



MINUTES

Town of New Palestine
BZA
Thursday, June 17, 2021
6:45 PM - Town Hall

The BZA of the Town of New Palestine was called to order on Thursday, June 17, 2021, at 6:45 PM, in the Town Hall, with the following members present:

PRESENT: BZA President Adam Axthelm, BZA Vice President Mike Evans, Kathy Hall, Raven Smathers, and Debra Green

ABSENT:

1. CALL TO ORDER

2. MINUTES

2.1. Approval of February 3, 2021 minutes

Mike Evans moved, seconded by Kathy Hall, Mike Evans made the motion to approve the BZA minutes.

RESULT:	Carried
MOVER:	Mike Evans
SECONDER:	Kathy Hall
AYES:	Adam Axthelm, Mike Evans, and Kathy Hall
ABSTAINED:	Raven Smathers and Debra Green

3. NEW AGENDA ITEMS

3.1. Adopt Procedures

3.2. Public Hearing

3.3. Ron Adams is requesting a special exception on his property at 121 E. Main Street. He is asking to change from storage use to assembly hall.

John Merlau: Presented two letters, one from the fire department and one from the chief of police, and photos to show the type of business format and layout. He then moved on to discuss parking. Per Mr. Merlau, the storage facility/ banquet hall is 3672 sq ft and is required to have 10 designated spots. He stated that there were 15 designated parking spots for the storage facility/banquet hall. He also stated the concerns from the citizens about the storage facility/banquet hall lowering property value. He said he checked the assessor's records, and the property value in the last 10 years has increased. He went on to say there were comments about having another tavern in town, and this isn't another tavern. The storage facility/banquet hall is up to code in safety and noise. The floor was

then opened for people in favor of the banquet hall, and owner Scott LeBeau spoke about the events he would like to host. No one else spoke in favor of the banquet hall. Board member Mike Evans asked Scott LeBeau if he knew the building was for storage only before buying the building, and LeBeau stated he did not. Evans also stated that he was concerned that Mr. Adams, who did not attend tonight's meeting, hosted events in this facility before it was brought up to code. The floor was then opened to people who opposed the storage unit being changed into a banquet hall. Steve Rainey presented a petition of residents who live close to the facility who do not want the storage facility changed to a banquet hall. He also stated ongoing issues with noise complaints and ongoing parking issues with overflow parking in the alleyway and even in the resident's property. Diane Rainey stated that she has issues with Mr. LeBeau and Round the Corner pub, his other business, with patrons urinating in the parking lot and employees from the pub verbally attacking her. Her issue is how he can contain the issues at the banquet hall when he can't contain the issues at the pub. Shannon Kropp said her 13-year-old has seen men urinating in her backyard. They have found used condoms in her backyard, cigarette butts, and broken beer bottles all over her yard. She also had concerns about parking and the possibility of shuttling patrons back and forth to the banquet facility. Ashle Krempel had concerns about the loud music and patrons disturbing the younger kids late at night. Board member Mike Evans asked Mr. Rainey if any of the petitioners asked to sign for the banquet hall. He said five people did not want to sign. Debra Green asked about the liquor license at the banquet hall. Mr. LeBeau stated they do not have a liquor license for that facility. Adam Axthelm asked about the food truck ordinance and asked if an opportunity food truck could be hosted on that property. Food trucks must be 200 feet away from a business that serves food unless the pub sponsors the food truck. Town council member, Angie Fahrnow, asked the town attorney, Ted Nolting, to clarify the parking code for the BZA members. Mr. Nolting stated the code in which business parking is not based on square footage and 25 parking spaces is the minimum amount needed for the banquet hall. Parking will continue to be an issue. The concert series at the Pub from March 2020 was discussed, and the fact that Mr. LeBeau was not willing to adjust the schedule due to the pandemic. There were also several noise complaints, and police were called to the pub requesting the music to be turned down, or the concert wrapped up. Mr. LeBeau did not comply with either request, which is a cause for concern with asking for a special exception for the banquet hall. In closing, Mr. Merlau stated they could add fencing to the alleyway to provide additional parking, and they could bring in portable toilets on event days and adjust end times on the events. Mr. Merlau stated that the former town manager, David Book, was over there many times and assured Mr. Adams that it was ok to operate events in the storage building. He found it strange that events have taken place at the facility over the past 9 years, and the issues regarding the facility have never come up. Eric Kropp, Steve Rainey, Chester Mosley, and Shannon Kropp stated concerns regarding the parking overflow. Bill Niemier informed the board and Mr. Merlau that the former town manager, David Book, didn't have the authority to grant any zoning issues. Adam Axthelm called for the vote, and each board member filled out a ballot. Mr. Axthelm then had each member read their vote. Special Exception for 121 East Main Street was denied 5-0.

4. OLD BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURN

Adam Axthelm

Mike Evans

Kathy Hall

Debra Green

Raven Smathers