AGENDA RESERVATION REQUEST

CITY OF FRANKLIN
COMMON COUNCIL
Please type or print

Date Submitted:	February 6, 2014	**Meeting Date:**	March 3, 2014
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:	Plan Commission & FCSC		
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2014-01: Annexation to be known as Creekside Annexation 2			
(Adoption)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC 2013-31)			
3. Ordinance 2014-01			
4.			
5.			
Who will present the request?			
Name:	Roger Young	**Telephone:**	317-736-7117

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 and Janet Alexander, Clerk-Treasurer

From: Joanna Myers, Senior Planner

Date: January 14, 2014

Re: **Creekside Annexation 2 (Ordinance 2014-01)**

On December 17, 2013 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Franklin Community Schools 1996 Building Corporation d/b/a Franklin Community School Corporation (Plan Commission Resolution #2013-31). The Plan Commission voted unanimously for a favorable recommendation to be forwarded.

The petitioner is requesting that 60.56 acres of property located at 700 E. SR 44 be annexed into the City of Franklin. The attached staff report, prepared for the December 17th Plan Commission meeting, further describes this request.

The petition was property advertised for the Plan Commission meeting. A copy of the annexation ordinance is included. A copy of the appropriate fiscal plan and resolution adopting the fiscal plan accompanies the ordinance. The proposed timeline for the petition is as follows:

Introduction:	January 13, 2014
Public Hearing:	February 3, 2014 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	March 3, 2014

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.

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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: December 10, 2013

Re: **Case PC 2013-31 (A): Creekside Annexation 2**

REQUEST:

Case PC 2013-31 (A)…Creekside Annexation 2. A request by the Franklin Community School Corporation (FCSC) to annex 60.56 acres. The subject property is located at 700 E. State Road 44 (Creekside Elementary/FCSC Transportation Department). The property is zoned IN (Institutional).

ZONING:

Surrounding Zoning:	
North:	MXN (Mixed Use: Neighborhood Center)
South:	RR (Rural: Residential)
East:	IN (Institutional)
West:	RR (Rural: Residential)

Surrounding Land Use:	
North:	Single-family residential
South:	Custer Baker Intermediate School
East:	Custer Baker Intermediate School
West:	Single-family residential

CONSIDERATIONS:

1. The FCSC is requesting that the remaining 60.56 acres of the 61+ acre property located at 700 E. State Road 44 be annexed into the City of Franklin and that the zoning remain IN (Institutional). See attached exhibits.

2. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
    a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
    b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)

3. Ordinance 2013-12 (Creekside Annexation 1), annexing the initial 0.58 acres, was recorded on December 9, 2013. This annexation results in 1,400 ft. of contiguous boundary for Creekside Annexation 2 (total boundary = 9,165.01 ft.).

4. The proposed annexation area is 15.27% contiguous to the City of Franklin and 100% of the property owners (Franklin Community Schools 1996 Building Corporation d/b/a Franklin Community School Corporation) are parties to the petition.

5. Creekside Elementary School and the FCSC Transportation Department are located on the existing 61+ acres.

6. The property is currently served by city sewer and public water. In addition, the city also provides planning services (buffer zone) and fire protection services, through a contract with the Franklin Township Trustee.

7. The Technical Review Committee reviewed the petition at their November 27, 2013 meeting. There were no adverse comments at the meeting.

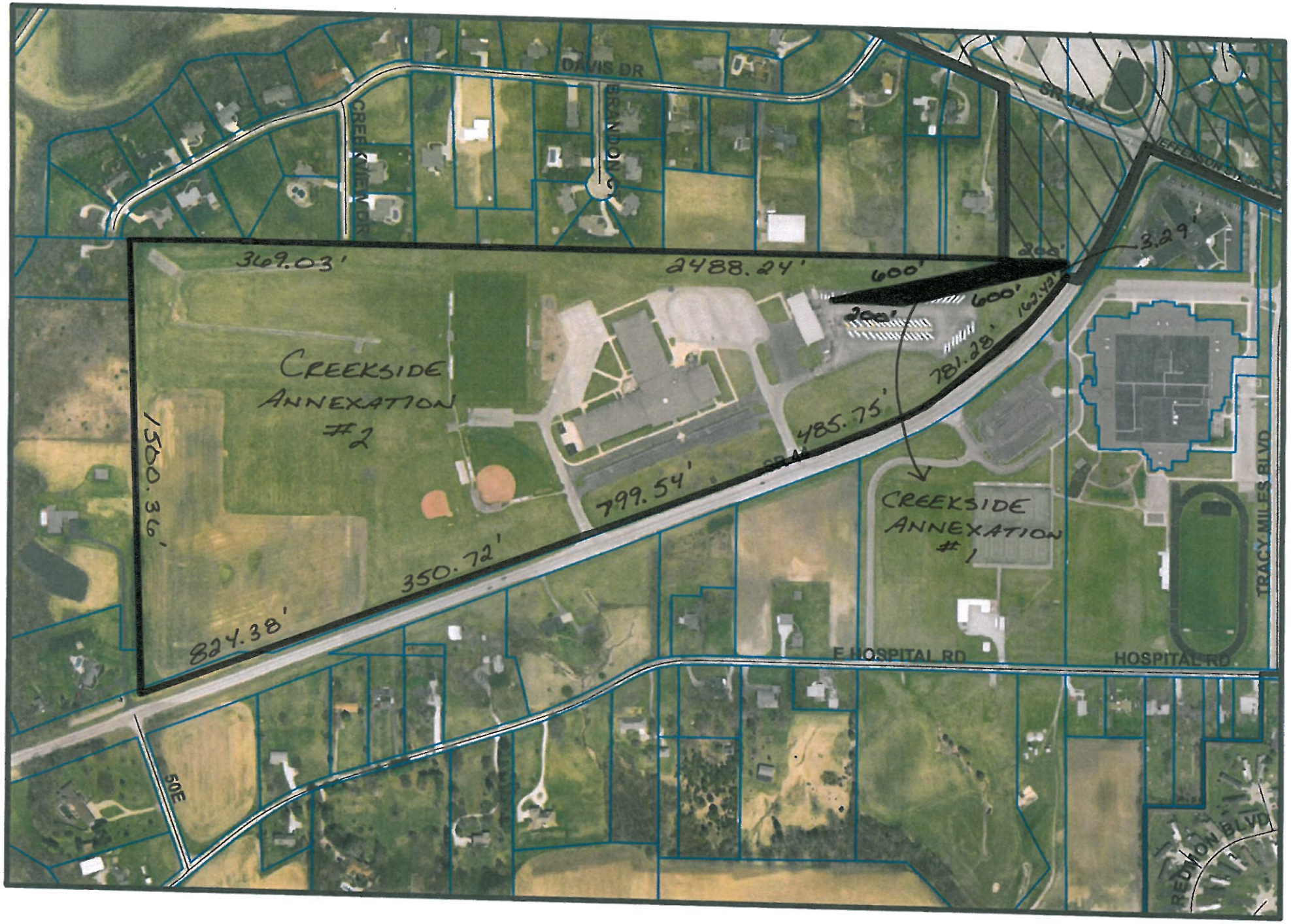
8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as an Institutional Center. "Franklin's institutional centers are areas that include either a single dominant institution or a collection of large-scale non-profit facilities. Existing institutional centers include the Franklin Community School Corporation facilities along Eastview Drive and U.S. 31; the area of West Jefferson Street which includes Johnson Memorial Hospital, the Johnson County Fairgrounds, the Methodist Community, the Johnson County Jail facilities, Creekside Elementary School, and Custer Baker Middle School; and the State Street corridor facilities of Franklin College, the Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home. While other institutions, such as churches and schools, are located throughout the community, institutional centers are unique due to the prominence of the institutions and their influence on surrounding areas. Institutional centers may include non-institutional land uses, such as offices, retailers, or homes. However, these non-institutional uses typically have a direct, complimentary relationship with the area's institutions."

PLAN COMMISSION ACTION:

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:

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



Creekside Elementary

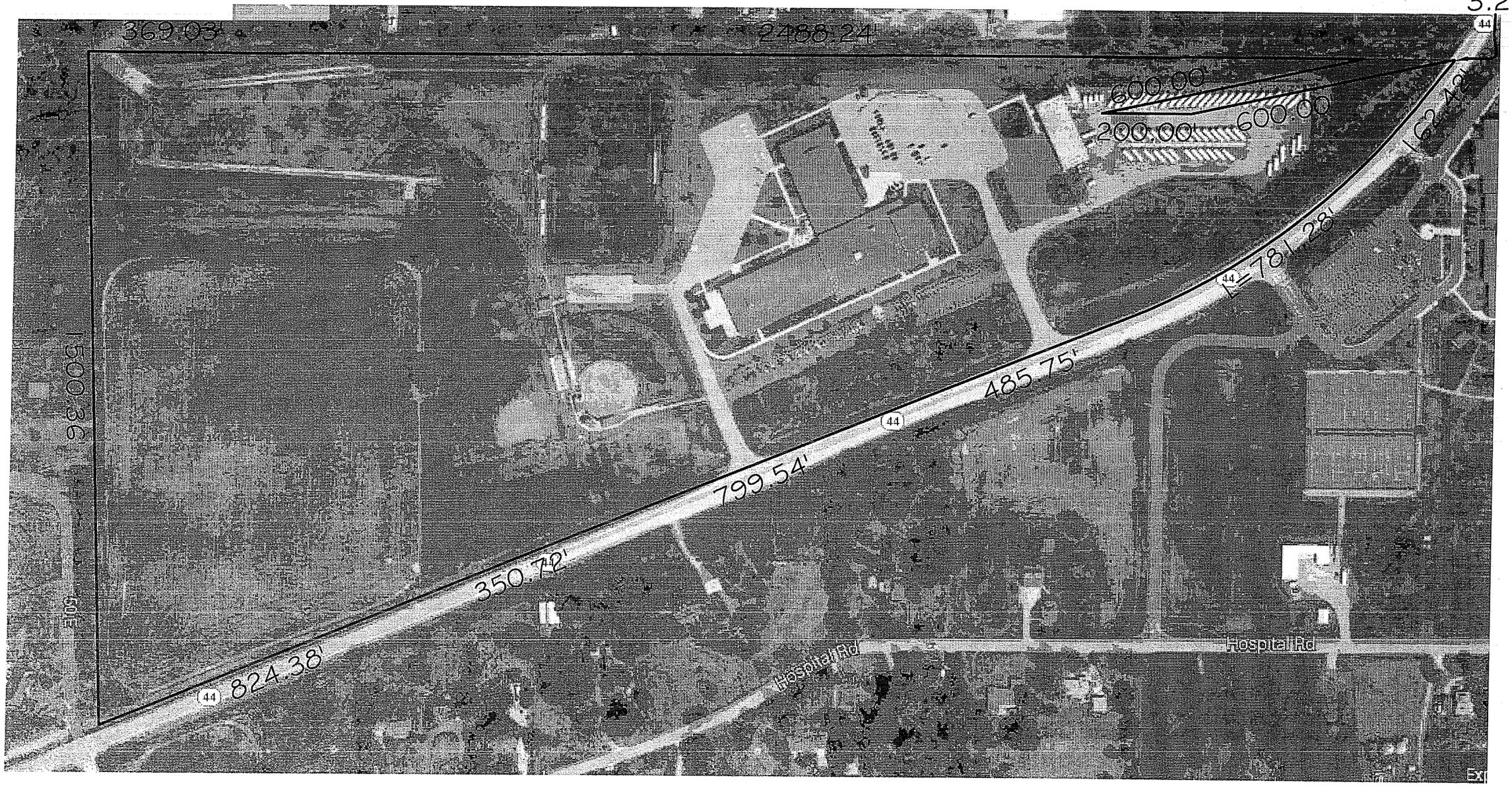
N
W E
S

0 125 250 500 750 1,000
Feet

LAND DESCRIPTION (OUT OF INSTRUMENT # 0096-013878)

A PART OF THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 16, AND A PART OF THE NORTHWEST QUARTER OF SECTION 21, ALL IN TOWNSHIP 12 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 33 SECONDS WEST (DEED BEARINGS) ON AND ALONG THE EAST LINE OF SAID QUARTER SECTION, 1364.75 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 77 DEGREES 45 MINUTES 46 SECONDS WEST 600.00 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 54 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, 200.00 FEET; THENCE NORTH 77 DEGREES 45 MINUTES 46 SECONDS EAST 600.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 50 MINUTES 54 SECONDS WEST, ON AND ALONG SAID NORTH LINE, 2488.24 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 43 MINUTES 19 SECONDS WEST, ON AND ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 16, 369.03 FEET; THENCE SOUTH 01 DEGREE 52 MINUTES 45 SECONDS EAST 1500.36 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE FOR STATE HIGHWAY NO. 44, THE NEXT SIX (6) COURSES ARE ON AND ALONG SAID NORTH RIGHT-OF-WAY LINE; (1) THENCE NORTH 67 DEGREES 52 MINUTES 57 SECONDS EAST 824.38 FEET; (2) THENCE NORTH 68 DEGREES 06 MINUTES 56 SECONDS EAST 350.72 FEET; (3) THENCE NORTH 68 DEGREES 08 MINUTES 28 SECONDS EAST 799.54 FEET; (4) THENCE NORTH 68 DEGREES 12 MINUTES 33 SECONDS EAST 485.75 FEET; (5) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1575.02 FEET, A LENGTH OF 781.28 AND A CHORD BEARING AND DISTANCE OF NORTH 53 DEGREES 58 MINUTES 16 SECONDS EAST 773.26 FEET; (6) THENCE NORTH 38 DEGREES 11 MINUTES 53 SECONDS EAST 162.42 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 00 DEGREES 04 MINUTES 33 SECONDS WEST, ON AND SAID EAST LINE, 3.29 FEET TO THE POINT OF BEGINNING, CONTAINING 60.56 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, AGREEMENTS AND RESTRICTION OF RECORD.


3.29'
369.03'
2488.24'
600.00'
200.00'
600.00'
162.42'
Δ=78° 28'
485.75'
799.54'
350.72'
824.38'
500.36'
Hospital Rd
Hospital Rd
44

City of Franklin Common Council

ORDINANCE # 2014-01

AN ORDINANCE APPROVING A RESOLUTION
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS
(to be known as Creekside Annexation 2)

WHEREAS, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

WHEREAS, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2013-31 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked "Resolution #2013-31"); and

WHEREAS, pursuant to IC 36-7-4-605, Resolution #2013-31 has been certified to City's Common Council; and

WHEREAS, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "A" be annexed to and become a part of the City of Franklin, Indiana.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana and shall retain its current zoning of Institutional (IN).
2. The Plan Commission is directed to amend the zoning maps of the City in a manner consistent with this ordinance; and
3. 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; and
4. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
5. 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; and
6. The provisions set forth in this ordinance become and will remain in full force and effect pursuant to Indiana Code; and

7. Said newly annexed territory shall become a part of Council District 3; and
8. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 36-4-3-22(a),

INTRODUCED AND FILED on the 13th day of January, 2014.

PUBLIC HEARING held on the _____ day of _____, 2014.

DULY ADOPTED on this _____ day of _____ 2014, 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:**
_____	_____
Stephen D. Barnett, Council President	Stephen D. Barnett, Council President
_____	_____
Joseph P. Abban	Joseph P. Abban
_____	_____
Joseph R. Ault	Joseph R. Ault
_____	_____
Kenneth W. Austin	Kenneth W. Austin
_____	_____
Robert D. Henderson	Robert D. Henderson
_____	_____
Stephen D. Hougland	Stephen D. Hougland
_____	_____
Richard L. Wertz	Richard L. Wertz

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 _____, 2014 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 _____, 2014 at _____ o'clock p.m.

_____
Joseph 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'

A PART OF THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 16, AND A PART OF THE NORTHWEST QUARTER OF SECTION 21, ALL IN TOWNSHIP12 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2013-31
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION

NAME OF PETITIONER:
Franklin Community Schools 1996 Building Corporation
d/b/a Franklin Community School Corporation

PLAN COMMISSION DOCKET NUMBER:
PC 2013-31

RESOLUTION

WHEREAS, the City of Franklin, Indiana has received an Annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

WHEREAS, the petitioner has submitted a statement of reasons for having said property annexed; and

WHEREAS, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

WHEREAS, the existing improvements have been submitted and reviewed by the Plan Commission; and

WHEREAS, the said existing improvements are consistent with the 2013 Comprehensive Plan's recommendation for Institutional Center; and

WHEREAS, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

WHEREAS, a public hearing was held on the 17th day of December, 2013 in the Franklin City Hall to give the public an opportunity to offer comments on said annexation petition; and

WHEREAS, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

WHEREAS, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY 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 approved for annexation to the City of Franklin.
2. On behalf of the secretary, 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. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 17th day of December, 2013.

PLAN COMMISSON OF THE CITY OF FRANKLIN, INDIANA

Jim Martin, President

ATTEST:

Suzanne Findley, Secretary

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