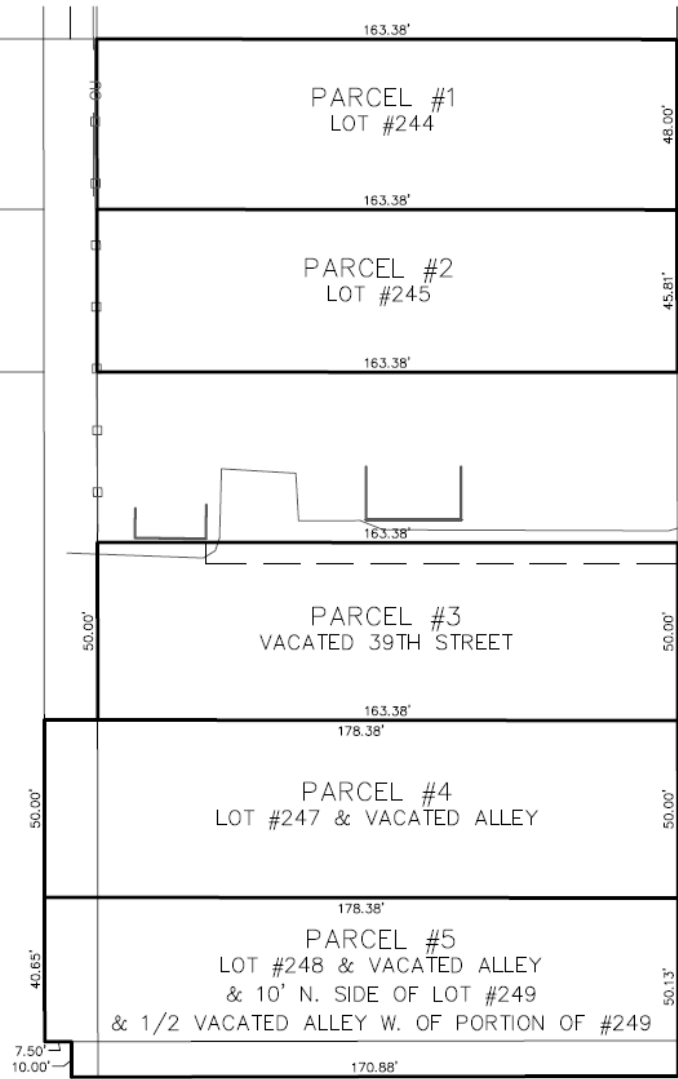
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PURITAN REALTY'S CO'S ADDITION

PARCEL EXHIBIT

PARCEL EXHIBIT



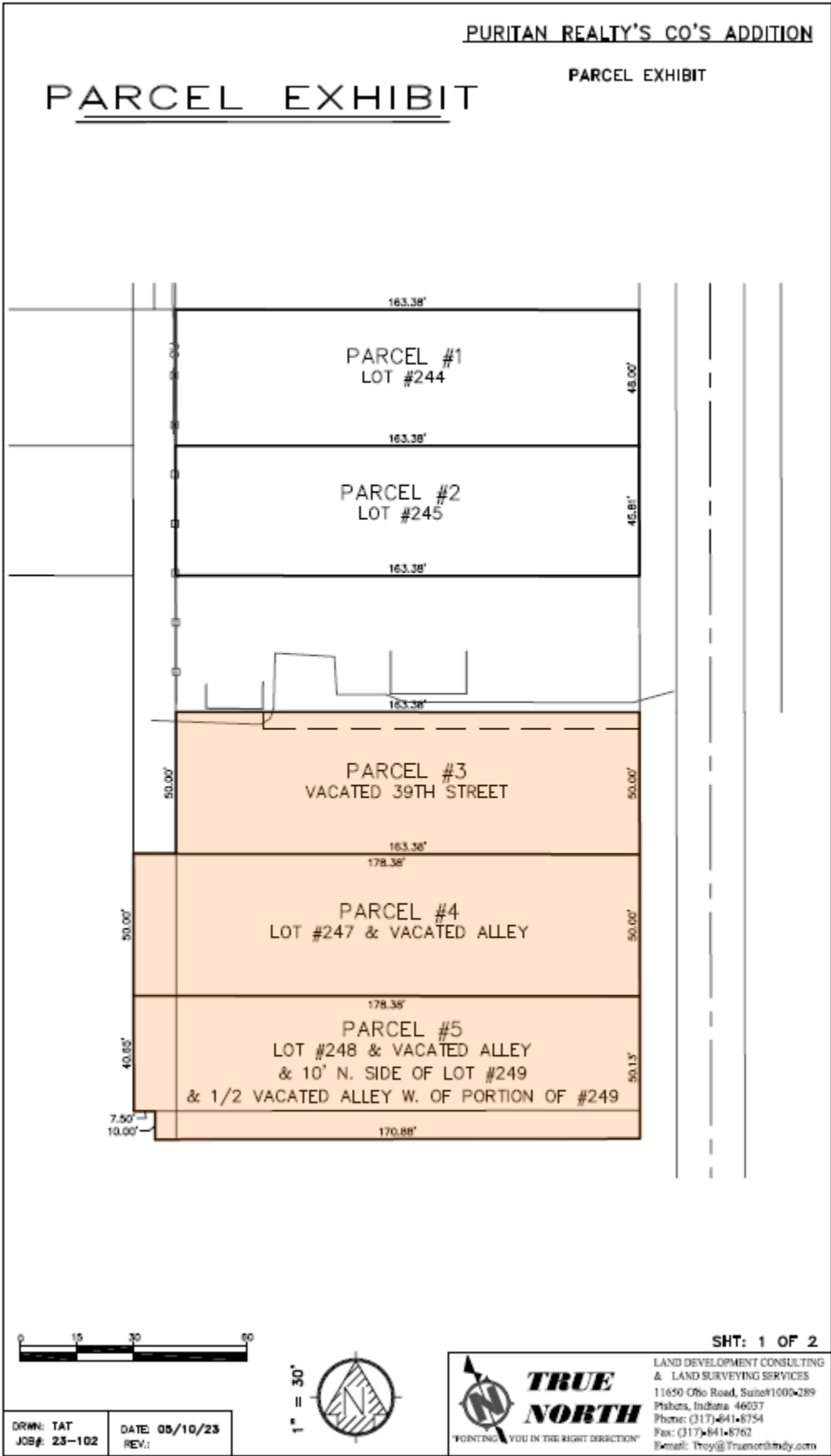
SHT: 1 OF 2

DRWN: TAT
JOB#: 23-102

DATE: 05/10/23
REV.:



LAND DEVELOPMENT CONSULTING
& LAND SURVEYING SERVICES
11650 Olio Road, Suite#1000-289
Fishers, Indiana 46037
Phone: (317)-841-8754
Fax: (317)-841-8762
E-mail: Troy@Truenorthindy.com



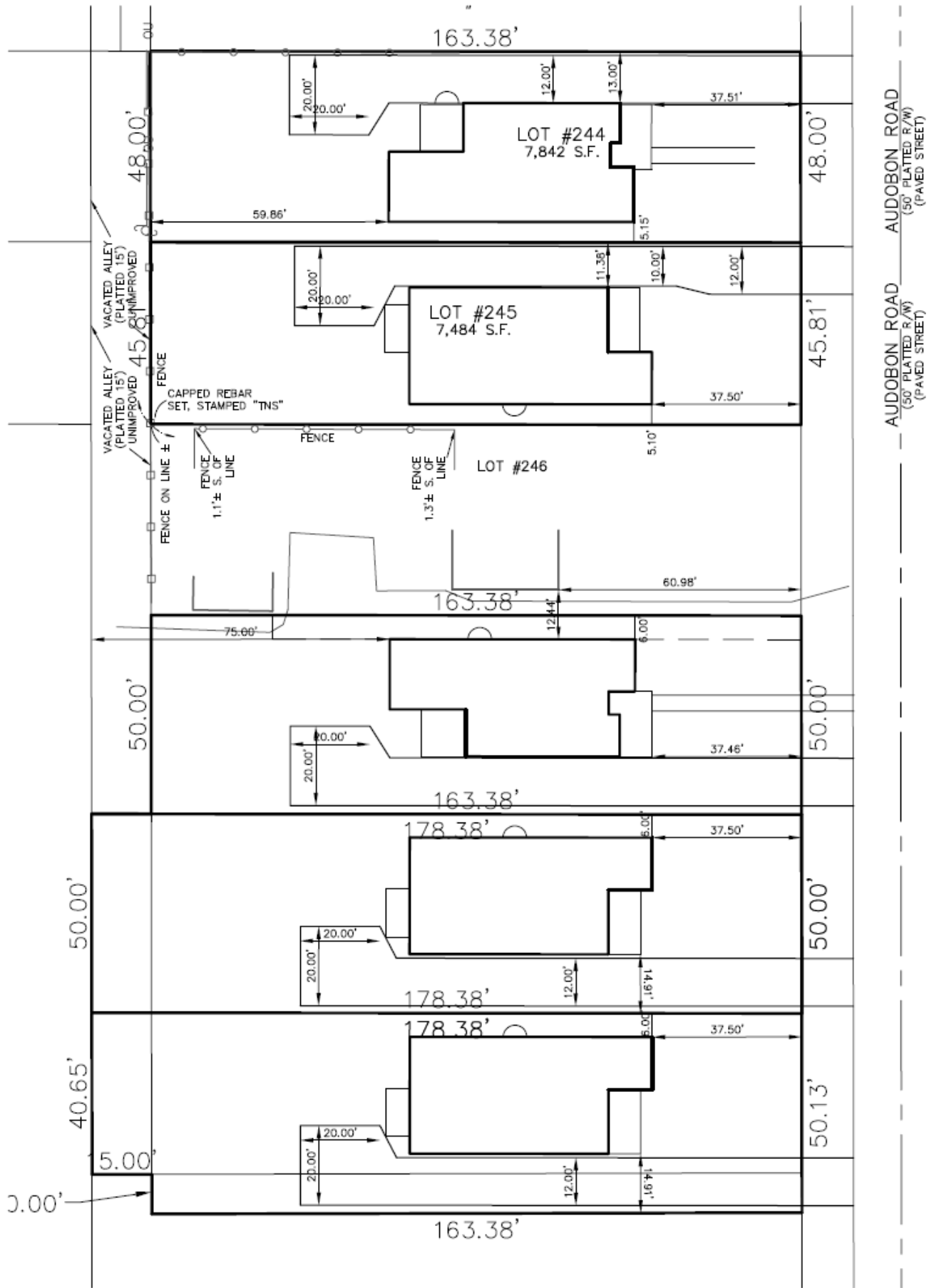




Photo of the Subject Property: 5640 East 38th Street (Parcel 4002390).



Photo of the Subject Property: 5640 East 38th Street (Parcel 4002389).



Photo of the single-family dwelling north of the site.



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



Photo of the remaining church parking lot and building.



Photo of the multi-family development west of the site.



Photo of the subject site looking northeast on the site.

STAFF REPORT

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

Case Number: 2023-APP-030
Address: 5510 South Emerson Avenue (approximate addresses)
Location: Perry Township, Council District #24
Zoning: D-P
Petitioner: Haven Health Management, LLC, by Cheyenne Riker
Request: Appeal of the Administrator’s Decision to deny 2023-ADM-158, which proposed the use of a drug addiction and treatment facility in the D-P classification, based on the Development Statement approved for 2007-APP-131 and 2021-ZON-052.

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

D-P	Metro	Drug Addiction and Treatment Facility
-----	-------	---------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-A	Surface Parking Lot
South	D-P	Residential (Townhomes)
East	C-S	Undeveloped
West	D-P	Residential (Townhomes)

COMPREHENSIVE PLAN The Comprehensive Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood development.

- ◇ The subject site is zoned D-P and is developed with a commercial building and associated parking area. The property is bordered to the west and south by townhomes, zoned D-P, to the north by a parking lot, zoned D-A, and an undeveloped lot to the east across Emerson Avenue, zoned C-S.

(Continued)

STAFF REPORT 2023-APP-030 (Continued)

- ◇ The Comprehensive Plan recommends the suburban neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The request would allow the operation of a drug addiction and treatment facility in this D-P district.

HISTORY

- ◇ The site was included in rezoning case 2004-ZON-078, which rezoned 25.539 acres from the D-A and D-P Districts to the D-P classification to provide for the development of the 104-unit Planned Unit Development known as Coventry Park consisting of multi-family townhouses and two-family dwellings. That rezoning petitioner contemplated eventual development of a Senior Housing Component on the subject site.
- ◇ In 2007, approval petition 2007-APP-131 was granted for the Modification of Development Statement, related to petition 2004-ZON-78 (2004-DP-005), to provide for a **shared senior living building** consisting of twelve resident rooms, an owner’s room and a guest room on 1.04 acres, with density of 13.46 units per acre and Approval to Modify Commitments, related to petition 2004-ZON-078 (2004-DP-005), recorded as instrument number 2004-021854, and replace them with new commitments. See Staff Exhibit A.
- ◇ In 2021, the property was rezoned from the D-P district to the D-P district, via 2021-ZON-052, to use the existing building for a **residential living facility for individuals with psychiatric disorders**. Approval was subject to the Approved Preliminary Planned Unit Development, stamped-approved July 21, 2021. See Staff Exhibit B.
- ◇ The D-P Statement, from 2021-ZON-052, describes the change of use from a shared senior living facility to a facility for adults who voluntarily seek residential mental health treatment. The maximum number of adults would be 16, with the average stay ranging from thirty days to one year.

Staff Analysis

- ◇ The Consolidated Zoning and Subdivision Ordinance, specifically Table 743-1: USE TABLE, distinctly differentiates the residential uses such as group homes, assisted living facilities, and transitional living quarters from health care facilities such as methadone clinic or treatment facility and substance abuse treatment facilities.

(Continued)

STAFF REPORT 2023-APP-030 (Continued)

- ◇ **Group Home** is defined as a residential facility for 2 or more individuals meeting the definition of a handicapped person under the Federal Fair Housing Act and court decisions interpreting that act. This definition includes Community residential facilities for persons with developmental disabilities (as defined by IC 12-7-2-61) as licensed by the Division of Disability and Rehabilitative Services – Bureau of Developmental Disabilities Services, per 460 IAC 9-2. This definition includes residential living facilities for persons with psychiatric disorders or addictions as licensed by the Division of Mental Health and Addiction, per 440 IAC 7.5. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, nor does it include half-way houses for individuals in the criminal justice system, or diversion centers.
- ◇ **Substance Abuse Treatment Facility** is defined as a facility, the primary function of which is to administer or dispense a schedule II-controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment. This definition does not include a methadone clinic or treatment facility.
- ◇ **Methadone Clinic or Treatment Facility** is defined as a clinic or facility engaged in dispensing Methadone (dolphine) for the purpose of elimination or reduction of opiate use by drug addicts and abusers.
- ◇ Staff determined that the now proposed use of an addiction and treatment facility is not a permitted use in this D-P district.
- ◇ Staff notified the applicant of Administrative Approval 2023-ADM-158 that the site needed to be rezoned from D-P to D-P to allow for the additional use.

GENERAL INFORMATION**THOROUGHFARE PLAN**

Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 140-foot existing right-of-way and a 102-foot proposed right-of-way.

SITE PLAN

File-dated September 25, 2023.

FINDINGS OF FACT

File-dated September 25, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

1. VIO22-006966; 5510 South Emerson Avenue (subject site), Building violation for the notice of change in permit information: amendment of permits and plans.

PREVIOUS CASES

2023-ADM-158; 5510 South Emerson Avenue (subject site), Approval of three building additions for a drug addiction and treatment facility, **denied**.

(Continued)

STAFF REPORT 2023-APP-030 (Continued)

2021-ZON-052; 5510 South Emerson Avenue (subject site), Rezoning of 1.1 acres from the D-P district to the D-P district to use the existing building for a residential living facility for individuals with psychiatric disorders, **approved**.

2015-ADM-373; (subject site), Approval of a ground sign, **approved**.

2007-APP-131; 5524 South Emerson Avenue (subject site), Approval of Modification of Development Statement, related to petition 2004-ZON-78 (2004-DP-005), to provide for a shared senior living building consisting of twelve resident rooms, an owner's room and a guest room on 1.04 acres, with density of 13.46 units per acre and Approval to Modify Commitments, related to petition 2004-ZON-078 (2004-DP-005), recorded as instrument number 2004-021854, and replace them with new commitments related to this request, **approved**.

2004-PLT-070; 5500 and 5640 South Emerson Avenue (subject site), Subdivision approval dividing 25.53 acres into 41 lots and a Waiver request for sidewalks along South Emerson Avenue and within the interior of the multi-family residential development, **approved**.

2004-ZON-078; 5500 South Emerson Avenue (subject site), Rezoning of 25.539 acres from D-P and D-A to D-P to provide for 30 multi-family townhouses and 37 two-family dwellings, for a total of 104 dwelling units, with a density of 4.1 units per acre, **approved**.

99-Z-23/ 99-DP-5; 5502 South Emerson Avenue (subject site), Rezone 13 acres from D-A to D-P to provide for a mixed residential development, consisting of townhomes and two-family residential structures, **approved**.

98-Z-230/98-DP-28; 5502 South Emerson Avenue (subject site), Rezoning of 13 acres, being in the D-A District to the D-P classification to provide for a mixed residential development, consisting of townhomes and two-family residential structures, consisting of 89 units, **denied**.

ZONING HISTORY – VICINITY

2021-CZN-809 / 2021-CVR-809; 5340 & 5406 South Emerson Avenue (north of site), Rezoning of 2.08 acre from the D-A and C-1 districts to the C-1 district and Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling in the C-1 district (not permitted), **approved and granted**.

2017-ZON-018; 5055 Shelbyville Road (north of site), Rezoning of 1.5 acre from the D-A district to the C-3 district, **denied**.

2008-ZON-096; 5406 South Emerson Avenue, (north of site), Rezoning of four acres from the D-A district to the C-1 district, **approved**.

2009-CZN-832 / 2009-CAP-832; 5501 South Emerson Avenue (east of site), Rezoning of 4.5 acres from the C-S district to the C-S district to provide for a pharmacy, offices, a restaurant and personal and professional services and requested the approval of a modification of site plan to provide for a convenience store and gas station and a modification of commitments related to 89-Z-102 to removed commitments for right-of-way dedication and the requirement that the site be developed as an integrated center, **approved**.

(Continued)

STAFF REPORT 2023-APP-030 (Continued)

2005-ZON-215; 5640 South Emerson Avenue (south of site), Rezoning of 1.824 acres, being in the D-A District, to the C-1 classification to provide for the construction of commercial office buildings, **approved.**

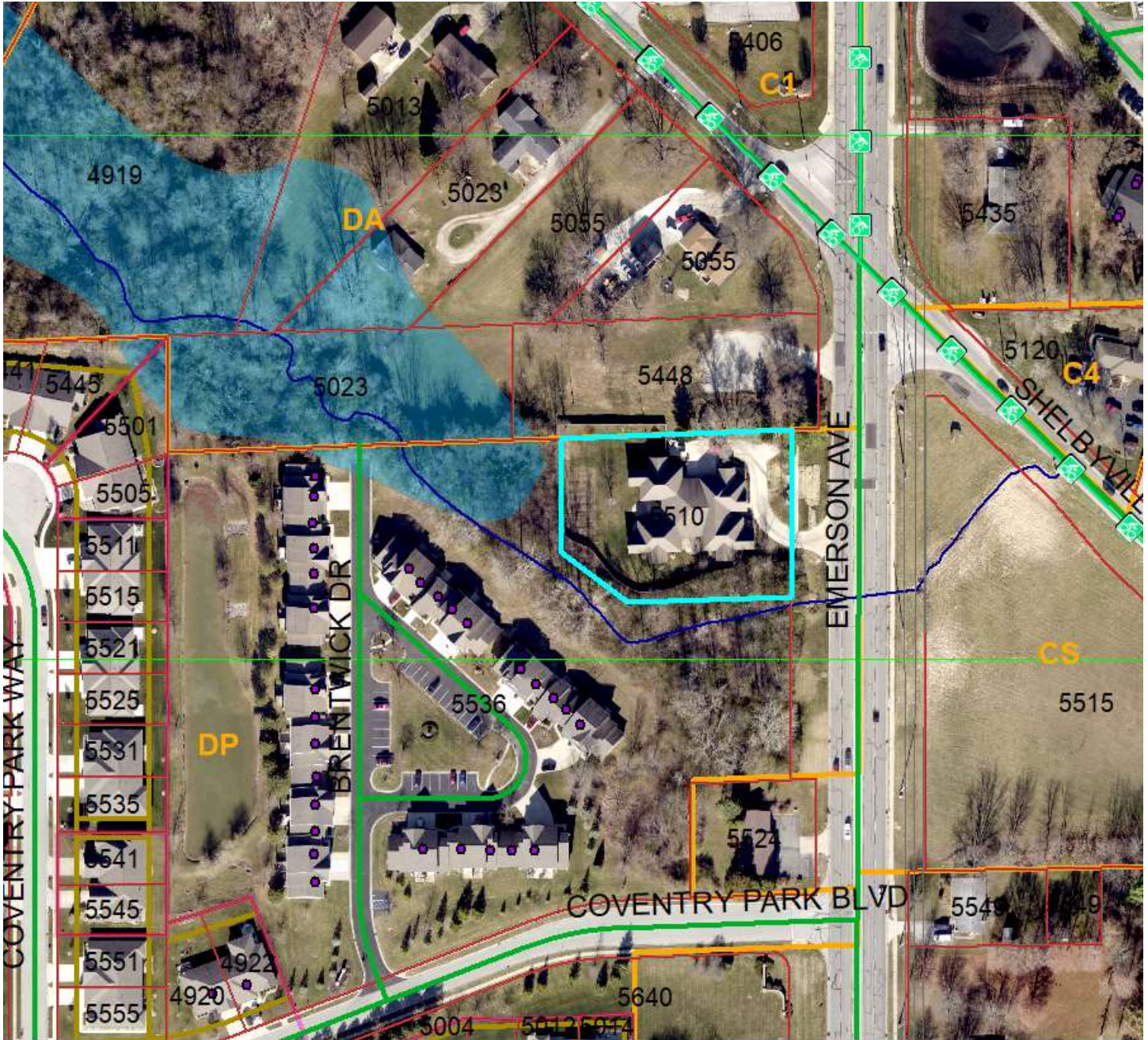
2005-ZON-215A; 5640 South Emerson Avenue (south of site), Rezoning of 0.263 acres, being in the D-A District, to the D-P classification to correct an error in the legal description for 2004-ZON-078 (2004-DP-005), **approved.**

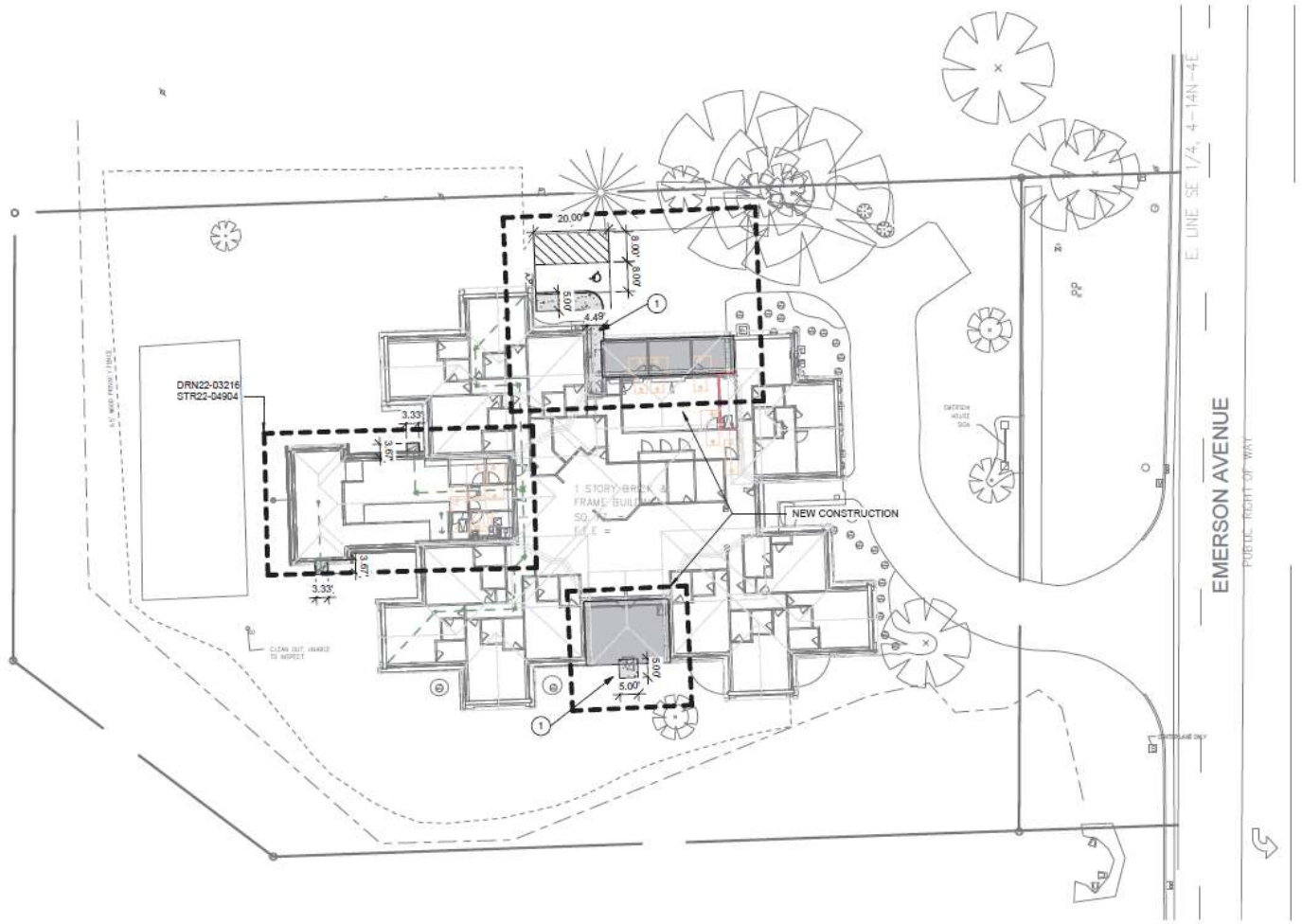
2003-ZON-825 / 2003-VAR-825; 5120 Shelbyville Road (northeast of site), Rezoning of 0.75 acre from the D-A district to the C-4 district and a variance of development standards to provide for deficient transitional yard and a freestanding sign with deficient setbacks, **approved.**

89-Z-102; 5521 South Emerson Avenue (east of site), Rezoning of 4.84 acres from the A-2 district to the C-S district to provide for a pharmacy, offices, a restaurant and personal and professional services, **approved.**

88-Z-59; 5651 South Emerson (east of site), Rezoning of 4.54 acres from the A-2 district to the C-4 district, **withdrawn.**

MI





1 SITE PLAN N-S ADDITION
1" = 20'-0"

**FINAL PROPOSED PRELIMINARY PLAN
FOR
COVENTRY PARK
A NEW TOWNHOUSE AND SENIOR HOUSING DEVELOPMENT**

5502 South Emerson Avenue

Rezoning Petition No. 2004-ZON-078 (2004-DP-005)

September 16, 2004

**Mainstay, Inc. & Community Development, Inc.
c/o Philip A. Nicely, Esq.
Bose McKinney & Evans LLP
301 Pennsylvania Parkway, Suite 300
Indianapolis, IN 46280
(317) 684-5300**

.....
MODIFICATION OF DEVELOPMENT STATEMENT

**ADDENDUM FOR
SHARED SENIOR LIVING**

2007-APP-___

**Prepared by Bose McKinney & Evans LLP
Philip A. Nicely
Attorney for Petitioner
October 17, 2007**

**METROPOLITAN DEVELOPMENT
AUG 16 2007
DIVISION OF PLANNING**

972891_1.DOC

**ADDENDUM TO COVENTRY PARK
FOR
SHARED SENIOR LIVING**

The Final Proposed Preliminary Plan for Coventry Park is hereby supplemented to allow for a Shared Senior Living component in the development. This petition proposes the development of a single structure which will house twelve resident rooms, the owner's rooms, a guest room, and shared living space.

Site development standards for the shared senior living component shall be as follows:

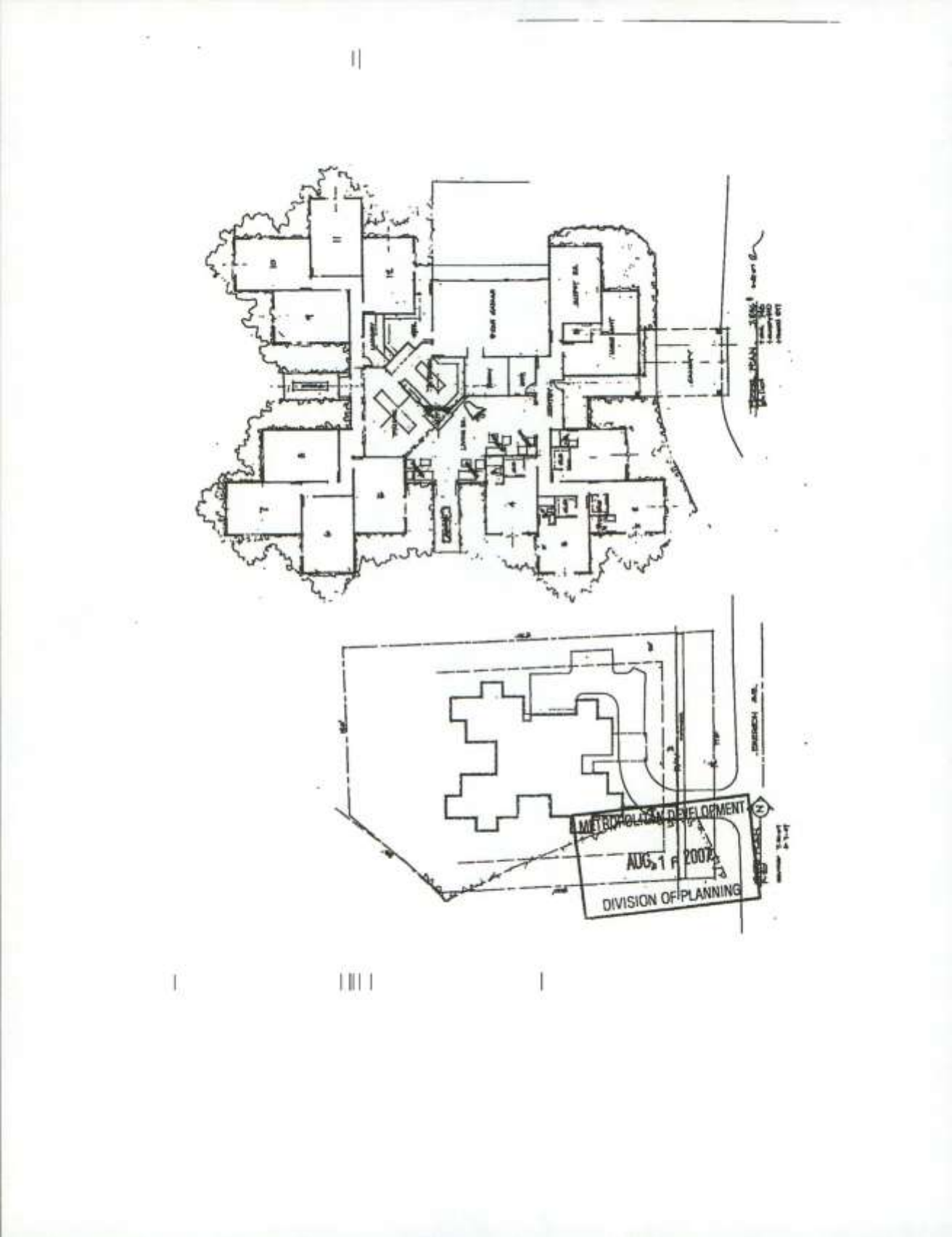
Minimum South Yard:	20 feet
Minimum West Yard:	25 feet
Minimum North Yard:	20 feet
Minimum Front Yard:	40 feet, excluding the entrance canopy
Minimum Height:	35 feet

The shared senior living component use shall be consistent with the Operating Plan file-dated August 16, 2007.

The use and development of the shared senior living component shall be consistent with the site plan, floor plan, building elevations and commitments filed-dated August 16, 2007.

METROPOLITAN DEVELOPMENT
AUG 16 2007
DIVISION OF PLANNING

972814v1

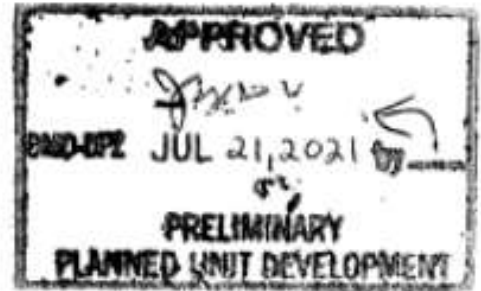




Haven Health Management
fax: (561) 855-4473
2925 10th Avenue N, Palm Springs FL 33461
havenhealthmanagement.com

May 13, 2021

Indianapolis Planning Division
200 E. Washington St., #1821
Indianapolis, Indiana 46204



2021-ZON-052

Re: Petition for Rezone

Dear Planning Department:

This letter is submitted as "Exhibit A" to the Petition ("the Petition") to rezone the property located at 5510 S. Emerson Ave., Indianapolis, Indiana 46237 ("the Property") from its current zone ("DP") for use as an assisted living facility to a new zone ("DP") for use as a Residential Living Facility for Individuals with Psychiatric Disorders. Haven Health Management, LLC ("Haven Health") is a healthcare company, and seeks a rezone to permit a minor change to the current use of the Property. As is explained below, the impact on surrounding properties will be no different than the current use, but the positive impact on the City of Indianapolis and Marion County will be substantial.

The Plan of Operation of the Property falls under 440 I.A.C. 7.5, Residential Living Facility for Individuals with Psychiatric Disorders, and will be a Residential program for adults who voluntarily seek residential mental health treatment. The average stay for any given individual would be from thirty (30) days to one (1) year. Once licensed, Haven Health would be permitted to operate a residential facility for purposes of housing a treating not more than sixteen (16) individuals who suffer from mental health disorders. Haven Health only serves adults who struggle with mental health disorders. All individuals are carefully screened to make sure they fit within our approved levels of care. To ensure its participants are personally interested in self-improvement, Haven Health only takes clients who voluntarily seek treatment, and does not accept court-appointed treatment referrals.

Serving the patients of Haven Health will be between 5 and 6 staff members during the day, and 3-4 staff members overnight. Our staffing will consist of qualified professionals, including licensed nurses, Nurse Practitioners, a Medical Director, Licensed Clinicians, and Peer and Mental Health Specialists. Visitors are not permitted on property, in order to ensure treatment is focused on the patient. Accordingly, at any given time, the number of individuals on site will be not more than twenty (20) to twenty-four (24), most of whom will not have vehicles on site.

The property has a 3-car garage and an extensive driveway. There will be up to 6 vehicles on the property for half the day, and up to 3-4 for the second half. The garage will always be utilized for 3 of the vehicles and up to 3 of the vehicles will be in the driveway. There will not be any traffic that



Haven Health Management
Fax: (561) 855-4473
2925 10th Avenue N, Palm Springs FL 33461
havenhealthmanagement.com

goes to and from the property besides the employees that will be on the property, and transport of patients to the facility by employees. Accordingly, Haven Health does not expect parking will be an issue at any time.

Haven Health welcomes any questions from the City of Indianapolis regarding its intended use of the Property, and respectfully requests a rezone from the current use to use as a Residential Living Facility for Individuals with Psychiatric Disorders.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheyenne N. Riker", written over a horizontal line.

Cheyenne N. Riker, Esq.
General Counsel
Haven Health Management, LLC

Petition Number _____

**METROPOLITAN BOARD OF ZONING APPEALS, DIVISION _____
OF MARION COUNTY, INDIANA**

APPEAL OF THE ADMINISTRATOR'S DECISION

FINDING OF FACT

THE ADMINISTRATOR'S DECISION SHOULD BE OVERTURNED BECAUSE

Under 2021-ZON-052, the City Council permitted the use of the site as a facility licensed under 440 IAC 7.5, which is a psychiatric facility. Under that section (440 IAC 7.5), a licensee is permitted to treat patients suffering with alcohol and substance use disorder, per the plain language of 440 IAC 7.5-1-1(23), the definition of "psychiatric disorder" includes "(C) Alcoholism; (D) Addiction to narcotic or other drugs." The administrative denial should be overturned because the property, even after the permit is complete, will still operate under 440 IAC 7.5, as permitted under 440 IAC 7.5.

DECISION

IT IS THEREFORE the decision of this body that this PETITION IS APPROVED.

Adopted this _____ day of _____, 20 _____



Photo of the Subject Property: 5510 South Emerson Avenue



Photo of the Subject Property: 5510 South Emerson Avenue



Photo of the northern buiding façade.



Photo of the subject site looking west.



Photo of the surface parking lot north of the site looking northeast.



Photo of the surface parking lot north of the site looking north.



Photo of the surface parking lot north of the site looking northwest.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-823 and 2023-CVC-823
Address: 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street
(Approximate Address)
Location: Center Township, Council District #21
Petitioner: GSS, LLC, by Mary E. Solada
Request: Rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district.

Vacation of the first 15-foot wide alley west of Draper Steet, from the north lot line of Lot 69 of The Justice C. Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

ADDENDUM FOR NOVEMBER 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION

The Metropolitan Development Commission continued these petitions from the September 20, 2023 hearing, to the November 15, 2023 hearing, at the request of the petitioner’s representative. Subsequently, the petitioner’s representative submitted a letter, dated September 25, 2023, **withdrawing the requests**. This would require acknowledgement by the Commission.

ADDENDUM FOR SEPTEMBER 20, 2023, METROPOLITAN DEVELOPMENT COMMISSION

The Metropolitan Development Commission continued these petitions from the August 2, 2023 hearing, to the September 20, 2023 hearing, without notice, at the request of the petitioner’s representative.

ADDENDUM FOR AUGUST 2, 2023, METROPOLITAN DEVELOPMENT COMMISSION

The Metropolitan Development Commission acknowledged the automatic continuance by the petitioner’s representative that continued these petitions from the July 5, 2023 hearing, to the August 2, 2023, hearing.

(Continued)

ADDENDUM FOR JULY 5, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on June 15, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the vacation requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

A timely automatic continuance was filed by the petitioner's representative continuing these petitions from the **July 5, 2023 hearing, to the August 2, hearing**. This would require acknowledgement from the Metropolitan Development Commission.

June 15, 2023

RECOMMENDATIONS

Staff **recommends denial** of these requests.

If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. 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 / receptables provided for the proper disposal of trash and other waste.
2. A site plan, landscape plan, and building elevations shall be submitted to Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

RECOMMENDED MOTION (denial): That the Metropolitan Development Commission find that the proposed vacation is not in the public interest and that the waiver of the assessment of benefits be denied.

RECOMMENDED MOTION (approval): That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-823; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 9.56-acre site, zoned D-10 (TOD) and I-3 (TOD), is undeveloped. It is surrounded by a railroad right-of-way to the north, zoned I-3; single-family dwellings to the south, zoned I-3; industrial uses to the east, zoned I-3; and single-family dwellings to the west, zoned D-5.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-10 (TOD) and I-3 (TOD) Districts to the I-3 (TOD) classification. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.
- ◇ The Comprehensive Plan recommends heavy industrial typology. “The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Light Industrial Uses

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Heavy Industrial Uses

- The primary entrance should be served by an arterial street.
- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Overlays

- ◇ This site is located within an overlay, specifically Transit Oriented Development (TOD). “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.”

(Continued)

- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ½ mile walk to a transit stop located at the intersection of Shelby Street and Raymond Street, with a Community Center typology.
- ◇ This typology is described as walkable commercial centers with a range of commercial types (aging to new strip commercial, office, shopping malls, big box). It is a mixed of retail, entertainment, office and residential as desired. Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.
- ◇ Characteristics of the Community Center typology are:
 - A dense mixed-use neighborhood center
 - Minimum of two stories at core
 - No front or side setbacks at core; zero to 10-foot front setbacks and zero-to 10-foot side setbacks at the periphery.
 - Multi-family with a minimum of three units
 - Structured parking at the core and attractive surface parking at the periphery

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

(Continued)

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.

Site Plan

- ◇ The site plan, file-dated April 10, 2023, provides for 13 buildings of various sizes with a total square footage of 99,795-square feet, along with 88 parking spaces located along the Van Buren Street frontage and the southeast portion of the site.
- ◇ With the exception of a dry retention basin at the northwest corner of the site, the site is covered with buildings and pavement. No landscape plan has been provided.
- ◇ A sidewalk is proposed along Van Buren Street but there are no internal sidewalks or any connections to the sidewalk along Van Buren.

Plan of Operation

- ◇ The Plan of Operation, file-dated April 10, 2023, describes the development as industrial warehouse space for small businesses.
- ◇ As proposed the site would offer storage space, distribution / warehouse facilities and office space.
- ◇ There would not be any permanent loading docks, but a forklift would be available for the tenants.
- ◇ Two to three large truck deliveries per day is anticipated.
- ◇ Although the property would be monitored 40 hours per week by an on-site manager, no hours or days of operation have been provided.

VACATION

Summary

- ◇ This request would Vacate a portion of the first 15-foot-wide alley west of Draper Steet, from the north lot line of Lot 69 of the Justice C. Adams South Park subdivision, north 44 feet to the north lot line of Lot 70 in said subdivision and an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in the Justice C Adams subdivision. All with a waiver of the Assessment of Benefits.

(Continued)

- ◇ As proposed the vacated area would provide open space that would allow for the proposed redevelopment of the site.
- ◇ Staff does not support this vacation request because it is an integral component to the rezoning request for industrial uses that staff believes is not appropriate for this site.

Assessment of Benefits

- ◇ The petitioner has requested a waiver of the Assessment of Benefits for the subject right-of-way. Staff, however, does not support the waiver of the assessment of benefits because of its association with the industrial rezoning.

Procedure

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.
- ◇ The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.
- ◇ After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.
- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of heavy industrial typology but would be wholly inappropriate at this location abutting residential uses because of the development guidelines provided in the Pattern Book. Furthermore, this proposed use would be in conflict with the transit-oriented Plan that generally recommends residential and a range of commercial uses. No industrial uses are recommended.
- ◇ The Pattern Book outlines seven development guidelines related to light and heavy industrial uses primarily related to site access that would mitigate the impact of industrial uses on adjacent residential uses.

(Continued)

- ◇ The guidelines state that local streets should not be used and entrance to industrial uses should feed into an arterial street. The only access to the site would be Van Buren Street, which is a local street with an existing 40-foot right-of-way. In other words, the industrial uses would create traffic patterns in the area that would compromise the safety and security of the surrounding land uses.
- ◇ Staff believes that existing D-10 district provides appropriate transitions from the industrial uses to the north and to allow rezoning to the I-3 district would be wholly inappropriate and would be detrimental to the surrounding residential neighborhood.
- ◇ If approved, staff would request Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that would provide for pedestrian connectivity both internally and to the sidewalk along Van Buren Street, year around landscaping along the site perimeter, and building materials that would be harmonious with the surround land uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-10 Undeveloped
(TOD) / I-3
(TOD)

SURROUNDING ZONING AND LAND USE

North -	I-3	Railroad right-of-way
South -	I-3	Single-family dwellings
East -	I-3	Industrial uses
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy industrial typology.
Marion County Land Use Pattern Book (2019).
Red Line Transit-Oriented Development Strategic Plan (2021)

THOROUGHFARE PLAN

This portion of Van Buren Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.
This portion of Draper Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within a transit-oriented development overlay (TOD).

SITE PLAN

File-dated April 10, 2023

(Continued)

STAFF REPORT 2023-CZN-823 and 2023-CVC-823 (Continued)

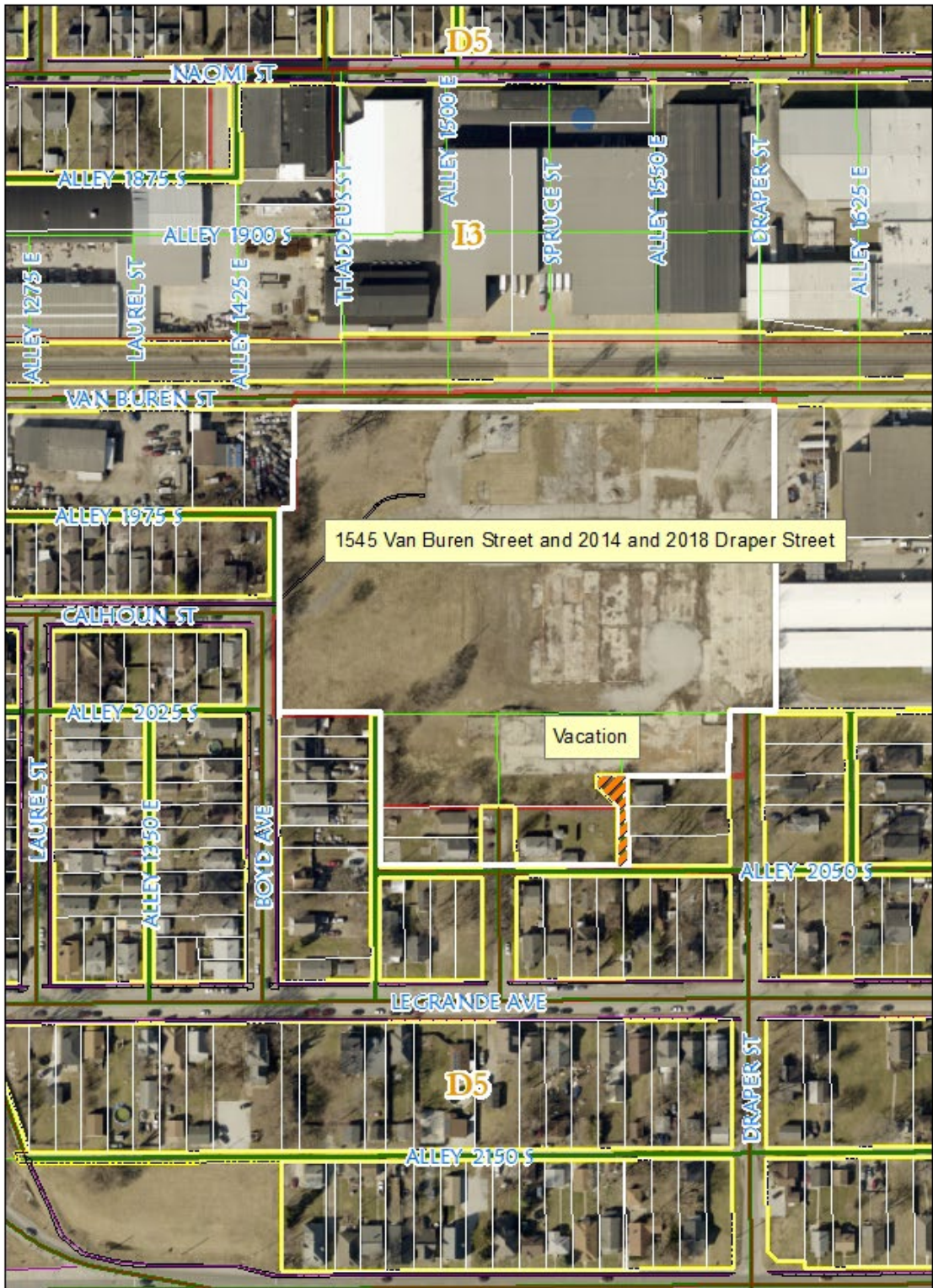
Item 21.

LANDSCAPE PLAN File-dated June 6, 2023
PLAN OF OPERATION File-dated April 10, 2023
FINDINGS OF FACT File-dated April 20, 2023

ZONING HISTORY

2013-ZON-058; 1545 Van Buren Street, requested rezoning of 9.0 acres from the I-3-U district to the D-10 district to provide for multi-family residential development, **approved**.

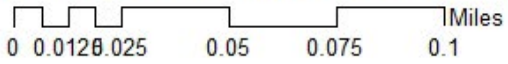
kb



1545 Van Buren Street and 2014 and 2018 Draper Street

Vacation

1545 Van Buren Street and 2016 and 2018 Draper Street



MEMORANDUM OF EXAMINER'S DECISION

2023-CZN/CVC-823 1545 Van Buren St., 2014-2018 Draper St.

The petitions request the rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district, with the vacation of a portion of an alley and of an irregular portion of right-of-way.

Your Hearing Examiner visited the site prior to the hearing and noted the industrial uses north and east of the site and the residential uses west and south of the site.

The petitioner's representative explained that the petitioner purchased the site about 10 years ago and had been unable to obtain financing for multi-family housing, which was the use approved by the project agreement with the County Commissioners. Substantial remediation work was done, and the petitioner was released from the project agreement in 2022. The proposed development would provide self storage for small businesses. About one dozen letters of support were submitted, and three neighbors spoke in support of the proposed development and in opposition to subsidized housing.

Two residents remonstrated at the hearing, and there were letters of opposition from Fountain Square Alliance Neighborhood and from the Healthy Communities Coordinator. Remonstrators expressed concern with health and safety, quality of life, the need for senior/affordable housing, and disappointment with the lack of communication by the petitioner.

Staff stated that, while the Comp Plan recommends heavy industrial use for the site, the Pattern Book recommends that industrial use not be on local streets and should not be adjacent to residential use. Staff also explained that the TOD overlay recommends a walkable development with mixed uses, and that there is a strong push for affordable housing.

In your Hearing Examiner's opinion, the proposed development is not an acceptable deviation from the Pattern Book and from the TOD overlay. Your Hearing Examiner is also concerned with the impact the proposed development would have on residents. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on July 5, 2023

PLAN OF OPERATION

GSS LLC
1545 Van Buren Street

The Petitioner plans to operate a franchise of RISE Commercial District at 1545 Van Buren Street (the “Property”). The objective of RISE Commercial District is to make industrial warehouse space affordable and accessible for all small businesses.

The Property consists of approximately 9.56 acres, and is located north of Legrande Avenue. G.W. Berkheimer Co., Inc., a heating, ventilation, air conditioning, and refrigeration wholesaler, along with Snodgrass Sheet Metal are located on the parcels adjacent to the east of the Property. Originally zoned to the Medium Industrial District (I-3), the Property was rezoned to the Residential Zoning District (D-10) by an entity related to the Petitioner in 2013. Petition has expended considerable effort to attempt to redevelop the site with multi-family housing but has been unable to secure a development partner for same nor any feasible financing. The Property location has proven to be a better match with the Comprehensive Plan recommendation of General Industrial use and development.

To a great extent, RISE Commercial District will function much like an industrial-warehouse-office facility for small businesses, providing storage space, distribution, and bookkeeping activities, all permitted in the requested Light Industrial District (I-2). RISE Commercial District will offer units ranging from 400 square feet to 1,400 square feet for rent, with the target tenant consisting of small businesses looking to accelerate their growth. RISE Commercial District intends each unit to be utilized as office space, warehouse space, and business storage space. Unlike mini storage facilities, RISE Commercial District is not meant for tenants to utilize units as personal storage space. Additionally, RISE Commercial District will offer tenants free wifi, the use of conference rooms, and access to public restrooms.

The proposed plan for RISE Commercial District consists of 13 buildings, ranging in size from 2,340 square feet to 9,720 square feet. Each building will be of rectangle shape – ranging in lengths from 90feet to 162 feet, and widths from 26 feet to 70 feet. Within the 13 buildings, the proposed plan contains 91 units that Petitioner anticipates to lease. There will be no permanent loading docks on site, and none of the units will contain a loading dock. However, there will be a forklift available on-site for use by tenants as needed for loading and unloading purposes.

There will be no large trucks based on-site. The only anticipated large truck traffic is from deliveries and pick-ups only – the Petitioner anticipates an average of 2 to 3 large deliveries per day. Additionally, the Property will be monitored 40 hours per week by an on-site manager.

RISE Commercial District already has 5 successful locations in Indiana, and hopes to add another at the Property. For more information on RISE Commercial District, visit their website at [Warehouse Space, Office Space, Business Storage Space | RISE Commercial District](#).

LANDSCAPE PLAN

Item 21.

GSS, LLC
6445 EAST 30th STREET
INDIANAPOLIS, IN 46219

CIVIL SITE GROUP, INC.
718 Adams Street, Suite E
Central Business District
Ph (317) 810-1872

DWN BY: EAG
CHKD BY: EAG
SCALE: 1" = 30'
DATE: 05/24/23

LANDSCAPE PLAN

RISE COMMERCIAL DISTRICT
1545 VAN BUREN STREET
INDIANAPOLIS, IN 46203

PROJECT NUMBER: LSX 011
DRAWING NUMBER: L1.0
SHEET 18 OF 21

LEGEND:

- PROPERTY BOUNDARY
- RIGHT-OF-WAY
- SANITARY SEWER
- EXISTING SANITARY SEWER
- EXISTING POLE & CONDUIT
- EXISTING GAS
- EXISTING UTILITY
- PROPOSED WATER
- PROPOSED HYDRANT LINE (PRIVATE DOMESTIC SERVICE)
- PROPOSED SANITARY SEWER LATERAL
- PRIMARY POWER
- STORM SEWER
- PROPOSED CONTOUR
- ROOF DRAIN
- PROPOSED CONCRETE
- PROPOSED LANDSCAPE MULCH (5" MINIMUM DEPTH)

PLAN NOTES:

- SEE SHEET L1.0 FOR DETAIL
- PERMANENT SETBACK
- SEE SHEET L1.0 FOR DETAIL

LANDSCAPE NOTE

ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPING ORDINANCES. ALL PROPOSED IMPROVEMENTS ARE SUBJECT TO FINAL INSPECTION.

DECIDUOUS TREE DETAIL

SCALE: NOT TO SCALE

TOPOGRAPHIC & BOUNDARY NOTE

THE ELEVATION OF THE GROUND SURFACE SHOWN ON THIS PLAN IS BASED ON THE DATUM OF MEANS SEA LEVEL. THE ELEVATION OF THE GROUND SURFACE AT ANY POINT ON THIS PLAN SHALL BE THE ELEVATION OF THE GROUND SURFACE AT THAT POINT ON THE DATE OF THE SURVEY. THE ELEVATION OF THE GROUND SURFACE AT ANY POINT ON THIS PLAN SHALL BE THE ELEVATION OF THE GROUND SURFACE AT THAT POINT ON THE DATE OF THE SURVEY.

DEVELOPER:
GSS, LLC
INDIANAPOLIS, IN 46219

ENGINEER:
G. S. SMITH
INDIANAPOLIS, IN 46203
PH (317) 810-1872

SURVEYOR:
G. S. SMITH
INDIANAPOLIS, IN 46203
PH (317) 810-1872

SEE SHEET L1.1 FOR CONTINUATION

UTILITY LOCATE NOTE

ON ANYDAY CONDUITS TO THE STREET SHALL BE MARKED WITH RED AND BLACK FLAGS AND COLORED LIGHTS. THE LOCATION OF ALL UTILITIES SHALL BE THE RESPONSIBILITY OF THE REQUESTOR. THE REQUESTOR SHALL PROVIDE ALL NECESSARY INFORMATION TO THE UTILITY LOCATOR. INFORMATION NOT SHOWN ON THIS PLAN.

IRRIGATION NOTE

SEE DRAWING L1.0 FOR IRRIGATION PLAN. ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION ACT. THE IRRIGATION SYSTEM SHALL BE THE RESPONSIBILITY OF THE REQUESTOR.

SHRUB DETAIL

SCALE: NOT TO SCALE

TRANSITIONAL YARDS

TRANSITIONAL YARDS SHALL BE PROVIDED FOR ALL TRANSITIONAL YARDS. THE TRANSITIONAL YARDS SHALL BE THE RESPONSIBILITY OF THE REQUESTOR.

STREET FRONTAGE

TRANSITIONAL YARDS SHALL BE PROVIDED FOR ALL TRANSITIONAL YARDS. THE TRANSITIONAL YARDS SHALL BE THE RESPONSIBILITY OF THE REQUESTOR.

INTERIOR PARKING LOT LANDSCAPING


TRANSITIONAL YARDS SHALL BE PROVIDED FOR ALL TRANSITIONAL YARDS. THE TRANSITIONAL YARDS SHALL BE THE RESPONSIBILITY OF THE REQUESTOR.

REVISION RECORD

REV	DATE	DESCRIPTION	DES BY	APP BY

LANDSCAPE PLAN

Item 21.

CIVIL SITE GROUP, INC. 6445 EAST 30TH STREET INDIANAPOLIS, IN 46219 PH: (317) 810-1877 FAX: (317) 810-1877		LANDSCAPE PLAN RISE COMMERCIAL DISTRICT 1545 VAN BUREN STREET INDIANAPOLIS, IN 46203	PROJECT NUMBER LSX 011 DRAWING NUMBER L1.1 SHEET 19 OF 21
DWN BY: EAG CHD BY: EAG SCALE: 1" = 30' DATE: 05/24/23			

REV	DATE	DESCRIPTION	DESIGN	APP'D BY

- LEGEND:**
- PROPERTY BOUNDARY
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - EXISTING GAS
 - EXISTING POLE & CONDUIT
 - EXISTING WATER
 - PROPOSED WATER
 - PRIVATE HYDRANT LINE
 - PRIVATE DOMESTIC SERVICED SEWER LATERAL
 - PROPOSED SANITARY SEWER LATERAL
 - SECONDARY POWER
 - STORM SEWER
 - PROPOSED CONTOUR
 - ROOF DRAIN
 - PROPOSED CONCRETE
 - PROPOSED LANDSCAPE MULCH (5' MINIMUM DEPTH)

INTERIOR PARKING LOT LANDSCAPING

TOTAL UNCOVERED VEHICLE AREA = 68,500 S.F.
 INTERIOR LANDSCAPING AREA (L.A.) REQUIRED = 1,670 S.F.
 INTERIOR LANDSCAPING AREA (L.A.) PROVIDED = 1,750 S.F.
 SHADE TREES REQUIRED / PROVIDED = 10

SHADE TREES:

- ① - *Gonolobus heterophyllus* var. *lewisii*
- ② - *Fraxinus pennsylvanica* (Dy. 4) - (Min. 2" Caliper)
- ③ - *Fraxinus pennsylvanica* (Dy. 3) - (Min. 2" Caliper)
- ④ - *Quercus coccinea* (Dy. 4) - (Min. 2" Caliper)
- ⑤ - *Quercus coccinea* (Dy. 3) - (Min. 2" Caliper)
- ⑥ - *Quercus coccinea* (Dy. 2) - (Min. 2" Caliper)
- ⑦ - *Quercus coccinea* (Dy. 1) - (Min. 2" Caliper)
- ⑧ - *Quercus coccinea* (Dy. 0) - (Min. 2" Caliper)
- ⑨ - *Quercus coccinea* (Dy. 0) - (Min. 2" Caliper)
- ⑩ - *Quercus coccinea* (Dy. 0) - (Min. 2" Caliper)

SHRUBS:

- ⑪ - *Prunella virginiana* - Shrub Grass
- ⑫ - *Prunella virginiana* - Shrub Grass
- ⑬ - *Prunella virginiana* - Shrub Grass
- ⑭ - *Prunella virginiana* - Shrub Grass
- ⑮ - *Prunella virginiana* - Shrub Grass
- ⑯ - *Prunella virginiana* - Shrub Grass
- ⑰ - *Prunella virginiana* - Shrub Grass
- ⑱ - *Prunella virginiana* - Shrub Grass
- ⑲ - *Prunella virginiana* - Shrub Grass
- ⑳ - *Prunella virginiana* - Shrub Grass

TRANSITIONAL YARDS

INDUSTRIAL ADJUTING DWELLING - CRITICAL
 1 GREEN TREE & FOUR (4) LARGE SHRUBS
 EVERY 20'

LINEAR FEET = 72' ± 4'

30 TREES REQUIRED / 117 SHRUBS REQUIRED
 IN TRANSITIONAL YARD

TRANSITIONAL YARD SPECIES:

- ① - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
- ② - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
- ③ - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
- ④ - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
- ⑤ - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
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- ⑨ - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)
- ⑩ - *Thuja occidentalis* - American Arborvitae (Dy. 15) - (Min. 6" Height)

IRRIGATION NOTE

SEE SCHEDULE FOR IRRIGATION SYSTEM. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SPECIFICATIONS. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SPECIFICATIONS.

UTILITY LOCATE NOTE

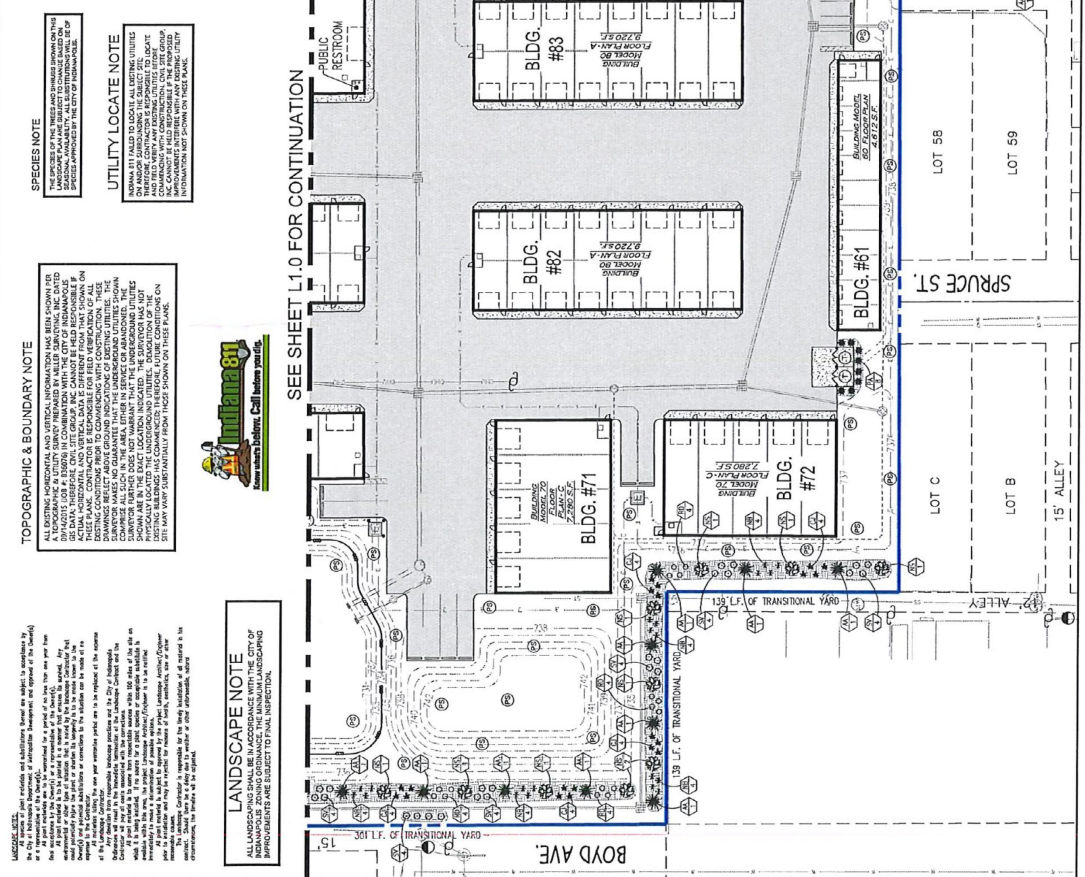
UTILITY LOCATE SHALL BE PERFORMED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE UTILITY LOCATE DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

LANDSCAPE NOTE

ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPING REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

TOPOGRAPHIC & BOUNDARY NOTE

ALL EXISTING AND PROPOSED TOPOGRAPHIC AND BOUNDARY DATA SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPING REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.



LANDSCAPE NOTE

ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPING REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

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IRRIGATION NOTE

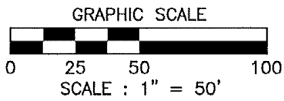
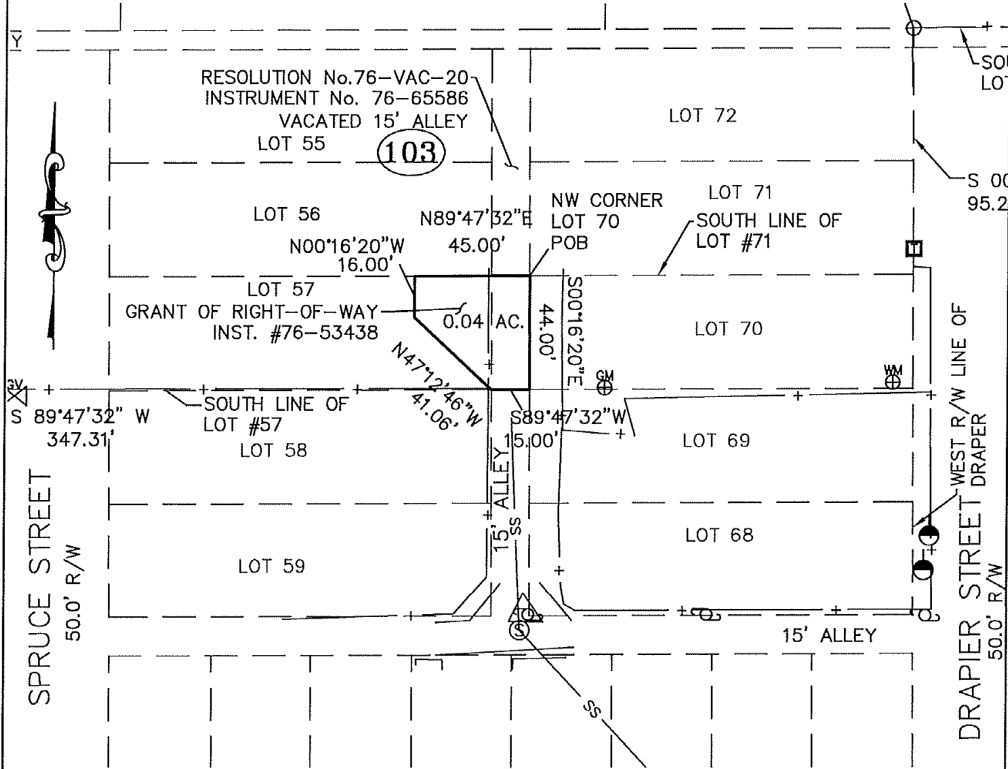
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

VACATION EXHIBIT

PART OF LOT 57 AND 15.0' WIDE ALLEY LYING EAST OF SAID LOT 57
 IN JUSTUS C. ADAMS' SOUTH PARK ADDITION TO THE CITY OF
 INDIANAPOLIS, MARION COUNTY, INDIANA



THIS SURVEY IS NOT COMPLETE AND/OR
 VALID WITHOUT BOTH PAGES.

PAGE 1 OF 2

R.L.S. LS20400007		DATE: 4-4-23	
 MILLER SURVEYING INC. 948 CONNER STREET NOBLESVILLE INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694			

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
the alley has been underutilized for many years. Additionally, the Petitioner owns the surrounding property
and is proposing to develop a franchise of RISE Commercial District, with the objective being to make industrial warehouse space
affordable and accessible for small businesses. This industrial use will compliment surrounding property uses (Snodgrass
Sheet Metal and G.W. Berkheimer Co.), and the proposed vacated property is intended to be incorporated into the development.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20²³



View looking east along Van Buren Street



View looking west along Van Buren Street



View from site looking east



View of site looking southeast across Van Buren Street



View of site looking south across Van Buren Street



View of site looking south across Van Buren Street



View of site looking southeast across Van Buren Street



View from site looking northeast across Van Buren Street



View of site looking north from neighborhood to the south



View of site looking north from neighborhood to the south



View of site looking north from neighborhood to the south

STAFF REPORT

Item 22.

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

Case Number: 2023-ZON-094
Address: 6729 Westfield Boulevard (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: J.C. Hart Company, Inc., Chase Development, Inc. and Evergreen, LLC,
by Michael Rabinowitch
Requests: Rezoning of 21.44 acres from the SU-34 (FF) and D-P (FF) district to the
D-P (FF) district to provide for a multi-family and townhome
development.

**Modification of Commitments, related to 2003-ZON-100, to allow
development in accordance the DP Statement, Site Plan, Landscape
Plan, Elevations and Renderings filed with this petition.**

A registered neighborhood organization filed a timely automatic continuance that would **continue this petition from the November 15, 2023 hearing, to the December 20, 2023 hearing.** This would require acknowledgement from the Metropolitan Development Commission.

kb
