

**METROPOLITAN DEVELOPMENT COMMISSION**

**Public Assembly Room  
2nd Floor City-County Building  
1:00 p.m.**

**NOVEMBER 16, 2016**

**PETITIONS FOR PUBLIC HEARING**

<b>2016-ZON-057</b>	<b>3402 NORTH SCHOFIELD AVENUE CENTER TOWNSHIP, CD #9</b>	<b>3</b>
<b>2016-CVR-812 (AMENDED)</b>	<b>1065 NORTH POST ROAD AND 9040 EAST 10TH STREET WARREN TOWNSHIP, CD #19</b>	<b>14</b>
<b>2016-CVR-818 (AMENDED)</b>	<b>5870 NORTH COLLEGE AVENUE WASHINGTON TOWNSHIP, CD #2</b>	<b>41</b>
<b>2016-ZON-020*</b>	<b>2730 EAST 86TH STREET, 8707, 8711, 8717 AND 8727 HAVERSTICK ROAD WASHINGTON TOWNSHIP, CD #2</b>	<b>68</b>

**PETITIONS OF NO APPEALS**

<b>2016-ZON-002 (AMENDED)</b>	<b>1450 NORTH PENNSYLVANIA STREET CENTER TOWNSHIP, CD #11</b>	<b>70</b>
<b>2016-ZON-053</b>	<b>4233 LAFAYETTE ROAD PIKE TOWNSHIP, CD #10</b>	<b>71</b>
<b>2016-ZON-056</b>	<b>5251 SOUTH EAST STREET PERRY TOWNSHIP, CD #23</b>	<b>71</b>
<b>2016-CZN-820</b>	<b>1601 SOUTH HIGH SCHOOL ROAD WAYNE TOWNSHIP, CD #22</b>	<b>72</b>
<b>2016-CZN-828</b>	<b>3670 CARSON AVENUE PERRY TOWNSHIP, CD #21</b>	<b>72</b>
<b>2016-ZON-058</b>	<b>5901 EAST WASHINGTON STREET WARREN TOWNSHIP, CD #12</b>	<b>73</b>
<b>2016-ZON-059</b>	<b>5529 AND 5543 BONNA AVENUE WARREN TOWNSHIP, CD #12</b>	<b>73</b>

**CONTINUED**

**2016-REG-086**

**49 NORTH EAST STREET  
CENTER TOWNSHIP, CD #17**

**74**

**\* Automatic Continuance**

**\*\* Continuance Requested**

**\*\*\* Withdrawal**

**PART I**

**REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
APPEAL FILED BY A REMONSTRATOR:**

2016-ZON-057      3402 NORTH SCHOFIELD AVENUE (APPROXIMATE ADDRESS)  
CENTER TOWNSHIP, CD #9  
JESUS INSIDE PRISON MINISTRY, INC., by Russell L. Brown  
Rezoning of 0.92-acre from the D-5 (W-5) district to the SU-7 (W-5)  
classification to legally establish a faith-based offender re-entry facility.

## STAFF REPORT

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

**Case Number:** 2016-ZON-057  
**Address:** 3402 North Schofield Avenue (approximate address)  
**Location:** Center Township, Council District #9  
**Petitioner:** Jesus Inside Prison Ministry, Inc., by Russell L. Brown  
**Request:** Rezoning of 0.92-acre from the D-5 (W-5) district to the SU-7 (W-5) classification to legally establish a faith-based offender re-entry facility.

#### **ADDENDUM FOR NOVEMBER 16, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on October 27, 2016. After a full hearing, the Hearing Examiner recommended approval of this petition. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

#### **October 27, 2016**

#### **RECOMMENDATIONS**

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

The permitted use shall be subject to the Site Plan and Plan of Operation, both file-dated September 22, 2016.

#### **SUMMARY OF ISSUES**

##### **LAND USE**

- ◇ This request would rezone 0.92 acre, from the D-5 District to the SU-7 classification to legally establish a faith-based offender re-entry facility. The subject site, zoned D-5, is currently improved with a former nursing home and surface parking lot granted by variance, 79-UV3-1.
- ◇ A previous variance, 2015-UV2-037, requested a variance of use of the Dwelling Districts Zoning Ordinance, to provide for a residential re-entry facility for ex-offenders, with training and religious services and a commercial trash container and commercial signs. That request was denied on February 9, 2016. An approval petition, 2016-AP2-001, requested a waiver of the refiling rule, subsequent to the denial of 2015-UV2-037, on February 9, 2016, to permit the filing of a rezoning petition, prior to the expiration of the one-year waiting period. That request was approved on September 13, 2016.

(Continued)

**STAFF REPORT 2016-ZON-057 (Continued)**

- ◇ The use in question is not specifically provided for or identified as a permitted use within any District of the Dwelling Districts Zoning Ordinance. Based upon the programmatic information provided in the petition file, the SU-7 Special Use District, which would allow charitable, philanthropic and non-profit institutions, would permit this use. Special Use Districts are typically considered compatible with abutting residential uses, provided the programmatic aspects of the proposed use would not negatively impact the abutting uses and the site is designed in such a manner as to mitigate any potential negative impact.
- ◇ Locating facilities of this nature can be difficult. The difficulty arises from real and perceived negative impacts; therefore, care should be taken to mitigate any negative consequences upon neighboring properties. The Plan of Operation addresses issues such as occupancy, hours of operation and security that could potentially impact nearby properties.
- ◇ The United North East Neighborhood Plan (1998) recommends medium-density residential, of five to fifteen units per acre, for the subject site. Special uses are generally not indicated in the Plan unless the use is existing, because of the unique nature of special uses. For example, school, churches, philanthropic institutions, sanitary landfills, and gravel processing plants may be suitable uses in locations not anticipated by the plan, and school and religious uses may be suitably located within a residential neighborhood. This request to locate a faith-based facility (SU-7) within an area designated for residential uses would be an acceptable deviation from the plan recommendation.

**PLAN OF OPERATION**

- ◇ The Plan of Operation, as proposed, would help with the integration of the facility into the residential area, and to mitigate any negative consequences upon neighboring properties. Therefore, the use of the property, included in this rezoning, should comply with the Plan of Operation, file-dated September 22, 2016.

**SITE DEVELOPMENT**

- ◇ If approved to the SU-7 classification, all proposed site plans, building and sign elevations would be subject to Administrator’s review and approval prior to the issuance of an Improvement Location Permit. Because of the adjacent residential development, careful review would be given to parking lot lighting.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5 Religious use

**SURROUNDING ZONING AND LAND USE**

North -	D-5 / SU-1	Single-family dwellings / Religious use
South -	D-5	Single-family dwellings
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwelling

(Continued)

**STAFF REPORT 2016-ZON-057 (Continued)**

NEIGHBORHOOD PLAN	The United North East Neighborhood Plan (1998) recommends medium-density residential.
THOROUGHFARE PLAN	The Official Thoroughfare Plan designates this portion of East 34th Street as a secondary arterial, with a 70-foot existing and proposed right-of-way. The Official Thoroughfare Plan designates this portion of Schofield Avenue as a local street, with a 60-foot existing and proposed right-of-way. The Official Thoroughfare Plan designates this portion of Ralston Avenue as a local street, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated September 22, 2016.
PLAN OF OPERATION	File-dated September 22, 2016.

**ZONING HISTORY**

**2016-AP2-001; 3402 North Schofield Avenue (subject site)**, requested a waiver of the refiling rule, subsequent to the denial of 2015-UV2-037, on February 9, 2016, to permit the filing of a rezoning petition, prior to the expiration of the one-year waiting period, **granted**.

**2015-UV2-037; 3402 North Schofield Avenue (subject site)**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Sign Regulations, to provide for a residential re-entry facility for ex-offenders, with training and religious services and a commercial trash container and commercial signs, **denied**.

**79-UV3-1; 3405 North Ralston Avenue and 1706 East 34<sup>th</sup> Street (subject site)**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an addition to the south side of an existing nursing home, also to provide for a sign and accessory off-street parking on premises located at the northwest corner of 34th Street and Schofield Avenue, **granted**.

**2001-UV3-019; 3431 North Schofield Avenue (north of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a parking lot, associated with an existing church, consisting of 28 parking spaces, located adjacent and across the street from the primary church facility, **granted**.

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**STAFF REPORT 2016-ZON-057 (Continued)**

**MEMORANDUM OF HEARING EXAMINER'S DECISION**

**MEMORANDUM OF EXAMINER'S DECISION**

**2016-ZON-057**

**3402 North Schofield Avenue**

The petition requests the rezoning of 0.92 acre from the D-5 (W-5) district to the SU-7 (W-5) classification to legally establish a faith-based offender re-entry facility. The facility has operated on the site for about nine years, and was made aware of the zoning violation when applying for an encroachment license for a fence.

Your Hearing Examiner visited the site prior to the hearing and recognized that the building had previously been used as a nursing home. Two religious facilities were noted north and northeast of the site, and residences were noted around the site, as well.

The petitioner's representative outlined the detailed plan of operation, which addresses concerns including requirements for eligibility, staffing details, resident rules, and facility capacity. Several letters of support from City-County Councillors were presented.

One remonstrator stated a desire for a more positive use of the site.

In your Hearing Examiner's opinion, the requested SU-7 (W-5) district, with the proposed plan of operation, allows this well-established use to continue on a site which, historically, was used as a nursing home. Approval of this petition was recommended.

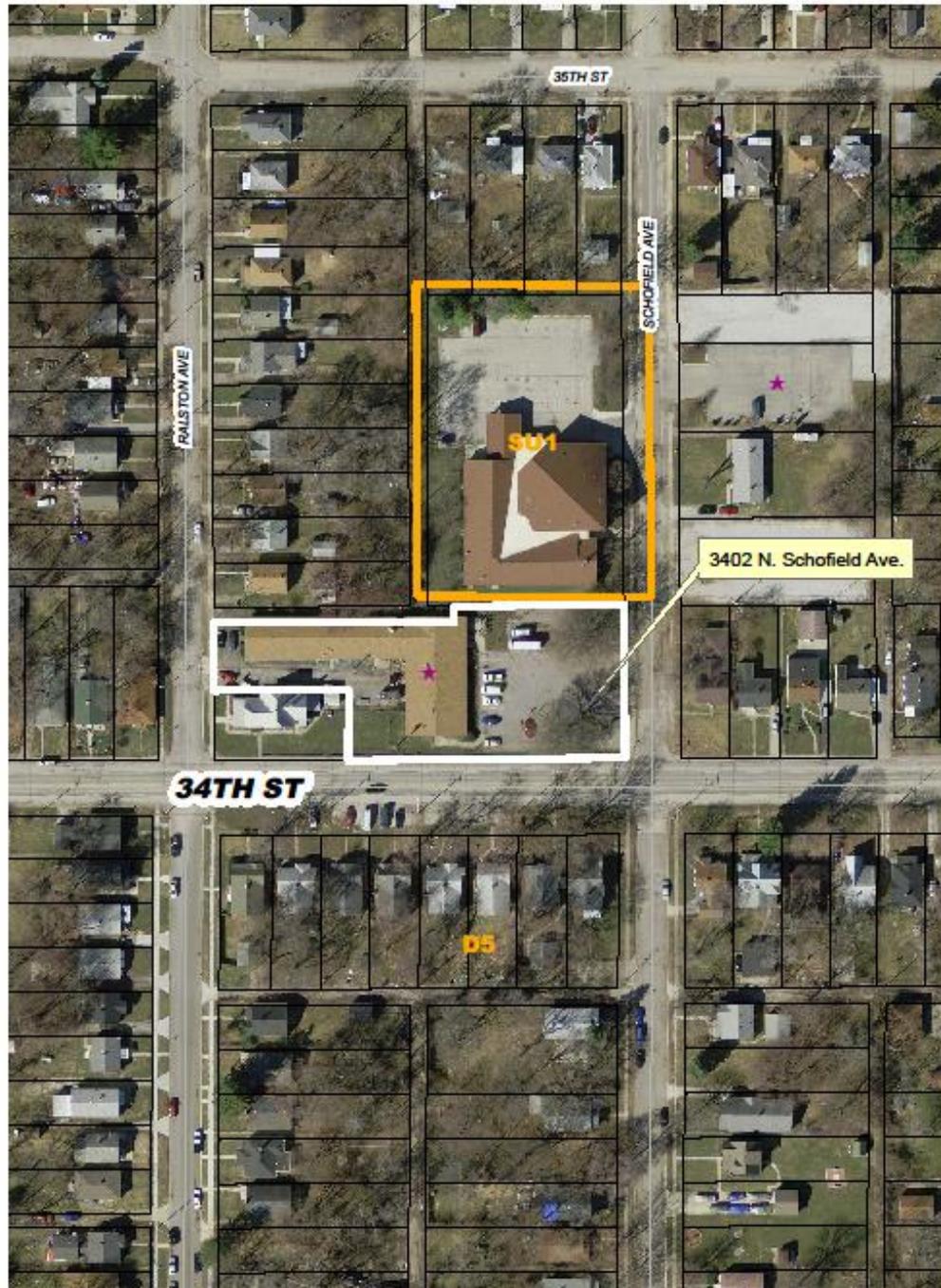
For Metropolitan Development Commission Hearing on November 16, 2016

**Metropolitan Development**

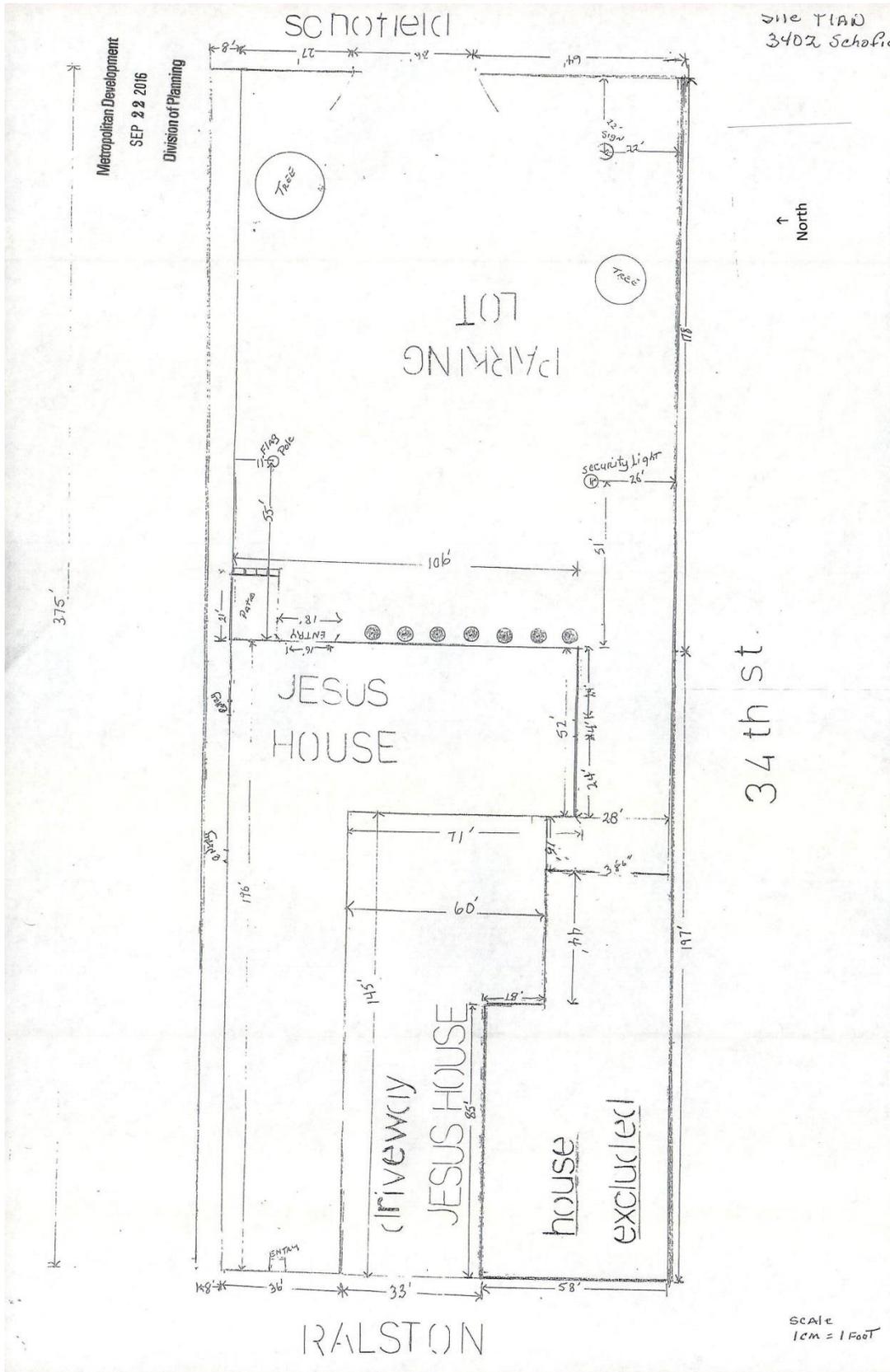
**NOV 07 2016**

**Division of Planning**

**2016-ZON-057: Location Map**



**2016-ZON-057: Site Plan**



**2016-ZON-057: Plan of Operation**

Metropolitan Development

SEP 22 2016

Division of Planning

**Plan of Operation for Jesus House 3402 Schofield**

The Facility accepts ex-offenders who apply by application. The facility does not accept sex offenders.

There is a volunteer staff of ten (10) men. Three resident Directors who live in the Facility. Seven (7) other volunteers are Facilitators who are present at the Facility during various times six (6) days a week. Clients write to the Jesus House from prison asking for a Jesus House Application and Rules.

Once Jesus House receives the completed application and the client is accepted, Jesus House sends the client an Acceptance Letter.

The client must arrive at the Jesus House immediately upon the day of their release.

The client is then given orientation and assigned to a bed.

Rules:

Rule 1. All residents are required to attend all programs

Rule 2. No profanity, drugs, alcohol, fighting or females are allowed in the facility.

Rule 3. All residents shall seek employment. There are no charges or fees until employment has been secured. Once employed residents will be expected to pay a charge of \$75.00 dollars per week for their stay, food, clothing, training.

All residents are subject to mandatory random drug and alcohol testing.

Rule 4. All residents must attend all Church services.

If any of the rules are broken, residents understand that they will be asked to leave the program.

The Jesus House facility can house up to forty (40) men.

Jesus House is a twenty-four (24) hour facility. The Facility is locked down Monday through Friday at 11 p.m.

Saturday and Sunday at 12 midnight.

All residents are required to be inside the Facility by lock up time.

**2016-ZON-057: Photographs**



View of site looking west from Schofield Avenue.



View of site looking east from Ralston Avenue, with adjacent single-family dwelling.



View of adjacent single-family dwelling to the west, looking east with subject site to the rear.



View of adjacent single-family dwellings to the south.



View of adjacent single-family dwelling to the east.



View of adjacent religious use to the north.

**PART II**

**COMPANION PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
APPEAL FILED BY REMONSTRATOR:**

2016-CVR-812  
(AMENDED)

1065 NORTH POST ROAD AND 9040 EAST 10TH STREET  
(APPROXIMATE ADDRESS)  
WARREN TOWNSHIP, CD #19  
PURPLE CHIP INVESTMENTS LLC AND TCDJ PROPERTIES LLC, by  
David Kingen and Justin Kingen  
Variance of development standards of the Consolidated Zoning and  
Subdivision Ordinance to provide for a zero-foot south side yard and one-foot  
transitional side yard, without landscaping (10-foot side and 15-foot  
transitional side yard required, with landscaping), and a 10-foot north side  
transitional side yard (15-foot transitional side yard required).

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Petition Number(s):** 2016-CZN-812 and 2016-CVR-812 (Amended)  
**General Location:** 1065 North Post Road and 9040 East 10<sup>th</sup> Street (*Approximate Address*)  
Indianapolis  
**Township(s):** Warren  
**Council District(s):** 19  
**Petitioner/Agent:** Purple Chip Investments LLC and TCDJ Properties LLC, by David Kingen and Justin Kingen  
**Request(s):** Rezoning of 5.23 acres from the C-3 and C-S districts to the C-S classification to provide for a self-storage facility.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot south side yard and one-foot transitional side yard ,without landscaping (10-foot side and 15-foot transitional side yard required, with landscaping).

### **ADDENDUM FOR NOVEMBER 16, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were continued from the October 19, 2016 hearing, to the November 16, 2016 hearing, to provide time for additional notice to surrounding property owners.

### **ADDENDUM FOR OCTOBER 19, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were continued from the September 21, 2016 hearing to the October 19, 2016 hearing. No new information has been submitted to the file. Staff, therefore, continues to **recommend denial** of the variance for the previously stated reasons.

### **ADDENDUM FOR SEPTEMBER 21, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued these petitions from the August 17, 2016 hearing, to the September 21, 2016 hearing, at the request of the petitioner.

### **ADDENDUM FOR AUGUST 17, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Hearing Examiner on July 28, 2016. After a full hearing, the Hearing Examiner recommended approval of these petitions. Subsequently, a remonstrator filed an appeal of the variance request. A memorandum of his recommendation is attached.

(Continued)

## **STAFF REPORT 2016-CZN-812 / 2016-CVR-812 (Continued)**

### **ADDENDUM FOR JULY 28, 2016, HEARING EXAMINER**

The petitions were continued from the May 26, 2016 hearing, to the July 28, 2016 hearing, by the Hearing Examiner at the request of the petitioner to provide additional time for continued discussions with the neighborhood and to amend the request.

**June 23, 2016**

### **RECOMMENDATIONS**

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

Commitments associated with petitions 2013-CZN-812 / 2013-CVR-812, shall apply to and be re-recorded to include the entire site.

Staff **recommends denial** of the variance requests.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 5.23-acre site, zoned C-3 and C-S, is being developed as a self-storage facility. The main portion of the site fronts on East 10<sup>th</sup> Street and is zoned C-S. The portion of the site zoned C-3 is located at the northwest corner of the site and fronts on North Post Road. It is developed with a commercial building, with a drive-through component and a small storage building.
- ◇ In 2013, the main portion of this site was the subject of rezoning and variance of development standards petitions (2013-CZN-812 / 2013-CVR-812) to provide for C-3C uses, C-2 uses, and a self-storage facility, with variances for reduced setbacks and parking.

#### **REZONING**

- ◇ This request would rezone the site from the C-3 and C-S Districts to the C-S District to provide for a self-storage facility. Three site plans were filed with the petition, depicting the existing plan approved with the 2013 rezoning (phase One), and two future phases. Phase One provided for 440 storage units. Phases Two and Three would provide an additional 100 storage units.

(Continued)

## **STAFF REPORT 2016-CZN-812 / 2016-CVR-812 (Continued)**

- ◇ Phase Two proposes three additional buildings. Building A (6,300 square feet) would connect to the existing storage building located at the northwest portion of the site. Building B (6,620 square feet) would be located ten feet south of the north property boundary. Building C (1,350 square feet) would be located along the interior western boundary.
- ◇ Phase Three would expand Building A to the east and provide additional parking north of Kuhn Ditch.
- ◇ Despite being inconsistent with the Comprehensive Plan, the proposed use as a self-storage facility could have less traffic and activity than office uses and, therefore, be less impactful on adjacent commercial and residential uses. It is, however, critical that appropriate landscaping and setbacks be provided to create an adequate buffer for surrounding land uses, particularly the dwelling district to the north.
- ◇ The 2013 rezoning was subject to commitments recorded as Instrument Number A201300112872. Approval of this rezoning request should be subject to those same commitments. See Exhibit A.

### **VARIANCES OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a zero-foot south side yard and one-foot transitional side yard, without landscaping. The Ordinance requires a 10-foot side yard and 15-foot transitional side yard, with landscaping. The site plans outlining two future phases increase the intensity and activity along the north property boundary shared with a residential neighborhood. Staff believes that landscaping, in addition to the existing fence, would mitigate some of the impact on the single-family dwellings to the north.
- ◇ Staff does not support this request because it eliminates any buffer and increases the impact upon abutting properties, particularly the residential uses to the north. Commitment Two of the recorded commitments requires a buffer “between properties of the commercial business and the residential.” Commitment Three of the recorded commitments also indicates that “landscaping shall be required.” Furthermore, staff does not believe a practical difficulty exists because this site was undeveloped, with the ability to develop the site in accordance with the Ordinance.
- ◇ In 2008 a variance (2008-DV2-036, located at 1065 North Post Road) was granted that included, among other requests, a two-foot north transitional yard when a twenty-foot north side transitional yard was required. The commercial business that occupied the site closed, along with the need for the drive-through lanes. Because this site would become integrated with the larger parcel, appropriate setbacks and landscaping should be required.

(Continued)

**STAFF REPORT 2016-CZN-812 / 2016-CVR-812 (Continued)**

- ◇ It should also be noted that a self-storage operation is a use permitted in the industrial districts, with a 50-foot landscaped transitional yard under the new Ordinance and a 30-foot transitional setback under the previous Ordinance. The C-S District reduces transitional yard setbacks to 15 feet. To further reduce the transitional yard setback would not be appropriate.

**FLOODWAY FRINGE**

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**EXISTING ZONING AND LAND USE**

C-3 / C-S Commercial buildings / self-storage facility

**SURROUNDING ZONING AND LAND USE**

North -	D-3	Single-family dwellings
South -	SU-9	School administration buildings
East -	DSU-1	Religious uses
West -	C-3	Commercial uses

**COMPREHENSIVE PLAN** The Comprehensive Plan for Warren Township (2005) recommends office commercial

**THOROUGHFARE PLAN** This portion of North Post Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with a 114-foot existing and a 128-foot proposed right-of-way  
This portion of East 10<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a secondary arterial, with a 80-foot existing and a 94-foot proposed right-of-way

**FLOWAY / FLOODWAY FRINGE** Morris Ditch runs through the site beginning at the northeast corner and exiting approximately 204 feet north of the East 10<sup>th</sup> Street right-of-way.

**SITE PLANS (two phases)** File-dated April 21, 2016

(Continued)

## **STAFF REPORT 2016-CZN-812 / 2016-CVR-812 (Continued)**

### **ZONING HISTORY**

**2013-CZN-812 / 2013-CVR-812; 9040 East 10<sup>th</sup> Street**, requested rezoning of 4.36 acres from the D-3 and C-3 Districts, to the C-S classification to provide for C-3C uses, C-2 uses and a self-storage facility and variance of development standards of the Commercial Zoning Ordinance to provide for self-storage buildings with reduced setbacks and parking, **approved and granted**.

**2008-DV2-036, 1065 North Post Road**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a credit-union with two drive-through lanes with reduced stacking spaces within 26.34 feet of a protected district, and a reduced north side transitional yard, with one parking space maneuvering within the required front yard, **granted**.

**72-Z-76; 9010 East 10<sup>th</sup> Street**, requested a rezoning of 5.07 acres from the D-3 district to the C-3 classification, **approved**.

### **VICINITY**

**2007-DV3-019; 1002 North Post Road (west of site)**, requested variance of development standards of the Commercial Zoning Ordinance to provide a 697-square foot outdoor seating area, and to legally establish a zero-foot front landscape strip along the existing right-of-way of 10<sup>th</sup> Street, and a zero-foot front landscape strip along the existing right-of-way of Post Road, **granted**.

**2006-DV2-044; 8905 East 10<sup>th</sup> Street (west of site)**, requested variance of development standards of the Sign Regulations to provide for the replacement of a manual reader-board component of an existing 25-foot tall pole sign, with a 40.02-square foot electronic variable message sign component within 85 feet of a protected district, **withdrawn**.

**2003-DV2-038; 975 North Post Road (south of site)**, requested variance of development standards of the Sign Regulations to provide an 11.5-foot tall, 46-square foot pylon sign, located within 600 feet of a protected district, **granted**.

**96-Z-101; 9150 East 10<sup>th</sup> Street**, requested a rezoning of three acres from the C-1 district to the SU-1 classification to provide for religious uses, **approved**.

**88-V3-35; 901 North Post Road**, requested variance of development standards of the Sign Regulations to provide for a ground sign to be 5.2 feet in height, and for three double-faced signs, **granted**.

**87-Z-12; 1007 North Post Road**, requested a rezoning of 0.66 acre, being in the D-3 classification, to the C-4 classification to legally establish an existing restaurant, **approved**.

(Continued)

**STAFF REPORT 2016-CZN-812 / 2016-CVR-812 (Continued)**

**86-UV2-61; 1007 North Post Road**, requested variance of use and development standards of the Sign Regulations to provide for a pole sign within the required setback and for wall signs, **granted**.

**69-Z-284; 9008 East 10<sup>th</sup> Street (adjacent to west)**, requested a rezoning of 6.4 acres from the D-3 district to the C-3 classification, **approved**.

**62-V-169; 9122 East 10<sup>th</sup> Street (adjacent to east)**, requested a variance of use and development standards to provide for an apartment complex, **granted**.

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EXHIBIT A



A201300112872 *La*

09/16/2013 1:29 PM  
JULIE L. VOORHIES  
MARION COUNTY IN RECORDER  
FEE: \$ 37.50  
PAGES: 9  
By: MB

STATEMENT OF COMMITMENTS

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

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

Legal Description: (See attached) 9040 East 10<sup>th</sup> Street

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. See Attachment "D" & "E"
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or

MDC's Exhibit B - - page 1 of 5



terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2013-CZN-812 by the City-County Council changing the zoning classification of the real estate from a D-3 & C-3 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

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

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2013-CZN-812.

MDC's Exhibit B - - page 2 of 5





**ATTACHMENT "A"**

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

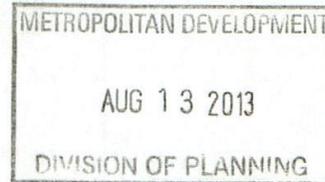
- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:

*MDC's Exhibit B - - page 4 of 5*



- (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
- (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
- (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

*MDC's Exhibit B -- page 5 of 5*



ATTACHMENT "C":

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

1. All C-3C uses; (excluding all residential uses)
2. All C-2 Uses; (excluding all residential uses)
3. Self storage facility

Buildings:

Six (6) proposed buildings per site plan on file

Parking:

Twelve (12) off street parking spaces on site; with one additional handicapped parking space. Twelve(12) shared off street parking spaces on adjoining parcel to the west, also owned by same party.

Signs:

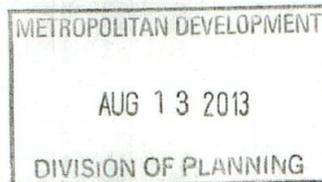
One internally lit pylon sign, not exceeding twelve (12) feet in height. Other signs may include wall, canopy, or projecting signs.

Screening and buffering:

Install privacy fence with landscaping along east property line as shown on site plan. Erect ornamental metal knee wall/ ornamental fence along the south and west property lines, per the site plan on file. Erect chain link security fencing either along north property line, south of the legal drain to secure the developed portion of the property

Trash:

Trash dumpster(s) will be enclosed with a dumpster enclosure(s) and located per the site plan on file.



6/21/13

ATTACHMENT "D"

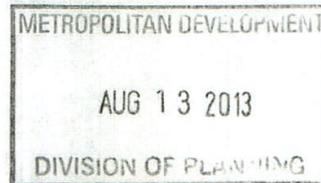
1. Exterior lighting on buildings and within off street parking areas shall be so designed and located to minimize objectionable light onto adjacent properties and streets. Exterior lighting equipment utilized shall be of appropriate type and shall be shielded and directed so that distribution of light is confined to the areas lighted.
2. Buffer shall be required between properties of the commercial business and the residential.
3. Landscaping shall be required.
4. Trash containers shall be enclosed per city code.
5. Trash truck pick up from the property shall not occur before 6 am or after 10 pm, Monday thru Saturday and no collection shall occur on Sundays.
6. The billboards which currently exists on the property shall be removed and not be relocated on the subject property.
7. No Evms signs shall be located on the property
8. No outdoor storage or display of any kind shall be permitted on the premises

7/25/13

ATTACHMENT "E":

The petitioner commits to the following excluded uses:

1. Tattoo parlor
2. Check cashing facility
3. Coupon or trading stamp redemption center
4. Bowling alley
5. Flea Market
6. Adult Entertainment business
7. Adult bookstore
8. Skating rink (ice or roller)
9. Tennis court
10. Liquor store
11. Tavern
12. Firearms or gun sales
13. Rooming house, hotel or motel
14. Independent (primary) car wash
15. Animal clinic or hospital that includes outside runs, play areas or outside kennels.
16. Pet store that includes exotic mammals or snakes which have dangerous propensities.
17. Second hand store
18. Schools (except daycare)
19. Tobacco Store



- 20. Pawn shop
- 21. Fireworks sales

7/25/13

*Handwritten notes:*  
02559  
Jim  
2212

METROPOLITAN DEVELOPMENT  
AUG 13 2013  
DIVISION OF PLANNING

9

MEMORANDUM OF EXAMINER'S DECISION

2016-CZN-812  
2016-CVR-812 (Amended)

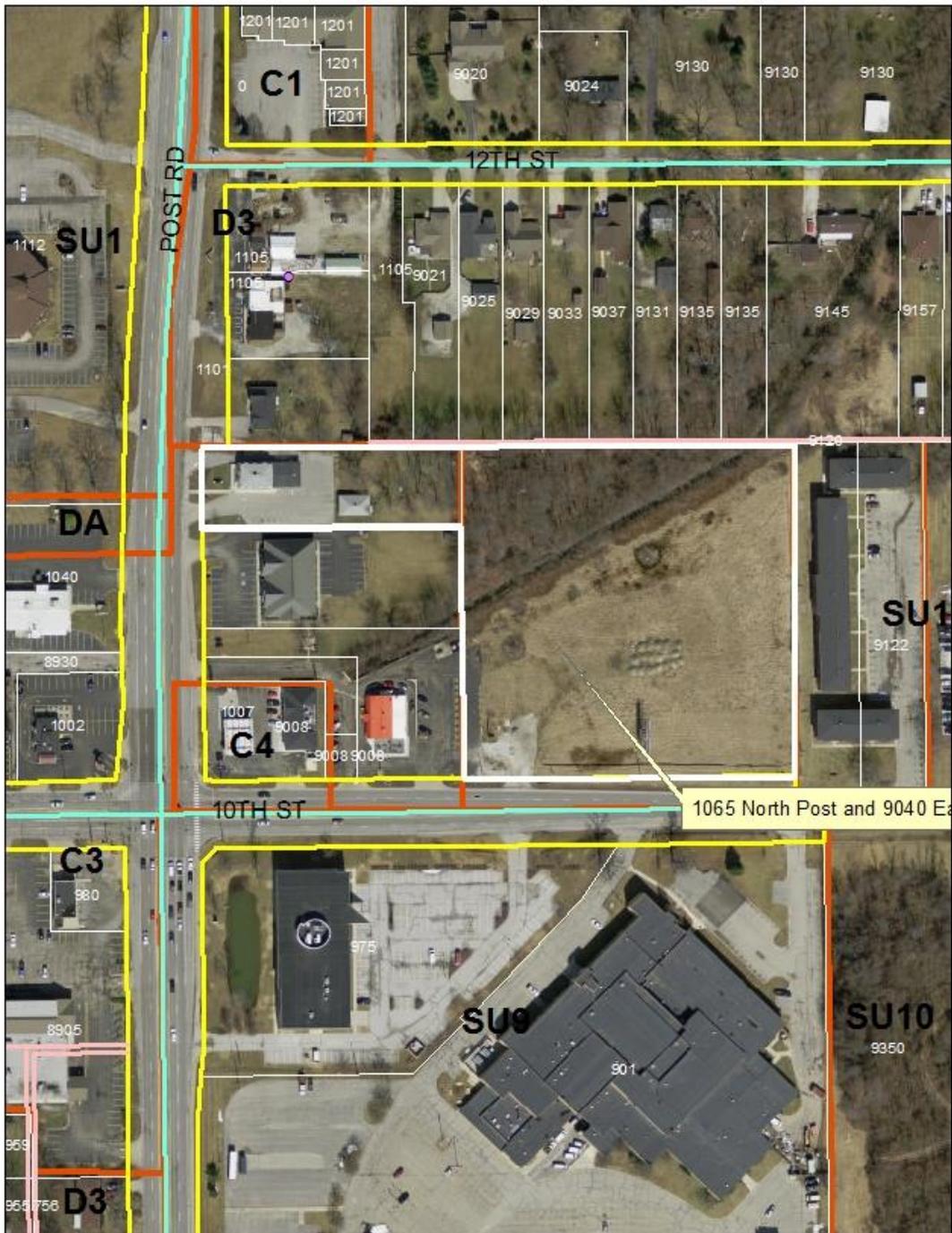
1065 North Post Road  
9040 East 10<sup>th</sup> Street

The petitioner seeks certain land use changes relevant to a self-storage facility whose construction is nearing completion. The rezoning change from C-3 and C-S districts to C-S was recommended by the staff. Your Hearing Examiner agreed with the request, believing the proposed use would result in less traffic than the current office uses, especially because of the heavy traffic at the closest intersection. Your Hearing Examiner recommended approval of the variance because the residences to the north of the subject property were less dense; the proposed storage facilities would act as a buffer; and two very influential and proactive Warren Township land use groups were both in favor.

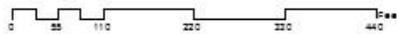
Metropolitan Development

AUG 05 2016

Division of Planning



1065 North Post Road and 9040 East 10th Street

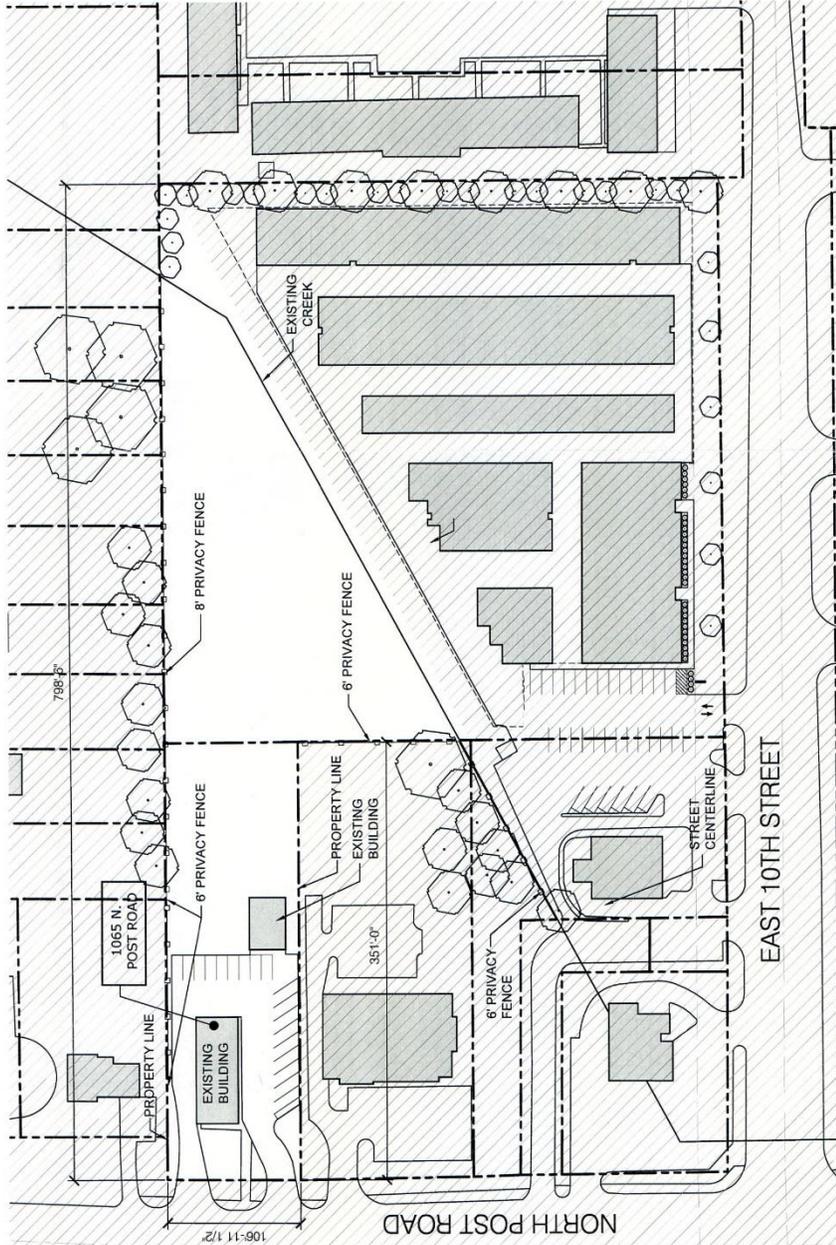


1065 POST STREET  
APRIL 20, 2016

SITE DATA	
LAND AREA	
TOTAL PARCEL AREA	90,282 S.F. (2.07 ACRES)
EXISTING BUILDING AREA	
4689 S.F.	
EXISTING PARKING	
ADA SPACE	1
STANDARD SPACES	17

Metropolitan Development  
APR 21 2016  
Division of Planning

#1



1065 NORTH POST ROAD  
EXISTING SITE PLAN



SCALE: 1" = 80'-0"



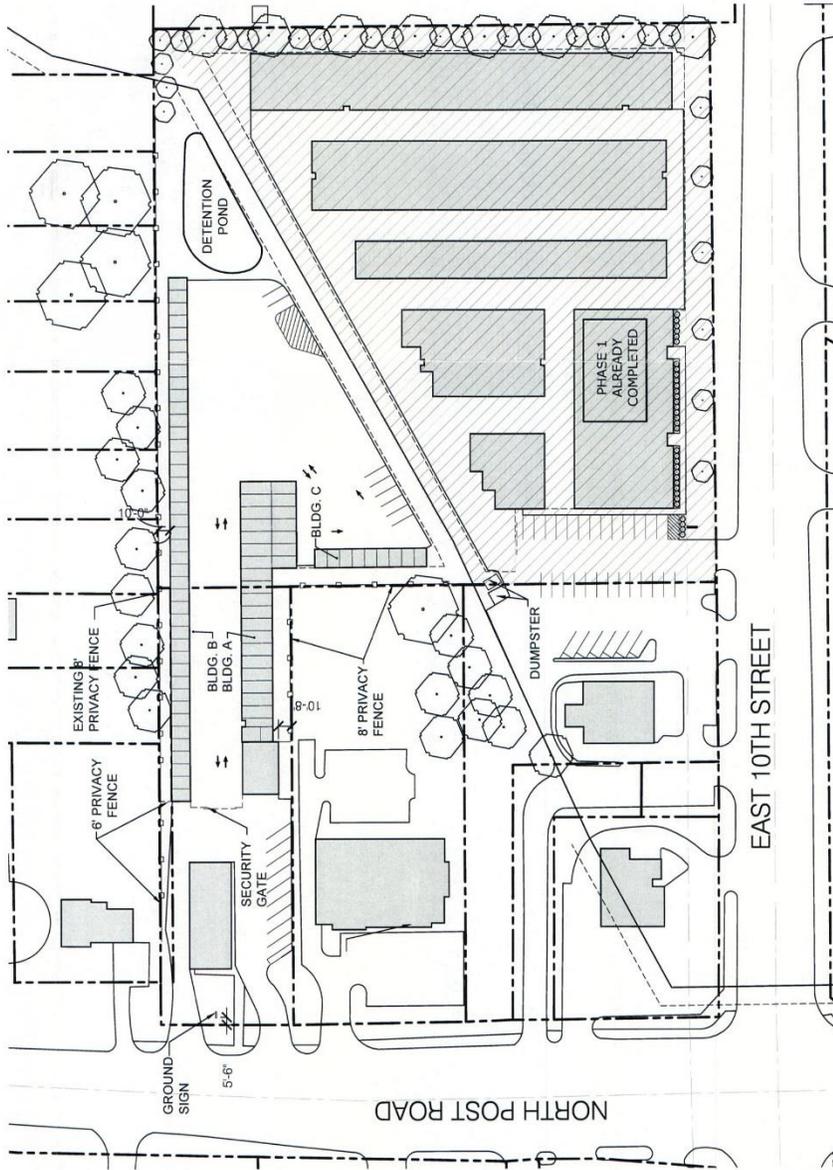
SITE ARCHITECTURE  
architecture + landscape architecture

1065 NORTH POST ROAD  
APRIL 20, 2016

**SITE DATA**

<b>LAND AREA</b>	
TOTAL PARCEL AREA	201,886 S.F. (4.63 ACRES)
<b>PROPOSED STORAGE UNIT BUILDINGS</b>	
BUILDING A	6,520 S.F.
BUILDING B	1,360 S.F.
BUILDING C	1,360 S.F.
TOTAL	14,270 S.F.
<b>PROPOSED # STORAGE UNITS</b>	
PHASE 1	440
PHASE 2&3	100
TOTAL	540
<b>PROPOSED PARKING</b>	
ADA SPACES (8'x20')	2
STANDARD SPACES (9'x20')	40
TOTAL	47

Metropolitan Development  
APR 21 2016  
Division of Planning



1065 NORTH POST ROAD  
**PROPOSED SITE PLAN - PHASE II**  
SCALE: 1" = 80'

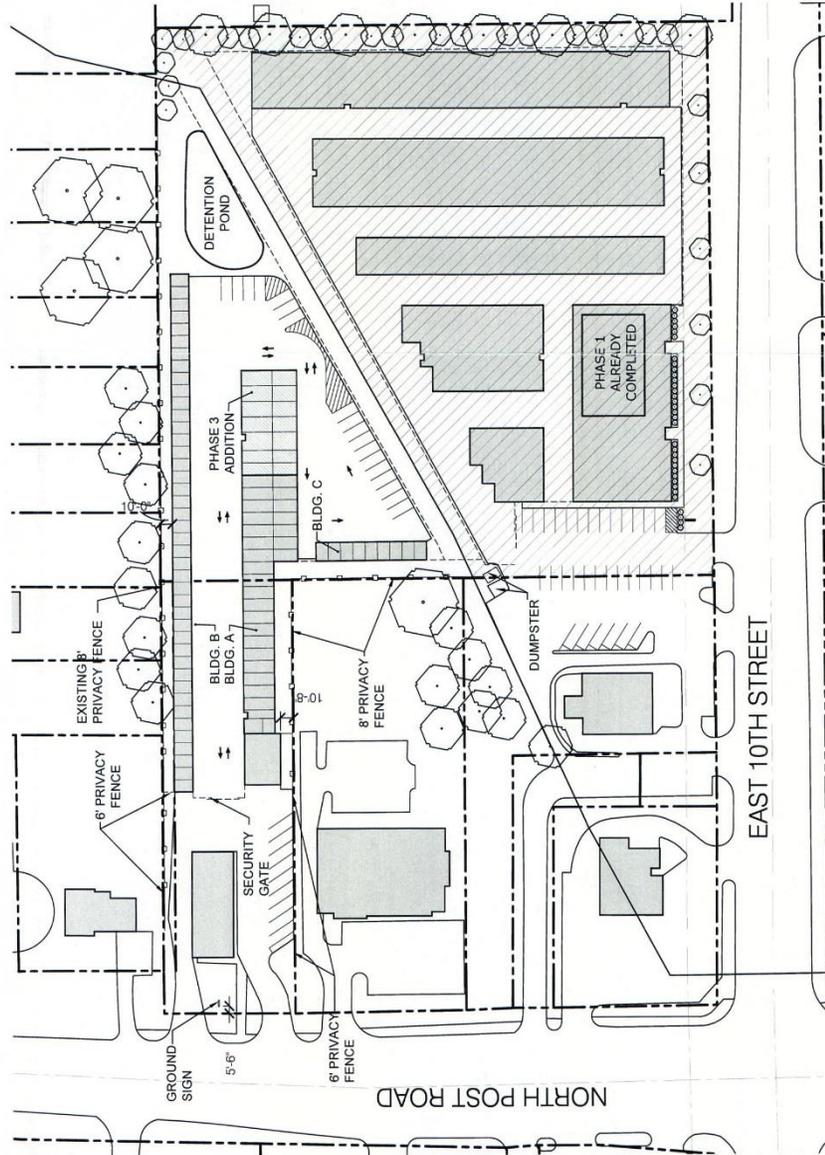
**SITE ARCHITECTURE**  
architecture + landscape architecture

**#2**

1065 NORTH POST ROAD  
APRIL 20, 2016

SITE DATA	
<b>LAND AREA</b>	201,866 S.F. (4.63 ACRES)
<b>PROPOSED STORAGE UNIT BUILDINGS</b>	
BUILDING A	10,420 S.F.
BUILDING B	6,300 S.F.
BUILDING C	1,350 S.F.
BUILDING C ADDITION	3,620 S.F.
<b>TOTAL</b>	<b>21,890 S.F.</b>
<b>PROPOSED # STORAGE UNITS</b>	
PHASE 1	440
PHASE 2&3	100
<b>TOTAL</b>	<b>540</b>
<b>PROPOSED PARKING</b>	
ADA SPACES (8'X20')	2
STANDARD SPACES (9'X20')	50
<b>TOTAL</b>	<b>52</b>

Metropolitan Development  
APR 21 2016  
Division of Planning



1065 POST NORTH ROAD  
**PROPOSED SITE PLAN - PHASE III**  
SCALE: 1" = 80'  
0' 40' 80' 160'

**SITE ARCHITECTURE**  
architecture + landscape architecture

**#3**



View of site looking northeast, across East 10<sup>th</sup> Street



View of site looking northwest, across East 10<sup>th</sup> Street



View of site looking north



View of site looking along East 10<sup>th</sup> Street frontage



View from site looking southeast, across East 10<sup>th</sup> Street



View of abutting property to the west and south of site



View looking west at property to the south of site, across East 10<sup>th</sup> Street



View looking north at new fence from property fronting on East 10<sup>th</sup> Street



View from site looking east along north property boundary



View from site looking southeast, across abutting property to the south



View of fence looking northeast along northern boundary



View looking north along North Post Road at property south of site



View looking north along North Post Road at existing sign

**PART III**

**COMPANION PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
APPEALS FILED BY REMONSTRATORS:**

2016-CVR-818  
(AMENDED)

5870 NORTH COLLEGE AVENUE  
WASHINGTON TOWNSHIP, CD #2  
5858 N. COLLEGE LLC, by Michael Rabinowitch  
Variance of development standards of the Consolidated Zoning and  
Subdivision Ordinance to provide for a mixed-use development, with a  
front setback up to 54 feet (maximum 20-foot setback required) and a  
building height up to 54 feet (maximum 35-foot height permitted).

## STAFF REPORT

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

**Case Number:** 2016-CZN-818 / 2016-CVR-818 (Amended)  
**Address:** 5870 North College Avenue  
**Location:** Washington Township, Council District #2  
**Petitioner:** 5858 N. College LLC, by Michael Rabinowitch  
**Request:** Rezoning of 2.036 acres from the D-3 and C-1 districts to the MU-2 classification to provide for 100 apartments, 9,200 square feet of retail and 160 parking spaces.

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development, with a front setback up to 54 feet (maximum 20-foot setback required) and a building height up to 54 feet (maximum 35-foot height permitted).**

#### **ADDENDUM FOR NOVEMBER 16, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Metropolitan Development Commission on November 2, 2016. After a full hearing, the Metropolitan Development Commission approved the rezoning to the MU-2 classification.

The vote on the variance requests was indecisive and petition 2016-CVR-818 was continued to the November 16, 2016 hearing.

#### **ADDENDUM FOR NOVEMBER 2, 2016, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Hearing Examiner on October 13, 2016. After a full hearing, the Hearing Examiner recommended approval of this petition. Subsequently, remonstrators appealed the Hearing Examiner's decision. A memorandum of her recommendation is attached.

#### **ADDENDUM FOR OCTOBER 13, 2016**

A registered neighborhood organization filed a timely automatic continuance, continuing these petitions from the August 11, 2016 hearing, to the September 15, 2016 hearing.

The Hearing Examiner continued these petitions from the September 15, 2016 hearing, to the October 13, 2016 hearing, to provide additional time to amend the request and comply with the legal notice requirements.

(Continued)

## **STAFF REPORT 2016-CZN-818 / 2016-CVR-818 (Continued)**

**September 15, 2016**

### **RECOMMENDATIONS**

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

1. Development shall be in substantial compliance with the site plan, filed-dated July 19, 2016.
2. Elevations, including proposed materials, shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.

Staff **recommends approval** of the development standards variances.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 3.02-acre site, zoned D-3 and C-1, is developed with a multi-story commercial building and parking lot. The northern and southern portion of the site is zoned C-1, with an approximately 50 by 290-foot area separating the commercial districts, zoned D-3. The site is surrounded by single-family dwellings to the east, zoned D-4, and to the south and west, zoned D-5, and commercial uses to the north, zoned C-1.
- ◇ Petition 2015-ZON-071 requested rezoning of this site to the D-P classification to provide for multi-family uses, including townhomes and condominiums; C-1 and C-3 uses; mixed-use (residential/commercial), and accessory parking, but the petition was withdrawn.
- ◇ The Neighborhood Plan recommendation for this site is village mixed-use, defined as a typology "intended to provide for development focused on a mixed-use Main Street, Village Center or major transit stop" and "allows a wide range of small businesses, housing types, and public and semi-public facilities." This typology is also appropriate when retrofitting village characteristics around a transit hub or commercial node, such as the proposed "walkable neighborhood" transit station just north of this site. See Exhibits A and B.

#### **REZONING**

- ◇ This request would rezone the site from the D-3 and C-1 Districts to the MU-2 classification, to provide for a mixed-use development, consisting of 100 apartments and 9,200 square feet of retail, with 160 parking spaces.

(Continued)

## **STAFF REPORT 2016-CZN-818 / 2016-CVR-818 (Continued)**

- ◇ The MU-2 District is a corridor development pattern, accommodating a mix of residential uses, offices, personal services, retail, and eating and drinking businesses that typically serve the surrounding neighborhood. It is appropriate for use in older urban commercial areas adjacent to established residential neighborhoods along segments of primary and secondary thoroughfares.
- ◇ The *Red Line Transit Oriented Development Strategic Plan* identifies a “walkable neighborhood” transit station in the area of the North College Avenue / Kessler Boulevard East Drive. The typology for this type of transit station is characterized by a mix of office, retail, entertainment, and residential, off-street parking limited to garages, a minimum of eight dwelling units per acre and two to three story buildings (or higher if the neighborhood is amenable).
- ◇ As proposed, staff supports the rezoning because the development would be consistent with both the recently adopted *Meridian Kessler Neighborhood Plan* and the *Red Line Transit Oriented Development Strategic Plan*.

### **VARIANCES - DEVELOPMENT STANDARDS**

- ◇ The request would provide for two variances for development standards of the Consolidated Zoning and Subdivision Ordinance. The first variance would provide for an approximately 54-foot front setback along North College Avenue, when the Ordinance provides for a maximum 20-foot setback.
- ◇ As proposed, the development would consist of three connected structures, similar to an “E” configuration. Two of the wings would be approximately 56 by 200 feet, with a 30.75-foot front setback, and include both residential and commercial uses. This increased setback would maintain the rhythm of, and be harmonious with, the setbacks of the dwellings and commercial structures to the east and north, thereby maintaining the corridor character.
- ◇ The third southernmost wing (approximately 56 by 162 feet) would have an approximately 54-foot setback and be limited to residential uses. This increased setback would minimize the presence of the proposed multi-story building and mitigate the impact upon the adjacent neighborhood to the south, with the closest dwelling having an approximately 48-foot front setback. Furthermore, larger setbacks would preserve and maintain the existing tree line that enhances the pedestrian experience along North College Avenue. For all these reasons, Staff supports this variance.
- ◇ The second variance would provide for a maximum building height of 54 feet. The Ordinance limits the building height to 35 feet in the MU-2 District. The recently adopted Plan recommends that building heights along the College Avenue corridor maintain a 2:1 ratio (two feet of right-of-way for one foot building height). North College Avenue, at this location, has a 90-foot right-of-way, which would provide for a 45-foot tall building.

(Continued)

## **STAFF REPORT 2016-CZN-818 / 2016-CVR-818 (Continued)**

- ◇ The height of the two northern buildings along North College Avenue would be 49 feet, a four-foot deviation from the Plan recommendation. The height of the southernmost building would be 42 feet 10 inches. There is an approximately eight-foot drop in elevation from the southeast corner of the site to the northwest corner, resulting in a building height in that area of approximately 52.5 feet.
- ◇ Although the height and front setbacks exceed that permitted by the Ordinance, staff believes these variances are acceptable deviations because of the building configuration, including building setbacks and upper floor step-backs, landscape buffering, and fence screening along the western boundary. Furthermore, the requests are supported by the recently adopted neighborhood plan.
- ◇ Staff also believes quality exterior materials would be appropriate at this location, including but not limited to brick and cement board siding. Staff is, therefore, requesting that elevations be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.

### **SITE ACCESS / TRAFFIC IMPACT STUDY**

- ◇ Access to the site would be exclusively from North College Avenue, approximately 300 feet south of the intersection of North College Avenue / Kessler Boulevard East Drive. The proposed access on College Avenue would be a full access driveway, with one shared left-turn / right-turn lane and be signalized. A 100-foot northbound left-turn lane would be provided for incoming traffic.
- ◇ The Traffic Impact Study, file-dated August 22, 2016, analyzed the level of service (LOS) of three traffic scenarios that included existing conditions, future traffic volumes, and future traffic volumes, with the addition of the proposed development. All three scenarios included the AM and PM peak hour volumes at the two intersections of North College Avenue / Kessler Boulevard East Drive and College Avenue / 57<sup>th</sup> Street, and the proposed access drive on College Avenue.
- ◇ The LOS A is the best operating condition, with delays of less than 10 seconds and LOS F is the longest delays experienced. "LOS D or better is generally considered acceptable in urban areas during peak hour conditions." The study concluded that "the proposed development would not have a significant impact to the existing intersections," despite a LOS E rating on both peak hour periods for the intersection of College Avenue / Kessler Boulevard East Drive, for both the future traffic volumes without the proposed development and future traffic volumes with the proposed development.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-1 / D-3                  Commercial uses / parking lot

(Continued)

**STAFF REPORT 2016-CZN-818 / 2016-CVR-818 (Continued)**

**SURROUNDING ZONING AND LAND USE**

North -	C-1	Commercial uses
South -	D-3	Single-family dwellings
East -	D-4	Single-family dwellings
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN	The <i>Meridian Kessler Neighborhood Plan</i> (2016) proposes village mixed-use.  The <i>Red Line Transit Oriented Development Strategic Plan</i> (2015) identifies the intersection of North College Avenue and Kessler Boulevard as a walkable neighborhood transit station typology.
THOROUGHFARE PLAN	This portion of North College Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with a 90-foot existing right-of-way and a proposed minimum 72-foot proposed right-of-way and a maximum 89-foot proposed right-of-way.
CONTEXT AREA	This site is located within the compact context area.
SITE PLAN	File-dated June 24, 2016
SITE PLAN (AMENDED)	File-dated September 7, 2016
ELEVATIONS	File-dated August 8, 2016
FINDINGS OF FACT	Filed-dated August 24, 2016
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.

**ZONING HISTORY**

**2015-ZON-071; 5870 North College Avenue**, requested rezoning of 3.51 acres from the D-3, C-1 and C-4 districts to the D-P classification to provide for multi-family uses, including townhomes and condominiums); C-1 and C-3 uses; and mixed-use, **withdrawn**.

(Continued)

**STAFF REPORT 2016-CZN-818 / 2016-CVR-818 (Continued)**

**Vicinity**

**2013-CZN-821 / 2013-CVR-821; 5915 and 5925 North College Avenue (north of site)**, requested rezoning of 0.30 acre from the D-5 District to the C-2 classification to provide for commercial development and a variance of development standards of the Commercial Zoning Ordinance to provide for a 5,241-square foot commercial building with reduced setbacks, **approved and granted.**

**2013-CZN 803 / 2013-VAR-803; 5901 North college Avenue (north of site)**, requested rezoning of 0.13 acre from the D-5 District to the C-3 classification to legally establish an existing accessory parking lot and a variance of development standards to a trash enclosure with reduced setbacks, an outdoor seating area, parking, benches and bicycle rack with reduced setbacks, and reduced parking spaces, **approved and granted.**

**2007-DV3-089; 5900 North college Avenue (north of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for an outdoor seating area and awning sign, **granted.**

**2004-DV2-017; 5810 North College Avenue (north of site)**, requested a variance of development standards to provide for a 300-square foot attached garage with a zero-foot north side yard setback (minimum six-foot side yard setback required), resulting in a 6.2-foot aggregate side yard setback (minimum 16-foot aggregate side yard setback required), **denied.**

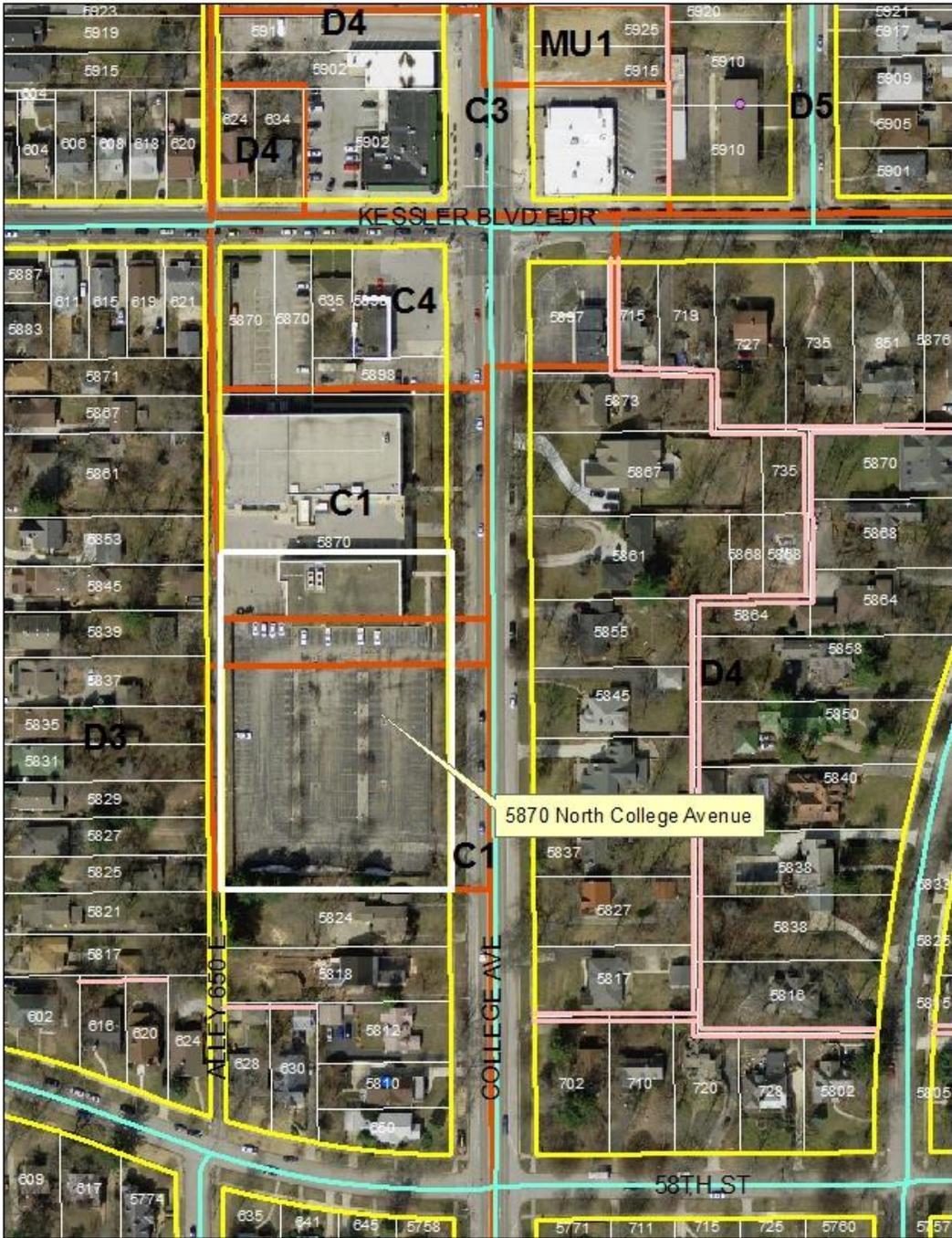
**2004-ZON-810 / 2004-VAR-810; 5916 North College Avenue (north of site)**, requested rezoning of 0.87 acres from the D-4 District to the C-3 classification and a variance of use of the Commercial Zoning Ordinance to provide for the expansion of outdoor restaurant seating, **approved and granted.**

**87-V3-76; 5897 North College Avenue (northeast of site)**, requested a variance to provide for the use of an existing building as a veterinary clinic without provision of the required landscaping and transitional yards, **granted.**

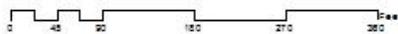
**85-UV1-53; 5906 North College Avenue (north of site)**, requested a variance to provide for the addition of an outdoor seating area for an existing restaurant/tavern, **granted.**

kb

\*\*\*\*\*



5870 North College Avenue



## EXHIBIT A

### College Avenue

#### Land Use Recommendations

- ~Residential uses should be protected along this corridor by maintaining commercial uses at their present locations.
- ~Transit-oriented development (TOD) should be encouraged at each of the commercial nodes along College Avenue.
- ~Foster a sense of community and uniqueness by attracting a diversity of locally-owned retail and service businesses to the area, although without an over-reliance on alcoholic beverage establishments.
- ~Create destinations within the corridor by consolidating or combining a diversified group of small local businesses (specialty stores) that would provide a unique “one-stop shopping” experience.

#### Design Guidelines

- ~Heights of new buildings should maintain a 2:1 ratio (two feet of right-of-way for one foot building height – i.e. 60’ right-of-way/30’-40’ tall building) to create a level of comfort and a sense of openness and interaction for pedestrians.
- ~Provide appropriate buffer between commercial and residential uses to minimize the impact of noise, lighting, and trash.
- ~Conduct a parking study as part of the Red Line BRT planning effort in order to determine how best to address parking issues along the College Avenue corridor.
- ~Improve alleys throughout the corridor, including lighting, to provide additional parking, pedestrian access, and service access to businesses.
- ~Crosswalks should be clearly identified throughout the corridor to improve safety of and encourage use by pedestrians.
- ~Install bicycle lanes and racks, where appropriate, to accommodate multi-modal means of travel.
- ~Electronic variable message signs should not be permitted along the corridor due to proximity of the surrounding residential use.
- ~Encourage the development of green space along the corridor that could be as simple as trees, landscaping, benches, or bicycle racks.
- ~Parking lots should be screened with adequate landscaping to minimize impact upon adjacent land owners.

## EXHIBIT B

### Critical Area 101

**Location:** College Avenue at Kessler Boulevard, East Drive

**Why Critical:** The southern edge (northern boundary of Meridian Kessler Neighborhood) of this intersection has the most intense commercial zoning (C-4) within the College Avenue corridor. The properties are occupied with a car repair facility (formerly a gas station) on the southwest corner and a veterinarian clinic (formerly a gas station) on the southeast corner. The property (5870 College Avenue) along the west side of College Avenue and south of the C-4 zoning, is owned by AT&T and zoned C-1, which provides for commercial offices. It is developed with a three-story brick building and large parking lot.

### Recommendations:

- See Land Use and Design Recommendations for College Avenue above.
- Redevelopment of 5870 College Avenue should be as a multi-story mixed-use building that is integrated and consistent with the character and architecture of the neighborhood. Property of this size is uncommon in the Meridian Kessler neighborhood and should command high-quality design standards.

**MEMORANDUM OF EXAMINER'S DECISION**

**2016-CZN-818/2016-CVR-818 (Amended)**

**5870 North College Avenue**

The petitions request the rezoning of 2.036 acres from the D-3 and C-1 districts to the MU-2 classification to provide for 100 apartments, about 9,200 square feet of retail space, and 160 parking spaces, with a front setback up to 54 feet and a building height up to 54 feet. Historically, the site has been used by Ameritech/AT&T, and contains two commercial buildings and a large parking lot.

Your Hearing Examiner visited the site prior to the hearing and noted its location in an urban area at a major commercial intersection, with a development pattern that is consistent with many commercial nodes along College Avenue between downtown and 96th Street. Several buildings at this particular intersection have been renovated, while the buildings on this site remain unimproved and unattractive.

The petitioner's representative made a compelling argument for the proposed development being consistent with the recently-adopted Meridian Kessler Neighborhood Plan and the Red Line Transit Oriented Development Strategic Plan. While these plans, as all plans, act as guidelines to new development or redevelopment, strong consideration should be given to this important site. There was also a thorough explanation of the building design process to make the proposed development compatible with the fabric of the neighborhood.

A large group of remonstrators attended the public hearing to oppose the petitions, and several spoke. A wide variety of objections were shared, but most seemed to focus on the height of the building, density, and traffic. Frustration with lack of representation was also expressed.

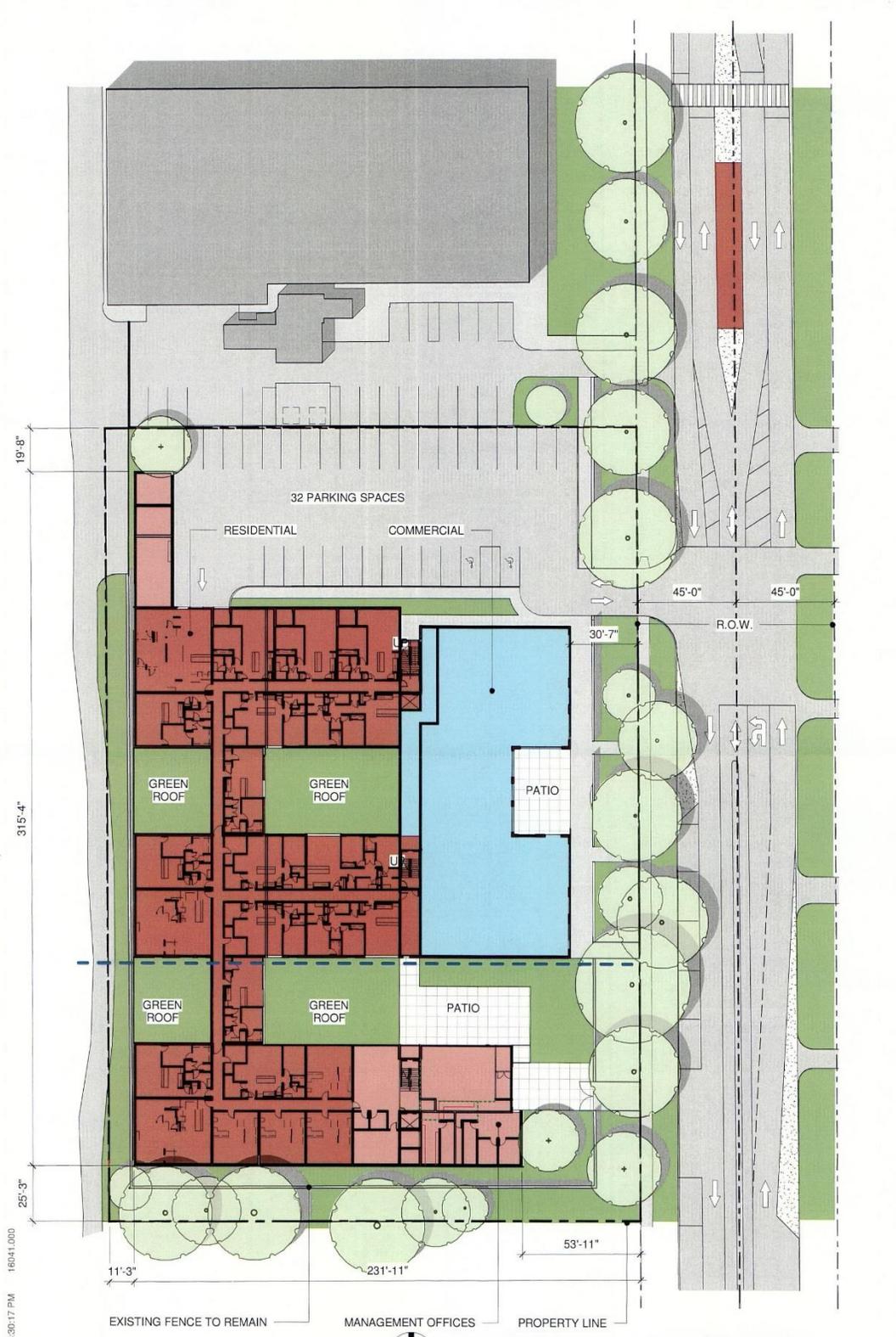
In your Hearing Examiner's opinion, the proposed development is consistent with the cited adopted plans, as well as with the established pattern of development along College Avenue. The variances requested for setback and height will allow a design that will fit well with existing development in the area and will have a positive impact on the area. Approval of these petitions was recommended.

For Metropolitan Development Commission Hearing on November 2, 2016

**Metropolitan Development**

**OCT 18 2016**

**Division of Planning**



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Metropolitan Development

SEP 07 2016

Division of Planning

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5858 North College Avenue Housing

SITE PLAN AND FIRST FLOOR



RATIO

Metropolitan Development  
JUL 19 2016  
Division of Planning

# EXTERIOR DESIGN



Metropolitan Development  
JUL 19 2016  
Division of Planning

# EXTERIOR DESIGN



View from street looking north



View from SE

Metropolitan Development  
JUL 19 2016  
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Metropolitan Development  
JUL 19 2016  
Division of Planning

View from NE



Metropolitan Development

JUL 19 2016

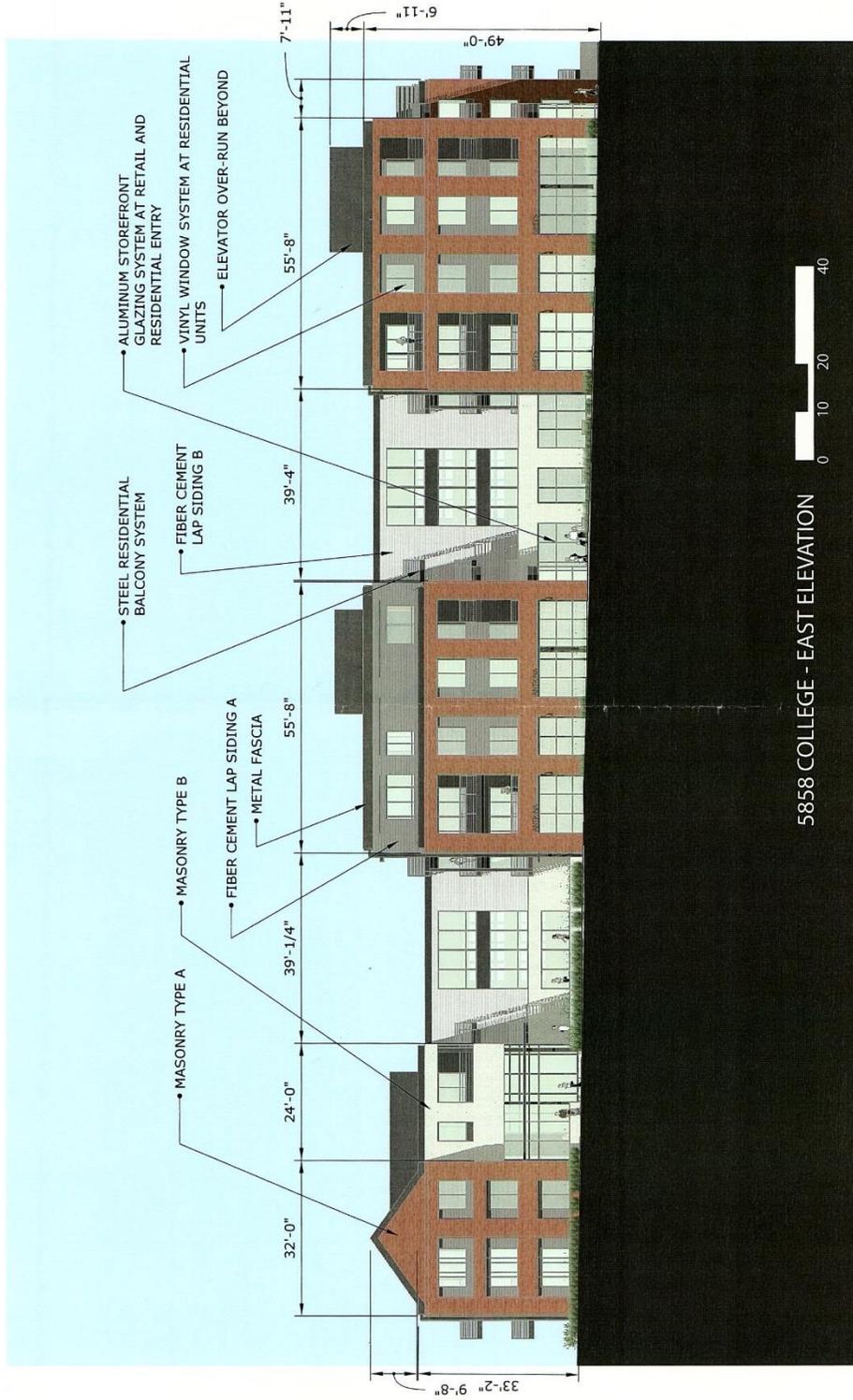
Division of Planning

View from SW

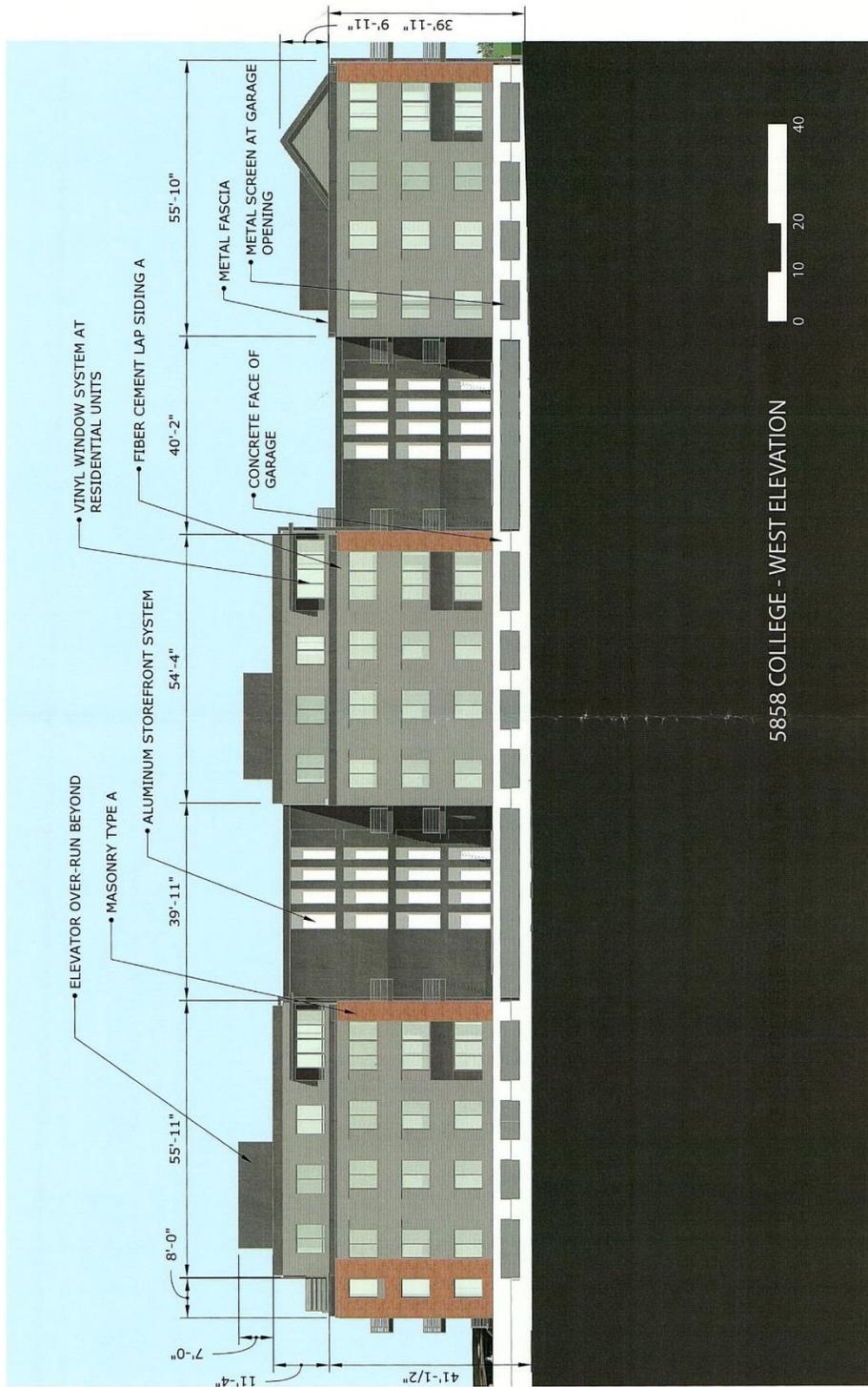
Metropolitan Development  
JUL 19 2016  
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# EXTERIOR DESIGN - STREET VIEW

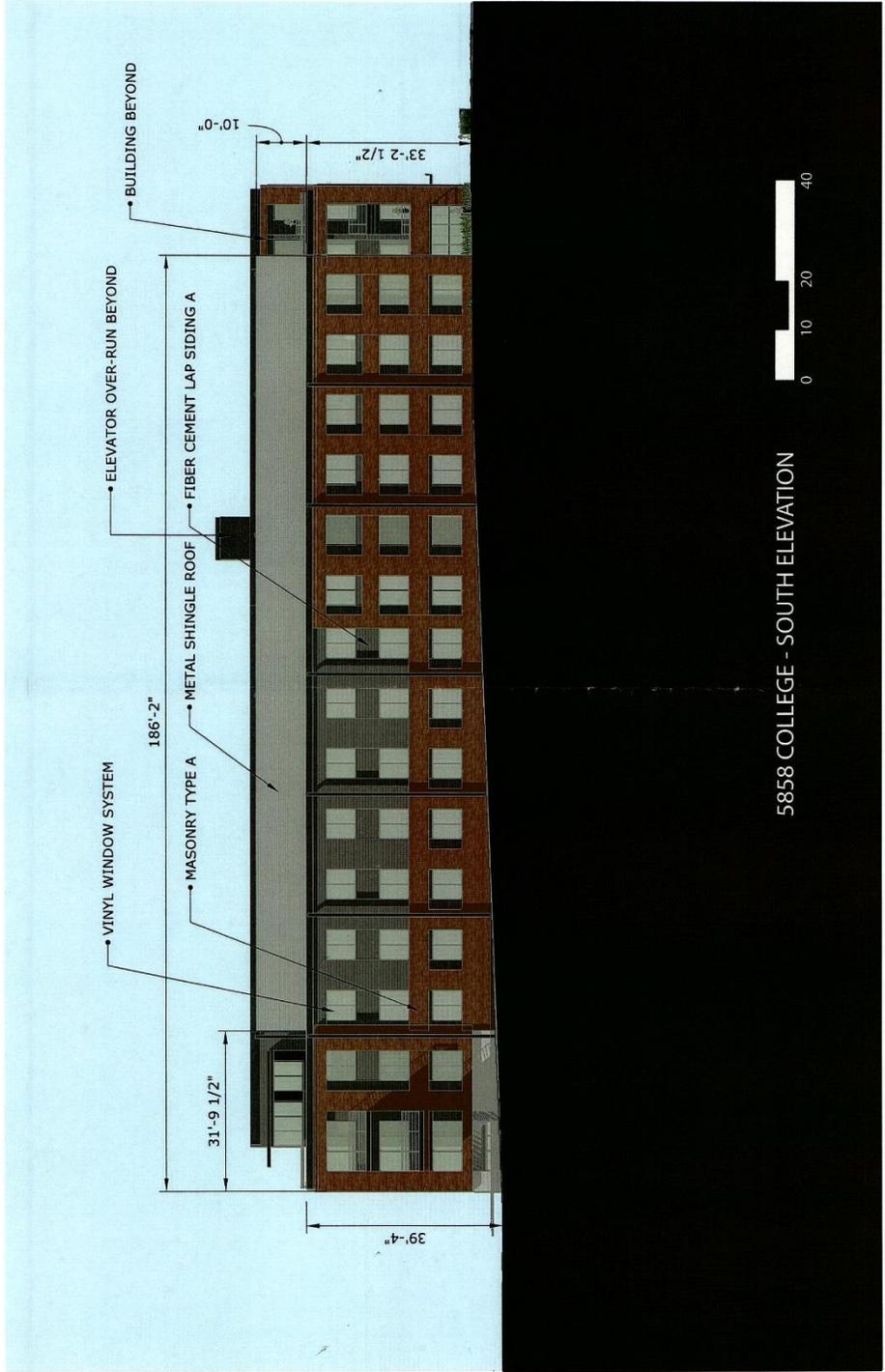




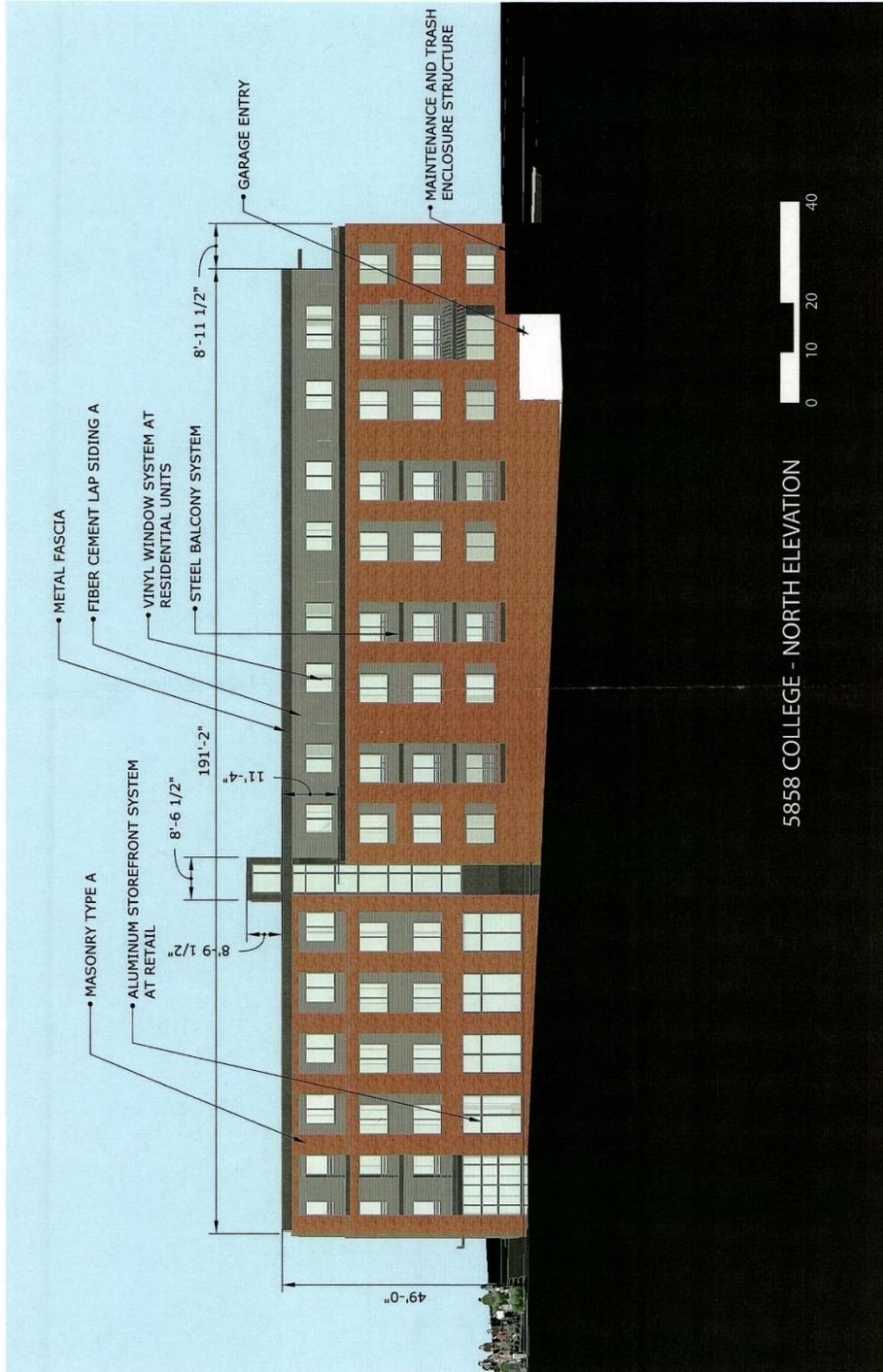
5858 COLLEGE - EAST ELEVATION



5858 COLLEGE - WEST ELEVATION



5858 COLLEGE - SOUTH ELEVATION



5858 COLLEGE - NORTH ELEVATION

Metropolitan Development

AUG 08 2016

Division of Planning



View of site looking west, across North College Avenue



View of site looking west, across North College Avenue



View of site looking northwest, across North College Avenue



View of commercial use at the corner of North College Avenue and Kessler Boulevard East Drive



View from site looking south



View from site looking west



View from site looking north



View looking northeast at building to be removed



View looking west from site



View looking north along alley abutting site

## PART IV

### REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2016-ZON-020      2730 EAST 86TH STREET, 8707, 8711, 8717 AND 8727 HAVERSTICK ROAD (APPROXIMATE ADDRESS)  
WASHINGTON TOWNSHIP, CD #2  
GREEN INDY, LLC, by Joseph D. Calderon  
Rezoning of 12.69 acres, from the D-P district to the D-P classification to provide for a two-story, 60,000-square foot commercial/retail building, with MU-3 uses permitted within the Parcel 1 - Phase 1 parcel, and with 2005-ZON-034 / 2005-DP-12 uses permitted within the Parcel 1 – Future Development parcel, as modified by the specific references to said parcel within the development plan.

**STAFF REPORT**

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

**Petition Number(s):** 2016-ZON-020  
**General Location:** 2730 East 86<sup>th</sup> Street, 8707, 8711, 8717 and 8727 Haverstick Road  
(*Approximate Address*)  
Indianapolis  
**Township(s):** Washington  
**Council District(s):** 2  
**Petitioner/Agent:** Green Indy, LLC, by Joseph D. Calderon  
**Request(s):** Rezoning of 12.69 acres, from the D-P district to the D-P classification to provide for a two-story, 60,000-square foot commercial/retail building, with MU-3 uses permitted within the Parcel 1 - Phase 1 parcel, and with 2005-ZON-034 / 2005-DP-12 uses permitted within the Parcel 1 – Future Development parcel, as modified by the specific references to said parcel within the development plan.

A timely automatic continuance was filed by the petitioner continuing this petition from the **November 16, 2016** hearing, to the **December 21, 2016**. This would require acknowledgement from the Commission.

kb

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**PART V**

**REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, NO APPEAL FILED:**

2016-ZON-002  
(AMENDED)

1450 NORTH PENNSYLVANIA STREET (APPROXIMATE ADDRESS)  
CENTER TOWNSHIP, CD #11  
FRENCH PROPERTY MANAGEMENT, by Brian J. Tuohy  
Rezoning of 1.62 acres from the C-2 (RC) (W-5) district to the C-S (RC) (W-5) classification to provide for a self-storage facility, with first-floor retail/office use on the southeast corner of the building, office use on the northeast corner of the building, and a park area on the southern portion of the site.

**PART VI**

**REZONING PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEALS FILED:**

- 2016-ZON-053      4233 LAFAYETTE ROAD (APPROXIMATE ADDRESS)  
PIKE TOWNSHIP, CD #10  
LAFAYETTE REALTY, LLC/ NAMDAR REALTY GROUP, by Khaleel  
Ifamimikomi  
Rezoning of 11.25 acres from the D-A and C-4 districts to the C-4  
classification.
- 2016-ZON-056      5251 SOUTH EAST STREET (APPROXIMATE ADDRESS)  
PERRY TOWNSHIP, CD #23  
ZZONE31 COMMERCIAL OFFICE SUITES, LLC, by F. Anthony Paganelli  
Rezoning of 3.1 acres from the D-7 district to the C-1 classification.

**PART VII**

**COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
NO APPEALS FILED:**

- 2016-CZN-820      1601 SOUTH HIGH SCHOOL ROAD  
WAYNE TOWNSHIP, CD #22  
ANTON REALTY, LLC., by Joseph Scimia and Roger Kilmer  
Rezoning of 17 acres from the SU-46 and D-4 districts to the C-7  
classification to provide for truck and heavy vehicles sales, rental and repair.
- 2016-CZN-828      3670 CARSON AVENUE (APPROXIMATE ADDRESS)  
PERRY TOWNSHIP, CD #21  
HUNTER COLLEGE CROSSING, LLC, by David A. Retherford  
Rezoning of 1.3 acres from the D-4 and C-3 districts to the D-8 classification.

**PART VIII**

**REZONING PETITIONS RECOMMENDED FOR APPROVAL BY THE INDIANAPOLIS  
HISTORIC PRESERVATION COMMISSION, NO APPEALS FILED:**

2016-ZON-058      5901 EAST WASHINGTON STREET (APPROXIMATE ADDRESS)  
WARREN TOWNSHIP, CD #12  
AW IRVINGTON, LLC, by Trevor M. Frye  
Rezoning of 1.465 acres from the C-4 and D-5 districts to the D-8  
classification.

2016-ZON-059      5529 AND 5543 BONNA AVENUE (APPROXIMATE ADDRESS)  
WARREN TOWNSHIP, CD #12  
IRVINGTON BREWING REAL ESTATE, LLC, by Antone Najem  
Rezoning of 2.974 acres from the C-S district to the C-S classification to  
provide for the uses approved by 2014-ZON-014 and residential uses.

**PART IX**

**REGIONAL CENTER APPROVAL PETITION RECOMMENDED FOR APPROVAL BY THE  
REGIONAL CENTER HEARING EXAMINER, NO APPEAL FILED:**

2016-REG-086      49 NORTH EAST STREET (APPROXIMATE ADDRESS)  
CENTER TOWNSHIP, CD #17  
MARK DEMERLY, DEMERLY ARCHITECTS  
Regional Center Approval to provide for a multi-family residential and retail development, with phase one consisting of a five-story building, with 32 units and 17 covered parking spaces. Phase two would consist of 37 units, 24 covered parking spaces and 3,400 square feet of retail space.