



# 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 30, 2022

**Re:** Cases **ZB-22-10 (SE) | Johnson County Solid Waste Management District**

### REQUESTS:

**Case ZB-22-10 (SE) Johnson County Solid Waste Management District:** A request by Johnson County Solid Waste Management District, for a Special Exception to allow a Government Facility (Non-Office) use in the IL: Industrial, Light zoning district. The subject property is located on the west side of Graham Road, on a lot immediately north of 2210 N Graham Rd (Under One Woof), and is 2.938+/- acres in size.

### 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.

### ZONING:

#### Surrounding Zoning:

North: IL: Industrial, Light  
South: IL: Industrial, Light  
East: IL: Industrial, Light  
West: IL: Industrial, Light

#### Surrounding Land Use:

North: Agricultural Crop Field  
South: Under One Woof (Animal Kennel)  
East: G&H Orthodontics  
West: Agricultural Crop Field

### CONSIDERATIONS:

#### Current & Proposed Use

1. The Johnson County Solid Waste Management District, Petitioner, and more specifically, the Johnson County Recycling District, which is currently located at 900 Arvin Road, Suite A (rental space), is seeking a new location in order to build a new recycling center designed specific for petitioner’s use.
2. Petitioner has identified the subject property, and is seeking Special Exception approval at this location, prior to designing a full set of development plans for the site; therefore, there is not a concept plan or building plans to reference at this time.
3. *Petitioner, Johnson County Solid Waste Management District, is proposing to relocate their existing Recycling Center use, a Government Facility (Non-Office) use, to the subject property and are therefore, requesting Special Exception approval. [See [Exhibit A: Statement of Intent](#)]*
4. Petitioner stated “ we do intend to implement many environmentally sustainable initiatives into the site and building design. The building itself will be fairly straightforward, as it will be a drive thru like our current facility, with office and an educational learning center for schools and the public to utilize.”

### **Special Exception – Government Facility (Non-Office)**

5. A Government Facility use is defined as: “A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.”
6. A Government Facility (Non-Office) use is listed as a permitted use by right in the IN: Institutional zoning district.
7. A Government Facility (Non-Office) use is listed as a special exception use in the “A,” Agricultural; “MXR,” Mixed-use, Regional Center; “IBD,” Industrial, Business Development; “IL,” Industrial, Light; and, “IG,” Industrial: General zoning districts.
8. The subject property is in the “IL,” Industrial, Light zoning district; *therefore, petitioners request a Special Exception approval for the Government Facility (Non-Office) use at the subject property.*

### **Parking Standards**

9. 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.
10. According to Article 7, Chapter 10, Parking Standards:
  - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
    - Each employee working on the largest shift;
    - Each business vehicle stored on-site; and,
    - Every 250 square feet in any administrative office space.
  - Minimum parking stall size is 9’ x 18’ and must be striped.
  - Each parking space must be paved with asphalt or concrete.
11. At least one (1) space 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 & Zoning Ordinance**

12. 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.”
13. 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.

14. 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 – 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 – INOPERABLE VEHICLE STORAGE**

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 special exception for a government facility (non-office) use will not be injurious to the public health, safety, morals, and general welfare of the community, as the general vicinity is zoned almost exclusively for industrial uses. Albeit a “government facility,” the proposed use has similarities to uses permissible in industrial districts. The subject property has industrial zoning, is far from residential uses, is not located with the Gateway Overlay District, and is located on the City of Franklin designated “Truck Route”; therefore, approval will not be a nuisance to the general vicinity.

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:**

Staff finds the petitioner has not started design of the site; as a first step toward full development approval, petitioner is seeking this special exception prior to investing in site engineering and building design. Petitioner has stated they intend to meet all the development standards, as well as, implement many environmentally sustainable initiatives into the site and building design.

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 the requested use is listed as a special exception under the Industrial Light zoning district regulations and the proposed use will not result in an adverse impact on adjoining properties. The subject property is adjacent to industrial zoning on all sides, including a dog kennel and the Johnson County Animal Shelter; the proposed use, including a drive-thru recycling drop-off center and associated office space will not permanently injure other property or uses in the same zoning district and vicinity.

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

**Staff Finding:**

The granting of the special exception does not interfere with the Comprehensive Plan as the Plan states land uses in the 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.” Petitioner’s use is a community-wide recycling service; therefore, staff finds the proposal would not interfere with the goals of the Comprehensive Plan.

**STAFF RECOMMENDATION – SPECIAL EXCEPTION – INOPERABLE VEHICLE STORAGE**

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

- a. Special Exception approval for a Government Facility (Non-office), shall run with the petitioner at the subject property.
- b. Parking spaces shall be provided in accordance with the City of Franklin Zoning Ordinance, Article 7, Chapter 10, Parking Standards, including a minimum of one parking space per:
  - employee on the largest shift,
  - business vehicle stored on-site; and
  - every 250 sq. ft. of office space.
- c. At least one (1) space provided must be reserved for disabled persons for every twenty-five (25) parking spaces required on-site, 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.