



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 27, 2024

Case Number:	2024-ZON-026
Property Address:	7405 and 7425 Westfield Boulevard (Approximate Address)
Location:	Washington Township, Council District #2
Petitioner:	7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang
Current Zoning:	D-4 (TOD) (FF)
Request:	Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.
Current Land Use:	Mental health treatment facility and office use
Staff Recommendations:	Approval with commitments.
Staff Reviewer:	Senior Planner, Marleny Iraheta

PETITION HISTORY

This petition was automatically continued from the April 25, 2024 hearing to the May 23, 2024 hearing at the request of a registered neighborhood organization.

This petition was automatically continued from the May 23, 2024 hearing to the June 27, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the request subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Landscaping along Westfield Boulevard shall be installed within six months of the rezoning approval and shall meet the landscape requirements of the Ordinance for the street frontage.

PETITION OVERVIEW

LAND USE

The 1.13-acre subject site is comprised of two parcels (8006678 and 8006673). The properties are developed with two commercial building, associated parking areas, and an outdoor play area at 7425 Westfield Boulevard.



The site is surrounded by single-family dwellings to the north, east and south. The Monon Trail is located west of the site across Westfield Boulevard.

REZONING

The request would rezone the site from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, 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 C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

Staff Analysis

The southern parcel addressed as 7405 Westfield Boulevard is currently used as a behavioral therapy services provider per use variance 2019-UV1-016. The business has expanded that use within the existing building at 7425 Westfield Boulevard, which is the northern parcel. However, the expansion is not a permitted use in the existing D-4 district. Staff recommended the petitioner rezone both sites to the C-1 district to align the proposed uses of the site with an appropriate zoning district.

A variance of use would not have been appropriate seeing that the business grew and would likely remain for the foreseeable future.

Staff had concerns with an unenclosed dumpster located in the front yard on the northern parcel, but the petitioner agreed to have it removed and will use the existing dumpster at 7405 that has an enclosure.



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Division of Planning
Current Planning**

Staff is requesting that the street frontage landscaping be provided along Westfield Boulevard to enhance the site and has incorporated this as a commitment for approval.

The Plan of Operation mentions the hours of operation to be between 7:00 a.m. and 8:30 p.m. on weekdays and weekends. The business will have up to 60 employees working day-to-day on site and will have as many as 50 clients at the highest peak.

There is mention of a shuttle system in the Plan of Operation, but staff is unaware of where the offsite parking is located. A violation, VIO23-006813, was issued at 7429 Westfield Boulevard, which is owned by the petitioner, but is not part of this request and would be addressed and corrected by the petitioner apart from this rezoning request.

A site plan was not submitted so parking requirements were not calculated. If there is an insufficient amount or an excessive amount of parking that would exceed the maximum parking spaces permitted, then a variance would need to be sought at a later time.

Lastly, the petitioner has submitted five proposed commitments which include a limit to the permitted C-1 primary uses on site and would limit the accessory and temporary uses as well. The commitments submitted did not include the site plan referred to as Attachment C in commitment #2. The proposed commitments are acceptable by staff, but this would not eliminate the need for any variances that were not requested.

GENERAL INFORMATION

Existing Zoning	D-4		
Existing Land Use	Mental health treatment facility and office use		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>	
	North:	D-4	Enter Land Use
	South:	D-4	Single-Family dwelling
	East:	D-4	Single-Family dwellings
	West:	D-4	Marott Park / Monon Trail
Thoroughfare Plan			
74 th Street	Local Street	48-foot proposed right-of-way and 51-foot existing right-of-way.	
Westfield Boulevard	Secondary Arterial Street	56-foot proposed right-of-way and 63-foot existing right-of-way.	
Helen Drive	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	Yes		
Overlay	Yes		

Wellfield Protection Area	No
Site Plan	N /A
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Comprehensive Land Use Plan recommends suburban neighborhood for this site and the surrounding area east of Westfield Boulevard.
- The suburban neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multi-family 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 one to five 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 suburban neighborhood typology does recommend small-scale office and professional service land uses if limited in size, located at intersections, and limited to areas with adequate space for required screening and buffering.
- The proposed use would be supportable, as it would be consistent with the recommendations of the Comprehensive Plan.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Transit Oriented Development Overlay of the Red Line Bus Rapid Transit System and the Red Line Transit-Oriented Development Strategic Plan (2021).



- The closest transit station is more than a ½ mile southwest at College and 66th Street, which is classified as a walkable neighborhood station.
- It recommends mix of uses at station area and primary residential beyond with a maximum of three stories throughout, not front or side setbacks at core, zero to 15-foot front setbacks, zero to 20-foot side setbacks at periphery, a mix of multi-family and single-family housing, and structured parking at the core and attractive surface parking at periphery.

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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History- Site

2023-UV1-027; 7425 Westfield Boulevard (north parcel), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a mental health treatment facility (not permitted) with 20 off-street parking spaces (31 parking spaces required), **withdrawn**.

2019-UV1-016; 7405 Westfield Boulevard (south parcel), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a behavioral therapy services provider (not permitted), **approved**.

2016-AP3-001; 7405 Westfield Boulevard (south parcel), Waiver of the refiling rule to permit the refiling of a variance of use and development standards petition, for offices, with storage and warehouse uses, subsequent to the denial of 2015-UV3-020 on September 15, 2015, for a veterinarian hospital, **granted**.

2016-UV3-006; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for office uses, with the outdoor overnight parking of trucks and trailers, with a parking area three feet from the existing right-of-way of Westfield Boulevard, with a zero-foot north side yard, with parking spaces, loading spaces and maneuvering within the front yard and right-of-way of 74th Street, to provide for three wall signs, 64-square feet or less, and a trash container and enclosure in the front yard of 74th Street, **granted**.

2015-UV3-020; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a veterinary hospital, with overnight hospital stays; with a parking area 2.5 feet from the existing right-of-way of Westfield Boulevard; with zero-foot north and east side yards; with parking spaces and maneuvering within the front yard and right-of-way of 74th Street; and to provide for wall signs, including a 64-square foot wall sign, at approximately five percent of the front façade, **denied**.

2000-UV3-003; 7403 Westfield Boulevard (south parcel), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an indoor youth sports training facility, with administrative offices in an existing commercial building and variance of development standards of the Sign Regulations to provide for two three-foot tall, four square-foot directional signs along Westfield Boulevard, **withdrawn**.

99-UV2-75; 7405 Westfield Boulevard (south parcel), variance of use of the Dwelling Districts Zoning Ordinance to provide for an office and the construction of a two-story addition, with 27 parking spaces, **withdrawn**.

94-UV1-78; 7405 Westfield Boulevard (south parcel), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for a warehouse operation with an office and warehouse sales in an existing 3,967 square foot building, with a 12-square foot wall sign, **granted**.



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94-UV2-49; 7425 Westfield Boulevard (north parcel), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an advertising specialty operation with an office and private showroom in an existing building and a variance of development standards of the Sign regulations to provide for wall signs greater than one square foot (maximum one square foot permitted), **granted**.

90-UV3-8; 7405 Westfield Boulevard (south parcel), Variance of use and development standards to permit a light manufacturing plant without the required front and rear transitional yards and to permit a three foot by six-foot business sign, **granted**.

83-UV2-47; 7405 Westfield Boulevard (south parcel), Variance of use of the Dwelling Districts Zoning Ordinance to permit expansion of an existing automobile repair facility without the required front or rear yards, **granted**.

73-UV2-177; 7425 Westfield Boulevard (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit expansion of an existing manufacturing facility without the required front, side or rear setbacks, **granted**.

Zoning History – Vicinity

2023-UV1-028; 7429 Westfield Boulevard (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot (prohibited) with a zero-foot front yard setback from Helen Drive and a zero-foot west side yard setback and deficient landscaping (20-foot front yard, four-foot side yard setbacks and landscaping required), **withdrawn**.

2015-DV3-028; 7501 Westfield Boulevard (north of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a building, with a five-space parking lot, with deficient parking space size, deficient maneuvering area and maneuvering within the right-of-way, **granted**.

2015-UV2-036A; 7391 Westfield Boulevard (south of site), Variance of use of the Dwelling Districts Zoning Ordinance, to provide for a law office, **denied**.

2015-UV2-036B; 7391 Westfield Boulevard (south of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a six-foot tall fence in the front yard of 74th Street (maximum 42-inch fence permitted), being in the right-of-way of 74th Street and the abutting north-south alley (not permitted within the right-of-way), **granted**.

2005-UV1-031; 7501 Westfield Boulevard (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish an antique and garden shop within an existing 1,119-square foot building, with outdoor display of merchandise, with fencing, display area, and parking and maneuvering areas within the right-of-way, and with five undersized off-street parking spaces without proper maneuvering space, **granted for three years**.

97-UV2-65; 7391 Westfield Boulevard (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance, to provide for a commercial office (not permitted), within an existing residential structure, **withdrawn**.

EXHIBITS





Plan of Operations

Petitioners: 7405 LLC & 7425 Westfield Blvd, LLC

Properties: 7405 and 7425 Westfield Boulevard

Petitioners lease the properties commonly known as 7405 and 7425 Westfield Boulevard to their affiliate, Stepping Stones Behavioral Solutions, LLC (“Stepping Stones”), and provide this Plan of Operations.

Workforce

Stepping Stones will have up to 60 employees working day-to-day on site currently. The employees are generally on site between the hours of 7:00 a.m. and 8:30 p.m. on weekdays and weekends. All employees drive to the properties and park on site. All parking is off street parking. Additionally, lighting and an access control system is provided for security.

Clients and Customers

Stepping Stones serves clients that have autism and similar disorders. The clients come to the properties for applied behavior analysis therapy (“ABA Therapy”) and other forms of therapy to treat autism. At peak, there are as many as 50 clients on site. Clients are on site between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and weekends. Clients are typically dropped off by their parents and off-street parking is provided for drop off. It is important to note that the clients are generally dropped off and do not park on site. Additionally, to the extent necessary, Stepping Stones will utilize a shuttle or valet service to provide expanded parking opportunities. Any offsite parking will be in a location where such parking is legally permitted.

Processes Conducted on Site

Stepping Stones provides ABA Therapy services for those with autism-related disorders. The goal of ABA Therapy is to improve the client’s social skills so they have a better chance to complete tasks, communicate, and learn new skills. While most of the therapy happens inside, clients are regularly outside, especially at the on-site playground. For security, lighting and an access control system are available. Additionally, Stepping Stones uses two Mercedes Sprinter Vans (or similar vehicles) to take its clients on various field trips, excursions and other activities. These vehicles are stored near the rear of 7405 Westfield Boulevard.

Materials Used

Stepping Stones uses materials typically found in an office and school. Except for normal household and office cleaning products, all of which are used in accordance with their instructions, no hazardous materials are used at the Property. To the extent necessary, Stepping Stones maintains safety data sheets for products used on site.



Shipping and Receiving

Stepping Stones generally receives packages from package delivery services such as Amazon, FedEx and UPS from time to time. Stepping Stones uses similar services for shipping on a very infrequent basis. Delivery vehicle sizes are those typical to Amazon, UPS and FedEx. Deliveries are made at various times a day. All deliveries are able to park on site and not block traffic. Delivery times are very brief and are made during business hours. All materials are secured inside the building located on the Property and which is secured by an access control system.

Waste

Stepping Stones generates general solid waste that you would normally find in an office or school setting. Hazardous waste is not generated. All waste is disposed of in a dumpster, which is currently removed once a week. A recycling program is implemented. Both 7525 Westfield Boulevard and 7405 Westfield Boulevard will utilize the existing dumpster and enclosure located at 7405 Westfield Boulevard.

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owners of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Attachment "B", attached hereto and made a part hereof.

Statement of COMMITMENTS:

1. The owners agree to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owners agree that the parking spaces located on the real estate shall be laid out either substantially as shown on the site plan set forth on Attachment "C", attached hereto and made a part hereof, which attachment shows the current parking configuration, or in such other configuration as the zoning administrator shall approve.
3. The owners agree to execute and record a cross-easement for parking between their respective parcels of the real estate.
4. The buildings located on the properties shall have a residential aesthetic character (without imposing any requirement to use the properties for residential purposes) and the zoning administrator's approval shall be required to ensure conformity with such character. No zoning administrator approval shall be required for changes to building colors. The current buildings located on the properties have a residential aesthetic character and no further approval is needed.
5. The owners agree that the properties may be used for the uses described on Attachment "D", attached hereto and made a part hereof and no other uses.
6. The owners agree to operate the property consistent with the plan of operations attached on Attachment "E", attached hereto and made a part hereof.



ATTACHMENT "D"

List of Uses Permitted

The following uses shall be permitted as a primary use and such uses may be in combination with one another.

1. Mental health treatment, including, without limitation, behavioral therapy of those with autism and related disorders
2. Medical or Dental Offices, Centers, or Clinics
3. Office: Business, Professional or Government
4. Daycare
5. Financial and insurances services
6. School

The following uses shall be permitted as an ancillary use in connection with a primary use

1. Eating establishment (not separately signed and serving only employees and customers of a primary use)
2. Medical or dental laboratory
3. Satellite dish
4. Sign (as otherwise permitted)
5. Indoor recreation and entertainment (not separately signed and serving only customers of a primary use)
6. Renewable energy facility (solar and geothermal)
7. Temporary construction yard, office, or equipment
8. Temporary outdoor event



Photo of the subject site looking east along 74th Street.



Photo of 7405 Westfield Boulevard looking north on the site.



Photo of 7425 Westfield Boulevard looking north on the site.



Photo of the middle of the two parcels looking east on the site.



Photo of 7425 Westfield Boulevard looking southeast on the site.



Photo of an unenclosed dumpster in the front yard.



Phot of parking spaces at 7425 Westfield Boulevard.



Photo of the alley east of the site looking south.



Photo of a single-family dwelling east of the site.



Photo of a single-family dwelling north of the site.



Photo of a parking lot at 7429 Westfield Boulevard that received a zoning violation.



Photo of a single-family dwelling east of the site looking west on 74th Street towards the play area.



Photo of the Monon trail beyond the tree line west of Westfield Boulevard.