



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 28, 2020

Re: Cases ZB 2020-02 (V) | 180 Bartram Pkwy | Sunbeam FTP, LLC

REQUESTS:

Case ZB 2020-02 (V)...180 Bartram Parkway. A request for a Developmental Standards Variance from the City of Franklin Zoning Ordinance, Article 7, Chapter 15, Fence Standards, to allow fences in required front yard setbacks, in the IL: Industrial, Light zoning district. The property is the future site of Energizer and DHL, and is located at 180 Bartram Parkway.

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.

CONSIDERATIONS:

1. The subject property, approximately 63.5 acres, was recently developed by Sunbeam FTP, LLC, the petitioner, as a “Spec Building,” 933,000 sq. ft. in size.
2. Energizer and DHL recently announced their plans to occupy the building; in order to accommodate the tenants, petitioner is modifying the site.
3. Sunbeam FTP, LLC, Petitioner, submitted Site Development Plans for review by the Technical Review Committee, related to changes to the interior drives, on-site traffic routing/control, guard house, and fencing. [See [Exhibit A: Site Plans](#)]
4. The site plans were reviewed by the full Technical Review Committee at the January 23, 2020 meeting. An official review letter was provided January 24, 2020, listing only minor necessary revisions.
5. Approval of the Site Development Plans cannot be completed without approval of the proposed variance, or full compliance with the fence standards.

Non-residential Fence, Hedge, & Wall Standards

6. According to Article 7, Chapter 15, Part 3: These Non-residential Fence, Hedge, & Wall Standards apply to the Mixed-Use, Institutional, and Industrial zoning districts:
 - A. **Height Requirements:** Fences, hedges, and walls shall not exceed 8 feet in height and shall be prohibited in any required front yard setback.

- B. **Prohibited Fences:** All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm property. Industrial uses and penal and correctional facilities shall also be exempt from this standard.
7. Variance: *Petitioner requests approval to be allowed to place a 6' black vinyl chain link fence within required front setbacks along the west (Interstate-65) and north (State Road 44) sides of the property.*
 8. The subject property is a triple-frontage lot, with three front yards, and three required front yard setbacks:
 - A. West – along Interstate-65: 50 foot setback
 - B. North – along State Road-44: 50 foot setback
 - C. East – along Bartram Pkwy: 40 foot setback
 9. According to Article 7, Chapter 15, Fence Standards, petitioner is not permitted to locate any portion of their fence within any of the front setbacks outlined above, in Item 8.
 10. Petitioner proposes for the fence to enclose the entire the entire building, all parking areas, all truck storage areas, and interior drives. [See [Exhibit A: Site Plans, page 4 – C200](#)]
 11. The proposed fence would encroach into the Interstate-65 front yard setback in the SW corner of the property in two locations [See [Exhibit B: Fence Layout Enlarged](#)]
 12. The proposed fence would encroach into the State Road-44 front yard setback across the width of, and offset 6' north of, the interior drive on the north end. [See [Exhibit B: Fence Layout Enlarged](#)]
 13. The proposed fence would NOT encroach into the Bartram Pkwy front yard setback.

Comprehensive Plan & Zoning Ordinance

14. 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.”
15. 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.
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. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IL: Industrial, Light
South: IL: Industrial, Light
East: MXR: Mixed-use, Regional Center
IL: Industrial, Light
West: MXR: Mixed-use, Regional Center
IL: Industrial, Light
IN: Institutional

Surrounding Land Use:

North: SR-44; Agricultural Crop Field
South: Cooper Tires
East: AISIN
Forest Preserve
West: Interstate 65
Mixed commercial uses (hotels, storage, office uses)
Johnson County Armory

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 variances will not be injurious to the public health, safety or general welfare of the community, as petitioner's proposal represents the least encroachment practical, while still enclosing their entire facility.

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 approval of the proposed variances will not adversely affect the use or value of adjacent properties, as the areas where the fence would encroach into the required front setbacks, are along Interstate-65 and State Road-44, where adjacent properties are farther away and unimpacted by the reduced fence setback.

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:

Staff finds the strict application of the ordinance will result in a practical difficulty in the use of the property, as petitioner could not completely enclose the interior drives, parking areas, and truck storage areas within a fence, without the fence encroaching into the front setbacks, as they have proposed. Moreover, petitioner's proposal represents the least encroachment practical, while still enclosing their entire facility.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

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

- a. The fence must be constructed as shown on the site plan marked "File Copy – Received December 16, 2019" and the construction of the fence shall be black vinyl coated chain link fence six-feet in height.
- b. Chain link slats shall not be permitted to be used within a required front setback.