



**Board of Zoning Appeals Staff Report  
Department of Planning and Building  
Town of McCordsville**

---

**August 5, 2020**

**Project:** Yorkshire Landscaping, BZA-20-006

**Petitioner:** Refugio (Cuco) Palacios

**Location:** 5129 N 600W

**Request:** The petitioner's request seeks a Special Exception to allow a commercial contracting business.

**Staff Review:** Background: The subject site comprised one whole parcel and a portion of a second parcel. The parcels were annexed into the Town in 2014. At that time, they were zoned for industrial uses.

Existing Conditions: The subject site features a single-family home and two (2) barns. The larger parcel also features agricultural fields. There is one existing curb cut onto CR 600W.

Surrounding Land Use & Zoning: The surrounding land uses are as follows:

- North: Single-family residential and agriculturally used land zoned I-1 and R-3
- East: Single-family residential, a nursery, and agriculturally used land zoned I-1 and R-3
- South: Single-family residential zoned I-1, and across 500N, single-family residential zoned County IN
- West: Single-family residential zoned I-1, and across 600W, agriculturally used property zoned CN

Special Exception – Section 3.02

The proposed landscape business would be classified as a commercial contractor by the Town's Zoning Ordinance. The Zoning Ordinance lists commercial contractor as a Special Exception in the I-1 Zoning District. The petitioner has stated that they do not intend to run their landscape business from this property, that it will purely be used to store vehicles and trailers. The only activity on-site will be employees picking up and returning vehicles and trailers to the site. The petitioner has stated they have no plans for storage of any materials or staging of any business operations on-site.

Staff has expressed our concern with the proposed use to the petitioner. Staff does not feel this use is highest and best use. We view this segment of Mt. Comfort Road as a location for a mix of large-scale industrial uses. The ULI Advisory Services Panel, which was here and provided their expert opinion in 2019, concurs and provides support for the importance of ensuring proper land use control along this corridor.

The petitioner understands our concerns and has revised his petition to be a temporary request. Ultimately, the timeframe will be up to the Board, but staff is suggesting a maximum of an initial two (2) years. After which, the petitioner will need to seek annual extensions from the Board. At any time, the Board may deem the area ready for redevelopment and exercise its right to not extend the Special Exception.

**Staff Comments:**

Staff feels it can support a temporary use of this property by a commercial contracting business. The proposal will allow the subject to be used for the short-term until the redevelopment of the parcel is likely. While we envision most of the acreage in this area of Town being industrial, the hard corner of Mt. Comfort Road and CR 500N may be appropriate for commercial development in the form of commercial services for the workers in the area. This type of commercial development typically lags the arrival of the workforce, and therefore puts this redevelopment further down the road. For this reason, and the fact that other parcels near the corner would likely need to be assembled staff feels it can support a temporary Special Exception for the property with the following suggested conditions of approval:

- The small barn will be painted gray to match the large barn.
- The existing ground sign will be removed and a new ground will not be installed.
- There will be no additional curb-cuts provided for this Special Exception.
- The maneuvering/gravel areas near the barns shall be limited as shown on Exhibit A.
- No materials shall be stored on-site.
- Vehicles and trailers shall be stored inside the large barn, or behind the small barn, only as noted on Exhibit B. Under no circumstance shall any storage of the following occur:
  - No vehicles or trailers for any business other than the business operating under this Special Exception shall be permitted.
  - No more than 10 vehicles and 10 trailers shall be stored on-site at any time.
  - No more than 5 items (ie. vehicles or trailers) stored behind the small barn at any time.
- Landscaping will be installed, and maintained, along the west façade of the house, as shown on Exhibit A.

The BZA may include the conditions of approval noted above, and if so, those conditions should be incorporated into the ballots. They may be amended,

added to, or removed by the BZA. 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.

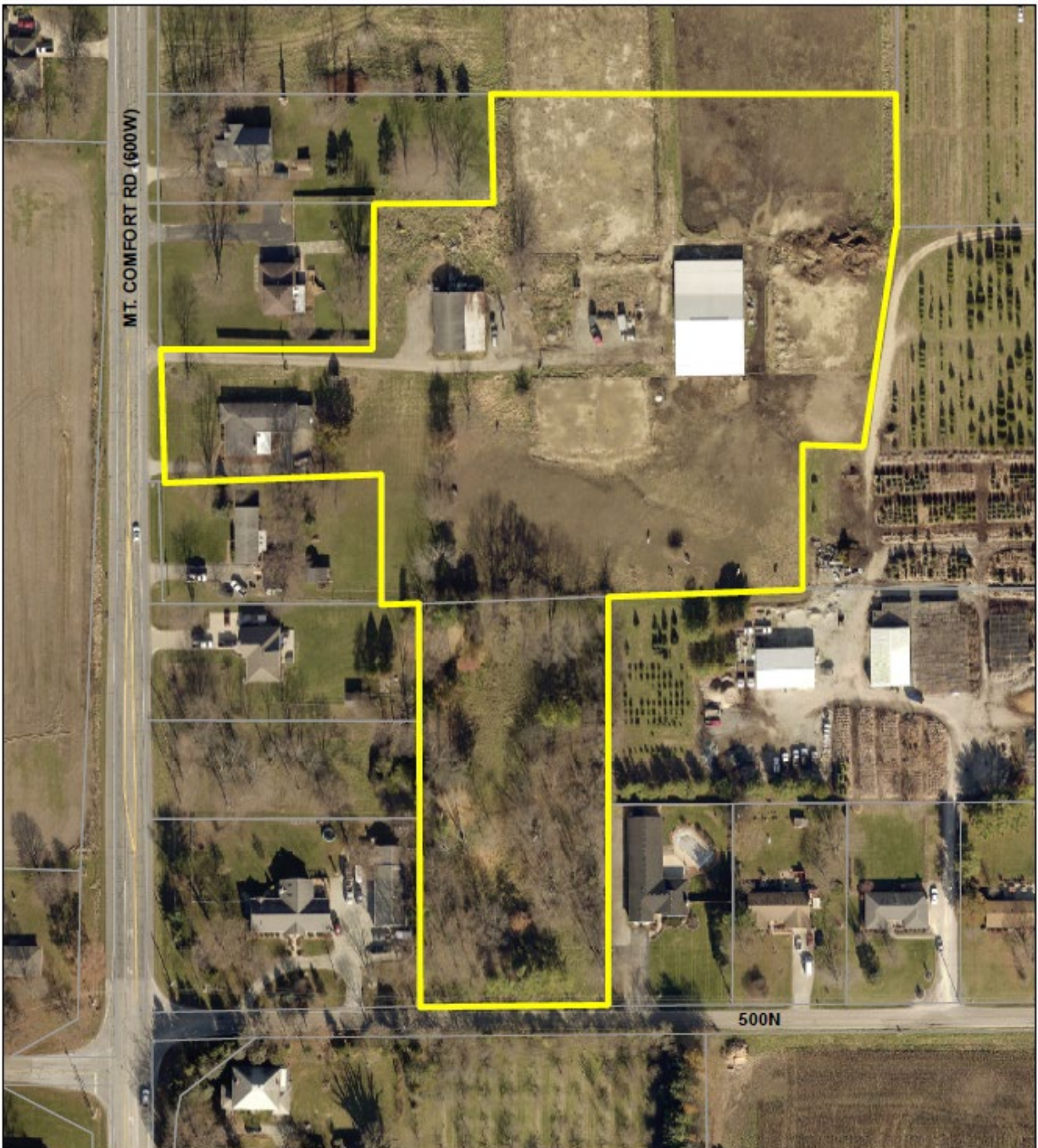
**Decision Criteria:** The BZA has four (4) options in considering this request; the Board may approve, approve with modifications, deny, or continue this petition.

# Existing Conditions

THE TOWN OF  
MCCORDSVILLE



Next Stop  McCardsville



Subject Site

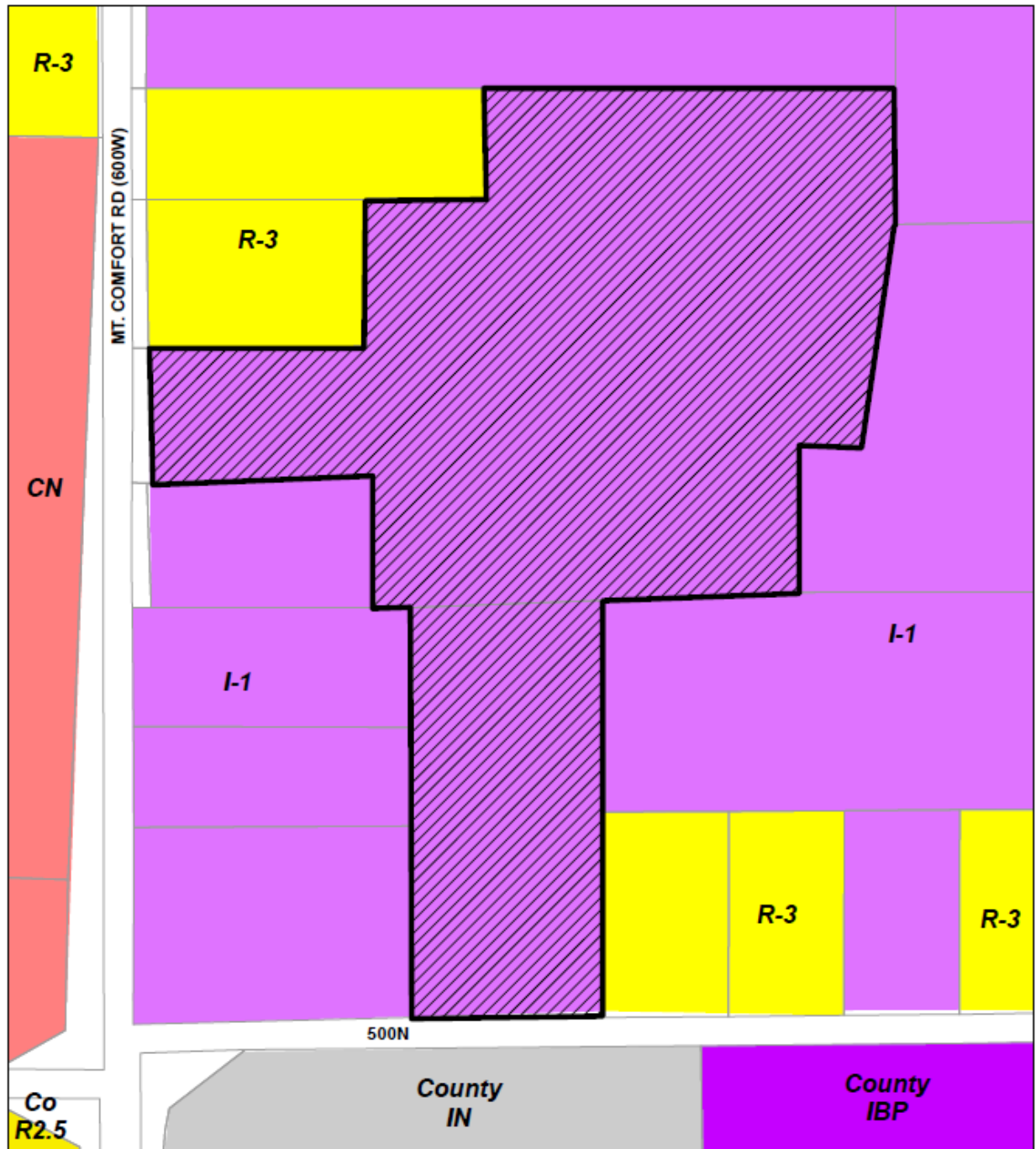


# Zoning

THE TOWN OF  
MCCORDSVILLE



Next Stop  McGraw Hill

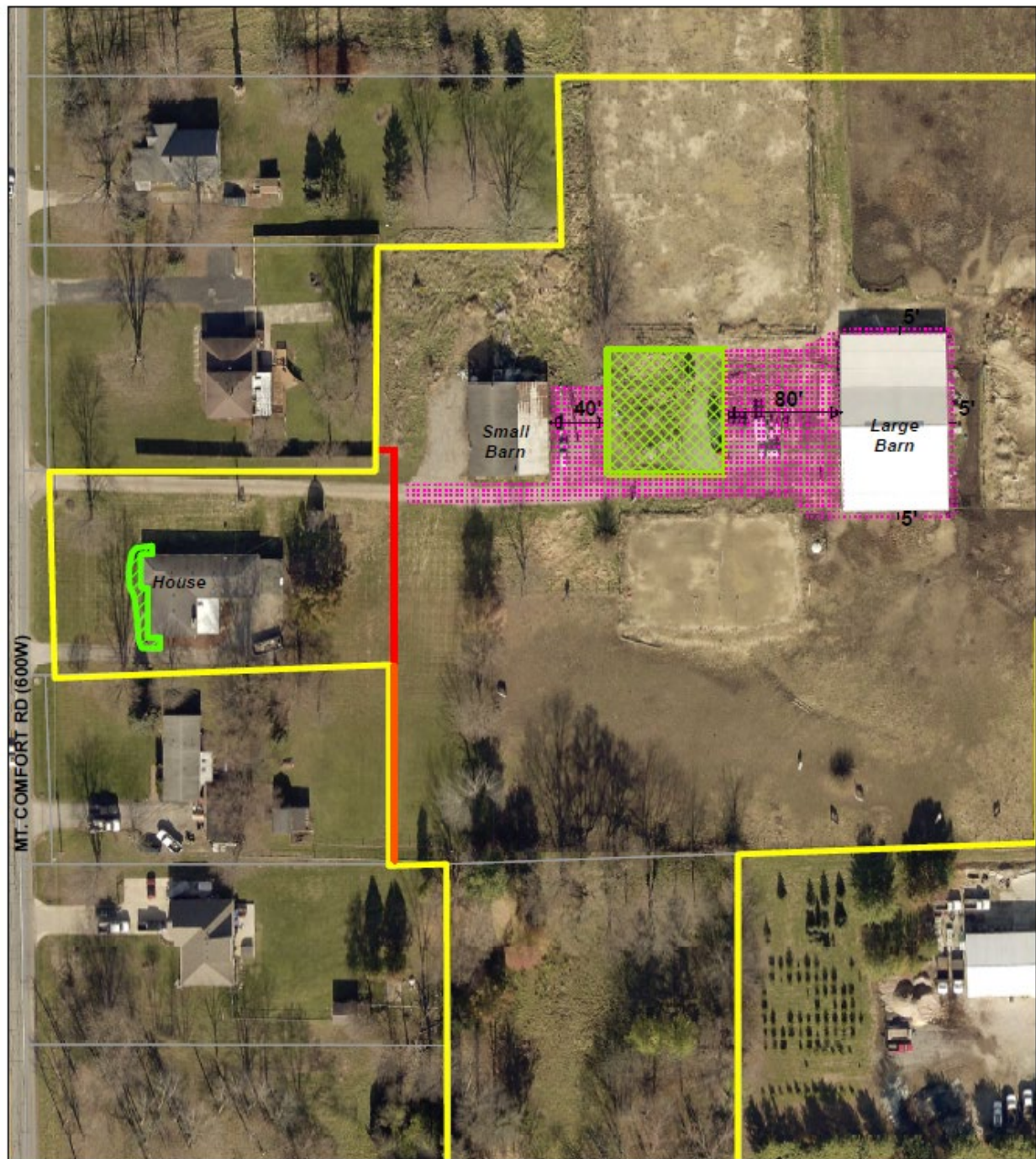


Subject Site





## Exhibit A – Staff’s Suggested Site Plan



- |  |  |
|--|--|
|  Subject Site                   |  Proposed Gravel Area         |
|  Proposed 6' Wood Privacy Fence |  Proposed 6' Chain-link Fence |
|  Landscape Area                 |  Grass Area                   |





## Exhibit B – Storage Areas



**Subject Site**



**Storage Areas**

