

MINUTES

City of Franklin, Indiana BOARD OF ZONING APPEALS

October 3, 2018

Members Present

Jim Martin	Chairman
Phil Barrow	Vice Chairman
Richard Martin	Secretary
Charlotte Sullivan	Member

Others Present

Alex Getchell	Senior Planner I
Lynn Gray	Legal Counsel
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 September 5th minutes. Phil Barrow seconded the motion. The motion passed, unanimously, 4-0.

Swearing In

Lynn Gray swore en masse anyone planning to speak.

Old Business

None.

New Business

ZB 2018-14 (SE) – S. Main St. Parking Lot

Alex Getchell introduced the Special Exception request by the City of Franklin and Crossroad Engineers. He stated the request is for a public parking lot to be located at the properties currently known as 260 S. Main Street and 231 South Jackson Street. They are both zoned MXD for Mixed Use Downtown Center and both fall within the flood hazard area, or Flood Hazard Overlay (FH-OL). The Special Exception request is from the Flood Hazard Overlay, Article 5, Chapter 2, as parking lots are not permitted as a primary use in flood hazard areas.

Derek Snyder with Crossroad Engineers presented the Special Exception request on behalf of the City of Franklin. The site is located in Franklin and is approximately 850 feet south of the Johnson County

Courthouse. He stated it is a 2.19-acre site located immediately north of Young's Creek on the west side of Main Street and it is currently a vacant gravel lot. There was previously a commercial structure on the site. He stated if the structure has not already been demolished, the city is doing that outside of the construction contract. The underlying zoning district allows for parking lots as a primary use; however, the issue is that it is located in the special flood hazard overlay district which requires a special exception for a parking lot as the primary use, assuming allowance under the underlying zoning district. He stated the site is surrounded entirely by MXD with some institutional to the south. The site is located entirely in the floodway Zone AE. He stated they have already received DNR approval for the build. Mr. Snyder stated the plan includes construction of a parking lot and is consistent with the MXD district. He stated the adjacent land uses would benefit from a parking lot. It is a 94-parking space parking lot with lighting and landscaping per and in excess of code will help buffering.

Mr. Snyder addressed the decision criteria:

General Welfare: Mr. Snyder stated the city will own and maintain the parking lot allowing for it to be closed in the event of flooding as a means to protect human life, health, and property. As such, the approval will not be injurious.

Development Standards: Mr. Snyder stated the site plan meets the requirements of the MXD zoning district and zoning ordinance requirements for lighting and landscaping. As such, the proposed use will meet the requirements and standards of the zoning ordinance.

Ordinance Intent: Mr. Snyder stated public parking lots are 1) permitted uses in the MXD zoning district, 2) special exception uses in the FH-OL district, and 3) complementary and necessary for the continued development of downtown Franklin. As such, the proposed use will not be contrary to the general ordinance purposes and will not permanently injure other properties or uses in the same district or area.

Comprehensive Plan: Mr. Snyder stated public parking lots are 1) complementary and necessary for the continued development of downtown Franklin and 2) consistent with the infrastructure needed to ensure accessibility of the area as detailed in the Comprehensive Plan. As such, the proposed use will be consistent with the character of the district and Comprehensive Plan.

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

Ms. Gray asked if there are any environmental restrictive covenants (ERC's) on this property. The ERC's and being in the floodway significantly limit what the property can be used for in terms of structures. Mr. Getchell was not aware of any. Allowable uses are only agricultural, forestry, wildlife areas or nature preserves or parks and recreation uses. Special exception uses are parking lots, golf courses, sewage treatment plant, public well fields and riding stables. Ms. Gray maintained her opinion that there are ERC's as well.

Chairman Martin requested staff's recommendation. Staff recommended approval without conditions.

Rev. Richard Martin made a motion to approve ZB 2018-14 (SE) as staff recommended. Ms. Sullivan seconded the motion. The motion passed, unanimously, 4-0.

ZB 2018-15 (V) – Franklin Gateway Development

Mr. Getchell introduced the developmental standards variance requests. The property is located in the northwest quadrant of the I-65 exit 90 interchange. The property is zoned MXR for Mixed Use Regional

Center and is located within the Gateway Overlay zoning districts. The variance requests are both from Article 8, Chapter 3, which deals with multi-tenant, free standing signage. The first request is to allow the multi-tenant freestanding sign to exceed the maximum height permitted. Twenty-five feet is permitted and they are requesting 65 feet total height. The second variance is for the maximum sign area allowed per tenant on a multi-tenant freestanding sign. There are eight lots proposed in the subdivision and they are requesting 75 square feet instead of the permitted 50 square feet for an overall square footage of 600 square feet. The sign would be located approximately 600 feet north of King Street adjacent to the southbound exit ramp of I-65. That location is roughly halfway between King Street and the homes on the far north end.

Attorney Nick Sprague with Franklin Gateway Development presented the 65-foot tall sign request in order to lure well known tenants with interstate visibility. He stated the area doesn't have a significant amount of local and residential business availability, so interstate business is key.

Mr. Sprague addressed the decision criteria:

General Welfare: Mr. Sprague stated the sign is consistent with the area and limited to one sign would avoid signage clutter.

Adjacent Property: Mr. Sprague stated it won't affect anything in a substantially adverse manner.

Practical Difficulty: Mr. Sprague stated the strict application would result in a sign not visible. He stated the signage would be attractive by eliminating the clutter of multiple freestanding signs.

Mr. Getchell stated there are four different panels to the sign, allowing for 75 square feet for each of the eight lots currently planned for. Plans for additional tenants on some of those lots could push them to 10 or even more tenants in the future. He stated the petitioners have left space at the bottom to allow for an additional sign panel be added, but the petitioner would have to come back to the BZA to request a fifth panel. He stated, once the sign is permitted, any sign face changes never have to come back for approval.

Mr. Barrow asked Mr. Sprague if they could have ten tenants. Mr. Sprague stated if they have a retail strip center with four or five tenants, they could potentially come back to request more square footage. Mr. Barrow asked if they could have ten tenants on this sign. Mr. Sprague stated he did not believe that would be effective.

Mr. Getchell explained the size of the sign panels shown in the graphic, with the largest panel at the top being 150 sq. ft. and the smaller square panels being 75 sq. ft. He stated the petitioners are requested variance approval to be allowed 75 sq. ft. per lot in the subdivision; the ordinance allows 50 sq. ft.

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

Remonstrator Fred Paris, a representative of WEP Properties, owners of the property to the north, identified the sign based on size to be like a billboard turned sideways. He stated he was relieved to see the sign would be located south as far as it was coming. He is glad to see the development and excited to see the Spragues developing in Franklin. A four-story hotel does look into the neighborhood yards. He stated you would never see a sign this big in Carmel or Hilton Head. He stated he has always pushed for private property rights and believes you need signage so people can see your business. The sign is

going against the ordinance and norm due to the large size. He believes his lots are far enough away that it won't hurt them. He stated people who live on that side of town hate the McDonalds sign. Mr. Getchell stated the McDonalds sign is 97 feet tall. Ms. Gray stated this sign would be 32 feet shorter. Mr. Paris stated this was a lot more square footage than the McDonalds sign. He didn't speak against it but suggested it could be precedent setting. He is in support of Spragues and this request if they deem needed. He stated if it was up closer to his lots he would be fighting against it with everything they've got.

Chairman Martin asked if there was anyone else wishing to speak for or against the request. No one came forward. Chairman Martin asked if there were any additional questions from the Board. There were none. Chairman Martin requested staff's recommendation.

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

- a. Approval is limited to the proposed sign design, with a maximum height of 65 feet, four (4) sign cabinets of 150 sq. ft. each, and a maximum of 600 sq. ft. in sign area.
- b. No sign cabinet can exceed 150 sq. ft. in sign message area.
- c. Any additional sign area shall require separate Board review and approval.
- d. Sign permits shall be obtained prior to installation of all signage.
- e. Structural and wind load calculations required with sign permit application.
- f. As outlined by the City of Franklin Zoning Ordinance Article 8, Chapter 3, individual freestanding signs are prohibited on lots within the same primary platted subdivision.

Mr. Barrow made a motion to approve ZB 2018-15 (V) with conditions as presented by staff. Ms. Sullivan seconded the motion. The motion passed, unanimously, 4-0.

Other Business

Adjournment:

There being no further business, the meeting was adjourned at 6:34PM.

Respectfully submitted this 7th day of November, 2018.


Jim Martin, Chairman


Rev. Richard Martin, Secretary