

Staff Report – Plan Commission

Docket #:	PC2024-068	Meeting Date:	January 27, 2025
Applicant:	Scott Richardson, Greenwood Park Mall LLC		
Owner:	Greenwood Park Mall LLC PO Box 6120 Indianapolis, IN 46206		
Subject Property:	1251 US 31 North, Greenwood, In 46142 (Greenwood Park Mall Subdivision Lot 7)		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov, 317.887.5230		

Request:

Greenwood Park Mall LLC requests a site development waiver from **UDO. Section. 10-06-05. Streets. I.** Street right-of-way widths shall be in accordance with the Comprehensive Development Plan Map with the following standards intended as a minimum guidelines (actual street right-of-way widths may be greater). Where not designated in the Comprehensive Plan Map, street right-of-way widths, shall not be less than the following: **1. Major Streets b. Primary Arterial – 120 feet Minimum.**

The application would like to request a waiver from the requirement established in the Greenwood Subdivision Control ordinance to provide 60' half right-of-way along East County Line Rd. Required right-of-way will be dedicated as depicted on the attached exhibit (within the Jared Jewelers lease parcel); however, the waiver is for the frontage along the parking lot adjacent to the bus stop and Huntington bank developments, where the required 60' half right-of-way would encroach into the existing parking. It is noted on the primary replat that the 15' right-of way to be dedicated when these outparcels redevelop.

Location:

The subject property is located at 1251 US 31 North, Greenwood, In 46142, Parcel ID 41-02-29-022-008.000-026, and Greenwood Park Mall Subdivision Lot 7.

Existing & Surrounding Land Use:

Existing:	Commercial Large (CL), Regional Mall with commercial
North:	Indianapolis Neighborhood Commercial District (C3) & Community-Regional district (C4) (Indianapolis), commercial
South:	Commercial Large (CL), commercial
East:	Commercial Large (CL), Residential Multi-Unit Complex (RMC) & Commercial Medium (CM), commercial
West:	Commercial Large (CL), commercial

Recommendations:

Staff recognizes the importance of having appropriate right-of-way as outlined in our Unified Development Ordinance to allow for multimodal improvements. While Indianapolis has jurisdiction of improvement of County Line Road, in the future, Greenwood might want to implement pedestrian infrastructure surrounding the bus stop as identified in the Comprehensive Plan.

Therefore, the Staff **Is Favorable** of the waiver because the following condition is being shown on the Primary Replat:

1. The replat denotes an additional 15' right-of-way dedication is needed to meet the required 60' half right-of-way which is to be dedicated with any redevelopment.

Attachments:

Waiver Request
Petitioner Findings of Fact
Replat

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

Greenwood Park Mall Subdivision
Project Lot 7 Primary Re-Plat

Docket PC2024-068

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:

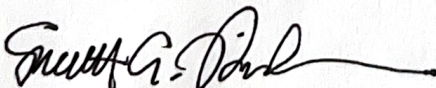
- (1) The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
- (2) The strict application of the applicable ordinance standard will result in practical 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.**

- 06-05. I. Street right-of-way widths shall be in accordance with the Comprehensive Development Plan Map with the following standards intended as minimum guidelines (actual street right-of-way widths may be greater). Where not designated in the Comprehensive Development Plan Map, street right-of-way widths, shall be not less than the following:
1. Section 10- 1.1.b : dards intended as minimum guidelines (actual street right-of-way widths may be greater). Where not designated in the Comprehensive Development Plan Map, street right-of-way widths, shall be not less than the following:
b. Primary Arterial - 120 feet minimum
 2. Section 10- _____ :
 3. Section 10- _____ :
Greenwood Park Mall Subdivision
Lot 7 Primary Re-Plat PC2024-068
 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

Scott Richardson
VP - Development

Waiver Request – Right-of-Way Width along East County Line Road

The applicant would like to request a waiver from the requirement established in the Greenwood Subdivision Control ordinance to provide 60' 1/2 right-of-way along East County Line Road, as requested by Planning Division review comments concerning PC2024-068 dated January 9, 2025. Alternatively, applicant proposes to dedicate a portion of the requested right-of-way along East County Line Road as depicted on the attached exhibit, within the Jared Jewelers lease parcel.

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.

The approval of the waiver will not be detrimental to the public welfare. Without this waiver, a portion of the requested right-of-way to be dedicated along East County Line Road will encroach onto the existing parking lot and Huntington Bank developments. Approval of the waiver will allow for this development to continue normal operations and serve the public safely and effectively. Approval of the waiver will not detrimentally impact adjacent properties within reasonable proximity to the mall.

(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 lots located along East County Line Road are existing. Dedicating the requested right-of-way, which would be the strict application of the applicable ordinance, will result in the potential loss of these parking spaces which would make it difficult for the existing developments to effectively serve the public. Since the development that would be impacted currently exists, approval of this waiver would not alter the character of the district.

(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 existing parking lots along East County Line Road were constructed as part of private development on the Greenwood Park Mall parcel. There was not an expectation at the time of development that the right-of-way along East County Line Road would be expanded to encroach into these parking lots. When the Jared Jewelry lease parcel was developed back in 2007, there was a 20' front yard setback imposed on that development, restricting paved surfaces to be constructed within the setback. We request that a similar requirement be placed on the parcel east of the entrance by Jared Jewelry when it redevelops. We are willing to capture this requirement on this plat so that it gets recorded and therefore be triggered when the parcel gets redeveloped.

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

The waiver request is necessary to allow the existing development to maintain all existing parking needed to effectively operate and serve the public. The waiver request represents a minimal deviation from the ordinance standards as the applicant is willing to dedicate the portion of requested right-of-way on the Jared Jeweler lease parcel and include a note on the plat that “15’ right-of-way to be dedicated when the outparcel redevelops”

