

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	August 30, 2023	Meeting Date:	September 5, 2023
Contact Information:			
Requested by:	Joanna Tennell, Senior Planner		
On Behalf of Organization or Individual:			
		Samuel & Pamela Phelps	
Telephone:	317-736-3631		
Email address:	jtennell@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2023-10: Rezoning to be known as Phelps Rezoning (Introduction)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC-23-15)			
3. PC Resolution 2023-15			
4. Ordinance 2023-10			
Who will present the request?			
Name:	Joanna Tennell	Telephone:	(317) 736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 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: Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer
From: Joanna Tennell, Senior Planner
Date: August 29, 2023
Re: **Phelps Rezoning (Ordinance 2023-10)**

On August 15, 2023 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from Samuel & Pamela Phelps (Plan Commission Resolution #2023-15). The Plan Commission voted 8-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 0.5 acres located at 2983 N. Graham Road be rezoned to IBD (Industrial: Business Development). 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:	September 5, 2023
Public Hearing:	September 18, 2023

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 Tennell, Senior Planner

Date: August 11, 2023

Re: Case PC-23-14 (A) & PC-23-15 (R): Phelps Annexation & Rezoning

REQUEST:

Case PC-23-14 (A) & PC-23-15 (R)...Phelps Annexation & Rezoning. A request by Samuel & Pamela Phelps to annex and rezone approximately 0.5 acres at 2983 N. Graham Road from Johnson County A-1, Agriculture to Industrial: Business Development (IBD). The property is located at the southeast corner of Graham Road and Earlywood Drive.

ADJACENT PROPERTIES:

Surrounding Zoning:

North: IG
South: Johnson County A-1
East: IL
West: IBD

Surrounding Land Use:

North: Agriculture
South: Single-family residential
East: Agriculture – pending approved industrial Development (Cold Summit)
West: Industrial

CURRENT ZONING:

The “IBD”, Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

1. Samuel & Pamela Phelps requests that the property located at the southeast corner of Graham Road and Earlywood Drive be annexed and rezoned.
2. The City is planning to construct a roundabout at the intersection of Graham Road and Earlywood Drive. The existing septic system at 2983 N. Graham Road is located in the area of the property that is needed for the construction of the roundabout and would need to be removed. Therefore, the petitioners will need to connect to the existing sanitary sewer system.
3. As of January 1, 2023, the extraterritorial zoning jurisdiction (Buffer Zone) of the City of Franklin has been relinquished back to Johnson County and is currently under their zoning jurisdiction. The county has zoned this property A-1, Agriculture.

4. Prior to the relinquishment, the property was zoned Industrial: Business Development (IBD) by the City of Franklin. The petitioner is requesting that, upon annexation, the property be zoned IBD which consistent with what it was previously zoned when in the City's zoning jurisdiction.
5. 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)
6. The proposed annexation area is 74.1% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
7. 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.
 - a. If adopted by the City Council prior to December 31, 2023, effective date will be January 1, 2025.
8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. "Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor's offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved."
9. The 2013 Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that "more (industrial) land is needed to accommodate a variety of employer sites."
10. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. "The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses."
11. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: "Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development."

PC-23-14 (A): PHELPS 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-23-15 (R): PHELPS 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:

Staff finds that the request to zone the property IBD is consistent with the Comprehensive Plan as the IBD zoning district allows for uses that would fit on smaller lots such as the subject property.

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

Staff Finding:

The property is located immediately adjacent to properties currently zoned industrial and are either currently developed in an industrial manner or have approved plans to be developed with an industrial use. In addition, it is important to note that the subject site is located along arterial roads (Graham Road & Earlywood Drive) which allows for direct access to the truck route.

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 industrial zoning. In addition, the property's proximity to I-65 interchange on Whiteland Road is excellent access to a regional transportation route.

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

Staff Finding:

The rezoning request should not negatively affect the property values in the area as all of the adjacent properties had been zoned industrial until the relinquishment of the extraterritorial jurisdiction. In addition, the property located 2 properties to the south (Lasley Annexation) was recently annexed and is currently zoned IBD.

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

Staff Finding:

The proposed zoning of IBD, allows for the development of smaller industrial uses that could be located at this location and provides immediate access to the truck route.

PLAN COMMISSION ACTION – REZONING :

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.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2023-15
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:
Samuel & Pamela Phelps

PLAN COMMISSION DOCKET NUMBER:
PC-23-15

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 Map; and

WHEREAS, the above Petitioner has filed a petition for rezoning, wherein the Petitioner requests a change to the Zoning Map of certain property located within the City of Franklin, Indiana to IBD (Industrial: Business Development), more particularly described in Exhibit "A" attached hereto; and

WHEREAS, after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the Council Chambers of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana on the 15th day of August, 2023, 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 IBD (Industrial: Business Development).
2. 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.
3. 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 Plan Commission this 15th day of August, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA


Jim Martin, President

ATTEST:

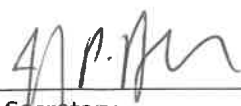

Joe Abban, Secretary

EXHIBIT "A"

Part of the East half of the Northwest quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian described as follows:

Beginning on the North line of said half quarter section at a point that is 813.93 feet west of the northeast corner thereof; thence west on and along the North line 150.99 feet to a point that is 4.01 feet East of the centerline of a public road; thence South parallel to and 4.01 feet from said centerline 140.52 feet; thence east parallel to the North line 150.99 feet; thence north parallel to the west line 140.52 feet to the place of beginning.

Including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.

City of Franklin Common Council

ORDINANCE NUMBER 2023-10

AN ORDINANCE APPROVING RESOLUTION NUMBER 2023-15
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
IBD (Industrial: Business Development)
(To be known as Phelps Rezoning)

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 2023-15 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, to Industrial: Business Development (IBD).

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2023-15 has been certified to the City’s Common Council; and

WHEREAS, the recommendation of the Plan Commission should be adopted; and

WHEREAS, the Common Council, after paying reasonable regard to: 1) City of Franklin Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the City of Franklin’s planning jurisdiction, and 5) responsible growth and development, finds the rezoning of the property described in Exhibit “A” 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 Industrial: Business Development (IBD).
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) following the passage and adoption of this

ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-16 and will coincide with the effective date of the companion annexation ordinance as adopted by City Council (Ordinance 2023-09: Phelps Annexation).

INTRODUCED on the 5th day of September, 2023.

DULY PASSED on this ____ day of _____, 2023, 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:

Kenneth Austin, President

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Jennifer Price

Josh Prine

Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Jennifer Price

Josh Prine

Shawn Taylor

Attest:

Jayne Rhoades, City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this ____ day of _____, 2023 at ____ o'clock p.m.

Jayne Rhoades, City 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 _____, 2023 at ____ o'clock p.m.

Steve Barnett, Mayor

Attest:

Jayne Rhoades, City Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signed _____

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

EXHIBIT "A"

Part of the East half of the Northwest quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian described as follows:

Beginning on the North line of said half quarter section at a point that is 813.93 feet west of the northeast corner thereof; thence west on and along the North line 150.99 feet to a point that is 4.01 feet East of the centerline of a public road; thence South parallel to and 4.01 feet from said centerline 140.52 feet; thence east parallel to the North line 150.99 feet; thence north parallel to the west line 140.52 feet to the place of beginning.

Including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.