

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
March 23, 2022

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on March 23, 2022. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzynski.

ROLL CALL: Present were Board Members Mr. Thomas, Mr. Grzynski, Mr. Helms, Mr. Martini and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and BZA Town Attorney, John Reed.

MINUTES: The minutes of the February 23rd, 2022 meeting were approved as posted.

ANNOUNCEMENTS: The date of the next meeting of the Board of Zoning Appeals is to be held on April 27th, 2022.

COMMUNICATIONS: None

Old Business: Deferred Public Hearing for F & E Ventures, 473 Oak Street, Elmhurst, IL, requesting (6) Variances for the proposed Car Wash at 8945 – 8955 Indianapolis Boulevard, Highland, IN, including: Minimum 20’ Green Space 18.45.050 (C)(3); Minimum 20’ Rear Yard 18.45.050 (E)(1); Fence Abutting Residential District 18.05.070 (A); 15’ Buffer to Residential District and Screening Alternative 18.45.050 (E)(2); 125’ Minimum Lot Depth 18.45.050 (F)(1); and Sign within Landscaped Strip 18.85.030 (H)(1)(b).

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed replied that it was properly published for the meeting of February 23rd and that this would carry over to tonight’s meeting. Additionally, he stated that the sign was posted correctly, which was confirmed by Mr. Mika.

Mrs. Murovic asked if there was someone here to represent the Petitioner, F & E Ventures.

Attorney Scott Yahne, 9301 Calumet Avenue, Suite 2F, Munster, IN 46321, introduced himself as the representative of F & E Ventures, specifically Frank Caruso and Erol

Stapleton, co-owners of the company and the owner-operators of the future Auto Spa at 8945 – 8955 Indianapolis Boulevard, if they were to be successful in obtaining the Developmental Variances requested this evening. He added Mr. Caruso and Mr. Stapleton would be available to answer any questions asked of them this evening. He also introduced Mr. Les Dreischerf, the project architect and Mr. Bill Loy, the participating broker in the project. Mr. Yahne continued that the petitioners were here this evening to request (6) Developmental Variances that were peculiar to this this lot and to this specific area of Indianapolis Boulevard. He mentioned as an example the requirement for 125' Minimum Lot Depth could not be met by any of the property owners in this area, as they did not have that depth. Therefore, any other property owner in this area that wanted to work on their property would also have to come before the Board for a similar variance request. He continued that many of the other variance requests this evening were also due to the lot dimensions of the property, which was also the case with most of the surrounding properties. Mr. Yahne said that in listening to Mr. Mika in the previous Study Session, there were two variance requests that should be focused on this evening; however, they did not want to overlook any of the other variance issues. Mr. Yahne went on to say that the site plan proposal this evening was not the first one initially presented when they obtained their Use Variance. One of the main differences was that the petitioners have been able to obtain more property to the South, which has enabled them to create a detention area, shown on the new site plan submitted to the Board. The other notable change was made as a result of extensive discussions with the Traffic Safety Committee, which changed the ingress & egress design significantly, from two down to a single location. He continued that there are other changes to the design, but stated that the project architect, Les Dreischerf, has drilled down the plan to eliminate as many variances as possible. He added that the engineering is very tight and has gone through a number of revisions to get to the point it is presently and that they took the zoning ordinances very seriously. Mr. Yahne continued that the petitioners seek to develop a state of the art auto spa and have come up with a plan to efficiently move vehicles, have an attractive masonry building and to provide stacking for as many vehicles as possible, keeping traffic off Indianapolis Boulevard with safe ingress, egress and traffic flow. He added that the Traffic Safety Committee did approve this particular plan after its engineers contributed to the plan. He then said that the petitioners need some assistance, due to the fact that the property is so challenged and very narrow at 105' rather than the required 125' Minimum Lot Depth. At this point, Mr. Yahne added the space has been vacant for more than 12 years and gave a history of the previous owners and businesses that occupied the property, the current state of the site, along with other parties that have been interested in obtaining the property. He continued that the main problem was always lot depth. They simply could not fit their buildings on the narrow lot, even with the possibility of vacating the alley. He then stated that when tonight's petitioners noticed the space, they realized it could work very well for an auto spa, being long and narrow. This shape allows the space for queuing cars on site and the building needs space for housing the equipment and cars only, it doesn't require a great deal of depth or floor space. He added it may be the only type of business that would work in this lot. Mr. Yahne then said that they are not asking the Board to do anything other than what either the zoning ordinance would allow, or the statute that authorizes the zoning ordinance would allow. He added that the petitioners would need to meet (4) criteria in

the request for these developmental variances, which he had outlined in the letter distributed to the Board. He went on to say that the first that had to be shown was “The administrator has determined that the variance is not for a use variance, i.e., a variance from a use district or classification per this section.” He then stated that the use variance had already been obtained by this petitioner with a BZA hearing on June 23rd, 2021, resulting in a favorable recommendation to the Town Council, then the acceptance of the BZA recommendation and the granting of the use variance on August 9th, 2021 by the Town Council. He continued with the second criteria, which was “The approval would not be injurious to the public health, safety, morals and general welfare of the community.” He then stated that they respectfully contend that it is not injurious to the community in any way, noting that this facility would be run with well-defined safety regulations, allowing traffic to move through the areas safely and provides ADA compliant parking. He continued that Mr. Dreischerf had worked on the plan extensively with Town engineers and traffic engineers, which resulted in a change of the ingress/egress to one location and also an emergency egress location. He added that the site plan that resulted after these safety revisions was unanimously approved by the Highland Traffic Safety Committee on February 8th, 2022. He went on to say that one of the committee’s main concerns was avoiding any traffic back up on Indianapolis Boulevard. This revised plan allowed for the safe queuing of 25 cars for the wash, 12 cars in the discharge area, 8 cars in the vacuum area and 4 or 5 parking spaces. Mr. Yahne continued with the third criteria, which was “The strict application of the terms of this title: Is being applied to some condition peculiar to the property involved that is not common to other properties in the same zoning district.” He stated that their contention is that if they had strict application of the zoning ordinance, this would result in a substantial hardship in the use of this property and likely make this site incapable of being developed, as its’ history has shown. He concluded on this criteria by saying that without an adjustment to the lot depth requirement, none of these narrow lots could successfully make any adjustments to their existing buildings, including Miner Dunn, which was immediately across from the this property. The fourth criteria was “The strict application of the terms of this title: Will result in an unusual and unnecessary hardship. The situation shall not be solely self-imposed, nor be based on a perceived reduction of or restriction on economic gain.” He explained that they have to show not that this would cost them less, but that they have done some work here. He stated that considering the amount of work that was done in order for them to put forward the plan they have presented, he feels that has been achieved. He then stated that the first variance request was a minimum 20’ green space requirement along Indianapolis Boulevard and pointed out that with the lot depth of 105’ they would not be able to meet this requirement without backing up everything else in the plan. He continued that what they were planning to do is to generously landscape the site to make it very attractive, welcoming and appear as a garden environment, adding some vibrancy that has been lacking in this area. He then mentioned another of the variances, which was 125’ minimum lot depth, which they just don’t have. The lot depth of this property is 105’, so that was all they have. He then mentioned another of the variances being a sign within the landscaped strip. He continued that normally you can’t put a sign up in the landscaped strip, but added that they don’t have anywhere else to put the sign and they need it as a marker and a guide for customers to identify the building and to know where to turn. He added it

cannot, however, be so close to the entrance as to obscure vision, so Mr. Dreischerf had very carefully placed it in the location it is now, which he would explain later in the meeting. He concluded about the sign by saying that it would be incorporated into the landscaping, that it would be a very tastefully done monument sign and would add to the aesthetics of the facility.

Mr. Yahne said one of the main things he wanted to discuss was the location of the building to the rear of the property. The petitioners are asking for a setback of 2' off the property line, or off the alley. He added that the alley is 20' in width, but they are not allowed to use that as their marking number. He then pointed out that the existing building that will eventually be demolished, is right on that property line, with no setback whatsoever and the building to the north is also situated on that property line, as it has been for many years, along with several other properties to the north. He continued that with the front setback of 60' and the existing short depth of lot, they are more or less stuck where they are with the plan. He continued that they feel what they have proposed is an improvement, but it requires this developmental variance approval, so this is the reason they were seeking it. Mr. Yahne then mentioned the variance requirement for the fence abutting residential district and the fact that a fence was required between a commercial property and a residential district. He added that he wanted to turn the meeting over to the project architect, Mr. Les Dreischerf at this point, to explain the plan and some of his visual safety concerns about this fence possibly creating a tunnel and also answer any specific questions the Board may have.

Mr. Les Dreischerf, owner of Design Alliance Architects, 6915 Hohman Avenue, Hammond, IN 46324, introduced himself and added that this was their 41st year of practice, so they had done many projects in the area. He continued that there has been an ongoing dialogue between the Town representatives and his team regarding this project since last June. He added that they have also been working closely with the manufacturer of the equipment, Sonny's, who will be providing the newest technology for the Auto Spa and had worked with them in trying to improve the project site. He continued that since the Use Variance was approved last August, they had also worked with engineer Don Torrenga and asked him to prepare the storm water detention calculations. After the calculations were complete, they came up with the size of the detention pond that would be needed for the site. He stated that currently, the site had no detention on it, only hard surfaces, but they needed to provide detention to comply with the requirements for this project. He explained that this parcel was going to use an additional lot to the south that borders on the drainage way. Using this lot will actually create more green space, as they are going to use an additional section of the paved area on the original lot to accommodate the entire detention area, which will be a dry detention area and appear green most of the time, unless filled after a storm before draining into the ditch. He explained that the detention area to the south was not on the original plan as they were unsure as to whether the use was going to be approved and it was not worth going through all the engineering this would involve before they knew. He continued that another change that was made to the original plan was that after working with Sonny's, they have shortened the length of the building by 15'. They have also brought the building off the rear (east) property line with a 2' set back, as Mr. Yahne had mentioned.

He stated that one of the biggest improvements to the original plan that they had made was mirroring the site over so there is just one location for entering/exiting and traffic will always make a right hand turn to enter the building, thus eliminating any cross traffic. Mr. Dreischerf then mentioned another change to the first plan, which was reducing the spots for vacuuming from 15 to 8 and situating them on the north end of the site. This change eliminated the possibility of any congestion within the vacuum area. He added that they didn't see the reduction in vacuums as an issue, as there was going to be plenty of waiting area space and a lot of customers won't wait if there are no vacuums available. He also pointed out that this change in the vacuum location increased the green space to the front of the building, thus enhancing the visual appeal of the site. Continuing with the changes, he explained that the entry drive lanes into the building were increased from two to three, the added lane being an express lane for monthly pass holders; however, any cars could use it also with passes or cash. Adding the third lane allowed for a faster through put of vehicles, which means there is less potential for stacking up of vehicles. He continued saying the revised plan allowed for stacking of 25 vehicles, which is fantastic stacking capacity and should prevent any backups. He said this will prepare the facility for the worst case scenario when there are many cars coming in with road salt on the first really nice day after winter, which doesn't happen often. He then mentioned the nice thing about the entry systems with the newer technology is that the equipment will scan vehicles with monthly passes, or determine your requirements by photographing the license plate, so even if someone cuts in front of your car in the queue, the details of your wash and requirements are still known because the system rescans your vehicle plate when you get to the front and you will get the correct wash type, etc. that was chosen and paid for. The equipment will also sense if there is a backup with traffic exiting the building and slow the cars down in the tunnel to accommodate the cars until the backup has been eliminated. He added that this was the latest and best technology available. He went on to say that they have also studied the water coming off the cars or trucks as they leave the building and have placed trench drains there and at the street level so as to diminish the amount of water buildup and make sure the least amount possible reaches Indianapolis Boulevard. They also will have heated pads so there will be no problem with icing, as some car washes have. He pointed out that no expense has been spared to minimize any potential problems. He added that the garbage area and electrical transformer have also been blocked off and gated, with green areas surrounding them to make them as unnoticeable as possible. He also mentioned that there is an emergency exit at the south end to use as an escape route; however, no vehicles can get in that way, as it will be gated. Mr. Dreischerf then spoke of the lot having a very slight jog near the middle of the property, thus about half of its lot depth was actually 107' and the other 105'. He continued that they have located the sign in the area that has the extra 2' of depth and also as far away from the entrance as possible, so as to have the least amount of vision obstruction as possible. The ordinance does call for the sign to be 10' back from the property line and he said they cannot do that amount as it would be out in the access drive lanes to the building. They felt it was more important to have that third lane to stack the vehicles and keep the traffic off the Boulevard. Another change they have made is to the sidewalk, which is now sitting right against the curb line. They have proposed putting in a brand new sidewalk and moving it 5' off the curb line. This enhances the green space on both sides of the sidewalk and keeps the pedestrians further

away from Indianapolis Boulevard, adding safety measures. They have tried to maximize the green space as much as possible; however, they cannot meet the required 20' minimum per ordinance in this depth of lot. He said they will have a little over 11' of green space, which is enough room for them to get the sign and landscaping added. Mr. Dreischerf continued, as Mr. Yahne had mentioned, the team met with the Traffic Safety Commission three times and it was determined that there should be one point of entry, but the inbound/outbound lanes should be split, then he pointed out the island, or pork chop in the middle of the entrance/exit that would achieve that goal. He continued that this island had initially been designed smaller, then was changed to a 10' island, then finally to a 20' island. This was decided for pedestrians or bicycles that may be making that crossing to have a safe landing spot if they have to stop and wait in the middle. He added that anything done for a public right of way must also be ADA compliant and have tactile warning strips, which also contributed to the 20' width. He then stated they are adding a 5' green space buffer at the north end of the property to enhance the look of the site. This area will also house the vacuums and will soften the façade on that side of the property. He added that with the zoning overlay district rules, there is much talk about foundation planting and softening the look of the businesses, which was their goal with this green space buffer. He continued there is a movement in many communities to enhance the look of their new facilities with a well-developed landscape plan, which added so much to the look of the area. He spoke about incorporating fir trees, which will remain green year round, to screen areas around residential properties on the east and around the dumpster areas on the north end and create a solid buffer. He said they are also going to incorporate a lot of tall, branch material that will provide nice color at certain times of the year, as well as lower plants that will also provide color. Their goal was to have a mix and variety of plants all year around, have plants that are most appropriate for an urban environment and hardy enough to thrive in the area. Mr. Dreischerf then spoke about the requirement for the fence between a commercial property and a residential district. He continued that the 5 residents to the east that were most affected by the development were all in favor of this project and happy to see a change. The future owner/operators, Mr. Caruso and Mr. Stapleton spoke to all these neighbors personally to get their feelings about the site and gained that news first hand. He added that of all these residents that line the east property line, there is only one garage on the far north side of the property that opens onto the alley, all the others open into their own street side. There was also only one property that did not have a fence and one fence that was missing some slats. He continued to say that the team felt that if a fence was put up behind the facility, it would create a tunnel effect in the alley. He added that they would certainly add the fence if required, but wanted to suggest rather than a fence, that the back of the building, which would be a brick masonry building and look great, then landscaped along the entire length would enhance the aesthetics and also increase the safety and serve the purpose better than a fence. He then told the Board if there were any questions about the operation of the facility, Mr. Caruso and Mr. Stapleton could answer them.

Mr. Yahne summed up by saying that the petitioners were here tonight pursuant to the 18.115.060 Variance statute and they were seeking the (6) variances just discussed. He then stated that their entire team worked really hard to meet the criteria and he hoped that they had demonstrated that they had met the criteria previously discussed.

With that, he concluded that they were before the board tonight seeking approval of each of these developmental variances.

Mrs. Murovic opened the meeting to the public.

Mr. Mark Herak, 3333 Ridge Road, Highland, IN 46322, introduced himself and stated he was before the Board this evening as a resident and not an elected official. He then stated that he was the Councilman who voted against the Use Variance when it came before the Council on August 9th, 2021. He then stated that it was the Traffic Safety Committee that insisted in the changes that were made to the original site plan and that the changes were made to accommodate the ADA requirements and that committee. He made it clear that the changes were not originated by the petitioners. He then stated that the detention area was a requirement on the property and that they weren't doing us a favor by adding additional green space. Mr. Herak then said he had heard complaints about new businesses from other residents that lived near the Indianapolis Overlay District. He then asked what the purpose was of having an overlay district and regulations if they weren't adhered to. He continued that these petitioners were coming before the Board tonight with (6) variances and he felt it was greed and it was all about money. He felt that the fact that they couldn't put the sign further in because one of the lanes would be blocked demonstrated that it was about money. He then told the Board that he felt if they passed some of these variances, they would be setting a dangerous precedent because the old building is going to be torn down. Other property owners in the area may use that as an example and expect the same considerations and allowances. He then mentioned the meeting of the Traffic Safety Committee again and said one of the owner/operators said that he would be jumping for joy if the traffic comes out to the street, when they were discussing stacking of vehicles. He then mentioned the building itself and said that, per the Redevelopment Dept., they felt the price of the property being so high was the main reason nobody had gone in there. He stated these petitioners knew going in there that the property would not meet everything they needed, and yet they were coming before the Board asking for variances. He also mentioned that even though they were planning on all the landscaping, the bushes and the trees would probably die because nobody would maintain them. He stated he disagreed with the architect that stated he had taken noise readings, because he knew from other car washes in the area, the sound would be heard.

Mrs. Murovic asked if there were any further comments from the public. Hearing no remonstrance, she closed the public discussion and brought it back to the Board.

Mr. Helms asked if there was any wiggle room with the width of the building, if it would be possible to make it any narrower than the 33' it currently was to house the machinery, or was it already at the minimum width possible. Mr. Dreischerf said that there may be a few inches here or there, but the building was designed using a 20' tunnel. It would be possible to make the tunnel a little smaller, but it then gets to be a problem for staff working in there and getting around the equipment safely. He added that there was also space needed for the equipment, the office, the handicapped bathroom and the electrical gear room. Mr. Helms then mentioned the turn radius and the extra lane for the building

access, but he felt that the extra lane was a good idea to prevent the possibility of stacking problems and traffic issues on the Boulevard. Mr. Helms then asked the petitioners the hours the facility would be open, due to the possible noise problems Mr. Herak had mentioned. Mr. Erol Stapleton responded that it would coincide with the other car washes in the area, which he believed to be 7:00 a.m. to 8:00 p.m. or 8:00 a.m. to 8:00 p.m. Mr. Reed said he believed that issue was mentioned in the Findings of Fact for the Use Variance request. Mr. Mika confirmed that it was and he believed the hours were agreed upon as 7:00 a.m. to 8:00 p.m.

Mr. Thomas asked if the vacuum area on the north side of the property would abut the property to the north and then asked if there would be a buffer there. Mr. Dreischerf replied that the property to the north sat right on their property line, so yes, the vacuum area would be close to that property. Mr. Helms then asked if the petitioners had spoken to them about this fact. Mr. Caruso replied that they had spoken to them regarding the project since its onset and they knew that equipment would be housed near their property. Mr. Helms asked what the decibel reading would be for that type of equipment. Mr. Dreischerf asked if they could come back to that because he had done a decibel study and had to locate the report to accurately answer the question. Mr. Grzymiski then asked what the decibels for the dryers would be, when the information was found. He added that at a level of 85, hearing protection would be needed, according to OSHA. Mr. Grzymiski then asked about fencing and asked what the point was when Mr. Dreischerf mentioned the property with the fence that did not have slats. He replied that he was simply trying to provide a context of what was there currently, most of the properties had 6' fences now and that one fence was missing slats and one property had no fence at all. Mr. Grzymiski then mentioned that one of the properties on the east had a swimming pool, which indicated outdoor entertainment and that another property had what he assumed to be bedroom windows facing the proposed building, possibly near the future dryer area. Then he continued to ask if there would be crisscross traffic going to the vacuum area. Mr. Dreischerf explained that typically, traffic would enter and then turn right, or southbound to access entry for the car wash. If traffic is heading northbound, it is an exit only, this because of the geometry working best and because of delivery trucks. Mr. Grzymiski asked if a car that was entering could turn left and go to the vacuum area. Mr. Dreischerf replied that they could. Mr. Grzymiski pointed out that the site plan showed 16 cars in the stacking lanes, but page 4 in the letter from Attorney Scott Yahne stated there is enough room for the stacking of 30 vehicles. Mr. Dreischerf said that if there were 25 vehicles stacked in the access lanes it would begin to block the entrance off Indianapolis Boulevard. Mr. Grzymiski then asked the petitioners if they thought they may have more than 30 cars on the busy days when lots of people realize it's 60 degrees and sunny and want to get the salt off their cars. Mr. Stapleton replied that this had come up since the last meeting and as a reference point he had asked the CEO of Sonny's, who is their equipment manufacturer, if at the busiest car wash in Illinois, if they were to wash 412 cars an hour, if would they have back up to the street. Then he added to give full disclosure, that this car wash has lanes that are a little wider, but the answer he got from the CEO was that they do not have any backup to the street, even with that volume of washes. He said, after doing the math, they would potentially have to wash upwards of 4,000 – 5,000 cars a day before they would have a mess with traffic backing up on

Indianapolis Boulevard. He then stated it would be very, very, very unlikely that traffic would backup with the design they are proposing. He then added, when he said unlikely, he didn't even think it would be possible. He continued the traffic count of this community didn't indicate that kind of volume and said people wouldn't wait for a long length of time for a car wash, even if it is the best car wash in the town. He said it will be an express car wash, cars are in and out and these sorts of backups just won't happen. Mr. Thomas then asked what would happen if there were 8 cars in the vacuum area and that starts to backup. He added that employees would be trained to tell customers that they would have to move along and could not wait there. He added that they would work with people and possibly issue vouchers so they could return at a better time and vacuum their cars then. He added that they look at situations like that as an opportunity to retain a customer long term and appreciate the face time with customers. He said they are anxious to retain customers, not drive them away. He may give an additional wash the next day for free and they can use the vacuum at the same time. They were anxious to make people happy and make them want to come back. Mr. Thomas mentioned he lived close to another wash that was often backed up by the vacuums, so he felt that could be an issue. Mr. Stapleton gave Mr. Grzynski the information that was being checked into about the dryers and told him the decibel reading was 74, less than he had originally thought. He then answered Mr. Thomas by saying that in their experience, only 1 in 3 customers use the vacuums. Most customers only come for a wash and they're on their way, especially cars that have kids/pets in the car. Mr. Thomas said he was surprised that the new site plan had only 8 vacuum spaces and the original had 15. Mr. Martini interjected that he really didn't see that as a problem, if the vacuum area is occupied when he visits car washes, he just keeps on going. He continued that his main concern was the noise level of the vacuum area and was wondering if there was any way to mitigate that noise because it sounded like a jet engine. Mr. Stapleton said there was a way for them to mitigate the sound and continued that the car washes Mr. Martini was going to in town had individual single vacuum systems. He went on to say that these systems are as archaic as they get, they are loud and have no noise reduction capabilities at all. He clarified that their system will have one centralized vacuum station and it will not have individual compressors turning on for each customer. He stated that the noise level for the older systems are significantly higher than theirs will be. He added that the equipment they had was all automatic, tied into one system and it would not be up to any individual employee to control what was on and off. If someone accidentally hangs up a hose and it falls, the vacuum will shut off automatically, it won't keep running. That benefits both the business, as they won't be paying for unnecessary power and the residents/customers, due to the noise level being reduced. Mr. Martini asked if he went to the proposed car wash and picked up the vacuum hose, if there would be no noise. Mr. Stapleton replied that there would be noise, as it is a vacuum, but there would not be the same noise level as the car washes he is currently frequenting, it would be significantly less. Mr. Martini asked if the vacuum area compressor could be enclosed. Mr. Stapleton replied that it could be, but there would need to be airflow around the area. Mr. Dreischerf stated that he did remember that there were questions about noise levels that came up in the last meeting for the use variance and that he had issued a report from July 9th that summarized all the decibel readings from the areas in question. He also mentioned that he owned a sophisticated decibel meter. He proceeded to give several

examples of readings he took. The actual street traffic reading of Indianapolis Blvd. was higher at 81.4 than any of the other site readings. Mr. Martini asked what the height of the new building would be. Mr. Dreischerf replied that it would be 16'. He then continued with more readings, pointing out that the older, nearby car wash read 85 at a distance of 20' away from the exit tunnel. He compared this reading with some of the newer technology and got a comparable reading of 70.9 for a similar location. He then mentioned another newer facility that had an enclosed vacuum area with a masonry wall surround that had a reading of 62 close to the vacuum area, adding that the sound goes straight up and then disperses with the newer vacuum systems. He concluded that this proved that the newer technology really dropped the decibel readings. Mr. Thomas commented that the noise on the Boulevard was louder than the actual car wash readings. Mr. Dreischerf replied that was correct and that background noise is louder. Mrs. Murovic asked if the background noise was being added to the car wash noise. Mr. Dreischerf said that the noise did not stack. Mrs. Murovic said the main concern was that this particular car wash was so near a residential district. Mr. Stapleton pointed out that the new car wash in St. John was one of the lowest in the decibel study and they use the same silencer system the petitioners will be using, which involves an extra cost for them. Mrs. Murovic stated that she felt with no significant rear yard setback, the petitioners should be responsible for the buffer between the commercial business and the residences, even though most of them had fences, to lower the potential for noise disturbances to the area. Mr. Martini asked what was meant by the petitioners stating they would create a tunnel by putting up an additional fence behind their property. Mr. Dreischerf stated that they were referring to a visual effect, because there would be fences on both sides of the alley and it would limit vision. Mr. Martini stated he felt that an additional fence behind the commercial property would help mitigate the noise. Mr. Dreischerf stated that they can put a fence up. Mr. Reed stated that in listening to the original presentation, he felt the petitioners thought that it would not be a good look for a fence, or aesthetically pleasing, but if the Town wanted it, they would have no objection. Mr. Thomas asked why he was seeing lot depths of 116' on the GIS Lake County Maps site when he looked it up on his phone instead of the 105' the petitioner's site plan showed. Mr. Yahne said the readings would have been taken before Indianapolis Boulevard was widened. Mr. Martini asked Mr. Mika what the two variance requests were that he was most concerned about. Mr. Mika replied that they were the fence abutting a residential district towards the rear between the commercial property and residential property and then the buffer to provide some sort of screening between the two districts. Mr. Thomas asked what type of material that would have to be. Mr. Mika replied that the current zoning ordinance states wood or vinyl. He said that masonry could also work, but they would possibly get into maintenance issues with that material. Mr. Helms asked if the 6' height rule would apply to this type of fence. Mr. Mika replied that was correct, it could not exceed 6'. Mr. Martini stated that his recommendation would be that the petitioners consider a fence in the rear of the property. Mr. Dreischerf stated the back of the building would essentially be a barrier. Mr. Mika expounded on Mr. Dreischerf's comment that the back of the building could be the barrier at that point and that the fence could extend off the corners of the building, north and south, to accommodate and complete the buffer on the property. Mr. Grzymiski added that his only other concern for the alley would be the accessibility for the snow plows. Mr. Mika pointed out that they would plow with a

small truck in a space like that and they can angle the blade to accommodate it. Mr. Dreischerf added that there was plenty of room at the south end of the alley to push the plowed snow. Mrs. Murovic added that garbage could be picked up in front, also. Mr. Mika said that this issue had been pretty much agreed upon by the Public Works Director and added, when they found out the recycling was currently being picked up in front and garbage in the back, they didn't understand why they weren't picking up both trash and recycling in the front because it made no sense.

Mr. Helms stated that there were no residents at the meeting this evening to state their feelings or complain about anything to do with this car wash, including the noise.

Mr. Martini said that overall, he felt that this would be a good addition to the Town of Highland, but he felt that the noise would have to be mitigated. Mr. Stapleton again stated that they would put up a fence and were willing to enclose the vacuum area. He mentioned that the location of the vacuum area was the result of the Traffic Safety Committee's recommendation and he would actually prefer it to be in the front; however, he was told the power to the compressor could be an issue if it were located in front. Mrs. Murovic again stated that her main concern was the residents. Mr. Stapleton mentioned the petition signatures and the fact that the neighbors are all for this development. He also stated that there was a lawn mower and snow blower repair shop a little further north of the property and that several residents from the area mentioned that no matter what the noise level of the car wash, it would not be louder than that repair shop and the engines from the equipment were running constantly, maybe as many as 15 at once. Mr. Stapleton added that their facility would not be even remotely as loud as what they heard when they were there talking to them. Mrs. Murovic said that was precisely the reason they were so concerned about the noise and didn't want to make mistakes like the legal non-conforming businesses that were currently in the area. Mr. Grzymiski asked how many signatures they got from nearby residents that approved of the car wash. Mr. Stapleton replied it was all the business neighbors on each side, all the residents to the rear and a few letters from business owners, including Miner Dunn across the street. He added that everyone they have spoken to from the beginning of the project has been excited that they have the interest and are going to invest this kind of money in the property and into the community. Mr. Grzymiski commented that if he were the petitioner, he would have had the neighbors that signed the petition or wrote letters at this evening's meeting. Mr. Stapleton pointed out that the first meeting was a Zoom meeting where people couldn't even attend in person. He continued that he couldn't speak for anyone else, but Frank and he had done everything in their power to be welcomed in this community and that they have worked with neighboring residents, businesses and worked tirelessly with the local representatives to conform with rules and ordinances. They want to build a beautiful car wash that makes everyone happy and will blow the car wash down the block out of the water. He added that the other car wash is the problem. They have invested no money in the community and nothing to be an adequate partner with Highland. He continued that the owner of the other car wash down the block has done nothing but milk the community for 30 years and he is the one who is celebrating because he has never even put in so much as a trench drain to mitigate ice.

Mr. Helms asked Mr. Reed if there would need to be six different motions for each of the variance requests. Mr. Reed responded that there should be six separate motions.

Mr. Helms motioned that the Board approve the developmental variance for the sign within the landscaped strip. Mr. Thomas seconded and the motion passed with a 5 – 0 roll call vote.

Mr. Helms motioned that the Board approve the developmental variance for the 125' minimum lot depth, because it has been adequately shown that this is not physically possible. Mr. Martini seconded and the motion passed with a 5 – 0 roll call vote.

Mr. Martini motioned that the petitioner would be required to provide a screening alternative in the form of a fence, which will serve as a buffer to the residential district and that this be discussed in further detail, taking sound proofing capabilities into consideration, at the forthcoming Plan Commission meeting. Mr. Thomas seconded the motion and it passed with a 4 – 1 roll call vote.

Mr. Helms motioned to approve the minimum 20' green space developmental variance request and allow the amount depicted on the latest site plan as adequate, contingent upon the requirements of the Plan Commission landscaping approval. Mr. Thomas seconded and the motion passed with a 5 – 0 roll call vote.

Mr. Grzynski motioned to deny the developmental variance request for 20' minimum rear yard. There was no second and the motion died.

Mr. Helms motioned to approve the developmental variance request for 20' minimum rear yard and grant the 2' setback from the rear property line that was proposed by the petitioner. Mr. Martini seconded and the motion passed with a 3 – 2 roll call vote.

Mr. Reed stated that there should be no need to pursue the developmental variance for a fence abutting residential district under 18.05.070 (A), now that the fence has been required to serve as a buffer to the residential district at the rear of the property. Mr. Yahne confirmed this was correct and withdrew the developmental request for a fence abutting residential district.

New Business: None

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Thomas Time: 8:44 p.m.

Agenda is subject to change without notice.