



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: April 13, 2016

Re: Case PC 2016-06 (PP): Replat of Block A & Common Area of Kroger Subdivision

REQUEST:

Case PC 2016-06 (PP)...Replat of Block A & Common Area of Kroger Subdivision. A request by IN Franklin Morton LLC for approval of a revised primary plat for a three (3) lot commercial subdivision and approval of a waiver request from street frontage. The subject property is located on 22.28 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 plans for the development of Lot 2 and Lot 3 are being reviewed concurrently. Lot 1 is currently under construction (Kroger Marketplace).

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. IN Franklin Morton LLC has requested primary plat approval for a commercial subdivision that includes three (3) lots and a common area.
2. IN Franklin Morton LLC has also submitted site development plans for a proposed 86,000 sq. ft. retail center to be constructed on Lot 2 and a 6,055 sq.ft. retail store to be constructed on Lot 3.
3. A 123,602 sq.ft. Kroger Marketplace is currently under construction on Lot 1.
4. The proposed primary plat is a modification of the previously approved primary plat for Kroger Subdivision (PC 2015-01).
5. PC 2015-01 (PP) Kroger Subdivision was approved with the following conditions at the March 17, 2015 Plan Commission meeting.
 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 Cinema Amusements, LLC, to Planning Staff prior to Site Development Plan approval.

2. A minimum of 10 linear ft. of waterline shall be located onsite of each lot divided within the area of Block A, meeting the review and approval of Indiana American Water.
 3. Block A is to be divided into no more than 8 lots total.
6. A waiver request from Article 6.3(B)(2) – Street Frontage was also approved for Lot 1 and Block A of PC 2015-01.
 7. Modifications from the previous primary plat are as follows:
 1. The overall boundary of the primary plat has been modified to include a 0.541 acre parcel (Rogers Parcel) to create an additional buildable lot (Lot 3). At the time the Rogers Parcel was divided, it did not meet the requirements of the Subdivision Control Ordinance and therefore was a non-conforming parcel that could not be developed.
 2. The Rogers Parcel, previously platted Common Area and Block A have been modified to create a revised Common Area and two additional buildable lots - Lots 2 and 3.
 - a. The property line between Lot 2 and the common area has been moved approximately 22 feet to the north on the west side and approximately 2 feet to the north on the east side in order to meet the minimum sideyard setback for the proposed 86,000 sq.ft. retail center.
 3. Additional waiver request from Article 6.3(B)(2) – Street Frontage for Lot 3.
 8. 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.
 9. The east and west interior drives located on Lot 1 include access easements in order to provide access to Lots 2 and 3. In addition, the east-west interior drive located on the north side of Lot 1 will also include an access easement providing access to Lots 2 and 3.
 10. A detention pond has been constructed within the Common Area at the north end of the subdivision. The pond has been designed for the build out of the entire subdivision, including the addition of Lot 3.
 11. The Technical Review Committee reviewed the petition at their March 31, 2015 meeting with the following comments being provided:
 1. Provide Affidavit of Consent and recorded deed for the property owner of Lot 1.
 2. Identify and label all easements:
 - a. 20' drainage easement is required from the top of bank on the pond. Please identify and label the easement along the southern boundary of the pond.
 - b. Utility easements need to be provided for the water and sanitary sewer service for the Arby's parcel.
 - c. Access easements need to be provided for the shared interior drives running south and west along Lot 3.
 - d. Legal drain easement along Canary Creek Ditch.
 - e. Area reserved for future access driveway for west adjoiner needs to be labeled as an access easement.

12. An existing easement agreement (Instrument #2015-015821) requires an access easement (approximately 140 feet in length) to be provided to the west adjoining property at the southwest corner of Lot 2. The access easement was agreed upon in order to potentially allow a curb cut for the construction of a drive between the Cinema property and the subject property. The details for said construction are outlined in the recorded agreement.
13. It is staff's understanding that the two parties are currently in negotiations of modifying the details of the above referenced access easement. The secondary plat should reflect the details of the applicable recorded document at the time the plat is submitted for acceptance by the Board of Works.
14. The Board of Zoning Appeals conditionally approved the following variance request at their April 6, 2016 meeting:
 1. Article 3, Chapter 18 (Maximum Lot Coverage)
15. 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 – Lot 3 does not include frontage along a public or private street. The petitioner has proposed to provide access to Lot 3 by utilizing an existing ingress/egress easement from N. Morton Street and additional access easements along the east (existing drive from Mallory Parkway), west, and north side of Lot 1. Waiver request was previously approved for Block A.

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 Lot 2 and will provide adequate access to Lot 3

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. All easements shall be identified and labeled on the secondary plat :
 - a. 20' drainage easement is required from the top of bank on the pond.
 - b. Utility easements need to be provided for the water and sanitary sewer service for the Arby's parcel.
 - c. Access easements need to be provided for the shared interior drives running south and west along Lot 3.
2. The secondary plat should reflect the details of the applicable recorded document relating to the access easement agreement between the west adjoiner and applicant.