

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	December 8, 2023	Meeting Date:	December 18, 2023
Contact Information:			
Requested by:	Joanna Tennell, Senior Planner		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	317-736-3631		
Email address:	jtennell@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2023-17: Rezoning to be known as DPW Rezoning (Public Hearing – Continued to January 2, 2024 due to Public Notice Requirements)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC-23-24)			
3. PC Resolution 2023-24			
4. Ordinance 2023-17			
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: November 29, 2023
Re: **DPW Rezoning (Ordinance 2023-17)**

On November 21, 2023 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from City of Franklin (Plan Commission Resolution #2023-24). The Plan Commission voted 6-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 4.5 acres located at 800 S. State Street be rezoned to IN (Institutional). 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:	December 4, 2023
Public Hearing:	December 18, 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: November 16, 2023

Re: Case PC-23-23 (A) & PC-23-24 (R): DPW Annexation & Rezoning (4.5 acres)

REQUEST:

Case PC-23-23 (A) & PC-23-24 (R)...DPW Annexation & Rezoning (4.5 acres). A request by City of Franklin to annex and rezone approximately 4.5 acres at 800 S. State Street from Johnson County R-1, Residential to Institutional (IN). The property is located at 800 S. State Street.

ADJACENT PROPERTIES:

Surrounding Zoning:

North: Johnson County R-1
South: RSN
East: RSN
West: IN & PUD

Surrounding Land Use:

North: Single-family residential
South: Single-family residential (Wilson Overlook)
East: Single-family residential (Wilson Overlook)
West: City of Franklin DPW & Compass Park

PROPOSED ZONING:

The “IN”, Institutional zoning district is intended to provide locations for large-scale public facilities, educational facilities, religious centers, and other institutions. This district is further intended to provide a set of setbacks and other standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and ensure that institutions are appropriately integrated into the community.

CONSIDERATIONS:

1. The City of Franklin requests that the 4.5 acre parcel at 800 S. State Street be annexed and rezoned.
2. The property was acquired from K & L Grain Inc. in January of 1991 and previously was located in the City of Franklin’s zoning jurisdiction until January of this year.
3. As of January 1, 2023, the extraterritorial zoning jurisdiction (Buffer Zone) of the City of Franklin has been relinquished back to Johnson County and is currently under their zoning jurisdiction. The county has zoned this property R-1, Residential.
4. As the property is owned by the City, is immediately adjacent to the Department of Public Works and is used for city purposes, it should be located within the City’s jurisdiction.

5. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
 - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
 - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)

6. The proposed annexation area is 51.8% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.

7. 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.
 - a. The earliest the ordinance can be adopted by the City Council is in January of 2024. Therefore, the effective date would be January of 2026.

8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. “Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood.”

9. The 2013 Comprehensive Plan set five Infrastructure & Utilities Goals:
 - a. Goal 2 is as follows: “Make regular updates to wastewater collection and treatment systems to address needs and plans for growth.”
 - b. Goal 4 is as follows: “Strategically expand wastewater system to accommodate employer site growth.”
 - c. Goal 5 is as follows: “Strategically plan to make infrastructure improvements in the most cost effective manner.”

PC-23-23 (A): DPW 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-23-24 (R): DPW 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 is consistent with the Comprehensive Plan. Annexing and rezoning the subject property to IN will allow the city to expand DPW facilities consistent with three of the Infrastructure & Utilities Goals

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

Staff Finding:

The property is located immediately adjacent to the existing DPW facility and will allow future growth of the facility in a responsible manner.

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

Staff Finding:

The property is immediately adjacent to the existing DPW facility and has been owned and used by the City of Franklin for approximately 33 years.

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 as the use of the property will not change. It is currently an institutional use.

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

Staff Finding:

The proposed zoning of IN is responsible as the rezoning will bring the property into compliance. Under the current zoning, the use is a legal non-conforming use.

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.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2023-24
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:
City of Franklin

PLAN COMMISSION DOCKET NUMBER:
PC-23-24

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 change to the Zoning Map of certain property located within the City of Franklin, Indiana to IBD (Industrial: Business Development), more particularly described in Exhibit "A" attached hereto; and

WHEREAS, after proper notice, as outlined in the City of Franklin Rules and Procedures and Indiana Code, a public hearing was held in the Council Chambers of Franklin City Hall, 70 E. Monroe Street, Franklin, Indiana on the 21st day of November, 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 IN (Institutional).
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 21st day of November, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA



Jim Martin, President

ATTEST:

Joe Abban, Secretary

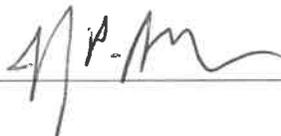


EXHIBIT "A"

A part of the east half of the southwest quarter of Section 24, Township 12 North and Range 4 East: Beginning at a point on the west line twenty-one and fifty-seven hundredths (21.57) chains north of the southwest corner; thence east three (3) chains; thence north and parallel with the west line of said quarter to the center of the Madison and Indianapolis State Road; thence north fifty-six and three-fourths ($56\frac{3}{4}$) degrees west with said road, to the west line of said half quarter section; thence south on said line to the place of beginning, containing four and fifty hundredths (4.50) acres.

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 Common Council

ORDINANCE NUMBER 2023-17

AN ORDINANCE APPROVING RESOLUTION NUMBER 2023-24
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
IN (Institutional)
(To be known as DPW 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 2023-24 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, to Institutional (IN).

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2023-24 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 Institutional (IN).
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) following the passage and adoption of this

ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-16 and will coincide with the effective date of the companion annexation ordinance as adopted by City Council (Ordinance 2023-16: DPW 4.5 ac. Annexation).

INTRODUCED on the 4th day of December, 2023.

DULY PASSED 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:

Voting Opposed:

Kenneth Austin, President

Kenneth Austin, President

Anne McGuinness

Anne McGuinness

Irene Nalley

Irene Nalley

Jennifer Price

Jennifer Price

Josh Prine

Josh Prine

Shawn Taylor

Shawn Taylor

Attest:

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.

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:

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*

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