

**BOARD OF ZONING APPEALS
MEETING MINUTES
November 12, 2019**

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

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

Schwickrath: Prior to this evening's meeting, we have minutes which really end up being a summary of our working session for October, but I'll entertain a motion to approve the minutes summary as it stands.

Jim Lisher: Move to approve.

Doug Cassidy: Second.

Schwickrath: Second; those in favor, signify by saying "Aye"

In Unison: Aye.

Schwickrath: Opposed, same sign.

No reply.

Schwickrath: The minutes are approved. Thank you. Tonight's meeting, we have no items under Old Business and we have two under New so we will go in order. Adam, you can begin with the first one.

Rude: First petition on tonight's agenda is BZA 2019-12 Hamilton Major PUD. The petitioner's name and the owner's name is the City of Shelbyville Redevelopment Commission. The petitioner's representative tonight is Tom Davis from Genesis Property Development Group. The approximate address of the property is 150 W. Washington Street. And the request tonight is a development standards variance from the planned development designation of open space requirement.

Schwickrath: Thank you. Mr. Davis, please state your name for the record.

Tom Davis: Tom Davis with Genesis Property Development.

Schwickrath: If you could tell us about the project and then we will ask questions.

Davis: Sure. This is the development as it's laid out currently and been approved by the Planning Commission. We're actually extending Franklin Street through, installing an alley which creates about 13 lots and then there's Phase II which is yet to be determined that the city owns. The city basically owns all the property and all the lots. The only thing we're doing is working with them to do the infrastructure and all the paving and everything like that along with the rest of the public square project and the parking garage. So this is a part of that overall project. So basically what you have is you have homes and accessory garages that are allowed as well as a minor structure and we've asked for additional landscaping requirements beyond the standard ordinance. We're asking for trees within the sidewalk, trees in front yard, trees on side yards as well as in the sidewalk so and then also landscaping in the planned development around the foundation of the home that faces any of the streets or alleys except for the back alley. So all these extra streets and alleys here all have landscape around the home as well as trees beyond what the ordinance is in our planned development. The reason we're asking for the reduction is because unlike a typical subdivision, this was originally 95% covered with pavement and building when Major Hospital owned the building. They took it away and so basically we're trying to put this back similar to what is in the area currently which is similar size lots, similar setbacks on homes, similar yard space. And so we did a lot of homework in the area looking at different things and felt like this was the best lot design we could come up with to make the most out of the city lots. The Phase II part across the street is not yet to be determined because it's not been addressed or sold or anything, any kind of developer. The city still retains the property and all the rights to it. But we we're increasing this path size along here for pedestrian walkway. Instead of a normal sidewalk, that's gonna be 8' through here, landscape as well. So we're just, being this is an infill project and not a typical subdivision, we don't have a lot of extra space. Although you do have a lot more yard space, probably 20-30% more grass space than what you had when Major Hospital was there, so there is gonna be a lot more green out there even when the homes are built. So we're just asking for that reduction. The, so we're asking for it to go from 25 to 5 based on the type of project.

Schwickrath: Thank you.....(inaudible)...

Davis: We just showed you, based when we tried to show where the, where we included the common area but you know all these have setbacks. You have sidewalk and grass space in between. We've basically gave them a certain percentage in the planned development of how much they can build hard surface on the property so there's still gonna be, as you can see a lot of green space when they're done based on the yard space.

Schwickrath: Before I open this up to other members of the board, I just one statement and I want you to tell me if it's accurate or not. So your thinking, it seems to me, is that assuming the homeowners plant more or you're acquiring more lots....

Davis: We have a planned development that is going to be.....

Schwickrath: So you're requiring.....

Davis: Yeah that'll be approved by thewell it'll be voted on by the City Council. It's went through the first approval. It's been approved by Plan Commission and goes back to City Council for approval but it has a lot more additional landscaping requirements than the ordinance does.

Schwickrath: So is there really a need to put a number on the percentage of land or is that more for the overall plan. Is that necessary to go from 25 to 5? Is that a valid question?

Davis: Well what they're saying in the ordinance is it's not yard, it's common area.

Schwickrath: Right, okay.

Davis: So that has to be....it can't be sold as a lot and owned by someone else.

Rude: Yeah and the exact language in the ordinance is "designation of permanent open space" so it is not privately owned and it must always remain open space, a certain percentage.

Schwickrath: Okay.

Rude: So even though probably at least 20-25% of the private lots will be open space, landscapes, not built on, those don't count towards the overall number.

Schwickrath: Yeah, the percentage, okay. Thank you for that clarification. Alright, Mr. Cassidy, you wanna begin? Questions?

Cassidy: Yeah if the across the street on the second set you know down the road, when and if that gets (?) why don't you why aren't we including the park because we don't know what's gonna happen there anyway and that would decrease it? You wouldn't need as much because you have the common area of the park. And even if they do move it, you're gonna move it to a different section so you're really not moving it. So the decrease may not need to be that much.

Davis: The

Cassidy: Inaudible comment.

Davis: The park or the playground currently....

Cassidy: The playground, yeah.

Davis: Yeah if you look at this and you look at the Japanese garden. The Japanese garden is about 2600 sq. ft. and the playground's about 2200 sq. ft. currently. Actually it sits up in here.

But it's 2200 sq. ft. so that's like 1%. So I mean if you, I mean I guess if I mean it would be Adam's decision or the city's decision, but I mean if they wanted to add 1% and go from 5 to 6% and say that the playground, some sort of a playground had to stay on that side, I think that you know....

Cassidy: I didn't know how much it would add to it or you know so that's that was my question, so....

Schwickrath: Thank you. Mr. Clark?

Chris Clark: My question is the 3 lots on the west side, will that will the green space here relieve those three lots from having two front yards?

Davis: No, they'll still have to landscape this yard and this yard.

Clark: Okay.

Davis: And then this person will have to, these two and these two. So if you buy a corner lot, you have to actually do the alley you know or the road and the frontage road with your landscaping. So we require I think 9, a total of 9 bushes on each side plus 2 trees in between the sidewalk and the curb and also 2 front yard trees on each. And then if you have a rear facing, you have to put 2 more. So there's, most lots are gonna end up having to plant anywhere from probably 6 to 8 trees, depending on if you buy a corner or not. Plus they're gonna have to landscape on their foundation on whatever side faces the alley, the road except the rear alleys. We're not requiring the rear alley lots, I'm sorry, right here that are garage-entry, we're not requiring them to landscape the back of their house.

Clark: Will there be limitations on fencing?

Davis: Yeah. All that, there is a in the planned development, there is a architectural committee that will be created. It's makeup is 2 from Planning Commission, 2 from the area within 600 foot of the area and then 1 additional.

Rude: The Mainstreet director.

Davis: Mainstreet? Yeah from the Mainstreet. And so there's there will be a minimum of five people on that and then once this gets established, the two, if they wanna be a part of it, will be a part of that committee as well. But at first, it'll be somebody within that living area, within 600' and they will make those decisions based on the planned development requirements. So we have specifications in here on all everything from the facades to what colors you can paint you house to you know to try to keep it historical but similar to what's being built or what has been built out there in the past. It's a pretty restrictive planned development if you're gonna build

here. So that's that committee will basically make those decisions as the people bring their architectural drawings to the committee.

Clark: Alright, thank you.

Schwickrath: Thank you. Mr. Lewis?

Wade Lewis: Was there ever any drawing with a higher percentage? I mean this is 5%. Do you have any kind of....

Davis: No, the....

Lewis: I mean....

Davis: The originals used to be infill all along. I think the and when you're doing an infill like this, it's really a lot different than a subdivision. I mean I've built both. When you're doing a subdivision, you have a lot more acreage as in ponds and common areas that you have to have anyway that take up that space for detention. And when you're building in town in the city like this, there's not those opportunities to count those areas. So it's a lot harder to come up with 25% unless you know lopped off about 3 or 4 lots which kind of defeats the purpose of the way the thing is designed for in town. It would look different than what you see as you drive in town currently.

Rude: Yeah and I guess to add to that a little bit, when we first started the process, because this was city this is a city-run project we were able to be very involved where typically we're kind of advising a developer, a petitioner. So we actually started by trying to determine what the density and the similar lot sizes were in the surrounding blocks and that's what established these lot lines. And then after that, we came in to figure out how much open space that actually leaves. So we, our first priority was to meet the context that we're in, try to maintain that urban form and try to kind of mimic what was surrounding the area. And then secondly it was trying to fit in the open space where it made sense without jeopardizing the character that already existed.

Lewis: That's all the questions I had.

Schwickrath: Thank you. Mr. Lisher?

Lisher: Yes I'm a little more confused than I was(inaudible)....The diagram I have shows the green as part of the 5% including the Japanese park but I see the diagram you've put up, you're saying Phase II which is the lower part, isn't included in the request tonight or is it?

Rude: It is.

Davis: It is.

Rude: The entire, the north and south portions of the site.

Lisher: Okay so then getting back to the question that right now you don't envision anything in Phase II taking into account the current playground. You don't have, you have the Japanese garden that has to (?).....

Davis: Correct.

Lisher: But you don't have the playground.

Davis: Correct.

Lisher: So there'll be no playground for the any kids in the area anymore under this proposal.

Rude: What's being shown in that concept right down here, Jim, that is a playground the same size as what currently exists just located in a different location on this site. So we are intending to have a playground there.

Lisher: But then it would be more than 5% greenspace, would it not?

Rude: Yes.

Davis: It would be 6%.

Rude: Yeah.

Lisher: I guess that's my point. We're not being, I wasn't being informed as to what the whole aspect was. If we're to include tonight both phases in essence as an exception to the requirement of 25%....(inaudible)...

Rude: Yeah and....

Lisher: And I don't....getting back to that, why can't then the playground or whatever area you wanna call it if that's where you're gonna put the green space on the south side of Phase II, why can't it be greater than what exists now? Why not? If this is supposed to be a city development of the Major Hospital that was there why can't we have a nice place for kids to play 'cause there isn't anywhere close by? You have to go all the way to Sunset Park, go all the way to Morrison and that's too far for a lot of the kids in the area. So I just don't understand why you can't have 7%, 8%, 9% green space or whatever percentage you wanna come up with. I just don't understand why you need down to just 5 or (?)%. Explain to me why one lot can't be green space up here in the upper development.

Davis: It's up to the city.

Rude: Yeah and.....

Davis: I mean it's the city's property. They own it. They've asked us to help manage the infrastructure and all that, but....

Lisher: So we're talking about tax revenue on one lot. What they would do....

Davis: In the sale of it, the sale of the lot.

Lisher: Well and the real estate taxes collected.

Rude: Yeah and I think from the city's standpoint it does go back to our first intentions here were to meet the context. Originally this you know looking back before even the hospital was there when it was Major manor, these were just residential lots and there wasn't that open space. So I think you know increasing from the 5% requested tonight to 6 or even 7 would require that that park be placed back in there but I think it's at least when we started this project it was more important to maintain that character and then fit that open space in after the fact there. So I we....

Lisher: Well getting back to maintaining the character, Adam.....

Rude: Uh huh?

Lisher:Major Hospital went through an expansion and when they did that, I think it was in the early 80s or something, there were a lot of property owners surrounding that area were not in, in fact it took a lawsuit to get the thing to develop so this area has been both under Major Hospital's area all the whole time, the whole history.

Rude: Oh no, yeah.

Lisher: So the people in the area I think deserve the right to have something that they can be proud of and something they could use and benefit from besides the persons who are gonna be (?) on this.

Rude: Oh yeah. Yeah and I agree with that and I think we've Doug can Doug and Wade can attest to this. We've had a number of Plan Commission meetings leading up to this that have had a decent amount of attendance from those neighbors that have voiced their opinions and support and concerns of different aspects of the project and it's changed along the way to address some of those things. But I do think we can you know reduce that open space

requirement but also require that that park be replaced in some capacity whether it be the same size or larger and kind of satisfy both ends of that spectrum.

Lisher: That's all the questions.

Schwickrath: Okay thank you. As this board catches up, certainly Mr. Clark, Mr. Lisher and I since we are not on the Plan Commission....(inaudible)....just because to fill in the entire space? Is that the idea or.....?

Rude: It yeah and it goes back to you know finding what a typical lot size, frontage, acreage is in that area and then placing similar lots on this. So when we found out what that typical lot size was, what the typical size home was in the area, then 13 was the.....

Schwickrath: Was the number?

Rude: Yes the magic number that we could fit that many lots that were approximately that same average size across there.

Schwickrath: So another question that is relevant for the development but I think that Adam can answer is as far as the landscaping goes, we are working on our landscaping ordinance. It's not finished yet and it's really not a problem for you but how does that how can we apply any new idea or any new ordinance to this (?)?

Rude: Are you talking the changes from.....so some of the elements that we've already taken in, so the UDO currently, I think we all know this now, has no requirements for residential development. So on a single family home lot, you don't have to have any landscaping. You have to have grass down and that's the only requirement. So the first step that we took is we have landscaping requirements, foundation plantings and Tom had went into some of those.

Davis: We did. We actually went to Mathias. Spent time with them. Come up with tree exhibits that we actually put in here to specify the different types of trees as well as some of the plantings. So we have spent time making sure that we had the spacing right and making sure that we had the right kind of trees and things. So there is gonna be a lot of a lot more you're gonna see a lot more landscaping in this area than what you see even probably on some of the homes in that area because of that. So we have been cognizant of the fact that the city wants to improve that and change that. So we have taken that into consideration.

Schwickrath: What standards do you use or do you have you know a framework that you operate in? What's your approach to choosing the actual species?

Davis: Basically we work with a

Schwickrath: Or is that something that the city.....

Davis:landscape.....

Schwickrath: Okay.

Davis: We work with Mathias and you know just to kind of tell you who we worked with and we tried to look at you know future growth of the trees, things like that. Where we placed 'em, vision, you know things like that that some of the ordinance addresses as far as when you plant things, but not really specifies how many or you know what kind of trees, things like that. So we worked with those we worked with those people to come up with you know those kinds of options.

Schwickrath: Okay.

Rude: And to address the question about the how we came up with the language, a lot of it is the language is going to be in our UDO.

Schwickrath: Yes.

Rude: We took some of that. We beefed it up even further. Like Tom had said, we have a list of recommended tree and planting types included in the PUD document. We also have required enforceable maintenance requirements, something we don't currently have in our UDO at all.

Schwickrath: Okay. Sure, okay.

Rude: So it's grabbing from what we are going through right now in the landscaping standards update when it applies and when it makes sense putting it here and then just beefing it up a lot.

Schwickrath: Okay, thank you. That's I appreciate that explanation. Are there any further questions from the board at this time?

Clark: One.

Schwickrath: Yes, go ahead Mr. Clark.

Clark: How many square feet is the existing playground?

Davis: The current playground is 2200 square feet so it would be, that would be another, the whole space in itself is about 220000 square feet, both phases and so that would be an additional like 1%.

Schwickrath: Thank you. Any other questions?

Lewis: Were we looking at if are wanting to make a favorable (?) looking at using a different percentage or were we at 5 or are we talking about if we wanna bump it?

Schwickrath: We can discuss that. I was gonna open it up to the public and then we can finalize it in discussion but Mr. Lewis has brought up a point if we wanna discuss it now, that's fine with me.

Lewis: Okay.

Schwickrath: Do we wanna change the percentage?

Inaudible murmuring.

Lewis: Well I mean are we currently, is the proposal from the to go from 25 to 5?

Rude: That's the request right now, 25 to 5.

Schwickrath: Yes.

Lewis: Okay, alright. I just didn't see that.

Schwickrath: Okay. It is.

Rude: And one point, yeah one point I'll add before we go to the public comment. Whatever decision happens tonight, we do need to attach some kind of percentage to it because there's that percentage in the UDO. So.....

Schwickrath: Sure.

Rude: ...just figuring out where that comes down to that. Yes that can and should be a conversation among the board but.....

Lewis: Okay.

Schwickrath: We need to be thinking about that as we take any questions from the public. So I will close questions from the board at this time. Anyone from the public who wishes to step forward, make a comment or ask a question is welcome to do so at this time about this particular petition.

No reply.

Schwickrath: We never have an audience. Now we do. Surely there's a question out there.

(?): Inaudible comment.

Schwickrath: Yeah you're welcome to come forward. Do you have a question?

No audible reply.

Schwickrath: Yeah okay. Just please state your name for the record. Go ahead.

Michael Neece(?): My name's Michael Neece(?). We're wondering why can't the park stay where it's at? Or is it? Why can't it stay right where it's at and not go over on to into what you're trying, the other, where the houses are 'cause that'll inadvertently make the lots smaller, won't it?

Schwickrath: I think the intention is to keep it on the same side.

Davis: Inaudible comment.

Schwickrath: It'll be on the same side.

Neece: It will be?

Davis: This is where the houses go and this is where the park. It's over on this side.

Neece: Oh it is staying over there then?

Davis: Yeah.

Neece: It is? Like the Farmer's Market?

Davis: Yeah.

Neece: We were under the impression that it was gonna be moved.

Schwickrath: Moved, thought the sides were changing? No. Thank you.

Neece: Yeah. Thanks for clearing that up.

Schwickrath: No, thank you for asking.

Neece: Yep.

Schwickrath: Anyone else?

No reply.

Schwickrath: Okay then I'll close public commentary at this point and we'll move to the board for further discussion. We I think the idea of a percentage perhaps may (?) increase.

Lisher: Yeah I'm I know I expressed it before, but I'm not in favor of 5%. I think it has to be greater than that. This is our only chance to put our input into this. Not that I don't believe what Mr. Davis is saying or the staff, but this is our time to put our thing on it and I'd be more comfortable with 6 or 7%.

Schwickrath: So given the uniqueness.....

Lisher: The idea of there being a park of some sort, a playground, whatever you wanna call it besides the Japanese (?) in that area.

Schwickrath: So again, if I'm saying things correct, I just wanna make sure I summarize things properly. There will be some playground or you keep saying playground. Will it be a park or are we not sure?

Rude: Right now our intentions are to put a playground in the back in the area, probably I would say upgrading the equipment. It needs it, if you've been out there.

Schwickrath: Or possibly leaving it where it is or we're not sure yet? I don't wanna project too much but I think this board needs to understand some of the conversations that have occurred.

Rude: Yeah so the Tom, can you turn that board around just so.....

Schwickrath: I did see....

Rude: Right now....

Schwickrath:it looks like it's gonna be moved.

Rude: Yeah.

Davis: So the intent shows it kind of right in here in this corner here. Right now I think it's currently up in this area.

Schwickrath: Yes, so to move it.

(?): Yeah.

Rude: And the intent is to....

Lisher: Next door to the Japanese (?).

Davis: Yeah it's over....the Japanese garden is right here.

Lisher: Yeah.

Davis: We stayed in this area a little bit because we're not addressing it as far as part of the actual construction but some of these percentages we have to get now in the whole project.

Lisher: So you're thinking though of moving the park down....(inaudible)....

Schwickrath: Straight down.

Davis: Well it really....I'll be honest with you. I mean it's gonna depend, it's really gonna depend on if they can sell the ground and if somebody wants to build townhouses or what they wanna do in this area. So it's really kind of a, if a developer comes in and says hey we wanna building these row of townhouses and it lays out perfectly like this, great. If not, it could reconfigure a different way. So we don't know yet. It's kind of a bare piece of ground that's not gonna change until somebody comes forward and says we wanna do this and then the opportunity will go again in front of the commissions and in front of the city to look at their proposal and make sure it's acceptable to what standards are. So what we did is we tried to write the standards so that even if somebody came, they would have to meet those standards so that their townhouses or whatever gets built over here has to fit in the area. Has to meet all the historical. It has to meet all the landscaping requirements. So we wrote the PUD so that it would cover this area but yet so we didn't have to come back and rewrite something in if you got a developer if the city had the property. So we don't really know where that area is. So my recommendation would be if you were saying we wanna keep that playground that you designate the 1%. Now can they say that it needs to be a playground or is that something that we need to write in the PUD or.....

Rude: I don't think....just because the original language in the ordinance doesn't dictate what that open space can be I don't think the board can make that determination, but

Schwickrath: Probably not.

Rude:again it's going to City Council next week so that can be a change in the PUD document that City Council adopts next week.

Davis: Yeah I mean we can actually take and say 1% for a common area and designate it as a playground. I mean we can definitely do that.

Rude: Yeah.

Lisher: Inaudible comment.

Davis: Well those are....

Lisher: Inaudible comment.

Davis:townhouses. That's what the city had asked. But again this is kind of undeveloped area, not really hasn't been through the process yet. They know what they wanna do with this area but not that area so I mean the playground could stay there. I mean it just depends what they do. So I think the answer to that is they don't really know yet 'cause they nobody's approached them about any development. But you could definitely add a little more common space and then we could talk to see if wanna put in the PUD, Adam you know about maintaining the playground as far as a common space.

Schwickrath: I will tell you a lot of people use that. Though it has 2 rinky dink trees and you would think that the sun, as hot as it is, but a lot of people actually do use that space.

Rude: Especially during farmer's markets; there's a lot of kids.

Schwickrath: Farmer's market and then just throughout the year.

Rude: Yeah.

Schwickrath: It's a convenient location. I would like to see that stay so I think the point is a good one. If we could add the 1%, I would recommend that but I don't know what everyone else is thinking....(inaudible)....

Clark: 1 ½.

Schwickrath: 1 ½? You're a tough man, Mr. Clark. What's the 1 ½ (?).

Several people talking at once. No one is clearly audible.

Cassidy: If we have a chance to do it (?). And again, we don't know when that development's gonna take place or if it does take place unless (?). If we're gonna build houses across the street, give those kids something to do too. So I'd say 7.

Schwickrath: Okay. What do you think, Adam?

Rude: I think that's fine.

Schwickrath: Okay.

Rude: Yeah.

Schwickrath: Alright so let's look at the language and make sure that whoever ends up making the motion is comfortable with stating that or we can add it easily (?).

(?): (?) it.

Schwickrath: Do you have it, Mr. Clark?

(?): Inaudible comment.

Schwickrath: You do?

(?): Uh huh.

Schwickrath: Okay, alright.

Cassidy: I'd like to make a motion to approve the requested variance from 25% to 7%.

Lisher: Second.

Schwickrath: Anything else? Wait; is that it?

Cassidy: That's it.

Schwickrath: Is that your motion?

Cassidy: That's it.

Schwickrath: Okay. Mr. Lisher gets the second on that. Please cast your ballots then for 2019-12.

Rude: Thank you. The votes for BZA 2019-12: Mr. Lewis - yes, Mr. Lisher - yes, Mr. Cassidy - yes, Mr. Clark - yes, Ms. Schwickrath - yes. Motion carries.

Schwickrath: The motion is approved. Okay, thank you.

Davis: Thank you.

Schwickrath: Your explanation actually was very helpful tonight so thank you for being open to our discussion.

Paper shuffling and mumbling. No one is clearly audible.

Schwickrath: Do you wanna use that ease? Yeah we think it works.

(?): Sure. No, that's ours.

Schwickrath: It was, oh it's yours.

(?): It should work. If it doesn't work, you can blame me.

Schwickrath: Okay.

Rude: If you need anymore, we've got two or three piled up here.

(?): Inaudible comment.

Schwickrath: Okay so we're moving on to our second petition this evening.

Rude: Okay second petition tonight is BZA 2019-13. It's a special exception use for Get Go Cafe and Market. The petitioner's name is Giant Eagle, Inc. doing business as Get Go Cafe and Market. The owner's name is, the current property owner's name is Exit 109, LLC. The petitioner's representative is Joseph D. Calderon, Barnes & Thornburg, LLP. The approximate address of the property is between 3877 & 3977 N. Michigan Road. The subject property zoning classification is business highway and it's also within the race track overlay district. And the request tonight is approval of one special exception use to allow for fuel sales in conjunction with convenience store and restaurant.

Schwickrath: Okay, thank you. Please state your name for the record.

Pat (?): Good evening. My name is Pat (?), director of development for Giant Eagle, Inc. I also have with me Joe Calderon, who's our attorney and Ryan Schubert, who's our engineer. We're here this evening again seeking a special exception approval for a Get Go Cafe + Market. Giant Eagle actually we have over 60 stores in the central Get Go locations in the central Indiana area. We have about Get Go Cafe + Markets and then we acquired the Rickers convenience store chain and have converted them since to the Get Go. We're proposing approximately 6200 square foot cafe plus a market with 8 dispenser islands for retail fuel gasoline and 2 dispenser islands on the end would have auto diesel. Along with that we are proposing 6 pump and go commercial fuel lanes with 9 truck parking stalls (?). Access and circulation would be there's one full entrance on the north side closer to Fairland Road. It's predominantly set up for the vehicles, auto retail aspects in and out. And we also have another entrance further south on N. Michigan that would allow trucks to come in, go to the commercial fuel lanes and exit back out to that other entrance itself. There is a one cross connection area here which will allow delivery trucks and fuel trucks to deliver product to the store and then back out to the other entrance

itself. But we have a property curb barrier basically segregating the type of (?) use itself. We have two locations, one in Whitestown that we recently built. It was built as a Rickers and it's converted that has pump and go. We also have one in New Palestine we're converting. We're adding the pump and go diesel lanes to a location in Ogleville just south of Columbus on 65 & 58. So one of the things with our cafe plus market we actually would have (?) seats inside. We'll have made to order food, hot soup, subs, salads that are made fresh on the premises, 42 seats inside, 8 seats on the outside itself, a variety of different offerings itself. You guys indicated in the staff report the inside will not have for the restroom facilities will not have trucker-oriented facilities or showers or that type of thing. You know the men's room has two stalls and two urinals and the women's room would have three traditional stalls. So that's one thing that you know we're trying to segregate ourselves and being we're approximate right off the interstate I74 ramp and being outside of the 465 area....(inaudible).... pull trucks off of that commercial fuel lane itself. As part of the staff report there was some comments about trying to reduce the number of lanes for commercial fueling lanes. We're amenable again you know this is a new concept for us adding these pump and gos. Rickers had a couple and they've recommended that we should continue that. We show six. We can actually shrink that down to 4 and if we ever have to come back if there's a need for it you know we wanted a few things, we don't want the trucks to wait to queue out and everything else. That's why we have as much impervious area but we can reduce that number to four. Probably reduce the dispenser, the truck parking, I'm sorry to five stalls itself. There was some request of limitations in identifying and not having overnight parking. What we would propose doing is to actually sign and restrict the parking to no more than four hours. You know with 42 seats inside there may be somebody you know that would come in and work and take a break so there is a restriction on the number of the hours they can drive continuously. We do not want the what's considered truck stop activity so that's why we kind of you know, but we wanna be able to pick up that business in and of itself. And you know with respect to that, we do have Joe here that can go into a little bit more detail with respect to the special exception aspect. We also have some of the exterior elevations. Brian, you wanna come and show that itself?

(?): Yep.....(inaudible)....

Pat (?): So this building would be of a tannish-white brick with assimilated stone or a manufactured stone aspects itself. Our branding, we do have a blue canopy itself so our main colors are red, white and blue but we have the tan and stone elements itself try to do that in our front entry feature that kind of like the inverse check mark. The check mark is kind of one of our(inaudible)...identify with our brand where any locations that we build from the ground up. With that, I guess we'll let Joe kind of cover over the special exception and I can answer questions after it(inaudible)...

(?): Thank you, Pat. Thank you. Good evening; Joe Calderon, Barnes and Thornburg 11 S. Meridian Indianapolis. I've worked with Giant Eagle on other locations and those have always turned out. It worked exactly as we had promised and we take our responsibility in this particular instance very seriously. We know that by requiring a special exception you expect

higher standards and we hold that with the site plan and the testimony and the concessions that Pat has made and that Brian will explain from the technical standpoint that you'll be pleased with those. Really special exceptions look at a couple of things and your ordinance has a little different take on it but essentially we need to show you that this use will be compatible with our neighboring uses and the community. So from Shelbyville's standpoint, you look at compatibility with the community both in terms of not being harmful to the general welfare and safety and health of the public as well as compatible with your Comprehensive Plan and the character of the area. So we put forth our proposed findings and we're pretty pleased with staff's agreement with them. I am happy to go into those or just incorporate those by reference but what we wanted to explain to you is that everything that we do will be in compliance with all the health and safety regulations. We've got a traffic study to show that there will be no adverse impact on any of the intersections surrounding. All the levels and service will be compatible. We have as Pat mentioned, segregated the passenger vehicle traffic and the truck traffic. Most of that traffic's already on the road anyway. As you know, this will be a very nice use considering our neighbors at Indiana Grand. This'll give opportunities to patrons to get fuel, to grab a bite to eat on their way home or on their way in. It will also provide services for trucks that are already on the system. So we think that when you look at the uses next door, including the Pilot store that we are going to be compatible with those uses. We do not believe that we're gonna create any harmful impact on the community or with respect to the Comprehensive Plan as the Comprehensive Plan really talks about things that are going to be supportive of the entertainment district and we went into some fairly decent detail in terms of what the (?) finding requires there. So we think that with the reductions that Pat had mentioned in terms of the number of commercial fuel pumps and the number of spaces that we can adequately help fill in the blanks that were in your staff report and we hope that as a board you agree that those are meaningful concessions that will not characterize this as anything more than what we're presenting it to be. And with that, I think I'll turn the microphone over quickly to Brian Schubert with Kimley Horn, our civil engineer.

Schwickrath: Thank you.

Calderon: Thank you.

Brian Schubert: Good evening. My name is Brian Schubert with Kimley Horn Associates. Our offices are at 250 E. 96th Street in Indianapolis, Suite 580 to be precise. Pat and Joe have done a pretty good job explaining the site circulation and kinda how the site lays out. A couple of things that I did wanna touch on because we in working with Mr. Rude and talking with Mr. House early on, we had identified traffic as being something that should definitely be looked at. We submitted our plans today to Tech for the development. Adam received those earlier today and with that we had submitted a traffic impact study that I'm sure no one's had a chance to review yet but I can at least give you a little bit of a summary of it. I did wanna mention it needs to be reviewed by the city and obviously if there's comments, we can work through those. But the summary from the traffic study had indicated that basically looked at it as four different scenarios. There was a existing condition, a developed condition with the proposed

development with a multi-product dispensers as well as 6. If those come down, the actual (?) should actually be able to(inaudible)....And then we also looked at Mr. House's request a future scenario where there was development around this site, just a general development on the peripheral properties. You see a lot of traffic studies. And then a fourth scenario, at the request of the city, was to consider a potential expansion to the casino to the north and then also a development on the northeast corner of Fairland Road and Michigan Road intersection. So I think we got a pretty big breadth of what we can project out into the future. Today the level of service at the intersection that is a signal is acceptable. It's a, sits in about the B category. Anything higher than a B is considered to be acceptable and those levels are based on how long you had to wait in the intersection before you can get through. And even with the full buildout of the entire area, the level of service at that intersection is still considered to be acceptable. So we've looked at many different heightened and compounded situations and it seems it still works well for the service you would expect and want to have. A couple of specific things that are not shown on this site plan but that I can point out - one, when you come to make a right turn lane or right turn movement, you're going eastbound Fairland. Say you wanna visit the convenience store, right here where that asphalt moves around, instead of tapering people back up to make a right turn lane, it was recommended that that be held that width. It essentially for this short segment between the drive and the light, you would have two lanes. So you would have a dedicated right turn lane in to the development. I think that'll work well. It just so happens that the way the asphalt is today and there's a little bit of gravel in the area that you'd see if you visited the site, it almost works out perfectly to carry that curb line around and let that radius come out so that you get people that wanna come in. And that specifically it says a southbound right turn lane is recommended with a 50' storage and a 50' taper to fit within the available distance between the driveway and Fairland Road. We don't really need to do a taper. It's really just an extension of the asphalt so we can create that lane so it doesn't stop people that wanna continue going southbound. Other people can make that turn lane. Another thing that was recommended is one inbound lane here but then to have two, one dedicated right and one dedicated left lane. This width is 36'. Typical lane width's 12'. So we would have three lane widths....(inaudible)...We'll make sure we get that incorporated. And then the other recommendation that had been made was just making sure that south entry way had a wide enough radius to where if there was a truck that came in, it would be able to make that movement without jumping the curb. So we will look at that. Beyond those, the utilities are fairly uneventful. The drainage, there's a culvert that goes underneath I74. That's where the drainage goes today. That's where the pond will discharge to. And all the other utilities are available. We will be extending a water main down Michigan Road at the request of Indiana American Water. So across the frontage of the development, there will be a water main extension. I think that's probably (?) but if you have any more questions, I'd be happy to answer 'em.

Schwickrath: Thank you. Maybe you should stay there 'cause I think we're gonna ask more technical things.

Schubert: Sure.

Schwickrath: Thank you. That'll work. We'll start with you, Mr. Clark. Go ahead.

Clark: Couple of questions; first will there be signage to indicate normal vehicle traffic versus truck traffic?

Inaudible mumbling.

Schubert: Yeah there'll certainly be signage at and we call it out on the site plan the
(inaudible)....I like to point a little bit but I know we talked about signage to make sure that it was signed here to where truckers knew that they didn't really wanna enter here 'cause there would be nowhere for 'em to go. That was actually one of the other recommendations made. And like Pat had mentioned, there's a cut-through here, but it's not intended to be a normal path of travel. It's a just to allow the tankers to come in and fill up the tanks down in this location and certainly yes, yeah we made sure that were strategically positioned.

Clark: Alright, thank you. And will this location have chewy ice?

Pat: Yes we(inaudible)...

Clark: Thank you.

Schwickrath: You have a fan. Is that all, Mr. Clark?

Clark: That's all.

Schwickrath: Okay. Mr. Lewis?

Lewis: Have we determined or the fuel pumps? I mean

Schwickrath: We have not.

Lewis:that's just blank? Okay. To be determined.

Schwickrath: They're open to an option.

Lewis: And because of the nature of this variance we aren't really getting into landscaping at this point?

Rude: No, not really. Not at this point.

Schwickrath: Not at this point.

Lewis: Not in this phase?

Lisher: 'Cause I didn't see any.

Rude: Yeah.

Schwickrath: Yes. It's okay, Mr. Lisher. It's coming.

Lewis: Yeah I think it's I don't really have any.....

Schwickrath: Okay. That's fine. Thank you. Mr. Lisher?

Lisher: Yeah I'd pre-meeting asked if you would allow a restriction that the first entrance be auto only.

Schubert: Yes.

Lisher: And the second entrance can say truck only?

Schubert: Yes. I'm sure we can do that.

Lisher: And then my question as it relates to the number of pumps is more the diesel pumps and all I can do is look at mine which is your.....

Schubert: Uh huh.

Lisher: Is there enough space for a semi to fuel up one, two, three, four, five, looks like that's the seventh pump.

Schubert: There should be six, yeah.

Lisher: Okay there's six. To make the turn to come around and do the exit or do we need another lane coming back this way?

Schubert: Sure.

Lisher: I'm just, it looked....

Schubert: A little tight.

Lisher: I don't drive semis, but I know they have trouble....

Schubert: Sure.

Llsher:turning.

Schubert: Inaudible comment.

Llsher: Can they make that turn?

(?): You were blocking him so I couldn't see.

(?): I'm sorry.

Schubert(?): Yeah so we have in the software that we use AutoCad we have a program called AutoTurn where you can run it(inaudible)....So coming out of here we have ran AutoTurn. You can make this movement and recirculate back.

Llsher: Okay. Well that was my concern.

Schubert: One, yeah and one advantage to doing it that way is that you get the appropriate (?) back in this area if there does need to be a stoppage and you can have people line up behind them versus if there was a cut-through here, you'd probably have a truck that was trying to make a hairpin turn....

Llsher: Make the turn.

Schubert: Yeah.

Llsher: Going left; yeah.

Schubert: Yeah, yeah.

Llsher: And we can't discuss landscaping. I hope you consider it.

Schubert: Well we're definitely, we submitted landscaping today so it's intended to meet the ordinance. I'm sure that we plan to meet on the 26th at Tech.

Llsher: So you're plan, if I heard the first gentleman correctly, is maybe having four diesel pumps rather than six or not. Did I misunderstand that?

Calderon(?): I think that to address the concern that raise by the staff is that we would only build four.

Llsher: Four to see whether or not you need....(inaudible)...

Calderon: Correct and then if we

Lisher: Okay.

Calderon: If(inaudible)...business came in, we would come back for the additional since that would be a you know a change to (?).

Lisher: Yeah, okay.

Calderon: So in the interim it would be additional. We would reduce the amount of impervious area to account for that.

Schwickrath: I think that's a good starting point because we all live here and first....I've been out to this site four times. That's this is not your problem. I sat there and I remember within a ten minute period, probably twenty cars and maybe ten trucks went through there through this one lane that we have and I mean or road. And so this is I mean it is a hot spot and so whatever we can do to move the traffic but also be considerate of large, lumbering vehicles I think. The reality of it is different from what AutoCad lovely, does a lovely job putting it on paper. So I'm not here to discredit any of that or the process. I just, it's been my experience that this doesn't always work the way we want it to. So if you're it sounds like you're okay with....

Calderon: I mean we....

Schwickrath:starting with the four pumps and then we can go from there.

Calderon: Correct and one of the things that with the entrance being down here is it allows for the semis to be further away from the intersection....

Schwickrath: Yes.

Lisher: Yeah.....

Calderon:and the control. That's....

Lisher:and the turn.

Calderon:something that the you know we really wanna segregate the you know the retail from the trucks.

Schwickrath: Sure, of course. And not to be funny, but to use a pun, the turn-around time is short though because they come from, make their right hand turn. Boof(?), there's oh entrance

for autos you know and people are gonna have to then they see activity on the other side. So (?) works.

Lisher: And I guess my other comment, more of a comment than a question perhaps, as I understand it that's a difficult tract you're dealing with.

Schwickrath: Yeah.

Lisher: So and I always like to see competition, so.....

Calderon: Well it is a literally a piece of pie or....

Schwickrath: It's a wedge.

Lisher: Triangle.

Calderon:triangle, yes a wedge or a....(inaudible)...

(?): One thing I was gonna mention too and it may have been mentioned but to reiterate, the location(inaudible)....

Schwickrath: Thank you. I was gonna ask that. Okay.

(?): Inaudible comment.

Schwickrath: Okay, thank you. Mr. Cassidy, go ahead.

Cassidy: How will you or what will you do to when you come off of Michigan off of Fairland Road and at the stoplight you turn to the right, that's a big area where semis just park, pull off the side of the road and park right there. What's gonna deter them from stopping and doing that now? I mean now you've got it paved and heck, it's even better now.

(?): Sure I would imagine people probably park there. I'm speculating, but because it's a gravel area and nobody is using it. But with pavement coming around that corner and a turn lane painted on the ground, I think it would be a signal to them that this is not a place to stop.

Cassidy: Okay.

(?): The specific details of that whether it's curbed along the edge with a turnout to go out or if it's not curbed and it's a gravel shoulder to be determined. (?) is working with the city on exactly what that looks like.

Cassidy: Okay.

(?): But the idea that we can carry(inaudible).....that's where the existing road is.

Cassidy: Right.

(?): Carrying that down and curling that (?) to having a right turn lane and then you've got dash line....(inaudible)...

Cassidy: Sure.

(?):.....line here. It's indicating to them right away and on the other side you would have a taper back that would something like this so that if you got caught in that lane and I don't wanna be in this lane that you could cross the intersection and weave your way back which is a typical.... (inaudible)....

Lisher: Yeah you wouldn't want 'em parking on your land.

(?): Inaudible comment.

Cassidy: Okay. Thank you. That's I just know 'cause I'm out, not a lot, but coming from the casino eating dinner, there's always seem to be either three or four cars parked there and a couple of semis parked there and you know, so....

(?): Sure.

Rude: And this was a point brought up amongst us department heads at the most recent department head meeting when I let everyone know what projects were coming through the different boards this month and for us it's just a matter of in the interim we're gonna be signing that area differently, no parking signs along there and enforcing it differently. We just haven't been doing that and that'll carry through to this project as well. Signing that no parking and then police department just writing tickets. So that's how we'll address it too.

Schwickrath: Anything else?

Cassidy: No, I'm good. Thanks.

Schwickrath: Go ahead.

Clark: I got another question. When you use the AutoCad AutoTurn did you give it any more of a buffer than just the minimum turn around?

Schwickrath: Do you mind speaking into the microphone?

(?): Yes. Yes, I'm sorry.

Schwickrath: Thank you.

Schubert(?): Yes and if it would be helpful, I would imagine we can provide the AutoTurn to staff as well.

Clark: I was just curious.

Schubert: Yeah.

Clark: We've had another case before the board at one time and they did the bare minimum and now we're seeing repercussions from that.

Schubert: Sure and we can certainly take a look at that and yeah and there'sit's a detail but your ordinance allows an encroachment into the front yard but only by a certain percentage with pavement. So if you might be able to tell. There is an encroachment of pavement into the front yard, but it's only to that amount. If we need to make an adjustment on that based on the AutoTurn, we can but it should work and in my experience if the AutoTurn works, truckers are a lot better than AutoTurn, but I hear your comment. I do.

Schwickrath: We've been through this before.

Schubert: I'm sure you have.

Clark: Thank you.

Schubert: Yep.

Schwickrath: I do have a question though too that came to mind. How many employees at a given time based on this configuration? If you could answer that please. Thank you.

Calderon(?): I mean on a peak shift or peak.....

Schwickrath: Approximately.

Calderon: So we probably have six to nine team members on a peak. Probably closer to six and I think it works out to about between 25 and 35 full time equivalent which is there's a lot of part time in this but we have that's usually the numbers work out to be.

Schwickrath: And so that of course is figured into the parking spots?

Calderon: Yes with the, we also have seating in there so you know somebody is you know coming from Cincinnati or further south much further back and they need a you know a break, stop there and they have time you know to hang out for a little bit. We do have a wifi cafe that free wifi and all that those elements (?) so....

Schwickrath: Okay, thank you. Any further questions from the board at this time?

Lewis: I was just one question, the pass through from the truck over to the auto, that's I mean that's theoretically that's for just one truck? That's a tanker to fill those.....

Lisher: Tanker or a food supply.

Lewis:or food supply.

(?): And for the food delivery.

Lewis: Okay. And I, they're gonna be going out and they're gonna be going around and going out the north entrance, so....

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

Lewis: Is there gonna be any way to make I mean you think we're gonna get in a situation where you know they may wanna go out that way? Or you think they would automatically avoid these trucks fueling up?

Calderon(?): You mean the.....

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

Lisher: You can do a signage thing delivery only.

Lewis: Delivery only on that?

Calderon(?): Right and we would sign it so it's really only no entry to the south itself, but we do wanna try to maintain that one traffic flow and taking the flow to....

Lewis: Inaudible comment.

Lisher: Did I understand it right, that exit is gonna be 36' wide rather than (?) 'cause you plan on having three. One entrance and two exits, one going to the left and one going....

Inaudible comment.

Calderon: Out of the north.

Lisher: Okay.

(?): I should say the south entry is also wide but it's striped as one in and one out....
(inaudible)...

Schwickrath: Adam, is there anything that you wanna say or that comes to mind for you?

Rude: No, I don't think so. It I mean the few concerns that we had, I can't find my staff report, but a few concerns were addressed in the staff report and I feel the concessions that the petitioner has made for four fuel pump lanes and five larger truck parking spaces meets our or satisfies our concerns. I don't know if there's anything else the board has, any concerns beyond that.

Schwickrath: Anything?(inaudible)....discussed. Then I'll close questions from the board at this time. If anyone from the public wishes to step forward, ask any questions, make any comments about this particular petition, now is the time to do so and you are invited to.

(?): I do have some concern about this area. Obviously Pilot is already outgrowing its area that it has and as Mr. Cassidy noted that there are numerous nights, which is about every night really, there are at least ten to twelve trucks at this point that are parked on this area that they're talking about building on because Pilot's lot is full. We have even had nights where we have trucks actually parked in the road. So when you're coming down Michigan Road around that curve, you have to stop abruptly because there is a semi parked in the road. So I'm just I'm worried about the congestion of this area and you know you did say with a ticket, but I just think that there's gonna it's gonna be a little salty at first even at that, you know?

Schwickrath: I think so until people get used to it and so no, I agree with you. That was the first concern that I had as well. Is this not like the second largest or busiest truck stop in the state? It's some it has some really high activity.

Rude: Yeah it's some.....

Schwickrath: It's just our convenient location of Shelbyville. So I think that it seems to me that there's planning beyond just this site, which is the first kind of the first I'll call it the first phase. It's not technically that but because it's so unusual, I think we can see it as a starting point and you mentioned that there is a possibility.....I think everyone's eyes are on it and so we're gonna have to address it because it's far too busy. It is exceeding capacity and the hope I think here is that with the new facility, it'll offer some relief for this.....

Lisher: Alternative for it.

Schwickrath:yeah an alternative as a starting point. But I really think this....

(?): My concern with that relief is that we already have trucks parking on the outskirts of the area.

Schwickrath: I think that's going to have to, that will have to change because it's not going to be convenient. I was out there today and I saw the rutt marks and I drive by there because I drive to Indianapolis and so I did see about four or five semis parked there. This is gonna, it'll have to change that. They just can't do that. So I can only object so far out. Thank you. But you're right. I agree with you. I don't think when we first made the (?) there that we realized what we were getting into. It's huge and it's busy. Any other comments?

No reply.

Schwickrath: Okay hearing none, I close questions then from the public and if the board wants anything further or if we're ready to move to a motion, this would be the time to do it.

Rude: If I can

Schwickrath: Yes.

Rude:just add one thing.

Schwickrath: Make sure we have our language? Yeah.

Rude: Yeah when we're making the motion, we have the four conditions we're recommending and have been addressed. I don't think we need to add anymore unless you guys have some other opinions or ideas on that.

Schwickrath: We can fill in the blank though, right with number one?

Rude: Yes and I would just state in your motion that.....

Lisher: Inaudible comment.

Rude: Yes. Limiting the truck lanes to four or yeah the fuel lanes to four and the parking spaces to five 'cause those are the two blanks that we have.

Schwickrath: Okay, yes. Okay, has everyone see the blanks?

Rude: But everything else....

Lisher: I thought he said nine.

Schwickrath: Five, five. It's five.

Lisher: Over here? One, two, three, four.

Schwickrath: Okay thank you for pointing that out because I've got (?).

Rude: They're showing quite aJim, they're showing quite a number more both pump lanes and parking spaces on the plans that they had submitted to you guys, but their concession tonight was to lower those both to four and five. Yeah so the plans don't show that, but that's what the revised plans will have.

Lisher: And then how would we do something to allow shall we say four and with up to two additional approved by staff?

Rude: They'll just have to come back.

Lisher: They'll have to come back....(inaudible)...

Rude: Yeah and get.....

Lisher: Inaudible comment.

Rude:yep, get another special exception so you guys'll hear it if it

Lisher: Inaudible comment.

Rude: Yes.

Lewis: No need for a condition for signage, auto only or trucks....(inaudible)...

Lisher: Yeah what about some signage conditions on autos and trucks?

Rude: Yeah we can have that and I.....

Schwickrath: With staff approval? Do you need that or.....

Rude: Yes. Yeah let's.....

Schwickrath: I mean that's a normal function, but we want them to....

Rude: Yeah that specific signage is

Lisher: Inaudible comment.

Schwickrath: Do you think we need to add it?

Lewis: If we don't need to then....

Rude: Well yeah let's add something.

Schwickrath: Let's add it?

Rude: 'Cause our standards regulate the number and size of signs but we don't require no entry, auto only, truck only, those types of things, so.....

Schwickrath: Okay, thank you. Do you think you can do this one?

Lewis: Sure.

Schwickrath: Okay.

Lewis: I'll I'd like to make a motion to approve the requested special exception use to allow for fuel sales in conjunction with a convenience store/restaurant in accordance with the conditions. Do we wanna go, read the conditions?

Lisher & Schwickrath: Inaudible comment.

Lewis: Condition number one being limit the number of fuel pumps designed for larger trucks to four. Condition two, limit the number of parking spaces for larger trucks to five. Condition three, prohibit long term or overnight parking on the site. Condition four, signage shall be placed to prohibit long term or overnight parking on the site. Condition five, signage to indicate auto only, truck only entrances.

Schwickrath: There's a motion.

Cassidy: Second.

Schwickrath: Mr. Cassidy seconded that. Please cast your ballot for BZA 2019-13.

Rude: This is for BZA 2019-13: Mr. Lisher - yes, Mr. Lewis - yes, Mr. Cassidy - yes, Mr. Clark - yes and Ms. Schwickrath - yes.

Schwickrath: Thank you for your explanation and willingness to work with us.

Lisher: Welcome to Shelbyville.

Schwickrath: Thank you.

Lisher: Welcome to Shelbyville.

Schwickrath: Anything for Discussion?

Rude: Nope, I don't have anything to add.

Schwickrath: Okay so motion to adjourn?

Clark: Second.

Schwickrath: Alright, we have finished.

Meeting adjourned.