



# Meeting Minutes

Whitestown BZA

**Date:** March 3, 2022

**Time:** 6:30pm

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

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## Call to Order:

6:37pm

## Pledge of Allegiance

## Roll Call

- Mark Pascarella
- Phillip Snoeberger
- Craig Arthur
- Andrew McGee
  
- Staff:
  - Jill Conniff, Planning Staff
  - Jonathan Hughes, WPC/WBZA Attorney

## Approve Agenda

*Motion to approve agenda by Arthur. Second by Pascarella. Motion passes 4-0.*

*Motion to approve 02-03-22 and 02-10-22 meeting minutes by Arthur. Second by Snoeberger. Motion passes 4-0.*

## Public Comment for Items Not on the Agenda- none

## Presentations- none

## Unfinished Business- none

## New Business – Public Hearing

### a. BZA22-005-VA Leo Brown Group Parking Variance

- i. **Bryan Sheward** –Kimley-Horn 250 E 96<sup>th</sup> Street, Indianapolis - Presenting for Leo Brown Group for project in Bridle Oaks. Will be going to the Plan Commission this month for the project. It is a single family for rent subdivision. They currently exceed allowable parking and have made adjustments to the plans based off Whitestown Fire Department concerns.
- ii. **Jill Conniff – Staff Report** – Staff recommends the Variance be approved with the following finding of facts: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because parking is already located on site. The new

- proposed parking offers proper circulation for safety of pedestrians and vehicle drivers. 2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because: The use or value of the surrounding area will not be negatively affected if the variance is approved because the area is generally industrial in nature and the proposed parking is located to the rear of the site out of view from the right-of-way. 3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because: The ordinance's maximum parking standard would limit the business' ability to staff the business for practical operations. The business has been operating on site since the original building was constructed and has an understanding of what its employee parking requirements are that are more fine-tuned than the UDO parking table.
- iii. **Craig Arthur** – In regard to the site plan, has there been any consideration to open more green space and for emergency vehicles. This would eliminate the need for this variance.
  - iv. **Bryan Sheward** – This design has been done multiple times around the country. Density with a certain number of units is needed for this development to work. We are not looking to remove units but think we can make changes to make it work.
  - v. **Bill Morton – Leo Brown Group** – The site plan does not depict green space. They will comply to what is required. 9-10 units per acre is less than a typical MF zoning as a several story apartment building. This is all one story.
  - vi. **Craig Arthur** – Bridle Oaks PUD, was it set that it was specifically for single family residential? Is there a minimum lot length of 6,000 feet?
  - vii. **Jill Conniff** – PUD shows as MF as underlying zoning district, and they meet the minimum lot size which is one acre.
  - viii. **Andrew McGee** – Previous MF have we had any requirements like this to go beyond the max?
  - ix. **Jill Conniff** – Yes, across the street had a variance to lower parking.
  - x. **Mark Pascarella** – A fire truck will hit garages but not parked cars?
  - xi. **Bryan Sheward** – Yes, the bucket may hit garage but be above the parked cars.
  - xii. **Andrew McGee** – Previous UDO parking requirement maximum?
  - xiii. **Jon Hughes** – Maximum lot coverage is 70% and this variance will not change that.
  - xiv. **Bryan Sheward** – Understood.
  - xv. **Phillip Snoeberger** – Impervious surface per lot?
  - xvi. **Bryan Sheward** – 65-70% If you take away garages we are not exceeding over the top.
  - xvii. **Andrew McGee** – More justification needed.
  - xviii. **Bryan Sheward** – More visitors etc., not a downside to having more spaces. Not a downside to having more.
  - xix. **Jill Conniff** – Old UDO had no max, min of 2 spaces per unit.
  - xx. **Philip Snoeberger** – Garage spaces are a selling point?
  - xxi. **Mark Pascarella** – How are you getting more spaces?
  - xxii. **Bryan Sheward** - The plan as presented has 463 total spaces we are requesting.
  - xxiii. **Mark Pascarella** – Is there assigned parking?
  - xxiv. **Leo Brown Group** – Only garages assigned, all other first come first serve.
  - xxv. **Phillip Snoeberger** - Why is this coming to us before going to WPC?
  - xxvi. **Craig Arthur** – The plans can change based on the WPC.
  - xxvii. **Jill Conniff** – Yes, this is why this is coming before the Concept and Development stage.

- xxviii. **Jon Hughes** – If the concern is what WPC will do, you can say we approve the variance subject to the WPC review.
- xxix. **Phillip Snoeberger** – We give a favorable, unfavorable or no recommendation?
- xxx. **Jon Hughes** – Thumbs up or thumbs down with conditions.
- xxxi. **Bryan Sheward** – We went through TAC and everything else is in compliance.
- xxxii. **Phillip Snoeberger** – standards of a parking space?
- xxxiii. **Bryan Sheward** – 9x18 is standard.
- xxxiv. **Andrew McGee** – Garages don't count as spaces?
- xxxv. **Bryan Sheward** – 2 per unit for the UDO.
- xxxvi. **Mark Pascarella** – Why min to max?
- xxxvii. **Jill Conniff** – More of a common practice around the country.

*Motion to not approve by Arthur. Second by McGee.*

**Bryan Sheward** - Requested a continuance.

**Jon Hughes** – We must do a finding of facts.

**Craig Arthur** – Do not agree with finding of fact number three.

**Jon Hughes** – The motion on the floor is to determine that the variance does not meet all three standards. Because the garages are going to be used as storage and that the number of tenants proposed is a problem.

*Motion fails 2-2.*

*Motion to table until next meeting pending WPC by Snoeberger. Second by Pascarella. Motion passes 3-1.*

**b. BZA22-006-VA LPC Whitestown Industrial Landscape Variance**

- i. **Tim Ochs** – Attorney with Ice Miller for LPC. Handed out site plan and went over recent annexation into the Town. Requesting a landscape variance due to gas pipeline on the West boundary. The gas company stated that nothing can be planted in that easement. Three provisions, two involve the side yard and one in the front. Went over requirements of the front of the property and pipeline. Plan to install at 6-foot privacy fence on the West side.
- ii. **Jill Conniff** – Staff is providing a favorable recommendation for the LPC Industrial Landscaping Variance docket BZA22-006-VA. Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. and is consistent with Indiana Code IC 36-7-4-918.5 and approval be granted upon: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because there is existing landscaping between the residential use to the west and the site in question, and some frontage landscaping is being provided. The applicant is proposing to relocate some of the required landscaping in other locations. 2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because: The use or value of the surrounding area will not be negatively affected if the variance is approved because the area is generally industrial in nature and the proposed landscaping meets the general requirements of the PUD. The proposed landscaping is consistent with adjacent properties. Although the site directly to the west is currently used as a residential use, given the access to the interstate and ongoing development, the site may be redeveloped to a nonresidential use in the

future. 3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because: The ordinance's landscaping requirements are strictly limited by the location of the site. The existing and proposed utility easements on site make meeting the landscaping requirements practically difficult. The site has been maximized with allowable plantings and cannot support any more otherwise plant life will suffer. If the Board of Zoning Appeals makes a motion to approve the Variance request, staff recommends adding the condition that if a fence is permitted by the gas utility company, the applicant will provide a fence along the west side of the property.

- iii. **Craig Arthur** – Thank you for getting as many trees as you can and for hiring an arborist.
- iv. **Phillip Snoeberger** – They did grant access for the fence?
- v. **Tim Ochs** – They have verbally said yes, and we will get in writing. If they give permission, we will install.
- vi. **Phillip Snoeberger** – And that goes on the West side?
- vii. **Tom Ochs** – Correct.

*Motion to approve with staff findings and adopted chart as presented with fence condition by Arthur. Second by Snoeberger. Motion passes 4-0.*

**c. BZA22-007-VA Mann Brothers Landscape Variance**

- i. **Jeff Jacob** – Hackman and Hulett for Mann Brothers. Went over location and challenges to meet the landscaping requirements at 450 E and Albert S White. They do not want to overpopulate landscaping and have it not survive.
- ii. **Jill Conniff – Staff Report** - Staff is providing a favorable recommendation for the Mann Brothers Landscaping Variance docket BZA22-007-VA. Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. and is consistent with Indiana Code IC 36-7-4-918.5 and approval be granted upon: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because the required landscaping is primarily being relocated in other areas on site and is only short a few tree plantings but is being compensated by an increase number of shrubs. It would be more injurious to the public to plant within utility easements if work needed to be done in those areas. 2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because: The use or value of the surrounding area will not be negatively affected if the variance is approved because the area is generally industrial in nature and there are a few plantings located in the median on Albert S White Drive to compensate for the street frontage. 3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because: The ordinance's landscaping requirements are strictly limited by the size and location of the site. The site in question is a combination of two remnant parcels and is considered infill development. The existing and proposed utility easements on site make meeting the landscaping requirements practically difficult.
- iii. **Craig Arthur** – Great job working with what you have.
- iv. **Phillip Snoeberger** – The trees shown on the Westside are staying?
- v. **Jeff Jacob** – Yes, they will remain.

*Motion to approve with staff findings and site plans included by Snoeberger. Second by Pascarella. Motion passes 4-0.*

## **Announcements**

**Jon Hughes** – Please note public notice report, thank you to staff for providing.

**Todd Barker** – Working on a template for motions. Spoke about changes to the structure of the Planning Department. Now hiring another Planning Administrator.

## **Adjournment**

7:40 pm

*Unanimous vote to adjourn*

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Andrew McGee, President

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Jill Conniff, Planning Staff