



Meeting Minutes

Whitestown BZA

Date: January 5, 2023

Time: 6:30pm

Location: Whitestown Municipal Complex, 6210 Veterans Drive Whitestown, IN 46075, (317) 769-6557

Call to Order:

6:30pm

Pledge of Allegiance

Roll Call

- ☒ Mark Pascarella
- ☒ Phillip Snoeberger
- ☒ Ken Kingshill
- ☒ Coady Adams
- ☒ Andrew McGee

- ☒ Staff:
 - o Jill Conniff and Desire Irakoze, Planning Staff
 - o Jonathan Hughes, WPC/WBZA Attorney

Election of Officers

Motion to keep officers the same by Pascarella. Second by Snoeberger. Motion passes 5-0. Andrew McGee President and Mark Pascarella Vice President.

Approve Agenda

Motion to approve the agenda by Pascarella. Second by Snoeberger. Motion passes 5-0.

Motion to approve the 10/06/22 meeting minutes by Snoeberger. Second by Adams. Motion passes 5-0.

Public Comment for Items Not on the Agenda-**none**

Presentations- **none**

Unfinished Business

New Business – Public Hearing

- a. **BZA22-011-UV Blue Beacon Truck Wash**
 - i. **Jerry Kittle** – Innovative Engineering, 3960 Perry Blvd with Mike Janson and Don Boos from Blue Beacon. Went over history of Blue Beacon and what they do. Went over pictures of an existing Blue Beacon location. Went over site map and surrounding businesses. A truck wash is not listed in the UDO and that is the need for the variance. Spoke of Timpfe Trailer letter of support.

- ii. **Desire Irakoze – Staff report** – Staff is providing a favorable recommendation for the Beacon Truck Wash Use Variance docket BZA22-011-UV to permit ‘Heavy Vehicle / Equipment Sales, Rentals, & Service’ use in the General Business (GB) Zoning district. Staff’s recommendation to the Board of Zoning Appeals finds the Use Variance does comply with the following requirements in UDO Section 11.15 F. 1. and approval be based upon: The approval of the use variance will not be injurious to the public health, safety, morals, and general welfare of the community because: **Allowing the use of a truck wash in this location will not be injurious the public health, safety, morals and general welfare of the community.** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: **The adjacent property has industrial uses that would benefit from the addition of a Truck Wash. Uses in the area are generally industrial and heavy business related. The Tractor Supply and Timpfe business in the area also received Special Exceptions to their uses, which are generally industrial in nature, in the GB District.** The need for the variance does arise from some condition peculiar to the property involved: **The site faces no physical or peculiar condition that would stop a truck wash. However, staff’s preference is that instead of rezoning the site to permit the use, the area remain zoned GB in the event the development does not come to fruition.** The strict application of the terms of the zoning ordinance will result in unusual and unnecessary hardship as applied to the property for which the variances are sought because: **Strict application of the term of the zoning ordinance would result in unusual and unnecessary hardship. The proposed use is unique, although it is permitted in a heavy industrial zoning district with additional conditions the use can function in a business district.** The approval does not interfere substantially with the comprehensive plan: **As part of the Comprehensive Plan Implementation recommendations, the Land Use Plan designates this area as a commercial area. The Commercial Area land use designation is intended to include "service-oriented uses and are generally adjacent to roads that can accommodate greater volumes of vehicular traffic." The proposed use at this location will provide a service to the uses in the area and access to the interstate will allow easy on and easy off for traveling semis through the area.**

If the Board of Zoning Appeals approves the request to allow the truck washing use to the property, staff recommends the following conditions or commitments be imposed. Limit the number of bays to 4. The applicant will need to seek Plan Commission approval for the development and any associated platting if required. Although the site is zoned GB, staff requests the site development comply with I-2 Zoning District lot standards, setbacks, building height, architectural standards, etc. No truck or trailer parking be permitted on site.

- iii. **Andrew McGee** – Read two emails for public comment. Sirs: My residence is at 3905 S Indianapolis Rd. so, I did receive the notice concerning the request for a variance to allow a Blue Beacon truck wash to be constructed at 3985 S Indianapolis Rd, which is just south of me. I do see why a variance should be granted. I believe that since there are guidelines already established, they should be upheld. I believe the town of Whitestown would be better served by a business that could better serve the residential neighborhood of that area. I have already noticed quite an increase in truck traffic on Indianapolis Road since the development happening in the area and more wear and tear on the road. I have semi's roaring by my house at all hours

as well as all of those trucks exiting I65 blasting their Jak-brakes all day and night. Out of respect and concern for those who have made this area their home, I believe the Town of Whitestown could better serve those who live and spend money in the community by limiting semi traffic rather than encouraging it. Also, two other areas of concern would be handling the run off contamination and also the smell from a truck wash. Livestock haulers frequently wash their trailers at these facilities. This fact alone would serve to prevent further businesses from considering locating in the area. If trucker need to have their rigs washed, there is a truck wash located a short distance to the north at SR32. All in all, I strongly believe that the image of the Town of Whitestown would be better served by a business that could provide a service to it's residences rather than a truck wash. Thanks for your consideration in this matter, Steve Hine

Subject: Zoning Variance Request for property at 3985 South Indianapolis Road.

To Whom It May Concern

Timpte Inc, who owns the property immediately adjacent to the west of the property associated with the variance request, supports the variance allowance. We feel that the Blue Beacon Truck Wash Facility would be a very complementary business and would enhance the commerce of the area.

Jeff Thompson

Executive Vice President

Timpte Inc.

- iv. **Jerry Kittle** – Explained how the runoff is inside the building, will be properly disposed and they will work with Whitestown Public Works.
- v. **Don Boos** – Blue Beacon – Addresses concerns of livestock trucks. They do not allow livestock trucks to be washed. They do wash food hauling and medical.
- vi. **Ken Kingshill** – Do you wash inside of trailer?
- vii. **Don Boos** – Only outside, anything too big for a regular car wash. Rv's, box trucks, amazon trucks.
- viii. **Ken Kingshill** – If a livestock trailer pulled in, how would that be handled?
- ix. **Don Boos** – Site manager would make the call to get them out of line.
- x. **Phillip Snoeberger** – Open 24 hours?
- xi. **Don Boos** – Yes.
- xii. **Phillip Snoeberger** – What is the flow of traffic?
- xiii. **Don Boos** – East side stacking lanes.
- xiv. **Ken Kingshill** – Will you have four bays?
- xv. **Don Boos** – We will have three max.
- xvi. **Phillip Snoeberger** – What if it gets backed up?
- xvii. **Don Boos** – Most trucks will not stay if it gets backed up. It takes at least 15 minutes per truck.
- xviii. **Mark Pascarella** – Can you explain water use?
- xix. **Don Boos** – Went through process of how water will go through solvents prior to going into stormwater.
- xx. **Ken Kingshill** – Contaminates are taken away?
- xxi. **Don Boos** – Yes, cleaned out a few times a year.
- xxii. **Ken Kingshill** – Are you aware of the location on 32?
- xxiii. **Don Boos** – No.
- xxiv. **Coady Adams** – You have accounts with local companies?

- xxv. **Don Boos** – Yes, we have been in Indianapolis since 2002.
- xxvi. **Coady Adams** – You are regularly testing water?
- xxvii. **Don Boos** – Yes, we are very in tune of what is happening.
- xxviii. **Phillip Snoeberger** – Comfortable if approved to be only three bays.
- xxix. **Don Boos** – We could add another bay but not another lane, so only three bays.
- xxx. **Andrew McGee** – Could they come back for four in the future?
- xxxi. **Jon Hughes** – Yes, they could ask for a variance to development standards. Motion needs to state staff report.
- xxxii. **Ken Kingshill** – What is the closest residential? Are they within 500 feet?
- xxxiii. **Jill Conniff** – Residential district yes was measured at more than 500 feet. I believe it is unincorporated Zionsville zoned AG.
- xxxiv. **Jon Hughes** – It is a use variance and can modify that condition. But relevant inquiry to be consistent.
- xxxv. **Ken Kingshill** – Do we know reasoning behind?
- xxxvi. **Jill Conniff** – Generally for noise.
- xxxvii. **Ken Kingshill** – Does it make noise?
- xxxviii. **Don Boos** – No, it is indoor, and all done manually.
- xxxix. **Jill Conniff** – Zoned AG, less than 500 feet and can be waived by staff.
- xl. **Ken Kingshill** – I am satisfied.
- xli. **Coady Adams** – Less than 500 feet?
- xl. **Jill Conniff** – 238 from residential use and 600 from a residence.
- xl. **Phillip Snoeberger** – Don't see this impacting traffic and surrounding businesses similar.

Motion to approve to permit heavy vehicle equipment sales, rentals and service for sole use as a truck and trailer wash as well as staff recommendations as presented and subject to findings and facts of staff report and limit number of bays to three by Snoeberger. Second by Kingshill. Motion passes 5-0.

b. BZA22-12-VA Warhorse Storage

- i. **Andy Buroker** – For Warhorse Storage with Erik Kaehr and Chad Mayes from Kimley-Horn. Asking for 44 feet in height on the building and the UDO has a max of 40 feet. Went over standards for different buildings around the area. This is needed to screen mechanical units on the roof.
- ii. **Jill Conniff** – Staff Report – Staff is providing a favorable recommendation for the Warhorse Storage height Variance docket BZA22-012-VA. Staff's recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. And is consistent with Indiana Code IC36-7-4-918.5 and approval be granted upon: The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: ***Approval of the variance will not be injurious to the public health, safety, morals, and the general welfare because the self-storage facility houses all units within doors, shields mechanical equipment, and the proposed height is not out of character with the surrounding area. The structure elevations are aesthetically pleasing and reducing the proposed height may compromise this by revealing rooftop mechanical equipment. It may also require reduction an entire story which would make the development economically inefficient.*** The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner

because: ***The use or value of the surrounding area to the property will not be negatively affected if the variance is approved because the surrounding area has similar structure heights. The multi-family development, located northeast of the site is approximately 44 feet tall.*** The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because:

The strict application of the ordinance does not take into account the requirement of screening mechanical equipment in conjunction with building height. The UDO requires rooftop mechanical equipment to be screened from public right of way and adjacent properties. A majority of the proposed structure meets the height requirements. Non-residential and mixed-use buildings are permitted taller building heights. The proposed building height of 44' would meet the other building type height requirements of the UDO.

- iii. **Phillip Snoeberger** – Question about equipment on the roof.
- iv. **Chad Mayes** – Architect said that the equipment needs to be above the office and that will be the only area exceeding 40 feet.
- v. **Ken Kingshill** – This is the only area exceeding 40 feet? About ten percent?
- vi. **Andy Buroker** – Yes.

Motion to approve and accept findings and facts of staff by Pascarella. Second by Adams. Motion passes 5-0.

c. BZA Rules and Procedures Amendments

- i. **Jill Conniff** - Went over two proposed changes. Impose fees of BZA would go to Plan Commission instead of Town Council and remove the requirement to have a sign for BZA.
- ii. **Ken Kingshill** – Do we have program for signs that have call a number?
- iii. **Jill Conniff** – No and we have nothing in place except for rezones.
- iv. **Ken Kingshill** – Is there a legal requirement for signs?
- v. **Jon Hughes** – No.
- vi. **Coady Adams** – Has this ever been a problem?
- vii. **Jon Hughes** – No, we have never enforced.
- viii. **Andrew McGee** – Plan Commission kept signs for rezones but do not feel it is needed for BZA.
- ix. **Coady Adams** – Do not see need, wondering if it has been a problem.
- x. **Jon Hughes** – Removing to avoid issues.
- xi. **Mark Pascarella** – Proper notice is going out, signs not needed.


Motion to approve the amendments to the rules as outlined in document. Second by Pascarella. Motion passes 5-0.


Announcements

Adjournment

7:15 pm

Unanimous vote to adjourn.

DocuSigned by:

11FA0F71-F804E1
Andrew McGee, President

DocuSigned by:

5A4C0B83-E0004F
Jill Conniff, Planning Staff