

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

24-W-SE-15 **SPECIAL EXCEPTION/VARIANCE**
Speedway Sand & Gravel, Inc.
State Road 205, ½ mile south of 350 South

NOVEMBER 26, 2024
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Property area: 141± acres (total), 96± acres (operation)

The petitioner, proposed lessee of the subject property, is requesting approval to locate a gravel and sand mining and mixing operation on the subject property. The site is located on the east side of State Road 205, approximately ½ mile south of the intersection with 350 South in Sections 29 and 32 of Columbia Township.

As proposed, roughly 40 acres on the central part of the property would be used for mineral extraction, all located in the floodplain and floodway of the Eel River (this will require approval of a floodway permit by DNR). Topsoil in the area would be removed and stockpiled along the western property line for use as sound mitigation mounds. A 2-acre pond would then be constructed initially using an excavator. After the pond is constructed, a suction dredge would be used to pump material to the processing area. The petitioner states that doing this would limit the vehicle traffic in the mined area.

Another 20-25 acres to the north of the mining area would be used for material/product stockpiling, processing, and loading, which would be located on higher ground out of the floodplain.

No plans are shown for the northernmost and southernmost ends of the property.

Access would be derived from State Road 205, north of the property at 2255 North SR 205. It is staff's understanding that a driveway permit has been requested from INDOT, if not already granted. The property does have about 450' of frontage on Wolf Road along the northeast side of the property.

Given the size of the area available, it should be possible to provide adequate parking for employees, customers, and equipment. Being in an AG district, parking and driveways may be gravel.

As proposed, the hours of operation would be 7am to 4pm, with 3 to 4 employees on-site. Traffic generation for employees and customers should be a component of the INDOT driveway review.

Security lighting would be installed at the scales, and lights would be installed around the plant equipment to allow for morning operations.

No details on restroom facilities, septic system plans, wells, or other utility details were submitted. However, many utility details are not pertinent to a special exception use review.

An identification sign is proposed at the entrance. It would need to meet the requirements of the sign code.

Zoning application

In the AG zoning district, gravel/sand/mixing operations require a special exception. This use has been interpreted to include both mining and mixing but would not include a ready mix or asphalt plant. Per I.C. 36-7-4-1103, in non-urban locations, defined to be areas of less than 8 residences per quarter mile square, mineral extraction cannot be completely prohibited by zoning code or action. However, conditions may be made as part of the approval, as with any special exception.

SPECIAL EXCEPTION REVIEW CRITERIA

Indiana Code §36-7-4-918.2 and Section 10.9(A) of the Zoning Code authorize the Board to review special exceptions and state the criteria listed below upon which the Board must base its review. Staff's comments/proposed findings of fact under each criterion.

- 1. The special exception shall not involve any elements or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards;**

Because of the distance between the proposed operations and the nearest residence and roads, it is unlikely that this proposal will have any elements or conditions that may be dangerous, injurious, or noxious to other properties or persons.

The following are the performance standards generally listed in §5.7:

Air pollution. Open mining and processing operations could create dust. This particular operation would use dredging for the majority of the mining, which would eliminate most dust created during mining. The processing and mixing operations could generate dust, so appropriate mitigation measures should be implemented.

Electrical disturbance. It is not expected that this use would create electrical disturbance beyond that of any use using heavy equipment and vehicles.

Fire protection. It is not expected that this use would need fire protection beyond that normally provided.

Noise. The plant equipment (e.g., washer, screens, conveyors, etc.), dredge, and vehicles will generate noise. The separation distance from adjacent properties along with the proposed mounds should mitigate much of the sound.

Odor. Aside from potential dust generation, it is not expected that this use would create odors.

Vibration. Similar to noise, it should be anticipated that the plant equipment will generate some vibration. Since the proposed equipment is smaller scale and sited 200'+ from the property line, it is not likely that vibrations will be readily detectable beyond the property lines.

Heat and glare. It is not expected that this use would create heat and glare as described in §5.7.

Waste matter. It is not expected that this use would create waste matter accumulation or allow waste to discharge beyond the property lines.

Water pollution. It is expected that the use would maintain adequate erosion control measures and other water quality protections, as these aspects are regulated by the state and other agencies. If restrooms are to be provided, Health Department review will be needed.

- 2. The special exception shall be sited, or oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties;**

The stockpiles and plant operation would be located more than 200' from the highway and the nearest residential property to the southwest. Additionally, a mound would be constructed along the adjacent residential property lines as a visual and acoustic screen. It is not stated whether the mound would include landscaping or would be left as grass. The proposed setbacks from property

lines combined with the rolling topography of the area should mitigate many inconsistencies between the proposed use and surrounding properties.

3. The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;

The proposed rock material stockpiles and industrial equipment and vehicles are visually dissimilar to immediately adjacent properties, which are primarily residential and agricultural. However, the visual qualities are fairly comparable to grain silos and elevators and farming equipment, all of which are prevalent in the neighborhood and AG-zoned properties generally. As discussed above, the proposed siting helps to mitigate aesthetic differences.

4. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and

The single access point onto State Road 205 could cause possible congestion on the highway as vehicles are slowing to turn into the plant and waiting for oncoming traffic. The frequency of such congestion is uncertain given the variability of traffic volumes on the highway and traffic to and from the plant throughout the day. Further, congestion may be created as heavy vehicles would accelerate slowly upon entering the highway. All of these factors should be part of the INDOT driveway review and additional passing lanes or acceleration lanes would need to be constructed as per their findings.

5. The special exception shall preserve the purpose of this Ordinance, as stated in Section 1.4.

The proposal is a listed special exception use of the AG district. It appears to meet the stated purposes of the Zoning Ordinance, in particular §1.4(C)(b). The Comprehensive Plan generally supports well-located businesses that are not out of character of the neighborhood. Generally, the above criteria seem to affirm the purposes stated in the ordinance.

SUGGESTED CONDITIONS

If the Board moves to grant the special exception, the following are suggested conditions of the approval:

1. The Special Exception is granted as presented and per the site plan.
2. The Special Exception is granted for the applicant and is non-transferable.
3. The Special Exception shall maintain compliance with the performance standards of Section 5.7.
4. The proposed driveway and its location must be approved by INDOT, and any conditions of their permit (if one is required) must be incorporated.
5. The plant must be kept in good condition and driveways and parking maintained for adequate access.
6. Hours of the operation would not exceed 7am to 4pm, in terms of operating noise-generating equipment and vehicles.
7. Upon the termination of the mining and processing use, the petitioner shall remove equipment, vehicles, driveways, and any material stockpiles, and generally restore the property for productive agriculture or another primary use permitted in the zoning district. Removal of mounds and the mining pond would not be required.
8. Exterior lighting shall be directed and/or oriented to prevent light spillage and glare onto adjacent properties and rights-of-way.
9. Trash and debris shall not be allowed to accumulate on the property.
10. Any signage will conform to the requirements of the sign code.

Date report prepared: 11/20/2024

BOARD OF ZONING APPEALS RECORD OF ACTION

Motion:

By:

Second by:

Approve

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Approve w/conditions

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Deny

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<i>Vote:</i>	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

CO. RD. 350 S.

WOLF ROAD

McDEVITT
92-06-29-000
112.000-003

STATE ROAD 205

REIFF
92-06-29-000
208.000-003

REIFF
DOC. #2021060121

RIDER
92-06-28-000
205.000-003
92-06-28-000
304.000-003

PROPOSED
PORTABLE
PLANT



PROPOSED 16'x40'
SCALE HOUSE
PROPOSED DRIVE

MGM HOLDING LLC,
92-06-29-000
203.000-003

SETTELMENT PONDS

REIFF
92-06-28-000
301.000-003

KRIDER
92-06-29-000
204.000-003

STOUT
92-06-32-000
001.000-003

BURTON
92-06-32-000
002.000-003

FULK
92-06-32-000
103.900-003

PROPOSED LIMITS OF
MINERAL EXTRACTION
40± ACRES

75' (FROM TOP OF BANK)
REGULATED DRAIN EASEMENT.
(LOCATION TO BE DETERMINED
BY THE WHITLEY COUNTY
DRAINAGE OFFICE)

ALLEN
92-06-33-000
403.000-003

EEL RIVER

WIREMAN
92-06-32-000
104.000-003

WYATT
92-06-32-000
109.900-003

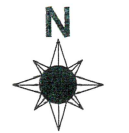
HILTY
92-06-32-000
107.901-003

EASEMENT
I & M POWER CO.
DOC. #2021070406

REIMER
92-06-32-000
106.900-003

HEINBACH DRAIN

75' (FROM TOP OF BANK)
REGULATED DRAIN EASEMENT.
(LOCATION TO BE DETERMINED
BY THE WHITLEY COUNTY
DRAINAGE OFFICE)



SCALE: 1"=400'

SITE PLAN

PART OF SEC. 28,29,32-T31N-R9E

TITLE HOLDER: JAMES & NANCY REIFF

DATE: 10/30/2024



SPEEDWAY
SAND & GRAVEL
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