

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	June 2, 2015	<b>Meeting Date:</b>	June 15, 2015
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		Plan Commission & Woolpert	
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jmyers@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2015-06: Rezoning to be known as Meijer Rezoning (Public Hearing & Adoption)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2015-11 & PC 2015-12)			
3. PC Resolution 2015-12			
4. Ordinance 2015-06			
<b>Who will present the request?</b>			
<b>Name:</b>	Jon Sheidler	<b>Telephone:</b>	317-223-2226

*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](http://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:** May 22, 2015

**Re:** **Meijer Rezoning (Ordinance 2015-06)**

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On May 19, 2015 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from Woolpert, agent for Meijer (Plan Commission Resolution #2015-12). The Plan Commission voted 6-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 24.35 acres of property located south of Commerce Drive and west of N. Morton Street (US 31) be rezoned from Residential: Suburban One (RS-1) and Mixed Use: Community Center (MXC) to Mixed Use: Regional Center (MXR), with Gateway Overlay (GW-OL) to remain unchanged. 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:	June 1, 2015
Public Hearing:	June 15, 2015

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



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DEPARTMENT OF PLANNING & ENGINEERING

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# Plan Commission Staff Report

**To:** Plan Commission Members

**From:** Joanna Myers, Senior Planner

**Date:** May 12, 2015

**Re:** Case PC 2015-11 (A) & PC 2015-12 (R): Meijer Annexation & Rezoning

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### REQUEST:

**Case PC 2015-11 (A) & PC 2015-12 (R)...Meijer Annexation & Rezoning.** A request by Woolpert, Inc. to annex 3.33 acres and rezone 24.35 acres from Mixed Use: Community Center (MXC) and Residential: Suburban One (RS-1) to Mixed Use: Regional Center (MXR), with Gateway Overlay (GW-OL) to remain unchanged. The property is located south of Commerce Drive and west of N. Morton Street (US 31).

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: MXC, RS-1, GW-OL  
South: RSN, MXC, GW-OL  
East: MXR & GW-OL  
West: RS-1

#### Surrounding Land Use:

North: Agriculture & Commercial  
South: Residential & Auto Sales  
East: Commercial  
West: Agriculture

### CURRENT ZONING:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

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 “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.

## CONSIDERATIONS:

1. Woolpert, Inc. is requesting that 3.33 acres located south of Commerce Drive and west of N. Morton Street (US 31) be annexed into the City of Franklin and that 24.35 acres be rezoned to MXR (Mixed Use: Regional Center), with the GW-OL (Gateway Overlay) to remain unchanged, for the future development of Meijer and additional outlots along N. Morton Street (US 31).
2. Parcel B shown on the attached exhibit identifies the area requested to be annexed.
3. 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)
4. The proposed annexation area is 41.28% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
5. Utilities are readily available at this location
6. Parcels A, B & C are proposed to be rezoned from MXC to MXR. Parcels A & C are also currently zoned GW-OL which is proposed to remain unchanged.
7. The proposed use, Meijer, is a permitted land use in both the MXC and MXR zoning districts. The development standards and land use lists are attached for both zoning districts.
8. The Technical Review Committee reviewed the petition at their April 30, 2015 meeting. Woolpert, Inc., presented the petition to the committee and resubmitted on May 1, 2015. All Technical Review comments have been met.
9. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center and Neighborhood Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."

"Neighborhood activity centers are intended to fill a unique role by establishing gathering spaces and/or convenience goods and services in close proximity to neighborhoods. Common uses in neighborhood activity centers may include neighborhood scale churches, schools, parks, and commercial centers. Appropriate commercial activities in neighborhood activity centers include convenience stores, cafes, coffee shops, and other providers of day-to-day convenience goods and services. Residential uses, in the form of apartments located on the upper floors of businesses, are encouraged in neighborhood activity centers."

## **PC 2015-11 (A): MEIJER 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 2015-12 (R): MEIJER 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:**

The long term land use plan of the 2013 Comprehensive Plan identifies the subject property as Community Activity Center and Neighborhood Activity Center. The request to rezone the property to MXR is consistent with this plan.

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

#### **Staff Finding:**

The property located immediately to the north and east of the subject property is currently zoned MXC and MXR and is currently developed in a commercial nature. In addition it is important to note, that 21.02 acres of the subject site are already zoned MXC. Meijer is a permitted use in both the MXC and MXR zoning districts.

- 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 commercial properties and the majority is currently zoned MXC which allows the majority of the same permitted land uses. In addition, the property's proximity to US 31 provides 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 affect the property values in the area; however, the development of the property could increase the property values in the area as additional commercial services are provided.

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

**Staff Finding:**

The subject property is currently zoned MXC, which lists a retail operation as a permitted use. The proposed rezoning to MXR allows the petitioner to have a larger lot size than permitted in the MXC zoning district. Therefore, the development of the site as proposed would be compliant with the lot size requirement.

**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 rezoning the property to MXR (Mixed Use: Regional Center), with Gateway Overlay to remain.



## 3.18 Mixed-Use: Community Center (MXC)

### District Intent:

The "MXC", Mixed-Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized business and institutional facilities that serve the entire Franklin-area community. This district should be used alone, and in combination with other zoning district to create areas for community shopping, entertainment, services, and public gatherings.



### A. Permitted Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- farm (general)
- farmer's market
- winery

#### Residential Uses

- dwelling, secondary (on upper floors)

#### Institutional/Public Uses

- community center
- day-care center
- funeral home
- government office
- hospital/medical center
- library
- lodge or private club
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

#### Park Uses

- athletic fields, courts, & areas
- nature preserve/center
- park and/or playgrounds

#### Commercial Uses

- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- conference center
- health spa
- hotel
- liquor store
- office uses
- personal service uses
- recreation uses (small scale)
- recreation uses (medium scale)
- recreational uses (large scale)
- restaurant
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)
- retreat center



### B. Special Exception Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Residential Uses

- bed and breakfast facility
- boarding house
- dwelling, multi-family (more than 2 dwelling units)
- nursing/assisted living facility
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- residential facility for the mentally ill

#### Communications/Utilities Uses

- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

#### Institutional/Public Uses

- church or other place of worship
- institutional facility for the developmentally disabled/mentally ill
- museum or gallery
- post office
- university or college

#### Park Uses

- driving range (as a primary use)

#### Commercial Uses

- mass transit terminal/station
- data processing / call center
- fireworks sales



## 3.18 Mixed-Use: Community Center (MXC)



### C. Lot Standards

#### Minimum Lot Area

- 10,000 square feet

#### Maximum Lot Area

- 10 acres (435,600 square feet)

#### Minimum Lot Width

(measured at front setback/build-to line)

- 80 feet

#### Maximum Lot Depth

- not applicable

#### Maximum Lot Coverage

(including all hard surfaces)

- 75%

#### Min. Front Yard Primary Struct. Setback

(measured from street right-of-way)

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

#### Min. Side Yard Primary Struct. Setback

(measured from adjacent property line)

- 15 feet

#### Min. Rear Yard Primary Struct. Setback

(measured from rear property line)

- 20 feet

#### Minimum Living Area per Dwelling (for primary structures)

- 650 square feet

#### Minimum Ground Floor Living Area (for primary structures)

- not applicable

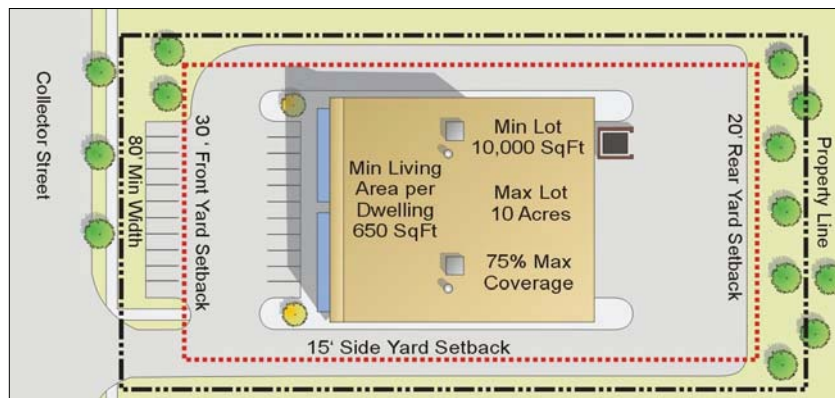
#### Maximum Primary Structures per Lot

- 1

#### Maximum Height

(for primary structures)

- 45 feet
- See Chapter 7.14, for telecommunications facility height requirements



*Illustrative Layout (Does not reflect all requirements contained within this Ordinance).*

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Development Standards ... Art. 7

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7.4 Temp. Use & Struct.

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7.6 Residential

Part 1 ..... 7-17

7.7 Home Occupation ..... 7-20

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7.15 Fence, Hedge, & Wall

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Sign Standards ..... Art. 8

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8.3 Non-Residential

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Site Development Plans .. Art. 9

Cross-References



## 3.19 Mixed-Use: Regional Center (MXR)

### District Intent:

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.



### A. Permitted Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- farm (general)
- farm equipment sales and service
- farmer's market
- winery

#### Residential Uses

- dwelling, secondary (on upper floors)

#### Institutional/Public Uses

- community center
- day-care center
- funeral home
- government office
- hospital/medical center
- library
- lodge or private club
- medical clinic
- parking lot or garage (as a primary use)
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- trade or business school

#### Park Uses

- athletic fields, courts, & areas
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- residential facility for the mentally ill

#### Communications/Utilities Uses

- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

#### Institutional/Public Uses

- animal shelter
- church or other place of worship
- government facility (non-office)
- institutional facility for the developmentally disabled/mentally ill

#### Park Uses

- driving range (as a primary use)

#### Commercial Uses

- auto-oriented uses (medium scale)
- mass transit terminal/station
- fireworks sales
- kennel
- mobile/manufactured home sales
- truck stop/travel center

#### Industrial Uses

- light industrial assembly/distribution
- light industrial processing/ distribution



## 3.19 Mixed-Use: Regional Center (MXR)



### C. Lot Standards

#### Minimum Lot Area

- 15,000 square feet

#### Maximum Lot Area

- not applicable

#### Minimum Lot Width

(measured at front setback/build-to line)

- 100 feet

#### Maximum Lot Depth

- not applicable

#### Maximum Lot Coverage

(including all hard surfaces)

- 75%

#### Min. Front Yard Primary Struct. Setback

(measured from street right-of-way)

- 50 feet when adjacent to an Arterial Street
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- 20 feet when adjacent to a Local Street

#### Min. Side Yard Primary Struct. Setback

(measured from adjacent property line)

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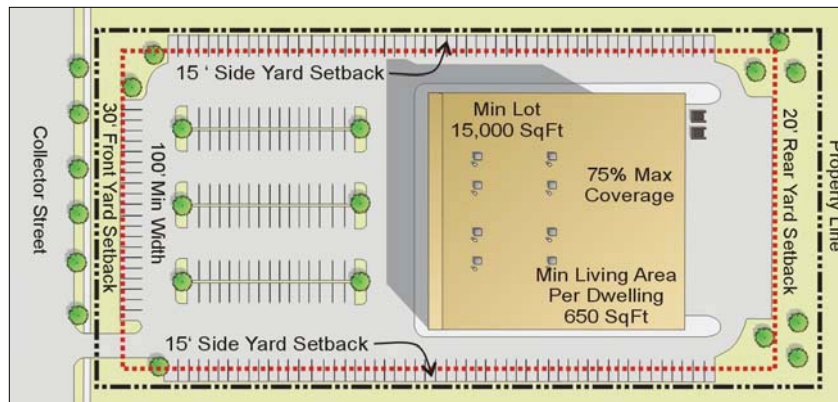
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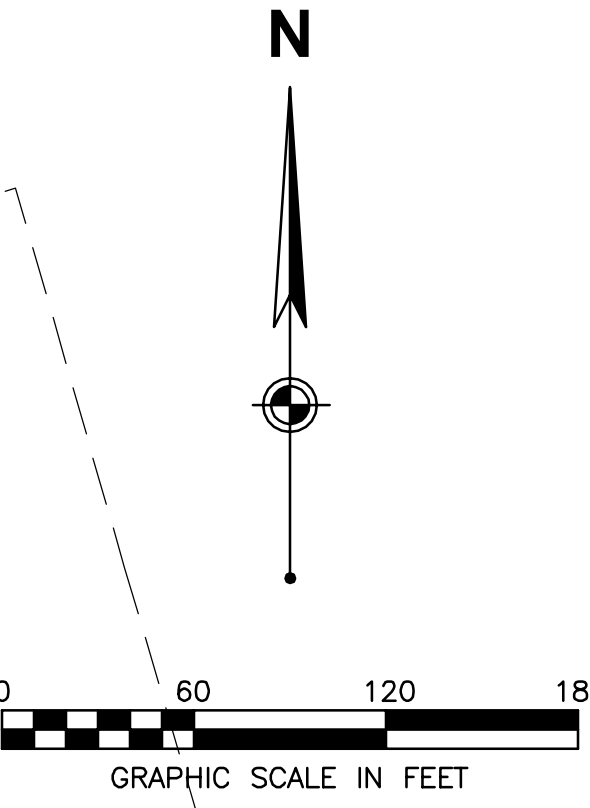
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Part 2 ..... 8-11

**Site Development Plans .. Art. 9**



<b>MEIJER (FRK)</b>  US 31 & COMMERCE DRIVE FRANKLIN, IN 46131		7635 Interactive Way Suite 100 Indianapolis, IN 46278 317.299.7500 FAX: 317.291.5805	<b>PROJECT No:</b> 74485	<b>No.</b>	<b>DATE</b>	<b>REVISION</b>
			<b>DATE</b> 05/01/15			
			<b>DES.</b> KAC			
			<b>DR.</b> KAC			
			<b>CKD.</b> JRS			
<b>REZONE EXHIBIT</b>						



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2015-12  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

Woolpert, agent for Meijer

**PLAN COMMISSION DOCKET NUMBER:**

PC 2015-12

**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 MXR (Mixed Use: Regional Center), with the existing limits of GW-OL (Gateway Overlay) to remain unchanged, more particularly described in "Exhibit A" attached hereto; and

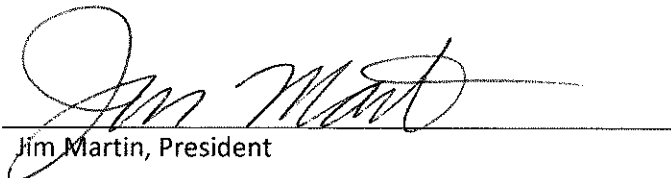
**WHEREAS**, after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the Council Chambers of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana on the 19<sup>th</sup> day of May, 2015, with the Commission having heard all objections 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 MXR (Mixed Use: Regional Center), with the existing limits of GW-OL (Gateway Overlay) to remain unchanged.
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, Indiana Plan Commission this 19<sup>th</sup> day of May, 2015.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

  
Jim Martin, President

ATTEST:

  
Chris Phillips, Secretary

## EXHIBIT "A"

### PARCEL A:

A PART OF THE NORTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A STONE FOUND PER JOHNSON COUNTY SECTION CORNER RECORD CE-40; THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A LINE CONNECTING SAID STONE FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 AND A STONE FOUND AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 PER JOHNSON COUNTY SECTION CORNER RECORD CG-40, A DISTANCE OF 579.84 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945, RECORDED SEPTEMBER 14, 2006 IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING SIX (6) COURSES:

- 1) EASTERLY, 167.45 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 85 DEGREES 45 MINUTES 56 SECONDS EAST AND A LENGTH OF 167.40 FEET;
- 2) NORTH 83 DEGREES 25 MINUTES 32 SECONDS EAST, A DISTANCE OF 802.40 FEET;
- 3) SOUTH 37 DEGREES 32 MINUTES 17 SECONDS EAST, A DISTANCE OF 29.15 FEET;
- 4) NORTH 83 DEGREES 25 MINUTES 33 SECONDS EAST, A DISTANCE OF 30.00 FEET;
- 5) NORTH 21 DEGREES 56 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.94 FEET;
- 6) SOUTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, A DISTANCE OF 70.50 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN SAID EXHIBIT "A", BEING ALSO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN EXHIBIT "B" OF SAID INSTRUMENT NUMBER 2006-023945;

THENCE ALONG THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN SAID EXHIBIT "B", SOUTH 56 DEGREES 44 MINUTES 21 SECONDS EAST, A DISTANCE OF 66.27 FEET TO A POINT STATED IN SAID EXHIBIT "B" AS BEING ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE ALONG THE PURPORTED WEST RIGHT-OF-WAY LINE OF STATE ROAD 31 (U.S. HIGHWAY 31), SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 422.43 FEET TO THE NORTHEAST CORNER OF THE PARCEL PER THE WARRANTY DEED RECORDED AUGUST 26, 1993 IN BOOK 272, PAGE 516, SAID NORTHEAST CORNER STATED IN SAID WARRANTY DEED AS BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 31; THENCE ALONG THE NORTH LINE OF THE PARCEL PER SAID WARRANTY DEED, SOUTH 83 DEGREES 07 MINUTES 18 SECONDS WEST, A DISTANCE OF 516.21 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, SOUTH 16 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 341.10 FEET TO A POINT IN THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 859.97 FEET TO AN APPARENT ANGLE POINT IN SAID CENTERLINE;
- 2) NORTH 89 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 4.71 FEET TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, A DISTANCE OF 830.62 FEET TO THE POINT OF BEGINNING, CONTAINING 19.47 ACRES, MORE OR LESS.

**PARCEL B:**

A PART OF THE NORTHWEST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10, BEING A STONE FOUND PER JOHNSON COUNTY SECTION CORNER RECORD CE-40; THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, BEING A LINE CONNECTING SAID STONE FOUND AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10 AND A STONE FOUND AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10 PER JOHNSON COUNTY SECTION CORNER RECORD CG-40, A DISTANCE OF 579.84 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945, RECORDED SEPTEMBER 14, 2006 IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE CONTINUING ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, A DISTANCE OF 830.62 FEET TO A POINT IN THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG SAID CENTERLINE, NORTH 89 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, ALONG A LINE PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 831.30 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN SAID EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, EASTERLY, 175.06 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 89 DEGREES 26 MINUTES 53 SECONDS EAST AND A LENGTH OF 175.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.33 ACRES, MORE OR LESS AND MORE COMMONLY KNOWN AS 1615-1660 EAST 175 NORTH, FRANKLIN, INDIANA.

**PARCEL C:**

A PART OF THE WEST HALF OF LOT 1 IN SIMON COMMERCIAL SUBDIVISION, AN ADDITION TO THE CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED JULY 2, 2001 IN PLAT CABINET D, PAGES 367 A & B, AS INSTRUMENT NO. 2001-019139, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE NORTH 16 DEGREES 12 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 305.65 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 83 DEGREES 07 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 239.71 FEET; THENCE 47.52 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 09 DEGREES 35 MINUTES 55 SECONDS WEST AND A LENGTH OF 45.76 FEET; THENCE SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 231.78 FEET; THENCE 34.60 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 37 DEGREES 27 MINUTES 11 SECONDS EAST AND A LENGTH OF 33.91 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG THE SOUTH LINE OF SAID LOT 1, BEING A LINE 35.00 FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF SAID COUNTY ROAD 175 NORTH, SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 237.69 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).

City of Franklin Common Council

**ORDINANCE NUMBER 2015-06**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2015-12  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
MXR (MIXED USE: REGIONAL CENTER)  
(To be known as Meijer Rezoning)

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**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 2015-12 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in “Exhibit A” attached hereto, to Mixed Use: Regional Center (MXR) with the Gateway Overlay (GW-OL) to remain unchanged.

**WHEREAS**, pursuant to Indiana Code § 36-7-4-602, Resolution 2015-12 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” 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 Mixed Use: Regional Center (MXR) with the Gateway Overlay (GW-OL) to remain unchanged.
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 1<sup>st</sup> day of June, 2015.

**DULY PASSED** on this \_\_\_\_ day of \_\_\_\_\_, 2015, 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:**

\_\_\_\_\_  
Stephen Barnett, Council President

\_\_\_\_\_  
Kenneth W. Austin, Vice President

\_\_\_\_\_  
Joseph P. Abban

\_\_\_\_\_  
Joseph R. Ault

\_\_\_\_\_  
Stephen D. Hougland

\_\_\_\_\_  
Dr. William T. Murphy

\_\_\_\_\_  
Richard L. Wertz

**Voting Opposed:**

\_\_\_\_\_  
Stephen Barnett, Council President

\_\_\_\_\_  
Kenneth W. Austin, Vice President

\_\_\_\_\_  
Joseph P. Abban

\_\_\_\_\_  
Joseph R. Ault

\_\_\_\_\_  
Stephen D. Hougland

\_\_\_\_\_  
Dr. William T. Murphy

\_\_\_\_\_  
Richard L. Wertz

Attest:

\_\_\_\_\_  
Janet P. Alexander, City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this \_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Janet P. Alexander, 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 \_\_\_\_\_ at \_\_\_\_\_ o'clock p.m.

---

Joseph E. McGuinness, Mayor

Attest:

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Janet P. Alexander, City Clerk-Treasurer

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

## **EXHIBIT "A"**

### **PARCEL A:**

A PART OF THE NORTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A STONE FOUND PER JOHNSON COUNTY SECTION CORNER RECORD CE-40; THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A LINE CONNECTING SAID STONE FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 AND A STONE FOUND AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 PER JOHNSON COUNTY SECTION CORNER RECORD CG-40, A DISTANCE OF 579.84 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945, RECORDED SEPTEMBER 14, 2006 IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING SIX (6) COURSES:

- 1) EASTERLY, 167.45 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 85 DEGREES 45 MINUTES 56 SECONDS EAST AND A LENGTH OF 167.40 FEET;
- 2) NORTH 83 DEGREES 25 MINUTES 32 SECONDS EAST, A DISTANCE OF 802.40 FEET;
- 3) SOUTH 37 DEGREES 32 MINUTES 17 SECONDS EAST, A DISTANCE OF 29.15 FEET;
- 4) NORTH 83 DEGREES 25 MINUTES 33 SECONDS EAST, A DISTANCE OF 30.00 FEET;
- 5) NORTH 21 DEGREES 56 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.94 FEET;
- 6) SOUTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, A DISTANCE OF 70.50 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN SAID EXHIBIT "A", BEING ALSO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN EXHIBIT "B" OF SAID INSTRUMENT NUMBER 2006-023945;

THENCE ALONG THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN SAID EXHIBIT "B", SOUTH 56 DEGREES 44 MINUTES 21 SECONDS EAST, A DISTANCE OF 66.27 FEET TO A POINT STATED IN SAID EXHIBIT "B" AS BEING ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE ALONG THE PURPORTED WEST RIGHT-OF-WAY LINE OF STATE ROAD 31 (U.S. HIGHWAY 31), SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 422.43 FEET TO THE NORTHEAST CORNER OF THE PARCEL PER THE WARRANTY DEED RECORDED AUGUST 26, 1993 IN BOOK 272, PAGE 516, SAID NORTHEAST CORNER STATED IN SAID WARRANTY DEED AS BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 31; THENCE ALONG THE NORTH LINE OF THE PARCEL PER SAID WARRANTY DEED, SOUTH 83 DEGREES 07 MINUTES 18 SECONDS WEST, A DISTANCE OF 516.21 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, SOUTH 16 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 341.10 FEET TO A POINT IN THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 859.97 FEET TO AN APPARENT ANGLE POINT IN SAID CENTERLINE;

- 2) NORTH 89 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 4.71 FEET TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, A DISTANCE OF 830.62 FEET TO THE POINT OF BEGINNING, CONTAINING 19.47 ACRES, MORE OR LESS.

**PARCEL B:**

A PART OF THE NORTHWEST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

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**PARCEL C:**

A PART OF THE WEST HALF OF LOT 1 IN SIMON COMMERCIAL SUBDIVISION, AN ADDITION TO THE CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED JULY 2, 2001 IN PLAT CABINET D, PAGES 367 A & B, AS INSTRUMENT NO. 2001-019139, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE NORTH 16 DEGREES 12 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 305.65 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 83 DEGREES 07 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 239.71 FEET; THENCE 47.52 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS

OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 09 DEGREES 35 MINUTES 55 SECONDS WEST AND A LENGTH OF 45.76 FEET; THENCE SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 231.78 FEET; THENCE 34.60 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 37 DEGREES 27 MINUTES 11 SECONDS EAST AND A LENGTH OF 33.91 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG THE SOUTH LINE OF SAID LOT 1, BEING A LINE 35.00 FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF SAID COUNTY ROAD 175 NORTH, SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 237.69 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).