STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2022-CZN-872 / 2022-CVR-872**
Address:	**4822 East Edgewood Avenue and 5820 South Emerson Avenue (*Approximate Addresses*)**
Location:	**Perry Township, Council District #24**
Petitioner:	**IN Indianapolis Emerson, LLC, by Joseph Calderon**
Request:	**Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.** **Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).**

ADDENDUM FOR MAY 3, 2023, METROPOLITAN DEVELOPMENT COMMISSION

The Metropolitan Development Commission continued these petitions from the March 15, 2023 hearing, to the May 3, 2023 hearing, at the request of the remonstrator's representative.

ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on February 23, 2023. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The remonstrator's representative has requested a **continuance from the March 15, 2023 hearing, to the May 3, 2023 hearing**, because she is unavailable. Petitioner's representative opposes a continuance. Staff would have no objection to the continuance.

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

The Hearing Examiner continued these petitions from the January 26, 2023 hearing, to the February 23, 2023 hearing, at the request of the remonstrator's representative.

At the request from the neighborhood organization, the petitioner's representative submitted a memorandum, file-dated January 25, 2023, that updated the traffic count included in the previously Traffic Impact Study (TIS), file-dated January 10, 2022. The counts were taken at the intersection of East Edgewood Avenue and South Arlington Avenue on January 20, 2023, during the morning and afternoon peak hours.

(Continued)

When a comparison was made between the two traffic counts, it has been determined that the difference in the traffic counts was negligible and had minimal impact on the previous collected data. Consequently, the results and recommendations of the original TIS remains valid. The Department of Public Works staff has concluded this memorandum is acceptable.

January 26, 2023

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the December 15, 2022 hearing, to the January 12, 2023 hearing. At the request of the petitioner's representative, the Hearing Examiner granted a continuance request from the January 12, 2023, hearing to the January 26, 2023 hearing.

Staff has been advised that an update on the Traffic Impact Study (TIS) is underway but has not been submitted for review. Additionally, the remonstrators have engaged the services of an attorney who has requested a **continuance from the January 26, 2023 hearing, to the February 23, 2023 hearing**. Staff would have no objection of this continuance request.

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. Final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. A minimum 43-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, including abutting the parcel to the west of the site, 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. 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. 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.

(Continued)

5. Additional DPW commitments installed prior to occupation of any of the dwelling units:
    A. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
    B. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing.
    C. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
    D. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
    E. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved and eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
    F. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
    G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
    H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◊ This 21.232-acre site, zoned D-A, C-1 and C-3, is comprised of four parcels. It is undeveloped and surrounded by single-family dwellings, a retention pond and undeveloped land to the north, zoned D-3, D-A and C-1, respectively; single-family dwellings, to the south, across East Edgewood Avenue, zoned D-A; undeveloped land to the east, zoned C-3; and a single-family dwelling to the west, zoned D-A.

◊ Petitions 2021-ZON-125 / 2022-VAR-001 requested rezoning of 19.82 acres from the D-A, C-1 and C-3 districts to the D-6 classification to provide for multi-family residential development and variance of the development standards to provide for multi-family development with a building height of 56 feet and a minimum livability ratio of 0.51. These petitions were withdrawn.

◊ Petitions 2006-ZON-133 and 2006-ZON-134 rezoned the central portion of the site to the C-1 District and the frontages along South Emerson Avenue and East Edgewood Avenue to the C-3 District.

(Continued)

REZONING

◊ This request would rezone the site to the D-6 classification to provide for multi-family development, consisting of 62 townhomes and 270 apartments at a density of 15.6 units per acre. "The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills 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 Suburban Neighborhood for a majority of the site. "The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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."

◊ The Comprehensive Plan recommends Office Commercial for southeast corner of the site. "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 Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Continued)

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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- 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.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- 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.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

- Developments with densities higher than five 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.

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

Multifamily Housing

- Should be located along arterial or collector streets, parks, or greenways.
- 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.

Traffic Impact Study (TIS)

◊ A Traffic Impact Study, file-dated January 10, 2022, was conducted for the previous petitions and remains valid for this these petitions because the overall number of units are the same.

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◊ The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

◊ Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.

◊ The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would general a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.

◊ Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.

- Install a southbound right-turn lane on Emerson Avenue
- Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
- Adjust signal timings to account for the new phasing

◊ It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.

◊ The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

Department of Public Works

◊ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

◊ Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.

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◊ The DPW has requested the additional following traffic and pedestrian infrastructure improvements:

1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site
3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

Tree Preservation / Heritage Tree Conservation

◊ There are significant amounts of natural vegetation and trees located scattered throughout the 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 diocia), 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.

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.

(Continued)

◊ 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 receptables for proper disposal of trash and other waste.

Site Plan (Conceptual)

◊ The site plan, file-dated November 16, 2022, provides for eight townhome buildings located on the north, south and west perimeter of the site for a total of 62 units, with five three-story multi-family buildings and three four-story multi-family buildings for a total of 270 multi-family dwelling units located along South Emerson Avenue and interior to the site.

◊ There would be 427 surface parking spaces for the multi-family development and186 parking spaces (surface and garage) for the townhomes.

◊ There would be two access drives along South Emerson Avenue and one access along the eastern portion of East Edgewood Avenue.

◊ Amenity spaces would include a dog park along the East Edgewood Avenue frontage and firepit / outdoor games area, interior to the site and between the townhomes and the multi-family structures. A clubhouse and swimming pool area would be centrally located. Walking trails and indoor / outdoor fitness facilities would also be available.

VARIANCE OF DEVELOPMENT STANDARDS

◊ This request would provide for a multi-family development building height of 49.5 feet when the Ordinance limits the building height to 45 feet in the D-6 District. Because the 49.5-foot-tall four-story structures would be located along South Emerson Avenue, staff believes the impact would be minimal on the surrounding residential uses. Furthermore, the two-story townhomes would be adjacent to the single-family dwellings and provide an appropriate buffer from the taller structures.

◊ This request would also allow for a minimum livability ratio of 1.33 when the Ordinance requires a ratio of 1.80. The basic intent of the land use intensity ratios for multi-family development is to establish the intensity that would be consistent with the characteristics of the site and the location within the community.

◊ Staff believes the reduction in the livability ratio is supportable because of the variety of amenities that are being proposed. Staff, however, would request that the final site plan be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that would provide more details, including, but not limited to, specific types and locations of amenities.

Planning Analysis

◊ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density would be 15.6 units per acre.

(Continued)

◊ Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.

◊ This density exceeds the recommended density for the suburban neighborhood typology, but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable, with the infrastructure improvements requested by the Department of Public Works.

◊ Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-A / C-1 / C-3	Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-3 / D-A / C-1	Single-family dwellings / retention pond / undeveloped
South -	D-A	Single-family dwellings
East -	C-3	Undeveloped
West -	D-A	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology and office commercial.
THOROUGHFARE PLAN	This portion of East Edgewood Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing right-of-way ranging from 37 feet to 140 feet and a proposed 80-foot right-of-way. This portion of South Emerson Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 140-foot right-of-way and a proposed 86-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site
CONCEPTUAL SITE PLAN	File-dated November 16, 2022

(Continued)

CONCEPTUAL LANDSCAPE PLAN	File-dated November 16, 2022
ELEVATIONS – MULTI-FAMILY	File-dated November 16, 2022
ELEVATIONS - TOWNHOMES	File-dated November 23, 2022
FINDINGS OF FACT	File-dated November 16, 2022
TRAFFIC ANALYSIS STUDY (TIS)	File-dated January 10, 2022
TIS UPDATE MEMORANDUM	Filed-dated January 25, 2023

ZONING HISTORY

2021-ZON-125 / 2022-VAR-001;4822 East Edgewood Avenue and 5820 South Emerson Avenue, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn.**

2006-ZON-133; 5820 South Emerson Avenue; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved.**

2006-ZON-134; 5820 South Emerson Avenue, rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved.**

VICINITY

2004-ZON-049; 5800 South Emerson Avenue (north of site), rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

2002-UV1-004; 5800 South Emerson Avenue (north of site), variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted.**

2002-ZON-012; 5935 South Emerson Avenue (east of site), rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved.**

2005-APP-002; 5905-5935 South Emerson Avenue (east of site), modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved.**

2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site), rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved.**

(Continued)

2005-ZON-215; 5640 South Emerson Avenue (north of site), rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved.**

2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site), rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved.**

95-Z-183; 5728 South Emerson Avenue (west of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved.**

95-Z-73; 4684 East Edgewood Avenue (west of site), rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved.**

95-Z-35; 4784 East Edgewood Avenue (west of site), rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved.**

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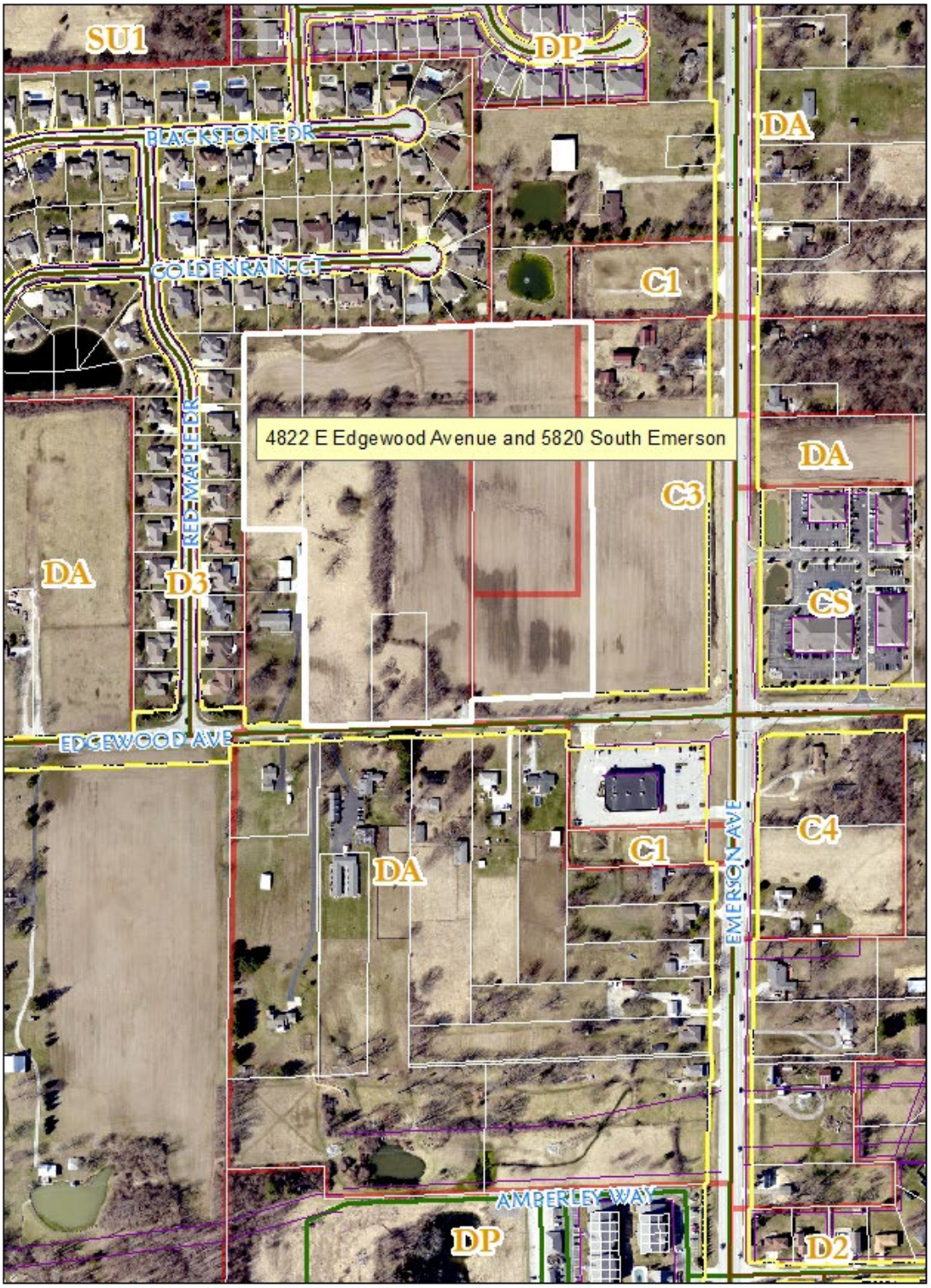

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4822 East Edgewood Avenue and 5820 South Emerson Avenue

0 0.0225 0.045 0.09 0.135 0.18 Miles

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:

the buildings exceeding the maximum height requirement are located to the far east of the Subject Property, in between commercial outlots, 3-story multi-family buildings, and townhomes providing for an appropriate transition, and the overall development will feature meaningful open / recreation space for the multi-family and townhome components of the development.

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:

there will be a transition in both intensity and building height as it relates to the single family development to the north and adequate setbacks and buffer yard space will also be provided.

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

the livability space ratio is used on certain assumptions regarding density and open space, which should not be a one-size-fits-all approach given the property being located along a highly traveled corridor served by public transportation, which is contemplated to have higher density pursuant to the Comprehensive Plan. The maximum height in the Ordinance is too limiting given the changes to multi-family construction which have resulted in higher floor to ceiling heights.

DECISION

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

Adopted this _____ day of _____, 20 ___

REQUEST FOR APPEAL
OF THE HEARING EXAMINER'S OR PLAT COMMITTEE'S RECOMMENDATION TO THE METROPOLITAN DEVELOPMENT COMMISSION

PETITION CASE NUMBER(S): 2022 CZN 872 / 2022 CVR 872

ADDRESS: 4822 East Edgewood Ave. and 5820 South Emerson Ave.

The undersigned, pursuant to the Rules of Procedure of the Metropolitan Development Commission, hereby requests an appeal of the hearing on the petition(s) referenced above.

The petition will be scheduled to be heard by the Metropolitan Development Commission:

March 15, 2023
(MDC Hearing Date)

This request is being made by or on behalf of the (check one):

___ petitioner(s)
_✓_ remonstrator(s)
___ Administrator of the Division of Planning

This request is being made by: Woods & Meadows HOA
(print name)

The undersigned certifies that:

1) This Appeal has been filed with the Administrator of the Division of Planning relating to a:
   ☑ Rezoning, plat, vacation, variance, special exception, modification or approval petition no later than 5:00 p.m., five (5) business days following Hearing Examiner's or Committee's decision.

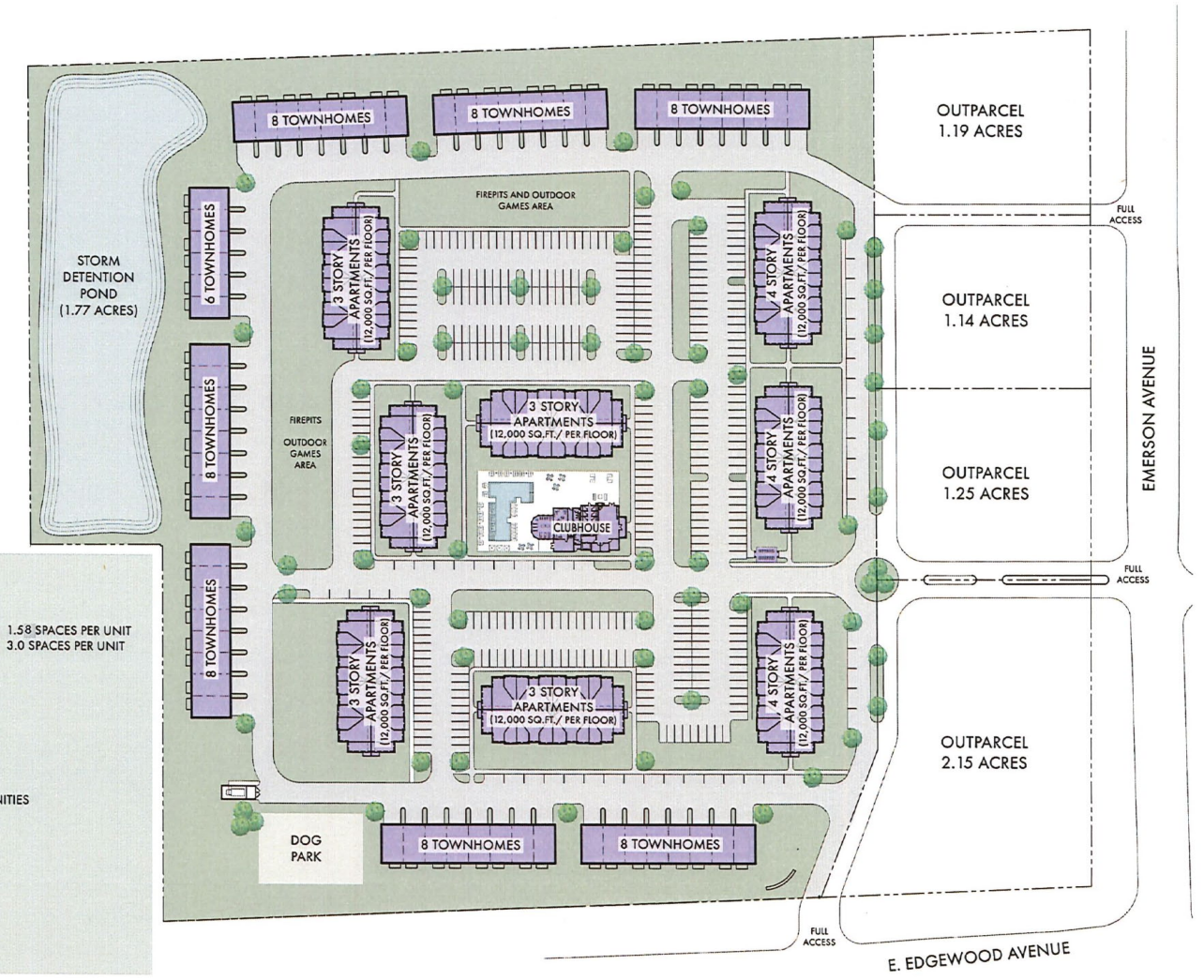
2) Notice of this Appeal has been mailed to all persons entitled to receive notice under the applicable Rules of Procedure and attorneys, agents or other individuals who have entered their appearance or are known to be representing:
   a) The petitioner(s), who shall serve all remonstrators' attorneys who appeared at the hearing, or if no attorneys were present, shall serve the first two people who spoke on behalf of all remonstrators, or
   b) The remonstrator(s), who shall serve the petitioner's attorney, or if none were present, the petitioner as named and at the address stated in the petition.
   c) The Administrator of the Division of Planning, who shall serve both petitioner and remonstrators as described above.

3) Upon the same day the request for Appeal is filed in the offices of the Commission, notice shall be served by mailing a copy of this Appeal Request to such persons by First Class Mail, postage prepaid. *A list of all persons, with names and addresses, to whom notice has been given is attached hereto and incorporated herein by reference.*

Date 02/28/2023

Signature Tami Etherton on behalf of Woods & Meadows HOA
Printed Name Tami Etherton
Address 7915 S. Emerson Ave. Suite 119
City, State, Zip Indianapolis, IN 46237
Phone/Fax 317-222-1080
Email tami@indycrossroads.com

cc: Joe Calderon



CSP-13 PROJECT OVERVIEW

- 270 APARTMENT UNITS
- 62 TOWNHOME UNITS

- 427 SURFACE PARKING (APARTMENTS) 1.58 SPACES PER UNIT
- 186 PARKING SPACES (TOWNHOMES) 3.0 SPACES PER UNIT

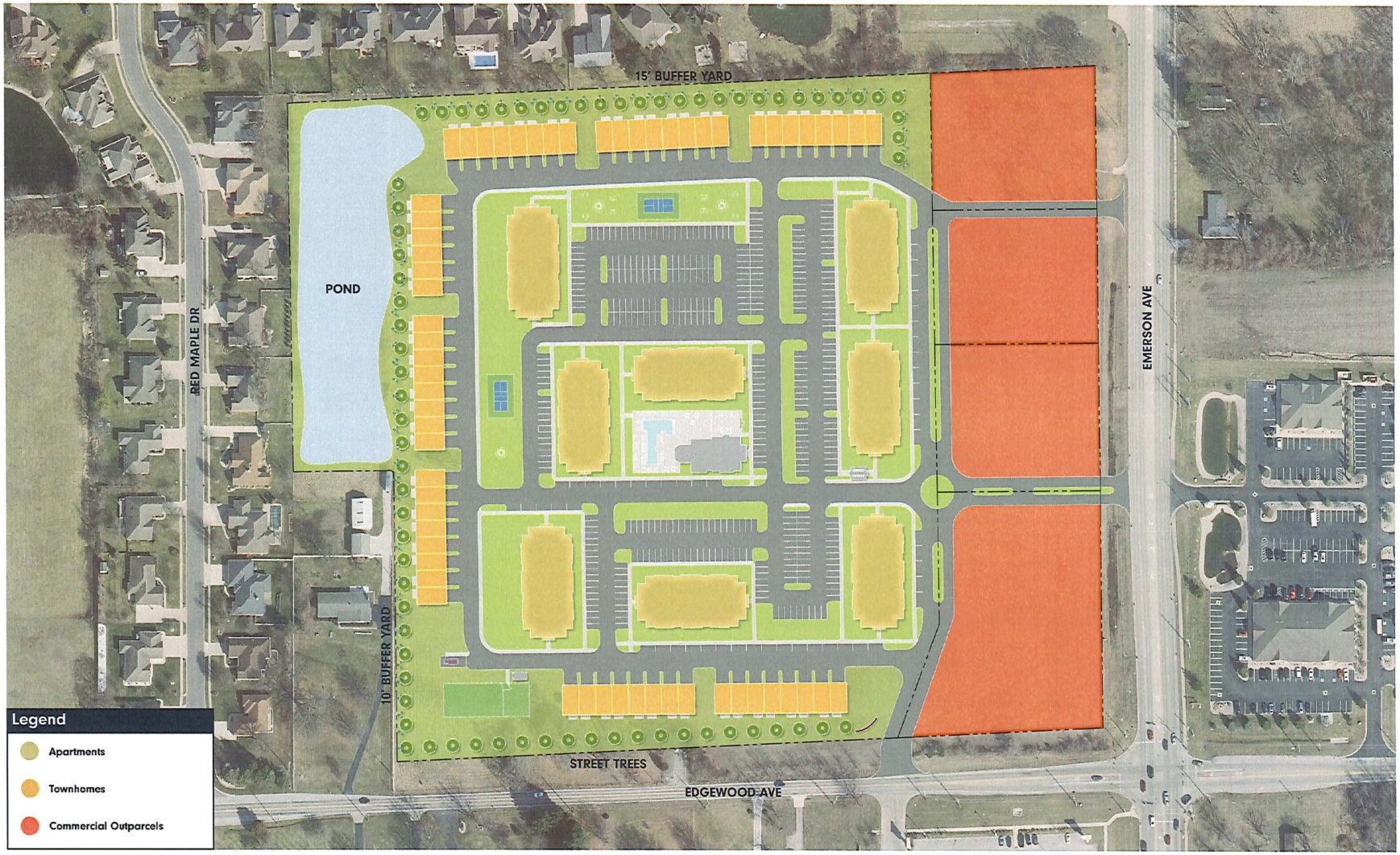
SITE AREA = 921,249 SQ.FT.
BUILDING AREA = 170,745 SQ.FT.
TOTAL BUILDING AREA = 433,614 SQ.FT.
VEHICULAR AREA = 260,811 SQ.FT.

LIVABILITY SPACE = 226,824 SQ.FT.
LIVABILITY RATIO = 1.33

POOL W/ OUTDOOR SEATING AND AMENITIES
FIRE PITS
OUTDOOR RECREATION
WALKING TRAILS
DOG PARK
CENTRAL MAIL AND PACKAGE
VALLET TRASH
INDOOR AND OUTDOOR FITNESS
PLENTY OF GREEN SPACE

SCHEMATIC SITE PLAN FOR
IN-INDIANAPOLIS-EMERSON
CSP-13
SEPTEMBER 21, 2022

PLAGEMAN
ARCHITECTURE
BURLINGTON
SWANSBORO
COLORADO CITY



EMERSON & EDGEWOOD NEW DEVELOPMENT

PRELIMINARY LANDSCAPE PLAN

REALTYLINK

SCALE: 1" = 60'

NORTH

Metropolitan Development
Nov 23 2022
Division of Planning

OCTOBER 28, 2022

HWC ENGINEERING

IN-INDIANAPOLIS-EMERSON
SCHEMATIC ELEVATIONS
THREE AND FOUR STORY APARTMENT BUILDINGS
NOVEMBER 8, 2022

PLAGEMAN
ARCHITECTURE

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 east along East Edgewood Avenue

View looking north at intersection of South Emerson Avenue and East Edgewood Avenue

View of site looking north across East Edgewood Avenue

View of site looking northwest across East Edgewood Avenue

View of site looking north across East Edgewood Avenue

View of site looking north across East Edgewood Avenue

View of site looking west across South Emerson Avenue

View of site looking northwest across South Emerson Avenue