

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	October 8, 2018	Meeting Date:	Oct. 15, 2018
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual: Joe Kelsay			
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2018-12: Rezoning to be known as Kelsay Rezoning (Public Hearing)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC 2018-25)			
3. PC Resolution 2018-25			
4. Ordinance 2018-12			
Who will present the request?			
Name:	Joanna Myers	Telephone:	(317) 736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

City Council - Memorandum

To: City Council Members
CC: Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer
From: Joanna Myers, Senior Planner
Date: September 26, 2018
Re: **Kelsay Rezoning (Ordinance 2018-12)**

On September 18, 2018 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from Joe Kelsay (Plan Commission Resolution #2018-25). The Plan Commission voted 11-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 425 acres located east of US 31, south of Paul Hand Boulevard/CR 400 N, and west of Graham Road be rezoned:

1. A 600 ft. wide parallel strip east of the centerline of US 31 to MXC (Mixed Use: Community Center) with the GW-OL (Gateway Overlay) district to remain.
2. The remaining acreage to IG (Industrial: General).

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:	October 1, 2018
Public Hearing:	October 15, 2018

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



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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: September 12, 2018

Re: Case PC 2018-24 (A) & PC 2018-25 (R): Kelsay Annexation & Rezoning

REQUEST:

Case PC 2018-24 (A) & PC 2018-25 (R)...Kelsay Annexation & Rezoning. A request by Joe Kelsay to annex approximately 425 acres and rezone a 600 ft. wide parallel strip east of the centerline of US 31 to MXC (Mixed Use: Community Center) and rezone the remaining acreage to IG (Industrial: General). GW-OL (Gateway Overlay) zoning to remain. The property is located east of US 31, south of Paul Hand Boulevard/CR 400 N, and west of Graham Road.

ADJACENT PROPERTIES:

Surrounding Zoning:

North: C-1 & R-2 (Whiteland), R-2 (County)
South: A (Agriculture), IG (Industrial: General) & GW-OL
East: A (Agriculture)
West: MXC (Mixed Use: Community Center) & GW-OL

Surrounding Land Use:

North: Residential & agriculture
South: Agriculture & industrial
East: Agriculture & residential
West: Agriculture

CURRENT ZONING:

The “A”, Agricultural zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural areas with the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

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 “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 “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

CONSIDERATIONS:

1. Joe Kelsay is requesting that approximately 152.5 acres at the southeast corner of US 31 & Paul Hand Boulevard (west property) and approximately 272.5 acres at the southwest corner of CR 400N & Graham Road (east property) be annexed into the City of Franklin and to rezone a 600 ft. wide parallel strip from US 31 centerline east to MXC (Mixed Use: Community Center) and the remaining acreage to IG (Industrial: General). See attached aerial (properties outlined in yellow – annexation & rezoning, property highlighted in red – rezoning only).
 - a. The 0.80 acre parcel located at 1065 E. 400 N. (red on exhibit) is not included in the annexation request and would remain in the extraterritorial zoning jurisdiction of the city. However, it is included in the rezoning request to MXC with GW-OL to remain.
 - b. The property owned by the railroad is not included in the annexation or the rezoning request and will remain in the extraterritorial zoning jurisdiction and in the A (Agriculture) zoning district.
2. The subject property is included in a designated Opportunity Zone.
 - a. An Opportunity Zone is an area where new investments, under certain conditions, may be eligible for preferential tax treatment.
 - b. More details may be found on the IRS website at <https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions>.
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. Both the west property and east property, independent of one another, meet the minimum contiguity requirement of at least 12.5% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
5. Public utilities are currently available in close proximity to the property.
6. A portion of the proposed annexation (east property) is located within the Needham Fire Protection District (est. 3-19-90 by Ord. 1990-5). IC 36-4-3-7 outlines the effectiveness of an annexation within a fire protection district. Effective date of annexation would be the second January 1 that follows the date the ordinance is adopted.
7. A 600 ft. wide strip parallel to the centerline of US 31 and currently zoned GW-OL (Gateway Overlay) is proposed to be rezoned from A (Agriculture) to MXC (Mixed Use: Community Center) with the GW-OL district to remain. The remaining acreage is proposed to be rezoned to

IG (Industrial: General). A copy of the lot standards outlining the permitted uses for both the MXC and IG zoning districts are attached.

8. The Technical Review Committee reviewed the petition at their August 23, 2018 meeting. All technical review comments have been addressed.
9. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies the area adjacent to US 31 as Community 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.”

The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies the remaining area as Manufacturing. “Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include product manufacturers, as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas.”
10. The 2013 Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that “more (industrial) land is needed to accommodate a variety of employer sites.”
11. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. “The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses.”
12. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: “Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development.”

PC 2018-24 (A): KELSAY 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 2018-25 (R): KELSAY REZONING

CRITERIA FOR DECISIONS – REZONING:

In taking action on rezoning requests, the Plan Commission shall pay reasonable regard to the decision criteria outlined in Article 11.6 (I) of the City of Franklin Zoning Ordinance.

1. ***Comprehensive Plan: The City of Franklin Comprehensive Plan and any other applicable, adopted planning studies or reports.***

Staff Finding:

Staff finds that the request to rezone the property to MXC and IG is consistent with the Comprehensive Plan as the plan identifies the areas as Community Activity Center and Manufacturing.

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

Staff Finding:

The property is located immediately to the north of properties currently zoned IG and are currently developed in an industrial nature. In addition, it is important to note that the subject site is located along a major arterial road (US 31) which allows for truck traffic and has immediate rail access available as the railroad runs along the eastern boundary of the west property and the western boundary of the east property.

3. ***Desired Use: The most desirable use for which the land in each district is adapted.***

Staff Finding:

The property is immediately adjacent to other industrial properties and the majority of the adjacent properties are currently zoned industrial which allows the majority of the same permitted land uses. In addition, the property's immediate access to the truck route and proximity to I-65 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 negatively affect the property values in the area; however, the development of the property could increase the property values as additional industrial and commercial services are provided.

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

Staff Finding:

The proposed rezoning to IG allows the petitioner to provide sites that allow for large lots for the development of a variety of industrial uses immediately adjacent to truck and rail access. In addition, the MXC zoning would allow for additional commercial uses to be developed along the US 31 corridor to provide services to the existing residential areas immediately located to the north.

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 of the rezoning requests to MXC (Mixed Use: Community Center) and IG (Industrial: General).

Kelsay Annexation & Rezoning



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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

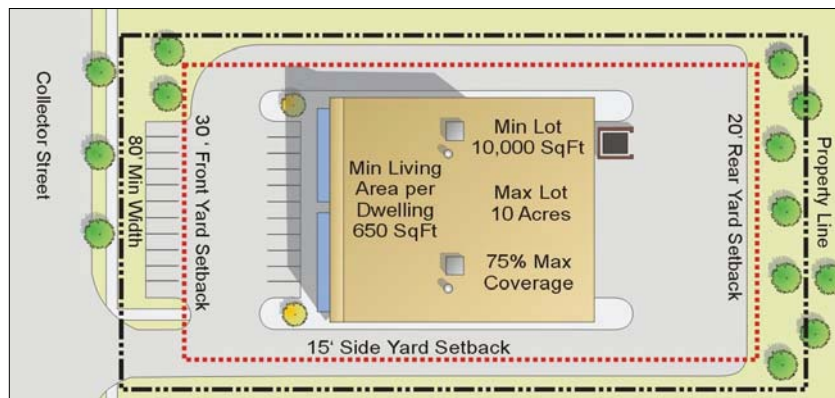
Maximum Primary Structures per Lot

- 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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Overlay Districts Art. 5

Development Standards ... Art. 7

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Part 1 7-17

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7.9 Environmental 7-25

7.10 Parking

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7.11 Loading 7-40

7.12 Entrance / Drive 7-42

7.13 Sight Visibility 7-47

7.14 Telecommunications 7-48

7.15 Fence, Hedge, & Wall

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7.16 Landscaping 7-56

7.17 Buffering & Screening

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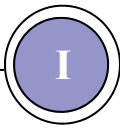
8.1 General 8-2

8.3 Non-Residential

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Part 2 8-11

Site Development Plans .. Art. 9



3.23 Industrial: General (IG)

District Intent:

The "IG", Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.



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)

Communications/Utilities Uses

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

Institutional/Public Uses

- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

Park Uses

- nature preserve/center

Commercial Uses

- adult uses
- conference center
- data processing center

Industrial Uses

- agricultural products terminal
- dry cleaners (commercial)
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing and distribution
- power generation facility (commercial)
- research and development facility
- truck freight terminal
- warehouse & distribution facility



B. Special Exception Primary Uses:

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

Agriculture Uses

- agricultural product sales, distribution, & storage facility
- farm equipment sales and service
- greenhouse (commercial)
- livestock auction/sales facility

Institutional/Public Uses

- airport
- day-care center
- government facility (non-office)
- penal or correctional institution

Commercial Uses

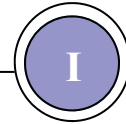
- truck stop / travel center

Industrial Uses

- animal & animal products processing
- concrete/asphalt production facility
- hazardous materials production
- truck sales & service center
- waste disposal facility



3.23 Industrial: General (IG)



Zoning Districts

C. Lot Standards

Minimum Lot Area

- 2 acres (87,120 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)

- 85%

Min. Front Yard Primary Struct. Setback

(measured from street right-of-way)

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

Min. Side Yard Primary Struct. Setback

(measured from adjacent property line)

- 50 feet

Min. Rear Yard Primary Struct. Setback

(measured from rear property line)

- 50 feet

Minimum Living Area per Dwelling (for primary structures)

- not applicable

Minimum Ground Floor Living Area (for primary structures)

- not applicable

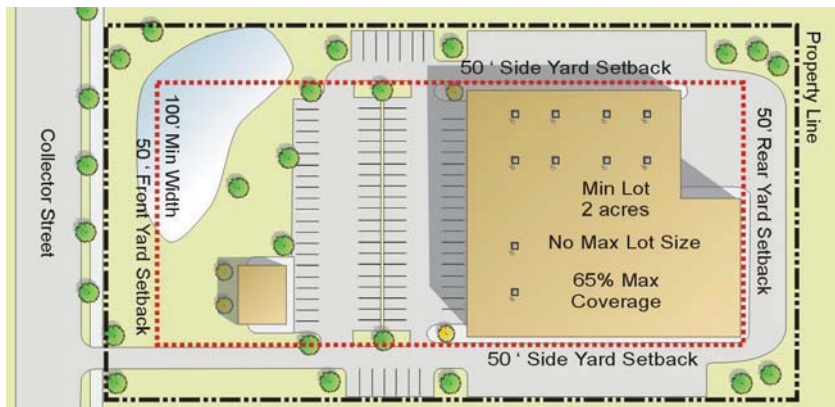
Maximum Primary Structures per Lot

- not applicable

Maximum Height

(for primary structures)

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



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Title

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Overlay Districts Art. 5

Development Standards Art. 7

7.2 Height 7-3

7.3 Acc. Use & Struct. 7-5

7.4 Temp. Use & Struct.

Part 1 7-11

7.5 Industrial 7-14

7.9 Environmental 7-25

7.10 Parking

Part 1 7-29

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7.15 Fence, Hedge, & Wall

Part 1 7-54

Part 3 7-55

7.16 Landscaping 7-56

7.17 Buffering & Screening

Part 1 7-64

Part 2 7-67

7.18 Exterior Lighting 7-68

7.19 Large Scale Retail 7-72

7.20 Adult Use 7-77

Sign Standards Art. 8

8.1 General 8-2

8.3 Non-Residential

Part 2 8-11

Site Development Plans Art. 9



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2018-25
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

Joe Kelsay

PLAN COMMISSION DOCKET NUMBER:

PC 2018-25

RESOLUTION

WHEREAS, the Plan Commission of the City of Franklin has given careful study to the requirements of the City and all of the area within the jurisdiction of the Plan Commission relative to the enactment of an amendment to the Zoning Map; and

WHEREAS, the above Petitioner has filed a petition for rezoning, wherein the Petitioner requests a rezoning and a change to the Zoning Map of certain property located within the City of Franklin, Indiana to MXC (Mixed Use: Community Center with the GW-OL (Gateway Overlay) district to remain, more particularly described in Exhibit "A" attached hereto, and IG (Industrial: General), more particularly described in Exhibit "B" attached hereto; and

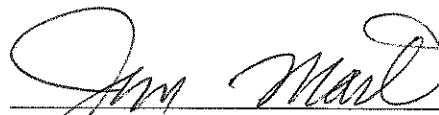
WHEREAS, after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the Council Chambers of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana on the 18th day of September, 2018, with the Commission having heard all objections 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 MXC (Mixed Use: Community Center) with the GW-OL (Gateway Overlay) district to remain and property described herein, attached hereto, made part hereof, and marked as Exhibit "B" be rezoned to IG (Industrial: General).
2. On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the petitioner and the City of Franklin Common Council.
3. A copy of this Resolution forwarded to the Common Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Common Council at its meeting.

Resolved by the City of Franklin Plan Commission this 18th day of September, 2018.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA


Jim Martin, President

ATTEST


Suzanne Findley, Secretary

EXHIBIT "A"

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF US HIGHWAY 31 AND THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG SAID NORTH LINE TO A POINT 600 FEET BY PARALLEL LINES EAST OF SAID CENTERLINE; THENCE SOUTHEASTERLY PARALLEL TO SAID CENTERLINE TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE TO SAID CENTERLINE; THENCE NORTHWESTERLY ALONG SAID CENTERLINE TO THE PLACE OF BEGINNING.

EXHIBIT "B"

PART OF THE NORTH HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF THE INDIANA & LOUISVILLE RAILROAD AND THE NORTH LINE OF SAID SECTION 34; THENCE SOUTHEASTERLY ALONG SAID WEST RIGHT OF WAY TO THE SOUTH LINE OF SAID NORTH HALF; THENCE WESTERLY ALONG SAID SOUTH LINE TO A POINT BEING 600 FEET BY PARALLEL LINES EAST OF THE CENTERLINE OF US HIGHWAY 31; THENCE NORTHWESTERLY PARALLEL TO SAID CENTERLINE TO THE NORTH LINE OF SAID SECTION 34; THENCE EASTERLY ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. CONTAINING 112 ACRES, MORE OR LESS.

AND

PART OF THE EAST HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST AND PART OF THE WEST HALF OF SECTION 35, TOWNSHIP 13 NORTH, RANGE 4 EAST, ALL IN FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID WEST HALF TO THE NORTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 94013320 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY; THENCE ALONG SAID INSTRUMENT NUMBER 94013320 THE FOLLOWING THREE COURSES: 1) WESTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE NORTHWEST CORNER THEREOF; 2) SOUTHERLY ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF; 3) EASTERLY ALONG THE SOUTH LINE OF SAID TRACT TO THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SAID SECTION 35 TO THE NORTHEAST CORNER OF AMBROSE MINOR SUBDIVISION, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET D, SLIDE 612 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PLAT TO THE NORTHWEST CORNER OF SAID PLAT AND THE NORTHEAST CORNER OF BLUE CHIP INDUSTRIAL PARK, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET D, SLIDE 340 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PLAT TO THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 2012-020896 IN SAID RECORDER'S OFFICE; THENCE ALONG SAID INSTRUMENT NUMBER 2012-020896 THE FOLLOWING TWO COURSES: 1) NORTHERLY ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF; 2) EASTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE WEST LINE OF SAID SECTION 35; THENCE NORTHERLY ALONG SAID WEST LINE TO THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 97004567 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT TO THE EAST LINE OF THE LOUISVILLE & INDIANA RAILROAD; THENCE NORTHWESTERLY ALONG SAID EAST LINE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE PLACE OF BEGINNING.

City of Franklin Common Council

ORDINANCE NUMBER 2018-12

AN ORDINANCE APPROVING RESOLUTION NUMBER 2018-25
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
MXC (Mixed Use: Community Center) and IG (Industrial: General)
(To be known as Kelsay Rezoning)

WHEREAS, the City of Franklin, Indiana Plan Commission (referred to hereafter as the “Plan Commission”) is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the “City”), and has, by Resolution Number 2018-25 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, to Mixed Use: Community Center (MXC) with the Gateway Overlay district (GW-OL) to remain and rezone property described in Exhibit “B”, attached hereto, to Industrial: General (IG).

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2018-25 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” and Exhibit “B” 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: Community Center (MXC), with Gateway Overlay district (GW-OL) to remain and property described in Exhibit “B” is hereby rezoned to Industrial: General (IG).
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 § 36-4-6-16.

INTRODUCED on the 1st day of October, 2018.

DULY PASSED on this ____ day of _____, 2018, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of ____ in Favor and ____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Kenneth Austin, Council President

Kenneth Austin, Council President

Andrew Eggers, Vice President

Andrew Eggers, Vice President

Joseph P. Abban

Joseph P. Abban

Daniel J. Blankenship

Daniel J. Blankenship

Robert D. Heuchan

Robert D. Heuchan

Danny Richards

Danny Richards

Richard L. Wertz

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 and 16, this ____ day of _____, 2018 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 _____, 2018 at _____ o'clock p.m.

Steve Barnett, Mayor

Attest:

Jayne Rhoades, City Clerk-Treasurer

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

Signed _____

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

EXHIBIT "A"

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF US HIGHWAY 31 AND THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG SAID NORTH LINE TO A POINT 600 FEET BY PARALLEL LINES EAST OF SAID CENTERLINE; THENCE SOUTHEASTERLY PARALLEL TO SAID CENTERLINE TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE TO SAID CENTERLINE; THENCE NORTHWESTERLY ALONG SAID CENTERLINE TO THE PLACE OF BEGINNING.

EXHIBIT "B"

PART OF THE NORTH HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF THE INDIANA & LOUISVILLE RAILROAD AND THE NORTH LINE OF SAID SECTION 34; THENCE SOUTHEASTERLY ALONG SAID WEST RIGHT OF WAY TO THE SOUTH LINE OF SAID NORTH HALF; THENCE WESTERLY ALONG SAID SOUTH LINE TO A POINT BEING 600 FEET BY PARALLEL LINES EAST OF THE CENTERLINE OF US HIGHWAY 31; THENCE NORTHWESTERLY PARALLEL TO SAID CENTERLINE TO THE NORTH LINE OF SAID SECTION 34; THENCE EASTERLY ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. CONTAINING 112 ACRES, MORE OR LESS.

AND

PART OF THE EAST HALF OF SECTION 34, TOWNSHIP 13 NORTH, RANGE 4 EAST AND PART OF THE WEST HALF OF SECTION 35, TOWNSHIP 13 NORTH, RANGE 4 EAST, ALL IN FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID WEST HALF TO THE NORTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 94013320 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY; THENCE ALONG SAID INSTRUMENT NUMBER 94013320 THE FOLLOWING THREE COURSES: 1) WESTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE NORTHWEST CORNER THEREOF; 2) SOUTHERLY ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF; 3) EASTERLY ALONG THE SOUTH LINE OF SAID TRACT TO THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SAID SECTION 35 TO THE NORTHEAST CORNER OF AMBROSE MINOR SUBDIVISION, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET D, SLIDE 612 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PLAT TO THE NORTHWEST CORNER OF SAID PLAT AND THE NORTHEAST CORNER OF BLUE CHIP INDUSTRIAL PARK, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET D, SLIDE 340 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PLAT TO THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 2012-020896 IN SAID RECORDER'S OFFICE; THENCE ALONG SAID INSTRUMENT NUMBER 2012-020896 THE FOLLOWING TWO COURSES: 1) NORTHERLY ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF; 2) EASTERLY ALONG THE NORTH LINE OF SAID TRACT TO THE WEST LINE OF SAID SECTION 35; THENCE NORTHERLY ALONG SAID WEST LINE TO THE SOUTHEAST CORNER OF A TRACT OF LAND RECORDED AS INSTRUMENT NUMBER 97004567 IN SAID RECORDER'S OFFICE; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT TO THE EAST LINE OF THE LOUISVILLE & INDIANA RAILROAD; THENCE NORTHWESTERLY ALONG SAID EAST LINE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE PLACE OF BEGINNING.