

BOARD OF ZONING APPEALS DIVISION II

September 10, 2024

Case Number: 2024-DV2-026
Property Address: 3360 W 86th Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: Chik fil A Inc., by Gabriela Mosquera
Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the modification of an existing drive-through which would result in an additional drive through and stacking spaces within the front yards of 86th Street and Purdue Road, each being rights-of-way with a width greater than 30 feet and without the required screening and without an exclusive bypass aisle (drive throughs not permitted in front yards, bypass aisle required).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization was filed in advance of the August 13, 2024 hearing date. This petition was continued from that hearing to the September 10, 2024 date of Division I.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- The subject site is currently improved with a fast-food chicken restaurant that utilizes a drive-through with lanes in the front yards of both Purdue Road and 86th Street. It is surrounded on each side by C-4 zoning to facilitate restaurants and retail within a commercial center context.
- Permits were issued in 2018 to allow for construction of an expanded drive-through canopy within the western front yard of the property (see site plan within Exhibits). Between that point and now, it appears that the business expanded the existing drive-thru to utilize two distinct drive lanes on all sides of the property, including within both front yards. It is unclear why the second drive lane

along Purdue Road was allowed without a variance, but neither it nor the additional drive lane in the 86th Street front yard would be allowed per ordinance rules today or from 2018.

- Additional permit applications were made earlier this year to expand the site with a larger canopy on the eastern portion of the property and for a two-lane drive-throughs within all four yards of the property. Changes in the parking layout were also proposed to accommodate the expanded drive lanes. When those permits were placed on hold, an application for a variance was made to allow for (a) legalization of multiple drive-through lanes within both front yards (b) without required screening from rights-of-way and (c) with a lack of exclusive bypass aisle for the drive-through within any of the four yards.
- The site plan submitted along with this application shows that the existing angled parking along the eastern portion of the property (9 spaces) would be removed and replaced with six vertical spaces running parallel to the property line. Additionally, the parking to the north of the drive-through entrance would be removed entirely from the site to accommodate the second drive-through lane (see Photo 5 within Exhibits). It appears from site photography that the business currently utilizes parking spaces to the north outside of their property boundaries (see photo 10).
- With the current configuration, orders are given to employees under the western canopy by outdoor employees who relay the order, vehicle, and customer information digitally to kitchen staff who prepare the food as vehicles maneuver around the building to the east to then pick up their completed order from additional outdoor employees. The proposed changes would expand the eastern canopy and eastern and southern drive lanes to remove any merge points from the process and add a door to the eastern elevations instead of the existing drive-through window.
- This property is zoned C-4 (Community-Regional) to allow for the development of major business groupings and regional-size shopping center to serve populations ranging from neighborhoods to major segments of the total metropolitan area. It is also recommended for Office Commercial uses by the Comprehensive Plan to promote low-intensity land uses characterized by provision of small-scale services (i.e. office buildings or medical clinics) with pedestrian connectivity.
- The findings of fact provided by the applicant indicate that this design would optimize safety and efficiency while providing shelter for outdoor team members, and that the dramatic expansion in the number of stacking spaces would be to minimize vehicles queuing beyond their property lines at peak hours.
- Staff has several concerns about the proposed layout. The expansion of drive-thru lanes on each side of the building would create both maneuverability issues for motorists restricted to one narrow lane of passage if not utilizing the drive-through and pedestrians who would be required to cross over two lanes of vehicle traffic just to access the restaurant on all sides. The lack of any bypass area for the long stacking areas could create additional hardship for customers that experience vehicular or personal emergencies that would require them to quickly leave the drive-through. Additional navigation issues may result from the drive lane exits being at roughly the same point where the stacking spaces begin at the northeastern portion of the property. If approved, the



drive-through would fully dominate the subject site in a clear case of overdevelopment relative to the property's size and comprehensive plan recommendation (Office Commercial).

- Staff also notes that most nearby eating establishments either lack drive-throughs entirely (businesses to the west and east) or don't have stacking spaces within their front yards per current ordinance rules (four of five fast food restaurants to the south on the other side of 86th Street). The findings submitted by the petitioner indicate that their peculiar need arises from high demand for drive-through services, but this is not a site-specific difficulty, and vehicle congestion could potentially be lessened by alternate site design that less prominently features stacking spaces.
- In summation, staff feels that the proposed layout partially existing without required permits has little alignment with the ordinance and Plan goals of pedestrian-friendly commercial front yards not dominated by drive-throughs (generally limited to being an *accessory* use). Legalizing the expansion of drive lanes done in the absence of permits would also erode both the permit process and the ordinance. Staff recommends denial of the expanded drive-through that intensifies both front yards and lacks adequate screening and bypass.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
86 th Street	Primary Arterial	105-foot existing right-of-way and 112-foot proposed right-of-way
Purdue Road	Local Street	90-foot existing right-of-way and 112-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	06/10/2024	
Site Plan (Amended)	N/A	
Elevations	06/10/2024	
Elevations (Amended)	N/A	
Landscape Plan	06/10/2024	
Findings of Fact	06/10/2024	

**Findings of Fact
 (Amended)** N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommend this site for the Office Commercial working typology to provide for single and multi-tenant office buildings and land uses such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons. Small-scale service uses should provide pedestrian access and limit outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

71-Z-223, rezoning of 106.932 acres of land being C-2 and C-4 districts to a C-4 classification to conform zoning boundaries to platted lot lines, **approved**.

ZONING HISTORY – VICINITY

2003DV2012 ; 8599 Michigan Road (southwest of site), variance of development standards of the Sign Regulations to provide for two 26.58 foot tall, 106.68 square foot pole signs, one with a 2.75 foot setback along Michigan Road (minimum 15-foot setback from the existing right-of-way required) in the clear sight triangle (not permitted), and another with a two-foot setback from the existing right-of-way of 86th Street (minimum 15-foot setback from the existing right-of-way required) within the required clear sight triangle (not permitted), **approved**.

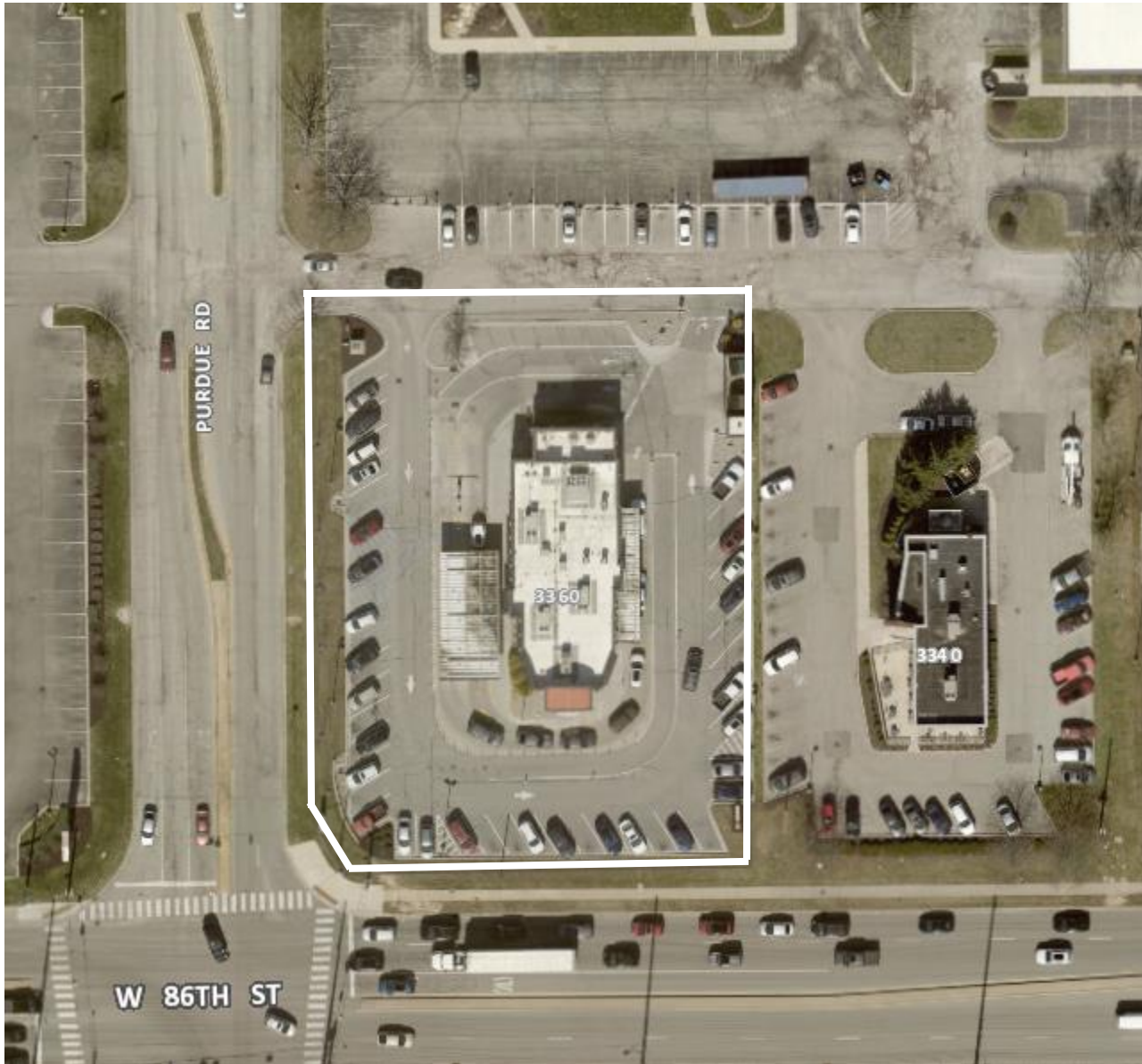
93-HOV-90 ; 3345 W 86th Street (south of site), variance of development standards of the Commercial Zoning Ordinance to provide for the development of an automobile wash facility with a 6 foot landscape strip along West 86th Street (minimum 10 feet required), **approved**.

89-HOV-61 ; 3517 W 86th Street (west of site), variance of development standards of the Sign Regulations to provide for the erection of a roof sign within an integrated commercial center, **approved**.

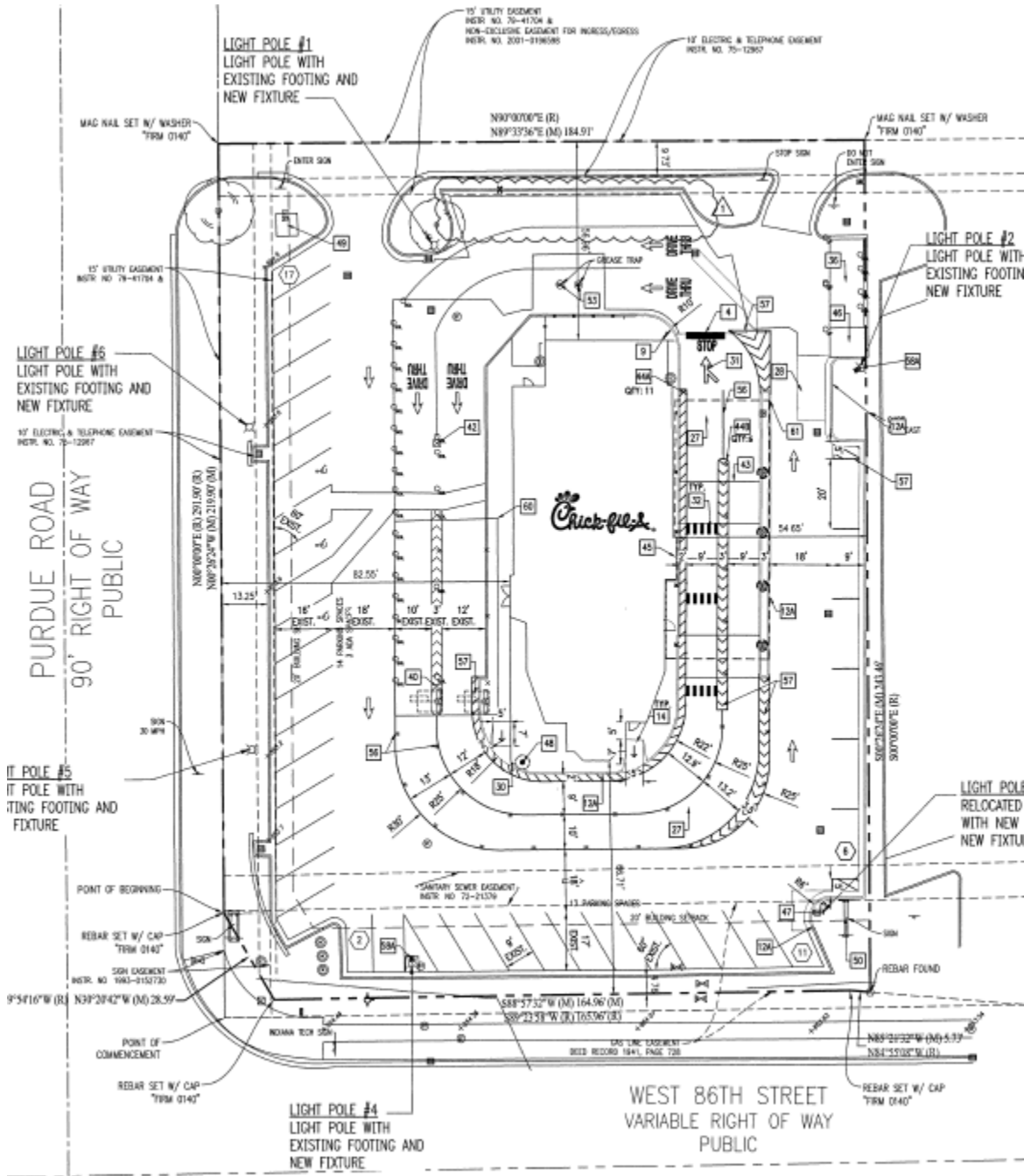
89-UV2-131 ; 3221 W 86th Street (southeast of site), variance of use and development standards of the Commercial Zoning Ordinance to permit the construction of a Wal-Mart with 7,670 square feet of outdoor display of merchandise (200 square feet permitted) and two loading docks (3 loading docks required), **approved**.

EXHIBITS

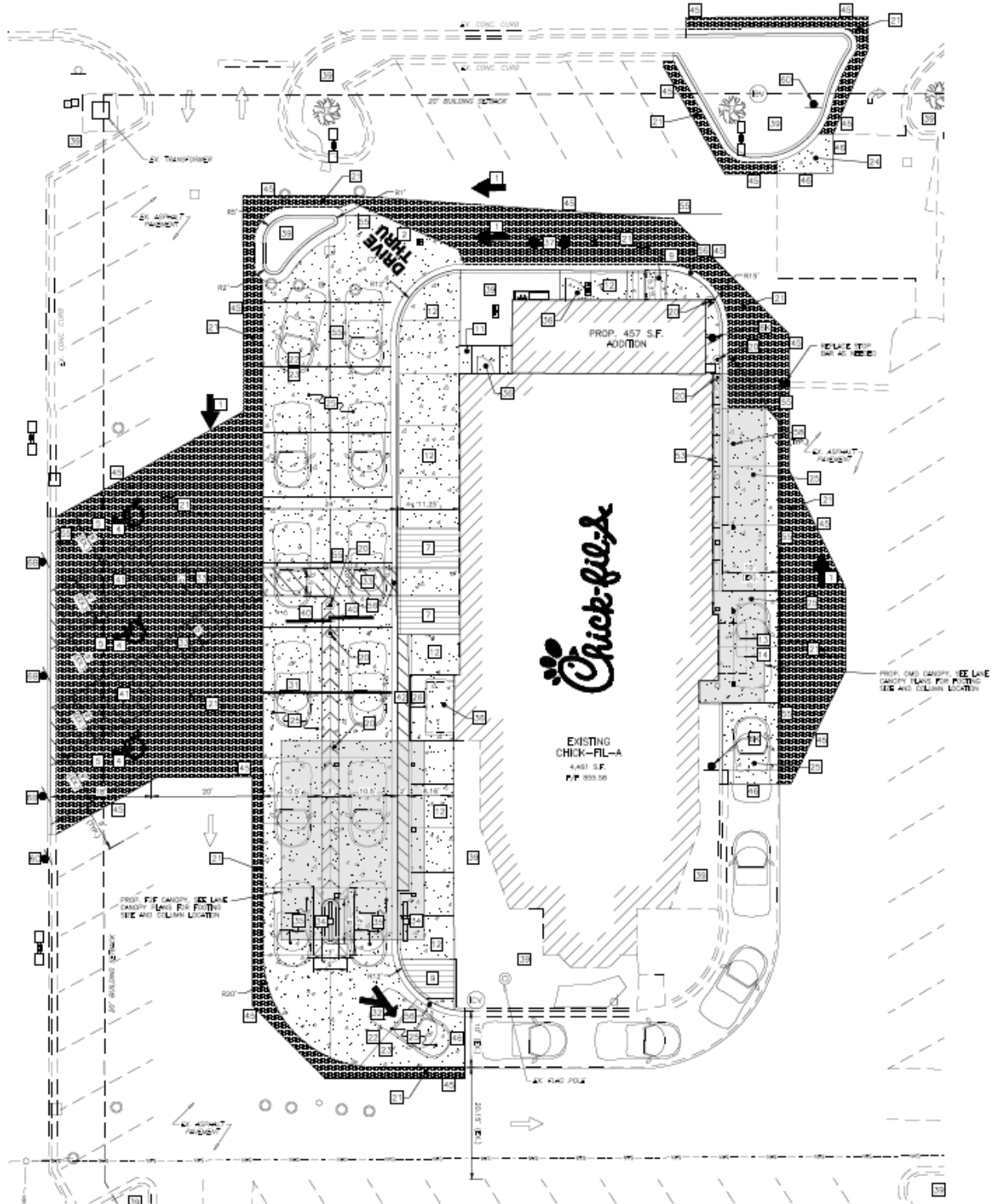
2024DV2026 ; Aerial Map



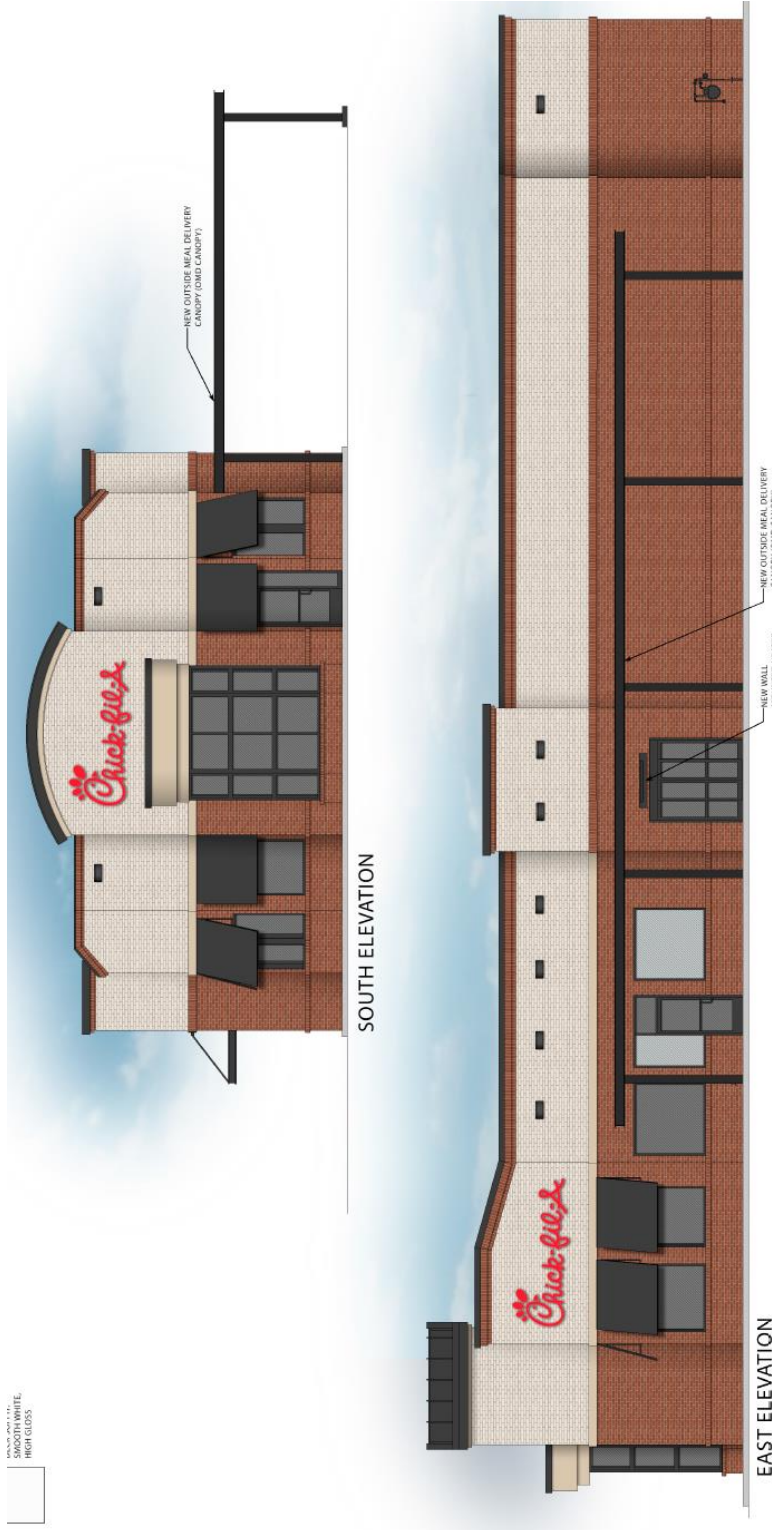
2024DV2026 ; Site Plan



2024DV2026 ; Site Plan (ILP18-03095)



2024DV2026 ; Elevations





2024DV2026 ; Findings of Fact

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

The intent of the improvements is solely to aid in the day-to-day operations of Chick-fil-A, specifically to increase on site stacking, thus decreasing stacking on adjacent public roadways during peak hours, allowing for better flow of traffic on-site by relocating the drive-thru queuing lanes out of the way of the right-of-way.

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 new layout seeks to increase onsite stacking in the drive-thru lanes and therefore reduce any offsite backup and therefore reduce any offsite backup and is not affecting adjoining properties.

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

Every effort has been made by Chick-fil-A's design team to reduce variations from code requirements. Many iterations of this conceptual plan have been reviewed internally prior to landing on the current plan, which Chick-fil-A believes is the best layout for this specific location. In addition, other drive-thru restaurants typically do not have team members outside in the elements. The proposed canopies will help to keep the team members protected from the sun and rain while still being able to take multiple orders at a time. A drive-thru door will also be installed as part of this new building in lieu of a drive thru window allowing team members to also deliver meals to multiple cars at a time. The proposed modifications in combination with Chick-fil-A's approach to operations will aid in serving customers quickly, safely and efficiently.

2024DV2026 ; Photographs



Photo 1: Subject Property Viewed from West



Photo 2: Subject Property Viewed from North

2024DV2026 ; Photographs (continued)



Photo 3: Subject Property Viewed from East



Photo 4: Subject Property Viewed from South

2024DV2026 ; Photographs (continued)



Photo 5: Drive-Through Entrance Viewed from East



Photo 6: Existing Western Canopy + Drive-Through Lanes Viewed from North

2024DV2026 ; Photographs (continued)



Photo 7: Southern Drive-Through Lanes Viewed from West



Photo 8: Eastern Drive-Through Lanes Viewed from South

2024DV2026 ; Photographs (continued)



Photo 9: Adjacent Property to West



Photo 10: Adjacent Property to North

2024DV2026 ; Photographs (continued)



Photo 11: Adjacent Property to East



Photo 12: Adjacent Property to South