

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-008 (Amended)
Address: 5030 Southport Crossing Place (approximate address)
Location: Perry Township, Council District #24
Zoning: C-4
Petitioner: McDonald's Corp., by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant remodel resulting in drive through service units and stacking spaces within the front yards of Emerson Avenue and Southport Road (not permitted), and without the required screening along the entirety of the drive through within the front yard of Southport Road or walkways connecting public entries to the sidewalk (required).

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-4	Metro	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-S	Commercial
South	C-4	Commercial
East	C-3	Commercial
West	C-4	Commercial

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial development.
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- ◇ The subject site is developed with a fast-food restaurant and convenience store with an associated fueling station.
- ◇ It is surrounded by a variety of commercial uses in every direction.

(Continued)

STAFF REPORT 2023-DV3-008 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for a restaurant remodel resulting in drive through service units and stacking spaces within the front yards of Emerson Avenue and Southport Road without the required screening along the entirety of the front yard of Southport Road and without the required walkway connections.
- ◇ A previous variance (97-V3-12) permitted the dumpster located in the front yard of Southport Road, so the request was amended to remove the variance which was no longer needed.
- ◇ Chapter 743, Article III Section 06.1.3 notes that “no service unit shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. In all instances, service units shall be screened from all public right-of-way that exceeds 30 feet in width regardless of proximity.”
- ◇ As proposed, two drive-through stacking lanes and associated ordering service units would be in front of the front building line without any additional landscaping provided. Shrubs at least three feet in height should be planted for improved screening to shield the headlights of the vehicles in the drive-through from the east and west bound traffic on Southport Road. Otherwise, the vehicles waiting in line would cause additional road hazards.
- ◇ The requested variances would be the result of an existing site layout and the desire to make changes to the building and site. Seven parking spaces would be removed to provide the additional room needed for a secondary lane and the required bypass lane.
- ◇ However, staff would argue that the elimination of the parking spaces along Southport Road would provide the opportunity for the front entrance to be relocated along the northern building façade with one row of parking in the front yard as permitted in a commercial district. This change could allow for the ordering lanes and stacking spaces to be relocated along the western and southern building façades outside of the front yard.
- ◇ The site would have sufficient space for maneuverability between the fueling stations and the southern building façade if the parking spaces were removed. Therefore, the proposed design of the site could be changed to meet the requirements of the Ordinance without the need for variances.
- ◇ Staff is recommending denial of the request due to a lack of practical difficulty with the use of the site since it could remain as is without an issue since the layout of the site is existing and was developed under a previous version of the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN

Southport Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 175-foot existing right-of-way and a 124-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-DV3-008 (Continued)

THOROUGHFARE PLAN	Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 161-foot existing right-of-way and a 119-foot proposed right-of-way.
SITE PLAN	File-dated January 31, 2023.
LANDSCAPE PLAN	File-dated January 31, 2023.
FINDINGS OF FACT	File-dated March 2, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

97-V3-12; 5030 Southport Crossing Place (subject site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an enclosed trash dumpster in front of the established building line along Southport Road (location of trash containers behind the established building line required), **granted**.

88-Z-8; 5001 East Southport Road (subject site), Rezoning of 24.41 acres, being in the A-2 district, to C-4 classifications to provide for regional retail uses, approved.

ZONING HISTORY – VICINITY

2021-DV2-039; 7030 Emblem Drive (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of an existing 36-foot tall, 234-square foot illuminated pole sign with a 20-foot tall, 103-square foot illuminated pole sign (pole signs and internal illumination not permitted), **granted**.

2020-DV2-024; 7030 Emblem Drive (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 36-foot tall, 223-square foot pole sign, with internal illumination (pole sign not permitted, maximum height limited to 20 feet, internal illumination not permitted, maximum sign area limited to 158 square feet), **denied**.

2015-DV3-053; 7060 Emblem Drive (east of site), Variance of development standards of the Sign Regulations to provide for a 70.5-square foot electronic variable message sign (not permitted), within 65 feet of a signalized intersection (125-foot separation required), **denied**.

(Continued)

STAFF REPORT 2023-DV3-008 (Continued)

2014-DV3-006; 7140 South Emerson Avenue (south of site), Variance of development standards of the Commercial Zoning Ordinance and modification of Commitments of 2012-UV3-014 to provide for: a) the construction of a 48,748-square foot warehouse building, being 25.3% of the floor area of the primary building (maximum 25% permitted), b) with a 10-foot setback (20-foot setback required), c) with 169,841 square feet of outdoor display and sales area and 218,589 square feet devoted to outdoor operations and storage (maximum outdoor display area of 19,318 square feet permitted, outdoor storage not permitted), d) with a 14-foot wrought iron and opaque fences along the front and side yards (maximum 10-foot-tall fence permitted in side and rear yard and six-foot tall, 50% opaque fence permitted in the front yard), e) with 414 parking spaces, measuring nine by 18 feet (773 parking spaces required or four spaces per 1,000 square feet, minimum ten by eighteen for uses with shopping carts, at or 180-square feet required)), and f) to modify Commitment One of 2012-UV3-014 to permit the relocation of the display area of eight trailers (Commitment requires the location to adhere to the site plan file-dated December 5, 2012), **granted**.

2012-UV3-014; 7140 South Emerson Avenue (south of site), Variance of use of the Commercial Zoning Ordinance to provide for outdoor trailer sales (not permitted), **granted**.

2003-UV3-026; 4930 Southport Crossing Place (west of site), Variance of use to provide for a 7,427 square foot, two-story addition for motorcycle storage, **granted**.

2002-DV3-010; 4930 Southport Crossing Place (west of site), Variance of development standards to provide for an off-premise advertising sign, **denied**.

97-V2-99; 7072 Emblem Drive (east of site), Variance of development standards of the Sign Regulations to provide for the placement of an additional freestanding pylon sign, being 4 by 15 feet and 13 feet in height within an integrated center (one freestanding identification sign permitted), **granted**.

97-V3-27; 7137 Company Drive (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the required 10-foot-wide landscape strip along a portion of Company Drive (minimum 10-foot-wide landscape strip required), **granted**.

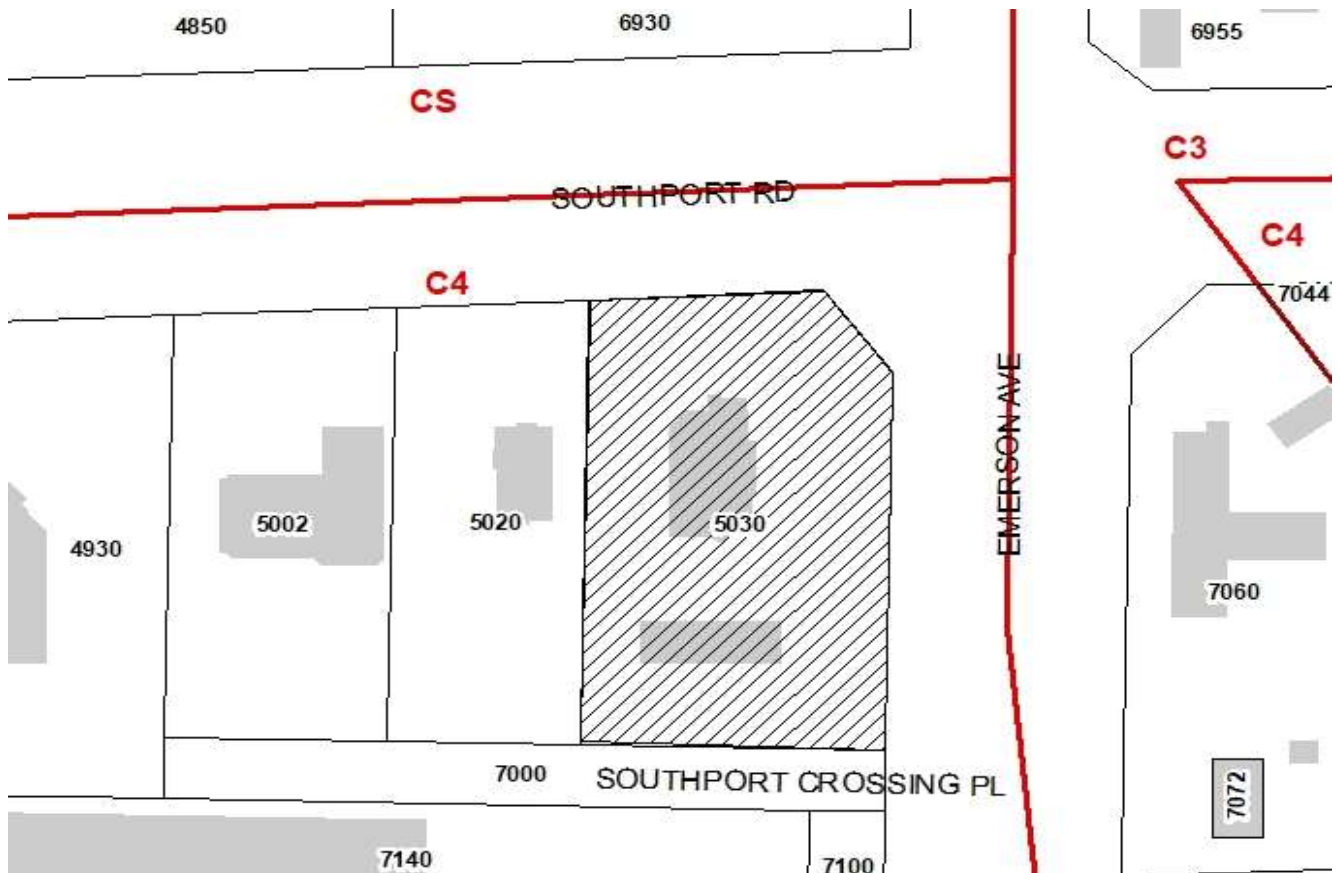
96-HOV-24; 5101 East Southport Road (east of site), Variance of development standards of the Sign Regulations to provide for the placement of a free-standing pylon sign within 50 feet of another free-standing sign, **granted**.

96-UV2-23; 7101 South Emerson Avenue (east of site), Variance of use of the Commercial Zoning Ordinance to provide for the construction for an automatic automobile carwash, **granted**.

93-V3-14; 5139 East Southport Road (east of site), Variance of development standards of the Commercial Zoning Ordinance to permit the construction of a shopping center with parking ratio of 1 parking space per 250 square feet of gross floor area (one space per 150 square feet required), **granted**.

90-V3-80; 4601 East Southport Road (south of site), Variance of development standards of the Sign Regulations of Marion County to permit a 96 square foot addition to an existing pole sign resulting in a total of 192 square feet of signage (160 square feet permitted) and allowing the placement of an off-site advertising sign, **granted**.

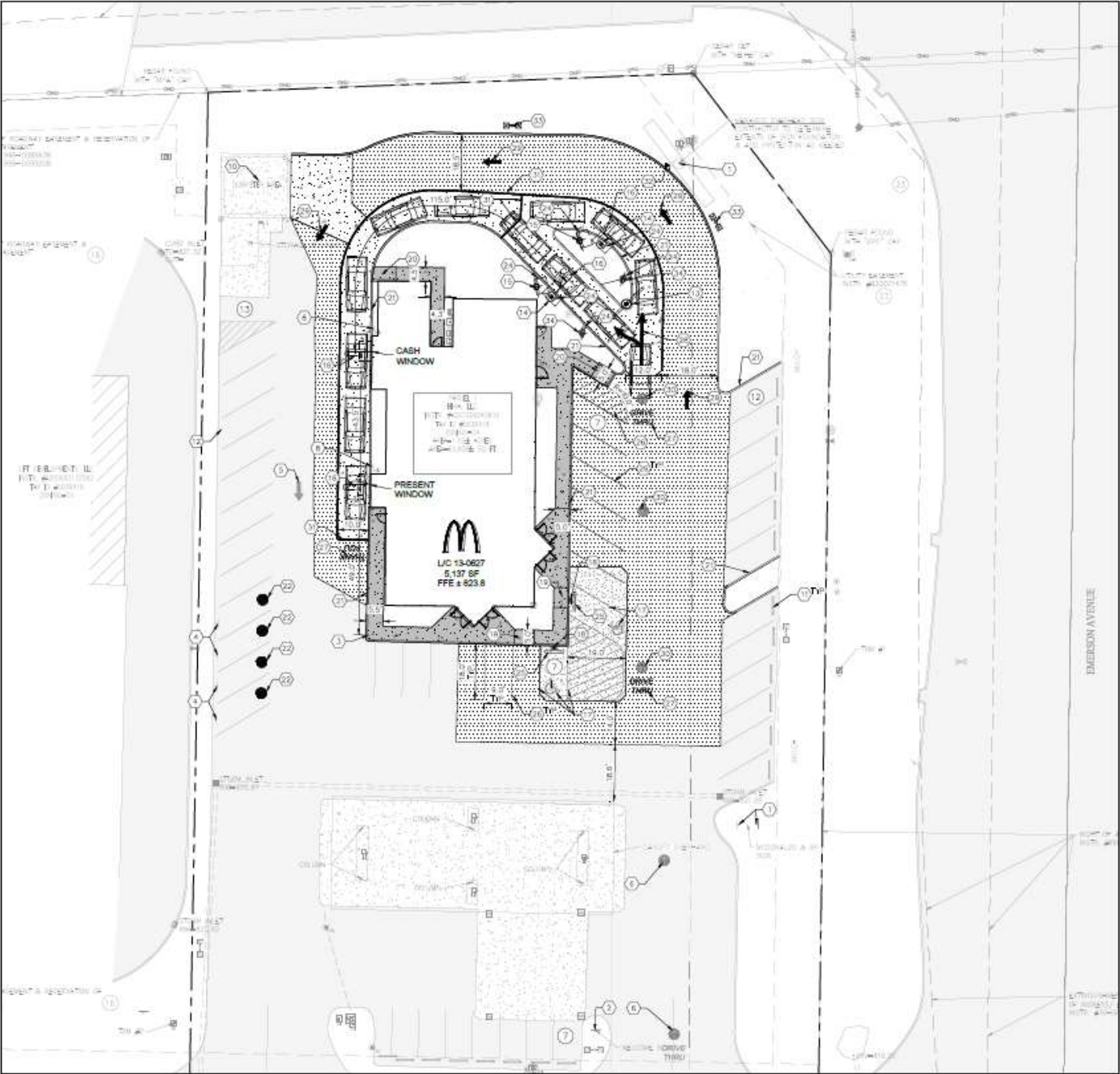
2023-DV3-008; Location Map



2023-DV3-008; Aerial Map

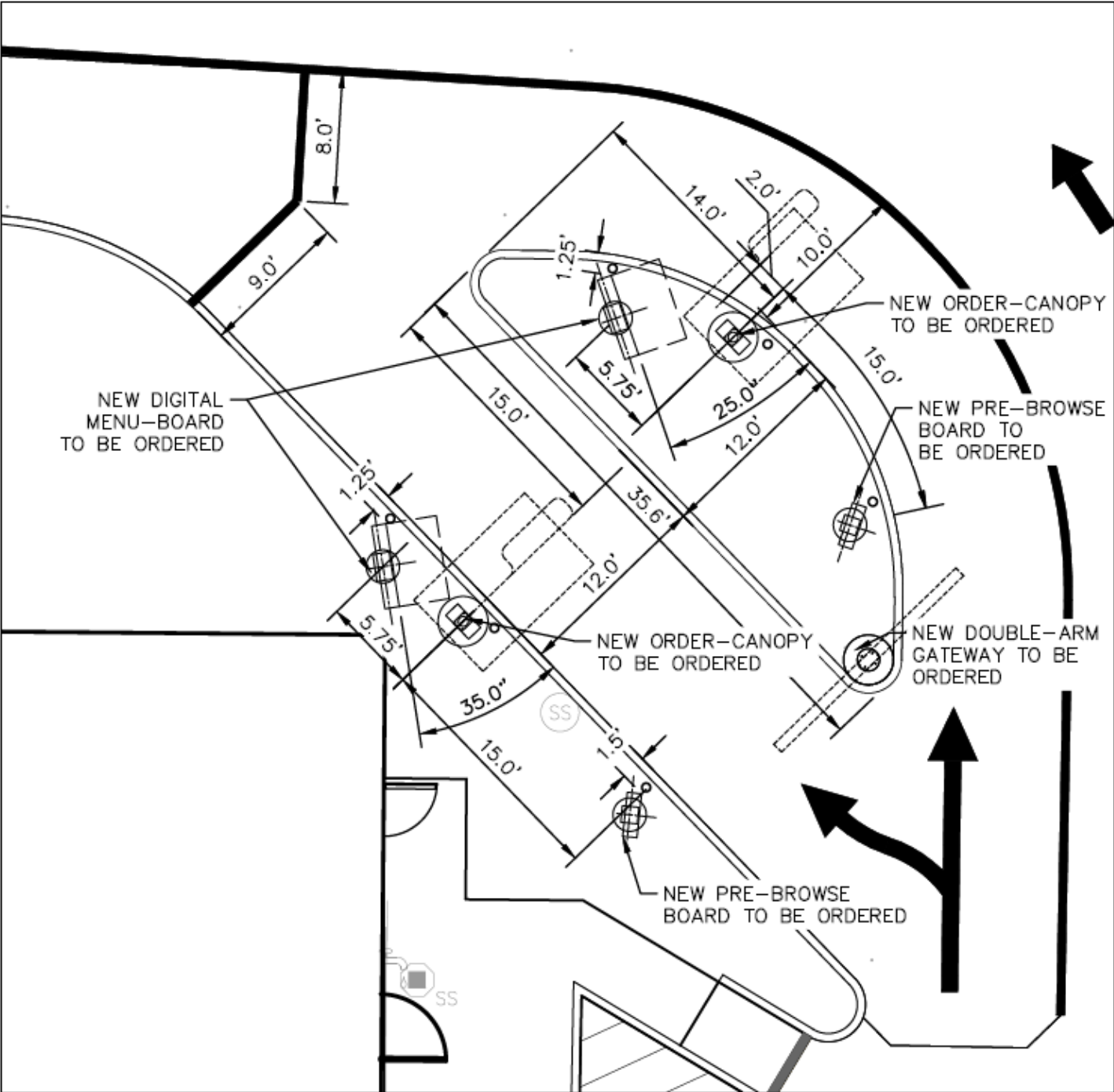


2023-DV3-008; Site Plan



PARKING SUMMARY

PARKING SPACES REQUIRED (INDIANAPOLIS STANDARD)	= 1 SPACE PER 150 SF
	= 35 SPACES
STANDARD PARKING SPACES PROVIDED	= 44 SPACES
ACCESSIBLE PARKING SPACES REQUIRED	= 2 SPACES
ACCESSIBLE PARKING SPACES PROVIDED	= 2 SPACES
TOTAL PARKING SPACES PROVIDED	= 46 SPACES
EXISTING STANDARD PARKING SPACES PROVIDED	= 49 SPACES
EXISTING ACCESSIBLE PARKING SPACES PROVIDED	= 3 SPACES
EXISTING TOTAL PARKING SPACES PROVIDED	= 52 SPACES
NET LOSS OF PARKING SPACES FROM PROPOSED WORK	= 6 SPACES

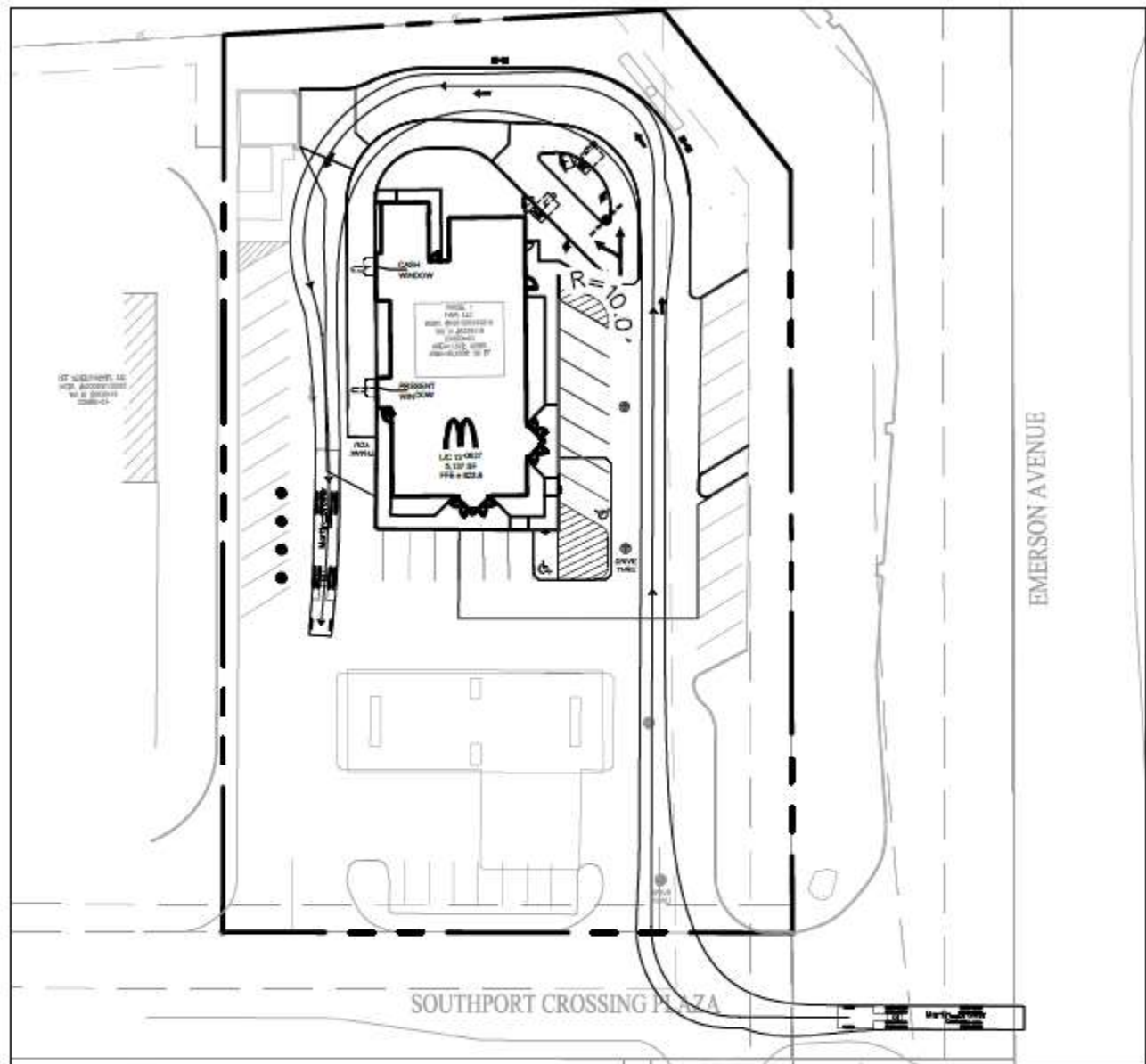


DRIVE-THRU DETAIL
SCALE: 1" = 10'



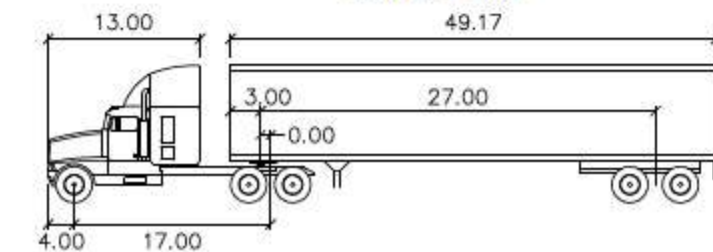
SITE DATA	
PARCEL ID:	= 5036418
ZONING CLASSIFICATION (NO CHANGE)	= C-4
TOTAL AREA OF LOT	= 1.52 AC
AREA OF DISTURBANCE	= 3,477 SF OR 0.08 AC
NET LOSS IN IMPERVIOUS AREA	= 116 SF

2023-DV3-008; Site Plan Details (Continued)



DELIVERY TRUCK DETAIL

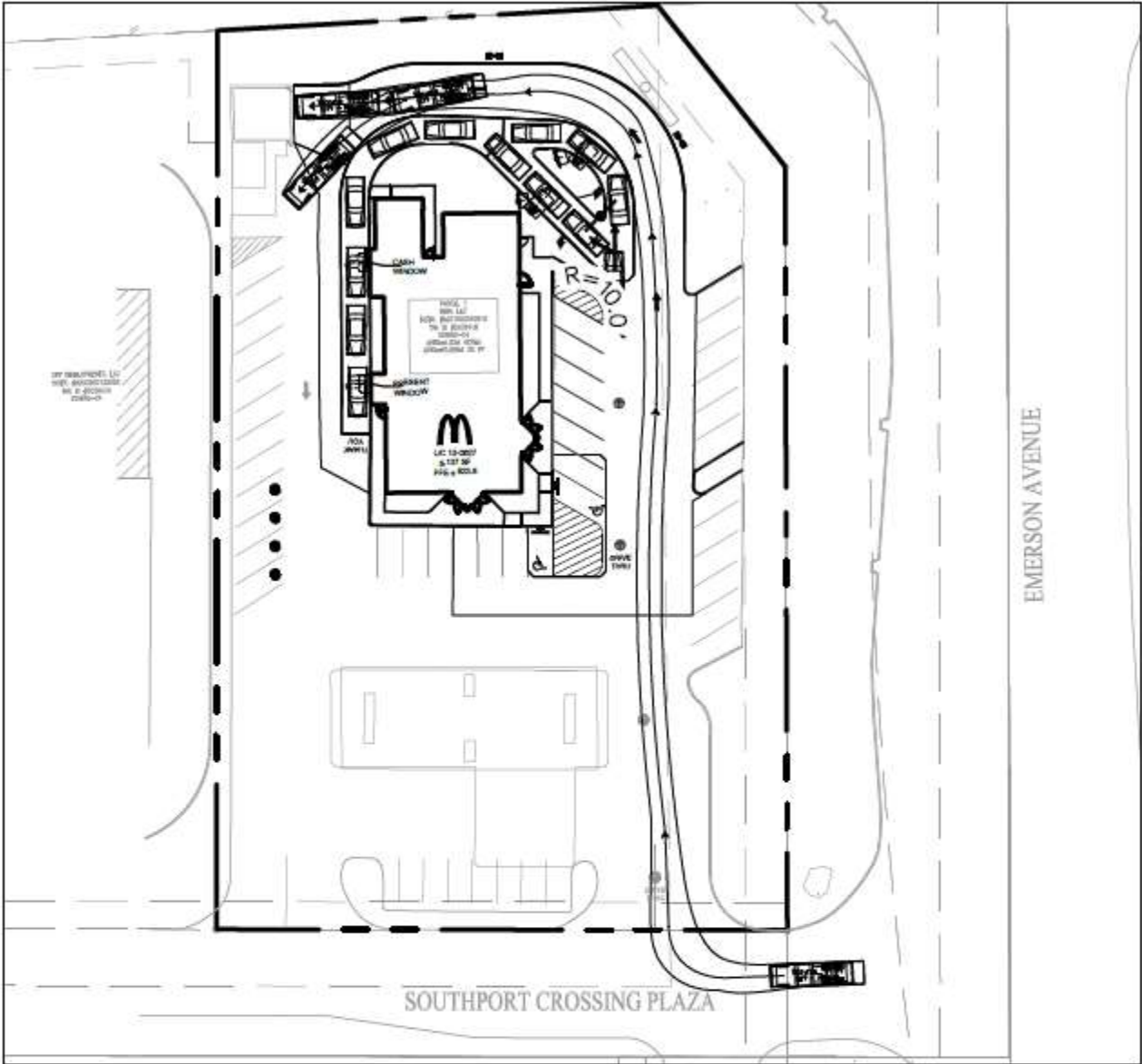
SCALE: 1" = 70'



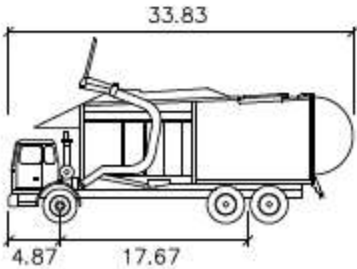
Martin-Brower

	feet
Tractor Width	: 8.00'
Trailer Width	: 8.50'
Tractor Track	: 8.00'
Trailer Track	: 8.00'
Lock to Lock Time	: 6.0
Steering Angle	: 28.4
Articulating Angle	: 70.0

2023-DV3-008; Site Plan Details (Continued)



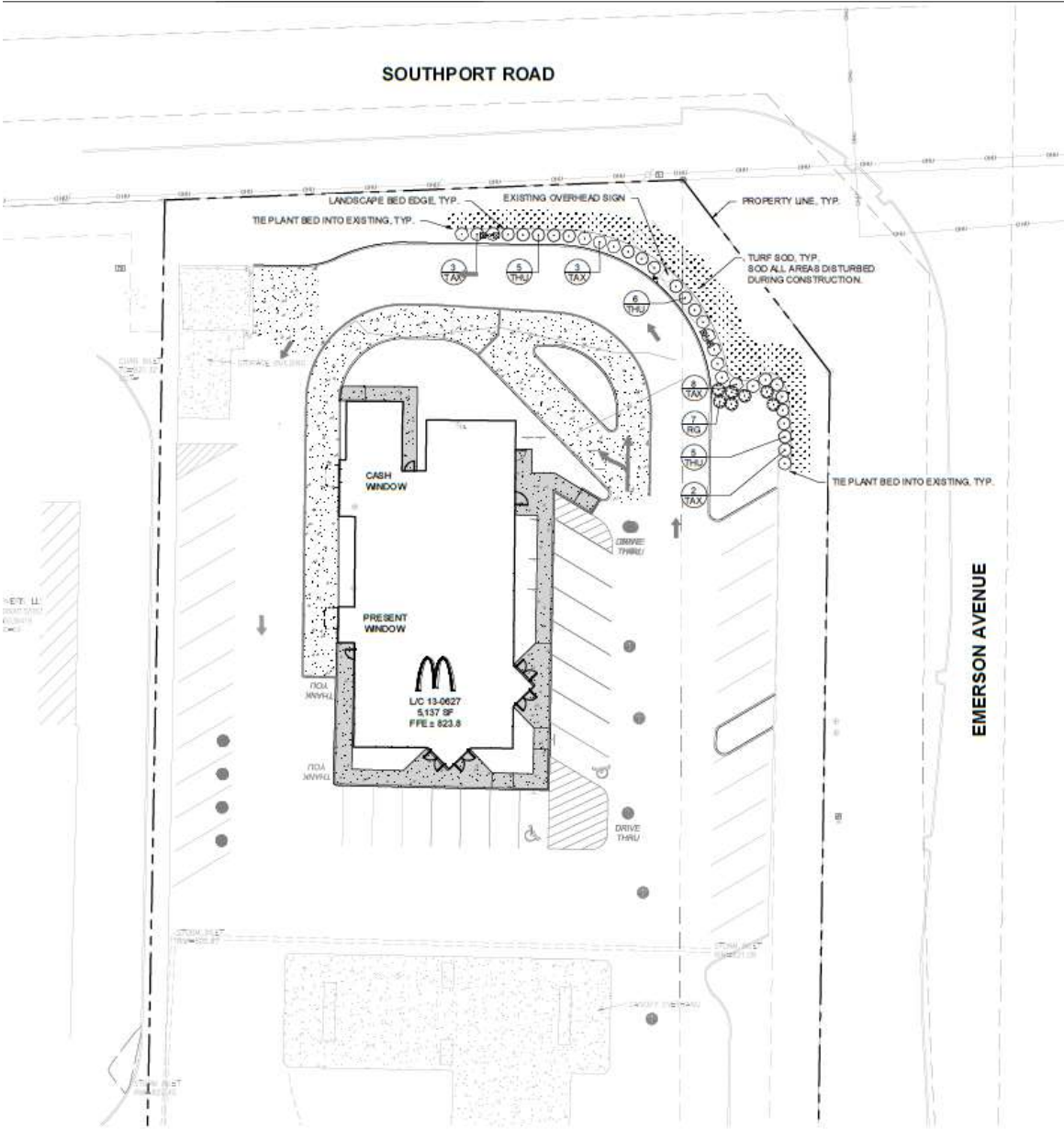
GARBAGE TRUCK DETAIL
SCALE: 1" = 70'



	feet
Width	: 8.46
Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 45.0

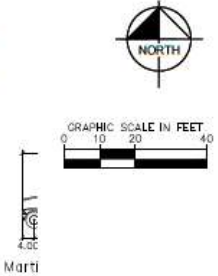
Wayne Titan

2023-DV3-008; Landscape Plan



PLANT SCHEDULE

SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE
	RG	7	RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC	2 GAL	24" HT. MIN.
	TAX	16	TAXUS X MEDIA 'TAUNTONII' / TAUNTON'S ANGLO-JAPANESE YEW	5 GAL	36" HT. MIN.
	THU	16	THUJA OCCIDENTALIS 'CONGABE' / FIRE CHIEF™ ARBORVITAE	5 GAL	36" HT. MIN.
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME		
	TD		/ TURF SOD		



2023-DV3-008; Photographs



Photo of the Subject Property: 5030 Southport Crossing Place



Photo of the Subject Property: 5030 Southport Crossing Place



Photo of the northern property boundary where a sidewalk should be installed.



Photo of the parking spaces to be removed.



Photo of the existing drive-through windows.



Photo of the fueling station to the south.



Photo of the western property boundary looking north.



Photo of the southern property boundary.