



Meeting Minutes

Whitestown BZA

Date: October 3, 2023

Time: 6:30pm

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

Call to Order:

6:31pm

Pledge of Allegiance

Roll Call

- Mark Pascarella - **Absent**
- Phillip Snoeberger
- Ken Kingshill
- Coady Adams
- Andrew McGee

- Staff:
 - o Jill Conniff, Planning Staff
 - o Jon Hughes, WPC/WBZA Attorney

Approve Agenda

Motion to approve the agenda and combine the items by Adams. Second by Kingshill. Motion passes 4-0.

Motion to approve the 08/04/23 meeting minutes by Snoeberger. Second by Kingshill. Motion passes 4-0.

Public Comment for Items Not on the Agenda

Presentations

Unfinished Business

New Business – Public Hearing

a. BZA23-004-SE and b. BZA23-005-VA Crider and Crider

- i. **Matt Price** - Dentons for Crider and Crider 10 W Market Street. This would be a new corporate headquarters for Crider and Crider. Went over the history of the company. Went over 14.5-acre parcel and where it is located. Went over surrounding properties and their lack of screening or buffering. Went over site plan, and screening proposed. Stated that the Special Exception permits this business, and they support the staff's conditions. Would not need to light up the yard because they will not be open at night.
- ii. **Desire Irakoze** – Staff report - 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. **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.

- iii. **Andrew McGee** – Noted public comments received via email, have been received and read by the Board.
- iv. **Tim Sharpe** – 7447 S 475 E - Opposed to the project, noted Crider and Crider is not a small business. Went over concerns of roads, Howard School, residents in the area. Stated that Kite Harris lied, this is nothing like they proposed. Stated layout yards are not clean, has pictures.
- v. **Ken Kingshill** – Asked for the photos of the layout yards.

- vi. **Jim Buck** – 5285 Oak Knoll Dr - Cardinal Pointe Resident – Thanked Crider and Crider for their interest to have the business in Indiana but opposed to the project. Went over environmental concerns, road concerns, Went over past environmental claims on the company.
- vii. **Donna Walczak** – 6162 Burgin Dr - Not opposed to development or this business, just not in this area. Concerns about all of the storage space on the site, no sidewalks in the area, traffic concerns.
- viii. **Jeff Coan** – 2033 Garfield - Howard School – Concerns with the heavy equipment coming down the road in front of the school. Concerns about future road widening effecting the property and safety of the children.
- ix. **Becky Robinson** – 6845 S 200 E Lebanon - Howard School – This is less than 1,000 feet from the school. Noted that Town Council passed the rezone after Plan Commission gave it a negative recommendation. Noted that 750 can't handle the traffic and the Ronald Regan extension is too far in the future.
Ken Kingshill Motion to extend time. Second by Snoeberger. Motion passes 4-0.
- x. **Diane Giles** – 8 Whitelick Lane Fayette. Lived here for 45 years. Concerned about the quality of like and roads.
- xi. **Kevin Russell** – Eagles Nest – Running for Town Council. Stated residents do not want this and the next council is opposed. Understands that it is not a great site to develop but worries about the environmental and traffic concerns.
- xii. **Tim Sharpe** – Brought back photos to share for the record. Wanted to know from Crider and Crider when the last time these yards were cleaned up.
- xiii. **Ken Kingshill** – Asked Tim Sharpe what he did for a living.
- xiv. **Tim Sharpe** – Natural gas measurement technician.
- xv. **Charles Hanley** - 7349 Farlin Dr– Went over Kite Harris history and noted that Kite Harris, Strongbox and 7001 LLC are all connected.
- xvi. **Toby Thomas** – Running for Town Council, met with neighbors and they are opposed.
- xvii. **Matt Price** – Clarifying they are not here for a rezone. They are going by all of the commitments of the rezone that was passed. Layout yards shown have screening. Same will be here with a berm and fencing, there will be a visual barrier. They estimate 3-4 trucks a day leaving the facility. Will go through the infrastructure improvements to be made during the concept and development phases by DPW. Regarding the environmental claims, they have only had two since 1954. Started they can be a good neighbor and cause no threat to the water treatment plant.
- xviii. **Andrew McGee** – Proposed is nothing like they heard at the rezone, and he was opposed then. Does not meet any of the requirements.
- xix. **Ken Kingshill** – This is an expansion of what would be allowed. Plan Commission had a problem with the rezone and now the first proposal is a special exception of what would be allowed. Rezone along with the Ronald Regan made sense, but it too far out. Asked about additional traffic.
- xx. **Matt Price** – 30-50 employees adding cars to truck traffic.
- xxi. **Ken Kingshill** – Asked for opinions on property values.
- xxii. **Matt Price** – This was addressed at rezone. Went over rezone commitments regarding outdoor storage. This is a permitted use, and we meet the requirements.

- xxiii. **Phillip Snoeberger** – Was on the Plan Commission for the rezone. They were presented small flex industrial with the majority of the business inside of the building. Stated permitted but needs special exception. Asked about internal drive, asked staff about how the height of materials would be policed.
- xxiv. **Desire Irakoze** – If complaints came up, we would address with Code enforcement.
- xxv. **Andrew McGee** – Read about special exceptions from the UDO.
- xxvi. **Jon Hughes** – If all criteria is established and are not entitled to it.
- xxvii. **Ken Kingshill** – Says they are not all established.
- xxviii. **Matt Price** – Went over criteria and how they have met.
- xxix. **Ken Kingshill** – Making arguments but not proving. Would have liked to see a realtor here today to speak on property values.
- xxx. **Matt Price** – We have met and exceeded the standards of the UDO.
- xxxi. **Jon Hughes** – Requirement of the UDO is to have written findings. You can have findings written to approve at your next meeting.

Motion to deny BZA23-004-SE based on finding of fact to be adopted at the next meeting. Second by Adams. Motion passes 4-0. Ken Kingshill – Petitioner has not presented an argument to support all seven criteria, stated that number 2 and 4 have not been met.

Motion to deny BZA23-005-VA with finding of fact to be prepared by legal counsel at the next meeting by McGee. Second by Kingshill. Motion passes 4-0.

c. BZA Calendar – 2024

- i. **Jill Conniff** – Presented calendar, not changing from past years.
- ii. **Ken Kingshill** – Question about the start time being 6:30.
- iii. **Jill Conniff** – It has always been 6:30.
- iv. **Phillip Snoeberger** – Stated that it is common for residents to hear about news on social media before the board hears about it. Is there a way information can get published earlier?
- v. **Coady Adams** – The purpose of the agenda and staff report is to allow staff appropriate time to prepare.
- vi. **Jill Conniff** – Yes, we are working to the deadlines with petitioners.
- vii. **Jon Hughes** – There are ways that staff can put information out there early. Other option would be to change the application submittal date and hearings would take longer.
- viii. **Phillip Snoeberger** – Just trying to start conversation to improve the process.
- ix. **Ken Kingshill** – If we got a copy of the petition when the notice goes out that would be helpful.
- x. **Jon Hughes** – I can work with staff. We can change anything to work for the Board.
- xi. **Todd Barker** – We need to go through the first quarter.

Motion to approve Kingshill. Second by Adams. Motion approved 4-0.

d. BZA Rules and Procedures

- i. **Jill Conniff** – Went over one change from 600 to 660 feet for public notice.
- ii. **Phillip Snoeberger** – Question about the change of extra 60 feet.

iii. **Jon Hughes** – It is what is in the statute.

Motion to approve by Adams. Second by Kingshill. Motion passes 4-0.

Announcements

Adjournment

8:15pm

Unanimous vote to adjourn.

Andrew McGee, President

Jill Conniff, Planning Staff