

MINUTES

FRANKLIN CITY PLAN COMMISSION

May 19, 2015

Members Present:

Jim Martin	President
Kevin McElyea	Vice-President
Chris Phillips	Secretary
Georganna Haltom	Member
Tim Holmes	Member
Debbie Swinehamer	Member

Members Absent:

Joe Abban	Member
Pam Ault	Member
Steve Davis	Member
Suzanne Findley	Member
Diane Gragg	Member

Others Present:

Joanna Myers	Senior Planner
Alex Getchell	Associate Planner
Lynn Gray	Legal Counsel

Call to Order:

Jim Martin called the meeting to order at 7:00 p.m.

Approval of Minutes:

Deb Swinehamer stated that on Page 3, Vic Vornehm should read Mick Vornehm. Deb Swinehamer made a motion to approve the April 21, 2015 minutes as amended. Kevin McElyea seconded the motion. The motion carried.

Swearing In:

Ms. Gray stated that in order to have official action a majority of the entire membership must vote one way or the other. There are a total of 6 members present which results in a quorum, however; she noted that all 6 members must vote the same or the case would be automatically continued to the next meeting. En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

Reports of Officers and Committees:

Joanna Myers, Senior Planner, stated that the last Technical Review Committee meeting was held on April 30, 2015. She stated there were three cases heard at the meeting and all three will be heard this evening.

Old Business:

None.

New Business:

PC 2015-11 (A) & PC 2015-12 (R): Meijer Annexation and Rezoning:

Mr. Martin introduced the cases. Ms. Gray stated that the Plan Commission is charged with reviewing the petitions and providing a recommendation to the City Council for final action.

Jon Sheidler, Woolpert civil engineering consultant for Meijer, stated that a portion of the subject property is currently not located in the city limits and needs to be annexed. This area is approximately 3.33 acres in size and is located immediately adjacent to the city limits to the west and runs from Simon Road to Commerce Drive. This area is labeled as Parcel B on the exhibit. In addition, he stated Meijer is requesting that Parcels A, B, and C be rezoned to Mixed Use: Regional Center. He stated that the property at the northwest corner of Morton Street/US 31 and Simon Road is not included in the rezoning request and is owned by a third party.

Ms. Gray stated that there are five criteria that the petitioner needs to address in regard to the rezoning request. Mr. Sheidler requested that the Plan Commission adopt the staff report as the petitioner's findings.

Ms. Haltom asked what the status was of Parcel C. Mr. Sheidler stated that the property was currently under contract for purchase by Meijer and would be included within their development.

Robert Norman, 1078 Sunmeadow Circle, asked if Meijer had looked at other locations zoned for their business, specifically by the interstate. Ms. Gray stated that the property is currently zoned Mixed Use: Community Center (MXC) which permits retail uses. She stated they are requesting a rezoning to Mixed Use: Regional Center (MXR) which also permit retail uses. Ms. Myers stated that the 3.33 acres requested to be annexed is the only portion not currently zoned MXC.

Staff recommends a favorable recommendation for annexation be forwarded to City Council.

Action taken on PC 2015-11 (A): Meijer Annexation:

Tim Holmes made a motion to forward a favorable recommendation for annexation to City Council. Kevin McElyea seconded the motion. The motion carried.

Staff recommends a favorable recommendation for rezoning be forwarded to City Council.

Action taken on PC 2015-12 (R): Meijer Rezoning:

Kevin McElyea made a motion to forward a favorable recommendation for rezoning to the City Council. Georganna Haltom seconded the motion. The motion carried.

Ms. Gray stated that both petitions will be forwarded to City Council for official action.

PC 2015-13 (PP): Davenport Minor Subdivision:

Mr. Martin introduced the case. Brad Ott, Main Street Consulting agent for petitioner, stated that the request is to divide the 23.5 acre property at 242 Fairway Court into two lots. He stated that the owner has been trying to sell the property for 2 years and has not been able to find a buyer for the entire 23.5 acres. The current prospective buyer would only like to purchase 10 acres. Lot 1 will include the existing house and pond on 10 acres. The property line will follow the woodline and grass area. Lot 2 will consist of the tillable area and be approximately 13.5 acres.

Mr. Ott stated that they are also requesting two waivers: (1) to allow the existing house to continue to be served by the existing septic and well and (2) to allow Lot 1 to have no street frontage and continue to be accessed by an ingress/egress easement on Lots 4 & 5 of Club Estates and to allow Lot 2 to have a reduced street frontage to 90.45 ft. as that is the existing street frontage and cannot meet the minimum requirement of 100 ft. in width.

Mr. Ott stated that the waiver requests will not be detrimental to the public welfare as the house is currently served by septic and well. He stated that if septic would fail, the owner would be required to hook onto public sewer and if the well would fail, the owner would be required to hook onto public water. He stated that the reduction of the street frontage requirement for both lots would not negatively impact the public welfare as the condition currently exists and access is provided to Lot 1 by an ingress/egress easement. He stated that the petitioner agrees with staff's recommendation that additional easements would be obtained if needed.

Mr. Ott stated that the adjacent properties would not be negatively impacted as both requests are in regard to existing conditions.

Mr. Ott stated that the unique condition of the property is that the property has been served by septic and well and accessed by an ingress/egress easement since it was constructed 30 years ago.

Mr. Ott stated that the particular physical condition of the property that results in a hardship is that there is no street frontage existing for Lot 1 and that there is only 90.45 ft. of street frontage available for Lot 2. He stated that the hardship is that connecting to public water and sewer is only being required in order to split the property and they are not proposing to change any existing conditions.

Mr. Ott stated that the waivers do not contradict the Comprehensive Plan as indicated by the staff report.

Ms. Gray inquired to whether or not the petitioner agrees commit to the conditions outlined in the staff report. Ms. Gray clarified that Condition 4 was in regard to when Lot 2 was developed. Ms. Myers stated that that was correct. Mr. Ott stated that the petitioner agrees to the stated conditions.

Keith Cohoon, 240 Fairway Court, stated that he and Mr. Davenport had an agreement for an ingress/egress easement since he had purchased the lot from Mr. Davenport. He stated that his concern is in regard to additional septic, wells, and traffic if the 10 acres were divided further. He stated that he is not opposed to the current access but would not be interested in providing access for further development. He stated that he is also concerned about the maintenance of the asphalt drive and would like to have an agreement to address that.

Ms. Gray stated that any agreements between Mr. Cohoon and Mr. Davenport are private agreements. She stated that the Plan Commission is only concerned about proper access being provided and that any other agreements would be between the owners.

Ms. Myers stated that if the commission finds sufficient evidence to grant approval of the street frontage waiver, staff recommends approval with the following condition:

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.

Ms. Myers stated that if the commission finds sufficient evidence to grant approval of the well and septic waiver, staff recommends approval with the following conditions:

1. If the existing septic fails, Lot 1 shall connect to sanitary sewer.
2. If the existing private well fails, Lot 1 shall connect to public water.

3. Lot 2 shall be served by sanitary sewer and public water when developed.

Ms. Haltom inquired on what would happen if the parties did not agree on granting additional ingress/egress easements. Ms. Myers stated that the drive would need to be relocated to be within the existing easements or be located entirely on the property owned by the petitioner.

Ms. Haltom asked why the drive was not proposed to be moved. Mr. Ott stated that the drive is existing and the petitioner would like to continue to use the same thoroughfare that has been used for the last 30 years.

Action taken on PC 2015-13 (PP): Davenport Minor Subdivision – Waiver Article 6.3(B)(2): Street Frontage:

Chris Phillips made a motion to approve the street frontage waiver with the following condition:

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.

Kevin McElyea seconded the motion. The motion carried.

Action taken on PC 2015-13 (PP): Davenport Minor Subdivision – Waiver Article 6.16 & 6.17: Waste Disposal and Water Supply Standards:

Tim Holmes made a motion to approve the septic and well waiver with the following conditions:

1. If the existing septic fails, Lot 1 shall connect to sanitary sewer.
2. If the existing private well fails, Lot 1 shall connect to public water.
3. Lot 2 shall be served by sanitary sewer and public water when developed.

Chris Phillips seconded the motion. The motion carried.

Action taken on PC 2015-13 (PP): Davenport Minor Subdivision:

Tim Holmes made a motion to approve 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 when developed.

Georganna Haltom seconded the motion. The motion carried.

Other Business:

Julie Spate will be starting as the administrative assistant for the Department of Planning & Engineering on May 26th and will be serving as the recording secretary for the Plan Commission.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 16th day of June, 2015.

Jim Martin
President

Chris Phillips
Secretary