

AUG 30 2023



SPECIAL EXCEPTION USE APPLICATION

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

For Office Use Only:
Case #: BZA 2023 13
Hearing Date: 9.12.23
Fees Paid: \$500
Final Decision:
Approved Denied

1. Applicant
Name: Indy Tru, LLC
Address: 85 Kinnick Dr., Greenwood, IN 46143
Phone Number:
Fax Number:
Email:

Property Owners Information (if different than Applicant)
Name: Conagra Development, LLC
Address: 6400 ENGLISH AVE INDIANAPOLIS, IN 46219
Phone Number:
Fax Number:
Email:

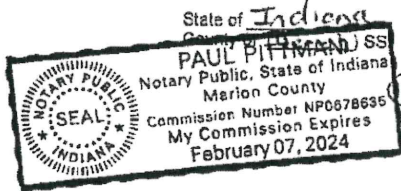
2. Applicant's Attorney/Representative
Name: Eric M. Glasco
Address: 2150 Intelliplex Dr., Ste 200
Shelbyville, IN 46176
Phone Number: 317-680-2052
Fax Number:
Email: ericglasco@srtrial.com

Project Engineer
Name:
Address:
Phone Number:
Fax Number:
Email:

3. Project Information:
General Location of Property (and address is applicable): N. Enterprise Dr. SHelbyville, IN 46176
Southwest of Intersection of Enterprise Drive and Boomer Way.
Current Zoning: Industrial General IG Existing Use of Property: Vacant Land
Proposed Zoning: Proposed Use: Truck and Freight Terminal

- 4. Attachments
Affidavit and Consent of Property Owner (if applicable)
Proof of Ownership (copy of deed)
Letter of Intent
Vicinity Map
Application Fee
Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.
Applicant: [Signature] Date: August 21, 2023



Subscribed and sworn to before me this 21st day of August, 2023
[Signature] Paul Pittman
Notary Public Printed

Residing in Marion County. My Commission Expires: 2/7/24

**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

State of Indiana)
County of Shelby) SS:

I, Wade Corner AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)

THE FOLLOWING:

1. That I am the owner of real estate located at N. Enterprise Drive, Shelbyville, IN 46176
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Indy True LLC
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

Wade Corner Con Agra
Owner's Name (Please print)

Wade Corner
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 25th day of August, 2023

Cary James Wagner
Notary Public

CARY JAMES WAGNER
Printed

Residing in Marion County.

My Commission Expires: 01/16/2027



Special Exception Use

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Connor Way – Parcel No. 73-07-31-100-019.000-002
Special Exception for: Use as transportation and distribution hub – freight truck terminal

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use 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 use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

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.

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.

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.

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.

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.

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.

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.

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.

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.

Development Standards Variance

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Conner Way, Parcel No. 73-07-31-100-019.000-002
Variance for: Nonresidential driveway standards

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.

The granting of Indy Tru LLC's request for a variance of the nonresidential driveway standards will not be harmful to the public health, safety and general welfare of the City of Shelbyville. To the extent the development standards are meant to address aesthetic concerns, the property will be enclosed on all sides by opaque fencing that will prevent the ground inside of the fencing from being visible. To the extent the standard is intended to minimize dust and keep loose gravel and stone from public roadways, petitioner intends to use a crushed stone or gravel with a top layer of asphalt millings and a 40-foot paved apron. The asphalt millings will minimize dust and stone or gravel getting stuck to tires while the apron will further reduce the likelihood any stone or gravel being carried out of the subject parcel onto public roadways.

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

As addressed above, the area subject of the variance will not be visible from adjacent properties and will not negatively impact adjacent properties in any way. Additionally, 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 and will not be negatively impacted by the granting of the requested variances.

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

Indy Tru LLC will face difficulties if its request for a variance of the nonresidential driveway standards is not approved. The site includes a considerable amount of acreage and requiring paving as opposed to a permeable surface such as is proposed by applicant could have the potential to cause drainage issues on the subject property.

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

Development Standards Variance

Findings of Fact

Petitioner's Name: Indy Tru, LLC
Location: 885 Col. W. T. Conner Way, Parcel No. 73-07-31-100-019.000-002
Variance for: Screening

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.

The granting of Indy Tru LLC's request for a variance as to screening of the subject property will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

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

The screening variance, with the stipulation of the Planning Department, will have minimal impact on adjacent properties as it will only apply to the western edge of the subject parcel to allow for removal of the screened fencing for future development. The other three edges of the property will have fencing in compliance with the development standards. Additionally, 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.

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

Denial of the variance, which only applies to the western edge of the subject property, will cause additional difficulty with the western expansion of the project for phase 2, which is likely to occur.

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



STEPHENSON
— RIFE —
LLP

Eric M. Glasco
Direct Dial: 317-680-2052
EricGlasco@SRTrial.com

December 8, 2023

Re: Letter of Intent for Development Standards Variance Application
and Special Exception Use Application

Applicant: Indy Tru, LLC

Owner: Conagra Development, LLC

Dear Shelbyville Board of Zoning Appeals:

Our firm represents Indy Tru, LLC, the applicant, on behalf of Conagra Development, LLC, the owner of the property that is the subject of applications for (a) variances from Shelbyville's development standards; and (b) for a special use exception. The subject property consists of approximately 42.92 acres of land situated between Mausoleum Road to the north and Boggstown Road to the south, with access from Enterprise Drive on the east side of the property and adjacent to Col. W.T. Conner Way. The area is located adjacent to the existing industrial park and is identified as appropriate for industrial uses, for the most part by industrial businesses. The subject real estate is presently zoned IG. The adjacent property located in the City of Shelbyville is zoned IG, and the Shelby County property adjacent to the subject property is zoned A1 and A2.

The applicant requests the subject real estate be granted certain development standards variances and special exceptions for use as set forth below to accommodate the operations of Indy Tru, LLC. It is anticipated that Indy Tru, LLC will purchase the land and develop the property for use as a transportation and distribution hub. The anticipated plan will provide for the outdoor storage of trucks and trailers. The project is expected to be completed in four phases. The first phase, which will be situated on 12.11 acres of the total acreage, will accommodate parking for 296 trucks and trailers, but is only expected to utilize 60-80 spaces initially. There is also space for a potential trailer repair building, but variances and approvals for any such building are not being requested at this time and would need to be addressed in the future if plans to construct a repair building move forward.

With respect to this project applicant seeks the following development standards variances:

- A. as to the type of screening to be used around the perimeter of the subject property;
- B. as to the required materials for the entrance and drive standards on the subject property



Applicant further seeks special use exceptions to allow industrial outdoor storage.

The proposed development fits the vision of Shelby County's Comprehensive Plan. The purpose of General Industrial districts as outlined in the Comprehensive Plan 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 adjacent industrial park. 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 screening variance, with the stipulation of the Planning Department, will have minimal impact on adjacent properties as it will only apply to the western edge of the subject parcel to allow for removal of the screened fencing for future development. The other three edges of the property will have fencing in compliance with the development standards. The request for a variance as to the paving standard will likewise have minimal impact. From an aesthetic perspective, the property will be screened with opaque fencing, making the aesthetics of the ground on the inside of the fencing moot. To the extent the standard is intended to minimize dust and keep loose gravel and stone from public roadways, petitioner intends to use a crushed stone or gravel with a top layer of asphalt millings and a 40-foot paved apron. The asphalt millings will minimize dust and stone or gravel getting stuck to tires while the apron will further reduce the likelihood any stone or gravel being carried out of the subject parcel onto public roadways.

Sincerely,

Eric M. Glasco
Attorney for Applicant.