

# Staff Report – Plan Commission

<b>Docket #:</b>	PC2020-061	<b>Hearing Date:</b>	November 22, 2021
<b>Address:</b>	Southeast corner of Pushville Rd and Emerson Ave		
<b>Applicant:</b>	Kevin Sumner, Weihe Engineers		
<b>Owner:</b>	Lennar Homes of Indiana		
<b>Staff Contact:</b>	Dale Davis, <a href="mailto:davisd@greenwood.in.gov">davisd@greenwood.in.gov</a> , 317.883.8051		

**Request:**

Petitioner requests a waiver of Section 10-03-06 (H) Streetscaping to relocate 10% of the street trees to common areas around the project based on staff review and direction. This is for the entirety of Elmwood Estates.

**Location:**

Elmwood Estates - Southeast corner of Pushville Rd and Emerson Ave

**Existing & Surrounding Land Use:**

The Site: RM

North: RM

West: RL

South: RL

East: AG

**Recommendation:**

Staff **recommends approval** of this petition. Staff finds that the relocated landscaping avoids driveway and utility conflicts and incorporate the landscaping in common areas with no conflicts.

Staff will require a final landscape plan when two lots are left for each section to identify the relocated trees.

**Attachments:**

Waiver request



City of Greenwood Plan Commission

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

Project Elmwood Estates 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- Article 3. 6. H. = Streetscaping
- 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

November 16, 2021

City of Greenwood  
300 South Madison Avenue  
Greenwood, IN 46142

RE: Elmwood Estates

On behalf of the developer, Lennar Homes of Indiana, Inc., below is a Landscape Waiver Request we would like to be considered for this project:

1. **Article 3.6.H. Streetscaping** | as it relates to the location of the street trees that are required to be every 40' on center.

**Request:** We request the ability to move 10% of the street trees to common areas around the project based upon staff direction and review. The amount of street trees required is approximately 600. This would indicate approximately 60 of these street trees would be located to appropriate common areas around the project, subject to staff approval.

**Justification for request:** Due to driveways and utility locations, we are not able to fit all street trees next to the street. Our plan is to plant the same number of trees required by the ordinance, put as many as possible along the streets, then with the leftover number of trees added to common areas.

Should you have any further questions or requests for additional information pertaining to this project review, please contact me at 317-846-6611.

Sincerely,



Kevin Sumner, P.S.  
Sr. Project Manager