

SHELBYVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
April 11, 2023

Chris Clark: The April 11, 2023 Board of Zoning Appeals meeting will come to order. Mr. Secretary, would you call the roll?

Adam Rude: Ms. Terrell - here, Mr. Cassidy - here, Mr. Clark - here, Mr. Lewis - here, Mr. Bradburn - here.

Clark: I see the first order of business on here is elections.

Rude: That is a typo.

Clark: It is a typo. Ignore that. That was done last month so our first order of business will then be the approval of minutes of March, 2023.

Wade Lewis: Move to approve.

Doug Cassidy: Second.

Clark: I hear a movement and a second. All in favor, signify by saying, "Aye".

In Unison: Aye.

Clark: All opposed, same sign.

No reply.

Clark: The minutes are approved. I see we have no Old Business left from last month and we'll jump right in to the New Business:

Rude:(inaudible)....

Clark: Separate?

Rude: Yes.

Clark: Okay.

Rude: Do we want to start with the schools or do we want to(inaudible).....Do you care?

Clark: Let's go ahead and start with the schools.

Rude: Okay. Just let the record show for those at home Mr. Bradburn and Ms. Terrell, both employed by the school corporation so they have stepped down and recused themselves. First item under New Business is BZA 2023-05 Coulston Elementary School EMC special exception. The petitioner's name and owner's name is Shelbyville Central Schools. Petitioner's representative is Warren (?) from Green Signs. The address of the property is 120 N. Knightstown Road. The property zoning classification is IS, institutional and the request tonight is a request for one special exception use from UDO 5.58(?).

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

Lauren (?): Good evening. My name is Lauren (?). I'm with Green Sign Company on behalf of Coulston Elementary School. I'm here tonight to ask for a special exception to allow for a electronic message center to be installed on the school's property. As you know, this property falls within the institutional zone and that is why a special exception is required. Recently we completed a similar sign for southwestern shelby schools. We also did the sign for First Presbyterian Church located on Broadway Street here in Shelbyville. That sign is across the street from residential properties as well. Electronic message centers are a great asset for schools as they are useful tools for communication. Schools often use the electronic message centers to share sporting event times, special school event times and locations, school delays and closings and much more with their communities. They're becoming increasingly popular. A major concern with electronic message centers are their brightness especially in areas that are close to residential properties. Though this is a logical concern, advancements in this type of technology have been made to combat this common issue. The type of electronic message center that we provide to our customers are fully programmable and feature a sensor that automatically dims the electronic message center to an appropriate brightness for darker hours so they aren't a nuisance to the community and motorists. This brightness is equivalent to the brightness of our phone screens, televisions, computer screens, etc. If you are a resident that lives close to the sign, you wouldn't notice the sign being on unless you were actively looking for it. Through our experience we've learned that electronic message centers have become great assets to schools and to their overall appeal. Thank you.

Clark: Thank you. I'll start with questions from the board. I'll start with Mr. Lewis.

Lewis: The staff's recommendation and conditions, is the school okay with those?

Lauren: Yeah.

Lewis: Okay. The only thing we discussed in the pre-meeting that the only change was just going the 7:00 a.m. to 9:00 p.m. all you know for the whole year.

Lauren: Okay.

Lewis: Is that still.....?

Lauren: Yeah I didn't, we shared the staff report with the school and as far as we know they were okay with the other one so we'll just have to share it with them again and just double check on that but I'm sure it should be fine.

Lewis: Okay. That's all I've got.

Clark: Alright. Mr. Cassidy?

Cassidy: I have no questions. Just mainly what Mr. Lewis said so I have no questions.

Clark: I think this was well presented. I have no questions so I will close questions from the board and open it to the members of the public. Would anyone from the public like to speak?

No reply.

Clark: Seeing no one, I will close questions from the public and I (?) ready for a motion.

Lewis: I'll make a motion to approve the requested special exception use of the electronic message center including the proposed conditions in the staff report.

Cassidy: Second.

Clark: Please cast your vote for BZA 2023-05.

Rude: Okay a motion for approval with the conditions listed: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Lewis - yes, 2 abstentions. Motion carries.

Lauren: Thank you. I (?) step down if I'm.....

Clark: No you may stay right where you're at. I was just going to bring that up. We have multiple petitions before the board so we'll just continue on with the same petitioner.

Rude: BZA 2023-16, Loper Elementary School EMC special exception. All the same petitioner and representative information. The address is 901 Loper Drive Shelbyville, Indiana. Again, zoning classification is IS and again, a request for one special exception use UDO 5.58 p1 for an electronic message center.

Clark: Thank you. Does the petitioner have anything to add for this particular site?

Lauren: No it's the same proposal as the other one.

Clark: Alright I will open questions to the board; Mr. Cassidy?

Cassidy: No.

Clark: Mr. Lewis?

Lewis: No questions.

Clark: I have no questions. I guess we'll close questions from the board and open it to the public. Anyone wish to speak on this one?

No reply.

Clark: Seeing no one, we'll close comment from the public and we are ready for a motion.

Cassidy: I make a motion to approve the requested special exemption (?) electronic messaging center with the conditions that were stated in the staff's report.

Lewis: Second.

Clark: Please cast your vote for BZA 2023-06.

Rude: BZA 2023-06 motion for approval with conditions: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Lewis - yes and 2 abstentions. Motion carries.

Clark: Since we have one more on this, you do not have to step down and we will let the secretary please.....

Rude: BZA 2023-07 Hendricks Elementary School electronic message center special exception and all the same information previous two petitions. The address is 1111 St. Joseph Street in Shelbyville and again the request is for one special exception use from UDO 5.58 p1, an electronic message center.

Clark: Does the petitioner have anything to add on this particular site?

Lauren: Nope.

Clark: Okay open it to questions from the board again; Mr. Lewis?

Lewis: No questions but we've talked about the conditions. We haven't read the conditions so the conditions are that the petitioner/sign owner shall submit contact information for the person in charge of programming the sign. The petitioner's gonna have landscaping around signs. And they agree to a sign shut off schedule of 7:00 a.m. to 9:00 p.m. throughout the year. So that's all I've got just for information.

Clark: Thank you. Mr. Cassidy?

Cassidy: Nothing from me.

Clark: So nothing from me. I will close questions from the border and open it to the public if anyone wishes to speak on this particular petition.

No reply.

Clark: Seeing no one, we'll close comment from the public and we are ready for a motion.

Lewis: Motion to approve the requested special exception use of the electronic message center including the proposed conditions.

Cassidy: Second.

Clark: Please cast your vote for BZA 2023-07.

Rude: Motion for approval with conditions for 2023-07: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Lewis - yes, 2 abstentions. Motion carries.

Lauren: Thank you.

Clark: Good luck with your projects.

Lauren: Thank you.

Clark: Welcome back.....(inaudible)....We are ready for the next petition.

Rude: So the next three petitions have all the same information. So BZA 2023-08 It's the Marketplace Development Retail, Lot B development standards variance. The petitioner's name is GSSR Investments. The owner's name, GSSR Investments. Representative tonight is Eric Carter and I believe we have Jim Mack on Zoom. The address of the property is approximately 3758(?) S. or the intersection of Marketplace Boulevard and Progress Road. The zoning classification is business highway. The first of three requests tonight is a request for one development standards variance from UDO 5.32, the non-residential landscaping standards.

Clark: Thank you. Would the petitioner please approach the podium, speak your name for the record and tell us about this project.

Eric Carter: My name's Eric Carter with Wiehe Engineers and do you have a slide?

Rude: Inaudible reply.

Carter: Yeah the site's located on the southwest corner of Marketplace Boulevard and Progress Drive and can you scroll the next screen please? Can you scroll to the next screen, please? Sorry. Our client oh, go back one. Our client is looking to divide this site into at least five lots. We're particularly looking at lot A, Block A and Block B. Block B being the blue and Block A being the red. The hotel is on Block A and the retail is on Block B. And this first variance is for the landscape standards. Block B?

Rude: Inaudible comment.

Carter: Yes so that'd be

Lewis: Block A.

Carter: That's A, yeah. So we met with staff when we started working on this project and the landscape requirements of the foundation we knew we couldn't meet due to the fact that you know, typical retail you have the building, the entrances and then the delivery in the back. Sidewalks, we have a potential drive-thru on the right side which is north and a patio area on the south side. In talking with staff, we tried to decide how to best meet your ordinance and intent and with this, there are no landscaping required on the north, west or south side so we tried to move the plants and from the foundation to that perimeter that does not require landscaping. We're actually, at least for the retail, we're over I believe 222 shrubs over so we're actually exceeding the requirement of the number of shrubs. We are less on the ornamental trees. It kind of, wanted to fill in the area. If you had that many ornamental, during the winter you know the leaves are off so we've got some mix of deciduous and evergreen shrubs and a few trees mixed in there. So we think we meet the intent of the ordinance and welcome any comments/questions/concerns.

Clark: Okay thank you. I guess we'll start with questions from the board on this petition; Miss Terrell?

Andrea Terrell: No questions.

Clark: Mr. Cassidy?

Cassidy: No questions. I think it's good.

Clark: I would like to say that I think the plan looks excellent in this light and I will then pass it on to Mr. Lewis. Any questions?

Lewis: No questions.

Clark: Mr. Bradburn?

Vince Bradburn: Yeah just a quick comment. Thank you so much for working with the staff, embracing the spirit of the ordinance. I'll just note that your proposal is I love how you give us a.....(inaudible).....what is that almost 300 square feet total landscaped area above and beyond our required ordinance so I think that speaks to that spirit of cooperation you've had with the staff so thank you.

Clark: Thank you. No more questions from the board come up. I will close questions from the board and open it to the public if anybody in the public wishes to speak on this petition.

(?): Inaudible comment.

Clark: Please come up to the podium and speak your name for the record and let us know..

Mel Weddle: My name's Mel Weddle. We own property across the opposite side of Progress Drive there where the corn field is now. A few years ago when they built or Krogers bought that lot that's not being used now we were involved with that and there was a great big discussion about height of signage. Is there any signage associated with this that is contrary to what was adopted at that time because it basically changed those requirements. I believe Doug was on the board at that time. I don't know if you remember that or not.

Cassidy: I do but I think that'll go through the Plan Commission, won't it?

Weddle: Planning Commission will take care of that? Oh, okay.

Cassidy: Isn't that right, Adam?

Rude: Yeah and I can speak a little bit. We've changed the sign standards for the whole city slightly.....

Weddle: Again?

Rude:since then.

Weddle: Okay. Okay.

Rude: So something similar to what Kroger wanted would be permitted now.....

Weddle: Yeah.

Rude:without a lot of extra approvals. The petitioners have not asked for any variances to go higher than what's allowed or bigger than what's allowed so they'll just have to meet the standards.....

Weddle: Okay.

Rude: ...on that sign which is typically a decorative monument sign and then they can have signs on the walls of the building.

Weddle: Okay. Is there any franchise for the hotel yet or is that too early to ask?

Rude: Yeah. I mean yeah you can answer.

Carter: Marriott.

Rude: Marriott.

Weddle: Marriott? Okay for both of 'em? You said aren't there two buildings gonna be there? One Block A and Block B both?

Carter: Yeah this is Block B and this is the retail.

Weddle: Okay that's the retail.

Rude: Yeah this is the retail. The hotel is just a single building Marriott.

Weddle: Gotcha. Okay, thank you. That's all.

Clark: Thank you. Would there be any more questions from the public?

No reply.

Clark: Seeing no one, I will close questions from the public and we are ready for a motion.

Bradburn: Like to make a motion to approve the requested development standard variance for UDO 5.32 modify the non-residential landscaping standards for the retail center in accordance with the plans submitted including the proposed (?) pursuant to the Finding of Fact and the planning staff's report.

Clark: I have a motion.

Lewis: Second.

Clark: And a second. Please cast your vote for BZA 2023-08.

Rude: Motion for approval with conditions on BZA 2023-08: Mr. Cassidy - yes, Ms. Terrell - yes, Mr. Lewis - yes, Mr. Bradburn - yes and Mr. Clark - yes. Motion carries.

Clark: Thank you and with the petitioner being the same, we will just jump right into the next petition.

Rude: So BZA 2023-09, all same material. This is the same retail, proposed retail development. This is actually a (?) standards variance request from UDO 5.08 which is institutional business architectural standards.....(inaudible)....

Carter: Again, Jim Mack, the architect is online so if you have any detailed questions, he's available to answer but this is the same situation meeting the ordinance through the length of the building and the 3% projection that would be 9' every 100'. Just with the drive aisle in the back and deliveries. We worked with staff on how to follow the intent of the ordinance and so if you look, you see the break up there, it's less than 100'. Stone, projecting stone elements and then with the awnings over the doorways, we feel that we meet the intent of the break up of the long expanses of the building in the rear of the building which would be the

Clark: Okay. I'll take questions from the board. We'll start with Mr. Bradburn.

Bradburn: No questions.

Clark: Thank you. Mr. Lewis?

Lewis: No questions.

Clark: Mr. Cassidy?

Cassidy: No questions from me.

Clark: Miss Terrell?

Terrell: No questions.

Clark: I have one particular thing that I brought up during the pre-meeting and that was just simply I can state the fact that in the drawing that you have up here, portions that are projecting above the building on the both ends and in the middle are the back side of the front facade. Just to make that clear, 'cause the other cornice pieces are a little lower but they're existing on that facade. So with that being said, I will close questions from the board and open it to the general public if anybody would like to speak on this petition.

No reply.

Clark: Seeing no one, I will close comments from public and we are ready for a motion.

Cassidy: I'll make a motion to approve the requested (?) standard variance from UDO 5.08 to eliminate the required projections on the rear facade of the retail of the building with the

conditions that the petitioner will provide visual breaks in the facade. If there's any other revisions that you'll make those up with the plan staff.

Carter: Agreed.

Bradburn: Second.

Clark: I have a motion and a second. Please cast your vote for BZA 2023-09.

Rude: Motion for approval with conditions on 2023-09: Mr. Cassidy - yes, Ms. Terrell - yes, Mr. Lewis - yes, Mr. Bradburn - yes and Mr. Clark - yes. Motion carries.

Clark: Same petitioner, no need to sit down. Mr. Secretary, please?

Rude: So the last petition tonight is the 2023-10 Marketplace Development(inaudible)....hotel, Block A.....(inaudible)....and this is almost identical to the request to the landscape, the variance on number 8....(inaudible).....All the same petition information is the same.

Carter: There it is. Yeah so this same situation with the requirements of front entryway, sidewalks, driveways around the building. We actually have met the shrub requirement but the ornamental is required to be 56 around the building so tried to spread this out. Same thing on the east side, south side, west side there are no landscape requirements so we moved trees and ornamental trees to the perimeter and then we met the shrub requirement around the building. So we feel we've met the intent and if you have any questions.

Clark: Okay. Mr. Bradburn?

Bradburn: No questions for me.

Clark: Mr. Lewis?

Lewis: No questions.

Clark: Mr. Cassidy?

Cassidy: No questions. You worked well with the staff to get it the way it needs to be so good.

Clark: Miss Terrell?

Terrell: No questions.

Clark: And I also have no questions but I will close questions from the board and open it to the public on this petition. Anyone wish to speak?

No reply.

Clark: Seeing no one wish to speak, I'll close public comment and I guess we are ready for a motion.

Terrell: I'd like to make a motion to approve the requested development standard variance from UDO 5.32 to modify the non-residential landscaping standards for the retail center in accordance with the plans submitted including a proposed condition pursuant to the Findings of Facts presented in the planning staff's report.

Cassidy: Second.

Clark: Motion and a second. Please cast your vote for BZA 2023-10.

Rude: Motion for approval with conditions on BZA 2023-10: Ms. Terrell - yes, Mr. Cassidy - yes, Mr. Bradburn - yes, Mr. Lewis - yes and Mr. Clark - yes. Motion carries.

Clark: Thank you.

Carter: Thank you.

Cassidy: When will you get started assuming everything goes the way you want it to?

Carter: Wanted to start last month.

Laughter.

Carter:(inaudible)....through the Plan Commission and then the permits shortly thereafter so very soon.

Cassidy: Okay.

Terrell: Thank you.

Cassidy: Welcome to town.

Clark: So did we have anything for Discussion (?)?

Rude: No.

Lewis: Motion to adjourn.

Meeting adjourned