

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-ZON-119  
**Address:** 2525 West 44<sup>th</sup> Street (*Approximate Address*)  
**Location:** Washington Township, Council District #8  
**Petitioner:** Children's Better Health Institute, a division of the Benjamin Franklin Literary and Medical Society, Inc, by Timothy E. Ochs  
**Request:** Rezoning of 22.79 acres from the SU-7 district to the SU-2 district to provide for educational uses.

### 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 40-foot half right-of-way shall be dedicated along the frontage of West 44<sup>th</sup> Street, 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.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 22.79-acre site, zoned SU-7 (charitable, philanthropic and not-for-profit) is comprised of 12 parcels and developed with a single-family dwelling, accessory structures, athletic fields / courts and open space. It is surrounded by single-family dwellings to the north across West 44<sup>th</sup> Street, zoned D-2; agricultural uses and single-family dwellings to the south, zoned D-A and D-1, respectively; single-family dwellings to the east, zoned D-1; and single-family dwellings and agricultural uses to the west, zoned D-2 and D-A, respectively.

(Continued)

## **STAFF REPORT 2022-ZON-119 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from SU-7 district to the SU-2 classification to provide for educational uses. “No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provide.” The SU-2 District only permits schools and “accessory uses and structures, subordinate, appropriate and incidental to the school use.”
- ◇ The Comprehensive Plan recommends Rural or Estate Neighborhood typology for the western portion of the site. “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.”
- ◇ The Comprehensive Plan also recommends large scale park, a non-typology land use, defined as being over 10 acres, for the eastern portion of this site.
- ◇ 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. The recommended land uses for this typology is detached housing, working farms, group homes, bed / breakfast and wind or solar farms. The Pattern Book, however, removes working farms and wind or solar farms as recommended uses in environmentally sensitive areas.

### **Overlays**

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

(Continued)

## **STAFF REPORT 2022-ZON-119 (Continued)**

- ◇ The ES overlay on this site is located along the eastern boundary and at the southwest corner of the site and is designated as high-quality woodlands by the Forest Alliance organization.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along West 44<sup>th</sup> Street, a primary collector. 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 on the south westernmost portion of the site and along the eastern site boundary. 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.

(Continued)

## **STAFF REPORT 2022-ZON-119 (Continued)**

### **Planning Analysis**

- ◇ As proposed this request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood and large-scale park because a school is not a recommended land use in the rural or estate neighborhood.
- ◇ Initially the school would be based within the existing single-family dwelling at the northwest corner of the site, with no immediate plans for new construction. It should be noted, however, that any expansion of the existing physical facilities would require submittal of a site and development plan for Administrator Approval.
- ◇ The school would offer K-12 academic, arts, athletics and character development program. The full program would initially offer K-5 / 6 programs with expansion occurring as demand would allow.
- ◇ Staff believes that during the early stages of this program, impact on surrounding land uses would be minimal. As enrollment in the school increases and new facilities are constructed, however, consideration should be given to the impact of the development on the surrounding residential neighborhood and the preservation of the woodlands.
- ◇ It would be important to provide adequate setbacks and architectural integration with the surrounding neighborhood related to, but not limited to, building height, building mass and exterior materials. Parking lots should be well buffered and landscaped to minimize the impact on the adjacent properties. Athletic facilities should be well buffered and activities scheduled to minimize the impact of lighting and amplification of public address systems.
- ◇ Additionally, appropriate infrastructure (including sidewalks) should be installed to adequately provide for the increased traffic in the area. West 44<sup>th</sup> Street is a two-lane primary collector that may require the installation of accel / decel lanes and / or by-pass lanes as the traffic generated by the proposed use increases because of increased enrollment.
- ◇ Because the Comprehensive Plan recommends a large-scaled park for the eastern portion of the site, staff believes this area should remain open to preserve the open space and existing woodlands. By limiting development in this area, the proposed use would be consistent with the Plan recommendation.

(Continued)

## **STAFF REPORT 2022-ZON-119 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

SU-7

Single-family dwelling / athletic facilities / accessory buildings / open space

#### SURROUNDING ZONING AND LAND USE

North - D-2

Single-family dwellings

South - D-A / D-1

Agricultural Single-family dwellings

East - D-1

Single-family dwellings

West - D-2

Single-family dwellings

#### COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology and a large-scaled park.

#### THOROUGHFARE PLAN

This portion of East 44<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 42-foot right-of-way and a proposed 80-foot right-of-way.

#### CONTEXT AREA

This site is located within the metro context area.

#### OVERLAY

This site is located within an environmentally sensitive area (Forest Alliance Woodlands)

#### SITE PLAN

File-dated September 29, 2022

#### PROJECT DESCRIPTION

File-dated September 29, 2022

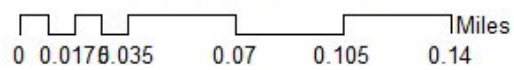
### **ZONING HISTORY**

**2011-ZON-032; 2525 West 44<sup>th</sup> Street**, requested rezoning of 22.79 acres, from the D-A and D-1 Districts, to the SU-7 classification to provide for a fitness farm where children are taught fitness, sports, wellness, gardening and tree planting utilizing the existing improvements including tennis courts, pool, basketball court, running track, trails, dwelling, log cabin and playhouse, **approved**.

**89-UV2-14; 2425 West 44<sup>th</sup> Street** requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 12,000-square foot, 42-foot tall barn as a recreational facility for charitable events, **withdrawn**.



2525 West 44th Street

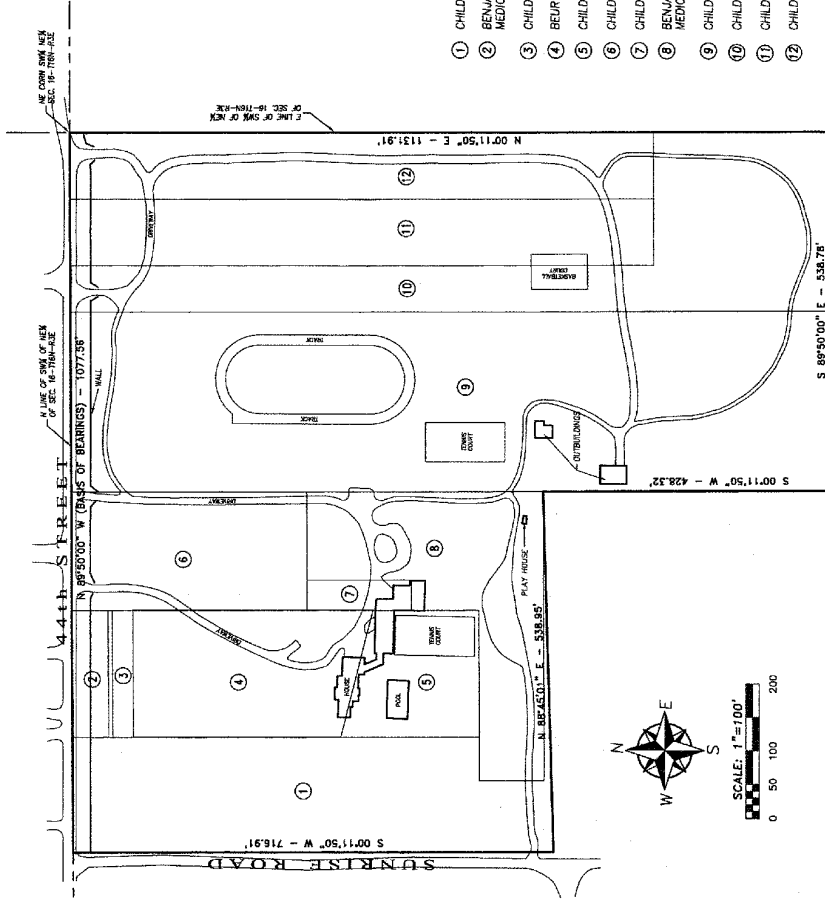




LAND DESCRIPTION

A part of the Southwest Quarter of the Northeast Quarter of Section 16, Township 16 North, Range 43E, Marion County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 16, Township 16 North, Range 43E, Marion County, Indiana, and bearing on and along the North line of said quarter-quarter, 1077.59 feet to the Northwest corner of land described in Exhibit G of Instrument Number 2002-0209669 on file in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 11 minutes 00 seconds East on and along the East line of said quarter-quarter, 1077.59 feet to the Southwest corner thereof; thence North 88 degrees 45 minutes 01 seconds East on and along the South line of said Exhibit G, 538.95 feet to a point on the West line of land described in Exhibit B(1) in said Instrument Number 2002-0209669; thence South 00 degrees 11 minutes 00 seconds East on and along the South line of the land described in Exhibits B(1) and B(2) in said Instrument Number 2002-0209669 a distance of 538.78 feet to a point on the West line of land described in Exhibit B(1) in said Instrument Number 2002-0209669; thence South 89 degrees 50 minutes 00 seconds East on and along said East line, 1131.91 feet to the Point of Beginning, containing 22.79 acres, more or less.



PARCEL KEY

- |  |                     |                   |
|--|---------------------|-------------------|
| ① CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT G         |
| ② BENJAMIN FRANKLIN LITERARY AND MEDICAL SOCIETY | INST. #1995-0226978 |                   |
| ③ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT D         |
| ④ BEURT & CORY SERVANTS                          | INST. #1990-0133062 |                   |
| ⑤ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | PART OF EXHIBIT E |
| ⑥ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT F         |
| ⑦ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | PART OF EXHIBIT E |
| ⑧ BENJAMIN FRANKLIN LITERARY AND MEDICAL SOCIETY | INST. #1995-033691  |                   |
| ⑨ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT B(1)      |
| ⑩ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT B(2)      |
| ⑪ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT A         |
| ⑫ CHILDREN'S BETTER HEALTH INSTITUTE             | INST. #2002-0209669 | EXHIBIT C         |

NOTE: This exhibit was prepared based upon documents obtained from the Office of the Recorder of Marion County and other sources, and does not represent the results of a boundary survey as defined in RESOLUTION 12.

**WEIHE**  
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PROJECT NO. W10 0452  
DATE: 05/02/2010

PREPARED FOR:  
Saturday Evening Post Society

PREPARED FOR:  
Saturday Evening Post Society  
Zoning Exhibit - 2325 W 44th Street  
PART OF THE SW 1/4 OF THE NE 1/4 OF SEC 16-10N-43E, WASHINGTON TOWNSHIP, MARION COUNTY, IN

SUBJECT NO. 1  
PROJECT NO. W10 0452

## 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.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
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 Description

## three pages

### *The Classical School (TCS)*

#### Description

**The Classical School** is an independent school offering a K-12 academic, arts, athletics and character development program, taking the child from the rudiments of learning and sound behavior to the highest level of thought and character.

#### Mission

The mission of **TCS** is to develop internationally competitive and highly effective citizens through a timeless American classical education, rich in content in both the humanities and sciences, offering broad exposure to the arts, requiring daily strenuous physical activity, and with a strong emphasis on moral character, resilience, and civic responsibility.

#### Virtues

**TCS** places equal emphasis on the development of the intellect and personal character of its students. To this end, the school will focus on instilling the following virtues in our students to guide them throughout their lives:

**Courage Compassion Honesty Perseverance Respect Self-discipline**

#### Founders

- David Amstutz – Former Head of School, St. Richard's Episcopal School
- Jim Fadely – Former Director of College Counseling at Brebeuf Jesuit Preparatory School & University High School of Indiana; Executive Director, Russell & Penny Fortune Foundation
- Jock Fortune – Businessman & Chairman, Russell & Penny Fortune Foundation

#### Why We Are Founding TCS

Benjamin Franklin, when asked what sort of government the delegates to the Constitutional Convention had created, is reported to have answered, "A Republic, if you can keep it." *This is why we are founding **The Classical School**!* While the United States has experienced many struggles that can be fairly criticized, we must develop more citizens and leaders who will commit to the difficult work of continuously improving upon the remarkable successes of our country. We must better prepare our children not only to "keep" our remarkable Republic, but to continually strive to "form a more perfect union".

#### Timeline

**TCS** currently expects to open a K-5/6 program in a temporary location in the Fall of 2023. The school will then add grade levels as demand allows. Searches are currently underway for a temporary facility and real estate to build a permanent facility.

#### Curriculum

Our curriculum is best described as American classical (also called democratic classical) and can be traced back to the American Founders and the Great Books movement led by University of Chicago President Robert Maynard Hutchins. We expect to license Hillsdale College's K-12 Curriculum (see below) and use this as the basis for our academic program, with modifications by our Academic Advisory Group. This American classical approach will be overlaid on a traditional preparatory school framework.

HILLSDALE COLLEGE

K-12 Curriculum Overview

An American Classical Education

Grammar School (1-4)

Upper School (5-12)

	ELEMENTARY SCHOOL: K-4					MIDDLE SCHOOL: 5TH-8TH GRADE			HIGH SCHOOL: 9TH-12TH GRADE				
	Kindergarten	1	2	3	4	5	6	7	8	9	10	11	12
MATH				Singapore Math Dimensions					Algebra I	Geometry	Algebra II	Trigonometry/Pythagorean Calculus	Calculus
SCIENCE				Life, Physical, & Earth Science				Intro to Life & Chemical Sciences	Conceptual Physics	Biology	Chemistry	Physics or Other Advanced Science	Astronomy or Other Advanced Science
LITERATURE				Classic Children's Literature, Sayings & Phrases, Poetry				Classic Literature & Poetry		Ancient Literature	Medieval & British Literature	American Literature	Modern Literature
HISTORY & CIVICS				American History & Geography, Memorization & Recitation of American Documents									
				World History & Geography				America to 1877	America 1877-Present	Ancient World to 500 AD	Economics	Moral & Political Philosophy	American Government
READING, WRITING, & SPEAKING		Writing, Spelling, & Reading Literacy Essentials: Phonics				Grammar & Composition				Logic & Rhetoric		Elective	Senior Thesis
FOREIGN LANGUAGES		French or Spanish				Greek & Latin Roots		Latin Ia	Latin Ib	Latin II	Latin III	Advanced Latin or Other Foreign Language Elective	
FINE ARTS					Fine Arts (Art & Music History, Art & Music Appreciation, Studio Art, Music Theory)								
PHYSICAL EDUCATION					Physical Education							Physical Education, Fine Arts, or Other Electives	

\* Newer schools may choose to offer composition instead of formal logic.

\*\* Recommended course of study.

Updated 2024

<sup>1</sup> Fewer schools may choose to offer composition instead of formal logic.  
<sup>2</sup> Recommended course of study.

Updated 8-21

## School Calendar

TCS will follow a traditional school year calendar, opening the school year shortly after Labor Day and concluding around Memorial Day. We expect to have a long Fall break weekend in October, a typical Thanksgiving break, two-week vacations for Christmas and spring break (late March/early April), and a teacher conference day both in the fall and spring.

## Tuition

Like many parents, we've been alarmed by the very high costs of many independent schools in Indianapolis. Our plan is to charge roughly half the cost of the most expensive schools in town, somewhere in the \$12K range. We are also exploring the use of vouchers, which would allow more students to attend. For the school to prosper, a well-supported Annual Fund will also be required.

## Teachers

From our many years in independent school education, we have a group of strong, like-minded teachers who are excited to teach in this environment

## What's Next?

With our school model coming into focus, we now must determine if there is sufficient interest from prospective families (students) and donors. We are working on a website, and we ask that you help us spread the word with both groups.

## What is American Classical Education?

*Classical education is a sound and time-tested means of leading students towards intellectual, moral, and civic virtue.*

Grounded in Human Nature - Classical education begins with reflection upon the common humanity of its students. All young people require formation, but they innately represent all the potential that makes human beings so unique and remarkable. They can speak, which means they are both social and capable of knowing. They are possessed of will and are therefore capable of doing good. They wonder, and they are moved by beauty. These common characteristics point to the virtues and vices that are common to all human beings, and classical education leads students to know, practice, and love the virtues.

Real Content - A classical education takes a content-rich approach to the study of important subjects. As students mature in the curriculum, classical education teaches them to ask and venture answers to the big questions, then goes further to consider how those questions might be answered persuasively and beautifully. Classical education regards both the humanities and the sciences as equally important, because wonder about human nature and the natural world is essential to the human condition, and that knowledge of both leads us towards wisdom and happiness.

Moral Formation - Happiness is not merely an intellectual condition, but a moral one, and classical education attends closely to the moral development of its students. According to both simple observation and millennia-old traditions of literature and philosophy, classical educators understand that moral character is built on a foundation of habit and imitation. This foundation is later justified and reinforced by reason and intellect, but it does not start that way. Classical education begins by instilling good habits, proceeds by offering examples worthy of emulation, and continues with robust examination of moral philosophy.

Thoughtful Patriotism - As Americans, students are inheritors of a civic tradition whose central idea is human equality, a truth apparent in our common humanity, and an idea that allows for our common liberty and mutual pursuit of excellence. To use the language of our founding, America's foundational ideas and institutions were born of reflection and choice, not accident and force. It is essential that our students learn these ideas and how their country has sought to live up to its founding ideals. Their training in civic virtue is also a fulfillment of their human nature, for as Aristotle teaches, man is a political animal who can only access the heights of virtue through participation in a just political community. Through practice, affection, and knowledge, classical education educates citizens with a refined and rational love of their country, the necessary basis for civic virtue.

The project of classical education is engaged in a community that is working together in the bonds of mutual affection towards truth and virtue. Its methods and texts are often ancient, but are informed by modern knowledge, experience, and circumstances. Its intent is to form graduates befitting of their charge, who regardless of their future professions or aspirations seek to perpetuate intellectual, moral, and civic virtue in themselves and future generations. It is an education appropriate to our humanity, and essential for good government and the happiness of mankind.

*Taken from Hillsdale College K12 Education at <https://k12.hillsdale.edu/Classical-Education/>*





View looking west along West 44<sup>th</sup> Street



View looking east along West 44<sup>th</sup> Street





View of site looking southwest from entrance drive



View of site looking west from eastern drive





View of site looking west from eastern drive



View of site looking north from southern drive





View of site looking north from southern drive



View of site looking north from southern drive





View of site looking north from southern drive



View of site looking south from southern drive





View of site looking south from southern drive



View of site looking west along southern drive