



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

April 10, 2025

Case Number: 2025-CAP-804 / 2025-CVR-804

Property Address: 324 West Morris Street and 325 Wilkins Street (Approximate Addresses)

Location: Center Township, Council District #18

Petitioner: Kaur Properties, LLC, by Adam DeHart

Current Zoning: C-S

Modification of commitments and site plan related to 2019-CZN-827, to terminate Specific Commitments for Old Southside Neighborhood Association, commitment #1, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store, and, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Request: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), deficient interior landscaping within the parking area (one shade tree per 180 square feet of interior landscaping area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

Current Land Use: Gas Station, Convenience Store, and Undeveloped

Staff Recommendations: Denial of the termination of commitment. Approval of all other requests with commitments if the interior landscaping is met.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow staff additional time to review new information submitted to the case file.

This petition was continued for cause from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of staff to allow the petitioner additional time to submit new information and possibly amend the request.

STAFF RECOMMENDATION

Staff **recommends denial** of the termination of commitment.

Staff **recommends approval** of all other requests if the interior landscaping is met and subject to the following commitments being reduced to writing on the Commission's Exhibit "C" forms at least three days prior to the MDC hearing and prior to the issuance of an Improvement Location Permit (ILP):

1. Final building elevations shall be submitted for Administrative Approval and review by the City Architect.
2. A final site and landscape plan shall be submitted for Administrative Approval to include the sidewalk installation along the northern property boundary but south of the proposed right-of-way landscaping and that the required shade trees for interior landscaping are met.
3. Flora Permits shall be applied for and issued by the Department of Business and Neighborhood Services for all landscaping proposed in the right-of-way.

PETITION OVERVIEW

LAND USE

The subject site is comprised of two parcels and is surrounded by I-70 and I-70 ramp to the north, zoned C-S, single-family dwellings and undeveloped land to the east, zoned D-8, single-family dwellings and undeveloped land to the west, zoned I-3, and commercial and industrial property to the south, zoned C-S and I-3.

The request would modify or terminate aspect of the exiting C-S district, approved by 2019-CZN-827, to revise the site plan and elevations to provide for a five-story 135 room hotel with shared parking between the two lots.

PROPOSED SITE PLAN MODIFICATION

The most recent iteration of the site plan for this site was approved administratively in 2020 per 2020-ADM-009 and provided for a four-story hotel that did not include a driveway along the northern property boundary or a canopy along the southern property boundary.

The plan submitted with this petition, file dated March 10, 2025, proposes a revised building footprint, indoor and outdoor amenities, minor site revisions that include maneuverability on site, pedestrian access revisions, and a revised shared parking lot.

PROPOSED COMMITMENT MODIFICATION/ TERMINATION

The commitment modification and termination proposed with this petition was a result of negotiations between the petitioner and a registered neighborhood organization related to 2019-CZN-827. The request would terminate Commitment # of the Specific Commitments for Old Southside Neighborhood

Association, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store.

Staff typically provides no recommendation under circumstances where commitment are a result of neighborhood organizations and petitioner negotiations, but the drastic change in the proposed elevations for the hotel necessitate staff's involvement.

In staff's opinion, the commitment in place that the petitioner seeks to terminate is important to uphold because the exterior finish and material of the existing convenience store is higher in quality than the proposed hotel elevations. Although the color scheme was brought down, it is still not an acceptable change that staff can support at this critical entry point to downtown Indianapolis.

For these reasons, staff is recommending denial of the termination of the commitment.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would reduce the required street frontage landscaping and front and side yard setbacks.

The site would require a 10-foot front setback from Wilkins Street on the north side with a minimum six-foot landscape yard along the entire frontage and one tree per 35 feet of street frontage. As proposed, the required landscape material would be met, but would not fall within the required setback and landscape yard due to the proposed driveway location.

Landscaping is not permitted within the right-of-way as proposed on the landscape plan within the right-of-way of the northern property boundary.

The interior landscaping requirement requires that one shade tree is planted per 180 square feet of interior landscaping. This would result in 15 shade trees within the parking area.

The site requires a 10-foot south side yard setback on the south side where zero feet is proposed for a drive-thru canopy at the southern entrance of the building.

STAFF ANALYSIS

Because the petitioner provided the Green Factor Calculation sheet that would exceed the .22 requirement and the required landscaping along the northern street frontage would technically be in place once Flora Permit are sought and issued for installation of the landscape materials within the right-of-way, staff determined that the landscape variances would be supportable if the interior landscape requirement were met. This would only be a change of a few understory trees for shade trees, which staff found would be an easy fix.

Regarding the southern zero-foot setback, staff found that it would not be a concern since the two properties are owned by the same property owner and it isn't unusual to see zero-foot setbacks between commercial buildings had the properties been zoned C-4 which permits both uses with zero-foot side setbacks. Additionally, the zero-foot setback would not abut any windows at the southern building.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Gas station, convenience store, and undeveloped land	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	I-70 and I-70 ramps
South:	I-3 / C-S	Commercial / Industrial
East:	D-8	Residential (Single-family dwellings)
West:	I-3	Undeveloped and Residential (Single-family dwellings)
Thoroughfare Plan		
Morris Street	Primary Arterial Street	78-foot proposed right-of-way and 68-foot existing right-of-way.
Wilkins Street/ I-70 Ramp B	Local Street / Freeway	0-foot proposed right-of-way and 20 to 62-foot existing half right-of-way.
Missouri Street	Primary Arterial Street	78-foot proposed right-of-way and 75-foot existing half right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 27, 2024	
Site Plan (Amended)	March 10, 2025	
Elevations	December 27, 2024	
Elevations (Amended)	March 17, 2025	
Landscape Plan	March 10, 2025	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- 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.
- Small-Scale Offices, Retailing, and Personal or Professional Services
 - Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended. Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Large-Scale Offices, Retailing, and Personal or Professional Services
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

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.



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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2019-CZN-827 / 2019-CPL-827; 324 West Morris Street and 324 Wilkins Street (subject site), Rezoning of 0.991 acre from the C-S district to the C-S district to provide for MU-1 uses in addition to the existing MU-2, C-7 and I-1 uses and approval of a Subdivision Plat to be known as Kaur Hotel Complex, dividing 3.226 acres into two lots, **approved**.

2018-APP-032; 324 West Morris and various locations in the Old Southside Neighborhood (subject site), Approval of 26-inch wide by 56.5-inch-high banners as Public Signs attached to utility poles on locations along Morris Street, Russell Avenue, Illinois Street, West Street, McCarty Street, Meridian Street, South Street, Kentucky Avenue, Norwood Street, Merrill Street and Bluff Road, **approved**.

2017-MOD-018; 324 West Morris Street (subject site), Modification of commitments, site, elevation and landscape plans related to 2011-MOD-010 to provide for revised elevations and site layout for a convenience store and gasoline station, to terminate Commitments Six and Seven (prohibiting alcohol sales for carryout and requiring landscape plan review and comment by the Stadium Village Business Association, Land Use Committee) and clarify Commitment One by substitute “MU-2” for “C-3C,” and to modify Commitment Eight to indicate that the expense for public art would not be borne by the property owner and allows the property owner to veto any public art project, **approved**.

2010-MO1-001; 324 West Morris Street (subject site), modification of the site plan, commitments, plan of operation and development statement related to 2005-ZON-136 to provide for: an amended site plan for a two-story 17,100-square foot convenience store and office and truck and automobile fueling station (previous site plan retained all existing buildings), to terminate commitments 1-6 and 8-12 (Commitment seven prohibits temporary signs; the commitments to be deleted relate to landscaping, fencing, trash containers, off-site advertising sign prohibition, adherence to the plan of operation and development statement and general development issues related to retaining the existing buildings), to terminate the plan of operation related to a kennel, to modify the permitted use section of the development statement to eliminate I-1-U uses and the kennel use, and to modify the sign section of the development statement to indicate that signs shall meet the standards of the Sign Regulations of Indianapolis, Marion County, **approved**.

2010-UV1-004; 229 and 324 West Morris Street (subject site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for a temporary off-street, off-site parking lot as a primary use for a period of five years (parking lot is not permitted as a primary use), and with the parking lot at 229 WEST MORRIS STREET, a) having a front setback of thirty feet (zero feet from the right-of-way line of Morris Street) from the centerline of Morris Street, without landscaping (seventy-foot setback from Morris Street required, with landscaping required), b) having a six-foot setback from Kansas Street, without landscaping (10-foot front setback required, with landscaping required), c) having a six-foot east side setback, without landscaping (10-foot transitional setback, with landscaping required), d) having a five-foot west side setback, without landscaping (10-foot west side setback, with landscaping required), and e) having a three-foot south side setback, without landscaping (10-foot side setback, with

landscaping required), and with the parking lot at 334 WEST MORRIS STREET, f) having a front setback of thirty feet (zero feet from the right-of-way line of Morris Street) from the centerline of Morris Street, without landscaping (seventy-foot setback from Morris Street required, with landscaping required), g) having a two-foot north front setback from Interstate 70, without landscaping (20-foot front setback required, with landscaping required), h) having a two-foot east side setback, without landscaping (10-foot transitional setback, with landscaping required), i) having a 10-foot west front setback from Missouri Street, without landscaping (10-foot west side setback, with landscaping required), and j) with neither site providing interior parking lot landscaping (interior landscaping required for parking lots containing more than 100 parking spaces), **approved**.

2005-ZON-136; 229 and 324 West Morris Street (subject site), Rezoning of 2.9 acres, being in the C-S District, to the C-S classification to provide for a kennel, with outside pet exercise areas, in addition to the existing C-3C, C-ID, and I-1-U uses permitted by 2003-ZON-121, **approved**.

2003-ZON-121; 229, 324 and 349 West Morris Street (subject site), Rezoning of 2.9 acres from I-3-U to C-S to provide for all C-3C, C-ID and I-1-U uses, approved.

Zoning History – Vicinity

2019-UV3-002; Five locations between 308 West Morris and 101 East Morris; Four locations between 1434 and 1718 South Meridian Street; and One location near 702 Russell Avenue, (southeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 30-inch wide by 46-inch high banners as Public Signs, as provided for and amended by Petition 2018-APP-032, attached to utility poles within the right-of-way and within protected districts (not permitted) along Morris Street, Russell Avenue, Norwood Street and Meridian Street, **granted**.

2018-CZN-820 / 2018-CVR-820; 325 West Morris Street (south of site), Rezoning of 1.218 acres from the C-S district to the C-S classification to provide for truck and trailer parking in addition to the previously approved C-3C, C-ID and I-1 uses and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot tall fence in the front and side yards (maximum 3.5-foot tall front yard fence and seven-foot tall side yard fence permitted), **withdrawn**.

[illegible]

LANDSCAPE PLAN



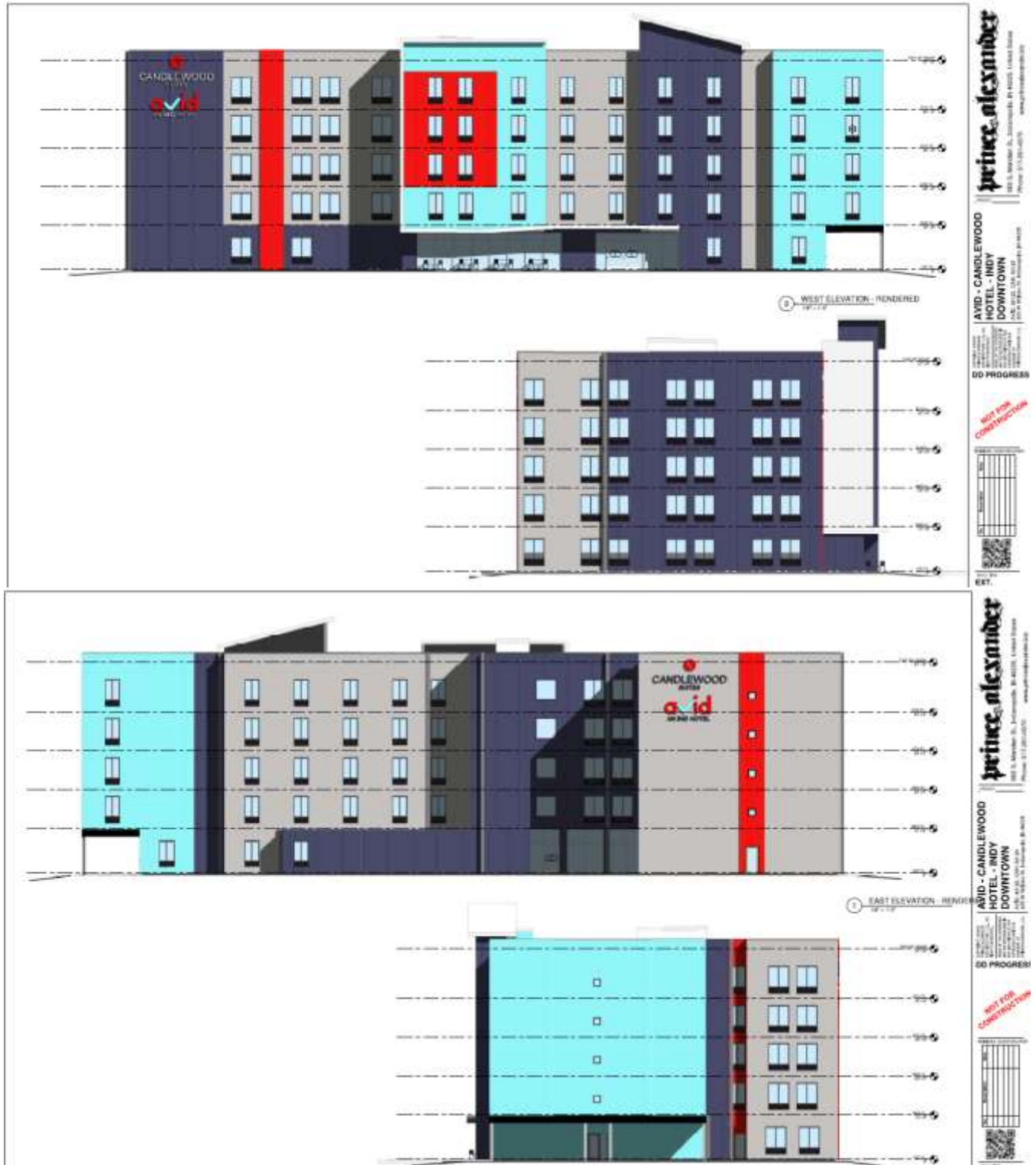
GREEN FACTOR

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		AVID/CANDLEWOOD - 325 WILKINS STREET		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
Parcel Size		59,329		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		4,593	0.2	952
Large shrubs or ornamental grasses [1]	67	16 sq. ft. per	0.3	322
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		4,898	1.0	4,898
Areas other than required yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity			0.7	-
Large shrubs or ornamental grasses [1]	100	16 sq. ft. per	0.3	480
Small trees [2]	26	50 sq. ft. per	0.3	390
Medium trees [3]	4	100 sq. ft. per	0.4	160
Large trees [4]	1	200 sq. ft. per	0.4	80
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		4,898	0.8	3,918
Undisturbed contiguous areas 10,000 sf or more			1.5	-
Significant Trees over 10 in. DBH preserved	15	250 sq. ft. per	0.5	1,875
Heritage Tree over 8 in. DBH preserved		250 sq. ft. per	0.5	-
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees		250 sq. ft. per	0.5	-
Building or Structural Features				
Permeable paving for walkways, parking lots, etc			1.2	-
Photocatalytic pavement or building exterior			1.5	-
White roof area			0.1	-
Vegetated walls - area of wall covered			0.7	-
Infiltration areas, underground chambers or surface, such as sand filters		2,045	1.5	3,068
Green roofs				
Area of green roof with less than 2 in. but not more than 4 in. growing depth			1.2	-
Area of green roof with over 4 in. growing depth			1.4	-
Off-site improvements				
Tree credit to the Tree Fund [6]		100 sq. ft. per	0.4	-
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales			1.5	-
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator			0.4	-
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water			0.2	-
Landscaping visible to passersby (adjoining & up to 85 ft depth)		10,642	0.1	1,064
Landscaping to be maintained in food cultivation			0.2	-
Landscape area utilizing structural soil			0.4	-
Total Green Factor Score				0.2900

GREEN FACTOR (Continued)

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		AVID/CANDLEWOOD - 325 WILKINS STREET		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
<p>Notes for Green Factor</p> <p>[1] Large shrubs or ornamental grasses are those that reach 3 ft or more in height at maturity.</p> <p>[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.</p> <p>[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.</p> <p>[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.</p> <p>[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be stable and include established vegetation as evidenced by the presence of mature trees, understory plants or grasses other than turfgrass.</p> <p>[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of the site's credited trees may be tree credits. Contribution method and amount to be established by the Metropolitan Development Commission.</p>				
Indicate the Tree species in each size category:				
Small trees species = 25				
Medium tree species = 7				
Large tree species = 8				

PROPOSED ELEVATIONS



[illegible]

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors

TELEPHONE (317) 574-0140 www.keelerwebb.com

486 Gradie Drive
Carmel, Indiana 46032

December 20, 2024

Attn: Plan Reviewer
City of Indianapolis Department of Metropolitan Development
200 East Market Street, Room 1842
Indianapolis, IN 46204

Re.: AVID / Candlewood Hotel
Lot 1 Kaur Hotel Subdivision
325 Wilkins Street, Indianapolis, Indiana
KWA Project No. 2406-005

LETTER OF INTENT

Keeler-Webb Associates is acting as agent Land Surveyor/ Civil Engineer for Mr. Steve Alexander AIA, and Kaur Properties, LLC, the architect, and owners of the above vacant Lot 1. We are proposing to modify the previously approved AVID Hotel site development and building plans. The modified AVID / Candlewood Hotel Indy Downtown is a new dual-branded hotel for the IHG Hotel Group. The modified 5-story structure includes 135 rooms, indoor and outdoor amenities, and revised shared parking with the existing C-Store/Retail structure on Lot 2 Kaur Hotel Subdivision. Lot 2 is also owned by Kaur Properties, LLC.

This property is affected by an approved zoning petition 2019-CZN-827 and 2019-CPL-827 for the previous AVID Hotel.). We are requesting the previous site plan and commitments to be modified as follows:

Modification of Conditions and Site Plan related to 2019-CZN-827 to provide for the new building footprint, indoor and outdoor amenities, minor site, and pedestrian access revisions, and revised shared parking for Lots 1 and 2.

Variance of Development Standards of the Consolidated Zoning Subdivision Ordinance C-S and previous 2019 plan to provide for a 0 foot front setback from Wilkins Street, (minimum 10-foot front setback required along all streets), and the installation of street tree landscaping in the Wilkins Street R/W triangle between the North line of Lot 1 and the INDOT limited access R/W for the I-70 Eastbound on ramp.

Variance of Development Standards of the Consolidated Zoning Subdivision Ordinance C-S and previous 2019 plan to provide for a 0-foot side setback from Lot 2 structure, (minimum 10-foot front setback required along all side lot lines). The modified structure will match the North face of the existing Structure on Lot 2 and will be a party wall. This party wall is necessary for the canopy drop-off and the design of the new Hotel structure.

Additionally, we propose that the structures 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/receptacles provided for the proper disposal of trash and other waste.

We will be submitting to BNS for ILP and Infrastructure/Drainage permit review and approval of the site once DMD/MDC petitions are approved. The overall disturbed area for the New Building Additions and parking improvements is 1.28 Ac. +/- . We plan to slightly revise the previously approved plans per ILP20-01302, SWR20-00779, and DRN20-00519 for stormwater quality treatment/detention. The post-developed site will have virtually the same impervious area as the previously approved 2020 plan.

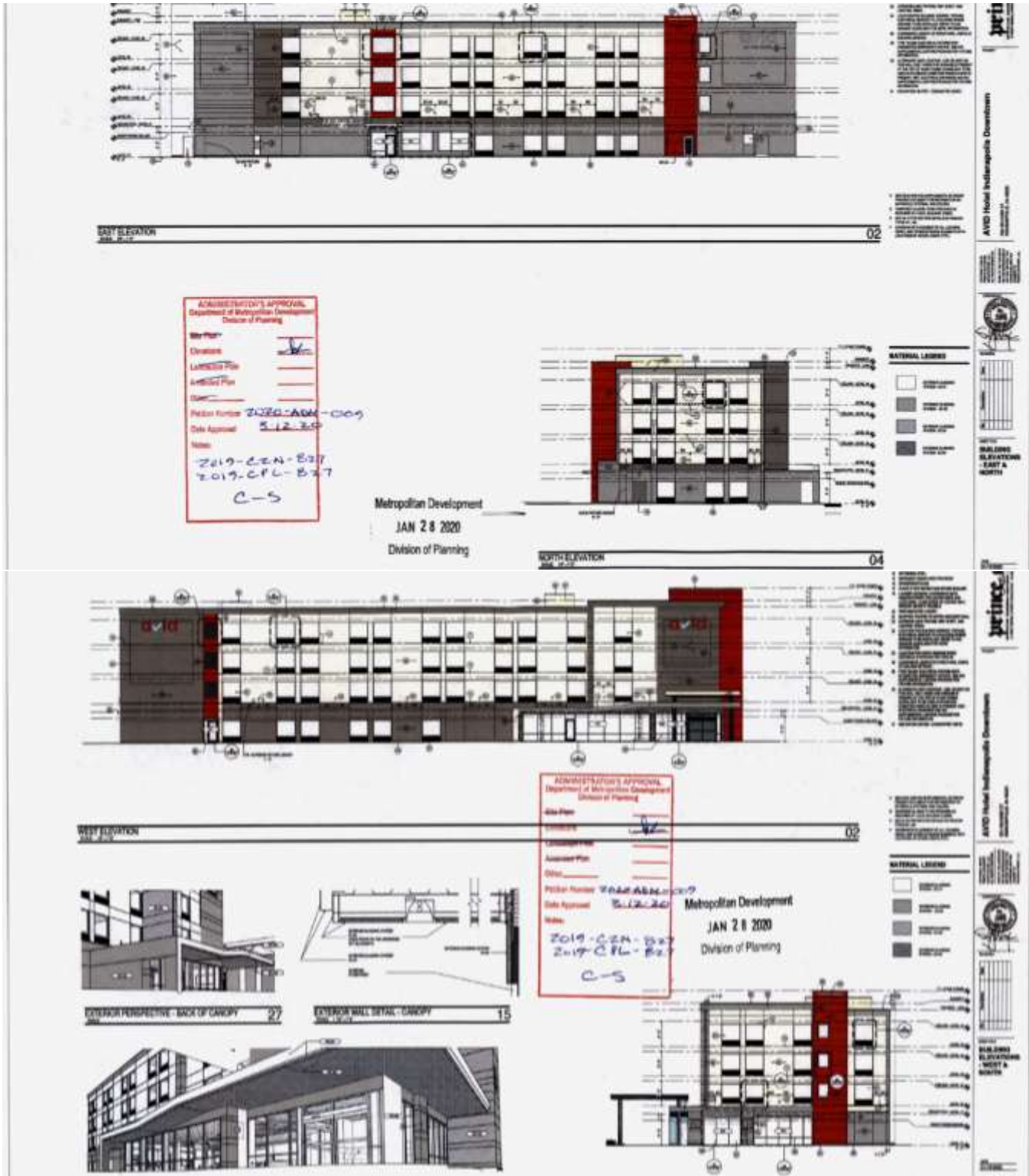
Construction is planned to begin immediately upon approval by all appropriate agencies with the intention of breaking ground in Spring of 2025. The design of the building additions will meet requirements set in local and state building codes, and it will not be a fire hazard to the public. Strict application of the UDO and previous C-S Site Plan and Commitments is burdensome to this property due to the modifications to the previously approved plans, existing parking, curb cuts, and proximity to the right-of-way lines on three sides of the property. Compliance with the UDO and previous C-S Site Plan and Commitments would not allow for the construction of an updated hotel on the property. There is sufficient capacity of all the utilities available to this site. No other off-site utility or road improvements will be necessary to construct or operate this facility. This project is being submitted for your review and comment. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,
KEELER-WEBB ASSOCIATES



Adam DeHart, PS, EMT-P, CPESC, CESSWI
Project Manager

2020 APPROVED PLANS



2019-CZN-827 COMMITMENTS

A201900115114

11/19/2019 10:36 AM

KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 9

By: KS

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:

LOT 1

Part of Parcel II and Parcel III per General Warranty Deed recorded as Instrument number A201700126747 in the Office of the Recorder of Marion County, also being a part of the land of Block numbered "B" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 7, page 74 in the Office of the Recorder of Marion County, Indiana described as follows:

Commencing at the Southeast corner of said Block B, in said Out Lot numbered 120, said point being on the West line of a 15 foot alley and the North line of Morris Street per said plat; thence along the West line of said alley (all bearings are assumed) North 02 degrees 00 minutes 27 seconds East 224.07 feet; thence North 88 degrees 00 minutes 51 seconds West 5.00 feet to the Southeast corner of said Parcel II and a mag nail with washer stamped "HIGBIE 20100067" set at the POINT OF BEGINNING, thence North 87 degrees 49 minutes 45 seconds West 163.88 feet; thence North 02 degrees 10 minutes 20 seconds East 10.50 feet; thence North 87 degrees 51 minutes 44 seconds West 130.45 feet; thence North 15 degrees 17 minutes 58 seconds East 219.85 feet to a 5/8-inch rebar with cap stamped "HIGBIE LS 20100067"; thence South 87 degrees 51 minutes 48 seconds East 243.75 feet to a 5/8-inch rebar; thence South 02 degrees 00 minutes 27 seconds West 224.67 feet to the POINT OF BEGINNING containing 1.362 acres (59320 square feet) more or less and subject to any easements and rights of way of record.

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. All Commitments set forth in the attached Exhibit B.

MDC's Exhibit B - - page 1 of 9

Metropolitan Development

NOV 06 2019

Division of Planning



KS ④

2019-CZN-827 COMMITMENTS (Continued)

Exhibit B

Specific Commitments for Stadium Village Business Association

- A. Will have outdoor Canopy large enough for full size 15 passenger van at entrance to protect customers and employees from inclement weather and prevent accidents.
- B. Petitioner will agree to provide fully-accessible entrances in accordance with the 2010 ADAAG.
- C. With regard to the buffer between houses and parking lot to the east of the proposed hotel, junk trees will be removed and new hardwood or evergreen trees with 3 inch base will be installed. An irrigation system will be installed to give outdoor landscaping a long-lasting aesthetic look for many years to come and will be constructed so as to tie into an irrigation system to be installed on the eastern fence line of the adjacent property to the south. A 6-8 foot high barrier comparable to that existing along the east side of the Marathon station will be erected. Hotel grounds will be well maintained and free of weeds and trash.
- D. The project owner will install the AC/Heater units controlled consistent with AVID standards, including either wall-mounted or smart phone controlled units, with the understanding that the unit itself may retain manufacturer controls.

Default Commitments for Stadium Village Business Association

- 1. Landscaping plan will be submitted to SVBA and OSNA for review and comment at least twenty (20) days prior to seeking an ILP. Final site, landscaping and elevations plans shall be submitted for Administrator's Approval prior to the issuance of and Improvement Location (ILP) permit.
- 2. Parking Lot plan will be submitted to SVBA and OSNA for review and comment at least twenty (20) days prior to seeking an ILP. Final site, landscaping and elevations plans shall be submitted for Administrator's Approval prior to the issuance of and Improvement Location (ILP) permit.
- 3. All exterior lighting will be shielded so as not to project light onto any adjoining protected district.
- 4. All dumpsters will be enclosed and on concrete slab and kept near or in an approved parking lot.

MDC's Exhibit B -- page 7 of 9

Metropolitan Development

NOV 06 2019

Division of Planning

2019-CZN-827 COMMITMENTS (Continued)

5. No carry out liquor business will be permitted on the premises.
6. No adult entertainment or sexual oriented businesses will operate on this property at any time.
7. No check cashing business will be permitted at any time.
8. No automobile, car wash, or truck fueling business will be permitted on this property at any time.
9. No outdoor storage will be permitted on site at any time.
10. Pari-mutual betting or organized legal gambling will not be permitted.
11. No stacking of trailers or semi-truck parking will be permitted at any time.
12. Temporary signs will not be permitted at any time with the exception of temporary signs typical with and during construction of the hotel. Upon opening of the hotel, this commitment is otherwise agreed to by the owner.
13. No sale of drug paraphernalia will be permitted at any time.
14. An ATM on the exterior of a building will not be permitted.
15. No drive-thru facilities of any kind will be permitted.

2019-CZN-827 COMMITMENTS (Continued)

Specific Commitments for Old Southside Neighborhood Association

1. Exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store.
2. Outdoor canopy over front entrance
3. Buffer between residential homes on Senate Avenue and the parking lot.

Default Commitments for Old Southside Neighborhood Association

1. Building Plans: Plans to be submitted to Old Southside Neighborhood Association [OSNA] Land Use and Development Committee for review prior to Public Hearing.
2. Exterior Lighting: Residential areas must be shielded.
3. Landscaping: All projects must have an Improvement Location Permit [ILP]. Landscaping Plan to be presented to OSNA Land Use and Development Committees for review. It is the desire of OSNA to have perimeter trees.
4. Trash Receptacles: Attractive enclosed concrete pad for dumpster or trashcans. Preferred enclosure would be brick, located on site and away from public view.
5. Parking for commercial and multi-use buildings must meet City Code Standards.
6. Prohibited Uses:
 - a) Check cashing businesses
 - b) Adult entertainment
 - c) Carry out liquor store
 - d) Outdoor storage
 - e) Sale of drug paraphernalia
 - f) Stacking of trailers or semi-truck parking
 - g) Organized legal gambling or pari-mutual betting
 - h) Temporary Signs
 - i) Truck fueling

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Metropolitan Development

NOV 06 2019

Division of Planning



Photo of the subject site at 324 West Morris Street looking northeast.



Photo of the gas station and convenience store on site.



Existing fence separating the site from the properties west of the site.



Photo of undeveloped parcels and single-family dwellings east of the site across the alley.



Photo of the undeveloped parcel at 325 Wilkins Street looking west from the alley.



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



Photo of the access drive from Wilkins Street at the northeast corner of the subject site looking west.



Photo of the alley east of the site looking south.



Photo of the subject site at 325 Wilkins Street looking south.



Photo of the subject site at 325 Wilkins Street looking southwest.



Photo of the northern property boundary and I-70 ramp.



Photo of the Wilkins Street entrance looking east.



Photo of the undeveloped land and single-family dwelling west of the subject site across two streets.



Photo of the commercial property south of the site.