

# McCordsville

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## INDIANA

**Plan Commission Staff Report**  
**Meeting Date: April 15, 2025**

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**PETITIONER:** Town of McCordsville

**PETITION:** PC-25-010, Old Town Cigar Bar PUD

**REQUEST:** Petitioner requests a favorable recommendation on a rezone of approximately 1.7 acres from Old Town (OT) to PUD

**LOCATION:** 6383 W Broadway

**ZONING:** The property is currently zoned OT. The zoning and land use for the surrounding area are as noted below:

<u>Zoning</u>	<u>Land Use</u>
North: CN	Commercial
South: OT	Single-family residential
East: OT	Institutional & commercial
West: OT	Commercial

**STAFF REVIEW:** This Real Estate was previously a pool contractor's shop. The property has been vacant for some time, and the OT Zoning District has very limited commercial use allowances. Staff has been working with the petitioner and the property owners to find a suitable use for the site, as well as a path forward for zoning entitlement.

The petitioner is proposing a cigar bar land use. Both the petitioner and property owner do not wish to build a new structure, but renovate the existing structure. In discussing the proposed use, the limited number of existing permitted land uses, as well as the unique nature of the site, staff suggested a PUD Ordinance.

Staff feels a cigar bar is an acceptable land use for this site. The site is mostly surrounded by commercial uses, with the exception of the future community center and the residence to the south. The residence to the south currently has an acceptable buffer in the form of mature vegetation. The PUD acknowledges this, and includes a requirement, that if the existing vegetation was removed, the Town's small buffer-yard requirements would be enacted. The Town anticipates installing a privacy fence along its west parcel line, which should act as an appropriate buffer.

With the above noted, staff does find it vital that this land use remain a cigar bar, and not become a nightclub, bar, or tavern, as defined by our Zoning Ordinance. Thus, we have worked with the petitioner to include the following language in the PUD:

- A commercial grade, walk-in humidor is required to be in operation during business hours
- Cigars must be sold on-site during business hours and must be permitted to be consumed on-site
- A ventilation system is required and must be in use during business hours
- Clear definition for the land use

Parts of Old Town were originally platted in the 1800s, when the horse and buggy were still the primary mode of transportation. The majority of Old Town is not in compliance with the Town's current Development Standards. Most of the sites are considered legal, non-conforming uses, sites, and/or structures. This parcel is one of those. Staff has been working, more globally, on setting some common sense and realistic standards to apply to Old Town, that will be consistent for all projects, as rehabilitation (like this project) or full-scale development occurs. The bullet-points below denote standards, written into the PUD, that staff feels achieve the goal of improving the character and attractiveness of Old Town, while still maintaining some of the context of the area and represent reasonable and achievable standards for Old Town parcels.

- A min. 15' setback for the parking lot along W Broadway. This 15' would include landscaping, sidewalk, and in the future streetlighting.
- The parking lot (meeting the min. # of parking spaces needed) shall be paved within two (2) years of a Certificate of Occupancy being issued.
- A sidewalk along W Broadway shall be installed within two (2) years of a Certificate of Occupancy being issued, or completed in accordance with the Town's other infrastructure projects in the area, as determined by the Town.
- A curb shall be installed along W Broadway.
- This parcel shall be limited to one (1) curb cut.
- Foundation plantings shall be provide along the front façade of the building.
- Perimeter parking lots shall be landscaped along frontages with shrub plantings.
- Interior parking lot landscaping is not required.

Staff would like to touch on the language in the PUD regarding the shipping containers. It is staff's understanding; the petitioner would like to keep the containers for two (2) purposes: (1) storage and (2) potential re-use/repurpose as part of events they plan to host on-site. Staff's preference is for the shipping containers to be removed; however, we understand the value of having storage and we do want the site to kept clean and orderly. Therefore, staff has drafted what we feel are appropriate standards regarding

the shipping containers. However, staff is not in favor of re-use/repurpose for other uses or in operation of events.

Staff also has some concern over creating a situation that could become a nuisance. To address this concern, staff is recommending a few things that are not currently addressed in the PUD:

1. Staff recommends the hours of operation should be limited to 11:00pm on Fridays and Saturdays, instead of the 1:00am as listed in the PUD.
2. Staff recommends outdoor music should be addressed and limited in the PUD. Our suggested language is as follows: "No noise in the form of music, whether it is live or played over speakers, is permitted to be heard outside, after 10:00pm."
3. Staff recommends the shipping containers be limited to storage and not be used for any function or operation of the business except as storage.
4. The Town's Special Event Permit shall apply to the Real Estate.

For all rezones, Indiana Code Section 36-7-4-603 states that reasonable regard shall be paid to the following items:

1. The Comprehensive Plan
2. Current conditions and the character of the current structures and uses
3. The most desirable use for which the land is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible growth and development

The Future Land Use Map envisions the *Old Town* development pattern on this property. According to the Comprehensive Plan *Old Town* is a mixed-use neighborhood featuring commercial, residential, and civic uses. Commercial uses should be focused along the W Broadway corridor and design, both architectural and site, should be context sensitive to the character of Old Town. Uses should be oriented and sized to be pedestrian friendly.

The petitioner's plans are mostly consistent with the Future Land Use Map. The existing building is not historic, nor does it have a particular architectural style. However, the petitioner is making improvements to the building, and the PUD has been designed to be temporary. This allows the Town to maintain land use control, while also allowing for current usability of the property. The project will preserve the character of the current building and the use is an acceptable land use, that staff feels can be well adapted to the land, so long as the additions noted above are added to the PUD. This project can represent responsible development and re-use of this property, with some additions to the PUD.

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**STAFF RECOMMENDATION:**

Staff is generally supportive of this petition; however, as noted above and repeated below, staff feels some additions are needed to the PUD Ordinance. Following, a public hearing, staff would recommend sending a favorable recommendation to the Town Council, conditioned upon the list below being added to the PUD.

1. Staff feels the hours of operation should be limited to 11:00pm on Fridays and Saturdays, instead of the 1:00am as listed in the PUD.
2. Staff feels outdoor music should be addressed and limited in the PUD. Our suggested language is as follows: "No noise in the form of music, whether it is live or played over speakers, is permitted to be heard outside, after 10:00pm."
3. The shipping containers may not be used for any function or operation of the business except as storage.
4. The Town's Special Event Permit shall apply to the Real Estate.

The full of list of actions available to the Commission are: (a) a favorable recommendation, (b) no recommendation, (c) unfavorable recommendation, or (d) continue the petition.



#### Overview



#### Legend

-  Corporate Limits
- Roads
  -  I
  -  S
  -  U
  -  <all other values>
-  Rights of Way
-  Parcels

Parcel ID	30-01-26-100-008.000-018	Alternate ID	30-01-26-100-008.000-018	Owner Address	JKL Properties LLC
Sec/Twp/Rng	n/a	Class	480 - Commercial Warehouse		9937 Mirafeld Lane
Property Address	6383 W Broadway St	Acreage	n/a		McCordsville, IN 46055
	McCordsville				
District	MCCORDSVILLE TOWN				
Brief Tax Description	NE 26-17-5 1.685 AC				
	(Note: Not to be used on legal documents)				

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