



## 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 24, 2021

**Re:** Cases ZB 2021-20 (UV/V) | Patriot Products, LLC

### REQUESTS:

**Case ZB 2021-20 (UV/V) Patriot Products:** A request by Patriot Products, LLC/Franklin Tech Park Ventures, LLC, for a Variance of Use to allow an indoor shooting range in the IG: Industrial, General zoning district, and two Developmental Standards Variances from the City of Franklin Zoning Ordinance, 1.) Article 7, Chapter 17, Buffering & Screening Standards, to allow the outdoor storage area to not be screened on two sides (south & west) by a 100% opaque fence of wood, brick, or stone construction, and 2.) Article 7, Chapter 10, to allow the outdoor storage area surface to be stone, instead of paved with asphalt or concrete. The subject property is located on the south side of Earlywood Drive, immediately east of the railroad tracks, and is approximately 36.74 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.

### ZONING:

#### Surrounding Zoning:

North: IG: Industrial, General

South: IL: Industrial, Light

East: IBD: Industrial, Business Development

West: IG: Industrial, General

#### Surrounding Land Use:

North: Essex Group; Reese Wholesale

South: Agricultural crop field

East: G&H Orthodontics, Magnolia Boutique, Heartland, Impact Christian Church

West: Earl Gray & Sons Plumbing, Drainage Solutions, Caterpillar

### CONSIDERATIONS:

#### Proposed Use

1. Patriot Products, LLC, Petitioner, requests Use Variance approval to allow a portion of the proposed 26,400 sq. ft. building to be used as a multi-lane (10-20 lanes) flat range indoor gun range at the subject property. The remainder of the facility would be utilized for manufacturing customized range & training products for military and law enforcement. Petitioner is also proposing a second 100,000 sq. ft. cold-storage building on-site. [See [Exhibit A: Simple Site Plan](#); [Exhibit B: Statement of Intent](#); and [Exhibit C: Detailed Site Plans](#)]
2. Petitioner currently operates a 6-lane indoor shooting range at 3022 Hudson St. [ZB 2015-04 (UV)]

3. Petitioners are proposing a “Flat Range Design” indoor shooting range, incorporating the following:
  - Deceleration Chambered Traps (no accumulated spent rounds in rubber)
  - Completely baffled sound attenuation in ceilings and walls
  - Ballistic baffled ceiling
  - State of the art sophisticated air handling – IDEM monitored
  - IDEM Certified Lead Handling Removal and Manifest Record Keeping
  - Sanitary Facilities
  - Focused support accessories
4. Recreation use (medium scale), shooting/archery range (indoor), is a non-permitted use in the IG zoning district.
5. According to Article 3, Chapter 2 of the City of Franklin Zoning Ordinance, recreation use (medium scale), shooting/archery range (indoor), 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.

#### **Outdoor Storage Yard Buffering Standards**

6. According to Article 7, Chapter 17, Part 2, Material & Equipment Buffering Standards, all outdoor storage areas for completed products manufactured on-site, production materials, and equipment must be screened, as outlined below:
  - Fencing: A minimum 6 foot tall, 100% opaque fence of wood, brick, or stone construction shall completely screen the area from the view of public streets and adjacent properties. Opaque, 6 foot tall wooden gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.
  - Landscape Screening: Evergreen planting shall be provided around the exterior perimeter of the required fencing.
    - If evergreen shrubs are used they shall be a minimum of 3 feet tall at the time of planting, and planted at a maximum of 5 feet on center.
    - If evergreen trees are used they shall be conifers, a minimum of 5 feet tall at the time of planting, and shall be planted a maximum of 20 feet on center.
7. Variance (1.): *Petitioner is requesting a development standards variance to not provide the “Fencing” portion of the buffering requirements along the southern and western boundaries of the outdoor storage yard.* [[Exhibit A: Simple Site Plan](#)]

#### **Outdoor Storage Yard Surface Material Variance**

8. According to Article 7, Chapter 10, Non-residential Parking Standards, all parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete to the nearest paved street.
9. Variance (2.): *Petitioner is requesting a development standards variance to be permitted to utilize crushed stone material for the outdoor storage area, only.* [[Exhibit A: Simple Site Plan](#)]

#### **Parking Standards**

10. 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.

11. According to Article 7, Chapter 10, Parking Standards, the number of parking spaces required for uses that are not listed specifically shall be determined by the Planning Director based on the consistency of the use with those that are specified.
12. Staff has determined the proposed use, in terms of parking space requirements, is most similar to a classroom, which requires two (2) spaces for every classroom; in this case, every shooting lane.
13. According to Article 7.10 of the Zoning Ordinance:
  - one (1) off-street parking space is required for every employee on the largest shift;
  - one (1) off-street parking space is required for every business vehicle stored onsite; and
  - two (2) off-street parking spaces are required for every classroom (shooting lane)
  - 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.
14. According to Article 7.10 of the Zoning Ordinance, Patriot Products would be required to provide:
  - Sixteen (16) employee parking spaces;
  - Three (3) parking spaces for the business vehicles stored onsite; and
  - Twenty (20) parking spaces for the ten (10) proposed shooting range lanes;
  - For a total of thirty-nine (39) required parking spaces.
15. Per the attached [Exhibit C](#), a total of forty-two (42) parking spaces (two handicap), are proposed onsite.

#### **Comprehensive Plan & Zoning Ordinance**

16. 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."
17. 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.
18. 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:**

The approval of the use variance will not be injurious to the public health, safety, morals, or general welfare of the community, as the proposed location is discreet, far away from other properties, and the range is designed with completely baffled sound attenuation in the ceilings and walls. Furthermore, the neighboring uses are industrial and commercial in character, adequate parking will be provided onsite, and the petitioners are leaders in the world of manufacturing bullet traps and shoot houses. Moreover, the indoor shooting range facility will operate under all strict Federal, State, and Local requirements and regulation, including safety, insurance, record keeping and reporting requirements.

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 are largely industrial and commercial in character; their use and value will not be affected in any way, as the subject property will continue to be primarily industrial in nature. Furthermore, the proposal includes sound baffles to reduce the noise of gunfire audible outside of the facility. Therefore, staff finds, approval of the proposed recreation use (medium scale), indoor shooting range, will not substantially alter the use and value of the general vicinity.

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 proposed structure and property is zoned for the manufacturing of the same types of bullet traps and bullet baffles that will be installed as part of the proposed indoor shooting range use. Moreover, the 36 acre property provides discreetness and more security for the proposed use than properties where the use is permitted.

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 facility is allowed to operate the manufacturing portion of Patriot Products, including the manufacturing and sales of the products which will be installed and used in the proposed indoor shooting range. Not allowing the indoor shooting range at this location would require the applicant to split up the business.

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

### **Staff Finding:**

Staff finds that the proposed use is complimentary to the proposed industrial use that will occupy other portions of the same facility. The Comprehensive Plan, labels the area as “Manufacturing,” which supports the primary use of the property as a manufacturing site for the design and build of military shooting ranges and ballistic capture devices. The proposed shooting range use would not substantially interfere with the permitted use on-site, nor the uses envisioned by the Comprehensive Plan.

## **STAFF RECOMMENDATION – USE VARIANCE**

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

- a. Use variance approval for an indoor shooting range use is limited to, and runs with Patriot Products, LLC, at the subject property.
- b. A minimum of thirty-nine (39) parking spaces are required to be provided on-site.
- c. A minimum of two (2.0) parking spaces are required to be provided on-site for each lane of the shooting range.
- d. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with: all building and fire codes, and Indiana Department of Environmental Management air quality and lead handling standards.

### **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 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 approval of the proposed variances will not be injurious to the public health, safety, morals, and general welfare of the community, as the proposed storage yard will still be screened along the front portions potentially visible from Earlywood Drive and businesses to the east. Furthermore, the outdoor storage yard would be located hundreds of feet from adjacent properties, all of which are industrial zoned. The lack of fencing along the south and west sides of the storage area and the presence of a stone surface will not impact the general welfare.

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 the use and value of adjacent properties will not be affected in a substantially adverse manner, as the properties that stand to be most affected by approval of the variances are industrially zoned and located hundreds of feet away. Moreover, the closest adjoining property is separated from the proposed storage area by the raised elevation railroad tracks. Therefore, staff finds any potential detriment to adjacent properties would not rise to the level of “substantially adverse.”

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:**

The strict application of the ordinance will result in practical difficulties in the use of the property, as the proposed outdoor storage area to be unscreened on the south and west, and with a crushed stone surface material, will be located hundreds of feet from adjacent industrial zoned properties, and will not be visible from Earlywood Drive. Due to the significant distances, existing vegetation to be maintained, and the raised elevation of the railroad tracks, it is not necessary to provide the required “fencing” screening. Moreover, a paved storage yard would likely be repeatedly damaged by maneuvering products and materials associated with the manufacturing use, and it is not practical to strictly require a paved/hard surface.

## **STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE**

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

- a. The outdoor storage area will be located no closer than 100 feet to the west property boundary line shared with the railroad.
- b. The existing trees, landscaping, and/or vegetation on the south end of the property will be properly maintained and groomed, but otherwise left undisturbed except for the clearing of dead, damaged, noxious or invasive plants, and to ensure adequate and proper drainage is occurring.
- c. The stone storage yard shall be regularly maintained to repair potholes and prevent excessive dust pollution.