TOWN OF Brownsburg
61 North Green Street
Brownsburg IN 46112
317.852.1128

Town of Brownsburg Board of Zoning Appeals

Project Synopsis

TO: Board of Zoning Appeals; Tricia Leminger

FROM: Todd A. Barker, AICP

DATE: December 5, 2011

RE: CASE # BZSE-10-11-1089 / 2011-11BZA

GENERAL INFORMATION:

APPLICANT: Sawmill Creek, LLC.

STATUS OF APPLICATION: Pending action before the Board of Zoning Appeals

REQUESTED ACTION: Special Exception Use Approval

DATE OF APPLICATION: November 14, 2011

PURPOSE: To permit use of childcare/daycare center in district

ORDINANCE: §155.212(B)(2) of the Brownsburg Zoning Ordinance, entitled "I-4 Industrial District"

PROPERTY ADDRESS: 1630, 1632, 1650, & 1652 East Northfield Dr.

PARCEL ID: 32-07-13-250-001.000-016

EXISTING ZONING: I-4

UTILITIES:

WATER:	Town of Brownsburg
SANITARY:	Town of Brownsburg
STORMWATER:	Town of Brownsburg

EXISTING SURROUNDING ZONING:

NORTH:	I-4
SOUTH:	C-3
EAST:	I-4 & PUD
WEST:	I-4

EXISTING USES:

NORTH:	Industrial
SOUTH:	Commercial/Residential
EAST:	Industrial/Commercial
WEST:	Industrial

NEIGHBORHOOD CHARACTERISTICS: This stretch of East Northfield Drive is primarily medium to large scale industrial buildings. East Northfield Drive is a major roadway that carries traffic around town as well as many trips specifically to a location in the Eaglepoint Business Park adjacent to this property.

TOTAL PARCEL SIZE:	11.97 Acres
COMPREHENSIVE PLAN DESIGNATION:	The Future Land Use map in the Brownsburg 2020 Comprehensive Plan recommends this area for Industrial development.
THOROUGHFARE PLAN:	East Northfield Drive is listed as Primary Arterial in Town of Brownsburg 2020 Thoroughfare Plan.
GREENWAYS MASTER PLAN:	This stretch of East Northfield Drive is recommended to include a Multi-Use Trail.
PUBLIC NOTICE:	Hendricks County Flyer on November 12, 2011
PUBLIC HEARING DATES:	December 12, 2011 - 7 p.m.
PUBLIC COMMENTS:	No written comments received as of December 5, 2011.

STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:

The BZA shall review the particular facts and circumstances of each proposed special exception use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
2. Will not be hazardous or disturbing to existing neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
4. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

General Requirements

1. The Board of Zoning Appeals may impose any reasonable conditions upon its approval as it deems necessary.
2. Commitment concerning the use or development of the property in accordance with §§ 155.070 through 155.081.
3. The approval of a special exception use of this section is unnecessary if that special exception use existed prior to September 25, 2003, or pertinent amendments to it were passed. However, this section shall not authorize the expansion of a use if it involves the enlargement of a building, structure, or land area.
4. A special exception use approved by the Board may not be expanded, extended, or enlarged unless re-approved by the Board under the procedures set forth in this section for approving a special exception use.
5. A special exception use approved or authorized by division (D) of section 155.035 ceases to be authorized and is void if that use is not established within a 12-month period of the date the special exception use was approved, or if that special exception use is discontinued at that site for a 12-month period, during which time it is not succeeded by the same specifically approved special exception use.
6. A special exception use may be terminated by the Board, upon filing of a complaint by an interested person or the Administrator, and upon finding at public hearing, with notice to the property owner and any other interested parties

pursuant to Board rules, that the terms of this section, or conditions of approval or commitments, have not been complied with.

PREVIOUS ACTIONS ON-SITE:

1. BZSE-3-11-1068 Kidz Depot Inc. received a Special Exception Use for Suite 500 of this property earlier this year.

PREVIOUS ACTION- SURROUNDING AREA:

1. ASDP-7-11-1079 Vance & Hines Building No. 7 received an Administrative Site Development Plan approval earlier this year.

SUPPLEMENTARY DOCUMENTATION INSERT:

▪ APPLICATION	EXHIBIT - A
▪ DETAILED STATEMENT OF REASON	EXHIBIT - B
▪ ZONING MAP	EXHIBIT - C
▪ AERIAL INSERTS	EXHIBIT - D
▪ SITE PHOTOS	EXHIBIT - E

EXHIBIT – A
APPLICATION

TOWN OF BROWNSBURG
PLANNING & BUILDING
OCT 14 2011

Revised Application
Special Exception Use Not a Use Variance

APPLICATION TO
THE TOWN OF BROWNSBURG
BOARD OF ZONING APPEALS

SPECIAL EXCEPTION USE

Docket #: **BZSE-10-11-1089 / 2011-11BZA** Date Received: 10/14/11

Application Fee: $600.00 Receipt #:

COMPLETE THE FOLLOWING

1. Applicant's Name: Sawmill Creek, LLC 2. Phone: 317-286-3616
3. Mailing Address: 1650 E. Northfield Dr. #400, Brownsburg, IN 46112
4. Email Address: properties.simpson@gmail.com
5. Owner's Name: EJ Bill Simpson 6. Phone: 317-286-3616
7. Mailing Address: 1650 E. Northfield Dr #400, Brownsburg IN 46112
8. Email Address: billsimpsondesigns@yahoo.com
9. Applicant is *(Check One)* ☒ sole owner ☐ joint owner ☐ tenant ☐ agent ☐ other *(specify)*
10. Premises Affected:
    A. Address: 1650, 1652, 1630 & 1632 E. Northfield Dr.
    B. Parcel Number(s): 32-07-13-250-001.000-016
11. Existing Zoning: I-4 12. Existing Use: Industrial, Auto, Recreation
13. Surrounding Properties:

	North	South	East	West
Zoning:	I4	C3	I4	I4 / PUD
Use:				

14. Applicable section of the Zoning Ordinance: **§ 155.212(B)(2)**
    (one section per application)
15. Detailed Statement of Reasons for this request: *(refer to § 155.036 of the zoning ordinance)*
    Vary from 155.212(B)(1) "Permitted Uses" for the intent of permitting childcare/daycare centers within the district.
16. Notarization:
    The above information and attached exhibits, to my knowledge and belief, are true and correct.

Signature of Applicant Date: 10-11-11
EJ Bill Simpson
Print

State of Indiana)
County of Hendricks) SS:
Subscribed and sworn to before me this 11 day of October, 2011

Signature of Notary: Kimberly S. Seals
Print: Kimberly S. Seals

County of Residence: Hendricks
My Commission Expires: May 4, 2016

Form: BZA-201 Revised: 2/2008 Page 1 of 1

EXHIBIT – A
APPLICATION *continued*

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

I / (we) EJ Bill Simpson

and — after being first

duly sworn, depose and say:

1. That I / (we) are the owner(s) of the real estate located at: 1650, 1652, 1630, 1632 E. Northfield Dr Brownsburg IN 46112
2. That I / (we) authorize Kim Seals to act as my / (our) agent for the variance request.
3. That I / (we) have read and examined the Application for a Use Variance and am / (are) familiar with its contents.
4. That I / (we) have no objection to, and consent to such request as set forth in the Application.
5. That such request being made by the Applicant is / (is not) a condition to the sale or lease of the above-referenced property.

Signature of Affiant — Date: 10-11-11

EJ Bill Simpson
Print

State of Indiana)
County of Hendricks) SS:
Subscribed and sworn to before me this 11 day of October, 2011

Kimberly S. Seals
Signature of Notary

Kimberly S. Seals
Print

County of Residence:
Hendricks

My Commission Expires:
May 4, 2016

Form: BZA-001-UV — Revised: 2/2008 — Page 1 of 1

EXHIBIT – B
DETAILED STATEMENT OF REASONS

DETAILED STATEMENT OF REASONS

This document is a part of the application for Variance to apply to the property located at
1650, 1652, 1630, 1632 E. Northfield Dr. Brownsburg, IN.

I/we understand that the Board's findings shall be based upon the following statutory requirements:

Revised Application Special Exception Use Not a Use Variance

The BZA shall review the particular facts and circumstances of each proposed special exception use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
2. Will not be hazardous or disturbing to existing neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
4. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

I hereby assert that this petition addresses the above criteria, to wit:

See Attached Statement: Dated

Your statement must do two things:

(1) explain in detail the variance you are requesting;

(2) explain how your request meets the criteria listed for your type of variance.

Applicant Signature

EJ Bill Simpson
Print Name

10-11-11
Date

Form: BZA-002-UV *Revised: 2/2008* *Page 1 of 1*

EXHIBIT – B

DETAILED STATEMENT OF REASONS *continued*

Received 11/9/2011

SPECIAL EXCEPTION USE

Detailed Statement of Reasons

10/11/11

1) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;

There will be no additional add-ons to the exterior of the building for any childcare/day care centers. They will use signage as approved by me as the owner of the building and approved by the Town of Brownsburg.

2) Will not be hazardous or disturbing to existing neighboring uses;

Employees and parents would only be using the parking spaces intended for the amount of space rented; therefore not overlapping into other businesses parking places. Noise level is very low; existing neighboring businesses would be unable to hear them.

3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

The facility would provide before and after school care and because the bus already picks up/drops off children at HIP studios and Kidz Depot it would not create another route change for school transportation. The facility could potentially have all day camps, and day care center with the correct provisions as required by the State of Indiana. They will abide by their license on the worker to child ratio.

4) Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;

There are trash containers located at the north and south end of our parking lot for disposal and paid for at the property owners expense.

5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Childcare/day care centers do not use or produce anything that is harmful to the environment. They take care of children are overprotective when it comes to cleanliness and safety.

6) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

There will be no traffic interferences as this is in a complex and there is ample moving around space. The parents would be doing a drop off and pick up at various times.

7) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

If it is needed there will be proper permits to construct the inside of the unit to the tenants needs. Most amenities are within the building and should only require cosmetic changes if any. There would be no add-ons to the exterior of the building.

Page 1 of 2

EXHIBIT – B
DETAILED STATEMENT OF REASONS *continued*

SPECIAL EXCEPTION USE
Detailed Statement of Reasons
10/11/11

More reasons we should allowed Childcare/Day care in the 1650,1652,1630,1632 E. Northfield are mentioned above:

- **With the current factory, race teams, and retail locations to the north of us there are a number of people needing child care.**
- **We are at a prime location; you have access to State Road 136, 56th Street, as well as Interstate 74. This makes it convenient for families from Brownsburg, Avon, Pittsboro, Zionsville, North Salem, Jamestown, Lizton, Plainfield, Danville and many more.**
- **This would bring business to Brownsburg as parents especially of younger children like to have their child close during the day. Also, with the children being close it is easier to eat out after work, go to the movie theater, get their nails and hair done, and shop at Brownsburg retail and grocery stores without going home first.**
- **We have higher ceilings which allows for kids to have areas for basketball, football, etc.**

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EXHIBIT – C
ZONING MAP

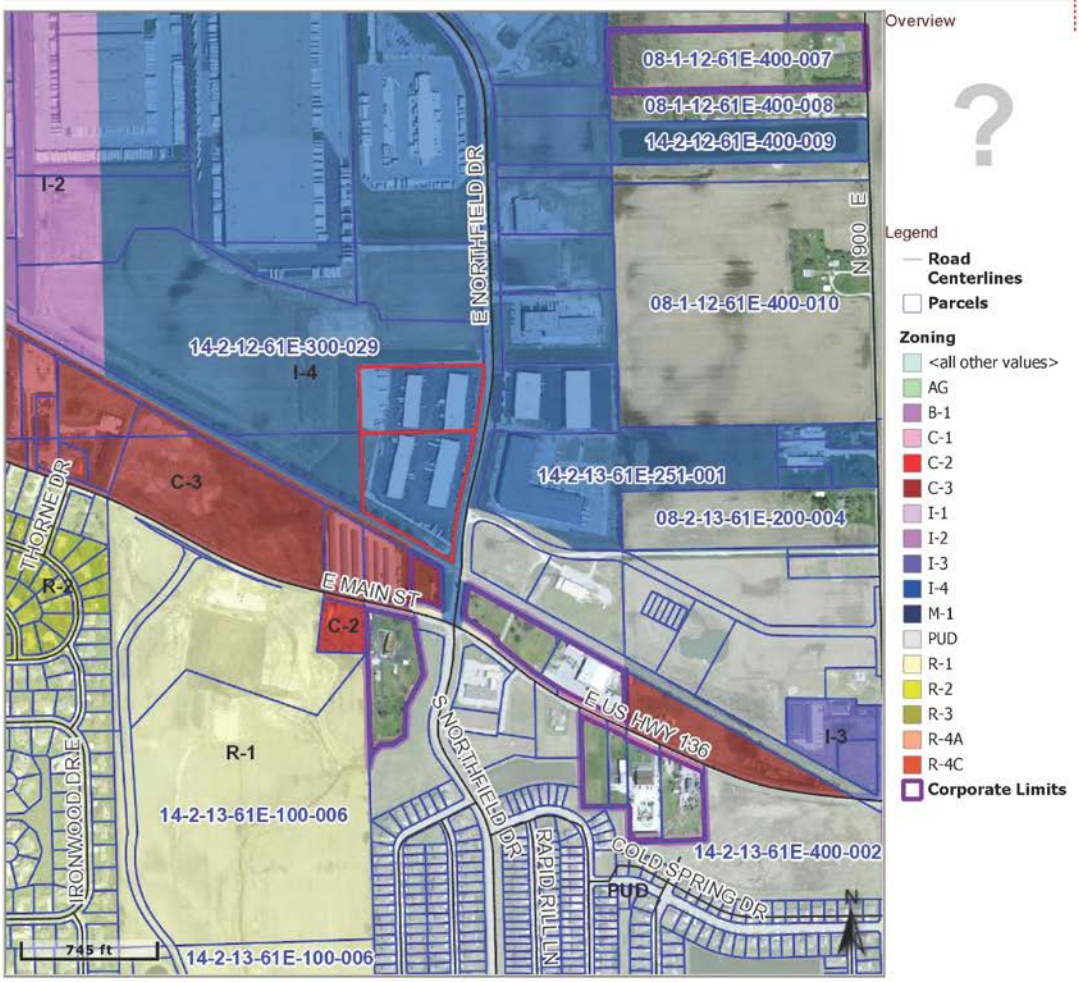
Town of Brownsburg, IN

beacon™

BZSE-10-11-1089

Sawmill Creek

Date Created: 12/5/2011



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Schneider developed by The Schneider Corporation www.schneidercorp.com

EXHIBIT – D
AERIAL

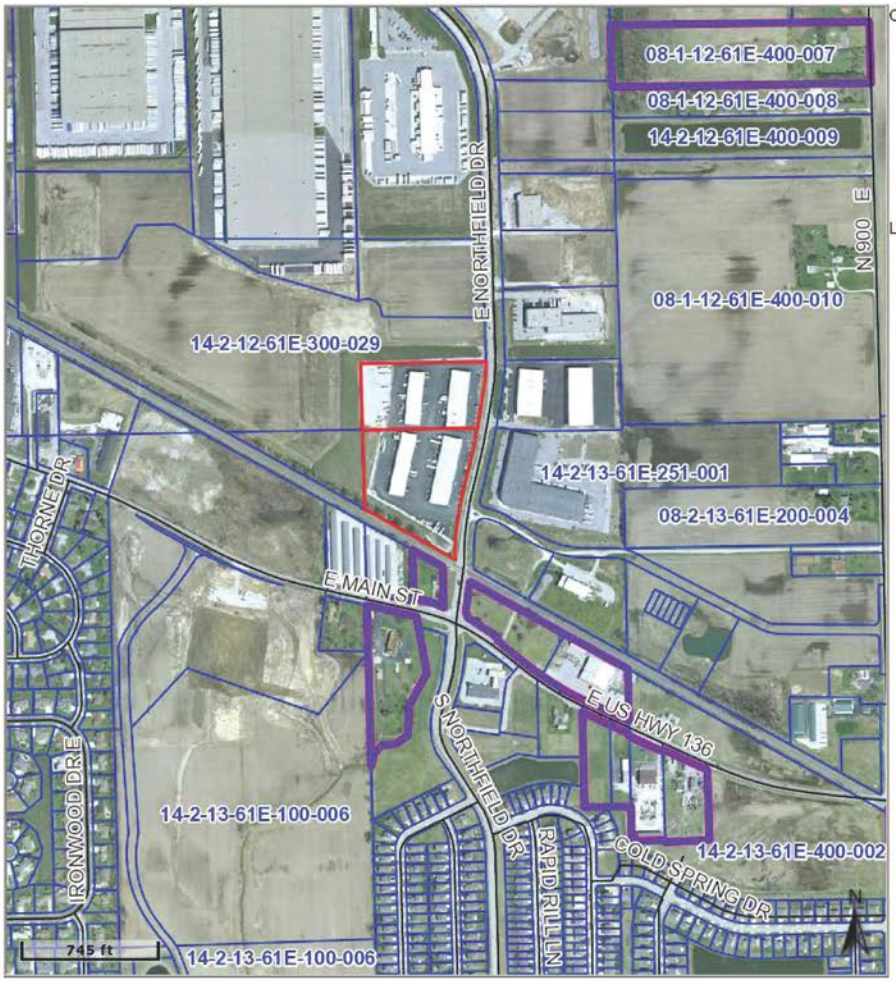
Town of Brownsburg, IN

beacon™

BZSE-10-11-1089

Sawmill Creek

Date Created: 12/5/2011



Overview

Legend
- Road Centerlines
- Parcels
- Corporate Limits

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Schneider developed by The Schneider Corporation www.schneidercorp.com

EXHIBIT – E
SITE PHOTOS

STAFF ANALYSIS:

1. The petitioner is requesting the ability to operate daycare/childcare facilities within the four buildings zoned I-4 Industrial, at 1630, 1632, 1650, & 1652 East Northfield Drive. All four buildings/addresses are on one parcel. Section 155.212 (B) (2) states that "Day care; centers and nursery schools" are a Special Exception Use within the I-4 Industrial District which requires approval from the BZA to legally operate in the district.
   - *Special exception uses are those uses that, because of potential incompatibility and negative impact on the immediate districts, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Therefore, the determination of special exception uses as appropriate shall be contingent on their meeting the standards inclusive in §155.035 Special Exception Uses of the zoning ordinance, the provisions of their respective zoning districts, and the weighing, in each case, of the public benefit and need against the local impact.*
2. The facility is adequately served with parking spaces for this use.
3. No products/goods are being produced/manufactured/assembled as a part of this request.
4. No infrastructure is needed as a part of this request.
5. No alterations are required to any vehicular approaches as a part of this request.
6. There are four buildings on this site owned by Sawmill Creek, LLC. - each includes multiple suites.
7. Staff was concerned with the potential for incompatible uses within a building and the life safety impacts of adjacent tenants. Therefore, we met with Jack Swalley, Building Commissioner, to determine if there would be any building occupancy classification issues. Mr. Swalley confirmed that the building has a fire sprinkler system and has one hour rated separations between each suite. From a building code scenario Mr. Swalley made the determinations that the different uses have the proper separation. Mr. Swalley would like to complete an initial life safety inspection of any new daycare/child care facility prior to the facility accepting any children; he would also like to complete an annual life safety inspection of any and all daycare/child care facilities onsite.

RECOMMENDATIONS:

Based on the analysis of the submitted information by the petitioner, the Special Exception Use sections of the Zoning Ordinance, and my comments above, it is my opinion that this request has SATISFIED the requirements for the approval of a Special Exception Use in accordance with the Zoning Ordinance and State Statute. If the Board elects to approve this request I recommend the following conditions of approval:

1. Prior to opening of any new daycare/childcare facilities a life safety inspection must be completed by the Brownsburg Building Department and Brownsburg Fire Territory. If any violations/concerns are identified, the property owner/or tenant shall address all violations/concerns to the satisfaction of the Brownsburg Building Department and/or Brownsburg Fire Territory. After the initial life safety inspection, an annual life safety inspection must be conducted for each and all daycare/childcare facilities onsite to ensure that the life safety features are in adequate working order.

STAFF CONTACT:

NAME:	Todd A. Barker, AICP	Jonathan K. Blake
TITLE:	Director of Planning	Planning Technician
PHONE:	317-852-1128	317-852-1128
EMAIL:	tbarker@brownsburg.org	jblake@brownsburg.org