NEW WHITELAND PLAN COMMISSION

MARCH 28, 2017

7:00 pm

PUBLIC HEARING

Chairman, Scott Alspach began the March meeting at 7:00 pm. Members present were Scott Alspach, Jeff Weaver, Marshall Walker, John Perrin, Wendell Johnson, Chris Roller and Dennis Montgomery. Zoning Administrator, Tim Guyer and Attorney, Lee Robbins were also present.

**MINUTES**:

John Perrin motioned to accept the minutes as presented from the last meeting. Marshall seconded the motion. Vote was 7 affirmative.

**ADMINISTRATOR’s REPORT**:

One building permit was issued, cost $20,000.00.

**OLD BUSINESS**:

None

**NEW BUSINESS**:

**CASEY’S GENERAL STORE REZONING PETITION**

Attorney, Lee Robbins explained to the Plan Commission members that the Town Council will ultimately make the decision on the rezoning petition. Under state statute, the Plan Commission is an advisory board. They are to consider what is being requested. At the conclusion, the Plan Commission will recommend to the Town Council to approve the rezoning petition, do not approve the rezoning petition or make no recommendation at all.

Lee Robbins advised the members that in their consideration of the rezoning recommendation, there is a criteria to follow, which is;

1. New Whiteland’s Comprehensive Plan
2. Current status & zoning of property
3. Most desirable uses
4. Safety from all conditions.

Lee stated that the petitioner will present their case first. Mr. Joe Calderon, Attorney for Casey’s General Store thanked the Plan Commission for the continuance from last month. He also stated that Caseys’ has sent a better notice to the surrounding property owners. They also held a neighborhood meeting last week in an open forum format. In attendance tonight is Matthias Smith, who is employed by Caseys’, as well as Pat Moon, a Consulting Engineer for Caseys’.

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**CASEY’S GENERAL STORE REZONING PETITION** (continued)

Mr. Calderon gave a power point presentation on Caseys’ stores. Caseys’ is based in Iowa and has stores mostly in the Midwest. There are 90 Casey stores in Indiana, so they are a recognizable brand in the state. Caseys’ is willing to serve smaller communities of a population of 5,000 or less.

The property they are asking to be rezoned is the southwest corner at Tracy Road and US 31. Exact addresses are 937 & 947 Sweetbriar Avenue. Those two properties equal about 1.7 acres and is currently zoned residential. They are requesting a rezoning to General Business 2.

Mr. Calderon states that the Town’s Comprehensive plan was established in the late 1980’s. Conditions were certainly different then.

Casey’s General Stores proposes to eliminate the existing driveways at those two properties. There will not be an entrance from Sweetbriar Avenue, only from Tracy Road and US 31. They do not propose to have a fence on the west side. They do propose to have a privacy fence on the south side of the property. They want to create an appropriate buffer for the residents to the west.

The value of the proposed Casey’s General Store is close to one million dollars. Mr. Calderon continued that a traffic study was done by Caseys’ for a 24 hour period, during the morning hours and the evening hours. Tracy Road and US 31 was graded in the C & D range. That grade level of service on the intersections are acceptable in the mornings and evenings.

The grade level for the entrances were in the A to C range. That grade is acceptable.

Mr. Calderon spoke about the “Rezoning Commitments”, which includes hours of operation, hours for trash pickup, no outdoor music, supplemental landscaping, wooden privacy fence on south property line and road improvements. Mr. Calderon states that Caseys’ is not going to be a 24 hour store. Someone at a previous meeting stated that they say that now and then can change later to be open 24 hours. Mr. Calderon states that Caseys’ could become a 24 hour store in the future, but would have to give a 60 day notice to the Plan Commission.

In closing, Joe Calderon states that Casey’s General Stores is a responsible development.

**PLAN COMMISSION BOARD**:

Jeff Weaver states that there is already a lot of traffic at that intersection. People sit there at the light at Tracy Road and US 31 waiting for a green arrow light to go north. Everyone behind those cars turning north, have to wait.

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**CASEY’S GENERAL STORE REZONING PETITION** (continued)

John Perrin asked if Caseys’ did an accident study? Pat Moon replied no, it wasn’t required in the rezoning petition. John Perrin states that the accident reports that he has, shows 43 property damage reports, 19 personal injury reports and 4 hit & run’s. John states that totals about 80 accidents and then you‘re talking about adding more traffic.

Chris Roller states that the east bound traffic is the problem.

Matthias Smith with Casey’s General Store states that their store might alleviate traffic congestion because people will be turning right into Caseys’ and not left into Shell Bigfoot.

John Perrin mentions the Comprehensive Plan and that certain areas were designated for commercial and certain areas for residential. The residential was left for a specific reason.

Marshall Walker believes that we are just asking for trouble if they allow the rezoning and building of Caseys’, due to the traffic light and foot traffic. Marshall asked why they chose the corner of Tracy Road and US 31 when there is already a Casey’s General Store approximately three miles south of New Whiteland.

Matthias Smith replied due to demographics it makes sense. People want convenience. It is a good fit for Caseys’ and their growth.

**PUBLIC AUDIENCE**:

DAVID COLE owns a house at 950 Sweetbriar Avenue. He is concerned about noise. He thinks it is a no win for the residents of New Whiteland.

ELAINE COLE also owner of 950 Sweetbriar Avenue states that the residents are at a disadvantage as homeowners. The Cole’s are retired and don’t have a lot of money. They have lived in New Whiteland for a long time. They have worked all their lives and invested into their family and property in this town. Caseys’ is a multimillion dollar company. They can hire an attorney, the residents cannot. This rezoning and proposed store doesn’t affect the lawyers. It is important to the residents of this town that they have a voice on something they don’t want.

She feels like Caseys’ is trying to squeeze this convenience store into that area.

MARK WALLS has resided at 804 Sweetbriar Avenue for over 20 years. His concern is if they change the zoning now on those two lots, then in the future, more businesses will come and take that whole side of Sweetbriar. He is against another gas station. Nothing against Caseys’,

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**CASEY’S GENERAL STORE REZONING PETITION** (continued)

but this community does not need another gas station. Mr. Walls sees it as a slippery slope. This is very important to the people in this community.

Robert Van Wagoner resides at 343 Tracy Road and states how bad the traffic gets around holidays. Around Christmas and Thanksgiving, it has taken him 45 minutes to get out of his driveway with the current traffic. He feels like he is being chased out of his home and he is not happy about the value of his property being devalued.

JASON KIRCHMEYER rents from the Cole’s at 950 Sweetbriar Avenue. His concern is not only the added traffic for residents but about emergency 911 calls getting through that intersection.

KIRK PARRAMORE owner of Auto Tint Express at the corner of Tracy Road and US 31. He has had his business at that location for 14 years. He states how the entrance to Shell Bigfoot is horrible. He looks at traffic every day and has helped with accidents. He is interested in building a new building and is interested in buying the third house on Sweetbriar Avenue. Mr. Parramore is not for or against Casey’s General Store. Their stores are kept up. Kids walk wherever they want to walk.

Matthias Smith with Caseys’ was asked if he knows, if surrounding property value goes up or down when a Caseys’ store is built next to residential lots. Mr. Smith replied there is nothing to say that the surrounding property value goes up or down. It varies.

MARIBETH ALSPACH resides at 42 Rypma Row and is concerned about drainage. With this proposed store, two residential lots would go to pavement. There is already a flooding problem on US 31, which affects residents in the Raintree subdivision. With more pavement, where is all the water going to go?

Pat Moon replied that INDOT has a specific drainage ordinance and so does the Town of New Whiteland. Those ordinances would have to be adhered to.

Roger Curry with Whiteland Retail Center filed a remonstrance with the Town of New Whiteland last week. Whiteland Retail Center is the owner of the Marathon on the south east corner of Tracy Road and US 31. Location address is 989 No. US 31 in Whiteland. They have been there for 15 years. He is here for the legal part of this rezoning petition. Throwing out the Comprehensive Plan is a fundamental issue. He states that this proposed convenience store is in direct contradiction to the Town’s Comprehensive Plan. The Comprehensive Plan states that it will not be injurious to surrounding property owners. This rezoning and proposed convenience store will hurt the residents.

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**CASEY’S GENERAL STORE REZONING PETITION** (continued)

Mr. Curry states that while Mr. Calderon states that Caseys’ wants to meet the community’s needs, there are two other gas stations at that intersection. Neither one of those gas stations have ever ran out of gas. There is no need for another gas station. Mr. Curry states that it is ludicrous to even suggest another gas station. Mr. Curry is asking that this rezoning petition be denied.

As a follow up, Attorney, Joe Calderon states that there is a difference in how Caseys’ views the property development and how the residents view it. He states, with all due respect, he does not believe that other businesses will creep up and begin popping up all along US 31 and Sweetbriar Avenue. Mr. Calderon stated that the additional traffic will only add a 1.5 second delay to the traffic. “The lots we are asking to be rezoned are corner lots. Competition is not a merit nor a part of the rezoning process.”

Lee Robbins advises the members that they can continue the public hearing or make a decision for a recommendation tonight.

CRAIG LUTZ resides at 1422 E. 600 N. He states that he has attended three different meetings and does not understand why Caseys’ is so adamant about putting a store on that corner. Matthais Smith previously addressed that when he stated the demographics make sense to them and it is a good fit for Caseys’.

CHRIS ROLLER states his concern about the bright lights that come with a convenience store. And his main concern is the eastbound traffic and that has not been addressed.

Marshall Walker motioned to send an unfavorable recommendation to the Town Council. Dennis Montgomery seconded the motion. Vote was 7 affirmative.

Attorney Calderon & Pat Moon asked to be put on the April 18th Town Council agenda instead of the April 4th agenda. Everyone was fine with that request.

Roger Curry asked about the time of the April 18th meeting and any future meetings. Scott Alspach replied the April 18th meeting is at 5:00. And all Town Council meetings are held on the first and third Tuesdays at 5:00 and are open to the public.

**OTHER NEW BUSINESS**:

Tim Guyer states that Darren Pearson from DNR is asking the Town to adopt the updates to their National Flood Insurance Program. Lee Robbins knows what he is talking about and will take care of this.

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**OTHER NEW BUSINESS** (continued)

Tim Guyer states that a guy called the office this week about purchasing property from Mike Wood and wanting to put a business there. The business is a service based company that cleans

air ducts, dryer vents and restaurant kitchen hoods. Tim looked at the permitted use schedule and is trying to see where a business like that would fit. The Plan Commission said they need to know more about this business. Please ask him to come to a Plan Commission meeting with more information.

Scott adjourned the meeting at 8:55 pm.

Respectfully submitted:

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Approved By: Recording Secretary