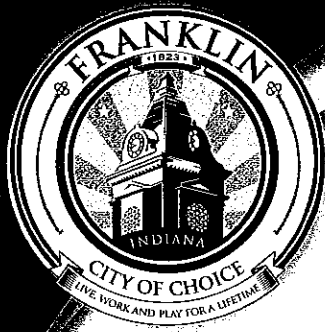




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT · DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

February 3, 2010

Members Present:

Richard Pfifer	Chairman
Tim Holmes	Secretary
Phil Barrow	Member
Rev. Richard Martin	Member

Members Absent:

Bob Swinehamer	Vice Chairman
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Others Present:

Joanna Myers	Senior Planner
Rachel Pendleton	Associate Planner
Lynn Gray	Legal Counsel
Jaime Harshman	Recording Secretary

Call to Order:

Richard Pfifer called the meeting to order at 7:00 p.m.

Approval of Minutes:

Phil Barrow made a motion to approve the January 2010 minutes as presented. Richard Martin seconded the motion and the members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

New Business:

ZB 2010-01 (V): JR Promotions, LLC – Billboard:

Lynn Gray stated that a letter from Fred Paris was received requesting a continuance on the hearing. She stated the request was received today and would require the BZA to grant the continuance. Richard Sprague, JR Promotions, stated that he had no problem with the continuance.

Action Taken on ZB 2010-01 (V): JR Promotions, LLC – Billboard:

Tim Holmes made a motion to continue the case to the March 3, 2010 meeting. Phil Barrow seconded the motion. The motion passed unanimously. The case will be continued to the March 3, 2010 meeting.

Old Business:

ZB 2009-17 (V): Bradley Chevrolet-Used Cars

Joanna Myers, Senior Planner, stated that the petition is for developmental standards variances to allow the placement of a modular structure that does not meet the Gateway Overlay architectural standards, not install the required pedestrian walkways, to allow a minimum of the required striped parking spaces from 301 to 81, to not install parking bumpers or curbing for the parking stalls adjacent to the proposed structure, and to allow vehicles to be parked or stored within interior drives. The property is located in the Mixed Use: Community Center and Gateway Overlay zoning districts. The property is located at 1554 N. Morton Street.

Larry Gesse, representing for Bradley Chevrolet, stated that there is pressure from General Motors to continually improve the quality of their car lots and buildings and remodel the existing buildings.

Mr. Gesse stated that the variance will not be injurious. He stated that the car lot has been in the location for 40-45 years. He stated that no one has been injured in the past by the lot being there. Bradley Chevrolet wants to move the building back within about 12 feet of the back building so that the entire lot can be utilized. Mr. Gesse stated that there is no problem installing up the parking bumpers adjacent to the proposed structure.

Mr. Gesse stated that there will be no damage to the adjacent property. The lot will be made more attractive and will add to the value of the property. He stated that Bradley Chevrolet will do everything necessary to make sure the lot is an attractive addition to the City.

Mr. Gesse stated that there is a practical difficulty in regards to keeping the building out next to the street. If the building is left where it is at, then the space is not of a good use for the property. The building blocks the view of the merchandise from passersby. He stated that anything done on the property will increase or decrease activity. As a commercial property merchant, Mr. Gesse stated that you don't want things the same on the property everyday so people pay attention. He stated that Bradley Chevrolet does meet all three state criteria.

Tim Holmes questioned why Bradley Chevrolet can't build a building that meets the architectural standards of the Gateway Overlay. Mr. Gesse stated that Bradley wants to keep it as a temporary building so they can adjust to the needs of their industry as they grow. He stated that it would be impractical to put money into complying with the Gateway Overlay requirements if the main facility expands. Gregg Cantwell, CKW, stated that the Gateway Overlay calls for a more permanence with sidewalks, the facade and landscaping. He stated that Bradley Chevrolet would like to make more adjustments and expansions in the future.

Mr. Pfifer questioned the life of the new building. Kenny Young, general manager of Bradley Chevrolet, stated that the last trailer has been there for about 20 years. Mr. Gesse stated that Bradley Chevrolet would like to provide an awning and a decorative decking on the new building also. Ms. Myers questioned where the decking would be placed. Mr. Gesse stated that the deck would be added to the site plan.

Ms. Myers stated that the reason the staff report discussed delineating a vehicle display area is specifically to address the interior drives that where the cars are then parked, that is still maintains minimum requirements outlined by the Ordinance for the interior drives for the flow of traffic and safe travel patterns.

Mr. Young stated that for sales, the cars are occasionally moved and the striping contradicts what they could do. Mr. Holmes questioned if the striping were put in, do they have to park in it. Ms. Myers stated that they do. She stated that vehicles have to be parked or stored within the stalls per the Ordinance. She stated that anything that is not delineated as a specific parking/storage area is then an extension of an interior drive. She stated that the Zoning Ordinance outlines minimum requirements, not maximums.

Ms. Myers stated that the Ordinance requires 1 space per business vehicle on site, 1 space per employee on the largest shift, 1 space per 500 square feet of the showroom, 1 space per 200 feet of the repair facilities, 1 space per 250 feet of office space and 1 space per vehicle on display. She stated that Bradley Chevrolet will need 3 spaces for business vehicles, 33 employee parking spaces, 14 spaces for the showroom, 87 spaces for the repair facility, 6 spaces for office space and 158 spaces for vehicles on display.

Rev. Martin stated that as a customer, he has issues navigating the car lot. Mr. Young stated there is not a whole lot they can do. He stated that they are hoping the new building would be an improvement of the facility.

Mr. Holmes questioned if there was any control over the number of cars received on the lot. Mr. Young stated that they try to control it and have to request additional cars.

Ms. Myers stated that Bradley Chevrolet installed two banners today. The regulations state that a business can have one banner, no greater than 32 square feet in area, for two weeks out of a two month period.

Ms. Myers stated that Staff recommends denial, however if the Board finds sufficient evidence was provided to approve the proposed variances, Staff would recommend the following be considered:

1. The proposed structure will be substantially similar to the structure shown in the photos included in the Staff Report dated 1-28-10.
2. Install parking bumpers for the five new parking spaces running east and west, north of the proposed structure.
3. Identifying the vehicle display areas by the use of a solid white line and that the interior drives delineated by the marked vehicle display areas shall meet the minimum requirements of the Zoning Ordinance.
4. Submitting a revised site development plan to be reviewed and approved by the Technical Review Committee.
5. The property shall be in compliance with current rules and regulations.

Lynn Gray asked the petitioner if they would offer the considerations outlined by staff as commitments of the petition. Mr. Young stated that they would offer the above mentioned as commitments.

Action taken on ZB 2009-17 (V): Bradley Chevrolet-Used Cars

Tim Holmes made a motion to approve the variances with the following commitments agreed to by the petitioner:

1. Petitioner committed that the proposed structure will be substantially similar to the structure shown in the photos included in the Staff Report dated 1-28-10.
2. Petitioner further commits to install parking bumpers for the five new parking spaces running east and west, north of the proposed structure.
3. The Petitioner committed to identifying the vehicle display areas by the use of a solid white line and that the interior drives delineated by the marked vehicle display areas shall meet the minimum requirements of the Zoning Ordinance.
4. The Petitioner committed to submitting a revised site development plan to be reviewed and approved by the Technical Review Committee.
5. The property shall be in compliance with current rules and regulations.

Phil Barrow seconded the motion. The motion passed unanimously.

ZB 2009-22 (V): Indiana Gold Refinery

Ms. Myers stated that the petition is for a developmental standards variance to allow 7 business signs totaling 203.5 square feet in sign area and 2 directional signs to be installed at a height greater than 4 feet in the Mixed Use: Community Center and Gateway Overlay Zoning Districts. The property is located at 2660 N. Morton Street. The case was heard at January meeting at which time the petitioner requested a continuance to the February 2010 meeting. Ms. Myers stated that the Staff Report does reflect the withdrawal of the 2 drive-thru signs originally requested.

Patrick Stern, attorney for Indiana Gold Refinery, stated the current building has 2 wall signs which are 9 feet by 6 feet, which totals 72 square feet in area and are placed on the front of the building. There is an additional sign in front of the building that would be another 27.5 square feet in area, making the total sign area for the business to be 99.5 square feet. He stated the modified request is to duplicate the signs

that are on the front of the building and put them on the north and south sides of the building. The total request would be for an additional 72 square feet of signage.

Ms. Myers questioned if the “Refinery #6”, “Open” and directional signs were being withdrawn. Mr. Stern stated that was correct.

Mr. Pfifer questioned why there was a person outside holding a sign. Mr. Tony Pierle stated that they did not realize the handheld signs were in violation. Mr. Pierle stated that at the last meeting it was mentioned that they could not stand in the right-of-way holding a sign. Ms. Myers stated that a person cannot stand with a sign outside. She stated that costumes are not a violation as they are not classified as signs. However, if a person in a costume is holding a sign that is a violation.

Mr. Stern stated that the signs would not be injurious to the public. The signs are generic and tactful. He stated that the signs are probably safer on the north and south sides of the building. Mr. Stern stated that the adjacent property will not be affected in an adverse manner as they are also commercial properties.

Mr. Stern stated that given the nature of the building and the location of the highway, the request to have the signs on the north and south sides of the building is not unreasonable.

Mr. Holmes questioned if the total amount of signage is 172 square feet. Mr. Stern stated that is correct, the only extra signs are the two additional signs requested to be placed on the north and south of the building. Ms. Gray questioned if the petitioner would be willing to commit to only the two additional signs with the placement as presented. Mr. Stern stated the client would be willing to make that commitment.

Ms. Myers questioned if anyone had talked to the owner concerning the leased area. Mr. Pierle stated that the owner stated that if the rest of the building was leased out, the new tenant would be limited to the amount and type of signage allowed by Ordinance. He stated the owner requests that the “For Lease” sign remain on the building until the rest of the building is leased.

Ms. Myers stated that Staff recommends denial.

Action taken on ZB 2009-22 (V): Indiana Gold Refinery

Tim Holmes made a motion to approve the variance with the following commitments:

- i. The Petitioner will be permitted one (1) additional 36 sq.ft. wall sign similar to the current signs located on the east façade. One of the signs on the west façade shall be placed on the south façade and the additional sign will be placed on the north facade.
- ii. The Petitioner committed that the signs will be similar in design and content to the one currently existing on the property.
- iii. The Petitioner committed that the property shall be in compliance with all current rules and regulations of the City of Franklin’s Ordinances.

Phil Barrow seconded the motion. The motion passed unanimously.

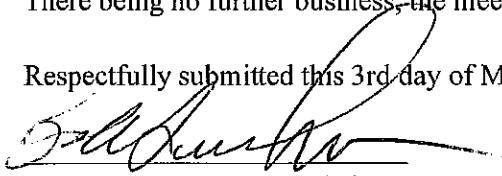
Other Business:

None.

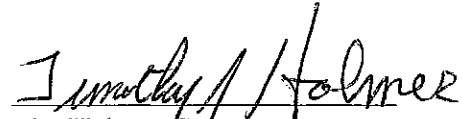
Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 3rd day of March, 2010.



Bob Swinehamer, Vice Chairman



Tim Holmes, Secretary