

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS SPECIAL MEETING

July 17, 2018

Members Present

Jim Martin	Chairman
Phil Barrow	Vice Chairman
Richard Martin	Secretary
Brian Alsip	Member
Charlotte Sullivan	Member

Others Present

Alex Getchell	Senior Planner I
Lynn Gray	Legal Counsel
Joanna Myers	Senior Planner II

Call to Order

Jim Martin called the meeting to order at 6:00pm.

Roll Call & Determination of Quorum

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2018-10 (V) – Sunbeam “Marlores” Property

Alex Getchell introduced the Developmental Standards Variance requests by Sunbeam Development Corporation, for the project that has become known as the Marlores property. He stated the property is located on the northwest corner of State Road 44 and Jim Black Road. The property is two combined lots of approximately 38.08 acres. It was rezoned mid-June 2018, from MXR and Gateway Overlay District, to Industrial Light (IL). The Comprehensive Plan calls for this area to be a Regional Activity Center. The first developmental standards variance request is for loading berths or spaces to be in a front yard. This property is considered to have three front yards due to its placement between I65, State Road 44 and Jim Black Road. The second variance request is to remove the buffer yard type two requirement along Jim Black Road and 500 East. Mr. Getchell stated staff completed the public notification requirements in the appropriate manner.

Max Mouser with Studio A presented. Ken Kern with Sunbeam Development was also in attendance. Mr. Mouser stated the loading berths are not allowed in front yards, but inasmuch as they are surrounded on three sides by front yards, it is impractical for Sunbeam to do so. The buffer yard removal request dovetails with this in that the rotation of the building allowing for the loading berths does not allow for the buffer yard requirement.

Mr. Mouser addressed the decision criteria:

General Welfare – He stated the loading berths in the front yard are to be set back. The building will be set back a minimum of 240 feet from State Road 44. With that they have also agreed to landscape as a type two buffer along State Road 44 and Interstate 65. Mr. Mouser stated the reasoning for the request for removal of the buffer yard type two along Jim Black Road, is because of the location of their drainage pond and because they will be providing the required street trees near the road and the required parking lot perimeter landscaping near the parking lot. He stated that there is only a small portion of their property that abuts MXR zoned property, where the buffer yard would be required.

Adjacent Property – He stated they are providing mounding and landscaping. They have pushed the building back from State Road 44 to allow for the loading berths in the front yard and committed to the Type 2 Buffer, so the building is heavily screened. They maintain the value will be better than it is now.

Practical Difficulty – He stated with the property having three front yards, it is difficult to not have loading berths in the front yard or along Jim Black Road.

Mr. Mouser stated they are in agreement with staff's comments.

Ms. Gray asked what the intent for the wooded area is. Mr. Mouser stated engineering has not been done, but the intent is to determine the location of the access road through the trees and the trees would remain allowing only what is needed for truck turnaround.

Joanna Myers explained that if it is taken to the additional vertical line, as shown on the petitioner's exhibit with the aerial photo overlaid with the preliminary plan, which is shown just west of the drive, the triangular piece of ground that would have the trees is roughly half of the 4.47-acre parcel. Ms. Myers stated the commitment to preserve the trees is not a rezoning type of item but is more appropriate to be concurrent with the site plan and BZA. Ms. Myers stated staff is recommending that there be a condition or commitment that can be held fast moving forward. Mr. Mousers was asked if they would be comfortable making the commitment that 50% of the 4.47-acre parcel remain as wooded and undisturbed. Mr. Mouser replied that he had no idea if that is where the line falls or not. Ms. Myers expressed that if this is not addressed at this meeting she would be concerned. Mr. Mouser requested if 45 percent would be possible. Ms. Myers stated she would be comfortable with 45% instead of 50%. Ms. Myers stated it was a significant issue during the rezoning proceedings. Mr. Mouser stated he is comfortable if it is known that that is the percentage as he isn't aware if the line is that percentage or not. Ms. Gray stated, if it is not acceptable, they can come back to BZA again.

Chairman Martin opened the public hearing, by asking if there was anyone in the audience wishing to speak for or against the request. No one came forward. Chairman Martin asked if there were any questions from the Board of either the petitioner or of staff. There were none.

Chairman Martin requested staff's recommendation.

Ms. Myers gave staff's recommendation of approval with the following five conditions:

- a. All applicable permits and approvals shall be obtained prior to construction, including but not limited to, Site Development Plan review, Land Disturbance permit, and Improvement Location Permit.
- b. Loading berths in the front yard areas adjacent to Interstate 65 and Jim Black Road/500 E are prohibited.
- c. Mounding and landscaping –landscaping must be equivalent to a Buffer Yard Type 2– must be provided for the entire length of property along SR 44, and must be substantially similar to petitioner’s conceptual plan and sight line exhibits.
- d. All other required landscaping, including street trees, site interior landscaping, parking lot interior landscaping, and parking lot perimeter landscaping, where applicable, must be provided and maintained in accordance with Article 7, Chapter 16 – Landscaping Standards.
- e. A minimum of 45% of contiguous wooded area is to remain undisturbed.

Mr. Mouser committed that these conditions were acceptable.

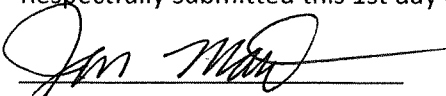
Ms. Sullivan made a motion to approve ZB 2018-10 (V) with the five conditions recommended by staff. Rev. Richard Martin seconded the motion. The motion passed unanimously, 5-0.

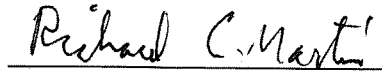
Other Business

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 1st day of August, 2018.


Jim Martin, Chairman


Rev. Richard Martin, Secretary