



## 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  
October 25<sup>th</sup>, 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 September 27<sup>th</sup>, 2021 meeting.

### PUBLIC HEARINGS

-CONTINUED HEARINGS- None.

-NEW HEARINGS -

P-1-21. Deerfield Major Residential Subdivision. Lennar Corp of Indiana, Inc.....Page 3

35.247 acres behind 1247 S. Runyon Road, Greenwood; Parcel ID # 41-04-03-042-014.000-038

Approval of the Deerfield Preliminary Plat to create a 35-acre, 66-lot major subdivision.

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

M-4-21. Coverdale East Minor Subdivision. Approx. 100 E 100 S, Franklin.....Page 4

Approval of a Residential Subdivision Plat, to be known as Coverdale East Minor Subdivision, dividing eleven-acres into four lots.

M-5-21. Coverdale West Minor Subdivision. 18 W 100 S, Franklin.....Page 16

Approval of a Residential Subdivision Plat, to be known as Coverdale West Minor Subdivision, dividing eleven-acres into three lots.

W-11-21. Terry Johnson & David Brichler by Greg Leugers Waiver. 4509 S 800 W....Page 28

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a four-lot Roadside Subdivision with lot areas of 7.46, 6.46, and 6.42 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

Proposed Amendments to the Johnson County Zoning Ordinance.....Page 37  
Three sections of the Johnson County Zoning Ordinance

OLD BUSINESS      None.

NEW BUSINESS

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for November 22<sup>nd</sup> 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:	P-1-21
Case Name:	Deerfield Major Subdivision – Preliminary Plat
Address:	35.247 acres behind 1247 S. Runyon Road, Greenwood specifically Parcel ID # 41-04-03-042-014.000-038 Section 3, Township 13, Range 3
Petitioner:	Lennar Corporation of Indiana, Inc.

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## CONTINUANCE

A timely automatic continuance was filed by the petitioner, continuing this matter from the October 25<sup>th</sup> 2021 meeting of the Plan Commission to the November 22, 2021 meeting. A detailed report will be provided in the November 22<sup>nd</sup> Packet.

## REQUEST

Approval of the Deerfield Major Residential Preliminary Plat to create a 35-acre, 66-lot major subdivision.

# Staff Report

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CASE NUMBER: M-4-21, Coverdale East Minor Residential Subdivision  
ADDRESS: Approx. 100 E 100 S, Franklin  
Section 21, Township 12, Range 4  
PETITIONER: Greg Leugers and Robert Speas by Maurer Surveying, Inc

## **STAFF RECOMMENDATION**

Staff recommends approval of this Minor Plat subject to satisfaction of all amendments requested by the Technical Review Committee and checkpoint agencies. Further detail will be provided verbally at the hearing.

## **PROPERTY DESCRIPTION**

This 11-acre site is zoned BUFF (City of Franklin Buffer Zone) and is an unimproved agricultural field. The City of Franklin Zoning Map has this area zoned Residential Rural.

The site is surrounded by large tracts of land used agriculturally with an occasional single-family dwelling, all of which are zoned BUFF. To the south west of this property are six small acres parcels, similar to the proposed subdivision.

## **PROPOSED MINOR PLAT**

This request, if approved, would provide for the subdivision of the subject site into four lots. All lots will have road frontage along 100 West with one lot that will be at the corner of Centerline Road and 100 S. All four lots will be between 2.25 acres to 2.75 acres in size.

The lots will be served by private wells and private sanitary septic systems.

## **GENERAL TERMS AND CONDITIONS**

### **Technical Review Committee**

The Technical Review Committee reviewed the Coverdale East Minor Plat on September 21, 2021, and its aggregate comments are included in the attached Technical Review Committee Letter. Approval from each Technical Review Committee member agency is required before the final plat may be approved for recording.

### **Johnson County Drainage Board**

The Johnson County Drainage Board reviewed and approved the drainage plan for the Coverdale East Minor Plat at its October 5<sup>th</sup> 2021 meeting.

### **Johnson County Highway Department, Johnson County Planning Engineer, Johnson County GIS Department, REMC, and City of Franklin**

Each of the above entities has reviewed this petition and has indicated no objections.

**Johnson County Health Department, Franklin Fire Department**

Each of the above entities has reviewed this petition but has not provided follow up approval or objections. A follow up will be provided verbally at the Planning Commission Meeting.

**GENERAL INFORMATION**

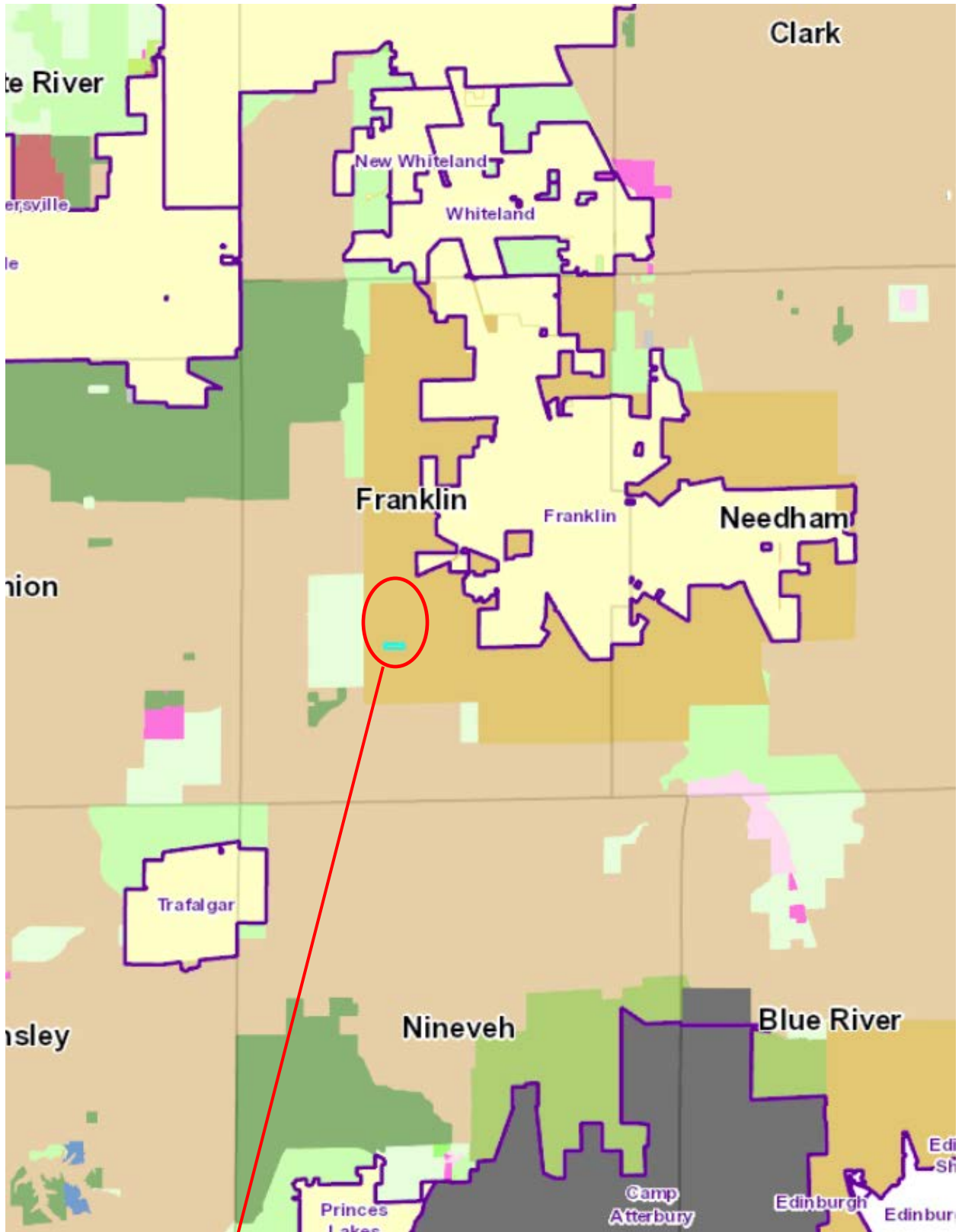
Subdivider: Maurer Surveying, Inc.  
4800 West Smith Valley Road, Suite P  
Greenwood, Indiana 46142

Owner: Gregory Leugers and Robert Speas  
26 E. Jefferson Street  
Franklin, IN 46131

Current Zoning: Buffer (City of Franklin Buffer Zone; RR – Residential Rural)  
Existing Land Use: Agricultural  
Future Land Use: Rural Residential

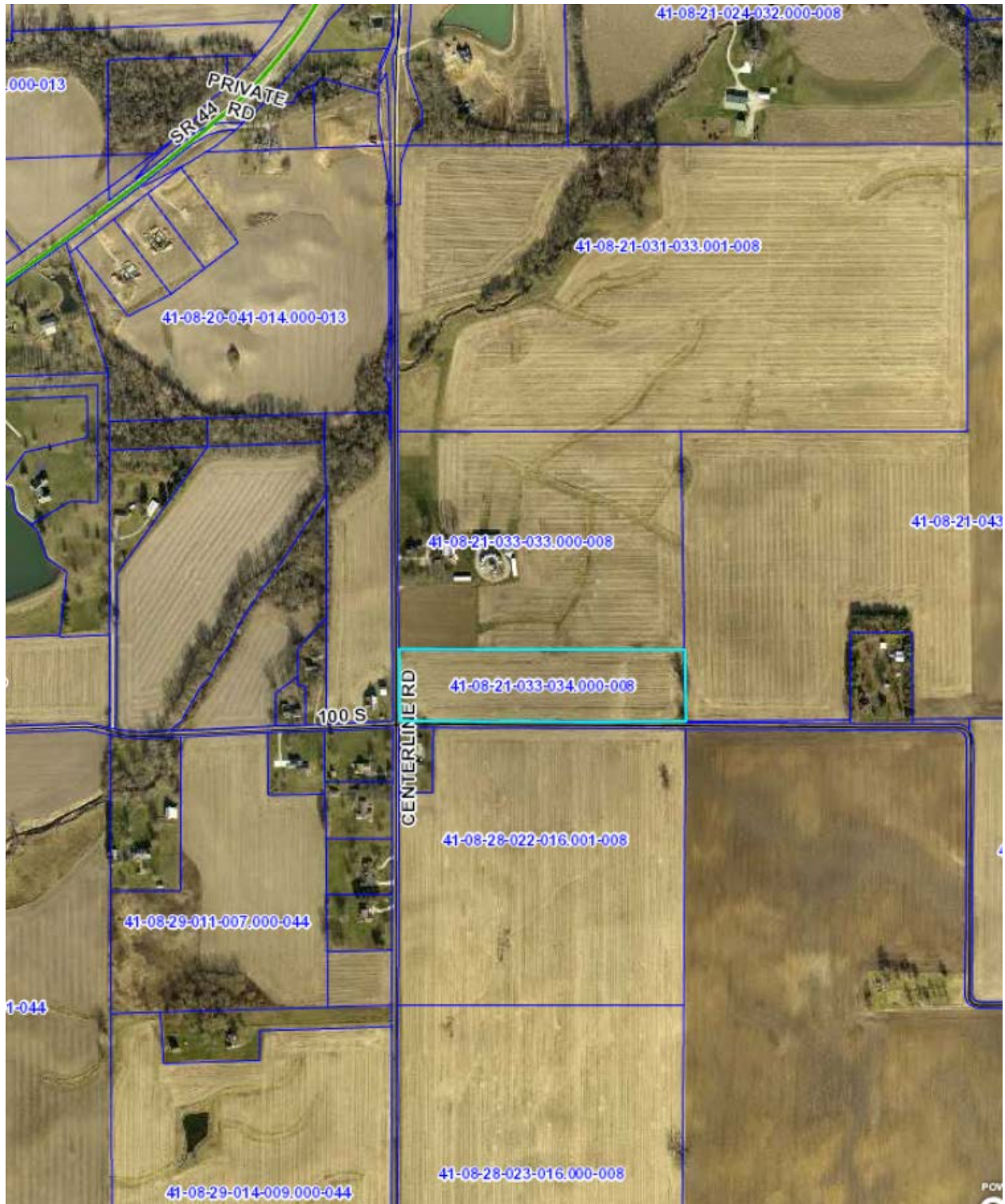
-MNH

## M-4-21 Base Map



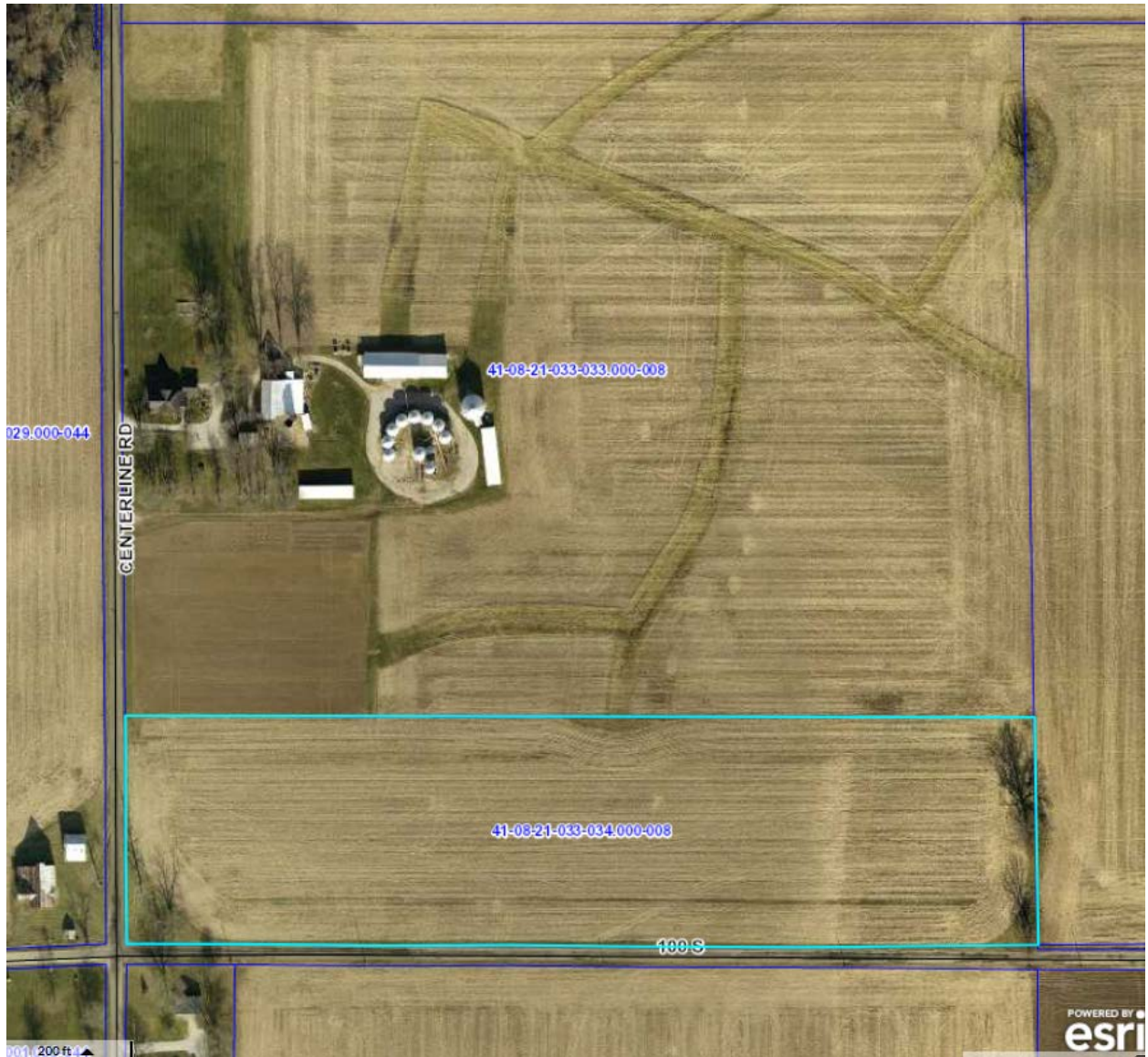
**Subject Site**

## M-4-21 Base Map II





## M-4-21 AERIAL PHOTOGRAPH





## COVERDATE EAST MINOR PLAT

LEGEND

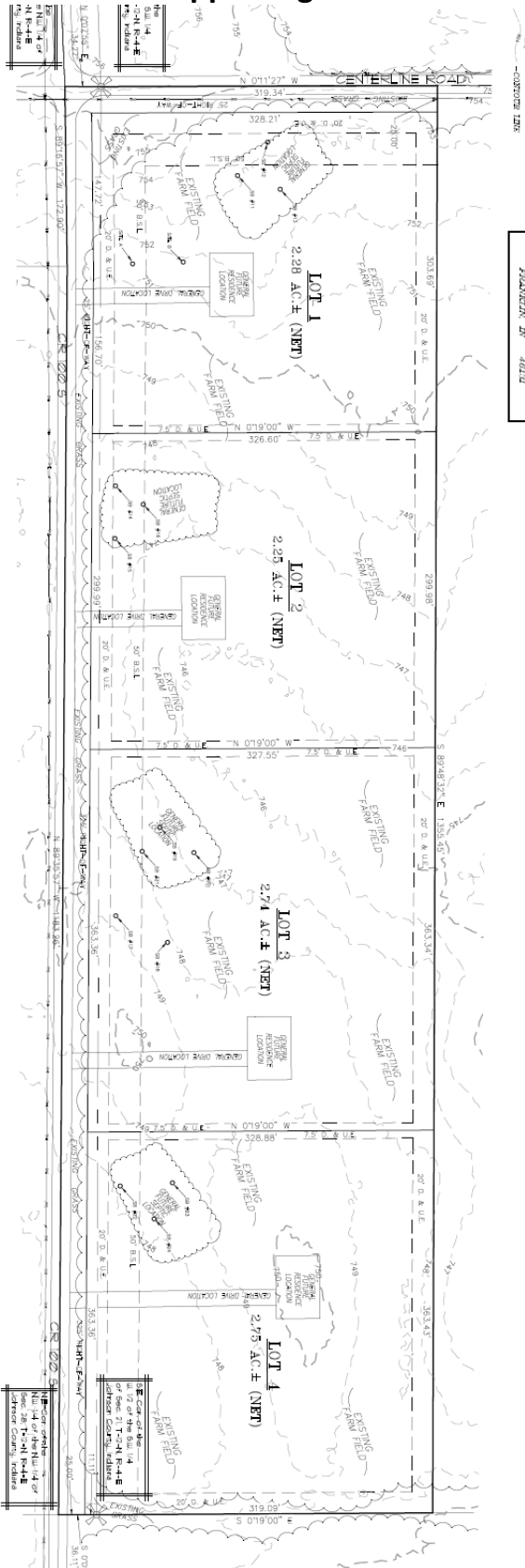
RSL - ROTATING STAFF LINE  
OKC - DOLINGER & WITTE FARMERS  
R/W -  
-RIGHT-OF-WAY  
-CAPED REBAR SET OR FOOTING  
-MAG NAIL SET OR FOOTING



### DRAINAGE BOARD REQUIREMENTS

- GRAPHIC SCALE  
(IN INCHES)  
1 inch = 100 ft.

# M-4-21 Supporting Data Plan



## M-4-21 Technical Review Comments Page 1 of 2



### JOHNSON COUNTY

Department of Planning and Zoning  
86 West Court Street  
Courthouse Annex  
Franklin, Indiana 46131

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

September 21, 2021

Andrew R. Barkocy, P.L.S.  
Maurer Surveying, Inc.  
4800 West Smith Valley Road, Suite P  
Greenwood, Indiana 46142

RE: DR-3466-21; M-4-21 Coverdale East Minor Plat  
Sketch Plan/Preliminary Plat Review

Dear Andrew:

On September 21, 2021, the Johnson County Technical Review Committee provided comments for a sketch plan/preliminary plat review for the above referenced project. Comments include:

1. Contact Planning Engineer regarding wording for the Drainage Board Requirements.
2. Final Plat: Include language required for sight visibility. That language can be found in the Subdivision Control Ordinance 6-102-4B.8 (page 37). Not all sub categories will apply to this plat.
3. Final Plat: Provide Side Yard D. & U.E. easements in accordance with Johnson County Subdivision Control Ordinance.
4. Final Plat: Include signature lines for all property owners.
5. Final Plat: Add note "Storm Water Permits may be required through Johnson County Planning & Zoning".
6. Final Plat: Place signature lines in the following order: Assessor; Auditor; Recorder.
7. Final Plat: Include "Duly Entered for Taxation - Subject to Final Acceptance" above the Auditor's signature.
8. Final Plat: Under the title, indicate the type of subdivision: Residential; Commercial; or Industrial.
9. Final Plat: When submitted, the plat will require the following specific language for right of way dedication: "We the undersigned, owners of real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the plat herein. The right-of-way is hereby dedicated, fee simple absolute, and is to be owned and maintained by the jurisdiction in which it lies."
10. Final Plat: Provide Drainage Board Requirements based upon results of comment 1, above.
11. Final Plat: Provide a note stating, "A Buffer Zone Compliance Certificate will need to be

## M-4-21 Technical Review Comments Page 2 of 2

submitted to and issued separately by the City of Franklin prior to construction of each structure". See attached comment letter provided by the Department of Planning and Engineering, City of Franklin.

12. Final Plat: Provide one (1) Mylar and one (1) electronic (pdf) copy of the approved and recorded plat.
13. Johnson County Surveyor approval (preliminary and final) is required.
14. Johnson County Drainage Board approval (preliminary & final) is required.
15. Johnson County Highway Department approval is required. See attached comments.
16. Johnson County Health Department approval is required. Comments include:
  - a. The proposed building lots will be served by septic systems and wells.
  - b. A suitable soils report shall be provided for each lot.
  - c. If required, based upon the soils scientist report, a main drain tile available to each lot will be installed. Such main drain shall be adequately sized in diameter and depth and will have an adequate outlet. A perimeter drain for each lot shall be connected to the main drain.
17. Servicing Fire Department approval is required.
18. REMC comments are attached.

If you have any questions or concerns, please call me at your earliest convenience.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Hoover', with a long horizontal stroke extending to the right.

Richard R. Hoover, P.E.  
Planning Engineer

cc: Project File/Office File

## M-4-21 Highway Department Comments

### Johnson County Highway Department

1051 Hospital Road | Franklin, Indiana 46131 | Phone: (317) 346-4630 | Fax: (317) 738-5378

Lucas M. Mastin  
Director

**Date:** September 15, 2021  
**To:** File  
**From:** Lucas M. Mastin, Director  
Nathanial J. Annis, Engineer Technician  
**cc:** Richard R. Hoover, P.E. Johnson County Planning & Zoning  
Michele Hansard, AICP, Director

**Subject:** Coverdale East Minor Plat

1. Both Centerline Road & C.R. 100 S are classified as a Local Roads. 25' right-of-way dedication is required, as shown on plans.
2. Future access points will require a line of sight study. Driveways should be positioned to provide the safest line of sight for exiting vehicles. Each new driveway will require a driveway permit from the Highway Department and will include a culvert when necessary. Driveway permit for each lot is required.
3. Driveway permits will not be issued until the plat and the right-of-way have been approved and recorded.
4. As a standard comment, if present, old fencing, posts, trees, rocks/ boulders, shrubs and other obstructions/ hazards shall be removed from the right-of-way.
5. Septic fields are to be kept outside of the right-of-way.
6. No perimeter drains to outlet into roadside ditches or right-of-way.

## M-4-21 DRAINAGE BOARD APPROVAL

### JOHNSON COUNTY DRAINAGE BOARD

DRAINAGE APPROVAL NO. 10/02

Project COVERDALE EAST MINOR PLAT

Petitioner Greg Leugars Petitioner

Address PRELIMINARY - FINAL  
DR- 3466-21      21-12N- 4E

Address Maurer Surveying Agent  
100 E CR 100 S Franklin In 46131

Project Township

☐

White River

☐

Union

☐

Hensley

☐

Pleasant

☒

Franklin

☐

Nineveh

☐

Clark

☐

Needham

☐

Blue River

### CONDITIONS

Approved as presented All standards met for Johnson County

Preliminary and Final Approvals expire (2) Two Years from being approved

☒

PRELIMINARY APPROVAL

Andrew Cochrane

Digitally signed by Andrew Cochrane  
DN: cn=Andrew Cochrane, o=Drainage Board,  
ou=Johnson County, email=acochrane@jgcw.com, c=US  
Date: 2021.02.12 11:09:27 -0500

October 5, 2021

☒

FINAL APPROVAL

Chairman

Andrew Cochrane

Digitally signed by Andrew Cochrane  
DN: cn=Andrew Cochrane, o=Drainage Board, ou=Johnson  
County, email=acochrane@jgcw.com, c=US  
Date: 2021.02.12 11:10:42 -0500

Date

October 5, 2021

☐

DISAPPROVED

Chairman

Chairman

Date

Date



## M-4-21 STAFF FINDINGS OF FACT

### FINDINGS OF FACT – PRELIMINARY PLAT

#### PLAN COMMISSION

In taking action on requests for approval of a preliminary plat for a major subdivision or a sketch plan for a minor subdivision, the Plan Commission shall use the following criteria as the basis for its decision, which includes proposed findings for this petition:

1. **Subdivision Control Ordinance Requirements: The consistency of the proposed preliminary plat with the requirements of the Subdivision Control Ordinance, including without limitation the Design Principles and Standards;**

The proposed preliminary plat is consistent with the regulations and requirements of the Subdivision Control Ordinance, as outlined in the planning staff's report for this petition (which is incorporated into these Finding of Fact).

2. **Zoning Ordinance Requirements: The consistency of the proposed preliminary plat with the standards and requirements of the Zoning Ordinance and the zoning district in which the property is located;**

The proposed preliminary plat is consistent with the applicable standards and requirements of the Johnson County Zoning Ordinance, as outlined in the planning staff's report for this petition.

3. **Other Requirements: The consistency of the proposed primary plat with any other applicable standards and requirements.**

The proposed preliminary plat is consistent with the applicable standards and requirements of the applicable checkpoint agencies of the Subdivision Control Ordinance.

The above proposed Findings of Fact were adopted as the Plan Commission's written findings of fact for petition M-4-2021, Coverdale East Minor Plat, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Nathan Bush, Chairman  
Johnson County Plan Commission

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Pat Vercaulteren, Secretary  
Johnson County Plan Commission

# Staff Report

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CASE NUMBER: M-5-21, Coverdale West Minor Residential Subdivision  
ADDRESS: Approx. 100 E 100 S, Franklin 18 W 100 S, Franklin  
Section 21, Township 12, Range 4  
PETITIONER: Greg Leugers and Robert Speas by Maurer Surveying, Inc

## **STAFF RECOMMENDATION**

Staff recommends approval of this Minor Plat subject to satisfaction of all amendments requested by the Technical Review Committee and checkpoint agencies. Further detail will be provided verbally at the hearing.

This property is on the west side Centerline Road adjacent to the previous proposed minor plat.

## **PROPERTY DESCRIPTION**

This 11-acre site is zoned BUFF (City of Franklin Buffer Zone) and is improved with a single-family dwelling and two accessory structures. The City of Franklin Zoning Map has this area zoned Residential Rural.

The site is surrounded by large tracts of land used agriculturally with an occasional single-family dwelling, all of which are zoned BUFF. To the south of this property are six small acres parcels, similar to the proposed subdivision.

## **PROPOSED MINOR PLAT**

This request, if approved, would provide for the subdivision of the subject site into three lots. All lots will have road frontage along Centerline Road with one lot that will be at the corner of Centerline Road and 100 S. Lots 1 and 2 will be 2 acres in size and the Remaining Tract will be 6 acres.

The lots will be served by private wells and private sanitary septic systems.

## **GENERAL TERMS AND CONDITIONS**

### **Technical Review Committee**

The Technical Review Committee reviewed the Coverdale West Minor Plat on September 21, 2021, and its aggregate comments are included in the attached Technical Review Committee Letter. Approval from each Technical Review Committee member agency is required before the final plat may be approved for recording.

### **Johnson County Drainage Board**

The Johnson County Drainage Board reviewed and approved the drainage plan for the Coverdale West Minor Plat at its October 5<sup>th</sup> 2021 meeting.

**Johnson County Highway Department, Johnson County Planning Engineer, Johnson County GIS Department, REMC, and City of Franklin**

Each of the above entities has reviewed this petition and has indicated no objections.

**Johnson County Health Department, Trafalgar Fire Department**

Each of the above entities has reviewed this petition but has not provided follow up approval or objections. A follow up will be provided verbally at the Planning Commission Meeting.

**GENERAL INFORMATION**

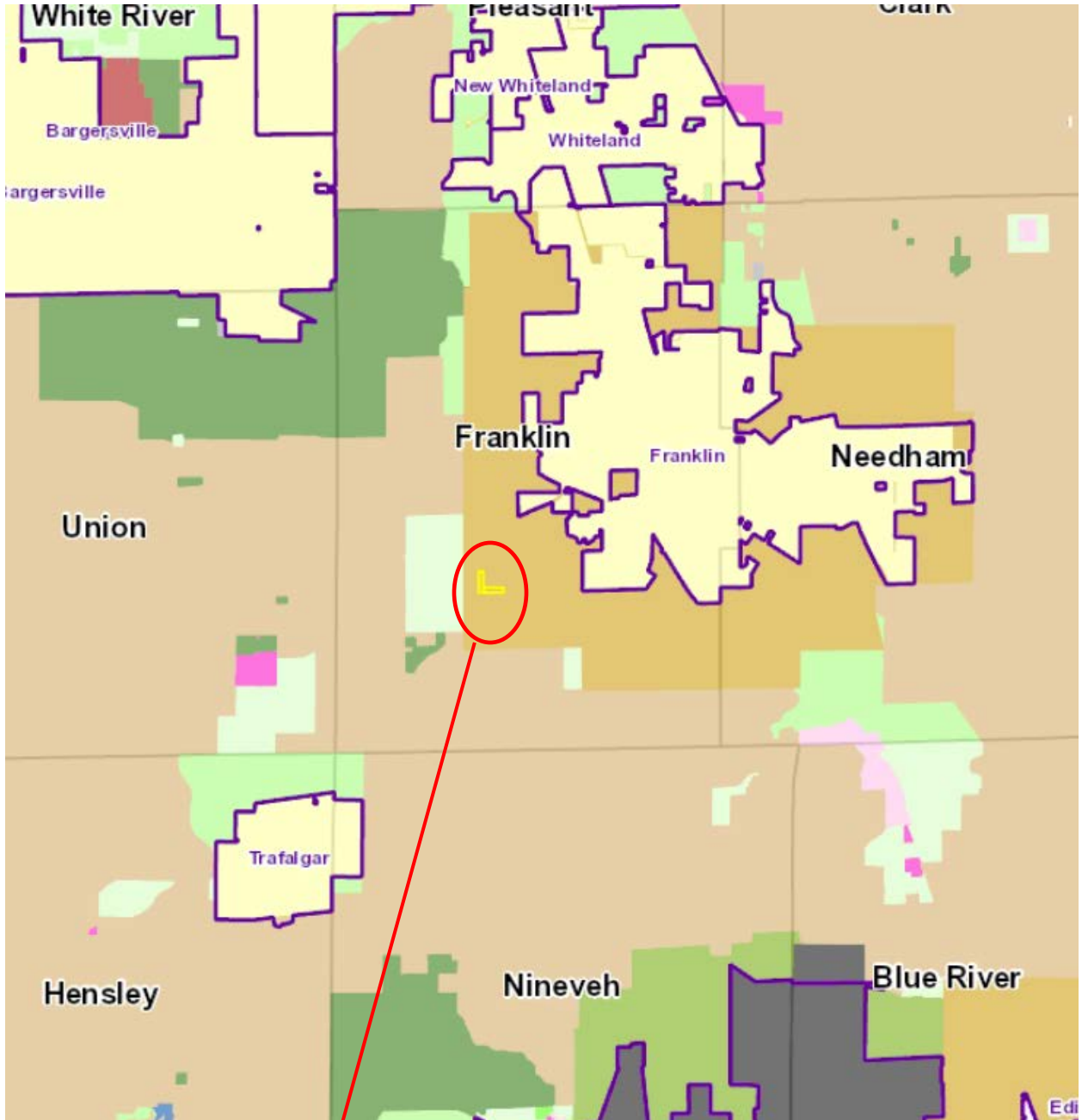
Subdivider: Maurer Surveying, Inc.  
4800 West Smith Valley Road, Suite P  
Greenwood, Indiana 46142

Owner: Gregory Leugers and Robert Speas  
26 E. Jefferson Street  
Franklin, IN 46131

Current Zoning: Buffer (City of Franklin Buffer Zone; RR – Residential Rural)  
Existing Land Use: Agricultural  
Future Land Use: Rural Residential

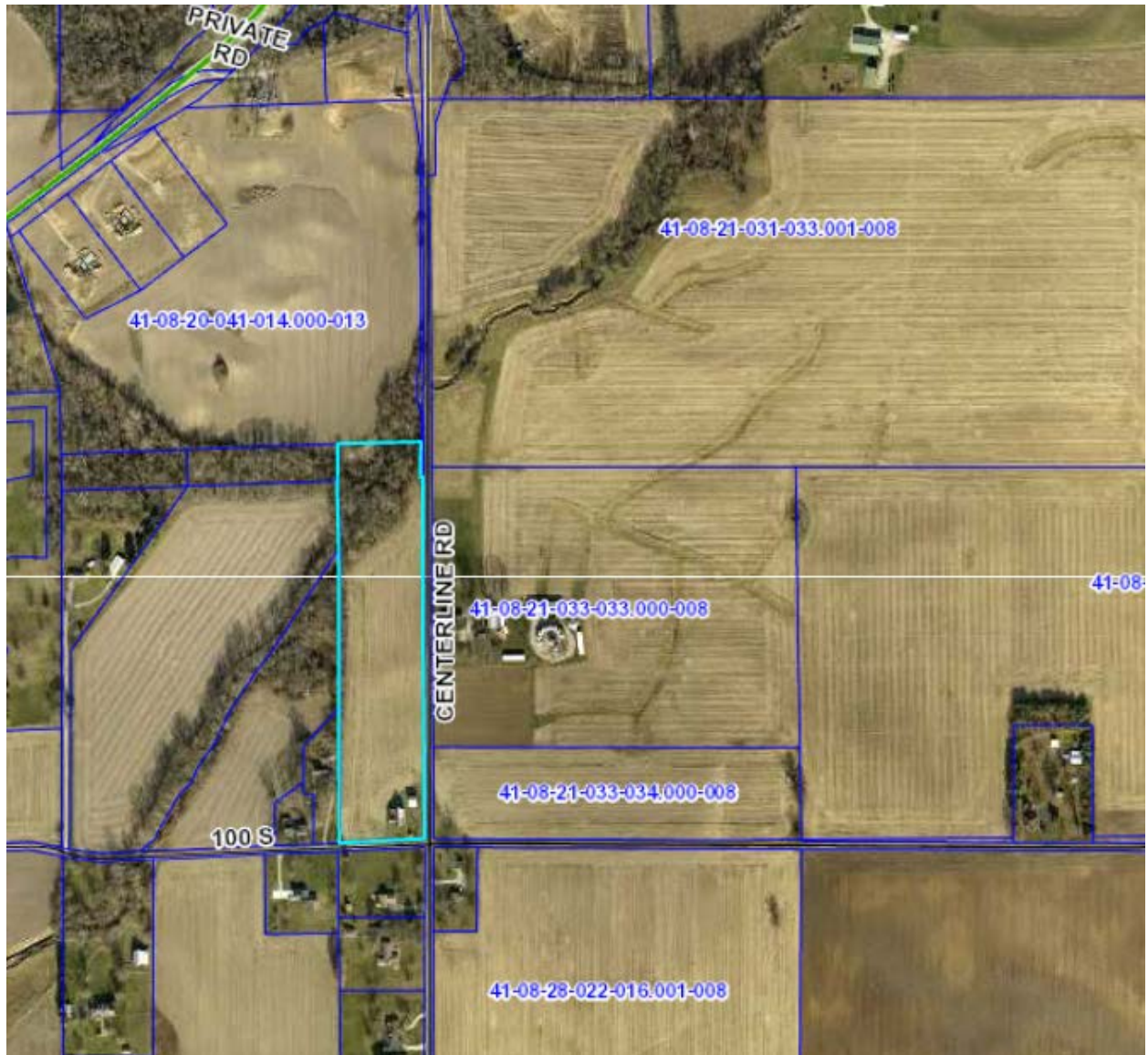
-MNH

## M-5-21 Base Map



**Subject Site**

## M-5-21 Base Map II



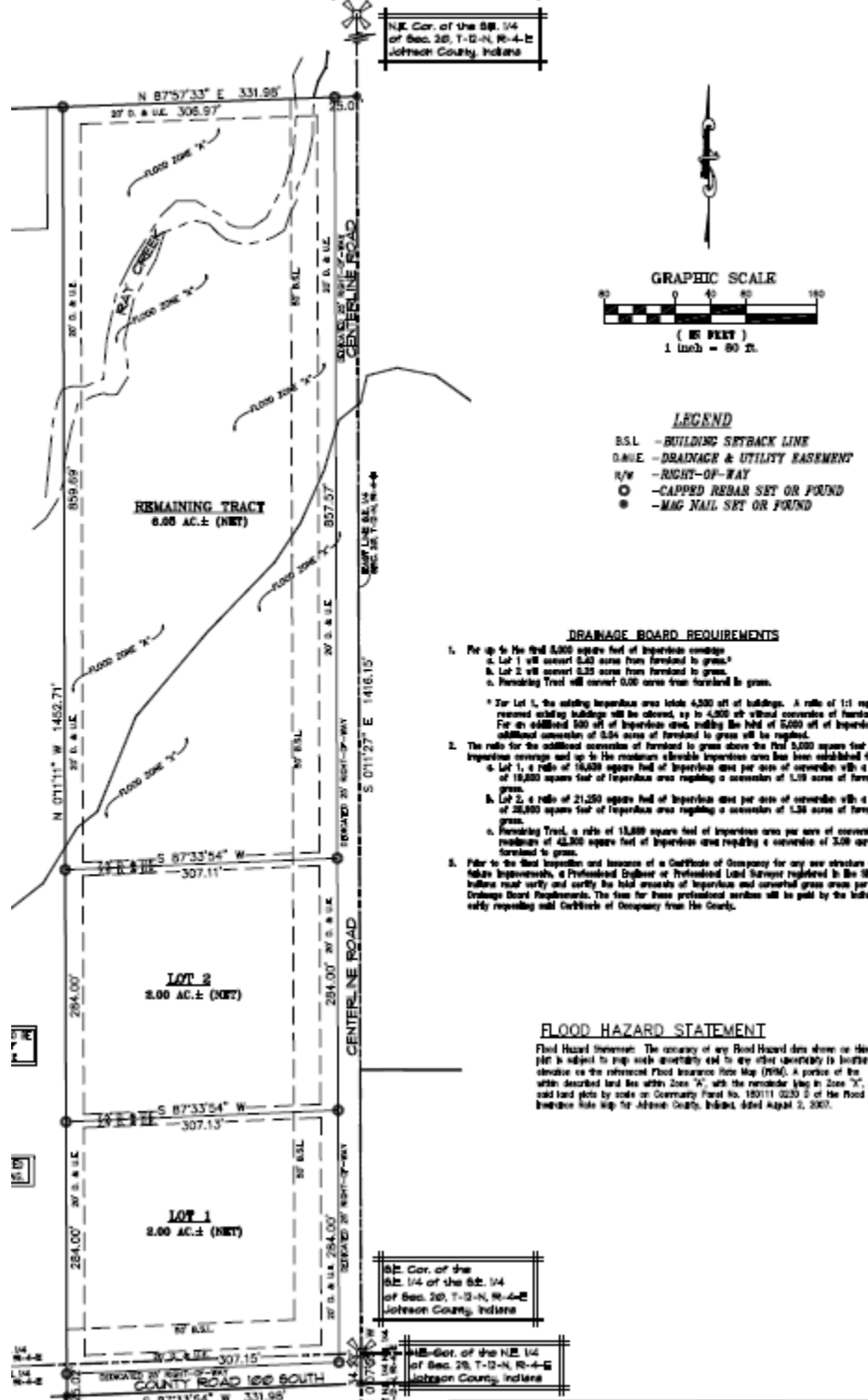
## M-5-21 AERIAL PHOTOGRAPH



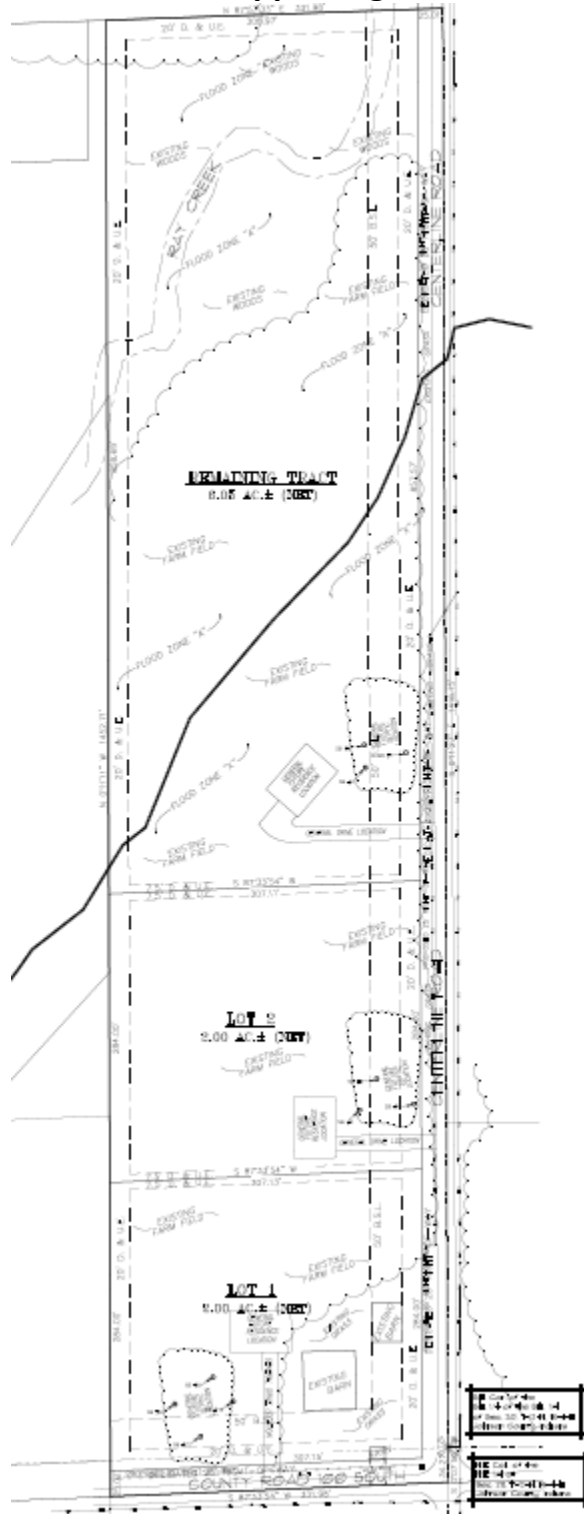


# M-5-21 Proposed Subdivision Plat COVERDALE WEST MINOR PLAT

RESIDENTIAL SUBDIVISION  
FRANLIN TOWNSHIP, JOHNSON COUNTY, INDIANA



## M-5-21 Supporting Data Plan



## M-5-21 Technical Review Comments Page 1 of 2



### JOHNSON COUNTY

Department of Planning and Zoning  
86 West Court Street  
Courthouse Annex  
Franklin, Indiana 46131

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

September 21, 2021

Andrew R. Barkocy, P.L.S.  
Maurer Surveying, Inc.  
4800 West Smith Valley Road, Suite P  
Greenwood, Indiana 46142

RE: DR-3467-21; M-5-21 Coverdale West Minor Plat  
Sketch Plan/Preliminary Plat Review

Dear Andrew:

On September 21, 2021, the Johnson County Technical Review Committee provided comments for a sketch plan/preliminary plat review for the above referenced project. Comments include:

1. Contact Planning Engineer regarding wording for the Drainage Board Requirements.
2. Final Plat: Include language required for sight visibility. That language can be found in the Subdivision Control Ordinance 6-102-4B.8 (page 37). Not all sub categories will apply to this plat.
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6. Final Plat: Place signature lines in the following order: Assessor; Auditor; Recorder.
7. Final Plat: Include "Duly Entered for Taxation - Subject to Final Acceptance" above the Auditor's signature.
8. Final Plat: Under the title, indicate the type of subdivision: Residential; Commercial; or Industrial.
9. Final Plat: When submitted, the plat will require the following specific language for right of way dedication: "We the undersigned, owners of real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the plat herein. The right-of-way is hereby dedicated, fee simple absolute, and is to be owned and maintained by the jurisdiction in which it lies."
10. Final Plat: Provide Drainage Board Requirements based upon results of comment 1, above.
11. Final Plat: Provide a note stating, "A Buffer Zone Compliance Certificate will need to be

## M-5-21 Technical Review Comments Page 2 of 2

submitted to and issued separately by the City of Franklin prior to construction of each structure". See attached comment letter provided by the Department of Planning and Engineering, City of Franklin for additional requirements/comments.

12. Final Plat: Provide one (1) Mylar and one (1) electronic (pdf) copy of the approved and recorded plat.
13. Johnson County Surveyor approval (preliminary and final) is required.
14. Johnson County Drainage Board approval (preliminary & final) is required.
15. Johnson County Highway Department approval is required. See attached comments.
16. Johnson County Health Department approval is required. Comments include:
  - a. The proposed building lots will be served by septic systems and wells.
  - b. A suitable soils report shall be provided for each lot.
  - c. If required, based upon the soils scientist report, a main drain tile available to each lot will be installed. Such main drain shall be adequately sized in diameter and depth and will have an adequate outlet. A perimeter drain for each lot shall be connected to the main drain.
17. Servicing Fire Department approval is required.
18. REMC comments are attached.

If you have any questions or concerns, please call me at your earliest convenience.

Very truly yours,



Richard R. Hoover, P.E.  
Planning Engineer

cc: Project File/Office File

## M-5-21 Highway Department Comments

### Johnson County Highway Department

1051 Hospital Road | Franklin, Indiana 46131 | Phone: (317) 346-4630 | Fax: (317) 738-5378

Lucas M. Mastin  
Director

**Date:** September 15, 2021  
**To:** File  
**From:** Lucas M. Mastin, Director  
Nathanial J. Annis, Engineer Technician  
**cc:** Richard R. Hoover, P.E. Johnson County Planning & Zoning  
Michele Hansard, AICP, Director

**Subject:** Coverdale West Minor Plat

1. Both Centerline Road & C.R. 100 S are classified as a Local Roads. 25' right-of-way dedication is required, as shown on plans.
2. Future access points will require a line of sight study. Driveways should be positioned to provide the safest line of sight for exiting vehicles. Each new driveway will require a driveway permit from the Highway Department and will include a culvert when necessary. Driveway permit for each lot is required.
3. Driveway permits will not be issued until the plat and the right-of-way have been approved and recorded.
4. As a standard comment, if present, old fencing, posts, trees, rocks/ boulders, shrubs and other obstructions/ hazards shall be removed from the right-of-way.
5. Septic fields are to be kept outside of the right-of-way.
6. No perimeter drains to outlet into roadside ditches or right-of-way.

## M-5-21 DRAINAGE BOARD APPROVAL

### JOHNSON COUNTY DRAINAGE BOARD

DRAINAGE APPROVAL NO. 10/03

Project COVERDALE WEST MINOR PLAT

Petitioner Greg Leugars Petitioner

Address PRELIMINARY - FINAL  
DR- 3467-21      21-12N- 4E

Address Maurer Surveying Agent  
100 E CR 100 S Franklin In 46131

Project Township

☐

White River

☐

Pleasant

☐

Clark

☐

Union

☒

Franklin

☐

Needham

☐

Hensley

☐

Nineveh

☐

Blue River

### CONDITIONS

Approved as presented All standards met for Johnson County

Preliminary and Final Approvals expire (2) Two Years from being approved

☒

PRELIMINARY APPROVAL

☒

FINAL APPROVAL

☐

DISAPPROVED

Andrew Cochran

Digitally signed by Andrew Cochran  
DN: cn=Andrew Cochran, o=Drainage Board,  
ou=Johnson County, email=acochran@jcgw.com, c=US  
Date: 2021.02.12 11:09:27 -0500

Chairman

Andrew Cochran

Digitally signed by Andrew Cochran  
DN: cn=Andrew Cochran, o=Drainage Board, ou=Johnson  
County, email=acochran@jcgw.com, c=US  
Date: 2021.02.12 11:10:42 -0500

Chairman

Chairman

October 5, 2021

Date

October 5, 2021

Date

Date

### REASONS



## M-5-21 STAFF FINDINGS OF FACT

### FINDINGS OF FACT – PRELIMINARY PLAT

#### PLAN COMMISSION

In taking action on requests for approval of a preliminary plat for a major subdivision or a sketch plan for a minor subdivision, the Plan Commission shall use the following criteria as the basis for its decision, which includes proposed findings for this petition:

4. **Subdivision Control Ordinance Requirements: The consistency of the proposed preliminary plat with the requirements of the Subdivision Control Ordinance, including without limitation the Design Principles and Standards;**

The proposed preliminary plat is consistent with the regulations and requirements of the Subdivision Control Ordinance, as outlined in the planning staff's report for this petition (which is incorporated into these Finding of Fact).

5. **Zoning Ordinance Requirements: The consistency of the proposed preliminary plat with the standards and requirements of the Zoning Ordinance and the zoning district in which the property is located;**

The proposed preliminary plat is consistent with the applicable standards and requirements of the Johnson County Zoning Ordinance, as outlined in the planning staff's report for this petition.

6. **Other Requirements: The consistency of the proposed primary plat with any other applicable standards and requirements.**

The proposed preliminary plat is consistent with the applicable standards and requirements of the applicable checkpoint agencies of the Subdivision Control Ordinance.

The above proposed Findings of Fact were adopted as the Plan Commission's written findings of fact for petition M-5-2021, Coverdale West Minor Plat, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Nathan Bush, Chairman  
Johnson County Plan Commission

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Pat Vercaulteren, Secretary  
Johnson County Plan Commission

# Staff Report

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CASE NUMBER: W-11-21  
ADDRESS: 4509 S 800 W  
Section 26, Township 12, Range 3  
PETITIONER: Terry Johnson & David Brichler by Greg Leugers

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## REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a four-lot Roadside Subdivision with lot areas of 7.46, 6.46, and 6.42 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

## STAFF RECOMMENDATION

Staff recommends approval of these requests.

## PROPERTY DESCRIPTION

This approximately 70 acre-acre site is zoned A-1 (Agricultural) and is comprised of wooded and tillable land. The site is surrounded by large agricultural parcels ranging from 7 acres to 70 acres. Some are improved with a barn. To the south is a 7 acres parcel used as a site for telephone and cable utilities. All are zoned A-1. The owners of the subject parcel also own the property adjacent to the southeast corner of the subject parcel.

## WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 70-acre parent lot into four lots. The newly-created lots would be approximately 7.46, 6.46, and 6.42 acres in size and the remaining parent tract would be approximately 50 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. Of the 70 acre parcel, approximately 38.5 acres are tillable. Of that tillable land, approximately 4.5 acres is proposed to be a part of the 3 new tracts. The remaining 15.8 acres comprising the new tracts are wooded and not tillable.

Before 2018 there was a dwelling near the dilapidated barn in the area of proposed Lot 2. A stream runs through the parent parcel creating a natural division of the land (see "W-11-21 Stream and Pond"). The contours also contribute to the natural division and also restrict development and farming on a significant amount of acreage (see "W-11-21 Contours"). The location of the old home site, wooded areas, contours, and stream create a natural divide between the tillable land and the location of the proposed new parcels. By increasing the size of

the lots the proposal is able to conform to the required road frontage standards while also providing Lot 1 with enough non-wooded area to build and Lots 2 and 3 access to the stream.

The waiver requested represents a reasonable deviation from the two-acre requirement. The intent of this regulation is to preserve agricultural land which this proposed division does not go against the intent. Staff regards 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: Granting of the waiver would create three new buildable lots, 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 subject lot will be logically divided based on the current characteristics and topography of the site and the proposed residential development will fit in with the development patterns of the area.

**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 will be logically divided based on the current characteristics of the site, including tree coverage, water features, and tillable land. The proposed residential development will fit in with the development patterns of the area.

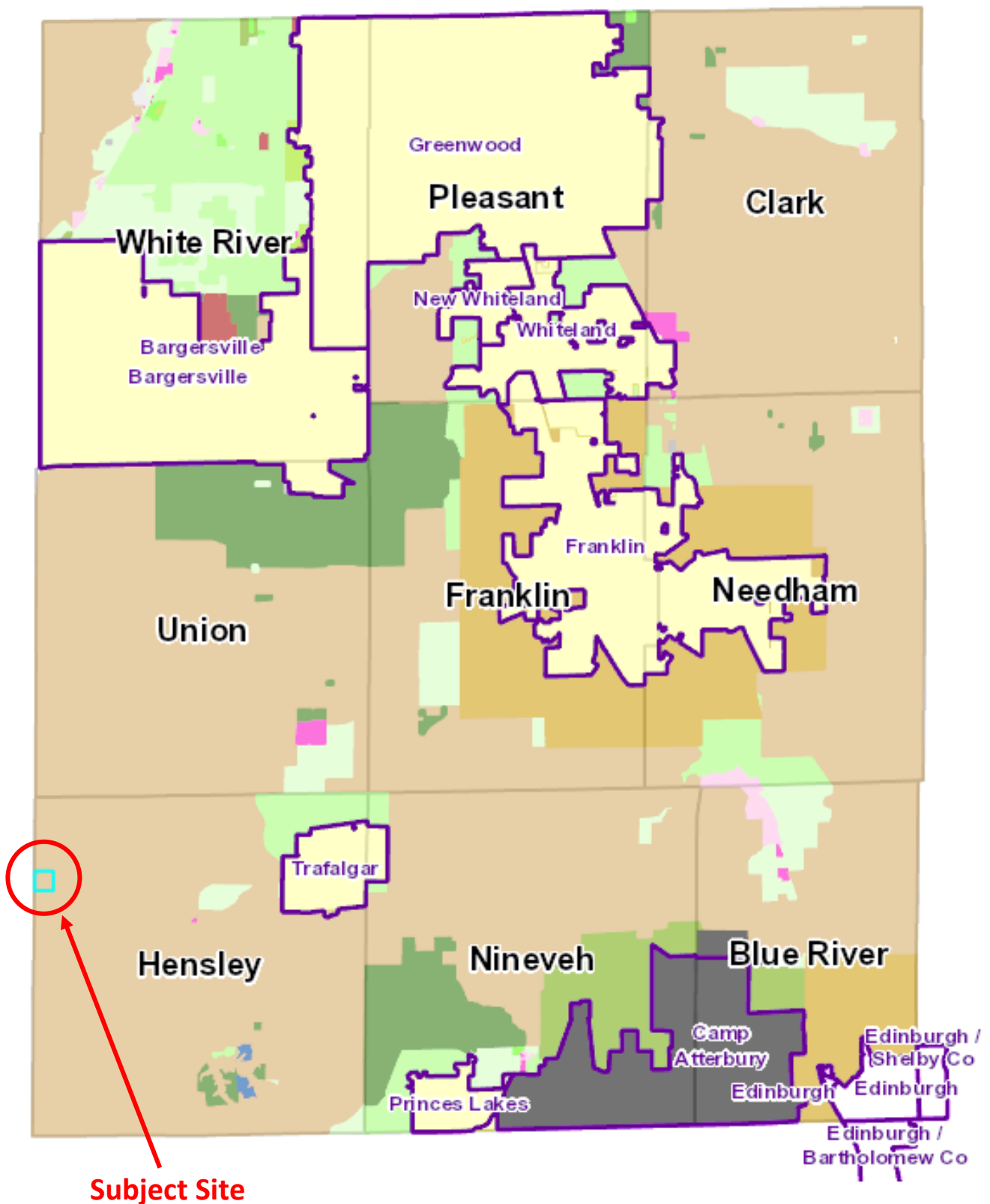
**The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.**

Staff Analysis: The proposal preserves a majority of the site's tillable land. This waiver will not go against the intent of the Comprehensive Plan of preserving agricultural land.

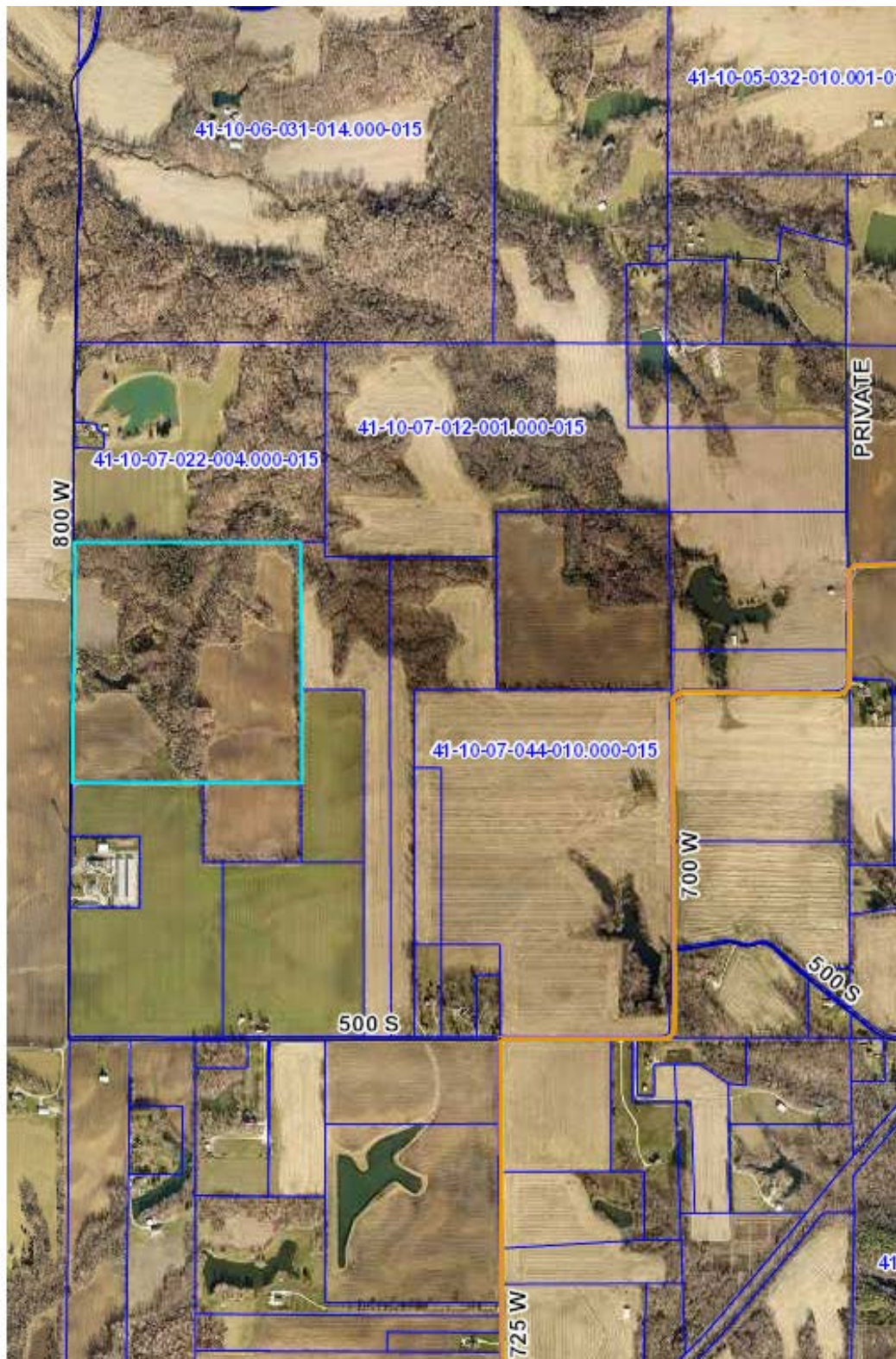
#### GENERAL INFORMATION

Applicant:	Greg Leugers 26 E Jefferson St Franklin, IN 46131	Current Zoning:	A-1 (Agricultural)
		Existing Land Use:	Agricultural
		Future Land Use:	Agricultural
Owner:	Terry Johnson & David Brichler 506 N 100 W; Franklin, IN 46131	-RLS	

## W-11-21 Base Map



## W-11-21 Base Map II





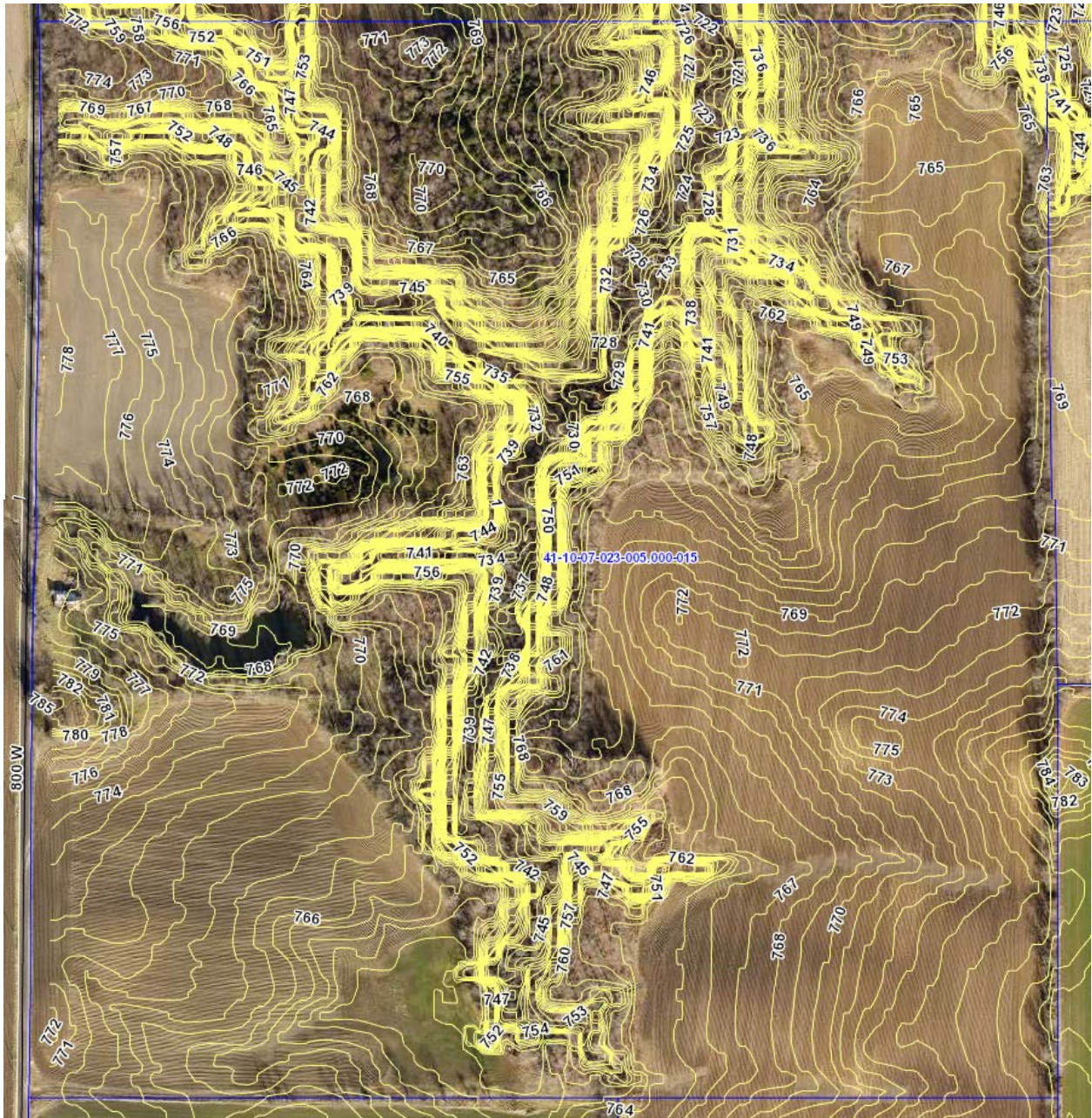
## W-11-21 Aerial



Eagleview

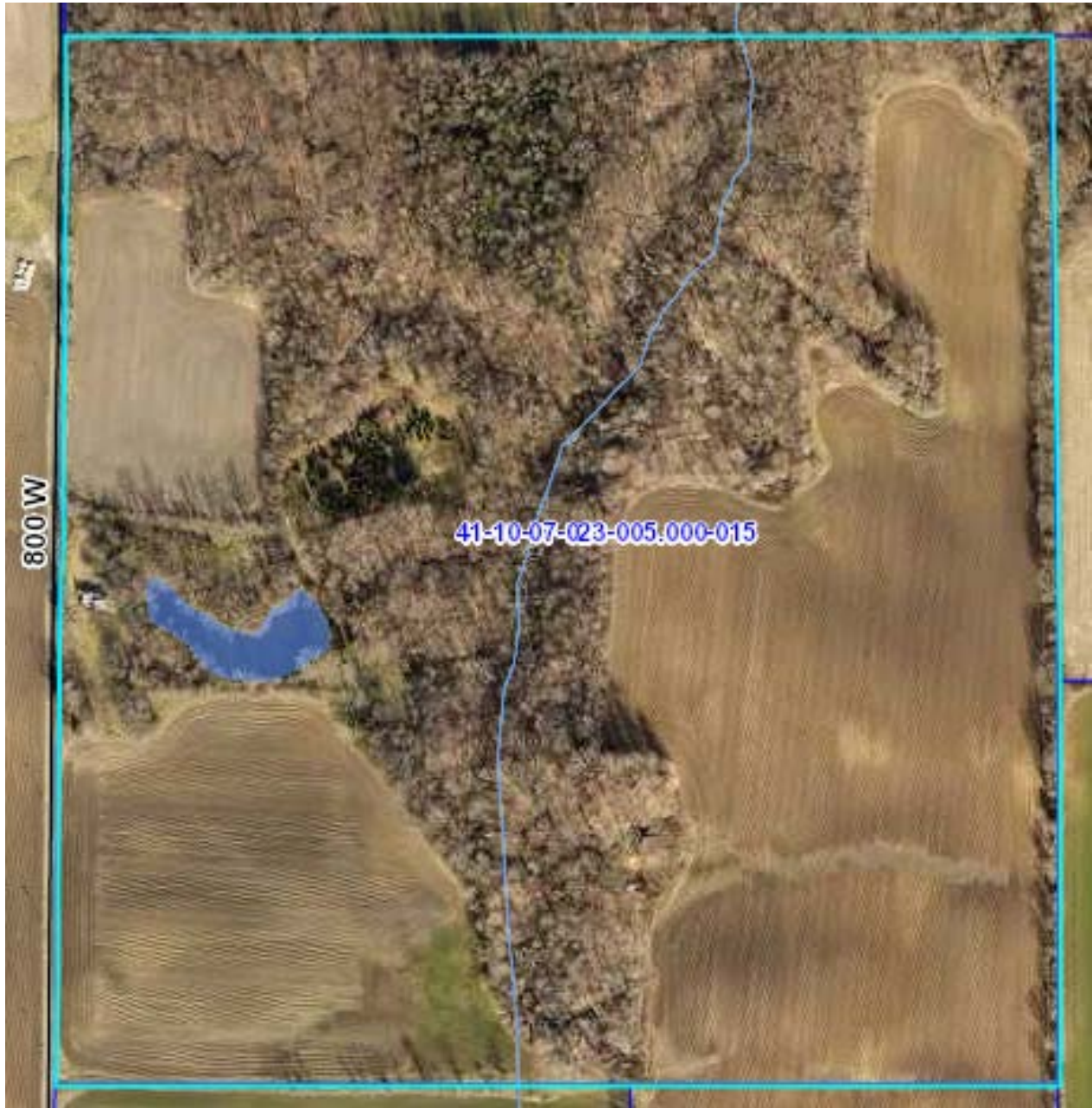


## W-11-21 Contours

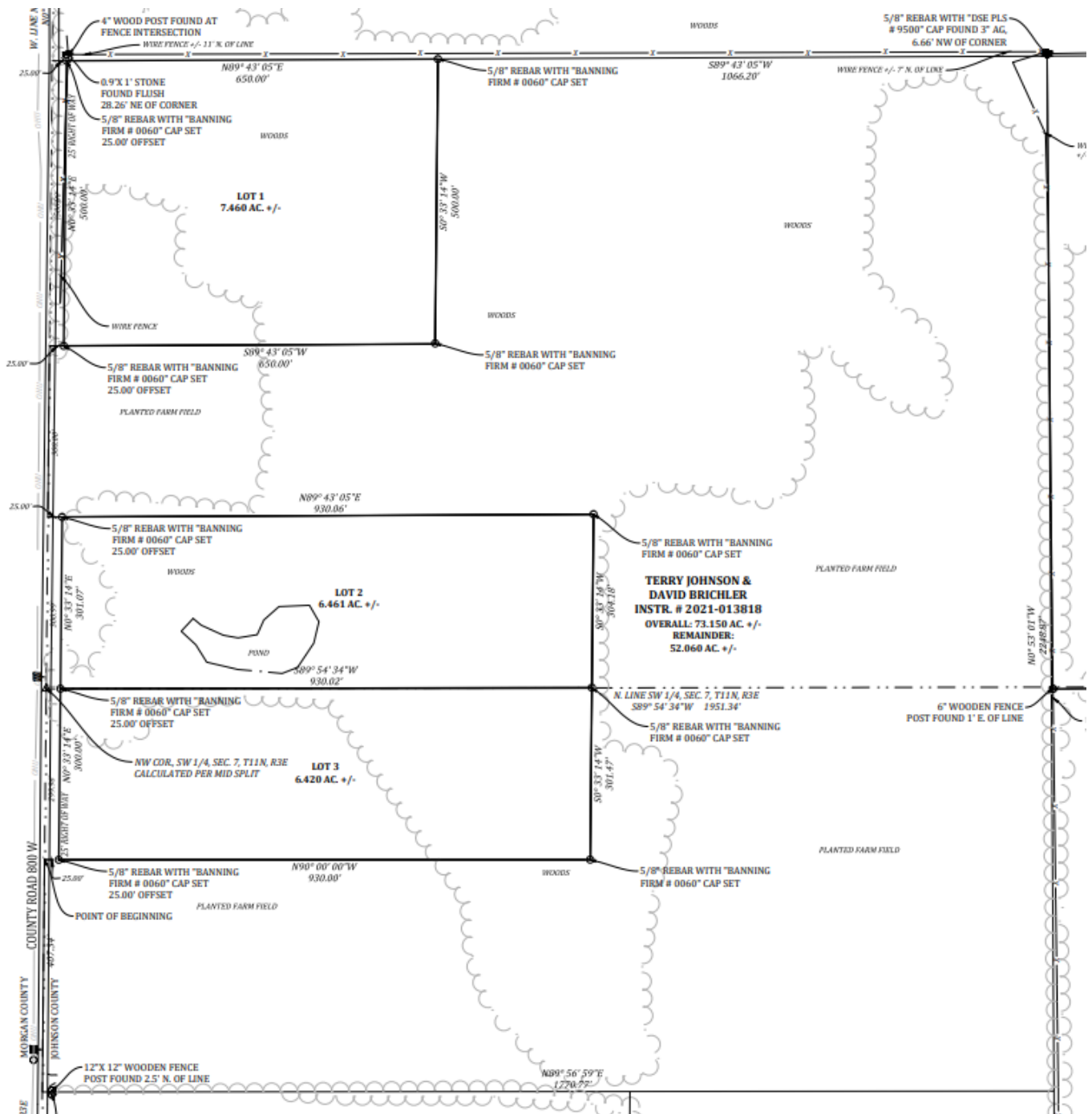




## W-11-21 Stream and Pond



## W-11-21 Proposed Roadside Subdivision



## W-11-21 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.  
The original parcel being subdivided is 73 acres in size. The proposed lots range in size from 6.4 to 7.4 acres with the remaining parent parcel of 52 acres. These lot sizes are more than adequate for single family residential development and continued agricultural use. Granting the waiver to a size above the minimum required will not result in an injury to the adjacent property or be detrimental to public safety or welfare.
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 waiver request is solely based on the size of the property being subdivided. Roadside Subdivisions are generally not created from parcels this large.
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 size and shape of the property and amount of road frontage involved in this subdivision request results in the need to create larger lots than the 2 acre minimum prescribed by ordinance.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.  
Roadside Subdivisions are permitted in this area by ordinance and by zoning  
The Roadside Subdivision also preserves the Comprehensive plans proposed land use. The fact that the proposed lot sizes exceed the minimum prescribed should not be construed as contravening provisions of the Zoning Ordinance.

## Zoning Ordinance Text Amendments

Staff has three minor zoning ordinance amendments that they want to propose to be forward to the Commissioners.

**Red Text – additions added to the original zoning ordinance**

**Black Text strikethrough – original ordinance text removed.**

### Recreational Vehicles

#### 6-101-6 F

F. Recreational Vehicle **and other temporary like structures**

~~Recreational vehicles shall not be occupied in any location other than an approved recreational vehicle park.~~

**Habitation of any parked or stored recreation vehicle, tent, or any temporary or permanent structure that does not meet minimum residential building code shall be prohibited, with the following exception:**

- 1. When a recreational vehicle is situated in an approved recreational vehicle park;**
- 2. When a valid temporary use permit is obtained for recreation habitation in conjunction with the construction of a single-family dwelling on the same parcel.**

#### **Add Definition:**

**Habitation: Use for living space and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving or maintenance. The following factors may constitute acts to be considered indicative of "habitation":**

- 1. Evidence of a person entering and exiting the vehicle;**
- 2. Connection of the vehicle to sewer and/or water;**
- 3. Accessory structures about the vehicle;**
- 4. Illumination of the interior of the vehicle;**
- 5. Expanded bays "pop-outs."**

## Accessory Structures

### 6-101-5 C 7

7. Accessory structures shall not be permitted in any front yard or in any drainage, utility, or other platted or recorded easement

a. Except in the A-1 and R-R Zoning District, an accessory structure may be located in the front yard, provided the subject parcel has minimum area of two acres, and the accessory structure has a minimum front setback of 100 feet.

## Non-permitted uses (subject to change with Plan Commission Attorney amendments)

### 6-101-4 A

4. "Determination of Land Uses Not Listed in this Ordinance Uses herein are listed as "Permitted" or "Special Exceptions." Those uses not listed are prohibited; provided, however, it is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts or zones. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Planning Director for consistency with the intent set forth in each district or zone and for compatibility with use characteristics typical of uses permitted within those districts or zones. Based upon this review, the Planning Director shall determine the appropriate district or zone for any use which is not specifically set forth herein. In case of disagreement with the determination of the Planning Director in assigning a use to an appropriate district or zone, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to the provisions of Sec. 6-101-2 F of this Ordinance."