



Metropolitan Development Commission (August 16, 2023) Meeting Notice

Meeting Details

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

Date: Wednesday, August 16, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes: August 2, 2023

Policy Resolutions:

REAL ESTATE:

1. 2023-R-023

Authorizes DMD to contract with NXG Youth Motorsport for acquisition of property at 50 N. Tibbs for the purposes of redevelopment.

2. 2023-R-031

Metropolitan Development Commission authorizes DMD to pay an amount not to exceed seven hundred twenty five thousand dollars (\$725,000) to fund acquisition of the former John Marshall High School.

ECONOMIC DEVELOPMENT / INCENTIVES:

3. 2023-E-028

Authorizes DMD to enter into a Interlocal Agreement with and approves a grant of unobligated funds on deposit in the Airport Redevelopment TIF Fund to the Metropolitan School District of Wayne Township, to implement a Marion County employee training program known as the "Area 31" Project, in an amount not to exceed one hundred thousand dollars (\$100,000.00).

4. 2023-A-031 (For Public Hearing)

Final Economic Revitalization Area Resolution for Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star, located at 1631 and 1851 West Thompson Road, Council District #20, Perry Township. (Recommend approval of seven (7) years real property tax abatement.)

5. 2023-A-032 (For Public Hearing)

Final Economic Revitalization Area Resolution for Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star, located at 1631 and 1851 West Thompson Road, Council District #20, Perry Township. (Recommend approval of seven (7) years personal property tax abatement.)

6. 2023-A-033

Preliminary Economic Revitalization Area Resolution for OnPoint Fort Ben, LLC, located at 5745 Lawton Loop East Drive, Council District #4, Lawrence Township. (Recommend approval of five (5) years real property tax abatement.)

COMMUNITY INVESTMENTS:

7. 2023-C-005

Metropolitan Development Commission authorizes DMD to amend a contract with Beam Longest & Neff for acquisition and relocation services to increase the budget for a new not-to-exceed amount of two million ten thousand dollars (\$2,010,000).

8. 2023-C-006

Metropolitan Development Commission authorizes DMD to contract for Community Engagement Services.

PLANNING:

9. 2023-P-015 (For Public Hearing)

Amends a segment of the Comprehensive Plan of Marion County, Indiana. This amendment, the 2023 Indy Parks Comprehensive Master Plan, will inform residents where Indy Parks is currently positioned and what the future can hold for parks, public spaces, recreation facilities, and programs. It is a roadmap and shared vision for the future shaped by community values, unmet needs, and evolving demographics and trends.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

10. 2023-MOD-008 | 10832 Portside Court

Lawrence Township, Council District #5

D-P (FF)

Raymond and Kimberly Peck, by Russell L. Brown

Modification of the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to legally establish a paver patio (with table, stairs, railing and fire pit), with zero-foot side setbacks (eight-foot side and 22-foot aggregate side setback required).

11. 2023-MOD-013 | 3951 East Brunswick Avenue

Perry Township, Council District #24

D-4

Gary Hinks

Modification of the Commitments related to petition 90-Z-115 to modify Commitment 6.d, to allow for an above ground pool (previous commitments prohibited above ground pools).

12. 2023-ZON-024 | 2802 South Holt Road

Wayne Township, Council District #16

Maninder Singh

Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

13. 2023-ZON-026 | 6501 Brookville Road

Warren Township, Council District #18

Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

14. 2023-ZON-054 | 1554 Ringgold Avenue

Center Township, Council District #21
Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district.

15. 2023-ZON-058 | 1446 East Washington Street

Center Township, Council District #17
Damien Center, Inc., by David Kingen

Rezoning of 0.06 acre from the MU-1 (TOD) district to the MU-2 (TOD) district.

16. 2023-ZON-059 | 4640 Lafayette Road

Pike Township, Council District #10
Hoosier Investments, LLC, by Timothy H. Button

Rezoning of 8.72 acres from the C-7 and C-5 districts to the C-7 district.

17. 2023-ZON-060 | 1715 North Meridian Street

Center Township, Council District #11
Heron High School, Inc., by David Kingen

Rezoning of 0.625 acre from the C-4 (RC) (TOD) district to the SU-2 (RC) (TOD) district to provide for educational uses.

18. 2023-ZON-062 | 5318, 5326 & 5330 East 30th Street, 3015 North Downey Avenue and 3040 North Irvington Avenue

Warren Township, Council District #13
Phyllis and Donald Collins, by Russell L. Brown

Rezoning of 1.17 acres from the C-3 district to the I-2 district.

19. 2023-ZON-065 | 3309 East St Clair Street and 601 & 603 North LaSalle Street

Center Township, Council District #12
Englewood Community Development Corporation, by Joseph D. Calderon

Rezoning of 1.75 acres from the C-S and D-5 districts to the D-8 district to provide for a 43-unit, townhome-style residential development.

20. 2023-ZON-066 | 8711 River Crossing Boulevard

Washington Township, Council District #3
8711 River Crossing, Inc., by Kevin Buchheit

Rezoning of 2.964 acres from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use.

21. 2023-ZON-067 | 8095 East 30th Street

Warren Township, Council District #13
Akakia Holdings 8095, LLC, by Kevin Buchheit

Rezoning of 0.60 acre from the I-3 district to the C-3 district to provide for a daycare.

22. 2023-CAP-822 | 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street

Center Township, Council District #17
MU-2

1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC and Indianapolis Film Project, by David Kingen

Modification of the Site Plan and Commitments for 2017-CZN-816 / 2017-CVR-816 as modified by 2018-MOD-006 to:

A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.

B. Terminate Commitment #18 which required certain building materials and colors for the building façade and

former window openings.

C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

23. 2023-CZN-824 | 1341 & 1401 Dr Martin Luther King Jr. Street and 453 West 14th Street

Center Township, Council District #11
KTKF Holdings, LLC, by Jamilah Mintze

Rezoning of 0.696 acre from the SU-1 (RC) and D-8 (RC) districts to the D-9 (RC) district.

24. 2023-CZN-837 | 217 West 10th Street and 916, 918 & 922 North Capitol Avenue

Center Township, Council District #11
MTP – 922 North Capitol Ave, LLC, by Joseph D. Calderon

Rezoning of 1.17 acres (217 West 10th Street) from the I-3 (RC) district to the CBD-2 (RC) district.

25. 2023-REG-055 | 1341 and 1401 Dr. Martin Luther King, Jr. Street and 453 West 14th Street

Center Township, Council District 11
SU-1 and D-8 (D-9 pending) (RC)
KTKF Holdings, LLC, by Jamilah Mintze

Regional Center Approval to provide for demolition of an existing structure and for construction of a multi-family residential development consisting of 36 dwellings.

26. 2023-REG-063 | 916, 918 and 922 North Capitol Avenue and 217 West 10th Street

Center Township, Council District #11
I-3 (CBD-2 pending) and CBD-2 (RC)
MTP – 922 N Capitol Ave, LLC, by Joseph D. Calderon

Regional Center Approval to provide for adaptive re-use of Stutz II building, demolition of existing non-historic buildings and construction of a five-story building and a six-story building, for a mixed-use development with approximately 278 dwelling units, 26,571 square feet of leased office and retail space, 7,505 square feet of amenity space, a parking garage with approximately 358 spaces, and an outdoor courtyard.

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

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

2023-ZON-064 | 40 West 40th Street

Washington Township, Council District #7
Martin Luther King Multi-Service Center, by David Kingen

Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

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

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

2023-CZN-814 / 2023-CVR-814 | 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street

Pike Township, Council District #1
Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark

Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

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

2023-CZN-830 / 2023-CVR-830 | 201 West 38th Street and 3750 North Capitol Avenue

Center Township, Council District #7

C-4 / D-5

Martin Petroleum Inc., by Pat Rooney

Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

30. COMPANION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:

2023-VAR-001 (Amended) | 2802 South Holt Road

Wayne Township, Council District #16

Maninder Singh

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

31. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2023-ZON-049 | 1011 East 22nd Street

Center Township, Council District #17

DJ BCG Monon 22, LLC, by Michael Rabinowitch

Rezoning of 2.30 acres from the I-3 district to the D-P district to provide for a 111-unit multi-family development.

Additional Business:

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

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-023**

WHEREAS, The City of Indianapolis, Department of Metropolitan Development ("DMD"), is engaging in disposition and redevelopment activities within the Marion County Redevelopment District in Marion County, Indiana ("Redevelopment District"); and

WHEREAS, pursuant to I.C. 36-7-15.1 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 has broad legal authority to undertake projects to encourage redevelopment, including acquisition and disposition of real property; and

WHEREAS, *DMD acquired real property formerly owned by the State and commonly known as the State Garage/Salt Barn property located at 50. N. Tibbs* ("Property") located in Marion County, Indiana; and

WHEREAS, in accordance with IC 36-7-15.1-15, the DMD/MDC publicly offered the Property for sale for redevelopment by a Request for Proposals (**RFP-13DMD-2022-5**) dated January 20, 2022, with bidder responses due on April 18, 2022. Offers were received and evaluated, and DMD would like to pursue the development proposal from **NXG Youth Motorsports** and its partners ("**NXG**") for the *southern* portion of the Property; and

WHEREAS, NXG has requested additional time to secure the necessary financing to implement its proposal *for facilities to support youth motor sports, S.T.E.A.M. education, and event space* - including fundraising; and

WHEREAS, DMD would like to enter into an option to purchase agreement with NXG to facilitate NXG's access to resources to carry out the project; and

WHEREAS, the option agreement would include a commitment to enter into a project agreement for development ("Project Agreement") within an agreed timeframe as well as other terms necessary to provide desirable development; and

WHEREAS, allocation of proceeds related to such Project Agreement would take in to account the Brownfield Redevelopment Fund law (Revised Code of the Consolidated City and County Section 135-781.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission authorizes DMD to enter into an option to purchase agreement, a related project agreement, and to convey title to the Property to NXG, if all conditions are satisfied in accordance with those agreements, for the purpose of providing beneficial redevelopment.
2. The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved, for the agreements and conveyance of said Property in accordance with this Resolution.

Approved as to Adequacy & Legal Form

Sheila Kinney *sek*
Sheila Kinney, Asst. Corp Counsel
Date: 6/1/2023

Metropolitan Development Commission

John J. Dillon III, President
Date: _____

Redevelopment-10101 E. 38th Street
 Real Estate-Acquisition of Property
 Former John Marshall School

**METROPOLITAN DEVELOPMENT COMMISSION
 OF
 MARION COUNTY, INDIANA
 Resolution No. 2023-R-031**

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

WHEREAS, pursuant to I.C. 36-7-15.1-6, the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land so as to best serve the interests of the City of Indianapolis ("City") and to benefit the health, safety, and welfare of i t s inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the MDC is authorized by I.C. 36-7-15.1 to acquire property to facilitate redevelopment within the Project Area; and

WHEREAS, the former John Marshall High School and campus at 10101 E. 38th Street, specifically parcels ##7025972, 7032006 and 7029158, ("Property") is no longer in operation for student instruction; and ;

WHEREAS, IC § 36-1-11-8 authorizes a "transfer or exchange of property. . .with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity. Such a transfer may be made for any amount of real property, cash, or other personal property, as agreed upon by the entities."; and

WHEREAS, the Board of School Commissioners of the City of Indianapolis passed a resolution **#7962 on November 17, 2022**, authorizing disposition of the Property to the City for **\$725,000** for appropriate redevelopment to best serve the social and economic interests of the City and its residents; and

WHEREAS, the City issued a request for qualifications and information (**#RFQI-13DMD-2023-1**) regarding interest in serving as master developer or operator of the Property to enhance the health, safety, welfare, economic opportunities and other conditions of the communities in and around former John Marshall High School and received one qualified response; and

WHEREAS, the City would like to pursue redevelopment of the Property and to move forward with the with a purchase and project agreement, and all other necessary legal documents to complete the transfer of the Property to the City; and

WHEREAS, while it may use community development grant funds for the all or part of the purchase, DMD seeks MDC's authority for the acquisition with all available funding and a determination that such acquisition will best serve the interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. MDC hereby determines that acquisition of the above-described Property will best serve the interests of the City and authorizes DMD to acquire and to pursue all steps necessary to carry out beneficial redevelopment of the Property; and

2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the Commission so as to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.

Approved as to Adequacy of Legal Form:

Metropolitan Development Commission:

By: Misty Mercer
Misty Mercer, Deputy Corporation Counsel

John J. Dillon III, President

Date: 8/9/2023

Date: _____

Blurb:

Resolution No. 2023

Metropolitan Development Commission authorizes DMD to pay an amount not to exceed \$725,000 to fund acquisition of the former John Marshall High School.

METROPOLITAN DEVELOPMENT COMMISSION**MARION COUNTY, INDIANA****RESOLUTION NO. 2023-E-028****METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP INTERLOCAL
AGREEMENT – AREA 31 PROJECT**

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

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

WHEREAS, the Commission collects allocated tax revenues from the Airport Economic Development Area TIF District Allocation Area (the "Allocation Area"); and

WHEREAS, the Commission now desires to authorize the expenditure of unobligated revenues in the Airport Economic Development Area TIF District Allocation Fund, and to allow the Department of Metropolitan Development ("DMD") to enter into an interlocal cooperation agreement with the Metropolitan School District of Wayne Township ("MSD Wayne Township") for the purpose of collaborating and supporting the “Area 31” construction vocational program (the "Project"); and

WHEREAS, the Project will directly serve and benefit the Airport Economic Development Area; and

WHEREAS, under Indiana Code Section 36-7-15.1-26(b)(3)(J), allocated tax revenues collected by the Commission and in excess of those funds statutorily needed, may be used to pay the costs of carrying out "eligible efficiency projects" within Marion County; and

WHEREAS, under Indiana Code Section 36-9-41-1.5, an "eligible efficiency project" includes a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; and

WHEREAS, under Indiana Code Section 36-1-7, the Commission and the MSD Wayne Township are authorized to enter into an interlocal cooperation agreement (the "Agreement") to fund the Project.

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

1. The Commission hereby authorizes the expenditure of unobligated revenues in the Airport Economic Development Area TIF District Allocation Fund in an amount not to exceed \$100,000.00 to support the Area 31 Project, as detailed in the agreement between the parties.
2. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further action and execute such documents as she deems necessary to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Date

Approved as to Legal Form and Adequacy
on this 3rd day of August, 2023, by

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

Approved as to the availability of funding:

By: _____
Sarah Riordan, City Controller

METROPOLITAN DEVELOPMENT COMMISSION OF**MARION COUNTY, INDIANA****FINAL ECONOMIC REVITALIZATION AREA RESOLUTION****RESOLUTION NO. 2023-A-031****REAL PROPERTY TAX ABATEMENT**

Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star

1631 and 1851 West Thompson 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, August 2, 2023, 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. 2023-A-029**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of seven (7) 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 amends, 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 seven (7) 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 existing, approximately

87,000-square foot office and industrial building, construction of a new, approximately 215,000-square foot office and industrial building and the construction of a parking garage with approximately 250 parking stalls, as depicted in the site plan attached to this Resolution.

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 twelve (12) years. The dates of the initial twelve (12) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035.
8. The Subject Real Estate and Project area are approved for an abatement period of **seven (7) years**.
9. The real property tax abatement shall utilize the following abatement schedule:

**TRUCK COUNTRY OF INDIANA, INC.
D/B/A STOOPS FREIGHTLINER-WESTERN STAR
REAL PROPERTY TAX ABATEMENT SCHEDULE**

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	85%
3 rd	71%
4 th	57%
5 th	43%
6 th	29%
7 th	14%

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 7th day
of August, 2023.

/s/ Toae Kim
Toae Kim,
Deputy Chief Counsel

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located in a legacy industrial area, just south of I-465 and west of new I-69 / old IN-37.

Current Zoning:.....C-7

Qualified New Jobs Created: 50

Qualified Jobs Retained:225

Estimated Cost of proposed project: \$50,000,000.00

STAFF ANALYSIS

Truck Country of Indiana (d/b/a Stoops Freightliner-Western Star) is the Indiana branch of a regional truck retail and service operation, with facilities in six Midwestern states. Truck Country entered the Indiana market in 2014 with the acquisition of Stoops Freightliner-Quality Trailer. Truck Country has expanded from six truck sales and service facilities in Indiana at that time, to eight today.

Truck Country has proposed a significant redevelopment of their 42.18-acre property on Thompson Road, near new I-69. The applicant would invest \$50,000,000 in real property improvements to construct a new 215,000-square foot office and industrial facility, renovate existing offices, and build a new, employee parking garage. The company is also planning a \$5,000,000 investment in roof-top solar panels and microgrid charging stations. The project would result in the retention of 225 existing jobs and would create 50 new jobs by 2025.

The proposed use and the planned real estate investments will result in net benefits for the County. The petitioner will be investing five percent of its estimated abatement savings to support Employ Indy's workforce development programs, specifically the Modern Apprenticeship program. This investment will allow for up to 10 apprenticeship opportunities at Truck Country annually, including diesel mechanic, sales, accounting and human resources positions.

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 seven (7) years real property tax abatement.

TOTALITY OF BENEFITS

<u>PETITIONER:</u>	Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star
<u>INVESTMENT:</u>	Staff estimates that the proposed investment of \$50,000,000.00 should result in an increase to the tax base of approximately \$37,500,000.00 of assessed value. Staff estimates that over the seven (7) year real property tax abatement period the petitioner will realize savings of approximately \$4,192,941.38 (a 61.9% savings). During the abatement period, the petitioner is expected to pay an estimated \$2,585,468.05 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of \$287,112.48 annually (pay 2023 taxes), which represents the taxes on the current facilities and land. After the tax abatement expires, the petitioner can be expected to pay an estimated \$1,465,793.46 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.
<u>EMPLOYMENT:</u>	The petitioner estimates that this project will retain two-hundred and twenty-five (225) positions at an average wage of \$30.00/hr. and will create fifty (50) new positions at an average wage of \$29.00/hr. Staff finds these figures to be reasonable for a project of this nature.
<u>OTHER BENEFITS:</u>	Staff believes this project is significant for Perry 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.
<u>STAFF COMMENT:</u>	Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

PROJECT SUMMARY

Applicant: Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star

Subject Real Estate: 1631 & 1851 West Thompson Road

Perry Township Parcel Numbers: 5003100, 5023945 and 5033275

Project Description:

Currently headquartered in Dubuque, Iowa, Truck Country of Indiana (d/b/a Stoops Freightliner-Western Star) is the Indiana branch of a regional truck retail and service operation, with facilities in Iowa, Indiana, Illinois, Ohio, Michigan, and Wisconsin. Founded in 1957, Truck Country, has evolved into a major supplier of semi-tractors and trailers, as well as parts and service for such vehicles. Prior to acquisition by Truck Country in 2014, Stoops Freightliner-Quality Trailer (founded in 1988) had operated six truck sales and service facilities in Indiana; Truck Country now operates eight such facilities in the state.

Truck Country has acquired a 22.87-acre industrial property adjacent to their 19.31-acre existing facility at 1851 West Thompson Road, providing for a 42.18-acre redevelopment site. Truck Country has proposed to invest \$50,000,000 in real property improvements to implement the following project: 1) renovate the existing Truck Country/Stoops building at 1851 West Thompson Road, 2) construct a new 215,000-square foot office and industrial facility, and 3) construct a new, approximately 250-space parking garage as well as site upgrades and improvements. The company is also planning a \$5,000,000 investment in roof-top solar panels to decrease reliance of fossil fuels and the electric grid. As a result of this significant investment in both real and personal property, Truck Country would commit to the retention of 225 existing jobs and would create 50 new jobs by 2025.

New Jobs Created: 50 at \$29.00/hr.

Jobs Retained: 225 at \$30.00/hr.

Estimated Cost of Project: \$50,000,000.00

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

Truck Country of Indiana, Inc.
1631 and 1851 West Thompson Road



Legend

-  Parcels
-  Project Site



0 370 740 1,480 Feet

Produced by: DMD REED June 12, 2023



Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star –7 Year Real Property Tax Abatement

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

Resolution No. 2023-A-032

PERSONAL PROPERTY TAX ABATEMENT

**Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star
1631 and 1851 West Thompson 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, August 2, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and the Commission adopted **Preliminary Resolution No. 2023-A-030 ("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, **August 16, 2023**, in the Public Assembly Room of the City-County Building for the public hearing

of remonstrances and objections from persons interested in whether the Subject Real Estate should be designated as an Economic Revitalization Area to allow for the installation of the Specified New Equipment; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now amends, 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, 2024. 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 August 16, 2023, to December 31, 2024.** 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 seven (7) 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 \$5,200,000.00.
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 twelve (12) years. The dates of the initial twelve (12) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 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 **seven (7) years**.
 9. The seven (7) year personal property tax abatement shall utilize the following deduction schedule:

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	85%
3 rd	71%
4 th	57%
5 th	43%
6 th	29%
7 th	14%

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 7th day
of August, 2023.

/s/Toae Kim
Toae Kim,
Deputy Chief Counsel

STAFF COMMENT
PERSONAL PROPERTY TAX ABATEMENT

Street Address:.....1631 & 1851 West Thompson Road

Qualified New Jobs Created: 50

Qualified Jobs Retained: 225

Estimated Cost of Equipment: \$5,000,000.00

STAFF ANALYSIS

Truck Country of Indiana (d/b/a Stoops Freightliner-Western Star) is the Indiana branch of a regional truck retail and service operation, with facilities in six Midwestern states. Truck Country entered the Indiana market in 2014 with the acquisition of Stoops Freightliner-Quality Trailer. Truck Country has expanded from six truck sales and service facilities in Indiana at that time, to eight today.

Truck Country has proposed a significant redevelopment of their 42.18-acre property on Thompson Road, near I-69. The applicant would invest \$50,000,000 in real property improvements to construct a new 215,000-square foot office and industrial facility, renovate existing offices, and build a new, employee parking garage. The company is also planning a \$5,000,000 investment in roof-top solar panels and microgrid charging stations. The project would result in the retention of 225 existing jobs and would create 50 new jobs by 2025.

The proposed use and the planned real estate investments will result in net benefits for the County. The petitioner will be investing five percent of its estimated abatement savings to support Employ Indy's workforce development programs, specifically the Modern Apprenticeship program. This investment will allow for up to 10 apprenticeship opportunities at Truck Country annually, including diesel mechanic, sales, accounting and human resources positions.

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 seven (7) years personal property tax abatement.

TOTALITY OF BENEFITS

<u>PETITIONER:</u>	Truck Country of Indiana, Inc. d/b/a Stoops Freightliner-Western Star
<u>INVESTMENT:</u>	Staff estimates that the proposed investment of \$5,000,000.00 should result in an increase to the tax base of approximately \$2,000,000.00 of assessed value in the first year of operation. Staff estimates that over the seven (7) year personal property tax abatement period the petitioner will realize savings of approximately \$164,789.06 (a 49.9% savings). During the abatement period, the petitioner is expected to pay an estimated \$165,527.49 in personal property taxes related to the new equipment. After the tax abatement expires, the petitioner can be expected to pay an estimated \$71,606.89 in personal property taxes annually related to the new equipment, in addition to \$29,572.38 in petitioner's annual personal property taxes paid on existing equipment (pay 2023).
<u>QUALIFIED EMPLOYMENT:</u>	The petitioner estimates that this project will retain two-hundred and twenty-five (225) positions at an average wage of \$30.00/hr. and will create fifty (50) new positions at an average wage of \$29.00/hr. Staff finds these figures to be reasonable for a project of this nature.
<u>OTHER BENEFITS:</u>	Staff believes this project is significant for Perry 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.
<u>STAFF COMMENT:</u>	Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

PROJECT SUMMARY

Applicant: Truck Country of Indiana, Inc.
d/b/a Stoops Freightliner-Western Star

Subject Real Estate: 1631 & 1851 West Thompson Road

Perry Township Parcel Numbers: 5003100, 5023945 and 5033275

Project Description:

Currently headquartered in Dubuque, Iowa, Truck Country of Indiana (d/b/a Stoops Freightliner-Western Star) is the Indiana branch of a regional truck retail and service operation, with facilities in Iowa, Indiana, Illinois, Ohio, Michigan, and Wisconsin. Founded in 1957, Truck Country, has evolved into a major supplier of semi-tractors and trailers, as well as parts and service for such vehicles. Prior to acquisition by Truck Country in 2014, Stoops Freightliner-Quality Trailer, founded in 1988, had operated six truck sales and service facilities in Indiana; Truck Country now operates eight such facilities in the state.

Truck Country has acquired a 22.87-acre industrial property adjacent to their 19.31-acre existing facility at 1851 West Thompson Road, providing for a 42.18-acre redevelopment site. Truck Country has proposed to invest \$50,000,000 in real property improvements to renovate their existing facility, construct a new 215,000-square foot office and industrial building and a construct a new parking garage. The company is also planning a \$5,000,000 investment in roof-top solar panels to decrease reliance of fossil fuels and the electric grid. As a result of this significant investment in both real and personal property, Truck Country would commit to the retention of 225 existing jobs and would create 50 new jobs by 2025.

New Jobs Created: 50 at \$29.00/hr.

Job Retained: 225 at \$30.00/hr.

Estimated Cost of Project: \$5,000,000.00

RECOMMENDATION: Staff recommends approval of seven (7) years personal property tax abatement.

Truck Country of Indiana, Inc.
1631 and 1851 West Thompson Road



Legend

-  Parcels
-  Project Site



0 370 740 1,480 Feet

Produced by: DMD REED June 12, 2023

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION
Resolution No. 2023-A-033
REAL PROPERTY TAX ABATEMENT**

Onpoint Fort Ben, LLC
5745 Lawton Loop East Drive

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

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

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

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

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

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

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

WHEREAS, a public hearing upon the Waiver is fixed for Wednesday, October 4, 2023, in the Public Assembly Room of the City-County Building for the receiving of remonstrances and objections from persons interested in or affected by the Waiver; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, August 16, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of five (5) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution and Waiver is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project, and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of not less than five (5) years.
4. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.**
5. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

6. The Commission fixes 1:00 p.m. on Wednesday, October 4, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and Waiver and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and Waiver and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at five (5) years and establish an abatement schedule.
7. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John Dillon, III President

Date

Approved as to Legal Form
and Adequacy August 8, 2023.

Toae Kim,
Deputy Chief Counsel

ATTACHMENT TO

METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION

REAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: OnPoint Fort Ben, LLC

Subject Real Estate: 5745 Lawton Loop East Drive

Lawrence Township Parcel Number: 4038416

PROJECT DESCRIPTION

OnPoint Fort Ben LLC, subsidiary of general contracting firm Meyer-Najam. OnPoint was selected by the Fort Harrison Reuse Authority (FHRA), a statutory redevelopment commission, to redevelop the historic “PX” or Post Exchange building on the grounds of Fort Benjamin Harrison, in 2022. The PX Building was constructed in 1908 to serve the then-active military base, and later converted into a noncommissioned officers club. Since the closure of the base in 1995, the building has fallen into vacancy and deteriorated to the point where demolition was a serious consideration.

Since acquisition, OnPoint has invested \$2.5MM to address aesthetic and structural issues, as well as general modernization of the structure. This ‘Phase I’ stabilization of the PX Building has been completed and is not eligible for tax abatement without the MDC’s grant of a waiver, which has been requested. OnPoint is also proposing ‘Phase II’ of the PX redevelopment, which is a proposed, additional, \$1,080,000 real property investment. This additional investment would be focused on interior finishes and is necessary to convert the ‘white box’ shell into two floors of leasable office space.

OnPoint Fort Ben has identified two tenants to occupy the PX building, an architectural firm and a property management company. Both are local firms that are seeking to expand. The Applicant therefore has committed to at least twenty-one (21) jobs being retain in the completed structure and eleven new jobs being created, at an average wage rate of \$35.00/hr.

FACTUAL ASSERTIONS

1. The Subject Real Estate:

- A. ☐ Is in a planned area which has a tax abatement policy as a part of its plan, or

- B. ☐ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or
 - C. ☒ is not located in a planned area with a tax abatement policy.
2. ☒ The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
- A. ☒ Current zoning allows project.
 - B. ☐ Appropriate petitions are on file.
 - C. ☒ Final approval for variance, rezoning or approval petition has been granted.
4. A. ☒ The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
- B. ☐ substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. ☒ The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
- B. ☐ The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
- A. ☐ Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
 - B. ☒ Located in an allocation area, but Applicant's statement of benefits has been submitted to the legislative body for its approval as required by I.C.6-1.1-12.1-2(k)

PROPOSED ABATEMENT SCHEDULE
REAL PROPERTY TAX ABATEMENT
ONPOINT FORT BEN, LLC

YEAR OF DEDUCTION	PERCENTAGE
1 st	75%
2 nd	65%
3 rd	55%
4 th	45%
5 th	35%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located within former Fort Benjamin Harrison and within the Fort Harrison Redevelopment Area.

Current Zoning: D-P

New Jobs Created:..... 11

Jobs Retained:..... 21

Estimated Cost of proposed project: \$3,580,000.00

STAFF ANALYSIS

OnPoint Fort Ben. LLC has begun the process of redeveloping the historic Fort Benjamin Harrison “PX” building (c. 1908). Phase I of the project consisted of required stabilization of a long-vacant building. \$2.5MM was invested on improvements such as ADA accessibility improvements, new roof as well as truss support system, new elevator, new doors and windows, masonry restoration, new HVAC, new electrical service to the building with distribution panels and the creation of a new asphalt parking lot with sidewalks, curbs and dumpster enclosure.

OnPoint is also proposing ‘Phase II’ of the PX redevelopment, which is a proposed, additional, \$1,080,000 real property investment. This additional investment would be focused on interior finishes and is necessary to convert the ‘white box’ shell into two floors of leasable office space.

OnPoint Fort Ben has identified two tenants to occupy the PX building, an architectural firm and a property management company. Both are local firms that are seeking to expand. The Applicant therefore has committed to at least twenty-one (21) jobs being retain in the completed structure and eleven new jobs being created, at an average wage rate of \$35.00/hr. The Inclusivity Plan will consist of donating 5% of estimated savings to Employ Indy, to support Indy Achieves Completion Grants.

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:****OnPoint Fort Ben, LLC****INVESTMENT:**

Staff estimates that the proposed total Phase I & Phase II investment of \$3,580,000.00 should result in an increase to the tax base of approximately \$1,131,200.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of up to \$79,586.71 (a 56.0% savings). During the abatement period, the petitioner is expected to pay an estimated \$62,607.69 in real property taxes on the project. Since the property was government owned as-of the 2023 assessment date, the property is currently tax exempt. After the tax abatement expires, the petitioner can be expected to pay an estimated \$35,533.62 in real property taxes annually on the new improvements.

EMPLOYMENT:

The petitioner estimates that this project will retain twenty-one (21) positions at an average wage of \$44.00/hr and will create at least eleven (11) positions at an average wage of \$35.00/hr. Staff finds these figures to be reasonable for a project of this nature.

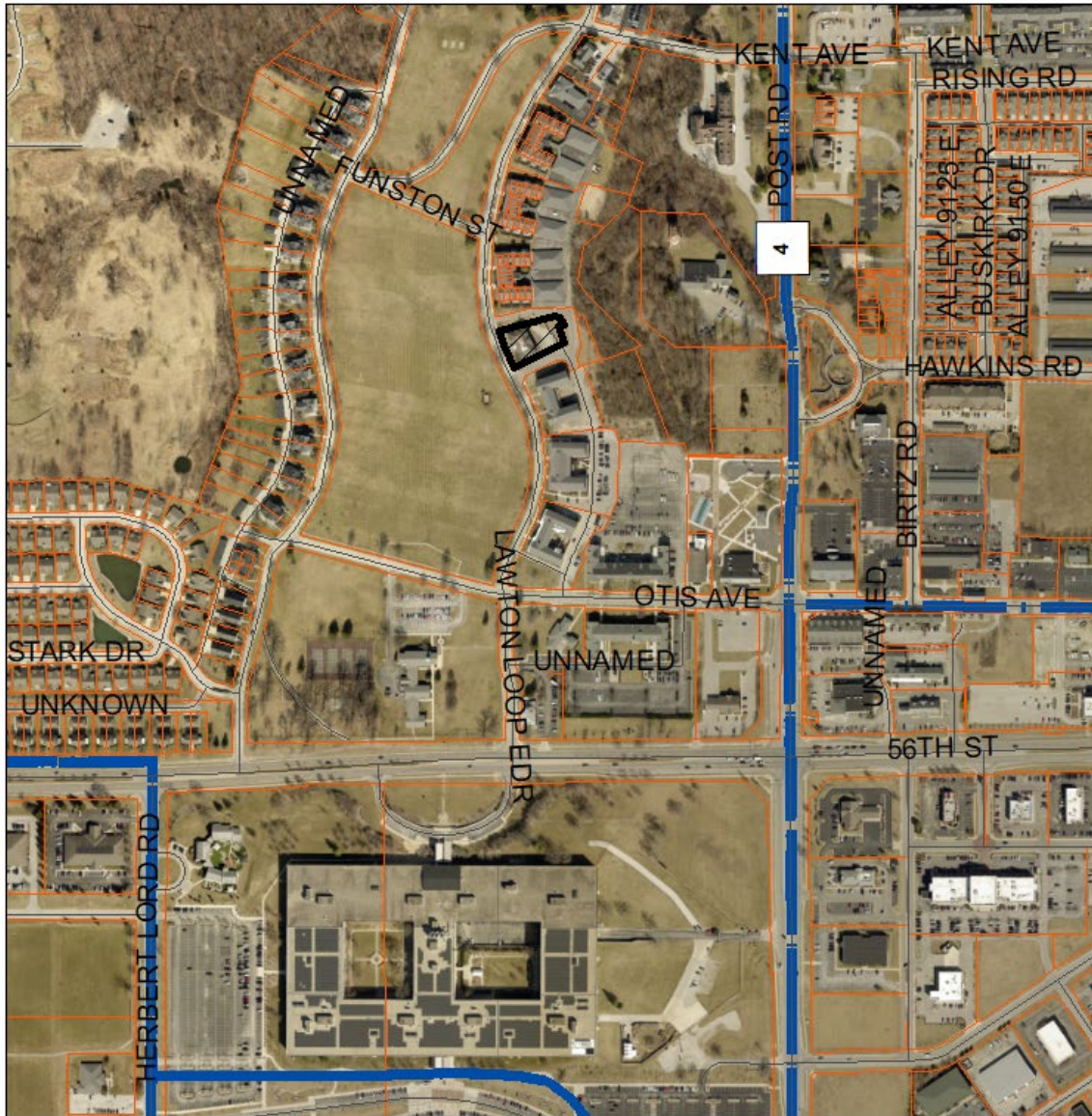
OTHER BENEFITS:

Staff believes this project is significant for Lawrence 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:

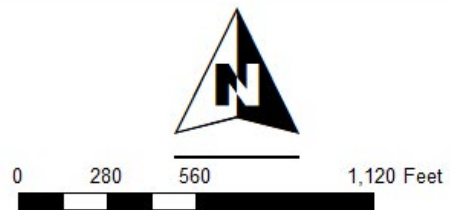
Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

OnPoint Fort Ben, LLC
5745 Lawton Loop East Drive



Legend

- IndyGo Transit Routes
- Parcels
- ▨ Project Site



Produced by: DMD REED August 8, 2023

Community Economic Development
Acquisition/Relocation Services
Beam Longest & Neff contract

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-C-005**

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 the Marion County Redevelopment District ("Project Area "); and

WHEREAS, in furtherance of said redevelopment activities within the Project Area and as authorized by **Resolution No. 2023-C-11**, DMD contracted with **Beam Longest & Neff** ("BLN")- contract #19713 for property acquisition and relocation services ("Services"); and

WHEREAS, to address the need for such Services, DMD seeks authorization to amend contract #19713 to add to the scope of services and to increase the not-to-exceed amount by \$410,000. The new not-to-exceed amount for the contract will be \$2,010,000 payable from all sources of funding available for such Services

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to amend the contract for Services as described above to add \$410,000 for a new not-to-exceed amount of \$2,010,000 using all sources of funding available for that purpose.
2. The DMD Director or designee is hereby authorized to execute all necessary documents related thereto 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

Metropolitan Development Commission

Misty Mercer for
Sheila Kinney, Asst. Corp Counsel
Date: 8/7/2023

John J. Dillon III, President
Date: _____

Community Economic Development
Community Engagement Services
La Plaza contract

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
2023-C-006**

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 the Marion County Redevelopment District ("Project Area "); 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, in furtherance of its redevelopment activities within the Project Area including property acquisition and resident relocation, DMD requires community engagement services to Towne and Terrace households including case management, relocation advisement and related accounting and supervision ("Services"); and

WHEREAS, LA PLAZA, INC. is a nonprofit focused on addressing the needs of the Hispanic community and is uniquely positioned to provide such Services; and

WHEREAS, DMD desires to enter into a contract for Services with La Plaza in an amount not-to-exceed \$20,000 to be funded by and in accordance with American Rescue Plan Act (ARPA) requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission does hereby authorize the DMD to enter into a contract for Services as described above for an amount not-to-exceed \$20,000 using funding available for that purpose.
2. The DMD Director or designee is hereby authorized to execute all necessary documents related thereto 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

Misty Mercer for
Sheila Kinney, Asst. Corp Counsel
Date: 8/7/2023

Metropolitan Development Commission

John J. Dillon III, President
Date: _____

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
RESOLUTION NO. 2023-P-015

RESOLUTION 2023-P-015, amending a segment of the Comprehensive or Master Plan of Marion County, Indiana, the 2023 Indy Parks Comprehensive Master Plan.

Be it resolved that, pursuant to I.C. 36-7-4, the Metropolitan Development Commission of Marion County, Indiana, hereby amends the Comprehensive or Master Plan for Marion County, Indiana, by the adoption of the 2023 Indy Parks Comprehensive Master Plan, a copy of which is on file and available for inspection during normal business hours in the office of the Department of Metropolitan Development, as an amendment to the Comprehensive or Master Plan of Marion County, Indiana.

Be it further resolved that the Secretary of the Metropolitan Development Commission is directed to certify copies of this Resolution 2023-P-015 amending the Comprehensive or Master Plan of Marion County, Indiana, the 2023 Indy Parks Comprehensive Master Plan.

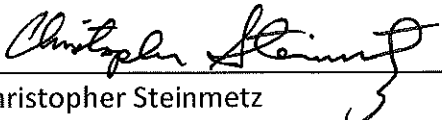
Be it further resolved that the Director of the Department of Metropolitan Development is directed to mail or deliver certified copies of this Resolution 2023-P-015, to the Mayor of the City of Indianapolis, the City-County Council of Indianapolis and Marion County, the Board of Commissioners of Marion County, Indiana and to the legislative authorities of the incorporated cities and towns of Marion County, Indiana that are directly affected by this plan: Beech Grove, Lawrence, Southport, Speedway, Clermont, Crows Nest, Cumberland, Highwoods, Homecroft, Meridian Hills, North Crows Nest, Rocky Ripple, Spring Hill, Warren Park, Williams Creek, and Wynnedale. The Director shall also file one (1) summary of the plan in the office of the Recorder of Marion County.

DATE: _____

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA

APPROVED AS TO LEGAL FORM
AND ADEQUACY THIS 8th DAY
OF AUGUST, 2023

John J. Dillon III, President



Christopher Steinmetz
Senior Counseling Attorney

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-064
Address: 40 West 40th Street (*Approximate Address*)
Location: Washington Township, Council District #7
Petitioner: Martin Luther King Multi-Service Center, by David Kingen
Request: Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

A valid Automatic Continuance was received from a registered neighborhood organization, Meridian Kessler Neighbors Helping Neighbors, **continuing this petition from the August 16, 2023 hearing to the September 20, 2023 hearing.**

klh

STAFF REPORT

Item 28.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-814 / 2023-CVR-814
Address: 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street
(Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark
Requests: Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

ADDENDUM FOR AUGUST 16, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on July 27, 2023. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

July 27, 2023

The Hearing Examiner continued these petitions from the April 13, 2023 hearing, to the May 11, 2023 hearing, to the May 25, 2023 hearing, and to the June 29, 2023 hearing, at the request of staff to provide additional time for the requested Traffic Impact Study (TIS) to be conducted and submitted for review, amendments and finalized.

The Hearing Examiner acknowledged a timely automatic continuance that continued this petition from the June 29, 2023 hearing, to the July 27, 2023 hearing.

(Continued)

RECOMMENDATIONS

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

1. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. All site plans, landscaping plans, and building elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit
4. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 200-acre site, zoned D-A, D-1, and D-2 is comprised of 12 undeveloped parcels, except for an accessory structure located on the southern portion of the site. It is surrounded by Interstate-465, to the east, zoned D-A, D-1 and D-2; single-family dwellings to the west, zoned D-1; single-family dwellings to the north, across West 86th Street, zoned D-4 and D-6II; and religious uses to the south, across West 79th Street, zoned SU-1.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-A, D-1 and D-2 Districts to the C-S classification to provide for mixed-use. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends rural or estate neighborhood typology. “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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ Recommended land uses for this typology include detached housing, working farms, group homes, bed / breakfast and wind or solar farms.

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Forest Alliance Woodlands, which are high quality woodlands, are located throughout the site, along with wetland areas.

(Continued)

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Wetland Preservation

- ◇ The aerial indicates two wetland areas located within the wooded areas.
- ◇ The Environmental Protection Agency defines wetlands "as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils."

(Continued)

- ◇ The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”
- ◇ Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

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.

(Continued)

Conceptual Site Plan (See Exhibit B)

- ◇ The conceptual plan, file-dated March 13, 2023, provides for access drives along West 86th Street and West 79th Street, with a proposed dedicated public street bisecting the northern portion of the site and running along the western boundary of the southern portion of the site.
- ◇ The northern portion of the site would have mixed-use consisting of commercial uses fronting on West 86th Street, with a hotel and medical healthcare uses on the eastern portion of the site fronting on Interstate 465 and east of the proposed public street. Residential development would be located within the northern portion of the site and west of the proposed public street.
- ◇ The eastern and southern portion of the site would provide for commercial uses and life science uses along Interstate 465.

C-S Statement (See Exhibit C)

- ◇ The C-S Statement, file-dated March 9, 2023, provides details and features of the development, including permitted uses and accessory / temporary uses throughout the development.
- ◇ The C-S Statement also provides an approximate square footage of the proposed uses.

Traffic Impact Study (TIS)

- ◇ A draft copy of the TIS, dated April 5, 2023, was submitted for review and comments. A final TIS, dated June 9, 2023, was submitted that responded to comments from the Department of Public Works and the State of Indiana, Department of Transportation (INDOT).
- ◇ See Exhibit D for the Executive summary including findings and recommendations

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for 90-foot-tall buildings on the eastern portion of the development when the Ordinance limits buildings to a maximum of 45 feet.
- ◇ Staff believes that the 90-foot-tall buildings should be limited to those buildings in proximity of the interstate and that any building in proximity of the residential development to the west should be sensitive and step down (even from the permitted 45-foot height) when located near existing residential uses to the west.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood typology. However, it should be noted that the land use boundaries “recommended” in the Comprehensive Plan are intended to be flexible (rather than along parcel lines) to allow for development that responds to changes in the community’s daily life and their current needs.

(Continued)

- ◇ Staff would also note that development through the years along this western corridor of Interstate 465 has resulted mixed-use on both the eastern and western sides of the interstate. Both north and south of this site, development on either side of the interstate corridor includes commercial, industrial and residential uses, similar to what is proposed with this request. The conceptual site plan provided would be consistent with this type of development adjacent to the interstate and transition into established neighborhoods.
- ◇ As with any C-S zoned district, Administrator Approval will be required for any development within this district, including, site plans, landscaping plans, building elevations, and lighting plans.
- ◇ For these reasons, staff is recommending approval of the rezoning and variance requests with recommended commitments particularly relating to honoring the environmental overlay.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A / D-1 / Undeveloped / accessory building

SURROUNDING ZONING AND LAND USE

North -	D-4 / D-6II	Single-family dwellings
South -	SU-1	Religious Uses
East -	D-A / D-1 /	Interstate 465 right-of-way
	D-2	
West -	D-1	Single-family dwellings

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology.

Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN

This portion of West 86th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 160-foot right-of-way and under the jurisdiction of Indiana State Department of Transportation (INDOT)

This portion of West 79th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with a variable existing 80-178-foot right-of-way and a proposed 90-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within an environmentally sensitive overlay

SITE PLAN

File-dated March 13, 2023

C-S STATEMENT

File-dated March 13, 2023

TRAFFIC IMPACT STUDY (TIS) File-dated June 9, 2023

(Continued)

ZONING HISTORY

2020-ZON-005; 7802 Marsh Road (south of site), requested rezoning of 15.052 acres from the D-1 district to the D-A district, **pending**.

99-UV1-133; 6424 West 79th Street, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a historic vehicle museum, having eight detached accessory use structure, creating 21,112 square feet of detached accessory structure or 706% of the main floor area of the primary residence, with total accessory uses being 21,112 square feet, or 204% of the size of the total floor area of the primary resident, **granted**.

97-Z-149 / 97-CV-12; 6302 West 79th Street, requested rezoning of 14.438 acres, being in the D-A district, to the I-1-S classification to provide for restricted industrial suburban uses, and a variance of development standards of the Sign Regulation to provide for the placement of two advertising sign being within 1,500 feet of the intersection of the main travelled way of a freeway and an exit roadway resulting in three sign with one-mile distance and with sign dimension of 14 feet by 48 square feet, **withdrawn**

VICINITY

2017-UV2-001; 7802 Marsh Road (south of site), requested a variance of use to provide for a farmer's market and the temporary use of a mobile construction trailer, **approved**.

97-CP-32Z / 97-CP-32V; 7802 Marsh Road (south of site), requested the rezoning of 49.73 acres from the D-1 (GSB) district to the SU-1 classification, and a variance of use to provide for accessory uses prior to the construction of the primary use, **denied**.

91-Z-81; 6250 West 79th Street (east of site), requested rezoning of 14.324 acres, being in the D-A district, to the SI-7 classification to provide for the construction of an office building for the Lions of Indiana, **withdrawn**.

75-Z-73; 6400 to 7250 West 79th Street (south of site), requested the rezoning of 349 acres from the PK-1 and A-2 districts to the D-1 classification, **approved**.

2001-ZON-088, 7853 Marsh Road (south of site), requested the rezoning of 12.5 acres from the D-A district to the SU-1 classification, **approved**.

89-Z-169; 7523 Marsh Road (south of site), requested the rezoning of 81.5 acres from the A-2 district to the D-P classification, **approved**.

kb



MEMORANDUM OF EXAMINER'S DECISION**2023-CZN/CVR-814****6419 W. 86th St., 6302-6424 W. 79th St.**

The petitions request the rezoning of 200 acres from the D-A, D-1, and D-2 districts to the C-S district to allow for a mixed use and life science campus development, with a variance of development standards to permit 90 foot tall buildings on the eastern portion of the development (maximum 45 foot tall buildings permitted).

Your Hearing Examiner visited the site prior to the hearing and noted I-465 abutting the site to the east, with single family residences west of the site. A religious use is south of 79th Street, and a mix of single family and multi family uses are north of 86th Street. It was also noted that many of the residential developments in the area had once been used for agriculture and/or estate residences.

The petitioner's representative explained that the high caliber mixed use development would take about 20 years to develop. The detailed development statement, extensive commitments, and the site plan were shared. The petitioner met with neighborhood groups on numerous occasions. A letter of support was received from a long time resident.

About 200 remonstrators attended the hearing, and multiple letters and petitions of opposition were received. About six remonstrators spoke. Concerns included nonconformance with the Comp Plan, infrastructure impact, drainage, impact on environmentally sensitive areas, traffic, building height, limited concessions from the petitioner, and fear of the unknown.

Staff stated that the Comp Plan is intended to be a recommendation that is flexible, and it is unlikely rural/estate development will occur on this site. Staff also pointed out that mixed uses line both sides of I-465, and that the proposed site plan and C-S development statement limit more intense uses and taller buildings to the portion of the site adjacent to I-465. Staff reiterated that the requested C-S district requires administrator's approval of all plans.

In your Hearing Examiner's opinion, the comprehensive approach to developing these 200 acres will allow preservation of environmentally sensitive areas. The detailed development statement and numerous commitments provide an excellent framework for this campus. Approval of these petitions was recommended.

For Metropolitan Development Commission Hearing on August 16, 2023

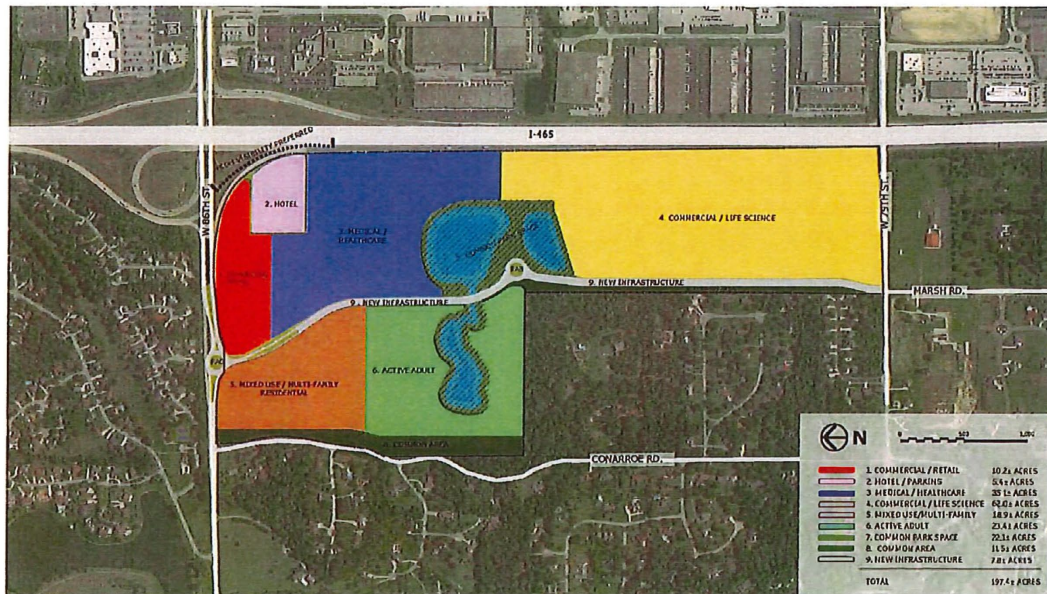
Heritage Tree Conservation

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

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

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

Conceptual Site Plan



Site Plan | 86th St and I-465 Masterplan
Indianapolis, IN
2022.02.10

DETAILED DESCRIPTION OF REQUEST
C-S DEVELOPMENT PLAN STATEMENT

The Crossing at Traders Point
Cornerstone Companies, Inc. and GCG Investments, LLC
6419 W. 86th Street, et al.

Filed March 9, 2023

Request

Cornerstone Companies, Inc. and GCG Investments, LLC respectfully submit their request to rezone approximately 200 +/- acres of real estate located at the southwest quadrant of W. 86th Street and I-465 in Indianapolis, Indiana from the D-A, D-1, and D-2 zoning classifications to the C-S zoning district for a mixed-use and life science campus development to be known as The Crossing at Traders Point (“The Crossing”). The legal description of said real estate is set forth in **Exhibit A** attached hereto and incorporated herein (the “Real Estate”).

Vision Statement and Community Benefits

This is an introduction to a new high-end real estate park development where modern new infrastructure meets green spaces and sophisticated design. This unique project will cover approximately 200 +/- acres of land, combining commercial, hotel, retail, and housing spaces in one extraordinary location. The Crossing will open up the unrealized potential of a valuable real property previously bypassed from consideration by highly desired users due to the lack of access and infrastructure. The development will provide a live/work/play element to an area of Marion County that is currently in demand for commercial, hotel, retail and housing uses. The direct access and visibility from I-465 coupled with its exceptional location and easy ingress/egress capabilities will attract quality investment and users to the site. The Crossing development team (the “Development Team”) has worked closely with the Department of Metropolitan Development (the “DMD”) to ensure a quality development that will provide new location opportunities not currently available on the northwest side of Marion County. The design is also sensitive to existing residential areas with buffering and ample common areas, park space, and trails throughout the development that provide workers, residents, and visitors with ideal space to relax and unwind with nature.

The concept character of The Crossing will feature:

- High-end retail and restaurant uses that will bring desirable brands and amenities to the site;
- State-of-the-art specialty healthcare facilities, both inpatient and outpatient, to serve the greater community;
- New commercial, research and development, and life science uses that are on the cutting edge of their respective industries;
- A unique hotel brand(s) that will provide an experience and accommodations that are not currently found in the northwest corridor of Marion County;
- Quality housing that will attract local talent who desire to live near attractive amenities as well as the growing job opportunities within The Crossing and within this corner of the Indianapolis metropolitan area;
- Substantial greenspace and trails for the park and local community;

- New and updated road infrastructure required for the park and benefiting the current traffic patterns; and
- Substantial new investments, jobs and tax revenue for this large parcel previously used as an old military equipment depository, much of which has been dormant for many years. Total construction investment alone is estimated to exceed \$700 million with real estate taxes well in excess of \$4 million per year.

The Site / Background

The Real Estate is currently undeveloped and consists of approximately 200 acres zoned D-A, D-1, and D-2, as shown in **Exhibit B** (the “Current Zoning”). To the north of the Real Estate, across W. 86th Street, and to the west of the Real Estate are residential neighborhoods. I-465 and the Park 100 industrial commercial center are to the east of the Real Estate, and a church is located south of the Real Estate, across W. 79th Street. Additionally, the INTECH technology park, one of the largest office parks in the region, also abuts I-465 on the west side thereof and is located approximately a mile south of the Real Estate. INTECH Park contains well over one million square feet of office, research and development, and technology space, and like The Crossing sits on approximately 200 +/- acres. The Development Team has been working on this project for approximately a year and a half. The investigation, study and analysis of the project has involved many meetings with appropriate agencies and public officials. This has included meetings with various city administration officials, the DMD, the Indiana Economic Development Corporation, and the Indiana Department of Transportation (“INDOT”) to name a few. American Structurepoint, Inc. has been retained to provide and review a variety of planning options, engineering details, and requirements.

Development: Overview

The Crossing is proposed to contain commercial/retail, hotel, medical/healthcare (inpatient and outpatient), office/life science, light business, mixed-use/multi-family residential, and active adult residential uses, as generally shown in **Exhibit C** (the “Conceptual Site Plan”). The Crossing will have approximately 22.1 +/- acres of common park space and approximately 11.5 +/- acres of other common area. Additionally, approximately 7.8 +/- acres of new public infrastructure would be constructed connecting W. 79th Street and W. 86th Street.

The approximate breakdown of The Crossing (subject to change) is as follows:

<u>Use Block</u>	<u>Acreage</u>	<u>SF / Units</u>
Commercial / Retail	10.2	200,000 sf
Hotel	5.4	100,000 sf / 125 rooms
Medical / Healthcare (Inpatient)	7.0	70,000 sf
Medical / Healthcare (Outpatient)	28.1	200,000 sf
Office / Life Science	32.0	400,000 sf
Light Business	30.0	600,000 sf
Mixed-Use / Multi-Family	18.9	350,000 sf / 350 units
Active Adult	23.4	200,000 sf / 200 units

Development: Connectivity and Plan of Operation

Construction of The Crossing is expected to begin in the third quarter of 2024. The new collector street that extends Marsh Road from W. 79th Street to W. 86th Street will be constructed immediately with the first phase of the project. The Development Team has been working with INDOT on the design of this public infrastructure, and a detailed traffic study is currently underway with a scope of work as agreed upon by INDOT officials. The final infrastructure design and improvements will include new interchanges at W. 79th Street and W. 86th Street with adjacent pathways, improved local traffic flow, increased connectivity, and stormwater management and water and sewer extensions. Initial project development will begin primarily on the north portion of the Real Estate, and the projected timeline for the entire development is five to eight years. Upon completion of the first phase of the development, an owner's association will be established to fund and provide professional management of the common and park areas.

Development: Permitted Uses

This C-S zoning district is designed in a fashion that permits and facilitates development of The Crossing. The zoning district's Permitted Uses offers the flexibility needed for this state-of-the-art mixed-use and life science campus. The following uses are permitted uses for the Real Estate in the proposed C-S rezoning, as generally shown on the Conceptual Site Plan:

Primary Uses by Area:

Area 1 - Any Use permitted in the Neighborhood Commercial District (C-3); Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 2 - Any Use permitted in the Neighborhood Commercial District (C-3); Hotel; Automobile and Light Vehicle Wash; Automobile Fueling Station; Electric Vehicle Charging Station; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 3 - Any Use permitted in the Neighborhood Commercial District (C-3); Hospital; Medical or Dental Offices, Centers, or Clinics; Medical or Dental Laboratories; Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 4 - Any Use permitted in the Neighborhood Commercial District (C-3), including Office: Business, Professional or Government; Any Use in the Research and Development Land Use Category section; Artisan Manufacturing; Manufacturing, Light; Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 5 - Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses); Multifamily Dwellings (five or more units); Any Use permitted in the Neighborhood Commercial District (C-3) - within 500' of the W. 86th Street right-of-way.

Area 6 - Two-Family Dwelling; Triplex or Fourplex; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses); Multifamily Dwellings (five or more units)

Area 7 - common park space and associated uses, including park benches, picnic tables, trails, etc. Extent of location subject to final drainage design and other site development considerations.

Area 8 - natural common area / buffer

Area 9 - public infrastructure and associated uses

Accessory and Temporary Uses by Area:

Any Accessory and Temporary Uses permitted in the Neighborhood Commercial District (C-3) shall be permitted in *Area 1*, *Area 2*, *Area 3*, and *Area 4*.

Any Accessory and Temporary Uses permitted in Dwelling Districts shall be permitted in *Area 5* and *Area 6*.

Electric Vehicle Charging Stations shall be permitted as Accessory Uses in *Area 1* thru *Area 6*.

Site Development

The Crossing is intended to be developed according to the following subsections.

Conceptual Site Plan Masterplan:

The Conceptual Site Plan shall serve as the Preliminary Plan of this C-S Development Plan. The intent of this Preliminary Plan is to demonstrate conceptually how The Crossing is anticipated to be developed.

Streets and Connectivity: Generally, Streets and Connectivity shall be provided in accordance with Sec. 741-303 of the Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance (the "Ordinance"). Access to the site will primarily be from W. 86th Street, with secondary access from W. 79th Street. (See earlier sections for more details.)

Easements and Utilities: Generally, Easements and Utilities shall be provided in accordance with Sec. 741-307 and Sec. 741-308 of the Ordinance.

Development Standards General Requirements: Generally, Development Standards Requirements shall be provided in accordance with Sec. 744-100 of the Ordinance.

Lot and Building Dimensions: Generally, Lot and Building Dimensions shall be provided in accordance with Sec. 744-200 of the Ordinance, with the exception of a maximum buildings and structures height variance filed as a companion petition hereto.

Access and Connectivity: Generally, Access and Connectivity shall be provided in accordance with Sec. 744-300 of the Ordinance.

Parking and Loading: Generally, Parking and Loading shall be provided in accordance with Sec. 744-400 of the Ordinance.

Landscaping and Screening: Generally, Landscaping and Screening shall be provided in accordance with Sec. 744-500 of the Ordinance.

Street and Exterior Lighting: Generally, Street and Exterior Lighting shall be provided in accordance with Sec. 744-600 of the Ordinance.

Design Standards: Generally, Designs Standards shall be provided in accordance with Sec. 744-700 of the Ordinance.

Underground Utilities: Generally, Underground Utilities shall be provided in accordance with Sec. 744-800 of the Ordinance.

Sign Regulations: Generally, Signs shall be provided in accordance with Sec. 744-900 of the Ordinance.

Future Plan Approvals

A Preliminary Plan has been prepared and submitted as part of this rezoning. Final site and development plans may be submitted in total or in phases. Such final site and development plans shall be approved by the Administrator of Current Planning at DMD upon the Administrator's findings that the final site and development plans are consistent and in substantial conformity with the Preliminary Plan as approved by the Metropolitan Development Commission.

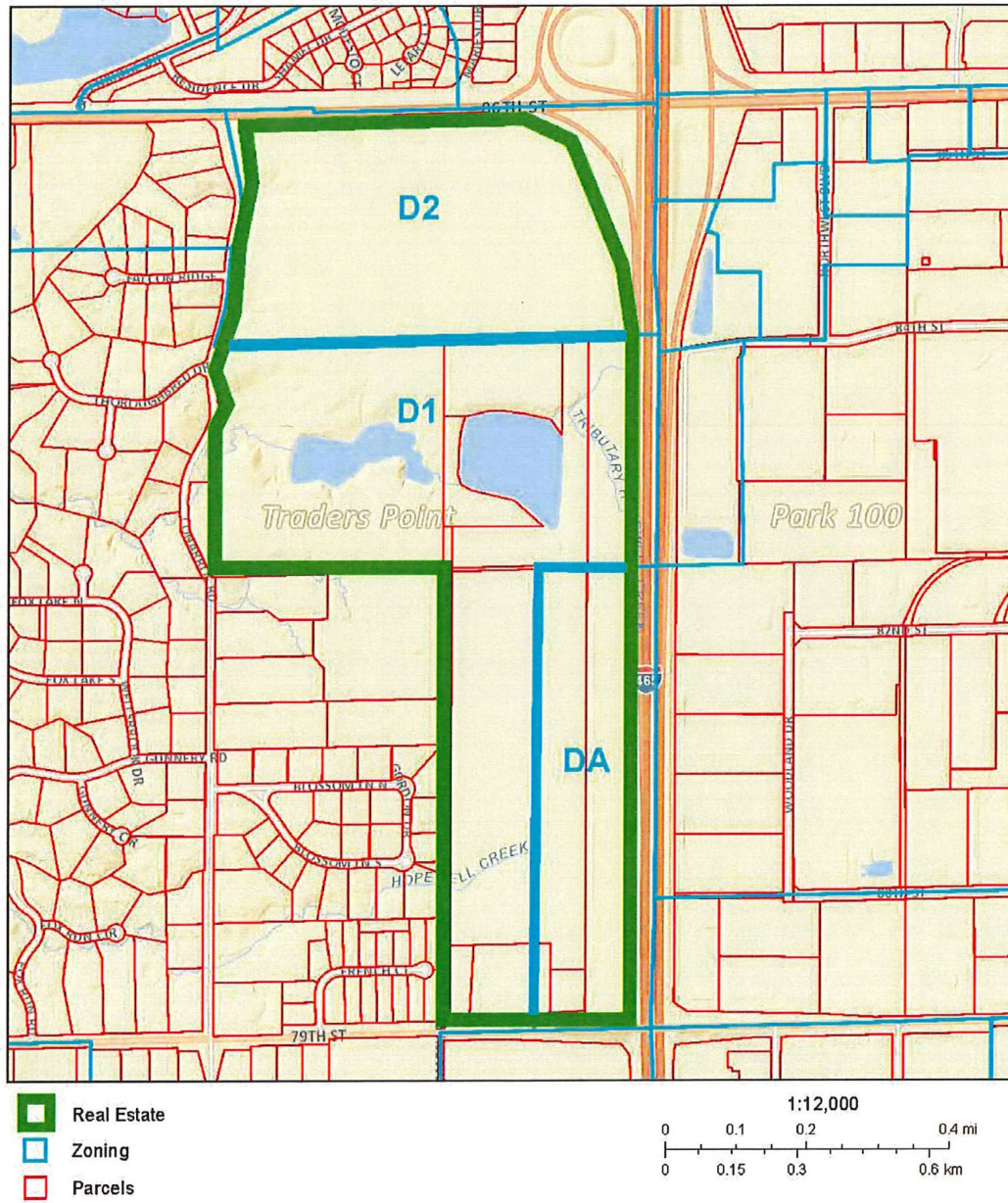
Exhibit A
Real Estate Legal Description

Part of the Southwest and Northwest Quarters of Section 23, Township 17 North, Range 2 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Southwest Quarter; thence South 88 degrees 50 minutes 14 seconds West 1,325.22 feet along the south line of said Southwest Quarter to the southwest corner of the East Half of said Southwest Quarter; thence North 00 degrees 12 minutes 40 seconds East 35.01 feet along the west line of said East Half to the north right-of-way line of 79th Street as defined in Instrument Number 67-33585 in the Office of the Recorder of Marion County, Indiana, which is the POINT OF BEGINNING; thence continue North 00 degrees 12 minutes 40 seconds East 2,595.01 feet along said west line to the southeast corner of the Southwest Quarter of said Northwest Quarter; thence South 88 degrees 46 minutes 13 seconds West 1,323.38 feet along the south line of the Southwest Quarter of said Northwest Quarter to the southwest corner of said Northwest Quarter; thence North 00 degrees 07 minutes 20 seconds East 1,264.98 feet along the west line of said Northwest Quarter to a point on the east line of Thoroughbred Estates, per plat thereof, recorded as Instrument Number 84-68303 in the Office of said Recorder, the following four (4) courses are along said east line; 1)thence Northerly 18.05 feet along a non-tangent curve to the right having a radius of 325.00 feet and subtended by a long chord having a bearing of North 15 degrees 16 minutes 33 seconds East and a length of 18.05 feet; 2)thence North 16 degrees 53 minutes 13 seconds East 34.56 feet; 3)thence North 16 degrees 52 minutes 01 second East 78.07 feet; 4)thence South 73 degrees 52 minutes 01 second West 0.15 feet to the Southeast corner of Falcon Ridge, per plat thereof, recorded as Instrument Number 1979-39199 in the Office of said Recorder, the following nine (9) courses are along the east line thereof; 1)thence North 17 degrees 00 minutes 01 second East 114.18 feet; 2)thence North 09 degrees 24 minutes 01 second East 100.00 feet; 3)thence North 04 degrees 41 minutes 01 second East 234.00 feet; 4)thence North 08 degrees 39 minutes 01 second East 101.00 feet; 5)thence North 12 degrees 23 minutes 01 second East 100.00 feet; 6)thence North 07 degrees 49 minutes 01 second East 100.00 feet; 7)thence North 03 degrees 16 minutes 42 seconds West 57.00 feet; 8)thence North 11 degrees 59 minutes 18 seconds West 98.28 feet; 9)thence North 11 degrees 49 minutes 30 seconds West 315.41 feet; thence North 87 degrees 20 minutes 12 seconds East 160.42 feet so the south right-of-way line of 86th Street per Indiana Highway Commission Right-of-Way Plan, Project No. F-619(21), the following four (4) calls are along said south right-of-way line; 1)thence continue North 87 degrees 20 minutes 12 seconds East 325.10 feet; 2)thence South 88 degrees 57 minutes 45 seconds East 200.16 feet; 3)thence North 86 degrees 35 minutes 57 seconds East 400.28 feet; 4)thence North 88 degrees 44 minutes 49 seconds East 400.00 feet to the western right-of-way line of I-465 and the northwesterly corner of the State of Indiana parcel described in Instrument No. 68-5935 on file in the Office of said Recorder, the following fifteen (15) courses are along the westerly right-of-way line of I-465 and the north right-of-way line of 79th Street as described in said Instrument Number 68-5935 and Instrument Numbers 1993-0191717, 67-33585 and 66-62379, on file in the Office of said Recorder; 1)thence South 79 degrees 56 minutes 35 seconds East 101.98 feet; 2)thence North 88 degrees 44 minutes 49 seconds East 105.00 feet; 3)thence South 68 degrees 42 minutes 35 seconds East 286.92 feet; 4)thence South 26 degrees 37 minutes 04 seconds East 267.41 feet; 5)thence South 19 degrees 04 minutes 10 seconds East 588.91 feet; 6)thence South 07 degrees 56 minutes 16 seconds East 360.62 feet to the south line of the Northeast

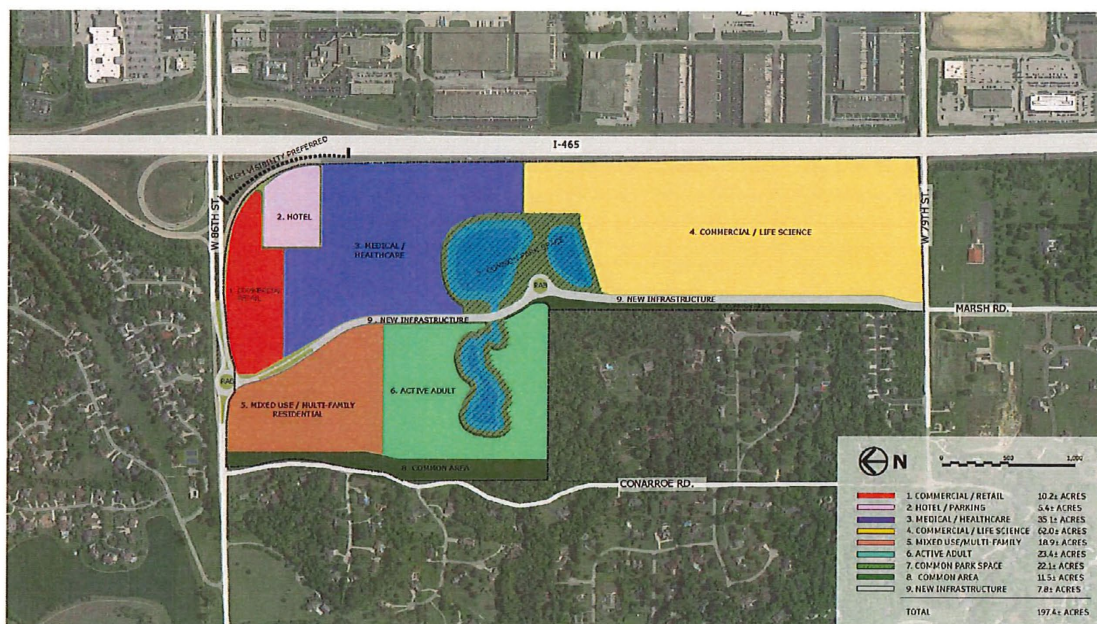
Quarter of said Northwest Quarter; 7)thence South 01 degree 44 minutes 51 seconds East 300.64 feet; 8)thence South 00 degrees 10 minutes 36 seconds West 900.00 feet; 9)thence South 02 degrees 05 minutes 09 seconds West 116.76 feet; 10)thence South 02 degrees 08 minutes 44 seconds West 177.33 feet; 11)thence South 02 degrees 37 minutes 34 seconds East 200.25 feet; 12)thence South 00 degrees 14 minutes 11 seconds West 1,690.15 feet; 13)thence Southerly 436.83 feet along a non-tangent curve to the left having a radius of 28,777.89 feet and subtended by a long chord having a bearing of South 00 degrees 13 minutes 07 seconds East and a length of 436.83 feet; 14)thence South 46 degrees 34 minutes 35 seconds West 62.10 feet; 15)thence South 86 degrees 00 minutes 50 seconds West 203.02 feet to the east line of the parcel conveyed to West 79th Street Associates in Instrument Number 2004-0163796, on file in the Office of said Recorder; thence North 00 degrees 10 minutes 12 seconds East 34.95 feet along said east line to the north right-of-way line of 79th Street described in Cause No. S466 1082 on file in the Office of said Recorder, the following five (5) courses are along the north right-of-way line of 79th Street as defined in said Instrument Number 67-33585; 1)thence South 86 degrees 34 minutes 02 seconds West 198.79 feet; 2)thence South 86 degrees 30 minutes 26 seconds West 173.88 feet; 3)thence South 01 degree 09 minutes 46 seconds East 45.00 feet; 4)thence South 88 degrees 50 minutes 14 seconds West 291.00 feet; 5)thence South 83 degrees 41 minutes 43 seconds West 167.42 feet to the POINT OF BEGINNING. Containing 197.368 acres, more or less.

Exhibit B
Current Zoning



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Exhibit C
Conceptual Site Plan



Site Plan | 86th St and I-465 Masterplan
Indianapolis, IN
2022.02.19

Executive Summary

Study Purpose and Scope

The purpose of this Traffic Impact Study (TIS) is to determine the operational impacts of The Crossing at Traders Point mixed-use site (proposed development) on the surrounding roadway network in Indianapolis, Indiana. This study will assess the adequacy of the existing roadway network under opening year and horizon year no-build and build traffic conditions, and determine necessary roadway and intersection improvements to accommodate the generated traffic volumes.

Background Information

The proposed development is to be located at the southwest quadrant of 86th Street & I-465 interchange in northwest Indianapolis. This site is anticipated to consist of commercial/retail, office, hotel, medical/health care, multi-family residential, active adult and common park space totaling approximately 200 acres.

The various land-use parcels within this site will be developed according to the 86th Street and I-465 Master Plan and are expected to be constructed in phases. The first phase consists of approximately 30-acre medical facility which is scheduled to open by the year 2025 (opening year). The remaining parcels, including approximately a 15-acre commercial/retail facility, a 6-acre hotel/parking facility, a 59-acre commercial/life science facility, a 20-acre active adult facility, a 23-acre common park space and an 18-acre common area, are anticipated to be completed in the next 10 years. For the purposes of traffic analysis, the horizon year for this study is considered to be 2045 (20 years from opening).

Vehicular access to the proposed development will be provided via 86th Street (just east of existing Conarroe Road) and 79th Street at the existing Marsh Road intersection. Additionally, a new frontage road parallel to I-465 will be constructed to connect the two ingress/egress points of the site.

Traffic Forecast

Traffic projections have been forecasted by determining the base year traffic volumes using turning movement traffic counts collected by American Structurepoint in January 2023, then applying an annual compound background traffic growth rate of 0.7% to produce opening year (2025) and horizon year (2045) background traffic volumes. Finally, the site trips attributed to the proposed development under phase 1 and full-build were added to obtain the opening year (2025) and horizon year (2045) total traffic volumes, respectively.

Turn Lane Warrant Analysis

A turn lane warrant analysis was performed at the two (2) proposed site access points using horizon year (2045) total traffic volumes per the guidelines published in the *Indiana Design Manual (IDM)*. Based on the warrants, an eastbound left turn lane and a westbound right turn lane is warranted at the intersection of 79th Street & Marsh Road. Additionally, an eastbound right turn lane and dual westbound left turn lanes are warranted at the intersection of 86th Street & Proposed Frontage Road.

Capacity Analysis

A capacity analysis has been performed at all study intersections based on the scenarios listed in the following table. The capacity analysis of signalized and unsignalized intersections was performed using Synchro (Version 11.1). All analyses were reported using the methodology outlined in the *Highway Capacity Manual (HCM)* 6th Edition except where not supported, in which case, HCM 2000 was used. The capacity

analysis of roundabout control intersections was performed using Sidra Intersection (Version 9.1) using the Sidra standard capacity method and Highway Capacity Manual. The operating conditions of intersections were considered to be acceptable if found to operate at LOS D or better for the overall intersection, and with no approach or movement operating worse than LOS E. Capacity improvements were identified for the locations not meeting the criteria.

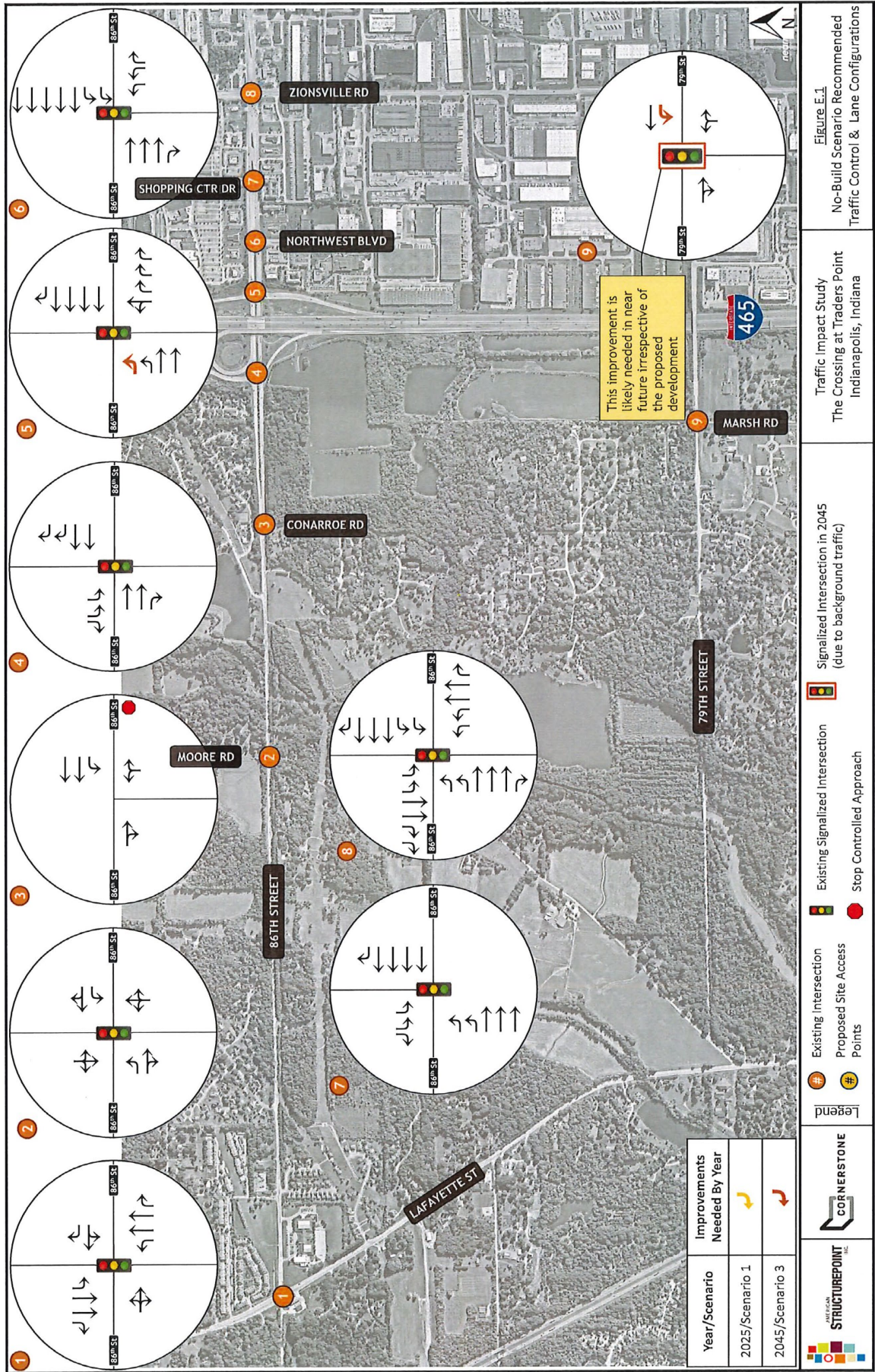
Scenario	Analysis Year	Description
1	2025	Opening Year No-Build Conditions
2	2025	Opening Year (Phase 1 Build) Conditions
3	2045	Horizon Year (No-Build) Conditions
4	2045	Horizon Year (Full-Build) Conditions
4A	2045	Horizon Year (Full-Build) Conditions – 86 th Street access from Conarroe Road*

**Note: This access is not feasible and was only evaluated in this TIS at the request of INDOT for comparison purposes.*

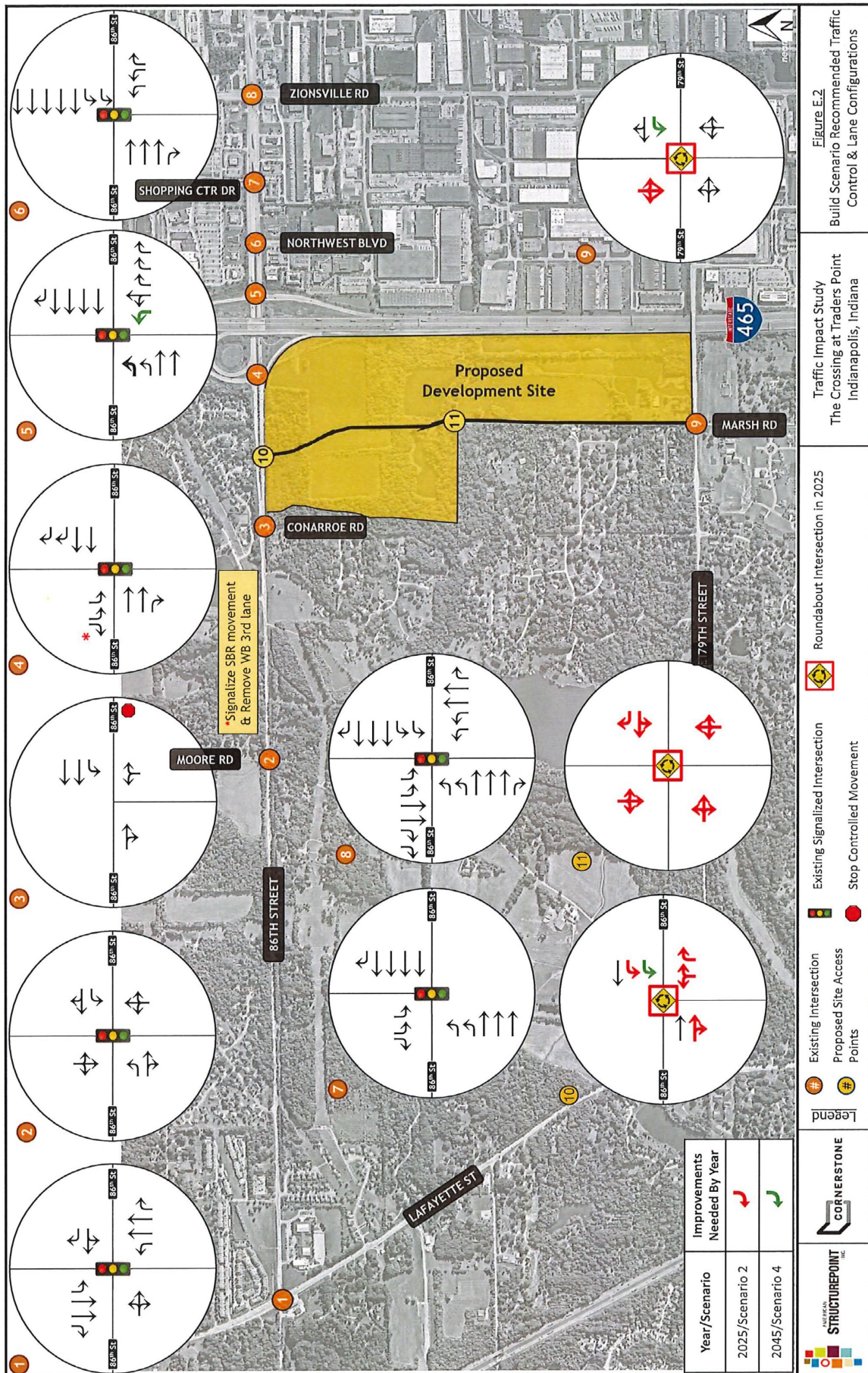
Findings and Recommendations

The findings and recommendations were based on field review, turn lane warrant analysis and capacity analysis conducted for the proposed site. **Table 6.1** and summarizes the intersection improvements recommended at the study intersections in opening year (2025) and horizon year (2045). The proposed improvements are graphically illustrated in **Figure E.1** for the no-build scenarios for the opening year (2025) and the horizon year (2045) as well as in **Figure E.2** for the build scenarios for the opening year (2025) and the horizon year (2045).

A review meeting was held on May 16, 2023 with Indiana Department of Transportation (INDOT), City of Indianapolis Department of Public Works (DPW), Department of Metropolitan Development (DMD), and the developer client to discuss the comments and questions received from INDOT and DPW on the Draft TIS Report. Final meeting minutes and comment-response log are provided in **Appendix F**.



The Crossing at Traders Point



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The variance of development standards to provide for maximum 90 foot Buildings and Structures Height will allow the property to develop as a mixed-use and life science campus which will be a benefit to the community. The 90 foot height will be limited to areas closest to the adjacent Interstate highway where taller height Buildings and Structures would fit well.

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

The variance would be limited to the east side of the property closest to the adjacent Interstate highway. Any Buildings and Structures built on the west side of the property, closest to the existing residential, would still be required to meet the maximum Height as permitted by the Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance.

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

The property would not be able to develop in its highest and best use as a mixed-use and life science campus that would benefit the community by providing a live/work/play element to an area of Marion County that is currently in demand for commercial, hotel, retail, and housing uses without the grant of the requested variance.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along West 86th Street



View looking east along West 86th Street



View of site looking east across Conarro Road



View of site looking east across Conarro Road



View of site looking east across Conarroe Road



View looking east across Conarroe Road of adjacent property to the west of site



View looking east across Conarro Road of adjacent property to the west of site



View looking southeast at intersection of West 79th Street and Conarro Road



View looking east along West 79th Street



View looking west along West 79th Street



View of site looking north across West 79th Street



View of site looking north across West 79th Street



View of site looking north across West 79th Street



View of site looking north across West 79th Streetp

STAFF REPORT

Item 29.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-830 / 2023-CVR-830
Address: 201 West 38th Street and 3750 North Capitol Avenue (approximate address)
Location: Center Township, Council District #7
Petitioner: Martin Petroleum Inc., by Pat Rooney
Request: Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

ADDENDUM FOR AUGUST 16, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were continued for cause from the July 19, 2023 hearing to the August 16, 2023 hearing at the request of the petitioner's representative.

Staff **recommends approval** of the rezoning request for 201 West 38th Street.

Staff **recommends denial** of the variance of use and development standards request for 3750 North Capitol Avenue.

ADDENDUM FOR JULY 19, 2023, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on June 29, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the variance requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

A continuance for cause request was submitted by the petitioner's representative to continue these petitions from the **July 19, 2023 hearing, to the August 16, 2023 hearing**. This would require a vote from the Metropolitan Development Commission.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning request.

Staff **recommends denial** of the variance of use and development standards request.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site consists of a gas station and convenience store on the north parcel with an undeveloped residential lot at the southern parcel.

(Continued)

- ◇ The site is surrounded with an auto repair shop and single-family dwellings to the west, zoned D-5, tire shop to the north, zoned C-3, liquor store to the east, zoned C-4, and single and two-family dwellings to the east and south, zoned D-5.

REZONING

- ◇ The grant of the rezoning request would correct the split zoned northern parcel from the D-5 and C-4 districts to the C-4 classification for the entire parcel where the current gas station and convenience store are located.
- ◇ The property at 201 West 38th Street is recommended for village mixed-use development by the Comprehensive Plan. Staff recommended the petitioner rezone the northern parcel to prevent future issues with the continued use and development of the northern parcel since the existing uses are not permitted in the D-5 district.
- ◇ The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- ◇ Therefore, staff would recommend approval of the rezoning request.

VARIANCE OF USE

- ◇ This request would allow the redevelopment of a convenience store within the D-5 district. The site consists of two parcels with the north parcel split zoned between D-5 and C-4 and the southern parcel zoned D-5.
- ◇ The purpose of the D-5 (Dwelling District Five) district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, build-up areas of the community and where all urban public and community facilities and services are available. The D-5 district typically has a density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan.
- ◇ The purpose of the C-4, Community-Regional District is to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. The uses permitted in this district may feature several large traffic generators and require excellent access from major thoroughfares.

(Continued)

- ◇ The Pattern Book recommends the property at 3750 North Capitol Avenue for traditional neighborhood development.
- ◇ The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The Comprehensive Plan recommends village mixed-use development for the northern parcel (201), which the C-4 (community-regional commercial) District would be consistent with the recommendation, depending upon the context of the site. In this case, surrounding land uses are commercial along the north, west and east, but low-density residential is located south and would not be adequately buffered from this more intense 24-hour / seven-day use. The proposed use would not be appropriate for the southern parcel because the Comprehensive Plan recommends traditional neighborhood development, which would align more with small-scale offices, retailing, and personal or professional services rather than a regional use.
- ◇ The site is located within the Red Line TOD Strategic Plan, but it is not located within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the use included in this request.
- ◇ The closest station to the site is located within a ½ a mile to the east at the intersection of 38th Street and Meridian Street. This station is categorized as a District Center with the potential for a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories with no front or side setbacks, multi-family housing with a minimum of 5 units and structured parking only with active first floor.
- ◇ TOD investments here should leverage significantly higher residential and employment densities, demonstrations projects, urban living amenities and workforce housing.
- ◇ The commercial intensity and the impact upon the surrounding residences would include, but not be limited to, light, noise, and trash. Furthermore, the proposed use would be more of a regional draw, rather than serving just the surrounding residential neighborhood and would be a wholly and inappropriate commercial encroachment into a D-5 protected district. For these reasons, staff is recommending denial of the variance of use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a zero-foot south side transitional yard where the Ordinance requires a 10-foot south side transitional yard. The purpose of the 10-foot transitional yard is to provide separation and a buffer between residential uses and more intense uses, such as a fueling station and convenience store. The impact of this 24-hour, seven-day operation upon residential uses would be magnified with the proposed transitional yard reductions. Staff determined the reduced setbacks are a result of the proposed expansion of the use, which would be detrimental to the surrounding neighborhood.
- ◇ The lack of a south transitional yard shows clear evidence that this site is not suitable for a convenience store and fueling station expansion which would have a negative impact on the surrounding residential neighborhood. The proposed use would be better suited on a site that would accommodate the proposed use, while complying with required development standards.
- ◇ If approved against staff’s recommendation, the Department of Public Works would request that the eastern most driveway along 38th Street be closed to reduce vehicular conflicts with the heavy pedestrian traffic along this corridor.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4 / D-5 Compact Commercial / Undeveloped Lot

SURROUNDING ZONING AND LAND USE

North	C-3	Commercial
South	D-5	Residential (Single-family dwelling)
East	C-4 / D-5	Commercial / Residential (Two-family dwelling)
West	D-5	Commercial and Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Marion County Land Use Plan Pattern Book (2019) recommends village mixed-use on the north parcel and traditional neighborhood development on the south parcel.

THOROUGHFARE PLAN

38th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 101-foot existing right-of-way and a 114-foot proposed right-of-way.

Capitol Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 56-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.

CONTEXT AREA

This site is located within the compact context area.
(Continued)

SITE PLAN	File-dated June 12, 2023.
ELEVATIONS	File-dated June 12, 2023.
RENDERINGS	File-dated June 12, 2023.
FLOOR PLAN	File-dated June 12, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

85-UV1-34; 201 West 38th Street (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include an 8.6-foot rear transitional yard (20 feet required) and a pole sign located at six and eight feet from 38th Street and Capitol Avenue respectively (15 feet required), **granted**.

ZONING HISTORY – VICINITY

2018-UV3-026; 227 West 38th Street (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility (not permitted), **granted**.

2013-CVR-814; 148 West 28th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline station and a 484-square foot addition to an existing building, with a canopy with a 64.42-foot setback from the centerline of Capitol Avenue (70-foot setback from centerline required), with a parking area with a zero-foot setback from Capitol Avenue (10-foot front setback required), with access drives with a 1.5-foot front setback along Capitol Avenue and a 2.5-foot front setback along 38th Street (10-foot front setback required), with carryout food service within 10 feet of a D-5 zoned protected district (100-foot separation required), **withdrawn**.

2013-UV1-038; 202 West 38th Street (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,380-square foot storage addition (not permitted) for a tire sales and repair shop, with a one-foot north side transitional yard (20-foot transitional yard required), **withdrawn**.

95-V1-128; 3807 Graceland Avenue (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally-establish a detached garage measuring 27 x 33 feet: a) resulting in the square footage devoted to accessory buildings being 80% of the square footage devoted to the primary building (maximum 75% permitted); b) with a side yard setback from the north property line being 2.4 feet (minimum 4 feet required); c) resulting in 46% of the lot being open space (minimum 65% required), **granted**.

(Continued)

93-UV2-23; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an automobile repair shop with the variance being valid only for Albert Sutton, **granted**.

89-AP2-4; 227 West 38th Street (west of site), Approval of extension of time to obtain an Improvement Location Permit to modify condition #2 concerning the site plan approved pursuant to petition 88-UV2-9, **granted**.

89-UV3-96; 148 West 28th Street (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a restaurant with carry-out service, **denied**.

88-UV2-9; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair business with signs. The grant shall be for a temporary period of five years, expiring January 12, 1993, **granted**.

85-UV1-34; 201 West 38th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance and development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include a 6.6-foot rear transitional yard (20 feet required) and a pole sign located at 6 and 8 feet from 38th Street and Capitol Avenue respectively (15 feet required). The sign will also include separate panels for the food mart, gas prices and food mart items, **granted**.

84-UV2-21; 227 West 38th Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a former service station for automobile repair to be a temporary variance for three years, expiring on March 20, 1987, **granted**.

83-UV2-78; 3801 North Capitol Avenue (northeast of site), Variance of use and development standards to provide for a carry-out restaurant within one-hundred feet of a residential zoning district, a reduction in required transitional yards, a drive-up window canopy in required front yard setback and a pole sign within the clear-sight area, **granted**.

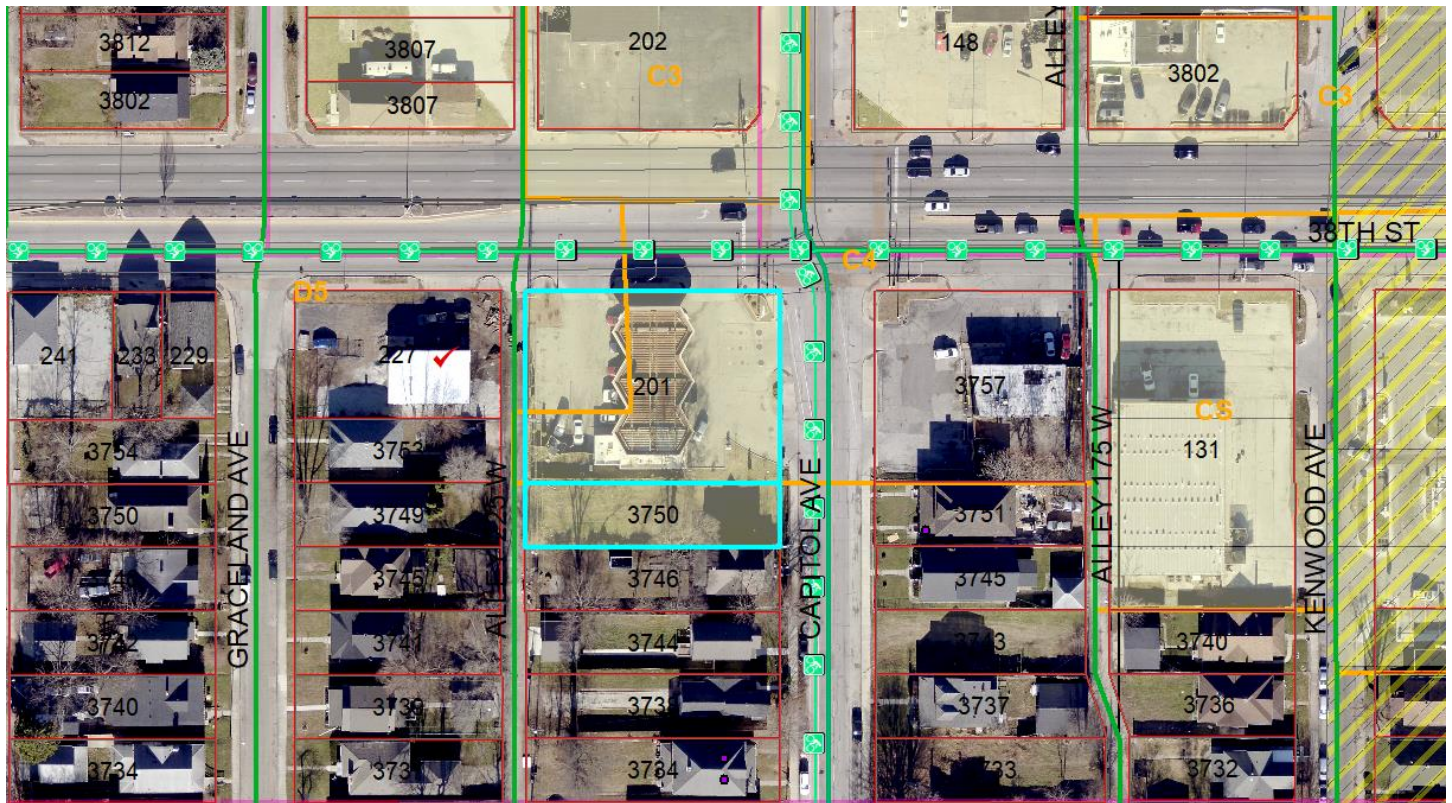
MI

2023-CZN-830 / 2023-CVR-830; Location Map

Item 29.



2023-CZN-830 / 2023-CVR-830; Aerial Map



MEMORANDUM OF EXAMINER'S DECISION

2023-CZN/CVR-830

201 W. 38th St, 3750 N. Capitol Ave.

The petitions request the rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district, with a variance of use to provide for the redevelopment of a convenience store within a residential district and a variance of development standards to permit a zero foot south side transitional yard (10 foot side transitional yard required).

Your Hearing Examiner visited the site prior to the hearing and noted the existing gas station and convenience store on the north end of the site and a vacant lot on its south end. A variety of auto-related and commercial uses exist in the area, as well as single-family and two-family residences.

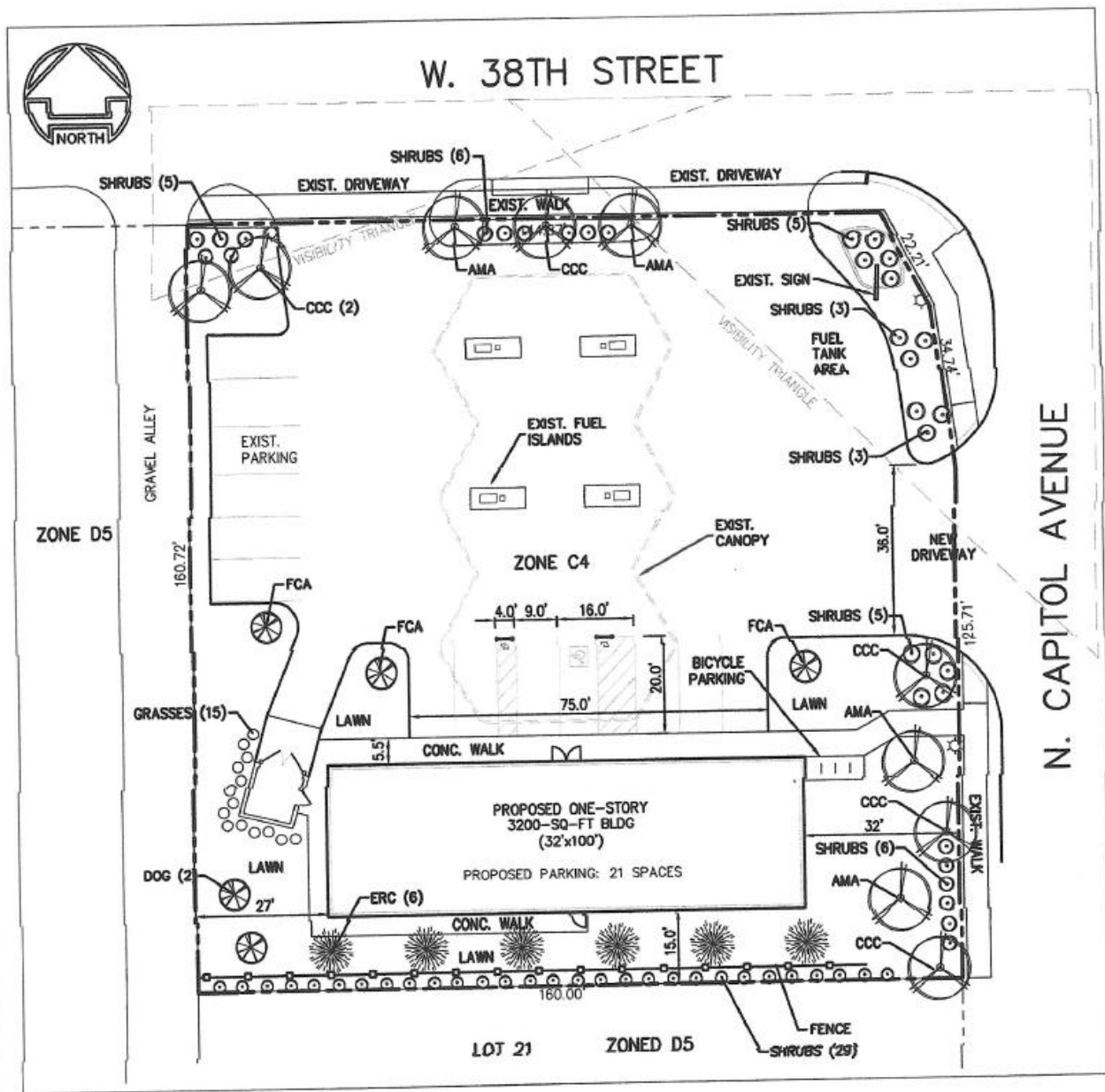
The petitioner's representative explained that the 18 year owners of the existing gas station and convenience store want to redevelop the site, including the vacant parcel to the south, with a new convenience store and enhanced landscaping. The representative described meeting with neighbors and neighborhood groups to garner support, and referenced the plan of operation, commitments, and a petition of support with over 200 signatures. A neighbor stated that the proposal would improve the corner and the neighborhood.

The president of Crown Hill Neighborhood Association shared that several neighborhood groups in the Midtown area were excited about this transformational project; however, commitments requested by these groups were not completely reflected in the commitments proposed by the petitioner.

Staff stated that, because the north parcel had a split zoning, staff recommended approval of the rezoning petition. Staff expressed concern with having the convenience store on south parcel, without a transitional yard, because of activity associated with this use, including lights, noise, trash, and incompatibility with the residences to the south.

In your Hearing Examiner's opinion, while a redevelopment of the existing gas station and convenience store may enhance the neighborhood, encroachment into the residential area to the south should be avoided. The encroachment would be exacerbated by not providing the required transitional yard. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on July 19, 2023



PROPOSED SITE PLAN CONVENIENCE STORE IMPROVEMENTS 201 W. 38th Street Indianapolis, IN

SPIARS ENGINEERING LLC

April 21, 2023

PROPOSED TREES

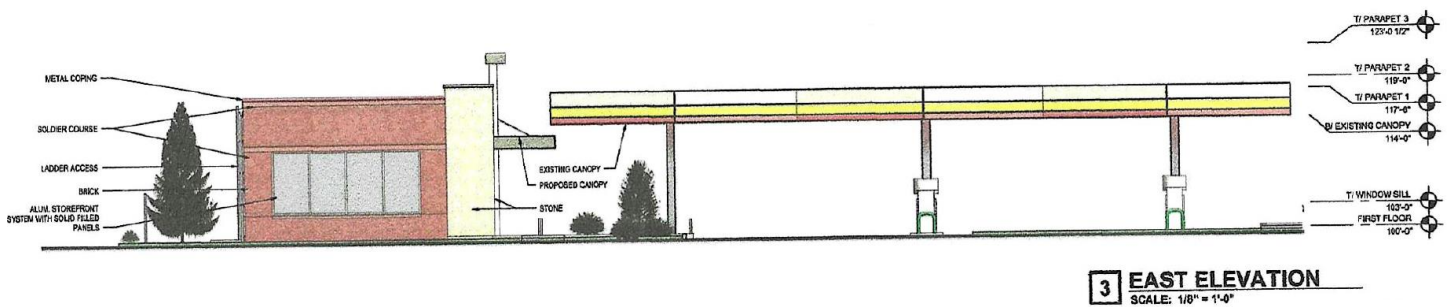
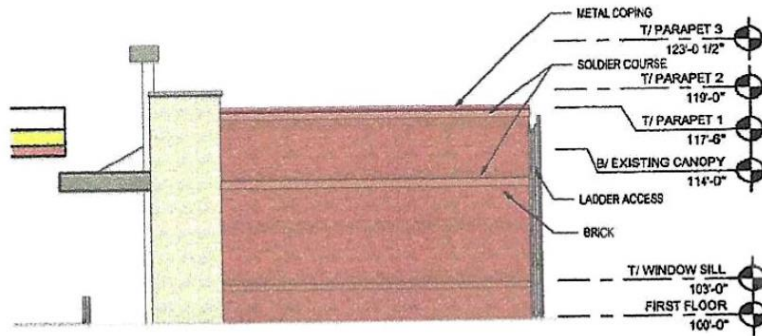
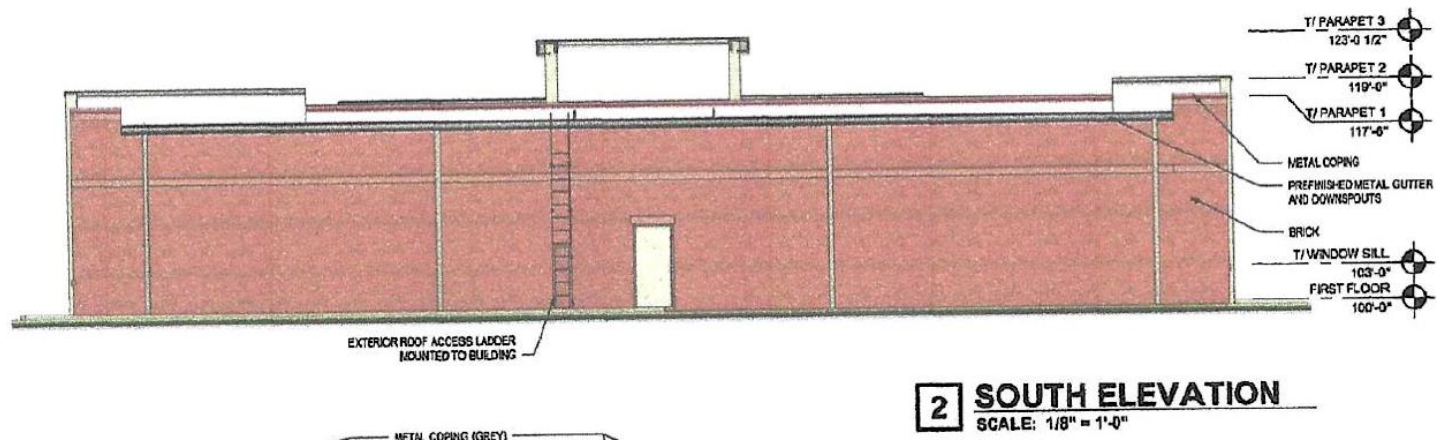
STREET TREES: (10 REQUIRED, 1 PER 35' OF STREET FRONTAGE)

- AMA=AMERICAN MOUNTAIN ASH
- CCC=COMMON CHOKE CHERRY
- ERC=EASTERN RED CEDAR

ORNAMENTAL TREES:

- DOG=PAGODA DOGWOOD
- FCA=FLOWERING CRABAPPLE

SHRUBS AND GRASSES = 72





SOUTHEAST PERSPECTIVE



NORTH PERSPECTIVE



NORTHEAST PERSPECTIVE

Item 29.



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 property is already a retail gas station along a busy street with similar properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, and the property will be more aesthetically pleasing.

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

granting the variance will increase the value of the subject property and the adjacent properties because the property will be redeveloped with a new and improved building instead of the old, dilapidated building currently on the property.

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

a portion of the property is C-4 and a portion of the property is D-5, and the property was developed as a gas station when convenience stores mainly sold tobacco products instead of now when the convenience stores sell groceries which require a building with much larger square footage in order store and display the products.

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 subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow petitioner to sell the same inventory being offered by petitioner's competitors instead of going out of business.

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

the use would still be the same, retail gas station, which is compatible with Village Mixed Use.

DECISION

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

Adopted this _____ day of _____, 20 ____

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the property is already a retail gas station along a busy street with retail properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, including a transitional yard with abundant landscaping between the actual property and any residential properties.

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

granting the variance will increase the value of the property and surrounding properties because the property will be redeveloped with a new, modern building which will replace the old, run down building currently on the property. The property and adjacent properties will also benefit from the substantial landscaping included in the transitional yard which will create a buffer between the property and any adjacent residential properties.

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

the subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow the petitioner to sell additional groceries instead of limiting sales to tobacco products.

DECISION

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

Adopted this _____ day of _____, 20 ____



Subject site and street frontage along 38th Street looking east.



Western property boundary abutting an alley.



Existing southern property boundary and undeveloped residential lot to be included in the site.



Proposed location of the new convenience store abutting single-family dwellings to the south.



Street frontage along Capitol Avenue looking south.



Undeveloped residential lot to be included in the project development.



Commercial and residential uses east of the site.



Commercial use north of the site.



Commercial use west of the site.

STAFF REPORT

Item 30.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-024 / 2023-VAR-001 (Amended)
Address: 2802 South Holt Road (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Maninder Singh
Request: Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

AUGUST 16, 2023

At the July 27, 2023 hearing of the Hearing Examiner, the Hearing Examiner recommended approval of the rezoning portion of this petition. However, the Hearing Examiner recommended denial of the filed variances of development standards. The petitioner filed a timely appeal of the Hearing Examiners decision to recommend denial of the variances. Staff continues to **recommend denial**.

JULY 27, 2023

At the June 29, 2023 hearing, the petitioner requested a for cause continuance to July 27, 2023, hearing in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

JUNE 29, 2023

At the May 25, 2023, hearing, the petitioner requested a for cause continuance to the June 29, 2023,

(Continued)

hearing, in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. The petitioner has indicated they intended to request an additional continuance in order to produce one. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

May 25, 2023

RECOMMENDATIONS

Staff **recommends approval** of the rezoning but **recommends denial** of the variances.

LAND USE ISSUES

- ◇ This 0.36-acre site is split zoned C-4 (FF) and D-5 (FF). The site is improved with a gravel parking area, a portable storage structure and six-foot tall chain-link perimeter fence topped with barbed wire. North of the subject site is a commercial structure housing a tobacco shop and a barber shop, within the C-4 District. West of the subject site are single-family dwellings within both the C-4 and D-5 Districts. To the south is a recreational playground and religious use facility within the D-5 District. East of the site is an automobile fueling station within the I-3 District.
- ◇ This site is recommended for Community Commercial development by the Comprehensive Plan and is located within its Environmentally Sensitive overlay.
- ◇ According to aerial images and Google Maps Street View, the site was previously improved with a small commercial walk-up eating establishment, including a carport structure for the associated parking. This structure was demolished around 2017.

REZONING

- ◇ The request would uniformly zone the property C-4. Currently, only a portion of the northernmost tract is zoned C-4, with the remainder of the property zoned D-5.
- ◇ The C-4 District is the Community-Regional Commercial District under the Ordinance and provides for medium-intense commercial uses intended to serve the broader community rather than a specific neighborhood. Uses permitted within this district typical generate substantial traffic and rely on access to major thoroughfares and are typically characterized by indoor operations with limited outdoor activities.
- ◇ The comprehensive plan's Community Commercial recommendation is generally reflective of the C-4 District. Specifically, it is intended to provide for low-intensity commercial and office uses that serve nearby neighborhoods through freestanding buildings or small integrated centers.
- ◇ This site is also within the Environmentally Sensitive overlay of the comprehensive plan. This overlay is intended to preserve high quality woodlands, wetlands or other natural resources and mitigate damage to such resources by development. This overlay specifically indicates which land uses may not be appropriate within it. The proposed use, on a site of this size, is not excluded from the recommendation. Therefore, the rezoning request would align with the Comprehensive Plan recommendation.

(Continued)

- ◇ As filed, the request would provide for the operation of an automobile body repair shop, which is permitted within the C-4 District. This use requires that all servicing, motor repair, or body repair be conducted within an enclosed building. Within the C-4 District, vehicles awaiting repair may not be stored outdoors for longer than 24 hours, as outdoor storage and operations begin to be permitted within the C-5 District.

VARIANCES

- ◇ As proposed, the site would utilize the existing portable storage structure for the storage of tools associated with automobile repair, and the construction of a shed for the storage of automobile parts and other accessories related to the business. Such structures are not permitted in order to promote an orderly aesthetic. Repairs would be conducted outdoors until a permanent structure can be constructed.
- ◇ There is currently a six-foot tall chain link perimeter fence, including gated access to Farnsworth Street and Holt Road, with barbed wire on the site. Given the lack of a building on the site, a six-foot tall fence would not be permitted on the site. Barbed wire fences are prohibited by the zoning ordinance except for facilities associated with public safety or prisons and jails. The vehicle gates are also within the access drive clear sight triangles.
- ◇ Fence height limitations are intended to promote an orderly aesthetic and uniform streetscape as fences of such height can appear industrial in nature. The clear sight triangle is intended to preserve visibility and promote safety by reducing the risk for vehicular-pedestrian collisions.
- ◇ The request also would allow for the use of a gravel parking area. All commercial districts require hardscaped surfaces for parking areas, in order to avoid the circulation of dust particulate and ensure predictable drainage.
- ◇ Staff believes that the proper, orderly development of the site, including construction of a freestanding building is not only appropriate in the context of the district, but would eliminate any practical difficulty. In Staff's opinion, any practical difficulty associated with the site is self-imposed due to the reluctance to develop this vacant site in compliance with minimum expectations associated with the C-4 District.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4, D-5

Commercial structure, vacant

SURROUNDING ZONING AND LAND USE

North - C-4

Tobacco Shop and Barber Shop

South - D-5

Playground

East - I-3

Automobile Fueling Station

West - C-4, D-5

Single-family dwellings

COMPREHENSIVE LAND USE
PLAN

The Land Use Pattern Book (2019) recommends
Community Commercial development.

THOROUGHFARE PLAN

This portion of Farnsworth Street is classified as a Local
Street with an existing and proposed 58-foot right-of-way.
This portion of Holt Road is classified as a Primary Arterial
with an existing and proposed 95-foot right-of-way.

CONTEXT AREA

This site is located within the Compact Context Area.

SITE PLAN

File-dated April 28, 2023.

ZONING HISTORY

None.

EDH

Petition Number 2023-ZON-024 / 2023-

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Allowing a taller 6 ft fence, even though it's more than the usual 3.5 ft for C4 zoning, won't harm people's health, safety, or well-being in the community.

The proposed fence height might not fit with the current plan, but it's important to make the property safer, especially after a past theft.

Putting up a taller fence not only makes the petitioner's property more secure but also helps to keep the whole community safe by discouraging criminals.

If thieves see that properties in the neighborhood are well-protected and tough to get into, they might think twice about trying to commit crimes in the area.

Also, because the property is next to an I3-zoned area where there are heavier industrial activities, having a taller fence makes a lot of sense.

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

* The higher 6 ft fence fits well with the surrounding industrial area and doesn't spoil the look or view of the place.

* The fence looks good and is built well, so it adds to the overall look of the neighborhood.

* Because it makes the property safer and clearly marks where the residential area starts and the commercial area ends, the fence helps keep the neighborhood peaceful.

* So, allowing a higher fence won't harm the use or value of properties nearby. Instead, it helps create a safer and better-defined neighborhood.

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

If the petitioner has to stick to the rule of only having a 3.5 ft fence, it would create problems. The petitioner's property, which often houses expensive vehicles for personal use and repair, has been a target of theft in the past, highlighting the need for a higher fence to safeguard these valuable assets. Besides the security concern, the property is located next to an industrially zoned area, making a taller fence necessary to clearly mark boundaries. Therefore, without the allowance for a higher fence, it could interfere with the petitioner's ability to protect their assets and use their property securely and comfortably.

DECISION

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

Adopted this _____ day of _____, 20 ____

**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

Granting the variance for outdoor storage and open-air work will not harm the community's health, safety, or general well-being. The petitioner plans to store vehicles securely within a 6 ft fence and will further enhance security with camera surveillance. Work hours will be respectful to the community (8 am to 10 pm), with regular maintenance and cleaning of the site to minimize noise and visual impact. The petitioner has a waste disposal strategy in place to protect the environment and plans to construct a building within the next 4-5 years to further improve the site. Given the property's industrial surroundings, these measures align with the character of the area and demonstrate a commitment to community 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

Granting the variance for outdoor storage and open-air work won't negatively impact the use or value of the neighboring properties. The activities align with the industrial character of the surrounding I3-zoned area, ensuring compatibility. The petitioner is committed to managing noise, visuals, and waste, maintaining a clean site and limiting work hours to respect the community's tranquility. A secure 6ft fence will be installed for privacy and boundary delineation. The petitioner's plans to construct a building within the next 4-5 years demonstrate a commitment to improving the property, which can enhance the overall value of the neighborhood.

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

The need for the variance arises from the petitioner's intention to construct a building on the property in 4 to 5 years. During this initial period, the petitioner seeks to familiarize themselves with the area and establish a client base before making a significant investment in constructing a permanent structure. The variance allows for temporary outdoor storage and open-air work, providing the flexibility needed to operate efficiently and assess the suitability of the property for their business. Therefore, the variance is specifically driven by the petitioner's strategic approach and the need to adapt to the unique circumstances of their long-term plans.

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

If we strictly follow the rules of the zoning ordinance for the property, it would create unusual and unnecessary difficulties. The property doesn't currently have a suitable building for our work, and complying with the ordinance would make it very challenging for us to operate. It would cause financial hardship and might even force us to delay our operations or find a different location. Considering the industrial nature of the area and our efforts to address any potential issues, granting the variance would be a fair and practical solution that doesn't harm the community or neighboring properties.

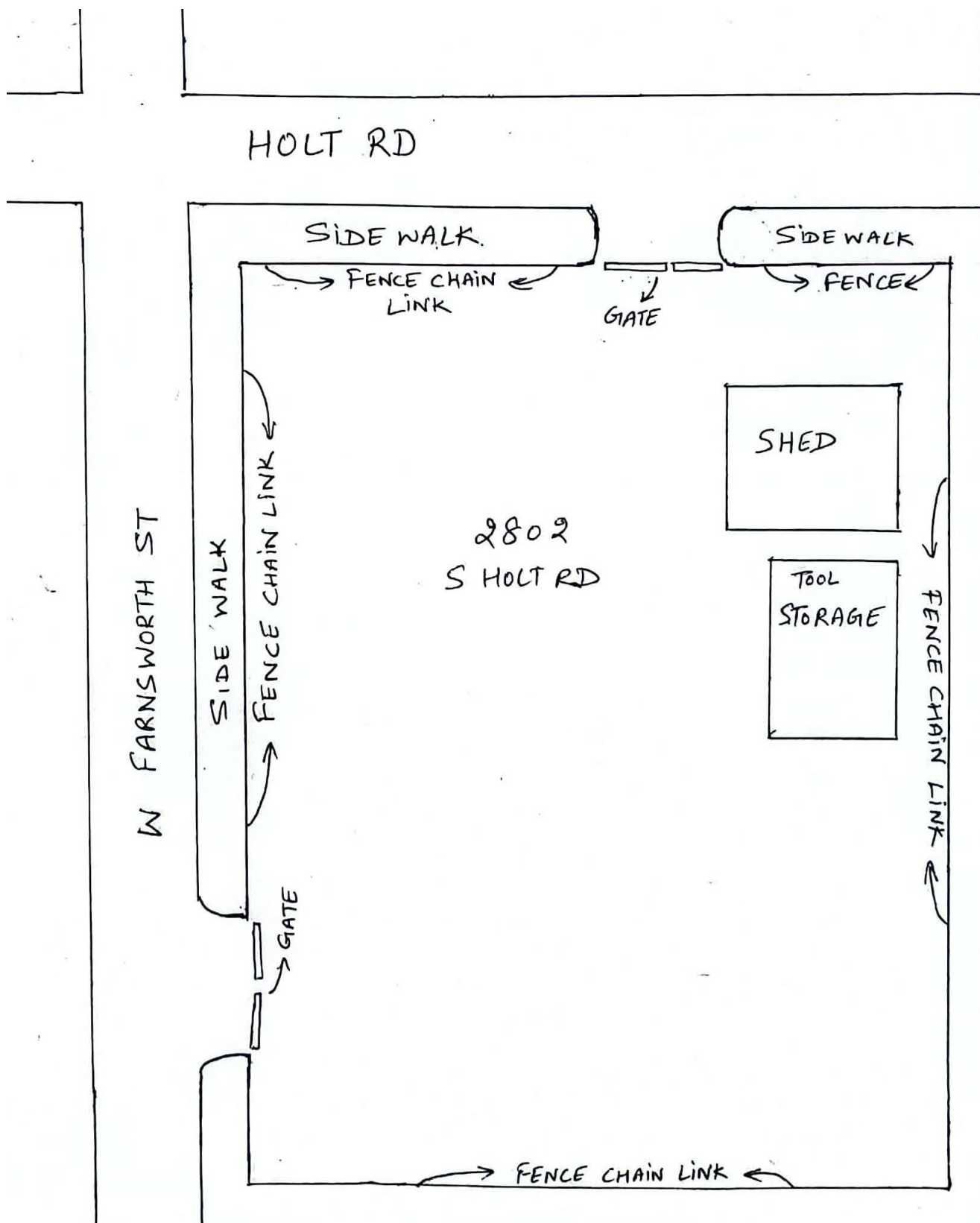
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The grant does not interfere substantially with the comprehensive plan because it supports the community's economic growth and aligns with future development goals. The variance is temporary and respects the plan's vision, as the petitioner plans to build a permanent structure in the future. The grant addresses the property's specific needs without compromising the plan's overall objectives. Measures are in place to minimize any potential disturbances, like noise or waste, showing a commitment to responsible practices. Overall, the variance respects the comprehensive plan while benefiting the community's development

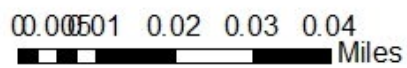
DECISION

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

Adopted this _____ day of _____, 20 ____



Item 30.



Photographs:

Item 30.



Photo One: Facing North along Holt Road.



Photo Two: Facing West South along Holt Road. Automobile fueling station on left.



Photo Three: Facing West along Farnsworth Street, subject site on left.



Photo Four: Facing West across Holt Road towards subject site.



Photo Five: Facing South along Holt Road. Subject site on right.



Photo Six: Vehicle Gate along Farnsworth Street, with barbed wire.



Photo Seven: Southern lot along abutting playground.



Photo Eight: Western lot line, adjacent to single-family dwellings.

STAFF REPORT

Item 31.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-049
Address: 1011 East 22nd Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: DJ BCG Monon 22, LLC, by Michael Rabinowitch
Request: Rezoning of 2.30 acres from the I-3 district to the D-P district to provide for a 111-unit multi-family development.

The Metropolitan Development Commission continued this petition from the July 19, 2023 hearing, to the August 16, 2023 hearing, at the request of the petitioner's representative.

RECOMMENDATIONS

Staff **recommends denial** of this request.

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.30-acre site, zoned I-3, is developed with industrial buildings and associated parking lots. It is surrounded by industrial uses to the north, across East 22nd Street, zoned I-4; a single-family dwelling to the south, across East 21st Street, zoned D-8; the Monon Trail to the east, zoned I-3; and single-family dwellings and industrial uses to the west, zoned D-8.

REZONING

- ◇ This request would rezone the site from the I-3 District to the D-P classification to provide for 111-unit multi-family development.

(Continued)

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

(Continued)

- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Large-Scaled Multi-family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

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;

(Continued)

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.

D-P Statement (Amended)

- ◇ The D-P Statement, file dated June 26, 2023, states the development would be comprised of three three-story buildings that would provide for 111 dwellings on approximately 2.3 acres fronting on the Monon Trail with a density of 48.26 units per acre.
- ◇ Each unit would have an outdoor patio or balcony space, with surface parking to the west, along Winthrop Avenue that functions as Alley 950 East.
- ◇ There would be direct access from the outdoor amenity area to the Monon Trail, an interior residential amenity area and a leasing office.
- ◇ Site access would be gained from the approximately 27-foot-wide north / south alley (950 East) along the western boundary that intersects both East 22nd Street and East 21st Street.
- ◇ Parking is proposed along the alley and along East 21st Street.
- ◇ Landscaping would be installed around the proposed buildings, with landscaped islands within the surface parking lot.

Site Plan

- ◇ The updated site plan, file-dated July 31, 2023, depicts two buildings separated by an outdoor amenity area fronting on the Monon Trail. It should be noted any access from abutting properties to the Monon Trail are required to be available and open to the public.
- ◇ A third smaller building would front on East 22nd Street.

(Continued)

- ◇ The parking lot would consist of a double row of parking along the alley and a row of parking along the rear of the buildings for a total of 115 parking spaces, including 11 parking spaces within the right-of-way along East 21st Street.
- ◇ The enclosed trash (dumpster) is located on the southern portion of the site along East 21st Street.
- ◇ An existing trailhead is located at the southeast corner of the site and in proximity of the Monon Trail. Staff understands that this trailhead would be upgraded to provide for handicapped accessibility.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of village mixed-use typology. However, layout of the site presents concerns related to pedestrian and vehicular safety, livability and overall functionality of the site.
- ◇ Parking for the proposed development is located west and south of the buildings. A large parking lot would front on the north / south alley along the western boundary. Except for five landscape islands and a 49-foot-wide utility easement (southern portion of site) there are limited curbs to separate vehicles from pedestrians for approximately 584 feet. An approximately six-foot-wide strip of permeable pavers is proposed along the double-row of parking, but staff does not believe that this “visual clue” would be adequate to ensure the safety of pedestrians and / or vehicles in the area or whether permeable pavers would be acceptable in the public right-of-way of the alley.
- ◇ It also appears that the parking spaces abutting the alley would encroach two to three feet into the public right-of-way of the alley, which would not be appropriate or permitted, indicating over development of the site.
- ◇ Staff from the Department of Metropolitan Development and Department of Public Works are concerned and do not support the on-street parking along East 21st Street that abuts a Monon Trail trailhead to the east. Perpendicular parking creates conflicts between vehicles and trail users and angle / parallel parking forces vehicles to maneuver against traffic flow. In other words, parking in this area of East 21st Street would not be acceptable and would result in a safety hazard.
- ◇ Despite suggestions to vacate this portion of East 21st Street, a vacation for private parking for the proposed development would not be “in the public interest” because of the existing trailhead along the Monon Trail at the terminus of East 21st Street.
- ◇ Zoning districts permitting multi-family development require floor area ratio and minimum livability ratio that result in a balance of on-site residential living space and open / green space. Because the request is for a planned unit development, those features are not present or required. Buildings and parking lots cover most of the site, leaving minimal on-site open / green space for the residents. Staff does not believe the presence of the Monon Trail is an appropriate substitution for the need to provide quality on-site open / green space.

(Continued)

- ◇ Staff believes this proposed development represents over development of the site because of the lack of open / green space and the need to encroach into and use public rights-of-way for parking.
- ◇ Staff would certainly consider other development options and taller buildings but as proposed, staff does not support this rezoning request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-4 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	D-8	Single-family dwelling
South -	D-8	Single-family dwelling
East -	D-8	Single-family dwelling
West -	D-8	Undeveloped land

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology.
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of East 22nd Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 60-foot right-of-way and a proposed 56-foot right-of-way.
This portion of East 21st Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 70-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA This site is located within the compact context area.

OVERLAY There is no overlay for this site.

SITE PLAN (UPDATED) File-dated July 31, 2023

ELEVATIONS File-dated May 17, 2023

D-P STATEMENT (AMENDED) File-dated June 26, 2022

ZONING HISTORY

2005-AP2-004; 1017 East 22nd Street, requested a modification of conditions related to 2004-UV2-003 to provide for the expansion of an existing secondhand retail store located within and existing industrial warehouse by utilizing 14,000 square feet of floor area, employing two additional personnel and operating approximately 48 hours per week, **granted**.

(Continued)

2004-UV2-003; 1002 East 21st Street and 1017 East 22nd Street; requested a variance of use of the Industrial Zoning Ordinance to provide for a second-hand retail store to be located within and existing industrial warehouse, **granted**.

VICINITY

2017-CZN 811 / 2017-CVR-811; 1013 East 20th Street (south of site), requested rezoning of 2.08 acres, from the I-3 district to the D-8 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 16 lots, with zero feet of street frontage and lot width and without direct access to a public street, **approved and granted**.

2011-ZON-073 (2011-DP-003); 1013 and 1026 East 20th Street (south of site), requested rezoning of 2.139 acres, from the I-3-U District to the D-P classification, to provide for 84 multifamily units at a density of 39.27 units per acre, **withdrawn**.

2017-ZON-030; 2001-2044 Alvord Street (south of site), requested rezoning of 2.57 acres, from the I-3 district to the D-8 classification, **approved**.

2015-DV1-019; 1002 East 21st Street (west of site), requested a variance of development standards of the wireless communications Zoning Ordinance and the Industrial Zoning Ordinance to provide for a wireless communications facility with a monopole tower exceeding the permitted height and reduced transitional yard setback, **granted**.

2015-UV1-007; 1030 East 19th Street (south of site), requested a Variance of use of the Industrial Zoning Ordinance to legally establish a single-family dwelling (not permitted), with a home occupation, per plans filed, **granted**.

2011-DV1-048; 1902 Alford Street (south of site), requested a variance of development standards of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for a major livability space ratio of 0.07, **granted**.

2011-ZON-077; 1902 Alvord Street (south of site), requested rezoning of 1.9 acres, from the I-3-U District to the C-2 classification to provide for commercial and residential uses, **approved**.

2009-UV3-004; 1931 Bellefontaine Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an office, **denied**.

97-UV3-34; 2002 Alvord Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the repair of, request passenger automobiles and trucks, **denied**.

95-UV3-1; 2002 Alvord Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to provide for an automobile and truck repair operation, **granted for a period of one year**.

91-AP3-3; 2002 Alvord Street (south of site), requested an extension of time to obtain an Improvement Location Permit and modification of conditions pursuant to 82-V3-13, **granted for a period of one year**.

(Continued)

90-UV2-21; 1641 North Alvord Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the storage, maintenance, repair and rental of heavy equipment, as well as outside storage of crane attachments; **withdrawn**.

82-V3-134; 2002 Alvord Street (south of site), requested a variance of development standards to permit the outside storage of a trash container at the northwest corner of the subject property, **granted**.

71-UV1-65; 1651 North Alvord Street (south of site), requested variance of use to provide for the construction of a building utilized for the storage of commercial trucks; **granted**.

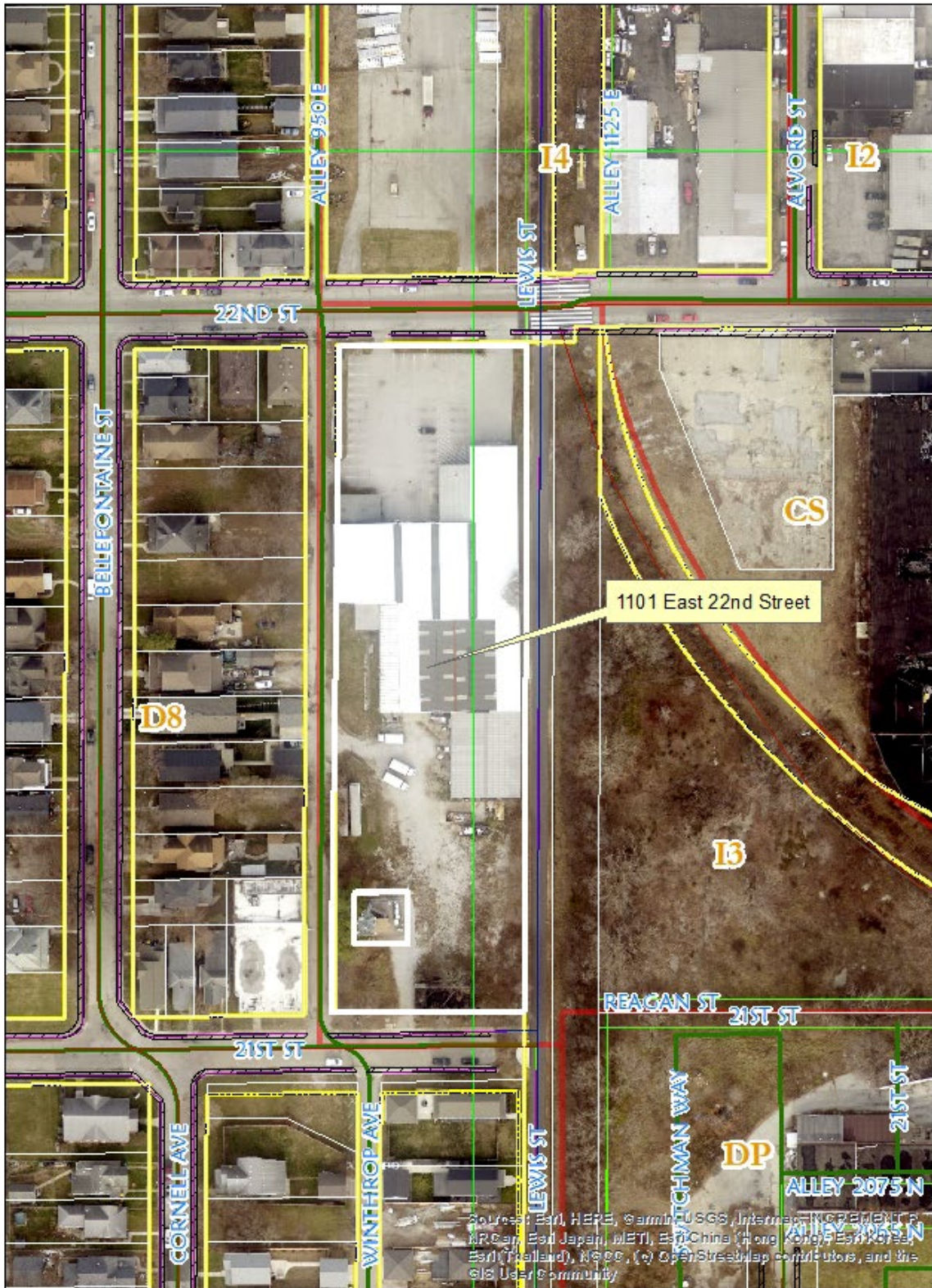
70-UV3-178; 1601-1651 Alvord Street (south of site), requested variance of use to provide for a surface parking lot; **granted**.

58-V-429; 2017-2019 Alvord Street (south of site), requested a variance of use to permit erection of a church, with off-street parking provided, **granted**.

55-V-233; 1623 North Alvord Street (south of site), requested variance of use to provide for a surface parking lot; **granted**.

55-V-35; 1649 North Alvord Street (south of site), requested variance of use to provide for a surface parking lot; **granted**.

kb



1101 East 22nd Street

0 0.006 0.01 0.02 0.03 0.04 Miles

22nd & THE MONON MULTIFAMILY DP STATEMENT

INTRODUCTION

DJ BCG Monon 22, LLC (the “Petitioner”) proposes to redevelop the approximately 2.3 acre site known as 1101 East 22nd Street (the “Property”, located at the intersection of 22nd Street and Winthrop Avenue in the Bruce Place East End Subdivision. The proposed development, an affordable multi-family community, will offer 111 residential living units in three 3-story structures. Integration of the proposed development with the Monon Trail, which abuts the Property to the east, will be a focal point of the project.

The objective for site planning and architectural aesthetic is to revitalize the development site with the addition of a diverse housing type to the area. The site is currently zoned I3 and is predominantly surrounded by an established D8 zoned single-family community. The properties located to the east of the site are zoned I3 and CS. The proposed development is an appropriate transitional density between the single family community and the more intense uses to the west of the site. The proposed development fits in the context of the surrounding neighborhood and encourages a variety of development in the area.

The Property is currently vacant, containing several unused warehouse structures. The Petitioner seeks to revive the Property and provide an efficient and desirable use for the space. The proposed development includes amenities complimentary to an urban, healthy living strategy for the site. Each new construction unit is planned to include an outdoor patio or balcony space. The development provides direct access to the Monon Trail, allowing resident pedestrian and bicycle users to access the trail from the outdoor amenity area.

The development will be constructed in substantial compliance with the approved Site Plan.

PERMITTED USES

The Property is currently zoned I3. Proposed Permitted uses include multi-family with associated amenities, a leasing office, an outdoor amenity area, and a residential amenity area.

DEVELOPMENT STANDARDS/SETBACKS

Buildings and other structures constructed on the Property shall be located as depicted on the approved Site Plan, including building locations and setbacks shown thereon.

UTILITIES/DRAINAGE

All utilities are available to the site. Storm drainage will be underground and professionally engineered to meet the intent of the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality.

LANDSCAPING

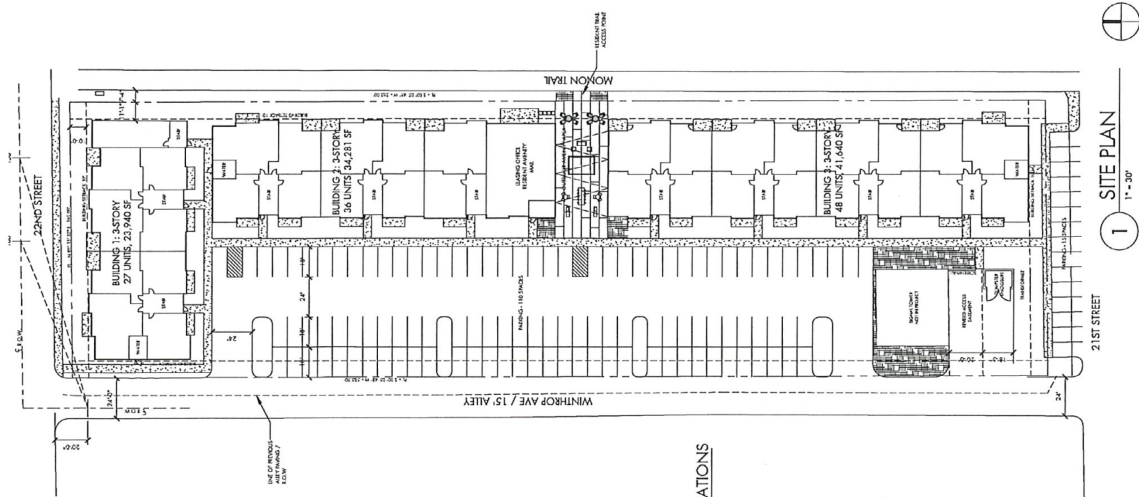
Currently, there are little to no existing trees or other living vegetation on the Property. The proposed development will include landscaping and tree plantings around the structures. Landscaping shall be located in substantial compliance with the approved landscape plan.

ACCESS AND PARKING

The proposed development will be accessible via Winthrop Avenue. Pedestrian access will be available via the Monon Trail. Parking is provided on the west side of the proposed structures, abutting Winthrop Avenue and 21st Street. A total of 125 parking spaces are proposed on the site. The single-family homes abutting Winthrop Avenue are accessed via driveway or garage entrance. The 15 foot Right-of-Way on Winthrop Avenue functions as an alley. The proposed double-row parking area will be accessed directly from Winthrop Avenue, which also provides for vehicular maneuvering. The proposed double-row parking area will be accessed similarly to the properties to the west of Winthrop Avenue and is consistent with surrounding site layouts.

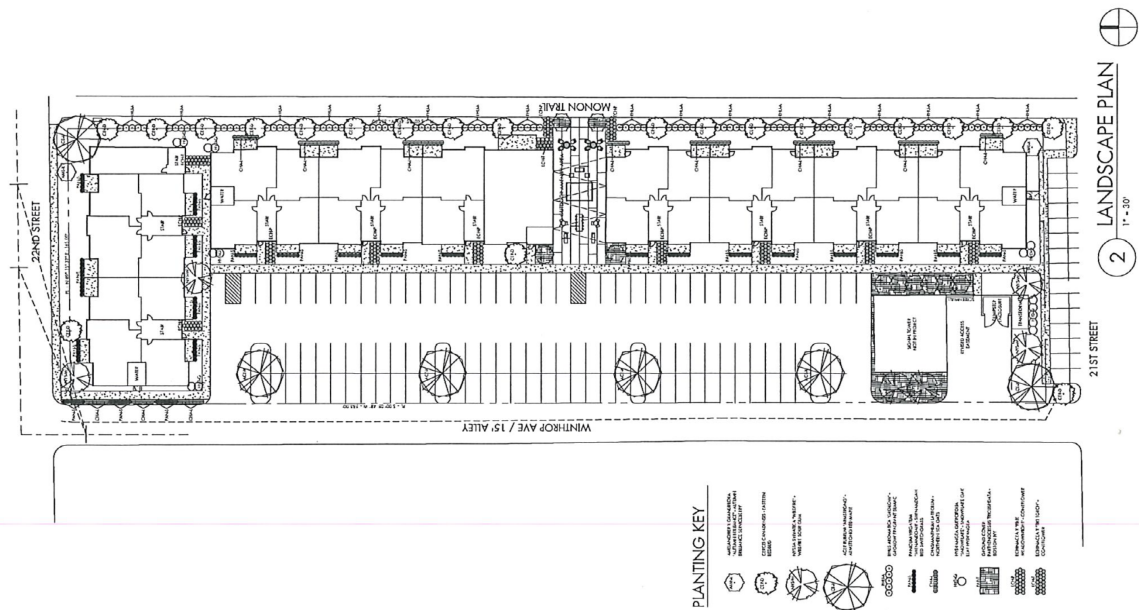
SIGNAGE

Project and building identification signage shall be located in substantial conformity with the approved sign plan and subject to final approval by the Administrator. No off-premises outdoor advertising signs shall be permitted.



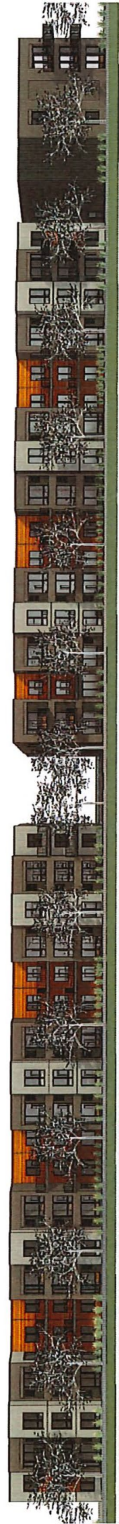
LIVABILITY CALCULATIONS

SET AND BUILDING AREA CALCULATIONS
 SET AREA: $10.531 \times 1.215 = 12.801$ OF FUEL TOWER =
 4.505 (0.17 AREA)
 BUILDING 1: 7.985 SQ FOOTPRINT
 22.345 SQ TOTAL AREA
 BUILDING 2: 2.481 SQ FOOTPRINT
 24.281 SQ TOTAL AREA
 BUILDING 3: 12.869 SQ FOOTPRINT
 47.445 SQ TOTAL AREA
 TOTAL BUILDING SQ FOOTPRINT: 22.345 SQ
 TOTAL BUILDING SQ FOOTING: 98.387 SQ
 BUILDING AREA: 78,142 SQ
 DRIVEWAY: 2,247 SQ
 TOTAL VITRICAL AREA: 31,454 SQ
 COVERED OPEN SPACE: 0.0
 UNARY FLOOR AREA: 0.0
 SHADY SPACE CALCULATIONS
 14,811 SQ AREA, 19.941 INSHED AREA, 31,454
 VITRICAL AREA, 0 COVERED OPEN SPACE = 0
 UNARY FLOOR = 0.0774
 SHADY SPACE RATIO: 26.741 PER MI = 49.308



PLANTING KEY

[illegible]



1 V1 - TRAILSIDE



2 V2 - 22ND



3 V3 - PARKING SIDE



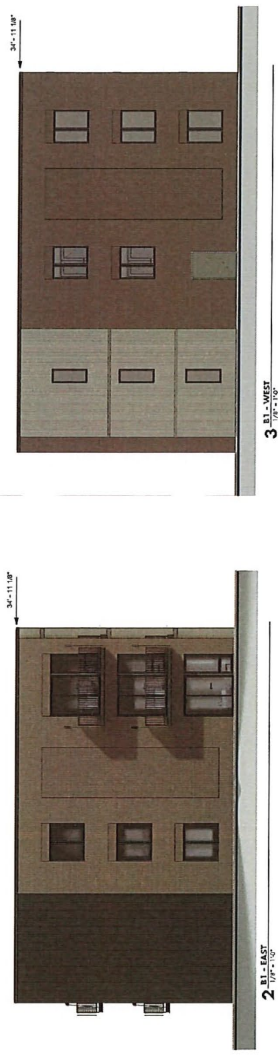
4 V4 - MONON

22ND & MONON

22ND & THE MONON / MULTIFAMILY
1101 E 22ND STREET
INDIANAPOLIS, IN

PRELIMINARY DESIGN
02/17/2023

SD-300



3 E. - WEST
17' - 0"

22ND & MONON BUILDING 1 ELEVATIONS

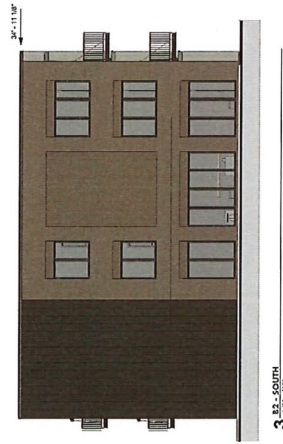
22ND & THE JACKSON MULTIFAMILY
1715 E. JACKSON STREET
INDIANAPOLIS, IN

PRELIMINARY DESIGN
05/11/2023

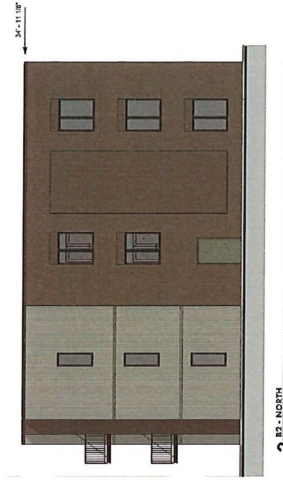
SD-301



1 E2 - EAST
1/8" = 1'-0"



3 E3 - NORTH
1/8" = 1'-0"



2 E2 - WEST
1/8" = 1'-0"



4 E2 - SOUTH
1/8" = 1'-0"

22ND & MONON BUILDING 2 ELEVATIONS

22ND & THE MONON MULTIFAMILY
1100 MONON STREET
INDIANAPOLIS, IN

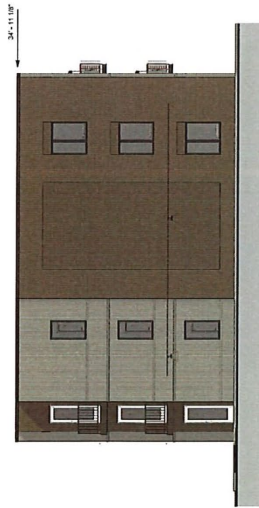
PRELIMINARY DESIGN
04/11/2024

SD-302

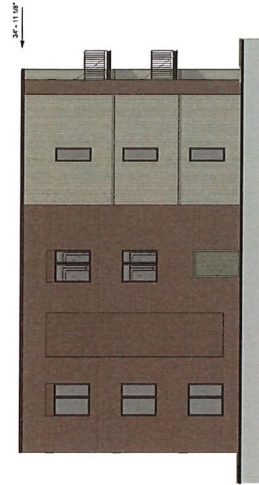
BLACKLINE



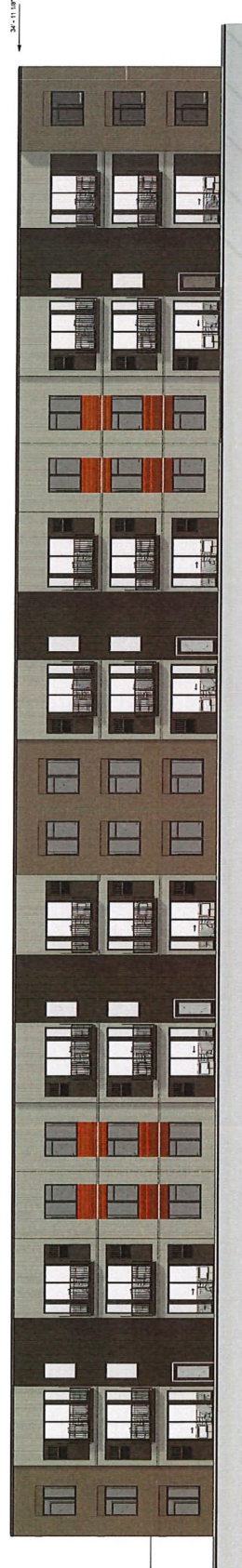
1 33'-EAST
100'-0\"/>



2 33'-NORTH
100'-0\"/>



3 33'-SOUTH
100'-0\"/>



4 33'-WEST
100'-0\"/>

BUILDING 3 ELEVATIONS

22ND & THE JACOBSON MULTIFAMILY
22ND STREET
INDIANAPOLIS, IN

PRELIMINARY DESIGN
02/11/2023

SD-303



View looking west along East 22nd Street



View looking east along East 22nd Street



View of site looking south across East 22nd Street



View of site looking south across East 19th Street



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View from site looking southeast from intersection of alley and East 21st Street



View of site looking north across east 21st Street



View of site looking northeast across the terminus of East 21st Street and the Monon Trail



View looking at the East 21st Street terminus and the Monon Trail



View from site looking southeast across East 21st Street and the Monon Trail



View looking west along East 21st Street



View looking east along East 21st Street



View of alley looking north across East 21st Street



View of alley looking south across East 21st Street