



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: November 9, 2018

Re: Case PC 2018-36 (PP): Heritage South

REQUEST:

Case PC 2018-36 (PP)...Heritage South. A request by Arbor Homes for approval of a primary plat for a 60 lot single-family residential subdivision and approval of a waiver request. The subject property is located on 15.64 acres on the west side of Hurricane Road and immediately south of Heritage Subdivision. The property is currently zoned PUD (Planned Unit Development) and IL (Industrial: Light) – 30 ft. wide strip extending south to Arvin Road.

ZONING:

Surrounding Zoning:

North: PUD (Planned Unit Development)
South: IG (Industrial: General)
IBD (Industrial: Business Development)
East: PUD (Planned Unit Development)
West: IL (Industrial: Light)

Surrounding Land Use:

North: Single-family residential
South: Superior Supply, Style Dance, &
Faulkenberg Printing Co.
East: Legends Golf Course
West: Agricultural

HISTORY:

1. The subject property was included within the limits of the Heritage PUD. In 2006, the PUD standards that apply to the subject property were amended. A copy of Ordinance 2006-09 is attached.
2. The area included within the Heritage South primary plat was not included in the primary plat of Heritage Subdivision. However, the existing Declaration of Covenants, Conditions and Restrictions for Heritage do apply to the subject area per the First Supplement recorded December 12, 2007 as Instrument #2007-029571 (attached). Therefore, Heritage South lot owners will be members of the existing Heritage Homeowners Association and will be afforded the same benefits. In addition, the proposed common areas will be maintained by the Heritage Homeowners Association.
3. A 30 ft. wide strip of ground was purchased from the parcel to the west that extends to Arvin Road for drainage purposes and is shown as Common Area D.

CONSIDERATIONS:

1. The proposed development of Heritage South meets the minimum standards outlined in the PUD Ordinance (Ord. 2006-09) and does not require any amendments be made to the PUD Ordinance.

2. The petitioner is proposing to develop 60 single-family residential lots with an additional entrance to be provided off of Hurricane Road. A passing blister will be provided for the new entrance on the east side of Hurricane Road.
3. One detention pond is proposed and will be included within a common area to be maintained by the Homeowners Association.
4. The Technical Review Committee reviewed the petition at their October 25, 2018 meeting. Revised plans were received November 5, 2018 and reviewed with the following comments being provided:
 - a. Provide executed copy of the Certificate of Sufficiency.
 - b. 20' utility easement is to be provided along the entire perimeter of the subdivision (Lot 21) or obtain a waiver. (WAIVER REQUEST – PENDING)
 - c. All drainage requirements outlined in the Subdivision Control Ordinance shall be met or obtain a waiver. No waiver requests have been filed to date.
5. 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 6.14(C)(1)(c) states that a 20 ft. utility easement shall be provided around the perimeter of the subdivision.
 - a. Staff Comment – The required 20 ft. utility easement has been provided around the entire perimeter with the exception of Lot 21. Staff has discussed that the likely intent of the ordinance is to provide a utility easement along the rear and/or side of all lots in order to provide the ability to extend services to adjacent properties as they develop.

As the subject property is an infill development completing a previously approved PUD development and that the request is for Lot 21 only, staff supports this request.

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

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*.

**ORDINANCE NUMBER 2006-09
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE APPROVING RESOLUTION NUMBER 2006-11
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, AMENDING THE STANDARDS FOR THE HERITAGE PLANNED UNIT
DEVELOPMENT
(To be known as the Heritage Section 7 PUD Modification)**

WHEREAS, the City of Franklin, Indiana Plan Commission (referred to hereafter as the "Plan Commission") is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the "City"), and has, by Resolution number 2006-11 recommended that the City's Common Council amend the Planned Unit Development Standards for the Heritage Planned Unit Development concerning the southern portion of the project, the property is more particularly described in Exhibit "A" attached hereto.

WHEREAS, pursuant to Indiana Code § 36-7-4-602, Resolution 2006.11 has been certified to the City's Common Council; and

WHEREAS, the recommendation of the Plan Commission should be adopted, and an amendment of the Heritage Subdivision Planned Unit Development should be approved.

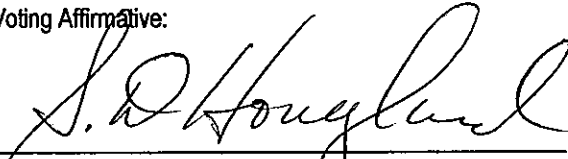
**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA,
ORDAINS AND ENACTS THE FOLLOWING:**

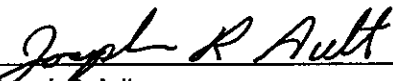
1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby zoned Planned Unit Development, with the limitations and standards set forth in Exhibit "B" and Exhibit "C" attached hereto.
2. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
3. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance. c
4. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
5. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-16-4.

Introduced and Filed on the 11th Day of September 2006.

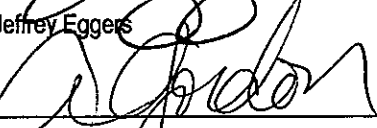
DULY PASSED on this 25 day of Sept, 2006, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.
City of Franklin, Indiana, By its Common Council:

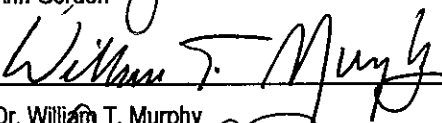
Voting Affirmative:

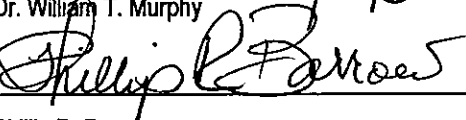

Stephen D. Hougland, President



Joseph R. Ault


Jeffrey Eggers


Ann Gordon


Dr. William T. Murphy


Phillip R. Barrow


Joe Abban

Voting Opposed:

Stephen D. Hougland, President

Joseph R. Ault

Jeffrey Eggers


Ann Gordon

Dr. William T. Murphy

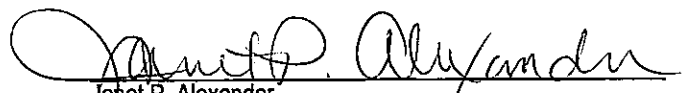
Phillip R. Barrow

Joe Abban

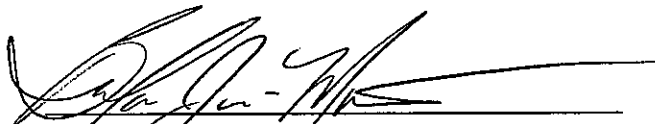
Attest:


Janet P. Alexander,
City Clerk-Treasurer


Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 25 day of
Sept, 2006 at 7:15 o'clock a.m./p.m.


Janet P. Alexander,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me this [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 25 day of Sept, 2006 at 7:15 o'clock a.m./p.m.


Brenda Jones-Matthews,
Mayor of the City of Franklin, Indiana

Attest:


Janet P. Alexander,
City Clerk-Treasurer

APPROVED AS TO FORM:


Robert H. Scharsall,
City Attorney

Prepared by:
The City of Franklin, Department of Planning & Economic Development
Joseph M. Csikos AICP, Director
(Certificate #017981)

**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2006-11
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

CP Morgan Communities, LP

PLAN COMMISSION DOCKET NUMBER:

PC 2006-11

RESOLUTION

WHEREAS: the Plan Commission of the City of Franklin has given careful study to the requirements of the City and all of the area within the jurisdiction of the Plan Commission relative to the enactment of an amendment to the Zoning Ordinance; and

WHEREAS: the above Petitioner has filed a petition for rezoning, where in the Petitioner requests an amendment of the Zoning Map changing the Planned Unit Development Standards of the Heritage Subdivision Section 7 more particularly described in Exhibit "A" attached hereto; and

WHEREAS: after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the in the Council Chambers of Franklin City Hall, 55 West Madison Street, Franklin, Indiana on the 18th day of July 2006, with the Commission having heard all objections and criticisms and having given careful study and consideration to said petition.

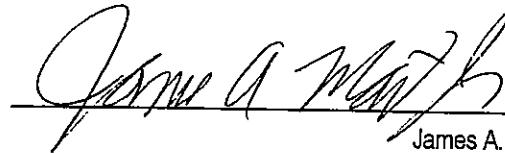
NOW THEREFORE BE IT RESOLVED, that the City of Franklin Plan Commission does hereby recommend favorable consideration of the proposed amendment to the Planned Unit Development Standards of the Heritage Subdivision Section 7 more particularly described in Exhibit "A", subject to the written commitments as described in Exhibit "B" attached hereto.

On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the petitioner and the City of Franklin Common Council.

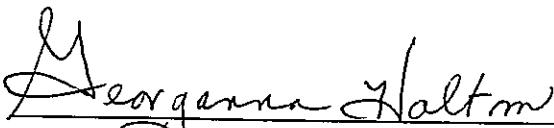
The copy of this Resolution forwarded to the Common Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Common Council at its meeting.

Dated this 18th day of July 2006

PLAN COMMISSON OF THE CITY OF FRANKLIN, INDIANA



James A. Martin, Jr., President



Georganna Haltom, Secretary

EXHIBIT "B"

WRITTEN COMMITMENTS – PC 2006-11 (HERITAGE SECTION 7 – PUD MODIFICATION)

1. All homeowners residing within Heritage Section 7 shall become members to the Heritage Homeowners Association and shall be afforded the same benefits as the members in the previous sections of the Heritage Homeowners Association. Said benefits shall include, but not be limited to, the use of 1) the 6 Acre park, 2) detention / retention ponds, 3) walking trails and, 4) Heritage Clubhouse.
2. The following lot standards shall apply to all home lots within Heritage Section 7.
 - a. Minimum Lot Width: 40 feet
 - b. Minimum Front Yard Setback: 20 feet
 - c. Minimum Rear Yard Setback: 20 feet
 - d. Minimum Side Yard Setback: 5 feet (10 feet aggregate)
 - e. Minimum Lot Size: 4,400 square feet
 - f. A maximum of two (2) lots shall be permitted to be a minimum of 4,052 square feet in size.
 - g. Minimum Living Area: 1,000 square feet (Maximum of 10% of the total lots)
 - h. Minimum Living Area: 1,200 square feet (Minimum of 90% of the total lots)

All lot sizes shall be consistent with the approved conceptual plan PC 2006-11
3. All homes within Heritage Section 7 shall include a minimum of one (1) of the following architectural features.
 - a. Reverse Gables
 - b. Shutters
 - c. Porches (as defined in the previous Heritage PUD standards)
 - d. Decorative Trim Molding
4. All homes within Heritage Section 7 shall include all of the following architectural features.
 - a. One (1) or two (2) car garages
 - b. Minimum eight (8) inch overhang, or built up molding detail on all roof edges
 - c. Minimum eight (8) inch roof overhang on all front elevations
 - d. Minimum roof pitch for the main body of the home shall be 5:12
 - e. Roof pitch for all gables that face any public street shall be between 6:12 and 7:12
 - f. Minimum of twenty (20) year asphalt shingles of a consistent "weathered wood" color
 - g. All vinyl siding shall be a minimum of 0.040 thickness, in compliance with ASTM standards, and shall be installed to minimize "wavy" appearance.
 - h. Windows on the front elevations shall have window grids, exempting therefrom non-opening windows, storm doors, and garage door windows
 - i. All garage doors shall include a minimum of two (2) windows
5. The following standards shall apply to all corner lots.
 - a. A minimum of two (2) windows, with window grids, shall be provided on the side elevation facing any public street.
 - b. A minimum of two (2) two inch caliper deciduous trees, one six foot tall conifer tree, and eight (8) shrubs shall be planted in the side yard facing the street, in addition to minimum landscaping requirements for the front yard of any home.
6. All homes built adjacent to Hurricane Road shall be a minimum of 1,800 square feet in living area.

7. Approximately 1.5 Acres (65,340 square feet) of open space will be provided with section 7, including 1) +/- 0.5 Acre detention pond, 2) landscaping buffers, 3) a "tot lot" playground, 4) an eight (8) foot wide asphalt trail (minimum 4" asphalt over 4" of stone) connection to the pond, and 5) an "overlook" with seating at the pond.
8. Each home shall plant a minimum of one (1) 1 ½ inch caliper ornamental tree and eight (8) shrubs, a minimum of 18 inches in height, within the front yard. All lots shall conform to the ratio of one ornamental tree planted per 40 feet of lot width, as specified in the Franklin City Subdivision Control Ordinance. Corner lots (lots which have frontage onto two streets) shall plant additional landscaping as specified in No. 5(b). All front yard landscaping shall be installed prior to issuance of a permanent certificate of occupancy for any residence.
9. All lots developed within Heritage Section 7 shall provide sod within the front yard (as defined by the Franklin City Zoning Ordinance) and adequate grass seed in the side and rear yards.
10. The following standards shall apply to the landscape buffers included within Heritage Section 7.
 - a. Landscape buffers along Hurricane Road and the south property line shall be a minimum of 25 feet in width containing a two to three foot high undulating mound and broad leaf deciduous canopy trees, shrubs and coniferous trees placed naturally within the buffer yard.
 - b. Landscape buffer along the west property line shall be consistent with the existing landscape buffer within the previously approved Heritage development.
 - c. All mounding along Hurricane Road shall be measured from the contours of the edge of the existing road to the highest point of the mound. Mounding along the south and west property lines shall be measured from the contours of the existing grade of adjacent land within the development to the highest point of the mound.
 - d. The mounding along the northern property line shall not be altered from its current layout.
 - e. All landscape buffers (width, mounding, and planting) shall be consistent with Exhibit C attached hereto.
11. The following shall apply to all pedestrian ways within Heritage Section 7
 - a. Concrete sidewalks, a minimum of 4 feet in width, shall be provided on both sides of all internal roadways.
 - b. An asphalt trail, a minimum of 8 feet in width, shall be provided along Hurricane Road. Said trail shall extend from the intersection of Hurricane Road and Eastview Drive to the existing stub within the previously approved Heritage development. The trail shall be constructed at a minimum of 4 inches of asphalt over 4 inches of stone.
12. The following shall apply to all roadways that are to be dedicated to the City of Franklin as publicly maintained roadways.
 - a. A maximum of one (1) new access to Hurricane Road will be provided. This access will provide acceleration / deceleration lanes and a passing blister if it is determined to be warranted by the City Engineer.
 - b. An additional two (2) feet of asphalt and two (2) feet of stone shoulder shall be added to the west side of Hurricane Road for the length of the subject property. Said construction will meet construction standards set forth in the Franklin City Subdivision Control Ordinance.
 - c. The "main" entrance roadway shall be a minimum of 28 feet in width (back of curb to back of curb), containing an additional three (3) inches of asphalt base using the local non-commercial roadway cross section.
13. The Heritage Section 7 development will include adequate, on-site, storm water detention pond. All storm water facilities shall be designed and constructed to conform to the standards set forth in the Franklin City Subdivision Control Ordinance, and Drainage Ordinance.
14. The project shall utilize Franklin City sanitary sewer service and Indiana American Water Company domestic water service.


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Fee Amt: \$18.00 Page 1 of 3
Workflow# 501587
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Inst 2007-029571

**FIRST SUPPLEMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HERITAGE**

This First Supplement to the Declaration of Covenants, Conditions and Restrictions for Heritage (the "Supplement"), dated December 11th, 2007, is made by HERITAGE BROOKHAVEN DEVELOPMENT, LLC, an Indiana limited liability company ("HBD").

Recitals.

A. HBD caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Heritage, dated October 13, 2003, and recorded October 15, 2003, as Instrument No. 2003-044211 in the Office of the Recorder of Johnson County, Indiana (the "Declaration").

B. Pursuant to Section 2.3 of the Declaration, HBD has the unilateral right, privilege, and option, from time to time, to submit additional real estate to the control and provisions of the Declaration.

C. HBD desires to submit a parcel of real property to the control and provisions of the Declaration, in accordance with the terms of this Supplement.

Terms.

NOW THEREFORE, HBD hereby adds and submits the real estate described in Exhibit "A" attached hereto and by reference made a part hereof to the control and provisions of the Declaration.

IN WITNESS WHEREOF, this Supplement has been executed as of the date first written above.

HERITAGE BROOKHAVEN DEVELOPMENT, LLC
By: C.P. Morgan Communities, L.P., Member
By: C.P. Morgan Investment Co., Inc., General Partner


By: 
Jay L. Collins, Vice President and Chief
Accounting Officer

EXHIBIT A

A part of the West Half of the Southwest Quarter of Section 12; Township 12 North, Range 4 East of the Second Principal Meridian, in Johnson County, Indiana more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 12; thence South 00 degrees 01 minutes 25 seconds East along the west line of said Southwest Quarter a distance of 1042.24 feet to the Point of Beginning; thence North 89 degrees 58 minutes 32 seconds East a distance of 1168.17 feet to the centerline of Hurricane Road; thence the next 4 courses being along said centerline: 1) South 26 degrees 57 minutes 32 seconds West 236.57 feet; 2) South 21 degrees 35 minutes 12 seconds West 137.62 feet; 3) South 02 degrees 46 minutes 33 seconds West 118.33 feet; 4) South 02 degrees 09 minutes 52 seconds East 188.26 feet; thence North 87 degrees 15 minutes 16 seconds West a distance of 1012.58 feet to the west line of the Southwest Quarter of said Section 12; thence North 00 degrees 01 minutes 25 seconds West along said west line a distance of 596.15 feet to the Point of Beginning, containing 14.953 acres, more or less.

- End of Exhibit "A" -

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**REQUEST TO WAIVE REQUIREMENTS OF THE
CITY OF FRANKLIN SUBDIVISION CONTROL ORDINANCE**

PETITIONER INFORMATION

Case Number: PC 20 18 - 36

Property Address: N. Hurricane Road

Subdivision/Project Name: Heritage South

Petitioner's Name(s): Arbor Homes

Address: 9225 Harrison Park Ct. City: Indianapolis

State: IN Zip: 46216 Phone: (317) 842-1875 Fax: (317) 842-8268

Article of Subdivision Control Ordinance: 6.14.C.1.c.

Title of the Article: Utility Easements

Reasons: Request a waiver to the requirement of a 20' utility easement at the perimeter of the subdivision at lot 21 due to this being a continuation of single family residential lots on the same street (Bridlewood Dr.).

Larry McElroy
Signature of Petitioner

11/05/2018
Date

OFFICE USE ONLY

This Request for a waiver of Article _____ of the City of Franklin Subdivision Control Ordinance has been . . .

☒ **Approved**

☐ **Approved w/ conditions**

☐ **Denied**

...by the City of Franklin Plan Commission on the _____ day of _____, 20 ____.

Signature of Plan Commission President

Date