



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & 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: August 29, 2013
Re: Case ZB 2013-14 (V) Bill Neville – Storage Barn

REQUEST:

Case ZB 2013-14 (V)...3030 RJ Parkway. A request for a variance from the City of Franklin Zoning Ordinance to allow:

1. Article 7.10 Part 3(A)(1) – Parking areas not required to be paved/concrete or striped
2. Article 7.11(C)(4) – Loading berth not required to be asphalt/concrete
3. Article 7.10 Part 3(D) – Minimum of 2 bicycle parking spaces not required
4. Article 7.11(B) – Loading berth in front yard
5. Article 7.11(C)(1) – Loading berth less than 13'x140'
6. Article 7.11(C)(3) – 24' drive aisle not to be provided for the loading berth access
7. Article 7.12(B)(5)(a) – Entrances to be separated by less than 100 feet
8. Article 7.16(F) – Interior parking lot landscaping not to be provided

related to the construction of a new storage barn in the Industrial: Business Development (IBD) zoning district. The property is located at 3030 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:

1. The petitioner is requesting variances from developmental standards to construct a 7,700 sq.ft. warehouse cold storage building with site improvements at 3030 RJ Parkway. See attached site plan and details of reasons provided by petitioner.
2. The property is a vacant platted lot (2.08 acres) within the Johnson Industrial Subdivision. See photo to right.



3. A site development plan was submitted and reviewed by the Technical Review Committee at their August 1, 2013 meeting.
4. Article 7.10 Part 3(A)(1) states that all parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete to the nearest paved street. All parking areas shall be clearly painted to show each parking space. Article 7.11(C)(4) states that all off-street loading berths shall be paved with concrete or other appropriate material meeting the durability requirements of the City Engineer.
 - a. The petitioner is proposing to use asphalt millings within the eastern parking/loading area and gravel for the drive around the west side of the structure and to include parking bumpers to delineate the parking spaces but not to provide painted markings on the parking surface.
5. Article 7.10 Part 3(D) states that one bicycle parking space shall be provided for every 30 required parking spaces by Ordinance, with a minimum of 2 bicycle parking spaces. Each bicycle space shall provide adequate facilities for securing the parked bicycle.
 - a. The petitioner is proposing to not provide bicycle parking.
6. Article 7.11(B) states that no loading space may be located in any front yard or required buffer yard. Article 7.11(C)(1) states that loading berths for over-the-road tractor trailers shall be a minimum of 13 feet in width and 140 feet in length.
 - a. The petitioner is proposing to locate the loading area, which is 70 feet in width and 100 feet in length, to the east of the structure within the front yard immediately adjacent to RJ Parkway.
7. Article 7.11(C)(3) states that a drive aisle, a minimum of 24 feet in width, shall be provided to access the loading area.
 - a. The petitioner is proposing to not provide the required drive aisle.
8. Article 7.12(B)(5)(a) states that the minimum separation of entrances between one another along a local street is 100 feet.
 - a. The petitioner is proposing to provide two entrances, 100 feet from one another, to the site off of RJ Parkway. The north entrance is proposed to be located 92.1 feet south of the entrance of the lot to the north. The south entrance is proposed to be located 94.1 feet north of the entrance to the south.
9. Article 7.16(F) states landscape islands with a surface area equal to 5% of the area of paved surface shall be provided in all parking lots. Landscape islands must be curbed and a minimum of 300 sq.ft. in area to qualify and 1 tree per required 300 sq.ft. of landscape area shall be provided.
 - a. Based on the total area of the parking lot/drive aisles, approximately 1,340 sq.ft. of landscape islands with four (4) trees are required. The petitioner is proposing to provide two (2) uncurbed landscape 300 sq.ft. islands and two (2) trees and one (1) uncurbed 225 sq.ft. island with no trees.
10. 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.

11. The 2002 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.

This area is intended for small-scale business operations, the use of metal and concrete block structures is acceptable. Landscaping should be provided in the form of street trees and parking lot perimeter screening. All areas of outdoor storage should be screened from view of public street and adjacent non-industrial land uses. Individual building sites should be designed to accommodate a variety of business uses and should provide for limited future expansion of business facilities."

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: Outdoor storage of boats/RV
South: Cedar Creek Fence
East: Hix Wrecker Service
West: Agricultural

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 petition may be injurious to the public health, safety, morals or general welfare of the community as the reduction of maneuverable area for truck traffic may impact the safety of vehicular and pedestrian traffic onsite. In addition, the proposed surface of asphalt millings and gravel is not as durable as asphalt or concrete and may require more maintenance to ensure a safe walking and travel surface. The petitioner should explain how approval of this variance will not be injurious to public safety.

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:

Adjacent properties to the subject property are developed in an industrial nature and will not be affected in a substantially adverse manner.

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 development is proposed on a vacant lot over 2 acres in size. The proposed improvements could be designed to meet the minimum standards outlined in the Ordinance. One entrance meeting the minimum separation requirements could be utilized. However, it is the desire of the petitioner to have two entrances. The loading berths could also meet the minimum requirements and be located consistent with regulations similar to other properties in the same development and asphalt/concrete could be used. Staff finds that the practical difficulty of the property is based on the perceived reduction of, or restriction on, economic gain. 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 the petition.

(NOTE: 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.)

Petitioner Bill Neville, hereby requests a variance from developmental standards for:

**Article: Drive Surface 7.10, Part 3, A-1
Berth Surface 7.11, C-4**

"All parking areas, including parking spaces and interior drives must be paved with asphalt or concrete to the nearest paved street and all parking areas shall be clearly painted to show each parking space. Revise or obtain variances from the BZA."

Petitioner proposes a stone base, capped with asphalt millings.

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public.
- B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. All sites within this industrial area have similar storage, and staging areas, some sites do not have public, or office areas, and two are 100 % gravel. We believe the proposal is not out of line, or character with adjoining, and neighboring businesses.
- C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, & unloading of materials. We believe the surface as proposed is best suited for this type of commercial activity.

Article: Bicycle Parking 7.10, Part 3, D

"A minimum of one bicycle parking space is required for every 30 vehicular parking spaces required by Ordinance, with a minimum of 2 bicycle spaces. Revise or obtain a variance from the BZA."

Petitioner proposes a storage barn without bicycles

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public.
- B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. Bicycle parking is not needed, and we are concerned that it could give false impression that the general public is invited.
- C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, & unloading of materials. Bicycles, bicycle riding, and bicycle parking, we believe would only be in the way.

Petitioner Bill Neville, hereby requests a variance from developmental standards for:

Article: Building situated, Front Loading 7.11, B

"Loading spaces shall not be located in the front yard. Revise or obtain a variance from the BZA."

Petitioner proposes a storage barn

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public, all activity will conform to federal, state, and local ordinance, as well as acceptable industrial practices
- B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. The site will be both attractive and practical. As proposed, this site will have more landscape screening than any other industrial use in the area.
- C. Petitioner is proposing a storage barn that is 60 x 140, we believe situated for easy loading and unloading, it would also allow for future use, or expansion in back. Our lot is 251 foot wide, of this the fire department is requiring a driving lane (24') around the building, and loading berths of 100 - 140 foot, would add up to between 208- 248 foot of improvements, giving us between 3 - 43 (21') foot for side yard, landscaping, and a 20 foot DUE Easement. Petitioner wants the site to look, and work as if its not crammed onto the lot.

Article: Loading Berth 7.11, C-1

"The minimum size of a loading berth for over-the-road tractor trailers is 13 ft. in width by 140 ft. in length and shall be paved with concrete or other appropriate material meeting durability requirements of the City Engineer. Revise or obtain variance from the BZA."

Petitioner proposes a storage barn / berths

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, will not be open to, nor will it adversely affect the general public.
- B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. Said loading area will have very low daily traffic. The building will not have docks, everything is ground level. The loading and unloading actually takes place inside the barn, thus giving the berth additional length.
- C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, & unloading of materials. Petitioner feels that 100 foot is more than adequate to service his business needs.

Petitioner Bill Neville, hereby requests a variance from developmental standards for:

Article: Loading Berth 7.11, C-3

"All loading berths shall be accessed by a drive aisle that is a minimum of 24 ft. wide for 2-way traffic. Revise or obtain a variance from the BZA."

Petitioner proposes a storage barn / lanes

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and it is not open to general public traffic, thus will not adversely affect public health, or safety.
- B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. This is not a site that will be crowded, or have a large daily traffic volume. As proposed the building and berths will be accessed by a 24 foot access lane on both the north, and south side.
- C. The storage barn as proposed is accessible by the north & south drive. If a front drive lane were to be placed, it could push our site back, take away from possible future expansion in the back.

Article: Drive Separation 7.12, B-5a

"The proposed north entrance is approximately 83 ft. south of the entrance of the lot to the north and the proposed south entrance is approximately 88 ft. north of the entrance of the lot to the south. The minimum entrance separation on a local street is 100 ft. Revise or obtain variances from the BZA."

Petitioner proposes a storage barn with two drives

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and it will not be open to the general public. It will conform to all federal, state, and local ordinance, as well as acceptable industrial practices.
- B. This is not a site that will have a large daily traffic volume. In addition to the low volume, our plans have been revised as 92', 100' & 94' foot. Given the low volume of our traffic, we do not believe 6- 8 foot will have noticeable impact on adjacent properties.
- C. Two drives are proposed, because petitioner feels that the proposed design best meets his business practices. Without the two drives, he would have less working access within the building site. If forced to reconfigure it could push our site back, take away from possible future expansion, or use in the back.

Article: Interior Landscape 7.16, D-3, & F-1.2

"A minimum of 1,110 sq.ft. of curbed interior landscape area with 4 qualifying trees shall be provided. Revise or obtain a variance from the BZA."

Petitioner proposes storage barn / landscape

- A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public. We believe as proposed, the site will be an attractive assets to the community.
- B. Petitioner as proposed would be in excess (per square foot landscape) of all adjoining industrial properties. As proposed we will have 8 Street Trees (no other site in this development have R/W trees), we propose 15 Interior Trees, and approximately 20 bush / plantings. Landscaping to include a planting in front of the building, as well as raised, or planting burms (2') to give character, screening and plant protection. We believe our plan will add to the character and improve neighboring property values.
- C. The storage barn as proposed is everything the owner believes he needs to successfully, and harmoniously conduct his business, additional islands, or plantings would physically be in the way.

Photo Exhibit



South Property Adjoiner



Looking North toward Our Property



Looking South toward Our Property

BZA Exhibit

Lot 4 ~ Johnson Industrial Park

Article: Drive Surface 7.10, Part 3, A-1
 Berth Surface 7.11, C-4

"All parking areas, including parking spaces and interior drives must be paved with asphalt or concrete to the nearest paved street and all parking areas shall be clearly painted to show each parking space. Revise or obtain variances from the BZA."

Petitioner proposes a stone base, capped with asphalt millings.

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B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. All sites within this industrial area have similar storage, and staging areas, some sites do not have public, or office areas, and two are 100% gravel. The proposal is not out of line, or character with neighboring businesses.

C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, & unloading of materials. The surface proposed is best suited for this type of activity.

Article: Bicycle Parking 7.10, Part 3, D

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Petitioner proposes a storage barn

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B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. Said parking is not needed, and could give false impression that the general public is invited.

C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, & unloading of materials. Bicycles, bicycle riding, and bicycle parking would only be in the way.

Article: Building situated, Front Loading 7.11, B

"Loading spaces shall not be located in the front yard. Revise or obtain a variance from the BZA."

Petitioner proposes a storage barn

A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public.

B. Petitioner is proposing a storage barn for

personal business use, access is limited to his employees & contractors only. This site will upon completion have more landscape, and screening than any other industrial use in the area. The site will be both attractive and practical.

C. Petitioner is proposing a storage barn that is 60 foot wide, situated for easy loading and unloading, it would also allow for future use, or expansion in back. Our lot is 251 foot wide, the fire department is requiring a 24' driving lane around the building, and loading berths of 100 - 140 foot, would add up to between 208- 248 foot of improvements, giving us between 3 - 43 foot for side yard, landscaping, and a 20 foot DUE Easement.

Article: Loading Berth 7.11, C-1

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B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. Said loading area will have very low daily traffic. The building will not have docks, everything is ground level. Much of the loading and unloading actually takes place inside the barn.

C. Petitioner is proposing a storage barn, activity on this site will be limited to storage, and the loading, &

unloading of materials. Petitioner feels that 100 foot is more than adequate to service his business needs.

Article: Loading Berth 7.11, C-3

"All loading berths shall be accessed by a drive aisle that is a minimum of 24 ft. wide for 2 Dway traffic. Revise or obtain a variance from the BZA."

Petitioner proposes a storage barn / lanes

A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by employees, and will not be open to the general public traffic.

B. Petitioner is proposing a storage barn for personal business use, access is limited to his employees & contractors only. This is not a site that will have large daily traffic volume. As proposed the building and berths will be surrounded by a 24 foot access lane.

C. The storage barn as proposed is accessible by the north & south drive. If a front drive lane were to be placed, it would take away from future expansion in the back.

Article: Drive Separation 7.12, B-5a

"The proposed north entrance is approximately 83 ft. south of the entrance of the lot to the north and the proposed south entrance is approximately 88 ft. north of the entrance of the lot to the south. The minimum entrance separation on a local street is 100 ft. Revise or obtain variances from the BZA."

Petitioner proposes a storage barn / drives

A. Petitioner is proposing a storage barn, said barn will not have an office, nor will it be staffed by

employees, and will not be open to the general public traffic.

B. This is not a site that will have large daily traffic volume. The plans have been revised 92', 100' & 94'. Given the low volume, we do not believe 6-8 foot will be noticeable.

C. Two drives are proposed, because petitioner feels that the proposed design best fits his business practices. Without two the drives, he could not access the building in the same way, and would probably lose future expansion because of the need to add an additional driving, or access lane.

Article: Interior Landscape 7.16, D-3, & F-1.2

"A minimum of 1,110 sq. ft. of curbed interior landscape area with 4 qualifying trees shall be provided. Revise or obtain a variance from the BZA."

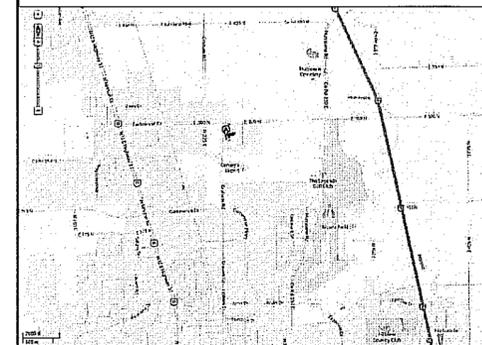
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B. Petitioner as proposed would be in excess (landscape) of all adjoining industrial properties. As proposed 8 Street Trees, 15 Interior Trees, and approximately 20 bush / plantings. Landscaping to include a planting in front of the building, as well as raised, or planting berms (2) to give character, screening and plant protection.

C. The storage barn as proposed is everything the owner needs to conduct his business additional islands, or plantings would be in the way.

Site Map



Revisions



JEFFREY J. KANDY PROFESSIONAL LAND SURVEYOR NO. 20100068

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Prepared For:

Bill Neville
 3030 R.J. Parkway
 Franklin, Indiana 46131

Project

3030 R.J. Parkway
 Franklin, Indiana

Sheet Title
 BZA Exhibit

Scale 1" = 20'	Drawn CAP	Designed N/A	Checked JJK
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Work Order No. 130175	Sheet Number
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Date: August 16, 2013	1 of 1
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	PROPOSED SIGN		GROUND LIGHT
	HANDICAPPED PARKING		SANITARY MANHOLE
	UTILITY POLE		WATER METER
	AREA LIGHT		FIRE HYDRANT
	BOLLARD		PROPOSED LARGE TREE
	TRAFFIC DIRECTION		PROPOSED BUSH
	ELECTRIC METER		PROPOSED SMALL TREE
	GAS METER		AIR CONDITIONING UNIT

