



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: Alex Getchell, AICP, Senior Planner

Date: March 30, 2017

Re: Cases ZB 2017-05 (V) | First Financial Bank | 40 & 50 W. Branigin Rd.

REQUESTS:

Case ZB 2017-05 (V)...First Financial Bank. A request for consideration of a development standards variance from the City of Franklin Zoning Ordinance, Article 5, Chapter 4, to be permitted greater than 10 percent primary colors (21% on south façade and 22% on east façade), and a development standards variance from Article 7, Chapter 17, Buffering & Screening Standards (reduction of Buffer Yard Type-2 trees and setback along N. Morton St.), in the MXC: Mixed-use, Community Center zoning district and the Gateway-Overlay Zoning District. The property is located at 40 & 50 W. Branigin Rd., which is the northeast quadrant of the intersection of Branigin Rd and N. Morton Street.

PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

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

1. The Petitioner has submitted Site Development plans (PC 2017-10) for a new First Financial Bank branch on 1.16 acres of property in the northwest quadrant of the intersection of Branigin Rd and N. Morton St. [[Exhibit A: Landscape Plan 3/20/17](#)]
2. The proposed bank will have vehicular access from W. Branigin Rd, and will provide a stub drive to the currently vacant commercial lot to the north, between the subject property and Franklin Animal Clinic.
3. The proposed Site Development Plans have been reviewed by the entire Technical Review Committee, with comments provided and plan revisions having already been resubmitted. Site Development Plan approval cannot be completed without BZA approval of the above listed variances, or conformance with the development standards.

Gateway Overlay District – Exterior Building Colors

4. According to Article 5, Chapter 4 (Gateway Overlay District), Exterior Façade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary color. Such building trim and accent areas shall not exceed 10% of any single exterior wall area.
5. *Petitioner is proposing to exceed the 10% primary color maximum, and be permitted a combination of yellow and blue that equates to 21% of the south façade and 22% of the east façade.*
[See [Exhibit B: Architectural Elevations](#)]
6. Petitioner is proposing a yellow and blue accent area at the entrance to the building that will display the corporate branding colors.
7. Petitioner originally proposed the corporate prototype façade with significantly more primary color area; however, petitioner has worked with staff since early on to reduce the amount of primary color area as much as possible, while still balancing the corporate branding needs, their desire for an attractive building, as well as, meeting all of the other Gateway Overlay District architectural standards.

Buffering and Screening Standards

8. According to the City of Franklin Zoning Ordinance, Article 7, Chapter 17, the developer or owner of the property being developed is responsible for providing a Buffer Yard Type 2, at the time of that development or change, when the development occurs on an MXC: Mixed-use, Community Center zoned property that abuts an IG: Industrial General zoned property.
9. According to Article 7, Chapter 17, the required buffer yards shall be installed despite the presence of streets, alleys, streams and other features separating property lines in conflicting zoning district.
10. According to Article 7, Chapter 17, a Buffer Yard Type 2 shall include a minimum setback of 20 feet, in addition to the yard setback, and one (1) broad-leaf deciduous canopy tree or two (2) evergreen conifers shall be planted in the buffer yard for every 25 feet of boundary between the properties.
11. Petitioner's property has 178 linear feet of boundary between the IG zoned property, on the other side of N. Morton St. / U.S. Hwy 31; therefore, **a minimum of seven (7) broad-leaf deciduous canopy trees are required** to be provided within a **buffer yard setback of 20 feet**, on the east side of the property.
12. *Petitioner's are requesting approval to provide only two (2) broad-leaf deciduous canopy trees and two (2) evergreen conifers, and to not to provide the full 20 foot buffer yard setback along N. Morton St.*
[See [Exhibit C: Site Plan](#)]
13. During review of the variance application, staff discovered the petitioner's proposal does not provide the full buffer yard setback of 20 feet along N. Morton St. This was an oversight by staff, during the technical review committee process, but has been added to their request after public notification was provided.
14. The additional buffer yard setback reduction variance is from the same subsection of the Zoning Ordinance as the reduction in number of buffer yard trees.

Comprehensive Plan & Zoning Ordinance

15. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."

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. 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.
18. The surrounding zoning and land uses are as follows:
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| Surrounding Zoning: | Surrounding Land Use: |
| North: MXC: Mixed-use, Community Center | North: Vacant Lot / Franklin Animal Clinic |
| South: MXC: Mixed-use, Community Center | South: Funeral Home |
| RSN: Residential, Suburban Neighborhood | Single-family residential |
| East: IG: Industrial, General | East: Carter Lumber |
| West: MXC: Mixed-use, Community Center | West: Single-family residential / Church |

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 – DEVELOPMENT STANDARDS VARIANCES

- 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 proposed variance will not be injurious to the public health, safety or general welfare of the community. While the proposed primary color accent areas will exceed the allowed percentage, staff finds that the overall square footage and colors chosen for the accent areas will not overwhelm the general vicinity, nor will the colors be injurious to the general welfare in any way. Additionally, staff finds that a reduction in buffer yard setback and number of trees will not be injurious to the public health, safety, moral, or general welfare, as the developing use is the lesser intensity use than the Industrial use it is buffering. Furthermore, a reduction in trees and greater visibility of the building will provide additional security for bank operations.

- 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 finds that the use and value of adjacent properties will not be affected in a substantially adverse manner. While the proposed primary color accent areas will exceed the allowed percentage, staff finds that the overall square footage and colors chosen for the accent areas will not overwhelm adjacent properties, nor will the colors have a substantially adverse impact on the use or value of adjacent properties. Additionally, staff finds that a reduction in buffer yard setback and number of trees will not substantially impact adjacent properties, as the developing use is the lesser intensity use than the already developed lumber yard. Furthermore, while

the ordinance does not grant leniency for buffer yards when streets separate incompatible uses, staff recognizes that N. Morton St. / U.S. Hwy 31, a divided highway, provides additional separation and buffer distance between the properties. Therefore, staff finds the use and value of adjacent properties 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 result in practical difficulties for each variance requested. Due to the size of building the petitioners are proposing, the ten percent primary color allowance results in an impractically small square footage for petitioner to apply their corporate branding to the building. Staff finds the petitioner has proposed the least intrusive primary color accent areas possible, without impractically altering the corporate branding, and with no measurable harm to the general welfare or adjacent properties. Staff further finds there are practical difficulties for the petitioner in providing the required buffer yard setback and number of trees along N. Morton St., as petitioners are not permitted to place the sidewalk nor street trees within the right-of-way of U.S. Hwy 31. Additionally, petitioners are impeded from moving the improvements further west on the property, by an existing sanitary sewer line and utility easement. Furthermore, the petitioners are the lesser intensity use and are choosing to locate across from the already developed lumber yard; any potential detriment caused by a reduction of the buffer yard requirements would be felt by the petitioners, alone. Therefore, staff finds the strict application of the ordinance will result in practical difficulties.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

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