



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner and Travis Underhill, City Engineer

Date: May 12, 2015

Re: **Case PC 2015-13 (PP): Davenport Minor**

REQUEST:

Case PC 2015-13 (PP)...Davenport Minor. A request by W. Bennett Davenport for approval of a primary plat for a 2 lot single-family residential minor subdivision and approval of waiver requests. The subject property is located on approximately 23.5 acres at 242 Fairway Court. The property is currently zoned RS-1 (Residential: Suburban One).

CURRENT ZONING:

Residential: Suburban One (RS-1) - Lot Standards

Min. lot area: 15,000 sq.ft.

Maximum lot area: not applicable

Min. lot width (at front setback): 100 feet

Maximum lot coverage: 50%

Minimum living area: 1,800 sq.ft.

Min. front yard setback: 20 ft (local) 30 ft (collector)
50 ft (arterial)

Min. side yard setback: 10 feet

Min. rear yard setback: 25 feet

Surrounding Zoning:

North: RS-1 (Residential: Suburban One)

PUD (Planned Unit Development)

South: RS-1 (Residential: Suburban One)

East: RS-1 (Residential: Suburban One)

PUD (Planned Unit Development)

West: RM (Residential: Multi-family)

Surrounding Land Use:

North: Golf course

Future Single-family residential

South: Single-family residential

East: Golf course

Single-family residential

West: Multi-family residential

CONSIDERATIONS:

1. The petitioner is requesting to subdivide the existing property located at 242 Fairway Court into two (2) lots. See attached aerial.
 - a. Lot 1 – 10 acres – to include the existing house, outbuildings, pond, and driveway.
 - b. Lot 2 – 23.5 acres – to include existing tillable acreage.

2. The Technical Review Committee reviewed the petition at their April 30, 2015 meeting. Revised plans (attached) were received May 6, 2015 and reviewed with the following comments being provided:
 - a. All lots are required to abut a public or private street or obtain a waiver from the Plan Commission. (Article 6.3(B)(2) – WAIVER REQUEST PENDING – LOT 1 ONLY)
 - b. All lots are required to be served by public sewer and water or obtain a waiver from the Plan Commission. (Article 6.16 & 6.17– WAIVER REQUESTS PENDING – LOT 1 ONLY)
 - c. Ingress/egress easements needed for existing drive crossing Keith & Barbara Cohoon property and additional area of Brian & Cheryl Wilkerson property.
 - d. Please provide a copy of the survey.
3. As proposed, Lot 1 does not abut a private or public street and would be accessed by ingress/egress easements.
4. The existing drive for the existing house on Lot 1 currently runs from Fairway Court and crosses private property. An existing ingress/egress easement is provided on Lots 4 & 5 of Club Estates for this drive. However, it appears that a portion of the drive is located outside of the existing ingress/egress easement of Lot 4 and crosses private property owned by Keith & Barbara Cohoon, north of Lot 5. A survey of the property should identify the exact location of the existing drive.
5. As proposed, Lot 2 abuts a public street (Milford Drive) and has a street frontage of 90.45 ft. This street frontage is the only street frontage the existing property maintains.
6. The existing house is currently served by septic and private well. The petitioner is requesting a waiver to allow the house to remain on septic and private well. If a structure is proposed to be built on Lot 2, it would be required to connect to sanitary sewer and public water as the waiver request pertains to Lot 1 only.
7. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. “Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in small-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood.”

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, consistent with the requirement of this Ordinance and the Zoning Ordinance
 - a. Staff Comment – The minimum lot width for property zoned RS-1 is 100 ft. The only existing street frontage of the 23.5 acres is 90.45 ft. in width adjacent to Milford Drive. The petitioner is requesting that a waiver be granted to allow Lot 2 to maintain the existing street frontage of 90.45 ft. and to allow Lot 1 to maintain no street frontage with access being provided by an existing drive within ingress/egress easements.

2. Article 6.16(A) states that lots in all subdivisions, except those located in the A and RR zoning districts, shall be served by sanitary sewers and Article 6.17(A) states that lots in all subdivisions, with the exception of those in the A and RR zoning districts, shall be provided with water supplied by the appropriate utility.
 - a. Staff Comment – The existing house (proposed Lot 1) is currently served by a septic system and private well. The petitioner is requesting a waiver for Lot 1 only from the above regulations in order to allow the existing house located on Lot 1 to continue to be served by a septic system and private well.
3. See the attached waiver requests 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 minor subdivision, the Plan Commission shall use the decision criteria outlined in Article 3.2(E)(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. Upon review of the survey, all necessary ingress/egress easements for the existing drive shall be obtained and recorded or the drive shall be relocated within existing ingress/egress easements.
2. If the existing septic fails, Lot 1 shall connect to sanitary sewer.
3. If the existing private well fails, Lot 1 shall connect to public water.
4. Lot 2 shall be served by sanitary sewer and public water.