

BOARD OF ZONING APPEALS
MEETING MINUTES
February 12, 2020

Kris Schwickrath: Good evening, everyone. The February, 2020 meeting of the Board of Zoning Appeals is now called to order and we'll start with a roll call.

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

Schwickrath: Thank you. Prior to this month's meeting, we have minutes from last month to approve. I'll entertain a motion for that.

Doug Cassidy: Make a motion to approve January's minutes.

Wade Lewis: Second.

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

In Unison: Aye.

Schwickrath: Opposed, same sign.

No reply.

Schwickrath: Okay the minutes are approved. Thank you. And we have tonight no Old Business so we can move on to New Business. We have 3 petitions tonight and when you're ready....

Rude: Yes, first petition tonight is BZA 2020-01 GetGo Cafe & Market, pole sign special exception use. The petitioner's name is Giant Eagle, Inc. doing business as GetGo Cafe & Market. The current property owner is Exit 109, LLC. The petitioner's representative is Brian Schuerd(?) from Kimerly Horn. The address of the property is approximately 3877-3977 North Michigan Road. The current zoning classification is BH, business highway with the race track overlay district and the request tonight is approval of one special exception use to allow a pole sign on the property.

Schwickrath: Okay. Thank you, Adam. We'll do one of these at a time so if your petitioner would please step forward and state your name for the record, explain the project. This part of it, the pole sign. Thank you.

Gerald Calderon(?): Yeah. Thank you. Gerald Calderon(?), Barnes & Thornburg 11 S. Meridian Indianapolis. I also have been working with Brian and the Giant Eagle team. Since this relates to the sign, the engineer's purview is more of the driveway width issue. Thought we'd talk a little bit about the special exception criteria which is essentially the compatibility criteria. We believe that given the unique location of this site and the fact that it really does attract traffic from the interstate pull off that having a taller sign is imperative so that travelers can exit safely. They can identify the use as well as the pricing that has to be at a certain height to allow folks that are traveling at interstate speeds to pull off and exit in a safe manner. So we had put in our Findings which we're grateful for staff's agreement with and with that, we'd be happy to answer any questions regarding the special exception criteria.

Schwickrath: Thank you. I'll take questions from the board. Mr. Cassidy, you wanna start?

Cassidy: I have no questions.

Schwickrath: Okay. Thank you. Mr. Clark?

Chris Clark: I also have no questions. Thank you.

Schwickrath: Mr. Lewis?

Lewis: I have none either.

Schwickrath: Wait, it's Mr. Lisher.

Jim Lisher: I guess I'm making it unanimous. I don't have any questions.

Schwickrath: Well no, it's unusual for us not to have any questions, but we understand what you're after. It's an interesting wedge of property....

Calderon: Yeah.

Schwickrath:and I drive up to Indianapolis every day and coming back, I was looking today, it's you really are stuck with one place.....

Calderon: Yeah.

Schwickrath:to place it but you're putting it on the farthest northwest. Yes, okay I was getting there. Thank you, Adam. Northwest corner, right. Okay just to clarify that for the public and so I think you really don't have a choice.

Calderon: Well we appreciate, you know we were here a few months ago to talk about the project in detail and you know this was kind of a follow-up series as detailed plans came for it.

So we appreciate all the boards' comments from a few months ago and they're support of the project.

Schwickrath: Do we have a definite height? Did I miss that?

Calderon: It's a hundred feet even.

Schwickrath: It's a hundred feet even?

Calderon: Yeah.

Schwickrath: Okay I just wanted to make sure of that. Thank you.

Calderon: Yeah.

Rude: And that's the maximum height in this standard so that's not a variance they're requesting so yeah that's as tall as it would go.

Schwickrath: Okay. Right it's just the use of the pole sign.

Rude: Yeah.

Schwickrath: Okay so any further questions right now from the board?

No reply.

Schwickrath: Okay I'll close questions from the board. Anyone from the public wish to make a comment or ask a question about this particular petition? You're welcome to do so now.

No reply.

Schwickrath: Okay seeing now motion or movement, I close public commentary and if we feel ready we can move to our own motion. Seems like we are ready, so who would like to do that?

Lewis: I'll make a motion to approve the requested special exception use to allow for a pole sign pursuant to the Findings of Fact presented in the planning staff's report.

Lisher: Second.

Schwickrath: Okay please cast your ballot then for BZA 2020-1.

Rude: For BZA 2020-01: Mr. Cassidy - yes, Mr. Lewis - yes, Mr. Lisher - yes, Mr. Clark - yes, Ms. Schwickrath - yes.

Schwickrath: Okay, thank you. Okay we can move on to the second one which if I'm correct, is the size of the sign.

Rude: Yes.

Schwickrath: Okay. Go ahead.

Rude: Second petition, BZA 2020-02 GetGo Cafe & Market, sign standards development standards variance. All the same petitioner, owner, petitioner's rep, address and zoning classification. The request is approval of one development standards variance from UDO 5.58 Q3C on the sign area of a pole sign in the interstate corridor.

Schwickrath: Okay, thank you.

Calderon: Thank you. Good evening again. Joe Calderon, Barnes & Thornburg 11 S. Meridian Indianapolis. Again this relates to the same sign that you just approved for a special exception. We handed out to each of you a packet with just the renderings. If you would look at the rendering of the sign, and I know we have criteria, but one of the things that we really wanna point out is just that kind of proportionality of the size of the sign to its overall height which we think gives you the overall flavor for our request. So there's two things happening here that are really triggering the variance. If you look at the GetGo kind of trade dress(?) sign, that sign is just about 200 square feet. It would be compliant. What's ultimately triggers this is the fact that you have to display the fuel pricing. Because there are different types of fuel, you have signs that really are 144 square feet to identify the pricing and the trade dress adequately to the public. We're asking for a deviation on the size of the sign. I don't know the exact square footage of the Pilot/McDonald's sign right next door but I, seems to me that this would be less than that. Certainly no more than that. From a Findings of Fact perspective, we've proposed them, staff has agreed, this sign will not interfere with traffic design making. In fact, it'll make it better and safer. It will not interfere with any of the adjoining properties in terms of being able to get to them or being able to see them. And then the practical difficulty is that it's very difficult to comply with an ordinance that ultimately allow you 100' sign and 200 square feet is just, it's not gonna provide. The pole or the structure from which the sign is going to be placed is gonna look disproportionate. So we think that's practical difficulty under the terms of the required Finding and we appreciate your time and are happy to answer any questions.

Schwickrath: Thank you. Mr. Clark, I'll start with you this time. Anything?

Clark: I don't have any questions on this one.

Schwickrath: This doesn't happen very often; I just want you to know that, so....Thank you for

Calderon: We won't take it for granted, either.

Schwickrath: No, please don't. Thank you.

Calderon: Thank you.

Schwickrath: Mr. Lewis?

Lewis: We're at 354. Do we want to round it?

Rude: Inaudible comment.

Lewis: Round it to 354?

Rude: Yeah. They're showing 353.67.

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

Schwickrath: Does that help at all?

Lewis: 400?

Calderon: It doesn't hurt just in case there's an eighth of an inch multiplied by so many or something. We're, we rely on the sign contractors that make these but we sure wouldn't wanna come in for permits and then be back here for

Schwickrath: For a half inch? Sure.

Calderon: Yeah.

Schwickrath: Of course.

Lisher: Well it's less than 550, so....

Lewis: It is. Okay. I mean I would say round it to 400, but I'll go with whatever.

Rude: Yeah. I'm fine with rounding it up to something.

Schwickrath: You're okay with that?

Rude: Yeah. Yeah 'cause like we had said in the pre-meeting, Pilot across the street is over 700.

Schwickrath: Over 700 square feet.

Rude: I don't have the exact number, but it's over 700 so....

Schwickrath: Maybe 375.

Lisher:(inaudible)...approve to 550? That's fine.

Lewis: Yeah.

Lisher: So I don't....

Schwickrath: Okay I mean either come up with a number or 'cause Lisa's trying to listen to us and we're just kind of mumbling.

Lisher: Inaudible comment.

Lewis: That's all I have.

Schwickrath: Okay. So to clarify, would you like a higher number, like 375?

Calderon: Not to exceed 400.

Schwickrath: Not to exceed 400?

Calderon: If the board's okay with that.

Schwickrath: Yes?

Lisher: I'm fine with that.

Schwickrath: Okay.

Rude: Okay.

Lewis: I'd vote for that.

Schwickrath: That gives you a little bit more.

Calderon: A little flexibility as they finalize the design.

Lisher: 200's too small, so....(inaudible)...

Schwickrath: Okay. We agree, right? So Mr. Lisher, anything further?

Lisher: So I'd say I would concur with 400, up to 400.

Schwickrath: Yeah, up to 400. Okay that's fine. Mr. Cassidy, anything extra?

Cassidy: No. Nothing from me.

Schwickrath: Alright, no that's fine. Thank you. So I'll close questions from the board. If anyone from the public wishes to step forward and ask a question or comment on this, you are welcome to do so now.

No reply.

Schwickrath: Again, seeing no motion, I close public commentary and I think we're ready to move to a motion. This actually seems to fast for me but I think....

Laughter.

Schwickrath: Okay.

Lisher: I'd move to approve the one development standard variance, sign standard for pole signs, interstate corridor to up to 400 square feet.

Schwickrath: There's a motion.

Lisher: Pursuant to the Findings of Facts....(inaudible)...

Lewis: Second.

Schwickrath: Okay please cast your ballot for BZA 2020-2.

Rude: For PC or BZA 2020-02; Mr. Lisher - yes, Mr. Lewis - yes, Mr. Cassidy - yes, Mr. Clark - yes and Ms. Schwickrath - yes. Motion carries.

Schwickrath: Okay motion carries. Okay, thank you.

Calderon: Thank you.

Schwickrath: And one more, the third one.

Rude: Yes. Okay final petition tonight is BZA 2020-03, GetGo Cafe and Market development standards variance for a driveway entrance. Again, all the petitioner, owner and address information is the same. The request on this petition is approval of one development standards variance from UDO 5.15B to increase the width of two access drives.

Schwickrath: Okay, thank you.

Brian Sheward: Good evening.

Schwickrath: Good evening.

Brian Sheward: My name is Brian Sheward. I'm with Kimley Horn & Associates, a civil engineer. Our offices are at 250 E. 96th Street Suite 580 Indianapolis, Indiana. We were back here, as Mr. Calderon had mentioned, previously with a very similar site plan. There's been a few slight modifications to it addressing Tech comments but in essence what we're here tonight requesting a design standards variance for is the width of the driveways. We have two proposed ingress/egress points for the site. Really the purpose of that is to try to separate truck traffic from regular passenger traffic and specifically the northern entrance is more for normal passenger cars coming in. In your packet, I've given you 11 x 17. It might be easier to see. But I did wanna note that today if you go out at that intersection and you roll around south on Michigan, the pavement kind of tapers in along this edge. It's kind of a mess from dirt and other things that are there.

Lisher: Yeah.

Schwickrath: Yes.

Sheward: I think a lot of trucks are parking there frankly as you had mentioned last time.

Schwickrath: Yes, there are.

Sheward: We're intending to add this turn lane in so that you'll be able to either go through or you'll have a turn lane so that you can get out of the way if you're slowing down to make that turn. This first entry point, there's three lanes. There's three, 12' lanes as was mentioned earlier. Really the reason why it's bigger than 36' is because of the turning radii coming in. So you have a radius coming around this way for allowing that inbound car to come in and then you have a radii going out southbound. Just because of how close the road is to the right of way, incorporating those radiuses is why that's bigger than 36'. And the same thing happens on the south side. There's actually, it's actually, the first one's actually a little bit wider than this one and that's because on the truck exit and entrance there's only one lane. The logic there is the truck traffic should be going back to the highway whereas passenger traffic may be looking to go right. So same thing, this radii is fairly large to allow that truck to carry its load around the corner and not conflict with a truck that's waiting to exit. One also important note; we're still

matching the entry drives to the development across the street. So if we were to practically try to meet 36', I think we'd have trouble getting those trucks and cars in and out. I'd be happy to answer any questions if you have any.

Schwickrath: Thank you. Mr. Lewis, I'll start with you.

Lewis: I have no questions.

Schwickrath: Okay. Mr. Lisher, anything?

Lisher: I do this time.

Schwickrath: Okay then, go ahead.

Lisher: I wanted to, on the northern exit.....

Sheward: Uh huh?

Lisher:wanna make sure particularly as to the left turn that turns going north....

Sheward: Right.

Lisher:that that is a entrance and exit that will be signed, signage so that it's for automobiles or something other than semi trucks.

Sheward: Correct, correct.

Lisher: 'Cause I don't want a semi truck trying to turn left...

Sheward: I don't think they'd want it either.

Lisher:at that place.

Sheward: Yeah. So we actually show a sign proposed right, I'll point right here that would say truck traffic or auto. Under 19, what's it say? Retail automotive entrance.

Lisher: That would say number 19 in effect on your

Sheward: Yeah so that would be an automobile entrance and then down here at the second entrance, it would be truck entrance to try to help.

Lisher: Okay (?) for truck. Okay.

Rude: And jim, that was actually a condition of the special exception approval.

Sheward: Correct.

Rude: Yeah, so....

Lisher: That's all I have.

Schwickrath: That's it? Okay, thank you. Mr. Cassidy?

Cassidy: I don't have any questions.

Schwickrath: Mr. Clark?

Clark: This is well presented. Thank you. No questions.

Schwickrath: Yeah I mean the same for me and I think we're all in this country and to have it 'cause these developments are very similar, if I may generalize. I think we know that the car entrance only and truck. I think we'll be fine. It's just so congested but ...

Sheward: Right.

Schwickrath:we're just gonna have to see how it goes and we're doing our best here so thank you for helping us with that.

Sheward: Sure.

Schwickrath: That whole process. So I'll close questions from the board and open this up to Kristian or Mrs. Case, who's sitting out there in case you have any questions or comments.

No reply.

Schwickrath: Okay I will close public commentary then and I think we can move to a motion. Mr. Clark, maybe you this time? He's been trying to make motions over here.

Clark: Oh no, that's....

Schwickrath: I'm watching him.

Lewis: Jump right in.

Clark: I'd like to make a motion to approve the requested development standard variance to allow for a wider width driveway in accordance with the plans presented to this body pursuant to the Findings of Fact presented in the planning staff's report.

Cassidy: Second.

Schwickrath: Okay, thank you. Please cast your ballot for BZA 2020-3.

Rude: For BZA 2020-3; Mr. Cassidy - yes, Mr. Lewis - yes, Mr. Lisher - yes, Mr. Clark - yes and Ms. Schwickrath - yes. Motion carries.

Schwickrath: Thank you again.

Calderon: Thank you.

Lisher: Good luck on your project.

Sheward: Thank you.

Schwickrath: This is just the beginning. Do we....(inaudible)...

Rude: Yeah. Can you call him real quick.

Schwickrath: Yeah. So wait, Mr. Lawyer, we need your we need the spelling of your last name. I should've asked you.

Cassidy: Mr. Calderon?

Schwickrath: Calderon?

Calderon: C-a-l-d-e-r-o-n.

Schwickrath: Yeah, okay.

Calderon: Yeah.

Schwickrath: So many variations out there. Thank you.

Calderon: Yes.

Schwickrath: Because our minutes are transcribed....

Calderon: Of course.

Schwickrath:and we just....I wanted to make sure. Thank you.

Calderon: You're welcome.

Schwickrath: I had the wrong spelling, sorry. Any items for Discussion this evening?

Rude: No. I think we spoke a lot before the meeting.

Schwickrath: We did and I wanna thank staff again for a nice presentation for the joint meeting of the Plan Commission....

Lewis: Yeah.

Schwickrath:and the BZA. Thank you both.

Rude: Well thank you guys for coming for that meeting beforehand. I think that's a good time for everyone to get together and talk through the last year.

Schwickrath: Yes. Very good. Thank you. Anything further?

Lewis: Nope.

Schwickrath: Alright.

Cassidy: Motion.....

Clark: Motion to adjourn.

Lisher: Second.

Lewis: Second.

Schwickrath: I think we all seconded that, so....

Lewis: So moved.

Schwickrath: Okay, so moved.

Meeting adjourned.