



## PLAT COMMITTEE

January 10, 2024

<b>Case Number:</b>	2023-PLT-089
<b>Property Address:</b>	5202 & 5240 Pike Plaza Road ( <i>Approximate Address</i> )
<b>Location:</b>	Pike Township, Council District # 10
<b>Petitioner:</b>	Kesler Limited Partnership, by Paul J. Lambie
<b>Zoning:</b>	C-5 (FF) (FW)
<b>Request:</b>	Approval of a Subdivision Plat, to be known as Kesler Plat, dividing 7.55 acres into two lots, with a waiver of the sidewalk requirement along Pike Plaza Road and Lafayette Boulevard.
<b>Waiver Requested:</b>	waiver of the sidewalk requirement along Pike Plaza Road and Lafayette Boulevard
<b>Current Land Use:</b>	Undeveloped / Parking
<b>Staff Reviewer:</b>	Allison Richardson, Senior Planner

## PETITION HISTORY

The petitioner has submitted a request to **withdraw** this petition.

## STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated October 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 sidewalk waiver be denied.

## **PETITION OVERVIEW**

### **SITE PLAN AND DESIGN**

This site is zoned C-5 and partially developed with parking. The proposed plat would subdivide the property into two lots to provide for sale of part of the property. The proposed plat meets the standards of the C-5 zoning classification and the subdivision regulations.

### **STREETS**

Lot One and Two would have frontage on Lafayette Boulevard to the east. Lot Two would also front on Pike Plaza Road to the south. No new streets are proposed as part of this petition.

### **SIDEWALKS**

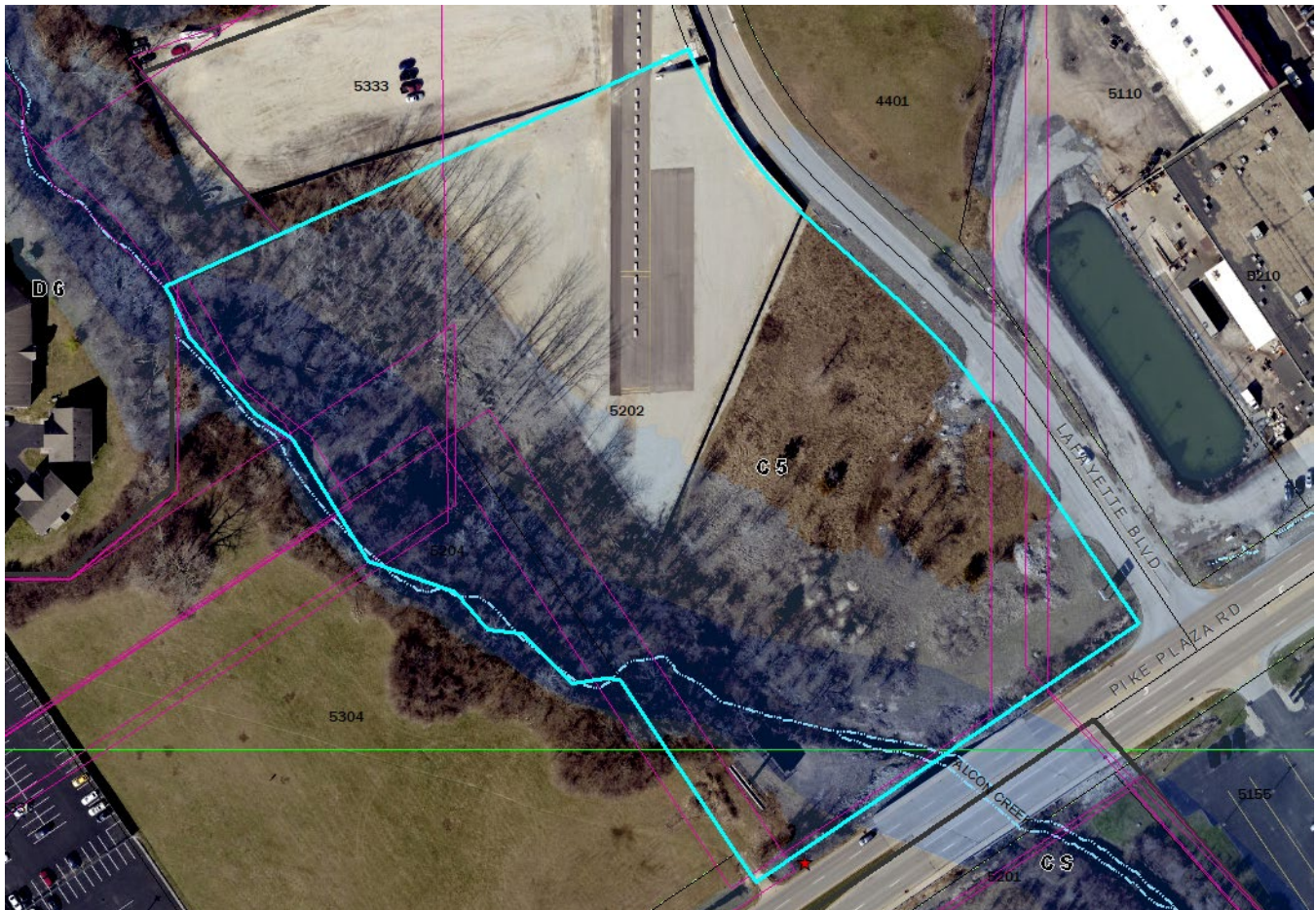
Sidewalks would be required to be installed along Pike Plaza Road and Lafayette Boulevard per the ordinance. There is a drainage ditch along Pike Plaza Road; however, there is a bridge including a sidewalk over Falcon Creek on the south frontage, which would suggest that installation of sidewalks is possible. There is also evidence of people walking on this frontage per the Google Street View image below, indicating that pedestrian infrastructure is needed. There are no topographic challenges for installing sidewalks along Lafayette Boulevard. Therefore, staff is recommending denial of the waiver.

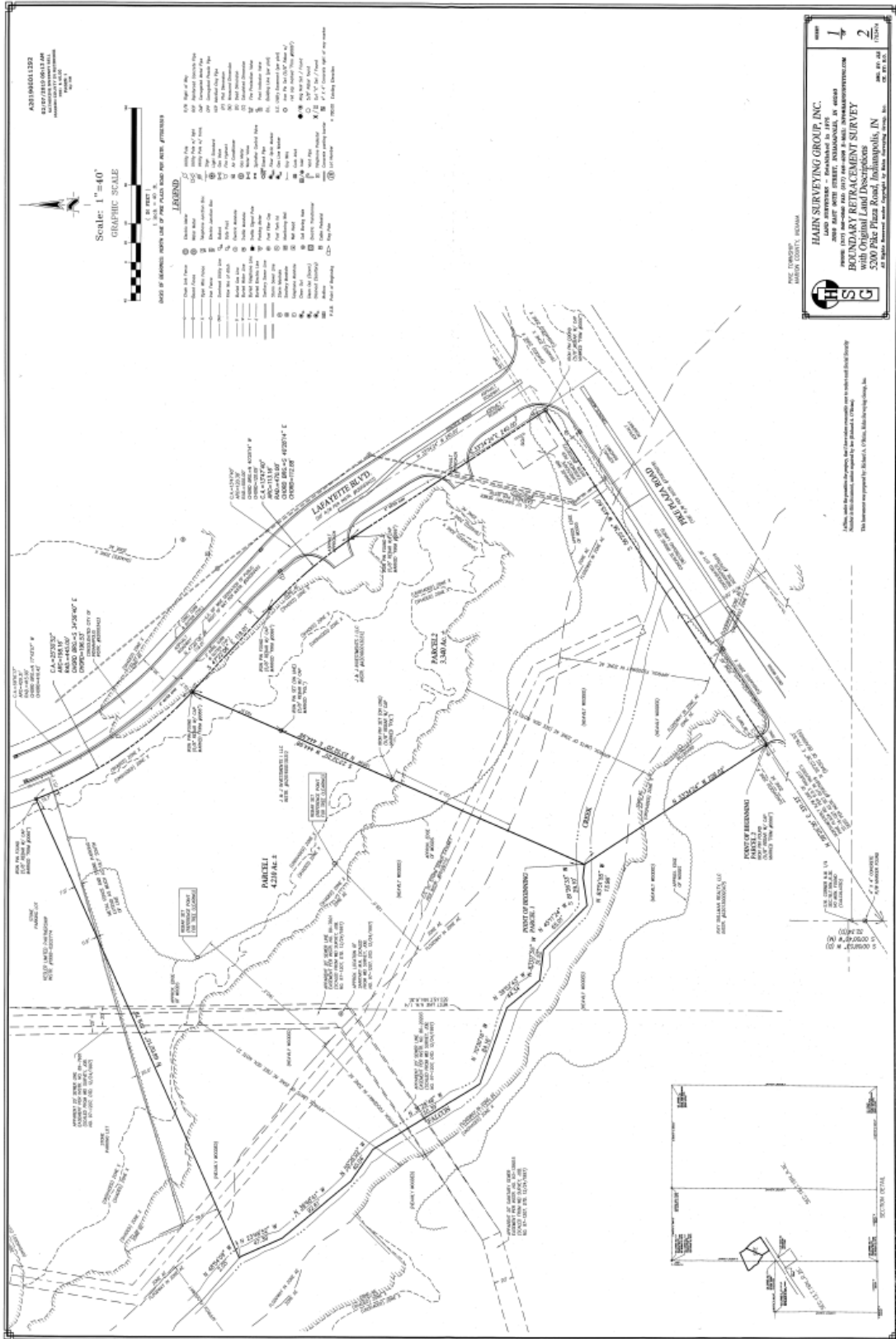
If the plat committee approves the waiver against staff's recommendation, a contribution in lieu of sidewalk installation should be required as a condition of approval subject to Section 744-301.G.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5	
<b>Existing Land Use</b>	Undeveloped / Parking	
<b>Comprehensive Plan</b>	Auto-Related Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
	North:	D-6 / C-5      Multi-family residential / Commercial
	South:	C-S / C-7      Commercial
	East:	C-5      Commercial
	West:	C-5      Undeveloped
<b>Thoroughfare Plan</b>		
Pike Plaza Road	Primary Collector	97-foot existing and 112-foot proposed
Lafayette Boulevard	Local Street	56-foot existing and proposed
<b>Petition Submittal Date</b>	October 23, 2023	

**EXHIBITS**









**REQUESTED WAIVER:**

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**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:

other existing public improvements have long been in place and there is not development contemplated in the near future that would attract pedestrian traffic to the site.

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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:

this site is surrounded by developed properties where sidewalks are not in place and additional development of this site is not immediately contemplated.

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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:

as evidenced by the lack of sidewalks or other pedestrian infrastructure adjacent to the surrounding and nearby properties.

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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:

sidewalks would either be installed as development occurs or proportionate contribution will be made for the development of sidewalks in an area that is of greater need due to higher pedestrian traffic.

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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:

all other public improvements are in place and the controlling provisions of 744-300 will still be applicable to the site.

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**PHOTOS**



Google Street View of Pike Plaza Road frontage, looking west, dated August 2023



Proposed Lot One viewed from Lafayette Boulevard, looking north



Proposed Lot Two viewed from Lafayette Boulevard, looking south



Existing bridge on Pike Plaza Road frontage of Lot Two, looking west





Lot Two Pike Plaza Road frontage, looking north