



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

September 2, 2020

Project: Daniel's Vineyard, BZA-20-007

Petitioner: Daniel's Vineyard

Location: 9061 N 700W

Request: The petitioner's request seeks a Special Exception to allow the expansion of a legal, non-conforming use.

Staff Review: Background: The southern 40 acres of the subject parcel was zoned Commercial Regional (CR) in 2011. The northern 40 acres has remained its R-1 zoning. A winery/banquet facility building was approved in 2015 on the southern 40 acres.

Existing Conditions: The southern 40 acres is operated as winery/vineyard, with ancillary uses, including, but not limited to a banquet hall and tasting room. The northern 40 acres is used agriculturally.

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

- North: Single-family residential, zoned Geist Woods Estates PUD
- East: Agriculture field, zoned R-1
- South: Across 900N, single-family residential, zoned R-1
- West: Across Carroll Rd, single-family residential, zoned Indy DP

Special Exception – Section 9.05
The Zoning Ordinance prohibits expansions of a legal, non-confirming use unless a Special Exception is granted. The proposed accessory structures, which are intended to house equipment and machinery used for the agricultural operations on-site, are to be located on the northern 40 acres of the subject property. That 40 acres is zoned R-1 and therefore the existing agricultural land use is considered legal, non-conforming. The vineyard's commercial operation is located on the southern 40 acres, which is zoned CR, and therefore allows commercial uses (ie. winery, etc). However, the predominant land use for all 80 acres is agriculture. While currently each half of the subject site is being used for specific crops (ie. corn, bean, grapes, etc), nothing prevents the northern 40 acres from being used for grape production, and nothing prevents the southern

40 acres from used for corn production. While the vineyard is a permitted use for the southern 40 acres, the accessory buildings are proposed on the northern 40 acres, and therefore, a Special Exception is required by the Zoning Ordinance.

Staff Comments:

This petition was continued from the August meeting. As of the writing of this report, the petitioner has not informed us of any proposed changes, so this staff report is unchanged.

The proposed storage buildings will be permitted to house any type of agricultural equipment as well as any equipment, machinery, materials, etc (the "equipment") in support of the winery operation. There are two buildings proposed. Building 1 runs east-west and is located approximately 130' east of the east property line. Building 2 runs north-south and is located approximately 30' east of the east property line and 415' north of the existing winery building. Both buildings are shown on the "Proposed Site Plan" in the Petitioner's Packet.

Currently, this equipment is being stored either outside or on trailers. Staff and residents have previously stated a preference for placing the equipment inside a building. If this Special Exception is approved, the storage of said equipment will be able to be moved inside.

A maneuvering area is anticipated to the southeast of the buildings. Staff would like to see this area limited and be kept a minimum of 20' east of the east property line. We also feel this area should be buffered from the adjacent property due to its likely hood of being developed as a high-end residential subdivision. This buffering should mitigate the intensity of this site and reduce the potential issues between the future land use and this site.

In summary, staff is supportive of the petitioner's request. As of the writing of this staff report, we have not received any remonstrance regarding the petitioner; however, we have received one request for more information. Following the public hearing and any discussions/questions from the Board, staff would recommend approval of the request subject to the following suggested conditions of approval:

- Following construction of these accessory structures, trailers, semi-trucks, tractors, bush hogs, construction equipment, excavation equipment, farm machinery, materials, farm equipment, other commercial vehicles, and the like shall not be stored or allowed to remain on-site unless they are located inside of one of these buildings or the winery building. For the purposes of this condition, commercial vehicles shall include any vehicle in excess of 16,000 pounds.
- A maneuvering area generally located near the south and east ends of the proposed buildings as shown on the attached Exhibit shall be constructed of asphalt, concrete, or gravel. If the area is constructed of gravel it shall be kept in good repair. This area shall not be increased in size without approval from the Planning & Building Dept., and under no

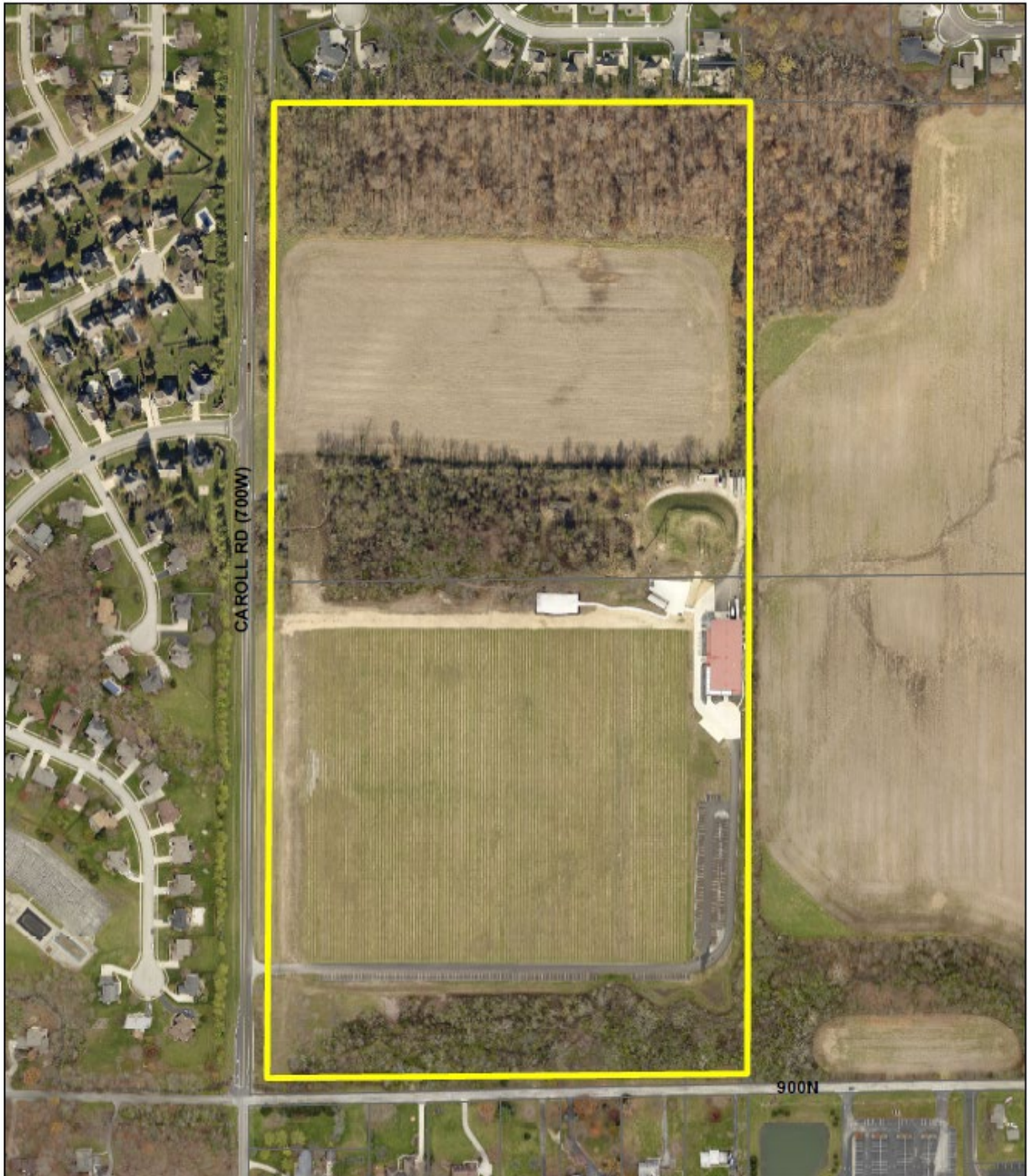
circumstance shall it be closer than 20' to the east property line. The area between the east edge of this area and the property line shall be returned to a natural area featuring grass and evergreen tree plantings, planted every 20' O.C. The trees shall be a minimum 6' tall at time of planting.

- The proposed buildings shall not house equipment, vehicles, machinery, materials, or the like for any other business, operation, or use, other than the on-site agricultural operation and the on-site winery.
- The siding and roof colors shall be complimentary to the primary structure and shall comply with the residential exterior material color restrictions of the Town Zoning Ordinance.

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.

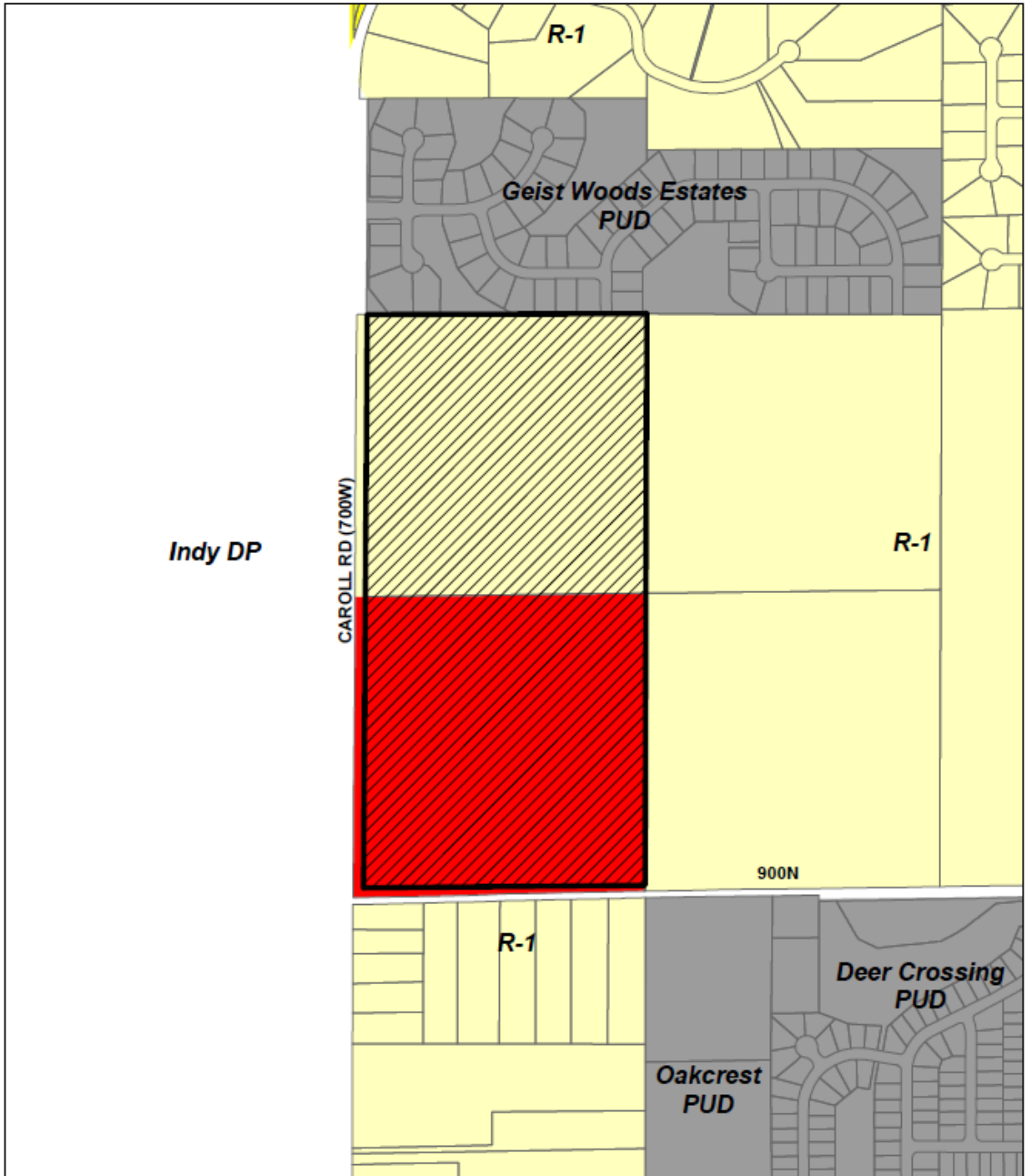
Zoning



 Subject Site



Zoning




 **Subject Site**



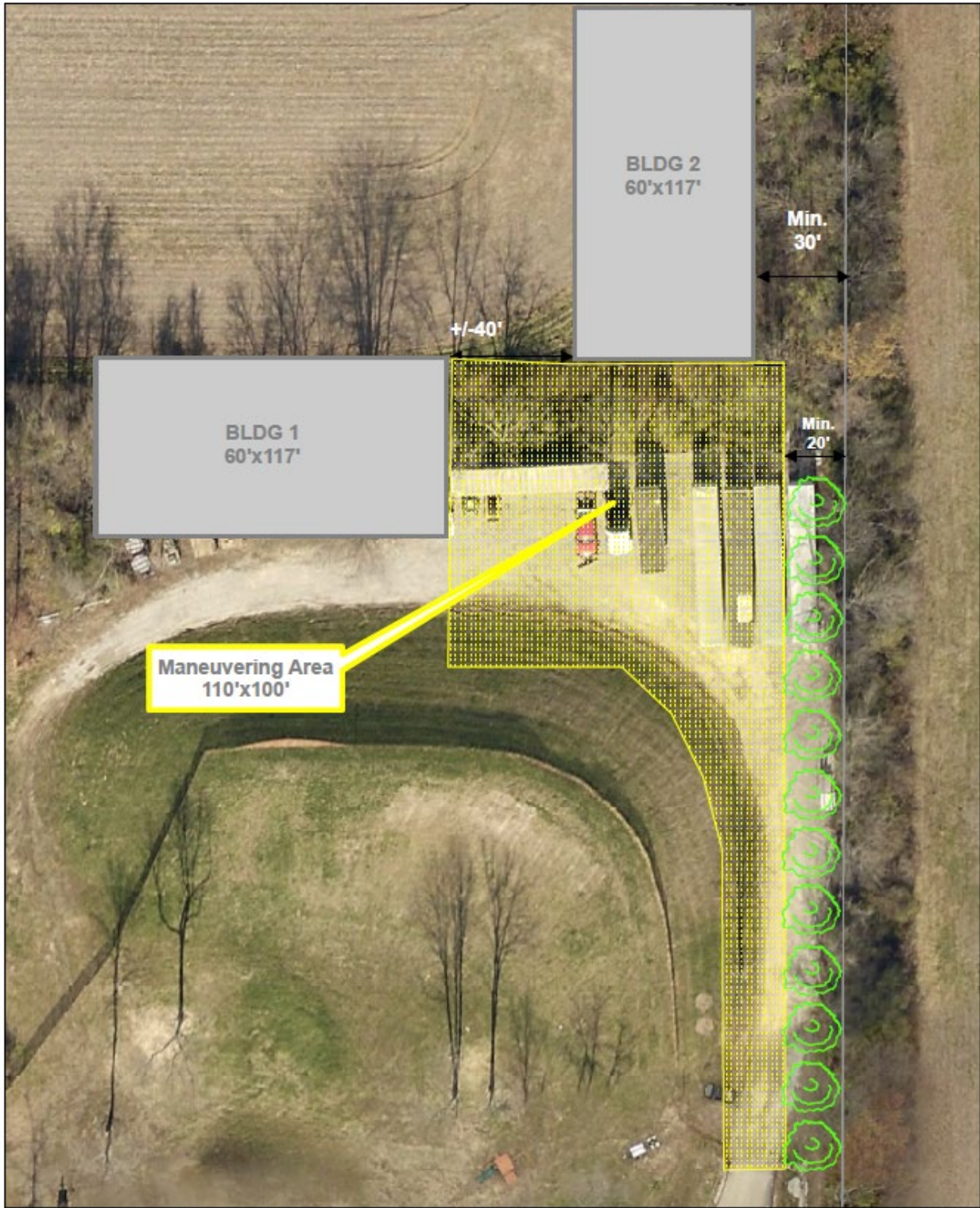
Exhibit A – Proximity Map



Proposed Accessory Structures



Exhibit B – Staff’s Suggested Site Plan



 **Proposed Accessory Structures**

