



## CITY OF FRANKLIN

### DEPARTMENT OF PLANNING & ENGINEERING

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## BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, AICP, Senior Planner  
**Date:** January 2, 2025  
**Re:** Case ZB-25-7 (SE)

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### REQUEST:

**Case ZB-25-7 (SE)...2300 Progress Drive.** A request by Prime Beverage Group, LLC, and its affiliates, subsidiaries, successors and assigns, for a Special Exception use from the City of Franklin Zoning Ordinance, Article 7, Chapter 22, to allow operation of a beverage production facility, in the "IL," Industrial Light zoning district. The property is located at the property with a common address of 2300 Progress Drive.

### 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.

### ZONING:

#### Surrounding Zoning:

North: AG: (Johnson County)  
South: IL: Industrial, Light  
East: IL: Industrial, Light  
West: IG: Industrial, General

#### Surrounding Land Use:

North: Agriculture-Crop/Single-family Residential  
South: Vacant Industrial acreage/crop fields  
East: Vacant Industrial acreage/crop fields  
West: Distribution/warehousing/logistics

### CONSIDERATIONS:

1. The subject property of 2300 Progress Drive is 81 acres and has an existing industrial shell building, approximately 1,119,000 sq. ft. in size with truck docks on the north and south sides of the building, and large employee parking lots on the east and west ends of the building. [See [Exhibit A: Site Plan](#)]
2. Petitioner, Prime Beverage Group, LLC (PBG) and its affiliates, subsidiaries, successors and assigns, is proposing to operate a beverage production facility, utilizing the entire structure and site as a single-tenant. [See [Exhibit B: Statement of Intent](#)]
3. According to Exhibit B: "PBG is a leading beverage co-packing business that utilizes state-of-the-art packaging services. It mixes and packages canned products, including juice and energy drinks, hard seltzers, spirits, and mixers for various beverage companies. PBG's other production facilities consist of more than 1 million square feet of floor space and serve as a one-stop shop for comprehensive innovative packaging services (e.g., production, packaging, blending, batching, product development, specialty processes, supply chain solutions, and storage)."'

4. Approximately 4,500 sq. ft. will be dedicated to office uses, with another 2,500 sq. ft. for break room/employee amenity area.
5. Petitioner will utilize four (4) shifts, with 40-45 employees per shift, and projects approximately 180 full-time employees.
6. Petitioner stated there will be no standard-sized business vehicles stored on-site; however, there will be a cycle of semi-tractor trailers delivering products/raw materials, and shipping finished products (50-70 trucks per day).
7. Petitioner proposes to add exterior storage tanks/mechanical equipment, which will be used in production/operations, on the north side of the facility. [[Exhibit C: Exemplar Photo](#) & [Exhibit A: Site Plan](#)]
8. Petitioner stated there will not be any emissions of smoke or odors released from the property during processing/production; there will be steam emissions from the boilers.
9. Based on conversations with petitioner & the exemplar photo/site plan provided by petitioner, staff believes all storage tanks/mechanical equipment/accessory structures can be permitted without any additional variance requests.
10. According to Petitioner's [Exhibit B: Statement of Intent](#): "By way of example, a critical part of the mechanical equipment enables the recirculation of water at the beverage production facility which significantly reduces water volumes needed for operations. Additionally, wastewater will be properly treated before discharge."
11. In regard to consideration #10, petitioner is stating that they will pretreat the wastewater from the operations/production prior to discharging it into the municipal sanitary sewer system.
12. Petitioner stated they will use Indiana American Water "IAW" service and they have obtained a "will-serve" letter from IAW utility.

#### **Special Exception – Beverage Production Facility**

13. Food & beverage Production is listed as a special exception in the IL, Industrial Light zoning district.
14. Food and Beverage Production is listed as a permitted use in the following zoning districts: IBD, Industrial Business Development, and IG, Industrial General.
15. Article 13.2 defines Food & Beverage Production as "The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages."
16. Special Exception: *Petitioner is proposing to utilize an existing ~1,119,000 sq. ft. industrial building for use as a beverage production facility in the IL, Industrial Light zoning district, including the production, packaging, blending, batching, product development, specialty processes, supply chain solutions, and storage; therefore, petitioner requests a Special Exception use approval, from Article 7, Chapter 22.*

Primary Land Use	Zoning District																	
	Permitted Use		Special Exception Use															
	P	S	A	RR	RSN	RS 1,2,3	RTN	RT 1,2,3	RM	RMH	MXD	MXN	MXC	MXR	IN	IBD	IL	IG
food and beverage production																P	S	P

#### **Parking Standards**

17. According to Article 7.10 of the Zoning Ordinance, 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.

18. According to Article 7, Chapter 10, Parking Standards:

- **Space Requirements:** A minimum of **1 off-street parking space is required for every employee working on-site on the largest shift, plus shift overlap.** *Petitioner stated there would be 40-45 employees on each of the four shifts; therefore, with 45 employees on successive shifts, 90 employee parking spaces are required.*
- **Space Requirements:** **One (1) off-street parking space is required for every business vehicle stored on-site.** *Petitioner stated: other than the semi-tractor trailers used for conveying of materials/product(s) to & from the site, there would be 0 standard business vehicles stored on-site; therefore, 0 additional standard business vehicle parking spaces are required. Adequate parking spaces, including loading berths, must be provided for all semi-tractor trailers on-site; parking in drive aisles is prohibited.*
- **Space Requirements:** A minimum of **1.0 off-street parking space is required for every 250 sq. ft. in any administrative or professional business office;** *Petitioner stated there would be approximately 4,500 sq. ft. of office space; therefore, 18 parking spaces are required.*
- **Parking of the Disabled:**
  - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided; AND
  - Must be 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.
- Minimum parking stall size is 9' x 18' and must be striped.
- Each parking space must be paved with asphalt or concrete.
- **TOTAL Parking Requirements:**
  - Number of Employees (+ shift overlap) = 90 spaces
  - Business Vehicles Stored on-site = 0 standard spaces + 1 for every semi-tractor trailer on-site
  - Admin./Prof. Office space = 18 spaces
  - **Total Required** = 108 standard parking spaces + 1 for every semi-tractor trailer on-site

19. The Board has the authority to set the number of required parking spaces.

20. According to the approved Site Development Plan, the subject property has 832 standard vehicle parking spaces, with 20 handicap spaces, and 300 semi-tractor trailer parking spaces, not including the loading docks. Some of the 300 semi-tractor trailer parking spaces may be inadequate for truck parking once the storage tanks/mechanical equipment/accessory structures are installed; this likely would affect less than 25 percent of the spaces.

#### **Comprehensive Plan & Zoning Ordinance**

21. 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."

22. 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.
23. Article 11, Chapter 4 states “Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L)).”
24. Article 11, Chapter 4 states “A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.”

#### **CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:**

**(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

#### **DECISION CRITERIA – SPECIAL EXCEPTION**

- 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 special exception use, will not be injurious to the public health, safety, or general welfare of the community, as the subject property is located within a developing industrial-zoned subdivision, and the proposed use is a use contemplated by the IL: Industrial Light zoning district. Adequate parking will be provided on-site, and the existing site and structure were designed and constructed to be utilized for light industrial uses, including the proposed beverage production facility use. Moreover, petitioner has received a “will-serve” letter from Indiana American Water for the water utility. Furthermore, petitioner stated they will properly pre-treat production wastewater prior to discharge into the public sanitary sewer system.

- 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:**

Per the petitioner, “PBG … will be utilizing the existing building and parking facilities. PBG intends to meet and does not seek to deviate from the required zoning ordinance development standards for its beverage production operations.” Staff has discussed and reviewed petitioner’s initial plans and intentions; staff is not aware of a need for any variance requests, at this time.

- 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 beverage production facility use is listed as a special exception under the IL zoning district regulations and the property is located within an industrial zoned subdivision, and is adjacent to industrial use properties. Moreover, there is an adjacent property that is zoned IG, which would permit a beverage production facility, by right. Petitioner stated they will use Indiana America Water for water utility, will pre-treat production wastewater prior to discharge into the municipal sanitary sewer, and there will be no nuisance

emissions of smoke or odor released from the property; the only emissions will be steam from the boilers. Therefore, staff finds the proposal will not be contrary to the general purposes of the Zoning Ordinance, nor permanently injure other properties or uses in the same zoning district and vicinity.

**4. *Comprehensive Plan: The granting of the special exception (will or will not) be consistent with the character of the zoning district in which it is located, and (will or will not) be consistent with the Franklin Comprehensive Plan.***

**Staff Finding:**

The granting of the special exception does not interfere with the IL zoning district or the Comprehensive Plan. The Zoning Ordinance IL District Intent states: "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." The Comprehensive Plan states: "(Light Industrial areas) 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." Petitioner stated the beverage production operations will be indoors, materials will be stored indoors and in large storage tank structures adjacent to the main building. Moreover, there will be no smoke or odors emitted from the process(es); the only emissions will be steam from boilers. The existing industrial site has more than enough existing parking spaces available on-site, for both passenger vehicles and semi-tractor trailers.

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

**STAFF RECOMMENDATION – SPECIAL EXCEPTION**

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

- a. Special Exception approval is for a beverage production facility use, and runs with Prime Beverage Group, LLC, and its affiliates, subsidiaries, successors and assigns, at the subject property, 2300 Progress Drive, Franklin, IN.
- b. A minimum of one hundred eight (108) standard off-street paved parking spaces are required to be provided on-site, in compliance with Article 7, Chapter 10 of the Zoning Ordinance.
- c. All semi-tractor trailers on-site must be parked in adequately sized parking spaces that utilize a qualified loading berth length; loading docks qualify as adequately sized parking spaces.
- d. Wastewater from the production/operation of the beverage production facility shall be pre-treated on-site, prior to discharge into the municipal sanitary sewer system, in accordance with the standards and requirements of the Department of Public Works "DPW."
- e. Improvement location permits/Building permits shall be obtained for all applicable structures, foundations, mechanical equipment, as determined by Planning & Building Department staff.
- f. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, health & wastewater treatment codes.