McCordsville

ESTD 1988

INDIANA

Board of Zoning Appeals Staff Report
Meeting Date: May 3, 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	Land Use
North:	R-3 & P	Single-family home & cemetery
South:	OT	Fuel station and utility
East:	CN	Fuel station
West:	CN	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 western property line of the site. The petitioner's site plan shows less than 10-foot side-yard setback.

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 #4 – 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 and the significant amount of stacking lanes for the drive-thru.

Variance #5 – 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, which has three (3) front-yards.

Variance #6 – 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 #7 – 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 Mt. Comfort and we are unclear if there will be a customer entrance facing S. Railroad St.

Variance #8 – Wall Signage
The Town limits wall signage to one (1) sign per frontage façade. This parcel features 3 frontages and therefore is permitted 3 wall signs. Their signage package proposes a total of 5 wall signs. Additionally, 1 of the proposed signs is not flush mounted, but extends away from the wall plane at a 50-degree angle. Staff would be in support with some limitations on the signage, which are included in the suggested conditions.

Variance #9 – Ground Signage
The Town limits ground signage to 1 sign per frontage and each sign is limited to 36 square feet (SF) in sign area and an overall height of 6'. The petitioner is proposing 1 ground sign that is 8' tall and features both a static sign and electronic message board (EMB). The EMB will be addressed in a subsequent variance request. Staff is not in support of the taller ground sign.

Variance #10 – Electronic Message Board
The limits the location, size, and other aspects of EMB signage. This site is located in the Neighborhood Commercial Zoning District, which does not allow EMBs. This is major intersection in Town, and the other 3 corners feature some level of dynamic signage. Staff will be in support of a smaller EMB at this location due to the location at the intersection of Mt. Comfort Road and W Broadway, along with additional reasoning we will share at the meeting. Our specific suggested conditions are noted below.

Variance #11 – Menu Board
The Town has standards for menu boards. They are limited to no more than 36 SF, must feature a brick or stone base, and be digital. The requested menu board does not meet any of these requirements. Staff is not in support of a variance for the size, base, or lack of digital menu.

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 one (1) exception.

(1) We are not in support request for the menu board to be larger than allowed by code and non-digital in nature.

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 5-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. This location may require additional land acquisition or an easement, which shall be the sole responsibility of the petitioner to acquire. This full access entrance 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. If the petitioner wishes to replace this full access entrance with a limited access entrance that features no left-turn movements, it may be permitted to move further east with the approval of the Town Engineer and INDOT.
10. The CR 600W entrance location and function, as a right-in/right-out only, 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 landscaping, as approved by the Zoning Administrator.
11. The locations of the buildings and parking areas shall be consistent with the site plan in the Petitioner's Packet.
12. There shall be no less than 73 marked parking spaces on the site.
13. The petitioner shall post "No Parking" signage, as directed by the Town Engineer, along S. Railroad St.
14. The petitioner will take all commercial reasonable efforts to secure a shared parking agreement with the future developer of the remaining vacant land to the west.
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, acknowledges receiving project information in the form of conceptual site plans and renderings for the road projects. The conceptual site plan and rendering are enclosed in this report as Exhibits A & B.
18. The east façade shall feature a minimum of an awning or canopy over the service door, and a minimum of 2 windows (or faux windows).
19. The cornice shall be a neutral color complimentary to the other exterior colors of the building.
20. An extensive landscape package shall be installed in the area between the drive-thru lanes and the east building façade.
21. The window awnings shall be similar to what is shown in the night-time renderings provided by the petitioner.
22. There is a cooler/storage noted on the site plan, this shall be fully integrated into the building design and shall feature the same materials and level of architectural design as the rest of the building.
23. The roof-top access ladder shall be painted a neutral color complimenting the colors of the structure.
24. If the petitioner elects to build a canopy structure over the drive-thru lanes, such a structure shall be a neutral color matching or complimenting the primary structure, feature brick/stone bases around posts, and include a cornice line mimicking the cornice line of the primary structure.
25. The Town would support the 5 wall signs with the following conditions:
    a. Only 3 of the wall signs may be illuminated. Those 3 signs shall feature reverse channel illumination.
    b. Sign BB-1 shall be flush mounted to the façade.
    c. All wall signage may be externally illuminated.
26. The Town would support the ground sign with an EMB with the following conditions:
    a. The overall sign structure shall be limited to 6’ tall.
    b. The EMB is limited to no more than 9.5 SF.
    c. The masonry base is not less than 16” tall.
    d. The redesigned sign structure is provided to the BZA.
    e. The cabinet surrounding the static sign and EMB is a neutral color complimenting the primary structure. For the purposes of these variance requests white is not considered a neutral color. This neutral color shall be used on all other free-standing signage, ie. directional signs and menu board, as well as any drive canopy or “squawk box” structure.

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. 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.

We have included the petitioner's proposed sign package, which includes building elevations. The buildings elevations are not representative of what will be built at this site, they are included to depict the wall signage. Additionally, the petitioner provided some pictures of a similar Culvers restaurant. The pictures are not intended to represent the exact building that would be constructed on this site, but illustrative examples of their intention. Since these are pictures, and not dimensioned drawings staff cannot determine whether they comply with all aspects of the Town's ordinances. Some variances have been included. If the petitioner moves forward they will be required to develop dimensioned drawings meeting our requirements or seek further variances under a new filing.

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.

McCordsville
INDIANA

Date created: 4/28/2023
Last Data Uploaded: 4/28/2023 12:34:56 PM

Developed by Schneider GEOSPATIAL

Exhibit A

LEGEND

- (44) Line, Thermoplastic, Dotted, White, 8 IN. (2 FT. Line with 4 FT. Gap)
- (45) Transverse Marking, Thermoplastic, Stop Line, 24"
- (46) Line, Thermoplastic, Solid, White, 4 IN.
- (47) Line, Thermoplastic, Solid, Yellow, 4 IN.
- (48) Line, Thermoplastic, Broken, White, 4 IN. (10 FT. Line with 30 FT. Gap)
- (49) Line, Thermoplastic, Broken, White, 4 IN. (2 FT. Line with 6 FT. Gap)
- (50) Line, Thermoplastic, Solid, White, 8 IN.
- (51) Transverse Markings, Thermoplastic, Crosshatch Line, White, 12 IN.
- (52) Line, Thermoplastic, Solid, Yellow, 8 IN.
- (53) Transverse Markings, Thermoplastic, Crosshatch Line, Yellow, 12 IN.

Transverse Marking, Thermoplastic, Crosswalk, White, 24 IN. (with 2 FT. Spacing)

Pavement Message Marking, Thermoplastic, Lane Indication Arrow

Pavement Message Marking, Thermoplastic, (ONLY)

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RECOMMENDED FOR APPROVAL _____ XX/XX/2022
DESIGN ENGINEER DATE

DESIGNED: DH DRAWN: AJG
CHECKED: RAD CHECKED: JTR

INDIANA
DEPARTMENT OF TRANSPORTATION

PAVEMENT MARKING DETAILS

HORIZONTAL SCALE	BRIDGE FILE
1" = 50'	N/A
VERTICAL SCALE	DESIGNATION
N/A	2214FFE

SURVEY BOOK	SHEETS
	12 of 32
CONTRACT	PROJECT
--	2214FFE

Z:\2022\22071P-TOWN OF MCCORDSVILLE, INTERSECTION IMPROVEMENT, BROADWAY & CR 600\DWG\22071P-PM.DWG

Exhibit B

McMILLEN JACOBS ASSOCIATES

A&F ENGINEERING
Transportation & Site Engineering

Mt. Comfort Rd. - CSX Underpass

Next Stop McCordsville