



# Metropolitan Development Commission (March 20, 2024) Meeting Notice

## Meeting Details

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

**Date:** Wednesday, March 20, 2024

**Time:** 1:00 PM

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

## Business:

**Adoption of Meeting Minutes: March 6, 2024**

## Policy Resolutions:

### REAL ESTATE:

**1. 2024-R-007**

Metropolitan Development Commission authorizes DMD to enter into a contract with Green Earth Lawn Services, Inc. for mowing services on DMD-owned properties. The agreement will extend through 2025, with an overall contract amount not to exceed four hundred thousand dollars (\$400,000.00).

### ECONOMIC DEVELOPMENT / INCENTIVES:

**2. 2024-A-010 (For Public Hearing)**

Final Economic Revitalization Area Resolution for E Solutions, LLC, Edwards Electrical & Mechanical, Inc. , and Southern Avenue Partnership, LLC, located at 3233 North Post Road, Council District #15, Warren Township. (Recommend approval of five (5) years real property tax abatement.)

**3. 2024-A-011 (For Public Hearing)**

Final Economic Revitalization Area Resolution for E Solutions, LLC, and Edwards Electrical & Mechanical, Inc., located at 3233 North Post Road, Council District #15, Warren Township. (Recommend approval of five (5) years personal property tax abatement.)

**4. 2024-C-001**

Authorizes DMD to contract for consulting services with Shrewsberry & Associates LLC for Services in an amount not-to-exceed two hundred fifty-five thousand dollars (\$255,000).

## Zoning Petitions:

### Special Requests

### PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

**5. 2023-ZON-086 | 6185, 6421, 6423, 6441 and 6531 East 34th Street**

Warren Township, Council District #13  
Ben Singh Bashal, by David Gilman

Rezoning of 6.32 acres from the D-3 and C-S districts to the C-7 district to provide for truck/trailer parking and repair.

**6. 2023-ZON-101 | 3905 East Raymond Street and 3820 and 3912 Bethel Avenue**

Center Township, Council District #21 (#19 Beginning 2024)  
Malwa Truck & Tire Repair Shop, LLC, by David Gilman

Rezoning of 17.25 acres from the D-3 (FW) (FF), C-7 (FF) and I-3 districts to the C-7 (FW) (FF) district to provide for heavy commercial uses.

**7. 2023-ZON-119 | 7725 Kentucky Avenue**

Decatur Township, Council District #20 (#21 Beginning 2024)  
Lennar Homes of Indiana, LLC, by Brian J. Tuohy

Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

**8. 2024-ZON-001 | 7110 and 7120 US 31**

Perry Township, Council District #22  
J & A Homes, Inc. and Jiries Ishak, by David Gilman

Rezoning of 3.04 acres from the D-A and C-1 districts to the C-3 district to provide for neighborhood commercial uses.

**9. 2024-ZON-005 | 977 Roache Street**

Center Township, Council District #12  
Inno Properties, LLC, by Anthony Morman

Rezoning of 0.086 acre from the C-1 district to the D-5II district to provide for residential uses.

**10. 2024-ZON-006 | 1573 East 73rd Street**

Washington Township, Council District #2  
Charles and Victoria Huffstutler, by Thadeus Starsiak

Rezoning of 0.17 acre from the C-3 (FF) district to the D-4 (FF) district to allow for residential development.

**11. 2024-ZON-008 | 8560 North College Avenue**

Washington Township, Council District #2  
Blake and Associates, by Jonathan Blake

Rezoning of 0.64 acre from the SU-7 district to the SU-1 district to provide for religious uses.

**12. 2023-CZN-858 | 7338 Five Points Road**

Franklin Township, Council District #25  
Narinder Sodhi, by Joseph D. Calderon

Rezoning of 5.45 acres from the D-A district to the D-2 district to provide for five single-family detached dwellings.

**13. 2023-CZN-868 | 9024 West Mooresville Road**

Decatur Township, Council District #20 (#21 Beginning 2024)  
Dean Ehrgott & Greg Gass, by David Gilman

Rezoning of 2.88 acres from the D-A district to the D-1 district to provide for two residential lots.

**14. 2024-CZN-803 | 2051 Columbia Avenue**

Center Township, Council District #13  
Padbros, LLC (Brian Maire), by Mark and Kim Crouch

Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes.

- 15. 2024-CAP-805 | 3507 North Hawthorne Lane**  
Warren Township, Council District #9  
PK-1 (TOD)  
Indianapolis Parks and Recreation, by Andre Denman

Park District One approval to provide for the development of basketball courts, bleachers, walking trails and shade structures.

**PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):**

- 16. 2023-ZON-102 | 117 (119) North Sherman Drive**  
Center Township, Council District #12 (#18 Beginning 2024)  
Verma Properties, Inc., by Sharmin Frye

Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

**Petitions for Public Hearing**

**PETITIONS FOR PUBLIC HEARING:**

17. VARIANCE OF USE PETITION APPROVED BY THE METROPOLITAN BOARD OF ZONING APPEALS, DIVISION ONE, APPEAL FILED BY CITY-COUNTY COUNCILORS:

**2023-UV3-022 | 8345 Bash Street**  
Lawrence Township, Council District #3 (#4 Beginning 2024)  
C-4  
CF Laughner Associates, by David Gilman

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

18. REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

**2023-ZON-109 | 5136 Michigan Road**  
Washington Township, Council District #8  
Paramount Schools of Excellence, Inc., by Brian J. Tuohy

Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

19. ZONING PETITION SCHEDULED FOR INITIAL HEARING:

**2023-ZON-127 | 5448 and 5510 South Emerson Avenue**  
Perry Township, Council District #24  
Haven Health Management, LLC, by J. Murray Clark

Rezoning of 1.82 acres from the D-P and D-A Districts to the D-P District, to provide for a mental health and addiction residential treatment facility.

20. COMPANION PETITIONS SCHEDULED FOR INITIAL HEARING:

**2024-CZN-808 / 2024-CPL-808 | 11329 Maze Road**  
Franklin Township, Council District #25  
KDB, LLC, by David A. Retherford

Rezoning of 8.18 acres from the D-A (FW) (FF) District to the D-P (FW) (FF) District, to provide for three single-family dwelling lots.

Approval of a Subdivision Plat to be known as Caldwell Farms, dividing 8.18 acres into three lots.

**\*\*Automatic Continuance to April 17, 2024, filed by Registered Neighborhood Organization**

## Additional Business:

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto: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.



Redevelopment  
DMD-owned property  
Mowing Contract

**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA  
Resolution No. 2024-R-007**

WHEREAS, the Department of Metropolitan Development, ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, is engaging in redevelopment activities in in the Marion County Redevelopment District ("Project Area"); and

WHEREAS, in furtherance of said redevelopment activities within the Project Area, the City of Indianapolis and DMD contract for mowing services-mowing, trimming and related activities ("Services") for DMD-owned properties located inside the Project Area ("DMD Properties"); and

WHEREAS, to secure a competitive price for the Services, the City conducted a Request for Bids (**RFB-13 DMD-93**) and identified **Green Earth Lawn Services, Inc.** as the responsible and responsive bidder with the lowest price to provide the required Services; and

WHEREAS, pursuant to IC 36-7-15.1-6, the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, DMD seeks authorization to enter into a contract with Green Earth Lawn Services, Inc. for an amount not to exceed four hundred thousand dollars (\$400,000.00) to provide those Services for DMD Properties for an initial two-year term through the 2025 mowing season, and as extended as allowed by contract amendment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The MDC hereby authorizes DMD to enter into a two-year agreement with Green Earth Lawn Services, Inc. for mowing Services for an amount not to exceed four hundred thousand dollars (\$400,000.00.)
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents for 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 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: 3/11/2024

Metropolitan Development Commission  
John J. Dillon III, President  
Date: \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA  
FINAL ECONOMIC REVITALIZATION AREA RESOLUTION  
RESOLUTION NO. 2024-A-010  
REAL PROPERTY TAX ABATEMENT**

**E Solutions, LLC, Edwards Electrical & Mechanical, Inc.  
and Southern Avenue Partnership, LLC  
3233 North Post 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, annual abatement schedule and deduction limit during the term of the abatement for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

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

**WHEREAS, I.C. 6-1.1-12.1** empowers the Commission, at the time an Economic Revitalization Area is designated, to limit the dollar amount of the deduction that will be allowed with respect to a project; 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,** the Applicant has requested the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the Project set forth in the attachment to this Resolution and occurring on the Subject Real Estate; and

**WHEREAS,** during a preliminary hearing at 1:00 p.m. on Wednesday, March 6, 2024, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, considered the Waiver, and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Preliminary Resolution No. 2024-A-001**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of five (5) years ("Preliminary Resolution"); and

**WHEREAS**, pursuant to Commission Resolution No. 01-A-041, 2001, the Applicant and the 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**, proper legal notices were published indicating the adoption of such Preliminary Resolution and stating when and where such final public hearing would be held.

**NOW, THEREFORE, IT IS RESOLVED:**

1. The Commission now confirms, adopts and approves such Preliminary Resolution and thereby finds and establishes the area as an Economic Revitalization Area subject to the conditions that designation as an Economic Revitalization Area allows the abatement of property taxes only relative to the Project and the effectiveness of the designation can be terminated by action of the Commission if:
  - A. The Applicant is unable to secure approval of the necessary variance or rezoning petition to provide for the proposed development.
  - B. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in the final resolutions as supplemented by information in the application, site plan and elevations; or
  - C. 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.
2. The Economic Revitalization Area (ERA) designation terminates three (3) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the ERA period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive a partial abatement of property taxes to a period of not less than five (5) years.
3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. This Economic Revitalization Area designation is limited to allowing the partial abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for installation of new manufacturing equipment under I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment in the ERA, to those respective tax savings attributable to the redevelopment of an industrial building not greater than 82,744 square feet of leasable area.
5. The Commission has determined that the Project can be reasonably expected to yield the benefits identified in the attached "statement of benefits" and 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 value of the proposed Project is reasonable for projects of that nature.
  - 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 Project.
  - 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 Project.
  - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed Project.
  - 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, Workforce Support Commitments 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 Memorandum of Agreement and/or "statement of benefits", or for 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 at least ten (10) years. The dates of the initial ten (10) surveys shall be on or about the following dates: 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2034
  8. The Subject Real Estate and Project area are approved for an abatement period of **five (5) years**.
  9. The real property tax abatement shall utilize the following abatement schedule:

**E SOLUTIONS, LLC, EDWARDS ELECTRICAL & MECHANICAL, INC.  
AND SOUTHERN AVENUE PARTNERSHIP, LLC  
REAL PROPERTY TAX ABATEMENT SCHEDULE**

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

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

METROPOLITAN DEVELOPMENT COMMISSION

\_\_\_\_\_  
John J. Dillon III, President

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this day  
of March, 2024.

Sheila Kinney 3/12/2024  
\_\_\_\_\_  
Sheila Kinney,  
Asst. Corporation Council

**STAFF ANALYSIS**  
**REAL PROPERTY TAX ABATEMENT**

Area Surrounding Subject Real Estate: The site is located in a heavy industrial area near the northeast corner of East 30th Street and North Post Road.

Current Zoning: ..... I-4

Qualified New Jobs Created: ..... 250

Qualified Jobs Retained: ..... 401

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

**STAFF ANALYSIS**

Edwards Electrical & Mechanical, Inc. is an Indianapolis-based electrical/mechanical contracting firm, offering new system installation and service for clients throughout the Midwest. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

The companies plan to relocate operations to a leased facility at 3233 North Post Road. The leased building is an 82,744-square foot industrial building, owned by Southern Avenue Partnership, LLC. For the first three years, the firms would lease and occupy 81% of the total building, with an expansion to occupy 100% of the building by 2027. The proposed project will require a real property investment of \$2,500,000 and a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

The proposed use and the planned real estate investments will result in net benefits for the area and the County. The petitioner will be donating five percent of its estimated abatement savings to support workforce development projects through Employ Indy.

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:** E Solutions, LLC, Edwards Electrical & Mechanical, Inc.  
and Southern Avenue Partnership, LLC

**INVESTMENT:** Staff estimates that the proposed investment of \$2,500,000.00 should result in an increase to the tax base of approximately \$1,250,000.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of approximately \$104,748.75 (a 71.5% savings). During the abatement period, the petitioner is expected to pay an estimated \$41,838.77 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on this portion of the property in the amount of approximately \$77,961.00 annually (pay 2023 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$112,877.25 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the value of the existing improvements and land.

**QUALIFIED EMPLOYMENT:** The petitioner estimates that this project will retain four hundred and one (401) positions at an average wage of \$33.00/hr. and will create two hundred and fifty (250) positions at an average wage of \$37.00/hr. Staff finds these figures to be reasonable for a project of this nature.

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

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

**PROJECT SUMMARY**

Applicant: E Solutions, LLC, and  
Edwards Electrical & Mechanical, Inc.

Subject Real Estate: 3233 North Post Road

Warren Township Parcel Numbers: 7042427

**Project Description:**

Founded in 1968 in Indianapolis, Edwards Electrical & Mechanical, Inc. has grown to become one of the largest electrical/mechanical contracting firms in the Midwest, offering both new system installation and also servicing of existing systems. The company was locally-owned from 1968-1998, and was re-acquired by local management in 2006. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

Edwards and E Solutions have outgrown their existing east side facility on Shadeland Avenue and have need to expand. The companies have identified a building for lease near East 30th Street and Post Road that will accommodate these needed. In order to prepare the building for occupancy and grown by the companies, a collective real property investment of not less than \$2,500,000 has been proposed. Additionally, the companies would make a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

New Jobs Created: 250 at \$33.00/hr.

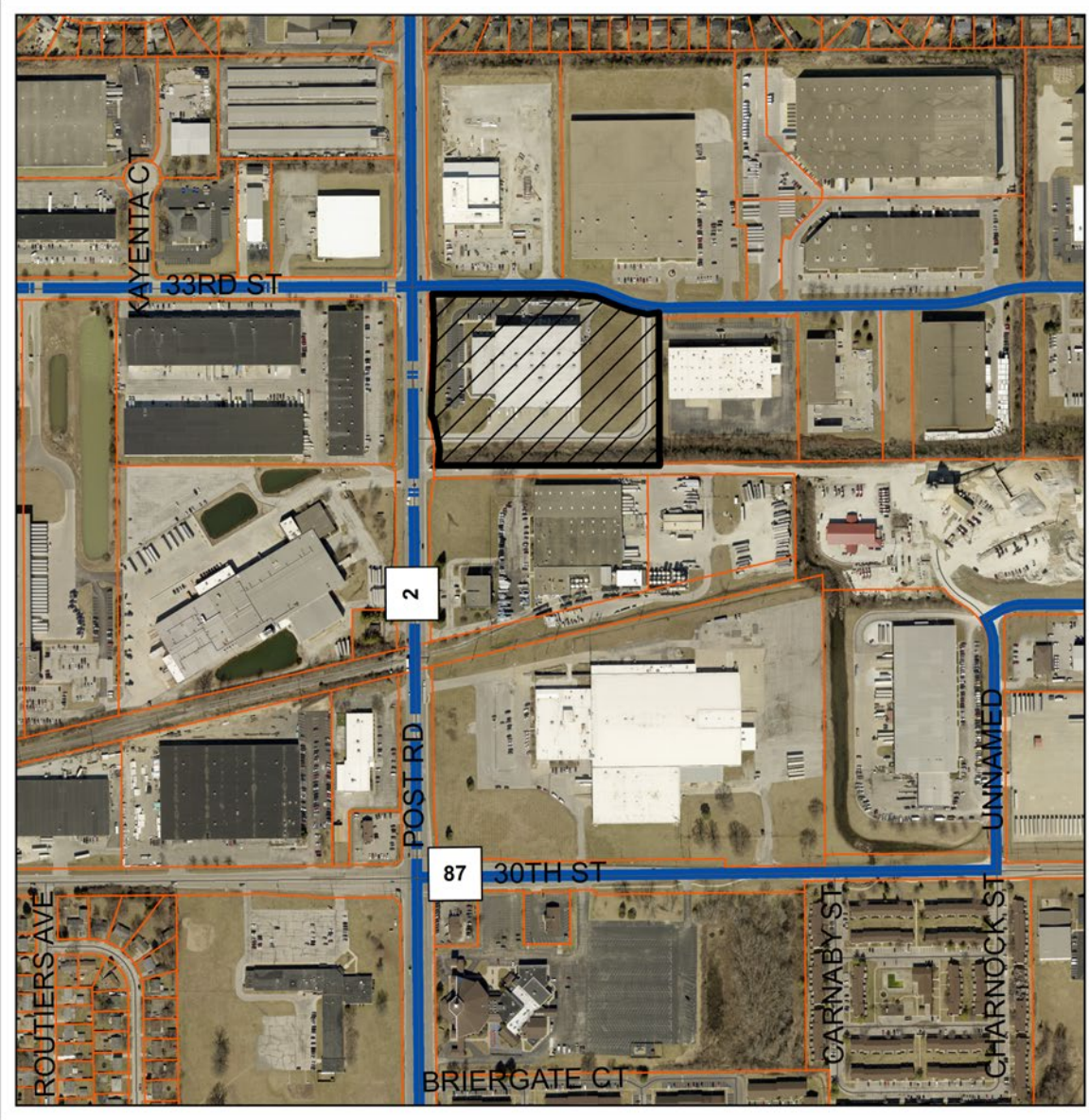
Jobs Retained: 401 at \$37.00/hr.

Estimated Cost of Project: \$3,130,000.00

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

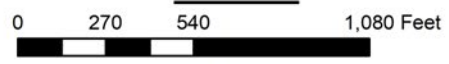


E Solutions, LLC and Edwards Electrical & Mechanical, Inc.  
3233 North Post Road



**Legend**

-  IndyGo Transit Routes
-  Parcels
-  Project Site



Produced by: DMD REED January 23, 2024

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

**Resolution No. 2024-A-011**

**PERSONAL PROPERTY TAX ABATEMENT**

**E Solutions, LLC and Edwards Electrical & Mechanical, Inc.  
3233 North Post 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, March 6, 2024, 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. 2024-A-002 ("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, **March 20, 2024**, 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, 2028. 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 March 20, 2024, to December 31, 2028.** 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 five (5) 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 \$3,200,000.00.
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 eleven (11) years. The dates of the initial eleven (11) surveys shall be on or about the following dates: 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 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 **five (5) years**.
  9. The five (5) year personal property tax abatement shall utilize the following deduction schedule:

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

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

METROPOLITAN DEVELOPMENT COMMISSION

---

John J. Dillon III, President

---

Date

Approved as to Legal Form  
and Adequacy this \_\_ day  
of March, 2024.

Sheila Kinney 3/12/2024

---

Sheila Kinney,  
Asst. Corporation Counsel

**STAFF COMMENT**  
**PERSONAL PROPERTY TAX ABATEMENT**

Street Address: .....3233 North Post Road

Qualified New Jobs Created: ..... 250

Qualified Jobs Retained: ..... 401

Estimated Cost of Equipment: ..... \$3,130,000.00

**STAFF ANALYSIS**

Edwards Electrical & Mechanical, Inc. is an Indianapolis-based electrical/mechanical contracting firm, offering new system installation and service for clients throughout the Midwest. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

The companies plan to relocate operations to a leased facility at 3233 North Post Road. The leased building is an 82,744-square foot industrial building, owned by Southern Avenue Partnership, LLC. For the first three years, the firms would lease and occupy 81% of the total building, with an expansion to occupy 100% of the building by 2027. The proposed project will require a real property investment of \$2,500,000 and a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

The proposed use and the planned real estate investments will result in net benefits for the area and the County. The petitioner will be donating five percent of its estimated abatement savings to support workforce development projects through Employ Indy.

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 personal property tax abatement.

**TOTALITY OF BENEFITS**

- PETITIONER:** E Solutions, LLC and Edwards Electrical & Mechanical, Inc.
- INVESTMENT:** Staff estimates that the proposed investment of \$3,130,000.00 should result in an increase to the tax base of approximately \$1,252,000.00 of assessed value in the first year of operation. Staff estimates that over the five (5) year personal property tax abatement period the petitioner will realize savings of approximately \$108,139.72 (a 61.8% savings). During the abatement period, the petitioner is expected to pay an estimated \$66,720.86 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$26,229.09 in personal property taxes annually related to the new equipment.
- QUALIFIED EMPLOYMENT:** The petitioner estimates that this project retain four hundred and one (401) positions at an average hourly wage of \$33.00/hr and will create two hundred and fifty (250) new positions at an average wage of \$37.00/hr. Staff finds these figures to be reasonable for a project of this nature.
- OTHER BENEFITS:** Staff believes this project is significant for Warren Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment 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: E Solutions, LLC, and  
Edwards Electrical & Mechanical, Inc.

Subject Real Estate: 3233 North Post Road

Warren Township Parcel Number: 7042427

**Project Description:**

Founded in 1968 in Indianapolis, Edwards Electrical & Mechanical, Inc. has grown to become one of the largest electrical/mechanical contracting firms in the Midwest, offering both new system installation and also servicing of existing systems. The company was locally-owned from 1968-1998, and was re-acquired by local management in 2006. E Solutions is a division of Edwards that is focused on environmentally sustainable projects. E Solutions specializes in installing and integrating many kinds of industrial systems to provide highly capable, cost-efficient, and easy-to-use controls for customers, such as aircraft de-icing, nuclear medicine, clean rooms, and security, as well as providing preventative maintenance and alert monitoring services.

Edwards and E Solutions have outgrown their existing east side facility on Shadeland Avenue and have need to expand. The companies have identified a building for lease near East 30th Street and Post Road that will accommodate these needed. In order to prepare the building for occupancy and grown by the companies, a collective real property investment of not less than \$2,500,000 has been proposed. Additionally, the companies would make a collective \$3,130,000 investment in eligible personal property (equipment). As a result of the project, Edwards and E Solutions would commit to the retention and relocation of their existing 401 jobs to the new facility, as well as the creation of 250 net new jobs by 2028.

New Jobs Created: 250 at \$37.00/hr.

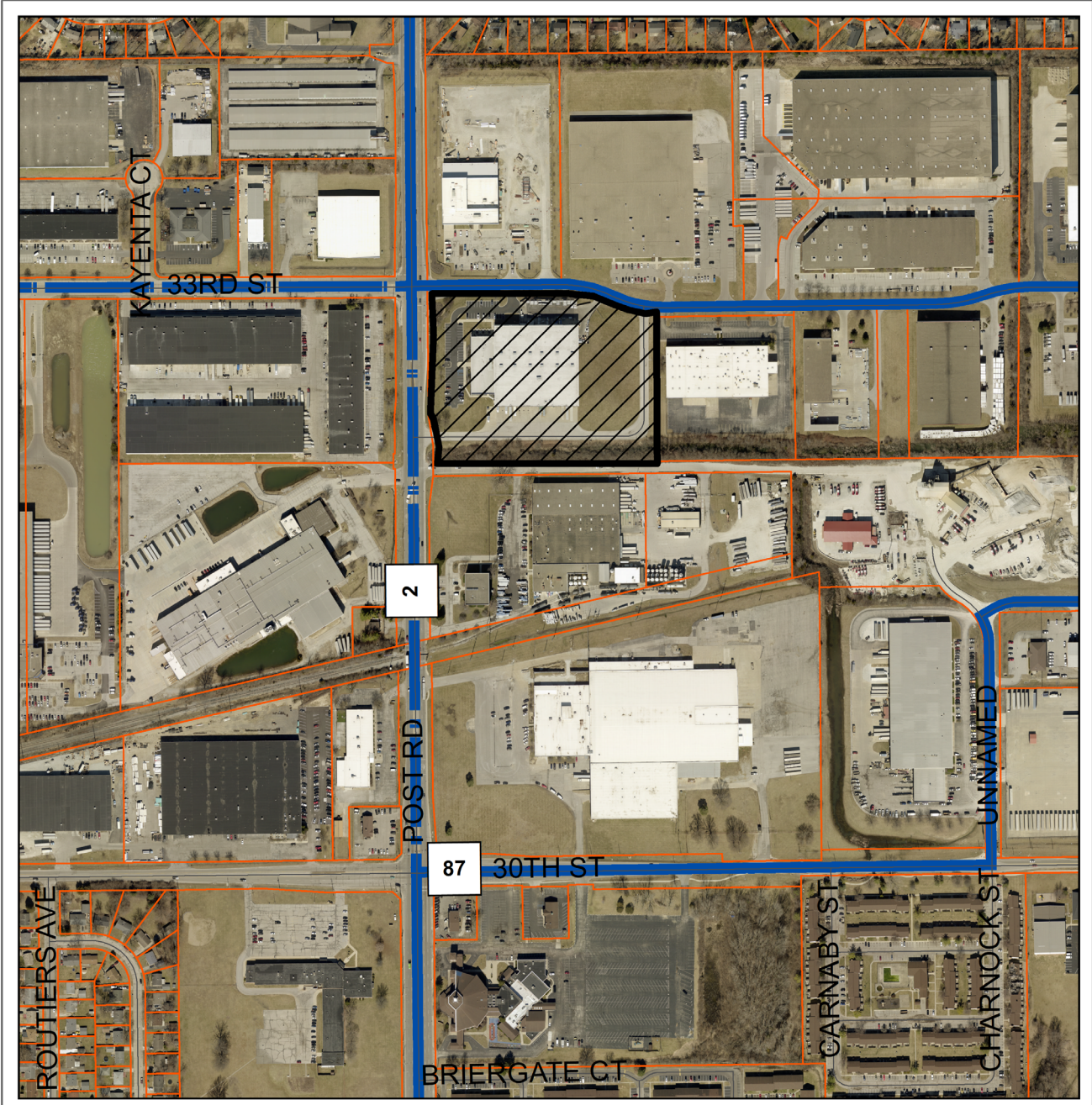
Job Retained: 401 at \$33.00/hr.

Estimated Cost of Project: \$3,130,000.00

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



E Solutions, LLC and Edwards Electrical & Mechanical, Inc.  
3233 North Post Road



**Legend**

- IndyGo Transit Routes
- Parcels
- Project Site



0 270 540 1,080 Feet

Produced by: DMD REED January 23, 2024

Professional Services  
Consulting  
Contracts

**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA  
Resolution No. 2024-C-001**

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

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

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, and as allowed by I.C. 5-22-6, DMD requires timely consulting services to support advancement of its efforts to diversify and increase housing options in the City, including but not limited to assistance in applying for available funding and serving as an owner’s representative (“Services”) as needed by DMD; and

WHEREAS, DMD desires to enter into a contract with **Shrewsberry & Associates LLC** for Services in an amount **not-to-exceed \$255,000** with contract Services to be paid from all sources of funding available for such Services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. DMD is hereby authorized by the MDC to contract for Services with Shrewsberry & Associates LLC for Services in an amount not-to-exceed \$255,000 with contract Services, as described above, to be paid from all sources of funding available for such Services.
2. The Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof and hereby ratified, confirmed and approved.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney sek  
Sheila Kinney, Asst. Corp Counsel  
Date: 3/14/2024

John J. Dillon III, President  
Date: \_\_\_\_\_

**STAFF REPORT**

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

**Case Number:** 2023-UV3-022  
**Address:** 8345 Bash Street (approximate address)  
**Location:** Lawrence Township, Council District #3  
**Zoning:** C-4  
**Petitioner:** CF Laughner Associates, by David Gilman  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a building to be used for automobile sales (not permitted).

**ADDENDUM FOR MARCH 20, 2024, Metropolitan Development Commission meeting**

This petition was approved by the Metropolitan Board of Zoning Appeals Division I on March 5, 2024. The City County Councilor for District 3 (2023), and the City County Councilor for District 4 (2024), have filed a joint appeal of this decision to the Metropolitan Development Commission (see attached appeal letter).

**ADDENDUM FOR MARCH 5, 2024**

Due to a lack of quorum, this petition was continued from the February 20, 2024, Board III hearing, and transferred to the March 5, 2024, Board I hearing.

**February 20, 2024**

This petition was automatically continued from the December 19, 2023, hearing, to the January 16, 2024, hearing, and continued for cause from the January 16, 2024, hearing, to the February 20, 2024, hearing, both at the request of the petitioner’s representative.

**RECOMMENDATIONS**

Staff **recommends denial** of this petition.

**SUMMARY OF ISSUES**

**LAND USE**

**EXISTING ZONING AND LAND USE**

C-4                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North - C-4              Commercial Restaurant  
South - C-4              Commercial Hotel  
East - C-4                Commercial Hotel  
West - C-S                Future Nickle Plate Trail / Commercial office park

**COMPREHENSIVE PLAN**              The Comprehensive Plan community commercial uses for the site.

(Continued)

**VARIANCE OF USE**

- ◇ This request would provide for automobile sales, a C-5 use, within an area associated with community commercial development, with C-4 and C-S zoning. A use compatible with a C-5 zoning at this location would represent a deviation from the Comprehensive Plan recommendation of community commercial uses. In addition, the Castleton Strategic Revitalization Plan, recommends pedestrian oriented development and a mix of uses including office, retail, dining, entertainment, hospitality, and housing along the future Nickle Plate Trail, which abuts the site to the west.
- ◇ Retail automobile, motorcycle and light vehicle sales and rentals are generally considered a high-intensity commercial use, along with go-cart raceways, tractor sales, outdoor flea markets, and newspaper printing and publishing. The C-5 zoning classification where automobile sales are permitted, is intended for uses that often tend to have extensive outdoor display and activity, bright lighting, and noise; characteristics that negatively affect lesser zoned districts.
- ◇ The proposed use would allow for the extensive outdoor storage of product, materials, and equipment, compared to uses that are permitted in the C-4 district. Staff believes that this request, if approved, would run counter to the intent of the C-4 District, and would detract from a streetscape that has no uses that require outdoor storage.
- ◇ Staff has concerns that recommending approval of the variance request would encourage the encroachment of other heavy commercial and C-5 uses in the corridor.
- ◇ There is no hardship associated with this property that necessitates a grant of this variance. It is currently zoned C-4 and can be utilized for C-4 uses without the benefit of a use variance.
- ◇ The petitioner has submitted a proposed site plan to the file. If the Board should approve the petition, Staff recommends that approval be subject to the submitted amended site plan file-dated February 8, 2024.

**GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Bash Street is indicated in the Official Thoroughfare Plan as a primary collector, with a 103-foot existing and proposed right-of-way.
SITE PLAN (AMENDED)	File-dated February 8, 2024.
FINDINGS OF FACT	File-dated November 2, 2023.

**ZONING HISTORY**

**2017-DV3-036; 8301 Bash Street (south of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for transparency only adjacent to public areas at public entrances, **granted**.

**85-Z-170; 6902 East 82<sup>nd</sup> Street (includes subject site)**, requested a rezoning of 4.7 acres, being in the C-4, SU-2, and I-1-S Districts, to the C-6 classification, to provide for highway-oriented commercial uses, **approved**.

RU \* \* \* \* \*



**2023-UV3-022; EXHIBIT 1 - APPEAL LETTER**



**THE COUNCIL  
CITY OF INDIANAPOLIS  
MARION COUNTY**

March 12, 2024

Via Email: [Matt.Pleasant@indy.gov](mailto:Matt.Pleasant@indy.gov)

Department of Metropolitan Development  
Division of Current Planning  
Matt Pleasant, Administrator  
200 East Washington Street  
Suite 1800  
Indianapolis, Indiana 46204

Re: 2024-UV3-022 – 8345 Bash Street

To Whom it May Concern:

Please allow this letter to serve as official notification of the intent to appeal the March 5, 2024, decision of the Board of Zoning Appeals (Division I) regarding Petition No. 2024-UV3-022 (8345 Bash Street). The subject property currently lies within Councilor Roberts's District 4, while it was located originally in Councilor Boots's District 3 when the petition was filed in 2023.

The decision of the BZA raises a substantial question of zoning policy appropriate for consideration by the Commission. The BZA ruling runs contrary to the policies previously adopted by the City and, as such, is improper. The Greater Allisonville Community Council (GACC) and Binford Redevelopment and Growth, Inc. (BRAG), are all opposed to the Use Variance granted by the BZA I. (Attached are copies of the opposition letters of both GACC and BRAG.)

The establishment of a used car lot immediately across the street from the Nickel Plate Trail is not acceptable or consistent pursuant to the Castleton Revitalization Plan (Plan). The Plan, commissioned and prepared by the Dept. of Metropolitan Development (DMD) (released Feb. 2020), serves as a strategic guide for the commercial and residential development in the Castleton area. Further, the DMD staff's recommendation of DENIAL, as well as opposition to the petition by the local community (BRAG and GACC), is paramount. Such use of this site is not supported by the Plan and would be a disservice to the local community.



**THE COUNCIL  
CITY OF INDIANAPOLIS  
MARION COUNTY**

Please accept this letter as official notification of the intent to appeal the above action of the Board of Zoning Appeals, Division I. Thank you for your due consideration.

Respectfully,

Daniel Boots  
Councilor - District 3

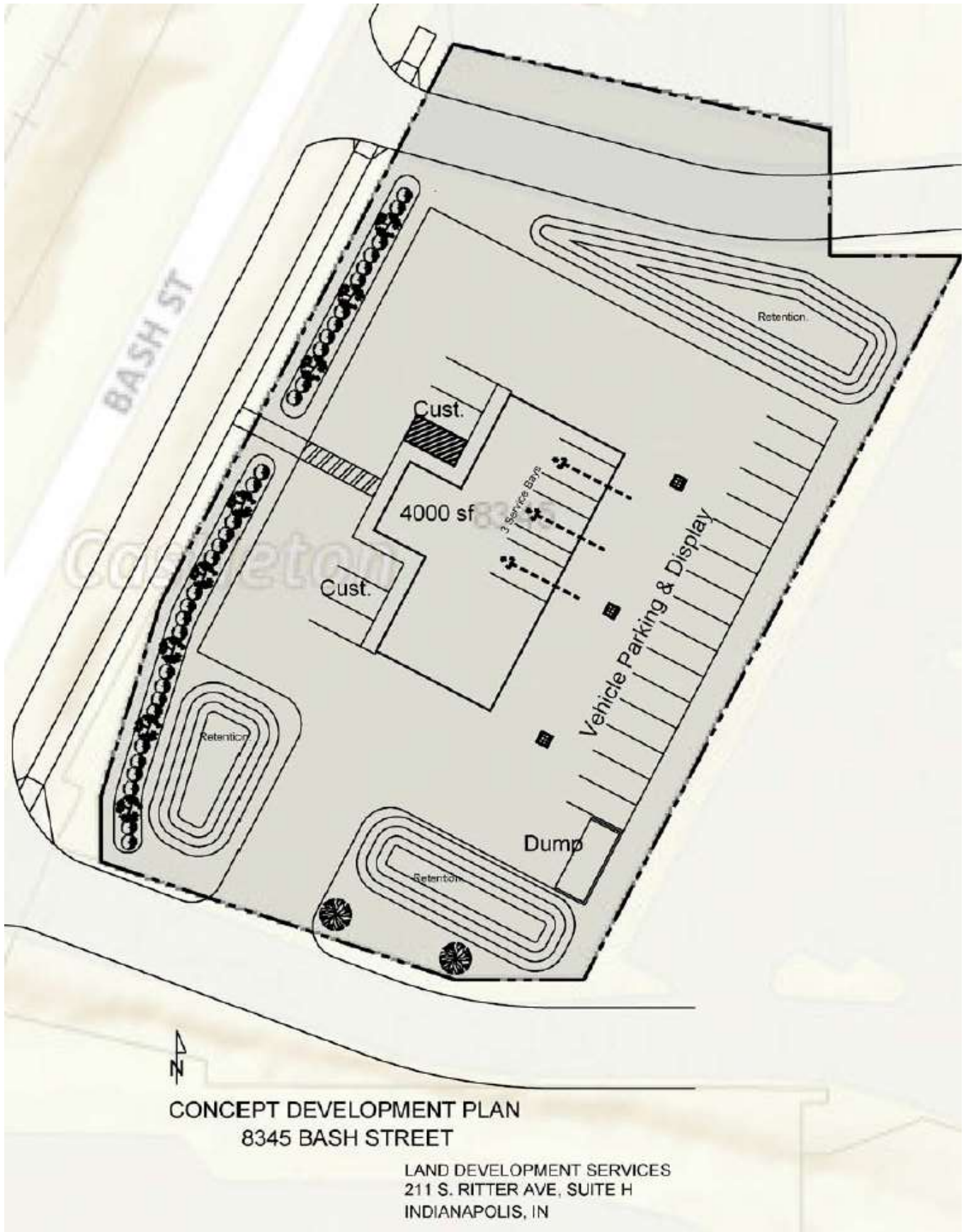
Nicholas Roberts  
Councilor - District 4

cc: David Gilman  
Greater Allisonville Community Council (GACC)  
Binford Redevelopment and Growth, Inc. (BRAG)









CONCEPT DEVELOPMENT PLAN  
8345 BASH STREET

LAND DEVELOPMENT SERVICES  
211 S. RITTER AVE, SUITE H  
INDIANAPOLIS, IN



**Plan of Operation  
8345 Bash Street  
12/18/2023**

**BACKGROUND**

The subject site is located just north of 82<sup>nd</sup> Street on the east side of Bash Street. The site consists of one (1) acre and is zoned C4 (Integrated Center). The site will require on-site detention and is located on the less travelled Bash Street. There is little opportunity for new C4 users that are not already in the immediate area, specifically along East 82<sup>nd</sup> Street. The site's location and size are the main reason it has remained undeveloped since 1990 while all the surrounding area has developed.

**Business Use**

The petitioner seeks to operate a small auto repair business and a maximum of ten (10) cars that he would like to be able to sale. The petitioner is a talented auto mechanic and has years of experience restoring automobiles for resale. The auto sales portion of the business will be incidental to the auto-repair use and allow a 2<sup>nd</sup> revenue source that would contribute to the overall success of the business. The building will be a 3,200 sq ft footprint.

**Workforce**

The auto sales workforce will consist of 2-3 full-time employees. The auto repair business would have 2 service bays.

**Hours of Operation**

Business hours will be 8am to 8pm Monday to Saturday and closed on Sundays.

**Off-Street Parking**

There shall be a total of nine (9) customer and employee parking spaces proposed, including van accessible handicap space.

**Signage**

Any ground sign or business wall sign shall comply with the current Sign Ordinance.

**Clients and Customers**

Many customers will first make inquiries on-line and call for an appointment. There will also be a few customers that will drive by and browse a vehicle on-site for sale or make an appointment for service of their vehicle.

**Lights**

Only one (1) or two (2) outdoor pole lights are anticipated since the business will be closed in the evenings. However, in the event the owner installs pole lights they will be fully shielded light fixtures.

**Shipping and Receiving**

All shipping and receiving will be delivered by normal postal services.

**Drainage**

The stormwater will be discharged to a dry detention basin and released at a controlled rate to the natural drainage ditch located on the south side of the property.

**Waste**

All waste would be picked up by utilizing a private or City waste disposal service. There will be no storage of hazardous materials on site.

**2023-UV3-022: Proposed Findings of Fact**

Petition Number \_\_\_\_\_

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

The site will be developed in a manner that will not create a traffic hazard or impede proper drainage and has all required utilities. The proposed building will be constructed to meet the applicable building codes and health department standards.

**2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE**

The proposed auto sales use will be compatible with the developed area. The site is small and the use will have little impact on the current traffic patterns. The site will be developed with a new building, paved parking and landscape frontage.

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

The site is too small for most retail uses and restaurants and is not located on a heavily travelled thoroughfare. The site has been actively marketed for several months with most inquiries rejecting the site because of its limitations for adequate parking and buildable area.

**4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE**

The site is too small to allow for most retail or restaurants uses permitted under the current zoning. The current zoning district allows for auto repairs and service but does not allow for any auto sales even if it is limited to a small number of vehicles on display.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The land use recommendation for community commercial would allow for the proposed use given the surrounding more intense uses.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



subject site looking east



subject site looking east



Adjacent community commercial restaurant use to the north of site.



Adjacent community commercial hotel use to the east of site.





Adjacent community commercial hotel use to the south of site, looking southeast.



Adjacent future Nickle Plate Trail and office commercial use to the west of site

## STAFF REPORT

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

**Case Number:** 2023-ZON-109  
**Address:** 5136 Michigan Road (*Approximate Address*)  
**Location:** Washington Township, Council District #8  
**Petitioner:** Paramount Schools of Excellence, Inc., by Brian J. Tuohy  
**Request:** Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

#### ADDENDUM FOR MARCH 20, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on February 29, 2024. After a full hearing, the Hearing Examiner recommended approval of the request. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

#### ADDENDUM FOR FEBRUARY 29, 2024 HEARING EXAMINER

This petition was continued from the February 15, 2024 hearing to the February 29, 2024 hearing at the request of a registered neighborhood organization.

Traffic impact studies were submitted to staff on February 5, 2024 and were provided to the Department of Public Works for comments. The petitioner's traffic study results showed that delays in service would drop during the morning and evening peak time and during the school dismissal peak time. It was determined that the existing Michigan Road right-of-way has adequate width to have northbound and southbound turn lanes added. DPW did not see that a traffic control signal would be necessary at this location. There is concern with a traffic control officer being on this street, but a left turn lane would allow space for an officer's vehicle to park.

A traffic study was provided by the remonstrator, with slightly similar recommendations, but the study results or references will need to be addressed by the remonstrator at the hearing.

Staff **recommends approval** of the rezone petition, 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. The driveway shall be constructed with one lane entering and two lanes exiting per commercial driveway standards within 12 months of issuance of an Improvement Location Permit (ILP).
2. A north bound left turn lane and south bound right turn lane shall be installed per DPW and INDOT standards. Traffic study figures should be used to determine storage length. The turn lanes shall be installed within 12 months of issuance of an Improvement Location Permit (ILP).
3. An arrival/dismissal traffic control plan prepared by or consulting with a school safety officer shall be provided to the Program Manager – Multi-Modal for the Department of Public Works – Engineering.

4. A queuing plan shall be provided to Program Manager – Multi-Modal for the Department of Public Works – Engineering that demonstrates adequate storage for parent drop off/pick up vehicles on site without overflow onto Michigan Road.

**ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER**

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of a registered neighborhood organization.

The same registered neighborhood organization submitted a written request for a **continuance for cause from the February 15, 2024 hearing to the February 29, 2024 hearing**. The petitioner has agreed to the proposed continuance date. However, last month’s continuance request was stated to be the final continuance request. Unless an additional continuance is granted, staff is prepared to go forward with the hearing.

**January 11, 2024**

This petition was automatically continued from the December 14, 2023 hearing, to the January 11, 2024 hearing at the request of a registered neighborhood organization.

It is staff’s understanding that a registered neighborhood organization will request a continuance for cause from the January 11, 2024 hearing to the February 15, 2024 hearing to allow additional time for discussions to take place. Staff has no objection to this additional continuance request but will be prepared to move forward.

**RECOMMENDATIONS**

Staff **recommends approval** of the rezoning.

**SUMMARY OF ISSUES**

**LAND USE**

- ◇ The 10.13-acre subject site is developed with a large church, associated parking areas, and an accessory structure. It is surrounded by single-family dwellings in each direction, zoned D-2 and D-S, except for a multi-family development to the north, zoned D-6.

**REZONING**

- ◇ The property has historically been used as a church since 1972, per an historical aerial map depicted in the staff report. The religious use was permitted in 1967 through rezone petition 67-Z-103 that rezoned the property from the D-5 district to the SU-1 district for the construction of a church.
- ◇ The site is zoned SU-1, which is only intended for religious uses where the proposed SU-2 district is only intended for school uses.

- ◇ The Comprehensive Plan recommends rural or estate neighborhood development. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space

**Staff Analysis**

- ◇ Staff determined that rezoning the site to the SU-2 district would allow for the adaptive reuse of the existing church building into a school and would allow the construction of an additional building on site for more classrooms.
- ◇ Although the rural or estate neighborhood typology does not specifically call out educational uses, it is common to see schools and places of worship mixed in primarily residential neighborhoods. Thus, staff did not find the proposed school use to be out of line with the context of the surrounding area considering that the previous religious use had limited business hours and days when events, gatherings, and the like would take place.
- ◇ For these reasons, staff is recommending approval of the request.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

SU-1	Metro	Church
------	-------	--------

**SURROUNDING ZONING AND LAND USE**

North	D-6 / D-S	Residential (Multi-family and Single-family dwellings)
South	D-S	Residential (Single-family dwellings)
East	D-3	Residential (Single-family dwellings)
West	D-2	Residential (Single-family dwellings)

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends rural or estate neighborhood development.

**THOROUGHFARE PLAN**

Michigan Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 100-foot existing right-of-way and a 102-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated November 13, 2023.

**TRAFFIC STUDY**

File-dated February 5, 2024.  
(Continued)



**ZONING HISTORY – SITE**

EXISTING VIOLATIONS

None.

PREVIOUS CASES

**67-Z-103;** (subject site), Rezoning of approximately 10.126 acres being in D-5 district to Special Use (1) classification to provide for the construction of a church, **approved.**

**ZONING HISTORY – VICINITY**

**2006-SE2-001; 5210 and 5212 Michigan Road** (north of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a 10,491 square-foot church building, with 34 off-street parking spaces, and with a four-foot tall,30-square foot ground sign encroaching into the right-of-way of Michigan Road (minimum fifteen-foot front setback required), **denied.**

**93-Z-70; 1836 West 51<sup>st</sup> Street** (west of site), Rezoning of 13.79 acres, being in the D-S district, to the D-2 classification to provide for the development of a single-family residential subdivision, **approved.**

**89-SE1-3; 5210 Michigan Road** (north of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for religious uses within an existing dwelling structure, with proposed hard surfaced and striped off-street parking areas and a sanitary sewer connection; **granted.**

**88-Z-245; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from SU-1 to D-S to comply with a commitment that the zoning of the property would revert to the D-S classification five years after the adoption of rezoning petition 74-Z-150; **approved.**

**86-Z-237; 5105 Grandview Drive** (southeast of site), Rezoning of 4.62 acres, being in the D-S district, to the D-P classification, to provide for the construction of seven residential structures containing two living units each, **dismissed.**

**85-UV1-78; 5210 Michigan Road** (north of site), Variance of use to provide for the continued use of a day care center within an existing building; **granted.**

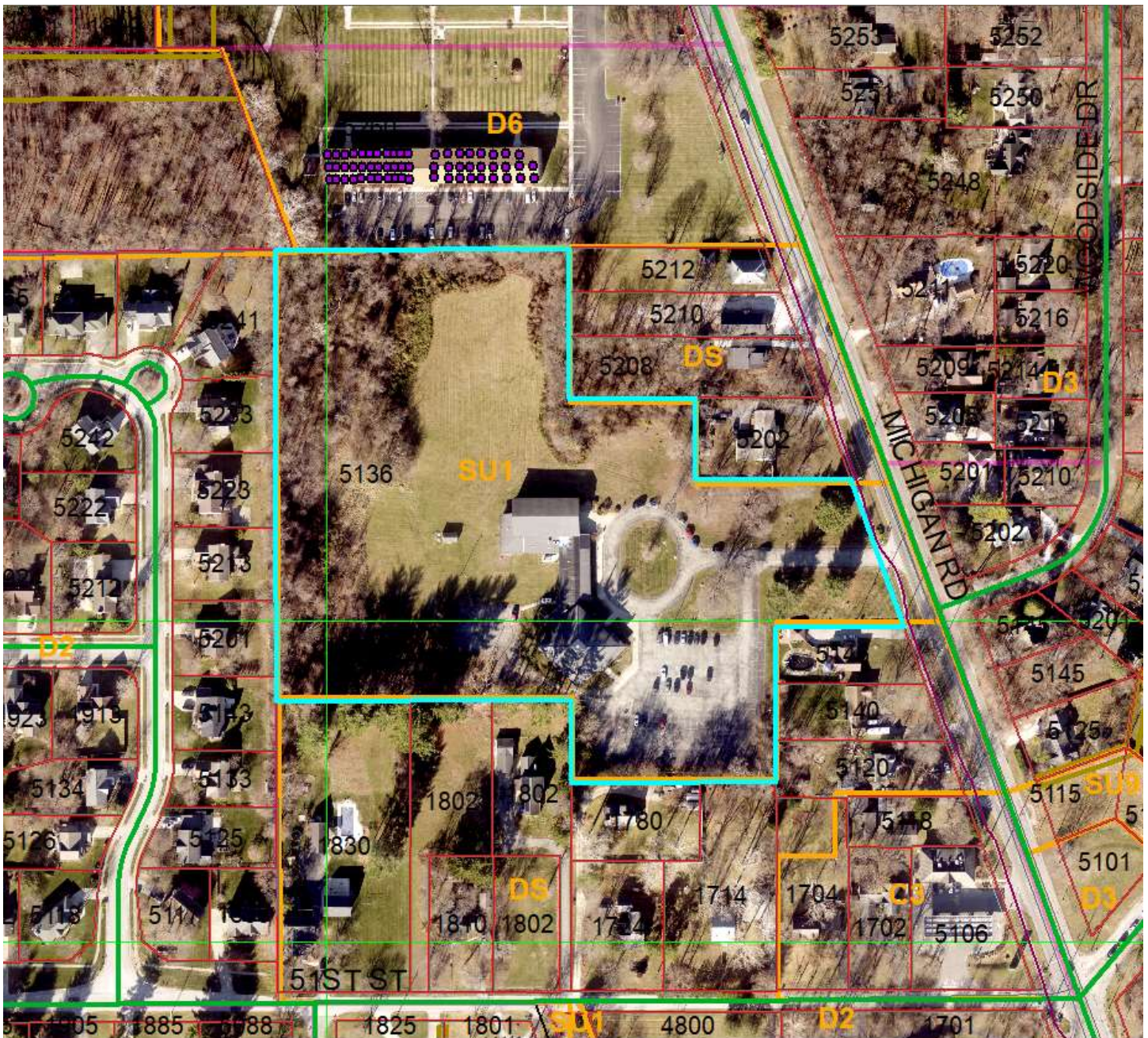
**84-Z-5; 5117 Michigan Road** (southeast of site), Rezoning of 0.48 acre from the D-3 to SU-9 to conform the zoning to its current use as a fire station and to correct a mapping error, **approved.**

**81-Z-15; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from SU-1 to C-1 to provide for the continued use of a daycare center; **withdrawn.**

**74-Z-150; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from D-S to SU-1 to provide for a daycare center; **approved.**

MI

\*\*\*\*\*





**MEMORANDUM OF EXAMINER'S DECISION**

**2023-ZON-109**

**5136 Michigan Road**

The petition requests the rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

Your Hearing Examiner visited the site prior to the hearing and noted the church building and accessory structure on it. With the exception of multi-family development north of the western portion of the site, it is located on a primary arterial street with single family residences on surrounding sides of the site.

The petitioner's representative described the proposed renovation of the site for educational uses. Comparisons were made with the size, hours of operation, months of operation, and services permitted by the currently zoned church uses and the proposed zoning for educational uses, and extensive testimony was given about a traffic impact study that was done, even though the proposed use did not meet the warrants for a traffic impact study. Regardless, the petitioner agreed to four commitments pertaining to traffic. About 100 supporters attended the hearing, and two City-County Councilors spoke in support of it. Written letters of support were also provided.

A neighborhood leader spoke in opposition, with the primary concerns focusing on traffic, the condition of the current building, traffic, the septic system on the site, nonconformance with the Comp Plan, and an alleged lack of transparency by the petitioner. There were multiple petitions and letters of opposition submitted, with the primary concern being with the proposed type of school, and about 50 remonstrators attended the hearing. An attorney for the MSD of Washington Township spoke about environmental and traffic concerns, and the impact this school would have on the township schools. Two City-County Councilors spoke against the petition, with the primary focus being the proposed type of school.

Staff explained that Special Use Districts have corresponding development standards, and that, while the Comp Plan does not recommend specific locations for schools, schools are compatible with residential areas. Staff also opined that locating a school on a primary arterial is appropriate, and that the proposed commitments address concerns with access and traffic.

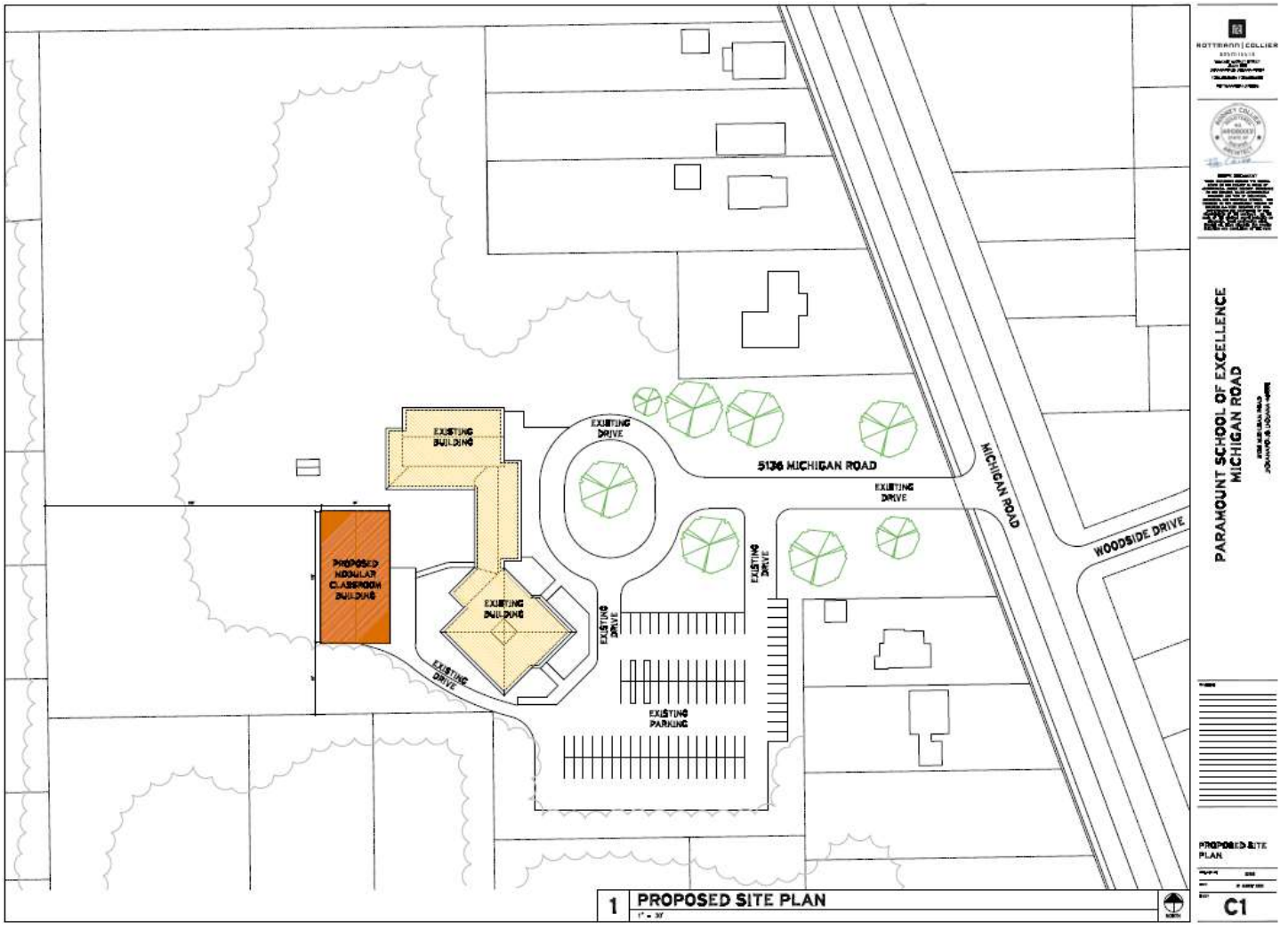
In your Hearing Examiner's opinion, the requested SU-2 district is appropriate for this site and is compatible with surrounding land uses. While an educational use does generate traffic at arrival and dismissal times, the petitioner has agreed to commitments to mitigate the traffic impact. The petitioner has also agreed to address environmental concerns. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on March 20, 2024









Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Title Page

**Traffic Study**  
**Paramount Schools of Excellence**  
**5136 Michigan Road**  
**Indianapolis, Indiana 46228**

**Applicant:**  
**Tommy Redicks**  
**Chief Executive Officer**  
**Paramount Schools of Excellence**  
**1203 East Saint Clair Street**  
**Indianapolis, Indiana 46202**  
**317-519-4588**  
[treddicks@paramountindy.org](mailto:treddicks@paramountindy.org)

**Yarger Engineering Job Number: 20231001**

**By:**  
**Yarger Engineering, Inc. ©**  
**1401 Alimingo Drive**  
**Indianapolis, Indiana 46260**  
**317-475-1100**  
[bwvarger@yargerengineering.com](mailto:bwvarger@yargerengineering.com)  
[www.yargerengineering.com](http://www.yargerengineering.com)

I certify that this Traffic Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering.



Bradley William Yarger, P.E.  
President  
Yarger Engineering, Inc.

Saturday, November 25, 2023



Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Executive Summary

arterial. The southbound right turn traffic warrants a right turn lane when considered as unsignalized.

The Driveway at Michigan Road intersection warrants a traffic signal with the peak hour warrant, and would operate at level of service B or better. See [Table 7](#) on pages 25 for more information.

## VI. Recommendations

### A. Existing

No changes are recommended.

### B. 2029 with Paramount Schools of Excellence

Michigan Road at the Driveway should have a northbound left turn lane, a southbound right turn lane, and two exit lanes with a traffic signal for full build-out. Per Indiana Codes and MUTCD, the signal should not be installed until there is sufficient traffic forecasted to satisfy at least one of the warrants. Until then, uniformed traffic control, preferable police, should control the Michigan Road intersection during the three peak periods. Given the high traffic volume and multiple through lanes on Michigan Road, and the offset approach for Woodside Drive, at least two people will be needed to control traffic. See [Figure 20](#) on page 40.

Queuing within the site for picking up students with full occupancy could be 850 to 1,125 feet long at school dismissal time, with shorter queues at the other times. The range in queue length reflects the possibility that some parents may park in the lot and walk up to the door instead of using the curb side loading. Some parents parked and walked up at the Cottage Home site, both on the site and the adjacent streets, and were included in the traffic counts. No on-street parking is assumed for the Michigan Road site. Queuing for the exit to Michigan Road also needs to be provided so that it doesn't back in to the vehicles leave the curb side pickup zone. The site plan in [Figure 21](#) on page 41 shows an example of how the lengths could be accomplished, but other options that provide adequate queue storage are possible. The blue line is the loading zone queue storage length, while the yellow line is the queue storage at Michigan Road. The blue and yellow lines are comprised of both existing and new pavement.

## VII. Conclusions

Traffic in the study area should not be unreasonably delayed due to the construction of Paramount Schools of Excellence with the recommended road improvements.

With flagging traffic there is a risk to the flaggers due to higher speeds and potentially limited sight distance for those following large vehicles. A traffic signal is preferred due to it being there all the time so motorists become accustomed to it, and that people don't need to stand in the pavement to control traffic. The signal heads would also be much more visible than vehicle mounted lights due to mounting them overhead.



**C. Capacity and Level of Service**

Capacity and level of service are interrelated. This section deals directly with level of service and therefore indirectly with capacity. In the 2000 Highway Capacity Manual, delay per vehicle is the primary method of determining level of service. Unsignalized intersections are analyzed based on estimated delay using movement flow rate and capacity that provides a level of service by movement. Signalized intersections also use capacity and flow rates to determine level of service for movements and for the overall intersection.

The following tables summarize levels of service definitions for signalized and unsignalized intersections.

<b>Table 5 – Levels of Service Definitions</b>		
<b>Level of Service (LOS)</b>	<b>Unsignalized (Second of Delay Per Vehicle)</b>	<b>Signalized (Second of Delay Per Vehicle)</b>
<b>A</b>	0 – 10.0	0 – 10.0
<b>B</b>	10.1 – 15.0	10.1 – 20.0
<b>C</b>	15.1 – 25.0	20.1 – 35.0
<b>D</b>	25.1 – 35.0	35.1 – 55.0
<b>E</b>	35.1 – 50.0	55.1 – 80.0
<b>F</b>	Over 50 or V/C > 1.0*	Over 80 or V/C > 1.0*

*V/C is volume to capacity ratio. V/C criteria is applicable only to movements, not approaches or intersections.*

Levels of service for this project were calculated using the peak 15-minute forecasts multiplied times four to get an equivalent hourly flow rate. Level of service E has been assumed to be the minimum acceptable level of service for individual movements and approaches, and level of service D for intersections.

**1. Existing Conditions**

With the geometry and traffic control shown in [Figure 4](#) on page 8, the levels of service are as shown on the following table. While there was some construction traffic during the counts, the driveway movements were set to zero since they will not be there when the school opens. Some movements had less than 0.05 second of delay and more than zero, but show up as 0.0 in the table. When a single zero is shown, that movement had zero delay due to having no traffic that was delayed.

<b>Table 6 – Level of Service and Delay 2023 Existing</b>															
Intersection	AM Street Peak					School Dismissal					PM Street Peak				
	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB
Michigan Road at Driveway	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A
	0	11	0	0	0	0	0	0.0	0.0	0	0	0	0.0	0	0

**2. 2029 with Paramount Schools of Excellence**

With the geometric and traffic control improvements shown in [Figure 10](#) through [Figure 13](#) on pages 25 - 29, the levels of service are as shown on the following table. The stop sign control assumes that there is no one flagging traffic and side street drivers are on their own to find gaps in the Michigan Road traffic. With someone flagging traffic, delay and levels of service should be similar to with a traffic signal.

<b>Table 7 – Level of Service and Delay 2029 with Paramount Schools of Excellence</b>															
Intersection	AM Street Peak					Dismissal Peak					PM Street Peak				
	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB
Michigan Road at Driveway Stop, No Additional Lanes <a href="#">Figure 10</a>	F*	B	A	A	F*	F	A	A	A	F	F	A	A	A	C
		11	4	0		353	0	2	0.0	52	262	0	1	0.0	15
Michigan Road at Driveway Stop, EBLT, NBLT, SBRT <a href="#">Figure 11</a>	F*	B	A	A	F*	F	A	A	A	B	F	A	A	A	A
		11	2	0		136	0	1	0.0	20	141	0	0.3	0	8
Michigan Road at Driveway Signal, No Additional Lanes <a href="#">Figure 12</a>	D	D	B	A	B	D	A	A	A	B	D	A	A	A	A
	43	43	11	9	13	44	0	5	5	11	39	0	3	3	5
Michigan Road at Driveway Signal, EBLT, NBLT, SBRT <a href="#">Figure 13</a>	D	D	A	A	A	D	A	A	A	A	D	A	A	A	A
	36	43	6	6	9	38	0	3	3	8	39	0	3	3	5

\* - The movement is severely over capacity causing a calculation error, and the delay will continue to grow until the situation changes.



### **D. Queuing Analyses**

Queuing analyses for the intersections comes from the level of service analyses for the Michigan Road alternative, and from calculations of the Cottage Home school data adjusted for 300 students at Michigan Road. As mentioned before, the level of service was analyzed using Synchro with its internal methods as well as Highway Capacity Manual methods. The queue lengths shown are the longer forecasted for the three peak periods. These queue lengths do not include deceleration or tapers.

#### **1. Existing**

[Figure 14](#) on page 32 shows the calculated peak queue lengths in blue and the existing storage lengths in red.

#### **2. 2029 with School – Stop Sign, No Turn Lanes Alternative**

[Figure 15](#) on page 33 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red. Due to the eastbound lane being overcapacity, its queue will continue to grow until the situation changes.

#### **3. 2029 with School – Stop Sign, EBLT, NBLT, & SBRT Alternative**

[Figure 16](#) on page 34 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red. Due to the eastbound left turn lane being overcapacity, its queue will continue to grow until the situation changes.

#### **4. 2029 with School – Signal, No Turn Lanes Alternative**

[Figure 17](#) on page 35 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red.

#### **5. 2029 with School – Signal, EBLT, NBLT, & SBRT Alternative**

[Figure 18](#) on page 36 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red.

#### **6. 2029 with School – Loading Zone**

Using total entering and exiting vehicle data from Cottage Home school taken in one-minute increments, and accounting for vehicles parked on Highland Avenue and Saint Clair Street, plus accounting for pedestrian activity during the drop off and dismissal times, the peak period for the queue was 3:05 PM for the first dismissal wave. Other times had shorter queues. Some of the calculated queued vehicles at Cottage Home were parked and the parents walked up to the door to get their children. This may have been in preference to waiting in line, or in some cases, a desire not to queue in Saint Clair Street when the queue length extended outside the school's property.

The Michigan Road site's main door for drop-off and dismissal will be at the southeast corner of the existing building so drivers will pull up to the door leaving as much curb space as possible behind them. See [Figure 19](#) on page 37. The sidewalk along the east side of the building will be used for loading, but students will have to walk from the southeastern door to their parents'

Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Section 4: Traffic Analysis

cars. During peak times, traffic control will be needed on-site in addition to in the Michigan Road intersection, and cones will be needed to force drivers to take the queuing loop.

The Cottage Home school uses a wireless data base and placard system to call the students to the door for loading, and the same system is anticipated for the new school.

For the dismissal time loading, the estimated queue length was a minimum of 850 feet to a maximum of 1,125 feet. The existing pavement does not provide enough queuing length, and it is too narrow to have two queue lanes plus a bypass lane, so addition pavement for queuing is needed. [Figure 19](#) on page 37 shows the potential queuing with a loop to the north of the building with 1,400 feet in blue. This is only an example of what is possible on-site to show that the maximum queue can be accommodated. The yellow shows the available length for the queue at Michigan Road to show that it has 700 feet of queuing storage space to accommodate that queue without interfering with the loading zone.

**V. RECOMMENDED IMPROVEMENTS****A. Existing Conditions****1. Michigan Road at Driveway & Woodside Drive**

No changes are recommended.

**B. 2029 with Paramount Schools of Excellence**

See [Figure 20](#) on page 40 for recommended geometrics and traffic control, and [Figure 21](#) on page 41 for queue lengths.

**1. Michigan Road at Driveway & Woodside Drive**

A signal with two exit lanes on the school driveway, one eastbound left turn lane and a shared eastbound through and right turn lane, a northbound left turn lane with a transition shift to provide space for the police cruiser until a signal is warranted, and southbound right turn lane are recommended. The signal should be split phased due to the offset between the driveway and Woodside Drive.

**2. On-Site Driveway Queue Storage & Parking**

The driveway needs to provide sufficient queue space for the curbside loading zone such that vehicles never queue into Michigan Road. The driveway option shown in the site plan in [Figure 21](#) on page 41 provides 1,400 feet of queue space shown in blue, and has available parking in excess of staff needs such that if there were a queuing problem, vehicles could be directed to park. Assuming no parking during the dismissal loading, the maximum queue length is calculated to be 1,125 feet. The maximum queue length at other times would be shorter, and the loop to the north of the building might not be needed, so drivers could use the existing pavement loop to access the curbside loading zone. Additional storage on the new loop could be provided, but this would likely mean the removal of mature trees. The queue storage pavement needs to provide a bypass lane so that vehicles can leave the queue once loaded. A bypass lane also will address the issue of vehicles breaking down in the queue.

The yellow line shows over 600 feet of queue storage available to the vehicles leaving the school and stopped at Michigan Road. The calculated maximum length of the queue at Cottage Home was 10 vehicles, but that length was not observed since Highland Avenue has so little traffic, that 10 vehicles could leave within the one-minute interval used for the counts. The exit to Highland Avenue also has two exit lanes. With the signal and turn lanes, the calculated 95<sup>th</sup> percentile queue length at Michigan Road was 132 feet, which is less than the 200 feet back to the parking lot exit lane where the queue would become a single lane.

Since there will be buses and other heavy vehicles using the driveway, lanes should be at least 12 feet wide. Narrow lanes could have the bus or other heavy vehicle mirrors colliding with each other due to the narrow lanes.





**YARGER**  
**ENGINEERING**  
*Specializing In Traffic Engineering*

Figure 20, 2029 with Signal and Turn Lanes Alternative  
Indianapolis, Indiana, Approximate Scale: 1" = 200'  
Prepared by Yarger Engineering, Inc.©  
1401 Alimingo Drive, Indianapolis, IN 46260-4058  
317-475-1100, Fax: 317-475-0100

November 25, 2023

Page 40





Figure 21, Recommended Alternative Queue and Storage Lengths  
Indianapolis, Indiana, Approximate Scale: 1" = 200'  
Prepared by Yarger Engineering, Inc.©  
1401 Alimingo Drive, Indianapolis, IN 46260-4058  
317-475-1100, Fax: 317-475-0100

November 25, 2023

Page 41

Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Section 6: Conclusion

**VI. CONCLUSION**

Traffic in the study area should not be unreasonably delayed due to Paramount Schools of Excellence traffic with the recommended road improvements.

With flagging traffic there is a risk to the flaggers due to higher speeds on Michigan Road and potentially limited sight distance for those following large vehicles. A traffic signal is preferred due to it being there all the time so motorists become accustom to it being there, and that people don't need to stand in the pavement to control traffic. The signal heads would also be much more visible than vehicle mounted lights due to mounting the signal heads overhead instead of at vehicle height, where tall vehicles could block the view of trailing vehicles.



**STATEMENT OF COMMITMENTS**

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

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

**Legal Description:**

*See attached Exhibit 1.*

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The driveway shall be constructed with one lane entering and two lanes exiting per commercial driveway standards within 12 months of issuance of an Improvement Location Permit (ILP).
3. A north bound left turn lane and south bound right turn lane shall be installed per DPW and INDOT standards. Traffic study figures should be used to determine storage length. The turn lanes shall be installed within 12 months of issuance of an Improvement Location Permit (ILP).
4. An arrival/dismissal traffic control plan prepared by or consulting with a school safety officer shall be provided to the Program Manager – Multi-Modal for the Department of Public Works – Engineering.
5. A queuing plan shall be provided to Program Manager – Multi-Modal for the Department of Public Works – Engineering that demonstrates adequate storage for parent drop off/pick up vehicles on site without overflow onto Michigan Road.
6. The proposed school will connect to the municipal sanitary sewer system.



Photo of the Subject Property: 5136 Michigan Road



Photo of the parking area looking south on the site.





Photo of the existing church building looking west on the site.



Photo of the north property boundary and existing drive.





Photo of the rear yard where the proposed building will be located.



Photo of the rear yard and existing accessory structure looking north.





Photo of the rear of the existing building looking north.



Photo of the rear building façade looking east on the site.





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



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





Michigan Road looking northeast from the site.



Michigan Road looking east from the entrance drive.



**METROPOLITAN DEVELOPMENT COMMISSION** **MARCH 20, 2024**

**Case Number:** 2023-ZON-127

**Property Address:** 5448 AND 5510 South Emerson Avenue

**Location:** Perry Township, Council District #24

**Petitioner:** Haven Health Management, LLC, by J. Murray Clark

**Current Zoning:** D-P and D-A

**Request:** Rezoning of 1.82 acres from the D-P and D-A Districts to the D-P District to provide for a mental health and addiction residential treatment facility.

**Current Land Use:** A residential living facility for individuals with psychiatric disorders.

**Staff Recommendations:** Approval, subject to the following commitments.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. All development plans, including but not limited to site plans, landscaping plans, lighting plans, signage and building elevations, shall be submitted for Administrator Approval prior to the issuance of any required permits and / or Improvement Location Permit (ILP).

**PETITION OVERVIEW**

This 1.82-acre site, zoned D-P and D-A is comprised of two parcels developed with a residential facility for individuals with psychiatric disorders. It is surrounded by a single-family dwelling to the north, zoned D-A; undeveloped land to the south, zoned D-P; undeveloped land to the east, across South Emerson Avenue, zoned C-S; and two-family dwellings to the west, zoned D-P.



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

Petition 2021-ZON-052 rezoned the site to the D-P district to allow the existing building to be used for a residential living facility for individuals with psychiatric disorders.

The established purpose of the D-P District follows:

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

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

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

As proposed this request would expand both the site and the permitted uses and services to include an addition residential treatment facility and future site development.

The Development Statement, dated December 27, 2023, explains the need to expand the permitted uses on the site and provides for an approximately 4,730-square foot building for storage and recreation space for patients and residents.





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

The Plan of Operation, dated December 27, 2023, provides further details of the operational components that offer residential services from approximately three days to one month and limits the number of those voluntarily seeking treatment to no more than 24 individuals (no court appointed treatment referral accepted). Staffing would comply with all regulations and consist of licensed and qualified professionals. Furthermore, visitors would not be permitted.

Subsequent to the 2021 rezoning petition, the petitioner acquired the 0.88-acre adjoining parcel (zoned D-A) to the north and demolished the single-family dwelling. However, the property owner installed a gravel parking lot, lights and a trash enclosure without the required approvals or permits. During the site visit, staff observed a trash enclosure in the front yard, a gravel parking lot and lack of landscaping or buffering to the adjoining property to the north. It also appeared that work had ceased on a building addition depicted on the site plan.

Staff would note that the northern access drive existed when the site was developed with a single-family dwelling. This access drive, however, presents significant safety issues due to the proximity of the intersection of South Emerson Avenue and Shelbyville Road, both of which are primary arterials.

There is an existing access drive along the southern portion of the site and the Indianapolis Fire Department has requested a second access drive to the site for emergency purposes. Consequently, the second access drive would be located further south from the intersection and north of the existing access drive.

As further research on this site was conducted the following violations were discovered:

VIO23-008284 (November 27, 2023) – The following violations included: Failure to obtain an Improvement Location Permit; storage of a commercial dumpster as an accessory use in D-A district; vehicle storage not permitted as a primary use in the D-A district; and failure to install lighting in accordance with the Ordinance.

VIO23-008431 (November 30, 2023) – The following violation included: Failure to obtain a drainage permit for land alternation.

As previously noted, development within a site zoned D-P requires Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) or before any disturbance to the land. Staff, therefore, is requesting a commitment that any and all development plans, including signage, be submitted for Administrator Approval prior to the issuance of required permits.

Because the proposed use would be similar to the existing use, expand the availability of services offered to the community and continue as a residential use, staff supports this request. Additionally, expansion of the existing use would have minimal impact on surrounding land uses.



Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-P and D-A	
<b>Existing Land Use</b>	Residential treatment center	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Rural or Estate Neighborhood Typologies	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Single-family dwelling
South:	D-P	Undeveloped land
East:	C-S	Undeveloped land
West:	D-P	Two-family dwelling



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

Thoroughfare Plan		
South Emerson Avenue	Primary arterial	Existing 112- and 120-foot right-of-way and proposed 102-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 27, 2023	
<b>Site Plan (Amended)</b>	March 13, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	NA	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	December 27, 2023	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends the suburban neighborhood typology for the southern parcel. “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 Rural or Estate Neighborhood typology for the northern parcel. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.



### Pattern Book / Land Use Plan

- 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*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

#### *Group Homes*

- Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
- Should be located adjacent to residential uses.
- Should not be located on the same block as another group home.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

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



## ZONING HISTORY

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

**2007-APP-131; 5524 South Emerson Avenue**, requested Approval of a Modification of Development Statement, related to petition 2004-ZON-078 (2004-DP-005), to provide for a shared senior living building consisting of twelve resident rooms, an owner's room and a guest room on 1.04 acres, with a density of 13.46 units per acre and Approval to Modify commitments, related to petition 2004-ZON-078 (2004-DP-005), recorded as instrument number 2004-0218504, and replace them with new commitments related to this request, **approved**.

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

## VICINITY

**2005-ZON-215; 5640 South Emerson Avenue (south of site)**, requested rezoning of 2.1 acres from D-A to C-1 to provide for the construction of office buildings, **approved**.









Department of Metropolitan Development  
Division of Planning  
Current Planning

D-P District Rezoning  
Written Development Statement

Haven Health Management, LLC  
5448 and 5510 S. Emerson Avenue

---

December 27, 2023

Haven Health Management, LLC (“Haven Health”) owns and operates Indiana Center for Recovery Indianapolis, LLC (“ICFR”), and respectfully seeks a rezoning of its property located at 5448 and 5510 S. Emerson Avenue, Indianapolis, IN 46237 from the D-A and D-P districts to the D-P district for a residential living facility for individuals with psychiatric disorders or addictions.

A previous rezone petition (2021-ZON-052) was heard and approved by the Metropolitan Development Commission (MDC) on July 21, 2021. To better meet the needs of the community, Haven Health now seeks to expand the allowed uses of the site to include adults who voluntarily seek residential addiction services, as more fully detailed in 440 IAC 7.5, Residential Living Facility for Individuals with Psychiatric Disorders or Addictions. Further, this request specifically includes the addition of Substance Abuse Treatment Facility from the Indianapolis - Marion County Zoning Ordinance Use Table 743-1 as an allowed use on the site. Further, it seeks to include the adjacent parcel of 5448 S. Emerson Avenue, Indianapolis, IN 46237 which is under common ownership, into the D-P district to provide an auxiliary building (to be used for storage and recreational space for patients), parking, and other ancillary site support (ex., trash bin storage) for the ICFR facility.



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

**D-P District Rezoning  
Detailed Description / Operational Plan**

Haven Health Management, LLC  
5448 and 5510 S. Emerson Avenue

---

December 27, 2023

The Haven Health Management, LLC (“Haven Health”) facility located at 5448 and 5510 S. Emerson Avenue, Indianapolis, IN 46237 is currently licensed by the State of Indiana, Division of Mental Health and Addiction Department under 440 IAC 7.5-4-4 (Sub-Acute Facility). It will operate at the location in full compliance with its licensure, and will be fully accredited by the Joint Commission, the gold standard in healthcare accreditation.

Similar to Haven Health’s work with those needing other mental health services, the addiction services will be residential in nature, lasting from roughly three (3) days to one (1) month. All individuals seeking addiction services will have to meet and pass the screening protocols established for all other services provided by Haven Health. The facility will house not more than twenty-four (24) individuals receiving care. All individuals are carefully screened to make sure they fit within the approved levels of care. To ensure its participants are personally interested in self-improvement, Haven Health only takes clients who voluntarily seek treatment, and does not accept court appointed treatment referrals.

Staffing will be consistent with licensure regulations and will consist of qualified professionals, including licensed nurses, Nurse Practitioners, a Medical Director, License Clinicians, and Peer and Mental Health Specialists. Visitors are not permitted on property, in order to ensure treatment is focused on the patient. Accordingly, at any given time, the number of non-employee individuals on site will be not more than twenty-four (24), most of whom will not have vehicles on site.





View looking north along South Emerson Avenue



View looking south along South Emerson Avenue





View of site looking west across South Emerson Avenue



View from site looking north across intersection of Emerson Avenue and Shelbyville Road





View from existing access drive looking across intersection of Emerson Avenue and Shelbyville Road



View from site looking east





View from site looking east towards South Emerson Avenue



View from site looking west





View from site looking northeast



View of site looking south





View of site looking southwest



View from site looking southeast towards South Emerson Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **March 20, 2024**

**Case Number:** 2024-CZN-808 / 2024-CPL-808  
**Property Address:** 11329 Maze Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** KDB, LLC, by David A. Retherford  
**Zoning:** D-A  
**Request:** Rezoning of 8.18 acres from the D-A (FW) (FF) District to the D-P (FW) (FF) District, to provide for three single-family dwelling lots.  
Approval of a Subdivision Plat to be known as Caldwell Farms, dividing 8.18 acres into three lots.  
**Waiver Requested:** None  
**Current Land Use:** Agricultural Land  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the March 20, 2024 hearing to the April 17, 2024 hearing.** This would require acknowledgement from the Commission.

**STAFF RECOMMENDATION**

This petition is to be continued to the April 17, 2024 hearing.