



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 24, 2015

Re: Cases ZB 2015-07 (UV) | Habitat for Humanity of Johnson County

REQUESTS:

Case ZB 2015-07 (UV)...Habitat for Humanity of Johnson County ReStore. A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 22 to allow the operation of a variety store in the IL: Industrial, Light zoning district and GW-OL: Gateway Overlay district. The property is located at 2112 Early Lane.

PURPOSE OF STANDARD:

The “IL”, Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

CONSIDERATIONS:

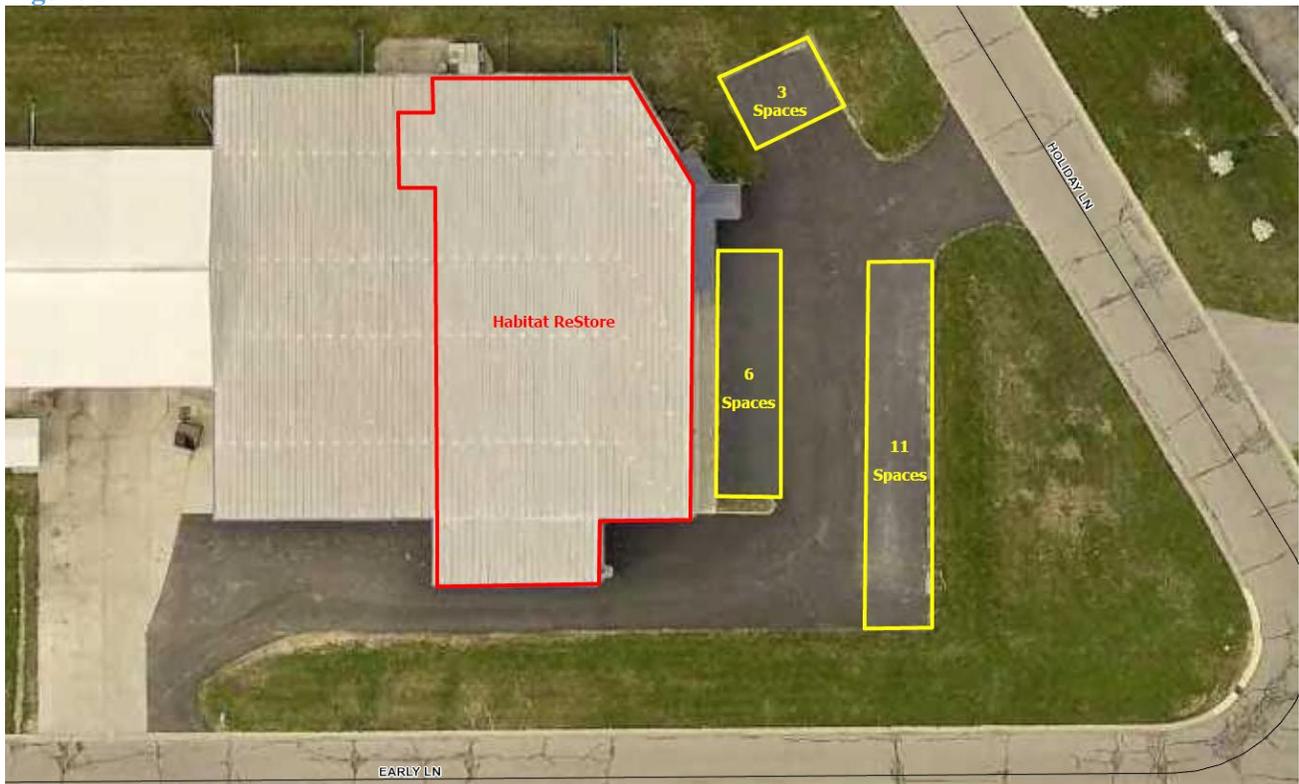
Proposed Use

1. Habitat for Humanity of Johnson County is proposing a “ReStore” within a portion of the building located at 2112 Early Lane [[Figure 1](#)]. Habitat would occupy approximately 9,400sq. ft. of the facility, with the retail portion of the ReStore occupying approximately 5400 sq. ft.
2. Habitat for Humanity ReStores, which are locally owned and operated, sell a variety of home goods, including furniture, building materials, and appliances, either new or gently used, with the proceeds being used to build homes locally.
3. Due to the nature of the proposed business, staff has determined it falls under the land use classification of a variety store.
4. A variety store is defined as “a retail establishment that sells a multitude of consumer goods” and is classified as a Retail Use (Medium Scale) land use per the City of Franklin Zoning Ordinance.
5. Retail Use (Medium Scale), variety store, is a non-permitted use in the IL (Industrial: Light) zoning district.
6. A variety store is only listed as a permitted use in the following zoning districts: MXD (Mixed Use: Downtown Center), MXC (Mixed Use: Community Center), and MXR (Mixed Use: Regional Center).

Parking Requirements

7. Article 7, Chapter 10 of the Zoning Ordinance 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. 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.”
8. According to Article 7.10:
 - a. A minimum of 1 off-street parking space is required for every 300 sq.ft. of gross floor area of the variety store (rounded to the nearest complete space) plus one (1) space for each employee working on the largest shift. (Retail floor area = 5,400 sq.ft. + 2 employees)
 - b. Parking spaces may either be located on the lot with the use(s) for which they are required, or on another lot that is within 500 feet.
 - c. Minimum parking stall size is 9’ x 18’ and must be striped.
 - d. Each parking space must be paved with asphalt or concrete.
9. Based on the square footage of the proposed variety store retail area (5,400 sq.ft.) and number of employees (2), a total of twenty (20) parking spaces would be required to comply with the Zoning Ordinance regulations.
10. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
11. According to the petitioner, there is availability for twenty (20) parking spaces on-site. Staff has been able to confirm that total, using measurements on aerial photography. [Figure 1]

Figure 1



Comprehensive Plan & Zoning Ordinance

- 12. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. “Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.”
- 13. 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.
- 14. 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.
- 15. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXR, Mixed-use: Regional Center
 South: IL, Industrial: Light
 East: IL, Industrial: Light
 West: RM, Residential: Multi-Family

Surrounding Land Use:

North: Professional Office Space
 South: Vacant Industrial Lots/State Armory
 East: Mini-self-storage facility
 West: O.C. Repair & Fabrication (Auto Repair)

CRITERIA FOR DECISIONS – USE VARIANCE (VARIETY STORE):

(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 (VARIETY STORE)

- 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 use variance will not be injurious to the public health, safety, or general welfare of the community. The proposed use, retail (medium scale), would be a permitted use on the properties immediately north of the subject property. Furthermore, the proposed use has significant similarities to uses that are permitted in the Light Industrial zoning district, such as warehouse and distribution centers; therefore, approval of this proposal will have no adverse effect on the general welfare.

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 that the adjacent properties would not be affected in a substantially adverse manner, as the general vicinity is comprised of a wide variety of land uses, including professional offices, day care center (currently vacant), mini-self-storage facility, construction contractor's office, auto and heavy truck repair and emergency service company, and an industrial operating supply distributor. Therefore, the introduction of the proposed use to the area, will not substantially impact adjacent properties in a negative manner.

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 petitioner requires warehouse-type space for the storage and display of merchandise. Also, due to the petitioner's regional client base, Habitat for Humanity is in need of a facility in close proximity to major transportation routes. Similar facilities, that are also zoned appropriately, do not exist in the general vicinity. The subject facility provides the warehouse design and the proximity to Interstate 65, State Road 44, and US Hwy 31.

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 portion of the building Habitat for Humanity is proposing to occupy as a ReStore, roughly 9,400 sq. ft., is small in terms of what typical Light Industrial users are seeking. Furthermore, there would be an unnecessary hardship as a result of not allowing the proposed use, as there are significant similarities to uses permitted in this district, such as warehouse and distribution centers.

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 use variance will not interfere with the Comprehensive Plan. The similarities between uses listed in the Comprehensive Plan (warehouse and distribution centers) and the proposed Habitat for Humanity ReStore, which will receive large truck loads of new and gently used household appliances, construction materials, and furniture, are significant enough that staff believes there will not be any interference with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE (VARIETY STORE)

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

- a. Any expansion or relocation of the variety store (Habitat for Humanity ReStore), shall require favorable action, including new findings of fact and conditions of approval, by the Board.
- b. A minimum of twenty (20) parking spaces, at least 9' x 18' in size, shall be maintained onsite, with appropriate pavement markings, specifically for the variety store (Habitat for Humanity ReStore) use.
- c. An application shall be submitted to the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
- d. All applicable Federal, State, and Local permits and approvals are required.