

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	June 23, 2023	Meeting Date:	July 5, 2023
Contact Information:			
Requested by:	Joanna Tennell, Senior Planner		
On Behalf of Organization or Individual: Snepp Joint Trust			
Telephone:	317-736-3631		
Email address:	jtennell@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2023-07: Rezoning to be known as Snepp Rezoning – 160 ac. (Tabled from June 19, 2023 – Official Action)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC-23-07)			
3. PC Resolution 2023-07B			
4. Ordinance 2023-07			
5. Agriculture Zoning Standards			
6.			
Who will present the request?			
Name:	Joanna Tennell	Telephone:	(317) 736-3631

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



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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

City Council - Memorandum

To: City Council Members
CC: Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer
From: Joanna Tennell, Senior Planner
Date: May 31, 2023
Re: **Snepp Rezoning (Ordinance 2023-07)**

On May 16, 2023 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from Snepp Joint Trust (Plan Commission Resolution #2023-07B). The Plan Commission voted 9-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 160 acres located northeast of the intersection of Earlywood Drive and Hudson Street be rezoned to A (Agriculture). 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:	June 5, 2023
Public Hearing:	June 19, 2023

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 Tennell, Senior Planner

Date: May 10, 2023

Re: Case PC-23-06 (A) & PC-23-07 (R): Dunn & Snett Annexation & Rezoning

REQUEST:

Case PC-23-06 (A) & PC-23-07 (R)...Dunn & Snett Annexation and Rezoning. A request by Hugh Dunn and Snett Joint Trust to annex approximately 240 acres and rezone approximately 80 acres (2754 E. 300 N.) from Johnson County A-1, Agriculture to Industrial: General (IG) and approximately 160 acres (3240 E. 300 N.) from Johnson County A-1, Agriculture and R-2, Single-Family to Agriculture (A). The subject property is located northeast of the intersection of Earlywood Drive and RJ Parkway (See Site Location Map).

ADJACENT PROPERTIES:

Surrounding Zoning:

North: Johnson County, A-1
South: Industrial: Business Dev. (IBD)
Johnson County, A-1 & R-2
East: Johnson County, A-1 & I-2
West: Industrial: General (IG)
Johnson County, A-1

Surrounding Land Use:

North: Agriculture
South: Industrial & Agriculture
Agriculture & Single-family residential
East: Agriculture
West: Agriculture

CURRENT ZONING – JOHNSON COUNTY:

The purpose of the A-1, Agricultural District is to accommodate agricultural operations and practices. In addition, the A-1, Agricultural District preserves and protects agricultural land, the rural character of Johnson County, and the agricultural tradition of the county. The intent of this district is to allow agricultural development by reason of location and the availability of natural resources and infrastructure system.

The purpose of the R-2, Single-Family Residential District is to provide for residential development at an average density of three and one-half (3.5) dwelling units per acre. Development of major subdivisions in the R-2 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to R-1, R-2, or R-3 Residential Districts.

PROPOSED ZONING:

DUNN PROPERTY (West 80 acres) - The “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

SNEPP PROPERTY (East 160 acres) - 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.

CONSIDERATIONS:

1. Hugh Dunn is requesting that 80 acres be annexed and rezoned to IG (Industrial: General) for future industrial development. See Rezoning Request Map.
2. Snapp Joint Trust is requesting that approximately 160 acres be annexed and rezoned A (Agriculture). See Rezoning Request Map.

The request was submitted as a joint application with the Dunn property in order to have the property through the annexation process in anticipation of future development. As there is no immediate project, the request is to annex the property and have it zoned A (Agriculture) and then request a rezoning to the appropriate zoning district once there is a proposed project. At that time, there would be more information for Plan Commission and City Council to consider with a rezoning request to a zoning district other than agriculture.

3. 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)
4. The proposed annexation area is 21.4% 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.

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.

6. The Technical Review Committee reviewed the petitions at their April 20, 2023 meeting.

7. The property would need to go through the Primary Plat, Secondary Plat/Construction Plan and/or Site Development Plan review processes prior to development.
8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”
9. 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.”
10. 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.”
11. 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-23-06 (A): DUNN & SNEPP 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-23-07 (R): DUNN REZONING to Industrial: General & SNEPP REZONING to Agriculture

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 80 acres to IG is consistent with the Comprehensive Plan as the IG zoning district allows for lot sizes to vary from 2 acres 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.

Staff finds that the request to rezone the 160 acres to A with the intent to request a rezoning at a future date is the most responsible request at this time and is consistent with the Comprehensive Plan to set a good foundation for future development.

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

Staff Finding:

The property is located immediately north of industrially developed properties and east of a parcel of ground that has historically been zoned industrial and was rezoned from IBD to IG with conditions in 2020. In addition, it is important to note that the subject site is located near arterial roads (Graham Road & Earlywood Drive) which allows for truck traffic. The City of Franklin is analyzing the feasibility of an additional I-65 interchange at Earlywood Drive east of the subject property.

As the Snepp property is in closer proximity to an existing residential area and agricultural operation, agricultural zoning is appropriate until more information is available with a future project.

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

Staff Finding:

The property is immediately adjacent to other industrial properties and is a logical expansion of the existing industrial zoning for larger lot developments. In addition, the property's proximity to I-65 interchange on Whiteland Road is excellent access to a regional transportation route with the potential of a future interchange from Earlywood Drive to I-65.

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 and public utilities are provided.

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

Staff Finding:

As previously noted, the Dunn property is immediately adjacent to other industrially developed/zoned properties and the truck route and in anticipation of continued growth of the City of Franklin the annexation of the Snepp property is appropriate with it being zoned agricultural.

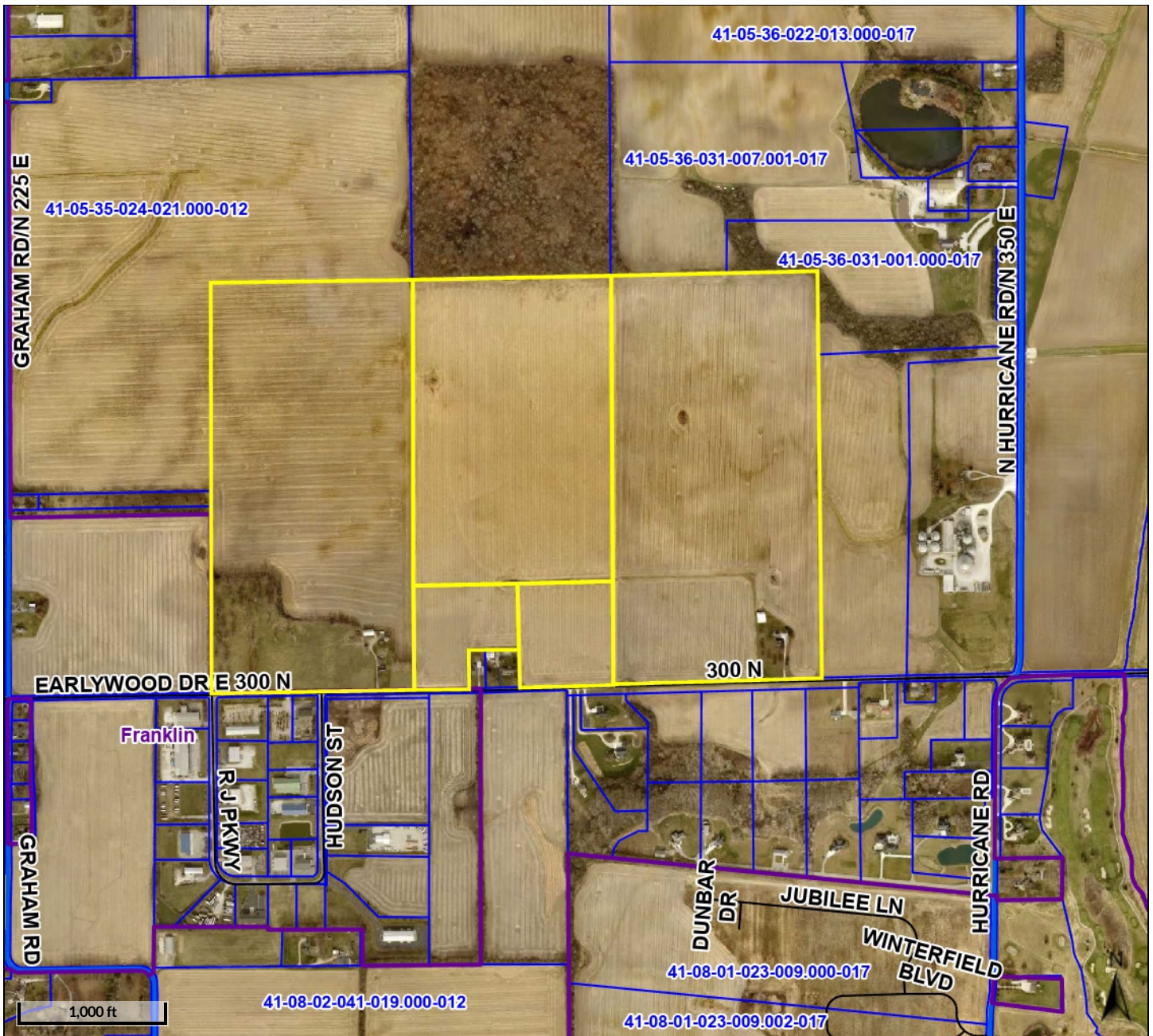
PLAN COMMISSION ACTION – REZONING :

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 to rezone the 80 acres (Dunn property) to IG (Industrial: General) and the 160 acres (Snepp property) to A (Agriculture).

Dunn & Snepp Annexation & Rezoning



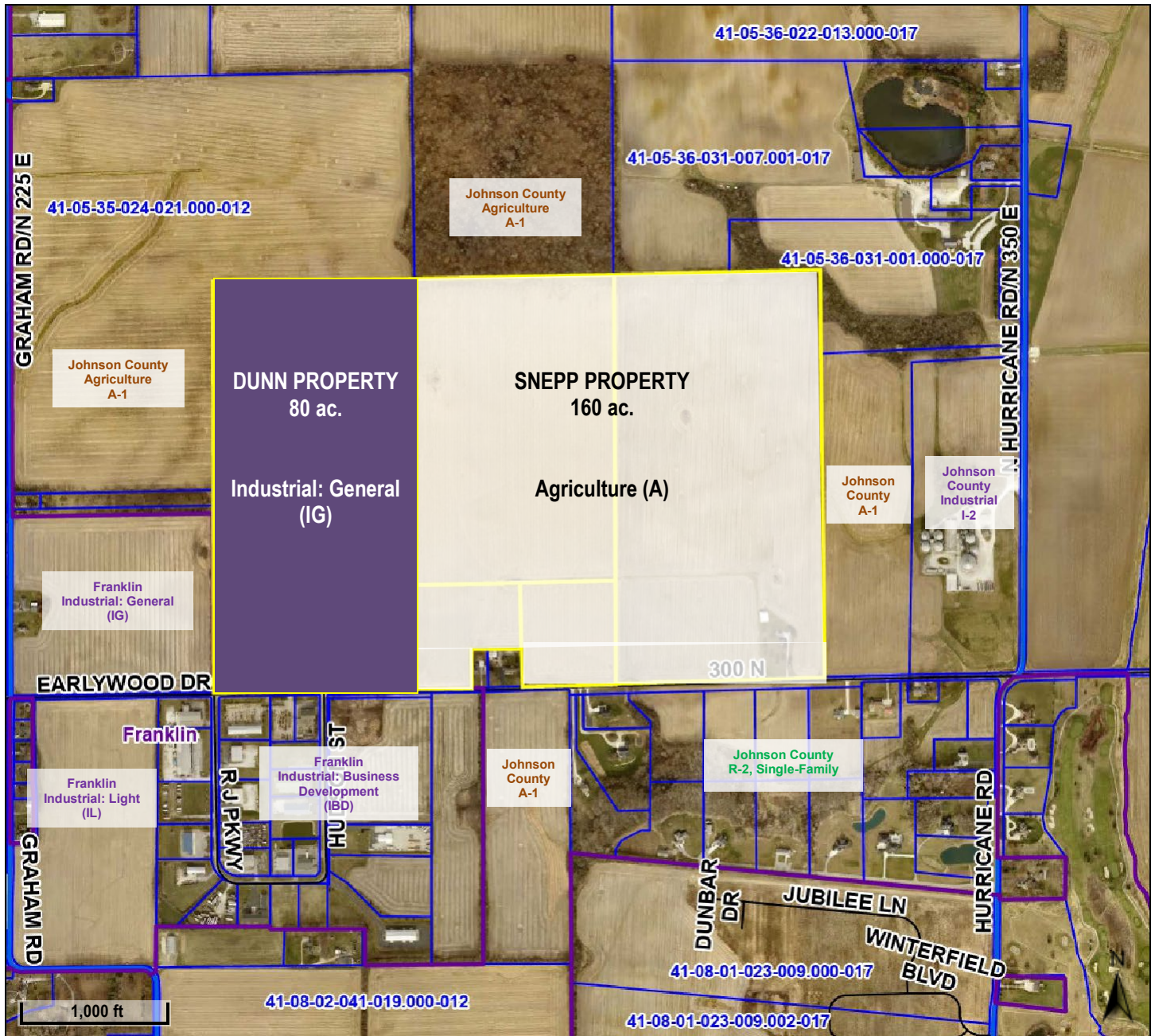
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Dunn & Snepp Annexation & Rezoning



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**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2023-07B
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

Hugh Dunn & Snepp Joint Trust

PLAN COMMISSION DOCKET NUMBER:

PC-23-07

RESOLUTION

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

WHEREAS, the above Petitioner has filed a petition for rezoning, wherein the Petitioner requests a rezoning and a change to the Zoning Map of certain property located within the City of Franklin, Indiana to Agriculture (A); 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 16th day of May, 2023, 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 A (Agriculture).
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 16th day of May, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA


Jim Martin, President

ATTEST:

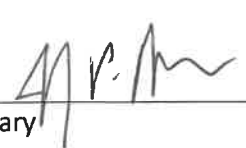

Joe Abban, Secretary

EXHIBIT "A"

SNEPP JOINT TRUST

The West half of the Southwest quarter of Section Thirty-six (36), Township Thirteen (13) North, Range Four (4) East of the Second Principal Meridian, containing eighty (80) acres, more or less.

ALSO, The East half of the Southeast quarter of Section Thirty-five (35), Township and Range aforesaid, EXCEPTING THEREFROM twenty-one (21) acres by parallel lines off of the entire South end of said half quarter section, containing in said Tract, less said exception, fifty-nine (59) acres, more or less.

And containing in both tracts, herein described one hundred thirty-nine (139) acres, more or less, subject to all legal highways.

AND

A part of the East half of the Southeast quarter of Section 35 , Township 13 North, Range 4 East of the Second Principal Meridian, described as follows: Beginning at the Southeast corner of the said half quarter; thence North on and along the East line 697.14 feet; thence West 655.35 feet; thence South 695.18 feet to the South line of said half quarter; thence East on and along said South line 640.70 feet to the place of beginning, containing 10.36 acres, more or less, subject to all legal rights-of-way.

AND

A part of the east half of the southeast quarter of section 35, township 13 north, range 4 east of the second principal meridian, described as follows:

Beginning at the southwest corner of said half quarter; thence north on and along the west line of said half quarter 692.30 feet; thence east 681.25 feet; thence south 431.18 feet; thence west 330 feet; thence south 264.00 feet to the south line of said half quarter; thence west on and along said south line 360.82 feet to the place of beginning, containing 8.93 acres, more or less, subject to all legal rights of way.

City of Franklin Common Council

ORDINANCE NUMBER 2023-07

AN ORDINANCE APPROVING RESOLUTION NUMBER 2023-07B
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
A (Agriculture)
(To be known as Snepp Rezoning)

WHEREAS, the City of Franklin, Indiana Plan Commission (referred to hereafter as the “Plan Commission”) is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the “City”), and has, by Resolution Number 2023-07B recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, to Agriculture (A).

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2023-07B has been certified to the City’s Common Council; and

WHEREAS, the recommendation of the Plan Commission should be adopted; 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.

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 Agriculture (A).
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 5th day of June, 2023.

DULY PASSED on this ____ day of _____, 2023, 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

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Jennifer Price

Josh Prine

Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Jennifer Price

Josh Prine

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 _____, 2023 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 _____, 2023 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"

The West half of the Southwest quarter of Section Thirty-six (36), Township Thirteen (13) North, Range Four (4) East of the Second Principal Meridian, containing eighty (80) acres, more or less.

ALSO, The East half of the Southeast quarter of Section Thirty-five (35), Township and Range aforesaid, EXCEPTING THEREFROM twenty-one (21) acres by parallel lines off of the entire South end of said half quarter section, containing in said Tract, less said exception, fifty-nine (59) acres, more or less.

And containing in both tracts, herein described one hundred thirty-nine (139) acres, more or less, subject to all legal highways.

AND

A part of the East half of the Southeast quarter of Section 35 , Township 13 North, Range 4 East of the Second Principal Meridian, described as follows: Beginning at the Southeast corner of the said half quarter; thence North on and along the East line 697.14 feet; thence West 655.35 feet; thence South 695.18 feet to the South line of said half quarter; thence East on and along said South line 640.70 feet to the place of beginning, containing 10.36 acres, more or less, subject to all legal rights-of-way.

AND

Beginning at the southwest corner of said half quarter; thence north on and along the west line of said half quarter 692.30 feet; thence east 681.25 feet; thence south 431.18 feet; thence west 330 feet; thence south 264.00 feet to the south line of said half quarter; thence west on and along said south line 360.82 feet to the place of beginning, containing 8.93 acres, more or less, subject to all legal rights of way.

3.4 Agricultural (A)

District Intent:

The "A", Agriculture 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 uses, preserve 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.



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

- animal boarding/stables (excluding kennels)
- farm (confined feeding)
- farm (general)
- greenhouse (commercial)
- winery

Residential Uses

- dwelling, single-family (includes manuf. home types I & II)

Communications/Utilities Uses

- public wellfield/water treatment facility
- telecommunications facility/tower
- water tower

Institutional/Public Uses

- animal shelter
- church or other place of worship
- fairgrounds
- police, fire, or rescue station

Park Uses

- golf course and/or country club (including driving range)
- nature preserve/center
- park and/or playgrounds

Commercial Uses

- kennel

Industrial Uses

- agricultural products terminal
- mineral extraction and processing



B. Special Exception Primary Uses:

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

Agriculture Uses

- agricultural product sales, distribution, & storage facility
- farm equipment sales and service
- farmer's market (for sale of products grown off-site)
- livestock auction/sales facility

Residential Uses

- bed and breakfast facility
- boarding house

Institutional/Public Uses

- airport
- cemetery
- government facility (non-office)
- heliport
- penal or correctional institution

Park Uses

- campground/RV park

Commercial Uses

- health spa
- recreational uses (large scale)
- retreat center

Industrial Uses

- power generation facility (commercial)



C. Lot Standards

Minimum Lot Area

- 2 acres (87,120 square feet)

Maximum Lot Area

- not applicable

Minimum Lot Width

(measured at front setback/build-to line)

- 200 feet

Maximum Lot Depth

- not applicable

Maximum Lot Coverage

(including all hard surfaces)

- not applicable

Min. Front Yard Primary Struct. Setback

(measured from street right-of-way)

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

Min. Side Yard Primary Struct. Setback

(measured from adjacent property line)

- 50 feet

Min. Rear Yard Primary Struct. Setback

(measured from rear property line)

- 50 feet

Minimum Living Area per Dwelling (for primary structures)

- 1,000 square feet

Minimum Ground Floor Living Area (for primary structures)

- 60%

Maximum Primary Structures per Lot

- 1 dwelling (with unlimited agricultural structures)

Maximum Height

(for primary structures)

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

Title

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Development Standards ... Art. 7

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7.3 Acc. Use & Struct. 7-5

7.4 Temp. Use & Struct.

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7.8 Mobile / Manuf. Home

Part 1 7-22

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7.14 Telecommunications 7-48

7.15 Fence, Hedge, & Wall

Part 1 7-54

Part 2 7-55

7.17 Buffering & Screening

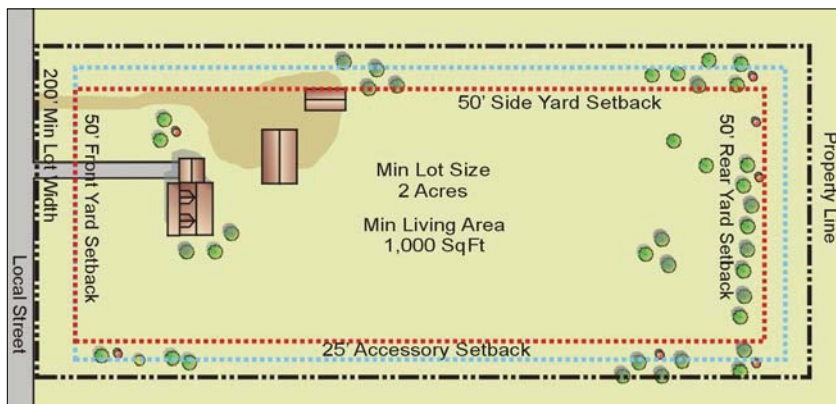
Part 1 7-64

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