

VAR 17-06 Starbucks Gable Village
Planning & Building Department Staff Report
March 16, 2017
Board of Zoning Appeals, Public Hearing
Jodi Dickey

- A. Petition Number: VAR 17-06, Starbucks Gable Village
- B. Applicant: Paradigm Gable Village, LLC
- C. Location: The subject property lies at the southwest corner of US Highway 36 and Gable Drive.
- D. Parcel Size: The entire parcel is 1.9 acres
- E. Land Use and Zoning: The parcel is zoned C-2, lies within Tier 1 of the US Highway 36 Overlay District, and contains three multi-tenant retail buildings. Properties surrounding the site to the east, west, and north are also zoned C-2 and contain commercial uses. To the south, property is zoned R-1 and contains a single family residence.
- There are also single family residences to the south of the property that are within Hendricks County's jurisdiction (zoned LI – light industrial).
- F. Action Requested: Grant a Variance of Development Standards from the zoning ordinance standards to allow a reduction in required landscaping (Chapter 23, Section 23-15, 3). According to Chapter 23, landscaping in front yards should contain 10 shrubs or 1 large deciduous tree per each 50'. The ordinances also require a sidewalk. In this case there is not enough room to install a sidewalk and all of the required landscaping. That is the reason for this request.
- G. History
- The project previously received a special exception grant to permit construction of a restaurant with drive through service and a variance of development standards.
- Associated petitions:
SE 16-02 (to allow drive through service in 36 Overlay)
VAR 16-25 (more than one building on a lot)
VAR 17-02 driveway width
VAR 17-03 parking space size

VAR 17-04 building articulation
VAR 17-05 front setback

H. Staff Comments:

The appellant has filed this appeal to allow the construction of a new Starbucks restaurant in the Gable Village Shopping Center. The appellant proposes to redevelop part of the property, demolishing the easternmost building and constructing a new Starbucks coffee shop having drive through service.

As noted above, the BZA granted a special exception for the drive through service and a variance to allow more than one principle building on a single lot.

The developer is now asking for additional development standards variances to allow the new building to “fit” the lot given certain site constraints.

The Gable Village development was initially approved through Hendricks County and was annexed into Avon with the existing structures and infrastructure already built.

The Avon zoning ordinance (Chapter 23, Section 23-15) requires minimum front yard landscaping for projects within the US 36 Overlay. Because the site is a corner lot, it has two front yards (US 36 and Gable Drive). The site and existing development was approved through Hendricks County and only later, when annexed by Avon, was the US 36 Overlay ordinance adopted. The existing yard along Gable Drive has some lawn and a canopy tree but no sidewalk. Current town standards require pedestrian connectivity – in this case a 6 feet wide walk. Because of the narrowness of the property in this area, the sidewalk and landscaping cannot both fit.

Staff is generally supportive of this request and recommends approval.

I. Statutory Findings for Variance of Development Standard:

The Board of Zoning Appeals shall approve, conditionally approve or deny variances from the development standards (such as height, bulk, or area) of the Avon Zoning Ordinance. A variance may be approved under IC 36-7-4-918.5 only upon a determination in writing that:

Criterion 1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community

Granting a variance to reduce the required landscaping along Gable Drive for this use would not be injurious to the general welfare of the community. Staff is of the opinion that adding sidewalks to this property will enhance public safety at this intersection. Staff considers this criterion to be met.

Criterion 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

Granting this variance should not adversely affect adjacent property uses or values. The property has functioned adequately since originally developed. There have always been multiple commercial uses on this site, and the building arrangement will be as originally approved. Staff considers this criterion to be met.

Criterion 3: The strict application of the terms of the Avon Zoning Ordinance will result in practical difficulties in the use of the property

If this variance is not granted, the appellant would not be able to install both the landscaping and the sidewalks. Not constructing the Starbucks (or another similar use) at all could result in a less desirable redevelopment of this commercial corner. Staff considers this criterion to be met.

Criterion 4: The variance requested is the minimum necessary

The request is the minimum necessary for the project site. The only area affected is a short stretch along the eastern building façade. Landscaping requirements will be met on the rest of the site. Staff considers this criterion to be met.

Criterion 5: The need for the variance is not caused by the owner, previous or present

Strictly speaking, the developer is requesting the variance to optimally develop the site. However, it is worth noting that the three buildings and various businesses have been on this site since originally approved, with no landscaping or sidewalk requirements. The fact is the site was approved many years ago under different development standards. The site has functioned without incident since it was approved and staff expects that to continue. Staff considers this criterion to be met.

CONDITIONS

Per IC 36-7-4-918.5, the Board may impose reasonable conditions as part of the Board's approval.

J. Recommendation:

Because the appellant has met the findings of fact for all five criteria, Staff recommends approval of VAR 17-06, request for a variance from the front yard landscaping standards contained in Chapter 23 of the Avon zoning ordinance.

VAR 17-06 Avon Starbucks
Location Map



Sample BZA Motion

AVON BOARD OF ZONING APPEALS

Approval of a Variance of Developmental Standard

Case Number: VAR 17-06, Avon Starbucks

I move that we **approve** VAR 17-06, a variance of development standard to allow **a reduction in parking space size** as **having** satisfied all the requirements for variances under state law and subject to the staff Findings of Fact.