

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

December 1, 2021

Members Present

Jim Martin
Charlotte Sullivan
Brian Alsip
Ashley Zarse

Chairman
Secretary
Member
Member

Others Present

Alex Getchell
Lynn Gray

Senior Planner I
Legal Counsel

Not Present

Phil Barrow

Vice Chairman

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 October 6, 2021 minutes. Ashley Zarse seconded. The motion passed unanimously, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2021-18 (V) – Founders Pointe Apartments – Alex Getchell introduced this developmental standards variance request. The property is located on the south side of Upper Shelbyville Road, east of Hurricane and west of Needham Elementary. The applicant is Franklin Flat Apartments Partners, LLC. The property is zoned RM (Residential: Multi-Family), and the Comprehensive Plan calls for the area to be multi-family residential including this specific property. Tonight's specific request deals with buffer yard requirements. The request is to remove all type three buffer yard requirements along Upper Shelbyville Road except for the shrub planting requirement. A type three buffer yard requires a 25-foot setback in addition to the front yard setback. It also requires a number of deciduous trees to be planted, for fencing or mounding to be used, and then some shrubs to be planted. There is also an option for

evergreen plantings. The frontage along Upper Shelbyville Road is 1,034 feet. That would require 103 shrubs at least 18 inches in height at time of planting. The petitioner is proposing to maintain this, but remove all other buffer yard requirements. Type three buffer yard is required when residential multi-family abuts industrial zoning districts. Across the street are IBD (Industrial: Business Development) and IG (Industrial: General) zoning districts. Even if this property is not required to do a type three buffer yard, the property across the street would still be required to do so when they develop. There is regulated flood plain across the southern portion of the property that impacts the location of the buildings on the property. They have provided the 30-foot front yard requirement along with the 35-foot right-of-way dedication. They have proposed an additional four-foot setback for the buildings.

Ms. Gray asked what prohibitions there are in any of the flood plains or flood ways. Mr. Getchell cited limitations on building with flood proofing and protecting requirements. In all likelihood it will remain open space. There is also existing vegetation in the area.

Spaceco civil engineer Dillon Reynolds went through the decision criteria.

1. General Welfare: The goal is to protect the flood plain and floodway as much as possible. They are trying to do as much as possible to keep buildings up and away from the flood plain.
2. Adjacent Property: It is still a heavily planted area providing effective screening.
3. Practical Difficulty: They are limited on the southern portion of the property due to flood plain.

Mr. Martin opened a public hearing. There were no respondents. The public hearing was closed. Ms. Sullivan asked what the price point would be on the apartments. Mr. Reynolds was not certain but identified market rate.

Mr. Getchell gave staff's recommendation for approval with one condition, as outlined in the staff report.

- a. One hundred three shrubs shall be planted on-site, between the north facades of the north apartment buildings and the right-of-way line of Upper Shelbyville Road, after the right-of-way dedication.

Mr. Reynolds accepted the condition. Ms. Sullivan made a motion for approval with one condition. Ms. Zarse seconded. Passed unanimously, 4-0.

ZB 2021-20 (UV/V) – Patriot Products, LLC – Mr. Getchell introduced the use variance and two developmental standards variances by Patriot Products, LLC. The property is located on the south side of Earlywood Drive, just east of the railroad and west of Graham Road. It is zoned IG (Industrial: General), and the Comprehensive Plan calls for the area to be manufacturing. The use variance request is to allow an indoor shooting range classified as a recreational use, medium scale. The developmental standards variances are to allow the outdoor storage area to not be screened on two sides by a 100% opaque fence of wood, brick or stone construction and to allow the outdoor storage area surface to be stone instead of a paved surface of asphalt or concrete. The petitioner currently operates on Hudson Street. They received Board use variance approval in 2015 for six lanes at that location. They are proposing between 10 and 20 lanes at the new location along with a manufacturing facility in the same building along with a cold storage building on site.

Patriot Products Project Development Director John Price presented. He reported no complaints or mishaps from their current location since 2015. The military nature of this shooting range requires some different distances and angles from a standard shooting range. They have 42 parking spaces and on any given day 15-16 employees. The requirement of two parking spaces per lane is met. The western setbacks to the railroad is 120 feet. The railroad is 75 feet. So between the gravel storage area and western boundary of the railroad tracks is 195 feet.

Ms. Gray asked for an explanation on the nature of their shooting range. The president of Patriot Products, Jerry Johnson, responded. It is a defense research park and they work with Indiana Defense Network. They work with spec op teams within the military such as Navy Seals and Delta and multiple government agencies. They are a custom company. They design and develop solutions as a custom company for unique problems worldwide that arise in the military and government. They work closely with Seal Team Six.

Mr. Martin opened a public hearing. With no respondents, the hearing was closed.

Mr. Getchell gave staff's recommendation for the approval of the use variance with four conditions.

- a. Use variance approval for an indoor shooting range use is limited to, and runs with Patriot Products, LLC, at the subject property.
- b. A minimum of thirty-nine (39) parking spaces are required to be provided on-site.
- c. A minimum of two (2.0) parking spaces are required to be provided on-site for each lane of the shooting range.
- d. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with: all building and fire codes, and Indiana Department of Environmental Management air quality and lead handling standards.

The conditions were acceptable by the petitioner. Ms. Sullivan made a motion for approval with four conditions. Ms. Zarse seconded. Passed unanimously, 4-0.

Mr. Getchell gave staff's recommendation for approval of the developmental standards variance with three conditions which were acceptable to the petitioner.

- a. The outdoor storage area will be located no closer than 100 feet to the west property boundary line shared with the railroad.
- b. The existing trees, landscaping, and/or vegetation on the south end of the property will be properly maintained and groomed, but otherwise left undisturbed except for the clearing of dead, damaged, noxious or invasive plants, and to ensure adequate and proper drainage is occurring.
- c. The stone storage yard shall be regularly maintained to repair potholes and prevent excessive dust pollution.

Ms. Sullivan made a motion for approval with three conditions. Ms. Zarse seconded. Passed unanimously, 4-0.

Other Business

Approval of 2022 Calendar – Mr. Getchell introduced. Ms. Sullivan made a motion for approval. Ms. Zarse seconded. Passed unanimously, 4-0.

Ms. Gray announced that Franklin Cove Apartments received their grant. The apartments by the hospital and roundabout did not get funding this cycle. If their approved variance expires before they get funding, they would have to return to BZA.

Adjournment:

There being no further business, the meeting was adjourned.

Respectfully submitted this 2nd day of March, 2022.

Jim Martin, Chairman

Charlotte Sullivan, Secretary