

October 2, 2019

To: Franklin City Planning Department

Reference: BZA Filing for a Use Variance and a Request for Relief from Developmental Standards

Property: 191 Commerce Drive, Franklin, Indiana 46131

Legal: Franklin Commerce Park Lot #18

Current Owners: R & J Real Properties, LLC, 311 Habig Street, Shelbyville, Indiana 47176

Current use: Vacant

Zoning: IBD

Applicant: Cord Commercial Enterprises, LLC

Request Use: NAPA Auto Parts Sales Showroom and Auto Parts Storage

My name is Fred Paris. I am a commercial real estate broker representing both parties to this request. I have met with planning staff a couple of times over the past month or so to discuss potential tenants for this property. The original building that was on this location burned a couple of years ago. The new building was built by the current owners with the intent of leasing it to multiple tenants. We have had several potential tenants who wanted to lease part or all of the building.

One was for light manufacturing that would be allowed in IBD, but needed more outside storage and had too many employees for current available parking.

Another wanted to lease five bays for an HVAC business, but had 10 service vehicles.

In discussing this area with the city, several of the current businesses on Commerce Drive from US 31 to Graham Road use and have used these buildings for some type of retail/warehouse combination. For instance, Metronet: sales office and service center, and Complete Hydraulics: auto parts and truck rental, printing and specialty sales.

I was recently contacted by NAPA Auto Parts looking for a new site in Franklin. They have been in Franklin for many years in different locations. They would love to be on US 31 with 6,000 Square Feet of space, but there is just no space available at this time. Originally they wanted to lease only about 6,000 Square Feet of this property, but after discussion with the City Planning Department attempting to split this property into multiple tenant spaces would create too many issues with parking and business separation fire walls.

Therefore, NAPA has agreed to lease the entire building using the front of the building for an auto part showroom; which is the reason for requesting the use variance as retail sales is not listed as an allowed use in this zone without a variance. The balance of the building would be used for warehousing which is allowed in the IBD zone under article 3.21

Thus, we are filing for a use variance.

Item # 2 is a request for relief from developmental standards to allow the owner to install parking space in front of the building. The request is for relief from the Parking lot perimeter requirements under Article 7 Chapter 16. Applicant is requesting relief from the 10 foot landscaping requirement under 7.16

Answers to the five questions for the use variance and lot coverage under Article 3 Chapter 21:

- A. General Welfare: The approval will not be injurious to the public health, safety, morals and general welfare of the community.

**The request of the subject variance to allow for retail sales is very much in line with the majority of the businesses in the subject area, several of which most likely do, or should have, similar variance approvals.**

- B. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

**As noted in answer A above, several of the area businesses operate sales and services and the subject business will enhance the area by not requiring outside storage or security type fencing.**

- C. Peculiar Conditions: The need for the variance arises from some condition peculiar to the property involved.

**When this area was developed as an IBD zone, it appeared to be a great place for small manufacturing businesses to locate. However, the lot sizes of this particular development make it very difficult for today's modern companies with needs for outside storage and employee parking to fit in this zone. Therefore, this high traffic area with small lots often meets the needs of retail and service businesses, but zoning use requirements and development standards often make it necessary to seek variances for property use, lot coverage, and parking. It may be that at some point and time a zoning change for the area of additional allowed uses could be considered.**

- D. 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.

**As noted in answer C above, the small lots and general location adjacent to the US 31 corridor and along the main traffic thoroughfare from US 31 to I-65, plus the lot size and requirements under IBD, if strictly enforced without the ability to receive use and developmental variances greatly diminishes the ownership value and potential esthetic value of this major thoroughfare as the city has developed, thereby creating a hardship on the property and a potential negative result for the long term value to the community.**

- E. Comprehensive Plan: The approval does not interfere substantially with the Comprehensive Plan.

**As noted by planning document developers whenever comprehensive plans are put together, they are to be considered living, breathing documents; allowing for use of variances, and over time changes, to better reflect where a community is and where it is wanting to go. In the case of this request, we believe that time has already shown that this type of use fits the area, and that continuing to approve such variance requests fits within the comprehensive plan and considering either zoning changes or updating allowable uses may be worth considering.**

Answers to the three questions for Variance from Development Standards.

- A. General Welfare: The approval will not be injurious to the public health, safety, morals and general welfare of the community.

**Request for relief from developmental standards under 7.16 Parking Lot Perimeter Landscape Requirements would allow the Applicant to install up to 10 additional parking spaces in front of the building and the road right of way. Applicant's agent and planning staff considered a request to reduce drive lanes width. However after discussion agreed that requesting relief from the landscape requirement would allow the parking spaces and interior drive lanes to meet code. Applicant will further agree to reduce additional spaces to 8 using two of the spaces on the east end for additional landscaping to enhance the roadway landscape aesthetics. We belief that approval would not have any adverse effect on item A above.**

- B. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

**From a visit to either Johnson County GIS or Google Maps, it is clear that many of the businesses in this area have added parking between the front of their buildings and the roadway, and that some of them appear to have little or no landscape installed. Thus, we do not feel that approval of this request would affect the values in any negative manner.**

- C. Practical Difficulty: The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor based on perceived reduction of, or restriction on economic gain.

**When this area was developed as an IBD zone, it appeared to be a great place for small manufacturing businesses to locate. However, the lot sizes of this particular development makes it very difficult for today's modern companies with needs for outside storage and employee parking to fit in this zone. Therefore, this high traffic area with small lots often meets the needs of retail and service businesses, but zoning use requirements and development standards often make it necessary to seek variances for property use, lot coverage, and parking. It may be that at some point and time a zoning change for the area of additional allowed uses could be considered. In this case, the need for parking spaces to meet the ordinance for employees and customers creates the need to somehow add some parking, allowing the landscape trade off would allow the user of the property to meet or exceed the ordinance requirement of overall landscaping requirements.**