

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	February 10, 2021	<b>Meeting Date:</b>	February 17, 2021
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
Flagstone Properties, LLC			
<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 2021-03: Rezoning to be known as Flagstone Properties Rezoning (Introduction)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2020-25) and exhibits			
3. PC Resolution 2020-25			
4. Ordinance 2021-03			
5. Plan Commission minutes			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Myers	<b>Telephone:</b>	(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](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 10, 2021  
**Re:** **Flagstone Properties Rezoning (Ordinance 2021-03)**

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On January 19, 2021 the Franklin Plan Commission forwarded to the City Council an unfavorable recommendation on the above referenced rezoning petition from Flagstone Properties LLC. (Plan Commission Resolution #2020-25). The Plan Commission voted 6-5 for an unfavorable recommendation to be forwarded.

The petitioner is requesting that approximately 57 acres located west of Cumberland Trails and Cumberland Trace and north of Westview Drive be rezoned to RS-2 (Residential: Suburban Two) for a future single-family residential development. The attached staff report prepared for the Plan Commission meeting further describes this request. A copy of all exhibits presented to the Plan Commission and the Plan Commission minutes from the December 2020 and draft minutes from the January 2021 meetings are also attached.

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:	February 17, 2021
Public Hearing:	March 1, 2021

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:** January 13, 2021

**Re:** Case PC 2020-25 (R): Flagstone Properties Rezoning - **UPDATED**

### REQUEST:

**Case PC 2020-25 (R)...Flagstone Properties Rezoning.** A request by Flagstone Properties LLC to rezone 57.284 acres, with commitments, located west of Cumberland Trails and Cumberland Trace and north of Westview Drive, from RS-1 (Residential: Suburban One) to RS-2 (Residential: Suburban Two).

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: RS-1 (Residential: Suburban One)  
RR (Residential: Rural)  
South: RS-1 (Residential: Suburban One)  
East: RSN (Residential: Suburban Neighborhood)  
West: RS-1 (Residential: Suburban One)  
RR (Residential: Rural)

#### Surrounding Land Use:

North: Agricultural  
South: Agricultural  
East: Single-Family Residential  
North: Agricultural

### CURRENT ZONING:

The "RS-1", Residential: Suburban One zoning district is established to provide suburban style, medium to low density single-family residential development along with contributing infrastructure and other necessary features.

### PROPOSED ZONING:

The "RS-2", Residential: Suburban Two zoning district is intended to include areas for medium density single family residences developed to a suburban model along with the contributing infrastructure and other necessary features.

### HISTORY:

1. Plan Commission Rules and Procedures state: No action of the Commission is official, unless approved by a majority of the entire membership of the Commission.
2. The petition was heard at the December 15, 2020 Plan Commission meeting and has been continued to the January 19, 2021 meeting due to a lack of a majority vote of the entire membership. The December 15, 2020 meeting minutes are attached for reference.
3. The Staff Report has been updated to include additional information (identified by \*\*).

## CONSIDERATIONS:

1. The proposed rezoning of 57.284 acres west of \*\*Cumberland Trails (average lot size - 10,682 sq.ft.) and Cumberland Trace (average lot size - 8,670 sq.ft.) is to allow development of lots a minimum of 75 ft. in width and 10,000 sq.ft. in area. Please see correspondence from the agent outlining the request.
2. \*\*The average lot size of lots in Cumberland Trails and Cumberland Trace located east of the subject property and west of Cumberland Drive is 10,180 sq.ft. in area.  
  
(See the attached Lot Size Analysis exhibit – lots within yellow area and west of Cumberland Drive)  
  
The average lot size of lots in Cumberland Trails and Cumberland Trace located east of the subject property to the east boundary lines of said subdivisions is 9,761 sq. ft. in area.  
  
(See the attached Lot Size Analysis exhibit – lots within yellow area)
3. The Technical Review Committee reviewed the petition at their October 22, 2020 meeting. All technical review comments have been addressed.
4. The petitioner has offered the following commitments:
  - a. All ponds located within the subject property, along with a minimum 20 ft. area from top of bank of each pond, to be located entirely within the common area and not on any lot(s) within the subject property.
  - b. If any stones or monuments of record are found while the survey is prepared, the Petitioner “will protect them from damage.
  - c. Subject property is partially located within the HO Canary Legal Drain Watershed and future development will require review and approval by the Johnson County Drainage Board.
5. \*\*Four (4) architectural standards commitments were discussed at the December 15, 2020 in which the Agent for the Petitioner indicated that they would agree to. They are as follows:
  - a. Roof Overhang: All dwellings shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
  - b. Garages: All dwellings in the district shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
  - c. Corner Lot Dwellings: Those dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the streets.
  - d. Anti-Monotony: The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.
6. A future Franklin Greenway Trail expansion project is planned along Westview Drive to the south of the subject property. A connection from the proposed internal trail system to the southeast edge of the subject property would allow this future neighborhood to access the main Franklin Greenway Trail, which would allow access to the entire 20+ mile trail system throughout Franklin.
  - a. The Plan Commission may wish to inquire if the petitioner would be willing to make this an additional commitment. \*\*The Agent for the Petitioner agreed to add this as a commitment at the December 15, 2020 meeting.



7. Youngs Creek is located to the west of the subject property. A portion of the south/southwest area of the subject property is located within Zone AE of the Special Flood Hazard Area.
8. The properties immediately to the south and west of the subject property are located in the floodway, which limits their ability to be developed in the future.
9. **\*\*Information provided by concerned citizens is attached.**
10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. "Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood."

#### **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 RS-2 with commitments is consistent with the comprehensive plan as the minimum lot standards require a minimum of 75 ft. wide lots and 10,000 sq.ft. in area.

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

##### **Staff Finding:**

The property is located immediately adjacent to two existing residential subdivisions: Cumberland Trails and Cumberland Trace. These developments range from **\*\*large to small scale lots**. A proposed development would connect and extend the existing stub streets within each of the existing subdivisions. Other surrounding properties are currently agricultural in nature with the properties to the west and south impacted by the floodway.

**\*\*As the average lot size of lots immediately east of the subject property to Cumberland Drive is 10,180 sq.ft. and the average lot size of lots immediately east of the subject property to the east boundary of the Cumberland Trails and Cumberland Trace subdivision is 9,761 sq.ft., staff finds the request to rezone the property to RS-2 (minimum of 75 ft. wide lots with a minimum of 10,000 sq.ft. in area) is consistent with the current conditions.**

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 residential properties and is a logical expansion of residential uses for a larger lot development.

**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. The development of the property offering lot sizes larger than currently available could increase the property values.

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

**Staff Finding:**

The proposed rezoning to RS-2, with commitments, allows for a larger lot development than is currently available and is consistent with the comprehensive plan and surrounding area.

**PLAN COMMISSION ACTION:**

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 criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council with the following commitments:

- a. All ponds located within the subject property, along with a minimum of a 20 ft. area from top-of-bank of each pond (drainage easement), shall be located entirely within a common area and not on any lot(s) within the subject property.
- b. If any stones or monuments of record are found while the survey is prepared, they will be protected from damage.
- c. Subject property is partially located within the HO Canary Legal Drain Watershed. Future development will require review and approval by the Johnson County Drainage Board.
- d. The internal trail system shall be extended to the southeast edge of the subject property, as part of the future subdivision development, to allow for future connection with the Franklin Greenway Trail.
- e. **\*\*Roof Overhang:** All dwellings shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
- f. **\*\*Garages:** All dwellings in the district shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
- g. **\*\*Corner Lot Dwellings:** Those dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the streets.
- h. **\*\*Anti-Monotony:** The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.



## 3.7 Res.: Suburban One (RS-1)

### District Intent:

*Residence Districts, designated RS-1 are established to provide suburban style, medium to low density single-family residential development along with contributing infrastructure and other necessary features.*

Performance Zoning District - see Article 4



### 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)

#### Residential Uses

- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

#### Park Uses

- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds



### B. Special Exception Primary Uses:

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

#### Communications/Utilities Uses

- water tower

#### Institutional/Public Uses

- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)



## 3.7 Res.: Suburban One (RS-1)

R

3

### C. Lot Standards

#### Minimum Lot Area

- 15,000 square feet

#### Maximum Lot Area

- not applicable

#### Minimum Lot Width

(measured at front setback/build-to line)

- 100 feet

#### Maximum Lot Depth

- not applicable

#### Maximum Lot Coverage

(including all hard surfaces)

- 50%

#### 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)

- 10 feet

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

(measured from rear property line)

- 25 feet

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

- 1,800 square feet

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

- 40%

#### Maximum Primary Structures per Lot

- 1

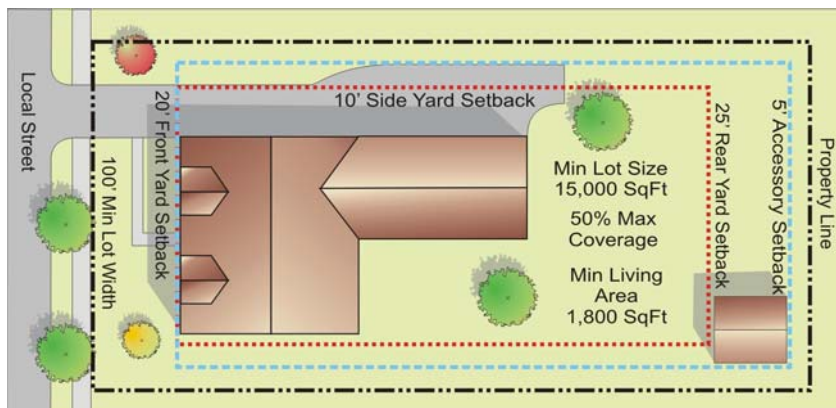
#### Maximum Height

(for primary structures)

- 48 feet

- See Chapter 7.14, for telecommunications facility height requirements

\* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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

#### Title

#### Art./Page #

**Performance Zoning** ..... Art. 4  
(Suspended 08.16.2005)

**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

Part 2 ..... 7-12

7.6 Residential

Part 1 ..... 7-17

Part 2 ..... 7-18

7.7 Home Occupation ..... 7-20

7.8 Mobile / Manuf. Home

Part 1 ..... 7-22

7.9 Environmental ..... 7-25

7.10 Parking

Part 1 ..... 7-29

Part 2 ..... 7-32

7.12 Entrance / Drive ..... 7-42

7.13 Sight Visibility ..... 7-47

7.15 Fence, Hedge, & Wall

Part 1 ..... 7-54

Part 2 ..... 7-55

7.17 Buffering & Screening

Part 1 ..... 7-64

7.18 Exterior Lighting ..... 7-68

**Sign Standards** ..... Art. 8

8.1 General ..... 8-2

8.2 Residential ..... 8-8

Cross-References



## 3.8 Res.: Suburban Two (RS-2)

### District Intent:

The "RS-2", Residential: Suburban Two zoning district is intended to include areas for medium density single family residences developed to a suburban model along with the contributing infrastructure and other necessary features.

Performance Zoning District - see Article 4



### 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)

#### Residential Uses

- dwelling, single-family (includes manuf. home types I & II)
- residential facility for the developmentally disabled type I
- residential facility for the mentally ill

#### Park Uses

- athletic fields, courts, & areas
- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds



### B. Special Exception Primary Uses:

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

#### Communications/Utilities Uses

- water tower

#### Institutional/Public Uses

- church or other place of worship
- community center
- police, fire, or rescue station
- school (P-12)



## C. Lot Standards

### Minimum Lot Area

- 10,000 square feet

### Maximum Lot Area

- not applicable

### Minimum Lot Width

(measured at front setback/build-to line)

- 75 feet

### Maximum Lot Depth

- not applicable

### Maximum Lot Coverage

(including all hard surfaces)

- 60%

### 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)

- 10 feet

### Min. Rear Yard Primary Struct. Setback

(measured from rear property line)

- 20 feet

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

- 1,600 square feet

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

- 40%

### Maximum Primary Structures per Lot

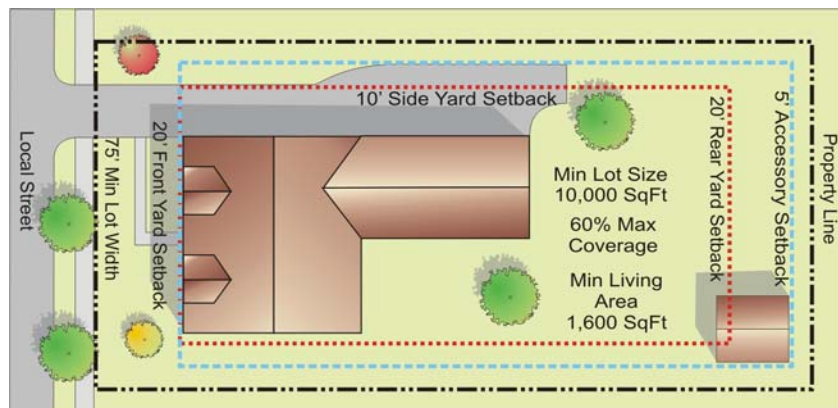
- 1

### Maximum Height

(for primary structures)

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

\* no garage vehicle entrance from a street or alley shall have a setback of less than 20 feet (to allow for off-street parking between the sidewalk and garage door)



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

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Part 1 ..... 7-17

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**Sign Standards** ..... Art. 8

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**Lekse Kirk LLC**  
3209 W. Smith Valley Road, Suite 134-4  
Greenwood, IN 46142  
317.489.3557  
[david@leksekirk.com](mailto:david@leksekirk.com)

November 2, 2020

Via E-mail Only (jmyers@franklin.in.gov)

Plan Commission – City of Franklin  
c/o Joanna Myers, Sr. Planner  
70 E Monroe St  
Franklin, IN 46131

RE: **PC 2020-25 Flagstone Properties, LLC - Rezoning Application**  
57.284 acres SR 144, Franklin, Indiana “Subject Parcel”)

Dear Plan Commission Members:

As mentioned in my letter dated October 8, 2020, we represent Flagstone Properties, LLC, an Indiana limited liability company, the petitioner with respect to the above-referenced Rezoning Application (“Petitioner”).

On behalf of the Petitioner, we would first like to correct the record. In my October 8, 2020 letter I mistakenly referred to the Long-Term Needs Map. In correspondence with Joanna Myers, I’ve been advised that we should look to the “Long-Term Uses Map” for guidance. Such map provides for the subject property to be Large Lot Suburban Residential under the Plan.

We hereby also advise the Planning Commission that Petitioner is willing to make certain commitments in connection with and as a condition to the rezoning from RS-1 to RS-2, as follows:

1. Petitioner will cause all ponds located within the subject property, along with a minimum 20’ area from top of bank of each pond, to be located entirely within the common area and not on any lot(s) within the subject property.
2. **REVISED per 11/02/20 email:** If any stones or monuments of record are found while the survey is prepared, the Petitioner will protect them from damage.
3. Petitioner acknowledges that the subject property is partially located within the HO Canary Legal Drain Watershed and that future development will require Review and Approval by the Johnson County Drainage Board.



Thank you for your attention to this Rezoning Application. We look forward to working with you on this promising development.

Sincerely,

Lekse Kirk, LLC

A handwritten signature in blue ink, appearing to read 'D. J. Lekse', with a stylized flourish at the end.

*David J. Lekse, Esq.*



**Lekse Kirk LLC**  
3209 W. Smith Valley Road, Suite 134-4  
Greenwood, IN 46142  
317.489.3557  
[david@leksekirk.com](mailto:david@leksekirk.com)

October 8, 2020

Via Hand Delivery

Plan Commission – City of Franklin  
c/o Joanna Myers, Sr. Planner  
70 E Monroe St  
Franklin, IN 46131

RE: **Rezoning Application**  
57.284 acres SR 144, Franklin, Indiana “Subject Parcel”  
Parcel ID 41-08-16-011-001.000-009

Dear Plan Commission Members:

We represent Flagstone Properties, LLC, an Indiana limited liability company, the petitioner with respect to the above-referenced property (“Petitioner”).

The Petitioner requests an amendment to the zoning map, such that the subject property be rezoned with a classification of RS-2, from its current classification of RS-1. There are public benefits to the proposed rezoning. This request, if approved, will comply with the Comprehensive Plan, is the most desirable use for the Subject Parcel, will conserve property values, and is consistent with responsible development and growth.

**REVISED PER 11/02/20 LETTER**

The new classification of RS-2 meets or exceeds the goal of the Franklin Comprehensive Plan. The proposed classification, RS-2, is described as “*Medium density single family*” in the Franklin Zoning Ordinance Booklet (Section 3.8). Such proposed classification is a higher standard than the “Small Lot Suburban Residential” prescribed for the Subject Parcel under the Franklin Comprehensive Plan’s “Long-term Land Needs Map.” Note that the Long-term Needs Map was drawn in 2013, and sets goals for a 10-year period. The proposed development of lots with an average area of 11,392 would fulfill the Comprehensive Plan’s goals for the subject parcel by 2022.

The proposed classification of RS-2 is a higher standard than the classification governing the vast majority of neighboring parcels, which are zoned RSN. The higher standard will, therefore, conserve or improve property values in the area.

**REVISED PER 11/02/20 LETTER**

As indicated by the Comprehensive Plan, “small lot suburban residential” is the best use, and such use will be achieved under the proposed RS-2 classification.

The contemplated development of the Subject Parcel, as depicted on the Site Plan attached hereto, includes a substantial common area of 17+- acres (nearly 1/3 of the Subject Parcel area) incorporating a creek and a pond to be constructed. This development of the Subject Parcel in accordance – or in excess – of the standards of the 2013 Comprehensive Plan is consistent with the Commission's goals of responsible development and growth.

The following enclosures comprise the Petitioner's Rezoning Application:

1. Application fee in the amount of \$400.00;
2. A notarized Application for Rezoning dated October 8, 2020, by Flagstone Properties, LLC;
3. A notarized Affidavit and Consent of Property Owner, by Joseph R. Wright and Joannette Wright;
4. Two (2) paper copies of the proposed Site Plan, along with an 11x17 copy of such Site Plan (Note, an electronic copy of the Site Plan has been received by Ms. Myers of the City Planning Department.)
5. Two (2) paper copies of the Vicinity Map, along with an 11x17 copy of such Vicinity Map (Note, an electronic copy of the Vicinity Map has been received by Ms. Myers of the City Planning Department.)

On behalf of the petitioner, a local Johnson County business, we hereby respectfully request that the Plan Commission approve and recommend the rezoning of the Subject Parcel to the "RS-2" classification. We look forward to working with you on this promising development. Thank you.

Sincerely,

 Lekse Kirk, LLC

**David J. Lekse, Esq.**

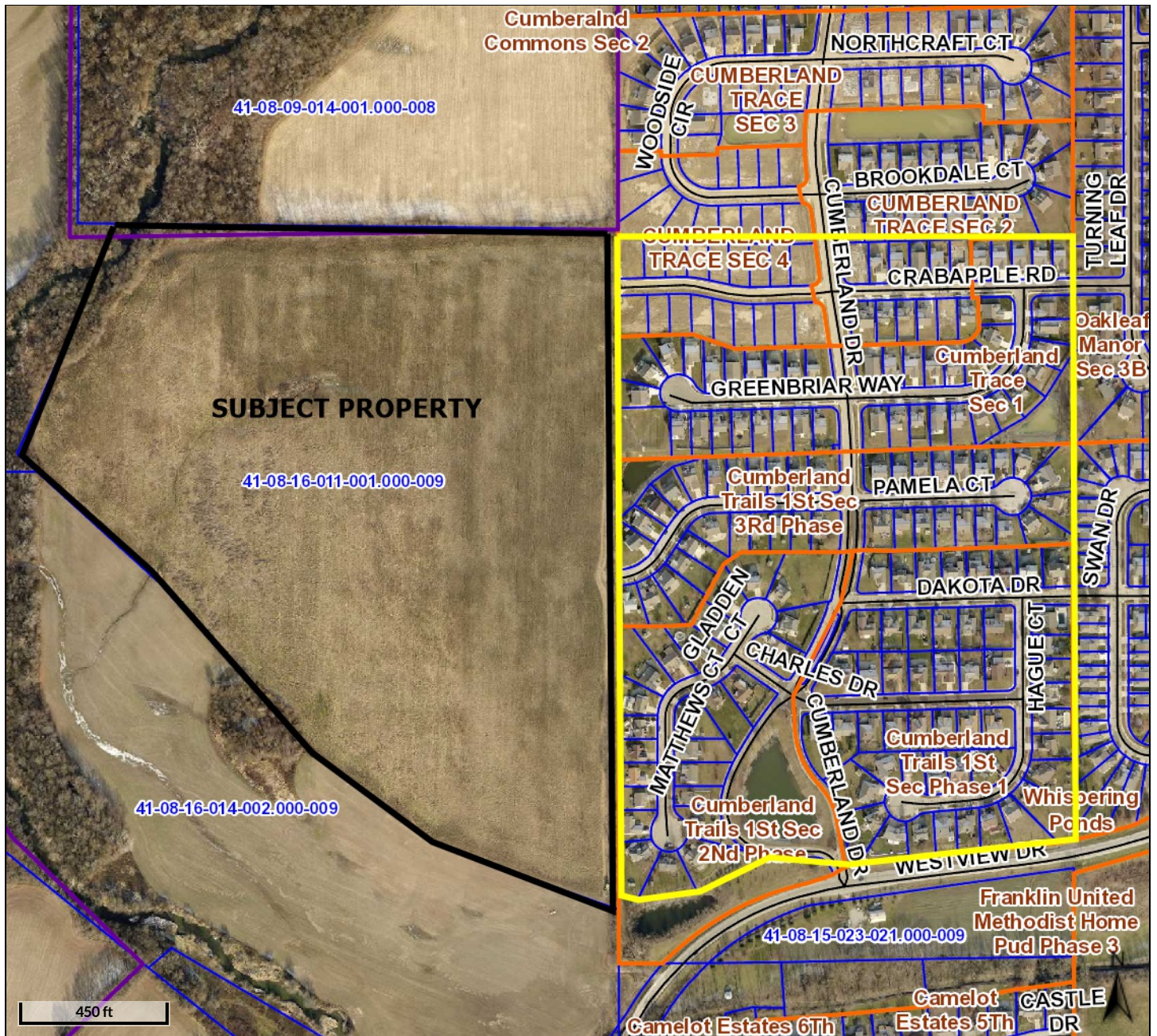




**Beacon**<sup>TM</sup>

Johnson County, IN

## LOT SIZE ANALYSIS



**DISCLAIMER:** Johnson County maintains this World Wide Web site to enhance public access to information. This site is continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. Johnson County makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. The material on this site comes from a variety of sources. We do not control or guarantee the accuracy, relevance, timeliness or completeness of any outside information. Further, the inclusion of pointers to particular items is not intended to reflect their importance nor is it an endorsement of any of the views expressed or products or services offered. Maps and data are provided for informational purposes only.

Date created: 1/13/2021

Last Data Uploaded: 1/12/2021 7:47:29 PM

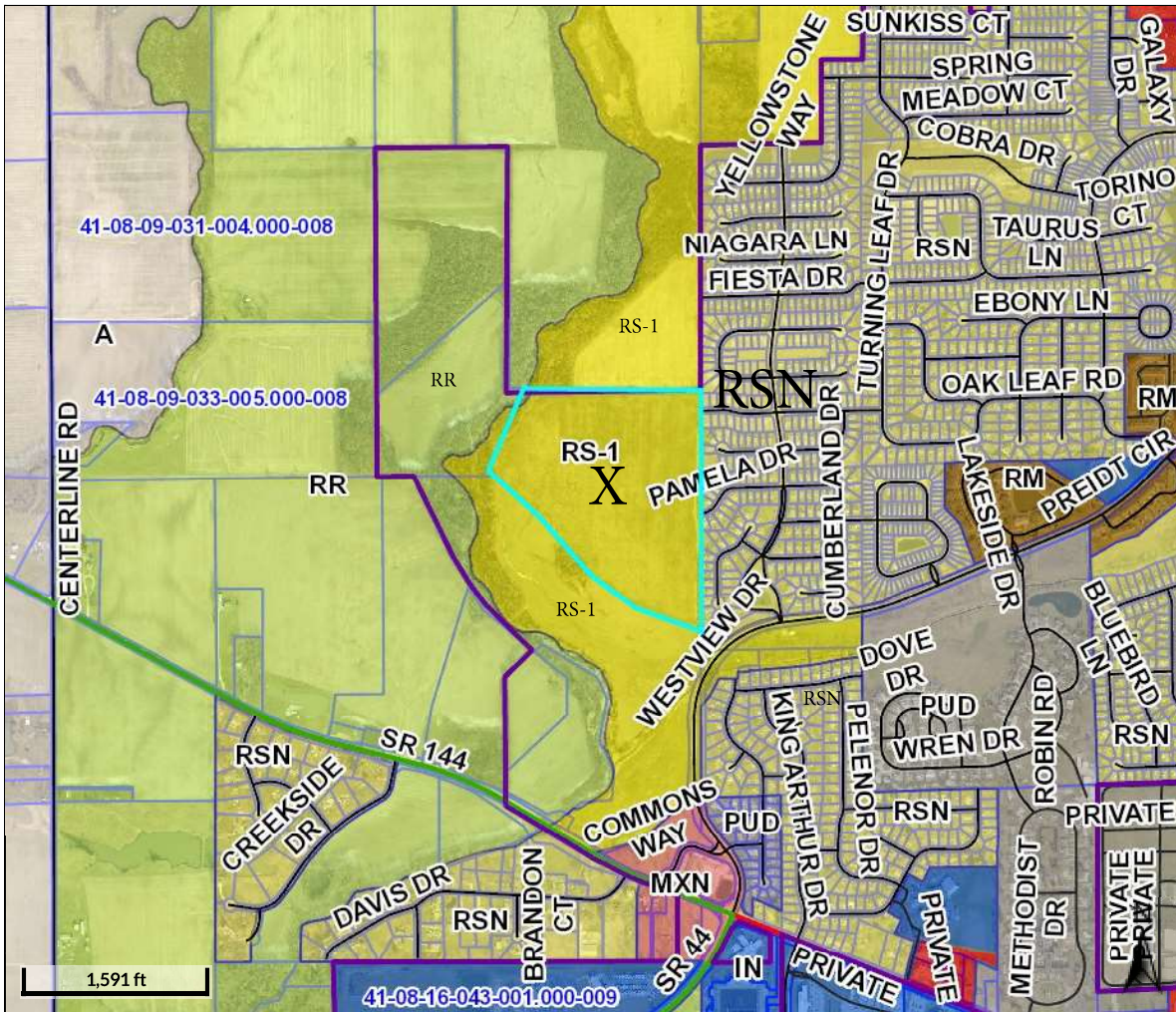
Developed by **Schneider**  
GEOSPATIAL



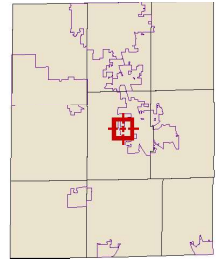


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Johnson County, IN



Overview



X = Subject Property  
41-08-16-011-001.000-009

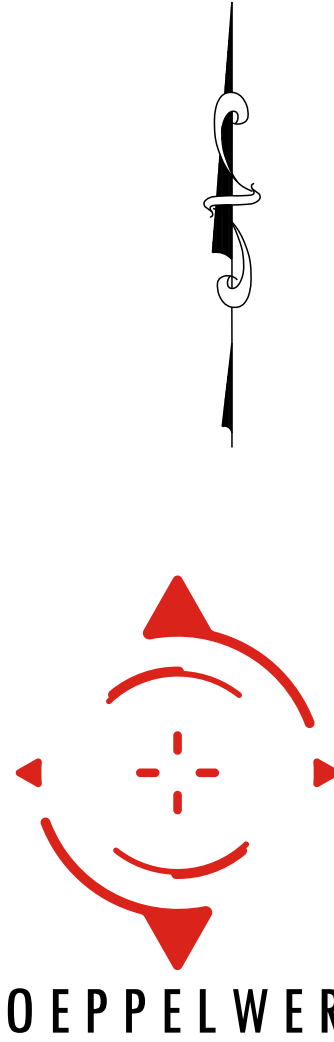




SITE - 57.5AC±  
Proposed Zoning - RS-2  
Min. Lot Width - 75'  
Min Lot Area - 10,000 sq.ft.

Total lots - 125  
Density - 2.17u/a

Average lot size - 11,392 sq.ft.  
Total Common Area - 17.4ac± (30.2%)





## QUESTIONS AND CONCERNS

Name Linda Sosbe

Address 1344 Pamela Dr.

1 Street wide enough for heavy traffic

2 Where will they hook into utilities.

3 Traffic to air pond - going ~~thru~~ thru  
my yard.

4 tearing up private property

## QUESTIONS AND CONCERNS

Name Donald Henry

Address 1313 Pamela Dr

1 How ~~are~~ is the traffic control going  
to be provided. Pamela Dr & Court are too  
narrow and won't support traffic

2 There is plenty of RS-2 Zoned areas  
within Franklin to support current  
developments

3 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## QUESTIONS AND CONCERNS

Name Kathy Minor

Address 1160 Matthews Ct.

1 If already zoned for RS1, why the  
need to rezone (RS2)

2 Property value will go down.

3 Large volume traffic.

4 \_\_\_\_\_



---

**From:** legacybuilders@consultant.com  
**Sent:** Tuesday, December 15, 2020 7:31 PM  
**To:** Joanna Myers  
**Subject:** Fwd: Fwd: Requested Cumberland Police Reports

Please find forwarded a copy of concerns from the citizens of Franklin.

Thank You

Sent using the mail.com mail app

Forwarded email

From: "Marla Meyer" <surgerytek3254@gmail.com>  
Date: December 9, 2020  
To: "Jon Douglas" <legacybuilders@consultant.com>  
Cc:  
Subject: Fwd: Requested Cumberland Police Reports

Sent from my iPhone

Begin forwarded message:

**From:** Stephanie Smock <:ssmock@franklin.in.gov>  
**Date:** December 9, 2020 at 4:09:16 PM EST  
**To:** Marla Meyer <surgerytek3254@gmail.com>  
**Cc:** Kirby Cochran <kcochran@franklin.in.gov>  
**Subject: RE: Requested Cumberland Police Reports**

2018 – 132 Incidents   1 Accident  
2019 – 143 Incidents   2 Accidents  
2020 – 128 Incidents   3 Accidents

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**From:** Marla Meyer [mailto:surgerytek3254@gmail.com]  
**Sent:** Wednesday, December 9, 2020 3:02 PM  
**To:** Stephanie Smock  
**Subject:** Re: Requested Cumberland Police Reports

Stephanie,

Thank you for the numbers, but I need them broken down by each year. How many in 2018, how many in 2019 and how many in 2020. I'm sorry, I guess I wasn't clear what we needed. Could you break down the numbers per each year for me, including the wrecks. I'm so sorry, Thank you so much!

Marla Meyer

Sent from my iPhone

On Dec 9, 2020, at 12:03 PM, Stephanie Smock <ssmock@franklin.in.gov> wrote:

Marla,

I have the numbers that you requested.

The number of Incidents that happened between 01-01-2018 and 12-09-2020 are 403. The number of accidents during that same time period that occurred at Cumberland & Westview are 6.

Thank you,

Stephanie

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**From:** Marla Meyer [mailto:surgerytek3254@gmail.com]  
**Sent:** Wednesday, December 2, 2020 3:46 PM  
**To:** Stephanie Smock  
**Subject:** Re: Requested Cumberland Police Reports

Stephanie,  
No problem. Thank you for your help.

Marla Meyer

Sent from my iPhone

On Dec 2, 2020, at 2:15 PM, Stephanie Smock <ssmock@franklin.in.gov> wrote:

Marla,

Ok, we can do that for you. We will need for you to be a little patient, it will take some time at least a few days to compile this information for you. I will reach out again soon.

Thank you,

Stephanie

**From:** Marla Meyer [mailto:surgerytek3254@gmail.com]  
**Sent:** Wednesday, December 2, 2020 12:13 PM  
**To:** Stephanie Smock  
**Subject:** Re: Requested Cumberland Police Reports

Stephanie,  
Thank you for responding back so quickly. All we really need is the number of police runs and the number of accidents. Emailing them to me is awesome.

Thank you again,  
Marla Meyer

On Wed, Dec 2, 2020 at 11:15 AM Stephanie Smock  
<[ssmock@franklin.in.gov](mailto:ssmock@franklin.in.gov)> wrote:

Marla,

Regarding the police runs in the area you requested, would you like just the number of runs that occurred or the full report for each incident for the 2-year time period you asked for? This information can be e-mailed to you at no cost. Also, the same question for the Accident Reports. Do you want the number of accidents at the requested intersection or the complete accident reports? Each accident report is \$5.00 each and will need to be picked up at the Franklin Police Department.

Thank you,

*Stephanie A. Smock*

*Records Clerk*

Franklin Police Department

Office: 317-346-1116

Fax: 317-736-6840

[ssmock@franklin.in.gov](mailto:ssmock@franklin.in.gov)

Date: 12/08/2020

City of Franklin Plan Commission  
70 E. Monroe Street  
Franklin, IN 46131

Dear Chairman and Board Members,

My wife and I own a home located in the Cumberland Trails subdivision on Pamela Drive. We got a letter in the mail that they are starting the process of rezoning land to RS-2 from RS-1 at the end of our street to start home development sometime in the future. We know it is very early in the process and not objecting to this new subdivision because we know there is a shortage of good quality homes everywhere. We also knew this would eventually happen once we moved here in 2018.

What we are hoping the City of Franklin Plan Commission will do is explore more routes into this new subdivision. What we saw in the tentative plans is that the only routes into this new subdivision is on Pamela Drive and Crabapple Drive. Since Pamela Drive is closest to Westview Drive then a good percentage of this new traffic will use Pamela Drive. We are VERY concerned about the safety and traffic flow on our street once construction begins especially since we have a very young child. Is there any way that the City of Franklin Plan Commission can explore adding another entrance to the new subdivision?

Also what we are wondering is why this land in the middle is being developed first and not the land closest to Westview Drive and eventually expanding north? One proposal would be to develop the land to the south of this closest to Westview Drive and this new area? We have no clue what this will take but just throwing it out there as one possible solution. I believe I heard the same landowner owns all this land but am not for sure.

Thank you for your consideration of this matter,

Tim & Kelli Hadley







**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2020-25  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

Flagstone Properties LLC

**PLAN COMMISSION DOCKET NUMBER:**

PC 2020-25

**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 from RS-1 (Residential: Suburban One) to RS-2 (Residential: Suburban Two) 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 15<sup>th</sup> day of December, 2020, with the Commission having heard all objections and criticisms and having given careful study and consideration to said petition.

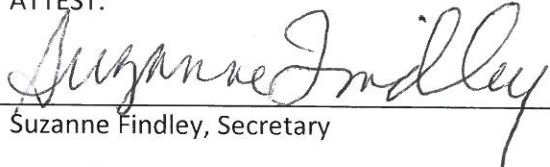
**NOW THEREFORE BE IT RESOLVED, THAT THE FRANKLIN PLAN COMMISSION HEREBY FORWARDS AN UNFAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:**

1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be rezoned to RS-2 (Residential: Suburban Two), subject to the following commitments and restrictions:
  - a. All ponds located within the subject property, along with a minimum of a 20 ft. area from top-of-bank of each pond (drainage easement), shall be located entirely within a common area and not on any lot(s) within the subject property.
  - b. If any stones or monuments of record are found while the survey is prepared, they will be protected from damage.
  - c. Subject property is partially located within the HO Canary Legal Drain Watershed. Future development will require review and approval by the Johnson County Drainage Board.
2. On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the petitioner and the City of Franklin Common Council.
3. A copy of this Resolution forwarded to the Common Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Common Council at its meeting.

Resolved by the City of Franklin, Indiana Plan Commission this 19<sup>th</sup> day of January, 2021.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST:

  
Suzanne Findley, Secretary

  
Jim Martin, President

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A part of the Northeast Quarter of Section 16 and a part of the Southeast Quarter of Section 9, all in Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 16, thence South 0 degrees 12 minutes 36 seconds West (Reference Bearing: Survey by Franklin Engineering Company of the Margaret Green farm dated January 13, 1986, by Daniel L. Murray, R.L.S. No. S0098) on and along the East line thereof a distance of 1325.37 feet to the approximate 100 year floodway of Young's Creek, thence on and along said approximate 100 year floodway of Young's Creek the next 5 courses:

- 1) North 70 degrees 20 minutes 58 seconds West – 570.26 feet;
- 2) North 53 degrees 21 minutes 53 seconds West – 455.32 feet;
- 3) North 41 degrees 37 minutes 43 seconds West – 668.05 feet;
- 4) North 47 degrees 46 minutes 47 seconds West – 565.75 feet;
- 5) North 23 degrees 25 minutes 05 seconds East – 741.04 feet;

thence South 89 degrees 21 minutes 36 seconds East a distance of 1477.85 feet to a point on the East line of Section 9; thence South 0 degrees 11 minutes 19 seconds West on and along said East line a distance of 681.12 feet to the Point of Beginning, containing 57.284 acres, more or less, subject to all legal rights-of-way and easements of record.

City of Franklin Common Council

**ORDINANCE NUMBER 2021-03**

AN ORDINANCE REZONING CERTAIN PROPERTY TO  
RS-2 (Residential: Suburban Two) with commitments  
(To be known as Flagstone Properties 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 2020-25 forwarded an unfavorable recommendation that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, from Residential: Suburban One (RS-1) to Residential: Suburban Two (RS-2), with the following commitments offered by the petitioner:

- a. All ponds located within the subject property, along with a minimum 20 ft. area from top of bank of each pond, to be located entirely within the common area and not on any lot(s) within the subject property.
- b. If any stones or monuments of record are found while the survey is prepared, the Petitioner “ will protect them from damage.
- c. Subject property is partially located within the HO Canary Legal Drain Watershed and future development will require review and approval by the Johnson County Drainage Board.

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2020-25 has been certified to the City’s Common Council; and

**WHEREAS**, the Common Council, after paying reasonable regard to: 1) City of Franklin Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the City of Franklin’s planning jurisdiction, and 5) responsible growth and development, finds the rezoning of the property described in Exhibit “A” should be approved with commitments.

**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 Residential: Suburban Two (RS-2), subject to the following commitments and restrictions:
  - a. All ponds located within the subject property, along with a minimum 20 ft. area from top of bank of each pond, to be located entirely within the common area and not on any lot(s) within the subject property.
  - b. If any stones or monuments of record are found while the survey is prepared, the Petitioner “ will protect them from damage.
  - c. Subject property is partially located within the HO Canary Legal Drain Watershed and future development will require review and approval by the Johnson County Drainage Board.



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 17<sup>th</sup> day of February, 2021.

**DULY PASSED** on this \_\_\_\_ day of \_\_\_\_\_, 2021, 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:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Melissa Jones

\_\_\_\_\_  
Daniel J. Blankenship

\_\_\_\_\_  
Robert D. Heuchan

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Chris Rynerson

\_\_\_\_\_  
Shawn Taylor

**Voting Opposed:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Melissa Jones

\_\_\_\_\_  
Daniel J. Blankenship

\_\_\_\_\_  
Robert D. Heuchan

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Chris Rynerson

\_\_\_\_\_  
Shawn Taylor

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 \_\_\_\_\_, 2021 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 \_\_\_\_\_, 2021 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*

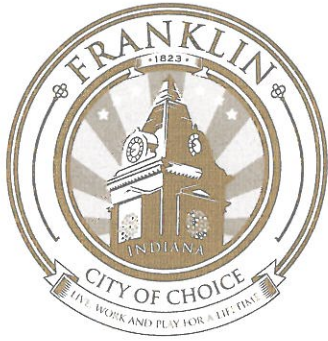
## **EXHIBIT "A"**

A part of the Northeast Quarter of Section 16 and a part of the Southeast Quarter of Section 9, all in Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 16, thence South 0 degrees 12 minutes 36 seconds West (Reference Bearing: Survey by Franklin Engineering Company of the Margaret Green farm dated January 13, 1986, by Daniel L. Murray, R.L.S. No. S0098) on and along the East line thereof a distance of 1325.37 feet to the approximate 100 year floodway of Young's Creek, thence on and along said approximate 100 year floodway of Young's Creek the next 5 courses:

- 1) North 70 degrees 20 minutes 58 seconds West – 570.26 feet;
- 2) North 53 degrees 21 minutes 53 seconds West – 455.32 feet;
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- 4) North 47 degrees 46 minutes 47 seconds West – 565.75 feet;
- 5) North 23 degrees 25 minutes 05 seconds East – 741.04 feet;

thence South 89 degrees 21 minutes 36 seconds East a distance of 1477.85 feet to a point on the East line of Section 9; thence South 0 degrees 11 minutes 19 seconds West on and along said East line a distance of 681.12 feet to the Point of Beginning, containing 57.284 acres, more or less, subject to all legal rights-of-way and easements of record.



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING  
DEPARTMENT OF COMMUNITY DEVELOPMENT

### MINUTES

#### FRANKLIN CITY PLAN COMMISSION

December 15, 2020

##### **Members Present:**

Suzanne Findley (by phone)	Secretary
Georganna Haltom	Member
Jim Martin	President
Irene Nalley	Member
Mark Richards	Member
Chris Rynerson	Member
Debbie Swinehamer	Member

##### **Members Absent:**

Pam Ault	Member
Janice Giles	Member
Diane Gragg	Member
Charlotte Sullivan	Vice President

##### **Others Present:**

Lynn Gray	Legal Counsel
Joanna Myers	Senior Planner II

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

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

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

##### **Pledge of Allegiance**

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

Mark Richards made a motion to approve the June 16, 2020 minutes. Chris Rynerson seconded. Passed unanimously 7-0.

##### **Swearing In**

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

**Report of Officers and Committees: May – November 2020** – Joanna Myers reported on the May 21<sup>st</sup> agenda. There was an annexation and rezoning for GDI Holdings. It was 10 acres east of 89 Forest Road. It has completed the process and taken effect and is now officially part of the city.

On June 25<sup>th</sup> there were four agenda items. Koenig Equipment was a site development plan for Koenig John Deere to be located at the corner of Sloan Drive and North Morton Street. It is currently under construction. At the same location there was also the secondary plat for Thompson Commercial Subdivision. A secondary plat for Laugle Industrial Park and site development plan for Laugle Industrial Park Lot One located at the northeast corner of Graham Road and Earlywood Drive both went before Technical Review Committee and have been withdrawn.

At the July 23<sup>rd</sup> meeting there was a site development plan for the reconstruction of Farm Credit MidAmerica located at 100 International Drive. The existing structure and site improvements were demolished, and it is currently under construction.

At the August 20<sup>th</sup> meeting there was the secondary plat and construction plans for The Bluffs at Youngs Creek, Section Three. It is located on approximately 35 acres west of The Bluffs at Youngs Creek, Section Two. Construction of homes in Section Two will begin soon.

At the September 24<sup>th</sup> meeting there was a site development plan for Astral of Franklin. Their current address is 1375 Sloan Drive. It is on the west side of US31, on the vacant property south of the Christina House, the farmhouse and the single family house. It is for the construction of an assisted living & memory care facility. It currently has obtained building permits.

At the October 22<sup>nd</sup> meeting Flagstone Properties rezoning was reviewed. Additionally at 361 Paris Drive, the Hampton Inn is proposing an extension of their access drive and parking area.

At the November 19<sup>th</sup> meeting the Mascher annexation and rezoning was reviewed. A site development plan for B2S Life Sciences at 97 E Monroe Street was reviewed for their parking area to be converted in to a green space with an area for their generator and building access. It is currently under construction.

### **Old Business**

**PC 2020-25 (R): Flagstone Properties Rezoning** – Ms. Myers explained that public notices were sent by certified mail instead of certificate of mailing, so the board needs to consider a waiver of public notice requirements. Certified mail is a higher class of mailing than certificate of mailing. Mr. Richards made a motion to accept the notices as sufficient and grant the waiver. Mr. Rynerson seconded. Passed unanimously 7-0.

Ms. Myers introduced Flagstone Properties' request for 57.284 acres to be rezoned from RS-1 (Residential: Suburban One) to RS-2 (Residential: Suburban Two). The property is located west of Cumberland Trails and Cumberland Trace and north of Westview Drive.

Attorney Dave Lekse from the law offices of Lekse Kirk LLC in Greenwood, Indiana represented petitioner Flagstone Properties. He explained that lots under the RS-2 zoning classification may be a minimum of 75 feet in width and 10,000 square feet in area. Flagstone's proposed development would create lots with an average size of almost 11,400 square feet. Mr. Lekse maintained this lot size to be significantly larger than lots in Cumberland Trails and Cumberland Trace where lots are typically less than 8,000 square feet in area. The proposed development also sets aside over 17 acres of common area to include a storm water retention pond and walking trail. Mr. Lekse reviewed the five decision criteria.

1. Comprehensive Plan: The petitioner believes the RS-2 rezoning request is consistent with the comprehensive plan. The minimum standards require 75-foot lots 10,000 square feet in area, and they will be well above that.
2. Current Conditions: They believe the current conditions to be consistent in that the average size of the residential lots to the east is typically less than 8,000 square feet, significantly less than their proposed lots of 11,400 square feet.

3. Desired Use: It is still a residential use.
4. Property Values: Indiana's current available housing is 20% less than it was five years ago. Flagstone believes their larger lot size will enhance property values.
5. Responsible Growth: The lot design affording storm water consideration, walking trail consideration, maintaining nature and larger lot sizes shows responsible growth.

Mr. Lekse identified three commitments the petitioner initially committed to and agreed to an additional commitment:

1. Encompassing the retention pond with an area 20 feet in width and included in the common area.
2. The southern end of the property is located near or within a legal drain watershed. Flagstone has agreed to acknowledge that any future development plans must be reviewed by the Johnson County Drainage Board.
3. Originally it was thought there might be a survey corner monument onsite. Flagstone agreed to locate and preserve it. It has since been determined the monument is not on the subject property.
4. The trail on the south end will be constructed so it will tie in to the Franklin Greenway Trail.

A public hearing was held. Cumberland Trails resident Marla Meyer requested an additional continuance due to the pandemic and the difficulty of gathering information and people's concern over in-person meeting attendance. Ms. Myers explained that the case was continued from the November meeting. Any additional continuance requests from anyone other than the petitioner have to come before the board and the board take official action on the request. Mr. Lekse presented that this project will provide jobs that many are looking for during this time. Georganna Haltom asked if any progress in research has been made over the last month since the first continuance. Jon Douglas, resident of Cumberland Trails subdivision, reported that information was gathered and letters and e-mails received from citizens. Debbie Swinehamer asked if information was given as to how to attend this meeting virtually. Ms. Myers explained that the mailing did not include the conference number and ID number but it was included on the online agenda.

Mr. Richards spoke of his reluctance for a second continuance. The pandemic will continue for several months, and he doesn't advise continuing this case until the pandemic is over. The board will only be sending a recommendation to City Council without a final decision either way, so there is additional time for remonstrators to make their feelings known to City Council. Mr. Richards made a motion to deny the request for a continuance. Mr. Martin seconded. A roll call vote was taken, 5-2, no official action was taken on the continuance denial. Suzanne Findley made a motion to grant the continuance. Ms. Haltom seconded. A roll call vote was taken, 2-5, no official action was taken. The case proceeds.

Mr. Douglas maintained that the Cumberland Trails, Section One – Phase 2 average lot sizes are 2,400 square feet larger than what Flagstone is proposing for their development. He also expressed concern about traffic flow with the projected increased number of cars gaining access to the subdivision through only the two ways that currently exist. He communicated his opposition to the development as it stands. He also believes the new development will cause the Cumberland Trails property values to drop because residents will have options.

Camelot resident Lyman Benner remonstrated. His concern was that with the new development, the water will no longer go in to the retention pond. A second concern was the entranceway with the curve at the bridge that Westview Drive goes over where cars lose control and hit the guardrail. He feels the entrance/exit needs to be reexamined as it is too close to the curve.

Mr. Douglas offered into evidence accident reports for the last several years along with letters from residents not able to attend.

Mr. Lekse maintained that the remonstrator issues enumerated would be the case with RS-1 or RS-2 zoning designations. Flagstone will address drainage and plan for handling it in an orderly, managed fashion with a

large retention pond. He also reiterated the consistency with the comprehensive plan and reviewed the decision criteria again.

The public hearing was closed.

Mr. Richards asked about the commitments presented in the staff report, adding his desire for the addition of reasonable proposed architectural standards at this rezoning stage rather than waiting for the platting stage. Mr. Richards presented four architectural standards he asked the petitioner to consider as additional commitments.

1. Roof Overhang: All dwellings shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
2. Garages: All dwellings in the district shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
3. Corner Lot Dwellings: Those dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the streets.
4. Anti-Monotony: The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.

Mr. Lekse agreed to the additional four (4) commitments. Mr. Rynerson stated that he understands the water concerns brought up by Mr. Benner and is in agreeance that it is a concern. Mr. Richards responded as City Engineer that all drainage is reviewed and is required to meet the standards for a new subdivision. The requirements in place for the City of Franklin mean that the rate of runoff that leaves a site after development is less than what left the site prior to the development. The total amount of water running off the site will be greater. However, that amount is slowed down to such an extent that it improves the conditions from a flooding standpoint in the subdivision and for downstream conditions as well.

At Ms. Haltom's request, Mr. Richards gave a more detailed breakdown of his explanation. Ms. Haltom followed up by asking Mr. Richards if he agreed that with more hard surface there would be less ground for the water to soak in to, and he agreed. He stated that is one of the reasons for collecting all the water and releasing it at a much slower rate. Ms. Haltom additionally asked what will happen 10 years from now when the systems put in place are no longer working. Mr. Richards insured that with the current guidelines and review that takes place, that is not a concern as it used to be before requirements were put in place. Mr. Rynerson asked if the Camelot and Davis Drive community should expect any impact from the new development. Mr. Richards said no, not from the new development. Their impact will come from the fact that they don't have storm water management and detention pond that manages their run off.

Ms. Myers presented staff's recommendation, based on the criteria for decisions, for a favorable recommendation to be forwarded to the Franklin City Council with the following commitments:

1. All ponds located within the subject property, along with a minimum of a 20 ft. area from top-of-bank of each pond (drainage easement), shall be located entirely within a common area and not on any lot(s) within the subject property.
2. If any stones or monuments of record are found while the survey is prepared, they will be protected from damage.
3. Subject property is partially located within the HO Canary Legal Drain Watershed. Future development will require review and approval by the Johnson County Drainage Board.



4. The internal trail system shall be extended to the southeast edge of the subject property, as part of the future subdivision development, to allow for future connection with the Franklin Greenway Trail.
5. Roof Overhang: All dwellings shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
6. Garages: All dwellings in the district shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
7. Corner Lot Dwellings: Those dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the streets.
8. Anti-Monotony: The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.

Mr. Richards made a motion for a favorable recommendation to be sent to City Council with the eight (8) commitments presented by staff. Ms. Swinehamer seconded. A roll call vote was held and failed 5-2.

Ms. Findley made a motion for no recommendation be forwarded to City Council. Ms. Haltom seconded. Ms. Myers asked legal counsel what happens with the commitments when no recommendation is forwarded to City Council. Ms. Gray advised that with no recommendation, there are also no commitments and the petitioner is not bound by them. Roll call vote was taken, 2-5. The motion failed.

Ms. Haltom explained that she does not desire an unfavorable recommendation to be forwarded but that some issues have not been addressed. It was noted that a favorable recommendation could also be considered with different commitments. No additional motions were made.

Due to a lack of a majority vote of the entire Plan Commission membership, the matter was continued to the next regularly scheduled meeting to be held on January 19th at 6:00 p.m. Ms. Gray noted that only new information is to be presented at that meeting. There will be no additional notice required. Ms. Myers stated that she will make the recording of the meeting available to members of the Plan Commission that were not in attendance.

### **New Business**

**PC 2020-27 (A) & PC 2020-28 (R): Mascher Annexation & Rezoning** – Ms. Myers introduced the Mascher annexation and rezoning request filed by Sunbeam Development Corporation. It is to annex and rezone 11.789 acres from A (Agricultural) to IL (Industrial: Light). The property is located north of the GR2 Land previously annexed. The property addresses are 5595, 5599 and 5603 E. 100 N.

Max Mouser from Studio A represented Sunbeam Development and the Mascher family. He gave an overview of previous Franklin construction done by Sunbeam to date. They have purchased 430 acres running from Jim Black Road to County Road 600 E. on the north side of SR 44. They do not own the surgery center on the northeast corner of Jim Black Road and State Road 44. There are three individual homes on the property. Mr. Mouser went through the decision criteria for the rezoning request.

1. Comprehensive Plan: They believe the IL (Industrial: Light) to be consistent.
2. Current Conditions: The properties to the east, west and south of the subject property are currently zoned IL (Industrial: Light) and owned by Sunbeam Development.
3. Desired Use: Adjacent properties are currently zoned IL (Industrial: Light) which allows for the same type of development. It will make the overall development flow more easily.
4. Property Values: The rezoning request shouldn't negatively affect the property values. The development could increase the value. Transitioning from residential to industrial, the ground and



buildings and tax revenue will be increased from the current worth of the three residential properties.

5. Reasonable Growth: The industrial development allows for larger lots from one acre and larger.

A public hearing was held with no respondents.

Ms. Myers presented staff's recommendation for a favorable recommendation to be forwarded to City Council for annexation. Mr. Richards made a motion for a favorable recommendation to be forwarded. Ms. Swinehamer seconded. Passed unanimously 7-0.

Ms. Myers presented staff's recommendation for a favorable recommendation to be forwarded to City Council for rezoning. Mr. Richards made a motion for a favorable recommendation to be forwarded. Ms. Haltom seconded. Passed unanimously 7-0.

Ms. Myers stated that the petitioner is currently going through the process to have the property removed from the Needham Fire Protection District. Once that is complete, it will be docketed for the next appropriate City Council meeting.

### **Other Business**

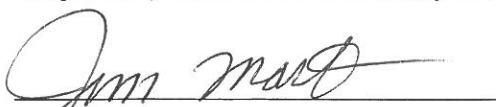
**Terminating Agreement to Convey Real Estate, Easement Rights and PUD Commitments (PC 1996-27: Young's Landing PUD)** – Ms. Myers gave background that in 1996 there were some proposed developments that went through Plan Commission and City Council for a PUD request at the northwest corner of SR 44 and Westview Drive. With the request there were a number of commitments that were reviewed by both governing bodies. When there are commitments with a rezoning, if that rezoning district is still active, the conditions and commitments are still valid. In 2004 the City of Franklin underwent a citywide rezoning, and this property was rezoned from PUD (PUD: Planned Unit Development) to RS-1 (Residential: Suburban One) and RR (Rural: Residential). From that point, any conditions and commitments associated with the PUD zoning became null and void. Typically, there are no additional recorded documents outside of the city ordinances and resolutions related to rezonings. In this case, the property owners have entered in to a Grant of Easement Rights and Agreement to Convey the Real Estate which included a reference to all the conditions and commitments that were discussed at Plan Commission and City Council. In order to clear the ground from those conditions and commitments, that no longer apply nor are applicable to any development if not consistent with the previous plan and not in use to the city, they are requesting clear title of those items. They have provided a Quit Claim Deed Terminating Agreement to Convey Real Estate, Easement Rights and PUD Commitments. Counselor Tammy Ortman attended virtually representing the property owner. Staff recommended a favorable recommendation be forwarded to City Council. Ms. Gray added that the recorded commitments are no longer applicable due to the change in zoning. She also advised that any other easements or rights-of-way or interests that were acquired independent of the instrument creating these would not be terminated by this agreement. Ms. Ortman agreed. Ms. Lekse sought assurance from Ms. Ortman that the Quit Claim Deed did nothing to terminate easements between the south property and the RS-1 (Residential: Suburban One) property to the north. Ms. Ortman confirmed that to be true. Ms. Gray provided Mr. Lekse with a copy of the proposed document with the permission of Ms. Ortman.

Mr. Richards made a motion for a favorable recommendation to be sent to City Council to terminate the agreement. Mr. Rynerson seconded. Passed 7-0.

### **Adjournment**

There being no further business, the meeting was adjourned.

Respectfully submitted this 19th day of January, 2021.

  
Jim Martin, President

  
Suzanne Findley, Secretary

### **Old Business**

**PC 2020-25 (R): Flagstone Properties Rezoning** – Ms. Myers identified this to be a request for rezoning of approximately 57 acres with commitments. The property is located west of Cumberland Trails and Cumberland Trace and north of Westview Drive. Current zoning is RS-1 (Residential: Suburban One). The request is to rezone the property to RS-2 (Residential: Suburban Two). This petition was before Plan Commission at the December 15th meeting. The petitioner presented their case and there was also public comment presented in a public hearing. The public hearing was closed and Plan Commission discussion ensued. Per the rules and procedures, official action is taken only if approved by a majority of the entire membership. Motions were made at the December meeting. No motion was able to gain the majority of the entire membership; therefore, the case was continued to tonight's meeting. Any information presented tonight must be new information and not repetitive of what was heard by the Plan Commission at the December meeting. Ms. Myers stated that Plan Commission members not in attendance at the December meeting were provided a copy of the recording and the draft minutes from that meeting.

Dave Lekse added that the trail they will include in their development is in further support of the comprehensive plan.

Ms. Gray asked if there were any additional submissions provided to staff since the December meeting. Ms. Myers identified there had not been and that all submissions previously received were included with the updated staff report. Ms. Myers noted that information provided in the updated staff report highlighted in yellow and with asterisks is new information not previously provided in December's staff report.

Donald Henry from 1313 Pamela Drive asked how many board members had been out physically to look at the area. Four identified they had. He maintained that further development of Young's Creek should be further downstream. He further objected to the December minutes as written due to concerned citizen comments are not displayed. Ms. Gray explained that the recording of the December meeting was given to each commission member that was not in attendance. Mr. Henry stated that he is opposed to the rezoning.

Linda Sosbe at 1344 Pamela Drive spoke. She maintained that due to on-street parking Pamela Drive is not big enough for an ambulance to make it down the street, so she asked how equipment will make it down to build. She believed the street will need to be widened and asked where the property would come from. She was also concerned about the increased traffic with children playing in the neighborhood.

Ms. Sullivan asked about the analysis of lot sizes provided. Ms. Myers explained that the minimum lot area of 10,000 square feet for the RS-2 (Residential: Suburban Two) rezoning is either equal to or slightly larger than the average of what is in Cumberland Trails and Cumberland Trace. She pulled all the square footages from Cumberland Trails and Cumberland Trace recorded plats. In Cumberland Trails the average lot size is 10,682 square feet. Cumberland Trace average lot size is 8,670 square feet. The average lot size of lots east of the east boundary line of the subject property to Cumberland Drive and south, which includes a portion of both Cumberland Trace and Cumberland Trails, is 10,180 square feet. The average lot size of everything marked in yellow is 9,761 square feet. The request before the Plan Commission is for a minimum lot size of 10,000 square feet. The information provided at the December meeting by a homeowner was accurate but limited to Cumberland Trails, Section One, Phase Two.

Ms. Gray asked how many lots under the RS-1 (Residential: Suburban One) zoning could be built. Ms. Myers responded that the minimum lot size is 15,000 square feet with a minimum lot width of 100 ft for RS-1 zoned properties. RS-2 (Residential: Suburban Two) minimum lot size is 10,000 square feet with minimum lot width of 75 ft. Ms. Haltom asked if it is correct that if it stayed zoned the way it is currently there would be less homes and flooding and more land to absorb water. Ms. Gray said it can't be defined without a layout. Ms. Myers pointed out that detention functions the same in both RS-1 (Residential: Suburban One) and RS-2 (Residential: Suburban Two). Ms. Haltom asked in follow up if the detention and run off will stay the same in both zonings. Mr. Richards stated that the requirements of the Subdivision Control Ordinance are that when a

farm field site is developed, the rate of run off is required to be less from the post-development site than it was from the pre-development site. They compare the rate of run off from the two-year, 10-year and 100-year storms for both pre- and post-. The 10-year post-development rate has to be less than the two-year pre-development rate. The 100-year post-development rate has to be less than the 10-year pre-development rate. This slows the rate of run-off and there should be improvements to the impact on Young's Creek further downstream. Mr. Richards stated that Crabapple Drive and Pamela Drive are both 24-foot wide streets with no parking on one side of the street. Ambulance access concerns are likely caused by people parking where they should not. If so, that is a police matter.

Ms. Myers presented staff's recommendation for a favorable recommendation to be forwarded to City Council with commitments:

1. All ponds located within the subject property, along with a minimum of a 20 ft. area from top-of-bank of each pond (drainage easement), shall be located entirely within a common area and not on any lot(s) within the subject property.
2. If any stones or monuments of record are found while the survey is prepared, they will be protected from damage.
3. Subject property is partially located within the HO Canary Legal Drain Watershed. Future development will require review and approval by the Johnson County Drainage Board.
4. The internal trail system shall be extended to the southeast edge of the subject property, as part of the future subdivision development, to allow for future connection with the Franklin Greenway Trail.
5. Roof Overhang: All dwellings shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
6. Garages: All dwellings in the district shall have a minimum two-car garage. If there is a three-car garage, the third bay shall have a separate door and shall be required to be recessed from the other two bays.
7. Corner Lot Dwellings: Those dwellings built on corner lots shall include a minimum of one window per story of a minimum size of two (2) feet by four (4) feet on the sides of the dwelling facing the streets.
8. Anti-Monotony: The same dwelling elevation will not be constructed on an adjacent lot or directly across the street so far as to ensure that significant architectural features will differentiate within the subdivision.

The petitioner agreed to the stated commitments.

Mr. Richards made a motion to forward a favorable recommendation to City Council with staff's eight stated commitments. Ms. Sullivan seconded. The motion failed per roll call vote, 4-7. Charlotte-yes, Suzanne-no, Chris-no, Mark-yes, Diane-no, Georganna-no, Irene-no, Pam-no, Janice-no, Debbie-yes, Jim-yes.

Ms. Gragg made a motion to forward an unfavorable recommendation to City Council. Ms. Findley seconded. The motion passed per roll call vote, 6-5. Charlotte-no, Suzanne-yes, Chris-yes, Mark-no, Diane-yes, Georganna-yes, Irene-yes, Pam-yes, Janice-no, Debbie-no, Jim-no.

Ms. Myers stated this case will be docketed for introduction at the Wednesday, February 17<sup>th</sup> City Council meeting.