



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

BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: January 29, 2015

Re: Case ZB 2015-02 (SE) | Indiana Mentor | 1400 Commerce Parkway

REQUEST:

Case ZB 2015-02 (SE)...Indiana Mentor – Adult Day Services. A request for a special exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 23 to allow an adult day care center, in the IG: Industrial, General zoning district. The property is located at 1400 Commerce Parkway.

PURPOSE OF STANDARD:

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.

CONSIDERATIONS:

Current Use

1. The subject property of 1400 Commerce Parkway was designed and constructed to meet the needs of Hillcroft Services, an industrial user. Hillcroft Services developed the property to provide day-time employment and community support services to individuals with disabilities (Indiana MENTOR clients). The Indiana MENTOR work force, for Hillcroft Services, would engage in light manufacturing work for portions of their days; as such, the use was considered industrial in nature and permitted in the zoning district.
2. Hillcroft Services will no longer be occupying the facility at 1400 Commerce Parkway for industrial uses; instead, Indiana MENTOR is proposing to use the facility to provide similar adult day services, without the industrial work component.

Proposed Use

3. Indiana MENTOR is proposing to operate their “Day Services” program from the subject property.
4. Indiana MENTOR’s adult day services include structured activities, social interaction and skill-building opportunities for adults with intellectual and developmental disabilities.
5. According to the petitioner, clients of Indiana MENTOR will be involved in activities such as learning life skills (laundry, cooking, etc.) and academic skills (money management, reading, etc.).
6. Petitioner states they will have seven (7) staff members, and currently have 47 clients, but could accommodate up to 60 clients. Petitioner also plans to keep two (2) business vehicles on-site.

Adult Day Care as a Special Exception

7. Article 3, Chapter 2 states “The Planning Director may determine into which category any questionable use is placed if it is not specifically listed but is similar to another use that is a permitted or special exception use.”
8. Since the proposed use is not specifically listed in the City of Franklin Land Use table, staff has determined the category this use falls into, is “day care center.” As such, the proposed use is listed as a special exception in the IG: Industrial General zoning district.
9. Day Care Centers are listed as a special exception in the following zoning districts: IBD (Industrial: Business Development), IL (Industrial: Light), and IG (Industrial: General).
10. Day Care Centers are a permitted use in the following zoning districts: MXD (Mixed-use: Downtown Center), MXN (Mixed-use: Neighborhood Center), MXC (Mixed-use: Community Center), MXR (Mixed-use: Regional Center), and IN (Institutional).

Parking Standards

11. According to Article 7.10 of the Zoning Ordinance, 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. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.
12. According to Article 7.10 of the Zoning Ordinance, one (1) off-street parking space is required...
 - a. for every employee on the largest shift;
 - b. for every six (6) children (in this case 6 *adult clients*), permitted by capacity, in any day care facility;
 - c. for every business vehicle stored on site.
13. According to Article 7.10 of the Zoning Ordinance, Indiana MENTOR would be required to provide:
 - a. Seven (7) employee parking spaces;
 - b. Ten (10) parking spaces for adult clients; and
 - c. Two (2) parking spaces for business vehicles stored on site;
 - d. For a total of 19 parking spaces on-site.
14. The existing facility has thirteen (13) paved and striped parking spaces, with availability to stripe six (6) additional spaces without laying new asphalt [Figure 1].
 - a. Five (5) new spaces can be added to the north bump-out of the parking lot;
 - b. One (1) space can be added by restriping the parking spaces immediately adjacent to the building;
 - c. The Parking Standards in the Zoning Ordinance have been reduced since this project was developed, to now allow for 9 feet wide parking spaces and 16 feet total width for Handicap van-accessible parking spaces; therefore, with 70 feet of parking area, petitioner can stripe six regular spaces and one handicap van-accessible parking space.
15. Petitioner states that clients will arrive via group home vans; therefore, staff and petitioner do not foresee any parking issues.

Comprehensive Plan

16. 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.”

Zoning Ordinance

- 17. 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.
- 18. According to Article 11.4: 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)).
- 19. According to Article 11.4: 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.

20. Surrounding Zoning:

North: IG, Industrial, General
 South: IG, Industrial, General
 East: IL, Industrial, Light
 West: IG, Industrial, General

Surrounding Land Use:

North: Manufacturing facility
 South: Concrete production facility
 East: Agricultural, Crop field
 West: Manufacturing facility

CRITERIA FOR DECISIONS:

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

In taking action on all special exception and 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 special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) 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:

Staff finds the approval of the special exception will not be injurious to the public health, safety, or general welfare of the community, in any way.

- 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 proposal will meet the development standards for parking, as the petitioner can stripe six (6) additional parking spaces, in order to be consistent with the requirements of the Zoning Ordinance.

- 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:

Staff finds that approval of the proposed use will not be contrary to the general purposes of the zoning ordinance and will not permanently injure other properties in the general vicinity. Previously, Indiana MENTOR brought their same clients to the same property, which served as a work force for an industrial user at the facility. By allowing Indiana MENTOR to continue to use the same facility, it will increase the probability of a similar industrial user, which desires to partner with Indiana MENTOR, to operate from the facility. Furthermore, the facility will remain an industrial building, without significant changes to the style and character of the property.

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

Staff Finding:

Staff further finds, that the granting of the special exception will not substantially interfere with the Comprehensive Plan. Allowing Indiana MENTOR to utilize the facility for their Day Services clients, will not substantially alter the property in any way. By allowing Indiana MENTOR to continue to utilize the industrial property, the likelihood of attracting another industrial user, who seeks to partner with Indiana MENTOR, would be much higher, with the work force and facility already in place.

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 with the following conditions:**

- a. Six (6) additional parking spaces, 9' x 18' in size, shall be painted, with appropriate pavement markings, as indicated in red on Figure 1 of the staff report, by May 1, 2015.
- b. All unresolved comments listed on the Temporary Certificate of Occupancy shall be completed by May 1, 2015.

Figure 1:

