

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**January 29, 2026**

**Case Number:** 2025-CPL-860 / 2025-CVC-860

**Property Address:** 2107 North Riley Avenue

**Location:** Center Township, Council District #8

**Petitioner:** Indianapolis Public Schools, by Russell McClure

**Current Zoning:** D-5 / SU-2

**Request:** Approval of a Subdivision Plat, to be known as Susan Leach Subdivision, dividing 7.28 acres into two lots.

**Current Land Use:** Educational uses

**Staff Recommendations:** Approval

**Staff Reviewer:** Kathleen Blackham, Senior Planner

Vacation of the first east-west right-of-way north of 21<sup>st</sup> Street, being 25 feet in width, from the east right-of-way line of Riley Avenue, east to a point 307.42 feet to the west property line of parcel number 1102696, with a waiver of the assessment of benefits.

**PETITION HISTORY**

This is the first hearing on these petitions.

**STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner approve and find that the plat, file dated November 25, 2025, 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.
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.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

**RECOMMENDED VACATION MOTION (approval):** That the Hearing Examiner find that the proposed vacation is in the public interest; that the waiver of benefits be granted, that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-860; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

## **PETITION OVERVIEW**

This 7.28-acre site, zoned D-5 and SU-2 (southwest corner), is developed with a school, accessory buildings, and parking lot. It is surrounded by railroad right-of-way to the north, zoned D-5; religious uses to the south, across East 21<sup>st</sup> Street, zoned SU-2; multi-family dwellings to the east, zoned D-8; and single-family dwellings to the west, across North Riley Avenue, zoned D-5.

### **PLAT**

#### **Site Plan**

The site is developed with educational uses on the southern portion of the site and the northern portion of the site is undeveloped. There is an east / west 25-foot-wide right-of-way that bisects the site. The plat would divide this site into two lots. The vacation request would eliminate this right-of-way.

#### **Streets**

North Riley Avenue abuts the western boundary and East 21<sup>st</sup> Street abuts the southern boundary of this site. No new streets are proposed.

#### **Sidewalks**

Sidewalks exist along East 21<sup>st</sup> Street but there are no sidewalks along North Riley Avenue.



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

**Waivers**

None.

**VACATION**

**Summary**

This request would vacate the first east-west right-of-way north of 21<sup>st</sup> Street, being 25 feet in width, from the east right-of-way line of Riley Avenue, east to a point 307.42 feet to the west property line of parcel number 1102696.

If this vacation petition is approved, the undeveloped, east / west 25-foot-wide right-of-way would be incorporated into Lot 1. Staff would note that this right-of-way terminates at the eastern and western boundaries of the site and does not extend beyond the boundaries. Consequently, no dead ends would result from this vacation.

Staff supports this vacation request because it would not have any impact on surrounding land uses or traffic circulation.

**Assessment of Benefits**

Because the proposed vacation of the right-of-way has not been improved and is located within the property boundary, an Assessment of Benefits would not be necessary or required.

**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.

## GENERAL INFORMATION

<b>Existing Zoning</b>	SU-2 / D-5	
<b>Existing Land Use</b>	Educational uses (vacant)	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-5	Railroad right-of-way
South:	SU-1	Religious uses
East:	D-8	Multi-family dwellings
West:	D-5	Single-family dwellings
<b>Thoroughfare Plan</b>		
North Riley Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
East 21 <sup>st</sup> Street	Primary arterial	Existing 70-foot right-of-way and proposed 88-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	November 25, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	November 25, 2025 - Vacation	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings

when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

### **Pattern Book / Land Use Plan**

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

Not Applicable to the Site.

### **Neighborhood / Area Specific Plan**

Not Applicable to the Site.

### **Infill Housing Guidelines**

Not Applicable to the Site.

### **Indy Moves**

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**2024-UV2-027; 2107 North Riley Avenue**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a seasonal sheltering and care center for the homeless, **granted**.

**2021-UV2-021; 2107 North Riley Avenue**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a homeless shelter, **granted**.

## VICINITY

**2020-CZN/CVR-820; 4935 and 4947 East 21<sup>st</sup> Street**; requested rezoning of 0.676 acre from the D-5 District to the MU-2 District and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family building up to 41-feet tall with a five-foot front transitional setback from Kildare Avenue and a four-foot front transitional setback from 21<sup>st</sup> Street, and with a 40-foot wide curb cut on Kildare Avenue and a parking lot with a 19-foot setback from Kildare Avenue; **granted and approved**.

**2006-ZON-078; 5009 East 21<sup>st</sup> Street**; requested rezoning of 0.63 acre from the D-5 District to the SU-1 District; **approved**.

**99-Z-167; 2119 Kildare Avenue**; requests rezoning of .12 acre from D-5 to SU-1, to provide for the construction of a new church building; **approved**.

**98-CP-13Z and 98-CP-13VAC; 5055 East 21<sup>st</sup> Street**; requested rezoning of 4.475 acres from C-3 and D-5, to D-8 to provide for a single-, two- and/or multi-family residential development; and the vacation of an irregularly-shaped access right-of-way between Emerson Avenue and Riley Avenue, being approximately 17 to 46 feet in width, extending north approximately 397 feet of the right-of-way line of East 21<sup>st</sup> Street; **approved**.

**98-Z-95; 5009-5019 East 21<sup>st</sup> Street**; requested rezoning of 0.48 acre from D-5 to SU-1; **approved**.

**98-V1-52; 2501 North Emerson Avenue**; requested a variance of use of the Industrial Zoning Ordinance to provide for the operation of a solid, medical waste disposal facility; **denied**.

**98-UV1-51; 2040 North Emerson Avenue**; requested variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales, with a six-foot landscape area along Emerson Avenue and East 21<sup>st</sup> Street, and off-street parking and maneuvering located within a portion of the required transitional yard along the south property line; **granted**.

**96-V3-49; 2108 North Emerson Avenue**; requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of a canopy being seven feet from the right-of-way of Emerson Avenue and a variance of development standards of the Sign Regulations to permit the placement of an illuminated pylon sign, being 32 feet in height and measuring 9 by 19 feet, being

within 120 feet of a Dwelling District, with a setback from the right-of-way of Emerson Avenue of 5.5 feet, located within the clear site area at the intersection of Emerson Avenue and East 21<sup>st</sup> Street; **granted**.

**95-UV2-40; 2040 North Emerson Avenue;** requested variance of use and development standards of the Commercial Zoning Ordinance to provide for an automotive related use, including the sales of motor vehicles, with outdoor display and sales of merchandise, with a parking area being 8.5 feet from the south property line, with a six-foot landscape strip along the frontage of Emerson Avenue and 21<sup>st</sup> Street; **granted**.

**94-Z-5, 94-CV-5; 2013, 2017 and 2021 Bancroft Street, 2026, 2030, 2032 and 2040 North Emerson Avenue, and 5041 East 21<sup>st</sup> Street;** requested a rezoning of 1.6 acres, being in the D-5 and C-4 Districts, to the C-4 classification to provide commercial uses, with a variance of development standards of the Commercial Zoning Ordinance to permit a drive-through unit on the side of the building within 100 feet of a protected district and without the required bypass aisle; **denied**.

**87-V3-131; 2044 Kildare Avenue;** requested variance of development standards to provide for a secondary building exceeding the size of the primary building; **denied**.

**86-V2-4; 2029 Kildare Avenue;** requested variance of development standards to provide for a detached garage with a deficient side setback; **denied**.

**85-Z-50; 5104 East 21<sup>st</sup> Street;** requested the rezoning of 0.42 acre, being in the D-5 District, to the C-4 classification, to provide for retail commercial development; **approved**.

**85-HOV-76; 2029 Kildare Avenue;** requested variance of development standards to provide for a detached garage taller than the 15-foot-tall dwelling; **granted**.

**84-V3-101; 2018 Bancroft Street;** requested variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a carport at 0.5 feet from the side property line; **granted**.

**84-HOV-40; 2108 North Emerson Avenue;** requested variance of development standards of the Sign regulations to replace existing Shell Oil sign with a 40-foot-tall pole sign, 7 feet from Emerson Avenue right-of-way and 6 feet from 21<sup>st</sup> Street right-of-way; **granted**.

**78-Z-194; 4934 East 21<sup>st</sup> Street;** requested rezoning of 0.05 acre, from D-5 to SU-1, to provide for religious uses; **approved**.

**78-Z-182; 5040 East 21<sup>st</sup> Street;** requested rezoning of 4.8 acres, being in the D-5 District to C-3 classification to permit a neighborhood shopping center; **approved**.

**78-UV2-54; 5104 East 21<sup>st</sup> Street;** requested variance of use and development standards to permit reuse of existing building for a package liquor store; **granted**.





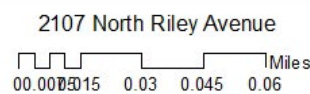
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**73-Z-182; 5040 East 21<sup>st</sup> Street;** requested rezoning of 4.8 acres, being in the D-5 District, to the C-3 classification, to provide for a neighborhood commercial center; **approved.**

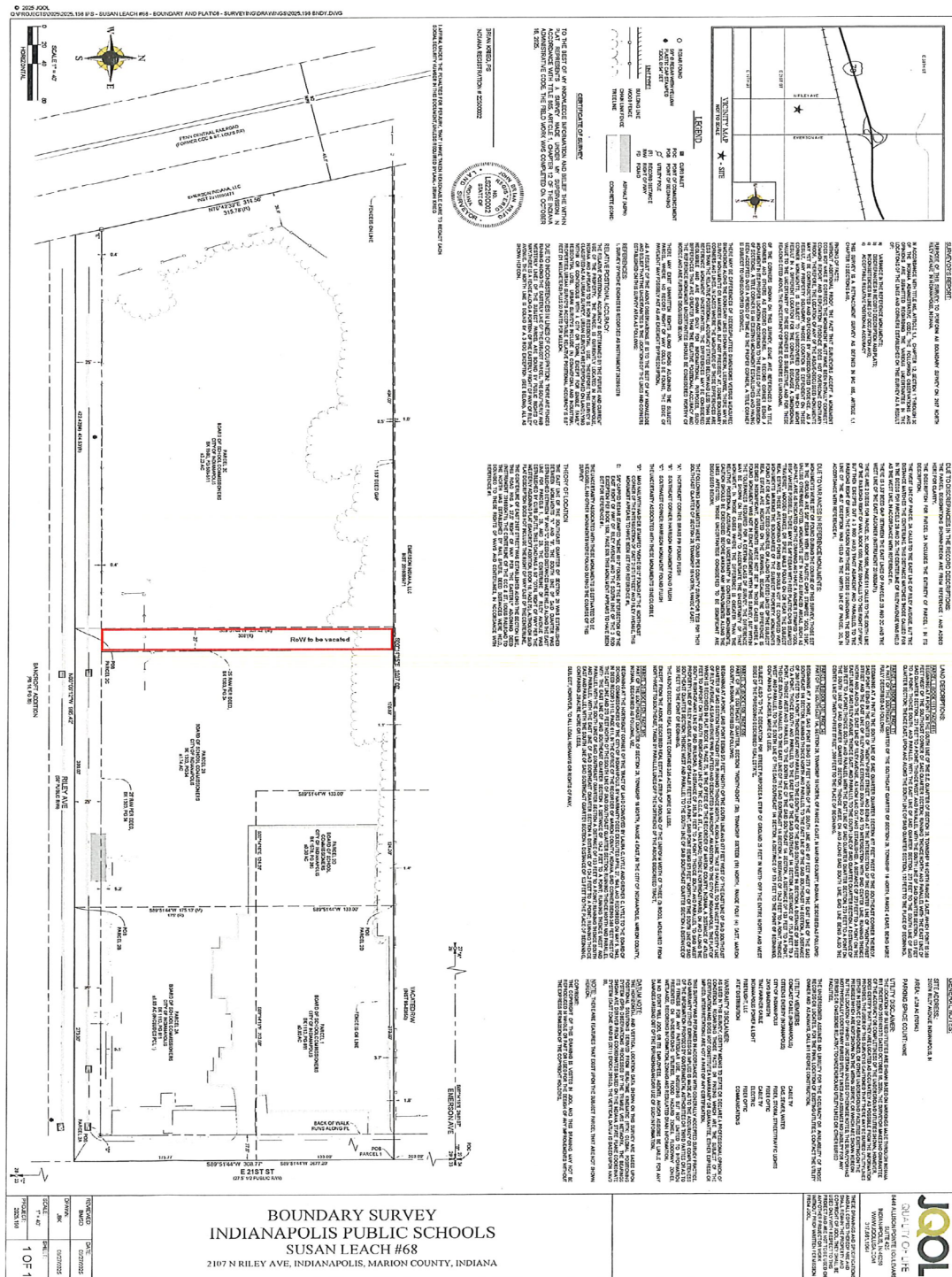
**69-V-166; 5104 East 21<sup>st</sup> Street;** requested variance of use to erect a service station to replace an old service station; **granted.**

**58-V-204; 5009-5019 East 21<sup>st</sup> Street;** requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing church, extending 17.67 feet into the rear yard, with off-street parking provided; **granted.**

**48-V-70; 5009-5019 East 21<sup>st</sup> Street;** requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a church within 15 feet of the 21<sup>st</sup> Street front property line, with off-street parking provided at the rear and south side of the building; **granted.**

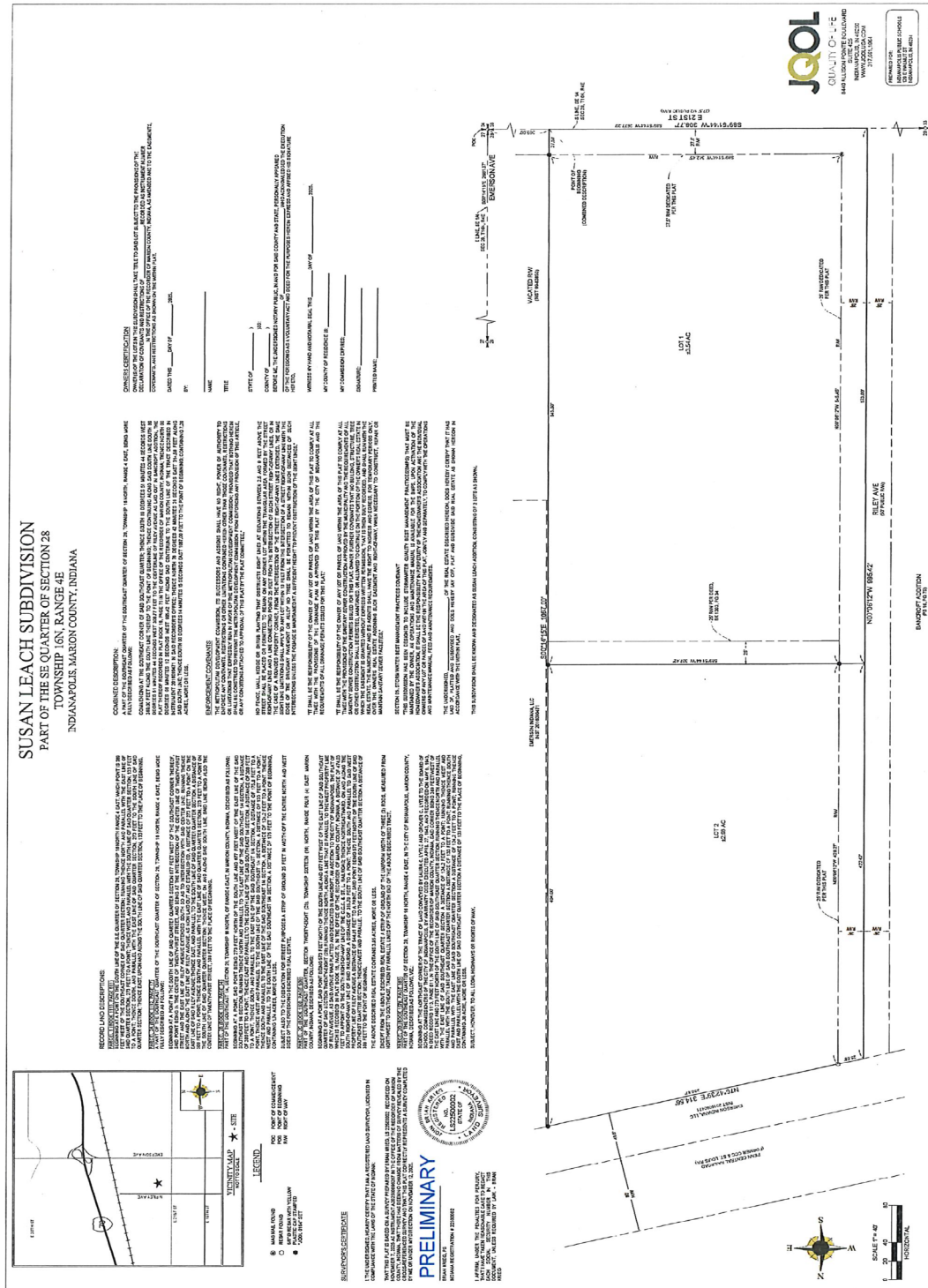


## Site Plan





## Preliminary Plat





Department of Metropolitan Development  
Division of Planning  
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:

The public RoW is contained completely within IPS property as part of a playground and has been improved and maintained by IPS

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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 \_\_\_\_

_____	_____
_____	_____
_____	_____



View looking south along North Riley Avenue



View looking west along East 21<sup>st</sup> Street





View looking east along East 21<sup>st</sup> Street



View of site looking southeast across North Riley Avenue





View of site looking north across East 21<sup>st</sup> Street



View from site looking northeast





View from site looking north along eastern boundary