



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING
DEPARTMENT OF COMMUNITY DEVELOPMENT

MINUTES

FRANKLIN CITY PLAN COMMISSION

September 21, 2021

Members Present

Suzanne Findley
Janice Giles
Diane Gragg
Georganna Haltom
Jim Martin
Mark Richards
Chris Rynerson
Charlotte Sullivan
Debbie Swinehamer

Secretary
Member
Member
Member
President
Member
Member
Vice President
Member

Others Present

Lynn Gray
Joanna Tennell

Legal Counsel
Senior Planner II

Members Not Present

Pam Ault
Irene Nalley

Call to Order

Jim Martin called the meeting to order at 6:00 p.m.

Roll Call & Determination of Quorum

Pledge of Allegiance

Approval of Minutes

Georganna Haltom made a motion to approve the August 17, 2021 minutes. Diane Gragg seconded. Passed unanimously 9-0.

Swearing In

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

Report of Officers and Committees: August 26, 2021 – Joanna Tennell presented the five agenda items from the Technical Review Committee meeting held August 26th. The first was a site development plan for Franklin College located at 951 Park Avenue. They are proposing to construct the Johnson Memorial Health Athletic Annex which is a training facility. The second item was the annexation of a property located at 2935 North Graham Road called the Lasley Annexation. The couple residing at this location have a septic system

that is currently failing. The Board of Works gave them approval to connect to the sewer system with the agreement that they would petition for annexation. They will come before Plan Commission in October. Thirdly was the Oakleaf Farms II Annexation and Rezoning which will be heard this evening. Next was the site development plan review for Hubler Ford dealership at 2140 North Morton Street. They are proposing to demolish the existing structure and rebuild a new facility and parking lot. They plan to keep the existing facility open while they construct the new facility to the west of that building. Lastly was the site development plan for the Upper Shelbyville Road Apartments located on approximately 19 acres on the south side of Upper Shelbyville Road and east of Hurricane Road, immediately west of Webb and Needham schools. The project has a new name of Founder's Point Apartments. They propose approximately 150 units with five to six buildings.

Old Business

None.

New Business

PC 2021-35 (A) & PC 2021-36 (R): Oakleaf Farms II Annexation & Rezoning – Ms. Tennell presented the request for annexation and rezoning of 42.3 acres located on the east side of County Road 600 East and south of State Road 44. The property is immediately south of what was known as the Oakleaf Farms Annexation and Rezoning. Oakleaf Farms LLC is the owner of both this property and the one to the north. The request for rezoning is from Agriculture (A) to Industrial: Light (IL). The property is currently within the Buffer Zone of the City of Franklin. Its east boundary is also the east boundary of the Buffer Zone. Also included in the petition was an amendment where the petitioner has offered five commitments as outlined in the staff report.

Mac McNaught presented. He is one of the owners of Oakleaf Farms LLC. The Umbarger Feed Mill is to the west. To the north is 59 acres up to State Road 44 with an additional 29 acres recently annexed and rezoned to Industrial: Light (IL). To the south and east is open farmland. To the southeast of the property is the Ryker regulated tile. Conversations have taken place with Surveyor Cantwell. Partner Peter Norton owns the property immediately west and south of the feed mill providing a direct route to the Amity legal drain. Mr. Cantwell thought that to be an excellent way for drainage to go directly to the Amity legal drain. If the drainage facility is made of sufficient width, the county will accept it for future maintenance and control.

Mr. McNaught went over the five decision criteria for the rezoning.

1. Comprehensive Plan: As presented in the staff report, the plan looks to the future to ensure there is an adequate supply of zoned sites for industrial growth. Schools, retail space and residential subdivisions are predominately west of I-65, with east of I-65 being the industrial area.
2. Current Conditions: There is industrial immediately to the west. To the north is State Road 44 and the corridor of planned and zoned industrial uses. On the west side is the new sanitary sewer interceptor.
3. Desired Use: Meetings with the neighbors concluded they do not want residential subdivisions. The petitioner has no intention of expanding south or east of the subject parcel. Being across the street from the feed mill and adjacent to a property the petitioner owns and has brought in to the city makes it desirable to be annexed and rezoned also. The property is 1.2 miles from the interchange of I-65. Due to the proximity to the interstate, it is highly likely development will occur and the city expand in that way.
4. Property Values: Transitional land values have more than doubled in the last two years or more in the transition from A (Agricultural) to industrial zonings.
5. Responsible Growth: The sanitary sewer interceptor runs along the Amity ditch and the flood plain along it is extensive. The property would have access to State Road 44 to the north. Development storm water would be directed due west to the Amity ditch across property in their control.

The 200-foot buffer area along the east and south sides would be a “no touch” area. The petitioner is focused on the State Road 44 corridor and feels it to be the best area for growth. They desire access to the highway, protection of existing tree lines and construction of appropriate berms.

A public hearing was held. Jean DeVore remonstrated. She asked how many empty warehouses are currently in Franklin. She thought it too soon for another one. They have lived beside warehouses in the past and she spoke of indigents, pets and materials that come up missing and decreased surrounding property values. Ms. DeVore requested the commission wait on approval until other empty warehouses are filled.

Andy Hensley remonstrated, beginning by pointing out that Mr. McNaught reached out to them for a meeting to discuss what suggestions they had. Neighbors did not initiate the meeting. Mr. Hensley pointed out that over the last several years over 600 agricultural acres have been rezoned and annexed. As county residents, they have no representation before city Plan Commission. The agricultural landscape is changing and impacting people’s quality of life. Mr. Hensley asked Plan Commission to forward an unfavorable recommendation. He asked the commission to speak to who they represent to learn what they really want. He maintained that 80-90% of the people he’s spoken to don’t want it and that this is not the time. Mr. Hensley further stated a lack of understanding as to why landowner Peter Norton never attends the commission meetings. He felt the annexation to be predicated on the ability to acquire land to the east and south. He highlighted surrounding properties not for sale.

Erin Slevin remonstrated. She is a resident of 600 E and her father owns property northeast of the parcel. She referenced an online petition encouraging a pause in further annexations in Franklin. Many local businesses are not fully staffed. It is the belief of Ms. Slevin that employees cannot afford to live here or they have left after Covid to take jobs with more consistent hours and better pay. Unemployment in Johnson County is currently 3.2%. She would like to see current businesses and those newly committed to be fully staffed and thriving before moving forward with additional business and further compounding the employment and housing concerns. Ms. Slevin also expressed concern over increased traffic.

Mr. McNaught responded, taking issue with the reference by Mr. Hensley to him as a speculator, with examples of their past work in the city over 22 years to speak to the quality of their reputation. He also mentioned that warehouses are more advanced and automated, requiring less employees for operation. Industrial prospects need shovel ready sites and not what could be done in the future.

The public hearing was closed.

Debbie Swinehamer supported Mr. Hensley’s view not in favor of sending a “no recommendation” to City Council. She did not believe it is their role as a commission member to have no recommendation.

Suzanne Findley sought clarification that building cannot take place over the pipeline running through the middle of the property. Mr. McNaught concurred that the 60-foot easement cannot be built upon. That is the support for the hope that the 42 acres is joined with the 59 acres to the north.

Mark Richards identified that the sewer line will cross State Road 44 and go south until it gets close to Amity Ditch and then follow the ditch south to south of Mitchell Road. It will connect with a lift station along County Road 550 East.

Ms. Haltom clarified that the proposed building does not have a confirmed occupant at this time. Mr. McNaught confirmed. The building is built with the market in mind but without a tenant. He is not aware of any empty buildings along State Road 44. Often a tenant is signed while the building is still under construction or very shortly after completion. Ms. Haltom asked how many people from Franklin would the building employ. Mr. McNaught projected 90-100 employees over two shifts for each of the two buildings.

Ms. Tennell added that warehouse and distribution is one permitted use under IL (Industrial: Light). All uses under this zoning classification are potential uses for the property should the rezoning be approved.

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

Ms. Gray highlighted that the petitioner has offered zoning commitments that can be part of the decision the commission renders. The Tree Preservation Covenant is a covenant that runs with the land and is not subject to the request. The commission does not have the authority to require it.

Mark Richards made a motion for a favorable recommendation to be forward to City Council for annexation. Ms. Sullivan seconded. Motion failed by roll call vote, 4-5. Affirmative votes were Sullivan, Richards, Swinehamer and Martin. Nays were Findley, Rynerson, Gragg, Haltom and Giles.

Ms. Gragg made a motion for an unfavorable recommendation to be forwarded to City Council for annexation. Chris Rynerson seconded. Motion failed by roll call vote, 5-4. Affirmative votes were Findley, Rynerson, Gragg, Haltom and Giles. Nays were Sullivan, Richards, Swinehamer and Martin.

Due to lack of majority vote of the entire 11-person membership, the case was tabled until October's meeting.

Ms. Tennell identified the property to be in the Buffer Zone and therefore it does not have to be annexed in order to be rezoned as it is already in Franklin's zoning jurisdiction. She presented staff's recommendation for a favorable recommendation to be forwarded to the 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.

Mr. Richards made a motion for a favorable recommendation with the noted commitments for rezoning be forwarded to City Council. Seconded by Ms. Sullivan. Failed by roll call vote 4-5. Those voting

affirmatively were Sullivan, Richards, Martin and Swinehamer. Nays were Findley, Rynerson, Gragg, Haltom and Giles.

Ms. Gragg made a motion for an unfavorable recommendation for rezoning be forwarded to City Council. Seconded by Mr. Rynerson. Failed by roll call vote 5-4. Those in favor were Findley, Rynerson, Gragg, Haltom and Giles. Nays were Sullivan, Richards, Martin and Swinehamer.

This case is also automatically continued to the October 19, 2021 meeting.

Other Business

None.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted this 19th day of October, 2021.



Jim Martin, President

Suzanne Findley, Secretary