



PLAT COMMITTEE

March 13, 2024

Case Number:	2024-PLT-004
Property Address:	5201 E Thompson Road (<i>Approximate Address</i>)
Location:	Franklin Township, Council District #24
Petitioner:	5201 East Thompson, LLC, by Joshua Werner
Zoning:	C-4
Request:	Approval of a Subdivision Plat to be known as Emerson Plaza II, dividing 10.45 acres into one lot and one block, with a waiver of the sidewalk requirement.
Waiver Requested:	Waiver of sidewalks
Current Land Use:	Commercial
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from the February 14, 2024 hearing to the March 13, 2024 hearing, by request of staff, to allow time to conduct research on payments to the sidewalk fund already made at the site.

ADDENDUM (March 13, 2024)

The graphic added to Exhibits provides additional information on (a) 'in lieu of' fees already paid and (b) payments that would be due at the time of platting and of permitting if the sidewalk waiver were to be approved over staff's recommendation.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated January 18, 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 C-4 and developed as a commercial integrated center. The proposed plat would subdivide the property into one lot and one block to provide for a commercial development. The proposed plat meets the standards of the C-4 zoning classification.

STREETS

Lot One and Block “A” would front on Thompson Road. No new streets are proposed.

SIDEWALKS

Sidewalks would be required along the portions of Thompson Road that are associated with the plat petition (approximately 660’ in length). There is not currently existing pedestrian connectivity servicing the existing multitenant commercial center along the either side of Thompson Road, and the applicant claims the current topography and drainage at the site would make installation of required sidewalks unfeasible. The site is approximately 500 feet from existing bus stops for Lines 16 and 56 with attendant sidewalks running along Emerson Avenue, and there is also limited sidewalk placement to the northeast on the other side of Thompson Road with a similar drainage ditch near the installed sidewalk. Evidence has not been provided to substantiate the claim 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

Existing Zoning	C-4	
Existing Land Use	Commercial Integrated Center	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Land Use
North:	C-3	Commercial
South:	D-4	Residential



Department of Metropolitan Development
 Division of Planning
 Current Planning

	East:	C-4	Commercial
	West:	C-4	Commercial
Thoroughfare Plan			
	Thompson Road	Primary Arterial	Existing ROW: 110' Prop ROW: 119'
Petition Submittal Date		11/07/2023	

EXHIBITS

2024PLT004 ; Aerial Map





2024PLT004 ; Findings of Fact

**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:

There are currently no sidewalks that connect the subject property to/from the adjacent properties.

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:

There are currently no sidewalks that connect the subject property to/from the adjacent properties. Additionally, current topography and drainage along Thompson Road would not make installation of a sidewalk feasible.

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:

Current topography and drainage along Thompson Road would not make installation of a sidewalk feasible.

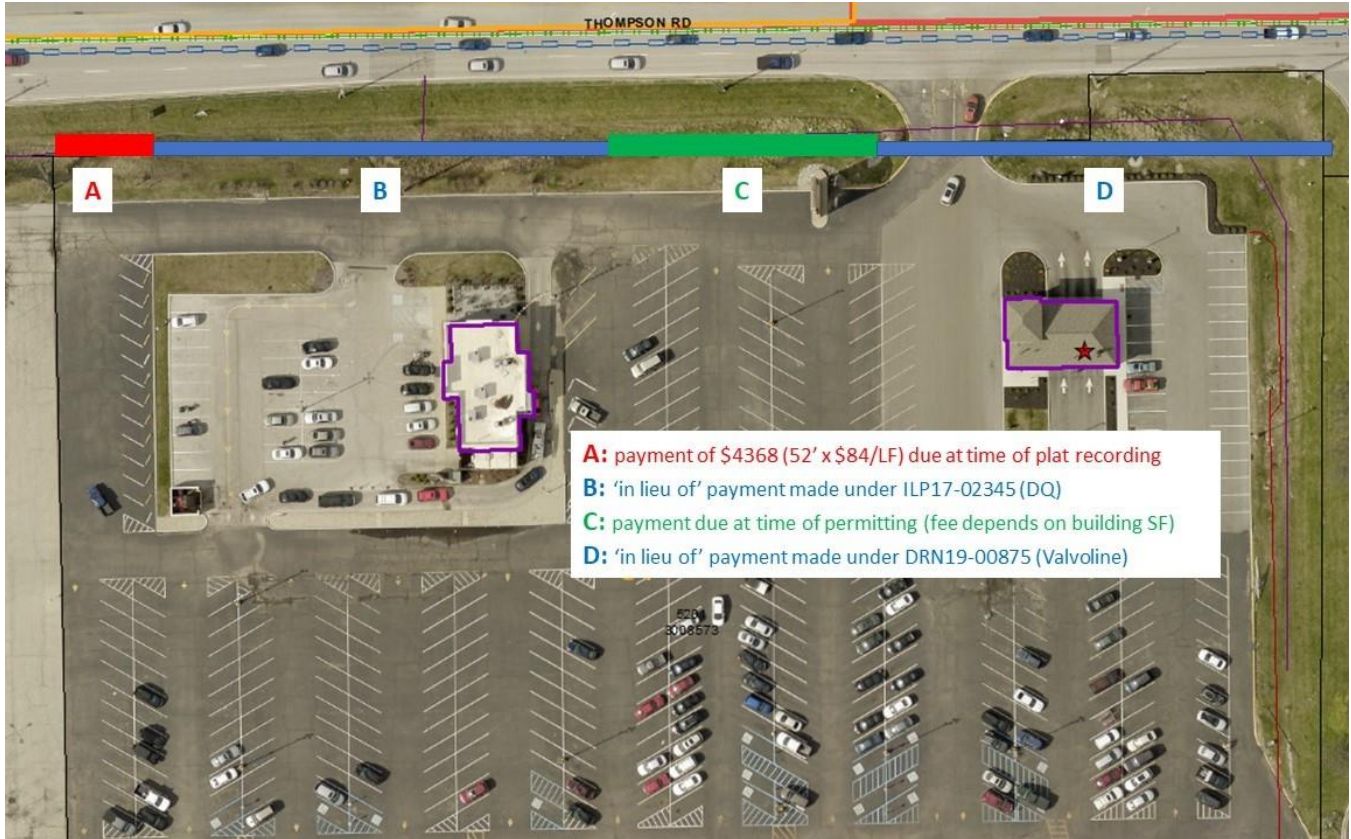
4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The existing shopping center and adjoining shopping centers do not have pedestrian connectivity to the subject property or right-of-way.

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:

Once the property is sold, new ownership will file Improvement Location Permit and will address the "in lieu of" sidewalk fee at that time.

2024PLT004 ; 'In Lieu Of' Fee Breakdown if Waiver Approved



PHOTOS



Photo 1: View from North along Thompson



Photo 2: View of Properties on Northern Side of Thompson

2024PLT004; Pictures (continued)



Photo 3: View along Thompson ROW to West



Photo 4: View along Thompson ROW to East

2024PLT004; Pictures (continued)



Photo 5: Adjacent Property to the West



Photo 6: Adjacent Property to the East