

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	December 15, 2021	<b>Meeting Date:</b>	Dec. 20, 2021
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Tennell, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		Oakleaf Farms, LLC	
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jtennell@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2021-26: Annexation to be known as Oakleaf Farms II Annexation – 42.43 ac. (Adoption)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2021-35)			
3. Ordinance 2021-26			
4.			
5.			
6.			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Tennell	<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 Tennell, Senior Planner  
**Date:** November 8, 2021  
**Re:** **Oakleaf Farms II Annexation (Ordinance 2021-26)**

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On October 19, 2021, the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Oakleaf Farms, LLC (Plan Commission Resolution #2021-35). The Plan Commission voted 10-1 for a favorable recommendation to be forwarded.

The petitioner is requesting that 42.43 acres located on the east side of CR 600 E and south of SR 44 be annexed into the City of Franklin to plan for future 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 annexation ordinance is included. A copy of the fiscal plan and resolution adopting the fiscal plan accompany the ordinance. The proposed timeline for the petition is as follows:

Introduction:	November 15, 2021
Public Hearing:	December 6, 2021 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	December 20, 2021

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



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DEPARTMENT OF PLANNING & ENGINEERING

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# Plan Commission Staff Report

**To:** Plan Commission Members

**From:** Joanna Myers, Senior Planner

**Date:** September 16, 2021

**Re:** Case PC 2021-35 (A) & PC 2021-36 (R): Oakleaf Farms II Annexation & Rezoning

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### REQUEST:

**Case PC 2021-35 (A) & PC 2021-36 (R)...Oakleaf Farms II Annexation and Rezoning.** A request by Oakleaf Farms, LLC to annex and rezone 42.43 acres from Agriculture (A) to Industrial: Light (IL). The property is located on the east side of CR 600 E and south of SR 44 and is located in the City of Franklin Extraterritorial Jurisdiction.

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: IL  
South: A  
East: A  
West: A

#### Surrounding Land Use:

North: Agriculture  
South: Agriculture & Single-family residence  
East: Agriculture  
West: Umbarger Show Feeds & 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. Oakleaf Farms, LLC is requesting that 42.43 acres be annexed and rezoned to IL (Industrial: Light), for the future development of an industrial subdivision.

2. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  1. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  2. 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)
3. The proposed annexation area is 25% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
4. 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.

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.

5. Electric is available on the west side of CR 600 E and a sanitary sewer extension project is currently under construction west of the subject property.
6. The petitioner has offered the following commitments related to the rezoning petition (PC 2021-36 (R): Oakleaf Farms II Rezoning):
  1. Lighting. All exterior lighting shall be of a design that directs the light downward and to the area or façade being illuminated.
  2. East/South Yards. Structures, parking areas or drives shall not be located within the first one hundred feet (100') of the east and south boundary lines of the Real Estate. The 100' yard area off of the east boundary line shall be planted with a minimum of fifty (50) trees, such trees being native to Indiana and on the list of trees approved by the landscaping regulations for the City of Franklin.
  3. Berm/Additional Tree Planting. Within the front yard setback area along CR 600 E and upon development of the Real Estate for industrial purposes, the Owner shall construct a berm undulating from three feet (3') to five feet (5') in height, such heights shall serve as a minimum, not a maximum. The slope of this berm shall be a minimum of four to one (4:1) and be constructed of topsoil. In addition to the number of street trees required by the ordinance, an additional tree shall be planted in the front yard as measured off of the CR 600 E right of way, as required per ordinance, for every eighty feet (80') of frontage along CR 600 E.
  4. Fenceline Trees. Existing fenceline trees along the east and south boundaries of the Real Estate shall be preserved by the Owner, except where removal is necessary in order to allow installation of needed utilities or drainage ways or facilities.
  5. These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described Real Estate, and other persons acquiring an interest therein. These COMMITMENTS may be modified or

terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

7. The Technical Review Committee reviewed the petitions at their August 26, 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 2021-35 (A): OAKLEAF FARMS II 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 2021-36 (R): OAKLEAF FARMS II 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 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 north of the subject property is currently zoned IL and was recently annexed and rezoned to IL for the future development of an industrial park. Umbarger Show Feeds is located immediately to the west and was recently constructed.

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 immediate access to State Road 44 and proximity to I-65 provides excellent access to a regional transportation route.

4. ***Property Values: The conservation of property values throughout the City of Franklin's planning jurisdiction.***

**Staff Finding:**

The rezoning request should not negatively affect the property values in the area; however, the development of the property could increase the property values as additional industrial 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.

**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:**

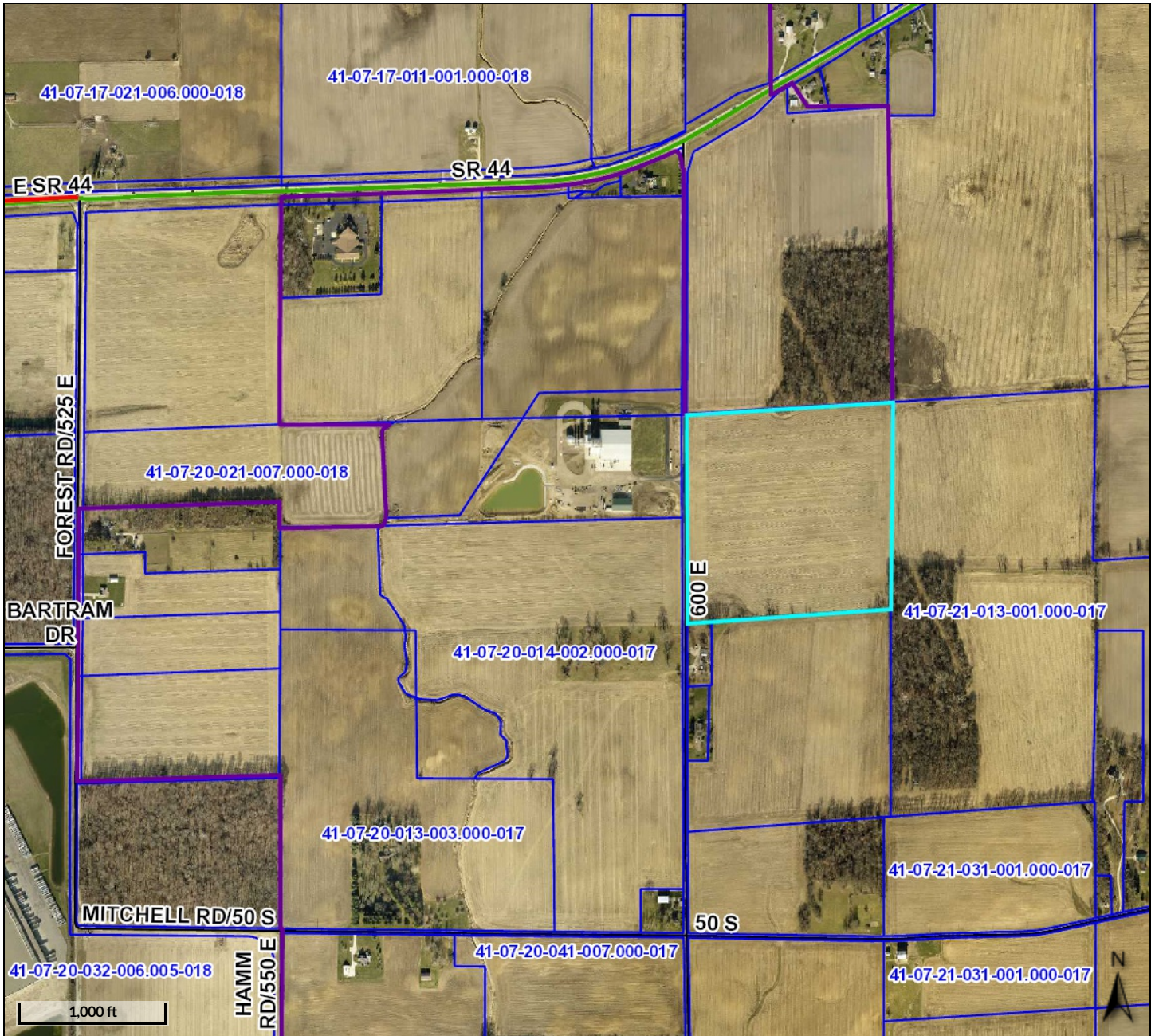
Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council rezoning the 42.43 acres to IL (Industrial: Light) with the following commitments:

1. Lighting. All exterior lighting shall be of a design that directs the light downward and to the area or façade being illuminated.
2. East/South Yards. Structures, parking areas or drives shall not be located within the first one hundred feet (100') of the east and south boundary lines of the Real Estate. The 100' yard area off of the east boundary line shall be planted with a minimum of fifty (50) trees, such trees being native to Indiana and on the list of trees approved by the landscaping regulations for the City of Franklin.
3. Berm/Additional Tree Planting. Within the front yard setback area along CR 600 E and upon development of the Real Estate for industrial purposes, the Owner shall construct a

berm undulating from three feet (3') to five feet (5') in height, such heights shall serve as a minimum, not a maximum. The slope of this berm shall be a minimum of four to one (4:1) and be constructed of topsoil. In addition to the number of street trees required by the ordinance, an additional tree shall be planted in the front yard as measured off of the CR 600 E right of way, as required per ordinance, for every eighty feet (80') of frontage along CR 600 E.

4. Fenceline Trees. Existing fenceline trees along the east and south boundaries of the Real Estate shall be preserved by the Owner, except where removal is necessary in order to allow installation of needed utilities or drainage ways or facilities.
5. These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described Real Estate, and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

PC 2021-35 (A) & PC 2021-36 (R): Oakleaf Farms II



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City of Franklin Common Council

**ORDINANCE # 2021-26**

AN ORDINANCE APPROVING A RESOLUTION  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,  
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS  
(to be known as Oakleaf Farms II Annexation)

**WHEREAS**, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

**WHEREAS**, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2021-35 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked "Resolution #2021-35"); and

**WHEREAS**, pursuant to IC 36-7-4-605, Resolution #2021-35 has been certified to City's Common Council; and

**WHEREAS**, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "A" be annexed to and become a part of the City of Franklin, Indiana.

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

1. The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana.
2. 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; and
3. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
4. 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; and
5. The provisions set forth in this ordinance become and will remain in full force and effect pursuant to Indiana Code; and
6. Said newly annexed territory shall become a part of Council District 4; and
7. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 36-4-3-22(a).

**INTRODUCED AND FILED** on the 15<sup>th</sup> day of November, 2021.

**PUBLIC HEARING** held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**DULY ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, 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

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

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

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

\_\_\_\_\_  
  
\_\_\_\_\_

**Voting Opposed:**

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

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

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

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

\_\_\_\_\_  
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 \_\_\_\_\_, 202\_\_ 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 \_\_\_\_\_, 202\_\_ 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 \_\_\_\_\_

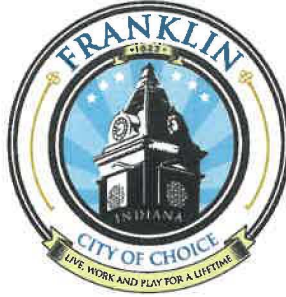
*Prepared by:*  
*Joanna Tennell, Senior Planner*  
*Department of Planning & Engineering*  
*70 E. Monroe Street*  
*Franklin, IN 46131*

### **EXHIBIT "A"**

Being the Northwest Quarter of the Northwest Quarter of Section 21, Township 12 North, Range 5 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, being more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter Quarter Section; thence the next four (4) courses being along the North, East, South, and West lines of said Northwest Quarter Quarter Section; (1) North 86 degrees 21 minutes 55 seconds East 1362.25 feet to the Northeast corner of said Northwest Quarter Quarter Section; (2) South 01 degrees 14 minutes 13 seconds West 1361.22 feet to the Southeast corner of said Northwest Quarter Quarter Section; (3) South 86 degrees 11 minutes 26 seconds West 1355.52 feet to the Southwest corner of said Northwest Quarter Quarter section; (4) thence North 00 degrees 03 minutes 24 seconds West 1364.90 feet to the Point of Beginning, containing 42.43 acres, more or less.

And including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2021-35  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

Oakleaf Farms, LLC

**PLAN COMMISSION DOCKET NUMBER:**

PC 2021-35

**RESOLUTION**

**WHEREAS**, the City of Franklin, Indiana has received an annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

**WHEREAS**, the petitioner has submitted a statement of reasons for having said property annexed; and

**WHEREAS**, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

**WHEREAS**, the existing and proposed improvements have been submitted and reviewed by the Plan Commission; and

**WHEREAS**, the said improvements are consistent with the 2013 Comprehensive Plan; and

**WHEREAS**, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

**WHEREAS**, a public hearing was held on the 21<sup>st</sup> day of September, 2021 to give the public an opportunity to offer comments on said annexation petition; and

**WHEREAS**, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

**WHEREAS**, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

**NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY 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 approved for annexation to the City of Franklin.
2. On behalf of the secretary, 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. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 19th day of October, 2021.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST:

  
Suzanne Findley, Secretary

  
Jim Martin, President

### **EXHIBIT "A"**

Being the Northwest Quarter of the Northwest Quarter of Section 21, Township 12 North, Range 5 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, being more particularly described as follows:

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And including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.