

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	June 23, 2023	<b>Meeting Date:</b>	July 5, 2023
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Tennell, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
Hugh Dunn & Snepp Joint Trust			
<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 2023-05: Annexation to be known as Dunn & Snepp Annexation – 240 ac. (Official Action)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC-23-06)			
3. Ordinance 2023-05			
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:** June 13, 2023  
**Re:** **Dunn & Snepp Annexation (Ordinance 2023-05)**

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On May 16, 2023, the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Hugh Dunn and Snepp Joint Trust (Plan Commission Resolution #2023-06). The Plan Commission voted 9-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 240 acres located northeast of the intersection of Earlywood Drive and RJ Parkway 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:	June 5, 2023
Public Hearing:	June 19, 2023 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	July 5, 2023

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 Tennell, Senior Planner

**Date:** May 10, 2023

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

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### 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).

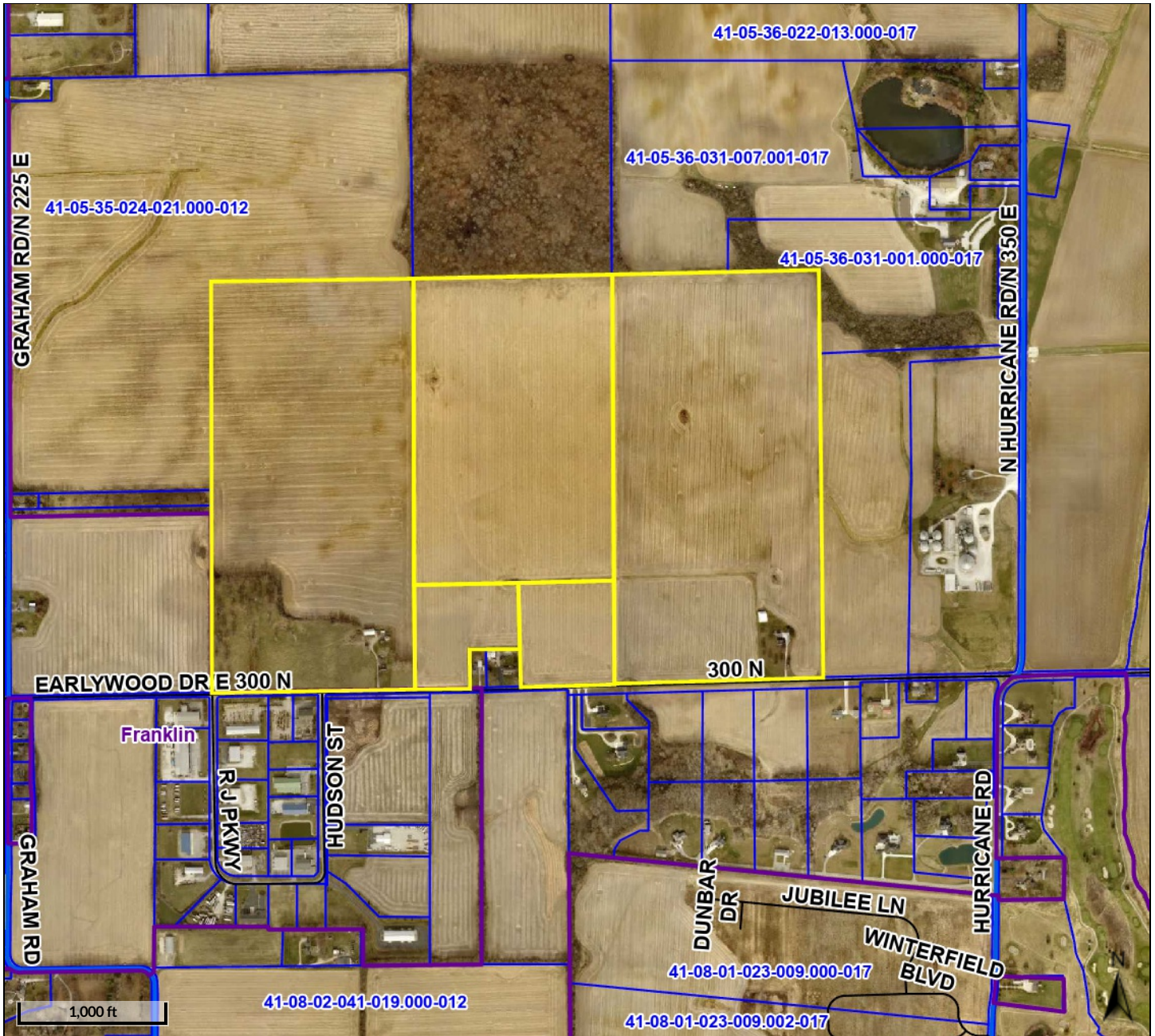




**Beacon**<sup>TM</sup>

Johnson County, IN

## Dunn & Snepp Annexation & Rezoning



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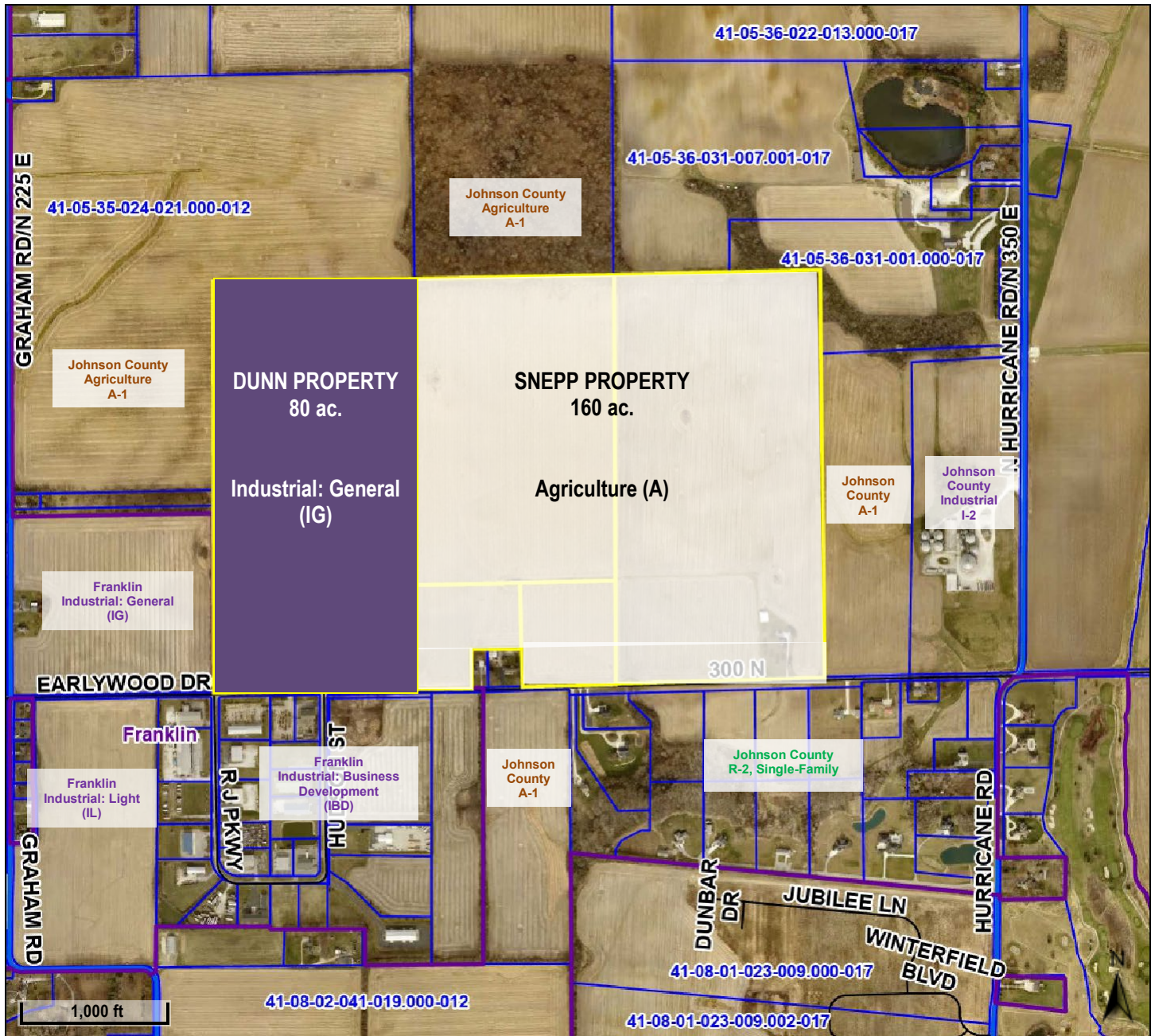
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## Dunn & Snepp Annexation & Rezoning



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City of Franklin Common Council

**ORDINANCE # 2023-05**

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 Dunn & Snepp 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 #2023-06 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 #2023-06"); and

**WHEREAS**, pursuant to IC 36-7-4-605, Resolution #2023-06 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. Pursuant to I.C. 36-4-3-4.1, all portions of the annexation territory that are assessed as agricultural land under the real property assessment rules and guidelines of the department of local government finance shall be exempt from all property tax liability under I.C. 6-1.1 for municipal purposes and shall remain exempt from the property tax liability for so long as the property's assessment classification remains agricultural. There may not be a change in the zoning classification of the annexation territory without the consent of the owner of the annexed territory.
3. 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
4. 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

5. 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
6. The provisions set forth in this ordinance become and will remain in full force and effect pursuant to Indiana Code; and
7. Said newly annexed territory shall become a part of Council District 5; and
8. 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 5<sup>th</sup> day of June, 2023.

**PUBLIC HEARING** held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**DULY ADOPTED** 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

Attest:

\_\_\_\_\_  
Jayne Rhoades, City Clerk-Treasurer

**Voting Opposed:**

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

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

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

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Josh Prine

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

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"**

### **HUGH DUNN**

The West half of the Southeast quarter of Section 35, Township 13 North, Range 4 East, containing 80 acres, more or less.

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.

AND

### **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.

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 # 2023-06  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

Hugh Dunn & Snepp Joint Trust

**PLAN COMMISSION DOCKET NUMBER:**

PC-23-06

**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 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 16<sup>th</sup> day of May, 2023 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:**

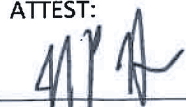
1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
2. On behalf of the secretary, staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the City of Franklin 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 16<sup>th</sup> day of May, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

  
Jim Martin, President

ATTEST:

  
Joe Abban, Secretary

## **EXHIBIT "A"**

### **HUGH DUNN**

The West half of the Southeast quarter of Section 35, Township 13 North, Range 4 East, containing 80 acres, more or less.

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.

AND

### **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.

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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:

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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.