

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

January 4, 2023

Members Present

Jim Martin
Bill Carson
Ashley Zarse
Brian Alsip

Chairman
Vice Chairman
Secretary
Member

Others Present

Alex Getchell
Lynn Gray

Senior Planner I
Legal Counsel

Call to Order

Jim Martin called the meeting to order at 6:00 pm.

Roll Call & Determination of Quorum

Election of Officers

- a. Chairman – Jim Martin
- b. Vice-Chairman – Bill Carson
- c. Secretary – Ashley Zarse

Brian Alsip made a motion to re-appoint the current slate of officers. Ashley Zarse seconded. Passed unanimously, 4-0.

Appointment of Legal Counsel

Mr. Alsip made a motion to re-appoint Lynn Gray. Mr. Martin seconded. Passed unanimously, 4-0.

Approval of Minutes

Ms. Zarse made a motion to approve the December 7, 2022 minutes. Mr. Alsip seconded. The motion passed unanimously, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB-22-13 (V) – Cold Summit Development – Alex Getchell introduced the four developmental standards variance requests for a proposed new structure. The property is located southeast of the Earlywood Drive and Graham Road intersection. The first variance was to allow a maximum height of 55' for a primary structure. In the IL (Industrial: Light) zoning district, the maximum height allowed is 50'. The second variance request was to allow accessory structures to be located in a front yard. For Cold Summit it is the pump house and storage tank for the fire suppression system. This property has a front yard on all four sides. The third variance request was to allow an entrance drive width of 56' for a three-lane access drive. By ordinance, the maximum allowance is 42' or 14' per lane. The fourth variance request was to allow a fence to be located within a required front yard setback. In this zoning district the front yard setback is 50'. Cold Summit requested on the north end to be allowed to have the fence set back approximately three feet from the right-of-way line of the front yard. The existing property has right-of-way frontage on three sides. The east side of the property will receive a Graham Road extension. The property was annexed and rezoned to IL (Industrial: Light) in 2021. The petitioner proposed a speculative four-tenant cold storage distribution facility. It will be approximately 350,000 square feet. The proposed fence will be a decorative, rod iron fence along Earlywood, Graham Road and the Graham Road extension. The property is on the official truck route. The Comprehensive Plan calls for the area to be Business Development.

Joe South represented Cold Summit Development, focusing on the height variance request. He began by a discussion of the practical difficulty from the decision criteria. They are building a speculative facility with the plan of bringing in multiple tenants. Cold storage is at 98% occupancy nationwide. In terms of real estate, there is not enough cold storage being built. Cold Summit's objective is to build the highest quality product possible, a building with a 50-year lifespan. They also want the building to be energy efficient. Cold air falls, so the taller the building the more easily the same amount of food can be cooled without a larger footprint. They invest in higher quality ammonia systems. They want a future-proofed building. A 55-foot building is now the industry standard. They have applied for a single-slope building 48-feet tall. It has been reviewed by Technical Review Committee. In the past it allowed for 40-foot clear to allow separation from the structural steel and fire suppression systems. With a 55-foot building, there is an extra 10 feet of clearance for the pallets. The industry needs to be able to go up to 50' inside the building. They have built three projects to date – Dallas, Phoenix and Chicago. Three more are coming – a second Dallas location, North Carolina and this project in Franklin.

Mr. South went on to discuss general welfare and no significant adverse impact on neighbors. He presented the results of their shade studies. The building has been designed to cause the least impact as possible on neighbors.

Ms. Gray counseled Mr. South to address the decision criteria for the remaining three variances in addition to the height, or he could incorporate staff's recommendations. For the fence variance, Mr. South explained the practical challenge to be the space constraint. General welfare and adverse impacts is nominal to anyone off-property. The fire tank and pump house is a practical difficulty because the property has four front yards. Both structures are shorter than the primary structure so will not impact neighbors at all. The driveway width is two lanes in and one lane out. In order to avoid cueing on the new road to be built, this is the standard for a distribution facility. The practical difficulty is if it is the 42', the truck drivers will drive on the grass or cause traffic jams on the new road. The driveway impacts no one other than Cold Summit and the truck drivers.

Chairman Martin opened a public hearing. With no respondents, the hearing was closed.

Ms. Zarse asked by whom and how the shade study was conducted. It was handled by Cold Summit's engineering firm Kimley-Horn. Attorney Gray asked how it would be known that in 10 years from now customers wouldn't want a height of 70'. Mr. South could not answer definitively but cited the example of the interstate project in Franklin that sought a height variance in 2012 for a similar consideration. All they are able to do is build to the current standard.

There being no further questions, Chairman Martin requested staff's recommendation. Mr. Getchell gave staff's recommendation based on the written findings as set forth in the staff report. Staff recommended approval of variances 2 (accessory structure in front yard), 3 (entrance drive width) and 4 (fence in front setback), with the following conditions of approval:

- a. Approval for the pump house & tank is limited to the general location depicted in the site plan submitted with this request.
- b. Approval for the three-lane entrance drive width to be 55'-7 1/4" is limited to the southern entrance on the Graham Road Extension road, as depicted in the site plan submitted with this request.
- c. A six-foot wrought iron fence style, as depicted in exhibits provided by petitioner for this request, must be utilized for the areas marked "decorative fence" on the site plan submitted with this request.
- d. The fence must not be located closer than three feet to the north property line, and is not permitted to encroach into the front setback any more than depicted in the site plan submitted with this request.
- e. Signage, banners, flags, or fabric of any kind are prohibited from being tied or affixed to the decorative fence.

Staff further recommended that if the board found evidence to approve the Development Standards Variance 1 (building height), the following condition be attached to the approval:

- f. Maximum height of the structure is permitted up to fifty-five feet. Necessary appurtenances are permitted to exceed the fifty-five feet by up to 10 feet.

Mr. South agreed to all conditions. He further added that 55' is inclusive of all appurtenances. Mr. Alsip asked about staff's statement regarding the potential adverse effect on adjacent properties from the increased height in comparison to the general placement of a 350,000 square foot building near those properties. Mr. Getchell explained the wording of the staff report to put the question out to be heard and discussed in the meeting. Relatively speaking, he felt it shouldn't make a significant difference. Mr. Alsip followed up asking if any written or pre-meeting neighbor responses had been received. Mr. Getchell confirmed no comments in any form were received before the meeting.

Mr. Getchell stated, that in the middle of the short end of the building, there will be a ridge and either side it will go down to 52'. Thus, on the side closest to the homes, it will be 52'. Ms. Gray sought confirmation from Mr. South that is definitely the intention of Cold Summit. Mr. South affirmed that to be the case. Ms. Gray advised an accommodation that it not exceed 55' pursuant to the submitted plan. Mr. South stated their ability to work within those parameters.

Mr. Alsip reminded that reasons of practical difficulty cannot include economic gain. He asked if his understanding of Mr. South's height variance request is not for the financial gain of Cold Summit but because it is the new industry standard. Mr. South affirmed that to be the case. Mr. Alsip highlighted that the side of the building impacting neighbors will be no higher than 52'. Mr. South suggested modifying condition six to state a general roof slope of 1/4" over each foot. Ms. Gray advised a center ridge building not to exceed 55' with a slope of 1/4" over each foot.

Mr. Alsip made a motion for approval of variance requests one through four with staff recommendations one through six with condition six to be amended to a 55' center ridge building with a slope of ¼" per foot. Ms. Zarse seconded. Passed unanimously by roll call vote, 4-0.

ZB-22-14 (V) – Innovative 3D Manufacturing – Mr. Getchell introduced this developmental standards variance request by Elite Homes for 600 International Drive. The request is to allow a side yard setback of 20.5' for a primary structure. The zoning ordinance requires a 50' setback. The property is located on the north side of International Drive east of US 31. The proposal is for an expansion to the west side of the building. The expansion would be 28' x 100'. The building is 100' deep, so they are doing a 28' expansion on the entire west side of the building. The petitioner is the manufacturer of high tech advanced aerospace and defense parts. It is an existing 60'x100' structure with a proposed 28'x100' expansion. When the subdivision was recorded and developed in 2001, the zoning ordinance had a different zoning classification for this property. At that time side yard setbacks were 20'. Their existing building doesn't meet the current setback as it is approximately 48.5'. With the 2004 zoning classification and map update, the property became zoned IG (Industrial: General) and the setbacks went from 20' to 50' on all sides. In general, this zoning classification is typically reserved for larger industrial sites. The Comprehensive Plan calls for the area to be manufacturing.

Chris Duke with Elite Construction petitioned in representation of Innovative 3D Manufacturing. He gave an overview of the need and planned use of the building and their request to return to the city's original 20' setback. Ms. Gray asked Mr. Duke to address the decision criteria. He stated the general welfare was to get to the 20.5'. The adjacent property will not be affected in a substantially adverse manner. Ms. Gray asked if that was because other area properties have similar setbacks. Mr. Duke affirmed. Ms. Gray asked with regards to practical difficulty if the building was originally placed when the zoning required different setbacks and now to expand there is a practical difficulty to comply with revised standards. Mr. Duke affirmed.

Chairman Martin opened a public hearing. There were no respondents. The hearing was closed. The Board had no questions. Mr. Getchell gave staff's recommendation for approval with one condition.

- a. All applicable permits and approvals shall be obtained prior to placement/construction, including but not limited to an Improvement Location Permit ("building permit").

The condition was agreed to by Mr. Duke. Ms. Zarse made a motion for approval with one condition. Bill Carson seconded. The motion passed unanimously by roll call vote, 4-0.

Adjournment:

There being no further business, Mr. Carson moved to adjourn. Ms. Zarse seconded. Passed unanimously, 4-0.

Respectfully submitted this 5th day of April, 2023.

Jim Martin, Chairman

Ashley Zarse, Secretary