

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report
Meeting Date: April 12, 2023

PETITIONER: Gilligan Company

PETITION: BZA-23-003 (Dunkin' Donuts)

EQUEST: Petitioner requests approval of a Special Exception and multiple Development Standard Variances for a drive-thru restaurant.

LOCATION: The property is located near the northwest corner of CR 600W & W Broadway.

ZONING: The property is zoned Commercial Neighborhood (CN) Zoning District.

Zoning

North: CN & R-3

South: OT

East: CN

West: CN

Land Use

Contractor business & undeveloped

Utility & restaurant

Undeveloped

Veterinarian

STAFF REVIEW: The proposed use, as noted above, is a drive-thru restaurant. The petitioner is a Dunkin' Donuts franchisee, and it is their intent, if approved, to construct a +/- 2,500 square foot Dunkin' Donuts restaurant at this location. Staff has been working with this petitioner for approximately one year on this site, due primarily to the complexities of the site and traffic concerns. Below are more details regarding each request:

Special Exception #1 – Drive-thru

Drive-thru facilities are Special Exceptions in the CN Zoning District. This location, near the intersection of the busiest arterial roadways in McCordsville, is an appropriate location for an auto centric land use with a drive-thru.

Special Exception #2 – Hours of Operation

The Zoning Ordinance considers any business operating between the hours of 11pm to 6am as a 24-hour business. All 24-hour businesses must seek and receive approval for a Special Exception prior to operating past 11pm or earlier than 6am. The petitioner is requesting to begin operations prior to 6am.

Variance #1 – Front-yard Setback

The Zoning Ordinance requires a 50-foot front-yard setbacks along arterials, which for this site includes W Broadway. The lack of north-south depth for this site, coupled with an additional frontage along S. Railroad St. would likely necessitate setback variances for most, if not all, uses. The petitioner is seeking reductions in the front-yard setbacks for W Broadway and S. Railroad St.

Variance #2 – Side-yard Setback

The CN Zoning District requires a minimum 10-foot side-yard setback. This would apply to the future lot line between the Dunkin' Donuts lot and the Culver's lot. The petitioner's site plan shows less than 10-feet between the parking lots of the adjoining uses.

Variance #3 – Foundation Sidewalk

The new Overlay requires 12-foot-wide sidewalks incorporating landscaping that covers at least 40% of the area. Benches or other similar seating areas shall also be included. The petitioner plan does not meet this standard.

Variance #4 – Customer Entrance

The new Overlay requires all facades which face a street to include a customer entrance. Dunkin' proposes only one customer entrance, which does not face W Broadway or S. Railroad St.

Variance #5 – Quantity of Parking

The Zoning Ordinance would require 12 parking spaces (1 space per 3 seats) for this facility specifically for the customers, due to the expectation the facility would feature no more than a total of 36 seats (inside-24 & outside-12). The petitioner does not anticipate having room for outdoor seating, but at this time staff is accounting for it, in order to be conservative. The current site plan shows 17 parking spaces. Staff is unclear at this time on the number of employees on the largest shift, thus the inclusion of this Variance request. If Dunkin' can confirm no more than 5 employees on the largest shift, then staff will remove this variance from the list.

Variance #6 – Entrance Drive Width

The Zoning Ordinance limits entrance drive widths, at the right-of-way, to no more than 14-feet per lane. The W Broadway entrance will have 3-lanes (1 ingress, 2 egress), which would produce a maximum width of 42-feet. The petitioner is requesting 48-feet. The Town Engineer is not in support of this request.

Variance #7 – Trash Receptacle Location

The Zoning Ordinance does not permit trash receptacles in a front-yard setback, nor an established front-yard. The petitioner's proposed location is the best location possible on this site.

Variance #8 – Perimeter Parking Lot

The Zoning Ordinance requires tree and shrub plantings along all perimeters of a parking lot. As currently designed the north and west perimeters of the parking lot on this project are too narrow for trees to thrive, and therefore the petitioner is seeking a variance.

STAFF RECOMMENDATION:

As stated above, this site is complex, and staff has been working in conjunction with the developer to create a site plan that can (1) be supported by the Town and (2) allow for a successful business based upon the developer's experience building Dunkin' Donuts restaurant franchises. Staff is in support of the requested Special Exception and Variances, so long as the following conditions of approval are accepted by the petitioner and approved by the Board of Zoning Appeals, with the exception of the entrance drive width variance. Staff reserves the right to "fine-tune" these conditions prior to and during the meeting.

Suggested Conditions of Approval:

1. The Special Exception, for hours of operation, be limited to this petitioner, and therefore this hours of operation Special Exception shall not run with the land.
2. The minimum front-yard setback, applicable to both buildings and parking, along W Broadway shall be no less than 15-feet.
3. The minimum side-yard setback, applicable to both buildings and parking, along the lot's east parcel line shall be no less than 4-feet.
4. A minimum front-yard setback, applicable to both buildings and parking, along S. Railroad St. shall not apply; however, there shall be a minimum grass strip of no less than 5-feet between the edge of pavement of S. Railroad St and any paved area for the Dunkin' project.
5. The minimum side-yard setback, applicable to both buildings and parking, along the lot's west parcel line shall be no less than 4-feet. Additionally, there shall be no less than a 4-foot wide landscape bed between the west property line and the paved area of this project.
6. The foundation sidewalks and planting beds adjacent to the building and foundation sidewalks shall be as shown on the site plan in the Petitioner's Packet.
7. Any right-of-way necessary for the realigned portion of S. Railroad St. will be dedicated to the Town. Additionally, all costs to realign/rebuild S. Railroad St., for the portion of the realignment/rebuild adjacent to this project's final lot configuration, will be borne by the property owner and not the Town.
8. A 60-foot half-width right-of-way for W Broadway will be dedicated to the Town.

9. The W Broadway entrance location shall be as shown on the site plan in the Petitioner's Packet. It shall not be altered to move further eastward, except for a minor shift needed to address a site conflict that is approved by both the Town Engineer and INDOT.
10. The locations of the buildings and parking areas shall be consistent with the site plan in the Petitioner's Packet.
11. There shall be no less than 17 marked parking spaces on the site.
12. The petitioner shall post "No Parking" signage, as directed by the Town Engineer, along S. Railroad St.
13. No additional road cuts shall be sought or permitted along W Broadway other than the one cut shown.
14. The parking lot's north and west perimeters shall feature shrubs spaced 3-feet on center; however, the tree plantings shall not be required.
15. The petitioner acknowledges that the Town has communicated two future roadway projects along CR 600W. The first project, which is anticipated to break ground in 2025, is likely to include a center median which will further prevent left-turns in or out of this site from the CR 600W road cut. The second project, which does not currently have a timeline, is a grade separation project, which will require the elimination of the CR 600W road cut for this site. The petitioner acknowledges these impacts to their site, now prior to their investment in the project.
16. Only one customer entrance, facing east, shall be allowed however, this entrance shall meet all entry requirements of the Zoning Ordinance, as if it was located on a frontage façade.
17. The petitioner will remove all pavement within the Indiana Street right-of-way as part of site construction and provide restoration to grass.

In addition to the Special Exception and Variance requests the petitioner and Town have spent much time working on the entrance location along W Broadway. The petitioner's earlier site plans showed this entrance located much closer to the CR 600W & W Broadway intersection. This was a major concern for staff due to proximity and traffic impacts to the intersection. The petitioner agreed to move the location west, to the location shown on the current site plan in the Petitioner's Packet. This is acceptable to staff, so long as Indiana St. is vacated. Staff, legal counsel, petitioner, Town Council, and the adjoining property owner to the west are still working out details related to the vacation of the Indiana St. right-of-way. Staff may have an additional condition of approval(s) related to this at the meeting. Additionally, the Town Engineer will be present at the BZA meeting to discuss further details regarding on-site circulation, accessibility in and out of the site, roadway improvements, and proximity impacts to the intersection of CR 600W & W Broadway.

The Town has received letters of remonstrance, which have been added to the agenda.

The BZA may include these conditions of approval. If any conditions are included, those conditions should be incorporated into the ballots. They may be amended, added to, or removed by the BZA during the course of discussions. 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.

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



Overview



Legend

- Commercial within PUDs**
 - Bay Creek Commercial
 - Berkshire Commercial
 - Gateway Crossing Commercial
 - Old Town Commercial
 - Villages at Brookside Commercial
- Corporate Limits**
- Roads**
 - I
 - S
 - U
 - <all other values>
- Rights of Way**
- Parcels**

Parcel ID	30-01-26-101-009.002-018	Alternate ID	30-01-26-101-009.002-018	Owner Address	Osborn, Thomas B & Susan E
Sec/Twp/Rng	n/a	Class	510 - 1 Family Dwell - Platted Lot		10758 Jacobs Ct
Property Address	6468 W Broadway	Acreage	n/a		Fishers, IN 46040
	McCordsville				
District	MCCORDSVILLE TOWN				
Brief Tax Description	SW NE 26-17-5 .073AC OR HIDAYS PTL11 & PTL12				
	(Note: Not to be used on legal documents)				

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