



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, Associate Planner
Date: May 27, 2014
Re: Case ZB 2014-04 (SE) FiveKids Properties, LLC.

REQUEST:

Case ZB 2014-04 (SE)...FiveKids Properties, LLC. A request for a special exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 21, to allow the operation of a day-care center, in the "IBD" Industrial, Business Development zoning district. The property is located at 1950 N. Graham Road.

PURPOSE OF STANDARD:

The "IBD", Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

Current & Proposed Use

1. The subject property is Lot 9 in the subdivision of RSW Industrial Park Section 3 and Replat of Lot No. 2 Section One. The property is approximately 2.9 acres, and is currently vacant.
2. The petitioners currently operate Kid City Academy at 752 International Drive, Franklin, IN 46131.
3. FiveKids Properties, LLC (petitioner) is proposing to operate a children's day-care center from the subject property, which is zoned "IBD" Industrial: Business Development. Article 3, Chapter 21 lists day-care center as a Special Exception in the IBD zoning district.
4. Day-care centers are permitted uses in all of the Mixed-use districts and in the IN: Institutional district. Day-care centers are permitted by Special Exception in all three of the Industrial districts.

Facility & Parking

5. If approved, Site Development Plan approval will be required, from the City of Franklin. The petitioners have stated they intend to meet the requirements of the zoning ordinance, and therefore, are not requesting any developmental standards variances, at this time.
6. The preliminary site plan submitted with this request proposes a nearly 11,000sq. ft. building, paved entrance and parking lot, with 48 parking spaces which meet the ordinance's requirement of 10' x 20' spaces, and 24' wide interior drive. All information provided with this application is conceptual in nature, and would be reviewed for compliance during the Site Development Plan process.

7. Article 7, Chapter 10 states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance.”
8. Article 7, Chapter 10 indicates that 1 parking space shall be provided “for every 6 children, permitted by capacity, in any day care facility,” plus, 1 space “for every employee on the largest shift,” and 1 space “for every business vehicle stored on-site.”

Comprehensive Plan & Zoning Ordinance

9. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”
10. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
11. Article 11, Chapter 4 states “Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L)).”
12. Article 11, Chapter 4 states “A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.”

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IBD, Industrial: Business Development
 South: IL, Industrial: Light
 East: IG, Industrial: General
 West: IBD, Industrial: Business Development

Surrounding Land Use:

North: Vacant
 South: Industrial, light
 East: Vacant
 West: Vacant

CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

DECISION CRITERIA – SPECIAL EXCEPTION

1. ***General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

Staff Finding:

The general vicinity is characterized by a mix of existing and developing industrial properties. The subject property is located along two major thoroughfares, Graham Road and Commerce Drive, and away from residential areas. The road infrastructure and the location within an industrial area ensure that the high traffic volumes, typically associated with day-care centers, will not be a nuisance to neighboring properties. Therefore, staff finds the approval of this special exception will not be injurious to the public health or safety of the community.

2. ***Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

Staff Finding:

The petitioner has indicated to staff, their intention to meet the requirements of the zoning ordinance; however, only conceptual plans have been submitted for review as part of this request. If this request were approved, the requirements and development standards would be addressed during a Site Plan review process.

3. ***Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

Staff Finding:

The requested use is listed as a special exception under the “IBD,” Industrial: Business Development zoning district regulations and will not have an adverse effect on adjoining properties. A day-care center typically creates a significant amount of daily traffic on nearby roads; the location of the proposed day-care center within an established industrial area, which is largely unaffected by traffic patterns, ensures the proposed use will not be injurious to the general vicinity.

4. ***Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

Staff Finding:

The granting of the special exception does not interfere substantially with the Comprehensive Plan, as the Plan supports the development of small-scale business operations in this area.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

Based on the written findings above, staff recommends **approval** of the petition with the following conditions:

1. All applicable federal, state, and local permits/approvals are required; including, but not limited to, completion of the Site Development Plan review process, and compliance with all building and fire codes.