



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING
DEPARTMENT OF COMMUNITY DEVELOPMENT

MINUTES

FRANKLIN CITY PLAN COMMISSION

June 15, 2021

Members Present:

Suzanne Findley	Secretary
Janice Giles	Member
Diane Gragg	Member
Georganna Haltom	Member
Jim Martin	President
Irene Nalley	Member
Mark Richards	Member
Chris Rynerson	Member
Debbie Swinehamer	Member

Others Present:

Lynn Gray	Legal Counsel
Joanna Myers	Senior Planner II

Members Not Present:

Pam Ault	Member
Charlotte Sullivan	Vice President

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

Debbie Swinehamer and Lynn Gray each pointed out one typo in the May 18, 2021 minutes. Ms. Swinehamer made a motion to approve minutes with corrections. Suzanne Findley seconded. Passed unanimously 9-0.

Swearing In

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

Report of Officers and Committees: May 20, 2021 – Joanna Myers reported on three agenda items from the May 20th meeting. The first was the Starek Annexation and Rezoning which will be heard this evening. The second item was a primary plat for Commerce Point. It is approximately 6.4 acres located at the northwest corner of US 31 and Commerce Drive. It has been resubmitted and will be before Technical Review

Committee on June 24 for a substantial revision. The last agenda item was the secondary plat and construction plans for Homesteads at Hillview, Section 3. It is a Planned Unit Development (PUD) and is for the construction of the Windsor section.

Old Business

New Business

PC 2021-15 (A) & PC 2021-16 (R): Nyberg Annexation & Rezoning – Ms. Myers presented an overview of the request for annexation and rezoning of approximately 56 acres located immediately south of the Nyberg Addition and Upper Shelbyville Road and north of State Road 44. The property is currently zoned Agriculture (A), and the request is to rezone to Industrial: Light (IL).

Max Mouser of Studio A presented. He was accompanied by Ken Kern of Sunbeam Development. Mr. Mouser gave a brief overview of Sunbeam's involvement in the Franklin community and their desire to expand. Sunbeam has acquired 447 acres. He reviewed the decision criteria.

1. Comprehensive Plan: The rezoning is consistent with the plan. The zoning allows for various size lots from one acre up to five acres and larger. The buildings Sunbeam seeks to build are 500,000 to 1,000,000 square feet and larger.
2. Current Conditions: The contiguous acreage is already zoned Industrial: Light (IL). Sunbeam is looking to add the 56 acres to Industrial: Light (IL). The area south of Sunbeam's property was approved for annexation last month and rezoned to Industrial: Light (IL).
3. Desired Use: As mentioned the property adjacent to the west and south was recently annexed and rezoned, and the location would also provide access off a State Road and Interstate.
4. Property Values: It should not have a negative impact on property values. Sunbeam has made additional commitments regarding landscaping and mounding along the north boundary by the Nyberg Subdivision. They are also willing to not put an access road on the small piece that stubs up to County Road 100 North. As Sunbeam develops this land, they believe it could increase property values.
5. Responsible Growth: The site would allow for reasonable growth as it will be part of a larger industrial park.

Mr. Martin opened the public hearing.

Melody Miller remonstrated. The purchased property has been in her family for over 100 years. She does not want to see more "concrete jungle" behind them. All Nyberg resident's properties are served by private wells. She inquired to how the development will affect the wells and the noise and pollution introduced through increased traffic. Their backyard view will be a warehouse with more lighting, noise and pollution.

Cindy Cooper remonstrated. If it is allowed to go through, they don't want to see it and they want to be protected from the dust and pollution, especially during the construction process. She wants a guarantee that there will be no ill effect from incoming rainwater and that heavy equipment will not break their well and septic systems from all the vibration. She wants an assurance of safety for all residents. She asked for a mound with a fence on top and thousands of trees, not just 45. Ms. Cooper believes 100 North to already be in shambles and she can't imagine one more thing happening to that road.

Karen Gordon remonstrated. She spoke to the increased rush hour traffic which will produce additional unhealthy concerns for the Nyberg residents. Idling tractor trailers for extended periods of time can negatively impact their air quality as a direct result of diesel emissions.

Mike Ehringer remonstrated. He was concerned about general safety. He would like to see access to the property be prohibited from ever being a road directly connecting to 100 N. He asked that the barrier that is put in be high enough to block the view of the building. A tree barrier will take a long time to grow, so he felt a land barrier would be more appropriate.

Mr. Mouser stated that this area (Franklin) is a prime location for delivery hubs due to its proximity to multiple delivery destinations. Truck emission guidelines are monitored to protect against pollution. Drainage will all be captured in to a storm pipe system and adhere to all city ordinances. There will be detention ponds and discharge designed at the appropriate rate. There is no part of their plan that will adversely affect the well water. Their planned mounding and landscaping with evergreens will help with noise. Contractors will be required to water as needed to protect against dust during construction. They are willing to commit to no access through the 50' piece of property on to 100 N. Access would only be by use of Jim Black Road and State Road 44.

The public hearing was closed.

City Engineer Mark Richards asked Mr. Mouser to address how lighting and lighting pollution will be addressed. Mr. Mouser responded that city ordinances will be adhered to. Lighting will be LED down lighting and not cast out onto residential properties. There will also be evergreen plantings that will buffer the lighting as they grow often to 60' in height.

Georganna Haltom asked if the warehouse will be taller than what is there now. Mr. Mouser said some will be higher than what is there now. There will be no lights on the buildings directed to other properties.

Ms. Myers gave staff's recommendation for a favorable recommendation for annexation be forwarded to City Council. Mr. Richards made a motion to forward a favorable recommendation for annexation to City Council. Ms. Swinehamer seconded. Passed 7-2 with Diane Gragg and Janice Giles voting against.

Ms. Myers gave staff's recommendation for a favorable recommendation for rezoning the 56.261 acres to IL (Industrial: Light) with two commitments be forwarded to City Council.

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.
2. 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.

Mr. Mouser stated petitioner's agreement with the two commitments.

Mr. Richards made a motion to forward a favorable recommendation for rezoning with the noted commitments be forwarded to City Council. Ms. Swinehamer seconded. Passed 7-2 with Ms. Gragg and Ms. Giles against.

Ms. Myers announced that this case is anticipated to be introduced to City Council at the July 19th meeting. The public hearing will occur on August 2nd.

PC 2021-23 (A) & PC 2021-24 (R): Starek Annexation & Rezoning – Ms. Myers introduced the two requests. The first was for annexation of approximately 130 acres and the second is a rezoning request for the north portion to be rezoned to RS-2 (Residential: Suburban Two) and the south portion to RS-3 (Residential: Suburban Three) both with commitments. The property is located on the west side of Hurricane Road and immediately north of Heritage Subdivision. The current zoning of the property in the Buffer Zone is A (Agriculture). The property not currently in the Buffer Zone is zoned R-2 per the Johnson County zoning map. A table was presented outlining the development standards for the existing zoning districts and also the standards and noted commitments for the proposed rezoning to RS-2 (Residential: Suburban Two) and RS-3 (Residential: Suburban Three).

Melissa Garrard, entitlements manager for Forestar Group, accompanied by Entitlements Director Brian Gray, presented an overview of Forestar and Mr. Gray's and her professional background and roles with the company. Ms. Garrard has met with the neighbors. She has committed to meeting with them again at the primary plat stage when they have more engineering details. Forestar will be putting in all the infrastructure and selling it to a homebuilder. D.R. Horton owns 65% of Forestar Group and will likely be the builder. Ms. Garrard proceeded through a PowerPoint presentation showing maps of area zoning and development location and layout. She addressed the decision criteria throughout her presentation.

1. Comprehensive Plan: Ms. Garrard identified the request to be consistent with the comprehensive plan.
2. Current Conditions: She stated that the property zoned PUD to the south has smaller lots than what is proposed. Ms. Garrard stated that the area zoned A (Agriculture) is where the transmission lines for Duke are located. Forestar will be keeping that area as green space.
3. Desired Use: Forestar proposes 347 single family lots. A large percentage are estate lots. There are two parcels on the west and two south of the development. Forestar has no concern providing a second stub road connection on the south as requested by staff. A second connection to the west would be to an industrial area and Ms. Garrard does not believe it is responsible growth to provide connection from a residential area into an industrial area. Forestar is willing to do it, but Ms. Garrard would prefer not. She requested the commission's feedback although recognizing this to be a primary plat issue and not annexation and rezoning. They have agreed to staff's recommendations on the architectural standards relating to the structures.
4. Property Values: Forestar anticipates the red lots, as indicated in the PowerPoint presentation, to average between \$330,000 and \$412,000, approaching the property values of the more expensive homes in the surrounding area. The yellow lots are anticipated to average between \$285,000 and \$356,000. Their property value analysis of homes that touch their property indicates the low end of \$116,000 and a high of \$238,000 with an average of \$172,000. Forestar has agreed to the commitments outlined in the staff report with one exception. There is a pond proposed along Hurricane Road. Staff has asked for the mounding to be continued along the pond frontage. Forestar would prefer not to mound that area as they see the ability to turn the pond in to an aesthetic feature for the whole neighborhood. They are willing to increase landscaping in other areas.
5. Responsible Growth: They provided for these in the covenants. They've agreed to and included all staff commitments with the exception of one. They are willing to do more on the landscaping. They are willing to work with the neighbors with regards to mounding on the north side of the property as well. There is a utility easement to be considered, and they will interact with Duke on this.

A public hearing was held. Ted Bishop remonstrated as managing partner of Legends Golf Course. He indicated that he is also representing homeowners north of the John Wright curve. Mr. Bishop countered that

the property values north of this site range from approximately \$500,000 to \$1.5 million. He would like to see this area be a lower density, higher end housing even if it were to require amending the comprehensive plan to allow for it. He stated that he met with Mayor Barnett, City Engineer Mark Richards and Senior Planner Joanna Myers. Mr. Bishop believes the drainage from the project will have a serious impact on the golf course. Hurricane Creek is in a floodplain. The former C.P. Morgan turned Arbor Homes development across the road negatively impacted the golf course with drainage issues. His second issue was the jurisdiction of Hurricane Road. Johnson County currently has jurisdiction over the road to the north up to the four-way stop. The City of Franklin's jurisdiction is to the south. There is a smooth paved surface from that road into the city. The northern end is a chip and seal road with a worn off center line. The road as it currently stands is not adequate to accommodate a subdivision adding 347 homes. Mr. Bishop asked for clarification on the boundaries of the city's jurisdiction of the road. Ms. Myers explained that city jurisdiction of the road stops at the north line of Heritage. The remainder of the road is under the jurisdiction of Johnson County. If this property becomes annexed, only the portions of the road from the south boundary to the north boundary of the annexation would also then be within City of Franklin's jurisdiction. Project coordination with the county could happen in the future. Thirdly, Mr. Bishop expressed concern that the developer is not able to definitively state who the builder will be for the development.

Sharon Acton remonstrated. She would like to see the development of this area contribute to the charm of Franklin rather than seem like just an extension of Indianapolis. She believes density to be an issue in light of additional traffic using Hurricane Road, specifically northbound traffic and traffic through to US 31. She stated that at the neighborhood meeting Forestar was asked why the subdivision could not be RS-2 throughout and was told it would not be profitable for them. She cited the comprehensive plan that farmland areas should be protected and asked how this project interferes with that. Her request of the commission was not to deny the petition but at least to continue the petition until more information is available.

Duane Mercer remonstrated. His concerns focused on home values and drainage. He would like to see less homes and higher quality homes on larger lots in that area. He would like to see the petition tabled for now.

The public hearing was closed.

Ms. Garrard denied stating that anything was "not profitable" for Forestar. She claimed stating that the RS-3 (Residential: Suburban Three) component was a good transitional use from the industrial area from the west and the smaller Arbor lots from the south. There are major transmission power lines that make it difficult to market estate and larger lots. Ms. Garrard stated that annexation law states that when a property is annexed on either side of a road, the entire road is annexed for the entire length and that the City has jurisdiction of the road all the way to 300 N. Ms. Myers explained the incorrectness of that statement as the property on the east side of Hurricane Road north of Heritage was annexed prior to that law with that portion of the road remaining in the County's jurisdiction. Ms. Myers stated that with this annexation the portion of road adjacent to it would then be in the City's jurisdiction. Ms. Garrard stated that they recognize drainage is an issue to be dealt with at the time of platting.

Mr. Gray stated they have looked at drainage. They also have ponds that will capture and release at the required rates. He concurred with the expectation that Johnson County and the City of Franklin will be able to work together to maintain the roads. Drainage details will come after analysis is complete.

Ms. Garrard reiterated their request to not provide mounds along the length of the pond adjacent to Hurricane Road. They would like to put benches in that location.

Ms. Swinehamer asked if there was currently only one stub road proposed along the west side of the property and Ms. Garrard confirmed but stated they will provide another stub road on the west side to the north. Ms. Garrard stated that staff has indicated that another stub road to the south is needed. Ms. Myers clarified that the

statement of connectivity (stub road) to both parcels is a requirement outlined in the Subdivision Control Ordinance.

Mr. Richards asked Ms. Myers to explain the mounding and its importance. She identified that mounding and landscaping is currently provided along the frontage of Heritage. It is provided adjacent to common areas, along where homes are located and between the ponds and Hurricane Road. It has worked well aesthetically and is for the safety of drivers to keep them from driving straight in to the ponds should they veer off the road due to ice or other extenuating circumstances. Many calls of complaints are received from Homeowners Associations that have ponds immediately adjacent to public rights-of-way, specifically trails, as it invites people to use the ponds who are not neighborhood residents.

Georganna Haltom asked if it is certain that there will be no more than 347 homes in the development. Ms. Myers explained that the plan provided is a concept plan only. As long as the plan meets the development standards in place, it could be less homes or potentially more homes. Ms. Myers went on to identify that the decision before Plan Commission is for a recommendation on if the property should be annexed and if the RS-2 (Residential: Suburban Two) and the RS-3 (Residential: Suburban Three) zoning districts are appropriate for the future development of the City of Franklin.

Ms. Findley asked if there were any plans for improving the road. Mr. Richards pointed out that the city normally requests that the developer make improvements to the road frontage adjacent to where the project is being developed. Any of the roadway improvements from the south property line to the north property line of the subject property would be provided by the developer in accordance with city standards.

Mr. Richards stated that Mayor Steve Barnett has been working with Johnson County to establish an inter-local agreement related to road maintenance. It is in process for the city to assume responsibility for roads outside of city jurisdiction but that directly impacts city residents, and make improvements to those roads. It is anticipated that the entire length of Hurricane Road up to Earlywood Drive/300 N would be improved in some fashion.

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

Mr. Richards made a motion to forward a favorable recommendation for annexation to City Council. Chris Rynerson seconded. Passed 7-2 with Diane Gragg and Janice Giles voting against.

Ms. Myers presented staff's recommendation of a favorable recommendation for rezoning to RS-2 (Residential: Suburban Two) and RS-3 (Residential: Suburban Three) be forwarded to City Council with conditions.

1. Ponds: All ponds installed on the Real Estate in connection with any development thereof, along with a minimum 20 ft. drainage easement from the top of bank, shall be located entirely within the common area of any subdivision and not on any lot(s) on the Real Estate.
2. Monuments: If any stones or monuments of record are found while the survey of the Real Estate is prepared, Owner will use its best efforts to protect them from damage.
3. Legal Drain: The Real Estate is located within the Hurricane Creek Legal Drain Watershed, and future development will require review by the Johnson County Drainage Board.
4. Hurricane Road Landscaping: At such time as the property is developed, a row of broad-leaf deciduous canopy trees shall be planted parallel to the property line and be placed within a common area adjacent to Hurricane Road with 1 tree placed every 40 feet along the boundary; provided,

however, that such canopy trees required in any area comprising a utility easement for the benefit of parties other than the City of Franklin shall be small trees (30 ft. or less) and further, provided, that notwithstanding any provision herein to the contrary, any such landscaping required by this section to be placed in such utility easement shall be subject to the approval of the party benefitted by the easement, and to the extent that such party does not approve, this requirement shall be deemed waived.

Also at such time as the property is developed, a 3 to 5-foot tall undulating mound shall be provided parallel to the property line and placed within a common area adjacent to Hurricane Road, with the slope of said mounds not to exceed 3:1 (rise: run), and improved with shrubs and/or evergreen trees at a rate of one shrub for every 20 feet of continuous boundary or one evergreen for every 35 feet of continuous boundary or a combination thereof; provided, however, that shrubs and not evergreens shall be provided at the ratio above in any area comprising a utility easement for the benefit of parties other than the City of Franklin; and further, provided, that notwithstanding any provision herein to the contrary, any such mounding and landscaping required by this section to be placed in such utility easement shall be subject to the approval of the party benefitted by the easement, and to the extent that such party does not approve, this requirement shall be deemed waived.

- a. All shrubs required pursuant to the terms above shall be 18 inches tall, measured from grade, at the time of planting, and all evergreen trees required pursuant to the terms above shall be 5 feet in height, measured from the top of the root ball, at the time of planting and be planted 2 feet laterally from the peak of the mound.
5. Trail System: An asphalt trail meeting the City Engineer and Department of Parks and Recreation requirements shall be provided along Hurricane Road as an extension of the Franklin Greenways Trail and shall be connected to the internal sidewalk system.
6. Minimum Lot Width: Notwithstanding the minimum Lot Width stated in the Table in Section 3.3 and in Section 3.9 of the City of Franklin Zoning Ordinance, the minimum Lot Width (as defined in the City of Franklin Zoning Ordinance) shall be 60 feet.
7. Minimum Ground Floor Living Area: The minimum Ground Floor Living Area (as defined in the City of Franklin Zoning Ordinance) shall be 950 square feet.
8. Windows: For all Dwelling Units which are adjacent to a common area depicted on any plat, at least one (1) window, with a minimum area of 8 square feet, shall be incorporated on the side(s) which are adjacent to the common areas; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.
9. Those Dwelling Units built on corner lots within the Real Estate shall include at least one (1) window per story, with a minimum area of 8 square feet, on the sides of the dwelling facing the streets; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.
10. Exterior Materials: The front elevations of all Dwelling Units shall incorporate at least two (2) exterior building materials, profiles and/or textures and at least three (3) colors on surfaces other than stone, brick, and masonry (but including trim, shutters or other window ornamentation, and garage doors). At least 50% of the front elevation (excluding windows, doors, garage doors, and areas above the roof line) shall be stone, brick, or masonry.
11. Roof Pitch: All Dwelling Units shall feature a minimum of 6:12 primary roof pitch; provided, however, ancillary roofs (including, but not limited to porches, garage extensions, overhangs, accent

roofs, sunrooms or third car garages with a separate roof structure) shall not be considered primary roofs for purposes of this 6:12 roof pitch requirement.

12. Roof Overhang: All Dwelling Units located on the Real Estate 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.
13. Garages: All Dwelling Units on the Real Estate 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.
 - a. For Dwelling Units with two-car garages, a single-family dwelling façade shall comprise at least fifty-five percent (55%) of the total façade width; the garage door shall not exceed more than forty-five percent (45%) of the façade.
 - b. For Dwelling Units with three-car garages, a single-family dwelling façade shall comprise at least fifty percent (50%) of the total façade width; the total width of the garage doors combined shall not exceed more than fifty percent (50%) of the façade width.
14. Anti-Monotony: The same front dwelling elevation will not be constructed within two lots in either direction on the same side of the street or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.
15. Prohibited Structures: Above-ground pools and sheds, mini-barns, or other detached storage buildings are prohibited.

Ms. Myers added that in addition the RS-3 zoning district would also have a minimum lot width requirement not withstanding the minimum lot width stated in the table in Section 3.3 and in Section 3.9 of the City of Franklin's Zoning Ordinance. The minimum lot width as defined shall be 60 feet.

Ms. Gray also inquired as to whether staff's recommendation included the commitment tendered by the petitioner that the commitments shall run with the land, be binding upon the owner, the real estate, such as the owners of the real estate, and the commitments may only be modified or terminated by a decision of Franklin Planning Commission. Ms. Myers confirmed.

Mr. Richards expressed a need for correction to made in item four. It should read run:rise and not rise:run. It should be three horizontal to one vertical.

Ms. Swinehamer made a motion to forward an unfavorable recommendation for rezoning to City Council for two reasons. She questioned the accuracy of the home values presented. She also questioned the renditions of the homes since the builder could not yet be guaranteed. Ms. Gragg seconded. A roll call vote was taken. Members Findley, Gragg, Haltom, Giles and Swinehamer voted affirmatively and members Rynerson, Richards, Nalley, and Martin voted nay. Motion failed 5-4.

Mr. Richards made a motion for a favorable recommendation with the stated commitments be forwarded to City Council for rezoning. Mr. Rynerson seconded. A roll call vote was taken. Members Rynerson, Richards, Nalley and Martin voted affirmatively and members Findley, Gragg, Haltom, Giles and Swinehamer voted nay. Motion failed 4-5.

Ms. Nalley made a motion for no recommendation for rezoning be forwarded to City Council. Ms. Findley seconded. A roll call vote was taken. Members Findley, Rynerson, Gragg, Haltom and Giles voted affirmatively and members Richards, Nalley, Swinehamer and Martin voted nay. Motion failed 5-4.

Ms. Myers explained that the remaining possible motions could include a favorable recommendation with different commitments or no commitments. She noted that if no recommendation is forwarded to City Council, staff's recommended commitments are not included. City Council could put then place conditions upon the rezoning. Ms. Myers explained that it would be forwarded with only the commitments submitted by the petitioner with the original application which are not the same as staff's recommendations presented at this meeting.

Ms. Gragg moved a second time for no recommendation for rezoning be forwarded to City Council. Ms. Findley seconded. A roll call vote was taken. Members Findley, Gragg, Haltom and Giles voted affirmatively and members Rynerson, Richards, Nalley, Swinehamer and Martin voted nay. Motion failed 4-5.

The case was automatically continued to next month.

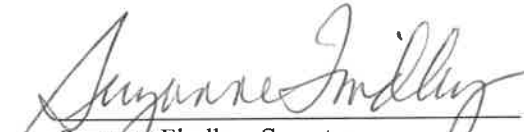
Other Business

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted this 20th day of July, 2021.


Jim Martin, President


Suzanne Findley, Secretary