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

Plan Commission Staff Report

To: Plan Commission Members

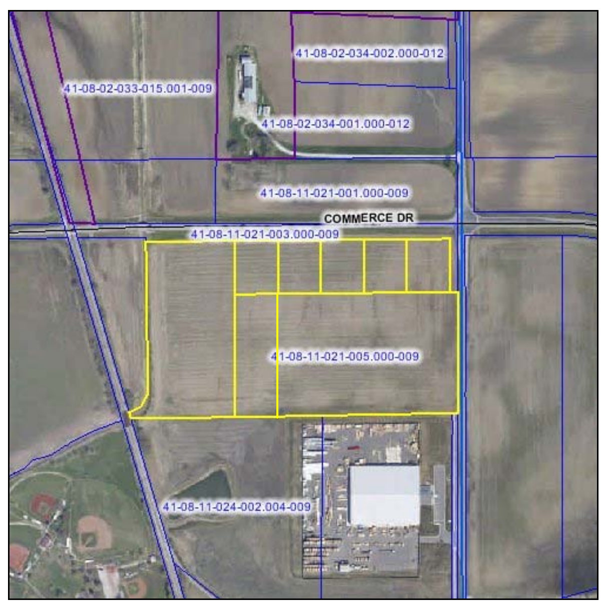
From: Joanna Myers, Senior Planner

Date: June 10, 2013

Re: **Case PC 2013-07 (R-Amend): RSW Industrial Park**

REQUEST:
Case PC 2013-07 (R-Amend)…RSW Industrial Park. A request to modify written commitments related to the rezoning of property located in the RSW Industrial Park to Industrial: Business Development (IBD) approved in 2007 (Ordinance 2007-04) and amended in 2010 (Ordinance 2010-05).

Location:
The property is located at the southwest corner of Commerce Drive and Graham Road. RSW Industrial Park is shown below in blue, which represents the IBD zoning. The aerial map shows the parcels that make up RSW Industrial Park highlighted in yellow.



ZONING:

Surrounding Zoning:		Surrounding Land Use:	
North:	IL (Industrial: Light)	North:	Agriculture
South:	IL (Industrial: Light)	South:	Former Trussway
East:	IG (Industrial: General)	East:	Agriculture
West:	IL (Industrial: Light)	West:	Agriculture

HISTORY:

1. The property is currently zoned Industrial: Business Development (IBD) with written commitments.

2. It was rezoned from Industrial: Light (IL) to IBD in 2007, with the following commitments:
    a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning area:
        i. Boat/RV Storage Facility (outdoor)
        ii. Telecommunications Tower
        iii. Auto Sales
    b. A maximum of 2.25 acres, generally located near the southwest corner of the usable property (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.
    c. No outdoor storage of vehicles, boats, recreational vehicles, or the like shall be permitted.

3. In 2010, the developer requested that the commitments with the rezoning be modified to allow Boat/RV Storage Facility (outdoor). This request was approved per Ordinance 2010-05 with the written commitments modified as shown below:
    a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
        i. Telecommunications Tower
        ii. Auto Sales
    b. A maximum of 2.25 acres, generally located near the southwest corner of the usable property (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.

4. In 2010, three (3) mini warehouse buildings, 30 ft. x 218 ft. each, were constructed on the north portion of Lot 6 of RSW Industrial Park. The remainder of the lot is utilized as a Boat/RV Storage Facility.

5. The preliminary plat was also amended in 2010 to combine two lots into one and shortening the proposed cul-de-sac, creating Lot 6.

CONSIDERATIONS:

1. The City of Franklin Zoning Ordinance states the following in Article 11, Chapter 6 regarding written commitments for rezoning:

    <u>Enforcement of Commitments</u>: The written commitments shall be considered part of this Ordinance binding on the subject property:

    a. The written commitments shall be binding on the owner of the subject property, and subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.

b. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provision for the enforcement of any other aspect of this Ordinance, as described in Article 12, Enforcement and Penalties.

c. The written commitments may be modified only through the Zoning Map Amendment process described by this Chapter.

2. Mini warehouses is listed as a permitted use in both the IL and IBD zoning district. However, it has been restricted to no more than 2.25 acres near the southwest corner of RSW Industrial Park (Lot 6) based on the rezoning commitment in 2007 and again in 2010.

3. Minutes from the previous Plan Commission meetings and City Council meetings are attached for reference.

4. The minutes from the Plan Commission meeting and Common Council meeting held in 2007 do not give insight into the reason for Boat / RV Storage Facility to be excluded from the list of permitted uses. However, staff does explain that mini warehouses were eliminated due to concerns of the potential appearance of the structures and the proximity to the busy intersection of Graham Road and Commerce Drive.

5. The 2002 Comprehensive Plan identifies this property as Light Industrial (IL).

   Light industrial areas *include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw material. Light industrial facilities generally do not produce emission of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.*

REZONING REQUEST:

1. The petitioner is requesting that the 2010 rezoning commitment (b.) related to mini warehouses be modified to expand the available area to include Lot 6 and the proposed Lot 7 of RSW Industrial Park for a total acreage of 5.624 acres.

2. The petitioner has also submitted a petition to amend the preliminary plat (PC 2013-08) amending the remaining lots of Section 2 into Lots 7, 8 & 9. The petition is docketed to be heard by the Plan Commission concurrently with the rezoning request.

3. A site development plan for the proposed development of Lot 7 has also been submitted. The petitioner is proposing to construct an additional 5 mini warehouse buildings and provide additional area for outdoor storage of boats/RV's. A copy of the site plan is attached.

4. The above petitions were reviewed by the Technical Review Committee on May 30, 2013. The amended rezoning petition and amended preliminary plat petition have been forwarded to Plan Commission for action.

CRITERIA FOR DECISIONS:

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;
2. **Current Conditions:** The current conditions and the character of current structures and uses in each district;
3. **Desired Use:** The most desirable use for which the land in each district is adapted;
4. **Property Values:** The conservation of property values throughout the City of Franklin's planning jurisdiction; and
5. **Responsible Growth:** Responsible growth and development.

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:

Based on the written findings above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council amending the rezoning commitments to read as follows:

a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    i. Telecommunications Tower
    ii. Auto Sales
b. A maximum of 5.624 acres, generally located near the southwest corner of the usable property – Lots 6 & 7 (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.

MINUTES

FRANKLIN CITY PLAN COMMISSION

April 17, 2007

Members Present:

James A. Martin, Jr	President
Robert J. Swinehamer	Vice-President
Georganna Haltom	Secretary
Barbara Wilham	Member
Kevin McElyea	Member
Ray A. Scott	Member
Dr. Ted Murphy	Member
Chris Phillips	Member
Ted Bishop	Member
Tim Holmes	Member
Dr. William Province	Member

Others Present:

Joe Csikos	Planning Director
Mike Buening	City Engineer
Lynn Gray	Legal Counsel

Others Absent:

Julie Parsley	Recording Secretary

Call to Order:

Jim Martin called the meeting to order at 7:00 p.m. An invocation and the Pledge of Allegiance were offered.

Approval of Minutes:

The members voted unanimously to approve the minutes of the March 20, 2007 meeting.

Swearing In:

En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

Report of Officers and Committees:

Technical Review Committee Report:

Joe Csikos stated that the Technical Review Committee reviewed the RSW Development petition that is on the agenda and a petition for an addition to the Church of the Bible Youth Center.

Old Business:

None.

New Business:

Case PC 2007-05…RSW Development:

Jim Martin stated that the petition was a request for re-zoning of +/- 29.30 acres from IL (Industrial: Light) to IBD (Industrial: Business Development). Mr. Martin stated that the property is located at the southwest corner of Commerce Drive and Graham Road.

Joe Csikos stated that there was a correction to staff's recommendation; Item D "auto oriented uses" should be correctly written as "auto sales".

Mike Waugh presented the petition. Mr. Waugh stated that the proposal was for a total of 15 one-acre lots that would be developed for commercial use. Mike Waugh stated that he envisioned the development to be similar to the existing development on Commerce Drive. Mr. Waugh stated that he intended to have his construction business in one of the proposed buildings. Mike Waugh requested to amend staff's recommendation to place a condition on the approval that would eliminate mini warehouses from the list of permitted uses. Mr. Waugh stated that he would like to construct mini warehouse on two of the proposed lots.

Lynn Gray questioned if shared access drives would be constructed.

Mike Waugh stated that he had proposed three drives on Commerce Drive and one on Graham Road. Mr. Waugh stated that a total of ten lots would be accessed from one access drive on Graham Road. Mike Waugh stated that the remaining five lots would be accessed by a maximum of three drives with one drive per every two lots.

Lynn Gray questioned if the petitioner had provided staff with written zoning commitments.

Joe Csikos stated that the petitioner had not provided any written zoning commitments to staff. Mr. Csikos stated that all commitments are included as part of the rezoning approval Ordinance.

Bob Swinehamer questioned why staff had recommended that mini warehouse should be eliminated from the permitted uses.

Joe Csikos stated that they were eliminated due to concerns of the potential appearance of the structures and the proximity to the busy intersection of Graham Road and Commerce Drive.

Mike Waugh clarified the exact location of the proposed mini warehouses and stated that they would be constructed on the rear lots that do not front Graham and Commerce.

Mr. Csikos stated that he would support the warehouses as long as they do not have any frontage on Graham Road or Commerce Drive.

Mike Waugh stated that he would not construct any mini warehouses on any lots that would have frontage on Graham Road or Commerce Drive.

Tim Holmes questioned if the addition of the access drives onto Commerce Drive would cause any traffic concerns.

Mike Buening, City Engineer, stated that he did not have any concerns with the proposed drives.

Lynn Gray stated her concerns regarding the zoning commitments and stated that they need to be clearly defined.

Kevin McElyea stated that the location of the mini warehouses could be defined as being maintained in 2.5acres in the southwest corner of the parcel. Mr. McElyea stated that this could be stated in addition to the commitment regarding prohibiting them from being constructed on any lots that have frontage on Graham Road or Commerce Drive.

Joe Csikos reiterated that the commitment needs to be very clearly defined regarding the mini warehouses.

Mike Buening stated that the limits of the flood zone overlay could be changed with the adoption of updated FIRMS (Flood Insurance Rate Maps) by DNR.

Mr. Csikos stated that the flood protection overlay zone takes in the mandatory DNR regulations for flood zones and those boundaries follow the 100 year floodway boundaries. Joe Csikos stated that if those change then the overlay boundary would also change.

Joe Csikos stated that staff recommended forwarding a favorable recommendation to City Council with the elimination of the following permitted uses:

1. boat / RV storage facility (outdoor)
2. telecommunication towers
3. auto sales
4. mini warehouse uses to be limited to 2.5 acres located on the southwest corner of the project and that there shall be no frontage on Graham Road or Commerce Drive.

Action taken on Case PC 2007-05…RSW Development:

On a motion by Bob Swinehamer and a second by Dr. Province, the members voted unanimously to forward a favorable recommendation for approval to the City Council with staff's recommendation and that all oral commitments are reduced to writing and recorded by the petitioner.

Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 22nd day of May 2007.

James A. Martin, Jr., President	Georganna Haltom, Secretary

City of Franklin
COMMON COUNCIL MINUTES

City Hall
55 W. Madison St.
Franklin, Indiana 46131

Tuesday, May 29, 2007 @ 7:05 p.m.

Presiding Officer:	Mayor Brenda Jones-Matthews
Members Present:	President Dr. William T. Murphy Mr. Joseph P. Abban Mr. Joseph R. Ault Mr. Kenneth W. Austin Mr. Phillip R. Barrow Mr. Jeffrey C. Eggers Mrs. Ann M. Gordon
Also present:	Clerk-Treasurer Janet P. Alexander and City Attorney Robert H. Schafstall
News Media:	The News Media was not represented.

Mayor Jones-Matthews opened the meeting and asked the Clerk-Treasurer, Janet P. Alexander, to call the roll. Council President, Dr. William T. Murphy, offered an invocation which was followed by a recitation of the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on any matter not listed on the agenda. Mr. Eggers commented that Mr. Stanley M. Barnett, a soldier killed in WW2, has been omitted from the listing of soldiers named on the plaque honoring fallen military personnel located in the lobby showcase. Mr. Eggers suggested that the City take the necessary steps to correct this omission.

Mayor Jones-Matthews read a report from Fire Chief James Reese concerning a medical emergency call which occurred February 10, 2007. Franklin resident Mr. Chris Henry had a heart attack and because of the quick response and treatment given by several of our firefighters, he survived that event. Mayor Jones Matthews recognized each of the officers and gave each one a Life Saving Medal. The officers honored were:

Capt./ EMT - Mike Hodge	Firefighter/Paramedic - Randy Cox
Firefighter/EMT - Mike Griggs	Firefighter/EMT - Andrew Tames
Lt./EMT - Stuart Bridges	Firefighter/EMT - Dennis Bordenkecher
Firefighter/EMT - Tyler Sneed	

Mr. Henry's wife read a letter aloud to the responding officers, thanking them for what they did for her husband and their family. She also expressed her gratitude to the entire department for their service to the community.

CONSENT AGENDA

Mr. Eggers, seconded by Dr. Murphy, made a motion to approve the consent agenda as presented.

1. Minutes of the regular meeting held April 23, 2007.

The motion carried and the consent agenda was approved.

PUBLIC HEARING

Ordinance 07-03: An Ordinance Approving Resolution 07-02 of the City of Franklin, Indiana Plan Commission, Revising Article 3, Chapters 11-13 & Article 13, Chapter 2 of the Franklin City Zoning Ordinance

The Planning Director, Joseph Csikos, presented the proposed ordinance approving a resolution of the City of Franklin, Indiana Plan Commission. The proposed ordinance further defines terms utilized in Article 7, Chapter 20, relative to "adult uses" within the existing Zoning Ordinance. Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment. No one asked to speak. A motion and second were made to read by title only. The motion carried and the ordinance was read by title only. Mr. Ault, seconded by Mrs. Gordon, made a motion to adopt Ordinance 07-03. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon
Nays – None

Ordinance 07-04: An Ordinance Approving Resolution 07-03 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial Business Development) to be known as the RSW Development Rezoning

The Planning Director, Joseph Csikos, presented the proposed ordinance approving a resolution of the City of Franklin, Indiana Plan Commission. He explained that the Plan Commission had voted unanimously to forward the matter to the Council with a favorable recommendation. Mayor Brenda Jones-Matthews asked if anyone from the public wished to comment on the matter. No one asked to speak. A motion and second were made to read by title only. The motion carried and the ordinance was read by title only. Mr. Barrow, seconded by Mrs. Gordon, made a motion to adopt Ordinance 07-04. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon
Nays – None

NEW BUSINESS

Introduction of Budgetary Resolution 07-02: A Common Council Budgetary Resolution Authorizing a Transfer-Police Dept.

The Police Chief, John Borges, presented the proposed budgetary resolution requesting a transfer in the amount of $50,000 from 300 series Professional Services line item to the 200 series Operating Supplies line item within the Police Department budget. A motion and second were made to read the resolution by title only. The motion carried and the budgetary resolution was read by title only. Mr. Abban, seconded by Mr. Austin, made a motion to adopt Budgetary Resolution 07-02. The motion carried. The Council was polled and the votes cast were as follows:

Ayes – Murphy, Abban, Ault, Austin, Barrow, Eggers, Gordon
Nays – None

Introduction of Resolution 07-06: A Common Council Resolution Authorizing the Use of Certain Existing Store Credit and Additional Credit Cards-Clerk Treasurer.
The Clerk-Treasurer, Janet P. Alexander, presented the proposed resolution authorizing the use of existing store credit accounts and credit cards. A discussion was held. The consensus of the Council was to table the matter until the next meeting.

OTHER BUSINESS

The Clerk-Treasurer, Janet P. Alexander, presented the 1782 Notice and requested permission to move forward with the submission of report to the DLGF. A discussion was held. Mr. Eggers, seconded by Mr. Barrow, made a motion to submit the 1782 Notice as presented. The motion carried.

ATTORNEY COMMENTS

The City Attorney presented CF-1 Forms from Electro Spec, Innovative Casting Technologies, Inc., Dual Tech, NiTrax and International Fuel Systems which were reviewed by the Economic Development Committee and forwarded to the Council for their approval. Mr. Schafstall mentioned that these forms require the signature of the Council President. Mr. Austin, seconded by Mr. Barrow, made a motion to accept the tax abatements compliance forms as presented and authorized Dr. Murphy to sign on the Council's behalf. The motion carried and the forms were signed.

ADJOURNMENT

As there was no further business to come before the Common Council, the meeting adjourned at 7:40 p.m. The next meeting will be held June 11, 2007 at 7:00 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk Treasurer

Enrolled: Thursday, June 7, 2007 Approved by Common Council: 6-11-07

<u>PC 2010-02 (R): Preliminary Plat of RSW Industrial Park and</u>
<u>PC 2010-03 (R): Rezoning of RSW Industrial Park:</u>

Steve Williams stated that the property was rezoned 3 years ago, from IL to IBD. The zoning change was an upgrade to allow offices. IL zoning doesn't allow personal services and IBD zoning did. He stated that during the rezoning they were asked to make certain commitments. Boat and RV storage was excluded. He stated that his memory is the Board wanted mini-warehouse facilities on the property. The proposed RV and Boat storage would be stored farthest away from Commerce Drive and Graham Road in the corner of the property so they can control the gate. Landscaping would be around the entire fenced area. He stated there is visibility from Graham Road to all the future lots. He stated that they would like to be relieved of the commitment and combine the two lots.

Mr. Swinehamer questioned if they were asking to be allowed to do something that is already permitted in that zoning district. Ms. Pendleton stated that the property was originally zoned IL. The petitioner requested a rezoning and during the rezoning petition, conditions were placed upon the property that the mini-warehouse storage was restricted. Swinehamer questioned if someone new was coming in the use would be permitted under IBD zoning. Ms. Linke stated yes but it was zoned with conditions. Mr. Swinehamer questioned if they are asking for the condition about the storage and mini warehouses to be changed. Ms. Pendleton stated they are also asking for the condition of the restriction of the mini warehouses to 2.25 acres because the lot is larger than that. She stated that they will be restricted to that lot. Mr. Swinehamer questioned if it was previously for 2 lots. Mr. Williams stated that it was for 2 lots. He stated they would be using the top half for warehouses and the bottom half of the lot for RV and boat storage.

Ms. Gray stated that it was not a condition but a zoning commitment. The rezoning was approved by Council with a commitment. She stated that the Board has to give a recommendation to Council to either waive it or not waive it. Ms. Gray stated the plat could be approved or denied subject to the rezoning. Mr. Swinehamer stated that we essentially have a new plat, because the 2 lots that were at the end of the cul-de-sac have been combined. He stated that we are replatting them into what is Lot 6. Ms. Gray stated that the Board could technically approve the replat without the zoning amendment; the petitioner just couldn't do the outdoor boat & RV storage.

Mr. Swinehamer stated that if the Board doesn't do anything, the petitioner could still put the warehouses in. Ms. Pendleton stated that they can't exceed the 2.5 acres. She stated that the preliminary plat was lost in the flood and that the two lots were not the correct acreage.

Ms. Gray stated the Board could technically give plat approval. She stated the use of the property for the boat & RV storage would have to happen at the next level. She stated that the Board cannot change the ordinance. Ms. Linke stated that was explained in the considerations in section 1C that the written commitments may be modified only through the zoning amendment process, which is a rezoning. Ms. Linke stated on the Staff Recommendation, she didn't find anything in the minutes from either the Plan Commission meeting or the City Council meeting that referenced the outdoor storage. Ms. Linke stated that she doesn't know why that was included as a commitment unless the petitioner can elaborate on that. She stated that was her only reason for listing this with an unfavorable recommendation. Mr. Williams stated that it started at Plan Commission. Mr. Swinehamer stated he remembered the discussion about how the Plan Commission didn't want the warehouses visible from the main road.

Mr. Swinehamer stated that the technical review report had been skipped. Mr. Wilkerson stated that the report summarized what went through. Ms. Pendleton stated that there were 3 items that the case did not meet the ordinance on. Lot 6 has no street frontage as required in the subdivision control ordinance; they have a submitted waiver request for that item. She stated the proposed cul-de-sac is 555 feet in length. According to the subdivision control ordinance it can only be 500 feet and they have attached a waiver for that. She stated the common entrances on Commerce Drive and Graham Road do not have acceleration/deceleration or passing lanes and a waiver request has been attached for that. The cul-de-sac and acceleration/deceleration lanes had previously been waived but have to be approved again.

Mr. Williams stated that they feel it complies with the comprehensive plan because it is allowed in that zone and is a desirable use. The request is for modification first and the plat second.

Dr. Murphy stated that he has a problem with the commitment being made years ago and the petitioner coming back and saying they didn't mean it.

Mayor Paris stated that he wouldn't have a problem as long as the mini-warehouses stay off the road. He stated he doesn't want to see it on the main road. Mr. McElyea questioned if the Board could request certain boundaries to be set up around storage area. Mr. Waugh stated that there are many trees & bushes going around it. Mr. Swinehamer stated that it will be 520 feet off of Commerce Drive and700 feet off of Graham Road.

Action taken on PC 2010-03 (R): Rezoning of RSW Industrial Park:

Mike Auger made a motion to make a favorable recommendation of approval to City Council to amend commitment C to allow the storage of recreational vehicles and boats on Lot number 6. Dan Murphy seconded the motion. Dr. Murphy-No , Chris Phillips-yes, Suzanne Findley-yes, Mike Auger-yes, Kevin McElyea-yes, Jim Martin-yes, Bob Swinehamer-yes, Diane Gragg-yes, Dan Murphy-yes.
The motion passes 8-1.

Action taken on PC 2010-02 (R): Preliminary Plat of RSW Industrial Park:

Mr. Swinehamer made a motion to approve the preliminary plat, grant the waivers to install the acceleration/deceleration lanes, to grant the waiver to extend the length of the cul-de-sac to 550 feet and to waive the requirements to have street frontage. Dan Murphy seconded the motion. The motion passed. Chris Philips abstained from the vote.

Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 20th day of April, 2010.

______________________________	______________________________
Mike Auger, President	Chris Phillips, Secretary

City of Franklin
COMMON COUNCIL

City Council Chambers
70 E. Monroe St.
Franklin, Indiana 46131

Monday, April 19, 2010 @ 6:30 p.m.

Presiding Officer:	Dr. William T. Murphy, President
Members Present:	Mr. Joseph Abban Mr. Joe Ault Mr. Kenneth W. Austin Mr. Stephen D. Barnett Mr. Stephen D. Hougland
Members Absent	Mayor Paris, Mrs. Gordon
Also Present:	City Attorney Robert H. Schafstall, Clerk Treasurer Janet Alexander and Clerk Treasurer's Assistant Kathy Cragen

Dr. Murphy opened the meeting and asked the Clerk-Treasurer to call the roll. Joe Ault offered the invocation, which was followed by a recitation of the Pledge of Allegiance.

CONSENT AGENDA

Dr. Murphy presented the consent agenda for approval.

- Approval of the April 5, 2010 meeting minutes
- Budget Resolution 10-02: Fire Merit request to transfer funds between major series

Mr. Ault, seconded by Mr. Abban, made a motion to approve the consent agenda as presented. The motion carried and the consent agenda was approved.

OLD BUSINESS

Resolution No. 10-07 – A Resolution Approving An Interlocal Agreement Between The City Of Franklin, Indiana And Johnson County, Indiana Relative A Project Commonly Known As The "Home Avenue Bridge Rehabilitation Project"

Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. City Attorney Rob H. Schafstall told the Council that this was ready for adoption. Mr. Ault gave a summary of what this ordinance entailed. A discussion was held. Mr. Barnett made a motion to approve, seconded by Mr. Austin. The motion carried.

Public Hearings

City of Franklin Ordinance No. 10-04 An Ordinance Approving Resolution Number 2009-30 of The City of Franklin, Indiana Plan Commission, Rezoning Certain Property to Downtown Overlay (DT-OL) (To Be Known as the Downtown Overlay Zoning Ordinance Amendment)

Mr. Austin made a motion to read by title only, seconded by Mr. Barnett. Dr. Murphy read the ordinance aloud by title only.

Planning Director Krista Linke provided an overview of the proposed ordinance. Ms. Linke stated that Mr. Jim Kienle of Moody Nolan Architects and Ken Remenschneider of Remenschneider & Associates were here to answer any questions that anyone might have concerning this project. Ms. Linke told the Council that this ordinance must be approved or denied by June 15, 2010 and that any amendments must go back to the Plan Commission. Information concerning this ordinance is available on the City Website. Ms. Linke is asking the Council to approve, deny or amend this ordinance tonight.

Dr. Murphy asked if anyone from the public present wished to speak for or against the proposed ordinance. The following individuals addressed concerns and / or support of the proposed ordinance.

1. Resident Bob Swinehamer came forward to speak against the ordinance.
2. Resident Edward Vandivier of E. King Street came forward to speak against the ordinance.
3. Resident Vicki Stakleback of 30 W. South Street and business owner at 98 W. South Street spoke against the proposed ordinance.
4. Resident Sheila Barr told the Council that when Franklin Heritage started in 1984 people were glad to see properties on Martin Place restored. Ms. Barr stated that maybe the ordinance should not be as restrictive, but still preserve older buildings.
5. Resident Bob Tolliver of 260 W. Madison Street came forward to speak in opposition to the proposed ordinance.
6. Resident Al Welberry commented on the ordinance.
7. Resident Ron Collins of 60 N. Water Street told the Council that he is not in favor of this Ordinance.
8. Resident Mike Auger of 432 Walnut Street spoke in favor of the ordinance.
9. Resident Gary Moody of 299 ½ Madison Street stated that as far as historic restoration goes that he feels the City is moving backward.
10. Resident Don Haddock stated that he had plans to paint, and do work on his property and asked whether he would be required to have a permit to do work on his home.
11. Resident Nancy Collins of 60 N. Water Street spoke against the ordinance.
12. Mr. Jim Kienle from Moody Nolan Architects came forward to explain how he went about drafting the guidelines included in this ordinance. Mr. Kienle stated that these guidelines were based on the Secretary of Interiors standards for all structures. Mr. Kienle told the Council that there is a significant increase in real estate values in areas where this type of work has been completed. He said that this would be a positive thing to do for the City's historic districts and that it would enrich the community. Mr. Kienle feels that this ordinance can be tweaked to work for this community. A discussion was held.
13. Property owner Dave Dowden stated that he thinks the ordinance will require people to spend a lot of time in the affected area.

14. Resident Fran Leeper asked the Council what will happen when the Plan Commission is not happy with how the rest of the City looks.

Dr. Murphy stated that the Council has similar concerns about the ordinance as it is now written and said he would like to appoint a committee of three council members to review the proposed ordinance and prepare recommendations.

Council member Austin asked the City Attorney how they should move forward with this ordinance. City Attorney Rob H Schafstall stated that Council could approve the proposed ordinance as it is written, they could reject it, they could also table or amend it in some way, and then it would go back to the Plan Commission. Mr. Austin stated that he felt Council should move forward with section of the ordinance affecting the business district, but he has reservations about the residential portion. Mr. Barnett agreed with Dr. Murphy and stated that he would like to work with a committee to come up with amendments to be sent back to the Plan Commission. Mr. Ault suggested that the Council reduce the impact area to the downtown business area only, and remove the residential areas. Mr. Austin made a motion to table this ordinance, seconded by Mr. Abban. The ordinance was tabled. Dr. Murphy appointed a study committee consisting of Mr. Ault, Mrs. Gordon, and Mr. Barnett to review the ordinance and recommend changes. Dr. Murphy stated that Mr. Barnett would be serving as the committee chairman.

Ordinance No. 10-05 – An Ordinance Approving Resolution No. 10-03 of the City of Franklin, Indiana Plan Commission, Rezoning Certain Property to IBD (Industrial: Business Development) (To be known as the RSW Development Rezoning Commitment Modification) – Public Hearing

Mr. Barnet made a motion to read the proposed ordinance aloud by title only, seconded by Mr. Ault. Dr. Murphy read the title aloud. Planning Director Krista Linke came forward and explained the request. Ms. Linke stated that this ordinance was introduced on April 6th. Petitioner Mike Waugh came forward and explained that he wants to add open parking for boats and vehicles. Ms. Linke stated that the Plan Commission and the Planning Department had approved this request. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

NEW BUSINESS

Introductions

Ordinance No. 10-03 – An Ordinance Regulating the Placement, Collection, and Disposal of Garbage, Trash, Refuse, Yard Waste, White Goods, and Heavy Trash Within the City of Franklin, Providing for Mandatory Curbside Recycling, and Providing Penalties for Violation of This Ordinance
Mr. Ault made a motion to read by title only, seconded by Mr. Austin. Dr. Murphy read the title. This ordinance is set for public hearing on Monday, May 3, 2010.

Resolution No. 10-02 Of The City Council Of The City Of Franklin, Indiana, Authorizing The Submittal Of The Disaster Application To The Indiana Office Of Community And Rural Affairs And Addressing Related Matters

Mr. Austin made a motion to read by title only, seconded by Mr. Abban. Dr. Murphy read the title. Mr. Austin made a motion to approve, seconded by Mr. Abban. The motion carried.

Resolution No. 10-08 A Resolution Authorizing The Use Of Certain Credit Card Accounts (And Repealing Resolution No. 07-04)

Mr. Ault made a motion to read by title only, seconded by Mr. .Abban. Dr. Murphy read the title. Clerk-Treasurer Janet P. Alexander told the Council that this resolution is to approve adding a credit card for MS4 for necessary purchases. Mr. Austin made a motion to approve, seconded by Mr. Ault. The motion carried.

JAG/Byrne Grant Application – Police Department

Deputy Chief O'Sullivan came forward to explain this Grant. This grant if received will be used to purchase new video and audio equipment for the Police Department. Deputy Chief O'Sullivan is asking for approval to apply for this grant. Mr. Abban made a motion to approve applying for the grant, seconded by Mr. Barnett. The motion carried. Deputy Chief O'Sullivan stated that the application will be completed in about a week, and will need to be signed by Dr. Murphy.

OTHER BUSINESS

Status of Franklin's Trees and the Franklin Tree Board

Chairman Don Haddock came forward and summarized the activities of the Tree Board over the last 14 months. Mr. Haddock stated that the Board has applied for re-certification as a Tree City. At the conclusion of his comments, Mr. Haddock stated that he is resigning from the Tree Board. City Resident Sheila Barr came forward and told the Council that she was on the Tree Board but resigned due to the lack of cooperation between the Board and City employees. Board Secretary Debbie Swinehamer questioned the removal of street trees at the Cemetery. Ms. Swinehamer also stated that he two arborists hired by the City where not the first choice of the Tree Board.

ADJOURNMENT

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 8:50 p.m. The next regular meeting will be held Monday, May 3, 2010 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled: 4/28/10 Approved by Common Council: 5/3/10