

McCordsville

ESTD  1988

INDIANA

Board of Zoning Appeals Staff Report

Meeting Date: September 6, 2023

PETITIONER: Fritz Engineering

PETITION: BZA-23-015 (Qdoba)

REQUEST: Petitioner requests approval of a Special Exception and multiple Development Standard Variances for a retail building with a restaurant containing a pick-up window.

LOCATION: The property is located at 7419 N 600W.

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

<u>Zoning</u>	<u>Land Use</u>
North: CN	Commercial
South: CN	Commercial
East: CN	Undeveloped
West: CN	Undeveloped/Agricultural

STAFF REVIEW: The proposed use, as noted above, is a restaurant with a pick-up window, along with additional retail tenant space. The petitioner is a retail developer, and it is their intent, if approved, to construct a +/- 5,000 square foot retail strip with restaurant at this location.

Special Exception

The Zoning Ordinance does not define a pick-up window separately from a Drive-thru. The Zoning Administrator is charged with making interpretations of the Zoning Ordinance and has determined that a pick-up window should be considered the same as a drive-thru window due to the lack of a detailed definition providing another interpretation. A drive-through facility is a Special Exception in the CN Zoning District. The petitioner has described the pick-up window exactly how it sounds. It is simply a window for picking up orders placed by phone, app, or web. There will be no squawk box or menu board. Staff anticipates this will greatly reduce the potential for vehicle stacking, as well as lessen the overall intensity of the site by removing the noise of the squawk box, and sign clutter and illumination of the menu board. This location is along the busiest arterial roadway in McCordsville. An auto centric land use is appropriate land use for this location. Staff is in support of this Special Exception as presented. We have included a few suggested conditions of approval below in staff recommendations.

Variance #1 – 154.111(A)

The petitioner seeks a reduction in the Front Yard Setback, along 600W, from 50' to 31'. This reduction matches that of the recently approved McCordsville Dentistry, immediately north. Staff is in support of this setback reduction because it creates consistency with the dental office, and because the centerline of 600W is going to move westward in the future.

Variance #2 – 154.111(A)

The petitioner seeks a reduction in the Side Yard Setback (along the north property line) from 20' to 11'. Staff is in support of this variance. A 10' Side Yard Setback is appropriate for a commercial area this close to Town Center.

Variance #3 – 154.111(A)

The petitioner seeks a reduction in the Front Yard Setback, along the entrance drive to the south, from 20' to 14'. Staff would typically want to maintain at least a 20' setback along an entrance drive such as this. However, the bank out-lot to the south was permitted to construct with a setback of approximately 5'. Additionally, the curbline of the entrance drive is off set approximately 5' from the property line. This off-set will provide approximately 20' feet of space between the curb line and the parking area, thus the "real world" appearance of a 20' setback. Finally, scale and relativity are important in setback decisions. While we certainly want a larger setback than provided on the bank site, we do not want a setback that is significantly larger, because that will create a scale that appears out of place. Staff is in support of this request.

Variance #4 - 5.04(D)(5)(a)(2) (uncodified Overlay citation)

Foundation Sidewalk/Landscape plantings: The Town's new Overlay requires a 12' wide sidewalk and foundation planting bed area along all front facades. The petitioner's plans show a 10' wide area. Staff is in support contingent upon conditions of approval.

Variance #5 - 5.04(D)(5)(c) (uncodified Overlay citation)

Crosswalks: The new Overlay requires a paver or stamped crosswalk across drive aisles. The petitioner's plans do not include such crossings, but instead show crosswalk markings. This is the first project within McCordsville Corner Shoppes to be developed following adoption of the new Overlay standards. The other phases of this development have utilized pavement markings for the crosswalks, and in order to maintain some consistency across the development, staff is in support of maintaining pavement markings instead of a stamped or paver crosswalks.

Variance #6 – 154.111(A)

Lot Coverage: The Zoning Ordinance limits lot coverage (all impervious surface) to 65% of the lot area. The petitioner's plans show a coverage of 70%. Typically, the perimeter sidewalk system of a lot would be located either in right-of-way or common of the commercial development. In this case, the perimeter sidewalks are located on the lot and therefore are contributing to the additional lot coverage. Staff is in support of this request with some suggested conditions of approval.

Variance #7 – Per Previous Variance for Unified Development Sign

Ground Sign: McCordsville Corner Shoppes was approved for a unified development center sign. These larger multi-tenant signs are approved in lieu of other ground signage along the same frontage.

Variance #8 – 5.04(D)(4)(b)(4) (uncodified Overlay citation)

Display Windows: The Zoning Ordinance requires all frontages to have at least 60% of the front façade covered with windows. The Mt. Comfort Overlay considers the west, south, and east facades as front facades. The west façade meets the requirement, but the south and east do not. Staff is in support of this variance, while the south façade does not meet the 60% requirement, it does have a fair number of windows. The east façade does not feature any windows and staff does not feel it was the intent of the requirement to stipulate this type of façade to feature windows. Staff is in support.

Variance #9 – 5.04(D)(4)(b)(5) (uncodified Overlay citation)

Entrances: The Overlay requires a customer entrance on all facades that are considered a frontage. Again, the west, south, and east facades are considered frontage facades by the Overlay. A customer entrance on the east façade does not make sense from a functional standpoint. If this were a larger building, staff would likely want to see an entrance on the south façade, but the size and orientation of the site do not lend themselves to a south facing customer entrance. Staff is in support.

Variance #10 – 5.04(D)(4)(b)(6) (uncodified Overlay citation)

Detail Features: The code requires front facades (in this case the west, south, and east) to have a minimum of 5 features from the list, and side/rear facades (in this case the north) to have a minimum of 3 features from the list. The west, south, and north facades meet the requirement. The east façade does not because one of the five features counted for the east façade - change in material – includes smooth face block which is a prohibited material. Additionally, the location and design of the second material, which is used to highlight rear steel doors does not make design sense. As currently designed, staff is not in support of this variance.

Variance #11 – 5.04(D)(4)(b)(7) (uncodified Overlay citation)

Exterior Materials: The Overlay requires all front facades to feature a minimum of two exterior materials (windows and doors are not considered exterior material for the purposes of this standard). The east façade, while providing two materials, includes a material that is not permitted by code. Staff would prefer this material be removed entirely from the building and would be in support of a variance for a single exterior material on the east façade.

Variance #12 – 5.04(D)(4)(b)(2)(i,iv) (uncodified Overlay citation)

Wall Plane Articulation: The code requires any façade over 50 lineal feet to have at least one wall plane projection or recess of at least 3' in depth for at least 20% of the length of the façade. All facades are over 50', and none of the facades meet this requirement. There are projections provided on the west, south, and north facades. Staff would like to better understand the depth and length of those projections prior to providing a recommendation. Additionally, staff is recommending the removal of the block material on the rear façade, which will mean there will be no wall plane articulation on the east

façade. As noted, staff will await further info on the projection depths and widths from the petitioner, but staff will likely have some suggestions as to how architectural interest can be added to the facades.

Variance #13 – 5.04(D)(4)(b)(3) (uncodified Overlay citation)

Entry Features: Each primary entrance is required to have at least 3 features from the list in the Ordinance. Staff considers this building to have two primary entrances, both located on the west façade. Currently designed each primary customer entrance has 1 feature – accent lighting. At this time, staff is not in support of a variance from this standard. Staff recommends the petitioner update their drawings to include two additional features per entrance. A cornice added to the parapet above each entrance would count as one such feature, and staff feels this would add to the character of the building. If the petitioner agrees, just one more feature needs to be added, and a variance would not be needed.

Variance #14 – 154.113 (C)(1)(g)

Four-sided Architecture: The code requires the same materials and level of architectural detailing on all facades. The east façade does not include the same level of architectural detailing and currently staff is not in support of this variance as the east façade, while the rear façade, is very visible.

STAFF RECOMMENDATION:

Staff has requested the petitioner provide pictures and/or material samples of the acrylic coated EIFS and faux wood materials proposed on the building. Additionally, staff is currently not in support of Variances, 7, 10, 12, 13, and 14, but we are continuing to work with the petitioner on these concerns. We are in support of the Special Exception and remainder of the variances, so long as the following conditions of approval are accepted by the petitioner and approved by the Board of Zoning Appeals.

Suggested Conditions of Approval:

Special Exception

1. The Special Exception is limited to a pick-up window, described as window for customers to pick-up orders previously made off-site via the web, phone, or app.
2. Menu boards and “squawk boxes” shall not be permitted.
3. No more than one pick-up window shall be permitted on the subject site.
4. Orders shall not be taken from the pick-up window.

Variance #1

1. No portion of the parking lot or building shall be closer than 30’ to the west property line.

Variance #2

1. No portion of the parking lot or building shall be closer than 10’ to the north property line.

Variance #3

1. No portion of the parking lot or building shall be closer than 14’ to the south property line.

Variance #4

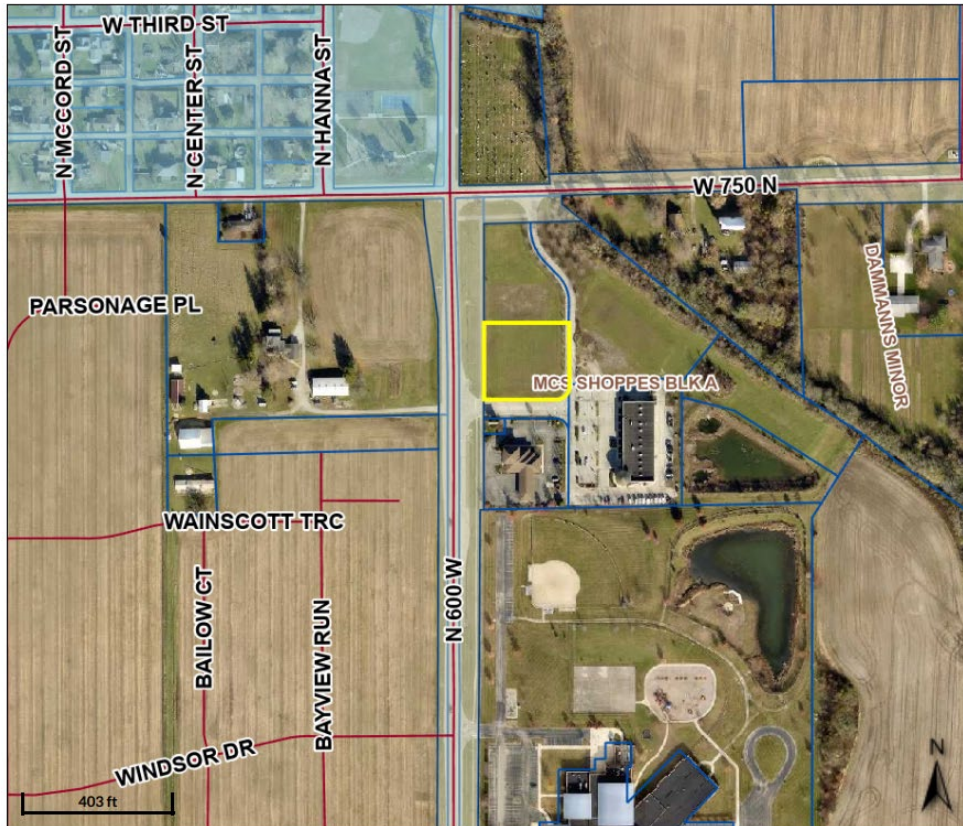
1. The foundation sidewalk, along the west facade shall be no less than 6' wide, with a landscape bed of at least 4' in width. The remaining foundation sidewalks shall be no less than 5' wide, with 5' wide adjacent landscape beds.
2. Parking bumpers shall be installed in the parking spaces adjacent to the foundation sidewalk.
3. The planting area along the east façade shall be no less than 5' in width, with shrub plantings grouped in intervals to create an appealing landscaping of the rear façade. If wall or ground-mounted mechanicals or utilities are located in this area, they shall be screened with landscaping and/or fencing, as determined by the Zoning Administrator.

Variance #5

1. Continental style pavement markings shall be used for all crosswalks of drive aisles.

Variance #6

1. Street-trees are planted, every 50' O.C., between the sidewalk and the southern entrance drive.
2. Plantings at a rate of 5 trees and 10 shrubs per 100 lineal feet are planted between the rear drive aisle and the east property line. These plantings should be grouped. If there are any "back-of-house" areas of features, such as utilities or mechanicals, the plant groupings shall be used to screen these items.



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>
- Subdivisions**
 -  AUSTIN TRACE SEC 1