



DPR 25-21: Mo' Bettahs

Planning & Building Department Staff Report

For Hearing on January 26, 2026

Plan Commission, Public Hearing

Paul J. Lambie, Senior Planner

A. PETITION NUMBER	DPR 25-21: Mo' Bettahs
B. APPLICANT	Savory MB Stores LLC, c/o Will Scott, PGAL
C. LOCATION	8894 East U.S. Highway 36, Avon IN 46123 Lot 5 in Harvest Landing
D. PARCEL SIZE	1.32 acres
E. LAND USE & ZONING	The site is zoned C-2, located within Tier 1 of the U.S. Highway 36 Overlay, and improved with a vacant drive-up restaurant, surface parking and related improvements.
F. ACTION REQUESTED	Requesting approval of a Development Plan Review to allow for renovation of an existing 1,580-square foot restaurant building, including a 760-square foot building addition, with a drive-through pickup window and miscellaneous changes to parking, and landscaping, with a Waiver of Design Standards of UDO 7.10(l)(1) to allow for the use of "thin brick" siding (brick less than four inches thick not permitted).
G. HISTORY	ZA 20-02 rezoned 41.68 acres (including the subject site) from R-1 to C-2. This property was platted as part of the Harvest Landing subdivision via petitions MAP(P) 20-15 & MAP(F) 20-17. SE 22-01 granted Special Exception approval for a restaurant with drive-up service. DPR 22-04 granted Development Plan Review approval for a drive-up restaurant, with a Waiver of Design Standards to allow for reduced building articulation, and with a Waiver of



	<p>Development Standards to provide for deficient foundation planting area.</p> <p>SE 25-04: pending request for approval of Special Exception for a drive-through pickup window.</p>
H. STAFF COMMENTS	<p>This petition would allow for re-use of the existing restaurant building that was previously occupied as Swenson’s Drive-In. The proposal includes an addition to the west side of the building that would increase the interior floor area by approximately 48 percent, which would also include a new drive-through lane and pickup window. The proposed addition would eliminate a row of surface parking, however, the site would still be compliant with off-street parking requirements. Minor changes to the site’s landscaping include the planting of parkway trees adjacent to the site’s U.S. 36 frontage and additional terminal islands in the parking lot, which will bring the site more into compliance with the applicable requirements of the Unified Development Ordinance.</p> <hr/> <p>UDO 8-10(A) Development Plan Purpose:</p> <p>Per UDO 8.10(A), the development plan review process is designed to: promote the safe and efficient use of land, protect property values, and ensure for an orderly and harmonious development pattern according to the Comprehensive Plan.</p> <p>Development Standards: Development Plans are required to meet the applicable development standards set forth in the Unified Development Ordinance (UDO). The Technical Advisory Committee (TAC) reviewed this proposal for compliance with those standards, as well as those of the Storm Water Management Ordinance. The development plan was found to meet the development standards of the UDO, except as described below, which might necessitate conditions requiring submission of revised plans, and as described in the requested waiver of development standards.</p> <p>1) Miscellaneous Applicable Development Standards:</p>



This request appears consistent with the development standards for the C-2 District, such as setbacks, building height and bulk.

2) Applicable Overlay District Standards:

The property is located within Tiers 1 of the U.S. Highway 36 Zoning Overlay and appears consistent with the applicable overlay standards.

3) Lighting, Chapter 6:

No change to the existing exterior lighting is proposed.

4) Off-Street Parking and Loading, Chapter 6:

a) **Parking:** The revised plans indicate forty (40) parking spaces (two ADA spaces). The UDO requires a minimum of five (5) spaces 1,000 square feet for restaurants, which would require a minimum of twelve (12) spaces. The UDO requires a minimum of two accessible (ADA) spaces when between 26 and 50 total spaces are provided.

b) **Loading:** No dedicated loading space is required for retail buildings having less than 7,500 square feet.

c) **Bicycle Parking:** The UDO requires one bicycle rack per every twenty (20) required vehicle parking spaces. While a bicycle rack exists on site, a compliant rack nearer to the public entrance of the renovated building has been proposed.

5) Landscaping and Screening, Chapter 6:

The revised landscape plan, submitted subsequent to the Technical Advisory Committee (TAC) meeting, addresses staff comments requesting additional tree plantings along the site's U.S. Highway 36 frontage and the west perimeter of the parking lot, terminal islands on each end of the parking row adjacent to the south façade, and additional foundation planting areas. It appears that additional landscaping should be included north of the trash enclosure to screen it from Harvest Landing Drive as required by UDO 5.1(H)(1).



6) Floodplain Regulations:

This property is not located within a regulatory floodplain.

7) Signs, Chapter 6:

Signs were not proposed or reviewed as part of this development plan. Signs are typically reviewed for compliance during the sign permit review process. It is presumed that the UDO's sign regulations will provide for adequate building identification signage.

8) Engineering / Stormwater Management:

The revised submissions from the petitioner following TAC review are under review by our consulting engineer.

9) Subdivision Control Regulations:

No changes to the site's vehicular access are proposed. The site is connected via walkway to the public sidewalks along the two abutting streets, and the revised site plan will increase compliance with the UDO's pedestrian network standards by including an internal pedestrian crosswalk with a contrasting surface material connecting the building to the asphalt path adjacent to U.S. Highway 36.

10) Architectural Standards

The revised building elevations submitted subsequent to TAC review appear to meet both the general architectural standards of UDO 7.10 as well as the additional U.S. Highway 36 overlay requirements found in UDO 2.10(O), except for the waiver for use of "thin brick", which is addressed below.

11) Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plan recommends Commercial use for this site. Restaurants are a typical use anticipated in such areas.



WAIVER “A”

Waiver of Design Standards of UDO 7.10(l)(1), to allow for the use of “thin brick” siding (brick less than four inches thick not permitted).

Applicant must demonstrate compliance with the following:

1. The proposal does not create conditions detrimental to the public health, safety, or general welfare, or be injurious to adjacent or nearby property because:

Petitioner’s response: “the proposed thin brick will match the existing thin brick.”

“Thin brick” was not a prohibited material when the building was approved in 2022. Using additional thin brick to match the remainder of the existing building which is now legally nonconforming should not harm the public or adjacent properties.

2. The proposed alternative will not contradict the intent of the design standards or the purpose of the Subdivision Regulations because:

Petitioner’s response: “we are asking for this waiver so the addition with thin brick exterior will match existing building exterior, since it will be the most aesthetically pleasing to not have mismatched building exterior materials on the same building.”

Staff agrees that matching the existing exterior material is reasonable and preferable to using a permitted material that might not blend well aesthetically, and that it would be unreasonable to expect the petitioner to replace the existing siding material that is only a few years old.

3. The proposed alternative is due to conditions specific to the property and the proposed development and not applicable generally to other properties because:

Petitioner’s response: “the proposed waiver is unique to this building as this building is currently constructed using thin brick.”

Staff agrees that the legal nonconforming design of the existing building is a unique condition that is not generally applicable to other nearby properties.



	<p>4. The proposed alternative enhances the proposed development and the surrounding area because:</p> <p><i>Petitioner's response: "if thin brick is allowed to be used, the addition's exterior brick will better match the existing building's exterior brick. Doing this will help the building blend into the environment."</i></p> <p>Staff concurs that matching the existing siding material is preferable to adding another permitted siding material that might not blend well aesthetically.</p> <p>Staff recommends approval of this waiver request.</p>
<p>I. RECOMMENDATION</p>	<p>Staff finds that the overall development plan would be consistent with the standards of the UDO, except as requiring modification per requested Condition One, and except as described in the waiver request. Therefore, if the waiver request is approved, staff recommends approval of petition DPR 25-21: Mo' Bettahs, subject to the following conditions:</p> <ol style="list-style-type: none">1. Prior to issuance of a building permit, a revised landscape plan shall be submitted, requiring approval by the Administrator, indicating compliance with the Town's landscaping requirements, including UDO 5.1(H) regarding screening of trash enclosures.2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted.3. A landscape bond is required per Section 6.1(D)(3) of the Unified Development Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.4. The development shall comply with all relevant portions of Town Code, the necessary approval by Crossroad Engineers on behalf of the Town, and comments by Public Works, the Fire Department, and Crossroad Engineers at the preconstruction meeting.



Exhibit A – Location / Zoning Map





Exhibit B – Existing Conditions

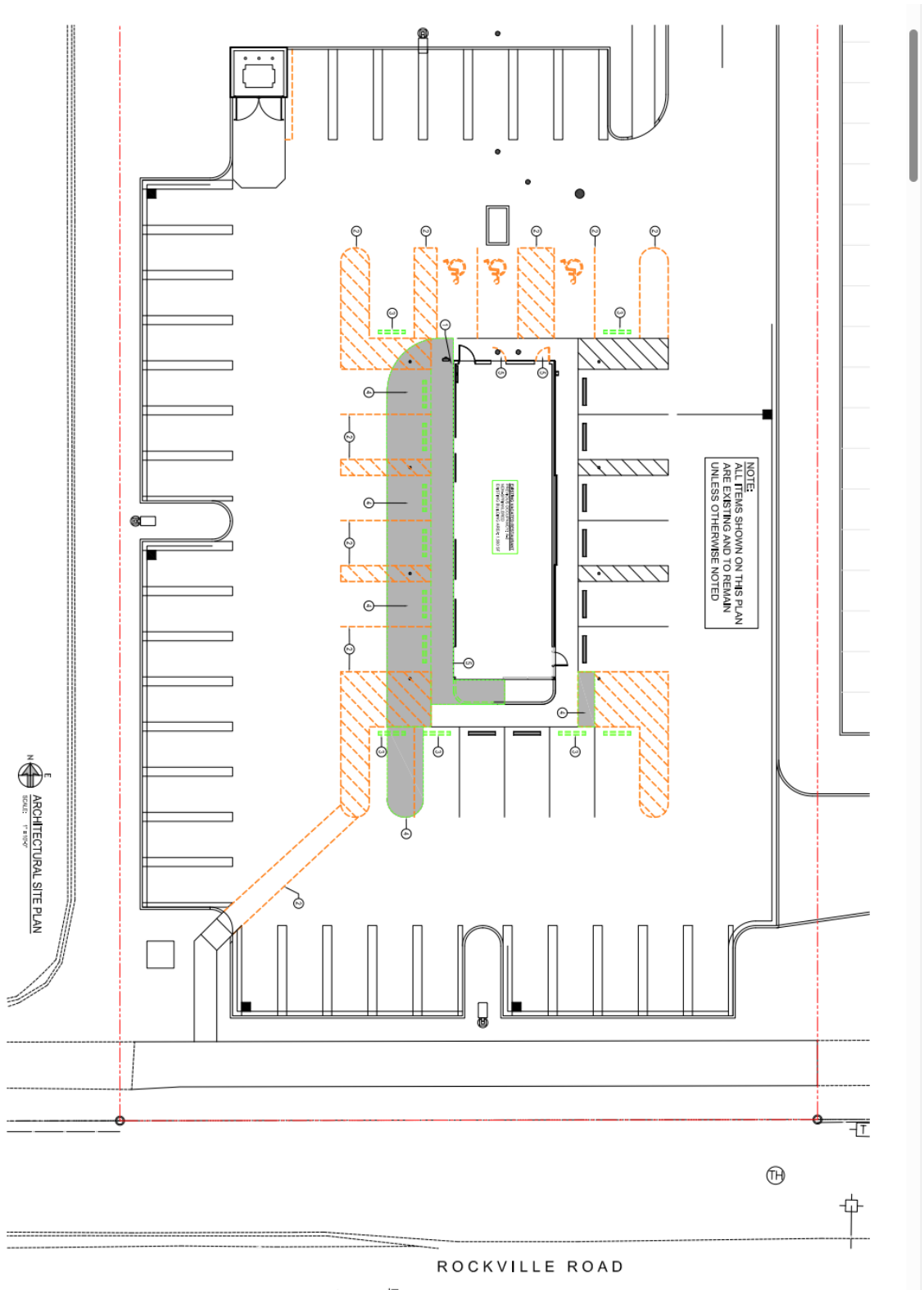




Exhibit C – Proposed Site Plan

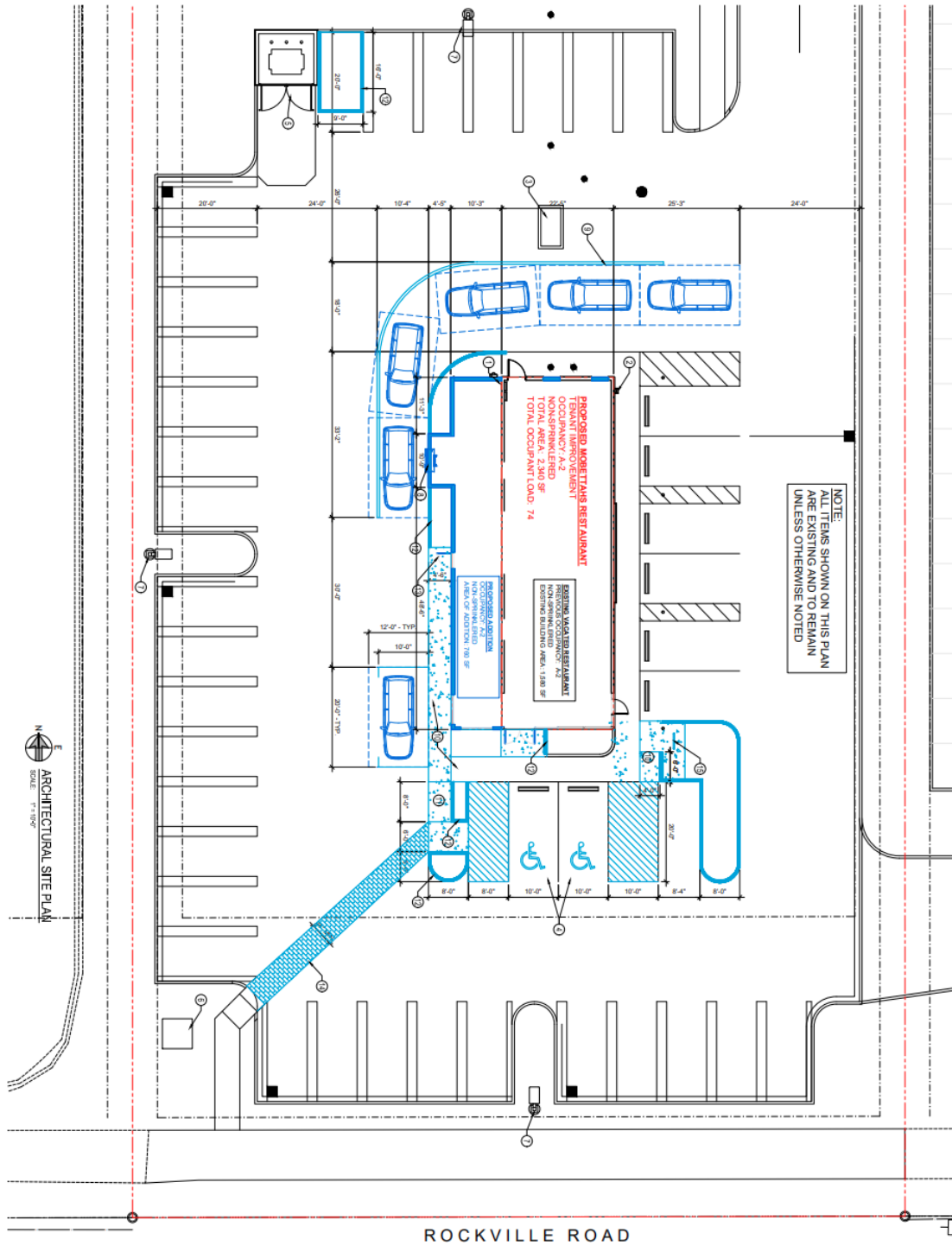




Exhibit D – Proposed Landscape Plan

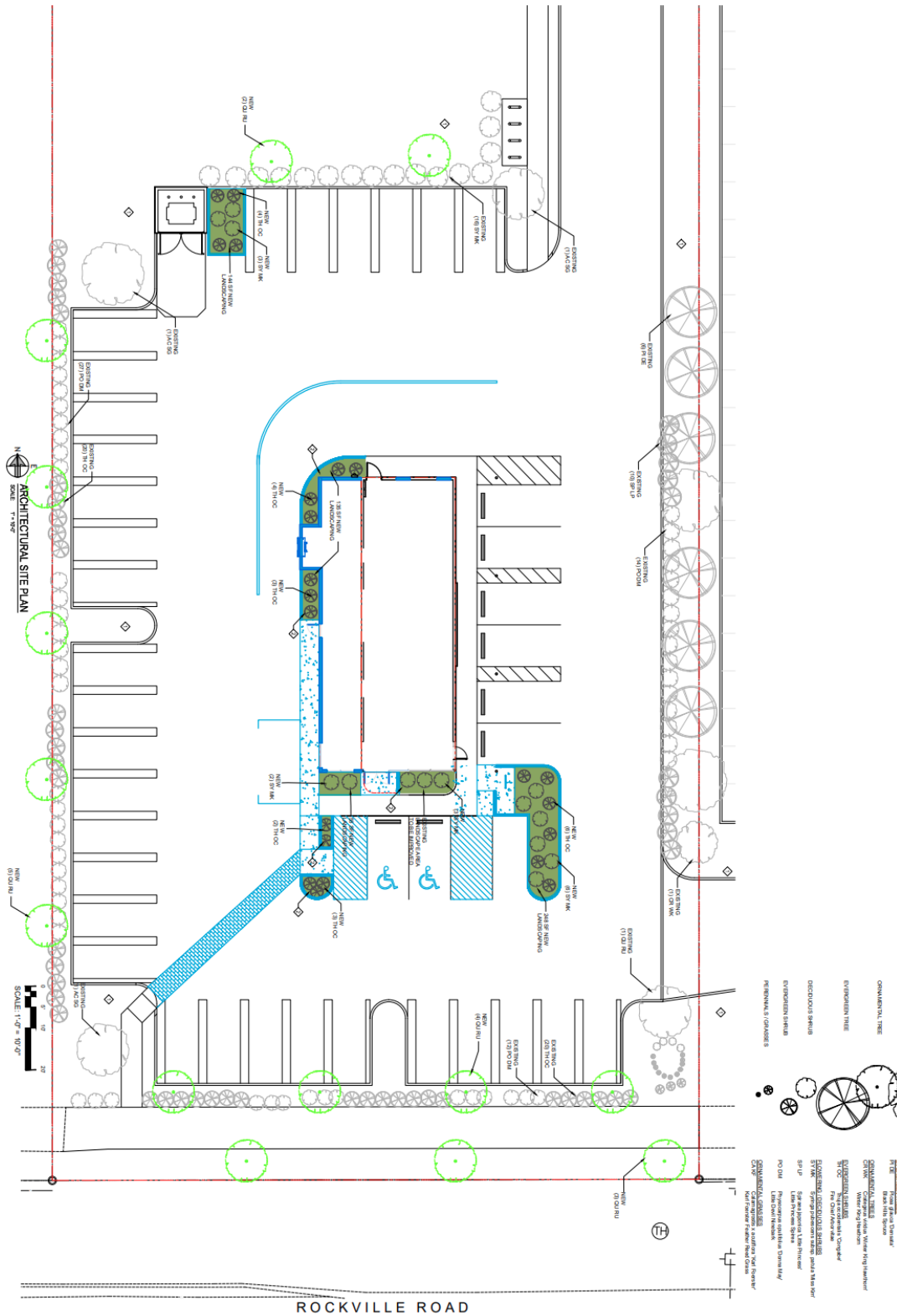




Exhibit E – Existing & Proposed Building Elevations (South & North)

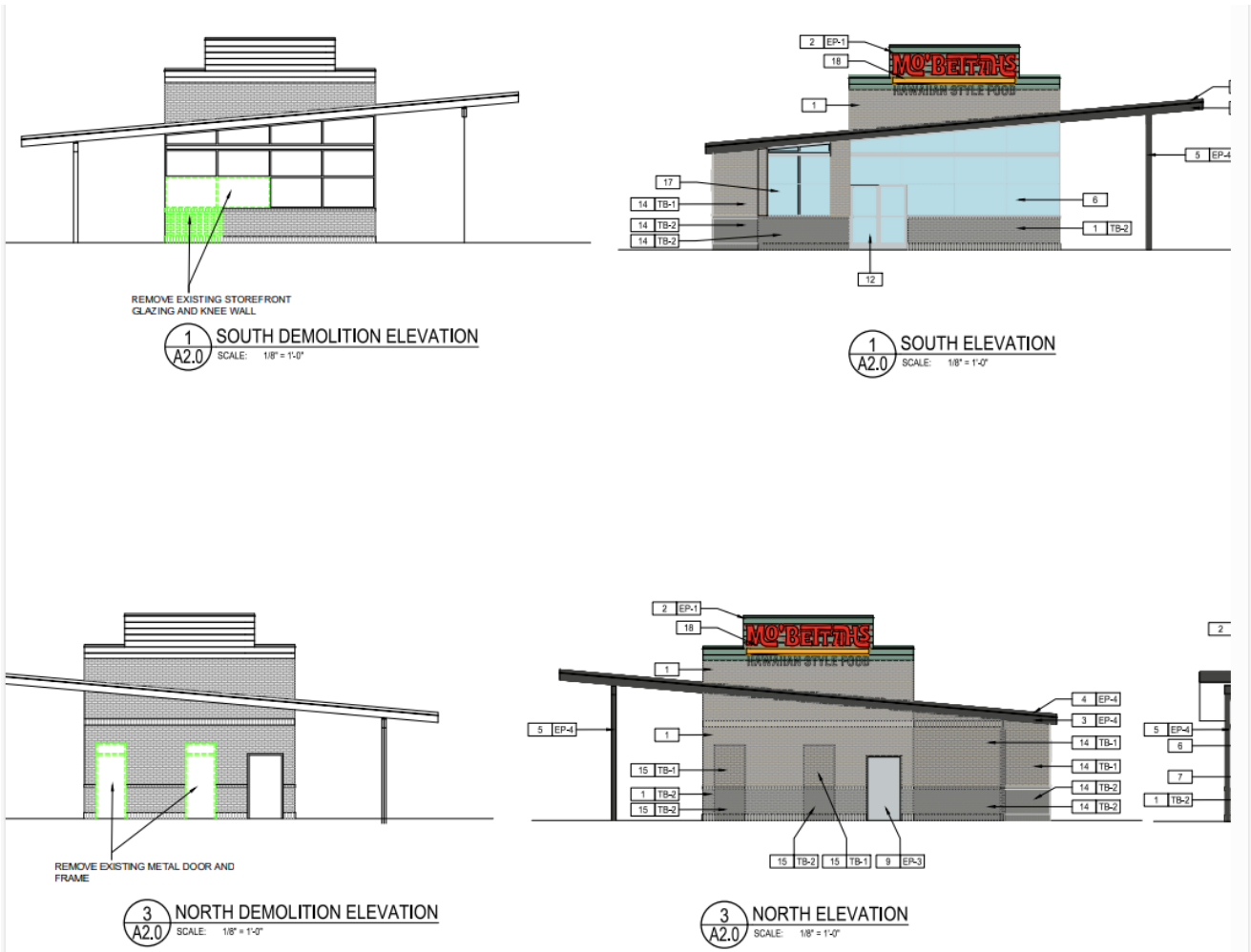




Exhibit E – Existing & Proposed Building Elevations (East & West)

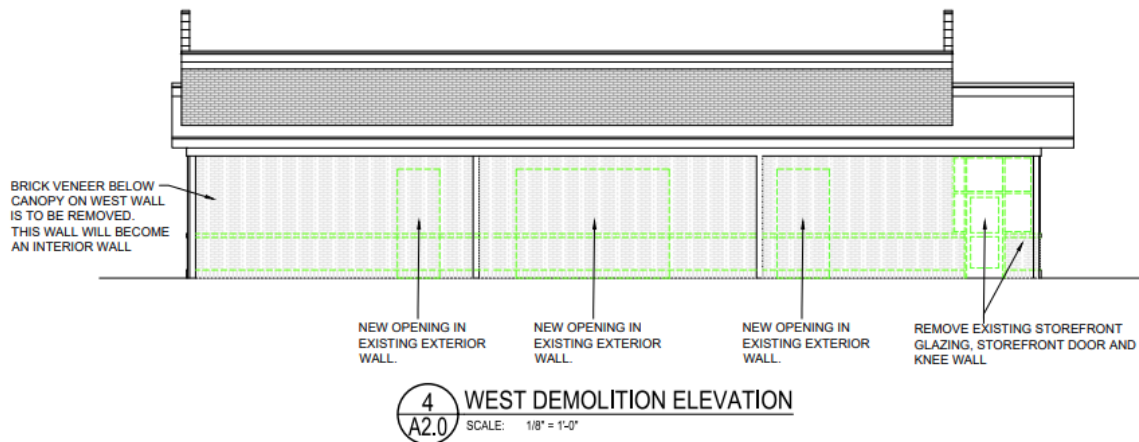
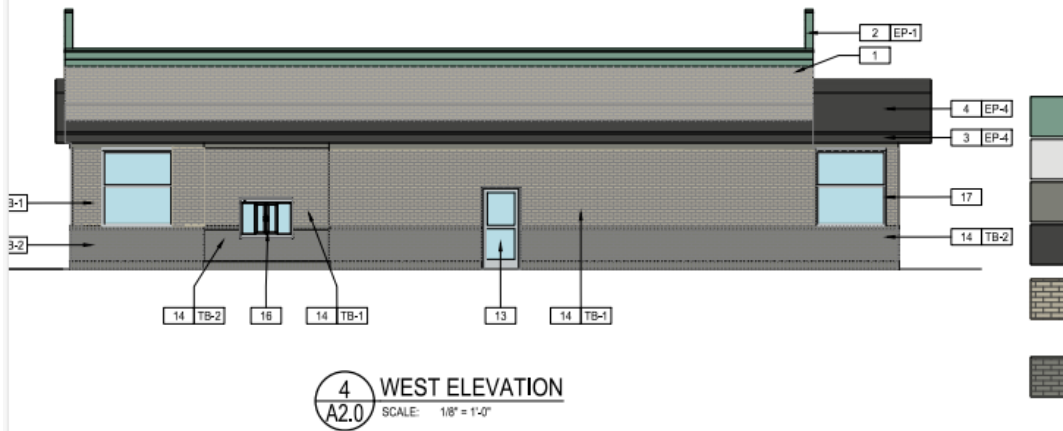
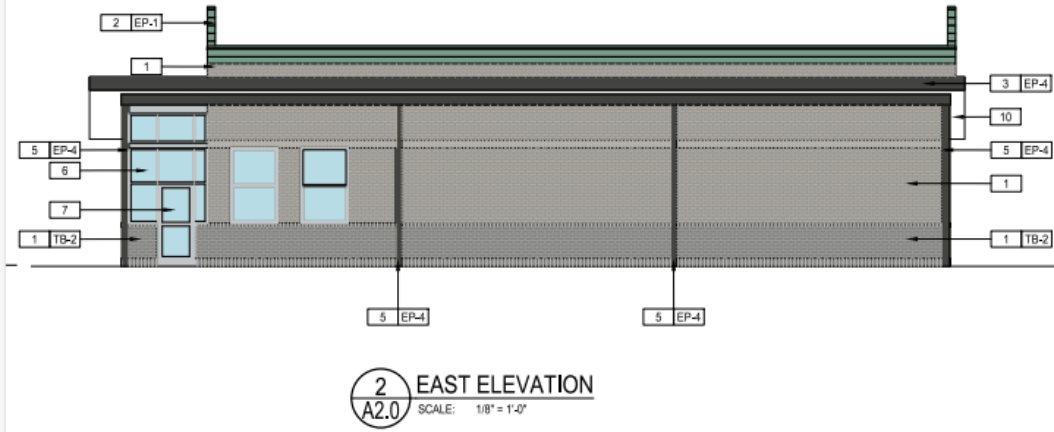




Exhibit F – Site Photos



1) View of site facing north from U.S. Highway 36.



2) Facing west from front of site toward pedestrian walkway from U.S. 36.



Exhibit F – Site Photos



3) South and east façades of building.



4) South and west façades of building.