

Introduction: June 17, 2024

Public Hearing: July 1, 2024

Agenda Item: **Ordinance 2024-15**

AN ORDINANCE TO CONSIDER THE REQUEST OF THE

FRANKLIN CITY BOARD OF EDUCATION TO REZONE 6 LOTS ON ANDERSON STREET, SIXTH STREET AND SEVENTH STREET FROM MU-1 MIXED USE DISTRICT TO CV-1 CIVIC DISTRICT.

Submitted by: Liz Fields, City Planner & Jonathan Westendorf, City Manager

Scope/Description:

Location: E. Sixth Street (Parcels 04-31-178-001, 04-31-178-004, 04-**Property** Information:

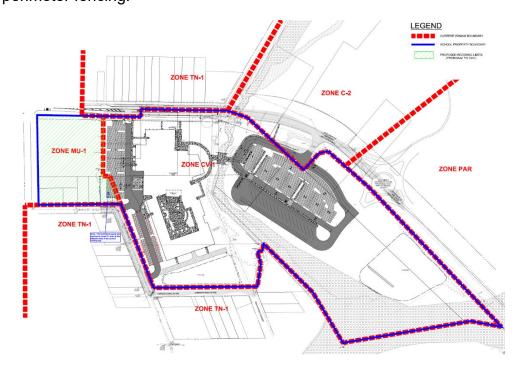
31-178-006, 04-31-178-007, 04-31-178-012, and 04-31-178-013)

Current Zoning: MU-1 Mixed Use District

Proposed Zoning: CV-1 Civic

Proposed Uses: Open lawn and parking with landscaping and

perimeter fencing.



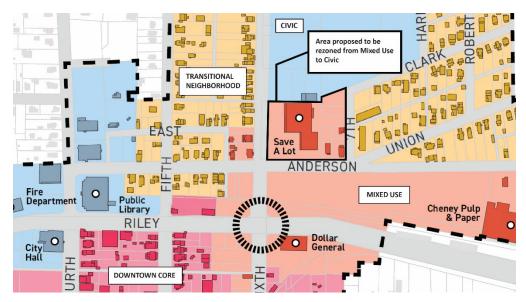
Project Overview:

Russell Miller, Architect at SHP, 312 Plum Street, Suite 700 Cincinnati, Ohio 45202, on behalf of the Franklin City School District has requested a rezoning for their 6 lots located on Anderson Street, Sixth Street, and Seventh Street from MU-1, Mixed Use District To CV-1, Civic District.

Comments:

Downtown Franklin Master Plan:

The properties under this rezoning request are identified in the Downtown Master Plan as Mixed Use, which reflects their current zoning designation (see map). The Downtown Master Plan was adopted in 2023 after two years of research, public engagement, and planning. The Downtown Master Plan reflects a bold and ambitious vision for Downtown Franklin and establishes the framework for how the city can achieve that vision.



The Planning Area Map from the Downtown Franklin Master Plan

Throughout the planning process the city engaged with the public in numerous ways. This included a citywide survey (associated with the comprehensive planning effort), attendance at the Citizen Advisory Committee (CAC) meetings, a public open house, and multiple City Council retreats. The feedback overwhelmingly supported the plan's vision and framework.

In order to implement the plan's vision, the City drafted new zoning regulations for Downtown Franklin and rezoned the properties within Downtown to align with the planning boundaries within the Master Plan. This effort was also completed in 2023 and included the rezoning of the subject properties from C-2 to Mixed Use. These properties have historically been used for commercial uses (most recently Save-A-Lot), which informed the recommendations of the Master Plan to include these properties in the Mixed Use Planning Area/Zoning District.

Based on these factors, the proposed rezoning is not consistent with the recommendations and vision set forth in the Downtown Master Plan.

Zoning Amendment Standards for Approval:

The Planning Commission and the City Council shall consider the following criteria in approving all zoning amendments:

- The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and The proposed zoning district classification and use of the land will not materially endanger the public health or safety.
- 2. The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and The proposed zoning district classification and use of the land is not reasonably necessary for the public health or general welfare. Franklin High School will be able to continue to operate successfully without rezoning the parcels.
- The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and
 - The proposed zoning district classification and use of the land may impact the value of abutting properties. By taking these parcels out of the Mixed Use District, there is less land available for development at the southeast corner of Sixth Street and Riley Boulevard. The Downtown Master Plan envisioned the former Box Board property and the subject properties as a cohesive mixed use development complete with residential, commercial, office, and service uses. Reducing the amount of land that is zoned Mixed Use will limit the redevelopment potential of this area.
- The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and
 - The proposed zoning district classification and use of the land are consistent with the school property to the east. The proposed zoning is not consistent with the intended development of the properties to the north and west as those are zoned Mixed Use. This area is envisioned as a high-intensity gateway for downtown with a variety of uses that provide residential opportunities along with commercial, entertainment, and service uses. Expanding the footprint of the Civic zoning district limits the opportunity for mixed use development in this area.

- 5. The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes conforming to the Comprehensive Development Plan impractical; and The proposed zoning district classification and use of the land is counter to the recommendations of the Downtown Franklin Master Plan which included the parcels in the Mixed Use Planning Area and were included in the MU-1 "Mixed Use District" as a result of the Plan. Since March 8, 2023 when these parcels were rezoned to MU-1, there has not been actual development in the area or changes in the conditions of the area that would make conforming to the Downtown Franklin Master Plan impractical.
- 6. The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and The proposed zoning district classification and use of the land area are appropriately located in this regard.
- The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.
 The classification and use will not cause traffic congestion or hazards.

Vote Required for Passage:

Per Section 4.12 of the City Charter, approval of this Ordinance requires the affirmative vote of not less than FOUR members of Council.

Exhibits:

Exhibit A: Rezoning Application and Map.

Recommendation:

This rezoning request was reviewed by Planning Commission at its June 12, 2024 regularly scheduled meeting. After holding a public hearing on the request, Planning Commission voted 2-2 to approve the rezoning request. Since the motion did not receive a majority vote the motion was denied.

Staff recommends that City Council denies the proposed rezoning request.

CITY OF FRANKLIN, OHIO ORDINANCE 2024-15

AN ORDINANCE TO CONSIDER THE REQUEST OF THE FRANKLIN CITY BOARD OF EDUCATION TO REZONE 6 LOTS ON ANDERSON STREET, SIXTH STREET AND SEVENTH STREET FROM MU-1 MIXED USE DISTRICT TO CV-1 CIVIC DISTRICT

WHEREAS, the Franklin City Board of Education has submitted a request to rezone six lots (Parcel #'s 0431178001, 0431178004, 0431178006, 0431178007, 0431178012, 0431178013) on Anderson Street, Sixth Street and Seventh Street from MU-1 Mixed Use District to CV-1, Civic District, and;

WHEREAS, the Franklin City Planning Commission, at its June 12, 2024 meeting, voted 2-2 to make a recommendation to Council for approval on the submitted rezoning request but did not receive a majority vote, the motion was denied; and;

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.03 of the Charter of the City of Franklin;

WHEREAS, this Council, upon receipt of said recommendation, has conducted a public hearing in accordance with Section 4.12 of the Charter of the City of Franklin; and

Ordinance 2024-15 Page 2 of 2

CERTIFICATE

I, the undersigned Clerk of Council for t correct copy of an Ordinance passed by		certify that the foregoing is a true and
	Khristi Dunn, Clerk of Council	_



PLANNING COMMISSION STAFF REPORT

To: Planning Commission Members

From: Liz Fields, AICP, Planner

Meeting Date: June 12, 2024

PC 24-10 Rezoning – Franklin High School

Property Information: Location: E. Sixth Street (Parcels 04-31-178-001, 04-31-178-004, 04-31-178-

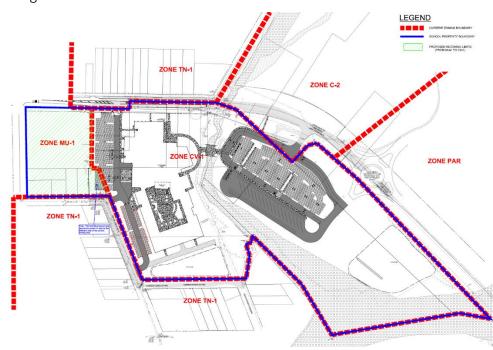
006, 04-31-178-007, 04-31-178-012, and 04-31-178-013)

Current Zoning: MU-1 Mixed Use District

Proposed Zoning: CV-1 Civic

<u>Proposed Uses</u>: Open lawn and parking with landscaping and perimeter

fencing.



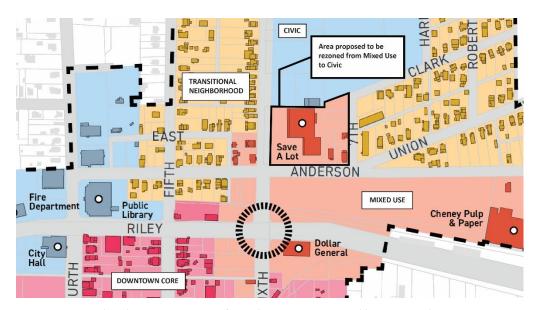
Project Overview:

SHP c/o Russell Miller on behalf of the Franklin City School District is requesting that the Planning Commission forward a recommendation of approval for the rezoning of six vacant parcels located along E. Sixth Street, E. Seventh Street, and Anderson Street from MU-1 Mixed Use to CV-1 Civic.

Comments:

Downtown Franklin Master Plan:

The properties under this rezoning request are identified in the Downtown Master Plan as Mixed Use, which reflects their current zoning designation (see map). The Downtown Master Plan was adopted in 2023 after two years of research, public engagement, and planning. The Downtown Master Plan reflects a bold and ambitious vision for Downtown Franklin and establishes the framework for how the city can achieve that vision.



The Planning Area Map from the Downtown Franklin Master Plan

Throughout the planning process the city engaged with the public in numerous ways. This included a citywide survey (associated with the comprehensive planning effort), attendance at the Citizen Advisory Committee (CAC) meetings, a public open house, and multiple City Council retreats. The feedback overwhelmingly supported the plan's vision and framework.

In order to implement the plan's vision, the City drafted new zoning regulations for Downtown Franklin and rezoned the properties within Downtown to align with the planning boundaries within the Master Plan. This effort was also completed in 2023 and included the rezoning of the subject properties from C-2 to Mixed Use. These properties have historically been used for commercial uses (most recently Save-A-Lot), which informed the recommendations of the Master Plan to include these properties in the Mixed Use Planning Area/Zoning District.

Based on these factors, the proposed rezoning is not consistent with the recommendations and vision set forth in the Downtown Master Plan.

Zoning Amendment Standards for Approval:

The Planning Commission and the City Council shall consider the following criteria in approving all zoning amendments:

- The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and The proposed zoning district classification and use of the land will not materially endanger the public health or safety.
- 2. The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and
 - The proposed zoning district classification and use of the land is not reasonably necessary for the public health or general welfare. Franklin High School will be able to continue to operate successfully without rezoning the parcels.
- 3. The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and The proposed zoning district classification and use of the land may impact the value of abutting properties. By taking these parcels out of the Mixed Use District, there is less land available for development at the southeast corner of Sixth Street and Riley Boulevard. The Downtown Master Plan envisioned the former Box Board property and the subject properties as a cohesive mixed use development complete with residential, commercial, office, and service uses. Reducing the amount of land that is zoned Mixed Use will limit the redevelopment potential of this area.
- 4. The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and The proposed zoning district classification and use of the land are consistent with the school property to the east. The proposed zoning is not consistent with the intended development of the properties to the north and west as those are zoned Mixed Use. This area is envisioned as a high-intensity gateway for downtown with a variety of uses that provide residential opportunities along with commercial, entertainment, and service uses. Expanding the footprint of the Civic zoning district limits the opportunity for mixed use development in this area.
- 5. The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan

and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes conforming to the Comprehensive Development Plan impractical; and

The proposed zoning district classification and use of the land is counter to the recommendations of the Downtown Franklin Master Plan which included the parcels in the Mixed Use Planning Area and were included in the MU-1 "Mixed Use District" as a result of the Plan. Since March 8, 2023 when these parcels were rezoned to MU-1, there has not been actual development in the area or changes in the conditions of the area that would make conforming to the Downtown Franklin Master Plan impractical.

6. The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and

The proposed zoning district classification and use of the land area are appropriately located in this regard.

7. The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.

The classification and use will not cause traffic congestion or hazards.

Recommendation:

Staff recommends that Planning Commission forward a recommendation of denial for the proposed rezoning to the City Council.



312 PLUM STREET, SUITE 700 | CINCINNATI, OH 45202 | 513.381.2112

May 31, 2024

Barry Conway, City Engineer City of Franklin Building and Zoning Division 1 Benjamin Franklin Way Franklin, Ohio 45005

Dear Mr. Conway:

The Franklin City School District respectfully requests that the parcels owned by the district and within the boundaries of East Sixth Street, Anderson Street, and East Seventh Street be rezoned from Downtown District MU-1 to Downtown District CV-1 to match the remainder of the Franklin HS site. This would allow for the future consolidated school parcel to be zoned to a single zoning district while allowing for consistent use across the district's property.

At the new Franklin HS, Franklin City Schools has been aware of the need for additional space for school programs and activities. They have also felt the practical need to provide a buffer space between the new Franklin HS and potential high-density Downtown District MU-1 uses that could include bars, breweries, distilleries, etc. The opportunity for Franklin City Schools to purchase the only remaining parcels of usable size that were adjacent to the new Franklin HS. To address their needs, they proceeded to purchase these parcels.

These parcels were purchased by the district between *September and November of 2021* and at the time were zoned Commercial District C-2 (former Save-A-Lot) and Residential R-3 (parcels on Anderson and Seventh Streets). The significant majority of the total area of these parcels were zoned Commercial District C-2. This district is intended for low intensity retail use and permits Junior/High Schools as a conditional use.

These parcels were rezoned to Downtown District MU-1 with an effective date of *March 8, 2023* following an approval on *February 6, 2023*. For clarity, parcel ID 04-31-178-007 was zoned Office District O-I, prior to the effective date of the current zoning map. This was consistent with the parcels associated with the former Franklin JHS, Hampton Bennett, and transportation facility uses. It has since been rezoned to Downtown District MU-1. It is unclear why this parcel was rezoned when the other existing district parcels were converted to Downtown District CV-1.

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This specific parcel was included in the approved Major Site Plan and it had been part of the former Franklin City School District's transportation facility.

The rezoning of these parcels from Downtown District MU-1 to Downtown District CV-1 would keep these parcels within the Downtown District, with its general requirements, while allowing for the Franklin City School district to use these parcels consistently across their contiguous property. Junior/Senior High Schools are a permitted use in the Downtown District CV-1.

Franklin City Schools have indicated that they are willing to collaborate with the city on the use of the parcels related to this rezoning request, as well as the remainder of their property. The Downtown Franklin Masterplan encourages parking on the edges of the downtown area and specifically notes Downtown District CV-1 as being an opportunity for, "supplementary parking and event spillover space". The Franklin HS site currently provides parking and open spaces that can be used to support community programming (event overflow, pop up spaces, etc.) as described in the Reinvent Franklin 2040 Comprehensive Plan. This opportunity to collaborate allows for many ways that the Franklin City Schools' property can support the Downtown Districts as a whole.

The proposed rezoning should have no negative impact on public health and safety. It is our opinion that this improves the overall quality of the Franklin HS campus for the community as a whole by promoting efficient and flexible land use. This request will not have a negative impact on the value of abutting properties as, practically, it is not changing the use of Franklin City School property. The parcels included in this request (2.7 acres of a total of 23.8 acres), represent 11% of the overall Franklin HS Campus. As noted above, the proposed rezoning would allow for use of these parcels in support of the existing school use as well as opportunities for collaborative efforts with the City of Franklin in support of the downtown core.

We believe that the request to rezone these parcels is a reasonable request. These parcels involved are not in the middle of the Downtown District MU-1 nor are they surrounded by other parcels zoned MU-1. They are on the edge of this district and the Franklin HS campus is predominantly surrounded by lower intensity districts including Downtown District TN-1, Commercial District C-2, and Residential PAR. The request to be rezoned consistent with the much larger Franklin HS campus parcels which have been consistently used by the Franklin City School District for many decades.

Thank you for your time and consideration

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312 PLUM STREET, SUITE 700 | CINCINNATI, OH 45202 | 513.381.2112

Sincerely,

Russell Miller, AIA, LEED AP BD+C

Project Manager Phone: 513.381.2112 Email: rmiller@shp.com

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COMPILATION OF AVAILABLE RECORD INFORMATION AND

SURFACE INDICATIONS OF UNDERGROUND STRUCTURES AND MAY NOT BE INCLUSIVE. PRECISE LOCATIONS AND THE

CANNOT BE VERIFIED. PLEASE NOTIFY THE OHIO UTILITY

PROTECTION SERVICE AT 1-800-362-2764 BEFORE ANY

PERIOD OF EXCAVATION OR CONSTRUCTION ACTIVITY.

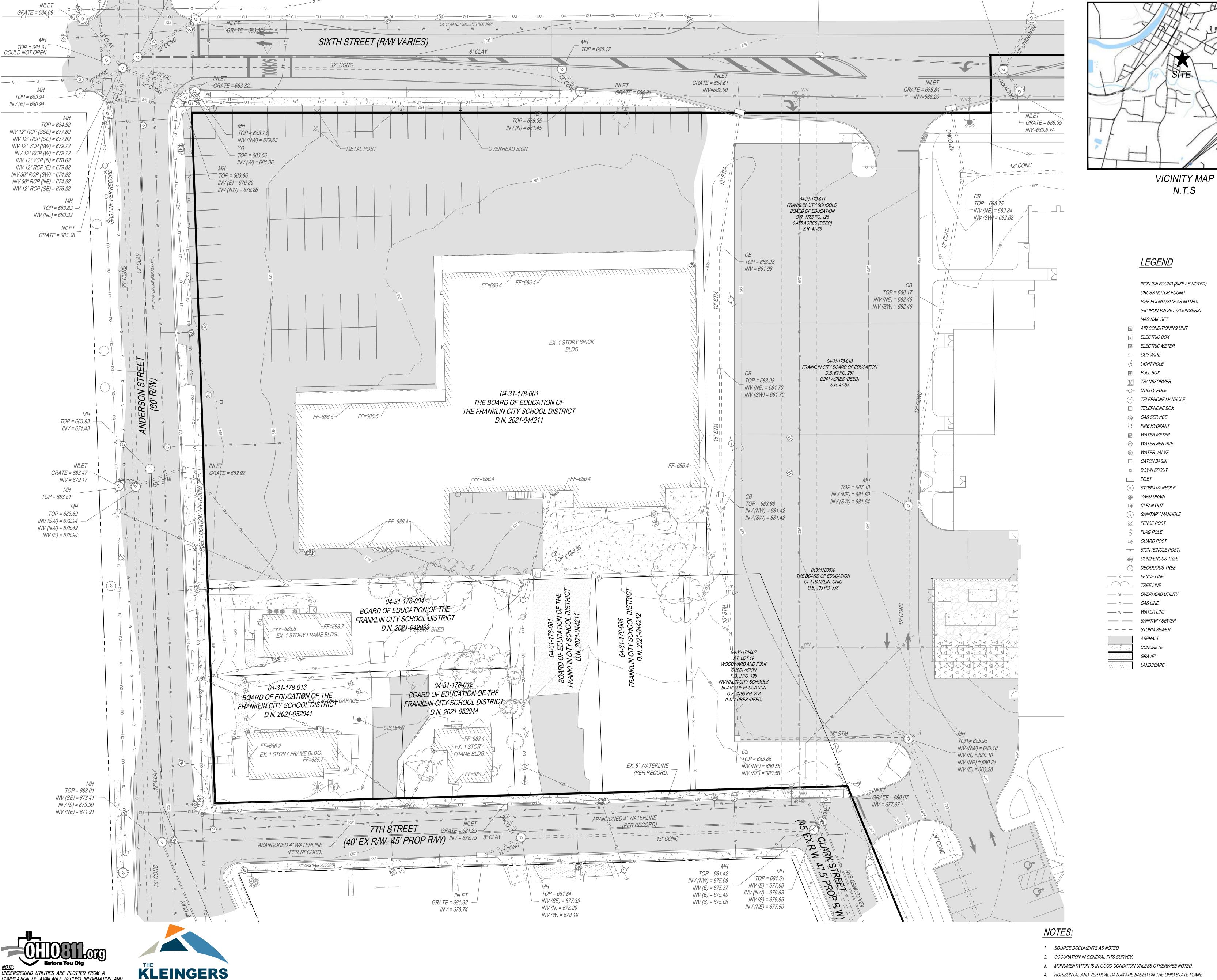
EXISTENCE OR NON EXISTENCE OF UNDERGROUND UTILITIES CIVIL ENGINEERING | www.kleingers.com

LANDSCAPE

ARCHITECTURE

6219 Centre Park Dr. West Chester, OH 45069

513.779.7851



N.T.S

<u>LEGEND</u>

IRON PIN FOUND (SIZE AS NOTED) CROSS NOTCH FOUND PIPE FOUND (SIZE AS NOTED) 5/8" IRON PIN SET (KLEINGERS)

- | TRANSFORMER
- (T) TELEPHONE MANHOLE

- **WATER SERVICE**

- D STORM MANHOLE

- SIGN (SINGLE POST)
- O DECIDUOUS TREE

- *ASPHALT* CONCRETE

COORDINATE SYSTEM SOUTH ZONE (OSPC) AS DERIVED FROM THE OHIO

(NAD 83) (NAVD 88)

5. SITE BENCHMARK AS SHOWN HEREON.

DEPARTMENT OF TRANSPORTATION'S VIRTUAL REFERENCE STATIONING (VRS).

ISSUANCES

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SURVEY BASEMAP

05-22-2024

COMM NO. 2020108.03

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UNDERGROUND UTILITIES ARE PLOTTED FROM A COMPILATION OF AVAILABLE RECORD INFORMATION AND SURFACE INDICATIONS OF UNDERGROUND STRUCTURES AND MAY NOT BE INCLUSIVE. PRECISE LOCATIONS AND THE

KLEINGERS EXISTENCE OR NON EXISTENCE OF UNDERGROUND UTILITIES CIVIL ENGINEERING | www.kleingers.com CANNOT BE VERIFIED. PLEASE NOTIFY THE OHIO UTILITY SURVEYING 6219 Centre Park Dr. West Chester, OH 45069 PROTECTION SERVICE AT 1-800-362-2764 BEFORE ANY LANDSCAPE PERIOD OF EXCAVATION OR CONSTRUCTION ACTIVITY. 513.779.7851 ARCHITECTURE

 \longleftarrow GUY WIRE LIGHT POLE

TELEPHONE MANHOLE

PB PULL BOX

| | TRANSFORMER -O- UTILITY POLE

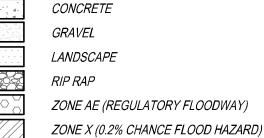
∂ FLAG POLE ⊕ GUARD POST SIGN (SINGLE POST)

s SANITARY MANHOLE

****** CONIFEROUS TREE

DECIDUOUS TREE

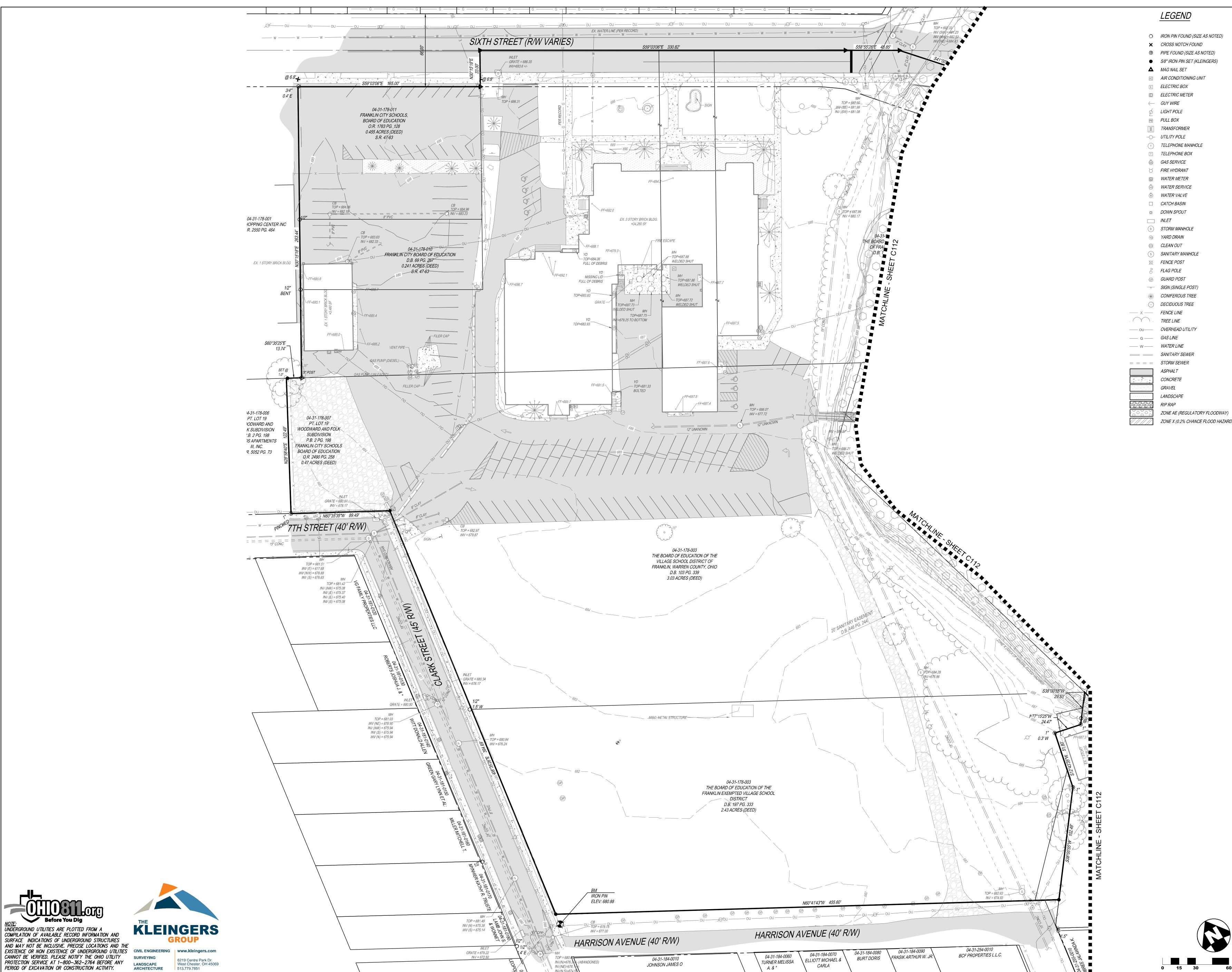
RIP RAP



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COMM NO. 2020108.01

03-25-22



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O IRON PIN FOUND (SIZE AS NOTED) ★ CROSS NOTCH FOUND

ISSUANCES 06-04-21 SCHEMATIC DESIGN
09-17-21 DESIGN DEVELOPMENT

12-22-21 PLANNING COMMISSION 03-25-22 GMP/PERMIT
03-25-22 GMP/PERMIT

SURVEY BASEMAP (NW)

03-25-22 COMM NO. 2020108.0

PERIOD OF EXCAVATION OR CONSTRUCTION ACTIVITY.

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ISSUANCES

06-04-21 SCHEMATIC DESIGN 09-17-21 DESIGN DEVELOPMENT

SURVEY BASEMAP (SE)

03-25-22

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