

MEETING MINUTES

WHITESTOWN BOARD OF ZONING APPEALS



(317) 769-6557



6210 Veterans Drive



Whitestown, IN 46075



WHITESTOWN BOARD OF ZONING APPEALS

Thursday, March 6, 2025 AT 6:30 PM

Meeting Minutes

1. OPENING THE MEETING

- a. Call to Order - 6:30p.m.
- b. Pledge of Allegiance
- c. Roll Call

BZA Members

- ☑ Ken Kingshill, Chair
- ☑ Andrew McGee, Vice Chair
- ☑ Lewis Eakins
- ☑ Shelby Hasz
- ☑ Phillip Snoeberger

Whitestown Staff

- ☑ Todd Barker, AICP, CPM, Director of Development Services
- ☑ Allan Henderson, Planning Administrator
- ☑ Shannon Downs, EA of Development Services
- ☑ Chou-il Lee, Taft Law, Town Attorney

2. APPROVAL OF THE AGENDA

- a. **Phillip Snoeberger** made a motion to combine 6-a-d under new business for one presentation and 4 separate Motions seconded by **Andrew McGee Passed 5-0.**
- b. **Motion: Andrew McGee** made a motion to **APPROVE** the March 6, 2025, Agenda as amended, seconded by **Phillip Snoeberger. Motion Passed 5-0.**
- c. Approval of January 9, 2025, meeting minutes

Motion: Phillip Snoeberger made a motion to **APPROVE** the January 9, 2025, minutes as presented, seconded by **Andrew McGee**. Motion **Passed 5-0**.

3. PUBLIC REQUEST TO SPEAK (Topics NOT related to an Agenda item)

- a. Ken Kingshill asked if there was any Public Request to speak. **None**.

4. PRESENTATIONS

- a. None.

5. OLD BUSINESS

- a. None

6. NEW BUSINESS (Public Hearing)

- a. BZA25-001 – SE Kroger Fueling Station
A request by McBride-Dale for a **Special Exception** to build a Kroger Fueling Station (in conjunction with a Kroger Grocery Store) at 6380 Center Lane, Whitestown, Indiana

Presentation: Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Also in attendance, Kroger engineer and a Kroger representative. Kroger is proposing to build a marketplace store in the city of Zionsville. Approval from Zionsville for the variances was received on 3/5/25. The reconfiguration is being requested to help the fueling center to best fit on the site. There will be 7 Fuel Islands and a 277-foot kiosk and 3 access points to the fuel center. Working with the town engineer on traffic access and have submitted a traffic impact analysis. The importance of having fuel prices facing the store is that the cashier tells the customer their fuel points at checkout. This is a 35-million-dollar investment, and will be looking to hire approximately 350 employees.

Staff Report: Allan Henderson, Planning Administrator - This is a special exception request from the UDO 11.13 to allow for a service station in the general business district. The acreage is 1.24 acres, and the zoning is General Business, the locations to the north are general business and to the East general business, these areas are both within the town of Whitestown. The areas to the South and West are general business and are both in the Town of Zionsville. Review of site history. In 2018 BZA18-005-SE, this special exception was to convert the site from a gas station to a Big O Tire facility that is currently there today. This sets precedence for it being a gas station. In 2022 the UDO changed, needing a special exception for the tire store. Review of section 24 in the UDO chapter 2. Staff feel that they are meeting all 7 criteria of the special exception and recommend approval of the special exception.

Public Hearing:

Floor opened for public hearing at 6:55p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 6:56p.m.

Discussion of BZA:

Ken Kingshill – inquired about the building phases of the project for both the store and the fuel center. Concerns whether the fuel center is built/completed first and then the store doesn't get built.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Confirmed that the store and fuel center will be simultaneously built, the fuel center will likely be completed first, prior to the store opening.

Shelby Hasz – asked if the pricing signs would be blocked by the store and the wooded lot from the neighborhood.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Kroger's has completed a photometric lighting plan that has been submitted to the town. The store is set further back than the recommended set back. It sits 65 feet where 45 feet is required. There will also be trees planted to help with a lighting buffer.

Andrew McGee – inquired about the monument sign and the canopy signage placement.

Allan Henderson – confirmed that pricing is normally on the monument signs in the community.

Andrew McGee – the canopy pricing is targeting those not traveling on the parkway that are leaving the store.

Ken Kingshill – asked about UDO standards for signage lights.

Allan Henderson – confirmed that there are lighting standards in the UDO.

Lewis Eakins – asked if there had been a traffic study completed. Is concerned with the traffic increase as there is already a traffic issue on the parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – A traffic study has been conducted and submitted and working with the town Engineer. Most of the time people don't travel to make a stop at the gas station, normally they stop at a Kroger fueling station when they are at the grocery.

Lewis Eakins – inquired what items will be sold at the kiosk.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) - There will be a propane cage and ice machine. There will be kiosk under the canopy with drinks, snacks and automotive products. The site plan includes location of the kiosk containers.

Lewis Eakins – inquired about the hours of the fueling station.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – this location will not be 24-hour location.

Ken Kingshill – Asked how many associates there will be working in the kiosk.

Lewis Eakins – is it possible to get fuel after hours.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – There will not be an option to purchase fuel when closed and there is only one employee in the fuel center kiosk.

Andrew McGee – asked for confirmation on number of fueling pumps and if there is an option for overnight parking.

Allan Henderson – stated there will be no truck fuel available for purchase.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed no large truck traffic due to canopy height, RV and boats will be able to purchase fuel. There will not be overnight parking available.

Phillip Snoeberger – will the canopy signs and pricing signs be shut off when closed?

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the lights are on for safety and can be shut off.

Allan Henderson – confirmed that there is a section in the UDO about lighting during business hours.

Shelby Hasz – asked if there are gas tanks still below ground from the previous gas station?

Allan Henderson – is not aware if tanks are below ground currently.

Ken Kingshill – asked for clarification if there is a curb cut on the Whitestown parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed there is not access from the Whitestown parkway. There will be new tanks installed during the build of the fuel station.

Ken Kingshill – asked for confirmation on the sizing of the canopy signage in the UDO.

Allan Henderson – verified that the size of the canopy is how the size of signage is based.

Ken Kingshill – asked about pricing sign location on the canopy.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – shared location of the pricing signs on the canopy.

Ken Kingshill– asked about building materials on the kiosk and pillars.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the material will be masonry and complementary to the store. There is also a waste receptacle with screening on site at the fuel center.

Andrew McGee – concerned about the canopy signage, placement and the number of pricing signs.

Lewis Eakins – asked if the current sign size in the UDO is set for safety or another reason.

Todd Barker – Typical signage on the canopy is a logo. Our UDO does not prevent pricing signs from being displayed on the canopy.

Shelby Hasz – asked if the pricing on the back could be smaller in size.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the size is being requested to be seen from the store front. It is not a flashing sign and also includes diesel and unleaded verbiage, not just the lighting. Kroger has a sign company based in Nashville and then the signs will be assembled/built locally.

Andrew McGee – could the pricing on the northside be removed and leave the pricing on southside towards the store.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – that decision will be based on the board. The signage on this site is scaled down from other sites. Kroger has tried to reduce the size of the signage for this site specifically.

Ken Kingshill – asked for clarification on the monument sign.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the monument will be updated and have landscaping.

Phillip Snoeberger – monument 2 will be facing the parkway about 8' tall and will have fuel pricing.

Ken Kingshill – asked if there are any conditions if given approval.

Allan Henderson, Planning Administrator– confirmed there are no conditions needed if moving forward with approval.

Motion: Phillip Snoeberger made a motion to approve as BZA25-001-SE, Kroger Fueling Station, **Special Exception** for Kroger fueling center is consistent with the UDO 11.13 and satisfies the 7 findings of fact Seconded by Lewis Eakins Motion **Passed 5-0**.

- b. BZA25-002-DSV Kroger Fueling Station – Canopy Signage
A request by McBride-Dale for a **Development Standards Variance** to build a Kroger Fueling Station (in conjunction with a Kroger Grocery Store) and increase the size of signs allowed on the fueling canopy at 6380 Center Lane, Whitestown, Indiana.

Presentation:

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Also in attendance, Kroger engineer and a Kroger representative. Kroger is proposing to build a marketplace store in the city of Zionsville. Received approval from Zionsville for the variances on 3/5/25. The reconfiguration is being requested to

help the fueling center to best fit on the site. There will be 7 Fuel Islands and a 277-foot kiosk and 3 access points to the fuel center. Working with the town engineer on traffic access and have submitted a traffic impact analysis. The importance of having fuel prices facing the store is that the cashier tells the customer their fuel points at checkout. This is a 35-million-dollar investment, looking to hire approximately 350 employees.

Staff Report: This request is an increase of canopy signage from 12 square feet to 30 square feet. Review of the UDO 8.9 standards for signage. The increase is primarily for visibility from the store front and Whitestown Parkway. There will also be a monument sign on the parkway with the pricing. Kroger is also redoing the Big O Tire Signage. Staff is recommending approval and they have meet the three criteria for a development standard variance.

Public Hearing:

Floor opened for public hearing at 6:55p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 6:56p.m.

Discussion of BZA:

Ken Kingshill – inquired about the building phases of the project for both the store and the fuel center. Concerns whether the fuel center is built first and then the store doesn't get built.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Confirmed that the store and fuel center will be simultaneously built, the fuel center will likely be completed first, prior to the store opening. There is also an undeveloped wooded area that will also serve as a buffer.

Shelby Hasz – asked if the pricing signs would be blocked by the store and the wooded lot from the neighborhood.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Kroger's has completed a photometric lighting plan that has been submitted to the town. The store is set further. It sits 65 feet where 45 feet is required. There will also be trees planted to help with a lighting buffer. Will the lighting be an issue if the fuel center is completed before the store.

Andrew McGee – inquired about the monument sign and the canopy signage placement.

Allan Henderson– confirmed that pricing is normally on the monument signs in the community.

Andrew McGee – the canopy pricing is targeting those not traveling on the parkway that are leaving the store.

Ken Kingshill – asked about UDO standards for signage.

Allan Henderson – confirmed that there are lighting standards in the UDO.

Lewis Eakins– has there been a traffic study completed. This will increase traffic. Traffic is already an issue at the parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – A traffic study has been conducted and submitted and working with the town Engineer. Most of the time people don't travel to make a stop at the gas station, normally they stop at a Kroger fueling station when they are at the grocery.

Lewis Eakins – inquired what items will be sold at the kiosk.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) - There will be a propane cage and ice machine. There will be kiosk under the canopy with drinks, snacks and automotive products. The site plan includes location of the kiosk containers.

Lewis Eakins – inquired about the hours of the fueling station.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – this location will not be 24-hour location.

Ken Kingshill – Asked how many associate there will be working in the kiosk.

Lewis Eakins – is it possible to get fuel after hours.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – There will not be an option to purchase fuel when closed and there is only one employee in the fuel center kiosk.

Andrew McGee – asked for confirmation on number of fueling pumps and if there is an option for overnight parking.

Allan Henderson – stated there will be no truck fuel available for purchase.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed no large trucks, RV and boats will be able to purchase. There will not be overnight parking available. There will be 7 islands and 14 pumps for fueling.

Phillip Snoeberger – will the canopy signs and pricing signs be shut off when closed?

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the lights are on for safety and can be shut off.

Allan Henderson – confirmed that there is a section in the UDO about lighting during business hours.

Shelby Hasz – asked if there are gas tanks still below ground from the previous gas station?

Allan Henderson – is not aware if tanks are below ground.

Ken Kingshill – asked for clarification if there is a curb cut on the Whitestown parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed there is not access from the Whitestown parkway.

Ken Kingshill – asked for confirmation on the sizing of the canopy signage in the UDO.

Allan Henderson – verified that the size of the canopy is how the signage is based.

Ken Kingshill – asked about pricing sign location on the canopy.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – shared location of the pricing signs on the canopy.

Ken Kingshill– asked about building materials on the kiosk and pillars.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the Material will be masonry and complementary the store. There is also a waste receptacle with screening.

Andrew McGee – concerned about the canopy signage, placement and the number of pricing signs.

Lewis Eakins – asked if the current sign size in the UDO is set for safety or another reason.

Todd Barker – Typical signage on the canopy is a logo. Our UDO does not prevent pricing from being displayed on the canopy.

Shelby Hasz – asked if the pricing on the back could be smaller in size.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the size is being requested to be seen from the store front. It is not a flashing sign and also includes diesel and unleaded verbiage, not just the lighting. Kroger has a sign company based in Nashville and built locally.

Andrew McGee – could the pricing on the northside be removed and leave the pricing on southside towards the store.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – that decision will be based on the board. The signage on this site is scaled down from other sites. Kroger has tried to reduce the signage for this site.

Ken Kingshill – asked for clarification on the monument sign.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the monument will be updated and have landscaping.

Phillip Snoeberger – monument 2 will be facing the parkway about 8' tall and will have fuel pricing.

Ken Kingshill – asked if there are any conditions if given approval.

Allan Henderson, Planning Administrator– confirmed there are no conditions needed if moving forward with approval.

Motion: Phillip Snoeberger made a motion to approve as BZA25-002-DSV, **Development Standards Variance**, Kroger Fueling Station, is consistent with

UDO 11.15 and satisfies all 3 suggested findings of fact with condition that the digital pricing signage be turned off in non-business hours Seconded by **Ken Kingshill Motion Passed 3-2.**

c. BZA25-003-DSV Kroger Fueling Station – Kiosk Size

A request by McBride-Dale for a **Development Standards Variance** to build a Kroger Fueling Station (in conjunction with a Kroger Grocery Store) and reduce the size of the primary structure at 6380 Center Lane, Whitestown, Indiana.

Presentation:

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Also in attendance, Kroger engineer and a Kroger representative. Kroger is proposing to build a marketplace store in the city of Zionsville. Received approval from Zionsville for the variances on 3/5/25. The reconfiguration is being requested to help the fueling center to best fit on the site. There will be 7 Fuel Islands and a 277-foot kiosk and 3 access points to the fuel center. Working with the town engineer on traffic access and have submitted a traffic impact analysis. The importance of having fuel prices facing the store is that the cashier tells the customer their fuel points at checkout. This is a 35-million-dollar investment, looking to hire approximately 350 employees.

Staff Report: Allan Henderson, Planning Administrator, BZA25-003 is part of the 1-65 overlay. The request is for a reduction of size in the building square footage requirements within the overlay. BZA25-004 is a request for a reduction in the height requirement of the canopy. The fueling center is a separate lot from the grocery store and a separate zoning district. The fueling center is an accessory structure to the grocery store. Staff is recommending approval on size recommendation and canopy height reduction.

Public Hearing:

Floor opened for public hearing at 6:55p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 6:56p.m.

Discussion of BZA:

Ken Kingshill – inquired about the building phases of the project for both the store and the fuel center. Concerns whether the fuel center is built first and then the store doesn't get built.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Confirmed that the store and fuel center will be simultaneously built, the fuel center will likely be completed first, prior to the store opening. There is also an undeveloped wooded area that will also serve as a buffer.

Shelby Hasz – asked if the pricing signs would be blocked by the store and the wooded lot from the neighborhood.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Kroger's has completed a photometric lighting plan that has been submitted to the town. The store is set further. It sits 65 feet where 45 feet is required. There will also be trees planted to help with a lighting buffer. Will the lighting be an issue if the fuel center is completed before the store.

Andrew McGee – inquired about the monument sign and the canopy signage placement.

Allan Henderson– confirmed that pricing is normally on the monument signs in the community.

Andrew McGee – the canopy pricing is targeting those not traveling on the parkway that are leaving the store.

Ken Kingshill – asked about UDO standards for signage.

Allan Henderson – confirmed that there are lighting standards in the UDO.

Lewis Eakins– has there been a traffic study completed. This will increase traffic. Traffic is already an issue at the parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – A traffic study has been conducted and submitted and working with the town Engineer. Most of the time people don't travel to make a stop at the gas station, normally they stop at a Kroger fueling station when they are at the grocery.

Lewis Eakins – inquired what items will be sold at the kiosk.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) - There will be a propane cage and ice machine. There will be kiosk under the canopy with drinks, snacks and automotive products. The site plan includes location of the kiosk containers.

Lewis Eakins – inquired about the hours of the fueling station.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – this location will not be 24-hour location.

Ken Kingshill – Asked how many associate there will be working in the kiosk.

Lewis Eakins – is it possible to get fuel after hours.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – There will not be an option to purchase fuel when closed and there is only one employee in the fuel center kiosk.

Andrew McGee – asked for confirmation on number of fueling pumps and if there is an option for overnight parking.

Allan Henderson – stated there will be no truck fuel available for purchase.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed no large trucks, RV and boats will be able to purchase. There will not be overnight parking available. There will be 7 islands and 14 pumps for fueling.

Phillip Snoeberger – will the canopy signs and pricing signs be shut off when closed?

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the lights are on for safety and can be shut off.

Allan Henderson – confirmed that there is a section in the UDO about lighting during business hours.

Shelby Hasz – asked if there are gas tanks still below ground from the previous gas station?

Allan Henderson – is not aware if tanks are below ground.

Ken Kingshill – asked for clarification if there is a curb cut on the Whitestown parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed there is not access from the Whitestown parkway.

Ken Kingshill – asked for confirmation on the sizing of the canopy signage in the UDO.

Allan Henderson – verified that the size of the canopy is how the signage is based.

Ken Kingshill – asked about pricing sign location on the canopy.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – shared location of the pricing signs on the canopy.

Ken Kingshill – asked about building materials on the kiosk and pillars.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the Material will be masonry and complementary the store. There is also a waste receptacle with screening.

Andrew McGee – concerned about the canopy signage, placement and the number of pricing signs.

Lewis Eakins – asked if the current sign size in the UDO is set for safety or another reason.

Todd Barker – Typical signage on the canopy is a logo. Our UDO does not prevent pricing from being displayed on the canopy.

Shelby Hasz – asked if the pricing on the back could be smaller in size.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the size is being requested to be seen from the store front. It is not a flashing sign and also includes diesel and unleaded verbiage, not just the lighting. Kroger has a sign company based in Nashville and built locally.

Andrew McGee – could the pricing on the northside be removed and leave the pricing on southside towards the store.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – that decision will be based on the board. The signage on this site is scaled down from other sites. Kroger has tried to reduce the signage for this site.

Ken Kingshill – asked for clarification on the monument sign.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the monument will be updated and have landscaping.

Phillip Snoeberger – monument 2 will be facing the parkway about 8' tall and will have fuel pricing.

Ken Kingshill – asked if there are any conditions if given approval.

Allan Henderson, Planning Administrator– confirmed there are no conditions needed if moving forward with approval.

Motion: Phillip Snoeberger made a motion to approve as BZA25-003-DSV, **Development Standard Variance**, Kroger Fueling Station, is consistent with UDO 11.15 and satisfies the 3 required findings of fact, seconded by **Andrew McGee** Motion **Passed 5-0**.

- d. BZA25-004-DSV Kroger Fueling Station – Canopy Height
A request by McBride-Dale for a **Development Standards Variance** to build a Kroger Fueling Station (in conjunction with a Kroger Grocery Store) and reduce the height of the fueling canopy at 6380 Center Lane, Whitestown, Indiana.

Presentation:

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Also in attendance, Kroger engineer and a Kroger representative. Kroger is proposing to build a marketplace store in the city of Zionsville. Received approval from Zionsville for the variances on 3/5/25. The reconfiguration is being requested to help the fueling center to best fit on the site. There will be 7 Fuel Islands and a 277-foot kiosk and 3 access points to the fuel center. Working with the town engineer on traffic access and have submitted a traffic impact analysis. The importance of having fuel prices facing the store is that the cashier tells the customer their fuel points at checkout. This is a 35-million-dollar investment, looking to hire approximately 350 employees.

Staff Report: Allan Henderson, Planning Administrator, BZA25-003 is part of the 1-65 overlay. The request is for a reduction of size in the building square footage requirements within the overlay. BZA25-004 is a request for a reduction in the height requirement of the canopy. The fueling center is a separate lot from the grocery store and a separate zoning district. The fueling center is an accessory structure to the grocery store. Staff is recommending approval on size recommendation and canopy height reduction

Public Hearing:

Floor opened for public hearing at 6:55p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 6:56p.m.

Discussion of BZA:

Ken Kingshill – inquired about the building phases of the project for both the store and the fuel center. Concerns whether the fuel center is built first and then the store doesn't get built.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Confirmed that the store and fuel center will be simultaneously built, the fuel center will likely be completed first, prior to the store opening. There is also an undeveloped wooded area that will also serve as a buffer.

Shelby Hasz – asked if the pricing signs would be blocked by the store and the wooded lot from the neighborhood.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – Kroger's has completed a photometric lighting plan that has been submitted to the town. The store is set further. It sits 65 feet where 45 feet is required. There will also be trees planted to help with a lighting buffer. Will the lighting be an issue if the fuel center is completed before the store.

Andrew McGee – inquired about the monument sign and the canopy signage placement.

Allan Henderson – confirmed that pricing is normally on the monument signs in the community.

Andrew McGee – the canopy pricing is targeting those not traveling on the parkway that are leaving the store.

Ken Kingshill – asked about UDO standards for signage.

Allan Henderson – confirmed that there are lighting standards in the UDO.

Lewis Eakins – has there been a traffic study completed. This will increase traffic. Traffic is already an issue at the parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – A traffic study has been conducted and submitted and working with the town Engineer. Most of the time people don't travel to make a stop at the gas station, normally they stop at a Kroger fueling station when they are at the grocery.

Lewis Eakins – inquired what items will be sold at the kiosk.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) - There will be a propane cage and ice machine. There will be kiosk under the canopy with drinks, snacks and automotive products. The site plan includes location of the kiosk containers.

Lewis Eakins – inquired about the hours of the fueling station.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – this location will not be 24-hour location.

Ken Kingshill – Asked how many associate there will be working in the kiosk.

Lewis Eakins – is it possible to get fuel after hours.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – There will not be an option to purchase fuel when closed and there is only one employee in the fuel center kiosk.

Andrew McGee – asked for confirmation on number of fueling pumps and if there is an option for overnight parking.

Allan Henderson – stated there will be no truck fuel available for purchase.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed no large trucks, RV and boats will be able to purchase. There will not be overnight parking available. There will be 7 islands and 14 pumps for fueling.

Phillip Snoeberger – will the canopy signs and pricing signs be shut off when closed?

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the lights are on for safety and can be shut off.

Allan Henderson – confirmed that there is a section in the UDO about lighting during business hours.

Shelby Hasz – asked if there are gas tanks still below ground from the previous gas station?

Allan Henderson – is not aware if tanks are below ground.

Ken Kingshill – asked for clarification if there is a curb cut on the Whitestown parkway.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed there is not access from the Whitestown parkway.

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Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the Material will be masonry and complementary the store. There is also a waste receptacle with screening.

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Shelby Hasz – asked if the pricing on the back could be smaller in size.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – the size is being requested to be seen from the store front. It is not a flashing sign and also includes diesel and unleaded verbiage, not just the lighting. Kroger has a sign company based in Nashville and built locally.

Andrew McGee – could the pricing on the northside be removed and leave the pricing on southside towards the store.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – that decision will be based on the board. The signage on this site is scaled down from other sites. Kroger has tried to reduce the signage for this site.

Ken Kingshill – asked for clarification on the monument sign.

Anne McBride (5721 Dragon Way ste300, Cincinnati OH 45227) – confirmed that the monument will be updated and have landscaping.

Phillip Snoeberger – monument 2 will be facing the parkway about 8' tall and will have fuel pricing.

Ken Kingshill – asked if there are any conditions if given approval.

Allan Henderson, Planning Administrator– confirmed there are no conditions needed if moving forward with approval.

Motion: Phillip Snoeberger made a motion to approve as BZA25-004-DSV, **Development Standard Variance**, Kroger Fueling Station, is consistent for UDO 11.15 and satisfies the three required findings of fact, Seconded by **Andrew McGee** Motion **Passed 5-0**.

e. BZA25-005-VA Aspen Creek Grill

A request by Aspen Creek Grill for a Development Standards Variance from UDO 710 (G) Parking Ratios for Vehicles and Bicycles to increase the number of parking spaces from 49 to 130 at a new restaurant being constructed at 6031 Perry Worth Road, Whitestown, Indiana.

Presentation: Evan West, Sexton Engineer (6217 N. Temple Ave, Indpls, IN, 46220)– seeking a variance for 122 parking spaces. Would like more clarification on the increase in additional landscaping.

Allan Henderson, Planning Administrator– With reduction from 130 to 122 spaces, making those planting in the islands and the surrounding buffer area. Happy to review a proposed landscaping plan.

Evan West Exton Engineering (6217 N. Temple Ave, Indpls, IN 46220) – client is currently concerned about the coverage for the location and would like to look at shrubbery, or other landscaping options for the increase parking and landscaping.

Staff Report: Allan Henderson, Planning Administrator - This request is to increase parking by 165% increase from 49 spaces to 130. Review of current parking standards. There have been several cases in the past and staff have reviewed comparative communities and shared the research as other communities are basing their parking off of seating or square footage. Other communities also require an increase in landscaping if there is a request for increased in parking. Note the data shared is not an approved change by the Town, just data that has been shared. Staff recommend an increase in landscaping with an approved increase of parking spaces.

Public Hearing:

Floor opened for public hearing at 7:26p.m.

No requests to speak online or in attendance.

Floor closed to public hearing at 7:27p.m.

Discussion of BZA:

Ken Kingshill – question for staff, please confirm if this is part of the Anson project. Asked what the parking spaces are for surrounding restaurants.

Shelby Hasz – There is a hotel north and Dicks sporting, would there be an issue if employees parking in the Dicks parking lot.

Evan West Exton Engineering (6217 N. Temple Ave, Indpls, IN 46220) – there is a parking agreement in place with the hotel to the north, for 44 spaces.

Heather Belton Aspen Creek (13099 Park Side Dr, Fishers, IN 46038) – Currently use 158-160 parking spaces at other busy locations. Our Noblesville location parking is always full at peak hours/weekend and utilizing overflow parking as well. Could have around 100 employees at peak/weekend hours.

Ken Kingshill – there is not a set criteria for restaurant parking.

Allan Henderson, Planning Administrator– confirmed there is not a set criteria, there are different requirements.

Todd Barker– most UDO parking has a minimum only and ours has both. More communities are moving to maximums.

Phillip Snoeberger – appreciated that staff provided the parking data allowing the BZA to make the best decisions. I do like a compromise on utilizing surrounding parking that would be available and adding additional landscaping.

Andrew McGee – appreciates the data provided from other municipalities. Would like to see an increase in landscaping with an increase in parking if granted. Would like to see an agreement with surrounding businesses for additional parking use.

Heather Belton Aspen Creek (13099 Park Side Dr, Fishers, IN 46038) – there is a recorded easement with the hotel for 44 parking spaces, which was there prior to purchase.

Allan Henderson – their lot will include the building and the addition of parking spaces.

Ken Kingshill – how will a condition be monitored for an increase of landscaping.

Allan Henderson, Planning Administrator – will work with the engineering company on an approved landscape plan.

Phillip Snoeberger – is the increase of 50% contain; staff recommendation would be 50% in quantity or surface area.

Allan Henderson, Planning Administrator– Staff's recommendation would be 50% in quantity; the UDO has a section on preservation in exchange and can rely on that for quantity. The board can decide on the conditions placed if approved.

Shelby Hasz – inquired how many parking spaces are at the Noblesville location

Heather Belton Aspen Creek (13099 Park Side Dr, Fishers, IN 46038) – approximately 148 parking spaces at the Noblesville location

Motion: Ken Kingshill called for a motion. **Andrew McGee** made a motion to approve as BZA25-005-Va, Aspen Creek Grill. Parking spaces will be limited to 122 spaces and increase the landscaping by 50%, the findings of fact and staff recommendations and submitted findings of fact and compliance with the submitted site plans Seconded by **Phillip Snoeberger** Motion **Passed 5-0**

7. OTHER BUSINESS

- a. None


8. ANNOUNCEMENTS


- a. Todd Barker- The Development Services has hired a new Planning Administrator, Noah Pappas.
- b. Allan Henderson – Nex meeting is April 10, 2025 (2nd Thursday). This is a change due to school calendars.
- c. Allan Henderson – The town is moving away from using personal email accounts for board members and providing with a town email.

9. ADJOURNMENT

Motion: Andrew McGee made a motion to adjourn. Motion **Passed** 5-0. Meeting adjourned at 7:44p.m.

The next regular meeting is scheduled for **April 10, 2025**, at 6:30 PM.

Signed by:

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Ken Kingshill, Chairperson

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Allan Henderson, Zoning Administrator