

PLAINFIELD BOARD OF ZONING APPEALS
February 23, 2017
7:00 p.m.

CALL TO ORDER

Mr. Monnett: I will now call to order the Plainfield Board of Zoning Appeals meeting for February 23, 2017. I will ask Mr. Klinger to have a roll call.

Mr. Klinger: Ms. Duffer- absent
Mr. Monnett- here
Mr. Cavanaugh- here
Mr. Philip- here
Mr. Slavens- here

We have a quorum with Ms. Duffer the only one missing.

PLEDGE OF ALLEGIANCE

Mr. Monnett: Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Monnett: I will now entertain for amendments or approval to our minutes from our meeting of January 16, 2017.

Mr. Cavanaugh: I move to approve the meeting minutes from January 16, 2017.

Mr. Slavens: Second.

Mr. Monnett: I have a motion and a second, all in favor say aye, thank you.

OATH OF TESTIMONY

Mr. Daniel conducted the Oath of Testimony.

PUBLIC HEARINGS

Mr. Monnett reviewed the Guidelines Governing the Conduct of Public Hearings.

PETITIONS FOR PUBLIC HEARING

Mr. Monnett: Tonight our first petition is BZA-16-021 The Journey Church/Plainfield Assembly of God.

Mr. Berg: That was a typo it should have be BZA-17-001. Okay, what we are looking at here is a variance of development standards for the rear and side yard setbacks for the replatted lots 14A and 14B of Morrell Heights. Address of the church is 620 N. Carr, 611 Hanley Street is the residence. Carr Road, French Street, the trail, Duke Energy property to give you a pretty good idea of where that is at. This is the illustration of the plat that was in your packets. I've enlarged it a little bit here to kind of show this was the existing (inaudible) structure, the church is here, the residents are going to need a 20' rear setback, on the side it is a little short 10' there, so they are looking to get a variance on that to bring it into compliance. For

religious use, you are looking for 20' rear and side, again a little short on that so they are looking to get a variance of development standards to it could bring that into compliance. I took some pictures in case some people aren't familiar with this site. First shot here #1 from the parking lot, 2,3, and 4 are towards the center of the church. This is the pipe that I discussed in the staff report. The shed here, you can see here some junk, trash, and debris, it looks like building materials, I don't know if they are doing a renovation project in the church. Mainly the reason that is brought up is because it is easier to deal with now since the properties are under common ownership then if once one is sold then it unfortunately becomes a code enforcement officer to bring into the mix there. Shot 5 sits back from the church for the structure and then 6 I am going to show you the dumpster that is not enclosed with the junk, trash, and debris by it. The variances are not taking into account the non-conforming carport on the front, not going to harp too much on that. The dumpster we have had discussions with the applicant and we think that we may have solution for that. We are looking as we see probably more in the Plan Commission with substantial compliance with the plans submitted on the 23 of January. Looking to ensure that the drainage pipe off of the corner there as pointed out is not going to convey water onto residential property and the metal shed renovated removed or replaced whatever it is because it is not in good shape. It does not appear to be able to be secured so there may be some concerns about that as well. Then all junk trash and debris to be removed from the site within 30 days. That is all of the excitement I have here on the power point, I can answer questions but the applicant is here to answer questions. Seeing none I shall find my seat.

Mr. Monnett: Would the petitioner or representative like to come forward please.

Mr. Healy: Good evening, Jeff Healy with Banning Engineering 853 Columbia Road Plainfield. I am representing the Journey Church which is a resident in Avon and in a letter not to confuse all the issues they do own the property in question, both properties have been replatted. They still own that and perhaps there is an active offer on the table for half of it or all of it. I have spoken to the Beacon Board, I am not on the Beacon Board nor dealing with the properties at this point and time. I do attend that church not the one on Carr Road but the owner of the property and the Beacon Board has agreed to all of the conditions and only request I guess is on the dumpster enclosure and that would certainly be done before any transfer of ownership, but whether that is appropriate or you want to put a date on that as well. These are the only conditions the 30 days clean up on the trash and debris, that is not an issue. The metal shed or the permanent trash enclosure, the redirection of the drainage pipe, that all pretty much drains to Hanley Street anyway so that is not an issue. It can be easily redirected. Any thoughts if they are agreeable to do it, I just wondered if there are any requirements, because what is coming next will be a recording of the replat, actually splitting the lots. Of course, then that will give them leverage to sell the property separately, which they don't have currently. Well I guess they could have but it would make it difficult to ever do any improvements on either. So, I guess that is the only question that I have. The governing board of the owner is in agreement with doing these things and just had a question of when.

Mr. James: Good evening, Joe James, Planning Director. You could either put a number of days, 60 days, the trash enclosure has to be up before there is a closing on the house, a condition something like that.

Mr. Daniel: One thing you might consider is if you make it just a condition prior to closing in the event the closing failed for any reason then you don't have it enclosed, so it seems to me it ought to have 2 things, either a deadline or prior to closing or X number of days whichever occurs later or first or whatever because what you don't want to say is prior to closing and then the sale falls through and you don't have a requirement anymore.

Mr. Monnett: Any questions for the representative? Would anyone else like to speak for or against this petition? I will open it up to our Board for further discussion before we have a motion. As far as the trash enclosure, I would feel better having a certain amount of days as a deadline, that is my personal thought.

Mr. Slavens: I agree I think keep the 30 days.

Mr. Healy: It is a little quick but not undoable.

Mr. Cavanaugh: Joe what type of structure would that have to be to enclose dumpster there, can that be a panelized wood fence?

Mr. James: They can do like a shadow box fence. It doesn't have to match the façade of the church.

Mr. Klinger: Given the time of the year I wonder if we should go a little bit longer. I know it is beautiful out now but that might not.

Mr. Healy: I guess I would prefer 60 just weather wise and the intention is this, the intention is to put the shadow box style fence around it but also to put a concrete pad down. It is not so much the fence that I am a little concerned weather wise but concrete.

Mr. Monnett: So if we can keep the 30 for the trash and the debris and put 60 for the trash container?

Mr. Healy: I think that would be entirely acceptable. Thank you.

Mr. Cavanaugh: If there is no other discussion I am prepared to make a motion.

I move that the Board of Zoning Appeals approve BZA-17-001, as filed by Banning Engineering for Plainfield Assembly of God, requesting a Variance of Development Standards to reduce the rear and side yard setbacks for replatted lots 14A and 14B of Morrell Heights subject to the following conditions:

1. Substantial compliance with site plan submitted file date January 23, 2017.
2. The drainage pipe off the southwest corner of the church building must be situated as not to convey water onto the lot with the residential structure.
3. Any permanent trash container must be enclosed in a manner compliant with Article 4.1 and enclosure should be constructed within 60 days of approval.
4. The metal shed on the west side of the church building must be removed or secured.
5. All junk, trash, and debris must be removed from the site within thirty (30) days of approval.

Mr. Philips: Second.

Mr. Monnett: I have a motion by Mr. Cavanaugh and a second by Mr. Philips, would you please poll the board Mr. Klinger?

Mr. Klinger: Mr. Monnett- yes
Mr. Cavanaugh- yes
Mr. Philip- yes
Mr. Slavens- yes

BZA-17-001 is approved 4-0.

OLD BUSINESS/NEW BUSINESS

Mr. Monnett: Old business or new business Mr. James?

Mr. James: I've got some old business. I will give our new board members a little more history than I provided in the memo. The Carmike Theatre petitioned the Plan Commission to amend the Metropolis PUD in the fall of 2015 to allow the theatre to seek a special exception to allow alcohol sales at the theatre. The Plan Commission did approve the amendment to the Metropolis PUD to allow Carmike to seek the special exception and then in January of last year the special exception went before the Board of Zoning Appeals and the BZA granted the special exception with some conditions and at the Plan Commission they approved an alcohol control plan and this is a set of rules and procedures the theatre is to follow to make sure they are in compliance with the state laws and also to give the Plan Commission and BZA a better comfort level about allowing the alcohol sales. So, the alcohol control plan was provided, the approval letter was provided. A letter from Mr. Shane Cooper he is the General Manager at the theatre stating that they had an outside agency do an audit and they found there were no violations but Mr. Cooper is here tonight and also Mary Solada to fill you in on this audit.

Mr. Monnett: I know we brought this up last month as far as the changing hands.

Mr. James: The way it was explained to me it was that the ownership didn't change, there was a stock transfer. Ms. Solada can give you a better explanation.

Ms. Solada: Good evening members of the BZA. My name is Mary Solada offices at 2100 Market Tower. Mr. Daniel good to see you well.

Mr. Daniel: You too, thank you.

Ms. Solada: Thank you for having us this evening. I just wanted to go directly to a point about as you may be aware AMC and Mr. Cooper can confirm this, is the largest operator of motion picture theatres in the country, acquired the stock of Carmike and so at this point and time the theatre is using both names Carmike and AMC at some point and time it will switch over to an AMC brand if you will. When the renewal came up on the alcohol license in August, the ATC Alcohol Tobacco Commission didn't deem that stock sale to a transfer of license in anyway, the license was renewed and it was renewed it essentially because there had been absolutely no violations. So, their case file should contain this letter and I presume the BZA members have this, that Mr. Cooper offered and of course it is easier to answer questions but it goes through the audit and how it was conducted and how they were perfect score and there have been no incidents and no complaints from anyone other than customers wanting to buy more alcohol than they are supposed to. So, we

feel like that demonstrates this has worked well and as particularly for the new members there is a very detailed alcohol control plan and Mr. Cooper has been the person overseeing that. So, we are here to answer any of your questions, essentially, we are not seeking approval, this is just a reporting required under our current special exception.

Mr. Cavanaugh: I have a comment. I was not in favor of this when it first came through, I will say that the multiple times that I have been to the theatre since this has been in place I think I have seen it operated very well and I can see the plan in action and I just wanted to commend them for doing what they said they would do and then running a good program. So, thank you and thank you for bringing in the information.

Ms. Solada: Thank you, appreciate it.

Mr. Cooper: Good evening members of the Commission I just wanted to say thank you again. Shane Cooper, 7234 Morgate Road, Indianapolis, Indiana. Thank you for giving us the consideration and the time last year and allowing us to execute this program, we consider it to be a success. Do you have any questions for me about the program? Thank you, guys.

Mr. James: That is all we have for tonight.

Mr. Monnett: So one quick note as far as old business, this is obviously different than what happened at Scotty's Brewhouse? So, they won't have to come back.

Mr. James: Yes.

ADJOURNMENT

Mr. Monnett: Motion for adjournment.

Mr. Cavanaugh: So moved.

Mr. Slavens: Second.