



Metropolitan Development Commission Plat Committee (November 8, 2023) Meeting Agenda

Meeting Details

Notice is hereby given that the Plat Committee of the Metropolitan Development Commission of Marion County, IN will hold public hearings on:

Date: Wednesday, November 08, 2023 **Time:** 1:00 PM

Location: Room 260, 2nd Floor, City-County Building, 200 E. Washington Street

At which time and place the following petitions requesting approval of subdivision plats and petitions and resolutions for the vacation of Streets, Alleys, Plats, or Public Grounds, will be heard, pursuant to Indiana Code 36-7-4-700, series and action thereon determined.

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. **2023-PLT-072 | 11700 and 11850 East 38th Street and 4002 North Carroll Road**

Warren Township, Council District #14, Zoned D-5 (FF)
Keith Russell / Russell Builders, by Mike Gibson

Approval of a Subdivision Plat, to be known as Dotson Farms Subdivision, dividing 46.2 acre into 138 lots.

****Continuance requested by staff to December 13, 2023**

2. **2023-PLT-075 | 53 Market Street**

City of Southport, Perry Township, Council District #24, Zoned D-3
Rosa Brynne, LLC, by Mark and Kim Crouch

Approval of a Subdivision Plat, to be known as Southport at Market Subdivision, dividing 0.47-acre into two lots.

****Continuance requested by staff to December 13, 2023.**

3. **2023-VAC-005 | 126 West Georgia Street**

Center Township, Council District #16
Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee for St. John The Evangelist Catholic Church, by Paul Carroll and John Cross

Vacation of the first north-south alley east of Capitol Avenue, being 15 feet in width, beginning at the north right-of-way line of Georgia Street, north 223.71 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana, with a waiver of the assessment of benefits.

Vacation of Chesapeake Street, being 30 feet in width, beginning at the east right-of-way line of Capitol Avenue, east 217.40 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana, with a waiver of the assessment of benefits.

****Continuance requested by staff to December 13, 2023.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

4. 2023-PLT-077 | 6209 East Edgewood Avenue

Franklin Township, Council District #25, Zoned D-1
Salina and Jaime Hernandez, by David Gilman

Approval of a Subdivision Plat, to be known as Hernandez's Edgewood Estates, dividing 4.83 acres into two lots.

5. 2023-PLT-084 | 5736 Lee Road

City of Lawrence, Lawrence Township, Council District #4, Zoned D-P
Fort Harrison Reuse Authority, by Norman H. Hiselman

Approval of a Subdivision Plat to be known as Benjamin Harrison YMCA Subdivision, subdividing 15.81 acres into four lots.

6. 2023-PLT-085 | 4002 Shelbyville Road and 4040 East Thompson Road

City of Beech Grove, Perry Township, Council District #24, Zoned D-2, D-6, D-6II and SU-1 (FF)
Faith United Church of Christ, by Leigh Anne Ferrell

Approval of a Subdivision Plat, to be known as Faith United Church of Christ, dividing 9.601 acres into two lots.

7. 2023-VAC-006 | Assessment of Benefits Hearing | 921 Virginia Avenue

Center Township, Council District #16
White Castle System, Inc., by Michael Rabinowitch

Vacation of a portion of Buchanan Street, being 13 feet in width, beginning 187.56 feet east of the east right-of-way line of Leonard Street, east 29 feet, to a point 169.14 feet from the west right-of-way line of Virginia Avenue.

8. 2023-VAC-007 | 1201 Waterway Boulevard

Center Township, Council District #11
16 Tech Community Corporation and Trustees of Indiana University, by Kate Warpool, AIA

Vacation of a portion of Waterway Boulevard, beginning 532.11 feet southwest of the south right-of-way of Indiana Avenue, being 60 feet in width, west 312.75 feet along a curve, to the north right-of-way of Waterway Boulevard, with a waiver of the assessment of benefits.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



PLAT COMMITTEE **November 8, 2023**

Case Number: 2023-PLT-072
Property Address: 11700 and 11850 East 38th Street and 4002 North Carroll Road
(Approximate Address)
Location: Warren Township, Council District #14
Petitioner: Keith Russell / Russell Builders, by Mike Gisbon
Zoning: D-5 (FF)
Request: Approval of a Subdivision Plat, to be known as Dotson Farms Subdivision,
dividing 46.2 acre into 138 lots.
Waiver Requested: None
Current Land Use: Undeveloped
Staff Reviewer: Linda Ahlbrand, Principal Planner II

PETITION HISTORY

This petition was continued from October 11, 2023 to November 8, 2023, at the request of staff, to allow time for the petitioner to correct issues with the plat.

The petitioner submitted revised documents, but there are still deficiencies with the plat that need to be addressed prior to being heard by the Plat Committee. Therefore, Staff is requesting a continuance to the **December 13, 2023** hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

November 8, 2023

Case Number:	2023-PLT-075
Property Address:	53 Market Street (<i>Approximate Address</i>)
Location:	City of Southport, Perry Township, Council District #24
Petitioner:	Rosa Brynne, LLC, by Mark and Kim Crouch
Zoning:	D-3
Request:	Approval of a Subdivision Plat, to be known as Southport at Market Subdivision, dividing 0.47-acre into two single-family detached lots.
Waiver Requested:	None
Current Land Use:	Single-Family Dwelling
Staff Reviewer:	Jeffrey York, Principal Planner

PETITION HISTORY

This petition was continued from the October 11, 2023, Plat Committee, to the November 8, 2023, Plat Committee, due to a pending variance petition before the Southport Board of Zoning Appeals. That variance petition, 2023-DSO-001, will be heard at the November 30, 2023, Southport Board of Zoning Appeals hearing, therefore, this petition will need to be **continued** to the **December 13, 2023**, Plat Committee.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated August 18, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



**Department of Metropolitan Development
Division of Planning
Current Planning**

9. That the plat restrictions and covenants, done in accordance with the rezoning and / or variance commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-3 and is developed with a single-family dwelling and two, detached accessory structures on the southern portion of the lot. This proposed plat would divide this property into two lots—Lots One and Two and each lot would contain 66-foot lot widths. D-3 requires a minimum lot width of 70 feet. A variance petition, 2023-DSO-001, to reduce the lot widths to 66 feet each is scheduled to be heard by the City of Southport Board of Zoning Appeals on October 5, 2023. The variance petition must be granted in order for this plat petition to be heard.

Each lot would contain 10,226 square feet. The proposed plat generally meets the standards of the D-3 zoning classification for two, detached single-family dwellings if the variance petition is granted.

STREETS

Lots One and Two would front on Market Street. Lot Two would also be accessible from the alley to the south. No new streets are proposed.

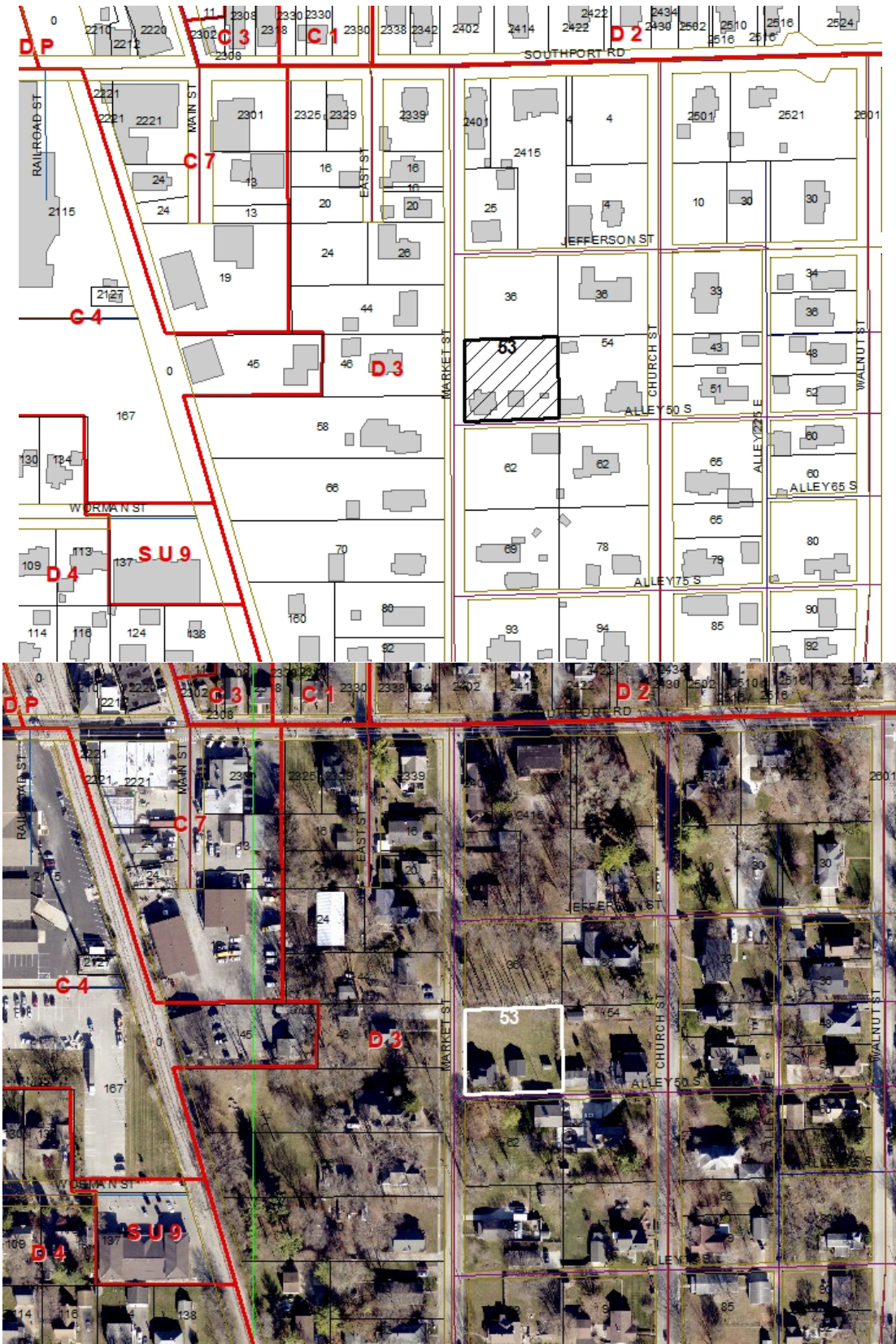
SIDEWALKS

Sidewalks are existing in the right-of-way on Market Street.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-3	Undeveloped
South:	D-3	Single-family residential
East:	D-3	Single-family residential
West:	D-3	Single-family residential
Thoroughfare Plan		
Market Street	Local Street	48-feet existing and proposed
Petition Submittal Date	August 18, 2023	

EXHIBITS



PHOTOS



Views of the undeveloped northern portion of the lot and the existing dwelling on the southern portion of the lot



Views of the site along Market Street and along the alley south of the existing dwelling



PLAT COMMITTEE **November 8, 2023**

Case Number: 2023-VAC-005

Property Address: 126 West Georgia Street (*Approximate Address*)

Location: Center Township, Council District #16

Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee for St. John The Evangelist Catholic Church, by Paul Carroll and John Cross

Zoning: CBD-2 (RC)

Request: Vacation of the first north-south alley east of Capitol Avenue, being 15 feet in width, beginning at the north right-of-way line of Georgia Street, north 223.71 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana,

Vacation of Chesapeake Street, being 30 feet in width, beginning at the east right-of-way line of Capitol Avenue, east 217.40 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana

Waiver Requested: Assessment of benefits

Current Land Use: Improved alley

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

Staff requests a **continuance** of this petition to the **December 13, 2023**, Plat Committee, to continue discussions with the petitioner. A staff report will be available prior to that hearing.



PLAT COMMITTEE **November 8, 2023**

Case Number: 2023-PLT-077

Property Address: 6209 East Edgewood Avenue (Approximate Address)

Location: Franklin Township, Council District #25

Petitioner: Salina and Jaime Hernandez, by David Gilman

Zoning: D-1

Request: Approval of a Subdivision Plat to be known as Hernandez’s Edgewood Estates, dividing 4.83 acres into two lots.

Waiver Requested: None

Current Land Use: Residential

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This petition was continued from the October 11, 2023, Plat Committee to the November 8, 2023, Plat Committee, due to Legal Notice issues. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated September 1, 2023, complies with the standards of the Subdivision Regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



Department of Metropolitan Development
 Division of Planning
 Current Planning

9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-1 and is developed with a single-family dwelling and an accessory building, on Proposed Lot One. The site was rezoned to D-1, via 2023-CZN-827, with a variance for proposed Lot Two to have a 25-foot lot width, along Edgewood Avenue, via 2023-CVR-827. D-1 lots are required to have a minimum of 90 feet lot width. Proposed Lot One would be 100 feet in width. Proposed Lot One would have 0.76-acre and proposed Lot Two would be 4.036 acres. The proposed plat generally meets the standards of the D-1 zoning classification and the variance that was previously granted for Lot Two.

STREETS

Both lots would be accessed from Edgewood Avenue. No new streets are proposed as part of this petition.

SIDEWALKS

Sidewalks do not exist along this portion of Edgewood Avenue.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood with Environmentally Sensitive Overlay	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3	Single-family residential
South:	D-3	Single-family residential
East:	D-A	Single-family residential
West:	D-A	Single-family residential
Thoroughfare Plan		
Edgewood Avenue	Primary Arterial	80-foot right-of-way existing and proposed
Petition Submittal Date	September 1, 2023	

EXHIBITS



PHOTOS



Existing single-family dwelling and accessory building – Proposed Lot One



Subject site to the right, east neighbor to the left



Existing neighboring dwelling to the right (6201 East Edgewood Avenue) and access drive for Proposed Lot Two



Proposed Lot Two, approximate location of proposed dwelling, facing west



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

November 8, 2023

Case Number:	2023-PLT-084
Property Address:	5736 Lee Road (<i>Approximate Address</i>)
Location:	City of Lawrence, Lawrence Township, Council District #4
Petitioner:	Fort Harrison Reuse Authority, by Norman H. Hiselman
Zoning:	D-P
Request:	Approval of a Subdivision Plat to be known as Benjamin Harrison YMCA Subdivision, subdividing 15.81 acres into four lots.
Waiver Requested:	None
Current Land Use:	YMCA / Park / Drainage Pond / Undeveloped
Staff Reviewer:	Linda Ahlbrand, Principal Planner II

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated September 22, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the City of Lawrence, Sanitation Section.
2. Subject to the Standards and Specifications of the City of Lawrence, Drainage Section.
3. Subject to the Standards and Specifications of the City of Lawrence, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.



Department of Metropolitan Development
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- 10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-P and is improved with a YMCA, drainage pond and a memorial park. Lot One would be 10.11 acres and would be located in the northeastern corner of the subject site. Lot One would contain the existing YMCA. Lot Two would be 0.95 acres and would be available for development under the D-P zoning. Lot Three would contain the existing drainage pond and is overlaid with a drainage easement established in 2011. Lot Four would contain the existing memorial park. All lots would meet the standards of the D-P District and the Subdivision Regulations.

STREETS

All lots would have frontage on Lee Road, Hawkins Road or Memorial Park Drive. Pyle Way is an existing private drive adjacent to the west. No new streets are proposed for the development.

SIDEWALKS

Sidewalks already exist along all streets.

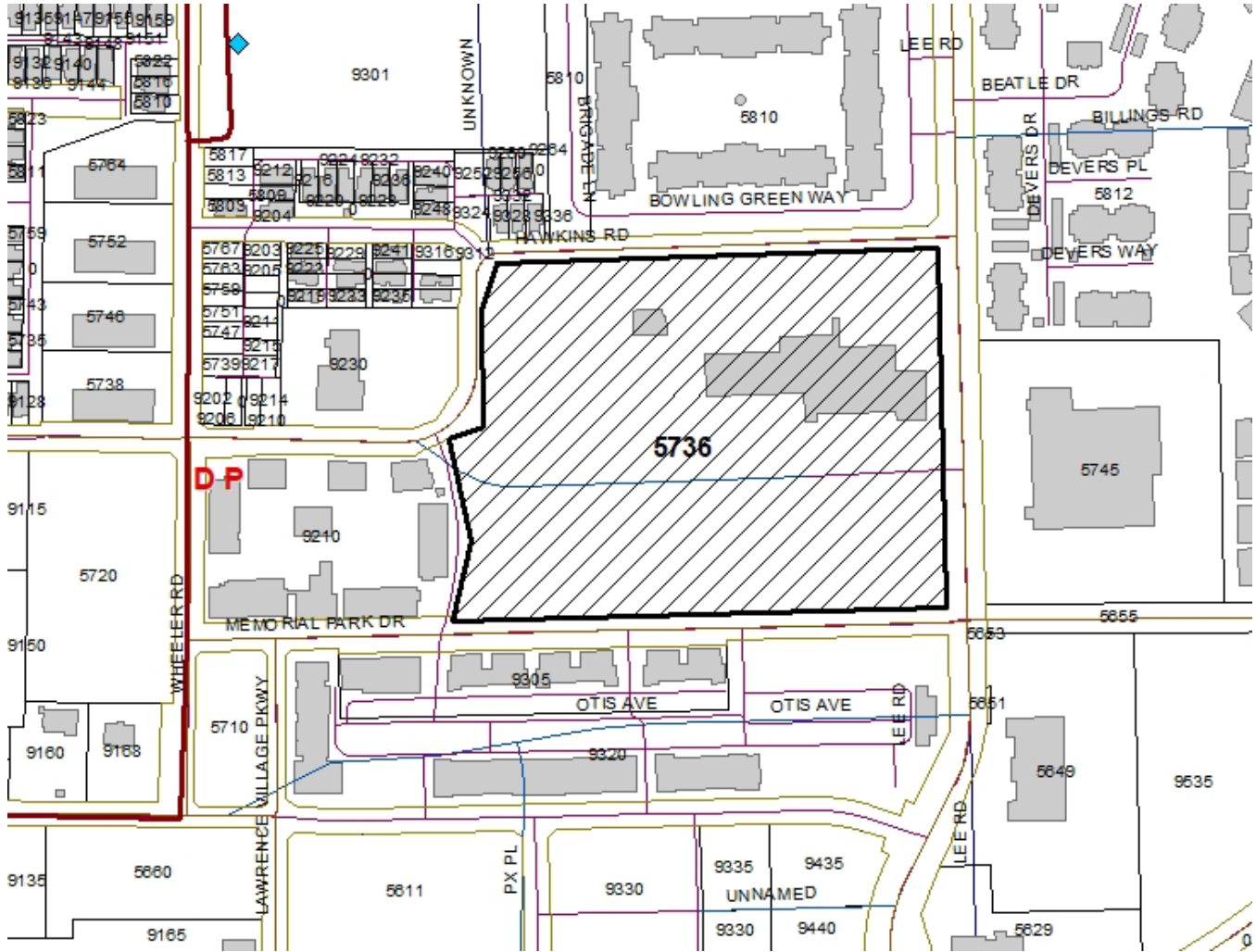
GENERAL INFORMATION

Existing Zoning	D-P		
Existing Land Use	YMCA / park / drainage pond		
Comprehensive Plan	Village Mixed-Use		
Surrounding Context	Zoning	Land Use	
	North:	D-P	Multi-family residential
	South:	D-P	Multi-family residential
	East:	D-P	Multi-family residential / office
	West:	D-P	Multi-family residential / daycare
Thoroughfare Plan			
Lee Road	Primary Collector	80-foot existing and proposed	
Hawkins Road	Local Street	50-foot existing and proposed	
Memorial Park Drive	Local Street	50-foot existing and proposed	
Petition Submittal Date	September 22, 2023		



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS





Photos



Figure 1 - YMCA looking southwest from Hawkins Road



Figure 2 - Hawkins Road looking west



Figure 3 - Intersection of Lee Rd and Hawkins Rd looking southeast



Figure 4 - Proposed Lot 2 looking south



Figure 5 - Looking east along Memorial Park Dr - Lot 3 to left



Figure 6 - Looking north at Lot 4 from Memorial Park Dr



PLAT COMMITTEE **November 8, 2023**

Case Number:	2023-PLT-085
Property Address:	4002 Shelbyville Road and 4040 East Thompson Road (<i>Approximate Address</i>)
Location:	City of Beech Grove, Perry Township, Council District # 24
Petitioner:	Faith United Church of Christ, by Leigh Anne Ferrell
Zoning:	D-2, D-6, D-6II, and SU-1 (FF)
Request:	Approval of a Subdivision Plat, to be known as Faith United Church of Christ, dividing 9.601 acres into two lots
Waiver Requested:	None
Current Land Use:	Religious Use- Church
Staff Reviewer:	Allison Richardson, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated October 17, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



**Department of Metropolitan Development
Division of Planning
Current Planning**

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is split-zoned D-2, D-6, D-6II, and SU-1, but most of the property is zoned SU-1 for religious use. The site is developed with a church building, a single-family dwelling, and accessory structures. The proposed plat would subdivide the property into two lots: Lot One would be 6.70 acres and contain the church building. Lot Two would be 2.26 acres and contain the dwelling. The proposed plat meets the standards of the SU-1 zoning classification.

STREETS

Lots One and Two would front on Shelbyville Road to the south. Lot One would also front on Gray Road and Thompson Road to the east. No new streets are proposed as part of this petition.

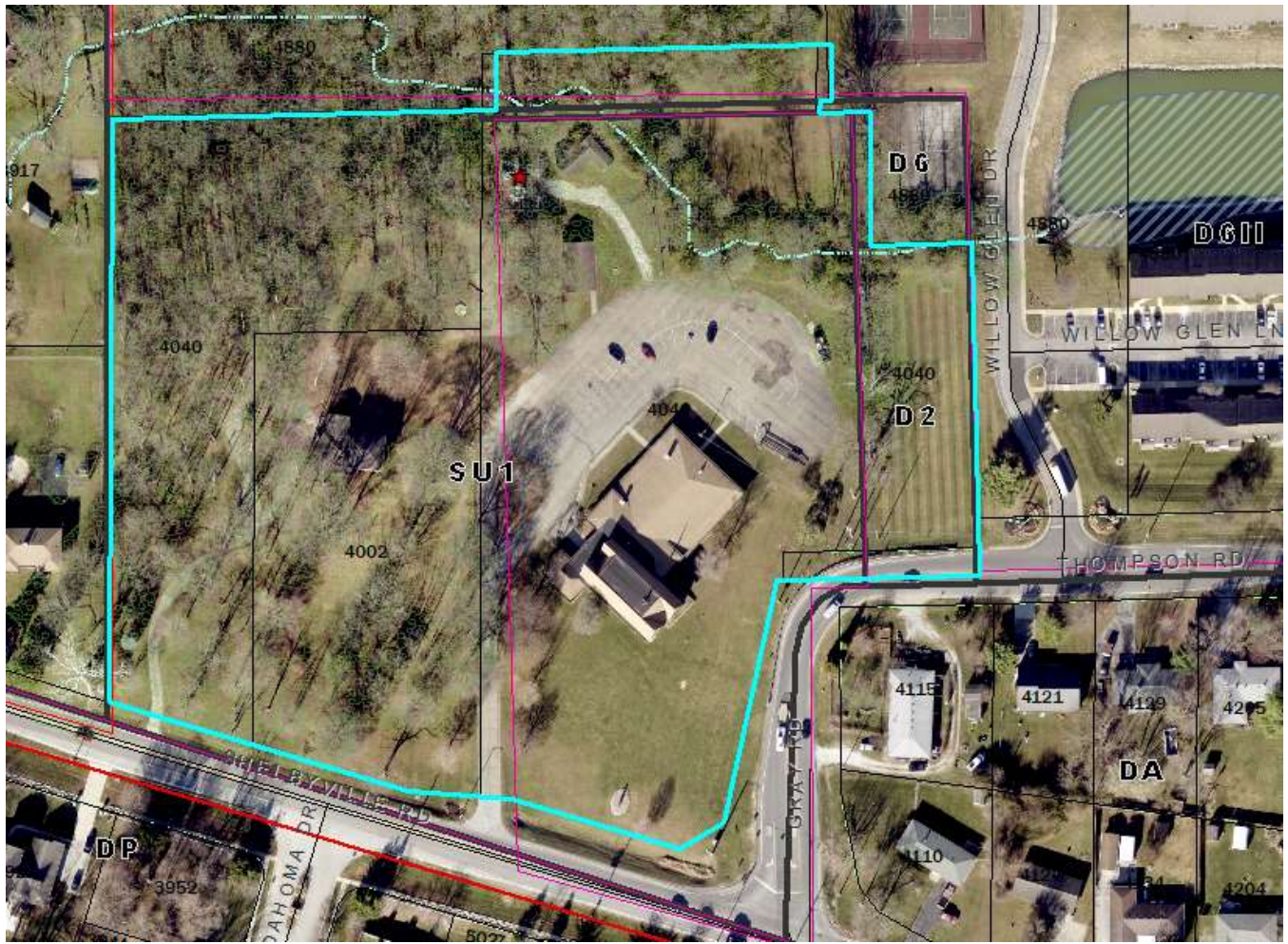
SIDEWALKS

Sidewalks are required along all street frontages on Shelbyville Road, Gray Road, and Thompson Road.

GENERAL INFORMATION

Existing Zoning	D-2, D-6, D-6II, and SU-1	
Existing Land Use	Religious Use	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-6II Multi-Family Residential
	South:	D-P Single-Family Residential
	East:	D-6 / D-6II Multi-Family Residential
	West:	D-2 Single-Family Residential
Thoroughfare Plan		
Shelbyville Road	Primary Arterial	120-foot existing and proposed
Gray Road	Primary Arterial	46-foot existing and 80-foot proposed
Thompson Road	Primary Arterial	60-foot existing and 80-foot proposed
Petition Submittal Date	September 29, 2023	

EXHIBITS



PHOTOS



Proposed Lot Two, looking west



Proposed Lot One existing church, looking south



Proposed Lot One existing parking lot, looking east



Proposed Lot One Shelbyville Road and Gray Road frontage, looking east



Proposed Lot One Shelbyville Road frontage, looking west



PLAT COMMITTEE **November 8, 2023**

Case Number: 2023-VAC-006

Property Address: 921 Virginia Avenue (*Approximate Address*)

Location: Center Township, Council District #16

Petitioner: White Castle System, Inc., by Michael Rabinowitch

Zoning: MU-2 (Fountain Square Historic Commercial - IHPC)

Request: Vacation of a portion of Buchanan Street, being 13 feet in width, beginning 187.56 feet east of the east right-of-way line of Leonard Street, east 29 feet, to a point 169.14 feet from the west right-of-way line of Virginia Avenue.

Waiver Requested: None

Current Land Use: Improved sidewalk

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This petition was heard and approved by the Plat Committee on October 11, 2023. This hearing is for the Assessment of Benefits.

NOVEMBER 8, 2023, ASSESSMENT OF BENEFITS HEARING

An appraisal has been submitted for the Plat Committee’s consideration. Staff has reviewed the findings of the appraisal and agrees with its findings.

ASSESSMENT OF BENEFITS

Appraiser Used: Paul K, Schuster
 Appraiser’s Benefits: \$100.00
 Appraiser’s Fee: \$800.00

RECOMMENDED MOTION (approval): That the Plat Committee sustain, confirm, approve, and adopt the Final Assessment Roll in 2023-VAC-006, assessing benefits in accordance therewith, in the amount of \$100.00 and that the petitioner pay the Appraiser’s Fee of \$800.00.

STAFF RECOMMENDATION

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of be held on November 8, 2023; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2023-VAC-006; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, and the following condition:



Department of Metropolitan Development
Division of Planning
Current Planning

A permanent transportation easement shall be granted for use of the sidewalk along the north side of Buchanan Street.

PETITION OVERVIEW

SUMMARY

This request would vacate a small portion of improved right-of-way, along the south property line of 921 Virginia Avenue, approximately 170 west of Virginia Avenue. Specifically, this request would vacate a 13-foot by 29-foot portion of the north right-of-way of Buchanan Street for the placement of utility transformers, for a proposed mixed-use development. This development has received approval (2022-COA-027) from the staff of the Indianapolis Historic Preservation Commission.

The proposed vacated area includes a sidewalk, which would be replaced and re-routed around the proposed transformers. The Findings of Fact indicates that a transportation easement would be granted if this request is approved. Staff requests that approval of this request be conditioned upon the grant of this easement. Due to the development receiving prior development approval by the IHPC and that a transportation easement would be granted to provide for continued public use of the sidewalk, staff supports the request.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

ASSESSMENT OF BENEFITS

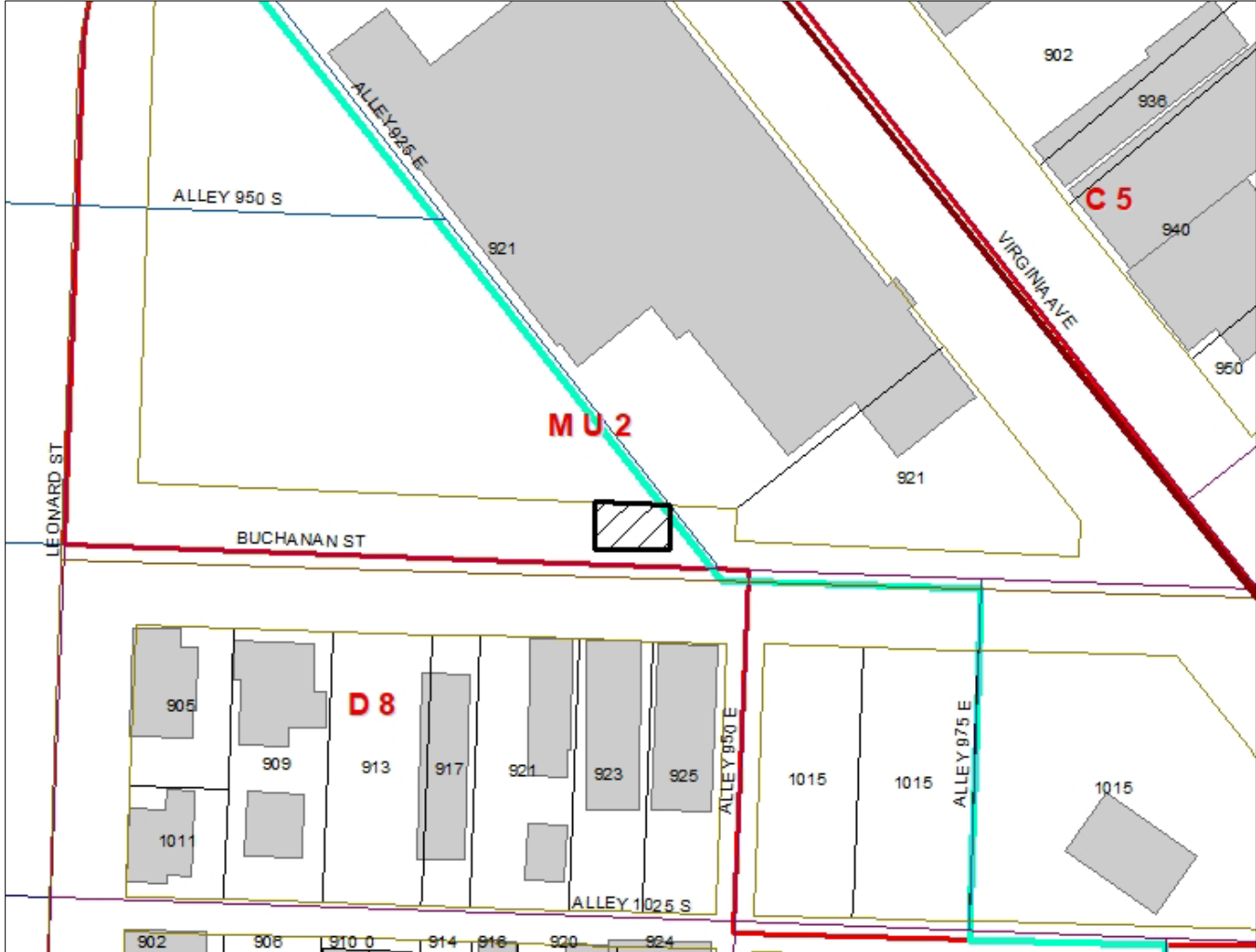
There is no request for a waiver of the assessment of benefits, therefore, an appraisal of the proposed vacated area is expected to be submitted to the file. If approved, a hearing upon the assessment of benefits would be held on November 8, 2023.



GENERAL INFORMATION

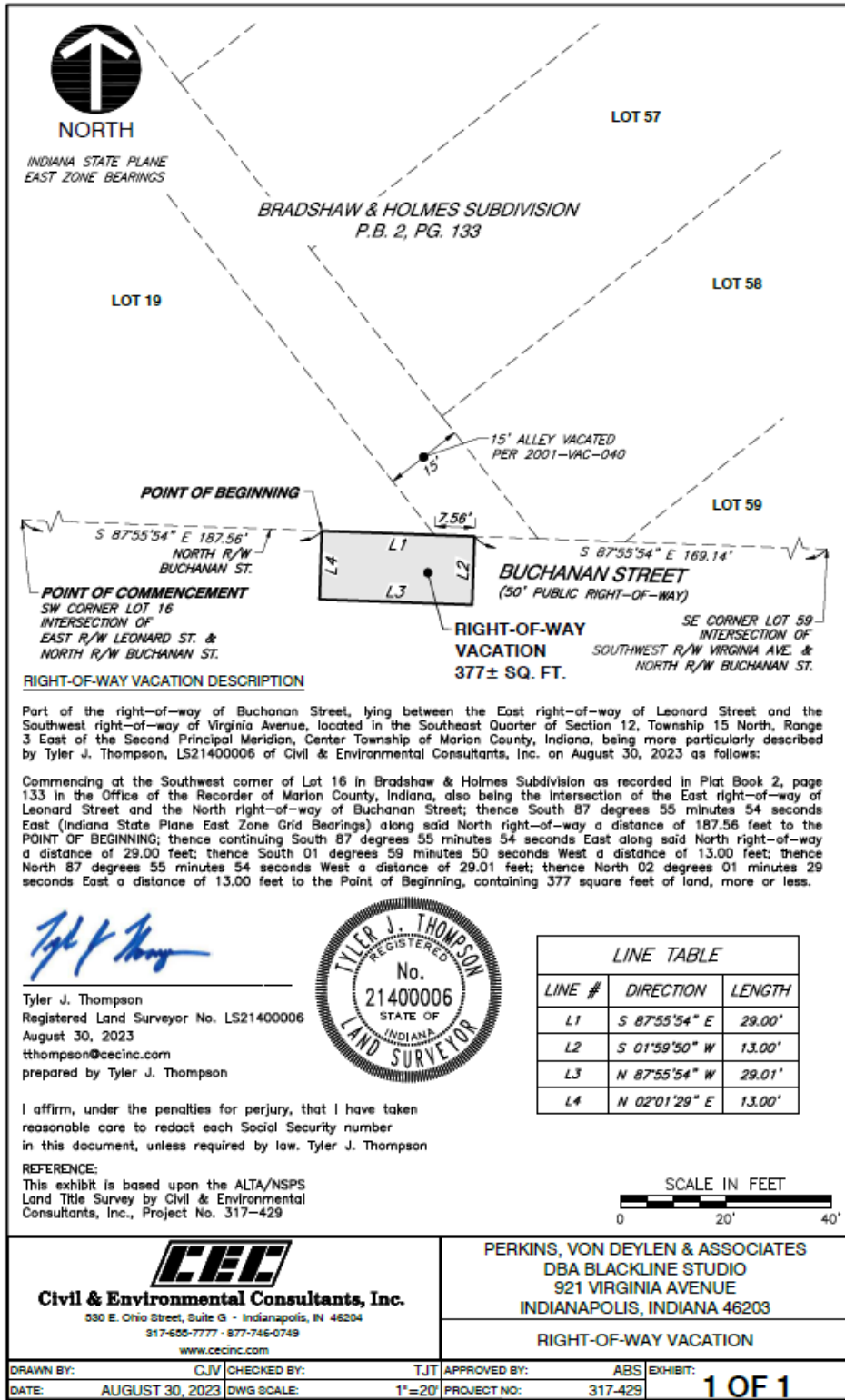
Existing Zoning	MU-2 (Fountain Square Historic Commercial District – IHPC)	
Existing Land Use	Sidewalk	
Comprehensive Plan	Village mixed-use development	
Surrounding Context	Zoning	Land Use
North:	C-5 (FS - IHPC)	Commercial
South:	D-8 / MU-2	Residential / commercial
East:	C-5 (FS - IHPC)	Commercial
West:	D-8 (RC)	Interstates 65 and 70
Thoroughfare Plan		
Virginia Avenue	Primary arterial	56-foot existing and proposed
Buchanan Street	Local street	48-foot existing and proposed
Leonard Street	Local street	48-foot existing and proposed
Petition Submittal Date	September 1, 2023	

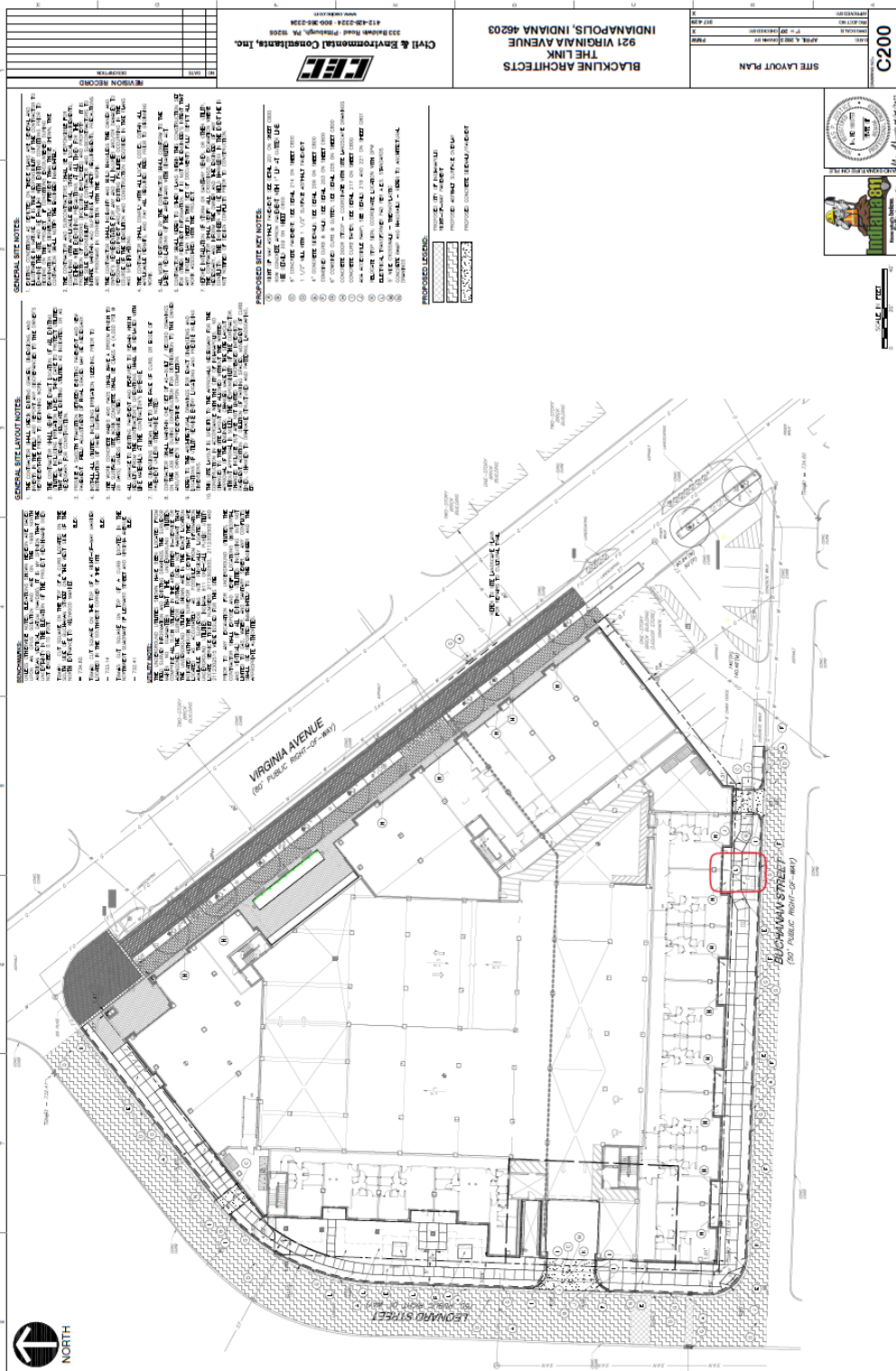
EXHIBITS





Department of Metropolitan Development
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Current Planning







Department of Metropolitan Development
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Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

Currently, the subject property is a vacant, decaying, underutilized warehouse property. The Petitioner is undertaking a \$60 million redevelopment of the site for a mixed use apartment and retail building with a dedicated parking garage. Adjacent to the Cultural Trail along Virginia Ave., this tight urban site provides limited opportunity to locate utility transformers without interfering with the visual attraction of the Cultural Trail or interfering with the Cultural Trail when the transformers need to be maintained. The Petition seeks to vacate only 29 feet of frontage along Buchanan Ave., a side street, which is away from the Cultural Trail and adjacent to a similar area that was vacated in 2021 to permit development of the adjacent parcel. For these reasons, the purpose is served by locating transformers for the project along the Buchanan St. frontage. Moreover, a transportation easement will be granted to permit unimpeded public use of the sidewalk.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Photos



Views of the proposed vacation area from Virginia Avenue and Buchanan Street



View of proposed vacation area from Buchanan Street



PLAT COMMITTEE **November 8, 2023**

Case Number: 2023-VAC-007

Property Address: 1201 Waterway Boulevard (*Approximate Address*)

Location: Center Township, Council District #11

Petitioner: 16 Tech Community Corporation and Indiana University Trustees, by Kate Warpool, AIA

Zoning: CBD-S (RC)

Request: Vacation of a portion of Waterway Boulevard, beginning 532.11 feet southwest of the south right-of-way of Indiana Avenue, being 60 feet in width, west 312.75 feet along a curve, to the north right-of-way of Waterway Boulevard

Waiver Requested: Assessment of benefits

Current Land Use: Improved right-of-way

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This is the first hearing for this vacation petition.

STAFF RECOMMENDATION

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2023-VAC-007; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

This right-of-way is within 16 Tech, a technology park currently in development. This technology park is zoned CBD-S (RC) and is governed by a Master Plan, approved through 2020-ZON-018. This request would provide for a vacation of a small portion of Waterway Boulevard. Previous recent plat petitions included vacating rights-of-way that realign existing public streets and provide for new rights-of-way for new public streets, within the park. The street system will eventually connect to a bridge over Fall Creek, south of the subject vacation. This bridge is under construction and will connect 16 Tech with 10th Street.

The request would be in the public interest as it would comply with the Master Plan.



PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

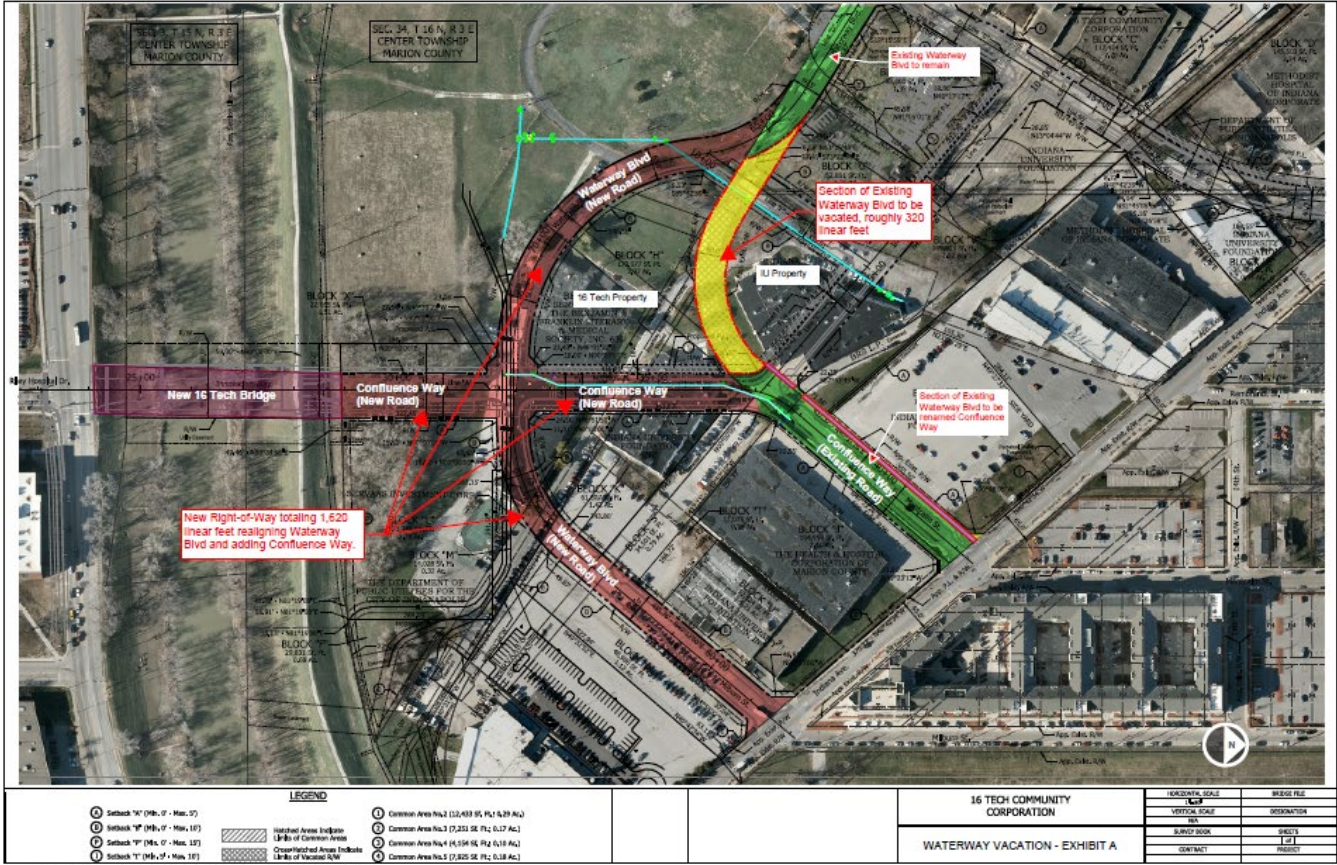
ASSESSMENT OF BENEFITS

The proposed vacated area is improved. A waiver of the assessment of benefits would be appropriate in that significant new public infrastructure would be provided for this technology park, including sidewalks, which currently do not exist in large areas of this developing technology park.

GENERAL INFORMATION

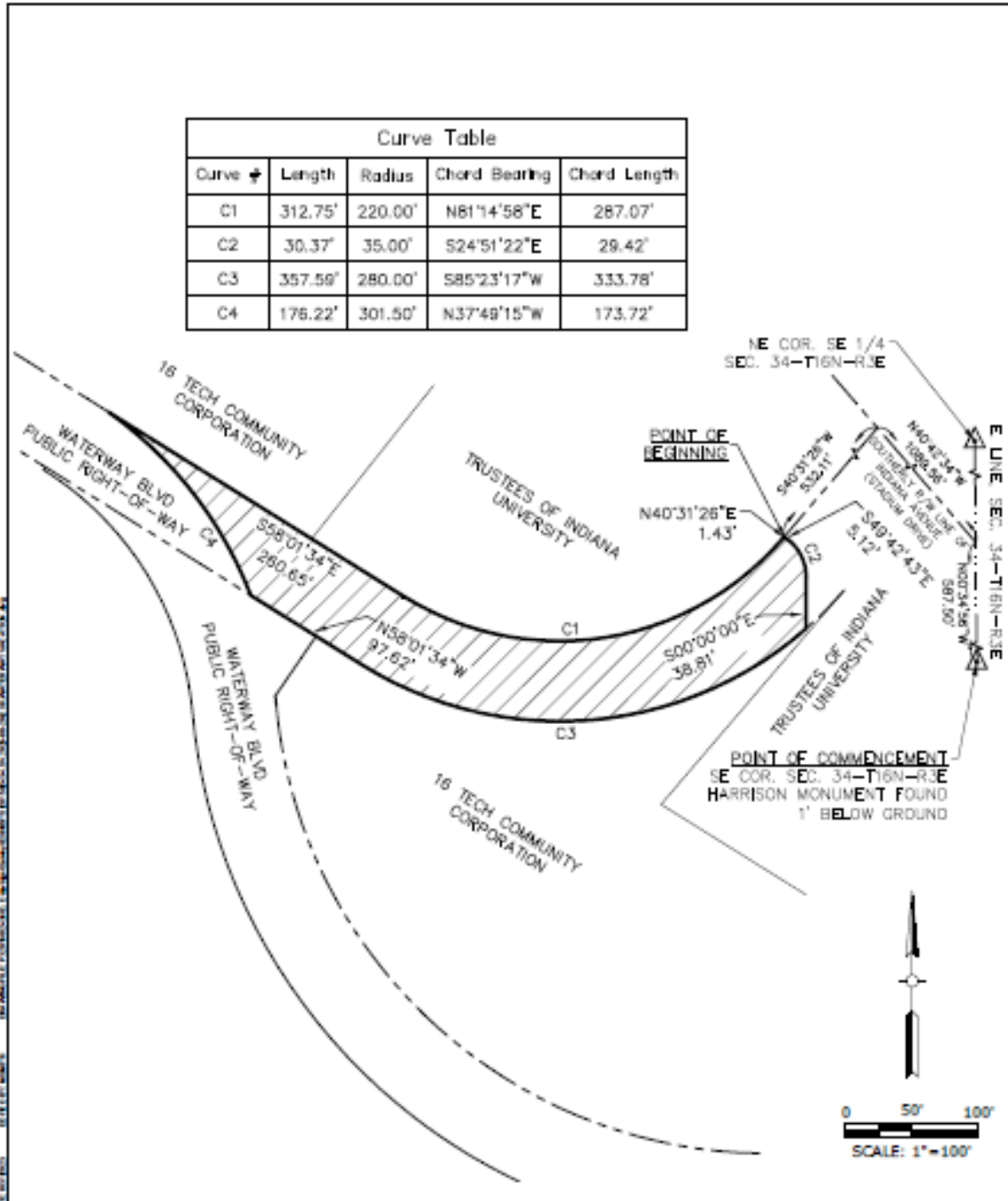
Existing Zoning	CBD-S (RC)		
Existing Land Use	Improved portion of public right-of-way		
Comprehensive Plan	Institution-oriented mixed-use development		
Surrounding Context	Zoning	Land Use	
	North:	CBD-S (RC)	Developing technology park
	South:	CBD-S (RC)	Developing technology park
	East:	CBD-S (RC)	Developing technology park
	West:	CBD-S (RC)	Water facility (Riverside Pumping Station)
Thoroughfare Plan			
Indiana Avenue	Primary arterial	66-foot existing and proposed	
Waterway Boulevard	Local street	48-foot existing and proposed	
Petition Submittal Date	September 29, 2023		

EXHIBITS



Proposed vacation area in yellow

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C1	312.75'	220.00'	N81°14'58"E	287.07'
C2	30.37'	35.00'	S24°51'22"E	29.42'
C3	357.59'	280.00'	S85°23'17"W	333.78'
C4	176.22'	301.50'	N37°48'15"W	173.72'



<p>Structurepoint 800 West Main Street, Suite 100 Indianapolis, Indiana 46204 TEL: 317.472.2800 FAX: 317.242.0170 www.structurepoint.com</p>	<p>Waterway Blvd Vacation Exhibit</p>	Scale: 1" = 100'	<p>SHEET 1 of 1</p>
		Checked By: MJS	
Date: 9-30-23			
Job No.: 15-02404			



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

The section of Waterway Boulevard being vacated is being realigned and rebuilt as shown in the attached Waterway Vacation - Exhibit A document. It is in the public interest because the vacation will fulfill the approved 16 Tech masterplan approved by the City. The new road network will also provide improved vehicular access and pedestrian access to the 16 Tech campus and the area at large.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 _____

Photos



Waterway Boulevard looking northeast from the proposed vacation area toward Indiana Avenue



Proposed vacation area – construction material storage in background for bridge construction



Western extent of proposed vacated area, looking northwest



Approximate location of new street and bridge over Fall Creek