



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: July 31, 2020

Re: Cases ZB 2020-11 (UV) | 100 International Dr | Farm Credit Mid-America

REQUESTS:

Case ZB 2020-11 (UV): A request for Use Variance from the City of Franklin Zoning Ordinance Article 3, Chapter 23, to allow an office use (bank/financial institution), in the IG: Industrial, General zoning district, and the Gateway Overlay District. The subject property is located at 100 International Drive and is 1.66 acres in size.

PURPOSE OF STANDARD:

The “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

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.

ZONING:

Surrounding Zoning:

North: IG: Industrial, General

South: IG: Industrial, General

East: IG: Industrial, General

West: MXC, Mixed-use: Community Center

North, East, South & West: GW-OL: Gateway Overlay

Surrounding Land Use:

North: Professional Office

South: Carter Lumber

East: Summer’s Plumbing Heating & Cooling

West: Beck Automotive (Auto repair)

CONSIDERATIONS:

1. Farm Credit Mid-America, Petitioner and long-time financial institution, located at the subject property at 100 International Drive, is proposing to demolish their existing structure and site, and construct a new building and site. Petitioner wishes to solely occupy the proposed ~5,150 sq. ft. structure.
[See [Exhibit A: Planting Plan](#), [Exhibit B: Site Plans](#) & [Exhibit C: Building Elevations](#)]
2. The current use of the property (office: financial institution) is considered a legal nonconforming use, as the zoning of the property (IG: Industrial General) was changed after the use of property was established on-site, and a financial institution is not permitted in the IG District. *Petitioner wishes to continue the same business on-site.*

3. According to Article 10, Chapter 4, Nonconforming Uses:
 - A. **Legal Nonconforming Uses:** Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use.
 - B. **Continuation of Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:
 1. Modification of Structures: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Section 10.4(B)(5).
 2. New Structures: No new structure shall be constructed in connection with an existing legal nonconforming use of land.
4. Office Use is defined as “Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.”
5. Bank/Financial Institution is listed as an Office Use per the land use table in Article 3.2, and is listed as a *non-permitted use* in the IG (Industrial: General) zoning district.
6. Office Use (including Bank/Financial Institution) 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.
7. Office Use (including Bank/Financial Institution) is listed as a special exception use in the MXN (Mixed Use: Neighborhood Center) zoning district.
8. Use Variance: *Petitioner is requesting a variance of use to be permitted to operate an office use (bank/financial institution) in the IG: Industrial, General zoning district.*

Parking

9. 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.”
10. According to Article 7, Chapter 10, Parking Standards:
 - A. A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 1. Every 250 sq. ft. in a bank;
 2. Each employee working on the largest shift; and
 3. Each business vehicle stored on-site.
 4. At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided.
 - B. Minimum parking stall size is 9’ x 18’ and must be paved with asphalt or concrete & striped.
11. Therefore, according to Article 7.10, the number of off-street parking spaces required for the proposed use are as follows:
 1. Bank Square footage (~5,150 sq. ft.): 21 spaces
 2. Employees on largest shift (7): 7 spaces
 3. Business vehicles (0): 0 spaces
 4. Disabled Persons spaces required: 2 spaces
 5. TOTAL SPACES REQUIRED: 28 spaces
 6. TOTAL SPACES PROPOSED: 28 spaces

12. At least two (2) spaces 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

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Manufacturing. "Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include product manufacturers, as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas."
14. 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."
15. 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."

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.

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. The proposed use, albeit not permitted in the IG district, is already occurring on the site as a legal nonconforming use. Petitioner is requesting to demolish and reconstruct a facility that will have an appearance and function very similar to the existing. Moreover, all of the required parking will be provided on-site and petitioner will provide a safe and efficient traffic flow around the building and through the site. Furthermore, the N Morton St/US Hwy 31 corridor is characterized by a variety commercial, retail, professional office uses, and banks; therefore, approval of the proposed use variance, to allow the professional office/financial institution use to continue at the subject property, will not be injurious to the general welfare of the community and general vicinity.

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 proposed use, albeit not permitted in the IG district, is already occurring on the site as a legal nonconforming use. Petitioner is requesting to demolish and reconstruct a facility that will have an appearance and function very similar to the existing. Moreover, all of the required parking will be provided on-site and petitioner will provide a safe and efficient traffic flow around the building and through the site. Furthermore, the N Morton St/US Hwy 31 corridor is characterized by a variety commercial, retail, professional office uses, and banks; therefore, approval of the proposed use variance, to allow the Farm Credit Mid-America use to continue at the subject property, will not substantially affect the use and value of adjacent properties.

3. ***Peculiar Situation: 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 the relatively small size of the property, at just 1.66 acres, is smaller than the minimum permitted lot size for a new IG: Industrial General development. As such, the size of the property is not conducive for Industrial General users; therefore, finding a permitted strictly-industrial user to operate from this property would be difficult, if not unlikely altogether. Additionally, the use variance request is born of the fact that the petitioner has been legally operating from this property and now wishes to construct a new facility. Moreover, the proposed facility and use will have an appearance and function very similar to the existing site.

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 relatively small size of the property, at just 1.66 acres, is smaller than the minimum permitted lot size for a new IG: Industrial General development. As such, the size of the property is not conducive for Industrial General users; therefore, finding a permitted strictly-industrial user to operate from this property would be difficult, if not unlikely altogether.

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

Staff Finding:

Staff finds the granting of the use variance will not substantially interfere with the Comprehensive Plan. The property is included in a Manufacturing Area in the Comprehensive Plan; however, directly across N Morton St/US Hwy 31, and for most of the length the N Morton St corridor, the Comprehensive Plan recommends Community Activity Center land uses. The proposed use is complimentary to Community Activity Center land uses; therefore, staff finds the approval will not substantially interfere with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE

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

1. Use variance approval is for an office use (financial institution) and approval is limited and runs with the applicant, Farm Credit Mid-America, at the subject property, 100 International Drive.
2. While the use variance remains active and in effect on the property, no other business or business use is permitted on the property, except those clearly accessory to the primary use, as approved.
3. All applicable Federal, State, and Local permits / approvals shall be obtained prior to construction, including but not limited to: State Construction Design Release, Local Building & Sign Permits, etc.
4. A minimum of twenty-eight (28) parking spaces shall be provided onsite.