

## **MINUTES**

### **FRANKLIN CITY PLAN COMMISSION**

**January 16, 2024**

#### **Members Present**

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

#### **Others Present**

Lynn Gray	Legal Counsel
Joanna Tennell	Senior Planner II

#### **Members Not Present**

Joe Abban	Secretary
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#### **Call to Order**

Jim Martin called the meeting to order at 6:00 p.m.

#### **Roll Call & Determination of Quorum**

Lynn Gray conducted roll call.

#### **Pledge of Allegiance**

#### **Election of Officers: President, Vice President, Secretary**

Ms. Gray expressed appreciation for the service of Janice Giles and swore in new member Norm Gabehart.

President – Georganna Haltom nominated John Kempinski. Suzanne Findley seconded. Debbie Gill moved nominations be closed. Ms. Findley seconded. Passed unanimously, 8-0.

Vice President – Ms. Findley nominated Georganna Haltom. Mr. Kempinski seconded. Mark Richards moved to close nominations. Ms. Findley seconded. Passed unanimously, 8-0.

Secretary – Mr. Richards nominated Mr. Martin. Ms. Findley seconded. Ms. Gill moved nominations be closed. Ms. Findley seconded. Passed unanimously, 8-0.

#### **Appointment of Legal Counsel**

Mr. Martin nominated Ms. Gray for legal counsel. Ms. Haltom seconded. Passed unanimously, 8-0.

### **Approval of Minutes**

Mr. Kempski began to preside over the meeting at this time as the newly elected president.

Ms. Gill moved to approve minutes from the November 21, 2023 meeting. Irene Nalley seconded. Passed unanimously, 7-0 with an abstention by Mr. Gabehart.

### **Swearing In**

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

**Report of Officers and Committees: December 14, 2023** – Joanna Tennell reported on two agenda items. The first was the I-65 South Commerce Park Primary Plat being heard this evening. The second was for Applied Behavioral Services expansion located at 189 Umbarger Lane. To allow for additional space for the facility, an addition is planned for the north end of the building along with a parking lot extension.

### **Old Business**

None.

### **New Business**

**PC-22-32 (PP): I-65 South Commerce Park** – Ms. Tennell introduced this request from Sunbeam Development Corporation for approval of a primary plat of a 10-lot and one-block industrial subdivision with a waiver request related to detention facilities. The property is approximately 549 acres located at the northeast corner of Jim Black Road and State Road 44. The property is currently zoned IL (Industrial: Light) with a small portion zoned MXR (Mixed Use: Regional Center). The area zoned MXR is also located within the Gateway Overlay.

Petitioner Max Mouser of Studio A of Indianapolis represented Sunbeam Development Corporation and owner of the property. Sunbeam currently has constructed building number two at the location. The street locations are identified and infrastructure being set forth. With regard to the primary plat, they believe they are in compliance with the Subdivision Control and Zoning Ordinances. The waiver being requested is from the drainage standards of the Subdivision Control Ordinance. The ordinance states drainage ponds shall be placed in a common area. Sunbeam's request is to place them solely within easements on individual lots. A typical subdivision is residential in nature. All Sunbeam lots are typically between 40 and 81 acres, thus differing from a typical residential layout of multiple lots running through drainage ponds that would result in multiple owners of ponds. This property would be one owner of a pond.

Mr. Mouser addressed the waiver decision criteria.

1. Public Welfare – They maintained that the difference between pond locations in easements over common areas does not affect the safety or public welfare.
2. Adjacent Property – The property will be developed in the same fashion whether ponds are located in easements or common areas.
3. Unique Conditions – The Amity Ditch bisects the property running north and south. It is a legal drain easement. The southern part of the property along both sides of the Amity Ditch is a flood zone and extremely low and wet.
4. Physical Conditions – The topography due to the previously stated unique conditions cause greater difficulty to the owner in developing. Lime stabilization was required for every lift.
5. Comprehensive Plan – The project will not conflict with the intent of the City of Franklin's Comprehensive Plan. It is already rezoned for industrial and the development is slated for industrial.

Mr. Kempski asked if this type of industrial development was common for this type of real estate. Mr. Mouser assured it was. Ms. Gray offered explanation that post-development rate of run off cannot exceed pre-development rate of run off. Often when drainage is located in common areas, when the developer finishes, there is no one left

to take responsibility for it. Ms. Gray believes the trend will move more in this direction of drainage in easements over common areas in industrial developments.

Mr. Mouser added remarks regarding the plat. A new sanitary sewer interceptor was put in by the City of Franklin and the project will utilize it, extending the sewer system through this project. It already services the existing building. Public water is available. It's been extended down Progress Drive to the Amity Ditch. There is capacity with IAW for the entire project's projected usage. Mr. Mouser spoke to the issue of drainage in the easements, explaining that if drainage is in the common areas, if the building were to be sold, the issue of ownership of the common areas comes in to question. If placed in the easements, the tenant owns the easements and ponds.

Mr. Kempski opened the public hearing. Remonstrator Mark Armstrong spoke as a resident of State Road 44, east of the proposed project. He expressed concerns over increased traffic and vagrancy in the area. He also sought input regarding wells given the increased water usage. In the past, Mr. Armstrong cited that IAW drilled and depleted water in several wells. Homeowners were forced to put in new wells. He wants to be assured that this will not happen again. He asked for more details regarding what will be built at the location. Ms. Gray reminded the scope of the Commission's authority being only for the issue of a waiver allowing a retention pond be put in an easement instead of a common area and whether the proposed plat conforms with Franklin's ordinances. Mr. Armstrong asked whose responsibility it will be to maintain the public roads. Ms. Gray explained that when the developer develops the property, they are required to comply with the city's standards. The city engineer enforces the standards. Upon completion, the roads are dedicated to the city so the city may use them as public ways.

Mr. Mouser responded regarding vagrancy, water usage and traffic. Sunbeam also experienced vagrancy and that was the reason they demolished all the houses on the ground they purchased. He stated that the proposed uses typically do not have a high water usage and is definitely less than if houses or apartments were developed. A traffic signal has been installed at the intersection of Jim Black Road and State Road 44.

Ms. Tennell identified that Johnson County Surveyor Greg Cantwell was in attendance due to an outstanding request from Sunbeam to provide verification that Johnson County was going to allow them to proceed under the city's requirements related to drainage outlined in the Subdivision Control Ordinance in lieu of the county's newly adopted ordinance. Mr. Cantwell confirmed.

Ms. Tennell gave staff's recommendation that if the Plan Commission finds sufficient evidence to approve the waiver request, staff recommends *approval of the primary plat with the following condition*:

1. If Block A is to be subdivided into more than 1 lot, an updated primary plat for Block A shall be reviewed and approved by Plan Commission.

Mr. Martin made a motion for approval of the waiver. Ms. Findley seconded. Passed unanimously, 8-0.

Mr. Richards made a motion to approve the primary plat with staff's condition. Mr. Martin seconded. Passed unanimously, 8-0.

### **Other Business**

Ms. Tennell will provide an updated membership list once all members have been appointed. The only outstanding reappointment will be from Park Board. It is on their agenda for this Thursday. Ms. Tennell will email out the member list, members should confirm their information to be correct with an email back to Ms. Tennell at which time she will email the final list out to everyone.

Mr. Richards introduced new Assistant City Engineer Matt McElroy, coming to the city's employ from CrossRoad Engineers.

**Adjournment**

There being no further business, a motion for adjournment was made and seconded, passing unanimously.

Respectfully submitted this 19th day of March, 2024.

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John Kempski, President

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Jim Martin, Secretary