



Planning & Building Department
6280 W 800N
McCordsville, IN 46055
Phone: 317.335.3604
Email: building@mccordsville.org

PUBLIC HEARING INFORMATION

Case #: BZA-23-003

Title: Gilligan Company's request for a Special Exception and multiple Development Standard Variance to allow a drive-thru restaurant in the Neighborhood Commercial Zoning District near the northwest corner of CR 600W and W Broadway.

Meeting Date: this zoning petition is currently scheduled to be heard at the February 1st Board of Zoning Appeals meeting.

*Meeting agenda and staff report will be available on the website by end of business day on the Friday preceding the applicable meeting. Go to www.mccordsville.org and click on "Agendas & Minutes".

January 8, 2023

Town of McCordsville
6280 W 800 N
McCordsville, IN 46055

Attn: Ryan Crum, Director of Planning and Building

Re: Special Exception Submittal - Dunkin' along W Broadway Street
Letter of Intent

Dear Ryan:

On behalf of the Gilligan Company, Farnsworth, Inc. has enclosed with this Letter of Intent two signed Special Exception applications, one Design Variance application and the signed owner's Consent form for the proposed Dunkin' store to be located in the northeast corner of the intersection of Indiana Street and W Broadway Street. The proposed Dunkin' store will be approximately 2500 sft in size and the store will face W Broadway Street as shown on the attached site plan. The attached site plan also shows the proposed Culver's store improvements as their engineer has shared with us. The Culver's developer shall submit any Special Exception or Variance forms for their project.

As required by the Town Ordinance adopted on August 9, 2022, for the W Broadway street corridor, the following site design elements are included in the site plan:

1. Pedestrian connectivity has been included between the public right of way and the proposed Culver's restaurant to the east.
2. All parking has been located behind the front façade of the proposed building.
3. The internal connection to the Culver's site has been coordinated with their plan. A shared access onto W Broadway Street is proposed.

The current zoning codes for this property require that Special Exceptions be approved for the drive thru use, for the store to open for business prior to 6:00AM, and for only one customer entrance facing W Broadway Street. The dual drive thru lanes have been situated on the site to not impact traffic flow along W Broadway Street; approximately 14 vehicles can be located within the drive-thru and stacking lanes. In addition, the menu boards are located at the rear of the site to not be a visual distraction for vehicles passing by on W Broadway Street.

In addition, a design variance is being requested for the proposed drive aisles and some parking areas to be located within the building setback areas. Due to the shape of the lot (wedge shape) and the limited

depth of the lots that were originally platted in 1865, the developer is requesting that the pavement encroachments be approved as shown on the attached site plan. The site plan proposes a 28' green space to be located between the drive lane and the W Broadway Street right of way to lessen the visual impacts of the drive aisle on the travelling public.

As part of the project, the existing lots within the development area shall be consolidated, and two alleys shall be vacated through the Town's platting process to provide the two development lots as shown on the site plan.

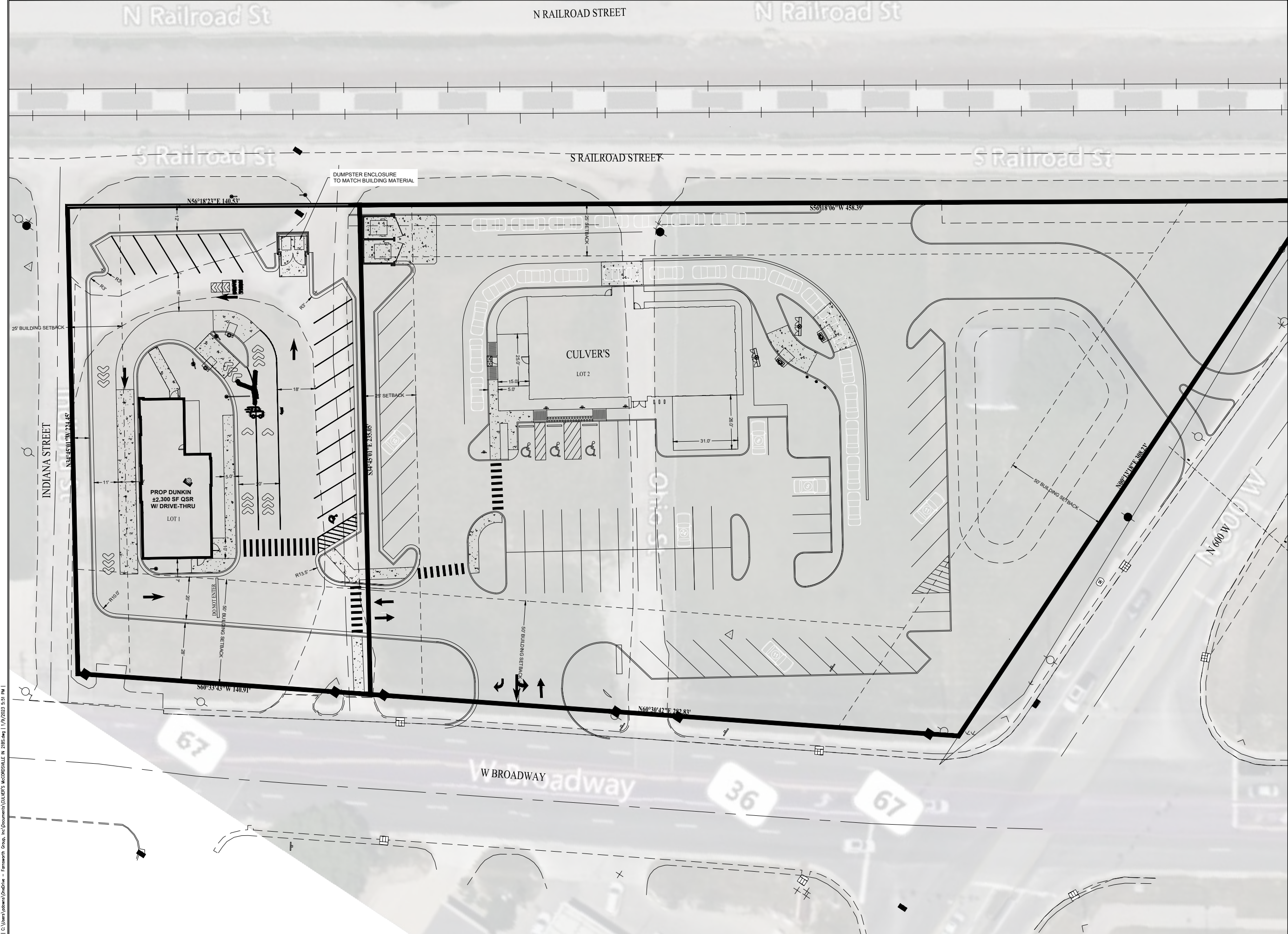
If you have any questions or need additional information for this application, please contact me at 217.298.9004 or pmoone@f-w.com.

Sincerely,

FARNSWORTH GROUP, INC.



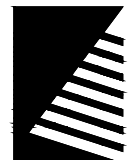
Patrick J. Moone, PE
Sr. Engineering Manager



I:\data\1 C:\Users\jordan\OneDrive - Farnsworth Group, Inc\Documents\CULVER'S MCCORDSVILLE, IN 2185.dwg 1/9/2023 5:51 PM

1 LAYOUT PLAN
SCALE: 1"=20'

0 10 20 40
SCALE: 1"=20'
U.S. SURVEY FEET



Farnsworth
INC.

8910 PURDUE ROAD, SUITE 680
INDIANAPOLIS, INDIANA 46268
(317) 664-8100 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:
DATE: DESCRIPTION:

Project Status
NOT FOR CONSTRUCTION

PROJECT:
GILLIGAN COMPANY

DUNKIN'

MCCORDSVILLE, IN

DATE: 01/05/2023

DESIGNED: PJM

DRAWN: AD

REVIEWED: -

FIELD BOOK NO.: -

SHEET TITLE:

LAYOUT PLAN

SHEET NUMBER:

EX2.0

PROJECT NO.: 0220015.00

THE TOWN OF McCordsville



Town of McCordsville Property Owner's Consent For Review Form

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: Thomas A. Grant, Inc.

Current Address: 13942 E 96th Street, Suite 100 10765 Southern Rd, Suite 102
(Number) (Street)

McCordsville, IN 46055 Indian IN 46038
(City) (State) (Zip)

Phone No.: 317-336-4200 E-mail Address: tandjgrant@aol.com

The Property to be reviewed by: (Check all that apply)

☐ Town Council

☐ Plan Commission

☒ Board of Zoning Appeals

Property Information

Current Address: _____
(Number) (Street)

And Location Description (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

Project site is located within the NE corner of Indiana Street and W Broadway Street

Property Owners Consent: I/WE, Thomas A Grant, Inc., here-by acknowledge and give consent that my/our property can be submitted for review and consideration by the aforementioned Board(s).

Property Owner's Signature: Thomas A Grant Date: 1/07/23

Property Owner's Signature: _____ Date: _____

THE TOWN OF McCordsville



McCORDSVILLE BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPLICATION

Zoning Ordinance Section 10.04

Applicant Information

Name: Gilligan Oil Company - Larry Harris

Current Address: 3805 Edwards Road, Suite 680
 (Number) (Street)

Cincinnati OH 45209
 (City) (State) (Zip)

Phone No.: 440-241-2803 E-mail Address: lharris@gilligan-co.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: Thomas Grant, Inc.

Current Address: 13942 E 96th Street, Suite 100 10765 Southern Rd, Suite 102
 (Number) (Street)

Indianapolis IN 46055 46038
 (City) (State) (Zip)

Phone No.: 317-590-7291 E-mail Address: T and J Grant@aol.com

Property Information

Current Address: W Broadway - street number not assigned as yet per County GIS system.
 (Number) (Street)

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

The project site is between W Broadway Street and Railroad Street in the
 NE corner of Indiana Street and W Broadway Street.

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Special Exception Requested

I am requesting a special exception as listed by Section 4.08 of the Zoning Ordinance to allow the following:

A drive thru for the proposed Dunkin' Restaurant to be located on W Broadway Street. The drive thru window shall be located on the west side of the building and will be adjacent to the Indiana Street right of way.

Special Exception Criteria

The McCordsville Zoning Ordinance establishes specific criteria that must be met in order for a special exception to be approved. Please answer each question below and if the response is "NO", describe why the special exception use requested does not meet the required criteria.

Will the special exception be served with adequate utilities, access roads, drainage, and other necessary facilities?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception provide safe conditions that do not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and comply with the development standards of the McCordsville Zoning Ordinance?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception produce a total visual impression and environment which is consistent with the environment of the neighborhood?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception organize vehicular access and parking to minimize traffic congestion in the area?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Applicant's Signature

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Sam Harris
(Applicant's Signature)

1/6/2023
(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow Town staff to enter this property for the purpose of processing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Thomas A. Grant
(Owner's Signature)

1/07/23
(Date)

(Owner's Signature)

(Date)

SPECIAL EXCEPTION PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.04 Special Exception)

The following shall be included in the Special Exception Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Special Exception Use Application Checklist:

- ☒ Special Exception Application
- ☒ Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Copy of Deed for Property Involved, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Filing Fee
- ☒ Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following where appropriate
 - ☒ Site Plan (signed, dated and clearly showing entire layout of property and all features relevant to the special exception request).
 - ☒ Statement of Intent
 - ☒ Fiscal Impact Study (if applicable)

THE TOWN OF M^CCORDSVILLE



MCCORDSVILLE BOARD OF ZONING APPEALS VARIANCE APPLICATION

Zoning Ordinance Section 10.03

Applicant Information

Name: Gilligan Oil Company - Larry Harris

Current Address: 3805 Edwards Road, Suite 680
 (Number) (Street)
Cincinnati OH 45209
 (City) (State) (Zip)

Phone No.: 440-241-2803 E-mail Address: lharris@gilligan-co.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: Thomas Grant, Inc.

Current Address: 13942 E 96th Street, Suite 100 10765 Lantern Rd, Suite 102
 (Number) (Street)
Indianapolis IN 46055-46038
 (City) (State) (Zip)
317-590-7291

Phone No.: 317-336-4200 E-mail Address: Tand J Grant@aol.com

Property Information

Current Address: W Broadway - street number not assigned as yet per County GIS system.
 (Number) (Street)

Subdivision Name (if applicable): _____

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

The project site is between W Broadway Street and Railroad Street in the
 NE corner of Indiana Street and W Broadway Street.

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Present Use of Property: Vacant

Size of the Lot/Parcel in Question: Approximately 0.7 acres

Are there any restrictions, laws, covenants, variances, special exceptions, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, please list date and docket number, decision rendered and pertinent explanation:

No restrictions affecting the property.

Variance Information

Describe the variance requested: _____

The proposed parking and drive aisles will be located within the setback requirements as shown on the site plan. The existing lots are extremely small and limit the ability to meet the current zoning and development codes established by the Town of McCordsville, IN.

Development Standards Variance Requested:

- | | |
|--|--|
| <input type="checkbox"/> Building Height | <input type="checkbox"/> Entrance / Drive |
| <input checked="" type="checkbox"/> Building Setback | <input type="checkbox"/> Sight Visibility |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Fence and Wall |
| <input type="checkbox"/> Lot Width | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Buffering and Screening |
| <input checked="" type="checkbox"/> Parking | <input type="checkbox"/> Exterior Lighting |
| <input type="checkbox"/> Loading | <input type="checkbox"/> Sign |
| <input type="checkbox"/> Other (please specify): _____ | |

Describe reasons supporting the variance requested: _____

As discussed with the Town Planning Director, proposed pavement areas for parking and drive aisles are to be outside of the building setback limits. The project area is located between Railroad Street and West Broadway Street and were originally platted in September of 1865.

The Town of McCordsville's current standards and codes limit the development options for the parcels without granting of the pavement encroachments into the setbacks along W Broadway Street and Indiana Street.

Development Standards Variance Criteria

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the strict application of the terms of this Ordinance 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.

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Applicant's Signature

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Lump Harr
 (Applicant's Signature)

1/6/2023
 (Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow the Town staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Sharon A. Grant
 (Owner's Signature)

1/07/23
 (Date)

 (Owner's Signature)

 (Date)

VARIANCE PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.03 Variance)

The following shall be included in the Variance Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Variance Application Checklist:

- ☒ Pre-Application Meeting (required)
- ☒ Variance Application
- ☒ Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Copy of Deed for Property Involved, including any covenants or commitments, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Filing Fee
- ☒ Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following (where appropriate)
 - ☒ Site Plan (signed, dated, drawn to scale and/or fully dimensioned and clearly showing entire layout of property and all features relevant to the variance request).
 - ☒ Statement of Intent

THE TOWN OF McCORDSVILLE

McCORDSVILLE BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPLICATION

Zoning Ordinance Section 10.04

Applicant Information

Name: Gilligan Oil Company - Larry Harris

Current Address: 3805 Edwards Road, Suite 680
(Number) (Street)

Cincinnati
(City)

OH
(State)

45209
(Zip)

Phone No.: 440-241-2803

E-mail Address: lharris@gilligan-co.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: Thomas Grant, Inc.

Current Address: 13942 E 96th Street, Suite 100 10765 Lantern Rd Suite 102
(Number) (Street)

Indianapolis
(City)

IN
(State)

46055
(Zip)

317-590-7291

Phone No.: 317-336-4200

E-mail Address: T and J Grant DOT LLC, com

Property Information

Current Address: W Broadway - street number not assigned as yet per County GIS system.
(Number) (Street)

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

The project site is between W Broadway Street and Railroad Street in the
NE corner of Indiana Street and W Broadway Street.

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Special Exception Requested

I am requesting a special exception as listed by Section 5.04 (D)(4)(b)5 Entrances of the Zoning Ordinance to allow the following:

Permit the Dunkin' store to include a customer entrance within the facade facing W Broadway Street only. The facade facing Indiana Street includes the drive thru lane and pickup windows; it is not safe to place a customer entrance along this facade. Also, the facade facing Railroad Street is the rear of the building; all kitchen equipment and storage is located in the rear of the store; it would not be safe for the customers to access the store from the rear of the building.

Special Exception Criteria

The McCordsville Zoning Ordinance establishes specific criteria that must be met in order for a special exception to be approved. Please answer each question below and if the response is "NO", describe why the special exception use requested does not meet the required criteria.

Will the special exception be served with adequate utilities, access roads, drainage, and other necessary facilities?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception provide safe conditions that do not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and comply with the development standards of the McCordsville Zoning Ordinance?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception produce a total visual impression and environment which is consistent with the environment of the neighborhood?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

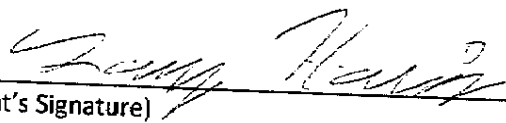
Will the special exception organize vehicular access and parking to minimize traffic congestion in the area?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Applicant's Signature


The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature)

Jan. 9, 2023
(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow Town staff to enter this property for the purpose of processing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.


(Owner's Signature)

1/09/23
(Date)

(Owner's Signature)

(Date)

SPECIAL EXCEPTION PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.04 Special Exception)

The following shall be included in the Special Exception Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Special Exception Use Application Checklist:

- ☒ Special Exception Application
- ☒ Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Copy of Deed for Property Involved, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Filing Fee
- ☒ Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following where appropriate
 - ☒ Site Plan (signed, dated and clearly showing entire layout of property and all features relevant to the special exception request).
 - ☒ Statement of Intent
 - ☒ Fiscal Impact Study (if applicable)

THE TOWN OF McCordsville

McCORDSVILLE BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPLICATION

Zoning Ordinance Section 10.04

Applicant Information

Name: Gilligan Oil Company - Larry Harris

Current Address: 3805 Edwards Road, Suite 680
(Number) (Street)

Cincinnati
(City)

OH 45209
(State) (Zip)

Phone No.: 440-241-2803

E-mail Address: lharris@gilligan-co.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: Thomas Grant, Inc.

Current Address: 13942 E 96th Street, Suite 100

(Number) (Street)

Indianapolis

(City) 317 590-7291

IN

(State)

46055

(Zip)

Phone No.: 317 336-4260

E-mail Address: T and J Grant @ AOL.com

Property Information

Current Address: W Broadway - street number not assigned as yet per County GIS system.
(Number) (Street)

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

The project site is between W Broadway Street and Railroad Street in the
NE corner of Indiana Street and W Broadway Street.

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Special Exception Requested

I am requesting a special exception as listed by Section 4.09 of the Zoning Ordinance to allow the following:

A drive thru for the proposed Dunkin' Restaurant to be located on W Broadway Street. The proposed opening time for the store is anticipated to be 5:00AM. The variance request is to open the store before 6:00AM.

Special Exception Criteria

The McCordsville Zoning Ordinance establishes specific criteria that must be met in order for a special exception to be approved. Please answer each question below and if the response is "NO", describe why the special exception use requested does not meet the required criteria.

Will the special exception be served with adequate utilities, access roads, drainage, and other necessary facilities?

☒ YES ☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception provide safe conditions that do not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and comply with the development standards of the McCordsville Zoning Ordinance?

☒ YES ☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?

☒ YES ☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception produce a total visual impression and environment which is consistent with the environment of the neighborhood?

☒ YES ☐ NO, Please Explain (attach additional pages as necessary): _____

Will the special exception organize vehicular access and parking to minimize traffic congestion in the area?

☒ YES

☐ NO, Please Explain (attach additional pages as necessary): _____

Applicant's Signature

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Larry Hain²
(Applicant's Signature)

1/6/2023
(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow Town staff to enter this property for the purpose of processing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Thomas A. Grant
(Owner's Signature)

1/07/23
(Date)

(Owner's Signature)

(Date)

SPECIAL EXCEPTION PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.04 Special Exception)

The following shall be included in the Special Exception Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Special Exception Use Application Checklist:

- ☒ Special Exception Application
- ☒ Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Copy of Deed for Property Involved, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- ☒ Filing Fee
- ☒ Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following where appropriate
 - ☒ Site Plan (signed, dated and clearly showing entire layout of property and all features relevant to the special exception request).
 - ☒ Statement of Intent
 - ☒ Fiscal Impact Study (if applicable)