

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-128
Address: 4116 Mann Road (*Approximate Address*)
Location: Decatur Township, Council District #22
Petitioner: The Bodley Group, LLC, by Michael Rabinowitch
Request: Rezoning of 10.99 acres from the D-A district to the D-7 district to provide for a multi-family development.

ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the January 12, 2023 hearing to the February 9, 2023 hearing, at the request of the petitioner's representative and the neighborhood organization.

No new information has been submitted to the file.

January 12, 2023

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the December 1, 2022 hearing, to the January 12, 2023 hearing,

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. A 59.5-foot half right-of-way shall be dedicated along the frontage of Mann Road and a 25-foot half-right-of-way along the entire northern boundary, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to 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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STAFF REPORT 2022-ZON-128 (Continued)

3. 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.
4. The final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 10.99-acre site, zoned D-A, is undeveloped and surrounded by multi-family dwellings to the north and south, zoned D-6II; multi-family dwellings to the east, across Mann Road, zoned, D-6II; and single-family dwellings to the west, zoned D-3.

REZONING

- ◇ This request would rezone the site from the D-A district to the D-7 classification provide for multi-family development uses. "The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents. The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."
- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. "The Traditional Neighborhood 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, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."

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STAFF REPORT 2022-ZON-128 (Continued)

- ◇ 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.
- In master planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Large-scale multifamily housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be located along an arterial street.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

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STAFF REPORT 2022-ZON-128 (Continued)

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Mann Road and a 25-foot half-right-of-way along the entire northern boundary. 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 throughout the entire 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.
- ◇ 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.
- ◇ Furthermore, the Pattern Book discusses resiliency, lasting value of developments and notes that “native trees and plants are better suited to our climate and conditions. Because of this, they often contribute aesthetic value longer than their non-native counterparts and they cost less to maintain because they require less water and fertilizer.

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STAFF REPORT 2022-ZON-128 (Continued)

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;
 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.

Site Plan

- ◇ The site plan, file-dated November 14, 2022, provides for 160, two- and three- bedroom dwelling units, with 240 parking spaces. The density of this development would be 14.56 units per acre, which would be consistent with the recommended density of traditional neighborhood.
- ◇ Staff understands that the site plan is likely conceptual but there are no sidewalks connecting to the sidewalk that would be required along Mann Road. Additionally, there are sidewalks throughout the development, some of which stop at the parking lots but not overall pedestrian connectivity throughout the development.

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STAFF REPORT 2022-ZON-128 (Continued)

- ◇ No required bicycle parking is provided, and no trash enclosures are shown on the site plan.
- ◇ Staff is also concerned with the lack of amenities, including a rental office. There are no playgrounds or basic outdoor facilities.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood, as well as surrounding land uses that consist of multi-family dwellings to the north, south and east, across Mann Road.
- ◇ In addition to the above comments on the site plan, staff is also concerned with the proposed site plan and whether the minimum livability ratio and green factor can be met. Staff has requested more information related to these concerns and would note that staff would not support variances for either one of these requirements because the site is undeveloped, with few site development restrictions or challenges.
- ◇ Per the Pattern Book, staff is concerned with the aesthetics and lasting value of the project. “Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time. At the scale of individual properties, quality, durable materials and carefully considered facades are just a couple of factors that can contribute to a higher aesthetic value.”
- ◇ Staff does not believe that the project, as filed, is consistent with or contributes to the aesthetic value that has been established by the surrounding land uses.
- ◇ Consequently, staff would request that the final site plan, landscape plan and elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A	Undeveloped
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SURROUNDING ZONING AND LAND USE

North -	D-6II	Multi-family dwellings
South -	D-6II	Multi-family dwellings
East -	D-6II	Multi-family dwellings
West -	C-3	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.

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STAFF REPORT 2022-ZON-128 (Continued)

THOROUGHFARE PLAN	This portion of Mann Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 75-foot right-of-way and a proposed 119-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within an overlay
SITE PLAN	File-dated November 14, 2022
ELEVATIONS	File-dated November 14, 2022

ZONING HISTORY

85-UV1-121; 3838 Mann Road, (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for single-family residence in a multi-family zoning district, **granted**.

84-UV2-181; 3802 Mann Road (north of site), requested a variance of use to provide for construction of a pole barn to be used in the operation of a farm, **granted**.

84-Z-77; 3810 Mann Road (north of site), requested rezoning of 4.23 acres, being in the D-6II district, to the A-2 classification, to provide for construction of a pole barn for farming purposes, **dismissed**.

74-Z-181; 3940 Mann Road (north of site), requested rezoning of 3.0 acres from the A-2 district to the SU-1 classification to erect an addition to the existing church and a garage, **approved**.

73-Z-318; 4101 Mann Road (east of site), requested rezoning of 56.95 acres being in the A-2 District to the D-6II classification to provide for multi-family residential uses, **approved**.

69-Z-144; 3838 Mann Road (north of site), requested rezoning of 28.29 acres, being in the A-2 district to the D-6II classification to provide for the construction of an apartment project, **approved**.

kb



4116 Mann Road

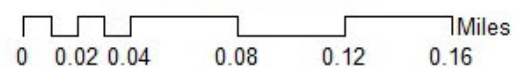


EXHIBIT A

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



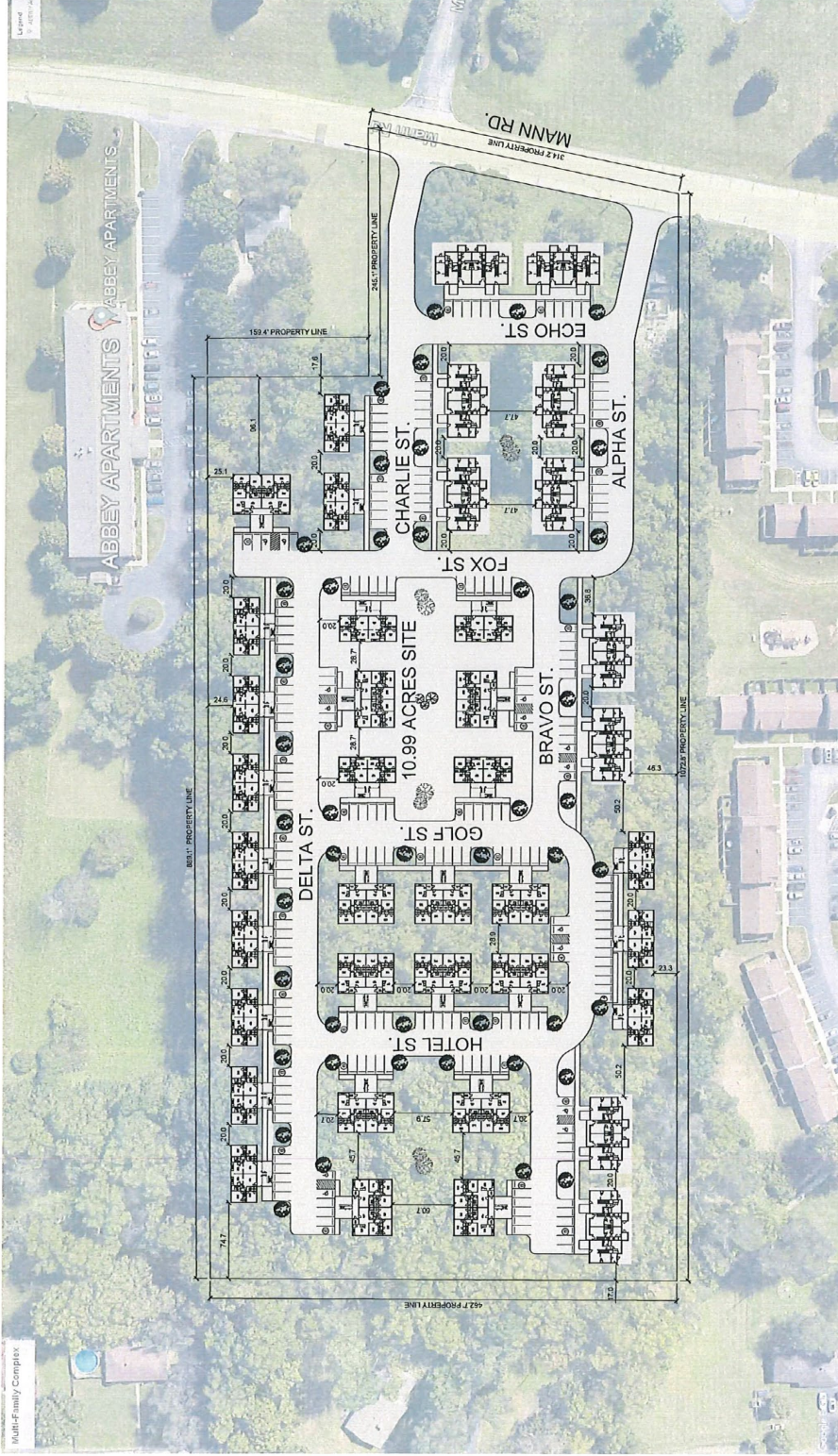
PROJECT:

INDIANAPOLIS MULTI FAMILY DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

PROJECT NO. T&D
DATE: 06/01/2018
REVISIONS
DATE
DATE
DATE

SHEET NAME
SITE PLAN
SHEET NUMBER
S-101



UNITS SUMMARY		
Unit Type	Building Type	Units Count
2 rooms Unit	1	68
3 rooms Unit	2	52
2 story 2 rooms Unit	3	20
2 story 3 rooms Unit	3	20

- PROJECT SUMMARY
- 40 Multi-family residential building unit.
 - 160 residential unit.
 - 26' street width.

- PARKING DATA:
- Number of Units = 160
 - 9x18' spaces = 228 space.
 - ADA accessible spaces = 16
 - Total Parking Spaces = 240
 - 1.5 Space / Unit.
 - 5% ADA accessible

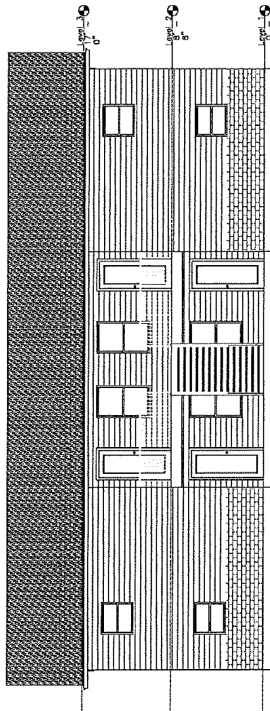
COMPLEX SITE PLAN
S-101

1405, 1413, 1415, 1417									
WINDOW ID	WINDOW		TYPE	FRAME		GLAZING	NOTES		
	SIZE	COUNT		RATING	GLAZING				
A	3'-0"	2	DBL HUNG	NA	AL	GI	NA		
B	3'-0"	1	DBL HUNG	NA	AL	GI	NA		
C	3'-0"	1	DBL HUNG	NA	AL	GI	NA		

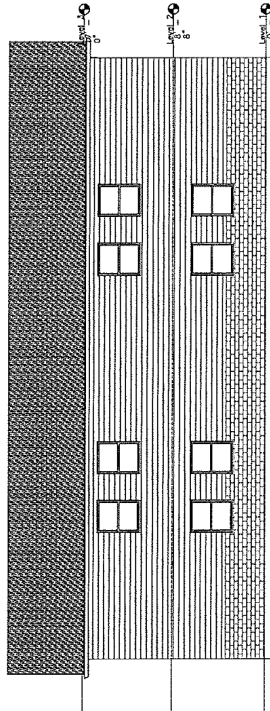
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NOTE: PROVIDE INSET SCREENS WITH ALL OPERABLE WINDOWS

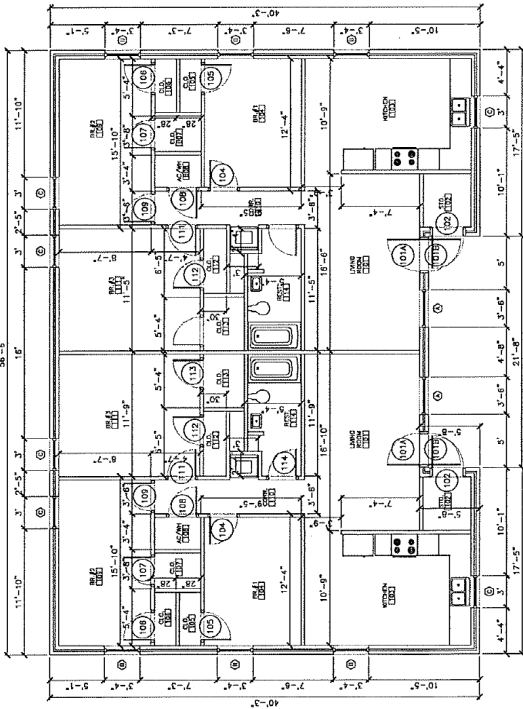
Typ. 3 BR Unit Roof Plan
ASD Scale: 1/8" = 1'-0"



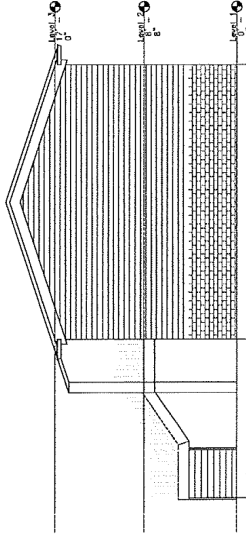
Typ. 3 BR Unit Building Elev.
ASD Scale: 1/8" = 1'-0"



Typ. 3 BR Unit Building Elev.
ASD Scale: 1/8" = 1'-0"



Typ. 3 BR Unit Floor Plan 1ST & 2ND Floor
ASD Scale: 1/8" = 1'-0"



Typ. 3 BR Unit Building Ele.
ASD Scale: 1/8" = 1'-0"

DOOR NUMBER	SIZE				COGS		RATING		FRAME
	WIDTH	HEIGHT	THICK	DOOR	NA	NA	NA	NA	
101A	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
101B	3'-0"	7'-0"	1-1/2"	SD	C	NA	NA	FM	FM
102	3'-0"	7'-0"	1-1/2"	NA	A	NA	NA	FM	FM
103	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
104	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
105	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
106	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
107	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
108	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
109	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
110	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
111	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
112	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
113	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM
114	3'-0"	7'-0"	1-1/2"	WD	B	NA	NA	WD	FM

Typ. 3 BR Unit Door Schedule
ASD Scale: 1/8" = 1'-0"

1405, 1413, 1415, 1417									
FINISH	FINISH		TYPE		FRAME		GLAZING		NOTES
	SIZE	COUNT	TYPE	FRAME	GLAZING	GLAZING	GLAZING		
101	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
102	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
103	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
104	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
105	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
106	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
107	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
108	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
109	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
110	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
111	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
112	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
113	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	
114	3'-0" x 4'-0"	1	DBL. HUNG	NA	AL	OT	OT	NA	

Typ. 3 BR Unit Finish Schedule
ASD Scale: 1/8" = 1'-0"



PROJECT

INDIANAPOLIS MULTI FAMILY DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

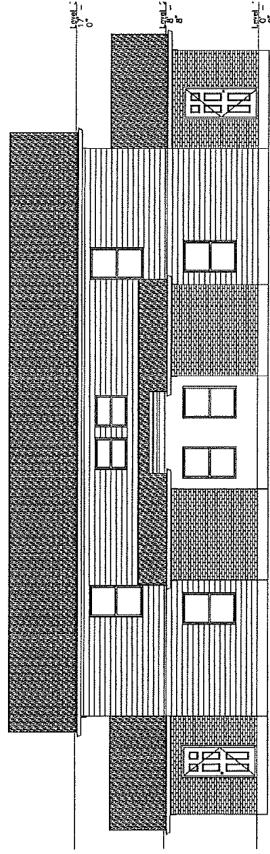
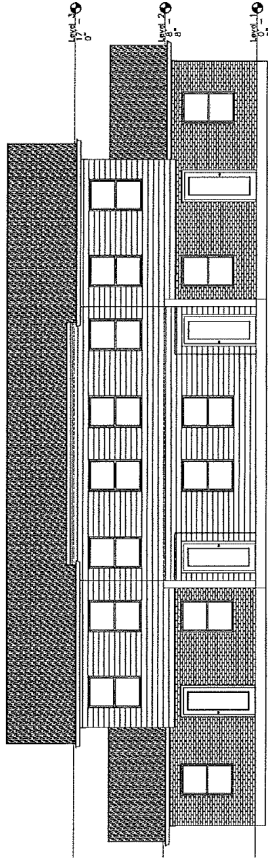
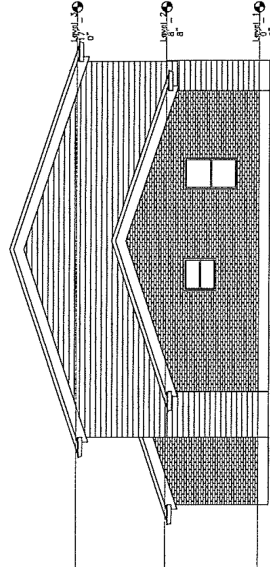
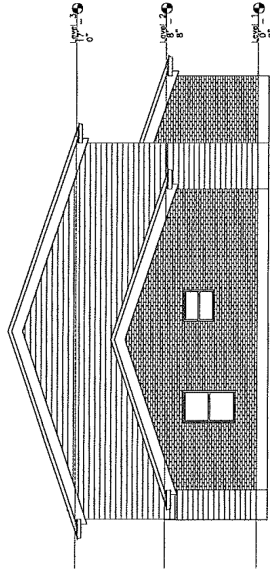
PROJ. NO. - 1113
DATE - 01/11/2011
REVISIONS
DATE
DATE
DATE

SHEET NAME

Typical Two Story
Four Plex Unit
Plans

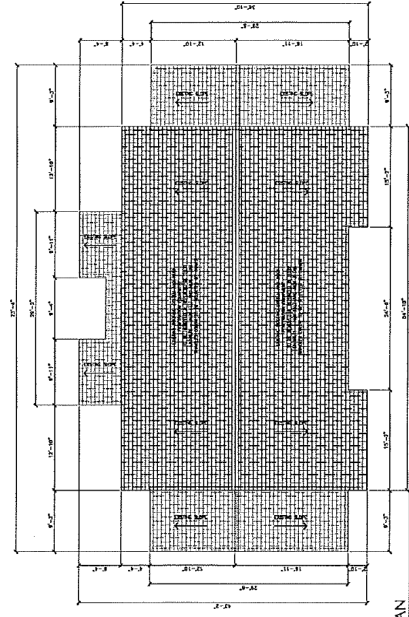
SHEET NUMBER

A104



7. BUILDING ELEVATIONS

Scale: 1/8" = 1'-0"



8. ROOF PLAN

Scale: 1/8" = 1'-0"



INDIANAPOLIS MULTI-FAMILY
DEVELOPMENT COMPLEX



INDIANAPOLIS MULTI-FAMILY
DEVELOPEMENT COMPLEX



View looking north along Mann Road



View looking south along Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View looking northwest at adjacent property to the north



View of site looking south from adjacent property to the north



View of site looking southwest from adjacent property to the north



View of site looking southwest from adjacent property to the north