

December 12, 2017

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, December 12, 2017 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. Brad Whicker, President; Mr. Walt O'Riley; Mr. Tim Whicker and Mr. Bob Gentry. Members absent were: Mr. Damon Palmer; Mr. Eric Wornhoff; and Mrs. Sonnie Johnston. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. David Gaston, County Surveyor; Mrs. Suzanne Baker, Senior Planner; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were four (4) members present.

Mr. Whicker then called for approval of the 2018 Plan Commission Meeting Schedule.

Mr. Gentry made a motion to grant approval with Mr. O'Riley making a second.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Brad Whicker then called for a motion to approve the October 10, 2017 Plan Commission meeting minutes.

There being not enough members present to vote for approval who had attended that meeting, Mr. Whicker stated that approval of the October 10, 2017 meeting minutes would be continued for thirty (30) days.

Mr. Whicker then called for the first item on the Public Hearing portion of the agenda as follows:

**ZA 452/17: I-70 WEST, LLC**; a zoning amendment change from PB/Planned Business District to AGR/Agriculture Residential District, 3.19 acres, Liberty Township, S26-T14N-R1W, located west of State Road 39 and south of East County Road 900 South. (Studio A of Indianapolis, Inc.)

Mr. Dombrosky reviewed this rezoning request and added that Mr. Mouser of Studio A of Indianapolis, Inc. was present but did not have any new comments to make on the matter. Mr. Dombrosky stated that this application was a very minor request and that they had requested a PB zoning on a large tract and after the fact during some talks with the property owner, the area to be purchased was renegotiated and an adjustment to the zoning was requested as said property owner did not want the PB designation on his property. Mr. Dombrosky asked Mr. Mouser what the acreage change would be.

Mr. Mouser replied 24 acres down to 21 acres. Mr. Mouser explained that the parcel was a wooded area which the property owner wanted to retain for a buffer.

Mr. Whicker then stated this would be a recommendation to the Board of County Commissioners.

Mr. Gentry then made a motion to grant a favorable recommendation and adopt the positive Findings of Fact/Law for **ZA 452/17: I-70 West, LLC** subject to staff recommendations in letter dated December 12, 2017.

Mr. O'Riley seconded the motion.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, December 26, 2017 at 9:00 A.M. or thereafter.

The staff recommendations and Findings of Fact/Law were as follows:

**-Staff Comments-**

**Background;**

The request concerns a property recently rezoned from AGR to PB (ZA 448/17). The applicant is requesting that 3.19 acres be rezoned back to AGR, as it was done in error. The use of the property will remain the same, a heavily wooded lot. As PB, it provided a natural landscape buffer and zoned as AGR it will remain a wooded lot.

**The comprehensive plan;**

The proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Planned Business. However, when this portion of property was recently rezoned from AGR to PB it was done in error, the owner was still planning to use this piece of property for agriculture use even when it was rezoned for Planned Business.

**Current conditions and the character of current structures and uses in each district;**

The proposed use will not negatively impact the district due to its proximity to surrounding agriculture uses and permits less intensive uses.

**The most desirable use for which the land in each district is adapted;**

The proposal does represent the most desirable use for which the land is adapted. The currently wooded property will remain in the same condition and use. Zoned PB, it is used a landscape buffer and zoned AGR it would remain a wooded area.

**The conservation of property values throughout the jurisdiction;**

The proposal does conserve property values in the jurisdiction by encouraging growth of agriculture and responding to County wide demands for more land for this use.

**Responsible development and growth.**

The proposal does represent responsible development and growth through agriculture uses.

**Other considerations;**

The proposal would not require development plan approval, as there are no plans for improvement at this time.

**-Staff Recommendation-**

Based on the information provided, staff recommends the Plan Commission recommend: **APPROVAL.**

**Hendricks County Area Plan Commission**

Findings of Fact/Law

ZA 452/17: 1-70 west, LLC

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from PB/Planned Business District to AGR/Agriculture Residential District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the Hendricks County Flyer and the Danville Republican. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda,

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) The comprehensive plan;  
The Commission finds that the proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Planned Business. However, when this portion of property was recently rezoned from AGR to PB it was done in error, so in this case it is irrelevant that it does not match the Hendricks County Comprehensive Plan. The owner was still planning to use this piece of property for agriculture use even zoned for Planned Business.
- (2) Current conditions and the character of current structures and uses in each district; The Commission finds that the proposed use will not negatively impact the district due to its proximity to surrounding agriculture uses and permits less intensive uses.
- (3) The most desirable use for which the land in each district is adapted;  
The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The currently wooded property will remain in the same condition and use. Zoned PB, it is used a landscape buffer and zoned AGR it would remain a wooded area,
- (4) The conservation of property values throughout the jurisdiction;  
The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging growth of agriculture and responding to County wide demands for more land for this use.
- (5) Responsible development and growth.  
The Commission finds that the proposal does represent responsible development and growth through agriculture uses.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12<sup>th</sup> day of December 2017.

**DPR 462/17 (PRIMARY & SECONDARY): AUTOZONE STORE #6859;** a development plan review to establish a new store, 0.89 acres, Guilford Township, S20-T14N-R2E, located off Upland Bend, southeast of State Road 67 and south of County Road 800 South. (Prism Engineering & Design Group)

Mr. Dombrosky stated that the above matters would require a thirty (30) day continuance to the January 9, 2018 meeting due to the applicant not being ready on certain items, namely their architectural and photometric plans and that they were also considering amending their plat to create two lots instead of one. Mr. Dombrosky stated that he had recommended to them that they create two lots.

Mr. Gentry then made a motion to continue the Primary and Secondary applications for **DPR 462/17 Autozone Store 6859** for thirty (30) days.

Mr. O'Riley seconded the motion.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Whicker then called for a motion to continue the accompanying plat application for the above project.

**MAP 712/17 (SECONDARY): HEARTLAND CROSSING NORTH, LOT 305;** a 1-lot major commercial subdivision lot, 0.91 acres, Guilford Township, located off Upland Bend, southeast of State Road 67 and south of County Road 800 South. (Prism Engineering & Design Group, LLC)

Mr. Gentry made a motion to grant a thirty (30) day continuance for **MAP 712/17 (Secondary): Heartland Crossing North, Lot 305.**

Mr. O'Riley seconded the motion.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 0 –

That concluding the hearing items on the agenda, Mr. Whicker asked if the staff had any further discussion items.

Mr. Dombrosky stated he had a few items for discussion as to ongoing zoning ordinance changes. He stated that the County Building Department had asked him to look at their fee schedule. He explained that the fee ordinance had been adopted in 2009 and last updated in 2015. He added that their building inspector had recommended breaking out some items from the normal fees and begin charging separate fees for inspecting those items, namely HVAC, refrigeration, hoods, sprinklers, conveyors and racking on commercial buildings. He stated he was considering those items and researching fees charged by other jurisdictions. He stated there were also a few other things to look at in regard to the current fee schedule to bring some things in line with our expenses and some other jurisdictions. He stated there were overall four recommended changes having to do with increasing electrical inspection fees, recommending reducing fees on remodels, adding a fee for review of ag structure permits, which was currently not being done. He explained that on ag structures, no fee was charged on a permit review and if there was no electrical or plumbing, no fee at all was charged.

There were further questions and discussion from the members on the changes suggested. Mr. Gaston, County Surveyor and Mr. Gentry discussed issues with inadequate drainage review on those structures because no fees were charged. Mr. Gaston discussed possible updating of the GIS to show easements.

Mrs. Baker added that in her research, other jurisdictions were charging fees for ag structure permitting.

After further discussion, there was a consensus to work on updating the fee schedule and bringing it back before the Commission.

Mr. Dombrosky stated that Mr. Hufford would give a brief presentation on a 2017 Plan Commission case summary.

Mr. Hufford presented a graphic view of Plan Commission requests by Township and Year, the request types by year and the zoning amendment acreage net changes by year.

Mr. Gaston mentioned that there had been a record forty (40) exempt subdivision applications submitted in the last two years.

Mr. Whicker then asked Mr. O'Riley to give his findings on what effects he had experienced from visiting the neighboring Atialy property during the last special Motocross event.

Mr. O'Riley stated he was not able to gage much from the experience other than to say that the bikes they heard were noticeably loud at that location. He added that while they were there on two occasions, no racing had been taking place.

Mr. Dombrosky stated he had one more item for discussion. He stated they had been looking at the uses in the Zoning Ordinance use table. He added that when the new Senior Planner, Suzanne Baker, had started working, she mentioned to him how long she thought our Ordinance Definition Chapter was.

Mr. Hufford added that that chapter was 60 or 70 pages long.

Mr. Dombrosky commented that uses were being explained that a dictionary defined. He stated that the purpose of our ordinance section should be to define words that were unique to our ordinance. He stated that Mr. Hufford had taken on the task of cleaning that chapter up. He stated their goal would not be just to reduce for the sake of reducing pages but to consolidate them down. He stated it would be better to look at the use table and try and consolidate them down from those that were not functionally different, and he gave some examples.

Mr. Hufford gave a brief review of the zoning ordinance amendment work and what needed to be removed as to definitions, superfluous references and altering definition titles, and the use analysis current inventory. He reviewed progress made so far by the removal of ten pages from Chapter 15 and that a current draft of uses had 61 uses and 11 categories. He reviewed the next steps to include finalizing Chapter 4 use table uses, finalizing definitions for those uses, unifying Chapter 4 uses with those found in Chapter 7 and 14 and removal of the now superfluous uses. He stated this would not officially be in effect until the text amendment was adopted.

Mr. Brad Whicker commented that it was a good use of time and an effective improvement.

Mr. Dombrosky stated they hoped to have an ordinance that was friendlier to businesses so that they could clearly understand where they were allowed and that we would not be making unfair differentiations in business types and that there would be real distinctions to be made in some of the residential uses and he gave some examples.

Mr. Brad Whicker thanked the staff for taking the initiative to make the changes.

Mr. Dombrosky stated they would continue to work on it and that it might take awhile longer to present a final draft. He stated in the meantime, they would continue to update the Commission.

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Mr. Brad Whicker then asked Mr. Dombrosky for the status on the MI Homes application for a rezoning.

Mr. Dombrosky responded that they had filed a new application, which he felt was substantially different from the previous one.

Mr. Brad Whicker then reviewed what had happened with the initial application that had been given a favorable recommendation and that the Board of County Commissioners had subsequently tabled. He stated that he had then suggested and discussed with the Commissioners the possibility of them coming back with a new application.

Mr. Dombrosky stated that the statute said after a denial, an applicant could refile within six months and would have to submit a substantially different application. He stated that he felt they had done so with their filing last week.

Mr. Whicker asked if the matter would possibly be heard in January.

Mr. Dombrosky stated that was correct.

Mr. Whicker then commented that all members needed to be present at that meeting.

Mr. Gaston commented that he would not be present at the January meeting and that the matter had previously been discussed at the Drainage Board as to issues with that site. He stated he would send someone to that meeting to represent the Surveyor's office.

There being no further items for discussion, Mr. Whicker called for a motion to adjourn.

Mr. Gentry seconded that motion.

FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

The meeting was adjourned at 7:10 p.m.

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Tim Dombrosky, Secretary

December 12, 2017