



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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Plan Commission Staff Report

To: Plan Commission Members
From: Joanna Myers, Senior Planner
Date: March 10, 2015
Re: **Case PC 2015-01 (PP): Kroger Subdivision**

REQUEST:

Case PC 2015-01 (PP)...Kroger Subdivision. A request by The Kroger Company for approval of a primary plat for a one (1) lot and one (1) block commercial subdivision and approval of waiver requests. The subject property is located on 21.74 acres north of Mallory Parkway and west of N. Morton Street (US 31). The property is currently zoned MXC (Mixed Use: Community Center) & GW-OL (Gateway Overlay). The site plan for the development of Lot 1 is being reviewed concurrently.

ZONING:

Surrounding Zoning

North: MXC (Mixed Use: Community Center) & GW-OL
South: MXC (Mixed Use: Community Center) & GW-OL
East: MXC (Mixed Use: Community Center) & GW-OL
West: MXC (Mixed Use: Community Center) & GW-OL
RSN (Residential: Suburban Neighborhood)

Surrounding Land Use:

North: Big Lots & Tractor Supply Co.
South: Kohl's
East: Commercial uses
West: Canary Creek Cinema
Single-family residential

CONSIDERATIONS:

1. The Kroger Company has requested primary plat approval for a commercial subdivision that includes one (1) lot, one (1) block and a common area.
2. The Kroger Company has also submitted site development plans for a proposed 123,602 sq. ft. Kroger Marketplace store to be constructed on Lot 1. The store includes other smaller uses interior to the proposed structure, possibly including a drive-through pharmacy, home selections, and a Starbucks Coffee.
3. Vehicular access will be provided from N. Morton Street (US 31) utilizing the existing drive, which includes an ingress/egress easement, between Jimmy John's and Canary Creek Shoppes, and three new access drives on Mallory Parkway that will align with the existing Kohl's entrance drives on the opposite side of the street.
4. The east and west interior drives located on Lot 1 include access easements in order to provide access to Block A. In addition, the east-west interior drive located on the north side of Lot 1 will also include an access easement providing access to Block A.

5. An existing 48' ingress/egress easement is located at the southwest corner of Lot 1. The existing drive to Canary Creek Cinemas is located within this easement. The Kroger Company is proposing to relocate the existing Canary Creek Cinemas entrance drive to the Cinemas site to the west. An agreement for this proposal is not in place yet.
6. The north portion of the subdivision is delineated as Block A as the end user of that area has not been determined. Block A could potentially be divided into additional lots consistent with commercial subdivisions. Prior to development of Block A, additional Secondary Plats would be required to be recorded delineating Lot 2, 3, etc.
7. A detention pond is proposed to be located within a Common Area at the north end of the subdivision. The pond has been designed for the build out of the entire subdivision. As Block A is further developed, drainage verification will be required to be submitted with that future development.
8. The Technical Review Committee reviewed the petition at their February 23, 2015 meeting. Revised plans were received March 9, 2015 and reviewed with the following comments being provided:
 - a. Please provide the appropriate documentation from CC Cinemas, LLC regarding proposed relocation of their drive and proposed improvements within the existing ingress/egress easement and/or relinquishment of the existing easement.
9. The Board of Zoning Appeals conditionally approved the following variance requests at their March 4, 2015 meeting:
 - a. Article 3, Chapter 18 (Maximum Lot Area)
 - b. Article 3, Chapter 18 (Maximum Lot Coverage)
 - c. Article 7, Chapter 11 (Loading Berth)
 - d. Article 7, Chapter 12 (Entrance Drive Separation)
 - e. Article 7, Chapter 19 (Large Scale Retail Architectural Standards – Display Windows)
 - f. Article 7, Chapter 19 (Large Scale Retail Architectural Standards – Customer Entrance)
 - g. Article 7, Chapter 19 (Large Scale Retail Architectural Standards – Detail Features)
 - h. Article 7, Chapter 19 (Large Scale Retail Architectural Standards – Recesses / Projections)
 - i. Article 5, Chapter 4 (Gateway-Overlay – Foundation Plantings)
10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”

WAIVER REQUESTS:

1. Article 6.3(B)(2) of the City of Franklin Subdivision Control Ordinance states that every lot shall abut a public street, or private street approved with a primary plat.
 - a. Staff Comment – Block A does not include frontage along a public or private street. The petitioner has proposed to provide access to Block A (future Lot 2, 3, etc.) by utilizing an existing ingress/egress easement from N. Morton Street and additioanl access easements along the east (existing drive from Mallory Parkway), west, and north side of Lot 1.

The existing drive that runs north from Mallory Parkway, immediately west of the existing businesses on N. Morton Street (US 31), is located within the eastern 30' access easement as shown on the primary plat.

The petitioner has indicated that the condition of the existing drives from N. Morton Street and Mallory Parkway will be addressed with the development of Lot 1.

The proposed access easements align with the proposed interior drives of Lot 1 and will provide adequate access to Block A. Further division of Block A may require additional access easements to be provided within the area of Block A. These will be reviewed at that time.

An existing watermain is located within an easement along the east side of Block A. Indiana American Water has confirmed the location of the line and has indicated that users within the area of Block A can tie into the line as long as the line is located onsite to their property. Therefore, it is imperative that we ensure that each lot divided within the area of Block A include a minimum of 10 linear ft. of waterline on the lot itself.

2. See the attached waiver request from the petitioner outlining the reasons for the request of waivers.

CRITERIA FOR DECISION (WAIVERS):

As outlined in Article 2.4 of the Subdivision Control Ordinance, the Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented by the petitioner in each specific case, indicating how:

1. **Public Welfare:** The granting of the waiver will not be detrimental to the public safety, health, and/or welfare;
2. **Adjacent Property:** The granting of the waiver will not be injurious to the reasonable use and development of other property;
3. **Unique Conditions:** 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;
4. **Physical Conditions:** Because of the particular physical surroundings, shape, or topographical conditions or the specific property involved a hardship to the owner would result if the strict letter of these regulations were carried out; and
5. **Comprehensive Plan:** The waiver will not contradict the intent of the City of Franklin Comprehensive Plan.

CRITERIA FOR DECISIONS (PRIMARY PLAT):

In taking action on primary plat requests of a major subdivision, the Plan Commission shall use the decision criteria outlined in Article 4.2(F)(2) of the City of Franklin Subdivision Control Ordinance.

1. **Subdivision Control Ordinance Requirements:** The consistency of the proposed primary plat with the requirements of the Subdivision Control Ordinance;

2. **Zoning Ordinance Requirements:** The consistency of the proposed primary plat with the standards of the zoning district in which it is located; and
3. **Other Requirements:** The consistency of the proposed primary plat with any other applicable standards.

The Plan Commission may 1) approve, 2) approve with conditions, 3) deny, or 4) continue the petition to the next regularly scheduled Plan Commission meeting. In order to make a motion to deny, the petition must not meet the specific requirements of the Subdivision Control Ordinance or Zoning Ordinance.

Following approval of the primary plat, the petitioner shall submit Secondary Plat & Construction Plans for review and approval as outlined in the Subdivision Control Ordinance.

STAFF RECOMMENDATION:

If the Plan Commission finds sufficient evidence to approve the waiver requests, staff recommends *approval of the primary plat with the following conditions:*

1. If an agreement is reached to relocate the Canary Creek Cinemas entrance drive on Mallory Parkway, petitioner shall provide a copy of the agreement with CC Cinemas, LLC, to Planning Staff prior to Site Development Plan approval.
2. A minimum of 10 linear ft. of the existing waterline shall be located onsite of each lot divided within the area of Block A.