

# Staff Report – Plan Commission

<b>Docket #:</b>	PC2023-030	<b>Hearing Date:</b>	May 22, 2023
<b>Address:</b>	1001 Worthsville Road Greenwood, IN 46143		
<b>Applicant:</b>	Andrew Barkocy, Barkocy Surveying, Inc. 4800 W. Smith Valley Road Ste. O Greenwood, IN 46142		
<b>Owner:</b>	Jagruti Corporation, 7227 Blue Mesa Place Indianapolis, IN 46259		
<b>Staff Contact:</b>	Gabe Nelson, <a href="mailto:nelsong@greenwood.in.gov">nelsong@greenwood.in.gov</a> , 317.887.5230		

## Request:

Petitioner requests waivers from the following:

- Sec 10-03-06 I. requires a 30' landscape buffer between Commercial Medium (CM) and Residential Medium (RM). Applicant requests to be allowed to substitute a 6' fence and a 15' buffer with half of the required plantings per code adjusted as such to work within the smaller buffer.
- Sec 10-03-06 J. 2. d. requires an additional 10' perimeter landscaping strip along Primary or Secondary Arterial roadways. The applicant is requesting this landscape perimeter be reduced to 7'.
- Sec 10-03-05 A. 1. requires drive-thrus to be 100' from residential dwellings. The applicant requests to reduce this to 83' from residential dwellings

## Location:

The subject property is located on Worthsville Road near the roundabout at Sheek Road. The property is known as Worthsville Crossing Lot 1. Parcel ID: 41-05-10-031-011.001-030

## Existing & Surrounding Land Use:

The Site: CM – Commercial Medium – Vacant Lot

North: OS – Open Space – Clark Pleasant Intermediate School

West: CM – Commercial Medium – Vacant Lot

South: RM – Residential Medium Existing Single Family Residences

East: RM – Residential Medium – Existing Single Family Residences

## Recommendation:

Staff **recommends denial** of the request to waive Sec 10-03-06 I. which requires a 30' landscape buffer between Commercial Medium (CM) and Residential Medium (RM) and a 6' fence to instead substitute a 15' buffer with half of the required plantings per code adjusted as such to work within the smaller buffer and a 6' fence. The applicant desires to both reduce the buffer area and also reduce the separation distance between drive thrus and residential dwellings, two separate requests that compound upon one another with the result of not providing the adequate screening as is the desired effect of the code.

Staff **recommends approval** of the request to waive Sec 10-03-06 J. 2. d. which requires an additional 10' perimeter landscaping strip along Primary or Secondary Arterial roadways with a reduced 7' landscape perimeter. The landscape perimeter will still be required to have the same number of planting thus meeting the intent of the code to properly landscape major roadways.

Staff **recommends denial** of the request to waive Sec 10-03-05 A. 1. which requires a 100' separation of drive-thrus from residential dwellings to allow for an 83' reduced distance. The applicant desires to both reduce the buffer area and also reduce the separation distance between drive thrus and residential dwellings, two separate requests that compound upon one another with the result of not providing the adequate screening as is the desired effect of the code.

**Attachments:**

Exhibit 1: Waiver requests and justifications

Exhibit 2: Conceptual Plan



City of Greenwood Plan Commission

## **Attachment P: Subdivision, Site Development, Parking and or Landscape Waiver Request**

Project Worthsville Crossing - Lot 1

Docket \_\_\_\_\_

**Waivers from these Regulations.**

Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision, site development, and or parking regulations so that substantial justice may be done and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of these regulations. Such waivers may be granted upon written request of the applicant stating the reasons for each waiver and may be waived by two-thirds (2/3) of the regular membership of the Plan Commission. (Sec. 10-501: Subdivision Control); (Sec. 10-460: Site Development); (Sec. 10-103: Parking); (Sec. 10-472: Landscape)

The Plan Commission may, in its discretion, authorize and approve waivers from the requirements and standards of these regulations upon finding that the following five criteria have been justified:

- (1) The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
- (2) The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.
- (3) The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.
- (4) The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

**Attach a separate sheet** that thoroughly itemizes, explains, and justifies how each Waiver Request meets the Waiver Guidelines outlined above.

I respectfully request consideration by the Greenwood Plan Commission to waive the requirements established by the following Section(s) of the Greenwood Municipal Code for the Subdivision Control Ordinance, Site Development, Zoning Ordinance as it relates to parking requirements, and Landscaping requirements for the City of Greenwood: (Staff can assist) **NOTE: Do not use this form if requesting a Waiver from the Stormwater Drainage and Sediment Control Ordinance. Contact the City Engineering Department to discuss drainage waiver requests.**


1. Section 10-03-06-1 : Required 30' Landscape Buffer between CM & RM with 6' fence and Requesting 15' with half required plantings per Old Ordinance

2. Section 10-03-06-1.2.d. : Required additional 10' perimeter landscape strip along Primary or Secondary Arterial and Requesting 7'

3. Section 10-03-05 : Required Drive-thru's to be 100' from residential dwelling and Requesting 83'

4. Section 10-\_\_\_\_ : \_\_\_\_\_

I submit that this request is not in conflict with the Plan Commission's guidelines for review of waiver requests outlined above.

  
Signature of Applicant

**WORTHVILLE CROSSING – LOT 1**  
**SOUTH & EAST BUFFER YARDS**  
**FINDINGS OF FACT**

Sec. 10-03-06-1: Buffer Yards. CM zoned parcel against a RM zoned parcel shall have a large Buffer with a minimum of 30 foot wide with a 6 foot wood or masonry fence.

The Request is to follow the old Ordinance of when the plat was laid out which allowed a 15 foot wide landscape buffer with a 6 foot wood or masonry fence and half the number of plantings.

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because

the requested reduction will match what was in effect at the time the commercial subdivision was platted and is greater than the platted 10 foot landscape buffer. It will also be similar to the existing buffer of the other developed site within this commercial subdivision but with additional landscaping due to the number of trees and shrubs in a buffer per the current Ordinance are increased which will be met with this request but with the half reduction.

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.

The requirement of a 30 foot landscape buffer with a 6 foot fence on the East and South sides of the lot would not allow for the amount of space necessary for drive lanes, parking area, and standard commercial strip center building size. The drive lanes are all at about the minimum width and parking spaces are all the minimum size. The foundation landscaping along the building is also being reduced to 4 foot with a decorative wall. The impervious surface coverage of 70% of the lot is also being met. This lot was originally designed under the old ordinance which allows the requested smaller landscape buffer and what the site to the southwest in this commercial subdivision was developed to.

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.

The site has been designed to meet minimum drive widths, minimum parking sizes, standard commercial strip center width, installing 6 foot fences to reduce landscape buffer widths, installing 3' picket fence along the road to reduce perimeter parking landscaping width, installing a decorative wall to reduce foundation landscaping buffer, and meeting the 70% impervious lot coverage. All of these design aspects have been taken into consideration to reduce the foot print size of this development but the required landscape buffer widths do not allow for a workable site to be developed on this lot. The lot was original designed with the previous and requested landscape buffer widths.

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

The waiver is necessary to be able to develop this lot for a working commercial site. The required landscape buffers reduce the developable area of the site too much to be able to develop the lot as originally laid out and platted. This is a minimal deviation as the request is to meet the old ordinance, the ordinance of when the lot was laid out, in buffer width and only half the current ordinance required plantings which is more than the previous ordinance and what was constructed on the existing commercial site within the commercial subdivision. There are also additional plantings within these buffers that meet the perimeter parking standards.



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**WORTHSVILLE CROSSING – LOT 1**  
**10' ADDITIONAL PERIMETER PARKING LANDSCAPING**  
**FINDINGS OF FACT**

Sec. 10-03-06-J.2.d: Perimeter Parking Lot Landscaping. Beyond the required 5 foot wide landscaping area an additional 10 foot wide landscape area must be given when abutting a Primary or Secondary Arterial.

The Request is to reduce the additional 10 foot wide area to 7 feet wide. The perimeter parking along Worthsville is being reduced by 3 feet with a 3' picket fence and there the request is to have a total of a 10 foot wide landscape strip along Worthsville.

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because

the requested reduction will only result in a 3 foot less landscape area, matching the platted landscape area along Worthsville and still meeting the number of landscaping plantings for perimeter parking and streetscaping. There is also an approximately 17.5 foot wide green space within the Worthsville Right-of-way.

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.

The requirement of an additional 10 foot landscape buffer along Worthsville Road further lessens the developable land on this tight lot. The drive lanes are all at about the minimum width and parking spaces are all the minimum size. The foundation landscaping along the building is also being reduce to 4 foot with a decorative wall. The impervious surface coverage of 70% of the lot is also being met. The request would meet the 10 foot platted landscape easement along Worthsville and meet all landscape planting requirements.

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.

The site has been designed to meet minimum drive widths, minimum parking sizes, standard commercial strip center width, installing 6 foot fences to reduce landscape buffer widths, installing 3' picket fence along the road to reduce perimeter parking landscaping width, installing a decorative wall to reduce foundation landscaping buffer, and meeting the 70% impervious lot coverage. All of these design aspects have been taken into consideration to reduce the foot print size of this development but the required 10 foot additional landscape buffer along Worthsville Road does not allow for a workable site to be developed on this lot. The lot was original designed with the platted 10 foot wide landscape easement along Worthsville Road.

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

The waiver is necessary to be able to develop this lot for a working commercial site. The required additional 10' landscape buffer along Worthsville Road reduces the developable area of the site too much to be able to develop the lot as originally laid out and platted. It also allows for more buffer yard along the South property line. This is a minimal deviation as the request is to only reduce the width by 3 feet and to meet the existing platted easement and will still have the required numbers of landscape plantings for both the perimeter parking and streetscape.



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# **WORTHSVILLE CROSSING – LOT 1**

## **DRIVE-THRU DISTANCE FROM DWELLING**

### **FINDINGS OF FACT**

Sec. 10-03-05: Drive-thru(s). Drive-thru(s) may not be within 100 feet of a residential dwelling.

The Request is to reduce this distance to 83 feet from the stacking of the Drive-thru.

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because

the requested reduction will only result in a 17 foot less distance from 1 dwelling. There will be a 6 foot fence and buffer landscaping along that line as well to block the dwelling from the drive-thru. The dwelling is also angled at a northwest direction and therefore the drive-thru will not be in the view from the residence. There is also already a drive-thru at the other commercial development that is approximately 90 feet from a dwelling.

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood.

The requirement of 100 foot distance from the dwelling does not allow the development to place the drive-thru at the logical location for a drive-thru. The drive lanes, parking spaces, and the foundation landscaping along the building front is also being reduced to 4 foot with a decorative wall to all keep the development as far north as possible and away from the dwellings. However with the lot being smaller and designed under the old ordinance, the distance from a dwelling for a drive-thru cannot be met by 17 feet. This will not alter the character of the area because when this was all developed there was not minimum distance from the dwellings for a drive-thru. There is also already another drive-thru within this commercial development.

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute grounds for a waiver.

The site has been designed to meet minimum drive widths, minimum parking sizes, standard commercial strip center width, installing 3' picket fence along the road to reduce perimeter parking landscaping width, and installing a decorative wall to reduce foundation landscaping buffer. All of these design aspects have been taken into consideration to reduce the distance south the development would be and to be the maximum possible distance from the dwellings along the south. The lot was original designed when there was no ordinance for minimum distances for the drive-thrus to be from dwellings.

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards.

The waiver is necessary to be able to develop this lot for a working commercial site. The request is only for the distance to be 83 feet instead of the 100 feet which is only a minimal 17 foot reduction. There will also still be a landscape buffer along this property line with a 6 foot fence. Also the dwelling faces a northwest direction making the drive-thru out of the line site of the dwelling. The area within the 100 feet is also just the stacking area for the drive-thru where as the actual parts of the drive-thru will be at least 100 feet from the drive-thru.



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