

Staff Report – Board of Zoning Appeals

Docket #:	BZA2023-015	Hearing Date :	April 24, 2023
Applicant:	Russell Brown on behalf of Quiktrip Corporation, 320 N. Meridian Street, Suite 100 Indianapolis, IN 46204		
Owner:	Quiktrip Corporation, 4705 South 129 TH East Ave. Tulsa, OK 74101		
Subject Property Address:	PRECEDENT SOUTH BUSINESS CENTER SEC 5 REPLAT OF BLK 7 - LOT 7A (Southwest Corner of Main Street and Graham Road). Parcel ID# 41-02-35-032-004.000-030		
Staff Contact:	Gabriel Nelson, nelsong@greenwood.in.gov, 317-887-5231		

Request:

The applicant requests to increase the impervious lot coverage area on the lot from the 70% as permitted in the Interstate Commerce zoning district as per Sec. 10-02-27. Interstate Commerce District (IC). A. Development Standards (Table) Impervious Lot Coverage (Maximum Percentage of Total Lot Area) to 76.7%.

History:

Public noticing was provided for up to 77.2% impervious lot coverage but revisions by Quiktrip made after further discussions with staff has reduced the requested required impervious area slightly to 76.7%.

In order to be compliant with current development standards the applicant shall be required to provide an additional 10 feet of right of way along Graham Road and Main Street. The impervious area calculations provided are based off the lot as it will be once the right of way is granted to the city. Staff notes that even without the right of way dedication the applicant would still require a variance for exceeding the impervious lot coverage maximum by 1.8%.

Location:

This lot is located at the south west corner of Main Street and Graham Road. This lot is legally described as BLOCK 7A IN REPLAT OF PRECEDENT SOUTH BUSINESS CENTER – SECTION FIVE, AS PER PLAT THEREOF RECORDED JANUARY 18, 2022, AS INSTRUMENT NUMBER 2022001300, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA.

Parcel ID# 41-02-35-032-004.000-030

See attached Exhibit A– Aerial Location Map

Indiana Code Reference(s):

- Section 36-7-4-918.5 (Dimensional Variances)

Surrounding Land Uses:

- Existing: Vacant Commercial Lot
- North: Vacant Industrial Lot
- South: Vacant Commercial Lot
- East: Vacant Commercial Lot
- West: Gas Station

Statutory Criteria:

- Indiana Code Section 36-7-4-918.5 Dimensional/Development Standard Variances may be approved only upon a determination in writing that:
 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 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

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

Greenwood Code References:

Unified Development Ordinance, Section 10-02-27 (A) Development Standards Table

PETITIONER'S DETAILED STATEMENTS OF REASONS

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

The variance will allow for the development of the proposed improvements with adequate maneuvering, parking, and load areas on site, while developing and/or maintaining area which are constructed, available and supporting the use of other nearby developments/and or the public pedestrian traffic nearby. A lessening of the impervious surface available only for on-site visitors would create difficult maneuvering patterns for on-site visitors. Decreasing impervious surface available for use by both on site visitors and nearby developments/ public pedestrian traffic would decrease walkability for the community and increase likeliness of diesel users waiting for fueling on the adjacent private streets. Each of these solutions would not negatively impact public health, safety, welfare, and morals.

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 because:

The requested variances will allow for the full development of the contemplated project, bringing a new reputable regional operator to the Greenwood community. Strict compliance to the impervious surface amounts would create a site with unnecessary congestion and/or difficult on site maneuverability, each of which impacts safety and overall appearance of the site. The inclusion of exterior paths on the site enhance the development pattern in the area, but count towards the overall impervious surface calculation, thus in part, leading to the need for the variance while benefiting the individuals who will no be customers of the applicant.

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

The applicant was required through the platting process to dedicate additional right-of-way, which increased impervious percentages on the remaining lot. The impervious surface calculation includes two large impervious surface areas which are not constructed or maintained solely for the benefit of the applicant or applicant's customers. The adjacent private streets which allow access to the site are included in the calculation because the applicant's property line splits these drives. Additionally, the exterior paths for the use of the general public are included in the impervious surface calculation, but because they are located on the applicant's lot they are also included. Without these two items being included in the calculation, no variance would be required. If additional impervious surface were required to be removed from the site for compliance, the site would have inadequate maneuvering area to support the approved use and design. This could lead to co-mingling of auto traffic and diesel traffic which is purposely segregated for on-site safety and maneuverability of all guests to the property which is not desirable and cannot be overcome with the variance.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

Not applicable.

Comments and Findings:

It is the opinion of staff that various revisions to the site configuration could have been made in order to bring impervious area into compliance with code standards. For example, the minimum parking standards for this lot required 15 spaces while the current proposal has 61 spaces, 46 spaces in excess of the requirement. The

removal of even a small portion of the parking would have brought the total impervious area down by 1.8% which would have brought the site into compliance with the 70% maximum for the lot as the site currently is comprised.

Quiktrip Corporation also requested a waiver from Advisory Plan Commission to reduce 10' foundation plantings to 4' foundation plantings along portions of the foundation. This was granted by Plan Commission with a condition that foundation plantings be relocated elsewhere on the property so as to bring the property closer into compliance with the 70% impervious area limit.

If it was reduced by the 1.8% to be compliant for the current lot size pre-right of way dedication, staff would have been supportive of a variance for the impervious surface lot coverage since the size of the lot is being reduced by our request for additional 10 feet of right-of-way along Main Street and Graham Road to bring our right of way up to current standards for primary arterial roadways.

Yet sense the impervious area coverage was still non-compliant before the city imposed hardship staff is unfavorable.

Summary and Proposed Conditions:

Staff provides an **unfavorable recommendation** for this petition.

A possible condition that could be recommended if the BZA (Board of Zoning Appeals) wishes to grant this variance is:

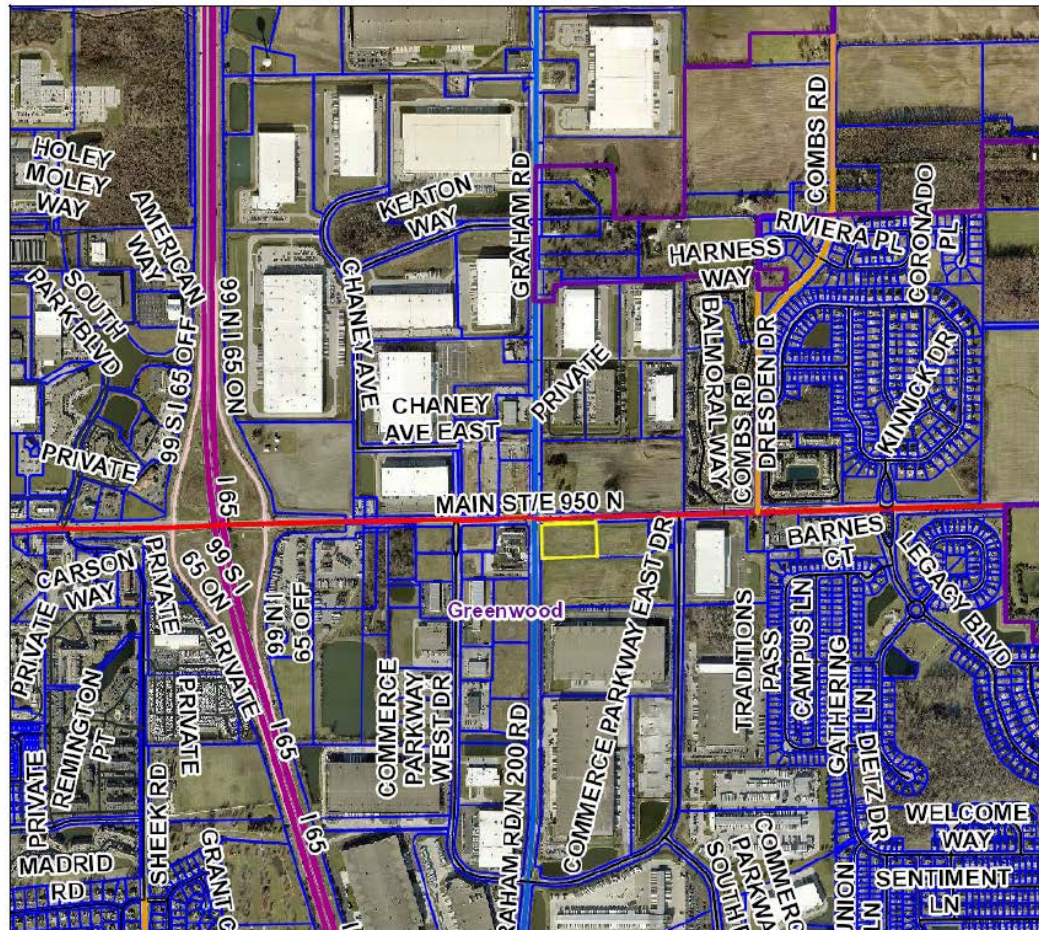
1. The impervious surface area of the site shall be reduced to 74.9% (after the dedication of Right-of-Way) and replaced with landscaped green space, such that the total impervious surface area does not exceed the original 70% impervious surface area requirement prior to the granting of Right-of-Way along Main Street and Graham Road.
2. Pervious pavers/porous pavement shall not be used to further reduce the impervious surface area from what is shown in Exhibit B.

Attachments:

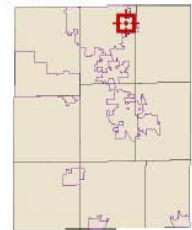
Exhibit A – Aerial Location Map

Exhibit B – Site Plan (Existing & Proposed)

EXHIBIT A – AERIAL LOCATION MAP



Overview



Legend

- Cities
- Parcels
- Roads
 - ACCESS RAMP
 - HIGHWAY
 - INTERSTATE
 - LOCAL
 - MAJOR ARTERIAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - MINOR COLLECTOR
 - PRIVATE ROAD

[illegible]