

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

August 7, 2019

Members Present

Jim Martin
Phil Barrow
Brian Alsip

Chairman
Vice Chairman
Member

Members Absent

Charlotte Sullivan
Rev. Richard Martin

Secretary
Member

Others Present

Alex Getchell
Lynn Gray
Julie Spate

Senior Planner I
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

Brian Alsip made a motion to approve the June 5th minutes as amended by Lynn Gray for a typo. Phil Barrow seconded the motion. The motion passed unanimously.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

New Business

ZB 2019-09 (V) – 1795 N Morton St – Alex Getchell presented the list of developmental standards variance requests by Take Five Indiana, LLC. The property was most recently used as the Used Car Factory and previously Dog and Suds restaurant. The property is zoned MXC (Mixed Use: Community Center) and is also located in the Gateway Overlay District. The Comprehensive Plan Land Use Plan calls for this area to be Community Activity Center. Mr. Getchell stated there were originally eleven variance requests; however, variance five was withdrawn by the petitioner. He stated for the purposes of clarity the variances would be referred to as originally numbered, as follows:

- 1.) Article 3, Chapter 18, to allow a primary structure to encroach into front setback along N Main St (50' required; 9.5' requested);
- 2.) Article 3, Chapter 18, to allow an accessory structure to encroach into front setback along N Main St (50' required; 13.9' requested);
- 3.) Article 3, Chapter 18, to allow a primary structure to encroach into front setback along N Morton St (50' required; 12.31' requested);
- 4.) Article 5, Chapter 4, to allow the main entrance of the primary structure to not be located on the façade wall that fronts the highest classified public street;
- 5.) WITHDRAWN;
- 6.) Article 5, Chapter 4, to not be required to provide sidewalks consistent with the Subdivision Control Ordinance.
- 7.) Article 5, Chapter 4, to not be required to provide pedestrian walkways from sidewalks to main entrance.
- 8.) Article 7, Chapter 10, to allow fewer parking spaces than required (11 required; 9 requested);
- 9.) Article 7, Chapter 12, to allow the entrance drive widths to be larger than 28'
- 10.) Article 7, Chapter 13, to allow encroachments into the sight visibility triangles at each entrance; and
- 11.) Article 7, Chapter 16, to not be required to provide 10' parking lot separation and associated landscaping along N Morton St

Mr. Getchell stated the property is between North Morton and Main Streets and Schoolhouse Road. The existing site has an existing building and is largely parking lot. He stated there are a couple small strips of landscaping along North Main Street. Mr. Getchell stated the existing parking lot encroaches in to the right-of-way of US Hwy 31 by about six to eight feet. He said that will be removed, returned to grass, and the rest of the development will be completely on their site. Mr. Getchell reviewed all the exhibits in the slides of the PowerPoint presentation and suggested they be used during the discussion if needed.

Elliot Smith presented as the local franchisee for Take Five Oil Change. He explained the business model. The average bay time across the system was nine minutes.

Mr. Smith addressed the decision criteria, and expressed the responses for General Welfare and Adjacent Properties related to the full list of variances, and addressed the Practical Difficulties more specifically, as follows:

General Welfare: Mr. Smith stated it won't be injurious. The site will be more in compliance with the ordinance than it is now.

Adjacent Property: He stated the use and value will not be affected in any adverse manner. The site will have more landscaping and the building more in line with requirements.

Practical Difficulty: Mr. Smith stated the high level reason for all requests is that it is a small and uniquely shaped property. The property at its widest point is 93 feet so 100 feet of setbacks is not possible. Mr. Smith went on to discuss the practical difficulty of a front main entrance. Ms. Gray brought up the MOU revision of the entire area through the state. Mr. Smith continued with a discussion of the difficulty in the sidewalk and pedestrian walkways. Parking spaces is a difficulty due to the size of the property and their limited need for parking spaces due to the drive through. Entrance drive widths are being reduced from what they are currently. There are tight turnarounds to enter and exit the site.

Mr. Getchell added that the property line along North Main Street is the edge of pavement for North Main Street. He stated because of that, it is not possible for the radii to be extended into the right-of-way at this location. According to the Zoning Ordinance, the radii is not permitted to be on-site.

Mr. Smith continued with his response to the Practical Difficulties. He stated there is not enough room to spread out the landscaping without entering into the sight triangles. And with 10 feet of landscaping for parking lot separation, the parking would be pushed right up against the entrance due to the narrowness of the lot. He stated currently there is no landscaping along US31, so what Take Five Indiana will add will be an improvement.

Chairman Martin opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request. There being none, the public hearing was closed.

Mr. Barrow sought clarification that the customer will enter from the south and proceed through the building to the north. Mr. Smith confirmed. They will exit only on Main Street. Mr. Barrow asked how far that was from the Schoolhouse and US31 intersection. Mr. Getchell was unsure of the exact distance, but pointed out that there is an existing entrance and exit to the property and Take Five is reducing the width of that exit and adding a landscaping area to the north end. He stated, as a result the entrance/exit will be a greater distance away from the intersection than it currently is.

Mr. Smith asked if there is a stop sign or traffic light at Schoolhouse and Main. It was pointed out as being a stop sign.

Ms. Gray highlighted the significant modifications to the area that are coming and could impact Mr. Smith's plans. Mr. Getchell explained that in going through this process, the understanding was that there weren't likely to be any right-of-way acquisitions in this area. Mr. Smith expressed their awareness that changes are coming. Ms. Gray explained that it is currently being bonded and an MOU is being entered in to with the hopes that the project will start in the next year or two. She gave details and background of some specifics of the plan. Mr. Getchell added that the petitioner has submitted site development plans that have been reviewed at Technical Review Committee and those plans have been sent to INDOT for review. He stated, as of the date of this meeting, no comments have been received back from INDOT. He also stated the City Engineer, Mark Richards, has reviewed them as well.

Ms. Gray asked what is done with oil disposal onsite. Mr. Smith explained their 3-4-foot pits with a collection tray that slides back and forth to catch the oil, and a hose pumps it back into above ground tanks inside. An OSHA certified recycler picks it up regularly.

Mr. Martin asked where customers waiting for service will wait. Mr. Smith stated they stay in their cars, and there is an area for that. Oil changes only take nine minutes.

Mr. Alsip asked about a payment kiosk. Mr. Smith state it is in the bay as the customer is having service done so they can check out while receiving the oil change.

Chairman Martin requested any additional questions or comments from the Board. There being none, Chairman Martin requested staff's recommendation.

Mr. Getchell presented staff recommendations, as follows:

Staff recommends **approval** of the variances 1, 2, 3, 6, 7, 8, 9, and 11 with the following conditions:

- a. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, Site Development Plan approval, Improvement Location Permits, and compliance with all building, fire, and health codes.

Staff recommends **approval** of variance 4, regarding main entrance orientation, with the following conditions:

- a. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, Site Development Plan approval, Improvement Location Permits, and compliance with all building, fire, and health codes.
- b. At least three (3) enhanced entry features, out of a choice of five (5) options, are required on the façade wall of the building where vehicles enter for service.

Staff recommends **approval** of variance 10, regarding the request to allow encroachments into the sight visibility triangles, with the following conditions:

- a. All applicable federal, state, county, and local permits/approvals are required; including, but not limited to, Site Development Plan approval, Improvement Location Permits, and compliance with all building, fire, and health codes.
- b. Landscaping shall be planted per the revised landscape plan submitted August 5, 2019.
- c. Freestanding pole sign located within sight visibility triangle must be free of sign cabinets and/or decorative base between grade and 8 feet above grade.
- d. Directional signs must be setback at least 2 feet from all public rights-of-way.

Mr. Smith stated that Take Five is accepting of and complying with all conditions as proposed.

Mr. Alsip made a motion to approve variances 1-3, 6-9 and 11 with the staff recommended condition “a.” Mr. Barrow seconded the motion. The motion passed unanimously, 3-0.

Mr. Alsip made a motion to approve variance 4 with the staff recommended conditions “a.” & “b.” Mr. Barrow seconded the motion. The motion passed unanimously, 3-0.

Mr. Barrow made a motion to approve variance 10 with the staff recommended conditions “a.” through “d.” Mr. Alsip seconded the motion. The motion passed unanimously, 3-0.

ZB 2019-10 (V) – 55 ½ E Court St – Mr. Getchell introduced the developmental standards variance requests by Discover Downtown Franklin for the property at 55 ½ E Court St. The property is zoned MXD (Mixed Use: Downtown Center). The Comprehensive Plan calls for downtown uses. He stated the details of the request are to allow a public art mural to be painted on the north exterior façade of the subject building. They are requesting approximately 12 feet in height and 83 feet in length and for the mural to be painted in addition to the signage allowance for the property.

Ms. Gray disclosed that she received a Notice of Public Hearing as the property owner next door. She is neutral in opinion with regards to the project and has no financial interest in it. Ms. Gray also explained the law that the city must remain content neutral so the actual design is not reviewed.

Rhoni Oliver presented on behalf of Discover Downtown Franklin (DDF) as one of their board members. She gave background on monies secured for this mural and an overview of all that will be a part of the alley design, also highlighting the upcoming Ethos Art Fair. She stated DDF has set an annual goal to leave art as an addition to the city after an Ethos event. Ms. Oliver reported that DDF is in agreement with staff’s findings with regards to General Welfare, Adjacent Property and Practical Difficulty. They also agree with staff’s recommended conditions. Ms. Oliver reviewed staff’s comments with regards to each of the three decision criteria as cited in the staff report.

Chairman Martin opened the public hearing by asking if there was anyone in the audience wishing to speak for or against the request. There being none, the public hearing was closed.

Chairman Martin requested any additional questions or comments from the Board. There being none, Chairman Martin requested staff's recommendation.

Mr. Getchell gave staff's recommendation for approval with the following conditions:

- a. The mural must be hand-painted directly on the building surfaces using exterior paint and a protective graffiti block clear-coat.
- b. Mural content must remain unchanged, except for complete or partial removal, or repair of damaged or faded paint for a minimum of three years.
- c. The mural must be maintained in accordance with Discover Downtown Franklin's stated guidelines and design criteria, for the life of the mural, including all future mural designs.
- d. Lighting of the mural must comply with the Exterior Lighting Standards in the Zoning Ordinance, Article 7, Chapter 18, specifically for Lighting of Building Façades.

Mr. Barrow made a motion for approval of ZB 2019-10 (V) with the staff recommended conditions "a." through "d." Mr. Alsip seconded the motion. The motion passed unanimously, 3-0.

Other Business

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 4th day of September, 2019.

Jim Martin, Chairman

Charlotte Sullivan, Secretary