

MINUTES
FRANKLIN CITY PLAN COMMISSION
February 19, 2019

Members Present:

Jan Giles	Member
Diane Gragg	Member
Jim Martin	President
Kevin McElyea	Vice President
Mark Richards	Member
Charlotte Sullivan	Member
Deb Swinehamer	Member

Members Absent:

Joe Abban	Member
Pam Ault	Member
Suzanne Findley	Secretary
Georganna Haltom	Member

Others Present:

Joanna Myers	Senior Planner II
Lynn Gray	Legal Counsel
Julie Spate	Recording Secretary

Call to Order:

Jim Martin called the meeting to order at 6:00 p.m.

Roll Call & Determination of Quorum

Pledge of Allegiance

Approval of Minutes

Deb Swinehamer pointed out a typo on page 3. She made a motion to approve the January 15, 2019 minutes as amended. Charlotte Sullivan seconded. Passed.

Swearing In

Attorney Lynn Gray reviewed the rules of procedure and swore en masse anyone intending to speak during the proceedings.

Report of Officers and Committees

Technical Review Committee Report: January 24, 2019

Joanna Myers reported on one agenda item: secondary plat and construction plans for Heritage South. The development is for single-family homes and is located on the west side of Hurricane Road, immediately south of Heritage Subdivision. The plans are currently under review for approval.

Old Business

PC 2018-37 (PP): The Bluffs at Youngs Creek

Ms. Myers presented the request for approval of a primary plat for a 478-lot single-family residential subdivision and five waiver requests. The subject property is located on approximately 166 acres north of Nineveh/Airport Road and immediately west of Windstar Subdivision. It is currently zoned RSN (Residential: Suburban Neighborhood). This zoning district came into effect with the updated Zoning Ordinance in 2004. The staff report outlined the minimum requirements for the development. The minimum lot area and minimum lot width are based on the smallest lot of the previously approved primary plat that was in effect at the time the Zoning Ordinance was adopted. In May 2004 when the Zoning Ordinance was adopted, the Windstar Subdivision primary plat had been approved and was still valid. Since that date the primary plat has expired which is why the petition is now before the Commission. Primary plats that were sectionalized remain valid for 5 years after the previous section was recorded. Section Four of Windstar was recorded in November of 2004, therefore the primary plat expired in 2009. There is only one lot within the existing Windstar Subdivision that has not been developed and is currently owned by the adjoiner to the property. If it were to be purchased, a home could be constructed.

The five waiver requests are from Article 6.4(A)(2) regarding the maximum length of blocks. The waiver requests are for exceeding the 800 feet of the block length for five separate sections of roads. The existing public streets that stub from Windstar are the connectivity points of the proposed subdivision and are consistent with the previously approved primary plat. It went before Technical Review Committee on December 20, 2018. Revised plans were received January 2, 2019 and updated again on February 4, 2019. Several items were noted as a result of the review. Block lengths shall not exceed 800 feet without a waiver approval. Lighting and signage will be subject to further review during the construction plan and secondary plat process. Street names will be reviewed and approved by staff. Street name blades are to be installed per city standard. If subdivision entry signs are proposed, locations and necessary easements are to be identified if applicable. All signage shall be reviewed and permitted separately. Ms. Myers stated that pages two and three of the staff report include the timeline and highlights of discussions related to The Bluffs at Youngs Creek to date.

Ms. Gray outlined what the role of Plan Commission is related to this case. She stated that the request before them is not a rezoning. It is only a decision as to whether to grant the waivers to allow five street lengths to exceed 800 feet in length. If the waivers are denied, it is not a denial of the development. The layout of the development could be modified to meet the maximum block length and be resubmitted for review. Depending on the decision with regards to the waivers, the decision with regards to the plat follows accordingly. She also clarified the requirements of a quorum and official action. Ms. Gray stated that a majority of the entire membership must vote one way or another for a decision to be made. Short of this, it would be automatically continued until the March meeting.

Ms. Swinehamer asked the rationale behind the original change in 2005 from 1,300 feet to 800 feet for block length. Ms. Gray explained it to be primarily for safety reasons inclusive of school bus routes.

Ms. Myers identified three commitments offered by the petitioner to coincide with the waiver requests and primary plat.

1. Anti-monotony. The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to insure that significant architectural features will differentiate dwellings within the subdivision.
2. Corner lots. Dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two by four feet on the sides of the dwelling facing the streets.
3. Front elevations. All homes shall have masonry on at least 30 percent of the front elevation excluding windows, doors, garage doors and areas above roofline.

Ms. Myers stated that if these commitments are tied to the petition as part of the waiver and primary plat approval, the City of Franklin has the authority to enforce and insure the commitments are held with the development of each of the homes. If they are limited to covenants and restrictions, the City of Franklin has no authority to enforce and insure they comply.

Petitioner Mike Campbell, representative for Arbor Homes, introduced their company. He highlighted the mayor and Joanna Myers' involvement in the discussion process. He also thanked Windstar and Franklin Lakes Homeowners Associations. The three prominent issues through the process have been lot size, maintaining architectural and aesthetic components and home value.

Mr. Campbell expressed sentiment that the project meets the intent of the City of Franklin's Comprehensive Plan and zoning ordinances through diversity of home sizes and designs, larger lots and architectural commitments. Mr. Campbell went on to give an overview of the development. It is adjacent to the Windstar community and is 478 lots on approximately 166 acres. Lot width and depth is in excess of the minimum required. Anti-monotony language has been added to ensure variety throughout the community. Corner lot treatments and minimum front brick requirements have also been added. The project is to be developed in eight to 10 sections with an estimated 45-50 closings annually.

Mr. Campbell acknowledged that he did not know the specific impetus behind the change in block length. He stated that there are locations where this development ties in to Windstar, and there are some physical constraints that preclude Arbor from meeting the 800-foot block length. Their plan is for larger lots with larger spaces between homes, hoping this would make the larger block lengths more acceptable.

Mr. Campbell addressed the decision criteria:

1. Public Welfare: Arbor doesn't believe it will be an issue for public welfare.
2. Adjacent Property: There are some block lengths that exceed 800 feet because it was platted during the time that 1300 linear feet was allowed.
3. Unique Conditions: The tie-ins to the existing Windstar community effects two or three of the waivers and places some physical limitations to making those corrections.
4. Physical Conditions: Mr. Campbell explained this to be combined with Unique Conditions.
5. Comprehensive Plan: Arbor believes this community to be entirely consistent with the Comprehensive Plan and Subdivision Control Ordinance with the exception of the five requests before the Commission.

John Crowe, Windstar Subdivision homeowner adjacent to The Bluffs at Youngs Creek, remonstrated at the request of the Homeowners Association on their behalf. Their main concern was the proposed lot sizes in the new subdivision. Smaller lots lend themselves to smaller homes and smaller homes are typically less expensive than the adjacent Windstar homes, thus injurious to their property values. Mr. Crowe highlighted that on both the Near Term and Long Term Land Use Maps, the acreage for the proposed development is designated for a Large Lot Subdivision. He maintained that the proposed subdivision has a density of four houses per acre and an average lot size of approximately one-fifth of an acre, by definition, a small lot subdivision. Mr. Crowe deemed this in direct contradiction with the intent of the City of Franklin Comprehensive Plan.

If the Plan Commission should see fit to grant the waivers, Mr. Crowe asked that approval be given with conditions relative to lot size, density per acre and lot placement. They requested lot size and density meet the criteria for a large lot subdivision. They also requested 100% brick front for a single-story and lower level brick front for a two-story, 12" soffit overhangs and architectural standards matching most Windstar homes with covenants mirroring Windstar and Franklin Lakes. Additionally, they requested the overall drainage plan be changed to accommodate the 480 additional homes since the management of the current volume of water flow is barely managed in their opinion.

Evan Ehrreich gave an overview of their move to Franklin and the search for and purchase of their home. She identified their concerns.

1. Potential substantial decrease of their property values
2. How cars for 450 more houses can utilize only the three existing entrances
3. Construction entrance location
4. Are there covenants that are similar to Windstar
5. Separate entrance for a separate subdivision
6. How can density allow for accessibility and safety for emergency personnel or evacuations
7. Where will runoff go in areas already prone to flash flooding
8. Can the infrastructure of city, schools, government agencies and healthcare facilities handle such influx

Bill Harmony, resident of 731 Franklin Lakes Boulevard, spoke to upcoming heavier traffic flow concerns. He expressed his desire for another entrance at Nineveh/Airport Road. Mr. Harmony also spoke to his dissatisfaction with Arbor Homes construction, giving examples from his personal build with Arbor in 2007. He was also concerned about the resulting need for increased police, fire, street and sanitation workers.

Kyle Harmening spoke to his concern over the lesser quality homes proposed to be built. He wants to see the Franklin community continue to develop to higher standards.

Petitioner Mr. Campbell responded that over the years materials and veneers have been upgraded and that Arbor Homes build quality homes. He also reviewed statistics about Arbor builds in this community and specific subdivision build and sale examples. Mr. Campbell also reviewed their commitments. Drainage concerns will be cared for according to federal, state and local requirements and drainage discharge will not exceed what it is currently. The petitioner explained this community to have 30-foot setbacks, enough room for two full size SUV's in the driveway and still not impede the sidewalk in addition to the two- and three-car garages. Arbor is willing to adjust the street lengths. The waivers can be adjusted and eliminated.

Ms. Sullivan asked where the construction entrance will be. Mr. Campbell stated that the three existing streets will be used. Future discussion may be held regarding providing a construction entrance off of Nineveh/Airport Road as long as safety standards are met.

Mr. McElyea asked why the decision was made against a separate entrance. Mr. Campbell stated they do not have sufficient frontage along Nineveh/Airport Road to safely install a separate entrance. The property has a small frontage on the road, and the distance between the existing driveway and where Arbor would have to put a driveway does not meet the city's requirement for length between streets.

Ms. Swinehamer asked how many meetings were held with the HOA, were they well attended and was there give and take on both sides. Mr. Campbell expressed his belief that there was and that it was mostly give on the part of Arbor. The issues were lot sizes, insuring architectural commitments and home values. Ms. Swinehamer also asked if there was a reason for no square footage minimum. Ms. Myers clarified the question being in reference to a minimum home size commitment.

Ms. Gray instructed the board that the decision is on the waiver requests and primary plat only, not a rezoning request. The question is whether going from the 800 to 1100 foot length is inconsistent with the Comprehensive Plan. If the five waivers are denied, the plat will be denied. The denial of the waivers will deny the plat as currently designed but does not deny the development all together.

Ms. Myers added that by ordinance requirements in the RSN zoning district, the minimum lot area is established by what was the minimum lot size within the primary plat of Windstar. That minimum lot area was 8,000 square feet. She stated that every lot proposed in this subdivision could be 8,000 square feet. The minimum lot width is also established by the previously approved Windstar primary plat which was 65 feet wide. Every lot in this new development could be 65 feet in length. If the development came through with no waiver requests and the lots were all 65 feet wide and 8,000 square feet in area, by state law the Plan Commission is required to approve it and Arbor would not be required to offer any commitments regarding architectural standards.

Mr. McElyea asked if the City can do anything to require a separate entrance. Ms. Myers explained it to be restricted to what frontage Arbor has on public streets. The current frontage on Nineveh/Airport Road would not allow an additional entrance to be constructed safely. In addition, she stated that all subdivisions are required to be interconnected. For example, from Westview Drive Cumberland Trails is connected to Cumberland Trace which is connected to Cumberland Commons which is connected to Oakleaf, Whispering Ponds, Deer Trails, Deer Trace, Deer Run, Meadows at Simon Farms and The Meadows. All of these subdivisions are interconnected. A person can drive in between all of them. Of all the subdivisions just noted, there are only seven connections to arterial streets.

Ms. Myers highlighted, as outlined in the staff report, no variances are required because the zoning requirements are met. The only items not met by Zoning or Subdivision Control Ordinance standards are the block lengths of five streets exceeding 800 feet in length.

Mr. Campbell added the petitioner's willingness to add the commitment that they would not build anything with a living area (minus the garage) less than 1,300 square feet. Ms. Myers explained that the current zoning ordinance requires that the smallest living area of an existing dwelling in Windstar is the minimum. Ms. Myers clarified the commitment offered by the petitioner. She stated that if the commitment was that the living area would be no less than 1300 square feet when the research of every existing home within Windstar is complete, if the square footage is 1,200 square feet, the 1300 square feet is what the City would enforce. If the research results in 1,500 square feet, the City would enforce 1,500 square feet. She stated that whatever is the most restrictive is what will be enforced. By ordinance, 40% of living space is required to be on the ground floor.

Ms. Myers presented staff's recommendation.

If Plan Commission finds sufficient evidence to approve the five waiver requests, staff recommended approval of the primary plat:

A.) With the commitments offered by the petitioner (to be recorded consistent with Indiana Code):

1. Anti-Monotony: The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.
2. Corner Lots: Dwellings built on corner lots shall include a minimum of one (1) window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the street.
3. Front Elevations: All homes shall have masonry on at least 30% of the front elevation (excluding windows, doors, garage doors, and areas above roof line).
4. Living Area: The minimum dwelling living area will be no less than 1300 square feet.

AND

B.) Subject to the following conditions:

1. Lighting and signage will be subject to further review during the Construction Plan & Secondary Plat process.
2. Street names to be reviewed and approved by staff.
3. Street name blades to be installed per City standard. (Not double sided)
4. If subdivision entry signs are proposed, identify their location and provide necessary easements if applicable. All signage shall be reviewed and permitted separately.

Mr. McElyea summarized that if Plan Commission chose not to approve the waiver requests, they could possibly render a less desirable outcome. He also observed the addition of a fourth commitment, bettering the situation further.

Mr. McElyea made a motion to approve the five waiver requests as submitted with staff conditions and petitioner commitments. Ms. Sullivan seconded. Passed 7-0.

Ms. Gray explained that with the approval of the waiver requests, the plat now complies with the ordinance with restrictions and/or commitments.

Mr. McElyea moved to approve the primary plat with staff conditions and Arbor commitments. Ms. Sullivan seconded. Passed 7-0.

New Business

Other Business

Adjournment

Ms. Sullivan made a motion to adjourn and Mr. Richards seconded. Passed. There being no further business, the meeting was adjourned.

Respectfully submitted this 16th day of April, 2019.

Jim Martin, President

Suzanne Findley, Secretary