

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/11/2023

Case #:	BZA 2023-08: Marketplace Development, Retail (Block B); DSV			
Petitioner's Name:	GSSR Investments			
Owner's Name:	GSSR Investments			
Petitioner's Representative:	Himan Garg, GSSR Investments Eric Carter, Weihe Engineering			
Address of Property:	Approx. 375' south of the intersection of Marketplace Blvd and Progress Road			
Subject Property Zoning Classification:	BH – Business Highway			
Future Land use:	Gateway/Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BH – Business Highway	RM – Multiple-family Residential	BH – Business Highway	BH – Business Highway
Surrounding Properties' Future Land Use	Gateway/ Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	This property was originally the “Wellman’s Site” or “GM Site”, and in the mid 2000’s was acquired by local developers who began the demolition, remediation, and redevelopment process. Around the time of the ‘08 recession, Lowe’s Home Improvement Store received approval for a store at this location, but due to the economic downturn, canceled that project. The property has since sold to another local developer who is proposing the development of a hotel and retail center.			
Vicinity Map:				
Action Requested:	A request for one Development Standards Variances from UDO 5.32 Non-Residential Landscaping Standards			

1. The petitioner is proposing to develop a multi-tenant retail center, approximately 19,478 ft² in size.
 2. The project is subject to the non-residential landscaping standards, most recently amended in 2022, which includes Yard Plantings and Foundation Plantings.
 3. The ordinance requires two shrubs or ornamental trees every 5 feet of overall façade length, and the yard planting requirement mandates two trees plus an additional tree for every acre of overall area for the subject lot.
 4. For this proposed development, the required plantings are as following:
 - a. Yard Plantings: 7 Canopy Trees
 - b. Front Foundation: 32 Ornamental Trees and 20 Shrubs
 - c. Side & Rear Facades: 22 Ornamental Trees and 14 Shrubs
 5. The petitioner is proposing to locate the plantings that they aren't providing at the foundation, along the perimeter of the parking lot, specifically on the sides that don't already have a landscaping requirement. The petitioner is proposing to provide the following plantings in the perimeter of the property, in addition to what is already required:
 - a. Substitution for Yard Plantings: 30 Deciduous Trees
 - b. Substitution for a Portion of the Foundation Plantings: 5 Ornamental Trees, 13 Deciduous Trees, and 116 Shrubs
-

Variance From UDO 5.08(A)(4) Business Architectural Standards, Long Facades

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.

The applicant has provided the following response to Finding of Fact #1: "Counting excess trees in the parking lot perimeter towards foundation plantings will not risk health, safety or welfare of the city and community members".

The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare, if the applicant is able to provide the number of required plantings elsewhere on the site to meet the intent of the ordinance. The intent of the ordinance is to ensure that adequate numbers of plantings are provided across the entire site, and the proposal from the petitioner seems to accomplish this intent.

Finding #1 has been satisfied by the applicant.

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.

The applicant has provided the following response to Finding of Fact #2: "The adjacent property values will not be harmed by a variance in the landscape around the building. Overall, the development may improve the value of adjacent properties".

The planning staff has determined that the requested development standards variance should not have a substantially adverse impact on the use or value of nearby land, if the intent of the ordinance is still being met by requiring the same number of plantings be placed elsewhere on the site. The plantings the

petitioner is proposing across the rear of the property will provide an additional physical and visual buffer, which wouldn't be required otherwise, mitigating any potential for adverse impact to a future development to the west.

Finding #2 has been satisfied by the applicant.

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.

The applicant has provided the following response to Finding of Fact #3: "If a variance is not granted, the retail building as shown will not fit on the site due to the space that the yard and foundation landscaping requirements will take".

The planning staff has determined that, due to the narrow depth of the subject lot, there is not adequate space to locate a landscaping area along the front façade of the building, without negatively impacting the ability to practically develop the lot. This practical difficulty is not self-imposed, nor financial in nature. The intent of the ordinance could still be met if these required plantings are placed elsewhere on the site, and the proposal from the petitioner seems to satisfy this intent.

Finding #3 has been satisfied by the applicant.

STAFF RECOMMENDATION: APPROVAL W/ THE FOLLOWING CONDITIONS:

1. The petitioner shall provide, at minimum, the same number of plantings as what would be required by the ordinance, but they can be provided elsewhere on the site and different species can be provided.
2. If any further revisions are needed, those plans shall be submitted to the planning staff for review and approval prior to the issuance of any permits.

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-08: Marketplace Development, Retail (Block B); DSV

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 from UDO 5.32 to modify the Non-Residential Landscaping Standards for the retail center in accordance with the plans submitted, including the proposed conditions, 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: _____

Secretary, Adam M. Rude



DEVELOPMENT STANDARDS VARIANCE APPLICATION

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

<i>For Office Use Only:</i>	
Case #: BZA _____	_____
Hearing Date: _____	_____
Fees Paid: \$ _____	_____
Final Decision:	
Approved _____	Denied _____

1.
Applicant
 Name: Himan Garg, GSSR Investments
 Address: 580 E. Carmel Drive Suite 100
 Carmel, IN 46032
 Phone Number: [REDACTED]
 Fax Number: [REDACTED]
 Email: [REDACTED]

Property Owners Information (if different than Applicant)
 Name: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____
 Email: _____

2.
Applicant's Attorney/Representative
 Name: Himan Garg, GSSR Investments
 Address: 580 E. Carmel Drive Suite 100
 Carmel, IN 46032
 Phone Number: [REDACTED]
 Fax Number: [REDACTED]
 Email: [REDACTED]

Project Engineer
 Name: Weihe Engineers
 Address: 10505 N. College Ave
 Indianapolis, IN 46280
 Phone Number: [REDACTED]
 Fax Number: [REDACTED]
 Email: [REDACTED]

3. **Project Information:**
 General Location of Property (and address is applicable): 2235 Marketplace Blvd, Shelbyville, IN 46176
 Block B of the Proposed Subdivision
 Current Zoning Classification: business highway Existing Use: undeveloped
 Number of Requested Variances: 2 Proposed Use: Retail
 Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
 5.32-A-1a - Non Residential Landscaping Standards, page 5-39
 5.08-A-4 - Long Facades, page 5-10

4. **Attachments**

<input checked="" type="checkbox"/> Affidavit and Consent of Property Owner (if applicable)	<input checked="" type="checkbox"/> Vicinity Map
<input checked="" type="checkbox"/> Proof of Ownership (copy of deed, recent property card)	<input checked="" type="checkbox"/> Findings of Fact
<input checked="" type="checkbox"/> Letter of Intent	<input checked="" type="checkbox"/> Application Fee
<input checked="" type="checkbox"/> Supporting Documents and Exhibits (Optional)	

The undersigned states the above information is true and correct as s/he is informed and believes.
 Applicant: [Signature] Date: 3/30/23

State of INDIANA
 County of BOONE SS:

Subscribed and sworn to before me this 30th day of MARCH , 2023 .
 [Signature]
 Notary Public Printed DIKSHA GULATI

Residing in Boone County, My Commission Expires: Aug. 17, 2029



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.

The minimum number of foundation plantings is not currently being met. We request a variance to allow excess parking lot perimeter plantings count towards this requirement. The perimeter parking lot requirements only apply to the eastern side of the parking lot, so the other 3 sides could be utilized to offset the foundation plantings.

The rear facade of the building does not meet the long facade requirement of having projections break up the facade with depths of at least 3% of the building length. A projection of that size on this building would block access around the building. We propose to break up the long facade with material and color changes and request a variance on the projections.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: GSSR Investments
Location: 2235 Marketplace Blvd, Block B of Shelbyville Marketplace
Variance for: Non-residential landscape standards, 5.32A-1-a

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.

Counting excess trees in the parking lot perimeter towards foundation plantings will
not risk health, safety or welfare of the city and community members.

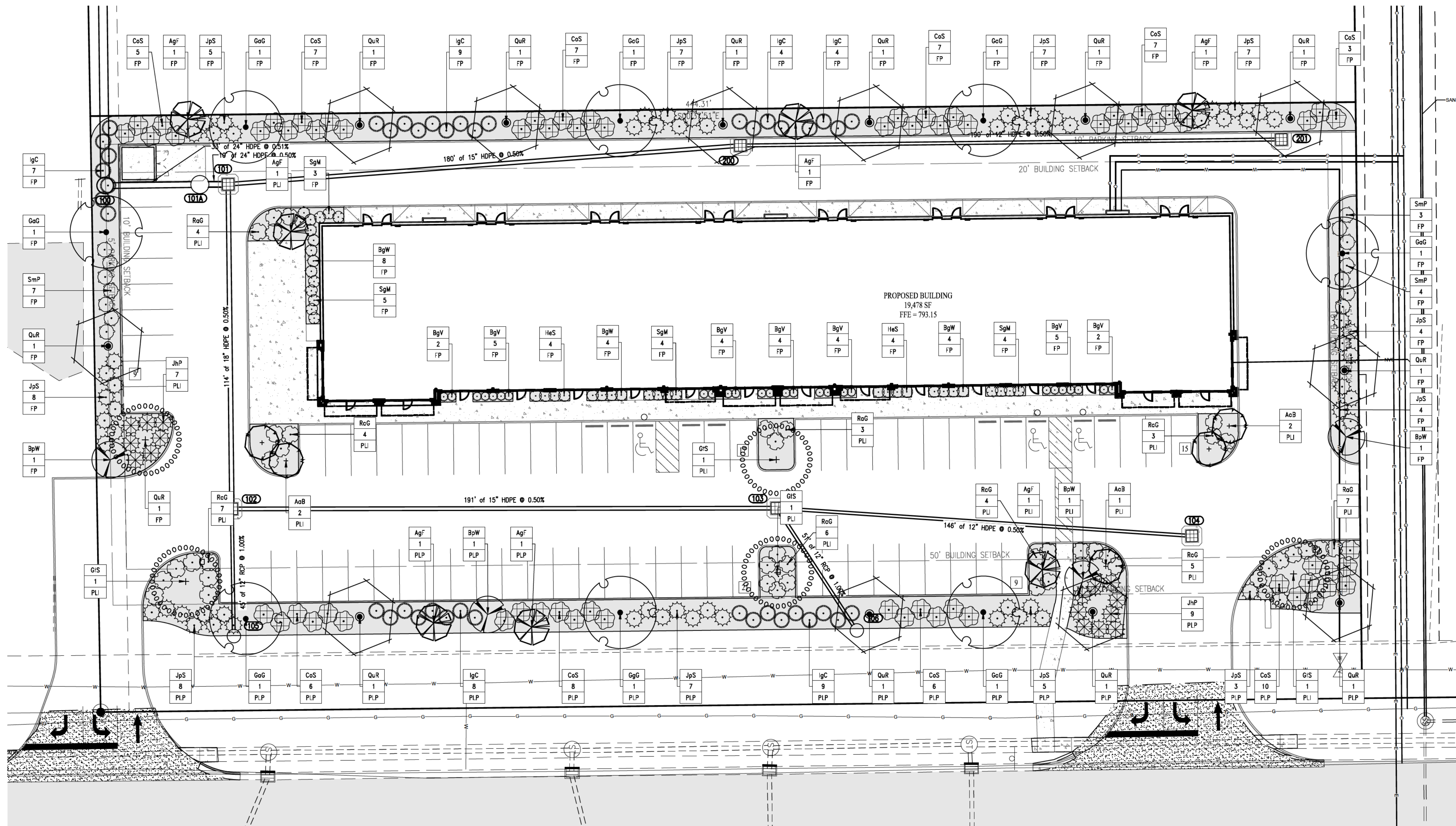
- 2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

The adjacent property values will not be harmed by a variance in the landscape around the
building. Overall the development may improve the value of adjacent properties.

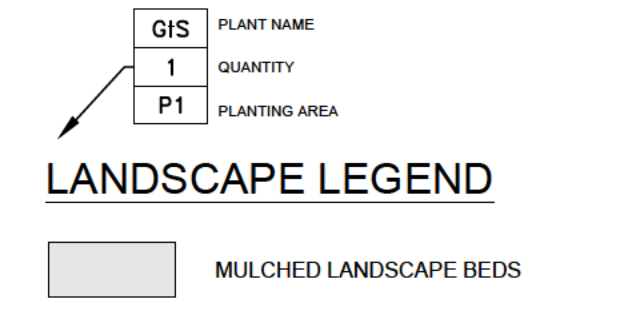
- 3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

If a variance is not granted, the retail building as shown will not fit on the site due to the space
that the yard and foundation landscaping requirements will take.

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



LANDSCAPE PLAN NOTES



10505 N. College Avenue
Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611
800 | 452 - 6408
317 | 843 - 0546 fax
ALLAN H. WEIHE, P.E., L.S. - FOUNDER

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PROJECT NO.	W22.0478
DATE	
BY	
DATE	
DESIGNER	
DRAWN BY	
CHECKED BY	
DATE	

APPROVAL PENDING
NOT FOR CONSTRUCTION

PLANT SCHEDULE

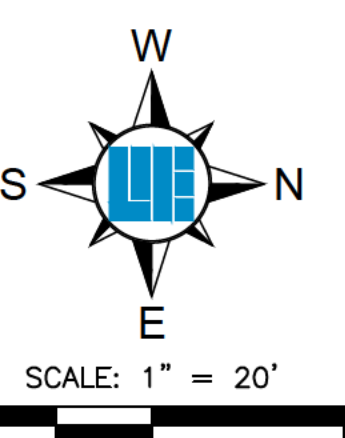
PLAN KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	B&B	CONT.	MATURE SIZE	SPECIAL INSTRUCTIONS
CANOPY DECIDUOUS TREES								
GaG	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO	2" cal.	7	X		45" T x 30" W	
GIS	GLEDDITSIA TRIACANTHOS INERMIS 'SKYLINE'	SKYLINE HONEYLOCUST	2" cal.	5	X		45" T x 35" W	
QuR	QUERCUS RUBRUM	RED OAK	2" cal.	12	X		60" T x 60" W	
ORNAMENTAL TREES								
AgF	ACER GINNALA 'FLAME'	AMUR MAPLE	6' hgt.	8	X		15" T x 15" W	MULTI-STEM
AaB	AMELANCHIER GRANDIFLORA 'AUTUM BRILLIANCE'	AUTUMN BRILLIANCE APPLE SERVICE BERRY	6' hgt.	5	X		20" T x 20" W	MULTI-STEM
BpW	BETULA POPULIFOLIA 'WHITESPIRE'	WHITESPIRE GRAY BIRCH	6' hgt.	4	X		40" T x 20" W	MULTI-STEM
DECIDUOUS SHRUBS								
CoS	CORNUS SERICEA	REDOsier DOGWOOD	#5	65		X	7" T x 10" W	24" Hgt. Min.
HeS	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	ENDLESS SUMMER HYDRANGEA	#5	8		X	4" T x 4" W	24" Hgt. Min.
RaG	RHUS AROMATICA 'GROW-LOW'	GRO-LOW FRAGRANT SUMAC	#5	43		X	2" T x 8" W	24" Hgt. Min.
SgM	SPIRAEA X 'GOLD MOUND'	GOLD MOUND SPIREA	#5	16		X	3" T x 4" W	24" Hgt. Min.
SmP	SYRINGA MEYERI 'PALABIN'	DWARF KOREAN LILAC	#5	14		X	5" T x 7" W	24" Hgt. Min.

LANDSCAPE ORDINANCE REQUIREMENTS

REQUIREMENT:	REQUIRED:	PROVIDED:
ARTICLE 5/LANDSCAPE STANDARDS/5.32/LA-02-NON-RESIDENTIAL LANDSCAPING STANDARDS/A/1/FOUNDATION PLANTINGS: - FACADE IS MORE THAN 80' IN OVERALL LENGTH - FRONT FACADE (320 LF): (1 SHRUBS OR ORNAMENTAL TREES PER EVERY 5' OF OVERALL LENGTH) - SIDE & REAR FACADES (440 LF): (1 SHRUBS OR ORNAMENTAL TREES PER EVERY 10' OF OVERALL LENGTH) - MINIMUM 30% SHRUBS & 50% ORNAMENTAL TREES	- FRONT FACADE = 64 ORNAMENTAL TREES OR SHRUBS (MIN. 32 ORNAMENTAL TREES & 19.2 SHRUBS) - SIDE & REAR FACADE = 44 ORNAMENTAL TREES OR SHRUBS (MIN. 22 ORNAMENTAL TREES & 13.2 SHRUBS)	- 5 ORNAMENTAL TREES - 13 DECIDUOUS TREES - 182 SHRUBS - DECIDUOUS TREES, ORNAMENTAL TREES, & 118 SHRUBS LOCATED ALONG PERIMETER OF DRIVE ISLE AND PARKING LOT
ARTICLE 5/LANDSCAPE STANDARDS/5.32/LA-02-NON-RESIDENTIAL LANDSCAPING STANDARDS/A/2/YARD PLANTINGS: - LOTS MORE THAN 1 ACRE IN AREA (3 CANOPY TREES PER ACRE)	2.13 ACRES - 6.39 CANOPY TREES	- 30 DECIDUOUS TREES
ARTICLE 5/LANDSCAPE STANDARDS/5.35/LA-05-PARKING LOT LANDSCAPE STANDARDS/B/1/PARKING LOT PERIMETER REQUIREMENTS: - LANDSCAPE AREA MINIMUM OF 10' IN WIDTH - OPTION 1 - (TREE & SHRUBS): 1 TREE SHALL BE PROVIDED FOR EVERY 400 SF OF LANDSCAPED AREA, 1 SHRUB FOR EVERY 50 SF OF LANDSCAPE AREA - 30% ORNAMENTAL TREES, 30% DECIDUOUS TREES.	- 380 LF X 10 SF = 3,900 SF - 10 TREES - MIN. 3 ORNAMENTAL TREES - MIN. 3 DECIDUOUS TREES - 78 SHRUBS	- 3 ORNAMENTAL TREES - 7 DECIDUOUS TREES - 78 SHRUBS
ARTICLE 5/LANDSCAPE STANDARDS/5.35/LA-05-PARKING LOT LANDSCAPE STANDARDS/C/1/PARKING LOT INTERIOR REQUIREMENTS: - LANDSCAPED ISLANDS WITH A COMBINED SURFACE AREA EQUAL TO 7.5% OF THE AREA OF PARKING LOT WITH MORE THAN 50 PARKING SPACES - ALL LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 180 SF - 1 TREE SHALL BE PROVIDED FOR EVERY 200 SF OF LANDSCAPED AREA - 30% ORNAMENTAL TREES, 30% DECIDUOUS TREES, 1 SHRUB FOR EVERY 50 SF OF LANDSCAPE AREA	- 33,200 SF ASPHALT - 71 PARKING SPACES - 2,490 SF LANDSCAPED AREA - 13 TREES - MIN. 3.9 ORNAMENTAL TREES - MIN. 3.9 DECIDUOUS TREES - 50 SHRUBS	- 2,850 SF LANDSCAPED AREA - 8 ORNAMENTAL TREES - 5 DECIDUOUS TREES - 50 SHRUBS

PLANT SCHEDULE

PLAN KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	B&B	CONT.	MATURE SIZE	SPECIAL INSTRUCTIONS
EVERGREEN SHRUBS								
BgV	BUXUS X KOREANA 'GREEN VELVET'	GREEN VELVET BOXWOOD	#5	26		X	3" T x 3" W	24" Hgt. Min.
BmW	BUXUS MICROPHYLLA VAR. KOREANA 'WINTERGREEN'	WINTERGREEN KOREAN BOXWOOD	#5	16		X	3" T x 4" W	24" Hgt. Min.
IgC	ILLEX GLABRA 'COMPACTA'	COMPACT INKBERRY HOLLY	#5	41		X	7" T x 7" W	24" Hgt. Min.
JhP	JUNIPEROUS HORIZONTALIS 'PLUMOSA'	CREeping JUNIPER	#5	16		X	1.5" T x 8" W	24" Hgt. Min.
JpS	JUNIPEROUS X PFITZERIANA 'SEA GREEN'	SEA GREEN JUNIPER	#5	65		X	5" T x 7" W	24" Hgt. Min.



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UTILITY SERVICE TWO (2) WORKING
DAYS BEFORE COMMENCING WORK.

PREPARED FOR:
SHELBYVILLE MARKETPLACE - RETAIL
2235 MARKETPLACE BLVD., SHELBYVILLE, IN 46176
LANDSCAPE PLAN
SHEET NO. **L100**
PROJECT NO. W22.0478

LOCATION: 10/20/22 W22.0478 (Engineering/Design/Construction) Block B/L100 - Landscape Plan.dwg
DATE/TIME: April 04, 2023 - 1:48pm
PLOTTER: B1 - student

