

PLAT COMMITTEE

February 14, 2024

Case Number:	2023-PLT-081 (Amended)
Property Address:	9995 Pendleton Pike (approximate address)
Location:	City of Lawrence, Lawrence Township, Council District #10
Petitioner:	Cohron's Investments, LLC, by Russell L. Brown
Zoning:	D-3
Request:	Approval of a Subdivision Plat, to be known as Greenbriar Commercial Subdivision, dividing 40.805 acres into two lots and one block, with a waiver of the sidewalk requirement.
Current Land Use:	Residential
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This petition was continued from January 10, 2024 at the request of staff to allow time for new notice to be sent indicating the requested waiver of sidewalk installation.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated December 15, 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 the Lawrence City Sanitation Department.
3. Subject to the Standards and Specifications of the Lawrence City Public Works Department related to drainage.
4. Subject to the Standards and Specifications of the Lawrence City Public Works Department related to transportation.
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 installation requirements listed in Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be waived, except for approximately 800' of sidewalk to be placed on the east side of Mitthoefer Road from Weeping Willow Drive to existing sidewalk along Pendleton Pike (approximately 800 feet in length).

PETITION OVERVIEW

SITE PLAN AND DESIGN

The site is zoned D-3 and is developed with an existing mobile home park. The proposed plat would subdivide the property into three lots to allow for commercial development on two new parcels with square footages of 56,454 and 56,410 in size. The third parcel would contain the existing mobile home park.

STREETS

Lot 1 would front on Pendleton Pike to the northwest and Mitthoefer Road to the east. Lot 2 would front on Pendleton Pike to the northwest. Lot 3 would front Pendleton Pike to the northwest, Mitthoefer Road to the east, and 52nd Street to the south. One new block is proposed as part of this petition.

SIDEWALKS

Sidewalks currently exist along Pendleton Pike and would be required along Mitthoefer Road to the west and 52nd Street to the south. There is not currently internal pedestrian connectivity within the residential properties, and there do not appear to be any nearby bus stops along Pendleton Pike. Although the close setbacks of existing residential properties along the western side of Mitthoefer and along 52nd would make compliance difficult, staff feels that it would be feasible to install sidewalks along a portion of Mitthoefer Road to the east where no close properties exist.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Community Commercial / Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1 / C-4	Commercial
South:	D-11	Commercial
East:	C-3 / D-11	Commercial
West:	C-7	Commercial
Thoroughfare Plan		



Department of Metropolitan Development
Division of Planning
Current Planning

Pendleton Pike	Primary Arterial	Existing ROW: 125' Prop ROW: 102'
Mitthoefer Road	Secondary Arterial	Existing ROW: 40' Prop ROW: 80'
52 nd Street	Primary Collector	Existing ROW: 65' Prop ROW: 80'
Petition Submittal Date	09/18/2023	

EXHIBITS

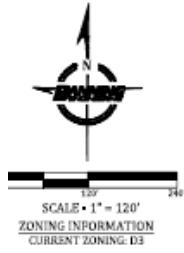
2023PLT081 ; Aerial Map



2023PLT081 ; Preliminary Plat

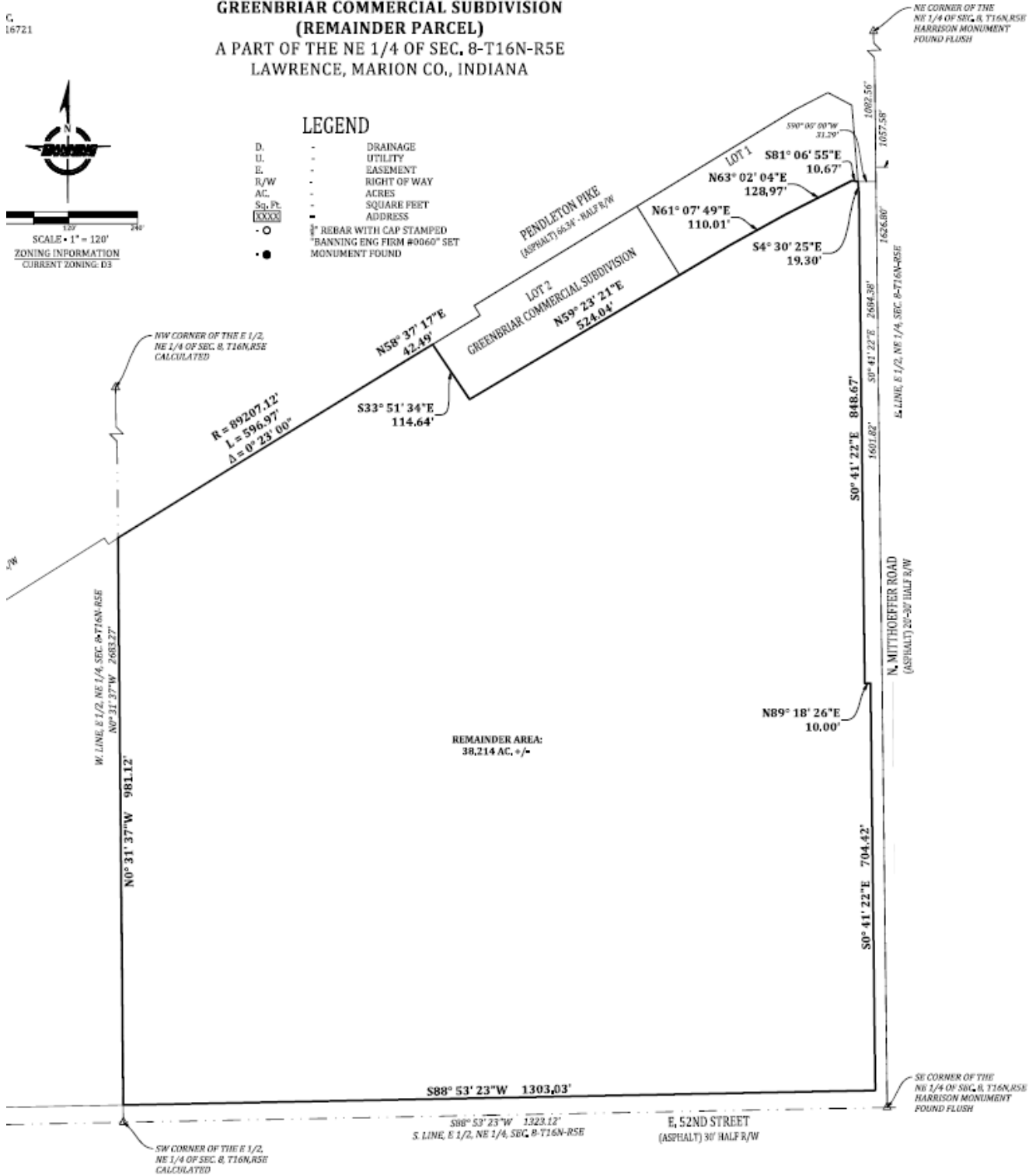
C.
16721

**GREENBRIAR COMMERCIAL SUBDIVISION
 (REMAINDER PARCEL)**
 A PART OF THE NE 1/4 OF SEC. 8, T16N-R5E
 LAWRENCE, MARION CO., INDIANA



LEGEND

- D. - DRAINAGE
- U. - UTILITY
- E. - EASEMENT
- R/W - RIGHT OF WAY
- AC. - ACRES
- Sq. Ft. - SQUARE FEET
- ADDRESS
- - REBAR WITH CAP STAMPED
- - "BANNING ENG FIRM #00660" SET MONUMENT FOUND



2023PLT081 ; 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:

The largest portion of the property is already improved with a mobile home park, which has streets wide enough for internal pedestrian connectivity. The newly platted lots have sidewalks already installed on Pendleton Pike. The request to waive sidewalk requirements will not negatively impact residents already living on the property. The proposed external sidewalk to be installed provides external connectivity serving both the current development and adjacent development.

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 existing mobile home park was developed decades ago without the requirement to dedicate ROW for anticipated external sidewalks. A requirement to dedicate more ROW south of the area proposed to be improved to allow for sidewalk installation would require the removal of existing lots or would provide for an unsafe proximity of sidewalks to existing lanes of travel.

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 existing mobile home park has limited setbacks from existing ROW along portions of Mitthoeffer and all of 52nd Street. Existing ROW is not adequate to house existing drainage ditches and the installation of new sidewalks. A requirement to dedicate increased ROW in those areas would cause significant economic harm to the petitioner.

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 subdivision is intended to allow for development (and potential conveyance) of new lots for undeveloped property. The new lots are served by existing sidewalks, thus new development will be served appropriately by pedestrian connectivity. The proposed installation on a portion of the subdivision would provide connectivity to the existing Pendleton Pike sidewalks which does not currently exist.

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:

Other internal connectivity requirements will be met. The existing development is served by internal connectivity infrastructure. The proposed new development will likely be commercially focused and the addition of a portion of the required external sidewalks will expand pedestrian access and will expand pedestrian connectivity in a way which does not create an undue hardship on the petitioner.

2023PLT081 ; Pictures



Photo 1: Facing North Towards Pendleton Pike



Photo 2: Facing East Toward Mitthoefer Road

2023PLT081 ; Pictures (continued)



Photo 3: Facing South Toward Existing Trailer Park



Photo 4: Southern Portion Of Existing Trailer Park Along 52nd Street