



## 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:** November 19, 2020  
**Re:** Case ZB 2020-15 (SE) Shelby Gravel, Inc

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### REQUEST:

**Case ZB 2020-15 (SE)...Shelby Gravel, Inc.** A request for Special Exception Use to allow a concrete/asphalt production facility, in the IG: Industrial General zoning district. The property is located on the southeast corner of N Graham Rd and Commerce Pkwy.

### 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.

### ZONING:

#### Surrounding Zoning:

North: IL: Industrial, Light  
South: IG: Industrial, General  
East: IG: Industrial, General  
West: IL: Industrial, Light  
IBD: Industrial, Business Development

#### Surrounding Land Use:

North: Premium Composite Technology  
South: Berry Plastics  
East: Indiana Hydraulic Equipment Corporation  
West: 84 Lumber, Kid City Daycare, Mini-warehouse storage

### CONSIDERATIONS:

1. Petitioner, Shelby Gravel, Inc., is proposing to develop a concrete production facility on the 15.93 acre subject property, on the southeast corner of N Graham Rd and Commerce Pkwy.  
[See [Exhibit A: Conceptual Plan](#) & [Exhibit B: Building Examples](#)]
2. Shelby Gravel has operated a concrete production facility in the City of Franklin, at 451 Arvin Dr, since 1994. Petitioner proposes to relocate their operation to the subject property, with all new towers and conveyors. [See [Exhibit C: Schematics](#)]
3. A concrete/asphalt production facility is defined as: “A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.”
4. A concrete/asphalt production facility use is listed as a special exception use in only the “IG,” Industrial, General zoning district. A concrete/asphalt production facility is NOT listed as a permitted use in any district. *Petitioner is requesting a Special Exception for a concrete production facility at the subject property, which is zoned IG: Industrial General.*

## Parking Standards

5. According to Article 7, Chapter 10, Parking Standards, Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance: 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 nonconforming 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.
6. According to Article 7, Chapter 10, Parking Standards:
  - Space Requirements: A minimum of **1 off-street parking space is required for every 250 square feet in any administrative or professional business office** (rounded to the nearest complete space). Staff has interpreted this requirement to only include areas available to the public, excluding storage areas, restrooms, and areas limited to employees-only.
  - Space Requirements: A minimum of **1 off-street parking space is required for every employee working on the largest shift.** Petitioner claims the facility will employ 24 employees, 21 of which would be truck operators.
  - Space Requirements: **One (1) off-street parking space is required for every business vehicle** stored on-site. *Petitioner claims there will be 21 trucks stored on the property.*
  - Parking of the Disabled:
    - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided; OR
    - Equal one (1) space for every handicap-accessible dwelling unit, whichever is greater; AND
    - Must be 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.
  - Minimum parking stall size is 9' x 18' and must be striped.
  - Each parking space must be paved with asphalt or concrete.

## Comprehensive Plan & Zoning Ordinance

7. 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."
8. 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.
9. Article 11, Chapter 4 states "Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated (consistent with Section 2.5(L))."
10. Article 11, Chapter 4 states "A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception."

## **CRITERIA FOR DECISIONS – SPECIAL EXCEPTION:**

**(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements outlined in Article 11.4 of the Zoning Ordinance. The Board may grant a special exception of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.2) that:

### **DECISION CRITERIA – SPECIAL EXCEPTION**

- 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 approval of the special exception, for a concrete production facility, will not be injurious to the public health safety, morals, and general welfare of the community, as the general vicinity is primarily characterized by manufacturing uses, the proposed special exception use is already contemplated in the IG: Industrial General zoning district, and petitioners intend to meet the required development standards. Moreover, the proposed use for the property meets the Zoning Ordinance's stated intentions for the IG zoning district, including: "provide(ing) 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." Approval of the proposed special exception will support industrial retention and expansion in Franklin, as well as, allow the use on property with minimal land use conflicts.

- 2. Development Standards: The requirements and development standards for the requested use as prescribed by the Zoning Ordinance (will or will not) be met.***

#### **Staff Finding:**

Petitioner has only submitted conceptual plans at this time; however, petitioner stated they intend to meet all other applicable development standards, including the number of required parking spaces, landscaping requirements, building height, etc.

- 3. Ordinance Intent: Granting the special exception (will or will not) be contrary to the general purposes served by the Zoning Ordinance, and (will or will not) permanently injure other property or uses in the same zoning district and vicinity.***

#### **Staff Finding:**

Staff finds approval of the special exception, for a concrete production facility, will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity, as the general vicinity is primarily characterized by manufacturing uses, the proposed special exception use is already contemplated in the IG: Industrial General zoning district, and petitioners intend to meet the required development standards. Moreover, the proposed use for the property meets the Zoning Ordinance's stated intentions for the IG zoning district, including: "provide(ing) 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." Approval of the proposed special exception will support industrial retention and expansion in Franklin, as well as, allow the use on property with minimal land use conflicts.

- 4. Comprehensive Plan: The granting of the proposed use (will or will not) be consistent with the character of the zoning district in which it is located, and (will or will not) be consistent with the Franklin Comprehensive Plan.***

#### **Staff Finding:**

The granting of the special exception will be consistent with the character of the IG zoning district and will be consistent with the Comprehensive Plan's designation of this area as a Manufacturing area. The IG district

and the Comprehensive Plan Land Use Plan both intend for this area to be allocated for manufacturing land uses that would otherwise have significant land use conflicts in other areas of the City. The IG district is the only district that permits concrete production facilities, by Special Exception approval; therefore, staff finds the granting of the Special Exception will be consistent with the IG zoning district and Comprehensive Plan.

**Please Note:** The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

#### **STAFF RECOMMENDATION – SPECIAL EXCEPTION**

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

1. Special Exception approval for a concrete production facility use is limited to, and runs with Shelby Gravel, Inc., at the subject property.
2. A minimum of one (1) off-street parking space is required to be provided for every 250 square feet of office space available to the public, rounded to the nearest space, excluding storage areas, restrooms, and areas limited to employees-only.
3. A minimum of twenty-four (24) off-street parking spaces are required to be provided for employees.
4. A minimum of twenty-one (21) off-street parking spaces are required to be provided for concrete mixer trucks (business vehicles) stored on-site.
5. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, Site Development Plan review and approval, and compliance with all building, fire, and health codes.