



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: February 19, 2015
Re: Case ZB 2015-04 (UV) Patriot Tactical, LLC

REQUEST:

Case ZB 2015-04 (UV)...Patriot Tactical, LLC. A request for a use variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 21, to allow the operation of a recreation use (medium scale), indoor shooting range, in the Industrial: Business Development (IBD) zoning district. The property is located at 166 RJ Parkway.

PURPOSE OF STANDARD:

The "IBD", Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

Current Use

1. As per ZB 2014-01 (UV), the front portion of the facility (650 sq. ft.) is currently being used as a retail business, apparel/footwear store, and sporting goods shop; catering to the Johnson County law enforcement and military community. The back portion of the building is utilized for industrial development of military-grade targets and products.

Proposed Use

2. The petitioners are requesting a use variance to allow a portion of the existing manufacturing facility to be renovated and used as an indoor shooting range; the remainder of the facility will continue to be occupied as a retail business and manufacturing facility.
3. Petitioners are proposing a short distanced (7-yards) six-stall indoor shooting range, restricted to handguns, only.
4. Recreation use (medium scale), shooting/archery range (indoor), is a non-permitted use in the IBD zoning district.
5. According to Article 3, Chapter 2 of the City of Franklin Zoning Ordinance, recreation use (medium scale), shooting/archery range (indoor), is listed as a permitted use in the MXD: Mixed-use, Downtown Center, MXC: Mixed-use, Community Center, and MXR: Mixed-use, Regional Center zoning districts.

Indoor Shooting Range

6. Patriot Products, LLC, the parent company of Patriot Tactical, LLC (Petitioner), is a Department of Defense Federal contractor who designs, manufactures, and installs live-fire ranges and training aids worldwide, including bullet traps and live-fire shoot houses, for all branches of the military.
7. The proposed indoor shooting range is designed with vertical deceleration chamber bullet traps, sound baffled ceiling and side walls, and a ballistic baffled ceiling.
8. Indiana Department of Environmental Management (IDEM) requires, and will monitor, a sophisticated air handling system that will constantly exchange air in the shooting range, with fresh air from outside, to quickly remove gases and prevent unsafe exposures to lead, as a result of the handguns being fired.
9. IDEM will also monitor the removal of the lead bullets.
10. Petitioners have indicated there will be a Safety Certified Range Officer on premises; however, no additional employees will work in the building.

Facility & Parking

11. The property currently includes an 80 ft. x 80 ft. metal industrial structure with paved parking and drives.
12. Article 7, Chapter 10 states “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.”
13. According to Article 7, Chapter 10, of the City of Franklin Zoning Ordinance, the number of parking spaces required for uses that are not listed specifically shall be determined by the Planning Director based on the consistency of the use with those that are specified.
14. Staff has determined the proposed use, in terms of parking space requirements, is most similar to a classroom, which requires two (2) spaces for every classroom; in this case, every shooting lane.
15. According to Article 7.10 of the Zoning Ordinance:
 - a. one (1) off-street parking space is required for every employee on the largest shift;
 - b. one (1) off-street parking space is required for every 300 sq. ft. of retail area;
 - c. two (2) off-street parking spaces are required for every classroom (shooting lane)
16. According to Article 7.10 of the Zoning Ordinance, Patriot Tactical would be required to provide:
 - a. Four (4) employee parking spaces;
 - b. Three (3) parking spaces for the retail portion of the facility; and
 - c. Twelve (12) parking spaces for the six (6) proposed shooting range lanes;
 - d. For a total of nineteen (19) required parking spaces.
17. Per the attached exhibit, a total of nineteen (19) parking spaces are existing onsite.

Comprehensive Plan & Zoning Ordinance

18. 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.”

19. 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.
20. 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.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IBD, Industrial: Business Development
 South: IBD, Industrial: Business Development
 East: IBD, Industrial: Business Development
 West: IBD, Industrial: Business Development

Surrounding Land Use:

North: Future Countertop Connections Facility
 South: Vacant Industrial lots/Redi Controls
 East: Patriot Products Main Office/Vacant lot
 West: Industrial small-shops

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:

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 approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community, since the neighboring uses are industrial and commercial in character, adequate parking will be provided onsite, and the petitioners are leaders in the world of manufacturing bullet traps and shoot houses. The indoor shooting range training facility will be limited to handguns, only, and the facility is designed to capture bullets travelling in any direction, when fired inside the shooters bays of the range.

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 adjacent properties are largely industrial and commercial in character; their use and value will not be affected in any way, as the subject property will continue to be primarily industrial in nature. Furthermore, the proposal includes sound baffles to reduce the noise of gunfire audible outside of the facility. Therefore, staff finds, approval of the proposed recreation use (medium scale), indoor shooting range, will not substantially alter the use and value of the general vicinity.

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

Staff Finding:

Staff finds that the need for the variance does arise from a condition peculiar to the property involved, as the existing structure and property is already utilized for the manufacturing of the same types of bullet traps and bullet baffles that will be installed as part of the proposed use. Additionally, Patriot Tactical also operates a tactical supply retail store from the front portion of the building. The fact that both uses are already taking place on the property, provides a unique situation and opportunity for an indoor shooting range.

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 finds that the strict application of the terms of the Ordinance will result in an unnecessary hardship as the facility is already operating as the headquarters for all of Patriot Products, including the manufacturing and sales of the products which will be installed and used in the proposed indoor shooting range. Not allowing the indoor shooting range at this location would require the applicant to split up the business, or move from this location altogether.

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

Staff Finding:

Staff finds that the proposed use is complimentary to the existing industrial and retail uses that will continue to occupy portions of the same facility. The Comprehensive Plan, labels the entire industrial park as “Business Development Area,” and further describes the area, as follows: “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.” Staff finds that the proposed use closely relates to, and will not substantially impede with, the recommendations of the Comprehensive Plan.

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

STAFF RECOMMENDATION – USE VARIANCE

Based on the written findings above, staff recommends **approval with the following conditions:**

1. A minimum of nineteen (19) total parking spaces, at least 9’ x 18’ in size, shall be maintained onsite, with appropriate pavement markings, and applicant shall provide onsite parking at a ratio of one (1) parking space per additional employee on the largest shift.
2. Any expansion or relocation of the indoor shooting range, shall require favorable action, including new findings of fact and conditions of approval, by the Board.
3. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with: all building and fire codes, and Indiana Department of Environmental Management air quality and lead handling standards.