



**METROPOLITAN DEVELOPMENT COMMISSION**

September 4, 2024

**Case Number:** 2024-ZON-079  
**Property Address:** 2400 and 2406 North Tibbs Avenue (approximate addresses)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Noble, Inc., by Joseph D. Calderon  
**Current Zoning:** SU-7  
**Request:** Rezoning of 14.7 acres from the SU-7 District to the D-P District, to provide for a fire station, attached multi-family dwellings, a community center, community garden, indoor and outdoor recreation facilities, offices, medical and dental center, or clinic, surface parking and uses permitted in the SU-7 and SU-9 districts.  
**Current Land Use:** Offices  
**Staff Recommendations:** Approval with commitments.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the August 21, 2024 hearing to the September 4, 2024 hearing at the request of staff for the publication of the legal notice.

**STAFF RECOMMENDATION**

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of Tibbs Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). Heritage trees

proposed for removal shall be indicated as such and shall be replaced on site per Table 744-503-3 of the Ordinance.

3. Interior sidewalk connections shall be noted in a final site plan and sidewalks along the street frontage of Tibbs Avenue shall be installed.
4. Approval shall be subject to the D-P Statement file-dated August 27, 2024 and substantial compliance with the conceptual site plan, file-dated August 13, 2024. The final site plan, landscape plan, and building elevations shall be submitted for Administrative Approval, prior to the issuance of an Improvement Location Permit.

## PETITION OVERVIEW

### LAND USE

The 14.7-acre subject site is developed with a commercial building utilized by a non-profit organization, associated parking lot, undevoted wooded land to the west, and a fire station at the northeast corner of the site.

### REZONING

The request would rezone the property from the SU-7 district to the D-P district to provide for a fire station, attached multi-family dwellings, a community center, community garden, indoor and outdoor recreation facilities, offices, medical and dental center, or clinic, surface parking and uses permitted in the SU-7 and SU-9 districts.

The SU-7 district only allows for the development of charitable, philanthropic, and not-for-profit institutions.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.



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

7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

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

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

#### **D-P STATEMENT**

The D-P Statement, file-dated August 27, 2024, describes the project as having three lots, Lots A, B and C, which will be proposed with different uses.

Lot A will encompass the existing building and proposed building expansion, potential new buildings, as well as athletic fields. The uses permitted for Lot a will includes those permitted in the SU-7 district, community center, indoor/outdoor recreation facilities, office uses (business/professional/government), and medical/dental center or clinic.

Lot B will be utilized for approximately 120 attached multi-family residential units as the primary use. Currently 111 units would be proposed, but no more than 130 units shall be onsite. Accessory uses to be allowed would be outdoor recreation such as swimming pool, game courts, athletic fields, playgrounds, community garden, minor residential features, and surface parking. The preliminary plan notes two three-story apartment complexes to be centrally located on the site.

Lot C will allow for the development of a newly proposed fire station (IFD#30). Uses permitted would be those in the SU-9 district and the uses permitted on Lot A.

Each of these lots will have specific development standards and setbacks per the parameters listed in the D-P statement. Sign regulations are proposed within the D-P statement, but a sign program for Lots A and B will be prepared and submitted for Administrator’s Approval prior rot the application for a sign permit.

The D-P statement notes that a landscaping and tree preservation plan will be submitted for Administrator’s Approval prior to obtaining an Improvement Location Permit.



The parking standards of the Ordinance will be met and would be permitted to have shared parking per the Ordinance standards.

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Tibbs Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**STAFF ANALYSIS**

Staff has concerns regarding the amount of the Forest Alliance Woodlands to be removed in the western portion of the site with the proposal. The D-P Statement calls out a tree preservation plan to be proposed, but staff requests a tree inventor, assessment, and preservation plan to be prepared by a certified arborist and submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. Heritage trees to be removed shall be replaced on site per Table 744-503-3 of the Ordinance.

Another item of concern is the lack of interior sidewalk connections in the proposed development plan and lack of sidewalks along the entire street frontage which are requirements of the Ordinance. With this proposal aiming to assist people with developmental disabilities and provide affordable housing, it is vital that the site is easily accessible by pedestrians or bicyclists as well.

Staff was made aware of an IndyGo bus route and existing stop on site, which will need to be addressed between the petitioner and IndyGo.

Overall, staff is supportive of the request to rezone the site to the D-P district since it would include a mix of uses that would be beneficial to the community. However, staff’s approval recommendation is subject to the D-P Statement file-dated August 27, 2024 and substantial compliance with the conceptual site plan, file-dated August 13, 2024 In addition to providing the right-of-way dedication as requested by DPW, the installation of interior sidewalks and installation of sidewalks along Tibbs Avenue, and the submittal of a tree preservation plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-7	
<b>Existing Land Use</b>	Non-profit organization	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-4 / I-4 / C-S	Fire Station / Gas Company / Lumber Business
South:	SU-7	Non-profit organization
East:	D-5	Residential (Single-family dwellings)
West:	C-S	Solar Panel Farm
<b>Thoroughfare Plan</b>		

Tibbs Avenue	Primary Collector	80-foot proposed right-of-way and 70-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 27, 2024	
<b>Site Plan (Amended)</b>	August 13, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	August 27, 2024.	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends regional special use development of the site.
- The Regional Special Use is a non-typology land use, which is a stand-alone land use mapped outside of the typology system due to their scale or nature of use. This category provides for public, semi-public, and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

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



- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### Zoning History - Site

**96-UV2-105; 2502 North Tibbs Avenue** (subject site), Variance of use of the Special Districts Zoning Ordinance to provide for an eight-space parking lot expansion for an existing fire station (not permitted), **granted.**

### Zoning History - Vicinity

**2021-SE1-002; 3621 Lawnview Lane** (south of site), Special Exception to legally establish a daycare center, **granted.**

**2013-ZON-009; 2400 North Tibbs Avenue** (west of site), Rezoning of 68.29 acres from the C-S (FF) District to the C-S (FF) classification to provide for a solar farm and uses and storage related to an automobile racing track to the west, **approved.**

**2000-ZON-049; 3700 West 21<sup>st</sup> Street** (west of site), Rezoning of 132.83 acres from D-6II to C-S to provide for a maintenance and storage area related to a golf course and motor speedway, a future expansion area, and a nursery, **approved.**

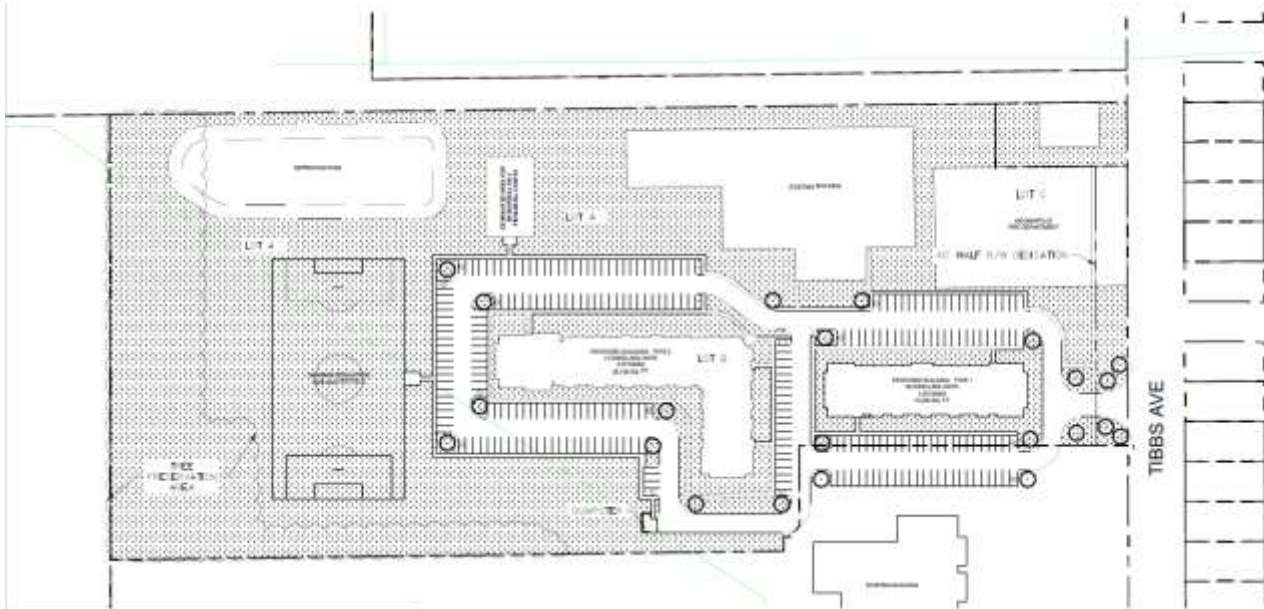
**96-Z-167; 2702 North Tibbs Avenue** (north of site), Rezoning of 12 acres, being in the C-4 District, to the C-S classification to provide for C-4 uses, child day care center, convalescent/nursing home, auctioneer services, automobile storage, building material sales and storage, convenience market, crating and packaging service, contractor businesses (except concrete, excavation, landscaping, masonry, stonework, pool, septic systems, and demolition contractors), distribution operations, light equipment and tool sales/service/rental, linen supplier, mini-warehouse, photo-finish lab, repair facility, storage and transfer facilities, warehousing and wholesaling, **approved.**

**84-Z-32; 3202 North Tibbs Avenue** (west of site), Rezoning of 104.89 acres from DP-S1 to D-6II to conform the zoning to its existing use, and future development, **approved.**

**EXHIBITS**







SITE SUMMARY	
EXISTING BUILDING IMPROVEMENTS (EXISTING ADULT CARE FACILITY)	
PROPOSED IMPROVEMENTS (111 APARTMENT STATE UNITS + TRACT)	
FACILITY IMPROVEMENTS (2 TRACTS)	
<b>SITE ACREAGE</b>	<b>• 14.8 ACRES</b>
PARKING SPACES (PROPOSED) (APARTMENT UNITS)	<b>• 111 SPACES</b>
PARKING SPACES (PROPOSED) (TRACT)	<b>• 106 SPACES</b>
FLOORPLAN: 1/14	

## Preliminary DP Plan

2400 – 2406 North Tibbs Avenue

### Introduction

Noble, Inc. (“Noble”) and T&H Development, LLC (“T&H”), are seeking to develop property containing approximately 14.7 acres and commonly addressed as 2400 – 2406 North Tibbs Avenue (the “Subject Property”). Collectively, Noble and T&H are referred to herein as the “Petitioner”. The Subject Property is zoned SU-7, and is improved with an existing building used by Noble to provide services to its clients as a not-for-profit focused on serving those with developmental disabilities, Noble has proposed additional development on Lot A. T&H is proposing a multi-family community on Lot B, as generally shown on the preliminary site plan submitted with and attached to this Preliminary DP Plan as Exhibit “A” (the “Preliminary Site Plan”). Noble is also coordinating the relocation of the existing fire station (IFD #30), currently located on property commonly known as 2440 N. Tibbs Avenue, to a dedicated parcel on the Subject Property shown as Lot C on the Preliminary Site Plan.

### The Proposed Development/Permitted Uses

Both primary and accessory uses permitted by this Preliminary DP Plan are those which are either referenced or defined in Chapter 743, Article II, Table 743-1 “Use Table” of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis, Marion County (the “Zoning Ordinance”).

A. Lot A Permitted Uses: The Lot A proposed development consists of an expansion to the existing building, potential new buildings, as well as athletic fields, all as shown on the Preliminary Site Plan, which is subject to change, as provided for in this Preliminary DP Plan.

Permitted Primary uses on Lot A shall include:

1. Uses permitted under the SU-7 zoning district.
2. Community Center.
3. Indoor/Outdoor Recreation Facilities.
4. Office Uses (Business/Professional/Government).
5. Medical/Dental Center or Clinic.

Lot A Development Standards/Setbacks: Primary buildings and accessory structures (other than sidewalks, pathways and similar features) constructed on Lot A shall meet the following minimum setbacks:

1. Front Yard (Tibbs Avenue): Buildings: 50 feet from the proposed right of way line; Accessory Uses: 20 feet from proposed right of way line.
2. Side Yards: Buildings and Game Courts/Fields: 25 feet from north property line, 20 feet from south property line; Accessory Uses: 10 feet from the applicable property lines.
3. Rear Yard (to west property line): Buildings: 100 feet from west property line; Game Courts/Fields: 50 feet from west property line; Accessory Uses: 50 feet from west property line.
4. Existing buildings and Accessory Uses, including existing buildings, signs, parking areas and landscaping (“Existing Improvements”) are permitted in their current location(s), and for purposes of this Preliminary DP Plan, and may be rebuilt or redeveloped on their current locations, even if the Development Standards set forth in 1-3 hereinabove are not met.

Therefore the Existing Improvements shall be considered legally conforming and shall not be considered legally non-conforming.

B. Lot B Permitted Uses: The Lot B development proposes approximately 120 attached multi-family residential units.

Permitted Primary uses on Lot B shall include:

1. Attached Multi-family dwellings, currently planned at 111 individual units; provided, however, 111 units shall not be considered a maximum. The maximum number of multi-family units shall not exceed 130.

C. Permitted Accessory uses for Lots A, B and C may include:

1. Outdoor Recreation, which may include a swimming pool, game courts, athletic fields, playgrounds, etc.
2. Community Garden.
3. Minor Residential features, including pathways, sidewalks, benches and the like.
4. Surface Parking.

Lot B Development Standards/Setbacks: Attached multi-family buildings and accessory structures (other than sidewalks, pathways and similar features) constructed on Lot B shall meet the following minimum setbacks:

1. West property line: Buildings: 100 feet; Accessory Uses: 80 feet.
2. North and South Property Lines: Buildings: 120 feet from north property line of Lot B, 20 feet from south property line; Accessory Uses: 10 feet from north property line of Lot B, 10 feet from south property line of Lot B.
3. East Property Line: Buildings: 60 feet; Accessory Uses: 30 feet. Both shall be measured from existing right-of-way of Tibbs Avenue.

D. Lot C Permitted Uses: The Lot C development proposes a new fire station (IFD #30).

Permitted Primary uses on Lot C shall include:

1. Uses permitted under the SU-9 zoning district.
2. Uses permitted on Lot A, as described hereinabove.

Lot C Development Standards/Setbacks: Buildings and accessory structures on Lot C shall meet the following minimum setbacks:

1. Front Yard (Tibbs Avenue): Buildings: 50 feet from the proposed right-of-way; Accessory Uses: 20 feet from proposed right-of-way line.
2. Side/Rear Yards: Buildings: 25 feet from north, west and south lot line; Accessory Uses: 10 feet from the north, west and south lot line.

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Subject Property, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality. Preliminarily, a retention pond is shown south of the main attached multi-family building.

Sidewalks: Sidewalks shall be provided along the Tibbs Road frontage of the Subject Property unless a waiver is sought at the time of platting Lots A, B and C. There will be internal sidewalks within the multi-family units on Lot B. There are some sidewalks serving the existing buildings on Lot A. A pedestrian plan for the athletic fields proposed for Lot A will be submitted for Administrators Approval. Notwithstanding the foregoing, the Indianapolis Fire Department shall be able to determine if sidewalks are necessary and appropriate with respect to Lot C's frontage on Tibbs Avenue.

Signs: The following signs shall be permitted:

1. Freestanding (for the benefit of Lot A): One (1) Monument sign, not to exceed 8 feet in height, fronting on Tibbs Avenue.
2. Freestanding (for the benefit of Lot B): One (1) Monument sign, not to exceed 8 feet in height, and must front on Tibbs Avenue.
3. Freestanding (for the benefit of both Lots A and B): One (1) Pylon sign not to exceed 15 feet in height or one (1) Monument sign not to exceed 10 feet in height.
4. Secondary: a) Vehicle Entry Point; b) Incidental (as permitted by the Sign Regulations in Chapter 744, Article IX of the Zoning Ordinance).
5. Wall Projecting Blade (as permitted by the Sign Regulations in Chapter 744, Article IX of the Zoning Ordinance).

Where not specified herein, sign dimensions and locations shall be governed by the Sign Regulations of Marion County, as applied to mixed use districts, set forth in Chapter 744, Art. IV of the Zoning Ordinance. A sign program for Lots A and B shall be prepared and submitted for Administrator's Approval prior to application for a sign permit.

Landscaping/Tree Preservation: Petitioner proposes tendering a detailed landscaping plan for the entire Subject Property for Administrator's Approval prior to obtaining an Improvement Location Permit. Petitioner will do a tree survey inventory of the existing trees to the west of the areas proposed to be improved as shown on the Preliminary Site Plan, and shall submit a proposed tree preservation plan for Administrative Approval prior to obtaining an Improvement Location Permit.

#### Miscellaneous

Amenities: The development of the Subject Property, at a minimum, shall provide the following amenities:

1. Active and passive recreation space.

Parking: Site parking for the Subject Property, which will be located generally as shown on the Preliminary Site Plan. The number of parking spaces shall equal the minimum required pursuant to Ch. 744, Art. IV, Section 02, Table 744-402-1, as reduced by Table 744-403-1, as there may be shared parking between Lots A and B. Bicycle Parking shall be provided pursuant to Ch. 744, Art. IV, Section 03.C.

Access: One (1) proposed curb cut on Tibbs Avenue serving Lots A and B, as generally shown on the Preliminary Site Plan. The Indianapolis Fire Department (Lot C), shall be able to determine access to Lot C outside of the requirements of this DP Plan and the Zoning Ordinance.

Administrative Approval of Future Site Plans: Final site plans and development plans may be submitted in total or in phases. The Administrator shall have the right to issue final approval of the final site plans and development plans so long as the final approval of the final site plans and development plans are consistent with the permitted uses, development standards, and landscaping requirements set forth in this Preliminary DP Plan.



## 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 Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

#### 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. At least twenty-five percent (25%) of the existing trees located near the west end of the Subject Property shall remain undisturbed.
3. Access to the proposed athletic fields shall be via dedicated pathways which shall have a surface that is in compliance with Americans With Disabilities Act standards.

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



Photo of the subject site and existing building.



Photo of the existing parking lot on site looking west.



Photo of the existing parking lot on site looking northwest.



Photo of the Salvation Army south of the site.





Photo of the proposed location of the fire station south of the existing one.



Photo of the existing fire station looking west.



View of the northern property boundary looking southwest.



Photo of the northern property boundary looking southwest.



Photo of the existing building looking east.



Photo of the existing building looking north.



View of the site looking northwest towards the gas company.



Photo of the woodlands on the west end of the site.



Photo of the existing shelter area.



Photo of the subject site looking east towards the parking lot.



Photo of the street frontage looking north along Tibbs Avenue.



Photo of the street frontage looking south along Tibbs Avenue.



Photo of the single-family dwellings east of the site.



Photo of the single-family dwellings east of the site.



Photo of the gas company northwest of the site.



Photo of the lumber business north of the site.



Photo of the lumber business north of the site.