

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	1/30/2024	Meeting Date:	2/5/2024
Contact Information:			
Requested by:	Krista Linke, Community Development Director		
On Behalf of Organization or Individual:	Redevelopment Commission		
Telephone:	317-736-3631		
Email address:	klinke@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
City Council Ordinance 2024-01 Establishing a Municipal Riverfront Development Project Area within the City of Franklin			
List Supporting Documentation Provided:			
Ordinance 2024-01			
Exhibits A, B, & C			
Local Guidelines			
Who will present the request?			
Name:		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 Common Council

ORDINANCE NUMBER 2024-01

**AN ORDINANCE ESTABLISHING
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREAS WITHIN THE CITY OF FRANKLIN**

WHEREAS, Indiana Code 7.1-3-20-16(d), subject to Indiana Code 7.1-3-20-16.1 and except as provided in Indiana Code 7.1-3-20-16.3 (pertaining to breweries), authorizes the Indiana Alcohol and Tobacco Commission to issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (a) on land; or
- (b) in a historic river vessel

within a municipal riverfront development project funded in part with state and city money ("Riverfront Permit").

WHEREAS, a Riverfront Permit issued under Indiana Code 7.1-3-20-16 may be issued without regard to the quota provisions of Indiana Code 7.1-3-22.

WHEREAS, Indiana Code 7.1-3-20-16.1 authorizes the legislative body of the city to designate by ordinance the boundaries of the municipal riverfront development project and requires the project boundaries to border on at least one (1) side of a river.

WHEREAS, numerous communities throughout Indiana have designated Municipal Riverfront Development Projects, resulting in the issuance of permits, economic growth, and development.

WHEREAS, though the term "river" is not defined in Indiana Code 7.1-3-20, Indiana Code 14-29-6-3 defines a "river" as "any flowing body of water and adjacent land or part of the body of water and adjacent land."

WHEREAS, bodies of water flow through or along the City of Franklin, hereafter referred to as "river(s)." These rivers are depicted on the maps attached hereto as **Exhibit A and Exhibit B**.

WHEREAS, State and City funds have been expended and may be expended in the future to encourage economic growth, development and create unique and pleasant dining experiences to benefit the City of Franklin and its citizens.

WHEREAS, pursuant to Indiana Code 7.1-3-20-16.1(b)(2), a proposed Riverfront Permit premises must not be located more than one thousand five hundred (1,500) feet or three (3) city blocks from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain or for any other reason that prevents the area from being developed, the distances are measured from the city blocks located nearest to the river that are capable of being developed.

WHEREAS, the municipal riverfront development project areas as shown by the maps attached hereto

as Exhibit A and Exhibit B and collectively known as the Franklin Riverfront Development Project are located within the territorial boundaries of the City of Franklin and are also located within an economic development area established under Indiana Code 36-7-14.

WHEREAS, Indiana Code 7.1-3-20-16.1(b)(4) requires the municipal riverfront development project to be funded in part with both state and city money which may be spent in the future or has been previously funded.

WHEREAS, as required by Indiana Code 7.1-3-20-16.1(b)(4), the Franklin Riverfront Development Project has been funded in part with both State and City funds, which is described in greater detail on Exhibit C, attached hereto and incorporated herein by this reference.

WHEREAS, in the future, the City may spend additional monies within the Franklin Riverfront Development Projects.

WHEREAS, in addition to the money described in Exhibit C, the Indiana Department of Transportation ("INDOT") and Federal Highway Administration have developed a project to improve U.S. 31 in the City beginning south of Jefferson Street and extending approximately four and one-half (4.5) miles north of Jefferson Street. The U.S. 31 improvements will be funded in part with state monies.

WHEREAS, the Franklin Common Council has determined that it is in the best interest of the City of Franklin to designate and establish boundaries of a municipal riverfront development project in order to encourage economic growth and development through private investment by new restaurant proprietors within the municipal riverfront development project.

WHEREAS, pursuant to Indiana Code 7.1-3-20-16(d), the legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be Riverfront Permit premises.

WHEREAS, Indiana Code 7.1-3-19-17 governs the violation and termination of formal written commitments made pursuant to that section.

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

1. The forgoing recitals are fully incorporated herein by this reference.
2. **Designation.** The areas identified as the Franklin Riverfront Districts on Exhibit A and Exhibit B are hereby designated as the boundaries of each Franklin Riverfront Development Project pursuant to Indiana Code 7.1-3-20-16 and 16.1. The area identified on Exhibit A shall be designated the Franklin Downtown Riverfront District and the area identified on Exhibit B shall be designated the Franklin US 31 Riverfront District and the districts shall collectively be identified as the Franklin Riverfront Development Project.

3. **Board of Public Works and Safety.** The Franklin Board of Public Works and Safety with the assistance of the Community Development Specialist, is directed to develop policies and procedures for all permit applications in the Franklin Riverfront Development Projects consistent with 7.1-3-20-16, 7.1-3-20-16.1, and regulations adopted pursuant to applicable statutes.
4. **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.
5. **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.
6. **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.
7. **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 ____ day of _____, 2024.

DULY PASSED on this ____ day of _____, 2024, 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

Shawn Taylor, Vice President

Jennifer Price

Irene Nalley

Voting Opposed:

Kenneth Austin, President

Shawn Taylor, Vice President

Jennifer Price

Irene Nalley

Todd A. Shuck

Todd A. Shuck

Anne McGuinness

Anne McGuinness

Josh Prine

Josh Prine

Attest:

Jan Jones, 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 _____, 2024 at _____ o'clock p.m.

Jan Jones, 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) this ____ day of _____, 2024 at _____ o'clock p.m.

Steve Barnett, Mayor

Attest:

Jan Jones, City Clerk-Treasurer

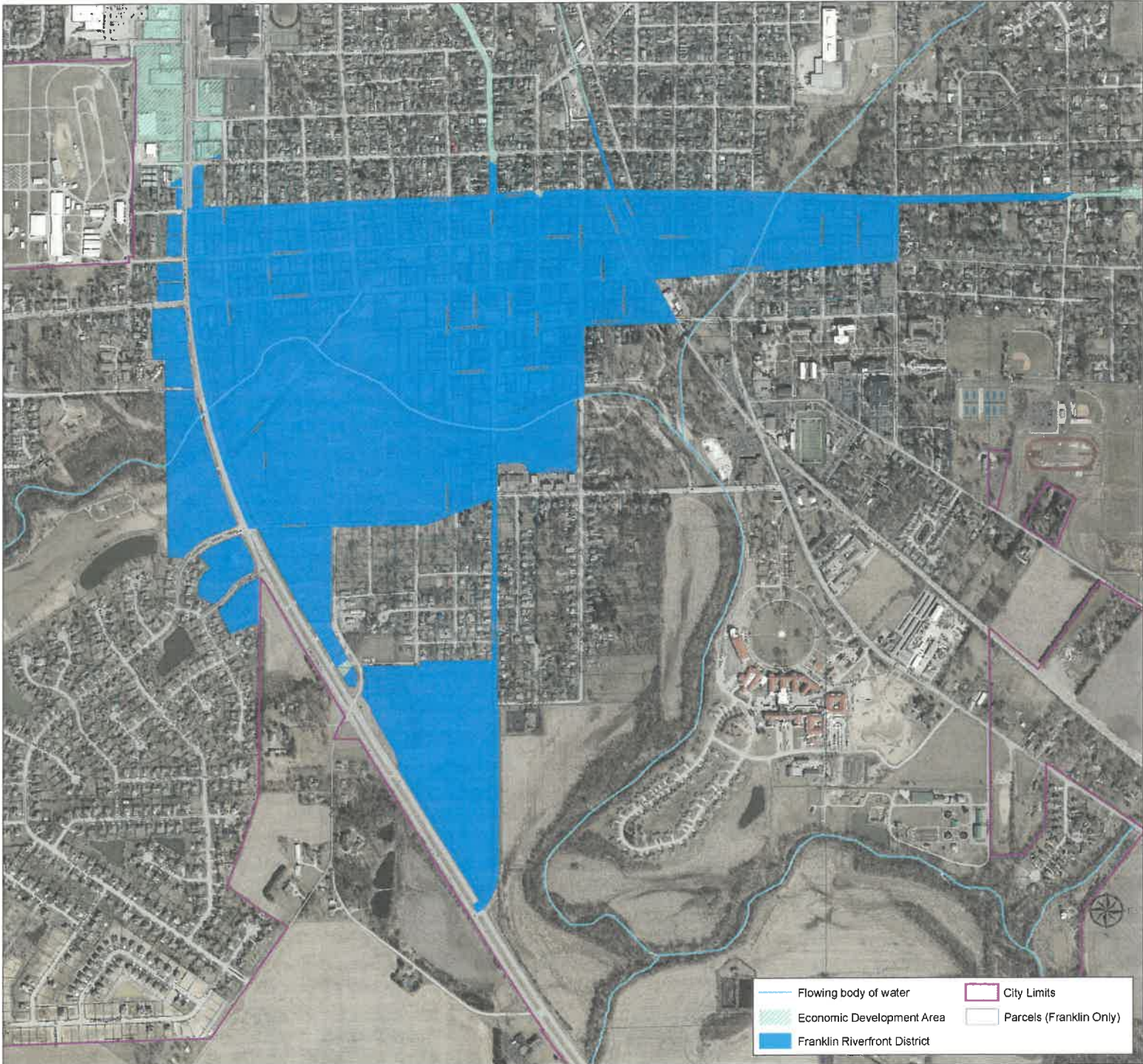


Exhibit A:

**Downtown Riverfront District
City of Franklin, Indiana**

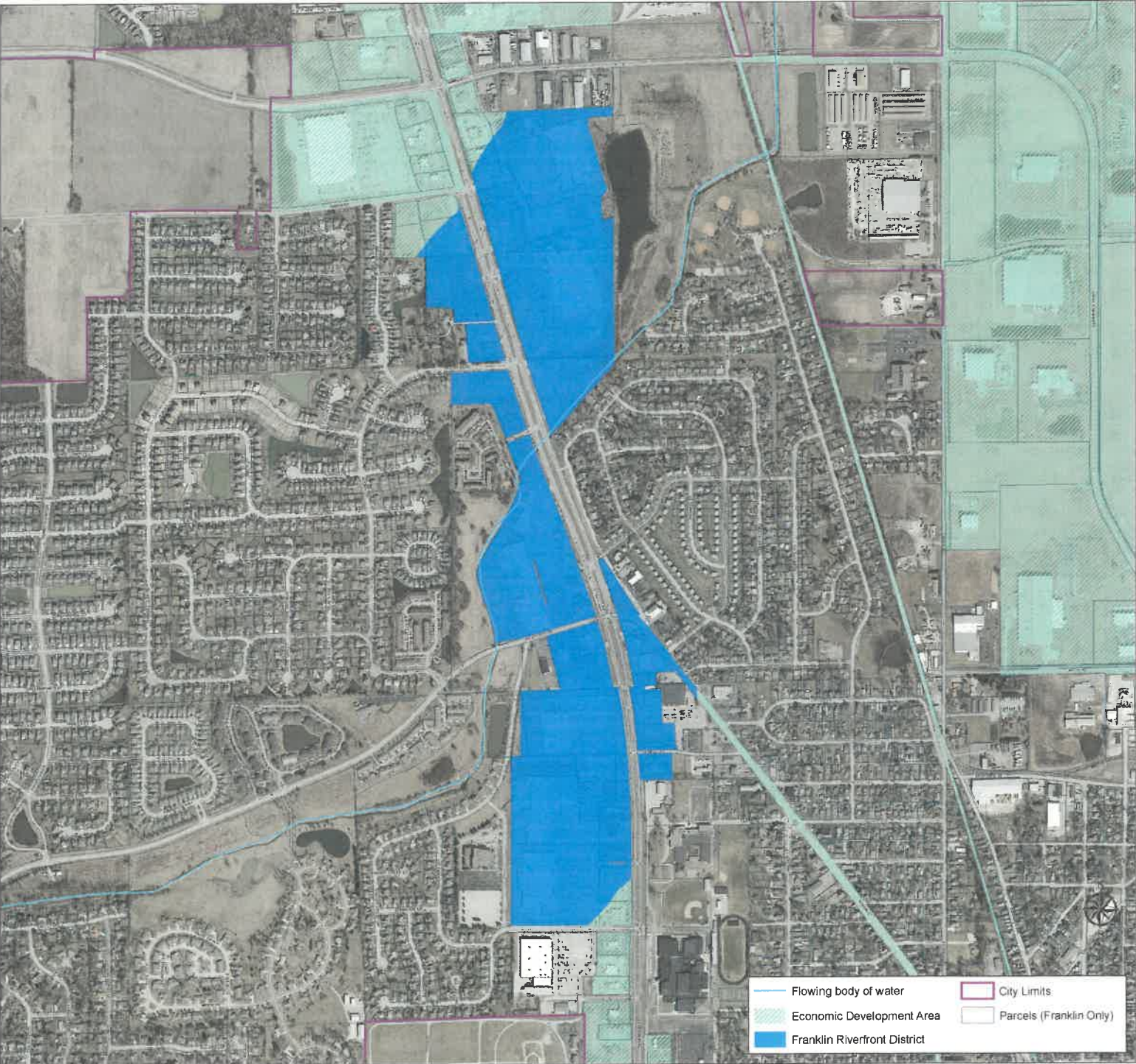


Exhibit B: US 31 Riverfront District
City of Franklin, Indiana

EXHIBIT C

Franklin Downtown Riverfront District

Capital Expenditures & Investments

January 1, 2021 – December 31, 2023

2021 Investments

Project	Funding Source	Cost
Street Paving	Board of Works	\$1,381,260
Arts District Funding	Board of Works	\$15,000
Seal Coat Parking Lots	Board of Works	\$58,032
Sidewalk Program	Board of Works	\$30,910
Adams Street Railroad Closure	Board of Works	\$6,176
Pedestrian Signal at Forsythe	Board of Works	\$6,350
Pedestrian Signal on Franklin College	Board of Works	\$6,350
Demolition of Parks Building	Board of Works	\$15,405
Seal Coat Trails	Board of Works	\$38,084
Repair Electric Panel – City Lot	Board of Works	\$4,700
Resurface Oren Wright Parking Lot	Redevelopment Commission	\$45,503
Demolition of Sewer Building	Department of Public Works	\$232,000
Graham Street Storm Sewer	MS4	\$260,000
Commercial Façade Matching Grants	Franklin Development Corporation	\$96,000
	2021 TOTAL:	\$2,195,770

2022 Investments

Project	Funding Source	Cost
Street Paving	Board of Works	\$1,341,476
South Street	Board of Works	\$304,700
Pedestrian Crossing on King Street	Board of Works	\$6,756
Pedestrian Crossing on Jackson Street	Board of Works	\$7,500
City Hall Building Repairs	Board of Works	\$329,935
Young's Creek Park	Board of Works	\$688,235
Wall at N. Main and Jefferson Street	Board of Works	\$33,660
Dumpster Enclosure – Artcraft Alley	Redevelopment Commission	\$26,475
Young's Creek Amphitheatre	Redevelopment Commission	\$6,331,285
Commercial Façade Matching Grants	Franklin Development Corporation	\$39,328
	2022 TOTAL:	\$9,109,350

2023 Investments

Project	Funding Source	Cost
Street Paving	Board of Works/Community Crossings	\$1,823,901
Sidewalk Replacement	Board of Works (Street Dept.)	\$35,850
Pedestrian Crossing	Board of Works	\$38,595
Wall at N. Main and Jefferson Street	Board of Works	\$9,570
Paving Boys & Girls Club Parking	Board of Works	\$98,050
Community Park Courts and Alley	EDIT	\$312,452
Greenlawn Cemetery Entryway	Board of Works	\$29,070
Yandes Street Reconstruction	Board of Works	\$533,275
Yandes Street Reconstruction	MS4	\$410,694
Yandes Street Reconstruction	Redevelopment Commission	\$516,066
Sewer Treatment Plan Screening Building	ARPA	\$3,789,516
Crowell Street Parking	Redevelopment Commission	\$280,200
Water Street Parking	EDIT	\$76,956
Commercial Façade Matching Grant	Franklin Development Corporation	\$167,015
	2023 TOTAL:	\$8,121,210

2021 - 2023 TOTAL: \$19,426,330

Franklin US 31 Riverfront District
Capital Expenditures & Investments
January 1, 2021 – December 31, 2023

2021 Investments

Project	Funding Source	Cost
2019 US 31 TIF Bond Payment	Redevelopment Commission	\$591,500
2019 US 31 TIF Bond Trustee Services	Redevelopment Commission	\$1,500
	2021 TOTAL:	\$593,000

2022 Investments

Project	Funding Source	Cost
2019 US 31 TIF Bond Payment	Redevelopment Commission	\$586,000
	2022 TOTAL:	\$586,000

2023 Investments

Project	Funding Source	Cost
2019 US 31 TIF Bond Payment	Redevelopment Commission	\$588,000
US 31 Improvements – Design	Redevelopment Commission	\$83,410
US 31 Improvements	Redevelopment Commission	\$207,107
2019 US 31 TIF Bond Trustee Services	Redevelopment Commission	\$500
	2023 TOTAL:	\$879,017

2021 - 2023 TOTAL: \$2,058,017



CITY OF FRANKLIN

Local Guidelines RIVERFRONT ALCOHOL BEVERAGE LICENSE

Objectives and Criteria for License Allocation

The Indiana state legislature enacted Indiana Code 7.1-3-20 et. seq. (Act). The Act permits the Indiana Alcohol and Tobacco Commission (ATC) to issue liquor licenses (one, two, or three-way) (Riverfront Licenses) in the FRANKLIN RIVERFRONT DISTRICT. The Franklin Community Development Director will recommend to the Mayor of the City of Franklin (“Mayor”) applications for liquor licenses that the Community Development Department believes will strengthen the economic vitality of the riverfront district.

Background

The Community Development Department has determined that the creation of a Riverfront Development Project, under Indiana Code 7.1-3-20 et. seq. (Act) will help further the goals of the Franklin Redevelopment Commission by removing barriers to development in the downtown district and US 31 corridor district. Through the creation of the Riverfront Development Project, the Redevelopment Commission will be able to attract additional development opportunities to the districts, expand the tax base through additional development and create more opportunities for the citizens of Franklin, Johnson County, and surrounding areas and allow them to spend time in and enjoy the various venues available in the redeveloped district.

The Act permits the Indiana Alcohol and Tobacco Commission to issue liquor licenses (one, two, and three-way) within the Districts, above the normal number granted to Franklin. The Redevelopment Commission believes that the grant of additional three-way liquor licenses within the District will enable the creation of new food and beverage businesses which will create economic opportunities in the area and will lengthen the useful life of the Riverfront Development Project into the evening hours. The lack of availability of such licenses is considered a barrier to development.

The Act allows the ATC to grant an unlimited number of licenses within the districts, subject to limitations set by the municipality. Additionally, the Act prescribes that no local fees or assessments may be added to those set by the ATC. The application process for a license within the district is the same as set forth for licenses elsewhere in the community with the additional requirement that a recommendation from the community be provided to the ATC prior to their granting of the license. The authority for this recommendation is to be determined locally.

Purposes and Goals

The City, through implementation of the Act, this Policy, and the Riverfront Development Project, seeks to achieve the following:

1. Enhance Franklin's regional appeal by encouraging the location and operation of a diverse mix of restaurants and entertainment venues in the riverfront districts.
2. Removes a significant barrier to further downtown development.
3. Provide an experience that encourages repeat visits by residents and visitors.
4. Assists in reinforcing the existing physical fabric of downtown to create a sense of place and gathering areas.
5. Provides and opportunity for economic development, increase the tax base, and create jobs.

District Requirements

1. The Districts will be geographically defined to conform to the requirements of the Act and as shown in Attachment A and B.
2. The Districts shall allow for the granting of unlimited three-way Riverfront District licenses.
3. Permits are not transferable, not portable within or without the district, and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the Board of Works. The permits shall not be pledged as collateral or subject to any lien, judgement, property settlement agreement, or third party claim.
4. Applicants receiving three-way licenses within a District will be required to sell the minimum amount of food sales annually, as required by the ATC. As part of the yearly license renewal, applicants will have to demonstrate that this requirement has been met at the location for which the license has been granted.
5. The applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.
6. The establishment must comply with all building, health, zoning, ordinances, and all rules and regulations of the ATC.
7. The establishment is responsible for all outside cleaning, maintenance, and debris pick up, which includes cigarettes and snow removal of the surrounding area and public walkways.

Criteria and Factors

The recommendation of the application will be based on the following general criteria:

1. Granting of the license will benefit the purposes of the district.
2. Granting of the license and the business activity will not be detrimental to the property values and business interests of others in the district.

Additionally, the Board of Works will consider several other factors including by not limited to the following criteria in making a recommendation:

1. The Applicant's plans to improve the facility in which they will operate and the consistency of such plans with the nature and architecture of the riverfront district.
2. The Applicant's ability to draw people to Franklin, and specifically the riverfront district.
3. The number and nature of jobs added and/or retained in the City of Franklin's employment base.

4. The establishment's focus on dining and entertainment experience rather than an alcohol consumption experience.
5. Establishment's financial and ownership strength, which may be demonstrated by a business plan and/or history of operation.
6. Reputation in the Franklin community and surrounding area and/or the applicant's reputation in other communities.
7. The control and participation of the owners of the establishment in the day to day operation of the business.
8. The location of the establishment.
9. The size, floor plan, and layout of the establishment and any exterior dining areas, if any.
10. The physical improvements to the location.
11. The expected timetable for work and business commencement.

Application Procedure

The application process is as follows:

1. Applicant will complete the Riverfront License Application and submit it to the Community Development Director.
2. The Community Development Director will review the application for completeness and schedule a meeting with the applicant and the mayor. The Applicant, or their representative, is required to attend this meeting. The mayor will form a recommendation to the Board of Works for either approval or rejection of the license application.
3. The Board of Works will review the recommendation and make a determination for approval or rejection that will be forwarded to the ATC. This recommendation is a required part of the applicant's application to the ATC.

It is understood that the ATC will not take action on a three-way Riverfront District License without this letter of recommendation.

Other Considerations

Please describe any other factors which may aid the mayor and the Board of Works in the consideration of your application.