

SPECIAL EXCEPTION USE APPLICATION

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

IAN 9.0 2004

JAN 29 2024

For Office Use Only:

Case #: BZA ______O__

Hearing Date: ________

Fees Paid: \$ _______

Final Decision:

	Approved Denied
1.	
Applicant Name: Second Circle Investments, LLC	Property Owners Information (if different than Applicant) Name: Twin Lakes LLC
Address: 14137 Warbler Way N	
Carmel, IN 46033	Shelbyville, IN 46176
Phone Number:	Phone Number:
Fax Number	
Email:	Email:
2. Applicant's Attorney/Representative Name: Pritzke & Davis, LLP - Briane House	Project Engineer Name: AR Engineering
Address: 728 N. State St.	
Greenfield, IN 46140	Kalamazoo MI 40000
Phone Number:	
Fax Number:	Fax Number:
Email:	Email:
Current Zoning: Planned Development (PD) Proposed Zoning: 4. Attachments	
	_
	☑ Vicinity Map
☑ Proof of Ownership (copy of deed)	■Application Fee
■Letter of Intent	☑ Findings of Fact
The undersigned states the above information is tr	ue and correct as s/he is informed and believes.
Applicant:	Date: 1 - 22 - 24
	Date:
State of Indiana Scounty of Hamilton SS: Subscribed and sworn to before Lisa B. Mc Jacobs County of B. Mc Jacobs	e me this 22 nd day of January 2024 aughlini Lisa B. Mc Laughlin Notary Public Printed
SA B. MCLAUGHLIN mmission Number: NP0646648 My Commission Expires Residing in 44m 15y	

08/13/2029



Petitioner's Name: Second Circle Investments, LLC

Location: Northeast corner of E McKay Rd and Twin Lakes Blvd

Special Exception for: Retail (type 2) in Business Neighborhood District

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. Granting this request will not be harmful to the public health, safety, and general welfare of the City of Shelbyville because the store will be properly screened and landscaped from the adjacent streets with a separate drive off of Twin Lakes Blvd.
- 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.
 The special exception use will be in harmony with the adjacent uses because it
 will allow for the nearby residents to walk to a convenience store rather than
 drive, increasing their values.
- 3. Character: Explain why the special exception will not adversely alter the character of the zoning district.

 The special exception will not adversely affect the character of the zoning district because it works to incorporate a commercial business into a neighborhood setting with proper screenings and the addition of bike and walking paths that connect to the business.
- 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. The special exception is consistent with the intent of the zoning district because

the Business Neighborhood districts intent is to provide goods and services to neighborhoods and residential developments within the city. This business will provide easy access for nearby residence.

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.

The neighboring property values will not be negatively affected because the development of this property will promote the development of the remaining property of the parent parcel by building a drive off of Twin Lakes Blvd.



Please write a brief summary of the project and the variance(s) requested. You may submit on this form or on your own letterhead. The proposed project is a 10,640 sft general retail store offering variety retail goods and produce. The development consists of 36 parking spaces, public connections to water, sanitary sewer, and storm sewer. An 8' wide asphalt path will be added to the south and west of the property with a 5' public sidewalk to the north. The petitioner is requesting a special exception use to allow a retail (type 2) development over 10,000 sft.

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

STATE OF INDIANA) COUNTY OF SHELBY) SS:
I, Twin Lakes LLC , AFTER BEING DULY SWORN, DEPOSE AND SAY (Name of property owner) THE FOLLOWING:
the northeast corner of E McKay Rd 1. That I am the owner of real estate located at <u>and Twin Lakes Blvd</u> ; (Address of affected property)
That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Second Circle Investments, LLC (Name of applicant)
 That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.
Owner's Signature JOHN K. PREIDT Owner's Name (Please print)
State of Indiana) County of Shelby) SS:
Subscribed and sworn to before me this 23rd day of January, 2024
Cherelt Clark, Cheryl F. Clark Notary Public Printed
Residing in Shelby County. My Commission Expires £b. 23, 2024
CHERYL F. CLARK Seal Notary Public - State of Indiana Shelby County

O. Lynn Bass SHELBY County Recorder IN IN 2006001290 CORP WD 02/17/2006 14:20:12 2 PGS

Entered for Taxation

FEB 17 2006

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Twin Lakes, LLC, a corporation organized and existing under and pursuant to the laws of the State of Indiana, with its principal office in the City of Shelbyville, Indiana,

Conveys and Warrants to

BCW Enterprises, LLC

of Shelby County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged the following described Real Estate in Shelby County, in the State of Indiana, to-wit:

PARCEL B

A part of the Northwest Quarter of Section 9, Township 13 North, Range 7 East of the Second Principal Meridian in Addison Township, Shelby County, Indiana, being more particularly described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence North 00 degrees 08 minutes 29 seconds East (assumed bearing), 1407.00 feet along the West line of said Quarter Section to the POINT OF BEGINNING; thence continuing North 00 degrees 08 minutes 29 seconds East along said West line 416.20 feet; thence South 89 degrees 51 minutes 31 seconds East 249.99 feet; thence South 00 degrees 08 minutes 29 seconds West parallel with the West line of said Quarter Section 416.20 feet; thence North 89 degrees 51 minutes 31 seconds West 249.99 feet to the Point of Beginning, containing 2.39 acres, more or less.

Grantor states that there is no Indiana Gross Income Tax due or payable at this time as a result of this sale.

The undersigned persons executing this Deed represent and certify on behalf of the Grantor that the undersigned are duly appointed officers of the Grantor and have been fully empowered by proper resolution to execute and deliver this Deed; that the Grantor is a corporation in good standing in the State of its origin; that the Grantor has full capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been duly taken.

SEND TAX STATEMENT	TO: BCW Enter	rprise	es, LLC	CT.
	CoLumb	Bus	エルリフス	٤ ن

Subject to easements, restrictions, and rights of way of record.

President and has a fixed his name and seal, 15 th day of	has caused this February, 2006.	deed	to be	executed	by Joh	n K.	Preidt,	its
Twin Lakes, LLC John K. Preidt, President MANAGE								

State of Indiana County of Shelby SS:

Before me, the undersigned, a Notary Public in and for said County, and State, personally appeared John K. Preidt, to me known to be such President of said Corporation and acknowledged the execution of the foregoing Deed for and on (Seath 1997) Control of the foregoing Deed for the foregoing Deed fo behalf of the Corporation and by its authority.

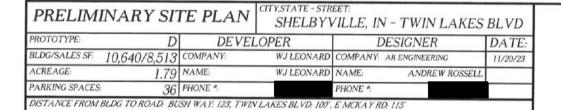
Witness my hand and seal this 15th day of February, 2006.

Witness my hand and official seal

My commission expires:

Resident of:

THIS INSTRUMENT PREPARED BY JAMES LOBERT WESLEY, ATTOENEY AT LAW



SITE SUMMARY

SITE AREA: 78,128 SF (1.79 AC)

SITE DIMENSIONS: IRREGULAR

ZONING: PLANNED DEVELOPMENT(PD)

BUILDING SETBACKS:

FRONT: 20' FROM R/W REAR: 20' FROM P/L

PARKING: 10' ALONG SOUTH

AND EAST P/L 15' ALONG NORTH AND WEST P/L

BUILDING AREA: 10,640 SF

BUILDING COVERAGE: 13.6%

PARKING:

1 SPACE PER 300 SFT OF GROSS RETAIL AREA:

REQUIRED: 28 SPACES PROVIDED: 36 SPACES

IMPERVIOUS COVERAGE: 56%

LANDSCAPING:

COMPLY WITH CITY LANDSCAPE

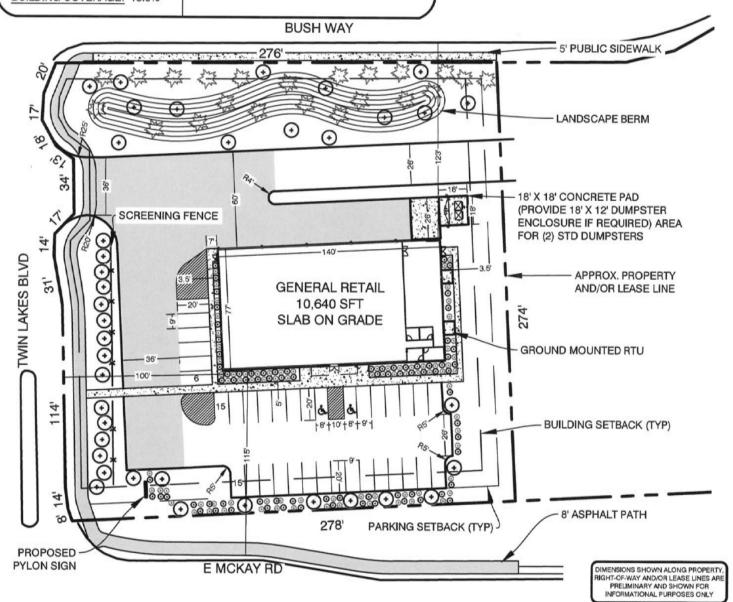
ORDINACE

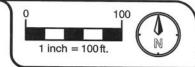
STORMWATER DETENTION REQUIRED:

COMPLY WITH COUNTY STORM

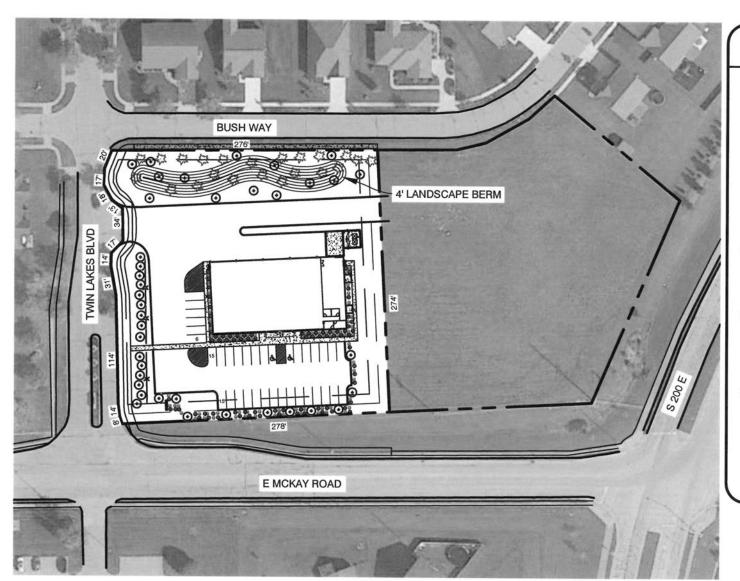
WATER ORDINANCE







SHELBYVILLE, IN 11/20/2023



LANDSCAPE CALCULATIONS

BUILDING FACADE (>80')

FRONT (140')

REQUIRED: (2) SHRUBS OR ORNAMENTAL TREES PER 5' 140' / 5 * 2 = 56 SHRUBS OR ORNAMENTAL TREES SIDES (77')

REQUIRED: (2) SHRUBS OR ORNAMENTAL TREES PER 10' 77' / 10 * 2 = 15 SHRUBS OR ORNAMENTAL TREES REAR (140')

REQUIRED: SHRUBS OR ORNAMENTAL TREES PER 10'
140' / 10 * 2 = 28 SHRUBS OR ORNAMENTAL TREES

YARD (>1 ACRE)

(2) CANOPY TREES + (1) CANOPY TREE PER ACRE 2 ACRES

2 + 2 = 4 CANOPY TREES PROVIDED: 4 CANOPY TREES

PARKING LOT LANDSCAPING

REQUIRED: 10' LANDSCAPE BUFFER (1) TREE PER 400 SFT OF LANDSCAPE AREA

2,450 / 400 = 6 TREES

(1) SHRUB PER 50 SFT OF LANDSCAPE AREA 2,450 / 50 = 49 SHRUBS

LANDSCAPE ISLANDS

5% OF PARKING AREA

17,916 SFT * 0.05 = 895 SFT

(1) TREE PER 200 SFT

895 / 200 = 4 TREES

(1) SHRUB PER 50 SFT

895 / 50 = 18 SHRUBS

BUFFER YARD TYPE 3 (NORTH AND WEST PROPERTY LINES)

(1) DECIDUOUS TREE PER 25'

(4) ORNAMENTAL TREES PER 50'

* FENCE REDUCES REQUIREMENT BY 50%

NORTH: 276'

276' / 25 * 1 = 11 DECIDUOUS TREES

276' / 50 * 4 = 22 ORNAMENTAL TREES

WEST: 274'

238' / 25 * 1 = 10 / 2 = 5 DECIDUOUS TREES

238' / 50 * 4 = 19 / 2 = 10 ORNAMENTAL TREES





