

PLAT COMMITTEE

October 9, 2024

Case Number:	2024-PLT-055 (Amended)
Property Address:	9612 E 63 rd Street, City of Lawrence (<i>Approximate Address</i>)
Location:	Lawrence Township, Council District # 10
Petitioner:	TERRA Site Development, by Andrew Chouinard
Zoning:	D-1
Request:	Approval of a Subdivision Plat, to be known as Shaw Minor Subdivision, dividing 5.28 acres into two lots, with a waiver of the sidewalk requirement along Lee Road and 63 rd Street, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance.
Waiver Requested:	Sidewalks along Lee Road and 63 rd Street
Current Land Use:	Undeveloped
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the September 11, 2024 to the October 9, 2024 hearing date to allow for the 63rd Street frontage to be added to the sidewalk waiver request and for amended notice to be sent.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated August 2, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of City of Lawrence, Sanitation Section.
2. Subject to the Standards and Specifications of the City of Lawrence, Drainage Section.
3. Subject to the Standards and Specifications of the City of Lawrence, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. 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.
11. That the sidewalk waiver request along Lee Road be approved.
12. That the sidewalk waiver request along 63rd Street be denied.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-1 and is currently undeveloped. This proposed plat would divide this property into two single-family lots: Lot 1 (3.78 ac) and Lot 2 (0.61 ac). The proposed plat generally meets the standards of the D-1 zoning classification for single-family development. A variance petition was approved by the Town of Lawrence (23-LUSV-13) to allow for the placement of an accessory dwelling unit; this plat petition would instead allow for the construction of two primary dwellings on two lots.

STREETS

Both lots would have frontage along both 63rd Street and Lee Road. No new streets are proposed.

SIDEWALKS

Sidewalks do not currently exist along either frontage. The applicant is requesting a waiver of sidewalk requirements along both frontages. The single-family sidewalk exemption found within 744-303.B would not be applicable given existing sidewalk along the northern side of 63rd Street to the east of the property.

The City of Lawrence was the recent recipient of a \$5 million grant from the Department of Natural Resources through their Next Level Trails program and is currently in the process of constructing multi-use paths that would run along the eastern portion of Lee Road until the 63rd Street intersection (built) and then cross Lee to run along the west until 71st Street (future phase). The path would also run along the southern portion of 63rd Street from the intersection further east (see Exhibits).

The applicant cites redundancy, topographic change along Lee, existing AT&T equipment & a 30-foot sidewalk gap along 63rd, and support from the City of Lawrence as evidence in favor of their waiver requests. A representative from Lawrence indicated that there would be an east-west pedestrian crosswalk installed to connect the two portions of the trail just south of the subject property, and that for safety and budgetary reasons Lawrence would rather install a north-south crosswalk over 63rd Street at a location further east (either near Harrison Ridge Boulevard or Winona Drive).

Staff feels that placement of crosswalk further away from the signalized intersection where cars would be slowing or stopped would result in decreased pedestrian safety, and that having full connectivity along the northern leg of 63rd Street with the missing 30 feet filled in by the applicant would be optimal. The waiver vote would not compel Lawrence or the applicant to bear the cost of filling in the missing 30 feet; the only obligation would be for sidewalk placement along the southern property line.



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

A representative from Indy Parks indicated their opposition to grant of either waiver to allow for future connectivity to 6525 Lee Road to the north; staff would concur in our recommendation of denial of the 63rd Street waiver but would recommend approval of solely waiving requirements along Lee Road if adequate pedestrian connectivity was shown by placement of completed crosswalks at both the north-south and east-west legs of the 63rd/Lee intersection to allow for pedestrian to safely navigate from sidewalk along the northern portion of Lee to the Fort Ben Park trail. The City of Lawrence had strong opposition to bearing the cost of relocation of any utilities that would be associated with crosswalk placement at the 63rd/Lee intersection, but unless owned directly by Lawrence the responsibility of relocation would fall on the utility owners themselves and wouldn't impact the Lawrence budget.

GENERAL INFORMATION

Existing Zoning	D-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-1	Single-family residential
South:	SU-2	Elementary school
East:	D-P	Single-family residential
West:	SU-9	Fort Harrison State Park
Thoroughfare Plan		
Lee Road	Primary Collector	135-foot existing right-of-way and 90-foot proposed right-of-way
63 rd Street	Primary Collector	62-foot existing right-of-way and 80-foot proposed right-of-way
Petition Submittal Date	August 3, 2024	

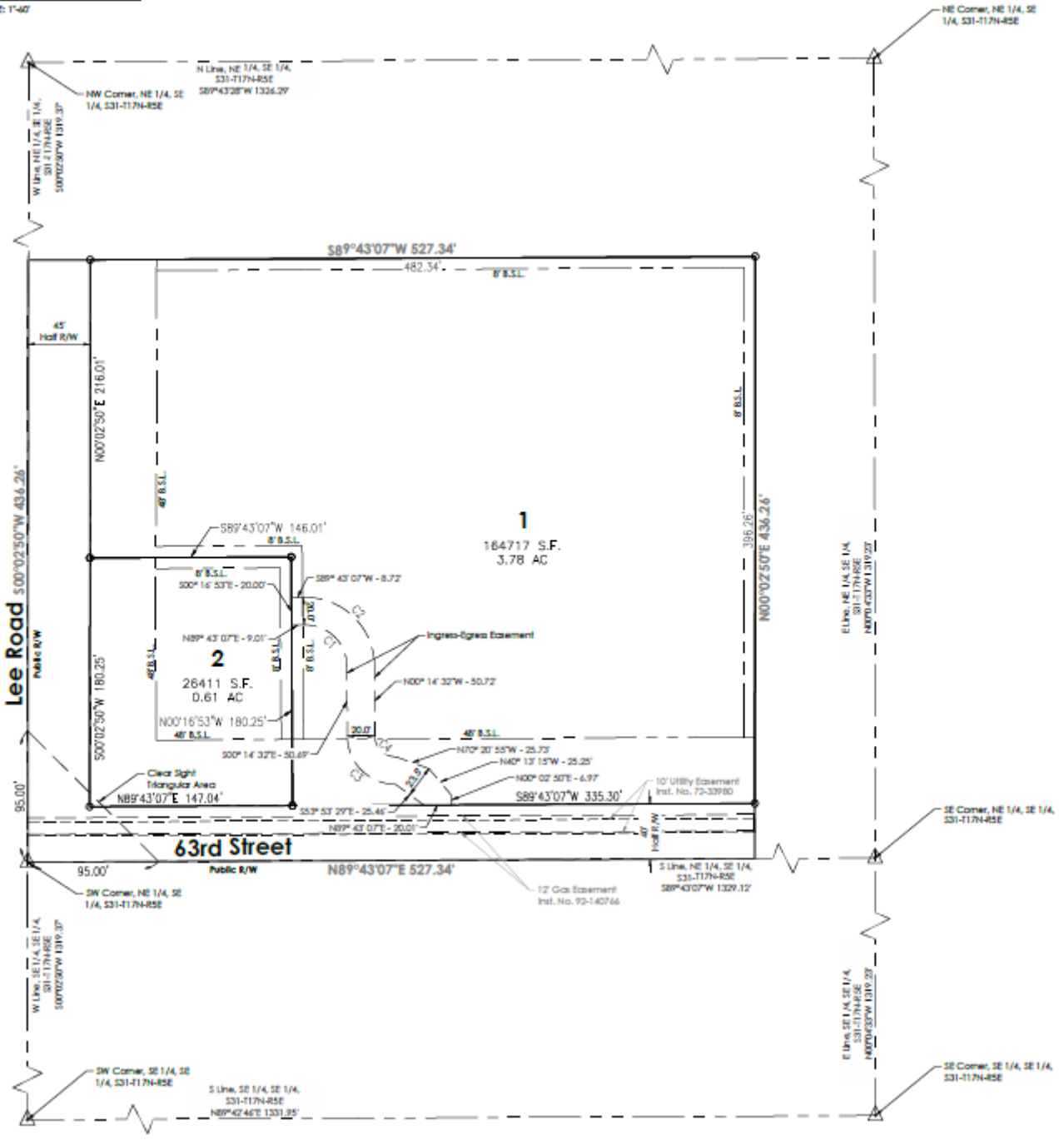
EXHIBITS

2024-PLT-055 ; Aerial Map



2024-PLT-055 ; Preliminary Plat

SCALE: 1"=40'



2024-PLT-055 ; Proposed Path Location



(Red indicates built trail, blue indicates proposed trail, yellow indicates N/S crosswalks suggested by Lawrence)

2024-PLT-055 ; Correspondence from City of Lawrence



City of
Lawrence
Indiana

August 21, 2024

Mr. and Mrs. Joel Shaw
9612 E 63rd Street
Lawrence, IN 46235

RE: Parcel 4003933
Sidewalk Waiver ~ Updated to include 63rd St

To Whom It May Concern,

The City of Lawrence has received plans for development of the above referenced parcel. The owners of the parcel have requested an exception to the requirement for the installation of sidewalks.

We are in favor of granting the exception to the requirement for the installation of sidewalks along the Lee Road frontage and the 63rd Street frontage of their parcel.

If there are any questions about this matter, please contact our office.

Thank you,

Renea Rafala
Local Building Official
Operations Manager, Department of Public Works
Secretary, Board of Public Works and Safety
Secretary, Board of Zoning Appeals
Secretary, Storm Water Advisory Board



2024-PLT-055 ; 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 City of Lawrence has acquired right-of-way for and is proposing a large multi-use path on the west side of Lee Road and the south side of 63rd Street which will connect via crosswalks with the Existing sidewalk in front of the Harrison Ridge residential subdivision. There is no existing sidewalk on the east side of Lee Road, so any such sidewalk would dead-end at the subdivider's north property line. Any sidewalk along 63rd Street would only connect with said Harrison Ridge subdivision, as this existing sidewalk extends less than 100 feet east of the entrance of said subdivision.

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:

Lee Road and 63rd Street are part of an under construction and proposed multi use path by the City of Lawrence to enhance access to the natural and recreational areas in the vicinity of the site, and the multi-use path will be a prominent pedestrian thoroughfare in the area, and any sidewalk along the frontage of this site would be superfluous and inferior to this path. It is Lawrence's intent and preference to connect any existing sidewalk stubs along the north side of 63rd street directly to the trail on the south side via crosswalk

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:

The roadbed of Lee Road is raised significantly relative to the land east of the road, and the sides of the swale are fairly steep. With no shoulder, installing a sidewalk in this area would be detrimental to public safety, and the lack of sidewalk along the properties to the north would require sidewalk users to cross the street mid-block to use the path on the west side, again posing a public safety hazard. With the entire site covered by mature trees, there is the additional possibility of heritage trees being in the path of any sidewalk or associated utility relocation in this corridor.

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:

Lawrence's multi-use trails will provide excellent pedestrian access to the area, and leaving both road frontages undisturbed maintains the existing natural beauty of the Lee Road corridor.

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 full thoroughfare plan right-of-way is being dedicated, and all zoning setbacks are being followed.

PHOTOS



Photo 1: Sidewalk Area along Lee Road (waiver requested)



Photo 2: Sidewalk Area along 63rd Street (waiver requested)

PHOTOS



Photo 3: Subject Site from South



Photo 4: Intersection of 63rd and Lee + Adjacent Property to West (park)

PHOTOS



Photo 5: Existing Sidewalk along 63rd Street (east of site)



Photo 6: New Gravel Pathway to South along Eastern Portion of Lee