



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, AICP, Senior Planner

Date: May 28, 2021

Re: Cases ZB 2021-11 (V) | Brad's Car Wash | BDH Realty, LLC

REQUESTS:

Case ZB 2021-11 (V)...Brad's Car Wash. A request for three Developmental Standards Variances from the City of Franklin Zoning Ordinance, 1.) Article 7, Chapter 3, Accessory Structure Standards, to be permitted to locate accessory structures (vacuums/trash stations and pay stations/canopies) in a front yard, 2.) Article 7, Chapter 12, Entrance/Drive Standards, to allow 11 feet internal drive widths for one-way interior drive lanes (13 feet min. required), and 3.) Article 5, Chapter 4, Gateway Overlay District Standards, to allow main customer building entrance to not front onto a public street, in the MXC: Mixed-Use, Community Center zoning district and the GW-OL: Gateway Overlay District. The property is located on the southwest corner of N Morton St. and Simon Rd.

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

MXR: Mixed-use, Regional Center

South: MXC: Mixed-use, Community Center

East: MXR: Mixed-use, Regional Center

West: MXC: Mixed-Use, Community Center

RSN: Residential, Suburban Neighborhood

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

Surrounding Land Use:

North: Freddy's Steakburgers & Frozen Custard
Meijer

South: Hubler Ford

East: Verizon, Dentist, World Finance, GameStop

West: Vacant Commercial ground (primary plat)
Two-Family Residential (Galaxy Drive)

CONSIDERATIONS:

1. Petitioner, BDH Realty, LLC, is proposing to develop an automated car wash at the southwest corner of N. Morton Street and Simon Road. The site is Lot 2 of the proposed BDH Realty Commercial Subdivision, and will have access via a private drive connecting to Simon Road and aligning with the drive across Simon, that runs behind the Freddy's. Petitioner also proposes a self-serve vacuum area between the car wash and Simon Road. [See [Exhibit A: Request Details](#), [Exhibit B: Site Plan](#), [Exhibit C: Bldg Elevations](#), [Exhibit D: Vacuum Details](#), [Exhibit E: Pay Station Details](#) & [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 April 22, 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.
4. Petitioner requests to develop the site with the self-serve vacuums and pay stations located between the car wash and Simon Road, contrary to the accessory structure standards, for structures being located in a front yard.
5. Petitioner requests approval to be permitted eleven (11) feet wide one-way interior drive lanes, instead of the minimum 13 feet requirement for one-way traffic, with no adjacent parking or 45-degree parking.
6. Petitioner also requests approval to allow the primary customer entrance to be oriented to not face the highest classified public street. The entrance to the car wash structure is on the west end of the building.

Accessory Use & Structure Standards

7. According to Article 7, Chapter 3: Accessory Use & Structure Standards:
 - A. **Accessory Structure Location:** Accessory structures shall comply with the following location requirements:
 - a. Septic Fields: No accessory structures shall be placed in any operable septic fields.
 - b. Landscaping & Buffer Areas: No accessory structure shall encroach into any required landscaped area or buffer yard.
 - c. Yard Location: **No accessory structure shall be permitted in any front yard**, or within the required side and rear yard setbacks specified by the Permitted Accessory Structures table.
8. According to the City of Franklin Zoning Ordinance, Article 13, Chapter 2, Definitions:
 - A. Front Yard: “The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.” [Figure 1: Front Yard]
 - B. Lot Frontage: “The horizontal distance between side lot lines where a property abuts a street.”
 - C. Street, Public: “A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.”
 - D. Lot, Corner: “A lot located at the corner of two or more streets.

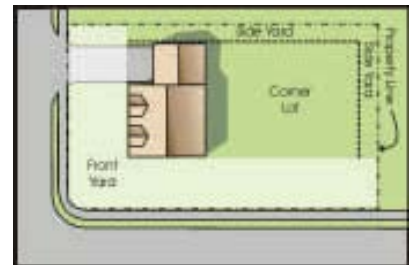


Figure 1: Front Yard (Corner Lot)

9. Variance 1.): *Petitioner requests approval to be allowed to place the vacuum and trash containers on the north side of the building, which is considered a front yard, by ordinance. The northern-most vacuum structures would be located 50 feet from the Simon Rd. right-of-way, the pay station structure would be approximately 60 feet from Simon Rd, while the main car wash building would be setback 126 feet from Simon Rd.*
10. Petitioner provided exhibit of the proposed vacuum & trash stations, as well as the pay stations and canopies. [See [Exhibit D: Vacuum Details](#) & [Exhibit E: Pay Station Details](#)]
11. Petitioner provided a site plan with a proposed landscape hedge and vacuum & trash stations delineated. The purpose of the hedge would be to mitigate trash and debris from the vacuum area from blowing off-site and into the roadways. [See [Exhibit G: Hedge Plan](#)]

Interior Drive Standards

12. According to Article 7, Chapter 12, Entrance/Drive Standards, one-way interior drives with no adjacent parking or 45-degree parking are required to be a minimum of 13 feet in width.

13. The City of Franklin Plan Commission recently forwarded a favorable recommendation for a zoning ordinance amendment to add “drive-thru” lanes with a minimum width of 11 feet to the Interior Drive Widths standards. Common Council will hold a public hearing and vote on the amendment at the June 7, 2021 meeting.
14. Variance 2: *Petitioner is requesting a variance to allow the interior one-way drive lanes/customer stacking areas to be a minimum of 11 feet in width. The proposed one-way interior drive widths would be consistent with the proposed ordinance amendment. Staff is recommending approval of the ordinance amendment. Petitioners must comply with the current ordinance, or receive variance approval, until such time as the ordinance is officially amended/adopted by Common Council.*

Gateway Overlay – Main Entrance Location

15. According to Article 5, Chapter 4, “The main entrance to the primary structure shall be located on the facade wall that fronts on a public street. If the structure fronts on 2 or more public streets, the main entrance shall be located on the facade wall that fronts on the street with the highest Thoroughfare Plan classification.”
16. Variance (3.): *Petitioner is requesting a variance to not orient the main entrance of the building toward N. Morton St., and to be located on the west façade wall with no road frontage. The proposed use’s primary customer entrance is for vehicles, and not pedestrians. Customers would enter the building, via automobile, in a one-way direction from the west and exit to the east. Since this property fronts N. Morton St. and Simon Rd, and N. Morton St is the higher classified road, the Gateway Overlay district ordinance requires the main customer entrance to face N. Morton St. [See [Exhibit A: Site Plan](#)].*

Comprehensive Plan & Zoning Ordinance

17. 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.”
18. 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.
19. 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:

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 three variances will not be injurious to the public health, safety, and general welfare of the community. The proposed locations for vacuums and pay stations will be setback fifty and sixty feet, respectively, from the Simon Road right-of-way, and petitioner has committed to providing a medium height hedge along the vacuum area and near the pay stations that will mitigate trash and debris from making its way into the roadways. Staff finds the orientation of the building to not have the primary customer entrance facing N Morton St will not be injurious to the general welfare, as petitioner has designed the site with maximum vehicle stacking on-site. The reduced interior drive widths are consistent with the drive-thru lane minimums in the proposed zoning ordinance amendments the City of Franklin Common Council will hear on June 7, 2021. The Plan Commission and Planning Staff have offered a favorable recommendation for the ordinance amendments; therefore, staff finds the proposed variances will not be injurious to the general welfare.

- 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 the three variances will not substantially affect the use and value of the adjacent properties. The proposed locations for vacuums and pay stations will be setback fifty and sixty feet, respectively, from the Simon Road right-of-way, and petitioner has committed to providing a medium height hedge along the vacuum area and near the pay stations that will mitigate trash and debris from making its way into the roadways and onto other properties. Staff finds the orientation of the building to not have the primary customer entrance facing N Morton St will not be deleterious to the use and value of adjacent properties, as petitioner has designed the site with maximum vehicle stacking on-site. The reduced interior drive widths are consistent with the drive-thru lane minimums in the proposed zoning ordinance amendments the City of Franklin Common Council will hear on June 7, 2021. The Plan Commission and Planning Staff have offered a favorable recommendation for the ordinance amendments; therefore, staff finds the proposed variances will not be deleterious to the use and value of adjacent properties.

- 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 two of the three variance requests. Staff is unsure what practical difficulty exists related to the location of the vacuums and pay stations in a front yard, as the proposed car wash is the first user to develop in the proposed, and not yet recorded, BDH Realty Commercial Subdivision. The subdivision and car wash could be designed with the car wash on a lot that is not a corner lot. Moreover, the corner lot site could be designed with the car wash adjacent to Simon Road and the vacuums to the south. The situation may be considered self-imposed and based on a perceived reduction of or restriction on, economic gain. Staff finds practical difficulties in strictly requiring the main customer entrance to face N. Morton St., as the orientation of the building as proposed provides maximum vehicle stacking on-site, which will alleviate potential conflicts with adjoining properties. Additionally, staff finds a practical difficulty in strictly applying the terms of the ordinance as it relates to the interior drive minimum width standard, as petitioner's proposal is consistent with the drive-thru width ordinance amendment the Plan Commission has forwarded to Common Council with favorable recommendations. Moreover, staff recommends approval of the ordinance amendments due to changing industry standards and past Board decisions. Therefore, staff finds the strict application of the ordinance will result in practical difficulties in two of three variance requests.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, if the Board finds evidence to approve the variance petitions, staff recommends the following conditions:

- a. A continuous hedge a minimum three feet in height shall be provided along the north boundary of the vacuum area and on either side of the pay station area, as depicted by Exhibit G: Hedge Plan.
- b. Vacuum stations and pay stations shall not include primary colors, nor include any signage other than instructions on how to operate the vacuums and pay for services on-site.
- c. All parts of the vacuum stations and pay stations must be fifty feet or more from the Simon Rd right-of-way.