

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 12/12/2023

Case #:	BZA 2023-13: Indy Tru, Truck Freight Terminal; Special Exception Use			
Petitioner's Name:	Indy Tru, LLC			
Owner's Name:	Conagra Development, LLC			
Petitioner's Representative:	Eric Glasco, Stephenson Rife, LLP			
Address of Property:	885 Col. W.T. Conner Way, Shelbyville, IN 46176			
Subject Property Zoning Classification:	IG – General Industrial			
Comprehensive Future Land use:	Heavy/Medium Industrial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	A2 – Agricultural	IG – General Industrial	A1 – Conservation Agriculture	A1 – Conservation Agriculture
Surrounding Properties' Comprehensive Future Land Use	Heavy/Medium Industrial	Heavy/Medium Industrial	Heavy/Medium Industrial	Heavy/Medium Industrial
History:	This land received Site Development Plan and Preliminary Plat approvals in December of 2021 to allow the construction of a new 58,890 sq ft facility for Trinity Metals. This project was only going to utilize 11.89 acres of the roughly 43-acre site, leaving the rest for other future projects. Since that time, this project has not moved forward and the property was recently re-listed for sale, which has brought about the subject project. Previous petitions are: BZA 2021-11, PC 2021-27, and PC 2021-28			
Vicinity Map:				
Action Requested:	Approval of one special exception use to allow for “Truck Freight Terminal” in the IG – General Industrial district.			

1. The subject property is located within the IG – General Industrial zoning district, and within this district the use of “Truck Freight Terminal” is permitted as a Special Exception Use, requiring that it receive approval from the BZA before it is permitted.
2. Specifically, the ordinance defines a Truck Freight Terminal as “An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.”

Special Exception Findings of Fact for “Truck Freight Terminal”

Finding of Fact #1 – General Welfare: Explain why granting the request for a special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

Applicant provided the following response to Finding of Fact #1: “Indy Tru, LLC’s requested special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville. The requested use of the property, which is located on the North side of the City of Shelbyville and is surrounded mostly by industrial businesses, will allow for outdoor storage of tractor/trailers. The property is currently zoned IG, Industrial General, and the land is vacant. Indy Tru, LLC will work with the Shelbyville Planning and Building Department for appropriate buffering”.

A special exception use to allow for a truck freight terminal will not be harmful to the public health, safety and general welfare of the City of Shelbyville. The site is zoned IG – General Industrial and is located in the Northridge Industrial Park. While truck freight terminals are only allowed by special exception, this is the type of activity you would expect to find in an industrial park. The petitioner will be required to follow all of the requirements set forth in Chapter 5 of Unified Development Ordinance (UDO) including screening of outdoor storage. This will lessen the visual impact of storing tractor/trailers on site.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – Compatibility and Impact: Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

Applicant provided the following response to Finding of Fact #2: “Indy Tru, LLC’s requested special exception is in harmony with the uses of adjacent properties and will not substantially adversely impact the adjacent properties and property values. The property is located in an industrial area and is zoned IG, Industrial General. Adjacent properties in the City of Shelbyville are also zoned IG, and adjacent property outside the City, in Shelby County, is zoned A1 and A2. The use as a transportation hub will mesh nicely with the industrial use of adjacent land and is anticipated to have no adverse impact on property values”.

The planning staff has determined the special exception use will be in harmony with the adjacent land uses and will not have a substantially adverse impact on the adjacent properties. The adjacent properties are either zoned IG – General Industrial or IL – Light Industrial. Truck parking and truck deliveries is a typical activity for industrial areas. As a truck freight terminal, Indy Tru LLC may be servicing and or working with some of the other businesses in the industrial park. For these reasons the

planning staff believes approval of the special exception use will not have a substantially adverse impact on adjacent properties or their values.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Character: Explain why the special exception will not adversely alter the character of the zoning district.

Applicant provided the following response to Finding of Fact #3: “Indy Tru, LLC’s requested special exception will not adversely alter the character of the zoning district. Indy Tru LLC’s use as a transportation hub is consistent with the City of Shelbyville’s Comprehensive Plan”.

The planning staff has determined that the requested special exception use will not adversely alter the character of the zoning district. The IG – General Industrial zoning district is intended to provide areas for general industrial use under conditions that minimize conflicts with other land uses. The surrounding properties are zoned IG – General Industrial and a truck freight terminal is in keeping with the character of this area.

Finding #3 has been satisfied by the petitioner

Finding of Fact #4 – Comprehensive Plan: Explain why the special exception is consistent with the intent of the zoning district and the goals of the comprehensive plan. Use statements and Future Land Use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

Applicant provided the following response to Finding of Fact #4: “Indy Tru LLC’s requested special exception is consistent with the intent of the zoning district and goals of the City’s Comprehensive Plan. The purpose of General Industrial districts is to provide areas for general industrial use under conditions that minimize conflicts with other land uses. Indy Tru LLC’s intended use of the property as a transportation hub fits well with the neighboring businesses and other business which may in the future be located in the area”.

The planning staff has determined the special exception use is consistent with the intent of the zoning district and goals of the comprehensive plan. The intent of the zoning district is to minimize conflicts with residential and retail uses. Several other occupants of the industrial park utilize trucks/trailers to ship materials in or final products out of the area. The future land use map identified this property and surrounding properties as heavy/medium industrial. The goal is to group these similar uses together to avoid conflicts with other non-industrial uses.

Finding #4 has been satisfied by the petitioner

Finding of Fact #5 – Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Applicant provided the following response to Finding of Fact #5: “Indy Tru, LLC’s requested special exception is consistent with the terms, intent and goals of the zoning district and the Comprehensive Plan. The area adjacent to the subject property in the City of Shelbyville is zoned IG (and the area in the county

is zoned A1 and A2) and the surrounding businesses are for the most part industrial. The intended use by Indy Tru LLC will complement the surrounding and overall areas”.

The planning staff has determined that the requested special exception to allow for a truck freight terminal will not adversely impact the surrounding use and property values. A truck freight terminal is in keeping with the character of the industrial park. However, based on projected traffic numbers at full built out of the truck freight terminal, planning staff and the engineering department believe the trucks will have an adverse impact on Mausoleum Road in it’s current state. As such, the planning staff is recommending that improvements be made to Mausoleum Road, and the City Engineer has reviewed all available data to make a formal recommendation as to what improvements need to be made to the roadway to handle the increase in traffic. The City Engineer, the planning staff, and the petitioner have discussed the scope of these proposed improvements to make all parties aware of the recommendation.

Finding #5 can be satisfied by the petitioner with the recommended conditions

STAFF RECOMMENDATION: APPROVAL W/ CONDITIONS

1. The petitioner shall implement the recommended improvements to Mausoleum Road, as outlined in the letter from City Engineer Kuntz.
2. The maximum number of truck parking spaces shall be limited to ____

**DEVELOPMENT STANDARDS VARIANCE: BZA 2023-13 Indy Tru, LLC, Special Exception Use
FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested special exception use to allow a "Truck Freight Terminal" in accordance with the conditions suggested by the planning staff pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Special Exception Use **is** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
- The approval of the Special Exception Use **is not** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
- 2. The approval of the Special Exception Use **will not** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
- The approval of the Special Exception Use **will** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
- 3. The approval of the Special Exception Use **will** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
- The approval of the Special Exception Use **will not** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
- 4. The approval of the Special Exception Use **will not** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
- The approval of the Special Exception Use **will** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
- 5. The use and property value of the area adjacent to the subject property seeking a Special Exception **will not** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.
- The use and property value of the area adjacent to the subject property seeking a Special Exception **will** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Secretary