



## Metropolitan Development Commission Plat Committee (January 11, 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, January 11, 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:

#### Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

1. 2022-PLT-087 | 5260 Claybrooke Commons Drive | Franklin Township, CD #25

Approval of a Subdivision Plat, to be known as Replat of Claybrooke Commons East Lot 2, a re-plat of Lot 2 and a portion of Block "A", creating a 5.53-acre lot.

2. 2022-PLT-090 | 2245 Carrollton Avenue | Center Township, CD #17

Approval of a Subdivision Plat, to be known as Casale's Replat of Lots 25 and Part of 26 in Bruce's Place East End Addition, dividing 0.26-acre into two single-family detached lots.

3. 2022-PLT-091 | 2535 Burton Avenue | Center Township, CD #11

Approval of a Subdivision Plat, to be known as Aviators Burton Avenue Addition (a replat of Lots 192-208 in Charles F. Robbins' Second North Indianapolis Addition), dividing 1.76 acres into two lots.

4. 2022-PLT-092 | 726 Cottage Avenue | Center Township, CD #21

Approval of a Subdivision Plat, to be known as Trader's College Avenue Addition, dividing 0.08-acre into two single-family attached lots.

5. 2022-PLT-093 | 9950 Pendleton Pike | Lawrence Township, CD #5

Approval of a Subdivision Plat to be known as Lawrence Commons, Section 3 Subdivision, dividing 3.126 acres, into two lots and one block.

#### PETITIONS FOR PUBLIC HEARING (Continued Petitions):

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6. 2022-VAC-008 | 918 North Capitol Avenue | Center Township, CD 11

Vacation of the first east-west alley south of 10<sup>th</sup> Street, being 15 feet wide, beginning at the west right-of-way line of Capitol Avenue, west 194.79 feet, to the east right-of-way line of Roanoke Street.

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto: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.



Department of Metropolitan Development  
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Current Planning

## PLAT COMMITTEE

January 11, 2023

Case Number:	2022-PLT-087
Property Address:	5260 Claybrooke Commons Drive (Approximate Address)
Location:	Franklin Township, Council District #25
Petitioner:	Dunphy Development LLC, by Elizabeth Bentz Williams
Zoning:	C-4 and C-5
Request:	Approval of a Subdivision Plat to be known as Replat of Claybrooke Commons East Lot 2, a re-plat of Lot 2 and a portion of Block "A", creating a 5.53-acre lot.
Waiver Requested:	None
Current Land Use:	Commercial
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 November 4, 2022, 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.



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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 split-zoned C-4 and C-5 and is developed with a commercial building and parking/display for automobile sales. This site was initially zoned C-4 via 96-Z-232. Most of this site was rezoned to the C-5 district via 2021-CZN-866 in 2021. The proposed plat would replat Lot Two of Claybrooke Commons East subdivision, platted via 2021-CPL-866. This plat would add additional lot area to the site. The proposed plat generally meets the standards of the C-4 and C-5 zoning classification and zoning commitments.

### STREETS

Each lot would be accessed via Claybrooke Commons Drive, which is a private access road within the larger development. This access drive intersects with Emerson Avenue to the west.

### SIDEWALKS

Sidewalks are not required on private streets.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4 and C-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Interchange Area Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	C-4	Undeveloped
South:	C-5	Commercial
East:	C-S	Undeveloped
West:	C-S	Commercial
<b>Thoroughfare Plan</b>		
Claybrooke Commons Drive	Private Street	50-feet proposed
<b>Petition Submittal Date</b>	November 4, 2022	



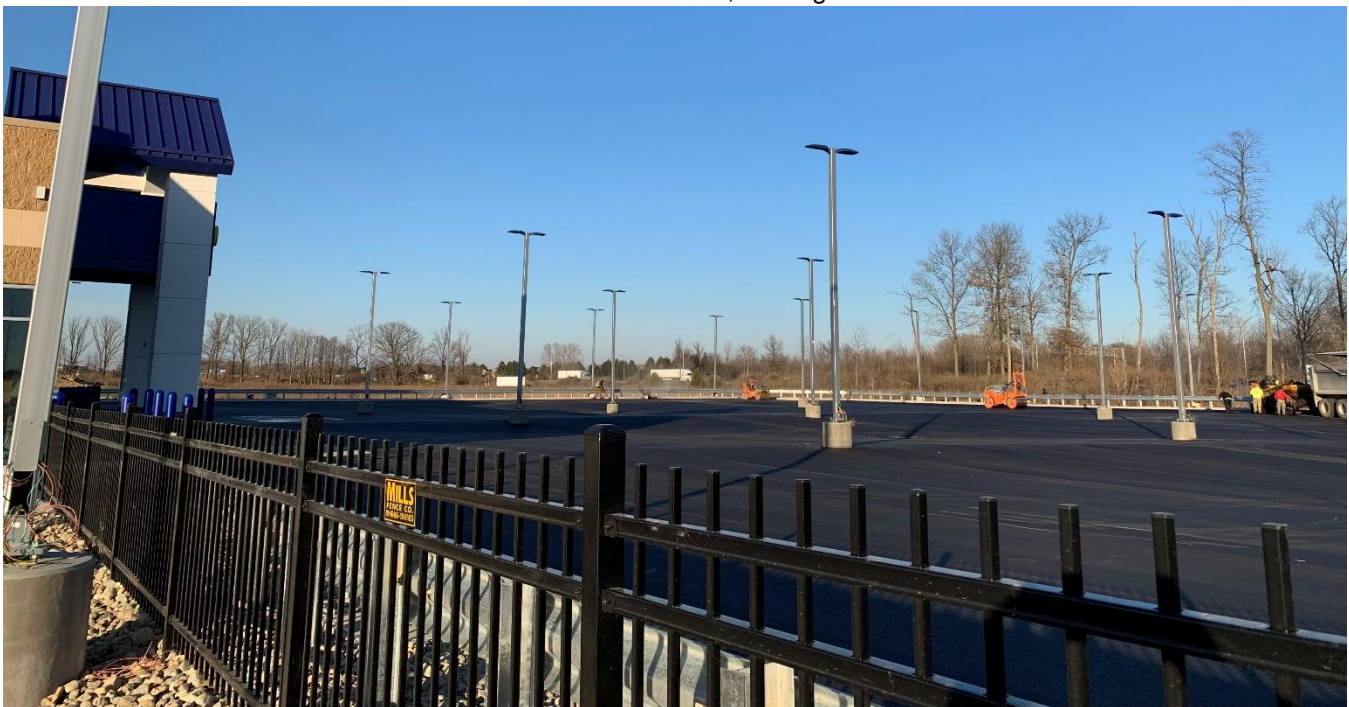




## PHOTOS



Panoramic view of site, looking west



Subject site, looking northeast





Subject site looking east



View of Claybrooke Commons Drive, looking east





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## PLAT COMMITTEE

January 11, 2023

<b>Case Number:</b>	2022-PLT-090
<b>Property Address:</b>	2245 Carrollton Avenue ( <i>Approximate Address</i> )
<b>Location:</b>	Center Township, Council District # 17
<b>Petitioner:</b>	Atlas Casa LLC, by Paul J. Lambie
<b>Zoning:</b>	D-8
<b>Request:</b>	Approval of a Subdivision Plat, to be known as Casale's Replat of Lots 25 and Part of 26 in Bruce's Place East End Addition, dividing 0.26-acre into two single-family detached lots.
<b>Waiver Requested:</b>	None
<b>Current Land Use:</b>	Single-Family Dwelling
<b>Staff Reviewer:</b>	Allison Richardson, Senior Planner

## 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 November 15, 2022, 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.



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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-8 and is developed with a single-family dwelling. This proposed plat would divide this property into two lots—Lots One and Two. Lot One would contain 5,496 square feet and Lot Two would contain 5,966 square feet. Lot One would contain the existing dwelling and Lot Two would be available for a future residential development. The proposed plat generally meets the standards of the D-8 zoning classification for detached house-compact lot.

### STREETS

Lots One and Two would front on Carrollton Avenue. Both lots are accessible from the alley to the east. No new streets are proposed.

### SIDEWALKS

Sidewalks are existing in the right-of-way on Carrollton Avenue.

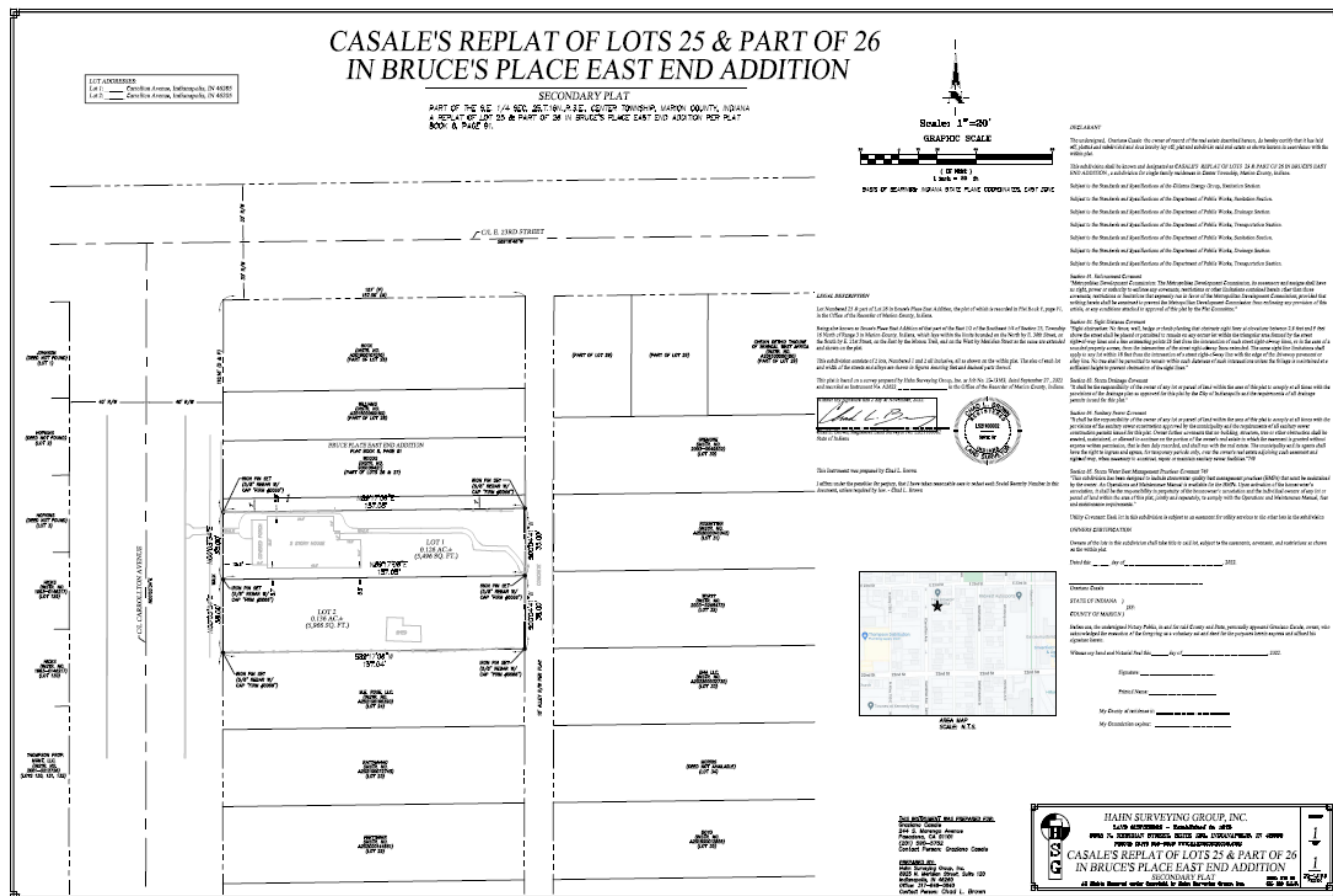
## GENERAL INFORMATION

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-8	Single-Family residential
South:	D-8	Undeveloped
East:	D-8	Single and Two-Family residential
West:	D-8	Two-family residential
<b>Thoroughfare Plan</b>		
Carrollton Avenue	Local Street	80-feet existing and proposed
<b>Petition Submittal Date</b>	November 15, 2022	

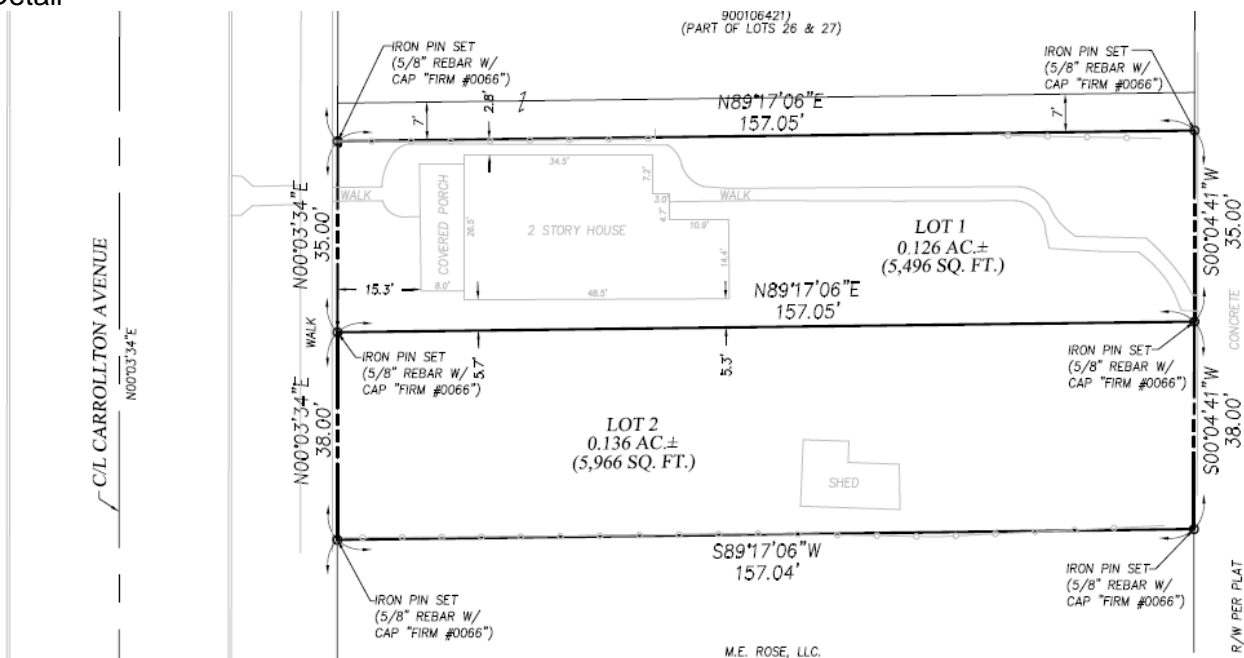
EXHIBITS







## Plat Detail



## PHOTOS



Subject site viewed from Carrollton Ave, looking east



Subject site viewed from alley, looking west



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## PLAT COMMITTEE

January 11, 2023

Case Number: 2022-PLT-091  
 Property Address: 2535 Burton Avenue (Approximate Address)  
 Location: Center Township, Council District # 11  
 Petitioner: KRC Holdings LLC, by Jynell D. Berkshire  
 Zoning: I-2  
 Request: Approval of a Subdivision Plat to be known as Aviators Burton Avenue Addition (a replat of Lots 192-208 in Charles F. Robbins' Second North Indianapolis Addition), dividing 1.76 acres into two lots.  
 Waiver Requested: None  
 Current Land Use: Industrial  
 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 November 21, 2022, 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
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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.





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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 zoned I-2 and developed with an industrial building. The proposed plat would subdivide the property into two lots along an existing common wall. The proposed plat meets the standards of the I-2 zoning classification.

### STREETS

Lot One and Two would front on Burton Avenue with alley access to the east, and railroad access at the southeast corner of Lot One. The Central Canal Trail runs parallel to the alley. No new streets are proposed as part of this petition.

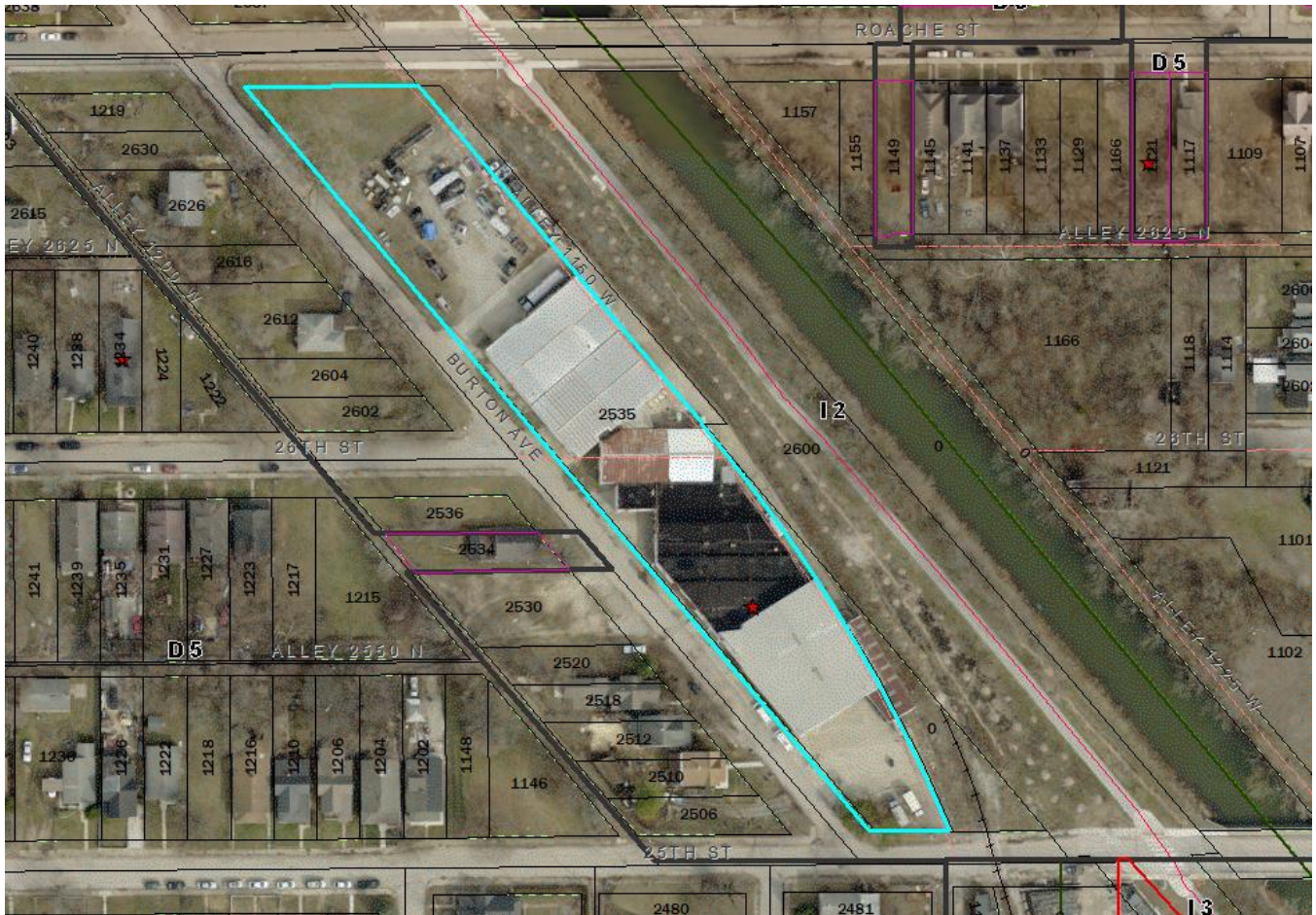
### SIDEWALKS

Sidewalks are required along Burton Avenue.

## GENERAL INFORMATION

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Planned Development, Primarily Residential	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-2	Undeveloped
South:	D-5 / I-3	Residential / Industrial
East:	I-2	Public Trail / Canal
West:	I-2	Residential / Undeveloped
<b>Thoroughfare Plan</b>		
Burton Avenue	Local Street	50-foot existing and proposed
<b>Petition Submittal Date</b>	November 21, 2022	

EXHIBITS



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## PHOTOS



Proposed Lot Two viewed from Roache Street, facing south



Proposed Lot Two viewed from Burton Avenue, facing east





Proposed Lot Two Burton Avenue frontage, facing south



Proposed Lot One viewed from Burton Avenue, facing east



Subject Site Proposed Lot One, viewed from 25<sup>th</sup> Street, facing northeast. Trail shown right.





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## PLAT COMMITTEE

January 11, 2023

<b>Case Number:</b>	2022-PLT-092
<b>Property Address:</b>	726 Cottage Avenue ( <i>Approximate Address</i> )
<b>Location:</b>	Center Township, Council District # 21
<b>Petitioner:</b>	Dogan Properties LLC, by Jynell D. Berkshire
<b>Zoning:</b>	D-5
<b>Request:</b>	Approval of a Subdivision Plat, to be known as Trader's College Avenue Addition, dividing 0.08-acre into two single-family attached lots.
<b>Waiver Requested:</b>	None
<b>Current Land Use:</b>	Two-Family Dwelling
<b>Staff Reviewer:</b>	Allison Richardson, Senior Planner

## 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 November 22, 2022, 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
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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.



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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.
11. No detached single-family dwellings shall be built on the individual lots.

## PETITION OVERVIEW

### SITE PLAN AND DESIGN

The subject site is zoned D-5 and developed with a two-family dwelling. This proposed plat would divide the existing parcel into two lots. Lots One and Two would each contain half of the two-family dwelling with the lot line following the common wall and continuing through the rear of the lot. The subject site has been developed with a two-family dwelling since 1956 as shown on historic Sanborn maps, and legally established via 2022-DV1-012. This replat would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

### STREETS

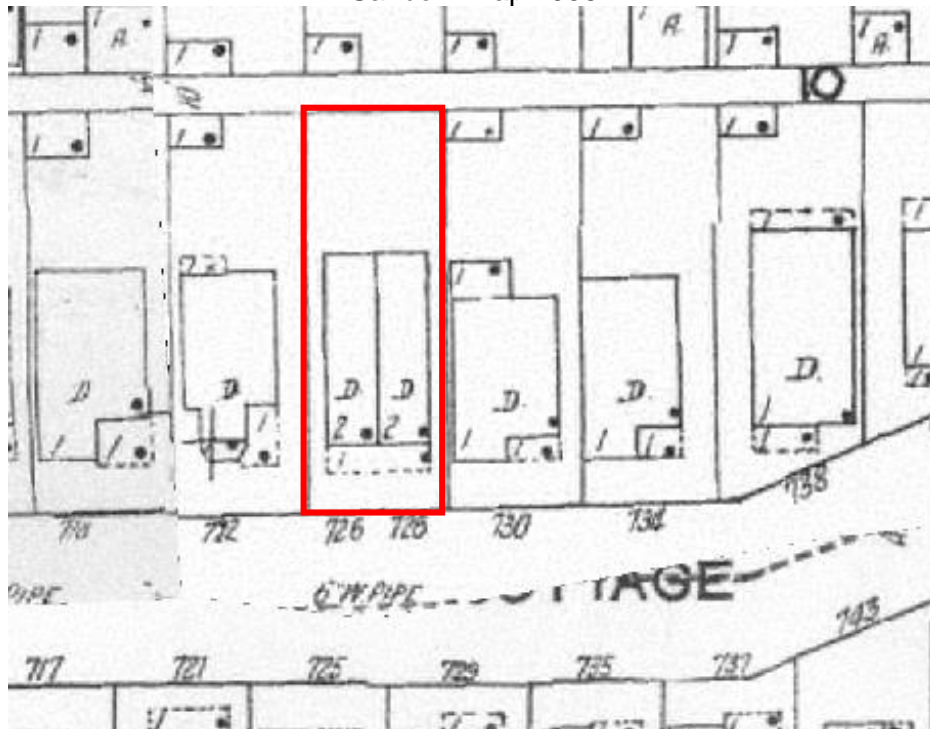
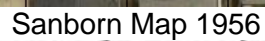
Lots One and Two would front on Cottage Avenue with alley access to the north. No new streets are proposed.

### PROCEDURE

This plat petition, if approved, only legally establishes the division of land. In the event that the existing duplex were to be removed, any new construction that does not conform to the site plan approved by variance would be required to meet all development standards of the D-5 Dwelling District, including, but not limited to, setbacks, minimum lot width and frontage, and minimum open space.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Two-family dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-5	Single-Family residential
South:	D-5	Single-Family residential
East:	D-5	Single-Family residential
West:	D-5	Single-Family residential
<b>Thoroughfare Plan</b>		
Cottage Avenue	Local Street	48-foot existing and proposed
<b>Petition Submittal Date</b>	November 22, 2022	



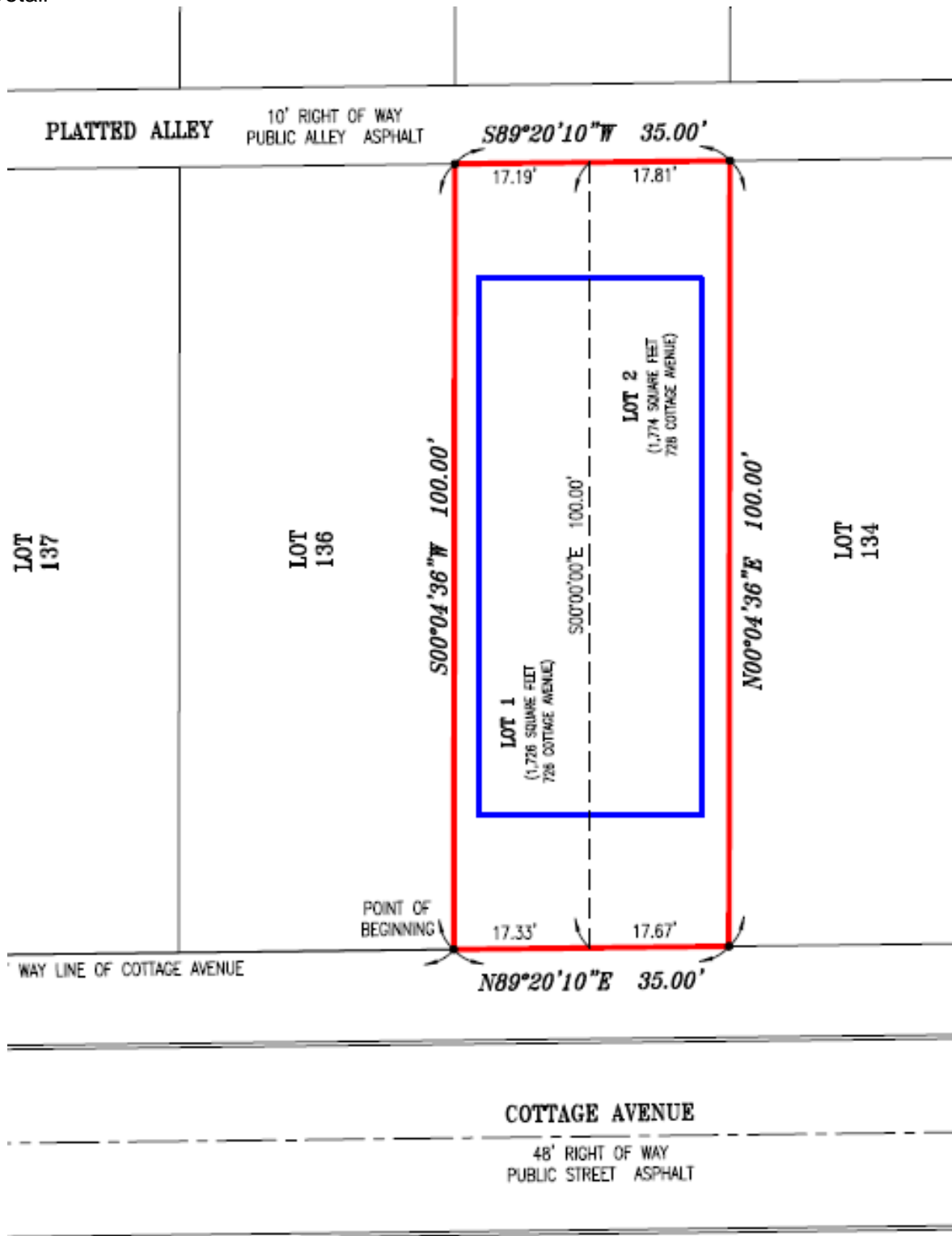
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Plat Detail



## PHOTOS



Subject Site viewed from Cottage Avenue, facing north



Subject site viewed from alley, facing south





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## PLAT COMMITTEE

January 11, 2023

Case Number: 2022-PLT-093  
 Property Address: 9950 Pendleton Pike (Approximate Address)  
 Location: Lawrence Township, Council District # 5, City of Lawrence  
 Petitioner: Via Lawrence Commons, by Joseph D. Calderon  
 Zoning: C-4  
 Request: Approval of a Subdivision Plat to be known as Lawrence Commons, Section 3 Subdivision, dividing 3.126 acres, into two lots and one block.  
 Waiver Requested: None  
 Current Land Use: Commercial / Undeveloped  
 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 December 1, 2022, 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 the City of Lawrence, Sanitation Section.
3. Subject to the Standards and Specifications of the City of Lawrence, Drainage Section.
4. Subject to the Standards and Specifications of the City of Lawrence, 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.
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.



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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 zoned C-4 and is undeveloped. The adjacent properties are developed with commercial buildings. The proposed plat would subdivide the property into two lots and one block. Lot One would be a corner lot, containing 46,729 square feet. Lot Two contain 31,476 square feet. Block A would serve as common area and internal access. The layout for Block A corresponds with the existing access drives on the site. The proposed plat meets the standards of the C-4 zoning classification.

### STREETS

Lot One would be a corner lot at the intersection of Mitthoefer Road and 56<sup>th</sup> Street. Lot Two would front on 56<sup>th</sup> Street. Block A would contain internal accesses. No new streets are proposed as part of this petition.

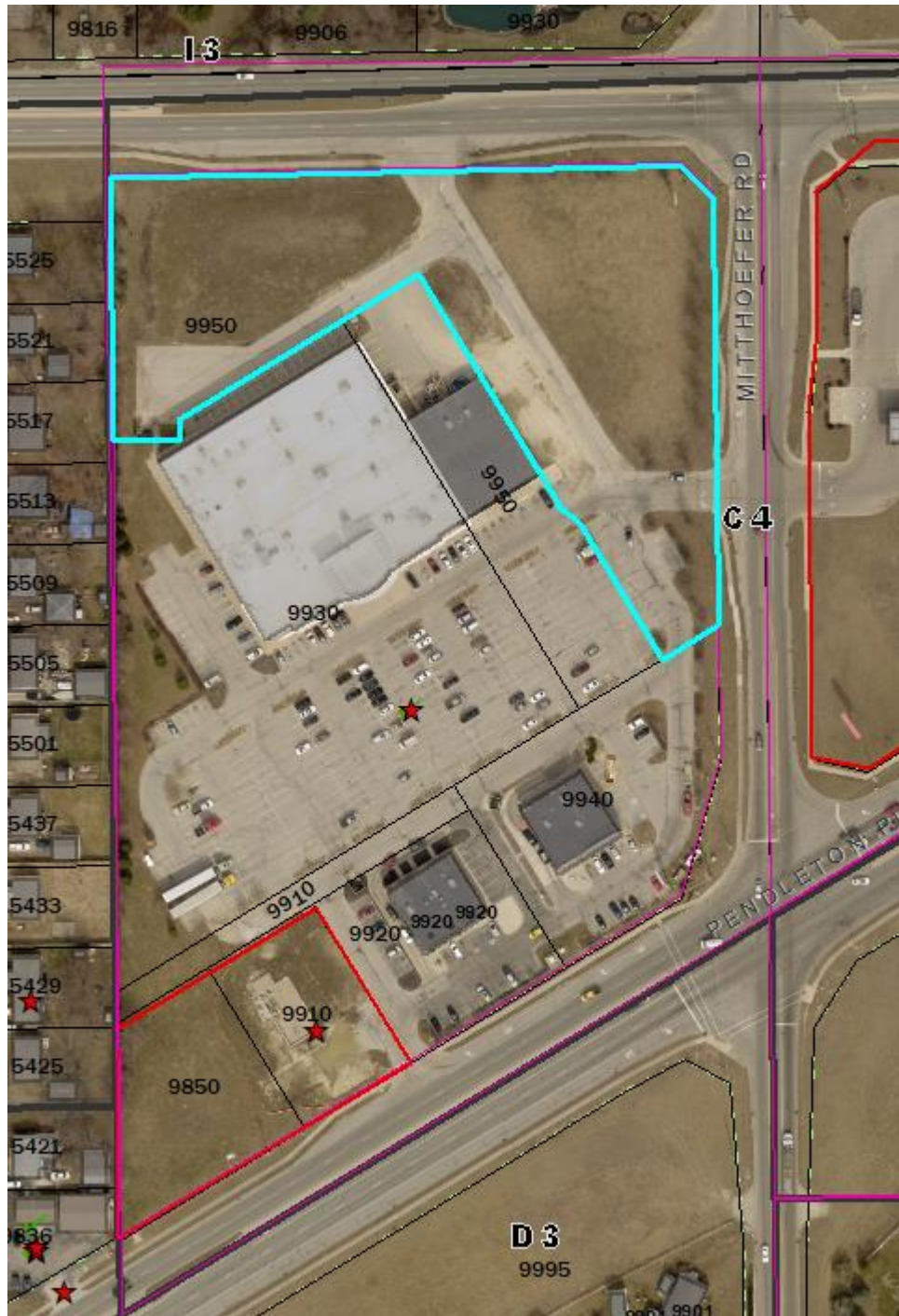
### SIDEWALKS

Sidewalks are existing along all street frontages.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	I-3	Industrial / Residential
South:	C-4	Commercial
East:	C-4	Commercial
West:	D-5	Residential
<b>Thoroughfare Plan</b>		
56 <sup>th</sup> Street	Primary Arterial	95-foot existing and 102-feet proposed
Mitthoefer Road	Secondary Arterial	90-feet existing and proposed
<b>Petition Submittal Date</b>	December 1, 2022	

EXHIBITS







## PHOTOS



Subject Site Proposed Lot One, facing southwest



Subject Site Proposed Lot Two, facing southeast





Proposed Block A, 56<sup>th</sup> Street entrance



Proposed Block A, Mitthoefer Road entrance





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## PLAT COMMITTEE

January 11, 2023

**Case Number:** 2022-VAC-008  
**Property Address:** 918 North Capitol Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Civil and Environmental Consultants, Inc., by Anthony B. Syers  
**Zoning:** CBD-2 (RC)  
**Request:** Vacation of the first east-west alley south of 10<sup>th</sup> Street, being 15 feet wide, beginning at the west right-of-way line of Capitol Avenue, west 194.79 feet, to the east right-of-way line of Roanoke Street.  
**Waiver Requested:** None  
**Current Land Use:** Public alley  
**Staff Reviewer:** Jeffrey York, Senior Planner

## PETITION HISTORY

This petition was heard and approved by the Plat Committee on December 14, 2022. This hearing is for the Assessment of Benefits.

### JANUARY 11, 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: \$800.00  
 Appraiser's Fee: \$800.00

**RECOMMENDED MOTION (approval):** That the Plat Committee sustain, confirm, approve and adopt the Final Assessment Roll in 2022-VAC-008, assessing benefits in accordance therewith, in the amount of \$800.00 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 benefits be held on January 11, 2023; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2022-VAC-008; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.



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## PETITION OVERVIEW

### SUMMARY

This petition, if approved, would vacate an east-west alley south of 10<sup>th</sup> Street and west of Capitol Avenue to provide land for a planned mixed-use development. This alley is improved with concrete and provides access to abutting properties. However, the planned development would combine the properties under one ownership. The north-south alley to the west, which is named Roanoke Street, would not be affected by this vacation if this petition would be approved.

### 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 land owner 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.

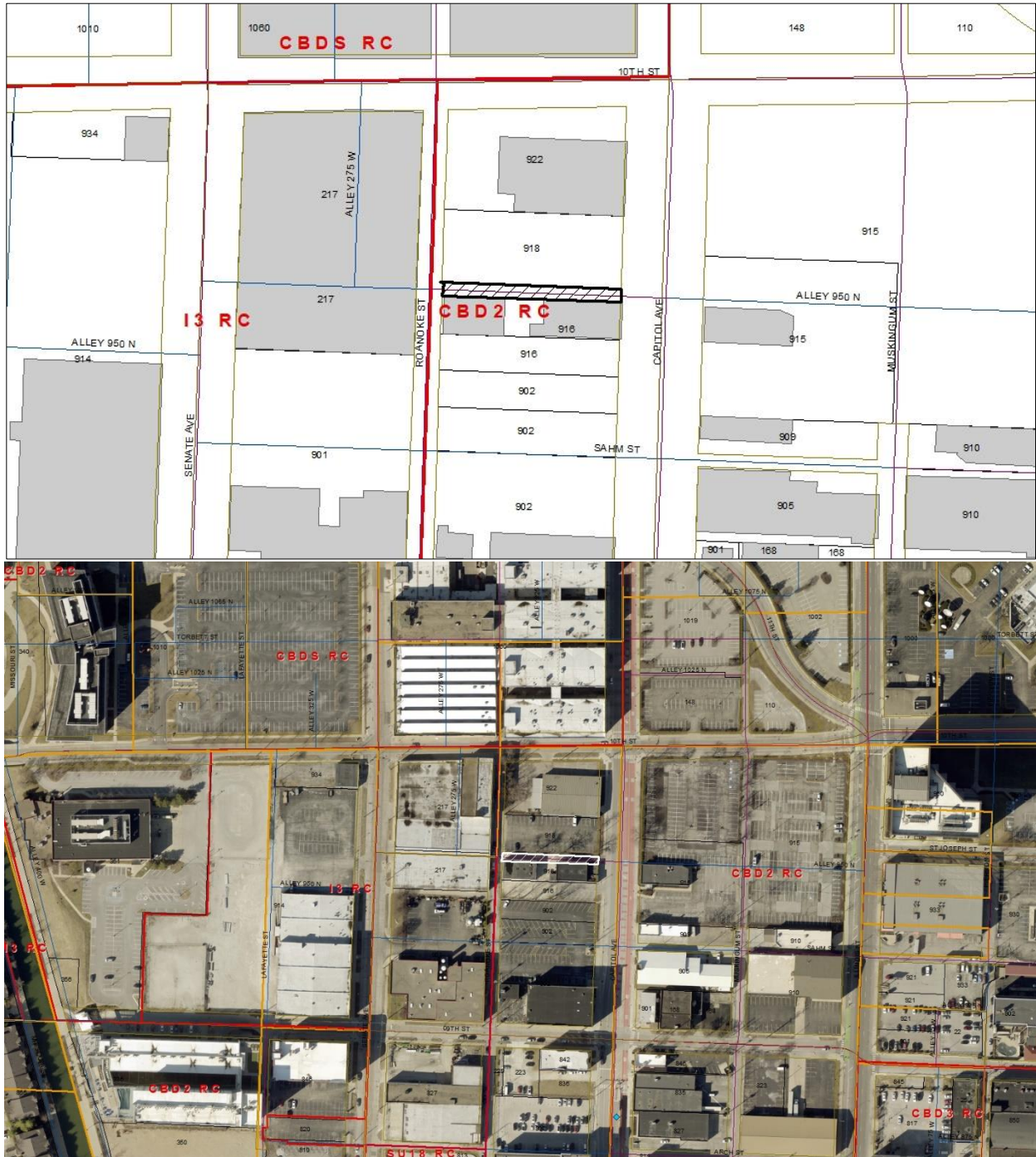
### ASSESSMENT OF BENEFITS

The subject right-of-way is improved; therefore, the land shall be subject to an Assessment of Benefits.

## GENERAL INFORMATION

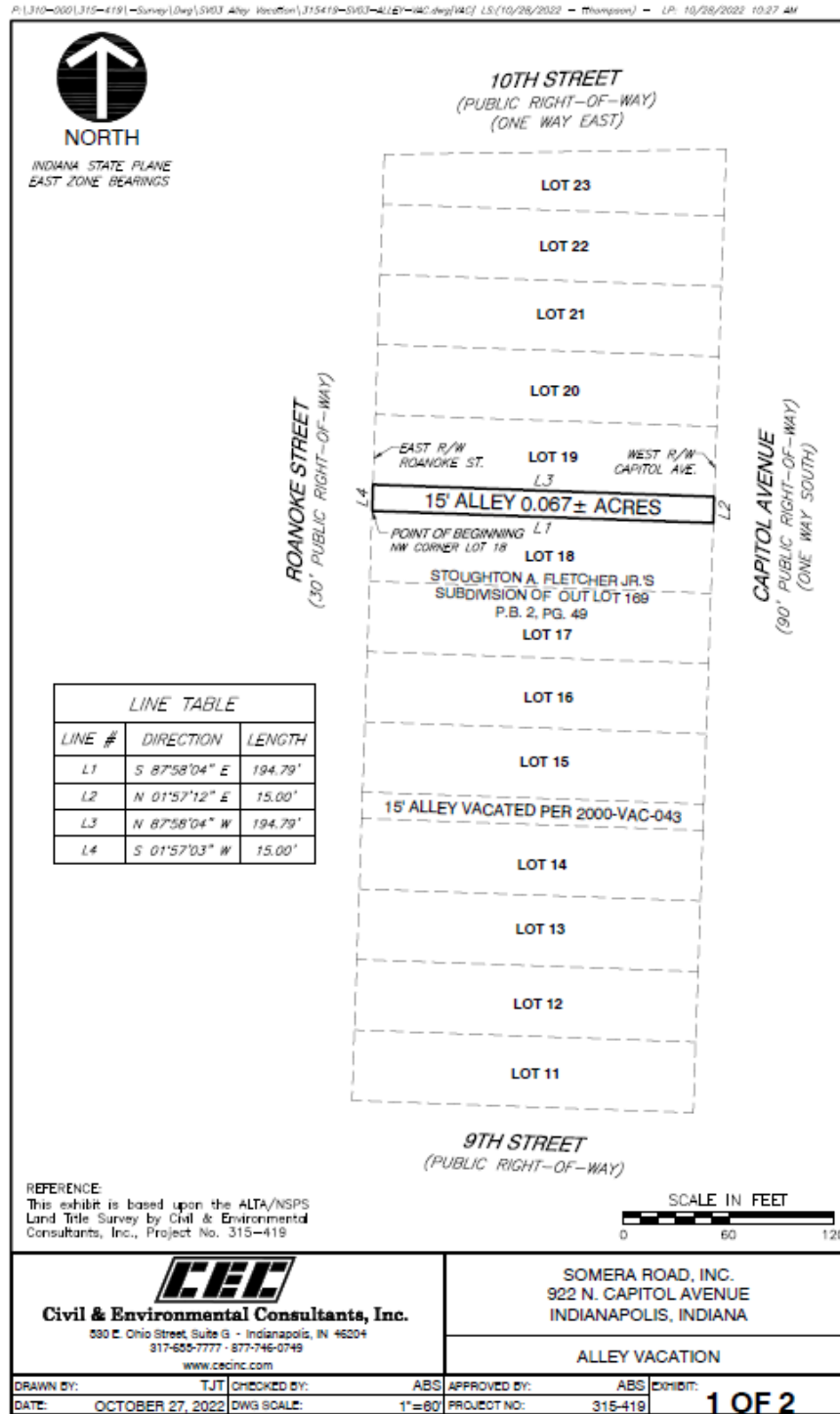
<b>Existing Zoning</b>	CBD-2 (RC)	
<b>Existing Land Use</b>	Existing commercial buildings	
<b>Comprehensive Plan</b>	City Neighborhood development	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	CBD-2 (RC)	Stutz mixed-use development
South:	CBD-2 (RC)	Offices
East:	CBD-2 (RC)	Surface parking / commercial
West:	I-3 (RC)	Light industrial / commercial
<b>Thoroughfare Plan</b>		
Capitol Avenue	Primary arterial	78-foot existing and proposed
<b>Petition Submittal Date</b>	November 9, 2022	

EXHIBITS



Zoning map and aerial of site and surrounding area





P:\310-000\315-419\Survey\Draw\SWOT.dwg - Tyler J. Thompson, LS21400006 of Civil & Environmental Consultants, Inc. on October 27, 2022, as follows:

**15' WIDE ALLEY BETWEEN LOTS 18 AND 19  
IN STOUGHTON A. FLETCHER JR.'S SUBDIVISION OF OUT LOT 169**

The 15 foot wide east-west alley lying between Lots 18 and 19 in Stoughton A. Fletcher Jr.'s Subdivision of Out Lot 169 as recorded in Plat Book 2, page 49 in the Office of the Recorder of Marion County, Indiana, located in the City of Indianapolis, Center Township of Marion County, Indiana, being more particularly described by Tyler J. Thompson, LS21400006 of Civil & Environmental Consultants, Inc. on October 27, 2022, as follows:

Beginning at the northwest corner of said Lot 18, being the intersection of the east right-of-way of Roanoke Street and the south right-of-way of said 15 foot alley; thence South 87 degrees 58 minutes 04 seconds East (Indiana State Plane East Zone Grid Bearings) along the north line of said lot a distance of 194.79 feet to the west right-of-way of Capital Avenue; thence North 01 degrees 57 minutes 12 seconds East along said west right-of-way a distance of 15.00 feet to the southeast corner of said Lot 19; thence North 87 degrees 58 minutes 04 seconds West along the south line of said lot a distance of 194.79 feet to the southwest corner thereof and said east right-of-way of Roanoke Street; thence South 01 degrees 57 minutes 03 seconds West along said east right-of-way a distance of 15.00 feet to the Point of Beginning, containing 0.067 acres of land, more or less.




Tyler J. Thompson  
Registered Land Surveyor No. LS21400006  
October 27, 2022  
tthompson@cecinc.com  
prepared by Tyler J. Thompson



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Tyler J. Thompson

**REFERENCE:**

This exhibit is based upon the ALTA/NSPS  
Land Title Survey by Civil & Environmental  
Consultants, Inc., Project No. 315-419

 <b>Civil &amp; Environmental Consultants, Inc.</b> 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 - 877-746-0749 www.cecinc.com		SOMERA ROAD, INC. 922 N. CAPITOL AVENUE INDIANAPOLIS, INDIANA	
		ALLEY VACATION	
DRAWN BY:	TJT	CHECKED BY:	ABS
DATE:	OCTOBER 27, 2022	APPROVED BY:	ABS
DWG SCALE:		PROJECT NO:	315-419
		Exhibit: <b>2 OF 2</b>	

Photos



View of Roanoke Street, looking north. Subject alley is to the north of the white building





View of subject alley, looking east toward Capitol Avenue





Curb cut to subject alley, from Capitol Avenue





View of subject alley from Capitol Avenue, looking west toward Roanoke Street (a named alley)