

PLAINFIELD BOARD OF ZONING APPEALS
April 17, 2017
7:00 p.m.

CALL TO ORDER

Mr. Monnett: I will call to order the Plainfield Board of Zoning Appeals meeting for April 17, 2017.

PLEDGE OF ALLEGIANCE

Mr. Monnett: We will do the Pledge of Allegiance.

Mr. Monnett: Now I will ask our Board Secretary to have a roll call for determination of a quorum, please.

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

Everybody is present and accounted for.

APPROVAL OF MINUTES (March 20, 2017)

Mr. Monnett: I will now ask our board for approval or amendments to our Board meeting minutes of March 20, 2017.

Ms. Duffer: I make a motion to approve the minutes.

Mr. Philip: I second.

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

OATH OF TESTIMONY

Mr. Monnett: I will now ask our Town Attorney, Mr. Daniel to administer our 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: Our petition is continued from our March meeting of March 20, 2017 is BZA-17-003, Mr. James.

Mr. James: Good evening Mr. Chairman and members of the board. We need to change around the petition order tonight. Mr. Mikesell forgot the hearing was tonight and said his phone died so he didn't get the reminder, so we will move that to the end. All the representatives are here for the Pure Development and will go ahead and go without him and do that one first.

Mr. Monnett: Okay we will hear BZA-17-004, Pure Development.

Mr. Berg: Good evening. BZA-17-004 Pure Development. They are requesting 2 variances, the first to reduce the front yard setback 20' and the second is the reduce the depth of the truck court from 140' to 130'. Perry, Reeves, location here, these 2 parcels have been annexed and zoned property to I-2, the rendering right over there of the building. It has got an address from our GIS 2461 Reeves Road. Here is the building, Reeves and Perry. Talking about the front yard setbacks. Prior to the new comprehensive plan Reeves was a collector road, which had a much smaller setback of 60'. Many of the buildings that were developed along that corridor and that time did use the development incentive to have that distance to 30'. In fact, here along Perry Road they have used that in exchange for that they have to double the perimeter landscaping. So, having that was not going to be enough for this proposal, that is why they were requesting the variance here along here it is 150' wide, I think it is 119KV transmission easement electric transmission. So, a building cannot be built within that, so they are kind of constrained with that. Truck court depth was the other variance they are showing there, the analysis says the turn can be made, you notice along the west and the southern part of the truck court and the truck circle there, that there is dry detention. I mentioned landscaping they have actually closer to a level 3 over there with the development incentive, over here they are required level 2 if they were to do a development incentive. The west and southern sides are a level 1. This has been as I mentioned through quite a few Boards, Town Council approved the annexation and the rezoning request. Plan Commission recommended approval of the rezoning and they approved the development plan, part of which the conditions of that was approval of these variances. As I mentioned about the front yard setbacks, the development incentive was not going to be enough on the Reeves Road so using the administrative development incentive was not fully an option, so what they are doing is requesting a variance from a 45' that the development incentive would have been to 20, which would meet their needs. Part of the reason they are doing this is the comprehensive plan changed from the collector of the secondary arterial and the question whether the position of the transmission easement is something that would (Inaudible). Should the Board choose to approve this we are asking for the condition of compliance with the site plans submitted on the 16th of March of this year. If there are no questions I know the applicant representative is here.

Mr. Monnett: Is the representative here for Pure Development?

Mr. Titus: Hi my name is Ben Titus; I am with Arco Design Build here on behalf of Pure Development. Address at 101 W. Ohio St, Indianapolis. I would be happy to take your questions.

Ms. Duffer: I just want to confirm that the 140' down to the 130' there is no issues with that according to all of your statistics?

Mr. Titus: That is correct, a full size semi-tractor trailer can make that turn, yes.

Mr. Monnett: That is a 53' trailer?

Mr. Titus: Correct. That is the minimum for industry standard.

Mr. Monnett: Would anyone else like to speak for this petition or against it please come forward now. Seeing none I will close it to the public and open it up to our board for discussion and or a possible motion.

Mr. Slavens: I move that the Board of Zoning Appeals approve BZA-17-004, as filed by Pure Development, requesting approval of variances to development standards to reduce: 1) The front yard setback on the north (Reeves Road) from ninety (90) feet to twenty (20) feet; and 2.) The depth of the truck court from 140 feet to 130 feet, subject to the following condition:

1. Substantial compliance with the site plan submitted file date March 16, 2017.

Ms. Duffer: I will second.

Mr. Monnett: I have a motion by Mr. Slavens and a second by Ms. Duffer. Mr. Klinger, would you poll the board?

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

BZA-17-004 is approved 5-0.

Mr. Monnett: Our next petition BZA-17-005, SCP Metro Air Industrial II, LLC.

Mr. James: Like the BZA case that went before this one they are requesting a variance a truck court width of 10' from 140' to 130' to allow for a smaller warehouse building. This was just 101,158 square feet. This is at the 776 Columbia Road in the Metro Air business park. The zoning is the Metro Air Business Park plan unit development; the truck court standards defer to the Plainfield zoning ordinance standards which require a truck court width of 140' for 16 loading docks. This is the last lot to be developed in the business park, the Plan Commission approved a final detail plan for the proposed 101,158 square foot warehouse. The condition of the approval was that a variance is granted to reduce the truck court width. Like the previous case, this site does have some development challenges. To the west of the site is a wetland conservation easement and so because of that easement and gray challenges with this being the last lot being developed they have to build a retention wall, so that is why they've to reduce that truck court depth by 10'. They did have to use the development incentive to reduce the front yard setback to 20', but it can still comply with the retention pond. So here is the site, here is Perry Road, Ronald Reagan, this is the Metro Air Industrial Park. Here is the master plan, it shows all of the buildings. This development plan for this building 370,950 square foot building was approved last year, so they want to build these two buildings at the same time, so this is the site. Here is the site plan and here is the building, like the buildings to the north and south that have auto parking in the front and then loading docks behind the building. So, they use the development incentive to reduce that setback to 20' from 30' then they got to reduce the truck court depth 10' and they can still comply with the require 10' setback. They also did a development incentive for the use of yard so they could share this existing interior access drive. there is the rendering

of the building, it will be like the other two buildings to the north and south. Elevations this only has 16 loading docks. Then approved landscaping plan, they did the increased landscaping out front, they still have a level 1 in over there but they moved one level over here to help provide some more landscaping for this façade. Here is a diagram showing that the semi-truck can still make a safe maneuver with the 130' truck court. Except the requested variance all plans comply with the development and design standards and no waivers were requested or needed. This is the smallest building in the industrial park with only 16 docks and the 10' reduction should not impact surrounding properties or affect the ability of this site to safely operate. The findings were provided. Does the ordinance create a hardship with the strict application in order for this site to be developed? With that I will have a seat and there are representatives here and I am sure they will be glad to answer your questions.

Mr. Monnett: Would the representative like to come forward.

Mr. Churchill: Thank you, I am pleased to be here. Andrew Churchill, 7222 N. Shadeland Avenue, Indianapolis, In. I think Joe explained well this is kind of the last piece of the puzzle in the Metro Air development. We have fixed points on all 4 sides that we are trying to kind of balance out and there are some grade issues on the west side, we approached Prologis regarding basically what we are trying to do is get the grades tied back in but the property to the west is conservation easement so we were not allowed to touch that even though it would be easy enough to do. So anyway, we kind of found a balance between the grading and truck docks. We decreased the truck docks to 130', but we also cut the 10' yard there and are putting in a low retaining wall and one other thing as we balance this out we were able to add some additional green space in the front of the building so we have some additional foundation plans. One refinement of the design since we originally submitted this, we had 16 docks initially and we've reduced that to 12, so it is a relatively small building and a relatively low intense of use. I would be happy to answer any questions.

Mr. Cavanaugh: I have just one quick question. If I am interpreting the grade plans correctly, that retaining wall is what about 2' or so through most of the extent of the property?

Mr. Churchill: Right, and there is a portion of it that is about 2' high, we would have had to come in with a 5-6' retaining wall and the practical matters of building a wall without touching the hallowed ground. There is just some construction difficulties in doing that and this seemed like a practical solution under the circumstances.

Ms. Duffer: And that retaining wall is going on the west side of the building, is that correct?

Mr. Churchill: Yes, that is correct.

Ms. Duffer: And the 12 loading docks is now confirmed as opposed to the 16.

Mr. Churchill: That is correct, although if it is spec building we have additional spaces provided and depending on the tenant it is possible we might add some but that is our best guess at this time.

Mr. James: 16 will be the max?

Mr. Churchill: No, we probably need to look at the elevations to see what the maximum number is.

Ms. Duffer: Just to confirm, where the loading docks are here on the back. The ones with the X's those are not, but could potentially be, is that correct?

Mr. Churchill: That is correct. It is precast panels and we planned it so that besides the doors and the dock stairs of the locations could be loading docks if necessary.

Ms. Duffer: So it looks like there could be a total of 28?

Mr. Monnett: Yes.

Mr. Churchill: The illustration we showed there is based on...

Ms. Duffer: It looks like 12.

Mr. Churchill: Right, but we are showing how the dock works with the trailer on either side, so it would not affect the safety or operations of the dock if we added more.

Mr. Monnett: Questions from the other members? If there is anyone here for this petition for or against and you would like to speak now, please do so. Seeing none I will close it to the public and I will open it up to our Board for some discussion or a possible motion.

Ms. Duffer: I don't have any issues.

Mr. Cavanaugh: I move that the Board of Zoning Appeals approve BZA-17-006, as filed by SCP Metro Air Industrial II, LLC, requesting approval of a variance to reduce the truck court width from 140' to 130' for the Metro Air 2 building at 776 Columbia Road subject to the following condition:

1. Substantial compliance with site plan submitted file date March 17, 2017.

Mr. Slavens: Second.

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

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

BZA-17-006 is approved 5-0.

Mr. Monnett: All right Mr. James now we are back to BZA-17-003.

Mr. James: This petition was before you back in March, it was continued for some questions that need to be answered. It was a variance to allow a storage shed to encroach to this side yard setback and the south side yard at 5969 Pennekamp Ct. in the Glen Haven PUD. The shed has been in place since 2009 or earlier and the violation was reported in 2016. Glen Haven PUD requires an 8' side yard with a 20' aggregate, the shed complies with the

aggregate side yard and 40' drainage landscape easement, the site plan, there is no easement in the side yard on the south property line. So, in March the petitioner wanted to move the shed back to have a reduced setback to get it away from the deck. So the questions was how was this noticed and would it have to be re-noticed? Did the PUD allow storage sheds, we made the interpretation that the PUD did not allow them in this area, area A. Did the covenants allow storage sheds? Here is the lot, Pennekamp Court, Center Ridge over here, here is a better look at this lot, there is the storage shed, here you can see right there the neighbor that built the fence, I don't know if that is on the property line or not. Here is the site plan storage shed off the side lot line, no easements. Here is a photo of the shed it has been moved about 6'. So, the petitioner was hoping he could keep it at this setback 6' instead of 8'. This show the measurement and how far it is moved away from the fence. So, since the meeting in March we had some new findings, had an incorrect interpretation of the Glen Haven PUD, storage sheds are allowed in areas A and B. They are not allowed in the attached single family which is in area C which is to the north. The public notice was read to allow a storage shed within the required side yard so that gave some flexibility, we did not have to re-notice and we found the Glen Haven covenants when they were first recorded they did not allow storage sheds but then they were amended in 2001 to allow storage sheds. So, after the hearing in March the petitioner told the neighbor and the neighbor did not oppose the variance. So, with the findings, does this create an adverse impact to surrounding properties and most importantly to the property to the south. The Mikesell's are here if you got any questions for them.

Mr. Monnett: If you would like to come forward one of you or both, that is fine. If you will state your name and address again, please.

Ms. Mikesell: Michele Mikesell, 5965 Pennekamp Court, Plainfield, Indiana 46168. We reside at the residence in question and again we apologize for being a few minutes tardy.

Mr. Cavanaugh: I really only have one question. I know at the original meeting that you moved the shed as close as you could to your deck and were wanting to move it away from the deck a little bit. Do we have a feel for what the adjusted distance would be from the property line? I think we were at 6' and by looking back through the notes and my memory I think it really would be if you moved it from your deck a little bit maybe 4' from the property line.

Mr. Monnett: Can you bring the picture up of the barn if you could, Joe. The tape measure.

Ms. Duffer: So, that would be moving it 2' closer to the fence from where it is now.

Mr. Mikesell: You see the edge of it here, we are probably going to put it right here versus where it was right here, so basically half the distance, but I think from where it is right now there is 8' from the barn to the fence now. So, if we move it over 2' there is going to be 6' between.

Mr. Cavanaugh: That answers my question, thank you.

Mr. Philip: That is what I remember from last time, was the initial distance was 8'.

Mr. Monnett: So initially if you allow this you move it that way the overhang will be really over the runners were and you are still going to be okay, correct?

Mr. Cavanaugh: I think whatever we come up with here this evening I certainly recommend keeping your gutters and you should be able to keep those if you want too. It will help quite a bit from creating a mud hole. I think I am prepared to make a motion if there aren't any further questions.

Mr. Monnett: I just want thank you for your department for digging into this and thank you for your patience, but in all fairness, I think it is going to work out fair for everybody, I'm sorry you guys had to come back, but that is just the way the system works, so thank you for your patience too.

Mr. Cavanaugh: The extra research was worthwhile and I am sure it helped save quite a bit of time. Very helpful. If the board has no other questions I am prepared to make a motion. I move that the Board of Zoning Appeals approve BZA-17-003, as filed by Michele E. Mikesell, requesting approval of a variance to allow a shed to encroach into the side yard setback from the south property line at 5965 Pennekamp Court subject to the following condition:

1. The barn can be moved approximately 6' from the neighbor's fence to the structure of the barn. The gutter overhang can be closer than that distance.

Mr. Philip: Second.

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

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

BZA-17-003 is approved 5-0.

OLD BUSINESS/NEW BUSINESS

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

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

ADJOURNMENT

Mr. Monnett: Motion for adjournment.

Ms. Duffer: So moved.