

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	July 23, 2021	<b>Meeting Date:</b>	August 2, 2021
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		Sunbeam Development Corporation	
<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 2021-16: Rezoning to be known as Nyberg Rezoning (Public Hearing)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2021-16)			
3. PC Resolution 2021-16			
4. Ordinance 2021-16			
<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:** July 9, 2021  
**Re:** Nyberg Rezoning (Ordinance 2021-16)

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On June 15, 2021 the Franklin Plan Commission forwarded to the City Council a favorable recommendation, with commitments, on the above referenced rezoning petition from Sunbeam Development Corporation (Plan Commission Resolution #2021-16). The Plan Commission voted 7-2 for a favorable recommendation with commitments to be forwarded.

The petitioner is requesting that approximately 59 acres located immediately south of Nyberg Addition, south of Upper Shelbyville Road and north of State Road 44 be rezoned to IL (Industrial: Light) for future industrial development. 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:	July 19, 2021
Public Hearing:	August 2, 2021

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:** June 10, 2021

**Re:** Case PC 2021-15 (A) & PC 2021-16 (R): Nyberg Annexation & Rezoning

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### REQUEST:

**Case PC 2021-15 (A) & PC 2021-16 (R)...Nyberg Annexation and Rezoning.** A request by Sunbeam Development Corporation to annex and rezone 56.261 acres from Agriculture (A) to Industrial: Light (IL). The property is located immediately south of Nyberg Addition, south of Upper Shelbyville Road.

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: RSN  
South: IL  
East: A-1 (Johnson County)  
West: IL

#### Surrounding Land Use:

North: Single-family residential  
South: Agriculture  
East: Agriculture & Single-family 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.

### PROPOSED ZONING:

The “IL”, Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

### CONSIDERATIONS:

1. Sunbeam Development Corporation is requesting that 56.261 acres (2 parcels) be annexed and rezoned to IL (Industrial: Light), for the future development of an industrial subdivision. The subject property will be part of an overall industrial development that includes over 450 acres owned by the applicant.

2. The petitioner has offered the following commitments as part of the rezoning petition:
  - a. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
    - i. There will be a setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance.
    - ii. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 (rise:run).
    - iii. There will be a row of broad-leaf deciduous canopy trees planted parallel to the north property line, with (1) 2-1/2 inch caliper measured at 6 inches above the top of the root ball, placed every 20 feet.
    - iv. There will be a row of 5 feet high, measured from the root ball, evergreen trees planted every 10 feet along the top of the mound.
3. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)
4. The proposed annexation area is 27.5% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
5. The proposed annexation 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 – January 1, 2023.

If the property is not located within a Fire Protection District, the annexation can take effect 30 days following the adoption of the ordinance by the City Council.

The petitioner has requested that the property be removed from the Needham Fire Protection District and is coordinating this process with the Needham Fire Protection District and Johnson County Commissioners.

- a. The Needham Fire Protection District approved a Resolution on April 12, 2021 to exclude the subject property from the district.
  - b. The ordinance amending the Needham Fire Protection District is pending approval by the County Commissioners.
6. A sanitary sewer extension project is currently under design and permitting. It is anticipated the City will start construction of the sanitary sewer in 2021.
7. The Technical Review Committee reviewed the petitions at their April 22, 2021 meeting.
8. The property would need to go through the Primary Plat, Secondary Plat/Construction Plan and Site Development Plan review processes prior to development.
9. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Agricultural. "Agriculture areas are generally located outside the current city limits in Franklin's extended zoning jurisdiction. Existing agriculture areas within the city limits are prime locations for new

development, consistent with the future land use plan map. Agricultural areas are intended to include traditional farming uses, in addition to agricultural products storage and distribution facilities (such as commercial grain elevators), stables, natural preserves, agricultural research facilities, and other animal husbandry and food production related activities.”

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 2020-15 (A): NYBERG 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 2020-16 (R): NYBERG 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 IL with commitments is consistent with the Comprehensive Plan as the IL zoning district allows for lot sizes to vary from 1 acre in size to greater, which allows for the development of a more diverse nature of industrial uses and to allow lot sizes to exceed 5 acres.

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

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

Property located immediately to the west of the subject property is currently zoned IL and was recently annexed and rezoned to IL for the future development of an industrial park and is owned by the same owner. Property located immediately to the south was approved to be annexed and rezoned to IL by the City Council at their May 17, 2021 meeting.

**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 zoned property. In addition, the property's proximity to State Road 44 and 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 with commitments should not negatively affect the property values in the area; however, the development of the property could increase the property values as additional industrial services are provided.

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

**Staff Finding:**

The proposed rezoning to IL allows the petitioner to provide sites that allow for large lots for the development of a variety of industrial uses and to plan for a cohesive project.

**PLAN COMMISSION ACTION – REZONING :**

In the rezoning process, the Plan Commission has the authority to review the provisions of the Comprehensive Plan and the Zoning Ordinance. Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the rezoning petition.

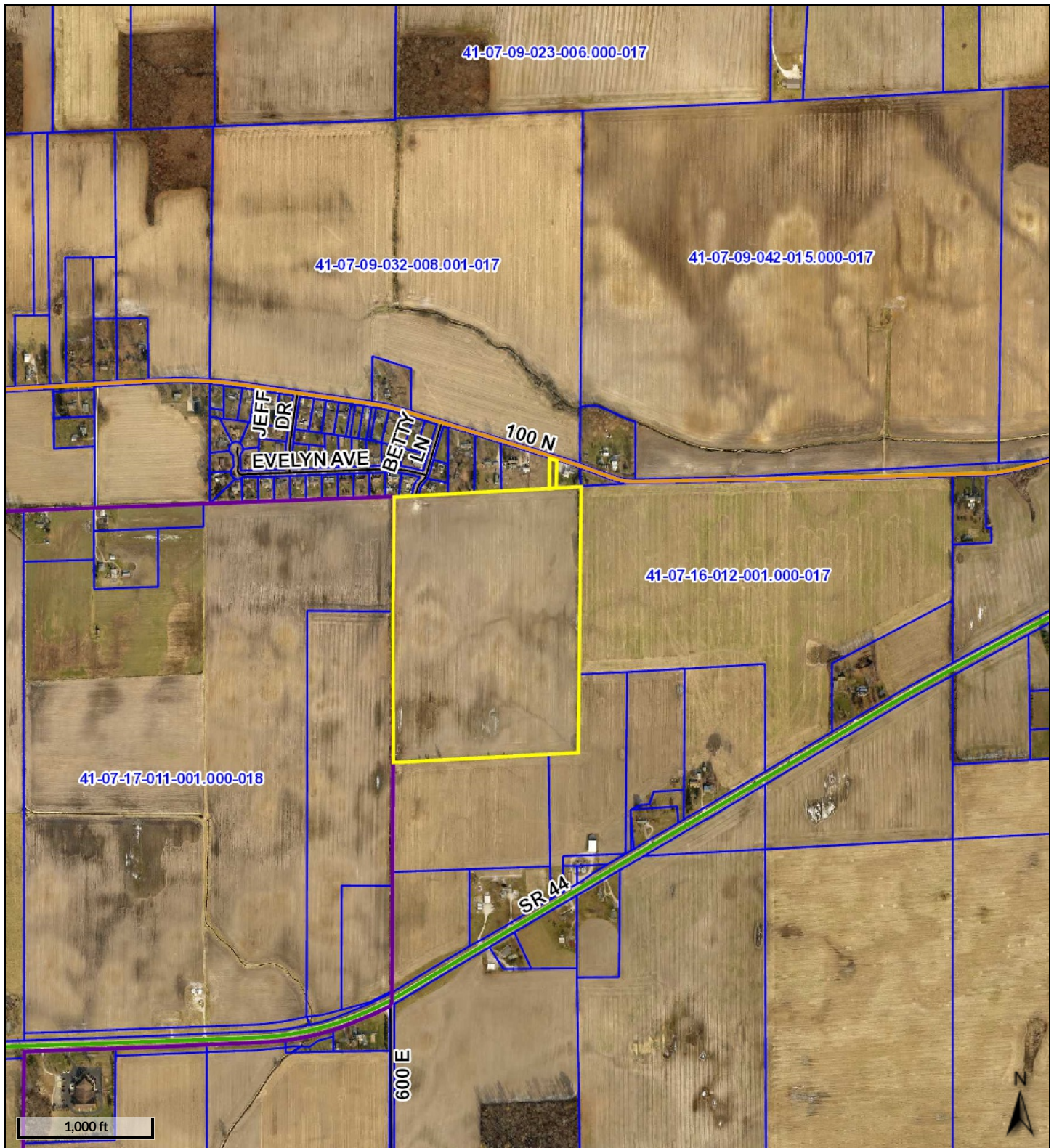
**STAFF RECOMMENDATION – REZONING:**

Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council rezoning the 56.261 acres to IL (Industrial: Light) with the following commitments:

1. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
  - a. A setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance shall be provided to include the following landscaping requirements:
    - ii. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 (rise:run).
    - iii. A row of broad-leaf deciduous canopy trees shall be planted parallel to the north property line with 1 tree placed every 20 feet. Each tree shall be a minimum of 2-1/2 inch caliper measured at 6 inches above the top of the root ball.
    - iv. A row of evergreen trees shall be planted every 10 feet along the top of the mound. Each evergreen shall be a minimum of 5 feet in height, measured from the root ball.



PC 2021-15 (A) & PC 2021-16 (R)





**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2021-16  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

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**NAME OF PETITIONER:**

Sunbeam Development Corporation

**PLAN COMMISSION DOCKET NUMBER:**

PC 2021-16

**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 A (Agriculture) to IL (Industrial: Light), 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 June, 2021, 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 IL (Industrial: Light) subject to the following commitments:
  - a. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
    - i. A setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance shall be provided to include the following landscaping requirements:
      1. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 slope.
      2. A row of broad-leaf deciduous canopy trees shall be planted parallel to the north property line with 1 tree placed every 20 feet. Each tree shall be a minimum of 2-1/2 inch caliper measured at 6 inches above the top of the root ball.
      3. A row of evergreen trees shall be planted every 10 feet along the top of the mound. Each evergreen shall be a minimum of 5 feet in height, measured from the root ball.
    - b. No vehicular traffic shall be accessing Upper Shelbyville Road and a no access easement shall be provided with the primary plat and recording of secondary plats.
  - b. No vehicular traffic shall be accessing Upper Shelbyville Road and a no access easement shall be provided with the primary plat and recording of secondary plats.
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 15<sup>th</sup> day of June, 2021.

PLAN COMMISSON OF THE CITY OF FRANKLIN, INDIANA

  
\_\_\_\_\_  
Jim Martin, President

ATTEST:

  
\_\_\_\_\_  
Suzanne Findley, Secretary

## **EXHIBIT "A"**

The following land description was prepared as part of a Retracement Survey by Stephen M. Cooper, Professional Surveyor S0557, of Coor Consulting & Land Services Corporation, per Job Number 2021-006, dated April 17, 2021 and being a part of the West Half of the Northwest Quarter of Section 16 and a part of the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 12 North, Range 5 East, Needham Township, Johnson County, Indiana, being more particularly described as follows:

BEGINNING at a Stone marking the Northwest corner of said Northwest Quarter Section; thence on an assumed bearing of North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 1115.61 feet to the Southwest corner of Tract "B" as described in Deed Record 197, Page 803 in the Office of the Recorder of Johnson County, Indiana; (the next 3 courses being along the perimeter lines of said Tract "B") thence North 01 degrees 07 minutes 43 seconds East a distance of 233.39 feet to the physical centerline of County Road 100 North; thence South 72 degrees 30 minutes 00 seconds East along the physical centerline thereof a distance of 52.11 feet; thence South 01 degrees 07 minutes 43 seconds West a distance of 215.00 feet to the Southeast corner of said Tract "B", said point also being on the North line of the West Half of said Northwest Quarter; thence North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 174.90 feet to a Stone marking the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 27 minutes 46 seconds West along the East line thereof a distance of 1914.79 feet to the Southeast corner of Tract "A" as described in said Deed Record 197, Page 803; thence South 86 degrees 41 minutes 29 seconds West along the South line thereof a distance of 1344.99 feet to the Southwest corner of said Tract "B", said point also being on the West line of said Northwest Quarter; thence North 00 degrees 34 minutes 58 seconds East along the West line thereof a distance of 1919.94 feet to the POINT OF BEGINNING. Containing 59.239 acres, more or less.

City of Franklin Common Council

**ORDINANCE NUMBER 2021-16**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2021-16  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
IL (Industrial: Light)  
(To be known as Nyberg 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 2021-16 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, from Agriculture (A) to Industrial: Light (IL) subject to the written commitments as stated below.

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2021-16 has been certified to the City’s Common Council; and

**WHEREAS**, the recommendation of the Plan Commission should be adopted, and the rezoning of the property described in Exhibit “A” should be approved.

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

1. **Zoning Map Amended:** The subject property described in Exhibit “A” is hereby rezoned Industrial: Light (IL) subject to the following commitments:
  - a. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
    - i. A setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance shall be provided to include the following landscaping requirements:
      1. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 slope.
      2. A row of broad-leaf deciduous canopy trees shall be planted parallel to the north property line with 1 tree placed every 20 feet. Each tree shall be a minimum of 2-1/2 inch caliper measured at 6 inches above the top of the root ball.
      3. A row of evergreen trees shall be planted every 10 feet along the top of the mound. Each evergreen shall be a minimum of 5 feet in height, measured from the root ball.
  - b. No vehicular traffic shall be accessing Upper Shelbyville Road and a no access easement shall be provided with the primary plat and recording of secondary plats.
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 19<sup>th</sup> day of July, 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*



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