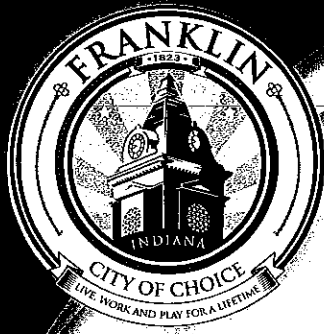




CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT · DEPARTMENT OF ENGINEERING

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

March 2, 2011

Members Present:

Bob Swinehamer
Tim Holmes
Phil Barrow
Rev. Richard Martin

Vice Chairman
Secretary
Member
Member

Members Absent:

Richard Pfifer

Chairman

Others Present:

Joanna Myers
Lynn Gray
Jaime Harshman

Senior Planner
Legal Counsel
Recording Secretary

Call to Order:

Bob Swinehamer, Vice-Chairman, called the meeting to order at 7:00 p.m.

Appointment of Officers:

Phil Barrow made a motion to retain Richard Pfifer as Chairman. Tim Holmes seconded the motion. The motion passed unanimously.

Tim Holmes made a motion to retain Bob Swinehamer as Vice-Chairman. Phil Barrow seconded the motion. The motion passed unanimously.

Phil Barrow made a motion to retain Tim Holmes as Secretary. Rev. Martin seconded the motion. The motion passed unanimously.

Appointment of Legal Council:

Rev. Martin made a motion to retain Lynn Gray as legal council. Phil Barrow seconded the motion. The motion passed unanimously.

Approval of Minutes:

Tim Holmes made a motion to approve the December 1, 2010 minutes as presented. Phil Barrow seconded the motion and the members voted unanimously to approve the minutes.

Swearing In:

Lynn Gray swore in the audience en masse.

Old Business:

None.

New Business:

ZB 2011-01 (V): East King Street Convenience Center:

Ms. Myers stated the petition is for a developmental standards variance to allow an animated sign to be located at 2120 East King Street. The property is in the Mixed Use: Regional Center zoning district and in the Gateway Overlay zoning district. The variance is needed as animated signs are not allowed by ordinance.

Bill Potter, legal council for the petitioner, stated that when they purchased the sign from the sign company, they were told there were no issues with having an electronic sign in the City of Franklin.

Mr. Potter stated that there is a practical difficulty. He stated they want to keep the sign because if you are pumping gas, there are 4 different businesses at the center and depending on any given day, there are several different specials going on. The easiest way to highlight the specials is to use the electronic sign. The sign will scroll different information for the different businesses. Mr. Potter stated that it's the most effective, efficient and economic way to promote all the businesses and to communicate information to the customers. He stated that if they had a static sign they would have to change it everyday, sometimes more than once a day.

Mr. Potter stated they had no problem with making the sign monochromatic with a static message for 8 seconds per frame as per the staff recommendation. He stated that it's very important for them to be able to use the sign after paying for it and also for economic gain to draw customers into the store.

Mr. Potter stated the petition is not injurious to the public as many other businesses have similar signs in the area such as McDonalds.

Mr. Potter stated that the adjacent properties are all developed commercial properties. He stated that they are all in the gateway to Franklin and is a nice balance of commercial property. It is not going to be affected because of the commercial nature of the property.

Mr. Barrow questioned if the sign was a suspended sign inside the building. Mr. Potter stated it is suspended over the front sliding doors as you enter the store. He stated that it can be read at the gas pumps. Mr. Holmes questioned if the regulations differed if the sign was inside or outside the store. Ms. Myers stated that there is no difference if the sign is visible through a window.

Mr. Swinehamer stated there are a lot of signs and posters in the front windows of the building and the electronic sign is hard to see. Mr. Potter stated the plan was to get rid of the posters and use the electronic sign to convey their specials. Mr. Holmes questioned what the limitations are with temporary signs. Ms. Myers stated that only when they have exceeded 25% of window coverage are there limitations. She stated that with numerous businesses it becomes very difficult to regulate as each business is allowed 25% coverage.

Mr. Potter stated that each business is a separate LLC. Ms. Myers stated there are three separate tenant spaces. Mr. Potter stated that a customer can enter each store separately but can also go into each store from the interior. Mr. Swinehamer questioned if outside storage is permitted. Ms. Myers stated it is not allowed in the Gateway Overlay zoning district.

Ms. Myers stated that the staff recommends denial; however if the Board finds sufficient evidence was provided, staff would recommend approval with the following modifications:

1. The electronic message board will be monochromatic.
2. Messages would remain static for a minimum of 8 seconds per frame.

Action taken on ZB 2011-01 (V): East King Street Convenience Center:

Tim Holmes made a motion to approve the petition with the following modifications recommended by staff and agreed to by the petitioner:

1. The electronic message board will be monochromatic.
2. Messages would remain static for a minimum of 8 seconds per frame.

Phil Barrow seconded the motion. Tim Holmes - yes, Phil Barrow - yes, Rev. Martin - yes, Bob Swinehamer - no. The motion passed 3-1.

ZB 2011-02 (SE): Inn on Madison:

The case has been withdrawn by the Petitioner.

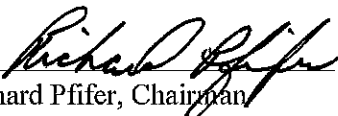
Other Business:

None.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 6th day of April, 2011.


Richard Pfifer, Chairman

Tim Holmes, Secretary