

**METROPOLITAN DEVELOPMENT COMMISSION**

**Public Assembly Room  
2<sup>nd</sup> Floor City-County Building  
1:00 P.M.**

**STAFF REPORTS for DECEMBER 1, 2021**

<b><u>PETITION NO.</u></b>	<b><u>PETITION ADDRESS AND LOCATION</u></b>	<b><u>PAGE NO.</u></b>
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**PETITIONS OF NO APPEALS**

**Petitions Recommended for Approval**

2021-MOD-014	10923 BRIGANTINE DRIVE LAWRENCE TOWNSHIP, CD #5	2
2021-ZON-084	2610 WEST WASHINGTON STREET WAYNE TOWNSHIP, CD #11	3
2021-ZON-087A / 2021-ZON-087B	8701 EAST SOUTHPORT ROAD FRANKLIN TOWNSHIP, CD #25	3
2021-CZN-852	298 GASOLINE ALLEY WAYNE TOWNSHIP, CD #15	4
2021-REG-068	1220 WATERWAY BOULEVARD CENTER TOWNSHIP, CD #11	5

**PETITIONS FOR PUBLIC HEARING**

2021-ZON-054	1775 EAST 96TH STREET WASHINGTON TOWNSHIP, CD #2	6
2021-ZON-093 (AMENDED)	5822, 5824, 5826 AND 5828 NORCROFT DRIVE AND 5802 FLIGHT SCHOOL DRIVE DECATUR TOWNSHIP, CD #22	41

**\*Automatic Continuance**

**\*\*Continuance Requested**

**\*\*\*Withdrawal**

**PART I**

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

2021-MOD-014      10923 BRIGANTINE DRIVE (*APPROXIMATE ADDRESS*)  
LAWRENCE TOWNSHIP, COUNCIL DISTRICT #5  
D-P  
LOUIS A. (TONY) KNOBLE, by Joseph D. Calderon  
Modification of the Development Statement of 78-Z-152 to modify Section  
3.B to provide for an accessory structure with a one-foot side setback and a  
zero-foot rear setback.

## **PART II**

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

2021-ZON-084	2610 WEST WASHINGTON STREET ( <i>APPROXIMATE ADDRESS</i> ) WAYNE TOWNSHIP, COUNCIL DISTRICT #11 MARIA COBIAN COLMENARES Rezoning of 0.16 acre from the C-4 district to the D-5 district.
2021-ZON-087A / 2021-ZON-087B	8701 EAST SOUTHPORT ROAD ( <i>APPROXIMATE ADDRESS</i> ) FRANKLIN TOWNSHIP, COUNCIL DISTRICT #25 KITTLE PROPERTY GROUP INC., by Joseph D. Calderon Rezoning of 14.8 acres from the D-A district to the D-7 district. Rezoning of six acres from the D-A district to the C-3 district.

### **PART III**

#### **COMPANION PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEAL FILED:**

2021-CZN-852      298 GASOLINE ALLEY (*APPROXIMATE ADDRESS*)  
WAYNE TOWNSHIP, COUNCIL DISTRICT #15  
THE DONALD C. SKILES LIVING TRUST, by Jeffrey Bellamy  
Rezoning of 0.08 acre from the D-A District to the I-2 classification.



#### **PART IV**

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

2021-REG-068      1220 WATERWAY BOULEVARD (*APPROXIMATE ADDRESS*)  
CENTER TOWNSHIP, COUNCIL DISTRICT #11  
CBD-S (RC)  
INDY INNOVATION APARTMENTS, LLC, by Timothy E. Ochs  
Regional Center Approval to provide for a four-story multi-family residential building and a five-story multi-family residential building, with an integrated parking garage, for a total of 279 units and 291 parking spaces.

## **PART V**

### **REZONING PETITION FOR INITIAL HEARING:**

2021-ZON-054      1775 EAST 96TH STREET (*APPROXIMATE ADDRESS*)  
WASHINGTON TOWNSHIP, COUNCIL DISTRICT #2  
BC REAL STREET PARTNERS LLC, by Brian J. Tuohy  
Rezoning of 23.2 acres from the SU-3 district to the D-P district to provide  
for a small park area and a mix of dwelling units consisting of approximately  
58 single-family attached (townhome) dwellings, approximately 65 single-  
family detached dwellings and no more than 324 multi-family dwelling units  
for a density of 19.26 units per acre.

## **STAFF REPORT**

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

**Case Number:** 2021-ZON-054  
**Address:** 1775 East 96<sup>th</sup> Street (*Approximate Addresses*)  
**Location:** Washington Township, Council District #2  
**Petitioner:** BC Real Street Partners LLC, by Brian J. Tuohy  
**Request:** Rezoning of 23.2 acres from the SU-3 district to the D-P district to provide for a small park area and a mix of dwelling units consisting of approximately 58 single-family attached (townhome) dwellings, approximately 65 single-family detached dwellings and no more than 324 multi-family dwelling units for a density of 19.26 units per acre.

#### **ADDENDUM FOR DECEMBER 1, 2021, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard at the November 17, 2021 MDC hearing, but was continued to the December 1, 2021 MDC hearing due to an indecisive vote.

#### **ADDENDUM FOR NOVEMBER 17, 2021, METROPOLITAN DEVELOPMENT COMMISSION**

An automatic continuance was filed by the petitioner continuing this petition from the October 20, 2021 hearing to the November 17, 2021 hearing

An automatic continuance was filed by a registered neighborhood organization continuing this petition from the September 15, 2021 hearing to the October 20, 2021 hearing.

#### **RECOMMENDATION**

Staff **recommends approval** of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the subject site and its surroundings were agricultural land until the late 1950s/early 1960s when single-family dwellings began to be built to the south and west of the subject site. I-465, which abuts the north side of the site, was completed by 1972. The subject site was developed as a golf course/driving range in 1999/2000. The Monon Rail-Trail is approximately three-eighths of a mile to the west.

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood. This land use typology is primarily intended for single-family residential development, but interspersed with attached and multi-family housing as appropriate based on certain criteria. Residential density in the Suburban Neighborhood typology is generally between one and five units per acre, but higher when a site is near a high-frequency transit line, park or greenway.
- ◇ Attached housing in this typology is envisioned as townhouses around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- ◇ The criteria for multi-family housing in this typology is that it should be located along arterial or collector streets, a park or greenway. Parking should be either behind or interior to the development. Individual building height, massing, and footprints should gradually transition from adjacent developments, so buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.
- ◇ The proposed development envisions a mix of single-family detached dwellings, single-family attached dwellings and multi-family dwellings.
- ◇ The multi-family dwellings meet the criteria of being located on an arterial street. Real Street is a primary arterial and Westfield Boulevard is a secondary arterial. It also meets the criteria of the parking being located to the interior of the site.
- ◇ The criteria for transitioning building heights and sizes would apply to the southeast portion of the site where one of the proposed multi-family dwellings would be across Real Street from existing single-family dwellings. Elevations for the multi-family structures have not been submitted, however the development statement indicates they will be three stories with a maximum height of 45 feet. The adjacent dwellings to the south are both one-story buildings with low-pitched roofs. The existing dwellings that would be across relocated Real Street from the multi-family structure have an average footprint of approximately 3,335 square feet. The proposed multi-family structure would have a footprint of approximately 15,400 square feet. The size and height discrepancy would be mitigated to some extent because the short end of the building is the one facing the single-family dwellings and that the proposed multi-family structure would be at least 87 feet from the existing residential lots, across an arterial street, and buffered by a landscaped berm and a five-foot tall wall.

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

- ◇ The site is also designated in the Comprehensive Land Use Plan as Critical Area 002. A Critical Area designation adds information to the land use recommendation for the site. In this instance, the Critical Area recommends that housing development “may increase to a maximum of 10 units per acre if at least 50% of the existing open space is preserved as publicly accessible open space or park. Open space should be oriented to preserve any existing natural resources such as (but not limited to) woodlands.”

## **ZONING**

- ◇ The requested zoning district, D-P, was established for the following purposes:
  1. To encourage a more creative approach in land and building site planning.
  2. To encourage an 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.
- ◇ Petitions for the D-P district must include a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.
- ◇ The proposed development would have a maximum of 40 single-family dwellings, 44 townhouses and up to 319 multi-family dwelling units in nine buildings for a total of no more than no more than 403 dwelling units and an approximate gross density of approximately 17.3 units per acre. A clubhouse would also be provided.

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

- ◇ The proposed site plan reroutes Real Street, creating developable space to the northeast of the road and reducing the amount of developable space to the southwest of the road. The proposed single-family dwellings would be sited to the southwest of Real Street. The townhouses would line the northeast side of the street. The multi-family buildings would be built between the townhouses and the interstate. This arrangement of housing types provides a transition in intensity from the neighboring neighborhoods to the interstate.
- ◇ The abutting single-family lots to the south and west range in size from 20,821 square feet to 35,104 square feet for an average of 24,898 square feet or approximately 1.75 units per acre. The proposed single-family section of the proposed development would have a density of seven units per acre.
- ◇ The plan proposes approximately 3.85 acres of open space or about 16.6% of the site. Originally, 2.75 acres were proposed to be dedicated to the Indianapolis Department of Parks and Recreation, however DPR has declined to assume responsibility for this acreage. Three of the 3.85 acres would be in a “community park” in the southwest corner of the site, where it would provide a buffer to the abutting existing single-family parcels.

### **Site Plan**

- ◇ The site is currently used as a golf-course/driving range and is bounded on two sides by Real Street. Going westbound, Real Street runs along the north edge of the site, paralleling Interstate 465. The street then curves sharply and parallels Westfield Boulevard before turning sharply again to intersect with Westfield Boulevard near the southeast corner of the subject site. There are currently no sidewalks along Real Street and no dedicated pedestrian or bicycle infrastructure to connect Westfield Boulevard to the Monon Rail-Trail.
- ◇ The site plan proposes the realignment of Real Street through the middle of the site. The realignment makes the S-curve gentler and removes the awkward curve into the Westfield Boulevard intersection. The plan also depicts a sidewalk along one side of Real Street and a ten-foot wide multi-use trail along the other side. The Development Statement commits to connecting the multi-use path to the Monon Rail-Trail. The Development Plan also notes that the connection to the Monon would be completed by the opening of the relocated Real Street. By connecting to the Monon Rail-Trail, this site is in easy bicycle access to a grocery store, discount department store and other general retailing at the intersection of the trail and 86<sup>th</sup> Street.
- ◇ Internal pedestrian connectivity is also important. A trail system that circles the site is proposed which connects the various parts of the site to the proposed clubhouse and pool and to the park area in the southwest corner of the site. The interior walkway system also includes pedestrian crossings of Real Street. All of these crossing should be well-marked.

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

The pedestrian crossing at the intersection of Real Street and the interior east-west street would be marked and supplied with a pedestrian-activated beacon.

- ◇ An existing berm landscaped with trees and shrubbery runs along the south and west borders of the site. This berm is proposed to be retained, but would be narrowed in some areas to provide for the realignment of Real Street. Preservation of the trees and shrubs on these berms is important to maintain. Special efforts are likely to be needed were modification of the berm will impact the root zones of the existing vegetation.
- ◇ Most of the woody vegetation on site is along the edges and surrounding the parking lot and clubhouse. Some mature trees dot the golf course. The Development Statement commits to the preservation of the existing trees along the western and southern boundaries of the site. The treed areas along the northern and eastern boundaries may be partially within the State's I-465 right-of-way. The trees along the northern and eastern boundaries of the site should also be preserved to extent possible given the presence of the interstate right-of-way.
- ◇ A conceptual landscape plan has been submitted as a part of the Development Statement with the comment that a final landscape plan shall be submitted for Administrator's Approval. Staff expects the final landscape plan to include street trees along all public and private streets and interior parking lot trees. The number and placement of trees shall use the standards of the Ordinance as the minimum. Additionally, there should be landscaping park area, along the site's walkway system and in common areas to provide a good mixture of shady and sunny areas.
- ◇ Orientation of the buildings is important to overall quality of the site. The site plan and supporting materials indicate that the townhouses and single-family dwellings will have their front doors on Real Street with rear-entry garages. Staff commends this orientation as more pedestrian-friendly, providing for a more attractive streetscape, and providing a subtle indication to passing motorists that this is an active residential area and they need to drive accordingly.

### **Traffic Impact Study**

- ◇ The petitioner has conducted a traffic impact study for this site. The TIS has been reviewed by the Department of Public Works. The purpose of the study is to determine the impact that the traffic generated by the proposed development would have on the intersection for Real Street and Westfield Boulevard and identify existing roadway deficiencies or deficiencies that may occur if the site is developed as proposed.
- ◇ The TIS estimates that the proposed development would add 50 vehicles to the road system during the morning peak hour and 54 vehicles during the evening peak hour.

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

- ◇ Among the findings of the study is that with the addition of site's traffic, the level of service at the intersection of Real Street and Westfield Boulevard would not be significantly impacted.
- ◇ The Department of Public Works expressed concerned about the safety of pedestrians crossing Real Street from one side of the proposed development to the other. In response, the petitioner has proposed a marked pedestrian crossing with a pedestrian-activated beacon.

### **Summary**

- ◇ Staff has reviewed this proposal as it relates to the Comprehensive Land Use Plan recommendation of Suburban Neighborhood, the site's Comprehensive Land Use Plan designation as Critical Area 002, the purposes of the D-P zoning district, and the unique qualities of the subject site and its vicinity.
- ◇ Although the proposed development doesn't perfectly meet the criteria of the Suburban Neighborhood typology, it generally does so. For example, the plan recommendations allow for increased density if the site is within an ¼ of a mile from a greenway. This site is approximately 3/8s of a mile from a greenway. However, given the site's location abutting an interstate highway and bisected by an arterial street, very low-density residential development would be unlikely.
- ◇ The typology would site townhouses at the intersection of collector streets, whereas the proposals would line one side of an arterial street with them. However, townhouses make sense in this location as a transition between single-family dwellings and multi-family dwellings.
- ◇ The transitioning of dwelling size and height between the existing dwellings that neighbor the southeast portion of the site and the one of the proposed multi-family structures is mitigated by distance and buffering.
- ◇ Critical Area 002 modifies the Suburban Neighborhood recommendation, by allowing for residential density of up to ten units per acre if 50 percent of the site is preserved as open space. The proposed development does not meet this standard. Overall density is 17.3 units per acre and the amount of preserved open space is approximately 16.6 percent. However, the relocation of Real Street to the south changes the foundation that the Critical Area designation was built upon. The bulk of the site no longer abuts the neighborhood to the south. The bulk of the site now abuts the interstate highway to the north. The portion of the site to the south of relocated Real Street would have a density of seven units per acre and an open space of roughly 35 percent.

(Continued)



## **STAFF REPORT 2021-ZON-054 (Continued)**

- ◇ Staff finds that the proposal meets most of the purposes of the D-P district. The proposed development is a creative response to an unusual site, adds housing types to the area, and mixes them in a way not easily accommodated by the Ordinance's other districts.
- ◇ Staff notes purpose number four: "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." The realignment of Real Street should create a safer intersection with Westfield Boulevard. The proposed trail connection to the Monon Rail-Trail will increase pedestrian and bicycle travel connectivity. Although not proposed, neighborhood connectivity could be further increased by connecting the realigned Real Street to the stub of Sherwood Lane.
- ◇ Staff does not find that this proposal fully meets the standards of the Comprehensive Land Use Plan and the plan's Critical Area 002. Staff takes the Comprehensive Land Use Plan very seriously and does not recommend against the provisions of the plan lightly. However, as noted above, staff finds the proposal to be a creative response to an unusual site. The proposal provides for greater intersection safety at Real Street and Westfield boulevard, greater connectivity to the Monon Rail-Trail, a viable land use abutting an Interstate highway, and reasonable buffering of the single-family neighborhoods to the south and west. As such, staff recommends approval of this petition.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

SU-3	Metro	Golf course and driving range
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### **SURROUNDING ZONING AND LAND USE**

North	D-A	I-465, undeveloped land
South	D-2	Single-family dwellings
East	D-A	Undeveloped land, single-family dwelling
West	D-2	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Washington Township Comprehensive Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Real Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, an existing right-of-way in excess of 70 feet and a 119-foot proposed right-of-way.
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## **STAFF REPORT 2021-ZON-054 (Continued)**

Westfield Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with an existing right-of-way in excess of 85 feet and an 80-foot proposed right-of-way.

Interstate 465 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Freeway. The plan does not include a proposed right-of-way width.

Sherwood Lane is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 50-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.

### **ZONING HISTORY – SITE**

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

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

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

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

(Continued)

## **STAFF REPORT 2021-ZON-054 (Continued)**

### **ZONING HISTORY – VICINITY**

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

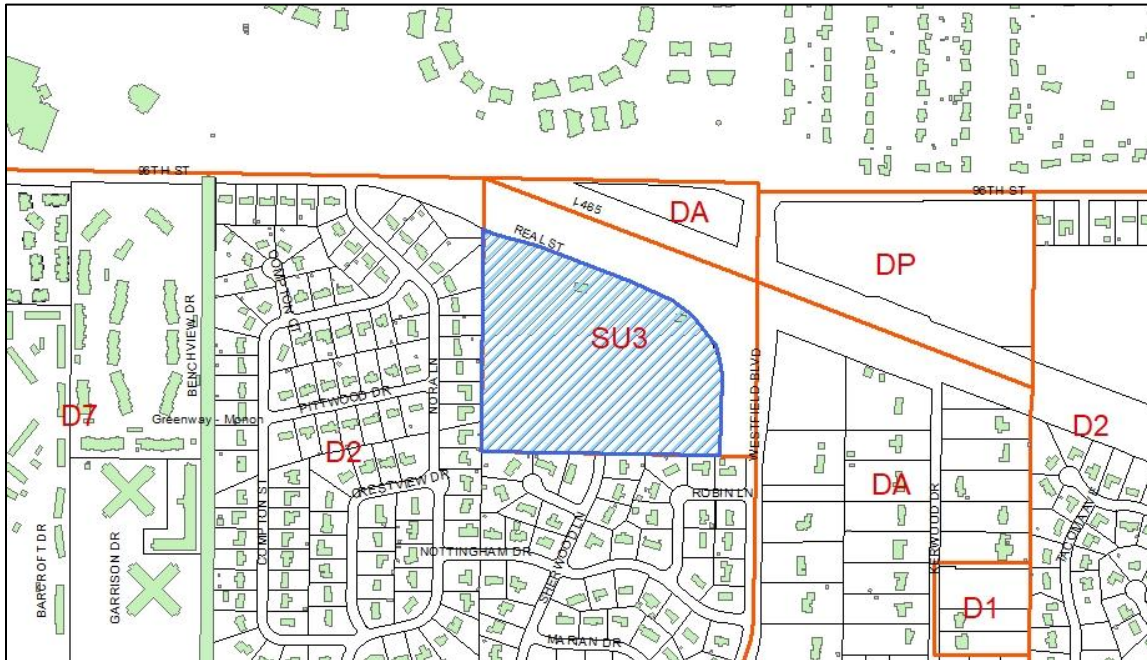
**88-Z-151; 2201 East 96<sup>th</sup> Street (northeast of site)**, requested the rezoning of 15.4 acres from the A-2 district to the C-S district to provide for offices and flexspace, **withdrawn**.

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

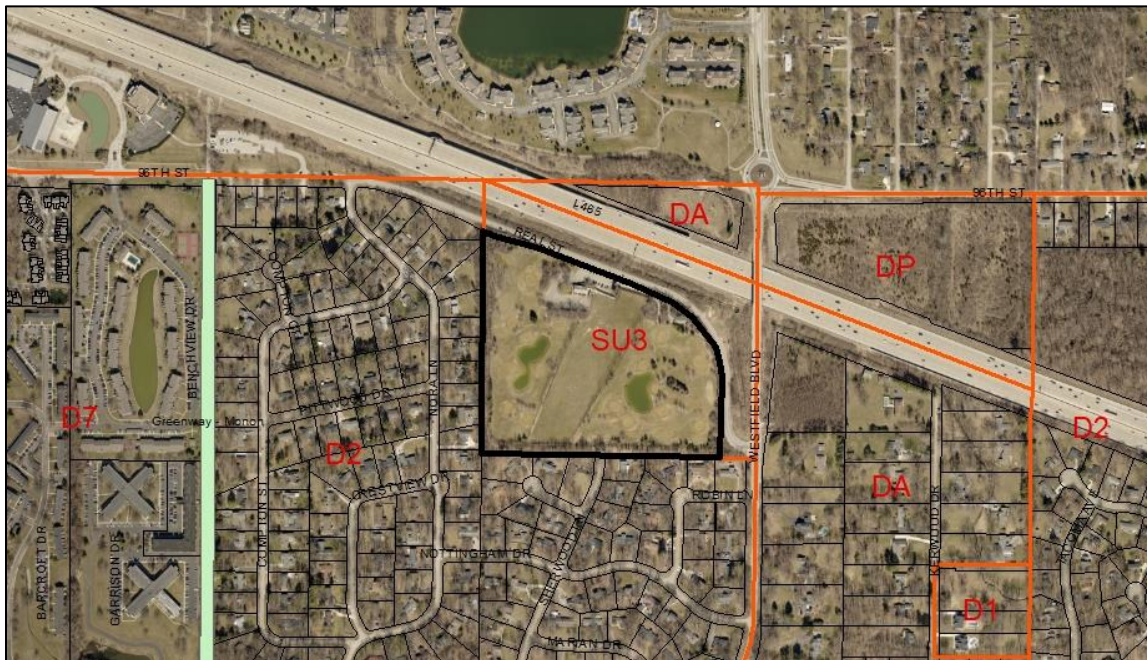
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## **STAFF REPORT 2021-ZON-054, Location**



## **STAFF REPORT 2021-ZON-054, Aerial photograph (2021)**





**STAFF REPORT 2021-ZON-054, Site Plans**



North is to the right.

**STAFF REPORT 2021-ZON-054, Development Statement**

AMENDED  
PRELIMINARY PLAN  
AND DP STATEMENT

FOR

SHORTEE'S GOLF REDEVELOPMENT

DATED: November 9<sup>th</sup>, 2021

Petitioner:

BC Real Street Partners, LLC  
941 North Meridian Street  
Indianapolis, IN 46204

Attorney for Petitioner:

Brian J. Tuohy  
Tuohy Bailey & Moore LLP  
50 S. Meridian Street, Suite 700  
Indianapolis, IN 46204  
(317) 638-2400

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### Exhibits:

Area Map (Exhibit A)
Legal Description (Exhibit B)
Amended Preliminary Concept Plan (Exhibit C)
Buffer & Tree Preservation Exhibit (Exhibit D)
Preliminary Re-aligned Real Street Sections (Exhibit E)
Signage Examples (Exhibit F)



## **Overview of Proposed Development and General Development Standards**

**Location & Surrounding Area:** The proposed Shortee's Golf Redevelopment (the "Development") is located in Washington Township at the north end of Marion County and consists of approximately 23.157 acres located at 1775 E. 96th Street depicted on the attached Exhibit A and more particularly described on the attached Exhibit B (the "Site"). The Site is bordered by I-465 to the north and residential uses to the west, south and east.

**Proposed Development.** Petitioner proposes to develop a residential neighborhood with a mixture of types of residential uses and with approximately 3.00 acres dedicated for use as a park area. There shall be four distinct districts within the Development:

1. **Single-Family District** shall include detached single-family dwellings consisting of one-story and two-story homes on individual deeded lots. There shall be approximately 40 homes within the Single-Family District. The Single-Family District shall consist of approximately 5.70 acres as approximately shown on the Amended Preliminary Concept Plan attached as Exhibit C.
2. **Townhome District** shall include approximately nine (9) three-story buildings consisting of approximately 44 individual townhomes on individual deeded lots. The Townhome District shall consist of approximately 2.79 acres as approximately shown on the Amended Preliminary Concept Plan attached as Exhibit C.
3. **Multi-Family District** shall include approximately nine (9) three and/or multi-family buildings consisting of up to 319 residential apartments. The Multi-Family District shall consist of approximately 11.66 acres as approximately shown on the Amended Preliminary Concept Plan attached as Exhibit C.
4. **Community Greenspace District** shall be dedicated as permanent open space (with amenities and/or improvements installed as determined by the Petitioner) for use as a community park area. The Community Park District shall consist of approximately 3.000 acres as approximately shown on the Amended Preliminary Concept Plan attached as Exhibit C.

**Density.** Density. There shall be no more than 403 dwelling units or a maximum approximate gross density of approximately 17.40 units per acre.

**Minimum Open Space.** The minimum amount of permanent open space shall be approximately 3.85 acres or approximately 16.6% of the total land area. Of the approximately 3.85 acres of permanent open space, approximately 3.00 acres shall be in the form of the Community Park District which shall be preserved as a "green area" with amenities and improvements as determined by the Petitioner and such area shall be maintained by a homeowner's association comprised of owners within the Development to be established by the Petitioner.



**Streets.** The streets within the Development shall be installed by Petitioner and built to the Indianapolis Department of Public Work's current specifications which are 28' wide back-to-back of curb and 24' wide of pavement. All streets shall be maintained as private streets within the Development except for the relocated Real Street which shall be a publicly dedicated street as described below.

**Relocation of Real Street.** The Petitioner in connection with construction of the Development shall request approval from the City of Indianapolis ("City") for the relocation of Real Street from its existing location to the location as approximately depicted on the Amended Preliminary Concept Plan attached as Exhibit C. The new relocated Real Street shall be built to the Indianapolis Department of Public Works ("DPW") Standards with a 62' wide dedicated right-of-way ("ROW") along with a 10' wide multi-use asphalt pathway within the ROW located on the south side of the relocated Real Street and a 5' wide sidewalk within the ROW on the north side of the relocated Real Street. Cost of such public improvements shall be borne by the City or by Petitioner to the extent supported by public financing instruments such as tax increment financing. There shall be marked crosswalks areas on Real Street near the intersection with Westfield Boulevard and near the center of the Development as approximately shown on the attached Amended Preliminary Concept Plan. The location of such crosswalks shall be approved by DPW. Such crosswalks shall include a pedestrian activated beacon. During the relocation of Real Street, the Petitioner at its expense, and subject to DPW's approval, shall place traffic control signage and barriers on 96th Street to discourage traffic from "cutting through" the Sherwood Forest neighborhood.

**Extension of Multi-use asphalt pathway.** The Petitioner in connection with construction of the Development shall continue the 10' multi-use asphalt path as described above west along the south or north side of Real Street (at such location as is determined by DPW) to connect to the existing Monon Trail to the west of the Site. The multi-use path extension shall be built to DPW standards and be constructed with-in the existing ROW or newly established ROW. The connection to the Monon Trail shall be completed upon the opening of the relocated Real Street, subject to DPW approval.

**Streetlights.** The Development shall have uniform streetlights at each intersection and the Development's entryway shall be lighted. Such streetlights shall conform with the standards of the current Marion County Subdivision Control Ordinance ("Subdivision Ordinance").

**Signage.** Signage within the Development, including District entrance identification signage, directional signage, and any amenity area signage shall be subject to the approval of the Administrator of the Department of Metropolitan Development. Examples of proposed signage are attached hereto as Exhibit F.

## **Single-Family District Development and Architectural Standards**

### **I. District Intent**

The purpose of the Single-Family District is to permit approximately forty (40) rear load detached single family dwellings designed as one-story or two-story homes on individual lots having underground utilities, centralized water, and centralized sewer facilities. The single-family dwellings east of the private drive shall be oriented towards Real Street. The front door will be accessed using the multi-use path along Real Steet and the garage will be accessed using the private drive. The single-family dwellings west of the private drive shall be oriented towards the Community Greenspace. The front door will be accessed using the sidewalk in the community greenspace and the garage will be accessed using the private drive.

### **II. Permitted Uses and Underlying Zoning District**

All permitted, accessory, temporary, and special exception uses permitted in the Dwelling District Four (D-4) zoning district set forth in the Zoning Ordinance for Marion County, Indiana in effect at the time this Development is approved by the City-County Council (the "Zoning Ordinance") shall be permitted in the Single-Family District. If any development standard is not set forth in this Preliminary Plan and DP Statement ("DP Statement"), the D-4 zoning district standards shall apply.

### **III. Development Standards**

Maximum Dwelling Units	40
Minimum Single Family District Area	Approximately 5.7 Acres
Minimum Lot Area	4,410 SF
Minimum Lot Width	42'
Minimum Lot Depth	105
Minimum Lot Frontage	42
Minimum Total Open Space	400 sq ft
Maximum Height	35'
Minimum Street Frontage (home)	30'
Minimum Floor Area (sq. ft.)	1600 sq ft
Minimum Front Yard Building Setback	5'to stoop and 10' front elevation
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	15'
Minimum Distance Between Homes	10'

### **IV. Homeowners' Association/Covenants**

The maintenance and upkeep of the Community Park District and other Common Areas as approximately shown on the attached Exhibit C including retention ponds, open space, and amenities within the Single-Family District shall be the responsibility of a homeowners' association ("HOA"), to be established pursuant to the terms of a Declaration of Covenants, Conditions and Restrictions ("Covenants") to be recorded prior to final plat approval for the Development. The Covenants shall apply to all real estate within the Single-Family District.

#### **V. Architectural Standards**

The following architectural standards shall apply to the Single-Family District:

The single-family homes will be made up of a mix of one and two-story products with attached or detached two-car garage. The façade excluding windows, doors and eaves will consist of a mix of the following products: fiber cement panel, fiber cement lap, cast stone or brick wainscot.

## **Townhome District Development and Architectural Standards**

### **I. District Intent**

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

### **II. Permitted Uses and Underlying Zoning District**

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

### **III. Development Standards**

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

#### **IV. Homeowners' Association/Covenants**

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

#### **V. Architectural Standards**

The following architectural standards shall apply to the Townhome District:

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

## **Multi-Family District Development and Architectural Standards**

### **I. District Intent**

The purpose of the Multi-Family District is to permit up to three hundred nineteen (319) multi-family units in nine (9) three story buildings having underground utilities, centralized water, and centralized sewer facilities.

### **II. Permitted Uses and Underlying Zoning District**

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

### **III. Development Standards**

Maximum Dwelling Units	319
Minimum Multi-Family District Area	Approximately 11.66 Acres
Minimum Multi-Family District Street Frontage	50' linear feet along Real Street
Maximum Building Height	45'
Minimum Front Yard Building Setback	25'
Minimum Distance Between Buildings	25'
Minimum Width of Perimeter Yard for Multi-Family District	20'
Maximum Floor Area Ratio	.60*
Minimum Livability Space Ratio	.40*
*Please note calculations exclude the Community Park District acreage	

### **IV. Homeowners' Association/Covenants**

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

## **V. Architectural Standards**

The following architectural standards shall apply to the Multi-Family District:

The multi-family homes may be constructed as a three and/or four-story product. The façade excluding windows, doors, balconies, and eaves will consist of a mix of at least two of the following products: fiber cement panel, fiber cement lap, cast stone or brick wainscot.

## **VI. Amenities**

The multi-family district will include a clubhouse with fitness center, coffee station, lounge area, and an outdoor swimming pool for residents.

## **Community Greenspace District Development Standards**



**I. District Intent:**

The purpose of the Community Greenspace District is to provide a community park for use by the residents of the Development. The Community Greenspace District shall protect and preserve open land, provide recreational areas, preserve natural and cultural features of community importance, provide areas of noncommercial recreation, and provide necessary drainage ways and guard against water pollution.

**II. Permitted Uses:**

Recreational Open Space including improvements typically found in a public park including but not limited to walking paths, benches, picnic areas, picnic shelters, firepits, open space, and playground equipment or other recreational amenities.

**III. Community Park District Development**

The Community Park District shall consist of approximately 3.00 acres. It is the intent of the Petitioner to deed the entirety of the Community Greenspace.

to a homeowner's association to be formed by the Petitioner within ninety (90) days of the later of the Petitioner's obtaining of the final unappealable rezoning of the Site to the DP District classification, or recordation of the final plat for Section 1 of the Development. The maintenance and upkeep of the Community Greenspace District including all improvements therein shall be the shared responsibility of the HOAs to be established for the Single-Family District and Townhome District.

**IV. Heritage Tree Study**

Prior to commencement of construction of the Development, the Petitioner at its expense, shall provide a heritage tree study to the Administrator relating to the Site and the heritage trees located therein.

**V. Tree Preservation**

Petitioner shall retain and maintain a "green area" buffer along the Site's western and southern borders with the Sherwood Forest neighborhood as such buffer is approximately depicted in Exhibit D. Petitioner agrees that the existing trees, existing berm and green areas as approximately depicted on the attached Exhibit D shall be preserved to the extent that is reasonably practical subject to the City's requirements related to development of the Site. Petitioner shall post signs identifying the tree preservation areas within the Site and such signs shall be placed every fifty feet (50') along such areas.



Petitioner shall have the right to remove diseased and/or dead trees within the Development.

**VI. Landscape Plan**

The final landscape plan for the Development shall be submitted for the Administrator's approval, prior to the issuance of an Improvement Location Permit ("ILP") provided that such approval shall not be unreasonably withheld.

Exhibit A  
Area Map

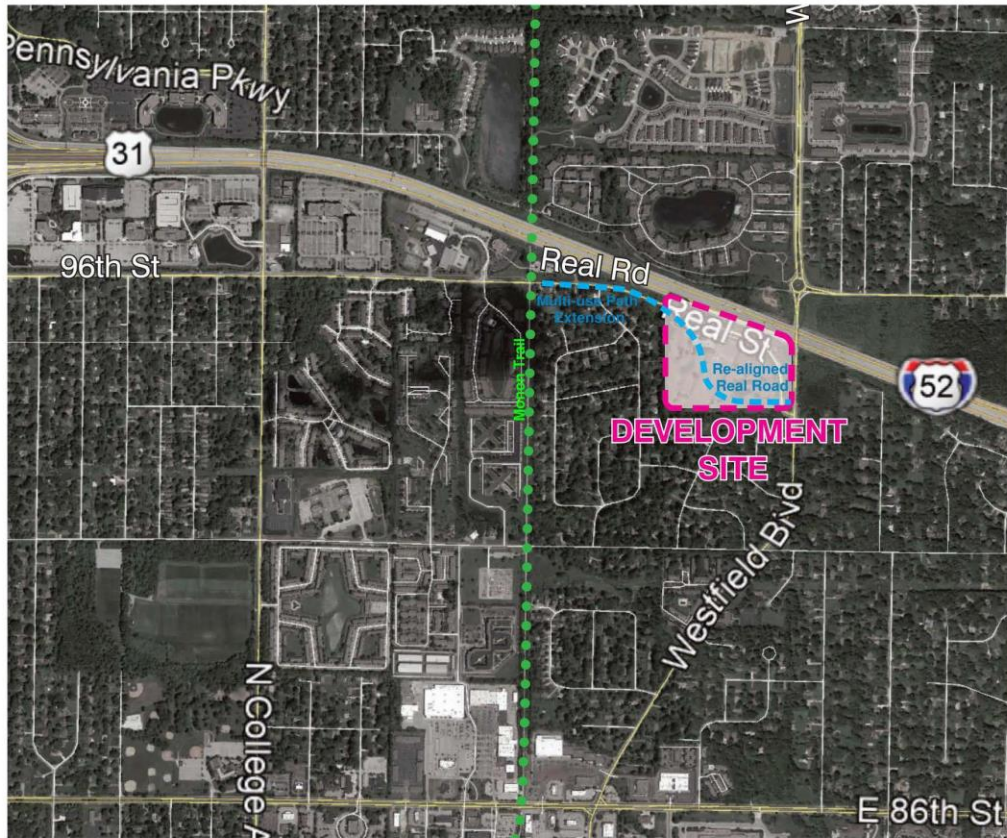


Exhibit B  
Legal Description

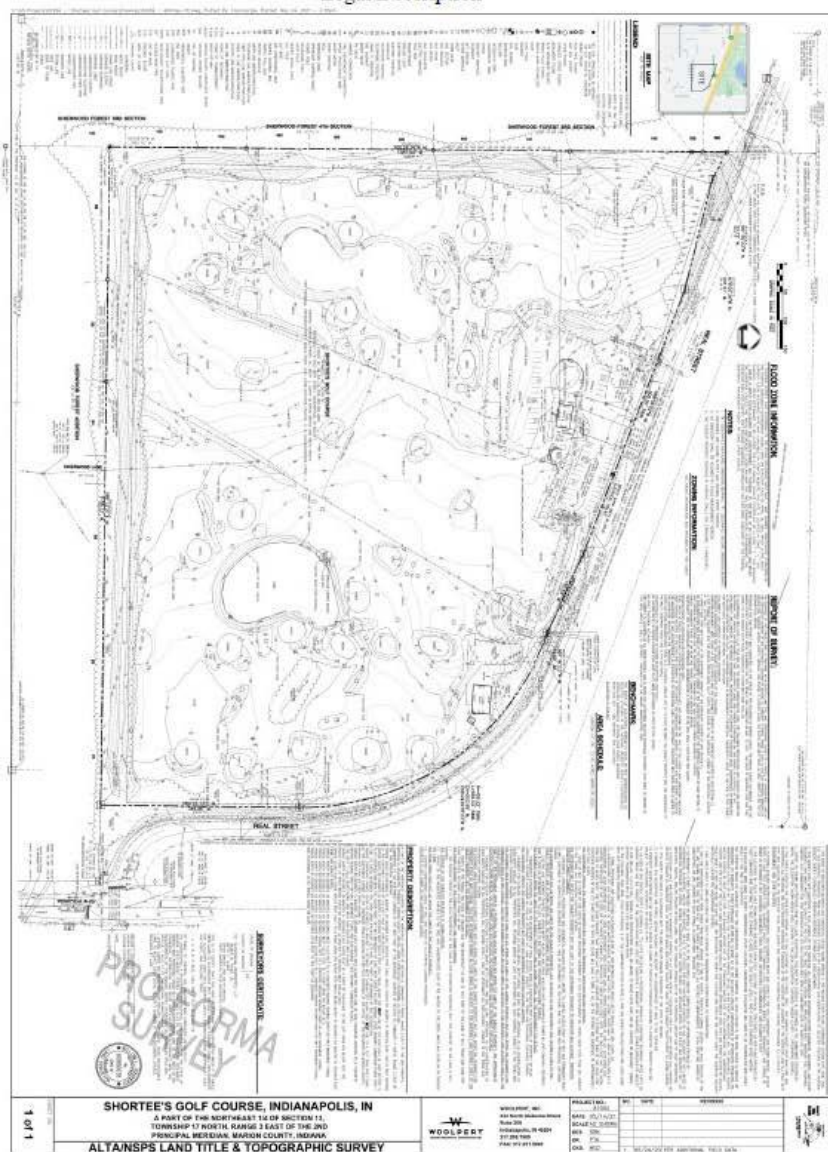




Exhibit C  
Amended Preliminary Concept Plan



Exhibit D  
Buffer & Tree Preservation Exhibit



Exhibit E  
Preliminary Re-aligned Real Street Sections

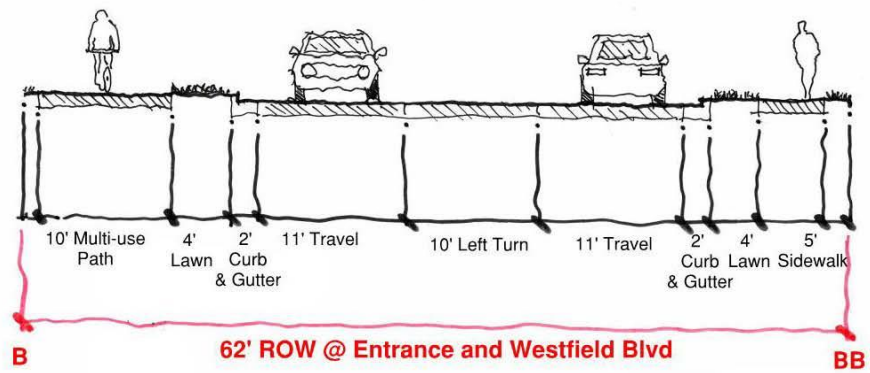
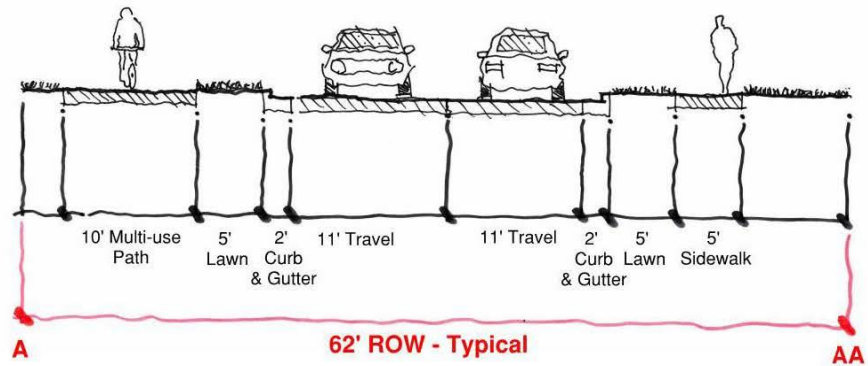




Exhibit F  
Signage Examples



Exhibit F  
Signage Examples



Ground Sign Example



Vertical Sign Example



**STAFF REPORT 2021-ZON-054, Photographs**



Looking southeast across the site



Looking south across the site.



Looking south at the existing building.



Looking east across the existing parking lot at the outdoor advertising sign. The sign would remain.





Looking southeast along Real Street toward Westfield Boulevard.



Looking southwest at the neighbor on Westfield Boulevard.



Looking north on Westfield Boulevard from the intersection with Real Street.



Looking west along Real Street. Subject site is to the left; I-465 is to the right.

## **PART VI**

### **REZONING PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:**

2021-ZON-093  
(AMENDED)      5822, 5824, 5826 AND 5828 NORCROFT DRIVE AND 5802 FLIGHT  
SCHOOL DRIVE (*APPROXIMATE ADDRESSES*)  
DECATUR TOWNSHIP, COUNCIL DISTRICT #22  
ALPINE STUDIOS INDY LLC, by Andi M. Metzel  
Rezoning of 6.07 acres from the D-3 and C-S districts to the C-S district  
to provide for multifamily development and to modify Commitment Two of  
2017-ZON-087 as modified by 2019-CZN-837 to provide for a maximum  
of 196 units (120 permitted).



## STAFF REPORT

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

**Case Number:** 2021-ZON-093 (Amended)  
**Address:** 5822, 5824, 5826 and 5828 Norcroft Drive and 5802 Flight School Drive (*Approximate Address*)  
**Location:** Decatur Township, Council District #22  
**Petitioner:** Alpine Studios Indy LLC, by Andi M. Metzel  
**Request:** Rezoning of 6.07 acres from the D-3 and C-S districts to the C-S district to provide for multifamily development and to modify Commitment Two of 2017-ZON-087 as modified by 2019-CZN-837 to provide for a maximum of 196 units (120 permitted).

### **ADDENDUM FOR DECEMBER 1, 2021, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard and recommended for denial by the Hearing Examiner on November 4, 2021. The Hearing Examiner's decision was appealed by the petitioner to the Metropolitan Development Commission and set for hearing for December 1, 2021. The Hearing Examiner's memorandum is attached.

### **ADDENDUM FOR NOVEMBER 4, 2021, HEARING EXAMINER**

An automatic continuance was filed by a registered neighborhood organization continuing this petition for the October 14, 2021 hearing to the November 4, 2021 hearing.

The petitioner requested a continuance from the September 9, 2021 hearing to the October 14, 2021 hearing to allow time to amend the petition.

### **RECOMMENDATION**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ The site consists of four single-family residential lots and an abutting multi-family dwelling parcel to the north on Flight School Drive. One of the Norcroft Drive parcels is cleared. Historic aerial photography indicates that Norcroft Drive and the dwellings on the four subject lots were built between 1941 and 1956. With one exception, the remaining dwellings along Norcroft Drive are one-story ranch style residences common to the era in

(Continued)

## **STAFF REPORT 2021-ZON-093 (Continued)**

which they were built. The remaining dwellings range in footprint size from 1016 square feet to 2966 square feet and average 2120 square feet.

- ◇ The portion of I-465 to north of the subject site was built by 1962. The Flight School Drive area remained undeveloped until the early 2000s when a pair of restaurants and a hotel were built. The hotel to the east and the westernmost restaurant remain. The restaurant in the middle was demolished and a multi-family dwelling complex was constructed there in the last year. This petition includes the multi-family complex and would permit its expansion to the south.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology envisions predominately single-family dwellings, but interspersed with attached and multi-family dwellings where appropriate. Among the criteria for multi-family dwellings in this typology are:
  - ◇ Multi-family dwellings should be located along arterial or collector streets, parks or greenways,
  - ◇ Parking should be either behind or interior to the development, and
  - ◇ Individual building height, massing and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing, adjacent residential buildings.

## **ZONING**

- ◇ The requested zoning district is C-S, which is a commercial district that encourages creative approaches to land planning, design and development. C-S petitions must list the land uses that will be permitted in the district and include a site plan.
- ◇ The existing multi-family dwelling complex is zoned C-S. This petition would extend the current C-S zoning south to include the four parcels on Norcroft Drive.
- ◇ The petition would also modify a commitment originally made in petition 2017-ZON-087 that was later modified by petition 2019-CZN-837. The original commitment limited the number of multi-family units on the site to 100. The later petition expanded the complex in size. A modification of the commitment was made to limit the number of multi-family units to 120. This allowed for an additional building. The current request would limit the number of units to 196 to allow for the three proposed buildings.

(Continued)

## **STAFF REPORT 2021-ZON-093 (Continued)**

- ◇ Extending the petition south would insert a multi-family dwelling complex into the middle of a street of single-family dwellings. The proposed development would have 72 units in three buildings. The smaller two buildings would have an approximate footprint of 5000 square feet and the larger building would have an approximate footprint of 9500 square feet. Vehicular access to the site is proposed to come in from Flight School Road and not from Norcroft Drive.
- ◇ The proposal is not responsive to the Comprehensive Land Use Plan because the multi-family dwellings would not be along an arterial or collector street, and would be significantly larger than the other residential structures on the street.
- ◇ Staff finds that the proposed development would be an intrusion onto the character of Norcroft Drive and, as such, recommends denial of this petition.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-3	Metro	Single-family dwellings, vacant lot
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### **SURROUNDING ZONING AND LAND USE**

North	C-S	Multi-family dwelling complex
South	D-3	Single-family dwellings
East	D-3	Single-family dwelling
West	D-3	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Decatur Township Comprehensive Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Norcroft Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.
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Flight School Drive is a private street and is not classified in the Official Thoroughfare Plan for Marion County, Indiana.

FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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(Continued)

## **STAFF REPORT 2021-ZON-093 (Continued)**

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

### **ZONING HISTORY – SITE**

**2019-CZN-837 / 2019-CVR-837; 5822 Flight School Drive (north of site)**, requested the rezoning of 1.5 acres from the C-4 district to the C-S district and a variance of development standards to provide for a deficient stream protection corridor, **approved**.

**2017-ZON-087; 5644 West Mooresville Road & 5802 Flight School Road (north of site)**, requested the rezoning of 3.87 acres from the C-S district to the C-S district to allow for multi-family dwellings and additional exterior building materials, **approved**.

**2011-UV2-030; 5822 Norcroft Drive**, requested a variance of use to provide for a two-family dwelling, **unknown**.

**2000-ZON-112; 4701 Kentucky Avenue (north of site)**, requested the rezoning of 7.35 acres from the D-3 district to the C-S district to provide for hotel, restaurant and C-1 uses, **approved**.

### **ZONING HISTORY – VICINITY**

**2016-DV3-019; 4751 Kentucky Avenue (northwest of site)**, requested a variance of development standards to provide for a deficient number of parking spaces, **approved**.

**89-Z-1; 4745 Kentucky Avenue (northwest of site)**, requested the rezoning of 3.2 acres from the C-4 district to the C-1 district, **approved**.

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## **STAFF REPORT 2021-ZON-093, Location**



## **STAFF REPORT 2021-ZON-093, Aerial photograph (2021)**





## **STAFF REPORT 2021-ZON-093, Hearing Examiner Memorandum**

### **MEMORANDUM OF EXAMINER'S DECISION**

**2021-ZON-093 (Amended)**

**5822-5828 Norcroft Dr. and 5802 Flight School Dr.**

The petition requests the rezoning of 7.6 acres from the D-3 and C-S districts to the C-S district to allow multi-family development with a maximum of 196 units, while previously approved petitions allowed a maximum of 120 units.

Your Hearing Examiner visited the site prior to the hearing and noted that the northern portion of the subject site, already zoned C-S, is abutted by commercial uses on the west and east and by the ramp of I-465 on the north; however, the southern portion of the site, which is zoned D-3, is abutted by single family residences on the west, south, and east. Three residential structures remain on the southern portion.

The petitioner's representative explained that the demand for the apartments on the original site is great, and opined that Decatur Township lacks apartments. The petitioner wants to build three additional buildings on the southern portion. A petition of support was presented, but few, if any, of the signatures were from residents in the immediate area.

A representative of the Decatur Township Civic Council stated that the council voted to oppose the petition based on the density, the inconsistency with surrounding zoning, and the nonconformance with the Comprehensive Land Use Plan. An adjacent neighbor described the vehement opposition of the residents of the neighborhood.

Staff reiterated that the request is inappropriate in the middle of this residential block and does not meet the criteria of the Comp Plan. It also stated that, while multi-family development may be lacking in the township, it should be built in an appropriate area.

In your Hearing Examiner's opinion, the rezoning of the four D-3 lots is an intrusion into the neighborhood, and may set a precedence for further creep into the established residential area. The request is not compatible or consistent with the single family residences. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on December 1, 2021



**STAFF REPORT 2021-ZON-093, Photographs**



Looking west along Norcroft Drive. The subject site is to the right.



Looking north at the subject site (5828 Norcroft Drive) and the multi-family dwelling beyond it.





View west along Norcroft Drive showing the dwellings on the south side of the street.



View south across Norcroft Drive from the subject site showing the single-family dwellings on the south side of the street and the multi-family dwellings beyond them.



View west along Flight School Drive. The proposed multi-family dwellings would be an extension of the complex seen in the photo and would be accessed from this street.



View from Flight School Drive across the multi-family parking lot to the neighbor to the south.





View to hotel on the east end of Flight School Drive.



Looking west on Flight School Drive to its intersection with Kentucky Avenue.