

McCordsville

ESTD  1988

INDIANA

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

PETITIONER: McCordsville Development LLC

PETITION: BZA-23-002 (Culver's)

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

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

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

Zoning

North: R-3 & P

South: OT

East: CN

West: CN

Land Use

Single-family home & cemetery

Fuel station and utility

Fuel station

Undeveloped

STAFF REVIEW: The proposed use, as noted above, is a drive-thru restaurant. The petitioner is a Culver's franchisee, and it is their intent, if approved, to construct a +/- 4,700 square foot Culver's 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

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

Variance #1 – Front-yard Setback

The Zoning Ordinance requires 50-foot front-yard setbacks along arterials, which for this site includes both CR 600W and 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 CR 600W, 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 Culver's lot and the Dunkin Donuts 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 meets this standard on the west façade of the building but does not meet it along all portions of the north façade or the south façade.

Variance #5 – Quantity of Parking

The Zoning Ordinance requires (1 space per 3 seats + employees on largest shift) for this facility, which will feature a total of 144 seats (inside & outside). The petitioner is providing 73 marked parking spaces. In addition, they are showing +/- 7 unmarked locations. Staff and the petitioner are not counting these as official parking spaces, but they should be noted as they will add to the capacity of the site at its busiest times. Staff is in support of this variance because of the inclusion of the unmarked spaces, the significant amount of stacking lanes for the drive-thru, and so long as the Culver's and Dunkin Donuts agree to a reciprocal shared parking agreement that runs with the land.

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. The north perimeter on this project is too narrow for trees to thrive, and therefore the petitioner is seeking a variance.

Variance #9 – Customer Entrance

The new Overlay requires all facades which face a street to include a customer entrance. Culver's proposes only one customer entrance, which faces W Broadway. No entrances are facing CR 600W or S. Railroad St.

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 Culver's 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 minimum front-yard setback, applicable to both buildings and parking, along CR 600W shall be no less than 25-feet. A 3-foot-tall decorative fence, wrought-iron in style (black aluminum) with brick columns every 40-feet O.C. shall be provided as shown on the site plan in the Petitioner's Packet.
2. The minimum front-yard setback, applicable to both buildings and parking, along W Broadway shall be no less than 17-feet.
3. 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.
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 Culver's project.
5. 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.
6. A portion of S. Railroad St. will be realigned as part of this project. 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.
7. A 70-foot half-width right-of-way for CR 600W will be dedicated to 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 CR 600W entrance location and function, as a right-in/right-out, shall be as shown on the site plan in the Petitioner's Packet. The "pork-chop" shall be a raised curb median and shall feature grass and perennials/annuals.

11. Planters shall be required along the south, west, and east perimeters of outdoor seating area. These planters shall feature annuals and/or perennials.
12. The locations of the buildings and parking areas shall be consistent with the site plan in the Petitioner's Packet.
13. There shall be no less than 73 marked parking spaces on the site.
14. The petitioner shall post "No Parking" signage, as directed by the Town Engineer, along S. Railroad St.
15. No additional road cuts shall be sought or permitted along CR 600W or W Broadway other than the two cuts shown (one for each roadway).
16. The parking lot's north perimeter shall feature shrubs spaced 3-feet on center; however, the tree plantings shall not be required.
17. 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.

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.

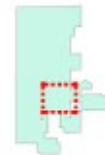
The Town has received letters of remonstrance, which have been added to the agenda.

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	30-01-25-200-010.004-018	Alternate ID	30-01-25-200-010.004-018	Owner Address	Pride Rebar McCord Square LLC
Sec/Twp/Rng	n/a	Class	500 - Vacant - Platted Lot		8700 North St, Ste 120
Property Address	7520 Civic Dr McCordsville	Acreage	n/a		Fishers, IN 46038

District MCCORDSVILLE TOWN
Brief Tax Description McCord Square Lot 4
 (Note: Not to be used on legal documents)

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Developed by  Schneider
GEOSPATIAL