

Staff Report – Plan Commission

Docket #:	PC2023-068	Hearing Date:	December 11, 2023
Address:	1282 Greenwood Park Drive		
Applicant:	Justin Zebrowski, Greenwood Plus Center LLC, 4900 E. Dublin-Granville Rd, Columbus, OH		
Owner:	Greenwood Plus Center LLC, 4900 E. Dublin-Granville Rd, Columbus, OH		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov , 317.887.5230		

Request:

The Real Estate consists of approximately 0.72 acres and is currently zoned Commercial Large (CL). The Petitioner is requesting to re-zone the entire parcel to Commercial Medium (CM) which will align the zoning with the size of the lot and allow the current use to continue as a permitted use.

Location:

The subject property is located on the loop road around the Greenwood Park Mall, Parcel # 41-02-30-011-003.999-026 and 41-02-30-011-003.000-026. The building has been parceled out of the site, but the building and site function as one business and are considered by staff to be joined.

See Attached Aerial Map – Exhibit A and Legal Description – Exhibit D

Existing & Surrounding Land Use:

The property is zoned Commercial, Large (CL), and the land is currently Sherwin Williams.

- North: Commercial, Large (CL), Burger King
- South: Commercial, Large (CL), Chili’s
- East: Commercial, Large (CL), Greenwood Park Mall
- West: Commercial, Large (CL), Vehicle Maintenance Shops

See Attached Zoning Map – Exhibit B

Ordinance References:

- Resolution No. 07-12, Greenwood Comprehensive Plans
- Ord. No. 20-29 UDO
- UDO Sec. 10-03-06, Landscaping and Buffering
- UDO Sec. 10-03-14, Building Design Standards

Statutory Criteria:

Plan Commission and the legislative body shall pay reasonable regard to:

- The comprehensive plan;
- Current conditions and the character of current structures and uses in each district;
- The most desirable use for which the land in each district is adapted;
- The conservation of property values throughout the jurisdiction; and
- Responsible development and growth.

Comments and Petitioner’s Findings of Fact:

The Petitioner desires to rezone approximately 0.72 acres of land Commercial Medium (CM) in order to bring the current lot into compliance with the size and use of the property. Based on the size of the lot, it should fall into the Commercial Medium zone as the minimum size for a Commercial Large lot is 2.29 acres (100,000 square feet).

The following represents the petitioner’s findings and the staff’s comments on those findings.

The Comprehensive Plan

The petitioner has indicated that this request complies with the Comprehensive Plan in the following way(s), "The Greenwood Comprehensive Plan (adopted December 17, 2012 [Resolution Number 12-17]) (the "Plan") contemplates the area within which the Property lies will remain Commercial in nature. The existing Small Format Retail is well situated in commercial zones and as stated above, the use will remain unchanged and will continue to further the stated Plan objectives."

Current conditions and the character of current structures and uses in each district;

The petitioner has indicated that this request complies with the current conditions and the character of current structures and uses in each district in the following way(s), "The Property is today a 30,928 SF lot, a size that is permitted within a CM zone."

The most desirable use for which the land in each district is adapted;

The petitioner has indicated that, "Given the Property has operated successfully as a Sherwin Williams store, the use is desirable and appropriate for the land."

The conservation of property values throughout the jurisdiction; and

The petitioner has indicated that this request will not negatively affect the property values throughout Greenwood because, "The property values will not be negatively affected by the Sherwin Williams continuing to operate as it has for decades, only now with a different zoning classification."

Responsible development and growth.

The petitioner has indicated that this request is considered responsible development and growth because: "This request will ensure the Property's lot size is permitted by right under the proposed CM district and allow Sherwin Williams to continue to operate a successful business within the city of Greenwood."

Recommendation:

Staff is **favorable** of this petition. An analysis of the area shows that existing land uses, and the overall character of the surrounding properties are commercial in nature and should remain as such. The only question is which commercial district is most suitable at this location. It is of staff's opinion that the size of this site, at around 31,000 square feet, is most appropriate for the Commercial Medium (CM) zone. Overall, the CM permitted uses are better aligned with this location than the larger uses permitted in the Commercial Large (CL) zone. Additionally, the current use of the property as a retail paint store is permitted in the CM district but not the current CL district due to the size of the retail facility. This zone map change will allow the business to continue, as is, going forward.

Based on the size of the lot, it should fall into the Commercial Medium zone as the minimum size for a Commercial Large lot is 2.29 acres (100,000 square feet). The subject property is approximately 0.72 acres (31,363 square feet).

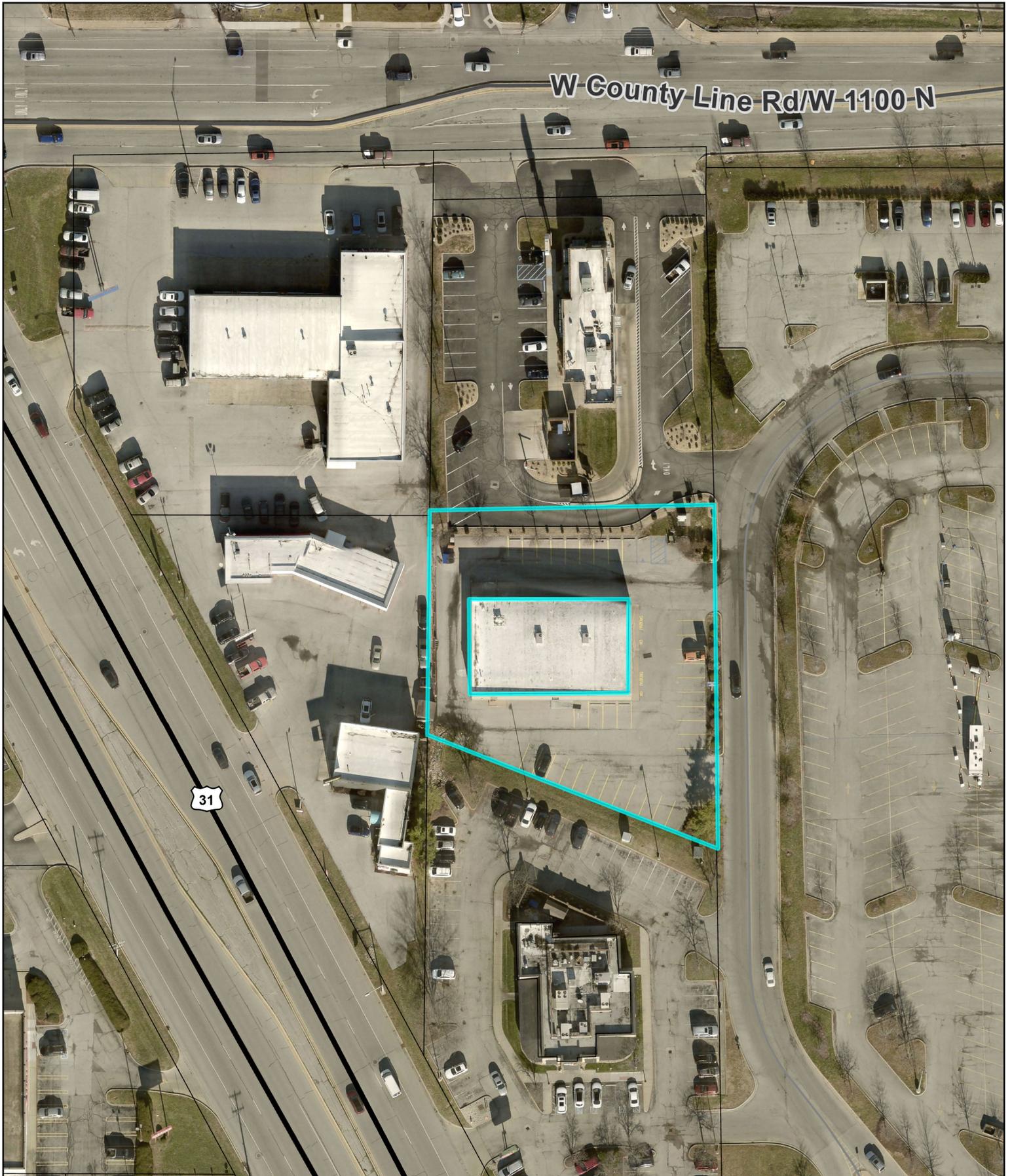
Staff does not recommend any commitments.

Attachments:

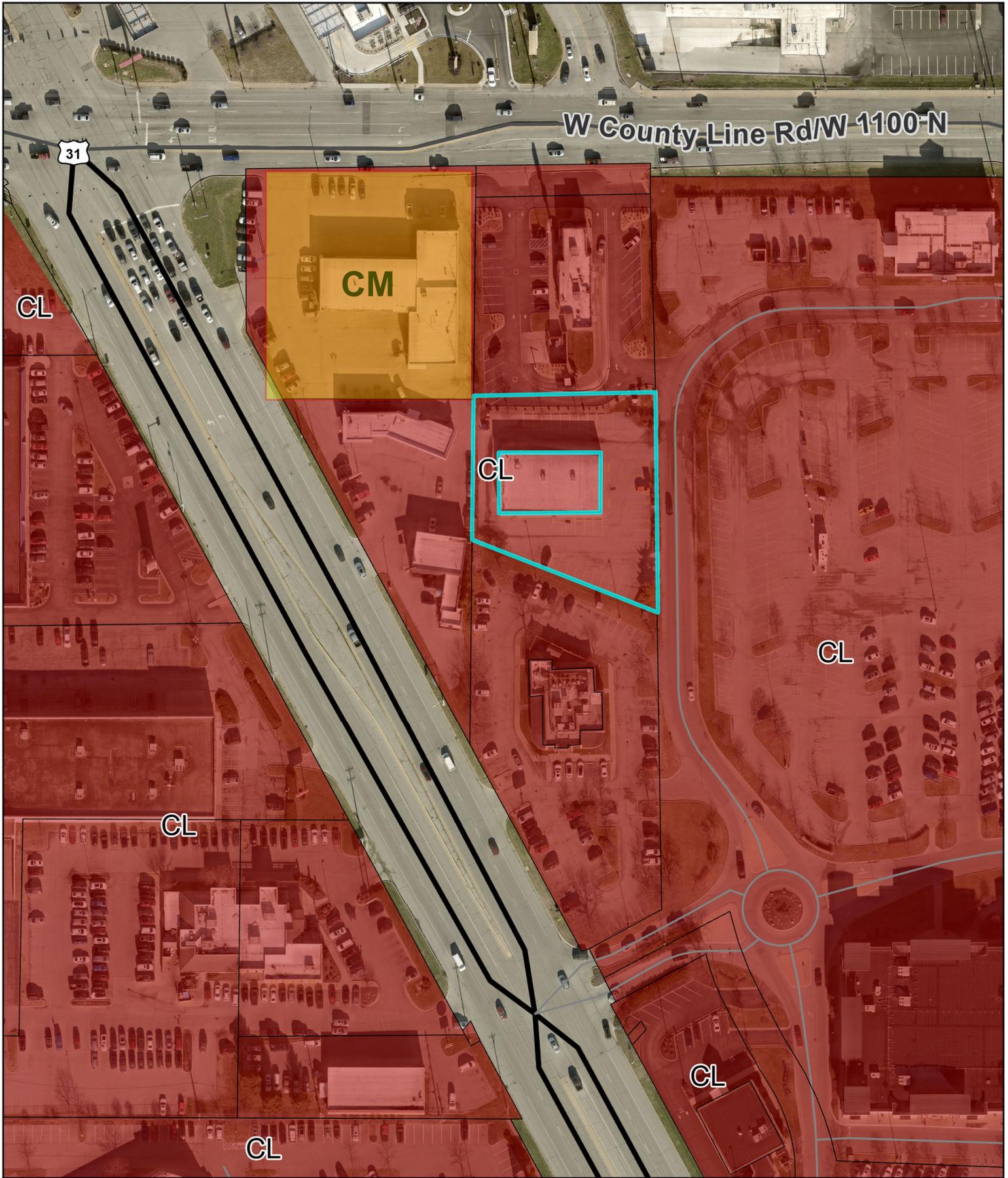
- Exhibit A – Aerial Map
- Exhibit B – Existing Zoning Map
- Exhibit C – Supplemental Information from Petitioner
- Exhibit D – Legal Description
- Exhibit E – Greenwood Comprehensive Plan Proposed Land Use
- Exhibit F – Greenwood Comprehensive Plan Current Land Use

Aerial Map

Exhibit A



Existing Zoning Map



- | | | | |
|------------------------|----------------------------|---|--------------------------------------|
| AC - Airport | IC - Interstate Commercial | OS - Open Space | RMC - Residential Multi-Unit Complex |
| AG - Agriculture | IL - Industrial Large | PUD - Planned Unit Development | RMH - Residential Mobile Home |
| CL - Commercial Large | IM - Industrial Medium | RL - Residential Large Lot | |
| CM - Commercial Medium | OT - Old Town | RM - Residential Medium Lot | |
| CS - Commercial Small | OTR - Old Town Residential | RA - Residential Attached Single-Family | |



SUPPLEMENT TO
ZONE MAP CHANGE APPLICATION

Applicant: Greenwood Plus Center, LLC – Justin Zebrowski, Sr Mgr., Investments
Property Owner: Greenwood Plus Center, LLC
Property Location: 1282 Greenwood Park Dr W, Greenwood, IN 46142
Parcel No. 41-02-30-011-003.999-026

Supplement to Attachment A: Detailed Statement of Reason for Zone Map Change

What is the purpose of this request?

Summary: The property/parcel located at 1282 Greenwood Park Dr W, Greenwood IN 46142 (the “Property”) is currently home to a “Sherwin-Williams Paint Store” (“Sherwin Williams”).

The Property is +/- 0.71 acres (30,928 square feet (“SF”)) and located in a Zone (CL). Unfortunately, the minimum lot size in the Commercial Large district is 100,000 SF and as such the Property is below the minimum lot size.

While the Property size is grandfathered non-conforming, the 30,928 SF size is permitted by right in the Commercial Medium (CM) district. Applicant seeks this Zone Map Change from Zone CL to Zone CM to ensure that the existing parcel size is permitted.

Applicable Facts: The Property is currently zoned CL (Commercial – Large Format). See City of Greenwood Zoning Map.

The City of Greenwood’s Code of Ordinances (the “Code”) provides at section 10-02-20 (Commercial Large Format Zone (CL)) that the minimum lot Size is 100,000 SF.

The Code provides at Section 10-02-19 (Commercial Medium Format Zone (CM)) that the minimum lot size is 20,000 SF.

What is the proposed development for this property?

There is no proposed development for the Property. The intent is for the existing Sherwin Williams to continue to operate.

This request complies with the Comprehensive Plan in the following way(s):

The Greenwood Comprehensive Plan (adopted December 17, 2012 [Resolution Number 12-17]) (the “Plan”) contemplates the area within which the Property lies will remain Commercial in nature. The existing Small Format Retail is well situated in commercial zones and as stated above, the use will remain unchanged and will continue to further the stated Plan objectives.

The request complies with the current conditions and the character of current structures and uses in each district in the following way(s):

The Property is today a 30,928 SF lot, a size that is permitted within a CM zone.

This request is for the most desirable use for which the land is adapted. Describe:

Given the property has operated successfully as a Sherwin Williams store, the use is desirable and appropriate for the land.

This request will not negatively affect the property values throughout Greenwood because:

The property values will not be negatively affected by the Sherwin Williams continuing to operate as it has for decades, only now with a different zoning classification.

This request is considered responsible for development and growth because:

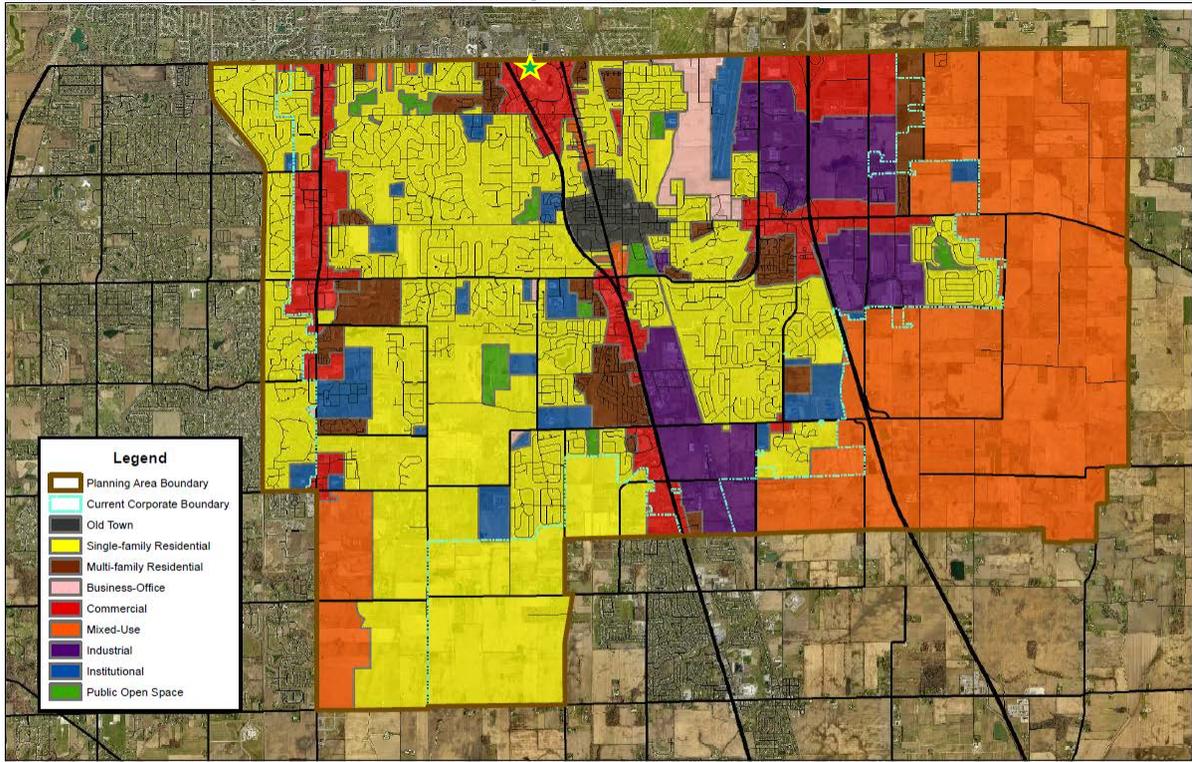
This request will ensure the Property's lot size is permitted by right under the proposed CM district and allow Sherwin Williams to continue to operate a successful business within the city of Greenwood.

LEGAL DESCRIPTION

A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 14 NORTH, RANGE 4 EAST, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID HALF QUARTER SECTION; THENCE SOUTH 89 DEGREES 45 MINUTES 37 SECONDS WEST ALONG THE NORTH LINE OF SAID HALF QUARTER SECTION 1167.01 FEET; THENCE SOUTH 01 DEGREE 32 MINUTES 27 SECONDS EAST, 275.07 FEET TO THE SOUTH EAST CORNER OF THE REAL ESTATE CONVEYED TO BURGER KING CORPORATION BY WARRANTY DEED FROM WARREN M. ATKINSON TO BURGER KING CORPORATION CONVEYING REAL ESTATE IN JOHNSON COUNTY, INDIANA; DATED FEBRUARY 27, 1976, RECORDED MARCH 2, 1976 IN DEED RECORD 206 PAGE 973 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA (THE BURGER KING PARCEL) AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 01 DEGREE 32 MINUTES 27 SECONDS EAST 216.53 FEET; THENCE NORTH 65 DEGREES 05 MINUTES 44 SECONDS WEST 204.26 FEET TO THE WEST LINE OF SAID HALF QUARTER SECTION; THENCE NORTH 00 DEGREES 17 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF SAID HALF QUARTER SECTION 129.69 FEET TO THE SOUTHWEST CORNER OF SAID BURGER KING PARCEL; THENCE NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST ALONG THE SOUTH LINE OF SAID BURGER KING PARCEL 178.79 FEET (SOUTH 89 DEGREES 46 MINUTES WEST, 178.88 FEET AS RECORDED IN SAID BOOK 206 PAGE 973) TO THE POINT OF BEGINNING AND CONTAINING 0.7207 ACRES.

Exhibit E – Greenwood Comprehensive Plan Proposed Land Use

Future Land Use Map



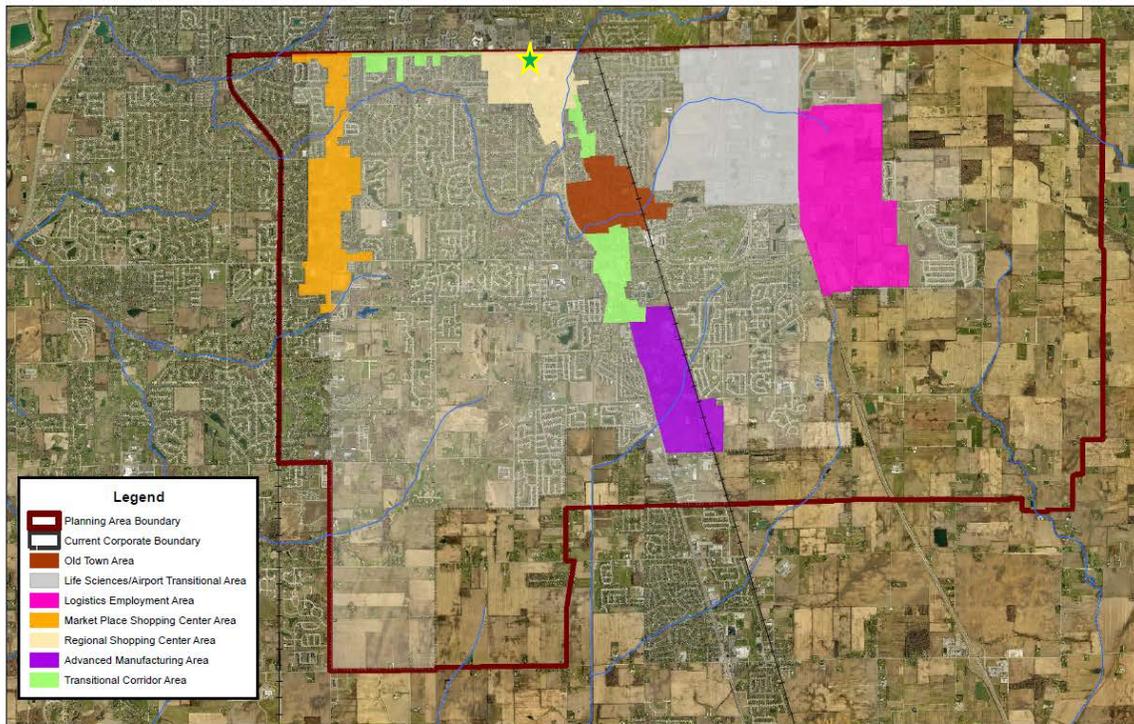
Adopted December 17, 2012 (Resolution Number 12-17)



Greenwood Comprehensive Plan

Exhibit F – Greenwood Comprehensive Plan Current Land Use (2012)

Future Growth and Redevelopment Areas



Adopted December 17, 2012 (Resolution Number 12-17)



Greenwood Comprehensive Plan

 Approximate Rezone Location