



## JOHNSON COUNTY

Department of Planning & Zoning  
86 West Court Street  
Franklin, Indiana 46131

Phone: (317) 346-4350  
[www.co.johnson.in.us](http://www.co.johnson.in.us)

## MEETING AGENDA

Johnson County Advisory Plan Commission  
January 25, 2021, 6:00 PM  
Public Auditorium, West Annex Building  
86 West Court Street, Franklin, Indiana

### CALL TO ORDER

### ROLL CALL

### APPROVAL of MINUTES

Approval of minutes from the December 28, 2020 meeting.

### PUBLIC HEARINGS

#### -CONTINUED HEARINGS

\*Z-2-20. Benham & Edwards LLC. NE corner of 100 E & 300 S, Franklin. .... Page 3

REZONING of 67 acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three minor residential subdivisions and no more than 12 buildable lots in total.

*\* This matter has been withdrawn via written request by the petitioner.*

#### -NEW HEARINGS

W-1-21. Paris Waiver. 265 E 300 S, Franklin. ....Page 5

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision:

- a) where the subdivision is of a non-original lot of record,
- b) with lot areas of 10 and 14.97 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area), and

- c) with one lot having 30 feet of road frontage (any lot newly-created via Roadside Subdivision must have at least 200 feet of road frontage)

**W-2-21. Ankrom-Glassburn Waiver. 7294 E. Division Road and 75 N 700 E. .... Page 17**

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a three-lot Roadside Subdivision with lots of 5.79 and 2.36 acres in size (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

**W-3-21. Jones Waiver. 3078 West 625 South, Trafalgar. .... Page 26**

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where the parent tract is 9 acres (parent tract must be at least 12 acres in area to be subdivided via the Roadside Subdivision process).

**\* P-2-20. Eagle Springs Major Subdivision. 4444 W Stones Crossing Rd. .... Page 33**

Approval of the Eagle Springs Preliminary Plat to create a 91.6-acre, 154-lot major subdivision.

*\* This matter has been automatically continued following submittal of a timely automatic continuance request by a remonstrator.*

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**REPORTS and RECOMMENDATIONS**

None.

**ADJOURNMENT**

The next meeting of the Johnson County Advisory Plan Commission is scheduled for February 22, 2021 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

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# Staff Report

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CASE NUMBER: Z-2-20  
ADDRESS: Northeast corner of 100 E (South Nineveh Road) & 300 S, Franklin  
Parcel #s: 41-08-33-044-015.000-011 & 41-08-34-032-009.000-011  
Section 34, Township 12, Range 4  
PETITIONER: Benham & Edwards, LLC, by Stephen Huddleston

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## ADDENDUM FOR JANUARY 25, 2021 PLAN COMMISSION MEETING

This matter was continued from the December 28<sup>th</sup>, 2020 meeting to the January 25th, 2021 by motion of the Plan Commission.

Subsequently, **this matter has been withdrawn** by written request from the petitioner. The withdrawal need only be acknowledged by the Plan Commission on record at the hearing.

## ADDENDUM FOR DECEMBER 28<sup>TH</sup> 2020 PLAN COMMISSION MEETING

This matter was continued from the November 23, 2020 meeting to the December 28, 2020 at the recommendation of Commissioner Ron West. Commissioner West specifically recommended that a special meeting be held to allow additional conversation between the petitioner and concerned neighbors. The petitioner's representative conducted a meeting with the neighbors on December 10, 2020.

Subsequently, the petitioner submitted a timely automatic continuance request, which cannot be contested, and which **will continue this matter** from the December 28, 2020 Plan Commission meeting to the January 25, 2021 Plan Commission meeting.

## ADDENDUM FOR NOVEMBER 23<sup>RD</sup> 2020 PLAN COMMISSION MEETING

This matter was continued from the October 19, 2020 meeting to the November 23, 2020 meeting due to an indecisive vote from the Plan Commission. Three motions were made but none received the five or more votes required for a decision.

As of this writing, no additional information has been submitted to the file, and staff's recommendation remains as indicated below.

## REQUEST

Rezoning of 67 acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three minor residential subdivisions and no more than 12 buildable lots in total.

## GENERAL INFORMATION

Applicant: Benham & Edwards, LLC  
2838 South 25 West  
Franklin, IN 46131

Representative: Dustin Huddleston  
Huddleston and Huddleston  
98 West Jefferson St.  
Franklin, IN 46131

Owners: Linda Herr (1/6)  
Paul Tharp (1/6)  
Alan B. Krebs (1/12)  
Philip L. Krebs (1/12)  
Ellen B. Krebs Testamentary Trust (1/2)

Zoning: A-1  
Land Use: Agricultural  
Future Land Use: Rural Residential

-MNH

# Staff Report

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CASE NUMBER: W-1-21  
ADDRESS: 265 East 300 South, Franklin  
Section 4, Township 11, Range 4  
PETITIONER: Ellen Mae Paris

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## REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision:

- a) where the subdivision is of a non-original lot of record, and
- b) with lot areas of 10 and 14.97 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area), and
- c) with one lot having 30 feet of road frontage (any lot newly-created via Roadside Subdivision must have at least 200 feet of road frontage).

## STAFF RECOMMENDATION

Staff recommends the **approval** of these requests.

## PROPERTY DESCRIPTION

This 46.51-acre site is zoned A-1 (Agricultural) and is improved with one single-family dwelling and agricultural buildings.

The site is surrounded on the west, south, and east by larger tracts of land used agriculturally, with an occasional single-family dwelling. To the north are smaller sized tracts of land use residentially, with the occasional agricultural field. All surrounding properties are zoned A-1.

## WAIVER REQUESTS

These waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 46.51-acre parent lot into two parcels.

## WAIVER REQUEST I: ORIGINAL LOT OF RECORD

The parcel to the west of the subject 46.51-acre parcel is owned by the same property owners. That parcel is 22 acres. Before the petitioner implements the Roadside Subdivision, they will be exchanging land between the two parcels. Approximately 20 acres of the subject parcel will be added to the 22 acres. This land exchange will make the subject parcel ineligible to complete a Roadside Subdivision since it will no longer be the original lot of record.

The Subdivision Control Ordinance requires the parent tract to be an “original lot of record”, which it defines as a lot in place before the adoption of the Subdivision Control Ordinance in 2003. This requirement is intended to preserve agricultural land and open space and to

discourage multiple piecemeal encroachments of significant residential density into agricultural areas.

This request is a minor deviation from ordinance standards and would not violate the ordinance's intent to prevent multiple divisions of one tract of land. The land exchange will not result in a new additional lot.

#### WAIVER REQUEST 2: SPLIT LOT AREA

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum*, implemented county-wide over time, is intended to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow the two newly-created lots to have an area of 10 acres and 14.97 acres, respectively. The house will be on the remaining tract of 10 acres. The 10 acres would encompass the area used by the existing homestead. The 14.97 acres will be the back half of the property that has an existing pond. This area is also heavily wooded and not used agriculturally.

Additionally, the petitioner is requesting a Roadside Subdivision resulting in two lots, whereas the regulations would allow up to four. The staff would regard the low-density residential development proposed here to be appropriate.

#### WAIVER REQUEST 3: ROAD FRONTAGE

This request would also allow for the 14-acre newly-created lot to have 30 feet of road frontage, falling short of the minimum 200 feet of frontage required of a new lot created via Roadside Subdivision. The petitioner does not plan to utilize the lot's road frontage for access to the parcel. The proposal is to use the existing drive that will be on the 10-acre parcel via access easement. The 30-foot strip of land is provided to allow any owners in the future the legal means to the public road if it is ever needed. 200 feet of frontage could be provided near the road but it would cause an irregular shaped lot along the front of both properties. This proposed 30 feet of road frontage is wide enough for a driveway.

For the reasons outlined above, staff recommends approval of these three waiver requests.

#### FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: The parent tract and adjoin parcel are large long tracts of land that prevent a roadside subdivision from occurring without waivers.

**Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;**

Staff Analysis: The parent tract and adjoin parcel are large long tracts of land that prevent a roadside subdivision from occurring without waivers. The rear portion of the property is heavily wooded where agricultural purposed would not be preserved.

**The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.**

Staff Analysis: The Future Land Use Map of the Comprehensive Plan identifies the future land use of the property as agricultural. The proposed subdivision would provide for a residential density consistent with the Plan recommendation. The proposal complies with all development standards identified in the Zoning Ordinance. .

#### GENERAL INFORMATION

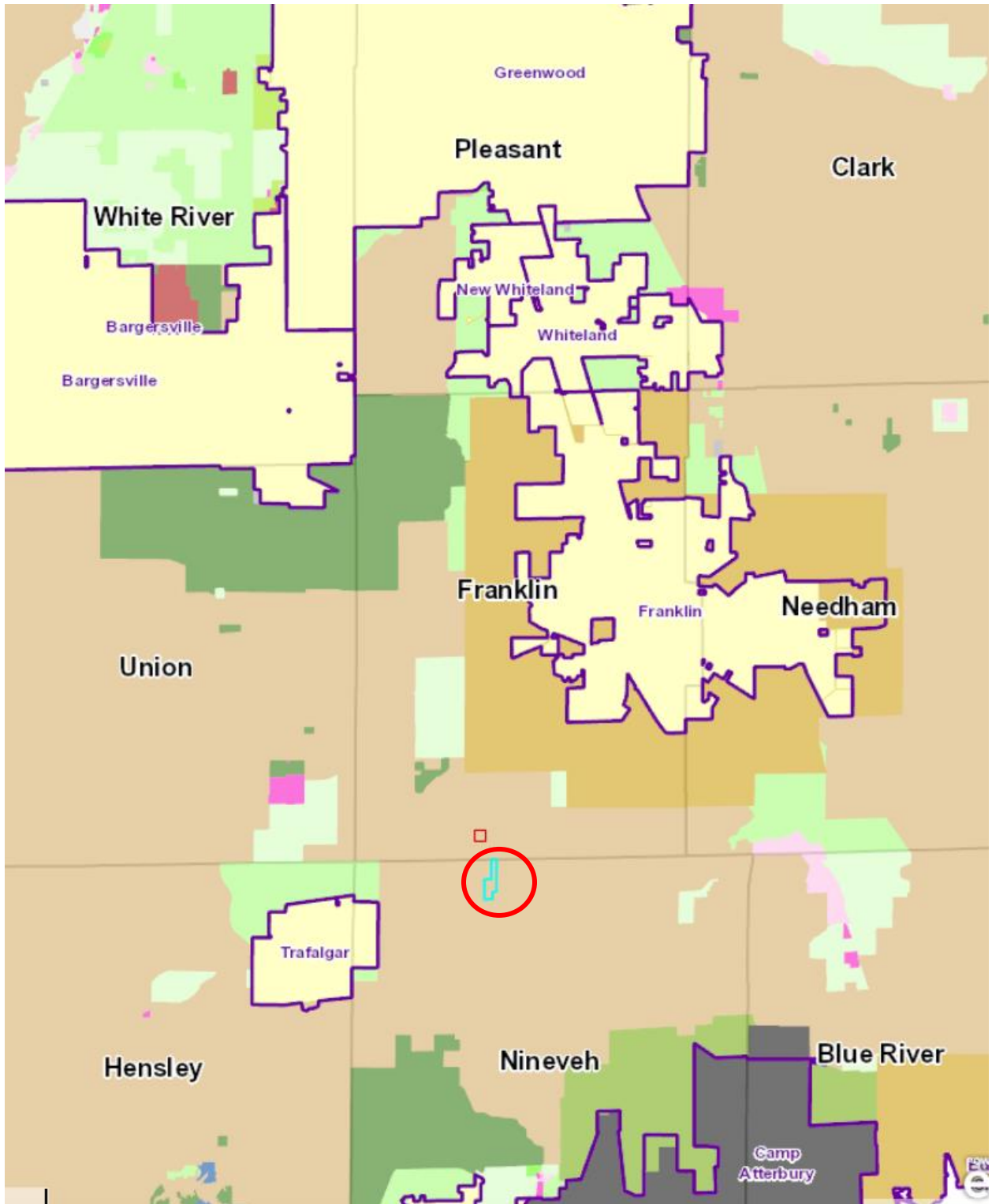
Applicant: Ellen Mae and Richard Paris  
265 E 300 S  
Franklin IN 46131

Owner: Same

Current Zoning: A-1 (Agricultural)  
Existing Land Use: Agricultural  
Future Land Use: Agricultural

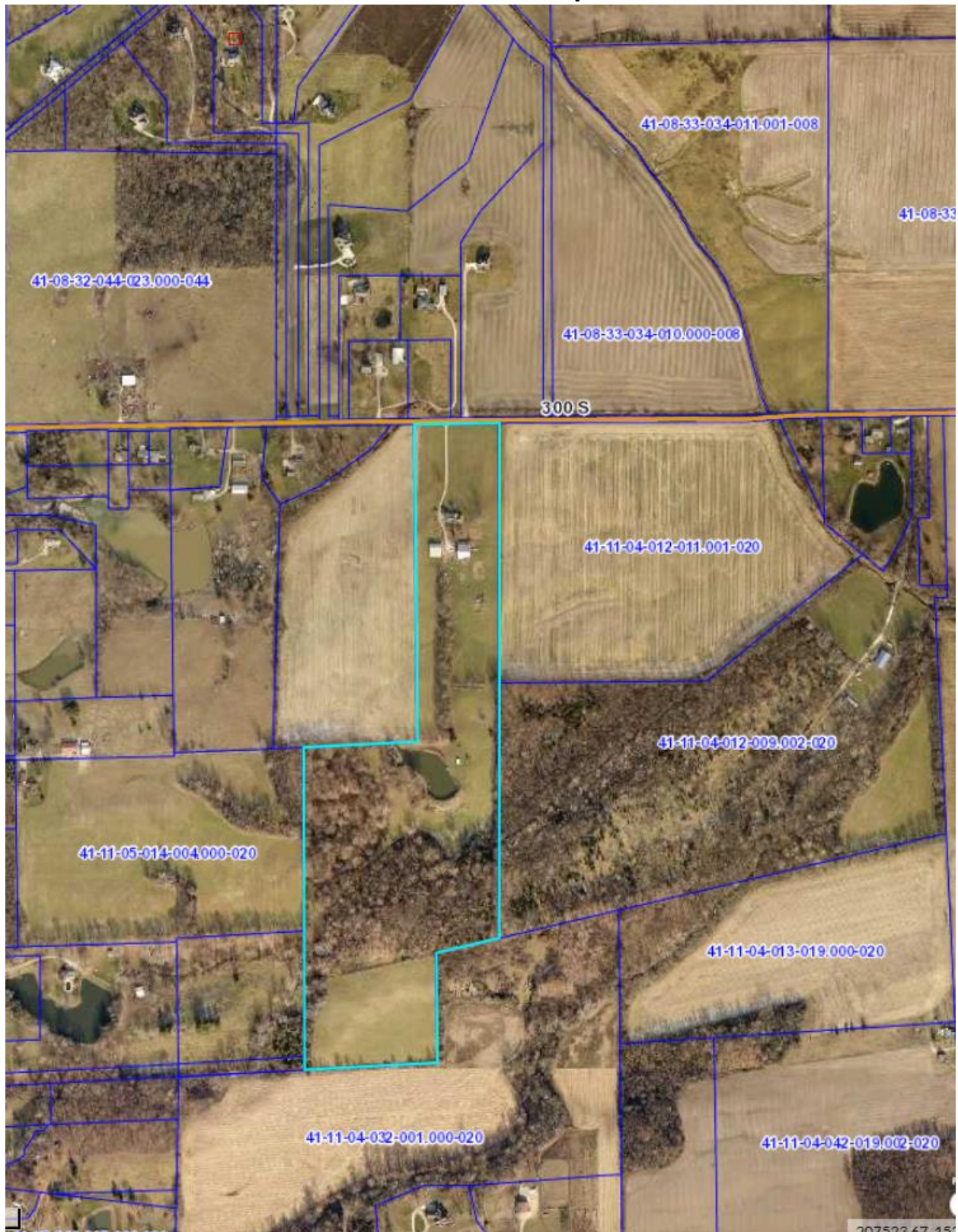
-MNH

## W-1-21 Base Map



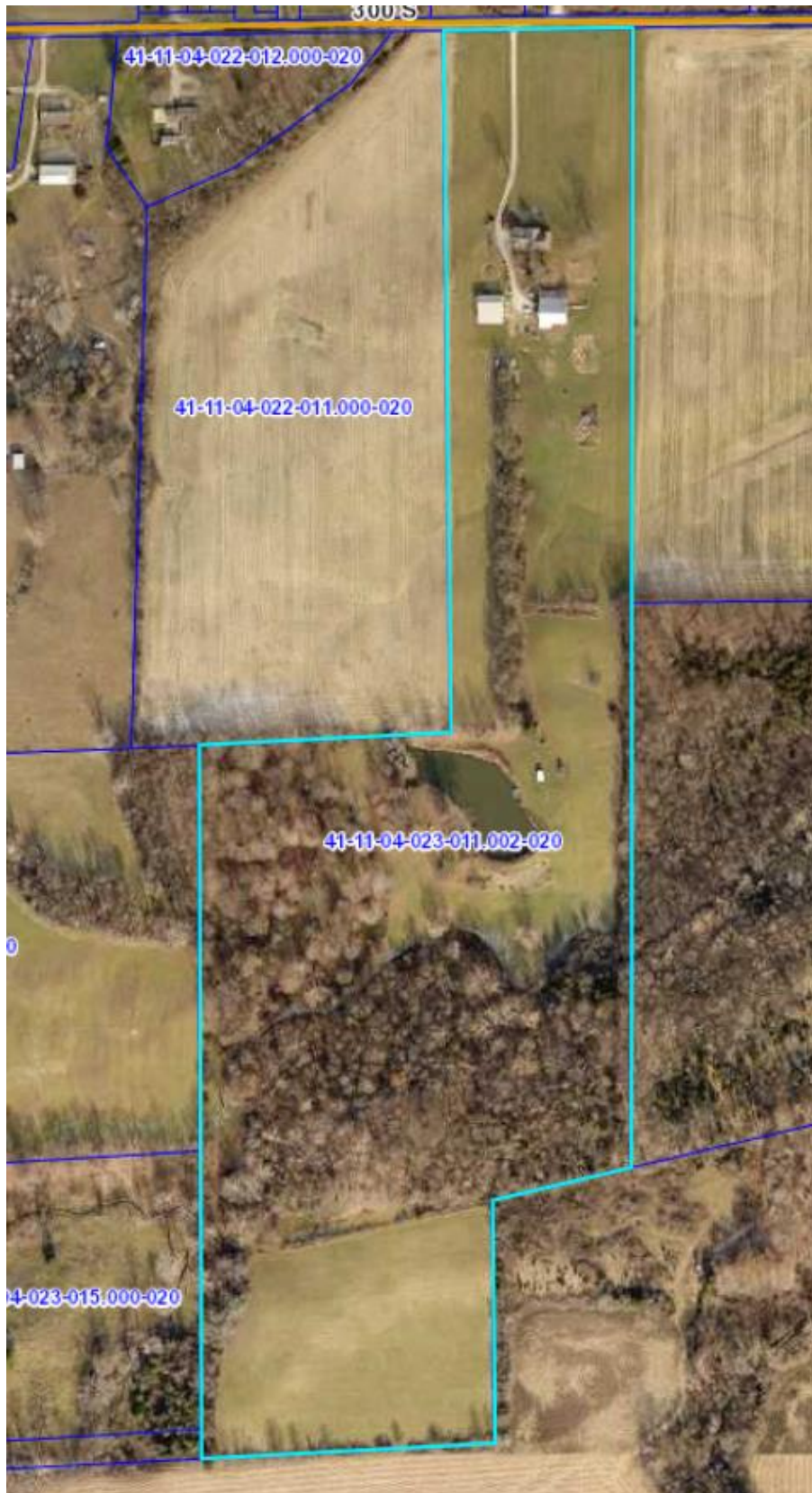


## W-1-21 Base Map II

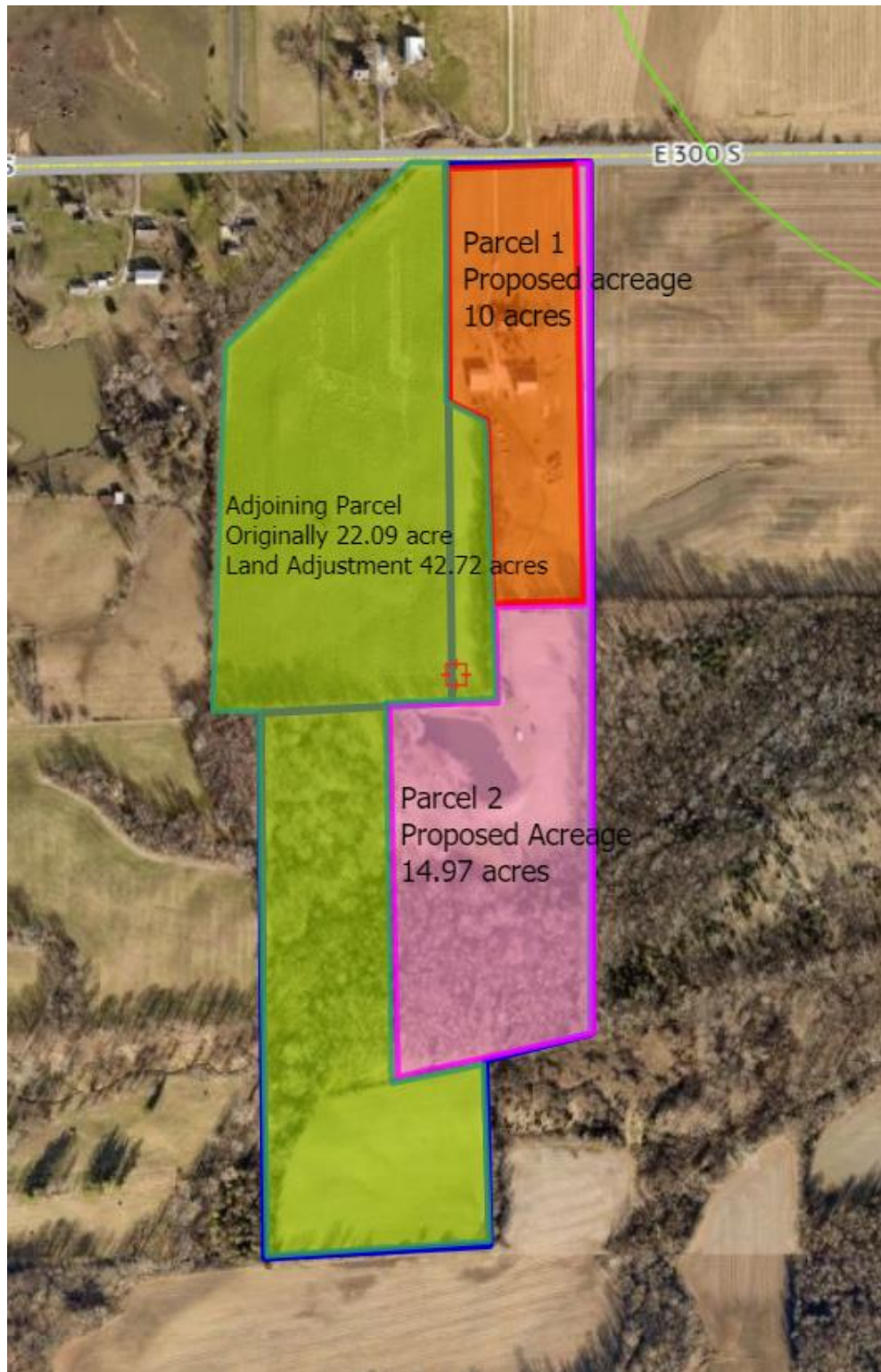




## W-1-21 AERIAL MAP

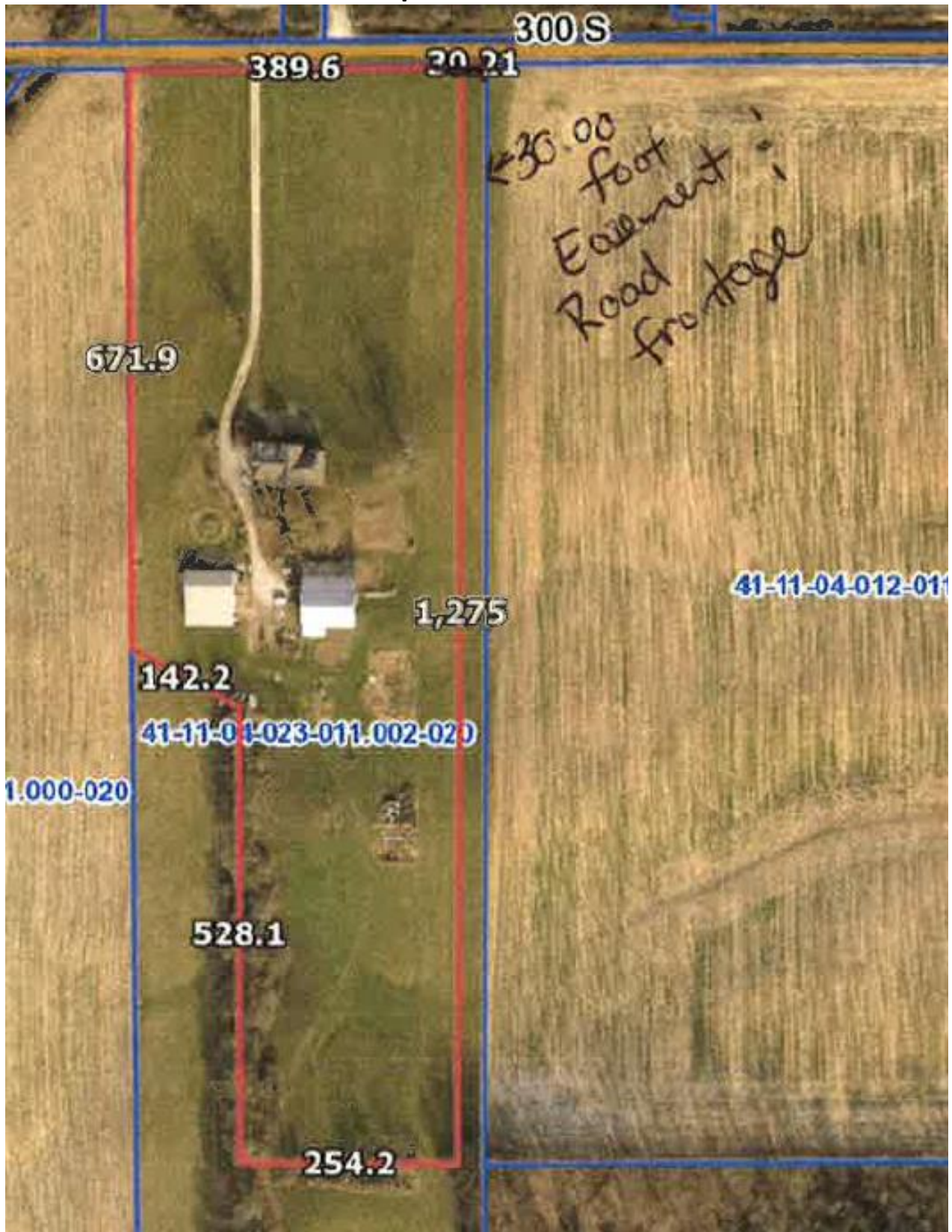


## W-1-21 Proposed Roadside Subdivision





# W-1-21 Proposed Parcel 1 Details



## W-1-21 Proposed Parcel 2 Details



## W-1-21 PETITIONER FINDINGS OF FACTS – ORIGINAL TRACT OF LAND

### FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

#### PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.  
Original Tracts of Land: Granting a waiver to subdivide two parcels of land into three parcels of land will not be detrimental to nearby properties. The proposed parcels of land will be similar or larger than nearby parcels of divided land. The proposed, larger lots will fit the agricultural area. One parcel has an existing house and barns.
  
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.  
The parcels are being subdivided to keep the majority of the property with family.  
If we are able to divide this property, approximately 58 of the 68 acres will remain with family. Twenty-two acres towards the back of the property are non-buildable and non-tillable.
  
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.  
There will be no hardship for any of the proposed tracts or surrounding properties.
  
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.  
The waiver will not contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as the resulting Roadside Subdivision will be comprised of low-density residential lots in an agricultural district.



## W-1-21 PETITIONER FINDINGS OF FACTS – TWO-ACRE RULE

### FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

#### PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.  
Two Acre Rule: Granting a waiver for three lots being larger than two acres will not be detrimental to the public safety, health, or welfare or be injurious to nearby property. There is currently a house and barns that would remain on an approximate 9.5 acre lot. The two remaining lots would be approximately 15 and 44 acres.
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.  
The condition that causes this waiver to be requested is the desire for the land owner to maintain generational property, be able to build a smaller home on the largest remaining tract, and to sell property to other family. The current home and barns on the eastern parent parcel, as well as the other tracts, would keep the land similar to the agricultural, low density lots in the area. Twenty-two acres in the back are non-buildable and not tillable.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.  
The adherence of this ordinance would prevent the property owner from selling acreage that otherwise has little value due to the inability for the back, wooded acreage to be used for agricultural development.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.  
The waivers would not go against the purpose of the Zoning Ordinance to allow for agricultural development and would have no effect on the rural character just as the dozens of surrounding, 2 to 15 acre residential tracts on the same stretch of 300 South.

## **W-1-21 PETITIONER FINDINGS OF FACTS – 200' ROAD FRONTAGE FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER**

### **PLAN COMMISSION**

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.  
Road Frontage: The granting of this waiver for parcel #3 to have less than 200' of road frontage  
will not be detrimental to the public safety, health, or welfare or be injurious to nearby properties  
because the road frontage reduction is only along the road. The parcel will widen to 250' feet  
where the proposed residence will be. The parent parcel has 420 feet of road frontage.
  
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.  
The condition that causes this waiver to be requested is the location of the existing residence  
on the parent parcel, #1. If this parcel has 200' road frontage, the parcel line for parcels #1 and #3 would go  
through the existing residence.
  
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.  
As stated above, the location of the existing residence causes a hardship in creating 200' of road  
frontage for parcel #3. At 200', the new parcel line would extend through the existing residence.
  
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.  
This waiver will not contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official  
Map as the resulting Roadside Subdivision will be comprised of low-density residential lots in an Agricultural District.



# Staff Report

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CASE NUMBER: W-2-21  
ADDRESS: 7294 East Division Road and 75 N 700 E  
Section 15, Township 12, Range 5  
PETITIONER: Dawn Ankrom, by Brad Ott

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## REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a three-lot Roadside Subdivision with lots of 5.79 and 2.36 acres in size (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

## STAFF RECOMMENDATION

Staff recommends approval of this request.

## PROPERTY DESCRIPTION

This 55.6-acre site is zoned A-1 (Agricultural) and is improved with a single-family home and several agricultural structures. There was once a single family home on the lot along 700 East that has been removed.

The site is surrounded by large tracts of land used agriculturally with an occasional single-family dwelling. All surrounding properties are zoned A-1.

## WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 55.6-acre parent lot into three lots. The newly-created lots would be 2.36 acres and 5.79 acres in size and the remaining parent tract would be about 47 acres in size.

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum* is intended to minimize, to the extent possible, non-agricultural encroachments into agricultural areas. The Petitioner and the surveyor had created a roadside subdivision of three new lots that all were 2 acres in size. This created two irregular shape lots and one lot sandwiched between the two homesites which would also at the corner of 700 East and Division Road. This lot is also downhill from the house along Division Road. Due to the topographical features and lot configuration, the third parcel would likely remain undeveloped and owned by an adjoining parcel.

The intent was to split only two lots from the parent parcel. This minor deviation allows a better lot configuration and best use of the land for the two proposed lots.

Additionally, the petitioner is requesting a Roadside Subdivision resulting in three lots, whereas the regulations would allow up to four. The staff would regard the low-density residential development proposed here to be appropriate.

The staff recommends approval of this waiver request.

#### FINDINGS OF FACT, STAFF ANALYSIS

**The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;**

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

**The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;**

Staff Analysis: The elevation change and being at the corner of two streets would create a lot not desired for an additional single family home.

**Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;**

Staff Analysis: The elevation change and being at the corner of two streets would create a lot not desired for an additional single family home.

**The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.**

Staff Analysis: The Future Land Use Map of the Comprehensive Plan identifies the future land use of the property as agricultural. The proposed subdivision would provide for a residential density consistent with the Plan recommendation. The proposal complies with all development standards identified in the Zoning Ordinance.

#### GENERAL INFORMATION

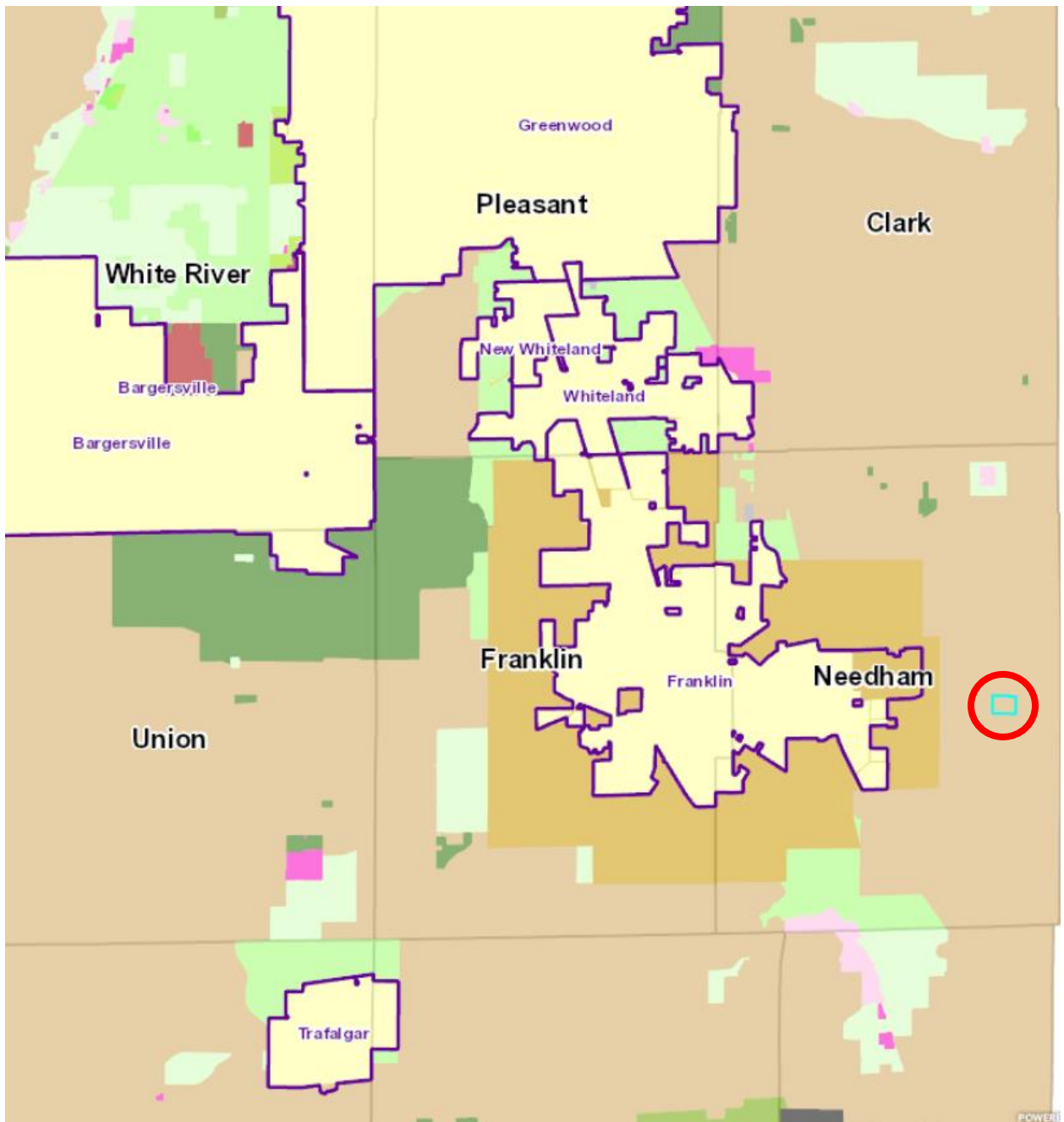
Applicant: Dawn Ankrom, Trustee of the Mary and Stephen Glassburn Trust  
98 S 700 E  
Franklin, IN 46131

Owner: Same

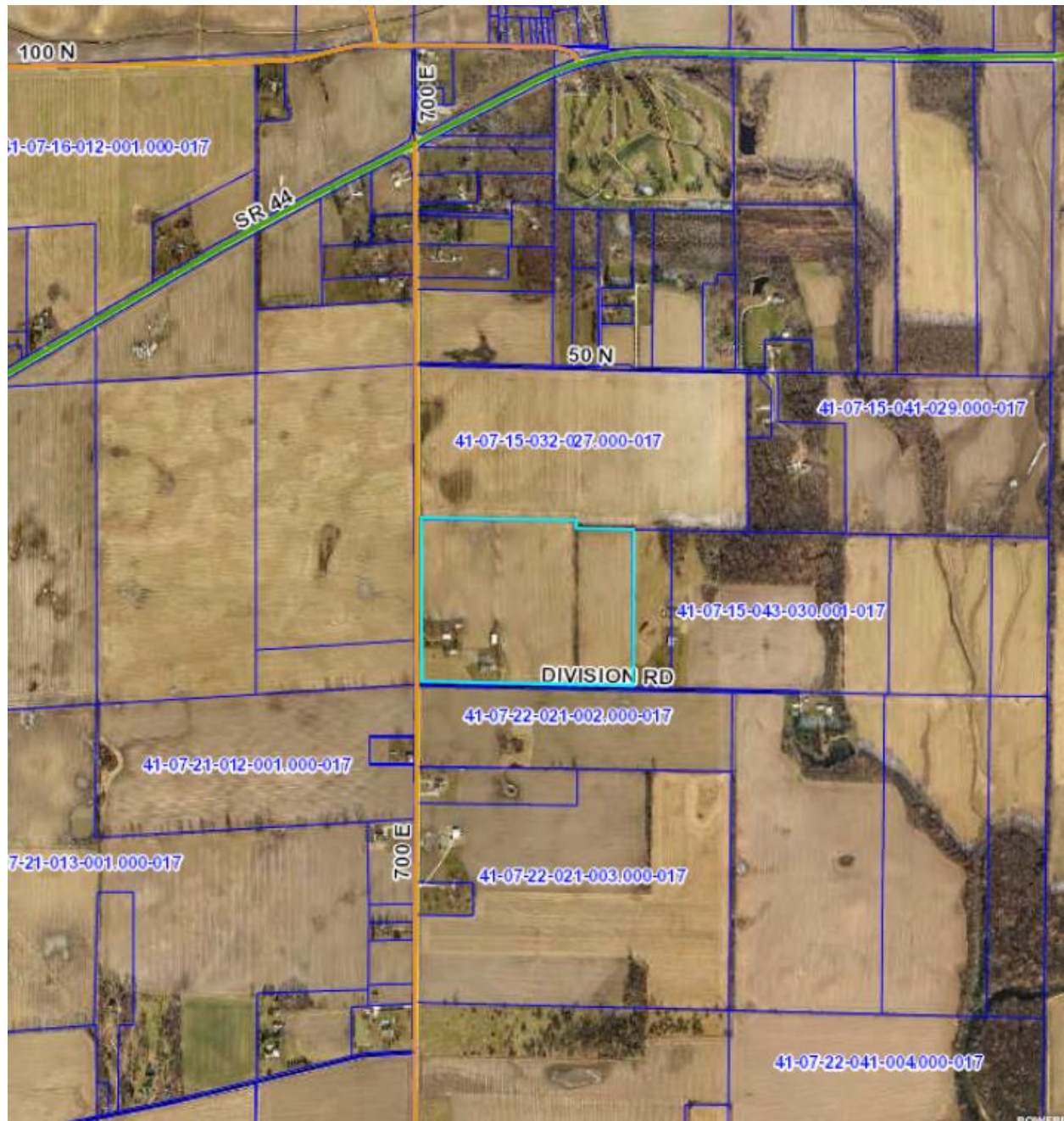
Current Zoning: A-1 (Agricultural)  
Existing Land Use: Agricultural  
Future Land Use: Agricultural

-MNH

## W-2-21 Base Map



## W-2-21 AERIAL MAP I

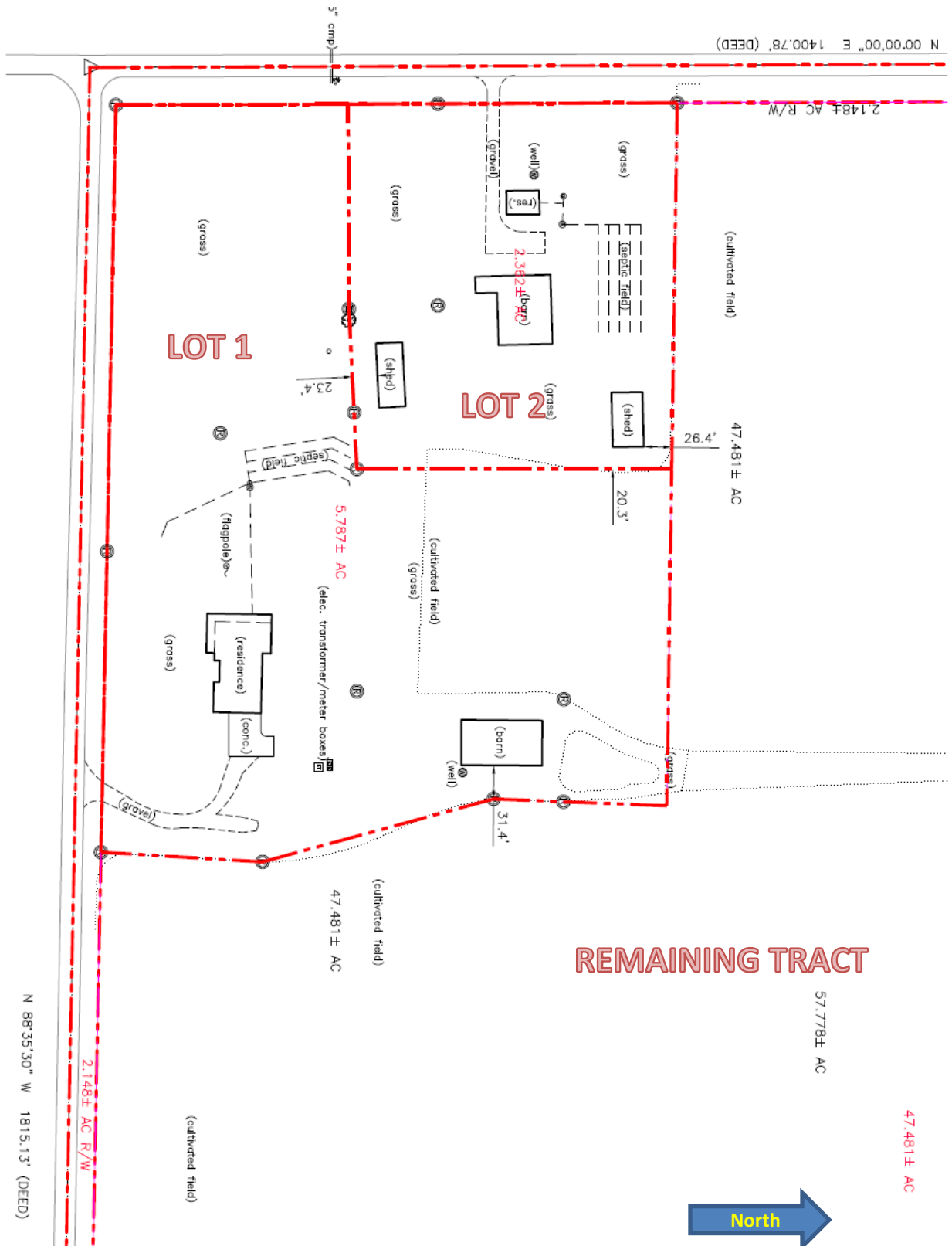




## W-2-21 AERIAL MAP II



# W-2-21 Proposed Roadside Subdivision



Survey Plat for the Stephen J. & Mary W. Garrison Trusts, Instrument 2019-008108, 7794 E. Dwyer Avenue, N 200 E (S7.7E AC DEED).

The plat shows several parcels and easements, including:

- Parcel 1: 5.7784 AC
- Parcel 2: LOT 40 1204 AC
- Parcel 3: 5.0718 AC
- Parcel 4: 5.0718 AC
- Parcel 5: 5.0718 AC
- Parcel 6: 5.0718 AC
- Parcel 7: 5.0718 AC
- Parcel 8: 5.0718 AC
- Parcel 9: 5.0718 AC
- Parcel 10: 5.0718 AC
- Parcel 11: 5.0718 AC
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- Parcel 99: 5.0718 AC
- Parcel 100: 5.0718 AC

Survey data includes bearings and distances for various lines, as well as area calculations for lots and parcels. A north arrow is located at the bottom left.

## W-2-21 Petitioner's Findings of Facts page 1 of 2

### Findings of Fact – Subdivision Control Waiver

Project: Glassburn Docket No. \_\_\_\_\_

#### What is the purpose of this request?

Petitioner is seeking a waiver of the Johnson County Subdivision Control Ordinance to allow for a reconfiguration of the recently completed 57.778± acres' Roadside Subdivision recorded 10.28.2020 as 2020-030840 consisting of the following 4 existing parcels + right of way:

LOT 1: 2.490± acres

LOT 2: 2.020± acres

LOT 3: 2.000± acres

LOT 4: 49.120± acres

R/W: 2.148± acres (per 2020-030839)

Reconfigured into the following proposed 3 parcels + right of way:

A: 2.362± ACRES

B: 5.787± ACRES

C: 47.481± ACRES

R/W: 2.148± ACRES (remains the same as dedicated per 2020-030839)

Currently the parent parcel is zoned A-1 and is used agriculturally with two single family dwellings and accessory structures. Petitioner's request should not be viewed unfavorably on the sole basis that the Glassburn parcel was so recently split via the Roadside Subdivision process with no waivers or variances required at that time. Petitioner is not requesting a change in the current zoning classification.

#### *Statutory Criteria*

**The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property** because the proposed reconfigured parent tract is surrounded to the north, south, and east by tracts of similar size used residentially and all zoned A-1. The parent tract is situated to the west with large tracts of land used for agricultural purposes. The proposed reconfiguration exceeds the minimum acreage requirement for installation of a well and septic system and any future development of the reconfigured lots would have to comply with current building codes and other applicable regulations.

**The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties** because of the requirements of the recently deceased prior owner's wishes detailed in the estate papers, including the legal separation via this process of the two existing single family dwellings and accessory structures into separate legally defined parcels.



## **W-2-21 Petitioner's Findings of Facts page 1 of 2**

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to because strict compliance with the Ordinance is what resulted in the 4 lots, when in fact, all that is required or even desired are 3 lots. Approval of this request, rather than the strict arbitrary compliance with the Ordinance regulations, represents minor deviation from the 2.000-acres' requirement and allows the property lines to be situated in such a way as to align better with existing topographic land features on site.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission because the Future Land Use Map of the Comprehensive Plan identifies the future land use of the proposed lot reconfigurations as Agricultural. The proposed lot reconfigurations would be accomplished via the Roadside Subdivision process upon approval of this waiver request, providing for a residential density consistent with the plan recommendation and surrounding properties. A specific goal recited in the Comprehensive Plan is to provide the opportunity for rural residential to accommodate preferences for a rural lifestyle. Any future development of the proposed lot reconfigurations would have to comply with current building codes and other applicable regulations.

# Staff Report

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CASE NUMBER: W-3-21  
ADDRESS: 3078 West 625 South, Trafalgar  
Section 23, Township 11, Range 3  
PETITIONER: Jeffrey and Corina Jones

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## REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where the parent tract is 9 acres (parent tract must be at least 12 acres in area to be subdivided via the Roadside Subdivision process).

## STAFF RECOMMENDATION

Staff recommends the **approval** of this request.

## PROPERTY DESCRIPTION

This 9-acre site is zoned A-1 (Agricultural) and is improved with one single-family dwelling and an accessory structure.

The site is surrounded by similar sized parcels used agriculturally and improved with single-family dwellings, all of which are zoned A-1.

## WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 9-acre parent lot into two lots. The newly-created lot will be two acres in size and would include the existing dwelling. The remaining parent tract would be seven acres. This 9-acre tract has existed at least since 1973.

Today, to be eligible for subdivision via the Roadside Subdivision process, the original "parent" parcel must have a minimum area of 12 acres. This requirement is intended to preserve agricultural land and open space and to discourage the piecemeal encroachment of significant residential density into agricultural areas. This parcel, at 10 acres, falls a little short of that 12-acre requirement. The petitioner is requesting a Roadside Subdivision resulting in two lots, whereas the regulations would allow up to four. The portion of the property that would be divided off is not being used for agricultural purposes. The staff would regard the low-density residential development proposed here to be appropriate.

## FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: The parcel would need to require additional land in order to meet the requirement. The adjoining land is not owned by the petitioner.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: The subject lot is not the minimum size required for division of land so the property owner cannot ever divide the subject lot is a waiver is not granted.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Future Land Use Map of the Johnson County Comprehensive Plan recommends Agricultural use of the site. The proposed waiver would allow for residential development at approximately one dwelling unit per five acres. The proposed residential density of one dwelling unit per two-acres is well-situated for the Plans' recommendations.

#### GENERAL INFORMATION

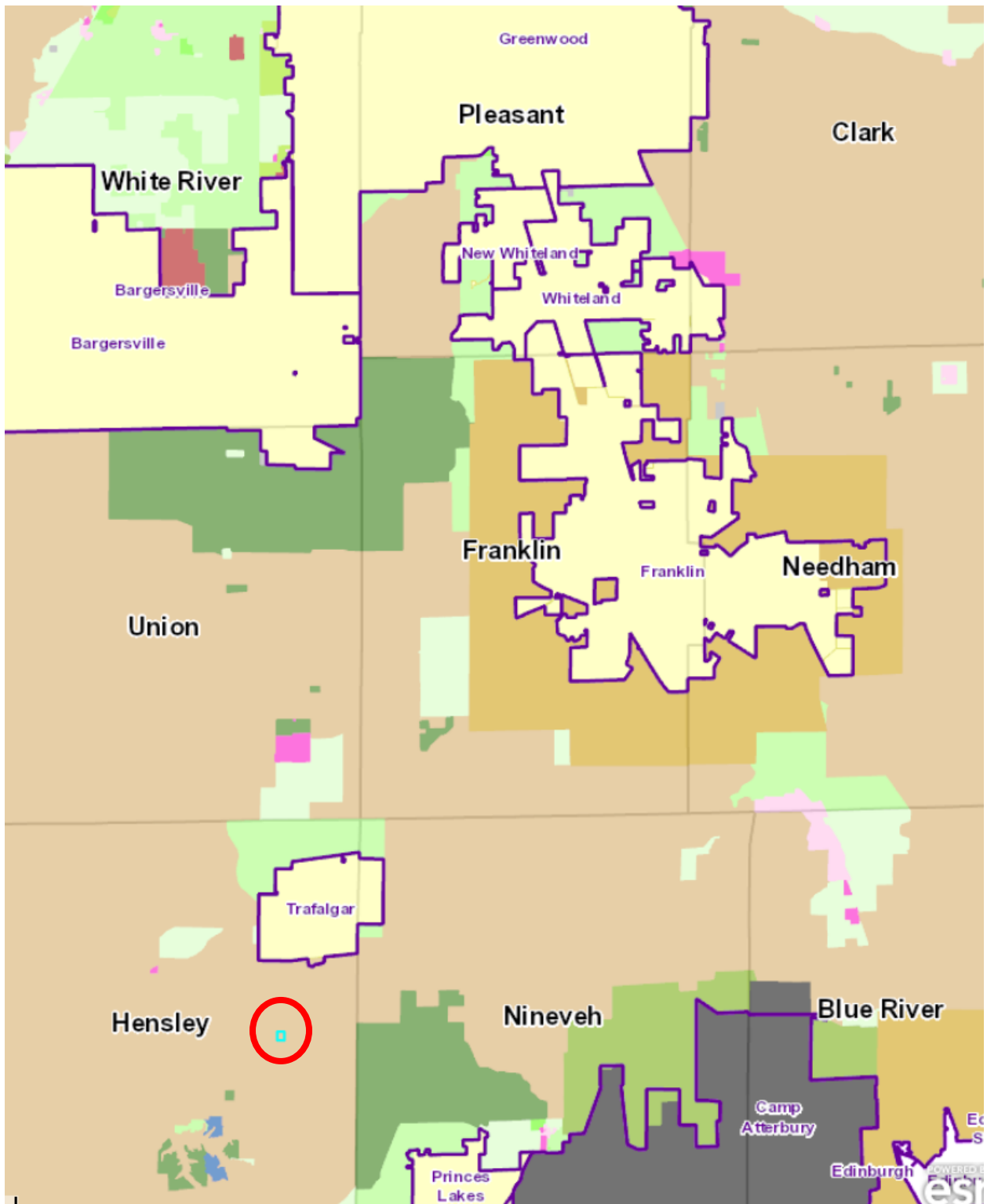
Applicant: Jeffrey and Corina Jones  
3078 West 625 South  
Trafalgar IN 46181

Owner: Same

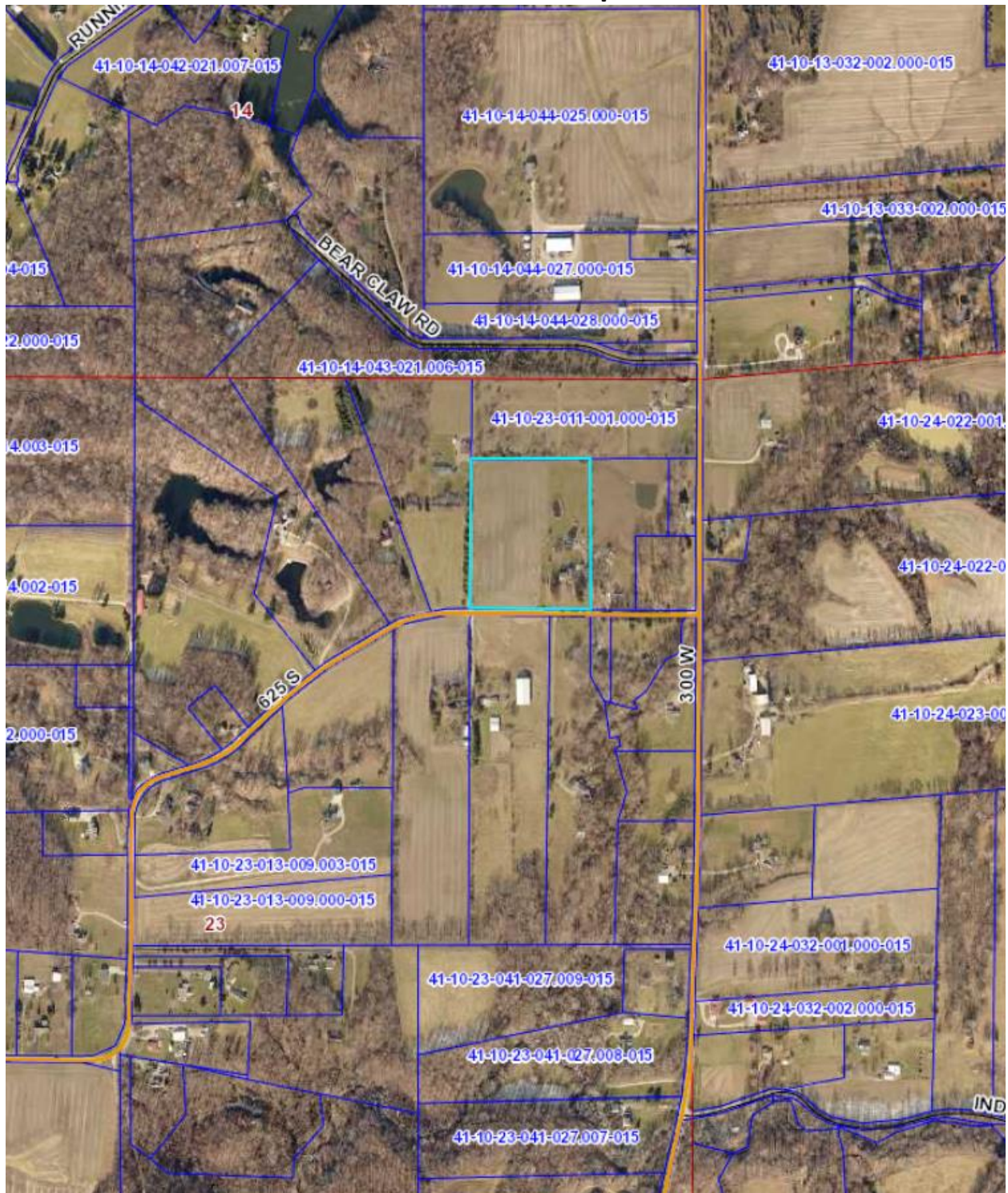
Current Zoning: A-1 (Agricultural)  
Existing Land Use: Single Family Dwelling  
Future Land Use: Agricultural

-MNH

## W-3-21 Base Map



## W-3-21 Base Map II

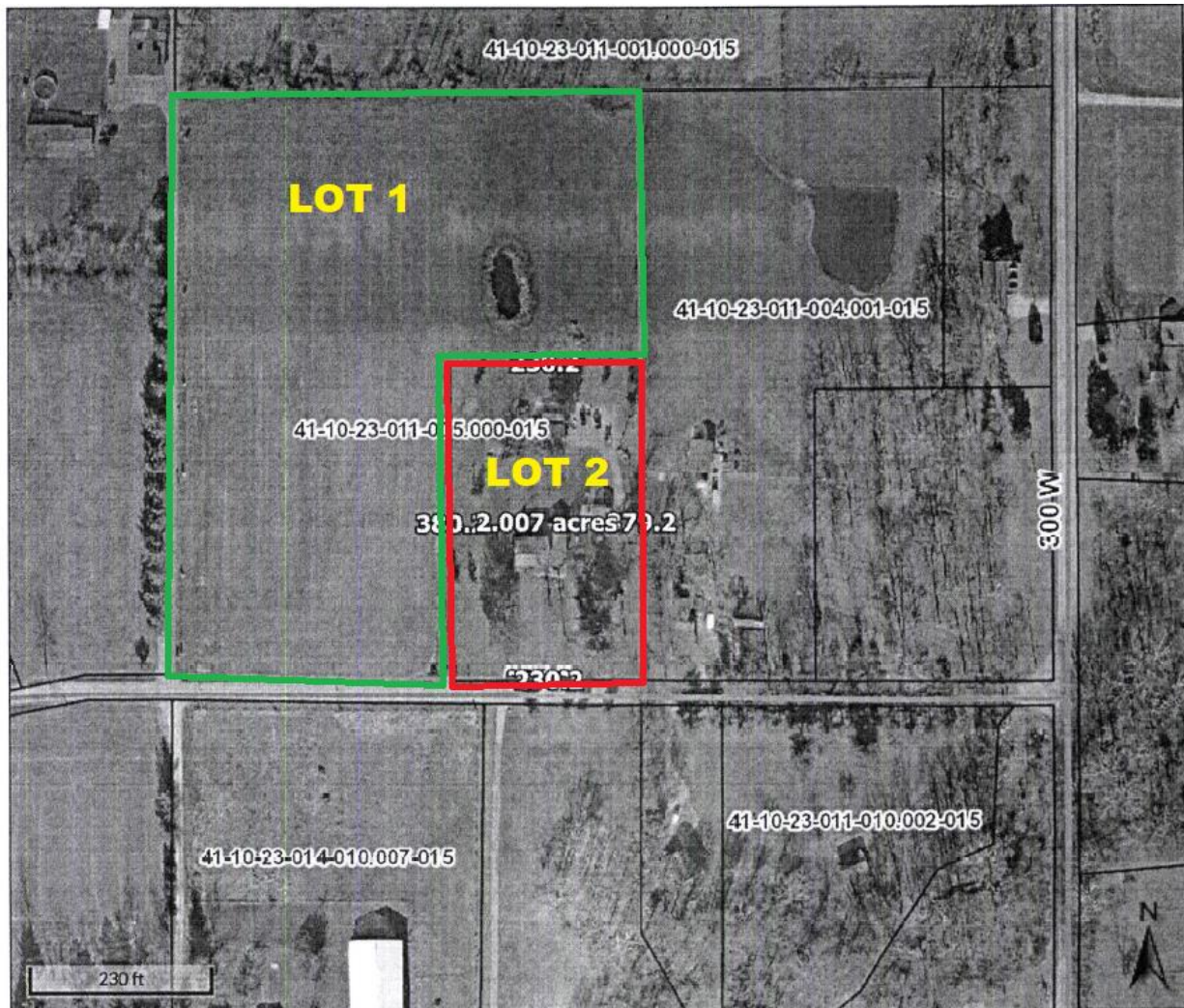




## W-3-21 AERIAL MAP



## W-3-21 Proposed Roadside Subdivision





## W-3-21 PETITIONER FINDINGS OF FACT

### FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

#### PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.

We are going to build a single family home. This  
will not be detrimental to public safety or welfare  
of anyone.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

We have 9.04 acres and not 12. But we  
have 536<sup>25</sup> ft of Road Frontage

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.

This has been 9.04 acres since the 70's. We do  
not have to opportunity to buy additional land.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

We will not, only building one additional  
home & it will inter with Surrounding areas.



# Staff Report

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Case Number:	P-2-20
Case Name:	Eagle Springs Major Subdivision – Preliminary Plat
Address:	4444 West Stones Crossing Road, specifically Parcel ID # 41-04-10-013-026.000-038 Section 4, Township 13, Range 3
Petitioner:	Lennar Homes of Indiana

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## CONTINUANCE

A timely automatic continuance was filed by a remonstrator, continuing this matter from the January 25, 2021 meeting of the Plan Commission to the February 22, 2021 meeting. Staff has prepared a brief staff report to provide preliminary information. A detailed report will be provided in the February 22<sup>nd</sup> Packet.

## REQUEST

Approval of the Eagle Springs Preliminary Plat to create a 91.6-acre, 154-lot major subdivision.

## PROPERTY DESCRIPTION

The property is a 91.6-acre parcel zoned R-1, Single Family Residential. To the west, north, and northwest are three major residential subdivisions. To the east and south are minor residential subdivisions, all zoned R-2. The property is improved with an existing single-family home and several accessory structures.

## PRELIMINARY PLAT

The Plan Commission is to consider a request for preliminary approval of a 154-lot, single-family major subdivision. The subdivision is proposed to be built out in three sections. Section 1 will have 48 lots, Section 2 will have 54 lots, and Section 3 will have 52. The subdivision proposes a main vehicular entrance off of Stones Crossing Road. Interior roads will provide a stub street connection to the Forest Hills, Brentridge, and Hunters Pointe subdivisions.

The subdivision will have about 23.2 acres dedicated for common area, including the existing wooded area which Lake Run runs through.

The proposed plat complies with the recently amended lot standards for R-1. The minimum lot size will be 12,600 square feet, with a majority of the lots having an area of 13,060 square feet. The average lot will have a width of 90 feet, or a buildable width of 70 feet when accounting for the required 10-foot side setbacks.

The development proposes to provide the required sidewalks along with the internal roadway network, as well as a 10' shared trail section along West Stones Crossing Road as recommended on the Johnson County Master Trails Plan.

## ZONING DISTRICT

This subject property is zoned R-1, Single-Family Residential. As stated in the Johnson County Zoning Ordinance:

“The purpose of the R-1, Single-Family Residential District is to provide for residential development at an average density of two (2) dwelling units per acre. Development of major subdivisions in the R-1 District shall be limited to sites served by public sanitary sewer systems. Major subdivisions should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to RR, R-1, or R-2 Residential Districts.”

Built out, the proposed subdivision, with 154 single-family dwellings developed on 91.6 acres, would have a density of 1.68 dwellings/acre. The property will be served by a public sanitary sewer system and public water system.

## **Surrounding Subdivisions Comparison**

The chart below illustrates the densities of the major residential subdivisions adjacent to the parcel:

Subdivision	Year Platted	# of Lots	Overall Acreage	Density dwellings/acre	Common Area - acreage	average lot size (sq ft)
<b>Eagle Springs</b>		<b>154</b>	<b>91.6</b>	<b>1.68</b>	<b>23.2</b>	<b>13,068</b>
Brentridge Estate	1986-1991	176	110.89	1.59	3	22,216
Forest Hills	1995-1998	148	79.36	1.86	0.47	19,602
Hunters Pointe	1978-1986	228	127.16	1.79	0.96	18,295
Brockton Manor	1994-1996	129	67.51	1.91	0.8	17,424
Willow Lakes	1985-1996	296	161.66	1.83	12.55	17,424
Highland Park	1996	131	95.97	1.37	0.73	27,443

## SUBDIVISION DETAILS

### **Utility Infrastructure**

This project will be served by Greenwood Sanitation. Greenwood has stated that when it's Western Regional Interceptor project is completed, capacity will be available for future connections. This project will be served by Bargersville Utilities as a public water source.

## **Stormwater**

The subdivision will have a proprietary drainage system, as reviewed and approved by the Drainage Board, to wholly accommodate its received stormwater.

## **Streets**

The subdivision will include 1.9 miles of public streets. As required by the Subdivision Control Ordinance, the subdivision will connect to an existing stub street within the subdivisions of Forest Hills, Brentridge and Hunters Pointe. It will be accessed from W. Stones Crossing Road. As required by the Subdivision Control Ordinance, the subdivision will also have a stub street to the 60-acre property to the east to provide street connections to future development.

The developer will dedicate a 50-foot right-of-way along W. Stones Crossing Road.

## **Signs**

The petitioner plans to construct the allowed subdivision entry signs within the corners of Lots 91 & 92 and the corners of the common area along Mullinix Road.

## **GENERAL TERMS AND CONDITIONS**

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### **Technical Review Committee**

The Technical Review Committee reviewed this petition at its September 9, 2020 meeting. The plat has satisfied all comments made in the Technical Review Committee memo.

The Technical Review Committee will review construction plans and final plats for each section.

### **Johnson County Drainage Board**

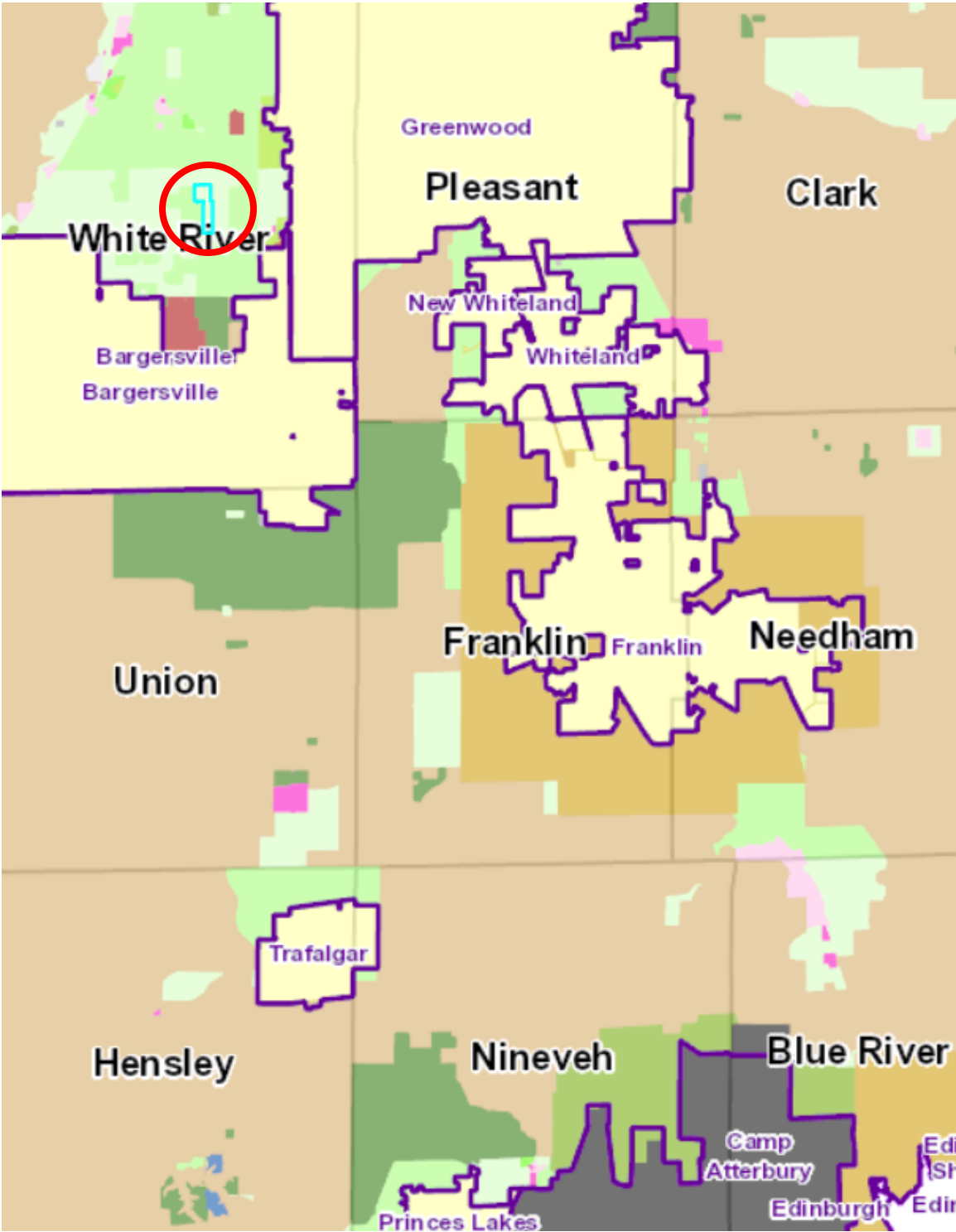
The Johnson County Drainage Board reviewed and approved preliminary drainage plans at its January 5th, 2021 meeting. The Drainage Board will review the final drainage plans with the construction plans.

## **GENERAL INFORMATION**

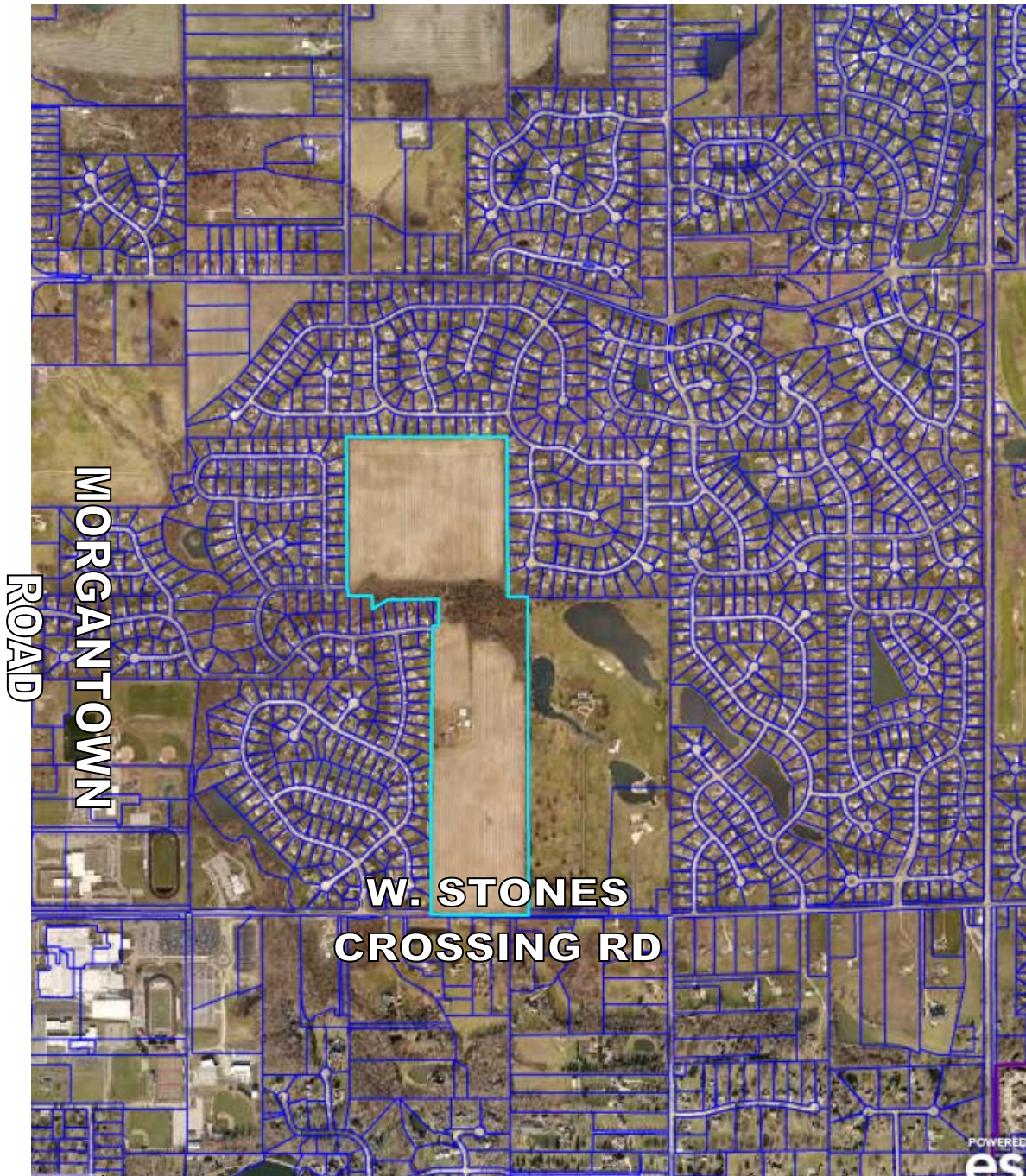
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Surveyor:	Banning Engineering 853 Columbia Road, Suite 101 Plainfield, IN 46168
Developer:	Lennar Homes
Owner:	Timbercreek Investments LLC 3701 W. Smokey Row Road Bargersville, IN 46106
Area:	91.6 acres
Number of Lots:	154
Current Zoning:	R-1 (Single-Family Residential)
Existing Land Use:	Vacant / Agricultural Field, single-family home
Comprehensive Plan:	Suburban – Rural Family Residential

P-2-20 VICINITY MAP



**P-2-20 BASE MAP I**

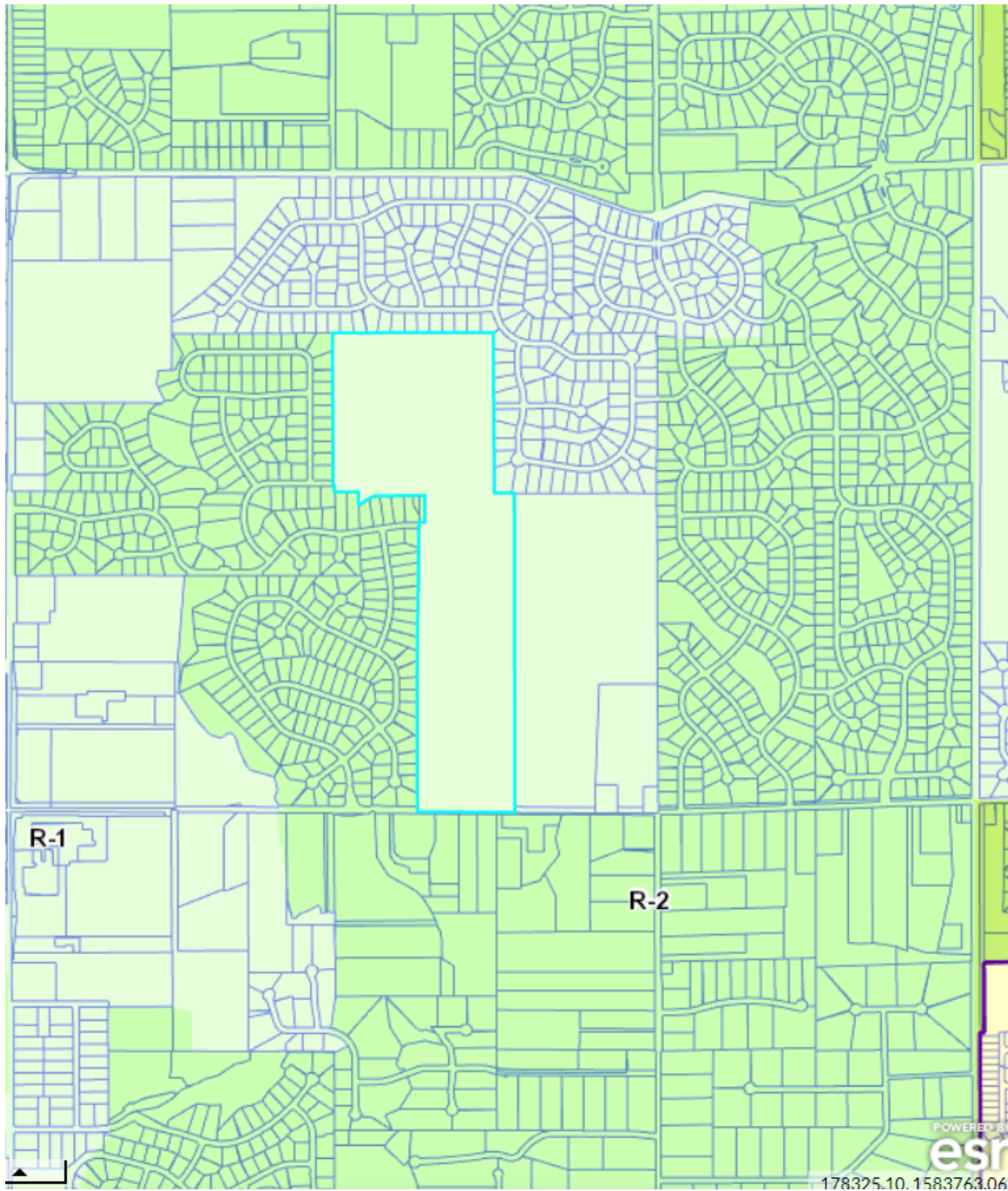




## P-2-20 BASE MAP II



## P-2-20 ZONING MAP









# P-2-20 PROPOSED PLAT

## PRELIMINARY PLAT EAGLE SPRINGS

E1/2 SEC. 10-T13N-R3-E WHITERIVER TOWNSHIP, JOHNSON COUNTY, INDIANA  
PROJECT LOCATION: NORTH SIDE OF STONES CROSSING ROAD APPROX. 3500' EAST OF MORGANTOWN ROAD  
ZONED: R-1; ADDRESS: 4444 WEST STONES CROSSING ROAD  
PLANS PREPARED FOR:

**LENNAR**

9025 NORTH RIVER ROAD  
INDIANAPOLIS, IN 46240  
(317) 710-1021  
TY RINEHART

