



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 14, 2025

Case Number: 2025-CVC-829
Property Address: 5802, 5808, 5814, and 5820 Evanston Avenue (Approximate Addresses)
Location: Washington Township, Council District #7
Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Brian J. Tuohy
Current Zoning: D-5
Request: Vacation of a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.
Current Land Use: Public Street
Staff Recommendations: Denial of the vacation.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR AUGUST 14, 2025 HEARING EXAMINER

This petition was approved by the Hearing Examiner at their July 10, 2025, hearing. On August 5, 2025, the appraisal report was submitted to the file. Staff has reviewed the findings and agrees with its findings.

ASSESSMENT OF BENEFITS

Appraiser Used: Murphy Appraisal Services, Paul Schuster, Appraiser
Appraiser's Benefits: \$8,700.00
Appraiser's Fee: \$1,000.00

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that Hearing Examiner sustain, confirm, approve and adopt the Final Assessment Roll in 2025-CVC-829, assessing benefits in accordance therewith, in the amount of \$8,700.00 and that the petitioner pay the Appraiser's Fee of \$1,000.00; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-829; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

July 10, 2025

This petition was continued from the June 26, 2025 hearing to the July 10, 2025 hearing at the request of the petitioner to allow staff additional time to review a new site plan proposal.

STAFF RECOMMENDATION

Staff **recommends approval of the rezoning.**

Staff finds the **vacation** would not be in the public interest and recommends the vacation petition be **denied**.

RECOMMENDED MOTION (Denial): That the Hearing Examiner find that the proposed vacation is not in the public interest and that the Hearing Examiner deny Declaratory Resolution 2025-CVC-829.

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 held on August 14, 2025; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-829; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

LAND USE

The 1.56-acre site is comprised of four parcels (8008213, 8008211, 8008210, and 8008209) developed with single-family dwellings to be demolished. The site falls within the Canterbury-Chatard neighborhood.

The site is surrounded by a surface parking lot to the north, zoned SU-2, a baseball field and parking areas to the east, zoned SU-2, and single-family dwellings west and south, zoned D-5.

VACATION

This vacation petition would vacate a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

The request would permit adjacent properties west of the alley to be combined with a portion of the existing right-of-way for the development of tennis courts and additional parking. An approximate 13-foot wide lane for vehicular use will be proposed between the tennis courts and baseball field to the east. This is intended to be used as an access easement for the City and utility traffic to prevent a dead end.

However, the site plan does not call out which direction traffic is expected to travel with it being converted into one lane where two-way traffic currently exists. After evaluation of the above considerations, staff finds that the vacation would not be in the public interest and recommends the vacation petition be denied. If approved, the vacation request would require an assessment of benefits hearing since the existing right-of-way is improved.



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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 for 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 a 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. In this instance, the abutting properties are all owned by the same property owner.

GENERAL DESCRIPTION:

Vacation of a portion of Evanston Avenue, being 50 feet in width, from the north right-of-way line of 58th Street, north 600 feet, to the north right-of-way line of Northgate Street.

DPW INPUT ON PROPOSED VACATION

“This request is concerning. Although, there is no Stormwater infrastructure along the street segment, there is public sewer, which needs to have access to maintain. There are also several homes that use this portion of Evanston to access their driveways. Without public ROW, they would have to traverse private property to access their homes. I would recommend against granting this request.”

Staff would note that the existing single-family dwellings along the proposed section of Evanston Avenue to be vacated would be demolished.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement, if requested
CEG, Gas:	No answer, retain easement, if requested
CEG, Wastewater:	No answer, retain easement, if requested
CEG, Water:	No answer, retain easement, if requested
Power:	No answer, retain easement, if requested
Cable:	No answer, retain easement, if requested
DPR:	No answer, retain easement, if requested
DPW, TS:	Answered, retain easement, if requested

STAFF ANALYSIS

The Comprehensive Plan recommends suburban neighborhood development which contemplates small and large school uses. Staff considers schools to be compatible with residential neighborhoods, with appropriate design and buffering to minimize the impact of the operation and activities of a school campus, such as outdoor activities, signs, setbacks, and landscaping.

However, staff recommends denial of the vacation request since it would not be in the public interest.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	SU-2	Surface Parking Lot
South:	D-5	Residential (Single-family dwelling)
East:	SU-2	Baseball Field and Parking Areas
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
Evanston Avenue	Local Street	48-foot proposed right-of-way and 52-foot existing right-of-way.
58 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 23, 2025	
Site Plan (Amended)	June 25, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	June 17, 2025	
Findings of Fact	May 23, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.
- **Conditions for All Land Use Types**
 - 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.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Schools, Places of Worship, Neighborhood-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop unless there is no or limited bus service within the institution's service area.
- **Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial street.

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
- Should be located within one-half mile of a bus or rapid transit stop unless there is no bus service within the institution's service area.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

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 Indy Moves Transportation Integration Plan (2018), more specifically IndyMoves PedalIndy (2018) recommends an active transportation bike neighborway along 58th Street / Tuxedo Street / Olney Street from Primrose Avenue to 71st Street.

ZONING HISTORY

Zoning History – Site

91-P-60; 2002 East 56th Street (subject site) Approval of subdivision plat to be known as Northdale Subdivision, dividing 3.3+ acre into 4 lots, **approved**.

Zoning History – Vicinity

2018-ZON-016; 5824, 5830, 2834, and 5840 Evanston Avenue (north of site), Rezoning of 0.8 acre, from the D-4 districts to the SU-2 classification, **approved**.

2004-ZON-818; 5714-5745 Evanston Avenue and 2019 Northdale Lake Drive (southeast of site), Rezoning of 2.25 acres being in the D-6II District, to the D-P classification to legally establish multi-family residential development with a density of 10.70 units per acre, **approved**.

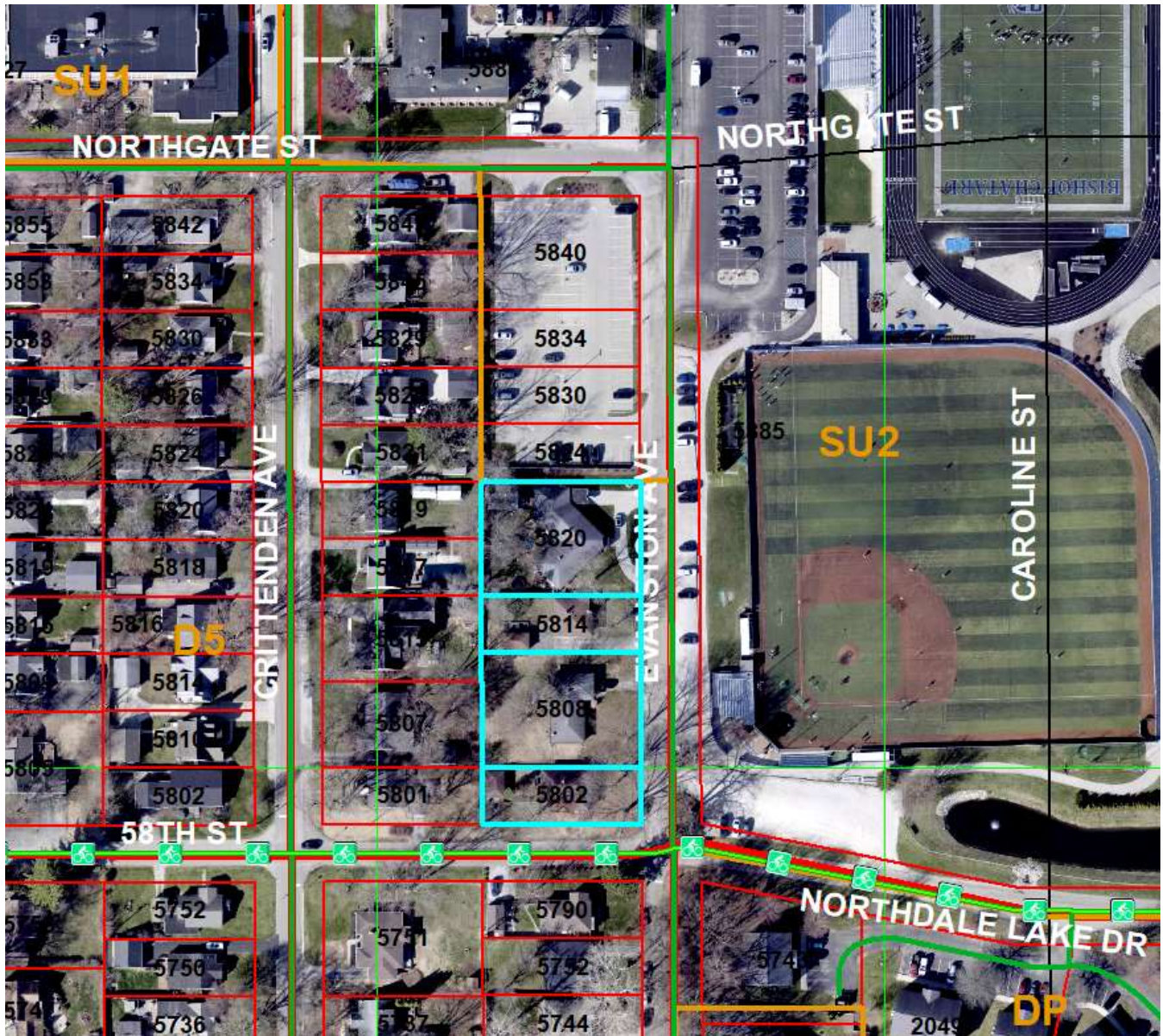
2000-ZON-069; 5885 Crittenden Avenue (north of site), Rezone 10.6 acres from the D-5 to SU-2 to legally establish an existing high school and related athletic facilities, **approved**.

70-Z-56; 1700 – 1900 East 54th Street (southeast of site), Rezoning of 55.75 acres being in the D-4 and D-5 districts to the D-6II classification to provide for the construction of an apartment and townhouse development, **approved**.

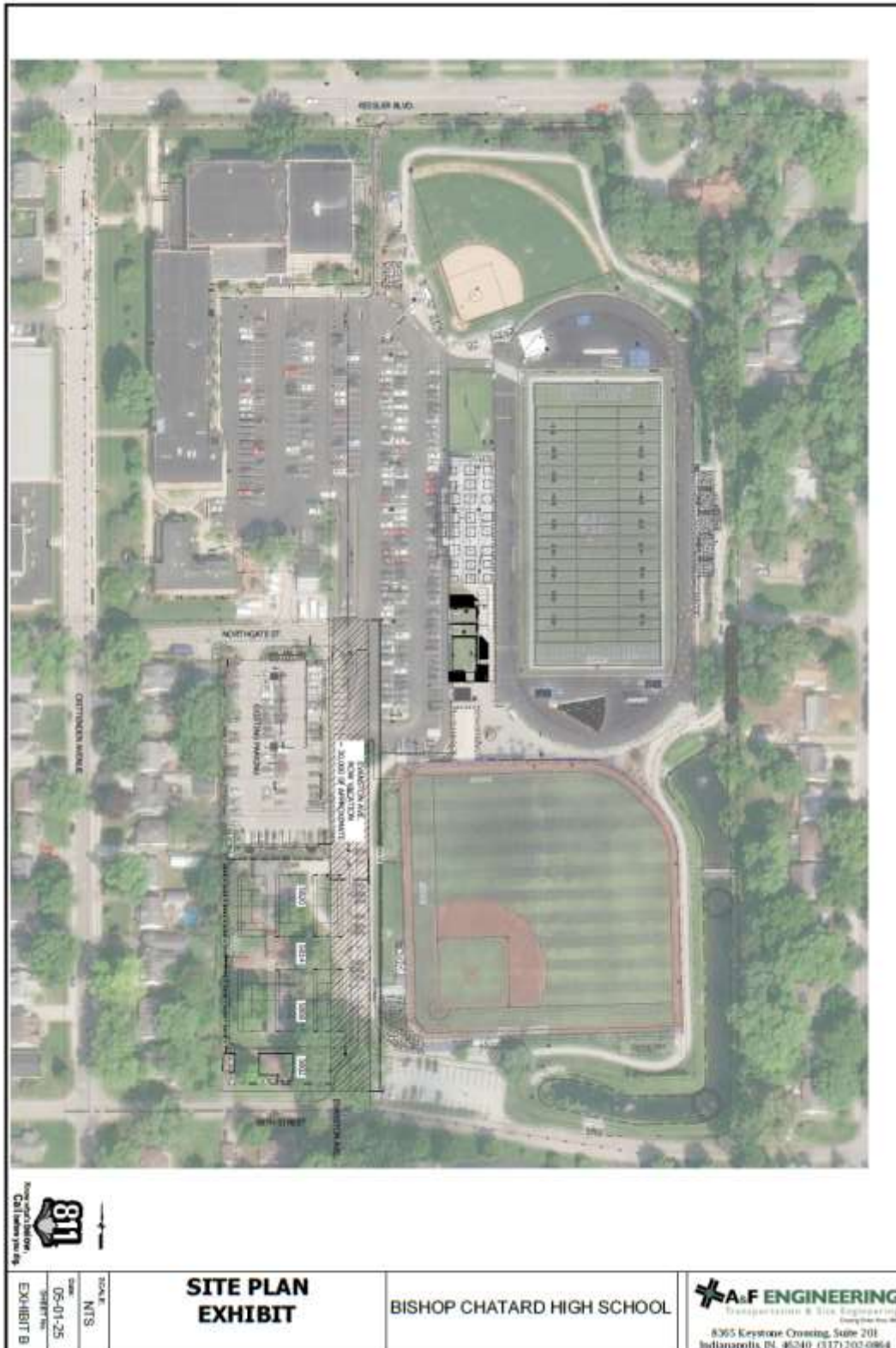
70-Z-52; South side of Kessler Boulevard, East Drive, between Crittenden and Norwaldo Avenues (northwest of site), Rezoning 3.70 acres from the D-5 district to the SU-1 classification to provide for the construction of a new church building with off street parking as per plans filed, **approved**.

67-Z-105; All lots east of Evanston and lots on west and east of Caroline Between and including lots facing East 58th Street and Northgate Street (east of site), Rezoning of approximately 6.573 acres being in the D-5 district to Special Use (2) classification to permit recreational purposed, **approved**.

EXHIBITS



Aerial Map



OVERALL SITE PLAN



SCALE:
NTS

DATE:
05-01-25

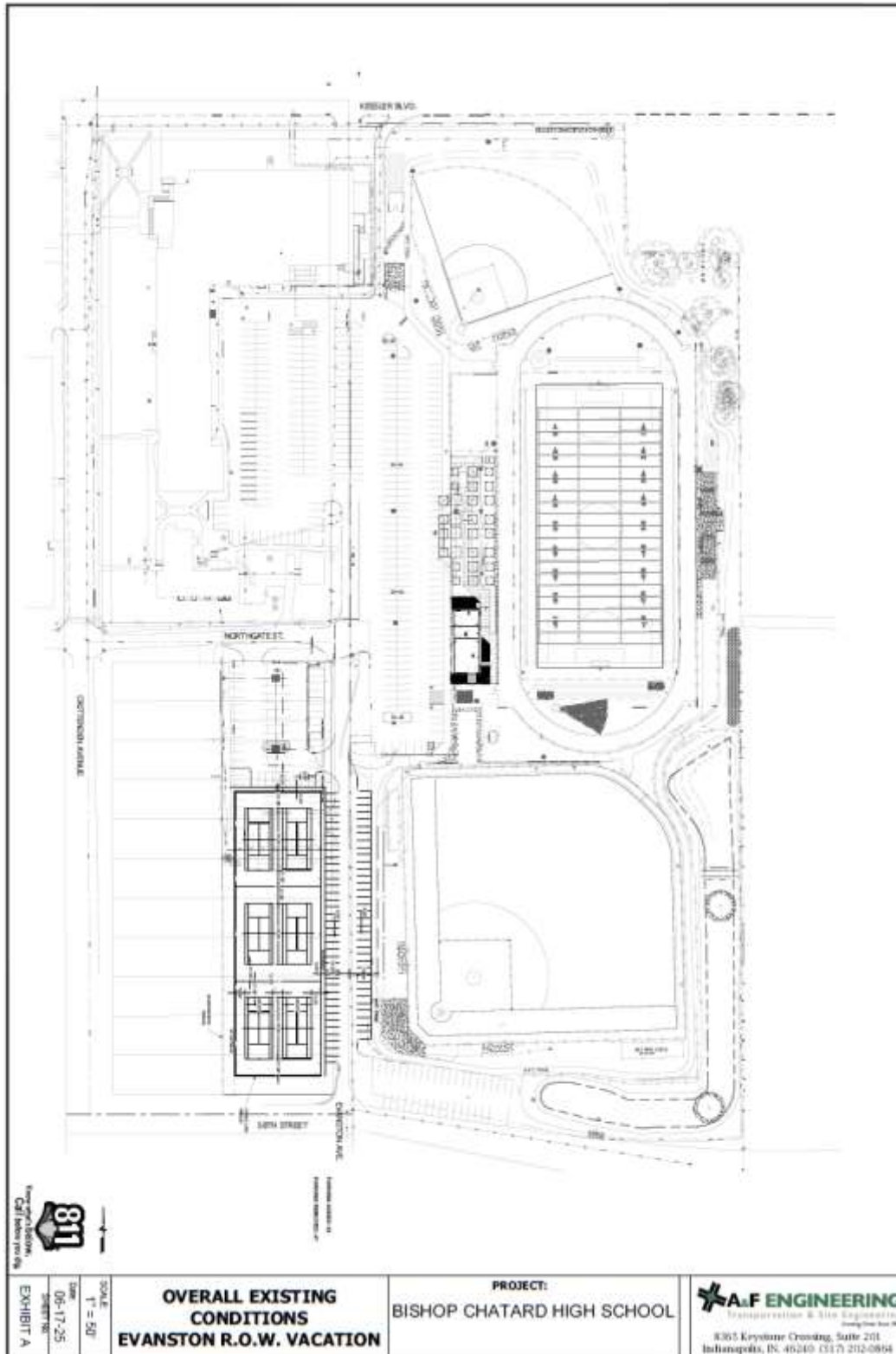
SHEET NO.
EXHIBIT A

**OVERALL EXISTING
 CONDITIONS
 EVANSTON R.O.W. VACATION**

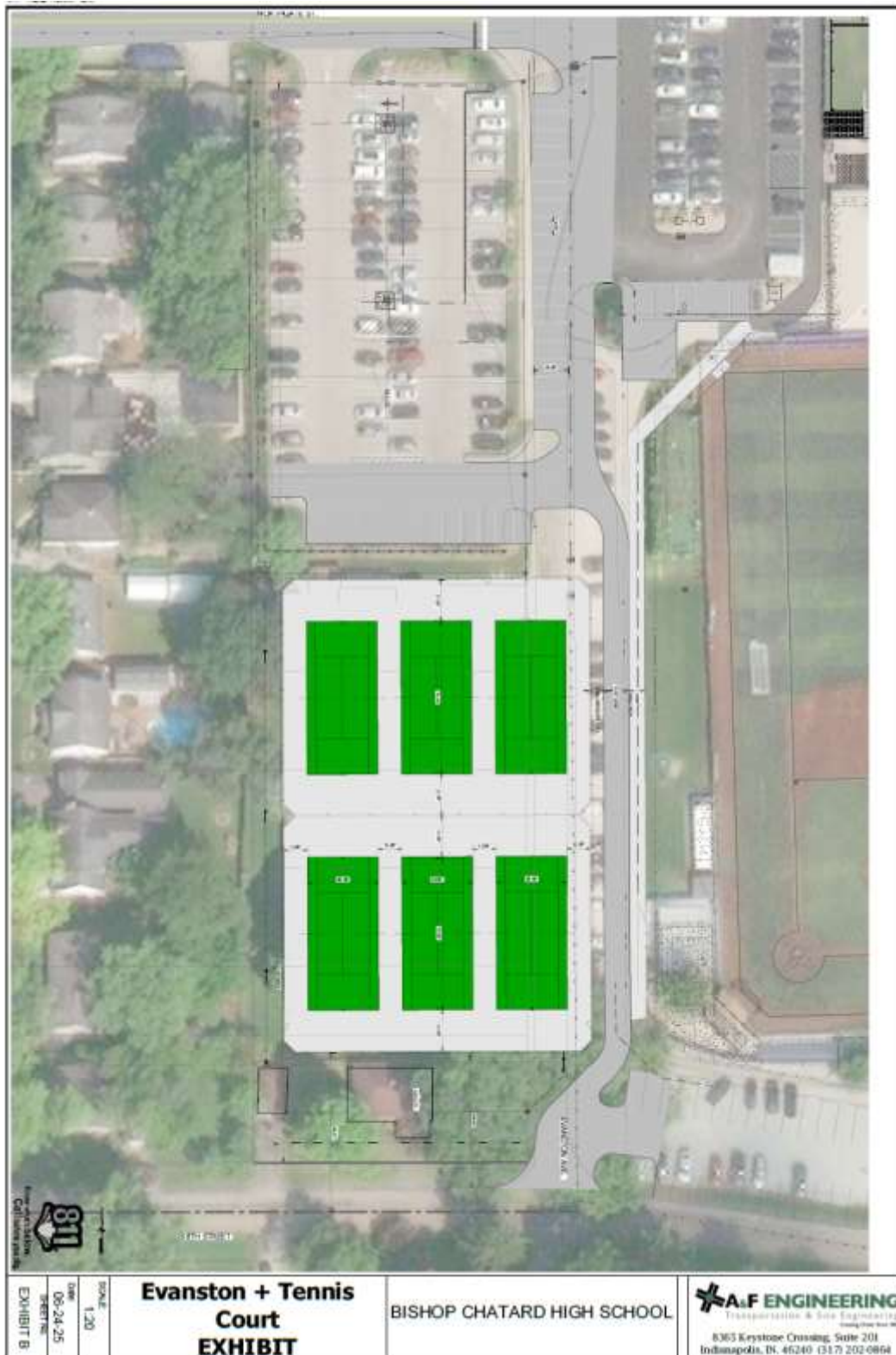
PROJECT:
 BISHOP CHATARD HIGH SCHOOL

A&F ENGINEERING
 Transportation & Site Engineering
 Creating Order Since 1968
 8365 Keystone Crossing, Suite 201
 Indianapolis, IN. 46240 (317) 202-0864

Right-of-way Vacation Exhibit



Amended Rezoning Site Plan



Final Rezoning Site Plan



Department of Metropolitan Development
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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 vacation will allow the Petitioner to develop and improve the site with tennis courts for use by the adjacent school.

Petitioner owns the parcels on both sides of the area to be vacated. The vacation will allow for substantial investment in the area.

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 ____

_____	_____
_____	_____
_____	_____



Photo of the subject site at 5802 Evanston Avenue looking north from East 85th Street.



Photo of the subject site at 5808 Evanston Avenue looking west.



Photo of the subject site at 5814 Evanston Avenue looking west.



Photo of the subject site at 5820 Evanston Avenue looking west.



Photo of the existing school parking lot north of the site.



Photo of East Northgate Street looking west from the proposed street vacation.



Photo looking north from the proposed street vacation.



Photo looking south along Evanston Avenue at the proposed street vacation.



Photo of the school property where East Northgate Street terminates.



Photo of Evanston Avenue to be vacated and the school's baseball field and parking area to the east.



Photo of the western property boundary looking north from East 58th Street.



Photo of the single-family dwelling south of the site.



Photo of the single-family dwelling