

Staff Report – Plan Commission

Docket #:	PC2024-018	Hearing Date:	August 12, 2024
Applicant:	Chris Strack, SCS Construction Services, 173 E. Broadway St, Ste. 100, Greenwood		
Owner:	CJS Greenwood, LLC, 200 S. Biscayne Blvd. FL 7, Miami, FL 33131		
Subject Property:	532 N. State Road 135, Greenwood		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317.887.5230		

Request:

Jiffy Lube requests a site development waiver from Sec 10-06-09 (A) – Required sidewalks in subdivisions. A 6-foot sidewalk is required in and along commercial subdivisions. Petitioner requests to waive the sidewalk requirement only along State Road 135. Sidewalk will be installed along W. Fairview Road.

Location:

The subject property is located on the northwest corner of State Road 135 and Fairview Road.
Parcel ID # 41-03-26-044-042.000-041

Existing & Surrounding Land Use:

Existing: Commercial, Medium (CM), Jiffy Lube
 North: Commercial, Medium (CM), Crew Car Wash/LA Fitness
 South: Commercial, Medium (CM), Kroger/Gas Station/Dental Office
 East: Commercial, Medium (CM), Mixed Office/Retail
 West: Commercial, Medium (CM), Mixed Retail/Restaurant

Recommendations:

Staff **recommends denial** of Sec 10-06-09 (A) – Required sidewalks in subdivisions. It would be preferred for the sidewalk to be placed in right-of-way, but this particular right-of-way is controlled by INDOT and they are refusing a sidewalk be placed there. The petitioner has provided a revised sketch showing a reduced landscape strip with a 5-foot sidewalk that may still cause larger vehicles to enter a portion of the sidewalk.

While Staff is understanding of this potential conflict, staff also believes that an option to construct a sidewalk with a roll curb or similar type configuration will allow the sidewalk to be built and allow for larger vehicles to exit the building safely. Although not an ideal situation with vehicles occasionally driving over a portion of the sidewalk, they will be doing so at a very slow rate of speed and would not cause any danger to pedestrians. It is Greenwood's goal and desire to provide a trail and/or sidewalk along the entirety of SR 135. A sidewalk at this particular location fill in a key gap in this desired pedestrian system.

The proposed plans show a minimum of 26.6 feet for traffic exiting the building which would still leave sufficient room for the overwhelming majority of vehicles serviced at this location. The City Engineer may reduce the width of the sidewalk due to slope, grade, topography, or other restrictions encountered in the field if space is a concern.

Attachments:

Waiver Request
 Petitioner Findings of Fact
 Site Plan
 INDOT Denial of Sidewalk
 SR 135 Sidewalk Map
 Turning Radius Diagram

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

Project Jiffy Lube Subdivision

Docket PC2024-018/PC2024-020

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.

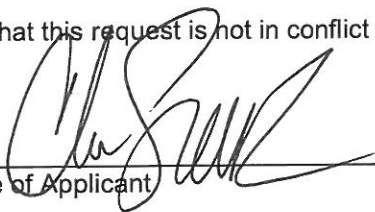
Attach a separate sheet that thoroughly itemizes, explains, and justifies how each Waiver Request meets the Waiver Guidelines outlined above.

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 0'
2. Section 10- 06-09 : Required 6' sidewalk along SR 135 and requesting no sidewalk along SR 135
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



JIFFY LUBE SUBDIVISION

6' SIDEWALK ALONG STATE ROAD 135

FINDINGS OF FACT

Sec. 10-06-09: Sidewalks. A 6 foot wide sidewalk shall be installed along the road within the right-of-way

The Request is to eliminate the 6 foot wide sidewalk. Due to the proximity of the existing building to the existing right-of-way of State Road 135, there is not enough space to provide the required 5' perimeter parking landscaping and a side walk and still allow vehicles to safely and easily turn out of the building. The right-of-way is also INDOT's which they do not typically care for sidewalks in their right-of-way unless it is their sidewalk. Discussions have been made with them and they have also stated due to the location and terrain, they would prefer it to not be in their right-of-way and to request a waiver. The slope of the ground from the curb of State Road 135 to the site is around 19% which means if a sidewalk was to be constructed in INDOT's right-of-way some kind of retaining wall would need to be constructed which again INDOT was not in favor of. The curbing for Crew Car Wash to the North is along the right-of-way of State Road 135 and has no sidewalk either. The site is proposing a 6 foot wide sidewalk along Fairview.

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

the requested reduction is only to not install a sidewalk along a busy State Road. There is no connecting sidewalk to the North and there will be a sidewalk installed along Fairview.

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.

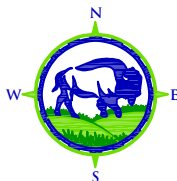
The requirement of a 6 foot wide sidewalk along State Road 135 results in a practical difficulty in the development because the right-of-way is INDOT's and they would not prefer a sidewalk in this right-of-way area due to the steep slope of the ground within right-of-way. The building is in an existing location and therefore there is only a certain amount of area between the building and the right-of-way and for the site to get the 5 foot perimeter landscape buffer and a 6 foot sidewalk would not allow for safe exit for vehicles to leave the building. If the sidewalk was installed on the site along the right-of-way it would also line up with a drive lane of Crew Car Wash which could cause unsafe crossing of pedestrians and vehicles. The site is proposing to install a sidewalk along Fairview.

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 building and site was designed and laid out when there were different ordinances and different requirements and therefore was not originally designed to leave the appropriate amount of space for sidewalks and landscape buffers. The right-of-way terrain is also steep and would require a retaining wall if it was allowed to be installed within the right-of-way. INDOT has stated that it would not prefer it to be installed in the right-of-way and recommended a waiver.

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

The waiver is necessary to be able to redevelop the site and provide safe drive lanes for vehicles to exit the existing structure. It is only a small deviation from the ordinances as the proposed site is proposing to provide a sidewalk along Fairview and there is no connecting sidewalk to the North of the site.

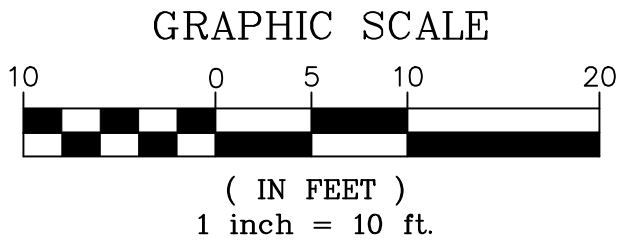


BARKOCY
— SURVEYING INC. —

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.



PARKING NOTES

PARKING REQUIRED:	
Vehicle Care Services - Non-major	
2 PER repair bay	
3 bays	6 SPACES
TOTAL SPACES REQUIRED:	
	6 SPACES
PARKING PROVIDED:	
10' X 18' STALLS	6 SPACES

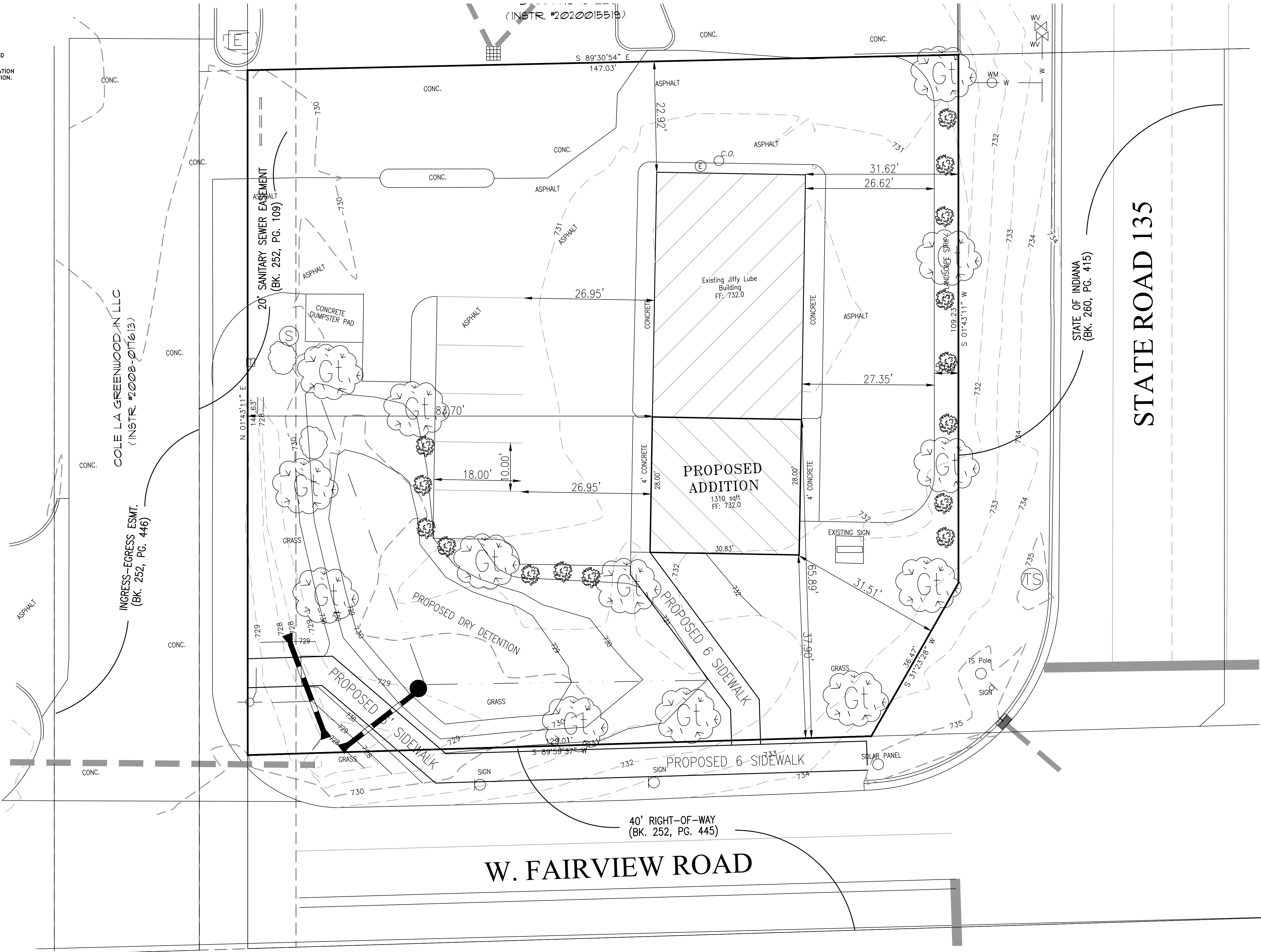
EXISTING LEGEND

SS	SANITARY SEWER
SM	SANITARY MANHOLE
SW	STORM SEWER
SI	STORM INLET
SWI	STORM (CURB) INLET
GL	GAS LINE
TP	TELEPHONE/CABLE PEDESTAL
W	WATERLINE
CL	CONTOUR LINE
OE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTRIC
UT	UNDERGROUND TELEPHONE
UF	UNDERGROUND FIBER
E	ELECTRIC TRANSFORMER
LP	LIGHT POLE

UTILITY STATEMENT:

THE EXISTING UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE AND/OR EXISTING DRAWINGS. BARKOCY SURVEYING, INC. (BS) 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: 1" = 10'	DESIGN BY: AB	CHECKED BY: SB	CORRECTED BY: ANDREW BARKOCY
DATE:	REVISION:	PROJECT NAME: JIFFY LUBE BUILDING EXPANSION 532 N. STATE ROAD 135, GREENWOOD, IN	
		SHEET NAME: WAVIER SITE PLAN	
		PREPARED FOR: SCS CONSTRUCTION 173 E. BROADWAY STREET GREENWOOD, IN 46143	
SHEET 1		DATE JUNE 19, 2024	
		JOB NO. 2574-WAIVERS	

RE: Sidewalk in INDOT RW

Carter, Brandon <BrCarter1@indot.IN.gov>

Thu 2/22/2024 1:17 PM

To: Andrew Barkocy <andrew@barkocysurveying.com>

Andrew,

After speaking with our Special Projects Engineer, it is determined that it would be preferred if you were to ask for a waiver through the city first. Using the owners property is preferred, but INDOT does allow sidewalks in ROW if there isn't another option. From reviewing the plans it looks like you have another option. INDOT engineering's concern on placing the sidewalk in the Right of Way is that you would need to put in retaining walls to deal with the change in elevation.

I hope this helps.

Thank you,

Brandon Carter
Columbus Sub Permits Investigator

185 Agrico Lane

Seymour, IN 47274

Cell: 812-216-2032

Email: BrCarter1@indot.IN.gov



From: Andrew Barkocy <andrew@barkocysurveying.com>

Sent: Thursday, February 22, 2024 7:14 AM

To: Carter, Brandon <BrCarter1@indot.IN.gov>

Subject: Re: Sidewalk in INDOT RW

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hey Brandon,

You are correct we are looking at removing 10' to allow for a landscape buffer which is another requirement of the City. Yes it is also a much better location of the sidewalk but would require a waiver from the City since the landscape depth would be smaller with a sidewalk there. However, if INDOT is against the location of the sidewalk in their right of way we will proceed that way.

Thank you for your assistance with this. Please let me know if you need anything else.

Thank you,

Andrew Barkocy, P.L.S.
Barkocy Surveying, Inc.
4800 West Smith Valley Road, Suite O

Greenwood, IN 46142
(317) 881-3898, Direct (317) 743-8226

On Feb 22, 2024, at 6:15 AM, Carter, Brandon <BrCarter1@indot.in.gov> wrote:

Andrew,

This is our engineer comments and questions for the proposed sidewalk:

"The applicant looks to be removing 10' of existing asphalt in their load out area that would be a very flat spot for the sidewalk as opposed to the slope that would be in the INDOT ROW. Is there a reason they wouldn't use this space for a sidewalk instead?"

Thank you,

Brandon Carter
Columbus Sub Permits Investigator

185 Agrico Lane

Seymour, IN 47274

Cell: 812-216-2032

Email: BrCarter1@indot.IN.gov

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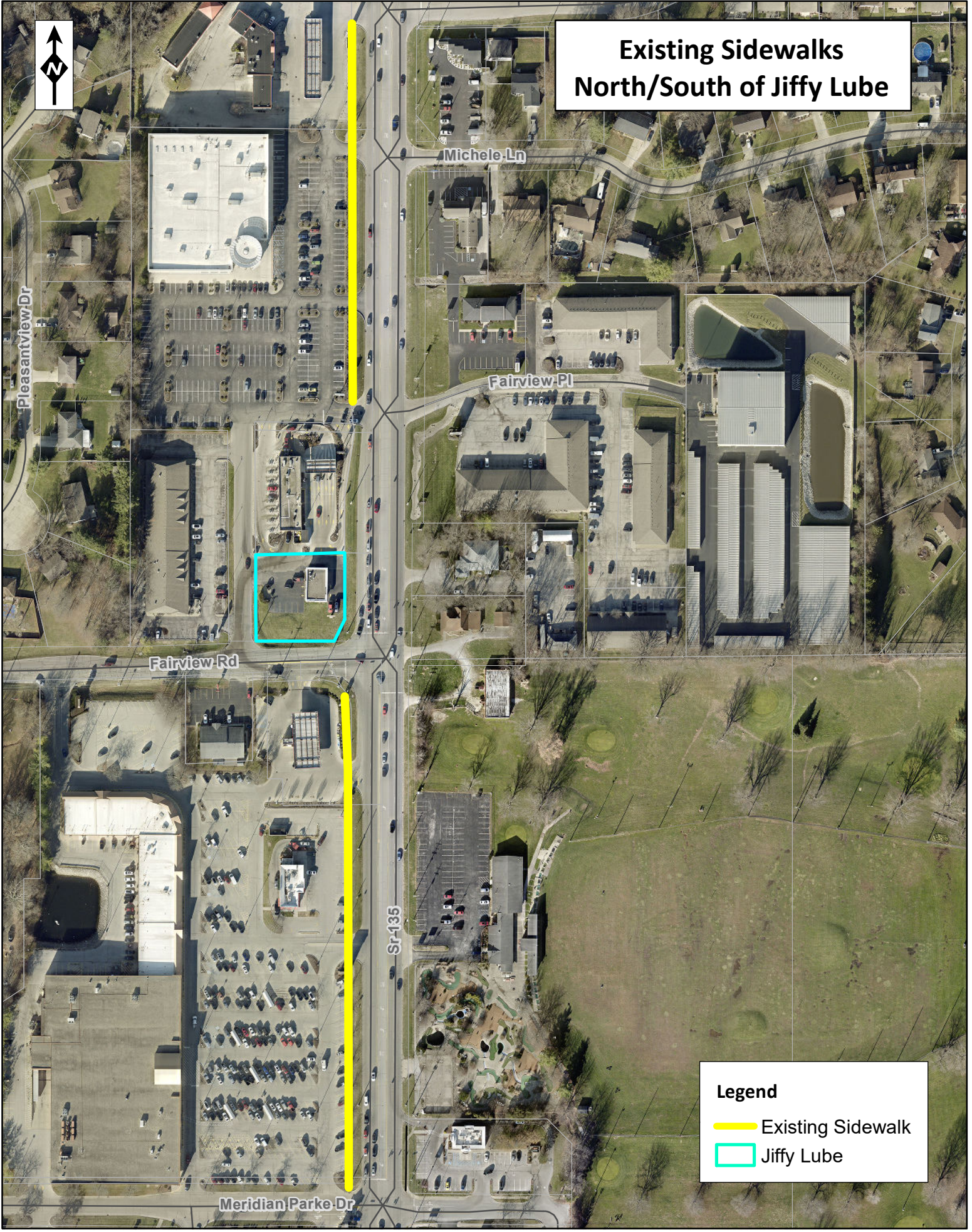
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From: Andrew Barkocy <andrew@barkocysurveying.com>

Sent: Tuesday, February 20, 2024 2:47 PM



**Existing Sidewalks
North/South of Jiffy Lube**

Legend

- Existing Sidewalk
- Jiffy Lube

