The Board of Zoning Appeals met on Monday, June 17, 2002 at 7:30 p.m. In attendance were Mr. Blevins, Mr. Shrum, Mr. Haase and Mr. Swarn.

ROLL CALL/DETERMINATION OF QUORUM
Mr. Carlucci administered the roll call.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS
Mr. Higbee said BZA-02-007 is a Variance of Development Standards to permit the erection of a silo within a required front yard along Tower Road. The request is for a temporary variance of up to two years. From your packets you saw the site is bounded on the west by Tower Road and the silo is being proposed for the yard area between the west face of the building and the street. It sits on a proposed concrete pad that would be 14 feet by 14 feet, which would, therefore, encroach into the required 30-foot yard. You also have photos in your packet of the structure, which is a galvanized steel structure that is 25 to 30 feet tall depending on whether you install railing around the top. It is my understanding that there is not a plan to install that top railing so it would probably be closer to 25 feet tall. But because it is in that required front yard it is violating an ordinance standard and would require a variance for that.

The Design Review Committee reviewed it and, while not commenting on the variance request itself, did indicate that they felt that because of the location of this site that the placement of the structure was not problematic for the Design Review Committee. They felt that other tall structures were nearby and that it was not right up against the adjacent residential. They recommended approval subject to your approving the variance request.

I would point out, as I need to with all variance requests, that there is a findings of fact requirement that the strict application of the ordinance would constitute an unusual and unnecessary hardship for the property. So, that is a question that I will routinely bring up with variances that again has to be asked, is there something about this particular site that requires the location in this yard? The petitioner indicated some problems with locating the structure elsewhere on the site. I believe the south yard and the north area near the loading dock both had some difficulties trying to locate it there because of either easements or because of the placement of the loading dock, etc. So, the petitioner may want to elaborate on that.

This request will also be going to Architectural Review because this site is within 600 feet of a Residential District. If you have any questions, I can answer them at this time.

Mr. Larry McIntire with Banning Engineering said I’m here tonight with Mr. Brian Kempf who owns the building here on Tower Road. What he has is a business there that is just growing up good on him and not quite enough to want to go to a new building just yet. But it is enough of something that he needs to get kind of a stopgap measure going. What he is going to need to do for that is put a silo at, what would be the west edge of that building, which would indeed put in the front setback because of the Tower Road arrangement. At DRC we told them we would take a look at trying to put that structure around in the front part of the building, which would be the north side. By doing that we are blocking some of our access doors. We tried looking at putting it down in the double loading dock and that was just not working out from a door placement arrangement. Also, on the inside there is some equipment location that just doesn’t work out well with the hopper and the loading to get it in through that part of the building. The ideal location for everything to work out with the most efficiency for the site would be where we would have to have the variance out on the outside. We realize that variances are not something that the board likes to give lightly. They look at that pretty close and especially when you have one that is a front setback. That is one that is typically seen pretty prominently and a lot of people will notice. But we feel that this site has some particular characteristics to it in that it is located within a pretty heavy industrial area where there are several other silos in the area. There are towers several hundred feet high. There are other trucks and equipment
sitting around the area. It is far enough back into this cul-de-sac that you are not going to get the general public back in there at any given time that are going to be taking notice. We do have it there, as we say, for only temporary use. It will be gone, I would say, in two years when things pick up and we can move to another location.

The other concern for the reason that we would be going to the Plan Commission would be for the residential areas to the south and to the west. Those residential areas are pretty much screened from this area with existing trees and fencing and the existing buildings. If you would permit me, I can show this to Mr. Higbee. We have taken some photographs from where the silo would stand against the building looking to the southwest and the north just to show the type of screen or the break that you would have from existing housing. With that I think I will open it up for questions from the board for either myself or Mr. Kempf could answer.

Mr. Haase asked, what kind of noise would come from this site?

Mr. Kempf said next to none probably. We have an auger and have a motor on it but it shouldn’t be heard from the outside.

Mr. Haase asked, how is it getting filled?

Mr. Kempf said the only way there would be noise is when the truck backs up to fill it. It will be pumped with a semi truck and they will blow it up to the silo.

Mr. Haase asked, what time of day would you anticipate?

Mr. Kempf said that would probably be during the mid afternoon time of the day I would assume.

Mr. Haase asked, during regular business hours?

Mr. Kempf said yes, during regular business hours. It wouldn’t be at late nights.

Mr. Shrum asked, the material that goes in the silo is it pretty light material?

Mr. Kempf said yes. It is ground up plastic in a powder form.

Mr. Shrum asked, would that be easy to auger into any location in that building that you wanted?

Mr. Kempf said it is hard to get into the building because there is a machine sitting on the wall at the back corner of the whole building.

Mr. Shrum asked, what about the roof?

Mr. Kempf asked, auger it up to the roof?

Mr. Shrum said yes.

Mr. Kempf said I don’t think we could auger it up that high and get it up into there.

Mr. Shrum asked, have you seen these grain elevators where they push the grain up a 100 feet?

Mr. Kempf said yes. I don’t know how far this would push in an auger. I think it would be hard to keep it from clogging up in pushing it up that high. We are wanting to keep it close to the building so we can just shoot it straight into the wall, everything is pretty simple, and into the mixer from there. But those pictures were taken standing at the location where that silo would feed on the side of the building.

Mr. Carlucci said this issue came up with RXI Plastics. They needed a variance.

Mr. Haase asked, are you the property owner and the business owner?

Mr. Kempf said yes. I’m a partner in the business. I have a partner in it too.
Mr. Haase asked since you own the building and you are a part owner is the lease open ended?

Mr. Kempf said the lease is tied with the business itself.

Mr. Haase asked, when does that lease expire?

Mr. Kempf said we have a two-year lease with the building through the business.

Mr. Haase asked, what would be the expiration date?

Mr. Kempf said the lease was taken out the first of January so it would be two years from January. Our anticipation is in two years if this works like we are planning, we are going to be looking at building a building and moving. The building really isn’t big enough to do what we need to do. We are tight now so that is why we need the silo just to kind of adsorb some of the material versus storing it in boxes inside the building on the floor. It is taking all of our store space up. It is a rental building, the remainder two-thirds of it is, and I want to keep it as a rental building. That is the goal there. I don’t want to use this business on the whole building. It will be moved actually once it grows and a building somewhere put up. That will be set up more for what we are doing here.

Mr. Carlucci asked, does Jeco have outside silos in the back?

Mr. Kempf said yes, directly east of us. It is about 40-50 foot tall. It is substantially taller than the ones that you are looking at. Daum’s have several grain silos just around the corner behind us too.

Mr. Haase asked, how tall is that building?

Mr. Kempf said the building itself is 23-26. The silo would be roughly the same height as the building. This won’t be seen where it is unless somebody goes down to the dead-end cul-de-sac and drives right by it. Otherwise, I don’t think you will ever see it from any direction around there. The railroad track goes through there and with the tree line that goes down there.

Mr. Carlucci said the railroad track doesn’t go down there.

Mr. Kempf said the old railroad right-of-way.

Mr. Carlucci said Mr. Clossey also has his heavy equipment going down through there.

Mr. McIntire said you can see from the pictures that right across the street is all of the recycling trucks.

Mr. Swarn asked, are there any further questions from the board? Being one, are there any questions from the floor?

Mr. Higbee said I would just point out one quick comment that in the proposed motion at the end of your Staff Report I did not reference the request for a temporary variance. So, if you want to consider using that as a motion, you may want to insert that in there.

Mr. Kim Kinzel said I work at Jeco Plastics and live at 12952 Fawnsridge in Fishers. We felt that this was important that I stay this evening to speak with you. I represent Mr. Carson, the owner and we are opposed to this variance on a variety of reasons. The first of which, is we believe it will have a negative impact on the general area. We believe that the development study, because of the residential area to the south of that, might bare some evidence on that. We would hope that you would consider that before making a judgment.

Secondly, although it was pointed out that there are several resin towers in the area, ours being one of them, this was done at cost to us. We placed our resin tower per the regulations and we don’t really see a compelling reason for the variation except possibly poor planning.

The most important thing though we think it sets a bad precedent in the area. Lots of people would like to do things with their side lot including ourselves but we are bound by the regulations as they are set forth with good reason.
Lastly, I would like to say that if, in fact, you are at any point considering a temporary variance for this, then what assurances are there that the tower will be taken down? That is our position. I believe we filed a letter to that effect with Mr. Higbee and that is our comment gentlemen. Thank you very much.

Mr. Bill DeLong said I’m President of Integrity Rotational Molding, along with my partner, Brian Kempf who you already have heard from. Mr. Kinzel represents Jeco Plastics, which is a direct competitor of Integrity Rotational Molding. The reason that I feel as though he is objecting to it is because that would give me a competitive edge to our process. They buy material in a bulk resin and that is what we are trying to do as well. I was formerly President of Jeco Plastics myself for 21 years so I’m familiar with the industry. We are not asking for any advantage to Mr. Kinzel’s objection. We are just asking for a fair shake as well. Myself and my partner are members of the community. The owner of Jeco Plastic is not a member of the community. He resides in Chicago, Illinois. He found it not necessary to be here, obviously. So, that was the only thing that I wanted to address. It was purely a competitive edge. It has nothing to do with the appearance of it. As a matter of fact, Jeco Plastic faces north and there is only one window that can even see our building where we are so, therefore, it has no impact, whatsoever, on their site or their visibility of this silo.

Mr. McIntire said I just wanted to point out that they did indicate that you might be looking for some assurances. I’m sure these guys are willing to give some sort of commitment that can be recorded that this tower can be taken down after the period.

Mr. Haase said I think if a provisional variance is given based on timing, it would self-expire.

Mr. Swarn said if there is nothing further, the Chair will entertain a motion.

Mr. Haase made a motion to approve BZA-02-007 requesting a Variance of Development Standards to permit a silo to be erected in a required front yard subject to the following conditions:

1. Subject to substantial compliance with the site plan and silo elevation file dated June 13, 2002.
2. The variance run for a period of two years from this date.

Second by Mr. Blevins. Roll call vote called.

Mr. Matrana - absent
Mr. Blevins - yes
Mr. Shrum - yes
Mr. Haase - yes
Mr. Swarn - yes

4-ayes, 0-opposed, 1-absent. Motion carried.

Mr. Higbee said BZA-02-008, Jay Patel for a Variance of Development Standards to permit the continued flying of a commercial advertising flag has been withdrawn. I’m in receipt of a letter from the petitioner withdrawing that petition. It regarded a commercial flag. It is my understanding that they are going to be flying an Indiana State Flag instead, which would be in compliance of the ordinance. So, we can call the next case at this time.

The next public hearing is BZA-02-009, Rally’s Hamburgers requesting a Variance of Development Standards to permit a menu wall sign resulting in multiple menu signs and a wall sign in excess of the size permitted for the south façade. This is the site located at Main Street and Smith Road where Rally’s has been for a number of years. Staff noted some time ago that a menu wall sign located on the south façade of the front of the Rally’s building had been replaced with another menu sign. You have photographs of it and a sketch of it in your packet. When that sign was removed and replaced, no permit was requested from the Town. We built up quite a little photo library on our computers here. We were able to pull up a photo of the old wall menu sign that you have. I believe it is black and white in the back of your packet. Then we took one of the new signs and found that it appeared to have doubled in size. You may recall also a year or two ago that we made some ordinance changes regarding menu boards because there was no provision in the ordinance at that time that even permitted a menu board. Which was an oversight and we knew that so we got that in there. When we put that provision in the ordinance, we allowed that a site can have one menu
board sign. This site pre-existed the ordinance and already had three menu boards, the previously existing wall menu and two drive-thru menus on the rear of the building. Those signs would have been considered legal non-conforming but as soon as they took down the wall sign on the south facade, they lost their legal non-conforming status for that sign. It is much like you recall when Shell took down their pectin sign on their 100-foot tall sign, they lost their legal non-conforming status for that. That brings it into a variance mode and is why it is before you today. They lost their legal non-conforming status allowing them to even have a menu sign since they already had two others on the site. In addition, if you look at the square footage of the menu board as well as the square footage of the other wall sign mounted higher up on that same wall of the building, those two signs together exceed the total sign area that is permitted for the building. Because we base the amount of the sign area on the size of the building facade. Those are the two variances, one he has more menu signs than he is allowed to have and two he has an oversized sign compared to what is permitted by the ordinance and is no longer grandfathered, as many people call it. Or no longer has that legal non-conforming use status.

The Design Review Committee reviewed this recently and recommended approval of the increased sign areas subject to the following condition:

- That a landscape plan for Staff approval be provided providing some landscaping along the U.S. 40 frontage.

The comments from the Design Review Committee were that they felt that even though the sign increased in size that the appearance of it was fitting with the building. They also recognized some of the petitioner’s arguments regarding the uniqueness of this type of facility being a very small building. And not having the opportunity for interior menus like say a McDonald’s or a Chick-Fil-A does. So, that was an argument made by the petitioner, we need more external menu signage since we don’t have any opportunity for internal.

The Design Review Committee thought that landscaping would help, however, soften the effect, if there was any for that increased signage.

I would make the same comment regarding the findings of fact that I did before and that is would conforming with the ordinance cause some kind of undue unnecessary hardship for the property?

Lastly, I would point out that there were a number of temporary signs on the site. I gave you some photographs on that in the rear near where the menu signs were for the most part, which are not in compliance with the ordinance. The ordinance does not permit temporary menus and temporary advertising signs to be placed around the site.

Also, in your motion at the end of your Staff Report I did not reflect the Design Review Committee’s proposed condition for adding landscaping on Main Street. So, if that is something that you would like to include, you may want to add that to the motion. I would be happy to answer any questions that you would have.

Mr. Haase asked, instead of glass block there if they had a glass window and that sign was hanging inside, we wouldn’t be here tonight, is that correct?

Mr. Higbee said that is correct.

Mr. Shrum asked, are they proposing two menu boards?

Mr. Higbee said no. They already had three menus in existence, one being on the same wall but being smaller and then the two outside near the drive-thru, freestanding. So, they had three and they still have three but when they put this new one up, they lost their legal non-conforming status that even permitted them to have it. Because once you take down a sign that is legal non-conforming it is no longer permitted. Also, when they did that, they doubled the size of the sign, which you can see from the photographs.

Mr. Shrum asked, they have two drive-thru areas, is that right?

Mr. Higbee said that is correct.

Mr. Haase asked, isn’t this a third drive-thru sign?
Mr. Higbee said if you consider that a permanent sign. I looked at that as a temporary sign myself, as one of the temporary signs that I was referring to. But if you want to count that, that would be the fourth menu board sign.

Mr. Dana Capossere said I’m the area manager for Rally’s Hamburgers. I live at 111 E. Pointway, Greenwood. I would just like to ask if you would look favorably upon our request. I have been with Rally’s for six months so I don’t know all of the previous history of the menu boards and the permits that we did or didn’t get. I can assure you that we didn’t intentionally try to circumvent the Town’s wishes. The uniqueness of our concept and the uniqueness of the building I think kind of requires it to service our customers that we have the three menu boards. Obviously, we have the two drive-thru lanes, one on each side and then we have the menu board, in question, up front for our walk-up customers, which is probably 15-20% of our business. If you would compare us to McDonald’s or Chick-Fil-A or Burger King, they have a dining room. Customers walk in and they have their big menu board behind the counter. Our dining room is our patio, per se so our guests have to have somewhere to go ahead and take a look at the menu board to place their orders. So, we accommodate them up front. When we talked at the Design Review Committee, we said we would go ahead and put some landscaping up front and soften the effect on the front of the building if that was something that would appease the Town.

Mr. Haase asked, is this a permanent sign out there now?

Mr. Capossere said yes.

Mr. Carlucci asked, when did that go up? I have not noticed it there before so do you know when that went in?

Mr. Capossere said I have only been with them six months so I’m not sure. I know it has been there since I have been there and if I’m not mistaken I know going back being just a customer, I guess it has been several years that they went and upgraded their outside signage packages company wide. That sign that you are referring to there is a pre-sale sign so I guess the cars that are waiting to order can start looking at the combos and making their mind up with what they want to order.

Mr. Haase asked, do they have a pre-sale sign at both locations?

Mr. Capossere said no. There is just one.

Mr. Swarn asked, are there any further questions? Are there any comments from the floor? Being none, the Chair will entertain a motion.

Mr. Shrum made a motion to approve BZA-02-009 requesting a Variance of Development Standards to permit a wall menu sign resulting in sign surface area on the south façade in excess of 10% of the façade area and resulting in three menu boards subject to the following condition:

1. Subject to substantial compliance with the building and sign elevation file dated May 17, 2002.
2. Landscaping on the south side of the building as prescribed by the Director.
3. Removal all temporary signs and keep them removed.

Mr. Carlucci asked, will they still have to pull a permit for that sign?

Mr. Higbee said yes. They should pull an Improvement Location Permit for the wall sign.

Second by Mr. Haase with an emphasis on removing and maintaining removal of all the temporary signs in the area. Roll call vote called.

Mr. Matrana - absent
Mr. Blevins - yes
Mr. Shrum - yes
Mr. Haase - yes
Mr. Swarn - yes

4-ayes, 0-opposed, 1-absent. Motion carried.

Mr. Higbee said BZA-02-010 is a variance to permit development of outside storage in excess of that permitted in the I-2 District. I
accidentally referred to that as an Architectural Review in your Staff Report. Your Staff Report should say a Variance of Development Standards. That is because I think I was thinking about the next step. This case will also have to go through Architectural Review at the Plan Commission. But because this particular site is in an I-2 District and one of the Development Standards of the I-2 District is an outside storage area cannot exceed more than 10% of the enclosed area of any buildings that you have on the site. The request before you would substantially exceed that because I believe the existing building that is almost complete now is around 600,000 square feet. What they would be asking for here would be approximately an 11.5 acre storage area. By several times it exceeds the 10% that would be permitted in the I-2 District.

You may have noted from the plans that were given to you that there is also a future plan to construct another smaller building south of the proposed outside storage area. Ultimately, you would have the outside storage area at the current building that is almost complete on the north. And then you would have the smaller building on the south closer to Stanley Road.

When the petitioner and their representatives came to our Technical Advisory Committee meeting and the DRC, the concerns were several. The first one that I think that we keyed in on was how would you screen that large of an outside storage area? There are some requirements in our ordinance that says if outside storage is visible from a Gateway Corridor, it has to be completely screened. At least at this time until something gets built on some of the land closer to SR267 you would be able to see some of this from there. So, screening was a major issue from the beginning. Different options were discussed regarding either an enclosed building or some kind of a permanent wall that would give it the appearance of being in an enclosed building. Or berming or some combination of different things. What the petitioner came forward with was a large berm accompanied by landscaping as you will see in your plans in your packets. That landscaping would be substantial. We estimated it at a level 7, which is possibly a higher landscape level that we have approved with Architectural Review before the Plan Commission just for comparison sake.

In addition to the berm, which would serve the outside storage area would be some perimeter landscaping too on the site at approximately a Level 2. Now we are told that no items inside the proposed outside storage area would exceed 20 feet in height and they would primarily be on the racking systems. And that the berm would be tall enough with the fencing on the top to completely screen that. The petitioner has made a commitment to that effect.

There would also be pole lights on the interior of the outside storage area. Initially, we were told 30 feet. I think the petitioner has been looking at pole heights some other pole heights. One of the concerns of the Design Review Committee was these light poles are going to be taller than the berm and taller than the structures that are being screened by the berm. I shouldn’t say structures but the items being stored and screened by the berm. And that the average lighting level we are told on the interior would be about a five-foot candle. But then we were also told, as you get all the way to the property line, that it would be zero foot-candles at the property line. I did receive a late plan, too late to put in your packets and really too late for me to review before this meeting, that should establish a photometric plan that shows the lighting levels at the site. But we had some concern at the Design Review Committee that even though your light levels would comply with the property line if you have a 30-foot tall light pole on your interior at a Level 5 lighting, then what would be the impact of the lighting to somebody looking in from the surrounding area?

Lastly, a major concern was paving. What is being proposed here is a gravel surface, a compacted gravel surface. There was a lot of discussion about dust control at both the TAC Committee and the Design Review Committee. When the Design Review Committee reviewed the request, they expressed concern over the dust control in the storage yard. But they did recommend approval of the mounding, landscaping and fencing as proposed subject to conditions that the storage area should be paved because of the concerns of dust control. And then a photometric plan should be supplied for Staff review and approval. And that the use of shorter light poles should be investigated. So, those are DRC's recommended conditions.
Again, the findings of facts, the same thing that applied to all of the other variances that I brought up, is there anything about this particular site that conformance with the ordinance would cause an unusual and unnecessary hardship that would require this large of an outside storage area? Is this size of an outside storage area compatible with the I-2 Industrial District and on a site that is near a Gateway Corridor? Should paving be required? Do we have adequate measures for dust control? What would be the impact of light poles, especially if they are taller than the screen? And then I point out that this still has to go before Architectural Review before the Plan Commission. If you have any questions, I would answer them at this time?

Mr. Blair Carmosino with Duke Construction with offices at 600 E. 96th St., Indianapolis, IN 46240 said with me tonight is Charley Podell, Vice President of Leasing and also with Duke Realty located in the same office. Thank you for your time and consideration on the petition. Let me back up a little bit and let me preface this entire discussion by the fact that this is not a spec condition. In other words, we are not doing this on a speculative basis. There is a tenant shop in the market. Their desires of locating in Plainfield, their maps and charts said be in Plainfield. So, we have a unique condition that came in our doors. The user, as noted by Mr. Higbee, has a requirement of a 500,000 square foot of outside storage. We have a building under construction, which is shown I think on Tab 3 or 4 and maybe 5 of your booklet. The original intent of the site, which is Lot 2 of the Daum property owned up for a mere building to the south of 600 to 500,000 square feet. Or an expansion of the building that is under construction to a million square feet. This user came in and we weighed our alternatives to satisfy their concern and felt that this site met their conditions in a unique way. The geometry of the site being rectangular enabled us to fit the outside storage in a fashion that is most efficient for the use and also buffer the site so that bookends of the site would look originally improved.

That left us with a concern of how do we address the Town’s concern of screening this outside storage? As Mr. Higbee noted, we are coming in with a hefty landscaped earth of mound all the way around the perimeter. Notice the landscaped mound that goes around the south end. At this time we are bringing that mound through and when the building gets built at the southern end, that landscaped mound would disappear with the building providing the screening but the ends would maintain. The mound reaches the height, and there is detail in tab eight of your booklet, of 10-12 feet. Ten on the outside and 12 on the interior. The reason for the differences that the interior of this area is recessed down at the dock heights of the existing building. The finished floor of this building is four feet higher so by taking advantage and maintaining the grades of the dock height we pick up two feet on the exterior. It will essentially give us 12 feet of effective screen height with the berm. On top of that we have induced a screened fence that is wood and also shown in tap 9 of your book that is eight foot in height. So, the effective screen height out of the box is 20 feet, 22 in some spots due to grading concerns.

On top of that in front of the screened fence we have induced green planting, which takes the shape of evergreens. I don’t know if you are familiar with our offices, but we have modeled it after the Parkway Crossing mound up on 96th Street. For example, I brought a board from our corporate office that shows the mound. Granted the sidewalks of the office building are different but this prospective shows essentially how this thing is grown out. Evergreens grow at a rate of about a foot a year and since this was planted in about 1995 those trees are now in excess of 25 feet. The point being that the greening that we are putting in front of the fence is an ever increasing screening in front of the fence, thus keeping it going higher and higher.

So, we felt our petition was unique in a couple of ways. Number one, we tried to respect the Town’s concern for screening the outside storage so we came in heavy with a heavy earth and mound fence and green screening. Secondly, the geometry of the site wants to hide itself between buildings and where we can’t we have put this earth and mound in. At the east of this site is SR267 about 600 feet away, maybe more than that, 1,000 feet away. That is an undeveloped field right now zoned GB, General Business. It could be, and I’m not making any commitments, but two to three years from now a building that would provide the natural screening on top of what is already in place. If this building was developed prior to this, there would not be a view into this. I think we are subject to the fact that we
have an undeveloped field out there that some day will be developed that will further screen that.

Also, in tab 8 of your booklets we went out and took a digital photo out on SR267 to sort of address the issue of how does this thing look? Granted, this is hard to do at this scale but I brought some blow-ups. What I found is we couldn’t blow it up too much. I hope you can see the lines a little bit better. What we have articulated on this board is at the top of the building we have outlined it so that you could get a sense of the scale. We have shown the top of the wall and the line of the outside storage being the yellow line. So, the commitment height that we are looking to make is below the improvements that we are planning on installing. And that doesn’t even show the pines that would be in front of this. We haven’t even addressed the pines. So, I hope that I have adequately addressed the issue of the screening and the landscaping.

I would briefly like to talk about the materials and the lights. Originally, the user indicated that they needed concrete but we found that not to be true. They are adamant on gravel. It is economics. I can’t argue it any other way. It is economics. However, that puts the burden on us to come up with a treatment to provide dust control. At DRC it was a hot button, if you will. We have done some homework knowing that there are products out there for dust control. Probably the closest to home is the County Highways, who go out and spray the County roads with soybean oil. That is probably not as effective as what we would want to use here. Our research, although not complete, has lead us to numerous products that provide dust control. I will need these back but I will share with you some of the products. Some are soil sediments that provide structural integrity to the gravel while doing dust control, which are probably in excess of what we need here. Some are just dust control agents. In our research we found that there are numerous companies out there, mining operations, that use dust control and they do it effectively. The point being is I know that we can find effective means to keep the dust control down. That is one issue on the dust control.

The other issue is we are being told that the user’s operations are such that they are not going to be kicking up a lot of dirt or dust. Their operations are going to be forklifts and semi-trucks occasionally. Running in this area it is going to be ailed off so that the speeds obtained by the machinery are not going to be in a fashion to kick up a lot of dirt. On top of that you are dealing with a building that is owned, operated and leased by Duke. You have a corporate citizen here, if you will, that has other properties in the area that has a concern to keep the dust down and make sure that we keep the Town happy with our products. It doesn’t totally eliminate the issue. The concerns were strong at DRC and to the point that they made a condition that it be paved. However, we feel we have done our homework and we feel that we have adequate means to attack this issue. Should it become an issue we have subsequent other means to address it, be it chip and seal the gravel on a periodic basis. Or an initial application of dust control and probably annual applications depending on the operations on the outside storage area.

Lastly, let me touch base on the lights. Mr. Higbee was correct, we actually came in with a 30-foot pole height, which is a Duke standard. The initial building, as approved, had no poles on it. They were all wall-mounted units. We are going to match the lighting box that we are putting on the building and we are going to mount it. We were able to effectively pull it down to 25 feet as opposed to the 30. So, our petition now stands at a 25-foot pole height. Yes, it is higher than the mound. Will it be visible from SR267? Yes, the point source will be visible. You have a three-foot gap in there that you are going to see the point source from SR267. We can’t get the pole lights any lower. Our petition includes 28 pole lights. The reason that it has that many is we came in with the heaviest and intense height that we believe meets the user’s requirements at this point. There is a good potential that we are going to back off the poles. We don’t know quite honestly. This is a competitive situation you will probably see in the upcoming months. But we wanted to come to you with the biggest and most offensive package and our biggest plan to screen this thing. We don’t want to pull any wool over your eyes. This is what it is.

Further the light issue, as it relates to our site, again, keeping in mind that east of us will someday be developed, that issue from SR267 goes away. If a building is developed you are looking at a three-foot gap from 1,000 feet away. You put a 25-foot high building in front of that and that light issue is totally blocked.
Mr. Podell said east of us it will be blocked by another building. It is west that is opened.

Mr. Carmosino said west, I'm backwards. So, I need to state that it is critical to us that we be provided the opportunity to have this left at gravel. And allow us to finish our homework and have engineering review the product that we finally choose. With a commitment that we will treat it either at the Town's request for at our request or at the user's request to keep the dust down. With that I will be happy to answer any questions at this point.

Mr. Haase asked, what is the size of the square footage on the proposed building to the south?

Mr. Carmosino said as it is planned here, 100,000 square foot and we drafted it in to show that we can conform to all setbacks and be compliant with Town code with a building of that size to the south.

Mr. Haase asked, what is the size of the building that is connected?

Mr. Carmosino said the existing building up here is 600,000 square foot. If you will recall, our original petition if you were to overlay the two, you would just see this building go to here. Or Plan B, this will be a million square foot.

Mr. Carlucci said if you got through this board here, you would still have to take this to the Plan Commission for Development Plan Approval.

Mr. Carmosino said correct. We are running this application simultaneously with Architectural Review. We were at DRC for both Architectural Review and BZA tonight for the variance hearing and still have Plan Commission Architectural Review approval like July 1. There are two other competitors that are shopping the same job and I guess whether it is us or somebody else there are a couple of issues. Number one, the size. Is the size digestible by the Town? Is it screened appropriately and the ancillary issues are the dust and the light.

Mr. Shrum asked, what is the unique nature of the storage that can't be in an enclosed building?

Mr. Carmosino said unfortunately what I know about the user I can't address it adequately because we haven't had a chance to sit down and digest all of the requirements. I think it may be just the fact that they have components that make more sense for them that can stay out and not heat them and keep them under roof. And it is more economical for them, the bottom line. They are larger components. As I understand it, they are components that get wheeled out and assembled and out they go.

Mr. Shrum asked, do you realize that in this industrial park there are a lot of other tenants out there that would like to have outside storage.

Mr. Carmosino said unfortunately what I know about the user I can't address it adequately because we haven't had a chance to sit down and digest all of the requirements. I think it may be just the fact that they have components that make more sense for them that can stay out and not heat them and keep them under roof. And it is more economical for them, the bottom line. They are larger components. As I understand it, they are components that get wheeled out and assembled and out they go.

Mr. Shrum asked, do you realize that in this industrial park there are a lot of other tenants out there that would like to have outside storage.

Mr. Carmosino said that was a question that we asked ourselves. Why is this unique? Why does this not set a precedent for the Town of Plainfield? Number one, if we don't get this user, this variance will go away. It doesn't make sense for us to destroy a pad that is in place and retro fit a site for a user of this nature. However, if this is gone, we are going back to the million square footer to 600,000 square foot building that we originally had planned. This user pointed at the map and said I want to be in Plainfield. We are trying to accommodate their desire.

Mr. Haase said if he wanted to be in Plainfield he would not be asking for a variance. He would be coming in and doing it the way the Town wants it.

Mr. Carmosino said I disagree. Number two, why is this not precedent setting? I don't think anybody in their right mind would put a level of landscaping around a perimeter of an outside storage area unless it was a unique situation. We think our petition steps up to the plate and puts in improvements to make this unique. We wanted to give you guys the opportunity to say yes, this is unique, outside storage, they took it to a level that has never even been seen before at a Level 7.

Mr. Shrum said correct me if I'm wrong but what you are trying to build here is an outdoor warehouse, is that correct?
Mr. Carmosino said that is correct. Outdoor storage, outdoor warehouse, call it what you want.

Mr. Carlucci said to a smaller extent we have something like that already in Town. If you go north of Cinergy, they have outside racking systems, outside storage and they are directly across from a residential area.

Mr. Haase said but that has been there for decades.

Mr. Carlucci said the storage has been there but the racking systems were new within the last four or five years. But, again, my understanding is they have a user and they have two other firms in Plainfield that are also competing for the same project that don’t even have buildings built yet. So, there is great interest in how this will proceed tonight.

Mr. Podell said on the outside part of this they are large items but are slow moving items also. Typically, in warehousing, things are going in and out all of the time. Some of these parts might not be touched once every month or two months. I think that is an accumulation of why they are trying to have outside storage. A truck will go in there with some of the stuff from overseas and left out there for a month or two when it will come out. Hence, that is why there is not going to be a lot of traffic in and out constantly. There will be movement but slow moving parts.

Mr. Carmosino said believe me we exhausted our imagination with various alternatives.

Mr. Haase said I think you have done a very good job. I think the landscaping and everything has been a good effort.

Mr. Carmosino said we know your sensitivity and it matters. We knew we couldn’t come in with something that we tried to sneak by so we hit it hard.

Mr. Swarn asked, are there any comments from the floor? Being none, the Chair will entertain a motion.

Mr. Haase said giving the highest respect for all of the efforts put forth by Duke Realty in this effort I would make a motion to deny the variance BZA-02-010 requesting a Variance of Development Standards to permit an outside storage area in excess of 10% of the area of enclosed buildings. Second by Mr. Shrum because I don’t think this is compatible with the development that you are trying to put this into.

Mr. Carmosino asked, can I ask a question while the motion is on the floor?

Mr. Swarn said yes.

Mr. Carmosino asked, is the motion based on the size of the storage?

Mr. Haase said the motion is based on the size of the storage and it is also based for the reason that it is not on an asphalt surface.

Roll call vote called.

Mr. Matrana – absent
Mr. Blevins – yes
Mr. Shrum – yes
Mr. Haase – yes
Mr. Swarn – yes

4-ayes, 0-opposed, 1-absent. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Mr. Shrum made a motion to adjourn. Second by Mr. Haase. Motion carried.
Meeting adjourned.

Churchel Swarn, Chairman