



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 2013-03 (V)

REQUEST:

Case ZB 2013-03(V)...1540 N. Morton Street. A request for a variance from the City of Franklin Zoning Ordinance Article 7, Chapter 11, to allow the construction of a truck loading berth in a front yard in the Mixed Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 1540 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 construction of a truck loading berth in the front yard of their property.
2. The Zoning Ordinance requires that loading berths be located on the side or rear of a building and not in any front yard or required buffer yard.
3. The building is currently divided between Tractor Supply on the north side and the vacant south side where the proposed loading berth would be located.
4. There is a loading berth located on the north side of the building, but is inaccessible to the south tenant.
5. There is a dry retention pond to the rear and a spillway to the south of the building, effectively prohibit locating the loading berth in either of those locations.

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: Bradley Chevrolet
 South: Goodwill
 East: McDonald's/Main St. Market
 West: Single 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 addition of the loading berth will alter the onsite traffic pattern, but only along the southern edge, and should not cause any significant problem to the overall traffic flow.

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. Since the only nearby residential is mainly to the rear of the building, the loading berth will be seen mainly by other commercial properties, which should not be adversely 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 there are very few locations where a loading berth can be located to serve the southern portion of the building. The building was originally designed and intended for only one tenant, and there is an existing loading berth on the north side of the building. However, there is no such loading berth available to the south side tenant and the overall site design essentially prohibits using the side or rear of the building, as those are set aside for drainage. The proposed location for this loading berth, while not in an ideal location, is in the location where it will be the least intrusive into the property.

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:**

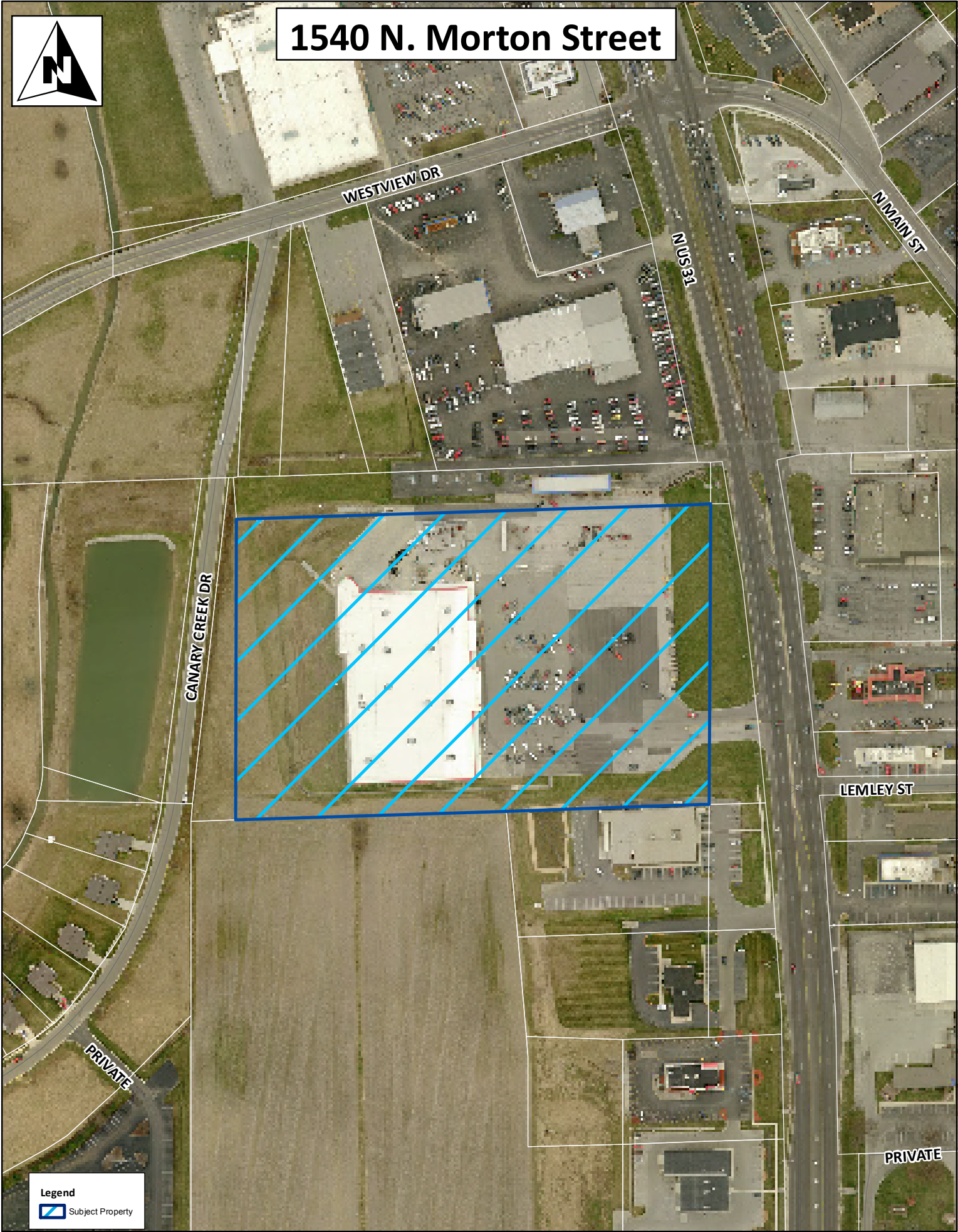
1. An ILP permit shall be obtained upon approval of variance.

Site Photographs





1540 N. Morton Street

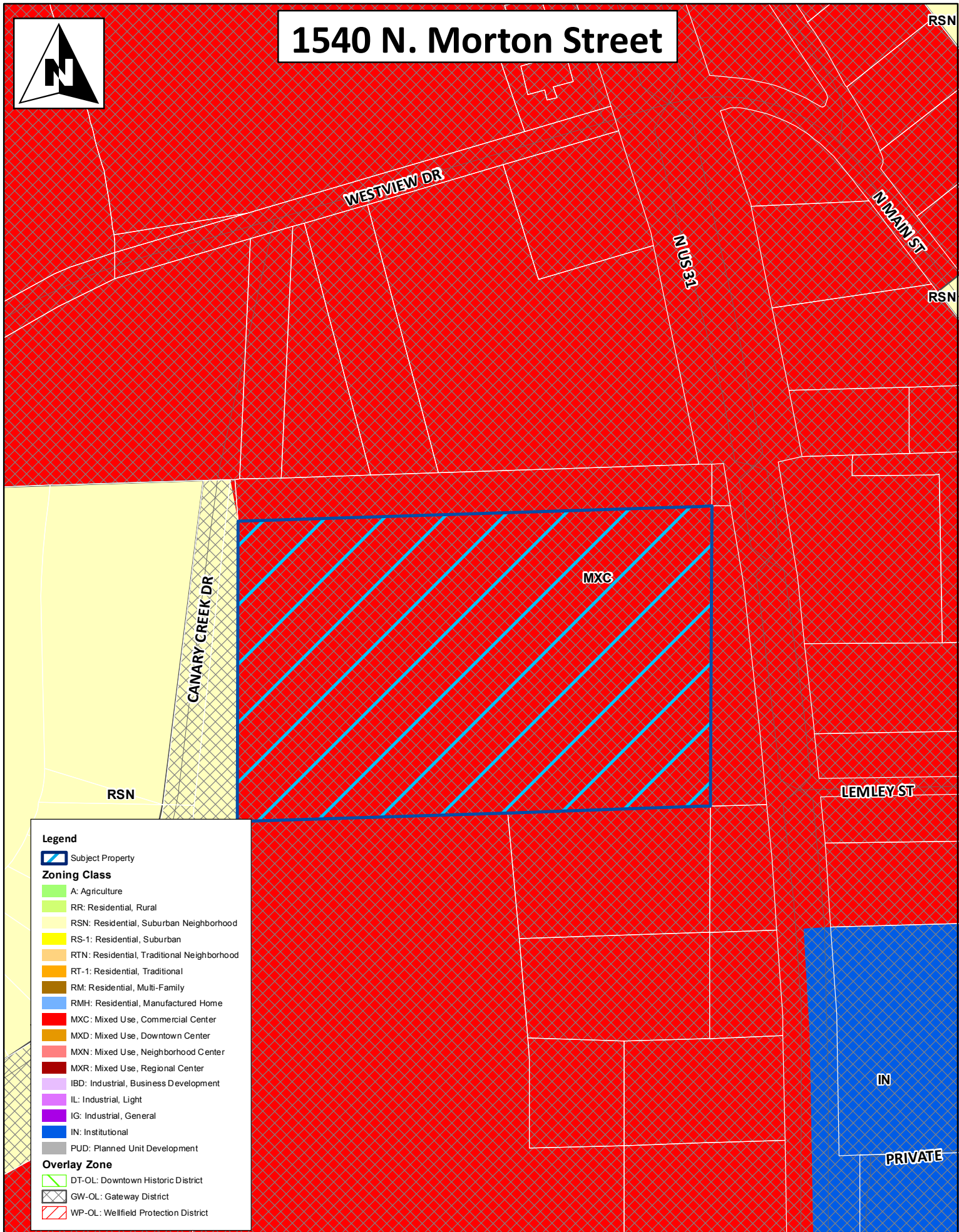


Legend
Subject Property

1 inch = 200 feet



1540 N. Morton Street



Legend

Subject Property

Zoning Class

- A: Agriculture
- RR: Residential, Rural
- RSN: Residential, Suburban Neighborhood
- RS-1: Residential, Suburban
- RTN: Residential, Traditional Neighborhood
- RT-1: Residential, Traditional
- RM: Residential, Multi-Family
- RMH: Residential, Manufactured Home
- MXC: Mixed Use, Commercial Center
- MXD: Mixed Use, Downtown Center
- MXN: Mixed Use, Neighborhood Center
- MXR: Mixed Use, Regional Center
- IBD: Industrial, Business Development
- IL: Industrial, Light
- IG: Industrial, General
- IN: Institutional
- PUD: Planned Unit Development

Overlay Zone

- DT-OL: Downtown Historic District
- GW-OL: Gateway District
- WP-OL: Wellfield Protection District



HEIDNER PROPERTIES, INC.

399 Wall Street - Unit H
Glendale Heights, IL 60139
Phone (630) 894-0099 • Fax (630) 894-0485

January 15, 2013

City of Franklin Indiana
Board of Zoning Appeals
70 E. Monroe Street
P.O. Box 280
Franklin, IN 46131

Re: 1540 N. Morton Street, Franklin, IN
Front Yard Loading Area Zoning Variance Request

To Whom It May Concern:

I am writing you to give you a background on my involvement with the above referenced property and to discuss with you my need for a variance on the front yard restriction on loading areas within the zoning ordinance.

I purchased this property on 9/14/07 and at the time of my purchase Wal-Mart had already vacated the property and sub-leased it to Tractor Supply Company and Trader Bakers Flea Market. Wal-Mart subleased to these tenants to offset their costs as they were obligated under their lease agreement with me until January 31, 2013. At the time of Wal-Mart's sub-leasing the property they divided what was originally a building designed and built with holding only one tenant (Wal-Mart) in mind. In order to sub-lease the building to two tenants they had to put up a demising wall that consequently cut the south portion of the building off from the loading dock at the north end of the building. At the time this was not a problem since Trader Bakers did not require a loading dock in order to operate their business. However, Trader Bakers has since vacated the building and the need for a loading dock to service the 30,849 square foot vacancy has come to the surface.

As we approached the end of Wal-Mart's lease we began to market the property for ideally a single user to occupy the vacancy left behind by Trader Bakers. At the same time we were marketing the vacancy, we were also working with the Tractor Supply Company to renew their lease and remain in their current space. We are happy to report that we were successful on both fronts; Tractor Supply signed a new lease and Big Lots Stores signed a lease to occupy the 30,849 vacancy. We are thrilled to have a fully occupied building and we are hoping you will assist us in the ability to keep this building full and generating sales tax dollars for years to come.



HEIDNER PROPERTIES, INC.

399 Wall Street - Unit H
Glendale Heights, IL 60139
Phone (630) 894-0099 • Fax (630) 894-0485

We need your help by granting us a variance to Section 7.11 of the design standards of the Franklin, Indiana Planning Department. Though our intent will meet the requirements of paragraph (A) by constructing a loading berth to serve current, and possibly future big box tenant, the additional requirements of paragraph (B) restrict the berth from being constructed in the front yard.

Our options at this site are very limited due to the existing drainage and retention structures located on the west and south sides of the building. With the north wall of the tenant space adjoining Tractor Supply, we are left with only the east side for truck access. In this case, the east is in fact the front yard. These are the limiting conditions that force us to seek a variance from the Board of Zoning Appeals.

Please strongly consider helping us to revive this property by making it financially viable again and an asset to the residents of the Franklin, IN community and surrounding area.

Very Truly Yours,

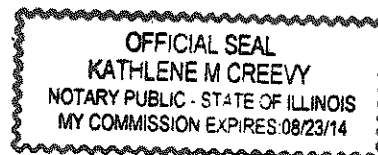
Rick E. Heidner
WMT Franklin, LLC
Heidner Properties, Inc.
President

State of IL, County of LaSalle

Signed before me on this 15th day

of Jan, 2013 by Rick Heidner

Notary Public Kathlene M. Creevy



SITE NOTES:

THE OWNER IS RESPONSIBLE FOR ALL SUBSURFACE CONDITIONS INCLUDING WEAK, LOOSE, OR UNSUITABLE SOIL, HIGH WATER TABLES, BURIED OBJECTS, UTILITIES, ETC.

THE ENGINEER HAS ASSUMED 3000 PSF SOIL BEARING CAPACITY.

ALL UNSUITABLE SOIL SHALL BE REMOVED AND FILL COMPACTED TO 95% STANDARD PROCTOR.

DRIVES, PARKING AND CURB CUTS ARE SCHEMATIC IN NATURE AND MUST BE VERIFIED BY OWNER AND/OR CONTRACTOR.

SITE ACCESSIBILITY NOTES:

1) SITE ACCESSIBILITY SHALL BE IN ACCORDANCE WITH THE "AMERICANS WITH DISABILITIES ACT" (ADA).

2) AT LEAST ONE ACCESSIBLE ROUTE WITHIN THE BOUNDARY OF THE SITE SHALL BE PROVIDED FOR PUBLIC TRANSPORTATION STOPS, ACCESSIBLE PARKING, ACCESSIBLE PASSENGER LOADING ZONES, AND PUBLIC STREETS OR SIDEWALKS TO THE ACCESSIBLE BUILDING ENTRANCE THEY SERVE. THE ACCESSIBLE ROUTE SHALL, TO THE MAXIMUM EXTENT FEASIBLE, COINCIDE WITH THE ROUTE FOR THE GENERAL PUBLIC.

3) ACCESSIBLE PARKING SPACES SHALL COMPLY WITH THE FOLLOWING:

TOTAL PARKING IN LOT	REQUIRED MIN. NUMBER OF ACCESSIBLE SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	2 PERCENT OF TOTAL
1001 AND OVER	20 PLUS 1 FOR EACH 100 OVER 1000

(1) IN EVERY (8) ACCESSIBLE SPACES BUT NOT LESS THAN (1) SHALL BE SERVED BY AN ACCESS AISLE 8'-0" WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE" AS REQUIRED BY SECTION 4.6.4 (ADA).

4) EACH HANDICAPPED PARKING SPACE SHALL BE DESIGNATED BY A SIGN MOUNTED AT 5 FEET ABOVE GRADE ON A WALL OR POST AND LOCATED AT THE FRONT CENTER OF THE SPACE.

5) AN ACCESSIBLE ROUTE NOT LESS THAN 80" WIDE WITH A SLOPE NOT GREATER THAN 1 IN 20 SHALL BE MAINTAINED FROM PARKING SPACES TO ENTRANCE DOORS.

CHANGES IN GRADE LEVEL, INCLUDING THRESHOLDS AT DOORS, SHALL BE SLOPED NOT GREATER THAN:

1 : 2	FOR RISE NOT GREATER THAN	1/2"
1 : 8	FOR RISE NOT GREATER THAN	3"
1 : 10	FOR RISE NOT GREATER THAN	6"
1 : 12	FOR RISE GREATER THAN	6"

ANY SLOPE GREATER THAN 1 : 20 SHALL HAVE HANDRAILS AND CURBS AT LEAST 4" HIGH. CROSS SLOPES (PERPENDICULAR TO DIRECTION OF TRAVEL) SHALL NOT BE GREATER THAN 1 : 48.

PARKING CALCULATIONS - BIG LOTS

PARKING IS PROVIDED IN ACCORDANCE WITH SECTION 7.10 OF THE CITY OF FRANKLIN ZONING ORDINANCE.

RETAIL SPACE	1:300 SF
OFFICE SPACE	1:250 SF
EMPLOYEE PARKING	1:1 MAX SHIFT

$$\text{RETAIL} = \frac{21,776 \text{ SF}}{300} = 73 \text{ SPACES}$$

$$\text{OFFICE} = \frac{2,719 \text{ SF}}{250} = 11 \text{ SPACES}$$

$$\text{STOCK} = \frac{6,389 \text{ SF}}{300} = 22 \text{ SPACES}$$

$$\text{MAX EMPLOYEES/SHIFT} = 10 \text{ SPACES}$$

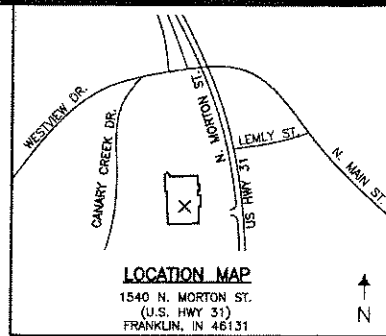
$$\text{TOTAL REQUIRED} = 116 \text{ SPACES}$$

$$\text{TOTAL PROVIDED} = 341 \text{ w/ 12 HC SPACES}$$

PARKING CALCULATED @ RETAIL RATE FOR ENTIRE BUILDING:

$$\frac{67,992 \text{ SF}}{300} = 227 \text{ OVERALL REQUIREMENT}$$

$$244 \text{ REQUIRED} < 341 \text{ PROVIDED}$$



CANARY CREEK DRIVE

K.L. PRESNELL
DEVELOPMENT INC.,
INSTR #94022603

LOCATION MAP
1540 N. MORTON ST.
(U.S. HWY 31)
FRANKLIN, IN 46131

THE NORTH LINE OF THE NORTHEAST QUARTER OF
SECTION 15-T12N-R4E
N 88°00'40" E 2694.72'

(EAST)
N 88°00'40" E

EXISTING TENANT
Tractor Supply Company

EXISTING BUILDING
67,992 SF
FULLY SPRINKLED

AREA OF REMODEL
30,883 SF

K.L. PRESNELL
DEVELOPMENT INC.,
INSTR #94017257

FRANKLIN GW HOLDING
INSTR #2008013737

NOTES:

- THIS PLAN IS INTENDED TO MEET THE REQUIREMENTS OF THE INDIANA DEPARTMENT OF HOMELAND SECURITY-PLAN REVIEW DIVISION. ADDITIONAL LOCAL REQUIREMENTS (IF ANY) WILL BE ADDRESSED ON SEPARATE PLANS.
- THIS PLAN IS NOT A LEGAL DOCUMENT. IT'S SOLE PURPOSES TO REFLECT THE SCOPE OF WORK. IT IS FOR REFERENCE PURPOSES ONLY.

SITE PLAN
SCALE: 1" = 40'-0"



Not for Const.

Progressive Engineering Inc.



58840 State Road 15
Goshen, IN 46528
Phone (574) 533-0337
Fax (574) 533-9796

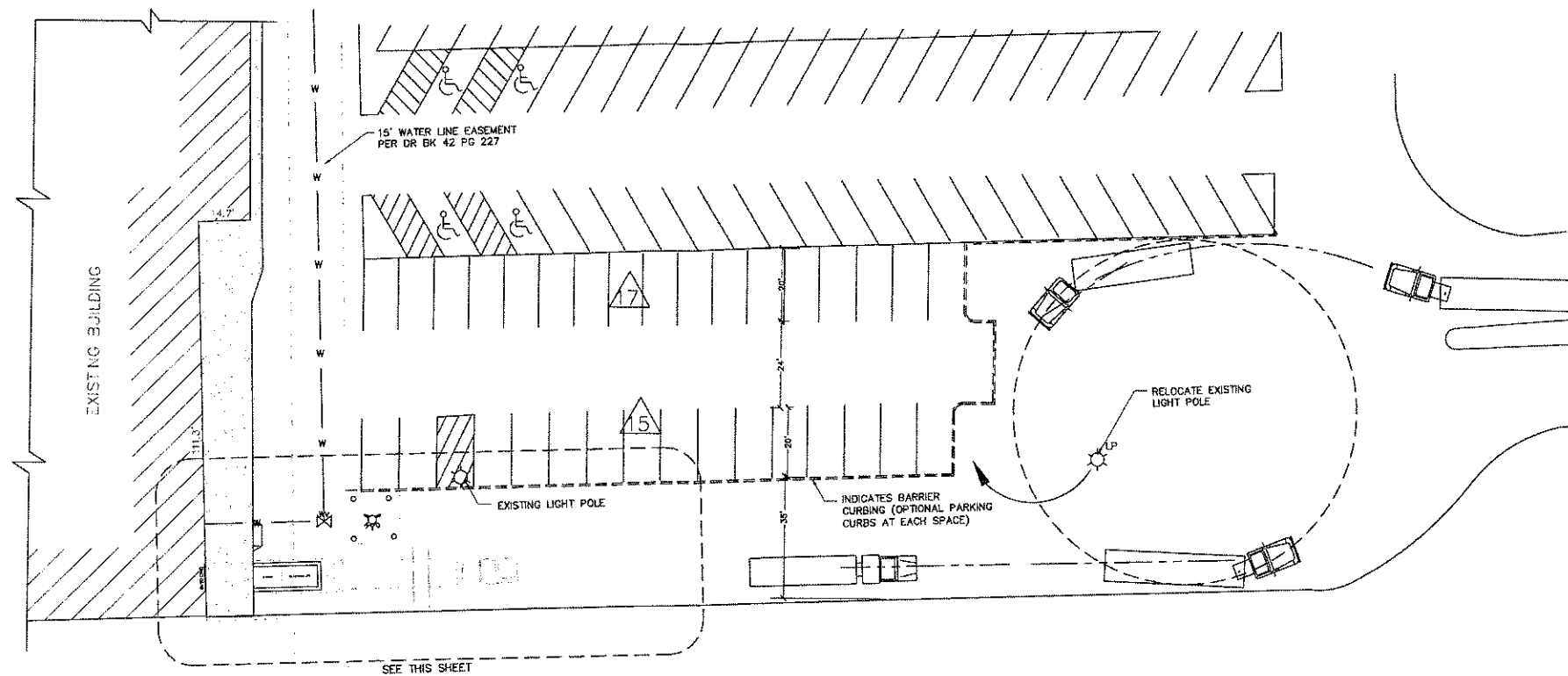
www.pei.com

HEIDNER PROPERTIES, INC.
BIG LOTS - FRANKLIN, IN

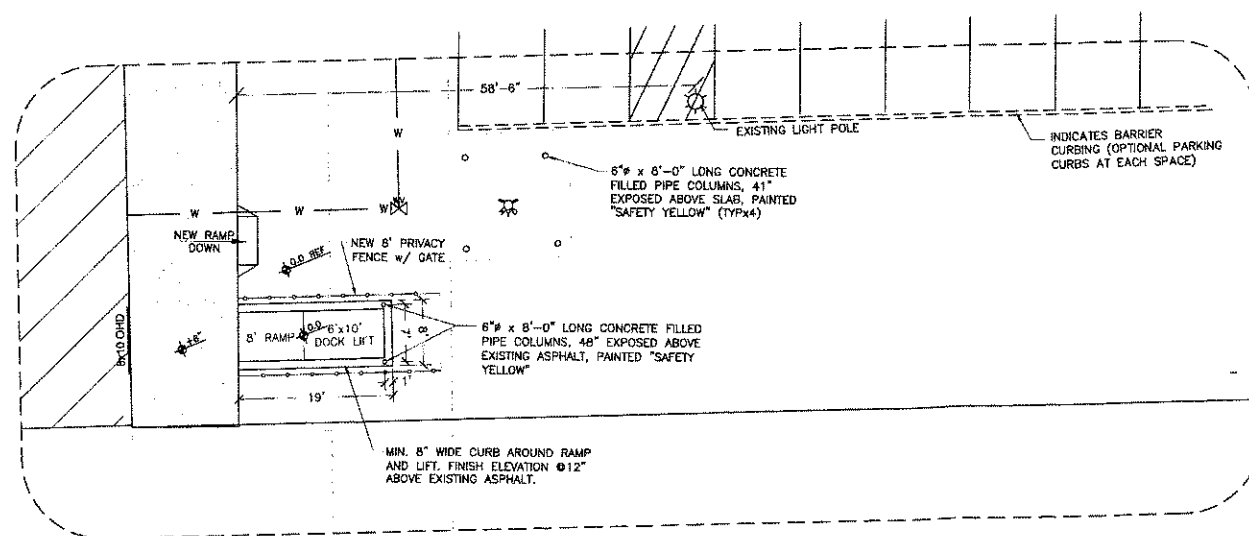
SITE PLAN

DATE	BY	DATE	BY
1/22/13	J. BOYKO	1/22/13	J. BOYKO
2013-0154		2013-0154	

C1



PARKING/MANEUVERING PLAN
SCALE: 1" = 20'-0"



TRUCK BERTH PLAN
SCALE: 1" = 10'-0"



NOTES:

- 1) THIS PLAN IS NOT A LEGAL DOCUMENT. IT'S SOLE PURPOSES TO REFLECT THE SCOPE OF WORK. IT IS FOR REFERENCE PURPOSES ONLY.
- 2) THIS DESIGN ALLOWS FOR ONE TRUCK IN DOCK AND ONE TRUCK ARRIVING OR STAGED TO THE NORTHEAST OF THE DOCK.
- 3) THE INDOT DESIGN MANUAL GIVES THE TURNING TEMPLATE RADIUS'S AS 45.83' FOR THE FRONT OF THE CAB AND 17.14' FOR THE REAR OF THE TRAILER FOR THE 50' WHEEL BASE SEMI-TRUCK FOUND ON THE FIGURE 46-12G IN SAID DESIGN MANUAL.

Not for Const.



Progressive Engineering Inc.
58840 State Road 15
Goshen, IN 46528
Phone (574) 533-0337
Fax (574) 533-9736



www.p-e-i.com

CLIENT: HEIDNER PROPERTIES, INC.
PROJECT: BIG LOTS - FRANKLIN, IN
DATE: 1/22/13

ENLARGED SITE PLAN

DATE	BY	CHKD	APP'D	DATE
1/22/13	J. BOYKO			
NOTED				
2013-0154				

C1.1