

CASE NUMBER PC-04-24
PLANNED UNIT DEVELOPMENT CONCEPT PLAN
1230 PARK AVE., FRANKLIN, IN

Franklin College (FC) has now presented its third version of its concept Planned Unit Development (PUD) to be considered at the Plan Commission's May 21, 2024 hearing. What follows are comments about this most recent version.

**THE FC PUD SHOULD NOT BE APPROVED OR RECOMMENDED FOR
APPROVAL BECAUSE FC IS NOT A DEVELOPER OR SPONSOR OF THE PUD**

Franklin City Ordinance Section 17.28.010E states: "The applicant making the proposal must intend to act as developer or sponsor of the development". City Ordinance Section 17.08.020 defines the term developer:

"'Developer' means an individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development . . ."

A sponsor is one who invests in a development and has a financial interest in what is being constructed.

According to its PUD documents, FC intends to build a Tech Park on two portions of its 249 acres. Those two parcels comprise about 58 acres. 32.7 acres will be retained by FC and remain undeveloped. The remaining land, about 105 acres, will be dedicated to apartments, attached townhouses, detached houses, retail, and a park/open space. FC will not be the developer for this 105 acres. As proof thereof, speaking at the Franklin Rotary Club meeting on May 7, 2024 at the Garment Factory, FC President, Kerry Prather stated regarding this acreage: "(City) you tell us what you think the City needs and we will try and find developers to deliver that". (See the Franklin Rotary Club livestream of President Prather's talk on the Rotary Club's Facebook page at 41:10 of the replay.)

Moreover, City Ordinance Section 17.28.010B states:

"Generally, the planned unit development shall provide standards for the development that replace: (1) the lot standards established by Chapter 17.16, Zoning Districts; (2) each topic area regulated by Chapter 17.32, Development Standards; and (3) any standards replacing those established by the subdivision control ordinance."

Simply being the applicant for a PUD does not make one a developer or sponsor any more than applicable City Ordinances regarding lot standards, key topical areas for various applicable standards, and standards for subdivision control make Franklin a developer or sponsor of any new neighborhood or construction project.

FC is not making any financial investment in and will not be involved as a developer or a sponsor of the 249 acres, other than the 58 acres for the Tech Park sections. For these reasons, the PUD should not be approved because the applicant, FC, fails to meet the definitional requirements for one applying for approval of a PUD.

**THE FC PUD SHOULD NOT BE APPROVED OR RECOMMENDED FOR APPROVAL
BECAUSE IT DOES NOT PRESENT A SINGLE UNIFIED PLAN.**

FC PUD Introduction/Overview states “[t]he PUD provides for a Mixed-Use development, the primary purpose of which is an Innovation District”. In further says “[t]he PUD is designed to permit the development of a mixture of uses on the PUD Real Estate, including research and development, light industrial, and office uses, **as well as an array of housing to support these uses**” (Emphasis added).

It is more accurate to state the only purpose of the PUD is the Tech Park because the proposed housing options are not connected to the Tech Park. These are separate and distinct. A contrast makes this clear. FC is, I believe, a PUD. Its purpose is to provide post-secondary education to students admitted to FC. There are dormitories on FC’s campus. My wife and I, residents of Franklin, cannot live in those dorms because we are not students at FC. Those living units are available for FC students, only. They support the purpose of FC. Everything on FC’s campus supports its unified purpose of post-secondary education.

Despite what the PUD document states, any housing built in the PUD would not and could not be limited to only those who would work in the Tech Park. Any developer of the housing would, by law, be required to sell or rent to whoever applied and was approved, based on applicants’ credit and other applicable criteria. Therefore, the housing parts of the PUD would develop independently of the Tech Park. Secondly, although it reports having Memoranda of Understanding from three unnamed companies, FC has no guarantees whether any business might come. Therefore, there is no way to know how much housing, if any, might be needed or what kind of housing would be desirable to those working for such companies. This is an example of what it means to get the cart before the horse. Lastly, it is hard to imagine any company forcing its employees to live in a specific housing development. Company town experiments were dreams of the 19th century, and company towns such as Pullman, Illinois and later Gary, Indiana have not fared well.

All of these practical and logistical considerations are underscored by City Ordinance Section 17.28.010E:

“A parcel or site proposed for a planned unit development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement: (1) not to develop the parcels separately, but in accordance with a single, unified plan; and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the plan commission”.

The PUD fails to meet this City Ordinance provision because FC cannot tell us who will own the land not retained by FC to be developed for housing (see President Prather's comment to the Franklin Rotary Club quoted above), and FC has not presented any contractual agreement with anyone that can assure the Plan Commission the PUD will be developed in a unified way and not as separate projects. For these reasons, the PUD should not be approved or recommended for approval.

**THE FC PUD SHOULD NOT BE APPROVED OR RECOMMENDED FOR APPROVAL
BECAUSE THE LAND USES PROPOSED ARE INCOMPATIBLE WITH THE
COMPREHENSIVE PLAN AND THE CHARACTERISTICS OF SURROUNDING
LAND AND ZONING DISTRICTS.**

The City's Comprehensive Plan (Comp. Plan) Introduction states: "The Comprehensive Plan is Franklin's guide to the future." Land use planning is one method, the Comp. Plan says, to present the city's priorities, goals, and how to reach them.

The Introduction further says "The [Comp. Plan] is an advisory tool for the mayor, city council, plan commission" and others, including interested citizens "when land use changes are proposed". The Comp. Plan says experience can guide judgments, but

"a group of people making decisions based on individual perceptions may not lead to a shared vision of the city's future. The comprehensive plan provides a defensible, unified vision."

Chapter 3 of the Comp. Plan contains four principles for establishing the city's vision. Pertinent to the PUD, the Comp. Plan's first principle acknowledges Franklin has a housing gap. The Comp Plan, also, lists four unattained goals left over from the 2004 Plan, which the city should work to meet. One of those is "adding more upper-income homes to the housing stock." A drive through Franklin makes this evident. We have an ample supply of smaller and less expensive houses in higher density neighborhoods, apartments, houses used primarily as rentals, and options for the elderly in places such as Otterbein and Compass Park. But, Franklin has fewer higher-end neighborhoods.

From 2013 through March of this year, the city has issued 1,307 permits for new construction of single-family residences, either detached or attached. Some of those permits are for higher-end houses, but the majority are not. The Bluffs of Young's Creek and Westwind at Cumberland subdivisions are two such current examples, projects of production home builder Arbor Homes. There are, also, presently approved and under construction 394 apartment units. The city has also approved an additional 631 units, which are not yet under construction, for a total of 1,025 apartments. These are just recent projects. I don't have any figures covering the years going back to 2013.

However, Franklin had a high percentage of rental housing in 2013. According to the Comp. Plan, in 2013 34% of all housing was renter occupied. The Comp. Plan further says "Rental housing has grown at a much faster pace in Franklin than at the state level, increasing by

nearly 28% compared to statewide growth of only about 10%”. There is strong evidence Franklin has not closed its housing gap, a stated goal that now goes back at least 20 years.

If I may speculate on why the Comp. Plan’s goal is to expand the percentage of higher-end housing in Franklin’s inventory, I suspect it is because those who purchase that kind of housing would be more likely to put down deep roots, raise their families here, and become residents of Franklin for decades. My wife and I are examples of this. We have lived in our home since May of 1990. We raised our family in our home. And, we have neighbors who have been in our neighborhood longer than us. Renters and buyers of smaller houses usually do not stay. They either outgrow those spaces or move on and up as they change jobs and/or advance in their careers.

FC has presented three versions of its PUD. All three continue to contain not only the Tech Park but also the same areas dedicated to apartments, small townhouses, and high-density detached houses. Importantly, the current version’s Conceptual Plan Map is misleading about the detached housing. The Map leads one to think the detached housing now is to be re-zoned to match the adjoining neighborhoods. But, lot lines are drawn in only for those lots which abut the neighborhoods, including mine, Jefferson Meadows. The PUD has added the following:

“... for nearby detached single-family dwellings, with development standards similar to those found in the City of Franklin Zoning Ordinance, Section 3.11 Residential Traditional 1 (RT-1) for those lots that will be located along the northern boundary of the IPFC PUD ...”

So, the lots drawn in are to meet RT-1 standards. But, what is not shown on the map are the lot boundary lines for the rest of the detached housing. The PUD states in that same paragraph quoted immediately above:

“for nearby detached, single-family dwellings, with development Standards similar to those found in the City of Franklin Zoning Ordinance ... and **Section 3.12 Residential Traditional Two (RT-2) or 3.13 Residential Traditional 3 (RT-3) for those lots that are not adjacent to the northern border of the IPFC PUD.**” (Emphasis added)

Therefore, despite the few RT-1 houses added, the detached housing neighborhood will essentially remain a high-density neighborhood with smaller lots and less living space than the homes in the existing neighborhoods, such as Jefferson Meadows, adjacent to the north.

Jefferson Meadows, my neighborhood, is zoned RS-1, meaning a “suburban style, medium to low density single family residential development”. By definition, minimum lot sizes are 15,000 square feet. Minimum living areas are 1,800 square feet. By definition, RT-2 requires minimum lot sizes of 7,200 square feet and minimum living space of 1,200 square feet. RT-3 has minimum lot sizes of 5,000 square feet and minimum living areas of 1,000 square feet.

A guiding principle of the Comp. Plan is that when new land is developed it should match existing neighborhoods next to the new development. In the Land Use section of the Comp. Plan,

concerning larger lot suburban residential neighborhoods, such as Jefferson Meadows, the Comp. Plan states **“These types of neighborhoods should be protected from incompatible ... high-density residential developments”** (Emphasis added.) The PUD continues to violate the Comp. Plan.

The Comp. Plan contains some maps. These visually make clear Franklin’s goals for new development. The “Long-Term Land Use Map” on page 70 and the “Long-Term Land Needs Map” on page 71 show not only Jefferson Meadows zoned as RS-1 but also FC’s 249 acres, except for an area very close to Umbarger Lane, which looks to be where one of the Tech Parks is proposed to be built. Also, the RS-1 designation extends across Greensburg Road and further southeast along that road.

Therefore, in addition to the fact the RT-2 and RT-3 proposed zoning is incompatible with the RS-1 and RT-1 designations for the existing neighborhoods to its north, the PUD is also incompatible with how Franklin envisions developing along and across Greensburg Road.

Zoning was updated at the time the Comp. Plan was approved. I think it is fair and reasonable to conclude the Comp. Plan intends for all of this RS-1 zoned land, including FC’s land, to be used to meet the goal of filling in our 20-year plus housing gap. Basically, the PUD blows up the Comp. Plan’s design for future development on and along both sides of Greensburg Road. **Interestingly, FC, although willing to propose incompatible housing adjacent to Jefferson Meadows, states in its PUD proposal that with respect to the roughly 33 acres FC intends to retain for future use and development “[t]he design of buildings and spaces in this area should be consistent with and/or complementary to the predominate design elements of the Franklin College Campus”** (Emphasis added).

City Ordinance Section 17.28.010A states

[a]ll land uses proposed in a planned unit development **must** be compatible with the intent of the comprehensive plan and the characteristics of surrounding land uses and zoning district.”
(Emphasis added)

Note compatibility with the Comp. Plan is not optional; it is required. The RT-2 and RT-3 zoning for detached houses, attached townhouses, and apartments are incompatible with the Comp. Plan and the character of surrounding land. FC’s 249 acres is zoned RS-1. Jefferson Meadows, adjacent to the FC land is zoned RS-1. The entire neighborhood just east of and adjacent to Jefferson Meadows (not just a few houses touching Jefferson Meadows) is zoned RT-1. Nothing in the PUD is compatible with the surrounding land, neighborhoods, and zoning districts. Three times FC has presented its PUD; all three times FC has ignored the Comp. Plan.

THE FC PUD FAILS FOR ALL REASONS STATED HEREIN AND THE FC GOAL OF CREATING A TECH PARK CAN AND SHOULD BE ACCOMPLISHED BY CREATING NEW ZONING SOLELY FOR THE TECH PARK AREAS.

Without belaboring the point, the PUD should not be approved or recommended for approval. When considering FC is not a developer or sponsor of the PUD, the PUD does not present a unified development plan, and the PUD is completely incompatible with the Comp. Plan, the characteristics of surrounding land uses, and zoning districts, it is clear a PUD is not the right mechanism or development tool for FC to develop a Tech Park.

FC should seek a change in zoning for the specific area or areas where it intends to build its Tech Park buildings. If approved, all other FC land would remain zoned RS-1, which is in keeping with the terms of the Comp. Plan.

Respectfully submitted by
Steven L. Yount
1543 Williamsburg Lane
Franklin, IN 46131