

## PLAT COMMITTEE

September 11, 2024

<b>Case Number:</b>	2024-PLT-043 (Amended)
<b>Property Address:</b>	3630 Guion Road ( <i>Approximate Address</i> )
<b>Location:</b>	Wayne Township, Council District #5
<b>Petitioner:</b>	Guion Properties 3660, LLC, by Andrea Townsend
<b>Zoning:</b>	HD-1 (FF)
<b>Request:</b>	Approval of a Subdivision Plat, to be known as Guion Properties, subdividing 11.67 acres into two lots, with a waiver of the sidewalk requirement along Guion Road, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance.
<b>Waiver Requested:</b>	Waiver of Sidewalks
<b>Current Land Use:</b>	Vacant
<b>Staff Reviewer:</b>	Noah Stern, Senior Planner

## PETITION HISTORY

This petition was continued from the August 14, 2024 Plat Committee hearing to the September 11, 2024 Plat Committee hearing to add a waiver of the sidewalk requirement.

## STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated July 16, 2024, 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 sidewalk waiver request be denied.

## **PETITION OVERVIEW**

### **SITE PLAN AND DESIGN**

This site is zoned HD-1 (FF) with part being a healthplex and part being undeveloped. The proposed plat would subdivide the property into two lots to split the healthplex from the undeveloped portion of the lot. The proposed plat meets the standards of the HD-1 zoning classification.

### **STREETS**

Lot One would front along the bend of Guion Road and Lot Two would front along the North-South portion of Guion Road. No new streets are proposed as part of this petition.

### **SIDEWALKS**

Sidewalks are required as a part of this plat. Sidewalks would be required only along the two sections of frontage of this property along Guion Road. There are currently no sidewalks along any stretch of this portion of Guion Road. Guion Road is one of the only methods to cross the interstate in this area. Staff believes sidewalks to be an important and needed addition to the area for anyone needing or wanting to cross the interstate without a vehicle. Likewise, members of DPW have indicated that, per the Indy Moves Plan of 2018, two trails are planned in the immediate vicinity, being north of the interstate along 38<sup>th</sup> Street, and a north-south trail along the railroad that abuts the subject site, which Staff sees as an additional reason for pedestrian infrastructure in the area. DPW has noted that, given the proximity of the planned trails, they would not be opposed to having the sidewalk be built as a trail and would also be open to placing the infrastructure on the north side of the Guion Road right-of-way to help with their vision.

The Findings of Fact state that the existing drainage ditch and slope along Guion would make installation of sidewalks too difficult/expensive. Staff does find there to be evidence that any added costs of sidewalk installation near a drainage ditch would outweigh the positive benefits of pedestrian connectivity recommended by comprehensive plans and required by ordinance. Staff would recommend denial of the waiver request. If the plat committee approves the waiver against staff's recommendation, a contribution in lieu of sidewalk installation should be required as a condition of approval subject to Section 744-301.G.

**GENERAL INFORMATION**

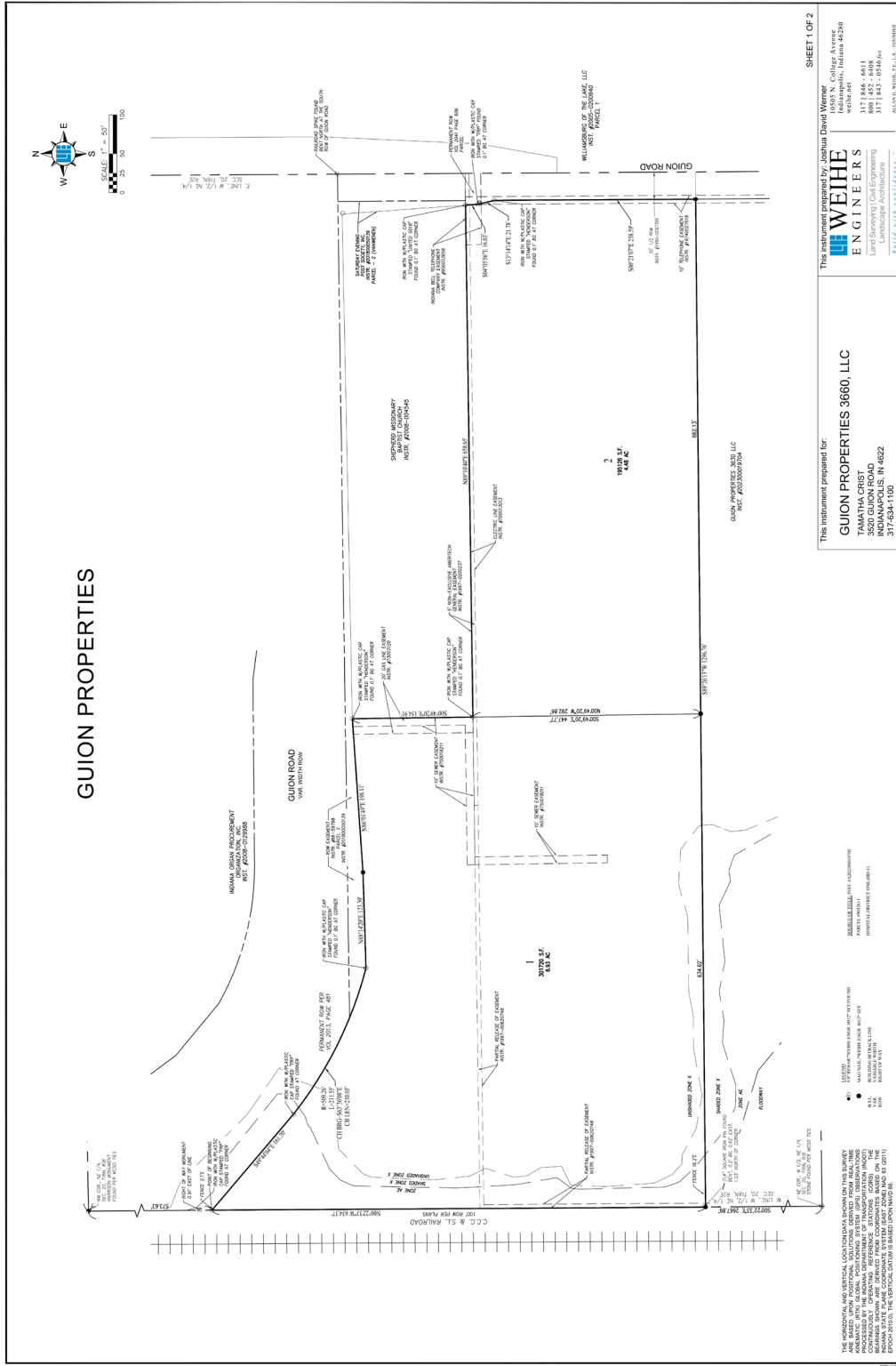
<b>Existing Zoning</b>	HD-1 (FF)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	HD-1	Hospital
South:	SU-2 / D-3	Religious uses / Residential
East:	D-6II	Residential
West:	C-5	Commercial
<b>Thoroughfare Plan</b>		
Guion Road	Primary Collector	55-foot existing and 80-foot proposed right-of-way
<b>Petition Submittal Date</b>	6/14/24	

EXHIBITS

Current Aerial Image



Preliminary Plat









Petition Number 2024PLT043

**REQUESTED WAIVER:**

**METROPOLITAN DEVELOPMENT COMMISSION  
PLAT COMMITTEE  
HEARING EXAMINER  
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS  
FINDINGS OF FACT**

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:

The granting of the waiver will not be detrimental to the public health or safety because a sidewalk along this part of Guion Road would expose pedestrians to high speed traffic coming right off the 38th St on/off ramps to I-65, interfere with existing drainage, and lead to a dead end without possible connection. Granting the waiver will be a public benefit because it will save substantial funds for the ultimate owner of the Guion Properties subdivision, The Saturday Evening Post Society, Inc. ("SEP"), a charitable foundation with deep roots in the community and a tradition of service, and allow it to focus on its mission of promoting health and fitness. The waiver will not be injurious to other property because no other adjacent property has sidewalks.

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:

This area already has been developed with significant elevation change along Guion Road and existing deep drainage swales in the right-of-way along the northern boundary and existing drainage and utilities in the right-of-way along the eastern boundary. Also, this portion of Guion Road is unique in that it is very close to the 38th St on/off ramps to I-65 with high speed traffic unsafe to pedestrians. Both portions would be blocked off by a church.

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:

For the northern boundary, the large ditch would have to be re-graded or piped with the sidewalk going over (a considerable expense) or a sidewalk could be put behind the ditch (which would be outside the right-of-way and very close to the Healthplex building on site). Both options along the northern boundary would dead end into wetland area and the railroad tracks, adding no connectivity. A sidewalk along the eastern boundary would also produce a hardship due to existing very wet ground, drainage swale, and utilities.

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:

The Guion Properties subdivision offers many options for walking within the interior of its property, including around its open fields used for soccer and other events. SEP is working with other community leaders (Eskanazi, KIBI, Sojos Capital, and others) to create a trail to connect densely populated neighborhoods to business and retail. On a parcel to the south owned by a related entity also fully owned by SEP, SEP would develop a wooded trail that would connect to this larger trail system, which can be paid for by the costs SEP saves from this waiver. Members of the public, including those living in an apartment complex to the east, access the property via the east entrances, which are not busy.

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 only relief requested is for waiver of sidewalks as required by the Subdivision Control Ordinance including that required by Sec. 741-306.

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**DECISION**

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, 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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\_\_\_\_\_

PHOTOS



Looking southeast along the bend of Guion Road towards the subject site





Looking northwest along the bend of Guion Road away from the subject site





Looking west along the bend of Guion Road



Looking north towards the bend of Guion Road





Looking east away from the bend of Guion Road with the subject site on the right





Looking along the bend of Guion Road towards 38<sup>th</sup> Street and the interstate





Looking south along the North-South portion of Guion Road



Looking north along the North-South portion of Guion Road