

# Staff Report – Plan Commission

<b>Docket #:</b>	PC2024-045	<b>Hearing Date:</b>	September 9, 2024
<b>Applicant:</b>	Thomas Loudermilk, 3465 W. Newhart Street, Indianapolis, IN		
<b>Owner:</b>	Thomas Loudermilk, 3465 W. Newhart Street, Indianapolis, IN		
<b>Subject Property:</b>	509 & 517 Pleasant Run Drive, Greenwood		
<b>Staff Contact:</b>	Gabe Nelson, nelsong@greenwood.in.gov, 317.887.5230		

## Request:

The Petitioner requests a landscape waiver from the following Sections of the Unified Development Ordinance:

1. Sec 10-03-06 (I) - Buffering: A large (40') buffer yard is required between 509 and 517 Pleasant Run Drive where CM abuts RM zoning, consisting of 5 canopy/evergreen, 4 ornamental, and 20 shrubs every 100'. The 138' would require 7 canopy/evergreen trees, 5 ornamental trees, and 27 shrubs.
2. Sec. 10-03-06 (J)(2) – Perimeter Parking Lot Landscaping: A minimum 5-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot. The landscaping shall consist of 1 tree and 3 shrubs per 35'. The 325' perimeter would require 9 canopy/evergreen trees and 28 shrubs.

## Location:

The subject property is located at the southeast corner of N. Madison Avenue and Pleasant Run Drive. Parcel ID # 41-02-29-024-030.000-026 & 41-02-29-024-029.000-026.

## Existing & Surrounding Land Use:

Existing: Commercial Medium (CM) & Residential Medium (RM), Vacant Land (Floodway)  
North: Commercial Medium (CM), Undeveloped Land (Floodway)  
South: Commercial Medium (CM), Domino's Pizza (Floodway)  
East: Residential Medium (RM), Pleasant Run Subdivision/Single Family Residential  
West: Commercial Large (CL), Greenwood Park Mall/Vacant Sears Auto Center Building

## Recommendations:

Staff **recommends approval** of Sec 10-03-06 (I) - Buffering. The two parcels used for this produce stand have different zones which would require a bufferyard in between the two parcels to coincide with the zoning change. This would be completely impractical for the use of either lot. Through the use variance obtained last year to allow the produce stand, the petitioner was conditioned to essentially move the bufferyard to the eastern edge of the two parcels to buffer against the residential uses. This waiver is necessary to validate that condition.

Staff also **recommends approval** of Sec. 10-03-06 (J)(2) – Perimeter Parking Lot Landscaping. The petitioner will be using an existing paved area for parking as to not cause any additional impact on the flood hazard area in which this is located. The waiver would allow for plantings to be excluded from the north, east, and west sides as there are drainage ways and easements that would make these plantings a hindrance to the drainage and easement access. The petitioner shall work with Staff on maximizing the number of plantings along the south and to the extent any can be planted along the west sides of the parking area.

## Attachments:

Waiver Request  
Petitioner Findings of Fact  
Site/Landscape Plan

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

Project \_\_\_\_\_

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.

*Separation Utilities Ditch*  
*Between Prop Under Ground*  
**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 - I Parking Lot Landscaping 2. Perimeter Parking
- ~~2. Section 10- \_\_\_\_\_~~ Lot Landscaping
3. Section 10- 03-06 - I Buffering
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

Attention to: City of Greenwood Plan Commission

From: Thomas E Loudermilk

RE: Subdivision, Site Development, Parking and/or Landscape Waiver Request

Date: 08/26/2024

In conclusion of the hearing held November 13<sup>th</sup>, 2023, Docket# BZA2023-040, the following was determined by Greenwood Board of Zoning Appeals:

Condition #5, Thomas Loudermilk will plant 7 Trees and 21 Shrubs on the East side of the property adjoining the residential property. Petitioner Thomas Loudermilk will work with Staff on spacing and planting type in the Flood Hazzard Area.

Condition #6, Street Trees shall be planted in accordance with Exhibit F (attached) on Pleasant Run Drive and Madison Avenue.

Condition #7, A waiver from Landscape Standards shall be obtained. Thomas Loudermilk will work with Staff to determine appropriate number of locations of parking lot perimeter and other required plantings, hence forth submission of this request and application.

As a result from these proceeding outcomes, Thomas Loudermilk will plant 6 shrubs the west side of the property that runs alongside Madison Avenue. Three shrubs will be planted perpendicular from the most southern shrub planted along Madison Avenue, towards the west.

Thomas Loudermilk will plant a tree on the Northwest side of the property, he will plant one tree on the Southwest side of the property and will plant Two trees plant on the Northeast side of the property. Seven trees and 21 shrubs will be planted on the east side of the commercial property, adjoining the residential property. Trees and shrubs will be strategically planted to order to separate the property from the established ditched on Pleasant Run Drive, or Northside of the property, as well as separation of utilities, ensuring no deviation from explicit ordinance standards. Thomas will work with Staff in determining the planting distance inbetween each tree, as outlined in the staff report provided.

Trees planted on the Madison and street side of the property will be White Oak.

Trees planted on the East side of the property will be Flowering Dogwood.

Shrubs planted on the East side of the property will be Goats Beard Shrubbery.

Shrubs planted along the Madison Avenue side of the property, perpendicular, along the south side of the parking lot will be Alder Leaved Buck Thorn Shrubbery.

For these above aforementioned reasons, Thomas Loudermilk respectfully requests consideration by the Greenwood Plan Commission to waive the requirements established by the Following sections of the Green Municipal Code for Subdivision Control Ordinance, Site Development, Zoning, Ordinance as it relates to parking requirements, and landscaping requirements for the City of Greenwood.

Respectfully,

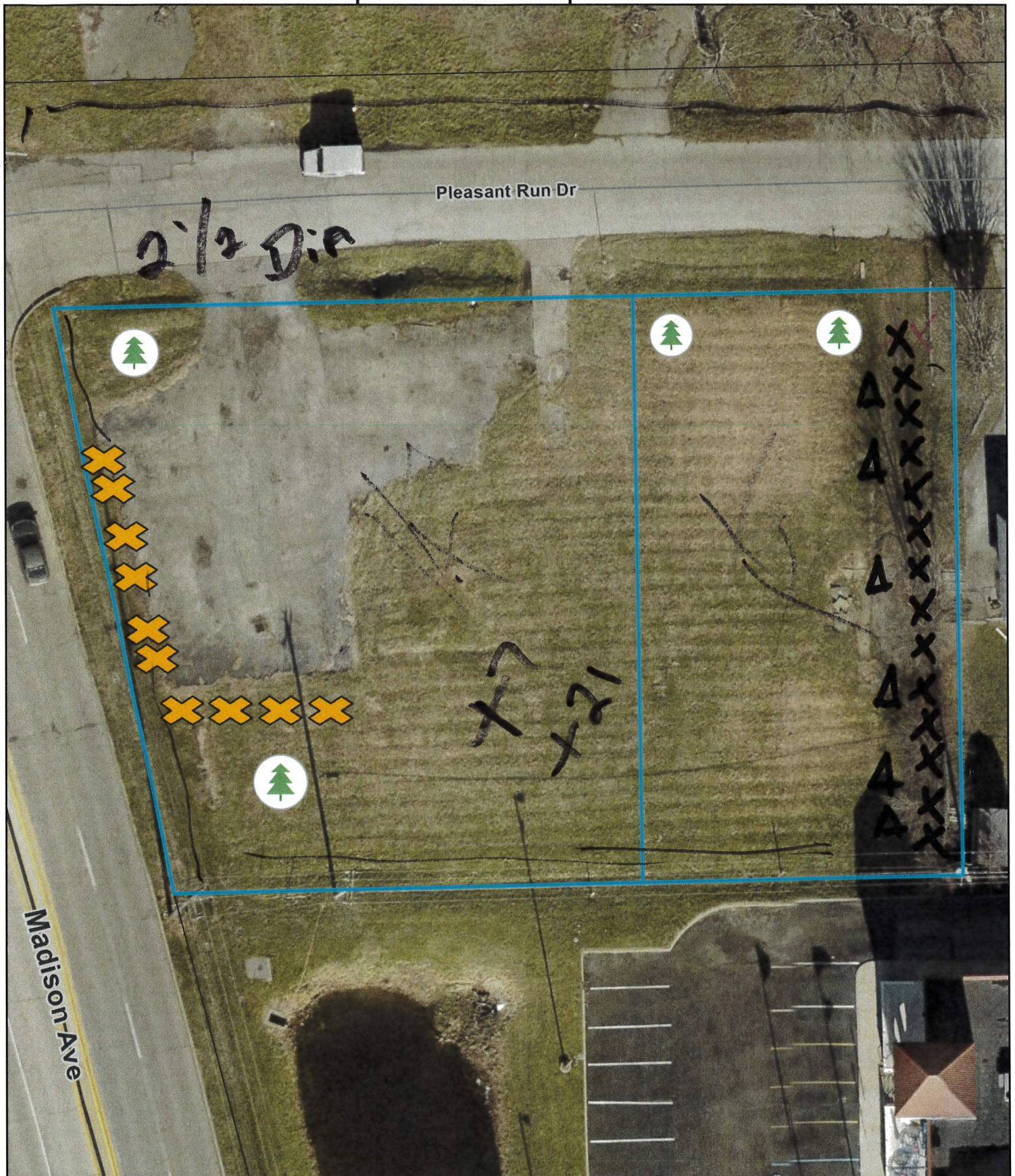
A handwritten signature in blue ink, appearing to read "Thomas L", written over a horizontal line.

Thomas Loudermilk



# Proposed Landscape Sketch

Exhibit F



Legend

Proposed Tree

Proposed Shrub/Ornamental Tree

