



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: Kevin Tolloty, Associate Planner

Date: July 3, 2012

Re: Case ZB 2012-07 (V)

REQUEST:

Case ZB 2012-07 (V)...700 Bartram Parkway. A request for a variance from the City of Franklin Zoning Ordinance Article 7, Chapter 15 to allow a fence to be located in a front yard setback and from Article 7, Chapter 12 to allow a drive entrance separation of less than 100 feet in the Industrial: Business Development (IL) zoning district. The property is located at 700 Bartram Parkway.

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:

1. The petitioner is requesting a variance to allow entrance drives to be located within 100 feet of each other and to place a fence in a required front yard setback.
2. According to Article 7.12 of the Zoning Ordinance, entrance drives shall be separated by a minimum of 100 feet when accessed by local roads.
3. The distance between the drives would be reduced to approximately thirty-five (35) feet (see entrance drive plans).
4. The traffic lane to the west (vacated portion of Bartram Parkway) would be for personal vehicle use only and the new multi-lane entrance to the east for be for larger commercial trucks.
5. According to Article 7.15 of the Zoning Ordinance, fences shall be prohibited in any required front yard setback.
6. The front yard setback, as established on the Franklin Tech Park plat is forty (40) feet. The fence is required to meet front yard setbacks because it fronts a public road, County Road 525. This setback only applies to the portion of this property that directly fronts the road.

7. At its maximum encroachment, the fence would encroach thirty-two (32) feet into the required setback. The actual encroachment varies over a course of approximately 110 total linear feet (see fence plan).
8. The 2002 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."
9. 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.
10. 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.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IL, Industrial: Light
 South: A, Agricultural
 East: IL, Industrial: Light/A, Agricultural
 West: RT-1, Residential: Traditional One

Surrounding Land Use:

North: Cooper Tires
 South: Agricultural/Undeveloped
 East: Agricultural/Undeveloped
 West: I-65/Agricultural/Undeveloped

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 36-7-4-918.5) that:

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 approval of the variance for the fence location will not be injurious to the public health, safety, morals, or general welfare of the community. The approval of the variance for the entrance drive separation could be injurious to the public health, safety, morals, or general welfare of the community, in particular the effect of the traffic pattern created by the reduced separation. The petitioner should explain how approval of the variance for the entrance drive separation will not be injurious to the public health, safety, morals, and 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:

The use and value of adjacent properties will not be affected in an adverse manner. The surrounding properties are agricultural, interstate highway and other industry

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 not result in a practical difficulty as the plans could be modified to construct the fence entirely outside of the required front setback and the entrance could be separated by the required 100 feet. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

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 this petition.

If the Board finds that sufficient evidence to approve the Variance and the following modifications to the petition were made, staff would recommend approval:

1. Final site plan approval of the proposed addition.
2. All applicable permits shall be obtained upon approval of variance and site plan.
3. Stop sign and sign stating "Incoming Truck Traffic Does Not Stop" shall be installed as shown on plans.

Site Photographs



Interstate Warehousing – From Bartram Drive

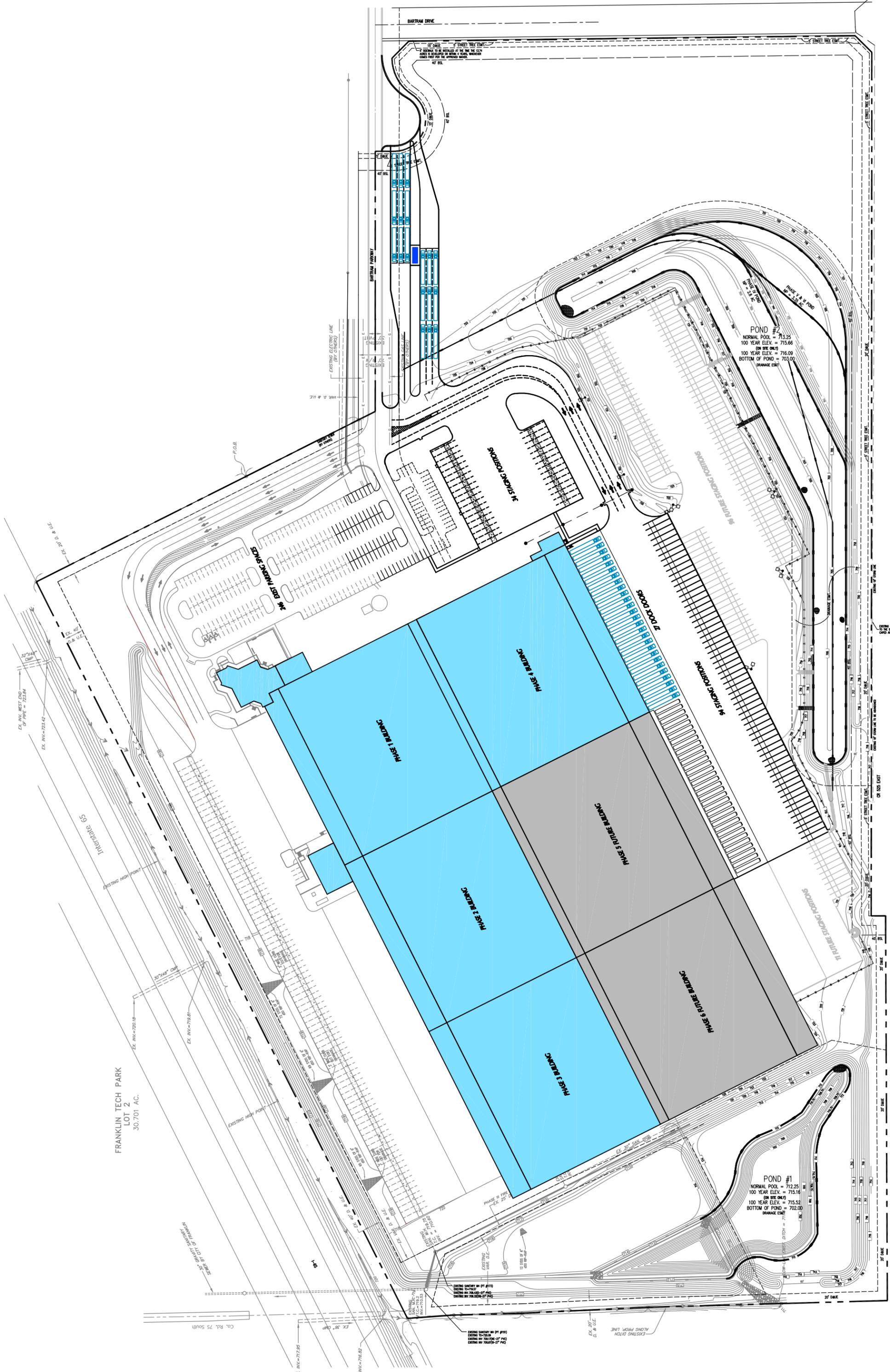


Existing Fence – From CR 525



End of Existing Fence – From CR 525

FRANKLIN TECH PARK
LOT 2
30.701 AC.



POND #2
NORMAL POOL = 713.25
100 YEAR ELEV. = 715.66
(ON SITE ONLY)
100 YEAR ELEV. = 716.09
BOTTOM OF POND = 703.00
DRAINAGE ESST

POND #1
NORMAL POOL = 712.25
100 YEAR ELEV. = 715.16
(ON SITE ONLY)
100 YEAR ELEV. = 715.52
BOTTOM OF POND = 702.00
DRAINAGE ESST

IF ONE OF THESE TREE ESST'S IS DEEMED TO BE INSTALLED AT THE NE OR SW CORNERS OF LOT 2, THE OTHER CORNER SHOULD BE DEVELOPED WITH A TREE BROOKER CORNER TREE TO BE APPROVED BY THE CITY.

EXISTING SANITARY MAIN (PI) #1173
EXISTING TOILETRY
EXISTING 18" DIA. 150'-0" CP
EXISTING 18" DIA. 150'-0" CP

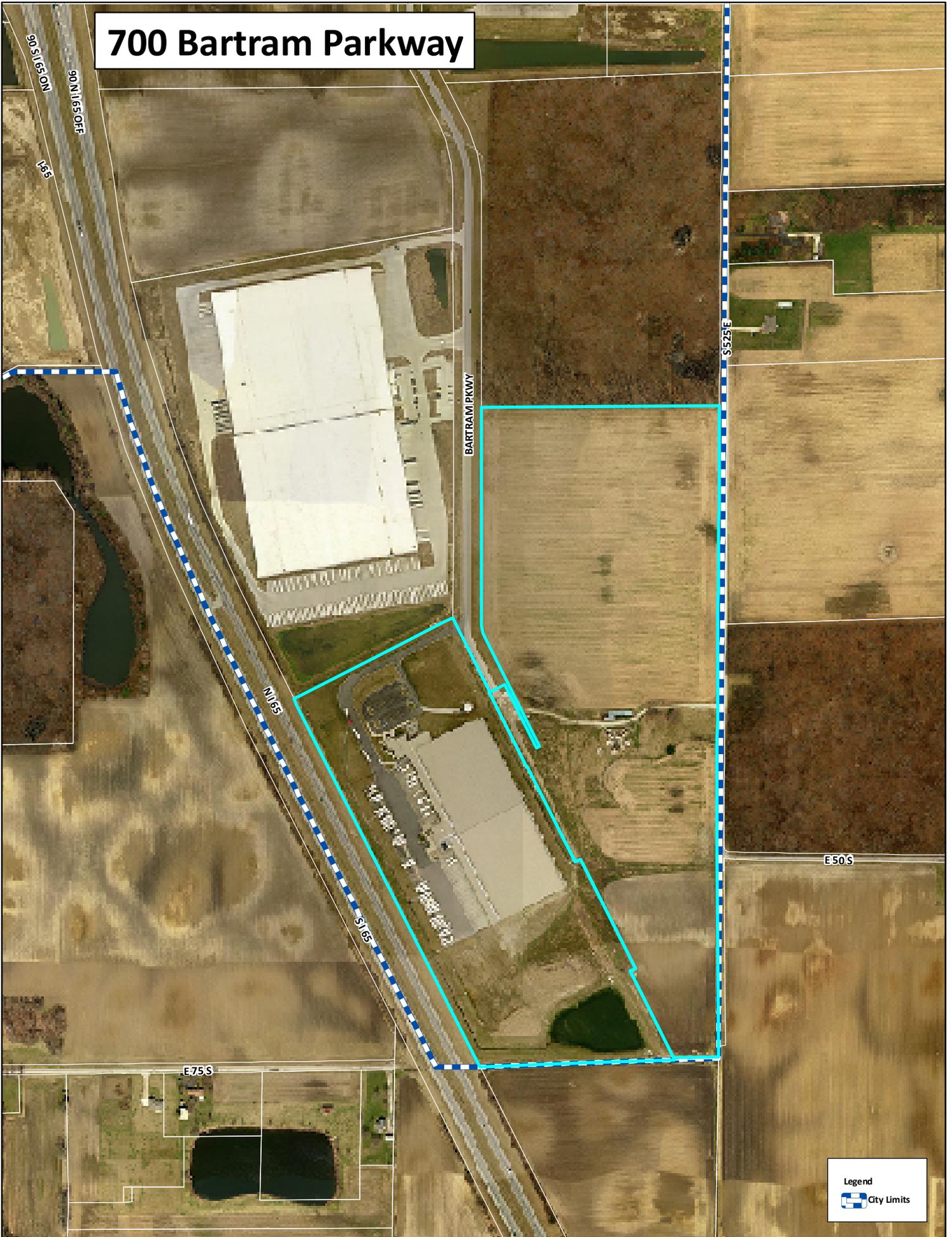
EXISTING DITCH
ALONG FRONT LINE
37'1" & 37'
20' & 20'

EXISTING 14" DIA. TO THE SOUTH T
CROSS AND 14"
EXISTING 14" DIA. TO THE SOUTH T
CROSS AND 14"
EXISTING 14" DIA. TO THE SOUTH T
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700 Bartram Parkway

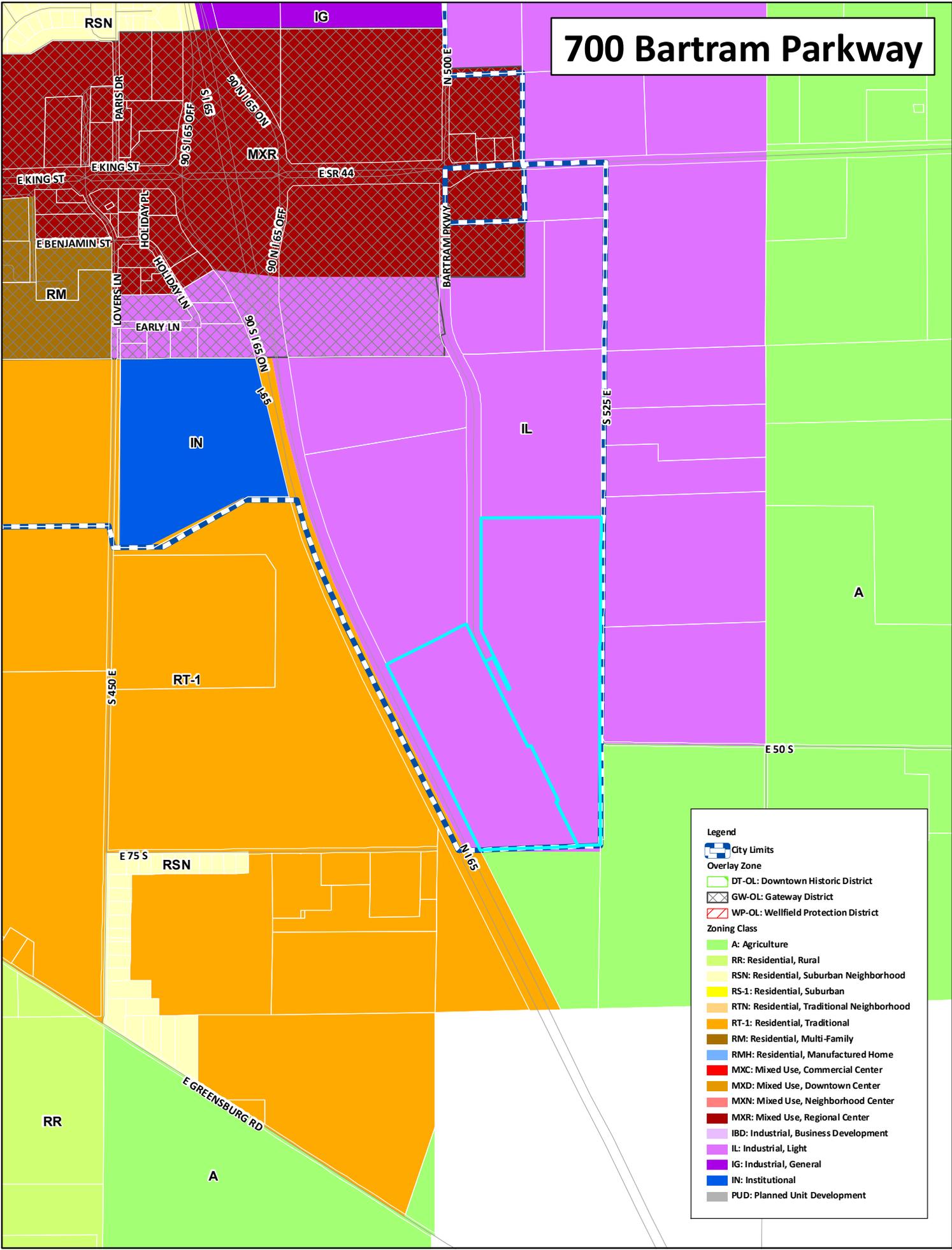


Legend
 City Limits

1 inch = 500 feet

Created: Franklin Planning Dept. - 6/12
K. Tolloty

700 Bartram Parkway



Legend

- City Limits
- Overlay Zone
 - DT-OL: Downtown Historic District
 - GW-OL: Gateway District
 - WP-OL: Wellfield Protection District
- Zoning Class
 - A: Agriculture
 - RR: Residential, Rural
 - RSN: Residential, Suburban Neighborhood
 - RS-1: Residential, Suburban
 - RTN: Residential, Traditional Neighborhood
 - RT-1: Residential, Traditional
 - RM: Residential, Multi-Family
 - RMH: Residential, Manufactured Home
 - MXC: Mixed Use, Commercial Center
 - MXD: Mixed Use, Downtown Center
 - MXN: Mixed Use, Neighborhood Center
 - MXR: Mixed Use, Regional Center
 - IBD: Industrial, Business Development
 - IL: Industrial, Light
 - IG: Industrial, General
 - IN: Institutional
 - PUD: Planned Unit Development

1 inch = 1,000 feet

Created: Franklin Planning Dept. - 6/12
K. Tolloty