

**AVON BOARD OF ZONING APPEALS**  
**MEETING AGENDA**

**MEETING DATE:** August 15, 2019  
**TIME:** 7:00 PM  
**PLACE:** AVON TOWN HALL COUNCIL CHAMBERS

1. Call to order/Pledge of Allegiance
  2. Roll Call/ Determination of Quorum
  3. Approval of Minutes: July 18, 2019
  4. Request for Continuances or Agenda Modifications: None
  5. Public Comments: (Public may comment on items NOT part of a public hearing)
  6. Old Business: None
- 

7. New Business / Public Hearings:

**DOCKET # SE 19-03 – RBI Factory – 8109 Kingston Street**

**Special Exception**

A request for approval of a special exception to allow an indoor commercial recreation facility in the I-1 zoning district. The property is approximately 2.51 acres located at 8109 Kingston Street and is part of an existing building. The property is zoned I-2 and is within Tier 3 of the US Highway 36 Overlay District.

**PETITIONER:** GTW, Inc.

**Other Business:** Signatures

**Adjournment**

**Next Meeting: September 19, 2019**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of *Town of Avon*, should contact the *Town Administrative Offices* as soon as possible but no later than 48 hours before the scheduled event

**MINUTES  
FOR THE July 18, 2019  
AVON BOARD OF ZONING APPEALS  
REGULAR MEETING**

- I. Call to Order/Pledge of Allegiance – 7:00 PM**
- II. Roll Call/Determination of a Quorum** – In attendance were: Charles Bischoff, Grant Niemeyer, and Jeremy Eglen as were Town Planner Jodi Dickey and Town Attorney Kent Minnette.
- III. Consideration of the minutes** – The minutes from the June 20, 2019 meeting was approved as presented.
- IV. Requests for Continuances and Other Agenda Modifications** – VAR 19-10 O’Reilly Auto Parts lot size variance was withdrawn.
- V. Public Comments – None**
- VI. Old Business – None**
- VII. New Business**

**SE 19-02 – Special Exception**

Jodi Dickey briefly presented the request for staff. She explained the appellant’s request to construct a fire department training facility using gravel as parking lot surface. She noted that gravel surfacing is only permitted with a special exception grant. She discussed the relevant criteria and noted staff’s recommendation for approval.

Chief Dan Smith, with Washington Township/Avon Fire Department, spoke briefly regarding the proposal. He explained the need for the proposed facility and expected operations. The Department is working closely with Avon Schools to acquire, plat, and develop the site.

Mr. Bischoff asked about the particular size/kind of gravel, whether training would occur in the rain, and how the surface will be maintained. Chief Smith noted the type of gravel and expected maintenance. He also stated training would occur in the rain.

Mr. Niemeyer asked about drainage and retention. Chief Smith responded the technical drawings have not yet been developed, but would need to go through the plan commission approval process, including a technical review.

The public hearing was opened at 7:23 PM.

There were five residents in the audience who spoke regarding their concerns on drainage, water contamination, existing wooded areas, and the lack of detailed drawings.

The public hearing closed at 7:39 PM.

Mr. Eglen thanked residents for their comments. He explained the approval process and noted the question at hand is simply gravel surfacing vs. asphalt or concrete. Other project details

(drainage, site layout, etc.) will be reviewed by the plan commission. He then reviewed the criteria for findings and stated his thought that the request meets all nine criteria.

Mr. Niemeyer asked about hazardous materials and other chemicals. Chief Smith responded that there are strict guidelines regarding chemical use and hazardous materials are not allowed for training purposes.

Mr. Bischoff made a motion to approve SE 19-02 with the following condition:

- The gravel area is limited to the area outlined with the map submitted with this appeal.

Mr. Niemeyer seconded and the motion passed 3-0.

#### **VAR 19-11 O'Reilly Auto Parts – Landscaping Development Standard variance**

Jodi Dickey briefly presented the request for staff. Jodi described the project and noted the site is within Tier 1 of the US Highway 36 Overlay District and is zoned C-2. She noted the site was platted prior to adoption of the Overlay, which increases landscape buffer yard width required. Because of this and the limited lot size, staff's recommendation is for approval of the request.

Mr. Robert Dietz, representing the appellant, spoke briefly regarding the proposal. He discussed traffic, the access to the site, and site design. He noted if this request was not granted, there would be another request for a reduction in required parking.

The public hearing for VAR 19-11 was opened at 7:59 PM.

Mr. David Cox spoke about traffic safety in the area. Currently, there is a T intersection with a stop sign that drivers typically ignore. This could pose problems for folks leaving the parking lot of either O'Reilly or the office building directly north.

There being no other comments, the public hearing for VAR 19-11 closed at 8:06.

Board members discussed the criteria for the request while making their determinations.

Mr. Bischoff made a motion to approve VAR 19-11, with the following condition:

- The reduction in buffer yard width is limited to the area adjacent to Cobblesprings Drive.

Mr. Eglen seconded and the motion passed 3-0.

#### **VIII. Other Business – Findings of Fact**

Signatures

#### **IX. Adjournment – 8:11 PM.**

**NEXT BOARD OF ZONING APPEALS MEETING**  
**Thursday August 15, 2019**

---

**Corey Herbert– Chair**

---

**Jodi Dickey - Secretary**

**SE 19-03 RBI Factory – 8109 Kingston Street**  
Planning & Building Department Staff Report  
August 15, 2019  
Board of Zoning Appeals, Public Hearing  
Jodi Dickey

- A. Petition Number: SE 19-03 RBI Factory
- B. Applicant: GTW, Inc.
- C. Location: The subject property is located on the south side of Kingston Street, west of Dan Jones Road and north of the CSX railyard. The address is 8109 Kingston Street.
- D. Parcel Size: The entire parcel is approximately 2.51 acres
- E. Land Use and Zoning: The subject property is zoned I-2 (general industrial) and currently contains a multi-tenant building.
- Properties surrounding the site to the north, east, and west are also zoned I-2 and contain existing businesses. Immediately to the west is a vacant property. Directly south is the CSX railyard which is zoned I-4.
- Across Dan Jones Road and as you move closer to US Highway 36, property is zoned C-2 and contains commercial uses.
- F. Action Requested: Grant a Special Exception to allow development of a commercial indoor business. These commercial uses require a Special Exception grant.
- Special Exceptions are those uses that, due to unique characteristics and/or potential adverse impacts to the immediate area or town as a whole, require a greater amount of scrutiny. That is the reason for this request.
- G. History: This is the first request before the BZA for this property.
- H. Staff Comments: The appellant has requested a special exception to allow an indoor commercial enterprise. The appellant proposes to utilize Suites 100 and 200 of an existing building. This 8,000 square feet space will be configured for 6,400 square feet of batting practice area and 1,600 square feet of office, reception, and retail sales space (as an accessory component).  
The parcel has access from Kingston Street, and an

existing parking lot for the building, which would be shared with other tenants of the building.

The business is intended to be open to the general public as well as offer space for team practice and training. Hours of operation are expected to be during the evening on week days and during the day on weekends.

I. Statutory Findings for a Special Exception:

The Board of Zoning Appeals shall approve, conditionally approve or deny Special Exceptions. A Special Exception may be approved under IC 36-7-4-918.2 only upon a determination in writing that:

***Note: the first 6 criteria must be met; the last 3 are additional items the Board may consider***

**Criterion 1: The requested Special Exception is, in fact, listed as a Special Exception for the specific zoning district involved**

Commercial indoor recreation is listed as a special exception in the I-2 zoning district. Staff believes this criterion has been met.

**Criterion 2: Will the operation of the use be detrimental to or endanger the public's health, safety, or general welfare:**

The proposed use will not be detrimental to the public's health, safety or general welfare. The proposed use – batting cages and practice – will all occur indoors eliminating the potential for stray balls to damage automobiles or passersby as sometimes happens at outdoor ball fields. Nothing else associated with this type of use (fumes, hazardous or waste materials, etc.) will be generated by this use.

Staff believes this criterion has been met.

**Criterion 3: Will the continued operation be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the specific zoning district?**

Property values should not be substantially diminished by this project. The proposed use will occur within an existing building in an existing industrial park.

Staff believes this criterion has been met.

**Criterion 4: Will the use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, and schools?**

The proposed use is currently adequately served with

essential public services. There is existing access which will continue to serve the site. Police and fire services will continue unchanged. There will be no school impact. Other services are private.

Staff believes this criterion has been met.

**Criterion 5: Will the use create excessive additional requirements at public expense for public facilities and services, or be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance?**

The proposed use of the site will not require excessive additional services nor will it negatively impact any natural, scenic, economic, or historic feature.

Staff believes this criterion has been met.

**Criterion 6: Have there been previous appeals to the BZA for this property within the last year?**

There have been no previous appeals to the BZA within the last year for this site.

Staff believes this criterion has been met.

***In addition to the above criteria, the Board may consider the following:***

**Criterion 7: Does the proposed Special Exception meet the requirements and standards of this ordinance and its relationship and compatibility to adjacent properties and neighborhoods?**

The site and existing building were developed according to standards contained in the zoning ordinance. No external changes are anticipated so the site will remain in compliance.

Staff believes this criterion is met.

**Criterion 8: Does the proposed Special Exception make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and further the amenities of light and air, recreation and visual enjoyment?**

The proposed Special Exception makes all necessary and adequate provision for public services and control over vehicular traffic. Parking should be adequate for normal use.

Staff believes this criterion has been met.

**Criterion 9: Is the proposed Special Exception in accordance with the general objectives of the Comprehensive Plan?**

The Future Land Use map indicates this area will develop as the underlying zoning dictates. The site is zoned appropriately for Industrial uses and staff considers this proposed Special Exception is in accordance with the general objectives of the Comprehensive Plan. Staff considers this criterion to be met.

**CONDITIONS**

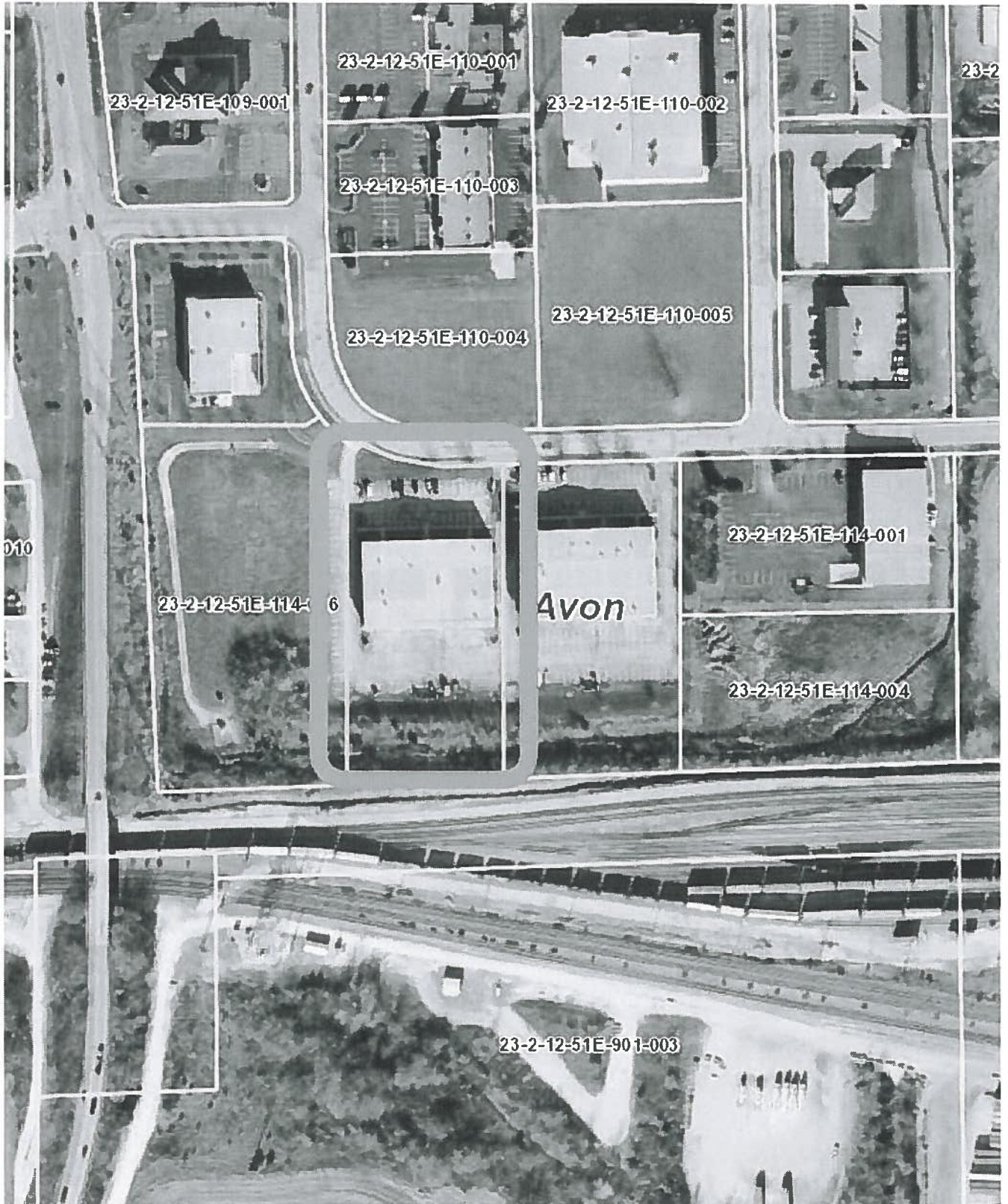
Per IC 36-7-4-918.5, the Board may impose reasonable conditions as a part of the Board's approval.

J. Recommendation:

Staff recommends approval of SE 19-03.



# SE19-03 RBI Factory Location Map



## Sample BZA Motion

---

AVON BOARD OF ZONING APPEALS

Approval of a Special Exception

**Case Number: SE 19-03, RBI Factory**

---

I move that we **approve** SE 19-03, a Special Exception to allow indoor commercial recreation in an I-2 zoning district as **having** satisfied the requirements for Special Exceptions.

### Proposed Hours:

- Monday – Friday 4pm – 9pm
- Saturday 10am – 8pm
- Sunday 12pm – 7pm

### Why Batting Cages?

We are proposing a batting cage facility to meet the growing needs of the surrounding youth sports community. Our market research has shown that the current locations are limited by:

- Access for general public
- Ability to accommodate high school athletes
- Limited availability for members and/or team practices
- Declining number of locations
- Outdated equipment

# LETTER OF INTENT

Project Name: RBI Factory Batting Cage Facility

Project Location: 8109 Kingston Street, Suite 100 & 200, Avon, IN 46123

## Project Description:

The facility located at the above address is approximately 8,000 square feet (1600sq feet office, 6400sq feet open space). The intent for the 6,400 square feet is to install six batting cages (35ft x 12ft x 12ft). These cages will be installed so that the netting can be moved to allow for fielding, drills or conditioning. In addition to these cages, there will be one 70ft x 15ft x 12ft cage that can be used for both batting and as dual pitching lanes. Additional equipment offered for mechanical pitching, soft toss, tee-work and pitching mounds.

The cages are designed for use for both baseball and softball players to develop skills at any level or age group. The facility will be open to the general public and also offer team practice times and personal instruction for hitting, pitching and fielding.

The flooring in the entire cage area will be AstroTurf. This space will also have access to a restroom, vending area and observation seating.

The lobby area will serve the following purposes:

1. Welcome, Reception and Check-In Desk
2. Office space for the management team
3. Pro-Shop
  - Pro-Shop will carry a variety of baseball and softball equipment for demonstration as well as for purchase. Brands available for sale will include (but not limited to) – Axe Bats, DeMarini, Marucci, Louisville Slugger, Wilson and Easton

**FINDINGS OF FACT  
SPECIAL EXCEPTION  
BOARD OF ZONING APPEALS  
AVON, INDIANA**



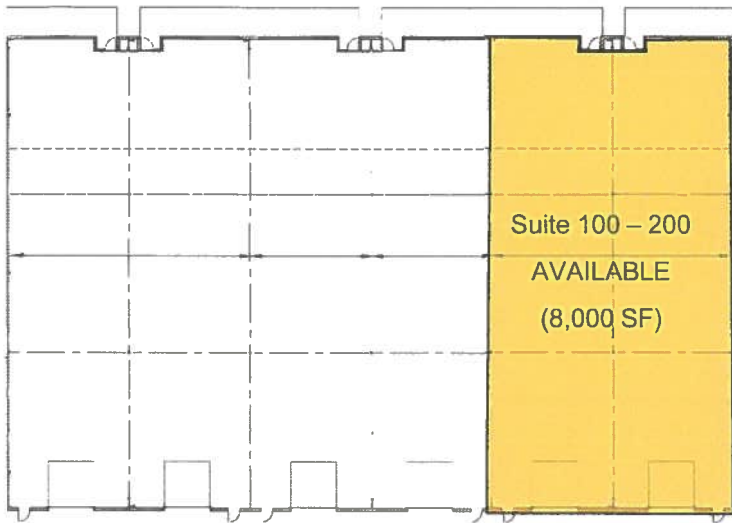
Project Name: RBI Factory (Batting Cage Facility)  
Requested Variance: \_\_\_\_\_

The petitioner seeking a variance from the development standards before the Avon Board of Zoning Appeals must answer the following nine (9) questions and provide any documentation that may support the findings. (These may serve as the basis for the written Findings of Fact for this petition)

1. Is the requested use listed as a special exception for the specific zoning district involved as specified?  
Yes this facility is considered a special exception to it's current zoning (I-2)
2. Will the proposed use be detrimental to or endanger the public's health, safety, or general welfare?  
No. This is an indoor facility with all activities contained within the facility. An adult will be required with all participants under 18.
3. Will the proposed use be injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the specific zoning district?  
No. This facility will operate opposite hours than most of the business in the complex for Laser Tag, we will draw some of the same demographics thus enhancing visibility to their business.
4. Will the proposed use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools?  
Yes. All public needs will be met. We have received quotes for add'l parking spaces to be added to the rear of the facility.
5. Will the proposed use create excessive additional requirements at public expense for public facilities and services, or be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance?  
No. There are no additional requirements needed for this facility. All construction will be within the facility.
6. Have there been previous appeals to the BZA for this property within the last year? No If yes, please specify case number and date. If yes, state how the proposed use is substantially different from the prior requested use.  
No previous appeals have been made.
7. Does the proposed special exception meet the requirements and standards of this ordinance and its relationship and compatibility to adjacent properties and neighborhoods?  
Yes. All surrounding area is commercial business and operates with evening and weekend hours.
8. Does the proposed special exception make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and furthers the amenities of light and air, recreation and visual enjoyment?  
Yes. Outdoor improvements with signage and window graphics will be added. Add'l parking, lighting and security cameras will be added to rear of building.
9. Is the proposed special exception in accordance with the general objectives of the comprehensive plan?  
Yes. This facility is similar in operation to current businesses in the complex as well as previous businesses in this same location.

**Person Completing This Form:**

Printed Name: Thomas K. Weber Signature:   
Title: Owner Telephone Number: 651-331-1918



## SUITE 100 - 200

- > 8,000 SF available
- > ± 1,600 SF office space
- > (2) 12' x 14' grade level drive-in doors
- > Air-conditioned warehouse
- > New LED lighting in warehouse

## ADJACENT LOT AVAILABLE

- > Adjacent 3.49 acre lot available for sale

## Contact

JASON SPECKMAN, SIOR

317 713 2115

[jason.speckman@colliers.com](mailto:jason.speckman@colliers.com)



# 82' Long Building

