



BOARD OF ZONING APPEALS

Minutes

**Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112**

Monday, June 8, 2020

The Brownsburg Board of Zoning Appeals convened at 7:00 PM with a moment of silence and the Pledge of Allegiance. Michael Neal opened the meeting, and a roll call was taken.

Members Present: Maria Andrews, David Emery, Ben Lacey, Mike Neal, and Chris Worley

Members Absent: None

Also Present: Todd Barker, AICP - Director of Development Services and Heather Wetzell-Administrative Assistant

A. CALL TO ORDER AND DETERMINATION OF QUORUM

B. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

C. CONSIDERATION OF PREVIOUS MEETING(S) MINUTES

- 1. May 11, 2020- Regular Meeting

Motion: Ben Lacey made a motion to **APPROVE** the May 11, 2020 regular meeting minutes, seconded by David Emery, motion carried 5 In Favor/0 Opposed/0 Abstained.

D. APPROVAL OF FINDINGS OF FACT

- 1. None

F. HEARING OF REQUESTS FOR CONTINUANCES

- 1. None

H. CONTINUED PUBLIC HEARINGS

- 1. None

I. OLD BUSINESS

- 1. None

J. NEW BUSINESS

- 1. BZDV-05-20-1826 Kroger Redevelopment Parking Standards
A request for a Development Standards Variance from Article 5, § 5.54(B)(8)(a) "Parking Standards," to permit an alternative cart corral design required within the Moderate Intensity General Commercial (C2) District.
Parcel No(s): 32-07-02-420-004.000-016

Represented by: Russell L. Brown, Clark, Quinn, Moses, Scott & Grahn, LLP

ADVERTISED PUBLIC HEARING

Russell L. Brown, Clark, Quinn, Moses, Scott & Grahn presented the case for the Board. With him were Elizabeth Bentz Williams from his firm, as well as Diana Moore and Diane Hollibaugh with Kroger. He explained the variance request was the second step of a three-step process for the redevelopment of the existing Kroger, the former Kmart and all spots between. They received approval for the primary plat, replat and plat vacation; the development plan review would be considered in a few weeks. All of that would allow for the redevelopment of the old Kmart into an approximately 100,000 square foot new Kroger facility that would allow for significant site improvements as well. Mr. Brown thanked Staff for working with them as well as keeping the project on track while other communities slowed down or virtually shut down; he was grateful Brownsburg was not one of those and appreciated Staff's willingness to use technology.

Mr. Brown explained there was one variance related to cart corrals as the C2 district standards required a masonry surround or landscaping. They were proposing to utilize an alternative structure due to the need of parking spaces. The site currently had zero landscape islands and as part of the redevelopment they were adding 21 landscape islands. If they were required to put landscaping around those existing car corrals, it would take up another 16 parking spots. Parking was a critical number and losing 16 more spots became difficult if they were to utilize the landscaping option. The other option was to utilize a masonry surround but they found those got beat up relatively quickly and the upkeep and maintenance became difficult. Mr. Brown said they wanted to use an upgraded version of the cart corral. They believed it matched with the aesthetics of the new store and was aesthetically appropriate. They felt that was an appropriate solution without losing those additional parking spots and met the spirit and intent of the ordinance. Mr. Brown said they were in agreement with the Staff report, he happy to answer any questions.

Todd Barker reviewed the Staff report for the Board. As Mr. Brown indicated, there were two options for cart corrals, one being the screening with the landscaping and the other with masonry product. The need came down to the potential loss of parking spaces at the site, many had seen the demand for the parking lot at the existing store and clearly understood parking was a priority plus the new store would be larger than the existing store. Staff felt the alternative design was a viable solution as it was being located adjacent to new landscape islands; they felt justification had been made for the three criteria needed for the variance.

Staff believed they had satisfied the requirements for the development standard variance subject to and conditioned upon the following:

- (1) Prior to development on the subject property a Development Plan must be approved by the Plan Commission.
- (2) The variance approval shall expire on June 8, 2022, two years from the date of approval if building permits have not been issued for the construction of the project.
- (3) The TECH Review Minutes, dated 5/14/2020; and the Applicant's Detailed Statement of Reasons submitted 5/21/2020.
- (4) The approval of the Findings of Fact and Conclusions of Law.

Chris Worley believed that requiring a masonry type border for parking would create a practical difficulty so that made an impact to him. Other than that, he had no questions.

David Emery did not have any questions but wanted to thank Kroger for helping the Town with the Kmart property.

Maria Andrews did not have any questions and stated, as Mr. Emery said, that it would be nice to see something done there.

Ben Lacey did not have any questions.

Mike Neal asked how many additional parking spaces they would have with the building becoming larger. Diana Moore, Kroger Construction Manager, replied that they were expanding the store about 28,000 square feet but she did not know how many additional parking space it was; it would be significantly more than the existing parking lot. She noted they were also adding more handicap spots. Mr. Neal asked if they would be resurfacing the parking lot and learned they would.

ADVERTISED PUBLIC HEARING OPENED

Motion: David Emery made a motion to **APPROVE** BZDV-05-20-1826 subject to and conditioned upon Staff recommendations, seconded by Maria Andrews, motion carried 5 In Favor/0 Opposed/0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED

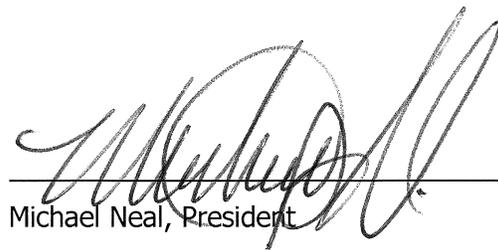
K. COMMUNICATIONS & REPORTS

1. Rules of Procedure Discussion

Mr. Neal told the Board he was pushing an amendment to the Rules of Procedure for additional space on the agenda to allow for public comment similar to the Town Council agenda. Staff and legal counsel had drafted a resolution adding essentially an item right before adjournment for open public comment time. Mr. Neal explained there would be a limit of three minutes and a set of rules that would go along with that to keep it contained. He felt this was good for transparency and openness. The Board had that information for review before action at the next meeting. Mr. Barker said if anyone had any questions they could contact Staff to get those answered before the July meeting. Mr. Worley suggested the time limit and rules be explained during the first few months once implemented.

L. ADJOURNMENT

Motion: Ben Lacey made a motion to **ADJOURN**, motion carried 5 In Favor/0 Opposed/0 Abstained. 7:15 P.M.


Michael Neal, President

ATTEST: 
Heather Wetzel, Administrative Assistant