

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-847 / 2023-CAP-847 / 2023-CVC-847
Address: 4175 and 4225 West Washington Street (Approximate Addresses)
Location: Wayne Township, Council District #22
Petitioner: Department of Parks and Recreation, by Kate Warpool, AIA
Request: Rezoning of 2.11 acres from the C-5 (TOD and SU-2 (TOD) districts to the PK-1 (TOD) district to provide for park uses.

Park District One Approval to provide for a new playground, parking area, game courts, shelters, and other park improvements.

Vacation of Roena Street, being 50 feet in width, from the south right-of-way line of Washington Street, south 210. 37 feet to the north right-of-way line of Oliver Street, with a waiver of the assessment of benefits.

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition.

Staff recommends **approval of Park District-One approval** petition.

Staff recommends **approval of the vacation** petition and provides the following motion:

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-847; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

SITE / REQUESTS

- ◇ This site comprises of four parcels, with three parcels west of Roena Street, zoned SU-2, and one parcel east of Roena Street, zoned C-5. These parcels are improved with a long-standing public park, which is named Christina Oaks Park, with Roena Street dividing the park into two sections. Currently, no sidewalks exist along Washington Street or Taft Avenue.
- ◇ The rezoning petition would rezone the site to PK-1 district for park uses, the approval petition would provide for significant improvements to the park and the vacation petition would vacate Roena Street, from Washington Street south to Oliver Avenue.

(Continued)

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COMPREHENSIVE PLAN / PARK IMPROVEMENT PLAN

- ◇ The Comprehensive Plan recommends Park development therefore, the request would comply with the Plan.
- ◇ The site plan indicates that the existing children's playground would be relocated south of the existing playground and would be larger. The existing playground would be the location of a stormwater detention area. A pickleball court would be constructed the center of the park, adjacent to a proposed parking area. Additional improvements include walking paths, with future plans for a shelter, and a splash pad. The existing Roena Street curb cut from Washington Street would be removed. A sidewalk is planned along Taft Avenue, with the Department of Public Works planned to install sidewalks along Washington Street in the very near future.

PLANNING ANALYSIS

- ◇ This request would result in a major improvement to a long-standing urban park, including much-needed safety improvements by removing Roena Street that divides the park. Details on the Roena Street vacation request is below. Sidewalks would be constructed along the public streets, which will provide a safe manner for the public to access the park. Finally, the planned improvements would provide additional recreational opportunities to this neighborhood. For these reasons, staff supports the rezoning and approval petitions.

VACATION

- ◇ This request would provide for the vacation of a portion of Roena Street from the south right-of-way line of Washington Street to the north right-of-way line of Oliver Avenue. Roena Street is used to gain access to properties to the south, which is a residential neighborhood. However, multiple other ways to gain access to this neighborhood exist.
- ◇ The right-of-way of Oliver Avenue east of Roena Street is 50 feet in width, however, the right-of-way of Oliver Avenue west of Roena Street is 15 feet in width, which is essentially an alley. Aerial photography of this portion of Oliver Avenue indicates that the pavement of this street is approximately five feet within the subject site (4225 West Washington Street).
- ◇ The result of vacating Roena Street would improve the public safety of the park by removing a local street that divides the two sections of the park, therefore, staff recommends approval of the proposed vacation.

(Continued)

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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 MDC's Rules of Procedure exempt City agencies from fees, including the assessment of benefits for street or alley rights-of-way where the vacation would be used for the public. Therefore, the waiver of the assessment of benefits is automatic.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-2 / C-5 (TOD Compact Christina Oaks Park

SURROUNDING ZONING AND LAND USE

North	SU-1 / C-7 (TOD	Church / Motorcycle dealer
South	D-4 (TOD)	Residential
East	D-5 (TOD)	Commercial contractor
West	C-5 (TOD)	Automobile body shop

COMPREHENSIVE LAND USE PLAN The Wayne Township Land Use Plan recommends Park development

TRANSIT-ORIENTED DEVELOPMENT The site lies within the Transit-Oriented Development Overlay.

(Continued)

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THOROUGHFARE PLAN	Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with an 88-foot existing and proposed right-of-way.
DEVELOPMENT PLANS	File-dated August 16, 2023
FINDINGS OF FACT	File-dated August 17, 2023 (Vacation and Variance)
SITE PLAN	File-dated August 16, 2023
VACATION SURVEY	File-dated August 16, 2023

ZONING HISTORY – SITE

2015-ADM-507; 4225 West Washington Street, requested Administrator's Approval to provide for a wireless communications facility on an existing light pole, **approved**.

ZONING HISTORY – VICINITY

2021-UV1-009; 4151 West Washington Street, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial laundry, **granted**.

JY



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MEMO – EXHIBIT A

To: Indianapolis Department of Metropolitan Development
Re: Legal Description – Christina Oaks Park
Updated: August 11, 2023

Christina Oaks Park – Detailed Description of Proposal

Requesting a rezoning from SU-2 and C5 to PK1 to accurately reflect the use of the land as a park. Improvements to the park will be made including the companion vacation petition of Roena Street to connect two sides of the park currently split by a public street and a companion approval petition with a site plan indicating the improvements planned for the park. The improvements will be completed in the phases identified in the attached site plan including a new playground in Phase 1 and additional improvements identified on the site plan in the following phases. The street vacation is key to this development and will improve safety by bringing both sides of the park together and eliminating the need for visitors to cross the street from the side with the basketball courts to the side with the playground.

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20____

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

The land use plan identifies that the property is used as a park with a major arterial street to the north and the traditional neighborhood typology to the south. The land use pattern book recommends parks without additional concerns, the plan improves the condition of the park, and the surrounding traditional neighborhood benefits from the park improvements. We are also requesting the vacation of Roena Street in between the two sides of the park to create one wholistic park and improve safety for park patrons and the community.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The plan replaces equipment and surfaces for play and recreation functions that currently exist, improving the current state of the park. Additional improvements as noted in the attached site plan will come in future phases.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Existing paths are already included in the existing park; new paths are planned for future park and/or infrastructure projects; and new parking spaces are included. DPW is also planning to add a new sidewalk along Washington street improving pedestrian connectivity to the surrounding neighborhood.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Existing controls are already included in and adjacent to the existing park; and new additional pedestrian and bike paths with necessary controls are planned for future park and/or infrastructure projects.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

the park is serviced by Indy Parks and the Department of Public Works, property drainage has been designed by a professional engineer and incorporates appropriate sustainable designs, and does not require additional public utility services such as electricity or water for irrigation.

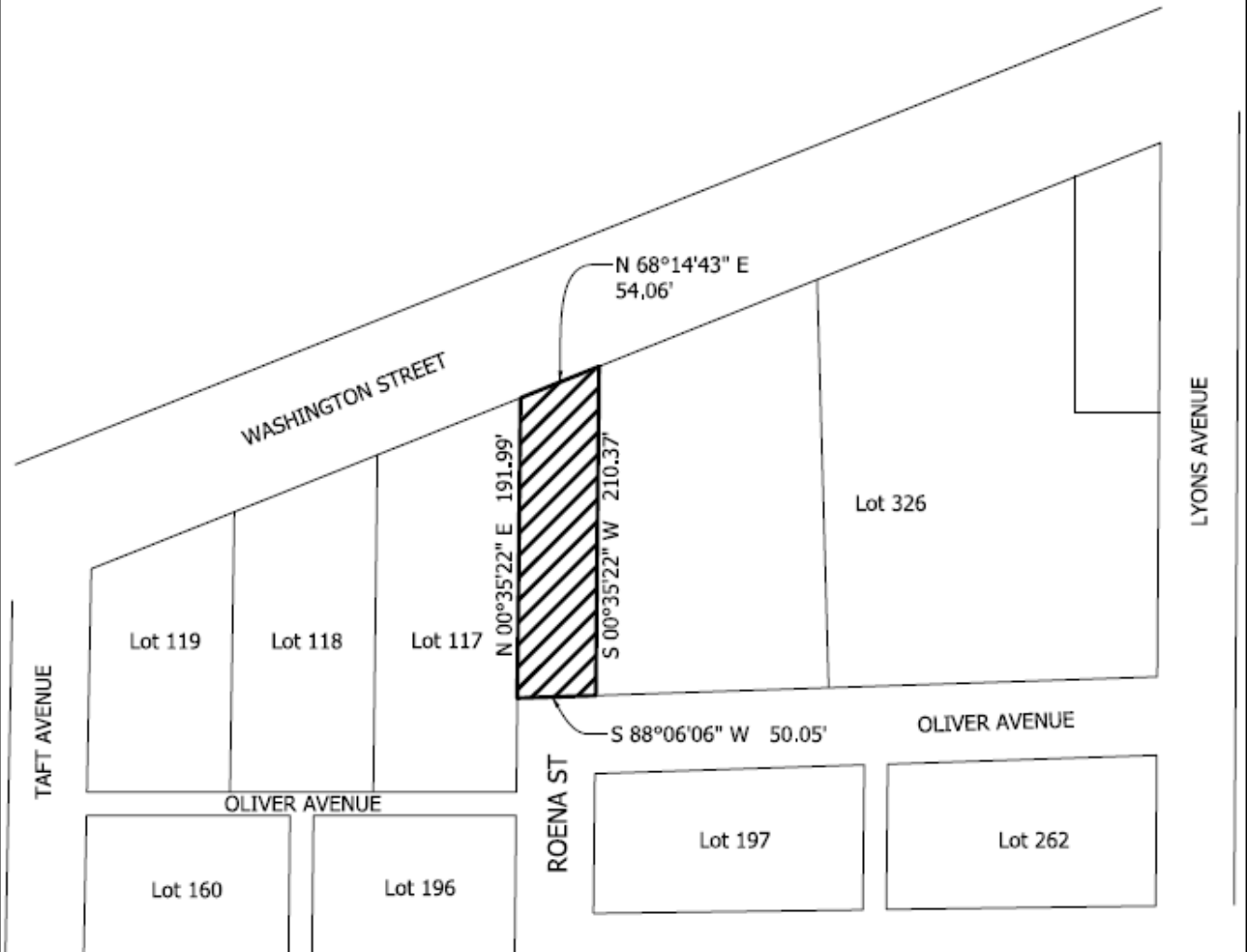
Project: 22SU050
County: Marlon
Section: 7 & 8
Township: 15 North
Range: 3 East

Exhibit "B"
Vacation of a Portion of Roena Street

Page: 2 of 2
Prepared by: ADG
Checked by: DCT



Hatched Area Is the
Approximate Vacation

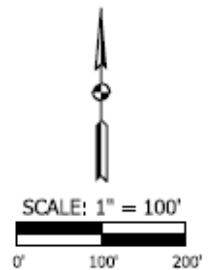


FLEMING GARDEN PLACE 2ND ADDITION

David C. Thomas
LS #21300006



David C. Thomas
Date: 2/24/2023



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 land on either side of this 210' stretch of Roena Street is a park use, with one side having playground equipment and the other having basketball courts and open land. Indy Parks would like to vacate this stretch of Roena Street to unite both sides of Christina Oaks Park to both expand the park, it's amenities and create a safer environment for park patrons and the community. The inconvenience for vehicular traffic is minimal as access to Washington Street can be gained by using Oliver Avenue to S. Taft Street or Oliver Avenue to S. Lyons Avenue each just one block from Roena Street. Granting vacation will be putting the pedestrian first.

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 _____

_____	_____
_____	_____
_____	_____

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Views of the eastern portion of the park



View of the western portion of the park, along Washington Street



View of the western portion of the park (top); eastern connecting sidewalk



View of the western connecting sidewalk (top); view of section of Roena Street to be vacated



Views of Oliver Avenue east and west of Roena Street



Overall view of the park