



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

### BZA Staff Report

**To:** Board of Zoning Appeals Members

**From:** Alex Getchell, AICP, Senior Planner

**Date:** October 1, 2021

**Re:** Cases ZB 2021-19 (V) | Hubler Ford | BDH Realty, LLC

---

#### REQUESTS:

**Case ZB 2021-19 (V)...Hubler Ford.** A petition by BDH Realty, LLC, a request for seven Developmental Standards Variances from the City of Franklin Zoning Ordinance, as follows:  
Six variances from Article 5, Chapter 4, Gateway Overlay:

- 1.) Exterior Materials, to allow architectural metal panels (other than accents & trim) and corrugated metal panels;
  - 2.) Exterior Colors, to allow metallic colors;
  - 3.) Roof Design, to allow variances to the parapet design on three sides of the building;
  - 4.) Pedestrian Walkway, to be allowed to not provide a pedestrian walkway from the public sidewalk to the main customer entrance;
  - 5.) Façade Walkway Landscaping, to be allowed to not provide 5' of landscaping separation between walkway and façade of building;
  - 6.) Outdoor Merchandise Storage, to allow outdoor storage of merchandise (vehicles); and,
  - 7.) A variance from Article 7, Chapter 10, Part 3, Parking Standards, to allow merchandise vehicles to be parked/stored without individually delineated parking spaces;
- in the MXC: Mixed-Use, Community Center zoning district and the GW-OL: Gateway Overlay District. The property is located 2140 N Morton St.

#### PURPOSE OF STANDARD:

The "MXC", Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-midsized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

#### ZONING:

##### Surrounding Zoning:

North: MXC: Mixed-use, Community Center

South: MXC: Mixed-use, Community Center

East: MXR: Mixed-use, Regional Center

West: RSN: Residential, Suburban Neighborhood

North, South, East & West: GW-OL: Gateway Overlay District

##### Surrounding Land Use:

North: BDH Realty Commercial Subdivision  
"Brad's Car Wash" under construction

South: Steak 'n' Shake, Residential

East: Walmart

West: Two-Family Residential (Mustang Ct)  
Single & Multi-Family (Ransdell Dr)

## CONSIDERATIONS:

1. Petitioner, BDH Realty, LLC, is proposing to demolish and re-develop the current Hubler Ford Dealership at 2140 N. Morton Street. The site is Lot 4 of the BDH Realty Commercial Subdivision, and will have direct access from N Morton St / US 31, as well as, utilizing private drives connecting to Simon Road and aligning with the drive across Simon, that runs behind the Freddy's. Petitioner proposes to locate the new dealership building farther back on the lot, with a larger/deeper vehicle sales lot between the building and N Morton St. [See [Exhibit A: Project Description](#), [Exhibit B: Site Plan](#), [Exhibit C: Bldg Elevations](#), [Exhibit D: Floor Plan](#), [Exhibit E: Main Entrance Detail](#) & [Exhibit F: Secondary Plat](#)]
2. Petitioner submitted Site Development Plans for review by the Technical Review Committee; the full Technical Review Committee reviewed the plans at the August 26, 2021 meeting. Petitioner has received the official Technical Review Committee comments and is working toward full resubmittal.
3. Approval of the Site Development Plans cannot be completed without approval of the requested variances, or full compliance with the zoning ordinance.

### Gateway Overlay District – Exterior Materials & Colors

4. According to Article 5, Chapter 4, Architectural Standards, “A ‘façade wall’ shall be defined as any exterior wall visible from a street (public or private) or other GW-OL zoned property. All façade walls shall meet the following requirements:
  - a. *Exterior Materials:* The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternate materials that replicate the appearance and durability of those listed below. All façade wall exterior building materials shall be high quality materials, and shall be limited to any combination of the following:
    - i. Brick or face tile;
    - ii. Wood;
    - iii. Native stone;
    - iv. Glass (reflective glass shall be limited to a maximum of 50% of the area of any façade wall on which glass is used);
    - v. Tinted and / or textured concrete masonry units (such as fiber cement panels, split-face block and burnished block);
    - vi. Tilt-up concrete panels that are adorned and textured as to conform to 5.4(C)(1)(a)(v);
    - vii. Architectural pre-cast concrete;
    - viii. Architectural metal (accents and trim only); standing seam metal is prohibited; and
    - ix. Exterior insulation and finish system, EIFS, (shall be limited to a maximum of 30% of any single façade wall area excluding all windows, doors, and glass construction materials).
  - b. *Exterior Colors:* Exterior facade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 30% of any single exterior wall area excluding all windows, doors, and glass construction materials.
5. Variance 1: *The petitioner is requesting relief from the EXTERIOR MATERIALS standard, to be permitted to utilize ACM architectural metal panels and corrugated metal panels on the façades.*
  - a. Petitioner proposes the following square feet area & percentage of façade to these materials:
    - i. *ACM Architectural Metal:*

▪ South façade:	486 sq. ft.	10% of façade area
▪ East façade:	2,522 sq. ft.	36% “ ”
▪ North façade:	495 sq. ft.	11% “ ”
    - ii. *Corrugated Metal Panel:*

▪ East façade:	816 sq. ft.	12% “ ”
----------------	-------------	---------

6. Variance 2: *The petitioner is requesting relief from the EXTERIOR COLORS standard, to be permitted to utilize brushed aluminum and pewter colors, “metallic colors,” on the South, East, and North facades.*
  - a. Petitioner proposes the following square feet area & percentage of façade to these colors:
    - i. *Brushed Aluminum (ACM Architectural Metal):*
      - *South façade: 158 sq. ft. 3% of façade area*
      - *East façade: 2,522 sq. ft. 36% “ ”*
      - *North façade: 186 sq. ft. 4% “ ”*
    - ii. *Pewter Color (ACM Architectural Metal):*
      - *South façade: 328 sq. ft. 7% “ ”*
      - *North façade: 309 sq. ft. 7% “ ”*

#### **Gateway Overlay District - Roof Design**

7. According to Article 5, Chapter 4, all roofs or parapets are required to vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing.
8. Variance 3: *The petitioner is requesting relief from this standard, to not provide architectural detailing, cornices, moldings, trims and other similar detailing. Petitioner will meet the requirements for varying three-dimensionally, and will provide a parapet cap; however, there would not be any architectural detailing, cornices, moldings or other similar detailing.*

#### **Gateway Overlay District – Pedestrian Walkways**

9. According to Article 5, Chapter 4, “Pedestrian walkways shall be provided from the sidewalks to the main customer entrance of the structures on each lot and along the full length of any façade of a building that includes a customer entrance or abuts a parking area.”
  - a. “Walkways connecting the structure entries with the (public) sidewalks shall be concrete, and a minimum of 5 feet in width. They shall be bordered on each side by a planting area that is a minimum 2 feet in width. The planting areas on each side of the sidewalk shall each include flowers, shrubs, and trees for a minimum of 50% of their length. The remainder shall be planted with grass.”
10. Variance 4: *Petitioner is requesting a variance from this standard, to not provide any pedestrian walkway connecting the public sidewalk to the entrance of the structure. If approved, the only pedestrian walkways on-site would be along the front façade of the building, and the future public sidewalk/trail along the property frontage, in the right-of-way.*
11. The location and material of the public sidewalk is subject to coordination with the City of Franklin during the US 31 road project. If the road project is not under contract within 5 years of the date of approval of the construction plans/site development plan, the property owner is responsible for installing the sidewalk as approved.

#### **Gateway Overlay District – Façade Walkway Landscaping**

12. According to Article 5, Chapter 4, walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length.
13. Variance 5: *The petitioner is requesting relief from this standard, to reduce the width of the landscape area to two (2) feet for the area at the south end of the front façade, in order to accommodate an additional vehicle display area adjacent to the building.*
14. Petitioner proposes for this vehicle display area adjacent to the building to be 12.5’ wide by approximately 50-55’ long (a little larger than 2 parallel parking spaces 9’ x 44’). For reference, the zoning ordinance minimum parallel parking space size is 9’ by 22’.

### **Gateway Overlay – Outdoor Merchandise Storage Areas**

15. According to Article 5, Chapter 4, merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited.
16. Outdoor Storage is defined as: The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.
17. Variance 6: *Petitioner is requesting relief from this standard, to be allowed to display vehicles for sale in specifically marked storage areas in the parking lot.* Merchandise is only permitted to be displayed outdoors immediately adjacent to the building. [See [Exhibit B: Site Plan](#)]

### **Non-Delineated Merchandise Parking**

18. According to Article 7, Chapter 10, all parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete to the nearest paved street. All parking areas shall be clearly painted to show each parking space.
19. Article 7, Chapter 10 requires one (1) parking space be provided for each vehicle on display at an auto dealership (of an appropriate size, and to be used for the storage of each vehicle).
20. Variance 7: *The petitioner is requesting relief from this standard, to not individually paint the merchandise vehicle parking spaces. Instead, petitioner wishes to display merchandise vehicles in designated storage areas, at different angles, and wants to be able to freely change the orientation of vehicles to attract customers.* [See [Exhibit B: Site Plan](#)]

### **Comprehensive Plan & Zoning Ordinance**

21. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”
22. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
23. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

### **CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:**

#### **(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

- - Begin on Next Page - -

## **DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES**

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

### **Staff Finding:**

Staff finds the approval of the listed variances 3. (Roof Design), 5. (Façade walkway landscaping), 6. (Outdoor Merchandise Storage), and 7. (Merchandise vehicle parking spaces) will not be injurious to the public health, safety, and general welfare of the community. In regard to variance 3. (Roof Design), staff finds petitioner has proposed a parapet/roof design that varies in height on each required façade and petitioner's use of different materials and colors at different levels creates architectural/visual interest on the facades, otherwise not provided by the parapet/roof. Staff finds the proposed reduction of the façade walkway landscaping, from 5 feet to 2 feet, along a portion of the front façade of the building near the south end will not be injurious to the general welfare, as a majority of that landscaping area will meet the 5' minimum. In regard to variances 6. & 7., staff finds the proposed vehicle merchandise storage plan, with boundaries marked for each storage area, is safe and appropriate for a car dealership, as petitioner will be providing adequate drive aisle widths and individually delineated parking spaces for customers and employees.

Staff finds the approval of the listed variances 1. (Exterior materials) and 2. (Exterior colors) may be injurious to the general welfare of the community, as the requested design elements are more than just subtle accents and trim, and instead serve to create the main design and appearance of the property. Approval of architectural metal, corrugated metal, and metallic colors as the primary building design features is contrary to the intent of the Gateway Overlay District (GW-OL), which seeks aesthetically consistent developments throughout the GW-OL district. The front façade (east) would have a combined 48% architectural metal material, with another 34% being glass (permitted). Approval for the proposed design would establish a new "acceptable" architectural design style not seen in Franklin since the adoption of the GW-OL District.

Staff finds the approval of the listed variance 4. (Pedestrian Walkway) will be injurious to the public health, safety, and general welfare of the community. Petitioner's design provides no safe routing for pedestrians to navigate the site, either to/from the public sidewalk(s) or internally. The pedestrian walkway petitioner is requesting to not provide, could also serve as a safe route for customers to walk from the sales building into vehicle display areas. Customers visiting the dealership would cross four or more drive aisles to visit a vehicle for sale at the front of the lot, if they parked in the designated customer parking spaces near the entrance; none of the drive aisle crossings would be marked or designed to indicate a safe pedestrian crossing location. Petitioner states they believe it is more dangerous to have the designated pedestrian crossings through the sales lot leading out to N Morton St, due to the temporary situation where a public sidewalk/trail may not be constructed for up to five years.

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

### **Staff Finding:**

Staff finds the approval of all listed variances will not substantially affect the use and value of the adjacent properties. None of the requested variances would have a direct negative impact on any adjoining property; while some of the variances could be detrimental to the public health and general welfare, none specifically impacts an adjacent property in a substantially adverse manner.

- 3. Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

### **Staff Finding:**

Staff finds the strict application of the ordinance will result in practical difficulties related to the listed variances 1. (Exterior Materials), 2. (Exterior Colors), 3. (Roof Design), 6. (Outdoor Merchandise Storage), and 7. (Merchandise vehicle parking spaces). In regard to listed variances 1. and 2., staff finds the incorporation of architectural metal materials and metallic colors to be similar to the allowances granted by

the GW-OL District, for “brighter colors or primary colors”; those colors are not to exceed 30 percent of any façade. Petitioner is proposing 36 percent / 2,522 sq. ft. of “brushed aluminum” on the front façade, which is only 410 sq. ft. (~5.8%) more than permitted. Additionally, on the north and south ends of the building, petitioner is only dedicating between 10-11% of the façade to metal/metallic materials/colors; well below the allowance granted to “brighter colors or primary colors.” Altogether, the percent of the entire façade that would be metal and/or metallic colors is well below 30 percent.

In regard to listed variance 3. (Roof Design), staff finds the petitioner has proposed a parapet/roof design that varies in height on each required façade and petitioner’s use of different materials and colors at different levels creates architectural/visual interest on the facades, otherwise not provided by the parapet/roof.

In regard to listed variances 6. (Outdoor Merchandise Storage) and 7. (Merchandise vehicle parking spaces), staff finds it is not practical to strictly require the merchandise vehicles be parked within individually delineated parking spaces, when merchandise vehicle storage areas can be bounded and painted to allow the petitioner to change the orientation of display vehicles, without affecting the overall safety or welfare of the public.

In regard to listed variances 4. (Pedestrian Walkway) and 5. (Façade Walkway Landscaping), staff finds no relevant practical difficulty. Staff finds the practical difficulties cited by the petitioner are self-imposed and based on a perceived reduction of, or restriction on economic gain. Petitioner states the practical difficulty for these two variances is that vehicle display areas will be reduced. In regard to listed variance 4. (Pedestrian Walkway), no relevant practical difficulty has been stated; petitioner indicated the addition of the walkway would mean fewer merchandise vehicles on display, which staff believes constitutes a practical difficulty based on a perceived reduction of, or restriction on, economic gain. In regard to listed variance 5., the vehicle display area proposed along the building façade is shown as 12.5 feet in width and approximately 50-55 feet in length. For reference, the minimum parallel parking width by ordinance is 9 feet by 22 feet; therefore, only 2 vehicles are likely to be displayed in this area. Reducing the vehicle display area to 9.5 feet in width would allow for the same number of vehicles to be on display, while still providing the required 5 feet of sidewalk and the 5 feet of landscaping required; nullifying the need for variance request “5.” Therefore, staff finds no practical difficulty in regard to listed variances 4 (Pedestrian Walkway) and 5 (Façade Walkway Landscaping).

## **STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

### **Staff Decision Criteria Summary by Variance:**

- 1. & 2. (Exterior Materials & Exterior Colors): Staff finds listed variances 1. & 2. may be injurious to the general welfare.
- 3. (Roof Design): Staff finds listed variance 3. has met all decision criteria.
- 4. (Pedestrian Walkway): Staff finds listed variance 4. will be injurious to the public health and general welfare, and no relevant practical difficulty has been demonstrated (based on reduction of, or restriction on, economic gain).
- 5. (Façade walkway landscaping): Staff finds listed variance 5. has not provided evidence of a relevant practical difficulty (based on reduction of, or restriction on, economic gain).
- 6. & 7. (Outdoor Merchandise Storage & Merchandise vehicle parking spaces): Staff finds listed variances 6. & 7. have met all decision criteria.

Based on the written findings above, if the Board finds evidence to approve **variances 1., 2. & 3.**, staff recommends the following conditions of approval:

- a. Approval of the Exterior Materials and Exterior Colors variances shall be limited to the materials, colors, and square footages/percentages listed on the “Exterior Material Schedule” provided on Sheet “A-2”, Exterior Elevations, and received by Planning Staff on September 15, 2021.

-- Continue on next page --

Based on the written findings above, staff recommends **DENIAL** of variances 4 & 5.

Based on the written findings above, staff recommends **CONDITIONAL APPROVAL** of variances 6. & 7.  
with the following conditions:

- b. The merchandise vehicle storage areas, without individually painted parking spaces, shall have a solid white line, marked with appropriate pavement markings, for the entire boundary of the storage areas.
- c. All merchandise vehicles must be stored completely within the marked boundaries of the merchandise vehicle storage areas. Merchandise vehicles parked over the boundary line or within any of the required employee or customer parking spaces or interior drives shall be strictly prohibited.
- d. Merchandise vehicle parking within the public right-of-way shall be strictly prohibited.
- e. Vehicle parking, of any kind, in the grass or on an unpaved surface shall be strictly prohibited.
- f. Required parking spaces for employees and customers shall be provided as individually delineated parking spaces and shall be marked with appropriate pavement markings, as indicated on the approved site plan, and in accordance with the zoning ordinance standards.