



Metropolitan Development Commission (July 17, 2024) Meeting Notice

Meeting Details

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

Date: Wednesday, July 17, 2024

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes: July 3, 2024

Policy Resolutions:

REAL ESTATE:

1. 2024-R-012

Agreement between DMD and Amtrak for an additional bus slip for a route from Indianapolis to Chicago.

2. 2024-R-015

Metropolitan Development Commission authorizes DMD to enter into a contract with Raven Commercial Group LLC for property management services at Union Station for a not-to-exceed amount of seventy-two thousand dollars (\$72,000).

ECONOMIC DEVELOPMENT / INCENTIVES:

3. 2024-E-022

Declaratory Resolution and Economic Development Area Plan for the Gold Building Economic Development Area and Allocation Area, Council District #12, Center Township.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

4. 2024-MOD-005 | 8316 Belfast Drive

Decatur Township, Council District #13

C-S

Unicorp National Developments, Inc., by Mike Timko

Modification of Development Statement related to petition 95-Z-149 to modify item K. Landscape Easements, to provide for a minimum of 10-foot landscape easement measured from the back of curb along all public and private streets (current commitment required a minimum 45-foot landscape easement measured from the back of curb along all public and private streets).

5. 2024-MOD-007 | 5080 East 82nd Street

Washington Township, Council District #3

C-S (FF)

Allison Pointe Owners Association, Inc., by Joseph D. Calderon

Modification of Development Plan related to 86-Z-81 to modify Permitted Sign Criteria to provide for an additional business park and building/tenant identification sign adjacent to I-465 and not less than 300 feet from the General Park identification sign. Said sign would include signage panels to identify tenants and occupants of the business park (previous Development Plan was limited to one sign along I-465).

6. 2024-ZON-027 | 1101 and 1117 South Sherman Drive

Center Township, Council District #19

Liberty Commercial Investors, LLC., by Donald W. Fisher

Rezoning of 0.68-acre from the D-5 and C-3 districts to the C-5 district to provide for automobile sales.

7. 2024-ZON-029 | 9401 and 9415 East Southport Road, and 9404 and 9510 East McGregor Road

Franklin Township, Council District #25

Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Rezoning of 112.2 acres from the D-A (FF) and D-1 (FF) districts to the D-4 district to provide for single-family residential development.

8. 2024-ZON-044 (Amended) | 918 East 27th Street, 2735, 2739, 2743, 2747, 2751, 2752 and 2755 Guilford Avenue, 820 East 27th Street, 2708, 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2744, 2748, 2752, and 2756 Winthrop Avenue (even)

Center Township, Council District #8

Historic Grandview LLC, by Paul J Lambie

Rezoning of 2.96 acres from the D-5 district to the D-8 district for residential development.

9. 2024-ZON-064 | 8155 Brookville Road

Warren Township, Council District #20

Johnson's Commercial Flooring, Inc., by Joseph D. Calderon

Rezoning of 3.29 acres from the C-4 district to the I-2 district for an office and warehouse for a flooring contractor.

10. 2024-ZON-065 | 132 North Belmont Avenue

Center Township, Council District #18

Trent Stone, by Les Hall

Rezoning of 0.18-acre from the C-3 (TOD) district to the D-5 (TOD) district to provide for residential uses.

11. 2024-ZON-067 | 1502 Dunlap Avenue

Wayne Township, Council District #17

Jonathan Brown, by Matthew Peyton

Rezoning of 0.643-acre from the D-3 district to the D-5 district to provide for residential uses.

12. 2024-ZON-068 | 2327 Dr. Martin Luther King, Jr. Street

Center Township, Council District #12

Socorro Solutions 71010 LLC, by Jynell D Berkshire

Rezoning of 0.12-acre from the C-1 (W-5) district to the D-8 (W-5) district to provide for residential uses.

13. 2024-CZN-823 and 2024-CAP-823 | 605 South High School Road

Wayne Township, Council District #17

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool

Rezoning of 6.255 acres from the D-3 district to the PK-1 district.

Park District One approval to provide for park improvements, including playground equipment and playground surface, walking trails, a basketball court, comfort station, and picnic shelters.

- 14. 2024-CZN-825 | 1641 Cornell Avenue**
Center Township, Council District #13
Indy Opportunity Fund, LLC, by Dale W. Pfeifer

Rezoning of 0.12-acre from the I-3 district to the D-8 district to provide for residential uses.

- 15. 2024-REG-016B | 501 Indiana Avenue**
Center Township, Council District #12
CBD-2 (RC)
Indiana Avenue Partners, LLC., by Chris Mulloy

Regional Center Approval to provide for: B. Construction of a 12-story mixed-use development, consisting of 263 dwelling units, 323 parking spaces within a parking garage, and approximately 35,475 square feet of amenity space, office space, and retail space.

- 16. 2024-REG-028 | 639 South Delaware Street**
Center Township, Council District# 18
I-3 (RC)
Eli Lilly and Company, by Andi M. Metzel

Regional Center Approval to provide for a 775-person, two-story conference center, within an existing corporate campus.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

17. MODIFICATION PETITION TRANSFERRED FROM HEARING EXAMINER FOR INITIAL HEARING:

- 2024-MOD-010 | 9433 Avant Avenue**
Washington Township, Council District #2
D-P
BC Real Street Partners LLC, by Brian J. Tuohy

Modification of Development Statement related to 2021-ZON-054 to modify Paragraph III, Development Standards of the Townhome District Development Architectural Standards to provide for a 20-foot minimum lot width for townhomes (previously required a 24-foot minimum lot width for townhomes).

18. REZONING PETITION TRANSFERRED FROM HEARING EXAMINER FOR INITIAL HEARING:

- 2024-ZON-026 | 7405 and 7425 Westfield Boulevard**
Washington Township, Council District #2
7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

19. COMPANION PETITIONS TRANSFERRED BY THE HEARING EXAMINER FOR INITIAL HEARING:

- 2024-ZON-042 / 2024-VAR-007 (Amended) | 3404, 3432, 3434, 3438 and 3444 North Illinois Street**
Center Township, Council District #8
Redline Holdings XII, LLC, by Emily Duncan and David Kingen

Rezoning of 1.12 acres from the D-8 (TOD) and C-4 (TOD) district to the D-10 (TOD) district to provide for multi-family dwelling uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a two-foot front yard setback for ground level patios (Front Building Line between 10 feet to 19.9 feet required), a two-foot rear yard setback for a surface parking lot (a minimum 10-foot rear yard setback required), a floor area ratio of 1.92 (maximum 0.8 permitted), and a livability space ratio of 0.08 (minimum 0.66 permitted).

20. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2024-ZON-014 | 7125 Wellingshire Boulevard, 2702 West Stop 11 Road and 7750 SR 37

Perry Township, Council District #22

Wellingshire Partners, LLC, by Joseph D. Calderon

Rezoning of 57.81 acres from the D-P (FF) (W-1) district to the D-P (FF) (W-1) district to revise the list of permitted uses for Parcels 2, 12 and 13 of the Southern Dunes (formerly Wellingshire) Planned Unit Development. Permitted uses would be as follows:

Parcel 2 (7125 Wellingshire Boulevard) Public, Institutional, Religious and Civic Uses, Medical or Dental Offices, Centers or Clinics, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Financial and Insurance Services, Hair and Body Care Salon or Service, Bar or Tavern, Eating Establishment or Food Preparation (any type), Indoor Recreation and Entertainment, Hotel, Motel, Offices (Business, Professional or Government), Outdoor Recreation and Entertainment, Grocery Store, Liquor Store, Retail, Light and Heavy General, Automobile and Light Vehicle Wash, Automobile, Motorcycle, Light Vehicle Service or Repair, Vehicle Charging Station and other Accessory Uses;

Parcels 12 and 13 (2702 West Stop 11 Road & 7750 SR 37) Medical or Dental Offices, Centers or Clinics, Schools, Elementary, Middle, High, Vocational, Technical, or Industrial School or Training Facility, Day Care Center or Nursery School, Business, Art, or other Post-Secondary Proprietary School, Private Post-Secondary School (Non-Proprietary), Club or Lodge, Community Center, Religious Uses, Medical or Dental Laboratories, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Garden as Primary Use, Indoor Agricultural Use, including greenhouse, warehouse growing of agricultural products, Outdoor Advertising Off-Premises Signs, Wireless Communications Facility, Mini-Warehouses (Self-Storage), Renewable Energy Facility (Solar/ Geothermal), Commercial Parking Lot and other Accessory Uses.

21. REZONING HEARING SCHEDULED FOR INITIAL HEARING:

2024-ZON-055 | 1010 East 86th Street, and 8685 and 8699 Guilford Avenue

Washington Township, Council District #2

TM Crowley and Associates, LLC, by Joseph D. Calderon

Rezoning of 7.18 acres from the D-2 and C-1 Districts to the D-P District, to provide for single-family attached dwellings, multi-family dwellings, commercial office, and retail uses, including restaurants, day care center or nursery school, community center, financial services, and other light general retail uses.

Additional Business:

22. WITHDRAWAL OF MDC APPROVED REZONING PETITION PRIOR TO CITY-COUNTY COUNCIL HEARING

2024-ZON-012 | 1170 Kentucky Avenue

Center Township, Council District #18

KM23 Property, LLC, by David Kingen

Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

****Petition approved by MDC on May 15, 2024 was withdrawn on July 3, 2024, prior to scheduled City-County Council hearing**

**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.

Union Station-Transportation Center
Contract-Parking License
Amtrak

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2024-R-012**

WHEREAS, the Department of Metropolitan Development (“DMD”), by authority of and pursuant to I.C. 36-7-15.1, engages in redevelopment activities within the Marion County Redevelopment District Area, Marion County, Indiana, specifically Union Station in downtown Indianapolis; and

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission (“MDC”) acts as the redevelopment commission of the Consolidated City of Indianapolis (“City); and, consistent with the policy and purpose of I.C. 36-7-15.1, has a duty to promote the use of land in the manner that best serves the interests of the City and its inhabitants; and

WHEREAS, to carry out the duties described in I.C. 36-7-15.1, DMD requires a broad array of contracts; and the MDC, under IC 36-7-15.1-7 (a), is authorized to convey interests in property on terms and conditions that MDC considers best for the city and its inhabitants; and

WHEREAS, DMD seeks to enter into a license agreement with the National Railroad Passenger Corporation (“Amtrak” or "Licensee"), for a single bus slip/parking space adjacent to the transportation center at Union Station to support its Amtrak- branded Chicago- Indianapolis Thruway Bus Connections route.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The DMD is hereby authorized by the Commission to enter into a license agreement with Amtrak for a single bus slip/parking space adjacent to the transportation center at Union Station and on terms agreeable to DMD.
2. The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof and hereby ratified, confirmed and approved.

Approved as to Adequacy & Legal Form
Sheila Kinney *SK*
Sheila E. Kinney, Asst. Corp Counsel
Date: 7/9/2024

Metropolitan Development Commission

John J. Dillon III, President
Date: _____

RESOLUTION NO. 2024-R-012

Authorizes DMD to license a bus slip to Amtrak at the Union Station transportation center.

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA**
Resolution No. 2024-R-015

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Redevelopment Act”); and

WHEREAS, in that capacity, the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, the Commission, by and through the City of Indianapolis, Department of Metropolitan Development (“DMD”), has engaged in redevelopment activities supporting the Union Station (“Union Station”) Local Public Improvements Project (“the Project”); and

WHEREAS, in furtherance of said redevelopment activities within Union Station, DMD conducted a Request for Proposals, RFP-13DMD-2023-1 (“RFP”) and, by MDC RES 2023-R-037 passed on December 20, 2023, selected KennMar LLC as the qualified and responsive contractor to provide the required property management and maintenance services (“Services”) for the Project; and

WHEREAS, following that selection and contract process, KennMar LLC notified DMD that it lacked capacity to carry out the Services; and

WHEREAS, IC 5-22-6-1 allows a government body to purchase services using any procedure it considers appropriate; and, given the emergency nature/ urgent need to address property management, DMD has identified **Raven Commercial Group LLC**, (“Raven”) as a provider which has staff experienced specifically with property management of Union Station. DMD now desires to enter in to a one (1)-year contract for Services with Raven (“Agreement”) for an annual amount of \$72, 000 per year payable from all sources of funding available for such Services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to enter in to a one (1)-year contract with Raven Commercial Group LLC to provide Services for property management and maintenance at Union Station as described above for an overall contract amount not to exceed \$72,000.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents to enter into the Agreement in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the Commission so as to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved

Approved as to Adequacy & Legal Form
Sheila Kinney *SK*
Sheila Kinney, Asst. Corporation Counsel
Date: 7/11/2024

Metropolitan Development Commission

John J. Dillon III, President
Date: _____

RESOLUTION NO. 2024-E-022

RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, AMENDING THE DECLARATORY RESOLUTION FOR THE CITY MARKET REDEVELOPMENT AREA, REMOVING THE GOLD BUILDING FROM THE CITY MARKET NORTH ALLOCATION AREA, AND DESIGNATING THE GOLD BUILDING ALLOCATION AREA

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”), serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Act”), and in that capacity serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, on November 2, 2022, the Commission adopted its Resolution No. 2022-E-042, as confirmed by its Resolution No. 2023-E-011 adopted on March 15, 2023 (collectively, the “Declaratory Resolution”), which (i) declared an area of the City, known as the City Market Redevelopment Area (the “Redevelopment Area”), a map of which is attached hereto as Exhibit A, to be a “redevelopment project area” within the meaning of the Act, (ii) designated a portion of the Redevelopment Area, known as the City Market North Allocation Area, as an “allocation area” for the purposes of Section 26 of the Act (the “City Market North Allocation Area”), (iii) designated a portion of the Redevelopment Area, known as the City Market East Allocation Area, as an “allocation area” for the purposes of Section 26 of the Act (the “City Market East Allocation Area”) and (iv) approved the Redevelopment Area Plan for the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, Section 26 of the Act permits the creation and amendment of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution to remove the properties generally known as 151 North Delaware Street (the “Gold Building”), 251 East Ohio (the “Brick Building”), and the adjacent parking structure as described and depicted in Exhibit B attached hereto, from the City Market North Allocation Area, to designate the Gold Building, Brick Building, and adjacent parking structure parcels as the “Gold Building Allocation Area,” as described and depicted in Exhibit B, as a new allocation area under Section 26 of the Act, and to amend the Redevelopment Plan, accordingly (collectively, the “Amendment”); and

WHEREAS, the Amendment and supporting data were reviewed and considered at this meeting.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, the governing body of the City of Indianapolis Redevelopment District, as follows:

1. The public health and welfare will be benefited by the adoption of the Amendment.

2. The Redevelopment Plan for the Redevelopment Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 8 and 9 of the Act because of the lack of necessary local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, or similar conditions.

3. The Amendment is reasonable and appropriate when considered in relation to the Declaratory Resolution and Redevelopment Plan and the purposes of the Act.

4. The Declaratory Resolution, as amended by this Amendment, conforms to the comprehensive plan of development for the City.

5. The parcel(s) of property legally described and depicted in Exhibit B hereby are designated as the Gold Building Allocation Area pursuant to Section 26 of the Act for purposes of the allocation and distribution of property tax revenues for the purposes and in the manner provided in the Act. Any taxes imposed on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in Section 26, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into the allocation fund created for the Gold Building Allocation Area and may be used by the redevelopment district to do one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

6. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provision herein relating to the Gold Building Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Gold Building Allocation Area. The base assessment date for the Gold Building Allocation Area, comprised of the parcels of property legally described and depicted in Exhibit B, is January 1, 2024.

7. The Commission hereby finds that the adoption of the foregoing allocation provision will result in new property taxes in the Gold Building Allocation Area that would not

have been generated but for the adoption of the allocation provision. Specifically, the capture of new property taxes in the Gold Building Allocation Area as tax increment will assist the Commission in its capacity to bond for future projects in the Gold Building Allocation Area, including, without limitation, the redevelopment of the Gold Building public infrastructure improvements to support the development of the Gold Building and surrounding area, which will generate new property taxes in the Gold Building Allocation Area and the Redevelopment Area.

8. The Amendment hereby is in all respects approved. For the avoidance of doubt, (i) the City Market East Allocation Area shall remain in full force and effect as approved by the Declaratory Resolution.

9. This Resolution, together with any supporting data and together with the Redevelopment Plan, shall be submitted to City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) as provided by the Act, and, if approved by the City-County Council, shall be duly noticed and set for a public hearing before the Commission, as required by the Act and in accordance with the requirements set forth therein.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 3rd day of July, 2024, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

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

John J. Dillion, III, President

Brian Murphy, Vice Secretary

Approved as to Legal Form
and Adequacy this ___ day
of _____ 2024.

Sheila E. Kinney,
Assistant Corporation Counsel

EXHIBIT A



EXHIBIT B

Parcels to be Removed from the City Market North Allocation Area

List of Parcels:

- 1056438 (49-11-01-174-001.000-101)
- 1005124 (49-11-01-240-106.000-101)
- 1042179 (49-11-01-174-004.000-101)

Parcels to be Established as the Gold Building Allocation Area

Parcel:

- 1056438 (49-11-01-174-001.000-101)
- 1005124 (49-11-01-240-106.000-101)
- 1042179 (49-11-01-174-004.000-101)



METROPOLITAN DEVELOPMENT COMMISSION **July 17, 2024**

Case Number: 2024-MOD-010

Property Address: 9433 Avant Avenue

Location: Washington Township, Council District #2

Petitioner: BC Real Street Partners LLC, by Brian J. Tuohy

Current Zoning: D-P

Request: Modification of Development Statement related to 2021-ZON-054 to modify Paragraph III, Development Standards of the Townhome District Development Architectural Standards to provide for a 20-foot minimum lot width for townhomes (previously required a 24-foot minimum lot width for townhomes).

Current Land Use: Undergoing development

Staff Recommendations: Approval, subject to the commitment noted below.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A registered neighborhood organization filed an automatic continuance that continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing. The petitioner’s representative requested that the petition be transferred to the Metropolitan Development Commission (MDC) for initial hearing on July 17, 2024. The Hearing Examiner granted the transfer to the MDC for hearing on July 17, 2024, on the condition that if the registered neighborhood organization requested a continuance, the petitioner and their representative would not oppose the request. The petitioner’s representative agreed to that condition.

STAFF RECOMMENDATION

Approval, 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:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



PETITION OVERVIEW

This 2.03-acre site, zoned D-P, is a portion of an approximately 23.157-acre site that was rezoned (2021-ZON-054) to provide for residential development that included single-family dwellings, townhomes, multi-family dwellings and community greenspace. It is surrounded by Interstate 465 right-of-way to the north, zoned D-P; single-family dwellings to the south and west, zoned D-2; and undeveloped land to the east, across Westfield Boulevard, zoned D-A.

MODIFICATION

The request would modify the Development Statement related to 2021-ZON-054 to modify Paragraph III, Development Standards of the Townhome District Development Architectural Standards to provide for a 20-foot minimum lot width for the townhomes. The Development Statement required a 24-foot minimum lot width for the townhomes. See Exhibit A.

The approved Development Statement set a maximum of 44 townhome dwelling units. Plat Petition (2022-PLT-054) provided for a preliminary plat that included 39 parcels for townhomes. See Exhibit B.

As proposed, staff believes the four-foot reduction in lot width would be a minor deviation that would have minimal impact on the overall townhome development. Consequently, staff supports the modification request.

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;



Department of Metropolitan Development
Division of Planning
Current Planning

3. A drainage or stormwater management facility as defined in [Chapter 561](#) of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

| | | |
|-----------------------------------|---------------------------|--|
| Existing Zoning | D-P | |
| Existing Land Use | Under going redevelopment | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Land Use |
| North: | D-P | Interstate 465 right-of-way |
| South: | D-2 | Single-family dwellings |
| East: | D-A | Undeveloped land |
| West: | D-2 | Single-family dwellings |
| Thoroughfare Plan | | |
| Westfield Boulevard | Secondary arterial | Existing variable 92 to 145-foot right-of-way and proposed 80-foot right-of-way. |
| Real Street | Collector | Existing and proposed 60-foot right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | N/A | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | N/A | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | May 27, 2024 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 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.”

Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:
- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.



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

- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- *Attached Housing* (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
 - Duplexes should be architecturally harmonious with adjacent housing.
 - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2021-ZON-054; 1775 East 96th Street, requested rezoning of 23.2 acres from the SU-3 district to the D-P district to provide for a small park area and a mix of dwelling units consisting of approximately 58 single-family attached (townhome) dwellings, approximately 65 single-family detached dwellings and no more than 324 multi-family dwelling units for a density of 19.26 units per acre, **approved**.

Vicinity

2020-ZON-082; 9495 & 9530 Kerwood Drive (northeast of site), requested the rezoning of 15.2 acres from the D-A district to the D-P district to provide for 376 multi-family dwelling units with the option for two office buildings, **approved**.

2016-ZON-086; 1775 East 96th Street (southwest of site), requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 17.6 units per acre, **dismissed**.

2015-ZON-109; 1775 East 96th Street (southwest of site), requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 13.2 units per acre, **withdrawn**.

2014-ZON-061; 1775 East 96th Street (southwest of site), requested the rezoning of 17.6 acres from the SU-3 district to the D-P district to provide for multi-family dwellings at a density of 17.6 units per acre, **withdrawn**.

98-Z-191; 1875 East 96th Street (southwest of site), requested the rezoning of 23.8 acres from the D-A district to the SU-3 district, **approved**.

88-Z-151; 2201 East 96th Street (northeast of site), requested the rezoning of 15.4 acres from the A-2 district to the C-S district to provide for offices and flex space, **withdrawn**.

85-Z-18; 9546 Westfield Road (north of site), requested rezoning of 2.57 acres from the A-2 district to the C-1 district, **dismissed**.

EXHIBITS



9433 Avant Avenue

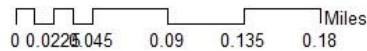




EXHIBIT A

Townhome District Development and Architectural Standards

I. District Intent

The purpose of the Townhome District is to permit approximately forty-four (44) individual rear load townhomes on individual lots within nine (9) three-story buildings having underground utilities, centralized water, and centralized sewer facilities.

II. Permitted Uses and Underlying Zoning District

All permitted, accessory, temporary, and special exception uses permitted in the Dwelling District Six-Two (D-6II) zoning district set forth in the Zoning Ordinance shall be permitted in the Townhome District. If any development standard is not set forth in this DP Statement, the D-6II zoning district standards shall apply.

III. Development Standards

| | |
|---|-----------------------------------|
| Maximum Dwelling Units | 44 |
| Minimum Townhome District Area | Approximately 2.79 Acres |
| Minimum Lot Area | 1,872 sq ft |
| Minimum Townhome District Street Frontage | 1,200 Linear Ft along Real Street |
| Minimum Street Frontage for a Lot | 20' |
| Minimum Lot Width | 24' |
| Minimum Lot Depth | 78' |
| Minimum Living Area (sq. ft.) | 1,200 Sq Ft |
| Maximum Building Height | 45' |
| Minimum Front Yard Building Setback | 10' |
| Minimum Side Yard Setback | N/A |
| Minimum Distance Between Buildings | 10' |
| Minimum Rear Yard Setback | 15' |
| Minimum Width of Perimeter Yard for Townhome District | 10' |
| Maximum Floor Area Ratio | 1.2* |
| Minimum Livability Space Ratio | .21* |
| *Please note calculations exclude the Community Greenspace District acreage | |



IV. Homeowners' Association/Covenants

The maintenance and upkeep of the Common Areas as approximately shown on the attached Exhibit C including retention ponds, open space, and amenities within the Townhome District shall be the responsibility of the HOA to be established pursuant to the terms of the Covenants to be recorded prior to final plat approval for the Development. The Covenants shall apply to all real estate within the Townhome District.

V. Architectural Standards

The following architectural standards shall apply to the Townhome District:

The townhomes may be constructed as a three -story rear load garage product with a two-car attached garage. The façade excluding windows, doors, balconies, and eaves will consist of a mix of at least two of the following products: fiber cement panel, fiber cement lap, cast stone or brick wainscot.



View looking east along Real Street



View looking west along Real Street



View looking north along Real Street



View looking south along Real Street



View of site looking east across Real Street



View of site looking north across Real Street



View of site looking north across Real Street



View of site looking north across Real Street



View from site looking southwest across Real Street



View from site looking southwest across Real Street



METROPOLITAN DEVELOPMENT COMMISSION **July 17, 2024**

Case Number: 2024-ZON-026

Property Address: 7405 and 7425 Westfield Boulevard (Approximate Address)

Location: Washington Township, Council District #2

Petitioner: 7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Current Zoning: D-4 (TOD) (FF)

Request: Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

Current Land Use: Mental health treatment facility and office use

Staff Recommendations: Approval with commitment.

Staff Reviewer: Senior Planner, Marleny Iraheta

PETITION HISTORY

ADDENDUM FOR JULY 17, 2024 METROPOLITAN DEVELOPMENT COMMISSION

This petition was transferred from the June 27, 2024 hearing of the Hearing Examiner to the July 17, 2024 hearing of the Metropolitan Development Commission for initial hearing since the Hearing Examiner recused herself due to a conflict of interest.

Staff requested a site plan with the square footage of the two existing buildings to that parking requirements could be calculated, but that was not provided to staff. Additionally, staff requested a copy of the parking agreement if there was one for the record, but it was not provided to staff either.

Staff continues to recommend approval of the request subject to staff's commitment and would mention that if there were issues with parking requirements those would need to be addressed by a separate variance if necessary.

The petitioner provided an amended draft of proposed commitments that have been included in the staff report.

June 26, 2024

This petition was automatically continued from the April 25, 2024 hearing to the May 23, 2024 hearing at the request of a registered neighborhood organization.

This petition was automatically continued from the May 23, 2024 hearing to the June 27, 2024 hearing at the request of the petitioner.



STAFF RECOMMENDATION

Staff **recommends approval** of the request 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. Landscaping along Westfield Boulevard shall be installed within six months of the rezoning approval and shall meet the landscape requirements of the Ordinance for the street frontage.

PETITION OVERVIEW

LAND USE

The 1.13-acre subject site is comprised of two parcels (8006678 and 8006673). The properties are developed with two commercial building, associated parking areas, and an outdoor play area at 7425 Westfield Boulevard.

The site is surrounded by single-family dwellings to the north, east and south. The Monon Trail is located west of the site across Westfield Boulevard.

REZONING

The request would rezone the site from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or



Department of Metropolitan Development
Division of Planning
Current Planning

industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

Staff Analysis

The southern parcel addressed as 7405 Westfield Boulevard is currently used as a behavioral therapy services provider per use variance 2019-UV1-016. The business has expanded that use within the existing building at 7425 Westfield Boulevard, which is the northern parcel. However, the expansion is not a permitted use in the existing D-4 district. Staff recommended the petitioner rezone both sites to the C-1 district to align the proposed uses of the site with an appropriate zoning district.

A variance of use would not have been appropriate seeing that the business grew and would likely remain for the foreseeable future.

Staff had concerns with an unenclosed dumpster located in the front yard on the northern parcel, but the petitioner agreed to have it removed and will use the existing dumpster at 7405 that has an enclosure.

Staff is requesting that the street frontage landscaping be provided along Westfield Boulevard to enhance the site and has incorporated this as a commitment for approval.

The Plan of Operation mentions the hours of operation to be between 7:00 a.m. and 8:30 p.m. on weekdays and weekends. The business will have up to 60 employees working day-to-day on site and will have as many as 50 clients at the highest peak.

There is mention of a shuttle system in the Plan of Operation, but staff is unaware of where the offsite parking is located. A violation, VIO23-006813, was issued at 7429 Westfield Boulevard, which is owned by the petitioner, but is not part of this request and would be addressed and corrected by the petitioner apart from this rezoning request.

A site plan was not submitted so parking requirements were not calculated. If there is an insufficient amount or an excessive amount of parking that would exceed the maximum parking spaces permitted, then a variance would need to be sought at a later time.

Lastly, the petitioner has submitted five proposed commitments which include a limit to the permitted C-1 primary uses on site and would limit the accessory and temporary uses as well. The commitments submitted did not include the site plan referred to as Attachment C in commitment #2. The proposed commitments are acceptable by staff, but this would not eliminate the need for any variances that were not requested.

GENERAL INFORMATION

| | |
|---------------------------|---|
| Existing Zoning | D-4 |
| Existing Land Use | Mental health treatment facility and office use |
| Comprehensive Plan | Suburban Neighborhood |

| Surrounding Context | Zoning | Land Use |
|-----------------------------------|---------------------------|--|
| North: | D-4 | Enter Land Use |
| South: | D-4 | Single-Family dwelling |
| East: | D-4 | Single-Family dwellings |
| West: | D-4 | Marott Park / Monon Trail |
| Thoroughfare Plan | | |
| 74 th Street | Local Street | 48-foot proposed right-of-way and 51-foot existing right-of-way. |
| Westfield Boulevard | Secondary Arterial Street | 56-foot proposed right-of-way and 63-foot existing right-of-way. |
| Helen Drive | Local Street | 48-foot proposed right-of-way and 50-foot existing right-of-way. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | Yes | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | N /A | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | N/A | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends suburban neighborhood for this site and the surrounding area east of Westfield Boulevard.
- The suburban neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multi-family housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural



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

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 one to five 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 suburban neighborhood typology does recommend small-scale office and professional service land uses if limited in size, located at intersections, and limited to areas with adequate space for required screening and buffering.

- The proposed use would be supportable, as it would be consistent with the recommendations of the Comprehensive Plan.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Transit Oriented Development Overlay of the Red Line Bus Rapid Transit System and the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is more than a ½ mile southwest at College and 66th Street, which is classified as a walkable neighborhood station.
- It recommends mix of uses at station area and primary residential beyond with a maximum of three stories throughout, not front or side setbacks at core, zero to 15-foot front setbacks, zero to 20-foot side setbacks at periphery, a mix of multi-family and single-family housing, and structured parking at the core and attractive surface parking at periphery.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History- Site

2023-UV1-027; 7425 Westfield Boulevard (north parcel), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required), **withdrawn**.

2019-UV1-016; 7405 Westfield Boulevard (south parcel), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a behavioral therapy services provider (not permitted), **approved**.

2016-AP3-001; 7405 Westfield Boulevard (south parcel), Waiver of the refiling rule to permit the refiling of a variance of use and development standards petition, for offices, with storage and warehouse uses, subsequent to the denial of 2015-UV3-020 on September 15, 2015, for a veterinarian hospital, **granted**.

2016-UV3-006; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for office uses, with the outdoor overnight parking of trucks and trailers, with a parking area three feet from the existing right-of-way of Westfield Boulevard, with a zero-foot north side yard, with parking spaces, loading spaces and maneuvering within the front yard and right-of-way of 74th Street, to provide for three wall signs, 64-square feet or less, and a trash container and enclosure in the front yard of 74th Street, **granted**.

2015-UV3-020; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a veterinary hospital, with overnight hospital stays; with a parking area 2.5 feet from the existing right-of-way of Westfield Boulevard; with zero-foot north and east side yards; with parking spaces and maneuvering within the front yard and right-of-way of 74th Street; and to provide for wall signs, including a 64-square foot wall sign, at approximately five percent of the front façade, **denied**.

2000-UV3-003; 7403 Westfield Boulevard (south parcel), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an indoor youth sports training facility, with administrative offices in an existing commercial building and variance of development standards of the Sign Regulations to provide for two three-foot tall, four square-foot directional signs along Westfield Boulevard, **withdrawn**.

99-UV2-75; 7405 Westfield Boulevard (south parcel), variance of use of the Dwelling Districts Zoning Ordinance to provide for an office and the construction of a two-story addition, with 27 parking spaces, **withdrawn**.

94-UV1-78; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for a warehouse operation with an office and warehouse sales in an existing 3,967 square foot building, with a 12-square foot wall sign, **granted**.



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

94-UV2-49; 7425 Westfield Boulevard (north parcel), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an advertising specialty operation with an office and private showroom in an existing building and a variance of development standards of the Sign regulations to provide for wall signs greater than one square foot (maximum one square foot permitted), **granted**.

90-UV3-8; 7405 Westfield Boulevard (south parcel), Variance of use and development standards to permit a light manufacturing plant without the required front and rear transitional yards and to permit a three foot by six-foot business sign, **granted**.

83-UV2-47; 7405 Westfield Boulevard (south parcel), Variance of use of the Dwelling Districts Zoning Ordinance to permit expansion of an existing automobile repair facility without the required front or rear yards, **granted**.

73-UV2-177; 7425 Westfield Boulevard (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit expansion of an existing manufacturing facility without the required front, side or rear setbacks, **granted**.

Zoning History – Vicinity

2023-UV1-028; 7429 Westfield Boulevard (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required), **withdrawn**.

2015-DV3-028; 7501 Westfield Boulevard (north of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a building, with a five-space parking lot, with deficient parking space size, deficient maneuvering area and maneuvering within the right-of-way, **granted**.

2015-UV2-036A; 7391 Westfield Boulevard (south of site), Variance of use of the Dwelling Districts Zoning Ordinance, to provide for a law office, **denied**.

2015-UV2-036B; 7391 Westfield Boulevard (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence in the front yard of 74th Street (maximum 42-inch fence permitted), being in the right-of-way of 74th Street and the abutting north-south alley (not permitted within the right-of-way), **granted**.

2005-UV1-031; 7501 Westfield Boulevard (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish an antique and garden shop within an existing 1,119-square foot building, with outdoor display of merchandise, with fencing, display area, and parking and maneuvering areas within the right-of-way, and with five undersized off-street parking spaces without proper maneuvering space, **granted for three years**.

97-UV2-65; 7391 Westfield Boulevard (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance, to provide for a commercial office (not permitted), within an existing residential structure, **withdrawn**.

EXHIBITS





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

Plan of Operations

Petitioners: 7405 LLC & 7425 Westfield Blvd, LLC

Properties: 7405 and 7425 Westfield Boulevard

Petitioners lease the properties commonly known as 7405 and 7425 Westfield Boulevard to their affiliate, Stepping Stones Behavioral Solutions, LLC (“Stepping Stones”), and provide this Plan of Operations.

Workforce

Stepping Stones will have up to 60 employees working day-to-day on site currently. The employees are generally on site between the hours of 7:00 a.m. and 8:30 p.m. on weekdays and weekends. All employees drive to the properties and park on site. All parking is off street parking. Additionally, lighting and an access control system is provided for security.

Clients and Customers

Stepping Stones serves clients that have autism and similar disorders. The clients come to the properties for applied behavior analysis therapy (“ABA Therapy”) and other forms of therapy to treat autism. At peak, there are as many as 50 clients on site. Clients are on site between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and weekends. Clients are typically dropped off by their parents and off-street parking is provided for drop off. It is important to note that the clients are generally dropped off and do not park on site. Additionally, to the extent necessary, Stepping Stones will utilize a shuttle or valet service to provide expanded parking opportunities. Any offsite parking will be in a location where such parking is legally permitted.

Processes Conducted on Site

Stepping Stones provides ABA Therapy services for those with autism-related disorders. The goal of ABA Therapy is to improve the client’s social skills so they have a better chance to complete tasks, communicate, and learn new skills. While most of the therapy happens inside, clients are regularly outside, especially at the on-site playground. For security, lighting and an access control system are available. Additionally, Stepping Stones uses two Mercedes Sprinter Vans (or similar vehicles) to take its clients on various field trips, excursions and other activities. These vehicles are stored near the rear of 7405 Westfield Boulevard.

Materials Used

Stepping Stones uses materials typically found in an office and school. Except for normal household and office cleaning products, all of which are used in accordance with their instructions, no hazardous materials are used at the Property. To the extent necessary, Stepping Stones maintains safety data sheets for products used on site.



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

Shipping and Receiving

Stepping Stones generally receives packages from package delivery services such as Amazon, FedEx and UPS from time to time. Stepping Stones uses similar services for shipping on a very infrequent basis. Delivery vehicle sizes are those typical to Amazon, UPS and FedEx. Deliveries are made at various times a day. All deliveries are able to park on site and not block traffic. Delivery times are very brief and are made during business hours. All materials are secured inside the building located on the Property and which is secured by an access control system.

Waste

Stepping Stones generates general solid waste that you would normally find in an office or school setting. Hazardous waste is not generated. All waste is disposed of in a dumpster, which is currently removed once a week. A recycling program is implemented. Both 7525 Westfield Boulevard and 7405 Westfield Boulevard will utilize the existing dumpster and enclosure located at 7405 Westfield Boulevard.



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

Amended Commitments

Statement of Commitments

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

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

Legal Description: See Attachment "B", attached hereto and made a part hereof.

Statement of COMMITMENTS:

1. The owners agree to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owners agree that the parking spaces located on the real estate shall be laid out either substantially as shown on the site plan set forth on Attachment "C", attached hereto and made a part hereof (but, for purposes of clarity, even though parking spaces are shown on the north side of the property, no parking spaces shall be located on such north side), which attachment shows the current parking configuration, or in such other configuration as the zoning administrator shall approve.
3. The owners agree that there shall be no parking located along the north side of the 7425 Westfield Boulevard property (i.e., along Helen Drive); provided, however, this commitment shall not prohibit owners from using the area in front of the existing garage door as a loading and unloading area.
4. The owners agree to execute and record a cross-easement for parking between their respective parcels of real estate.
5. The owners agree that owners shall not operate a group home on the two parcels of property located at 7429 Westfield Boulevard.
6. The buildings located on the properties shall have a residential aesthetic character (without imposing any requirement to use the properties for residential purposes) and the zoning administrator's approval shall be required to ensure conformity with such character. No zoning administrator approval shall be required for changes to the building colors. The current buildings located on the properties have a residential aesthetic character and no further approval is needed.
7. The owners agree that the properties may be used for the uses described on Attachment "D", attached hereto and made a part hereof and no other uses.

Amended Commitments (Continued)

8. The owners agree to operate the property consistently with the plan of operations attached on Attachment "E", attached hereto and made a part hereof.
9. Landscaping along Westfield Boulevard shall be installed within six months of adoption of rezoning petition # 2024-ZON-026 by the City-County Council and shall meet the landscape requirements of the Ordinance for the street frontage along Westfield Boulevard.

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2024-ZON-026 by the City-County Council changing the zoning classification of the real estate from a D-4 zoning classification to a C-1 zoning classification; or
- (b) the adoption of approval petition # 2024-ZON-026 by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

ATTACHMENT “C”

Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

ATTACHMENT "D"
List of Uses Permitted

The following uses shall be permitted as a primary use and such uses may be in combination with one another.

1. Mental health treatment, including, without limitation, behavioral therapy of those with autism and related disorders
2. Medical or Dental Offices, Centers, or Clinics
3. Office: Business, Professional or Government
4. Daycare
5. Financial and insurances services
6. School

The following uses shall be permitted as an ancillary use in connection with a primary use

1. Eating establishment (not separately signed and serving only employees and customers of a primary use)
2. Medical or dental laboratory
3. Satellite dish
4. Sign (as otherwise permitted)
5. Indoor recreation and entertainment (not separately signed and serving only customers of a primary use)
6. Renewable energy facility (solar and geothermal)
7. Temporary construction yard, office, or equipment
8. Temporary outdoor event



Photo of the subject site looking east along 74th Street.



Photo of 7405 Westfield Boulevard looking north on the site.



Photo of 7425 Westfield Boulevard looking north on the site.



Photo of the middle of the two parcels looking east on the site.



Department of Metropolitan Development
Division of Planning
Current Planning



Photo of 7425 Westfield Boulevard looking southeast on the site.



Photo of an unenclosed dumpster in the front yard.



Phot of parking spaces at 7425 Westfield Boulevard.



Photo of the alley east of the site looking south.



Photo of a single-family dwelling east of the site.



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



Photo of a parking lot at 7429 Westfield Boulevard that received a zoning violation.



Photo of a single-family dwelling east of the site looking west on 74th Street towards the play area.



Photo of the Monon trail beyond the tree line west of Westfield Boulevard.



METROPOLITAN DEVELOPMENT COMMISSION

July 17, 2024

| | |
|-------------------------------|--|
| Case Number: | 2024-ZON-042 / 2024-VAR-007 (Amended) |
| Property Address: | 3404, 3432, 3434, 3438 and 3444 North Illinois Street (Approximate Addresses) |
| Location: | Center Township, Council District #8 |
| Petitioner: | Redline Holdings XII, LLC, by Emily Duncan and David Kingen |
| Current Zoning: | D-8 (TOD) and C-4 (TOD) |
| Request: | Rezoning of 1.12 acres from the D-8 (TOD) and C-4 (TOD) district to the D-10 (TOD) district to provide for multi-family dwelling uses. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a two-foot front yard setback for ground level patios (Front Building Line between 10 feet to 19.9 feet required), a two-foot rear yard setback for a surface parking lot (a minimum 10-foot rear yard setback required), a floor area ratio of 1.92 (maximum 0.8 permitted), and a livability space ratio of 0.08 (minimum 0.66 permitted). |
| Current Land Use: | Undeveloped |
| Staff Recommendations: | Approval of the rezoning with commitment. Denial of the variances. |
| Staff Reviewer: | Marleny Iraheta, Senior Planner |

PETITION HISTORY

This petition was scheduled for the May 15, 2024 hearing of the Metropolitan Development Commission by a special request, which was granted by the Hearing Examiner on April 11, 2024.

Staff requested this petition be continued from the May 15, 2024 hearing to the June 26, 2024 hearing to allow sufficient time for the petition to be amended and proper notice to be provided. However, the Metropolitan Development Commission continued it to the July 3, 2024 hearing date.

Staff requested a continuance for cause from the July 3, 2024 hearing to the July 17, 2024 hearing on behalf of the petitioner to allow sufficient time for the petition to be amended and proper notice to be provided.

Amendment: The petition was amended to rezone the site to the D-10 district instead of the D-9 district as previously requested due to the number of units proposed and the necessary variances were included per the amended site plan submitted on May 14, 2024.



STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning petition and all other variances, 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. A final site plan, landscape plan, and building elevations shall be submitted for Administrator's Approval prior to the Issuance of an Improvement Location Permit.

Staff **recommends denial** of the variances.

PETITION OVERVIEW

LAND USE

The 1.12-acre subject site is mostly undeveloped with a partial gravel lot. It is surrounded by single and two-family dwellings to the west, zoned C-4 and D-5, an undeveloped lot to the north that is part of a church property, zoned D-8, a parking lot to the south, zoned C-4, and a variety of housing types, undeveloped lots and an auto repair business east of the site, zoned D-8 and C-4.

The various parcels fall within three different platted subdivisions which are the Crown Hill Addition, McClintock's 2nd Addition, and Weghorst's North Side Addition.

REZONING

The request would rezone the subject site from the D-8 (TOD) and C-4 (TOD) district to the D-10 (TOD) district to provide for multi-family dwelling uses.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

The D-10 district is intended for high density housing formats, in moderate- or large-scale multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-



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

density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a two-foot front yard setback for ground level patios, a two-foot rear yard setback for a surface parking lot, a floor area ratio of 1.92 and a livability space ratio of 0.08.

Per Table 744-701-2: Private Frontage Design Standards, the front building line should fall between a range of 10 feet to 19.9 feet.

Table 742.103.03 – Residential Building Type Standards notes that the minimum rear yard setback for a Large Apartment (51+ units) should be ten feet in the D-10 district.

Lastly, Table 744-201-2: Dimensional Standards for Districts D-6 through D-11 notes that the D-10 district has a maximum floor area ratio (FAR) of 0.80 for sites with buildings four to five floors. The proposed development would have four stories. The minimum livability space ratio (LSR) required in the D-10 district would be 0.66.

The Floor Area Ratio (FAR) is the aggregate floor area of all stories of all buildings within the project divided by the land area. The maximum of 0.80 would be exceeded by 1.12, which is more than double the maximum allowed.

The Livability Space Ratio (LSR) is the livability space divided by floor area, which expresses the relationship between the size of the development and the size of the outdoor, natural areas. The minimum of 0.66 would be deficient by 0.58, which is a significant deficiency.

STAFF ANALYSIS

The request seeks relief from the front setback, rear setback, floor area ratio, and livability space ratio requirements.

The site plan, file dated May 14, 2024, proposes a total of 64 parking spaces with 44 on site spaces and 20 street parking spaces.

According to Table 744-402-201-1, multifamily dwelling structures over three stories have a 0.75 per dwelling unit parking space requirement. With this development being a four-story building with 101 units, it would require 75 parking spaces that could be reduced by the maximum 35% allowed by the Ordinance to bring it down to 49 required parking spaces since it is within ¼ mile of a TOD station.

Because the site is located along the Red Line Bus Rapid Transit Corridor, the reduction of parking spaces would be appropriate since the anticipated senior tenants could utilize public transportation. There is also a bus stop directly across Illinois Street to the east.

The conversion of Illinois Street from a one-way street to a two-way street would not eliminate the street parking possibility. Therefore, the 49 required parking spaces could be provided with 20 being street parking spaces and the remaining 29 would need to be on site.



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

The reduction of 15 parking spaces on site and the elimination of the proposed roundabout would allow the installation of outdoor recreational green space for residents to utilize and enjoy rather than having an excessive amount of hard surface area on site, thus increasing the Livability Space Ratio. Staff would recommend outdoor amenities such as outdoor seating areas, gardens, walking paths, fountain, game areas, or the like. The type of amenities would be up to the petitioner to determine.

The setback variance requests are minimal, but the two-foot rear setback along the parking lot could be increased significantly in sections if parking spaces were eliminated.

For these reasons, staff is recommending denial of the variances as proposed.

Staff is recommending approval of the rezoning because it would allow for multi-family development that is supportable by staff. However, a final site plan, landscape plan, and building elevations would be subject to Administrative Approval as a commitment.

GENERAL INFORMATION

| | | |
|-----------------------------------|--|---|
| Existing Zoning | D-8 (TOD and C-4 (TOD)) | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Traditional Neighborhood and Village Mixed-Use | |
| Surrounding Context | <u>Zoning</u> | <u>Land Use</u> |
| North: | D-8 | Undeveloped |
| South: | C-4 | Parking lot |
| East: | C-4 | Residential and Commercial |
| West: | C-4 / D-5 | Residential (Single and Two-family dwellings) |
| Thoroughfare Plan | | |
| Illinois Street | Primary Arterial Street | 560-foot proposed right-of-way and 59-foot existing right-of-way. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | May 1, 2024 | |
| Site Plan (Amended) | May 14, 2024 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | June 20, 2024 | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Indy Bike Master Plan 2011

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends traditional neighborhood development for the three northern parcels and village mixed-use development for the southern two parcels.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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

- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- **Conditions for All Housing**
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ¼ mile east of the site at the intersection of 34th Street and Meridian Street.
- This station is classified as a community center typology, which calls for a dense mixed-use neighborhood center with a minimum of two stories at the core, no front or side setbacks at the core and with zero to ten-foot front setbacks and zero to ten-foot side setbacks at the periphery. Multi-family housing should have a minimum of three units and structured parking should be proposed at the core with attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- There is an existing on-street bike lane along Illinois Street that starts from Westfield Boulevard and goes to 26th Street.
- There are plans underway to convert this portion of Illinois Street with two-way traffic.

ZONING HISTORY

Zoning History - Vicinity

2010-ZON-080 and 2010-VAR-011; 3427 North Capitol Avenue (west of site), Rezoning of 0.37 acre, from the D-5 District, to the D-8 classification to provide for multifamily development and Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a trash container with a three-foot rear setback (minimum 15-foot rear setback required); a six-foot tall front yard fence (maximum 42-inch fence height permitted within front yard); 11 parking spaces (minimum 20 parking spaces required); and a nine-foot north perimeter yard (minimum 15-foot perimeter yard required), **approved and granted.**

2008-ZON-802 / 2008-VAR-802 (Amended); 3402 and 3416 North Meridian Street and 3401, 3403, 3415, and 3420 Salem Street (east of site), Rezoning of 1.13 acres from the D-P District, to the D-10 classification to provide for multi-family residential use and Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a four story, 59,926 square-foot multifamily building, containing 52 dwelling units, a) with a 34-foot front setback from the existing right-of-way of Meridian Street (minimum 40-foot front setback required), and with a 10-foot front setback from the existing right-of-way of 34th Street (minimum 30-foot front setback required), b) a floor area ratio (FAR) of 0.979 (maximum FAR of 0.800 permitted), c) an open space ratio (OSR) of 0.793 (minimum OSR of 0.870 required), d) a livability space ratio (LSR) of 0.240 (minimum LSR of 0.490 required), e) a major livability space ratio (MLSR) of 0.083 (minimum MLSR of 0.095 required), f) with parking, within the required 30-foot front yard along 34th Street (not permitted), within the required 25-foot front yard along Salem Street (not permitted), and within the required twenty-foot north and east perimeter yards (not permitted), and g) with a total car ratio (TCR) of 0.788 (minimum TCR of 0.940 required) and a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot at 3720 Salem Street, with two-foot north and south side setbacks, and a zero-foot rear setback, within the required twenty-foot side and rear perimeter yards (not permitted), **approved and granted.**

2003-ZON-145; 3416 Salem Street (east of site), Rezoning of 0.119 acre from D-P to D-8 to provide urban dwelling use, **granted.**

2003-ZON-144; 3402 Salem Street (east of site), Rezoning of 0.358 acre from D-P to C-4 to provide for community regional commercial use, **granted.**

2000-ZON-805; 3402 North Meridian Street (east of site), Rezoning of 1.16 acres from C-4 and D-9 to D-P to provide for a mixed-use development of multi-family dwellings and retail, **granted.**

94-Z-155; 3433 North Illinois Street (east of site), Rezoning of 0.12 acre, being in the C-4 District, to the D-8 classification to provide for residential development, **approved.**

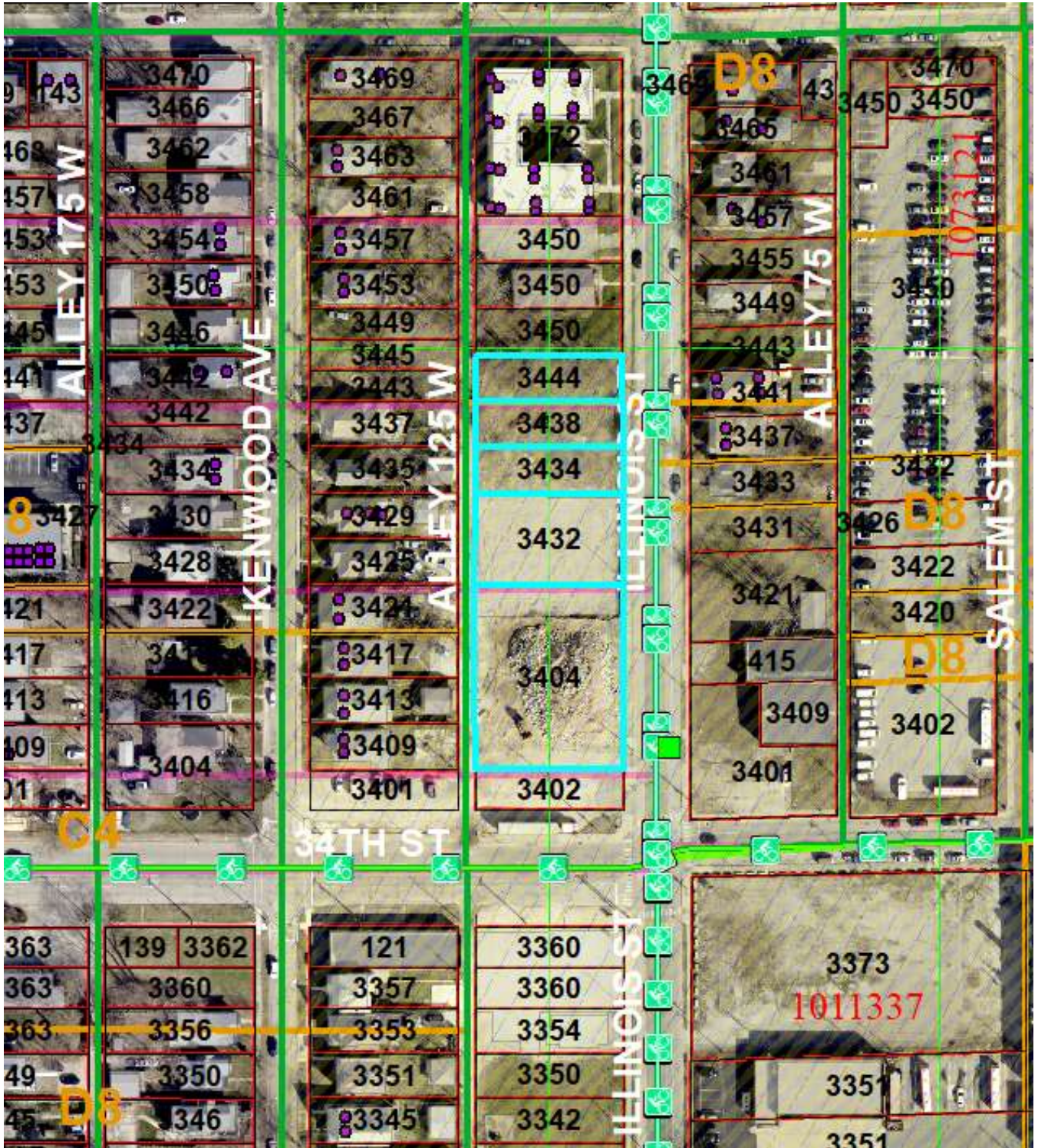
81-Z-9; 3402-05 Graceland and 3402-09 Capitol Avenues (west of site), Rezoning of 0.43 acres, being in C-4 and C-5 districts, to C-4 classification, to provide protection for existing landscaping of formal landscaped entrance into Crown Hill Cemetery, **approved.**

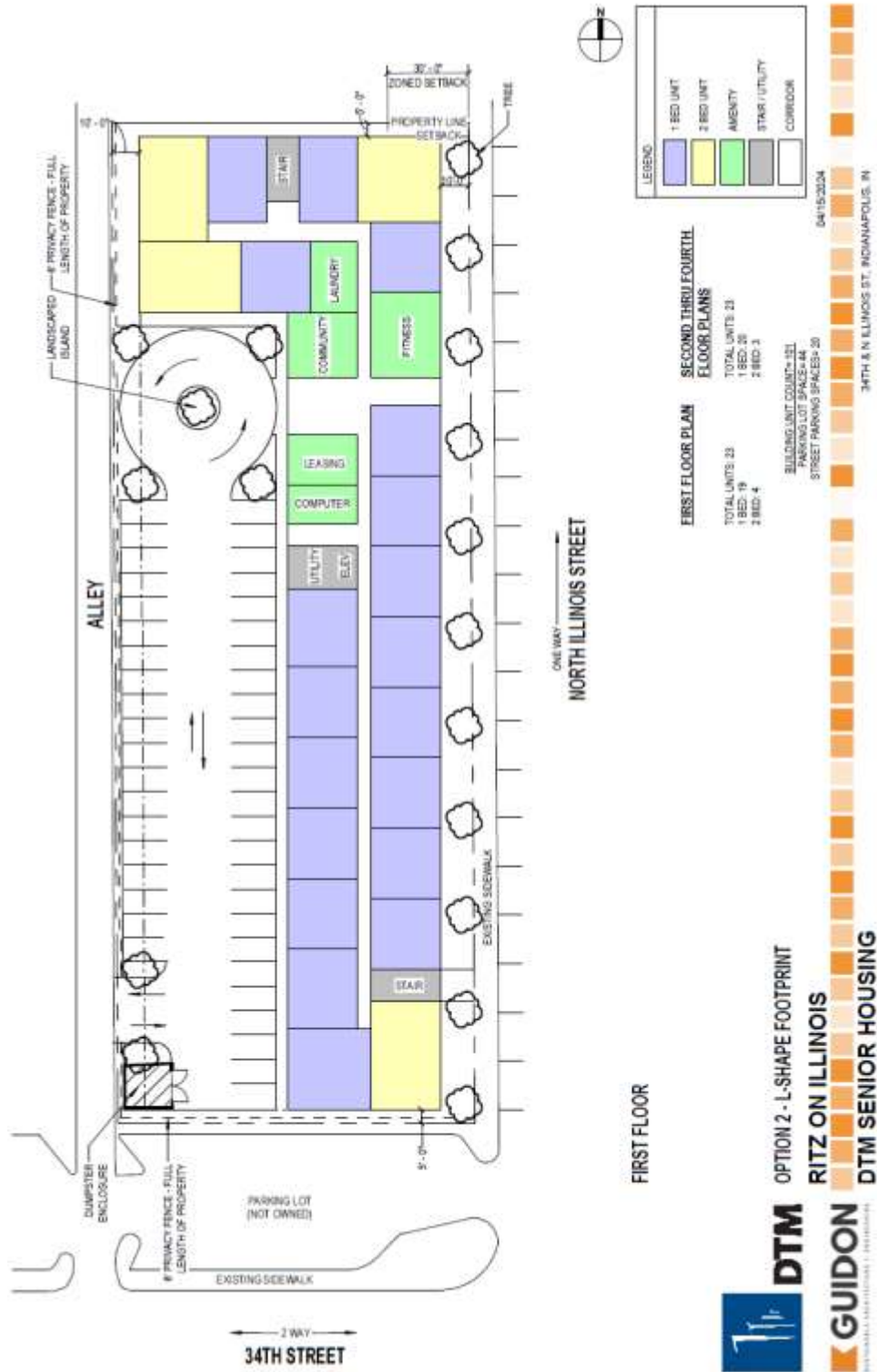


**Department of Metropolitan Development
Division of Planning
Current Planning**

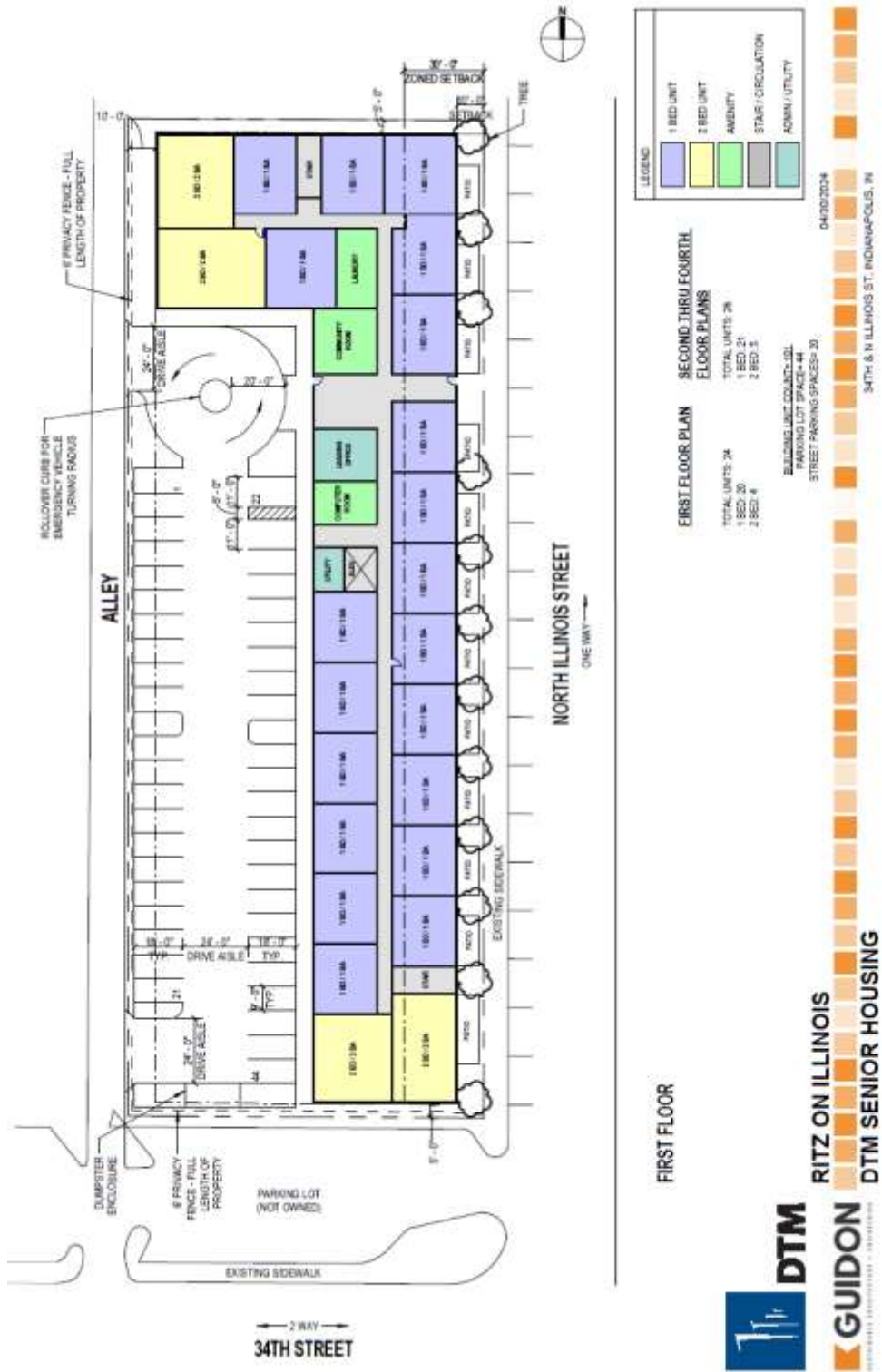
80-Z-1; 3450 North Meridian Street (east of site), Rezoning of 2.0 acres, being in D-5 and D-9 districts, to C-1 classification to provide for the construction of a one car garage to be used as a claim service office, **approved.**

EXHIBITS

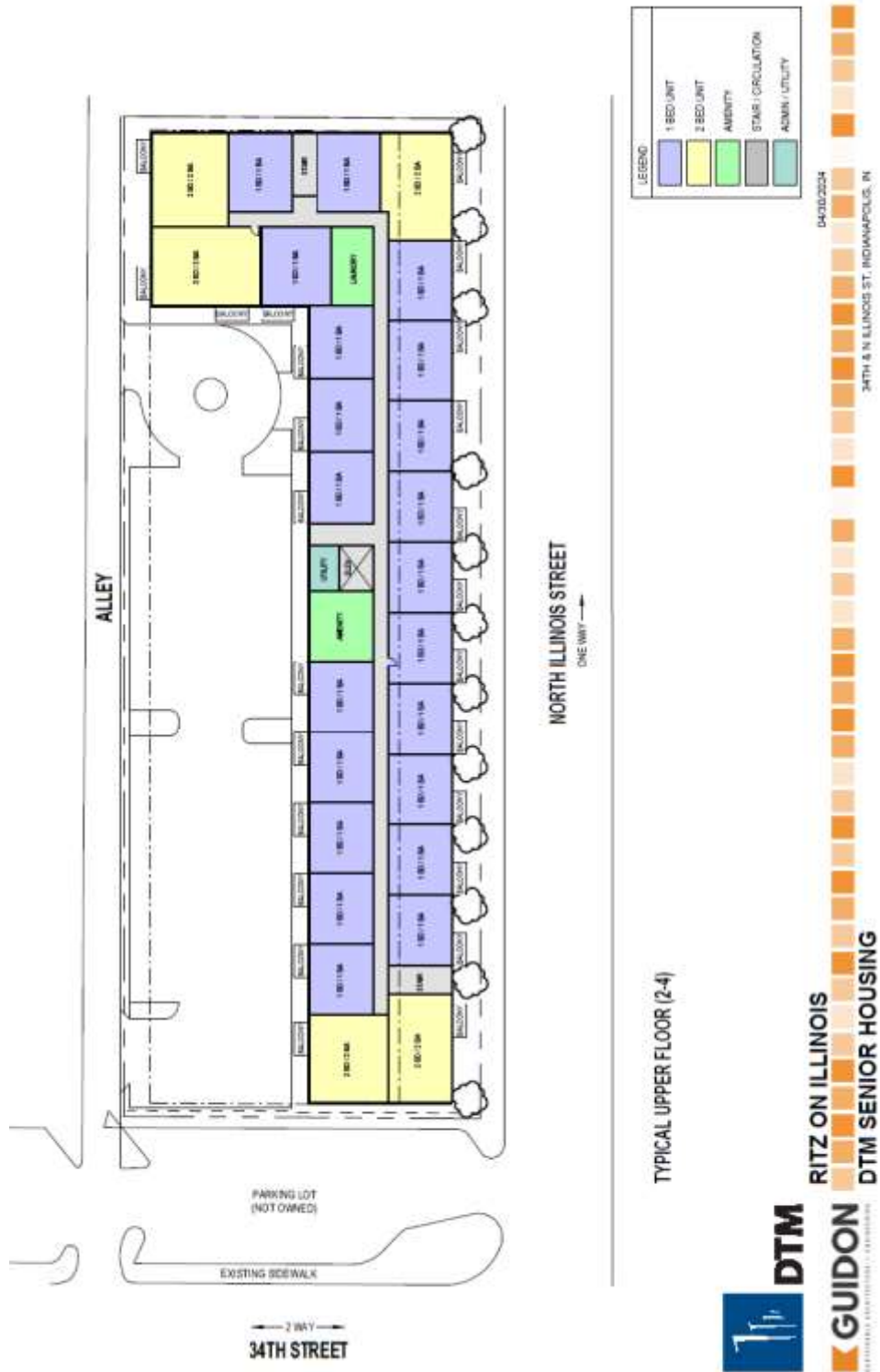




Site Plan



Amended Site Plan



Amended Site Plan – Upper Floors



Department of Metropolitan Development
Division of Planning
Current Planning

Ritz on Illinois Narrative

DTM Real Estate, a highly experienced real estate developer, owner, operator and service provider, is pursuing a 4% Low Income Housing Tax Credit allocation to finance The Ritz on Illinois, a new construction senior-focused development. The Ritz on Illinois will provide a supportive, services- and amenity-rich environment where the community's seniors across the income spectrum can thrive. The proposed project directly responds to both the city's and community's need for attainable senior housing by offering extremely low rents that support future residents and focusing factors that aid sustainability and healthier living.

DTM is proposing the new construction of a 100 to 125-unit attainable senior multifamily housing complex, to be located at the corner of 34th and Illinois Street in Indianapolis, IN. The project shall be comprised of one- and two-bedroom units on a 1.79 AC land parcel. To ensure we are truly improving the lives of the demographic we are serving, we are proposing all rents will be subsidized on a 30% AMI basis, with tenants paying only 30% of the total rent charged based on fair market rents. With the commitment of Project Based Vouchers to the project, we can ensure residents will not exceed paying over 30% of the AMI for the lifetime of the development as all vouchers would remain with the project.

Interior community amenities will be centralized on the first floor of the building and will include a large community room with an entertainment kitchen and cabinet space for storage. This space, with at least one attached service provider office, will serve as the focal point of The Ritz on Illinois services programming. Additional community amenity spaces may include but are not limited to:

- Secured Entry System
- On-site management & maintenance
- Free, well-lit surface parking for residents
- On-site Laundry

At DTM, we truly believe in setting our future residents up for success through service. Resident services are at the forefront of DTM's attainable housing model, and The Ritz on Illinois will certainly be no exception. We are currently reaching out to community organizations to bring in experienced individuals to lead and facilitate hours of programming each week, focused on social interactions which play a major role for both mental and physical health for seniors.

Proposed Tenant Services will include:

- Meals on Wheels
- Senior Transportation Services
- Community room for miscellaneous events
- Card game/board game club
- Healthcare services in partnership with local healthcare clinics/networks

Additionally, due to the convenient location of this property near a major corridor, residents will have easy access to public transportation with the Red Line being located exactly one block West of the proposed project site.



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

Community Outreach:

This projected development fits well within the scope of the “Crown Hill Neighborhood 34th Street Redevelopment Plan” as well as “Miracle on 34th Street Plan”, two plans authorized by the Crown Hill Neighborhood Association. We have reached out and have spoken with the following about this project:

- Ms. Danita Hoskin – President, Crown Hill Neighborhood Association
- Ms. Kimberly Estep – Vice President, Crown Hill Neighborhood Association
- Mr. Bryan Bradford – President, Butler-Tarkington Neighborhood Association

Financing Sources:

In addition to 4% tax credit equity, the financing plan assumes the use of a traditional construction loan and permanent mortgage, gap financing, and deferred development fee. An application for PILOT (payment in lieu of taxes) will be submitted to alleviate the associated property taxes due to restricted incomes and a dedicated focus on sustainable building materials used and services provided.

Development Team:

Ezra Burdix, the DTM Founder, has over thirty years of professional real estate experience, including multifamily and retail development, acquisition and disposition of distressed assets, property management, positions in the land title business, residential and commercial real estate valuation, and commercial real estate brokerage.

Other members of the development team include:

- Kuhl & Grant, LLP - tax credit and real estate attorneys
- Ice Miller - Bond Attorney
- DOZ – LIHTC Accountant
- TBD - Architect
- TBD – Contractors

DTM has good relations with each team member listed. Recently, this team closed on a \$50 million 4% LIHTC 206-unit senior development in East Chicago in 2022. Lakeshore Manor will provide housing for seniors in the Lake County area and those who were displaced from the Nicosia Apartments that were deemed inhabitable by HUD due to structural deficiencies. DTM was able to secure 206 Project Based Vouchers for the project.

The Ritz on Illinois will provide essential quality senior housing for seniors in Central Indianapolis. We believe that this development can be the catalyst for major economic development in the area, sparking transformational change in a neighborhood that has been disenfranchised for far too long.



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The site is not large from east to west, thus the building, with patios at grade needs to be positioned so that the front setback of the building is closer to the front property line, which is characteristic of multi-family structures along the No. Illinois Street corridor. The rear setback variance is to allow the parking to abut the alley again because the lot is narrow east to west.

The need for the reduction of the rear yard setback for the parking lot and the cul-de-sac for emergency vehicles is necessitated by the narrow width of the lot (east to west). Two variances for the FAR and the LSR are needed because the building for seniors is large for the lot and the livability ratio shall be compensated by the close proximity to the MLK Center.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The use or value of the area adjacent shall be enhanced with the replacing of a vacant lot with a multi-family senior housing use with reduced setbacks for the building, with patios at grade to the east and with a reduced setback of the parking and the cul-de-sac to the west and with the MLK center and the redline in such close proximity.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The site is not large and to accommodate this needed use, building in this location and with on-site parking, the east and west setbacks, need to be reduced and the FAR and the LSR need to be compromised for any quality development to occur on these parcels.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Photo of the subject site looking north.



Photo of the alley west of the site looking north.



Photo of the alley west of the site looking south.



Photo of 3404 North Illinois Street looking west.



Photo of 3432 North Illinois Street.



Photo of 3434 and 3438 North Illinois Street.



Photo of 3444 North Illinois Street.



Photo of the existing sidewalk and street frontage along Illinois Street looking south.



Photo of the undeveloped land to the north and church.



Photo of a multi-unit house and duplex east of the site.



Photo of a single-family dwelling and undeveloped lots east of the site.



Photo of undeveloped lots east of the site.



Photo of an auto repair shop east of the site.



Photo of the parking lot south of the site.



METROPOLITAN DEVELOPMENT COMMISSION **July 17, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-014 (Amended)
Property Address: 7125 Wellingshire Boulevard
Location: Perry Township, Council District #22
Petitioner: Wellingshire Partners, LLC by Joseph D. Calderon
Current Zoning: D-P
 Rezoning of 57.81 acres from the D-P (FF) (W-1) district to the D-P (FF) (W-1) district to revise the list of permitted uses for Parcel 2 of the Southern Dunes (formerly Wellingshire) Planned Unit Development. Permitted uses would be as follows:

Request: Parcel 2 (7125 Wellingshire Boulevard) Public, Institutional, Religious and Civic Uses, Medical or Dental Offices, Centers or Clinics, Animal Care, Boarding, Veterinarian Services, Artisan Food and Beverage, Farmers Market, Financial and Insurance Services, Hair and Body Care Salon or Service, Bar or Tavern, Eating Establishment or Food Preparation (any type), Indoor Recreation and Entertainment, Hotel, Motel, Offices (Business, Professional or Government), Outdoor Recreation and Entertainment, Grocery Store, Liquor Store, Retail, Light and Heavy General, Automobile and Light Vehicle Wash, Automobile, Motorcycle, Light Vehicle Service or Repair, Vehicle Charging Station and other Accessory Uses.

Current Land Use: Undeveloped land
Staff Recommendations: Approval, except for the proposed Sign Program described in the D-P Statement, file-dated June 26, 2024, and subject to the commitments noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Metropolitan Development Commission continued this petition, without notice, from the June 26, 2024 hearing, to the July 17, 2024 hearing, at the request of staff to provide additional time to amend the request and finalize the legal description.

The Metropolitan Development Commission acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the May 15, 2024, hearing to the June 26, 2024 hearing.



STAFF RECOMMENDATION

Approval, except for the proposed Sign Program described in the D-P Statement, and subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing.

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. Sidewalks shall be installed throughout the development in accordance with the Ordinance, including along West Southport Road.
4. An auxiliary left-turn lane shall be installed at the proposed access point of Wellingshire Boulevard and Portrait Drive in accordance with the Department of Public Works standards.

PETITION OVERVIEW

As originally filed, this request included three undeveloped parcels. The two southern parcels addressed as 2702 West Stop 11 Road and 7750 SR 37 (Parcels 12 and 13) have been removed, leaving the northern parcel (Parcel 2) located at the southeast corner of the intersection of West Southport Road and Wellingshire Boulevard as the site in this request.

This 18.73-acre site, zoned D-P (FF)(W-1) is undeveloped and surrounded by Interstate 69 right-of-way to the north, across West Southport Road, zoned C-4 (FF)(W-1); multi-family dwellings to the south, zoned D-P (FF)(W-1); Interstate 69 right-of-way to the east, zoned D-P (FF)(W-1); and multi-family dwellings to the west, across Wellingshire Boulevard, zoned D-P (FF)(W-1).

Petition 97-Z-14 (97-DP-3); rezoned the site to the D-P (GSB)(FF) district to provide for a residential and golf course community development. Between this initial rezoning the current request, there have been eight modifications to the 1997 rezoning that amended the request to respond to marketing and land use changes that have occurred during the ensuing years (See Zoning History). Most recently site access has also been slightly modified due to the construction of Interstate 69.

The Comprehensive Plan recommends community commercial typology for this site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of community commercial for this site. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses. Most of the requested uses would be permitted in the C-3 and C-4 districts. Consequently, staff supports this request.



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

D-P Statement (file-dated June 26, 2024)

The amended D-P Statement provides for 19 commercial uses and 20 accessory uses. Development Standards include, no more than eight businesses with drive-through service, no more than three hotels and no more than 100,000 square feet of retail uses.

Building height and setbacks are also identified in the D-P Statement, along with parking, landscaping, utilities / drainage, lighting, signs and building materials.

Staff, however, has a strong concern with the proposed Sign Program that would provide for a minimum of four freestanding signs, two of which the D-P Statement identifies as “interstate signs.” The original request included three off-premises advertising signs (aka billboards) on the two southern parcels. Those two parcels and the off-premises advertising signs are no longer in this request. However, the proposed two 50-foot-tall, 350 square-foot, signs on the remaining site exceeds the height of any permitted signs in the Sign Regulations. The maximum permitted height of off-premises advertising signs is 40 feet and the maximum height of freestanding signs in commercial districts is 25 feet. In other words, it would seem to staff that two 50-foot-tall signs, 350 square feet, are substitutes for the previously requested off-premises advertising signs.

Staff believes the proposed Sign Program is excessive and in violation of the purpose of the Sign Regulations that are “intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience.”

Staff understands that signs serve an important function and believes that reasonable and adequate display is permitted under the Sign Regulations. The Ordinance also defines the purpose of the Sign Regulations by providing a list of attributes, most of which would be compromised and diluted by the proposed two 50-foot-tall, 350 square feet, signs and two free-standing signs.

Staff believes that the proposed four signs (two of which are 50-foot-tall, 350 square feet) would potentially increase hazards to motorists and pedestrians, limit an equitable opportunity for effective communication, and cause excessive and confusing sign displays.

Staff would also emphasize the need for pedestrian connectivity throughout the project, including a pedestrian path along West Southport Road. All such paths should be constructed in accordance with the standards provided by the Department Public Works.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary



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

zoning district D-P in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Staff would note the following uses are prohibited in the floodplain:

- a. Jails;
- b. Hospitals;
- c. Assisted living facilities;
- d. Nursing homes;
- e. Laboratories;
- f. Elementary, Middle or High Schools;
- g. Daycare facilities;
- h. Fire stations;
- i. Emergency operation centers;
- j. Police facilities;
- k. Truck, train, or bus terminal, storage or maintenance facility;
- l. Wrecking or salvage facility;
- m. Gas, oil or propane storage facility;
- n. Industrial laundry;
- o. Hazardous waste handling or storage facility; and
- p. Other public equipment storage facilities.

Traffic Operations Analysis (TOA)

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

The scope included turning movement counts at the intersections of Southport Road and Wellingshire Boulevard and Wellingshire Boulevard and Portrait Drive; estimate the number of peak hours trips that would be generated by the proposed development; assign and distribute the generated traffic from the proposed development to the study intersections; prepare a capacity analysis, level of service analysis and turn lane analysis for each of the scenarios; prepare recommendation for roadway cross sections needed to accommodate the total traffic volumes of the proposed development; and prepare a TOA conclusions and recommendations report.

Capacity analysis occurred for three different scenarios. Scenario One is based on existing 2024 traffic volumes. Scenario Two is based on 2034 background traffic volumes and increasing 1% per year for 10 years. Scenario Three is based on the 2034 total traffic volumes and generated traffic volumes from the proposed development. Any “new” operational deficiencies identified in Scenario Three would be attributed to the proposed development.



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

Conclusions and Recommendations

Southport Road and Wellingshire Boulevard

Capacity analyses have shown that the intersection currently operates and will continue to operate at acceptable levels of service during the AM and PM peak hours. Therefore, no improvements are recommended at this location.

Wellingshire Boulevard and Portrait Drive / Proposed Access Point

Capacity analyses have shown that this intersection currently operates and will continue to operate at acceptable levels of service during the AM and PM peak hours. The auxiliary turn-lane analysis has shown that a left-turn lane should be added for the Proposed Access Point.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

| | | |
|-----------------------------------|---|--|
| Existing Zoning | D-P (FF)(W-1) | |
| Existing Land Use | Undeveloped land | |
| Comprehensive Plan | Community Commercial | |
| Surrounding Context | Zoning | Land Use |
| | North: | C-4 (FF)(W-1) Interstate 69 right-of-way |
| | South: | D-P (FF)(W-1) Multi-family dwellings |
| | East: | D-P (FF)(W-1) Interstate 69 right-of-way |
| | West: | D-P (FF)(W-1) Multi-family dwellings |
| Thoroughfare Plan | | |
| Wellingshire Boulevard | Local Street | Existing 92-foot right-of-way and proposed 50-foot right-of-way |
| West Southport Road | Primary arterial | Existing 402-foot right-of-way and proposed 119-foot right-of-way. |
| West Stop 11 Road | Local Street | Existing 45-foot right-of-way and proposed 50-foot right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | Yes | |
| Overlay | No | |
| Wellfield Protection Area | Yes | |
| Site Plan | February 20, 2024 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | N/A | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | February 12, 2024 / June 26, 2024 (Amended) | |



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial and Suburban Neighborhood typologies. “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.”

Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the Land Use Map (2018). The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- *Large-Scale Offices, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)*
 - Should be located along an arterial or collector street
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2024-PLT-031, 7125 Wellingshire Boulevard, requested approval of a Subdivision Plat to be known as Southern Dunes Commons at Wellingshire, subdividing 18.73 acres into two lots and three blocks, with a waiver of sidewalk requirements along Southport Road, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance, **pending**.

2013-MOD-016; 7185 Wellingshire Boulevard and 7500 South Belmont Avenue, requested modification of the Development Statement for 97-Z-14 (97-DP-3), as modified by 2000-APP-038, 2000-APP-161, 2001-APP-161, 2001-APP-158, 2002 APP-03 and 2002-APP-127 to generally include: a) 2,341 dwelling units and 2.17 units per acre; b) multi-family developed on Parcels One and 25; c) 250,000 square feet of commercial development, 400 multi-family units and a 15-acre assisted living facility within Parcel Two; d) multi-family and commercial on Parcels 12 and 13, subject to the overall 2.17 units per acre density; and e) perimeter street improvements: The west approach of Stop 11 Road at the intersection of Stop 11 Road and State Road 37 and the east and west approaches of County Line Road at the intersection of County Line Road and State Road 37 shall be improved to the extent approved by DPW and INDOT (requires double right-turn and left-turn lanes, and double-left turn lanes, one through land and one right-turn lane, respectively, **approved**).

2004-ZON-093; 2201 and 3425 West Southport Road, 7500 State Road 37, 2701 West Stop 11 Road and 8808 Bluff Road, requested rezoning of 1,023 acres, being in the D-P (GSB)(FW)(FF)(W-1) District to the D-P (FW)(FF)(W-1) classification to provide for a map correction to rezoning case 97-Z-14 to remove all property from the Gravel Sand =Borrow (GSB) classification, **approved**.

2002-APP-127; 2201 West Southport Road, requested a modification of the Development Statement related to petitions 97-Z-14 (97-DP-003), 2000-APP-38, 2000-APP-161, 2001-APP-158 and 2002-APP-033 to provide for 1) Parcel 3 and Parcel 3a of southern Dunes to be developed with two-family dwellings; 2) a decrease of acreage of Parcel 1B from 62 acres to 38 acres; 3) improvements / upgrades of State Road 37 to the extent approved by DPW and INDOT; 4) changes to traffic signal improvements, the method of provided for "fairshare" costs of improvements, and "in kind" improvements, times in which a Letter of Credit shall be obtained and the amount of funds required for the Letter of Credit; and 5) deletion of VI.A.3.g which provided for reservation of right-of-way at the intersection of State Road 37 and Southport Road, and the expiration of said reservation after ten years for those parts of the right-of-way not required, **approved**.

2002-APP-033; 2201 West Southport Road, requested modification of the Development Statement related to petitions 97-Z-14 (97-DP-3), 2000-APP-038, 2000-APP-161 and 2001APP-158 to modify Section 1 to read: No building, with the exception of the clubhouse, shall exceed 35 feet. The Clubhouse located on Parcel 14 shall not exceed 48 feet, **approved**.



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

2001-APP-158; 2201 West Southport Road, requested modification of the development statement related to petition 97-Z-14 (97-DP-2), 2000-APP-038, and 2001-APP-161 to provide for the reconfiguration of the proposed residential, commercial recreational and miscellaneous uses within the proposed development to include a) a corrected legal description of 1,189 acres; b) 12 single-family residential communities; c) total acreage within each residential community of development parcel may increase or decrease by as much as 10%; d) proposed number of lots or units within each residential community of development parcel may increase or decrease by as much as 25%; e) creation parcel 9a as three acres of open space, with development of this site limited to a pylon sign not to exceed 30 feet in height to serve as identification of the proposed adjacent commercial uses; and f) density to be based on the entire development minus the commercial properties, **approved**.

2000-APP-161; 2201 West Southport Road, requested modification of the Development Statement related to petitions 97-Z-14 (97-DP-3) and 2000-APP-038 to provide for 43-foot-tall multi-family dwellings on Parcels 25 and / or 1, **approved**.

2000-APP-038, 2201 West Southport Road, requested modification of the Development Statement, related to petition 97-Z-14 (97-DP-3), of Southern Dunes (formerly known as Wellingshire) to provide for a reconfiguration of the proposed residential, commercial, recreational, and miscellaneous uses within the proposed development, **approved**.

97-Z-14 (97-DP-3); 2201 West Southport Road, requested rezoning of 1,130 acres, being in the D-A (FF), SU-23 (GSB)(FF), SI-3 (FF), D-6 (FF), and C-3 (FF) districts to the D-P (GSB)(FF) classification to provide for a residential and golf course community development consisting of eight single-family residential communities, three multi-family residential communities, a 27-hole golf course, a nine-hole golf course, a golf academy, club house and practice area, two neighborhood commercial centers, two neighborhood commercial services, a mini-warehouse use, recreational amenities and open space areas, **approved**.



**SECOND AMENDED AND RESTATED PRELIMINARY DP PLAN
AS TO PARCEL 2**

SOUTHERN DUNES PLANNED UNIT DEVELOPMENT

INTRODUCTION

Wellingshire Partners, LLC (“Petitioner”) is under contract to purchase property containing approximately 18.72 acres, located at the southwest quadrant of Southport Road and I-69, which is commonly known as 7125 Wellingshire Boulevard (the “Southport/I-69 Parcel”), more particularly described on Exhibit “A” (the “Subject Property”). The Subject Property is zoned DP, as a result of Case Nos. 97-Z-14 (97-DP-03), as modified by 2000-APP-038, 2000 - APP-161, 2001-APP-158, 2002-APP-003, 2002-APP-127, and as modified by 2013-MOD-016 (the “Existing DP”). Permitted uses and certain development standards were set forth for multiple parcels within the Development Statement under 2013-MOD-016. The Petitioner proposes to develop the undeveloped portion of Parcel 2 as set forth in this Amended Preliminary DP Plan. In the event of a conflict between the Existing DP and this Amended Preliminary DP Plan with respect to the Subject Property, this Amended Preliminary DP Plan shall control.

Petitioner is proposing a more traditional commercial interchange development on the Southport/I-69 Parcel, as shown on the conceptual site plan submitted with and attached to this Preliminary DP Plan as Exhibit “B” (the “Site Plan”). The Site Plan shows 8 lots with development featuring typical interchange type uses, including quick serve and other restaurants, retail/service uses, automotive uses, and a hotel. However, the final use mix and lot count has not yet been determined, and the site plan is still conceptual.

**PROPOSED BUILDINGS, PERMITTED USES,
BUILDING SPECIFIC STANDARDS FOR SOUTHPORT/I-69 PARCEL**

Permitted Uses: The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance (the “Zoning Ordinance”), shall be permitted on the Southport/I-69 Parcel:

- 1) Public, Institutional, Religious and Civic Uses
- 2) Medical or Dental Offices, Centers or Clinics
- 3) Animal Care, Boarding, Veterinarian Services
- 4) Artisan Food and Beverage
- 5) Farmers Market
- 6) Financial and Insurance Services
- 7) Hair and Body Care Salon or Service
- 8) Bar or Tavern
- 9) Eating Establishment or Food Preparation (any type)
- 10) Indoor Recreation and Entertainment
- 11) Hotel, Motel
- 12) Offices (Business, Professional or Government)
- 13) Outdoor Recreation and Entertainment
- 14) Grocery Store

- 15) Liquor Store
- 16) Retail, Light and Heavy General
- 17) Automobile and Light Vehicle Wash
- 18) Automobile, Motorcycle, Light Vehicle Service or Repair
- 19) Vehicle Charging Station

Permitted Accessory Uses:

- 1) ATM
- 2) Automobile Rental Station
- 3) Drive-Through
- 4) Game Courts
- 5) Outdoor Display and Sales, Temporary or On-Going
- 6) Outdoor Seating or Patio (Non-residential)
- 7) Outdoor Seasonal Produce Sales
- 8) Portable Storage (Temporary)
- 9) Recycling Collection Point
- 10) Renewable Energy Facility (Solar/Geothermal)
- 11) Vehicle Charging Stations
- 12) Satellite Dish Antenna
- 13) Sidewalk Café
- 14) Signs
- 15) Temporary Construction Yard, Office or Equipment
- 16) Temporary Outdoor Event
- 17) Temporary Fireworks Sales
- 18) Transportation Facilities and Accessories (Ground)
- 19) Vending Machine/Kiosk (Outside)
- 20) Walk-Up Window

Development Standards:

1. Maximum development density shall be:
 - a) No more than eight (8) businesses with drive-through service;
 - b) No more than three (3) hotels; and
 - c) No more than one hundred thousand (100,000) square feet of other retail, in addition to the foregoing.
2. Maximum Height:

The hotel shall not exceed:
Six (6) stories, or eighty (80) feet in height, measured to top of parapet wall.

Retail/restaurant buildings shall not exceed:
Two (2) stories, or thirty-five (35) feet in height, measured to top of parapet wall.
3. Parking:

Surface parking and bicycle parking of no less than the minimum required by the



Zoning Ordinance per the particular use. Shared parking is permissible. No parking maximum shall apply.

- 4. Drive-Through:
Service units and stacking spaces may face Wellingshire Boulevard, Southport Road or I-69.

STANDARDS/REQUIREMENTS APPLICABLE TO SOUTHPORT/I-69 PARCEL

Building Setbacks:

- 1. Front Yard (Wellingshire Boulevard):
Buildings: Twenty (20) feet, measured from the existing right-of-way line.
Accessory Uses: Five (5) feet measured from the existing right-of-way line.
- 2. Front Yard (Southport Road):
Buildings: Twenty (20) feet, measured from the right-of-way line.

Accessory Uses: Five (5) feet measured from the existing right-of-way line.
- 3. Front Yard (I-69):
Buildings: Twenty (20) feet, measured from the right-of-way line.

Accessory Uses: Five (5) feet measured from the existing right-of-way line.
- 4. Side/Rear Yard (Overall boundary line of Subject Property) :
Buildings: Twenty (20) feet, measured from overall south boundary line of Subject Property, and not each lot line.
- 5. Individual Lots, yards not fronting on Wellingshire Boulevard, Southport Road or I-69:
Buildings: Ten (10) feet, measured from lot line.
Accessory Uses: Zero (0) feet, measured from lot line.

Landscaping: Detailed landscaping plans will be submitted for Administrator’s Approval, prior to obtaining an Improvement Location Permit for development of any lot. At a minimum, any such landscaping plan shall provide for perimeter landscaping along Wellingshire Boulevard and Southport Road frontages and along the south property line.

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Subject Property, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality. The Petitioner may use a combination of surface and underground drainage systems to meet City of Indianapolis Ordinance requirements.

Lighting: All free standing light fixtures and lighting elements shall meet the requirements of the Zoning Ordinance.

Signs: Petitioner proposes the following signs:



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

1. Development Identification Signs: Two (2) pylon signs, each oriented to Interstate 69 traffic, not to exceed fifty (50) feet in height (measured from the grade where the signs are actually located) and three hundred fifty (350) square feet in area identifying the development and tenants within the development on the Southport/I-69 Parcel, to be located along the I-69 frontage of the Subject Property, in the approximate locations shown on Exhibit "C".

2. One (1) freestanding monument or pylon sign, not to exceed twenty-five (25) feet in height and three hundred (300) square feet in area, identifying tenants in the commercial portion of the development, to be located near the corner of Southport Road and Wellingshire Boulevard in the approximate location shown on Exhibit "C".
3. One (1) freestanding monument or pylon sign, not to exceed ten (10) feet in height and twenty (20) feet in width, but in no event with a square footage exceeding one hundred fifty (150) square feet, identifying the commercial portion of the development, but not identifying specific tenants, in the approximate location shown on "Exhibit "C".
4. Individual lots shall not be permitted to have freestanding individual building identification signs.
5. Wall signs, as permitted by the Sign Regulations of Marion County, on all of the Buildings.
6. Up to three (3) Construction/Leasing signs with a maximum height of twenty (20) feet measured from street level grade and a maximum size of sixty-four (64) square feet. One (1) Construction/Leasing sign may have a maximum height of forty (40) feet and a maximum size of two hundred (200) square feet in sign area.
7. Secondary freestanding signs as permitted by Table 744-906-2 of the Zoning Ordinance for Commercial Districts.

Building Materials: All Buildings shall feature one or more of the following materials: glass, steel, aluminum, wood, masonry, stone, EIFS and fiber cement board.

LIST OF EXHIBITS

| | |
|-------------|--|
| Exhibit "A" | Legal Description of Southport/I-69 Parcel |
| Exhibit "B" | Site Plan |
| Exhibit "C" | Sign Plan |

43647638.1



EXHIBIT "A"

Legal Description of Southport/I-69 Parcel

PART OF THE NORTH EAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, MARION COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE EAST LINE THEREOF SOUTH 00 DEGREES 04 MINUTES 02 SECONDS WEST (BEARINGS BASED ON WEST LINE OF NORTHEAST QUARTER BEING SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST) 1009.53 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 4208.99 FEET AND A CHORD BEARING SOUTH 09 DEGREES 14 MINUTES 22 SECONDS WEST 204.42 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 204.44 FEET TO THE NORTHEAST CORNER OF A 19.183 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NO. A20210005590 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA; THENCE ALONG THE NORTH LINE OF SAID 19.183 ACRE TRACT OF LAND SOUTH 89 DEGREES 57 MINUTES 34 SECONDS WEST 82.11 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 4127.18 FEET AND A CHORD BEARING NORTH 10 DEGREES 38 MINUTES 46 SECONDS EAST 39.44 FEET, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF THE LAND OF STATE OF INDIANA AS DESCRIBED AS PARCEL 730C IN INSTRUMENT NO. A202200003783 IN SAID RECORDER'S OFFICE; THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID PARCEL 730C THE FOLLOWING TEN (10) COURSES; (1) NORTHEASTERLY ALONG SAID CURVE 39.44 FEET; (2) NORTH 02 DEGREES 03 MINUTES 50 SECONDS EAST 431.76 FEET; (3) NORTH 06 DEGREES 06 MINUTES 20 SECONDS WEST 675.16 FEET; (4) NORTH 89 DEGREES 55 MINUTES 43 SECONDS WEST 685.00 FEET; (5) SOUTH 78 DEGREES 28 MINUTES 46 SECONDS WEST 199.06 FEET; (6) SOUTH 07 DEGREES 20 MINUTES 05 SECONDS WEST 102.83 FEET; (7) SOUTH 24 DEGREES 46 MINUTES 56 SECONDS WEST 124.39 FEET; (8) SOUTH 11 DEGREES 22 MINUTES 53 SECONDS WEST 76.49 FEET; (9) SOUTH 06 DEGREES 24 MINUTES 42 SECONDS WEST 90.55 FEET; (10) NORTH 89 DEGREES 55 MINUTES 43 SECONDS WEST 21.28 FEET TO THE EAST LINE OF WELLINGSHIRE BOULEVARD AS DESCRIBED IN INSTRUMENT NO. 1998 - 0178425 IN SAID RECORDER'S OFFICE; THENCE ALONG THE EAST LINE THEREOF SOUTH 00 DEGREES 04 MINUTES 15 SECONDS WEST 130.72 FEET TO THE NORTH LINE OF THE AFORESAID 19.183 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NO. A20210005590; THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID NORTH LINE; (1) SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST 550.00 FEET; (2) SOUTH 00 DEGREES 01 MINUTES 10 SECONDS EAST 400.00 FEET; (3) SOUTH 35 DEGREES 01 MINUTES 10 SECONDS EAST 234.03 FEET; (4) NORTH 89 DEGREES 57 MINUTES 34 SECONDS EAST 356.51 FEET TO THE POINT OF BEGINNING, CONTAINING 18.73 ACRES, MORE OR LESS.

Exhibit A

EXHIBIT "B"

Site Plan

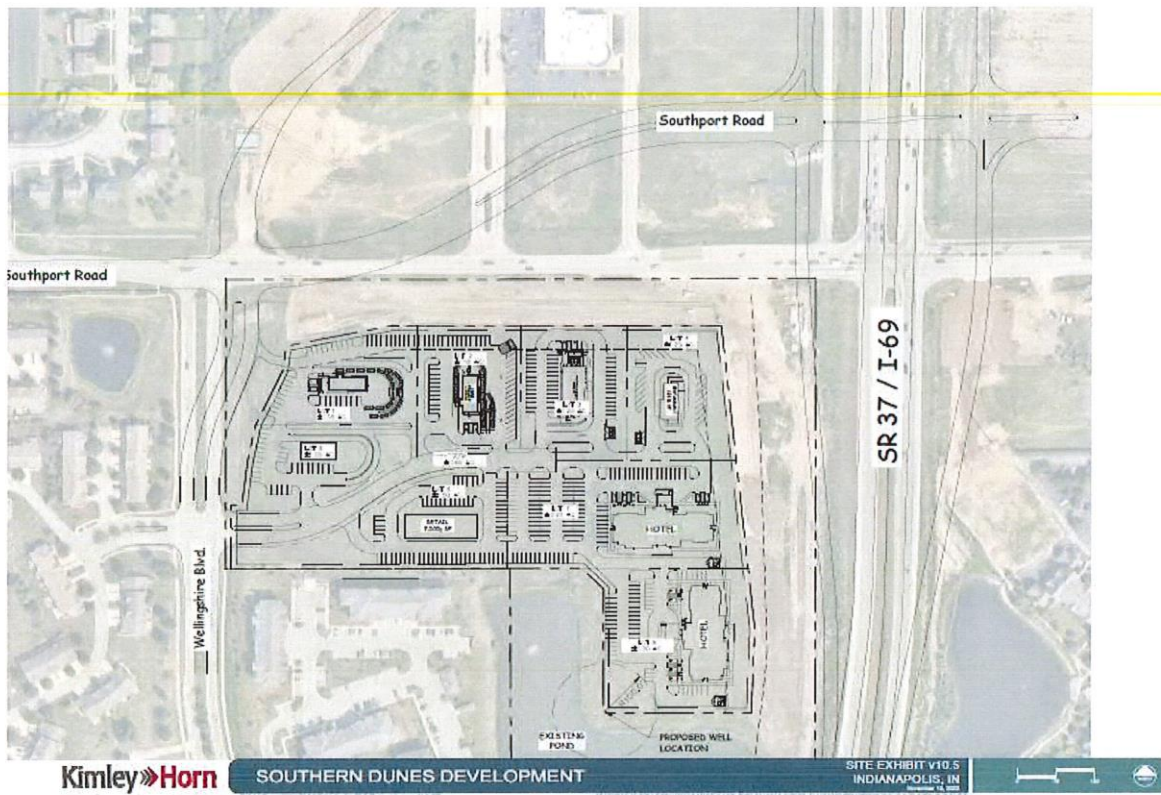


Exhibit B

EXHIBIT "C"

Sign Plan

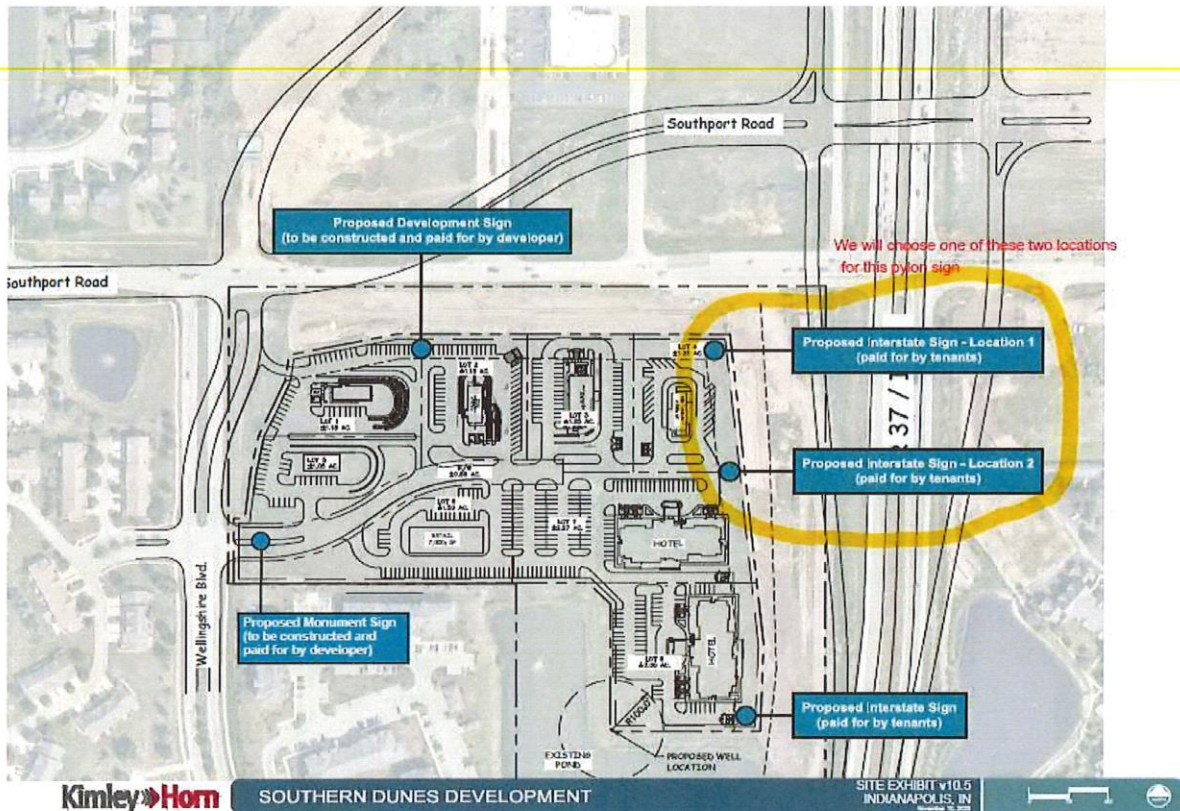


Exhibit C



View looking south along Wellingshire Boulevard



View looking north along Wellingshire Boulevard



View of site looking east across Wellingshire Boulevard



View of site looking northeast across intersection of Wellingshire Boulevard and Portrait Drive



View of site looking northeast



View of site looking east across Wellingshire Boulevard



View of site looking east



View of site looking south across West Southport Road



METROPOLITAN DEVELOPMENT COMMISSION **July 17, 2024**

Case Number: 2024-ZON-055

Property Address: 1010 East 86th Street and 8685-8699 Guilford Avenue

Location: Washington Township, Council District #2

Petitioner: TM Crowley and Associates, LLC, by Joseph D. Calderon

Current Zoning: D-2 and C-1

Request: Rezoning of 7.18 acres from the D-2 and C-1 Districts to the D-P District, to provide for single-family attached dwellings, multi-family dwellings, commercial office, and retail uses, including restaurants, day care center or nursery school, community center, financial services, and other light general retail uses.

Current Land Use: Single-family dwellings / Commercial uses

Staff Recommendations: Approval, subject to the commitments noted below.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Metropolitan Development Commission continued this petition from the July 3, 2024 hearing, to the July 17, 2024 hearing, at the request of staff, to provide time for further discussions related to proposed parking.

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. A 50-foot half right-of-way shall be dedicated along the frontage of East 86th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP)
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 7.18-acre site, zoned D-2 and C-1, is comprised of two parcels developed with single-family dwellings and third larger parcel developed with commercial uses. It is surrounded by single-family dwellings and a U.S. Postal Service facility to the north, zoned D-2 and C-4, respectively; a library and commercial uses to the south across East 86th Street, zoned SU-37, C-1 and C-3, respectively; commercial uses to the east, zoned C-4; and a library and single-family dwellings to the west, zoned SU-37 and D-2, respectively.

Rezoning

This request would rezone the site to the D-P District.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

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



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

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

The Comprehensive Plan recommends suburban neighborhood for the two residentially zoned parcels addressed on Guilford Avenue and village mixed-use for the larger commercial parcel.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of 50-foot half right-of-way along East 86th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Development Statement (file-dated July 9, 2024)

The amended Development Statement, file-dated July 9, 2024, describes the permitted uses to include residential (multi-family / single-family attached / live-work units) and commercial uses that would be contemplated as those typically permitted in the village mixed-use typology. See Exhibit A.

The mixed-use building would provide approximately 473 attached multi-family units and 15,000 square feet of commercial uses. Approximately 686 parking spaces in the parking garage (podium parking), 70 parking space on the ground floor of the podium parking and approximately 20 spaces near the commercial space are proposed.

The amended Development Statement also prescribes the access drives, setbacks, building height, signage, utilities / drainage, landscaping and amenities (fitness center and active / passive recreation space), and lighting. A conceptual site plan, elevations, and renderings are included as exhibits.

Site Plan

The conceptual site plan, file-dated May 30, 2024, depicts a two-phased development. The first phase would be the mixed-use building fronting on East 86th Street. Primary access would be from East 86th Street that would also serve as an entrance into the parking garage and second floor roof-top deck. A secondary access drive would be provided on Guildford Avenue south of East 87th Street with controlled access configuration that would limit the traffic into the neighborhood to the north.

The elevations provide for an eight-story building that would step down to two stories on the north and south facades. Exterior building materials would include brick, stone, EIFS, Hardiplank or similar fiber cement siding, wood, glass, and aluminum.

The second phase of development would occur on the two parcels addressed on Guilford Avenue.



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

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Traffic Impact Study

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

The study considered background information, traffic forecast, turn lane warrant analysis, and capacity analysis intersections at six intersections.

Intersection 1 – 86th Street & Guilford Avenue

- No improvements to the lane geometry or traffic control are required to accommodate the proposed development. Signal timing updates are recommended to ascertain the new traffic patterns are accommodated adequately.
- The intersection is expected to operate at an acceptable overall LOS during both the AM and PM peak hours through 2028.

Intersection 2 – 86th Street & Winterton Driveway

- Winterton Driveway to remain with the existing geometry - two (2) outbound lanes, and one (1) inbound lane.
- The southbound approach at the intersection is expected to operate at LOS D during the AM peak hour and LOS F during the PM peak hour through 2028. This is mainly attributed to the vehicles waiting for a gap in the heavy cross traffic on 86th Street.
- No improvements are recommended at this intersection because drivers are expected to utilize the alternative access point on Guilford Ave with access to an existing signalized intersection. Additionally, adjacent signalized intersections are in close proximity to this intersection (approximately 500 feet or less). Therefore, it is not feasible to install a traffic signal at this location.
- If the traffic controls at adjacent intersections are expected to change in the future, the need for a change in traffic control at this intersection should be evaluated at that time.

Intersection 3 – 86th Street & Compton Street

- The northbound and southbound approaches at this intersection are expected to operate at LOS E or worse during the peak hours in 2028, with or without the construction of the proposed development.
- This is mainly attributed to the vehicles waiting for a gap in the heavy cross traffic on 86th Street.
- No improvements are recommended at the study intersection at this time due to the low traffic volume on the side street and minimal impact on 86th Street traffic flow
- If the traffic volumes are expected to increase in the future, the need for a change in intersection traffic control should be evaluated at that time.

Intersection 4 – 86th Street & Evergreen Avenue

- No improvements to the lane geometry or traffic control are required to accommodate the proposed development. Signal timing updates are recommended to ascertain the added site traffic is accommodated adequately.
- The intersection is expected to operate at an acceptable overall LOS during the AM and PM peak hours through 2028.



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

Intersection 5 – 86th Street & Monon Trail

- No improvements to the lane geometry or traffic control are required to accommodate the proposed development. Signal timing updates are recommended to ascertain the added site traffic is accommodated adequately.
- The intersection is expected to operate at an acceptable overall LOS during the AM and PM peak hours through 2028.

Intersection 6 – Guilford Avenue & Proposed Site Access Driveway

- Proposed Site Access Driveway is expected to be constructed with at least one (1) outbound lane and one (1) inbound lane. The intersection is expected to operate as a one-way stop control with the driveway traffic stopping for Guilford Avenue.
- The intersection is expected to operate at an acceptable LOS during the AM and PM peak hours through 2028.
- No additional improvements to the lane geometry or traffic control are required to accommodate the proposed development.

GENERAL INFORMATION

| | | | |
|-----------------------------------|---|---|--|
| Existing Zoning | D-2 / C-1 | | |
| Existing Land Use | Single-family dwellings / commercial uses | | |
| Comprehensive Plan | Suburban Neighborhood / Village Mixed-Use | | |
| Surrounding Context | Zoning | Land Use | |
| | North: | D-2 / C/4 | Single-family dwelling / commercial uses |
| | South: | SU-37 / C-1 / C-3 | Public library / commercial uses |
| | East: | C-4 | Commercial uses |
| | West: | SU-37 / D-2 | Public library / single-family dwellings |
| Thoroughfare Plan | | | |
| East 86th Street | Primary arterial | Existing 97-foot right-of-way and proposed 112-foot right-of-way. | |
| Guilford Avenue | Local street | Existing 50-foot right-of-way and proposed 50-foot right-of-way. | |
| Context Area | Metro | | |
| Floodway / Floodway Fringe | No | | |
| Overlay | No | | |
| Wellfield Protection Area | No | | |



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

| | |
|-----------------------------------|-------------------------|
| Site Plan | April 25, 2024 |
| Site Plan (Amended) | May 19, 2024 |
| Elevations | April 25, 2024 |
| Elevations (Amended) | May 23, 2024 |
| Landscape Plan | N/A |
| Findings of Fact | N/A |
| Findings of Fact (Amended) | N/A |
| C-S/D-P Statement | July 9, 2024 (Amended)) |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood typology for the parcels located on Guilford Avenue. “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 Plan recommends Village Mixed-Use for the larger parcel fronting on East 86th Street. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map (2018). The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Suburban Neighborhood*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *Multi-family Housing*
 - Should be located along arterial or collector streets, parks, or greenways.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.
- *Conditions for All Land Use Types - Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.



Department of Metropolitan Development
Division of Planning
Current Planning

- Conditions for All Housing
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- *Large-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)*
 - Should be located along an arterial or collector street.
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.
- *Small-scale Office, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*
 - Mixed-Use structures are preferred.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies, and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2016-DV1-057; 1010 East 86th Street, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two, 32-square foot free-standing signs, with zero-foot front setbacks from 86th Street, located within approximately 60 feet of each other, on a 340-foot frontage, and within 50 feet of a protected district, **granted**.

2014-UV1-019; 1010 East 86th Street, requested variance of use of the Commercial Zoning Ordinance to provide for cosmetology services, body health services, day spa, massage therapy, nail salon, Pilates studio, personal fitness training, life coaching, medical lab and dance studio, **granted**.

2006-UV2-022; 1010 East 86th Street, requested variance of use of the Commercial Zoning Ordinance to provide for a salon and day spa use, **granted**.

VICINITY

2016-ZON-064; 1005 East 86th Street, requested rezoning of 0.443 acres from the D-3 District to the C-1 classification, **approved**.

2014-DV2-042; 1001 East 86th Street, requested variance of development standards of the Sign Regulations to provide for six, four-foot-wide awnings, being twelve feet in height, and a 15.75-foot-wide awning, being 6.33 feet in height, with a 5.5-foot horizontal projection, and with all awning projecting within approximately zero feet of the pavement edge, **granted**.

2007-UV1-026; 8582 Compton Avenue, requested variance of use of the Dwelling Districts Zoning Ordinance to provide for an office use, **granted**.

2005-HOV-005; 1103 and 1221 East 86th Street, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a package liquor store located forty-eight feet from a protected district, in C-4; **granted**.

2004-DV2-009; 1300 East 86th Street, requested variance of development standards of the Sign Regulations to provide for a 27-foot-tall pole sign located 185-feet from an existing on-premise advertising sign to the west and 200 feet from an existing on premise advertising sign to the east along East 86th Street, **granted**.

2001-DV2-060; 1225 East 86th Street, requested a variance of development standards of the Sign Regulations to legally establish a 287.66-square foot pole sign located 274 feet from an existing integrated center sign, in C-S, **denied**.

2000-DV1-006; 1225 East 86th Street, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a concrete pad for a “lathe house” with a one-foot west side setback, in C-S, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

99-UV1-12; 8581 Compton Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a commercial office within a residential structure and the storage of landscaping material for an adjacent garden center, in D-3, **granted**.

97-Z-45; 1302 East 86th Street, requested rezoning of 0.938 acre from the C-1 District to the C-4 classification to provide for a map correction error; **approved**.

97-HOV-83; 8625 Guilford Avenue, requested variance of development standards of the Sign Regulations to provide for the placement of an incidental sign with a surface area of nine square feet and being four feet in height, **granted**.

95-Z-216; 8541 Evergreen Avenue, requested rezoning of 1.27 acres from the C-1 District to the C-3 classification to provide for commercial retail development, **approved**.

95-V3-12; 1225 East 86th Street, requested a variance of development standards of the Sign Regulations to provide for a five-foot tall ground sign, in C-S, **granted**.

91-HOV-26; 1300 East 86th Street, requested variance to provide for a free-standing identification sign located within an integrated center, **granted**.

89-HOV-85; 1221 East 86th Street, requested a variance of development standards of the Sign Regulations to provide for a pole sign with four feet of ground clearance, in C-4; **granted**.

88-UV3-97; 911 East 86th Street, requested variance of use of the Commercial Zoning Ordinance to provide for the continued operation of a nail and hair salon for a temporary period, expiring June 30, 1990, **denied**.

88-V3-27; 1221 East 86th Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for commercial offices within a residential structure and the storage of landscaping material for an adjacent garden center, in D-3, **granted**.

86-V1-75; 1224 East 86th Street, requested to provide for a free-standing identification sign located within an integrated center, **granted**.

86-V3-29; 1300 East 86th Street, requested to provide for a 28-foot-tall pylon sign with reduced grade clearance, **granted**.

85-UV1-36; 1007 East 86th Street, requested variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing restaurant, in D-3, **granted**.

84-UV3-73; 1007 East 86th Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition of an 8 by 10-foot storage building to an existing restaurant, in D-3, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

82-V3-103; 1302 East 86th Street, requested a variance of development standards to provide for an additional sign panel on a pole sign, **granted for one year**.

70-V-112; 1300 East 86th Street, requested a variance of use to provide for a retail drive-through store, **granted**.

69-V4-104; 1300 East 86th Street, requested a variance of use to provide for a car wash, **granted**

69-V4-103; 1300 East 86th Street, requested a variance of use and development standards to provide for a veterinary clinic; **granted**.

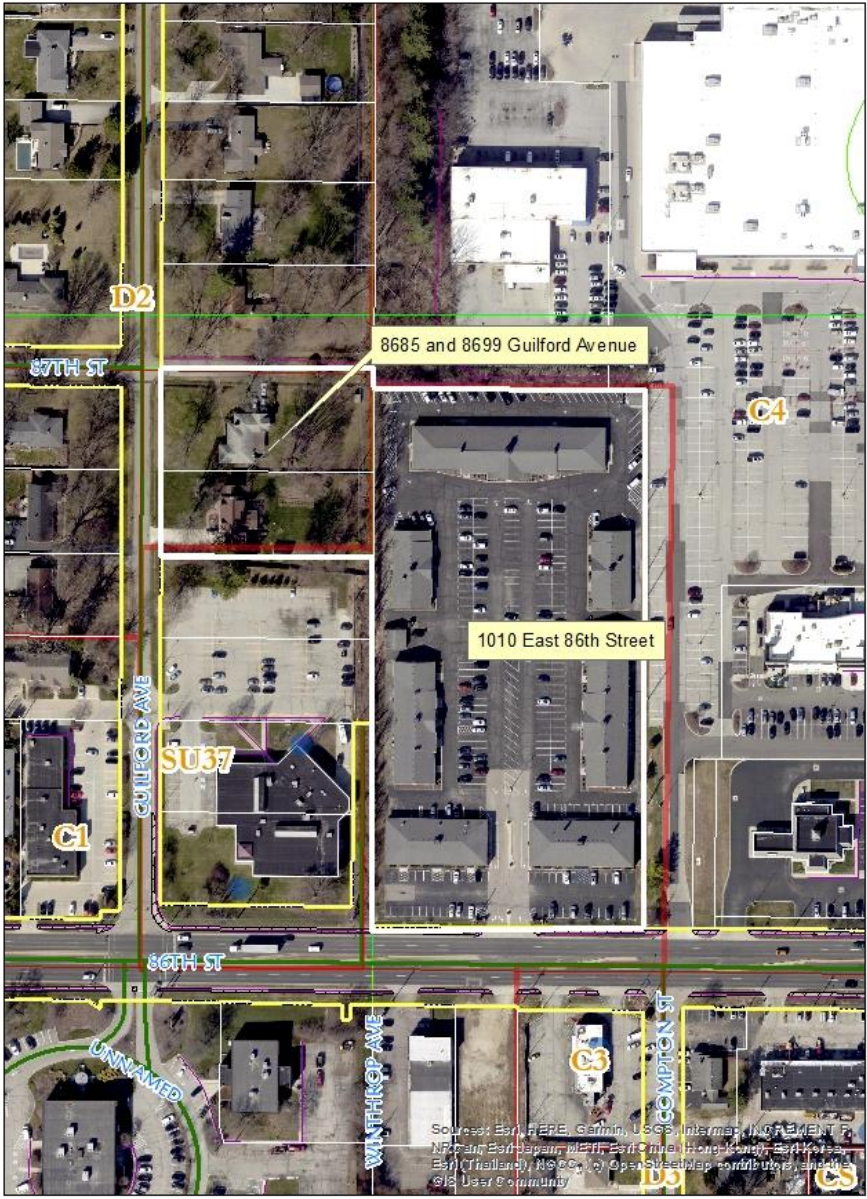
68-Z-73; 1300 East 86th Street, requested the rezoning of 4.59 acres, from A-2 to B-2, to provide for additional off-street parking for a shopping center, **approved**.

65-V-120; 1300 East 86th Street, requested a variance of use and development standards to provide for an indoor movie theater; **granted**.

65-V-119; 1300 east 86th Street, requested a variance of use and development standards to provide for a tire sales and service store, **granted**.

58-Z-173; North of 86th Street, approximately 500 feet west of the Monon Railroad, requested the rezoning of 15 acres, from A-2 to B-2, to provide for a shopping center and parking, **approved**.

EXHIBITS



1010 East 86th Street / 8685 and 8699 Guilford Avenue

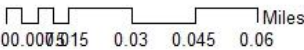


EXHIBIT A

Preliminary DP Plan

1010 East 86th Street
8685 Guilford Avenue
8699 Guilford Avenue

Introduction

TM Crowley & Associates, LLC (“Petitioner”) is seeking to purchase property containing approximately 5.73 acres and commonly addressed as 1010 – 1070 East 86th Street (the “Winterton Property”). Petitioner has either acquired, through an affiliate, or is under contract to purchase two additional properties located adjacent to and west of the Winterton Property, 8685 Guilford Avenue and 8699 Guilford Avenue (the “Guilford Parcels”). The Winterton Property is zoned C-1, and is currently improved with several single story commercial office buildings. The Petitioner is proposing a mixed-use development for both the Winterton Property and the Guilford Parcels (collectively, the “Subject Property”), which will permit both commercial and residential uses, all in substantial compliance with the conceptual site plan submitted with and attached to this Preliminary DP Plan as Exhibit “A” (the “Site Plan”).

The Proposed Development/Permitted Uses

Introduction: Petitioner proposes to demolish the existing office buildings on the Winterton Property and replace them with a mixed-use building as generally shown on the concept elevations attached to this Preliminary DP Plan as Exhibit “B”. The Guilford Parcels will likely be developed as a second phase, and as described in this Preliminary Development Plan, for residential uses.

Permitted Uses: The Mixed Use Building (the “Mixed Use Building”) is planned to contain both attached multi-family residential units and commercial space. The Mixed Use Building will also provide/facilitate amenity space/common space. There is a parking garage planned to be located on the interior of the Mixed Use Building, with a majority of the residential units and commercial space wrapping around the garage. Currently, there are 473 attached multi-family units, and 15,000 square feet of commercial space planned for the Mixed Use Building, although this should not be construed as either a minimum or maximum amount of units or commercial space. Additionally, it is possible that the Mixed Use Building may be developed into two phases, with the first phase (“MU Phase I”) being developed from the 86th Street frontage north to the south line of the 1040 building parcel, denoted by a yellow line on Exhibit “D” (the “1040 South Parcel Line”). The second phase of the Mixed Use Building (“MU Phase II”) will be developed running north from the 1040 South Parcel Line north to the north property line of the Winterton Property. All uses are those which are described in Chapter 743, Article II, Table 743-1 “Use Table” of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis, Marion County (the “Zoning Ordinance”).

Permitted Commercial uses in the Mixed Use Building shall include:

1. Offices (Any type, including general, medical, government)
2. Eating Establishment or Food Preparation



Department of Metropolitan Development
 Division of Planning
 Current Planning

3. Day Care Center or Nursery School
4. Community Center
5. Museum, Library, or Art Gallery
6. Consumer Services or Repair of Consumer Goods
7. Financial and Insurance Services
8. Hair/Body Care Salon
9. Light General Retail

Permitted Residential uses for the Mixed Use Building shall include:

1. Multifamily Dwellings
2. Single-Family Attached Dwellings
3. Live/work units

Permitted Accessory uses for the Mixed Use Building/Winterton Property may include:

1. Outdoor Seating/ Sidewalk Café
2. Outdoor Recreation, which may include a swimming pool, game courts, etc.
3. Community Garden
4. Passive or active green space, including walking paths, trails, pocket parks, dog park, outdoor seating
5. Outdoor Seasonal Produce Sales, including Farmers Market
6. Outdoor Display and Sales, temporary
7. Temporary Outdoor Event
8. Sidewalk Cafe

Development Standards/Setbacks for the Winterton Property:

The Mixed Use Building and other permanent structures constructed on the Winterton Property shall meet the following minimum setbacks:

1. Front Yard (86th Street): 10 feet from the existing right of way line.
2. Side Yards: 10 feet from east property line, 10 feet from west property line.
3. Rear Yard (north): Building: 10 feet from the north property line.
 Accessory Uses: a walking path may be incorporated into the south half of former 87th Street.
4. Setback at 1040 South Parcel Line: 0 feet for both the Mixed Use Building and any Accessory Use.

Development Standards | Height for the Mixed Use Building: The Mixed Use Building shall feature a step up and step down in building height as follows:



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

1. 86th Street Setback: Minimum Height – 1 story or 25 feet, Maximum height - 3 stories or 36 feet.
2. Mid-block (including garage): Maximum Height - 8 stories or 93 feet.
3. North Setback: Maximum Height - 5 stories or 55 feet.

Note: The Maximum Height requirements shall not include architectural elements, such as parapet walls, elevator/stairwell shafts or decorative features.

Permitted Residential Uses for the Guilford Parcels shall include:

1. Multifamily Dwellings (integrated with the Winterton Property, but does not require physical connection of buildings).
2. Single-Family Attached Dwellings (Townhomes or Rowhouse style).
3. Duplex, Triplex or Quadplex Units.

Permitted Accessory Uses for the Guilford Parcels may include:

1. Passive or active green space, including walking paths, trails, pocket parks, dog park, outdoor seating.
2. Community Garden.

Development Standards/Setbacks for Guildford Parcels:

Buildings and other permanent structures constructed on the Guilford Parcels shall meet the following minimum setbacks:

1. Front Yard (Guilford Avenue): 10 feet from the existing right-of-way line.
2. Side Yards (Former 87th Street and south line of 8685): 10 feet.
3. Rear Yard (east): 0 feet if attached multi-family, 5 feet for any other type of product.

Development Standards | Height: Building heights for the Guilford Parcel shall be limited to a maximum of 4 stories or 49 feet, not including architectural elements such as parapet walls, elevator/stairwell shafts, or decorative features.

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Subject Property, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality.

Signs: Petitioner proposes the following signs:

1. Development Identification Signs for the Winterton Property: Petitioner proposes one freestanding development identification sign, to be located on the 86th Street frontage, which may include panels for individual commercial tenants. The overall dimensions of the sign(s) shall not exceed 15 feet in height and 150 total sign square footage. Digital Display shall not be permitted, although a backlit sign shall be permitted.



Department of Metropolitan Development
Division of Planning
Current Planning

2. Wall Signs: Commercial tenants may have individual wall signs meeting the standards for signs in commercial zoning districts as set forth in the Zoning Ordinance.
3. Development Identification Signs for the Guilford Parcels: One entry sign on either side of the access drive, not to exceed four (4) feet in height and thirty-two (32) total square feet shall be permitted. These signs shall be externally lit.
4. Incidental Signs and Vehicle Entry Point Signs: Shall be permitted as provided by the Sign Regulations (Ch. 744, Art. IX) of the Zoning Ordinance.

Landscaping: Petitioner has conceptually identified certain areas on the Subject Property as potential areas for landscaping, as shown on the preliminary landscaping plan attached to this Preliminary DP Plan as Exhibit "C". For both the Winterton Property and the Guilford Parcels, Petitioner proposes tendering a landscaping plan for Administrator's Approval prior to obtaining an Improvement Location Permit for the respective Property/Parcels.

Miscellaneous

Amenities: The residential component of the development, at a minimum, shall provide the following amenities:

1. Fitness Center
2. Active and passive recreation space, including both street level and rooftop spaces.

Parking: The parking garage is currently planned to contain 686 parking spaces, and there are additional planned spaces on the ground floor of the building podium (approximately 70), and some surface parking spaces near the planned commercial space (approximately 20). The minimum parking ratio (garage only) for the residential units in the Mixed Use Building shall be no less than 1.25 spaces for each residential unit in the Mixed Use Building, and the maximum parking ratio (garage only) shall be but no more than 1.50 spaces for each residential unit in the Mixed Use Building. The minimum parking ratio for commercial space shall be 3.5 spaces for each 1000 square feet of gross leasable area (including the garage and other parking spaces described above), and the maximum parking ratio for commercial space shall be 4.0 spaces for each 1000 square feet of gross leasable area. Petitioner will also provide both indoor secure bicycle parking spaces, and exterior dedicated bicycle parking spaces as required by the Zoning Ordinance. Petitioner may implement a security plan for accessing the garage, such as a gated entry with key fob access.

Guilford Avenue Access: The Petitioner proposes an access drive connecting the parking garage to Guildford Avenue, as shown on the Site Plan.

86th Street Access: There is an entry/exist access drive proposed for the Winterton Property generally as shown on the Site Plan.

87th Street Access: The Petitioner will provide for directional signage and a right turn impediment at Guilford, to restrict/discourage vehicular traffic from using 87th Street.



Department of Metropolitan Development
Division of Planning
Current Planning

Connectivity to Nora Plaza and Monon Trail: The Petitioner is working with both Target Corp and KRG Nora Plaza to provide access between the Subject Property and Nora Plaza, including the north/south access drive immediately adjacent to the Winterton Property as shown on the Site Plan.

Lighting: All freestanding and wall mounted light fixtures shall feature full cut-off shields, and shall meet all minimum/maximum foot candle requirements as set forth in the Zoning Ordinance.

Architecture: The Mixed Use Building and any buildings constructed on the Guilford Parcels shall feature a variety of materials from the following list: brick, stone, EIFS, Hardiplank or similar fiber cement siding, wood, glass and aluminum. The predominant exterior for the first two floors of the Mixed Use Building shall be a mix of brick, EIFS or similar masonry material. The elevations on Exhibit "B" are to convey a sense of architectural character and not final design. The Petitioner shall consult with the City Architect on final architectural plans, which shall be subject to Administrator's Approval.

42084607.7

EXHIBIT "A"



A-1

04.18.2024 | DP FILING | PAGE 1

EXHIBIT "B"

TM CROWLEY 1010 E. 86th STREET



WEST ELEVATION
NOT TO SCALE

EAST ELEVATION
NOT TO SCALE

TMCA TM CROWLEY ASSOCIATES
 TMCA
 BLACKLINE

B-1

04.18.2024 | DP FILING | PAGE 2

TM CROWLEY 1010 E. 86th STREET



NORTH ELEVATION
NOT TO SCALE



SOUTH ELEVATION
NOT TO SCALE

TMCA TM CROWLEY ASSOCIATES

 BLACKLINE

B-2

TM CROWLEY 1010 E. 86th STREET
SOUTHEAST CORNER
 LOOKING OVER WINTERFON SITE AND ADJACENT RETAIL CENTER

04.18.2024 | DP FILING | PAGE 3



TMCA TM CROWLEY ASSOCIATES
 BLACKLINE

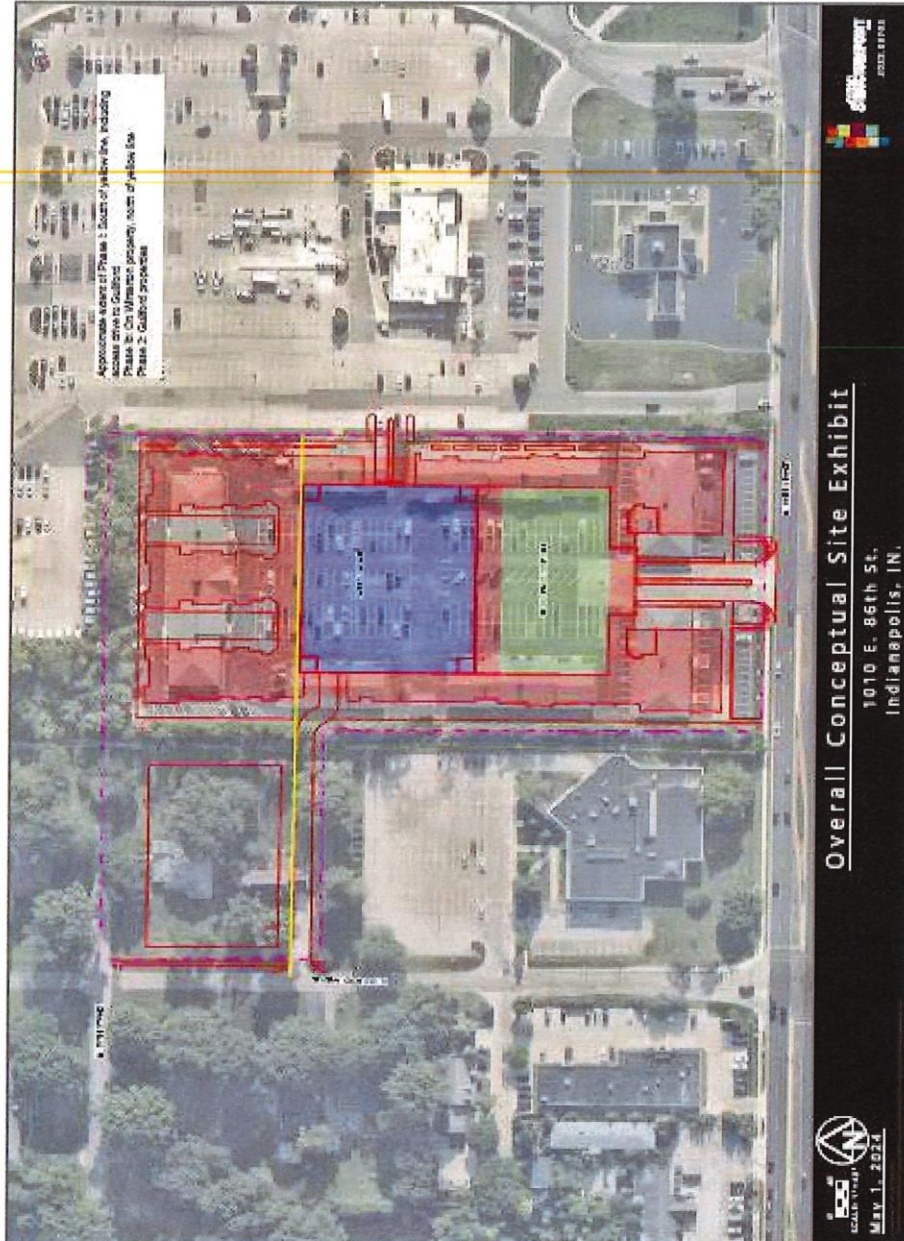
B-3

EXHIBIT "C"



C-1

EXHIBIT "D"



D-I



View looking west along East 86th Street



View looking east along East 86th Street



View looking south along access drive along eastern boundary



View looking southwest along access drive along eastern boundary



View of site looking west from adjacent parking lot to the east



View of site looking west from adjacent parking lot to the east



View from site looking west at adjacent land use to the north (USPS facility)



View of site looking west across entrance drive



View of site looking northwest



View of site looking north along eastern boundary



View of site looking west



View of site looking south



View of site looking northwest



View looking south along Guildford Avenue



View looking north along Guildford Avenue



View of site addressed as Guilford Avenue looking east across Guilford Avenue



View of site addressed as Guilford Avenue looking south across East 87th Street



View of site addressed as Guilford Avenue looking southeast across East 87th Street termination