

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-028 (Amended)
Address: 320 and 362 North Tibbs Avenue and 3455 West Vermont Street
(approximate addresses)
Location: Wayne Township, Council District #15
Petitioner: Acadia Realty Holdings, LLC, by Kevin Buchheit
Request: Rezoning of 3.75 acres from the C-3, D-A, D-5, D-P, and D-7 districts to the HD-1 district.

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. A 24-foot half right-of-way shall be dedicated along the frontage of West Vermont Street, 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).
3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

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LAND USE ISSUES

- ◇ This 3.75-acre site, zoned C-3, D-A, D-5, D-P, and D-7, is comprised of seven parcels and developed with a residential youth treatment facility. It is surrounded by single-family dwellings to the north, across West Vermont Street, zoned D-5; single-family dwellings to the south, across West New York Street, zoned D-P; governmental uses to the east, across North Tibbs Avenue, zoned D-P; and single-family dwellings and park to the west, zoned D-5 and D-P, respectively.
- ◇ Beginning in 1994 through 2018, variances have been granted for the current use, privacy fences, office additions and expansion of the use. See Zoning History.

REZONING

- ◇ This request would rezone the site from C-3, D-A, D-5, D-P, and D-7 District to the HD-1 classification. "The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service."
- ◇ The HD-1 District is a Development Plan District that limits uses to those identified in the Ordinance. "The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission."
- ◇ The Near West Neighborhood Land Use Plan recommends special use for this site. "This land use category consists of a variety of public semi-public and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers and public safety facilities) or are unique uses exhibiting significant impacts on adjacent property (such as the Indianapolis International Airport, Indiana State fair, and Indianapolis Motor Speedway)."

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.

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◇ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along West Vermont Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located on the western undeveloped portion of the site and the perimeter of site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

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- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Site Plan

- ◇ The site plan, file-dated April 10, 2023, identifies current development on the site, along with an expansion that would include a one-story building and two parking lots.
- ◇ Staff understands that the site plan is preliminary and would likely be amended to be submitted with the required Approval Petition for the HD-1 district development.

Planning Analysis

- ◇ As proposed the request would be consistent with the Neighborhood Plan recommendation of special use as well as the historical use of the site.
- ◇ Additionally, the rezoning would consolidate the five zoning districts on this site under one zoning district that would be consistent with the use.
- ◇ As development occurs on this site, the Metropolitan Development Commission would have oversight that would assure that the development would be appropriate for the surrounding land uses and support the property owner as they provide services to address the needs of the community.

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GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 / D-A / D-5 / D-P /
and D-7 Residential treatment center

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-P	Single-family dwellings
East -	D-P	Governmental uses
West -	D-5 / D-P	Single-family dwellings / park

COMPREHENSIVE LAND USE
PLAN

The Near West Neighborhood Land Use Plan (2018)
recommends special use.

THOROUGHFARE PLAN

This portion of Tibbs Avenue is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 50-foot right-of-way and a proposed 56-foot right-of-way.

This portion of West Vermont Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 30-foot right-of-way and a proposed 48-foot right-of-way.

This portion of West New York Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

ZONING HISTORY

2018-DV3-019; 320 & 362 North Tibbs Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot-tall fence in the front yard of Vermont Street and New York Street, **granted**.

2013-UV1-026; 320 North Tibbs Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,344-square foot modular office and conference room, with handicapped ramps related to an existing business, **approved**.

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99-UV1-98; 320 North Tibbs Avenue, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 3,780-square foot office addition to an existing youth residential treatment center, with outdoor recreation facilities, **approved**.

96-UV3-20; 320 North Tibbs Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of an existing 30-bed residential treatment facility for sexually abused children to a 68-bed facility, **approved**.

94-V3-106; 320 North Tibbs Avenue, requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of an eight-foot solid wood-paneled fence along Vermont Street, **withdrawn**.

94-UV3-65; 320 North Tibbs Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a 30-bed facility for sexually abused children and perpetrators in a 11,830 square-foot building, with outdoor recreation areas, a ground sign with a front yard setback of three-feet from Tibbs Avenue and located within the clear sight triangle and deficient setbacks, **approved**.

VICINITY

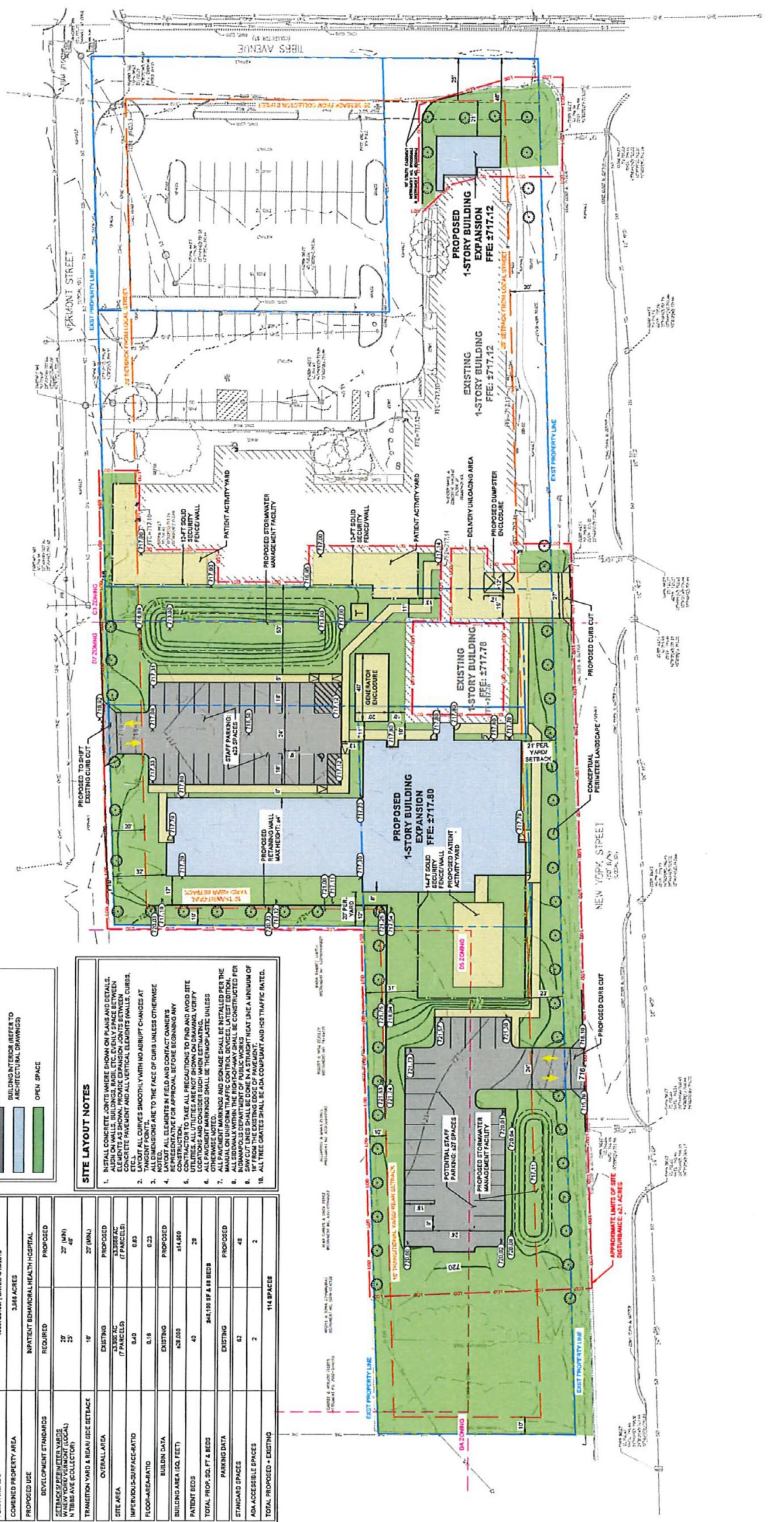
2013-ZON-065; 3000 W Washington Street (east of site), requested rezoning from the D-P district to the D-P classification to provide for additional permitted uses including such as, breweries, student housing and urban farming, and event centers, **approved**.

2007-ZON-014; 230 South Munsie Street (east of site), requested rezoning from the D-A district to the I-4-S classification, **approved**.

96-Z-207; 3450 West Cossell Road (south of site), requested rezoning from D-7 to the D-P classification, **approved**.

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The document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. It must not be copied or misused without the prior written consent of the architect. It is the responsibility of the client to ensure that the document is not used for any other purpose without the prior written consent of the architect. It is the responsibility of the client to ensure that the document is not used for any other purpose without the prior written consent of the architect. It is the responsibility of the client to ensure that the document is not used for any other purpose without the prior written consent of the architect.

Exhibit A

Heritage Tree Conservation

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

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

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



View looking north along North Tibbs Avenue



View looking south along North Tibbs Avenue



View looking east along West Vermont Street



View looking east along West New York Street



View looking west along West New York Street



View of site looking southeast across West Vermont Street



View of site looking south across West Vermont Street



View of site looking southwest



View of site looking west



View of site looking northeast across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



View of site looking north at intersection of West New York Street and North Tibbs Avenue



View from site looking east across North Tibbs Avenue



View from site looking east across North Tibbs Avenue



View from site looking south across West New York Street



View of neighborhood playground looking west from site