



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

Date: August 29, 2019

Re: Cases ZB 2019-12 (UV) | Kids in Crisis-Intervention Team, Inc.

REQUESTS:

Case ZB 2019-12 (UV) – KIC-IT: A Use Variance request from Article 3, Chapter 14, to allow an administrative/professional office use, in connection with and supporting a permitted multi-family apartment complex use, in the RM: Residential, Multi-family zoning district. The subject property is located on the west side of Umbarger Lane, immediately south of The Franklin Cove apartments.

PURPOSE OF STANDARD:

The "RM", Residential: Multi-Family zoning district is intended to provide locations for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums. This district should be used to create high density residential developments in areas with compatible street systems, open space, and other related land uses and amenities.

CONSIDERATIONS:

Proposed Use

1. Kids in Crisis-Intervention Team, Inc. (KIC-IT), petitioner, is proposing to utilize the subject property, located on the west side of Umbarger Lane and south of the Franklin Cove Apartments, as a 3-story, 48-unit apartment complex (a permitted use), intended to provide affordable housing, including permanent supportive housing for homeless youth. The complex would be known as Rockwell Pointe.
2. Petitioner's request before the Board is to combine the supportive housing with on-site professional offices, which are not permitted in the RM: Residential Multi-family zoning district. [\[Exhibit A: Petitioner Findings of Fact\]](#)
3. Petitioner also proposes on-site satellite offices for community organizations such as: Adult and Child, Reach for Youth, Turning Point, Assist Indiana, WorkOne, Children's Bureau, Gateway Services, SOAR, Youth Connections, and Human Services.
4. All proposed offices would be located on the first floor of the proposed 3-story complex, and to occupy less than half of the ground level. All portions of the proposed office space are approximately 6,937 sq. ft. [\[Exhibit B: Preliminary Floor Plans\]](#)
5. Petitioner has submitted a preliminary site layout, but has not submitted for Site Development Plan Review, as of the date of this report. Petitioner is seeking Use Variance approval, among other crucial due diligence items, prior to the full Site Development Plan process. [\[Exhibit C: Preliminary Site Plans\]](#)
6. Administrative/Professional Office uses are non-permitted uses in the "RM," Residential: Multi-family zoning district.

7. Administrative/Professional office uses are listed as a permitted uses in the MXD: Mixed-use, Downtown Center, MXC: Mixed-use, Community Center, and MXR: Mixed-use, Regional Center zoning districts.
8. Administrative/Professional Office uses are listed as Special Exception uses in the MXN: Mixed-use, Neighborhood Center zoning district.

Surrounding Zoning:

North: RM: Residential, Multi-family
GW-OL: Gateway Overlay

South: RT-1: Residential: Traditional One

East: IL: Industrial, Light
MXR: Mixed-use, Regional Center
GW-OL: Gateway Overlay

West: RM: Residential, Multi-family
GW-OL: Gateway Overlay

Surrounding Land Use:

North: Franklin Cove Apartments, Hotel

South: Agricultural crop field

East: Technical Threads
Vacant Child daycare
Johnson County Armory

West: Wetland; Agricultural crop field

Parking Standards

9. According to Article 7, Chapter 10, Parking Standards, Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance: “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.”
10. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Each employee working on the largest shift;
 - Each business vehicle stored on-site;
 - Every 250 sq. ft. of office space;
 - A minimum of 2.5 parking spaces are required for every dwelling unit.
 - At least one space must be reserved for disabled persons for every 25 parking spaces provided.
 - Minimum parking stall size is 9’ x 18’ and must be striped.
 - Each parking space must be paved with asphalt or concrete.
11. Petitioner indicated the following:
 - Seven (7) employees on-site for KIC-IT and NPTCH (No Place To Call Home);
 - One (1) business vehicle for KIC-IT;
 - Eight (8) employees on-site for apartment use;
 - Three (3) offices available for other organization representatives;
 - Approximately 6,937 sq. ft. (per floor plan dimensions);
 - 48 dwelling units;
12. Therefore, according to Article 7, Chapter 10, Parking Standards, and petitioner’s estimates, 167 parking spaces would be required for the combined apartments and professional office uses.

Comprehensive Plan & Zoning Ordinance

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”

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 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.

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:

Staff finds approval of the use variance will not be injurious to the public health, safety, morals, or general welfare of the community, as the proposed office use is a permitted use on properties in the general vicinity and immediately adjacent to the subject property. Furthermore, the proposed permanent Kids in Crisis – Intervention Team, Inc. and No Place to Call Home offices would directly benefit the individuals and families who are proposed to live in the permitted apartment complex. Additionally, the proposed offices, including the proposed satellite offices, would occupy less than half of the first story of the proposed three-story complex. Approval of the offices to be located within the same complex would reduce transportation demands and challenges, by bringing the services directly to those in need.

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:

Staff finds approval of the use variance will not have a detrimental effect on the use or value of adjacent properties as the proposed office use is a permitted use on properties in the general vicinity and immediately adjacent to the subject property. Additionally, the area just south of E. King St. along Umbarger Lane, including Holiday Lane and Early Lane, is unique in Franklin, due to the wide variety of land uses permitted, and occurring, in close proximity. Within 1,000 feet of the proposed facility there is multi-family residential, three hotels, two restaurants, a fuel station, orthodontist office, workforce resource center, contractor's office, contractor's storage yard, vacant child care facility, industrial tool & die shop, industrial supply manufacturer, embroidery business, mini-warehouse storage, and the Johnson County Armory. Therefore, approval of this variance, to allow a limited number of professional offices directly benefitting the residents of the complex, will not have an adverse effect on the use or value of the area adjacent to the property.

3. ***Peculiar Situation: The need for the variance (arises or does not arise) from some condition peculiar to the property involved.***

Staff Finding:

Staff finds the need for variance arises from a peculiar condition related to the property involved. The subject property is located within an area designated as a Community Activity Center in the Comprehensive Plan, which not only seeks mixed-use developments, it actually encourages commercial office space on the first floor and residences on upper floors. Additionally, the subject property is located in the RM: Residential, Multi-family zoning district. The contradiction of the Comprehensive Plan designation and Zoning District classification creates a unique situation for the property involved that gives rise to a need for use variance to accomplish the goals of the Comprehensive Plan, while meeting the standards of the Zoning Ordinance.

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 does not find an unnecessary hardship for the property, as construction of the Rockwell Pointe Apartments without permanent office space, or another multi-family development, could be completed on the property without a use variance being sought. Staff finds the petitioner's Findings of Fact demonstrate a hardship for the petitioner; however, petitioner must demonstrate a hardship for the property due to the strict application of the terms of the Zoning Ordinance.

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

Staff Finding:

Staff finds the granting of the variance does not substantially interfere with the Comprehensive Plan, as the property falls within the area designated as Community Activity Center in the Comprehensive Plan's Land Use Plan maps. Community Activity Centers are described as follows, in the Comprehensive Plan: "Community activity centers are intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community." Therefore, staff finds the proposed mixed-use complex, with commercial offices on the first floor and residences on both the first floor and upper floors, closely aligns with the vision of the Comprehensive Plan and a Community Activity Center.

STAFF RECOMMENDATION – USE VARIANCE

Based on the written findings above, staff does not find an unnecessary hardship for the property. Petitioner must demonstrate a hardship for the property due to the strict application of the terms of the Zoning Ordinance.