

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

May 7, 2014

Members Present:

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| Tim Holmes | President |
| Phil Barrow | Vice-President |
| Jim Martin | Secretary |
| Brian Alsip | Member |
| Rev. Richard Martin | Member |

Others Present:

| | |
|---------------|---------------------|
| Joanna Myers | Senior Planner |
| Alex Getchell | Associate Planner |
| Lynn Gray | Legal Counsel |
| Jaime Shilts | Recording Secretary |

Call to Order:

Tim Holmes called the meeting to order at 7:00 p.m.

Swearing In:

Lynn Gray swore in the audience en masse.

Approval of Minutes:

Jim Martin made a motion to approve the January 8, 2014 minutes as presented. Phil Barrow seconded the motion. The members voted unanimously to approve the minutes as presented.

Old Business:

None.

New Business:

ZB 2014-01 (UV) Patriot Tactical, LLC:

The project is located at 166 RJ Parkway. The petition is for a Use Variance to allow the operation of a retail use, medium scale, apparel/footwear store/sporting goods shop in the IBD district. The variance is needed because retail use, medium scale, is a non-permitted use in the IBD district.

Mike Saunders, Patriot Tactical, stated they are a retail operation that sells sporting goods mainly to the military, sometimes on military bases. They have 7 stores. He stated the location where they would like the store is in a building that they have purchased. The building is currently used for storage. They support Atterbury soldiers, military, and local law enforcement. Their online business is processed through their office in the building.

Mr. Saunders stated that the approval of the petition would not harm the general welfare of the community. He stated that it's a purely retail shop and that they wouldn't be selling anything there you couldn't buy at Walmart, though they will be selling higher quality items.

Mr. Saunders stated the adjacent properties would not be affected in a negative manner. He stated that it will bring a law enforcement presence back into the community. They will also have a first responder break station.

Mr. Saunders stated there is a hardship in not having the business in the location. He stated the property is located adjacent to their main business and they already own the building.

Mr. Saunders stated there will be a hardship in adhering to the ordinance. The building is 6400 sq. ft. with 650 sq. ft. of it proposed retail space. They don't expect to generate enough sales out of the space to generate the store independently. It is an ideal location because they have staff, online sales and the facility all at the same place.

Mr. Saunders stated the variance will not be detrimental to the comprehensive plan. If anything it supports it from a security standpoint.

Woody Burton, legislator and realtor, stated he has known Mr. Saunders for the past 20 years. He stated Mr. Saunders has improved the buildings greatly.

Staff recommends approval with the following conditions:

1. A minimum of seven (7) parking spaces be maintained onsite, and applicant shall provide onsite parking at a ratio of one (1) parking space per additional employee on the largest shift, and/or one (1) parking space per each additional 300 sq.ft. of retail use floor area.
2. Any expansion of the retail use (medium scale) apparel/footwear-store/sporting goods shop, beyond the area approved as part of this request, shall require favorable action (including new findings of fact and conditions of approval) by the Board.
3. To restrict potential nuisance and non-complimentary uses, and to make future operations compatible with the surrounding property, this use variance approval shall be limited to retail use (medium scale) apparel/footwear store, and sporting goods shop.
4. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.

Mr. Getchell stated they must maintain a minimum of 7 parking spaces. If they grow the business and add a 5th employee they need to add an 8th space. Ms. Gray stated the commitment tonight is for the 650 sq. ft. and the additional parking space per 300 sq. ft included in staff's recommendation is not necessary.

Action taken on ZB 2014-01 (UV) Patriot Tactical, LLC:

Jim Martin made a motion to approve the variance with the following conditions:

1. A minimum of seven (7) parking spaces be maintained onsite, and applicant shall provide onsite parking at a ratio of one (1) parking space per additional employee on the largest shift.
2. Any expansion of the retail use (medium scale) apparel/footwear-store/sporting goods shop, beyond the area approved as part of this request, shall require favorable action (including new findings of fact and conditions of approval) by the Board.
3. To restrict potential nuisance and non-complimentary uses, and to make future operations compatible with the surrounding property, this use variance approval shall be limited to retail use (medium scale) apparel/footwear store, and sporting goods shop.
4. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.

Phil Barrow seconded the motion. The motion carried unanimously.

ZB 2014-02 (UV) Fletcher Pre-Owned:

The property is located at 3089 N Morton Street for a pre-owned car lot to allow an electric message board sign to be animated and with multiple colors per frame in the IG zoning district.

Mr. Getchell stated the petitioner has removed the animated portion of the request but would like to keep the multi-colored portion. A variance is needed as electronic message board signs are required to be 1 color per frame, each frame must be static for a minimum of 8 seconds with no flashing, scrolling, or other animation permitted.

Jim Martin made a motion to accept the certified mailing instead of the certificate of mailing. Phil Barrow seconded the motion. The members voted unanimously to approve the motion.

Tom Healy, Sign Group, stated that he is working with Fletcher on their sign. They are requested a colored sign with no animation.

Mr. Healy stated the approval of the variance will not be injurious to the public welfare of the community. He stated colored message centers are normal in municipal communities.

Mr. Helay stated the adjacent property will not be affected in an adverse manner. The enhancement of the sign will help nearby property values.

Mr. Healy stated there is a practical difficulty as the current sign code allows a single color message center. It makes for limitations and does not meet with the desires and expectations of the public. Signs are no longer offered in black and white from the sellers.

Mr. Getchell stated the current ordinance allows 1 color per frame.

Rob Henderson, Franklin City Council, stated there is a benefit as it allows the business to compete with their competition.

Mr. Getchell stated that the variance being requested was similar to that of the Heartland Bank sign. Joanna Myers stated after the sign ordinance was changed due to the number of requests received for electronic message boards. The ordinance allowed electronic message boards with limitations of one color. She stated that after it was updated, there were several requests for multi-color electronic sign boards. She stated that Heartland was the first request. She stated that the way the ordinance is written, changeable copy cannot exceed 32 sq ft area maximum. It does not include electronic message boards.

Staff recommends approval with the following conditions:

1. Each frame remain static for a minimum of 8 seconds
2. No flashing, scrolling or other animation is permitted.
3. All permits are to be obtained prior to construction.

Action taken on ZB 2014-02 (UV) Fletcher Pre-Owned:

Phil Barrow made a motion to approve the petition with the following conditions:

1. Each frame remain static for a minimum of 8 seconds
2. No flashing, scrolling or other animation is permitted.
3. All permits are to be obtained prior to construction.

Rev. Martin seconded the motion. The motion carried unanimously.

Other:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 4th day of June, 2014.

Tim Holmes, Chairman

Jim Martin, Secretary