

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-816 / 2023-CVR-816
Address: 5110 East 82nd Street (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: J.C. Hart Company, Inc., by Michael Rabinowitch
Requests: Rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot tall multi-family building (maximum 45-foot height permitted).

RECOMMENDATIONS

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. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Development of the site shall be substantial compliance with the site plan, landscape plan, sign program and building elevations, all file-dated March 23, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 10.5-acre site, zoned C-S, is undeveloped and surrounded by the White River to the north, multi-story office buildings to the south and east, and White River and an event center to the west, all zoned C-S.
- ◇ Petition 86-Z-81 rezoned the larger site (111 acres) to the C-S District to provide for multiple office buildings, hotels, restaurants, health club, branch bank and heliport. See Exhibit A.

(Continued)

REZONING

- ◇ This request would rezone the site from C-S District to the C-S classification to provide for residential uses. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

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

- ◇ The Comprehensive Plan recommends office commercial typology. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development

(Continued)

STAFF REPORT 2023-CZN-816 / 2023-CVR-816 (Continued)

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive overlay (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Most of this site is located within the 100-year floodplain, with the remainder of the site within the unregulated 500-year floodplain.

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. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 - 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

(Continued)

STAFF REPORT 2023-CZN-816 / 2023-CVR-816 (Continued)

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

C-S Statement

- ◇ The C-S Statement, file-dated March 23, 2023, describes the proposed development that would provide for 313 dwelling units within one building, consisting of studios, one-bedroom units and two-bedroom units. See Exhibit B.
- ◇ The architecture aesthetic of the building would reflect the residential use by using gable roofs and material changes. Furthermore, the development would integrate and be compatible with the surrounding, primarily commercial uses by the use of brick, fiber cement panels fiber cement lap siding, metal panel and black anodized aluminum storefront.
- ◇ Parking at a 1.5 ratio would be provided by an internal parking garage and on-site surface parking.
- ◇ Amenities would include common open space, a pool, fitness center and areas for outdoor recreation.
- ◇ Permitted uses would include the existing uses and multi-family dwellings.
- ◇ Signage would include two blade / marquee signs, a low monument sign, building wall signs and incidental signs.

Site Plan

- ◇ The site plan, file-dated March 23, 2023, depicts one building, with two wings on either end to the east and west and a wing to the north that reflects the site configuration bump out to the north. The amenity spaces (active / passive courtyards) would be located within the U-shapes formed by the east and west wings. See Exhibit B.

(Continued)

STAFF REPORT 2023-CZN-816 / 2023-CVR-816 (Continued)

- ◇ Parking would be located within the southwestern area of the site, along the frontage of Allison Pointe Boulevard and a small parking lot at the southeast portion of the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a four-story, 62-foot-tall multi-family building when the Ordinance limits the building height to 45 feet.
- ◇ Staff supports this deviation from the Ordinance because of the surrounding land uses. This development would be located within an office park, primarily surrounded by four-story buildings. Additionally, the site lies adjacent to the White River and Interstate-465 to the north, which provides a buffer and separation from adjacent land uses to minimize the impact of 62-foot-tall building.

Planning Analysis

- ◇ As proposed this request would not be consistent with the Comprehensive land use plan recommendation of commercial office, but the existing C-S District would permit a hotel which would be a residential use that can be, under certain circumstances, somewhat similar to a multi-family development.
- ◇ Furthermore, this site has remained undeveloped for 37 years. With the existing four multi-story office buildings, it is unlikely that the site would be developed with additional office buildings. Staff would also note that this site is in proximity of a large apartment development and a similar land use on this parcel could be considered an expansion of a multi-family complex.
- ◇ Staff believes the development is over-parked, but the parking garage minimizes the amount of land that would be occupied by impervious surfaces.
- ◇ Staff also believes safe pedestrian connectivity is important and encourages internal connections as well as connections that would connect to the existing pedestrian infrastructure in the area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S	Undeveloped land
-----	------------------

SURROUNDING ZONING AND LAND USE

North -	C-S	White River
South -	C-S	Multi-story office buildings
East -	C-S	White River
West -	C-S	White River / event center

(Continued)

STAFF REPORT 2023-CZN-816 / 2023-CVR-816 (Continued)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology.
THOROUGHFARE PLAN	<p>This portion of East 82nd Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 134-foot right-of-way.</p> <p>This portion of Allison Pointe Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing 70-foot right-of-way and a proposed 50-foot right-of-way.</p>
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay (100-year floodplain).
FINDINGS OF FACT	File-dated March 23, 2023
C-S STATEMENT	File-dated March 23, 2023
SITE PLAN	File-dated March 23, 2023
ELEVATIONS / RENDERINGS	File-dated March 23, 2023

ZONING HISTORY

2018-ZON-115; 8580 Allison Pointe Boulevard and 5110 East 82nd Street, requested rezoning of 13.79 acres from the C-S (FF) district to the C-S (FF) classification to provide for multi-family residential uses, in addition to the uses previously approved by 86-Z-81, **withdrawn**.

2000-ZON-132; 8580 Allison Point Boulevard, requested rezoning of 4.73 acres from the C-S District to the C-S classification to provide for the reuse of an existing restaurant building for a banquet hall and catering facility, **approved**.

86-Z-81 / 86-CV-17, 5252 East 82nd Street, requested rezoning of 111 acres, from the A-2 and C-S Districts to the C-S classification to provide for a mixed-use business park with office buildings, hotels, restaurants, health club, branch bank and heliport and a variance of a reduction in required parking, **approved and granted**.

80-Z-1377; 5102 East 82nd Street, requested rezoning of 180.0 acres, being in the A-2 and C-4 districts, to the C-S classification, to provide for commercial office and residential complex, **approved**.



5110 East 82nd Street

0 0.0328 0.065 0.13 0.195 0.26 Miles

EXHIBIT A

1. Development Size and Location.

The subject property is located in Washington Township, on the northeast side of Indianapolis. White River lies to the west, Allisonville Road to the east, Interstate 465 to the north and 82nd Street to the south. The tract is comprised of approximately 111 acres. Nearly 65% of the total property lies within the White River Flood Plain, all on the western portion of the land. The balance of the property is somewhat wooded and lies above the Flood Plain. The majority site is currently zoned C-S; with a small portion zoned A-2.

2. Surrounding Development.

To both the west and south of the subject property is the American Aggregates parcel, which is primarily wooded and zoned for agricultural use. However, that parcel is currently docketed for rezoning for multi-family use by Oxford Development. The entire northern property line abutts Interstate 465. Along the east is a strip of commercial and mixed retail uses fronting on Allisonville Road. To the south is a parcel of land which has recently been developed into a retirement center by the Health Quest Corporation.

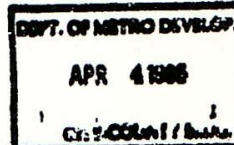
3. Proposed Development.

The developer plans to create a mixed use business park with the following uses: multiple office buildings, hotels, restaurants, health club, branch bank and heliport. Those uses are identified on the preliminary conceptual land use plan filed with this Statement.

4. Character of Development.

The proposed business park will begin at the primary entrance with a major landscaped boulevard and collector street leading into the project. That street will serve both parcels A and B. Entry signage, landscape and earth forms at the base of the wooded bluff will combine to create an impressive sense of arrival to the Business Park. A secondary entrance will be located along the eastern most portion of the property in order to directly serve Parcel B and be an emergency ingress and egress point. Parcel A development will be oriented toward the wooded bluff, with building placement and parking arranged in concert with the topography. Parcel B will be created by expanding the existing lake on the eastern portion of the site and utilizing the excavated material to build a peninsula above the flood plain levels. The expanded lake between the peninsula and the interstate will create an expanse of open space and will maximize views to the park. Controls on building orientation to open space.

86-2-81



overall landscape design and architectural quality will be key elements in the development of the project.

5. Streets.

Principal circulation within the development will consist of a main collector street that connects to the primary entrance and directly serves the peninsula development. A secondary collector loop which has direct access from 82nd Street will tie into the main collector and also facilitate traffic movement within the park. The main collector street and the secondary collector loop will be controlled by and designed in accordance with the standards of the Department of Transportation. Those standards will be applied to the design of the streets, curbs and gutters. Furthermore, those streets will be dedicated to the public.

The non-collector streets and drives will be private streets designed in a manner comparable to D.O.T. requirements.

All landscaping within the right-of-way of the streets will be maintained by the owner of the development.

6. Parking.

All parking for non-office space within the development will adhere to the applicable zoning regulations. However, parking for office buildings will be the subject of a companion development standards variance to reduce the ordinance requirements.

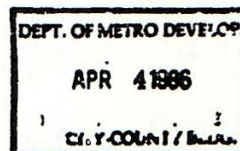
7. Traffic.

A complete traffic study is currently being prepared by traffic engineers employed by the developer and shall be submitted separately after filing.

8. Development Standards.

- A. Minimum lot size shall be three-fourths of an acre.
- B. Minimum office building size shall be 30,000 square feet.
- C. Building setbacks from the interior streets shall be 55 feet from centerline.
- D. Rear yard setbacks shall be 20 feet.

26-7-81



E. Minimum distance between buildings shall be 25 feet.

F. All development along the perimeter of the parcel shall comply with the Commercial Ordinance development standards.

G. A landscape plan for each development area shall be submitted to the Administrator of the Division of Development Services for approval prior to permit issuance.

9. Signage.

Proposed internal sign criteria and development standards are currently being reviewed by the developer. The developer will submit a separate sign criteria package for review by the staff prior to review and initial hearing.

86-Z-814



Exhibit B

CS STATEMENT 8580 ALLISON POINTE BOULEVARD

PROJECT DESCRIPTION

J.C. Hart Company (the "Petitioner") proposes to develop the approximately 10.5 acre undeveloped and underutilized property located at 8580 Allison Pointe Boulevard (the "Property") as an apartment community, which will offer up to 313 residential living units in one (1) building, with studios, one bedroom, and two bedroom units.

The objective for site planning and architectural aesthetic is to maximize views of the adjacent pond and compliment the architectural language of the surrounding structures and mask the internal parking garage with a more urban façade. The overall form of the building is broken up through the use of gable roofs and material changes. The gables break up the building into three main sections along the south façade, creating more variation as you enter off of the Allison Pointe Blvd. roundabout. The gables also reinforce the introduction of this residential development in a predominately commercial environment.

The proposed material palette consists of brick, fiber cement panel, fiber cement lap siding, metal panel, and black anodized aluminum storefront. The design utilizes brown brick, mostly focused along the south façade and gable end caps in reference to the brick utilized at the adjacent office buildings. The brick also creates contrast against the dark gray metal panel and black fiber cement panel accents between windows and around the black storefront at the first floor, southwest amenity space. The addition of a dark gray metal panel alongside the gables creates a more modern appearance, in balance with the more traditional materials used in the design and in the park. Light gray fiber cement lap siding is incorporated into the façade to balance the darker materials and complement the overall palette. This material is more heavily integrated at the courtyards to reflect more light into those outdoor public spaces. A blue gray accent appears at balcony insets and building signage as a nod back to the adjacent office building glazing tints and reflective color.

The project includes common area amenities such as a pool, fitness center, and areas for outdoor recreation.

The development will be constructed in substantial compliance with the Site Plan attached hereto as Exhibit A.

PERMITTED USES

The Subject Property is currently zoned C-S, which allows for a mixed use business park, including the existing office buildings (collectively, the "Existing C-S Uses"), pursuant to that certain Development Statement filed with Zoning Case 86-Z-81 (the "Development Statement"). Proposed Permitted Uses of the Subject Property shall be as follows:

1. Multifamily dwellings
2. Existing C-S Uses

DEVELOPMENT STANDARDS/SETBACKS

The Development Statement shall control all setbacks and development standards for the Property; however, if the Development Statement is silent as to a standard required by the Zoning Ordinance, the Zoning Ordinance shall apply.

UTILITIES/DRAINAGE

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

SIGNAGE

Project and building identification signage shall be located in substantial conformity with the sign plan attached hereto as Exhibit B and subject to final approval by the Administrator.

LANDSCAPING

Landscaping shall be located in substantial compliance with the landscape plan attached hereto as Exhibit C.

ACCESS AND PARKING

Access to the site is off of Allison Pointe Boulevard. Parking will consist of spaces in the parking garage located in the center of the structure and surface parking as shown in the Site Plan. Overall, parking spaces will be provided at a minimum ratio of 1.5 spaces per unit.

J.C. HART ALLISON POINTE

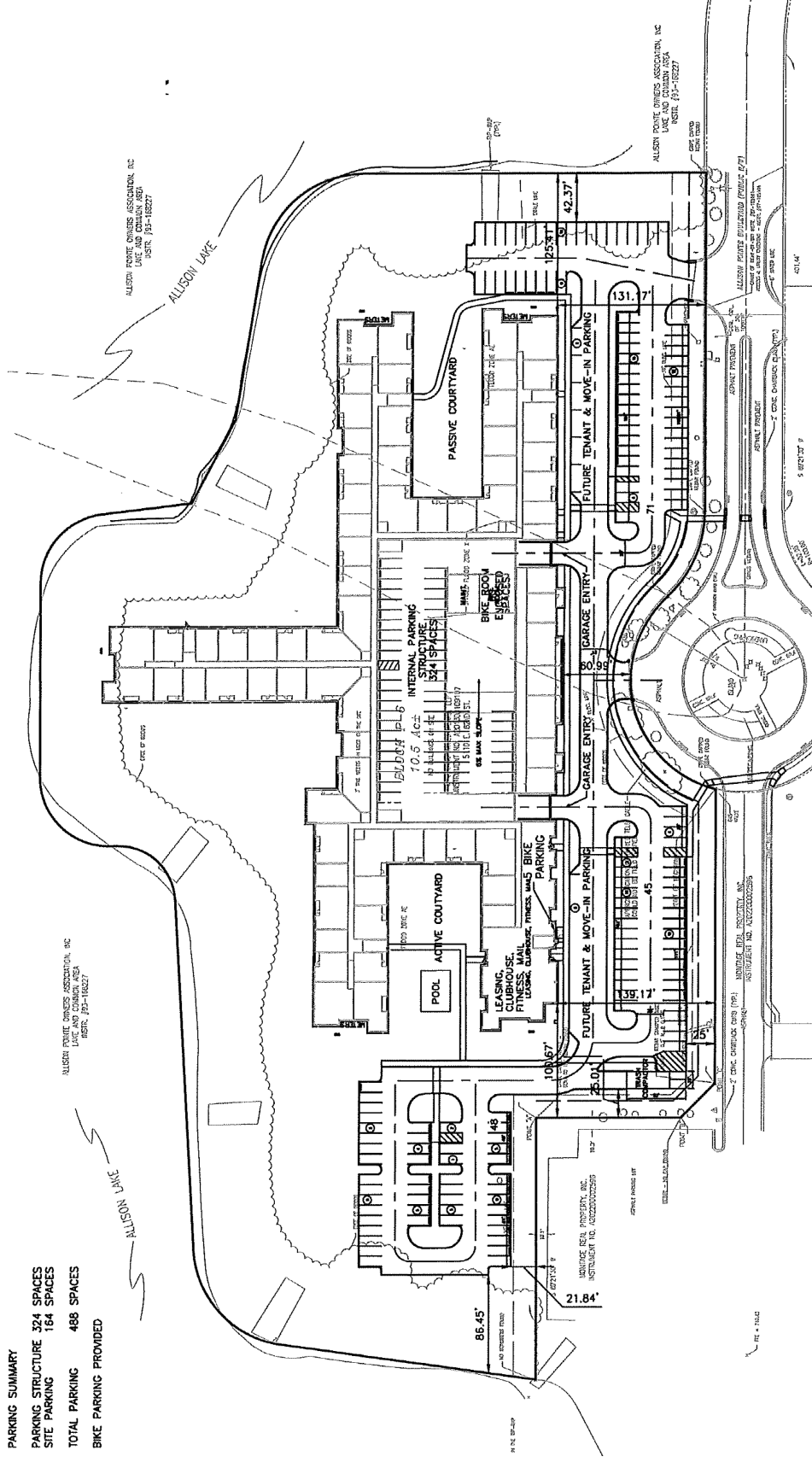
PARKING SUMMARY

PARKING STRUCTURE 324 SPACES
 SITE PARKING 164 SPACES
 TOTAL PARKING 488 SPACES
 BIKE PARKING PROVIDED

ALLISON POINTE OWNERS ASSOCIATION, INC.
 LAKE AND COUNTRY AREA
 NSTR. 735-18227

ALLISON POINTE OWNERS ASSOCIATION, INC.
 LAKE AND COUNTRY AREA
 NSTR. 735-18227

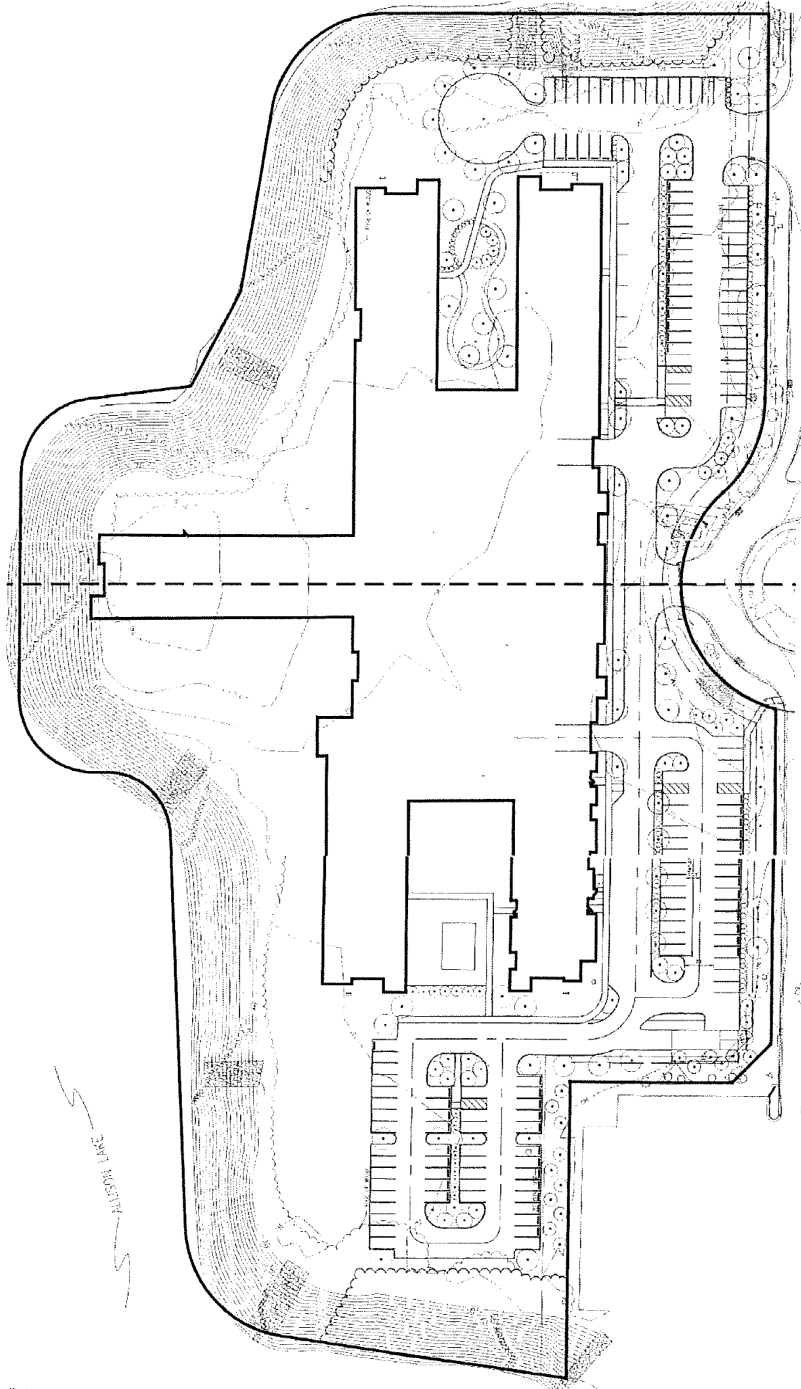
03.29.2023 | CONCEPT DESIGN | PAGE 4



SITE PLAN
 scale: N/A

J.C. HART ALLISON POINTE

03.22.2023 | CONCEPT DESIGN | PAGE 22



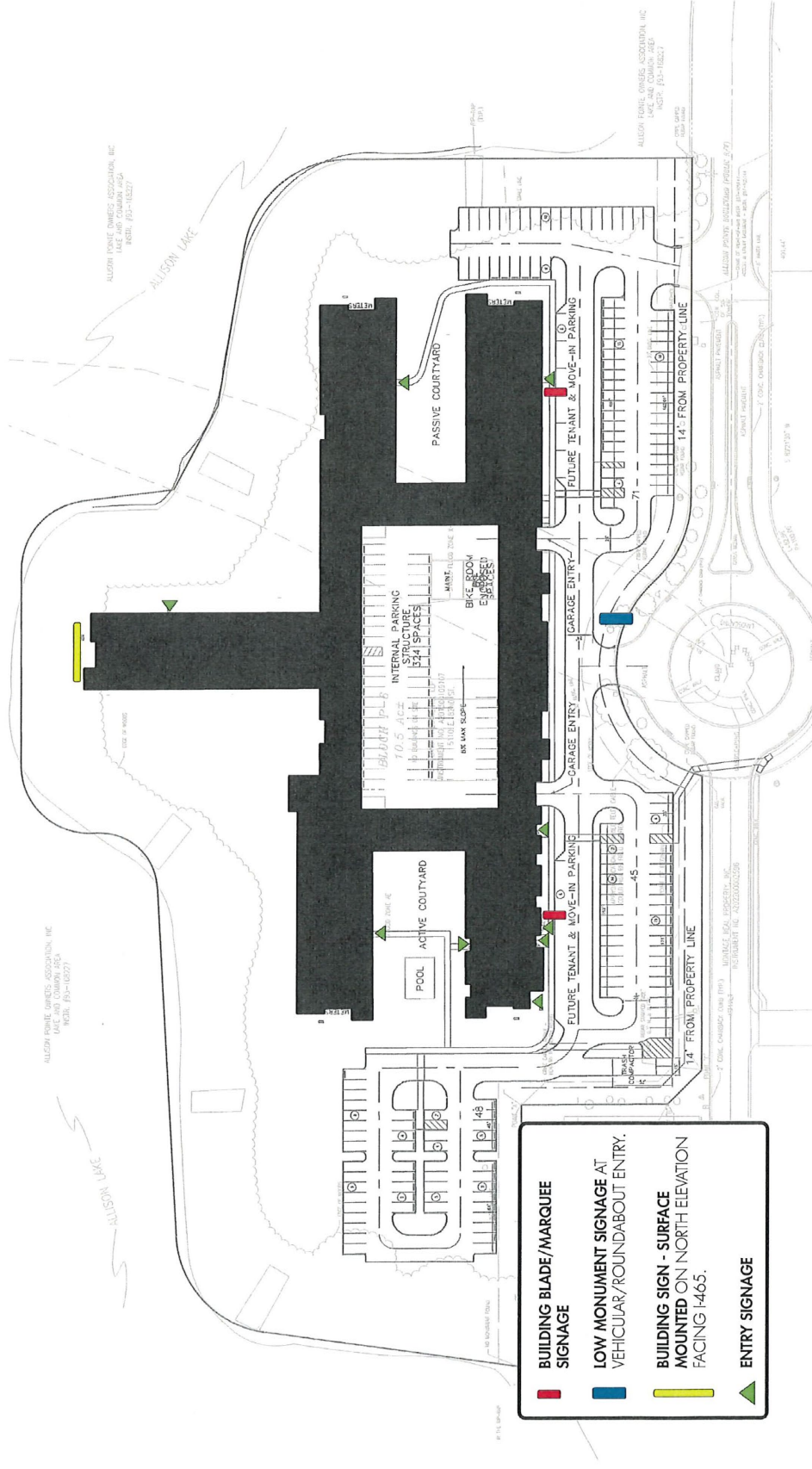
PLANT MATERIAL KEY

SYMBOL	TYPE	SIZE	SPECIES	SYMBOL	TYPE	SIZE	SPECIES
	SHADE TREE	2.5' CALIPER MIN.	MAPLE, OAK, HONEY LOCUST, ELM, BLACK GUM, LINDEN, TUFT POPLAR		EVERGREEN TREE - SMALL	5' HEIGHT MIN.	ARBOREVITAE, JUNIPER
	ORNAMENTAL TREE	1.5' CALIPER MIN.	CEBAG, DOGWOOD, HAWTHORN, TREE ILIAC, HORNBEEAM, SERVICEBERRY		LARGE SHRUB	24" HEIGHT MIN.	VIBURNUM, BURNING BUSH, ILIAC, JUNIPER, YEW, HYDRANGEA
	EVERGREEN TREE - LARGE	6' HEIGHT MIN.	SPRUCE, FIR, PINE		SMALL SHRUB	18" HEIGHT MIN.	BOXWOOD, SPIREA, ALPINE CURRANT, JUNIPER, POTENTILLA, WINTERBERRY

LANDSCAPE PLAN
scale: N/A ①

J.C. HART ALLISON POINTE

03.22.2023 | CONCEPT DESIGN | PAGE 23



BUILDING SIGNAGE PLAN
scale: N/A ①

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

even with the variance sought, the proposed parking within the front setback is in excess of 50' from the center point of the adjacent road with significant area for landscaping between the road and the parking area. Also, the proposed parking within the front setback is not inconsistent with surrounding site layouts.

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

even with the variance sought, the proposed parking within the front setback is in excess of 50' from the center point of the adjacent road with significant area for landscaping between the road and the parking area. Also, the proposed parking within the front setback is not inconsistent with surrounding site layouts.

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

the existing site has considerable elevation challenges and inherent limitations based upon the existing lake such that minimal intrusion of parking improvements within the setback is important to maximize the ability to develop the site to its highest and best use.

DECISION

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

Adopted this _____ day of _____, 20 ____

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 5



SITE OVERVIEW
AERIAL VIEW

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 10

MATERIALS

- METAL PANEL**
12" FLUSH PANEL WITH REVEAL
JOINTS, DARK GRAY
- BRICK**
ARCHITECTURAL MODULAR
MASONRY VENEER
RUNNING BOND PATTERN, BROWN
- FIBER CEMENT PANEL SIDING**
PAINTED, BLACK
- FIBER CEMENT LAP SIDING**
PAINTED, LIGHT GRAY
- FIBER CEMENT PANEL SIDING**
PAINTED, GRAY-BLUE
- WINDOWS & STOREFRONT**
BLACK VINYL, BLACK ANOD.
ALUMINUM

MATERIAL PALETTE



J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 6

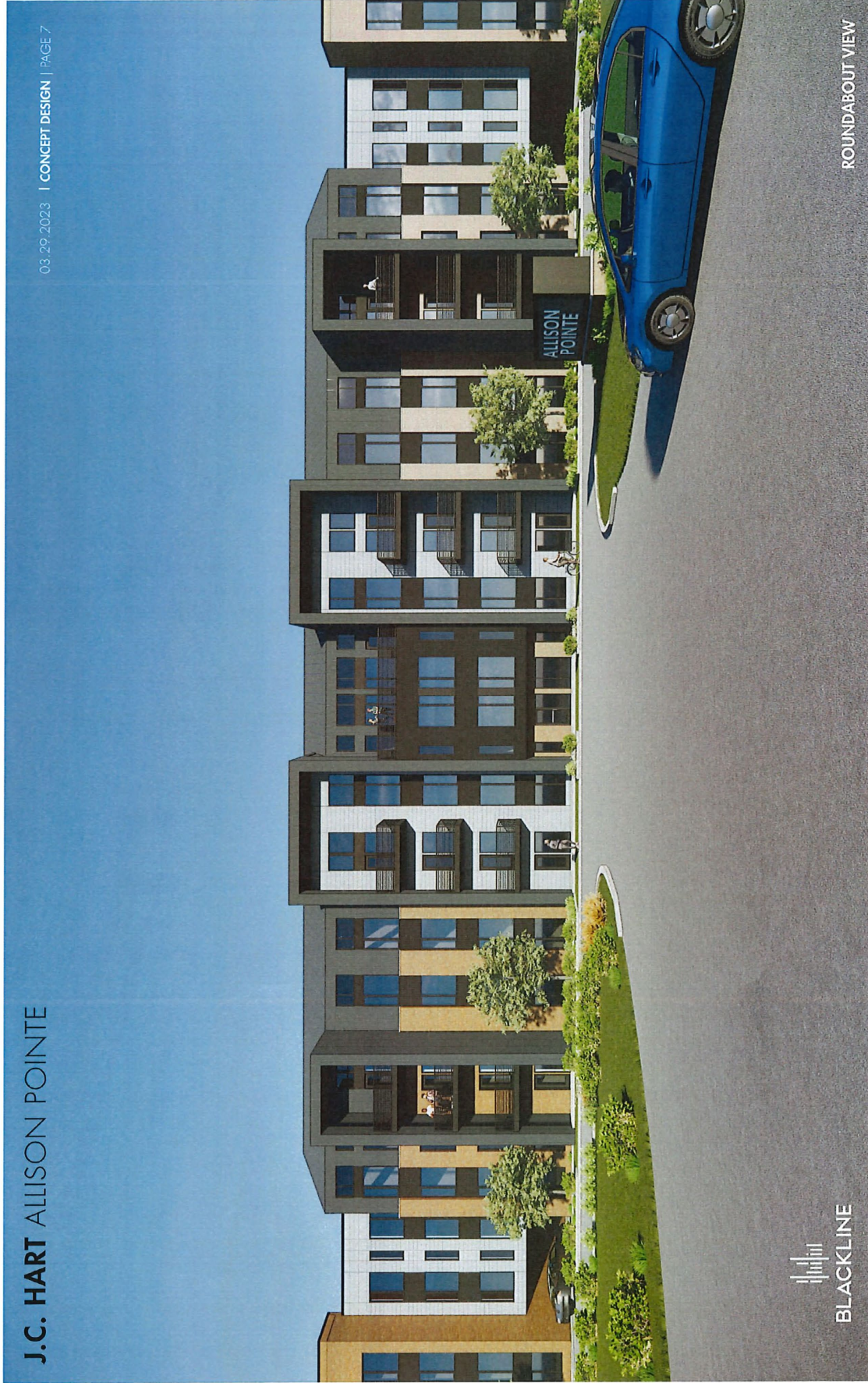


BLACKLINE

SOUTHEAST CORNER

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 7



ROUNDBOUT VIEW

BLACKLINE

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 8




BLACKLINE

SOUTHWEST CORNER

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 9



BLACKLINE

NORTH END CAP



View looking east along Allison Pointe Boulevard



View looking west along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View of site looking northwest across Allison Pointe Boulevard circle



View of site looking north across Allison Pointe Boulevard



View of site looking north from adjacent property to the west



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View from site looking southwest across Allison Pointe Boulevard



View from site looking south across Allison Pointe Boulevard



View of adjacent property looking west