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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, August 14, 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. Tim Whicker; Mr. Walt O'Riley; and Mr. Bob Gentry. Members absent were: Mr. Eric Wornhoff; Mrs. Sonnie Johnston; and Mr. Damon Palmer. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mrs. Julie Haan, Environmental Health Director; Mr. Nathan Schall, Planner; Mrs. Tonya Cottrell, CFM, Permit Coordinator; and Mrs. Joanne Garcia, Recording Secretary.

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

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

Mr. Gentry made a motion to approve the July 10, 2018 minutes with Mr. O'Riley seconding the motion.

The motion passed unanimously.

FOR – 4 – AGAINST – 0 – ABSTAINING – 0 –

Mr. Brad Whicker then called for the first item on the public hearing portion of the agenda as follows. He reminded the members and audience that the final approval for this resolution would be made by the Hendricks County Commissioners and that the Plan Commission would be forwarding a recommendation to them.

RESOLUTION OF THE HENDRICKS COUNTY AREA PLAN COMMISSION FOR RENAMING CERTAIN COUNTY ROADS – MIDDLE TOWNSHIP

Mrs. Tonya Cottrell, CFM and Permitting Coordinator for the Planning & Building Department appeared to make a presentation on the details of this proposed Resolution for renaming certain county roads. She passed out a list of the roads affected and stated she would be discussing them in that order. She explained that there had been some maps sent to the Planning & Building Department's Addressing Coordinator, Kim Bowman, for road name changes in Middle Township and the Town of Pittsboro. Since some of the roads affected were in the County's jurisdiction, she wanted to make sure that they were discussed with the Hendricks County Plan Commission and Town of Pittsboro before they were changed in GIS. She stated, however, after research was completed, she and Ms. Bowman decided to hold a meeting with the Town of Pittsboro and had called in for the discussion the 911 coordinator, Doug Burris. She stated that there were no easy breaking points on the roads to be changed from the town's jurisdiction to the county's. She stated that Mr. Burris reached out to the emergency people servicing that area for backup service and for the town itself. After discussing the 911 recommendations with the Town of Pittsboro, two joint open house meetings to include the public were conducted. Mrs. Cottrell then moved on to discuss each road name change as follows:

1. East CR 750 North to Wall Street – Mrs. Cottrell stated that the change had already been made in Pittsboro's jurisdiction area. She explained that 911 recommended Wall Street extend all the way to North County Road 475 East, which means three addresses will need to change in the county's jurisdiction.

Mr. Brad Whicker asked Mrs. Cottrell to explain where the town limits on that road were.

Mrs. Cottrell explained by pointing out on the displayed map that the county jurisdiction was E CR 750 North with Wall Street being in the town limits and pointed out which homes along that road were proposed to have their addresses changed to Wall Street. She also pointed out that not only will the road

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name change but also the address digits would change because of the Town of Pittsboro's grid numbering system.

Mr. O'Riley asked then if every home on both sides of that section would use the Wall Street name.

Mrs. Cottrell stated that was correct.

2. North CR 401 East to Waters Way – Mrs. Cottrell explained that this only pertained to the south side of I-74. She explained the route that had already been changed in the town's jurisdiction to Waters Way and which properties that were in the county's jurisdiction would be affected by that change and also considering the number grid system changes. She stated it was their recommendation to make that change due to the fact that the change had already been made in the town. But also, that when you turn off of Wall Street onto N CR 401 E you would come to a county road address first then it would change to a town address and back to a county address. It would be very confusing.

3. North CR 401 East to Northside Drive – Mrs. Cottrell then went on to explain the road name change on the north side of I-74. She explained that North CR 401 East ended at I-74 and it picked back up across the highway, which the town has already changed to Northside Drive. She stated that along Northside Drive, the county's jurisdiction only included one property which was vacant land and a recommendation was needed for that property as it went all the way to where Northside Drive ended, and East County Road 850 North began. She also explained that two addressed properties in the county's jurisdiction on the northwest side of Northside Drive where it intersected with East County Road 850 North did have right-of-way and would continue to be addressed as North County Road 401 East. She also explained that any county road that ended with a one (1) indicated that it was a dead-end road. She stated because of that it made sense to leave those two properties with the N CR 401 E road name.

4. Frontage Road to Commerce Way – She explained the changes made by the town for that road to be Commerce Way and then as it went into the county's jurisdiction, it would go back to Frontage Road in the middle of it, which she stated would not make sense. There is no way to break the two road names up. She also explained that the town had agreed to keep the county number grid system for that road even if the name was changed from Frontage to Commerce Way.

Mr. Tim Whicker asked a question about the grid system for the previous road name change on N CR 401 E.

Mr. Steve Maple from the Town of Pittsboro replied that the addresses on the north side were on the county grid and that on the south side, it would be the Town of Pittsboro's grid system.

5. North CR 275 East to Jeff Gordon Boulevard – Mrs. Cottrell stated that 911's recommendation was to take Jeff Gordon Boulevard all of the way to East County Road 900 North. She added that with 911 personnel, a good road breaking point was needed. She added that the numbering system along that road would stay on the county grid.

6. North CR 475 East to Baldauf Drive – Mrs. Cottrell explained that from Wall Street south down North County Road 475 East on the west side the town had already changed their road name to Baldauf Drive. She stated that the plan was to rename North County Road 475 East from Wall Street or East County Road 750 North all the way south to Brookridge Drive as Baldauf Drive. This road change would affect fourteen addresses in the county's jurisdiction.

Mr. Tim Whicker asked if the road went past U.S. Highway 136.

Mrs. Cottrell responded that it did go briefly past that highway and dead ended at Brookridge Drive. She stated that concluded the road name changes and she asked for further questions or comments.

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Mr. Brad Whicker added that on the list there was still one last road name change from North County Road 250 East to South Maple Street.

Mr. Dombrosky responded that change was entirely within the Town of Pittsboro's jurisdiction and did not affect any county jurisdiction roads.

Mrs. Cottrell then distributed photos of the confusing road signs now in place and that they wished to rectify that by recommending approval of the road name changes as discussed.

Mr. Dombrosky added that Mr. O'Riley had previously asked what the negative side to these proposed changes would be and he stated the only negative would be for the residents who were addressed off of those streets.

Mrs. Cottrell then explained the task of the addressing coordinator, Kim Bowman, to notify all of the property owners affected and they would be asked to complete an Address Information form and return it to her and from that form she would then notify all of the citizens' utility companies along with all of the government offices of the address change. She added that Ms. Bowman would also compose a letter for each citizen affected and this letter would be their official notice letter that they could send out to anyone that needed an official address change letter. She also stated that those affected property owners would be allowed one year for any mail to be forwarded to either address.

Mr. Tim Whicker asked if all of that area was serviced by the Pittsboro post office.

Mr. Steve Maple replied that it all came out of the Brownsburg Post Office other than a few post office box addresses. Mr. Maple added that many of the road name changes were done in 2005 and 2006 and that now that they had received some grant money, they were required to post the new street name signs. He stated that they were trying to be as helpful and cooperative as possible during this process and that safety as to the 911 emergency system was their priority.

Mr. Brad Whicker then opened the public hearing.

Mr. Billy Ray Alexander of 8537 North County Road 275 East appeared. He stated that his property was not annexed to the Town of Pittsboro. He stated that his home and four others along that road were also not annexed. He stated that they all did not want their addresses changed. He stated that he had submitted a petition with all of those signatures in opposition. He added that one reason was that he was a farmer and it would be a hardship for him to have the address changed. He stated he felt that since he was not in the Town of Pittsboro, he did not like them making the decision to change his address. He stated that it was his recommendation that the Town change back the portion of roadway on the north side of I-74 from Jeff Gordon Boulevard to North County Road 275 East as there were no homes on that stretch of roadway. He also added that since the two homes at the intersection of N County Road 401 E and E County Road 850 N were also relatives of his, he was good with keeping their address designations as N County Road 401 E.

The members asked Mr. Alexander a few clarification questions.

There being no one else signed up to be heard, Mr. Brad Whicker closed the public hearing.

Mr. Tim Whicker then asked a question regarding any future annexation by the Town of Pittsboro, and whether they would be going through this process again.

Mr. Brad Whicker added that the town required contiguous land in order to do annexations and that they were a town like any other that wanted to grow.

Mr. Tim Whicker stated he did not disagree with growth.

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Mr. Dombrosky stated that the town would continue to grow and when it reached a boundary road, then a change should be made.

Mrs. Cottrell added that before any changes were made, there needed to be open discussion.

Mr. Brad Whicker stated that they had heard many valid questions and concerns and he reminded the members that they were only to provide a recommendation for approval as well as provide the public a venue on which to express their concerns and opinions. He added that they had received the letter of record from those citizens affected who were in opposition to the road name changes. He added that it was his opinion that if there were more parties present to voice their concerns for or against during the Commissioner's hearing on this matter, that they would welcome those comments. He stated that although he was of the opinion that these changes should be made, he was also sympathetic with citizens like Mr. Alexander who had lived there for many years.

Mr. Tim Whicker stated that most of the other changes made sense.

Mr. Brad Whicker added that they could handle the recommendation for these changes individually, all together or all could be no recommendation. Mr. Whicker stated he was not sure their recommendation on this was all that critical other than to provide a venue for the public to be heard.

Mr. Tim Whicker disagreed and said it was their job to make these recommendations and he hoped the Commissioners took their recommendations with some validity.

Mr. Gentry then commented that in the past, there had been other similar recommendations before the Commissioners and he gave an example, but that this was the first one that went before the Plan Commission for a recommendation first.

Mr. Brad Whicker agreed with Mr. Gentry's comment.

Mr. Dombrosky stated that they had gone back and looked at different ordinances that had been done differently but that the way they were handling it now was the closest to what the state code required. He added that if the Board of Commissioners wanted the Plan Commission to make the final decision, they could do that with a declaration and ordinance.

Mr. Tim Whicker added that he was comfortable with all of the proposed changes except for change for Jeff Gordon Boulevard and that although he was not opposed to it, he felt there should be more discussion on it.

Mrs. Cottrell commented that it was her concern as a county employee that serious consideration was made to these road changes because of the 911 people being able to find the location of an emergency. She also added that there had been a petition submitted to the Town of Pittsboro by citizens to rescind the change that was previously made for the Baldauf Drive road, but it was denied by the town's Plan Commission.

Mr. Gentry commented that he was in favor of some of the changes and some he was not. He then asked Mr. Steuerwald if he might have a conflict of interest since he was a resident along one of the roads in question, that being Commerce Way.

Mr. Tim Whicker stated that they were voting on changing Frontage Road and not Commerce Way.

Mr. Steuerwald asked Mr. Gentry if his property had been addressed yet.

Mr. Gentry stated that it had been since there was a cell tower located on it.

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Mr. Steuerwald explained that with all conflicts there was a fiscal impact or fiscal gain and he was trying to figure out if there would be any for Mr. Gentry in this matter.

Mr. Gentry went on to comment that in some instances he thought that Pittsboro acted prematurely. He stated he was in favor of some of them and mentioned his concerns about the changes along the I-74 interchange and also Waters Way.

Mr. Brad Whicker then again discussed the vote on a recommendation and mentioned that there were only four members present. He stated it might make sense to vote on each one separately. He commented that he would have preferred more residents to be at this meeting.

Mr. Steuerwald stated that Mr. Gentry should probably not vote on the Commerce Way road change.

It was suggested that this matter could be continued until next month for a vote with more members present.

After more discussion, there was a consensus to continue the matter for thirty (30) days to the September Plan Commission meeting.

Mr. Gentry made a motion to continue the matter for thirty (30) days.

Mr. Tim Whicker seconded the motion and the vote was unanimous.

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

MAP 643/18 (PUD 20) (PRIMARY): THE PARKS AT PRESTWICK, PHASES 9 & 10; 12-lot major subdivision section; 20.53 acres, Washington Township, S08-T15N-R1E, located approximately 0.50 mile north of County Road 100 South and 0.50 mile east of County Road 400 East. (Banning Engineering PC)

Mr. Bob Staton with Banning Engineering PC appeared on behalf of the developer for approval of a 12-lot section of the existing Parks at Prestwick development. He reviewed the site plan and drainage plans for the project. He addressed the comments in the staff's letter dated August 14, 2018.

Mr. Gentry asked if there would be a bond on this project.

Mr. Staton replied that there would be one for the streets.

Mr. Gentry stated he just did not want a problem to occur with releasing the bond too soon and he gave an example of an incident with another subdivision.

Mr. Brad Whicker then opened the public hearing on the matter and there being no one signed up to be heard, he closed the public hearing.

Mr. Staton then commented that they had received primary drainage board approval for the project and asked that the secondary approval be remanded to the staff.

Mr. Brad Whicker stated that he felt the secondary approval could be remanded to the staff.

Mr. Gaston commented that some of the lots might be tempted to place walk out basements and he stated he was always concerned about that and in particular in a highly erodible area.

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Mr. Brad Whicker added that he did not believe the layout of the lots would allow for that and that a pre-imposed setback would restrict that opportunity.

Mr. Gentry then made a motion to grant approval for **MAP 643/18 (PUD 20): The Parks at Prestwick, Phases 9 & 10 (Primary)** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated August 14, 2018; and
2. Remanding the secondary approval to staff.

Mr. O'Riley seconded the motion and it passed unanimously.

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

The staff conditions were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Discuss the configuration of Lots 310 and 311- provide a solution with the comments provided:
 - a. 25' sensitive area setback from the top of banks.
 - b. Provide an acceptable drainage solution on lot 311 such as a swirl chamber.
 - c. Confirm that Surveyor's Office and Clean Water are satisfied with the revised solution including the grade alteration between lots 310 and 311 as well as any other grade changes.

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 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.
4. Addresses must be added to the final plat prior to recording. To obtain addresses, the applicant must submit a request to the Planning and Building Department well in advance of the recording package being forwarded to the Hendricks County Engineer's Office.
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 typically carried out as a permitting process separate from development plan approval.

6. 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. Dombrosky then brought up a matter for discussion, that being the conversion of major plat zoned subdivisions from AGR/Agriculture Residential to RA/Single Family Residential. He stated that there were multiple subdivisions that were still zoned AGR. He stated that now in the current zoning ordinance major subdivisions were not allowed in the AGR district. He stated, however, those subdivisions had not been rezoned when the classifications were changed.

Mr. Brad Whicker then commented that it sounded like the proposal would be to change the zoning on some subdivisions causing some conflict with those residents.

Mr. Dombrosky replied possibly. Mr. Dombrosky asked the county planner, Nathan Schall, to give his report on the matter.

Mr. Schall stated that since he had started working for the county, he had received calls from citizens wanting to put in daycare businesses out of their homes in subdivisions, which would involve a special exception from the Board of Zoning Appeals. He stated, however, a special exception would not be allowed in an AGR zoned subdivision. He stated when they started the project, Mr. Dombrosky had estimated that there were maybe 50 to 60 of these AGR zoned subdivisions existing. He stated it was actually over 100 subdivisions that were zoned AGR.

Mr. Tim Whicker asked how many houses on average.

Mr. Dombrosky stated that some were as small as five and some were over 200.

Mr. Schall stated that these subdivisions were mostly located in the eastern portion of the county and sparser to the western side.

Mr. Dombrosky displayed a GIS map of Brown Township just as one example and he pointed out the locations of the various subdivisions in that township.

Mr. Brad Whicker asked if this matter could be cleared up during a Comprehensive Plan update.

Mr. Dombrosky replied that the Comprehensive Plan was a guideline and would not make any zoning changes. He added if they wanted to have the discussion more in depth during the Comprehensive Plan review, that could be done but zoning changes would also still need to be done.

Mr. Brad Whicker asked if it would make more sense to correct the zoning prior to the comp plan review.

Mr. Dombrosky replied he would agree with that.

Mr. Schall went on to explain that the RA zoning was not much different than the AGR and would not change the layout or the way lots could be used. He stated they believed this rezoning would be important because of the special exceptions and the permitted uses for an RA zoning were a lot more conducive to a neighborhood than AGR. He stated that a light industrial could be done in an AGR with a special exception.

Mr. Dombrosky stated that there were more concerning permitted uses in an AGR district with a special exception.

Mr. Schall went on to say that they thought this rezoning would make the neighborhoods a little bit more neighbor friendly places. He went on to points set out in the display.

Mr. O'Riley commented they were matching the use with the zoning.

Mr. Dombrosky agreed and stated that zoning districts were designed for the intent of the zoning districts and not for the properties they were on. He stated that the things that went along with the AGR district did not match the subdivisions.

Mr. Schall stated that the minimum lot sizes for both of these districts were 1.5 acres and he pointed out the other standards that were mostly the same in both.

Mr. Dombrosky pointed out that they were discussing already developed subdivisions,

Mr. Tim Whicker asked what would matter in these subdivisions if the zoning was changed.

Mr. Dombrosky stated that the biggest changes for existing residences would be for accessory buildings and that it would still be 5% coverage of lot size. He stated that the rear and sideyard setbacks would be the same. He stated the size restrictions and the setbacks were not changing.

Mr. Gentry asked about existing outbuildings and whether we would require those to be removed if not allowed in an RA district.

Mr. Dombrosky stated it would probably be grandfathered but he repeated that the size restrictions and setbacks were not changing.

Mr. Schall went on to review the differences as set out below:

Prime Differences – AGR & RA – Development Standards

	<u>AGR</u>	<u>RA</u>
Minimum Lot Size with Sewer	20,000	15,000
Impervious Surface	35%	50%
Sensitive Area S/B	40 ft	60 ft
Ag S/B	N/A	30 ft

Consequences of Rezone

New Permanent Uses

Revoked Permitted Uses

New Special Exceptions

Revoked Special Exceptions

Mr. Brad Whicker asked about the impervious surfaces.

Mr. Dombrosky explained that it was all hard surfaces.

Mr. Tim Whicker commented that under RA he could asphalt more surface.

Mr. Dombrosky stated that was correct. He explained that when a request was received to exceed the 5% lot coverage, he would not be open to the 35% in AGR. He added that the 50% in the RA district would give a lot more flexibility in building.

Mr. Dombrosky stated that they were more concerned with the lot coverage change than any of the other standards.

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Mr. Schall went on to discuss what could be permitted and what could be allowed as special exceptions in the two districts and what changes would occur from a rezoning.

Mr. Tim Whicker asked if any of those uses would be concerning.

Mr. Dombrosky responded he would be concerned about the private kennel use.

Mr. Gentry stated he thought there was an ordinance covering that.

Mr. Dombrosky stated that was correct and that it was handled separately. He explained that the definition of the number of animals was overly complicated in the ordinance.

Mr. Tim Whicker asked if any existing special exception uses would be revoked if the zoning was changed.

Mr. Dombrosky replied no. He explained that if and when a use was discontinued, and the approval had lapsed, that use would not be able to be renewed. He stated when uses were discussed, the private kennel would be looked at specifically. He stated that was the only one that would appear to be appropriate in a residential setting. He also added that low intensity ag uses were permitted across all residential zoning districts.

Mr. Brad Whicker then commented that the staff was looking for guidance as to whether or not they should move forward with these changes. He stated that process would include notifying all property owners and conducting public hearings.

Mr. Dombrosky added that it should be broken up into specific target areas rather than all at the same time. He stated that the changes would allow some people the possibility of pursuing a special exception for a day care. He stated that was the benefit even though that would not be for a lot of people.

Mr. Tim Whicker added that it would still be a special exception process.

Mr. Brad Whicker asked Mr. Jeff Banning of Banning Engineering to comment on this process.

Mr. Jeff Banning was present, and he stated he was okay with what had been discussed but brought up a concern regarding manufactured homes. He stated that there were multiple subdivisions that had existing manufactured homes.

Mr. Tim Dombrosky stated that there were definitions for manufactured homes which classified that they met the IC Code for a mobile trailer home.

Mr. Brad Whicker added that not meeting that classification would be one on a permanent foundation.

Mr. Dombrosky stated that it would be required to be on a permanent foundation no matter what in order to be a permanent use.

Mr. Tim Whicker asked if it would only affect an empty lot in those subdivisions.

Mr. Dombrosky stated they were also not speaking about modular homes which were different.

Mr. Banning then commented that he had been referring to the modular homes.

Mr. Dombrosky stated that if that existing manufactured home was removed, that use could not be placed there after that. He stated that almost all of the mobile homes were placed with a time period and that was usually for two years.

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Mr. Brad Whicker stated that it sounded to him like there would need to be multiple hearings on different areas of existing subdivisions.

Mr. Dombrosky stated it was his intent to get an idea of the public's feelings on this proposal without notification of a public hearing.

Mr. O'Riley stated he thought it needed to be presented well.

Mr. Tim Whicker agreed that the initial presentation needed to be done correctly.

Mr. Steuerwald suggested initially contacting the Homeowner's Associations.

Mr. Brad Whicker commented that he would not be in favor of handling this in five or six public hearings.

Mr. Steuerwald commented that presenting it to the HOA's to show them the importance of this might help make them do the selling of it to residents and could be a benefit to the process.

Mr. Brad Whicker then asked Mr. Dombrosky if he was looking for a consensus from the members to move forward with this process.

Mr. Dombrosky replied that would be correct if they felt it was worth the time and effort to accomplish.

Mr. Brad Whicker added that he thought it was important to get this accomplished before the review and update of the Comprehensive Plan.

Mr. Dombrosky agreed and added that he did not believe they were going to do another comprehensive county wide rezone that had been done in the past and that the proposal here would be the biggest and only issue in his opinion.

Mr. O'Riley commented that he felt the proposal was necessary.

Mr. Brad Whicker stated he agreed and they should move forward with the right message and proper education on the matter to the public.

After some further discussion, there was a consensus by the members for the staff to move forward with this proposal.

There being no further business, Mr. Brad Whicker adjourned the meeting at 7:59 p.m.

Tim Dombrosky, Chairman