

PLAT COMMITTEE

June 14, 2023

Case Number:	2023-PLT-017 (Amended) (Rehearing)
Property Address:	4900 Robison Road, 4901 Robison Road, 4929 Robison Road, 4931 Robison Road, 9290 Waldemar Road, 4908 West 86 th Street, 5000 West 86 th Street, 4007 West 93 rd Street, 4037 West 93 rd Street, 4067 West 93 rd Street, 4106 West 93 rd Street, and 4107 West 93 rd Street (<i>Approximate Addresses</i>)
Location:	Pike Township, Council District #1
Petitioner:	GDW-NW I LLC, by Kevin G. Buchheit
Zoning:	MU-1, SU-13, I-2, and I-4 (FF)
Request:	Approval of a Subdivision Plat, to be known as Northwest Park Subdivision, subdividing 292.779 acres into eight lots, with a waiver of the sidewalk requirement.
Waivers Requested:	Sidewalks
Current Land Use:	Undeveloped and Heavy Industrial Uses
Staff Reviewer:	Jeffrey York, Principal Planner

PETITION HISTORY

This petition was approved at the April 12, 2023, hearing. Subsequent to this approval, the petition was amended to request a waiver of sidewalks along 86th Street and Waldemar Drive, requiring a rehearing.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated March 23, 2023, 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 request to waive sidewalks be denied.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned MU-1, SU-13, I-2, and I-4 and is partially undeveloped, with a large portion developed with heavy industrial uses.

Eight lots and one block are proposed with this request. Block 'A', located east and south of proposed Lot 8, and along 86th Street, would be 1.2 acres. Lots One through Eight would range from 2.4 acres to 94.2 acres. The proposed plat generally meets the standards of the MU-1, SU-13, I-2, and I-4 zoning classifications.

STREETS

Several lots would gain access via access easements, as noted on the Plat. No new streets are proposed with this Plat.

SIDEWALKS

Sidewalks do not exist along any rights-of-way that abut this Plat. Sidewalks would be required along two areas that abut public streets: Lot 1, along Waldemar Road and Lots 7 and 8, along 86th Street. The portion of Lot 1 that abuts Waldemar Road is approximately 139 feet in length. The portion of Lots 7 and 8 that abut 86th Street is approximately 1,670 feet in length. On a site visit, staff noted that there were no physical limitations of the land that would prevent the installation of sidewalks along either frontage. Additionally, the petitioner did not submit any evidence that there would be extreme difficulty that would prevent the installation of sidewalks. The petitioner did submit Findings of Fact, which are below.

GENERAL INFORMATION

Existing Zoning	MU-1, SU-13, I-2, and I-4	
Existing Land Use	Partially undeveloped / Heavy Industrial	
Comprehensive Plan	Heavy industrial, light industrial, office commercial and community commercial / Floodway Fringe	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: MU-1, C-4, and C-5	Interstate 465, single-family residential, commercial
	South: I-2, C-S and C-3	Warehousing, heavy commercial
	East: I-2 and C-S	Office and Retail Commercial
	West: I-3 and I-4	Railroad track / Industrial
Thoroughfare Plan		
	86 th Street	Primary Arterial
		134-foot existing and proposed



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

Petition Submittal Date

March 6, 2023

SUBDIVISION PLAT REGULATIONS

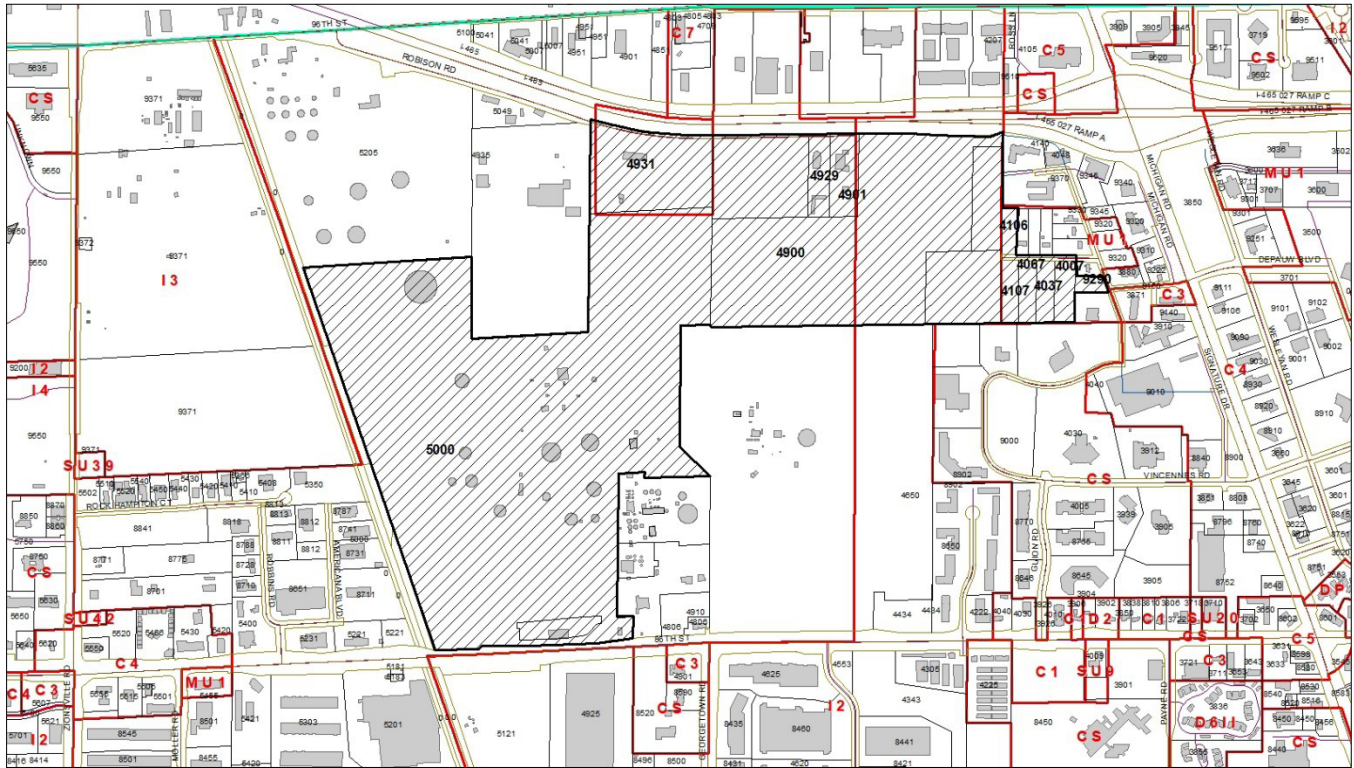
741-203 Required Documents for Approval		EVALUATION
	<i>741.201.A-C – Primary Plat Requirements:</i> <i>Plat name, Legal Description, Surveyor Seal, Scale.</i> <i>Boundary Lines, Existing Street Names, and dimensions.</i> <i>Layout of Proposed Streets – names, widths, classifications.</i> <i>Layout of all easements and purpose thereof.</i> <i>Layout of lots with numbering and dimensions.</i> <i>Floodway/Floodplain Delineation.</i> <i>Topographic Map.</i> <i>Area Map.</i>	Satisfied
	<i>741-203.D – Traffic Control Plan</i> <i>Traffic control street signs and devices.</i> <i>Traffic calming devices.</i> <i>Bicycle facilities.</i> <i>Sidewalks and pedestrian facilities.</i> <i>Transit facilities, such as bus stops pads or shelter.</i> <i>Street lighting.</i>	None submitted
	<i>741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)</i> <i>Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry</i> <i>Location of Open Space Areas of the open space common area, indicating size and general improvements</i> <i>Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors)</i>	Not required – eight lots proposed
	<i>741-205 – Waivers</i> <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> <i>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;</i> <i>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;</i> <i>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; and</i> <i>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.</i>	None Requested

741-300 Design and Installation Standards	<i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i>	EVALUATION
	741-302.A – Lots: • Comply with zoning district and any cluster approval or variance grant. • Lots must have positive drainage away from buildings. • No more than 25% of lot area may be under water. • Side lots lines at right angles to streets or radial to curving street line. • Layout of lots with numbering and dimensions. • Floodway/Floodplain Delineation. • Topographic Map.	Satisfied
	741-302.B – Frontage and Access: • Through lots should be avoided except where necessary for primary arterial separation and topography challenges. • Triple frontage lots are prohibited. • Lots abutting alleys must have vehicular access exclusively from alley. • Lots shall not have direct access to arterial streets. • Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.	Satisfied
	741-302.C – Blocks: • Shall not exceed maximum block lengths per Table 741-302.1 • If exceeded, it must be demonstrated that: ○ There are improved pedestrian easements at intervals of 400 feet or less. ○ Adequate traffic calming provisions are made. ○ The block length must be exceeded because of physical conditions of the land.	Satisfied

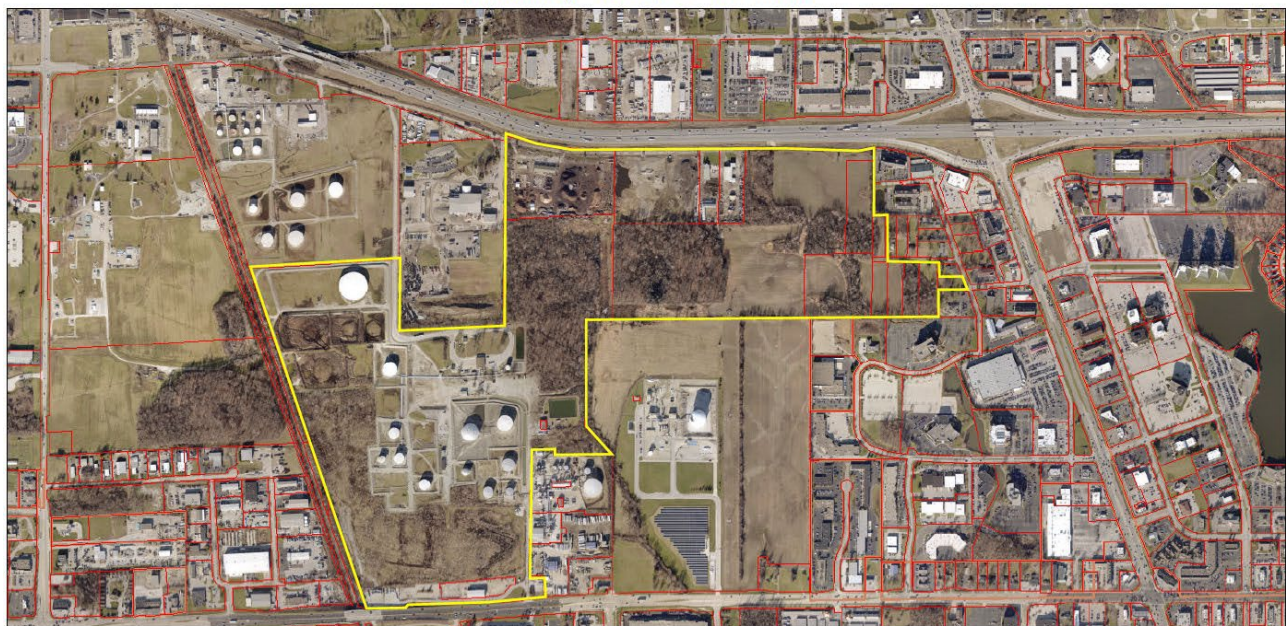
741-303 Streets and Connectivity	All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.	EVALUATION
	<i>741-303.A – General:</i> - Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use, and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> - Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. - Not more than two streets shall intersect at any one point. - Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. - All streets shall be dedicated to the public. Alleys may be private. - Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system.	Satisfied
	<i>741-303.B – Through Connectivity (Metro Context Area):</i> - Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. - Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. - All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. - Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. - Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. - Subdivisions with 30 or more lots shall have more than one entrance to the existing street network.	Satisfied
	<i>741-303.D – Cul-de-sacs (Metro Context Area):</i> In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units.	Satisfied
741-304-316 Additional Development Items		EVALUATION
	<i>741.304.A-C – Traffic Control Devices:</i> <i>Street name signs, traffic control signs, bike route signs.</i> <i>Traffic control devices for streets exceeding 900 feet in length.</i> <i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i>	None submitted

	741.305 – Numbering and naming: • <i>Street numbering per adopted addressing guidelines.</i> • <i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i>	Satisfied
	741.306 – Sidewalks: • <i>Sidewalks shall be provided along all internal and external streets.</i>	Required
	741.307-309 – Easements, Utilities, Stream Protection Corridors: • <i>Utility easements shall be located along lot lines and shall be a minimum of 10 feet.</i> • <i>All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance.</i> • <i>Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise.</i> • <i>All utilities shall be located underground.</i> • <i>All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205.</i>	Satisfied
	741.310 – Common Areas, Open Space and Public Sites (Compact Context Area): • <i>Required for subdivisions with more than 20 dwelling units.</i> • <i>Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.</i> • <i>Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping.</i> • <i>Additional Open Space Requirements: Community Garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall.</i> • <i>Reservation of land for public/semi-public purpose.</i>	Satisfied
	741-312 – Monuments • <i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i>	Satisfied
	741.313 – Flood Control: • <i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i> • <i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.</i> • <i>For Zone AE areas, the plat must show the BFE topographic line.</i> • <i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.</i>	Satisfied
	741.316 – Street Lighting: • <i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i>	Satisfied

EXHIBITS

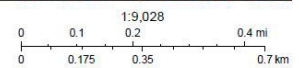


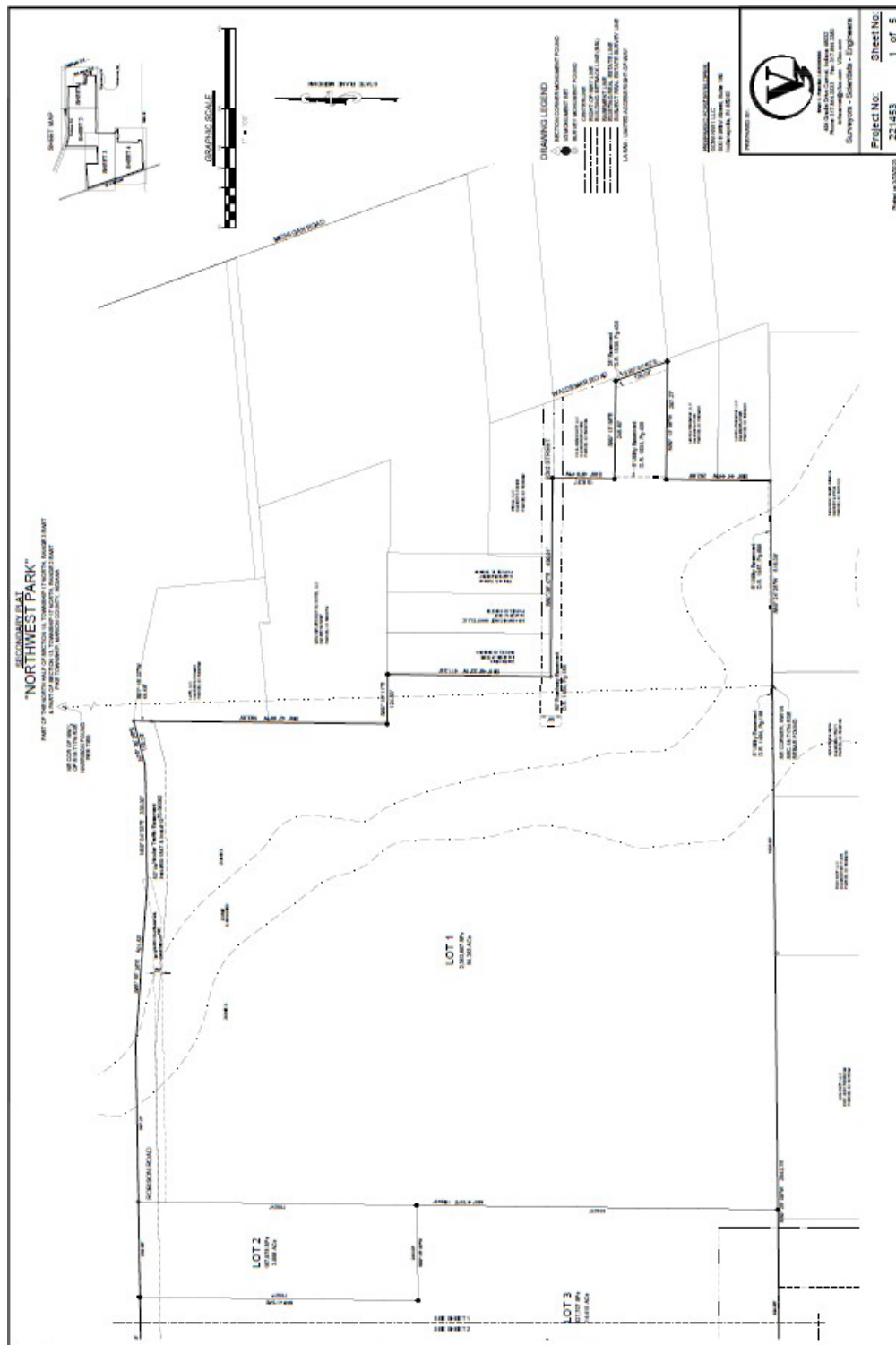
Area Map - Northwest Park PP



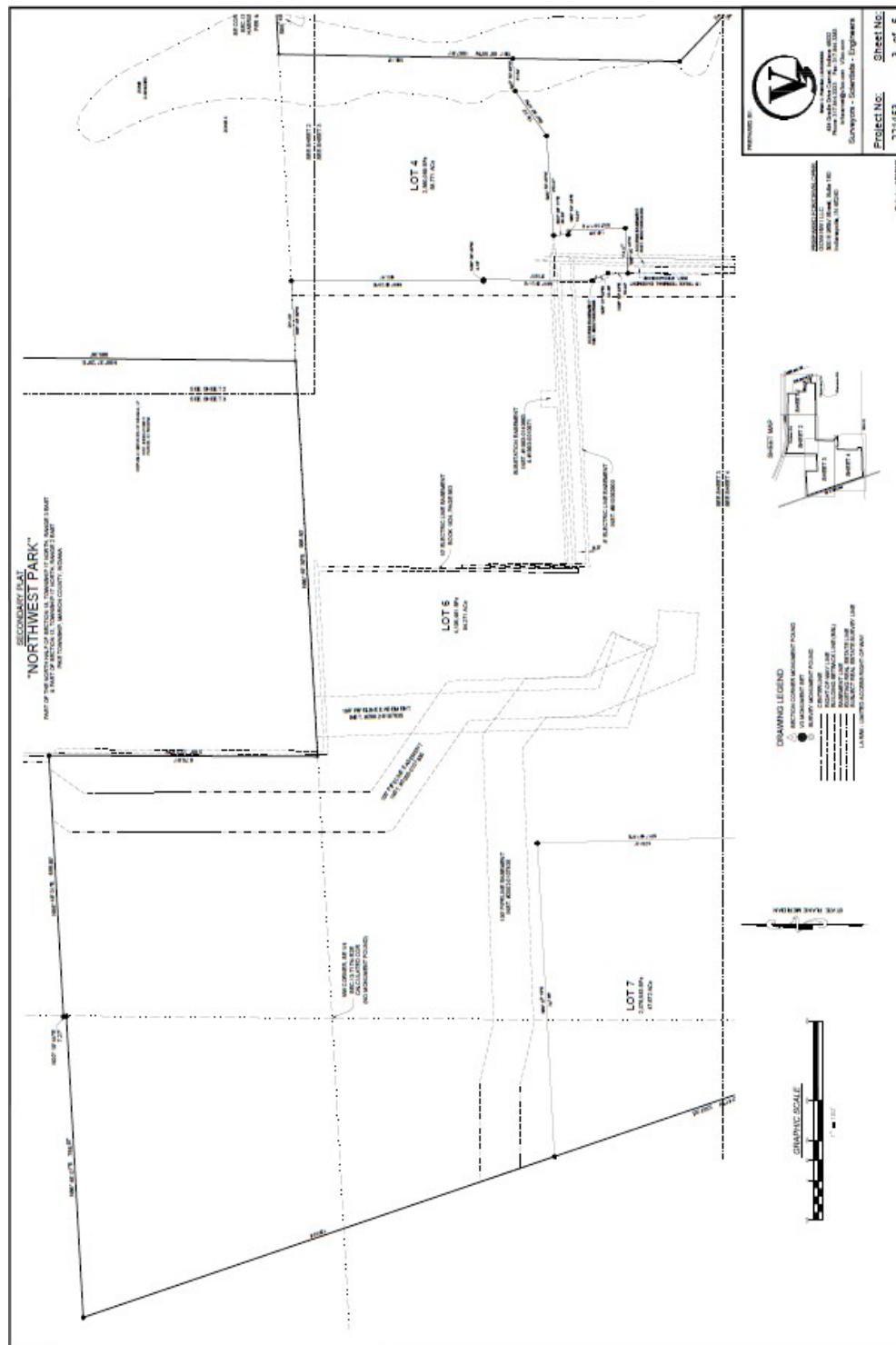
3/3/2023

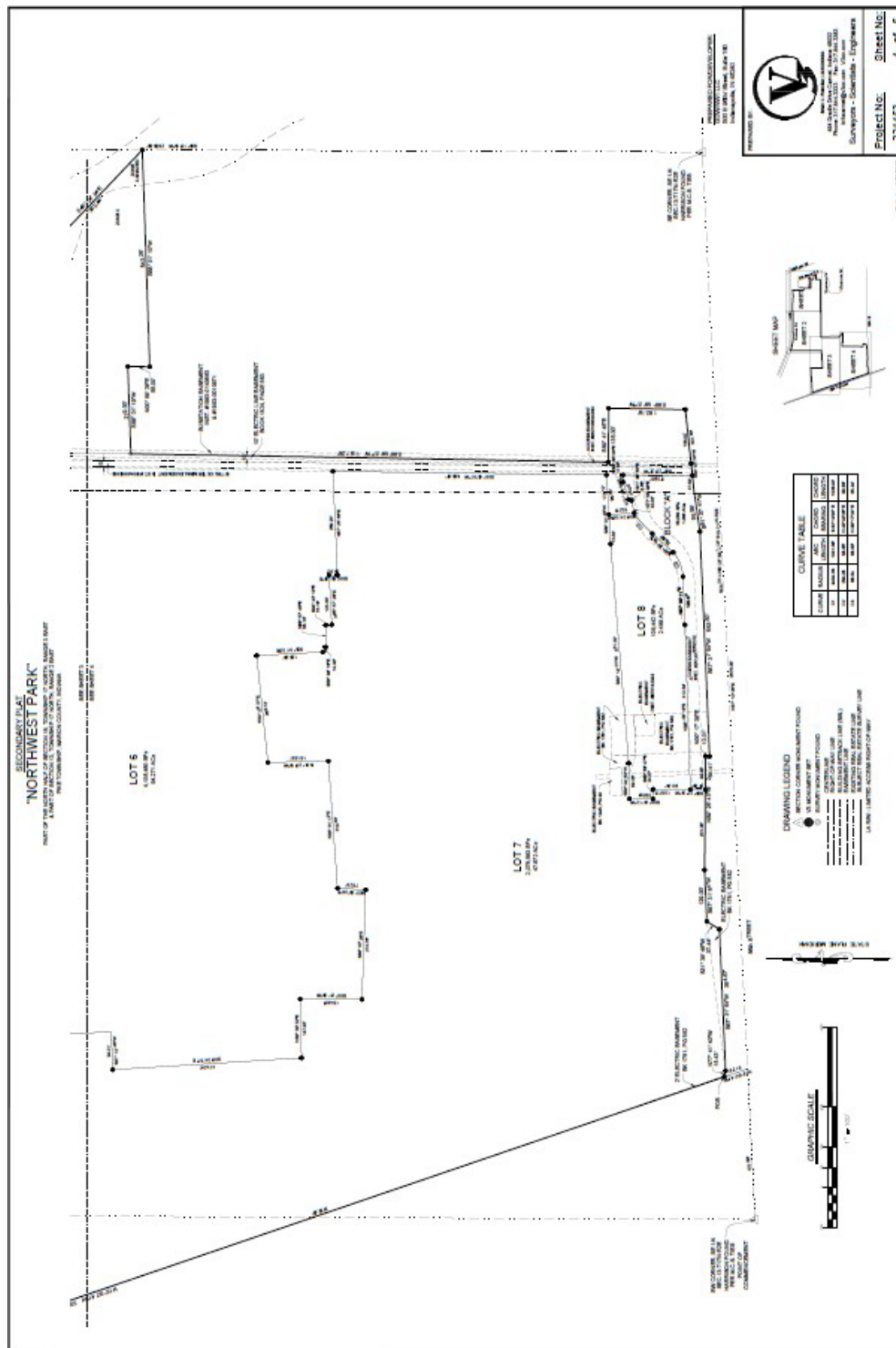
- Parcel
- Subdivisions











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Surveys on - Scientists - Engineers
 Project No: 771423
 Sheet No: 5 of 5

Petition Number _____

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 real estate is a heavy industrial area comprised of very large lots that generate no pedestrian traffic; the proposed sidewalk segment connects to no other sidewalks in the vicinity; nearest residential land uses (probable source of foot traffic) is south of 86th Street and approximately 0.67 mile away (by street); there is visual evidence of foot-traffic preference on the south side of West 86th Street (worn footpath) and not along subdivision frontage.

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:

Development design consists of very large lots and the uses are comprised of very heavy, open industrial uses that are operated via heavy truck traffic, all of which presents a real situation for dangerous conflict between vehicular and externally-sourced foot traffic.

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 heavy industrial land uses combined with large lots and long street frontage present a hardship for site security from pedestrian traffic along the frontage, such that pedestrian traffic on the north side of 86th Street is more likely to be drawn into the site out of curiosity, or for other reason, than, for example, a sidewalk on the south side of the street. The breadth of the street cross-section and lack of supportive pedestrian crossing technology and pavement markings presents a significant safety hazard to crossing the street on foot, making the south side of the street a safer location for pedestrian traffic.

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 heavy industrial, large lot nature of the development does not generate pedestrian traffic, there is no evidence on the ground of regular foot traffic along the north side of West 86th Street as there is on the south side, and there are no nearby sidewalk connections.

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 zoning ordinance is focused on addressing actual develop-based needs. The general absence of sidewalks through this heavy industrial area does not deductively indicate an inherent demand for sidewalks by pedestrian foot traffic, which objectively does not exist along the north side of the street as it observably does exist along the south side of the street.

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____

PHOTOS



Proposed Lot Two – 4901 Robison Road



Portion of proposed Lot Three – 4829 Robison Road



Proposed Lot Four – 4900 Robison Road



Proposed Lot Five – 4931 Robison Road



Portions of Proposed Lots Seven, Eight and Block "A" – 5000 West 86th Street



Extreme eastern portion of proposed Lot One – 9290 Waldemar Road