



**Petition Number:** 1803-VS-03

**Subject Site Address:** 14758 Greyhound Plaza (The “Property”)

**Petitioner:** Texas Roadhouse Holdings, LLC (The “Petitioner”)

**Representative:** GreenbergFarrow

**Request:** The Petitioner by GreenbergFarrow request Variance of Development Standard to change the required Lot Standards (Article 4.16(D), 4.16(E)), relief from the US Highway 31 Overlay District (Article 5.2), Landscaping Standards (Article 6.8), and Signage Standards (Article 6.17) within the GB: General Business District (Article 4.16).

**Current Zoning:** GB: General Business

**Current Land Use:** Commercial/Vacant

**Property History:** 98-AP-20 (Don Pablos)  
98-IP-449  
1803-DDP-09 (*Pending*)

**Approximate Acreage:** 0.91 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Landscape Plan
5. Sign Plan
6. Petitioner’s Application

**Staff Reviewer:** Matt Pleasant, Associate Planner

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## **OVERVIEW**

**Location:** The subject Property is 0.91 acres +/- in size and is located at 14758 Greyhound Plaza (see **Exhibit 2**) zoned GB: General Business. The Property is currently vacant previously known as the Don Pablo’s restaurant. The surrounding properties are zoned GB with the US Highway 31 bordering the east.

**Property History:** Don Pablo’s restaurant Development Plan was approved and built in 1998.

**Variance Request:** The Petitioner wishes to demolish the existing structure and build a restaurant closer to their brand. The Westfield-Washington Township Unified Development Ordinance (the “UDO”) standards affected by the requests include lot standards, complete relief from the US Highway 31 Overlay District, landscaping standards, and sign standards further described below.



**SUMMARY OF VARIANCES**

The Petitioner is requesting the following changes to allow the construction of the restaurant:

- 1) Lot Standards<sup>1</sup> (see **Exhibit 3**):

	<b>UDO Standard</b>	<b>Variance Request</b>
<b>Front Yard Setback</b>	60'	0'
<b>Side Yard Setback</b>	20'	0'
<b>Rear Yard Setback</b>	20'	0'
<b>Lot Frontage</b>	80'	0'

- 2) Complete relief from the US Highway 31 Overlay District<sup>2</sup>:

- a. Setback Requirements,
- b. Maximum Lot Coverage,
- c. Landscaping

**Comment:** The site and the surrounding area is developed. The 31 Overlay standards would inhibit the construction of a new building at this site.

- 3) Minimum Lot Landscaping<sup>3</sup> (see **Exhibit 4**):

	<b>UDO Standard</b>	<b>Variance Requested</b>
<b>Lot Landscaping Standard</b>	9 Shade Trees + 9 Ornamental/Evergreen Trees + 23 Shrubs	5 Shade Trees + 0 Ornamental/Evergreen Trees + 93 Shrubs

- 4) Interior Parking Area Landscaping<sup>4</sup>:

	<b>UDO Standard</b>	<b>Variance Requested</b>
<b>% of Parking Area to be Islands</b>	7.5%	6%
<b>Interior Parking Area Island Design</b>	Minimum 120sqft, 7' in width	83sqft and 5' wide as proposed on Landscape Plan.

<sup>1</sup> Article 4.16 of the UDO.

<sup>2</sup> Article 5.2 of the UDO.

<sup>3</sup> Article 6.8(K) of the UDO.

<sup>4</sup> Article 6.8(O)(1)(b) of the UDO.



5) Signage<sup>5</sup> (see Exhibit 5):

	<b>UDO Standard</b>	<b>Variance Requested</b>
<b>Sign Allocation: 1sqft of sign per 1 liner foot of building fronting on a public right of way</b>	182sqft of signage	256.03sqft of signage as proposed on the Sign Plan.

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**COMPREHENSIVE PLAN**

The Westfield-Washington Township Comprehensive Plan shows the project designated in the Regional Commercial and Highway Corridor<sup>6</sup>.

The Regional Commercial designation encourages commercial development that intend to benefit the economic health of the community. These uses should be located only on arterial streets designed to carry large traffic volumes and within a planned commercial center. Uses include big-box retail, offices, and attached residential dwellings. Large masses of asphalt are discouraged by requiring parking areas to be broken up with landscaping or by being located on more than one side of the buildings<sup>7</sup>.

Some general guidelines for development in this Regional Commercial Area includes: buildings must be unique to Westfield, develop alternative transportation facilities, landscaped parking, and appropriately scaled transitional uses from retail to office to residential.

The Highway Corridor designation along US Highway 31 encourages large-scale employment-intensive office uses by offering both economic activity and aesthetic value. Alternative transportation regional facilities are encouraged<sup>8</sup>.

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**PROCEDURAL**

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 13, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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<sup>5</sup> Article 6.17(J)(8) of the UDO.

<sup>6</sup> Page 24; Chapter 2: Land Use Plan: Land Use Classifications and Development Policies; Westfield-Washington Township Comprehensive Plan.

<sup>7</sup> Pages 50-52; Chapter 2: Land Use Plan: Commercial; Westfield-Washington Township Comprehensive Plan.

<sup>8</sup> Pages 53-55; Chapter 2: Land Use Plan: Highway Corridors; Westfield-Washington Township Comprehensive Plan.



Conditions: The UDO<sup>9</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO<sup>10</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

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### **DEPARTMENT COMMENTS**

**Approval:** If the Board is inclined to approve the Variance of Development Standards (1803-VS-03), then the Department recommends the Variance of Development Standards (1803-VS-03) approval with the following written findings of fact related to the Variance of Development Standards:

### **Recommended Findings for Approval:**

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

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<sup>9</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>10</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



**Finding:** The proposed improvements will require the demolition of the existing building and minimal reconfiguration of the adjacent parking stalls. These changes will not result in any negative impact to the public health, safety, morals or general welfare of the community. The scope of work and code requirements will improve the infrastructure.

- 2) **Criteria:** *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

- 3) **Criteria:** *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

**Finding:** Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the UDO. Due to existing conditions, the variations are necessary for any future redevelopment of this site.

**Denial:** If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.