

## **MINUTES**

### **City of Franklin, Indiana BOARD OF ZONING APPEALS**

**September 5, 2018**

#### **Members Present**

Jim Martin  
Phil Barrow  
Richard Martin  
Charlotte Sullivan

Chairman  
Vice Chairman  
Secretary  
Member

#### **Others Present**

Alex Getchell  
Lynn Gray  
Julie Spate

Senior Planner I  
Legal Counsel  
Recording Secretary

#### **Call to Order**

Jim Martin called the meeting to order at 6:00 pm.

#### **Roll Call & Determination of Quorum**

#### **Approval of Minutes**

Richard Martin made a motion to approve the August 1<sup>st</sup> minutes. Phil Barrow seconded the motion. The motion passed, unanimously, 4-0.

#### **Swearing In**

Lynn Gray swore en masse anyone planning to speak.

#### **Old Business**

None.

#### **New Business**

##### **ZB 2018-12 (SE) – AMayZING Food & Beverage**

Alex Getchell presented the request for a Special Exception from the Zoning Ordinance Article 3, Chapter 22, to allow a food and beverage production use in the Industrial Light zoning district. The property is located at 40 Linville Way and is approximately 13.1 acres.

Ms. Gray explained Charlotte Sullivan's relationship to this project as a Linville relative. Ms. Gray stated Ms. Sullivan's father no longer owns the property and has no vested interest in the outcome of the petition, nor does Ms. Sullivan, so she does not have any conflict of interest or any direct financial interest in the outcome of the petition.

Chris King represented AMayZING Food & Beverage and their interest in the shell building project. TMr. King stated they plan to take the current 50,000 square feet and expand it to 100,000 or 130,000 square feet. He stated the site plan has been submitted and some parking identified. It will be a beverage production facility, completely self-contained, that will roast, grind, brew and bottle coffee. All dust and noise emitted from processes within the facility will be completely contained within the facility. Any noise generated within the facility will be consistent with typical light manufacturing and will be consistent with other uses within the zoning district. He stated there will be no outside storage. Mr. King stated warm air and water vapor may be emitted from the facility, and the facility will comply with all air permitting limits established by the Indiana Department of Environmental Management. There are no environmental concerns with any discharge and it will be consistent with the hundreds of coffee roasters in operation throughout the United States. Mr. King stated AMayZING Food and Beverage will go to great lengths to produce an environmentally conscious product, which is consistent with the company's mission. Roasting and brewing of coffee will produce the pleasant smell of brewing coffee. Most all the smell will be contained within the building. It is anticipated that any smell leaving the facility will dissipate to negligible levels.

Mr. King addressed the Decision Criteria:

General Welfare: Mr. King stated it will not be injurious as there is nothing inconsistent with what would be within this zoning district. It won't affect any adjacent properties. All chemical vapors, dust and noise will be completely contained within the building. All required environmental standards will be complied with. Ms. Gray asked if this manufacturing is under IDEM authority for monitoring. Mr. King was not sure if they would be required to submit for an air permit. He stated they will work with the waste water treatment plant and FDA approvals will have to be secured as a food grade facility.

Development Standards: Mr. King stated they intend to comply with all standards and have no plans to submit for any other variances. Loading berths on the south side of the building was previously approved.

Ordinance Intent: Mr. King stated it will look like every other industrial facility from the outside.

Comprehensive Plan: Mr. King stated it is consistent with the Comprehensive Plan as production.

Chairman Martin opened the public hearing by asking if there was anyone wishing to speak for or against the petition. No one came forward.

Ms. Gray asked what happens with any waste disposed of. Mr. King stated coffee grounds, as their primary waste, can be applied as fertilizer or mixed with animal feed. He stated they are evaluating working with local schools to pelletize the coffee and then use as a fertilizer and offer to groups to sell as fund raisers locally. Rev. Martin asked when the decisions will be made to take ideas and possibilities to something definite. Mr. King stated the company has made it clear their desire to work with the community to dispose of it in an environmentally sound way. Ms. Gray highlighted air (EPA), water (DPW) and on-site storage (IDEM) have all been addressed by Mr. King.

Rev. Martin asked about truck traffic. Mr. King assured there would no issue with access to the site as it is an industrial area.

Chairman Martin asked for staff's recommendation.

Mr. Getchell stated staff's recommendation is for approval with four conditions:

1. Special exception approval for a food and beverage production use shall run with the property, but approval is limited to the production of coffee, including the roasting, grinding, brewing, and bottling of coffee, at the subject property.
2. The total number of employees on the largest shift, including shift overlap, must never exceed the parking spaces provided, in accordance with the Zoning Ordinance Parking Standards; 50 employees on one shift are planned for initial operation.
3. Site Development Plan Review and approval is required prior to construction or modification of any site features associated with the proposed expansion.
4. All applicable Federal, State, and Local permits and approvals shall be obtained and sustained in a satisfactory manner.

Mr. King stated the petitioner's acceptance of these conditions.

Mr. Barrow made a motion to approve ZB 2018-12 (SE) with the staff recommendations. Ms. Sullivan seconded the motion. The motion passed, unanimously, 4-0.

#### **ZB 2018-13 (V) – Hampton Inn & Suites**

Mr. Getchell introduced the request for Hampton Inn & Suites at 361 Paris Drive. They requested six developmental standards requests.

- 1.) Article 3, Chapter 19, to allow the construction of a primary structure to exceed the maximum structure height of 45 feet (58'-0" requested);
- 2.) Article 5, Chapter 4, to allow the main entrance of the primary structure to not be located on a façade wall that fronts a public street;
- 3.) Article 5, Chapter 4, to allow EIFS as an exterior material in the GW-OL: Gateway Overlay district, specifically for the east and west ends of the building where 38% and 39% is requested. Mr. Getchell stated the Planning Director has the authority to allow certain materials that aren't listed but are comparable to approved materials. EIFS is one where historically the Planning Director has allowed up to 30% on any given façade wall. The overall property has 25% EIFS for the entire building.
- 4.) Article 7, Chapter 3, to allow an accessory structure (dumpster enclosure) to be located in a front yard. Because it is a double frontage lot, the front yard is between the front of the structure and Interstate 65.
- 5.) Article 3, Chapter 19, to allow a reduction of the front setback, for the dumpster enclosure to encroach approximately 13 feet into the front yard setback along Interstate 65. The requirement is for a 50' setback; and
- 6.) Article 7, Chapter 3, to allow a reduction of the side yard setback for accessory structures, for the dumpster to encroach approximately 3.4 feet into the side setback along the north property line. Mr. Getchell stated they are also required to provide a buffer yard setback of 20', which they are providing. They are requesting a reduction of the additional 5 foot side yard setback for the dumpster enclosure. They will provide 21.6 feet setback from the north property line.

Nick Sprague as corporate counsel gave an overview of the project. There is a parapet around the roof of the building to screen mechanical equipment. The highest point is the tower at 58'. The remainder of the parapet is well below that. It won't be injurious to general welfare since the roof itself is beneath the code and the parapet is to protect. Adjacent property owners will be helped by not being able to

see the equipment. There is a practical difficulty in that mechanical equipment can be 10' above the maximum height, per code, but can't be screened by a parapet wall, which is also required.

Mr. Sprague stated there is a practical difficulty as the main entrance can't be located anywhere else than what the petitioner plans for. It won't be injurious to the general welfare as it will be easier for them to navigate to the hotel entrance. Adjacent properties will be helped by easier maneuverability for traffic.

Mr. Sprague stated, in general they have a much lower amount of EIFS than approved for the area, such as the Fairfield Inn and Suites. They are using upgraded materials throughout the rest of the building.

Mr. Sprague stated there was no better place on the property to locate the dumpster enclosure. They will use nice brick and gating.

Mr. Sprague stated they worked throughout to stay in compliance with the plan, especially the thoroughfare plan.

Chairman Martin opened the public hearing by asking if there was anyone wishing to speak for or against the petition. No one came forward.

Ms. Gray confirmed the practical difficulty for three of the variances being that the front of the hotel would technically have to face Interstate 65. Two of the others are for the dumpster enclosure along I-65, with that being a front yard and the larger front yard setback. The last is for the additional height of the parapet tower screening the rooftop mechanicals.

Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval with two conditions.

- a. EIFS must not to exceed 38 percent of the east side, 39 percent of the west side, nor 25 percent of the overall exterior material of the building.
- b. Plan Commission approval to modify the primary plat related to the reduction of setbacks around the dumpster enclosure.

Mr. Sprague stated that the conditions were acceptable.

Ms. Sullivan made a motion to approve ZB 2018-13 (V) with the staff recommendations. Mr. Barrow seconded the motion. The motion passed, unanimously, 4-0.

### **Other Business**

#### **Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 3rd day of October, 2018.

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Jim Martin, Chairman

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Rev. Richard Martin, Secretary