



Meeting Minutes

Whitestown BZA

Date: July 6, 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 - **absent**
- Phillip Snoeberger
- Ken Kingshill
- Coady Adams
- Andrew McGee

- Staff:
 - o Desire Irakoze and Jill Conniff (remote), Planning Staff
 - o Steve Unger, WPC/WBZA Attorney

Approve Agenda

Motion to approve the agenda by Snoeberger. Second by Adams. Motion passes 4-0.

Motion to approve the 06/01/23 meeting minutes by Pascarella. Second by Kingshill. Motion passes 4-0.

Public Comment for Items Not on the Agenda

Presentations

Unfinished Business

New Business – Public Hearing

- a. **BZA23-002-VA Blue Beacon**
 - i. **Kent Frandsen** – With Parr Richey for Blue Beacon – Went over history of Blue Beacon and the variances they are seeking for the 15,000 square foot truck wash on 3-acre site.
 - ii. **Don Boos** – Blue Beacon – Stated that central Indiana was the best location for this wash. Went over their history, how they run the wash, and train people. Went over types of vehicles they service and how.
 - iii. **Jill Conniff – Staff Report** - Variance Request 1. UDO Section 7.10 G. Parking Requirements Table Staff is providing a favorable recommendation for the Blue Beacon parking Variance docket BZA23-002-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 42.

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 proposed use needs to be able to provide parking on site for its employees. It would be unsafe to park along Indianapolis Road or State Road 267 if sufficient parking is not provided on site. The proposed parking offers proper circulation, pedestrian connectivity, and a bicycle rack.

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 is generally commercial and industrial in nature. Timpte Trailer, adjacent to the site, has a similar number of standard parking stalls and Tractor Supply across the street has almost double the number of standard parking stalls proposed. The applicant's proposal to exceed the parking maximum is not out of character with the surrounding area.

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 ordinance's maximum parking standard would limit the applicant's ability to staff the business for practical operations. The business has been operating in other markets for many years and has an understanding of what its employee parking needs are, their analysis is more fine-tuned than the UDO parking table. Truck washes are not an explicit use in the UDO table and may require more parking stalls than the broad Vehicle/Equipment Sales, Service & Repair - All Others category.

Variance Request 2. UDO Section 2.7 E. 8. E.

Staff is providing an unfavorable recommendation for the Blue Beacon bright color being used as a primary color Variance docket BZA23-002-VA.

Staff's recommendation to the Board of Zoning Appeals finds the variance does not comply with the following requirements in accordance with UDO Section 11.14 F. 2. And is not consistent with Indiana Code IC36-7-4-918.5 and denial be based upon:

The approval will be injurious to the public health, safety, morals, and general welfare of the community because:

Approval of the variance will be injurious to the public health, safety, morals, and the general welfare because the quantity of bright color may be an unsafe distraction to drivers traversing through the community. The intent is to capture truck driver's attention, but it may also distract truck and non-truck drivers because it is not a muted color.

The use or value of the area adjacent to the property included in the variances will be affected in a substantially adverse manner because: The use or value of the surrounding area to the property will be negatively affected if the variance is approved because the intent of the I-65 Corridor Overlay is to foster development that creates a sense of identity. Although adjacent properties are not complicit with the I-65 Corridor Overlay, it does not preclude this site or future site developments from complying with the regulations and contributing to the desired identity. The UDO further states, "Preexisting buildings on adjoining parcels are not a factor in the design of new buildings unless they are consistent with the architectural objectives of this Overlay." The strict application of the terms of the Ordinance does not result in practical difficulties as applied to the property for which the variance is sought because:

The strict application of the ordinance does not result in practical difficulties because the desire for the BBI Green color is a desire of the applicant. The site faces no physical or peculiar

conditions that would require the building to utilize an accent color as a primary color. While the UDO does not define what an accent color is, under the Legacy Core District an accent color is noted as a maximum of 10% of the building façade.

Variance Request 3. UDO Section 5.4 A. Street Frontage Landscaping

Staff is providing a favorable recommendation for the Blue Beacon street frontage tree planting Variance docket BZA23-002-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 required landscaping is being relocated to other locations on site. The applicant is proposing a quantity of overall plantings greater than is otherwise required.

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 will not be negatively affected if the variance is approved because the area is generally commercial and industrial in nature. The required quantity of trees are still being placed on site and generally towards the front of the site. The site which would be most impacted by lack of street frontage trees is the Town water tower which is directly across the street.

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 makes results in difficulties due to site constraints. There is an existing utility easement that runs the length of the front of the property. The site faces a physical hardship making it practically difficult to comply with the ordinance. The site has two street frontages and multiple easements throughout the property creating a need for the variance request.

Variance Request 4. UDO Section 5.6 D. Landscape Buffer Areas

Staff is providing a favorable recommendation for the Blue Beacon northern landscape buffer Variance docket BZA23-002-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 required landscaping is being relocated to other locations on site. The applicant is proposing as many plantings along the buffer as feasible given the site constraints without over planting and causing detriment to the plants.

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 there presently is no buffer between the site to the north and the site in question. The proposed plantings should generally shield Timpte from any nuisance of the proposed site.

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 results in difficulties due to site constraints. There is an existing electrical and telecommunications easement that runs the length of the north side of

the property. The site faces a physical hardship making it practically difficult to comply with the ordinance.

If the Board of Zoning Appeals approves Variance Request 2, staff recommends either placing a maximum percentage of BBI Green color that is permitted on each façade or the Board can approve the elevations as presented.

- iv. **Kent Frandsen** – Does not agree with staff report and the color being a distraction. Went over ordinance for colors.
- v. **Ken Kingshill** – Asked about clarification with 10% as accent color.
- vi. **Steve Unger** – Went over staff interpretation and how this was a variance from the standard and not of staff interpretation. Went over legacy core standards from the UDO.
- vii. **Ken Kingshill** – Question about the I-65 overlay.
- viii. **Steve Unger** – Read ordinance for the I-65 Overlay. Also noted in I-65 overlay language about use of limestone or color and texture of limestone.
- ix. **Andrew McGee** – Question about other Blue Beacon locations and their use of the color being less.
- x. **Don Boos** – Yes, there are other locations with less percentage of the color, but they allowed a pole sign that is not allowed here.
- xi. **Ken Kingshill** – No sign at all?
- xii. **Don Boos** – Monument signs only.
- xiii. **Coady Adams** – Why no sign?
- xiv. **Jill Conniff** – Pole signs are prohibited in our UDO. The Loves sign would no longer be allowed per UDO.
- xv. **Ken Kingshill** – Site and building placement has restrictions.
- xvi. **Don Boos** – The turning radius takes up a lot of space.
- xvii. **Ken Kingshill** – The building placement and tower is farther away from the freeway. Asked about aerial of the site. Asked if the tower could be moved closer to I-65.
- xviii. **Don Boos** – No, they need it placed this way to give stacking rooms for trucks on site.
- xix. **Ken Kingshill** – Noted circumstance unique to the site.
- xx. **Coady Adams** – The tower is to draw attention.
- xxi. **Don Boos** – Noted that the tower looks big but is relatively small and this is why we rely on color.
- xxii. **Phillip Snoeberger** – Appreciated that the color percentage was reduced and noted her went to look at other buildings in the area. Primary color in my mind would be 51% of the building. Less than that would be accent.
- xxiii. **Coady Adams** – Seek guidance from the UDO. In January you said most of your business comes from national accounts.
- xxiv. **Don Boos** -Not all, really need the color recognition as well. Also have billboards and an app.
- xxv. **Andrew McGee** – Appreciates the reduction.
- xxvi. **Ken Kingshill** – Comments about reduction and went over three criteria the Board uses to make their decision.
- xxvii. **Phillip Snoeberger** – How many employees?
- xxviii. **Don Boos** – Up to 60.
- xxix. **Phillip Snoeberger** – Questions about landscaping plan.
- xxx. **Jerry Kittle** – Went over trees removed in the North because of communication line. Timpte letter of approval.
- xxxi. **Jill Conniff** – Stated that staff had not reviewed the most recent landscape plan as part of BZA case.
- xxxii. **Phillip Snoeberger** – Question about headlights shining on interstate.
- xxxiii. **Jerry Kittle** – Landscape will help.

Motion to approve #1 for additional parking with findings presented by staff in tonight's docket by Snoeberger. Second by Kingshill. Motion passes 4-0.

Motion to approve #2 for color based on the BBI green color on 4 facades be not greater than 37%, 19%, 33% and 32% and adopting finding of fact as presented by the petitioner by Kingshill. Second by Snoeberger. Motion passes 3-1.

Motion to approve #3 for street frontage landscaping pending staff approval after review by Snoeberger. Second by Kingshill. Motion passes 4-0.

Motion to approve #4 for landscape buffer areas subject to landscape approval by staff. Second by Adams. Motion passes 4-0.

Announcements

Adjournment

7:40 pm

Unanimous vote to adjourn.

Andrew McGee, President

Jill Conniff, Planning Staff