

September 15th, 2021, revised

To: City of Franklin, Board of Zoning Appeals

From: John Haines, BDH Realty, LLC

RE: Variance from Developmental Standards

## **EXHIBIT A**

BDH Realty is requesting the following variances for the new Hubler Ford at 2140 N. Morton St. The site plan and building plans are based on Ford's national dealership prototype. The plans were developed based on proven car dealership design, functionality, attractiveness and best business practices. We have complied with Franklin codes and ordinances whenever possible. The new dealership will feature Ford's updated signature design, offering a more contemporary aesthetic while incorporating advancements in energy efficiency & sustainability.

The GW-OL does not specifically account for car dealerships. No auto manufacturer's prototype dealership design would meet the GW-OL standards but a car dealership is a permitted use at this location and in the Gateway Overlay District. Our design has no negative impact on the general welfare or adjacent properties rather benefits the community in many ways and increases adjacent property values. The practical difficulty is that we are mandated a design by Ford and any plans have to be approved by Ford. There are no other approved materials or designs to use. If we deviate from the design criteria, we will not get approval by Ford to build a new dealership and the existing non GW-OL building would have to remain.

The new facility has upgraded non-combustible construction with fire & life safety benefits for current & future employees as well as customers. Accommodations for employees & customers with disabilities have also been included in the design. New sales lot landscape elements will enhance stormwater quality & detention. The project is located within the city's Gateway Overlay District. Most of the associated requirements prescribed by the City of Franklin Zoning Ordinance are included in the new design. A few exceptions to the development standards would allow the new facility to function optimally while allowing materials that are in keeping with modern automobile technology & aesthetics.

### **Exterior Materials: 5.4 GW-OL C. 1. a. viii.**

We seek approval to use ACM architectural metal panels and corrugated metal panels on the facades (MP1, MP-2, MP-3). These materials are typical for car dealerships and required per Ford's national dealership design standards. ACM is a high quality, long-lasting material with a longer life than EIFIS or other approved materials. ACM previously was an approved material and it is used on all car dealerships.

ACM has no effect on the general welfare or adjacent properties and the appearance would blend well with adjacent properties. The practical difficulty is that without ACM we will not get Ford approval or be able to build a new dealership, there is no other alternative material

approved. If we can not build a new dealership, we can not improve the property to current development ordinances. A new dealership is to the benefit of the community and will increase adjacent property values.

#### **Exterior Colors: 5.4 GW-OL C. 1. b.**

We seek approval to use brushed aluminum on the facades in addition to slate gray and pewter. The GW-OL requires low reflectance but does not allow metallic. The brushed aluminum is low reflectance, neutral and in-line with the GW-OL except being considered a “metallic”. In the previous version on the GW-OL, when we completed the design, ACM was an allowed material and this same brushed aluminum ACM is on other buildings in the GW-OL area.

ACM in brushes aluminum has no effect on the general welfare or adjacent properties, it is neutral and will blend with other buildings. The practical difficulty is that without ACM we will not get Ford approval or be able to build a new dealership, there is no other approved material to use. If we can not build a new dealership, we can not improve the property to current development standards or maximize the use of the property. A new dealership is to the benefit of the community and will increase adjacent property values.

#### **Roof Design: 5.4 GW-OL C. 1. c.**

Our parapet on the front façade does have a raised section above the main customer entry but does not have cornices or trim. The north and south facades have a metal accent parapet cap but not a 3-dimensional change, cornices, etc. We seek approval to have our parapets per the attached plans which is what the Ford prototype design requires. All other roof design requirements are met.

This parapet design has no effect on the general welfare or adjacent properties and will look blend with adjacent buildings. The practical difficulty is that without this design we will not get Ford approval or be able to build a new dealership, there is no alternate design available. If we can not build a new dealership, we can not improve the property to current development standards or maximize the use of the property. A new dealership is to the benefit of the community and will increase adjacent property values.

#### **Façade Walkway: 5.4 GW-OL C. 2. b. iv.**

In order to meet the right of way, setbacks, parking space depth and drive lane width we have only 17.94' between the east, façade and the first drive lane. If we do 5' landscaping and 5' sidewalk there is not enough room to display vehicles. We can do 5' of landscape in areas not intended for vehicle display and 2' of landscape in areas intended for vehicle display. This provides landscape area along the entire front façade and a 5' or greater, continuous walkway along the drive lane in addition to minimum amount of vehicle display. We seek a variance to have less than 5' of greenspace in areas between the façade and pedestrian walkway.

The GW-OL does not specifically account for a car dealership but a dealership is an approved use. The GW-OL wants 5' of greenspace then 5' sidewalk then paved areas. This does not

provide for vehicle display. It is best and safest to have the sidewalk next to the paved area so it is never blocked and easily accessed. Our design has the sidewalk parallel to the paved area close to parking, then vehicle display, then the greenspace along the façade. Example picture in Exhibits.

This site plan design has no effect on the general welfare or adjacent properties and does provide a unobstructed 5' walkway. The practical difficulty is that without our design we would have tight vehicle display along the paved drive lane, a sidewalk behind the vehicles and then 5' of greenspace. This is not to the benefit of pedestrians or public safety. Vehicle display along front of building is required and there is no alternative design available to us. If we can not build a new dealership, we can not improve the property to current development standards. A new dealership is to the benefit of the community and will increase adjacent property values.

### **Outdoor Merchandise Storage: 5.4 GW-OL C. 3**

We seek approval to have retail vehicles stored on the parking lot in addition to an area immediately adjacent to the primary structure. This ordinance does not allow a car dealership to operate as any dealer must have vehicles displayed away from the building on the lot. This appears to be an example of how a GW-OL does not account for a car dealership which is an allowed use. Example pictures included in the Exhibit.

This site plan design has no effect on the general welfare or adjacent properties, simply allows for additional retail vehicle display. The practical difficulty is that without our design every parking space will be striped and this will create confusion of where is customer and employee parking and where is retail display areas. It could be unsafe for people to park in middle of lot instead of the customer parking area. Retail vehicle display consistent with our design is used at all dealerships and in the norm. A new dealership is to the benefit of the community and will increase adjacent property values.

### **Display Vehicle Parking Spaces: ZO 7.10 Part 3 A 1**

We agree that all true parking spaces for customers and employees must be clearly striped. The area of a car dealership lot designated for retail vehicle display is best not painted as individual parking spaces. At times we need to park retail vehicles straight or angled or space units differently. We seek approval to paint all parking spaces but to not stripe vehicle display spaces. We will have a line between all vehicle display area and drive lanes. Example pictures included in the Exhibit.

This site plan design has no negative effect on the general welfare or adjacent properties. The practical difficulty is that without a variance every parking space will be striped and this will create confusion of where is customer and employee parking and where is retail display areas. We will have not flexibility to arrange retail vehicles and painted spaces will confuse the public to thinking open spaces in the display area are customer parking spaces. We need flexibility in displaying retail vehicles and no confusing for customer parking. Without this we can not improve the property to current development standards. A new dealership is to the benefit of the community and will increase adjacent property values.

#### **Pedestrian Walkway: 5.4 GW-OL C. 2. b. and/or mid block crossing.**

We seek approval to not provide a pedestrian walkway from the sidewalk right of way along Morton St. (no sidewalk existent now) to the main customer entry. There is no sidewalk at this time on Morton St. and may not be for over 5 years, there is only a deep drainage ditch in the area. There is no good direct route that does not take pedestrians through a large parking lot and vehicle display area and cross 4 drive lanes.

The site plan has no effect on the general welfare or adjacent properties. It could be dangerous to have a long pedestrian walkway thru the middle of a vehicle display area crossing 4 drive lanes. The practical difficulty is that a walkway deletes 7 to 10 vehicle display spaces and directs foot traffic thru a large parking lot of retail display and crosses 4 drive lanes which is dangerous for the public. The walkway would end at a grass right of way and deep drainage ditch along Morton St. This is creating a potentially dangerous situation for pedestrians and a safer alternative would be best.

If a pedestrian walkway must be provided we propose an alternative pedestrian walkway from the front façade to the south to Ransdell Drive, crossing Ransdell and connecting to the existing sidewalk on south side of Ransdell. Pedestrian crossing and signage would be installed and this will resolve the issue now instead of having it half done and potentially dangerous for 5 years. This great solution resolves the issue now and would require a variance for a mid block crossing. A new dealership is to the benefit of the community and will increase adjacent property values. A example mock up of the proposed alternative route for the walkway is included in the exhibits.