



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: December 9, 2014

Re: Case PC 2014-22 (PUD): Heritage PUD Amend (Sec. 6+)

REQUEST:

Case PC 2014-22 (PUD)...Heritage PUD Amend (Sec. 6+). A request to modify the approved PUD – Detailed Plan relating to the future development of Sections 6+ of Heritage Subdivision to allow the modification of 67 lots with alleys subject to development standards outlined as Area A to 55 lots with no alleys subject to development standards outlined as Area B. The subject property is located on 16.54 acres north of Brookshire Drive and west of Blackthorn Drive and is currently zoned PUD (Planned Unit Development).

ZONING:

Surrounding Zoning:

North: PUD (Planned Unit Development)
South: PUD (Planned Unit Development)
East: PUD (Planned Unit Development)
West: PUD (Planned Unit Development)

Surrounding Land Use:

North: Proposed Single-family residential
South: Single-family residential
East: Single-family residential
West: Proposed Single-family residential

CONSIDERATIONS:

1. Heritage Subdivision went through the Planned Unit Development (PUD) process in 2003. The PUD ordinance outlining the development standards was approved by City Council in May 2003 (Ordinance 2003-02) and amended in September of 2006 (Ordinance 2006-09). Copies of the ordinances are attached along with a copy of the overall layout of the subdivision.
2. The development standards for each area of Heritage are identified as Areas A thru D. The original detailed plan identified the subject area as Area A. The petitioner is requesting a modification of the detailed plan to allow the area to be developed per the Area B standards. A copy of the original detailed plan and proposed modification is attached.
3. The petitioner has submitted the attached “Narrative of Proposed Detailed Plan/Primary Plat Changes” that outlines the specifics of the requested modification.
4. The proposal does not require the PUD ordinance to be revised as the development standards are proposed to remain as written.

CRITERIA FOR DECISIONS:

In taking action on Planned Unit Development Detailed Plan requests, the Plan Commission shall pay reasonable regard to the following as outlined in Article 6.4(H) of the City of Franklin Zoning Ordinance.

- 1. Requirements and Intent:** The extent to which the proposal fulfills the requirements and intent of Article 6;
- 2. Planning Documents:** The Comprehensive Plan and any other applicable, adopted planning studies or reports;
- 3. Characteristics:** The current conditions and the character of current structures and uses in each zoning district;
- 4. Desired Use:** The most desirable use of which the land in each district is adapted;
- 5. Property Values:** The conservation of collective property values throughout the City of Franklin's jurisdiction as a whole; and
- 6. Growth Management:** Responsible growth and development.

STAFF RECOMMENDATION:

Staff recommends *approval* of the amended Detailed Plan.

ORDINANCE NUMBER: 2003-02

**AN ORDINANCE APPROVING A RESOLUTION
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS
(to be known as the Brookhaven Residential PUD annexation)**

HERITAGE

WHEREAS, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

WHEREAS, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution 2002-40 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked as "Resolution 02-40"); and

WHEREAS, pursuant to IC 36-7-4-602, Resolution 2002-40 has been certified to the City's Common Council; and

WHEREAS, it appears to the Common Council of the City of Franklin, Indiana, that said territory meets the condition of being one-eighth contiguous to the present corporate limits of the City of Franklin, Indiana; and

WHEREAS, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibits "A" be annexed to and become a part of the City of Franklin, Indiana.

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

1. The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana;
2. Said real estate is to be rezoned to residential PUD as described and recommended by the Franklin City Plan Commission in Resolution 2002-39, attached hereto and labeled Resolution 02-39, and pursuant to all commitments and regulations outlined and attached hereto and labeled "Exhibit B".
3. The Plan Commission is directed to amend the zoning maps of the City in a manner consistent with this ordinance; and
4. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain; and
5. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
6. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance; and
7. The provisions set forth in this ordinance become and will remain in full force and effect pursuant to Indiana Code; and
8. Said newly annexed territory shall become a part of Council District 2; and
9. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 33-4-3-22(a).

INTRODUCED & FILED on the 10th day of February 2003.

PUBLIC HEARING held on the 24th day of February 2003.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

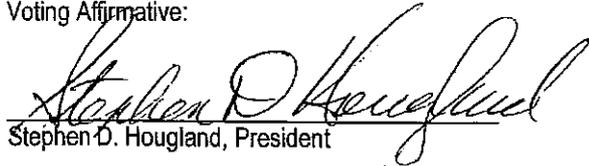
MAY 14 2003

Deborah A. Shetta
AUDITOR OF JOHNSON COUNTY

DULY ADOPTED on this 10th day of March 2003, by the Common council of the City of Franklin, Johnson County, Indiana having been passed by a vote of Four (4) in Favor and Two (2) Opposed

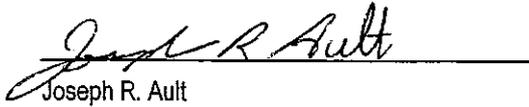
City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Stephen D. Hougland, President

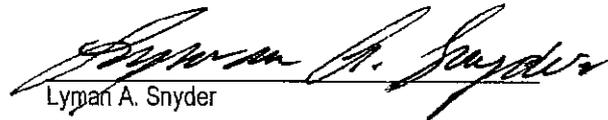
Voting Opposed:

Stephen D. Hougland, President


Joseph R. Ault

Joseph R. Ault

Lyman A. Snyder


Lyman A. Snyder

Katherine L. Poynter

Katherine L. Poynter

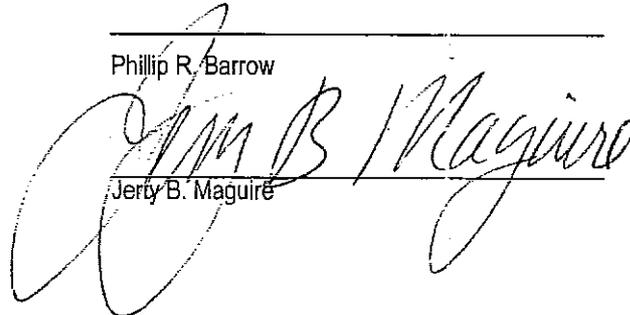

Dr. William T. Murphy

Dr. William T. Murphy


Phillip R. Barrow

Phillip R. Barrow

Jerry B. Maguire


Jerry B. Maguire

ATTEST:


Janet P. Alexander,
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 14
day of April 2003 at 8:35 o'clock a.m. / p.m.

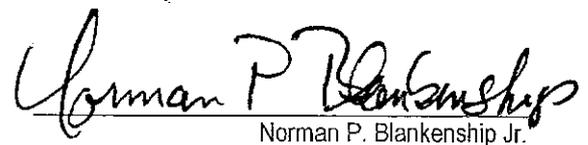

Norman P. Blankenship Jr.

EXHIBIT "A"

Legal Description for Properties Commonly Known as the Proposed Brookhaven Residential PUD Development

TRACT 1:

A part of the southwest quarter of the southwest quarter of Section 1, Township 12 north, Range 4 east of the Second Principal Meridian, in Johnson County, Indiana, described as follows:

Beginning at the northwest corner of said quarter quarter section; thence south 88 degrees 44 minutes 00 seconds east on and along the north line of said quarter quarter section 1394.20 feet (1398.54 feet deed) to the northeast corner thereof; thence south 00 degrees 15 minutes 45 seconds west on and along the east line of said quarter quarter section 787.70 feet (774.84 feet deed); thence north 85 degrees 01 minutes 41 seconds west and parallel to the south line of said quarter quarter section 1385.26 feet (1389.30 feet deed) to a point on the west line of said quarter quarter section; thence north 00 degrees 20 minutes 07 seconds west on and along said west line 795.62 feet (782.76 feet deed) to the point of beginning, containing 25.154 acres, more or less.

TRACT 2:

A part of the southwest quarter of the southwest quarter of Section 1, Township 12 north, Range 4 east of the Second Principal Meridian, in Johnson County, Indiana, described as follows:

Beginning at the southwest corner of said quarter quarter section; thence north 00 degrees 20 minutes 07 seconds west on and along the west line of said quarter quarter section 569.68 feet; thence south 85 degrees 01 minutes 41 seconds east and parallel to the south line of said quarter quarter section 1385.26 feet to a point on the east line of said quarter quarter section; thence south 00 degrees 15 minutes 45 seconds west on and along said east line to the southeast corner thereof; thence north 85 degrees 01 minutes 42 seconds west on and along the south line of said quarter quarter section 1379.30 feet to the point of beginning, containing 18.00 acres, more or less.

TRACT 3:

A part of the west half of Section 12, Township 12 north, Range 4 east of the Second principal Meridian, Johnson County, Indiana, described as follows:

Beginning at the northwest corner of the northwest quarter of said west half; thence south 85 degrees 01 minutes 41 seconds east on and along the north line of said half quarter section 1942.33 feet to a point in the centerline of Hurricane road; thence southwesterly along a curve to the left, having a radius of 350.00 feet, a length of 299.86 feet, a chord bearing of south 17 degrees 54 minutes 50 seconds west, and a chord distance of 290.77 feet. The next 7 courses are along said road centerline:

1. south 01 degrees 12 minutes 34 seconds east 456.67 feet
2. south 01 degrees 13 minutes 53 seconds east 425.00 feet
3. south 00 degrees 59 minutes 53 seconds east 441.83 feet
4. south 02 degrees 08 minutes 47 seconds west 136.74 feet
5. south 10 degrees 02 minutes 23 seconds west 105.44 feet
6. south 13 degrees 25 minutes 41 seconds west 47.93 feet
7. south 13 degrees 26 minutes 56 seconds west 736.73 feet

Thence north 35 degrees 42 minutes 11 seconds west 223.61 feet; thence south 00 degrees 01 minutes 39 seconds east 100.00 feet; thence north 35 degrees 42 minutes 11 seconds west 1433.68 feet to the southwest corner of the northwest quarter of said section;

thence north 00 degrees 16 minutes 00 seconds west on and along the west line of said quarter section 2750.63 feet to the point of beginning, containing 113.794 acres, more or less.

TRACT 4:

A part of the west half of Section 12, Township 12 north, Range 4 east of the Second Principal Meridian, Johnson County, Indiana, described as follows:

Beginning at the northwest corner of the southwest quarter of said half quarter section; thence south 85 degrees 42 minutes 11 seconds east 1633.68 feet to the centerline of Hurricane Road. The next 8 courses are along said road centerline:

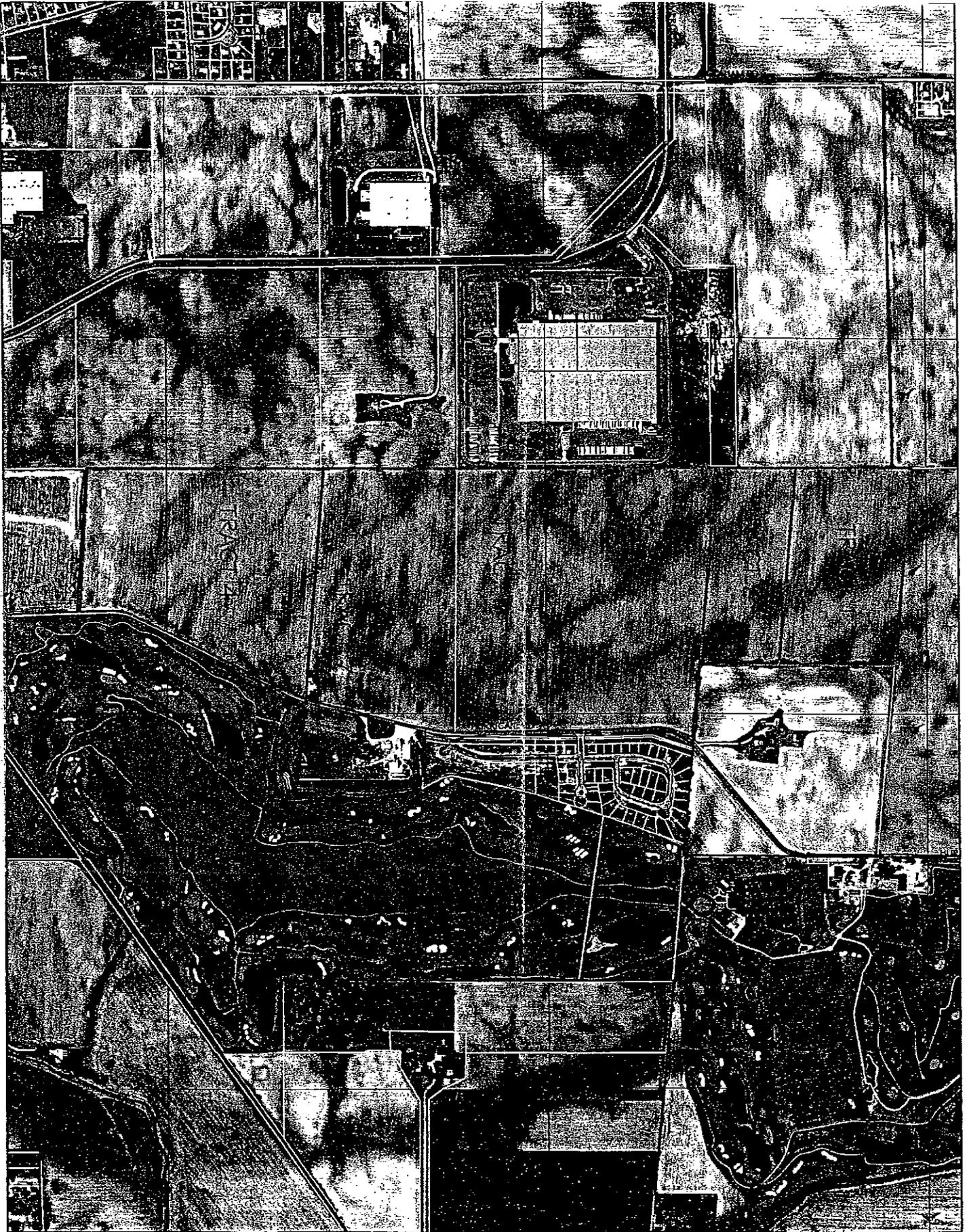
1. south 26 degrees 38 minutes 22 seconds west 9.24 feet
2. south 23 degrees 22 minutes 38 seconds west 107.12 feet
3. south 26 degrees 56 minutes 24 seconds west 308.93 feet
4. south 27 degrees 01 minutes 56 seconds west 392.78 feet
5. south 26 degrees 57 minutes 30 seconds west 446.89 feet
6. south 21 degrees 35 minutes 10 seconds west 137.62 feet
7. south 02 degrees 46 minutes 31 seconds west 118.33 feet
8. south 02 degrees 09 minutes 54 seconds west 188.26 feet

Thence north 87 degrees 15 minutes 18 seconds west and parallel to the south line of said half quarter section 1012.58 feet to a point on the west line of said quarter section; thence north 00 degrees 01 minutes 28 seconds west on and along the west line of said quarter section 1638.39 feet to the point of beginning, containing 46.338 acres, more or less.

TRACT 7:

A part of the west half of Section 12, Township 12, Range 4 east of the Second Principal Meridian, Johnson County, Indiana, described as follows:

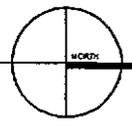
Beginning south 85 degrees 42 minutes 11 seconds east 1433.68 feet from the southwest corner of the northwest quarter of said section; thence north 00 degrees 01 minutes 39 seconds west 100.00 feet; thence south 85 degrees 42 minutes 11 seconds east and parallel to the south line 223.61 feet to the centerline of Hurricane Road; thence south 13 degrees 26 minutes 56 seconds west along said centerline 101.00 feet; thence north 85 degrees 42 minutes 11 seconds west 200.00 feet to the point of beginning, containing 0.485 acres, more or less.



PREPARED FOR:
RESOLUTION #02-39 & 02-40

PROVIDED BY:
THE CITY OF FRANKLIN, INDIANA
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
44 NORTH JACKSON STREET, FRANKLIN, IN 46131

PH: 317.736.3631
FAX: 317.736.4035
WWW.CI.FRANKLIN.IN.US/PLANNING/DPED.HTM



| |
|--|
| SIZE: A81/A |
| SCALE: |
| REV: |
| BY: J. CARLOS, AICP |
| PRINTED: |
| FN: |
| THE HONORABLE BLANCHARD P. BLANCHARD, JR. MAYOR OF FRANKLIN |

EXHIBIT "B"

COUCIL ORDINANCE 2003-02 / PC# 2002-39 BROOKHAVEN RESIDENTIAL PUD PHASE I / REZONING COMMITMENTS TO BE RECORDED AND ATTACHED TO THE BROOKHAVEN PUD ZONING STANDARDS.

Commitments as stated and provided to the Commission on November 19, 2002

1. Multi Family
 - a. 15 acres maximum in area
 - b. all units will be owner occupied
 - c. 10% (1.5 acres) of the overall multi-family area will be devoted to landscaping and buffering
 - d. a playground will be developed in association with the multi-family development
 - e. a maximum density of eight (8) units per acre will be developed
 - f. a maximum of 120 units will be developed
 - g. development standards will require two (2) off street parking spaces per unit.

2. Single Family Residences
 - a. will consist of a maximum of 188 acres
 - b. a maximum of 730 units will be developed
 - c. a minimum ten (10) feet of building separation will be maintained throughout the development
 - d. each lot shall have a minimum of one (1) street tree, which is
 - to be located near the back, residence side, of the sidewalk
 - intended to create a "row" of street trees
 - e. minimum architectural standards will be set at:
 - all roof edges to have a minimum eight (8) inch overhang or built up molding detail
 - minimum rear yard setbacks are present in all areas of the development.
 - a minimum porch size of four (4) feet by six (6) feet will be set
 - the minimum roof pitch for the main body of a home will be 5:12 and from 6:12 to 7:12 for any Gable that would face the street
 - an eight (8) inch soffit overhang shall exist on all front elevations of homes.
 - f. Any and all builders within the development shall provide a minimum of twenty (20) year asphalt shingles of a consistent "weathered wood" color.
 - g. residential setbacks shall vary as follows:
 - a ten (10) foot variation to the front porch on certain homes
 - a twenty (20) to twenty-five (25) foot staggered setback to the front of the residence
 - residences on adjoining lots shall not be constructed with the same front elevation or color
 - h. residences along Hurricane Road shall have (1) a minimum square footage for a single story home of 1,750 square feet, and (2) a minimum square footage for a two story home of 2,300 square feet
 - i. a minimum vinyl siding standard shall be set at (1) 0.040 thickness, (2) to comply with ASTM standard, and (3) non wavy.
 - j. no more than 25% of the residences within the overall development shall be less than 1,500 square feet, and at least 75% of the overall residences shall be greater than 1,500 square feet in size.
 - k. all residences shall have a two (2) car garage a minimum of 18 feet by 20 feet in size with a 16 foot wide door

3. Area "A" – Traditional Residential
 - a. Minimum lot width of 40 feet, measured at the right of way
 - b. Minimum lot area of 4,000 square feet.
 - c. Minimum home size of 1,200 square feet single story, and 1,500 square feet two story
 - d. Additional living quarters will be permitted above any detached garages
 - e. A maximum height of accessory structures with additional living quarters at 25 feet.

- f. No driveways or garages shall be permitted to access or front onto dedicated roadways.
 - g. A minimum of a 'one way' alley, 12 feet in width, shall be provided behind all homes
 - h. All alleys that will serve 'two way' traffic will be a minimum of 15 feet in width
 - i. All residences shall have a minimum of a two car garage plus two spaces between the garage and the alley to provide for adequate off street parking
 - j. All alley intersections shall have an adequate turning radius to accommodate trash trucks
 - k. Mailboxes shall be located along the dedicated roadway, not alleyways
4. Area "B" – Small Lot Suburban Residential
 - a. Minimum lot width of 50 feet, measured at the right-of-way
 - b. Minimum lot area of 5,000 square feet
 - c. Minimum home size of 1,200 square feet single story, and 1,800 square feet two story
 - d. Front yard setbacks at (1) 20 feet for residence, (2) 25 feet for garages
 5. Area "C" – Small Lot Suburban Residential
 - a. Minimum lot width of 60 feet, measured at the right-of-way
 - b. Minimum lot area of 6,000 square feet
 - c. Minimum home size of 1,500 square feet single story, and 1,800 square feet two story
 - d. Front yard setbacks at (1) 20 feet for residence, (2) 25 feet for garages
 6. Open Space
 - a. A minimum of 30.5 acres of open space will be provided throughout the single family residential area
 - b. Landscape buffers on the east boundary of the property shall be a minimum of 40 feet in width, and expand to exceed 75 feet in width near the main entrance's intersection to Hurricane Road
 - c. Landscape buffers on the west boundary of the property shall be a minimum of 40 feet in width
 - d. All landscape buffers shall contain a minimum five (5) to six (6) foot varying mounding within the buffer
 - e. A minimum of a six (6) acre 'central park' shall be provided
 - f. All required and proposed retention ponds shall contain a fountain to ensure proper aeration, and be accessible to emergency vehicles
 7. Front Entrances
 - a. a boulevard drive, with no immediate property access, shall be provided with a minimum 50 feet wide landscaping surrounding the drive
 - b. Roundabouts, or traffic circles, shall be used at all main intersections
 8. Trail System
 - a. A minimum linear length of one (1) mile of recreational trail shall be provided
 - b. Trails shall consist of a minimum of eight (8) foot wide asphalt paving
 - c. All trails shall connect sidewalks to park areas
 - d. Trails shall be stubbed to the west to provide for future access to the Franklin Greenways Trail
 9. Recreational Amenities in Park (to be built in 1st phase of development)
 - a. A clubhouse will be constructed containing (1) meeting space, and (2) changing rooms
 - b. A swimming pool shall be constructed
 - c. Tennis, basketball, and/or volleyball courts shall be provided
 - d. An open area for football, soccer, and/or baseball fields shall be provided
 - e. A playground shall be provided
 - f. Community picnic shelters and/or gazebos shall be provided
 - g. A pond overlook deck shall be provided
 10. Mandatory Property Owners Association
 - a. Property owners association shall be responsible for all maintenance of common areas an neighborhood facilities, including, but not limited to the following

| | |
|---|--|
| <ul style="list-style-type: none"> • Mowing • Weed control • Irrigation • Entry lighting • Entry signage • Pool area • Parking areas | <ul style="list-style-type: none"> • Clubhouse staffing and maintenance • Gazebo maintenance • Pond overlook deck • Ball courts • Annual plantings in any and all flower beds • Common area landscaping and maintenance • Pond and fountain maintenance |
|---|--|

11. Schools
 - a. Portable basketball goals shall not be permitted to be located within any roadway or alleyway
 - b. All roadways, corner radii, and turnarounds shall be adequate to facilitate the movement of school busses

Commitments as stated and provided to the Commission on December 17, 2002

1. New Lot Classification – Area "D"
 - a. Minimum lot width of 70 feet, measured at the right-of-way
 - b. Minimum lot area of 8,400 square feet
 - c. Minimum home size of 1,750 square feet single story, and 2,300 square feet two story
 - d. Front yard setbacks at (1) 20 feet for residence, (2) 25 feet for garages
2. Industrial Commitments
 - a. All buffer areas along the western boundary to the property shall be designated "common area"
 - b. Covenants shall be added to prohibit remonstrance to any industrial use, or variance requests
 - c. The petitioner shall fund any variance for setbacks for the industrial area
 - d. The petitioner, or home owners association, shall install adequate screening to the industrial property to the west, if it is determined necessary, by either denial of variances, or through other reasonable means.
3. North Boundary Line
 - a. A stub street to the north shall be provided, paved and dedicated right-of-way.
 - b. A wood plank fence, six (6) feet in height, shall be installed along the north boundary line and east line north of the northernmost subdivision entrance.
4. Collector street to the west
 - a. A minor collector standard street shall be constructed to provide through east west accessibility within the project.
5. Trees
 - a. A minimum of 2,000 trees shall be planted
 - b. The minimum size of trees to be planed are (1) deciduous trees: two (2) inches in diameter measured 4 feet from ground level, and (2) evergreen trees: a minimum of 6 feet in height at the time of planting.
 - c. Trees shall be planted along the northern fence line (identified previously) at the discretion of the adjoining property owners.
6. Road Improvements
 - a. The main entryway shall align with the existing entrance to the Legends West subdivision.
 - b. The petitioner will donate \$50,000.00 to the City of Franklin for the purpose of extending the minor collector standard street westward to Musicland Drive.
 - c. The petitioner will widen Hurricane Road with an additional 4 feet of pavement, and 2 feet of gravel shoulder along the property's frontage, said construction shall take place with each phase of development.

Commitments as stated and provided to the Common Council on February 24, 2003

1. Model Homes
 - a. Area A: One (1) Model home constructed at 1,800 square feet minimum size; only one (1) will be at minimum home size
 - b. Area B: One (1) Model home constructed at 2,200 square feet minimum size; only one (1) will be at minimum home size
 - c. Area C: One (1) Model home constructed at 2,500 square feet minimum size; only one (1) will be at minimum home size
 - d. Area D: One (1) Model home constructed at 2,800 square feet minimum size; only one (1) will be at minimum home size
2. Reduction of the Maximum number of permitted lots from 780 to 749
3. Lot Area
 - a. Area A: A maximum of 25% of the lots may be between 1,200 square feet and 1,500 square feet
 - b. Area B: A maximum of 25% of the lots may be between 1,200 square feet and 1,500 square feet
 - c. Area C: A maximum of 25% of the lots may be between 1,500 square feet and 1,750 square feet

Commitments as stated and provided to the Common Council on March 10, 2003

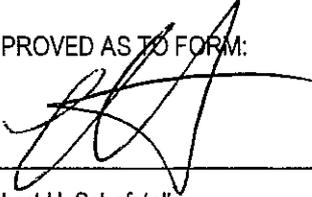
1. Pertaining to houses that are 'side by side' – only one home will have a wall with no features; the other home will feature a minimum of one (1) window.
2. Pertaining to corner lots
 - a. A minimum of two (2) windows will be provided on the side of the home facing each street (no blank walls facing a public street will be permitted).
 - b. Three (3) additional trees, one evergreen, and eight (8) shrubs shall be planted on the side of the home.
 - c. All sides of the lot that face a public roadway shall be sodded, as opposed to seeded
3. Siding Options
 - a. "Hardy Plank" will be available as an option for buyers
 - b. A minimum of one (1) model home will be constructed using "Hardy Plank" as siding material
 - c. All homes located with a side facing Hurricane Road will utilize "Hardy Plank" siding material
4. Density
 - a. The number of homes in "Area A" is reduced from 237 to 201
 - b. Approximately 5 acres of open space will be provided near the north portion of the subdivision.

ATTEST:



Janet P. Alexander,
City Clerk-Treasurer

APPROVED AS TO FORM:



Robert H. Schafstall
City Attorney

*Prepared by the City of Franklin, Indiana
Department of Planning & Economic Development
Joseph M. Csikos AICP, Staff Planner
Certificate Number 017981*

**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2002-39
TO THE FRANKLIN COMMON COUNCIL
FOR CONSIDERATION**

NAME OF PETITIONER:
Mann Properties, LLP

PLAN COMMISSION DOCKET NUMBER:
PC 2002-39

RESOLUTION

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

WHEREAS: the above Petitioner has filed a petition for rezoning, where in the Petitioner requests an amendment of the Zoning Map changing the designation of the subject property (legal description attached hereto and labeled as "Exhibit A") I-2, Heavy Industrial to Residential PUD, Planned Unit Development; and

WHEREAS: after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the in the Council Chambers of Franklin City Hall, 55 West Madison Street, Franklin, Indiana on the 17th day of December 2002, with the Commission having heard all objections and criticisms and having given careful study and consideration to said petition.

WHEREAS: The petitioner has made certain commitments in regards to the rezoning of said property as outlined and attached hereto and labeled as "Exhibit B".

NOW THEREFORE BE IT RESOLVED, that the City of Franklin Plan Commission does hereby recommend favorable consideration of the proposed amendment to the Zoning Map of the City of Franklin, rezoning the subject property from I-2, Heavy Industrial to Residential PUD, Planned Unit Development.

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

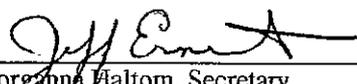
The copy of this Resolution forwarded to the Common Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Common Council at its meeting.

Dated this 17th day of December 2002.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA



James A. Martin Jr., President



Georganna Platom, Secretary
Jeff Ernest, Acting Secretary

City of Franklin
(Governmental Unit)
Johnson County, Indiana

TO: Daily Journal
2575 N. Morton Street
Franklin, IN 46131

PUBLISHER'S CLAIM

LINE COUNT

Display matter (must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)

| | |
|--------------------------------|------------|
| Number of equivalent line..... | _____ |
| HEAD - Number of lines..... | _____ |
| BODY - Number of lines..... | _____ |
| TAIL - Number of lines..... | _____ |
| TOTAL Number of lines..... | 607 |

COMPUTATION OF CHARGES

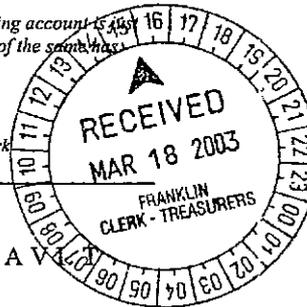
| | | |
|--|----|---------------|
| 607 lines, 1 columns wide, 607 equivalent lines @ .376 cents / line..... | \$ | 228.23 |
| Additional charge for notices containing rule or tabular work..... | \$ | _____ |
| <i>(50% of above amount)</i> | | |
| Charge for extra proofs of publication..... | \$ | _____ |
| <i>(\$5.00 for each proof in excess of two)</i> | | |
| TOTAL AMOUNT OF CLAIM..... | \$ | 228.23 |

Data for computing costs: Width of single column -- 8.0 ems
 Number of insertions -- 1
 Size of type -- 5.0 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953, I hereby certify that the foregoing account is true and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 15, 2003

Connie S. Butts
Legal Advertising Clerk



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PUBLISHER'S AFFIDAVIT

State of Indiana)
Johnson County) SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Connie S. Butts, who being duly sworn, says that she is Legal Advertising Clerk of the Daily Journal newspaper of general circulation printed and published in the English language in the (city/town) of Franklin in state and county aforesaid, and that the printed matter attached hereto is a true copy, which dates of publication being as follows:

March 15, 2003

Connie S. Butts

Subscribed and sworn to before me this 15th Day of March 2003.

Amy E. Chandler

Amy E. Chandler, Notary Public
Commission expires: April 16, 2009

Real Estate

to homes, property and apartments in Johnson County

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

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

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

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

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

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

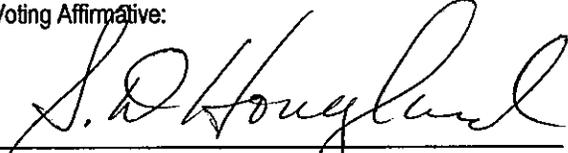
1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby zoned Planned Unit Development, with the limitations and standards set forth in Exhibit "B" and Exhibit "C" attached hereto.
2. **Construction of Clause Headings.** The clause headings appearing in this ordinance have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

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

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

City of Franklin, Indiana, By its Common Council:

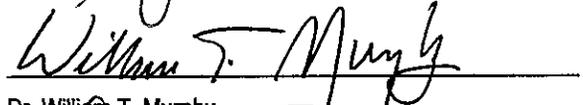
Voting Affirmative:


Stephen D. Houglund, President

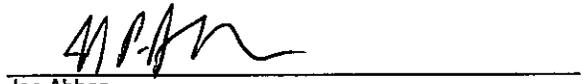

Joseph R. Ault


Jeffrey Eggers


Ann Gordon


Dr. William T. Murphy


Phillip R. Barrow


Joe Abban

Voting Opposed:

Stephen D. Houglund, President

Joseph R. Ault

Jeffrey Eggers

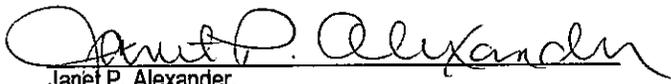
Ann Gordon

Dr. William T. Murphy

Phillip R. Barrow

Joe Abban

Attest:


Janet P. Alexander,
City Clerk-Treasurer

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


Janet P. Alexander,
City Clerk-Treasurer

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



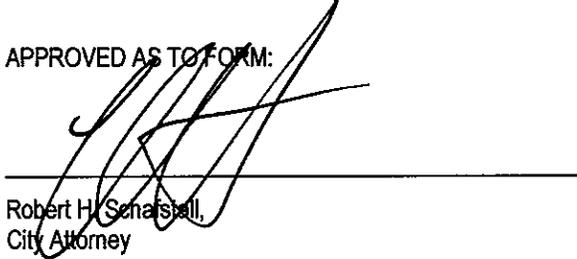
Brenda Jones-Matthews,
Mayor of the City of Franklin, Indiana

Attest:



Janet P. Alexander,
City Clerk-Treasurer

APPROVED AS TO FORM:



Robert H. Schafstall,
City Attorney

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

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

NAME OF PETITIONER:
CP Morgan Communities, LP

PLAN COMMISSION DOCKET NUMBER:
PC 2006-11

RESOLUTION

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

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

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

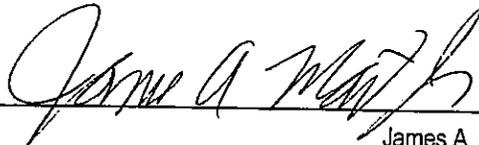
NOW THEREFORE BE IT RESOLVED, that the City of Franklin Plan Commission does hereby recommend favorable consideration of the proposed amendment to the Planned Unit Development Standards of the Heritage Subdivision Section 7 more particularly described in Exhibit "A", subject to the written commitments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

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

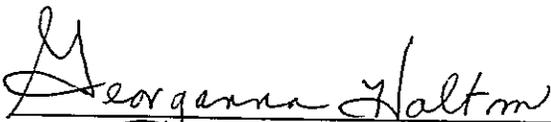
The copy of this Resolution forwarded to the Common Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Common Council at its meeting.

Dated this 18th day of July 2006

PLAN COMMISSON OF THE CITY OF FRANKLIN, INDIANA



James A. Martin, Jr., President



Georganna Haltom, Secretary

EXHIBIT "B"

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

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

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

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