



BOARD OF ZONING APPEALS DIVISION I

June 4, 2024

Case Number: 2024-UV1-006
Address: 2052, 2060, 2064 and 2102 South Meridian Street (approximate address)
Location: Center Township, Council District #18
Zoning: C-7
Petitioner: Summit Indianapolis LLC, by Kevin G. Buchheit
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a substance abuse treatment facility within 200 feet of a protected district (500-foot separation required).

Current Land Use: Vacant Commercial Building

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued at the request of a registered neighborhood organization from the May 14, 2024, hearing, to the June 4, 2024, hearing.

At the June 4, 2024, hearing, this petition was continued for cause by the petitioner to the July 2, 2024 hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition, subject to the following commitments:

1. The variance grant shall be subject to the plan of operation, file dated March 20, 2024.
2. The variance grant shall be subject to substantial compliance with the site plan, file-dated March 20, 2024.

PETITION OVERVIEW

- ◇ The request would provide for the operation of a substance abuse treatment facility within 200 feet of a protected district where a 500-foot separation is required.
- ◇ The subject site is adjacent to Commercial and Industrial zoned properties on all sides. To the east are several residential properties that are zoned C-3. The protected district within 500 feet is zoned D-5 and is located to the east of the C-3 zoned district fronting on South Meridian Street.
- ◇ The Comprehensive Plan recommends traditional neighborhood uses for the subject site. The proposed use limited by the plan of operation, would be similar to a medical office or clinic, or group home which are recommended uses in the traditional neighborhood category. Therefore, in Staff's opinion, the impact would not be an increase in intensity.



- ◇ The use in question is permitted in the C-7 District. The request would allow for a reduction in the required separation from a protected district, located approximately 200 feet to the east, across Meridian Street. The protected district is located behind a C-3 district, and not immediately adjacent to the subject site.
- ◇ Locating facilities of this nature can be difficult. The difficulty arises from real and perceived negative impacts; therefore, care should be taken to mitigate any negative consequences upon neighboring properties. The Plan of Operation addresses issues such as occupancy, hours of operation and security that limit any potential impact on nearby properties in Staff's opinion.
- ◇ The Plan of Operation, as proposed, would help with the integration of the facility into the residential area, and to mitigate any negative consequences upon neighboring properties. Therefore, the use of the property, included in this petition, should comply with the Plan of Operation, file-dated March 20, 2024.
- ◇ To limit any future expansion without Staff input, any approval shall also be subject to substantial compliance with the site plan, file-dated March 20, 2024.

GENERAL INFORMATION

Existing Zoning	C-7	
Existing Land Use	Vacant Commercial building	
Comprehensive Plan	Traditional Neighborhood	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
	North:	C-S Urban farm
	South:	C-7 Religious use / Automobile repair
	East:	C-3 Community commercial/Single-family dwellings
	West:	C-7 / I-3 Automobile Salvage
Thoroughfare Plan		
South Meridian Street	Primary Arterial	55-foot existing right-of-way and a 78-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Wellfield Protection Area	No	
Site Plan	March 20, 2024	
Elevations	N/A	
Commitments	Pending	
Landscape Plan	N/A	
Findings of Fact	May 24, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology for this site. This typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

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

2016-UV1-010; 2033 South Meridian Street (northeast of site), requested a variance of use to provide for a tattoo parlor, without the grant of a special exception and within 500 feet of a protected district, **granted**.



2011-CZN/CVR-813; 2206 South Meridian Street (south of site), requested a rezoning of 3.15 acres from the C-1, C-3 and I-2-S Districts to the C-3 classification to provide for retail uses, and a variance of development standards of the Commercial Zoning Ordinance to provide for a 10,075-square foot building, with a zero-foot front yard, without landscaping along Tabor Street and an eight-foot setback for the parking lot along Tabor Street, **denied**.

2011-ZON-013; 2010-2052 South Meridian Street and 2017-2029 Bluff Road (north of site), requested a rezoning of 3.15 acres, from the C-7 District, to the C-S classification to provide for D-A and C-3C uses, an urban farm with educational uses and classes, and on-site animal and insect husbandry, **approved**.

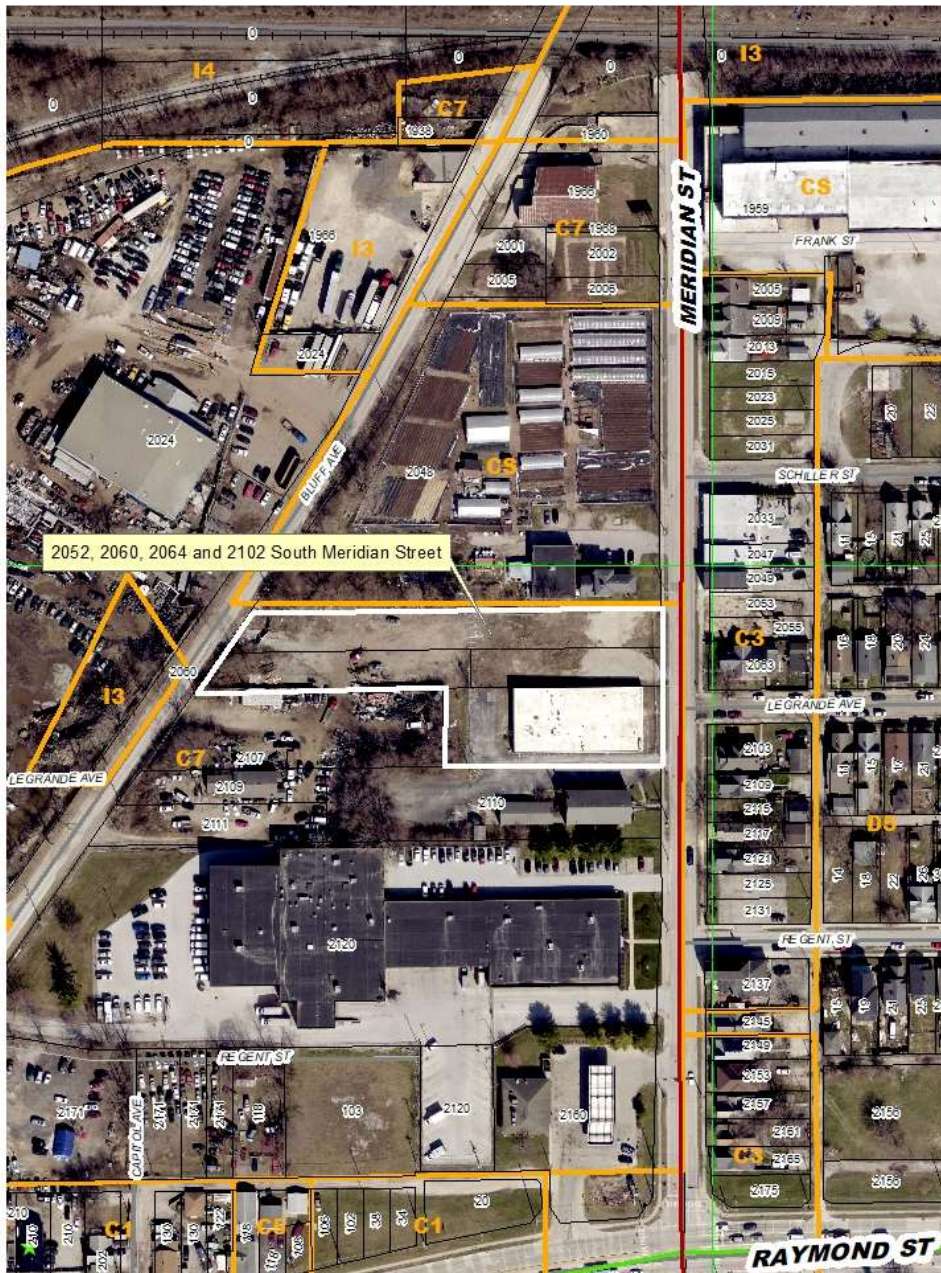
2006-UV3-025; 2032 South Meridian Street (north of site), requested variance of use of the CZO to provide for a heating and cooling contractor, and for a 5,000-square foot addition to the existing 4,500-square foot building, **granted**

2006-ZON-100; 2213 South Meridian Street (south of site), requested rezoning of 0.11 acre from C-1 to D-5, **approved**.

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EXHIBITS

Location Map



Plan of Operation - file dated March 20, 2024.



2102 S. Meridian

Details of Proposed Use

Hickory Recovery Network is a recovery focused setting offering evidenced based programming to assist our patients with sustaining sobriety after their acute detoxification. Patients will be offered group and individual therapy focusing on, but not limited to, relapse prevention, skills development, processing group with licensed therapist, and therapeutic based intervention services. Patients will participate in learning about addiction through individual therapy sessions with a credentialed therapist. During their stay, family therapy sessions will be offered to educate our patients and their families on the importance of developing a sober support system. As most of us know, treatment within addiction is individualized. In addition to our evidenced based curriculum within group therapy, patients will also be offered holistic therapies with the idea of encompassing the “whole” person, rather than just relapse prevention. These services will include yoga, mindfulness, meditation, and other relaxation techniques.

Workforce

The facility will employ approximately 75 full time employees, including a range of skilled workers such as social workers, therapists, and nurses, and other staff such as behavioral health technicians, housekeepers, dietary, and administrative roles. All work will be performed on-site, and employees may travel to work via public or private transportation. The on-site parking will be used for employee parking.

Clients & Customers

The facility expects to serve adults, 18 and over with diagnosed substance use disorder and often with co-occurring mental health disorders. Clients will be transported to the site by third parties such as other healthcare facilities, healthcare transport providers, or by our drivers. The vast majority of clients arrive during daytime hours, but we will take admissions as necessary for client care during overnight and weekend hours as well. Clients will not drive themselves or have vehicles that require on-site parking.

Processes Conducted on Site

All programming is conducted on-site. The facility will be a locked, secured facility. A walled/fenced courtyard will be included on-site for outdoor activities of clients, with any such courtyard activities monitored at all times by staff.

Our program strives to guide our clients through lasting sobriety by developing an effective aftercare plan that incorporates a continuity of care while they begin their journey



through the recovery process. Our therapists will work with patients to identify their next placement for continuity of care. Patients and clinicians will work collaboratively in developing aftercare appointments including but not limited to residential treatment, outpatient programming, sober living, and continued mental health appointments.

Patients will also be provided transportation services to ensure their safety upon completion of the program. Assisting our clients in the next appropriate step down level of care is crucial for Hickory Recovery Network. Therefore, we will partner with local transportation services to ensure we get our patients to their next placement in the recovery process. In the event transports become too high risk, we will partner with local emergency transportation services to make sure our patients get to their next location safely.

Materials Used

Materials used onsite are those typical for residential healthcare: food and hygiene care supplies, prescription and over-the-counter medications, office supplies, janitorial supplies. Most vendors will deliver supplies during daytime hours, typically scheduling deliveries between 7:00a.m. and 3:00p.m. Medications necessary for patient care may be delivered as needed in the evening. The largest supplier we will have is our food vendor—likely to deliver twice per week in a standard “box” truck. Other vendors are expected to have similar or smaller delivery vehicles.

Shipping & Receiving

We do not ship anything. Most delivered items are consumed on site.

Waste

The facility will generate standard waste to be picked up by ordinary business waste management service vendor. All waste will be properly handled and stored in designated dumpsters or containers until pickup.

Very minimal amounts of medical waste will be generated on-site. All medical waste will be handled properly and secured in medical waste containers provided by and emptied by our medical waste disposal vendor.

Findings of Fact

Petition Number 2024-UV1-006
Variance of Use
Findings Of Fact

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

the impact of the property redevelopment and proposed use to the community will be similar to the impact from the prior nursing home use and will be less intrusive as to traffic and parking as the facility's clients will not have visitors during their treatment stays. Moreover, all client activities occurring on-site will be held in the building or enclosed in a private courtyard area, rather than having some outside activities of residents and visitors which could be viewed by or affect neighbors. The planned development and use of the property will not increase the property's production of waste, use of utilities and other resources, or other footprint in the community as compared to the prior nursing home use or as compared to other typical C-7 use types. The redevelopment of the site represents a significant investment in the community while eliminating an unused property, which, over time, can attract nuisance activities. The proposed use and site redevelopment will activate the site in a positive way, improve the aesthetic appearance of the Meridian Street corridor and function as a buffer between residential uses to the east and heavier nonresidential uses to the west.

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

the significant investment in the redevelopment and renovation to the building and the grounds include beautification and improvements that will increase the property value and its future use potential. The redevelopment of the building and site represent a significant investment in the neighborhood and offers a use intensity transition and buffer between adjacent industrial uses to the west and less intensive land uses to the east. The proposed use will also positively impact area real estate by establishing a round-the-clock presence on the real estate, replacing vacant building and lot that can attract unwanted uses and activity at the site. The proposed use is similar operationally to the prior nursing home but with less traffic impact.

3. The need for the variance arises from some condition peculiar to the property involved, because:

The vacant structure that is available will be, after renovation, very suitable for the proposed use, which is similar operationally to the prior use, a nursing home. The use classification description is not an exact fit but was recommended by the City as the best fit, which happens to require a use variance due to proximity to a protected district. The proposed use represents an opportunity for infill re/development and enhanced aesthetic appearance and activity on South Meridian Street, joining other new business and residential development along the corridor. The infill re/development of the site provides the opportunity to establish a land use buffer between less intense uses to the east and more intense industrial uses to the west.

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought, because: such terms would prevent the redevelopment and use of an existing facility for a residential healthcare use that is very similar in operations to the prior nursing home use and much needed by the greater community. Furthermore, the proposed use focuses on treating the whole person through individualized therapy, counseling and other individual and group activities designed to lead clients to sustainable sobriety and detoxification and a successful and productive life after treatment, all of which is not allowed at this location without the benefit of an approved variance. Also, the zoning ordinance does not provide a land use classification that is a perfect fit to the proposed use, which use classification was identified by the City as being a close fit even though the "primary function" of administering and dispensing schedule II controlled substances, as defined by the ordinance, is not the primary function of the proposed use.

5. The grant does not interfere substantially with the comprehensive plan, because:

As a refinement of plan guidelines for this neighborhood, the low-intensity residential healthcare facility has aspects to its business operations that would provide for better transition between commercial and less intensive residential land uses located to the east of South Meridian Street and more intensive heavy industrial land uses located to the west of Bluff Avenue. The proposed use is also compatible with "Community Commercial" recommendations (areas to the east and south) for "small-scale office, retailing, and personal or professional services" along the thoroughfare.

Photographs



Subject site single family dwelling, looking west



Subject site proposed garage location at back of lit, looking west



Adjacent religious use to the south zoned C-7, looking west



Adjacent urban farm to the north, looking west.



Adjacent single family dwelling use to the east, zoned C-3



Adjacent single family dwelling use to the east, zoned C-3,
with a D-5 protected district further to the east.