

November 9, 2016

A regular meeting of the Hendricks County Area Plan Commission was held on Wednesday, November 9, 2016 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; Mrs. Sonnie Johnston; Mr. Walt O'Riley; Ms. Angela Tilton; Mr. Bob Gentry; and Mr. Damon Palmer. Member absent was: Mr. Doug Sisk. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. John Ayers, County Engineer; Mr. David Gaston, County Surveyor; Mr. Tim Dombrosky, Senior Planner; Mr. Nicholas Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were six (6) members present.

Mr. Whicker called for approval of the October 11, 2016 Plan Commission meeting minutes.

Mrs. Johnston made a motion to grant approval for the October 11, 2016 meeting minutes.

Ms. Tilton seconded the motion with Mr. Whicker abstaining.

FOR – 5 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Whicker then called for the hearing on the first item on the agenda as follows:

ZA 443/16: NATIONAL TRANSPORTATION CENTER; a zoning amendment change from AGR/Agriculture Residential District to PUD/Planned Unit Development District, 196.48 acres, Liberty Township, S11,14-T14N-R1W, located on the west side of State Road 39 and south of U.S. Highway 40. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office appeared on behalf of the applicant and along with Mr. Preston Harrison and Ms. Cinda Kelley-Hutchings of the National Transportation Center, Mr. Jeff Banning, Civil Engineer and Mr. Jeff Pipkin with the Hendricks County Economic Development Partnership.

Mr. Comer stated that he had given a full presentation on the matter at last month's meeting and would go through it again if the members wished. He stated that the traffic study had been submitted since last month's meeting as well as the fiscal impact study. He stated that the November 2, 2016 staff report recommended a favorable recommendation to the Plan Commission.

Mr. Whicker requested that Mr. Comer give an abbreviated version of the presentation from last month's meeting as he had not been present at that time.

Mr. Comer stated that the National Transportation Center was proposing to develop along State Road 39 an educational training and employment center for the transportation industry. He stated that in Hendricks County due to the proximity of Interstate 70, the airport and the central location in the country, the area was primed for this type of development and there were many jobs needed in the industry of transportation. He stated this industry was understaffed and undertrained and the proposed facility would train individuals for that line of work. He stated in addition to school kids, it would also cater strongly to military veterans returning to the workforce. He stated that the project itself was approximately 200 acres of land and he indicated on the displayed map the location. He stated the proposed project was broken down into different areas to include residential buildings, mixed use buildings, vehicle training classroom, fire station, work center buildings, veteran's inn hotel, museum, wellness center and welcome center. He clarified that the only residential buildings would be student and faculty dormitories. He stated there would be no single family provided. He stated they had narrowed down on a bubble plan what specific uses would be proposed. He also displayed renderings of the proposed facilities in another county which he stated would be similar to what the facilities might look like. He then stated he would be happy to answer any questions.

November 9, 2016

Mrs. Johnston stated that at last month's meeting there was a remonstrator who was concerned about an easement through the project to access his adjoining property.

Mr. Comer responded that they knew where the easement was located. He stated that in their updated and revised PUD ordinance, he had inserted a paragraph recognizing the existence of that easement and incorporating it into the project. He stated that location would be known after the development plan had been completed. Mr. Comer stated he had conversations with the property owner, Mr. Bowman, and that he would continue to have conversations with him.

Mr. Palmer then stated that one of his key questions from last month's meeting on the project was a business plan. He stated that he had looked at the expanded business plan presented in their packet. He stated that it indicated financials would be revealed in executive session.

Mr. Comer stated that was correct as they did not want to include the financials as part of the public record.

Mr. Palmer then asked what the process would be for going into an executive session.

Mr. Whicker stated he felt that would be a process to take place sometime after this meeting on the matter was completed as the matter before them was for zoning and not the development plan review. He stated that session could take place between this evening's hearing and prior to the development plan review.

Mr. Comer then responded that the project was being developed by a private enterprise and that financials had not in the past to his knowledge been presented during the zoning hearing or the development plan hearing. He stated again that this was a private enterprise.

Mr. Whicker stated he felt that might be something to be reviewed by the County Commissioners and not the Area Plan Commission.

Mr. Palmer responded that he respectfully disagreed with Mr. Whicker. He stated that the Plan Commission was tasked with making the zoning decision. He added that he felt the applicant had laid out a great project and that it could be good for the community. He stated, however, that it was a very unique project and if the Plan Commission needed to make a decision without a sustainable business model, they could be left with a boneyard. He stated no one else could step into that footprint because it was so unique. He stated he was not sure they could make a zoning decision until they understood the sustainability of the proposal.

Mr. Whicker stated that being Mr. Palmer's decision, he would respectfully not be in agreement. He stated that their vote could reflect their decision on the matter. He asked Mr. Comer for any other comments.

Mr. Comer stated he had none other than they viewed the Plan Commission as the appropriate place for the rezoning request.

Mr. Palmer stated he understood that and hence his reason for asking about an executive session. He stated he and Mr. Whicker had a differing opinion in that he thought that was information that the Plan Commission needed in order to make a decision.

Mr. Reitz added that it might be something to consult with the County Attorney, Greg Steuerwald.

Mr. Whicker agreed but still felt the Commission could make a decision on the zoning.

Mr. Palmer stated that one of the things that were discussed at last month's meeting was the way a PUD was set up. He stated if the zoning was approved, commercial would be part of each of the PUD

sections and essentially that would mean they had rezoned it commercial, knowing that as long as the PUD stayed intact and also knowing that ownership could change.

Mr. Reitz stated that the PUD laid out on the ground what zoning districts were there.

Mr. Palmer added then that it could all be commercial, the plan could change, and that went against the proposed Gateway Corridor Plan, as it moved the entire thing to commercial. He stated that commercial would be approved within each one of the tracts in the PUD.

Mr. Reitz stated that there would be multiple uses in each of those districts.

Mr. Palmer stated that there would be multiple uses but if someone wanted to make the whole thing commercial, that could be done.

Mr. Reitz stated that was not correct as the PUD laid out what use could be in each area.

Mr. Palmer responded that commercial was in every one of the areas.

Mr. Reitz stated along with other uses in the classification.

Mr. Palmer then asked for a worst case scenario, everything could be commercial. He stated you could put something commercial in each of those areas. He asked if warehouses were considered commercial.

Mr. Reitz responded they would be considered as an industrial use.

Mr. Palmer asked what an example of commercial was.

Mr. Reitz responded retail, restaurants, service industries.

Mr. Palmer stated then there could be offices in the whole thing.

Mr. Reitz stated that was correct in those areas designated for those uses.

Mr. Palmer stated he thought those areas would all be designated for commercial as proposed.

Mr. Comer then responded that he understood what Mr. Palmer was saying. He stated that commercial uses were allowed in each one of the proposed project areas.

Mr. Reitz stated there would be commercial zoning in each one of the areas.

Mr. Comer responded that of course that was not the intent. He stated under the theory that what if the project did not make it, could it all become commercial at that point in time and he added that would be a great thing for the county.

Mr. Whicker agreed that would be better than the alternative.

Mr. Palmer stated that the plan today said it was supposed to be a PUD.

Mr. Comer stated it would be and would always be a PUD until the Plan Commission changed it.

Mr. Palmer stated technically yes but it would be a big block of commercial.

Mr. Comer added that he would congratulate them if that happened. He stated that would be a good thing but at this time it was not the proposal.

Mr. Palmer stated if that was what was envisioned for the Corridor, it was not what he was seeing on paper. He stated he did think for sustainability of the project, the financials were important and especially if there was a certain level of government funding. He stated that government funding was not necessarily consistent for it to be counted on and especially during a change of administration. He stated he was concerned about the sustainability. He stated that they did not know what the funding source was and what the governance was. He stated again he thought it was a great project as laid out and was just worried about it coming to fruition.

Mr. Whicker stated again that he did not believe that was a requirement of the Plan Commission and they did not have the capability to review the business model and the capability of that model working. He stated that was not a function requested of the members when they were asked to serve or appointed on this board.

Mr. Palmer responded that he felt each member of the commission needed to utilize whatever information was there to make a decision on the zoning and at least for him, he was concerned as he was a citizen member and represented the citizens of the county. He stated he was concerned with the longer term viability and sustainability of the business that fitted a very, very good project.

Mr. Whicker then replied that when a motion was made, that Mr. Palmer could add that contingency and it would pass or fail on its own merits.

Mr. Palmer added that he had requested the business plan at the last meeting which should not have been a surprise.

Mr. Whicker stated he did not think it was a surprise and he felt that Mr. Comer was not surprised either.

Mr. Comer replied that he was not. He stated they had submitted as much as they were comfortable submitting to the members.

Mr. Whicker then asked for any other questions prior to Mr. Comer continuing.

There being none, Mr. Comer stated he was available for further questions.

Mr. Reitz added that there was additional information provided to the members in front of them in manila folders regarding the fiscal effects of the project.

Mr. Whicker stated that Mr. Greg Guerretaz had put together the fiscal effect study and he asked him to provide an overview.

Mr. Greg Guerretaz, President of Financial Solutions Group appeared. He stated he had been the financial advisor to Hendricks County for twenty years. He then gave a brief overview of why he was asked to appear at the meeting. He stated that the requirement for a financial review had been codified in 2008. He stated that an Indianapolis housing organization called BAGI had in the past shown projects as always of financial benefit and never detrimental. He stated this had caused a "war" on how to compute the effects and he added that they always knew that there would be some incremental impact. He stated after many years of battling it out with BAGI and looking at various subdivisions and PUD's that were proposed during the years of the influx of PUD's, a model was put together. He stated they had been using this model since 2008. He stated it was updated for more current tax rates, current budgets, etc. He stated they had put together an independent fiscal impact study which showed what the revenues to the county and the incremental expenses might be. He stated it did not include all of the expenses of the county. He stated they went through certain categories and certain offices would incrementally increase each and every time there was a PUD. He stated they showed the impact not only on the township but break them down. He stated that there had been three versions of the report which were in the packets for the members today. He stated that there would probably never be a final version. He stated the developments mold and shape as they go through the processes. He explained how the different

versions came about. He explained that Draft #3 came about with the elimination of school age children which would be the most significant impact. He discussed the inclusion of TIFF to be considered for new projects. He stated that the final draft submitted should protect all taxing districts. He discussed the baseline assumption and given what he knew, he believed there would be a good, positive impact from the proposed project. He added that the most negative impact showed on the township portion and a positive impact on the school corporation. He stated the statement had been developed over a long period of time and their goal was to be independent as the report was put together and to be objective about it. He stated they did not point out income tax benefits because it was their understanding that there would be no residents of Hendricks County living there long enough to have the income tax rolls affected, which may or may not be the case as it was developed. He stated that anything based on census was also not changed. He stated that people are now excited about development and development was happening in the State of Indiana. He stated that Hendricks County had achieved a very high bond rating because of the good location and a good recipe for financial sustainability, not financial disaster.

Mr. Whicker asked if anyone had questions for Mr. Guerretaz. There being none, Mr. Whicker asked Mr. Pipkin to give a short talk on economic development impact.

Mr. Jeff Pipkin of the Hendricks County Economic Development Partnership appeared. He stated that in their office the Indiana Municipal Power Agency had given them a program to run a project that had been received to see the net benefits. He stated they would check on whether a project had a negative impact or had a big net benefit to incentivize. He stated that the proposed National Transportation Center project had a net benefit and that their analysis showed that the net benefit to the county was about 1.8 million dollars coming in through property taxes. He stated the school district and spinoff from homes and businesses that might potentially occur was just over 5 million dollars.

There was some further discussion on the application for incentives and other factors involved in the analysis by the Hendricks County Economic Development Partnership.

There being no further discussion, Mr. Whicker opened the public hearing.

Mr. Jerry Bowman of 4456 North County Road 525 West, North Salem, appeared. He stated that he owned the property adjacent to the proposed project site on the west side. He stated he had no objections to the proposed project but had a concern about a legal easement to access his property. He stated he felt that the plan as presented was doing away with this easement. He stated that he had spoken with Mr. Comer and they were to have another meeting at some future date to resolve the matter. He stated he had spoken with a state site manager who was responsible for approving the entrances for the proposed project. He stated that the manager had informed him that they would be checking the proposed entrances and exits for the project but did not offer any assurances on his easement. He stated he wanted to get this worked out.

There being no one else signed up to speak, Mr. Whicker closed the public portion of the hearing and called on Mr. Comer for further comments.

Mr. Comer then commented on Mr. Bowman's concerns. He stated that in an effort to not dismiss Mr. Bowman's concern, they had placed some language in the PUD ordinance regarding the easement issue specifically. The language indicated that they would address the easement during the development plan review process. He stated in the meantime, they would be meeting with Mr. Bowman to work out the details and he wanted to assure the members that the matter would not be dismissed.

Mr. Whicker then assured Mr. Bowman by informing him of the nature of the decision to be made on the rezoning of the property and that the easement would be addressed during the next step in the process called the development plan review.

Mr. Whicker then called for further questions or comments from the members.

November 9, 2016

Mr. Palmer asked about any update on the timeline between Phase I and Phase II.

Mr. Comer stated he did not know the answer to that question. After speaking to his clients, he summarized by saying that they would be developed in close proximity.

Mr. Palmer commented that at last month's meeting they had talked about the phases being staged in that Phase I would be first and then all of the retail, dormitories, etc. would come later.

Mr. Comer stated that would be true in that the priority would be focused on Phase I first and Phase II would not be far behind.

Mr. Whicker then reminded the members that a motion on the matter would be a recommendation to the Hendricks County Board of Commissioners.

Mr. John Ayers, County Engineer, then commented on the traffic study. He stated he had reviewed the study which was submitted to INDOT. He stated that the final approvals for the entrance and exit locations and their configurations were done by INDOT as it was a state highway. He stated that was usually done as part of a permit application and INDOT had not commented on the traffic study yet since there had been no application submitted. He then explained the details of the traffic study and what it was based upon. He stated there would be quite a bit of construction on State Road 39 for both the right and left turn lanes. He stated there would be significant amounts of improvements on State Road 39 as part of the proposed project.

Mr. Whicker stated he felt the members had been given enough information to now make a decision on a recommendation to the Board of Commissioners.

Mr. Palmer then asked what the status was of the approval for the State Road 39 Corridor Plan.

Mr. Gentry responded that the matter was on the Board of Commissioners agenda scheduled for Tuesday, November 22nd.

Mr. Whicker stated that the two matters would probably be heard on the same day.

Mr. Palmer then commented that they were still operating under a proposed corridor plan.

Mr. Whicker stated that was correct in that it had not yet been adopted. Mr. Whicker then called for a motion.

Mrs. Johnston then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners and adopt the positive Findings of Fact/Law for **ZA 443/16: National Transportation Center** subject to the staff letter dated November 2, 2016.

Mrs. Tilton seconded the motion.

Mr. Palmer then stated again that he remained concerned about the viability of what was being proposed. He stated that the project was between a 90 and 100 million dollar investment. He stated he had managed multiple 100 million dollar plus projects in his career and the finances to drive a positive NPV on this project would be substantial. He stated they were getting ready to make a recommendation to the commissioners who could make a decision on their own. He stated the members were now going to vote on changing the zoning for a PUD based on a business concept that the members had not seen the financials on. He again stated that he thought it was a great project and he wanted to see it come to fruition; but it was very, very unique. He stated this project could not be taken and repurposed and he had some concerns about the sustainability of it because he had not seen the financials and he did not know what the business model was. He commented that what they did not want was a boneyard or a footprint that was built and that nobody could move into and he thought that would be bad for the county.

Mr. Whicker responded that while he respected Mr. Palmer's opinion, he would still stand by his earlier comments that the basis of this board was not to dive into the financials and he did not think that was the capacity of this board.

Mr. Palmer responded that he felt it was the capacity of each member to utilize the information that they deem necessary to be able to vote one way or another. He stated that maybe it was an individual member decision and that the petitioners had offered to reveal the business plan in executive session and he still wanted to know what that process would be. He stated he felt it was up to the members to make a good decision with all the data.

Mr. Whicker responded that those comments could also be carried over to the Board of Commissioners and they could also consider that as well. He stated if they were to carry it over to an executive session, maybe they would extend an offer for the Plan Commission members to attend.

Mr. Gentry then stated that to address Mr. Palmer's comments, the fact that the Plan Commission would change the zoning did not preclude the Commissioners or some other agency from thoroughly examining their financials before it went any further. He stated as Mr. Whicker said, this was just to change the zoning. He added that it was his belief that the project would be thoroughly examined. He stated he felt it was there job to move it forward or backward with the zoning.

Mr. Whicker then responded that it was his position again that the business plan was not the decision of this body other than to make a recommendation and that it did not change anything and the final decision would be made by the Board of County Commissioners. He suggested that the vote be taken and the commissioners be made aware of their ability to review a business plan in executive session and that there might be one or more Plan Commission members who would be interested in attending that session.

Mr. Palmer then asked if that should be built into the motion.

Mr. Whicker stated he did not think it should.

Mr. Gentry then commented that he would make his fellow commissioners aware of the executive session offer.

Mr. Palmer then commented that the Plan Commission body was the one he had a say in.

After more discussion, the vote on the motion was made as follows:

Mr. Whicker – favorable
Mrs. Johnston – favorable
Ms. Tilton – favorable
Mr. O'Riley – favorable
Mr. Gentry – favorable
Mr. Palmer – against

FOR – 5 –

AGAINST – 1 –

ABSTAINED – 0 –

The positive Findings of Fact law was as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 443/16: National Transportation Center

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 AGR/Agricultural, Residential District to PUD/Planned Unit Development District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

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

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

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

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

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

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Suburban Residential which may also include institutional uses such as educational facilities, and may contain neighborhood serving mixed-use developments.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal does no harm to the current conditions and character of current structures and uses in the district because of its interior focus and adherence to standard setbacks and buffer yards.

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

The Commission finds that the proposal does represent the most desirable use for which the land is adapted, as the development's direct access to a state road and nearby utilities presents high development potential. This development will also likely increase nearby land values by increasing their potential for development.

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

The Commission finds that the proposal does conserve property values in the jurisdiction. The project can maximize nearby transportation and employment resources while remaining innocuous from nearby residential areas. In addition, the density of the development will preserve nearby agricultural land values.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. It is in an area where the County has planned for growth, and where any negative impact can be mitigated.

In accordance with Indiana Code (IC) 36-7-4-1506, a text amendment was presented as part of the petition.

Mr. Whicker called for the next agenda items as follows:

MIP 1077/16: JDH PLAT; a 2-lot minor subdivision, 2 lots, 11.82 acres, Guilford Township, S13-T14N-R1E, located south of State Road 267 and west of County Road 825 East. (Banning Engineering, P.C.)

WA 276/16: MIP 1077 JDH PLAT; a waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.b.) Sidewalk Requirement. (Banning Engineering, P.C.)

DPR 453/16 (PRIMARY): CAL-CAIT, LLC (JDH PLAT, PHASE 2); a development plan review to construct a storage facility, 10.52 acres, Guilford Township, S13-T14N-R1E, located on the south side of State Road 267 and west of County Road 825 East. (Banning Engineering, P.C.)

DPR 453/16 (SECONDARY): CAL-CAIT, LLC (JDH PLAT, PHASE 2); a development plan review to construct a storage facility, 10.52 acres, Guilford Township, S13-T14N-R1E, located on the south side of State Road 267 and west of County Road 825 East. (Banning Engineering, P.C.)

Mr. Bob Staton with Banning Engineering, P.C. appeared on behalf of the applicant. He reviewed the location and details of the request to approve a two lot minor plat to be named Lot 3 and Lot 6 and the proposed buildings planned. He discussed the extension of the storm sewer and addition of a detention pond to the site. He discussed details of the landscaping plan which would be 45% more than required by the ordinance. He stated they were also requesting a modification for the required buffer yard levels to allow a reduction in the buffer yard and also a modification for the proposed building exterior material to be metal with "Hardie plank" columns instead of the required 50% masonry. He stated that they were also requesting a waiver of the sidewalk requirement along Indiana Street.

Mr. Whicker asked if there was anyone signed up to be heard on these matters. There being none, Mr. Whicker closed the public hearing.

Mr. Whicker asked if the members were clear on the requests for approval.

Mr. Palmer asked if there was any current screening.

Mr. Staton responded that yes there was and he pointed those areas out on the overhead map.

There being no further questions, Mr. Whicker called for four motions on the above matters.

November 9, 2016

Mr. Palmer then made a motion to grant approval for **MIP 1077/16: JDH Plat** subject to the staff conditions and recommendations in their letter dated November 2, 2016.

Mrs. Johnston seconded the motion.

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

The staff letter of recommendation was as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. This Minor Plat is being done to add new land to the original JDH Plat, as part of Lot 3. Because unplatted land is now being platted, a new Minor Plat must be filed. The Minor Plat will also have the effect of reducing the size of Lot 6. No new building sites are being created. The subdivision has access from SR 267, and no new access onto a public street is being created.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to 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. Secondary Stormwater approval for a plat must be obtained from the Drainage Board prior to 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. Addresses must be added to the final plat prior to recording. The Director of the Plan Commission will not sign the final plat without addresses included. 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. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

Mr. Palmer then made a motion to grant approval for **WA 276/16: MIP 1077 JDH Plat** subject to the staff memorandum dated November 2, 2016.

Mrs. Johnston seconded the motion.

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

The staff memorandum was as follows:

MEMORANDUM

TO: Hendricks County Area Plan Commission
FROM: Plan Commission Staff

November 9, 2016

DATE: November 2, 2016
RE: **WA 276/16: MIP 1077: JDH PLAT, SIDEWALKS**

The applicant is requesting the requirement for sidewalks in Guilford Township be waived because of the lack of sidewalks in the area. A sidewalk waiver was granted on this property when the original plat was approved in 2001.

The majority of staff has no objection to the request as long as a note is added to the plat stating sidewalks shall be installed when they become contiguous or adjacent on surrounding property.

The Health Department is not in favor of any sidewalk waivers due to high rates of obesity, in children and adults, as well as the chronic diseases that result from limited exercise opportunities. Studies show that people with access to sidewalks get more exercise. Reduction of short car trips when engines emit the most pollution because they are not yet warmed up will also improve air quality.

Mr. Palmer then made a motion to grant approval for the primary **DPR 453/16: Cal-Cait, LLC (JDH Plat, Phase 2)** subject to the staff recommendations in letter dated November 2, 2016.

Mrs. Johnston seconded the motion.

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

Mr. Palmer then made a motion to grant approval for the secondary **DPR 453/16: Cal-Cait, LLC (Secondary)** subject to the staff recommendations in letter dated November 2, 2016.

Mrs. Johnston seconded the motion.

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

The staff recommendations for the primary and secondary approval were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. There is an existing residence located on Lot 6 and the new lot line meets minimum setbacks from the new lot line.
3. The applicant is requesting a modification of Section 7.5 L.3.a – Required Buffer Yard Levels (HCZO) to allow a reduction in the buffer yard width from seventy-five (75) feet to forty (40) feet along the south property line, sixty (60) feet along the east and north property lines. The east line is along County Road 825 East. The applicant will comply with the required landscaping for the buffer type. Based on the above stated facts, staff has no objection to this request.
4. The applicant is requesting a modification of Section 8.3 H. Architectural Standards. The exterior material will be metal with “Hardee Plank” columns, instead of the required 50% masonry. The landscaping plan exceeds the required point value on the east side of the building by 45%. Staff recommends that the request be granted as the plans meet the intent of the ordinance to provide quality construction, increase visual interest, and buffer any impact to nearby residences.
5. The Plan Commission has the authority to approve these modifications in accordance with Subsection 2.2(A)(17).

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. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. 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. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.
6. 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.
7. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
8. 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.

DPR 456/16 (PRIMARY): NEW WINCHESTER ANIMAL CLINIC; a development plan review for parking improvements; 8.76 acres, Marion Township, S05-T15N-R2W, located on the north side of U.S. Highway 36, approximately 0.35 mile west of State Road 75. (Kruse Consulting, Inc.)

DPR 456/16 (SECONDARY): NEW WINCHESTER ANIMAL CLINIC; a development plan review for parking improvements; 8.76 acres, Marion Township, S05-T15N-R2W, located on the North side of U.S. Highway 36, approximately 0.35 mile west of State Road 75. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared

November 9, 2016

The meeting was adjourned at 8:50 p.m.

Don F. Reitz, AICP, Secretary