



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: January 29, 2013

Re: Case ZB 2013-02 (V)

REQUEST:

Case ZB 2013-02 (V)...2150 N. Morton Street. A request for a variance from the City of Franklin Zoning Ordinance Article 5, Chapter 4, to allow outdoor merchandise storage areas in the Mixed Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 2150 N. Morton Street.

PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

CONSIDERATIONS:

1. The petitioner is requesting a variance to allow the outdoor storage of merchandise.
2. The Gateway Overlay district does not allow for storage to be stored outdoors unless it is properly screened.
3. The outdoor display area will consist of a row of storage building models that will extend in a line north and south of the existing office.
4. The property is currently used for automobile sales which will continue as the primary use of the property.
5. The automobiles will be displayed in a row near the front of the lot, in a parallel line in front of the proposed outdoor merchandise area.

6. 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.
7. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
8. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXC, Mixed Use: Community Center/GW-OL
 South: MXC, Mixed Use: Community Center/GW-OL
 East: MXR, Mixed Use: Regional Center/GW-OL
 West: RSN, Residential: Suburban Neighborhood

Surrounding Land Use:

North: Undeveloped
 South: Matlock Ford
 East: Sunoco/Lowe's
 West: Single/Two-Family Residential

CRITERIA FOR DECISIONS:

(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

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 variance will not be injurious to the public health, safety, morals, or general welfare of the community. The display buildings will be neatly arranged so as to not cause any issues with accessing the property.

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 should not be affected in an adverse manner. The area is primarily automobile dealerships, big box retail and related high traffic retail. The nearest residential properties are approximately 500 feet behind the property, and should be minimally affected.

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 a practical difficulty as it would require significant alterations to the property of for the existing business to be entirely relocated. Staff is of the opinion that the intent of this guideline is geared toward smaller types of merchandise as opposed to the display of storage buildings which are not easily screened or stored inside of larger structures. The practical difficulty in this case would require either the construction of a large building to house the display models, a large screening structure or for the entire business to be relocated. It could also be viewed that the display of the storage buildings is not that much different than that of the display of vehicles for sale which is permitted at this location. It is of Staff opinion, that the display of the storage buildings will not cause any additional aesthetic concerns than that of the already existing automobile sales.

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

STAFF RECOMMENDATION

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

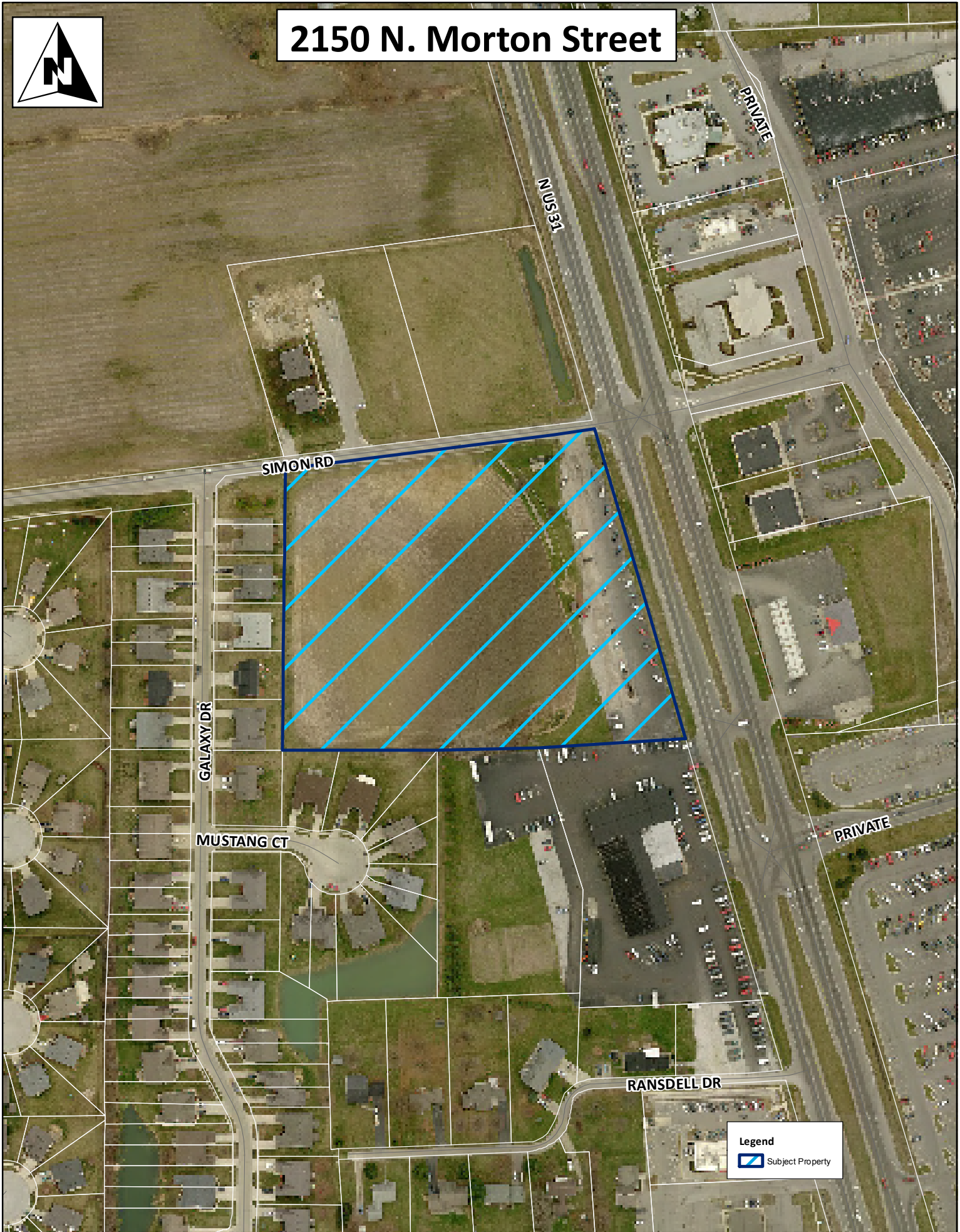
1. The proposed display models shall adhere to zoning setbacks.

Site Photographs



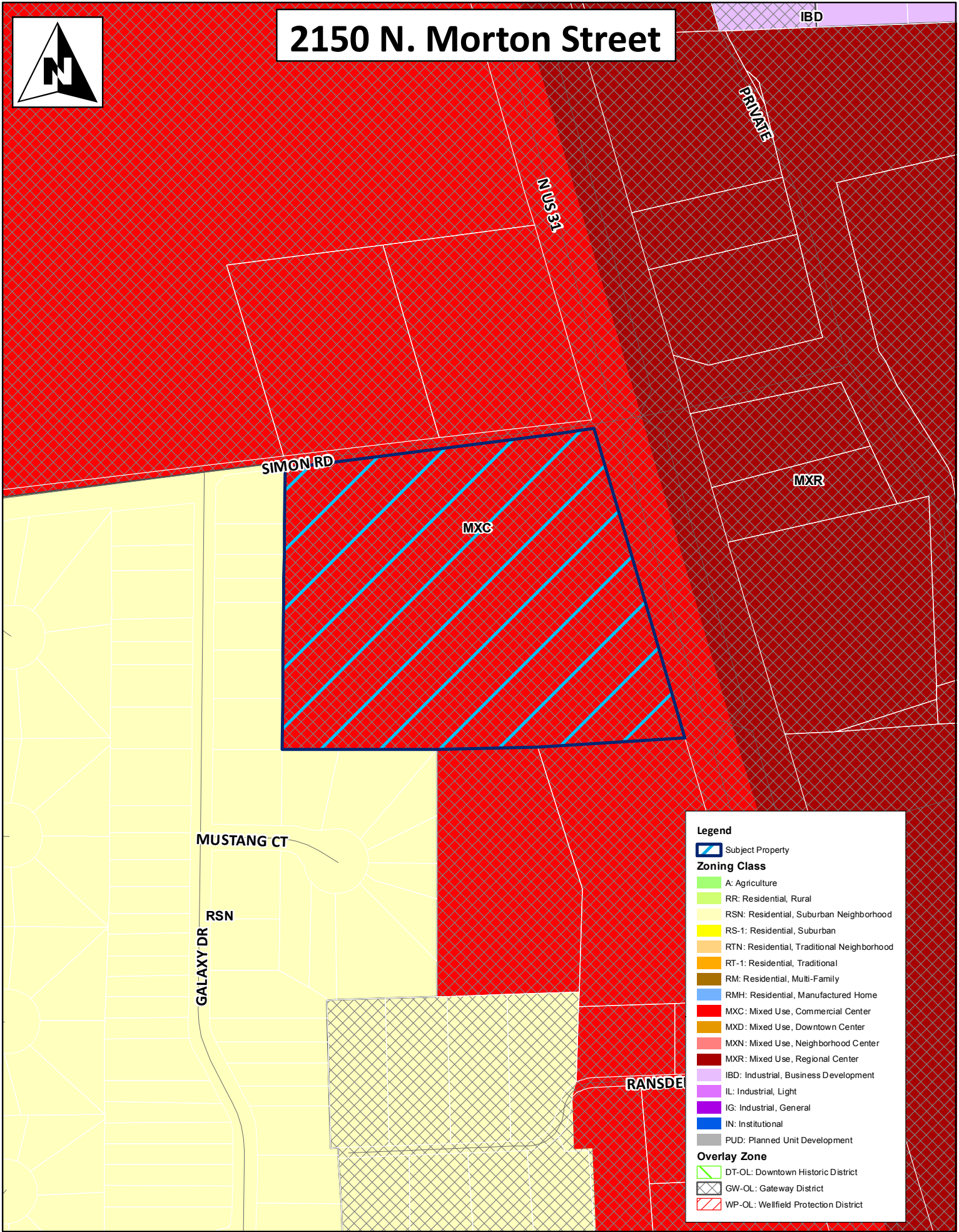


2150 N. Morton Street





2150 N. Morton Street



1 inch = 200 feet

US 31 Spottsboulevard lanes

Paved Lot

Paved Lot

open lot line with
MATRACK
FORD

Gravel Lot Extension

Gravel Lot Extension

Office

Storage

PROPOSED AREA
OF SALE

PROPOSED AREA OF
SALE

OPEN Agricultural
Field

Site Plan for Outside Sales

Franklin Auto Sales
2150 N Morton Street
Franklin IN 46131
317 474 4777