



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: June 10, 2013

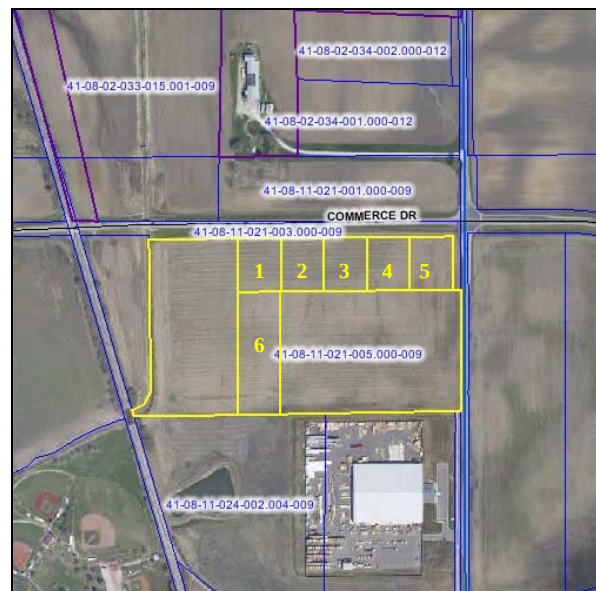
Re: Case PC 2013-08 (PP-Amend): RSW Industrial Park

REQUEST:

Case PC 2013-08 (PP-Amend)...RSW Industrial Park. A request to modify the preliminary plat for RSW Industrial Park and approval of a waiver request from the required street frontage for Lot 7. The property is located at the southwest corner of Commerce Drive and Graham Road and is zoned Industrial: Business Development (IBD).

Location:

The property is located at the southwest corner of Commerce Drive and Graham Road. RSW Industrial Park is shown below in blue, which represents the IBD zoning. The aerial map shows the parcels that make up RSW Industrial Park highlighted in yellow. Lots 1-6 have been recorded and platted as shown below.



ZONING:

Lot Standards – Industrial: Business Development (IBD)

Min. lot area: 22,000 s.f.
Maximum lot area: 5 acres
Min. lot width (at front setback): 100 feet
Maximum lot coverage: 75%

Min. front yard setback (Arterial): 50 feet
Min. side yard setback: 25 feet
Min. rear yard setback: 25 feet

Surrounding Zoning:

North: IL (Industrial: Light)
South: IL (Industrial: Light)
East: IG (Industrial: General)
West: IL (Industrial: Light)

Surrounding Land Use:

North: Agriculture
South: Former Trussway
East: Agriculture
West: Agriculture

HISTORY:

1. In May 2007, the subject property was rezoned (PC 2007-05) from Industrial: Light (IL) to IBD. The commitments of the rezoning prohibited outdoor storage of RVs and boats along with telecommunication towers and auto sales. It also restricted mini warehouse use to 2.25 acres in the southwest corner of the property.
2. Also in 2007, a preliminary plat (PC 2007-10) of the subject property was approved for a 15 lot industrial subdivision. Five (5) lots were approved adjacent to Commerce Drive with shared drives while 10 lots were approved off of Graham Road and accessed by a cul-de-sac.
3. The five (5) lots adjacent to Commerce Drive have been recorded as approved in 2007.
4. In 2010, the petitioner requested that the commitments of the previous rezoning be amended in order to allow boat/RV storage facilities and to limit the mini warehouse use to an amended Lot 6 (PC 2010-03). The Plan Commission forwarded a favorable recommendation to the City Council, with the Council approving the proposed modification of the rezoning commitments.
5. Concurrently with item #4, the petitioner requested the preliminary plat be amended, with waiver requests, to combine the two far southwest lots into one lot (Lot 6) and to shorten the cul-de-sac. This amended preliminary plat and waiver requests were approved.
6. A final plat was recorded showing Lot 6 and amended the previous recorded plat to provide an ingress/egress easement through Lot 1 to access Lot 6.
7. The petitioner then constructed three (3) mini warehouse buildings, 30 ft. x 218 ft. each, on the north portion of Lot 6. The remainder of the lot is utilized as a boat/RV storage facility.

CONSIDERATIONS:

1. The petitioner is requesting to amend the preliminary plat for RSW Industrial Park to reduce the number of total lots to nine (9). Lots 1-6 have been recorded. Lots 1-5 are located adjacent to Commerce Drive with two common entrances provided. Lot 6 has no street frontage and is accessed by an ingress/egress easement through Lot 1. These 6 lots are proposed to remain unchanged.
2. The petitioner is proposing to amend the lot layout of the remaining unrecorded portion of RSW Industrial Park. The proposal is to plat Lots 7-9. Lot 7 is proposed to be accessed by an ingress/egress easement through Lot 2 similar to Lot 6. Lots 8 and 9 will share a common entrance located off of Graham Road with an ingress/egress easement provided. See attached preliminary plat.

3. A waiver request from the street frontage requirement for Lot 7 has been submitted with the petition.
4. Waivers from the installation of acceleration/deceleration lanes and passing blisters were previously approved in 2010.
5. The Thoroughfare Plan for the City of Franklin has classified Commerce Drive as an arterial street and Graham Road as a collector street.
6. Minutes from the previous Plan Commission meetings are attached for reference.
7. A site development plan for the proposed development of Lot 7 has also been submitted along with a request to amend the rezoning commitments (PC 2013-07). The petitioner is proposing to construct an additional 5 mini warehouse buildings and provide additional area for outdoor storage of boats/RV's. A copy of the site plan is attached.
8. The above petitions were reviewed by the Technical Review Committee on May 30, 2013. The amended rezoning petition and amended preliminary plat petition have been forwarded to Plan Commission for action.
9. The 2002 Comprehensive Plan identifies this property as Light Industrial (IL).

Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw material. Light industrial facilities generally do not produce emission of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.

CRITERIA FOR DECISION (WAIVERS):

As outlined in Article 2.4 of the Subdivision Control Ordinance, the Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented by the petitioner in each specific case, indicating how:

1. **Public Welfare:** The granting of the waiver will not be detrimental to the public safety, health, and/or welfare;
2. **Adjacent Property:** The granting of the waiver will not be injurious to the reasonable use and development of other property;
3. **Unique Conditions:** The conditions upon which the request for the waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
4. **Physical Conditions:** Because of the particular physical surroundings, shape, or topographical conditions or the specific property involved a hardship to the owner would result if the strict letter of these regulations were carried out; and
5. **Physical Conditions:** The waiver will not contradict the intent of the City of Franklin Comprehensive Plan.

CRITERIA FOR DECISIONS (PRELIMINARY PLAT):

In taking action on Preliminary Plat requests of a major subdivision, the Plan Commission shall use the decision criteria outlined in Article 4.2(F)(2) of the City of Franklin Subdivision Control Ordinance.

- 1. Subdivision Control Ordinance Requirements:** The consistency of the proposed Preliminary Plat with the requirements of the Subdivision Control Ordinance;
- 2. Zoning Ordinance Requirements:** The consistency of the proposed Preliminary Plat with the standards of the zoning district in which it is located; and
- 3. Other Requirements:** The consistency of the proposed Preliminary Plat with any other applicable standards.

The Plan Commission may 1) approve, 2) approve with conditions, 3) deny, or 4) continue the petition to the next regularly scheduled Plan Commission meeting. In order to make a motion to deny, the petition must not meet the specific requirements of the Subdivision Control Ordinance or Zoning Ordinance.

Following approval of the Preliminary Plat, the petitioner shall submit Final Plat & Construction Plans for review and approval as outlined in the Subdivision Control Ordinance.

STAFF RECOMMENDATION:

If the Plan Commission finds sufficient evidence to approve the waiver request from street frontage for Lot 7, staff recommends approval of the amended preliminary plat with the condition that an ingress/egress easement be provided on Lot 2 to provide sufficient access to Lot 7.

Swearing In:

En masse, Ms. Gray swore in all individuals in the audience who were going to be presenting testimony.

Report of Officers and Committees:

Technical Review Committee Report:

Joe Csikos stated that in addition to the items on the agenda the Technical Review Committee reviewed a site plan for White Castle which included the demolition and new construction at the previous site of the Kentucky Fried Chicken.

Old Business:

None.

New Business:

PC 2007-06...RSW Industrial Park:

Jim Martin stated that the petition was a request for Primary Plat Review for a 15 lot industrial subdivision on +/- 29.30 acres. Mr. Martin stated that the property was located on the southwest corner of Commerce Drive & Graham Road. Jim Martin stated that the property was zoned IBD (Industrial: Business Development).

Joe Csikos stated that staff had provided a list of additional comments for the Commission's review.

Steve Williams, Franklin Engineering, presented the petition. Mr. Williams stated Mike Waugh, co-owner of the development, was also in attendance. Steve Williams stated that the petition has already received approval from IDNR and the Johnson County Drainage Board. Mr. Williams stated that the proposal consisted of 29 acres on the southwest corner of Commerce Drive & Graham Road. Steve Williams stated that the cul-de-sac street would access the lower lots and the upper lots would have two common access drives. Mr. Williams stated that all of the comments requested by Mike Buening's memorandum dated July 17, 2007 would be addressed. Steve Williams stated that the petitioner requested a waiver in regards to sidewalks along the cul-de-sac street and in regards to the maximum length of a cul-de-sac street.

Lynn Gray questioned if the location of the proposed mini-warehouses had been given as a zoning commitment.

Bob Swinehamer stated that the recorded plat states that mini-warehouses are only allowed to be located on lot #5 and #6.

Joe Csikos stated that staff recommended approval for the two requested waivers and approval of the primary plat conditioned on meeting the comments that were outlined by staff.

Action taken on Case PC 2007-06...RSW Industrial Park:

Kevin McElyea moved to approve the requested waivers for required sidewalks along the cul-de-sac and the required maximum length of the cul-de-sac. Dr. Murphy seconded the motion. A poll of the members revealed a vote of 9 to 1 with Chris Phillips casting the negative vote. *The motion carries.*

On a motion by Dr. Province and a second by Georganna Haltom, the members voted unanimously to approve the petition subject to the City Engineer's Memorandum comments 1 – 5.

Case PC 2007-12...15 Circle Drive:

Jim Martin stated that the petition was a request for re-zoning from RTN (Residential: Traditional Neighborhood) to MXC (Mixed Use: Community) to permit a hospice administrative office & durable medical equipment office at 15 Circle Drive.

Kim Weddle, Administrator of Americare Home Health and Hospice, presented the petition. Ms. Weddle stated that her company was in need of additional office space. Kim Weddle addressed the State Criteria as follows:

1. The Comprehensive Plan – Ms. Weddle stated that she felt that the proposal would be consistent with the Comprehensive Plan because the site would only be used as office space.
2. Current conditions and the character of current structures and uses in each district – Ms. Weddle stated that the petitioner would only be remodeling the interior of the building.
3. The most desirable use for which the land in each district is adapted –
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth – Kim Weddle stated that the company has been in existence since 1993 and they have been an asset to the community.

Lynn Gray questioned why the petitioner was requesting rezoning instead of a variance.

Joe Csikos stated that the petitioner requested and filed for rezoning.

Kevin Jamison, surrounding property owner, stated that he supported the petition, but requested that the petitioner install a privacy fence along his property.

Lynn Gray again questioned the rezoning of the property. Ms. Gray stated that the rezoning would “go with the land” and any MXC permitted uses would be allowed. Lynn Gray read the list of permitted uses to the Commission.

PC 2010-02 (R): Preliminary Plat of RSW Industrial Park and
PC 2010-03 (R): Rezoning of RSW Industrial Park:

Steve Williams stated that the property was rezoned 3 years ago, from IL to IBD. The zoning change was an upgrade to allow offices. IL zoning doesn't allow personal services and IBD zoning did. He stated that during the rezoning they were asked to make certain commitments. Boat and RV storage was excluded. He stated that his memory is the Board wanted mini-warehouse facilities on the property. The proposed RV and Boat storage would be stored farthest away from Commerce Drive and Graham Road in the corner of the property so they can control the gate. Landscaping would be around the entire fenced area. He stated there is visibility from Graham Road to all the future lots. He stated that they would like to be relieved of the commitment and combine the two lots.

Mr. Swinehamer questioned if they were asking to be allowed to do something that is already permitted in that zoning district. Ms. Pendleton stated that the property was originally zoned IL. The petitioner requested a rezoning and during the rezoning petition, conditions were placed upon the property that the mini-warehouse storage was restricted. Swinehamer questioned if someone new was coming in the use would be permitted under IBD zoning. Ms. Linke stated yes but it was zoned with conditions. Mr. Swinehamer questioned if they are asking for the condition about the storage and mini warehouses to be changed. Ms. Pendleton stated they are also asking for the condition of the restriction of the mini warehouses to 2.25 acres because the lot is larger than that. She stated that they will be restricted to that lot. Mr. Swinehamer questioned if it was previously for 2 lots. Mr. Williams stated that it was for 2 lots. He stated they would be using the top half for warehouses and the bottom half of the lot for RV and boat storage.

Ms. Gray stated that it was not a condition but a zoning commitment. The rezoning was approved by Council with a commitment. She stated that the Board has to give a recommendation to Council to either waive it or not waive it. Ms. Gray stated the plat could be approved or denied subject to the rezoning. Mr. Swinehamer stated that we essentially have a new plat, because the 2 lots that were at the end of the cul-de-sac have been combined. He stated that we are replatting them into what is Lot 6. Ms. Gray stated that the Board could technically approve the replat without the zoning amendment; the petitioner just couldn't do the outdoor boat & RV storage.

Mr. Swinehamer stated that if the Board doesn't do anything, the petitioner could still put the warehouses in. Ms. Pendleton stated that they can't exceed the 2.5 acres. She stated that the preliminary plat was lost in the flood and that the two lots were not the correct acreage.

Ms. Gray stated the Board could technically give plat approval. She stated the use of the property for the boat & RV storage would have to happen at the next level. She stated that the Board cannot change the ordinance. Ms. Linke stated that was explained in the considerations in section 1C that the written commitments may be modified only through the zoning amendment process, which is a rezoning. Ms. Linke stated on the Staff Recommendation, she didn't find anything in the minutes from either the Plan Commission meeting or the City Council meeting that referenced the outdoor storage. Ms. Linke stated that she doesn't know why that was included as a commitment unless the petitioner can elaborate on that. She stated that was her only reason for listing this with an unfavorable recommendation. Mr. Williams stated that it started at Plan Commission. Mr. Swinehamer stated he remembered the discussion about how the Plan Commission didn't want the warehouses visible from the main road.

Mr. Swinehamer stated that the technical review report had been skipped. Mr. Wilkerson stated that the report summarized what went through. Ms. Pendleton stated that there were 3 items that the case did not meet the ordinance on. Lot 6 has no street frontage as required in the subdivision control ordinance; they have a submitted waiver request for that item. She stated the proposed cul-de-sac is 555 feet in length. According to

the subdivision control ordinance it can only be 500 feet and they have attached a waiver for that. She stated the common entrances on Commerce Drive and Graham Road do not have acceleration/deceleration or passing lanes and a waiver request has been attached for that. The cul-de-sac and acceleration/deceleration lanes had previously been waived but have to be approved again.

Mr. Williams stated that they feel it complies with the comprehensive plan because it is allowed in that zone and is a desirable use. The request is for modification first and the plat second.

Dr. Murphy stated that he has a problem with the commitment being made years ago and the petitioner coming back and saying they didn't mean it.

Mayor Paris stated that he wouldn't have a problem as long as the mini-warehouses stay off the road. He stated he doesn't want to see it on the main road. Mr. McElyea questioned if the Board could request certain boundaries to be set up around storage area. Mr. Waugh stated that there are many trees & bushes going around it. Mr. Swinehamer stated that it will be 520 feet off of Commerce Drive and 700 feet off of Graham Road.

Action taken on PC 2010-03 (R): Rezoning of RSW Industrial Park:

Mike Auger made a motion to make a favorable recommendation of approval to City Council to amend commitment C to allow the storage of recreational vehicles and boats on Lot number 6. Dan Murphy seconded the motion. Dr. Murphy-No, Chris Phillips-yes, Suzanne Findley-yes, Mike Auger-yes, Kevin McElyea-yes, Jim Martin-yes, Bob Swinehamer-yes, Diane Gragg-yes, Dan Murphy-yes. The motion passes 8-1.

Action taken on PC 2010-02 (R): Preliminary Plat of RSW Industrial Park:

Mr. Swinehamer made a motion to approve the preliminary plat, grant the waivers to install the acceleration/deceleration lanes, to grant the waiver to extend the length of the cul-de-sac to 550 feet and to waive the requirements to have street frontage. Dan Murphy seconded the motion. The motion passed. Chris Philips abstained from the vote.

Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 20th day of April, 2010.

Mike Auger, President

Chris Phillips, Secretary