

Meridian-Kessler Neighborhood Association

Land Use Committee Report

Submitted: September 12, 2016

5870 College Ave. (AT&T Site Redevelopment)

Petitioner: 5858 N. College Ave., LLC (Milhaus Development by Michael Rabinowitch)

Petition: 2016-CZN-818 / 2016-CVR-818

Milhaus has filed a petition with the City's Dept. of Metropolitan Development to rezone the 3.02-acre property from the C-1 and D-3 districts to the MU-2 zoning classification. Additionally, Milhaus is seeking variances to allow a 69.5-foot front setback (MU-2 requirements call for a 20-foot maximum front setback) and a 54-foot building height (MU-2 limits height at 35-feet). The rezoning and associated variances will provide for 100 apartments, 9,400 square feet of retail and 160 parking spaces (128 structured/garage spaces for residents and 32 surface spaces for retail; 75 spaces required), as presented at the most recent land use meeting (September 6, 2016, Site Plan, Attachment A)

MK Land Use Process

The MKNA Land Use Committee (LUC) convened a total of five meetings since May 2016 (May 2, June 6, July 11, August 1, and September 6, 2016), all held at Northwood Christian Church. Meetings were publicized online and through e-mail. Updates were posted sharing the presentations of every meeting to solicit feedback from neighbors. Comments were accepted via e-mail from individuals who were unable to attend the meetings.

Our first several meetings were informal and allowed Milhaus to seek input before they started their design process. As they progressed through the process, they came back monthly to update neighbors and the committee on their design and seek additional input and feedback. At the encouraging of the committee, Milhaus also engaged neighbors outside of the scheduled meetings to discuss specific issues and concerns.

Milhaus filed their zoning petition in July and appeared at three subsequent public LUC meetings to discuss the specifics of their request.

Attendance at each of the meetings ranged from 20-50 people.

Existing Conditions

The majority of the site has been zoned C-1 for over 30 years. A small portion of the site is zoned D-3.

Under the City's former zoning code (effective until April of 2016), the maximum height allowed in C-1 was 50-feet.

According to the City's current zoning code, this property is C-1 in the Compact District and would have a maximum allowable height of 38-feet.

Surrounding Land Use

The property is bounded on the west by an alley bordered by single family residences to its west; on the north by the AT&T switching station; to the east by College Blvd and mixed commercial (intersection of College and Kessler) and single family residences; to the south by single family residences.

Summary of Development Details (September 6, 2016)

- 100 apartments, all market rate (none subsidized).
- 9,400 ft² of retail space.
- Parking:
 - Residential parking: 128 spaces in a structured garage beneath the building. Each apartment will have one parking space included in the rent. Residents will have the option to rent additional parking spaces. The parking space/apartment ratio is 1.34:1 and exceeds City requirements (0.75:1).
 - Commercial/retail tenants: 32 surface parking spaces. Overnight parking will not be permitted on the surface parking spaces, and will be enforced by towing.
 - 110 bicycle parking spaces.
- A proposed building design of three east-west oriented "bars" or "wings" that are connected on the west (alley side), with 40-foot courtyards between the south/center and center/north bars. The design concept was inspired by the apartment building near the southeast corner of 54th and College; LUC and neighbors cited this as an example of an apartment building that was well integrated architecturally with the neighborhood.
- Proposed building façade materials are red brick (front elevation and sides), light masonry and lap siding on interior sides.
- Apartment balconies will overlook courtyards between the building wings; none will overlook the alley or the south;
- Proposed building setback of 69.5 feet exceeds the 20-foot maximum setback requirement for MU-2 zoning. The south bar setback will be 54-feet to align with residences to the south.
- The proposed building height ranged from 41.6 feet, (south wing, southeast, first inset) to 54 feet (northwestern corner). The south wing will have a gabled roof echoing the residential homes to the south, and the central and north wings will have flat roofs with "step ups" transitioning to the maximum height. The structure's mean height is 45 feet on the east side (College Avenue) and 49 feet on the west side (alley).
- The proposed building height will exceed MU-2 district's 35-foot height maximum.
- The MK Plan allows for a maximum building height based on the right-of-way ("ROW") ratio; one foot of building height for every two feet of ROW. Since the ROW is 90 feet at the site, the maximum building height per the MK Plan is 45 feet. The center and north bars will exceed both the MU-2 and MK Plan maximum height.
- Preservation of the existing trees along College, with the exception of the ash trees and any other diseased trees. The ash and diseased trees will be replaced.

- Reconstruction of the wall between the property and College Avenue, the adjacent home to the south, and along the alley. This wall will be maintained per the commitments made by AT&T to neighbors when they developed the property.
- Benches and other pedestrian-friendly features will be incorporated.
- Site drainage will be managed through underground retention. Milhaus has included design features that encourage infiltration (green rooftops, grass, trees).
- No ingress or egress from the alley will be permitted onto the property. There will be a signaled light at the College Avenue entrance to the property.
- Construction will take 15-18 months, and Milhaus anticipates it will be a year before all completed apartments are occupied.

Traffic Study (Attachment B)

Milhaus presented the results of their traffic study at the September 6, 2016, meeting. The analysis suggested that the proposed development would not have a significant impact to the existing intersections analyzed for the study (College/ Kessler and College / 57th Street).

Neighbor Concerns

Over the five LUC meetings, neighbors expressed concerns regarding: setback, scale, density and height of the building; sufficient parking for residential and commercial uses; having on-site pet facilities; use of building materials and architectural details that will mesh with the MKNA neighborhood; preserving trees along College Avenue; site safety and security during construction; making the access to the site via College Avenue only and restricting vehicular access to the alley west of the property; and honoring existing land covenants regarding the wall encircling the property and alley access from the former AT&T parking area.

While there is still opposition by some neighbors immediately west of the site and in Forest Hills, other neighbors have been supportive of Milhaus' process, concessions, and commitments. The greatest concerns voiced during the September meeting continue to be increased traffic and shortcuts into the neighborhood to avoid College Ave., parking, the scale of the building and architecture. Some neighbors, however, approved of the plan and voiced appreciation for Milhaus' open dialogue with neighbors, and thanked them for tweaking the proposed plan to address neighbor concerns. Specifically, the adjacent neighbor to the south of the proposed project has indicated that he is supportive of the project.

Concessions

Over the course of the LUC meetings, Milhaus made the following concessions to the original site concept in direct response to neighbor concerns:

1. Decreased apartment units from 125 to 100.
2. Increased the apartment parking space ratio from 1:1 to 1.34:1, which exceeds the MU-2 required ratio of 0.75:1.
3. Including one parking space in the rent for residents.
4. Saving the existing trees along College Avenue, and committing to replant diseased trees.
5. Restricting ingress and egress into the project site to College Avenue only by blocking alley access to the project site.

6. Including using restrictions on retail tenants.
7. Allowing the neighboring property to the south continue to use the site property for its private rear yard.
8. Installing a traffic light on College.
9. Adding trees along the south property line to block views from the property towards residences to the south.
10. Stepping the south wing of the building back significantly so it will not impede over the property to the south.
11. Prohibiting overnight public, resident or guest parking in the retail lot.

Rezoning Commitments (September 6, 2016)

After discussions with LUC and neighbors and per concessions, above, Milhaus will file the following commitments with the Department of Metropolitan Development as conditions of their rezoning and variance:

- The following permitted uses shall be prohibited: Animal Care, Boarding, Veterinarian Services, Assisted Living Facility, Group Home, Nursing Home, Check Cashing or Validation Services, Laundromats, Liquor Store, Substations and Utility Distribution Nodes, Wireless Communication Facility.
- The following non-permitted uses shall also be prohibited: Payday Loans, Tattoo Parlor, Adult Entertainment Business, Adult Bookstore, Transitional Living Quarters, Night Club or Cabaret, Firearm Sales, Firework Sales (ongoing), Pawn Shop
- Vehicular ingress and egress from the Site to the alley to the west shall be prohibited. Vehicular ingress and egress for the Site shall be from College Avenue only.
- Barring disease or other act of God, the Petitioner shall make best efforts to retain existing mature street trees along College Avenue. Should existing tree(s) require removal, Petitioner shall use as their replacement another appropriate street tree.
- Petitioner shall submit a landscape, lighting and signage plans for Administrator's approval prior to issuance of any improvement location permit for the project. Such landscape plan shall include up to three (3) evergreen trees of at least a 4" caliper to be planted along the south property line to provide additional screening.
- The Project shall be constructed in substantial conformity with the site plan, building elevations and building program filed with the Department of Metropolitan Development on August 8, 2016. The Building Program will include the following:
 - Mixture of residential units: studio (15%), 1 BR (34%), 1BR +Den (9%), 2 BR (22%) 2BR+Den (9%) and 3 BR (11%);
 - 9,400 square feet of commercial space
 - 128 Structured/Garage parking spaces
 - 32 Surface parking spaces
 - 110 Bicycle parking spaces

MK Neighborhood Plan (Attachment C)

The MK Neighborhood Plan (MK Plan) specifically identifies this site as Critical Area 101. Below are the excerpts pertaining to this site:

Why Critical:

The southern edge (northern boundary of Meridian-Kessler Neighborhood) of this intersection has the most intense commercial zoning (C-4) within the College Avenue corridor. The properties are occupied by a car repair facility (formerly a gas station) on the southwest corner and a veterinarian clinic (formerly a gas station) on the southeast corner. The property (5870 College Avenue) along the west side of College Avenue and south of the C-4 zoning, is owned by AT&T and zoned C-1 with a small area of D-3, which provides for commercial offices. It is developed with a three-story brick building and large parking lot.

Site Specific Recommendations:

Redevelopment of 5870 College Avenue should be as a multi-story mixed-use building that is integrated and consistent with the character and architecture of the neighborhood. Property of this size is uncommon in the Meridian-Kessler neighborhood and should command high-quality design standards.

College Ave Recommendations:

College Avenue served as a major public transit route when used by the interurban from 1904 to 1938. Portions of tracks are visible today in some areas. College Avenue remains a heavily traveled street. College Avenue connects north central Marion County and points north to downtown Indianapolis. Currently, IndyGo operates two of its 30 routes along College Avenue. College Avenue also has a role in city's mass transit future. It will be the route of the Red Line, a bus rapid transit (BRT) route.

Properties along College Avenue are primarily residential, with commercial uses around the intersections of Kessler Boulevard East Drive, 54th Street, 52nd Street, 49th Street, 46th Street and 42nd Street. These commercial nodes were developed in response to the public transportation route and trolley stops along College Avenue that served the surrounding neighborhoods.

Land Use Recommendations

- Residential uses should be protected along this corridor by maintaining commercial uses at their present locations.
- Transit-oriented development (TOD) should be encouraged at each of the commercial nodes along College Avenue.
- Foster a sense of community and uniqueness by attracting a diversity of locally-owned retail and service businesses to the area, although without an over-reliance on alcoholic beverage establishments.
- Create destinations within the corridor by consolidating or combining a diversified group of small local businesses (specialty stores) that would provide a unique "one-stop shopping" experience.

Design Guidelines

- Heights of new buildings should maintain a 2:1 ratio (two feet of right-of-way for one-foot building height – i.e. 60' right-of-way/30'-40' tall building) to

create a level of comfort and a sense of openness and interaction for pedestrians.

- Provide appropriate buffer between commercial and residential uses to minimize the impact of noise, lighting, and trash.
- Conduct a parking study as part of the Red Line BRT planning effort in order to determine how best to address parking issues along the College Avenue corridor.
- Improve alleys throughout the corridor, including lighting, to provide additional parking, pedestrian access, and service access to businesses.
- Crosswalks should be clearly identified throughout the corridor to improve safety of and encourage use by pedestrians.
- Install bicycle lanes and racks, where appropriate, to accommodate multi-modal means of travel.
- Electronic variable message signs should not be permitted along the corridor due to proximity of the surrounding residential use.
- Encourage the development of green space along the corridor that could be as simple as trees, landscaping, benches, or bicycle racks.
- Parking lots should be screened with adequate landscaping to minimize impact upon adjacent land owners.

LUC Recommendation

1. **ZONING:** The LUC agreed that rezoning the 3.02-acre site from C-1/D-3 to MU-2 is appropriate, and consistent with the Meridian-Kessler Neighborhood Plan (“MK Plan”, Attachment C). The Plan calls for the following in relation to this Site:
 - The Plan integrates with other planning documents that make up the Comprehensive Plan for Indianapolis and Marion County; for this site, the Red Line Transit-Oriented Development Strategic Plan applies. The Plan recommends promoting and supporting mass transit, accompanied with development density, as an integral part of future plans, and to promote the vicinity of the intersection of College Avenue and Kessler Boulevard as a mass transit stop.
 - The site is located in Plan Critical Area 101: “Redevelopment of 5870 College Avenue should be as a multi-story mixed-use building that is integrated and consistent with the character and architecture of the neighborhood. Property of this size is uncommon in the Meridian-Kessler neighborhood and should command high-quality design standards (p. 17).”
 - The Plan proposes “Village Mixed Use (pp. 9, 38).” In the context of the site’s location as a transit hub for the proposed Red Line, the category is intended to create compact and medium intensity mixes of residential, office, retailing and services, entertainment, institution and civic uses and a high level of transit and pedestrian activity.”

Milhaus will file commitments that restrict the building program, commercial uses, alley access to the site, and overnight parking in order to address neighbor concerns about the

MU-2 use. They will also file commitments regarding landscape screening to block residential views to the south. They made concessions to allow for the continued use of their property by the home to the south. They have increased the apartment/parking ratio significantly over City requirements.

The LUC agreed with the analysis of the traffic study (Attachment B), and its conclusion that the proposed development will not have a significant adverse impact to the existing intersections analyzed for the study (College/ Kessler and College / 57th Street).

The C-1 zoning designation allows for offices (maximum 38 feet in height); a variance is required for residential uses. The MU-2 zoning classification is consistent with the MK Plan and the Red Line Transit Oriented Development Strategic Plan.

The LUC recommends that the MKNA Board vote in support of the request to change the zoning from C-1/D-3 to MU-2 with the Rezoning Commitments (detailed above) provided in the September 6, 2016, presentation. Additionally, the LUC recommends that Milhaus provide MKNA with a plan for landscaping, lighting, and signage.

2. ***Setback Variance:*** MU-2 permits a maximum setback of 20 feet. Milhaus is requesting requested a setback of 69.5 feet to be consistent with the existing setbacks of residential structures to the south of the site and to provide for the building design. Milhaus' requested setback is consistent with the MK Plan (Section 3.1, Land Use Development, p. 8); "Any new structures should be consistent with the setbacks, height, style, material and mass of the surrounding neighborhood."

LUC recommends that the MKNA board vote in support of the setback variance request.

3. ***Height Variance:*** The City limits buildings in MU-2 classification to 35 feet maximum height. Milhaus is requesting a maximum height of 54 feet. They cite the MK Plan, which permits a Building height – 2:1 ratio (ROW in front of Site is 90'), so 45 feet is the recommended maximum height limit. While the LUC would prefer that the building height not exceed 45 feet, we determined that compromising on the height variance request was appropriate and acceptable for several reasons:
 - a. The average height along College Ave. is 45 feet and complies with the MK Plan.
 - b. The transition of the height from the south to the north (three stories in the south wing, four stories in the center and north wings) properly transitions from the residential to commercial area and lessens the impact to residential properties.
 - c. The "step up" design to soften the transition to the maximum height of each wing.
 - d. Deeper front setback off College Ave and maintaining of mature trees provide significant screening.

LUC recommends that the MKNA board vote in support of the height variance request.

LUC Additional Comments:

- Milhaus committed to using high-quality building materials to finish the façade (predominantly red brick) and noted that they would be building a 2017 building that would integrate with but not mimic the architecture of the neighborhood. The LUC recommends that Milhaus incorporate appropriate design elements/details that integrate with and are consistent with the character and architecture of the neighborhood.
- Since this will be a transit-oriented project, attention to integrating pedestrian/commuter uses at the site is encouraged in the ground level site design (building/open space) and retail spaces.
- Milhaus should provide detailed landscape, lighting and signage plans for MKNA LUC review.

Attachments:

Attachment A: Site Plan (Included in Milhaus 9/6/16 Presentation) (<http://wp.me/a5ydrQ-139>)

Attachment B: 5858 N College Avenue Traffic Impact Study, August 22, 2016
(<http://wp.me/a5ydrQ-12u>)

Attachment C: Meridian-Kessler Neighborhood Plan, June 2016 (<http://zoning.mkna.org>)