

## PLAT COMMITTEE

June 11, 2025

<b>Case Number:</b>	2025-PLT-023
<b>Property Address:</b>	4721 East 33 <sup>rd</sup> Street ( <i>Approximate Address</i> )
<b>Location:</b>	Center Township, Council District # 8
<b>Petitioner:</b>	Habitat for Humanity Greater Indianapolis, by Christopher Barnett
<b>Zoning:</b>	D-5
<b>Request:</b>	Approval of a Subdivision Plat to be known as 3200 Arthington Replat, subdividing 0.52-acre (proposed vacation area) into four lots, with a waiver of the block length at 628 feet along 32 <sup>nd</sup> Street and 33 <sup>rd</sup> Street (maximum 550 feet required), and a waiver to provide for above-ground utilities (underground utilities required), and, with a vacation of the 3200 Block of Arthington Street, being 86 feet in width, from the north right-of-way line of 32 <sup>nd</sup> Street, 263.58 feet north, to the south right-of-way line of 33 <sup>rd</sup> Street, with a waiver of the assessment of benefits.
<b>Waiver Requested:</b>	Waiver of block length requirement; Waiver of underground utilities requirement; Waiver of assessment of benefits
<b>Current Land Use:</b>	Undeveloped right-of-way
<b>Staff Reviewer:</b>	Michael Weigel, Senior Planner

## PETITION HISTORY

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated April 11, 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 waiver of block length requirements to allow for a length of 628 feet be granted.
13. That the waiver of underground utility requirements to allow for above-ground utilities be granted.

**RECOMMENDED MOTION (approval):** That the Plat Committee find that the proposed vacation is in the public interest; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-PLT-023; that a hearing on the Assessment of Benefits be waived; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

## **PETITION OVERVIEW**

### **SITE PLAN AND DESIGN**

The subject area is currently comprised of 68 feet of right-of-way that is bordered by 33<sup>rd</sup> Street to the north and 32<sup>nd</sup> Street to the south. The site is zoned D-5 and is bordered by residential lots to the west and east. Approval of this petition would result in the creation of four (4) new buildable lots with 43 feet in width and areas of 0.13 acres each. An electrical easement would run between the northern and southern lots to allow for existing power lines. The plat would meet standards of the D-5 zoning district.

### **STREETS & SIDEWALKS**

Approval of this petition would result in the vacation of the 3200 block of Arthington Street (currently unimproved and bordered by improved areas of Arthington to the north and southeast). Lots A and B would front on 33<sup>rd</sup> Street to the north, and Lots C and D would front on 32<sup>nd</sup> Street to the south. No new streets or sidewalks are proposed as part of this petition (since neighboring properties also do not currently contain sidewalks, the plat would be exempt from placement of new sidewalk per 744-303.B).

### **WAIVERS**

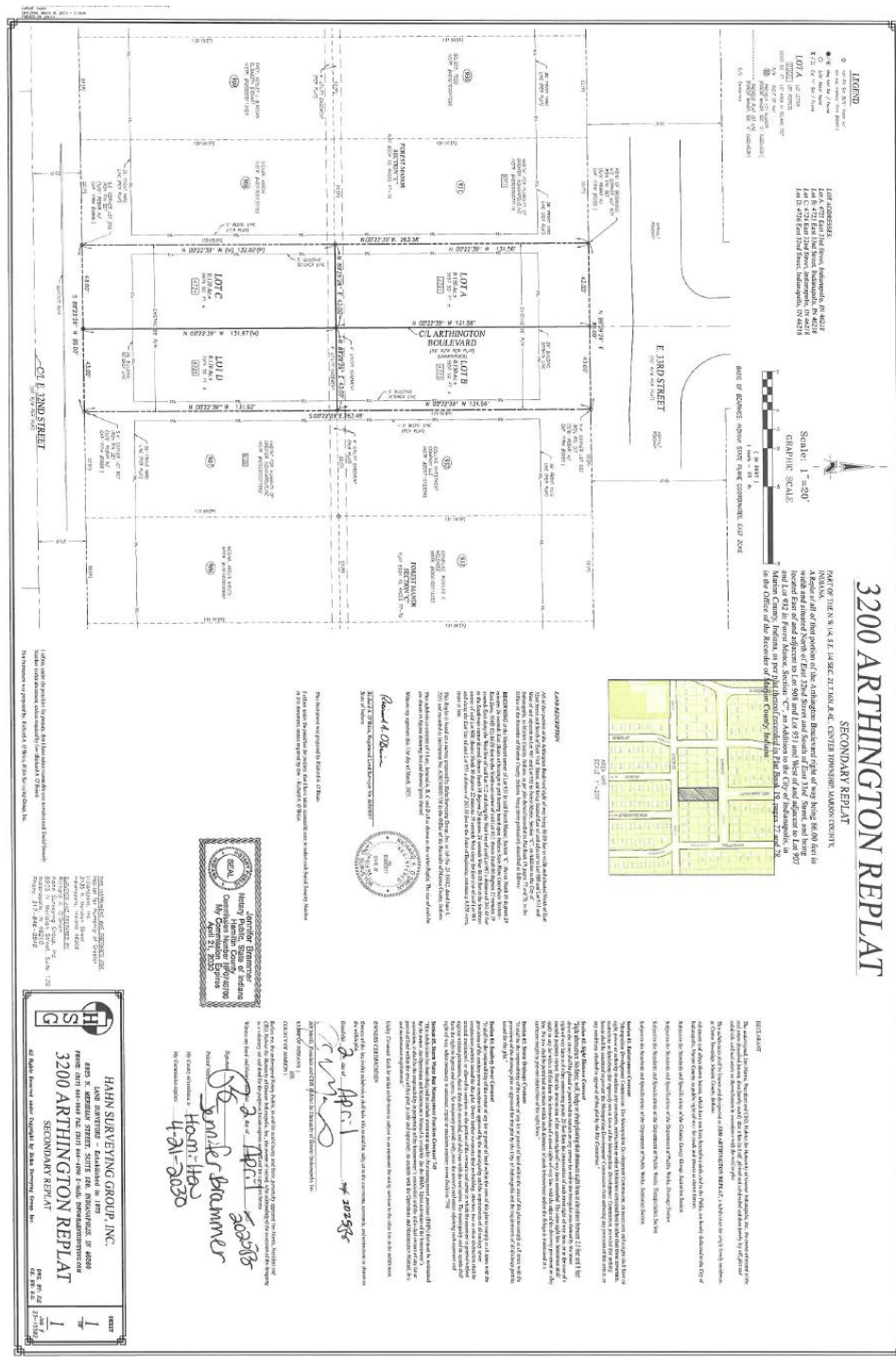
Staff would note that approval of this plat to create a block length of 628 feet would serve as a continuation of current development patterns and would be noticeably shorter than other nearby blocks. Additionally, the overhead utilities requested relate to existing overhead electrical lines and the applicant has indicated that other utilities (water, sewer, gas) are already placed underground. For these reasons, staff is supportive of the plat waivers requested. Since the existing right-of-way is unimproved, staff also has no objection to the waiver of the assessment of benefits requested in relation to the proposed vacation.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Undeveloped right-of-way	
<b>Comprehensive Plan</b>	Traditional Neighborhood (bordering)	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	D-5	Arthington Boulevard
South:	D-5	Residential
East:	D-5	Residential
West:	D-5	Residential
<b>Thoroughfare Plan</b>		
Arthington Boulevard	Local Street	86-foot existing and 48-foot proposed
32 <sup>nd</sup> Street	Local Street	50-foot existing and 48-foot proposed
33 <sup>rd</sup> Street	Local Street	70-foot existing and 48-foot proposed
<b>Petition Submittal Date</b>	April 11, 2025	

## EXHIBITS

**2025PLT023 ; Proposed Plat**



**2025PLT023 ; Aerial Map**



**2025PLT023 ; Findings of Fact (Block Length Waiver)**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

existing conditions will not be changed (re waiver of block length, Chapter 741, Article III, Section 3. C.)

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

the platted street being vacated was never improved, so the block length will not change from its de facto current length.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

It would be impossible to create new building lots on the vacated right of way if the block length limit were enforced.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

it removes the burden of vacant land maintenance from the City and instead creates tax-paying lots that fill in a previously undeveloped part of the neighborhood

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

the newly-platted subdivision retains the current character and condition of the existing blocks.



## **2025PLT023 ; Findings of Fact (Underground Utilities Waiver)**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

existing conditions will not be changed (re waiver of underground utility requirement, Chapter 741, Article III, Section 8.)

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

existing overhead utilities cross the proposed new subdivision.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

It would be an economic and physical hardship to bury the 86 feet of existing overhead utilities to serve a 4-lot "infill" subdivision.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

it maintains the current development and utility service pattern of the existing neighborhood

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

the existing overhead utility service is in keeping with the current character and condition of the surrounding neighborhood.

## **2025PLT023 ; Findings of Fact (Vacation)**

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

- (a) the existing unimproved 3200 block of Arthington Boulevard is overgrown, lightly maintained, and the site of repeated illegal dumping, to the detriment to its neighboring property owners; and
- (b) vacation and subdivision of the land will create new taxable lots that will add to the tax base; and
- (c) at least two of the lots created by this vacation and the subdivision of the land will be used by Greater Indy Habitat for Humanity to build new affordable homes for purchase and ownership by buyers earning under 80% of the Area Median Income.

**2025PLT023 ; Photographs**



Photo 1: Subject Site Viewed from South (32<sup>nd</sup> Street)



Photo 2: Subject Site Viewed from North (33<sup>rd</sup> Street)



**2025PLT023 ; Photographs (continued)**



Photo 3: Interior Power Lines/Proposed Electrical Easement viewed from South

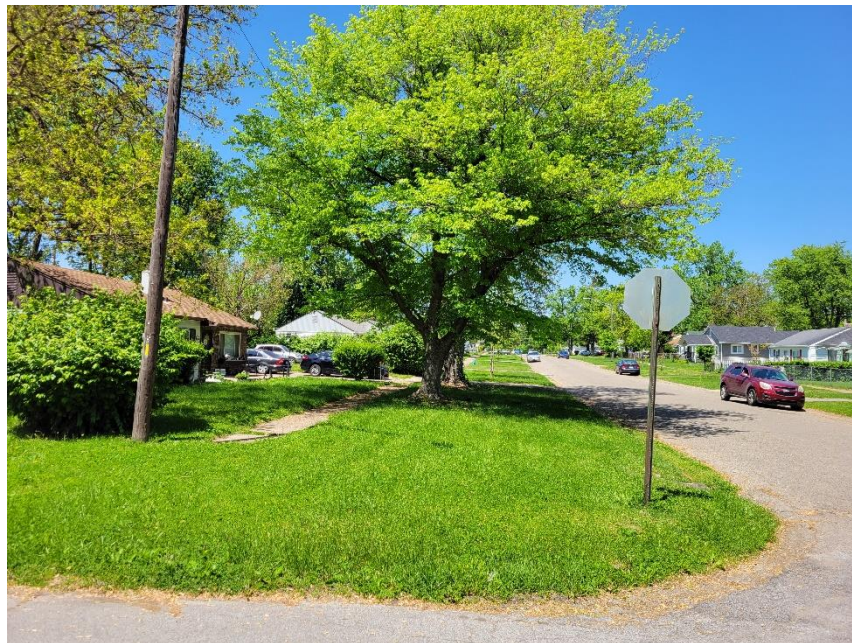


Photo 4: Adjacent Property/Arthington Street to North of Subject Site



**2025PLT023 ; Photographs (continued)**



Photo 5: Adjacent Property/Arthington Street to Southeast of Subject Site



Photo 6: Adjacent Property/Existing Power Lines to East of Subject Site

**2025PLT023 ; Photographs (continued)**



Photo 7: 32<sup>nd</sup> Street from West of Subject Site (taken June 2024)



Photo 8: 33<sup>rd</sup> Street from West of Subject Site (taken June 2024)



**2025PLT023 ; Photographs (continued)**



Photo 9: Intersection of 33<sup>rd</sup> and Manor looking North



Photo 10: Intersection of 33<sup>rd</sup> and Wallace looking North