

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	March 15, 2017	<b>Meeting Date:</b>	March 20, 2017
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		RSW Development	
<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 2017-01: Rezoning to be known as RSW Lot 8 Rezoning (Public Hearing)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2017-02)			
3. PC Resolution 2017-02			
4. Ordinance 2017-01			
<b>Who will present the request?</b>			
<b>Name:</b>	Steve Williams	<b>Telephone:</b>	(317) 460-7730

*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:** Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer  
**From:** Joanna Myers, Senior Planner  
**Date:** February 28, 2017  
**Re:** **RSW Lot 8 Rezoning (Ordinance 2017-01)**

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On February 21, 2017 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from RSW Development (Plan Commission Resolution #2017-02). The Plan Commission voted 6-0 for a favorable recommendation to be forwarded.

The petitioner is requesting to rezone Lot 8 of the RSW Industrial Park (2000 N. Graham Road) in order to modify the written commitments related to the previous rezonings to Industrial: Business Development (IBD) initially approved in 2007 (Ordinance 2007-04) with commitments, rezoned in 2010 (Ordinance 2010-05) with amended commitments, and rezoned again in 2013 (Ordinance 2013-09) with amended commitments. 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:	March 6, 2017
Public Hearing:	March 20, 2017

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

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# Plan Commission Staff Report

**To:** Plan Commission Members

**From:** Joanna Myers, Senior Planner

**Date:** February 15, 2017

**Re:** Case PC 2017-02 (R): RSW Industrial Park – Lot 8 Rezoning

### REQUEST:

**Case PC 2017-02 (R)...RSW Industrial Park – Lot 8 Rezoning.** A request to rezone Lot 8 of the RSW Industrial Park (2000 N. Graham Road) in order to modify the written commitments related to the previous rezonings to Industrial: Business Development (IBD) initially approved in 2007 (Ordinance 2007-04) with commitments, rezoned in 2010 (Ordinance 2010-05) with amended commitments, and rezoned again in 2013 (Ordinance 2013-09) with amended commitments.

### Location:

The property is located at 2000 N. Graham Road (highlighted in turquoise). RSW Industrial Park is shown below in blue, which represents the IBD zoning. The aerial map shows the parcels that make up RSW Industrial Park highlighted in yellow.



### ZONING:

#### Surrounding Zoning:

North: IBD (Industrial: Business Development)  
South: IBD (Industrial: Business Development)  
East: IG (Industrial: General)  
West: IBD (Industrial: Business Development)

#### Surrounding Land Use:

North: Undeveloped parcel & JoCo Crossfit  
South: Kid City  
East: Agriculture  
West: Mini warehouse & outdoor Boat/RV storage

## **HISTORY:**

1. The property is currently zoned Industrial: Business Development (IBD) with written commitments.
2. It was rezoned from Industrial: Light (IL) to IBD in 2007, with the following commitments:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning area:
    - i. Boat/RV Storage Facility (outdoor)
    - ii. Telecommunications Tower
    - iii. Auto Sales
  - b. A maximum of 2.25 acres, generally located near the southwest corner of the usable property (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.
  - c. No outdoor storage of vehicles, boats, recreational vehicles, or the like shall be permitted.
3. In 2010, the developer requested that the commitments with the original rezoning be modified to allow Boat/RV Storage Facility (outdoor). This request was approved per Ordinance 2010-05 with the written commitments modified as shown below:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    - i. Telecommunications Tower
    - ii. Auto Sales
  - b. A maximum of 2.25 acres, generally located near the southwest corner of the usable property (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.
4. In 2013, the developer requested that the commitments with the previous rezoning be modified to allow mini warehouse uses to be increased to a maximum of 5.624 acres on Lots 6 & 7 only. This request was approved per Ordinance 2013-09 with the written commitments modified as shown below:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    - i. Telecommunications Tower
    - ii. Auto Sales
  - b. A maximum of 5.624 acres, generally located near the southwest corner of the usable property – Lots 6 & 7 (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.
5. The preliminary plat was also amended in 2010 to combine two lots into one and shortening the proposed cul-de-sac, creating Lot 6 and then amended again in 2013 removing the cul-de-sac, creating Lots 7, 8 & 9.

## **CONSIDERATIONS:**

1. The City of Franklin Zoning Ordinance states the following in Article 11, Chapter 6 regarding written commitments for rezoning:

Enforcement of Commitments: The written commitments shall be considered part of this Ordinance binding on the subject property:

- a. The written commitments shall be binding on the owner of the subject property, and subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
  - b. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provision for the enforcement of any other aspect of this Ordinance, as described in Article 12, Enforcement and Penalties.
  - c. **The written commitments may be modified only through the Zoning Map Amendment process described by this Chapter.**
2. Mini warehouse is listed as a permitted use in both the IL and IBD zoning district. However, it has been restricted to no more than 5.624 acres – Lots 6 & 7 only.
3. Minutes from the previous Plan Commission meetings and City Council meetings are attached for reference.
  - a. The minutes from the Plan Commission meeting and Common Council meeting held in 2007 do not give insight into the reason for Boat / RV Storage Facility to be excluded from the list of permitted uses. However, staff does explain that mini warehouses were eliminated due to concerns of the potential appearance of the structures and the proximity to the busy intersection of Graham Road and Commerce Drive.
4. 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.”

#### **REZONING REQUEST:**

1. The petitioner is requesting that the 2013 rezoning commitment (b.) related to mini warehouses be modified to expand the available area to include Lot 8 of RSW for a total acreage of 8.4 acres within RSW Industrial Park.
2. A site development plan for the proposed development of Lot 8 has not been submitted or reviewed.
3. The above petition was reviewed by the Technical Review Committee on February 2, 2017. The amended rezoning petition has been forwarded to Plan Commission for action.

#### **CRITERIA FOR DECISIONS:**

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

3. **Desired Use:** The most desirable use for which the land in each district is adapted;
4. **Property Values:** The conservation of property values throughout the City of Franklin's planning jurisdiction; and
5. **Responsible Growth:** Responsible growth and development.

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:**

Based on the written findings above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council amending the rezoning commitments to read as follows:

- a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
  - i. Telecommunications Tower
  - ii. Auto Sales

**MINUTES**  
**FRANKLIN CITY PLAN COMMISSION**  
**April 17, 2007**

**Members Present:**

James A. Martin, Jr	President
Robert J. Swinehamer	Vice-President
Georganna Haltom	Secretary
Barbara Wilham	Member
Kevin McElyea	Member
Ray A. Scott	Member
Dr. Ted Murphy	Member
Chris Phillips	Member
Ted Bishop	Member
Tim Holmes	Member
Dr. William Province	Member

**Others Present:**

Joe Csikos	Planning Director
Mike Buening	City Engineer
Lynn Gray	Legal Counsel

**Others Absent:**

Julie Parsley	Recording Secretary
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**Call to Order:**

Jim Martin called the meeting to order at 7:00 p.m. An invocation and the Pledge of Allegiance were offered.

**Approval of Minutes:**

The members voted unanimously to approve the minutes of the March 20, 2007 meeting.

### **Swearing In:**

En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

### **Report of Officers and Committees:**

#### **Technical Review Committee Report:**

Joe Csikos stated that the Technical Review Committee reviewed the RSW Development petition that is on the agenda and a petition for an addition to the Church of the Bible Youth Center.

### **Old Business:**

None.

### **New Business:**

#### **Case PC 2007-05...RSW Development:**

Jim Martin stated that the petition was a request for re-zoning of +/- 29.30 acres from IL (Industrial: Light) to IBD (Industrial: Business Development). Mr. Martin stated that the property is located at the southwest corner of Commerce Drive and Graham Road.

Joe Csikos stated that there was a correction to staff's recommendation; Item D "auto oriented uses" should be correctly written as "auto sales".

Mike Waugh presented the petition. Mr. Waugh stated that the proposal was for a total of 15 one-acre lots that would be developed for commercial use. Mike Waugh stated that he envisioned the development to be similar to the existing development on Commerce Drive. Mr. Waugh stated that he intended to have his construction business in one of the proposed buildings. Mike Waugh requested to amend staff's recommendation to place a condition on the approval that would eliminate mini warehouses from the list of permitted uses. Mr. Waugh stated that he would like to construct mini warehouse on two of the proposed lots.

Lynn Gray questioned if shared access drives would be constructed.

Mike Waugh stated that he had proposed three drives on Commerce Drive and one on Graham Road. Mr. Waugh stated that a total of ten lots would be accessed from one access drive on Graham Road. Mike Waugh stated that the remaining five lots would be accessed by a maximum of three drives with one drive per every two lots.

Lynn Gray questioned if the petitioner had provided staff with written zoning commitments.



Joe Csikos stated that the petitioner had not provided any written zoning commitments to staff. Mr. Csikos stated that all commitments are included as part of the rezoning approval Ordinance.

Bob Swinehamer questioned why staff had recommended that mini warehouse should be eliminated from the permitted uses.

Joe Csikos stated that they were eliminated due to concerns of the potential appearance of the structures and the proximity to the busy intersection of Graham Road and Commerce Drive.

Mike Waugh clarified the exact location of the proposed mini warehouses and stated that they would be constructed on the rear lots that do not front Graham and Commerce.

Mr. Csikos stated that he would support the warehouses as long as they do not have any frontage on Graham Road or Commerce Drive.

Mike Waugh stated that he would not construct any mini warehouses on any lots that would have frontage on Graham Road or Commerce Drive.

Tim Holmes questioned if the addition of the access drives onto Commerce Drive would cause any traffic concerns.

Mike Buening, City Engineer, stated that he did not have any concerns with the proposed drives.

Lynn Gray stated her concerns regarding the zoning commitments and stated that they need to be clearly defined.

Kevin McElyea stated that the location of the mini warehouses could be defined as being maintained in 2.5 acres in the southwest corner of the parcel. Mr. McElyea stated that this could be stated in addition to the commitment regarding prohibiting them from being constructed on any lots that have frontage on Graham Road or Commerce Drive.

Joe Csikos reiterated that the commitment needs to be very clearly defined regarding the mini warehouses.

Mike Buening stated that the limits of the flood zone overlay could be changed with the adoption of updated FIRMS (Flood Insurance Rate Maps) by DNR.

Mr. Csikos stated that the flood protection overlay zone takes in the mandatory DNR regulations for flood zones and those boundaries follow the 100 year floodway boundaries. Joe Csikos stated that if those change then the overlay boundary would also change.

Joe Csikos stated that staff recommended forwarding a favorable recommendation to City Council with the elimination of the following permitted uses:

1. boat / RV storage facility (outdoor)
2. telecommunication towers
3. auto sales
4. mini warehouse uses to be limited to 2.5 acres located on the southwest corner of the project and that there shall be no frontage on Graham Road or Commerce Drive.

**Action taken on Case PC 2007-05...RSW Development:**

On a motion by Bob Swinehamer and a second by Dr. Province, the members voted unanimously to forward a favorable recommendation for approval to the City Council with staff's recommendation and that all oral commitments are reduced to writing and recorded by the petitioner.

**Other Business:**

None.

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 22nd day of May 2007.

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James A. Martin, Jr., President

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Georganna Haltom, Secretary

**City of Franklin**  
**COMMON COUNCIL MINUTES**

City Hall  
55 W. Madison St.  
Franklin, Indiana 46131

**Tuesday, May 29, 2007 @ 7:05 p.m.**

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Presiding Officer: Mayor Brenda Jones-Matthews

Members Present: President Dr. William T. Murphy  
Mr. Joseph P. Abban  
Mr. Joseph R. Ault  
Mr. Kenneth W. Austin  
Mr. Phillip R. Barrow  
Mr. Jeffrey C. Eggers  
Mrs. Ann M. Gordon

Also present: Clerk-Treasurer Janet P. Alexander and City Attorney Robert H. Schafstall

News Media: The News Media was not represented.

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Mayor Jones-Matthews opened the meeting and asked the Clerk-Treasurer, Janet P. Alexander, to call the roll. Council President, Dr. William T. Murphy, offered an invocation which was followed by a recitation of the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on any matter not listed on the agenda. Mr. Eggers commented that Mr. Stanley M. Barnett, a soldier killed in WW2, has been omitted from the listing of soldiers named on the plaque honoring fallen military personnel located in the lobby showcase. Mr. Eggers suggested that the City take the necessary steps to correct this omission.

Mayor Jones-Matthews read a report from Fire Chief James Reese concerning a medical emergency call which occurred February 10, 2007. Franklin resident Mr. Chris Henry had a heart attack and because of the quick response and treatment given by several of our firefighters, he survived that event. Mayor Jones Matthews recognized each of the officers and gave each one a Life Saving Medal. The officers honored were:

Capt./ EMT - Mike Hodge	Firefighter/Paramedic - Randy Cox
Firefighter/EMT - Mike Griggs	Firefighter/EMT - Andrew Tames
Lt./EMT - Stuart Bridges	Firefighter/EMT - Dennis Bordenkecher
Firefighter/EMT - Tyler Sneed	

Mr. Henry's wife read a letter aloud to the responding officers, thanking them for what they did for her husband and their family. She also expressed her gratitude to the entire department for their service to the community.

**Common Council Minutes**  
**May 29, 2007**

**CONSENT AGENDA**

Mr. Eggers, seconded by Dr. Murphy, made a motion to approve the consent agenda as presented.

1. Minutes of the regular meeting held April 23, 2007.

The motion carried and the consent agenda was approved.

**PUBLIC HEARING**

**Ordinance 07-03: An Ordinance Approving Resolution 07-02 of the City of Franklin, Indiana Plan Commission, Revising Article 3, Chapters 11-13 & Article 13, Chapter 2 of the Franklin City Zoning Ordinance**

The Planning Director, Joseph Csikos, presented the proposed ordinance approving a resolution of the City of Franklin, Indiana Plan Commission. The proposed ordinance further defines terms utilized in Article 7, Chapter 20, relative to “adult uses” within the existing Zoning Ordinance. Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment. No one asked to speak. A motion and second were made to read by title only. The motion carried and the ordinance was read by title only. Mr. Ault, seconded by Mrs. Gordon, made a motion to adopt Ordinance 07-03. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon

Nays – None

**Ordinance 07-04: An Ordinance Approving Resolution 07-03 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial Business Development) to be known as the RSW Development Rezoning**

The Planning Director, Joseph Csikos, presented the proposed ordinance approving a resolution of the City of Franklin, Indiana Plan Commission. He explained that the Plan Commission had voted unanimously to forward the matter to the Council with a favorable recommendation. Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on the matter. No one asked to speak. A motion and second were made to read by title only. The motion carried and the ordinance was read by title only. Mr. Barrow, seconded by Mrs. Gordon, made a motion to adopt Ordinance 07-04. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon

Nays – None

**NEW BUSINESS**

**Introduction of Budgetary Resolution 07-02: A Common Council Budgetary Resolution Authorizing a Transfer-Police Dept.**

The Police Chief, John Borges, presented the proposed budgetary resolution requesting a transfer in the amount of \$50,000 from 300 series Professional Services line item to the 200 series Operating Supplies line item within the Police Department budget. A motion and second were made to read the resolution by title only. The motion carried and the budgetary resolution was read by title only. Mr. Abban, seconded by Mr. Austin, made a motion to adopt Budgetary Resolution 07-02. The motion carried. The Council was polled and the votes cast were as follows:

**Common Council Minutes**  
**May 29, 2007**

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon  
Nays – None

**Introduction of Resolution 07-06: A Common Council Resolution Authorizing the Use of Certain Existing Store Credit and Additional Credit Cards-Clerk Treasurer.**

The Clerk-Treasurer, Janet P. Alexander, presented the proposed resolution authorizing the use of existing store credit accounts and credit cards. A discussion was held. The consensus of the Council was to table the matter until the next meeting.

**OTHER BUSINESS**

The Clerk-Treasurer, Janet P. Alexander, presented the 1782 Notice and requested permission to move forward with the submission of report to the DLGF. A discussion was held. Mr. Eggers, seconded by Mr. Barrow, made a motion to submit the 1782 Notice as presented. The motion carried.

**ATTORNEY COMMENTS**

The City Attorney presented CF-1 Forms from Electro Spec, Innovative Casting Technologies, Inc., Dual Tech, NiTrax and International Fuel Systems which were reviewed by the Economic Development Committee and forwarded to the Council for their approval. Mr. Schafstall mentioned that these forms require the signature of the Council President. Mr. Austin, seconded by Mr. Barrow, made a motion to accept the tax abatements compliance forms as presented and authorized Dr. Murphy to sign on the Council's behalf. The motion carried and the forms were signed.

**ADJOURNMENT**

As there was no further business to come before the Common Council, the meeting adjourned at 7:40 p.m. The next meeting will be held June 11, 2007 at 7:00 p.m.

Respectfully submitted,  
Janet P. Alexander, Clerk Treasurer

Enrolled: Thursday, June 7, 2007

Approved by Common Council: 6-11-07

**PC 2010-02 (R): Preliminary Plat of RSW Industrial Park and**  
**PC 2010-03 (R): Rezoning of RSW Industrial Park:**

Steve Williams stated that the property was rezoned 3 years ago, from IL to IBD. The zoning change was an upgrade to allow offices. IL zoning doesn't allow personal services and IBD zoning did. He stated that during the rezoning they were asked to make certain commitments. Boat and RV storage was excluded. He stated that his memory is the Board wanted mini-warehouse facilities on the property. The proposed RV and Boat storage would be stored farthest away from Commerce Drive and Graham Road in the corner of the property so they can control the gate. Landscaping would be around the entire fenced area. He stated there is visibility from Graham Road to all the future lots. He stated that they would like to be relieved of the commitment and combine the two lots.

Mr. Swinehamer questioned if they were asking to be allowed to do something that is already permitted in that zoning district. Ms. Pendleton stated that the property was originally zoned IL. The petitioner requested a rezoning and during the rezoning petition, conditions were placed upon the property that the mini-warehouse storage was restricted. Swinehamer questioned if someone new was coming in the use would be permitted under IBD zoning. Ms. Linke stated yes but it was zoned with conditions. Mr. Swinehamer questioned if they are asking for the condition about the storage and mini warehouses to be changed. Ms. Pendleton stated they are also asking for the condition of the restriction of the mini warehouses to 2.25 acres because the lot is larger than that. She stated that they will be restricted to that lot. Mr. Swinehamer questioned if it was previously for 2 lots. Mr. Williams stated that it was for 2 lots. He stated they would be using the top half for warehouses and the bottom half of the lot for RV and boat storage.

Ms. Gray stated that it was not a condition but a zoning commitment. The rezoning was approved by Council with a commitment. She stated that the Board has to give a recommendation to Council to either waive it or not waive it. Ms. Gray stated the plat could be approved or denied subject to the rezoning. Mr. Swinehamer stated that we essentially have a new plat, because the 2 lots that were at the end of the cul-de-sac have been combined. He stated that we are replatting them into what is Lot 6. Ms. Gray stated that the Board could technically approve the replat without the zoning amendment; the petitioner just couldn't do the outdoor boat & RV storage.

Mr. Swinehamer stated that if the Board doesn't do anything, the petitioner could still put the warehouses in. Ms. Pendleton stated that they can't exceed the 2.5 acres. She stated that the preliminary plat was lost in the flood and that the two lots were not the correct acreage.

Ms. Gray stated the Board could technically give plat approval. She stated the use of the property for the boat & RV storage would have to happen at the next level. She stated that the Board cannot change the ordinance. Ms. Linke stated that was explained in the considerations in section 1C that the written commitments may be modified only through the zoning amendment process, which is a rezoning. Ms. Linke stated on the Staff Recommendation, she didn't find anything in the minutes from either the Plan Commission meeting or the City Council meeting that referenced the outdoor storage. Ms. Linke stated that she doesn't know why that was included as a commitment unless the petitioner can elaborate on that. She stated that was her only reason for listing this with an unfavorable recommendation. Mr. Williams stated that it started at Plan Commission. Mr. Swinehamer stated he remembered the discussion about how the Plan Commission didn't want the warehouses visible from the main road.

Mr. Swinehamer stated that the technical review report had been skipped. Mr. Wilkerson stated that the report summarized what went through. Ms. Pendleton stated that there were 3 items that the case did not meet the ordinance on. Lot 6 has no street frontage as required in the subdivision control ordinance; they have a submitted waiver request for that item. She stated the proposed cul-de-sac is 555 feet in length. According to

the subdivision control ordinance it can only be 500 feet and they have attached a waiver for that. She stated the common entrances on Commerce Drive and Graham Road do not have acceleration/deceleration or passing lanes and a waiver request has been attached for that. The cul-de-sac and acceleration/deceleration lanes had previously been waived but have to be approved again.

Mr. Williams stated that they feel it complies with the comprehensive plan because it is allowed in that zone and is a desirable use. The request is for modification first and the plat second.

Dr. Murphy stated that he has a problem with the commitment being made years ago and the petitioner coming back and saying they didn't mean it.

Mayor Paris stated that he wouldn't have a problem as long as the mini-warehouses stay off the road. He stated he doesn't want to see it on the main road. Mr. McElyea questioned if the Board could request certain boundaries to be set up around storage area. Mr. Waugh stated that there are many trees & bushes going around it. Mr. Swinehamer stated that it will be 520 feet off of Commerce Drive and 700 feet off of Graham Road.

**Action taken on PC 2010-03 (R): Rezoning of RSW Industrial Park:**

Mike Auger made a motion to make a favorable recommendation of approval to City Council to amend commitment C to allow the storage of recreational vehicles and boats on Lot number 6. Dan Murphy seconded the motion. Dr. Murphy-No, Chris Phillips-yes, Suzanne Findley-yes, Mike Auger-yes, Kevin McElyea-yes, Jim Martin-yes, Bob Swinehamer-yes, Diane Gragg-yes, Dan Murphy-yes. The motion passes 8-1.

**Action taken on PC 2010-02 (R): Preliminary Plat of RSW Industrial Park:**

Mr. Swinehamer made a motion to approve the preliminary plat, grant the waivers to install the acceleration/deceleration lanes, to grant the waiver to extend the length of the cul-de-sac to 550 feet and to waive the requirements to have street frontage. Dan Murphy seconded the motion. The motion passed. Chris Philips abstained from the vote.

**Other Business:**

None.

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 20<sup>th</sup> day of April, 2010.

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Mike Auger, President

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Chris Phillips, Secretary

**City of Franklin  
COMMON COUNCIL**

**City Council Chambers  
70 E. Monroe St.  
Franklin, Indiana 46131**

**Monday, April 19, 2010 @ 6:30 p.m.**

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Presiding Officer: Dr. William T. Murphy, President

Members Present: Mr. Joseph Abban  
Mr. Joe Ault  
Mr. Kenneth W. Austin  
Mr. Stephen D. Barnett  
Mr. Stephen D. Hougland

Members Absent Mayor Paris, Mrs. Gordon

Also Present: City Attorney Robert H. Schafstall, Clerk Treasurer Janet Alexander  
and Clerk Treasurer's Assistant Kathy Cragen

Dr. Murphy opened the meeting and asked the Clerk-Treasurer to call the roll. Joe Ault offered the invocation, which was followed by a recitation of the Pledge of Allegiance.

**CONSENT AGENDA**

Dr. Murphy presented the consent agenda for approval.

- Approval of the April 5, 2010 meeting minutes
- Budget Resolution 10-02: Fire Merit request to transfer funds between major series

Mr. Ault, seconded by Mr. Abban, made a motion to approve the consent agenda as presented. The motion carried and the consent agenda was approved.

**OLD BUSINESS**

**Resolution No. 10-07 – A Resolution Approving An Interlocal Agreement Between The City Of Franklin, Indiana And Johnson County, Indiana Relative A Project Commonly Known As The “Home Avenue Bridge Rehabilitation Project”**

Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. City Attorney Rob H. Schafstall told the Council that this was ready for adoption. Mr. Ault gave a summary of what this ordinance entailed. A discussion was held. Mr. Barnett made a motion to approve, seconded by Mr. Austin. The motion carried.

**Public Hearings**

**City of Franklin Ordinance No. 10-04 An Ordinance Approving Resolution Number 2009-30 of The City of Franklin, Indiana Plan Commission, Rezoning Certain Property to Downtown Overlay (DT-OL) (To Be Known as the Downtown Overlay Zoning Ordinance Amendment)**



Mr. Austin made a motion to read by title only, seconded by Mr. Barnett. Dr. Murphy read the ordinance aloud by title only.

Planning Director Krista Linke provided an overview of the proposed ordinance. Ms. Linke stated that Mr. Jim Kienle of Moody Nolan Architects and Ken Remenschneider of Remenschneider & Associates were here to answer any questions that anyone might have concerning this project. Ms. Linke told the Council that this ordinance must be approved or denied by June 15, 2010 and that any amendments must go back to the Plan Commission. Information concerning this ordinance is available on the City Website. Ms. Linke is asking the Council to approve, deny or amend this ordinance tonight.

Dr. Murphy asked if anyone from the public present wished to speak for or against the proposed ordinance. The following individuals addressed concerns and / or support of the proposed ordinance.

1. Resident Bob Swinehamer came forward to speak against the ordinance.
2. Resident Edward Vandivier of E. King Street came forward to speak against the ordinance.
3. Resident Vicki Stakleback of 30 W. South Street and business owner at 98 W. South Street spoke against the proposed ordinance.
4. Resident Sheila Barr told the Council that when Franklin Heritage started in 1984 people were glad to see properties on Martin Place restored. Ms. Barr stated that maybe the ordinance should not be as restrictive, but still preserve older buildings.
5. Resident Bob Tolliver of 260 W. Madison Street came forward to speak in opposition to the proposed ordinance.
6. Resident Al Welberry commented on the ordinance.
7. Resident Ron Collins of 60 N. Water Street told the Council that he is not in favor of this Ordinance.
8. Resident Mike Auger of 432 Walnut Street spoke in favor of the ordinance.
9. Resident Gary Moody of 299 ½ Madison Street stated that as far as historic restoration goes that he feels the City is moving backward.
10. Resident Don Haddock stated that he had plans to paint, and do work on his property and asked whether he would be required to have a permit to do work on his home.
11. Resident Nancy Collins of 60 N. Water Street spoke against the ordinance.
12. Mr. Jim Kienle from Moody Nolan Architects came forward to explain how he went about drafting the guidelines included in this ordinance. Mr. Kienle stated that these guidelines were based on the Secretary of Interiors standards for all structures. Mr. Kienle told the Council that there is a significant increase in real estate values in areas where this type of work has been completed. He said that this would be a positive thing to do for the City's historic districts and that it would enrich the community. Mr. Kienle feels that this ordinance can be tweaked to work for this community. A discussion was held.
13. Property owner Dave Dowden stated that he thinks the ordinance will require people to spend a lot of time in the affected area.

14. Resident Fran Leeper asked the Council what will happen when the Plan Commission is not happy with how the rest of the City looks.

Dr. Murphy stated that the Council has similar concerns about the ordinance as it is now written and said he would like to appoint a committee of three council members to review the proposed ordinance and prepare recommendations.

Council member Austin asked the City Attorney how they should move forward with this ordinance. City Attorney Rob H Schafstall stated that Council could approve the proposed ordinance as it is written, they could reject it, they could also table or amend it in some way, and then it would go back to the Plan Commission. Mr. Austin stated that he felt Council should move forward with section of the ordinance affecting the business district, but he has reservations about the residential portion. Mr. Barnett agreed with Dr. Murphy and stated that he would like to work with a committee to come up with amendments to be sent back to the Plan Commission. Mr. Ault suggested that the Council reduce the impact area to the downtown business area only, and remove the residential areas. Mr. Austin made a motion to table this ordinance, seconded by Mr. Abban. The ordinance was tabled. Dr. Murphy appointed a study committee consisting of Mr. Ault, Mrs. Gordon, and Mr. Barnett to review the ordinance and recommend changes. Dr. Murphy stated that Mr. Barnett would be serving as the committee chairman.

**Ordinance No. 10-05 – An Ordinance Approving Resolution No. 10-03 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial: Business Development) (To be known as the RSW Development Rezoning Commitment Modification) – Public Hearing**

Mr. Barnett made a motion to read the proposed ordinance aloud by title only, seconded by Mr. Ault. Dr. Murphy read the title aloud. Planning Director Krista Linke came forward and explained the request. Ms. Linke stated that this ordinance was introduced on April 6th. Petitioner Mike Waugh came forward and explained that he wants to add open parking for boats and vehicles. Ms. Linke stated that the Plan Commission and the Planning Department had approved this request. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

## **NEW BUSINESS**

### **Introductions**

**Ordinance No. 10-03 – An Ordinance Regulating the Placement, Collection, and Disposal of Garbage, Trash, Refuse, Yard Waste, White Goods, and Heavy Trash Within the City of Franklin, Providing for Mandatory Curbside Recycling, and Providing Penalties for Violation of This Ordinance**

Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. This ordinance is set for public hearing on Monday, May 3, 2010.

**Resolution No. 10-02 Of The City Council Of The City Of Franklin, Indiana, Authorizing The Submittal Of The Disaster Application To The Indiana Office Of Community And Rural Affairs And Addressing Related Matters**

Mr. Austin made a motion to read by title only, seconded by Mr. Abban. Dr. Murphy read the title. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

**Resolution No. 10-08 A Resolution Authorizing The Use Of Certain Credit Card Accounts (And Repealing Resolution No. 07-04)**

Mr. Ault made a motion to read by title only, seconded by Mr. .Abban. Dr. Murphy read the title. Clerk-Treasurer Janet P. Alexander told the Council that this resolution is to approve adding a credit card for MS4 for necessary purchases. Mr. Austin made a motion to approve, seconded by Mr. Ault. The motion carried.

**JAG/Byrne Grant Application – Police Department**

Deputy Chief O’Sullivan came forward to explain this Grant. This grant if received will be used to purchase new video and audio equipment for the Police Department. Deputy Chief O’Sullivan is asking for approval to apply for this grant. Mr. Abban made a motion to approve applying for the grant, seconded by Mr. Barnett. The motion carried. Deputy Chief O’Sullivan stated that the application will be completed in about a week, and will need to be signed by Dr. Murphy.

**OTHER BUSINESS**

**Status of Franklin’s Trees and the Franklin Tree Board**

Chairman Don Haddock came forward and summarized the activities of the Tree Board over the last 14 months. Mr. Haddock stated that the Board has applied for re-certification as a Tree City. At the conclusion of his comments, Mr. Haddock stated that he is resigning from the Tree Board. City Resident Sheila Barr came forward and told the Council that she was on the Tree Board but resigned due to the lack of cooperation between the Board and City employees. Board Secretary Debbie Swinehamer questioned the removal of street trees at the Cemetery. Ms. Swinehamer also stated that the two arborists hired by the City were not the first choice of the Tree Board.

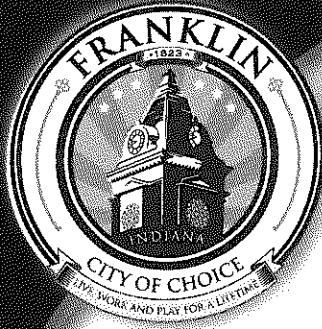
**ADJOURNMENT**

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 8:50 p.m. The next regular meeting will be held Monday, May 3, 2010 at 6:30 p.m.

Respectfully submitted,  
Janet P. Alexander, Clerk-Treasurer

Enrolled: 4/28/10

Approved by Common Council: 5/3/10



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT • DEPARTMENT OF ENGINEERING

### MINUTES

### FRANKLIN CITY PLAN COMMISSION

June 18, 2013

#### **Members Present:**

Jim Martin	President
Kevin McElyea	Vice-President
Suzanne Findley	Secretary
Joe Abban	Member
Steve Davis	Member
Georganna Haltom	Member
Tim Holmes	Member
Chris Phillips	Member
Debbie Swinehamer	Member

#### **Members Absent:**

Pam Ault	Member
Diane Gragg	Member

#### **Others Present:**

Travis Underhill	City Engineer
Joanna Myers	Senior Planner
Lynn Gray	Legal Counsel
Jaime Shilts	Recording Secretary

#### **Call to Order:**

Jim Martin called the meeting to order at 7:00 p.m.

#### **Approval of Minutes:**

Georganna Haltom made a motion to approve the May 21, 2013 minutes as presented. Kevin McElyea seconded the motion. The motion passed unanimously.

#### **Swearing In:**

En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

#### **Report of Officers and Committees:**

Joanna Myers stated the last Technical Review Committee meeting was held on May 30, 2013. There were eight items on the agenda. Three of the cases are being heard tonight, the RSW Industrial Park rezoning and preliminary plat and also the Blue Heron parking lot. She stated the other items that were reviewed were a site

development plan for RSW Storage which is proposed to be located on Lot 7 in RSW Industrial Park. There were 3 cases for Indiana-American Water where they are looking at doing water main replacements. She stated the last case was for Heartland Machine and Engineering which is associated with one of the cases being heard tonight.

**Old Business:**

None.

**New Business:**

**PC 2013-07: (R): RSW Industrial Park & PC 2013-08: (PP): RSW Industrial Park:**

Steve Williams, representing RSW Development, stated they are planning to replicate what they did in 2010 which was constructing an RV & mini barn storage facility. He stated that it's a slightly larger lot because they added more green space and there's another mini-warehouse to the south to block the view of the RV/Boat storage area from Graham Road. He stated that an amendment to the zoning commitment and the primary plat is needed. Mr. Williams stated that by replicating the same thing from Lot 6 on Lot 7, they would reduce the number of lots from 15 to 9. He stated a waiver is required to allow no street frontage for Lot 7. However, an access easement through Lot 2 will be provided.

Mr. Williams stated they would be doubling the allowed area for RVs & storage.

Mr. Williams stated it is not contradictory to the comprehensive plan as it is already a permitted and existing use within the subdivision.

Mr. Williams stated that the current conditions are that it's an existing facility and is in an industrial atmosphere. There is a truss factory to the south, the west is the railroad track, to the north is Commerce Drive and to the east is the Industrial Park on Graham Road. It is in line with the character of the surrounding area.

Mr. Williams stated the surrounding use is that mini-warehouses are allowed in the area to the west.

Mr. Williams stated the property values will not be affected. They will put up chain link fences, control the ingress & egress and add landscaping around it. He stated the north side is shielded by office buildings, the south by the truss factory, the east will have a mini-warehouse and the view will be blocked to the west by the railroad and retention pond.

Mr. Williams stated it is a logical expansion and has done well and the need is present.

Mr. Williams stated the public safety will not be affected as it's an allowed and existing use within the subdivision.

Mr. Williams stated the adjacent property will not be injurious to the development of the property. They have landscaping, fencing, and industrial use all around them.

Mr. Williams stated the unique conditions are based on the 2010 approval. He stated that the approval in 2010 was made with the requirement that an easement be provided and it controls the entrance and exit to the warehouse area. He stated that it makes it unique because of that and they want to add a second one. There will be greater access for the fire department with the proposed expansion.

Mr. Williams stated that there would be hardship due to the physical conditions of the property. He stated without the waiver from the street frontage it would not be economical and they wouldn't be able to expand

that particular use. They will be adding a water line and fire hydrant to the area and will provide an entrance for the fire department.

Ms. Gray stated that Mr. Williams had presented for case PC 2013-08 as well.

Ms. Myers stated that Staff recommends a favorable recommendation be forwarded to City Council amending the rezoning commitments to read:

- a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
  - i. Telecommunications Tower
  - ii. Auto Sales
- b. A maximum of 5.624 acres, generally located near the southwest corner of the usable property – Lots 6 & 7 (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.

**Action taken on PC 2013-07: (R): RSW Industrial Park:**

Kevin McElyea made a motion to send favorable recommendation with Staff's recommendation to City Council.

- a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
  - i. Telecommunications Tower
  - ii. Auto Sales
- b. A maximum of 5.624 acres, generally located near the southwest corner of the usable property – Lots 6 & 7 (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.

Joe Abban seconded the motion. The motion carried.

**Action taken on PC 2013-08: (PP): RSW Industrial Park:**

Chris Phillips made a motion to approve the waiver as presented with the condition that an ingress/egress easement be provided on Lot 2. Suzanne Findley seconded the motion. The motion carried.

Staff recommends approval of the preliminary plat with the condition that an ingress/egress easement be provided on Lot 2 to provide sufficient access to Lot 7.

Chris Phillips made a motion to approve the preliminary plat with the recommendation by Staff. Georganna Haltom seconded the motion. The motion carried.

**PC 2013-14 (SPR): Blue Heron Parking Lot:**

Derek Snyder, CrossRoad Engineers, representing City of Franklin Parks Department, stated they are requesting a waiver from the subdivision control ordinance which relates to storm water detention. The project is a parking lot expansion of 26 spaces at Blue Heron Park. He stated that due to the parcel being located in the floodway, they are requesting a waiver from storm water detention requirements on the basis that a retention pond constructed in a floodway would be completely inundated during a 100 storm event with no water being detained in that event.

Mr. Snyder stated the approval will not be detrimental to the public welfare because of the significantly small watershed and added impervious will not increase the Young's Creek watershed and flood elevations.

Mr. Snyder stated the adjacent property will not be adversely affected because the proposed improvements do not pose a risk to the flood elevations of Young's Creek.

Mr. Snyder stated the unique condition of the project is that the entire parcel is located in the floodway of Young's Creek. He stated minimal land disturbance is necessary to preserve the park.

Mr. Snyder that the physical conditions are unique and a hardship to the owner would result if the regulations are carried out. He stated the construction of a detention pond in the floodway is impractical.

Mr. Snyder stated the comprehensive plan will not be negatively affected.

Michael Weathers, Franklin Lakes Homeowner Board Member and Crime Watch, stated he is concerned about the lighting in the area and questioned if there would be more installed. Mr. Snyder stated the proposed improvements do not include any new lighting for the project. The current light will be relocated within the parking lot. Mr. Weathers stated that there's a lot of heavy traffic there and with the Crime Watch they want to make sure the area is safe.

Chip Orner, Franklin Parks, stated the new lot is attaching to the current lot. He stated that they can consider new lighting if they see a need for it but it is not in the current plans due to the cost.

**Action taken on PC 2013-14 (SPR): Blue Heron Parking Lot:**

Kevin McElyea made a motion to approve the waiver as presented. Suzanne Findley seconded the motion. The motion carried.

**PC 2013-15 (PP): Miller Flex Space, Sec. 2:**

Ms. Myers stated that a waiver of the Rules and Procedures is required as certified mailings were sent instead of certificate of mailings.

Tim Holmes made a motion to accept the certified mailings as sufficient. Chris Phillips seconded the motion. The motion carried.

Rick Cravens, Heartland Machine and Engineering, stated that they are looking to construct a new warehouse at 20,000 sq.ft.; however, due to the prior commitments made by the developer the maximum allowed square footage permitted is 18,275 sq.ft. The new warehouse will be used for storage and part supplies.

Ms. Myers stated the case is an amendment to the commitments and conditions of a preliminary plat that was approved in 2007. They were developing something similar to condominiums. One of the commitments made was that, due to the size of the overall lots, no more than 50, 620 sq.ft. of building area would be constructed in the subdivision. She stated that one of the conditions of the approval was that a 25 ft. building setback line would be platted along the north, west and south perimeter of the subdivision. She stated that since that time, the development did not proceed as anticipated. There are currently 3 lots that are substantially larger and the developer is no longer involved in the project. She stated that Heartland Machine owns Lots 1 & 3. Lot 2 is owned by a third party and is already developed.

Ms. Myers stated the petitioner is proposing to build a structure that is 20,000 sq.ft. in area. The two requests are to modify the maximize building area to 52,350 sq.ft. which would accommodate future expansion of Swiss Labs and the 20,000 sq.ft. facility proposed by Heartland Machine. She stated the second request is to modify the conditions relating to the building setback lines for the existing dumpster on Lot 1.

Mr. Cravens stated the new building will be used for machine storage and parts supply. It will look like the current buildings.

Mr. Cravens stated they hope to increase the staff by 5-7 people over the next 3 years.

Staff recommends amending the preliminary plat Commitment #3 and Condition #3 to read as follows:

1. Commitment #3 - There will be no more than 52,350 sq.ft. of aggregate building area within the subdivision.
2. Condition #3 - The minimum side yard setback along the north, west, and south perimeter property lines shall be delineated on the plat as 25 ft., with the exception of the minimum side yard setback for the dumpster enclosure located on Lot 1 to be 10 ft.
3. With the condition that the recorded covenants also be modified as applicable and through the appropriate process.

**Action taken on PC 2013-15 (PP): Miller Flex Space, Sec. 2:**

Kevin McElyea made a motion to approve the waiver with the following recommendations by Staff:

1. Commitment #3 - There will be no more than 52,350 sq.ft. of aggregate building area within the subdivision.
2. Condition #3 - The minimum side yard setback along the north, west, and south perimeter property lines shall be delineated on the plat as 25 ft., with the exception of the minimum side yard setback for the dumpster enclosure located on Lot 1 to be 10 ft.
3. With the condition that the recorded covenants also be modified as applicable and through the appropriate process.

Georganna Haltom seconded the motion. The motion carried.

**Other Business:**

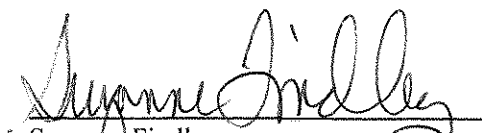
Ms. Myers stated that a draft of the Comprehensive Plan has been given to all Steering Members. City Staff will meet July 9<sup>th</sup> to go over all the comments. During July or August a final steering committee meeting and public meeting will be held.

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 20<sup>th</sup> day of August, 2013.

  
Jim Martin  
President

  
Suzanne Findley  
Secretary



**City of Franklin Common Council  
Regular Meeting Minutes  
July 1, 2013**

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members, Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present. Council member Abban was absent.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Mr. Barnett offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

**Announcements & Presentations**

**Presentation of Hoosier Hearts Hero Award to Mason Clark & Austin Schmidt** – Franklin resident and community volunteer John Wales explained that to bring more attention to the unsolved murders of Blake & Chynna Dickus, the families and the Franklin Police thought a public service announcement (PSA) would help bring in tips. He explained that a class at Franklin High School volunteered to produce the announcement. Using the internet and YouTube – Mr. Wales played the finished public service announcement. Following this video presentation, the State Attorney General Greg Zoeller came forward and explained that the Hoosier Hearts Hero Award is given to people who have served their communities in a very special capacity. The Attorney General presented the Hoosier Hearts Hero award to Mr. Mason Clark and to Mr. Austin Schmidt stating that these two young men exemplify the Hoosier Hearts Hero Award by their work on this public service announcement. He stated that he was bestowing the award to them on behalf of the state of Indiana and the office of the Attorney General. He went on to state that he salutes the City of Franklin, Franklin Community High School and the Franklin Police Department for their commitment to this project. Mayor McGuinness thanked the Attorney General and everyone present for their hard work on this project.

**Presentation of Service Weapon & Retirement Plaque & Watch to Police Officer David Lucid** Police Chief O'Sullivan came forward and presented a plaque to retiring Police Officer David Lucid who is retiring after 26 years of service. Chief O'Sullivan read the plaque aloud and presented the officer with a gold watch, his badge, identification card, and his service weapon.

**Swearing in of Probationary Police Officer Matthew Harris** Mayor McGuinness swore in probationary Police Officer Matthew Harris. Following the swearing in ceremony, Mayor McGuinness turned the meeting over to Council President Barnett as he had to leave.

**Consent Agenda**

Council President Barnett presented the consent agenda for approval.

- Approval of the June 17, 2013 Common Council Minutes

Councilor Wertz made a motion to approve the consent agenda as presented, seconded by Councilor Henderson. A voice vote was taken with all members stating aye. The motion carried.

### **Old Business**

Councilor Austin made a motion to read the proposed ordinance aloud by title only, seconded by Councilor Wertz. A voice vote was taken with all members stating aye. The motion carried.

### **Public Hearings**

Council President Barnett read the title aloud and opened the floor for the public hearing concerning **Common Council Ordinance No.: 13-08 An Ordinance Establishing the Blake Dickus Memorial Criminal Tip-Line Rewards Program for The City of Franklin and Establishing the Tip-Line Fund.** No one asked to speak. Councilor Henderson made a motion to approve, seconded by Councilor Austin. A voice vote was taken with all members stating aye. The motion carried.

Councilor Austin made a motion to read by title only, seconded by Councilor Wertz. A voice vote was taken with all members stating aye. The motion carried. Council President Barnett read the title aloud and opened the floor for the public hearing concerning **Common Council Budgetary Ordinance No.: 13-09 An Additional Appropriation Ordinance from Fire Medic Fund 425 to Fire Medic Supplies 425 001 200 in the amount of \$14,200.00 to Purchase Bulletproof Vests for the Police Department.** No one asked to speak. Councilor Henderson made a motion to approve, seconded by Councilor Wertz. A voice vote was taken with all members stating aye. The motion carried.

### **New Business**

Councilor Austin made a motion to read by title only, seconded by Councilor Henderson. A voice vote was taken with all members stating aye. The motion carried.

### **Introductions**

**Common Council Ordinance No.: 13-09 An Ordinance Approving Resolution No.: 13-07 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial: Business Development) (To be known as the RSW Development Rezoning Commitment Modification 2013)** – Council President Barnett read the title aloud. Senior Planner Myers came forward and stated that this is a rezoning request for the property located at the southwest corner of Graham Road and Commerce Drive. The Plan Commission has forwarded a favorable recommendation of the modification. Ms. Myers stated that the request is to modify the commitments that were previously approved under two previous ordinances for rezoning. They are requesting to modify the commitment related to mini-warehouse use to allow the maximum acreage to be increased from 2.25 acres to 5.624 acres and be located at the southwest corner of the property. A discussion was held. This is for introduction only tonight. Todd Shuck came forward co-owner of RSW storage, he stated they

own two storage facilities in Franklin, which have been 100% full for quite some time. They are turning people away, otherwise they would not be moving forward on building more storage units. Mr. Shuck stated that they do have room to grow. This matter will be set for public hearing at the next regular meeting.

Councilor Austin made a motion to read by title only, seconded by Councilor Wertz. A voice vote was taken with all members stating aye. The motion carried.

**Economic Development Fee Allocation 2012 & 1st Half of 2013.** Community Development Director Krista Linke stated this discussion is related to the request made at the last meeting. Ms. Linke stated that as of this date only \$10,715.51 of the anticipated \$26,421.85 has been collected. Ms. Linke stated that the EDC recommended that the money collected should be divided as follows: \$4,000.00 of the fees collected would go to Franklin Heritage and \$6,715.51 would go to Discover Downtown Franklin. A discussion was held. Council President Barnett made a motion to approve giving Discover Downtown Franklin \$6,715.51 and \$4,000.00 to Franklin Heritage, seconded by Councilor Austin. A voice vote was taken with all members stating aye. The motion carried.

<b>Tax Abatement Economic Development Fees</b>					
	<b>11 pay 12</b>	<b>Paid</b>	<b>12 pay 13</b>	<b>Paid</b>	<b>Total for both years</b>
<b>PERSONAL PROPERTY</b>					
Caterpillar Reman			\$3,294.58	\$3,294.58	
Cooper Tire	\$942.15	\$0.00	\$642.70	\$0.00	
CTC Casting	\$182.02	\$0.00			
Mitsubishi	\$3,324.18	\$0.00	\$7,059.38	\$0.00	
Nitrex			\$23.29	\$23.29	
NSK Corp			\$4,481.42	\$4,481.42	
PCTNA	\$449.78	\$0.00	\$960.42	\$0.00	
Precision Cutoff	\$1,137.15	\$0.00	\$1,008.56	\$0.00	
<b>REAL PROPERTY</b>					
PCTNA	\$1,669.47	\$1,669.47	\$1,246.75	\$1,246.75	
<b>Total Owed</b>	<b>\$7,704.75</b>		<b>\$18,717.10</b>		<b>\$26,421.85</b>
<b>Total Paid</b>		<b>\$1,669.47</b>		<b>\$9,046.04</b>	<b>\$10,715.51</b>

### Other Business

Clerk-Treasurer Alexander provided the members with a memorandum from Dan Jones of the Department of Local Government Finance (DLGF) dated May 10, 2013 concerning the 2013-2014 Budget Calendar. She also handed out a draft budget adoption calendar for the City of Franklin. The Clerk-Treasurer pointed out specific statutory deadlines related to the adoption of the 2014 budget and stressed that the 2014 budget must be approved by the Council no later than November 1<sup>st</sup>. Ms.

Alexander said that she and Mayor McGuinness discussed the calendar and he indicated that he would ask the Council for guidance as to salary increases and capital projects for 2014 before August. Mr. Marty Williams the President of the Discover Downtown Franklin Board thanked the City Council for all their support and help with Smoke on the Square. Council President Barnett stated that he had heard only good comments regarding the event and the new streetscape.

### **Council Member Comments**


Council President Barnett told the Council that there would be a special joint meeting with the Board of Works on July 22, at 5:30 p.m. regarding planned street paving projects.

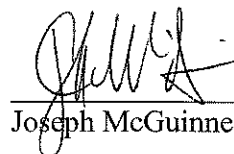
Councilor Henderson stated that the Redevelopment Commission rejected all proposals for 55 W. Madison Street (former City Hall). They will be discussing further options at the next RDC meeting on July 18<sup>th</sup>. Councilor Henderson stated that the RDC has agreed to move forward with the Economic Development Agreement by and between the Commission and Elks Lodge #1818 for the G.C. Murphy building. Councilor Henderson stated that they have received confirmation that 55 W. Madison Street (former City Hall) has been nominated for historical designation by both the state and the United States Department of Interior and will likely be listed on the historical registry sometime in the future.

### **Adjournment**


A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:25 p.m. The next regular meeting will be held Monday, July 15, 2013 at 6:30 p.m.

Respectfully submitted,

  
Janet P. Alexander, Clerk-Treasurer  
Enrolled: 7/09/2013

  
Joseph McGuinness, Mayor

Attest:

  
Janet P. Alexander, Clerk-Treasurer

**City of Franklin Common Council  
Regular Meeting Minutes  
July 15, 2013**

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members Joseph Abban, Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland, and Richard Wertz answered roll call. Payroll Coordinator Stephanie Shepherd, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Mr. Henderson offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

**Consent Agenda**

Mayor McGuinness presented the consent agenda for approval.

- Approval of the July 1, 2013 Common Council Minutes

Council President Barnett made a motion to approve the consent agenda as presented, seconded by Councilor Austin. A voice vote was taken with all members stating aye. The motion carried.

**Old Business**

Council President Barnett made a motion to read by title only, seconded by Councilor Austin. A voice vote was taken with all members stating aye. The motion carried.

**Public Hearing**

**Common Council Ordinance No.: 13-09 An Ordinance Approving Resolution No.: 13-07 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial: Business Development) (To be known as the RSW Development Rezoning Commitment Modification 2013)** - Senior Planner Joanna Myers came forward and stated that this matter was advertised and is ready for public hearing. Mayor McGuinness opened the public hearing. He asked if anyone present wished to speak for or against the ordinance. However no one asked to speak. The Mayor closed the public hearing. A discussion was held. Councilor Austin made a motion to approve, seconded by Council President Barnett. A voice vote was taken with all members stating aye. The motion carried.

**New Business**

Council President Barnett made a motion to read by title only, seconded by Councilor Abban. A voice vote was taken with all members stating aye. The motion carried.

**Introductions**

**Common Council Resolution No.: 13-16 A Resolution Granting Tax Abatement for Nitrex, Inc. (Amending Resolution No.: 11-02) - Community Development Director Linke & Michael Rodman Nitrex Business Manager** – Ms. Linke explained that this request for an amendment to their previous personal property tax abatement was reviewed and approved by the EDC by a vote of 4-1. Nitrex, Inc. is requesting an increase in the amount of machinery purchased to 6.3 million dollars, with a completion date of December 31, 2014. They plan to retain 25 employees and add 12 additional new employees. A discussion was held. Councilor Austin made a motion to approve, seconded by Councilor Abban. A voice vote was taken with all members stating aye. The motion carried.

**Common Council Resolution No.: 13-18 A Resolution Establishing an Economic Revitalization Area and Granting Tax Abatement for NSK Precision America, Inc. (EDC 2013-07) - Community Development Director Linke** – Ms. Linke stated that this request for an ERA and a tax abatement was reviewed and approved by the EDC by a vote of 4-1. NSK Precision America has requested a 10 year tax abatement on personal property and they have agreed to include the voluntary 5% Economic Development Fee. They plan to make a 10.2 million dollar investment and to hire 28 new employees. A discussion was held. Councilor Austin made a motion to approve, seconded by Council President Barnett. A voice vote was taken with all members stating aye. The motion carried.

**Common Council Resolution No.: 13-20 A Resolution Establishing an Economic Revitalization Area and Granting Tax Abatement for NSK Corporation (EDC 2013-08) - Community Development Director Linke** – Ms. Linke stated that this request for an ERA and a tax abatement was reviewed and approved by the EDC by a vote of 4-1. They have requested a 10 year tax abatement on personal property including a 5% Economic Development Fee. In addition they will hire 18 current contract employees as regular fulltime employees. A discussion was held. Council President Barnett made a motion to approve, seconded by Councilor Abban. A voice vote was taken with all members stating aye. The motion carried.

**Common Council Resolution No.: 13-23 A Resolution Waiving Non-Compliance with Respect to Rexam Consumer Plastics Inc.'s Tax Abatement Compliance Requirements - Community Development Director Linke** – Ms. Linke stated that she had received a letter from Bald Eagle C.I. the company that files the taxes for Rexam Consumer Plastics. Due to a lack of communication between Rexam and Bald Eagle C.I. they filed the personal property taxes without attaching the abatements for the years ending March 2011 and March 2012. They are requesting that the City of Franklin waive the non-compliance so they can amend these two tax returns. A discussion was held. Council President Barnett made a motion to approve, seconded by Councilor Abban. A voice vote was taken with all members stating aye. The motion carried.

**Common Council Budgetary Ordinance No.: 13-10 An Additional Appropriation from Blake Dickus Memorial Tipline Fund 450 to Tipline Services 450 001 300** - Mayor McGuinness stated that ordinance is being presented for introduction and that it will be brought back for consideration and approval during the August 5<sup>th</sup> meeting.

**IHCDA Housing Repair Grant Administration and Program Delivery Program - Community Development Specialist Oliver** – Ms. Oliver stated that this matter was advertised and the specifications were sent to several prospective companies for quotes but only one response was

received. City Attorney Gray opened, and read the proposal for IHCDA Housing Repair Grant Administration and Program Delivery Program from Kenna Consulting Management Group:

Administration	\$19,000
Program Delivery	\$46,000
Environmental Review	\$ 5,000
Lead Base Paint Labs	<u>\$ 4,600</u>
Total	\$74,600

A discussion was held. Council President Barnett made a motion to approve, seconded by Councilor Abban. A voice vote was taken with all members stating aye. The motion carried.

### **Other Business**

Mayor McGuinness stated that he and the Council need to begin the budget planning process. The Mayor stated that he will meet with department heads individually in the coming week and asked for suggestions from Council on how they would like to move forward. Mayor McGuinness stated he thought they should plan to hold a budget workshop in August. A discussion was held.

### **Council Member Comments**

There were no comments.

### **Adjournment**

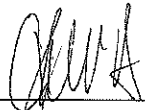
A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:13 p.m. The next regular meeting will be held Monday, August 5, 2013 at 6:30 p.m.

Respectfully submitted,



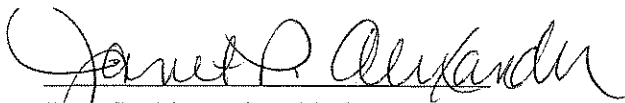
Janet P. Alexander, Clerk-Treasurer

Enrolled: 7/24/2013



Joseph McGuinness, Mayor

Attest:



Janet P. Alexander, Clerk-Treasurer



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2017-02  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**  
RSW Development

**PLAN COMMISSION DOCKET NUMBER:**  
PC 2017-02

**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 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 21<sup>st</sup> day of February, 2017, with the Commission having heard all objections and criticisms and having given careful study and consideration to said petition.

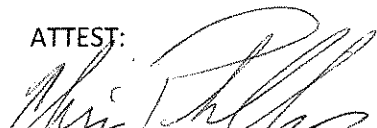
**NOW THEREFORE BE IT RESOLVED, THAT THE FRANKLIN PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:**

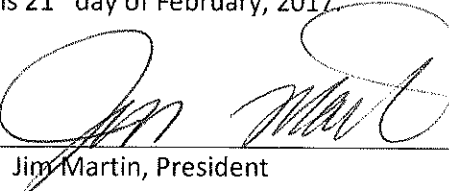
1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be rezoned to IBD (Industrial: Business Development), subject to the following commitments and restrictions:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    - i. Telecommunications Tower
    - ii. Auto Sales
  - b. No outdoor storage, including but not limited to boats, RV's, or vehicles.
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 21<sup>st</sup> day of February, 2017.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST:

  
Chris Phillips, Secretary

  
Jim Martin, President



**EXHIBIT "A"**

Lot No. 8 of the RSW Industrial Park, Section 3 and Replat of Lot No. 2, Section One, an Addition to the City of Franklin, IN, Johnson County, Indiana, as per plat thereof, recorded in Plat Book E, Page 120, in the Office of the Recorder of Johnson County, Indiana.

City of Franklin Common Council

**ORDINANCE NUMBER 2017-01**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2017-02  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
IBD (Industrial: Business Development)  
(To be known as RSW Lot 8 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 2017-02 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 § 36-7-4-602, Resolution 2017-02 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 Industrial: Business Development (IBD), subject to the following commitments and restrictions:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    - i. Telecommunications Tower
    - ii. Auto Sales
  - b. No outdoor storage, including but not limited to boats, RV’s, or vehicles.
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 6<sup>th</sup> day of March, 2017.

**DULY PASSED** on this \_\_\_\_ day of \_\_\_\_\_, 2017, 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:**

\_\_\_\_\_  
Keith Fox, Council President

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

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

\_\_\_\_\_  
Kenneth Austin

\_\_\_\_\_  
Andrew Eggers

\_\_\_\_\_  
Bob Heuchan

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

**Voting Opposed:**

\_\_\_\_\_  
Keith Fox, Council President

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

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

\_\_\_\_\_  
Kenneth Austin

\_\_\_\_\_  
Andrew Eggers

\_\_\_\_\_  
Bob Heuchan

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

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 § 36-4-6-15,16, this \_\_\_\_ day of \_\_\_\_\_, 2017 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 \_\_\_\_\_ at \_\_\_\_ o'clock p.m.

---

Steve Barnett, Mayor

Attest:

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Jayne Rhoades, City Clerk-Treasurer

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

# **EXHIBIT "A"**

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