



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: July 7, 2023

Re: Cases ZB-23-8 (SE) | DSM Trucking LLC

REQUESTS:

Case ZB-23-8 (SE) DSM Trucking LLC: A request by DSM Trucking LLC, for a Special Exception from the City of Franklin Zoning Ordinance: Article 3, Chapter 23, to allow a Trucking Company use in the IG: Industrial, General zoning district. The subject properties are located on the north side of Hamilton Ave, at a common address of 750 Hamilton Avenue.

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
IBD, Industrial, Business Development
East: IG, Industrial, General
West: IG, Industrial, General

Surrounding Land Use:

North: Hurricane Industrial Complex
South: Single- & Two-family residential
Self-storage, Contractor’s Office
East: Crop Production Services
West: Hurricane Industrial Complex

CONSIDERATIONS:

Current & Proposed Use

1. The DSM Trucking LLC, Petitioner, requests approval to use the property at 750 Hamilton Ave as a trucking company. The property is owned by Scott & Michelle Graham, who received BZA Special Exception and Use Variance approval in January 2019 (ZB 2018-19), to allow inoperable vehicle storage use (associated with their former towing company), and an auto repair and body shop use.
2. The property owners relocated their auto repair & body shop to Earlywood Drive in 2022, while the subject property continued to be used/leased by another wrecker service. That wrecker service has since left the property and petitioners started operating the trucking company. Staff issued a Notice of Violation to the property owners; petitioners responded that they believed they were already permitted to operate from the property, and are seeking the Special Exception use approval in order to be in compliance.
3. *Petitioner, DSM Trucking LLC, is requesting to operate their existing trucking company at the subject property and is therefore, requesting Special Exception approval.*
4. Petitioner stated they would have twenty (20) business vehicles stored on-site, eight (8) employees on the largest shift, and the hours of operation would be 8:00am-5:00pm.

5. The subject property has three existing structures and is almost entirely covered with stone/gravel parking, storage and driving surfaces.
6. As part of the ZB 2018-19 Special Exception and Use Variance approval, petitioners committed to installing a 6-8 foot opaque fence across the front of the property. The fence was installed and remains at the site. A chain link fence bounds the remaining portions of the property.
7. Petitioner has not proposed any changes to the site; the Board should query the petitioner if they plan to make any changes to the site.



Special Exception – Trucking Company

8. A Trucking Company use is defined as: “An area and/or building where trucks and/or trailers are stored, where loading and unloading does not primarily occur regularly, may include minor truck maintenance, scales and/or fuel.”
9. A Trucking Company use is listed as a special exception use in the “IL,” Industrial, Light; and, “IG,” Industrial: General zoning districts.
10. A Trucking Company use is not listed as a permitted use by right in any zoning district.
11. The subject property is in the “IG,” Industrial, General zoning district; *therefore, petitioners request a Special Exception approval for the Trucking Company use at the subject property.*

Parking Standards

12. 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.

13. According to Article 7, Chapter 10, Parking Standards:
 - A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Each employee working on the largest shift;
 - Each business vehicle stored on-site; and,
 - Every 250 square feet in any administrative office space.
 - Minimum parking stall size is 9' x 18' and must be striped.
 - Each parking space must be paved with asphalt or concrete.
14. At least one (1) space provided must be reserved for disabled persons, 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.

Nonconforming Site Features

15. *The existing site has several legal nonconforming site features, which are allowed to remain and be maintained by the petitioners, such as, gravel/crushed stone driving/parking surface and landscaping.*
16. According to Article 10, Chapter 3, Nonconforming Site Features, “any site feature or improvement (such as landscaping, dumpster enclosures, parking space dimensions, etc.) lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Site Feature.”
17. “No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.

Comprehensive Plan & Zoning Ordinance

18. 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.”
19. 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.
20. 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)).”
21. 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 approval of the proposed special exception, with the proposed conditions of approval, for a trucking company use will not be injurious to the public health, safety, morals, and general welfare of the community, as the general vicinity is zoned almost exclusively for the highest intensity industrial uses. While there are a handful of residential properties in close proximity to the South, those properties also fall in the IG: Industrial, General zoning district and are classified as legal non-conforming uses. Moreover, the subject property is in close proximity to the City of Franklin designated “Truck Route,” which will aide in reducing truck traffic in non-industrial areas. Furthermore, there is an existing opaque fence eight feet in height along all common property lines with residential properties and across the front of the property, which reduces the visual impact of the trucking use, as well as, to prevent unwanted entry. Therefore, the approval will not be injurious to the public health or safety.

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:

Petitioner has not indicated any proposed physical changes to the site. There are a number of legal nonconforming site features occurring on the property; however, the ordinance allows legal nonconforming site features to be maintained or reduced. Therefore, staff finds the requirements of the zoning ordinance will be met.

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:

Staff finds the requested use is listed as a special exception under the Industrial General zoning district regulations and the proposed use, with the existing screening/fencing, would not result in an adverse impact on adjoining properties. The subject property abuts the Hurricane Industrial Complex to the north, which will not be affected in any way by the proposed use, due to the heavy industrial nature of the general vicinity, and the structures on the subject property will hide a majority of the truck/trailer storage. Moreover, approval will not be contrary to the general purposes served by the Zoning Ordinance, as the IG district “is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts.”

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

Staff Finding:

The granting of the special exception does not interfere with the Comprehensive Plan as the Plan states land uses in the manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. Therefore, staff finds the proposal would not interfere with the goals of the Comprehensive Plan.

STAFF RECOMMENDATION – SPECIAL EXCEPTION

Based on the written findings above, staff recommends **approval with the following conditions (a.-g.):**

- a. Special Exception approval for a Trucking Company use, as defined by the City of Franklin Zoning Ordinance, shall run with the petitioner, DSM Trucking LLC, at the subject property.
- b. An opaque fence must be maintained across the front of the property, separating the front property line from all storage areas on-site. The fence must be between six and eight feet in height and constructed no closer than 50 feet to Hamilton Ave.

- c. All semi-trucks, trailers and vehicles larger than standard passenger vehicles must be parked, stored, and maintained behind the opaque fence.
- d. The property shall at all times be maintained and used only in clean, neat and well-groomed conditions, free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items, including, but not limited to, inoperable vehicles, gasoline, oil, flammables, chemicals, greases, and industrial waste.
- e. The legal non-conforming gravel/stone parking surface can be maintained but is not permitted to expand, without the approval of the Board of Zoning Appeals.
 - Expansion of the stone and/or hard surface area within the fenced storage area shall require Site Development Plan Review and approval, if the expansion results in a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the storage area currently available on the property.
- f. A minimum of one parking space must be provided for each employee on the largest shift and for each business vehicle stored on-site.
- g. At least one parking space reserved for disabled persons must be provided, 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.