

# McCordsville

ESTD  1988

## INDIANA

**Plan Commission Staff Report**  
**Meeting Date: September 19, 2023**

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**PETITIONER:** Daniel's Vineyard

**PETITION:** PC-23-014, Daniel's Vineyard PUD Rezone

**REQUEST:** Petitioner requests a favorable recommendation on a rezone from CR and R-1 to the Daniel's Vineyard PUD. The subject property is approximately 80 acres.

**LOCATION:** The subdivision is located at the northeast corner of CR 900N and CR 700W.

**ZONING:** The southern half of the property is zoned CR, and the northern half R-1. The zoning and land use for the surrounding area are as noted below:

<u>Zoning</u>	<u>Land Use</u>
North: Geist Woods Estates PUD	Single-family residential
South: R-1	Single-family residential
East: Vintner's Park PUD	Single-family residential
West: Indy DP	Single-family residential

**STAFF REVIEW:** The petition proposes a mixed-use development, featuring an allowance for the current vineyard/winery with some additional uses, as well as single-family residential development, as further described below:

- The winery and other commercial uses will be limited to the area they are generally located currently.
- The portion of the property between the current winery/vineyard and the north property line is proposed to allow single-family residential development and crop production.

The intent of this PUD rezone is to more clearly define the regulations that apply to winery and event operations, allow a distillery as a permitted land use, add parking, and add permanent ground signage, among other items. It is not the intent, nor does the PUD allow expansion of winery or event operations north of their current operations.

### Permitted Land Uses

The existing zoning allows single-family residential land uses on the northern 40 acres of the property and the following primary land uses on the southern 40 acres:

- a winery including a retail shop, restaurant and meeting/banquet room, but which shall not include a bar as defined in the Hancock County Zoning Ordinance
- hotel with health spa;
- farmers market;
- ice cream shop;
- specialty meat and seafood market;
- art gallery/studio; and
- microbrewery

The existing zoning, which was approved in 2010/2011, didn't define all of these land uses and since then both the Town and the County have updated their Zoning Ordinances. In some cases the County and Town Ordinances use different terms for the same land uses. Therefore, below is the list of permitted land uses in the proposed PUD, and the *italics* are brief notes explaining any difference between the existing permitted land use list and the proposed permitted land use list:

- Art/Artist Studio (*revised term in place of art gallery/studio*)
- Banquet Hall (*already permitted*)
- Boutique Hotel with Health/Day Spa, as defined in the PUD (*term in place of hotel with health spa*)
- Catering Facility (*this goes hand in hand with banquet hall*)
- Craft Spirits Distillery, as defined in the PUD (*new land use request*)
- Crop production, as defined in the PUD (*maintains the current legal, non-confirming land use on-site and more clearly allows the grape vines*)
- Event Center, as defined in the PUD (*intended to clarify and put parameters on the events permitted on-site*)
- Farmers Market (*already permitted*)
- Ice Cream Shop (*already permitted*)
- Micro-brewery (*already permitted*)
- Restaurant, Eat-in (*clarifies that the only permitted restaurant type is "sit-down"*)
- Single-family Residential Dwellings (*this land use is permitted on the north half of the property currently*)
- Specialty Meat & Seafood Market, as defined in the PUD (*already permitted*)
- Tasting Room, as defined in the PUD (*intended to clarify the allowance of this land use which is really accessory the winery/vineyard*)
- Vineyard (*already permitted*)
- Winery (*already permitted*)

\*Land Uses not defined in the PUD are land uses which are defined by the Zoning Ordinance

#### Development Standards

For the most part, the basic development standards, typically referred to as *Lot and Yard Standards*, are falling back to the standards of the applicable base zoning designation, which in this case are the standards of the Commercial Regional (CR) Zoning District for commercial land uses and Residential – 1 (R-1) Zoning District for residential land uses. In the case of the setbacks that are specifically called out in the PUD, these setbacks either address an existing building or, are more restrictive than the base zoning setbacks and are being proposed to limit the area of the subject property where commercial improvements can be made. An illustrative exhibit showing the buildable area for commercial land uses created by the setbacks is included as an Exhibit in the PUD Ordinance.

#### Architectural Standards

The proposed standards mirror the Town's Architectural Standards with the exception that the existing winery buildings on-site is considered a legal, conforming structure.

#### Landscaping/Buffering Standards

This commercial land use is surrounded almost entirely by adjacent residential land uses. Staff felt it was important that portions of the existing natural, wooded areas on the site be protected, so staff has requested a 150' deep tree conservation area along both the north and south property lines. The only exception to this conservation area is for the proposed parking lot near the southwest corner of the site.

Any new commercial improvements that occur within 50' feet of the east property line shall be screened with a buffer-yard. This language protects Vintner's Park, while also allowing expansion opportunities (within the commercial buildable area) for the vineyard.

Finally, if single-family residential development is constructed on the northern half of the property, this PUD makes it clear that the new residential development is responsible for landscape screening/buffering.

#### Pedestrian Facilities

The PUD includes language which clarifies the requirement for a pedestrian crossing of the legal drain. This is something the petitioner is currently working on, which includes an approval process with DNR. Also, staff has requested a pedestrian facility from the winery building to the outermost limit of the parking. This is in response to issues we have seen at large events where pedestrians use the drive-aisles as the route to their vehicle, which slows the egress of vehicles attempting to exit the property.

#### Signage

The petitioner is proposing a new ground sign. A character exhibit is included in the PUD Ordinance.

Parking & Ingress/Egress

Some of the large events have exceeded the parking on-site. Staff has requested the petitioner commit to adding parking and this PUD includes that, along with the ability for the petitioner to add temporary parking for events when needed. The PUD also includes a requirement for a second access point. This is intended to assist in ingress/egress of large events and to ensure proper emergency response access.

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**STAFF COMMENTS/RECOMMENDATION:**

Staff would like to provide specific commentary on two aspects of the PUD. First, the allowance of an event center is specifically defined and regulated in the proposed PUD. There has been much discussion regarding the concert series and other events at the vineyard over the years. An outdoor “performance pavilion” has always been a part of the plans for the vineyard. Enclosed as Exhibit A in this staff report is a snip of the Preliminary Plan approved in 2011 for the vineyard showing this Pavilion. The Pavilion was shown along the legal drain. Staff has maintained that in order for a permanent performance pavilion to be built, it must be built in that location, or the petitioner could seek a revision to the zoning/preliminary plan for another location. The proposed PUD, does not specifically pin-point an approved location for the event center, but includes a number of regulations regarding outdoor events, which are aimed at allowing the vineyard to continue to operate its business, including outdoor events, while also providing some standards that must be met. Those standards can be found in Section H(11) of the PUD. The Concept Plan, included in this draft PUD, would supersede the previous Preliminary Plan adopted in 2011, if the proposed zoning is approved.

Second, a distillery as land use is proposed. This land use is proposed to be housed within the current winery structure. The PUD includes a definition for craft spirits distillery and limits the gallons that can be produced. We have received some concerns over air pollution, specifically black mold, that can be produced by distilleries. Staff has been provided some material describing the issue, staff will review these materials prior to the Plan Commission meeting, as well as provide the materials to the Plan Commission.

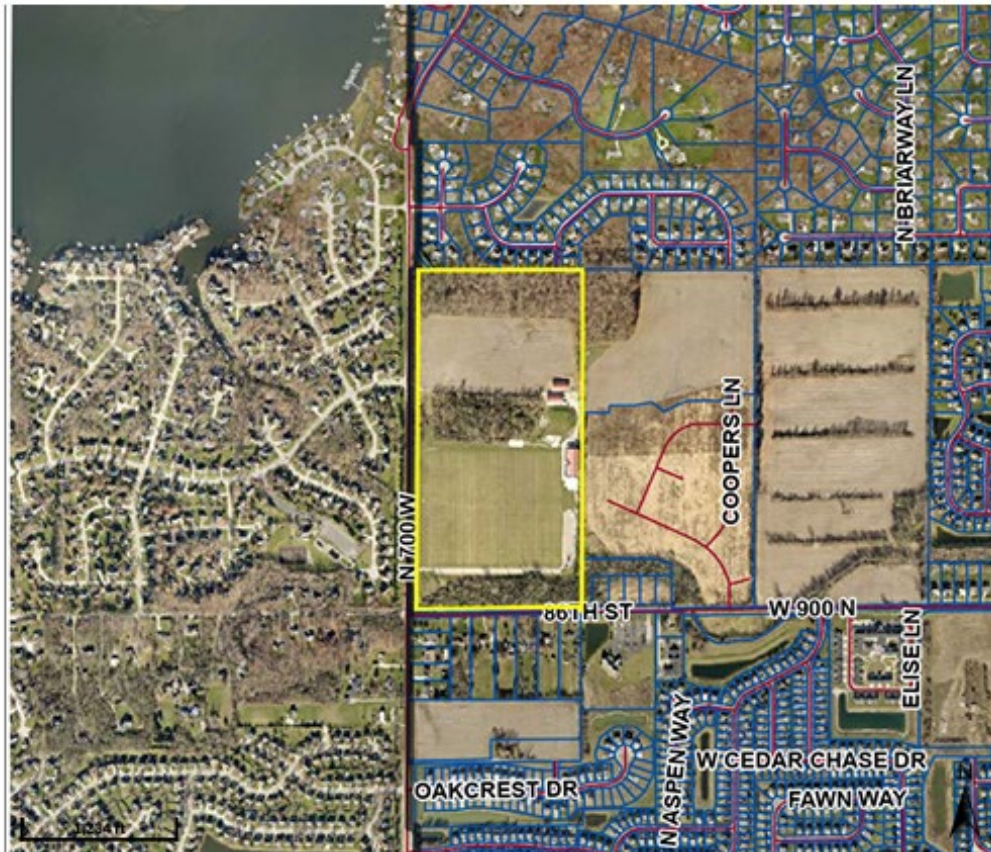
At this time, staff is generally in support of the petitioner’s request; however, we would like to work with both the petitioner and residents to continue to fine-tune this PUD Ordinance. This zoning and land use more unique than most projects in the community and we are to collaboration to identify improvements to the language that may allow us to find common ground.

The Plan Commission can provide a favorable recommendation, unfavorable recommendation, no recommendation, or continue the petition, following a public hearing.

For all rezones, Indiana Code Section 36-7-4-603 states that reasonable regard shall be paid to the following items:

1. The Comprehensive Plan
2. Current conditions and the character of the current structures and uses
3. The most desirable use for which the land is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible growth and development

Staff is also working with the petitioner on revisions to the current Sewer Development Agreement (SDA). The SDA and amendments thereto are not the purview of the Plan Commission, but we have included the SDA on the agenda for transparency purposes.



#### Overview



#### Legend

-  Corporate Limits
- Roads**
-  I
-  S
-  U
-  <all other values>
-  Rights of Way
-  Parcels

Parcel ID 30-01-14-300-001.000-018  
 Sec/Twp/Rng n/a  
 Property Address 9061 N 700 W  
 McCordsville

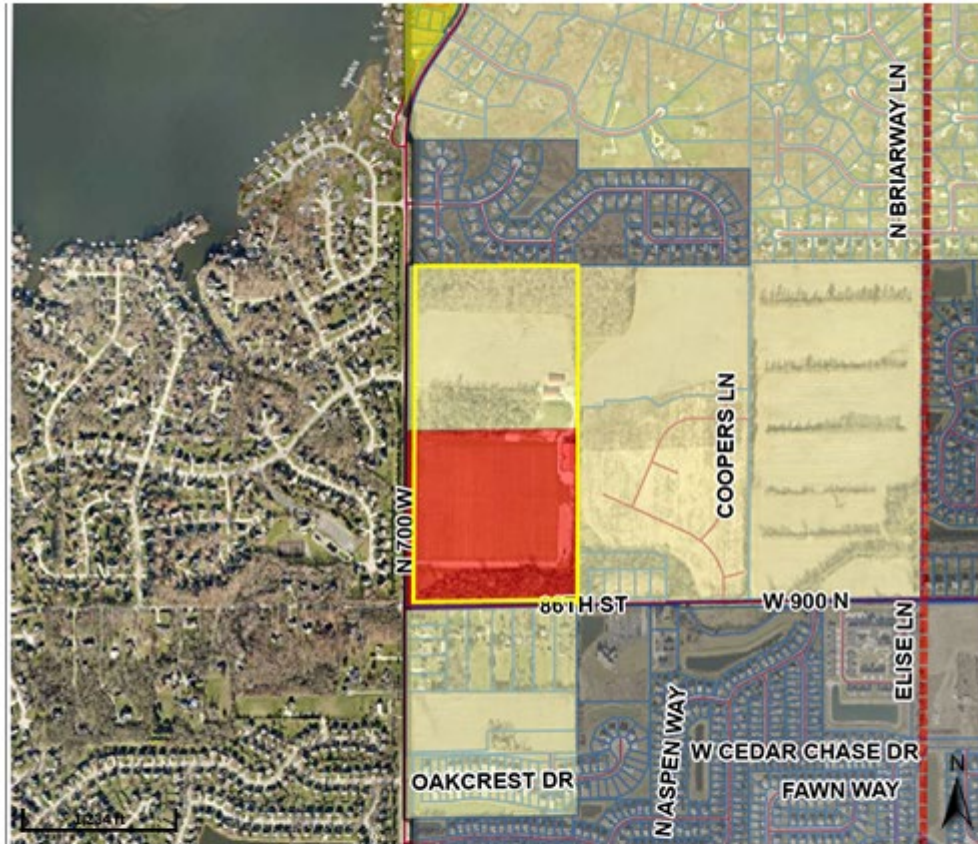
Alternate ID 30-01-14-300-001.000-018  
 Class 310 - Food & Drink Processing Facility  
 Acreage n/a

Owner Address Traverse Inc  
 11455 Fairport Cir  
 Indianapolis, IN 46236

District MCCORDSVILLE TOWN  
 Brief Tax Description W SW 14-17-5 75.705AC  
 (Note: Not to be used on legal documents)

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NO.	DATE	REVISIONS/SUBMISSIONS
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**FILED**