

MINUTES
FRANKLIN CITY PLAN COMMISSION
March 16, 2010

Members Present:

Mike Auger	President
Chris Phillips	Secretary
Suzanne Findley	Member
Diane Gragg	Member
Jim Martin	Member
Kevin McElyea	Member
Dan Murphy	Member
Dr. William Murphy	Member
Bob Swinehamer	Member

Members Absent:

Georganna Haltom	Vice President
Tim Holmes	Member

Others Present:

Krista Linke	Planning Director
Todd Wilkerson	Engineering Director
Rachel Pendleton	Associate Planner
Lynn Gray	Legal Counsel
Jaime Harshman	Recording Secretary

Call to Order:

President Mike Auger called the meeting to order at 7:00 p.m.

Approval of Minutes:

Krista Linke stated that there is a correction to the February 23, 2010 minutes. The minutes should read that Bob Swinhamer was elected as Vice-President. Dan Murphy noted that his name should be corrected from Dan Murray to Dan Murphy in the January 2010 and February 2010 minutes.

A motion was made by Jim Martin to approve the October 2009 minutes as presented as well as the January 2010 minutes with corrections and the February 2010 minutes with corrections. Suzanne Findley seconded the motion. The motion was approved unanimously.

Report of Officers and Committees:

None.

Swearing In:

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

Old Business:

PC 2009-30: Ordinance Amendment-Downtown Overlay District

Krista Linke stated that most of the changes are outlined in the Staff Report. She stated that the name of the Certificate of Appropriateness has been changed to the Certificate of Design Approval. The Certificate of Appropriateness is a standard term used in several other communities but the name was changed since several people stated they did not care for the term. All decisions of the Design Review Committee will be appealed to the Plan Commission. Any requests for a variance from the ordinance itself would go before the Board of Zoning Appeals. She stated that Staff changed the membership of the Design Review Committee. The members would be comprised of the following: A member of the Planning Department Staff, a business owner from the Downtown Overlay District appointed by the Mayor, a residential property owner appointed by the Mayor, a property owner within the Downtown Overlay District appointed by City Council and a Design Professional appointed by the Plan Commission.

Rachel Pendleton stated that the majority of changes were made to section 5.5 in the residential section. She stated that there is now an outline of what types of vinyl would be allowed and the guidelines you have to follow. There have also been many changes to standards for new homes which do not apply to existing homes unless you are remodeling a house. Ms. Pendleton stated that some of the major concerns from citizen questionnaires and letters were addressed in the Staff Report. Information on other cities that have Overlay Districts is listed on the City website. She stated that there is also information on the website regarding restoration, vinyl windows, and information on the economic impacts of historic preservation districts. She stated that residential property values showed no change or an increase in value in comparison to an area that did not have an Overlay District. There were no studies done on areas that were solely a Design Guideline District. The reports on the website are referring to areas that are Historic Preservation districts and are much more restrictive than what we are proposing here. Ms. Pendleton stated the Staff did address the concern for possible increase in costs. The FDC now has grants available to all residents in the Economic Development Target Area.

Ms. Linke stated that all of the information presented tonight is on the City website.

Mike Auger opened the floor for public comment.

Bobby Tolliver, 260 W. Madison Street, stated that he opposed the guidelines. He stated that he has been in the building trades for years and understands building codes. The codes are to protect the people in the house and the safety of the individuals. He stated that what is being proposed is cosmetic and has nothing to do with the safety or integrity of the property. He stated that he's been in his house for 39 years. He stated that he resents the fact that the Plan Commission is telling him what to do and they are stepping over his boundaries.

Vicki Stakelbeck, 30 W. South Street, stated that she and her husband own a business and a house. She stated that she doesn't understand why the downtown area is being extended to South Street. She stated that the house was built in 1925 and the business was built in 1922. She stated that she and her husband don't appreciate being told what to do.

Al Welberry, 1050 E. King Street, stated that he has 9 properties in the area. He stated that the Franklin has had more government control under the current administration than in the past 50 years. He stated that most people take care of their properties, but there will always be a few that don't. He stated that's how we make our money. He stated that he's been in Johnson County for 35 years and never seen anything like it.

Gary Moody, 299 ½ W. Madison, stated that it would be good if the Plan Commission could now make sure that the agenda is posted on the City website. He stated that he's seen some poor processes with city plans. He stated that nothing really getting accomplished in terms of downtown. Mr. Moody stated that we should just work on curbs and sidewalks. He stated that he would challenge the City to revamp one block of downtown. He stated we have a lot of consultants that come into Franklin and tell us what a nice town we have but it seems that nothing is getting done. He stated that there are several city officials that do not live in Franklin. He also mentioned the Mayor refuses to hire a city engineer. Mr. Moody stated the historical considerations in the plan conflict with things he's seen lately. The old post office is going to be sold with no considerations to preserving the historical building, yet the city is telling property owners to go by historical guidelines. He stated there is a disconnect; the City is doing one thing and then saying another. He believes the Plan either needs to be put on hold or scaled back drastically. One thing that would help with historic preservation is for the City to form a historical board. DHPA at DNR would help the city to do that and could help the City get grants and be certified. Mr. Moody stated that this could help the plan tonight to get on a realistic basis.

Dave Dowden, 2095 Fairway Lakes Drive, stated that they have an HOA in Fairway Lakes and it took more than 6 weeks to get approval to get trees planted in his yard. He questioned if all this happens, how long will it take to get things approved and how much will it cost?

Ms. Pendleton stated that property owners would either need to go before Staff or before the Design Committee. Certain things would be exempt and certain things would only have to go before Staff review. Examples would be changing anything like for like, repainting, the cleaning of bricks and window signs. The Design Committee would meet once a month unless there is a large load of projects. Mr. Auger stated only Staff approval is needed for doing general maintenance and doing like for like. Ms. Pendleton stated that with Staff review, you could get the approval right then and there. Ms. Linke stated there is no application or approval fee. Mr. Wellberry questioned if he would have to ask to clean his bricks. Ms. Pendleton stated that it would go through Staff review and is just to verify you aren't using harsh chemicals or pressure washing to hurt the bricks. Mr. Moody questioned if there will there be sufficient staff or will more hiring need to be done? Mr. Auger stated that no additional staff will be needed.

Nancy Collins, 60 N. Water Street, stated that some of the ideas are wonderful. She stated you will have to have neighbors with the desire to keep their properties up. Some of the ideas are offensive such as cleaning bricks. She stated that there are many streets that have garbage on their porches and in their front yards and there are houses with garage sales going on every day. She stated that there is a lot of Franklin that needs to have something more done to it.

Ms. Linke stated that the Staff is working on enforcement of current ordinances. They are working through an attorney to have a hearing officer instead of those cases going through the Board of Works and taking months and months to go through the system. She stated the Staff is working on several things at the same time and it is part of the overall presentation.

Debra Schmidt, 365 W Jefferson Street, stated that the properties that are all around her are dilapidated and no one seems to care. No one seems to do anything. She stated that things should be preserved that are old. Victorian homes should stay Victorian homes. She stated that their property value has declined every year because of the homes around it.

Gregg Cantwell, 14 Morning Drive, stated that he is a downtown property owner & business owner. He has met with the Staff and the Mayor over the last few weeks. A letter was also given to the Plan Commission last month. He stated that he believes that what the Plan Commission is doing is good and is headed in a good direction. Mr. Cantwell stated that he is not in favor of the ordinance and would actually profit if it were passed. He stated that the boundary is too large. The design review committee has changed for the better but believes that it should be made up of property owners and should be appointed by elected officials. He stated that the Staff makes a great argument for not softening the language of the ordinance. If the language is softened, the criteria must be softened. Mr. Cantwell stated that he has heard about programs and there is financial assistance on the way. He stated he hasn't seen a complete package yet for the property owner or downtown business man. He stated that he thinks we should start small and in a year from now, if what we hear is true about other communities, we could increase the guideline boundaries.

Scott Parker, 897 E. Jefferson St, stated that he is in favor of the design standards. He stated that we need to do something. If we do nothing, we are going to fall behind. He is ready for a change. He stated that he has lived here for 16 years and wants to see the city do something. He stated that the ordinance is not going to come about if we can't enforce the rules.

Rob Shilts, 98 N. Walnut St, stated that he has been reading program designs guidelines from other cities. He stated that other cities may have the language softened but you may have to start small. Mr. Shilts stated that Debra Schmidt spent a lot of time restoring her house and it's a great example of preserving your house in a neighborhood. He stated that we are all trying to get to the same place. Maybe the guidelines presented read more like rules/restrictions and we need to make the language better for everyone. He suggested that perhaps we start with the downtown area and then move to a bigger area. Other communities that have Design Guidelines include: Delphi, Noblesville, Fishers, Plainfield, Muncie, Madison, Columbus and Greenwood. He stated that the towns that don't have Design Guidelines include: Shelbyville, Seymour, Martinsville, Greensburg and Trafalgar. Mr. Shilts stated that the guidelines should be more of a let's help you get there approach and not so much a you can't do this approach. We all benefit if folks fix up a property. He's not expecting everyone to fix up their whole house, but if fixing a house raises the bar a little bit you may get more people that are willing to fix little things. Your downtown is a reflection of how your community sees itself. This is not meant for all the property owners to have to do this now. He stated that what it means is if you are going to fix up your property, there is a way the City can help you get there. He stated that he thinks we've turned this into a bigger monster than it is. We need to turn it on its ear. He stated that if we want to compete with neighboring communities we need to fix up our residential areas. We are compared on a regular basis to other communities all the time. Mr. Shilts stated that we already have the courthouse and buildings in place, we just need to polish it up a bit here and there. He stated we need to look at the guidelines in a different fashion. We are trying to attract more folks that want to live here.

Ron Collins, 160 N. Water Street, stated that he came here three years ago and had the opportunity to purchase a house anywhere. They looked in Indianapolis, Columbus, Shelbyville and Seymour. He stated that he wants to see the City of Franklin do something to entice homeowners to fix things. Mr. Collins stated that he wants to see the City fix the sidewalks and streets. He's not seeing anyone doing anything to enforce what we've got in place. He stated there is a lot of little and trash in the downtown corridor. He asked what the City of Franklin is going to do to entice him to put more money into his property.

Dave Downden, 2095 Fairway Lakes Drive, stated that a lot of people had complained about the houses that are run down around them. He asked if the ordinance was intended to get folks to fix up their houses or to restrict them. He asked if it would make it harder for people to fix their houses up.

Bobby Tolliver, 260 W. Madison Street, stated that the house across from old post office was a mess. He stated that if the rules had been in place when he was fixing the house, the house would still be a mess because he wouldn't have been able to afford the costs.

Craig Wells, 54 S. Home Ave, stated that he is the CEO of the Franklin Development Corporation. He stated that since the last Plan Commission meeting the FDC has changed its residential revolving loan fund. The fund was previously set up for low-to-moderate income households. In order to allow more people to access the funds, they've opened it up to anyone within the integrated economic development area. A portion of the fund is reserved for low-to-moderate income households. He stated that a grant fund has also been created and the FDC will match dollar for dollar up to \$5,000 for people fixing up the facades of their homes.

Mr. Auger closed the floor for public comment.

Bob Swinehamer stated that the purpose of the overlay is to revitalize downtown. He stated that he had originally expressed concern with TIF money being used for the downtown instead of industrial development. He is concerned that if a business opportunity comes to town, we won't have enough TIF money to meet the businesses commitments. Mr. Swinehamer stated that he is also concerned with the boundaries, that they are decided before things go too far. He stated that he doesn't understand the Design Guidelines, they are lacking common sense. He stated that we can adopt some guidelines but not ordinances. He stated that there's a big difference when someone comes to us asking for help versus us mandating what they can or can't do. Mr. Swinehamer stated that we can provide help without mandates.

Dr. Murphy stated that without some kind of regulation we can have monstrosities on Jefferson Street.

Ms. Linke stated that the reason the ordinances are being put into place is because of the people that have put money and time into their properties only to see their neighbors' property deteriorate and there are not any ordinances on the books to help them. She stated that they are trying to implement the plans that they have developed over the years.

Dan Murphy stated the problem is that people don't want to do be told what to do with their properties. He stated that he thought the boundary lines are too far out and need to be made smaller.

Mr. Auger stated that this is meeting number four. He stated that we need to have something done. He stated that there needs to be a multi-faceted approach to downtown. He believes that ultimately a good idea. He doesn't like the idea of government telling me what I can or cannot do. The project on Jefferson Street is a perfect example of why we need to do something. There will always be trouble with placing the line in government. He stated there are certain things in the guidelines that he doesn't agree with but believes it is a direction that we should try to take. The other issue is the boundary. The boundary needs to be decided on tonight. Mr. Auger stated that he is for area number three. He reminded the Commission that they are not passing the boundaries but making a recommendation to City Council. He stated that it is worthy of discussion and forwarding on to the Council.

Mr. McElyea stated that a lot of time and effort have been spent on the process. We need to do something. He stated that we have made some good improvements along the way. He stated that he thinks it is time to pass it along to the next level.

Mr. Auger stated that there are a few options. The Board can forward the Guidelines with a favorable recommendation, they can forward them with unfavorable recommendation or they forward with no recommendation. Ms. Gray stated the Board would have to determine what the boundary is.

Mr. Auger stated that Proposal number 1 is the largest of the areas. Ms. Gray stated that you cannot expand the area but could only reduce the area. Proposal number 2 would encompass east Jefferson Street, up to Martin Place and south around downtown. Proposal number 3 would include the east King Street area but not the west King or Madison street area but would include Martin Place.

Mr. McElyea questioned if the boundary area is for notification only? Ms. Gray stated no, you can reduce the proposed area but can't expand it.

Jim Noblet, 218 S Main Street, questioned if the southern boundary of plans #2 & #3 stop at the creek. Ms. Linke confirmed that they do stop at the north side of the creek. Larry Cheek questioned how Martin Place got to be included in the boundary. Mr. Auger stated that the homeowners in Martin Place asked to be included because they have historic homes. Ms. Linke stated that there was an open house in October and 3-4 of the property owners from Martin Place asked why they were not within the boundaries and wanted to be included.

Action taken on case PC 2009-30: Ordinance Amendment-Downtown Overlay District

Mr. Auger made a motion to approve proposal #3. Chris Phillips seconded the motion.

Jim Martin –yes, Chris Phillips-yes, Mike Auger-yes, Kevin McElyea-no, Dan Murphy-no, Diane Gragg-no, Dr. Murphy-no, Suzanne Findley-no, Bob Swinehamer-no. The motion failed.

Dr. Murphy made a motion to approve proposal #2. Kevin McElyea seconded the motion. Dr. Murphy withdrew the motion.

Dan Murphy made a motion to approve proposal #2. Kevin McElyea seconded the motion. Dan Murphy-yes, Kevin McElyea-yes, Chris Phillips-yes, Jim Martin-no, Mike Auger-no, Dr. Murphy-no, Diane Gragg-no, Suzanne Findley-no, Bob Swinehamer-no. The motion failed.

Mike Auger made a motion to approve proposal # 3. Chris Phillips seconded the motion. Chris Phillips-yes, Suzanne Findley-yes, Mike Auger-yes, Dr. Murphy-yes, Kevin McElyea-yes, Jim Martin-yes, Bob Swinehamer-no, Diane Gragg-no, Dan Murphy-no.

The motion passed 6-3.

Kevin McElyea made a motion to forward a favorable recommendation on the Downtown Overlay Guidelines to City Council. Chris Phillips seconded the motion. Chris Phillips-yes, Suzanne Findley-yes, Mike Auger-yes, Kevin McElyea-yes, Dr. Murphy-yes, Jim Martin-yes, Bob Swinehamer-no, Diane Gragg-no, Dan Murphy-no.

The motion passed 6-3.

Ms. Linke stated that the City Council will meet on April 19th at 6:30pm to review the Downtown Overlay Guidelines. Ms. Gray stated that the City Council must take action on the case within 90 days or it would be approved. Council can accept, reject or send the ordinance back to the Plan Commission.

New Business:

PC 2008-42 (PP): Brown Commercial Plat

Randy Brown stated that a plat had been applied for in 2008. He stated that they had interest in not platting it out as was originally intended. Mr. Brown stated that there is now a national restaurant chain and a bank that may be interested in the property. He is asking for an extension for 2 years. He hopes to have someone from the 2 chains at the next meeting.

Ms. Pendleton stated that there is no Staff Report, just the letter provided.

Action taken on PC 2008-42 (PP): Brown Commercial Plat

Suzanne Findley made a motion to grant the extension. Chris Phillips seconded the motion. The motion passed unanimously.

PC 2010-01 (R): Masonic Home PUD Conceptual Plan:

Rose Scovel, LSL Planning, stated that she would be presenting the conceptual plan of Masonic Home main campus. She stated that much of the Masonic Home has predated zoning in Franklin. It is currently zoned as PUD, but no developmental standards were ever adopted. The PUD intent is to allow greater design flexibility compatible with the intent of the comprehensive plan and zoning ordinance and provide a unique mix of land uses. The PUD ordinance will replace the standards in the zoning ordinance established in Article 3 & Article 7. It replaces the standards in the subdivision control ordinance. She stated the detailed plan will be presented next month.

Ms. Scovel stated the comprehensive plan includes housing variety, supporting special needs groups, planned growth, etc. Institutional uses include balancing the needs of neighborhoods and institutional growth, having professionally designed architecture, landscape and site features.

She stated the master plan considers the needs of the Masonic home now and for future competitiveness. The Indiana Masonic Home is one of the leading homes of continual care/aging in place. Ms. Scovel stated there is no timeline for the buildout, but probably a 20 year master plan.

She stated there are a number of accessory structures such as maintenance buildings, the greenhouse, parking and the water tower. Red Skelton Circle is intended to remain as formal open space. There will be even greater flood protection along Young's Creek. Drainage needs to be considered for retention. She stated that later phases are to be designed and will feed into the storm water system on State Street.

Ms. Scovel stated there are 6 well defined phases and 2 future phases. Phase 1 is to be under construction this year. It would include 48 assisted living facility rooms and about 10,000 square feet of maintenance buildings. Phase 2 includes more apartments. Phase 3 includes a two building apartment complex. Phase 4 is more apartments. Phase 5 is a memory care unit. Phase 6 is medicinal dependent unit, future-memory units and a small rental center.

Ms. Gray stated that in a typical PUD, the applicant comes in and explains their plan for a concept. The PUD is to allow flexibility and the first phase is a concept. After the Board decides it is a good concept, another hearing is held in regard to the detailed plan. She stated that the case is unique in that the part of the project is already there and the Board knows what the concept is. There will be another review at next meeting.

Action taken on PC 2010-01 (R): Masonic Home PUD Conceptual Plan:

Dr. Murphy made a motion to approve the concept. Kevin McElyea seconded the motion. The motion approved unanimously.

Julie Maddox, 918 S Home Ave, stated that her parents are neighbors of the Masonic Home. She requested that the Board take the drainage situation into consideration. She stated that at the end of Home Avenue there's always flooding. She stated that she is interested in hearing more about the overflow into Young's Creek. Ms. Gray stated that the concept comes first and it has to be reviewed for details, then it will go to tech review. Ms. Scovel stated that the plans will be submitted Thursday for consideration. The drainage report will be available after Thursday.

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