

**BOARD OF ZONING APPEALS
MEETING MINUTES
February 13, 2018**

**There were technical difficulties at the beginning of the meeting, so Bryant Niehoff, BZA secretary, took the following notes.

**Members Present: Jim Lisher, Chris Clark, Terry James, Doug Cassidy, Beth Case
Members Absent: Kris Schwickrath

Election of Officers: Jim Lisher made a motion to nominate all of the 2017 BZA officers for 2018 (Kris, president; Chris, vice president; Bryant, secretary). Terry James second the motion and it passed 5 – 0.

Approval of Minutes: Doug Cassidy made a motion to accept the meeting minutes from the December, 2017 meeting. Beth Case Seconded the motion and it passed 5 – 0.

**Once it was discovered that the city's recording device was not functioning properly, Bryant recorded the meeting on his cell phone. The following is the transcription of that portion of the meeting.

(?):don't have a site to minimize development standards and variances. I think we started with five or six, guys. And through tweaking it and revision and revision, we're down to one, which is primarily the front setback due to the skewed front setback line. I think there's a exhibit in your package that graphically shows this quite well. And it's just the(inaudible)...of developing that. We couldn't quite fit behind that setback line, so we're here asking for your favorable approval to grant that variance so we can proceed to get the store rebuilt. And we're happy to answer any questions.

Chris Clark: We'll start with questions from the board; Mr. James?

Terry James: I have no questions.

Clark: Mr. Cassidy?

Doug Cassidy: No questions.

Clark: Mrs. Case?

Beth Case: I have no questions.

Clark: Mr. Lisher?

Jim Lisher: I have no question.....(inaudible)....

Clark: I also have no questions, so I'll open it to the public. Is there any questions?

No reply.

Clark: No response. I'll close the questions and we'll be ready for a motion.

James: I'd like to make a motion to approve the requested development standard variance from UDO (?), the front yard setback in accordance with the plan presented (?) in pursuant to the Findings of Fact presented in the planning staff's report.

Lisher: Second.

Clark: We'll take a vote on BZA 2018-01.

Bryant Niehoff: Thank you, sir. And this is for BZA 2018-1. Mr. James – yes, Mrs. Case – yes, Mr. Cassidy – yes, Mr. Clark – yes and Mr. Lisher – yes.

Clark: The motion carries. Good luck with your project.

(?): Thank you for your time.

Clark: Are you ready?

Niehoff: Absolutely. Yeah, absolutely. This is for BZA 2018-2, Twelve Oaks, Lot 31 development standards variance. The petitioner's name this evening is Arbor Homes, LLC. The owner's name is also Arbor Homes, LLC. The petitioner's representative is Paul Munoz and the address of the property is 2200 Cherrybark Court. The subject property's zoning classification is PUD, planned unit development and this evening, Arbor Homes is requesting approval of a development standards variance from the PUD development standards established in Ordinance #5-25b3 of a 20' front yard setback.

Clark: Would the petitioner please come to the podium and state your name?

Paul Munoz: Good evening. My name is Paul Munoz. I'm also joined by (?) who's our director of construction in case you have any technical questions regarding the project.

Clark: Thank you. Would you tell us a little bit about your project?

Munoz: Sure. Lot 31 in Twelve Oaks, we had a buyer who purchased the lot and chose to put a home on it. They, as we were going through the process, it was brought to our attention that

the elevation that they chose would have violated the anti-monotony rules for that, so they chose another elevation. In the meantime, the lot had been staked for that house. When they came out to do the footers, they started on the rear line of the stakes to start laying the house out and pour the footers. Went through the process and didn't realize that between the time that they had staked it that another elevation had been chosen. That elevation was 2' longer than the original one. So as we finished up the process and they were going for their mortgage survey, it was caught that it was a 2' difference in that into the right of way and so we are here tonight asking for a variance for that 2'.

Clark: Any questions from the board? Mr. Lisher?

Lisher: Thank you. I was out there to review your lot situation and it appears....(inaudible).... With those dimensions....(inaudible)....It's always best to approach us before building the house, rather than coming to us after the house is built....(inaudible)....to have to tear down the house....(inaudible)....it's a pretty harsh penalty to you to have to tear down a house, so.....

Munoz: You know it was completely unexpected and an error on our part and since put safeguards in order to stop that in the future.

Clark: Mr. James?

James: I don't have any questions.

Clark: Mr. Cassidy?

Cassidy: No questions.....(inaudible)....

Clark: Mrs. Case?

Case: I (?) questions.....(inaudible)...

Clark: We're ready to make a motion on this. Oh sorry.....I'll open this to the public. Close questions from the board and open this to the public. Please come up to the microphone and state your name.

Betsy Brown(?): Hi, I'm Betsy Brown. I live right across the street from that house and it's been an eyesore and a trashy place, but I didn't understand a word you said because I couldn't hear you. So what are you saying is wrong with this?

Munoz: Sure. The house was originally, the original floor plan that they chose was different from the one that they ended up building due to the (?) rules. And when the house was originally staked, it was staked for the original floor plan. When they came in and laid it out,

the new floor plan was 2' longer than the original. And so it just sticks 2' into the front yard easement. So we're not changing anything with how it currently sits.

Brown: Okay. I have a handicapped son who's in a wheelchair and goes out there. Is this gonna hurt, in any way, us getting in and out of our drive?

Munoz: It will not.

Brown: Alright. Thank you.

Clark: Are there any more questions from the public?

No reply.

Clark: Seeing none, I'll close questions. Are we ready for a motion?

Cassidy: I'd like to make a motion to approve (?) development standard variance.....(inaudible)....increasing the right front setback.

Lisher: Second.

Clark: Motion and a second; please cast your vote for BZA 2018-02.

Niehoff: And this is for BZA 2018-02. Mr. James – yes, Mr. Cassidy – yes, Mrs. Case – yes, Mr. Lisher – yes and Mr. Clark – yes.

(?): Thank you.

Clark: Are we ready for the next item?

Niehoff: Absolutely. And I may just add before we move on to the next one that we may be experiencing some AV issues, so if I could ask you all to lean into your mikes a bit more and just kind of project your voice as best as possible. I do have a back-up on my phone recording this just to make sure in case that we do we are experiencing issue, but this is a rather new software that we're working with and it's not performing as usual. So just a warning there to make sure that we get everything recorded properly. So moving on to BZA 2018-3, the petitioner's name is Larry L. Sandman. The owner's name is Sandman CL, LLC. The petitioner's representative is also Larry L. Sandman and the address of the property is 118 E. Broadway Street. The action requested this evening is approval of one development standards variance from UDO 5.42 D2, time limits for temporary structures.

Clark: I'll ask the petitioner to come forward and(inaudible)....

Larry Sandman:(inaudible)....I'm Larry Sandman, owner of Sandman Brothers and do you have any questions about the or should I....

Clark: You can tell us a little about what's occurred, please.

Sandman: We are requesting a 24 month extension on the variance that you kindly gave us to start with our mobile office which is on the (?) of our (?) sales room across Pike Street. Now that's been a big problem. We're landlocked and we have our used car lot across from our new car facility. The office was put on there because we had a tremendous fire. Burned down our whole inside where our offices were. So you were kind enough to give us a variance for the trailer and we use it for our sales office and we haven't really finished the inside of it yet for our offices, so it's been a godsend to have it out there and not have people have to cross back and forth across the street all the time. If you've ever driven on Pike Street, it's not very safe. Especially(inaudible)....we were able to put a handicap ramp on the trailer and fix it up best we could so that it would be not a hazard to anybody to walk on it or nobody could look at it and say it looks like you know just a trailer sitting there. We tried to dress it up and it's and I'm asking for a 24 month extension. Of course, I'm still in the process of hopefully getting another building over there. I'm just not ready to do that yet because we got repairs inside the building yet. The office has been very nice for us to have(inaudible)... kinda the reason for it. And we used to have a building there for 50 years. It got disrepair and we tore it down and thought we didn't need one and then we found we needed one and that's what we are.

Clark: Okay, thank you. I'll open to questions from the board; Mr. Cassidy?

Cassidy: I don't have any right now.

Clark: Mrs. Case?

Case: I don't have any questions (?).

Clark: Mr. Lisher?

Lisher: I don't have any questions. However Mr. Sandman, you and I have known each other, the I think the reason the staff made a recommendation of one year is kind of based upon our past history with temporary structures as out at the casino, the big, white uh the temporary facility. We made them come back several times to answer why. So I think the staff probably had that in mind and they've made a recommendation perhaps this time just one year since you've already got two years. That's all I wanted to share with you.

Sandman: What is the you call it? What would be a permanent fixture? This is not permanent, so we've got it on blocks. I assume that is not a permanent fixture.

Niehoff: No, it is it meets the definition of a temporary structure right now. In order for it to be moved into compliance, into full compliance with the Unified Development Ordinance, it would have to meet our architectural standards. It would have to be on a permanent foundation. It would have to meet landscaping standards. There are multiple other standards that come into play with a permanent building. So we do have minimum floor areas, minimum lot square footages. So in order for it to be you know, brought into compliance, that would have to be a permanent building would have to be set there. So does that answer your questions?

Sandman: I think so. I've seen local offices used. I was wondering what it would take to have a mobile office and be able to use as a permanent.

Niehoff: The issue is, so you're property's zoned BG, business general and to meet our architectural standards, there are various modifications that have to be made to the building that with a prefabricated structure like yours, it's just, it's ...

Sandman: Inaudible comment.

Niehoff: Yeah it wouldn't be financially feasible nor it would be very difficult to do to be able to meet those projections that are required, those architectural features and all of that with a building that's already pre-manufactured. So....

Sandman: Thank you. I was interested in it.

Niehoff: Absolutely. Yeah, absolutely.

Clark: Mr. James?

James: I'd just like to say that Sandman Brothers has been a long, well established valuable asset to our community and I appreciate that and I think that 12 months is reasonable, but I'm sure that if you came back before us, we would certainly(inaudible)....because we certainly appreciate what you've done for this community. So keep that in mind as we discuss the possibility of 12 months versus 24 months.

Sandman: Appreciate your thoughts.

Clark: Okay are there any more questions from the board?

Cassidy: How much longer is it gonna take for the interior to be done? I understand you might not have(Inaudible).....We're gonna do some more floors and you know half the flooring's done and the offices were all burned out except the front. So we're trying to figure out if we wanna rebuild all those offices or put a building on the lot. 'Cause we were using the building as our offices, but the more traffic on Pike Street, I mean we have so many older customers and this back and forth, back and forth to get keys, to get in and out of the weather

....(inaudible)....for the cars over there. It's it would've been wonderful if my father would've put 'em both on the same lot. But he didn't. He kept buying up properties on both lots, both sides of Pike Street....(inaudible)....cars back there. But it's kind of a landlocked situation 'cause our you know it's not for me to tell you our problems, but when you've got the garage on one side that's(inaudible)....service and they go(inaudible)....to the alley to the bank and we can't go any further than(inaudible)....So it makes it be both sides of the street.

Clark: Thank you. Are there any more questions from the board?

No reply.

Clark: If not, I'll open it to the public. Are there any questions?

No reply.

Clark: Seeing none, I'll close questions to the public and are we ready to make a motion?

Case: I would like to make a motion to(inaudible)....standard variance from UDO 5.72 to allow the current trailer to remain for an additional 12 months pursuant to the Findings of Facts.

James: I'll second that.

Clark: Please make your vote for BZA 2018-3.

Niehoff: Thank you. This is for BZA 2018-3. Mr. Lisher – yes, Mr. Clark – yes, Mr. James – yes, Mrs. Case – yes and Mr. Cassidy – yes.

Sandman: Inaudible comment.

Inaudible mumbling.

Clark: Mr. Secretary, would you(inaudible)....the next item please?

Niehoff: Yes and there was a request and you know I will just present this to you all that we rearrange the order of the agenda in order to bring BZA 2018-5, Shelton Animal Hospital, their development standards variance request in front of the 2018-4, Cork Liquors. They only have one and rather quicker request. So....

(?): Inaudible comment.

Niehoff: Yes. Would that be alright with..... Okay. So you may just make if someone could make a motion in that regard to revise the agenda and that it would need a second and just a voice vote.

James: I'd like to move to revise the agenda according to what Mr. Niehoff.....(inaudible)...

No audible second.

Clark: We have a motion and second. All in favor, signify by saying, "Aye".

In Unison: Aye.

Clark: Opposed, same sign.

No reply.

Clark: Okay so we will move that ahead.

Niehoff: Thank you very much. Alright so the next item on the agenda is BZA 2018-5, the Shelton Animal Hospital development standards variance. The petitioner's name is Chris King and or their names are Chris King and Tom Davis with Runnebohm Construction Company. The owner's name is J.K. Preidt with Landco, Inc. The petitioner's representative this evening is Chris King, with Runnebohm Construction. The address of the subject property is 1250 Amos Road and the subject property zoning classification is PUD, planned unit development. This evening, the petitioner is requesting approval of a development standards variance from UDO 5.15A driveway separation from an existing driveway or private drive.

Clark: Thank you. Will you please speak your name in the mike?

Chris King: Chris King with Runnebohm Construction.

Clark: Thank you. Could you tell us a little bit about your project?

King: Well um what's happening here is there's a parcel that's being divided off for Dr. Shelton to build a new animal hospital. Dr. Shelton is here with us tonight so he can answer any questions about his proposed project. But in order to be able to accommodate that, we are not able to meet the drive separation distance then so what we are requesting is a variance on the distance for the drive separation. What is a benefit as we were looking at this too, is we're gonna provide cross access to the parcels to the south as well so it will eliminate the need for future access there along Amos Road. So there is a benefit there by having the ability to locate that drive in that location.

Clark: Thank you.

King: Yep.

Clark: Any questions from the board? Let's start with Mrs. Case.

Case: I don't have any questions.

Clark: Mr. Lisher?

Lisher: I don't have any.

Clark: Mr. Cassidy?

Cassidy: I have no questions.

Clark: Mr. James?

James: I hate to say it, but I don't have any questions either.

Clark: This is pretty straightforward. Thank you. I have no questions either, so I will open it to the public. Are there any questions?

No reply.

Clark: Seeing none, I will close comment from the public. Are we ready for a motion? This is BZA 2018-5.

Cassidy: I'd like to make a motion to approve the requested development standard variance (inaudible)....decreasing separation distance from(inaudible).....

Clark: I have a motion.

James: Second.

Clark: Please cast your vote for 2018-05.

Niehoff: Thank you. This is for BZA 2018-05. Mr. Clark – yes, Mr. James – yes, Mrs. Case – yes, Mr. Cassidy – yes and Mr. Lisher – yes.

Clark: Motion carries. Good luck.

(?): Thank you.

Clark: Are we ready for the (?)?

Niehoff: We sure are. Yes. So this is for BZA 2018-4. The petitioner's name this evening is Tim Weaver with Runnebohm Construction Company. The owner's name is Warren Scheidt with Beech Tree Plaza Partnership. The petitioner's representative is well their names are Tim Weaver and Chris King with Runnebohm Construction. The address of the property is 940 S. Miller Avenue. The subject property zoning classification is BG, business general. And the action requested this evening is approval of 6 development standards variances. One from UDO 5.15A for drive separation standards. One from UDO 5.15B for drive width standards. One from UDO 5.55G1 for minimum rear yard setback standards. Two from UDO 5.55I4A for front yard encroachment for a parking area and one from UDO 5.66 for the ground sign location standards.

Clark: Please state your name into the mike.

King: Chris King with Runnebohm Construction.

Clark: And tell us about....

King: We also have Tony Nicholson here with Space and Sites. He's our engineer.

Clark: Okay I'm gonna separate this into the individual pieces(inaudible)...variances so please can you tell us a little bit about the driveway entrance and separation?

King: Yes. First, we're dealing with a pretty complicated development even though it's a very small lot that we're looking at. What we're doing is the old Lucky's tavern. We're gonna be demolishing that building and building a new Cork Liquors. So just given the constraints of the property itself and the odd aspect of Parker Avenue as it reaches Miller Avenue, there's a number of variances that we're requesting. And so to I guess the first request, the first variance request with the drive separation, with Miller Avenue being an arterial, we are just, there's just, it's impossible to meet the 300' separation for that. So what we've done is located a drive in what is the most appropriate location in order to get traffic in and out of the this parcel. It would be a significant improvement over the existing condition right now. That lot is almost entirely gravel and trucks are currently turning in that area and moving off of Parker Avenue. So by actually putting the drive location there, it would allow us to provide us some traffic control along Parker Avenue as well.

Clark: Okay, thank you. We'll start with questions from the board; Mr. Lisher?

Lisher:(inaudible)....So the current diagram calls for....(inaudible)....I call it a setback.... (inaudible)....semis that apparently operate (?) Brazeway (?) coming in off of Parker.... (inaudible)....

King: It would.

Lisher: Okay.

King: Just by providing some curbing and some directional, some visual directions there as well.

Lisher: That's all the questions I have.....(inaudible)...

Clark: Mr. James?

James: Yes, Mr. King or Chris, the staff has recommended that bollards or similar traffic control devices be placed there to protect the curbing. So that will be one of the conditions (?) this is presented and that will be a responsibility obviously....(inaudible)....

King: Correct.

James: And also you made the statement that(inaudible)....will be demolished.

King: Inaudible comment.

James: I think there's several citizens within the community that will certainly be in favor of that, so I thank you very much for that. That's good to hear. That's all I have.

King: I would ask with regard to that traffic control if we move the bollards or if we could work with the city engineer, under his approval for what that is. We may look at doing you know some higher curbing or something like that that might be more protective. I would just....with the semi traffic that does come into Brazeway, someone might get up over the curb, knock down bollards (?) try to find the solution that makes sense that wouldn't require a constant (?).

James: I think that's a good suggestion....(inaudible)...

Niehoff: Absolutely. Yeah that's suitable.

James: So if we put that into a condition, you said bollards or another similar some type of....

Niehoff: That would cover it. Yeah, yeah we could work out you know with our office and with the city engineer's office exactly what that looks like. But that's initially what we had in mind. We are open to any other suggestion. So....

James: Inaudible comment.

King: Thank you.

James: Thanks. That's all I had.

Clark: Thank you, Mr. James. Mr. Cassidy?

Cassidy: No questions on this one.

Clark: Mrs. Case?

Case: I don't have any questions.

Clark: And everything looks pretty straightforward, so I will close questions from the board and ask are there any questions? Please state your name(inaudible)...

Leah Knight: Hi. My name is Leah Knight. I'm a property owner, excuse me, just on Moriseni where the(inaudible)....where Lucky's is right now and it's a horrible eyesore. I mean (?) cut down trees and left all of that there and there are rats and bugs and it's awful. So my question is on the back of that property and I'm assuming that it will be facing.....(inaudible)....what can we expect as far as how far back the building's gonna sit on the property? And what is the back of that building going to look like?

King: Um....

Tony Nicholson: Inaudible comment.

Knight: So this will stay?

Nicholson: Yeah that's not our property.

Knight: Oh so this is two parcels?

Nicholson: Yes. We just.....(inaudible)...

Clark: Tony, if you could please speak your name.....(inaudible)...

Nicholson: Tony Nicholson with Space and Sites. Yes,(inaudible)...

Knight: So what alley are you talking about?

Nicholson: The alley....(inaudible)....

Niehoff: Yeah.

Nicholson: Inaudible comment.

Knight: Okay well, that's a moot point then because....(inaudible)...

(?): Yes.

Knight: Gotcha. That's all I needed.

Lisher: I think the....(inaudible)....setback in the back....(inaudible)....we require trash enclosures
.... (inaudible)...

Knight: Okay.

Clark: At least for this (?).

Lisher: Yeah.

Knight: Right. Thank you....(inaudible)...

Clark: Thank you. Any more questions from the public?

No reply.

Clark: Seeing none, I'll close questions. Are we ready to make a motion?

Lisher: I'd move to approve the variance from UDO 5.15....(inaudible)....separation as presented
and Finding of Facts presented by the staff.

Clark: There's a motion.

Cassidy: Second.

Inaudible mumbling.

Clark: Yes. Please make your vote for 2018-04A.

Niehoff: Thank you. And this is for BZA 2018-4A. Mr. James – yes, Mrs. Case – yes, Mr. Cassidy
– yes, Mr. Clark – yes and Mr. Lisher – yes.

Clark: That motion carries. Thank you. So now moving along to the next variance, the
maximum right of way width from UDO 5.15B.

King: So this is a difficult you know, situation from being able to get deliveries in and out of this
facility and what we're trying to do is to reach the best solution that we can. So as what's

presented earlier in the pre-meeting, we have provided some turning radiuses to show you how the property will be accessed. (?) question came up you know how the semis would exit the property as well. So there's a couple of different options that you know they could potentially be able to do here. So if the alley were not an issue, if the radius, I'm sorry, the next street which is Alpine Avenue, it's obviously a difficult turn there given that people typically park in the right of way along Alpine in the (?) up there. So deliveries from these trucks will primarily be coming morning time, early afternoon. So there's (?) they're gonna be conflicts as trucks are leaving and they can leave via Alpine and make that turn and stay within the right of way as opposed to getting off private property. So that's one option as well. The other option, which what they could potentially do, if I could maybe just walk over here and show you. If for some reason that that area is blocked over here on Alpine, so here's Miller Avenue. Here's Parker. And then here's the alley back here and Alpine. What they could do with the truck being here, we could potentially make this turn. They could back up this way onto and stay within the property and then be able to make this turn back out on Parker. It's obviously gonna take some maneuvering you know, from a truck's perspective. But it is, fortunately it's the best solution that we have to be able to do this. We're really looking at about two trucks a week. So the time there is fairly limited and you know some (?) can occur there too but to make sure that it's done at a time when you know there is hopefully fairly easy access and egress from the property. But it but the deliveries obviously are critical to the operation of the store.

Clark: Thank you. Questions from the board; Mr. Cassidy?

Cassidy: My question cause you figure there, is the semi gonna back in? Or you pull in head first into there and

King: Inaudible comment.

Cassidy: Okay.

King: Yeah.

Cassidy: Inaudible comment.

King: Yeah.

Cassidy: Inaudible comment.

King: So what they will look at doing

Nicholson: This shows a semi on there.

King: Yeah if you look at the drawing, there's a semi shown on there.

Nicholson: Inaudible comment.

Niehoff: It shows the cab head first on....

Nicholson: Yeah.

Niehoff: Yeah it's outlined in green, I believe.

King: So Doug, to show you on here what their two options are. If the truck is here and they need to exit, what they would do is back up and then exit through the alley assuming that there's no one parked in the right of way here along Alpine, they can make that turn....(inaudible).... So there is enough room that they would actually make that turn if there are no cars are parked....(inaudible)...

(?): Yeah.

King: If there are parked cars, sorry cars parked there, the other option is to back this way and then utilize this lot.

Cassidy: Inaudible comment.

King: There's enough radius there that we can get a truck back this way....(inaudible)....would be able to actually(inaudible)....

Cassidy: Okay. That was my question. Are you backing in or are you pulling in? 'Cause I know on Alpine I know right here there's a couple of(inaudible)....

King: Yeah they should be able to make this turn. But as we all know, cars are being parked here.

Cassidy: Oh sure. Yeah that....(inaudible)...

Several people talking at once, but no one is clearly audible.

Cassidy:(inaudible)....this is on the north side of the building. There's an angled parking where you go in the side door to get into West Side. Well if the trucks are early enough in the morning, obviously you're(inaudible)....

Nicholson: They can come right across the parking lot then.

(?): Inaudible comment.

Laughter.

Cassidy: But if there's cars....there's a house on the other side.....(inaudible)....

Another inaudible conversation.

Nicholson: Well actually (?) might be better to close 'cause there are trucks coming (?) most of the time. Like I said, this morning the one up there (?) was there at 7:30. So you know like I said, that's kinda....

Lisher:(inaudible)....at lunch time business.

Nicholson: Yeah that's true. That's true. So (?) would be....he could probably go that way if he's there before 11:00.

Lisher: Use some trailer shorter than 53.

Nicholson: That's the other thing. Yeah 53+.

(?): Yeah.

Niehoff: If I may add, how frequent do they does a store like this typically get deliveries?

Nicholson: Twice a week.

Niehoff: Twice a week? Okay.

Nicholson: Yeah.

Niehoff: Okay so it's rather infrequent.

Nicholson: Yeah. And if it's earlier in the week, it'd probably be less crowded too.

Niehoff: Yeah, yeah.

Nicholson: On Monday....(inaudible)...

Niehoff: They stay away from the Friday and Saturday.

Nicholson: Right.

Niehoff: Thank you.

Clark: Mrs. Case?

Case: So is this(inaudible)...

King: It's in addition....(inaudible)...

Case: Inaudible comment.

Inaudible conversation.

Nicholson: Yeah they got the new Dollar out there.

Lisher: Inaudible comment.

Clark: Mr. Lisher, do you have any questions?

Lisher: I don't have any. I'm sorry.

Clark: My question would be is if the vehicles and the trucks are backing out, I know you said that it's what truck drivers do, they back out. But sometimes they also hit power poles. The main power pole that's right outside and probably a little closer than that if they are backing out would concern me. Do you have any contingencies for that?

King: There would be curbing there to protect that. We are showing that on the on this drawing as well.

Clark: The curbing (?).

King: There would be curbing there to protect that. And then plus you know these truck drivers are making these deliveries. So there was familiarity too....(inaudible)....we would expect that you know hey we'd have a pretty good feel. But that is a good concern and we are providing some curbing there to protect that.

Clark: Okay any more questions from the board?

James: Has Matt taken a look at this? Is he in agreement with....(inaudible)...

Niehoff: Absolutely. Yeah Matt has taken a look at all these drawings and he's been in the meetings. I don't know if he's seen the circulation diagram that was provided, but I'm he's been involved in the process and it has been brought up. So no issues have been brought up on his regard.

Clark: If there are no more questions from the board, I will open it to the public.

No reply.

Clark: Seeing no questions from the public, are we ready to make a motion?

Inaudible mumbling.

Clark: B.

James: I'd like to make a motion to approve the requested development standard variance from UDO 5.15 (?) maximum driveway widths pursuant to the Findings of Fact presented in the planning staff's report.

Clark: I have a motion.

Lisher: Second.

Clark: Please cast your ballot for 2018-04B.

Niehoff: This is for BZA 2018-4B. Mr. Lisher – yes, Mr. James – yes, Mr. Cassidy – yes, Mrs. Case – yes and Mr. Clark – yes.

Clark: Motion carries. On to the next item. Here we are with setback.

King: So we're requesting a variance on the minimum rear yard setback from 20' to 10'. The current structure itself is 10' off the property line so we'll be matching what is existing there now. Just given the tightness of the size you've seen with the layout, in order to locate the building on the property to provide adequate access and parking on the front side and then delivery on the back side and still be able to have enough room for a structure, we're requesting this variance. And also was discussed too, there will be a dumpster enclosure which would essentially be a zero lot line dumpster enclosure but that would match up with the Pub & Grub adjacent to it. So it matches other structures that are in the area as well. And that dumpster enclosure would meet the requirements of the UDO too. The materials would match and be (?) as necessary.

Clark: Thank you. Any questions from the board? Mr. Lisher?

Lisher: I don't have any, just a comment. Past structures....(inaudible)....community and the lady's concern with trash and enclosures as well....(inaudible)....

Clark: Thank you. Mr. James?

James: I don't have any questions.

Clark: Mr. Cassidy?

Cassidy: Inaudible reply.

Clark: Mrs. Case?

Case: I don't have a question.

Clark: I have no questions. I'll open to the questions from the public.

No reply.

Clark: Seeing none, I'll close public comment. Are we ready for a motion?

Cassidy: I'd like to make a motion to approve(inaudible)....to decrease the rear setback to the alley 10' and pursuant to the Finding....(inaudible)....

James: Second.

Clark: Please cast your ballot for 2018-04C.

Niehoff: Thank you. Sorry, I was checking my secondary recording device here. BZA 2018-4C; Mr. James – yes, Mrs. Case – yes, Mr. Cassidy – yes, Mr. Clark – yes and Mr. Lisher – yes.

Clark: Motion carries. Now on to the next item, the encroachment of a parking area into a front yard setback (?).

King: So with this variance with all the others, we're just dealing with a lot that is very tight so we're not able to meet that front yard encroachment requirement with parking. So that's that is the request there on Miller Avenue.

Clark: We'll start with Mrs. Case.

Case: I don't have any questions.

Clark: Mr. Cassidy?

Cassidy: None from me.

Clark: Mr. James?

James: No questions.

Clark: Mr. Lisher?

Lisher: Inaudible reply.

Clark: I have no questions. I'll open questions from the floor.

No reply.

Clark: Seeing none, I'll close public comment and are we ready to make a motion?

Case: I would like to make a motion to approve the requested development standard variance from UDO 5.55 to increase the encroachment of a parking lot into the front yard setback for Miller Avenue.....(inaudible)....pursuant to the Findings of Fact presented in the planning staff's report.

Cassidy: Second.

Clark: We have a second. Please cast your vote for BZA 2018-04D.

Niehoff: Thank you. BZA 2018-04D; Mr. James – yes, Mrs. Case – yes, Mr. Cassidy – yes, Mr. Lisher – yes and Mr. Clark – yes.

Clark: Motion carries. We'll move on to the next, encroachment of a parking area in the front yard setback from Parker Avenue.

King: With this project we have two front yards. We've got two streets and so we're not able to meet the encroachment requirement for Parker Avenue as well. So it's essentially the same request that we just made.

Clark: Thank you. Questions from the board?

Cassidy: What about....(inaudible)....

King: Yeah we'll be providing (?) you know there along you know to help keep that and traffic control. We'll be working with Matt in order to get that taken care of and make sure. And that's part of the issue now is that they're traveling onto this parcel. So we'll be providing definition with this project along Parker Avenue that doesn't currently exist. So hopefully, it'll alleviate some of the other issue, the other problems with semis not you know traveling the way that they should in and out of Brazeway.

Clark: Thank you. Mr. James?

Nicholson: I might add just a little bit to that on Brazeway. You know that was approved way back. I know some of you guys was there when we had that approved. They are supposed to go down St. Joe, down Lincoln and come around and then back in. I think it's a communication thing with Brazeway and their truckers. I mean 'cause they got 'em comin' to the truck dock, pullin' in there and they can't, they're tryin' to turn around in that lot and then back up, you know. And when you talk about if they was to you know an ordinance or something that would put a stop to some of that, that we can change or Brazeway needs to tell these drivers how to come around to their site because that's the problem.

Niehoff: Yeah.

Nicholson: It's just communication. If they come the right way, it's not a problem.

James: I agree with Mr. Nicholson. I didn't realize they were doing that because that was part of the agreement when it was presented to us was that they would follow that particular plan.

Nicholson: Right. Now if they're going to the other one on Lincoln, that truck dock, then they can come in here and then turn and go down towards St. Joe and back into that one. I mean it's just communication.

Niehoff: Yeah.

Nicholson:(inaudible)....straightened out.

Niehoff: Yeah if you're coming if you're northbound on Miller Avenue, then you turn on Parker and try to get into the docks there, the north docks, it just doesn't work.

Nicholson: It's backwards.

Niehoff: And we've communicated that with Brazeway. We've actually had a sit-down with them and talked about this. Their response is that they get different drivers. You know I mean it's obviously it's a very heavily trafficked area with the type of business that they do so their drivers are often following a GPS device that will take them in that direction. So we've tried you know working with them. We've even engaged the chief of police in talking about enforcement measures there in what we can do. But the complexity of it, the fact that it's not just all traffic coming off of Miller Avenue northbound. It's just those trucks trying to get, heading northbound and then trying to get into that north dock which is the issue. So we'll continue working you know in that realm to see if there is any solution we can do there, but it was mentioned on the BZA record. I've reviewed those case files and we'll see. We'll continue to work on that for there, but hopefully.....

Nicholson: Inaudible comment.

Niehoff: I think the curbing will help.

Nicholson: When they hit the curbing a few times, they'll get the idea.

Niehoff: Yeah and that's why we originally suggested bollards and the fact that if you put something there and if and I hate to be blunt here, but that's gonna do some damage to your vehicle, then you know at that point, you're probably gonna learn pretty quick that that's not the direction in which you should be heading and you should probably be communicating with your facility that you're trying to get to on the correct route in which you need to head. So...

James:(inaudible)....concerned when we first discussed this.

Niehoff: Yeah.

James: So I would consider that being(inaudible)....

Niehoff: Yeah, yeah.

Nicholson: Inaudible comment.

Niehoff: Yeah, I agree. I agree.

James:(inaudible)...wanting to hear that.

Niehoff: Yeah. Well and you know also in their BZA hearing, they said that they were going to be far less trucks than we've observed being you know using that facility at one time. So I

Nicholson: Which is good for them.

Niehoff: Yeah, absolutely. Absolutely.

Nicholson: I've seen three trucks in there. So that's what they have....(inaudible)....

Niehoff: Yeah so we'll continue to work with 'em, but we're aware that that's an issue and this is an opportunity for us all kind of work together in this area to resolve that. So.....

Clark: Inaudible comment.

Niehoff: Yeah sorry that was a little sidebar there.

Clark:(inaudible)...

Niehoff: We were are we going down the board? Yeah.

Clark: Are we still asking questions? Are there any further questions?

Inaudible conversation.

Niehoff: No, I would go ahead and do that.

Clark: Okay are there any questions from the public?

No reply.

Clark: Seeing none, we are ready to make a motion.

James: Well this is E, correct?

(?): Yeah.

Niehoff: Yes.

James: This is the one that you've included the condition about landscaping?

Niehoff: That is correct.

James: Inaudible comment.

Niehoff: I would. Yes.

James: Are you familiar with that, Chris?

King: If you could go over it again just so....

Niehoff: Sure, sure. So we're just wanting to make sure that the landscaping standards are still going to be met, the screening standards from the right of way to the parking area there. So what we had originally suggested and I believe I communicated this with Tim is utilizing, let me look, at the corner of Parker Avenue and the alley, having an area there where you would add landscaping. Tim had mentioned to me that you were planning landscaping in that curbed area there. I don't know if you were going to have a grass strip or a planting bed there.

(?): Yeah.

Niehoff: But we would just expect that the same amount of landscaping plantings that are required in that area would be included. And if you can't fit it in that area along Parker Avenue,

then we would like to see those supplemented on the Miller Avenue side. Does that make sense?

King: Yes it does. Yes.

Niehoff: Okay. Does that clarify everything for the board? Thank you, Mr. James.

Clark: Are we now ready for a motion?

Cassidy: I'd like to make a motion to approve the(inaudible)...development standard setback on Parker Avenue....(inaudible)...landscaping....(inaudible)....

Case: Second.

Clark: Please cast your vote for 2018-04E.

Niehoff: Thank you. This is for BZA 2018-4E. Mr. James – yes, Mrs. Case – yes, Mr. Cassidy – yes, Mr. Lisher – yes and Mr. Clark – yes.

Clark: Motion carries. We'll move to the next variance. The ground sign setback from the right of way.

King: So again with just the tightness of this lot, we are not able to meet a setback for a ground sign. Obviously for any kind of business, having signs is important. So what we'll be doing is locating a sign approximately 3' off of the right of way line. One benefit of this project as well is currently the existing pavement goes all the way up to the right of way. So we're gonna be providing a green space there along the sidewalk. So there'll be significant improvement, but within that area, we'd like to located a ground sign and need to do that.

Clark: Okay, thank you. Mr. Lisher?

Lisher: I have no questions.

Clark: Mr. James?

James: And that ground sign will leave (?) the ability to see traffic....(inaudible)...

Niehoff: We will review that when we take a look at their sign permit just to insure that that's not the traffic sight visibility triangle there. So great question.

James: Inaudible comment.

Niehoff: Yeah.

James: Inaudible comment.

Niehoff: Yeah and just for clarification's sake, we calculate the distance you know the distance of the legs of a sight visibility triangle based off of the street classification. So with that street classification off of Parker we'll be calculating it there. So that will and along Miller Avenue. So we'll make sure it's not in either of those. It should be and the proposed location looks fine, but I know there was some conversation about possibly moving that a bit north too. Is that still a part of the plans or....

King: We're not really sure as far as where along Miller Avenue.

Niehoff: Okay.

King: But if we move farther north, that gets it farther out of the sight triangle too.

Niehoff: Yeah.

King: So we'd obviously we'd have to meet that minimum requirement as part of your standard, so it would be checked to make sure that we do meet that.

Nicholson: Inaudible comment.

Niehoff: Yeah exactly.

Nicholson: Inaudible comment.

Niehoff: Uh huh, yeah.

Nicholson: Inaudible comment.

Niehoff: You're exactly right. Yeah there is you know traffic heading westbound on Parker will have that veer there, so that will improve visibility in that area, absolutely.

Nicholson: Inaudible comment.

Clark: Mr. Cassidy?

Cassidy: I don't really have a question just a statement that I've often said(inaudible)....on that side of town....(inaudible)....

Clark: Mrs. Case?

Case: I have no questions.

Clark: Mr. Lisher?

Lisher: I have no questions.

Clark: I don't have any questions either. Thank you. So we'll open questions to the public.

No reply.

Clark: Seeing no questions, close questions from the public. Are we ready to make a motion?

Case: I would like to make a motion to approve the requested development standard variance from UDO 5.66 to increase the setback from Miller Avenue to (?) for a ground sign pursuant to the Findings of Fact presented in the planning staff report.

Cassidy: Second.

Clark: Please cast your ballot for 2018-04F.

Niehoff: This is for BZA 2018-4F. Mr. Clark – yes, Mr. Lisher – yes, Mr. James – yes, Mrs. Case – yes and Mr. Cassidy – yes.

Clark: Motion carries. Good luck with your project.

King: Thank you.

Nicholson: Thank you.

Niehoff: If I may ask for clarification's sake, does anyone know who seconded BZA 2018-4E?

Case: I did.

Niehoff: Did you? Okay. Thank you very much.

Inaudible comment.

Niehoff: Oh awesome. Good, good, good. Just making sure we are recording that properly.

Lisher: Thank you all, gentlemen. The building and all look nice.

Nicholson: Thank you.

Lisher: Inaudible comment.

Niehoff: Oh yeah? Yeah, absolutely. Yeah. Thank you. It should be.

Clark: Next on the agenda is there anything for Discussion?

Niehoff: Just a quick update for you all on the Comprehensive Plan Update. So we actually did meet with our consultant this past week and Mr. James was actually present at that meeting. We spent the better part of the afternoon with them just trying to take care of some ground work before we get started on the steering committee, the schedule, you know the how we're gonna be phasing out the meetings and getting all of that figured out. And then we took them on a tour around the community utilizing a Parks Department van. So we were rather crammed in there, but I thought it was a really good experience and Mr. James, I don't know if you have anything to add?

James: I think both groups, the Plan Commission and the BZA should take that little tour just to see what's out there....

Niehoff: Yeah absolutely.

James:because it's amazing. I'm very proud of our community and what's going on out there. So....

Lisher: Inaudible comment.

Niehoff: This was last Tuesday, I believe.

Lisher: No, what'd you visit?

Niehoff: We just went around the community. Showed them the sites and everything they needed to see for the Shelbyville tour to get to know our community. So...

James: Inaudible comment.

Niehoff: Yeah so thank you for joining us and we'll update you all every month as we move forward just to keep you up to speed and we'll be touching base with you periodically if we choose you for a steering committee or representation on the steering committee or for a stakeholder's interview or something along those lines. We're still working that out, but of course with the steering committee and with stakeholder meetings, we can't really hold a quorum of any official government committee, commission or you know a council. So but yeah, we'll be touching base with you all and updating you periodically as we move forward.

Lisher: Inaudible comment.

Niehoff: Okay.

Lisher: On their electronic sign....(inaudible)...which I don't know if we have a lumens standards with their sign....(inaudible)...then the other sign further down....(inaudible)...

Niehoff: Uh huh.

Lisher:has the red electronic and certainly the Chamber of Commerce. It just seems brighter.

Niehoff: Does it? Okay.

Lisher: So I don't know if (?) if we have standards on the amount and how bright the lighting is or is not.

Niehoff: We do. I can't think of the number off the top of my head unless Adam, do you have that?

Adam Rude: Yes. It's

Lisher: Well I was just inquiring because it just for some reason.....(inaudible)....

Niehoff: Yeah.

Cassidy: Inaudible comment.

Lisher: It could be they're not surrounding

Several people talking at once; no one is clearly audible.

Rude: Yeah and we do have a standard. It's not lumens. It's 5 lux which apparently is another form of measuring brightness.

Niehoff: Yeah.

Lisher: Like a standard?

Rude: Yeah and we have some provisions on how we are supposed to measure that to insure compliance. Honestly, we've never enforced that because we don't own the equipment it would take to measure that. You're supposed.....the Ordinance states you're supposed to measure it 3' away from the display board one hour after sunset and we don't own the

equipment to do anything of that. But we've always had that language in there for brightness, so we do have that provision.

Niehoff: But in the new

Lisher: Inaudible comment.

Niehoff: Yeah, in the proposed sign amendment that's going through City Council right now. It's passed first reading, but it goes to second reading here, I believe it's next week actually.

Lisher: Inaudible comment.

Niehoff: Yeah. In that, we actually did change up the language there a bit. We kept the same standard. That seemed to be what we needed to be at in terms of reviewing other industry standards, but we have put that responsibility or the potential for that responsibility on the property owner for them to supply that report to us from a third party testing agency. So that's something that we'll have a bit more flexibility with if we do get complaints on those as we move forward.

Clark: Inaudible comment.

Niehoff: I really....

Clark: Inaudible comment.

Niehoff: Yeah.

Inaudible conversation.

Niehoff: I'd have to check on that, Mr. Clark. I would. Yeah. I would and I can follow up with you on that.

Lisher: Inaudible comment.

Clark: CVS.

Lisher: Inaudible comment.

Niehoff: Yeah that's right. That is right.

Rude: And I'm not sure if we ever 'cause we did while we were developing these sign standards, we took a look back at previous versions of our own sign standards just to see

historically what we've done on some things. I don't know if we ever required monochromatic. I think it was the

Clark: We did.

Rude: Okay.

Clark: I know that.

Rude: 'Cause I know on some signs it's just the cost between the two that kind of regulates that, so

Inaudible conversation.

Niehoff: Yeah. Theirs is monochromatic. And we've actually gotten and we've worked with Amy Dillon for them to slow that down. So I don't know if any of you have been past there.

Lisher: Inaudible comment.

Niehoff: Yeah.

Inaudible conversation.

Rude: Yeah and honestly I believe our will EMCs become a special.....

Niehoff: They will.

Rude: The language that is before Council right now for second reading and what will presumably become the new sign standards, all electronic message centers from now forward will have to come before this board for a special exception approval for each one of those individually so they can be heard on case by case basis and when they're in a residential neighborhood or whatever that might be, certain restrictions can be placed on them.

Lisher: Inaudible comment.

Clark: That was.....

Lisher: Inaudible comment.

Rude: Yeah.

Niehoff: Yeah. And we have a standard for that in the UDO.

Rude: What's that?

Cassidy: Inaudible comment.

Rude: I think in downtown it's always been a

Cassidy: Inaudible comment.

Clark: Is there any.....

James: I have one last thing I'd like to say. I would like to thank Chris for a very effective job managing this meeting. It was very efficient.

Niehoff: Absolutely.

Several people talking at once; no one is clearly audible.

King: Are you guys gonna take any public comment?

Niehoff: We sure can.

King: Well I just wanna tell you we do a lot of work in a lot of communities. We're working with you know planning departments all over the state and it has really been we've had we had a couple of projects that took a lot of work and I just wanna tell you what a great job you know we think that Bryant and Adam are doing and Matt. You know, it's exciting to see that here in Shelbyville and the can-do attitude. So it's really been great. You know there were a lot of there was a lot of back and forth and I think they really helped us get to a solution that worked on these properties and it's you know exciting to have that here in the community. So I just wanted to say that. It's important.

James: Nice comment.

King: It is not the case in most communities and I can tell you you know go across the county line. Johnson County, Marion County, everywhere else. I mean it's it's very difficult to work through what should be pretty simple issues and these guys made it easy for us. So I just wanna

Lisher: Well and we just hope in the future we're in development with a gas station on the west side...(inaudible)...

Niehoff: Maybe we need to write that in the comp plan. Yeah.

King: Yeah I would say, well you know we were talking with Warren Scheidt originally about the Cork project. You know he had a lot of (?) being someone from Columbus from out of town, he's like you know there's things are starting to change on this side of town. They've owned that property for a number of years and you know now's the right time for them to do that. You know with the Dollar General, with Brazeway, you know there's some good things happening on that side of town. So you know hopefully that does happen sometime soon.

Cassidy:(inaudible)...that's still a gateway into our city as well and I think sometime our leadership doesn't see that as a whole.....(inaudible)...

Lisher: Inaudible comment.

Niehoff: Absolutely.

King: We appreciate it.

Niehoff: Yeah I wanted to convey that as well. I mean we appreciate Runnebohm working with us you guys day in and day out. You're always a phone call away, so we really appreciate that open line of communication and hope to keep that going into the future.

Several people talking at once; no one is clearly audible.

Clark: That was very nice. Should we adjourn?

Cassidy: Motion to adjourn.

Case: Second.

Meeting adjourned.