

CU24-05 2754 & 2756 N. State St., Lots 3 & 4 Gateway Park Subdivision Replat of Block A, KS Real Estate Holdings, LLC, Applicant, - requests a Conditional Use approval for a convenience store with gas station and a variance to allow a dumpster enclosure within a front yard, zoned CN Commercial North, 2.7 acres +/-

EXHIBITS:

Preliminary Site plan file dated November 13, 2024
 Statement of Intent file dated November 13, 2024
 Photos file dated December 10, 2024



Aerial Map of Proposed Project Location

Surrounding Uses

North: "CN" Commercial North, Convenience Store with Gas Station
 South: "CN" Commercial North, Starbucks
 East: "IB" Interchange Business District, Vacant
 West: "BP" Business Park, Vacant, Progress Park

Site History

The site is two empty lots located in Gateway Park subdivision which was replatted in 2023 to accommodate the development of the Starbucks to the south of this site. These lots are between North State St. and Eagleston Way south of opportunity Pwky. Gateway Park was once home to a Gas America station which ceased operation in this location around 2010. The original structures were demolished, and the property has sat vacant since.

Current Proposal

The petitioner is seeking conditional use approval to establish the use of the property as a convenience store with gas station. The intended user of the property will be Leo's Market and Eatery. The 7,200 square foot structure will include the sale of groceries, prepared foods, indoor and outdoor dining, and a drive-through window. There will be approximately 30 outdoor seats and 24 indoor seats for dining. They are proposing gasoline sales on the north side of the property that abuts Opportunity Pkwy. Leo's will be open 24 hours per day, 7 days per week, depending on customer demand and employ 30 to 35 people.

The proposed Leo's will also require Development Plan and plat approval from the Advisory Plan Commission to combine the two lots.

CONDITIONAL USE FINDINGS: For a convenience store with gas station.

Section 155.094 of the Greenfield Zoning Ordinance addresses the approval procedures for conditional uses. The Board of Zoning Appeals shall approve or approve with conditions conditional use petitions "if the Board finds that the proposal complies with any specific regulations governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:"

- (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire and catastrophe.**

Findings: There is adequate traffic flow and access for traffic and emergency response vehicles on the public right-of-way and the location of the improvements on the site allow for adequate circulation for emergency and passenger vehicles. The fuel drop location for the underground tanks is on the northeast corner of the lot and will not block access around the building or gas island for emergency vehicles if a semi is on site dropping fuel.

The city engineer has reviewed the site for traffic safety and vehicular movements and has determined the right into the site along Opportunity Pkwy. should be removed. The entrance in this location would encourage U-turns at the end of the center island in Opportunity Pkwy. and increase the chance of traffic accidents. As a part of the development plan approval the site will also be reviewed by the Traffic Safety Committee.

The preliminary site plan shows a sidewalk along N. State St.; however, a sidewalk will also be required along Opportunity Pkwy. and Eagleston Way to ensure pedestrian safety while traveling to and from the site.

- (b) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.**

Findings: The petitioner proposes to improve the site with 71 parking spaces with three of those being handicap spaces. The total number of spaces needed per the UDO is estimated by staff at 60 with an overage not to exceed 150 percent of the required spaces. The proposed 71 spaces appear meet the requirements of the UDO, however more information on the retail sales area and number of employees on the largest shift are needed to calculate an accurate number. The number of parking spaces will be reviewed again with the development plan approval process.

The preliminary site plan shows there to be three stacking spaces for the drive thru. The petitioner states that at other Leo's locations there is an average 6 cars through the drive-thru per hour. The city engineer has reviewed the stacking at the drive-thru and gas island. Based on the site plan and information provided by the petitioner the city engineer finds stacking at both the drive-thru and gas island to be adequate with the added condition that there be two marked waiting spaces after the drive-thru window on the site.

The site plan should indicate internal connection to the access drive coming from the development to the south.

The petitioner has not submitted a parking lot lighting plan. One will be required for the development plan approval process. The lot will also be required to be landscaped per the requirements of the UDO. The preliminary site plan does not show any landscaping in the front yard along N. State St. Landscaping will be required in all three front yards; this includes street trees in the right-of-way.

(c) Refuse and service areas.

Findings: The refuse area is proposed on the west side of the site. The UDO requires the refuse area to be in a side or rear yard. A variance is needed to place the dumpster in this location.

(d) Special screening and buffering with reference to type, dimensions, and character.

Findings: The site will not have any special screening; however, they will be required to have landscaping and screening of the refuse area per the UDO.

(e) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

Findings: A sign plan was not included in the application but will need to meet the requirements of the UDO for size and location as to be compatible with surrounding uses.

(f) Additional setback distances, yards, and other open space.

Findings: The structures are located well behind the minimum 15-foot setback lines. As stated above this site is unique as it has three front yards, therefore, staff finds the placement of the structures to be adequate.

(g) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.

Findings: This proposal will not negatively impact the compatibility of the property with surrounding parcels. The proposed convenience store with gas station is an appropriate use along N. State St. Historically this thoroughfare has carried people across the state and automotive related uses are appropriate. The convenience store will be a welcome addition to nearby neighborhoods and will be an asset providing a needed service to the occupants of the business park located next to this site.

All conditional use approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort, and convenience (e.g., to ensure compatibility with surroundings.)

Conditional use approval applies to the subject property and may be transferred with ownership of the subject property dependent upon the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

VARIANCE FINDINGS: To allow for a dumpster enclosure in a front yard.

Section 155.093 (B) of the Zoning Ordinance of Greenfield addresses variances from development standards. "The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Code, unless already heard by the Plan Commission during the platting process. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the variance are not completely and continuously adhered to after

the granting of the variance, the property and/or owner may be subject to enforcement actions and revocation of the terms of approval. A variance may be approved under this section 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.

Findings: The proposal **would not** be injurious to the public health, safety, morals and general welfare of the community. This site is unusual as it does not have a rear yard but instead has three front yards. Considering the unique circumstance of the site, staff finds that the proposed location for the refuse area is appropriate. The refuse area will be required to be screened with an opaque fence and landscaped on the west side to buffer it from the right-of-way.

(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.

Findings: The proposal **would not** affect the adjacent area in a substantially adverse manner. The refuse area at the newly developed Starbucks to the south of the proposed site is on the west side of the property. The placement of the dumpster enclosure on the west side of this property will be in line with the other uses within the subdivision.

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

Findings: A strict application of the Ordinance **would** result in practical difficulty. This site is unusual as it does not have a rear yard but instead has three front yards. While the refuse area could be placed in the side yard, it would then be more visible from the main thoroughfare North State St. which is an entrance to the community.

(4) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.

Findings: Extraordinary conditions **do** exist for this property. This site is unusual as it does not have a rear yard but instead has three front yards. While the refuse area could be placed in the side yard, it would then be more visible from the main thoroughfare North State St. Staff finds that placement on the west side of the property allows for a more attractive gateway into the community.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort, and convenience (e.g., to ensure compatibility with surroundings.) Variance approval applies to the subject property and may be transferred with ownership of the subject property dependent upon the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

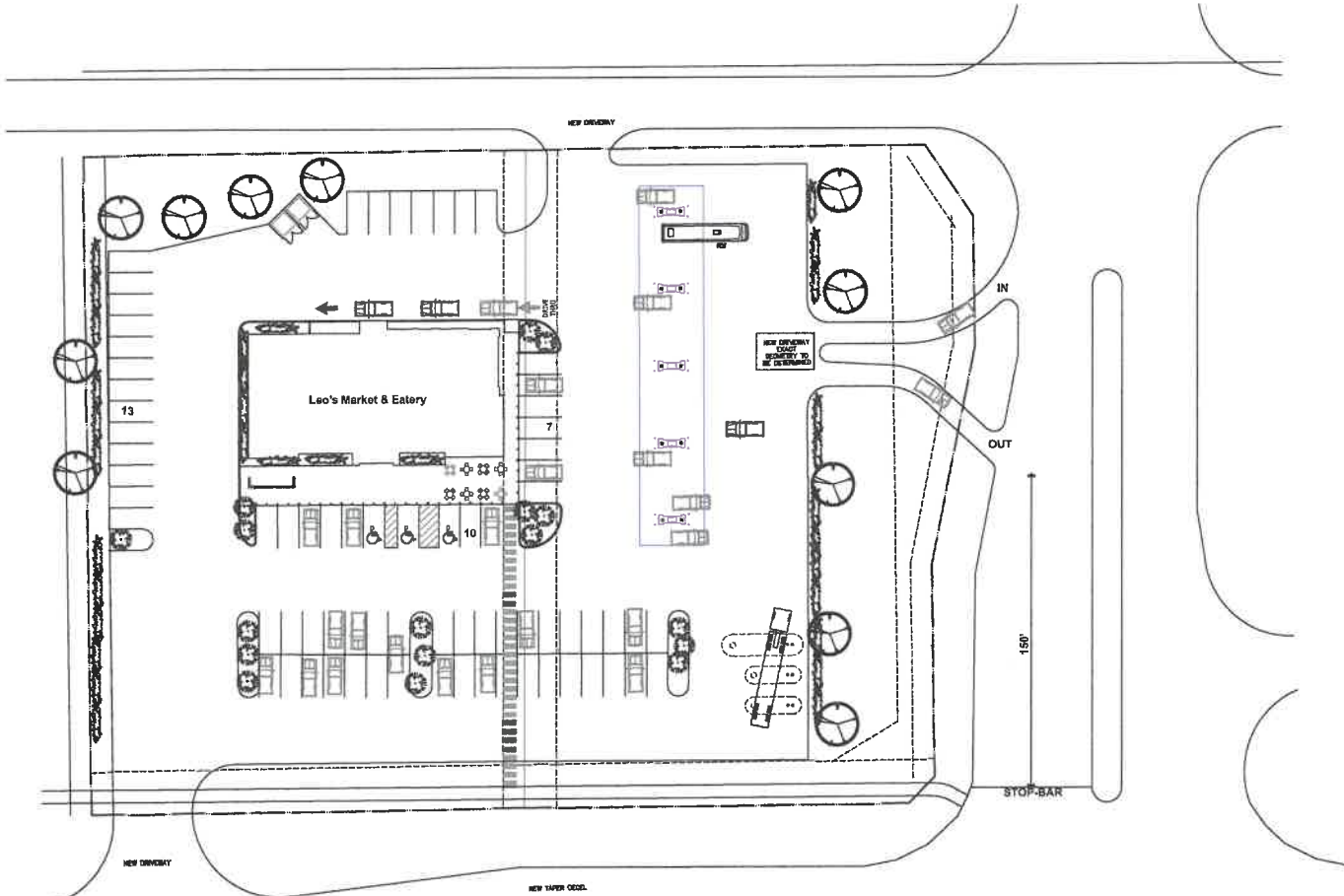
Section 155.093, 2, A of the Zoning Ordinance of Greenfield states that "A variance may be approved under this section only upon a determination in writing that [the above four criteria]" are met in the petitioner's favor. If the Board does not ascertain findings in the Petitioner's favor in all criteria, then it may not legally approve the variance.

Staff Recommendation: Approve the conditional use for a convenience store with gas station with the following conditions:

1. Necessary development plan and plat approval is obtained from the Advisory Plan Commission.
2. All necessary Construction Design Releases and Improvement Location Permits be obtained.
3. Signs shall meet the requirements of the UDO and sign permits obtained.
4. Sidewalk to be installed along all three road frontages.
5. Front yard landscaping in all three front yards, including street trees in the right-of-way.
6. Lighting plan reviewed and approved by the Advisory Plan Commission.
7. The right in only entrance along Opportunity Pwky. shall be removed.
8. That there be two marked waiting spaces after the drive-thru window.
9. Install internal access to the access drive on the development to the south.

Staff Recommendation: Approve the variance to allow a dumpster enclosure in a front yard the following condition:

1. The refuse area will be required to be screened with an opaque fence and landscaped on the west side to buffer it from the right-of-way.



STATE ROAD 9

LEO'S AT GATEWAY PARK

GREENFIELD INDIANA 1"=240'

Leo's at Gateway Park
 I-70 & STATE ROAD 9
 GREENFIELD INDIANA

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JOHN E. ROYBARK
 ARCHITECT
 STATE OF INDIANA

DATE: 05/15/10
 BY: JEROME
 START DATE: 05/10/10
 FINISH DATE: 05/10/10

PILOT INFORMATION
 FILE NAME: 101.dwg
 PLOT DATE: 5/15/2010 11:08 AM
 CAD: 101.dwg T10

SEALED

DATE: 05/15/10

Statement of Intent / Business Plan

2754 & 2776 N. State Street

Plan of Operation:

Petitioner proposes to construct an approximately 7,200 ± sf Leo's Market and Eatery / gas station on the site.

Overview of Uses and Functions

The proposed Leo's will include the sale of groceries, prepared foods and gasoline with indoor and outdoor dining and a drive-through window.

Number of Parking Spaces

The proposed number of parking spaces is approximately 71 spaces.

Number of Employees:

The proposed Leo's will employ approximately 30-35 people.

Hours of Operation:

Up to 24 hours per day, 7 days per week, depending on customer demand.

Number of Seats:

Approximately thirty outdoor seats and approximately twenty-four indoor seats are proposed.















