



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

March 6, 2024

Members Present

Jim Martin
Bill Carson
Clayton Black
Joe Abban
Clinton Nalley

Chairman
Vice Chairman
Secretary
Member
Member

Not Present

Others Present

Alex Getchell
Lynn Gray

Senior Planner I
Legal Counsel

Call to Order

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

Roll Call & Determination of Quorum

Approval of Minutes

Bill Carson made a motion to approve the February 7, 2024 minutes. Clayton Black seconded. The motion passed unanimously, 5-0.

Swearing In

City Attorney Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB-24-1 (UV) – John & Tracey LLC – Alex Getchell introduced this use variance request at 44 N. Jackson Street. It is the old Planning Department located on the west side of the street. It has since been a retail shop. The request is to allow an electric golf cart sales facility use in the MXD (Mixed Use: Downtown Center) zoning district. Franklin does not specifically have a land use designated for electric golf cart sales facility use, but in the zoning ordinance staff is granted the authority to determine what use it is most closely aligned to. In this case staff has determined it is most closely aligned to an auto sales use, which is not permitted in the MXD (Mixed Use: Downtown Center) either by right or by special exception. The petitioner is proposing to flip the entrance to the alley on the west side of the building.

Previously it was on the right along with a small parking lot. They are proposing an approximate 2500 square foot showroom area. They have already started demolition of interior walls. Petitioner has made the commitment that there will never be any golf carts parked, stored or displayed for any length outside of the structure even during business hours. The only exception could be during loading and unloading deliveries. There will not be any vehicle carriers or haulers parked or stored on site. The Comprehensive Plan calls for the area to be downtown uses and development. Petitioner had submitted exhibits prior to the meeting which were presented.

Attorney Dustin Huddleston of Huddleston and Huddleston represented the petitioner, principal of the John and Tracey LLC, John Hubler. The property was identified to be located on the west side of the courthouse just off Jefferson Street. All the surrounding property is also zoned MXD (Mixed Use: Downtown Center). There is access to the east and west sides of the building. After time as the city's planning department and the retail shop, Simplify, the property was purchased by the owners of RFD and used for storage since that time. Mr. Hubler purchased the building earlier this year for approximately \$500,000 with the intent to sell golf carts. The golf carts will all be stored inside, as the commitment has been made that there will be no outside storage. Outside the building will be reserved for customers. Mr. Hubler has already started the process of building renovation. If the variance is granted, Mr. Huddleston maintained this will add a very unique business to Franklin, exclusive in Johnson County. There is no other electric golf cart sales facility in Johnson County. The only other area location is in Mooresville. It will be a sought out destination use, bringing people downtown that might not normally visit. The city has supported the use of golf carts since 2010 when the ordinance allowing them on city streets was enacted. Adding this business at this location will take a building once utilized for storage only and turn it in to a viable, unique business not found anywhere else in Johnson County and attract patrons to the downtown. With this project, Mr. Hubler and his family continue to exhibit their continued investment in Franklin. He is not seeking grant funding from any other entities. Hubler has been a primary financial sponsor of the amphitheater and FCHS.

Mr. Huddleston went on to address the decision criteria stating that it will not negatively impact the community or adjacent properties. There is a need for this project in that it will be a destination use. There is an unnecessary hardship because the current zoning does not fit for automotive sales and the uniqueness of electric vehicles. The use does not interfere with the Comprehensive Plan. Petitioner consented to the conditions laid out in the staff report.

Attorney Gray asked if the location will be limited to only golf sales or would it include repairs or modifications to existing golf carts. Mr. Hubler added they might sell golf bags as well. The building is just under 3000 square feet and primarily a warehouse. Inside inventory should be able to house approximately 30 carts. Projected sales would be 10-15 a month. Ms. Gray reported that while the petition was pending, the petitioner had some golf cart deliveries before the variance was granted. In light of this activity, Ms. Gray and Mr. Getchell updated a couple of the conditions listed in the staff report.

- b. All golf carts, including parking of employee golf carts, will be stored, parked, and displayed for sale inside the building at all times. Outdoor storage, parking, and display of golf carts for sale or rent is prohibited.

Clarification was that any carts for sale or rent will be inside. Mr. Hubler maintained that there will be no golf cart rental. This would include any employees driving golf carts.

- c. Parking or storage of vehicle carrier trailers and/or haulers on-site is prohibited. This regulation shall not be interpreted to apply to trailers/haulers used during the time and process of temporarily loading or unloading golf carts on-site *so long as the temporary loading or unloading does not exceed two hours.*

Chairman Martin opened the public hearing. There being no respondents, the hearing was closed.

Mr. Carson asked what the city's requirements were regarding resident golf cart driving on city streets. Ms. Gray referenced an 8-10-page ordinance. Golf carts must also be permitted. Mr. Carson followed up with how a patron wishing to test drive a cart would be handled. Ms. Gray explained that they cannot as they would not be licensed or permitted. Mr. Black had reviewed Indiana code and found no specific restrictions. Ms. Gray responded that Franklin's ordinance supersedes Indiana code. Mr. Getchell added that licenses are obtained at the police department, so a customer would not be able to receive one onsite and then drive away. They will have to be trailered from the site.

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

- a. Use variance approval is for an electric golf cart sales facility use, only, and the approval runs with the petitioner, John & Tracey LLC, at the subject property.
- b. All golf carts, including parking of employee golf carts, will be stored, parked, and displayed for sale inside the building at all times. Outdoor storage, parking, and display of golf carts for sale or rent is prohibited.
- c. Parking or storage of vehicle carrier trailers and/or haulers on-site is prohibited. This regulation shall not be interpreted to apply to trailers/haulers used during the time and process of temporarily loading or unloading golf carts on-site, as long as the loading or unloading does not exceed two hours.
- d. If off-street parking is provided, parking stalls must be a minimum of 9' x 18' and must be striped;

Mr. Getchell elaborated that the board is required to set the number of parking spaces whenever a use variance or special exception approval is granted. In the MXD (Mixed Use: Downtown Center) district, parking spaces are not required to be provided. In this case, staff did not wish to recommend any requirement for number of parking spaces so that it is consistent with the MXD (Mixed Use: Downtown Center) district. But staff did wish to insure that if there was on-site parking, it was safe. This also gives flexibility for future potential expansion.

- e. All applicable federal, state, and local permits/approvals are required; including, but not limited to, compliance with all building and fire codes.

Mr. Black asked if the ordinance limited the golf cart usage in the city to only electric golf carts. Ms. Gray did not believe it does. Mr. Black was trying to anticipate a future time that Mr. Hubler might want to expand to include sales of gas powered golf carts as well.

All conditions were acceptable to the petitioner.

Mr. Carson made a motion for approval with conditions as amended. Mr. Nalley seconded. Passed unanimously by roll call vote, 5-0.

Other Business

None.

Adjournment:

There being no further business, a motion and second for adjournment was made. Passed unanimously, 5-0.

Respectfully submitted this 5th day of June, 2024.


Chairman


Secretary