

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 11, 2024

Case Number:	2024-APP-001
Property Address:	1621, 1625 and 1631 West 86th Street
Location:	Washington Township Council District #2
Petitioner:	Dinneen-Ward-Shelley, LLC, by Aaron Reynolds
Current Zoning:	HD-2
Request:	Hospital District-Two Approval to provide for an office building and associated parking.
Current Land Use:	Vacant single-family dwellings and office building
Staff Recommendations:	Approval of Phase 1 development, subject to the following commitment.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the February 15, 2024 hearing, to the March 14, 2024 hearing, and continued the petition, at staff's request, from the March 14, 2024 hearing, to the March 28, 2024 hearing to provide additional time to address site access.

The Hearing Examiner continued this petition from the March 28, 2024 hearing, to the April 11, 2024 hearing, at the request of a remonstrator.

STAFF RECOMMENDATION

Approval, 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:

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.



PETITION OVERVIEW

This site 3.225-acre site is comprised of three parcels developed with two vacant single-family dwellings and a vacant office building. It is surrounded by single-family dwellings and religious uses to the north, across West 86th Street, zoned D-P and SU-1, respectively; multi-family dwellings to the south, zoned D-7; commercial uses to the east, zoned C-4; and multi-family dwellings to the west, zoned HD-2.

Petitions 2022-ZON-017 and 2022-VAR-002 rezoned the site to the HD-2 district and granted encroachment of a parking lot and trash enclosure into the stream protection corridor along the southern boundary of the site.

HOSPITAL DISTRICT TWO APPROVAL

This request would provide for Hospital District Two Approval to provide for Phase 1 development of the site consisting of a 10,050-square foot medical office building and associated parking.

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.



"The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission. The Commission must, also make written findings concerning any decision to approve or disapprove a Site and Development Plan."

The amended site plan, file dated March 18, 2024, depicts a 10,050 square foot building (labeled as Phase 1) and 118 parking spaces. Site access would be via the existing shared drive at northeast corner of the site.

Building elevations provide for a 32-foot tall, two-story building with a six-foot tall roof-top mechanical screen. The second building (Phase 2) located to the west of this building would be 29.75 feet tall.

Staff is concerned about the proposed second building that is shown in the landscape plan and building elevations, file-dated January 31, 2024 and January 11, 2024, respectively. Although staff supported the 2022 variance for a 15-foot encroachment of a portion of a proposed parking lot and trash enclosure into the stream protection corridor along the southern boundary, staff would not support further encroachments into the stream protection corridor and the existing vegetation along the western boundary. In staff's opinion, this would result in over development of the site.

The Development Statement and building elevations file-dated January 11, 2024, proposes two medical office buildings but the amended site plan provides for only one building.

The Plan of Operation file-dated January 11, 2024, provides some details related to workforce (undetermined), hours of operation (no information on the days of the week), clients / customers, material that would be used, shipping / receiving and handling of waste.

Three signs are proposed that would include a 12-foot-tall monument sign, a six-foot-tall parking sign, and a one-foot by 1.25-foot projecting building sign.

As proposed this request would be consistent with the Comprehensive Plan recommendation of office commercial typology. Staff, however, recommends approval of only the larger building and not the smaller building to the west. The smaller building would likely impact the existing trees and stream protection corridor.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.



The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

"A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value."

Stream is defined as "a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water."

Stream Bank is defined as "the sloping land that contains the stream channel and the normal flows of the stream."

Stream Channel is defined as "part of a watercourse that contains an intermittent or perennial base flow of groundwater origin."

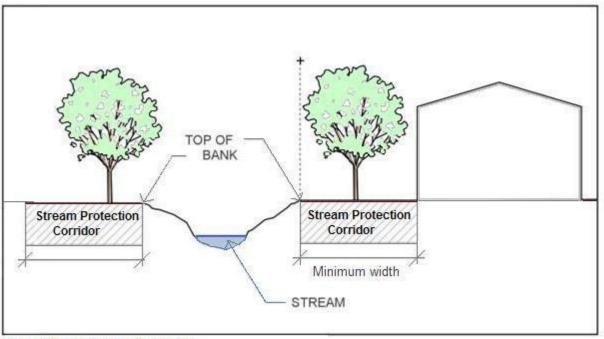
There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: "A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams."

A Category Two Stream is defined as: "An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps."

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

A tributary of Howard Johnson Ditch lies within this Metro Context Area and is located along the western and southern boundaries of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below:





Stream Protection Corridor

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located along the western and southern boundaries of the site that generally follow the stream protection corridor. 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 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.

Existing Zoning	HD-2		
Existing Land Use	Vacant single-family dwellings / office		
Comprehensive Plan	Office Commercial typology		
Surrounding Context	Zoning Land Use		
North:	D-P / SU-1	Single-family dwellings / religious uses	
South:	D7	Multi-family dwellings	
East:	C-4	Commercial uses	
West:	HD-2	Multi-family dwellings	
Thoroughfare Plan		· · ·	
West 86th Street	Primary arterial	Existing 120-foot right-of-way and proposed 112-foot right-of-way	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	January 11, 2024		
Site Plan (Amended)	March 18, 2024		
Elevations	January 11, 2024		
Elevations (Amended)	N/A		
Landscape Plan	January 31, 2024		
Findings of Fact	January 11, 2024		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	January 11, 2024		

GENERAL INFORMATION



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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.

Pattern Book / Land Use Plan

- 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.
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- Large-Scale Offices (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet)
 - Pedestrian connections between buildings should be provided.
 - Street connections to perimeter roads should be provided.

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)
 - o Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2022-ZON-017 / **2022-VAR-002**; **1621**, **1625** and **1631** West 86th Street, requested rezoning from the C-4 and C-7 districts to the HD-2 district to allow for a 160-unit multi-family senior housing development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of parking area and trash enclosure within the stream protection corridor, approved and granted.

93-UV1-132; 1631 West 86th Street, requested a variance of use to provide for a second single-family dwelling in a multi-family district, **approved.**

64-Z-118; 1631 West 86th Street, requested the rezoning of 0.69 acre from the A-2 district to the B-6 district, **approved.**

64-Z-117; 1631 West 86th Street, requested the rezoning of 3.3 acres from the A-2 district to the R-6 district, **approved**.

VICINITY

2021-DV2-048; 1445 West 86th Street (east of site), requested a variance of development standards to provide for drive-thru lanes in the front yard, **approved.**

2021-DV2-029; 1445 West 86th Street (east of site), requested a variance of development standards to provide for excess signage, deficient sign separation and excess drive-thru signage, **approved.**

2018-CAP-822 / 2018-CVR-822; 1703, 1705, & 1707 West 86th **Street (west of site),** requested HD-Two approval to provide for ten garden homes and a club house on 12.5 acres, a modification of commitments to provide for reduced front and side setbacks and a variance of use to provide for a deficient number of units per building, **approved.**

2016-DV2-031; 8619 Lancaster Road, 8952 & 9002 Butternut Court and 1402 & 1415 Brewster Road (north of site), requested a variance of development standards to provide for signs within the right-of-way and with excessive height and area, **approved.**

2012-APP-023; 1707 West 86th Street (west of site), requested HD-Two approval to provide for temporary living quarters for firefighters and a tent for the storage of fire trucks, **approved**.

2001-APP-042; 1707 West 86th Street (west of site), requested HD-Two approval to provide for a maintenance shed, **approved**.

91-V3-23; 1502 West 86th Street (northeast of site), requested a variance of development standards to provide for signs with deficient setback, **approved.**

88-Z-12; 1502 West 86th Street (northeast of site), requested the rezoning of 10.2 acres from the SU-1 district to the C-3 district, **approved.**



88-UV1-45; 1502 West 86th Street (northeast of site), requested a variance of use to provide for a shopping center in a SU-1 district, **approved.**

86-AP-182; 8479 Office Park Drive (west of site), requested HD-Two approval of a long-term care facility for children and adolescents, **approved**.

85-UV1-103; 1670 West 86th Street (north of site), requested a variance of use to provide for a medical office in the A-2 district, **approved.**

84-Z-36; 1670 West 86th Street (north of site), requested the rezoning of 1.3 acre from the A-2 district to the C-1 district, **approved.**

67-Z-55; 1802 West 86th Street (north of site), requested the rezoning of 241 acres from the S-U, D-2, and D-3 districts to the P-D district, **approved.**

65-Z-22; 1551 West 85th Street (east of site), requested the rezoning of 11.6 acres from the B-2 and R-6 districts to the B-2 district, **approved**.

63-Z-129; 1445 West 86th Street (east of site), requested the rezoning 7.9 acres from the A-2 district to the B-2 district, **approved.**

63-Z-128; 1551 West 86th Street (east of site), requested the rezoning 11.9 acres from the A-2 district to the R-6 district, **approved.**

63-Z-127; 8444 Ditch Road (south of site), requested the rezoning 16.2 acres from the A-2 district to the R-2 district, **approved.**



EXHIBITS



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1021, 1023 and 1031 West both Stree





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		



Petition Number

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL PETITION FOR PARK DISTRICT ONE/TWO APPROVAL PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated ______ 20____

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

the petitioner is proposing to redevelop properties within the site that are currently occupied by vacant buildings. The proposed use of the property is for medical office buildings which

aligns with the Comprehensive Plan use of Office Commercial for the property.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

the petitioner's planned use of the property for medical office buildings will put the property to use to provide needed medical services to the general public. This use aligns with the intended use of property located within the HD-2 zoning district. The proposed buildings will replace the current vacant buildings on the property with new buildings designed to attract the general public to use the provided services within the buildings.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

the proposed site plan provides connections to both the public sidewalks along 86th Street for pedestrian traffic and also directly to 86th Street for passenger vehicles. The proposed site plan has been planned to conform with the City of Indianapolis requirements that govern the design and layout of the parking and loading. The site will provide connections
to the existing IndyGo public transit system and the site will be designed to allow for access for pedestrians and passenger vehicles as well.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

the proposed development plan will utilize the existing access available to the public sidewalks for pedestrian traffic and the the existing public roadway

access for passenger vehicles. Additionally, the site will be accessible from two existing public IndyGo busstop locations that are located within approximately 300 feet of the property both to the east and west of the site along 86th Street.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

the proposed development plan in the petition will utilize the existing sanitary sewer available to the site as well as the other public utilities. The stormwater drainage system will be developed in compliance with the City of Indianapolis requirements to control the runoff rates as well as address the stormwater quality aspects of the runoff from the proposed development.

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F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

the proposed site plan has been created using guidelines for development of the site to be in compliance with the City of Indianapolis requirements for comparable uses and similar properties. Detailed civil engineering construction plans will be created to provide acceptable site grading to meet the needs of accessing the site and the proposed buildings. These plans will take into account all design elements which must be considered and meshed to provide for successful development of the proposed buildings and site improvments.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

the petilioner's site plan will connect to the existing public sidewalks that are located in the public right-of-way adjacent to the property along 86th Street. The connection to this existing public aldewalk is within approximately 300' of IndyGo busstops that are located to both the east and west sides of the property. A detailed engineered development plan will be created to comply with accessibility requirements of the City of Indianapolis as well as ADA requirements.

DECISION

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

Adopted this _____ day of _____ , 20 ____

Commission President/ Secretary

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86TH STREET REDEVELOPMENT DP STATEMENT

INTRODUCTION

Dinneen – Ward - Shelley, LLC (the "Petitioner"), proposes to redevelop the approximately 3.33 acre site located at 86th Street, just west of Ditch Road in the North Willow Farms/Nora Neighborhood. The site currently has 2 single family homes (3 buildings) and a closed veterinary office. These existing 4 buildings will be torn down to make way for this project. The proposed project will consist of two medical office buildings, and associated site improvements.

This site has convenient access to IndyGo's 86th Street Crosstown route. The nearest busstop that serves the development is on the northern property border. With access to the 86th Street crosstown route, residents will easily be able to access the many retail, entertainment and dining options mentioned above. Eighty-Sixth Street is a pedestrian-friendly street, being lined onboth sides in either direction with sidewalks.

The North Willow Farms/ Nora Area is a thriving part of Indianapolis. This redevelopment aims to help improve the property value of the site and put the properties into productive use in providing the medical office services that will be offered in the proposed buildings.

The development will be constructed in substantial compliance with the approved Site Plan, Site Lighting Plan, and Site Landscape Plan.

PERMITTED USES

The Petitioner proposes two medical office buildings with associated site improvements.

DEVELOPMENT STANDARDS/SETBACKS

Improvements on the property shall be located in substantially the manner as depicted on the approved Site Plan.

UTILITIES/DRAINAGE

All utilities are available to the site. Storm drainage will be served with a surface detention pond (and potential underground detention) and professionally engineered to meet the intent of the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality.



LANDSCAPING

Landscaping shall be located in substantial compliance with the approved landscape plan.

ACCESS AND PARKING

Access to the site will be from 86th Street to the north. Parking will consist of approximately 140 parking stalls. The parking ratio will provide a minimum of 1 parking space per every 150 square feet of gross building floor area.



Dr. Annette Dinneen - Plan of Operation

Workforce.

- There will be an undetermined number of employees on site daily. Hours of operation are 8am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on the property.

Clients & Customers.

- The main level will consist of a dermatology office with waiting room, exam rooms, lab and supply storage, staff areas, and auxiliary building support rooms. Visitors to the practice will be there generally during the normal hours of operation. The visitor parking will be on the north side of the building, with overflow parking on the south side.

- The upper level will be a dark warm shell for future tenant space. It is assumed that the user will be a complementary medical-related use.

Materials Used.

- There will be a variety of topical and injectable dermatology products used, as well as PPE and paper products. Sharps containers will be used.

Shipping & Receiving:

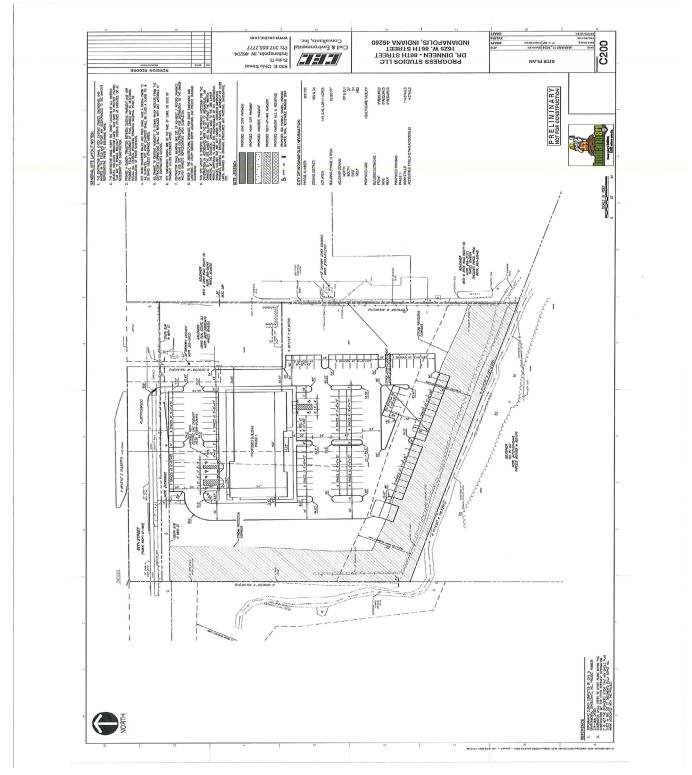
-Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

Waste:

-Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.

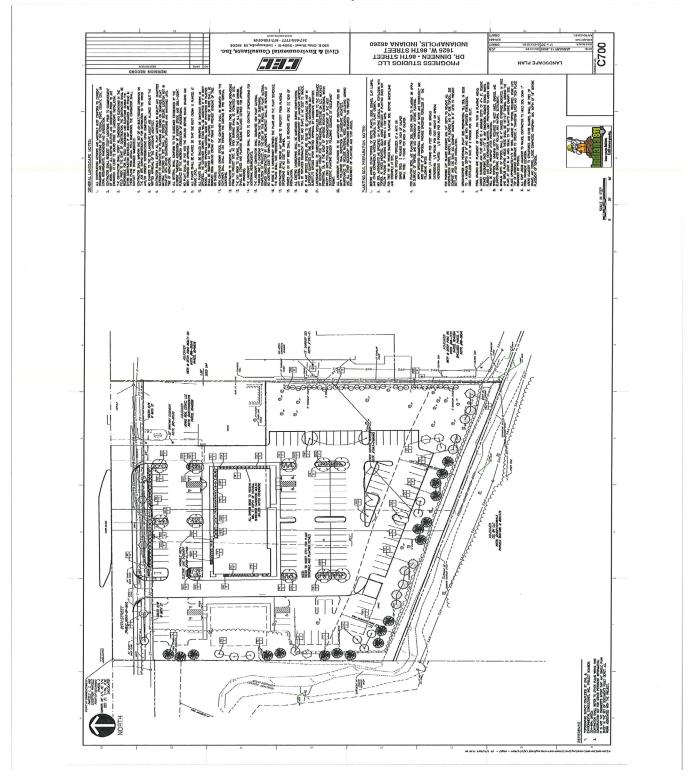


Stream Protection Corridor

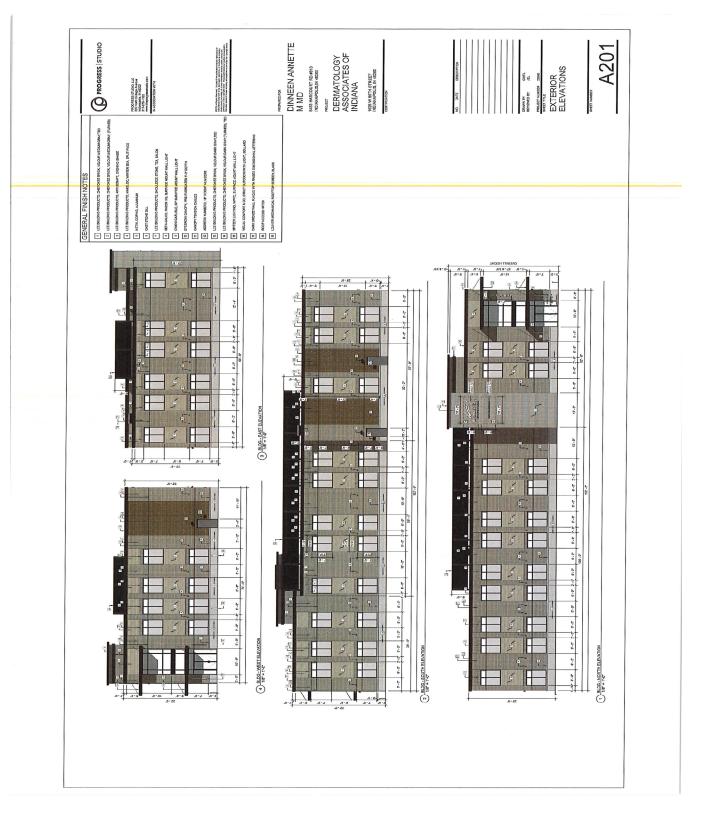




Landscape Plan



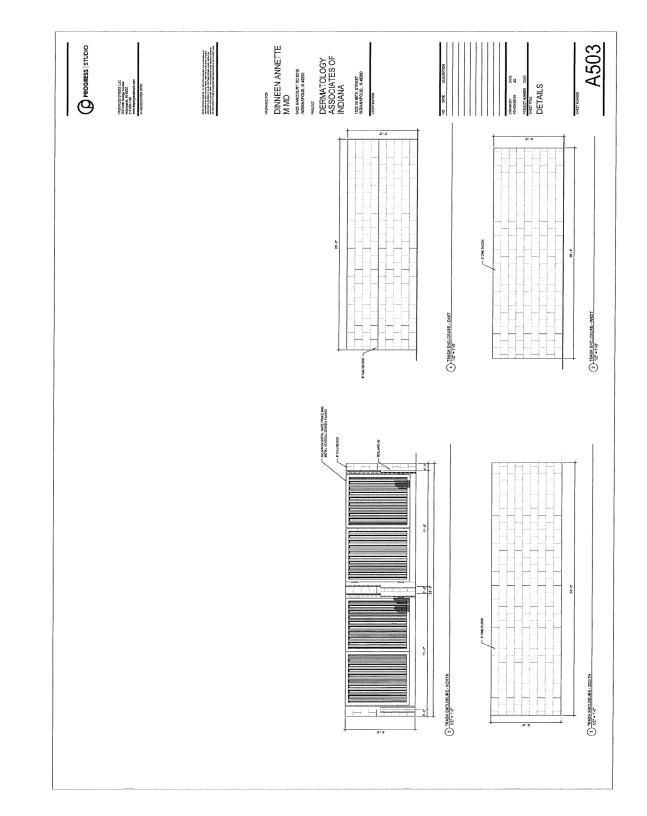




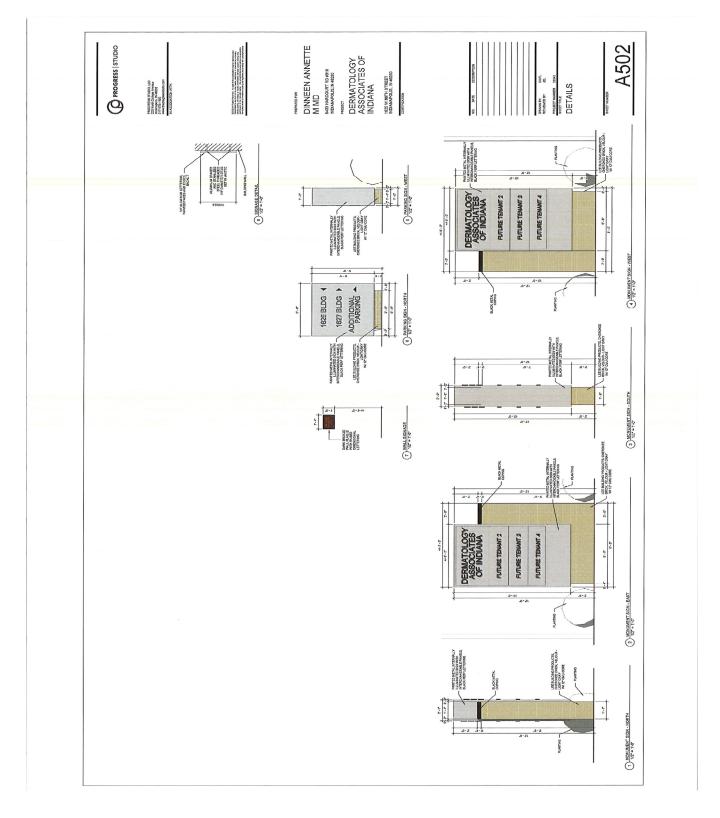
















View looking west along West 86th Street



View looking east along West 86th Street





View looking south from western boundary



View of site looking southeast from western boundary





View of site looking southeast



View of site looking south





View of site looking southeast along West 86th Street



View from site looking north across West 86th Street