

Board of Zoning Appeals

MEETING DATE: March 19, 2024

TIME: 7:00 p.m.

LOCATION: Pendleton Town Hall

100 W. State Street Pendleton, Indiana

ORDER OF BUSINESS

I. CALL TO ORDER

Meeting was called to order by Jenny Sisson at 7:00 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Board members attending in person: Jenny Sisson, Robert Jones, James King. Board member attending in person: Rob Williams A quorum was established. Individuals representing the Town in person: Assistant Planning Director Denise McKee, Planning Director Hannahrose Urbanski, Town Counsel Felix Rippey. Also attending in person: Keith Bucklew of 8604 S SR 67, Sheila Curtiss of 3104 W US Hwy 36, Suite 1, Callista Curtiss, Attorney Jason McNeal and Zoning Specialist Jennifer Milliken with Ice Miller LLP, representing Community Health Network

III. APPROVAL OF FEBRUARY MEETING MINUTES

Jenny Sisson requested a motion to approve Meeting Minutes from the February 2024 Meeting. Motion made by James King, seconded by Robert Jones. Roll call vote was taken and all members voted in favor of said motion. Motion carried.

IV. OLD BUSINESS

V. NEW BUSINESS

A. CU03192024-01: Variance in Conditional Use request to allow applicant to operate greenhouse and plant nursery in the Rural Residential Zoning District (RR) – 8604 S State Road 67, Keith Bucklew

Denise McKee presented Current Use/Site Details:

- Zoned: Rural Residential District (RR)
- Property is 10.81 acres
- Property originally zoned Planned Business District (PB) until 2021 Zoning Map update Property purchased in 2016 with intent to develop plant nursery/greenhouse, Permitted Use in Planned Business District
- Currently used as Residential Dwelling near south border of parcel and temporary, seasonal roadside produce stand/hoop house on north end of parcel, separated by 3.5 acres of wooded area

- Detention ponds located on north and south ends of property. Detention pond to north overflows to ditch to northwest side of parcel, storm system approved by Madison County Water & Soil District (MCWSD) and Indiana Department of Environmental Management (IDEM)
- Property serviced by private well for water supply

Denise McKee presented the requested Conditional Use:

- Expand temporary, seasonal roadside produce stand to permanent, year-round plant nursery/greenhouse
- Operate business per seasonal demand, but limit open hours to daylight hours only
- Proposed northeast expansion: two (2) greenhouses [(1) - 100x32x16; (1) - 48x17x12] and one (1) office building [(1) - 32x16x18]
- Continue to access plant nursery/greenhouse from existing primary drive off SR 67
- Future expansion to northwest section of parcel [approximately 1.5 - 2.0 acres], TBD and subject to Improvement Location Permit and Development Standards

Denise McKee invited questions/comments

- Jenny Sisson inquired about the history of the property; McKee provided a brief summary
- Sisson asked about parking requirements; McKee provided there are not as many requirements in RR, but it follows the UDO
- Robert Jones asked if any neighbor feedback has been received; McKee said there has been none
- Sisson asked about traffic and are there any concerns; McKee replied that it has a wide opening, shoulder, good line of sight and minimal traffic in and out
- Jones asked about chemical use on the grounds; Keith Bucklew replied there would be no chemicals involved, but all natural

Denise McKee presented the Staff Analysis:

- Conditional Use will not pose endangerment to public health, safety, morals or general welfare
- Parcels to the east utilize General Business zoning
- Property offers adequate utilities to service additional facilities, including internal access drive and parking lot (100 feet from SR 67) to properly control ingress and egress
- Setbacks, height and impervious surface maximum standards met. Natural buffer and heavy tree line around perimeter of property with large wooded area provide screening for residential dwelling in rear and nearby properties
- Detention pond/drainage ditch on north end of property approved by MCWSD with Stormwater General Permit issued by IDEM
- Plant nursery/greenhouse is a Conditional Use in the Rural Residential District (RR) and anticipate that property will be well manicured, meeting all development standards of the Unified Development Ordinance (UDO)

Jenny Sisson requested a motion. James King made a motion to approve CU03192024-01 Conditional Use as presented. Seconded by Robert Jones. Roll call vote was taken and all members voted in favor of said motion. Motion carried.

B. CU03192024-02: Variance in Conditional Use request to allow for the current public kennel business to expand into and occupy an additional unit on subject property, located in the General Business Zoning District (GB) – 3104 W US HWY 36 Ste 1, Applicant Sheila M. Curtiss on behalf of Owner Susan A. Hughes

Denise McKee presented Current Use/Site Details:

- Zoned: General Business District (GB)
- Property is 2.03 acres
- Subject property consists of one (1) shopping center with seven (7) units
- Currently use Suite 1 (1500 square feet) for pet grooming/day-care services (defined by UDO as public kennel [Conditional Use])
- Business of 20 years, 75% grooming & day-care service; 25% over-night boarding
- Adjoiner Suite 2 to east (3000 square feet) to be vacant and available for lease in near future
- McKee noted there has been no public feedback

Denise McKee presented the requested Conditional Use:

- Enhance and remodel grooming/day-care services and public kennel space in existing Ste 1
- Expand and construct public kennel into adjoiner Suite 2 to the east. (A public kennel use requires a Conditional Use to expand as there was never a CU obtained previously)
- Connect Suite 1 and Suite 2 via opening in shared wall between the two (2) units

Denise McKee invited questions/comments

- Jenny Sisson asked if there are any ordinances regarding pet businesses next door to a food business; Hannahrose Urbanski said there are none
- Robert Jones recommended petitioner contact the Health Department
- Sheila Curtiss said the expansion is mainly for more boutique-style boarding, increased playcare play area, and the addition of 3 more groomers
- Robert Jones asked how they dealt with the pet waste; Curtiss said they triple bag it and take it to the dumpster in the back

Denise McKee presented the Staff Analysis:

- Conditional Use will not be detrimental to public health, safety, morals or general welfare
- Business owner to hire TWC, Inc., contractor experienced in pet care facilities and services, implementing materials, features and barrier structures that provide proper sound, odor and waste control
- Improvements interior and limited to additional unit footprint with no external modifications and/or expansions to be made
- Subject property provides public utilities adequate to accommodate expanded services
- Clientele mainly drop-off/pick-up only, yet available parking and access to property sufficient to meet needs of growing business and/or long stay parking
- Public kennel is a Conditional Use in General Business District (GB) and anticipate all development standards of the Unified Development Ordinance (UDO) to be met

Jenny Sisson requested a motion. Robert Jones made a motion to approve CU03192024-02 Conditional Use as presented, with the condition of contacting the Health Department. Seconded by Jenny Sisson. Roll call vote was taken and all members voted in favor of said motion. Motion carried.

C. V03192024-03: Variance from Development Standards request to allow 94 proposed parking spaces in front of the primary structure as compared to 63 spaces permitted in the Institutional Zoning District – 200 Enterprise Drive, Ice Miller LLP on behalf of Community Health Network

Denise McKee presented Current Use/Site Details:

- Zoned: Institutional District (I)
- Property is 10.30 acres
- Currently vacant land
- Under Site Development Plan Review for Primary Care and Urgent Care with X-ray services in 1-story structure (25,000 square foot building)
- County stormwater management plans call for large detention pond at most western border of property

Denise McKee presented the requested Variance:

- Locate more than fifty (50) percent of the minimum amount of required parking in front of the primary structure
- Allow 94 proposed parking spaces (excluding accessible parking) compared to 63 parking spaces as permitted [UDO. Ch 3, Section D.9.b.iii]
- Designate seventy-five (75) percent front/twenty-five (25) percent side & rear parking spaces to provide:
 - Enhanced patient access and safety
 - Close proximity to main entrance, reducing distance for patients with health condition
 - Separation of staff and patient parking areas
 - Increased visibility and aesthetics from I-69
 - Accommodation of large detention pond along west property line

Comments/Questions

- Robert Jones asked if this would set a precedent; McKee stated there would be no concern if the reasons for it are clearly captured in the Findings of Fact
- Hannahrose Urbanski said that any variance or conditional use can set precedence, which is why the Findings of Fact should be as precise and detailed as possible, and the current UDO standards have been substantially improved as well
- McKee indicated they have listened to the Town's recommendation on trees and landscaping, and that the petitioner has worked hard to meet all the requirements
- James King asked about the timeline for this project; Urbanski said they are at the last stages of site development, likely to have pre-con meeting in the beginning of April
- Rob Williams asked if there is a dedicated area for ambulance drop-off/pick-up, sharing concerns about main entrance ambulance service in regards to public congestion and patient privacy; Jennifer Milliken said they have not been part of those specific conversations; McKee said this could be discussed during site development review; Felix Rippy said this could be added as a condition of the variance; Jason McNeal said Community

has built facilities like this, and it's possible they already have a solution to this and would prefer this be part of the site plan, he cautioned against adding a condition without knowing what their plan is for this, as it could already be addressed

After discussion and consideration of the Staff Analysis and comments listed below as provided in the presentation packet:

- Approval will not endanger public health, safety, morals or general welfare
- Front parking will enhance safety and access for patients as well as offer proper ingress and egress for anticipated daily visits
- Property to provide heavy screening along parking areas along Enterprise Dr. and perimeter bufferyard for entire parcel per Unified Development Standards (UDO)
- Property unique with multiple utility and drainage easements in addition to public right-of-way on three sides of property (I-69/Enterprise Dr., Hampton Dr.)
- Proposed Site Development Plan must preserve natural bioswale along east lot line and accommodate a large detention pond along west lot line
- Designation of patient parking on east side of building along Enterprise Drive (local roadway classification) enhances aesthetics along I-69 (interstate classification)
- Proposed site layout seeks minimum necessary to provide conducive building orientation and promote efficient operations
- Double frontage lot and future development to north could negate need for variance, yet seeks variance in due diligence
- All other development standards of the Unified Development Ordinance (UDO) to be met

Jenny Sisson requested a motion. Robert Jones made a motion to approve VA03192024-03 Variance Request, as presented on condition that the site plan adequately addresses the separation of emergency services. Seconded by James King. Roll call vote was taken and all members voted in favor of said motion. Motion carried.

VII. ADJOURNMENT

Jenny Sisson requested a motion to adjourn. James King made a motion; Robert Jones seconded. All present voted to adjourn. Meeting was adjourned by Jenny Sisson at 8:18 p.m.

Next meeting April 16, 2024 at 7:00 pm.