



Staff Report BZA23-005-VA

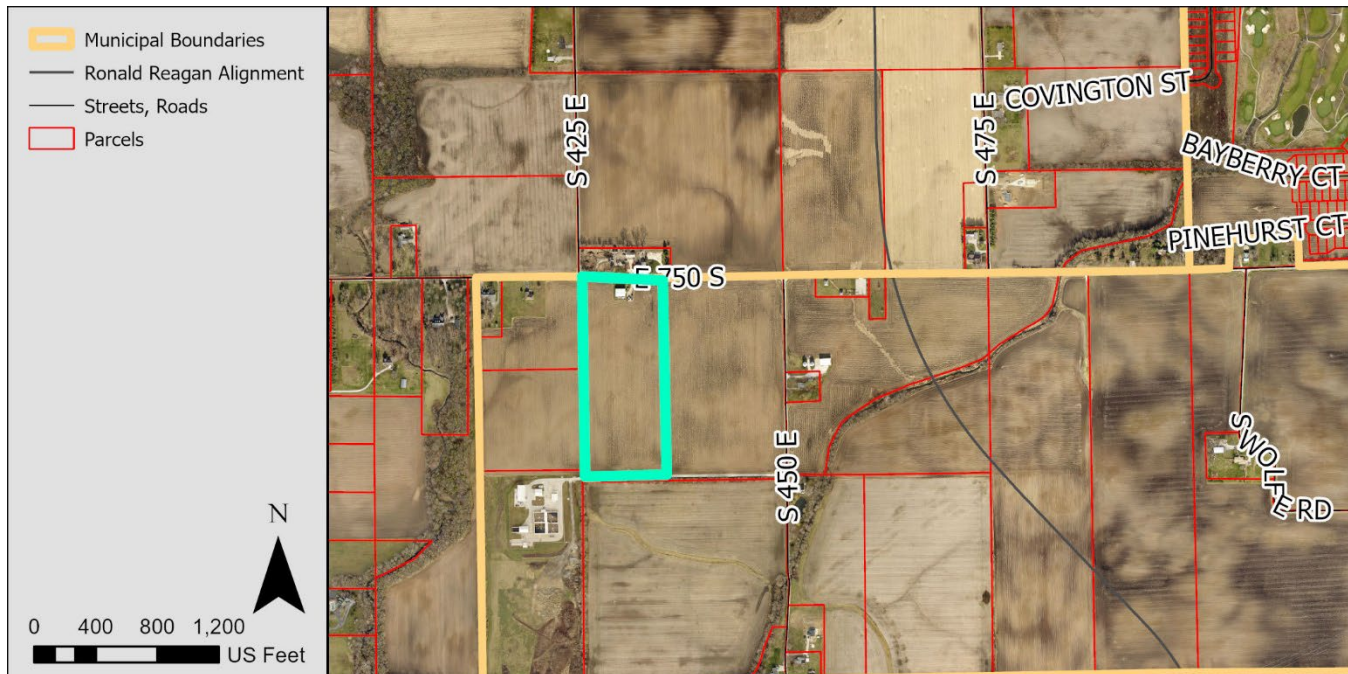
Crider & Crider | Storage Height

Meeting Date: October 5, 2023

Docket BZA23-005-VA Crider & Crider Storage Height Variances. The applicant is requesting a Variance to allow an increased height of outdoor storage above berm height which will not exceed the lesser of (i) the height of the operations building; or (ii) 30 feet, whichever is lesser. The site in question is located at 4301 E County Road E 750 South Lebanon, IN. The applicant is Phil A. Sundling Crider & Crider, and the owner is Edwina L. Smith.

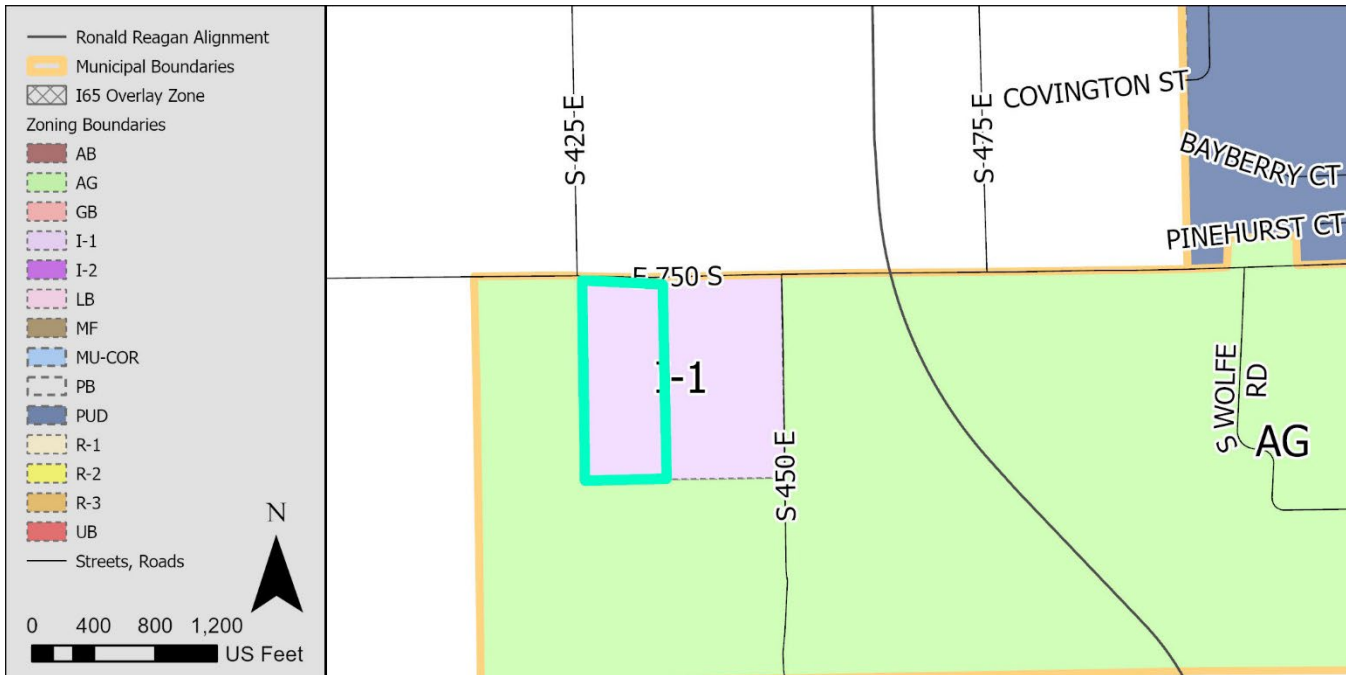
Site Location

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.

BZA23-004-SE CRIDER AND CRIDER

To allow the use of a Contractors, Special Trade-Heavy/Contractor Yard within the I-1 Zoning District. This application is running concurrently with this petition.

Unified Development Ordinances

ARTICLE 3.8 OUTDOOR STORAGE AND OUTDOOR DISPLAY

C. *Outdoor storage may be permitted in industrial uses, subject to the following standards:*

2. Outdoor storage areas must be screened as follows:

Stored materials must not be stacked higher than 12 inches below the top of the wall or screen. Equipment and vehicles must be stored at their lowest state.

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.

The proposed development is also requesting a Special Exception (BZA23-004-SE) to allow a Contractors, Special

Trade- Heavy/Contractor Yard within the Light Industry District (I-1).

Staff Recommendation

Variance Request. UDO Section 3.8.C.2

Staff is providing a favorable recommendation for the Outdoor Storage Screening Requirement variance docket BZA23-005-VA.

Staff's recommendation to the Board of Zoning Appeals finds the variance does comply with the following requirements in accordance with UDO Section 11.14.F.2. and is consistent with Indiana Code IC36-7-4-918.5 and approval be based upon:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:
The 8-foot berm along with landscaping will create a visual obstruction of the storage materials to the public.
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:
Approval of this variance would still meet the intent of the UDO by creating a visual barrier (8-foot berm and landscaping) between the adjacent properties and the storage materials. The location of the storage materials.
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 nature of a contractor yard requires the storage of materials and strict application would severely hamper the company's ability to operate a business permitted by the Ordinance.

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

1. The following height restrictions for storage materials apply:
 - a. Storage materials may not exceed a height of 8 feet when stored behind the fence and located 0 to 156 feet east of the property line.
 - b. Storage materials may not exceed a height of 15 feet when stored between 156 and 364 feet east of the property line.
 - c. Storage materials may not exceed a height of 30 feet when stored from 364 or more feet east of the property line.

Materials Submitted by the Applicant

Narrative

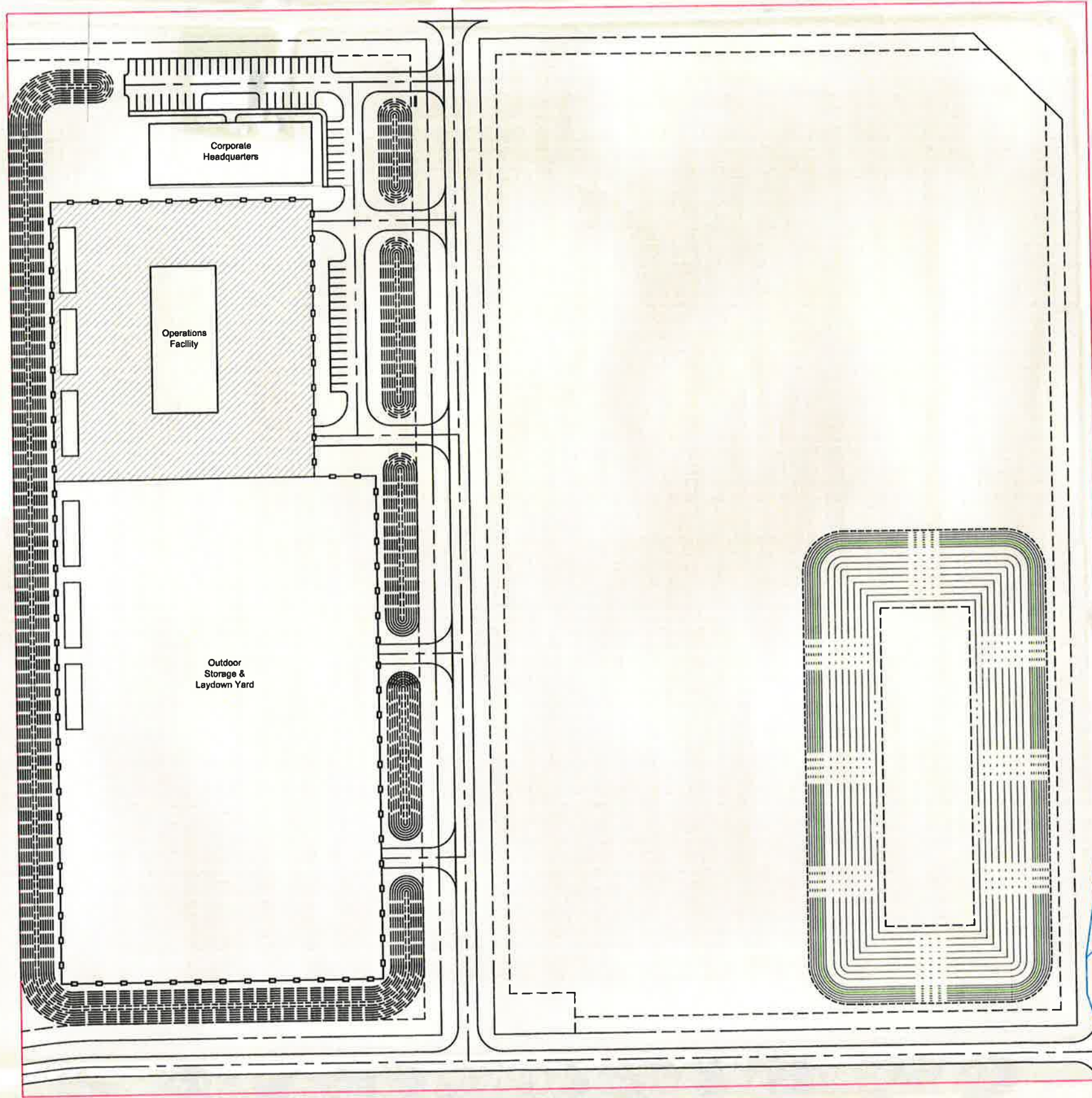
Crider & Crider, Inc. is requesting a Special Exception through the Whitestown Board of Zoning Appeals for the construction and development of a new corporate headquarters and operations facility to be located at 4301 E CR 750 S, Lebanon, IN 46052. This is complimentary to Docket PC23-010-ZA which was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

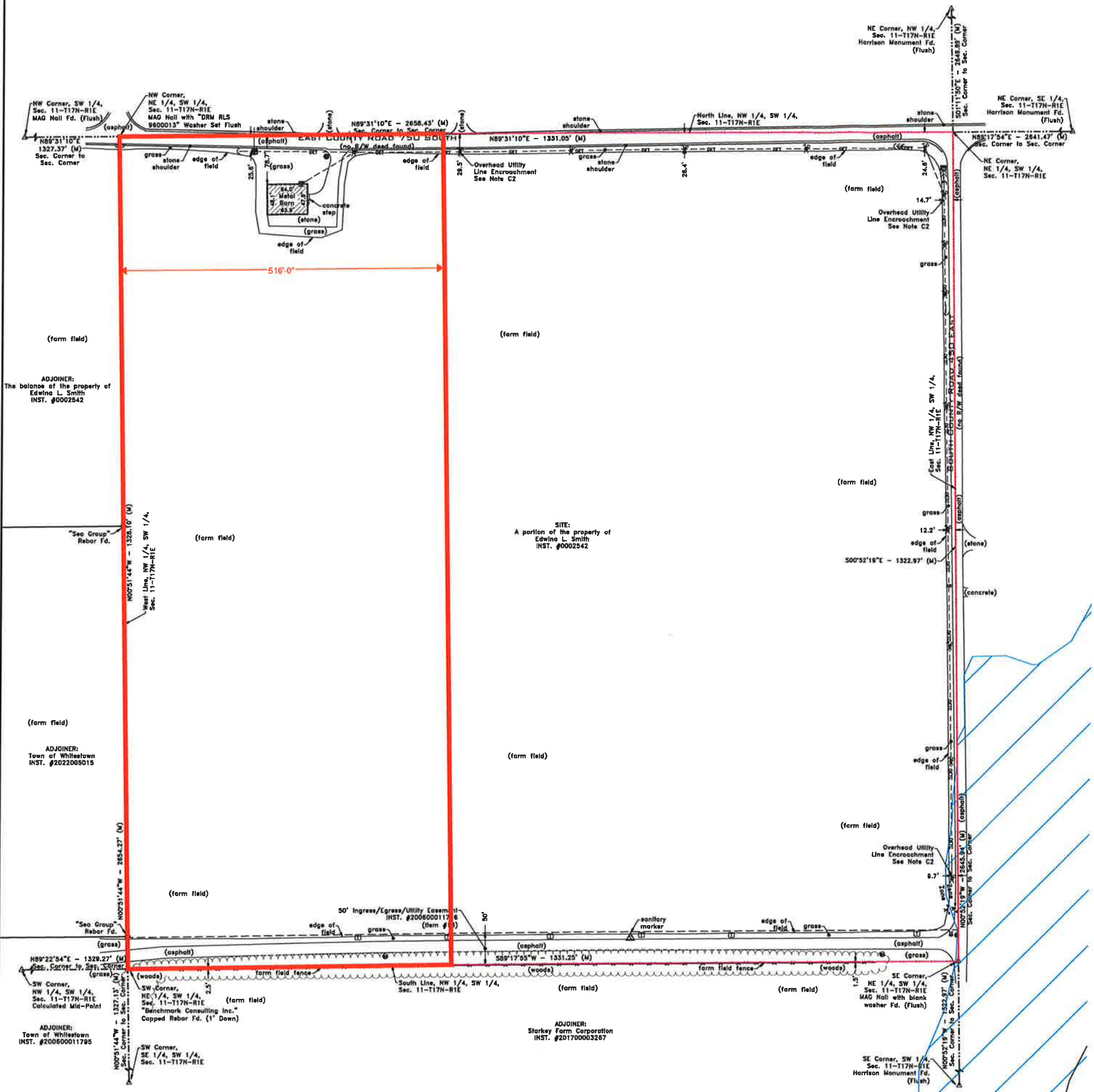
We are requesting a Special Exception for the “Contractors, Special Trade – Heavy/Contractor Yard” use as well as the allowance for unenclosed storage without height limitations as well as heavy equipment storage which are critical to the operation of our business.

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



Legend
Laydown
Paved Area

ALTA/NSPS LAND TITLE SURVEY



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 Edwin 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 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 locally surveyed 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 (local 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 Edwin 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 Edwin 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 assessments 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 at 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 at 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 Herra 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(c), 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
⊛	CONIFEROUS 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
---	cast-iron pipe



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

LAND DESCRIPTION

LAND DESCRIPTION (from Title 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
 Edwin L. Smith
 INST. #0002542

ADJOINER:
 Town of Whitestown
 INST. #2022060515

ADJOINER:
 Starkey Farm Corporation
 INST. #20170003267

Attachment D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet(s) to explain the Variance 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.):

Variance to permit increased height of outdoor storage above berm height which will not exceed the lesser of the (i) the height of the operations building; or (ii) 30-feet.

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because...

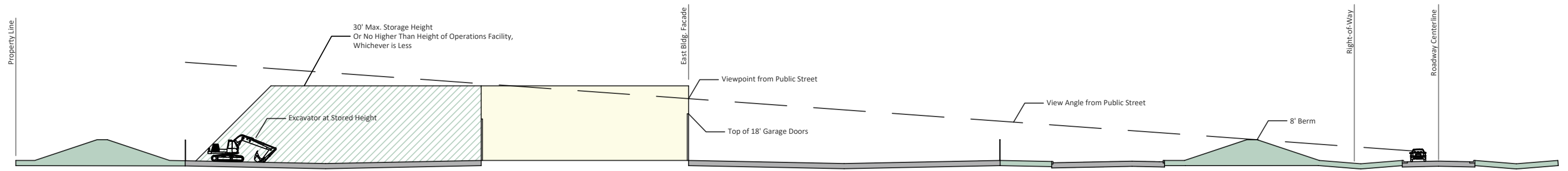
The variance will not be injurious to the public health, safety, morals and general welfare of the community because the site plan places the lay down storage yard at the southern end of the property, behind the Operations Facility and adjoining the wastewater treatment facility property, limiting the visibility from adjoining streets and properties. Further, the property will be improved with an 8-foot berm screening the stored materials from adjoining properties on both the west and east side. Lastly, the east side of the property will be developed in the future providing additional screening from CR S 450 E. The placement of materials above the berm height allows for the efficient storage of materials which limits the number of trips in and out of the facility delivering materials, thereby decreasing traffic on adjoining roadways which, in turn, promotes the general welfare of the community.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because...

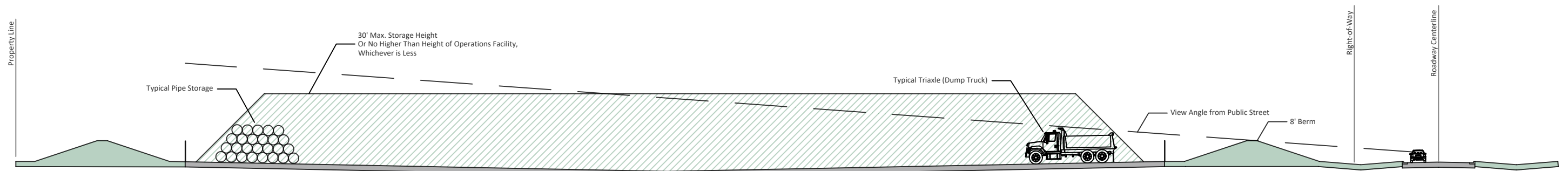
Neither the use, nor value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because the stored materials will be largely screened from adjoining areas by an 8-foot berm. In addition, the lay down storage yard is located at the southern end of the property and not oriented towards a nearby street (e.g., the corporate headquarters is and the Operations Facility are between CR E 750 S and the storage yard, which itself is near the wastewater treatment facility). Further, with the set height limit the outdoor storage will still appear secondary to the Operations Facility. The variance, if granted, will permit the efficient operation of the facility, including reducing the overall number of trips necessary to bring materials to the site which benefits adjoining properties through reduced traffic, especially given the substantial screening of the property and the location of the storage yard near a use which does not present any aesthetic concern (i.e., the wastewater treatment facility).

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...

The strict application of the terms of the Ordinance will constitute the unusual and unnecessary hardship as applied to the property for which the variance is sought because the subject property permits a contractor/special trade type use, but also places development standards upon the property which impede the efficient and practical operation of such contractor/special trade business. The variance is being sought because the ability to store adequate amounts of material is essential to the petitioner's business. The petitioner has designed the site, and will improve the property, so the height of the outdoor materials will not have an adverse impact on the surrounding vicinity through the use of berms, a self-imposed height maximum and the location of the lay down storage yard on the property (i.e., at the south end of the property near the wastewater treatment facility and away from CR S 450 E).



Operations Facility Area Cross-Section



Laydown Area Cross-Section

EXHIBIT C

