

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 7/12/2022

Case #:	BZA 2022-12: The Plant, 405 North Harrison Street, DSV			
Petitioner's Name:	Birge and Held Asset Management			
Owner's Name:	City of Shelbyville Redevelopment Commission			
Petitioner's Representative:	Sam Rogers			
Address of Property:	405 North Harrison Street, Shelbyville, IN			
Subject Property Zoning Classification:	BC – Business Central			
Comprehensive Future Land use:	Central Business District			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BC – Business Central	BC – Business Central	BC – Business Central	R1 – Single-family Residential
Surrounding Properties' Future Land Use	Central Business District	Central Business District	Central Business District	R1 – Single-family Residential
History:	The petition parcels include the c.1930 Coca-Cola Bottle Company art deco building and the part of the c. 1930 Porter Pool site. The Coca-Cola Bottle Company ceased operations in 2021 and the pool was removed from the Porter Pool site in the mid 1990's. The petitioner proposed to build an apartment complex with parking garages and reuse part of the Coca-Cola Bottle Company building.			
Vicinity Map:				
Action Requested:	A request for approval of one development standards variance from UDO 5.15 (A) to reduce driveway separation distance from another driveway.			

1. UDO 5.15 (A); Non-residential Driveway Standards sets the minimum driveway separation from another driveway/entrance on a local street with two-way traffic to one hundred (100) feet.
2. Birge and Held is proposing to build a 168-unit apartment complex on the site of the Coca-Cola Bottle Company and part of the Porter Pool site. The total site acreage is 2.73. The apartments would be supported by one (1) surface parking lot and two (2) parking garages. Because of site constraints the design cannot accommodate the driveway separation distance between the surface parking drive entrance and the parking garage drive entrance.

BZA 2022-12.A Variance from UDO 5.15(A), Nonresidential Driveway Standards

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1: “Granting the variance request will not be harmful to the public health, safety, and general welfare of the City as this request is meant to do just the opposite in that with this request, the project is trying to provide an optimal traffic flow through a larger integrated development trying to lessen traffic flow onto a major arterial (Harrison Street) that already has a dangerous left (north) turn situation. The request will also enhance the general welfare of the city providing much needed housing and other amenities to the downtown area”.

The planning staff has determined that the requested reduction in driveway separation from another driveway should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes the number entrances/exits and the distance between entrances/exits along Tompkins Street combined with on-street parking increase vehicular and pedestrian visibility, will reduce traffic speeds, and make the over-all street safer. In addition, since the project site is located where Tompkins Street turns into a one-way west, the reduction in oncoming traffic (from the north) will also help to improve safety along Tompkins Street.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

Applicant provided the following response to Finding of Fact #2: “As this project cost is a \$34,000,000 mix-use project that is providing new housing, retail/commercial amenities, and integrating a larger area, granting of this variance will only enhance the use and value of the adjacent properties adding more live/work/play opportunities for neighboring residents while also removing an existing vacant lot and revitalizing a vacant building for the betterment of the neighborhood and community”.

The planning staff has determined that the requested reduction in driveway separation from another driveway should not have a substantially adverse effect on the use and value of the adjacent areas. The parking garage entrance/exits will be two-way onto Tompkins Street while the surface parking lot will be a one-way, exit only onto Tompkins Street. Immediately across the street from all of the entrances/exits is a vacant lot. No surrounding residential properties will be impacted by the

entrances/exits and limiting traffic exiting onto Harrison Street will help improve traffic flow on one of Shelbyville's busiest corridors. The project itself is an investment into this neighborhood of Shelbyville and will help stabilize the tax base for the neighborhood and city.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Applicant provided the following response to Finding of Fact #3: "If the requested variance is not granted, this would cause a couple of different items to occur. One, it would severely limit the parking count onsite and would also cause most of the parking/traffic to empty out onto Harrison Street, but we would also have to eliminate all the exterior amenity space within the courtyard area. Either of those options would greatly reduce the project and larger campus' overall desirability as well as decrease tenant safety and welfare with all most traffic entering and exiting onto Harrison Street".

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. The site itself is roughly two-hundred eighty (280) feet in width. To meet the parking requirements of the Unified Development Ordinance, the petitioner is providing two (2) parking garages, one for each building and one surface parking lot. All three (3) parking areas will an entrance/exit onto Tompkins Street. The UDO requires driveway separations of one-hundred (100) feet on local roads. In order to provide the required entrances/exits on Tompkins that site would need to be in excess of three-hundred (300) feet. The site itself poses the practical difficulty of meeting the UDO.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2022-12: The Plant, 405 North Harrison Street

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance to allow for a reduction in driveway separation distance between another driveway pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** 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 subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Adam M. Rude, Secretary



DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: BZA _____ - _____
Hearing Date: _____
Fees Paid: \$ _____
Final Decision: _____
Approved _____ Denied _____

1.

Applicant

Name: Birge and Held Asset Management - attn: Sam Rogers
Address: 8902 N. Meridian Street, Suite 205
Indianapolis, IN 46202
Phone Number: 317-417-1533
Fax Number: _____
Email: srogers@birgeandheld.com

Property Owners Information (if different than Applicant)

Name: City of Shelbyville Redevelopment Commission
Address: 44 W. Washington Street, Shelbyville, IN 46176
Phone Number: 317-396-6624
Fax Number: _____
Email: jmeltzer@cityofshelbyvillein.com

2.

Applicant's Attorney/Representative

Name: Ice Miller - attn: Aaron Dixon
Address: One American Square, Suite 2900
Indianapolis, IN 46282
Phone Number: 317-294-0369
Fax Number: _____
Email: aaron.dixon@icemiller.com

Project Engineer

Name: CEC, Inc.
Address: 540 E. Ohio St., Suite G
Indianapolis, IN 46204
Phone Number: 317.613.4502
Fax Number: _____
Email: njustice@cecinc.com

3. Project Information:

General Location of Property (and address is applicable): 405 N. Harrison Street, Shelbyville, IN 46176

Current Zoning Classification: Business Central - BC Existing Use: Open Lot/Vacant Building
Number of Requested Variances: One (1) Proposed Use: Mixed-Use Development

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
Article 5, Section 15 UDO 5.15.A - Separation of drive aisles are less than the required 100'
Page 5-20 (87/319 per the PDF)

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: [Signature] Date: 6-29-2022

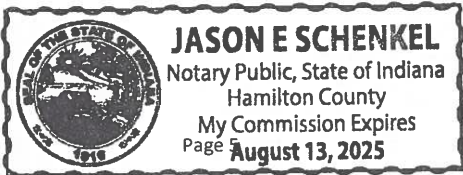
State of Indiana
County of Shelby SS:

Subscribed and sworn to before me this 30th day of June, 2022.

[Signature] Notary Public
Jason Schenkel Printed

Residing in Hamilton County.

My Commission Expires: August 13, 2025





LETTER OF INTENT
BOARD OF ZONING APPEALS

Please write a brief summary the case you are presenting to the Board of Zoning Appeals. You may submit on this form or on your own letterhead.

Birge and Held is requesting a Variance in Article 5, Section 15 UDO 5.15.A - Separation of Drive Aisles are less than the required 100' - Page 5-20 (87/319 per the UDO PDF). When we had initially designed the development, we had based our design for the apartment portion of the development on an "H" shaped design that had access to Tompkins Street from the podium parking entrances on either leg of that "H" that exited onto Tompkins Street. At that time, the drive aisles met the required 100' separation as required by the UDO. As we continued full design and due diligence on the Porter Pool site, we discovered that a 36" sewer main was running through the center of the site and the center of the "H" shaped building. As a result, the team was forced to redesign the project splitting the building into 2 separate buildings and adding an additional drive aisles over the 36" sewer main and onto Tompkins street resulting in drive aisle separations of less than 100'. Per discussions with City Staff, relocating the sewer main was not an option. Brige and Held is requesting a variance to have all 3 of those drive aisles be less than 100' apart. Given the larger vision for the overall site, integrating the Shelby County Tourism office, Storybook Trail, and the revitalized Coca-Cola Building/former Porter Pool Site into an almost larger campus, these drive aisles are critical to achieving optimal traffic flow as to not overburden Harrison, Tompkins or Pennsylvania Street in addition to providing adequate parking counts for the larger site/campus. The resulting development will result in a \$34,000,000 development that will have retail/commercial space and 168 brand new apartment homes that will have access to the Storybook Trail, be close to downtown Shelbyville, major employers, and other amenities.



DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Petitioner's Name: Birge and Held Asset Management, LLC
Location: 405 N. Harrison Street - Porter Pool Site
Variance for: Article 5, Section 15 UDO 5.15.A - Separation of Drive Aisles are less than the required 100' Page 5-20 (87/319 per the UDO PDF

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

Granting the variance request will not be harmful to the public health, safety, and general welfare of the City as this request is meant to do just the opposite in that the with this request, the project is trying to provide an optimal traffic flow through a larger integrated development trying to lessen traffic flow onto a major arterial (Harrison Street) that already has a dangerous left (north) turn situation. The request will also enhance the general welfare of the City providing much needed new housing and other amenities to the downtown area

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

As this project is a \$34,000,000 mixed-use project that is providing new housing, retail/commercial amenities, and integrating a larger area, granting of this easement will only enhance the use and value of the adjacent properties adding more live/work/play opportunities for neighboring residents while also removing an existing vacant lot and revitalizing a vacant building for the betterment of the neighborhood and community.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

If the requested variance is not granted, this would cause a couple of different items to occur. One, it would servely limit the parking count onsite and would also cause most of the parking/traffic to empty out onto Harrison Street. If the project had to keep the parking count, there would still be the issue with traffic emptying out onto Harrison Street but we would also have to eliminate all of the exterior amenity space within the courtyard area. Either of those options would greatly reduce the project and larger campus' overall desirability as well as decrease tenant safety and welfare with all most traffic entering and exiting onto Harrison Street.

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.

General Information

Parcel Number
73-07-32-300-458.000-002
Parent Parcel Number

Ownership

CITY OF SHELBYVILLE REDEVELOPMENT COM
44 W WASHINGTON ST
SHELBYVILLE, IN 46176

Transfer Of Ownership

Date	Owner	Doc ID	Code	Book/Page	Sale Price
12/29/2021	CITY OF SHELBYVILLE				\$00
01/01/1900	Shelbyville Civil Ci				\$00

Notes

Tax ID:

Legal

PT SW 32 13 7 1.82AC

Routing Number

Property Class 640
Exempt, Municipality

EXEMPT

Year:

Valuation Records (work in progress values are not certified values and are subject to change)

Location Information

County
Shelby

Township
ADDISON TOWNSHIP

District 002 (Local)

School Corp
SHELBYVILLE CENTRAL

Neighborhood 7302053-002
COMMERCIAL

Section/Plat

Location Address
501 N Harrison
Shelbyville , IN 46176

Zoning

Subdivision

Lot

AAMH Park

Characteristics

Topography
Level

Public Utilities
All

Streets or Roads
Paved, Sidewalk

Neighborhood Life Cycle Stage
NA

Printed Wednesday, June 29, 2022

Assessment Year	2022
Reason For Change	AA
As Of Date	04/12/2022
Valuation Method	Indiana Cost Mod
Equalization Factor	
Notice Required	
Land	\$163,800
Land Res(1)	\$00
Land Non Res(2)	\$00
Land Non Res(3)	\$163,800
Improvement	\$00
Imp Res(1)	\$00
Imp Non Res(2)	\$00
Imp Non Res(3)	\$00
Total	\$163,800
Total Res(1)	\$00
Total Non Res(2)	\$00
Total Non Res(3)	\$163,800

Land Data

Land Type	Pricing Method	Soil ID	Act Front	Size	Factor	Rate	Adj Rate	Ext Value	Infl%	Res Elig%	Market Factor	Value
11			0	1.82			\$90,000	\$163,800				\$163,800

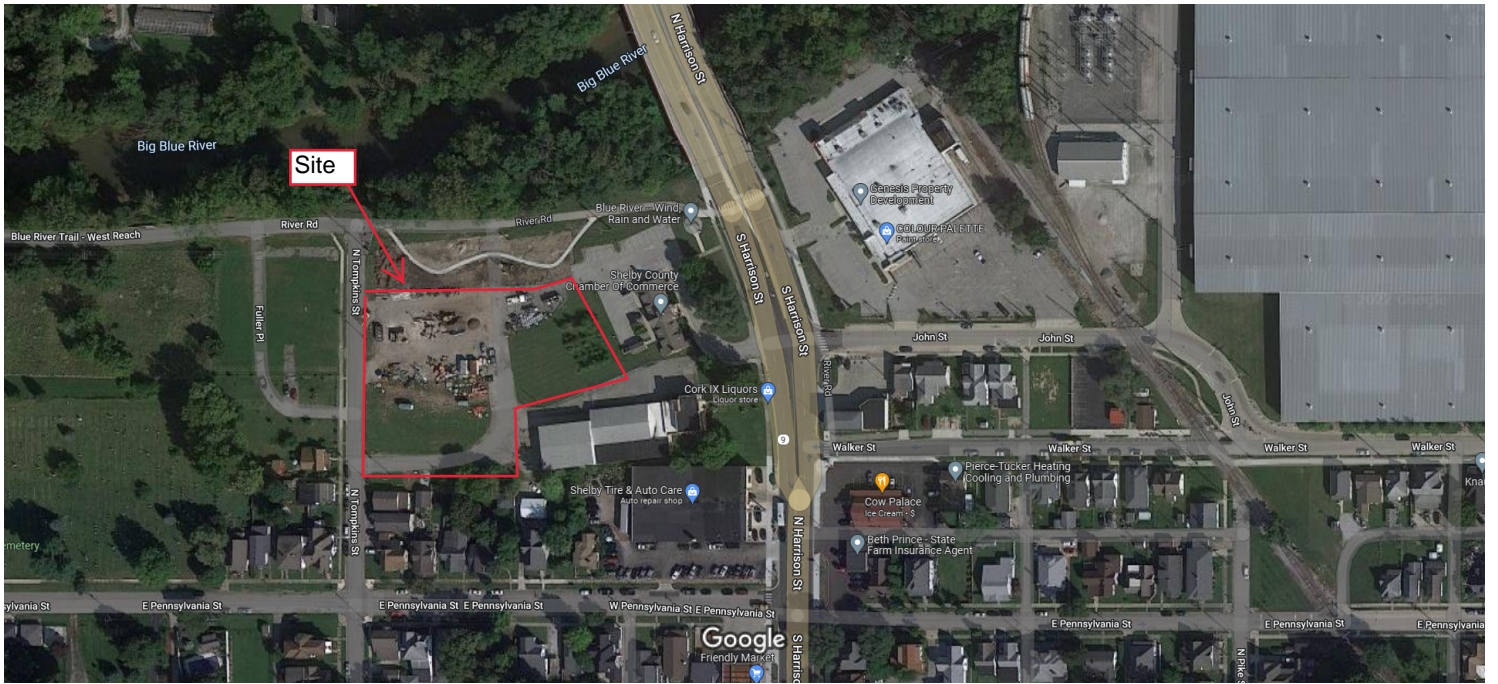
Land Computations

Calculated Acreage	1.82
Actual Frontage	
Developer Discount	<input type="checkbox"/>
Parcel Acreage	1.82
81 Legal Drain NV	
82 Public Roads NV	
83 UT Towers NV	
9 Homesite	
91/92 Acres	
Total Acres Farmland	
Farmland Value	
Measured Acreage	
Avg Farmland Value/Acre	
Value Of Farmland	
Calssified Total	
Farm / Classified Value	
Homesite(s) Value	
91/92 Values	
Supp. Page Land Value	
CAP 1 Value	
CAP 2 Value	
CAP 3 Value	
Total Value	

Data Source

Collector

Appraiser



Imagery ©2022 IndianaMap Framework Data, Maxar Technologies, Map data ©2022 100 ft

SHELBYVILLE COCA-COLA BOTTLING COMPANY

MIXED-USE DEVELOPMENT

405 N. HARRISON STREET, SHELBYVILLE, IN 46176

PRELIMINARY PLAN COMMISSION HEARING

06.27.2022



BIRGE & HELD

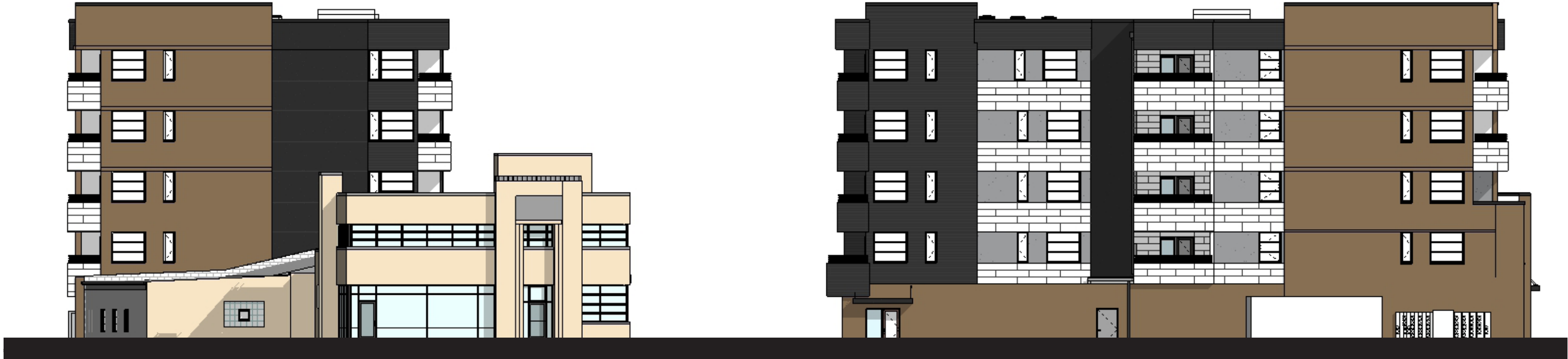


BLACKLINE











BIRGE & HELD



BLACKLINE

EXTERIOR ELEVATION

SOUTH





BIRGE & HELD



BLACKLINE

EXTERIOR ELEVATION

NORTH



LOOKING SOUTHWEST



LOOKING NORTHEAST

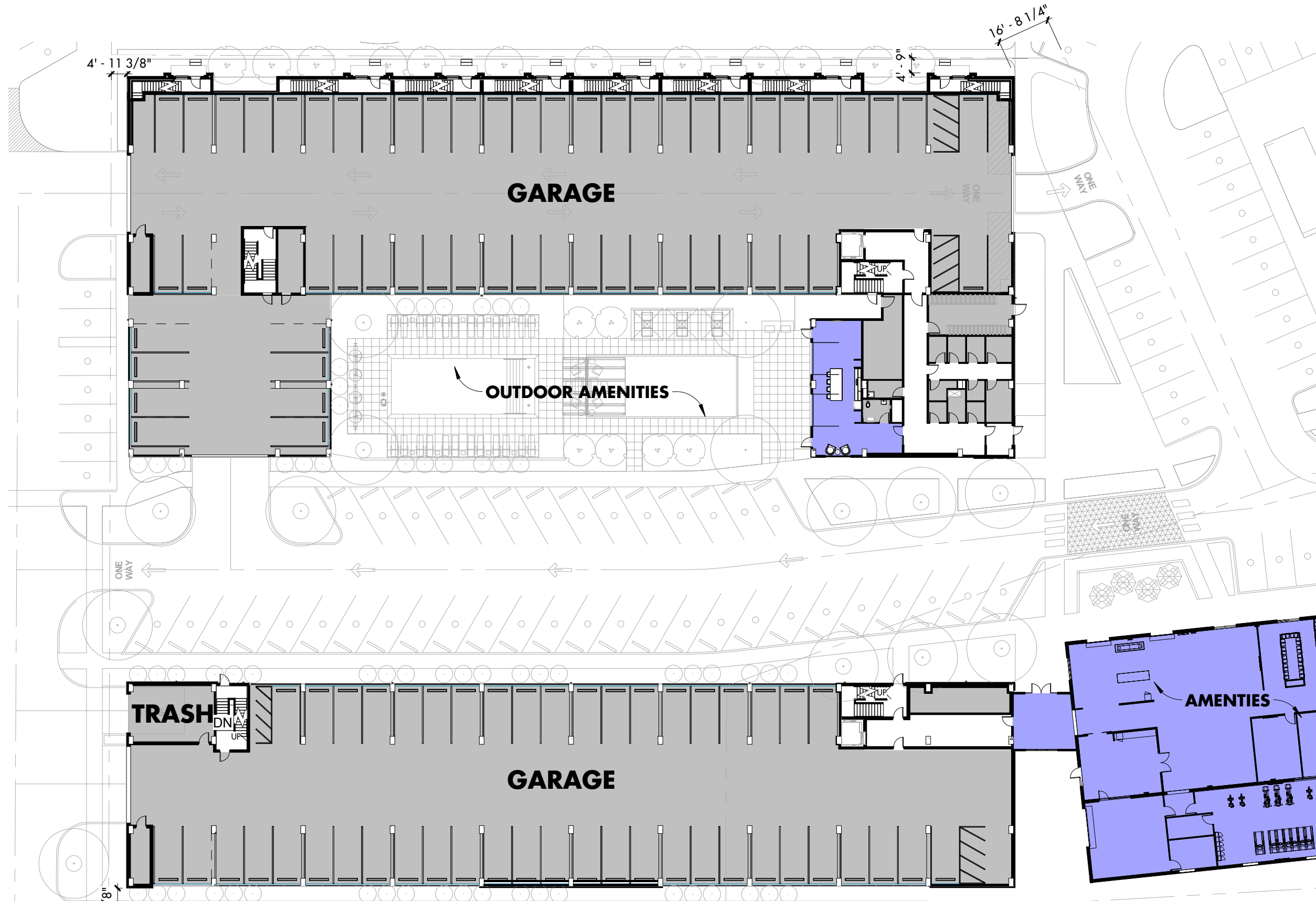
FLOOR SUMMARY

PARKING SUMMARY

102 GARAGE PARKING SPACES
90 SURFACE PARKING SPACES

AMENITY SUMMARY

2,739 MISC. AMENITY/LOBBY SF
N/A EXISTING COKE BUILDING AMENITY



FLOOR SUMMARY

STUDIO UNITS

- 7 1A - 601 GSF
- 1 1B - 601 GSF

ONE BEDROOM UNITS

- 11 1A - 765 GSF
- 4 1B - 950 GSF
- 4 1C - 762 GSF
- 2 1D - 855 GSF
- 2 1E - 939 GSF
- 3 1F - 765 GSF

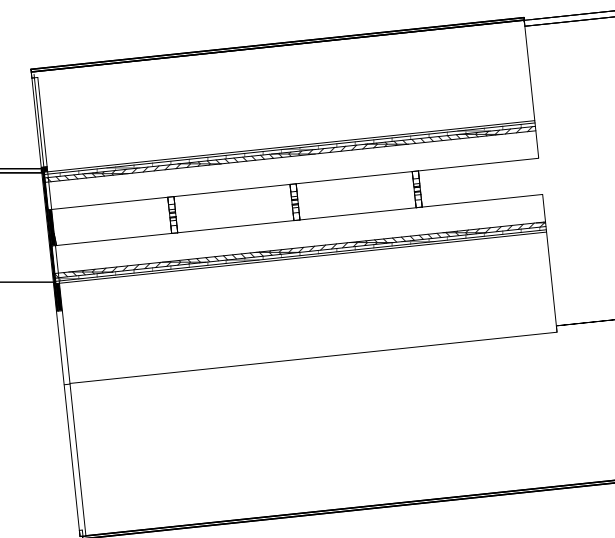
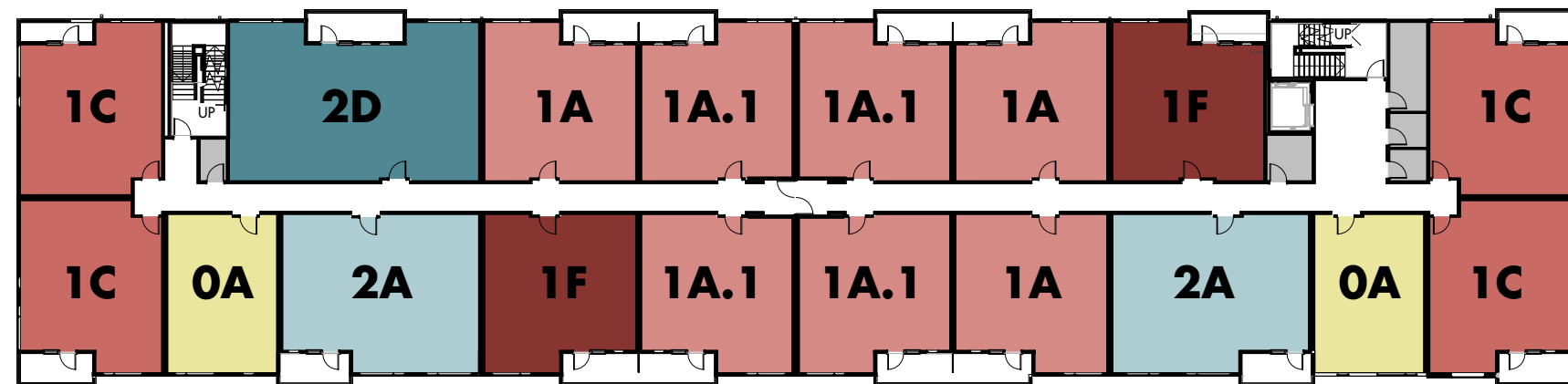
TWO BEDROOM UNITS

- 2 2A - 1003 GSF
- 2 2B - 1221 GSF
- 1 2C - 1003 GSF
- 1 2D - 1255 GSF

THREE BEDROOM UNITS

- 1 3A - 1366 GSF
- 1 3B - 1366 GSF

42 TOTAL UNITS / PER FLOOR



FLOOR SUMMARY

STUDIO UNITS

- 7 1A - 601 GSF
- 1 1B - 601 GSF

ONE BEDROOM UNITS

- 15 1A - 765 GSF
- 0 1B - 950 GSF
- 6 1C - 762 GSF
- 2 1D - 855 GSF
- 0 1E - 939 GSF
- 3 1F - 765 GSF

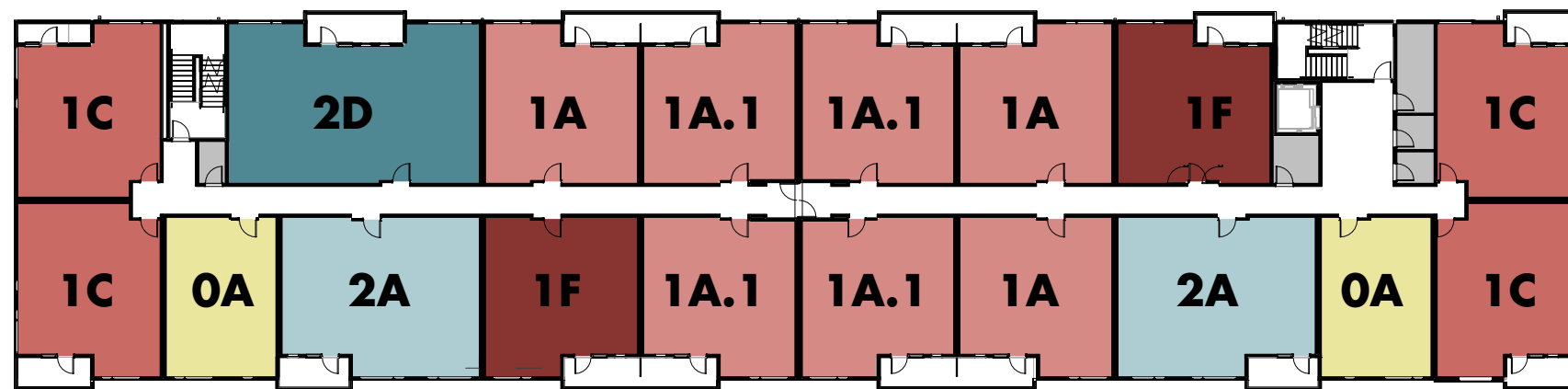
TWO BEDROOM UNITS

- 4 2A - 1003 GSF
- 0 2B - 1221 GSF
- 1 2C - 1003 GSF
- 1 2D - 1255 GSF

THREE BEDROOM UNITS

- 2 3A - 1366 GSF
- 0 3B - 1366 GSF

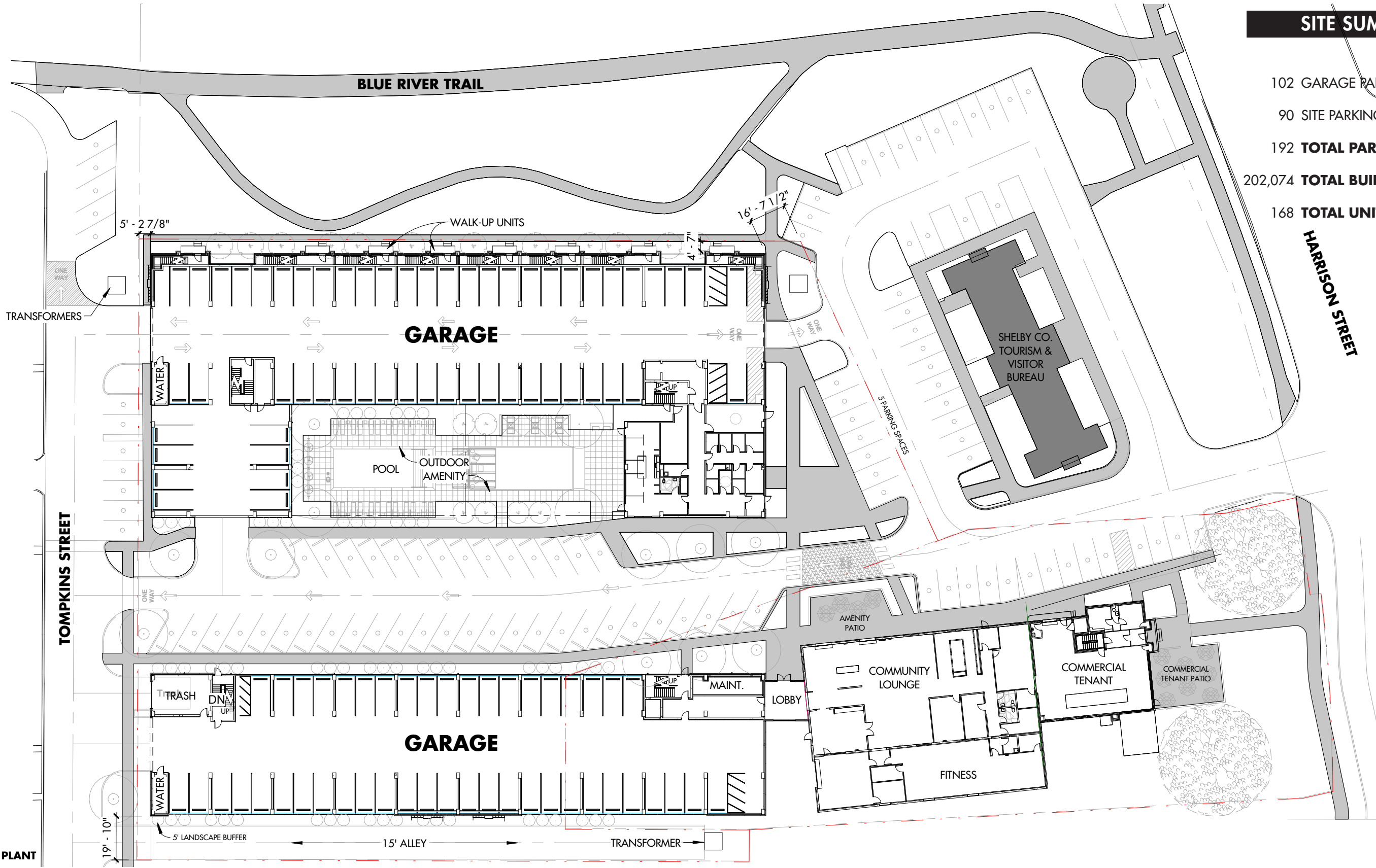
42 TOTAL UNITS / PER FLOOR



SCHEMATIC FLOOR PLAN
THIRD - FIFTH FLOORS

SITE SUMMARY

- 102 GARAGE PARKING
- 90 SITE PARKING
- 192 **TOTAL PARKING**
- 202,074 **TOTAL BUILDING AREA**
- 168 **TOTAL UNITS**



THE PLANT



SITE PLAN

SCALE: 1" = 40'

405 N HARRISON

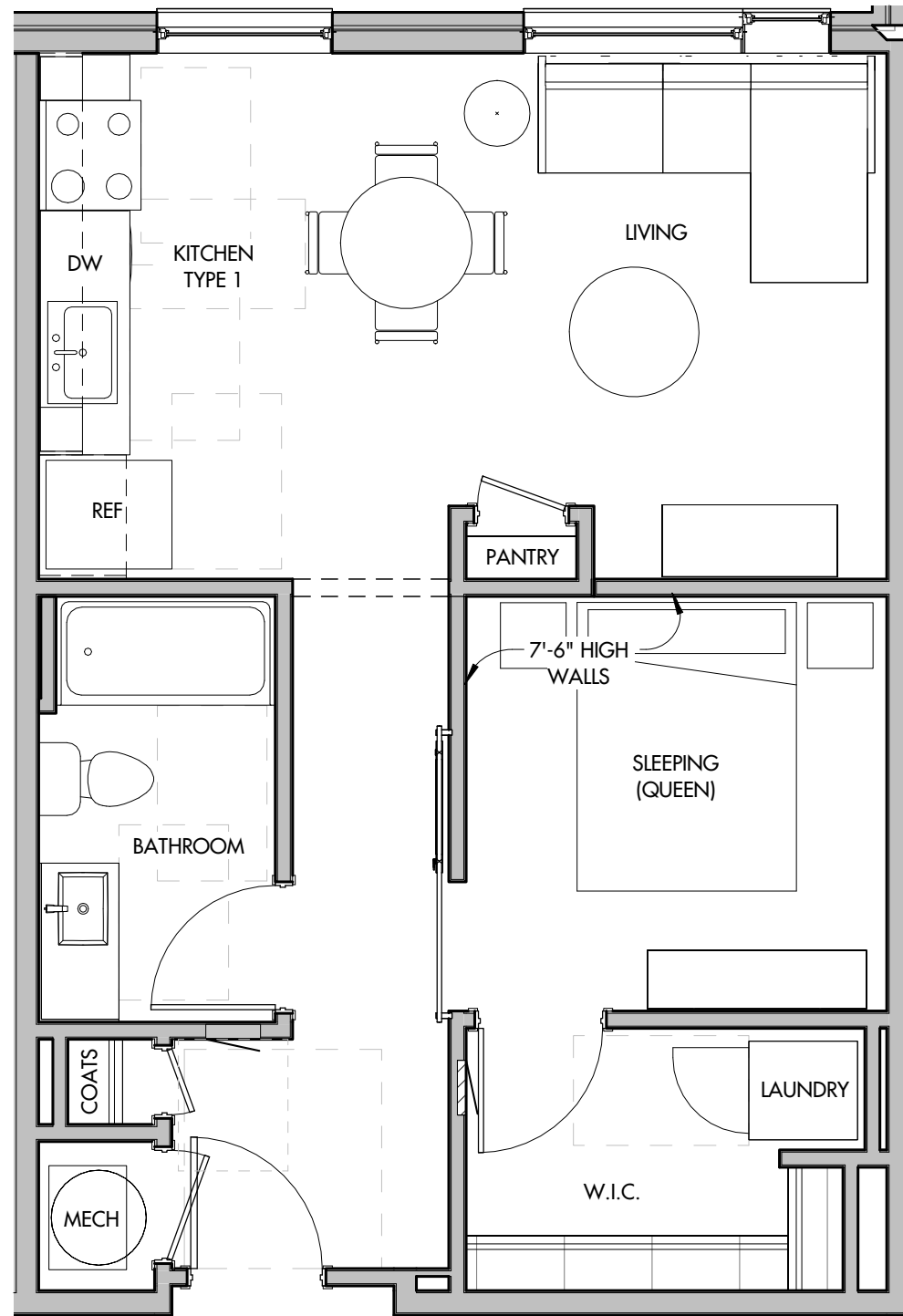
UNIT SUMMARY											
Unit Description	Unit GSF	Unit NSF	Balcony SF	Unit Quantities						Unit Type	
				1st	2nd	3rd	4th	5th	Total	Total GSF	Balcony Total
0A	601	545	-	0	7	7	7	7	28	16,828	-
0B - Accessible	601	545	-	0	1	1	1	1	4	2,404	2,180
STUDIO UNITS					8	8	8	8	32	19,232	2,180
1A	765	702	75	0	5	7	7	7	26	19,890	1,950
1A.1 - Firewall Unit	761	694	75	0	4	5	5	5	19	14,459	1,425
1A.2 - Firewall Unit	761	694	75	0	2	3	3	3	11	8,371	825
1B - 2nd Floor Walk Out	950	882	-	0	2	0	0	0	2	1,900	-
1B.1 - Walk Out Firewall Unit	946	872	-	0	1	0	0	0	1	946	-
1B.2 - Walk Out Firewall Unit	946	872	-	0	1	0	0	0	1	946	-
1C	762	703	75	0	4	6	6	6	22	16,764	1,650
1D + Den	855	786	75	0	2	2	2	2	8	6,840	600
1E - 2nd Floor Walk Out	939	876	-	0	2	0	0	0	2	1,878	-
1F - Accessible	765	702	75	0	3	3	3	3	12	9,180	900
1 BEDROOM UNITS					26	26	26	26	104	81,174	7,350
2A	1,003	932	65	0	2	4	4	4	14	14,042	910
2B - 2nd Floor Walk-Outs	1,221	1,145	-	0	2	0	0	0	2	2,442	-
2C - Accessible	1,003	932	65	0	1	1	1	1	4	4,012	260
2D	1,255	1,178	90	0	1	1	1	1	4	5,020	360
2 BEDROOM UNITS					6	6	6	6	24	25,516	1,530
3A	1,366	1,273	90	0	1	2	2	2	7	9,562	630
3B - Accessible	1,366	1,273	90	0	1	0	0	0	1	1,366	90
3 BEDROOM UNITS					2	2	2	2	8	10,928	720
TOTAL APT UNITS				0	42	42	42	42	168	136,850	11,780

	Total	Mix %
Studios	32	19%
1BR	104	62%
2BR	24	14%
3BR	8	5%
Total units	168	100%

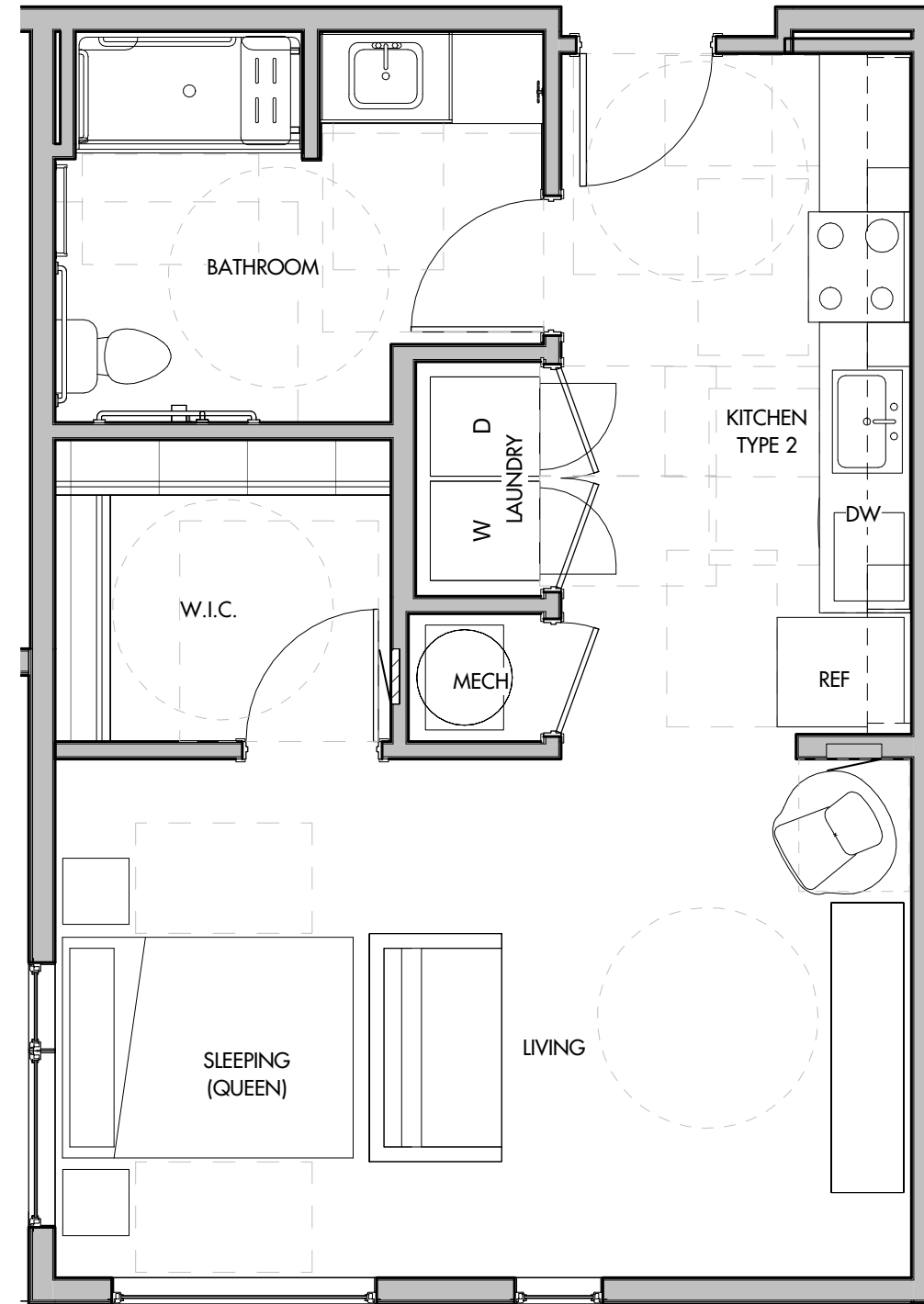
Note 1: Apartment gross floor area listed is calculated to the exterior face of the stud framing defining the unit.
Note 2: Balcony area calculated from exterior face of exterior framing wall to exterior face of balcony framing.

	Unit Quantities						Total	67.72%
	1st	2nd	3rd	4th	5th	Total		
TOTAL BUILDING AREA	42,814	40,946	39,438	39,438	39,438	202,074		
Parking Garage - Standard	98							
Parking Garage - ADA	4							
Surface Parking Lot	90							

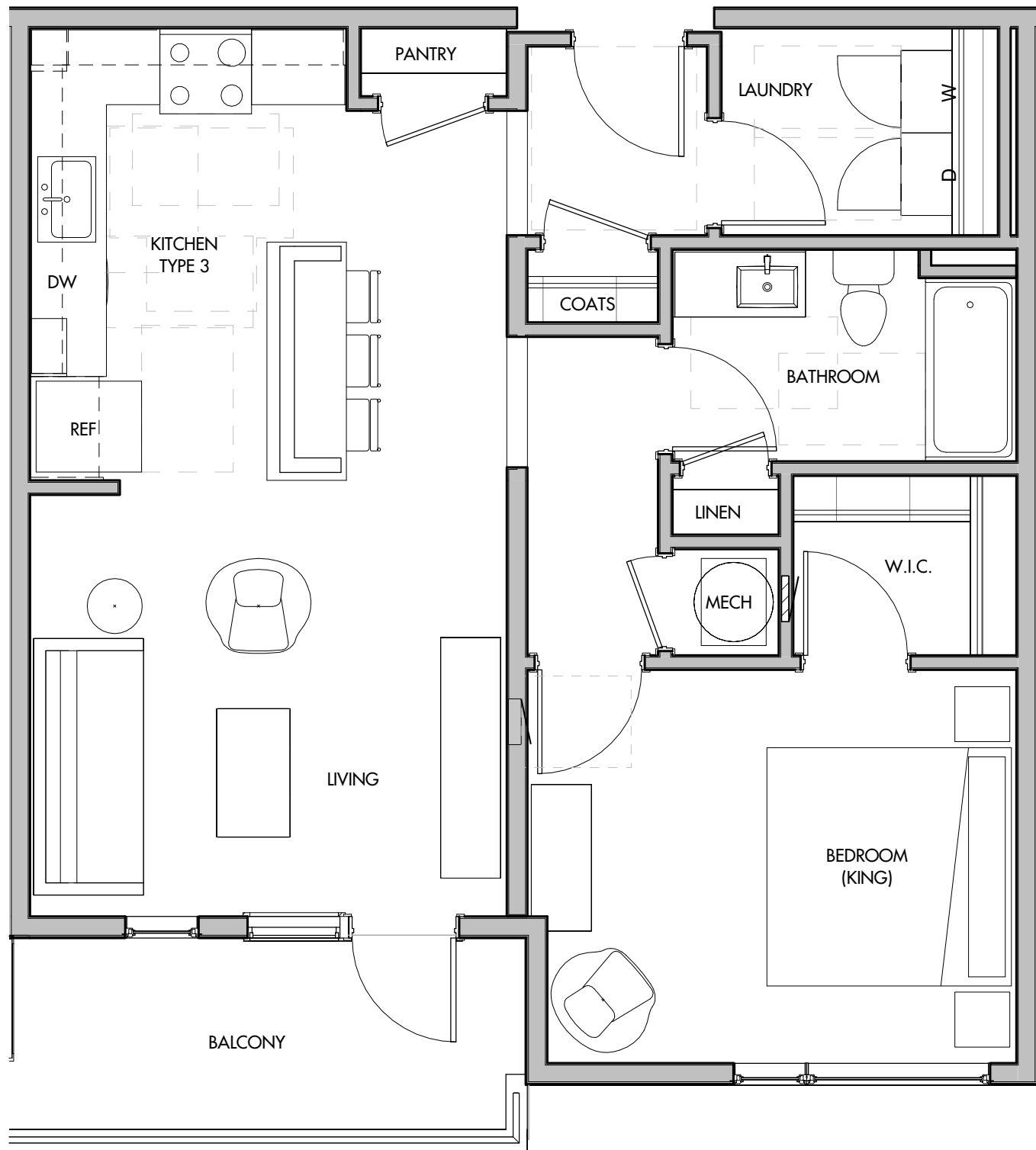
192 *includes parking along Tompkins & at commercial/Tourist Center



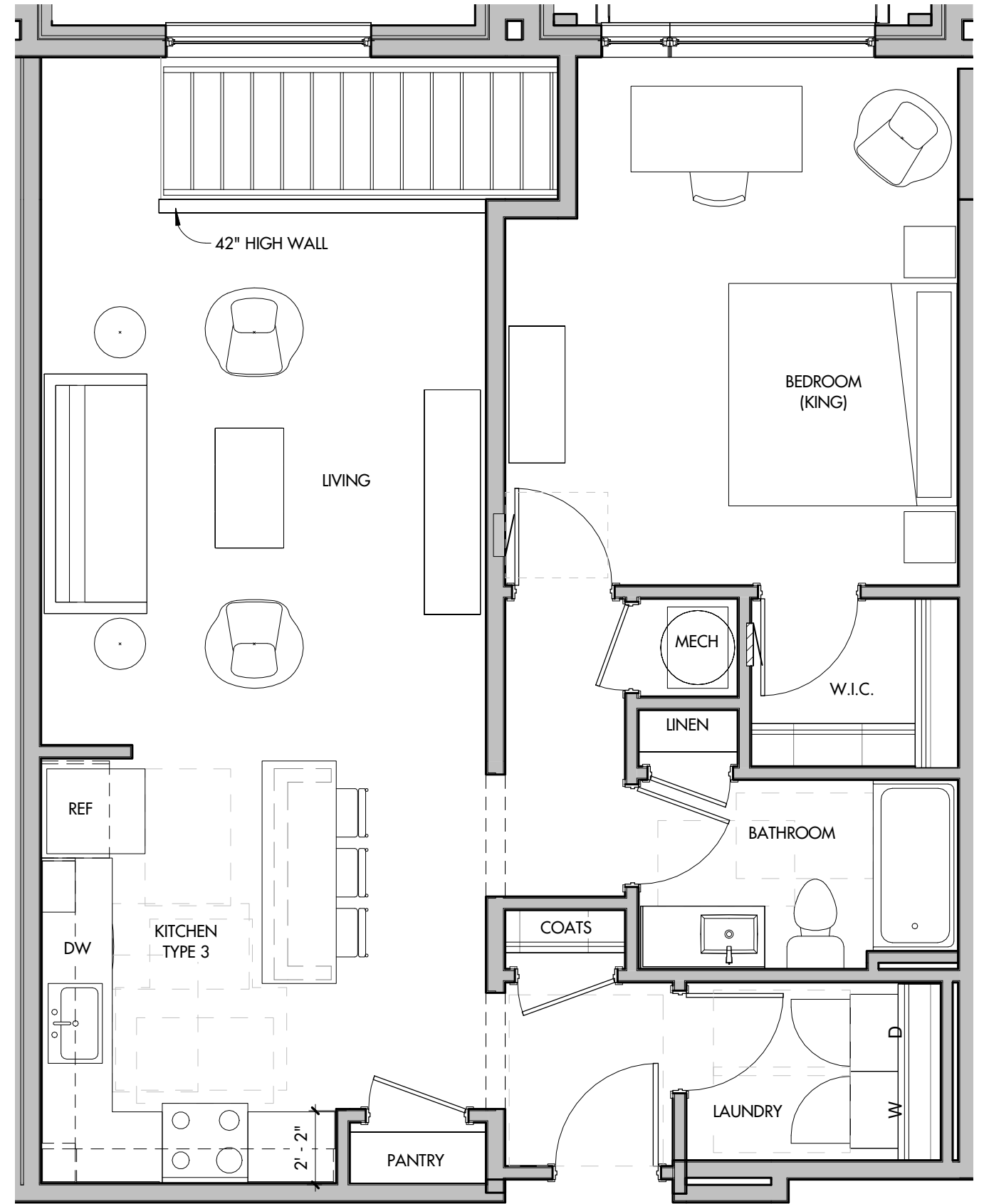
UNIT 0A - 601 SF (OCCURS 28 TIMES)



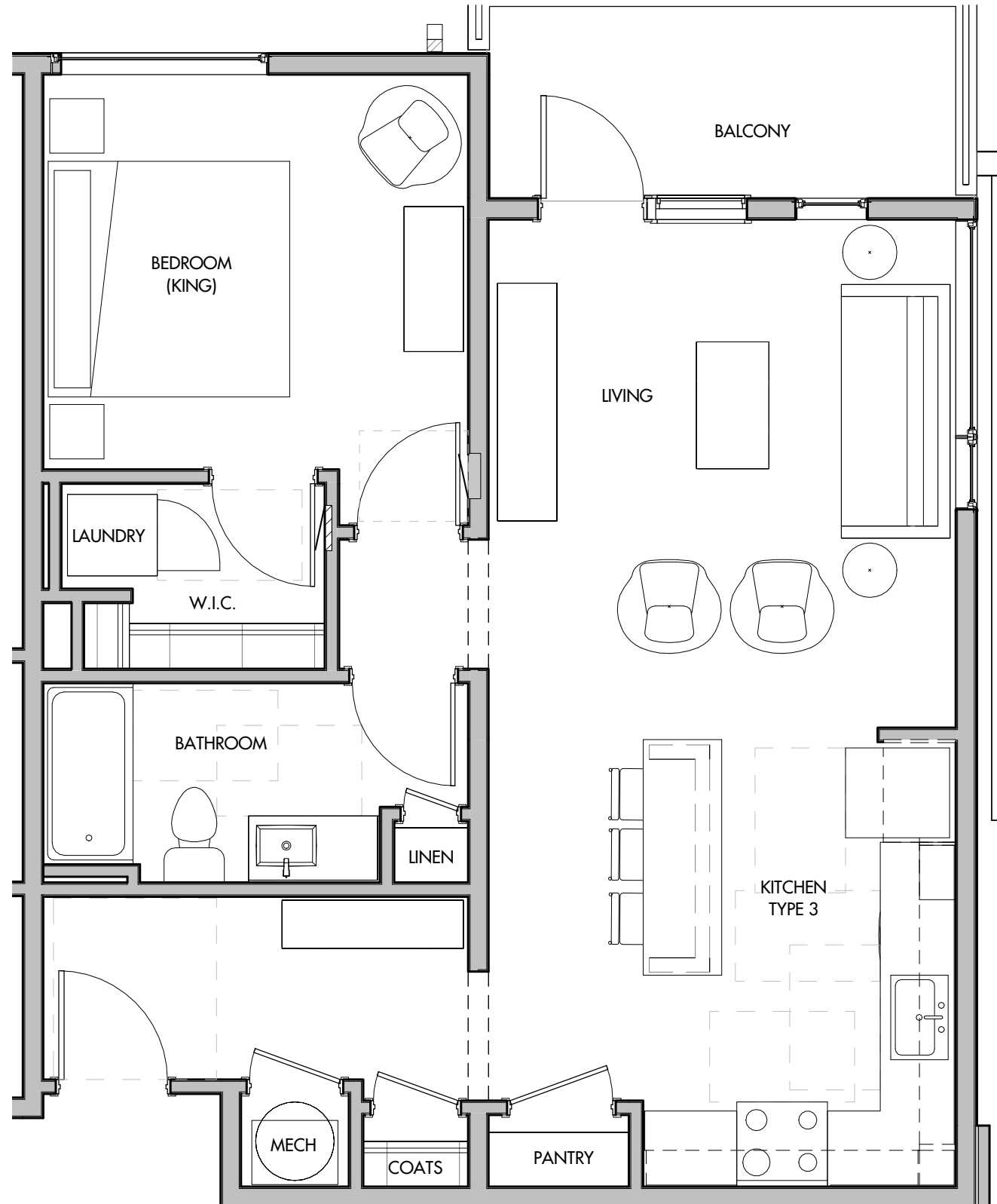
UNIT 0B - 601 SF (OCCURS 4 TIMES)



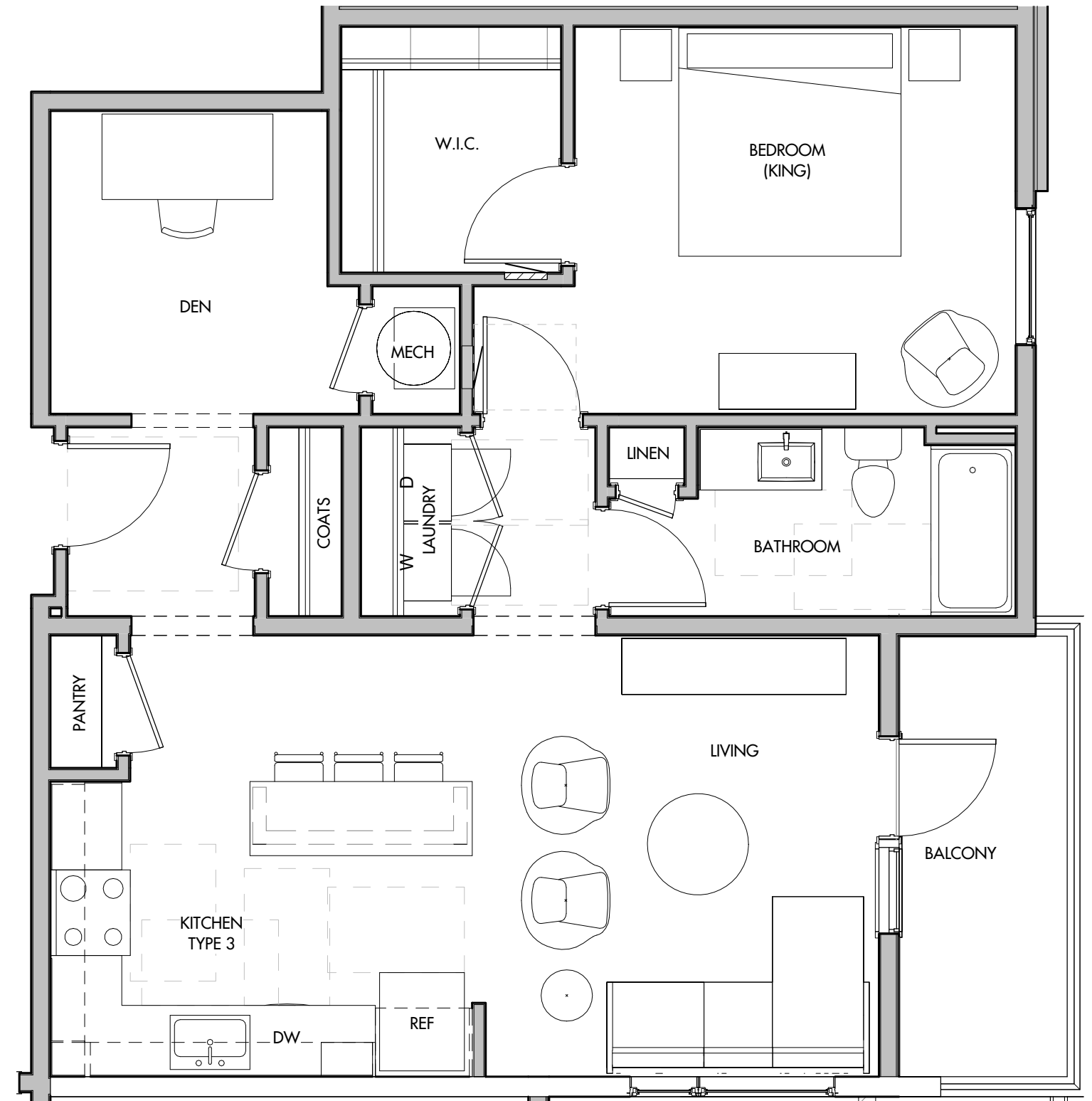
UNIT 1A - 765 SF (OCCURS 56 TIMES)



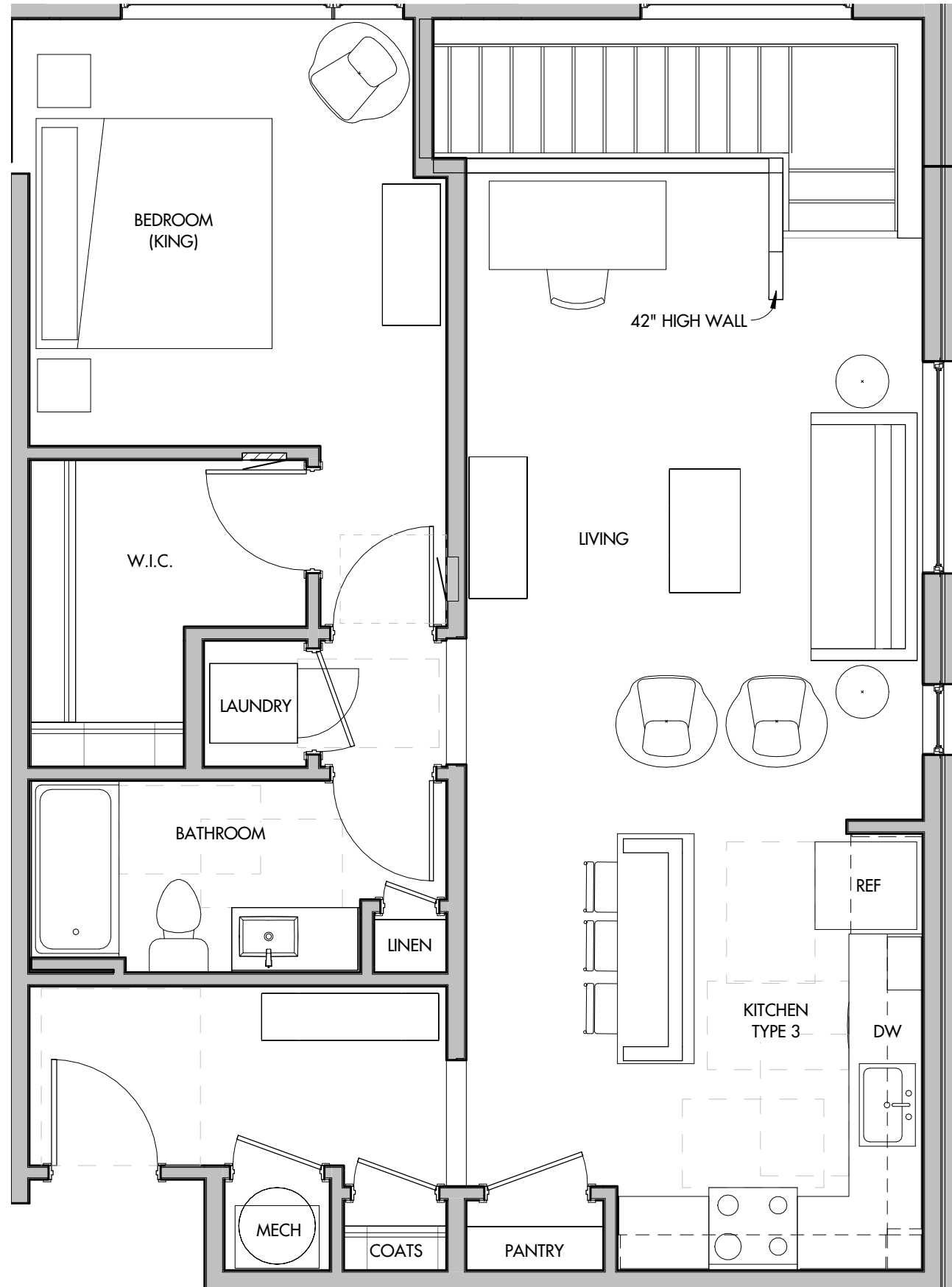
UNIT 1B - 950 SF (OCCURS 4 TIMES)



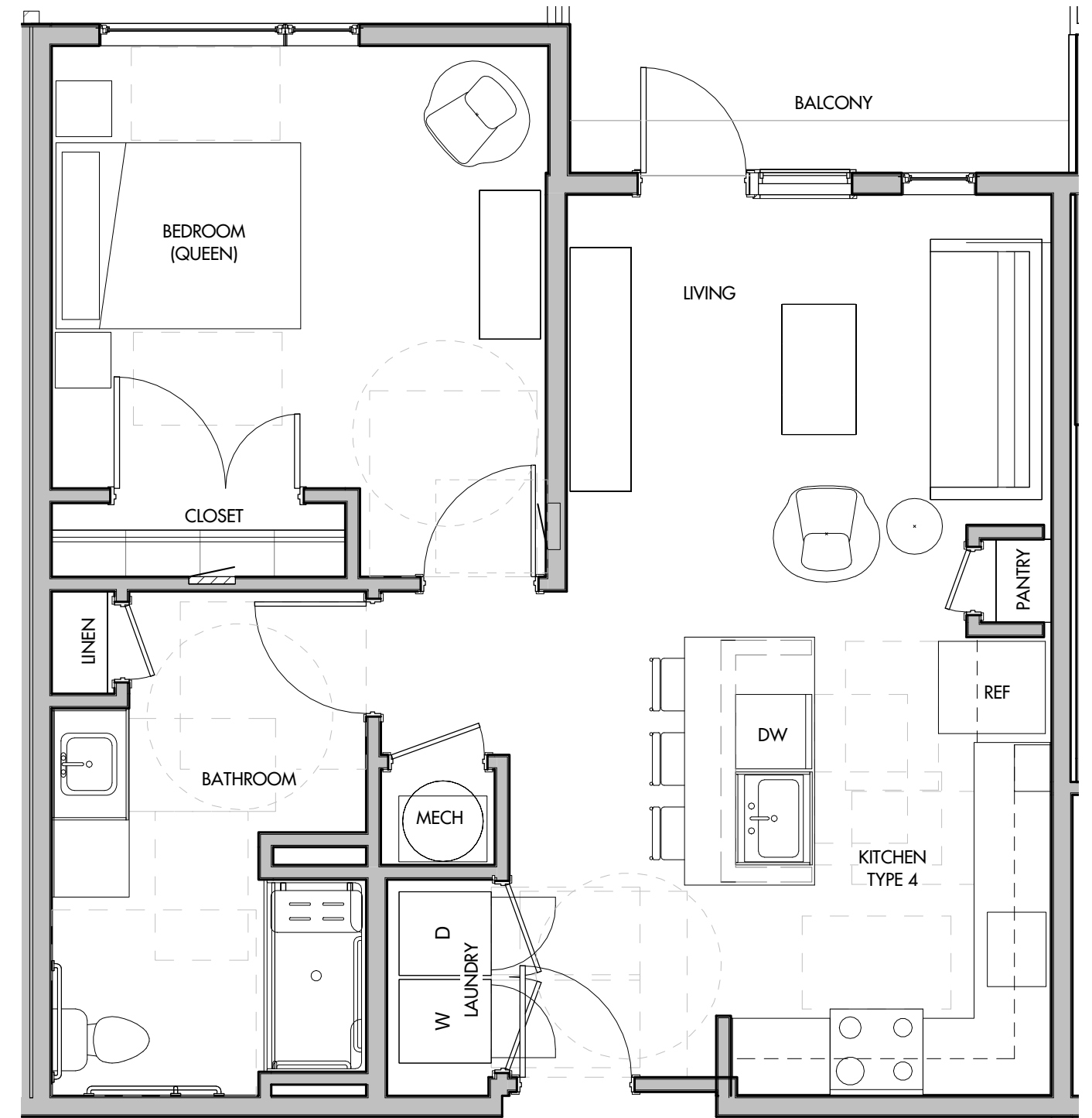
UNIT 1C - 762 SF (OCCURS 22 TIMES)



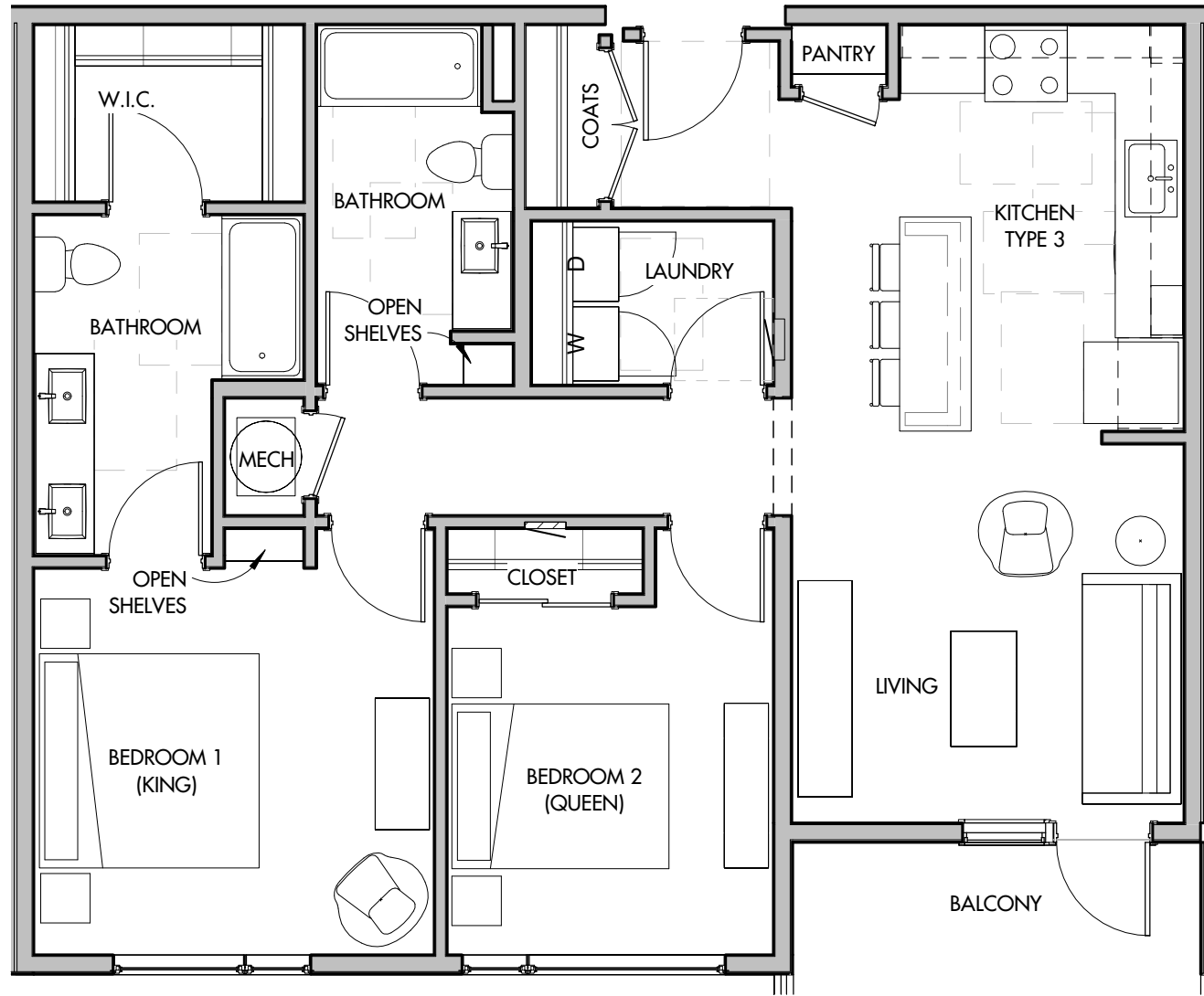
UNIT 1D - 855 SF (OCCURS 8 TIMES)



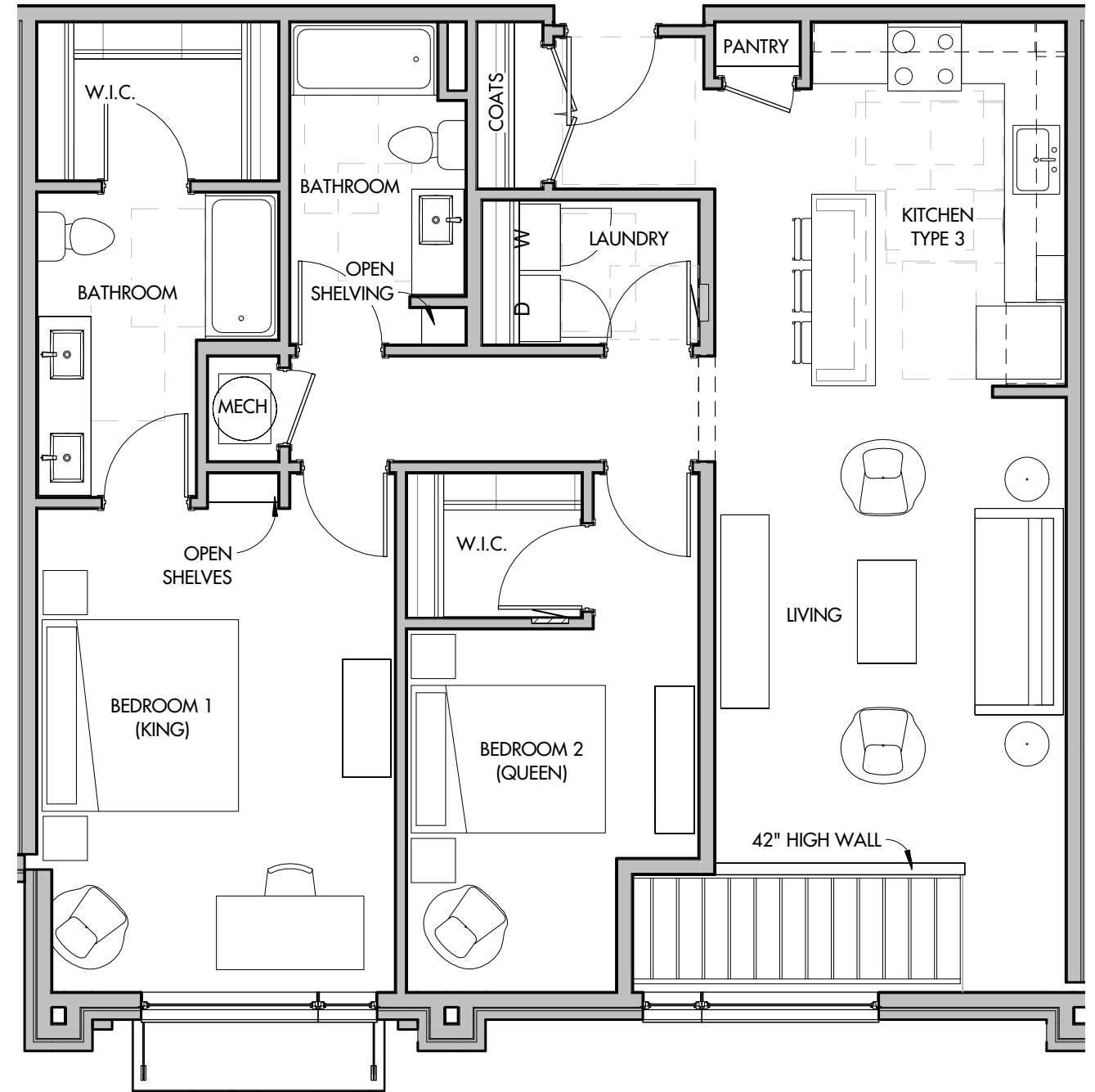
UNIT 1E - 939 SF (OCCURS 2 TIMES)



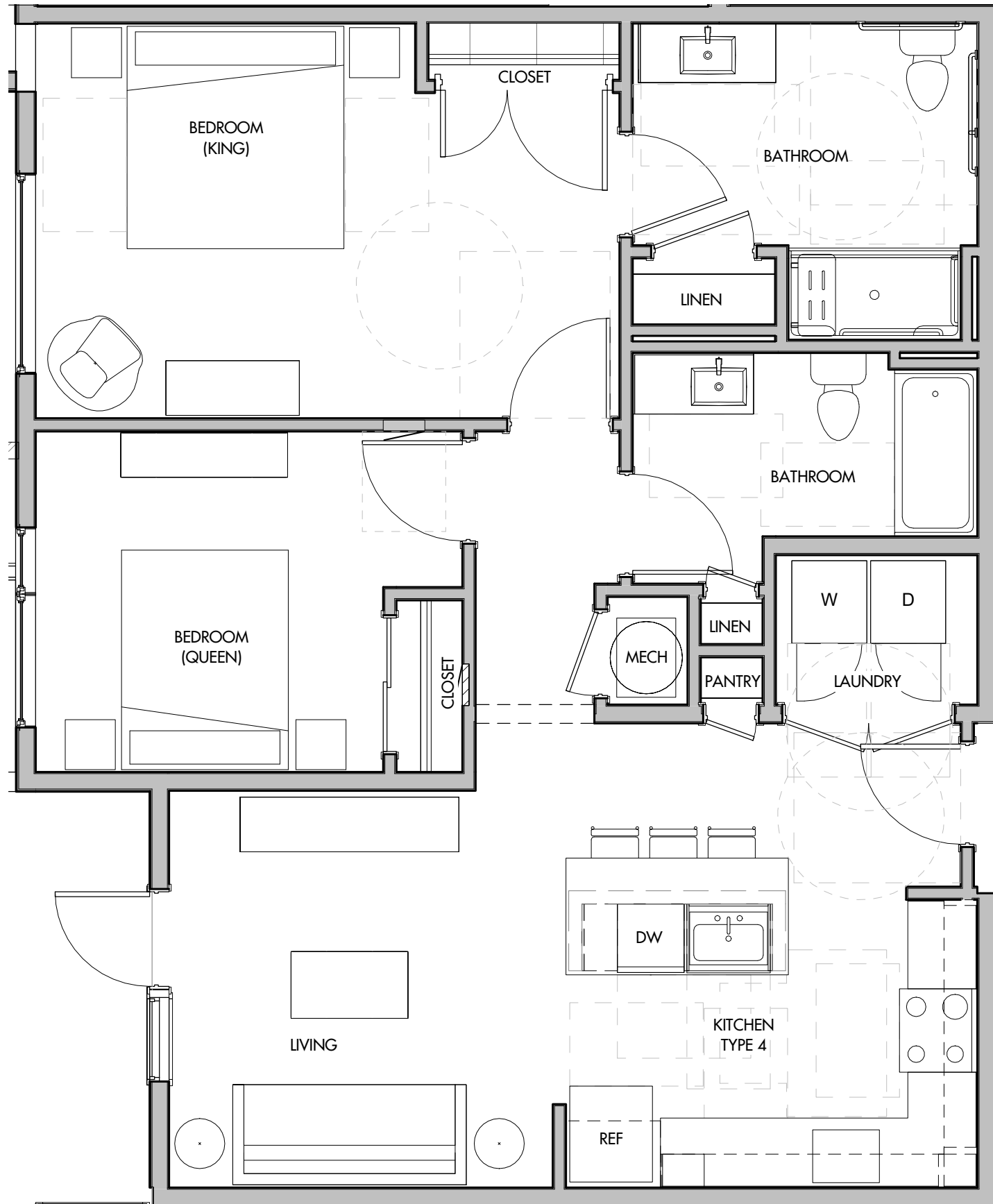
UNIT 1F - 765 SF (OCCURS 12 TIMES)



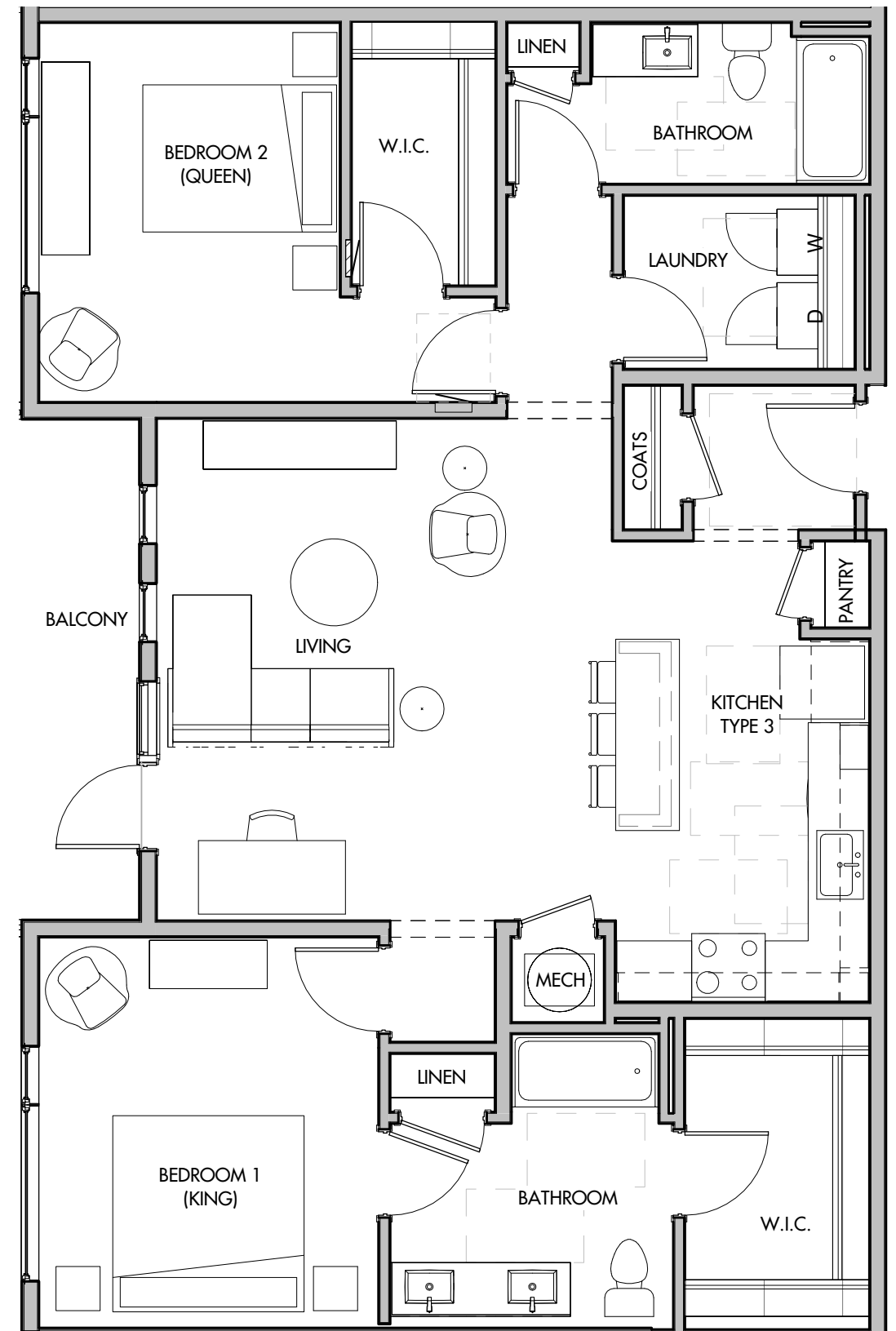
UNIT 2A - 1,003 SF (OCCURS 14 TIMES)



UNIT 2B - 1,221 SF (OCCURS 2 TIMES)

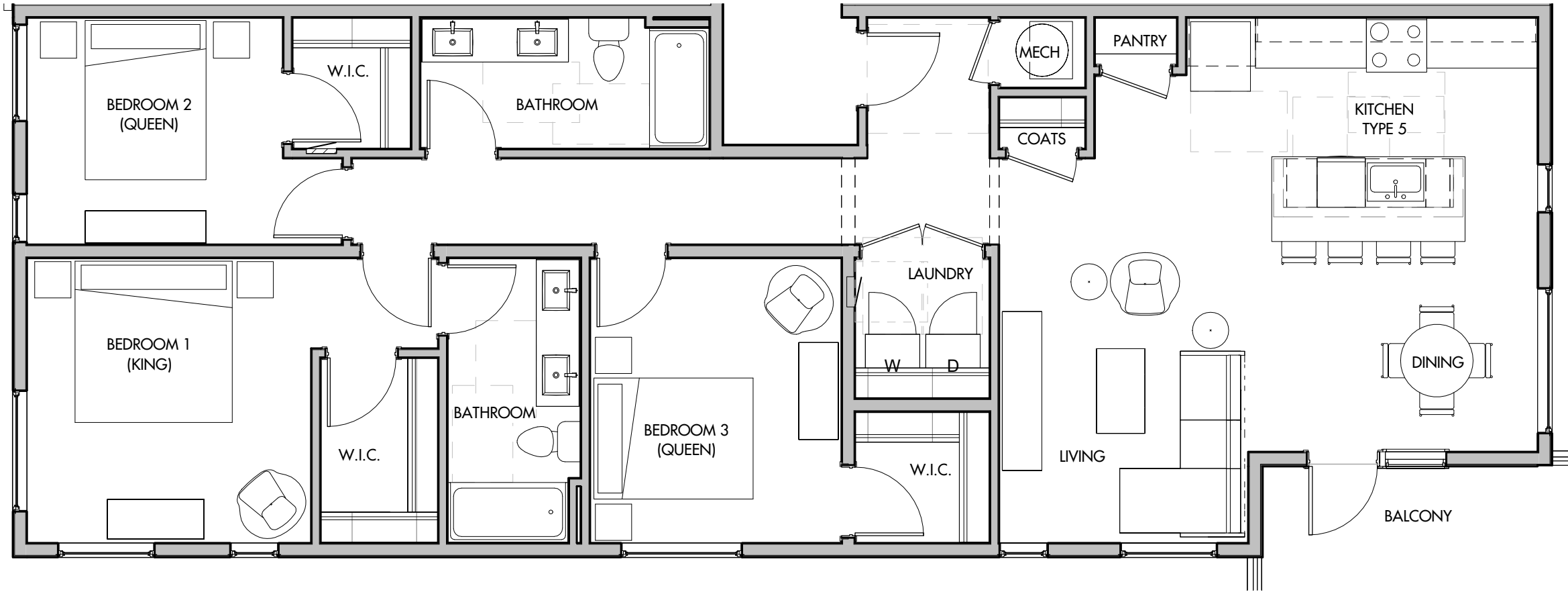


UNIT 2C - 1,003 SF (OCCURS 4 TIMES)

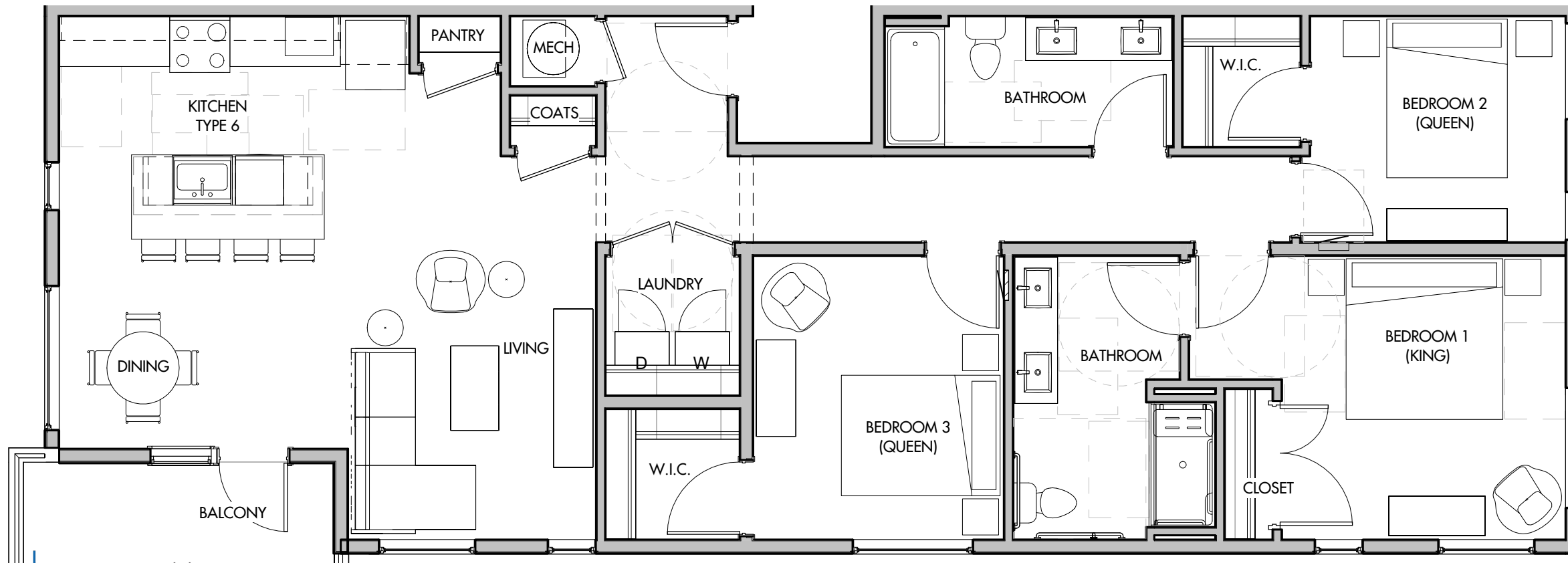


UNIT 2D - 1,255 SF (OCCURS 4 TIMES)

UNIT FLOOR PLANS
UNIT TYPE - TWO BED



UNIT 3A - 1,366 SF (OCCURS 7 TIMES)



UNIT 3B - 1,366 SF (OCCURS 1 TIME)