



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: December 10, 2015

Re: **Case PC 2015-20 (PP): Deer Meadows (Common Area Waiver)**

REQUEST:

Case PC 2015-20 (PP)...Deer Meadows. A request by Pyatt Builders for approval of a waiver request to allow an existing detention pond for Deer Village to be located within easements on lots in lieu of a common area. The subject property is located on 32.03 acres west of Acorn Drive and north of Fiesta Drive. The property is currently zoned RSN (Residential: Suburban Neighborhood).

ZONING:

Surrounding Zoning:

North: RSN (Residential: Suburban Neighborhood)
South: RSN (Residential: Suburban Neighborhood)
East: RSN (Residential: Suburban Neighborhood)
West: RSN (Residential: Suburban Neighborhood)

Surrounding Land Use:

North: Single-family residential
South: Single-family residential
East: Single-family residential
West: Single-family residential

HISTORY:

1. The subject property was included within the limits of the previously approved primary plat, which included an overall drainage plan, for the Deer Run Subdivision (PC 1997-08) and has since expired. A copy is attached.
2. Sections 1, 2, east portion of 3, 4, 5 & 8 of the previous primary plat have been developed as Deer Run, Deer Village, and Deer Trails and have almost been completely built-out.

CONSIDERATIONS:

1. The petitioner is proposing to develop 112 single-family residential lots. The Plan Commission approved the primary plat for Deer Meadows at the September 29, 2015 meeting along with the waiver request relating to utility easements along the perimeter of the subdivision boundary.
2. The Technical Review Committee reviewed the construction plans for Section One at their November 25, 2015 meeting. At this time, it became apparent that Detention Pond #2 that was constructed with Deer Village, Section One was constructed outside the limits of Section One.

3. The Subdivision Control Ordinance that was in effect at the time Detention Pond #2 was constructed allowed ponds to be located on a lot within a drainage easement. Ponds were not required to be located in common areas at the time the original primary plat was approved.
4. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Small-Lot Suburban Residential. “Small-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 large-lot suburban residential areas by lot size, setbacks, density, and possibly home size. 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 6.19(G)(1) states that all detention and retention areas shall be placed in a common area under the responsibility of a lot owners association for the subdivision in which they are located.
 - a. Staff Comment – Detention Pond #2 was constructed under a previous Subdivision Control Ordinance that did not require ponds to be located within common areas. Due to the fact that the subject property was proposed to be included as a continuation of the existing subdivision in which the pond was constructed, its location at the rear of residential lots would not have been prohibited at that time. As the subject property is an infill development essentially completing a previously approved development, the pond is an existing pond and the petitioner has indicated that the pond will be maintained by the Deer Meadows Homeowners Association, staff finds that the request would not adversely affect adjacent properties.
2. See the attached waiver request from the petitioner outlining the reasons for the waiver request.

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.