

**SPECIAL SHELBYVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
October 24, 2023**

Chris Clark: The October 24, 2023 meeting of the Board of Zoning Appeals will come to order. Mr. Secretary, would you please call the roll?

Adam Rude: Miss Terrell - here, Mr. Cassidy - here, Mr. Clark - here, Mr. Lewis - here, Bradburn - here.

Clark: Prior to our jumping into the approval of the minutes from June, we have a request from a petitioner to move their item up in our agenda list.

Vince Bradburn: So moved.

Clark: So moved.

Bradburn: 15? Number 15, right?

Clark: Yes.

Wade Lewis: Second.

Clark: And a second. We'll take a voice vote on this. All in favor of moving the agenda, signify by saying, "Aye".

In Unison: Aye.

Clark: Opposed, same sign?

No reply.

Clark: Motion carries so the next thing on our agenda is the approval of the minutes from June 2023. I'll entertain a motion.

Doug Cassidy: Motion to approve.

Bradburn: Inaudible comment.

Clark: Motion and a second. All in favor, signify by saying, "Aye".

In Unison: Aye.

Clark: Opposed, same sign?

No reply.

Clark: Motion or minutes are approved. So under Old Business, we have nothing at this point in time and Mr. Secretary, if you would start us off with.....

Rude: Yes, our (?) under New Business is BZA 2023-15 Songer residence.....(inaudible)...standard variance.....petitioner/owner and a representative tonight is Daniel Songer. The address of the property is 616 E. Franklin Street....(inaudible)....The subject property zoning classification is R1 (?). The request tonight is a request for one development standard variance from UDO 5.....(inaudible).....

Clark: Mr. Songer, would you please speak your name for the record and then tell us about your project?

Dan Songer: Okay. Dan Songer. Everybody in my neighborhood has a driveway so I want one.....(inaudible)....\$7000 to be like my neighbor.

Inaudible comments.

Songer: My wife's car has been hit twice in parking it in the road and the school buses, if somebody parks on the other side of the road, the school buses can't get up and down the road without one of us pulling up onto the curb and letting the school bus go by. And if I'm not home and my wife's car is there, again we got and I'm all the time going out there and seeing pieces of somebody else's rearview mirror laying in the road where they've hit the other vehicles. But that just the insurance rates going up and everything I said it's time to get a driveway. And you got a letter from my neighbor which his driveway the side of the house where the driveway's gonna go that neighbor there he said yes, put it in, by all means 'cause it's just it's an obstacle parking out in the road.

Clark: Okay so we'll open this to questions from the board members. I'll go by each one of them and we'll get an opportunity to ask you questions like this.

Songer: Okay.

Clark: So Miss Terrell?

Andrea Terrell: No questions.

Clark: Mr. Cassidy?

Cassidy: Will that be deep enough that you can park two cars there or just one?

Songer: Inaudible comment.

Cassidy: Inaudible comment.

Songer: Yes it's gonna be 59' back and

Cassidy: Okay so you'll have enough room....(inaudible)...

Songer: So now my wife can run into the fence or the house now and be more insurance. No, that's why we want it wider. They were talking about putting a 7 or 8 (?) drive in. That's not gonna be wide enough for my wife to....that's why we wanna go with a 9' driveway and that's why we need the extra reduced down to 1' instead of the 3 ½ I believe's what it is.

Clark: Okay, thank you.

Cassidy: That's all I have.

Clark: Mr. Bradburn?

Bradburn: No I don't have any questions but I just wanted to thank you for communicating with your neighbor and then bringing that letter forward. That definitely helps.

Songer: Well I communicated with 24 of them actually 'cause this and by the way, from a private citizen, this gentleman here, I had non clue how to do any of this. I bet there's a hundred other people out there had no clue how to do this. I walked into this guy's office and he walked me through it. Three or four times I walked in there and he helped me figure things out. So you know don't lose this guy. He's good.

Bradburn: Record reflect that.....

Inaudible comments.

Bradburn: Allan Henderson.

Inaudible comments.

Clark: Mr. Lewis?

Lewis: Our staff does a great job.

Songer: Yes.

Lewis: I have no questions.

Clark: And I have no questions at this time so what will happen now is we'll close the comment from the board members and we'll open it to anyone in the public who wishes to speak about this particular petition.

Songer: Inaudible comment.

Laughter.

Inaudible conversation.

Songer: I have a question and this might be for Allan or whoever. Silvers Concrete is doing the driveway. Can they just call now and then get their right of way permit if I'm approved here? I don't wanna jump to.....(inaudible)....

Clark: Inaudible comment.

Songer: They'll just call in and get the right of way.....

Clark:(inaudible)....speak with staff.

Songer: Okay. There he is again.

Clark: Alright seeing no one from the public wishes to speak, comments are closed. So I guess we're ready to accept a motion on this.

Terrell: I'd like to make a motion to approve the requested development standard variance from UDO 5.14 to allow for a driveway with a setback of 1' in accordance with a plan provide to this board pursuant to the Findings of Fact presented in the staff's report.

Cassidy: Second.

Clark: I have a motion and a second. Please cast your vote for BZA 2023-15.

Rude: Motion to approve BZA 2023-15: Mr. Cassidy - yes, Ms. Terrell - yes, Mr. Clark - yes, Mr. Lewis - yes, Mr. Bradburn - yes. Motion carries.

Clark: Good luck with your project.

Songer: Thank you. Thank you, all.

Clark: Ready.

Rude: The next, actually the next two items on the agenda are BZA 2023-13 and 2023-14. The first is Indy Tru, LLC.....(inaudible)....The second is 2023-14.....(inaudible)...

Eric Glasco: Eric Glasco with Stephenson Rife representing Indy Tru. So just a little bit of background; I when I got a call about this I didn't really understand why I was getting so many calls about these truck and distribution terminals so I actually did a little bit of research and I think Adam and Allan have as well and realized that that's one of the things the U.S. is facing is the shortage on places to park trucks. This is not a truck stop like you might think of out by the casino or Crystal Flash or something like that. This is a place for drivers to park a truck so that they can go home for a number of days, two days, three days, however long that might be or to park their vehicle, their personal vehicle while they are in the truck.. We have restrictions in Shelbyville. We have restrictions in the county. We have restrictions in Indianapolis and the surrounding communities on where semis can be parked. Even if it's your semi that you're driving for work, Adam doesn't like you parking it on Washington Street so this creates a parking facility, a hub if you will, because it can develop into other things, maintenance facilities and things like that as well over time. But that is kind of the gist of what this project would be. The petitioners own two trucking companies. One is in Canada and would not be utilizing this. Her brother actually owns a trucking company on the south side of Indy and is leasing space there and they are looking to grow that and kind of combine the two companies and utilize some of that for their contracts. They have contracts with Amazon and some other larger distributors so this would help them in terms of being able to have their own space for parking of trucks. They would also plan to do leasing to other companies that need spots. This would not be a overnight truck parking. You come in and just pay \$5 and park your truck overnight. It would be a monthly or annual rate to park there. There would not be shower facilities or anything like that on the facility on site for the drivers to be utilizing in some way. This is purely just a spot to come in, park the truck, get in your vehicle, go home, come back, get in the truck and go to work. This is a rather large project. It's on roughly what is this 45, 42 acres of land. In discussing with Adam, we've kind of talked about doing this in four phases. The first three phases would be the south part of what is Colonel W. Conner Way like you talk about which you can kind of just see. If he's got the map pulled up there, it's just that little bit of road and it kind of stops right where there's the jog. And so it kind of t's in with the property here. The fourth phase would be on the north side of that. There's also been discussions with the city about dedicating a portion of this for a right of way to continue that on back because I believe there is future expansion of the industrial park going that way that the city is going to look at at some point in the future. So there is looking at possibly doing a donation to continue that right of way going across. The first phase would be roughly 12 acres which leads us to one of the variances that we're requesting for the fencing variance or the hiding, the variance that covers visibility, the screening. We would be doing screening on three parts of the parcel with regard to the variance standards and compliance with that. The back side where there would be future expansion, we've talked to Adam about getting a variance as to just that side. Maybe doing a screen, a chain link fence with screening on something like that. That's a little bit less permanent so that if we do an expansion, we're not having to take out a wall or a more expensive fence at that point. But the three sides where which would be visible from the roadway would be the development

standard applicable screening. We've also asked for a variance as to gravel and then using a concrete apron whether that's you know 15', 20'. This will be screened to there will be no visibility there so it's not a question of it looking trashy because it's crushed gravel or crushed stone. It's a cost mechanism is what it really amounts to and what we're going for and an efficiency of maintenance. And then the screening, having the apron so that you have 20' of paved concrete between the crushed gravel/crushed stone and the roadway helps to prevent any of that stone getting carried out into the roadway itself. So that would be our hope would be that we could get a relaxing of that development standard in that aspect. And then we are asking for the outdoor storage, the special use exception for the distribution hub and then having outdoor storage of the trucks is one of the requirements as well. And I'm I'll take any questions that you may have.

Clark: Okay we'll start with questions from the board. I'll start with Mr. Bradburn.

Bradburn: Oooh, first up. So the yeah so the chain link fence.....(inaudible)...

Glasco: West.

Bradburn: Okay.

Glasco: West. Yeah if you get, where he's get the mouse there is kind of where we're looking for that first phase. It's just that top right corner if you will, the northeast corner. And so it's gonna kind of cut down the middle of that parcel going east/west. So it'd be a chain link on that west side for future expansion to the west.

Bradburn: Okay I hear ya.

Glasco: South of that is where they're intending to put the retention pond.

Bradburn: I don't know if that one's the final one. That's the one I'm going off of....

Glasco: Right. Yeah, yeah.

Rude: Inaudible comment.

Bradburn: So that's the first phase?

Glasco: So that would be the first phase, yeah. And then the little triangle beneath it would be the retention pond. And then phase two is I believe directly west of that. Phase three would be south of Phase two and then Phase four would be north of the roadway.

Bradburn: Understood, understood. Yep yeah no other questions at this point from me.

Clark: Mr. Lewis?

Lewis: Don't you have, you said it's a large operation. Any idea on this number of trucks and the

Glasco: Well and it's gonna....it, we know what they're planning for you know obviously with this. Right now, the operation on the south side of Indy is operating about 20, 20 trucks. So part of this is gonna be coupled with what's the demand like for other trucking centers or you know distribution hubs to lease space for storage of trucks. So right now with regard to their ownership, they're at about 20 and then the rest would be looking to be lease space.

Lewis: I assume the traffic flow Adam, would be Mausoleum to Michigan right now?

Rude: Inaudible reply.

Lewis: But eventually will they would Mausoleum going west or Conner or whatever Tom Hession is planning on coming down on west of this?

Rude: Yeah so yeah part of our thought process (?) this is knowing that in the somewhat short term future maybe we'll have a

(?): Inaudible comment.

Rude:30 or 40 years, whatever's short to you, we'll have a connection to Mausoleum directly on Tom Hession. It'll come with all the road improvements needed and our intention with that (?) shift a lot of the truck traffic that's currently taking Mausoleum, Michigan, Rampart to get out, shift that over to Tom Hession. Now the pattern would be come on Michigan east to the interstate. At some point in the future, it would all be west onto Tom Hession.

Lewis: And right now(inaudible)....on the west....(inaudible)....correct?

Inaudible comments.

Rude: So we have Toray's here, Kimura and then United Scrap Metal in this. Yes United Scrap Metal's in that so you have those three facilities that are taking Boomer up to Enterprise and then crossing the tracks.

Glasco: And I would just kind of to that question, when we got back the initial traffic study, they had not included the intersection at Michigan and Rampart and we actually had them go back and adjust 'cause we know that's you know another key component of this as well so we had them look at that. And then part of the discussion has also been what the effect will be on Mausoleum Road which then led to a question of what is the condition of Mausoleum Road 'cause it don't know that it's had any work done on it in 20, 30 years. So that's one of the what we're really waiting on right now is what is that condition study look like and how does how this

would impact it and you know what do we need to do to help associate and with the city on that and make this worthwhile.

Lewis: A concern, that's my concern.

Glasco: One thing to also keep.....

Lewis: Inaudible comment.

Glasco: Yeah one thing to also keep in mind, our truck numbers are high but the weights are generally gonna be lower than what you're seeing on other facilities. The next petition may be able to speak more as to loaded trucks. My understanding is that is rare and it will be also rare for them to have a trailer. Most of what we are seeing parked on the south side currently are just the tractors with no trailer where the trailer is staying at the 5 Below or the Amazon waiting to be loaded or whatnot. And you know obviously there is insurance concerns when you have full trailers parked with nobody in the truck with them. So you know what we're anticipating seeing is more no trailers or empty trailers. So....which would reduce weight but it's still a concern for just sheer volume on the roadway.

Rude: And Wade, to your point we have a traffic study back as Eric had mentioned but the study(inaudible).....analysis. We had done the (?) thing at 400N when we widened that.... (inaudible).....It's an old county road and quite frankly we don't know what the base is like. We don't know what the road structure is like so what they do is they come through with a core drill and they take cores of it. Engineers then analyze that and they can make recommendations on to support "X" number of trucks the road needs so many more inches of asphalt or you're gonna need to remove so many and then add back because you know there will be some kind of impact and it's hard to guess....(inaudible)....so that's the report we're (?) right now. The petitioners and the city have split the cost of (?) that to get a complete answer because to Chris' point, at some point, the city's going to have to do it anyways 'cause Mausoleum's gonna see a huge uptick in traffic hopefully when Tom Hession gets down there and most of the truck traffic is using that route to get out of the industrial....(inaudible)....

Lewis: That's all the questions I had.

Clark:(inaudible)....Ms. Terrell?

Terrell: Well actually Mr. Lewis asked my question so yeah.....

Clark: Mr. Cassidy?

Cassidy:(inaudible)...what are the are they doing any (?) on Michigan Road? 'Cause you've gotta remember you're gonna have those and then you're gonna have 300 new homes being built at the north of that. Are those working with the state? I know that's a state road now but is there any....(inaudible)....

Rude: Yeah the whole analysis is taking place on Mausoleum, Michigan and Rampart so all three of those roads are being studied. The city engineer is fairly confident knowing how he's fairly confident at the time Michigan and Rampart were built we have plans of how Rampart was built. We actually know what that road looks like underneath and he feels much more confident with that being able to hold up Michigan as well. Mausoleum is the big question mark because it's an old county road and God knows what you know it's just slowly been built up over time. So but they all are, they are all being looked at.....(inaudible)....

Clark: Michigan south of the intersection with Mausoleum, that's included in the study?

Rude: We are just looking at that route out to 74 so

Clark: Okay.

Rude:Mausoleum to Michigan, Michigan north to Rampart, Rampart to 9. So that's (?). South of that, north of that, west on Mausoleum, all of those are outside of this study.

Lewis:(inaudible)....Culpepper.....(inaudible)...

Terrell: They use a lot of trains. Still use the train that (?).

Lewis: Yeah. So that's a little bit....(inaudible)....it's probably worn.

Rude: Yeah through the traffic report and we can share the traffic report with the board 'cause I believe it's finalized now. It shows so they took counts of every intersection and the current volume of traffic and then projecting out full build-out what new traffic would look like. So it does not break down business by business but you can kind of make some guesses. You know there's only so many businesses between two intersections and the number of trucks increases.... (inaudible)....

Lewis: Okay.

Terrell: I wanna come back to a question. You mentioned on the south side if they right now had about 20 trucks that blow through there, approximately how much land currently are those 20 trucks using on the south side?

Glasco: For parking?

Terrell: Parking.

Glasco: I think they are share-leasing space so it's not just them and I don't know what the acreage is for that spot.

Terrell: Thank you.

Cassidy: Do you know, you did some research about folks having a place to park. Did you talk to or do you know if Duke Williams where Carter Lumber used to be is do you know if he's renting that space for trucks to park or do you know?

Glasco: I do not know.

Cassidy: Okay. That's all I had.

Clark: I really didn't, all my questions were answered(inaudible)....so I guess I will close unless it brought up any more questions from the board members I will close comment from the board and open it up to the public. Anyone in the public wish to speak about this petition?

No reply.

Clark: Seeing none, I will close the comment from the public and

Rude: We can call, I didn't leave enough ballots out so we can just call a voice vote if someone wants to motion for a continued(?) vote 2023-13 and 14. That'd be good enough 'cause we're gonna hear them both.

Clark: Okay so I'm looking for a motion to

Cassidy: I'll make a motion to continue BZA 2020-13 & 14....(inaudible).....November.

Bradburn: Second.

Clark: I have a motion and a second. We'll take a voice vote on this. All in favor, signify by saying, "Aye".

In Unison: Aye.

Clark: All opposed, same sign?

No reply.

Clark: So the motion to continue carries.

Glasco: See you next month.

Rude: That takes us to our last item on the agenda this evening. BZA 2023-16 AP3 Logistics Group, LLC. Again, this is another truck (?) terminal special exception use. The petitioner's name and owner's name is (?) Group, LLC. The petitioner's representative is Peter (?). The

address of the property is (?) Enterprise Drive Shelbyville, IN. The subject property zoning classification is IG, general industrial. The action requested tonight is the approval of one special exception use to allow for a truck freight terminal in an IG, general industrial district.

Clark: Yes sir, would you please speak your name for the record and then tell us about your project?

Peter (?): My name's Peter (?). I am the owner of AP3 Logistics. We bought that piece of property a year ago with the intentions to move in quickly but we have realized it's a process and while we were working on going through this process, we also encountered some slowdowns on the industry so our brakes were kind of you know we were put on some brakes and so we started evaluating whether we were ready to move on with a full scale of how we were intended to do. But right now we are coming to you so you can allow us to be able to park our trucks there and then we gonna try to phase out the development of the property. I sent out a kind of like the different phases that we are intending to develop (?). It's possible that the lower portion of the property that's where we are hoping to kind of prepare for parking. Currently we have five, six trucks and we probably think it's gonna be about an acre, less than an acre will be able to be enough for us to try to develop for our own use. That will be the phase I. The phase II of the projects, we are hoping to put up a maintenance shop and also an office. Right now, we were leasing a place in Beech Grove for an office and a warehouse but I did not renew my lease because I thought this was gonna go quickly so now I move my office to my house so I'm kind of having a lot of inconveniences because now I have to make arrangements on where to go meet with my drivers because I don't wanna bring them at home. But that is gonna be the second phase of our project is hopefully to put an office and a shop so that we can try to maintain our own equipment instead of taking them to the dealership for maintenance and stuff. But that phase of the project, we are hoping to use a very top (?) I say top of corner of the property to build a storage warehouse and that is because that when I was leasing a building in Indianapolis over there in Beech Grove, we had a storage and we were doing short term and long term storage. And majority of what we did on that facility was what we called cross stock(?) whereby people come bring their loads and we rearrange and then reload them and and they move on. And then we did short time storage. Maybe someone would just come utilize our facility for maybe a week or so and then we'll help them ship their products. That is the big picture of what we intend to use that facility, the land and that's how we are hoping to develop it. But what we found out the last year we found out that the industry is going through a lot of strains and challenges so we become very realistic and we decided instead of just going to get a big loan and do a major project we just gonna take it step by step and you know whatever we do is in consistence the growth (?). Next year we will be celebrating our tenth anniversary so I've been doing this now for 10 tens and we've seen some growth. You know I started with one truck and you know we are seeing a small steady growth and we hope, I ask having this place is gonna kind of help us stabilize and be able to even plan better for the future of the company. So I am asking you know to be able to be allowed to be able to do this in a small and steady pace so that I can grow the company and also affect the city 'cause I am hoping to add another truck. Hopefully I've been approved but I'm going very slowly as far as signing the document because I don't have a place to park and that's one of the big issues we

are having. I can't just buy a \$160,000 equipment and not have a place to put it. But right now most of the packing facilities in Indianapolis are pretty full. Everywhere you call, we don't have anything, we don't have anything. So I'm holding myself from kind of moving to the next level. So that's where we are and I hope you know you can see the need that we have as a small company.

Clark: Okay I will open questions to the board. We'll start with Mr. Lewis.

Lewis: Okay. I'm okay with the project. I guess it's trying to find a number. We wanna put a number and that's you know traffic study. So I don't really have any questions. I think it's a seems like a good project and so it's just for me it would be just figuring out what that number is.

Rude: Yeah.

Lewis: And that's really all I have.

Rude: Peter, I don't know if you were in the room when we were having a discussion before the meeting but the only real question or concern is we're wanting to set a limit on the overall number of trucks before you have to come back. 'Cause speaking from the staff perspective, not the board, our only concern is it grows into a much larger facility. The project before you was 45 acres and hundreds of spots. That is drastically different. It has a much different impact. Yours obviously has a much smaller impact and we have less concerns because of that but we wanna make sure that it doesn't grow into that accidentally because that comes with a lot of negative impacts to the infrastructure and that kind of stuff. So we are recommending that the board apply some kind of cap on there. We want, from the staff's perspective, we want to make sure you have the ability to operate and grow as you have in the past but not turn into a massive operation without the board having the ability to look at the project again and kind of assess if things need to happen to the roads, if the streets, the you know everything around there. So that's kind of the perspective they're coming from and our thought process. We left that number blank 'cause I think it's more of a conversation about where you think the company will grow to and what the board feels comfortable with, kind of what level they feel comfortable with before they ask you to come back to move beyond that if that makes sense.

Peter: Yeah. As far as a number goes, I don't know. We are going slow. I mean I've been doing this since 2014 and it's just the last three years when I've added equipment. Like I've been operating 2 trucks for awhile and then when funding started becoming available, I was able to get one truck in 2019. Then I added another truck in 2020 and another one in 2022. So kind of like it was just the growth. 2018 and 2019 was a good business year for us so we made some profit but now after COVID everything started slowing down so we are not we don't wanna grow as fast. In terms of growing, we wanna be very realistic because we don't wanna have a whole bunch of loans and not much business. And then we have also learned that driver shortage can mean a big difference in a company wanting to grown and not wanting you know and (?) closing the door. So I don't see us growing you know very fast unless the business kind

of you know the market comes back to our favor. So I would say maybe it would keep it up maybe every two years add a truck.

Lewis: You have three of your own trucks now?

Peter: I have 5.

Lewis: You have 5.

Peter: But

Lewis: Lease, you'll lease some space?

Peter: Yeah right now, I'm leasing space in Indianapolis.

Lewis: For another? What are we talking? Another 5? How many?

Rude: I mean yeah in my mind 10 or 15 seems.....

Inaudible comments.

Lewis: And obviously we want you know we want you to grow. We wanna grow with you.... (inaudible)....that we grow responsibly.

Peter: Yeah.

Lewis: Infrastructure obviously so you know I think 10's a good number with me.

Peter: So now when we talk about the equipment, are we truck and a trailer or are we counting each equipment? You know 'cause I will tell you about the just the truck.....

Rude:(inaudible)....is one.

Peter: Yeah.

Rude: Yes. Ten of those.

Peter: Okay that makes sense.

Rude: Yes.

Peter: Makes sense.

Rude: Yeah I think that, I mean in my mind that feels appropriate. If and when it gets to that point and we wanna reassess, we can. Staff's standpoint, I would feel comfortable not having the traffic study and you know those kinds of things. It's still a small enough operation that I think all of that can happen without all these ancillary reports and studies and things that a larger operation would just, that becomes very very expensive very quickly.

Lewis: Well so wouldn't it somewhat piggy back off the other traffic study....(inaudible)....

Inaudible conversation.

Rude: Yeah and some of the information from the other study is applicable. Again 45 acres, hundreds of, I mean it's drastically different scales and maybe by the time that they're looking to expand they've already paid to improve the roads and the concern's not there anymore but yeah I think some of that data and definitely the road core analysis could be helpful when that time comes.

Lewis: Okay. That's all I have.

Clark: Mr. Cassidy?

Cassidy: How fast are you gonna build the phases out? How fast are you gonna build them out? Naturally I don't want you to put starting on phase I and(inaudible).....five, six years before you decide okay let's add the office space now. I mean is it gonna be.....

Peter: See if

Cassidy: I know that's tough. I get that, but is it gonna be six months before you start the building? A year before you start the building? For your office and shop?

Peter: For the office and shop, I'll probably for right now I'll put it down maybe a year or two years because I don't know how being some shape up. I want to first of all be able to move, reduce my cost right now and try to use this space because otherwise there's no point of having this space if I'm not being able to use it. I'm still paying somebody else somewhere. I can still, I can use the office at home for a little bit while I accumulate more money because I don't wanna get a big loan just to put up an office. I can try and figure out. Right now this is how we operate. My drivers come in the morning. They start their work on Monday. They come, get in the truck and they go. Most of them are gone the whole week. They don't come back until Friday. So we operating in the middle (?) so they all have sleepers so they can sleep in the truck when they are out but they are home on the weekends. So it's not like I'm seeing my drivers every day. I probably see them on Friday when they come and if I need to see them on Monday when they take off. And then we just off the grid for a whole week and then we see each other again. So (?) of an office is it's there because that's how I make my contacts you know with my customers. But for right now, I'll probably be able to space it a little bit until I have enough funding because I

just wanna be very realistic. I don't just wanna put money on something that is not gonna generate more money.

Cassidy: I just didn't want you know port-a-pot sitting out there in the middle of you know(inaudible).....

Peter: Yeah the good thing is pretty much if we keep the pace that we have right now, you won't be seeing trucks in and out or there during the week.

Cassidy: Okay.

Peter: Unless you know somebody came through home they stop for a little bit and then they keep on moving.

Cassidy: Okay. That was all the only question I have.....(inaudible)....

Clark: Alright. Ms. Terrell?

Terrell: No questions.

Clark: Mr. Bradburn?

Bradburn: Yeah so would you be comfortable with limiting the number of trucks on site to 10 until we get some studies back and then also maybe by the time you get growing there we have some of the infrastructure questions?

Peter: Yeah. I mean....

Bradburn: Number of 10?

Peter: Yeah we can work with that because right now we don't have any, we still have 5 more to grow and it's probably not gonna be happening very soon.

Bradburn: It gives you room to grow?

Peter: Yes.

Bradburn: Excellent, excellent. No questions from me.

Clark: I have a question about the portable toilets and that is do you have a plan to address those while they are being used as far as during the time that they are out there?

Peter: Yes. My thinking was you know I don't want my drivers going in the woods there you know when they stop so that's why I was thinking I would just put one or two there. I mean one

would be enough because I don't have like traffic for the most part (?) the week. And depending on the type of contractor I'll get, maybe they can come and do the cleaning every week.

(?): Twice a week.

Clark: Okay I just wasn't sure if you had a plan for that.

Peter: Yes, yes.

Clark: Now as you grow are you open to the same types of concrete aprons that our previous petitioner was speaking of to protect the immediate ways, in particular Enterprise Drive from gravel that would be

Peter: Yes. I was I've already started talking with some the some engineering (?) who are kind of in some a plans in place for what we wanna do there. And you know with me sitting them down with them, they give me all these ideas of what we can do to make sure that everything is (?) so that is something we hope to put in place as we are growing.

Clark: Can you give me an idea of the weight that your trucks are carrying and the gross weight of your trucks?

Peter: The gross is 80, 80,000.

Clark: 80,000?

Peter: Yes. Now that's once in awhile.

Clark: Would the gravel lot be able to handle those?

Peter: Yeah. We I mean we are not just gonna put one layer. I mean we gonna try to get enough layers so that we are able to handle the weight. But we are not coming home loaded for the most part. It just coming home because the driver is ready to take a break until next week.

Clark: Okay what's an empty truck weigh?

Peter: It's about anywhere between 35, 36. Each truck is different 'cause just a truck itself is about 18, 18,000 and the trailer can go anywhere from 16-18 depending on whether it has a (?). We have I have some that has a (?) engine with a refrigerated trailer. That weighs a little bit more than just a regular driver.

Clark: Okay. that's all the questions that I had. Did that spark any other questions from the board?

Lewis: The apron, concrete apron would be something we'd address or the plan commission would address on the site development, right?

Rude: Yeah and some of those aspects similar to the previous petitioner, some of those can come up at Tech Review and there's probably gonna be some variances in the future. Just sitting here tonight hearing some of(inaudible)....some variances.

Clark: I'm just curious if the soil out there can handle the loads.

Rude: Yeah.

Clark: Even if you put gravel down, you're still, you can still sink.

Rude: His engineer's gonna have to do some geotech and they might have to do some other(inaudible)....to get the right compaction but yeah it'll be part of the process....(inaudible)

Clark: Any other questions?

No reply.

Clark: I'll close comments from the board and open it to the public. Anybody in the public wish to speak on this petition?

Inaudible reply.

Clark: Sir, come on up and speak your name to the podium, speak your name for the record.

John Goodrich: just discussed this gentleman. We've talked before. I own the ground directly behind him. My name's John Goodrich. I own the ground just west of where he bought.

Clark: Okay.

Goodrich: And we were discussing where he was gonna make his entrance into the property because there's a gap in the trees that we were discussing and where that gap is is where I just spent \$5000 in tiling my entire field and my niece owned the property he bought and I actually run a couple of fingers up there for her. What happens that's you know that's his but the main outlet comes out to the road there and if the entrance is there and constantly gonna be impacted, I just wanna make sure that that tile doesn't crush and I have a field full of water again that I just spent money to fix. 'Cause as far as his excavating, I don't think his road will get anywhere near the tile. And we just discussed that a few minutes ago.

Clark: So do you have agriculture in that area, is that.....

Goodrich: Yes, field. I own 12 $\frac{3}{4}$ acres west of him and it's farmland.

Clark: I'm curious, do you know what kind of soil that is as far as it a heavier soil or a heavy clay or anything like that?

Goodrich: It's main it's been so many years since I farmed that I don't.....

Clark: That's okay. It's okay. I don't wanna put....

Goodrich: I grew up, I was born and raised on that land.

Clark: Okay.

Goodrich: But I just wanna make sure that I don't 'cause that's what happened. I've lived there my whole life and I never had a water problem. And several years ago, I had a big swath of water all the way across my field into his property and obviously down the road 'cause it went west to the ditch down at the end of the road. And I just wanted to make, you know I had to and luckily we were able to have the outlet over there. And I just want to make sure that that doesn't get closed off I'm sure if I if he knew they found or found crushed it or hit that tile they would fix it but I just wanna make sure that I don't have to spend another \$5000 trying to find another outlet for my water.

Clark: Will that be covered in the Tech?

Rude: Yeah and it would come up during the review process. I'm also gonna make notes so if it's forgotten along the way, we'll remember that.

Goodrich: Okay. The only other comment I have is and none of my business. I got nothing in this but I think 10 is too close to the limit for the (?). I think somebody mentioned 15. I think that's more realistic 'cause I don't know how to word this without upsetting somebody somewhere. But the way the economy is right now, people are leery of expanding their businesses. So if things really explode the next two or three years for him, he could be at 10 in 2, 3 or 4 years unexpectedly. It might grow slower. We don't know but I just wanted to throw out there, I think you know 15 would be more realistic and give him room to grow that way. And again, I've got nothing in it except my main concern was my tile.

Clark: Thank you.

Goodrich: Thank you for your time.

Several people speaking at once; no one is clearly audible.

Bradburn: I have one question. So just to be clear, the road you're referring to is Enterprise Road or Mausoleum? Where your tile.....

Goodrich: Enterprise Road. If you have the picture of on that Eric just did.

Bradburn: Okay.

Goodrich: That showed well his where we at here?

Bradburn: Inaudible comment.

Goodrich: Okay that's his that's Peter's property?

Rude: Yeah that's his property.

Goodrich: Just before, can I walk around there?

Bradburn: I guess I'll speak for the board.

Goodrich: Right(inaudible)...at the end of Boomer Way, there's an opening in the trees right there and that's where my tile comes out and hooks into the sewer line.

Terrell: Gotcha. I see.

Goodrich: Or storm sewer, I'm sorry.

Rude: That's the intersection of Boomer and Enterprise.

Goodrich:(inaudible)...we went through that and we were parked right at the end of Boomer Way which it seems like that's farthest down this way....(inaudible)...but this is right in that area.... (inaudible)....

Rude: Yeah it looks like there's an opening here.

(?): Yeah.

Rude:(inaudible)...you can see where my mouse is moving.

Goodrich: Yes.

Inaudible conversation.

Goodrich: That's all I had. I appreciate you guys. Thanks.

Clark: Thank you.

Rude: Yeah.

Bradburn: And it doesn't tie into the storm sewers, correct?

Goodrich: I'm sorry?

Bradburn: It (?) tie into the storm sewer on Enterprise Drive?

Goodrich: Yes. Yeah when they put the tile in, they got permission to tie into that and I talked to Doug Hunt. We he had me out there one day when I was out there walking the fields and he said did you do that? And I said, well I didn't but (?) guy did and.....

Rude: Yeah it shows up on there. It's a six inch tile. Does that sound right?

Goodrich: I don't know if the outlet is six or eight but I know there's some four fingers but I can't remember. It's been a few years ago. I can't remember if they (?) it into an eight for the main line.

Rude: We're showing it as six but it's we're not always just accurate.

Goodrich.

Rude: We should be.

Goodrich: 'Cause I know there's some four inch (?) across the field and that's what goes into his ground. I run the lateral up that way but I don't know if it's a six or an eight 'cause like I told him, I wasn't there that day. I'd had something else I'd had to do and I hate that 'cause I like to have my eyes on what's going on.

Terrell: Right.

Clark: Thank you.

Goodrich: Thank you.

Clark: So seeing there's no one in the public out there to make comment, I will close comment from the public and I guess we are ready for a motion.

Lewis: I make a motion to approve the requested special exception use to allow a truck freight terminal pursuant to the conditions suggested by the planning staff pursuant to the Findings of Fact and the planning staff's report. The condition being that the we will limit the total number of trucks stored on the site to ten at completed build-out.

Cassidy: Second.

Clark: I have a motion and a second; please cast your vote for BZA 2023-16.

Rude: There's a motion to approve with one conditioner for BZA 2023-16. Clark - yes, Mr. Lewis - yes, Mr. Bradburn - yes, Cassidy - yes and Ms. Terrell - yes. Motion carries.

Clark: Congratulations and good luck with your project.

Peter: Thank you.

Clark: And hopefully your business grows well.

Peter: Thank you.

Terrell: Yeah.

Clark: Inaudible comment.

Inaudible comments from board members.

Clark: He's got a fairly good shot right up the corridor to Mt. Comfort....(inaudible)...Motion for adjournment?

Cassidy: So moved.

Lewis: Second.

Meeting adjourned