

APR 06 2018

Division of Planning

**Preliminary DP Plan  
2016-ZON-020**

2730 East 86<sup>th</sup> Street and 8707, 8711, 8717 and 8727 Haverstick Road

**Introduction**

Green Indy LLC (“Petitioner”) is the owner of property containing approximately 13 acres and commonly addressed as 2730 East 86<sup>th</sup> Street, and 8707, 8711, 8717 and 8727 Haverstick Road (the “Subject Property”). The Subject Property is zoned DP, as a result of Case No. 2005-ZON-034/2005-DP-012 (the “Existing DP”). The Existing DP contemplated both a residential component and a commercial component, comprised of 31 townhome units and a 60,000 square foot specialty grocery store. Many years have passed, and no development has occurred on the Subject Property.

The Petitioner is proposing a commercial development on the southern portion of the Subject Property containing approximately 5.80 acres, as more particularly described on Exhibit “A” attached hereto, and as shown on the conceptual site plan submitted with and attached to this Preliminary DP Plan as Exhibit “B” (the “Site Plan”). The portion of the Subject Property proposed to be developed is hereinafter referred to as the “Development Parcel”. The balance of the Subject Property shall remain subject to the development standards and plans filed with the Existing DP; however, only the 31 townhome units as permitted and shown on plans in conjunction with the Existing DP shall be an ongoing permitted use and site plan on the remainder of the Subject Property following approval of this Preliminary DP Plan.

**Phase 1**

Introduction: The Development Parcel features a two (2) story commercial building containing a total of approximately 56,000 square feet of commercial/retail space (the “Mixed Use Building”). The Mixed Use Building shall be constructed substantially as shown on the Site Plan; provided, however, the Mixed Use Building may deviate from that shown on the Site Plan if, and only if, the footprint of the Mixed Use Building is reduced to no more than 28,000 square feet, in which case the Mixed Use Building may be built up to a maximum height of five (5) stories (the “Alternate Building”). The Alternate Building shall be subject to Administrator’s Approval following ten (10) business day review and comment period by the Nora Representatives.

Permitted Uses: The use of the Mixed Use Building or Alternate Building shall be limited to those uses set forth on Exhibit “C” (the “Permitted Use List”), as described in Table 743-1 of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis, Marion County, effective April 1, 2016 (the “New Zoning Ordinance”), and otherwise defined in the New Zoning Ordinance. Petitioner has filed zoning commitments concurrently with this Preliminary DP Plan which prohibit certain uses deemed incompatible with the surroundings of the Development Parcel.

Metropolitan Development

APR 06 2018

Division of Planning

Development Standard/Setbacks:

Buildings, including the Mixed Use Building or Alternate Building, structures, and other permanent improvements (including parking areas) constructed on the Development Parcel shall meet the following minimum setbacks:

1. Front Yard (86<sup>th</sup> Street): Zero (0) feet from the existing right of way line (70 feet from centerline).
2. Front Yard (Haverstick Road): Zero (0) feet from the proposed right of way line (35 feet from the existing property line, inclusive of existing right of way or apparent right of way), which shall be dedicated by Petitioner as provided in Paragraph 4 under “Infrastructure Improvements” below.
3. Front Yard (Keystone Ramp): Zero (0) feet from the existing right of way line.
4. Rear Yard (North): The Mixed Use Building or (Alternate Building) shall be no closer than 175 feet to the north line of the Development Parcel.

Infrastructure Improvements: Petitioner shall undertake, in cooperation with the City of Indianapolis, the following infrastructure improvements, as recommended by that certain Traffic Impact Study prepared by American Structurepoint, Inc. and dated April 14, 2017 (the “TIS”), and as shown on the Site Plan:

1. Installation of additional dedicated left turn lane for southbound Haverstick Road with 225 feet of storage length and 50 foot taper, and reconfiguration of the south bound lane to be a shared right/through lane.
2. Modification of existing traffic signal timing at 86<sup>th</sup> Street and Haverstick Road to provide for permissive right turn and overlap phase for the northbound approach, and protected/permissive phasing for the left turn for the southbound approach. Petitioner shall also engage in discussions with the City of Indianapolis to coordinate signal timing with the intersections of 86<sup>th</sup> Street and the Keystone ramps.
3. Addition of 5 foot wide sidewalk along Haverstick Road from 86<sup>th</sup> Street to the north line of the Development Parcel. Petitioner shall not be required to install a sidewalk along the 86<sup>th</sup> Street frontage of the Development Parcel, and may contribute to the sidewalk fund in lieu thereof. If Petitioner must construct a sidewalk along the 86<sup>th</sup> Street frontage, a wall at the east terminus shall be permitted and a sign identifying the development may be incorporated on the wall. Petitioner agrees to cooperate with the Nora Representatives in negotiating with the Department of Metropolitan Development and IndyGo to have the amount contributed to the sidewalk fund used to create a dedicated bus drop off/pick up area located within the north right of way of 86<sup>th</sup> Street west of the intersection of 86<sup>th</sup> Street and Haverstick Road.
4. Petitioner shall enter into an agreement with the City of Indianapolis (or appropriate board or agency) such that Petitioner will dedicate half right of way along Haverstick Road, if needed, to accommodate the infrastructure improvements in number 1 above,

Metropolitan Development

APR 06 2018

Division of Planning

in exchange for the City deeding portions of real property it owns and located near the southwest and southeast corners of the Development Parcel to accommodate the proposed development.

In addition, Petitioner shall coordinate with the City of Indianapolis and the Nora Representatives with regard to the following infrastructure improvements to take place near the Subject Property:

5. The installation of traffic calming devices at or near the intersection of 91<sup>st</sup> Street and Haverstick Road.
6. Two (2) signalized crosswalks at the intersection of 86<sup>th</sup> Street and Haverstick Road, running from the southwest corner of the Development Parcel across both 86<sup>th</sup> Street and Haverstick Road.

Except for the contributions to be made by Petitioner to the Traffic and Pedestrian Safety Fund as set forth in the Commitments, nothing contained in items 5 and 6 shall require Petitioner to provide funding for said improvements.

Landscaping: The Petitioner will undertake the following landscaping improvements: Detailed landscaping plans using the size and species of plant materials from the City of Indianapolis Recommended Planting List (if such list exists) will be submitted for Administrator's Approval, following submittal of same to the Nora Representatives (as hereinafter defined) for a 10 day review and comment period:

1. Haverstick Road: From the north side of the Mixed Use Building to the north property line of the Development Parcel, a landscaped buffer of fifteen (15) feet in width (which may include the 5 foot sidewalk referenced above) beginning at the back of the proposed curb of Haverstick Road, as shown on the Site Plan. The landscaped buffer may only be reduced to less than fifteen (15) in width in those areas specifically shown on the Site Plan.
2. 86<sup>th</sup> Street: Petitioner will seek approval from the City of Indianapolis to undertake planting of low growth trees, shrubs and flowers within the unimproved portion of the right of way of 86<sup>th</sup> Street, as shown on the Site Plan.

APR 06 2018

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Development Parcel, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality. There are significant topographical differences throughout the Subject Property, which limits on site drainage locations; provided, however, the Petitioner will not route drainage from the Development Parcel to the north east corner of the Subject Property. The Petitioner is planning an underground detention system.

Lighting: All free standing light fixtures shall feature full cut off shields, automatic dimming, motion sensors, and shall be directed downwards to minimize light spill across property lines.

Parking: Petitioner will provide no more than 300 surface parking spaces for the Development Parcel without Administrative Approval and submitting said plan to the Nora Representatives at least 10 days prior to submitting for Administrative Approval; provided, however, there shall be no parking maximum if spaces exceeding the 300 surface parking spaces are located in a below grade parking structure, or if additional parking is incorporated into the Alternate Building. In the event the Alternate Building is constructed, Petitioner shall provide at least the minimum number of parking spaces required under the New Zoning Ordinance; provided, however, this requirement shall not be construed to permit more than 300 surface parking spaces. Bicycle parking for the Development Parcel shall be provided, not to exceed 5% of the minimum number of required parking spaces. The surface parking shall be substantially as shown on the Site Plan.

Signs: Petitioner proposes the following signs:

1. Development Identification Signs: 1 pylon sign, not to exceed forty (40) feet in height (measured from the grade of the building pad of the Mixed Use Building) if freestanding, identifying the development, to be located near the southeast corner of the Subject Property near the intersection of 86<sup>th</sup> Street and the Keystone Ramp.
2. Two (2) freestanding monument Signs; one not to exceed fifteen feet (15') in height, identifying tenants in the commercial portion of the development, to be located near the corner of East 86<sup>th</sup> Street and Haverstick Road, and the other not to exceed eight feet (8') in height, to be located near the entrance to the Development Parcel along Haverstick Road. The height of each such Sign shall be measured from the grade of the building pad of the Mixed Use Building.
3. Wall signs, as permitted by the Sign Regulations of Marion County, including development identification signs incorporated into any wall fronting on 86<sup>th</sup> Street and the Keystone Ramp.
4. Up to four (4) Construction/Leasing signs with a maximum height of 20 feet measured from street level grade and a maximum size of sixty-four (64) square feet.

Building Materials: The Mixed Use Building shall feature a variety of materials, including glass, steel, aluminum, wood, masonry, stone, EIFS and fiber cement board. No vinyl siding shall be used. At present, the planned character of the Mixed Use Building is shown on Exhibit D.

#### Miscellaneous

Tree Program: Petitioner shall, in conjunction with final engineering and design of the Mixed Use Building or Alternate Building, and related improvements on the Development Parcel, use reasonable efforts to preserve as many large, healthy, non-invasive trees on the Development Parcel outside of planned development activities as is shown on Exhibit "E" as the intended tree preservation areas as is reasonably possible. Nothing contained in the foregoing statement shall be construed as guarantee of a specific number or area of trees to be preserved; rather, it shall serve as Petitioner's current intentions, based on preliminary design and engineering, and is subject to change based on final engineering of the Development Parcel. A final tree preservation plan for the Development Parcel shall be submitted for Administrator's Approval prior to application for an Improvement Location Permit. At least ten (10) business days prior to

Metropolitan Development

APR 06 2018

Division of Planning

submitting a tree preservation plan for Administrator's Approval, the Petitioner shall submit same to the Nora Representatives for review and comment. The tree preservation plan submitted to the Nora Representatives and for Administrator's Approval shall include the following details:

1. A detailed plan delineating the location of the trees to be preserved.
2. Identification of the size and species of trees to be preserved, using a tree inventory of no less than 20 feet by 20 feet as a sample area.
3. A scaled plan showing the development activities taking place on the Development Parcel in relation to those trees proposed to be preserved, and/or individual trees/treed areas.
4. Details as to the methods and standards to be used in construction to be employed in preserving trees, including fencing, baling and other safety measures, at the individual dripline during construction activities.

Petitioner shall be required to mitigate all healthy and non-invasive trees with a caliper of greater than 10 inches (10") in diameter ("Mitigated Trees") which are not preserved or which are proposed to be preserved but are damaged, destroyed or accidentally removed during construction activities taking place on the Development Parcel. Petitioner may use the existing tree inventory, which indicates the location of all such trees on the Subject Property, and which contains a total of 4,540 caliper inches. Any Mitigated Tree which is not preserved or is removed as described above shall be replaced by the planting of replacement trees by Petitioner, in a ratio of one to one between the caliper inches of trees removed and the total caliper inches of trees replanted. Petitioner shall cause an arborist to create an inventory of all Mitigated Trees removed during construction activities on the Development Parcel, using the existing tree inventory as a basis determining the number of caliper inches removed. Petitioner may satisfy its mitigation/replacement requirement under the Existing Tree Commitments by causing plantings to be made (a) on the Development Parcel; (b) on portions of the Subject Property outside of the Development Parcel or the parcel commonly known as 8755 Haverstick Road, both of which areas are shown on Exhibit "F"; (c) outside the boundaries of, but in the immediate vicinity of, the Subject Property; or within the boundaries of the Nora-Northside Community Council. Any tree mitigation outside of the Development Parcel or the properties shown on Exhibit "F" shall occur within two (2) years following completion of construction activities taking place on the Development Parcel; otherwise such plantings shall be proposed and implemented in the areas allowed per (c) above within a reasonable time thereafter, not to exceed more than one (1) planting season. Any tree mitigation outside of the Development Parcel or the properties shown on Exhibit "F" shall be in such locations as approved by the Administrator, following a ten (10) business day review/comment period by the Nora Representatives. Petitioner shall provide a two (2) year warranty (measured from the time of planting) for any trees it is required to plant pursuant to this section, and shall reasonably promptly replace any tree which becomes diseased (and must be removed) or dead during such warranty period; provided, however, such warranty shall not extend to any off-site trees which are damaged or destroyed outside the control of Petitioner, and are not covered by the underlying landscaper's/nursery warranty.

**Metropolitan Development**

**APR 06 2018**

**Division of Planning**

Commitments: The development of the Development Parcel shall be subject to certain Commitments, submitted to the Department of Metropolitan Development on April 6, 2018, and attached hereto as Exhibit “G”.

Interpretation: The Rezoning Petition was submitted prior to the effective date of the New Zoning Ordinance, and as such, all interpretations, standards and requirements of this DP shall be in accordance with the Dwelling Districts Zoning Ordinance of Marion County, as in effect as of March 31, 2016, EXCEPT when this Preliminary DP Plan explicitly refers to the New Zoning Ordinance. In the event of a conflict between this Preliminary DP Plan, the existing zoning ordinance, and the New Zoning Ordinance, this Preliminary DP Plan shall control.

Nora Representatives: As used and described in this Preliminary DP Plan, the Nora Representatives are two persons jointly chosen by the Nora-Northside Community Council and The Nora Alliance, Inc.

Metropolitan Development  
APR 06 2018  
Division of Planning

**LIST OF EXHIBITS**

Exhibit A	Legal Description of Development Parcel
Exhibit B	Site Plan
Exhibit C	Permitted Use List
Exhibit D	Mixed Use Building Character Exhibit
Exhibit E	Permitted Tree Mitigation Areas
Exhibit F	Commitments

**Metropolitan Development**

**APR 06 2018**

**Division of Planning**

## EXHIBIT "A"

### Land Description

A part of the Southeast Quarter of Section 18, Township 17 North, Range 4 East, Washington Township, Marion County, State of Indiana, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 18; thence North 00 degrees 21 minutes 19 seconds East, along the West line of said Southeast Quarter Section, 123.39 feet to the POINT OF BEGINNING of the real estate described herein, said point being a Southwest corner of said Inst. No. 2009-29964; thence continuing North 00 degrees 21 minutes 19 seconds East, along said West line, 432.17 feet; thence South 89 degrees 17 minutes 41 seconds East 819.03 feet to a point of curvature for a non-tangent curve to the right, having a radius of 646.25 feet, the radius point of which bears North 32 degrees 54 minutes 55 seconds West; said point being on the West right of way line for Keystone Avenue (a.k.a. Indiana State Road #431) as per State Highway Plans, under Project No. S.U.-165(13), the following five (5) calls being along said West right of way line per plans; 1) thence Southwesterly along said curve an arc length of 84.71 feet to a point which bears South 25 degrees 24 minutes 18 seconds East from said radius point; 2) thence South 57 degrees 40 minutes 28 seconds West 165.98 feet to the point of curvature of a non-tangent curve to the left, having a radius of 336.50 feet, the radius point of which bears South 25 degrees 24 minutes 17 seconds East; 3) thence Southwesterly along said curve an arc length of 333.88 feet to a point which bears North 82 degrees 15 minutes 17 seconds West from said radius point; 4) thence South 07 degrees 44 minutes 43 seconds West 34.62 feet; 5) thence South 46 degrees 02 minutes 04 seconds West 78.18 feet to a point on the North right of way line for East 86th Street (a.k.a. Indiana State Road #100) as per the aforesaid State Highway Plans, the following three (3) calls being along said North right of way line; 1) thence North 89 degrees 10 minutes 56 seconds West 258.46 feet; 2) thence North 48 degrees 39 minutes 42 seconds West 76.96 feet; 3) thence North 89 degrees 10 minutes 56 seconds West 41.26 feet to the POINT OF BEGINNING of this description, containing 5.758 acres, more or less.

Metropolitan Development

APR 06 2018

Division of Planning





**EXHIBIT "C"**

Permitted Uses – 2016-ZON-020

The following C-1 and C-3 uses, as described in Table 743-1 of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis (the "Use Table"), shall be permitted as primary uses within the Mixed Use Building:

1. Business, art, or other post-secondary proprietary school
2. Club or Lodge
3. Day Care Center or Nursery School
4. Museum, Library, or Art Gallery
5. Medical or Dental Offices, Centers, or Clinics
6. Medical or Dental Laboratories
7. Animal Care, Boarding, Veterinarian Services
8. Artisan Food and Beverage
9. Farmers' Market
10. Consumer Services or Repair of Consumer Goods
11. Financial and Insurance Services
12. Hair and Body Care Salon or Service
13. Mortuary, Funeral Home
14. Printing Services
15. Bar or Tavern
16. Eating Establishment or Food Preparation
17. Indoor Recreation & Entertainment
18. Bed and Breakfast
19. Information Technology R&D
20. Logistics R&D
21. Office: Business, Professional or Government
22. Department Store, limited to a store featuring the sale of home accessories, decorations and/or furniture not exceeding 15,000 square feet in gross leasable area
23. Retail, Light General
24. Retail, Heavy General, limited to a store featuring the sale of home accessories, decorations and/or furniture not exceeding 15,000 square feet in gross leasable area
25. In addition, if the Mixed Use Building is an Alternate Building, then Multi-Family Dwelling (as set forth in the Use Table) shall be a permitted use.

The following accessory uses, as set forth in the Use Table, shall be permitted on the Development Parcel, in conjunction with the Mixed Use Building or any other subsequently approved development:

1. Automated Teller Machine (ATM)
2. Bicycle Sharing
3. Drive-Through  
Outdoor Seating or Patio (nonresidential)
4. Pick-up Station for Dry Cleaning or Laundry
5. Renewable Energy Facility, Solar and Geothermal
6. Satellite Dish Antenna
7. Sidewalk Café
8. Sign
9. Vending Machine or Self-serve Kiosk
10. Walk-up Window
11. Parking Lot
12. Parking Garage

Metropolitan Development  
APR 06 2018  
Division of Planning

EXHIBIT "D"



North Elevation

**KEYSTONE**  
REALTY GROUP

DMS JCALDERON 4270357v13

Division of Planning

APR 06 2018

Metropolitan Development

**ALEXANDER AT THE CROSSING**  
INDIANAPOLIS, INDIANA  
FEBRUARY 25, 2016

D-1

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South Elevation



West Elevation

**KEYSTONE**  
REALTY GROUP

DMS JCALDERON 4270357v13

Division of Planning

APR 10 6 2018

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**ALEXANDER AT THE CROSSING**

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FEBRUARY 25, 2016

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