

**FILED**  
SUBJECT TO FINAL ACCEPTANCE

**APR 10 2023**

*Elizabeth A. Alway*  
**AUDITOR, JOHNSON COUNTY**

City of Franklin Common Council

**ORDINANCE NUMBER 2023-02**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2023-01

OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
RM (Residential: Multi-Family)  
(To be known as Redwood Rezoning)

2023-004943  
RECORDED ON  
04/10/2023 02:51:58 PM  
TERESA K. PETRO  
JOHNSON COUNTY RECORDER  
REC FEE: 25.00  
PAGES: 6  
RECORDED AS PRESENTED

**WHEREAS**, the City of Franklin, Indiana Plan Commission (referred to hereafter as the "Plan Commission") is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the "City"), and has, by Resolution Number 2023-01 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) and Industrial: Business Development (IBD) to Residential: Multi-Family (RM) subject to the written commitments as stated in Exhibit "B".

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2023-01 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 subject to the written commitments as stated in Exhibit "B".

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

1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby rezoned Residential: Multi-Family (RM) subject to the written commitments as stated in Exhibit "B".
2. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
3. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
4. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.

**Sale Disclosure NOT Required**  
**Johnson County Assessor**

609999999999

9/28/2023 11:29:00




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) 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 20<sup>th</sup> day of March, 2023.


**DULY PASSED** on this 3 day of April, 2023, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 4 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

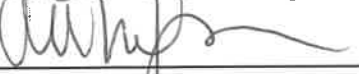
**Voting Affirmative:**

  
\_\_\_\_\_

Kenneth Austin, President

  
\_\_\_\_\_

Robert D. Heuchan

  
\_\_\_\_\_

Anne McGuinness

  
\_\_\_\_\_

Irene Nalley

\_\_\_\_\_  
Jennifer Price

  
\_\_\_\_\_

Josh Prine

  
\_\_\_\_\_

Shawn Taylor

**Attest:**

  
\_\_\_\_\_

Jayne Rhoades, City Clerk-Treasurer

**Voting Opposed:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Robert D. Heuchan

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price


\_\_\_\_\_  
Josh Prine

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

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 3 day of April, 2023 at 6:10 o'clock p.m.

  
\_\_\_\_\_  
Jayne Rhoades, 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 3 day of April, 2023 at 6:05 o'clock p.m.]

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

Attest:

  
\_\_\_\_\_  
Jayne Rhoades, 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   
\_\_\_\_\_  
Joanna M. Tennell

Prepared by:  
Joanna Tennell, Senior Planner  
Department of Planning & Engineering  
70 E. Monroe Street  
Franklin, IN 46131

## EXHIBIT "A"

### TRACT I

A part of the Northwest quarter of Section 13, Township 12 North, Range 4 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence North 87 degrees 30 minutes 19 seconds West (assumed bearing) along the North line of said quarter 1685.97 feet to a railroad spike found in the center of Hurricane Road; thence South 00 degrees 04 minutes 52 seconds East along the centerline of said Hurricane Road 231.00 feet to the point of beginning; thence South 87 degrees 30 minutes 19 seconds East 1155.00 feet; thence South 00 degrees 04 minutes 15 seconds East 803.21 feet to a point in the centerline of County Road 100 North; thence South 84 degrees 56 minutes 23 seconds West along said centerline 1158.06 feet to a point in the centerline of Hurricane Road; thence North 00 degrees 04 minutes 52 seconds West along said Hurricane Road centerline 325.52 feet; thence South 87 degrees 30 minutes 19 seconds East 555.45 feet; thence North 00 degrees 04 minutes 52 seconds West 314.00 feet; thence North 87 degrees 30 minutes 19 seconds West 555.45 feet to a point in aforesaid Hurricane Road centerline; thence North 00 degrees 04 minutes 52 seconds West along said Hurricane Road centerline 316.11 feet to the point of beginning, containing 19.3 acres, more or less.

### EXCEPT

Part of the Northwest Quarter of Section 13, Township 12 North, Range 4 East, Johnson County, Indiana, and being all that part of the grantor's land lying within the right of way lines depicted on the Right of Way Parcel Plat, as shown in Warranty Deed recorded March 23, 2018 in Instrument No. 2018-006300, described as follows: Commencing at the Northeast Corner of said northwest quarter section point designated "207" on the Location Control Route Survey Plat recorded as Instrument Number 2017-016324, in the Office of the Recorder of said County; thence North 87 degrees 14 minutes 48 seconds West a distance of 1,686.38 feet (1,685.97 feet per Instrument Number 2013-014104), along the north line of said quarter, to point designated "6000" on said Location Control Route Survey plat being the centerline of Hurricane Road; thence South 00 degrees 11 minutes 16 seconds West a distance of 231.00 feet, along said centerline, to a north line of the grantor's land and the point of beginning of this description; thence South 87 degrees 14 minutes 51 seconds East a distance of 30.01 feet along said grantor's north line; thence South 00 degree 11 minutes 13 seconds West a distance of 65.08 feet, to the point designated "318" on said Parcel Plat; thence North 89 degrees 48 minutes 47 seconds West a distance of 29.98 feet, to the west line of said grantor's land and the point designated "317" on said Parcel Plat; thence North 00 degrees 11 minutes 16 seconds East a distance of 66.43 feet, along said grantor's west line, to the point of beginning and containing 0.045 acres, more or less, inclusive of the presently existing right of way, which contains 0.015 acres, more or less. All bearing in this description which are not quoted from previous instruments are based on the bearing system of the Location Control Route Survey recorded as Instrument Number 2017-016324 in the Office of the Recorder of Johnson County, Indiana.

**TRACT II**

A part of the Northwest Quarter and the Northeast Quarter of Section 13, Township 12 North, Range 4 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence North 87 degrees 30 minutes 19 seconds West (assumed bearing) along the North line of said quarter 1685.97 feet to a railroad spike found in the center of Hurricane Road; thence South 00 degrees 04 minutes 52 seconds East along the centerline of said Hurricane Road 231.00 feet; thence South 87 degrees 30 minutes 19 seconds East 1155.00 feet to the Point of Beginning; thence North 00 degrees 04 minutes 15 seconds West 167.12 feet to a point on the Southwesterly right-of-way of Eastview Drive, said point also being a point of non-tangential curvature having a radius of 1208.04 feet, the radius point of which bears South 17 degrees 27 minutes 09 seconds West; thence Southeasterly along said curve and right-of-way an arc distance of 258.44 feet, the chord of which bears South 66 degrees 25 minutes 08 seconds East a chord distance of 257.95 feet; thence South 51 degrees 55 minutes 59 seconds East along said right of way 257.83 feet; thence South 47 degrees 59 minutes 46 seconds East along said right-of-way 432.21 feet; thence South 45 degrees 08 minutes 01 seconds East along said right-of-way 100.12 feet; thence South 47 degrees 59 minutes 46 seconds East along said right-of-way 86.22 feet; thence South 42 degrees 00 minutes 14 seconds West 309.15 feet to a point in the centerline of County Road 100 North; thence South 84 degrees 56 minutes 23 seconds West along said centerline 690.22 feet; thence North 00 degrees 04 minutes 15 seconds West 803.21 feet to the point of beginning, containing 12.6 acres, more or less.

**EXCEPT**

A part of the Northwest Quarter and the Northeast Quarter of Section 13, Township 12 North, Range 4 East, Johnson County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the Right of Way Parcel Plat, as shown in Warranty Deed recorded December 15, 2015 as Instrument No. 2015-029209, described as follows: Commencing at the northeast corner of said northwest quarter section, designated as point "12" on said plat; thence along the north line of said northwest quarter section North 87 degrees 15 minutes 18 seconds West 1,686.22 feet; thence South 0 degrees 11 minutes 42 seconds West 231.00 feet; thence South 87 degrees 13 minutes 45 seconds East 1,155.00 feet to the west line of the grantor's land; thence along said west line North 0 degrees 12 minutes 19 seconds East 169.48 feet to the south boundary of Eastview Drive; thence along said south boundary the following six courses, (1) southeasterly 256.57 feet along an arc to the right and having a radius of 1,207.00 feet and subtended by a long chord having a bearing of South 65 degrees 58 minutes 23 seconds East and a length of 256.09 feet; (2) thence South 51 degrees 41 minutes 55 seconds East 260.86 feet; (3) thence South 47 degrees 45 minutes 42 seconds East 86.58 feet to the point of beginning of this description; (4) thence continuing South 47 degrees 45 minutes 42 seconds East 345.63 feet; (5) thence South 44 degrees 53 minutes 57 seconds East 100.12 feet; (6) thence South 47 degrees 45 minutes 42 seconds East 86.22 feet to the east boundary of the grantor's land; thence along said east boundary South 42 degrees 14 minutes 18 seconds West 15.00 feet to point "236" designated on said plat; thence North 47 degrees 45 minutes 42 seconds West 131.84 feet to point "235" designated on said plat; thence North 39 degrees 13 minutes 52 seconds West 101.12 feet to point "234" designated on said plat; thence North 47 degrees 45 minutes 42 seconds West 250.00 feet to point "233" designated on said plat; thence North 42 degrees 03 minutes 04 seconds West 50.25 feet to the point of beginning and containing 0.105 acres, more or less.

**EXHIBIT "B"**  
**Rezoning Commitments**

1. Maximum number of units shall be 156.
2. All units shall be single story with a maximum height of 24' at the tallest gable.
3. Minimum living area per dwelling, as defined in the City of Franklin Zoning Ordinance, shall be 1,200 square feet.
4. All units shall be 2 bedroom, 2 full baths, with an attached 2 car garage. Garage shall have a minimum of 16 feet wide garage door.
5. All units shall have a minimum of a two-car driveway that is a minimum of 22 feet in length (measured from the façade to the house side of the sidewalk)
6. Interior streets shall be consistent with the "Typical Street Section" detail provided on the Illustrative Concept Plan dated February 6, 2023 and shall remain private streets. They shall not be dedicated to the City of Franklin as public streets.
7. Maximum of 2 entrances which shall align with existing drives on opposite side of the street.
  - a. Upper Shelbyville Road – Founders Pointe Apartments
  - b. Hurricane Road – Specialty Storage Solutions
8. Building & architectural requirements:
  - a. Exterior materials shall include:
    - i. Stone Veneer – Accent areas on front elevations
    - ii. Roof – Dimensional 30-year asphalt shingles – Weathered wood
    - iii. High quality vinyl siding (of at least .042 inches (42 mils) in thickness) and trim in the following profiles:
      1. Horizontal lap siding
      2. High quality vinyl molded to replicate wood shakes
      3. Vinyl corner trim
      4. Vinyl decorative louvers and
    - iv. Front and side elevations of all principal structures shall incorporate vinyl siding with a combination of stone veneer and shake siding accents.
    - v. Rear elevations of all principal structures shall incorporate vinyl siding.
    - vi. Garage doors shall be carriage style, raised panel pan steel doors with and without windows and shall be a minimum of 16 feet in width.
    - vii. Carriage style lighting fixtures shall be provided on both sides of the garage doors of each unit.
    - viii. Elevations will also include variations in the siding color palate.
9. 10 ft. multi-use path shall be provided along Upper Shelbyville Road.
10. 5 ft. public sidewalks shall be provided along Hurricane Road.
11. Identification signage shall be constructed at the entrances in monument style and shall be enhanced with landscaping. The identification signage shall incorporate the building materials and color palette used in the community.