

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	October 1, 2013	<b>Meeting Date:</b>	October 7, 2013
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b> Plan Commission			
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jmyers@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2013-12: Annexation to be known as Creekside Annexation 1			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2013-24)			
3. Ordinance 2013-12			
<b>Who will present the request?</b>			
<b>Name:</b>	Roger Young	<b>Telephone:</b>	317-736-7117

*The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.*



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

### City Council - Memorandum

**To:** City Council Members  
**CC:** Joe McGuinness, Mayor and Janet Alexander, Clerk-Treasurer  
**From:** Joanna Myers, Senior Planner  
**Date:** October 1, 2013  
**Re:** **Creekside Annexation 1 (Ordinance 2013-12)**

---

On September 17, 2013 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Franklin Community Schools 1996 Building Corporation d/b/a Franklin Community School Corporation (Plan Commission Resolution #2013-24). The Plan Commission voted unanimously for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 0.58 acres of property located at the northeast corner of 700 E. SR 44 be annexed into the City of Franklin. The attached staff report prepared for the September 17<sup>th</sup> Plan Commission meeting further describes this request.

The petition was properly advertised for the Plan Commission meeting. A copy of the ordinance is included. A copy of the appropriate fiscal plan and resolution adopting the fiscal plan will be forwarded prior to the public hearing. The proposed timeline for the petition is as follows:

Introduction:	October 7, 2013
Public Hearing:	October 21, 2013 (Fiscal Plan & Annexation)
Action Taken:	November 4, 2013

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.



## 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](http://www.franklin.in.gov/planning)

### Plan Commission Staff Report

**To:** Plan Commission Members  
**From:** Joanna Myers, Senior Planner  
**Date:** September 10, 2013  
**Re:** Case PC 2013-24 (A): Creekside Annexation 1

---

#### REQUEST:

**Case PC 2013-24 (A)...Creekside Annexation 1.** A request by the Franklin Community School Corporation (FCSC) to annex 0.58 acres. The subject property is located at 700 E. State Road 44 (Creekside Elementary/FCSC Transportation Department). The property is zoned IN (Institutional).

#### ZONING:

##### Surrounding Zoning:

North: MXN (Mixed Use: Neighborhood Center)  
South: RR (Rural: Residential)  
East: IN (Institutional)  
West: RR (Rural: Residential)

##### Surrounding Land Use:

North: Single-family residential  
South: Custer Baker Intermediate School  
East: Custer Baker Intermediate School  
West: Single-family residential

#### CONSIDERATIONS:

1. The FCSC is requesting that 0.58 acres of the 61+ acre property located at 700 E. State Road 44 be annexed into the City of Franklin and that the zoning remain IN (Institutional). See attached exhibits.
2. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)
3. The proposed annexation area is 12.5% contiguous to the City of Franklin and 100% of the property owners (Franklin Community Schools 1996 Building Corporation d/b/a Franklin Community School Corporation) are parties to the petition.
4. Creekside Elementary School and the FCSC Transportation Department are located on the existing 61+ acres. The intent is that the entire property will be annexed into the City. However, due to the fact that the existing city limits bound the property by only 200 feet, limits the ability to annex the entire property at one time. Therefore, multiple annexation requests will be filed in order to accomplish annexing the entire 61+ acres.

5. The property is currently served by city sewer and public water. In addition, the city also provides planning services (buffer zone) and fire protection services, through a contract with the Franklin Township Trustee.
6. The Technical Review Committee reviewed the petition at their August 29, 2013 meeting. Bill Doty, Franklin Community School Corporation, presented the petition to the committee and there were no adverse comments at the meeting.
7. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as an Institutional Center. “Franklin’s institutional centers are areas that include either a single dominant institution or a collection of large-scale non-profit facilities. Existing institutional centers include the Franklin Community School Corporation facilities along Eastview Drive and U.S. 31; the area of West Jefferson Street which includes Johnson Memorial Hospital, the Johnson County Fairgrounds, the Methodist Community, the Johnson County Jail facilities, Creekside Elementary School, and Custer Baker Middle School; and the State Street corridor facilities of Franklin College, the Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home. While other institutions, such as churches and schools, are located throughout the community, institutional centers are unique due to the prominence of the institutions and their influence on surrounding areas. Institutional centers may include non-institutional land uses, such as offices, retailers, or homes. However, these non-institutional uses typically have a direct, complimentary relationship with the area’s institutions.”
8. The subject area is included in an area identified as a “Priority Annexation” area per the Recommended Jurisdiction Map in Chapter 15 – Growth Areas of the Comprehensive Plan. Priority annexations area intended to correct irregularities and better position the City for future growth.

**PLAN COMMISSION ACTION:**

Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the annexation petition.

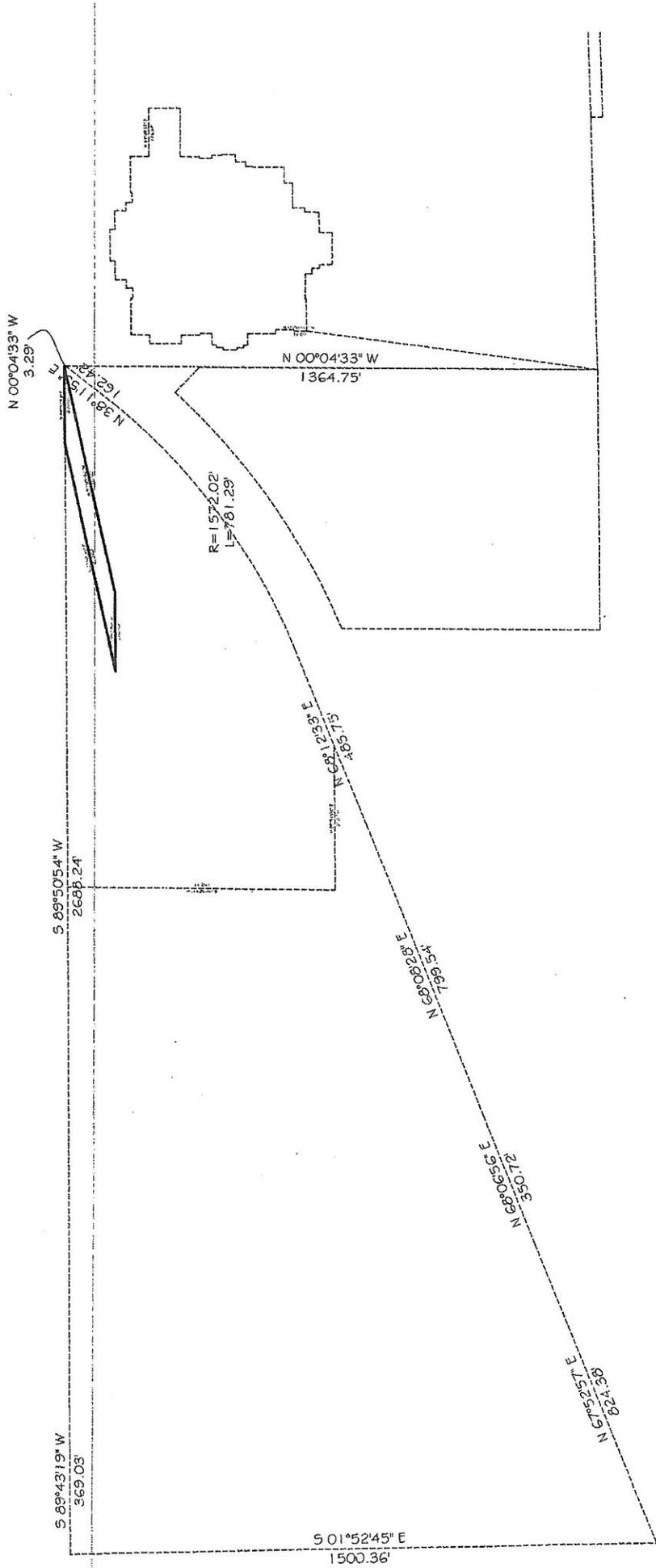
**STAFF RECOMMENDATION:**

Staff recommends a *favorable recommendation* be forwarded to the City Council.



# Creekside Elementary





N 00°04'33\"/>

3.29'

S 89°50'54\"/>

2689.24'

S 89°43'19\"/>

369.03'

N 00°04'33\"/>

1364.75'

R=1572.02'  
L=781.29'

N 68°12'59\"/>

485.75'

N 13°00'39\"/>

1799.54'

N 27°10'55\"/>

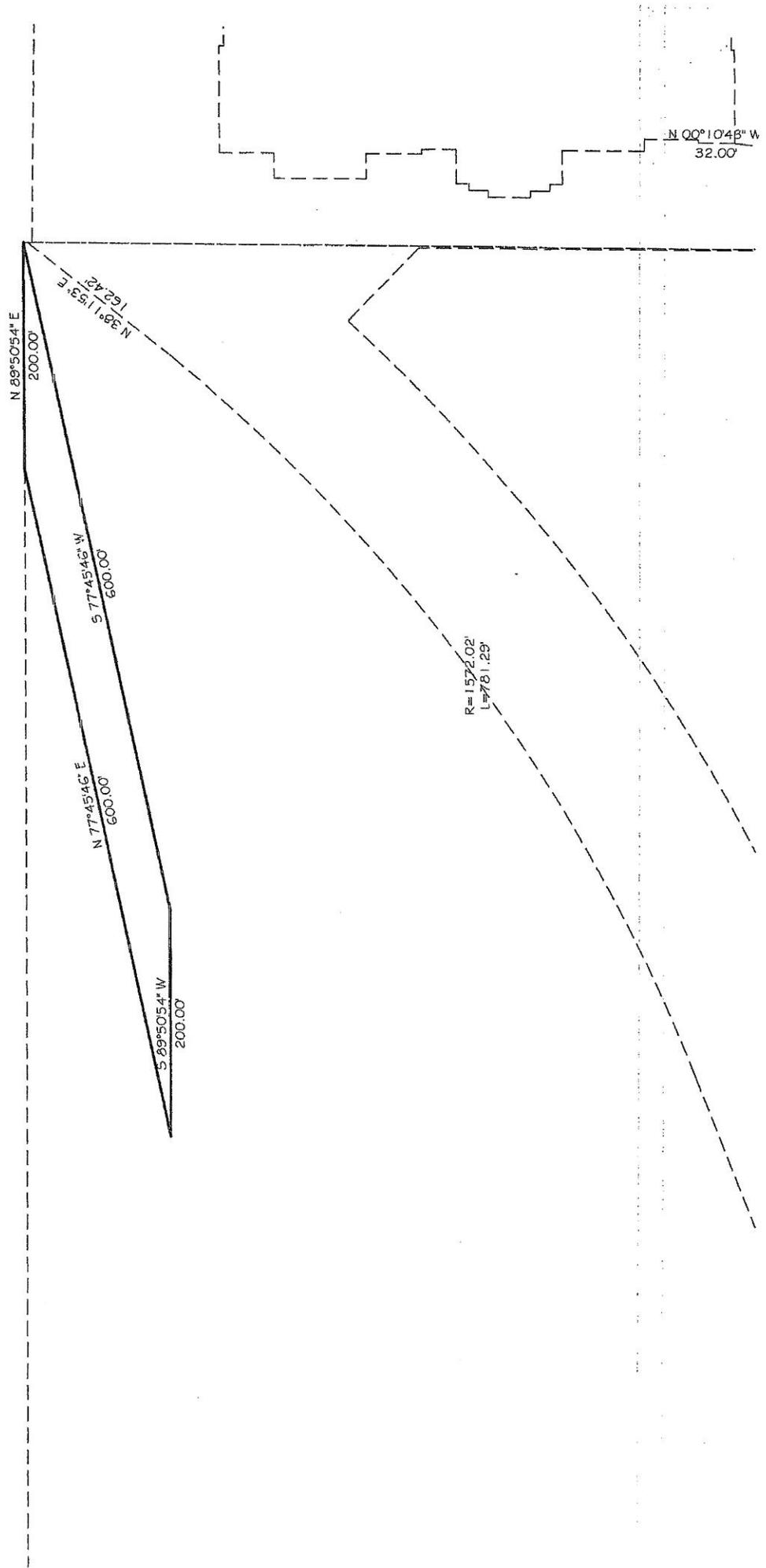
371.55'

N 57°05'25\"/>

312.28'

S 01°52'45\"/>

1500.36'



City of Franklin Common Council

**ORDINANCE # 2013-12**

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 Creekside Annexation 1)

**WHEREAS**, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, 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 #2013-24 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 "Resolution #2013-24"); and

**WHEREAS**, pursuant to IC 36-7-4-605, Resolution #2013-24 has been certified to City's Common Council; and

**WHEREAS**, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "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 and shall retain its current zoning of Institutional (IN).
2. The Plan Commission is directed to amend the zoning maps of the City in a manner consistent with this ordinance; and
3. 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
4. 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
5. 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
6. The provisions set forth in this ordinance become and will remain in full force and effect pursuant to Indiana Code; and

7. Said newly annexed territory shall become a part of Council District 3; and
8. 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 36-4-3-22(a),

**INTRODUCED AND FILED** on the 7<sup>th</sup> day of October, 2013.

**PUBLIC HEARING** held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**DULY ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_ 2013, by the Common Council of the City of Franklin, Johnson County, Indiana having been passed by a vote of \_\_\_\_\_ in Favor and \_\_\_\_\_ Opposed.

City of Franklin, Indiana, by its Common Council:

**Voting Affirmative:**

**Voting Opposed:**

\_\_\_\_\_  
Stephen D. Barnett, Council President

\_\_\_\_\_  
Stephen D. Barnett, Council President

\_\_\_\_\_  
Joseph P. Abban

\_\_\_\_\_  
Joseph P. Abban

\_\_\_\_\_  
Joseph R. Ault

\_\_\_\_\_  
Joseph R. Ault

\_\_\_\_\_  
Kenneth W. Austin

\_\_\_\_\_  
Kenneth W. Austin

\_\_\_\_\_  
Robert D. Henderson

\_\_\_\_\_  
Robert D. Henderson

\_\_\_\_\_  
Stephen D. Hougland

\_\_\_\_\_  
Stephen D. Hougland

\_\_\_\_\_  
Richard L. Wertz

\_\_\_\_\_  
Richard L. Wertz

Attest:

\_\_\_\_\_  
Janet P. Alexander, 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 \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was [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 \_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Joseph McGuinness, Mayor

Attest:

\_\_\_\_\_  
Janet P. Alexander, Clerk-Treasurer

*Prepared by:  
Joanna Myers, Senior Planner  
Department of Planning & Engineering  
70 E. Monroe Street  
Franklin, IN 46131*

**EXHIBIT 'A'**

A PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 33 SECONDS WEST (DEED BEARINGS) ON AND ALONG THE EAST LINE OF SAID QUARTER SECTION, 1364.75 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 50 MINUTES 54 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION, 200.00 FEET; THENCE SOUTH 77 DEGREES 45 MINUTES 46 SECONDS WEST 600.00 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 54 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER QUARTER, 200.00 FEET; THENCE NORTH 77 DEGREES 45 MINUTES 46 SECONDS EAST 600.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.58 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, AGREEMENTS AND RESTRICTION OF RECORD.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2013-24  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

Franklin Community Schools 1996 Building Corporation  
d/b/a Franklin Community School Corporation

**PLAN COMMISSION DOCKET NUMBER:**

PC 2013-24

**RESOLUTION**

**WHEREAS**, the City of Franklin, Indiana has received an Annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

**WHEREAS**, the petitioner has submitted a statement of reasons for having said property annexed; and

**WHEREAS**, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

**WHEREAS**, the existing improvements have been submitted and reviewed by the Plan Commission; and

**WHEREAS**, the said existing improvements are consistent with the 2002 Comprehensive Plan's recommendation for Institutional Center; and

**WHEREAS**, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

**WHEREAS**, a public hearing was held on the 17<sup>th</sup> day of September, 2013 in the Franklin City Hall to give the public an opportunity to offer comments on said annexation petition; and

**WHEREAS**, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

**WHEREAS**, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

**NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:**

1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
2. On behalf of the secretary, 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.
3. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 17<sup>th</sup> day of September, 2013.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST:

  
Suzanne Indley, Secretary

  
Jim Martin, President

**EXHIBIT "A"**

A PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 12 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 33 SECONDS WEST (DEED BEARINGS) ON AND ALONG THE EAST LINE OF SAID QUARTER SECTION, 1364.75 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 50 MINUTES 54 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION, 200.00 FEET; THENCE SOUTH 77 DEGREES 45 MINUTES 46 SECONDS WEST 600.00 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 54 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER QUARTER, 200.00 FEET; THENCE NORTH 77 DEGREES 45 MINUTES 46 SECONDS EAST 600.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.58 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, AGREEMENTS AND RESTRICTION OF RECORD.