



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: March 28, 2025

Re: Case ZB-25-1 (SE & V) Franklin Apostolic Church

REQUEST:

Case ZB-25-1 (SE & V)...Franklin Apostolic Church. A request by Franklin Apostolic Church for a Special Exception use request from the City of Franklin Zoning Ordinance: Article 3, Chapter 17, to allow a “church or other place of worship” use in the MXN: Mixed-use, Neighborhood Center zoning district; and a Development Standards Variance request from Article 3, Chapter 17, to allow the maximum lot size to exceed one acre in the MXN: Mixed-use, Neighborhood Center Zoning District. The subject property is located on the west side of Commons Way (between SR 144 & Westview Drive), with a common address of 1058 E State Road 144, and immediately west of the Stepping Stones Behavioral Solutions facility.

PURPOSE OF STANDARD:

The “MXN”, Mixed Use: Neighborhood Center zoning district is intended to provide convenience goods, services, and amenities within close proximity of residential areas. This district is further intended to permit the development of traditional, mixed-use neighborhood centers. This district should be protected from non-neighborhood serving land uses.

ZONING:

Surrounding Zoning:

North: RS-1: Residential, Suburban One

South: MXN: Mixed-use, Neighborhood Center

East: PUD: Planned Unit Development

West: Johnson Co., SR: Single-Family Residential

Surrounding Land Use:

North: Agricultural Crop Field/Floodplain

South: Stepping Stones Behavioral Solutions

East: Camelot Commons

West: Large-lot single-family residential

CONSIDERATIONS:

1. Petitioner, Franklin Apostolic Church, is proposing a two-lot non-residential subdivision of property approximately 5.66 acres in size. The subdivision would include common area for a shared drainage pond. [[Exhibit A: Decision Criteria](#) & [Exhibit B: Site Plan](#)]
2. Petitioner is proposing Lot 1 (adjacent to Westview Drive) to be developed for use as a church; the use of Lot 2 is currently unknown. Lot 1 is proposed at 2.4^{+/-} acres, Lot 2 at 1.6^{+/-} acres, and the Common Area (drainage pond) at 1.2^{+/-} acres.
3. *Petitioner is proposing to develop Lot 1 for a church; therefore, petitioner requests a Special Exception use approval, from the Mixed-use: Neighborhood Center district (MXN), to allow a church or other place of worship use.* [See [Exhibit A: Decision Criteria \(SE\) Findings of Fact](#)]
4. *Petitioner is proposing for both lots 1 & 2 to exceed the maximum lot area permitted (1 acre maximum); therefore, petitioner requests a development standards variance from the MXN Lot Standards.* [[Exhibit A](#)]

Conceptual Plans

- Petitioner provided conceptual plans [Exhibit B: Site Plan] for the proposed layout of the site and the general size & design of the proposed lots and structures. The proposed plans are still conceptual and have not been fully reviewed by the Department of Planning & Engineering, nor Technical Review Committee, for compliance with the Zoning Ordinance or building codes.
- Petitioner seeks approval of this Special Exception Use and Development Standards Variance request prior to moving forward with more detailed engineering and design work.

Special Exception Request: Church or other Place of Worship

- A Church, or other Place of Worship, is defined as: "The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Church includes synagogue, temple, mosque or any other like facility used for worship and religious activities."
- A Church, or other Place of Worship, is listed as a permitted use in the "A," Agricultural; "RR," Rural-Residential; "MXD," Mixed-use, Downtown Center; and "IN," Institutional zoning districts.
- A Church, or other Place of Worship, is listed as a Special Exception uses in the "RSN," Residential, Suburban Neighborhood; RS-1, -2, & -3," Residential, Suburban One, Two & Three zoning districts; "RTN," Residential: Traditional Neighborhood, "RT-1, -2, & -3," Residential, Traditional One, Two & Three zoning districts, "RM," Residential, Multi-Family, "RMH," Residential, Mobile Home, "MXN," Mixed-use: Neighborhood Center, "MXC," Mixed-use: Community Center, and "MXR," Mixed-use: Regional Center zoning districts.
- Special Exception Use Request: Petitioner is requesting a Special Exception for a Church, or other Place of Worship, use at the subject property, which is zoned MXN.

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
Church or other Place of Worship	P	P	S	S	S	S	S	S	P	S	S	S	P			

Variance Request: Maximum Lot Area

- According to Article 3, Chapter 17, MXN: Mixed-use, Neighborhood Center Lot Standards, a maximum of one (1) acre (43,560 square feet) is permitted per lot in the MXN zoning district.
- Variance Request: Petitioner is requesting a development standards variance to be permitted to have two lots greater than one (acre) in area in the MXR zoning district. Lot 1 is proposed to be 2.4+/- acres and Lot 2 to be 1.6+/- acres.
- Commitment: Since petitioner's plans are still conceptual and subject to adjustment and modification during the final engineering and site design, petitioner requests and commits to limiting the largest lot to a maximum of 3 acres in lot area.

Parking Standards

- 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.

15. According to Article 7, Chapter 10, Parking Standards:

- Space Requirements: A minimum of **1.0 off-street parking space is required** for every 3 seats in a church (or other place of worship); *therefore, the church at full build-out would have 300 auditorium seats (300 seats ÷ 3 seats per parking space = 100 parking spaces).*
- Space Requirements: A minimum of **1 off-street parking space is required for every employee working on-site on the largest shift.** *Petitioner stated there would be two full time staff members in the future; therefore, with 2 employees, 2 employee parking spaces are required.*
- Space Requirements: **One (1) off-street parking space is required for every business vehicle** stored on-site. *Petitioner stated there would be up to 3 business vehicles stored on-site; therefore, 3 additional business vehicle parking spaces are required.*
- Parking of the Disabled:
 - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided; 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.
- TOTAL Parking Requirements:
 - 300 church auditorium seats = 100 spaces
 - Number of Employees = 2 spaces
 - Business Vehicles Stored on-site = 3 spaces
 - **Total Required** = 105 spaces
 - **Total Provided** = 108 spaces on Lot 1 (only the Church lot) of conceptual plan

Comprehensive Plan & Zoning Ordinance

16. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Neighborhood Activity Center. "Neighborhood activity centers are intended to fill a unique role by establishing gathering spaces and/or convenience goods and services in close proximity to neighborhoods. Common uses in neighborhood activity centers may include neighborhood scale churches, schools, parks, and commercial centers. Appropriate commercial activities in neighborhood activity centers include convenience stores, cafes, coffee shops, and other providers of day-to-day convenience goods and services. Residential uses, in the form of apartments located on the upper floors of businesses, are encouraged in neighborhood activity centers."
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. 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))." *Petitioner has requested that the Board approve the Special Exception use request and allow it to run with the property and not the applicant.*
19. 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 the approval will not be injurious to the public health, safety, morals, and general welfare of the community. The MXN: Mixed-use, Neighborhood Center District Intent does not specifically call out churches or other places of worship, but staff finds the inclusion of Churches or other places of worship uses in the list of permitted Special Exception uses for the MXN district as evidence of the district intent. Additionally, the Comprehensive Plan Land Use Plan recommends “neighborhood scale churches” in Neighborhood Activity Center areas. Moreover, the Land Use Plan states “Neighborhood Activity Centers are intended to fill a unique role by establishing gathering spaces and/or convenience goods and services in close proximity to neighborhoods.” The proposal will serve that desired land use goal, by being located in close proximity to residential neighborhoods like Camelot Commons and Camelot Estates. Therefore, staff finds approval of the proposed project will not be injurious to the general welfare of the community.

- 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:

The proposed church or other place of worship special exception use includes a request for a development standards variances related to the maximum lot size in the MXN: Mixed-use, Neighborhood Center zoning district. Petitioner’s site plan(s) are conceptual and have not been fully reviewed by Department of Planning & Engineering Staff, nor the Technical Review Committee; however, staff believes it is the petitioner’s intent to meet all other applicable development standards.

- 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:

The requested church or other place of worship use is listed as a special exception in the Mixed-use, Neighborhood Center zoning district regulations and petitioner intends to meet all other required development standards in the Zoning Ordinance, with the exception of the one variance requested, related to maximum lot size in the MXN district.

- 4. Comprehensive Plan: The granting of the variance (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:

Staff finds the granting of the variance will be consistent with the character of the zoning district and will be consistent with the Franklin Comprehensive Plan. The MXN: Mixed-use, Neighborhood Center District Intent does not specifically call out churches or other places of worship, but staff finds the inclusion of them in the list of permitted Special Exception uses for the MXN district as evidence of the district intent. Additionally, the Comprehensive Plan Land Use Plan recommends “neighborhood scale churches” in Neighborhood Activity Center areas. Moreover, the Land Use Plan states “Neighborhood Activity Centers are intended to fill a unique role by establishing gathering spaces and/or convenience goods and services in close proximity to neighborhoods.” The proposal will serve that desired land use goal, by being located in close proximity to residential neighborhoods, like Camelot Commons and Camelot Estates.

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

STAFF RECOMMENDATION – SPECIAL EXCEPTION

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

- A. Special Exception approval for a church or other place of worship use runs with the petitioner at the subject property.
- B. The maximum area for the church or other place of worship use is limited to three (3.0) acres.
- C. A minimum of one hundred (100) off-street parking spaces are required to be provided for patrons of the church.
- D. A maximum of three hundred (300) seats are permitted in the church auditorium.
- E. A minimum of one (1.0) off-street parking space is required to be provided for each employee on-site during the largest shift, and for each business vehicle stored on-site.
- F. Handicap accessible parking spaces are required in accordance with Article 7, Chapter 10.
- G. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.

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 variance will not be injurious to the public health, safety, morals, and general welfare of the community. Approval of the request to exceed the maximum permitted lot size of 1.0 acre, and be permitted two lots greater than 1.0 acre will not injure the public health or safety in any way. Approval will ensure the church is able to provide all of the required parking for patrons, as well as, meet all other critical development standards, such as open space, landscaping, etc.

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:

~~As it relates specifically to the variance requested, the use and value of adjacent properties will not be affected in a substantially adverse manner.~~ Approval of the request, for lots to exceed one acre in size, will not be injurious to the use and value of adjacent properties, as petitioner is committing to a minimum of two lots and a common area for drainage, and a maximum of three (3.0) acres for any one lot. The conceptual plan includes two lots approximately 2.4^{+/-} and 1.6^{+/-} acres in size. Petitioner believes the final lots will be very similar to the proposed sizes; however, staff suggested petitioner provide a commitment to a maximum lot size, so the request would not have to return to BZA for slight modifications to the lot sizes as the engineering and site designs become further refined. Moreover, approval will ensure the church is able to provide all of the required parking for patrons, as well as, meet all other critical development standards, such as open space, landscaping, etc. The subject property is not directly intermixed within a residential neighborhood, therefore, approval of the lot size increase to a maximum of 3.0 acres for any lot will not adversely affect adjacent properties.

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 property is zoned MXN, Mixed-use, Neighborhood Center; however, the property is not situated within a larger residential neighborhood. The property is located at a major intersection for the entire city; at the junction of State Road 144 and State Road 44, as well as, Westview Drive & Jefferson Street, which serve as major thoroughfare connections to downtown and the rest of Franklin. The proximity of the subject property to the Camelot neighborhoods underscores the importance of “neighborhood scale” uses; however, the size, shape, and location at a major thoroughfare intersection, makes it impractical to strictly limit the lot area of those uses to one acre, only.

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

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE

Based on the written findings above, staff recommends approval of the Development Standards Variances, with the following conditions of approval:

- A. A minimum of two (2) lots, plus a common area for drainage, are required.
- B. The maximum lot size for any one lot is three (3.0) acres.