



Staff Report BZA23-004-SE

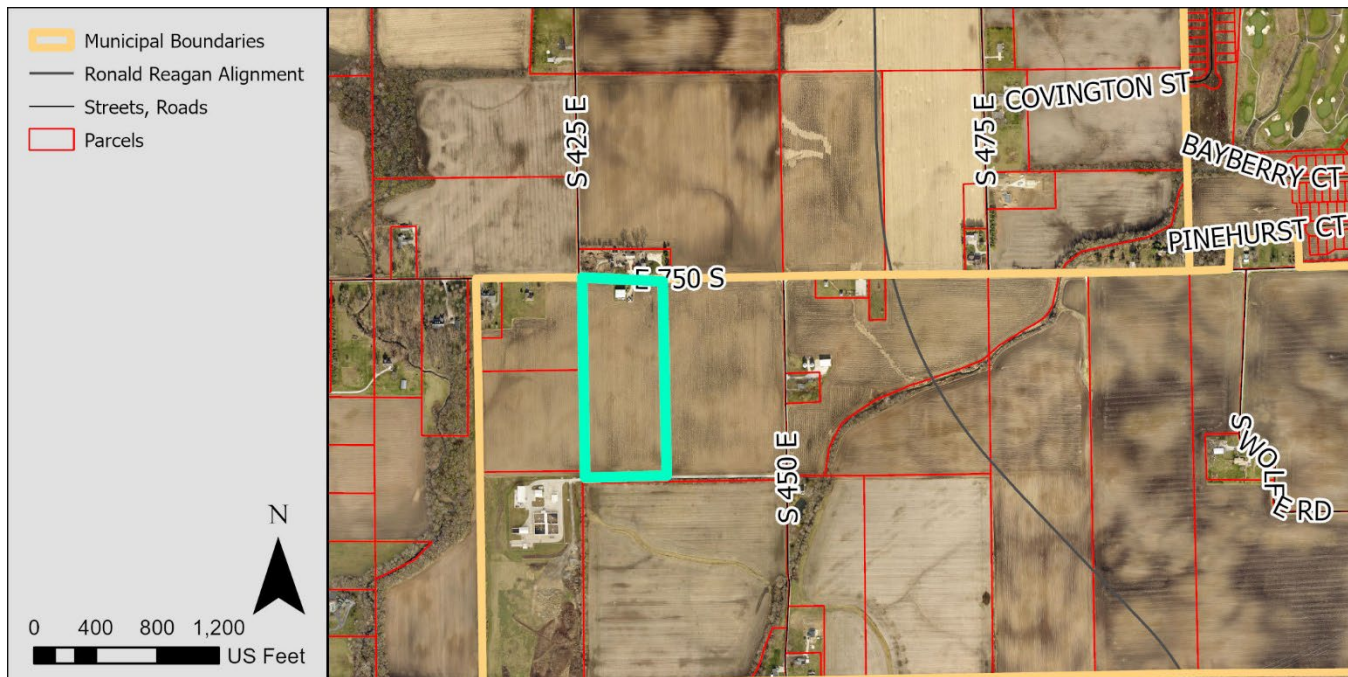
Crider & Crider HQ – Special Exception

Meeting Date: October 5, 2023

Docket BZA23-004-SE Crider & Crider Headquarters Special Exception. The applicant is requesting a Special Exception for the purpose of allowing a Contractors, Special Trade- Heavy/Contractor Yard use within the Light Industry (I-1) district. The applicant is proposing to build a new corporate headquarters and operations facility. The property is located at 4301 E County Road 750 S Lebanon, IN near the intersection of County Road E 750 South and County Road S 425 East. The applicant is Phil A. Sundling on behalf of Crider & Crider, and the owner is Edwina L. Smith.

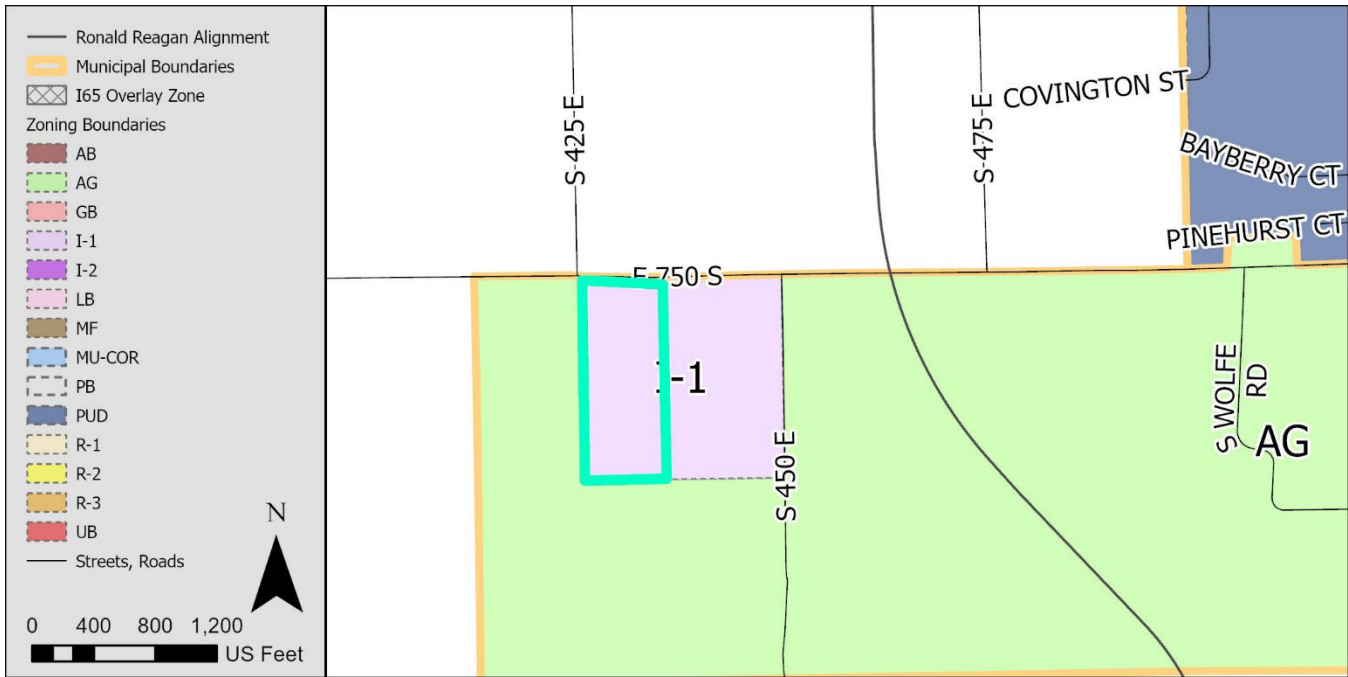
Site Location

The Crider & Crider Headquarters project proposed is approximately 14.5 acres on the south side of County Road 750 South. The property to the north currently has Accent Landscapes. To the east of the site is Howard School and to the southwest is the Whitestown Wastewater Treatment Plant. The site is currently vacant except for a structure on the north side.



Zoning

The site in question is zoned I-1 Light Industry. “This district is established to accommodate light industrial uses in which all operations, including storage of materials, would be confined within a building, and would include warehouse operations. Development in this district requires connection to public water and public sewers.” Permitted uses in this district include government buildings, offices, wholesale trade or storage, and other uses. The Contractors, Special Trade – Heavy/Contractor Yard is listed as a Special Exception with limitations in the I-1 zoning district.



History

PC23-010-ZA 750 SOUTH REZONE ZONING MAP AMENDMENT

To rezone approximately 40 acres in the Town of Whitestown from the General Agriculture (AG) zoning classification to the Light Industry (I-1) zoning classification. Plan Commission provided an unfavorable recommendation in May 2023.

ORDINANCE NO. 2023-17

The Town Council approved the rezone (PC23-010-ZA) with commitments in August 2023.

BZA23-005-VA CRIDER & CRIDER

A variance from the development standards was requested. This petition is running concurrently.

Unified Development Ordinances

Section 11.13 Special Exceptions

A. Permitted. The WBZA may approve a use listed as a Special Exception in Chapter 2: Zoning Districts, and their accessory buildings and uses, according to the procedures in this article, and other regulations of the zoning district where the subject property is located.

Section 2.5 Industrial Development Standards and Uses

G. Use Table.

Industrial Services					
Contractors, Special Trade – General	17	L	L	NP	NP
Contractors, Special Trade – Heavy/Contractor Yard	18	L-SE	L	L-SE	NP
Food Preparation and Sales, Commercial		P	P	NP	NP
Laboratory, Research, and Development Services	19	L	L	L	NP

Limitation 18. In all Zoning Districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

Proposed Development

The proposed project includes an approximate 10,000-square-foot office and 10,000-square-foot maintenance facility structure as well as a contractor laydown and storage yard. Typical hours of operation are 7 am to 7 pm. There will be around 30-50+ employees including engineers, project managers, and estimators. The proposal includes 8-foot berms around the site. The proposal also includes an 8-foot-tall fence around the operations facility and the outdoor storage and laydown yard. This property is subject to the commitments made with the 750 S Industrial Rezone including enhanced architectural standards, use limitations, building footprint limitations, and only permitting non-dust generating materials (as defined by INDOT) for outdoor storage.

Staff Recommendation

Staff is providing a favorable recommendation for the Special Exception allowing a Contractors, Special Trade-Heavy/Contractor Yard to be known as Crider & Crider within the Light Industry Zoning District under docket BZA23-004-SE.

Staff's recommendation to the Whitestown Board of Zoning Appeals finds the Special Exception complies with the following requirements in accordance with UDO Section 11.13.D. and is consistent with Indiana Code IC 36-7-4-918.2.

1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger public health, safety, morals, or general welfare.
The establishment, maintenance, or operation of the special exception will not be detrimental as the operations of the contractor's yard will be behind an 8-foot fence and 8-foot berm. It will have little visibility from Co. Rd. E 750 S due to landscaping, berms, and placement of the Headquarters building and Operations facility.
2. The special exception will be designed, constructed, operated, and maintained to: (i) not injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
The site will have no access to County Road. E 750 S because the main access will be on an internal road that connects County Road 750 South in accordance with the rezone commitments. This arrangement ensures that there will be no adverse impact on the surrounding property, which includes Accent Landscaping to the north and the Wastewater Treatment Facility to the south. The primary aim of the rezone is to accommodate more light industrial uses. Furthermore, the proposed building headquarters will adhere to heightened architectural standards, ensuring a harmonious and suitable appearance. Considering the site's proximity to the Wastewater Treatment Facility, Staff finds the proposed use to be appropriate.
3. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
Granting the Special Exception will not impede the normal and orderly development of the neighboring properties, Instead, it will serve as a catalyst for the improvement of the surrounding Industrial Zoning District. The site is located approximately 1,000 feet away from Howard School. With the landscaping and fencing, the Crider & Crider Headquarters will be the primary visible feature for residents traveling along County Road 750 S. Additionally, County Road 450 E is approximately 800 ft from the site, limiting visibility for residents, making the proposed use has minimal impact on their daily experience.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided. The special exception will not result in excessive additional requirements at public expense for these public facilities and services.
Granting the Special Exception will not impose an undue financial burden on the public facilities. The developer

will be required to extend sewer and water services to the site as stipulated in the UDO.

5. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion. Vehicular approaches are designed to minimize interference with traffic on surrounding rights-of-way.
The property has limited access to County Road E 750 S and County Road 450 E. The access to the property will be off an internal road. Heavy equipment movement is not expected at high volumes.
6. The special exception will be harmonious with the objectives of the Comprehensive Plan.
The Comprehensive Plan designates this area as Special Development Area 8, which recommends the area for industrial use. Therefore, the Special Exception, along with its stated objectives listed for the development area, aligns harmoniously with the Comprehensive Plan.
7. The special exception will be in a zoning district where such use is permitted. All other requirements of the zoning district and this Ordinance will be met.
The Contractors, Special Trade- Heavy/Contractor Yard is a permitted use in the Light Industry (I-1) zoning district. The property will meet the requirements of the zoning district, UDO, and commitments made during the rezone (PC23-010-ZA).

If the Board of Zoning Appeals approves the requested Special Exception, staff recommends the following conditions:

1. The Special Exception shall apply solely to the land described in the attached site plan on (Exhibit A) or highlight within the Alta Survey (Exhibit B). The site shall not exceed a width of 516 feet and an approximate area of 14.5 acres. A formal legal description of the site shall be provided during the platting process.
2. Outdoor lighting shall be required for the Outdoor Storage and Laydown Yard and shall adhere to the criteria outlined in Article 6.6 of the Unified Development Ordinance.
3. An 8-foot fence, as shown on the attached site plan shall be installed. The fence shall adhere to the criteria outlined in Ordinance NO. 2023-17 commitment 3.b, which states, "A wall or fence must use materials consistent or complementary to the principal building. Chain link fencing is prohibited" and must comply with all other regulations set forth in the Unified Development Ordinance.

Materials Submitted by the Applicant

Narrative

Crider & Crider, Inc. is requesting a Special Exception through the Whitestown Board of Zoning Appeals for the construction and development of a new corporate headquarters and operations facility to be located at 4301 E CR 750 S, Lebanon, IN 46052. This is complimentary to Docket PC23-010-ZA which was approved at Town Council on August 9, 2023.

Crider & Crider is a family-owned and operated civil contractor. We were founded in 1954 and are one of the largest civil contractors in the state of Indiana. We currently operate out of Bloomington, Indiana as a union contractor with projects generally located in central and southern Indiana. We also operate a secondary office on the northwest side of Indianapolis located at 4806 W. 86th Street.

We are proposing to build our new corporate headquarters at this new location along with a new separate operations facility. Our headquarters will be a high-quality office where we will employ 30+ highly technical individuals including engineers, project managers and estimators.

We are requesting a Special Exception for the “Contractors, Special Trade – Heavy/Contractor Yard” use as well as the allowance for unenclosed storage without height limitations as well as heavy equipment storage which are critical to the operation of our business.

For more information about our company and major projects, please visit our website at www.cridrandcrider.com.

Attachment E: Standards for Evaluating a Special Exception

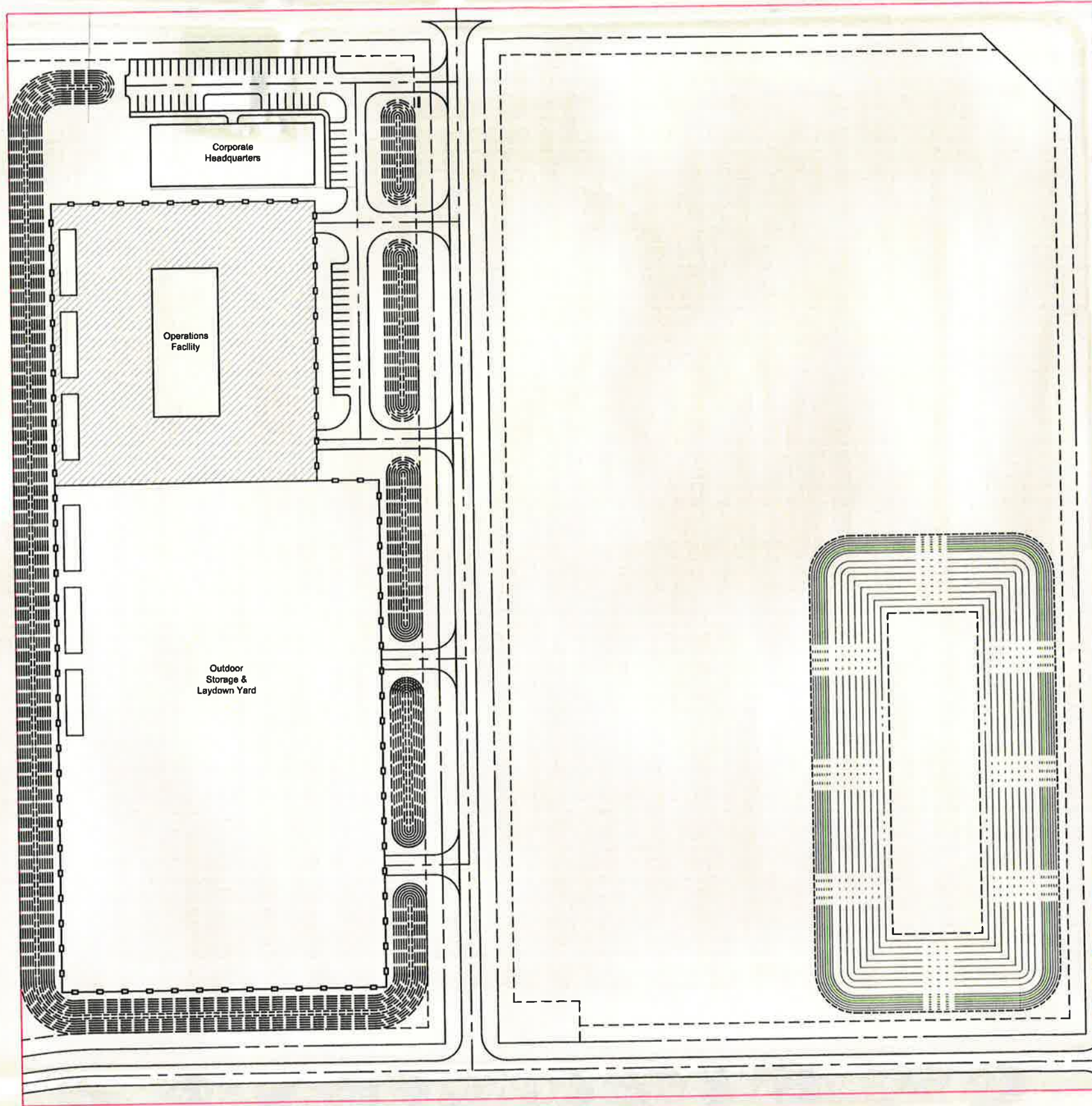
Use the following form or attach a separate sheet(s) to explain the Special Exception request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

Standards for Evaluation

1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
3. The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.
6. The special exception will be located in a district where such use is permitted, and all other requirements set forth in the Ordinance that are applicable to such use will be met.

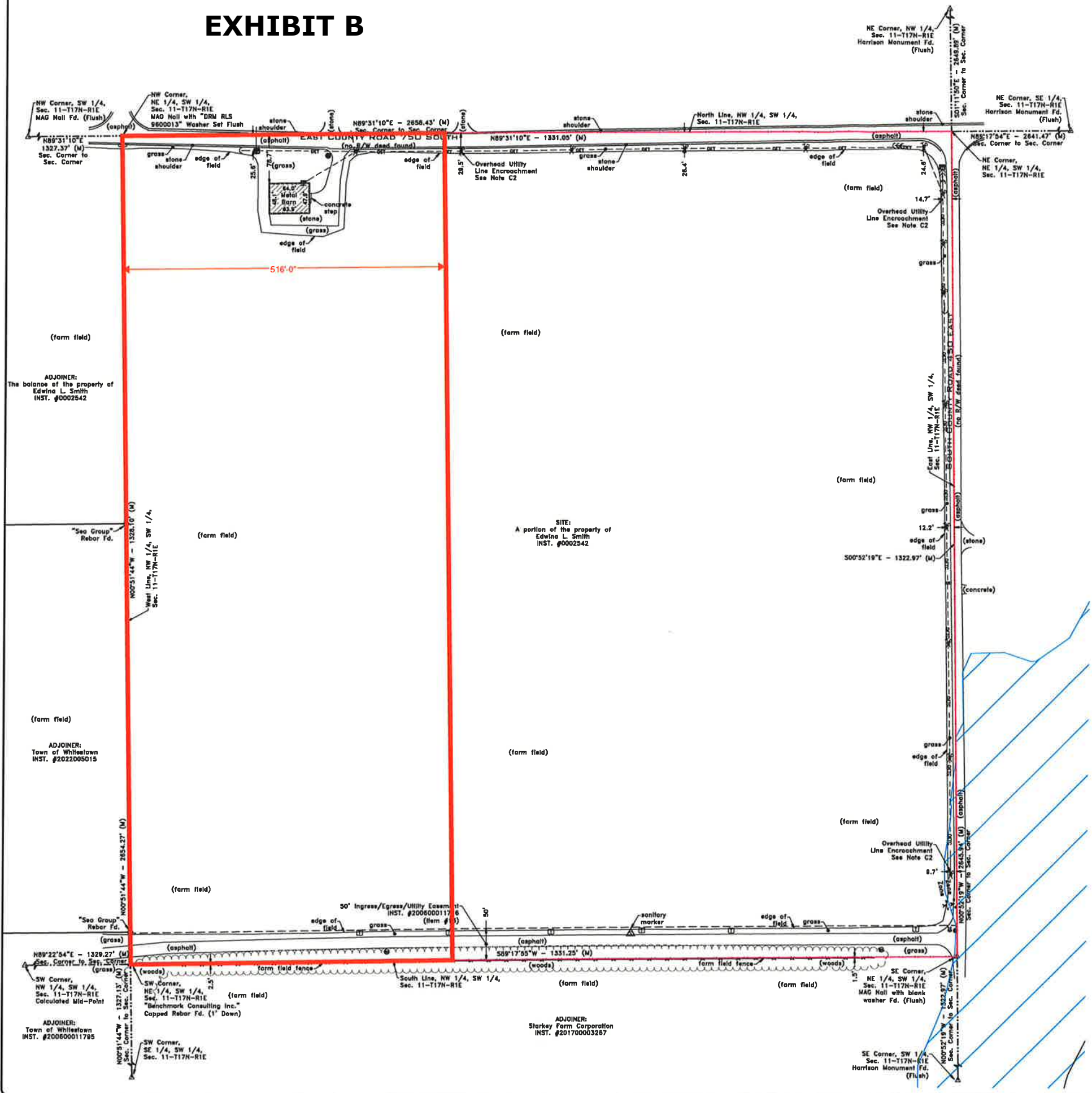


Legend

 Laydown Paved Area

ALTA/NSPS LAND TITLE SURVEY

EXHIBIT B



SURVEYOR'S REPORT

In accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 19 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- A) Variances in the reference monuments;
- B) Discrepancies in record descriptions and plats;
- C) Inconsistencies in lines of occupation and;
- D) Random errors in measurement (Theoretical Uncertainty)

A.) This is a retracement survey of a portion of the property granted to Edwina L. Smith, recorded as Instrument Number 0002542 in the Office of the Recorder of Boone County, Indiana. Also being the Northwest Quarter of the Southwest Quarter of Section 11, Township 17 North, Range 1 East of the Second Principal Meridian, Perry Township, Boone County, Indiana. The Southeast Corner of said Southwest Quarter is a Harrison Monument three inches below the surface. The Southwest Corner of said Southwest Quarter falls within White Lick Creek, there is a Boone County Surveyor's capped rebar used as a witness corner, three inches above the surface. The Northwest Corner of said Southwest Quarter is a Mag Spike with a washer stamped 'Boone County Surveyor' at the surface. All of the aforementioned corners were held by the references supplied by the Office of the Surveyor of Boone County, Indiana and accepted as prima facie evidence for purposes of this survey and were used to control the lines of the surveyed parcels. There was a Mag Nail with an unstamped washer found at the Southeast Corner of the Northwest Quarter of said Southwest Quarter and a Benchmark Consulting capped rebar of the Southwest Corner of the of the Northeast Quarter of said Southwest Quarter, there were no Boone County references for these corners. It appears these two corners were set per the Benchmark Consulting, Inc. Original Survey of the southern adjoining property, dated May 3, 2014, with a project number 1310090, by Norman H. Haiman. Both of these corners were held and accepted as prima facie evidence for purposes of this survey and were used to control the lines of the surveyed parcels. The Northeast Corner of the Southeast Quarter of said Southwest Quarter was located by sound detected on a newly paved surface, this corner was referenced on the Benchmark Consulting Survey to be a rebar, the variance in this corner appears to be 1-foot.

B.) Record descriptions of the site were obtained from the Landquest Title Services, LLC DBA Dominion Title Services and the Boone County Recorder's Office (latest research date: February 14, 2022) and mathematically retraced for the purpose of disclosing any gaps and/or overlaps between the lines of these surveyed parcels and their adjoiners. The following observations were found:

- 1.) There are no gaps, gaps, or overlaps in the surveyed property and its adjoiners.
- 2.) The land description granting the surveyed property from G.C. Smith & Son, Inc. to Edwina L. Smith, recorded as Instrument Number 0002542 in the Office of the Recorder of Boone County, Indiana, states 'The Southeast Quarter of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter and the East Half of the West Half of the Southwest Quarter, all in Section 11, Township 17 North of Range 1 East of the Second Principal Meridian, containing 120, more or less.' I believe there is an error in this land description, and it should read 'The Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter and the East Half of the West Half of the Southwest Quarter, all in Section 11, Township 17 of Range 1 East of the Second Principal Meridian, containing 120, more or less.' The recorded description only describes 42.5 acres, with the corrected description changing of to and, it now describes 120 acres. The land description of the previous deed for this property granting it from Cecil Smith and Rachel E. Smith to G.C. Smith & Son, Inc. recorded in Deed Book 222, Page 569 in said Recorder's Office states 'The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter and the east half of the west of the southwest quarter, all in section 11, township 17 of range 1 east of the Second Principal Meridian, containing 120 acres, more or less.' This previous deed confirms there appears to be a typographical error in the Edwina L. Smith deed.

- C) Significant inconsistencies in the lines of occupation were observed during this survey.
- 1.) There is a farm field fence along the southern line of the surveyed property lying between 1.5 and 2.5 feet southerly of said line.
 - 2.) There is an overhead electric and telephone line along the southern side of East County Road 750 South, encroaching by as much as 23.5 feet onto the surveyed property. There is an overhead electric, telephone, and cable line along the western side of South County Road 450 East, encroaching by as much as 14.7 feet onto the surveyed property. I have not been provided with easements or right-of-way documents to allow these encroachments, as shown and dimensioned herein.

D) The Theoretical Uncertainty (Due to Random Errors in Measurement) of the corners of the subject tract established by this survey is within the specifications for an Urban Survey (0.07 feet + 50 ppm) as defined in IAC 865.

As a result of the above observations, it is my opinion that the uncertainties in the locations of the lines and corners established on this survey are as follows:

- Due to variances in reference monuments: 1 foot;
- Due to discrepancies in the record descriptions: 0 feet;
- Due to inconsistencies in lines of occupation: 2 feet;
- Due to random errors in measurement: 0.07 feet +/- 50 ppm

Mailing Address of Site: 4301 East County Road 750 South, Lebanon, Indiana 46052

Basis of Bearing System: The bearing of the North Line of the Southwest Quarter of Section 11, Township 17 North, Range 1 East was assumed to be North 89 degrees 31 minutes 10 seconds East and the East Line of said Southwest Quarter was assumed to be North 00 degrees 52 minutes 19 seconds West based upon GPS observations taken at the time of this survey in Indiana State Plane, West Zone, NAD83.

NOTE: Regarding Table A - Item 3; According to the FEDERAL EMERGENCY MANAGEMENT AGENCY, Flood Insurance Rate Map Number 1801C0302E with an effective date of January 18, 2012, a small portion of this site lies within Zone 'A' (Special flood hazard areas without base flood elevation), the majority of this site lies within Zone 'X' (Areas of 500-year flooding, areas of 100-year flood with average depths of less than 1 foot or with drainage areas of less than 1 square mile; and areas protected by levees from 100-year flood).

NOTE: Regarding Table A - Item 8; No zoning report nor zoning letter was provided to me of the time of this survey.

NOTE: Regarding Table A - Item 9; There are no marked parking spaces on this site.

NOTE: Regarding Table A - Item 16; There was no evidence of recent north moving work, building construction, or building additions observed on this site of the time of the survey.

Date of Latest Field Activity: April 27, 2022

This plot of an ALTA/NSPS Land Title Survey was prepared by Landquest Title Services, LLC DBA Dominion Title Services and issued by Steward Title Guaranty Company as File Number 20220205, with Commitment Date of February 14, 2022 at 8:00 A.M. The following items are keyed to Schedule B - Part II (Exceptions) from said commitment for title insurance:

- Items 1) through 12) No comment.
- Item 13) See EASEMENT AGREEMENT, dated October 27, 2006 and recorded October 31, 2008 as Instrument Number 20060011789 for the creation of a 50-foot-wide Ingress/Egress/Utility easement along the southern line of the surveyed property in favor of the Town of Whitestown, as shown and dimensioned herein.
- Item 14) I have not been provided with documentation stating the right-of-way along East County Road 750 South nor along South County Road 450 East.
- Item 15) through 17) No comment.

There are no: (i) encroachments upon the subject property by improvements on adjacent property; (ii) encroachments on the subject property; (iii) no party walls; or (iv) no visible and apparent conflicts or protrusions except as shown herein.

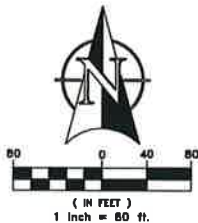
To: Kite Herre Property Group LLC; Steward Title Guaranty Company; and Landquest Title, LLC DBA Dominion Title Services;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6-9, 11(a), 13, and 18-19 of Table A thereof. The field work was completed on April 27, 2022.

Date: May 23, 2022
 Donald R. Moisson
 Indiana Registration No. 9600013



LEGEND:	
SYMBOL	DESCRIPTION
— / —	IRON / TWO POST SIGN
⊗	WATER VALVE/TIRE HYD/METER
⊕	TELE/FIBER OPTIC/GAS MARKER
⊙	GAS METER / VALVE
□	CLEAN-OUT
⊠	ELEC. METER BOX/TRANSFORMER
⊞	ELEC. / TELEPHONE PEDICULAR
⊚	GUARD POST/POST WITH LIGHT
⊛	AIR CONDITIONER / GENERATOR
⊜	MAGNAN. SET/FOUND
⊝	REBAR SET/FOUND
⊞	SQUARE / ROUND / CURB POLE
⊞	TRAFFIC/COMBO / POWER POLE
⊞	LIGHT POLE - SQUARE / ROUND
⊞	CONFERENTIAL TREE & SIZE
⊞	DECIDUOUS TREE & SIZE
⊞	DRAINAGE / SANITARY MANHOLE
⊞	COMBINATION/WISC. LID MANHOLE
⊞	BECHIVE ROUND/SQUARE INLET
⊞	OUT WIRE / GROUND LIGHT
⊞	UNDO. WATER LINE
⊞	UNDO. GAS LINE
⊞	UNDO. TELEPHONE LINE
⊞	UNDO. ELECTRIC LINE
⊞	OVERHEAD ELE. & TEL.
⊞	OVERHEAD ELE. TEL. & CAB.
⊞	OVERHEAD ELECTRIC
⊞	unfilled clay pipe
⊞	transformed concrete pipe
⊞	polyethylene coated pipe
⊞	high-density polyethylene pipe
⊞	ductile iron pipe



I affirm, under penalties for perjury, I have taken reasonable care to reflect each social security number in this document, unless required by law.
 Donald R. Moisson

LAND DESCRIPTION
 (from This Commitment)
 The Northeast Quarter of the Southwest Quarter of Section 11, Township 17 North, Range 1 East, in Perry Township, Boone County, Indiana.



PREPARED FOR:
STRONGBOX COMMERCIAL
 P.O. BOX 288
 ZIONSVILLE, INDIANA 46077

PREPARED BY:
 DONALD R. MOISSON
CENTRAL STATES CONSULTING, LLC
 P.O. BOX 4
 13 WEST PEARL STREET
 NORTH SALEM, INDIANA 46165
 PHONE: 317-858-8662 FAX: 317-342-2857

ALTA/NSPS
LAND TITLE SURVEY
 4301 EAST COUNTY ROAD 750 SOUTH
 LEBANON, INDIANA 46052

DATE: 05-23-2022 PROJECT NUMBER: 22-015
 DWN BY: JLM
 CHD BY: DRM
 SCALE: 1" = 80'
 SHEET 1 OF 1

ADJOINER:
 The balance of the property of
 Edwina L. Smith
 INST. #0002542

ADJOINER:
 Town of Whitestown
 INST. #2022060515

ADJOINER:
 Town of Whitestown
 INST. #20060011789

ADJOINER:
 Starkey Farm Corporation
 INST. #20170003267