

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-050
Address: 5240 and 5310 East Southport Road (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Chick-fil-a, by Todd Richards
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory parking lot on a parcel that doesn't contain the primary building (not permitted), resulting in a total of 108 parking spaces provided (maximum of 48 parking spaces permitted).

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-S	Metro	Restaurant
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SURROUNDING ZONING AND LAND USE

North	C-S	Residential (multi-family)
South	C-S	Restaurant
East	C-S	Light retail (furniture store)
West	C-S	Light retail mix

LAND USE PLAN

The Comprehensive Plan recommends community commercial development.

- ◇ The 1.1-acre site of the proposed parking lot is undeveloped.
- ◇ The site is bounded by multi-family dwellings to the north and light commercial to the east, south, and west.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would allow for the construction of an accessory parking lot on a parcel that doesn't contain the primary building, resulting in a total of 108 parking spaces where a maximum of 48 is permitted.

(Continued)

STAFF REPORT 2023-DV1-050 (Continued)

DEVELOPMENT STANDARDS FINDINGS OF FACT

- ◇ Criterion 3 states “THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE.”
The petitioner’s response is “The proposed modifications to the existing 5240 E. Southport Road site will reduce the number of parking stalls down to 37 and there is no additional space available to expand the parking lot to create additional parking stalls on site. Chick-fil-A has identified that the demand of the current business operation demonstrates a need for more parking stalls in order to function properly, promote the safety for both the team members and customer and allow for the business to continue to grow. The proposed parking lot at 5310 E. Southport Road will provide a substantial benefit to the existing restaurant operation. During peak shift, there are approximately 35 employees which would utilize the majority of the available parking stalls on site.”
 - The existing restaurant site at 5240 E Southport Rd was built in 2003 with 54 parking stalls and has been altered more than once since. The expansion of the drive-thru in recent years has eliminated 17 parking spaces resulting in the current need for more parking. Staff finds the current difficulty to be self-imposed.

GENERAL INFORMATION

THOROUGHFARE PLAN	Southport Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 145-foot existing right-of-way and a 102-foot proposed right-of-way.
SITE PLAN	File-dated August 7, 2023.
FINDINGS OF FACT	File-dated August 7, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES:

2023-ADM-069; 5240 East Southport Road, approval of a modified site plan expanding the drive-thru and adding a canopy at the drive-thru order points.

2001-ZON-070; 5210, 5260, and 5360 East Southport Road, rezoning of 45 acres from the D-A district to the C-S district, **approved**.

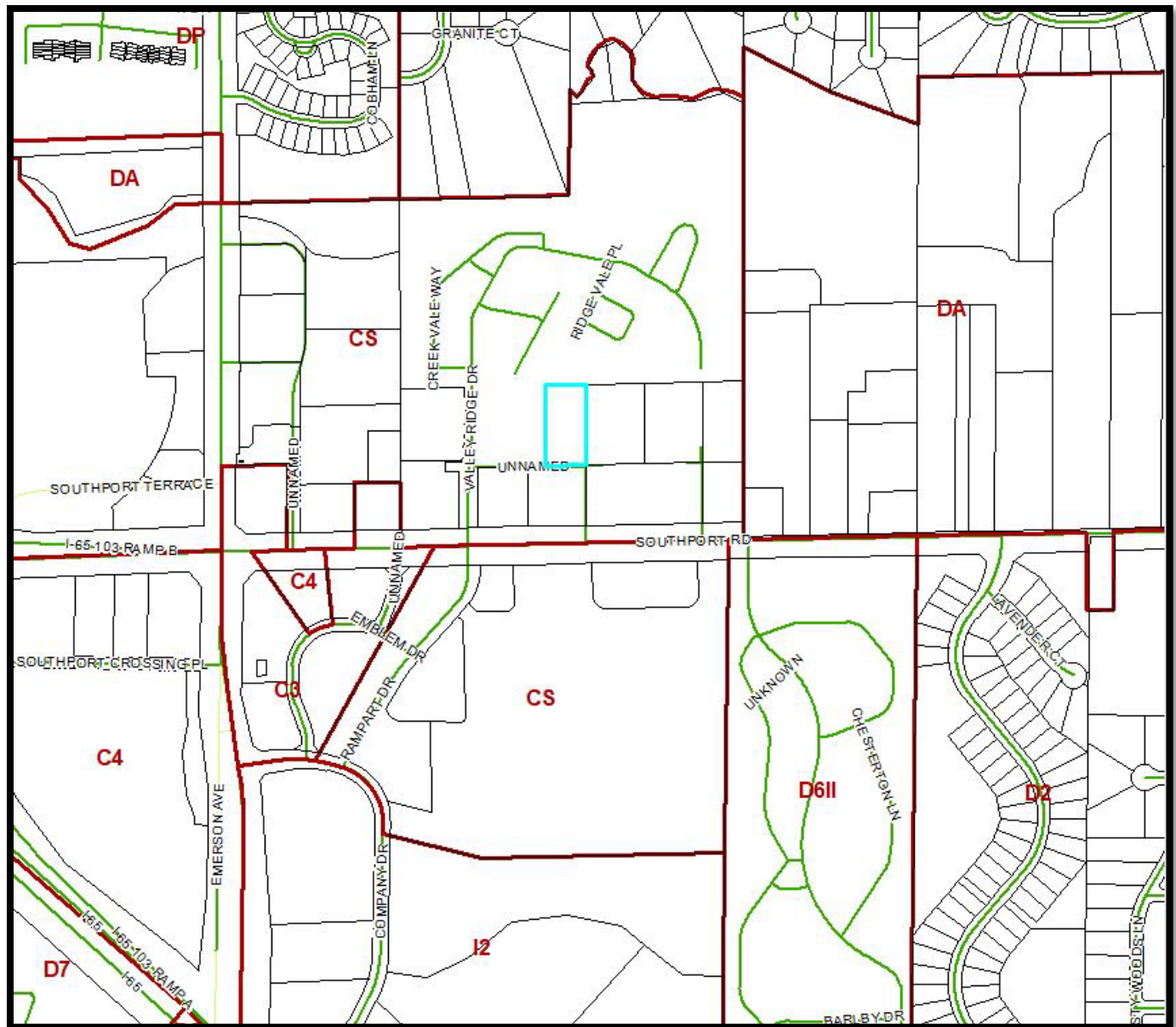
ZONING HISTORY – VICINITY: None.

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STAFF REPORT 2023-DV1-050 (Continued)

2023-DV1-050; Location Map



Location map

(Continued)

2023-DV1-050; Aerial Maps



Aerial of location of proposed parking lot (primary site in green)



Aerial view of primary site with 37 parking stalls (ca. 2022)

(Continued)

2023-DV1-050; Aerial Maps (continued)



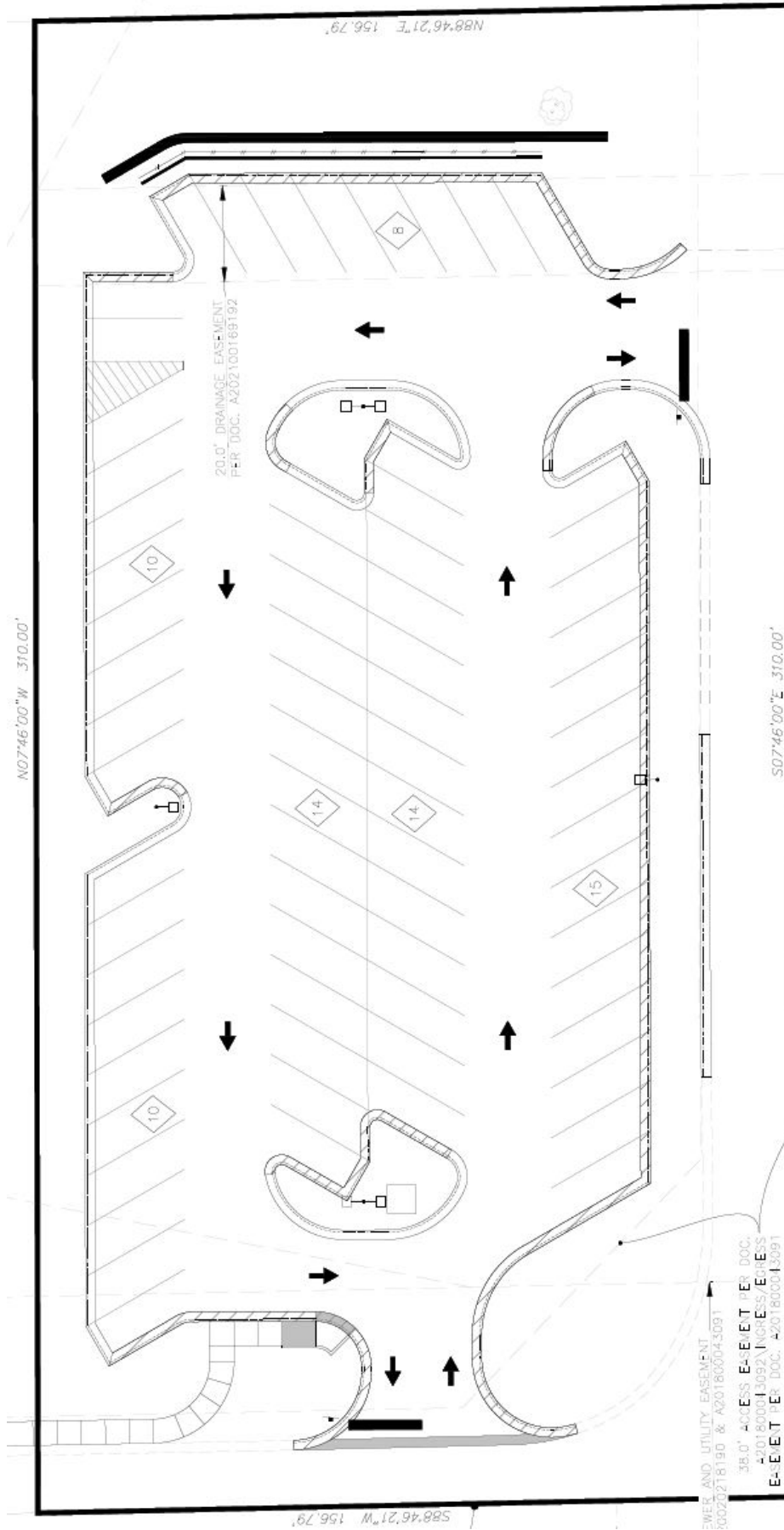
Aerial view of primary site with 36 parking stalls (ca. 2017)



Aerial view of primary site with 54 parking stalls (ca. 2010)

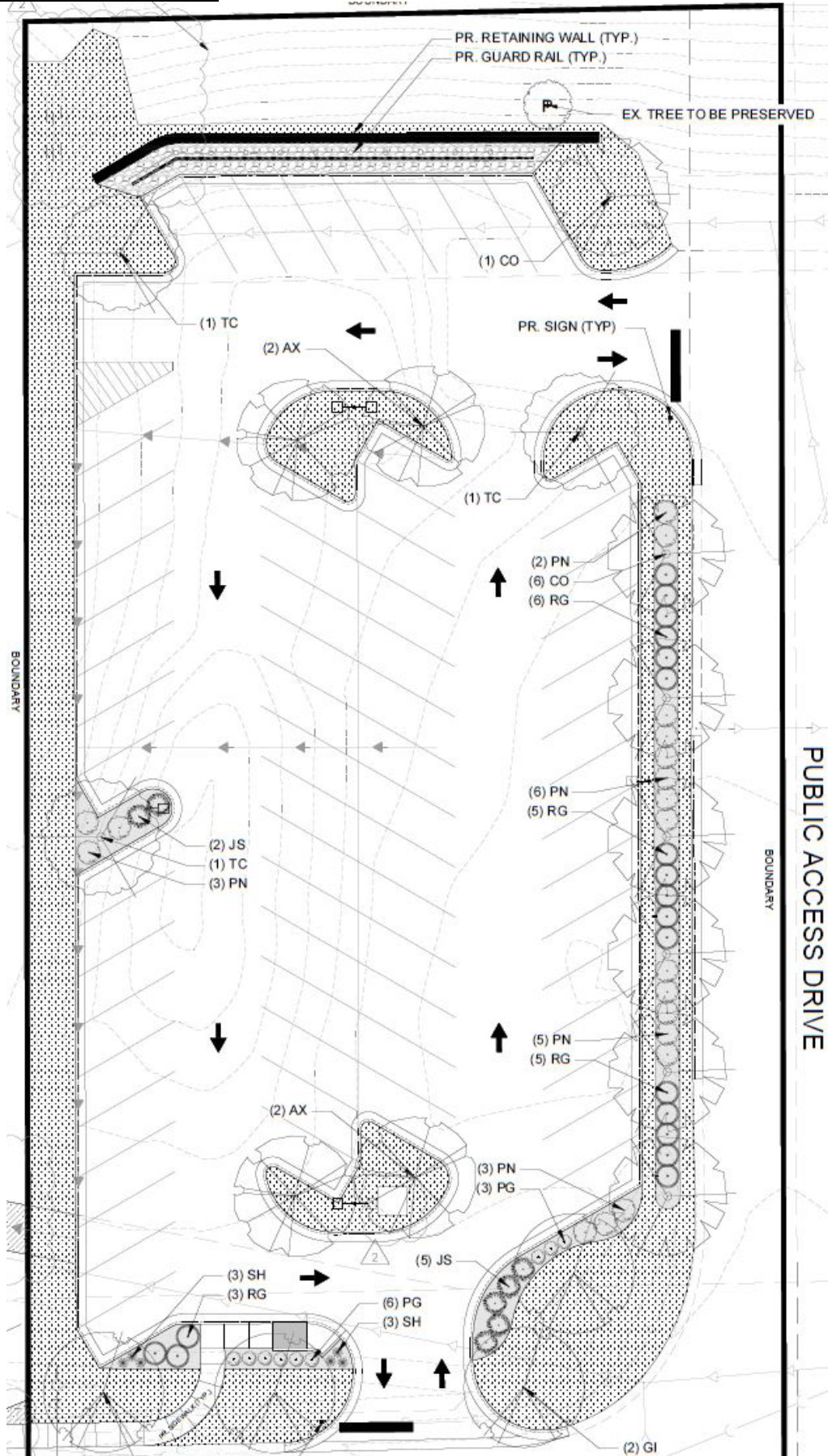
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2023-DV1-050; Site Plan



(Continued)

2023-DV1-050; Landscape Plan



(Continued)

2023-DV1-050; Findings of Fact

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:

Chick-fil-A believes that the proposed increase in parking stalls above the maximum listed in the City Code will provide safe parking facilities for the store employees and customers and will not be injurious to the general welfare of the community. The proposed parking lot at 5310 E. Southport Road will conform to the City regulations as it relates to stormwater and parking lot design.

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 proposed parking lot at 5310 E. Southport Road is consistent with the commercial land uses within the subdivision and will provide needed parking spaces for employees and customers at the existing restaurant at 5240 E. Southport Road. Chick-fil-A believes that the proposed parking lot will not adversely affect the area adjacent to the property as the project will conform to the City regulations with the exception of the requested parking space variance.

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

The proposed modifications to the existing 5240 E. Southport Road site will reduce the number of parking stalls down to 37 and there is no additional space available to expand the parking lot to create additional parking stalls on site. Chick-fil-A has identified that the demand of the current business operation demonstrates a need for more parking stalls in order to function properly, promote the safety for both the team members and customers and allow for the business to continue to grow.

The proposed parking lot at 5310 E. Southport Road will provide a substantial benefit to the existing restaurant operation. During the peak shift, there are approximately 35 employees which would utilize the majority of the available parking stalls on site.

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2023-DV1-050; Photographs



View of primary site from Southport Road



Area of proposed parking lot

(Continued)

2023-DV1-050; Photographs (Continued)



East side of restaurant with drive-thru and canopy



North of primary site, McFarland Ave

(Continued)

2023-DV1-050; Photographs (Continued)



View west along McFarland Ave



East neighbor excess parking area with 'No Parking' sign