



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: September 28, 2023
Re: Cases **ZB-23-10 (UV) | 1400 Commerce Parkway**

REQUESTS:

Case ZB-23-10 (UV)...Soccer Central Academy. A request by Soccer Central Academy, case number ZB-23-10 (UV), a request for a Use Variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 23, to be allowed an indoor sports training facility use with an outdoor sports field, in the IG: Industrial, General zoning district. The subject property has a common address of 1400 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: IG: Industrial, General
South: IG: Industrial, General
East: IL: Industrial, Light
West: IG: Industrial, General

Surrounding Land Use:

North: Formerly Busche; currently vacant
South: Shelby Gravel
East: Agricultural Crop Field
West: Formerly Busche; currently vacant

CONSIDERATIONS:

Proposed Use

1. Soccer Central Academy (Trevor Perry), Petitioner, requests a Use Variance approval to allow an Indoor Sports Training Facility use with an outdoor sport field, at the subject property, which is zoned IG. [See [Exhibit A: UV Request Letter](#)]
2. The subject property is owned by Rapid Prototyping & Engineering (RPE). Currently there are two structures on the property: the north building is used by RPE, while the south building (subject structure) is occupied by Indiana MENTOR, as an adult day care facility. The BZA granted special exception approval for the adult day care in February of 2015 (ZB-15-02). [See [Exhibit B: Site Plan](#)]
3. Petitioner is proposing a three-phase plan to re-use the existing south structure/warehouse (11,999 sq. ft.) as an indoor sports training facility. Indiana MENTOR will be vacating the property in about a year. [See [Exhibit A: UV Request Letter](#) & [Exhibit C: Floor Plan](#)]
4. Petitioner stated the hours of operation for the proposed sports facility would be Monday through Friday, 5pm-9pm, and Saturday & Sunday 8am-8pm.
5. According to RPE officials, RPE operates M-F, 7am-3:30pm.
6. According to the Indiana MENTOR website, their hours of operation are 9am-4pm.

7. According to Article 3, Chapter 2, Land Uses, Unlisted or Questionable Land Uses, “Any use not listed as a permitted use or special exception use is considered non-permitted. The Planning Director may determine into which category any questionable use is placed if it is not specifically listed but is similar to another use that is permitted or a special exception use.”
8. Staff has determined the proposed use of the property is most similar to two uses listed in the land use table, of which both are non-permitted in the IG: Industrial, General zoning district:
 - Indoor sports facility: Personal service uses (dance or martial arts studio, gymnastics center, and fitness center);
 - Outdoor sports field: Park and/or playgrounds (including athletic facilities).
9. Personal services uses is defined as: “An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.” According to the Primary Land Use table, Personal Services uses include dance or martial arts studio, gymnastics center, and fitness center.
10. Park is defined as: “Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.”
11. Athletic Field is defined as: “A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.”
12. According to Article 3, Chapter 2 (see table below) of the City of Franklin Zoning Ordinance, Personal Services use, is listed as a **permitted use** in the MXD: Mixed-use, Downtown Center; MXN: Mixed-use, Neighborhood Center; MXC: Mixed-use, Community Center; MXR: Mixed-use, Regional Center; and IBD: Industrial, Business Development zoning districts.
13. According to Article 3, Chapter 2 (see table below) of the City of Franklin Zoning Ordinance, Park and/or playgrounds (including athletic fields) use, is listed as a **permitted use in ALL districts EXCEPT** the IBD: Industrial Business Development; IL: Industrial, Light; and IG: Industrial, General zoning districts.

| Primary Land Use | Zoning District | | | | | | | | | | | | | | | |
|--|-----------------|----|-----|-------------|-----|-------------|----|-----|-----|-----|-----|-----|----|-----|----|----|
| | A | RR | RSN | RS 1,2,3 | RTN | RT 1,2,3 | RM | RMH | MXD | MXN | MXC | MXR | IN | IBD | IL | IG |
| personal services uses | | | | | | | | | P | P | P | P | | P | | |
| park and/or playgrounds (including athletic fields) | P | P | P | P | P | P | P | P | P | P | P | P | P | | | |

14. Use Variance Request: Personal services uses (indoor sports training facility) and Park uses (outdoor athletic field) are non-permitted uses in the IG zoning district; *therefore, Petitioner is requesting Use Variance approval for an indoor sports training facility with an outdoor sports field use in the IG zoning district.*

Parking Standards

15. 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.

16. 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
 - twenty (20) off-street parking spaces for every field or court at a sports or recreation facility;
 - Minimum parking stall size is 9' x 18' and must be striped.
 - Each parking space must be paved with asphalt or concrete.
 - A minimum of one bicycle parking space for every 30 vehicle parking spaces required by ordinance.
17. According to Art. 7.10 of the Zoning Ordinance, the following would be required at full build-out:
 - Five (5) employee parking spaces;
 - One (1) parking space for the business vehicles stored onsite; and
 - Forty (40) parking spaces for the two "fields" (1 indoor facility; 1 outdoor field)
 - For a total of forty-six (46) required parking spaces.
 - A minimum of 2 bicycle parking spaces.
18. There are fifty (50) parking spaces existing on-site.
19. The hours of operation of the uses on-site do not overlap; therefore, the proposed sports facility will have the entire parking lot on-site available during hours of operation.
20. Petitioner's site plan includes proposed additions related to RPE, including an 8400 sq. ft. addition to the north building and approximately 7,500 sq. ft. heavy asphalt expansion. The site plan also proposes an additional nine (9) parking spaces to the east of the south (subject) building. This site plan is entirely conceptual and has not been reviewed or approved by Planning & Engineering staff.

Comprehensive Plan & Zoning Ordinance

21. 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."
22. The 2013 Franklin Comprehensive Plan, Land Use Plan, "Relationships" for Manufacturing areas states: "Manufacturing areas should include strong street connections to light industrial and business development areas. These uses may be used to buffer manufacturing facilities from other land uses. Manufacturing areas should not be located in close proximity to residential or commercial areas. However, access to parks and open space may be provided in and around these areas."
23. The 2013 Franklin Comprehensive Plan, Land Use Plan, "Design Features" for Manufacturing areas states: "Manufacturing areas should be designed with large building sites, capable of accommodating large scale facilities and future expansions of those facilities. Streets should be of adequate width and construction to accommodate heavy truck traffic. The buffering of facilities in manufacturing areas from other uses is significant to ensure the continued vitality of the area"
24. 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.
25. 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 subject property has been used for non-industrial uses for several years. Moreover, the hours of operation for the proposed facility will not overlap those of the industrial users already on-site; therefore, any potential conflict between the differing users will be minimized, if not negated altogether.

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 use and value of adjacent properties will not be affected in a substantially adverse manner, as the subject property has been used for non-industrial uses for several years. Moreover, the hours of operation for the proposed facility will be in the evening and on weekends; therefore, any potential conflict between the proposed user and the industrial businesses in the area will be minimized, if not negated altogether.

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 arises from a condition peculiar to the property involved. The subject property is zoned IG and located within the “Manufacturing” area in the Comprehensive Plan Land Use Plan; however, the property is less than 6 acres and not suitable for a large-scale manufacturing facility. While not listed as a permitted use in the Zoning Ordinance, per the Comprehensive Plan Land Use Plan: “parks and open space may be provided in and around” the Manufacturing areas.

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 they are applied to the property, as the subject property (<6 acres) and warehouse building (11,999 sq. ft.) are of a smaller scale in a Zoning District (IG) and Land Use Plan area (Manufacturing) intended for the largest and most intense industrial uses. Sports training programs seek facilities with high ceiling clearances and expansive interior spaces. While the scale of the building is small for manufacturing purposes, the size is desirable for various youth sports training purposes. Therefore, strictly applying the terms of the ordinance would impose a hardship on the property.

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

Staff Finding: (next page)

Staff Finding:

Staff finds the granting of the variance would not substantially interfere with the Comprehensive Plan, as the Land Use Plan states “access to parks and open space may be provided in and around these areas.” Moreover, the Land Use Plan states “manufacturing areas should be designed with large building sites, capable of accommodating large scale facilities and future expansions of those facilities”; the subject property is less than 6 acres and not suitable for a large-scale manufacturing facility; therefore, approval of the use variance to allow a park (athletics facility) on a smaller-scale manufacturing property 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:**

- a. Use variance approval is for an indoor sports training facility use with an outdoor sports field, and the approval runs with the petitioner, Soccer Central Academy, at the subject property.
- b. Delineated off-street parking is required, as follows:
 1. one (1) off-street parking space is required for every employee on the largest shift;
 2. one (1) off-street parking space is required for every business vehicle stored onsite;
 3. twenty (20) off-street parking spaces for every field or court at a sports or recreation facility;
 4. Minimum parking stall size is 9’ x 18’ and must be striped;
 5. Each parking space must be paved with asphalt or concrete; and
 6. Provide 2 bicycle parking spaces, or a minimum of one bicycle parking space for every 30 vehicle parking spaces required above, whichever is greater.
- c. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.