



Meeting Minutes

Whitestown BZA

Date: March 10, 2014

Time: 6:30pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:31pm

Pledge of Allegiance

Roll Call

- Greg Semmler, Chairman
- Matthew Doublestein, Vice-chair
- Randy Clements
- Mike Roberts
- Jim Cunningham (absent)

- Staff:
 - Deborah Luzier, Town Planner, GRW
 - John Molitor, PC/BZA Attorney

Agenda

1. March 10, 2014

Motion to approve agenda by Semmler. Second by Clements. Motion passes unanimously.

Minutes

2. January 13, 2014

Motion to approve minutes by Semmler. Second by Doublestein. Motion passes unanimously.

3. February 10, 2014

Motion to approve minutes by Semmler. Second by Roberts. Motion passes unanimously.

New Business – Public Hearing

4. **Docket BZA14-001-DV - Dimensional Variance - Harvest Park.** The petitioner is requesting approval of four Dimensional Variances for the purpose of: 1) decreasing the minimum ground floor area of homes, 2) decreasing minimum lot width, 3) decreasing minimum lot area, and 4) decreasing minimum side yard setback. The subject property contains 108 acres and is located 4947 S Main St, at the northeast corner of S Main St and 500 S, for the proposed Harvest Park subdivision. The property is in the process of being rezoned from R1 to R3. The petitioner is Pulte Group and the owner is Harrison and Jack Eiteljorg.

History

- *2014-01-13 – Continued to February 10, 2014 at request of petitioner.*
- *2014-02-03 - Additional comments from the public added to the file. Received request to continue to March 10, 2014 by petitioner.*
- *2014-02-21 – Additional comments from the public added to the file. Additional supporting information provided by petitioner and revisions to requested variances.*

a. Comments

- i. Semmler – we will only discuss the subject and petition before us. There are many people who wish to speak and therefore we need to make stress that you stay on topic.
- ii. Molitor – the overflow public seating area can see and hear the meeting, but they cannot see the PowerPoint presentation. It may be advisable to continue this hearing to the next meeting to give members of the public time to review the PowerPoint. We are trying to do the best we can with the meeting space available. This is the only way for us to make sure that everyone has access to the presentation.
- iii. Jeff Jacobs, attorney for petitioner – the only problem is that they can't see the PowerPoint presentation. We also want to make sure that everyone has an opportunity to speak.
- iv. Molitor – we should discuss this after the hearing. If people in the overflow public seating area want to see the PowerPoint presentation, then we should give them time to do so between now and the next meeting.
- v. Semmler – after the presentation and public hearing, we will discuss this matter.

b. Staff Report – Luzier

c. Presentation – Jeff Jacobs, attorney for petitioner; with Dave Compton and Ashley Bedell with Pulte Homes.

- i. Jacobs – describes site location. The annexation has been completed and is recorded. We have reduced the intensity and quantity of the variances requested.
- ii. Compton - <PowerPoint> We started the project about a year ago. We are going through a three-step process for approval: variances, rezoning, and waivers. Open space is strategically located throughout the development. The two smaller parks have playground equipment and the larger park has a shelter house and backs up to a lake. 75% of the lots are adjacent to common area. This is the Pulte product that is the same that was installed in the Anson Neighborhoods. We are allowing 3-car garages. There are three distinct architectural styles. There is a built-in anti-monotony code. Variances are as follows:
 1. Variance #1. Reduce ground floor area from 900 to 850sqft. Minimum area for a two-story home would be 1,740sqft instead of 1,750sqft.
 2. Variance #2. Reduce minimum lot width of 60'. Many of the lots are adjacent to common area. Some lots are wider than the minimum in order to accommodate a 3-car garage. With the side yard setback reduction requested, more usable space is on each lot.
 3. Variance #3. WITHDRAWN
 4. Variance #4. Reduce minimum lot area from 9,000sqft to 6,750sqft. There is an existing incentive in the SCO for reducing lot size and setbacks. We can commit to architectural standards and materials (thicker vinyl, overhangs, 10 models, etc.).
 5. Variance #5. Reduce side yard setback from 10 feet to 7 feet. The minimum setback in existing subdivisions is only 5 feet. We feel that 7 feet is adequate. Without this variance, we would have to use a garage-heavy front façade product. Reducing setbacks will not increase the density. It will meet the market and provide a variety of home plans.

6. Variance #6 WITHDRAWN.
- iii. Compton – in conclusion, Harvest Park is a unique design. It exceeds the standards of the ordinance. The variances requested provide for a variety of homes and will add to the property values in the area. There will be outside professional management of the common area. It will provide a move-up opportunity for residents. It will take about 7 years to build-out. We feel we have provided adequate buffering. It sets architectural standards above other developers currently building in the community.
- d. BZA Discussion
- i. Roberts – what is the price-point?
 - ii. Compton – In Whitestown, the average home is \$153,000 and we expect our product to be \$185,000-\$190,000.
 - iii. Clements – what if the rezoning doesn't go through? Are we going to vote on something that isn't viable yet?
 - iv. Semmler – the rezoning will be heard by the WPC later tonight. If these variances aren't granted, then a different residential product and development would occur on the property, regardless of the zoning.
 - v. Doublestein – we are trying to make a decision on something that is still conceptual and the variances requested would apply to the R3 standards. The property is currently zoned R1.
 - vi. Semmler – if they don't get the R3 zoning, then the variances would not apply.
 - vii. Molitor – the BZA has control over its agenda. The approval by the BZA would be contingent upon the requested R3 zoning being granted. You have the ability to continue this petition until the desired zoning is achieved if you wanted. You may still proceed accordingly as well.
- e. Public Discussion
- i. Brad Kallmyer, 5053 S Main St – I am concerned about lot width. How would the variety of lot widths be distributed throughout the development? For example, I wouldn't want to see a big group of small lots or a big group of large lots.
 - ii. Compton - We could work with Staff to see where those grouping thresholds would occur. This would need to be coordinated with drainage and required easements as well. Probably no more than four lots adjacent to each other would be the same size. We could also look at the perimeter lot sizes.
 - iii. Steve Kesler, 6796 E 525 S – we are opposed to changing the zoning and the density. It would have a negative impact on the existing residents.
 - iv. Semmler – we are not discussing the rezoning. Do you have anything to add about the variances?
 - v. Kesler – I will address my concerns about the rezoning at the WPC meeting.
 - vi. Stacy Bogardus, 4891 S 700 E – we are under the assumption that this will be rezoned. Lot size is a factor. Smaller lots equate to lower property values. Lower property values have a negative impact on surrounding property values.
 - vii. Gregg Dafler, 4751 S 700 E - The R3 zoning is the most intense residential zoning district in the ZO. The requested variances make it even more intense. The Comprehensive Plan also provides guiding language for considering new development. Small concessions granted to developers add up over time, so the standards in the ordinances should be upheld.
 - viii. L.J. Jernstadt, 106 E Pierce St – while it is legal for the BZA to act before the requested zoning is in place, we are still putting the cart before the horse. We should wait until the property is

rezoned before considering these variances. My biggest concern is the reduction in lot size. Retention ponds should not be considered “public space” because they cannot be used for recreational purposes. Reducing the side yard setbacks to accommodate 3-car garages is a reasonable justification. The minimum two-story home area was reduced from 1,750 to 1,740 during the petitioner’s presentation tonight and this is confusing.

- ix. Compton - Our request to reduce side yard setbacks would apply to ALL lots, not just 3-car garage lots. The minimum overall floor area for a two-story home would be 1,740sqft; we made an error. The perimeter bufferyard along 700E would have usable common area. We would not be trading open space for lot size and side yard setbacks.
 - x. Jacobs – Pulte is already building in Whitestown in the Clark Meadows at Anson and has established their reputation. This subject property has been annexed into Whitestown and Pulte wants to continue to develop in Whitestown. The variances requested are contingent on the R3 zoning. We will address any questions or concerns you may have.
- f. BZA Discussion
- i. Clements – you want a side-yard setback reduction to 7 feet for all lots? And would there be only 14 feet between homes?
 - ii. Compton – yes, 7 foot side yard setbacks are requested for all lots. Home separation would vary based on lot width and floor plan width. On the smallest lots, the home width would extend from setback to setback. On other lots, there would be more space.
 - iii. Roberts – Staff recommends four conditions on the variance request to reduce the minimum lot size. Do you have issues with the any of these recommended conditions?
 - iv. Compton – per condition #2, 75% of the homes would touch common area or be corner lots.
 - v. Roberts – is the percentage distribution of lot sizes based on the concept plan?
 - vi. Compton – yes, these figures are based on the concept drawings we have developed to date.
 - vii. Clements – does the new information presented tonight affect Staff’s recommendation on Variance #4 (to reduce lot size) and Variance #5 (to reduce side yard setbacks)?
 - viii. Luzier – the new information does not affect Staff’s recommendation to deny the reduction in minimum lot size. However, the new information presented regarding the side yard setback reduction should be re-examined by Staff.
 - ix. Clements – we should wait to have the property rezoned before we vote on the variances. I think that we should table this to the next meeting.
 - x. Roberts – I also recommend that we find a different meeting space in order to accommodate all those who would like to attend.
 - xi. Molitor – Staff and I will take this into consideration for finding another meeting space.
 - xii. Semmler – we appreciate everyone’s attendance and interest. We will work diligently to serve the public’s concerns.

Motion by Doublestein to continue the hearing to April 14, 2014. Second by Semmler. Motion passes unanimously.

New Business & Housekeeping

- 5. **2014 Meeting Schedule Amendment.** In order to avoid conflict with WPC meetings, the BZA shall consider establishing a separate day for their regularly scheduled monthly meetings.
 - a. Discussion

- i. Luzier - Thursdays seem to work best for everyone. The first or third Thursday of each month would be options for Thursday meetings. This would take effect as early as May. Regardless, the next regular meeting will still be held on April 14, 2014.

Motion by Clements to change the BZA meetings to the first Thursday of the month at 6:30pm beginning in May. Second by Roberts. Motion passes unanimously.

6. Comprehensive Plan Update status.

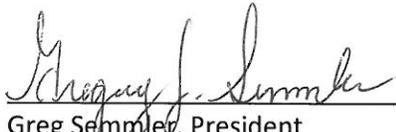
a. Discussion

- i. Luzier - The WPC established a Steering Committee and are moving forward with getting a meeting schedule set up.
- ii. Doublestein – please copy us on the meeting notices so that we can attend if desired.

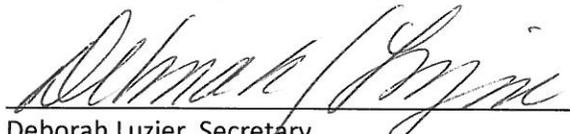
Other Business

Adjournment

7:50pm



Greg Semmler, President



Deborah Luzier, Secretary

WHITESTOWN



INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: Risa Ozuyance Date: March 19, 2013

Address (optional) 7731 Solomon City: Zionsville

Agenda Item: Eagles Nest

Non_Agenda Item: _____

Comment(s) Over-crowding, people didn't know about it

Wants fewer lots in the new development.

The Whitestown Plan Commission welcomes your comments. Please complete this form and hand it to Town staff. The Plan Commission President will call on you to speak during all public hearings appearing on the Plan Commission agenda.

Public Comment is limited to 3 minutes per speaker. When speaking, please approach the microphone at the podium, and state your name and the city/town in which you reside. Address your comments to the Plan Commission as a whole.

- This form provides necessary information for preparation of the permanent record of the meeting. If a follow-up is requested, an address is necessary for the purpose of receiving communication from the Town.
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WHITESTOWN



INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: KEVIN RUSSELL Date: 3/10/14

Address (optional) Cell 23 Golden Eagle City: _____

Agenda Item: #4 EAGLES NEST

Non_Agenda Item: _____

Comment(s) _____

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WHITESTOWN



INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: STACEY BOGARDUS Date: 3-10-14

Address (optional) _____ City: _____

Agenda Item: HARVEST PARK SUBDIVISION

Non_Agenda Item: _____

Comment(s) _____

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: Greg Daffer Date: 3/10/14

Address (optional) 4751 S 700 E City: Whitestown

Agenda Item: Harvest Park

Non_Agenda Item: _____

Comment(s) Echos other comments.

The Whitestown Plan Commission welcomes your comments. Please complete this form and hand it to Town staff. The Plan Commission President will call on you to speak during all public hearings appearing on the Plan Commission agenda.

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: STEVE KESLER Date: 3/10/14

Address (optional) 6796 E 525 S City: Whitestown

Agenda Item: Harvest Park

Non_Agenda Item: _____

Comment(s) _____

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: TODD DURELL Date: 3/10/14

Address (optional) 6702 E 525 S City: WHITESTOWN

Agenda Item: HARVEST PARK

Non_Agenda Item: _____

Comment(s) _____

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: L J JERNSTADT Date: 3 10 2014

Address (optional) 601 E. Pierre St City: _____

Agenda Item: YES Multiple (Harvest Park) (500 E)

Non_Agenda Item: _____

Comment(s) 2005 Petition

The Whitestown Plan Commission welcomes your comments. Please complete this form and hand it to Town staff. The Plan Commission President will call on you to speak during all public hearings appearing on the Plan Commission agenda.

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: DLUC OZUJENKA Date: 3/10/2014

Address (optional) 7731 Solomon Dr. City: ZIONSVILLE

Agenda Item: EAGLES NEST EXTENSION

Non_Agenda Item: _____

Comment(s) Entrance to community is diminished.
fewer homes.

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: Arthik Sundaram Date: 03/10/2014

Address (optional) 7737 Solomon Dr City: _____

Agenda Item: Eagles NUT

Non_Agenda Item: _____

Comment(s) New homes' value questioned.

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INDIANA

PLAN COMMISSION MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: Joe Connor Date: 3-10-14

Address (optional) 7135 Solomon Dr City: Zionsville

Agenda Item: Eagles alert

Non_Agenda Item: _____

Comment(s) How were homeowner's notified?

Upset abt view. What about noise?

The Whitestown Plan Commission welcomes your comments. Please complete this form and hand it to Town staff. The Plan Commission President will call on you to speak during all public hearings appearing on the Plan Commission agenda.

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INDIANA BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: BRAD KALLMYER Date: 3/10/14

Address (optional) 5053 S. Main City: Whitestown

Agenda Item: ~~50~~ Harvest Park

Non_Agenda Item: _____

Comment(s) _____

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INDIANA BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: STEVE KESLER Date: 3/10/14

Address (optional) 6796 E 525 S City: Whitestown

Agenda Item: Hawest Park

Non_Agenda Item: _____

Comment(s) _____

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WHITESTOWN



INDIANA BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: STACEY BOGARDUS Date: 3-14-10

Address (optional) _____ City: _____

Agenda Item: HARVEST PARK SUBDIVISION

Non_Agenda Item: _____

Comment(s) _____

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INDIANA BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: Greg Dafler Date: 3/10/14

Address (optional) _____ City: Whitestown

Agenda Item: Harvest Park

Non_Agenda Item: _____

Comment(s) _____

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INDIANA

BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: L.J. JERNSTADT Date: 3 10 2014

Address (optional) _____ City: _____

Agenda Item: ~~NO~~ YES BZA 14 001 DV

Non_Agenda Item: _____

Comment(s) _____

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INDIANA BZA MEETING

PUBLIC COMMENT/REQUEST TO SPEAK

Name: PAHY EWANS Date: _____

Address (optional) 4826 S 700 E. City: Whitestown

Agenda Item: HARVEST PARK DEV - ZONING.
PC14-001-2A.

Non_Agenda Item: _____

~~PO~~
Comment(s) Impact on Property Value.

Request Pricing Analysis of Homes Adjacent to
HARVEST PARK Contrasted to Values of Greater
Whitestown.

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Did not want to be part of suburbia.
Wants analysis on effect of adjacent home value.