

Staff Report – Plan Commission

Docket #:	PC2023-070	Hearing Date:	December 11, 2023
Address:	718 N US 31		
Applicant:	Andrew Barkocy, Barkocy Surveying, Inc.		
Owner:	Shiv Real Estate 44 LLC		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317.887.5230		

Request:

Subway/Bigby requests a landscape waiver from Sec 10-03-06 J2d - Perimeter Parking Lot Landscaping: Beyond the five (5') feet wide landscaped area, when abutting a Primary or Secondary Arterial, an additional buffer area ten feet (10') in width must be given between the parking lot landscaping and the edge of the right-of-way. Petitioner requests a 9.8' buffer area, which will include both perimeter parking lot landscaping and pedestrian facilities.

Location:

718 N US 31

Existing & Surrounding Land Use:

The Site: CM (Commercial Medium)

North: CM (Commercial Medium)

West: RMC (Residential Multi-Unit Complex)

South: CM (Commercial Medium)

East: CL (Commercial Large)

Recommendations:

Staff **recommends approval** of Sec 10-03-06 J2d - Perimeter Parking Lot Landscaping. Staff finds this achieves the desired landscaping intent and quantity, while allowing for pedestrian facilities which need to be out of INDOT's SR 135 right-of-way.

Attachments:

Waiver request

Concept Plan

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

Project 718 N. US 31 - Subway/Biggby Coffee

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-J.2.d: Required additional 10' perimeter landscape strip along Primary or Secondary Arterial and Requesting 5'
2. Section 10- _____: _____
3. Section 10- _____: _____
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

718 N. US 31 - SUBWAY/BIGGBY COFFEE

10' ADDITIONAL PERIMETER PARKING BUFFER

FINDINGS OF FACT

Sec. 10-03-06-J.2.d: Perimeter Parking Lot Landscaping. Beyond the required minimum 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 5-foot wide. The perimeter parking along U.S. 31 is the request is to have a total of a 10 foot wide landscape strip along U.S. 31.

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 landscape area being 5 feet narrower than required, and will utilize the required public sidewalk along U.S. 31, which is identical to the situation on the adjoining property to the North, as open space. The development will still meet the number of landscaping plantings for perimeter parking and streetscaping. There is also a green space of nearly 11.5-feet wide within the U.S. 31 right-of-way, which is the area between the proposed sidewalk and the existing pavement of U.S. 31. This will be adequate space between the traveled way and the public sidewalk, and the public sidewalk and the parking lot while maintaining the required number of landscape plantings; therefore, the approved request will not be injurious to the public health, safety, morals and general welfare of the community.

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.

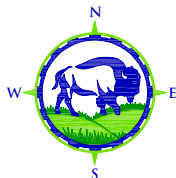
The parking spaces and drive lanes are existing on this site long-term from the previous development. This project is a rehabilitation/renovation of the existing building and parking layout. The requirement of an additional 10 feet of landscape buffer along U.S. 31 would require removal of required parking spaces and drive land width, which results in the project being unfeasible. The installation of the required landscape plantings and a public sidewalk with a width of 5 feet along U.S. 31 will be harmonious with the adjoining property to the North and will not substantially alter the character of the commercial area.

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 project is a rehabilitation/renovation of an existing site and to meet minimum requirements for parking space and drive lane standards, no loss of the existing parking area can be absorbed. Therefore, a reduction in the required additional landscape buffer along U.S. 31 is necessary. The required landscape plantings will be met and a public sidewalk of 5 feet in width will be installed between the parking area and the pavement of U.S. 31 to provide for a buffer.

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

The waiver is necessary due to the rehabilitation/renovation of the existing site triggering a compliance with current zoning ordinances. With the location of the existing parking spaces and drive lanes, the required additional 10 feet of landscape buffer along U.S. 31 would necessitate a reduction of these improvements, resulting in not meeting required parking spaces and drive widths. This is a minimal deviation as the request is to reduce the additional width by 5 feet and the site will still have the required numbers of landscape plantings for the perimeter parking and a public sidewalk installed as adequate buffer and open space between the site and U.S. 31.

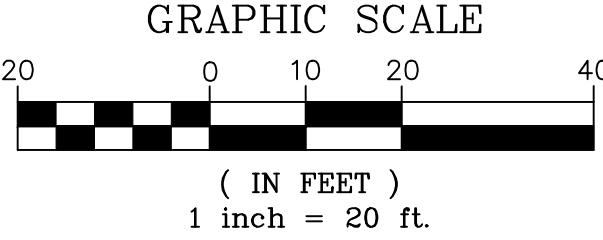


BARKOCY
— SURVEYING INC. —

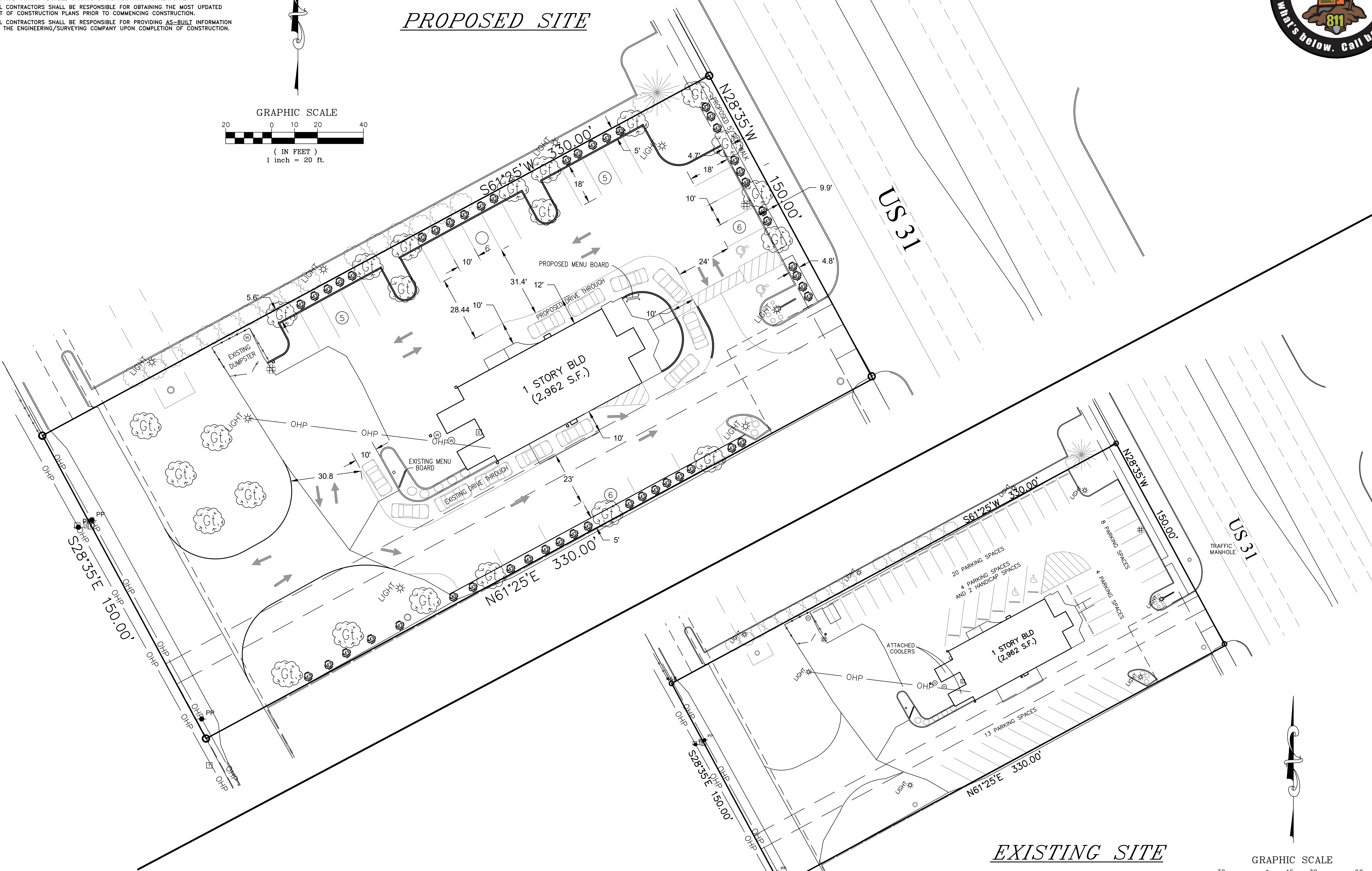
PROFESSIONAL LAND SURVEYING & LAND DEVELOPMENT SERVICES
4800 WEST SMITH VALLEY ROAD, SUITE O * GREENWOOD, IN 46142
OFFICE - 317-881-3898 * WWW.BARKOCYSURVEYING.COM

NOTICE, PERMITS, and NOTES

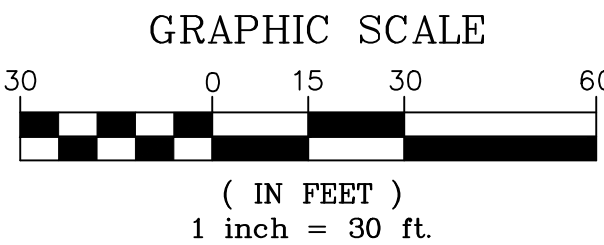
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL PERMITS AND APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY AND STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES IN THE VICINITY OF THE CONSTRUCTION AREA PRIOR TO STARTING ANY CONSTRUCTION.
3. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY FOR NOTIFICATION AND COORDINATION OF ALL CONSTRUCTION WITH THE RESPECTIVE UTILITY COMPANIES, PRIOR TO STARTING ANY CONSTRUCTION.
4. ALL CONSTRUCTION ACTIVITY ON THIS SITE SHALL BE PERFORMED IN COMPLIANCE WITH APPLICABLE O.S.H.A. STANDARDS FOR WORKER SAFETY.
5. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING THE MOST UPDATED SET OF CONSTRUCTION PLANS PRIOR TO COMMENCING CONSTRUCTION.
6. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT INFORMATION TO THE ENGINEERING/SURVEYING COMPANY UPON COMPLETION OF CONSTRUCTION.



PROPOSED SITE



EXISTING SITE



UTILITY STATEMENT:

THE EXISTING UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE AND/OR EXISTING DRAWINGS. BARKOCY SURVEYING, INC. (B) MAKES NO GUARANTEES THAT THE UTILITY INFORMATION SHOWN COMPRISES ALL SUCH UTILITIES IN THE AREA, IN SERVICE OR ABANDONED. BARKOCY SURVEYING, INC. FURTHER STATES THAT THE UNDERGROUND UTILITY DATA SHOWN DOES NOT INDICATE PRECISE LOCATIONS.

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SCALE: AS SHOWN		DESIGN: B.C.		CHECKED: B.C.		CARRIED BY: ANDREW BARKOCY	
SEAL: BARKOCY SURVEYING, INC. REGISTERED PROFESSIONAL SURVEYOR No. 21800016		STATE OF INDIANA		SHEET NO. 1		PROJECT NAME: 718 N. US 31 REMODEL GREENWOOD, INDIANA	
REVISION:		DATE:		SHEET NAME: CONCEPTUAL PLAN		PREPARED FOR: DUKE COMMERCIAL 4300 N. RD. 725 BARGERSVILLE, IN 46106	
1		November 10, 2023		JOB NO. 2665-1		BARKOCY SURVEYING, INC. PROFESSIONAL LAND SURVEYING & LAND DEVELOPMENT SERVICES 4800 WEST SMITH VALLEY ROAD, SUITE C • GREENWOOD, IN 46142 OFFICE: 317-481-1388 • WWW.BARKOCYSURVEYING.COM	