



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 20, 2025

Case Number: 2024-ZON-123

Property Address: 281 and 303 North Elder Avenue and 320, 322, 324, 326, 328, 330, 332, and 334 North Miley Avenue and 1821 West New York Street (approximate addresses)

Location: Center Township, Council District #18

Petitioner: NDZA, by David Kingen and Emily Duncan

Current Zoning: I-4, D-5, and D-5 (RC)

Request: Rezoning of 1.19 acres from the I-4, D-5, and D-5 (RC) districts to the SU-7 and SU-7 (RC) classifications to provide for not-for-profit uses.

Current Land Use: Not-for-profit use and undeveloped land

Staff Recommendations: Approval with a commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 20, 2025 HEARING EXAMINER

This petition was continued from the January 9, 2025 hearing to the February 13, 2025 hearing date at the request of the petitioner to allow additional time for the mailed notices to be sent.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

Staff continues to **recommend approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 24-foot half right-of-way shall be dedicated along the frontage of New York Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

January 9, 2025

This petition was continued from the December 12, 2024 hearing to the January 9, 2025 hearing at the request of staff due to a publication error.

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 24-foot half right-of-way shall be dedicated along the frontage of New York Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 1.19-acre subject site consists of a dozen parcels, two of which are used for a non-for-profit organization, two others are developed with a playground, and the remaining are undeveloped.

The site is surrounded by single-family dwellings and undeveloped lots to the west and north, zoned D-5, undeveloped lots to the west, zoned I-4, and industrial lots to the east and south, zoned I-4 within the Regional Center.

REZONING

The grant of the request would rezone the site from the I-4, D-5, and D-5 (RC) districts to the SU-7 district to provide for not-for-profit uses.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.

The SU-7 district permits charitable, philanthropic, and not-for-profit institutions.



Regional Center

The site falls within the Regional Center Secondary Zoning District and would require Regional Center Approval.

All development of land and demolition of structures located within the Regional Center and the North Meridian Street Corridor district shall be subject to the Commission's approval as included within a required Site and Development Plan approved as hereinafter provided.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along New York Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The proposed not-for-profit uses could align with the Near West Neighborhood Land Use Plan (2014) depending on what type of operation occurs since half of the parcels are recommended for special use development. However, not-for-profit uses would not align with the high-density residential development recommendation for the remainder of the parcels.

However, this request would address the community principles and objectives outlined in the Neighborhood Plan to encourage and stimulate economic development, create job opportunities in the area, and provide an environment where blight and deterioration can be more easily reversed.

For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

Existing Zoning	I-4, D-5, and D-5 (RC)	
Existing Land Use	Not-for-profit use and undeveloped land	
Comprehensive Plan	Special Use, 5 to 8 and 8 to 15 Residential Units per Acre	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single and two-family dwellings) / Undeveloped
South:	D-5 / I-4 (RC)	Residential (Single-family dwellings) / Undeveloped
East:	I-4 (RC)	Industrial
West:	D-5 / I-4	Residential (Single-family dwellings) / Undeveloped
Thoroughfare Plan		
Elder Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Miley Avenue	Local Street	

New York Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
		48-foot proposed right-of-way and 45-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)
- Blue Line Transit-Oriented Development Strategic Plan (2018)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Near West Neighborhood Land Use Plan (2014) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018) but does not fall within the Transit-Oriented Development Secondary District.
- The site is within ½ mile from the Harding Street and Washington Street proposed transit station classified as a community center.

- The Community Center typology recommends a dense mixed-use neighborhood center with a minimum of 2 stories at core, no front or side setbacks at core, zero to 10-foot front setbacks and zero to 10-foot. side setbacks at the periphery. Multi-family housing with a minimum of 3 units, structured parking at the core and attractive surface parking at the periphery are recommended as well.

Neighborhood / Area Specific Plan

- The site falls within the Near West Neighborhood Land Use Plan (2014).
- The site has split recommendations for Special Use, 5 to 8 and 8 to 15 Residential Units per Acre.
- The special use category consists of a variety of public, semi-public and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers and public safety facilities) or are unite uses exhibiting significant impacts on adjacent property (such as the Indianapolis Airport, Indiana State Fair, and Indianapolis Motor Speedway).
- The recommendation for residential development greater than five and equal to 8 units per acre in suburban and rural areas is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.
- The recommendation for residential development greater than eight and equal to 15 units per acre is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Site

2005-UV2-020; 307 North Elder Avenue (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a one-story, 2,818-square foot community center (not permitted), with a 5.47-foot front yard setback along New York Street (minimum 25-foot front yard setback required), with a 2.5-foot encroachment into the clear sight triangle at the intersection of New York Street and Elder Avenue (not permitted), and with a lot open space of 62.88 percent (minimum 65 percent lot open space required), **granted**.

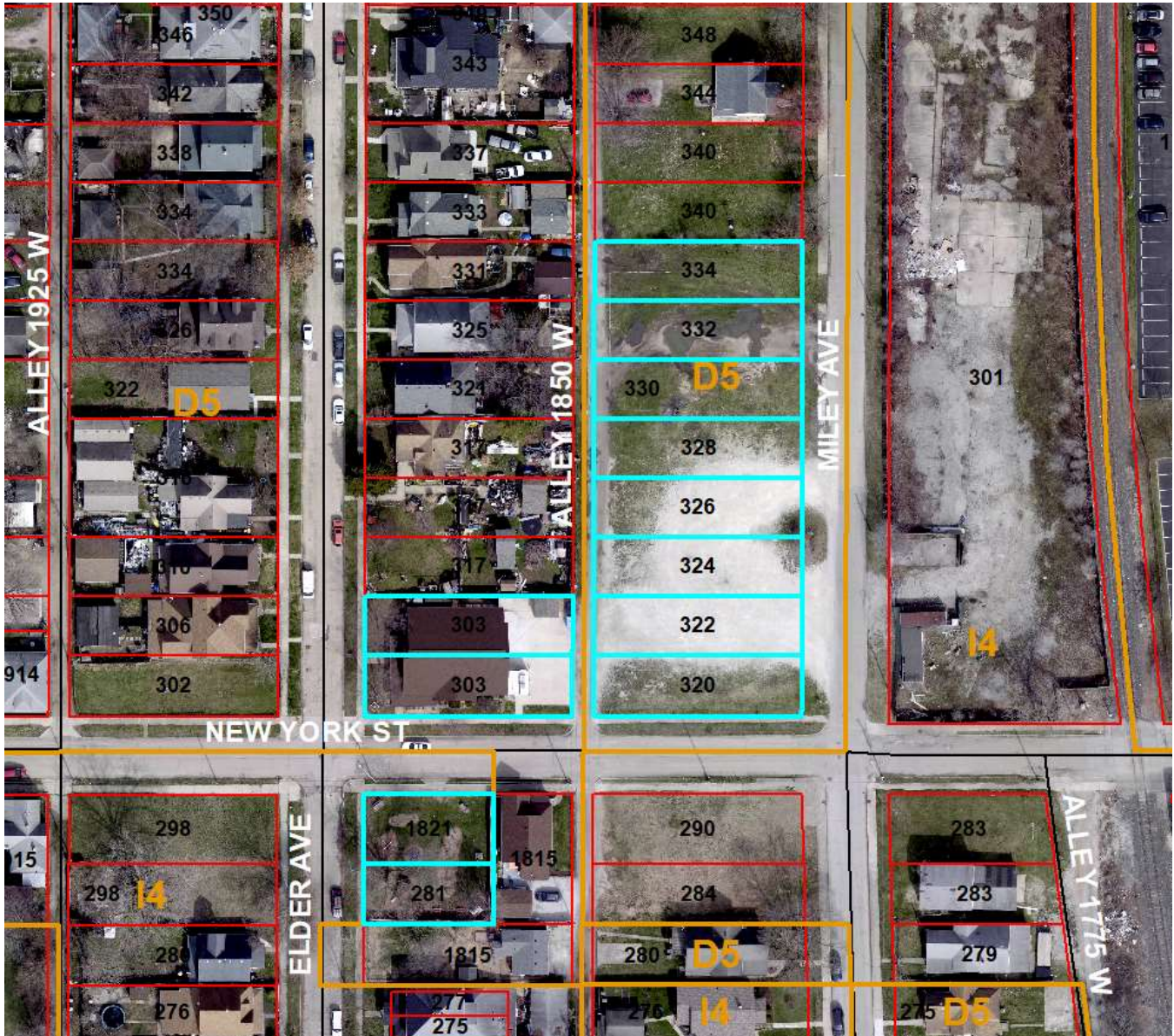
Zoning History – Vicinity

2016-ZON-038; 1730 Astor Street, 261 and 269 North Elder Street; 1721 West Market Street; 1746 West Miami Street; 221, 252, 259, 266, 268, 271, 275 and 280 Miley Avenue; 1815 West New York Street; 210, 211, 215, 217, 218 and 224 North Richland Street; 410 North White River Parkway; 1519 Wilcox Street (southeast of site), Rezoning of 2.6 acres from the I-4 (RC) (W-5), I-4 (W-5) and C-3 (RC) (W-1) districts to the D-5 (RC) (W-1) and the D-5 (RC) (W-5) and D-5 (W-5) classifications, **approved**.

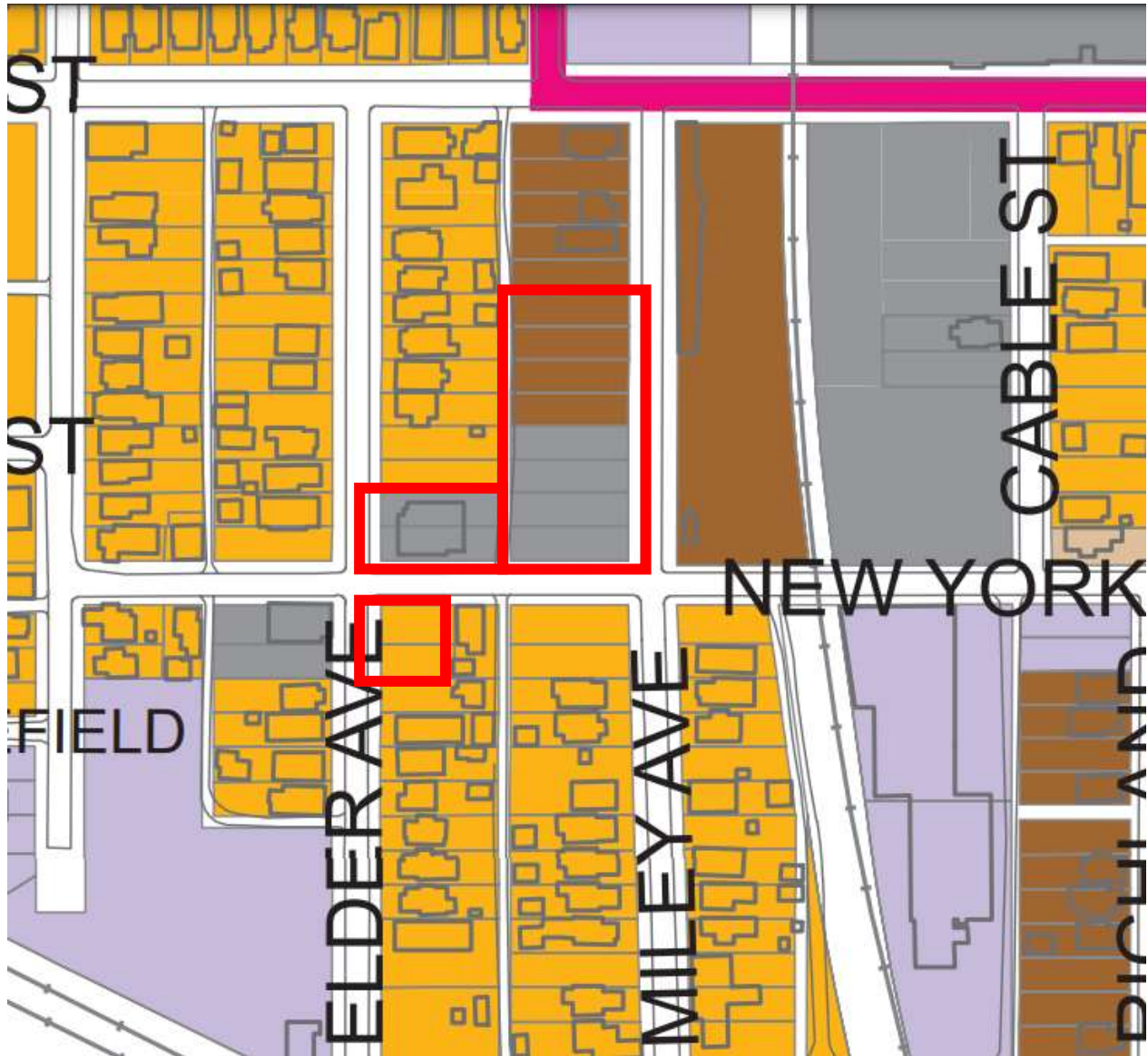
2013-SE1-003; 1751 West Vermont Street (east of site), Special Exception of the Industrial Zoning Ordinance to legally establish a vehicle towing, wrecking, storage, and salvage operation, with two office trailers, **denied**.

2002-ZON-154; 284-290 Miley Avenue (southeast of site), Rezoning of 0.22 acres from the I-4-U District to the SU-1 district for religious uses, **withdrawn**.

EXHIBITS



NEAR WEST NEIGHBORHOOD LAND USE PLAN (2014)



Land Use Plan - Southeast Portion of Neighborhood

 (2) 1.75 - 3.5 Units/Acre	 (7) Urban Mixed Use	 (13) Office Commercial	 Floodway
 (3) 3.5 - 5 Units/Acre	 (8) Village Mixed Use	 (14) Community Commercial	 Bodies of Water
 (4) 5 - 8 Units/Acre	 (10) Park	 (15) Heavy Commercial	
 (5) 8 - 15 Units/Acre	 (11) Linear Park	 (17) Light Industrial	
 (6) Over 15 Units/Acre	 (12) Special Use	 (18) General Industrial	 # Critical



Photo of the subject site to the left looking north along Miley Avenue.



Photo of the subject site looking west toward New York Street from Miley Avenue.



Photo of the subject site at 303 North Elder Avenue looking west from the alley.



Photo of the alley that splits the subject sites looking north.



Photo of the subject site at 303 North Elder Avenue



Photo of the playground at 1821 West New York Street to the right of the residential building.



Industrial site east of the site.



Undeveloped lots and single-family dwelling to the north.



Photo of a two-family dwelling west of the site.