

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

December 5, 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
Julie Spate	Recording Secretary

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Charlotte Sullivan made a motion to approve the November 7th minutes. Phil Barrow seconded the motion. The motion passed, unanimously, 5-0.

Approval of 2019 BZA Calendar

Alex Getchell highlighted the July 3, 2019 meeting date and asked if the board would like to move it back a week due to the holiday like was done in 2018. Ms. Sullivan inquired about moving the January 2, 2019 date as well. Mr. Getchell stated the January meeting was already approved with the 2018 calendar. Ms. Gray reminded the calendar, once passed, is published in The Daily Journal. Mr. Barrow made a motion to move the July 3, 2019 meeting to July 10, 2019 and Ms. Sullivan seconded. The motion passed, unanimously, 5-0. Mr. Barrow made a motion to approve the 2019 calendar as amended. Ms. Sullivan seconded. The motion passed, unanimously, 5-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2018-18 (SE & V) – Franklin Plaza of Franklin, LLC

Mr. Getchell introduced the special exception and developmental standards variance request. The property is 0.238 acres located at 201 E. Jefferson Street, which is the former First Baptist Church, and is zoned Mixed-Use, Downtown Center (MXD). The Comprehensive Plan calls for the area to be in the downtown. The special exception is for a multi-family dwelling use, 14 condominiums. The developmental standards request is to allow a reduction in the number of parking spaces required. With what is proposed, the ordinance requires a minimum of 35 parking spaces and the petitioner has proposed 21. They have submitted a revised parking layout in the last couple of days. The property is on the corner of Home Avenue and Jefferson Street. They propose to utilize the parking spaces to the east (the immediate two properties) and the four spaces on the property three properties over on the other side of the alley.

Ms. Gray communicated on behalf of Richard Martin his recusal from this case due to his former pastorate of the church and current church membership. Ms. Gray explained the voting procedures and what would happen in the case of a tie vote. She also reviewed time limits for all presenters and remonstrators.

Jeffrey Stratton with Franklin Properties of Franklin presented. He began addressing the developmental standards with an explanation of their revised parking plan submitted earlier in the week. Their initial request had 21 spaces and their updated plan increased it to 26, 25 regular and one designated handicapped. The ordinance states 2.5 spaces per unit. The petitioner believes two parking spaces per unit will meet the need and not adversely affect any street or city lot parking availability. During the day, often the two cars per unit would both be driving to workplaces outside of Franklin leaving increased open daytime parking. Mr. Stratton further spoke to staff's concern that the units do not have a secondary exit. There are two entrances on the front of the building, one handicapped and one in the old bell tower, one each on the south and north sides. The need to sprinkle the building has been identified and budgeted for.

Mr. Getchell clarified number seven of the staff report with regards to exits specifically for the third floor sanctuary units where the bedrooms do not have any windows or secondary exits from those individual bedrooms which are needed according to Franklin's building official. Mr. Stratton assured the fire suppression system is included in those units.

Mr. Stratton stated the two one-bedroom units are not likely to be multiple individual units but are designed to appeal to single persons. Within one block of the location there are 80-85 empty parking spaces at the time of this meeting. Mr. Stratton feels it will bring young professionals into the community and put the building back on the tax rolls for about \$3,000,000 assessed valuation.

Shari Carr from 248 E Monroe Street asked where dumpster location was proposed that wouldn't take away from parking space. Parking is the only disadvantage to downtown living for Ms. Carr. On her street there are seven on street spaces for six homes. Any increase at all to on street parking will result in further hardship to homeowners. She submitted a petition signed by over 40 area homeowners as identified as respondent's Exhibit A from the remonstrators. They respectfully oppose the variance. Ms.

Carr stated they do not oppose the development, but respectfully oppose the significant increase to on street parking. Three bedroom units cater to families with children who will also become drivers.

Maura Miller from 252 E Monroe Street presented that with this being holiday shopping season, not all the parking spaces are occupied by residents at this time. She also asked if the units are to receive two parking spaces each, why do the homeowners not receive the same.

Ms. Gray explained that the city does not designate parking spaces to homes. There is a zoning ordinance that under certain circumstances when you develop a business or property, you are supposed to provide those numbers.

Suellen Jessen from Jessen Funeral Home expressed concern about street parking as they are directly across the street from the proposed development and she wonders what will happen with overflow especially when they have evening visitation or funeral services. She also asked what caliber units they will be and if pets will be allowed.

John Brumbaugh from 200 E Jefferson is not opposed to the units but is concerned about the parking. Even apart from the proposed development he would appreciate the city taking a look at more parking options.

Craig Dukate from 54 S Home. He is also concerned for parking and his home is up against the city parking lot and their family still sometimes has a hard time finding parking. He also cited the resulting increased traffic flow.

Shari Carr cited the city parking lot being so full on Tuesday nights at the Elks when the drawing is high. They don't want to see the city lot filled with residential parking so people continue to come in to town to do business.

Bart King, a trustee of Mt. Zion Assembly at 201 E Madison Street, is concerned that their parking lot not become an overflow lot as well. They are supportive of the development. The stoplight removal from Home Avenue is dangerous and with further traffic and parking only makes it worse.

Joyce Brumbaugh lives across the street and is very supportive of the development. She presented the idea that someone might tear down a building somewhere and make a parking lot.

Mr. Stratton responded by identifying that Franklin has a parking problem. He stated the reason they are proposing 14 units is because they know how many square feet they have to build out to make the project viable. Other than Tuesday nights he maintains that other nights there seems to be adequate neighborhood parking. He responded to Jessen Funeral Home's concerns by comparing the requirements for their development proposal vs. Jessen's business. Mr. Stratton offered they have worked hard to be good neighbors and plan for upscale units. They are cognizant of square footage needed to make units marketable and have studied the parking options extensively. Mr. Stratton stated he isn't sure if tearing down buildings is a viable option.

Ms. Sullivan asked about dumpster location. Mr. Stratton identified the extreme southeast corner in the boiler room where an individual trash receptacle for each unit will be located. From the condominium association fees, the hired cleaning company will be responsible for trash receptacle location for pick up and returned indoors after pick up.

Ms. Sullivan asked the price point of the units. Mr. Stratton identified the units ranging from 1200-2400 square feet so they will likely be priced out at \$110/square foot. Ms. Gray asked if they will be rentals or owner occupied. Mr. Stratton said they will be owner occupied but can be sublet. Ms. Gray clarified then that the units would not be owner occupied as they could be rented out to college students. Mr. Stratton said their current covenants/bylaws won't allow rental to college students. Parents could, however, buy a unit for their child.

Ms. Sullivan asked if the outside is going to be changed. Mr. Stratton said only to solve the water issues through tuck pointing and such, but the building will look the same.

Ms. Gray asked Mr. Stratton to address the question regarding pets. Mr. Stratton stated pets will be allowed but with size, weight and breed restrictions and only dogs or cats, except for ADA allowed service animals.

Mr. Barrow asked about handicapped accessibility within the building. On the northeast corner there is a ramp that allows access to three units. Mr. Barrow followed up about handicapped visitors to the remaining non-handicap accessible units. Mr. Stratton said it would be the same as most of the homes in the area, stating you have to go up a floor. Ms. Gray added that this involved three floors with no elevator. Mr. Stratton confirmed that there is no elevator planned for.

Brian Alsip asked about the third floor units with not enough exits other than fire suppression plans. Mr. Stratton compared it to homes with a second story. Mr. Alsip countered that the discussion is about condominiums, so in taking an existing structure, gutting it and building new, homes are not a viable consideration. Mr. Stratton explained that the units will have access to exits on both the east and west sides. Though no egress out of the bedroom, there is egress out of the living room and common area. He stated the third floor is the ground floor for the units on the third and fourth floors, and in each unit there is a balcony opening that goes from the fourth floor to the third floor in the bedrooms. Those residents would have to go to the third floor to exit the building through either the east or west side exits. Mr. Stratton's understanding is that code allow that if there is a fire suppression system in the building. Ms. Gray followed up to confirm that there are no windows on the fourth floor. There will be some units that all windows will be stained glass but nothing apart from that. Mr. Barrow clarified that they don't open and some units will have no clear windows but only stained glass in every room of their condo. Mr. Stratton said that is a new feature all across the country that people are buying in to.

Mr. Alsip asked about the arrangements with the other two buildings behind which the parking is planned for. Mr. Stratton said they have arrangements to buy the other buildings contingent upon the plan getting approved and financing secured. The president of the church was in attendance and Mr. Stratton quoted him as saying that they didn't want to get rid of the building if anything would happen to the stained glass windows. There would have been no purchase agreement without the commitment to honor those wishes.

Ms. Sullivan reviewed that currently they have 26 spaces and staff is recommending a minimum of 28. Mr. Getchell explained that the ordinance requires 35 spaces for the 14 units, but staff's recommendation is for at least two spaces per unit totaling 28 spaces. If less spaces are provided, staff's recommendation is that the number of units must be decreased. Mr. Alsip question Mr. Stratton that he had already stated they have no desire in reducing the number of units. Mr. Stratton stated he has a desire to do the project. Mr. Stratton explained that a reduction of the units would make the project not

possible for them financially. Ms. Sullivan pointed out that they could go down one unit but keep the square footage in other units thereby not reducing the total from the average \$110/square foot price point.

Mr. Getchell stated they are looking into the building code regarding egress if suppression system is in place. Joanna Myers added this will be reviewed as it goes through Indiana Department of Homeland Security and also at the local level.

Chairman Martin asked if there were any additional questions. There being none, Chairman Martin requested staff's recommendation. Mr. Getchell presented updated staff's recommendation that if the Board found evidence to approve the special exception, staff recommends eight conditions:

1. Special Exception approval for a multi-family use shall run with the subject property of 201 E. Jefferson Street.
2. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, compliance with all building, fire, and health codes.
3. A minimum of two (2) off-street parking spaces are required to be provided per dwelling unit on-site.
4. The number of off-street parking spaces dedicated specifically for the multi-family use shall determine the number of permitted dwelling units, at a ratio of not less than two (2) parking spaces for every one (1) dwelling unit, rounded down to a whole unit, and not to exceed a maximum of 14 dwelling units. (e.g. 21 parking spaces / 2 = 10 dwelling units)
5. Prior to issuance of Building Permits for build-out of any one –or more– dwelling unit(s), the minimum required off-site parking for the proposed unit(s) must be secured with a permanent off-site and/or shared parking agreement signed by all involved property owners, and must be recorded by the petitioner in the Johnson County Recorder's Office. A copy of the recorded parking agreement shall be provided to the Department of Planning and Engineering.
6. Off-site parking must be provided and documented in accordance with the requirements outlined in Article 7, Chapter 10 (C), Off-Site and Shared Parking Requirements of the Zoning Ordinance.
7. Handicap accessible parking spaces are required in accordance with Article 7, Chapter 10.
8. Garbage containers and/or dumpsters shall be properly stored inside the building at 201 E. Jefferson Street, or appropriately located off-site within a dumpster enclosure compliant with the zoning ordinance, and with a shared garbage removal/collection agreement. Garbage is not permitted to be placed to the curb, on the sidewalks, nor within the alleyways or dedicated parking spaces for the units.

Mr. Martin asked if the petitioner agreed with staff's recommendations. He stated his understanding of the recommendations but is not in agreement with them. He stated they are asking to be allowed 26 parking spaces.

Mr. Stratton's business partner, Michael Knowles, if required, spoke to their plan to take 14 units down to 13. Ms. Myers spoke of the recommendation that the maximum number of dwelling units is based off of two parking spaces being provided per dwelling unit, highlighting that it includes a number of things. That the site development plan for any of the modified parking spaces allows for that. The plan before the Board shows 26 parking spaces, none of which are handicapped, therefore one or two spaces might be reduced based on those requirements. Without a survey it is not definitively known the area currently available and provided on the plan. If what the petitioner has provided is accurate and all of that is there, if the Board approved it and they can provide 26 parking spaces, they could have 13 units. If they can provide 28 spaces, they could have 14 units. It is subject to a number of things that have yet

to be finalized, thus the recommendation for two parking spaces per unit rather than 26 or 28 spaces total so that a final survey doesn't cause a return of the case to the Board a second time.

Ms. Gray then asked if staff's recommendation was for approval or denial. Mr. Getchell stated it to be denial for the reduced number of parking spaces for 14 units. The recommendation would be to approve it with the conditions as outlined with at least two parking spaces per unit.

Mr. Barrow made a motion for denial of the special exception based on concern for general welfare. Mr. Martin seconded the motion. Roll call vote: Mr. Alsip – No, Mr. Barrow – Yes, Ms. Sullivan – No, Mr. Martin – Yes. The motion for denial failed, due to a tie vote, 2-2.

Mr. Alsip made a motion for approval of the special exception with staff's amended recommendations. Ms. Sullivan seconded. Roll call vote: Mr. Alsip – Yes, Mr. Barrow – No, Ms. Sullivan – Yes, Mr. Martin – No. The motion for approval with staff recommended conditions failed, due to a tie vote, 2-2.

Ms. Sullivan asked if the petitioner could return in January with information showing the feasibility of reduction in units or increased parking spaces. Ms. Gray assured any new information could be brought forward at the next meeting but not a repeat of already presented information from this meeting. Due to lack of action, the special exception request was continued to the January 2, 2019 meeting.

Mr. Alsip made a motion to continue the developmental standards variance to the January 2, 2019 meeting. Ms. Sullivan seconded. The motion passed, unanimously, 4-0.

Ms. Gray announced the January 2, 2019, at 6:00pm scheduled meeting as notifications will not go out a second time. Information can be found on the website or the City Hall lobby bulletin board.

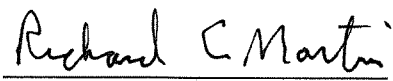
Other Business

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of January, 2019.


Jim Martin, Chairman


Rev. Richard Martin, Secretary