

SHELBYVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
May 14, 2019

Kris Schwickrath: Good evening, everyone. The May 14, 2019 meeting of the Board of Zoning Appeals is now called to order and we'll begin with a roll call.

Adam Rude: Mr. Lisher - here, Mr. Lewis - here, Ms. Schwickrath - here, Mr. Clark - here, Mr. Cassidy - here.

Schwickrath: Okay under Old Business, we have the minutes from last month, April 9, 2019 to approve, I'll entertain a motion.

James Lisher: I would move to approve the minutes.

Schwickrath: Okay.

Doug Cassidy: Second.

Schwickrath: All in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed same sign.

No reply.

Schwickrath: Thank you for getting that approved and we are ready to move on to three items for under New Business this evening.

Rude: The first item tonight under New Business is case BZA 2019-06 Greenleaf Foods special exception use. The petitioner's name and the owner's name is Greenleaf Foods, SPC. The petitioner's representative tonight is Jessica Findley from Landman Beaty. The address of the property is 101 Tindall Drive. Current zoning district is IG, general industrial and the request tonight is the approval of a special exception use to allow food and beverage production on this facility.

Schwickrath: Okay, thank you. If you'd please come forward and state your name for the record.

Jessica Findley: Good evening, Jessica Findley with Landman Beaty (?). As he said, I'm here representing Greenleaf Foods as PC subject property 101 Tindall Drive here in Shelbyville. The request tonight is for a special exception use for food and beverage production, specifically Greenleaf Foods, SPC. They intend to construct a 230,000 square foot food plant based protein manufacturing facility on 57 acre site. So then I'll just go through, which are in my Findings of Fact in the application, but I'll just kind of go through and summarize the criteria. With regard to the general welfare and that approval of this request would not be harmful to the public health, safety and general welfare of the City of Shelbyville. This is a plant based protein facility. There won't be any animals involved, no feedlots, no slaughter facility, no holding pens, no manure generation. In addition, the facility will be subject to strict government regulations. The site is located near I-74 and also 44 therefore truck traffic will not need to access through residential neighborhoods. It will be approximate to the highway. Therefore, based on these reasons, the impact of the approval for food production primarily will be minimal to the public. The second criteria, compatibility impact; the special exception use will be in harmony with the adjacent uses and will not have an adverse impact, excuse me, on adjacent properties and their values. The adjacent properties to the south and the east are zoned industrial and they are vacant. To the east, south and west they are zoned agricultural and there are no structures. The north and west is zoned business highway. There are no residential properties adjacent to the property therefore this is in line with what's you know the industrial area out in this area anyways and that there would be no adverse impact to the adjacent properties, especially because there are no residential properties adjacent to the subject property. The fourth criteria, the character; granting this special exception will not adversely alter the character of the zoning district. As we've said, the zoning district is general industrial which allows for general industrial projection, light industrial processing, warehouse and distribution centers. Allowing for food production does not alter the character of these uses. In addition, the special exception, if it's granted, will create over 400 jobs for the area and opportunities for economic development which is the intent of this zoning district. Fourth, with regard to the Comprehensive Plan; the grant of this special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Again, the subject property is zoned general industrial. The future land use is high tech light industry. These focus on locating industrial uses along the major corridors which is again where we are located. The intent of the zoning district, per the Comprehensive Plan, is to provide ample employment centers and opportunities for economic development which is exactly what this facility would do. Again, in furtherance of the Comprehensive Plan, approval of the special exception would promote a new industry that diversifies the economy here in Shelbyville. It will offer quality jobs. It is sustainable and it insures a better future for the residents of Shelbyville. So based on those, I believe that and I request that the special exception use for food production at this facility be granted. Within the packet or the application I submitted, there are some site plans, some aerials, zoning, the deeds and whatnot, so if you have any questions....

Schwickrath: Thank you. What we'll do now is we'll go through each member and see if they have questions for you.

Findley: Okay.

Schwickrath: So we'll start with Mr. Cassidy.

Cassidy: Are you making beverages there also or just (?) drinks or just....

Findley: Just food.

Cassidy: Just food, okay.

Findley: Uh huh, just food right now. And in the packet, I indicated that, I kind of added some at the very end some information and it comes from the Greenleaf Foods website. What they will be doing here is promoting their Lite Life brand and the Field Rose(?) brand which are protein, plant based protein food products.

Cassidy: Okay. That's all. They just mentioned food and beverage on here, so I just...

Schwickrath: Sure. Thank you.

Rude: Yeah and the reason for that wording is our UDO calls out food and beverage production so that's why.....

Cassidy: Okay.

Rude:everything is worded that way as we group both of those together. So that's where that came from.

Cassidy: Thank you.

Schwickrath: Thank you. That's a good question. Mr. Clark?

Chris Clark: Are you able to tell me what the primary ingredients are? Like is it soy? Is it a soy-based protein or (?) of that nature?

Findley: I apologize, I do not have that.

Schwickrath: I can do that for you because I eat (?). It's soy-based.

Clark: Okay are you gonna be using, do you know if they're gonna be using local soy sources?

Findley: I do believe that their goal is to utilize the surrounding....

(?): Can I.....

Schwickrath: No, not at this point. Would you please wait until the....

(?): I was just gonna help her out.

Schwickrath: Okay, are you affiliated with....

Rude: He is, yeah.

Schwickrath: So please rise and come forward.

Findley: Come over here.

Schwickrath: Sorry, I was a little quick there.

(?): That's alright.

Schwickrath: Please state your name for the record.

Chris Jark: My name's Chris Jark(?). I'm with the project manager for Hixson Architects and Engineers. We're the designers on the plant. There are three main ingredients - soy, wheat and pea protein for the various products there. So it's all, as you saw.....(inaudible)....so those are the main things that are going in there. And they're all, they're gonna get 'em as local as they can for obvious reasons. It's good for the local economy. It's cheaper than truckin' 'em from across the country. So there's some special ingredients that aren't local they're gonna have to bring in, but they'll do their best.

Clark: Alright, thank you.

Schwickrath: Especially organic ones because I know the tempe(?) that I eat is labeled as organic.

Jark: It's a unique (?) too, so....

Clark: Thank you.

Schwickrath: Anything else?

Clark: No.

Schwickrath: Okay. Mr. Lewis?

Wade Lewis: I have no questions.

Schwickrath: Mr. Lisher?

Lisher: Ma'am, did you see the staff's recommendations with the conditions?

Findley: I did.

Lisher: Do you have any problems with the conditions? You understand those?

Findley: Inaudible reply.

Lisher: And from what I understand, your project is we're in a rural community, agricultural based if you will, so this sounds like it's one that's going to be using agricultural products that hopefully are grown right here.

Findley: Right.

Lisher: So I really don't have any questions, just wanted to make that observation.

Schwickrath: Thank you. And that leaves me, I have no questions myself, so it's pretty straightforward. So at this time, I will close questions from the board and if anyone from the public wishes to step forward and speak about this particular petition, you're welcome to do so at this time. Mr. Glasco?

No audible reply.

Schwickrath: Okay. You'll refrain? Okay. Okay, seeing no movement, then I will close public questions and unless we have further questions from the board, I think we're ready to move to a motion as a matter of fact, so who would like to do that?

Clark: I would like to make a motion to approve the requested special exception use to allow for a food and beverage processing facility in accordance with the conditions suggested by the planning staff pursuant to the Findings of Fact presented in the planning staff's report and those conditions as a (?) type of thing are you may not operate an animal slaughter or animal rendering facility at this site and you may not have outdoor storage of products, materials, waste or scrap, supplies or pallets unless minimum screening standards are being met as defined in the Unified Development Ordinance.

Lisher: I would second.

Schwickrath: Okay Mr. Lisher seconded that, so please cast your ballot for BZA 2019-06.

Rude: This is for BZA 2019-06. Mr. Cassidy - yes, Mr. Lisher - yes, Mr. Lewis - yes, Mr. Clark - yes, Ms. Schwickrath - yes.

Schwickrath: Okay so that motion is approved. I recommend we all open up our maps right now, so 'cause it'll make a lot of noise, before we move on.

Inaudible mumbling and map rustling.

Schwickrath: Adam, when you're ready. Thank you.

Rude: The next petition on the agenda is BZA 2019-07 again Greenleaf Foods, but the development standards variance. The petitioner and the owner's name again are Greenleaf Foods SPC. The petitioner's representative tonight is Chris Jark from Hixson, Inc. Again, the address of the property is 101 Tindall Drive. The zoning classification in IG, general industrial and this is a request for approval of one development standards variance from UDO 5.32A the non-residential foundation planting standards on the northern portion of the property.

Schwickrath: Okay, thank you. Is he here?

Rude: Yes, he is. Chris?.

Schwickrath: I'm sorry. Please state your name for the record again please.

Jark: I'm Chris Jark from Hixson, Inc.

More paper rustling.

Jark: So there the standards call for a tree or shrub every 40 feet on the sides and the rear of the property. We're looking at the south side that faces the interstate 74 is the front which has got a different set of standards, so we can meet all those. We've got enough trees and shrubs. And on both the east and west side, we're meeting those too. On the north side is where we'd like to actually not put any shrubs and move those shrubs, the 24 shrubs that we're supposed to put or trees we're supposed to have on that side and spread 'em amongst the other three spots. Reason being is two or three fold. One, we're planning on staging trailers back there and trees and shrubs just won't last back there. They'll be broken. They'll be damaged by the truck diesel fumes and so on. Secondly, that's the primary direction the plant could expand. We're talking in probably three years or so expanding. We'd take all those shrubs and trees out, essentially killing them and putting new ones back in. And then the fourth one or the third one, I'm sorry and it's probably the most minor of the three but it's still pretty major is that we don't like to have, in food processing plants, you don't wanna have trees and shrubs near a facility like that. It draws critters and varmints and bugs and everything else to it and that's just one thing you don't want running around your food plant. We're able to keep the trees shrubs away from the plant on the south, east and west side enough that they're far enough away that we're not worried

about it. And they will have a, obviously they'll have a program that for pests that are not pesticides, but you know just (?) ways to keep the rats and mice and all that stuff away from it. So there's a lot of different ways to do that. So that's all we're (?). We're not asking for to put in any less trees or shrubs. We're just trying to find new spots for 'em to use 'em correctly.

More paper rustling.

Schwickrath: Are we finished? So I think, there's a question that came up. I think I'll just ask this now for the board that you know (?) is this why I think at the entrance to the facility you don't have much by way of tree plantings? Is it to keep.....

Jark: So starting we don't have anything on Tindall Drive 'cause we're not required to.

Schwickrath: Okay.

Jark: Yeah but we do have 'em coming down our driveway and then around the front of the plant, stuff like that, yeah.

Schwickrath: Sure. We were just wanting to be clear about that.

Jark: Yeah.

Schwickrath: Okay, thank you, alright. I didn't think about that but of course that makes sense to keep certain plantings away from there, the facility itself. Okay we'll do the same thing we did the first time. We'll ask each member if they have any questions. We'll start with you.

Clark: I don't have any questions; thank you.

Schwickrath: Okay. Mr. Lewis?

Lewis: No questions at this time.

Schwickrath: Mr. Lisher?

Lisher: Is this on the landscaping?

Schwickrath: This is on the landscaping.

Lisher: Well then I have questions. Sir, I notice in the past we've granted some suggestions particularly when land is bordered on farmland or other undeveloped and allowed change in the landscaping requirements but I always thought we should be looking at the aesthetics for the neighborhood and people in the community, what they can see along St. Rd. 44 and I don't see any plantings along that line. Do you.....

Schwickrath: Jim, I just asked him that. I don't know if you heard me.

Lisher: No, I didn't hear.

Schwickrath: Okay.

Lisher: I didn't hear his response.

Schwickrath: Okay. It's not required.

Jark: It's not required.

Lisher: I understand it may not be required. We can make it as a condition, sir.

Jark: Okay.

Lisher: I wanted to know why we can have some kind of plantings on 44 particularly as you turn in on what you say is your drive.

Jark: Well....

Lisher: Tell me why we can't do that.

Jark: There's, as I stated before, we wanna have as few trees and shrubs as possible. They draw birds. They draw mice. They draw all kinds of stuff, things you don't want. Food processing....

Lisher: But that would be out by the road, wouldn't it?

Jark: They still draw 'em. Bird, you know birds defecate wherever they fly so if they're nesting out in the trees 100' away, they're gonna poop on the roof of the plant and that's not something we're gonna want, so we've put the plants in because we're required to and so we're meeting what the code is required. That's the reason why we didn't put any on there.

Lisher: If we had a requirement if we granted your request to replace plants if they die, would you be willing to abide by that?

Jark: Yep.

Lisher: That's all the questions I have.

Schwickrath: Okay, yeah. Thank you. Mr. Cassidy?

Cassidy: I have no questions.

Schwickrath: Okay and then for me, I had a few about the actual plantings. So I was looking I looked at all of these and I don't know what the industry standards are. I know a little bit about tree planting, so this is where my question's coming from and I don't know to what level you're involved in that actual part of this, but I just wanted to put this out on the table that I noticed for the planting itself with the shrubs and the trees that you have listed to roll back a third of the burlap and a third of the basket or cage that the tree is in and I know that some arborists would say no problems, the trees can deal with it, but I happen to disagree with that. So have you elsewhere done anything differently with the plantings?

Jark: So the landscape architect we've used to do this we've used for the last, I've been there 18 years and he's been there as long as I have.

Schwickrath: Yeah.

Jark: And so I've worked on a variety of different projects with him, never had any problems with

Schwickrath: Down the road....

Jark:(?) down the road, right.

Schwickrath: Okay.

Jark: I mean there's a stray bush or tree that dies. It always happens.

Schwickrath: Normal.

Jark: But we've put in examples of what he's put in and that technique he's used, it lasted for a long time.

Schwickrath: Okay, sure. That's what I needed to hear because I....

Jark: Yep, yep, absolutely.

Schwickrath:there are varying results and of course people have different opinions about it, but I've seen disasters and it's living infrastructure.

Jark: I totally get it.

Schwickrath: So we just need to....thank you. And also....

Jark: I think it goes back to Mr. Lisher's request of if it dies, we replace it. I don't think....
(inaudible)....

Schwickrath: Which of course keeps your facility and grounds looking top.....

Jark: Absolutely. I mean and you know the company's gonna bring in customers. They're gonna bring in clients and so they want it to look nice and they don't want a bunch of dead bushes and trees there.

Schwickrath: Sure. This is not actually....I don't wanna take too much time and I'm not trying to digress here, but the retention pond, are you gonna have anything around that?

Jark: No we'll leave that pretty clear. There's some talk of maybe doing something, a gazebo or something. I mean we will have a walking path down there. So the intention of the owner is that at some point, they will wanna use it for an event or something like that, but we're not gonna put it(inaudible)....

Schwickrath: You're not there yet too.

Jark: Yeah.

Schwickrath: And I realize this is Phase I, but we might have some ideas for you down the road.

Jark: Well the one thing that we are gonna do is we are gonna use the water that's in the retention pond for irrigation.

Schwickrath: Okay.

Jark: So we'll irrigate the bushes and trees and try to use that as the primary source and back it up with regular city water in the middle of summer. That pond should never go dry. It's not designed to go dry, so

Schwickrath: And I assume too the landscape architect that you have or designer, I notice the species of trees, I'm assuming that they, I have personal preferences so I'm not trying to throw an obstacle here, but again, I'm assuming with review that they fit this area 'cause a lot of them are Asian and we're trying to move away from that and go more native. Just throwing that out there.

Jark: Okay well I'll....

Schwickrath: I'm not asking you to rewrite anything necessarily, but just a thought.

Jark: It's not that hard to rewrite it. I mean he was trying to use the local codes and standards. Those are the trees that are allowed in this area, so

Schwickrath: We're revising some of that which is not your problem but I'm just to have that out there that maybe.....

Jark: I'd be happy to take recommendations.

Schwickrath: Okay, sure.

Jark: So if that's something that you wanna pass along, I don't think it matters totally to us that we have that particular species of trees.

Schwickrath: Sure. So you were using our materials?

Jark: Yes.

Schwickrath: And I understand that but we're in the process of revising a lot of that and updating it and some of that has changed so or much of it has. Just so you're aware of it.

Jark: Well the by way of the you know just the construction schedule, we probably won't be planting those trees until fall next year.

Schwickrath: So we have some time?

Jark: You have some time.

Schwickrath: Okay.

Jark: I mean this is enough to get our intent across to you today but it's not our final design.

Schwickrath: Absolutely, sure.

Jark: If those standards change and it's not onerous to the owner, then we'll follow 'em.

Schwickrath: It shouldn't be. Thank you for considering that.

Jark: Yep.

Schwickrath: I appreciate it. Any further questions?

No reply.

Schwickrath: Okay then I will close questions from the board at this time and again open to any questions from the public if anyone wishes to speak about this second petition.

No reply.

Schwickrath: Okay seeing no movement again, then I close questions from the public and we will now move to a motion.

Cassidy: I'd like to make a motion to approve the requested development standard variance from UDO 5.32 to the foundation planting standards according to conditions and Finding of the Facts and the stipulations that we listed within.

Schwickrath: There's a motion.

Lewis: Second.

Schwickrath: Okay, Mr. Lewis gets the second and please cast your ballot then for 2019-07.

Rude: This is for petition BZA 2019-07. Mr. Cassidy - yes, Mr. Lewis - yes, Mr. Lisher - abstains, Mr. Clark - yes, Ms. Schwickrath - yes.

Schwickrath: Okay thank you. I'm looking forward to having you here. I eat your stuff, so appreciate it. It's a big project. Thank you very much. Alright so now I'm gonna close my packet or my maps I mean. It'll take a second for that.

Paper rustling.

Schwickrath: Thank you. They're important but a bit unwieldy. I think we're ready to move on to the third item.

Rude: Okay. The third petition tonight is BZA 2019-08 Emerald One Mobile Home Park development standards variance. The petitioner's name tonight is Stephen Hynes. The owner's name is Emerald Mobile Home Parks. The petitioner is the representative tonight. The address of the property is 596 Chestnut Street Shelbyville, Indiana. The subject property zoning classification is MP, manufactured home park and the request is approval of one development standards variance to reduce the minimum living area per dwelling unit.

Schwickrath: Okay, thank you. Mr. Hynes, please state your name for the record and tell us about the project.

Stephen Hynes: My name is Stephen Hynes. I just thank you very much for the opportunity to present my variance application to you this evening. I did some (?) just a visual for you to

maybe have a look through as I just talk you through the reason for this variance project. For background, we purchased Hilltop Village last November and at the time it was clear when we purchased it it was a park that was suffering from years of neglect with the property little investment in recent years and the previous owner was removed largely from the day to day operations and the result was a decline in the living standards really across the park. So we understood at the time we had quite an undertaking on our hands and that certainly proved to be the case and well quite simply when we undertook to purchase the park, it was our intention to just(inaudible)....and just to raise the standards in the park and across the board, the standards in terms of how people lived, how people treated the park, how people treated their homes in the park and (?) the anti-social behavior that's probably plagued the park for the last number of years. And so also in the presentation that I submitted was a letter that I sent out to the residents of the park and in January of this year talking about just that, just our uncompromising intent to basically to raise the standards of the park, to try and get people on board in the early stage to explain to them that maybe unlike the past where they justifiably were maybe a little bit reluctant or a little bit skeptical about somebody coming in and promising everything but delivering maybe little that we were going to lead by example. We were going to lead by the front. We were going to reinvest into the park and that would be the case and has been the case and will be the case for the next number of years. We're not here just to you know to come in take (?) of the park and just to sort of enjoy the fruits of that but we're committed to it. And so we have undertaken and to do just that. Like I said, we're leading from the front. We started initially by demolishing a number of units. Initially we sort of maybe had earmarked 4 or 5 units went to almost 15 at this stage. And to be quite honest, we're in a situation where in some respects I was aware that the park was grandfathered in in terms of the existing code and that if I were to do nothing with the park and just try to patch over some of the existing units and it would not really have set the tone, proper tone for what we wanted to do. It would've protected me in certain respects because it was grandfathered in and I wouldn't have to go through the ordeal of having to stand before you guys here today, but to be quite frank it really was only patching over what was a more serious problem. And so we undertook the hard decision but I think what most people would agree is the correct decision to just get rid of those old homes and to close what was probably a dark chapter in Hilltop Village's history and to hopefully open what I can you know I can see(inaudible)....right now would be a new brighter chapter for the village itself for the park itself I should say. And so while we have a lot done, like I said we've removed 15 homes we have and removed structurally unsafe trees that were overhanging houses and really needed to come down. We've improved the drainage in the park and we've done a lot of the dirty work that needs to be done before we start to bring in new homes and that has taken quite a bit longer and probably cost a little more than we first anticipated, but I think it's work that needed to be done and hopefully as I say we won't have to revisit for awhile. But we're at the stage right now where we're and ready to think about bringing in new homes and I think that will be the true turning of the leaf or turning of the page into a new chapter for the park's future. And so the reason I'm standing in front of you today is that quite simply we're looking to improve every aspect of the standards of the park. There's the anti-social issues that I think probably most people in Shelbyville are probably aware of and that's deteriorated in the last number of years but hand in hand with that and really we can't do

one without the other. We can't really get rid of the anti-social element and the drug element and every other negative element of the park unless we can offer a positive solution, a more attractive solution for the proper type of resident to the more attractive type of resident to come in there. And so we're working extremely hard as well to get rid of ...(inaudible)...to offer a solution to people to come in, an attractive solution and we really can't offer one without the other. If we don't improve the anti-social element in the park, it doesn't matter what we do elsewhere, nobody's gonna want to move in there and no matter what type of home we offer. And by the same token, if we didn't remove those homes and if we don't offer attractive alternative and if we are left in a situation where we have as we currently are 33 lots in an 85 lot park, that really is only a breeding ground for the type of anti-social behavior to come back into the park and to just fester and to take hold again. And we have a lot of positive momentum behind us right now and but the park is really only halfway there and it's almost like a I'm gonna say a tornado went through the property probably wrong, but it's quite derelict. It's quite (?). It's certainly a big improvement to where it was but we're only halfway there so I'm standing in front of you here today and the reason for this variance is to try and help us to complete that project, to complete that turn around for something that I believe would be a positive for the tenants and for the people of Shelbyville. And that's the reason for my application today.

Schwickrath: Thank you. So we'll now ask questions from the board and I'll start with Mr. Lewis.

Hynes: Sure.

Lewis: Do you have you done this in other communities or what's your background on manufactured, mobile homes?

Hynes: Yeah I have not. This is my first venture into this and in some respects, I'm a little bit naive and it's probably just as well because (?) fully anticipated maybe the problems ahead, I don't know if I would start again.

Lewis: Uh hmmm.

Hynes: So stupidity is probably a good thing in this case and (?) is a good thing so no is the answer to your question. I haven't done this before and I obviously as you can tell I'm not from this area. I'm Irish and I have a number of homes that I own in Ireland and rented out so I am familiar with the whole idea of rehabilitating homes, renting them out and improving standards of homes generally, but certainly nothing on the scale that we've undertaken here.

Lewis: Yeah. That's all I have.

Schwickrath: Okay, thank you. Mr. Lisher?

Lisher: Thank you. First I wanna observe I commend you on your efforts and wish you well in your endeavors. My pre-meeting concern I think has been addressed by the staff's recommendation of 800 square feet. I just thought the 700 was a, my first thought was well what's the standard in America for a family of two or four to live as far as requiring certain living space in that respect and looking at your diagram, particularly the ones you had listed as being 728 square foot. If I added one foot on the width, I'm 780 so it didn't seem to me that difficult perhaps of being able to meet the 800 square foot situation if you're willing to do that.

Hynes: No I think that observation is probably correct. I suppose this property was built in the 1960s. I think a lot of the development standards have come into effect probably since 2000 and quite frankly, a lot of the homes that we've taken out of there are probably 650, 700 square foot. And so 700 was probably one that I put in that allowed me to replace like for like and some of these lots, the issue we have with some of these lots as I said is a depth issue as opposed to a width issue. And so you're right in saying that if we go a foot wider, we probably could meet that 800 and the city happened very understanding and flexible in terms of the setback requirements allowing us to replace new homes in the same spot as the old ones are taken out which does help enormously and probably does allow us to meet that 800 square foot minimum. I suppose what I'm just conscious of is two things. One, I don't want to visually take away the aesthetics of the park by making a lot look unnecessarily cramped and as I said, some of these lots you can't put a square peg in a round hole. Some of these lots were designed for homes much smaller than what the minimum requirement maybe is here. And the second one quite frankly is I have three residents here with me today and they are you know residents who have been in the park for quite awhile and quite frankly they don't need 900 or 1000 square foot, three bed home and they're in their retirement years and a lot of the demographics of I feel like you know we would like to cater to are those people who are in their retirement, going through their retirement years who maybe don't want or possibly even two bed, but don't necessarily need that three bed. Don't need it and quite frankly maybe can't afford it because the difference can be a couple hundred dollars a month in terms of the rent requirements(inaudible)...and that can be that can make the difference between being able to afford to live there or not being able to afford to live there, so you're correct in your observation. I don't think it's too much to ask for 800 either, but it is something that would allow us to cater to that demographic as well.

Lisher: My other question to you I think our modern ordinances require on subdivisions and other type housing developments two exits or entrances primarily looking at the idea for the fire department to be able to get into the area should a fire occur at what may be called the main entrance. And I note on your particular area you have one main entrance that I'm aware of.

Hynes: Yes.

Lisher: There are two partially paved or maybe all paved ramps that go up to the hill. One is near the Chicken Inn and I can't remember what that little garage is next to it area. And then the other one is over by Superior Auto. I'm not sure that gets all the way up to the top, but would you be willing to investigate whether or not, I don't know who owns that or if it's up your

way, the idea of being that to consider a second emergency only if you will entrance or exit for the fire? That would be my suggestion to you if you would want to look at that.

Hynes: But that entrance that you're speaking of sir, you're correct in saying right now there's only one active entrance and exit to the property, the same one. That other one I think that you speak of used to be, way before my time there, the main entrance and exit to the park.

Lisher: Yeah.

Hynes: And right now we I don't believe, there's a house just sitting right next to that entrance...

Lisher: Right.

Hynes:and my understanding is because we just, I have to get survey done, when we purchased the park, that that (?) may belong to them. I'm not quite sure of that and it's certainly something that we can look into.

Lisher: Like I said, I'm just asking if you'd be willing to look into that and you have competent counsel in the audience that would be willing to help you with that.

Hynes: Yes, I do. Yes.

Lisher: That's all I had.

Schwickrath: Okay thank you, Mr. Lisher. Mr. Cassidy?

Cassidy: No questions, just follow up Mr. Lisher said. I commend you for doing that because I've been in a lot of those mobile homes. About fell through the floor in a couple of 'em. One of my delivery guys did fall through the floor, so commend you for cleaning that area. That's all I have.

Hynes: Thank you.

Schwickrath: Thank you. Mr. Clark?

Clark: I have no questions. Thank you.

Schwickrath: I think pretty much everything has been said. It is commendable and I wondered the same thing Mr. Lewis did; has he done this before? Did he know what he was getting himself into?

Laughter.

Schwickrath: But now you do. The veil has been lifted and we appreciate it because I think.....

Hynes: I'm not sure I'd be doing it again.

Schwickrath: Well I mean we're all learning as we go. It's a progressive system we live in.

Hynes: Sure.

Schwickrath: And I was thinking as Mr. Lisher was speaking, maybe this is something for the fire department to help you out with. It's not(inaudible)...growing on your shoulders so I know the city has helped you and we'll continue to do that because we recognize what a formidable task this is front of you that you have taken on but along the way, we're gonna help you.

Hynes: Thank you.

Schwickrath: I also appreciate, I think we all appreciate it, this booklet.

Hynes: Yeah.

Schwickrath: We don't, I mean it's obvious through the photographs. I drove around there on Sunday just to get a feel for it because I have walked up through there and the homes on Chestnut Street that are not in the park itself, many of them are just you know very neat looking, well tended to smaller homes and so you know everything, all of your points, you're spot on with it all. So....

Hynes: And I think if you visit the park in about three months, you're gonna see hopefully a park that blends right in to those homes as you've described as you enter the park....

Schwickrath: Yes.

Hynes:because that's exactly where we want to be. We want to just fit in seamlessly with the neighbors around it and we will. I mean I'm stubborn as well as stupid, so we will get there and

Schwickrath: Most of us are. What about, and again this is outside the scope of your petition, but I'm assuming too that you're thinking just the whole plan an aerial view about trees, shrubs or is that not something you're really considering right now?

Hynes: No, I mean we would I suppose what our immediate concern is what we're doing right now. So we've spent the last three months digging up the park, making it look if possibly even worse than what it was, but we needed to do. Our focus now is something in front of you is getting lots ready(inaudible).....and then at the very end is our absolute intention because

our main contractor there is actually his first job is a landscaper. And so we will, when this is done and when all the homes are in and all the heavy traffic (?), set up a landscape in that park as I said, to fit in exactly with those homes as you drive in so that would be very much....

Schwickrath: Sure.

Hynes:our intention when we finish up with that. As you can appreciate, it will be something we do towards the very end.

Schwickrath: Sure, of course. And have some covenants or something and give people ideas as to what's possible that they can do.

Hynes: And just on that, we've provided at the moment we've got bark mulch(?) there for anybody. We've provided that for free so the reason that's there and we've got maybe three or four ton of it sitting there and I have(inaudible)....but what we are doing to encourage, because I am very conscience of the fact that I'm walking into community where economic means are tight. Economics are tight so just to....

Schwickrath: Uh hmmm, sure.

Hynes:point out the fact that we have provided paint for free to anyone who wants to repaint their homes. We've provided (?) mulch for free for people who want to put that and to do up their flower beds and areas and improve their landscaping in that respect. We've provided wood chippings for free for people who want to put that in their flower beds and we're subsidizing people who want to put up window shutters. In addition to all that, we're putting new skirting on all the homes. We are telling tenants skirting is a cost but it's also a requirement. We said we would pay for it up front and we would ask them to pay back zero percent interest over twelve months. And so the idea is we're trying to work with tenants who work with us to get us the level of what you describe. That's our goal.

Schwickrath: And you're really changing the culture by doing that. Sometimes that's simple encouragement and support is what will make will create the tipping point.

Hynes: I'm more hoping that by leading by example, people will see where it's not just talk, it's actions and quite frankly people don't want to it and we're having that issue. There's always gonna be a handful their type to live the way they want. As I say, it's just not fun to hear from anyone.

Schwickrath: Sure, okay. Fair enough.

Hynes: Okay, thank you. Thank you.

Schwickrath: So I will close questions from the board at this time. If anyone from the public wishes to come forward and say something about this project? Any of you back there?

(?): I'm not really the public, but I'll address a couple of

Schwickrath: Go ahead, Eric(?).

(?): I'm gonna address the staff recommendations.

Schwickrath: Just state your name for the record.

Eric Glasco: Eric Glasco with McNeely, Stephenson for the petitioner. I don't know if it's been said yet, but I believe the staff recommendations are to allow 8 units to have the variance and for a minimum of 800 square feet. You know I always enjoy coming here because it's not every board we get to hear a \$300 million project followed up by trying to help the least of the community, so it's always interesting to come to these. As I was looking through the Comprehensive Plan with regard to this project, I noticed a couple of things in the built environment section. So as you guys were getting public input on this, 58% of respondents disagreed that rental housing is well maintained by property owners. And then the respondents had 3 main characters that they or things that they pointed out. One is they feel there is an issue of blighted properties and building maintenance. And three, think that Shelbyville can support more living options for seniors. This project is really gonna hit a lot of those you know kind of right on the head. You've got somebody who's interested in kind of recouping and bringing back one of the probably worst neighborhoods in Shelbyville. I mean I had a friend that lived there growing up and I remember going there and it wasn't nearly as bad in the 90s as it is now.

Schwickrath: Yeah. It's really declined, yes.

Glasco: It absolutely has. And I think one of the things that is kind of understated here is the need for senior housing and you know Mr. Lisher made the comment that you know you look at 700 square foot not being conducive for a three member family. Say well you have a widower, you have an elderly couple that wants to live on their own that wants to have a little bit of (?) and they may not want that three bedroom. And then addition that Stephen had said, you know these lots some of them it's gonna be pushing 800. You really do lose some of that aesthetic value. I know the recommendation is 800 for the 8 lots. I you know you guys have the power to do what you wish. I would ask that you for these lots make a minimum of like for like so that he can you know he can remove the ones that are there and use trailers that are the same size as what he's replacing or bigger for this first go around so that you can see what he's doing so that you can 'cause what hasn't been said is obviously there's a lot more than 8 units there and there's a lot more units that are gonna need to be replaced. I'm viewing this as a trial run. I think Steve's viewing this as a trial run so that he can prove to you his investment and his willing

to work to make this successful such that when he comes back, you'll be able to see what he's done even with a like for like exchange as opposed to having that minimum 800 that kind of puts another number there. I will also say just as to kind of conclude this I was intrigued by the 900 square foot requirement. Talked to Adam about it. Talked to a couple of the board members to find out where it came from. Talked to Tom DeBaun who was the prior you know uh.....

Schwickrath: Plan Commissioner.

Glasco: Nobody knew the where the number came from. I mean I'm not sure if it was arbitrary. Tom made some off-the-cuff comment that maybe it had to do with building standards of trailers way back in the 90s or whenever they did this that maybe they had a different standard for construction at that point but he wasn't even sure on that so if you look around the state, there isn't this 900 square foot requirement many places or anywhere. I'm not saying it's wrong if there's a purpose for it that it serves. My goal is to get up here and be able to tell you how we can serve that purpose with a smaller you know manufactured home but when I'm wasn't sure what the purpose was I don't really know how to argue that. So it's not like you're going to be bringing in(inaudible)...by having a smaller unit. You're just aiming at a different type of tenant. So just as your considerations as you're thinking about this project.

Schwickrath: No I think you raise a really good point and this is something that I want everyone to be aware of who's here is that we've come up against this before. What is there are no magical numbers.

Glasco: Yeah.

Schwickrath: So what is the industry standard? What is precedent? And I think the 900 was just the number that we were thinking, right?

Clark: Uh huh.

Schwickrath: So I had an idea in my head, then when I drove around there on Sunday and I thought these are not 900 square feet, right? So the pad, the concrete pads that remain that I saw, they looked really small. The footprint's pretty small. So I'm actually glad you brought this up because I think we need to consider this.

Glasco: Yeah by causing a 900 square foot trailer to go in there, you're not just taking out a trailer and putting a new trailer in, you're laying new pads. It's gonna be....

Schwickrath: And so, Mr. Hynes, actually I wanna ask this question realizing we're in the public commentary but to speak to....no you can stay up here, just to for me to be clear. I'm assuming right that you're taking the concrete pads out? Is that....

Hynes: Yes....(inaudible)...and possibly doing that is tearing out a lot of those concrete most of those concrete pads because they're not fit for purpose anymore.

Schwickrath: And the other thing I think everyone needs to keep in mind too is that like I'm not a designer, so while I have a sense of what 900 square feet is or I go up there and I see that they are smaller than that, so then now we're like where are we with what's the number that we think would work? So is 800 a number that we think would work or you're saying maybe we should reconsider something else here?

Glasco: Well and it's difficult because they're not uniform lots.

Schwickrath: That's the thing...

Glasco: So there are some lots where 800 would work.

Schwickrath: Okay, thank you.

Glasco: There are some lots where 900 would work and then there are some that would really struggle with even 800.

Schwickrath: Thank you. Fair enough. So I'm gonna ask the question to our staff then, do you think that this is a possibility to do like for like exchange?

Rude: Yeah. Yeah I think that's....

Schwickrath: Okay.

Rude: And I think language like that would be....you could...

Schwickrath: Gives you a little bit more flexibility but the overall project....

Hynes: It does. I mean it would enormously because we're gonna we have only (?) units in there that are gonna have to come out in the next two, three, four years and a lot of those are....(inaudible)...

Schwickrath: They're not right.

Hynes: So we're gonna be facing this problem down the road again.

Schwickrath: Okay so you need a little bit you need to use the word parameter to operate within?

Hynes: Yes, yes. Like for like would certainly help.

Schwickrath: Okay. Okay.

Glasco: Well and I know that we had initially asked for this to be a park-wide variance. I think we would be comfortable with it being just with these specific units to see how it to see how the city reacts to that going forward.

Schwickrath: We can do this is phases.

Glasco: Yeah.

Schwickrath: Okay. Is that what Emerald One.....?

Hynes: Came up with that name in about 20 seconds.....(inaudible)....

Schwickrath: I wondered about that.

Laughter.

Lisher: Well I think their petition deals with just the 8 units.

Schwickrath: Yes, it does. Right, okay so it has to be (?). Okay, thank you. Thank you. Anyone else wish to step forward? Comment? Just please state your name for the record.

Darlene Easterday: Darlene Easterday and I've lived in Hilltop Village since October of 2009 and I bought my home of course. I have seen a difference in the changes and they're very good from what it was before. We're getting a lot of the, I call it riff-raff, out of there and it's making it a better community. And he's working very hard on having everything done and I'm a proud owner out there. And like I said, I've seen a big difference.

Schwickrath: That's good to hear. Thank you.

Easterday: You're welcome.

Lisher: Do you know the dimension of your trailer?

Easterday: Yes, I do. It's 906.

Lisher: How wide is it?

Easterday: It's a 14 x 70, I think.

Lisher: 70?

Easterday: I believe so. I'm not really sure. It's just that it's a it's like a three bedroom trailer, but it's only a, we made it into a two bedroom.

Lisher: So if it's smaller, 15 x 52 doesn't sound too bad, does it?

Easterday: Pardon?

Lisher: 15, making it, instead of 14 wide, make it 15 wide by 52.

Easterday: Well it may be 15. I'm not sure. I haven't looked at that part, but I do know how much it is. It's 906 square feet.

Schwickrath: You're saying if we were to make it smaller, it would be okay you think.

Lisher: I'm getting back to my 800.

Easterday: Yeah.

Schwickrath: Okay. Thank you very much.

Easterday: You're welcome.

Schwickrath: Anyone else? Hello. State your name for the record please.

Nita Lawson: My name's Nita(?) Lawson and I wanted to say that since this gentleman's taken over, the park has never looked so good. It looks awesome and my sister came from Ohio on Mother's Day. She couldn't believe the difference. You know it's I mean it's just awesome. He's doing a great job. You couldn't ask for anybody else to take it over. He's the only one, I've live there since '09 and none of the other owners have ever done what he's doing.

Kris Schwickrath: That's great to hear. Thank you. Anyone else?

No reply.

Schwickrath: The public letters that I mentioned? Please, come forward. Please state your name for the record.

Rick Hasecaster: Rick Hasecaster. I've lived out there since 2004 and I actually, unfortunately managed it since 2010 under the other previous owner and I wanted to bring up the point that we tried several times to not bring in certain clientele I wanted to call 'em.

Schwickrath: Sure.

Hasecaster: And the previous owner's remark was "they got cash; put 'em in". This gentleman's not gonna let us do that and he's already got new mailboxes like the several thousand dollar with it for the entrance ways. It's gonna look so much better and to me, it's looking better now than it has in since I've been there.

Schwickrath: Yes. Okay. Thank you and I think we can see what's possible.

Hasecaster: Yes, quite a bit of possibility there, yeah.

Schwickrath: Yeah.

Hasecaster: A lot of potential.

Schwickrath: Thank you. Anyone else?

No reply.

Schwickrath: Okay at this time then I was going to read the names of the people who have sent letters as part of the public record.

Rude: Yes. So there were four letters submitted to the public record. All four letters in support of the project. One from a Barry Hinrich at 604 Chestnut Street. Sorry, I'm trying to read these.

Schwickrath: That's alright because I think the photocopy was.....

Hynes: I've got the originals here if you'd like.

Rude: Marjorie Phares, I believe.

Schwickrath: That's it. Yes.

Rude: Yes, Marjorie Phares. Again, in support of the project. Morris and Marilyn Puckett and finally Mr. & Mrs. Robert Platt at 401 Eberhart Drive. All four of those were submitted into the record and are part of the file then.

Schwickrath: Okay thank you very much. At this time I'm gonna close commentary or questions from the public and move now to a motion. We need to make sure that we have the language that captures.....

Clark: I have an additional question.

Schwickrath: You have an additional question? Okay.

Clark: Just one quick one.

Schwickrath: Sure.

Clark: Is the is what is shown in the packet here indicative of all your vacant lots at this time? If we were to ask you or grant a one for one, we would need to have an inventory of what you have.

Hynes: So just to be clear; what I've shown there are currently lots (?) vacant and what I think(inaudible)...in terms of aesthetics, type or size trailer to bring in and so and again, it's some(inaudible)....many don't and there will be flexibility probably to (?) that. My main concern is(inaudible)....But those, all those ones are the ones that(inaudible)....We probably have two or three more....(inaudible)...in addition to those.

Clark: Okay, thank you.

Schwickrath: The focus now then will be on the 8 that are in this petition, right? But thank you. That's a really good question about providing an inventory.

Lewis: Are there just 8 in the petition? Or are we putting the....

Lisher: We're just to the 8. We can only vote on the 8.

Lewis:maximum?

Rude: There's 8 in the petition, yeah.

Lewis: Okay, just asked.

Rude: Yes.

Lewis: Okay, just the 8?

Rude: Yes.

Lewis: What's the downside to just keeping it at 700' or with no maximum?

Rude: Yeah....

Lisher: Inaudible comment.

Rude: What's that?

Lisher: I said I bit my tongue.

Schwickrath: So I think the language then of exchanging like for like, you would prefer that? Instead of proposing.....

Lewis: As opposed to putting 7, 8 or 9?

Schwickrath:one size on the...right.

Hynes: Yeah because it would(inaudible)....but it would certainly give me the freedom to just go and as more units become vacant....

Schwickrath: Yes.

Hynes:or people start to move out, to continue on doing what I'm doing.

Schwickrath: It's a little bit more....I'm sorry. Excuse me. Go ahead.

Hynes: Yeah so yes, it would make my life or our job in transforming the park, it certainly would have assist in doing that, yes.

Schwickrath: A little bit more organic was what I was gonna say. That you would have some flexibility.

Hynes: Yes, yes.

Schwickrath: Okay does that answer your question?

Lewis: Yeah.

Schwickrath: Okay. Alright anything else? Any other questions?

Cassidy: One quick question.

Schwickrath: Yeah.

Cassidy: Are you owning these trailers and leasing 'em out? Or is it gonna be like Westar where you own the property and then somebody's gonna buy the existing homes or are you doing.....I'm just for my own....

Hynes: Sure. Our preference, my preference would be not to own the trailer because I don't really want to go involved in the ownership to be quite honest and the cleanest model is to just

own the park and (?) the lot, maintain the park, maintain the....(inaudible) and everything that goes with that(inaudible)...but that's an ideal scenario. In reality, we have (?) people who come in there.....(inaudible)....if we get what we think is the right tenant and we certainly will look at providing them an opportunity to either rent it from us and we will buy the, keep the unit or to get involved in what's called rent-to-own.....

Cassidy: Sure.

Hynes:whereby over 10, 12 years they pay us lot rent and additional rent and they take ownership of it (?)......(inaudible)...

Cassidy: Okay, thank you.....(inaudible)....

Schwickrath: No these are good questions. Thank you. Alright, so can we what do you think, can we use the language like or like? Does that.....

Rude: Yeah I think that's fine.

Schwickrath:parlance in your field?

Rude: Yes and I think just yeah just stating instead of the two conditions here, the condition be the square footage can be replaced minimum like for like.

Hynes: Okay.

Rude: So then it can....it's kind of the floor and he can put anything larger than that on those lots then.

Lisher: I still have problems with getting away from 800 'cause I don't see it as a big problem. One foot on the width, you got 14 x 52 or you do 2' on the length, 54 x 14 you know or if you wanna do a plus or minus ten with 800 figured or make it 790 to you know, I could live with that, but I don't see the problem and the staff's recommendation of involving is 800.

Hynes: The only thing I would say to that and it changes physically you're probably right and it's a foot wider is not going to make a huge difference. It does maybe take away from our ability to attract a certain demographic so when you start to move up to 800+, that causes that home moves up by from a 700 square foot to an 800 square foot that cost of that home probably moves up about 8, \$10,000 and that can price some people out that may have(inaudible)....That's the only thing I would say to that, but physically I don't disagree with what you're saying.

Lisher: Well these could be when you get somebody mentioned trailers, it could be manufactured homes are manufactured homes. It could be (?).

Hynes: Inaudible comment.

Lisher: You see 'em going down the road cut in half.

Hynes: Yeah.

Schwickrath: So we're, the thinking to summarize is that we'll give you or the idea I think was to give some flexibility to the actual building of these individual units that are not, they are cookie cutter, but they're not really because there's a difference. 200 square feet is quite a bit, so if it's 700 or 900. So I'm okay with giving him some flexibility with like for like exchange based on what the current footprint it. Any comments about that or do we know where everyone stands with that? So we do need to change the language of the motion just slightly. Still focus though on just 8 units.

Rude: Yeah I think if that's the direction we want to move just stating for the 8 subject lots the minimum dwelling unit size would be trailers to be replaced like for like for minimum dwelling unit size, something along those lines.

Cassidy: What's the average square foot of the ones you've taken out? Do you know?

Hynes: It varies from 600 up to we've taken out 16 x 60...(inaudible)... so 600 or 700 is the average, probably about 800 would be an average I would say.

Schwickrath: Which is the number you arrived at, right?

Rude: Uh huh.

Hynes: I suppose the other question I would have is and if it just applies to the 8 units, is it then a situation where for the next phase, we would revisit....

Rude: Yeah you would just come back after the 8 units.

Hynes: Okay.

Rude: And I think this is a testing phase just to see if there's a number that works or if you know a one for one works or it gives the board a chance to review it after.....

Schwickrath: Yeah I would say.....

Rude:these first few come through.

Schwickrath: And then maybe after that.....

Lisher: Kind of goes counter to the aesthetics though if he's that he's wanting to improve the park to (?) one for one. It seems to me if you've got a 600 square foot trailer and you're placing another 600 square foot trailer, what are you gaining?

Schwickrath: But it's already based on what the, 'cause when I was up there, looking, really carefully looking, it just seemed that some where packed at the top of the hill there and so to put a 900 sq. ft. unit in there doesn't make any sense if the footprint was 600 or 700 feet. I think you know, you're not gonna be.....you're working with what you have.

Hynes: Inaudible comment.

Schwickrath: You're still making major physical changes.

Hynes: Sure.

Schwickrath: But you're not you know you're gonna maintain that, to keep using the word footprint, I think gives you a template to work with. Does anyone feel comfortable to make a motion? We're ready.

Long pause.

Schwickrath: It looks like Mr. Clark's tackling it.

Clark: I'm gonna try.

Schwickrath: Yeah.

Inaudible conversation.

Chris Clark: I'd like to make a motion to approve the requested floor area standards variance from UDO 5.22C to allow a minimum dwelling unit size of no less than a like for like square footage for a maximum of the 8 dwelling sites in according with the plans provided to this board pursuant to the Findings of Fact presented in the planning staff report.

Kris Schwickrath: There's a motion.

Wade Lewis: Second.

Schwickrath: Okay, please cast your ballot for BZA 2019 - 08.

Adam Rude: Mr. Cassidy - yes, Mr. Lewis - yes, Mr. Lisher - no, Mr. Clark - yes, Ms. Schwickrath - yes.

Schwickrath: And the motion is approved.

Stephen Hynes: Thank you very much.

Schwickrath: Thank you. Anything for Discussion?

Rude: I don't think so. We will be having a special meeting, the Board of Zoning Appeals on Tuesday, May 28th at

Schwickrath: Pre-meeting at 5:30.

Rude: Yes, pre-meeting at 5:30, meeting at 6:00 p.m. and that will be directly before the regularly scheduled Plan Commission meeting. So that notice went out to the media, but just to get it on the record again.

Schwickrath: Right. Thank you. Motion to adjourn?

Lewis: So moved.

Schwickrath: Alright. Thank you, everyone.

Meeting adjourned