



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, AICP, Senior Planner I

Date: September 26, 2018

Re: Case ZB 2018-14 (SE) | S. Main St. Public Parking Lot

REQUESTS:

Case ZB 2018-14 (SE): A request for a Special Exception from the City of Franklin Zoning Ordinance, Article 5, Chapter 2, to allow a parking lot as the primary use on the properties listed below, which are located within the Flood Hazard Area/Flood Hazard Overlay District (FH-OL). The properties are also in the MXD: Mixed-use, Downtown Center zoning district. The properties are commonly known as 260 S. Main St. and 231 S. Jackson St., and the platted alley between the two properties, comprising a total of approximately 1.96 acres.

PURPOSE OF STANDARD:

The "MXD," Mixed-Use: Downtown Center zoning district is intended to provide for the continued viability of the historic central business district. This district is also intended to accommodate and support the use of existing structures within the downtown. It is further intended to permit the continued, contextually appropriate development of the area through re-use and infill development.

The purpose of the Flood Hazard Area/Flood Hazard Overlay District (FH-OL) is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief.

CONSIDERATIONS:

Subject Property

1. The City of Franklin is proposing to repurpose and reuse the properties at 260 S. Main St. and 231 S. Jackson St. as a public parking lot. [See [Exhibit A: Site Plan](#)]
2. The property at 260 S. Main St. has existed for a number of years as a gravel lot with no primary use established, as the gravel area was rarely utilized for storage or parking of any kind, and no structures are on the site. The property has mainly served as an access route for 231 S. Jackson St.
3. The property at 231 S. Jackson St. was most recently utilized by Truster Building & Fence Company and Gordon Artistic Ironworks. Said businesses utilized the 4100 sq. ft. commercial building on-site and had outdoor material storage near Youngs Creek. The building is slated to be removed.
4. The subject properties both fall completely within the floodway of the one-percent annual chance flood hazard area, otherwise known as the Special Flood Hazard Area or 100-year flood zone.

Proposed Use

5. *Petitioner requests Special Exception approval, from the Flood Hazard Overlay district (FH-OL), to allow a parking lot as the primary use in the Flood Hazard Area.*

6. Petitioner is proposing a public parking lot with 87 standard parking spaces and 7 A.D.A. Accessible spaces, for a total of 94 parking spaces. The proposed parking lot would also include the construction of a section of pedestrian trail along the north side of Youngs Creek.
7. The parking lot design includes landscaping in excess of the requirements of the ordinance, and lighting in each of the landscape islands, along the trail, and at both entrances.
8. A parking lot is listed as a permitted use in the MXD: Mixed-use, Downtown Center zoning district; however, in the FH-OL district, parking lots (as primary uses) are listed as Special Exception Uses.
9. According to Article 5, Chapter 2, FH-OL Uses, all land uses shall be prohibited in the floodway (Zone A & or Zone AE in Franklin) unless otherwise specified. As long as the listed uses are also permitted by the underlying zoning district, Permitted and Special exception uses in the FH-OL are as follows:

Permitted Uses:

- Agricultural (crop production, pastures, orchards, tree farms, plant nurseries & vineyards)
- Forestry, wildlife areas, and nature preserves; and
- Parks and recreational uses (excluding golf courses and driving ranges).

Special Exception Uses:

- Riding stables;
- Public wellfields;
- Sewage treatment facilities (excluding septic fields);
- *Parking lots (as primary uses);* and
- Golf courses and/or driving ranges.

Flood Hazard Area (FH-OL)

10. According to Article 5, Chapter 2, the purpose of the Flood Hazard Area/Flood Hazard Overlay District (FH-OL) is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. This district is established in order to:
 - Prevent developments from increasing flood or drainage hazards;
 - Protect new buildings and major improvements to buildings from flood damage;
 - Protect human life and health from the hazards of flooding;
 - Lessen the burden on the taxpayer for flood control projects, repairs to flood damaged facilities and utilities, and flood rescue and relief operations;
 - Maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
 - Make federally subsidized flood insurance available for structures and their contents by fulfilling the requirements of the National Flood Insurance Program.
11. According to Article 5, Chapter 2, the Objectives of the Flood Hazard Area/Flood Hazard Overlay District (FH-OL) are:
 - To protect human life and health.
 - To minimize expenditure of public money for costly flood control projects.
 - To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 - To minimize prolonged business interruptions.
 - To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
 - To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
 - To ensure that potential homebuyers are notified that property is in a flood area

Comprehensive Plan

12. The 2013 Comprehensive Plan, Future Land Use Map, identifies this area as Downtown. “Future land use in the downtown area should support the function of the area as a unique focal point and gathering place for the Franklin community. Downtown Franklin should serve the City as a dynamic activity center that includes retailers, professional offices, residences, civic groups, government facilities, restaurants and bars, and service providers. Future land uses in the downtown should contribute to the establishment of an activity center with a mix of land uses which enhance the current community character that the downtown provides.”
13. The 2013 Comprehensive Plan, further describes the infrastructure for the Downtown: “The downtown and the surrounding core neighborhoods are the most densely developed areas of the City of Franklin. Area sidewalks, street lighting, street surfaces, drainage systems, and utilities must continue to be coordinated and maintained at modern levels to support the downtown’s dynamic functions. It is also important that technology infrastructure continue to be extended to the downtown so that it may continue to function as a modern community center. Efficient street patterns and adequate parking are required to ensure the accessibility of the area. Continued linkages to the Greenways Trail and sidewalk connections to adjacent neighborhoods are essential. The downtown area offers a possible site for the location of a future rail station.”

Zoning Ordinance

14. 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.
15. According to Article 11.4 (H.), Limitations: 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)).
16. According to Article 11.4 (I.), Special Exception Use Expansion: 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.

Surrounding Zoning:

North:	MXD: Mixed-use, Downtown Center
South:	IN: Institutional
East:	MXD: Mixed-use, Downtown Center IN: Institutional
West:	MXD: Mixed-use, Downtown Center IN: Institutional

Surrounding Land Use:

North:	Single-family Residential
South:	Youngs Creek, Historic Greenway Trail Single-family Residential
East:	Chumbley’s Auto Service Youngs Creek, Action Skate Park
West:	Recovery One Wrecker Service (Formerly)

ZB 2018-14 (SE)

CRITERIA FOR DECISIONS – SPECIAL EXCEPTIONS:

(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. The proposed parking lot will be public, with the City of Franklin having authority of the parking of vehicles in the lot, as compared to a private parking lot for private users; should the need arise, the City can close the public lot, similar to how Province Park is closed before/during/after heavy rainfall events. Therefore, the public parking lot will meet the “Intent” and “Objectives” of the FH-OL, specifically relating to the protection of human life and health, and to the minimizing of the need for rescue and relief efforts associated with flooding. Moreover, since the properties would no longer be utilized for outdoor storage of equipment and materials that can easily become flood hazards downstream, approval will reduce the potential for loss of life and property, and reduce the potential for health and safety hazards.

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 proposed parking lot will meet all requirements and development standards, including parking space dimensions, drive widths, landscaping, etc. Additional, petitioner has obtained the necessary permit from the Department of Natural Resources (DNR) for construction in a floodway. Therefore, staff finds the requirements and development standards prescribed by the Zoning Ordinance will be met.

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 permitted use in the “MXD” Mixed-use, Downtown zoning district, and a special exception under the Flood Hazard Area (FH-OL) regulations and will not be contrary to the Intent or Objectives of the FH-OL, nor the overall Zoning Ordinance. Additionally, developments in the MXD district are not required to provide any off-street parking; therefore, by nature, a public parking lot is complementary and necessary for the continued development of the downtown. Therefore, staff finds the granting of the special exception will not be contrary to the general purposes served by the Zoning Ordinance, and will not injure other property or uses in the general vicinity.

4. ***Comprehensive Plan: The proposed use (will or will not) be consistent with the character of the zoning district in which it is located and (will or will not) be consistent with the 2013 Franklin Comprehensive Plan.***

Staff Finding:

Staff finds the granting of the special exception will be consistent with the character of the zoning district as public parking lots are necessary and common in the MXD district, since private developments are not required to provide any off-street parking in the MXD district. Additionally, the 2013 Comprehensive Plan Land Use plan calls for downtown infrastructure to include adequate parking to ensure the accessibility of the area, including linkages to the Greenway Trail and adjacent neighborhoods.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

Based on the written findings above, staff recommends **approval** of the Special Exception.