



**Board of Zoning Appeals Staff Report
Department of Planning and Building
Town of McCordsville**

December 2, 2020

Project: Chef Suzanne @ McCordsville Corner Shoppes, BZA-20-015

Petitioner: Revel & Underwood

Location: 7409 N CR 600W (behind USPS)

Request: The petitioner's request seek a Special Exception and Development Standards Variance for a drive-thru business without a primary structure.

Staff Review: Background: The zoning for the McCordsville Corner Shoppes was approved in 2005. The property has been platted into a total of six (6) buildable lots and three (3) common areas.

Existing Conditions: Two (2) of the lots have been developed, one featuring a bank and the other a multi-tenant retail center featuring several tenants, including, but not limited to USPS. The three (3) common areas feature signage, detention, and ingress/egress.

Surrounding Land Use & Zoning: The surrounding land uses are as follows:

- North: Across CR 750N is a cemetery and undeveloped land zoned Commercial Regional (CR)
- East: Two estates lots featuring single family homes zoned R-2
- South: McCordsville Elementary School zoned R-1
- West: Across CR 600W is undeveloped land zoned Commercial Neighborhood (CN)

The petitioner's specific requests are detailed below.

Special Exception – Exhibit B of the Zoning Commitments

Exhibit B specifically outlines those land uses that are either Prohibited or allowable only as Special Exceptions. Drive-in businesses are listed as a Special Exception land use.

Development Standards Variance – Section 4.01(C)

This section prohibits an accessory structure from being placed on any lot prior to the issuance of a permit for a primary structure. The petitioner is not

proposing any other structures, except for the drive-thru building denoted in their packet.

Staff Comments:

Special Exception

The zoning for McCordsville Corner Shoppes was approved prior to the Town taking over planning and zoning jurisdiction for its incorporated limits. Therefore, the applicable zoning ordinance in which the Commitments were based upon was the County Zoning Ordinance in effect at the time. The old County Zoning Ordinance had two classifications of restaurants: *eating and drinking establishments* and *drive-in businesses*. *Eating and drinking establishments* were not defined by that Zoning Ordinance. However, *drive-in business* was defined as: *an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile*. The petitioner has explained the proposal as a quick food service business that prepares pre-selected and pre-package meals off-site, and then delivers a set number of said meals to this location based upon orders received. Customers then come through the drive-thru to pay and pick-up their order to be consumed off-site. Based upon this understanding the proposed food service business fits within the *drive-in business* definition. Additionally, Town staff discussed this matter with the County Planning Director, Mike Dale. Mike was also the Director in 2005. He concurred that this type of use would have been considered a drive-in business by the County under the old County Zoning Ordinance.

In reviewing this request, staff is concerned with placing a drive-in business at the rear of the property. Currently, the adjacent land use to the east is single-family residential. The nearest home will be approximately 500 feet from the business' proposed structure. These types of businesses are typically better served along a frontage with better visibility. A drive-in business was specifically not listed as a permitted by right land use, and staff is not convinced a drive-in business is an appropriate land use for this neighborhood commercial center. Furthermore, we would prefer to see a more traditional bricks and mortar restaurant approach. The Town has several restaurant businesses that have invested heavily in the Town by developing full-service restaurants. While staff understands the value of a quick service restaurant, with a drive-thru, we would prefer to see such a venue fully invest in the Town by developing a full site and structure approach, and not just a very small structure (approximately 9'x12') that acts as a pick-up portal. The petitioner has noted, in their packet, that franchises do not like the current demographics of McCordsville. Staff would strongly disagree with this statement. The Town's average household income is approximately \$100,000 which is a very good baseline for household income across a community. In fact, the vast majority of communities in our state do not reach this level of household income. Secondly, the Town has completed a [Market Analysis](#) which shows the demographics do support more retail and food establishments.

Development Standards Variance Request – Section 4.01(C)

The petitioner's proposed building does not meet the Town's architectural standards. Instead of re-designing the building to meet those standards, the petitioner is seeking to classify the building as an accessory structure, which by code is not required to meet the Town's architectural standards. It is staff's understanding the structure is pre-manufactured and therefore the options for the structure are limited. If approved the petitioner would connect the building to water and electricity and may be required to connect to sanitary sewer. Other improvements would be as noted on the site plan, which include a drive-thru lane, small parking lot, and stormwater infrastructure to properly drain the site.

While staff understands there may be limitations to the construction of these pre-manufactured structures, staff is not supportive of allowing a retail business that does not meet the Town's architectural standards. While this location is fairly well hidden, the site is adjacent to the proposed Town Center and staff feels the approval of such a variance sends the wrong message to future development.

In summary, staff is not supportive of the Special Exception or the Development Standards Variance and recommends denial of both. If the Board is inclined to approve the requests, staff would recommend the following conditions of approval:


- The structure be painted with neutral colors. More specifically, the roof color shall be brown or black, and the siding colors shall be limited to shades of white, gray, and tan. Bolder and/brighter colors may be used on the signage.
- Wall signage on the structure shall be limited to the south and west facades and shall be no larger than as presented in the petitioner's packet.
- The splitter island north of the structure (that forms a tear-drop shape) shall be grass and feature shrub plantings along the structure's north façade.
- The small parking lot shall meet the Town's perimeter parking lot planting requirements.
- A small buffer-yard is provided along the west edge of the regulated drain easement from the shared property line between this lot and parcel ID 30-01-25-301-004.000-018 for a distance of 275'. This buffer-yard shall not be required to provide mounding but shall be required to install plantings as specified in the Zoning Ordinance. If the remainder of this lot is developed in the future the buffer-yard shall be extended along the remainder of the west edge of the regulated drain easement.
- Signage for any use associated with this Special Exception shall not seek its own ground sign along CR 600W or CR 750N.

The BZA may include conditions of approval noted above, and if so, those conditions should be incorporated into the ballots. They may be amended, added to, or removed by the BZA. The petitioner also has the right to request them to be amended, added to, or removed until the time the BZA has made a motion on the conditions.

Decision Criteria: The BZA has four (4) options in considering this request; the Board may approve, approve with modifications, deny, or continue this petition.

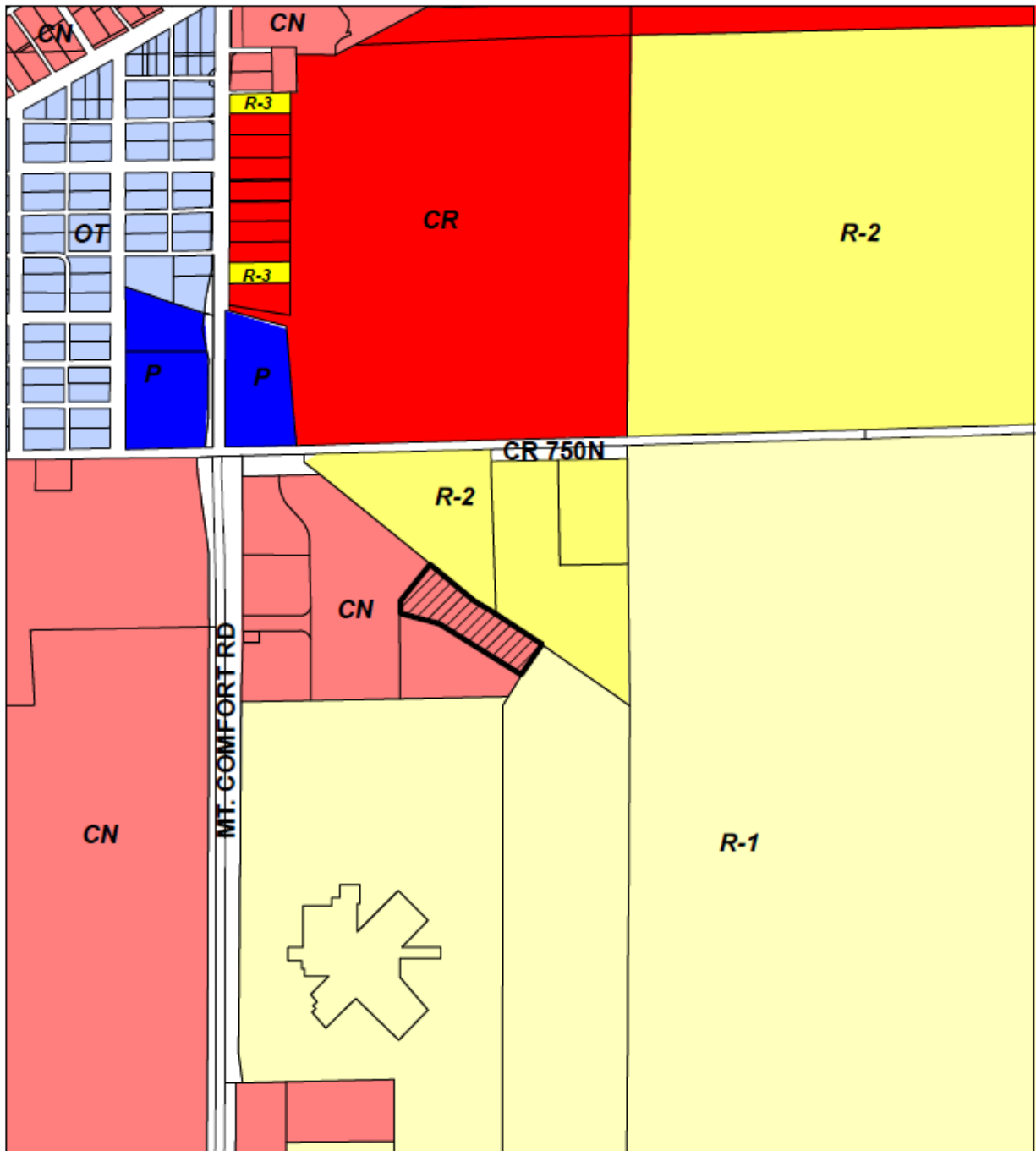
Existing Conditions




 Subject Parcel



Zoning



 Subject Parcel

