

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	November 26, 2013	Meeting Date:	December 2, 2013
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
		Plan Commission	
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2013-16: Rezoning to be known as Franklin Tech Park Rezoning 2013			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC 2013-29)			
3. PC Resolution 2013-29			
4. Ordinance 2013-16			
Who will present the request?			
Name:	Harry McNaught		Telephone: 317-655-3120

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 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

City Council - Memorandum

To: City Council Members

CC: Joe McGuinness, Mayor

From: Joanna Myers, Senior Planner

Date: November 26, 2013

Re: **Franklin Tech Park Rezoning 2013 (Ordinance 2013-16)**

On November 19, 2013 the Franklin Plan Commission forwarded to the City Council a favorable recommendation, with commitments, on the above referenced rezoning petition from Franklin Tech Park Associates, LLC (Plan Commission Resolution #2013-29). The Plan Commission voted 8-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 19.571 acres of property located at the southwest corner of SR 44 and CR Bartram Parkway be rezoned from Mixed Use: Regional Center (MXR) to Industrial: Light (IL) and to remove the Gateway Overlay (GW-OL) zoning district from 43.018 acres. The attached staff report prepared for the Plan Commission meeting further describes this request.

The petition was properly advertised for the Plan Commission meeting. A copy of the rezoning ordinance is included. The proposed timeline for the petition is as follows:

Introduction:	December 2, 2013
Public Hearing:	December 16, 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

Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: November 8, 2013

Re: **Case PC 2013-29 (R): Franklin Tech Park Rezoning - 2013**

REQUEST:

Case PC 2013-29 (R)...Franklin Tech Park Rezoning - 2013. A request by Franklin Tech Park Associates, LLC to rezone 19.571 acres from MXR (Mixed Use: Regional Center) to IL (Industrial: Light) and to remove the Gateway Overlay zoning district (GW-OL) from 43.018 acres. The subject property is located at the southwest corner of State Road 44 and Bartram Parkway. The property is currently zoned MXR (Mixed Use: Regional Center), IL (Industrial: Light), and GW-OL (Gateway Overlay).

ADJACENT PROPERTIES:

Surrounding Zoning:

North: MXR (Mixed Use: Regional Center) & GW-OL

South: IL (Industrial: Light)

East: MXR, IL & GW-OL

West: MXR, IL & GW-OL

Surrounding Land Use:

North: Agriculture

South: Agriculture & Cooper Tire

East: Aisin

West: Commercial & Industrial

CURRENT ZONING:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

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.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

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. Franklin Tech Park Associates, LLC is requesting that the undeveloped property located at the southwest corner of SR 44 and Bartram Parkway, in the Franklin Tech Park subdivision, be rezoned to IL (Industrial: Light) and to delete the Gateway Overlay district designation to allow the remaining undeveloped property at that intersection (total of 64 acres) to be zoned for industrial development. See attached maps.
2. In the past number of years, staff has received a number of inquiries for industrial development regarding the subject property, with the additional acreage to the south as a 64 acre property.
3. In regard to future development, the Zoning Ordinance states that “where a zoning district boundary line divides a lot, the zoning in which the majority of the area of the property is included shall apply to the entire property.” Therefore, as a 64 acre lot the Industrial: Light (IL) zoning district regulations would apply to the entire property. This would be consistent with the petitioner’s request.
4. The GW-OL purpose is to “address the unique characteristics of the property adjacent to Franklin’s gateway transportation routes. These gateways have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of the Zoning Ordinance.” A copy of the GW-OL regulations are attached for reference.
5. The petitioner has acknowledged the unique nature of the property due to its proximity to I-65 and has offered the attached Zoning Commitments to address the intent of the Gateway Overlay district.

COMPREHENSIVE PLAN - 2013

1. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Regional Activity Center. “Regional activity centers are intended to be similar to community activity centers, but on a scale that serves people outside of the immediate Franklin area. Regional activity centers are designed in recognition of Franklin’s role as a hub of commercial activity for some portions of Johnson County and its location along several major transportation routes. Regional activity centers are intended to provide for the goods and services needs of those passing through the Franklin area and traveling to Franklin for shopping and entertainment. Regional activity centers may include uses such as shopping centers, large-scale retailers and wholesalers, gas stations, hotels, and restaurants. Regional activity centers are designed to accommodate the needs of the automobile, however pedestrian travel should be integrated into this system through connections between individual businesses and with surrounding land uses.”
2. Chapter 6 – Land Use identifies the need to expand the City’s existing industrial zoned land inventory and states that the “land does not have to be completely developed but should at least be zoned appropriately to protect it from competing uses.”

3. Chapter 12 – Critical Sub Area: I-65 states that interstate access is a key asset in a highly competitive economic development environment” and that a “large portion of the land along and near SR 44 and east of the I-65 interchange should remain zoned for industrial.”

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 Regional Activity Center, however, it also states that there is a need to increase the City’s industrial zoned inventory.

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

Staff Finding:

The properties located immediately to the south, east, and west of the subject property are currently zoned IL and are developed as industrial uses.

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 industrial zoning. 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 and proposed commitments are consistent with the intent of the Gateway Overlay district.

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

Staff Finding:

The City’s current inventory of industrial zoned properties needs to be expanded to promote additional growth and expansion of the tax base and provide additional job opportunities for the community. As previously stated, if the property is developed as a 64 acre lot, the IL zoning district requirements would apply as outlined in the Zoning Ordinance for split-zoned properties, which is consistent with the request. In addition, the proposed commitments are consistent with the intent of the Gateway Overlay district and should ensure that the development would be complementary to other properties developed in the Gateway Overlay district.

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, to include the zoning commitments offered by the petitioner*, be forwarded to the Franklin City Council rezoning the property to IL (Industrial: Light) and remove the GW-OL (Gateway Overlay).

FRANKLIN TECH PARK ZONING EXHIBIT

Current MXR Zoning

Subject Area for Proposed
IL Zoning

19.571 AC.

CO. RD.
500 E

STATE RD. 44

650'

OWENS

18 17

19 20

Area
proposed for
deletion of
GW-OL district
designation

IL Zoning
240.828 AC.

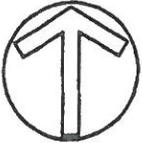
CO. RD. 525 E

CO. RD.
50 S

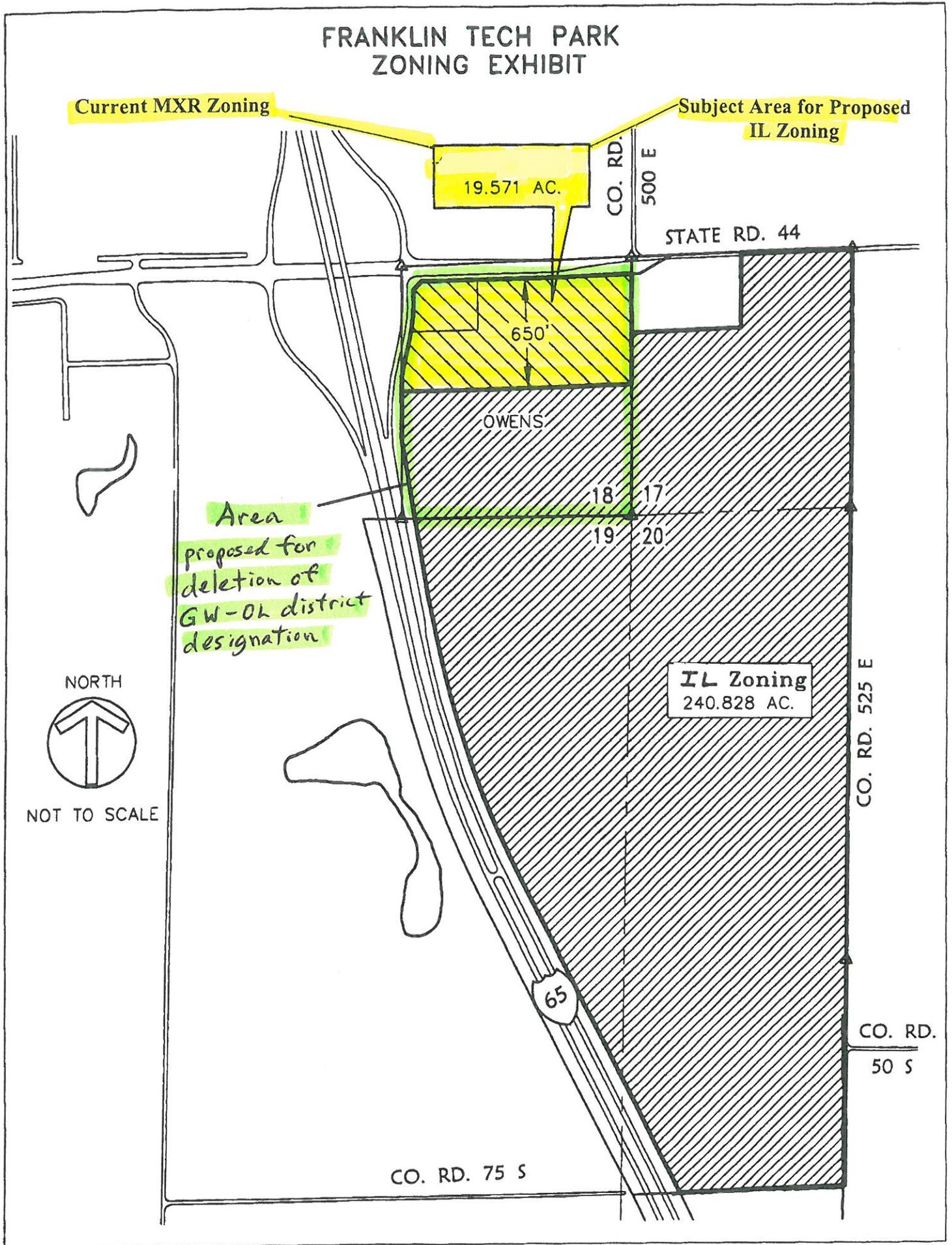
CO. RD. 75 S

65

NORTH

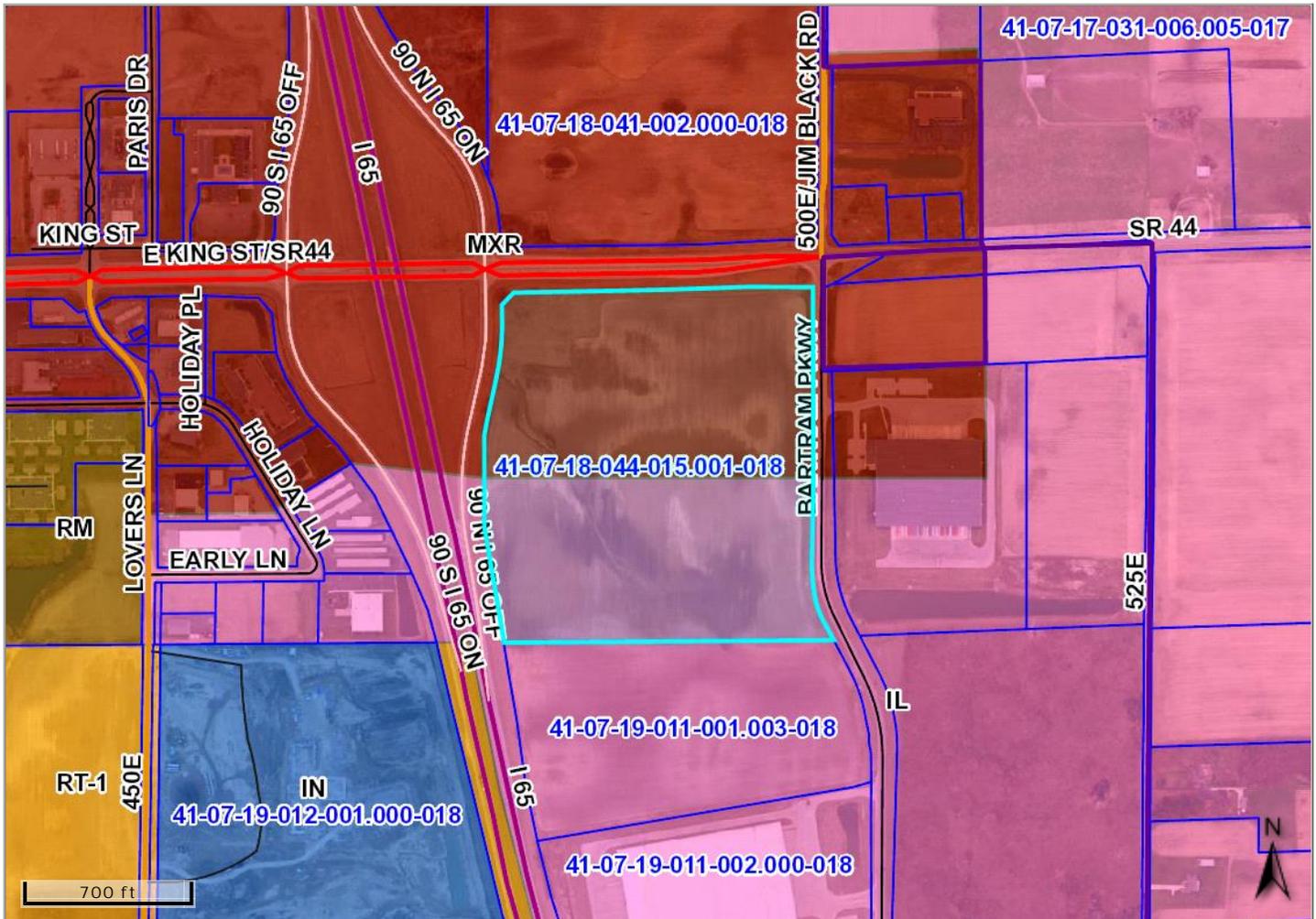


NOT TO SCALE



43+ ac. - Rezoning

Date Created: 11/7/2013



Parcel ID	41-07-18-044-015.001-018	Alternate ID	4100 18 01 042/00	Owner Address	FRANKLIN TECH PARK ASSOCIATES LLC 36 S PENNSYLVANIA SUITE 200 ST INDIANAPOLIS, IN 46204
Sec/Twp/Rng	n/a	Class	Agri Vacant land		
Property Address	E KING ST FRANKLIN	Acreage	43.62		
District	018				
Brief Tax Description	E SE S18 T12 R5				
	(Note: Not to be used on legal documents)				

Last Data Upload: 11/7/2013 3:07:39 AM

DISCLAIMER: Johnson County maintains this World Wide Web site to enhance public access to information. This site is continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. Johnson County makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. The material on this site comes from a variety of sources. We do not control or guarantee the accuracy, relevance, timeliness or completeness of any outside information. Further, the inclusion of pointers to particular items is not intended to reflect their importance nor is it an endorsement of any of the views expressed or products or services offered. Maps and data are provided for informational purposes only.



developed by
The Schneider Corporation
www.schneidercorp.com

Intent

The purpose of this Chapter is to establish an overlay district to address the unique characteristics of the properties adjacent to Franklin's gateway transportation routes. These gateways have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this Ordinance.

The intent of the Gateway Overlay District is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

5.4 Gateway (GW-OL)

- A. **Boundaries & Exemptions:** The Gateway Overlay District (GW-OL) shall apply to all properties as indicated on the Official Zoning Map of the City of Franklin. All agricultural and single and two-family residential uses shall be exempt from the requirements of this overlay district.
- B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Gateway Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Gateway Overlay District.
- C. **Development Standards:** All development within the boundaries of the Gateway Overlay District shall comply with the following development standards.
 1. **Architectural Standards (Facade Walls):** A “facade wall” shall be defined as any exterior wall visible from a street (public or private) or other GW-OL zoned property. All facade walls shall meet the following requirements:
 - a. **Exterior Materials:** The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality materials, and shall be limited to any combination of the following:
 - i. brick or face tile;
 - ii. wood;
 - iii. native stone;
 - iv. glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used);
 - v. tinted and / or textured concrete masonry units (such as split-face block and burnished block);
 - vi. tilt-up concrete panels that are adorned or textured as to conform to 5.4(C)(1)(a)(v);
 - vii. architectural pre-cast concrete; and
 - viii. architectural metal.
 - b. **Exterior Colors:** Exterior facade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.

5.4 Gateway (GW-OL) (cont.)



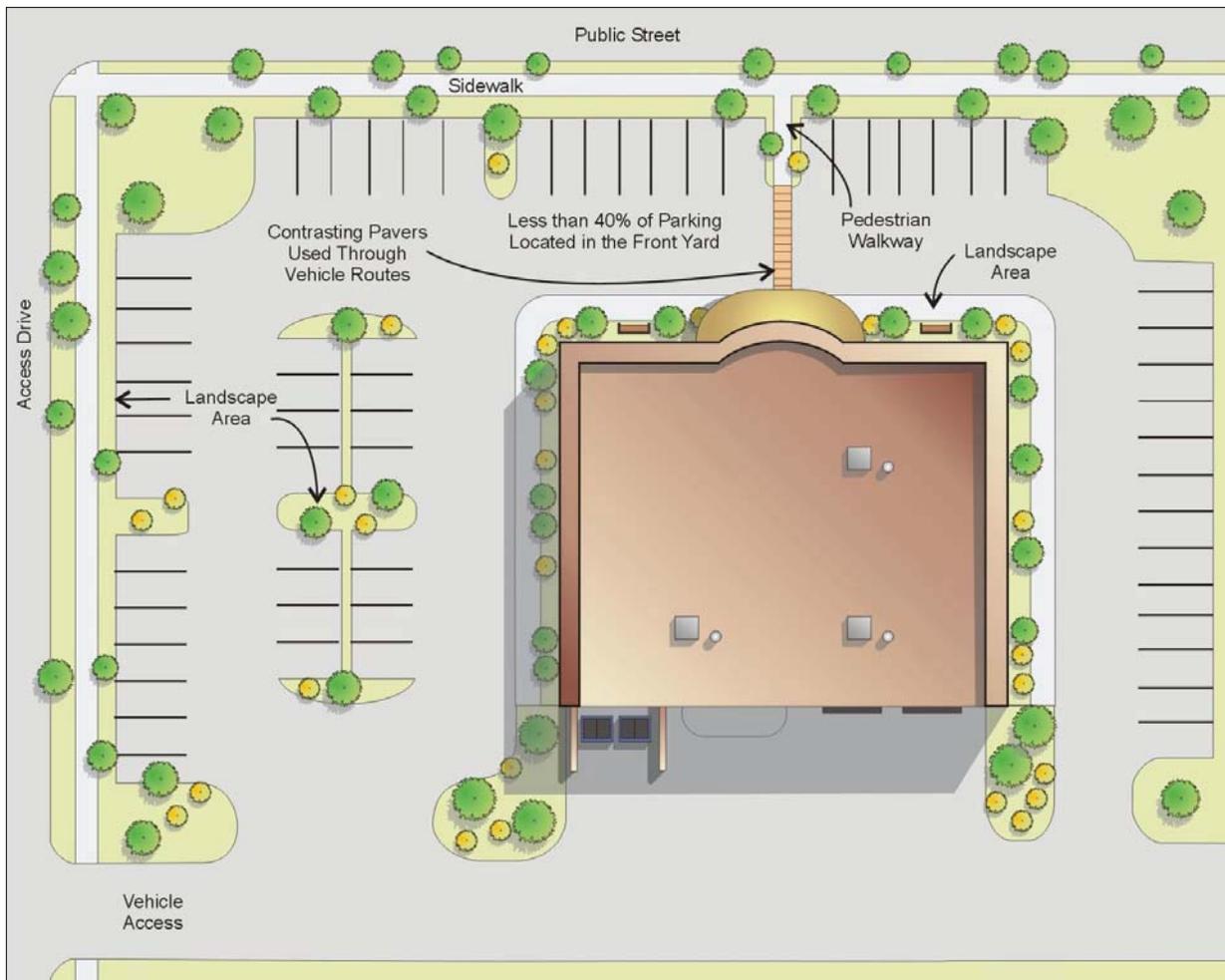
- c. *Roof Design:* All roofs or parapets should vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. All roofs shall comply with the following:
 - i. All roof-top mechanical equipment, such as HVAC units, shall be screened from the view of all streets (public and private) and all GW-OL zoned properties by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.
 - ii. Sloped roofs shall not exceed an average height equal to that of the supporting walls.
 - iii. Sloped roofs shall have overhanging eaves that extend past the supporting walls.
 - iv. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.
- d. *Main Entrance:* The main entrance to the primary structure shall be located on the facade wall that fronts on a public street. If the structure fronts on 2 or more public streets, the main entrance shall be located on the facade wall that fronts on the street with the highest Thoroughfare Plan classification.
- e. *Entry Features:* Entry features shall be provided at the main entrance to each primary structure and shall include at least 3 of the following design elements:
 - i. raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;
 - ii. integral planters or wing walls that incorporate landscaped areas and / or places for sitting;
 - iii. enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
 - iv. a prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the vertical plane of the main exterior wall by a minimum of 4 feet and raised above the adjoining parapet wall/roof by a minimum of 3-feet; or
 - v. pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns that create visual breaks and interest in the facade walls.

5.4 Gateway (GW-OL) (cont.)

- f. *Display Windows:* All commercial building facade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the facade wall's horizontal length along all pedestrian walkways.
2. Sidewalks & Pedestrian Walkways: Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks and pedestrian walkways shall meet the following requirements.
 - a. *Sidewalks:* Sidewalks shall be provided along all sides of the lot consistent with the design and construction requirements of the Franklin Subdivision Control Ordinance.
 - b. *Pedestrian Walkways:* Pedestrian walkways shall be provided from the sidewalks to the main customer entrance of the structures on each lot and along the full length of any facade of a building that includes a customer entrance or abuts a parking area.
 - i. Walkways connecting the structure entries with the sidewalks shall be concrete, and a minimum of 5 feet in width. They shall be bordered on each side by a planting area that is a minimum 2 feet in width. The planting areas on each side of the sidewalk shall each include flowers, shrubs, and trees for a minimum of 50% of their length. The remainder shall be planted with grass.
 - ii. Where walkways are parallel to parking lots and/or interior drives the bordering landscape area shall be a minimum of 5 feet in width, and shall be curbed on the side adjoining the vehicle area.
 - iii. Where walkways pass through vehicle use areas they shall be of a paving material different from that of the vehicle use area, such as unique pavers, bricks, or scored concrete, to distinguish them as a pedestrian route.
 - iv. Walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length.
 - v. Weather protection features, such as awnings or arcades shall be provided over all sidewalks within 10 feet of all customer entrances.

5.4 Gateway (GW-OL) (cont.)

3. Outdoor Merchandise Storage Areas: Merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited. This area shall be (1) enclosed by a minimum 8 foot tall wall, or (2) composed of a 3 foot tall base wall topped by wrought iron or tubular steel fencing. No merchandise other than trees shall be visible above the wall or fencing. Each wall shall comply with the building materials requirements of Section 5.4(C)(1)(a) and (b) and shall be consistent in appearance and material as the primary structure on the property.



Illustrative Layout (Does not reflect all requirements established by this Ordinance).

ZONING COMMITMENTS

Re: Case # PC 2013-29 (R)

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A PETITION TO AMEND THE ZONING ORDINANCE (MAP CHANGE).

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Franklin, Johnson County, Indiana, as described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

See Legal Description attached as Exhibit A (the "Real Estate")

STATEMENT OF COMMITMENTS:

The development of the Real Estate shall comply with the following development standards in addition to those specified by the governing zoning district:

1. The front entry to the primary building located on a parcel having frontage along SR 44 shall be oriented either to SR 44 or to I-65; the front entry to a primary building not having frontage along SR 44 may be oriented either to Bartram Parkway or to I-65.
2. A primary building located on the Real Estate shall include the construction of a parapet wall screening rooftop mechanicals and HVAC units from grade level view. Grade level shall mean the grade at the adjoining driveways and parking areas serving such primary building.
3. A primary building shall include a pedestrian walkway being at least five feet (5') in width along the entire frontage of such building, so as to connect the visitor/employee parking areas with the entry to the building. This pedestrian walkway shall include a minimum of a four foot (4') wide landscape strip between the walkway and the front façade of the building with at least twenty-five percent (25%) of the length of such strip being composed of shrubs, trees or flowers and the balance in turf or ground cover plantings.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of Case # PC 2013-29 (R) pursuant to the City of Franklin Zoning Ordinance, and shall continue in effect until modified or terminated by the City of Franklin Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The City of Franklin Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding five hundred (500) feet from the perimeter of the real estate; or the Franklin Tech Park Owners Association, Inc.

The undersigned hereby authorizes the Secretary of the City of Franklin Plan Commission to record this Commitment in the Office of the Recorder of Johnson County, Indiana, upon final approval of Case # PC 2013-29 (R).

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of December, 2013.

FRANKLIN TECH PARK ASSOCIATES, LLC

By: _____
Harry F. McNaught, Jr.
President

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for the State of Indiana, personally appeared Harry F. McNaught, Jr., the President of Franklin Tech Park Associates, LLC, Owner of the real estate described above, who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ___ day of December, 2013.

Signature _____
 Notary Public

Printed: _____

County of Residence _____ My Commission expires _____

I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Harry F. McNaught, Jr.

This instrument was prepared by Harry F. McNaught, Jr., 36 S. Pennsylvania St., Suite 200, Indianapolis, IN 46204

EXHIBIT A

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2013-29
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

Franklin Tech Park Associates, LLC

PLAN COMMISSION DOCKET NUMBER:

PC 2013-29

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, wherein the Petitioner requests a rezoning and a change to the Zoning Map of certain property located within the City of Franklin, Indiana to IL (Industrial: Light) more particularly described in "Exhibit A" attached hereto and delete the GW-OL (Gateway Overlay) from certain property more particularly described in "Exhibit B" 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 Council Chambers of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana on the 19th day of November, 2013, 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 FRANKLIN 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 rezoned to IL (Industrial: Light).
2. The property described herein, attached hereto, made part hereof; and marked as Exhibit "B" be rezoned to delete the GW-OL (Gateway Overlay).
3. The development of the real estate shall comply with the Zoning Commitments described herein, attached hereto, made part hereof, and marked as Exhibit "C".
4. 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.
5. A 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.

Resolved by the City of Franklin, Indiana Plan Commission this 19th day of November, 2013.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST:


Suzanne Findley, Secretary

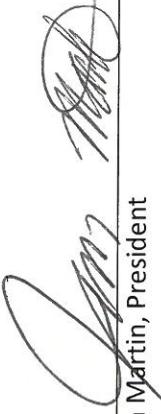

Jim Martin, President

EXHIBIT "A"

Commencing at the Southeast corner of the Southeast Quarter of Said Section 18; thence North 00 degrees 00 minutes 06 seconds East on and along the East line of said Quarter Section a distance of 781.35 feet to a point that is 650 feet South of the South right-of-way line of State Road 44, said point also being the POINT OF BEGINNING of this described tract; thence South 87 degrees 33 minutes 37 seconds West a distance of 266.29 feet; thence South 88 degrees 14 minutes 56 seconds West a distance of 534.29 feet; thence South 88 degrees 56 minutes 15 seconds West a distance of 556.49 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, the next six (6) courses being on and along said Eastern right-of-way line; (1) thence North 00 degrees 01 minute 32 seconds West a distance of 78.30 feet to a point on a curve to the right having a radius of 1367.39 feet; (2) thence on and along the arc of said curve a distance of 73.89 feet, said arc being subtended by a chord having a bearing of North 10 degrees 36 minutes 15 seconds East and a chord distance of 73.88 feet; (3) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (4) thence on and along the arc of said curve a distance of 237.83 feet, said arc being subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (5) thence North 01 degree; 03 minutes 45 seconds West a distance of 59.01 feet; (6) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 15 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet to a point on the East line of said Southeast Quarter Section; thence South 00 degrees 00 minutes 06 seconds West on and along said East line a distance of 650.59 feet to the Point of Beginning containing 19.571 acres more or less. Such parcel being generally located at the southwest corner of SR 44 and Bartram Parkway.

EXHIBIT "B"

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.

EXHIBIT "C"

ZONING COMMITMENTS

Re: Case # PC 2013-29 (R)

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A PETITION TO AMEND THE ZONING ORDINANCE (MAP CHANGE).

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Franklin, Johnson County, Indiana, as described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

See Legal Description attached as Exhibit A (the "Real Estate")

STATEMENT OF COMMITMENTS:

The development of the Real Estate shall comply with the following development standards in addition to those specified by the governing zoning district:

1. The front entry to the primary building located on a parcel having frontage along SR 44 shall be oriented either to SR 44 or to I-65; the front entry to a primary building not having frontage along SR 44 may be oriented either to Bartram Parkway or to I-65.
2. A primary building located on the Real Estate shall include the construction of a parapet wall screening rooftop mechanicals and HVAC units from grade level view. Grade level shall mean the grade at the adjoining driveways and parking areas serving such primary building.
3. A primary building shall include a pedestrian walkway being at least five feet (5') in width along the entire frontage of such building, so as to connect the visitor/employee parking areas with the entry to the building. This pedestrian walkway shall include a minimum of a four foot (4') wide landscape strip between the walkway and the front façade of the building with at least twenty-five percent (25%) of the length of such strip being composed of shrubs, trees or flowers and the balance in turf or ground cover plantings.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of Case # PC 2013-29 (R) pursuant to the City of Franklin Zoning Ordinance, and shall continue in effect until modified or terminated by the City of Franklin Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The City of Franklin Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding five hundred (500) feet from the perimeter of the real estate; or the Franklin Tech Park Owners Association, Inc.

The undersigned hereby authorizes the Secretary of the City of Franklin Plan Commission to record this Commitment in the Office of the Recorder of Johnson County, Indiana, upon final approval of Case # PC 2013-29 (R).

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of December, 2013.

FRANKLIN TECH PARK ASSOCIATES, LLC

By: _____
Harry F. McNaught, Jr.
President

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for the State of Indiana, personally appeared Harry F. McNaught, Jr., the President of Franklin Tech Park Associates, LLC, Owner of the real estate described above, who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of December, 2013.

Signature _____
Notary Public

Printed: _____

County of Residence _____ My Commission expires _____

I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Harry F. McNaught, Jr.

This instrument was prepared by Harry F. McNaught, Jr., 36 S. Pennsylvania St., Suite 200, Indianapolis, IN 46204

EXHIBIT A

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.

City of Franklin Common Council

ORDINANCE NUMBER 2013-16

AN ORDINANCE APPROVING RESOLUTION NUMBER 2013-29
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
IL (INDUSTRIAL: LIGHT) and DELETION OF GW-OL (GATEWAY OVERLAY)
(To be known as Franklin Tech Park Rezoning 2013)

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 2013-29 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, to Industrial: Light (IL) and delete the Gateway Overlay (GW-OL) from the property described in Exhibit “B”, attached hereto, subject to the conditions and written commitments as stated below; and

WHEREAS, pursuant to Indiana Code § 36-7-4-602, Resolution 2013-29 has been certified to the City’s Common Council; and

WHEREAS, the recommendation of the Plan Commission should be adopted, and the rezoning of the property described in “Exhibit A” and “Exhibit B” 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 rezoned to Industrial: Light (IL) and the Gateway Overlay (GW-OL) is deleted from the subject property described in Exhibit “B” subject to the Zoning Commitments described in Exhibit “C”.
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.
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 on the 2nd day of December, 2013.

DULY PASSED 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:

Steve Barnett, President

Steve Barnett, President

Joseph P. Abban

Joseph P. Abban

Joseph R. Ault

Joseph R. Ault

Kenneth Austin

Kenneth Austin

Robert Henderson

Robert Henderson

Richard Wertz

Richard Wertz

Stephen Hougland

Stephen Hougland

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.

Joe 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"

Commencing at the Southeast corner of the Southeast Quarter of Said Section 18; thence North 00 degrees 00 minutes 06 seconds East on and along the East line of said Quarter Section a distance of 781.35 feet to a point that is 650 feet South of the South right-of-way line of State Road 44, said point also being the POINT OF BEGINNING of this described tract; thence South 87 degrees 33 minutes 37 seconds West a distance of 266.29 feet; thence South 88 degrees 14 minutes 56 seconds West a distance of 534.29 feet; thence South 88 degrees 56 minutes 15 seconds West a distance of 556.49 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, the next six (6) courses being on and along said Eastern right-of-way line; (1) thence North 00 degrees 01 minute 32 seconds West a distance of 78.30 feet to a point on a curve to the right having a radius of 1367.39 feet; (2) thence on and along the arc of said curve a distance of 73.89 feet, said arc being subtended by a chord having a bearing of North 10 degrees 36 minutes 15 seconds East and a chord distance of 73.88 feet; (3) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (4) thence on and along the arc of said curve a distance of 237.83 feet, said arc being subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (5) thence North 01 degree; 03 minutes 45 seconds West a distance of 59.01 feet; (6) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 15 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet to a point on the East line of said Southeast Quarter Section; thence South 00 degrees 00 minutes 06 seconds West on and along said East line a distance of 650.59 feet to the Point of Beginning containing 19.571 acres more or less. Such parcel being generally located at the southwest corner of SR 44 and Bartram Parkway.

EXHIBIT "B"

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.

EXHIBIT "C"

ZONING COMMITMENTS

Re: Case # PC 2013-29 (R)

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A PETITION TO AMEND THE ZONING ORDINANCE (MAP CHANGE).

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Franklin, Johnson County, Indiana, as described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

See Legal Description attached as Exhibit A (the "Real Estate")

STATEMENT OF COMMITMENTS:

The development of the Real Estate shall comply with the following development standards in addition to those specified by the governing zoning district:

1. The front entry to the primary building located on a parcel having frontage along SR 44 shall be oriented either to SR 44 or to I-65; the front entry to a primary building not having frontage along SR 44 may be oriented either to Bartram Parkway or to I-65.
2. A primary building located on the Real Estate shall include the construction of a parapet wall screening rooftop mechanicals and HVAC units from grade level view. Grade level shall mean the grade at the adjoining driveways and parking areas serving such primary building.
3. A primary building shall include a pedestrian walkway being at least five feet (5') in width along the entire frontage of such building, so as to connect the visitor/employee parking areas with the entry to the building. This pedestrian walkway shall include a minimum of a four foot (4') wide landscape strip between the walkway and the front façade of the building with at least twenty-five percent (25%) of the length of such strip being composed of shrubs, trees or flowers and the balance in turf or ground cover plantings.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of Case # PC 2013-29 (R) pursuant to the City of Franklin Zoning Ordinance, and shall continue in effect until modified or terminated by the City of Franklin Plan Commission.

EXHIBIT "A"

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.