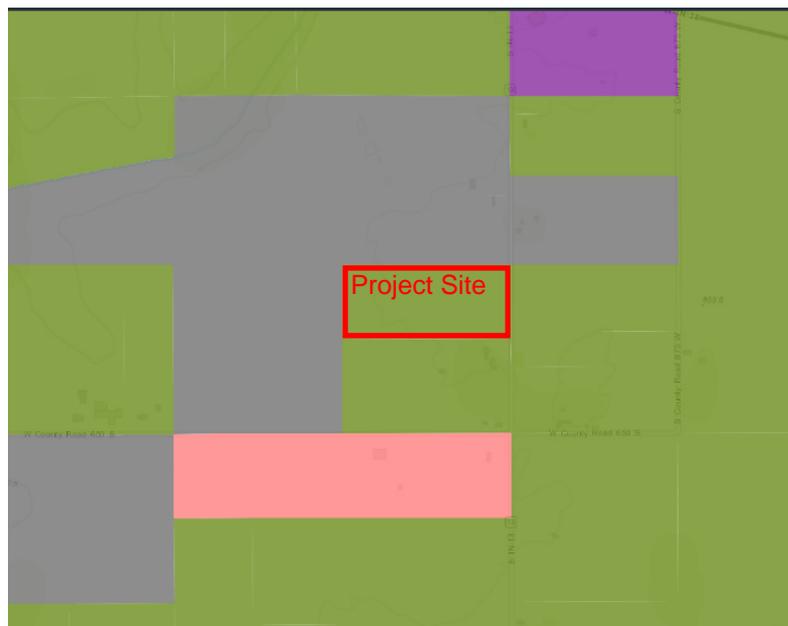


## PLAN COMMISSION STAFF REPORT

APPLICATION NO:	REZ-2024-01
HEARING DATE:	June 13, 2024
SUBJECT:	Rezone
LOCATION:	0 S. SR-13, Pendelton, IN 46064
PETITIONER(S):	Jason Wills, Wills Excavating
SUMMARY:	Rezone from Agricultural to General Industrial
WAIVERS REQUESTED:	None
RECOMMENDATION:	Recommend APPROVAL of Rezone to the Council
PREPARED BY	Grant List, Planning Aid

- EXHIBITS
- Exhibit 1: Staff Report
  - Exhibit 2: Application
  - Exhibit 3: Site Plan
  - Exhibit 4: Project Narrative
  - Exhibit 5: Affidavit and Deed
  - Exhibit 6: Sewer Agreement
  - Exhibit 7: Comprehensive Plan

### Existing Zoning Map



## PROCEDURE

### History

1. **Application.** The application was filed in May of 2024 for a Rezone through the Planning Commission. The petitioner applied to rezone the property from Agricultural to General Industrial.
2. **Public Notice.** Notice of the Public Hearing was provided on June 3, 2024 in the newspaper, and by mail on May 31, 2024.

### Next Steps

The Town Council can review the Planning Commission’s recommendation regarding this case at their June 20th, 2024 meeting. The Town Council will be the final authority on either approving or denying this request.

## CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

## ABOUT PROJECT

### Location

The subject site is located at 0 S. SR-13, Pendleton, IN 46064, 0.55 miles south of SR 38 and SR 13 intersection. See the site location highlighted below. The existing zoning for the property is Agricultural, as well as the adjacent properties to the east and south. The property to the west and north is General Industrial. The property on the south side of W 650 S is General Commercial.



## Proposal

The petitioner is requesting a rezoning of this property from Agricultural to General Industrial. The petitioner would be utilizing the property for their corporate headquarters, constructing a 14, 445 square foot office-warehouse facility. This would also include the storage of company vehicles and heavy equipment on the rear side of the property.

## **PROCEDURE**

Per Lapel's UDO, V 1.8.6 Zoning Amendment Process "*Proposals for zoning map amendments may be initiated by either the Plan Commission, the Town Council, or through a petition signed by property owners of at least 50% of the land involved*". Exhibit 5 shows the proper affidavits to allow the applicant to apply for this rezone. The applicant has also submitted all required information from V 1.8.6.B including site plans (Exhibit 3), vicinity zoning map (see page 1), letter of intent (Exhibit 4), and sewer agreement (Exhibit 6). Proper notice was given for the required public hearing, per V1.8.6.D, but no comments were received by the time of this writing.

Per Lapel's UDO, V1.8.6.E.iv "*The Commission shall either forward the petition to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.*" This is based on the following decision criteria from V 1.8.6.H:

**Decision Criteria:** The Plan Commission shall not approve any application unless it complies with all applicable standards, including consideration of:

1. The Lapel Comprehensive Plan and any other applicable, adopted planning studies or reports;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use of which the land in each district is adapted;
4. The conservation of property values throughout the Town of Lapel; and
5. Responsible growth and development.

## **ANALYSIS**

The subject site is currently zoned agricultural per tax use records. The surrounding zoning and uses are Agricultural and General Industrial. The site is surrounded by agricultural to the east and south; and industrial land uses to the west and north. The proposed scope of use by the applicant matches some of the surrounding uses or does not negatively affect some.

All appropriate codes have been followed in the applicant's design, should the property receive rezoning to General Industrial. The proper arrangements have been made for sewer access.

Per the comprehensive plan, the proposed use of General Industrial does not follow the planned use of General Commercial at this site. See Exhibit 7 for site location in the comprehensive plan. That said, it does facilitate some of the intents of the comprehensive plan. The proposed headquarters use is close in use to the permitted office use for general commercial. Additionally, it would promote economic development and infrastructure improvements desired in this area.

The current characteristics of the area are generally more industrial and agricultural, and the proposed zoning would allow more of a transition from industrial to the commercial zoning desired south of the property.

The most desirable land use for the property does lean more towards industrial, to align the property with the existing and planned land uses for the surrounding properties. It will facilitate job growth and economic opportunities for the area that currently do not exist and could stimulate future growth. Wills Excavating also endeavors to contribute to the community itself through future contributions and involvement.

The retention, or possibly growth of the property value is also a favorable possibility. Through increased employment, economic growth, and infrastructure improvement, the applicant believes that future property values will increase in a meaningful way. There is also an intent to maintain compatibility with the surrounding land uses.

The balance of future growth will also be maintained through the matching of proposed surrounding land uses while diversifying the existing area, both in land use and job opportunities.

## RECOMMENDATION

Staff recommends approval of application REZ-2024-01 because:

1. The proposed land use is compatible with the surrounding existing and proposed land uses;
2. The proposed development would add to the value of the current property, which is currently in disuse, as well as the surrounding properties;
3. The proposed zoning would match surrounding zoning, and provides a good transition from general industrial to general commercial.

Staff also notes the following reasons for not approving the application REZ-2024-01:

1. The proposed rezone is not compatible with the Comprehensive Plan designation of General Commercial for the property;
2. The most desirable land use for this property is commercial, as it develops more revenue for the area, and would be compatible with nearby current land uses, as well as the proposed land uses in the comprehensive plan.

## MOTION OPTIONS (Subdivision Request)

1. Motion to **approve** the application as per submitted application REZ-2024-01.
2. Motion to **deny** the application as per submitted application REZ-2024-01. **(List reasons)**
3. Motion to **continue** the review of the application REZ-2024-01 until the next regular meeting on July 11, 2024.

Next Plan Commission meeting date(s): July 11, 2024.



# REZONE/PUD APPLICATION

*\*Required sections to fill out*

### Application type\*:

- Rezone (Change of Zoning)
- PUD (Planned Unit Development)
- PUD Ordinance Amendment
- Modification to Commitments

### For office use only:

App No: \_\_\_\_\_  
 Date received: \_\_\_\_\_  
 App fee: \_\_\_\_\_  
 Fee paid by:  Cash  Check  
 Check #: \_\_\_\_\_

## PROPERTY INFORMATION\*

Address/Location: \_\_\_\_\_  
 Parcel(s) ID(s): \_\_\_\_\_  
 Current use: \_\_\_\_\_ Current zoning: \_\_\_\_\_  
 Proposed use: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_  
 Current improvements on site: \_\_\_\_\_ Proposed use for the site in Comprehensive Plan: \_\_\_\_\_  
 Project total size: \_\_\_\_\_ Acres (include the area of all parcels)

## PROPERTY OWNER INFORMATION\*

Name: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City/Town: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

## APPLICANT INFORMATION\* Same as owner

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Company name: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City/Town: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

**NOTE:** The person listed as **applicant** will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

## PROJECT DESCRIPTION\*

Proposed project name: \_\_\_\_\_

### Project description

*(Briefly describe the project: what would be built, how the property would be used, and how the project would be integrated into the surrounding area.)*

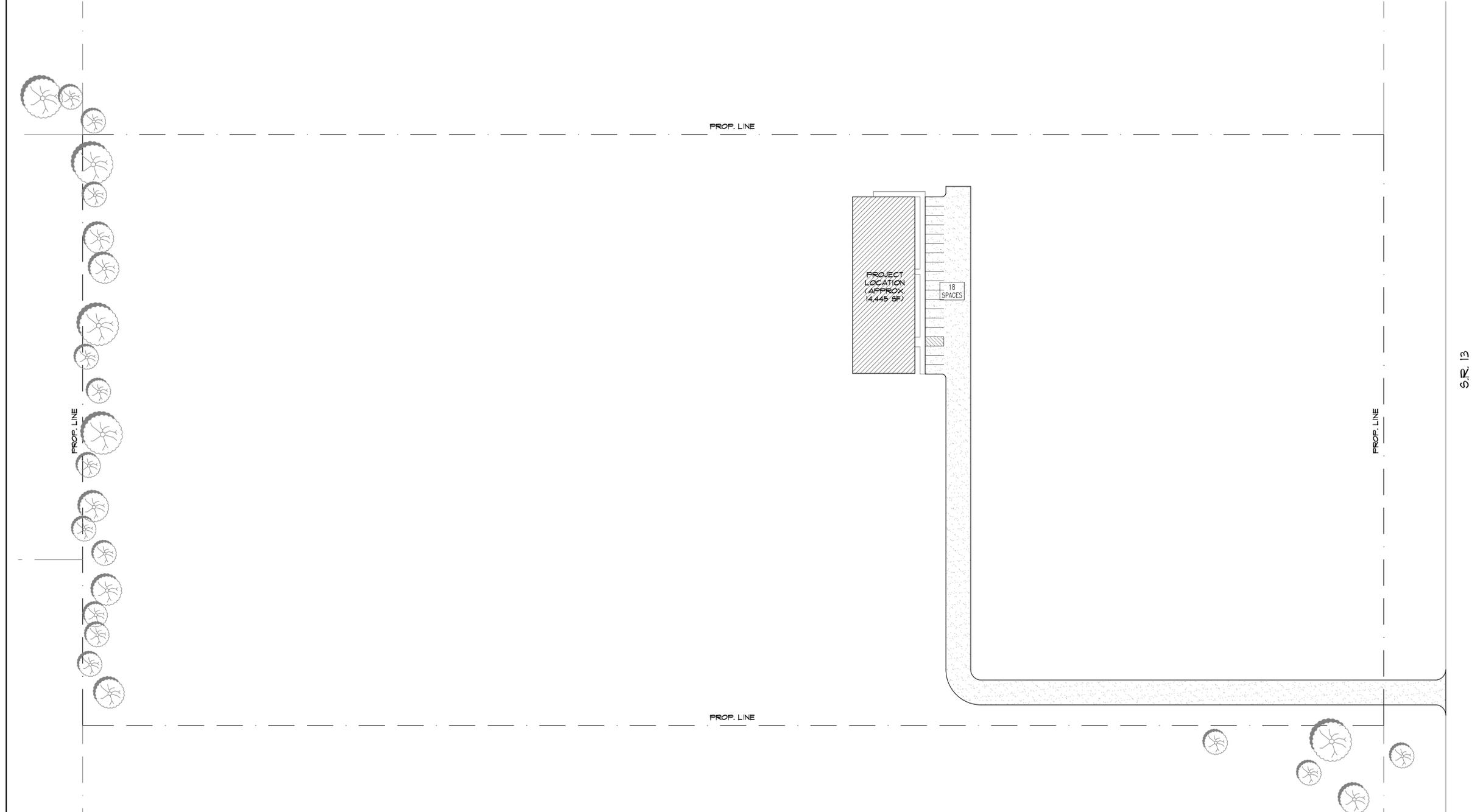
## COMPLIANCE WITH REZONE (and PUD) CRITERIA\*

*(Briefly describe how the proposed project follows the rezone/PUD criteria listed below.)*

- 1. The Comprehensive Plan ([online copy here](#)):** This proposed change of zoning supports the comprehensive plan because:
  
- 2. Characteristics & Current Conditions:** This proposed change of zoning supports the current conditions and the character of current structures and uses in each district because:
  
- 3. Desired Use:** This proposed change of zoning supports the most desirable use for which the land in each district is adapted because:
  
- 4. Property Values:** This proposed change of zoning supports the conservation of property values throughout the jurisdiction because:
  
- 5. Growth Management:** This proposed change of zoning supports responsible development and growth because:

Additional criteria for PUDs (V12.2.3 Preliminary Plan & Rezoning):

- **Requirements and Intent.** This proposed change of zoning to Planned Unit Development fulfills the requirements and intent of this Article (The Zoning Ordinance) and the Subdivision Control Ordinance because:
  
- **Overlay Requirements.** This proposed change of zoning to Planned Unit Development is Consistent with the requirements of all applicable overlay districts because:



**peterson** ARCHITECTURE

298 south 10th street  
suite 500  
noblesville in 46060  
p 317.770.9714  
f 317.770.9718  
studio@petersonarchitecture.com

# NEW CONSTRUCTION WILLS EXCAVATING

INDIANA

## DESIGN + BUILD CORP

CLIENT REVIEW  
APRIL 30, 2024

REVISIONS:	DATE	DATE
△	REVISION	DATE

DRAWN BY: B. HOFMANN  
 CHECKED BY: D. PETERSON  
 PROJECT NUMBER: 24-0042

ARCHITECTURAL SITE PLAN

# AS101

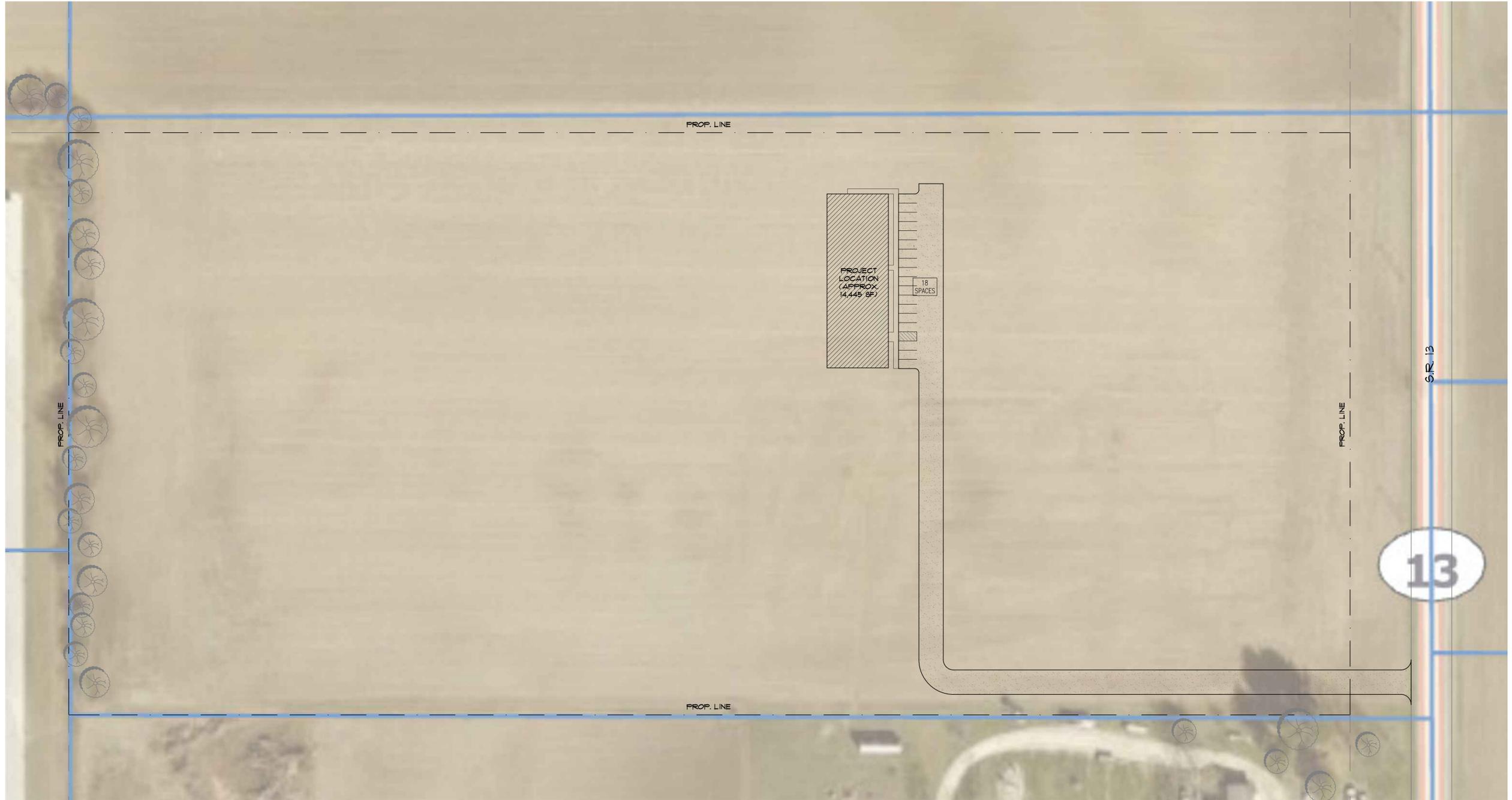
THESE DRAWINGS ARE GIVEN IN CONFIDENCE AND SHALL BE USED ONLY IN PURSUANT TO THE AGREEMENT WITH PETERSON ARCHITECTURE, P.C. NO OTHER USE OR DUPLICATION MAY BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF PETERSON ARCHITECTURE, P.C. ALL OTHER COPYRIGHT AND COMMON LAW RIGHTS ARE HEREBY SPECIFICALLY RESERVED.



1

## ARCHITECTURAL SITE PLAN

SCALE: 1" = 50'-0"



**peterson ARCHITECTURE**  
 298 south 10th street  
 suite 500  
 noblesville in 46060  
 p 317.770.9714  
 f 317.770.9718  
 studio@petersonarchitecture.com

**NEW CONSTRUCTION  
 WILLS EXCAVATING**  
 INDIANA  
**DESIGN + BUILD CORP**

CLIENT REVIEW  
 APRIL 30, 2024

REVISIONS:	DATE
△	.....
△	.....
△	.....
△	.....
△	.....

DRAWN BY: B. HORMANN  
 CHECKED BY: D. PETERSON  
 PROJECT NUMBER: 24-0042

ARCHITECTURAL SITE PLAN

**AS101**

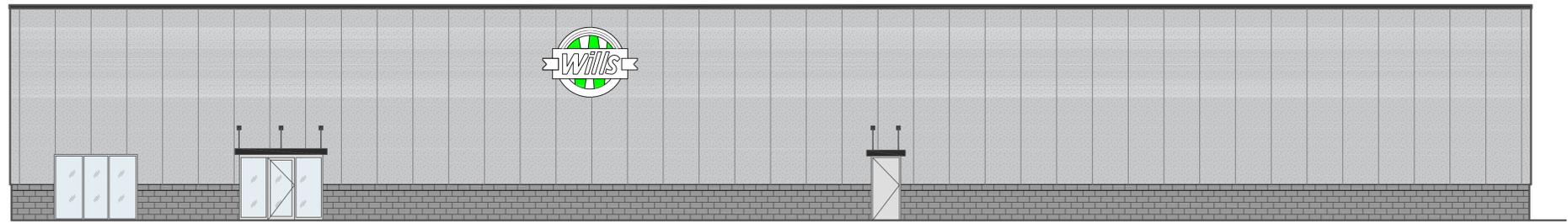
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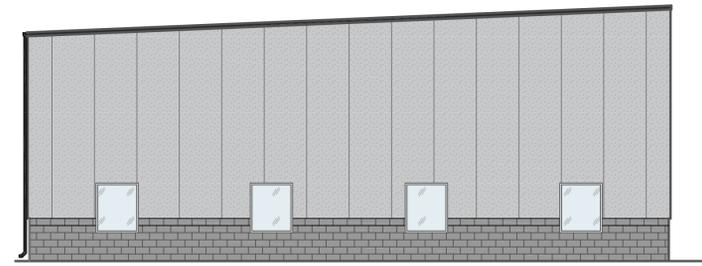
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**ARCHITECTURAL SITE PLAN**

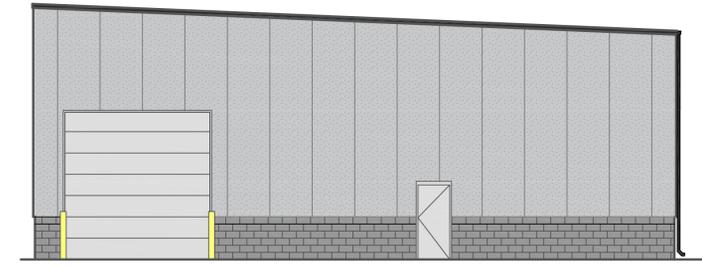
SCALE: 1" = 50'-0"



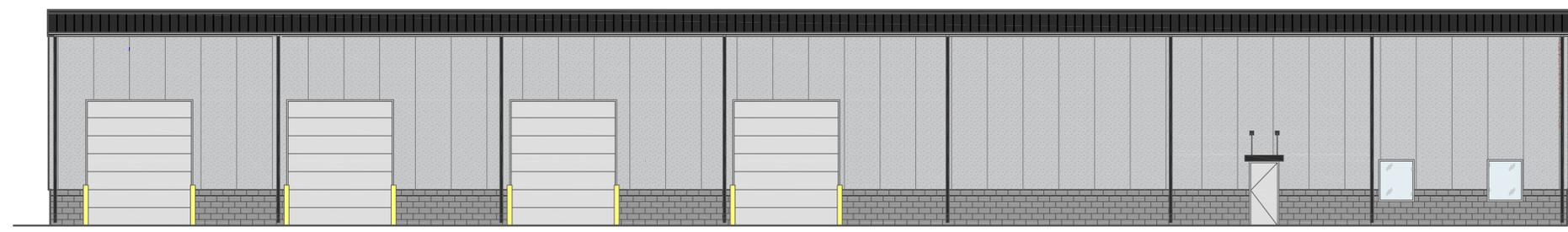
① FRONT ELEVATION  
 SCALE: 1/8" = 1'-0"



② SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"



③ SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"



④ REAR ELEVATION  
 SCALE: 1/8" = 1'-0"

NEW CONSTRUCTION  
**WILLS EXCAVATING**  
 INDIANA  
 DESIGN & BUILD CORP.

CLIENT REVIEW

MAY 2, 2024

REVISIONS:

△ 1	REVISION DATE
△ 2	REVISION DATE
△ 3	REVISION DATE
△ 4	REVISION DATE
△ 5	REVISION DATE

PLOT DATE:	2024-05-02
DRAWN BY:	B. HOFMANN
CHECKED BY:	D. PETERSON
PROJECT NUMBER:	24-0042

ELEVATIONS

**A201**

THESE DRAWINGS ARE GIVEN IN CONFIDENCE AND SHALL BE USED ONLY IN PURSUANT TO THE AGREEMENT WITH PETERSON ARCHITECTURE, P.C. NO OTHER USE OR REPLICATION MAY BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF PETERSON ARCHITECTURE, P.C. ALL OTHER COPYRIGHT AND COMMON LAW RIGHTS ARE HEREBY SPECIFICALLY RESERVED.





Project Narrative

Rezoning Proposal for  
Corporate Headquarters Development



## Rezoning Proposal for Corporate Headquarters Development

---

Wills Excavating Inc. ("Petitioner") aims to acquire a 17.86-acre land site located at 0 S. SR-13 Lapel, IN 46051, to establish its corporate headquarters. The company seeks to rezone the property from Agricultural (AG) to Industrial General (IG) to facilitate the development of a 14,000-square-foot office-industrial facility, alongside front parking and an outdoor storage lot for commercial vehicles and heavy equipment.

---

### **CONTEXT AND JUSTIFICATION**

The proposed development aligns with the evolving landscape of the surrounding area, as evidenced by adjacent properties already zoned for industrial use. Notably, the Shelby Materials property and the Lapel Industrial Park have undergone recent rezoning to IG, reflecting a broader trend identified in the area's comprehensive plan. Rezoning the subject property is consistent with this plan, promoting sustainable industrial growth and meeting future development needs.

### **MARKET ANALYSIS**

In Central Indiana, there is a pressing need for properties accommodating small businesses requiring office and warehouse space, coupled with outdoor storage capabilities. The limited availability of such properties underscores the significance of this rezoning proposal, offering an opportunity to address a critical gap in the market and support local economic development initiatives.



## **COMPANY BACKGROUND**

Wills Excavating Inc., established in February 2000, has demonstrated consistent growth and resilience in the face of economic challenges. With a workforce of 25 employees, the company has expanded its services to include site development for commercial projects, transportation of heavy equipment, directional boring, and hydro-excavating. Notable partnerships with leading corporations like MacAllister Machinery and Waste Management underscore Wills Excavating's reputation for excellence and reliability.

## **OWNER PROFILE**

Founder Jason Wills brings a wealth of experience and industry expertise to Wills Excavating Inc. Raised on a farm, Jason's upbringing instilled in him the values of hard work and dedication. His leadership has been instrumental in establishing Wills Excavating as a respected player in the construction industry, with a track record of delivering high-quality services to utility companies and municipalities across the Indianapolis area.

## **CONCLUSION**

In conclusion, the proposed rezoning of the subject property for Wills Excavating's corporate headquarters aligns with the area's comprehensive plan and addresses a crucial need for industrial development in Central Indiana. With a proven track record of success and a commitment to community engagement, Wills Excavating is poised to make a positive impact on the local economy while contributing to the continued growth and prosperity of the region.



APPLICANT AFFIDAVIT

STATE OF INDIANA  
COUNTY OF MARION S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: JASON WILKS

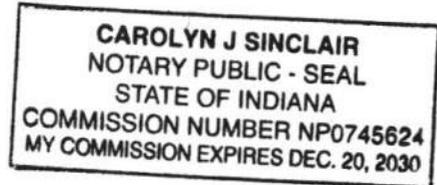
Applicant signature: *Jason Wilks*

Subscribed and sworn to before me this 24 day of APRIL, 2024

Notary printed name: CAROLYN J. SINCLAIR

Notary signature: *C Sinclair*

My commission expires: DEC. 20, 2030



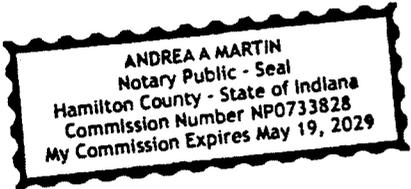
**OWNER AFFIDAVIT**

STATE OF Indiana  
COUNTY OF Hamilton S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name\*\*: Andrew Christiansen  
Owner signature\*\*: [Signature]

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this 1st day of May, 2024.



Notary printed name: Andrea A. Martin  
Notary signature: [Signature]  
My commission expires: May 19, 2029

*\*\* A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

1952  
MAY 1952

...

...

...

ANDREA A. MARTIN  
NOTARY PUBLIC - 3741  
Hamilton County, State of Indiana  
Commission Expires: 11/03/2002  
My Commission Expires May 11, 2002

...

Duly Entered For Taxation  
Subject To Final Acceptance  
For Transfer  
Aug 24 2021  
Rick Gardner  
AUDITOR MADISON COUNTY

2021R016135  
08/24/2021 12:27:56 PM  
FEE: 25.00 PGS: 2  
LINDA SMITH  
MADISON COUNTY RECORDER, IN  
RECORDED AS PRESENTED  
THIS DOCUMENT WAS eRECORDED

**WARRANTY DEED** new#  
(Parcel No. 48-15-16-100-001.000-044) 48-15-16-100-001.001-044

THIS INDENTURE WITNESSETH, That Carolyn L. Wilson ("Grantor") CONVEYS AND WARRANTS to 6397 S. SR-13, LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Madison County, State of Indiana:

PARCEL "A" - Part of Instrument # 2018R006012

A parcel of ground being a part of the Northeast Quarter of Section 16, Township 18 North, Range 6 East of the Second Principal Meridian, Town of Lapel, Green Township, Madison County, Indiana, being more particularly described as follows:

COMMENCING at the Southeast corner of said Northeast Quarter; thence North 00 degrees 00 minutes 59 seconds West along the East line of said Northeast Quarter, a distance of 746.00 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 00 minutes 59 seconds West along said East line of said Northeast Quarter, a distance of 583.09 feet to the Northeast corner of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 58 minutes 46 seconds West along the North line of said Southeast Quarter of said Northeast Quarter, a distance of 1333.58 feet to the Northwest corner of said Southeast Quarter of said Northeast Quarter; thence South 00 degrees 00 minutes 24 seconds West along the West line of said Southeast Quarter of said Northeast Quarter, a distance of 583.54 feet; thence North 89 degrees 57 minutes 38 seconds East, a distance of 1333.82 feet to the POINT OF BEGINNING. Contains 17.860 Acres, more or less.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

*[remainder of page intentionally left blank – signature page follows]*





## FALL CREEK REGIONAL WASTE DISTRICT

P.O. Box 59 • 9378 S. 650 West • Pendleton, Indiana 46064-0059 • (765) 778-7544 • [www.fcrwd.com](http://www.fcrwd.com)

April 26, 2024

Claudia Stephenson  
Allies Commercial Realty

Sent via email: [claudia@alliescommercialrealty.com](mailto:claudia@alliescommercialrealty.com)

Re: Fall Creek Regional Waste District - Will Serve Request  
Wills Excavating – West side of SR 13, North of CR 650 S  
Legal Description: NE 16-18-6 (17.86AC)  
Parcel No. 48-15-16-100-001.001-044

Dear Sir or Madam:

Please accept this letter as Fall Creek Regional Waste District's response concerning your request regarding new sewer service to the above referenced property. The District operates a regional sewer district under Indiana law, and is the sanitary sewer service provider for southern Madison County. The above referenced property is within the District's service territory.

As a matter of policy, the District does not provide commitments concerning sewer service to specific properties unless and until the developer or property owner enters into an applicable service agreement. The District allocates capacity in its sewer system to individual properties pursuant to individual service agreements. Developers will need to meet with the District's Development Committee to help identify service needs, feasibility, timing, fees, and the location for likely connection in the event of service. Any connections to sewer are subject to project review, determinations of usage and flows, execution of a service agreement in a form required by the District, payment of fees and charges, approval of plans and specification for utility facilities, compliance with applicable rules, regulations, and ordinances, etc. The property owner or developer will also be responsible for the cost of extending utility facilities to and on the site. Nothing herein shall constitute a guarantee of capacity or service to your parcel or any other property, nor does this letter create any enforceable rights or interests.

Sincerely,

Jerry D Kelly  
Assistant General Manager  
Fall Creek Regional Waste District

Cc: Jason – [jason@willsexcavating.com](mailto:jason@willsexcavating.com)  
Cyndie Jeffers – [cyndie@willsexcavating.com](mailto:cyndie@willsexcavating.com)

# RECOMMENDATION: Diversify land use near and south of SR 38

