

METROPOLITAN DEVELOPMENT COMMISSION

MARCH 20, 2024

Case Number:	2023-ZON-127
Property Address:	5448 AND 5510 South Emerson Avenue
Location:	Perry Township, Council District #24
Petitioner:	Haven Health Management, LLC, by J. Murray Clark
Current Zoning:	D-P and D-A
Request:	Rezoning of 1.82 acres from the D-P and D-A Districts to the D-P District to provide for a mental health and addiction residential treatment facility.
Current Land Use:	A residential living facility for individuals with psychiatric disorders.
Staff Recommendations:	Approval, subject to the following commitments.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. All development plans, including but not limited to site plans, landscaping plans, lighting plans, signage and building elevations, shall be submitted for Administrator Approval prior to the issuance of any required permits and / or Improvement Location Permit (ILP).

PETITION OVERVIEW

This 1.82-acre site, zoned D-P and D-A is comprised of two parcels developed with a residential facility for individuals with psychiatric disorders. It is surrounded by a single-family dwelling to the north, zoned D-A; undeveloped land to the south, zoned D-P; undeveloped land to the east, across South Emerson Avenue, zoned C-S; and two-family dwellings to the west, zoned D-P.

Petition 2021-ZON-052 rezoned the site to the D-P district to allow the existing building to be used for a residential living facility for individuals with psychiatric disorders.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

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.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

As proposed this request would expand both the site and the permitted uses and services to include an addition residential treatment facility and future site development.

The Development Statement, dated December 27, 2023, explains the need to expand the permitted uses on the site and provides for an approximately 4,730-square foot building for storage and recreation space for patients and residents.



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

The Plan of Operation, dated December 27, 2023, provides further details of the operational components that offer residential services from approximately three days to one month and limits the number of those voluntarily seeking treatment to no more than 24 individuals (no court appointed treatment referral accepted). Staffing would comply with all regulations and consist of licensed and qualified professionals. Furthermore, visitors would not be permitted.

Subsequent to the 2021 rezoning petition, the petitioner acquired the 0.88-acre adjoining parcel (zoned D-A) to the north and demolished the single-family dwelling. However, the property owner installed a gravel parking lot, lights and a trash enclosure without the required approvals or permits. During the site visit, staff observed a trash enclosure in the front yard, a gravel parking lot and lack of landscaping or buffering to the adjoining property to the north. It also appeared that work had ceased on a building addition depicted on the site plan.

Staff would note that the northern access drive existed when the site was developed with a single-family dwelling. This access drive, however, presents significant safety issues due to the proximity of the intersection of South Emerson Avenue and Shelbyville Road, both of which are primary arterials.

There is an existing access drive along the southern portion of the site and the Indianapolis Fire Department has requested a second access drive to the site for emergency purposes. Consequently, the second access drive would be located further south from the intersection and north of the existing access drive.

As further research on this site was conducted the following violations were discovered:

VIO23-008284 (November 27, 2023) – The following violations included: Failure to obtain an Improvement Location Permit; storage of a commercial dumpster as an accessory use in D-A district; vehicle storage not permitted as a primary use in the D-A district; and failure to install lighting in accordance with the Ordinance.

VIO23-008431 (November 30, 2023) – The following violation included: Failure to obtain a drainage permit for land alternation.

As previously noted, development within a site zoned D-P requires Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) or before any disturbance to the land. Staff, therefore, is requesting a commitment that any and all development plans, including signage, be submitted for Administrator Approval prior to the issuance of required permits.

Because the proposed use would be similar to the existing use, expand the availability of services offered to the community and continue as a residential use, staff supports this request. Additionally, expansion of the existing use would have minimal impact on surrounding land uses.



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.

GENERAL INFORMATION

Existing Zoning	D-P and D-A	
Existing Land Use	Residential treatment center	
Comprehensive Plan	Suburban Neighborhood and Rural or Estate Neighborhood Typologies	
Surrounding Context	Zoning	Land Use
North:	D-A	Single-family dwelling
South:	D-P	Undeveloped land
East:	C-S	Undeveloped land
West:	D-P	Two-family dwelling

Thoroughfare Plan		
South Emerson Avenue	Primary arterial	Existing 112- and 120-foot right-of-way and proposed 102-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 27, 2023	
Site Plan (Amended)	March 13, 2024	
Elevations	N/A	
Elevations (Amended)	NA	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	December 27, 2023	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends the suburban neighborhood typology for the southern parcel. “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 Rural or Estate Neighborhood typology for the northern parcel. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Pattern Book / Land Use Plan

- 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.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

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 3 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 5 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.

Group Homes

- Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.
- Should be located adjacent to residential uses.
- Should not be located on the same block as another group home.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2021-ZON-052; 5510 South Emerson Avenue, requested rezoning of 1.1 acres from the D-P district to the D-P district to use the existing building for a residential living facility for individuals with psychiatric disorders, **approved**.

2007-APP-131; 5524 South Emerson Avenue, requested Approval of a Modification of Development Statement, related to petition 2004-ZON-078 (2004-DP-005), to provide for a shared senior living building consisting of twelve resident rooms, an owner's room and a guest room on 1.04 acres, with a density of 13.46 units per acre and Approval to Modify commitments, related to petition 2004-ZON-078 (2004-DP-005), recorded as instrument number 2004-0218504, and replace them with new commitments related to this request, **approved**.

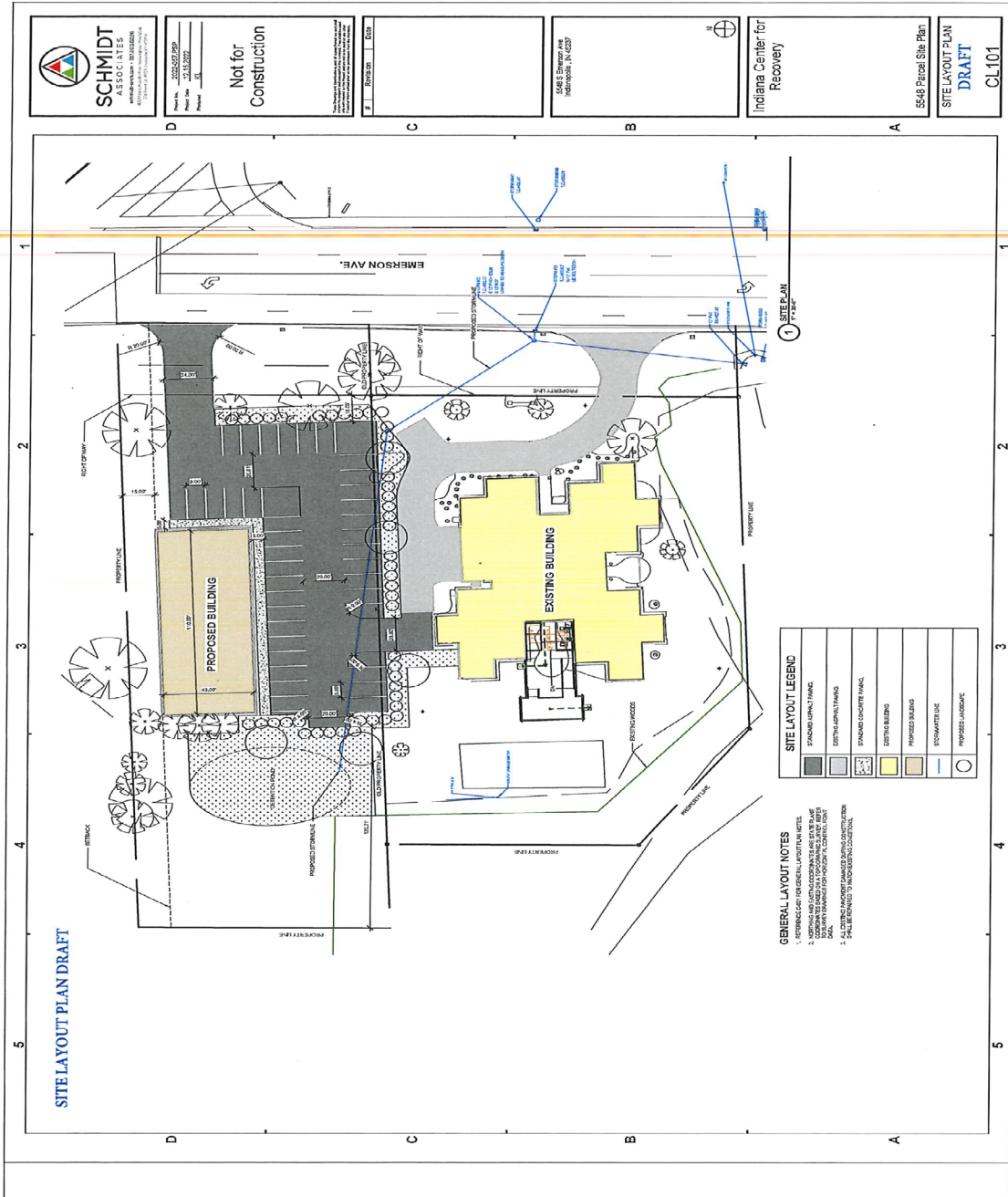
2004-ZON-078; 5500 South Emerson Avenue (includes subject site), requested rezoning of 25.539 acres from D-P and D-A to D-P to provide for 30 multi-family townhouses and 37 two-family dwellings, for a total of 104 dwelling units, with a density of 4.1 units per acre, **approved**.

VICINITY

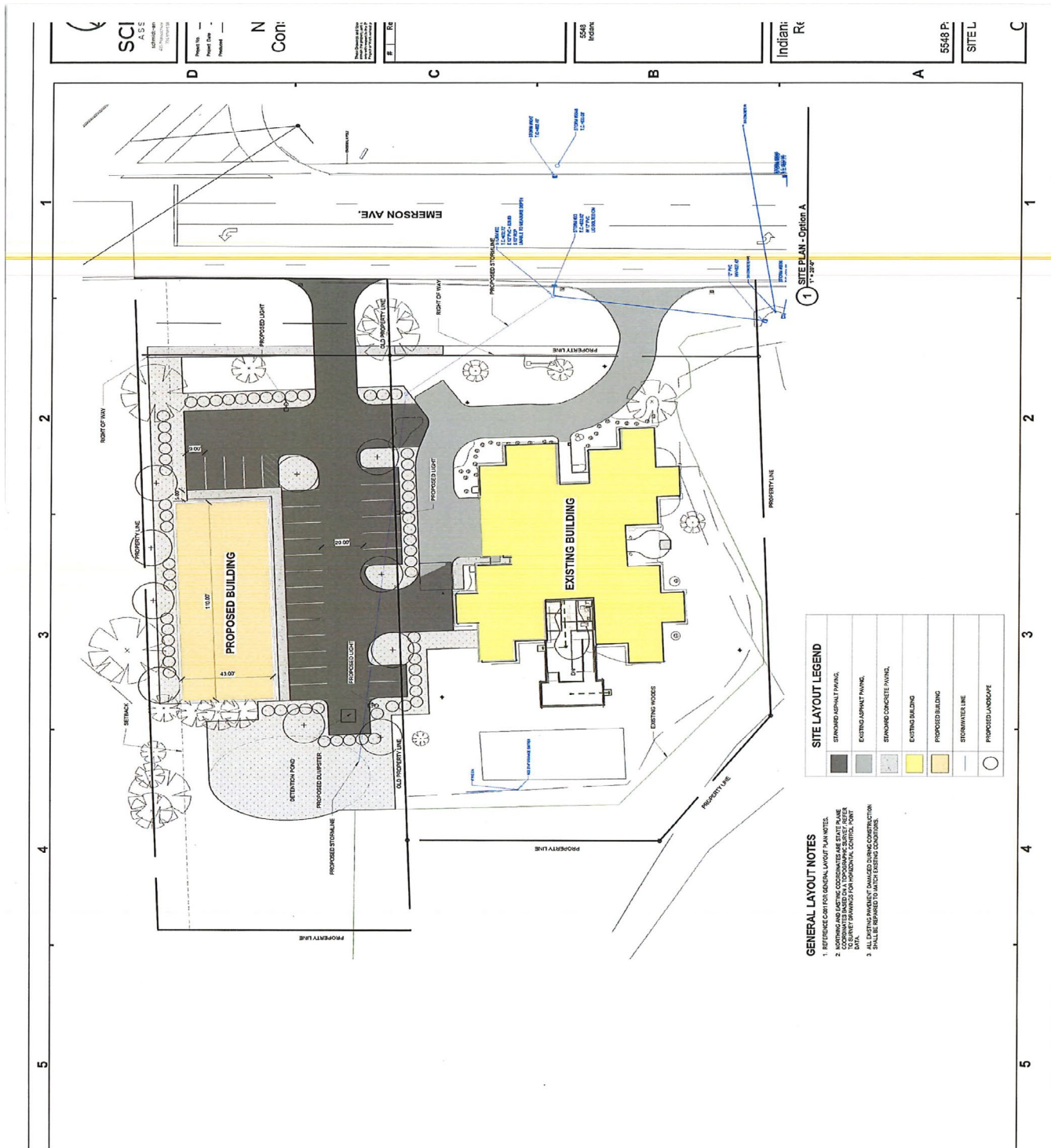
2005-ZON-215; 5640 South Emerson Avenue (south of site), requested rezoning of 2.1 acres from D-A to C-1 to provide for the construction of office buildings, **approved**.

EXHIBITS

Site Plan – December 27, 2023



Site Plan March 13, 2024



SITE LAYOUT LEGEND

[Symbol]	STAMPED ASPHALT PAVING
[Symbol]	EXISTING ASPHALT PAVING
[Symbol]	STAMPED CONCRETE PAVING
[Symbol]	EXISTING BUILDING
[Symbol]	PROPOSED BUILDING
[Symbol]	SEWATER LINE
[Symbol]	PROPOSED LANDSCAPE

- GENERAL LAYOUT NOTES**
1. REFERENCE COPY FOR GENERAL LAYOUT PLAN NOTE.
 2. ADDRESS AND PLATTING COORDINATES ARE STATE PLANS TO BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW AND APPROVAL.
 3. ALL EXISTING AND PROPOSED UTILITIES SHALL BE REPAIRED TO MATCH EXISTING CONDITIONS.

1 SITE PLAN - Option A
 11'-3/4"

**D-P District Rezoning
Written Development Statement**

Haven Health Management, LLC
5448 and 5510 S. Emerson Avenue

December 27, 2023

Haven Health Management, LLC (“Haven Health”) owns and operates Indiana Center for Recovery Indianapolis, LLC (“ICFR”), and respectfully seeks a rezoning of its property located at 5448 and 5510 S. Emerson Avenue, Indianapolis, IN 46237 from the D-A and D-P districts to the D-P district for a residential living facility for individuals with psychiatric disorders or addictions.

A previous rezone petition (2021-ZON-052) was heard and approved by the Metropolitan Development Commission (MDC) on July 21, 2021. To better meet the needs of the community, Haven Health now seeks to expand the allowed uses of the site to include adults who voluntarily seek residential addiction services, as more fully detailed in 440 IAC 7.5, Residential Living Facility for Individuals with Psychiatric Disorders or Addictions. Further, this request specifically includes the addition of Substance Abuse Treatment Facility from the Indianapolis - Marion County Zoning Ordinance Use Table 743-1 as an allowed use on the site. Further, it seeks to include the adjacent parcel of 5448 S. Emerson Avenue, Indianapolis, IN 46237 which is under common ownership, into the D-P district to provide an auxiliary building (to be used for storage and recreational space for patients), parking, and other ancillary site support (ex., trash bin storage) for the ICFR facility.

**D-P District Rezoning
Detailed Description / Operational Plan**

Haven Health Management, LLC
5448 and 5510 S. Emerson Avenue

December 27, 2023

The Haven Health Management, LLC (“Haven Health”) facility located at 5448 and 5510 S. Emerson Avenue, Indianapolis, IN 46237 is currently licensed by the State of Indiana, Division of Mental Health and Addiction Department under 440 IAC 7.5-4-4 (Sub-Acute Facility). It will operate at the location in full compliance with its licensure, and will be fully accredited by the Joint Commission, the gold standard in healthcare accreditation.

Similar to Haven Health’s work with those needing other mental health services, the addiction services will be residential in nature, lasting from roughly three (3) days to one (1) month. All individuals seeking addiction services will have to meet and pass the screening protocols established for all other services provided by Haven Health. The facility will house not more than twenty-four (24) individuals receiving care. All individuals are carefully screened to make sure they fit within the approved levels of care. To ensure its participants are personally interested in self-improvement, Haven Health only takes clients who voluntarily seek treatment, and does not accept court appointed treatment referrals.

Staffing will be consistent with licensure regulations and will consist of qualified professionals, including licensed nurses, Nurse Practitioners, a Medical Director, License Clinicians, and Peer and Mental Health Specialists. Visitors are not permitted on property, in order to ensure treatment is focused on the patient. Accordingly, at any given time, the number of non-employee individuals on site will be not more than twenty-four (24), most of whom will not have vehicles on site.



View looking north along South Emerson Avenue



View looking south along South Emerson Avenue



View of site looking west across South Emerson Avenue



View from site looking north across intersection of Emerson Avenue and Shelbyville Road



View from existing access drive looking across intersection of Emerson Avenue and Shelbyville Road



View from site looking east



View from site looking east towards South Emerson Avenue



View from site looking west



View from site looking northeast



View of site looking south



View of site looking southwest



View from site looking southeast towards South Emerson Avenue