



PLAT COMMITTEE

July 10, 2024

Case Number:	2024-PLT-031
Property Address:	7125 Wellingshire Boulevard (<i>Approximate Address</i>)
Location:	Perry Township, Council District #22
Petitioner:	Wellingshire Partners LLC, by Brady Kuhn
Zoning:	D-P (FF)
Request:	Approval of a Subdivision Plat to be known as Southern Dunes Commons at Wellingshire, subdividing 18.73 acres into two lots and three blocks, with a waiver of sidewalk requirements along Southport Road, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance.
Waivers Requested:	Sidewalk Waiver (partial, along Southport Road)
Current Land Use:	Undeveloped
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the June 12, 2024 Plat Committee hearing to July 10, 2024 by petitioner request to allow for both the petitioner and staff to know the result of the associated rezoning request 2024-ZON-014 before the hearing.

STAFF RECOMMENDATION

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

1. That the applicant provide 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

The subject site is zoned D-P to allow for a residential and golf course community primarily within Marion County and primarily on the western side of State Road 37. The rezone petition 2024-ZON-014 is currently in review and would have an impact on allowable uses (but not base zoning) at the site if approved. Approval of this plat would establish two lots in the northwestern portion of the current property as well as a common area and three blocks to the east and south (blocks B and C would be on the other side of the proposed access drive).

STREETS

Lot 1 would front onto both Wellingshire Boulevard and Southport Road, while Lot 2 would only front onto Southport Road. Approval of this plat would allow for a new interior access road to which the three proposed blocks would front. Block A would also border Southport Road, and both Block A and Block C would border I-69 to the east in addition to the proposed access road.

SIDEWALKS

Sidewalk is either existing or proposed along Wellingshire Boulevard and would not be required along the eastern portion of the site near the interstate. The petitioner has requested a waiver of sidewalk requirements for the portion of the plat bordering Southport Road to the north (approximately 885' in length) due to what they identify as uneven grading, separation from Southport Road, and a lack of need due to interstate proximity and the placement of sidewalks along the proposed access road.

Both sides of Southport Road to the west of the subject site have sidewalks installed, as well as both sides of Wellingshire Boulevard (upon approval of the plat) and one side of Belmont Avenue to the northwest. No dramatic change in grade was noticed along the potential sidewalk area, and staff believes that increased pedestrian access to future businesses at the site would benefit both property owners and nearby residents. Sufficient evidence was not provided to justify the waiver, and staff recommends denial of the 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

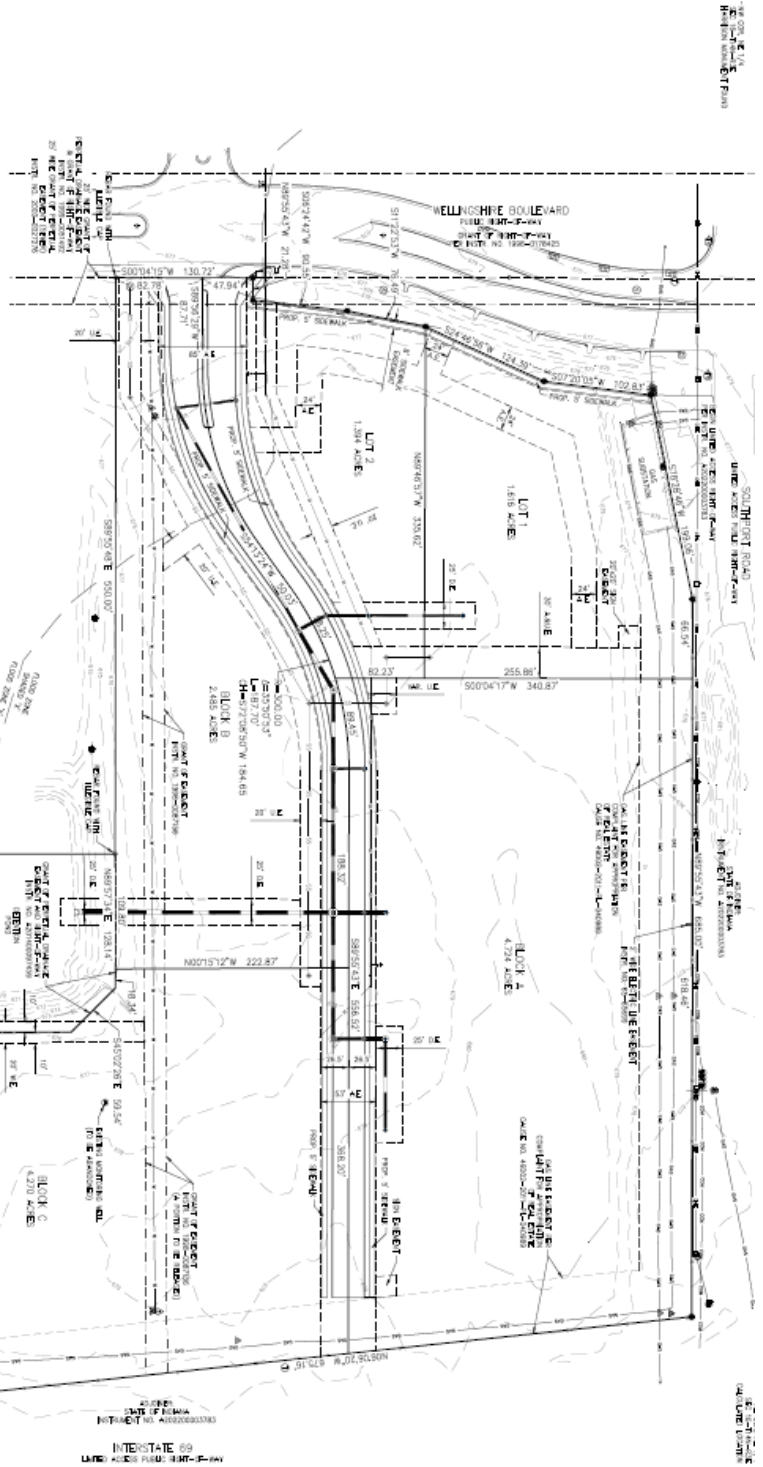
Existing Zoning	D-P	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-4	Community commercial
South:	D-P	Multi-Family residential
East:	D-P	Multi-Family residential
West:	D-P	Multi-Family residential
Thoroughfare Plan		
Wellingshire Boulevard	Local Street	123-feet existing and 50-feet proposed
Southport Road	Primary Arterial	119-feet existing and 400-feet proposed
Petition Submittal Date	May 2, 2024	

EXHIBITS

2024PLT031 ; Aerial Map



2024PLT031 ; Proposed Plat



EXISTING EASEMENTS
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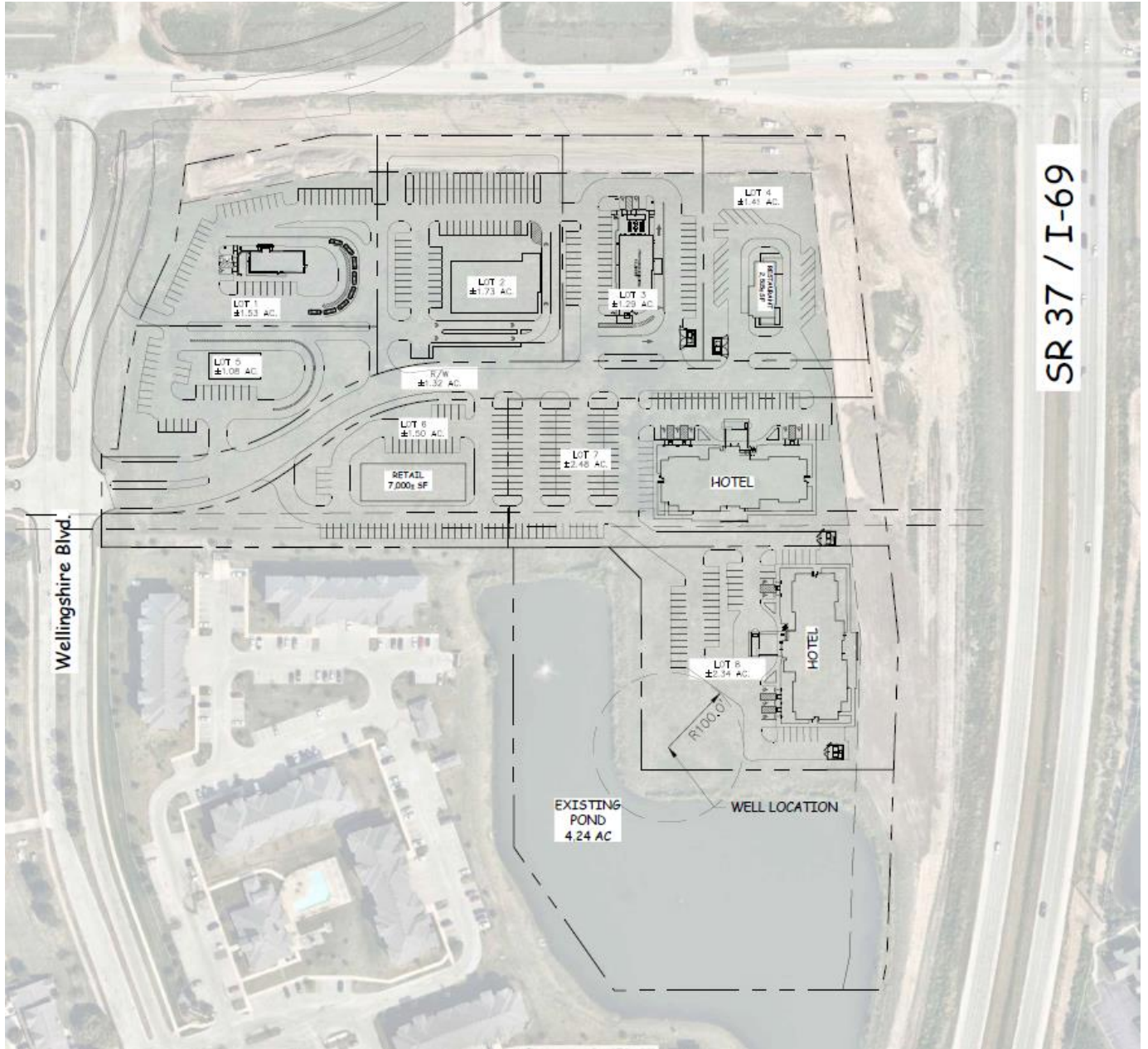
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2024PLT031 ; Proposed Plat

2024PLT031 ; Proposed Plat

2024PLT031 ; Conceptual Site Layout





2024PLT031 ; 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:

there will be sidewalk access into the property being developed within the plat, just not along the Southport Road frontage, which leads into an interstate interchange, and where pedestrian traffic should be discouraged.

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 construction of the I-69 / Southport Road interchange and subsequent changes to the subject properties frontage, including a major change in grade render the waiver request unique to the subject property.

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 interchange has changed the physical relationship between the subject property and Southport Road, which renders the north property line of the subject property significantly removed from actual Southport Road.

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:

there will be adequate pedestrian access to and through the subject property via Wellingshire Boulevard.

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:

there are geographic constraints recognized by the Zoning Ordinance which allows for a waiver of sidewalks.

PHOTOS



Photo 1: Subject Site Viewed from West (Wellingshire)



Photo 2: Subject Site + Utility Station Viewed from North (Southport)

PHOTOS



Photo 3: Subject Site Viewed from East (I-465; taken May 2023)



Photo 4: Subject Site Viewed from South (Southern Dunes Apartments)

PHOTOS



Photo 5: Adjacent Property to North/Northeast



Photo 6: Adjacent Property to West

PHOTOS



Photo 7: Southport Road Looking East Along Northern Plat Boundary



Photo 8: Existing Sidewalk along Wellingshire (Southwest of Subject Site)