



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: October 9, 2013

Re: Case PC 2013-26 (A) & PC 2013-27 (R): Hougham Family Trust Annexation & Rezoning

REQUEST:

Case PC 2013-26 (A) & PC 2013-27 (R)...Hougham Family Trust Annexation & Rezoning. A request by Tippmann Group to annex and rezone 85.213 acres to IL (Industrial: Light). The subject property is located at the southwest corner of CR 50 S and CR 550 E. The property is currently zoned A (Agriculture).

ADJACENT PROPERTIES:

Surrounding Zoning:

North: IL (Industrial: Light)
South: A (Agriculture)
East: A (Agriculture)
West: RT-1 (Residential: Traditional One)

Surrounding Land Use:

North: Industrial & woodland
South: Agriculture
East: Agriculture
West: Agriculture

CURRENT ZONING:

The A", Agricultural zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural areas with the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

PROPOSED ZONING:

The "IL", Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

CONSIDERATIONS:

1. The Tippmann Group is requesting that 85.213 acres located at the southwest corner of CR 50 S and CR 550 E be annexed into the City of Franklin and that the property be rezoned to IL (Industrial: Light) to plan for the future expansion of their facility located to the north. See attached aerial.

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 21.78% contiguous to the City of Franklin and 100% of the property owners (Hougham Family Trust) are parties to the petition.
4. Tippmann Group owns 70 acres located immediately to the north of the subject property. Interstate Warehousing is located on this property. Construction of Phases 1-4 have been completed to date. Future expansion of the facility is planned.
5. City sewer is currently available near the north property line of the subject property.
6. The proposed annexation is located within the Needham Fire Protection District (est. 3-19-90 by Ord. 1990-5). IC 36-4-3-7 outlines the effectiveness of an annexation within a fire protection district. Effective date of annexation would be the second January 1 that follows the date the ordinance is adopted.
7. The Technical Review Committee reviewed the petition at their September 26, 2013 meeting. Mac McNaught and Jason Bransteter, Tippmann Group, presented the petition to the committee and there were no adverse comments at the meeting.
8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. "Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area."

PC 2013-26 (A): HOUGHAM FAMILY TRUST ANNEXATION

PLAN COMMISSION ACTION – ANNEXATION :

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 – ANNEXATION:

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

PC 2013-27 (R): HOUGHAM FAMILY TRUST REZONING

CRITERIA FOR DECISIONS – REZONING:

In taking action on rezoning requests, the Plan Commission shall pay reasonable regard to the decision criteria outlined in Article 11.6 (I) of the City of Franklin Zoning Ordinance.

- 1. *Comprehensive Plan: The City of Franklin Comprehensive Plan and any other applicable, adopted planning studies or reports.***

Staff Finding:

The long term land use plan of the 2013 Comprehensive Plan identifies the subject property as Light Industrial. The request to rezone the property to IL is consistent with this plan.

- 2. *Current Conditions: The current conditions and the character of current structures and uses in each district.***

Staff Finding:

The property located immediately to the north of the subject property is currently zoned IL and is the location of Interstate Warehousing.

- 3. *Desired Use: The most desirable use for which the land in each district is adapted.***

Staff Finding:

The property is immediately adjacent to other industrial properties and is a logical expansion of the existing Franklin Tech Park. In addition, the property's close proximity to the I-65 interchange provides excellent access to a regional transportation route and provides easy truck access.

- 4. *Property Values: The conservation of property values throughout the City of Franklin's planning jurisdiction.***

Staff Finding:

The rezoning request should increase the property values in the area as the city continues to grow towards to east.

- 5. *Responsible Growth: Responsible growth and development.***

Staff Finding:

The proposed rezoning and annexation is immediately adjacent to existing city limits and will provide the City with additional industrial zoned property. The City's current inventory needs to be expanded to promote additional growth and expansion of the tax base and provide additional job opportunities for the community.

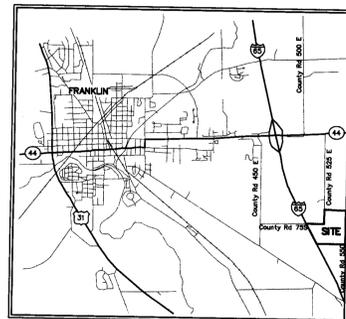
In the rezoning process, the Plan Commission has the authority to review the provisions of the Comprehensive Plan and the Zoning Ordinance. Plan Commission action (either *favorable, unfavorable, or no recommendation*) is a recommendation to the City Council, which takes action on the rezoning petition.

STAFF RECOMMENDATION – REZONING:

Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council rezoning the property to IL (Industrial: Light).

Hougham Family Trust—85.213 acres





VICINITY MAP
not to scale

SURVEYOR'S REPORT

In accordance with 865 IAC 1-12-1 et seq., the following observations and opinions are submitted regarding the causes and the amount of uncertainty in the locations of the lines and corners found or established during this survey as a result of:

- A.) availability and condition of reference monuments,
- B.) occupation or possession lines,
- C.) clarity or ambiguity of the record descriptions for the site and its adjoiners, and
- D.) the relative positional accuracy of the measurement.

A. The following monuments were found or re-established marking the corners common to the Southwest Quarter of Section 20, Township 12 North, Range 5 East. Unless otherwise noted, there is negligible uncertainty associated with the locations of these corners.

Southeast corner: A mag nail with an unreadable washer was found per County Surveyor's records.

Southeast corner: No monument found. The County Surveyor has no records for this corner. The right-of-way plans for I-65 (Project No. 65-3 (92)85 R/W) show a stone found in this location. The location was established by the I-65 plans and the right-of-way grant documents for I-65. A 14-inch diameter concrete fence post was found 10.2 feet southeast of the location.

Northeast corner: No monument found. The County Surveyor has no records for this corner. No monument was set at this location during the original land subdivision.

No monument was found at the North Quarter corner of Section 20 either. Several concrete fence posts (no fence remaining) and a large wooden corner post were found along the east edge of the woods on the north side of C.R. 50. A farmer familiar with the area stated that those posts had been in place "since the 1940s" and were set to mark the boundary line of the woods, which would be on the east line of the Quarter Section. For this survey, the east line of the Quarter Section was established as the line from the mag nail to the corner wooden post. This solution creates a line that isn't centered on C.R. 50. In most cases section lines generally follow the roadways, where one is present. However, I put more weight on the old concrete fence posts and wood corner post than I did on the location of the county road. At the northeast corner of the subject parcel, the section line is about 14 feet west of the centerline of the road.

B. Unless otherwise noted, there is no physical evidence of occupation or possession along the boundary lines of the subject parcel.

1336.49' Line: Several utility poles and overhead utility lines are on line.

207.05' Line: The east edge of pavement for C.R. 550 is 4.7 feet east of the line at the north end. The south end of the line falls in the centerline of the pavement.

1686.91' Line: An electric meter is 3.4 feet south of the line. The north side of a silo is as close as 3.3 feet south of the line. A fence ranges from on line to 6.4 feet south of the line.

1451.40' Line: A fence ranges from 1.9 to 3.1 feet east of the line.

96.96' - 221.05' Lines: These lines generally follow a flow line.

C. The record descriptions for the site and its adjoiners were obtained from the office of the Recorder of Johnson County (the latest research date was July 16, 2013). The record descriptions for the adjoiners were mathematically retraced to disclose any gaps and/or overlaps between the boundary lines of the site and its adjoiners. The following observations are made as a result of this retracement: There are no gaps or overlaps between the lines of the subject parcel and its adjoiners.

D. The relative positional accuracy (uncertainty due to random errors in measurement) of any point on the survey relative to any other point on the survey at the ninety-five percent (95%) confidence level is within the specifications for an Urban Survey (0.07 feet + 50 ppm) as defined in 865 IAC 1-12-7.

As a result of the above observations, it is my opinion that the uncertainties in the locations of the lines and corners established during this survey are as follows:

- Due to variances in reference monuments: 14 feet;
- Due to inconsistencies in lines of occupation: see "B" above;
- Due to discrepancies in the record descriptions: 0.0 feet; and
- Due to random errors in measurement: within the specifications for an Urban Survey (0.07 feet + 50 ppm) as defined in 865 IAC 1-12-7.

SUBJECT:
 RICHARD E. & ADELAIDE W. HOUGHAM, TRUSTEES (½ INTEREST)
 PART OF INSTR. NO. 94023082
 ROBERT J. GUERNE, JR. AND LARRY R. GUERNE (½ INTEREST)
 PART OF INSTR. NO. 2011-010966
 85.213 ACRES±

LEGAL DESCRIPTION
 SURVEYED PARCEL

Part of the Southwest Quarter of Section 20, Township 12 North, Range 5 East, Johnson County, Indiana, more particularly described as follows:

BEGINNING at the southeast corner of said Southwest Quarter; thence South 87 degrees 39 minutes 48 seconds West 1,686.91 feet along the south line of said Southwest Quarter (assumed basis of bearings) to the east right-of-way line of Interstate 65 per INDOT Project Number I-65-30905; thence North 26 degrees 41 minutes 45 seconds West 1,451.46 feet along said east right-of-way line to the southwest corner of the Amended Plat for Franklin Tech Park, Lot 2, recorded in Plat Book D, Slide 589, Pages A - B in the Office of the Recorder of Johnson County, Indiana, the following four (4) courses are along the south line of said Lot 2: 1) thence North 85 degrees 52 minutes 35 seconds East 96.96 feet; 2) thence North 88 degrees 31 minutes 28 seconds East 141.78 feet; 3) thence North 87 degrees 15 minutes 07 seconds East 263.34 feet; 4) thence North 88 degrees 23 minutes 00 seconds East 221.05 feet to the east line of the West Half of said Southwest Quarter; thence North 00 degrees 15 minutes 24 seconds West 823.77 feet along the east line of said West Half to the south right-of-way line of County Road 50 South; thence South 89 degrees 29 minutes 06 seconds East 1,336.49 feet along said south right-of-way line to the east line of said Southwest Quarter; thence South 00 degrees 07 minutes 27 seconds West 2,075.55 feet along said east line to the POINT OF BEGINNING. Containing 85.213 acres, more or less.

SURVEYOR'S NOTES

1. This plat of an ALTA/ACSM LAND TITLE SURVEY is based upon the Escrow and Title Services, LLC commitment for title insurance having Commitment No. 106180 and the effective date of July 23, 2013.
2. No comment is made regarding the following Special Exceptions in Schedule B - Section II of the commitment for title insurance: 1-12.
3. The following notes are keyed to the Special Exceptions in Schedule B - Section II of the commitment for title insurance.
 Item 13: Gas Line Easement per Book 238, Page 863 - Does not affect the subject parcel.
 Partial Release and Quitclaim of Certain Easement Rights per Instrument Number 2004-010991 - Does not affect the subject parcel.
 Item 14: Application for Classification of Land as Forest Land per Misc. Record 21, Page 305 - Does not affect the subject parcel.
 Application for Withdrawal of Classified Forest per Instrument Number 96027622 - Does not affect the subject parcel.
 Item 15: Property Owner's Consent for Drainage Tile Installation per Instrument Number 2004-027067 - does not affect the subject parcel.
 Item 16: Ingress and Egress Easement per Instrument Number 2009-023526 - Does not affect the subject parcel. The easement is adjacent to the west line of the northern portion of the subject parcel.
 Item 17: Drainage Easement per Instrument Number 2009-023527 - Affects the subject parcel along the north line of the western portion.

4. The purpose of this survey was to prepare an ALTA/ACSM Land Title Survey for the site.

5. This plat of an ALTA/ACSM LAND TITLE SURVEY represents the conditions of the site on: July 16, 2013.

6. The accuracy of any flood hazard data shown on this survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Maps. Flood Insurance Rate Maps having Community Panel Numbers 180111 0234 D, 180111 0232 D and 180111 0275 D (effective date August 2, 2007) of the National Flood Insurance Program indicates this site to be within zone "X" (areas determined to be outside 500-year floodplain).

7. Basis of Bearing System: The basis of bearings for this survey is Amended plat of Franklin Tech Park Lot 2 per Instrument Number 2005-019745.

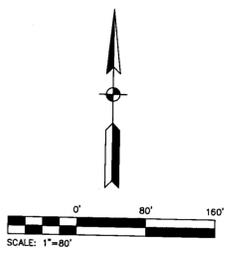
8. The locations of any underground utilities shown on this plat are based upon above ground evidence (including, but not limited to, manholes, inlets, and marks made on the ground by others) and are speculative in nature. There may be underground utilities for which there is no above ground evidence or for which the above ground evidence was not observed (i.e. buried or paved over).

9. American Structurepoint, Inc. makes no warranty, either expressed or implied, as to our staking, findings, recommendations, plans, specifications, or professional advice except that the work was performed pursuant to generally accepted standards of practice and degree of care exercised by members of the same (certified, certification, and/or certificate) shall be interpreted as meaning a professional opinion regarding the conditions of those facts and/or findings which are the subject of the certification and does not constitute a warranty or guarantee, either express or implied.

10. This plat of an ALTA/ACSM LAND TITLE SURVEY represents a survey made under my supervision and in compliance with "Rule 12" of TITLE 865 of the INDIANA ADMINISTRATIVE CODE (establishes minimum standards for the competent practice of land surveying) and the MINIMUM STANDARD DETAIL REQUIREMENTS AND CLASSIFICATIONS FOR ALTA/ACSM LAND TITLE SURVEYS (a copy of which is attached hereto and is hereby made a part hereof) with corners established as shown.

This document is not valid unless imprinted with a land surveyor's seal.

Michael J. Smith
 Professional Land Surveyor 20500025
 msmith@structurepoint.com
 Date: 9-27-13



- LEGEND**
- GUY WIRE
 - POST
 - SIGN
 - ⊠ ELECTRIC METER
 - ⊕ UTILITY POLE
 - ⊙ TELEPHONE MARKER
 - ⊞ TELEPHONE PEDESTAL
 - ⊞ OVERHEAD ELECTRIC LINE

ALTA/ACSM LAND TITLE SURVEY		PREPARED FOR:
HOUGHAM PROPERTY AT SW CORNER OF C.R. 50 S & C.R. 550 E, FRANKLIN, INDIANA		TIPPMANN REALTY PARTNERS
I offer, under penalties for perjury, that I have taken reasonable care to locate each Social Security number in this document, unless required by law.		AMERICAN STRUCTUREPOINT INC.
7280 SHADELAND STATION INDIANAPOLIS, IN 46256-3607 TEL 317.547.5580 FAX 317.543.0270 www.structurepoint.com		SCALE: 1" = 80'
DATE: Sept. 27, 2013	REVISIONS:	DATE:
DRAWN BY: CMW	CHECKED BY:	JOB NO. 201301242
CHECKED BY:	JOB NO. 201301242	ARCHIVE NO.
SHEET NO. 1		OF 1

PLOT SCALE: 1" = 80' DATE: 7/27/13 - 8:17 AM EDITED BY: MSMTM DRAWING FILE: P:\2013\01242\01 DRAWINGS\SURVEY\201301242-01.DWG