

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-UV1-038
Address: 4010 West 86th Street (approximate address)
Location: Pike Township, Council District #1
Zoning: C-1 (FF)
Petitioner: UHS of Delaware, Inc., d/b/a Valle Vista Health System, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a methadone clinic, including counseling, and education, within 160 feet of a dwelling district (500 feet of separation required).

ADDENDUM FOR DECEMBER 6, 2022

The petitioner has requested a continuance from the December 6, 2022, hearing of Division I to the January 3, 2022, hearing of Division I. This would require a vote by the Board.

ADDENDUM FOR NOVEMBER 1, 2022

This petition was automatically continued by a registered neighborhood organization, continuing it from the November 1, 2022, hearing of Division I to the December 6, 2022, hearing of Division I.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-1	Metro	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-S	Commercial
South	C-1	Commercial
East	C-1	Commercial
West	C-1	Commercial

LAND USE PLAN

The Marion County Land Use Plan recommends Office Commercial development.

(Continued)

STAFF REPORT 2022-UV1-038 (Continued)

- ◇ The subject site is 1.29 acres, located in the Boulder Gate Terrace Subdivision in the College Park neighborhood. The subject site is located at the intersection of 86th Street and Guion Road. The subject site consists of a structure with several tenant spaces, used for low intensity commercial. The surrounding neighborhood is mostly commercial, with a residential zoning district located within 160 feet of the site. However, the residential district has variances that allow for commercial uses.
- ◇ The subject site is zoned C-1 (Office Buffer District). 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.

VARIANCE OF USE AND DEVELOPMENT STANDARDS

- ◇ The request would provide for the operation of a methadone clinic, including counseling, and education, within 160 feet of a dwelling district. Table 743-1 states that Methadone Clinics or Treatment Facilities are only permitted by Special Exception in the C-4, C-5, C-7, and CBD-2 districts. Methadone Clinics or Treatment Facilities are not permitted in the C-1 district, and therefore, a variance of use is required (as opposed to a Special Exception).
- ◇ As per Table 743-301-1, Methadone Clinics or Treatment Facilities are required to have 500 feet of separation between the following uses:
 1. Dwelling district
 2. Historic preservation district
 3. PK-1 Park district
 4. University quarter district
 5. SU-1 District (church)
 6. SU-2 District (school)
 7. SU-37 District (library)
 8. SU-38 District (community center)
 9. A lot or parcel containing an elementary, junior high, or high school

To the east of the subject site, is a protected district that is zoned D-2 (Dwelling District Two); only 160 feet from the subject site. Staff considered that the existing dwelling district has commercial use variances for office use and a beauty salon. In Staff's opinion, since commercial uses are permitted within the dwelling district, the proposed commercial use would not negatively impact the nearby protected district.

(Continued)

STAFF REPORT 2022-UV1-038 (Continued)

- ◇ The Comprehensive Plan recommendation for the subject site is Office Commercial. 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.
- ◇ Table 743-1 states that Medical or Dental Offices, Centers, or Clinics are permitted within the C-1 district. Staff finds that the proposed use would be similar to what is currently permitted at the subject site. The Plan of Operation provided, stipulates that a Diversion Control Plan and Safety Plan would be designed to promote safety for patients, employees, and the surrounding community. This would include the use of security cameras, alarm systems, and security staff. The Hours of Operation would be 5:30 am to 2:00 pm (open on Holidays), seven days a week. Security staff would be on premises during Hours of Operation.
- ◇ Staff is not aware of any other Methadone Clinics or Treatment Facilities within 10 miles of the subject site. Staff is supportive of the request, where the proposed use would not be a significant deviation from the permitted C-1 uses and Comprehensive Plan recommendation, and when the adjacent protected district is being used for non-residential uses.

GENERAL INFORMATION

THOROUGHFARE PLAN

86th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 135-foot existing right-of-way and a 134-foot proposed right-of-way. Guion Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with an 88-foot existing right-of-way and a 50-foot proposed right-of-way.

SITE PLAN

File-dated September 27, 2022.

PLAN OF OPERATION

File-dated September 27, 2022.

FINDINGS OF FACT

File-dated September 27, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES:

2004-UV3-010; 4010 West 86th Street (subject site), requested a Variance of use of the Commercial Zoning Ordinance to provide for a beauty salon in an existing commercial office complex, **approved**.

(Continued)

STAFF REPORT 2022-UV1-038 (Continued)

ZONING HISTORY – VICINITY

2009-UV3-005; 3904 West 86th Street, requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for an office and a five-foot tall, six-square foot sign with a two-foot front setback, **approved**.

2006-ZON-090; 3906 West 86th Street (west of site), rezone from D-2 (FW)(FF) to C-1 (FW)(FF) to provide for office-buffer commercial uses, **approved**.

STAFF REPORT 2022-UV1-038 (Continued)

96-UV2-90; 3902 West 86th Street (east of site), requests a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a beauty salon within a residential structure, with a 4 by 6-foot ground sign, being zero feet from the right-of-way, in D-2(FW)(FF), **granted**.

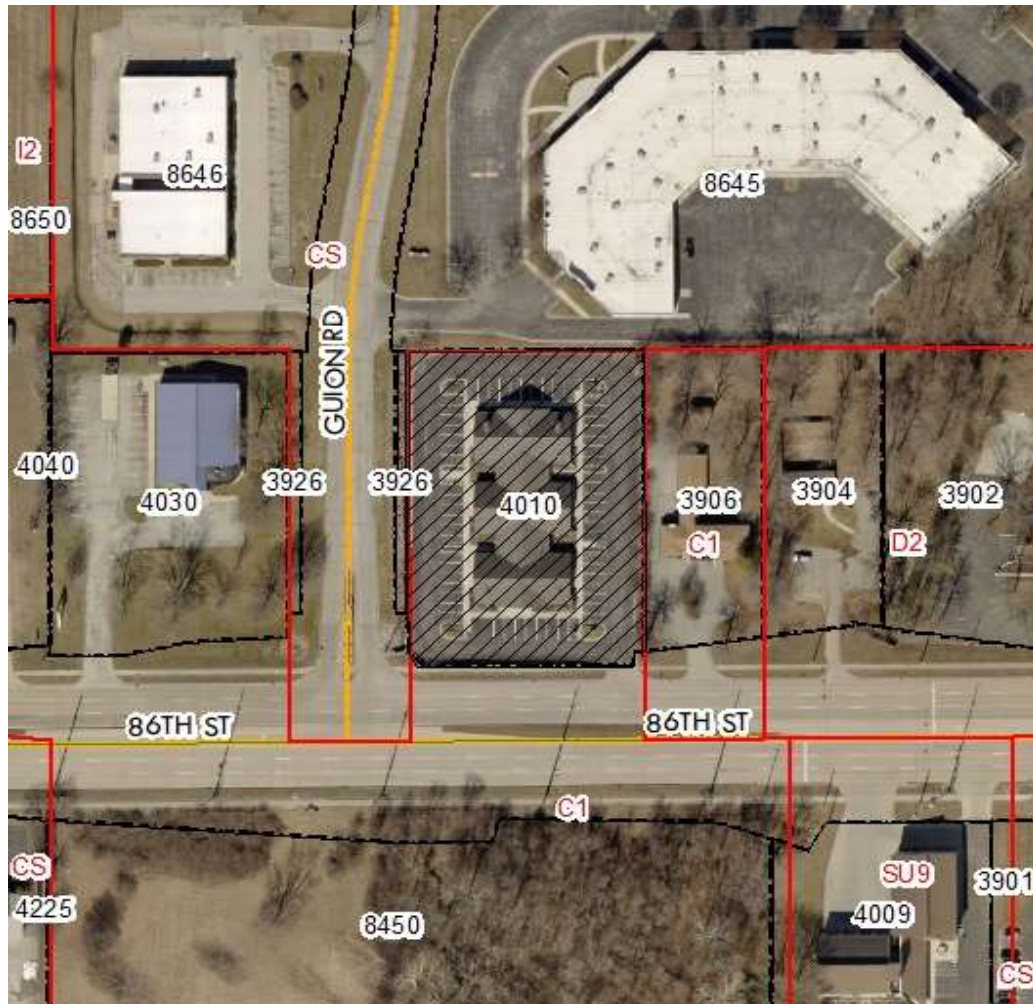
85-HOV-82; 3901 West 86th Street (southeast of site), requests a Variance of Development Standards of the Commercial Zoning Ordinance to provide for a drive-through window and a driveway in the required front yard of a bank, in C-S, **granted**.

GLH

(Continued)

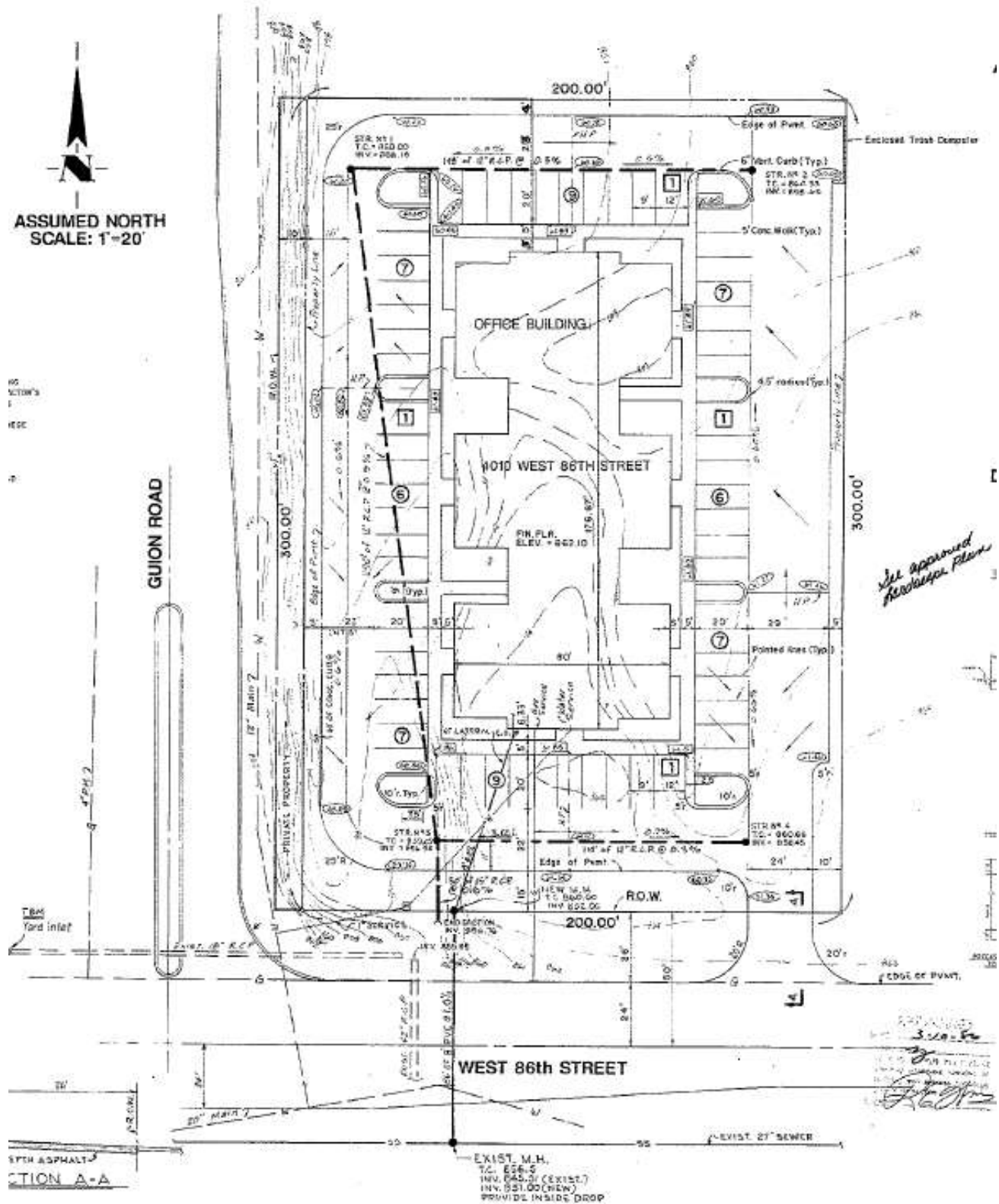
STAFF REPORT 2022-UV1-038 (Continued)

2022-UV1-038; Aerial Map



(Continued)

2022-UV1-038; Site Plan



(Continued)



Valle Vista Health System is part of a larger corporation, Universal Health Services (UHS), and has been providing quality addiction and behavioral health services that promote individual and community health, wellness, resiliency, and recovery since 1983 in central Indiana. Valle Vista provides inpatient and outpatient treatment to both adolescents and adults. In 2018, the organization expanded services by opening an Opioid Treatment Program in Johnson County.

Our agency's experience with this specialized service line includes the following:

1. Successful operation of a de novo clinic in the Indianapolis metropolitan area since 2018.
2. Successful annual surveys by the state and federal agencies with jurisdiction.
3. Consistent management and experienced medical, clinical, and administrative leadership, including:
 - a. Medical director with specialized training and experience in Addiction Medicine.
 - b. Clinic director with start-up experience and specialization in addiction care and healthcare administration.
 - c. Therapists, nurses, and support personnel with solid education, training, and experience in the field.
4. Robust operations support from one of the major healthcare systems in the USA.
5. Exceptional Clinical Outcomes
 - a. Treatment retention: 82.4% patients remained in treatment after 90 days
 - b. Engagement/Patient compliance with scheduled medication visits: 90%
 - c. Outcomes for patients who remained in treatment after 6 months:
 - i. 97% obtained or maintained stable housing
 - ii. 75% obtained or maintained gainful employment
 - iii. 92% remained uninvolved in new legal issues
 - iv. 91% remained in compliance with their current requirement with the judicial system
 - v. 100% remained in compliance with DCS requirements
 - vi. 86% were linked with medical care
 - vii. 99% reduced use of illegal drugs
 - viii. 74% improved their domestic relationships

Program Purpose and Overview

An Opioid Treatment Program is a comprehensive treatment program that incorporates the use of FDA-approved medications, in combination with counseling, to provide a "whole-patient" approach to the treatment of substance use disorders. This approach is called Medication-Assisted Treatment (MAT).

This treatment approach is associated with the following positive outcomes¹:

- Improve patient survival
- Increase retention in treatment
- Reduce need for inpatient detoxification services
- Decrease illicit opiate use and other criminal activity among people with substance use disorders
- Increase patients' ability to gain and maintain employment
- Improve birth outcomes among women who have substance use disorders and are pregnant
- Contribute to lowering a person's risk of contracting HIV or Hepatitis C by reducing the potential for relapse

Opioid Treatment Programs in Indiana are highly regulated by several state and federal entities, including the Department of Mental Health and Addiction (DMHA), Drug Enforcement Agency (DEA), Board of Pharmacy, Substance Abuse and Mental Health Services Administration (SAMHSA), and The Joint Commission. Regulatory statutes and rules govern the facility's operations (See Appendix A).

Market Analysis

As part of the governor's mission to address the opioid epidemic in our state, the Department of Mental Health and Addiction granted Valle Vista Health System the opportunity to open an Opioid Treatment Program in Marion County.

Marion County statistics regarding opioid use and opioid-related deaths necessitate additional treatment centers in this county. The Indiana Department of Health provides annual statistics reflecting deaths caused by acute drug poisonings that involve any opioid as a contributing cause of death. In 2020, Marion County residents accounted for 510 of the state's 1,875 opioid-related deaths. That's nearly double the amount of Marion County opioid-related deaths in the prior year (293 opioid-related deaths).²

While Marion County does have two other Opioid Treatment Programs, the statistics reflect the county's need for additional treatment providers. The existing programs continue to experience an influx of patients, and alternate locations are needed to meet the need of people in the community. Many patients enrolled in treatment are employed individuals, and centrally located treatment centers are needed in order to reduce the amount of time people drive to obtain treatment.

Community Relations

The facility functions in accordance with its approved Community Relations Plan which details comprehensive community engagement efforts to ensure that our facility promotes a peaceful co-existence within the community, provides education/outreach on substance use disorder and medication-assisted treatment, and remains a positive resource within the community. Valle Vista Health System has a demonstrated history of commitment to the community and strong relationships with local and state regulatory entities, licensed hospitals, community mental health centers, law

¹ Substance Abuse and Mental Health Services Administration. (Last Updated 2022, July 25). *Medication-Assisted Treatment (MAT)*. Retrieved on September 18, 2022 from [Medication-Assisted Treatment \(MAT\) | SAMHSA](#).

² Indiana Department of Health, Division of Trauma and Injury Prevention; Vital Records. Retrieved September 18, 2022 from https://gis.in.gov/apps/lisdh/meta/stats_layers.htm.

2022-UV1-038; Plan of Operation

enforcement, and other local and state officials. Strong community partnerships are integral to demonstrating the effectiveness of treatment in meeting the behavioral health needs of the community. Valle Vista Health System is adept at collaborating with community members to ensure these objectives are met (See Appendix C).

Valle Vista Health System works diligently to ensure that our facility is not a disruption to neighbors or the community. The facility is strategic about positioning of the main entrance and works closely with city and county officials, including law enforcement, to mitigate potential impact from changes in foot and vehicle traffic. Our organization is transparent about our safety and security protocols and routinely integrates community feedback into operational processes to mitigate negative impact to the surrounding community.

Workforce

This facility employs clerical staff, security staff, medical staff (physician, nurse practitioner, registered nurses, licensed practical nurses), and clinical staff (licensed and credential counselors) who are on site daily to provide direct services. There is a Program Director to oversee operations who is on site five days per week, and an Executive Director who provides additional operational and clinical oversight both on and offsite. Upon opening, the facility will employ up to 10 staff (not all employees are present on site simultaneously), and the number of employees will increase based on the number of patients served. Employees arrive to the facility at 5:00AM and depart from the facility starting at 1:30PM. Employees will park in the facility's dedicated parking lot.

Unarmed security staff are on site 7 days a week during hours of operation. Video surveillance is utilized both inside and outside the facility to monitor all activities. A DEA-approved alarm system with 24-hour monitoring is also utilized both inside and outside the facility to maintain security of the premises during non-operational hours as well as to promote safety of patients and employees during business hours. Employees are not permitted to be in the building without at least one additional staff member present.

Administrative and supportive services (human resources, billing, information management) are provided by employees at our main campus location in Johnson County.

Clients & Customers

This facility provides services to persons, age 18 and above, who meet criteria for Opioid Use Disorder. Services are rendered regardless of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status. Individuals receiving services at the facility are voluntary. Individuals seeking treatment are either self-referred or referred by other service providers.

This facility is open 7 days a week, including holidays. The facility opens at 5:30AM to ensure that treatment is accessible to its employed patients. While the facility is open until 2:00PM to allow for completion of administrative tasks, patients are gone from the facility typically by 11:00AM. Patients arrive to the facility via their own vehicle, cab or other transportation service, or by foot. The parking lot is monitored by security cameras as well as an on-site security guard.

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A portion of the patients who receive services present to the facility daily to receive medication. Patients are also required to meet with the physician and to participate in group and individual counseling services as detailed in their treatment plan. The length of time the patient spends at the facility varies based on the required services they have scheduled for that day. Patients who present for medication are at the facility for an average of 5-10 minutes. Patients participating in counseling services or other medical appointments may be at the facility for up to 60 minutes to complete their scheduled services.

The facility anticipates an average of 228 enrolled patients in the first year of operation. New patients enter the program on a weekly basis, but the total census served by the program at any one time varies based on the number of admissions and discharges that occur. It is anticipated that many patients who will receive services at this location will transfer from our existing facility, as this location will significantly reduce the amount of time they spend driving to a treatment provider.

Processes Conducted on Site

The scope of services provided to the patients (either by staff on-site or via referral to a local community resource) include the following:

- A. Medical Services-physical examinations, phlebotomy, medication administration, medication management, drug testing, referral to and consultation with other medical service providers to coordinate medical care
- B. Educational Services to address the following: relapse prevention, prevention, treatment, and transmission of communicable diseases, including but not limited to HIV/AIDS, Hepatitis A, B, and C, TB, and STDs; for pregnant women-prenatal care while receiving medication-assisted treatment; prevention of overdose; human trafficking
- C. Counseling Services-individual, group, and family counseling, substance abuse assessment, individualized treatment planning, case management, aftercare planning
- D. Referral Services-vocational rehabilitation, education, employment, housing, other medical services not provided by OTP (including pain management), prenatal care or other gender-specific services, and mental health services that require a higher level of care

Safety and security are of the highest consideration for this organization. The facility's policies and procedures are reviewed, approved, and monitored by the aforementioned regulatory agencies. Onsite inspections by the agencies with authority over operations are conducted prior to opening the facility and routinely thereafter. The safety and security protocols are also monitored by the organization's internal management and corporate staff and are routinely reviewed to ensure the highest level of safety and security are maintained by the facility. See Appendix B for additional information related to safety and security protocols.

Administrative functions performed offsite include those related to human resources, accounts payable, billing and finance, and information management.

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Materials Used

Hazardous materials are not used in this facility's operations. The primary materials used at this facility are patient care supplies, including those used for phlebotomy services, and medication. Regarding phlebotomy supplies, licensed nursing staff are responsible for this function. Supply storage and collection procedures are in compliance with standard universal precautions.

Medication is stored and dispensed on site. The facility follows its extensive Diversion Control Plan which incorporates a multitude of policies and procedures to ensure safe and secure practices as it pertains to medication shipments, inventory control, storage, and administration (See Appendix B).

The Diversion Control Plan is reviewed and approved by all applicable state and federal regulatory agencies including Drug Enforcement Agency, Board of Pharmacy, Department of Mental Health and Addiction, Substance Abuse and Mental Health Services Association, and the Joint Commission. Onsite inspections by these agencies ensure consistent implementation of the Diversion Control Plan. The Diversion Control Plan also details the use of drug screening, the use of the state's Prescription Drug Monitoring Program, and pre-employment screening and background checks for employees to further ensure safety and security.

Shipping & Receiving

Patient care and office supplies are received via UPS. The frequency and time of day varies based on supply needs but may occur 1-2 times per month. The most frequently received material is medication. The medication is received 1-2 times per month via a wholesale drug distributor. The precise delivery time is unknown until the operations begin; however, delivery time is typically during the morning hours. The delivery vehicle is a van. Materials are received directly by nursing staff and escorted by security staff employed at the facility.

Lab Services present to the facility daily Monday-Friday to pick up specimens. The precise pick-up time is unknown until operations are initiated. The vehicle for pick-up is a regular size vehicle.

Waste

The waste generated by this operation primarily includes patient care supplies and biohazard waste. The medical, security, and housekeeping staff are responsible for handling all waste generated at the facility. Biohazard waste is secured properly according to OSHA standards and is picked up by a contracted biohazard waste company. Empty medication containers are disposed of by security staff into a locked dumpster stored on the property. A contracted information management services company handles confidential document shredding.

Appendix B

Safety And Security

Security of the patients, employees, facility, and overall community is a top priority for our organization. The facility's Diversion Control Plan and Safety and Security Plan are designed to promote safety and integrates state and federal guidelines in doing so. Maintaining a safe and secure environment requires a multi-faceted approach, with all employees playing a role in the implementation of security protocols. Below are excerpts from the comprehensive plans in place as part of the facility's standard operating procedures.

Security of Environment

The facility utilizes a DEA-approved security system, employs on site security staff, uses video surveillance, and closely monitors all vendors and guests to ensure security of the environment. All clinic employees are responsible for continuous monitoring of the facility and grounds for the purpose of identifying potential diversion activities or other safety concerns. All employees are responsible for reporting any concerns immediately to the Program Director for further investigation and follow-up.

Alarm System

The facility contracts with a DEA-approved security service company for installation and monitoring of the main alarm system for the facility, the medication room, and a subsystem and keypad for the safe where medication is stored.

Security Staff

On-site security staff are employed by the facility during patient care hours. Security staff is present at the facility at least 30 minutes before the facility is open and at least 30 minutes after medication is dispensed. Facility policy prohibits loitering in the parking lot and the grounds are routinely patrolled to ensure this policy is enforced.

Video Surveillance

Video cameras are used to record and document the environment including common areas throughout the facility, patient and staff entrances, and the parking lots. Video surveillance is also used to monitor areas where controlled substances are stored and dispensed. These recordings and their use will be done in accordance with state, federal, and HIPAA regulations. Signage indicates that the facility is monitored by video surveillance.

Guests and Vendors

All vendors and guests must sign the visitor confidentiality log when entering the facility. Only authorized guests are allowed beyond the facility's front reception area. Authorized guests are those individuals participating in a patient's scheduled therapeutic session. All vendors are accompanied by a facility employee.

Security of Medication

Regulatory Compliance

The program requires a DEA Certificate of Registration to provide services. This registration is contingent upon a Controlled Substance Registration granted by the Board of Pharmacy. Registrations are renewed in accordance with state regulatory standards. Only authorized individuals with Power of Attorney are permitted to order and receive medication shipments. The facility uses an electronic Controlled Substance Operating System to order and receive medication. All records are maintained in accordance with regulatory standards and are subject to routine inspection by the DEA and Board of Pharmacy.

Purchasing and Receiving Medication

Only authorized individuals with Power of Attorney are permitted to order and receive medication shipments. All controlled substances are delivered directly to the facility where authorized nursing staff will be present to receive the order. Security staff accompanies nursing staff and the medication delivery to the medication room. All medications are secured immediately upon delivery.

Medication Storage and Inventory Control

Medication storage and inventory control are performed in accordance with state regulatory standards. Controlled substances are maintained in a DEA-approved narcotics safe, armed with an alarm. The room containing the safe is alarmed on a zone separate from the overall facility. Alarm features include panic alarms, contact alarms, and motion sensors, all of which are monitored offsite by a 24-hour monitoring company. Access to the medication room and safe is restricted to a limited number of authorized medical staff. Daily, monthly, and biennial inventory processes mitigate the risk of diversion.

Appendix C

Community Relations

General Objectives

- A. Solicit input from the community and use both solicited and unsolicited input from the community to determine the program's impact in the neighborhood
- B. Obtain input from patients to identify community concerns and consider both patient and community input when developing or revising its policies and procedures
- C. Establish a liaison(s) with community leaders to foster positive relations
- D. Include goals and procedures and identifies program staff who will function as community relations coordinators
- E. Address how the program serves as a community resource on substance use disorder and related health social issues, as well as how it promotes the benefit of MAT in preserving public health
- F. Document community relations efforts and community contacts
- G. Evaluate its community relations efforts over time and address any outstanding problems

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the use will take place within a comprehensive medical clinic and will be wholly contained in an existing office building.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the use will operate like a normal medical clinic and the adjacent uses are all self contained commercial uses.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

the property is located on a primary thoroughfare with a commercial building that can be used as a medical clinic without dispensing methadone.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the dispensing of methadone is clinically prescribed and an accessory use of the proposed clinic.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the build out and overall use of the facility will be that of a medical clinic, which is contemplated as an office commercial use.

DECISION

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

Adopted this _____ day of _____, 20 ____

2022-UV1-038; Photographs



Photo of subject site from access drive off of Guion Road.



Photo of access drive from Guion Road, not connected to subject site.

(Continued)

2022-UV1-038; Photographs



Photos of subject site, from adjacent access drive to the north.

(Continued)

2022-UV1-038; Photographs



Photo of surrounding commercial to the north of the subject site.



Photo of subject site (north / west lot lines).
(Continued)

2022-UV1-038; Photographs



Photo of subject site from west lot line, showing tenant spaces.



Photo Guion Road and 86th Street intersection, with exisitng signage.
(Continued)

2022-UV1-038; Photographs



Photo of subject site from the south lot line, with view of 86th Street.



Photo of the Subject Property: 4010 West 86th Street