

BOARD OF ZONING APPEALS DIVISION III

April 16, 2024

Case Number: 2024-DV3-006

Property Address: 3805 South East Street (approximate address)

Location: Perry Township, Council District #23

Petitioner: S & L Properties Indianapolis East LLC, by Emily Bublitz

Current Zoning: C-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with the location of a drive through and stacking spaces within the front yard of National Avenue without the required screening of a service unit (not permitted) and 120 parking spaces and zero bicycle parking (maximum 46 spaces permitted, three bicycle parking spaces required) and deficient landscaping.

Current Land Use: Commercial

Staff Recommendations: Staff **recommends approval** of the drive through and stacking spaces within the front yard, but **recommends denial** of the deficient landscaping

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR APRIL 16, 2024 BZA DIVISION III HEARING

- The petition was continued from the March 19, 2024 BZA III hearing to the April 16, 2024 BZA Division III hearing to allow for the petitioner to revise the submitted site plan.

STAFF RECOMMENDATION

- Staff **recommends approval** of the drive through and stacking spaces within the front yard, but **recommends denial** of the deficient landscaping.

PETITION OVERVIEW

- This petition would provide for the construction of an eating establishment with the location of a drive through and stacking spaces within the front yard of National Avenue. With the petitioner having revised the initial site plan, many of the requested variances have since been addressed, meaning certain portions of the request will no longer be necessary.
- The revised elevations show proper screening of the drive through service unit, rendering this portion of the request unnecessary.



- The request formally states that a maximum of 46 parking spaces is permitted. This figure was determined by Staff by considering the use and square footage of the proposed new structure on the subject site. However, the petitioner brought to the attention of Staff that they plan on providing a new parking area for the entire parcel, which contains additional uses and buildings beyond the proposed new structure. Given this, the total maximum parking spaces permitted is 190, in which the proposal would be in compliance. Additionally, with the proposed site plan detailing a complete separation from the parking area for the adjacent parcel via landscaping strip, the two parcels would not serve as an integrated center with shared parking, meaning the parking requirements shall be determined by only considering the uses/buildings on the subject site parcel. Therefore, this portion of the request is no longer needed.
- The petitioner’s revised site plan would provide for the sufficient amount of bicycle parking spaces (3), meaning this portion of the request is no longer needed.
- Staff had raised concerns about the drive through and stacking spaces being located within the front yard along National Avenue. The petitioner has since agreed to adequately screen the drive through facility and limit its visibility from public right-of-way. Further, the order window will not be placed within the front yard, and will have ample surrounding landscaping. Staff is therefore, not opposed to that portion of the request.
- The petitioner’s proposed landscape plan is deficient in both frontage trees and interior landscaping trees. The Ordinance calls for 1 shade tree per 35 feet of frontage- with the subject site containing 825 feet of frontage, and the landscape plan showing 8 frontage trees, the plan is deficient by 15 frontage trees. Likewise, the Ordinance calls for 1 shade tree for every 180 square feet of the required interior landscaping area- with the required interior landscaped area being 3699 square feet, and the landscape plan showing 9 trees, the plan is deficient by 11 interior trees. With the site containing sufficient frontage space and interior landscaped space to accommodate these amounts of trees, Staff finds there to be no practical difficulty for not meeting the landscaping requirements set forth by the Ordinance. Therefore, Staff is opposed to the request for deficient landscaping.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Vacant commercial building	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-5	North: Commercial
South:	C-5	South: Commercial
East:	C-5	East: Commercial
West:	C-5	West: Commercial

Thoroughfare Plan		
South East Street	Primary Arterial	105 feet of right-of-way existing and 104 feet proposed
National Avenue	Local Street	30 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	1/23/24	
Site Plan (Amended)	3/27/24	
Elevations	1/23/24	
Elevations (Amended)	N/A	
Landscape Plan	4/8/24	
Findings of Fact	1/23/24	
Findings of Fact (Amended)		

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 recommends the Village Mixed-Use living typology for this site.

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

N/A

ZONING HISTORY – VICINITY

2023DV3027; 3719 S East Street (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 40-foot-tall building addition (maximum 25-foot-tall buildings permitted along transitional yard), **approved**.

2023DV3002; 3620 S East Street (west of site), (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of trash enclosures within the front yard of National Avenue, enclosed on three sides only (not permitted, four-sided enclosures required), **approved**.

2020CVR818; 3620 S East Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of an existing pole sign with a 36-foot tall, 260-square foot pole sign with a two-foot front setback from East Street (maximum 20-foot tall pole sign and five-foot front setback required), **approved**.

2015ZON091; 3604 Madison Avenue (north of site), rezoning of three acres from the D-A district to the C-7 classification to provide for truck and trailer repair, **approved**.

2013ZON053; 3800 S East Street (west of site), rezoning of 4.82 acres from the D-4 district and the C-5 districts to the C-5 classification to provide for automobile-related uses, **approved**.

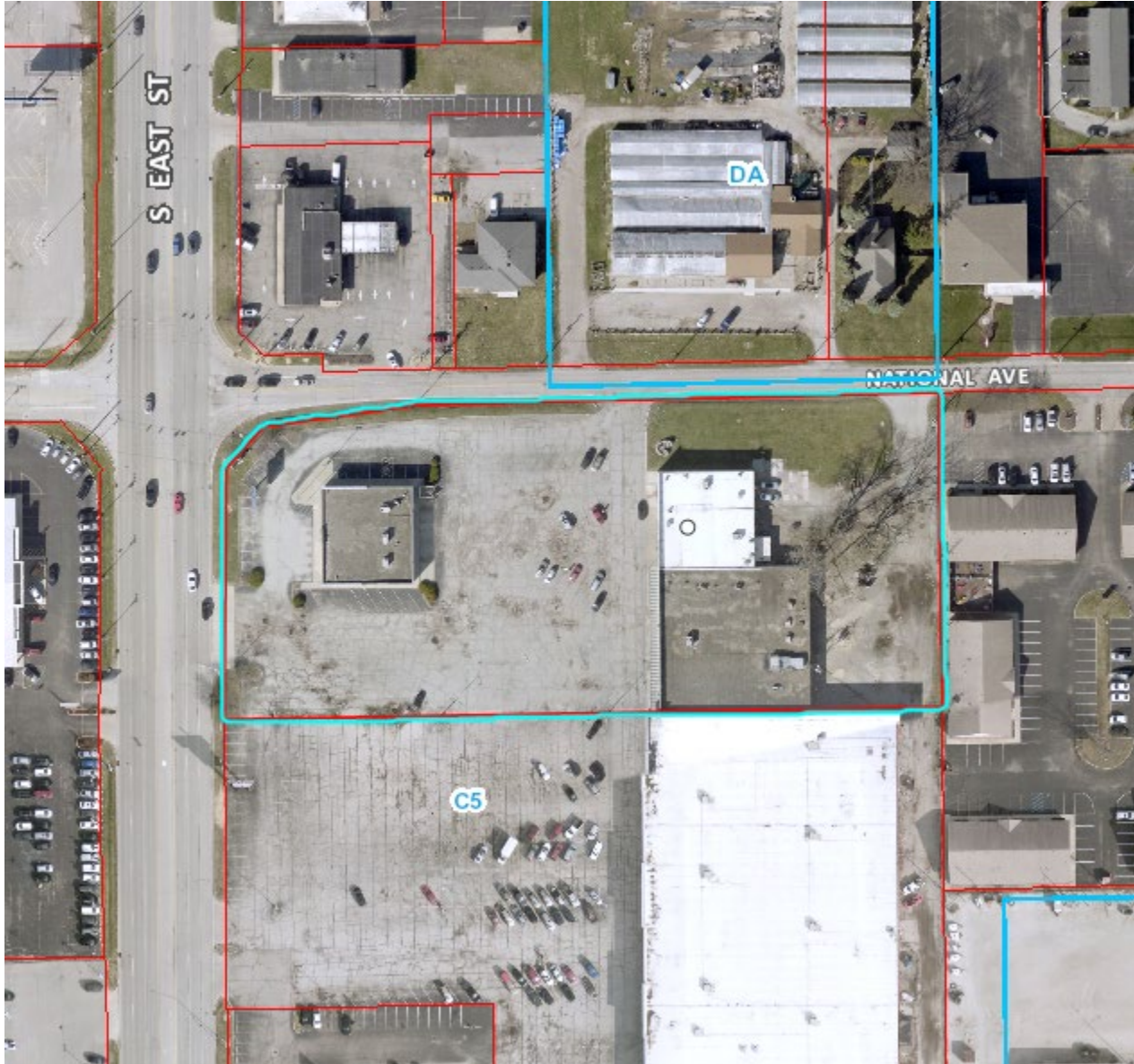
2011DV1056A/B; 3931 S East Street (south of site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, 360-square foot freestanding sign with a five-foot front setback (15-foot front setback required). Variance of development standards of the Sign Regulations to provide for a freestanding sign with an 80-square foot electronic variable message sign, within 300 feet of a D-4-zoned protected district (600-foot separation required), **approved**.

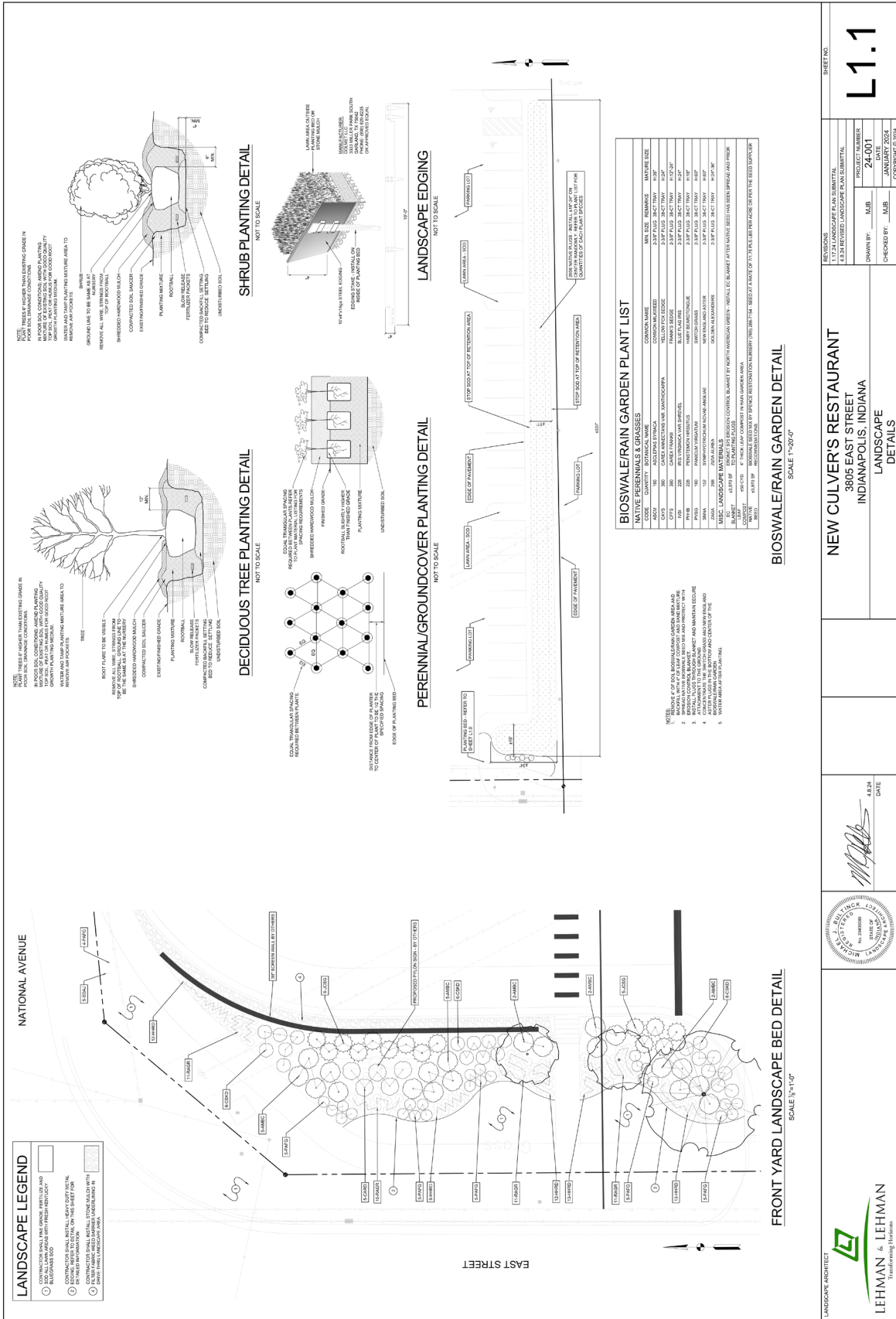
2003UV1007; 505 National Avenue (east of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a 100 foot tall freestanding wireless communication tower (not permitted as an accessory use, maximum 65 feet permitted), **approved**.

95-Z-189; 3715 S East Street (north of site), rezoning of 2.008 acres from the C-3 district to the C-4 classification to provide for sale of automobile parts and accessories, **approved**.

93-Z-97; 506 East National Avenue (east of site), rezoning of 0.13 acres from C-5 to SU-5 to provide for a radio broadcasting antenna and accessory building, **approved**.

EXHIBITS





LANDSCAPE LEGEND

	CONTRACTOR SHALL USE GRADE 1 FIBERGLASS AND BIOGRADABLE SOIL
	CONTRACTOR SHALL INSTALL LEGAL COPY FINAL SIGNATURE AND SEAL ON THIS SHEET FOR RECORD
	CONTRACTOR SHALL INSTALL STONE MULCH WITHIN SPECIFIED AREAS
	REMOVE EXISTING LANDSCAPE MATERIALS FROM THESE LANDSCAPE AREAS

SHRUB PLANTING DETAIL
NOT TO SCALE

DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

PERENNIAL/GROUNDCOVER PLANTING DETAIL
NOT TO SCALE

LANDSCAPE EDGING
NOT TO SCALE

FRONT YARD LANDSCAPE BED DETAIL
SCALE 1/8"=1'-0"

BIOSWALE/RAIN GARDEN DETAIL
SCALE 1/8"=1'-0"

BIOSWALE/RAIN GARDEN PLANT LIST

PLANT SPECIES	COMMON NAME	MAX. SIZE	REMARKS	MATURE SIZE
1	ASCLEPIAS SYRIACA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
2	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
3	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
4	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
5	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
6	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
7	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
8	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
9	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*
10	IRIS PENNSYLVANICA	2'-0" PLANT 36-42" TALL	PL-2P*	11'-0"*

MISC. LANDSCAPE MATERIALS

1	4" THICK SLAB CONCRETE	4" THICK SLAB CONCRETE
2	4" THICK SLAB CONCRETE	4" THICK SLAB CONCRETE
3	4" THICK SLAB CONCRETE	4" THICK SLAB CONCRETE
4	4" THICK SLAB CONCRETE	4" THICK SLAB CONCRETE
5	4" THICK SLAB CONCRETE	4" THICK SLAB CONCRETE

L1.1

REVISIONS:
4.12.24 REVISED LANDSCAPE PLAN SUBMITTAL
PROJECT NUMBER: 24-001
DRAWN BY: MJB
DATE: JANUARY 2024
CHECKED BY: MJB
DATE: 02/15/2024

NEW CULVER'S RESTAURANT
3805 EAST STREET
INDIANAPOLIS, INDIANA
LANDSCAPE
DETAILS

[Signature]
DATE: 4/24/24
DATE

LANDSCAPE ARCHITECT

LEHMAN & LEHMAN
Transforming Horizons

	<p>NEW CULVER'S RESTAURANT 3805 East Street Indianapolis, IN 46227 County of MARION</p>		<p>OWNER: S. K. PROPERTIES EAST LLC 285 KIRKING COURT PORTAGE, WI 53001 815-644-7790 Phone 815-644-7790 Fax © DM. All rights reserved. Any copying, translation or reproduction without the written approval of GILMANN ASSOCIATES ARCHITECTS, P.C.</p>	
<p>FAÇADE TRANSPARENCY AREAS</p>		<p>Date: 3-7-2024 Revision: 2023-182</p>		

TRANSPARENCY ZONE CALCULATIONS

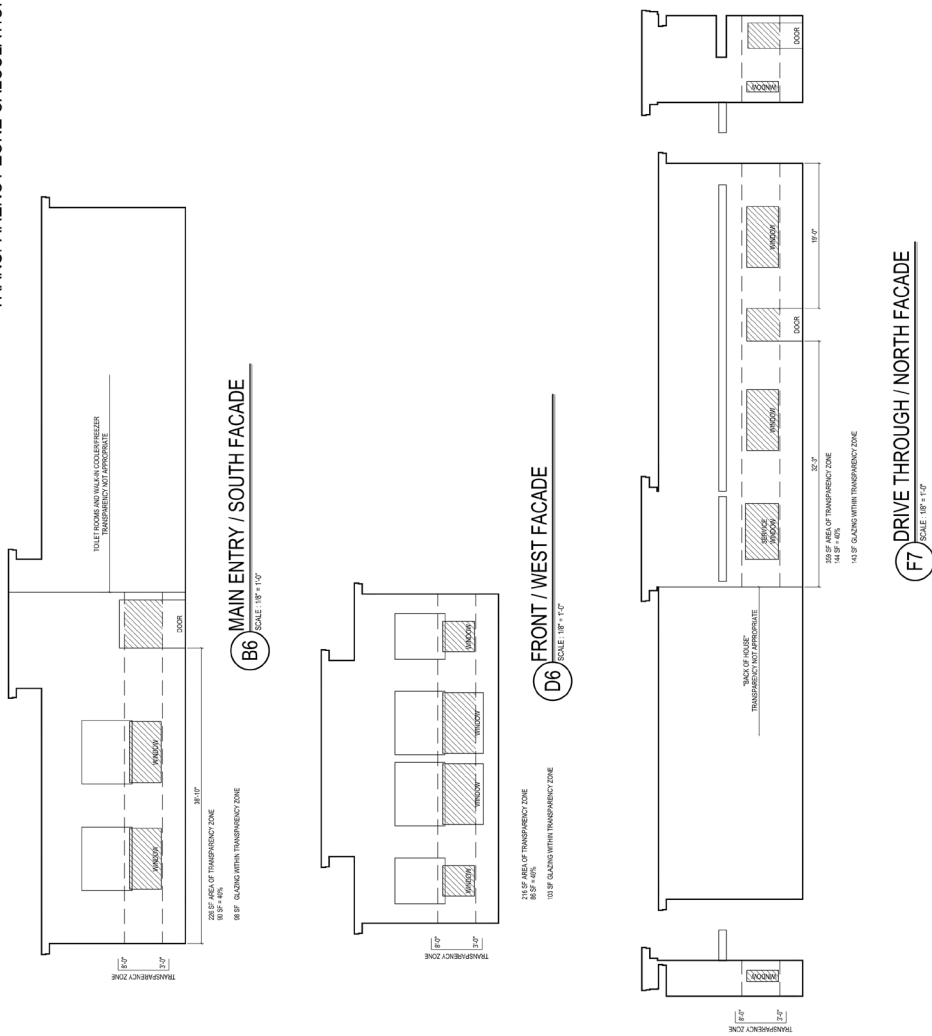
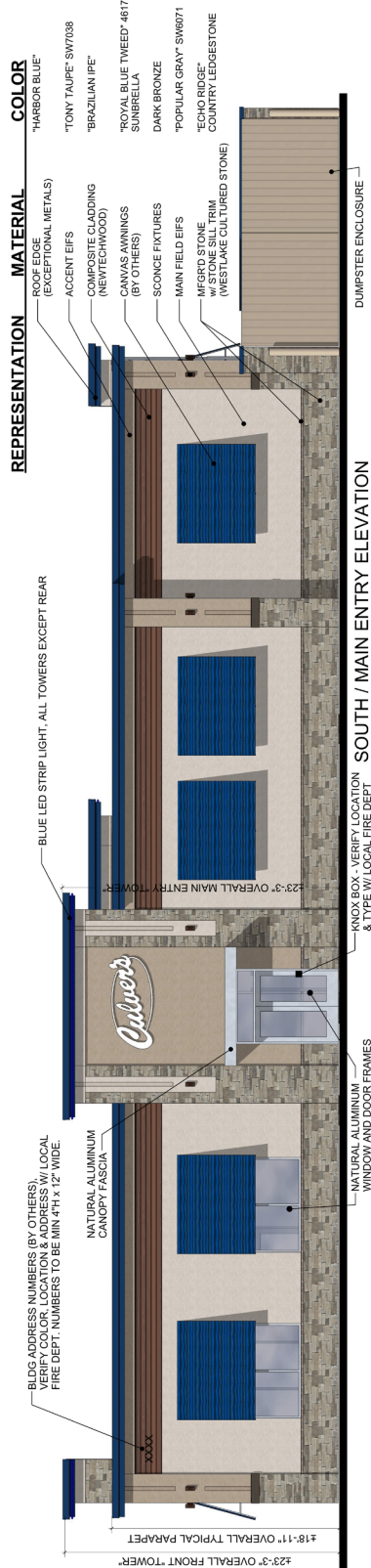


EXHIBIT B

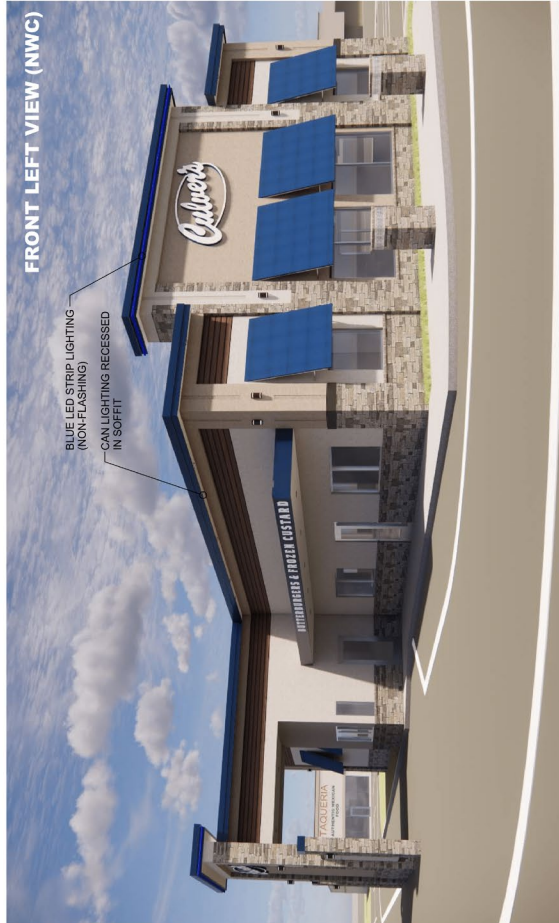
©2024	NEW CULVER'S RESTAURANT 3805 East Street Indianapolis, IN 46227 County of MARION	 Culver's Franchising System, Inc. 1200 West Street, IN 46378 Phone: 812-836-1300 808-643-7980	O'LMANN ERNEST MARTIN ARCHITECTS 200 South State Street Balaclava, Illinois 61008 815-544-7790 Phone	2D ELEVATIONS DATE: 01-10-2024 REVISION: NOTE: THESE IMAGES HAVE PHOTO REALISTIC QUALITIES. THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE.	2023.102 A1
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 @2024	NEW CULVER'S RESTAURANT 3805 East Street Indianapolis, IN 46227 County of MARION	 Culver's Franchising System, Inc. 1260 Weber Street Phoenix, AZ 85016 Phone: 602-452-7990	OLLMANN ERNEST MARTIN ARCHITECTS 200 South State Street Bellevue, Illinois 61008 815-544-7790 Phone	2D ELEVATIONS NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE. <small>Revision</small> Date: 01-16-2024 2024.1592	 A2
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 ©2024	NEW CULVERS RESTAURANT 3806 East Street Indianapolis, IN 46227 County of MARION	 Culver Franchising System, Inc. 1260 Water Street Potosi, MO 64672 Phone: 644-7980	OLLMANN ERNEST MARTIN ARCHITECTS 200 South State Street Belvidere, Illinois 61008 815-544-7790 Phone		3D IMAGES NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE. Date: 01-10-2024 Project:	2024.010 A3
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 @2024	NEW CULVERS RESTAURANT 3805 East Street Indianapolis, IN 46227 County of MARION	 Culver Franchising System, Inc. 1240 Walker Street Phoenix, AZ, USA 85078 602-643-7190	OLLMANN ERNEST MARTIN ARCHITECTS 200 South State Street Belvidere, Illinois 61008 815-544-7790 Phone	STRIP CENTER RE-IMAGE Revision DATE: 01-10-2024 DRAWN BY:	A5 2024.100
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 2024.169	STRIP CENTER RE-IMAGE NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE. Revision:	2024.169 DATE: 01-10-2024	OLLMANN ERNEST MARTIN ARCHITECTS 200 South State Street Belvidere, Illinois 61008 815-544-7790 Phone	 Culver's Franchising System, Inc. 1400 Wacker Street Prairie Du Rocher, WI 53578 608-643-7800	NEW CULVER'S RESTAURANT 3805 East Street Indianapolis, IN 46227 County of Marion	©2024
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SIDE VIEW - EXISTING FACADES



SIDE VIEW - UPDATED FACADES

- NEW EDGE METAL
- NEW ERS OVER EXISTING CMU WALL



January 18, 2024

City of Indianapolis
200 East Washington St, Suite 1842
Indianapolis, IN 46204

Re: Culver's of Indianapolis, IN – East Street

To whom it may concern:

Enclosed please find the Development Standards Variance application and supporting documents for the proposed Culver's restaurant located at 8305 East Street, Indianapolis, IN. The following information is the proposed plan of operation.

Culver's is a quick serve franchise serving fresh, made to order dinners, sandwiches, salads, and a premium ice cream known as frozen custard. The proposed size of the restaurant is 4,611 square feet, with an indoor seating capacity of approximately 102 guests. The outdoor patio area would seat another 16 guests. The restaurant will also have a drive-thru with two ordering positions and one order pickup window. The total number of parking spaces is 54.

The current zoning for the site is C5. The restaurant will have a drive-thru window facing National Avenue and an outdoor dining patio on the west side. The store hours are planned from 10:00 am to midnight daily.

There are typically twelve (12) persons working onsite in the restaurant at any given shift. Because we have employees of all ages, they will arrive to work by different means; some to drive, some to use the local mass transit system and others to ride share. Employees who drive to work will be provided parking East side of the parking lot.

S & L Properties uses top-of-the-line video and heat detection surveillance for security measures at all franchise locations.

Typical customers are people of all ages who are looking for great food and friendly service. Customers can choose to dine in, carry out, use the drive-thru, or order delivery.

Food product deliveries will occur three times per week during non-business hours. Deliveries will be made by a WB-50 tractor-trailer. Materials used for operation include food products that are made to order such as burgers, chicken, and fish, and also packaging such as cups, bags, and napkins.

The type of waste generated is typical quick serve restaurant food-related waste. Waste disposal will be provided by a local garbage collection company and there will be a recycling program in place.

Please contact me at any time if you need additional information. I look forward to working with the City of Indianapolis on this project.

Best Regards,

Chris McGuire
President, McCON Building Corporation









**Department of Metropolitan Development
Division of Planning
Current Planning**