



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, Associate Planner
Date: May 27, 2014
Re: Case ZB 2014-03 (SE & V) Greene Crop Consulting, Inc.

REQUEST:

Case ZB 2014-03 (SE & V)...Greene Crop Consulting, Inc. A request for a special exception from the City of Franklin Zoning Ordinance, Article 3, Chapter 4, to allow the operation of Greene Crop Consulting, Inc. (agricultural product sales, distribution, and storage facility), and a variance of developmental standards from Article 8, Chapter 2, to allow a freestanding sign to be a maximum of 32 sq. ft. in area, and no more than 6 feet in height, in the Agricultural (A) zoning district. The property is located at 1042 N. 500 E., which is located within the extraterritorial area (buffer zone).

PURPOSE OF STANDARD:

The "A", Agriculture zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural uses, preserve the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

CONSIDERATIONS:

1. This property is located within the buffer zone. All building permits are to be obtained from Johnson County; however, the development standards (e.g., setbacks) and land uses are enforced by the City.

Current & Proposed Use

2. The property is five (5) acres, has an existing residence, and the majority of the land is crop field.
3. The petitioner is proposing to construct a 60' x 112' structure (see attached building plans), for the operation of Greene Crop Consulting, Inc. According to GCC's website (greencrop.com), their services include soil sampling & fertility recommendations, nitrogen sampling, yield map processing, and stalk nitrate/tissue sampling.
4. 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."
5. 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 "agricultural product sales, distribution, and storage facility." As such, the proposed use is listed as a special exception in the Agricultural zoning district.

Signage

- 6. The petitioner is also requesting a variance from the development standards to allow a freestanding sign with a maximum sign area of 32 sq. ft., and no more than six feet in height.
- 7. Article 8, Chapter 2 of the Zoning Ordinance permits signage up to 6 sq. ft. in sign area, and no more than 4 feet in height, in the Agricultural zoning district.

Facility & Parking

- 8. The total floor area of the proposed facility will be 6,720 sq.ft., with approximately 2,400 sq. ft. dedicated to the office portion of the operation, 1,920 sq. ft. for workshop area, and another 2,400 sq. ft. for storage. The roof peak will be approximately 25 feet in height.
- 9. Article 7, Chapter 10 allows for crushed stone (gravel) drives and parking in the Agricultural district; therefore, the petitioner is proposing a gravel lot with parking interior to the building, in the work shop area.

Comprehensive Plan & Zoning Ordinance

- 10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”
- 11. 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.
- 12. Article 11, Chapter 4 states “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)).”
- 13. Article 11, Chapter 4 states “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.”

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: A, Agricultural
 South: IL, Industrial: Light
 East: A, Agricultural
 West: A, Agricultural

Surrounding Land Use:

North: Agricultural, Crop field
 South: Agricultural, Crop field
 East: Agricultural, Crop field
 West: Agricultural, Crop field

CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:

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

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) 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:

The general vicinity is characterized by agricultural uses, crop fields, and only a handful of homes within a half mile of the subject property. Therefore, approval of this special exception will not be injurious to the public health or safety of the community, as the proposed use is agricultural in nature, with minimal traffic likely to be generated by the business.

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 structure and parking/entrance drive meet the development standards 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:

The requested use is listed as a special exception under the A: Agricultural zoning district regulations and will not have an adverse effect on adjoining properties. A crop consulting business, by nature, is complementary to the agricultural uses common to the general vicinity. Furthermore, the presence of this use has the potential to benefit, not only the immediate vicinity, but the region, in terms of higher and better crop yields.

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

Staff Finding:

The granting of the special exception does not interfere substantially with the Comprehensive Plan as the Plan supports the development of agricultural research facilities. Although this property falls within the business development area, as delineated on the Comprehensive Plan land use map, the agricultural area is shown on the east side of N. 500 E.

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** of the petition with the following conditions:

1. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 – DEVELOPMENT STANDARDS 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 that the approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community, as the proposed sign will increase the visibility of the business and reduce the likelihood of customers passing the business and trying to turn around on the county road or in the driveways of neighboring residences.

- 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:

The use and value of adjacent properties will not be affected in an adverse manner as the proposed signage size and height is typical for commercial uses. In fact, the proposed signage is smaller in area and in height, than would be permitted in commercial districts. The proposed signage is a reasonable balance between rural residential properties and the typical commercial use.

- 3. **Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will result in a practical difficulty as the permitted sign area and height would not serve the purposes of the petitioner. It is not practical to limit the proposed business to the standards required for residential properties, six (6) square feet sign area and maximum of four (4) feet in height, when commercial uses in other districts are allowed larger signage than the applicant is requesting.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE

Based on the written findings above, staff recommends **approval** of the development standards variance.