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A meeting of the Hendricks County Area Plan Commission was held on Wednesday, May 9, 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; Mr. Eric Wornhoff; Mr. Walt O'Riley; and Mr. Bob Gentry. Members absent were: Mr. Tim Whicker and Mrs. Sonnie Johnston. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mr. John Ayers, County Engineer; Mrs. Suzanne Baker, Senior Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were five (5) members present.

Mr. Brad Whicker called for a motion to approve the April 10, 2018 Plan Commission Minutes.

Mr. Gentry made a motion to approve the April 10, 2018 minutes with Mr. Wornhoff seconding the motion.

The motion passed unanimously.

FOR – 5 – AGAINST – 0 – ABSTAINING – 0 –

Mr. Brad Whicker then called for the first item on the public hearing portion of the agenda as follows and he reviewed with those in attendance the rules for taking public comments on this matter:

ZA 455/18: DANIEL PRICE; a zoning amendment change from AGR/Agriculture Residential District to GB/General Business District, 4.97 acres, Washington Township, S05-T15N-R2E, located on and along the west side of Raceway Road, approximately 0.64 mile north of U.S. Highway 36. (Kruse Consulting, Inc.)

Mr. Mike Sells of Kruse Consulting, Inc. appeared on behalf of Mr. Price. Mr. Sells then reviewed the location of the property and their request to rezone the property from AGR to GB. He discussed the previous applications that had been heard by the Plan Commission by another representative of Mr. Price to rezone this property and the problems with drainage on the property. He stated that since that last hearing, there had been meetings with the County Surveyor, Mr. Gaston, and the County Engineer, Mr. Ayers by a previous representative of the applicant to discuss solutions for the drainage problems on the site. He stated that from those meetings, they were now proposing to install a dry detention basin and route the stormwater to the front within the right-of-way and onto another drainageway which he pointed out on the displayed site plan. He stated that Mr. Gaston and Mr. Ayers were of the opinion that if it could be engineered in that manner, to go forward with that plan and it would be considered if it met the conditions of the drainage ordinance. Mr. Sells then went on to discuss the commitments that the applicant was willing to make. Mr. Sells reviewed the commitments that the maximum number of buildings would not exceed six (6), no buildings with more than eighteen (18) units, the maximum number of storage units would not exceed one-hundred-eight (108); the maximum square footage per building would not exceed 2,700 square feet; the overall square footage of storage units would not exceed 15,300 square feet, and that the minimum distance of any building from the centerline of Raceway Road would be 672.71 feet and this would be approximately 571 feet west of the westerly exterior walls of the residential structures situated on the northerly southerly contiguous parcels. He stated that they would also commit to being subject to a "Level Three" landscaping bufferyard. He then pointed out the amount of frontage on Raceway Road that was not currently residential in use and that approximately forty-five (45) percent of the frontage along Raceway Road was not residentially zoned. Mr. Sells stated he believed the bubble plan for the area called for high intensity industrial commercial residential use. Mr. Sells referred to the comments in the staff's letter dated May 9, 2018 in that the proposal did not substantially comply with the recommendations of the Hendricks County Comprehensive Plan and that there was also a GB zoned property two lots north of the petitioner's property and a legal nonconforming salvage yard two properties to the south. He stated that the staff's letter indicated that they did not feel

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strongly either one way or the other about this type of use at this location. He stated that staff's letter further stated that the proposed use would not negatively impact the district due to its proximity to other surrounding mix of uses and that the property values would not be affected negatively if this rezoning was approved. He then reviewed the staff comments regarding spot zoning. Mr. Sells added that what made the proposed use a good support usage based upon the Comprehensive Plan was that the Comprehensive Plan called for this area to be high intensity residential and that this use could include apartments, condominiums, etc., which uses would benefit from the proposed use. He added that typically trips in and out of a self-storage facility would be one trip per unit per month and that with 108 units, that would be 108 trips per month or approximately three and one-half trips per day and if there were high intensity residential uses, that would be a significant impact. After again reminding the members of the rezoning history of this property, he asked for questions or comments.

Mr. Brad Whicker called for questions or comments.

Mr. Wornhoff mentioned that in 2015, the Commission had been concerned about a culvert to the north that was questionable as to whether it could handle any more rain, and he asked if that had been addressed.

Mr. Ayers responded that he did not remember the specifics of the culvert and that at the last hearing there was a different concept. He stated he thought the plan could work subject to meeting the discharge restrictions and that if there were a downstream restriction, that would need to be met.

Mr. Brad Whicker cautioned that drainage should not be part of an in-depth discussion during a rezoning hearing and that it would be the petitioner's responsibility to make sure the drainage would work if they received a favorable recommendation to rezone the property.

Mr. Sells replied that since the 2015 petition, the Drainage Board had adopted greater restrictions on release rates and that the exterior building materials must be compliant with the specified standards in the GB district. He also commented that there was an existing 48 unit mobile home park on the east side of Raceway Road in Marion County, making the self-storage units a good use for that location.

Mr. Palmer asked Mr. Sells about the surrounding property uses and Mr. Sells responded that it was a mixed-use area with General Business and a legal non-conforming use for the salvage yard.

Mr. Palmer asked what the necessary zoning for the development of a salvage yard would be.

Mr. Dombrosky responded major industrial.

Mr. Sells responded that it was a mixed-use area.

Mr. O'Riley asked about the property to the north and its zoning.

Mr. Dombrosky replied that it was currently zoned general business and had been rezoned for the use of a gymnastics facility that had never been developed. He added that the building was currently vacant.

Mr. Sells also added that there was a cell tower facility in the area and that generally they were no more than 200 feet in height.

Mr. Brad Whicker then opened the public hearing and called for the first person signed up to speak.

Mr. Justin Roberts of 698 North Raceway Road appeared and stated that he lived south of the petitioner's property. He stated his concerns regarding the effect of drainage from the property if it was developed. He also expressed concerns regarding the lighting from the facility and the extra traffic. He

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commented that it was currently a very peaceful area and felt it might not be sustainable for a self-storage unit facility.

Mr. Brad Whicker thanked Mr. Roberts for his comments and stated that although drainage was not a consideration for the rezoning, the applicant would be required to receive approval through the Drainage Board for his drainage plan.

Mr. Leo Mosteller of 756 North Raceway Road appeared and stated his property was directly to the north of the petitioner's property. He stated he had appeared at previous meetings for this property and that his opinion against the rezoning had not changed. He stated he did not want a business located next door to his property. He mentioned his concerns regarding the lighting and traffic and that he was uncomfortable with the proposal.

Mr. Brad Whicker thanked Mr. Mosteller for his comments.

Mrs. April Mosteller of 756 North Raceway Road appeared and stated they had moved there twenty-five (25) years ago to raise their family and she was concerned for the safety of her children with a business located next to their property and for the traffic that would be generated.

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

Mr. Sells commented that he believed the remonstrance had brought up issues he had already addressed. He stated that the drainage for the property would be resolved during the development plan review stage and if such issues could not be resolved, the plan would not be approved. He added that as far as the traffic concerns, the amount of traffic generated by the self-storage business would be less of an impact than that generated by a single-family subdivision. He stated that the lighting for the project would be required to meet the standards of the ordinance and shielded to the ground. He suggested that if the proposal was not right for the property, then what else could it be and that the answer to that was possibly condominiums or apartments. He stated that the current proposal would be much less impactful.

Mr. Brad Whicker reminded the members that their decision on the matter would be for a favorable, unfavorable or no recommendation to the Board of County Commissioners to rezone the property and that the Commissioners would make the decision on whether to approve the rezoning.

Mr. Gentry stated that he felt like they had already resolved the issues of concern at the last hearing on this matter.

Mr. Sells responded by saying that as part of their request for the rezoning of the property they were asking for the adoption of self-imposed commitments that would be a permanent part of the rezoning approval and that Mr. Price would be required to follow when developing the property.

Mr. Gentry then asked about the sideyard setbacks.

Mr. Sells responded that there would be a thirty (30) foot landscape buffer keeping the road a certain distance from the side property line and approximately fifty (50) feet from the rear property line.

Mr. Ayers added that there had been a lot of discussion on this at the last hearing with changes made but the vote had still not been favorable with the Board of County Commissioners.

Mr. Gentry discussed the layout of the property further with Mr. Sells who stated that he believed most of the concerns by the Board of Commissioners had been with the drainage. Mr. Sells stated he believed they now had a plan to resolve those drainage issues. He explained that if the rezoning was approved, the development plan would be subject to Drainage Board approval.

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Mr. Palmer asked if there would be any way they could commit to minimizing removal of the existing vegetation.

Mr. Sells stated that their goal was to always minimize the removal of existing vegetation and that they might be adding additional landscaping.

Mr. Wornhoff then asked a question about the perimeter fence location and if it would be located inside of the existing vegetation.

Mr. Sells responded that they would probably make a privacy fence internal to the property hidden from view by the tree line.

Mr. O'Riley asked how intense a Level 3 Landscaping buffer was.

Mr. Dombrosky responded that it would be three out of four and was fairly dense with a good mix of plantings.

Mr. Gentry asked for verification that a fence and plantings would be inside of the existing perimeter vegetation line.

Mr. Sells replied that the fence would be installed internal to the existing vegetation.

Mr. Palmer asked about the staff recommendation for denial and he asked Mr. Dombrosky's thoughts after the previous discussion.

Mr. Dombrosky responded that he thought the commitments provided by the petitioner went a long way to rectifying some of the staff's issues; but that they still felt that the Comprehensive Plan did not recommend commercial zoning within the mid-stretch of Raceway Road. He stated they were basing their opinion purely off the Comprehensive Plan which recommended high density urban residential development at that location.

Mr. Palmer asked if the estimation numbers for traffic to be generated by the proposed storage units were within the acceptable parameters.

Mr. Ayers responded that he did not know the exact estimates, but he did know that they were extremely low. He stated that the trip generation numbers for storage units were very low. He stated as discussed before when you looked at the comparison of numbers exiting the proposed property to what was already present on Raceway Road that already had a high volume, the impact would be minimal.

Mr. Palmer stated that would be far less impactful than for an apartment development.

Mr. Ayers agreed.

Mr. O'Riley then asked about the property where a gymnasium had been proposed, and how long ago it had been approved.

Mr. Dombrosky responded that it had been approved in 2005.

Mrs. Baker stated there had been no conditions placed on that approval and it could be any use allowed in the GB district.

Mr. O'Riley asked if the same concerns at that time for that property had been the same as for the current proposal.

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Mr. Dombrosky replied that there had been some interesting comments in the staff's letter at that time which also indicated the same staff concerns as the current proposal and it also stated because of the existing non-conforming salvage yard in the area, the property should be allowed to go commercial. He stated in general he did not agree with that as he felt one bad decision did not warrant another.

Mr. Brad Whicker stated if there was no other discussion, the members should consider a vote for a recommendation on the matter to the Board of County Commissioners.

Mr. Gentry asked for confirmation that their recommendation would go to the Commissioners.

Mr. Brad Whicker stated that would be correct and if approved by the Commissioners, it would be up to the design engineer for the petitioner to provide a site plan to go before the Plan Commission for approval and the Drainage Board for approval of their drainage plans. He added that even if the rezoning was approved, the petitioner could decide not to go forward with the self-storage unit plans.

Mr. Palmer added that in that case, the commitments would still run with the land.

Mr. Brad Whicker stated that was correct.

Mr. Dombrosky repeated that those commitments did go a long way to rectifying the staff issues even though their disagreement still stood.

Mr. Brad Whicker added that the self-storage plans would be a lower impact use.

Mr. Gentry asked if the property was voted a favorable recommendation, could the property be developed for apartments.

Mr. Brad Whicker stated no as the self-imposed commitments would stay with the property unless a petitioner came back before the Plan Commission for approval of an amendment.

Mr. Sells repeated that the sole use committed to on this property was for a self-storage unit.

Mr. Gentry stated that he had no problem supporting the proposed rezoning and use for this property as the other options would be more impactful.

Mr. Bob Gentry then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners and adopt the positive Findings of Fact/Law.

Mr. Palmer seconded the motion and the vote was unanimous.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, May 22, 2018 at 9:00 a.m. or thereafter.

The Findings of Fac/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 455/18: Daniel Price

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

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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 proposal does comply with the recommendations of the Hendricks County Comprehensive Plan, the use is complementary to Urban Residential.

(2) 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 other surrounding mix of uses and major thoroughfares.

(3) The most desirable use for which the land in each district is adapted;

The most desirable use for this property would be a residential use (single-family, two-family or multi-family) or uses that complement Urban Residential uses.

(4) The conservation of property values throughout the jurisdiction;

Property values probably would not be affected negatively due to the mix of uses in the area.

(5) Responsible development and growth.

The proposed rezone would be responsible development and growth due to the mix of uses in the area.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9th day of May 2018.

MAP 716/18 (PRIMARY): THE RESERVE AT FOREST COMMONS, SEC. 2; a 15-lot major residential subdivision, 12.15 acres, Washington Township, S35-T16N-R1e, located along the south side of Meadow Violet Court, approximately 0.17 mile west of the intersection of Meadow Violet Court and Lark Spur Drive. (Kruse Consulting, Inc.)

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Mr. Mike Sells of Kruse Consulting, Inc. appeared along with Mr. Mark Cranfill of Cranfill Development and Ms. Dawn Barnett of Drees Homes.

Mr. Sells reviewed the location of the proposed development. He then reviewed the comments in the staff's letter dated May 9, 2018 which had recommended approval for the primary plat. He then went on to discuss the recommendations for approval and indicated that the project had received Drainage Board approval. He stated that the project was required to meet all the requirements for the estate subdivision regulations which pertained to the exterior materials. He stated that to keep the project upscale, they had chosen to meet the estate subdivision guidelines. Mr. Sells then discussed the existing wetland location located on the property and that when the subdivision had originally been considered approximately eight (8) years ago, he had hired a wetlands consultant to review the property. He stated that recently in November, the property had been recertified by a wetlands consultant and that there might be a wetlands area located on the proposed Lot 7. He stated a wetland mitigation should occur when more than one tenth of a wetland property was being disturbed. He stated it was their determination that they would be disturbing less than one tenth of the property. He stated that the school district and fire department must indicate in writing that they would not object to a waiver of the cul-de-sac length. He stated that the current Subdivision Control Ordinance required a maximum cul-de-sac length of 600 feet and they were requesting approximately 850 feet. He stated that they had met with the Washington Township Fire Marshal, Mr. Levi Carpenter, who requested documentation that the bulb of the cul-de-sac could accommodate the turning movement of fire apparatus that had a 260-degree turning base. He stated that they had provided Mr. Carpenter with turning template to show that they could do that with the diameter of the cul-de-sac being increased by seven (7) feet. Mr. Sells added that Mr. Carpenter indicated he had no issues with that plan. Mr. Sells then went on to discuss a letter from the Avon Washington Township School District and Mr. Mike Rawlinson, Director of School Transportation. Mr. Sells stated that Mr. Rawlinson had indicated that he had no problem with the proposed length of the cul-de-sac. He stated, however, that Mr. Rawlinson requested a disclosure letter to any potential purchaser of a lot in the proposed development to define where the school bus stops were to be located. Mr. Sells stated that the developer, Mr. Cranfill, had no problem with providing that disclosure. Mr. Sells went on to discuss that the adjacent property owners, Mr. & Mrs. Clark Brady, had not been shown on the plans as the owners and Mr. Sells had changed the plat to reflect their ownership. He stated that Mr. Brady had submitted a letter with details for deficiencies in the design of the proposed development. Mr. Sells reviewed the deficiencies set out in the letter and his responses and explanations for how they were not applicable. The deficiencies had to do with Side Lot Lines for Lots & Cul-de-Sac, Lot Grading, Open Space, Topography, Site Improvements, Lot Layouts & Building Setback Lines, Connecting Street Pattern, Permanent Cul-de-sacs, Right-of-Way & Paving Widths, Number of Access Roads, Cul-de-Sac Length, Street Trees, Street Lights, Entrance Signs, Open Space Landscaping, and Address Lot Line deficiencies.

Mr. Sells then pointed out that this petition was not for a rezoning but was for a primary plat approval. He stated that usually any commitments were established during the rezoning petition. He stated, however, that for the primary plat approval they were willing to make commitments to ease some of the concerns of their neighbors and that the commitments would go along with the secondary plat approval. He went on to describe the commitments as follows:

- 12,500 square feet minimum lot size in RB District
- 85 feet minimum lot width
- 70 feet minimum lot frontage
- 35 feet front setback
- 7.5 feet side setback
- 1,800 square feet minimum single-story footage
- 2,400 square feet minimum 2-story footage

Mr. Sells corrected the name under which Drees Homes would market the project from "Drees Design Gallery" to "Drees Homes."

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- The exterior of homes shall be compliant with the current Estate Subdivision Architectural Standards and NO vinyl shall be a permitted building material.

Mr. Sells stated that the Estate Subdivision Architectural Standards did not prohibit vinyl but that they were willing to make that commitment that it would not be a permitted building material.

Mr. Sells added that there had been discussions on whether the new development would be willing to go into the existing Forest Commons HOA and that they had no objections other than he stated it would go under separate covenants as the current covenants in Forest Commons called for 85 percent brick and Drees Homes proposal would not provide for that.

Mr. Sells went on to discuss another item that was not required to be part of the Subdivision Control Ordinance but that they were willing to commit to and that was to limit the construction hours from 7:00 AM to dusk. He stated, however, that when Daylight Savings Time was observed, construction hours would be limited from 7:00 AM to 7:00 PM.

Mr. Sells stated that another commitment would be that prior to construction, an arborist or other qualified specialist, would be consulted to determine any potential adverse effect upon existing trees along the eastern boundary of the Martin property and the western boundary of the Hammack property. He stated that those property owners were concerned that construction would have an adverse effect on the existing trees. He stated that they would also commit to providing pine trees or similar type plantings along these property lines to provide a more defined screening as those two property owners would be the most adversely affected.

Mr. Sells stated that he had talked with Susan Squiller, President of the Forest Commons HOA, and that he believed when the fifty-foot panhandle was established, there was a twenty-foot easement adjacent to that line and in order not to have an adverse effect on the adjacent property owners, they would commit to taking the sanitary sewer under the street to the manhole. He stated that that would create additional expense on the developer as the sewer trench had to be backhoed.

Mr. Sells stated that they were willing to commit to not allowing any accessory buildings. He stated Drees planned for all homes to include a three-car garage.

Mr. Sells stated that along the exterior boundary of the overall project that fronted Lots 2 through 10, all inclusive, a twenty-foot bufferyard easement or common area would be platted to prevent tree removal on and along said perimeter except for trees to be removed because of disease and/or cause for the protection of the health, safety and general welfare to the local community.

Mr. Sells lastly committed that the remaining open space upon completion of required improvements, would be platted as a "Conservation Easement" for the reasons and conditions stated previously.

Mr. Sells closed by requesting primary approval for the proposed development.

Mr. Brad Whicker called for questions or comments from the members.

Mr. Palmer asked Mr. Sells how the square footages for the houses and the lots compared to the existing Forest Commons development.

Mr. Sells responded that the average square footage was 16,000 square feet for their proposed lots which was substantially larger than the minimum 12,500 square feet required and that they were comparable to the existing lots in Forest Commons. He stated that today's home purchasing market was not in favor of larger lots.

Mr. Palmer then asked about the house sizes.

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Mr. Sells stated he did not know the minimum house size requirements for the existing Forest Commons development and he requested the developer, Mark Cranfill, to speak on that matter.

Mr. Mark Cranfill appeared and spoke about the existing covenants and restrictions for the Forest Commons development. He stated that the minimum ground floor area for a one-story home was 2,000 square feet and for a two-story it was 1,800 square feet minimum first floor area with a total of 2,400 square feet.

Mr. Gentry then asked Mr. Sells if there was any drainage on two lots at the same time.

Mr. Sells responded that all the drainage would be directed north along property lines south and that they would not be pushing any stormwater off onto the neighboring properties.

Mr. Gentry stated that he was referring to any water that a lot owner would have to do privately, and would the water be going down lot lines.

Mr. Sells stated that it would be a typical stormwater drainage plan and he stated that Sue suggested that they did not show access to the detention pond for future maintenance. He stated as part of the Drainage Board approval, it was stated that any storm pipe should be placed within a thirty-foot drainage easement, so it would provide access for maintenance purposes.

Mr. Brad Whicker then opened the public hearing and informed those in attendance about the rules for the speakers.

Mr. Steuerwald called on the first person signed up to speak as follows:

Ms. Susan Squiller, 1240 Forest Commons Drive, stated that she was the President of the Forest Commons HOA. She stated that she wanted to address the architectural standards and the covenants of their neighborhood. She stated that the covenants had very specific standards for the square footages of the homes and they had asked the Reserve at Forest Commons, Sec. 2 development to also conform to the existing covenants and standards for Forest Commons. She stated that their minimum home size for a single story was 2,000 square feet and that the proposed development was 1,800 square feet. She stated that their covenants also required the homes to have 85 percent brick and no vinyl siding. She stated that for their two-story homes, the minimum square footage was 2,400 with 100 percent brick on the lower level. She stated that the homes were required to have attached garages and that additionally the covenants of North Forest Commons were very similar. She stated that there was also a homeowner in the Reserve at Forest Commons, Sec. 1, who had been counselled by the Plan Commission to follow the same standards of size and brick. She said that plat had been approved back in 2008. She stated that while the developer of the proposed subdivision agreed to the standards of the Estate Subdivision ordinance, they did not agree with the amount of brick required in the Forest Commons covenants. She stated they felt it was a very important point and that while the proposed development was a subdivision within a subdivision, it was not a part of the existing Forest Commons subdivision. She stated that most of the proposed lots would have backyards that abutted existing lots. She stated that they believed these requirements were important for maintaining property values. She stated that regarding the covenants, Mr. Sells and Mr. Cranfill both expressed an interest in having this subdivision be a part of the Forest Commons Homeowners' Association, should they choose to accept and work out their differences. She stated that their major difference was an architectural one and as to the home sizes. She went over the advantages and disadvantages of the proposed development. She also stated that Mr. Sells had given assurance over the HOA's concern regarding detecting an easement to allow them to get to the detention area to maintain it.

Mr. Chris Meloy, 7391 Meadow Violet Court, stated he was speaking strictly for himself and his wife and not as a representative of the HOA. He expressed his concerns regarding the proposed square footages of the homes, the smaller lots, affect on property values, the one-mile distance within the

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existing subdivision to access the proposed development, drainage and wetlands issues and he asked the Commission to take a closer look at resolving the concerns of existing property owners.

Mr. Mike Martin, 7453 Meadow Violet Court, appeared and stated his concerns regarding potential for damage to trees from the road construction and construction traffic, headlights shining in windows, construction vehicles parking on Meadow Violet Drive overnight, effect on wetlands, mud, dirt and road damage on subdivision streets, and hoping the county would keep the roads in good condition and remove all construction debris.

Mr. Lee Whiten, 7454 Meadow Violet Court, appeared and expressed his concerns regarding ingress/egress for new development, lack of accessible emergency easement, including the repair and clean up of Meadow Violet Court & Meadow Violet Drive in any construction bond. Mr. Whiten also submitted a photo of alleged emergency access easement, which was entered into record as Respondent's Exhibit A.

Mr. Clark Brady, 7539 Meadow Violet Court, appeared and referred to the letter he had submitted regarding deficiencies in the design of the proposed subdivision. He stated his opinion on making sure the development worked with the Comprehensive Plan and that the proposal contained less lots. He went over the other items in his letter that should be addressed by the Commission and the developer.

Mr. Chris Johnson, 1345 Forest Commons Drive, appeared and stated he was the Vice-President of the Forest Commons Homeowners' Association. He expressed his concerns regarding the non-functioning emergency access easement and the safety issues arising therefrom. He stated that the HOA was not against development but that it should be done in a responsible manner and that the best way to correct the concerns was the reduction of the number of lots.

Ms. Debbie Off, 1233 Wood Sage Drive, appeared and stated she was the Secretary of the Forest Commons Maintenance Association. She expressed her concerns regarding public safety, the cul-de-sac length and design, mitigation for the wetlands and especially on the proposed Lot 7, outdated IDEM report, architectural standards matching Forest Commons, and considering change of name not related to Forest Commons.

Ms. Molly Hammack, 7481 Meadow Violet Court, appeared and expressed her concerns for the safety of her children from construction traffic, disappointment with overall design, making sure repairs were made to any damage done by construction and adding adequate buffering to protect animal habitats.

Mr. Jonathan Wells, 1056 Forest Commons Drive, appeared and expressed his concerns regarding the existing wetlands, following standards approved in 2008, damage to streets and safety concerns from construction.

Ms. Pam Neargardner, 7415 Meadow Violet Court, appeared and expressed her concerns about the location for the school bus pickup of children due to lengthy cul-de-sac road.

There being no one else signed up to be heard, Mr. Brad Whicker closed the public hearing and asked Mr. Sells to respond to the concerns presented.

Mr. Sells responded by stating that this was not a rezoning petition where standards were being established. He stated that they were compliant with the Zoning Ordinance in terms of lot sizes, building square footages and things of that nature. He stated that they were also compliant with the Estate Subdivision Ordinance standards. He stated that there had been a lot of discussion on drainage and the issue as he understood it was regarding the pond flooding and affecting adjoining property owners. He stated that the drainage would go east to west and he pointed out the property that did not contribute to drainage to the pond and the pond would not be more adversely affected in the future. He stated that there had also been concerns about the increase of runoff from their detention basin. He stated although

there would be an increase in runoff, it would be a slower rate. He stated that they were restricted by the rate of runoff allowed to leave the site, which the Drainage Board approved today. He stated that Mr. Martin had expressed concerns about the streets being kept clean. Mr. Sells stated this would be addressed by the fact that they were required to obtain a clean water permit that did not allow for mud and debris buildup in the streets. Mr. Sells then discussed the fact that the land had been a wooded area since Forest Commons had been constructed and which had been enjoyed by the residents like a common area. He stated that the original Forest Commons had always included a 50-foot strip. He stated he had met with several of the adjoining property owners and in striving to be a good neighbor, he had always responded to their requests for meetings. He stated those meetings had been to discuss how they could provide a buffer to lessen the impact to those property owners from the new development. He stated that they had committed to additional plantings. He also discussed the concerns of Mr. Whiten regarding repairs to the existing roads from construction vehicles. He stated that he did not believe that was the responsibility of the developer as there was no way to know if the roads were already failing. He then discussed the photo provided by Mr. Whiten regarding the non-functioning emergency access easement. He referred to the original recorded easement document which stated that the condition of that easement was the responsibility of the lot owner in the Wall Street Heights Subdivision where the easement was located. He reviewed the requirements set out in that document and the previous approvals for that easement and added that he had inspected the easement which did contain the aggregate material in place, although grass had been allowed to grow within it. Mr. Sells then commented on the statement made by Ms. Squiller that he agreed with the standards of the Forest Commons HOA as to brick and exterior materials. He stated that he did not believe he had ever agreed or made that commitment. He then went on to comment on the corridor tree protection that they were providing even though there was nothing in the ordinance to require them to do so. He concluded his comments by stating that they felt they were presenting a petition that exceeded the minimum standards of the zoning ordinance and that it was a good project. He stated the conservation easement would become a part of the plat when approved. He stated that the wetlands had been recertified within the last six months. He then introduced Dawn Barnett of Drees Homes and that she would address the issues with the homes.

Ms. Dawn Barnett, Land Acquisition Manager for Drees Homes, 900 East 96th Street, Suite 100, Indianapolis, appeared. She stated that the base price of the homes proposed by her company for the project was \$350,000.00 with homes averaging around \$400,000.00. She stated they felt those prices were in line with the homes in Forest Commons, whereas the most expensive home that had resold in Forest Commons in the last few years barely reached over \$400,000.00. She stated that they were meeting all the architectural standards for the estate subdivision ordinance and that they were asking for zero waivers and they were also exceeding those standards. She stated they believed their homes would be an asset to Avon and Forest Commons and would not be a detriment. She added that on their proposed homes, they would be including dimensional shingles, three-car front loading garages and basements.

Mr. O'Riley asked about their minimum brick requirement.

Ms. Barnett responded that their minimum brick requirement would be fifty (50) percent on the front facades.

Mr. O'Riley asked about the sides and rear faces.

Ms. Barnett responded that they would not be putting brick on the side or rear of the homes.

Mr. Brad Whicker asked if they would be using a fiber cement siding product.

Ms. Barnett responded yes, a CFS product.

Mr. Palmer asked about the house series proposed.

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Ms. Barnett stated that the "Drees Design Gallery" had been a misprint as that referred to their outside custom home division.

Mr. Palmer asked how their homes compared to the ones in Woodcreek.

Ms. Barnett stated that the proposed homes would be over and above the home prices in that subdivision.

Mr. Gentry asked for verification that even though there would be less brick used, the homes would be more expensive.

Ms. Barnett responded that was correct as their homes would be larger than the existing ones in Woodcreek.

Mr. Palmer then asked about the home comparison to Woodcreek Farms.

Ms. Barnett responded that their proposed homes would be a little less than in Woodcreek Farms.

Mr. Gentry then asked how they could reconcile the fact of including basements when the remonstrators claimed there would be horrible drainage problems resulting from the proposed development.

Ms. Barnett responded that they could put the homes on slabs, if necessary.

Mr. Gentry added he was just saying with drainage concerns, it was "buyer beware."

There being no further questions for Ms. Barnett, Mr. Brad Whicker thanked her.

Mr. Sells stated that another concern had been about construction traffic parking on Meadow Violet Drive or over night and he stated that would not be allowed. He also commented that basements were constructed differently now than they were a few years ago in terms of how the exterior walls were treated and this would be a safety factor built into the construction of the homes.

Mr. Gentry stated that Mr. Sells was correct in that there had been improvements in basement construction, etc.

Mr. Wornhoff directed a question to the staff regarding how many more of the easements were there that had current items on them, who would be managing them and at what point in time did it become eminent domain when it could accommodate bus traffic and emergency traffic through it.

Mr. Ayers stated that there were some emergency access easements around the county. He stated he did not believe anyone was tracking them and that some of them worked and some did not. He stated they were difficult to keep track of and he did not believe there was any enforcement of them. He stated that there usually were provisions made when the subdivisions were approved, and he stated there could be potential issues with them in some of the older subdivisions. He then commented on stub streets and stated that there were a lot of them and those were actual rights-of-way and could be enforced to be kept clear, unlike the emergency access easements.

Mr. Palmer asked about the alternative layout proposed that looked like only one lot less and he asked if there was any merit to that alternative layout.

Mr. Sells explained that the alternative layout was submitted as a development to be called "Laxen Estates." He reviewed what parcels on the map that had included. He explained how part of that

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had been changed to create a one-lot plat called The Reserve at Forest Commons, Sec. 1, Lot 1. He stated the current proposal ended up being two less lots than that previous proposal.

Mr. Sells then discussed the ingress/egress easement in Wall Street Heights and the agreement that stated it was the lot owner's responsibility to maintain that easement and the condition of the drive until that responsibility might be conveyed to the Forest Commons HOA. He stated since that had never occurred, he suggested that a representative of the Forest Commons HOA direct correspondence to that lot owner instructing him to remove obstructions from the easement. Mr. Sells stated that when he had visited the site of that easement he had spoken to the lot owner and had informed him of the situation and that he would have to remove the obstruction. He stated that the barn mentioned was not actually in the easement. Mr. Sells stated he would be willing to meet with the Avon/Washington Township Fire Marshall to discuss access through the easement.

Mr. Palmer stated he had been referring to the redrawing of the perpendicular lot lines.

Mr. Sells discussed the design of the lot lines for the development and that the design was not unusual, and he gave examples of other similarly designed subdivisions.

Mr. Palmer commented that he was usually a harsh critic of developments and that usually a developer would do nothing that was not required, and he commended Mr. Sells and Drees Homes for committing to more than the minimums.

Mr. Wornhoff asked a question about the length of the cul-de-sac design.

Mr. Brad Whicker explained that they were asking for an exception of the 600-foot maximum requirement versus the 850 feet being requested. Mr. Whicker stated if the members were ready, he would entertain a motion.

Mr. Palmer stated that although he understood the neighbors' concerns, he felt the project was different than Woodcreek where it was interspersed, whereas, this was all in one section. He stated he did not like destroying the ecology of the property but that it was somewhat partitioned off from the rest of the subdivision. He stated he did not think that 15 lots versus the previous 9 impacted the traffic. He asked if there would be any way to bring up the architectural standards.

Mr. Brad Whicker stated that as everyone knew, he was in the building industry, and he knew that what the buyer of today wanted, regardless of the cost of the home, was different from years past and the Drees Homes product was driven by buyer demands and not solely on low cost.

Mr. O'Riley commented he thought it also had to do with continuity.

Mr. Gentry commented that it seemed today's homebuyers did not want large lots.

Mr. Gentry then stated that he thought the matter should be continued to allow the petitioners and remonstrators to meet again to try and resolve the issues.

Mr. Gentry then made a motion to continue **MAP 716/18: The Reserve at Forest Commons, Sec. 2 (Primary)** for thirty (30) days to the June meeting.

Mr. O'Riley seconded the motion.

Mr. Brad Whicker asked if this should be a motion to continue and have the parties work on the issues. He stated he did not disagree with this but was not sure they could get to some resolution. Mr. Brad Whicker asked for comments from Mr. Sells.

Mr. Sells stated that obviously they did not want a continuance of the matter.

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Ms. Barnett commented that one of the things alluded to by Mr. Whicker and one of the things they had been having difficulties with was the reduction of brick due to the "Craftsman Style" home. She stated that one of the things Drees Homes could consider was to bring a twenty-four (24) inch water table around all four sides of the homes and that would help with the cohesiveness. She stated she could not offer any other changes at this time and could not address the traffic concerns.

Mr. Gentry stated he understood and he just wanted the two sides to get closer together. Mr. Gentry then referred to Mr. Ayers on the construction traffic concerns.

Mr. Ayers responded that typically if construction traffic was causing a problem, he would go talk with the developer and there had been cases where they had required a developer to do some offsite repairs.

Mr. Brad Whicker stated he wanted to make sure that everyone understood what the developer had offered regarding the water table.

Ms. Barnett explained that it was a 24-inch brick or stone selected by the buyer that ran around all four sides of the home instead of a fifty (50) percent front façade brick wrap.

Mr. Brad Whicker stated that would mean there would be a water table height brick around all four sides of the home rather than just the front fifty (50) percent brick wrap.

Ms. Barnett stated that was correct.

Mr. Palmer stated then that the front would not have the full fifty (50) percent brick wrap.

Mr. Whicker stated that was correct. Mr. Whicker again called for a decision on the matter and that if it was continued, a valid reason was needed.

Mr. Dombrosky stated that there was already a motion and second on the table.

Mr. Gentry stated for the sake of discussion, he would remove his motion.

Mr. Gentry then made another motion to continue the matter for thirty (30) days to the June 12 meeting for the two parties to meet and try to resolve issues.

Mr. Brad Whicker stated that if the matter was continued and heard again next month, there would not be a public hearing unless he was directed otherwise. He stated he wanted the audience to understand that unless there was a consequential change from this meeting, public comment would not be heard, although all could again be in attendance to observe the proceedings. He stated at that next meeting, there would be a vote in favor or denial of the project.

After some further discussion, Mr. Brad Whicker called for a second and vote on the previous motion made.

Mr. O'Riley seconded the motion and it passed as follows:

FOR – 4 – AGAINST – 1 – ABSTAINED – 0 –

Mr. Sells then asked if there could be designated individuals to whom they could work with on the issues.

Mr. Brad Whicker stated he thought that was relevant and he suggested 3 to 5 Forest Commons members be selected to work with the developer on the issues.

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Mr. Palmer suggested 1 to 3 members and that a fewer number would get them closer to a resolution.

Mr. Brad Whicker announced to the audience that the next meeting would be Tuesday, June 12, 2018 at 6:30 p.m. and that there would not be a notice sent out.

DPR 464/18 (PRIMARY): AT&T STORE; a development plan review to establish a new store, 1.77 acres, Guilford Township, S20-T14N-R2E, located on the east side of State Road 67, approximately .05 mile north of Prosperity Circle, more commonly known as 10533 Heartland Boulevard. (Holloway Engineering)

MAP 720/18 (REPLAT): HEARTLAND CROSSING BUSINESS PARK, SEC. 1, PARTS ONE AND TWO, LOT 93A & B; a replat of a major subdivision, S20-T14N-R2E, located on the east side of State Road 67, approximately .05 mile north of Prosperity Circle, more commonly known as 10533 Heartland Boulevard. (Holloway Engineering)

Mr. Jeremy Kaiser of Holloway Engineering appeared representing Lighthouse Development, reviewed the plans for the project and its location. He explained that they were splitting one parcel into two lots. He reviewed the details of the site plan including the modification requested for the dumpster location. He explained that they were requesting 14 parking spaces which was more than the allowed 6 spaces. He stated that they were also willing to add additional landscaping, if required. He then discussed their drainage/stormwater plans, their proposed floor plan and their photometric plan.

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

Mr. Gentry then made a motion to grant primary approval for **DPR 464/18 (Primary): AT&T Store** subject to the following conditions:

1. Conditions & recommendations in staff's letter dated May 9, 2018; and
2. Approval of modifications for the dumpster location and the parking coverage.

Mr. Wornhoff seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: LOCATED IN TRI-COUNTY CONSERVANCY JURISDICTION

STAFF RECOMMENDATIONS:

1. The dumpster will need a modification for the location. The double frontage lot makes it difficult for it to go in a required location especially on a smaller lot. Also, the dumpster shall be constructed of similar materials that are used in the principal structure.
2. Require a conceptual lighting plan and light fixture detail prior to Secondary DPR approval.
3. A maximum of 50% of the required parking shall be between the front facade and the primary street AND over the parking requirements- See attached letter, needs modification.

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.

Mr. Gentry then made a motion to grant approval for **MAP 720/18 (Replat): Heartland Crossing Business Park, Sec. 1, Parts One and Two, Lots 93A & B** subject to the conditions and recommendations in staff's letter dated May 9, 2018 as follows:

1. Conditions & recommendations in staff's letter dated May 9, 2018; and
2. Approval for modifications of lot size & lot width.

Mr. Wornhoff seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions & recommendations were as follows:

DRAINAGE CONDITIONS:

Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. Modification of the lot size and lot width is required. GB requires a minimum of a 1-acre lot with a minimum lot width of 125 feet. The lot that AT&T is proposing their development will be the smaller lot, 0.504 acre with a lot width of 90 feet. The retail store will only be 1,800 SF so this size lot with the building footprint, parking, landscaping and setbacks seems adequate. Staff thinks it is appropriate modification to grant.

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.

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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 for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) 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.

There being no further questions or comments, the meeting was adjourned at 9:41 p.m.

Tim Dombrosky, Chairman