

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-009 (Amended)
Address: 6151 North Keystone Avenue (2419 East 62nd Street parcel address)
Location: Washington Township, Council District #2
Zoning: C-4 / D-P
Petitioner: Kite Realty Group, by H.C. Klover Architect
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant with a drive through with service units and stacking spaces within the front yard, and without the required screening (service units and stacking spaces not permitted within the front yard, screening from public rights-of-way required), with 24 parking spaces (maximum of 23 parking spaces permitted) and zero percent transparency along the northern façade and beside public pedestrian entries (40% transparency required along facades within 50 feet of a public street and on facades with a public entry).

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4	Compact	Surface Parking Area
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SURROUNDING ZONING AND LAND USE

North	C-4	Various Commercial Uses
South	C-4	Glendale Shopping Mall
East	C-4	Surface Parking Area, Eating Establishment
West	C-4	Retail

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Village Mixed-Use development.

- ◇ This 0.67-acre lot, zoned C-4, is currently improved with a surface parking area. It is integrated with the overall Glendale Mall site and was recently established as an out lot with the approval of 2023-PLT-020.

(Continued)

STAFF REPORT 2023-DV2-009 (Continued)

- ◇ North of the subject site are various commercial uses, including retail, automobile services and professional services, all within the C-4 District. To the West and South are retail uses and eating establishments within the C-4 District. To the East is a surface parking area and eating establishment, within the C-4 District.
- ◇ The Comprehensive Plan recommends Village Mixed-Use development for the site.

VARIANCE

- ◇ As proposed, the request would allow for the construction of a freestanding eating establishment with a drive through and associated service units and stacking spaces within the front yard of 62nd Street. The request would also allow for an extra parking space beyond the maximum of 23 spaces and zero percent transparency along sides of the building with a public entry.
- ◇ The Ordinance requires that all new buildings constructed within the Commercial Districts that have a façade or side of a primary building located within 50 feet of a local, collector, or arterial thoroughfare, or a side of the building containing a public entry provide 40% of the wall surface area between three and eight feet above grade be composed of glass or other transparent materials.
- ◇ An amended rendering and site plan provided June 29, 2023, depict extensive landscaping along the 62nd Street frontage that would effectively screen the drive through land from the right-of-way. Therefore, this portion of the request may be withdrawn, which would merely require acknowledgement by the Board.
- ◇ The northern side of the building is located 27 feet from the right-of-way of 62nd Street, a primary collector. All other sides of the building contain a public entry, thus requiring transparency on all sides of the building. The provided renderings indicate that the western side of the building has sufficient transparency, however this is not reflected in filed elevations.
- ◇ The transparency requirements of the Ordinance are intended to implement principles of Crime Prevention Through Environmental Design (CPTED), which aim to deter crime through design implementations during new builds or substantial remodels. Specifically, this requirement is aimed at improving sight lines to increase visibility of both activity within and outside the building. It is also intended to allow emergency responders to have increased surveillance of the interior of buildings during emergency call responses.
- ◇ Given that the request proposes construction of a new building, Staff believes that a complete waiver of the transparency request to be wholly inappropriate. It is Staff's position that the interior plans of the building could be redesigned to provide some degree of transparency consistent with the intent of the Ordinance, if not the meet the requirement in its entirety. In addition, Staff is concerned that future reuse of the building would continue without this transparency along a major commercial corridor. For these reasons, Staff recommends denial of the request.

(Continued)

STAFF REPORT 2023-DV2-009 (Continued)

- ◇ The Ordinance prohibits drive throughs and associated stacking spaces and service units from being located in the front yards of commercial districts. This is intended to enhance the public streetscape, prevent conflicts between pedestrians and automobiles, and limit the amount of hard surfacing thereby reducing the Urban Heat Island effect.
- ◇ As proposed, most of the front yard is occupied by stacking spaces associated with the drive through. This fact, as well as the request for an additional parking space indicate that the site is being overdeveloped and that a redesign of the proposal would be appropriate to either meet the Ordinance or reduce the degree of deviation from the Ordinance. Given that the site is a new build on a newly platted lot, Staff does not believe there to be a practical difficulty warranting Staff recommendation for approval. Therefore, Staff recommends denial of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of East 62nd Street is classified as a Primary Collector in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 82 feet.

SITE PLAN

File-dated June 29, 2023.

FINDINGS OF FACT

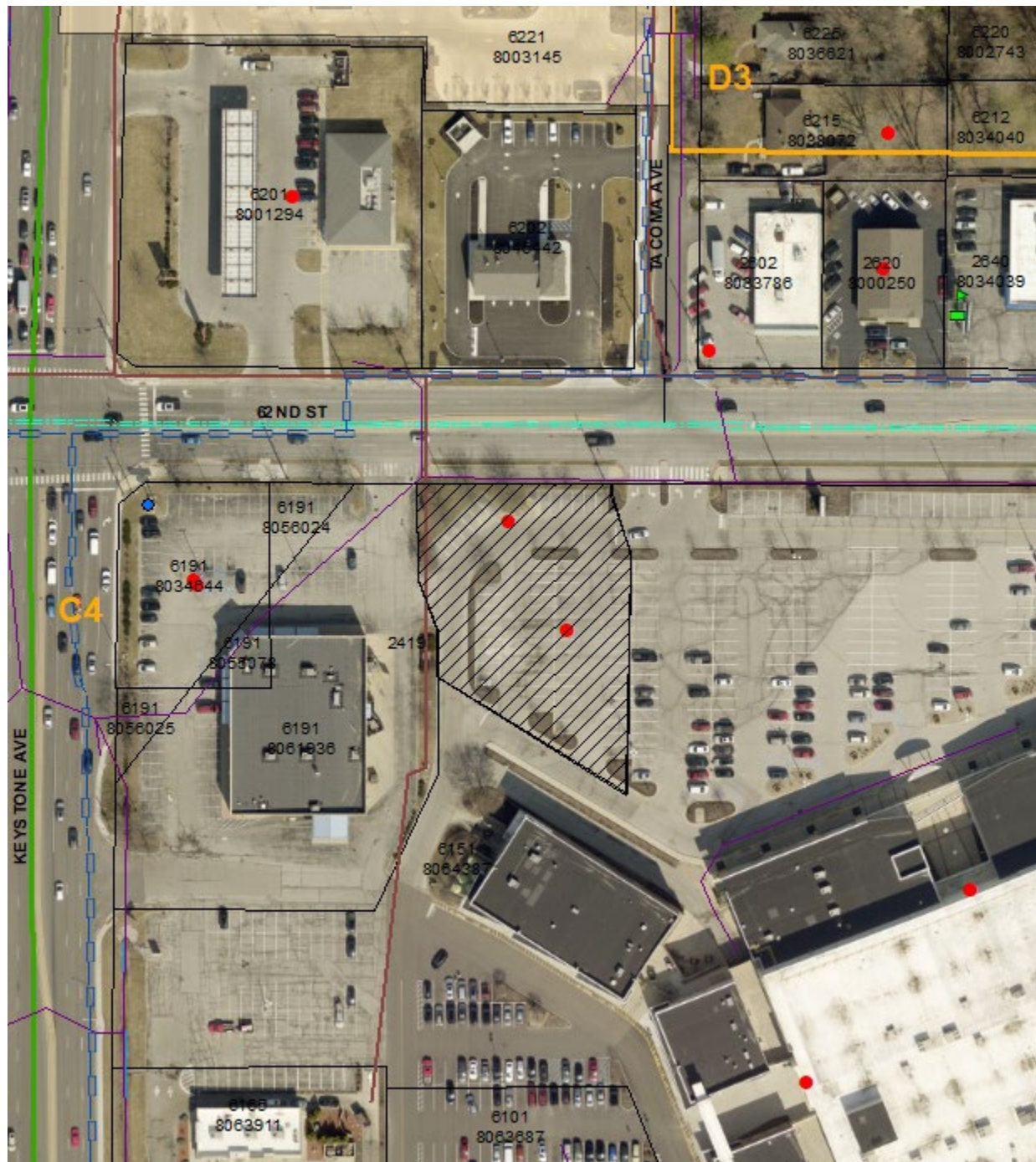
File-dated April 10, 2023.

ZONING HISTORY – SITE

2007-DV1-023; 6055, 6101 and 6111 North Keystone Avenue; requests variance of development standards of the Sign Regulations to provide for the construction of a twelve-foot tall, 48.5-square foot pylon sign along North Keystone Avenue, resulting in a total sign area of 1,155.5 square feet of freestanding signs along North Keystone Avenue, and located within 265 feet of another freestanding sign along North Keystone Avenue; **granted.**

EDH

2023-DV2-009; Location Map



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 proposed drive through window and associated stacking will be set back 10'-0" from the R.O.W. and 20'-0" from E. 62nd St. Additionally, the associated drive through stacking will not be moving at a speed that would adversely affect the pedestrian traffic.

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 access from E. 62nd St. to the shopping center parking has been preserved and parking circulation will not be affected by the traffic from the proposed lot. The existing access easements to the west and south of the lot will maintain the existing traffic patterns. The proposed Panda lots drive through stacking will be sufficient to contain stacking on site.

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

The site is zoned appropriately for a drive through use(C-4) however, the sites unique shape leaves the prospective buyer with few orientations for the building and drive through that would allow for site contained stacking and sufficient parking that complies with jurisdictional and shopping center parking requirements.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

Additional drive through uses are currently operating within the Glendale Town Center and work harmoniously with the public health, safety, morals and community welfare as the proposed use. Reference the Taco Bell at 6165 N. Keystone, the Culvers at 6111 N. Keystone, and the Panera Bread at 6055 N. Keystone. Drive through traffic will not move at a speed that would threaten public safety.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

Prior approved similar Drive through uses were not deemed to adversely affect adjacent areas as the Walgreens at 6191 N. Keystone is currently bordered by a Taco Bell Drive through use and separated by a drive aisle in a similar fashion that the proposed drive through use will boarder it

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

In tracking post COVID-19 drive through trends, sufficient drive through stacking is required for the drive through restaurant concept to remain viable. This fact, in combination with the unique shape of the site, leave the buyer with limited options for building and drive through orientation while maintaining adequate stacking on site

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The site is zoned appropriately for a drive through(C-4)however, the sites unique shape leaves the prospective buyer with few orientations for the building and drive through that would allow for site contained stacking and sufficient parking

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The proposed development maintains the existing access easements to the west and south of the property, which will not interfere with existing shopping center traffic patterns. The proposed site will be self parked per city code and have sufficient stacking so that the drive through stacking will not affect shared drive aisles

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____





2023-DV2-009; Photographs



Photo One: Looking West along 62nd Street.



Photo Two: Looking North across 62nd Street



Photo Three: Looking East Along 62nd Street.



Photo Four: Looking West of Subject Site.



Photo Five: Subject Site.



Photo Six: Shopping Mall Directly South/South East of subject Site.