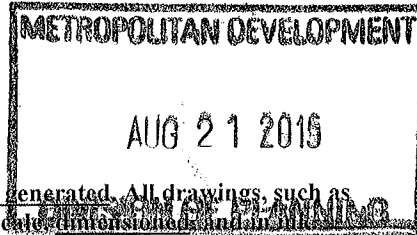


## REZONING CHECKLIST

Requirements for filing a petition



**Note:** All documents must be legible. All text documents must be typewritten or computer generated. All drawings, such as site plans, elevations, sign details, maps, surveys, must be drawn to an appropriate scale, dimensioned, and in ink.

1. One (1) completed **checklist** (this form).
2. One (1) completed **petition**, signed by the owner of the subject property or an authorized agent, notarized, and filed at least 35 days prior to a scheduled public hearing.
3. One (1) copy of a general **location or area map** indicating (in a reproducible manner) the location of the property and the surrounding area. Maps created using internet mapping sites are acceptable.
4. Three (3) copies of the **Ordinance** (white form titled "City-County Rezoning Ordinance No.") correctly completed, with the proposed Zoning District and Zoning Ordinance in the appropriate blanks. A legible legal description must also be provided or referenced and attached to the Ordinance.
5. Four (4) copies of the **legal description** attached to the petition. Attach one to the petition; attach one copy to each of the Ordinances as referenced above.

*Metes and bounds descriptions should include two (2) copies of the perimeter survey, drawn to scale.*

*- or -*

*Recorded subdivision legal description includes lot number, section number, subdivision name, plat book number with page number and must include a plat map (plat maps are available in Room 741 of the City-County Building for a nominal charge).*

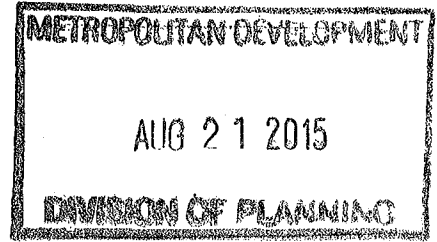
6. Three (3) copies of a **parking and pedestrian accessibility plan**, including sidewalks, must be filed.
7. If the petition requests a C-S or D-P classification, **three (3) copies of a site plan** must be filed. Plans must be legible and drawn to a scale of 1=10, 1=20, 1=30, or 1=40. Additional information may be required, but at the minimum, plans must include the information described on the site plan form. If the petition requests a D-P classification, **three (3) copies of a written development statement** must also be submitted.
8. If the **"Statement of Commitments" forms** are filed (referenced as Exhibit "B" by the MDC Rules of Procedure), one (1) original and four (4) copies are required. Forms must be signed by the current owner of record. Agents are not acceptable. Legible legal description must be included or attached to each.
9. **Non-refundable filing fee.** Consult the Rules of Procedure for the applicable fee amounts.
10. **On-site hearing notice sign fee.** The On-Site Notice must be posted in a conspicuous location along each street frontage of the affected property. There is a non-refundable fee of \$10 per sign required.
11. **Surrounding property owners (optional).** As part of the legal notice requirement, the petitioner is required to notify the owners of surrounding properties per the Rules of Procedure. Petitioners can request a list of those property owners requiring notice of their petition for an optional \$25 fee. The list of owners compiled will be provided to the petitioner on label form. Petitioners are still required to make copies of the legal notice and mail it to the list provided. If petitioners do not choose this option, they must obtain their own list of surrounding property owners from the County Assessor's Office.
12. **Contact person identified.** This Contact Person is notified when Legal Notice is prepared; contacted to provide additional information; and receives the written Staff Report.

Name (print):	Joseph D. Calderon, Bose McKinney & Evans LLP		
Address:	111 Monument Circle, Suite 2700, Indianapolis, IN 46204		
Daytime Phone:	317-684-5331	Fax:	317-223-0331
E-Mail Address:	jcalderon@boselaw.com		

Acceptable methods of payment include cash, check, or MasterCard, VISA or American Express credit card. Checks must be made payable to "City of Indianapolis." Credit cards are accepted; however, the credit card processing agency assesses a fee of \$1.00 plus 2% of the transaction amount.

METROPOLITAN DEVELOPMENT COMMISSION  
METROPOLITAN BOARD OF ZONING APPEALS  
PLAT COMMITTEE  
HEARING OFFICER  
OF MARION COUNTY, INDIANA

**CONSENT FORM**



The undersigned, on behalf of Indiana Bell Telephone Co., being the owner of the property commonly known as 5858 North College Avenue, hereby authorizes TWG Development, LLC, and its attorneys, Bose McKinney & Evans LLP, to file land development petitions necessary for the aforementioned address.

This consent shall (check one):

- ☐ remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.
- ☐ remain in effect until .
- ☒ remain in effect until these land development petitions are resolved.

INDIANA BELL TELEPHONE CO.

By: Patricia McNulty

Printed/Title: Patricia McNulty, Transaction Manager

Signature(s) of Owner(s)

Signature(s) of Owner(s)

STATE OF IL  
COUNTY OF COOK, SS:

Subscribed and sworn to before me this

12/15 day of August, 20 15

Denise Fowler

Notary Public

STATE OF INDIANA,  
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public

Printed Name of Notary Public

My Commission expires:

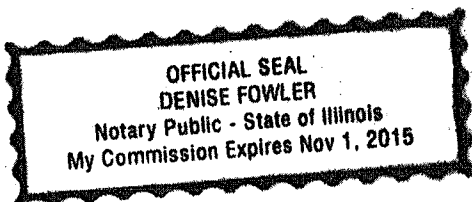
My County of residence:

11/1/15  
LaPorte

Printed Name of Notary Public

My Commission expires:

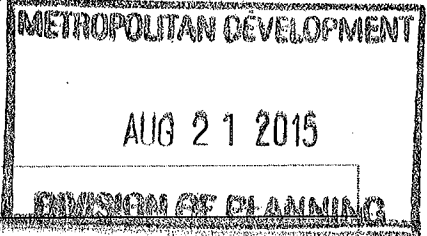
My County of residence:





METROPOLITAN DEVELOPMENT COMMISSION  
METROPOLITAN BOARD OF ZONING APPEALS  
HEARING OFFICER  
OF MARION COUNTY, INDIANA

◆ PETITION - - PAGE TWO ◆



Is this property the subject of any **code enforcement** action (yes or no)? No

Was this property the subject of any **previous petition** (yes or no)? No

If yes, list the previous petitions' docket number(s): \_\_\_\_\_

Current **Primary Zoning** Classification: C-1, C-4 Current **Secondary Zoning** Classification: \_\_\_\_\_

Current **Comprehensive Plan** recommendation: Commercial - Draft MKNA Plans shows mixed use

**Existing Use** of the Subject Property: Office

**Existing Improvements** on the Subject Property: Office Building, Parking

Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

Petitioner, TWG Development, LLC, proposes to redevelop a portion of property used by AT&T as an office and incidental parking with a mixed use building containing multi-family units and some commercial space, pursuant to the Preliminary Development Statement and conceptual plans filed with this Petition. The

the Subject Property will retain existing uses and conditions, although the Preliminary Development Statement will allow for changes of use in the future.  
Specify any **specific ordinance(s)**, **standard(s)**, **condition(s)**, **commitment(s)**, and/or **regulation(s)** sought to be modified. Attached additional pages or documentation if necessary.

**Oath:** The above information, to my knowledge and belief, is true and correct.

TWG Development, LLC

By: \_\_\_\_\_

Signature(s) of Petitioner(s) Joseph D. Calderon, its attorney

STATE OF INDIANA,  
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

21 day of August, 20 15

Notary Public

Stacey Cleveland

Printed Name of Notary Public

My Commission expires:

July 20, 2016

My County of residence:

Hancock

Signature(s) of Owner(s) (if different than petitioner)

STATE OF INDIANA,  
COUNTY OF MARION, SS:

Subscribed and sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

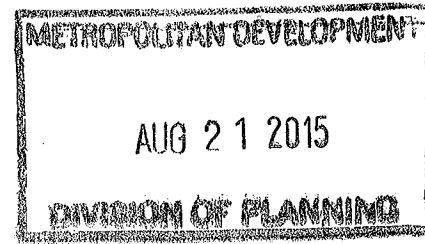
Notary Public

Printed Name of Notary Public

My Commission expires:

My County of residence:

**PRELIMINARY DEVELOPMENT STATEMENT  
FOR  
5858 NORTH COLLEGE AVENUE**



**INTRODUCTION**

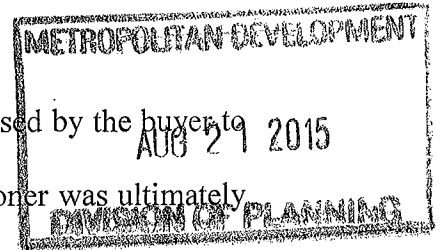
Petitioner has filed a Petition seeking to rezone approximately 3.51 acres of developed property commonly known as the 5858 North College Avenue (the "Subject Property"). A 2.027 acre portion of the Subject Property to be redeveloped with a mixed use building will be known as "The Link At Kessler".

Petitioner proposes a significant redevelopment of the Subject Property, rezoning some existing uses into the redevelopment, adding new uses, providing new construction, and providing for future coordination of these uses into a master plan of redevelopment. The rezoning sought by Petitioner is to zone all of the Subject Property to the D-P zoning district, which will: (i) allow for redevelopment of the Subject Property in appropriate phases, recognizing that there will be both residential and commercial uses co-existing both in the immediate and long term future; and (ii) provide for development standards which are more appropriate for urban redevelopment. Petitioner's Concept Plan, attached hereto as Exhibit "A", indicates the desired use mix and placement for The Link At Kessler portion of the Subject Property.

**HISTORY**

The Subject Property has long been occupied by AT&T, formerly Indiana Bell. The Subject Property currently houses two commercial structures, one of which is currently used as a switching station combined with offices, and there are no current plans to change such use. The other building and adjacent parking lot, located just south of the switching station, was the subject of a solicitation for offers with a significant

factor considered by the Seller being the type of redevelopment proposed by the buyer to be consistent with the new neighborhood comprehensive plan. Petitioner was ultimately chosen to redevelop the south parcel, shown as Parcel "A" on the Concept Plan.



### **COMPREHENSIVE PLAN**

The Subject Property is located in the Meridian Kessler Neighborhood Plan. The Neighborhood Plan is now more than 35 years old, and calls for the Subject Property to be used for commercial uses. The Meridian-Kessler Neighborhood Association has been developing a new neighborhood plan, which is in draft form and is expected to be presented to the Metropolitan Development Commission for adoption in the fairly near future. The draft neighborhood plan calls for multi-story, mixed use development of the subject site.

### **LAND USE PLAN**

#### **A. Existing Conditions/Infrastructure**

The location, condition and capacity of existing public infrastructure is a major challenge facing any major redevelopment project. In the case of the Subject Property, the Petitioner has preliminarily identified the locations and diameters of existing water lines, sanitary sewer lines and stormwater sewer lines.

It appears that most of the Subject Property is serviceable through existing 8 inch water lines. Combined sanitary/storm sewer lines 15 inches in diameter are also present at or near the Subject Property. The conditions described above came from available public information and not from any detailed engineering analysis. These conditions remain subject to confirmation; but, it appears at this time that existing water and sanitary sewer lines can be a part of the redevelopment that a majority of the stormwater will have

to be detained on site. An underground stormwater detention facility will have the capacity to meet the City's stormwater ordinance with respect to the development on Parcel "A". The system's potential location is shown on the Concept Plan.

Street infrastructure serving the Subject Property includes direct access to College Avenue, which adjoins the Subject Property to the east, and a platted alley which adjoins the Subject Property to the west.

College Avenue is a Primary Arterial Street with 90 feet of existing and planned right of way. It is also planned to be a part of the "Red Line" Bus Rapid Transit Route. The alley which adjoins the Subject Property to the west, as platted, has 16 feet of right of way.

Petitioner proposes to construct a parking structure on Parcel "A" providing 170 underground spaces and 97 surface parking spaces. The garage will be accessible from the west in the area generally shown on the Concept Plan. There will also be direct access to the Subject Property from College, as shown on the Concept Plan. To improve access to the Subject Property from the west, Petitioner proposes improvements to the alley running south from its intersection at Kessler, as shown on the Concept Plan.

**B. Land Use Districts**

There will be three parcels within the Subject Property, Parcels "A", "B" and "C", each of which are shown on the Concept Plan, and each of which will have specific permitted use types. The categories are as follows:

**(1) Parcel "A"**

Permitted Primary Uses: Multifamily, including condominiums and townhouses; Mixed Use (residential/commercial); or Office.

**(2) Parcel "B"**

Permitted Uses: All uses currently designated in the Commercial Zoning Ordinance as a C-1 permitted use; Multi-Family, including condominiums and townhouses; Mixed Use (residential/commercial).

**(3) Parcel "C"**

Permitted Uses: Accessory parking (surface only); all uses currently designated in the Commercial Zoning Ordinance as C-1 or C-3; Mixed Use (residential/commercial).

For each of the Parcels, the following development standards shall apply:

Parcel "A"								
Building/Use Type	Min Front Setback (College)	Min Rear Setback (Alley)	Min South Setback	Min North Setback	Max Height	Planned # of Units	Planned Comm. s.f.	Planned Parking Spaces.
Mixed Use	20 ft.	12 ft.	32 ft.	5 ft.	65 ft.	205	3,000 s.f.	280*

\*Includes 13 street spaces

Parcel "B"								
Bldg./Use Type	Min. Front Setback (College)	Min. Rear Setback (Alley)	Min. South Setback	Min. North Setback	Max Height	Planned # of Units	Existing/Planned Comm. S.f.	Existing/Planned Parking Spaces
Office (Existing)	35 ft.	1 ft.	5 ft.	0'	50 ft.	N/A	53,385	51 spaces*
Commercial	20 ft.	12 ft.	5 ft.	0'	40 ft.	N/A	TBD	
Mixed Use	20 ft.	12 ft.	0 ft.	0'	65 ft.	TBD	TBD	

\*combined with Parcel "C"

Parcel "C"								
Bldg./Use Type	Min. Front Setback	Min. Rear Setback	Min. East Setback	Min. West Setback	Max Height	Planned # of Units	Existing/Planned Comm. S.f.	Existing/Planned Parking Spaces
Surface Parking (Existing)	0 ft.	0 ft.	0 ft.	0 ft.	N/A	N/A	N/A	51 spaces*
Commercial	10 ft.	0 ft.	0 ft.	10 ft.	30 ft.	TBD	TBD	TBD
Mixed Use	10 ft.	5 ft.	5 ft.	10 ft.	40 ft.	TBD	TBD	TBD

\*combined with Parcel "B"

Note: Even if Zero (0) feet of setback is permitted, buildings shall be separated by the minimum distance required by applicable building/fire code.



### **Accessory Uses/Structures**

Accessory Uses, such as balconies, porches and stoops, may be part of any primary use or building. Furthermore, community gardens and public art shall be a permitted accessory use on any Parcel. In any such cases, the setback requirements shall not apply, except that no portion of any accessory use/structure shall encroach on any public right of way.

Further, unoccupied decorative elements of primary or accessory buildings, such as cupolas, spires, chimneys, parapet walls, and the like may exceed the maximum height limits by a reasonable amount, not to exceed 10 feet.

### **Appurtenances**

Appurtenances, such as fences, decorative walls, free-standing light fixtures and building lighting, bicycle racks, public art, pools, game courts and internal sidewalks shall be permitted; however, such appurtenances shall be shown on the detailed site and development plan to be tendered for Administrator's Approval as described in the next Section.

### **Concept Plan/Project Phasing**

The Concept Plan tendered with this D-P reflects the Petitioner's current development intentions. However, the Plan should be considered conceptual. The exact mix and location of uses, as well as building sizes and types are not finalized. The Plan remains subject to change due to market and transactional conditions.

It is anticipated that the project will be developed in phases. The redevelopment of Parcel "A", The Link At Kessler, is the first phase of the project, and includes

incidental changes to Parcels “B” and “C”, as indicated on the Concept Plan; namely, alley improvements around Parcel “C” to facilitate better access to and from the Subject Property and Kessler Boulevard. It is anticipated that the Mixed Use building on Parcel “A” will be substantially similar to the building shown on the renderings attached to this Development Statement as Exhibit “B”.

Prior to application for any Improvement Location Permit, Petitioner, or the developer constructing such phase, shall submit detailed site and development plans indicating proposed improvements, including building elevations, locations, driveway, street, alley and parking (on and off street) locations, freestanding lighting locations, open space, landscaped areas (including detailed landscaping plans), for Administrator’s Approval. If the Petitioner or developer, as the case may be, is also seeking approval of any signs, it shall submit a site plan indicating the location of such signs, as well as elevations of the proposed signs consistent with the Sign Program (as hereinafter defined) to be provided.

#### **Parking/Loading/Drive-Through**

Parcel “A” shall provide a minimum of 267 on site spaces with 97 planned surface spaces and 170 planned underground spaces. Thirteen (13) on-street spaces adjacent to Parcel “A” shall also be provided. Following development of Parcel “A”, Parcels “B” and Parcel “C” combined shall have at least 50 surface spaces.

For any new integrated commercial area, or any new or expanded individual free standing commercial use constructed on Parcels “B” or “C”, a minimum parking ratio of 3.0 parking spaces for each 1000 square feet of new floor area (not including storage areas) shall be provided.

For any new mixed use building constructed on Parcels “B” or “C”, the minimum parking ratio shall be 2.5 parking spaces for each 1000 square feet of floor area accessible to the public, plus one space for each residential unit.

All parking spaces shall contain at least 156 square feet and be at least 8 feet in width.

No off-street loading spaces (as described in the Commercial Zoning Ordinance of Marion County) shall be required.

All uses proposing drive-through units shall meet the requirements for stacking spaces and drive-through unit placement set forth in the Commercial Zoning Ordinance; however, in no case shall the number of stacking spaces required exceed 8, and the separation requirements for drive-through units from protected districts shall not apply. Any building fronting on College Avenue or Kessler Boulevard shall orient the drive-through unit such that stacking spaces and the final component of the drive-through unit are not located between the front building line and the right of way line of College Avenue or Kessler Boulevard, as the case may be.

### **Signs**

The Petitioner will create a sign program for each of the Parcels, first for Parcel “A”, and shall submit the same for Administrator’s Approval prior to obtaining an Improvement Location Permit for the first project on such Parcel.

### **Commitments**

The Petitioner will include any zoning commitments it negotiates prior to the Metropolitan Development Commission’s final approval/recommendation of the D-P as an Exhibit to this Development Statement.

**CITY-COUNTY REZONING ORDINANCE NO. \_\_\_\_\_**

Proposal No. \_\_\_\_\_

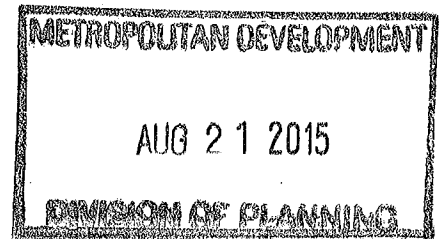
MDC Docket No. \_\_\_\_\_

AN ORDINANCE to amend County Council Ordinance No. 8-1957, as amended, and the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL  
OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

*Section 1.* That Marion County Council Ordinance No. 8-1957, the  
Dwelling Districts Zoning Ordinance and the zoning maps of the  
Dwelling Districts Zoning Ordinance, as amended, adopted  
pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended,  
be amended in the following particulars:  
That the following described real estate in Marion County, Indiana, is hereby  
zoned to the D-P zoning district classification of said  
Dwelling Districts Zoning Ordinance.

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE



*Section 2.* That this ordinance shall be in full force and effect from and after this date.

Dated: \_\_\_\_\_

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND MARION COUNTY

ATTEST: \_\_\_\_\_

Clerk

\_\_\_\_\_  
President (or Presiding Officer)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 392 through 395 and Lots 402 and 403 in Light's Bellevue Subdivision, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 11, Page 36, in the Office of the Recorder of Marion County, Indiana.

AND

Lot 1 and 16.75 feet by parallel lines off of the entire South side of Lot 2 in Finch's College Avenue Addition, an Addition to the City of Indianapolis, plat of which is recorded in Plat Book 22, Page 32, in the Office of the Recorder of Marion County, Indiana.

AND

28.75 feet by parallel lines off of the entire North side of Lot 2 and all of Lot 3 in Finch's College Avenue Addition, an Addition to the City of Indianapolis, plat of which is recorded in Plat Book 22, Page 32, in the Office of the Recorder of Marion County, Indiana.

AND

Lot 4 and the South ½ of Lot 5 in Finch's College Avenue Addition, an Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 22, Page 32, in the Office of the Recorder of Marion County, Indiana.

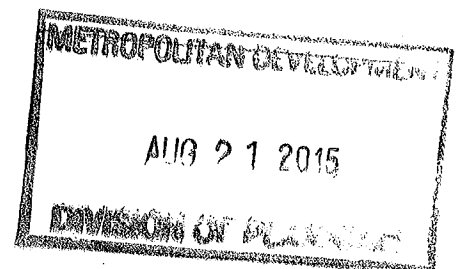
AND

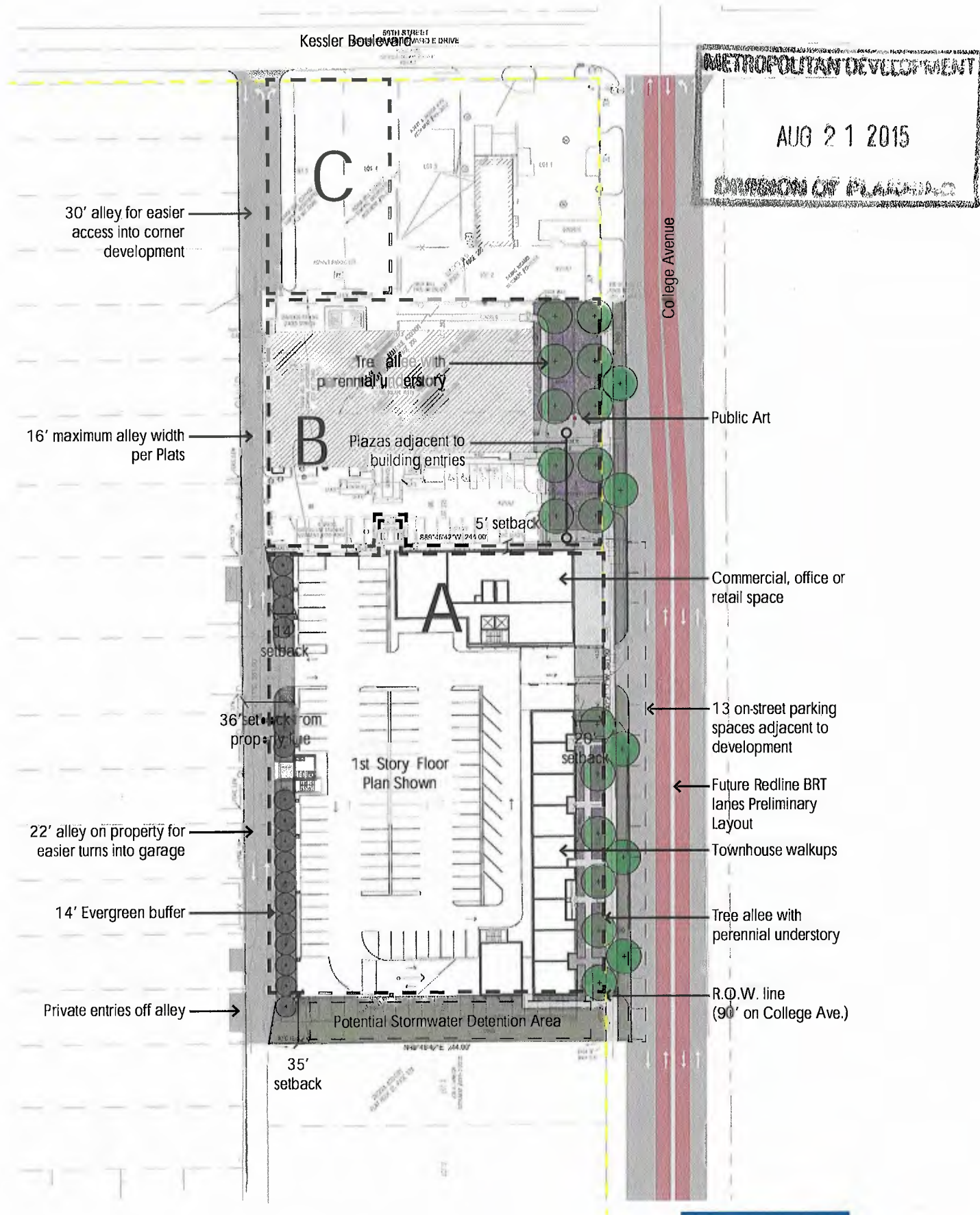
Lot 6 and 22.75 feet by parallel lines off the entire North side of Lot 5 in Finch's College Avenue Addition, an Addition to the City of Indianapolis, plat of which is recorded in Plat Book 22, Page 32, in the Office of the Recorder of Marion County, Indiana.

AND

Lots 4 and 5 in Clark's Subdivision, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 21, Page 100, in the Office of the Recorder of Marion County, Indiana.

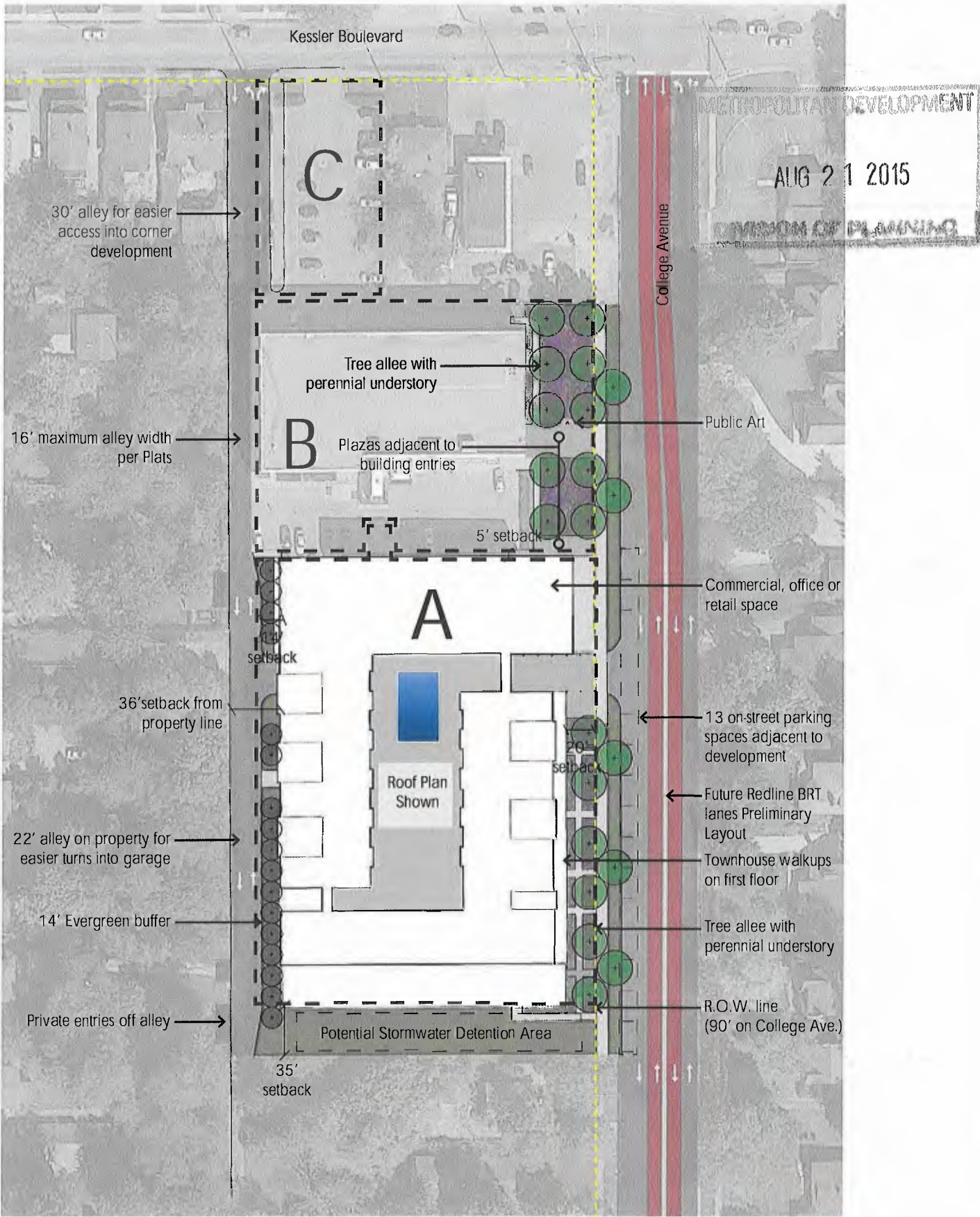
Property Address: 5858 N. College Avenue, Indianapolis, IN 46220





SITE PLAN





ROOF PLAN





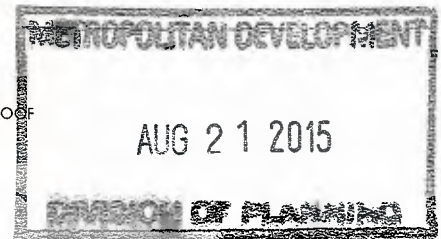
**EAST ELEVATION**

**ELEVATION KEY**

- 1 BRICK
- 2 CEMENT BOARD
- 3 CEMENT BOARD ACCENT
- 4 GLASS STOREFRONT
- 5 VINYL FRAMED WINDOW
- 6 IPE WOOD SIDING
- 7 ALUMINUM FRAME GUARD-RAIL
- 8 COMPOSITE METAL PANEL
- 9 ALUMINUM CLAD WINDOW
- 10 OPEN TO GARAGE



**WEST ELEVATION**



**THE LINK AT KESSLER**  
AUGUST 2015

BUILDING ELEVATION - SCALE 1:30







**NORTH ELEVATION**

**ELEVATION KEY**

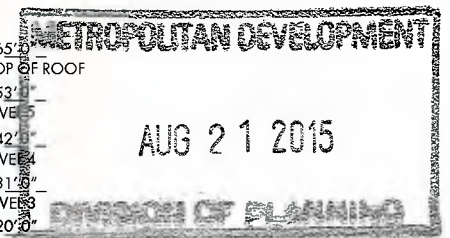
- ① BRICK
- ② CEMENT BOARD
- ③ CEMENT BOARD ACCENT
- ④ GLASS STOREFRONT
- ⑤ VINYL FRAMED WINDOW
- ⑥ IPE WOOD SIDING
- ⑦ ALUMINUM FRAME GUARD-RAIL
- ⑧ COMPOSITE METAL PANEL
- ⑨ ALUMINUM CLAD WINDOW
- ⑩ OPEN TO GARAGE

+65'-0"  
TOP OF ROOF  
+53'-0"  
LEVEL 5  
+42'-0"  
LEVEL 4  
+31'-0"  
LEVEL 3  
+20'-0"  
LEVEL 2  
+0'-0"  
LEVEL 1



**SOUTH ELEVATION**

+65'-0"  
TOP OF ROOF  
+53'-0"  
LEVEL 5  
+42'-0"  
LEVEL 4  
+31'-0"  
LEVEL 3  
+20'-0"  
LEVEL 2  
+0'-0"  
LEVEL 1



**THE LINK AT KESSLER**  
AUGUST 2015

BUILDING ELEVATION - SCALE 1:30

