

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

June 5, 2019

Members Present

Jim Martin
Phil Barrow
Charlotte Sullivan
Brian Alsip
Rev. Richard Martin

Chairman
Vice Chairman
Secretary
Member
Member

Others Present

Alex Getchell
Joanna Myers
Lynn Gray
Julie Spate

Senior Planner I
Senior Planner II
Legal Counsel
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 May 1st minutes with the correction. Rev. Richard Martin seconded the motion. The motion passed unanimously.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

ZB 2019-06 (V) – 405 N Water St. – Joanna Myers presented this continued case from the May meeting. There was outstanding discussion to be had with the property owner and their legal counsel specific to the sidewalk and curb discussion since it is a unique intersection situation. The meeting was held and also reviewed by the City Engineer. The updated staff recommendation for the variance request to allow a fence to be located in the front yard setback at 405 N. Water Street is for approval with the following conditions:

- a. The wooden poles currently lying on the ground parallel to Water Street shall be removed.
- b. The fence located adjacent to Water Street shall be located no closer than 50 ft. east of the right-of-way along its entire length.

- c. Chain link fence slats or another opaque fence material approved by staff shall be installed on the portion of fence located from the southeast corner of 98 N. Water Street east and then from that point south to the connection point of the fence running along Cincinnati Street.
- d. The petitioner shall coordinate with the City Engineer in order to install appropriate improvements along Water Street resulting in providing on street parking and provides a barrier that restricts vehicular access onto private property. An agreement between the petitioner and City shall be reached regarding design, construction and cost. Said improvements shall be constructed prior to installation of remaining portions of the fence.
- e. The ground surface area between the above referenced improvements and the fence (minimum distance of 50 ft.) shall be converted to topsoil and grass.

Ms. Gray asked what condition “d.” meant with regards to discussion with the City Engineer. Ms. Myers explained the discussions from the previous meeting were regarding curb and sidewalk and some of the limitations or concerns of the site, the right-of-way, the configuration of the intersection, installation and cost. Much of this would require further design to be worked through. Condition “d.” is stating that if an agreement is not reached on provision for on-street parking and the barrier, the variance would not be valid. Ms. Gray confirmed that if an agreement is not reached, the petitioner is still free to do the fence in accordance with the ordinance. Ms. Myers identified it would be required to be located 50 feet from Cincinnati.

Mr. Admire acknowledged the meetings and petitioners’ agreement with the conditions as amended.

Ms. Sullivan made a motion to approve ZB 2019-06 (V) with the amended conditions as recommended by staff. Mr. Alsip seconded the motion. The motion passed unanimously.

New Business

ZB 2019-07 (SE) – 1594 Amy Ln. – Alex Getchell presented the Special Exception request by Titan Armored, Inc., at 1594 Amy Lane, near Hurricane and Arvin Road. The property is approximately 1.25 acres and is zoned IL (Industrial Light). The Comprehensive Plan also calls for this area to be Light Industrial. The Special Exception request is to allow a truck freight terminal use in the IL district. In this case the truck freight terminal would be for armored vehicles.

Jason Buckley represented Titan Armored, Inc. He stated Titan Armored’s agreement with staff’s explanation of the four decision criteria in the staff report. He presented their special exception request for a small armored car operation that will transport money to and from the facility and banks. They will store vehicles inside the facility overnight. CDL trucks are 26,000 pounds, and Titan would be operating trucks under 26,000 pounds. They would not disturb any local businesses. They wouldn’t have any public health, safety, and general welfare concerns. They will make cash pick-ups from vaulted sources with two-man armed guard crews in armored vehicles and return to the location for processing and redistribution. They will begin with five to six employees, hoping to grow to 15 to 18 employees.

Mr. Buckley addressed the decision criteria:

General Welfare: He stated the company is a self-contained, fortified office so it will not be injurious. There is high level security with cameras and readers to entrance and exit. There will be no overflow parking or chemical use.

Development Standards: He stated the purchase of the property is hinging on receipt of the special exception request. Site plans and development will take place after purchase, and they intend to adhere to all landscaping and building ordinance requirements for the industrial park.

Ordinance Intent: He stated Titan Armored would support the Light Industrial. Vehicles would be stored inside so no traffic concerns going in and out. There will be no semi traffic. They are armored vans less than 30 feet in length.

Comprehensive Plan: He stated nothing will be produced from the facility. During the day there will be very few employees on site as most will be in the field off premise.

Chairman Martin opened the public hearing by asking if there was anyone wishing to speak for or against the request. No one came forward.

Mr. Barrow asked who they will serve. Mr. Buckley responded: banks and ATM's.

Ms. Gray reiterated that even with an approval tonight a site plan is still required.

Mr. Martin asked if returning trucks will have cash on them. Mr. Buckley responded that there could be a small amount but would be stored in a secured vault inside.

Ms. Sullivan asked how many trucks there would be. Mr. Buckley stated two or three in the beginning with hopes of increasing to six or so. Ms. Sullivan cited the children's dance studio next door, wondering how much money would be stored at the facility. Petitioner responded that their Kentucky site is next to a daycare. He also assured that much of the money is redeposited so as little as possible is stored on site.

Chairman Martin asked if there were any further questions from the Board. There being none, Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff's recommendation for approval with conditions as outlined in the staff report:

- a. Special exception approval is for an armored vehicle truck freight terminal use and approval is limited to and runs with the applicant, Titan Armored, at the subject property, 1594 Amy Lane.
- b. Business vehicles stored on-site are limited to Gross Vehicle Weight Rating of 26,000 lbs. or less.
- c. All parking areas, including parking spaces and business vehicle storage areas, must be paved with asphalt or concrete to the nearest paved street, and all parking areas must be clearly painted to show each parking space.
- d. A minimum of eighteen (18) parking spaces are required to be provided on-site, for initial site development, in accordance with City of Franklin Zoning Ordinance, Article 7, Chapter 10, Parking Standards. Business vehicle parking interior to the building can count toward the required total, as long as each space has direct access in and out of the building.
- e. The combined number of employees and business vehicles stored on-site will never exceed the number of parking spaces provided on-site, in accordance with the Parking Standards.
- f. All applicable Federal, State, and Local permits and approvals shall be obtained and sustained in a satisfactory manner; including, but not limited to, site development plan review and approval, and compliance with all building, fire, and health codes.

Mr. Buckley agreed with staff's recommended conditions. Mr. Barrow made a motion to approve ZB 2019-07 (SE) with the staff recommended conditions a. through f. Ms. Sullivan seconded the motion. The motion passed unanimously.

ZB 2019-08 (V) – 700 Bartram Pkwy. – Mr. Getchell presented the developmental standards variance request for 700 Bartram Parkway from Tippmann Realty Partners and Interstate Warehousing. The property is zoned IL (Industrial: Light), and the Comprehensive Plan calls for the area to be Light Industrial. The variance request is to allow a building addition to exceed the maximum permitted height to allow up to 130 feet in height. The ordinance allows the building to be up to 100 feet in height. The property is bordered on the southwest by I65 and accessed mainly by Bartram Parkway and 525 East on the east side of the property.

Jason Bransteter represented Tippmann Realty Partners and Interstate Warehousing. The facility is a 900,000 square foot cold storage facility. They have a client who is requesting a certain number of pallet positions to be added on to the facility. It would be an automated expansion and utilizes a mechanical crane system to retrieve and put away the pallets. In order to maximize the crane system, the building must be longer or taller. Mr. Bransteter identified their request for 130 feet in height although they anticipate around 120 feet high upon project completion. There are drainage swells along the east and south sides of the property that they anticipate relocating at some point, but the length of time that would take does not meet with their client's need. Interstate Warehousing owns 80 acres to the south and east. It will provide a buffer for surrounding properties. To the west is I65 and to the east is a wooded area. To the north is industrial property.

Mr. Bransteter addressed the decision criteria:

General Welfare: He stated they are within an industrial area and own the property to the south & east.

Adjacent Property: He stated they do not abut any public areas or housing additions.

Practical Difficulty: Mr. Bransteter explained this to be about the mechanical systems, how they can be utilized and their capture of that, requiring they go taller than what the City of Franklin's current zoning ordinance allows.

Chairman Martin opened the public hearing by asking if there was anyone wishing to speak for or against the request.

Rick Hamm came forward and state he lives on 550 East, right up against the property being discussed. He was not opposed to the expansion in general, but specifically against the height. He would like to see the ordinance already in place be followed for this expansion rather than allowing the equivalent of a 13-story building. Discussion ensued about an elevation to the existing building as opposed to the 80 undeveloped acres directly next to Mr. Hamm's property. Mr. Hamm also made the comparison to the hotel under construction at the interchange and the limitation on its allowed height.

Mr. Alsip asked Mr. Hamm if his objection was to the increased height on the existing building or if it was against a building at 130 feet high on the 80 acres. Mr. Hamm responded that he does not want the current building to be allowed to be 130 feet high because if passed, it sets the precedent for a building that tall on the 80 acres as well, again referencing the limited height of the new hotel.

Ms. Myers explained that the hotel height and the height of Mr. Bransteter's structure are under two different sections of the ordinance. This case is similar to the Umbarger variance request for 185 feet in height.

Chairman Martin asked if there was anyone else wishing to speak for or against the request. No one came forward.

Ms. Sullivan asked how tall the current building is. Mr. Bransteter answered 45 feet. Mr. Bransteter added that they are looking carefully at the 80 acres and have petitions out with regards to its development.

Mr. Alsip asked if this lift structure is the future of warehousing. Mr. Bransteter explained that it depends on the customer. He stated most of their clients would not work with the higher structure. He stated producers who ship a lot of identical inventory by pallet, this lift system is ideal.

Ms. Sullivan asked if the vendor has been signed with. Mr. Bransteter stated its dependence on the decision rendered.

Ms. Myers added that the request to vacate the drain is under the Johnson County Drainage Board and is currently pending. The request under consideration this evening has been filed for site development plan review and has gone before Technical Review Committee. If the request is not approved, they could proceed under the current ordinance of a maximum height allowed of 100 feet without oversight. All their future planning will have significant oversight by a number of different entities. Development on the 80 acres also allows for 100 feet in height without oversight and with use of an ASRS. Without an ASRS, the maximum height is 50 feet.

Mr. Alsip asked how far they are from developing the other 80 acres. Mr. Bransteter said they are just in the process of getting it ready. It could be a year to just reroute the drainage ditches alone.

Chairman Martin requested staff's recommendation.

Mr. Getchell gave staff's recommendation that if the Board finds evidence to approve the variance, staff recommends the following condition(s):

1. Approval is for a maximum height of 130 feet, measured from grade level at the lowest point of the base of the structure to the highest point of the structure, including all necessary appurtenances and roof-mounted mechanical equipment.

Mr. Bransteter agreed to the condition.

Mr. Alsip made a motion to approve ZB 2019-08 (V) with the one condition as presented by staff. Mr. Barrow seconded the motion. The motion passed unanimously.

Other Business

Ms. Myers announced the Nitty Gritty Seminar June 26 and 27. Anyone interested in participating should let Ms. Myers or Mr. Getchell know. The City of Franklin will pay the registration.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 7th day of August, 2019.

Jim Martin, Chairman

Charlotte Sullivan, Secretary