



## 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 26, 2026 - 6:00 PM  
Public Auditorium, West Annex Building  
86 West Court Street, Franklin, Indiana

### CALL TO ORDER BY PLAN COMMISSION ATTORNEY

### ROLL CALL

### ELECTION OF PLAN COMMISSION OFFICERS

- a. Chairman
- b. Vice-Chairman
- c. Secretary

### OTHER APPOINTMENTS

### APPROVAL of MINUTES

Approval of minutes from the November 17, 2025 meeting.

### PUBLIC HEARINGS

~~-CONTINUED HEARINGS-~~

~~-NEW HEARINGS -~~

W-1-26 – The Overland Croup – 3079 S US 31, Franklin

Requesting a waiver of the commercial subdivision development standards

### OLD BUSINESS

### NEW BUSINESS

Approval of 2026 Contract for Johnson County Plan Commission Attorney with Williams Barrett & Wilkowski, LLP.

### REPORTS and RECOMMENDATIONS

## ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for February 23, 2026 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

LIVE STREAMING AVAILABLE HERE Meeting ID: 882 4836 0561 Passcode: 123807

(Link can also be found on the County Website under Events Calendar – Click on Events Website)

***In accordance with American Disabilities Act, any person attending the public meeting in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on an agenda item should contact the Johnson County ADA coordinator, Barb Davis, at 86 W. Court St., Franklin, IN 46131, (317) 346-4329, [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us).***

Pursuant to Indiana Code 5-14-9 (the “Act”), board member terms and appointing authority:

<b>Johnson County Plan Commission</b>			
<b>Name</b>	<b>Board Position</b>	<b>Appointed By</b>	<b>Term</b>
Ron West	Vice-Chairman	County Commissioners	1/1/2025 - 12/31/2025
Jonathan T. Myers	Chairman	County Council	1/1/2025 - 12/31/2025
Ron Bates	Alternate Member - County Council	County Council - Alternate	1/1/2025 - 12/31/2025
Greg Cantwell	Member - County Surveyor & Variance Hearing Officer	Surveyor - Office Held	Office Term
Shalee Bradley	Member - Purdue Extension Director	Office Held - ANR County Extension Agent	Office Term
Charles Canary	Member	County Commissioners	1/23/2023 - 1/4/2027
Douglas Gray	Member (Also, serves on BZA)	County Commissioners	1/22/2024 - 12/31/2027
Steven Hickman	Member - Technical Review Committee Representative+	County Commissioners	1/23/2023 - 1/4/2027
Robert Page	Member	County Commissioners	1/8/2024 - 12/31/2027
Stoney Vann	Secretary	County Commissioners	1/1/2025 - 12/31/2028

# Staff Report

CASE NUMBER: W-1-26  
ADDRESS: 3079 S US 31, Franklin  
Parcel #: 41-12-05-022-003.000-004  
PETITIONER: The Overland Group by Tyler Ochs

## REQUEST

WAIVER of the Johnson County Unified Development Ordinance to allow for a Commercial Subdivision on a 5.23-acre parcel of land. (Chapter 5 of the UDO, Section 3, Table 5.4: Minimum Development Size: 10 Acres)

## STAFF RECOMMENDATION

Staff recommends **approval** of this request.

## PROPERTY DESCRIPTION

This 5.23-acre site is on Old State Road 31 and E 300 S. It is just north of the intersection of E 300 S and S US 31. The site is surrounded by residential uses. This property once housed an agricultural sale barn; It is currently being used as storage for S&R Property LLC.

## WAIVER REQUEST

This waiver request seeks approval for a Commercial Subdivision of a 5.23-acre parcel that does not satisfy the 10-acre minimum development size required by Chapter 5, Section D.3 of the Unified Development Ordinance (UDO). The applicant proposes to divide the existing parcel into two separate lots.

### D. Commercial Subdivision.

- 1. Purpose.** A Commercial Subdivision is intended to provide development for primarily commercial uses and other uses as permitted within the subject zoning district.
- 2. Applicability.** The layout shall allow for adequate truck, automobile, pedestrian, bicycle, and bus access, as well as connection to adjacent parcels and the overall transportation network. Commercial Subdivision types may be approved through the major subdivision procedural process as outlined in Sec. 7.B.7, *Major Subdivision, Primary Plat*, and Sec. 7.D.2, *Major Subdivision, Secondary Plat*.
- 3. Development Standards.**

Table 5.4, Development Standards for Commercial Subdivisions	
Districts permitted	GC, HC
Minimum development size	10 acres
Minimum green space for overall development	15%
Internal access	Internal streets shall be private unless otherwise approved by the Johnson County Highway Department. These private streets shall be constructed to the applicable street function standards per the County's <i>Street Design and Construction Manual</i> .
External access	Driveway cuts onto arterial streets shall be limited, and frontage streets shall be utilized.
Sidewalks	Required along existing streets that are immediately adjacent to the subject property. Required on both sides of any new street.
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision.

Prior to the adoption of the UDO in October 2024, the previous Subdivision Control Ordinance recognized only Major, Minor, and Roadside Subdivisions, which were applied to both residential and commercial uses. The current UDO introduced specific Commercial and Industrial subdivision types to address their unique structural needs compared to residential developments. Along with these new categories, development standards were established, including a 10-acre minimum size for commercial subdivisions. While the subject parcel falls short of this size threshold, both proposed lots fully comply with the minimum lot requirements set forth in Chapter 2 of the UDO.

Consultation regarding the intent of the minimum development standard indicates it was designed to promote cohesive, planned commercial developments rather than isolated "one-off" lots. The goal is to encourage large-scale connectivity between commercial properties. However, this specific parcel is geographically constrained. It does not abut any other land zoned for General Business (GB). It is bordered by a railroad and residential zoning to the east, residential homes to the south, and public right-of-way to the north. Because of these physical and jurisdictional barriers, the applicant cannot acquire additional adjacent land to meet the 10-acre requirement. Furthermore, a spatial analysis of the unincorporated parts of Johnson County reveals that only 15% of all unplatted parcels currently zoned GB meet this 10-acre minimum development size requirement. This data suggests that the strict application of this standard would preclude the vast majority of existing commercial land from standard subdivision procedures, creating a broad hardship for small-to-mid-sized commercial properties.

#### FINDINGS OF FACT, STAFF ANALYSIS

**The granting of the waiver will be detrimental to the public safety, health, or welfare or be injurious to nearby property;**

Granting this waiver will have no negative impact on public health or safety. The subdivision of the land does not change the nature of the use, and therefore will not be injurious to any surrounding properties..

**The waiver requested will not affect the area adjacent to the property in a substantially adverse manner because:**

The land is already zoned for commercial development, and the current zoning allows for such use without requiring a plat. This waiver does not grant any additional development rights beyond what is already permitted; it simply allows for a legal land division.

**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 parcel is uniquely isolated. The surrounding land is not zoned for General Commercial use, making it impossible for the applicant to expand the development area to meet the 10-acre standard. Other nearby GB-zoned parcels are separated by public rights-of-way, preventing consolidation.

**The strict application of the terms of the Unified Development Ordinance will result in unnecessary hardship because:**

Strict adherence to the 10-acre minimum would prevent the property from being divided into smaller, manageable lots under different ownership, even though the proposed lots satisfy all other ordinance requirements.

**The waiver is not primarily for the economic benefit of the petitioner because:**

The applicant seeks this division to ensure orderly development and clear ownership boundaries. The request is based on establishing proper lot standards rather than seeking a specific financial gain..

The waiver request is not due to a hardship caused by the current owner of the property.

The 5.23-acre size of the parcel and the surrounding geographical constraints existed long before the current or future owners acquired the property. The hardship is a result of the 2024 regulatory changes and existing physical boundaries.

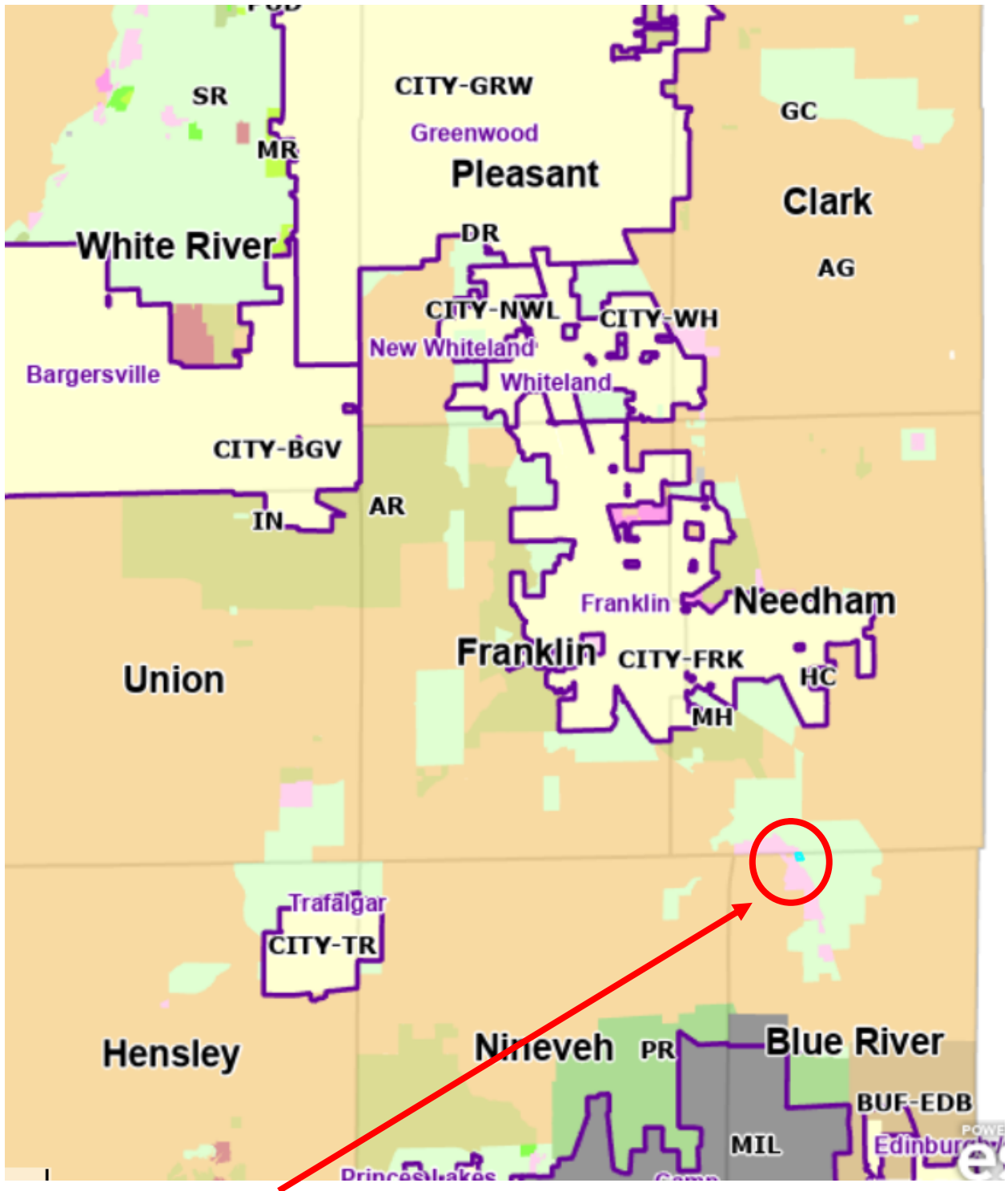
The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Aside from the minimum development size, the proposed subdivision complies with all other aspects of the Unified Development Ordinance and aligns with the general intent of the Comprehensive Plan..

### **GENERAL INFORMATION**

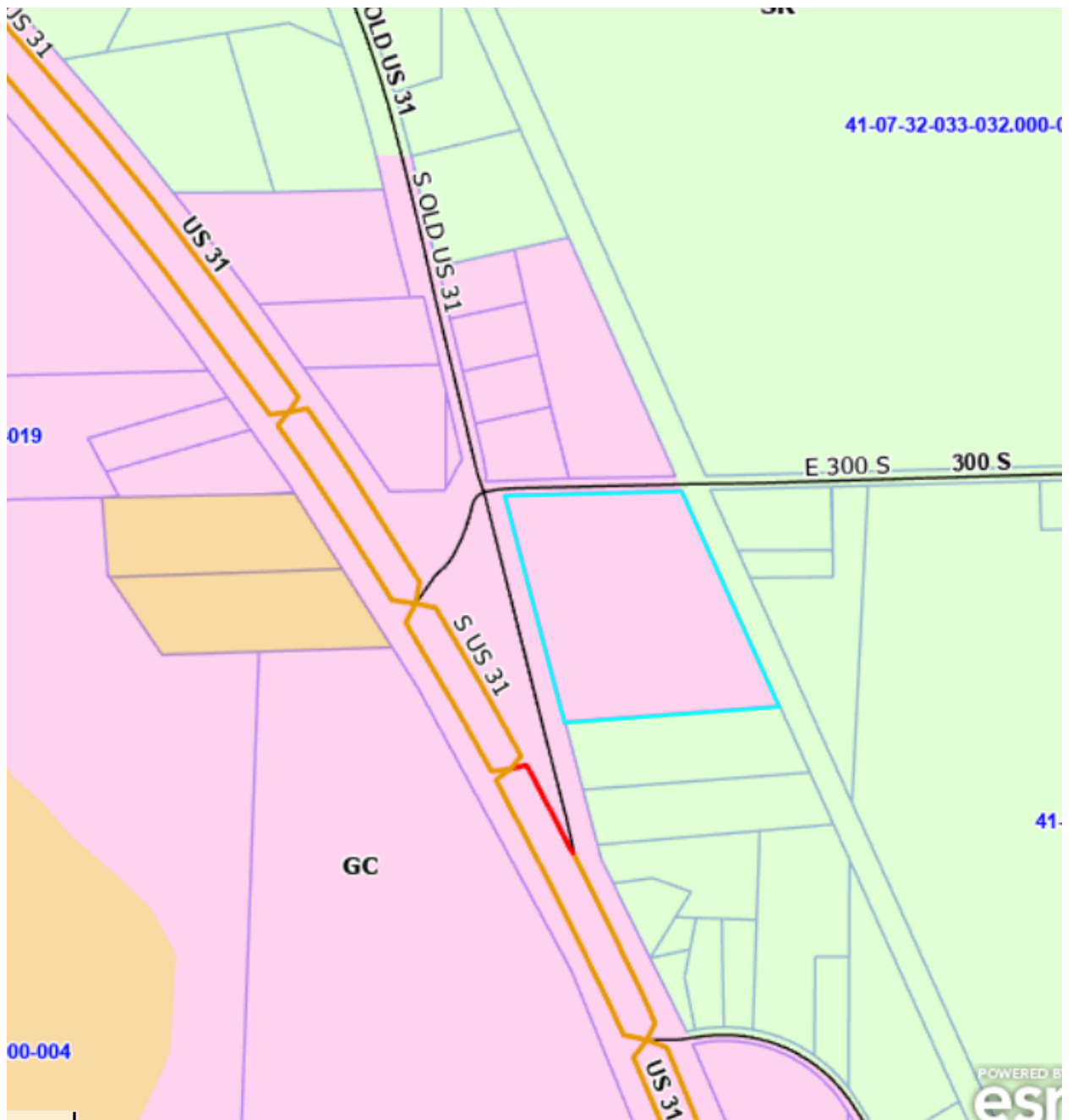
Applicant:	Overland Engineering LLC
Owner:	S & R PROPERTY LLP 5144 Madison Ave Ste 11 Indianapolis, IN 46227
Area:	5.23 acres
Current Zoning:	GC (General Commercial)
Existing Land Use:	Warehouse/Storage
Comprehensive Plan:	Rural Residential

## W-1-26 Base Map



**subject site**

## W-1-26 Base Map II – 5-acre parent tract





## W-1-26 Aerial Map

<https://maps.app.goo.gl/ejf5qBEwvda694Kq8> - Google Street View





## **W-1-26 PETITIONER'S FINDINGS OF FACTS**

### **FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER**

---

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

**The waiver will allow for an additional commercial building site. The additional site is bordered by railroad, and has adequate access, utilities, and drainage. Since this is off old US Hwy 31, and not US 31 S, there will be no traffic issues, as stated by the traffic report provided.**

2. The waiver will not affect the area adjacent to the property in a substantially adverse manner because:

**The new parcel will IW-1-26 Petitioner's Findings of Facts the east, roads will be the northern and western border, and then to the south is the remainder of the property split. There is no neighboring property that will be directly contiguous with the new parcel other than the remainder of the original parent tract. This is already an appropriately zoned commercial area, so the split alone will not impact adjacent properties since the intended use is already permitted.**

3. 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 the other properties.

**The property is uniquely limited in size, since the total acreage is 5 acres. It would be physically impossible to meet the 10-acre requirement. The railroad bordering the property ensures this. While other parcels may be less than 10 acres, the shape of this property, due to the railroad bordering, and the old highway, make it unique.**

4. The strict application of the terms of the Unified Development Ordinance will result in unnecessary hardship because:

**The property is zoned for commercial use; however, a barn of sorts is already constructed on the property. By following strict application, a large portion of the property will go unused. The property is still zoned for commercial use, but the restriction prevents anything further from going in. The waiver will allow for a split of a parcel that is plenty big enough for another use.**

5. The waiver is not primarily for the economic benefit of the petitioner because:

**The requested waiver is not sought primarily for the economic benefit of the Petitioner, but rather to address site-specific conditions and to promote orderly and compatible development consistent with Johnson County's comprehensive plan and zoning objectives. The subject parcel is constrained by its existing boundaries and surrounding development patterns. Strict application of the ten (10) acre commercial subdivision requirement would not further any legitimate planning, safety, or infrastructure objective in this location. Granting the waiver allows the property to be developed in a manner that:**

- 1. Maintains all required setbacks, buffering, access, and performance standards;**
- 2. Results in no greater intensity of use than would occur on a ten-acre parcel;**
- 3. Preserves efficient use of existing public infrastructure and roadway access; and**
- 4. Ensures compatibility with adjacent commercial and non-residential uses.**

**The waiver does not increase density, traffic generation, or environmental impact beyond what is otherwise permitted in the zoning district. Any economic benefit to the petitioner is incidental to the broader public benefit of facilitating logical land use, avoiding unnecessary underutilization of land, and promoting predictable development consistent with adopted planning policies.**

6. The waiver request is not due to a hardship caused by the current owner of the property.

**The subject parcel is constrained by its existing boundaries, particularly the railroad and the two public roads. The hardship is a direct result of the boundaries of the parcel, not one created by the current owner.**

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

**The requested waiver will not contravene the provisions of the Zoning Ordinance as interpreted by the Commission because all other zoning requirements for commercial development will be fully met. The subdivided parcel will comply with all applicable ordinance standards. No development allowed under this waiver would violate the intent or letter of the Zoning Ordinance, and the request is solely to accommodate the constraints of the size of the parcel**