

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	January 24, 2025	<b>Meeting Date:</b>	Feb. 3, 2025
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Tennell, Senior Planner		
<b>On Behalf of Organization or Individual:</b>			
		Franklin Community School Corp.	
<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 2025-01: Rezoning to be known as FCSC Earlywood Rezoning (Public Hearing & Official Action)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC-24-20)			
3. PC Resolution 2024-20			
4. Ordinance 2025-01			
<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 Jan Jones, Clerk-Treasurer  
**From:** Joanna Tennell, Senior Planner  
**Date:** January 14, 2025  
**Re:** **FCSC Earlywood Rezoning (Ordinance 2025-01)**

---

On December 17, 2024 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 #2024-20). The Plan Commission voted 9-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 6.6 acres located at 500 Earlywood Drive be rezoned to Institutional (IN). 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:	January 22, 2025
Public Hearing:	February 3, 2025

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.



# 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)

## Plan Commission Staff Report

**To:** Plan Commission Members  
**From:** Joanna Tennell, Senior Planner  
**Date:** December 12, 2024  
**Re:** **Case PC-24-20 (R): FCSC Earlywood Rezoning**

### REQUEST:

**Case PC-24-20 (R)...FCSC Earlywood Rezoning.** A request by Franklin Community School Corporation to rezone approximately 6.3 acres from Industrial: General (IG) to Institutional (IN). The property is located at 500 Earlywood Drive.

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: IG  
South: IG  
East: IG  
West: MXR & GW-OL

#### Surrounding Land Use:

North: Fire Station  
South: Fletcher Car Dealership  
East: Industrial  
West: Future Wawa Gas Station

### CURRENT ZONING:

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.

### 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. Earlywood Educational Services was located at this site and was in operation for 50 years. The institutional use at this location was classified a legal nonconforming use in the IG zoning district as the use is not listed as a permitted use. Franklin Community School Corporation took ownership of the site in 2024.

2. Per Article 10.4 Nonconforming Uses of the Zoning Ordinance, a legal nonconforming use may continue provided that it remains otherwise lawful, subject to conditions, which includes:
  - a. Modification of Structures: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district.
  - b. Expansion on the Property: No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance.
3. Due to the condition of the existing structure, FCSC plans to demolish the structure and build a new education facility that replaces the existing structure and expands the use to a greater area of the 6.3 acre site (see attached concept plan). Therefore, the legal nonconforming use status in the IG zoning district will be lost due to the conditions cited above.
4. In order for FCSC to proceed with their plans, they could either:
  - a. Request a use variance through the Board of Zoning Appeals (BZA) to continue to be able to utilize the property as an educational facility (institutional use). If a use variance is granted, any future modifications to the site would also be subject to BZA approval at that time.OR
  - b. Request that the property be rezoned to a zoning classification that permits the use by right and would allow FCSC to operate as an educational use as a permitted use.
5. Franklin Community School Corporation has requested that the 6.3 acres located north of Earlywood Drive, east of US 31/Morton Street and south of Sloan Drive be rezoned from Industrial: General (IG) to Institutional (IN) for a future construction of a preschool.
6. In 2004, all properties in the city limits located north of Earlywood Drive and east of US 31/N. Morton Street were zoned IG.
7. Due to changes in the needs of the city, a number of these properties have been rezoned and/or BZA approvals granted to allow uses that are not industrial in nature:
  - a. City of Franklin Fire Station (institutional use) is located immediately north of the subject site.
  - b. The 10.4 acres located immediately to the west of the subject site was rezoned to MXC for the development of Wawa and a commercial outlot.
  - c. Approximately 26 acres located immediately north of Sloan Drive and east of US 31/N. Morton Street was rezoned to MXR in 2019.
    - i. Koenig Equipment is located on the far south 5 acres of the rezoned area.
    - ii. Denton Floyd received approval from the BZA for development of a 312 unit apartment complex on the northern 21 acres.

8. The Technical Review Committee reviewed the petition at their October 24, 2024 meeting.
9. If the rezoning is approved, the petitioner will need to file Site Development Plans for review and approval prior to construction.
10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Manufacturing. “Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include product manufacturers, as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas.”
11. Due to the substantial growth and changes the city has experienced since the Comprehensive Plan was adopted in 2013, the City of Franklin will be updating the plan in 2025.

#### **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 subject property to IN is consistent with the Comprehensive Plan as it supports the development of a cohesive community that provides services that meets the needs of the citizens of the city and school district.

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

**Staff Finding:**

The property is located in an area that uses have been developed in a commercial and residential manner rather than heavy industrial. In addition, the site has historically been used as an institutional use. Therefore, staff finds that the request to rezone the property to IN is consistent with the current conditions of the area.

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

**Staff Finding:**

The proposed use will provide an additional educational service to the residents of city that will be easily accessible by the use of the existing thoroughfare system and is located in reasonable proximity to growing residential areas.

***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. The development of the property could increase the property values as additional investment is made in the area.

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

**Staff Finding:**

As FCSC is a public funded entity that provides the necessary educational services to the city and its residents, it is more fiscally responsible to rezone the property to IN to allow their operations to continue at the site by right instead of needing to go before the Board of Zoning Appeals any time FCSC needs to make modifications at a location that has historically been an educational facility.

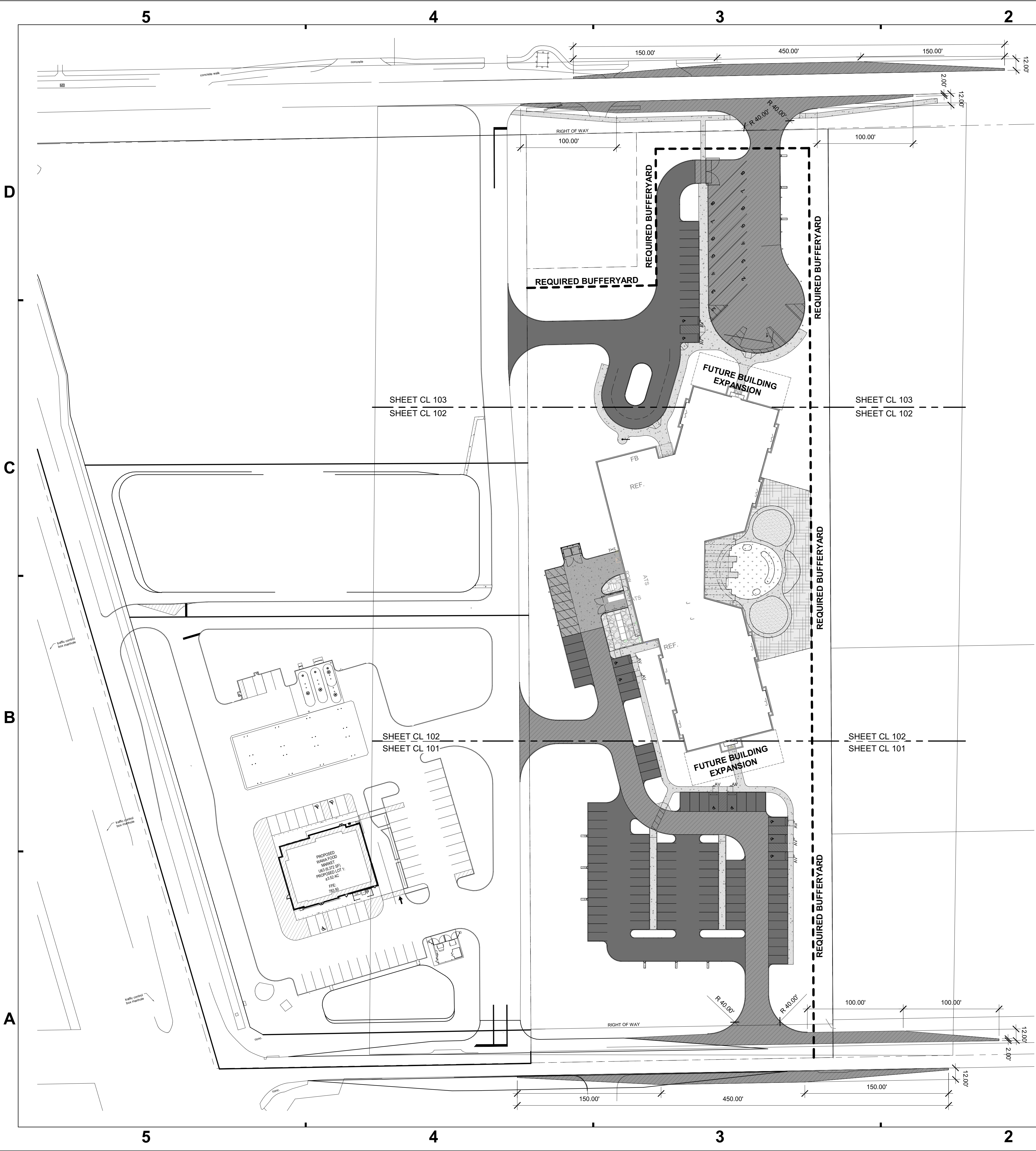
**PLAN COMMISSION ACTION – REZONING:**

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 rezoning the property to IN (Institutional).





**1 LAYOUT PLAN OVERALL**  
1" = 50'-0"



Project No. 2024-024.PRE  
Project Date 01.09.2025  
Produced SG/CTF



These Drawings and Specifications, and all copies thereof are and shall remain the property and copyright of the Architect. They shall be used only with respect to this Project and are not to be used on any other Project or Work without prior written permission from the Architect.

#	Revision	Date

500 Earlywood Dr  
Franklin, IN 46131



FRANKLIN COMMUNITY PRESCHOOL

SITE OVERALL LAYOUT PLAN

CL100



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2024-20  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**  
Franklin Community School Corporation

**PLAN COMMISSION DOCKET NUMBER:**  
PC-24-20

**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 rezoning and a change to the Zoning Map of certain property located within the City of Franklin, Indiana from Industrial: General (IG) to Institutional (IN); 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 17<sup>th</sup> day of December, 2024, 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:**

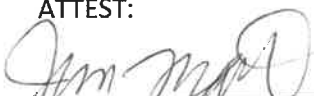
1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be rezoned to Institutional (IN).
2. On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the petitioner and the City of Franklin Common Council.
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 17th day of December, 2024.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

  
Norman Gabehart, President

ATTEST:

  
Jim Martin, Secretary



## EXHIBIT "A"

Part of the Southeast Quarter and part of the Southwest Quarter of Section 34, Township 13 North, Range 4 East of the Second Principal Meridian and being all that land described in a Corporate Warranty Deed to Franklin Community Schools recorded on June 6, 2024, as instrument number 2024-009868 in the Office of the Recorder, all in Johnson County, Indiana, described by Timothy D. Higbie, Indiana Professional Surveyor #20100067 as part of a retracement boundary survey project number 20240059, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 34; a mag nail with washer found per Johnson County Surveyor ties; thence South 89 degrees 17 minutes 00 seconds West (assumed bearing) on and along the South line of said Section 2655.20 feet to a mag nail with washer stamped "HIGBIE 20100067" set (hereafter "mag nail with washer set"); thence North 00 degrees 00 minutes 00 seconds East 969.08 feet to a 5/8-inch rebar with yellow cap stamped "HIGBIE 20100067" set (hereafter "rebar with cap set"); thence South 89 degrees 10 minutes 30 seconds West 200.00 feet to a rebar with cap set; thence South 00 degrees 00 minutes 00 seconds East 140.00 feet to a rebar with cap set; thence South 89 degrees 10 minutes 30 seconds West 115.00 feet to a rebar with cap set ; thence South 00 degrees 00 minutes 00 seconds East 828.50 feet to a mag nail with washer set; thence North 89 degrees 16 minutes 50 seconds East 314.99 feet to the POINT OF BEGINNING, containing 6.635 acres more or less and subject to any easements and rights of way of record.

City of Franklin Common Council

**ORDINANCE NUMBER 2025-01**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2024-20  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
IN (Institutional)  
(To be known as FCSC Earlywood 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 2024-20 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in Exhibit “A”, attached hereto, from Industrial: General (IG) to Institutional (IN).

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2024-20 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:**

- Zoning Map Amended:** The subject property described in Exhibit “A” is hereby rezoned Institutional (IN).
- 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.
- 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.
- 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 § 36-4-6-14.

**INTRODUCED** on the 22<sup>nd</sup> day of January, 2025.

**DULY PASSED** on this \_\_\_\_ day of \_\_\_\_\_, 2025, 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

\_\_\_\_\_  
Todd Shuck

\_\_\_\_\_  
Todd Shuck

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

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

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 \_\_\_\_\_, 2025 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)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2), this \_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Steve Barnett, Mayor

Attest:

\_\_\_\_\_  
Jan Jones, 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"

Part of the Southeast Quarter and part of the Southwest Quarter of Section 34, Township 13 North, Range 4 East of the Second Principal Meridian and being all that land described in a Corporate Warranty Deed to Franklin Community Schools recorded on June 6, 2024, as instrument number 2024-009868 in the Office of the Recorder, all in Johnson County, Indiana, described by Timothy D. Higbie, Indiana Professional Surveyor #20100067 as part of a retracement boundary survey project number 20240059, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 34; a mag nail with washer found per Johnson County Surveyor ties; thence South 89 degrees 17 minutes 00 seconds West (assumed bearing) on and along the South line of said Section 2655.20 feet to a mag nail with washer stamped "HIGBIE 20100067" set (hereafter "mag nail with washer set"); thence North 00 degrees 00 minutes 00 seconds East 969.08 feet to a 5/8-inch rebar with yellow cap stamped "HIGBIE 20100067" set (hereafter "rebar with cap set"); thence South 89 degrees 10 minutes 30 seconds West 200.00 feet to a rebar with cap set; thence South 00 degrees 00 minutes 00 seconds East 140.00 feet to a rebar with cap set; thence South 89 degrees 10 minutes 30 seconds West 115.00 feet to a rebar with cap set ; thence South 00 degrees 00 minutes 00 seconds East 828.50 feet to a mag nail with washer set; thence North 89 degrees 16 minutes 50 seconds East 314.99 feet to the POINT OF BEGINNING, containing 6.635 acres more or less and subject to any easements and rights of way of record.