

April 10, 2018

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, April 10, 2018 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. Damon Palmer, Vice-President; Mrs. Sonnie Johnston; Mr. Tim Whicker; Mr. Eric Wornhoff; Mr. Walt O'Riley; and Mr. Bob Gentry. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mr. Cory Gehring, Chief Deputy Surveyor; Mr. John Ayers, County Engineer; Mrs. Julie Haan, Environmental Health Director; 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 seven (7) members present.

Mr. Brad Whicker called for a motion to approve the March 13, 2018 Plan Commission Minutes.

Mrs. Johnston made a motion to approve the March 13, 2018 minutes with Mr. Wornhoff seconding the motion.

The motion passed with 6 in favor and one abstention, that being Mr. Brad Whicker.

FOR – 6 – AGAINST – 0 – ABSTAINING – 1 –

Mr. Brad Whicker then called for the first item on the public hearing portion of the agenda as follows:

DPR 463/18 (PRIMARY): HAWKEYE STORAGE; a development plan review to establish a storage unit facility, 7.58 acres, Marion Township, S05-T15N-R2W, located on the north side of U.S. Highway 36, approximately 0.4 mile west of State Road 75, more commonly known as 7410 West U.S. Highway 36. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. and the applicant, Mr. Dwayne Lane, appeared. Mr. Kruse revised the location of Mr. Lane's property which had formerly been known as "Trailer's Galore." He stated that Mr. Lane desired to construct a self-storage facility on that site and that the facility would cater to RV's, Boats, Trailers and other household storage. Mr. Kruse stated that there were currently two existing buildings and reviewed the proposed use of those buildings. He stated that Mr. Lane proposed to add twelve (12) new storage buildings on the site. He stated that on the front portion of the property, there would be twenty-two (22) parking spaces reserved for RV's, boats, etc. He explained in more detail how the proposed buildings would be used. He stated that they had received final Drainage Board approval and he reviewed the details of the drainage plan proposed for the site. He stated that an existing septic system would be abandoned since the proposed facility would be automated and there would be no office staff needed on the site. He stated that they also had a permit for drainage to the INDOT right-of-way. He went on to discuss the intense landscaping plan as the project abutted an AGR zoning district. He reviewed the plan for a heavy intense landscape buffer where the property abutted an AGR district and along U.S. Highway 36. He stated along the front parking spaces there would be a landscape mound with plantings and a chain link fence with screening slats. He stated that the two proposed southern buildings that faced Rockville Road (U.S. Highway 36) would have front facades with gables, siding and brick treatments and a metal roof. He also reviewed the features of the other second and third tier buildings proposed. Mr. Kruse then discussed the signage plan which would be utilized on the front portion of the facility only. He went on to explain that the lighting plan would include lighting on the buildings only and there would be no pole lighting on the site. Mr. Kruse then discussed the staff comments in the letter dated April 10, 2018. He discussed the three modifications of development standards requested, those being parking, architectural and interior landscaping.

Mr. Palmer asked what the doors were made of.

April 10, 2018

Mr. Kruse stated they would be metal garage doors.

Mr. Lane commented that all the smaller units would have regular roll doors with sectional doors on the larger buildings.

Mr. Palmer asked if a, b, c and n would have sectional doors.

Mr. Lane confirmed with Mr. Palmer which buildings would have the sectional doors.

Mr. Tim Whicker asked if the site would be paved or gravel.

Mr. Kruse responded that it would be in stone with the center drive being asphalted.

Mr. Palmer then commented that he liked the elevation plan design and asked about considering the use of these standards in the ordinance. He then asked about an alternative layout with the parking spaces in the back.

Mr. Kruse explained that the reason for the larger parking spaces in the front was due to limiting the possibility of any damage to the buildings from a customer's attempt to maneuver their trailers into parking spaces placed in the rear.

Mr. Kruse discussed further the front landscaping which they felt was adequate for screening.

Mr. Tim Whicker asked how tall the proposed fencing was.

Mr. Kruse responded that it would be six (6) feet tall and placed in front of the mound.

Mr. Wornhoff asked what percent of the units historically had some type of vehicle stored in them.

Mr. Lane responded twenty (20) percent.

Mr. Wornhoff asked if there were any codes for storing vehicles inside a unit that contained gas and the contingency for safety and fire.

Mr. Brad Whicker commented that would probably fall under state codes.

Mr. Dombrosky responded yes.

Mr. Brad Whicker asked Mr. Lane if he had dealt with that in the past.

Mr. Lane responded that yes it was at the state level with a requirement to include 2 and 4 hour burn walls depending on the size of the structure.

Mr. Wornhoff then asked about fuel and oil spills.

Mr. Dombrosky explained that would have to be controlled with pretreating the drainage before leaving the site.

Mr. Brad Whicker called for further questions or comments. There being none, Mr. Brad Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing.

Mr. Kruse then asked for primary and secondary approval from the Commission.

April 10, 2018

Mr. Palmer then made a motion to grant approval for **DPR 463/18 (Primary): Hawkeye Storage** subject to the following conditions:

1. Staff conditions and recommendations in letter dated April 10, 2018; and
2. Approval of modifications of the development standards for required parking, architectural standards and interior landscaping standards.

Mr. O'Riley seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Palmer then made a motion to grant approval for **DPR 463/18 (Secondary): Hawkeye Storage** subject to the following conditions:

1. Staff conditions and recommendations in letter dated April 10, 2018; and
2. Approval of modifications of the development standards for required parking, architectural standards and interior landscaping standards.

Mr. O'Riley seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. The modifications being requested are reasonable for the type of business and location. The parking is not necessary since there will be no office or staff onsite. The architecture modification is reasonable as the visible faces of the buildings will meet our standards. The interior landscaping is not necessary as the buffer yard is substantial (in most yards, a Buffer Yard Type 3 is required, the applicant overall well exceeds these requirements).

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. an Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.

5. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

EP 02/18 (SPECIAL EVENT PERMIT): ROBERT L. WILLIAMS, JR./KRW FARMS, LLC); a special event permit for a motocross racing event (MWXC); 185 acres, Eel River Township, S09-T16N-R2W, located approximately two miles north of County Road 500 North and State Road 75. (Andy Bridgewater/Midwest XC)

Mr. Robert Williams, Jr. of 5655 North State Road 75, appeared to request approval for a special event permit to hold a motocross racing event on his property and he reviewed that location. He stated that the event would be held on April 28 and 29, 2018. He stated that dumpsters and port-o-lets would be provided with paramedics present for emergencies.

Mr. Palmer asked Mr. Steuerwald if he would give a quick history on the details of the special event ordinance and stated that his recollection was that the ordinance was sent by the Plan Commission to the Commissioners who amended it and sent it back before the Plan Commission. He stated he believed there had been no recommendation on that amended ordinance by the Plan Commission and that it was subsequently adopted by the Commissioners.

Mr. Steuerwald responded that he believed that was correct.

Mr. Palmer then stated that whatever decision on the event made by the Plan Commission could be approved or denied by the Commissioners.

Mr. Brad Whicker stated he believed that was correct and that the Commissioners had the veto power.

Mr. Steuerwald explained that there was an appeal process to the Commissioners.

Mr. Brad Whicker asked if that was only if the Plan Commission denied the permit.

Mr. Dombrosky responded that the appeal process was available to any party.

Mr. Steuerwald agreed.

Mr. Palmer stated that he was trying to understand what the Plan Commission's vote meant for these permit requests.

Mr. Wornhoff asked Mr. Williams how many times the creek would be crossed during the event.

Mr. Williams responded that there would be four total, those being two crossings in the big creek and two in the smaller creek on the property.

Mr. Wornhoff asked if the entry and exit points on the creek were existing pathways.

Mr. Williams stated that was correct.

April 10, 2018

Mr. Wornhoff then discussed a recommendation to the event holders that if this would be a permanent event, there had been a lot of study done on creek entries and exits and that what had been determined to be very effective was the use of hog slats. He informed Mr. Williams where these could be obtained as factory seconds for a reasonable cost and that they had been used for lining ditch banks to eliminate erosion.

Mr. Palmer then asked at what point would this not be a special event.

Mr. Steuerwald responded when it did not fit our definition of a special event.

Mr. Dombrosky stated that he had sent Mr. Palmer that definition and explained that there was no mention of annual issues and that it was only about what happened in a year. He stated if the Commission continued to hear this same request every year and they had a consensus, then they could decide if it would no longer be a special event.

Mr. Brad Whicker commented that if they were to feel that there was a concern about this event, that the ordinance should be revisited. He stated as of now it appeared that they were abiding by the ordinance.

Mr. Steuerwald stated that there were many forms of a special event that could be frequent and that would still be considered special events. He stated that the ordinance applied a broad spectrum and not just for this type of event.

Mr. Dombrosky stated that this event was also being conducted on a different property than the previously approved special event. He stated, however, if they determined that the same event being held every year was no longer considered a special event, they would need to decide what to do with it going forward.

Mr. Wornhoff commented that the definition of "special event" was having something happen on a property that wasn't intended for that use.

Mr. Dombrosky stated that was correct and basically was what the definition stated that it was not a permanent event and happened less than one half a year and that it was being held on a property that was not meant for that use. He added if they wanted to look at it with a different limit, he felt that it needed to be determined if they were trying to work around their definition and permit it in a different way or that they wanted to deny it. He stated he felt that was more reasonable than just changing it to a rezoning matter.

There being no further questions or comments, Mr. Brad Whicker opened the public hearing.

Mr. Dave Wyeth of 5770 West County Road 100 North appeared and stated that he was an adjoining property owner. He stated he felt they were fortunate to have this process for these types of events. He discussed the problems that other counties had with the same type of events. He also commented that from looking at the minutes of these meetings, he would suggest clarifying which member with the same last name of Whicker was speaking to avoid confusion and conflicts. He stated that he had received a notice from the Williams family about this special event and that they were friends, family and neighbors. He added that as the process began, every adjoining property owner should be notified as he was notified twice, and his mother had not received a notice. He added that another concern was holding this event in April during farming activities and he asked that the event be monitored carefully as agriculture accidents happened regularly with automobiles. He stated if the event came back next year, that it be held in June rather than April. He also made a recommendation about making sure that any farm gates that were opened were also shut after going through. He ended by saying that he was in favor of the event except for the time of year it was being held and that it be held only one time a year.

April 10, 2018

There being no one else signed up to be heard, Mr. Brad Whicker closed the public hearing and called for further questions or comments.

Mr. Gentry commented that they needed to be aware and to set up a more comprehensive way of getting the mud and dirt off the roadway for safety.

Mr. Brad Whicker then called for a motion on the matter.

Mr. Gentry then made a motion to grant approval for **EP 02/18: Robert L. Williams, Jr./KRW Farms, LLC (Special Event Permit)** subject to the staff's letter dated April 10, 2018.

Mr. Wornhoff seconded the motion with Mr. Palmer abstaining.

FOR – 6 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Palmer then commented that since having two of these events, the results had been positive, and remonstrance had gone down. He stated he appreciated Mr. Wyeth's comments also. He stated that his abstention was mostly based on the ordinance and the fact that the Commissioners could do what they wanted to do rather than for the event itself.

The staff recommendations were as follows:

-Staff Comments-

Background;

The request concerns the hosting of a special event for motor vehicle races. Last year we created an ordinance to review special events. This ordinance describes specific criteria to review. In summary of the ordinance,

The Plan Commission shall review each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

Will not be a lasting negative effect on the community...;

State authorities will monitor the roads to ensure that no permanent damage will be done.

Will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage structures, refuse disposal, water and sewer...;

Necessary infrastructure is either privately managed or monitored by local and state agencies. Local authorities for emergency services have been notified and do not have any unaddressed concerns, and in fact have been on site during past events. Other local agencies such as Hendricks County Engineering, Surveyor, and Health Department have been notified and communicating with the applicant.

Will not create excessive additional public cost, and will not be detrimental to economic welfare;

No publicly managed agencies have presented concerns with stressing infrastructure or additional costs. There is no reason to expect a negative effect on the community's economic welfare.

Will not involve uses... that will be detrimental to any persons, property, or general welfare by excessive production of traffic, noise, smoke, fumes, glare, or odors;

Excessive noise should be mitigated by the surrounding vegetation, and by maintaining at least a 50' separation from the event activities to the nearest neighboring property line.

Will have vehicular approaches which shall not create an interference with traffic...;

The additional traffic produced is released directly on a state road and the State Department of Transportation has no concerns with the entrance/exit and traffic volume or safety. The event is later in the year to accommodate harvest season.

April 10, 2018

Will not result in the destruction ... of a natural, scenic, or historic feature of major importance;

The event will take place on private property and any interaction with the waterways will be monitored by the Indiana Department of Natural Resources.

Will be temporary and not be an alternative to a more stringent approval;

The alternative approval would be a zoning change and development review as a full time commercial venue. The Commission should consider whether this is a concern with an annual event.

-Staff Recommendation-

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

Approval should only be granted if INDOT approves this request, as of 4/3/18 we have not received anything.

Mr. Brad Whicker then called for any further discussion items.

Mr. Dombrosky then stated that he wanted to make sure that the ordinances were doing the job that we wanted them to do and that we were seeing the results desired out of our processes. He discussed the comments made by the Commissioners at their recent meeting on the Sonora PUD and increasing the standards in our ordinance. He stated that along that line, the staff had been looking at the ordinance definitions as well as the possibility of a few more ordinance changes. He stated that he was targeting next year to do a full ordinance update. He stated that at last month's meeting they had passed out a handout relating to the definitions and he asked if the members had reviewed that handout. Mr. Hufford then passed out another handout related to use definitions and to consolidate them down to make it more usable for all involved in petitions. He then discussed the handout sheet containing usage tables with old and new definitions and asked the members to look at those and set up a meeting to hold workshops for feedback.

Mr. Palmer then asked a question about the former project approved for rezoning by the Plan Commission, that being the National Transportation Center and what was currently happening with it.

Mr. Dombrosky replied that the project had needed to get the utilities set up and that may have fallen through.

Mr. Palmer expressed his concerns about the zoning for the site and if it were sold to another entity.

Mr. Dombrosky stated that if that happened, they would have to come back before the Plan Commission for new approvals.

There being no further questions or comments, the meeting was adjourned at 7:35 p.m.

Tim Dombrosky, Chairman