



Meeting Minutes

Whitestown BZA

Date: December 3, 2020

Time: 6:30pm

Location: Zoom meeting - Whitestown Municipal Complex, 6210 Veterans Drive Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:33pm

Pledge of Allegiance

Roll Call

- Mark Pascarella
- Phillip Snoeberger
- Andrew McGee

- Staff:
 - o Brittany Garriott, Town Planner
 - o Jonathan Hughes, WPC/WBZA Attorney

Approve Agenda

Motion to approve agenda Snoeberger. Second by Pascarella. Motion passes 3-0.

Motion to approve June 4, 2020 meeting minutes by Second by Motion passes 3-0.

Public Comment for Items Not on the Agenda- none

Presentations- none

Unfinished Business- none

New Business – Public Hearing

1) BZA20-003-UV Performance Power Sports of Indiana

- a) **Rob Frank:** Representing PPSI, went over business plan for the new location of the business as well as background of the company.
- b) **Brittany Garriott:** Staff report, recommends UV for this use within LB zoning. There are similar uses in the district and will cause no harm in the area. It can already be used for sales. The UDO does not specifically state this use without variance. The comprehensive plan is consistent with this use.
- c) **Phillip Snoeberger:** How will parking be handled?
- d) **Rob Frank:** There will not be many employees and feels that the parking that is there is adequate.

- e) **Phillip Snoeberger:** Will this be setting a precedence for other businesses in the future to come back and ask for same exceptions?
- f) **Brittany Garriott:** This is not setting precedence. This has come up before. Autos and boats need much more room, does not think this will be an issue.
- g) **Phillip Snoeberger:** Will there be a written agreement between the town and PPSI if issues arise from sharing this lot?
- h) **Brittany Garriott:** At this time, we do not have an agreement. It will stand as it is now as an understanding between town and property owner.
- i) **Mark Pascarella:** Is the current business moving?
- j) **Rob Frank:** It is empty.
- k) **Mark Pascarella:** Where are the golf carts going to be?
- l) **Rob Frank:** Products will mostly be inside the building; in better weather we plan to use the small strip of grass next to building.
- m) **Mark Pascarella:** Some outdoor sales but not filling parking lot?
- n) **Rob Frank:** 2-3 out at a time.
- o) **Andrew McGee:** At the close of business, they will come inside?
- p) **Rob Frank:** Yes.
- q) **Jonathan Hughes:** Need motion to support the staff report.

Motion by to support the staff report for approval by Snoeberger. Second by Pascarella. Motion passes 3-0.

2) BZA20-004-UV SCP/Emmis Multi-Family Use Variance

- a) **Brian Tuohy** - 50 S Meridian with Will Zink, Bryan Sheward and Liam Sawyer. Site located at 5875 Perry Worth Road consisting of 10.06 acres on the East side of Perry Worth Road and I65 on the Emmis Radio site. Reviewed current zoning of UB as well as surrounding properties. 222 multi-family home unit community is what they are seeking UV for. An extension of Hemlock Drive will be the frontage road for the development. It will consist of 3 buildings with and amenities center. Was zoned I1 and was rezoned UB. After new UDO was adopted in September of 2020, multi-family was no longer permitted thus seeking the UV.
- b) **Brittany Garriott** – Staff Report – Staff recommends UV based on finding of facts. Proposed use was previously under the old UDO. It will not change the character of surrounding area. Multi-family use is appropriate for the shape and size of the lot. It does not interfere with the comprehensive plan.
- c) Public requests to speak – no
- d) **Mark Pascarella** – Will we still have standards for development per Brittany. It was allowable when the land was purchased, makes sense to allow for Variance.
- e) **Phillip Snoeberger** – Again, what would stop this from setting a precedence? Concerned that old UDO should not be a part of the process since the new UDO is in effect.
- f) **Brittany Garriott** – The previous UDO went into effect in 2015. UB listed very specific businesses. We changed the new UDO to have more classifications vs very specific things being listed. This will not set a precedence as each petition is on a case-by-case basis. This is the only UB in Whitestown.

- g) **Jonathan Hughes** – The standard for a variance is a heightened standard. It can be a difficult thing to show. There will probably not be another case like this in Whitestown. Legally I do not believe it will set a precedence.
- h) **Mark Pascarella** – Thank you for the explanation.
- i) **Phillip Snoeberger** – We will still require Concept and Development Plan before WPC. What is the timeline?
- j) **Brittany Garriott** – Have already applied for CP based on this SE.
- k) **Brian Tuohy** – Start construction summer 2021, 18-month buildout.
- l) **Phillip Snoeberger** – 20 units per acre according to the old UDO. This proposal is 222 units, resulting in 21 units per acre.
- m) **Brian Tuohy** – We are still inside the density allowed by the new UDO. We will have to go through CP review. Will the town still have control? Yes, for sure as we will have to get permits and check points along the way.
- n) **Phillip Snoeberger** – Looking at something that was previously permitted and now trying to make it fit into new UDO.
- o) **Brian Tuohy** – we are in the in between. It is a classic case of a UV meets the criteria.
- p) **Andrew McGee** – My math says that under the old UDO it would be 210 units. Is that something we could add?
- q) **Bryan Sheward** – One thing to consider, this is not just a development of project but also improvements of public infrastructure. We have a significant investment in the town as well.
- r) **Jonathan Hughes** – A reasonable condition can be asked.
- s) **Brian Tuohy** – Under old UDO it was 212 units and new its 223. Can we suggest 215 as a condition?
- t) **Phillip Snoeberger** – I understand both sides.
- u) **Bryan Sheward** – We have above the code minimum for the parking. Number of trips from those few units will not make a big impact on roads.
- v) **Andrew McGee** – Will the existing tree line be touched?
- w) **Brian Tuohy** – It will stay, we think it is a great amenity.
- x) **Andrew McGee** – Since the UB does not address multi-family now. Are we going to hold development standards to the new UDO?
- y) **Brittany Garriott** – Yes
- z) **Jonathan Hughes** – you can add as part of your condition.

Motion to accept staff report finding with additional items: Unit number not to exceed 217 units and all other development standards be held to new UDO. Second by Pascarella. Motion passes 3-0.

Other Business

3) Approval of the 2021 BZA Calendar

Brittany Garriott – Anticipate a zoom meeting for January.

Motion to approve by Pascarella. Second by McGee. Motion passes 3-0.

Announcements

Adjournment

7:38 pm

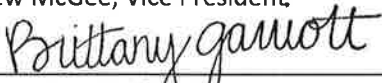
Unanimous vote to adjourn

DocuSigned by:



11F0CF1255034E0

Andrew McGee, Vice President.



Brittany Garriott, Secretary