



Metropolitan Development Commission (May 3, 2023) Meeting Notice

Meeting Details

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

Date: Wednesday, May 03, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes: May 17, 2023

Policy Resolutions:

REAL ESTATE:

1. 2023-R-008

Metropolitan Development Commission authorizes DMD to add five hundred fifty thousand dollars (\$550,000) to a contract with the Indianapolis-Marion County Building Authority for maintenance and support of City-owned properties for a not-to-exceed amount of three million three hundred seventy thousand one hundred twenty dollars (\$3,370,120) through 2023.

2. 2023-R-012

Contract agreement with Taft Stettinius & Hollister LLP for legal services relative to ongoing litigation at the Towne & Terrace housing complex.

ECONOMIC DEVELOPMENT / INCENTIVES:

3. 2023-E-015

Amend public grant by twenty nine thousand two hundred (\$29,200) to assist in funding the maintenance and operation of the City Market.

4. 2023-A-019 (For Public Hearing)

Final Economic Revitalization Area Resolution for GeniPhys, Inc., located at 7750 Zionsville Road, Council District #1, Pike Township. (Recommend approval of six (6) years personal property tax abatement.)

5. 2023-A-020

Preliminary Economic Revitalization Area Resolution for Sentry Ventures LLC and Sentry BioPharma Services, Inc., located at 4605 Decatur Boulevard and 4410 Kollman Road, Council District #22, Decatur Township. (Recommend approval of five (5) years real property tax abatement.)

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

6. 2023-APP-003 | 1020 Sharon Avenue

Wayne Township, Council District #11

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

7. 2023-APP-004 | 2320 North Centennial Street

Wayne Township, Council District #11

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment and a rubberized play surface.

8. 2023-APP-005| 6050 Gateway Drive

Pike Township, Council District #10

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

9. 2023-APP-006| 1831 Lafayette Road

Wayne Township, Council District #11

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

10. 2023-APP-007| 2401 Howard Street

Wayne Township, Council District #16

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

11. 2023-MOD-005| 2205 North Delaware Street

Center Township, Council District #11

Delaware 632, LLC, by Timothy E. Ochs

Modification of Development Statement and Site Plan related to petition 2015-CZN/CVR-817 to replace the approved site plan with the one filed with this petition, which shows 81 parking spaces and an enclosed patio for outdoor seating (previous site plan showed 83 parking spaces).

12. 2022-ZON-133 | 9425 East 30th Street

Warren Township, Council District #14

God's Grace Community Church, by JoAnn Thompson

Rezoning of 12.808 acres from the SU-1 district to the D-7 district to provide for a multi-family senior-living residential development.

13. 2023-ZON-009 | 5635 West 96th Street

Pike Township, Council District #1

Eric Sanquetti

Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

14. 2023-ZON-011 | 3019 North Gale Street

Center Township, Council District #17

Dewayne Michaels Group, LLC, by David E. Dearing

Rezoning of 0.14 acre from the SU-1 district to the D-5II district to provide for residential uses.

15. 2023-ZON-017 | 1416 English Avenue

Center Township, Council District #17

Ebuka Unogu, by Mark and Kim Crouch

Rezoning of 0.08 acre from the D-5 district to the D-5II district.

16. 2023-ZON-020 | 25 South Tuxedo Street

Center Township, Council District #12
Marybeth McShea

Rezoning of 0.22 acre from the I-3 (TOD) district to the D-5 (TOD) district to provide for a two-family dwelling.

17. 2023-CZN-804 | 1447 South East Street

Center Township, Council District #21
Jeremy Klausing, by Mark and Kim Crouch

Rezoning of 0.10 acre from the C-1 district to the C-3 district to provide for artisan food and beverage uses.

18. 2023-CZN-809 (Amended) | 2357 Dr Martin Luther King Jr Street

Center Township, Council District #11
Grundy Memorial Chapel, Inc., by David Kingen

Rezoning of 0.70 acre from the C-1 district, to the MU-1 district to provide for a multi-family development.

19. 2023-CZN-810 | 809 Noble Street

Center Township, Council District #16
PADBROS, LLC, by Jynell D. Berkshire

Rezoning of 0.53 acre from the I-3 (RC) district to the D-8 (RC) district.

20. 2023-CZN-813 | 6206 North Olney Street

Washington Township, Council District #3
Logan and Erika Burdick

Rezoning of 0.76 acre from the SU-2 district to the D-1 district.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

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

2022-CZN-847 / 2022-CVR-847 | 2619, 2625 and 2627 West Washington Street

Wayne Township, Council District #16
Purewal Holdings, Inc., by David Kingen and Emily Duncan

Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

****A continuance to June 7, 2023 is being requested by the petitioner**

22. COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY A REMONSTRATOR:

2022-CZN-872 / 2022-CVR-872 | 4822 East Edgewood Avenue and 5820 South Emerson Avenue

Perry Township, Council District #24
IN Indianapolis Emerson, LLC, by Joseph Calderon

Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).

****A continuance to May 17, 2023 is being requested by the petitioner**

23. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2023-ZON-030 | 50 North Tibbs Avenue

Wayne Township, Council District #15

City of Indianapolis – Department of Metropolitan Development, by Jeffrey York

Rezoning of 12.07 acres from the I-2 and D-P (TOD) Districts to the D-10 (TOD) District to provide for multi-family residential development.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

Building Authority
Maintenance Agreement

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-008**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the City of Indianapolis, Indiana ("City") under Indiana Code Section 36-7-15.1; and

WHEREAS, in that capacity, the MDC serves as the governing body of the City of Indianapolis Redevelopment District ("District"); and

WHEREAS, the MDC previously adopted and approved Resolutions No. **2019-R-001, 2019-R-058, 2020-R-032, and 2022-R-043** authorizing the Department of Metropolitan Development ("DMD") to enter into to and amend an agreement (contract #16571- "Contract") with the **Indianapolis-Marion County Building Authority** to provide for maintenance and support of City-owned properties ("Services"); and

WHEREAS, DMD desires to have authority to amend the Contract to **add \$550,000** in funds to provide for Services through the current year.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to add \$550,000 to contract #16571 with **the Indianapolis-Marion County Building Authority** to provide services for maintenance and support of City-owned properties for an overall contract amount **not to exceed \$3,370,120.**
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents to amend 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 MDC 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 *sek*

Sheila Kinney, Asst. Corp Counsel
Date: April 25, 2023

Metropolitan Development Commission

John J. Dillon III, President
Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023 – R – 012**

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, in Resolution No. 2021-R-014, the Commission authorized the Director of DMD to enter into an agreement with Taft Stettinius & Hollister LLP in an amount not to exceed \$60,000.00 for legal services relative to on-going litigation at the Towne and Terrace housing complex near 42nd Street and Post Road; and

WHEREAS, the parties wish to amend the compensation of the agreement; and

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

1. The Commission hereby authorizes DMD to amend the professional services agreement with Taft Stettinius & Hollister LLP to increase the compensation by fifteen thousand dollars (\$15,000), with a new not to exceed amount of seventy-five thousand dollars (\$75,000).
1. The Director of DMD is hereby authorized and directed to take such further actions and execute such documents as she deems necessary or advisable to effectuate the authorizations set forth in this Resolution.
2. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

By: /s/Toae Kim
Toae Kim, Deputy Chief Counsel

Date: 4/24/23

Metropolitan Development Commission:

By: _____
John Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-E-015**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the governing body of the City of Indianapolis – Department of Metropolitan Development (“DMD”); and

WHEREAS, the Revised Code of the Consolidated City and County Section 181-702 allows DMD to make a public purpose grant upon the adoption of a resolution by the Commission; and

WHEREAS, the City Market Corporation is responsible for the operation of the Indianapolis City Market which is available and open to the public; and

WHEREAS, on January 18, 2023, the Commission approved Resolution No. 2023-E-002 which authorized DMD to make a public grant to the City Market Corporation to assist in funding the maintenance and operation of the City Market in an amount not to exceed \$270,800 for the year 2023; and

WHEREAS, DMD wishes to amend the grant amount to the City Market Corporation for the year 2023 by \$29,200 for a new amount not to exceed \$300,000 for the year 2023.

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

1. The Director is hereby authorized to make a public grant to the City Market Corporation, with such terms and conditions as he deems necessary or advisable, to assist in funding the maintenance and operation of the City Market in an amount not to exceed \$300,000 for the year 2023.

2. The Director is hereby authorized and directed to take such further actions and execute such documents as he deems necessary or advisable to effectuate the authorizations set forth in this Resolution.

3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:

/s/Toae Kim _____
Toae Kim, Deputy Chief Counsel

John J. Dillon III, President

Date: 4/24/23

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
FINAL ECONOMIC REVITALIZATION AREA RESOLUTION
Resolution No. 2023-A-019
PERSONAL PROPERTY TAX ABATEMENT**

GeniPhys, Inc.
7750 Zionsville Road

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to the installation of new equipment (hereinafter the "Project") in Economic Revitalization Areas; and

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

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

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

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

WHEREAS, the Applicant has requested that the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the installation on the Subject Real Estate of certain new manufacturing, logistical distribution, information technology, and/or research and development equipment (hereinafter "Specified New Equipment"); and

WHEREAS, during a preliminary hearing at 1:00 p.m. on Wednesday, April 19, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and the Commission adopted **Preliminary Resolution No. 2023-A-018 (“Preliminary Resolution”)**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area, and subject to the adoption of a confirming resolution by the Commission and subject to limiting conditions, and it fixed 1:00 p.m. on Wednesday, **May 3, 2023**, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in whether the Subject Real Estate should be designated as an Economic Revitalization Area to allow for the installation of the Specified New Equipment; and

WHEREAS, a copy of such Preliminary Resolution was properly filed with the Marion County Assessor and proper legal notices were published indicating the adoption and substance of such Preliminary Resolution and stating when and where such final hearing would be held; and

WHEREAS, pursuant to Commission Resolution No. 01-A-041, 2001, the Applicant and City have entered into a Memorandum of Agreement which shall be utilized to measure compliance with the proposed Project described in the attachment to this resolution; and

WHEREAS, at such final Hearing, evidence and testimony, and Factual Assertions 1 through 6 stated on the attachment to the Preliminary Resolution,) were considered by the Commission.

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now confirms, adopts and approves such Preliminary Resolution and thereby designates, finds and establishes the Subject Real Estate to be an Economic Revitalization Area. This designation is subject to the conditions that designation allows abatement of property taxes only relative to the installation of the Specified New Equipment on the Subject Real Estate. However, on the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature to the Specified New Equipment, prior to March 1 of the year in which the initial certified deduction application for the Specified New Equipment is filed with the County Assessor.
2. **The Economic Revitalization Area designation terminates December 31, 2026. Accordingly, partial abatement of property taxes is allowed relative to Specified New Equipment installed and in operation on the Subject Real Estate during the period from May 3, 2023, to December 31, 2026.** However, termination of this designation does not limit the time the Applicant or successor owner is entitled to receive a partial abatement of property taxes, relative to Specified New Equipment installed on the Subject Real Estate before termination of such designation, to a period of less than six (6) years.
3. The partial abatement of property taxes attributable to the installation of the Specified New Equipment is subject to limitations contained in I.C. 6-1.1-12.1-4.5 (c) and (d).
4. This Economic Revitalization Area designation is limited to allowing partial abatement of property taxes attributable to the installation of the Specified New Equipment on the Subject Real Estate and does not allow the abatement of real property taxes attributable to redevelopment or

rehabilitation activities under I.C. 6-1.1-12.1-3. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to installation of specified new equipment in the ERA, to those respective tax savings attributable to an equipment investment of not greater than \$7,500,000.00.

5. The Commission has determined that the Project can reasonably be expected to yield the benefits identified in the attached personal property statement of benefits (the "Statement of Benefits") and that the Statement of Benefits is sufficient to justify the partial abatement of property taxes requested, based on the following findings:
 - A. The estimate of the cost of the Specified New Equipment is reasonable for equipment of that type.
 - B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
 - C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of the Specified New Equipment.
 - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed installation of the Specified New Equipment.
 - E. The "Totality of Benefits" is sufficient to justify the deduction.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the Applicant and the City, and/or the Statement of Benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the attached Memorandum of Agreement and/or "Statement of Benefits" or failure to respond to the mandatory survey.
7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this resolution annually for not less than twelve (12) years. The dates of the initial twelve (12) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2024 and 2035.
8. The Statement of Benefits is approved and the Subject Real Estate area and Applicant's Specified New Equipment are approved for an abatement deduction period of **six (6) years**.

9. The six (6) year personal property tax abatement shall utilize the following deduction schedule:

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	85%
3 rd	66%
4 th	50%
5 th	34%
6 th	25%

10. A copy of this Resolution shall be filed with the Marion County Auditor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Bruce Schumacher, Vice Secretary

Date

Approved as to Legal Form
and Adequacy this 25th day of
April, 2023

/s/Toae Kim

Toae Kim
Deputy Chief Counsel

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address:.....7750 Zionsville Road

New Jobs Created.....43

Jobs Retained:2

Estimated Cost of Equipment: \$7,455,000.00

STAFF ANALYSIS

GeniPhys, Inc is a start-up biosciences business developing its headquarters, research and initial manufacturing facility to commercialize a patented polymerized collagen technology. The company was founded by a Purdue University professor of Biomedical Engineering and a former Eli Lilly and Covance executive.

GeniPhys would lease 8,200 square feet in an existing 80,000-square foot industrial/flex building for this new facility. The company would invest \$7,455,000 in eligible taxable personal property to equip the new facility, including modular labs and related improvements in order to accommodate its headquarters, R&D and manufacturing operations. Additionally, the company would invest \$800,000 in real estate improvements and \$1,565,000 in non-eligible personal property to establish the new GeniPhys facility.

The petitioner will be donating five percent of its estimated abatement savings to workforce development, in form of donations to the IndyAchieves Completion Grant program. Additionally, GeniPhys will partner with Employ Indy's "Talent Bound" initiative, a youth-oriented STEM workforce development program.

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

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

RECOMMENDATION: Staff recommends approval of six (6) years personal property tax abatement.

TOTALITY OF BENEFITS**PETITIONER:**

GeniPhys, Inc.

INVESTMENT:

Staff estimates that the proposed investment of \$7,455,000.00 should result in an increase to the tax base of approximately \$2,982,000.00 of assessed value in the first year of operation. Staff estimates that over the six (6) year personal property tax abatement period the petitioner will realize savings of approximately \$260,449.73 (a 64.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$141,532.81 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$63,439.46 in personal property taxes annually related to the new equipment.

EMPLOYMENT:

The petitioner estimates that this project will retain two (2) jobs at an average wage of \$65.00/hr. and create forty-three (43) jobs at an average wage of \$40.03/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS:

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

STAFF COMMENT:

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

PROJECT SUMMARY

Applicant: GeniPhys, Inc.

Subject Real Estate: 7750 Zionsville Road

Pike Township Parcel Number: 6013688

Project Description:

GeniPhys, Inc is a start-up biosciences business developing its headquarters, research and initial manufacturing facility to commercialize a patented polymerized collagen technology. This technology is intended for medical use, to promote human tissue generation while avoiding inflammation and scarring.

GeniPhys would lease 8,200 square feet in an existing 80,000-square foot industrial/flex building for this new facility. The company would invest \$7,455,000 in eligible taxable personal property to equip the new facility, including modular labs and related improvements in order to accommodate its headquarters, R&D and manufacturing operations. Additionally, the company would invest \$800,000 in real estate improvements and \$1,565,000 in non-eligible personal property to establish the new GeniPhys facility.

New Jobs Created: 43 at \$40.03/hr.

Jobs Retained: 2 at \$65.00/hr.

Estimated Cost of Project: \$7,455,000.00

RECOMMENDATION: Staff recommends approval of six (6) years personal property tax abatement.

GeniPhys, Inc.
7750 Zionsville Road



Legend

-  Parcels
-  Project Site



0 370 740 1,480 Feet

Produced by: DMD REED April 11, 2023

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

Resolution No. 2023-A-020

REAL PROPERTY TAX ABATEMENT

Sentry Ventures LLC and Sentry BioPharma Services, Inc.
4605 Decatur Boulevard and 4410 Kollman Road

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of five (5) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of less than five (5) years.
4. This Economic Revitalization Area (ERA) designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment and rehabilitation activities occurring in the ERA, to those respective tax savings attributable to the renovation and redevelopment of an existing building not greater than 84,000 square feet of leasable area, and the construction of a 55,000 square foot addition, as reflected in the Site Plan on file.
5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.
6. The Commission fixes 1:00 p.m. on Wednesday, June 7, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at five (5) years and establish an abatement schedule.

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

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Bruce Schumacher, Secretary

Date

Approved as to Legal Form
and Adequacy this 25th day
of April, 2023

/s/Toae Kim_____
Toae Kim,
Deputy Chief Counsel

ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Sentry Ventures LLC and
Sentry BioPharma Services, Inc.

Subject Real Estate: 4605 Decatur Boulevard and 4410 Kollman Road

Decatur Township Parcel Numbers: 2011651 & 2001370

PROJECT DESCRIPTION

Sentry Ventures, LLC and Sentry BioPharma Services, Inc. (collectively, “Sentry”) are affiliated companies operating in the cold chain storage, FDA-compliant labeling and packaging and distribution sectors of the life sciences industry. Sentry was founded in 2004 in Indianapolis and is currently headquartered at the subject site, an 80,732-square foot office and cold storage warehouse facility, located in the Ameriplex industrial park.

Sentry has proposed a real property investment of \$12,100,000 to construct a 55,000-square foot addition to its existing facility to support expanded operations, resulting in approximately 135,000 total square feet of area for operations and cold storage. The proposed investment and increased building area will accommodate an expansion of the Sentry workforce, with the retention of 36 existing positions and the creation of 20 net new positions by 2028.

FACTUAL ASSERTIONS

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

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

PROPOSED ABATEMENT SCHEDULE
SENTRY VENTURES LLC AND SENTRY BIOPHARMA SERVICES, INC.
REAL PROPERTY TAX ABATEMENT

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

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located in the Ameriplex industrial park, just south of I-70 and the Airport.

Current Zoning: C-S

Qualified New Jobs Created:..... 20

Qualified Jobs Retained:..... 36

Estimated Cost of proposed project: \$12,100,000.00 (Real Property)

STAFF ANALYSIS

Sentry Ventures, LLC and Sentry BioPharma Services, Inc. (collectively, “Sentry”) are affiliated companies operating in the cold chain storage, FDA-compliant labeling and packaging and distribution sectors of the life sciences industry. The company was founded in 2004 in Indianapolis and currently headquartered at an 80,732-square foot Decatur Boulevard facility, with clients in over 40 countries.

Sentry is considering a \$12,100,000 real property investment to construct a 55,000-square foot addition to its existing facility, which would provide them approximately 135,000 total square feet of operations and cold storage. This expansion project follows an approximate \$9MM, 30,000-square foot warehouse expansion of the facility in 2019. The proposed investment and increased building area will accommodate an expansion of the Sentry workforce, with the retention of 36 existing positions and the creation of 20 net new positions by 2028.

The company’s Inclusivity Plan will dedicate five percent of the estimated abatement value toward eliminating barriers to job access. The Plan includes infrastructure improvements to the general area of the Project Site, which will primarily consist of new public sidewalks on Decatur Boulevard, southwest of the Subject Site. These new sidewalks will facilitate transit use within the industrial park by completing missing sidewalk segments enroute to IndyGo transit service.

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

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

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

TOTALITY OF BENEFITS

PETITIONER: Sentry Ventures LLC and Sentry BioPharma Services, Inc.

INVESTMENT: Staff estimates that the proposed investment of \$12,100,000.00 should result in an increase to the tax base of approximately \$9,075,000.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of approximately \$938,059.51 (a 63.9% savings). During the abatement period, the petitioner is expected to pay an estimated \$530,865.12 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of \$153,988.45 annually (pay 2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$447,791.58 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the value of existing improvements.

QUALIFIED EMPLOYMENT: The petitioner estimates that this project will retain thirty-six (36) positions at an average wage of \$34.68/hr. and will create twenty (20) positions at an average wage of \$25.00/hr. Staff finds these figures to be reasonable for a project of this nature.

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

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

Sentry Ventures LLC and Sentry BioPharma Services, Inc.
4605 Decatur Boulevard and 4410 Kollman Road



Legend

- IndyGo Transit Routes
- Parcels
- ▨ Project Site



0 370 740 1,480 Feet

Produced by: DMD REED April 20, 2023

STAFF REPORT

Item 21.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-847 / 2022-CVR-847
Address: 2619, 2625 and 2627 West Washington Street (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Purewal Holdings, Inc., by David Kingen and Emily Duncan
Requests: Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

ADDENDUM FOR MAY 3, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on April 13, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the variance requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

April 13, 2023

The Hearing Examiner continued these petitions from the December 15, 2022 hearing, to the February 9, 2023, at the request of staff and the petitioner's representative.

The Hearing Examiner continued these petitions from the from the February 9, 2023 hearing, to the April 13, 2023, at the request of the petitioner's representative.

RECOMMENDATIONS

Staff **recommends denial** of the request. If the request would be approved, staff would recommend that such approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

(Continued)

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A high intensity activated crosswalk (aka a HAWK crossing), including marked crosswalks and pedestrian countdown signals, shall be installed and operating prior the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.39-acre site, zoned C-4, is comprised for three parcels, two of which are undeveloped and the third is developed with a mixed-use building. It is surrounded by single-family dwellings to the north, across West Washington Street, zoned C-4; single-family dwellings to the south, zoned D-5; commercial uses to the east, zoned C-4; and commercial uses to the west, across Holmes Street, zoned C-4.

REZONING

- ◇ This request would rezone the site from C-4 (TOD) District to the MU-2 (TOD) classification to provide for mixed-use development. "The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.
- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. "The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also 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."

(Continued)

- ◇ The Comprehensive Plan consists of two components that include the Pattern Book 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

- 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.

Small-Scale Multi-Family Housing (defined as Single or multiple buildings each with five or more legally-complete dwelling units in a development of less than two acres and at a height of less than 40 feet.).

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Small-Scale Offices, Retailing and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise.

(Continued)

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ¼ mile walk (approximately 652 feet) of a proposed transit stop located at the intersection of West Washington Street and Bellevue Place, with a Walkable Neighborhood typology.
- ◇ Walkable neighborhood stations are primarily residential but may have a commercial node of one to two city blocks, with a mix of uses at station with stabilized residential beyond; off-street parking is discouraged and should be limited to garages.
- ◇ Characteristics of the District Center typology are:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of three stores throughout
 - No front or side setbacks at core; 0-15 feet front setbacks and 0-20 feet side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

(Continued)

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
 3. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Site Plan

- ◇ The updated site plan, file-dated November 18, 2022, depicts a 5,245-square foot building with 15 off-street parking spaces and a trash enclosure at the southeast corner.
- ◇ Access to the site would be from Holmes Avenue. Landscaped areas are proposed along the eastern and western boundaries and along the east / west alley to the south.
- ◇ Elevations, file-dated November 18, 2022, indicate a two-story structure, with a primary entrance along West Washington Street. Secondary entrances are located along Holmes Avenue and adjacent to the parking to the rear.

Planning Analysis

- ◇ As proposed, this request would provide for a two-story mixed-use building, with 5,245 square feet of retail space, occupied by a liquor store, on the first floor and four dwellings on the second floor.
- ◇ The proposed use would be consistent with the Comprehensive Plan of village mixed-use but it would not be supportive of the walkable neighborhood typology of the transit oriented development that recommends primarily residential with mixed uses at transit stations and residential uses beyond the station. Additionally, off-street parking is discouraged and limited to garages.
- ◇ Residential uses at this site could be supportable but the liquor store, without the appropriate separation and buffer would not be acceptable and would be incompatible with adjacent sensitive uses, such as single-family dwellings.
- ◇ Furthermore, encroachment of a parking lot for commercial uses into neighborhood would further exacerbate the impact of the liquor store.

(Continued)

- ◇ Staff understands that liquor stores and convenience stores typically generate pedestrian activity from surrounding neighborhoods. Staff is very concerned because the high volume of traffic along West Washington Street, a primary arterial, and the location of this proposed development between traffic signals, would compromise the safety of the customers from the surrounding neighborhood. Staff, therefore, is requesting that, if approved, a high intensity activated crosswalk (also known as a HAWK crossing) be installed prior to the issuance of an Improvement Location Permit (ILP).
- ◇ A HAWK crossing is non-illuminated until it is activated by a pedestrian that triggers multiple driver cues that emphasizes the potential of the presence of a pedestrian. These upscale devices have proven to be much more effective than the typical crosswalk and should be installed with marked crosswalks and pedestrian countdown signals.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a liquor store located 87 feet from a protected district when the Ordinance requires a minimum of 100 feet. As previously noted, this provision provides an appropriate buffer that mitigates the negative impact of an intense commercial use upon adjacent residential uses, which are much less of an intense use.
- ◇ Furthermore, the location of the parking lot pushes activities associated with a liquor store within a few feet of residential uses to the south (approximately 15 feet).
- ◇ The request would allow a parking lot to be accessed from Holmes Avenue. The Ordinance requires adjacent alley access when available. A 15-foot wide east / west alley (Alley 25 S) abuts the southern property line and could be used to access the site.
- ◇ One of the purposes of alley access is to minimize pedestrian / vehicular conflicts that could possibly occur along city streets. As a walkable neighborhood within the TOD overlay, relocating access to the site from the alley would avoid potential conflicts between vehicles and pedestrians along Holmes Avenue.
- ◇ The Ordinance requires a minimum of 60% front building line along Holmes Avenue. If granted this variance would allow for a reduced front building line of 42.4%. No documentation has been submitted substantiating a practical difficulty with meeting with the Ordinance. Staff believes this is further evidence that the site cannot accommodate the proposed development without resulting negative impacts on the surrounding land uses, particularly the residential uses.
- ◇ This request would allow for a parking lot totaling 43.9% of the lot width along Holmes Avenue that exceeds the required 40% of the lot width. Admittedly, the 3.9% difference would have minimal impact on surrounding land uses, but the combination of the need for four variances for this development project is a clear indication that this site is not appropriate for the proposed development and would have a negative and detrimental impact on existing land uses and minimal support of transit-oriented development in this area of Washington Street.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4

Undeveloped / mixed-use

SURROUNDING ZONING AND LAND USE

North -

C-4

Single-family dwellings

South -

D-5

Single-family dwellings

East -

I-4

Undeveloped land

West -

C-1

Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

The Blue Line Transit Oriented Development Strategic Plan, (2018)

THOROUGHFARE PLAN

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 80-foot right-of-way and a proposed 88-foot right-of-way.

This portion of Holmes Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within a Transit Oriented Development overlay (Blue Line).

SITE PLAN (AMENDED)

File-dated November 18, 2022

ELEVATIONS

File-dated November 18, 2022.

FINDINGS OF FACT (AMENDED)

File-dated March 24, 2022

ZONING HISTORY

2021-ZON-084; 2619 West Washington Street (north of site), requested rezoning of 0.16 acre from the C-4 district to the D-5 district, **approved**.

(Continued)

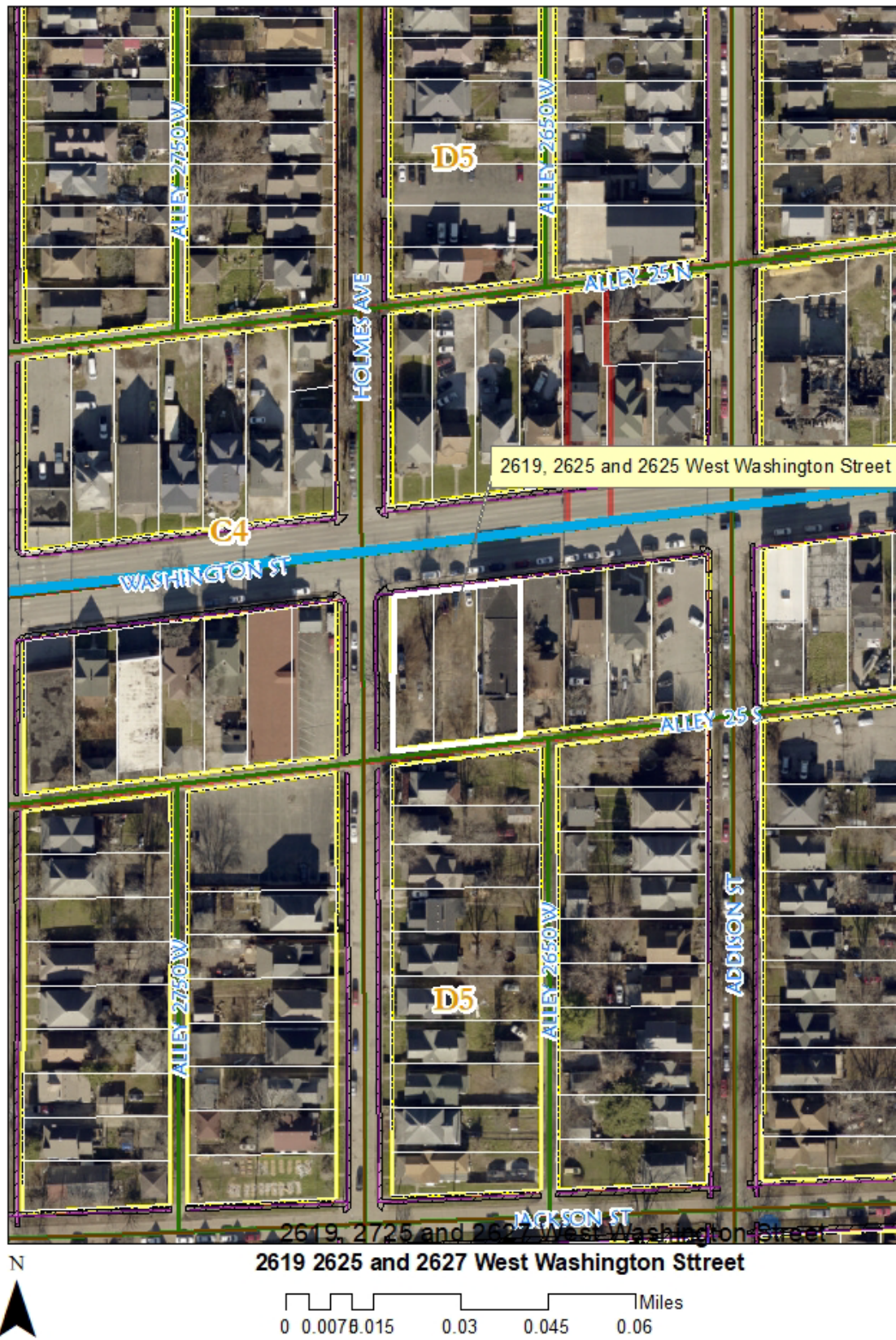
2009-UV2-005; 2705 West Washington Street, (west of site), requested a variance of developments standards of the Commercial Zoning Ordinance to provide for a nightclub with alcohol sales within 13.4 feet of a protected district, with a minimum of 30 off-street parking space; and a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for a commercial use, **granted.**

95-UV3-8; 2610 West Washington Street (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a two-story addition to a single-family dwelling, **granted.**

95-UV3-38; 2614 West Washington Street (north of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish an above-ground pool associated with a single-family dwelling, **granted.**

89-UV3-7; 2602 West Washington Street (east of site), requested a variance of us of the Commercial Zoning Ordinance to provide for remodeling of an existing structure to an apartment hotel with two on-site parking spaces and 13 off-site parking spaces, **granted.**

kb



MEMORANDUM OF EXAMINER'S DECISION

2022-CZN/CVR-847

2619-2627 W. Washington Street

The petitions request the rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development, with a liquor store with deficient distance from a protected district, a parking lot that does not gain access from an alley and that exceeds the total width permitted, and with deficient building frontage.

Your Hearing Examiner visited the site prior to the hearing and noted the vacant multi-family building on it. While some commercial development is in the area, the predominant land use is residential.

The petitioner's representative described the plan to build a two story building with a liquor store on the main floor and residential units on the second floor. A petition of support with about 27 signatures was submitted, although the petition lacked details about the companion petitions. The architect talked about design, building materials, and landscaping, and the petitioner said that jobs would be created and tax revenue would be generated.

Two remonstrators appeared at the hearing, representing local neighborhood organizations, and seven letters of remonstrance were presented. The primary concern was that the proposed development would not contribute to the Quality of Life and Great Places Plan.

Staff opined that the requested MU-2 district is consistent with the Comp Plan recommendation of Village Mixed Use, but it is inconsistent with the TOD overlay. Uses within the TOD overlay should be walkable and, primarily, residential. The requested variances would endanger pedestrians, particularly by not having alley access.

In your Hearing Examiner's opinion, the proposed development neither promotes walkability nor contributes to quality of life in this neighborhood. Denial of these petitions was recommended.

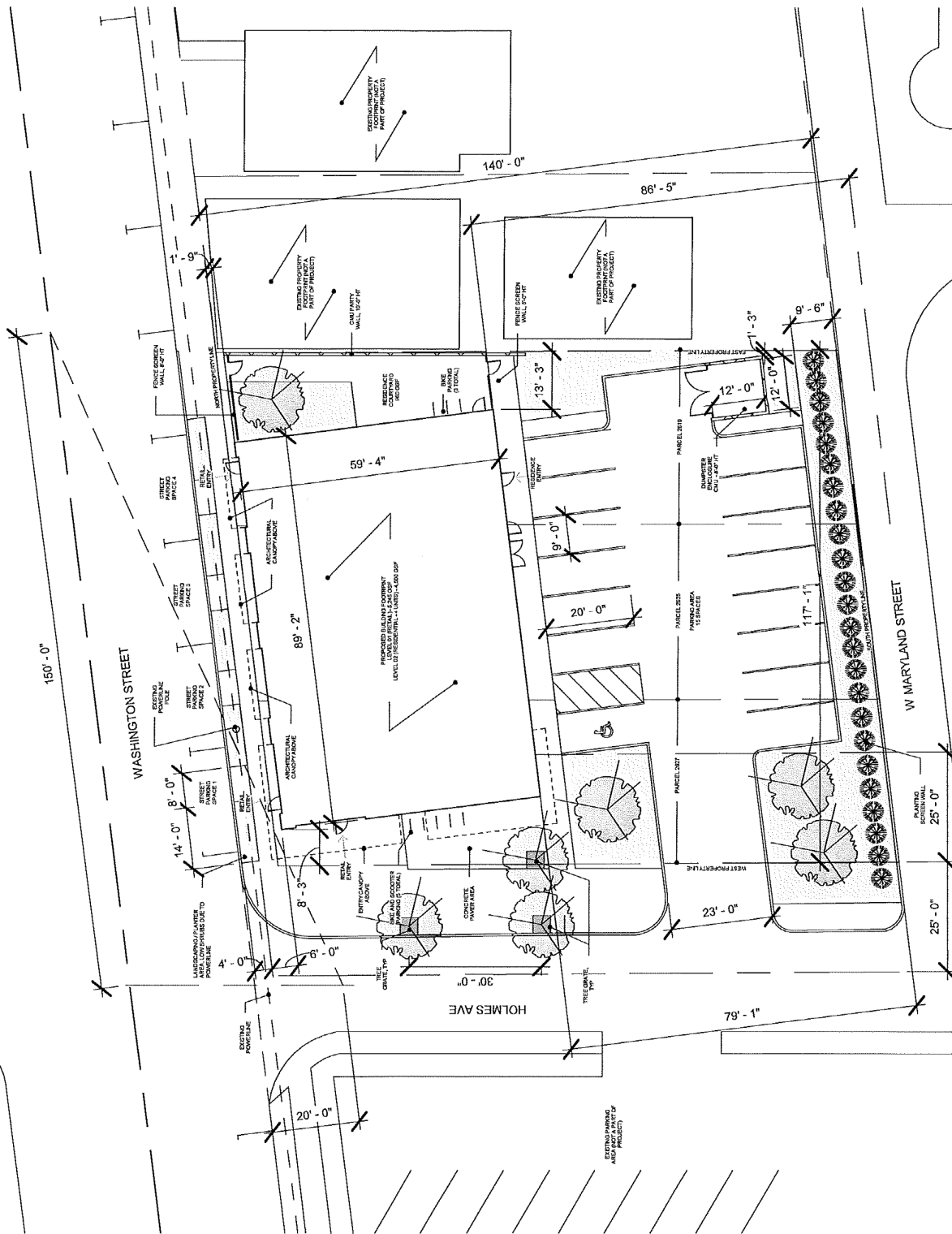
For Metropolitan Development Commission Hearing on May 3, 2023

ATTACHMENT "C"

Petitioner envisions mixed use project with limited neighborhood commercial use on the ground floor with 2nd story dwelling units to recreate some of the historic character of this segment of the old National Road. The development will fill a void of taking vacant and providing infill commercial development consistent with the historic character of the area. The proposed infill neighborhood serving commercial development will provide neighborhood employment opportunities for the residents of the nearby Stringtown, Hawthorne, We Care neighborhoods while allow transportation opportunities for persons seeking to travel east to the regional Center and to the west to places in Wayne Township to the Airport via the purple line.

7/21/22

Metropolitan Development
Jul 27 2022
Division of Planning

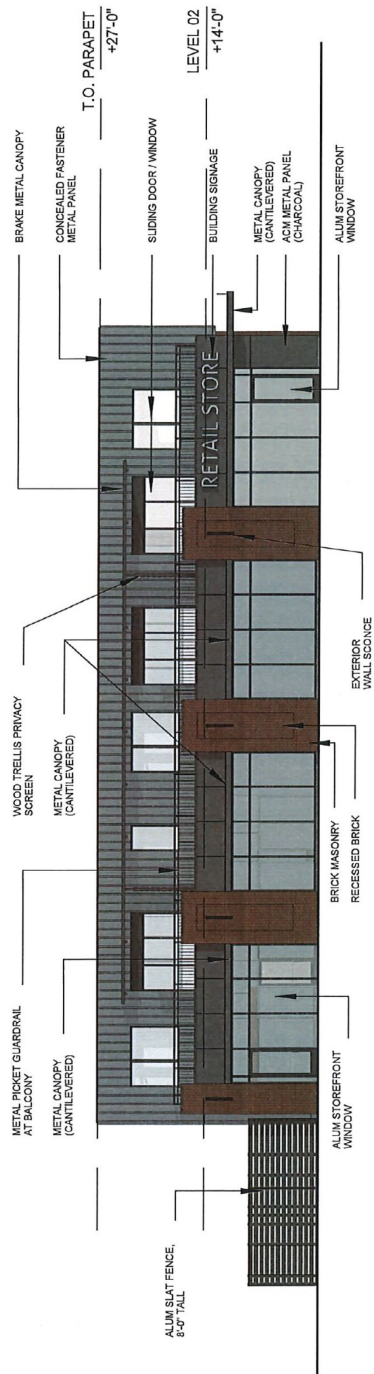


NET DEVELOPMENT PROPOSED SITE PLAN

A1.1

1 PROJECT SITE PLAN

DRAWN BY: SDM / - / HARJINDER PUREWAL / 10/25/2022



1 NORTH EXTERIOR ELEVATION (WASHINGTON ST)

1" = 20'-0"



2 WEST EXTERIOR ELEVATION (HOLMES AVE)

1" = 20'-0"

WEST WASHINGTON STREET DEVELOPMENT
EXTERIOR ELEVATIONS

A1.2

DRAWN BY: SDM / - / HARJINDER PUREWAL / 10/25/2022

ATTACHMENT "C":

Petitioner seeks Variance of Development Standards to allow for: the following Variances:

1. To allow for the separation of a liquor store to be 87' from the protected district to the south (One-hundred-foot separation of a liquor store from a protected district required to be one hundred feet)
2. To allow for a surface parking lot to be accessed from a public street,, when an improved alley is abutting a site on a corner lot.
3. To allow for the surface parking lot along Holmes Avenue to have a non-building width of 43.9 % (maximum 40% permitted)
4. To allow a surface parking lot off Holmes Street frontage that is 63 linear feet from the alley north to the southwest corner of the building (56 linear feet of surface parking lot permitted measured from the alley to the southwest corner of the building)

10/26/22



View looking east along West Washington Street



View looking west along West Washington Street



View looking south along Holmes Avenue



View of site looking south



View of site looking east across Holmes Avenue



View of site looking east along east / west alley that abuts the southern boundary of site



View of site looking north



View of site looking north



View from site looking west at intersection of West Washington Street and Holmes Avenue



View from site looking north across West Washington Street



View from site looking southwest across Holmes Avenue



View from site looking northwest across West Washington Street

STAFF REPORT

Item 22.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-872 / 2022-CVR-872
Address: 4822 East Edgewood Avenue and 5820 South Emerson Avenue
(Approximate Addresses)
Location: Perry Township, Council District #24
Petitioner: IN Indianapolis Emerson, LLC, by Joseph Calderon
Request: Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).

ADDENDUM FOR MAY 3, 2023, METROPOLITAN DEVELOPMENT COMMISSION

The Metropolitan Development Commission continued these petitions from the March 15, 2023 hearing, to the May 3, 2023 hearing, at the request of the remonstrator's representative.

ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on February 23, 2023. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The remonstrator's representative has requested a **continuance from the March 15, 2023 hearing, to the May 3, 2023 hearing**, because she is unavailable. Petitioner's representative opposes a continuance. Staff would have no objection to the continuance.

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

The Hearing Examiner continued these petitions from the January 26, 2023 hearing, to the February 23, 2023 hearing, at the request of the remonstrator's representative.

At the request from the neighborhood organization, the petitioner's representative submitted a memorandum, file-dated January 25, 2023, that updated the traffic count included in the previously Traffic Impact Study (TIS), file-dated January 10, 2022. The counts were taken at the intersection of East Edgewood Avenue and South Arlington Avenue on January 20, 2023, during the morning and afternoon peak hours.

(Continued)

When a comparison was made between the two traffic counts, it has been determined that the difference in the traffic counts was negligible and had minimal impact on the previous collected data. Consequently, the results and recommendations of the original TIS remains valid. The Department of Public Works staff has concluded this memorandum is acceptable.

January 26, 2023

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the December 15, 2022 hearing, to the January 12, 2023 hearing. At the request of the petitioner's representative, the Hearing Examiner granted a continuance request from the January 12, 2023, hearing to the January 26, 2023 hearing.

Staff has been advised that an update on the Traffic Impact Study (TIS) is underway but has not been submitted for review. Additionally, the remonstrators have engaged the services of an attorney who has requested a **continuance from the January 26, 2023 hearing, to the February 23, 2023 hearing**. Staff would have no objection of this continuance request.

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. A minimum 43-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, including abutting the parcel to the west of the site, 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 / receptables provided for the proper disposal of trash and other waste.
4. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

(Continued)

5. Additional DPW commitments installed prior to occupation of any of the dwelling units:
 - A. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
 - B. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing.
 - C. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
 - D. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
 - E. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved and eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
 - F. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
 - G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
 - H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 21.232-acre site, zoned D-A, C-1 and C-3, is comprised of four parcels. It is undeveloped and surrounded by single-family dwellings, a retention pond and undeveloped land to the north, zoned D-3, D-A and C-1, respectively; single-family dwellings, to the south, across East Edgewood Avenue, zoned D-A; undeveloped land to the east, zoned C-3; and a single-family dwelling to the west, zoned D-A.
- ◇ Petitions 2021-ZON-125 / 2022-VAR-001 requested rezoning of 19.82 acres from the D-A, C-1 and C-3 districts to the D-6 classification to provide for multi-family residential development and variance of the development standards to provide for multi-family development with a building height of 56 feet and a minimum livability ratio of 0.51. These petitions were withdrawn.
- ◇ Petitions 2006-ZON-133 and 2006-ZON-134 rezoned the central portion of the site to the C-1 District and the frontages along South Emerson Avenue and East Edgewood Avenue to the C-3 District.

(Continued)

REZONING

- ◇ This request would rezone the site to the D-6 classification to provide for multi-family development, consisting of 62 townhomes and 270 apartments at a density of 15.6 units per acre. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. 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.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood for a majority of the site. “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 Comprehensive Plan recommends Office Commercial for southeast corner of the site. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Continued)

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.
- 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.

Attached Housing

- 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.

Multifamily Housing

- Should be located along arterial or collector streets, parks, or greenways.
- 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.

Traffic Impact Study (TIS)

- ◇ A Traffic Impact Study, file-dated January 10, 2022, was conducted for the previous petitions and remains valid for these petitions because the overall number of units are the same.

(Continued)

- ◇ 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.
- ◇ Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.
- ◇ The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would generate a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.
- ◇ Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.
 - Install a southbound right-turn lane on Emerson Avenue
 - Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
 - Adjust signal timings to account for the new phasing
- ◇ It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.
- ◇ The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.

(Continued)

- ◇ The DPW has requested the additional following traffic and pedestrian infrastructure improvements:
1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
 2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site
 3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
 4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
 5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
 6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
 7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
 8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located scattered throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

(Continued)

- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

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.

(Continued)

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

Site Plan (Conceptual)

- ◇ The site plan, file-dated November 16, 2022, provides for eight townhome buildings located on the north, south and west perimeter of the site for a total of 62 units, with five three-story multi-family buildings and three four-story multi-family buildings for a total of 270 multi-family dwelling units located along South Emerson Avenue and interior to the site.
- ◇ There would be 427 surface parking spaces for the multi-family development and 186 parking spaces (surface and garage) for the townhomes.
- ◇ There would be two access drives along South Emerson Avenue and one access along the eastern portion of East Edgewood Avenue.
- ◇ Amenity spaces would include a dog park along the East Edgewood Avenue frontage and firepit / outdoor games area, interior to the site and between the townhomes and the multi-family structures. A clubhouse and swimming pool area would be centrally located. Walking trails and indoor / outdoor fitness facilities would also be available.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a multi-family development building height of 49.5 feet when the Ordinance limits the building height to 45 feet in the D-6 District. Because the 49.5-foot-tall four-story structures would be located along South Emerson Avenue, staff believes the impact would be minimal on the surrounding residential uses. Furthermore, the two-story townhomes would be adjacent to the single-family dwellings and provide an appropriate buffer from the taller structures.
- ◇ This request would also allow for a minimum livability ratio of 1.33 when the Ordinance requires a ratio of 1.80. The basic intent of the land use intensity ratios for multi-family development is to establish the intensity that would be consistent with the characteristics of the site and the location within the community.
- ◇ Staff believes the reduction in the livability ratio is supportable because of the variety of amenities that are being proposed. Staff, however, would request that the final site plan be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that would provide more details, including, but not limited to, specific types and locations of amenities.

Planning Analysis

- ◇ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density would be 15.6 units per acre.

(Continued)

- ◇ Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.
- ◇ This density exceeds the recommended density for the suburban neighborhood typology, but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable, with the infrastructure improvements requested by the Department of Public Works.
- ◇ Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A / C-1 / C-3	Undeveloped
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SURROUNDING ZONING AND LAND USE

North -	D-3 / D-A / C-1	Single-family dwellings / retention pond / undeveloped
South -	D-A	Single-family dwellings
East -	C-3	Undeveloped
West -	D-A	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology and office commercial.
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THOROUGHFARE PLAN	This portion of East Edgewood Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing right-of-way ranging from 37 feet to 140 feet and a proposed 80-foot right-of-way. This portion of South Emerson Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 140-foot right-of-way and a proposed 86-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	There is no overlay for this site
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CONCEPTUAL SITE PLAN	File-dated November 16, 2022
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(Continued)

CONCEPTUAL LANDSCAPE PLAN	File-dated November 16, 2022
ELEVATIONS – MULTI-FAMILY	File-dated November 16, 2022
ELEVATIONS - TOWNHOMES	File-dated November 23, 2022
FINDINGS OF FACT	File-dated November 16, 2022
TRAFFIC ANALYSIS STUDY (TIS)	File-dated January 10, 2022
TIS UPDATE MEMORANDUM	Filed-dated January 25, 2023

ZONING HISTORY

2021-ZON-125 / 2022-VAR-001; 4822 East Edgewood Avenue and 5820 South Emerson Avenue, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn**.

2006-ZON-133; 5820 South Emerson Avenue; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved**.

2006-ZON-134; 5820 South Emerson Avenue, rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved**.

VICINITY

2004-ZON-049; 5800 South Emerson Avenue (north of site), rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

2002-UV1-004; 5800 South Emerson Avenue (north of site), variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted**.

2002-ZON-012; 5935 South Emerson Avenue (east of site), rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved**.

2005-APP-002; 5905-5935 South Emerson Avenue (east of site), modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved**.

2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site), rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved**.

(Continued)

2005-ZON-215; 5640 South Emerson Avenue (north of site), rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved**.

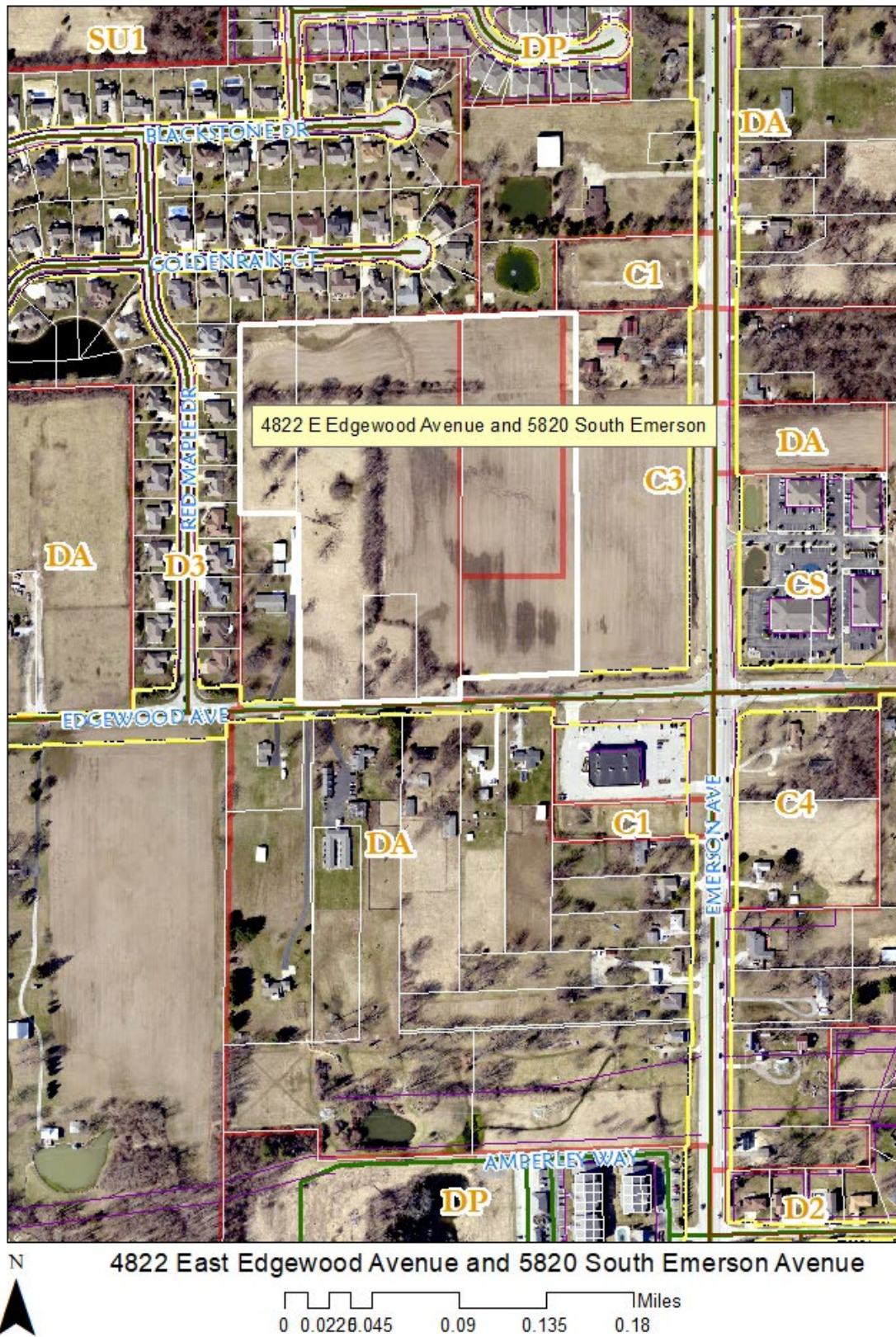
2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site), rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved**.

95-Z-183; 5728 South Emerson Avenue (west of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

95-Z-73; 4684 East Edgewood Avenue (west of site), rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved**.

95-Z-35; 4784 East Edgewood Avenue (west of site), rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved**.

kb



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 buildings exceeding the maximum height requirement are located to the far east of the Subject Property, in between commercial outlots,
3-story multi-family buildings, and townhomes providing for an appropriate transition, and the overall development will feature meaningful
open / recreation space for the multi-family and townhome components of the development.

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:
there will be a transition in both intensity and building height as it relates to the single family development to the north and
adequate setbacks and buffer yard space will also be provided.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
the livability space ratio is used on certain assumptions regarding density and open space, which should not be a one-size-fits-all approach
given the property being located along a highly traveled corridor served by public transportation, which is contemplated to have higher
density pursuant to the Comprehensive Plan. The maximum height in the Ordinance is too limiting given the changes to multi-family construction
which have resulted in higher floor to ceiling heights.

DECISION

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

Adopted this _____ day of _____, 20 ____

**REQUEST FOR APPEAL
OF THE HEARING EXAMINER'S OR PLAT COMMITTEE'S RECOMMENDATION TO THE
METROPOLITAN DEVELOPMENT COMMISSION**

PETITION CASE
NUMBER(S):

2022 CZN 872 / 2022 CVR 872

ADDRESS: 4622 East Edgewood Ave. and 5820 South Emerson Ave.

The undersigned, pursuant to the Rules of Procedure of the Metropolitan Development Commission, hereby requests an appeal of the hearing on the petition(s) referenced above.

The petition will be scheduled to be heard by the Metropolitan Development Commission:

March 15, 2023

(MDC Hearing Date)

This request is being made by or on behalf of the (check one):

☒ petitioner(s)
☒ remonstrator(s)
☐ Administrator of the Division of Planning

This request is being made by:

Woods & Meadows HOA
(print name)

The undersigned certifies that:

- 1) This Appeal has been filed with the Administrator of the Division of Planning relating to a:
 - ☒ Rezoning, plat, vacation, variance, special exception, modification or approval petition no later than 5:00 p.m., five (5) business days following Hearing Examiner's or Committee's decision.
- 2) Notice of this Appeal has been mailed to all persons entitled to receive notice under the applicable Rules of Procedure and attorneys, agents or other individuals who have entered their appearance or are known to be representing:
 - a) The petitioner(s), who shall serve all remonstrators' attorneys who appeared at the hearing, or if no attorneys were present, shall serve the first two people who spoke on behalf of all remonstrators, or
 - b) The remonstrator(s), who shall serve the petitioner's attorney, or if none were present, the petitioner as named and at the address stated in the petition.
 - c) The Administrator of the Division of Planning, who shall serve both petitioner and remonstrators as described above.
- 3) Upon the same day the request for Appeal is filed in the offices of the Commission, notice shall be served by mailing a copy of this Appeal Request to such persons by First Class Mail, postage prepaid. *A list of all persons, with names and addresses, to whom notice has been given is attached hereto and incorporated herein by reference.*

Date 02/28/2023

Signature

Tami Etherton on behalf of Woods & Meadows HOA

Printed Name

Tami Etherton

Address

7915 S. Emerson Ave.

Suite 119

City, State, Zip

Indianapolis, IN 46237

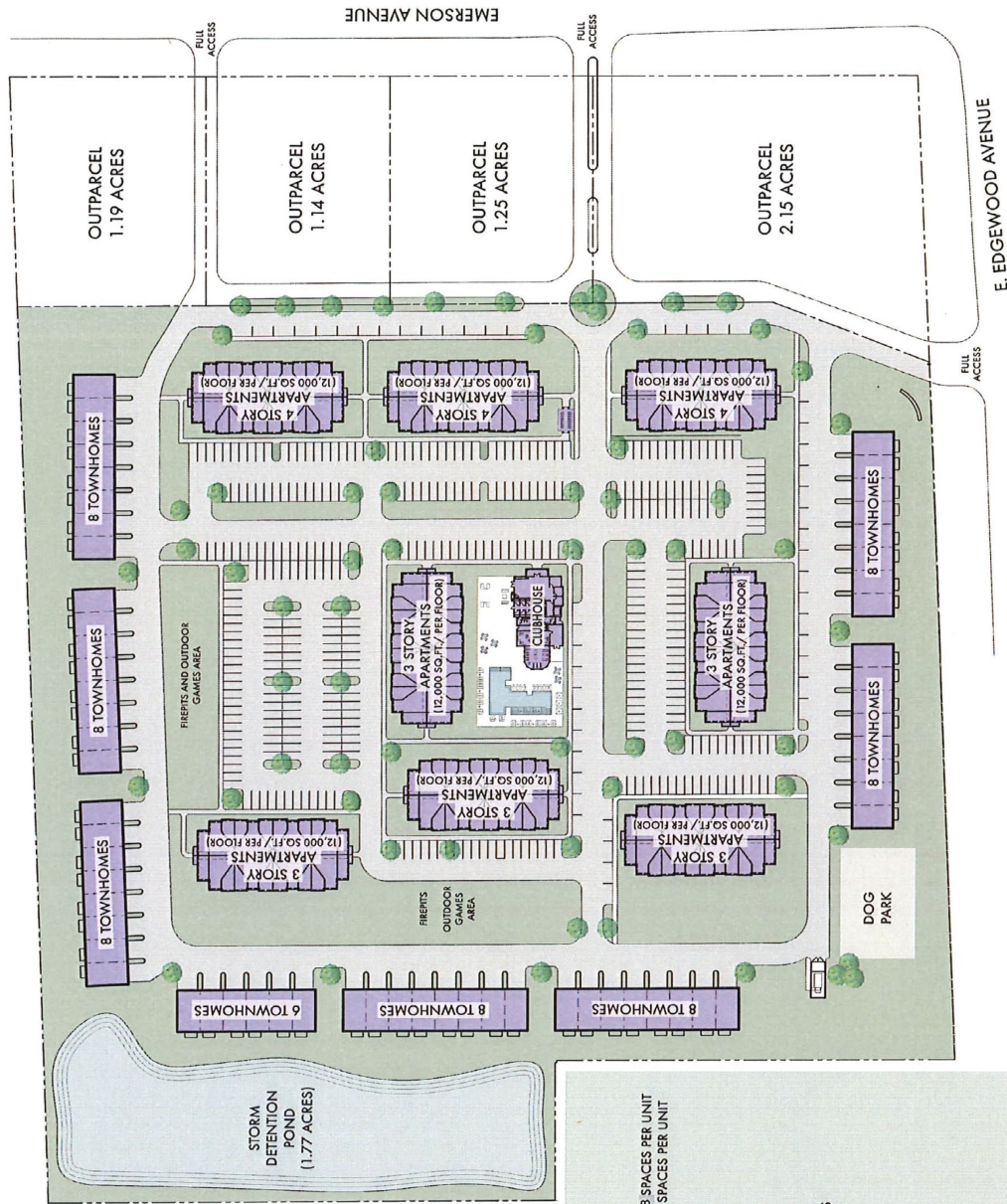
Phone/Fax

317-222-1080

Email

tami@indycrossroads.com

cc: Joe Calderon



CSP-13 PROJECT OVERVIEW

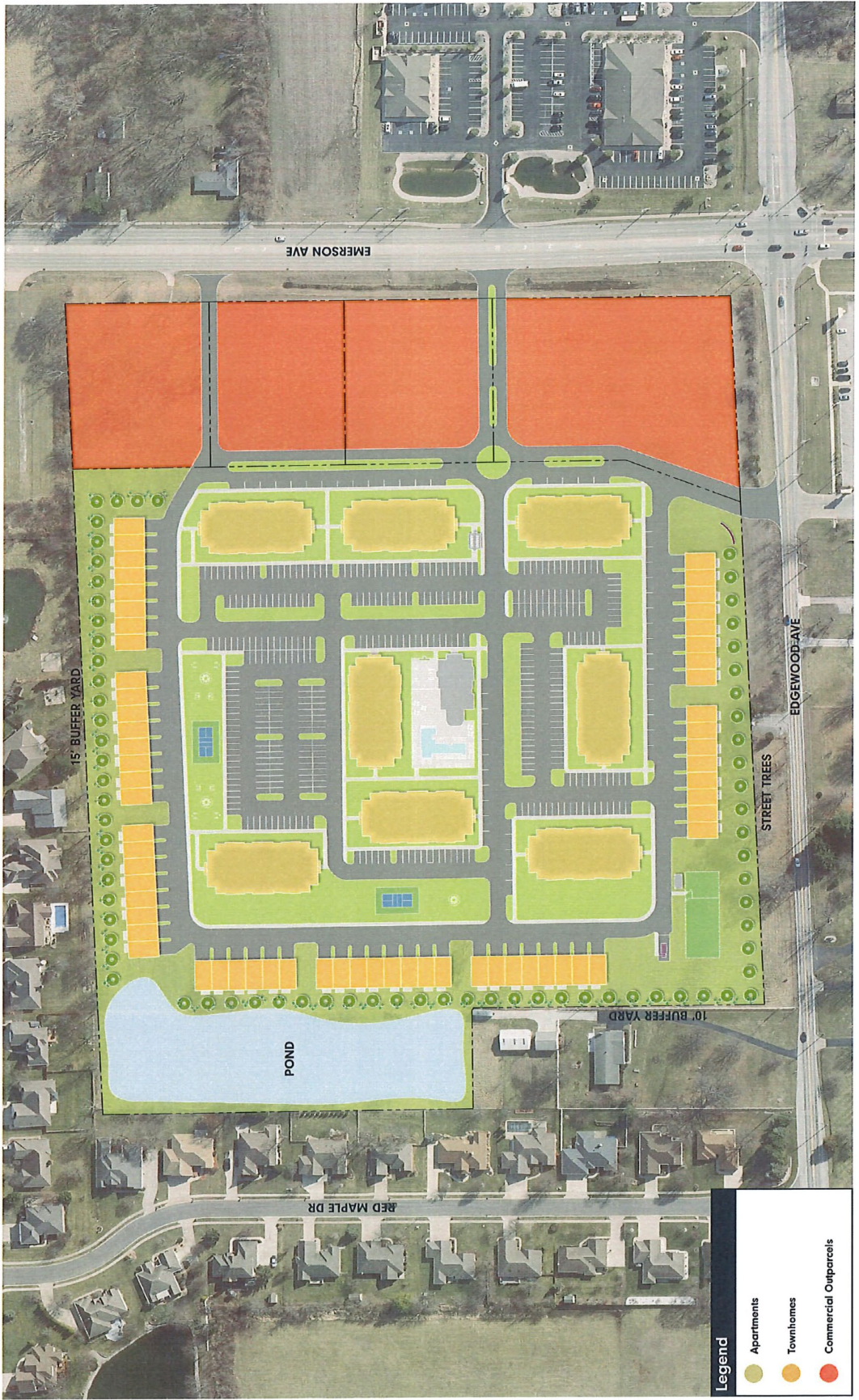
- 270 APARTMENT UNITS
 - 62 TOWNHOME UNITS
 - 427 SURFACE PARKING (APARTMENTS) 1.58 SPACES PER UNIT
 - 184 PARKING SPACES (TOWNHOMES) 3.0 SPACES PER UNIT
- SITE AREA = 921,249 SQ.FT.
 BUILDING AREA = 170,745 SQ.FT.
 TOTAL BUILDING AREA = 433,614 SQ.FT.
 VEHICULAR AREA = 260,811 SQ.FT.
 LIVABILITY SPACE = 226,824 SQ.FT.
 LIVABILITY RATIO = 1.33
- POOL W/ OUTDOOR SEATING AND AMENITIES
 FIRE PITS
 OUTDOOR RECREATION
 WALKING TRAILS
 DOG PARK
 CENTRAL MAIL AND PACKAGE
 VALET TRASH
 INDOOR AND OUTDOOR FITNESS
 PLENTY OF GREEN SPACE

SCHEMATIC SITE PLAN FOR
 IN-INDIANAPOLIS-EMERSON

CSP-13
 SEPTEMBER 21, 2022

FOR PRELIMINARY USE ONLY. THIS DOCUMENT IS NOT A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY REQUIREMENTS.





EMERSON & EDGEWOOD NEW DEVELOPMENT
PRELIMINARY LANDSCAPE PLAN
REALTYLINK

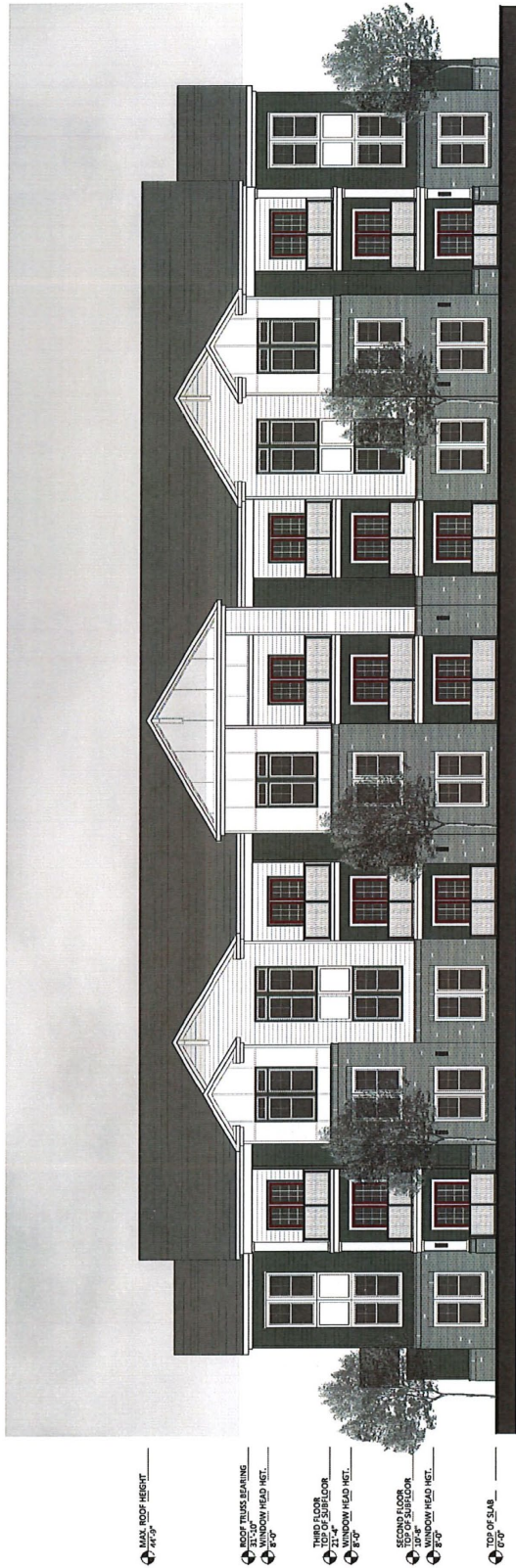
Mapographic Date/Version
Nov 23 2022
Division of Planning

SCALE: 1" = 40'
0' 20' 40'

OCTOBER 28, 2022







IN-INDIANAPOLIS-EMERSON
SCHEMATIC ELEVATIONS
THREE AND FOUR STORY APARTMENT BUILDINGS
NOVEMBER 8, 2022

Exhibit A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking east along East Edgewood Avenue



View looking north at intersection of South Emerson Avenue and East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking northwest across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking northwest across South Emerson Avenue

STAFF REPORT

Item 23.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-030
Address: 50 North Tibbs Avenue (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: City of Indianapolis – Department of Metropolitan Development, by Jeffrey York
Request: Rezoning of 12.07 acres from the I-2 and D-P (TOD) Districts to the D-10 (TOD) District to provide for a multi-family residential development.

RECOMMENDATIONS

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:

The final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 12.07-acre site zoned I-2 is developed with former State of Indiana, Department of Transportation buildings. The site is surrounded with an athletic field and a Charter School to the north and east, which are within the Central Greens development, zoned D-P, automobile-related commercial uses to the south, zoned C-5, and a mobile home community to the west, zoned D-11.

REZONING

- ◇ This request would rezone the site from the I-2 district to the D-10 classification provide for multi-family development uses. "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-density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book."
- ◇ The Comprehensive Plan recommends Special Use development, in recognition of the former use of the site, a State-owned garage facility. The request to D-10 would not be responsive with the Plan, however, the existing I-2 zoning, is wholly inappropriate for this site, which is near a large City-initiated development, Central Greens. The Central Greens site is also a formerly State-owned site, formerly known as Central State, that the City acquired several years ago.

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- ◇ The Comprehensive Plan consists of two components that include the Pattern Book 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

- 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.
- 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.

Large-scale multifamily 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.)

- 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 located along an arterial street.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- 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.

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TRANSIT-ORIENTED DEVELOPMENT OVERLAY

- ◇ The site is within the Transit-Oriented Development Overlay secondary district. Specifically, the Blue Line Strategic Plan identifies the site within Segment 2, or Near West area. For primarily residential zones, the Blue Line Strategic Plan places this site in 'Walkable Neighborhood', where residential is the primary use, but is within one to two blocks of commercial nodes. This is the case for this site. The Blue Line Strategic Plan recommends a residential density over 12 units per acre and buildings between two and four stories.

Site Plan

- ◇ The site plan, file-dated April 13, 2023, provides for 176, one, two- and three- bedroom dwelling units, in ten buildings, with 204 parking spaces. The density of this development would be 14.58 units per acre.
- ◇ Staff understands that the site plan is conceptual, however, the plan indicates several resident amenities, such as a dog park, picnic area, playground area, and a green open space area. Sidewalks are proposed along a portion of Tibbs Avenue.
- ◇ No required bicycle parking is shown on the site plan.

Planning Analysis

- ◇ As proposed, this request would be an acceptable deviation with the Comprehensive Plan recommendation of special use, as well as surrounding land uses that consist of multi-family dwellings, a charter school, and a large residential development within Central Greens. The request would meet one of the goals of the Blue Line Strategic Plan, which is to substantially increase residential density near transit.
- ◇ Staff is concerned that the site plan may not fully meet the required D-10 standards, including the Walkable Neighborhood Design Standards, therefore, would request that a commitment that the site plan, landscape plan and elevations be submitted, for Administrator's Approval, prior to obtaining an Improvement Location Permit.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

I-2	Former State of Indiana garages
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SURROUNDING ZONING AND LAND USE

North -	D-P	Athletic fields / charter school
South -	C-5	Automobile-related commercial uses
East -	D-P	Charter school / Central Greens
West -	D-11 / I-2	Mobile home community

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends special use.
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THOROUGHFARE PLAN

This portion of Tibbs Avenue is designated in the Marion County Thoroughfare Plan as a primary collector with an existing proposed 56-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

TRANSIT-ORIENTED
DEVELOPMENT OVERLAY

This site is located within the Blue-Line Transit-Oriented Development overlay, however, the proposed D-10 district would be exempt from TOD use and development standards.

SITE PLAN

File-dated April 13, 2023

ELEVATIONS

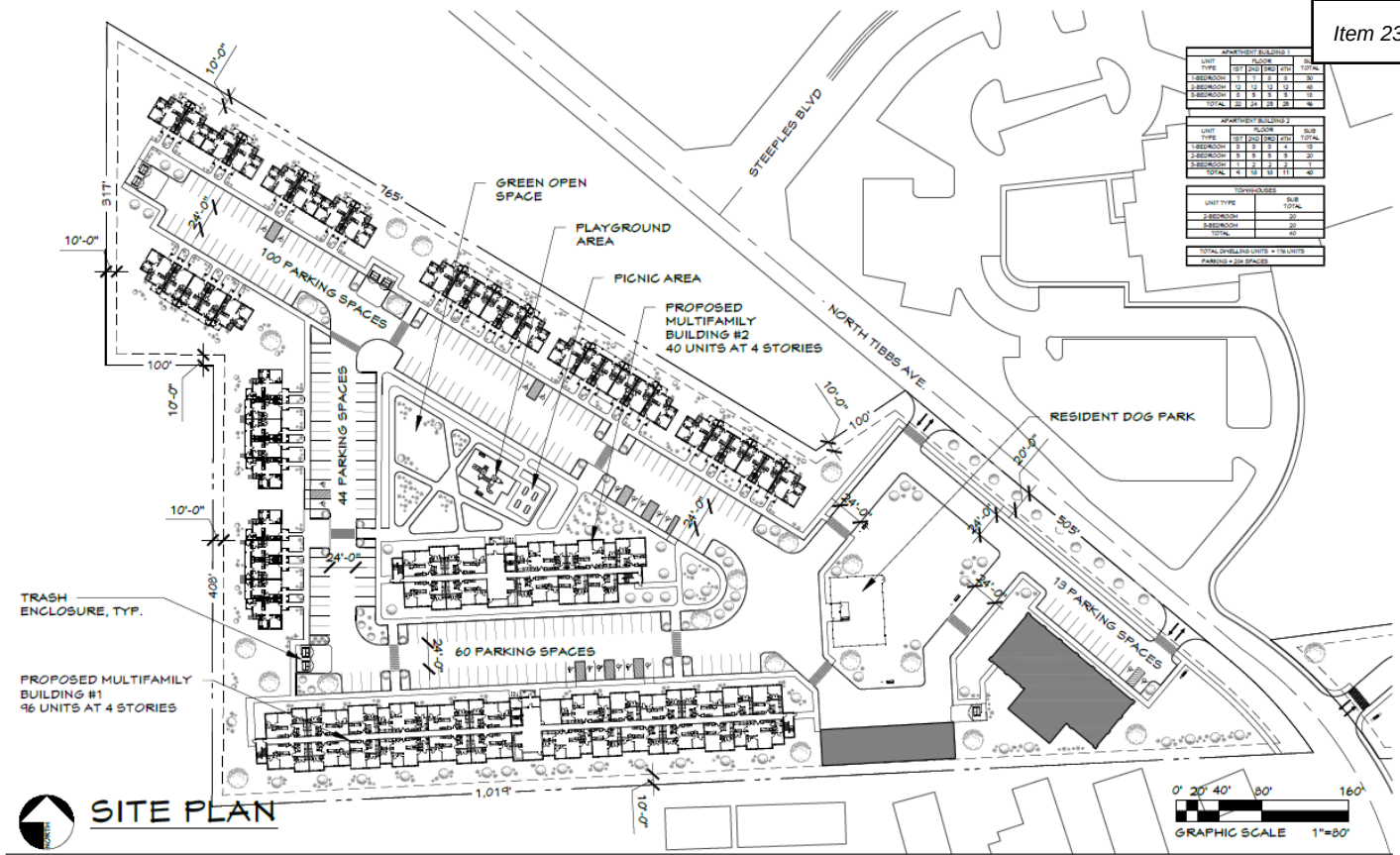
None

ZONING HISTORY

2007-ZON-134; 3000 West Washington Street, requested a rezoning of 149.94 acres, from the HD-1, HD-2, PK-1, and SU-9 districts to the D-P district, to provide for a mixed-use development, including residential, commercial, cultural, and recreational uses, **approved**.

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74



SITE PLAN



ARCHITECT OF RECORD:
PCI DESIGN GROUP, INC.
500 SOUTH FRONT ST. SUITE 975
COLUMBUS, OH 43215

PROJECT TYPE:
**MULTI-FAMILY
HOUSING**

SHEET NAME:
SITE PLAN

DATE:
03-31-2023

PROJECT NAME:
TIBBS GARAGE
50 NORTH TIBBS AVENUE
INDIANAPOLIS, IN 46222

SUBMITAL:
**REQUEST FOR
PROPOSAL**

SHEET:
A2.1



Proposed site plan (top); view of site from across Tibbs Avenue, looking west



View of site from across Tibbs Avenue (top); and Tibbs Avenue (site is to the left)



Views of existing buildings on the subject site



Views of existing buildings on the subject site



View of northern portion of the site (top); view of charter school east of the site