

LEBANON BOARD OF ZONING APPEALS
MONDAY, MARCH 3, 2008

TO: ALL BOARD MEMBERS
FROM: RECORDING SECRETARY
SUBJECT: MINUTES TO MEETING

Chairman Robert Duff called the meeting to order. All members were present for the meeting. Minutes from the February meeting were approved.

The first item on the agenda was Charles Foley requesting a Use Variance application to permit relocating his tool & dye business to be located at 222 W. South Street. This property is Zoned CB-Central Business. This property is located in the Integrated Residential/Commercial Overlay District. This comes with a favorable recommendation from the Plan Commission. Mr. Foley and John Bradley, realtor for the property were present for the meeting. Mr. Foley currently has his business in Westfield and is looking to get a larger building. Mr. Foley does a very specific job grinding bearings hand made for a customer X-treme machines. Mr. Foley has 4 machines. There are currently 3 full time employees and 2 part-time employees. Most of his employees are family. Since this is a very specific use Mr. Foley does not see a lot of growth happening for the business. The building will stay much the same there will still be office space, and the parking garage will remain the same, the current location of the storage units will be replaced with this use. The storage units will be removed to make room for the machines. Mr. Foley stated that his long term plan was to paint the building and he realized that the building did need some work, including replacing windows. The Plan Commission stated that when doing these updates to remember he is in the overlay district so as much improvements as could be made to the building the better. Proof of publication was given and notice to neighbors was given. Neighbors Parr Richey Obremsky & Morton written by Kent Frandsen sent a letter to the Plan Commission stating that the use specified to them by John Bradley did not seem that it would adversely impact the neighboring properties, but should noise or odor from the operation become a concern then they reserve the right to complain. Charlie Campbell stated that he had been to the existing site in Westfield and the operation made very little noise comparable to a blender, and no odor. The operation seemed clean and no recycled or used products would be discharged into the city sanitary system. Jim McVey made a motion to grant the Use Variance. Bruce Pauley seconded the motion. Motion granted.

The second item on the agenda was Chuck Hunt Auction Services requesting a Use Variance to permit small commercial enclosed trailers to be stored outside on site. This property is located at 845 Indianapolis Avenue. This property is located in the Thoroughfare Overlay District. The applicant is requesting to be continued until the April 7, 2008 meeting.

The third item on the agenda was Menards requesting Variances for outside storage, outside sales, setback encroachments along I-65, greenbelt encroachments along I-65, parking, landscaping, signage and the size and height of an accessory structure. This property is located on the west side of Sam Ralston Road and to the east of I-65. This property is Zoned PBC- Planned Business Commercial. This property is in the Interstate Overlay District. This comes with a favorable recommendation from the Plan Commission. Garrett Caffey attorney with Menards was present for the meeting. This project is a 34.4 acre parcel that will consist of Menards store being on parcel 1, and there will be two additional out parcels that will be sold for retail use. There will be two entrances off of Sam Ralston Road with interior drive ways to the parcels. The out parcels will not have immediate access to Sam Ralston Road. The proposed Menards building is the largest store they build. On the site there are two existing wetlands

that are controlled by the Army Corp of Engineers. In order to mitigate the wetlands three ponds will be installed on site. The Variances proposed are requested for the site to provide the amount of access that is needed for Menards in regards to the lumber and garden center, while still allowing the ponds, and the parking lot to be placed in the areas shown. The building is at this specific location to allow a 60-foot access in the garden center to the property line, also allowing the ponds that are required due to the existing area where the wetlands are on the site. There is a Use Variance requested to permit the outside storage for the outside yard area, also requesting a Use Variance for outside sales, this is for the yard area as well there will not be outside sales but there will be merchandise in the yard area. Menards is also proposing to have in the front of the building an exchange for propane tanks. All other merchandise will be in the yard area. The yard area has a 14-foot tall fence around the back of the building. In the lumber yard there is an accessory structure for the lumber it is 26-feet tall and it is permitted to be 18-feet tall. The accessory building also exceeds the total square footage. 1,000 square feet is the maximum square footage allowed, the structure proposed is 26,400 sq. ft. There are several encroachments in the I-65 buffer yard; the gate canopy for the yard access, the fence structure, and the warehouse building. The parking requirement for the store is to provide 476 parking spaces. Menards is proposing 430 parking spaces. There are several landscaping requirement variances including; not meeting the number of shade trees and shrubs along the greenbelt on I-65, does not meet the number of shade trees and bushes along Sam Ralston Road, does not meet the number of parking lot perimeter trees, does not meet the number of shrubs on the interior parking lot, does not meet the number of trees on the interior drives. Menards is also requesting Variances on signage requirements. The maximum square footage for signage permitted is 300 sq. ft. Menards is proposing 789 sq. ft. This will include wall mounted signs on the building, a monument sign at the entrance on Sam Ralston Road, and a pole sign that will face I-65. The pole sign proposed exceed the total sq. ft. allowed. The total allowed is 100 sq. ft. The proposed sign is 161 sq. ft. This is to allow a reader board to be placed on the pole sign. There are two existing billboard signs that will be removed. Comments from the audience: A neighbor who lives in Prairie Heights asked how tall the lights to the north property line. The light fixtures are 30-feet tall. The neighbor stated that he saw a lot of landscaping in on the site except where his backyard would be overlooking the lot. The property line is about 285 feet to the Prairie Heights properties. There will be a 14-foot tall fence with 18 trees lining the fence; there will still be a significant amount of landscaping in the parking lot and the perimeter that will be seen. At closing the main lights will go off only emergency lights will stay on. The light fixtures will have a down ward cast and a light plan has been shown with no light escape to neighbors. The main building is 30 ½ feet tall. The stores proposed opening would be 2010 and would start the project in 2009. Robert Bevington made a motion to grant the Use Variances for outside sales and storage. George Piper seconded the motion. Motion granted. Jim McVey made a motion to grant the setback Variances for the greenbelt encroachments along I-65. Rob Bevington seconded the motion. Motion granted. Jim McVey made a motion to grant the parking Variance. Rob Bevington seconded the motion. Motion granted. Bruce Pauley made a motion to grant the Variance for landscaping requirements. George Piper seconded the motion. Motion granted. Bruce Pauley made a motion to grant the signage Variance to allow exceeding the total square feet of signage. Rob Bevington seconded the motion. Motion granted. Rob Bevington made a motion to grant the Variance for exceeding 61 sq. ft. for the pole sign. Jim McVey seconded the motion. George Piper opposed. Motion granted. George Piper made a motion to grant the Variance to exceed the total square footage and height of the accessory warehouse structure. Bruce Pauley seconded the motion. Motion granted.

Meeting Adjourned.

Submitted by Recording Secretary
Kristi Spencer

Chairman, Robert Waples

Secretary, Jim McVey