



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 11, 2026

Case Number: 2026-CVR-805 / 2026-CPL-805
Address: 4200 South East Street (*Approximate Address*)
Location: Perry Township, Council District #23
Zoning: C-4
Petitioner: Southern Plaza SC, LLC, by Brian J. Tuohy
Requests: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width (not permitted), and without a hard-surfaced walkway from the building's main front entrance to the public right-of-way (hard-surfaced walkway required).

Approval of a Subdivision Plat, to be known as Southern Plaza, dividing 26.84 acres into two lots.

Waiver Requested: No

Current Land Use: Parking Lot

Staff Recommendations: Approval of the Subdivision Plat.

Approval of the Variance request to provide for a restaurant without a hard-surfaced walkway from the building's main front entrance to the public right-of-way.

Denial of the Variance request to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued from the May 14, 2026, hearing, to the June 11, 2026, hearing at the request of a Registered Neighborhood Organization.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated April 6, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.

PETITION OVERVIEW

LAND USE

The 26.84-acre site is zoned C-4 and developed with an integrated commercial shopping center with an associated parking lot. The proposed plat would subdivide the property into two (2) lots: Lot One would be 25.48-acres and Lot Two would be 1.36 acres. The proposed plat meets the standards of the C-4 zoning classification.

The site is surrounded by commercial uses to the north, west, and south all zoned C-4. To the east, there are commercial uses that are zoned C-1 and C-3, and a single-family dwelling that is zoned D-3.

STREETS

Lot One and Lot Two would front on South East Street. No new streets are proposed as part of this Plat petition.

SIDEWALKS

There are no sidewalks along South East Street.



VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width.

Limitations on the placement of stacking spaces within front yards exist to reduce congestion and vehicular conflict with patrons of the restaurant and pedestrians as well as to allow for attractive, pedestrian-oriented storefronts facing rights-of-way.

The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is currently developed with an accessory parking lot that will be removed to provide for the new construction of the restaurant. The site could be designed with the stacking spaces located to the rear of the front façade by reducing the number of proposed stacking spaces to the rear of the façade. Any practical difficulty is self-imposed by the desire to provide for one and one-half drive through stacking spaces in the front yard of the site.

The grant of the Variance request would provide for a restaurant without a hard-surfaced walkway from the building’s main front entrance to the public right-of-way. The subject site fronts on a portion of South East Street where the frontage is controlled by the State of Indiana due to its proximity to an interstate entrance ramp. The State will not allow for a pedestrian sidewalk along this portion of the public right-of-way. Therefore, Staff would find no reason to require a hard surfaced walkway to a non-existent sidewalk.

Although building elevations were not provided, staff would note that the C-4 transparency requirements would need to be met so that petitioner should keep that in mind as they proceed with their proposal.

STAFF ANALYSIS

For these reasons, staff is recommending **denial** of the Variance request to provide for one and one-half drive-through stacking spaces in the front yard along a public right-of-way that exceeds 30 feet in width. Staff is recommending **approval** of the Variance request to provide for a restaurant without a hard-surfaced walkway from the building’s main front entrance to the public right-of-way.

GENERAL INFORMATION

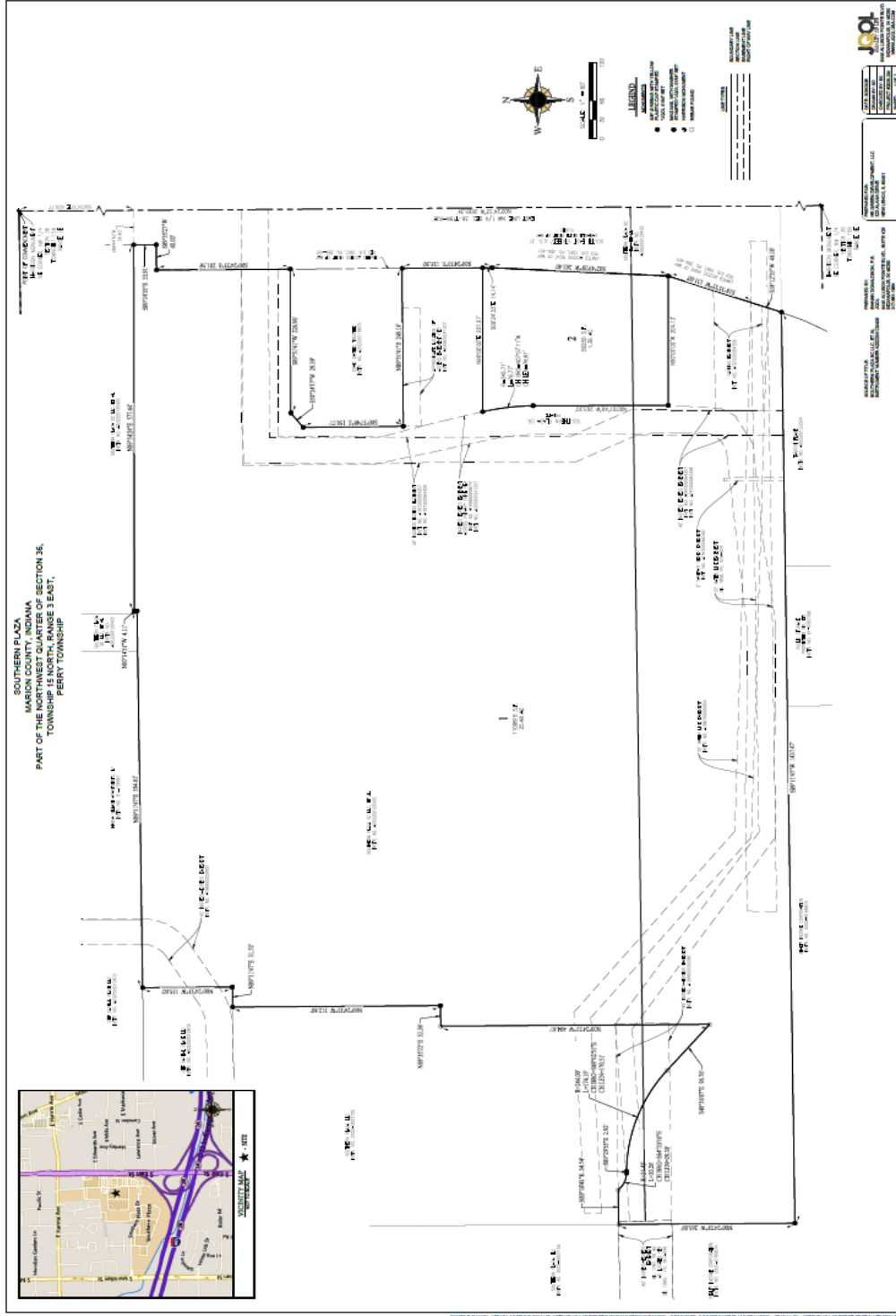
Existing Zoning	C-4	
Existing Land Use	Parking Lot	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Land Use
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-1 / C-3 / D-3	Commercial / Single-family residential
West:	C-4	Commercial
Thoroughfare Plan		
South East Street	Primary Arterial	155-foot proposed and existing right-of-way.
Petition Submittal Date	February 18, 2026	

EXHIBITS

LOCATION MAP



PLAT SURVEY





FINDINGS OF FACT

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The site has been configured in a way to create a separation between drive-thru and dine-in traffic for the proposed Chick-fil-A restaurant ("CFA"). Doing so promotes safe and efficient traffic flow throughout the site. The CFA parking lot and drive-thru lane have been designed to accommodate a sufficient queue of cars which will help prevent backups onto the adjacent access drives and roadways. The variance from Code Section 743-306-I allows for this design. Per the Zoning Ordinance, 2 stacking spaces are required at the exit of the drive-thru. Given the layout of the building and drive thru, this results in approx. one and one-half stacking spaces being located in the front yard. The requested variance from Code Section 744-301-F would not be a risk to the community because INDOT does not want pedestrians walking on that side of East St. as its within the right-of-way of I-465. The I-465 interchange ramp is immediately south of the site, which has no sidewalk or other infrastructure to facilitate safe walking for pedestrians. Pedestrian traffic will be mostly from the existing shopping center west of the site.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The subject property lies within an existing commercial zoning district which allows restaurant uses with drive thru. The adjacent properties to the north, west, and south have the same commercial zoning designation. The site will be attractively landscaped to improve the appearance of the site.

The proposed landscape has been designed to meet the intent of City Code and screening & buffers have been provided to the maximum extent practicable along the east side of the site where the property abuts S. East Street with residential uses on the opposite side of the ROW.

It is CFA's belief that the proposed restaurant with drive-thru facility and parking lot is compatible with the general land use of the neighboring properties and would not diminish or impair property values. The new CFA development will attract more business to the area. The variance from Code Section 743-306-I will only help ensure efficient and safe operations within the CFA site which will help eliminate any negative impacts to adjacent properties.

The variance from Code Section 744-301-F will not have an adverse affect because INDOT has stated they would not allow sidewalk in their ROW.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

It would prevent the Chick-fil-A development from maximizing site circulation and providing an efficient site layout. Due to the project being a redevelopment of an existing parking lot within an already developed shopping center, Chick-fil-A believes that the proposed site layout is an efficient use of the given space. In order to provide adequate parking for dine-in guests and a sufficiently long drive-thru queue, the site has been configured with the CFA dual-lane drive-thru starting on the north side of the site, running counterclockwise along the west side of the building, and ending on the south side of the CFA building. The drive-thru lane and building have been positioned in a way to promote circulation through the site in order to prevent backups within the parking lot and onto adjacent access drives. The walkway requirement in Code Section 744-301-F results in practical difficulties because the Authority Having Jurisdiction (IN DOT) has stated that they would not allow sidewalk in the ROW along the frontage of the CFA site.

Because of the site's location within an already developed shopping center, there is a practical difficulty in the use of this property without the requested stacking space variance.

PHOTOS



Photo of a portion of proposed Lot 1 looking southwest.



Photo of a portion of proposed Lot 1 looking north.



Photo of Proposed Lot 2 looking south



Photo of approximate area for the requested one and one-half drive-through stacking spaces in the front yard, looking south.