

NEW WHITELAND BOARD OF ZONING APPEALS
FEBRUARY 28, 2023
6:30 P.M.

PUBLIC HEARING

Chairman, Mike Ryle, began the February meeting at 6:30 p.m. Members present were Bill Conner, Mike Combs, Mike Ryle, Chris Gonfiantini and Christy Ward. Zoning Administrator, Tim Guyer and Attorney, Lee Robbins were both in attendance.

MINUTES:

Mike Combs motioned to approve the meeting minutes from the last meeting. Bill Conner seconded the motion. Vote was 5 affirmatives.

ELECTION OF OFFICERS:

CHAIRMAN:

Mike Combs nominated Mike Ryle for Chairman. Bill Conner seconded the motion. Vote was 5 affirmatives.

VICE CHAIRMAN:

Bill Conner nominated Mike Combs for Vice Chairman. Mike Ryle seconded the motion. Vote was 5 affirmatives.

SPECIAL EXCEPTION 23-SE-01 VITA INVESTMENTS COUNTRY GATE DRIVE

Mike Ryle asked Tim Guyer if the Special Exception paperwork is in order. Tim Guyer replied yes.

Attorney, Lee Robbins explained that a Special Exception means the use is permitted in that zoning, but needs further consideration.

Lee spoke to the board about their role as Board of Zoning members. They have three functions.

1. The Board of Zoning Appeals hears appeals. If the Zoning Administrator makes a decision or enforces a zoning ordinance in some way that aggrieves a resident, they can appeal to the BZA. If the Plan Commission makes a decision that someone disagrees with, they can appeal to the BZA. It is an appeal of a lower authority's decision.
2. The Board of Zoning considers variances. Which is a deviation from the Zoning Ordinances. A petitioner is asking for permission to do something they otherwise couldn't do.

SPECIAL EXCEPTION 23-SE-01 VITA INVESTMENTS (continued)

3. The board considers Special Exceptions, which start to look and sound like variances, but they are different.

Lee states that a variance is someone coming to you wanting permission to do something that the ordinance doesn't permit. Or use their property in a manner that the zoning ordinances do not allow.

A special exception applicant comes to you with a permitted use that by its nature has some implications. There are reasons to sort of scrutinize and give thought to what affects it will have on the community and the surrounding properties. The BZA looks at whether the property can accommodate the use. Will it add traffic, add utilities? Will it affect neighbors in any adverse way.

Lee explained the Permitted Use Table. There are different uses listed and a column with the different zonings. Some have a "P", which means it is a permitted use in that zoning. If there is an "S", that means that it is a special exception use. A Special Exception is required for multiple units.

The Town has Development Standards which are the rules for improving and developing property. Such as setback requirements, building height, Indiana building codes, how tall fences can be, square footage of buildings, the percentage of accessory buildings in a back yard, etc.....

The Vita property on US 31 and Country Gate has been vacant for a long time, around twenty years. The north side of Country Gate is being developed for Assisted Living and Memory Care. That is a permitted use in GB2 zoning. They have their building permit and are currently developing that on the north parcel.

Vita Investments is wanting to develop the south side parcel as an Independent Living Community, basically apartments. In the New Whiteland Permitted Use Schedule, multiple units require a special exception in GB2 zoning.

Lee Robbins read Zoning Ordinance 156.117
"Considerations prior to granting a Special Exception."

- (A) "The Board of Zoning Appeals may grant a special exception after consideration of the appropriations of the specific property for the use, congestion of public streets, availability of public facilities and impact on surrounding property."

SPECIAL EXCEPTION 23-SE-01 VITA INVESTMENTS (continued)

The Board of Zoning Appeals determines if the proposed special exception meets the intent and requirements of this chapter and is appropriate for the location.

Mike Ryle opened the Public Hearing at 6:51 p.m. Zeke Turner is the CEO of Vita Investment Holdings. Mr. Turner states that the Assisted Senior Living facility is where residents receive help with daily living activities. Vita of New Whiteland will help care for people who need a little help. The average age of people in the Assisted Living facility is around mid to late 80's.

The Independent Living facility is geared for a younger group of people who are downsizing but are not ready for Assisted Living. This project will look like a campus/retirement community. It will be a four-story building with 130 units, 1-2 bedrooms. Zeke Turner states there will be entities such as a park, dog walk park, a water feature in the common area and others. This will be for middle income people. It will be a nice and visible location.

Both buildings, the Assisted Living and the Independent Living, will mirror each other and blend together. Both will be four-story buildings and will face U.S. 31. Next month Vita Investments is coming to the town to plat the south parcel, to have commercial buildings on the out lot.

Greg Norwood, owner of Mayes Landing LLC, asked about the age of residents in the apartments and about family members moving in with the elder residents. Zeke Turner states it is mandated for people 55 years and older. There are policies in place for visitors and grandchildren.

Greg Norwood states that his property can't handle any more water issues. Zeke Turner stated that the Vita property had sat for so long and the water wasn't running the way it should have been flowing. Zeke Turner believes this development will improve the water flow. Drainage in that area was discussed.

Richard Thomas resides on Oakden and asks if there has been a traffic study? The traffic will increase and he says there are one to two wrecks a week on U.S. 31. Has there been anything done with the State of Indiana? Zeke Turner answered no. With the assisted living, no one has a car or drives. Greg Norwood agrees that the traffic is becoming overwhelming on US 31.

It was stated that the two entrances to the Assisted Living and the Independent Living will come off of Country Gate Drive and line up with each other.

SPECIAL EXCEPTION 23-SE-01 VITA INVESTMENTS (continued)

Lee Robbins states that the Town of New Whiteland did a good job twenty years ago and thought it through and expected it to eventually be developed as a large mixed community.

C.P. Morgan designed that property as a PUD, Planned Unit Development. The property along U.S. 31 is zoned GB2. Then there is the residential portion. The property that is along Tracy Road is zoned Industrial.

Mike Combs states that New Whiteland has a volunteer Fire Department. And we do not have a ladder truck. If one is needed, it would come from Greenwood or Franklin.


Zeke Turner with Vita Investments said he is available for the next fifteen years. He is a family man and dedicated to this project. Vita wants to be a part of this community and stay in this community. This project will bring approximately 200 construction jobs. And then about 45 to 50 full time jobs and some part time jobs once the project is complete.

Mike Ryle closed the Public Hearing at 7:20 p.m. Mike Combs motioned to grant the Special Exception. Chris Gonfiantini seconded the motion. Vote was 5 affirmatives.

Meeting adjourned at 7:32 p.m.


Approved By:

Respectfully submitted:



Cindy Yates
Recording Secretary