



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

MINUTES

FRANKLIN CITY PLAN COMMISSION

May 21, 2024

Members Present

Joe Abban	Member
Suzanne Findley	Member
Norm Gabehart	President
Debbie Gill	Member
Georganna Haltom	Vice President
John Kempinski	Member
Jim Martin	Secretary
Irene Nalley	Member
Mark Richards	Member

Others Present

Lynn Gray	Legal Counsel
Joanna Tennell	Senior Planner II

Members Not Present

Call to Order

President Norm Gabehart called the meeting to order at 6:00 p.m.

Roll Call & Determination of Quorum

Pledge of Allegiance

Approval of Minutes

April 16, 2024 – Jim Martin made a motion to approve the minutes as presented. Irene Nalley seconded. Passed unanimously, 9-0.

Swearing In

City Attorney Lynn Gray swore en masse all intending to speak during the proceedings.

Report of Officers and Committees: April 25, 2024 – Joanna Tennell reported on two agenda items. The first was Eagles Landing Parking Lot Addition. The property is located at 2625 N. Hurricane Road. The existing structure is a multi-use structure. It currently has nine dwelling units and almost 4,000 square feet of retail space. There is a proposed restaurant that is anticipated to be remodeled in the larger section of that facility. They have submitted a parking lot expansion project in anticipation of the additional customers. The existing parking lot contains approximately 77 spaces. The proposed parking lot includes an additional 45 spaces. Resubmittal of the site development plan is pending review and approval. The second item was for the construction of the Johnson County Recycle Center. The property is located north of the existing animal shelter and Under One Woof and is

located on the west side of Graham Road. The property is zoned IL (Industrial: Light). They are proposing to construct a 10,000 square foot facility on approximately three acres with a total of 25 parking spaces. The resubmittal and final review and approval is pending.

Old Business

PC-24-04 (PUD Concept Plan): Innovation Park at Franklin College – Ms. Gray received an e-mail just before the meeting from Franklin College President Kerry Prather apologizing for his inability to attend this meeting due to some medical issues.

Ms. Tennell reported that since Plan Commission's April meeting, there has been a meeting with staff, the mayor and representatives of both Franklin College and their design team and legal counsel. The college resubmitted the updated Concept Plan and Buffer Yard exhibit attached to the agenda. The project is located on approximately 250 acres on the north side of Park Avenue and west of Umbarger Lane. It is immediately south of Jefferson Meadows, Jefferson Estates and Jefferson Point. When the City of Franklin adopted a new Comprehensive Plan and Zoning Ordinance in 2004, there were changes in the zoning districts of R1, R2 and R3 along with B1, B2 and B3 which are commonly used nationwide. The new regulations included zoning districts RSN (Residential: Suburban Neighborhood), RS-1 (Residential: Suburban One), RS-2 (Residential: Suburban Two), RTN (Residential: Traditional Neighborhood) which is typically downtown, RT-1 (Residential: Traditional One) and RT-2 (Residential: Traditional Two). Because there was significant development in the city at that time, there were a number of existing subdivisions. With the new regulations, the existing neighborhoods didn't all fit within a particular zoning district. In order to establish a zoning district across the city with the existing neighborhoods that did not result in those existing subdivisions becoming legally non-conforming lots, the city established the RSN (Residential: Suburban Neighborhood) zoning district. In this zoning, all requirements were based off of the smallest lot of the approved primary plat for those specific subdivisions. The minimum lot width, size and front yard setback for Jefferson Meadows is different than Windstar, Cumberland Commons and Paris Estates. Most of the residential zoning districts adjacent to the subject property are zoned RSN (Residential: Suburban Neighborhood). Ms. Tennell pulled all the recorded plats for the properties north of the subject property. For Jefferson Meadows, Section One, on the far west, the immediate lots to the north of the site range from 89-foot wide lots at 11,570 square feet to 93-foot lots at 12,088 square feet. In Jefferson Meadows, Section Two, the range is from minimum lot width of 64 feet to approximately 70. The majority of these lots are on an eyebrow (half cul-de-sac) or a cul-de-sac. These lot sizes range from 12,682 to 23,333 square feet. Many of them are also encumbered by very large drainage and utility easements for the common drainage. Moving to the east, in Jefferson Estates, Section One, the lots are between approximately 80 to 85 feet wide and ranging from 14,863 square feet to 24,697 square feet. On the very south portion of these lots which are larger in area than what is being proposed in the development, they are encumbered by an easement 47 feet wide on which residents cannot build structures or pools. Continuing east, Jefferson Estates, Section Two, the lot width along the southern boundary is 77 feet wide and range from 10,019 square feet to 18,098 square feet. There is a drainage and utility easement that runs along the south portion of their properties ranging from 70 to 87 feet wide. In Jefferson Point, with lots divided in half, each of the dwellings for their lots is 52 feet in width. The drainage and utility easement running along the south portion of these properties is 35 feet wide. All these subdivisions have different lot dimensions though all are zoned RSN (Residential: Suburban Neighborhood).

Attorney Tim Oaks, attorney from Ice Miller and representing Franklin College, presented. He highlighted some of the more substantive changes made to the Concept Plan. The first was with regards to height. They committed to making the height limits comply with the Zoning Ordinance. The second was with respect to the buffer. On the far west side, adjacent to the existing college campus, there is no buffer because it is internal to Franklin College. It is not needed and not impacting any other entities. Along the northern boundary is what the petitioner labeled Type Two Buffer Modified. It is 25 feet wide. Required plantings match those required of a Type Two Buffer in the Franklin Zoning Ordinance. A Type Two Buffer is not required for a buffer between two single-family, detached subdivisions. Only a Type One is required, so the petitioner has elevated the buffer for this area. It is wider than the requirement and the plantings over time will create an attractive buffer. Down Umbarger Lane and also for

Park Avenue will be a Type Four Buffer. It is 25 feet wide with one required canopy tree every 30 feet. The area along the existing farm field is a Type One Buffer, 15 feet wide with one canopy tree every 30 feet.

The third area Mr. Oaks highlighted was uses in the attached residential and mixed-use areas. The original plan submitted called for two to eight units per building. Petitioner has changed that to require single or duplex units along the northern boundary, matching what is to the north of it. They also added the option of a townhome not permitted along the northern boundary but added to the mixed-use area. And they modified the detached, residential area, splitting it in to two parts. The first part is anything within 100 feet of the northern boundary. The lot size will be increased to 12,500 square feet. There will never be any septic system. The lot width will be the lesser of 85 feet or the lot width immediately north. The expected price point for these homes is well in excess of \$350,000 per home. Moving south away from the existing residential area, petitioners kept as before with price points commensurate with what is generally in the area.

Mr. Oaks addressed the content of some remonstrator letters issued prior to the meeting. The first was a concern regarding the connection of the road through the project to Milford to the north and the amount of traffic it would impose in to the subdivision. The ordinances of Franklin and many other jurisdictions across Indiana all encourage or require interconnection. They desire the development to be part of the city. It is also important for emergency services.

Mr. Oaks continued on to speak to concerns presented in a letter received from Mr. Yount. First was that Franklin College is not a developer or sponsor. State statute, Indiana Code 36-7-4, the 1500 Series, referring to the 600 Series, 602, requires that to file an application to rezone the property to a PUD (Planned Unit Development), the property owner must sign. Thus, no one could file for a PUD (Planned Unit Development) unless they were able to identify themselves as a developer or sponsor, inconsistent with state statute. Franklin College owns the property, and how it is developed is of critical importance to them. They will be involved in the development and also financially with millions of dollars. Mr. Yount's second concern was that it is not a single, unified plan. The petitioner differed with this interpretation and cited their efforts and work on the project. The last concern was that it was incompatible with Franklin's Comprehensive Plan and inconsistent with the adjoining area. Petitioner disagreed and stated their extensive efforts to make the development match.

A public hearing was held. Glen Carlstrand, a resident of Jefferson Estates, offered his concern over the resulting increase in the school age population which will require additional schools. Additional schools will in turn raise taxes. With the proposed apartments and duplexes, it will also decrease the availability of second home or move up dwellings. Mr. Carlstrand's third concern was drainage. At the Milford and DeCoursey intersection, there are already drainage issues, so he questioned why a new development would be allowed before existing drainage issues are resolved.

Steve Yount, resident of 1543 Williamsburg Lane, apologized for and retracted the portion of his letter dealing with the definition of a developer. Next was his concern over the unified plan. He read from the college PUD's (Planned Unit Development) introduction. He did not see the connection between the Tech Park and the various forms of housing. The development will be constructed on different timelines at different rates. There is no guarantee that the housing will be used in its entirety by the Tech Park companies and employees. Mr. Yount continued to speak about the Comprehensive Plan. When new land is built out, it is to match existing land. He did not believe this to be the case with this proposed development. The plan for higher density housing does not match the surrounding neighborhoods which are not high density. He cited the Comprehensive Plan as stating that there is a mid-range housing gap the city desires to fill so asked why the city would want more high density housing. Mr. Yount believed it unlikely that mid-range homes would be built across Greensburg Road later after this development's completion.

Ron McManus is a resident of Jefferson Point. His house backs up to the proposed development. He believed the change to duplex units was consistent with what is immediately across from the development. He expressed concern over the increase in traffic anticipated for Milford, especially semi-trucks. Currently Milford coming out

on to King is very dangerous. He expressed his hope that there will be guidelines for what businesses go in to the Tech Park.

Mr. Oaks responded that the number of school age children would possibly increase as that comes with growth, but it does not necessarily result in increased taxes for everyone. Assessed values and state funding will offset some of this. Drainage on the site generally flows south and southwest. There will be no additional water further north. The open space along the legal drain will be used for retention along with the site further west along Park Avenue. There are also city and county drainage codes that will be followed. It requires that all water that falls on any impervious surface throughout the site be retained and only released at the determined rate. Mr. Oaks next addressed Mr. Yount's concerns. Being compatible doesn't equate to uniformity. The development intentionally has different uses of industrial, office, commercial and varied residential. Mr. Oaks went on to agree with Mr. MacManus's desire to not have truck traffic on Milford Drive, and that is not the petitioner's intention. Mr. Oaks explained that the city has the ability to enforce weight restrictions and mandate no truck traffic. Chairman Gabehart closed the public hearing.

Ms. Gray identified correspondence received from the Olibos, Kinseys, Younts and petitioner submissions. All were shared with the Plan Commission members. Ms. Gray further responded to Mr. Yount's letter seeming to challenge some of the legal abilities of the Plan Commission. She conducted an independent review of the three presented items from a legal perspective only. The first issue was whether the owner had to be the developer. Ms. Gray identified that not to be the case and already previously conceded. The second issue was whether the development meets the requirement of a PUD (Planned Unit Development) being a uniform or unified plan. PUD (Planned Unit Development) is a zoning classification. By its very nature, it is a mixture of types of uses. It encourages a total development rather than parceling them out individually. The third issue was whether the Comprehensive Plan is determinative, and it is not. The rezoning requirements are set forth in statute, not in Franklin's ordinance. The rezoning requirements state that one of many factors to be considered is the designation set forth in the Comprehensive Plan, but there are many other considerations as well.

Debbie Gill asked if any consideration has been given to connecting this development to the Franklin trail system. Mr. Oaks assured that will be the case and will be addressed in the detailed plan. Mr. Gabehart sought confirmation on the elements for the detail plan such as structures and architectural standards resulting in price point. Ms. Tennell confirmed this to be the case. Ms. Gray added that often the detailed plan includes more restrictions than the Zoning Ordinance sets forth. And if the detailed plan is approved, it will run with the land. Joe Abban expressed support for the concept plan. Ms. Gray confirmed that retention ponds within a housing development are the responsibility of the HOA and not the city. John Kempinski asked if the detached housing area could have designated larger lots in the detailed plan. Ms. Gray reviewed the process starting with the decision on tonight's presentation through to the end of the process. Georganna Haltom asked if the detailed plan will include information on density and lot size. Mr. Oaks explained that it will be more wholistic and include design standards and architectural requirements. Mr. Gabehart highlighted the increased freedom a PUD (Planned Unit Development) designation gives the city with more requirements than a traditional zoning. He also communicated his support of the project and his personal faith in staff's knowledgeable guidance through the process.

Mr. Martin made a motion for approval of the Concept Plan. Mr. Abban seconded. Passed unanimously, 9-0. Mr. Abban asked how long it will take for the detailed plan. Mr. Oaks responded that it would likely be more than one month but less than four months.

Ms. Tennell cited the very earliest application deadline the petitioner could meet would be July 11 for an August 20th meeting. Subsequently the deadlines are the first week of the following months of August, September and October.

New Business

None.


Other Business

None.

Adjournment

There being no further business, a motion for adjournment was made by Ms. Haltom and seconded by Mr. Martin, passing unanimously 9-0.

Respectfully submitted this 20th day of August, 2024.



Norm Gabehart, President



Jim Martin, Secretary