

## PLAN COMMISSION STAFF REPORT

APPLICATION NO:	PLAT-2023-03
HEARING DATE:	May 09, 2023
SUBJECT:	Primary Plat
LOCATION:	9591 W 650 S., Pendleton, IN 46040
PETITIONER(S):	Alan Small, Weihe Construction
SUMMARY:	Major Subdivision to split the lot into 2lots.
WAIVERS REQUESTED:	V10.2.16.D Waiver to permit 1 drive instead of 2.
RECOMMENDATION:	Recommend APPROVAL of Primary Plat to the Council
PREPARED BY	Grant List, Planning Aid

EXHIBITS

## PROCEDURE

### History

1. **Application.** The application was filed in April of 2024 for a public hearing at the May 08, 2024 Plan Commission meeting. The petitioner applied to subdivide this property into 2 lots
2. **Notice.** The notices were sent out stating the request above. The notice of the public hearing was mailed to the surrounding property owners dated April 17, 2024.
3. **Public Hearing.** The public hearing of this request will be held on May 08, 2024 at the regular Plan Commission meeting.

### Next Steps

The Board of Zoning Appeals can review the Planning Commission's recommendation regarding this case at their June 6th, 2024 meeting. The Plan Commission may send their recommendation to the Town Council, and the Town Council will be the final authority on either approving or denying this request.

## CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

## ABOUT PROJECT

### Location

The subject site is located on the south side of West County Road 650 South, about half a mile west of the State Road 13.

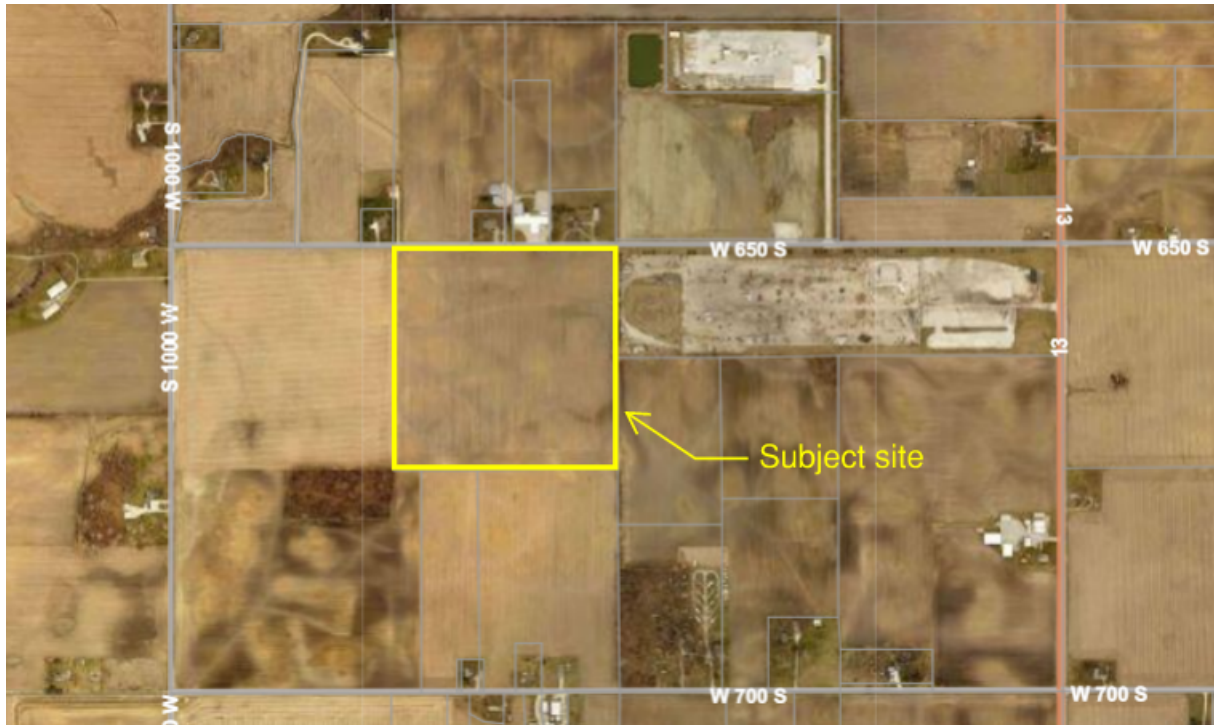


Figure 1. Location Map

### Proposal

The petitioner is requesting to subdivide the property to two lots, roughly 20 acres each. This will be a subdivision of the parent lot. Lapel's UDO 12.1.2 states that this division requires a major subdivision. The petitioner are requesting a waiver to permit them to waive a second access drive requirement (V10.2.16.D:Drive Standards of IG zoning district), using 1 access point to separate from the existing homeowner. The Plat and plan allow for a future public thru street. The request for waivers need to be reviewed by the Planning Commission at a public hearing.

### **PROCEDURE**

Per Lapel's UDO, V 12.1.2 Industrial Subdivision *"The subdivider shall follow the procedure for Major Subdivisions provided in this Ordinance..."*. Also, for Waivers of Subdivision regulations, *"General Provisions: Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may grant waivers of the subdivision regulations set forth in this Ordinance so that substantial justice*

*may be done and the public interest served. No waiver shall be granted in relief of mere inconveniences or financial disadvantages of the subdivider.”*

**Decision Criteria:** The Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case, such that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare;
2. The granting of the waiver will not be injurious to the reasonable use and development of other property;
3. The conditions upon which the request for waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
4. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out; and
5. The waiver will not contradict the intent of the Lapel Zoning Ordinance or Comprehensive Plan.

## ANALYSIS

The subject site is currently zoned General Industrial and is “vacant land” per tax use records. The surrounding zoning and uses are Agricultural, General Industrial, and General Commercial. The site is surrounded mostly by the vacant land. While the auction place to the east is zoned General Commercial, the character of the use, outdoor storage of heavy construction equipment matches the description of the use that is permitted only in the General Industrial zoning district as a Special Use. The uses to the north of the subject use are mixed: agricultural, residential, light industrial (cabinetry), and general industrial (gravel operation). The proposed scope of uses by the applicant matches some of the surrounding uses or does not negatively affect some, like vacant land.

Per V 12.1.2 “...but in terms of lot arrangement shall only be required to show two defined lots and a block layout”

The proposed lot divide of 2 lots, roughly 20 acres each. This meets the General Industrial zoning and UDO requirements.

Per V10.2.16.D “Industrial sites must have a minimum of two (2) access points from the public road.”

The proposed plan and plat allow for future public thru street across the site, which can facilitate a second entrance to the site. Additionally, the main purpose of the standards are “provide for a safe and efficient vehicular and pedestrian transportation system”. According to V10.2.16.C, the drive “...shall be designed so that vehicles are traveling in a forward direction when entering and leaving”, which has been facilitated by the current planned driveway for the developed portion of the site. Furthermore, the second property is designated to remain undeveloped, not requiring a drive currently. For the remaining lot to have a secondary drive other than what is proposed would not be justifiable and could create conflicts for the undeveloped lot in the future. The staff believe that the current planned drives will suffice to fulfill the purpose of the drive standards.

## RECOMMENDATION

Staff recommends approval of application PLAT-2023-03 because:

1. The proposed subdivision is allowed for this property and retains compatibility with the surrounding area;
2. The granting of the waiver will not be detrimental to the public safety, health or welfare;
3. The granting of the waiver will not be injurious to the reasonable use and development of other property;
4. The conditions upon which the request for the waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
5. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out; and
6. The waiver will not Contradict the intent of the Lepel Zoning Ordinance or Comprehensive Plan.

## MOTION OPTIONS (Subdivision Request)

1. Motion to **approve** the waiver as per submitted application PLAT-2023-03.
2. Motion to **deny** the waiver as per submitted application PLAT-2023-03. **(List reasons)**
3. Motion to **continue** the review of the application PLAT-2023-03 until the next regular meeting on July 13, 2024.

Next Plan Commission meeting date(s): July 13, 2024.