

SHELBYVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
July 12, 2022

Chris Clark: The July 12, 2022 Board of Zoning Appeals meeting will come to order. Mr. Secretary, would you please call the roll?

Allan Henderson: Mr. Lewis - here, Mr. Clark - here, Mr. Cassidy - here, Miss Terrell - here.

Clark: So our first order on the agenda is the approval of the meeting minutes from June, 2022.

Wade Lewis: Move to approve.

Doug Cassidy: Second.

Clark: Second; all in favor, say, "Aye".

In Unison: Aye.

Clark: All opposed, same sign.

No reply.

Clark: Minutes are approved. We have no Old Business on the agenda and so we'll jump right in to New Business. Allan, would you please bring us up to speed on the.....

Henderson: Yes. We have three petitions on the docket tonight. The first one's on the Davis Building Group Hamilton Major. I don't see anybody here from Davis.

Clark: Could we possibly move them down on the agenda if it's okay with everyone else and deal with that later?

Inaudible reply.

Clark: Alright, so....

Henderson: The second petition on the agenda....(inaudible)...It's for the planned multi-use complex....(inaudible)....BZA 2022-12. The petitioner's name is Birge & Held. The owner of the property is Birge & Held and the City of Shelbyville....(inaudible).....The petitioner's representative....(inaudible).....

(?): I'm here with (?) tonight.

Henderson: The address of the property is 405 N. Harrison Street. (?) Zoning is business central and the future land use is(inaudible)....

Clark: Alright.

Henderson: The request is for approval of one development standard variance from 5.15-a to reduce driveway separation distance from (?).

Clark: Okay would the petitioner please approach the podium and speak your name for the record and tell us about your project?

Craig McCormick: Good evening. My name is Craig McCormick. I'm with Blackline Studio. We are the architect and lead designers for the project. Sam had some family business. He couldn't get away tonight so I'm here to speak for him. I'd be happy to just kind of give you a quick overview of why we're asking for this variance. Really, in the package that you have, I think the most pertinent drawing would be the site plan. What that shows is that we are asking for three curb cuts on Tompkins Street and there's a couple of major reasons for that. The first reason is that at some point here about a month and a half ago we had to change our design from one building to two buildings. We discovered that there was a very deep underwater sanitation line that we probably could have built our building over but I think there was risk involved with that so we decided just to split into two. The other thing that that did is it kind of created an opportunity to create one way traffic through the site so that we don't cause more traffic than is needed at the Harrison entrance and exit. So in discussing this with Adam in planning, we decided to make a one way drive in from Harrison Street and really, since we split the building into two, we've got two garages on the first levels, one on one of each building. It just makes sense for us to be able to access both of those through Tompkins Street rather than kind of pushing traffic back in the other way towards Harrison Street. So given the fact that Tompkins Street now sort of ends that it turns there, we don't think that this is going to cause traffic problem with ingress and egress. In fact, we think it's much preferable to having more traffic at the Harrison Street intersection. So that's why we're asking for this. I would be happy to answer any questions. We are in the process of confirming what is needed for a traffic study. I can tell you just from my personal experience we've done approximately 30 projects that are of various scales. This project has 168 living units right now and we typically find that it's usually not a big impact with the traffic. They seem like big projects but until you get above 2 or 300 units, they don't usually have a detrimental impact on the traffic that surrounds the property. That's really all I have. I'm happy to answer any questions and if there's anything else in the packet too that needs to be discussed, I'd be happy to answer that.

Clark: Okay I guess we can take questions from the board. Mr. Lewis?

Lewis: No questions.

Clark: Mr. Cassidy?

Cassidy: My question is a lot of your other projects are done in bigger cities and not stuck in the middle of a housing, already houses there. So you have 168 units, two cars a unit and Tompkins Street's pretty narrow already with side street parking turning onto Mechanic Street and you don't think that'll be.....I know they're not coming and going at all times, all at the same time. I get that, but it's still a lot traffic onto Tompkins to Pennsylvania or Mechanic and Pennsylvania which we've already discussed probably needs a stop sign there and the city will deal with that but you don't think that'll be.....that's my concern is the amount of traffic coming out. It is a family neighborhood where kids are living and school buses. We have a principal on the board and teacher's not here but that we feel kids are big thing we worry about. You don't think that'll be a big issue that many cars?

McCormick: We find that in these developments you're typically seeing a traffic pattern of somewhere to like 2 entrances and exits per unit per day. So yes, it certainly is an increase and there are I think considerations that we should discuss about signage and things in that neighborhood. One of the ideas that came from Adam was to make Tompkins only one way at the end and part of that is to kind of create an option for people. A lot of people might turn out and turn right rather than always turning left and using Tompkins. There will be an impact. I don't think that it's relative to the number of curb cuts. It's probably relative just to the scale of the development in general. What we see for instance in a city like Indianapolis, it you know this is a bit of a unique site because traffic really does have two ways to flow. It comes in from Harrison Street largely we think and then we believe a lot of residents will probably exit through Tompkins. So I think the traffic study will speak directly to what you're asking but in my opinion of what I've seen, a project of this scale, doesn't have a dramatic impact on the traffic in a neighborhood like that.

Cassidy: Okay. I think love(?) the project, don't get me wrong, but I'm just....

McCormick: Okay. We certainly respect you know those concerns and how this type of development does make change but I think in the multi-family realm, especially if we don't have a lot of retail tenants, the only retail tenant we'll have is gonna be on Harrison Street. Part of what we've done is kind of expand the parking area around the tourism and visitor's bureau in the hope that the retail traffic will just stay on at the Harrison Street site coming in.

Cassidy: Thank you.

McCormick: Thank you.

Clark: Miss Terrell?

Nicole Terrell: No questions.

Clark: My question would center around the letter or the email that was received by staff. Could we go ahead and

Henderson: Inaudible reply.

Clark: When we open the public comments applicable at that?

Henderson: Inaudible reply.

Clark: Okay. So then I'll go ahead and ask the question. Do you have anything in mind in mitigate some construction traffic in that area while the units are being constructed?

McCormick: I think, you know honestly that we usually create a plan as part of our civil engineering drawings, there will be a construction access plan and it, that plan specifically will show any kind of street closures or sometimes it's a partial street closure where they just need access. I can tell you one thing from Tompkins Street. We've actually had to move our buildings further inward on the site because of the utility lines which are there. There's a pole that's kind of in the middle of the site that's actually leaning in a little bit. We decided just out of caution to kind of push our development back in. I think that well we haven't drawn the traffic plan and the construction plan yet. I can probably get our civil engineering team to prepare something like that for you to review as early on in the process. But there will be a plan. I think the plan will be to avoid any kind of construction traffic around the tourism and visitor's bureau. There probably will be some kind of buffer lane on Tompkins but it won't allow it to close. It's just allow something to pass, perhaps becomes one way a little bit sooner than is needed. The other thing that we find is that once these buildings, which are called podium(?) buildings, once that concrete podium deck is built, sometimes you can move a lot of construction storage and equipment underneath which actually protects it from the elements and that sort of allows the site to get a little more compact when we do.

Clark: Okay, thank you very much. Any other questions from the board?

Cassidy: One other, one thing to consider when you're drawing up your plan is when you come out here is have those semis go out River Road and go all the way back out to Washington Street and get on 44 that way and eliminate any, because most time during the day, River Road it runs, it goes west and you can go down and that can come out and there's no traffic. And you can keep the semis off of Pennsylvania, Mechanic. It so they have a little bit farther to go to get where they need to go but it saves our streets and pedestrians that are walking. It's an idea.

McCormick: No that's the kind of local information that we need to figure out how to do this well. Before we start construction too we will have meetings with anyone from planning here wants to be involved with the construction team and we can create this set of rules for them to work by. That will certainly happen once that team is pulled together.

Clark: Thank you all.

Cassidy: Thank you.

Clark: Any other questions from the board?

No reply.

Clark: So none? I'll close questions from the board and open it to public questions if anybody from the public would wish to speak. I see no one so I'll.....

Henderson:Inaudible).... So no one could be held accountable. Realize that there needs to be a staging and storage area for such big project but wonder if it would be possible to keep construction traffic to a minimum on N. Tompkins between Mechanic Street and Pennsylvania Street. Pennsylvania is wider with fewer vehicles park on the street and the intersection at Tompkins and Penn is much more conducive for large vehicle turns than the intersection of Mechanic and Tompkins. It would be nice if the solutions you might(inaudible)...parking on N. Tompkins Street. We will still get semis down our street despite the restrictions that are supposed to be in place. Often wonder the (?)(inaudible)...parking spaces can be moved over into where the grass is between the sidewalk and the street like they did on West Street between Mechanic and Washington but I know there are utility lines in that area on the east side of Tompkins. Thank you for your time and consideration. Sincerely Caroline Boots(?).

Clark: Thank you. If no one else from the public would wish to speak, I'll close public comment and I guess be ready for a motion on this.

Cassidy: Make a motion to approve the requested development standard variance to allow a reduction in the driveway separation of another driveway pursuant to the Fact.

Clark: I have a motion.

Terrell: I'll second that motion.

Clark: Okay. Please cast your vote for BZA 2022-12.

Henderson: Miss Terrell - yes, Mr. Cassidy - yes, Mr. Clark - yes, Mr. Lewis - yes. Motion passes.

Clark: Good luck.

McCormick: Thank you very much.

Clark: Do you....(inaudible)....go ahead and start us on the next, we'll go ahead and move over the.....

Henderson: The next petition on the agenda is BZA 2022-13 (?) Oil. The petitioner's name is (?) Petroleum. The owner is (?). The petitioner's representative is (?). The address of the

property is 215 E. Broadway Street. The subject property zoning is BG, business general. The comprehensive future land use(inaudible)....The request tonight is for approval of one development standard variance from UDO 5.55 E1 to reduce the primary setback.

Clark: Thank you. Would the petitioner come to the podium, state your name for the record and tell us about your project?

(?): (?) So basically what we're trying to do is the store currently has three like pretty old pretty outdated canopies and the layout is pretty unsafe. You know it's kind of like a when you come into the lot you have two canopies with dispensers right here and then one up close to the building. So you have a weird traffic pattern. So what we're proposing is putting a new modern canopy that's three like you would parallel park as you come in from the city street. What's that, Broadway, I guess? Sorry. It would kind of give like a two for one kind of thing for us because it would allow us to upgrade the (?) site too. Currently it's a single wall fiberglass which is grandfathered in by the State of Indiana and US EPA but it's not, it's you know 30 years old technology. We're proposing to put in a you know a 2015 EPA rule double wall pipe with monitors in every sump, something like that. So we can monitor leaks. We can flow rates, stuff like that. And also yeah design standard to you know a more modern facia, a more modern look to match the new building on site. That's kind of the whole thing for it. And also we'd also move back. I think the existing canopies are right on that sidewalk. That is zero line I guess you would call the setback. We're proposing 12'. That way it'll give us 20' from the edge of the canopy to the building and we'll have 12 roadside edge to the edge of the property line which was in line with the proposed price sign they had on their add as well.

Clark: Alright. Questions from the board; Mr. Cassidy?

Cassidy: You're okay with eliminating that middle turn in? One of the stipulations if we approve this, you need to eliminate the (?) curb cut.

(?):(inaudible)....the center entrance.....(inaudible)....right now, I'll just draw it for you.

(?): I'm (?) (?) Oil.

(?): Now you have three entrances. You have these two little curbs right here. They're saying both.....(inaudible)....taking that one out and just having this one and this one.

Inaudible conversation.

(?):(Inaudible)....We're fine with it.

Cassidy: Okay.

(?): And also you guys had....last time I was here there's a sign outside almost on the road. You guys want that taken out and I had mentioned then....(inaudible)....doing anything with it. We'll take it out. It's not a problem. Yeah, thank you.

(?): You're welcome.

Clark: Miss Terrell?

Terrell: No questions.

Clark: Mr. Lewis?

Lewis: What's the deal with the sidewalk? Is the sidewalk, is there any issue with the sidewalk (inaudible)....Are you gonna put a new curb up on that(inaudible)....is the plan? So is the sidewalk, the existing sidewalk

Henderson: Their property starts right at(inaudible)...

Lewis: Okay.

Clark: Alrighty, I don't have any questions so I are there any other questions for the board before I close comment?

No reply.

Clark: No questions from the board; close comment for that and open to the public. Anybody else from the public wish to speak?

No reply.

Clark: Seeing none, we'll close comment from the public and I guess we're ready for a motion.

Terrell: Make a motion to approve one development standard variance to reduce the front yard setback with the recommendations and the conditions to remove all existing canopies, remove the middle existing entrance reestablishing curb and gutter and then removal of existing pole sign.

Lewis: Second.

Clark: Motion and a second. Please cast your vote for BZA 2022-13.

Henderson: Mr. Lewis - yes, Mr. Cassidy - yes, Miss Terrell - yes, Mr. Clark - yes. Motion passes.

Clark: Congratulations. Good luck with your project.

Henderson: I do wanna mention for the record too that right this is just the approval of the front yard setback. There still need to be permits pulled and the canopies will actually get constructed....(inaudible)....registered....(inaudible)...

Inaudible comments.

(?): Thank you guys.

Clark: Thank you. So seeing that the other petitioner has not shown up, options? Deny the variance or just table it? Table it with another

Henderson: August.

Clark: August.

Cassidy: Motion that?

Henderson: Yeah.

Cassidy: I'll make a motion to table BZA 2022-11 to our next scheduled meeting. Is it August? At that point if they don't show up, then we'll deny them.

Lisher: Second.

Clark: Second. All in favor, signify by saying, "Aye".

In Unison: Aye.

Clark: Opposed, same sign.

No reply.

Clark: So what do we have for Discussion tonight?

Henderson: Inaudible reply.

Clark: Okay.

Cassidy: Motion to adjourn.

Clark: Motion to adjourn.

Lewis: Second.

Clark: Meeting adjourned.

Meeting adjourned