



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: September 24, 2014

Re: Case ZB 2014-12 (UV) | Homeview Center | 510 & 530 Palmer Street

REQUEST:

Case ZB 2014-12 (UV)...510 & 530 Palmer Street. A request for a use variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 20, to allow the construction and operation of a parking lot as a primary use in the Institutional (IN) zoning district. There are two properties associated with this request: 510 & 530 Palmer Street.

PURPOSE OF STANDARD:

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:

Current Use

1. The subject properties of 510 and 530 Palmer Street are currently developed with single-family residential homes and are considered legal non-conforming uses in the IN: Institutional zoning district.
2. In 2004, when the City of Franklin updated the Zoning Ordinance and Official Zoning Map, these properties were rezoned to the IN: Institutional zoning district.
3. The petitioner, Homeview Health and Rehabilitation Center (651 S. State Street), operates a nursing home facility from the property immediately across Palmer Street from the subject properties.

Proposed Use

4. Homeview Health and Rehabilitation Center is seeking to expand their parking by constructing a parking lot where the homes of 510 & 530 Palmer Street currently stand. See attached site plan.
5. The proposed parking lot will not only serve the current facility, but Homeview Center is also planning for the future and possible expansion of their facility.
6. Due to the configuration of the current Homeview Center site, the location of Palmer Street along the north property line, and the inability to purchase the adjoining property to the south, any building expansion would be into the current parking lot. Parking spaces removed for building expansion would have to be replaced/relocated. Additional parking spaces would likely be required by the Zoning Ordinance, in order to meet the needs of the expanded use on the property.

7. Since the petitioners have essentially run out of room on their current property, they are attempting to relocate and expand their parking facilities, off-site, on the north side of Palmer Street. The petitioners have had discussions with all of the property owners on the north side of Palmer Street about purchasing their ground, but currently only have purchase agreements in place with the owners of 510 and 530 Palmer St.

Off-site Parking as a Primary Use

8. According to Article 7, Chapter 10 of the City of Franklin Zoning Ordinance, off-site and shared parking is allowed on another lot that is within 500 feet of the lot occupied by the use(s) for which the parking spaces are required.
9. Although off-site and shared parking is allowed, according to Article 3, Chapter 20 of the City of Franklin Zoning Ordinance, a parking lot (as a primary use) is listed as a non-permitted use on properties within the IN: Institutional zoning district.
10. A parking lot or garage (as a primary use) is listed as a permitted use in three of the four Mixed Use zoning districts: MXD (Mixed Use: Downtown Center), MXC (Mixed Use: Community Center), and MXR (Mixed Use: Regional Center). It is listed as a special exception in the MXN (Mixed Use: Neighborhood Center) zoning district. A parking lot or garage is also listed as a permitted use in all three industrial zoning districts: IBD (Industrial: Business Development), IL (Industrial: Light), and IG (Industrial: General).

Preliminary Plan

11. The petitioners have submitted a preliminary plan for the proposed parking lot, which includes thirty-one (31) parking spaces, three (3) of which are handicap spaces.
12. Petitioner plans to light the parking lot and provide a ten (10) foot wide landscape screening along the East/North-East property line. The ten foot wide landscape screening is not required by the ordinance and was offered voluntarily but the applicant.
13. Petitioner has indicated they intend to meet the requirements for parking lot lighting, street tree plantings, and parking lot perimeter landscaping requirements.
14. Approval of the use variance with the associated preliminary site plan would not approve or imply future approval of any potential parking, landscaping, or other developmental standard variance that may be required after an application has been submitted for Site Development Plan review. Approval of the use variance would simply establish the use of the property as a parking lot.

Comprehensive Plan

15. According to the 2013 Comprehensive Plan, Land Use Plan, this area is identified as Institutional Center. "Franklin's institutional centers are areas that include either a single dominant institution or a collection of large-scale non-profit facilities. Existing institutional centers include the Franklin Community School Corporation facilities along Eastview Drive and U.S. 31; the area of West Jefferson Street which includes Johnson Memorial Hospital, the Johnson County Fairgrounds, the Methodist Community, the Johnson County Jail facilities, Creekside Elementary School, and Custer Baker Middle School; and the State Street corridor facilities of Franklin College, the Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home. While other institutions, such as churches and schools, are located throughout the community, institutional centers are unique due to the prominence of the institutions and their influence on surrounding areas. Institutional centers may include non-institutional land uses, such as offices, retailers, or homes. However, these non-institutional uses typically have a direct, complimentary relationship with the area's institutions."

16. The 2013 Comprehensive Plan goes on to establish the relationships of Institutional Centers with other land uses: “Institutional centers are the focus of activity in the community. They should have strong relationships with community and regional activity centers. These relationships may be based on the close proximity of activity center and institutional center uses and/or through the development of convenient, efficient transportation routes between such uses. The relationship between institutional centers and other land uses, specifically residential land uses, must both provide convenient access to the institutions and protect the surrounding areas. Specifically, residential areas should be provided with convenient sidewalk connections to the institutional centers, but must be protected from the traffic, noise, and lighting that is common for institutions. In the instances where institutional centers are located within developed areas of the City a balance must be achieved between the expansion needs of the institutions and the preservation and quality of surrounding neighborhoods. Both the expansion of the institutions and the appropriate preservation of adjacent neighborhoods should be supported by the City.”

Zoning Ordinance

17. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.

18. 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.

19. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IN, Institutional
South: IN, Institutional
East: IN, Institutional
West: IN, Institutional

Surrounding Land Use:

North: Institutional (Franklin/JoCo Public Library)
South: Institutional (Homeview Center)
East: Residential (Single-family)
West: Residential (3-in-1 Multi-family)

CRITERIA FOR DECISIONS – USE VARIANCE:

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

In taking action on all use variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a use variance of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE

- 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 approval of the use variance will not be injurious to the public health, safety, or general welfare of the community, as the proposal is complementary and necessary for the petitioner’s established and expanding institutional use. The 2013 Comprehensive Plan and the official zoning map classify the general vicinity, and the subject properties, as part of the largest institutional area within the City of Franklin. Located in close proximity are: Franklin College, Johnson County Public Library, Franklin Community Center, and the Indiana Masonic Home. Approval of a parking lot will have no deleterious effect on the general welfare.

2. ***Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

Staff Finding:

Approval of the use variance may substantially affect the use and value of the area adjacent to the properties included in the variance. Homeview Health and Rehabilitation Center has long existed across Palmer Street from three single-family homes and a three-in-one multi-family property; however, replacing two single-family homes, mid-block, with a parking lot may substantially affect the use & value of the remaining residential uses. On the other hand, the 2013 Comprehensive Plan and the official zoning map designate this area for institutional use; therefore, the existing residential uses are now considered legal-non-conforming uses. As such, these properties are encouraged to convert from residential uses, to institutional uses.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will result in a practical difficulty as the petitioner is seeking to add parking spaces for their facility; however, there is no room left on their property to construct more spaces. Furthermore, for all intents and purposes, the proposed parking lot would be a secondary or accessory use to the nursing home facility, and would not be a standalone parking lot without a specific related use.

4. ***Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will result in an unnecessary hardship, as the petitioner is unable to construct any additional parking spaces on the same property as the nursing home facility. Therefore, the petitioner has no other option than to construct a parking lot on a separate property as a “primary” use.

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

Staff Finding:

The granting of the use variance does not interfere with the Comprehensive Plan, as the future land use map classifies this area as Institutional Center. Converting the two residential properties to the proposed use, which will serve the established and expanding institutional use across the street, will help achieve the goals of the future land use map.

STAFF RECOMMENDATION – USE VARIANCE

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

- a. Site Development Plan approval required prior to construction.
- b. Final design of the site shall be substantially similar to the proposed preliminary site plan dated August 20, 2014.