



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: August 31, 2016
Re: Cases ZB 2016-13 (UV) | HDW Parts Express, LLC

REQUESTS:

Case ZB 2016-13 (UV): A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 21, to allow a retail use (medium scale) – auto parts sales (without onsite repair), in the IBD: Industrial, business development zoning district and the Gateway Overlay District. The property is located at 110 Commerce Drive (formerly Grand Rental Station) and is 1.00 acre in size.

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.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

CONSIDERATIONS:

Proposed Use | Auto Parts Sales

1. HDW Parts Express, LLC (Petitioner) is proposing to operate a “NAPA” branded retail and wholesale auto parts sales and distribution business at 110 Commerce Drive (former Grand Rental Station). Petitioner wishes to solely occupy the 7,200 sq. ft. structure, with up to five employees onsite, 2,500 sq. ft. of retail space, and two delivery vehicles stored onsite. See Petitioner’s Findings of Fact [[Exhibit A](#)]
2. Automobile Parts Sales is defined as “The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not including any salvage yard or the storage of inoperable vehicles.”
3. Automobile Parts Sales (without on-site repair) is listed as a Retail Use (Medium Scale) per the land use table in Article 3.2, and is listed as a *non-permitted use* in the IBD (Industrial: Business Development) zoning district.
4. Retail Use (Medium Scale) is listed as a permitted use in the MXD (Mixed Use: Downtown Center), MXC (Mixed Use: Community Center), and MXR (Mixed Use: Regional Center) zoning districts.

Site Plan

5. The proposed site plan shows the existing structure and existing site layout, including a gravel (stone) area that will be returned to grass, and six additional angled parking spaces proposed along the north side of the building. See Petitioner's proposed site plan [Exhibit B].
6. Vehicular traffic will be restricted to one-way movements through the site, in a counterclockwise rotation.
7. Petitioner is proposing four (4) parking spaces adjacent to the building, near the entrance on the west, nine (9) parking spaces adjacent to the building on the south side, and six (6) new parking spaces proposed along the north side of the building. Additionally, petitioner is proposing to store two (2) delivery vehicles inside the facility at night. See items #8-11 below.

Parking

8. 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."
9. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Every 300 sq. ft. of gross floor area retail space;
 - Each employee working on the largest shift; and
 - Each business vehicle stored on-site.
 - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided.
 - Minimum parking stall size is 9' x 18' and must be striped.
 - Each parking space must be paved with asphalt or concrete.
10. Therefore, according to Article 7.10, the number of off-street parking spaces required for the proposed use are as follows:
 - Retail Space (2,500 sq. ft.): 8 spaces
 - Employees on largest shift (5): 5 spaces
 - Business vehicles (2): 2 spaces
 - Disabled Persons spaces required: 1 spaces
 - TOTAL SPACES REQUIRED: 15 spaces
 - TOTAL SPACES PROVIDED: 21 spaces (2 inside building for delivery vehicle night-storage)
11. 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.

Comprehensive Plan

12. The 2013 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."
13. The 2013 Franklin Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that "more (industrial) land is needed to accommodate a variety of employer sites."

14. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. “The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses.”

15. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: “Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development.”

Zoning Ordinance

16. 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.
17. 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.

Surrounding Zoning:

North: IBD, Industrial: Business Development
IL, Industrial: Light

South: IBD, Industrial: Business Development

MXR, Mixed-Use: Regional Center

East: IBD, Industrial: Business Development

West: MXR, Mixed-Use: Regional Center

Surrounding Land Use:

North: Vacant (formerly Grand Rental Station storage)
Duke Energy

South: Metronet

Hash CPA Group

BMO Harris Bank

East: Complete Hydraulic

West: KFC Restaurant

ATI Physical Therapy

ZB 2016-13 (UV)

CRITERIA FOR DECISIONS – USE VARIANCE:

(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:

- 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 the approval of the use variance will not be injurious to the public health, safety, or general welfare of the community. All of the required parking will be provided on-site and petitioner will provide a safe and efficient traffic flow through the site. Moreover, the proposed use, albeit not permitted in the IBD district, has similar characteristics to both commercial (retail uses) and industrial (wholesale/distribution) uses; a situation specifically encouraged by the Comprehensive Plan Land Use Plan for this area.

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 adjacent properties would not be affected in a substantially adverse manner, as the general vicinity is comprised of a variety of commercial and industrial uses and staff finds the proposed use, retail and wholesale auto parts sales, is of similar nature and intensity to the uses permitted in this district. Therefore, the introduction of the proposed auto parts sales business 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 staff has found that with the relatively small size of the structure and property for industrial users, finding a permitted strictly-industrial user to operate from this facility would be difficult. Additionally, the location of the property in proximity to other retail businesses along U.S. 31 / N. Morton St. and to other small-scale industrial users along Commerce Drive, makes the site perfectly suited for a transition-type use, such as the proposed retail and wholesale auto parts sales use.

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 proposed use, retail and wholesale auto parts sales, is noticeably similar to other uses permitted by right in the IBD, Industrial Business Development zoning district. Furthermore, an unnecessary hardship would be placed on the current property owner, if the proposed semi-retail, semi-industrial use were denied for the property, due to the close proximity to U.S. 31 / N. Morton St. and other retail establishments in the area.

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

Staff Finding:

Staff further finds, that the granting of the use variance will not substantially interfere with the Comprehensive Plan. The area is identified as a Business Development Area in the Comprehensive Plan; the Comprehensive Plan states that in many instances the types of businesses in these areas are those that have both commercial and industrial qualities, including the use of outdoor storage and the operation of heavy equipment and machinery. Staff finds the proposed use to be substantially similar to both commercial and industrial uses.

STAFF RECOMMENDATION – USE VARIANCE

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

1. An application shall be submitted to and shall receive approval from 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.
2. All applicable Federal, State, and Local permits / approvals shall be obtained prior to construction / renovation, including but not limited to: State Construction Design Release, Local Building & Sign Permits, etc.

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3. All exterior modifications to the building and all signage shall comply with the Gateway Overlay District Standards and the City of Franklin Sign Standards.
4. A minimum of 21 parking spaces shall be provided onsite; of which, a minimum of 19 spaces shall be exterior to the building, on a paved and striped parking lot surface, with the remaining required spaces provided within the building for night-time storage of delivery vehicles.
5. The existing gravel / stone, as marked on the proposed site plan, shall be removed and grass shall be seeded and maintained, by October 31, 2016.

Exhibit A

City of Franklin – Board of Zoning Appeals

Use Variance

HDW Parts Express, LLC

*** Findings of Fact ***

Docket Number: _____

(1) General Welfare of the Community

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because : The proposed site plan, inclusive of the modified parking lot and interior drive, will provided safe and efficient traffic flow to the entire site. Petitioner is able to provide more than the required number of parking spaces.

(2) Development Standard prescribed by zoning ordinance.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The 2013 Franklin Comprehensive Land Use Plan identifies this area as Business Development. According to the district intent, “business development areas include product suppliers and are intended to serve as the permanent home of small scale businesses and incubators of new local companies.” The district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, start-up businesses, entrepreneurial operations and similar operations. Petitioner will be opening a “Napa” branded auto parts distribution business at the location. Distribution of auto parts will largely be commercial in nature with a smaller retail component. The proposed auto-oriented use is of a similar nature and intensity to the uses permitted in the district. Approval of the use variance will not be contrary to the zoning ordinance and will not permanently injure other property of uses in the vicinity.

(3) Peculiar Condition of the property.

The need for the variance arises from some condition peculiar to the property involved because: The sale and distribution of auto parts is not a permitted use in the Industrial Business Development District.

(4) Unnecessary Hardship

The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: If petitioner’s use variance is not approved, petitioner will not purchase the property resulting in lost employment and tax revenue for citizens of Franklin. Auto-oriented use does not drastically deviate from the development standard for this district.

(5) Comprehensive Plan

The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of Indiana Code (IC 36-7-4-500) because: The Comprehensive Plan states that in many instances the types of businesses in this area are those that have both commercial and industrial qualities, including light industrial processing and distribution. The proposed use of the property is substantially similar to industrial distribution in that the property will be used for distribution, in this case commercial auto parts distribution.

