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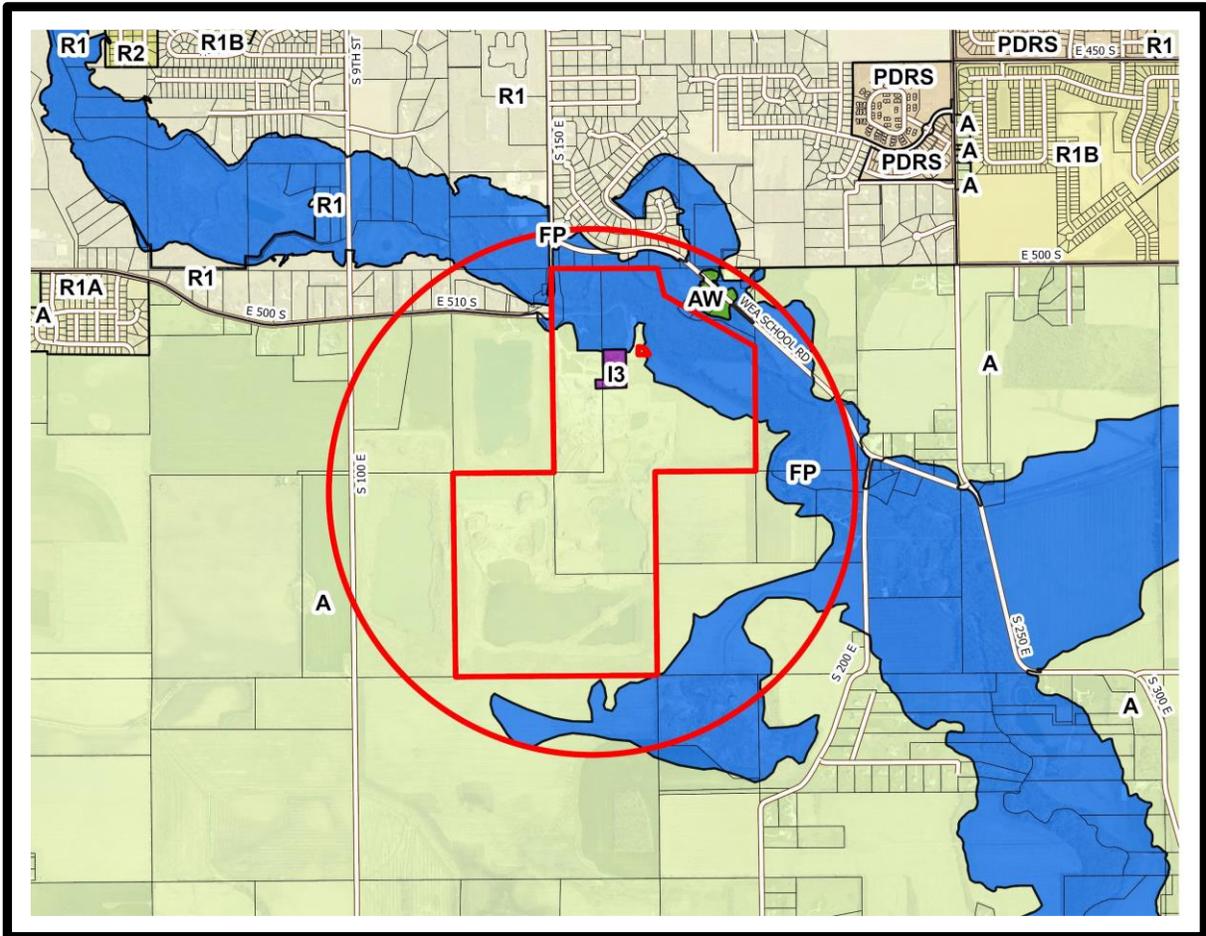
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**BZA-1920**  
**PURDY O'NEALL FARM, LLC**  
**(special exception extension)**

**STAFF REPORT**  
**July 16, 2020**

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**BZA-1920**  
**PURDY O'NEALL FARM, LLC**  
**Special Exception, 2nd Extension**

**Staff Report**  
**July 16, 2020**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Daniel Teder and engineer Tim Balensiefer of TBird, is requesting a second extension to their mining operation. The original approval granted in October 2001 (BZA-1591) allowed mining until 2022. Then in October 2014 the area of mining was expanded, and the end date was extended to 2036 (BZA-1920). This new request would allow mining and reclamation to be extended until December 2040. Also on this agenda is a special exception for petitioner's new mining area just south of the subject land; several variances are also being requested with this new area to mine (BZA-2039 and BZA-2040).

The hours of operation will remain unchanged from the approval in 2001: Daylight hours only, except for the occasional INDOT or governmental project where aggregate or concrete are needed during nighttime hours. The site in this request consists of 302 acres known as the O'Neall Farm and is located south and southeast of the intersection of CR 150 E (S.18<sup>th</sup> Street) and CR 510 East, Wea 21-22-4.

**AREA ZONING PATTERNS:**

The 302 acres in this request is mostly zoned A (Agricultural) with FP (Flood Plain) zoning along the northern edge near Wea Creek. A small area of I3 in this petition was rezoned in 2006 for the sole purpose of locating a batch plant on the site (Z-2295). Adjoining land is all zoned A, FP and AW (Agricultural Wooded) with the exception of a very small area of R1 (single-family residential) west across the intersection of CR 510 and CR 150.

**AREA LAND USE PATTERNS:**

The property in question has been an active mining operation since receiving special exception approval in 2001. A batch plant, scale house and a few buildings serving as an office are also located on site.

A handful of houses exist on the north side of CR 510; one house is located on the south side of the road and is adjacent to this request. Bordering the southern property line is land in agricultural production.

**TRAFFIC AND TRANSPORTATION:**

The site has frontage along CR 150 E (rural primary arterial) where it intersects with CR 510 S (rural secondary arterial). Access to the mining operation is located at this intersection and no changes are proposed to the existing entrance. A recorded

commitment with special exception (Document # 20060617235) limits the number of trucks (excluding personal use vehicles) entering the site to 250 per day and limits the number of trucks exiting the site to 250.

#### **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Bufferyards, setbacks and fencing are required along the boundaries of mining operations but the petitioner received variances to eliminate these requirements along a majority of the property lines in 2014 (BZA-1919). These variances have not expired.

The reclamation plan, also a requirement of mining operations, was approved in 2014 and shows the required seeded slopes of no more than 3:1 meeting the requirements of the ordinance. This original approval states that extraction will be to a depth of 30' to 40' and all water will be recirculated on site. None of the work or stockpiling will be conducted in the Flood Plain.

#### **STAFF COMMENTS:**

Petitioner is seeking an extension of the special exception granted in 2014 that allowed mining and reclamation until 2036. This extension would allow mining and reclamation to be extended until 2040. If this extension is approved, petitioner's new mining operation, if approved, due south (BZA-2039) will transport aggregate via a conveyor belt to the subject site for processing and loading onto trucks. Both the subject site and the proposed mine to the south will be complete and reclaimed by December 2040.

At its meeting on July 1<sup>st</sup> the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize this special exception for mining and quarrying of non-metallic minerals, except fuels (SIC 14) in the Agricultural district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met by virtue of the seven variances approved in 2014 (BZA-1919).
3. Because there have been multiple approved mining operations in this area for at least 25 years, granting this special exception **WILL NOT** subvert the general purposes served by the Ordinance.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
  - a. Traffic generation: No more traffic will be generated by this use than was already approved in BZA-1591.

- b. Placement of outdoor lighting: Work will be completed during daylight hours primarily and any lighting on the site will be directed away from neighboring properties;
- c. Noise production: No additional noise will be produced than what has been occurring on site and approved by BZA-1591; and
- d. Hours of operation: Dawn to dusk hours with nighttime hours only to satisfy aggregate needs during night time road project construction are consistent with previous approvals and will not be intrusive to neighboring residential and agricultural uses.

**STAFF RECOMMENDATION:**

Approval with the following conditions:

1. Evidence that the letter of credit from Union Planters Bank in the amount of \$285,000.00 is still in effect, or new surety in the form of a bond or letter of credit supplied to staff.

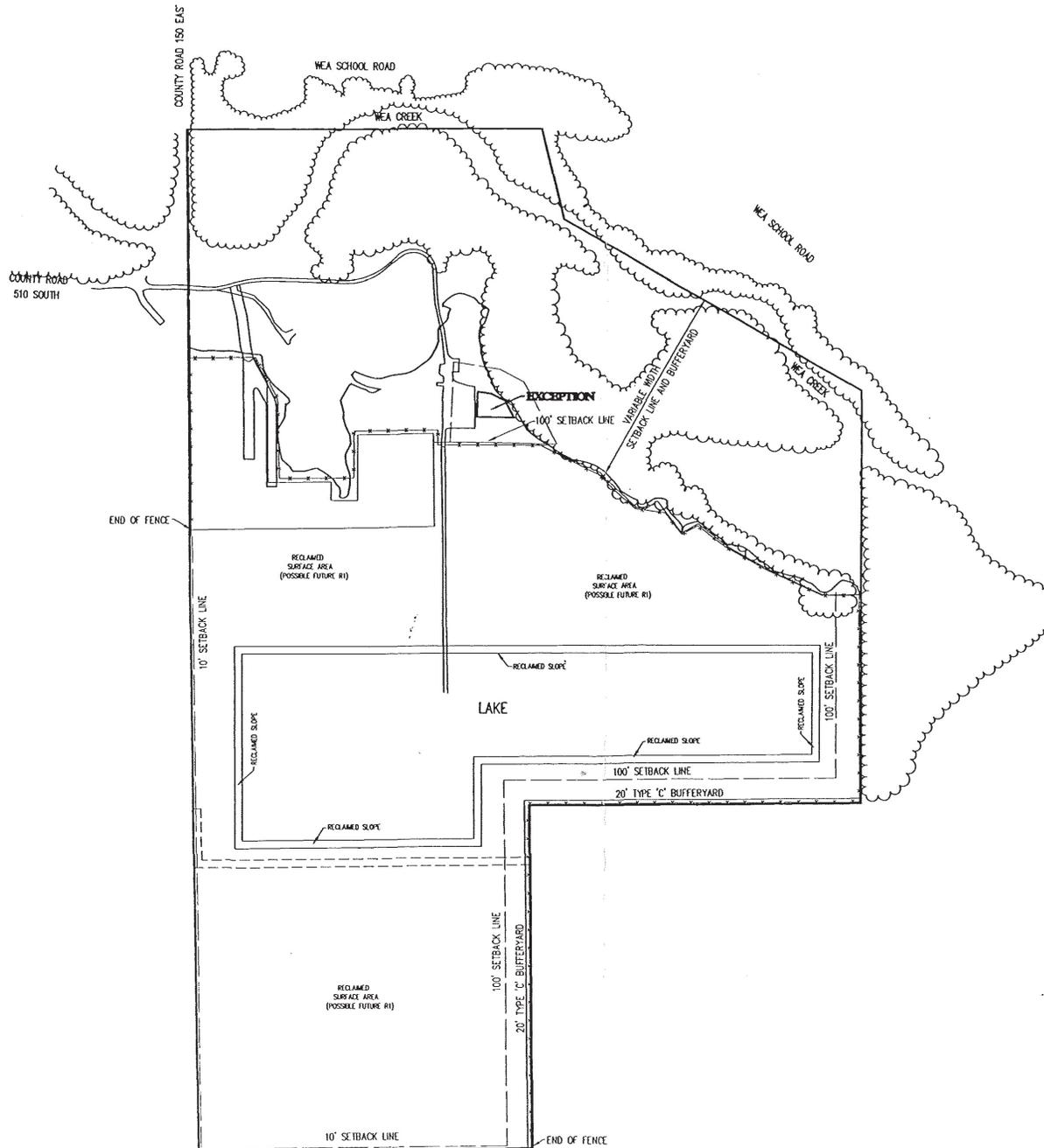
Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.

### Reclamation

All final mining slopes will be graded and seeded in sections as the final mining limits are completed. This grading and seeding of final slopes will take place within 18 months following completion. All final excavations will be graded to a slope of three feet horizontal per foot vertical and seeded to prevent erosion. The final plant area will be seeded when operations are complete. All fencing shall be removed with lake and possible future residential sites remaining.

Because the site of the proposed special exception is neither in the floodway nor in the flood plain, reclamation activities will be guided by the USDA Soil Conservation Service 327 IAC 15-5 or its successor regarding soil erosion and sediment control.

From B2A-1591 file  
Oct. 19, 2001



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**PURDY MATERIALS, INC.**  
**SOUTHSIDE OPERATIONS**  
 TIPPICANOE COUNTY, INDIANA  
**PURDY MATERIALS, INC.**

DATE	9/14/01	PROJECT NO.	3932.001
DRAWN BY	MRW	CHECKED BY	MRW
SHEET TITLE	RECLAMATION PLAN		
DRAWING FILES	1. PLAN, SURFACE, UNRECLAIMED 2. PLAN, SURFACE, UNRECLAIMED		
SHEET NO.	C103		

Part of the approved  
 Reclamation Plan  
 BZA-1591 10/19/01