



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin-in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Joanna Myers, Senior Planner

Date: June 28, 2011

Re: Case ZB 2011-10 (SE & V)

REQUEST:

Case ZB 2011-10 (SE & V)...Antenna Farmers, LLC – Korn Country. A request for a special exception of the City of Franklin Zoning Ordinance Article 3, Chapter 16 to allow the operation of a telecommunications facility/tower and a variance from Article 7, Chapter 14 to locate a telecommunication tower within 500 feet of residentially zoned properties, to be located on a site that is less than 75 ft. in width, to encroach within the minimum required setback, and to allow a reduction in landscaping in a Mixed Use: Downtown Center (MXD) zoning district. The property is located at 176 E. Jefferson Street.

PURPOSE OF STANDARD:

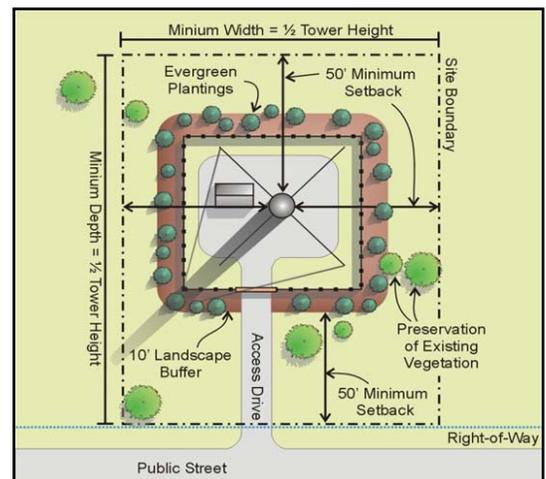
The "MXD," Mixed-Use: Downtown Center zoning district is intended to provide for the continued viability of the historic central business district. This district is also intended to accommodate and support the use of existing structures within the downtown. It is further intended to permit the continued, contextually appropriate development of the area through re-use and infill development.

CONSIDERATIONS:

1. The petitioner is requesting a special exception for the purpose of operating a telecommunications facility with tower at 176 E. Jefferson Street. The petitioner is proposing to construct a 150 ft. tall tower to be enclosed by an 8 ft. opaque security fence with landscaping to be provided on the east side. (A copy of the site plan is attached.)
2. Telecommunication facility/tower is listed as a permitted use in the following zoning districts: A (Agriculture), IBD (Industrial: Business Development), IL (Industrial: Light), and IG (Industrial: General).
3. Article 13.2 defines Telecommunications Tower as “a mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.”
4. 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.”

5. According to Article 7.10: a minimum of 1 off-street parking space is required for each employee working on the largest shift and 1 space for each business vehicle stored on-site.
6. A total of four (4) off-street parking spaces would be required for the proposed use. There is currently space available on the north side of the property for at least four (4) off-street parking spaces.
 - 3 broadcast employees = 3 spaces
 - 1 business vehicle = 1 space
7. Article 7.14 outlines the development standards for telecommunication facilities and towers. These standards were established primarily in regard to locating cell towers. The petitioner’s request is related to the operation of a radio station at 176 E. Jefferson Street. The petitioner has stated that it is necessary to have a transmission tower located at the broadcasting site to transmit the signal to their broadcasting tower.
8. Article 7.14(E)(1) states “no tower shall be placed closer than 500 feet to any property included in a residential zoning district.”
9. The properties to the immediate north of the subject site are zoned Residential: Traditional Neighborhood (RTN).
10. Article 7.14(E)(4) states “at a minimum, the width and depth of the tower site shall be a distance equal to 1/2 the tower height.”
11. The tower is proposed to be 150 ft. tall. The site is approximately 45 ft. in width and 144 ft. in depth. This results in a request of a 30 ft. reduction as the minimum width required is 75 ft.
12. According to Article 7.14, the minimum front, side, and rear yard setback for all towers shall be 50 feet from all property lines.
13. The tower is proposed to be located approximately 5 ft. from the east property line, 25 ft. from the west property line, and 60 ft. from the north property line.
14. According to Article 7.14(E)(7)(a), “an area 10 feet in width shall remain outside of the fence for purpose of providing the landscape screening described in Section 7.14(D)(8).” Article 7.14(D)(8) outlines landscaping requirements to be located around the perimeter of the security fence.
15. Landscaping is proposed to be placed along the east side of the fence only.



16. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
17. The 2002 Comprehensive Plan, Future Land Use Map, identifies this area as Downtown. "Future land use in the downtown area should support the function of the area as a unique focal point and gathering place for the Franklin community. Downtown Franklin should serve the City as a dynamic activity center that includes retailers, professional offices, residences, civic groups, government facilities, restaurants and bars, and service providers. Future land uses in the downtown should contribute to the establishment of an activity center with a mix of land uses which enhance the current community character that the downtown provides."

Surrounding Zoning:

North: RTN, Residential: Traditional Neighborhood
 South: MXD, Mixed Use: Downtown Center
 East: MXD, Mixed Use: Downtown Center
 West: MXD, Mixed Use: Downtown Center

Surrounding Land Use:

North: Residential: Single-family & multi-family
 South: Funeral home, professional offices, & retail
 East: Professional office & apartment
 West: Retail & apartments

CRITERIA FOR DECISIONS:

(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 36-7-4-918.2 & 918.5) that:

SPECIAL EXCEPTION DECISION CRITERIA

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 proposal to locate a radio station in downtown Franklin would be beneficial to the community. However, the petitioner should explain how the approval of locating a 150 ft. tower at the subject property will not be injurious to the general welfare of the community.

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 proposal does not meet the development standards outlined in the Zoning Ordinance which has resulted in the need to request variances from development standards in addition to the special exception.

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 and will be providing the minimum required number of off-street parking spaces.

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

Staff Finding:

The Comprehensive Plan states that “the future Franklin should be a well balanced community with a high quality-of-life; and with a variety of land uses and housing types supporting a culturally, socially, and economically diverse city” and to “encourage the maintenance and proper up-keep of local structures and property, and the restoration and preservation of historically significant sites.” The operation of a radio station from a location that has been vacant supports the above goals stated in the Comprehensive Plan.

DEVELOPMENT STANDARDS VARIANCE DECISION CRITERIA

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 petitioner should explain how the approval of locating a 150 ft. tower at the subject property will not be injurious to the general welfare of the community.

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 is unsure if the use and value of the adjacent area will be affected in an adverse manner as the proposal to locate a tower at the site may or may not have more of an impact than the continued vacancy of the property. The petitioner is proposing to enclose the tower with an 8 ft. opaque security fence with landscaping to the east.

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 a radio station requires a tower to be located onsite in order to transmit the signal to the broadcast tower. In order to be located downtown, a radio station would need to request variances from development standards due to the existing density of downtown.

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

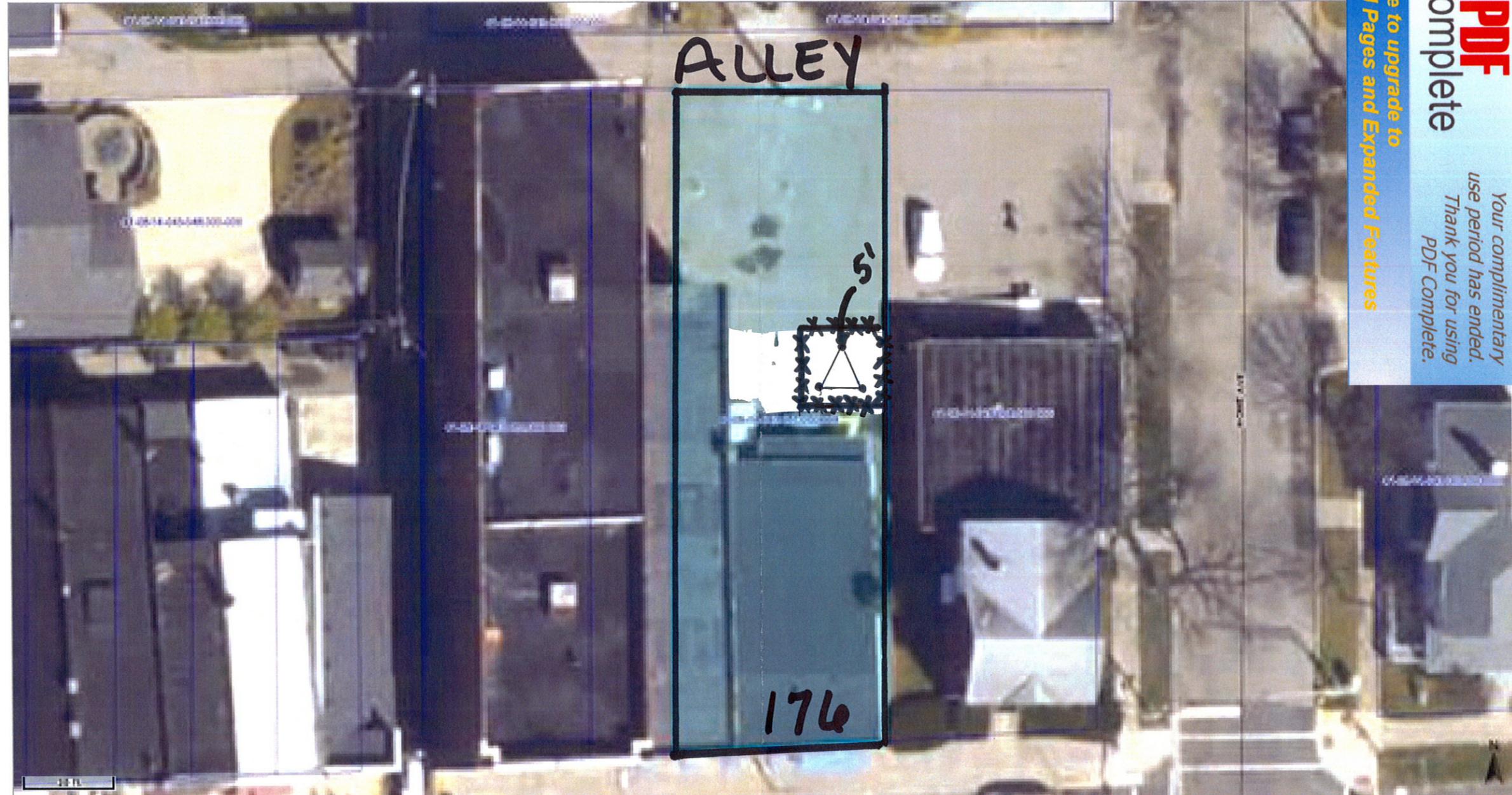
STAFF RECOMMENDATION

Based on the written findings above, staff recommends **denial** of the petition.

If the Board finds sufficient evidence to approve the proposal and the following modifications to the petition were made, staff would recommend approval.

1. A minimum of four (4) striped parking spaces 10' x 20' shall be provided onsite. One of which shall be handicap accessible
2. A site development plan shall be submitted for review and approval by the Technical Review Committee.
3. The fence shall be located a minimum of 10 feet from the east property line.
4. The required landscaping shall be installed along the north side and east side of the fence.

176 E. Jefferson Street





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Parcel ID 40-08-14-043-037.000-009
 Sec./Twp/Rng n/a
 Property Address 176 E JEFFERSON ST
 FRANKLIN
 District
 Brief Tax Description

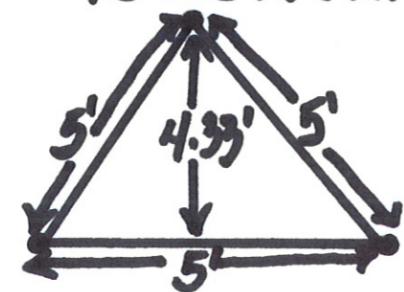
009
 HICKS & BEARD ADD #5-FT LOTS 2 & 1
 (Note: Not to be used on legal documents)

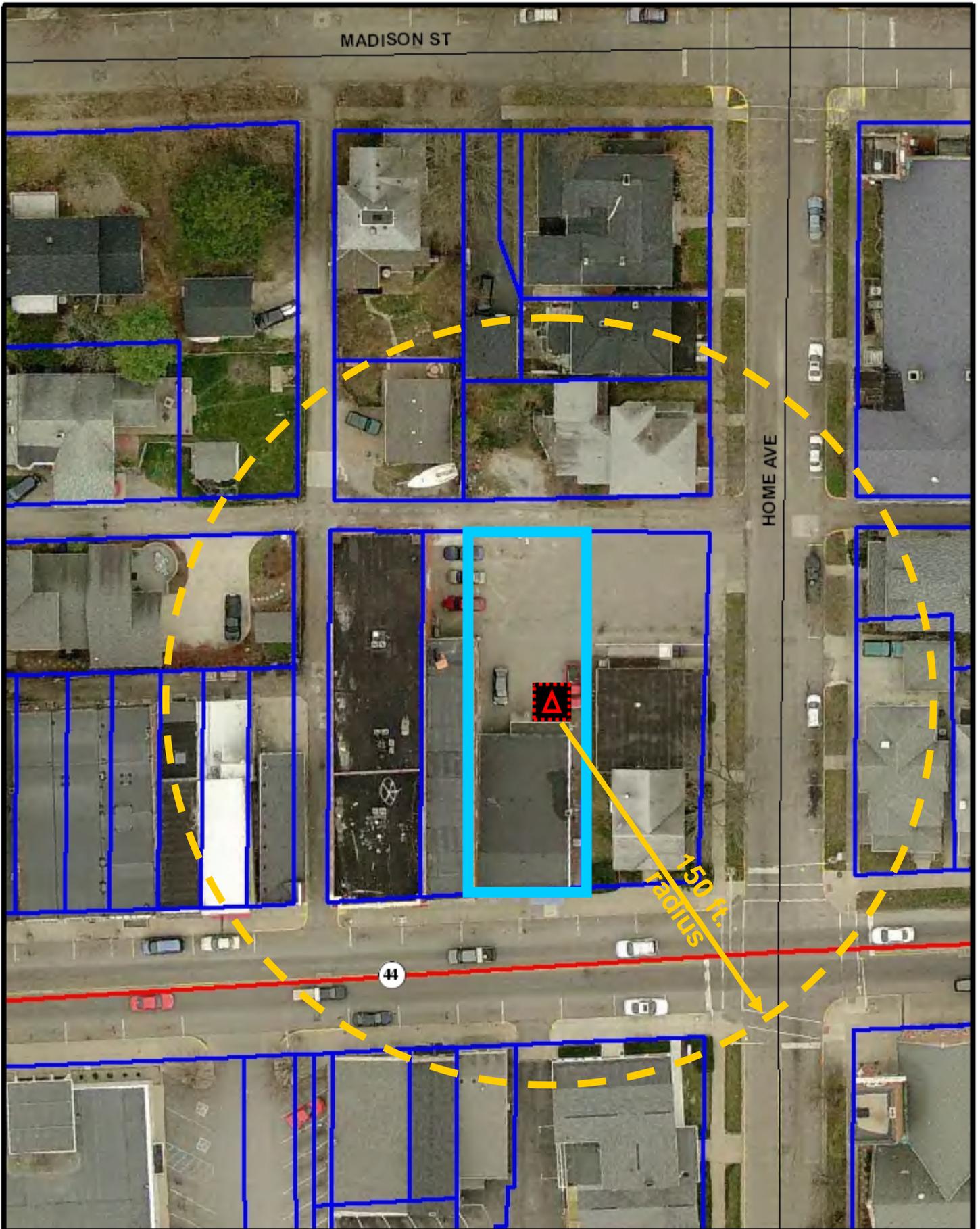
Alternate ID S100 s4 33 027/00
 Class Com Office Bldgs 1 & 2 story
 Acreage n/a
 Scale 1:20'

Owner Address JAYVIS REALTY GROUP LLC
 317 E CREEKSSIDE - W CT
 FRANKLIN, IN 46131

DIAGRAM OF TOWER (N.T.S.)

***** = Fence
 △ = TOWER





ZB 2011-10 (SE & V)
Antenna Farmers, LLC