

February 14, 2017

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, February 14, 2017 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. Brad Whicker, President; Mrs. Sonnie Johnston; Ms. Angela Tilton; Mr. Tim Whicker; Mr. Walt O'Riley; and Mr. Bob Gentry. Member absent was: Mr. Damon Palmer. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mrs. Julie Haan, Environmental Health Director; 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. Brad Whicker then called for a motion to approve the December 13, 2016 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the December 13, 2016 meeting minutes.

Mr. Gentry seconded the motion with Mr. Whicker abstaining.

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

Mr. Brad Whicker then called for the approval of the January 10, 2017 meeting minutes.

Mr. Gentry made a motion to approve the January 10, 2017 meeting minutes.

Mrs. Johnston seconded the motion with Ms. Tilton abstaining.

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

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

ZA 444/17: JKJ, LLC; a zoning amendment change from AGR/Agriculture Residential District to GB/General Business District, 0.47 acres, Marion Township, S5-T15N-R2W, located on the north side of U.S. Highway 36, approximately 0.25 mile west of the intersection with State Road 75. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office appeared on behalf of the applicant. He reviewed the location of the property and that the property had been different uses for many years. He stated that even though the zoning was residential, it had not been a residential use. He stated the applicant wished to bring the property into compliance with its use as a commercial property by rezoning to GB/General Business. He then asked for a favorable recommendation.

Mr. Brad Whicker called for questions or comments. There being none, Mr. Whicker then opened the public hearing on the matter. There being no one signed up or wishing to be heard, Mr. Whicker closed the public hearing. There being no further discussion, Mr. Whicker called for a motion.

Mr. 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 for **ZA 444/17: JKJ, LLC**.

Mr. O'Riley seconded the motion.

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

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, February 28, 2017 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 444/17:

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 to GB/General Business. 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 Article 3. The public hearing included the above zoning map amendment on its agenda.

In accordance with Article 3 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 variance. 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 Agriculture, and it is located on a principle arterial close to a major intersection. The Comprehensive Plan recommends that commercial uses be located on major transportation routes and at intersections. Neighborhood serving commercial uses are essential to the productivity and convenience of rural agriculture and residential communities. The existence of nearby commercial and industrial zoning also supports the continued use of this property as commercial.

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

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district because of similarity to the current use, and its proximity to the logical development area of New Winchester.

(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 it has already been used for a similar purpose and is partially developed with intent. The proposed use is fully compatible with existing land uses and consistent with the recommended future land use pattern.

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

The Commission finds that the proposal does conserve property values in the jurisdiction, by allowing for infill commercial development in lieu of arbitrarily restricting it in favor of development of a new site.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth, through small town infill development on a principle arterial which are values stated in the Comprehensive Plan.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of February, 2017.

ZA 445/17: DUANE R. & PATRICIA L. LANE; a zoning amendment change from HB/Highway Business District to GB/General Business District, 7.58 acres, Marion Township, S5-T15N-R2W, located on the north side of U.S. Highway 36, approximately 0.33 mile west of the intersection with State Road 75. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office appeared again and on behalf of Mr. & Mrs. Duane Lane, who were also present. Mr. Comer reviewed the location of the property just down the street from the previous application and that it had formerly been known as the Trailer's Galore business site. He stated that the property had been improved for commercial use. He stated that the Lane's had purchased the property for use as a self-storage facility. He stated that would require a GB/General Business zoning designation. He stated that the property was currently zoned HB/Highway Business. He stated that Phase I of the project would be indoor storage. He stated that the applicant was considering further approvals through the Board of Zoning Appeals and Plan Commission for more buildings and potential outdoor storage. He stated that this application was strictly for rezoning the property from HB to GB and he requested a favorable recommendation.

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

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

Mr. O'Riley seconded the motion.

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

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Hendricks County Area Plan Commission

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ZA 445-17:

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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 Article 3. The public hearing included the above zoning map amendment on its agenda.

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(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 similarity to the current use, and its proximity to the logical development area of New Winchester.

(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 it has already been used for a similar purpose and is partially developed with intent. The proposed use is fully compatible with existing land uses and consistent with the recommended future land use pattern.

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

The Commission finds that the proposal does conserve property values in the jurisdiction by allowing the continued use of a commercial property by slightly altering its permissions.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth, through small town infill development on a principle arterial which are values stated in the Comprehensive Plan.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 14th day of February, 2017.

Mr. Brad Whicker stated that concluded the regular portion of the agenda and that there was some discussion items with the first one being in regard to the following:

Special Events Ordinance

Mr. Nicholas Hufford, Hendricks County Planner, appeared and gave an updated presentation on the matter. He stated that after his review and if the members were in agreement, the staff would come back before the Commission next month with the actual ordinance language.

Mr. Reitz added that the public hearing would be held at that time.

Mr. Hufford went on to give a review of the key points of the proposed Special Events Ordinance.

Process Steps

- No Permit Required Steps
- Administrative Approval Steps
- Plan Commission Approval Steps

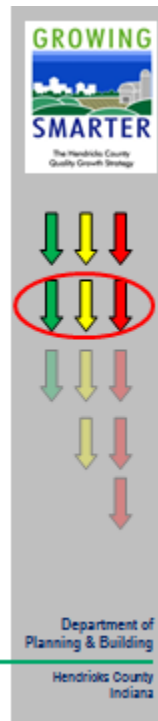
What does this Ordinance Cover?

A Special Event is a **non-incident activity** conducted **outside** for a stated amount of time, over the course of a 180 day period. **All activities conducted beyond the stated 180 day period in a 12 month span are considered permanent uses.** Activities stated to meet at least one (1) threshold must follow the most stringent process the threshold is assigned to.

Ordinance Table

(Each request is evaluated with this table)

Table 7:18 Thresholds					
	Zoning	Hours of Operation	Number of Vendors	Consecutive Days	Total Days in 180 day period
No Permit Required	Permitted in the Zoning District	Sun-Thur. 7A-9P Fri + Sat 7A-10P	< 6	1 or 2	<10
Administrative Approval	Permitted in the Zoning District	Sun-Thur. 7A-9P Fri + Sat 7A-11P	6-24	More than 2	10-120
Plan Commission Approval	Special Exception or NOT allowed in the Zoning District	Hours beyond Administrative Approval	24+	-	121-180



Example 1- Mobile Phone Special Sales Event

- Located in a tent outside First National Bank in Belleville
 - Retail or sales of any kind would not be considered incidental to a bank
- Bank is zoned GB
- Use classified as small scale retail
 - Permitted Use
- Days and Hours of Operation
 - 1 weekend only from 9A-5P Saturday and Sunday
- Just Mobile Phone Company
 - 1 vendor

	Zoning	Hours	Vendors	Consecutive Days	Overall Days
No Permit Required	Permitted in the Zoning District	Sun -Thur. 7A-8P Fri + Sat 7A-10P	< 8	1 or 2	<10

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Example 2 – Seasonal Pumpkin Patch

- Located on 15 acres outside of Danville with a home and some tillable land on the property
- Zoned AGR
- Pumpkin Patch defined as Agricultural Entertainment
 - Permitted Use
- Days and Hours of Operation
 - Held Friday-Sunday End of August to End of October (70 days), and closes by 9P at latest
- Vendor is usually just the property owner, but occasionally will have an apple cider vendor

	Zoning	Hours	Vendors	Consecutive Days	Total Days
Administrative Approval	Permitted in the Zoning District	Sun -Thur. 7A-9P Fri + Sat 7A-11P	6-24	More than 2	10-120

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Example 3- Motocross Event

- Located on 50+ acres South of Stilesville
- Property is normally farmed and zoned AGR
- Motocross would be defined as Commercial Outdoor Entertainment
 - Special Exception in AGR
- Days and Hours of Operation
 - Friday-Sunday, people are on site the whole time, but races only occur 9-5
- Roughly 10 vendors at any given time including food trucks and equipment vendors

	Zoning	Hours	Vendors	Consecutive Days	Total Days
Plan Commission Approval	Special Exception or NOT allowed in the Zoning District	Hours beyond Administrative Approval	24+	-	121-180

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General Application Requirements

C. Every Application shall be accompanied by one (1) letter stating the details of the event including:

- Name, address, phone number of applicant, existing zoning district
- Description of proposed event and outdoor activities
- Contact all relevant agencies to receive recommendations or approval for the event such as: emergency services, health, engineering, drainage and planning
- Certificate of Mailing to relevant emergency services
- Fees as determined by the Fee Schedule

D. One (1) plot plan drawn to scale. At minimum a plot plan shall show:

- Location of all existing buildings and features
- Location of all proposed buildings and features
- Existing streets and alleys adjoining or within the lot
- The distance between activities and property lines
- Number and location of off-street parking and loading spaces
- Type and source of sewage disposal, and type and source of water supply
- Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance
- Size, type, and location of all temporary signage

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Plan Commission Approval

Decision Criteria - The Plan Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

- A) Will not be a lasting negative affect on the community at the conclusion of the event
- B) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- C) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- D) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- E) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- F) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- G) Will be temporary and not be an alternative to a more stringent approval

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A vertical column of seven colored arrows (green, yellow, red) pointing downwards. The bottom-most red arrow is circled in red.

Plan Commission Approval

Decision Criteria - The Plan Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

- A) Will not be a lasting negative affect on the community at the conclusion of the event
 - Makes the intent clear that this is a temporary event, and so it will have a temporary impact on the land it sits on, and the surrounding area
- G) Will be temporary and not be an alternative to a more stringent approval
 - The Plan Commission Approval is not being used as a means to avoid additional requirements that come with being a permanent use

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A vertical column of seven colored arrows (green, yellow, red) pointing downwards. The bottom-most red arrow is circled in red.

Other Ordinance Items

- Enforcement
 - Failure to obtain an Approval shall be a violation of this Ordinance and punishable under Chapter 13: Violations and Enforcement
 - Construction and Use to be as Provided in Application, Plan, Permit, and certificate- Approvals issued on the basis of plans and applications approved by the Director authorize only the use and arrangement, set forth in the approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Chapter 13: Violations and Enforcement
- Director Discretion
- Plan Commission has the ability to issue reasonable conditions of approval, as a part of a Positive Findings of Fact



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Fee Schedule Discussion

\$ 630 basic fee to come to Plan
Commission

– +\$55 legal ad

\$ 150 Administrative Plat Review

\$ 570 Plat Amendment



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Mr. O'Riley asked how the fees were determined.

Mr. Dombrosky responded that the fees were already existing and based on the members' pay and the cost to hold a meeting. He explained in further detail what those existing fees were for the different types of applications.

Mr. Brad Whicker and Mrs. Johnston stated they felt the fees were reasonable. Mr. Whicker added that he felt they were ready for a public meeting to be held on the matter.

There was more discussion on the fee schedule among the members and staff. Mr. Reitz added that the fee ordinance would need to be amended.

Mr. Hufford went on to discuss how to attach this to the zoning ordinance. He stated that two different chapters would need to be amended to insert a definition and table and as well as Chapter 7 and Chapter 12.

Mr. Brad Whicker added that it was his understanding that interested parties had been made aware of the Special Event Ordinance.

Mr. Reitz stated that he had communicated with the interested remonstrators and the petitioners and he would continue to keep them informed.

Mr. Dombrosky added that when the matter was heard last year, they did not have a good enough Findings of Fact to base a decision on.

Mr. Brad Whicker added that this would make a more streamlined approach.

Ms. Tilton asked if this would make it more enforceable.

Mr. Reitz stated that it would be more enforceable and specifically by enforcing the language in Chapter 13.

Mr. Tim Whicker asked what specifically the enforcement rules were.

Mr. Reitz responded by stating that he believed it would be a \$2,500 fine per day and that the County Attorney could give a better explanation.

Mrs. Johnston added that at least now there was something to go by.

Mr. Tim Whicker asked what would happen now if someone wished to hold an event.

Mr. Dombrosky responded that probably it would not be known that a permit would be needed to hold an event. He stated that such events were not being searched out.

Mr. Reitz stated that he had been in this position for thirteen years and could not remember more than one or two events that needed to be reviewed.

Mr. Tim Whicker commented on events and making sure these events were handled fairly and event holders were not penalized this first year until people were familiarized with a new ordinance.

Mr. Brad Whicker stated that he felt we did not have the staff to totally police all events and that discretion should be used.

There being no further questions or comments, Mr. Brad Whicker called for discussion on the next item, that being the **State Road 39 Corridor Plan**. Mr. Whicker asked Mr. Gentry if he wanted to start by giving an update on the Commissioners' recent decision on the matter.

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Mr. Gentry responded by saying that at the recent meeting, the Commissioners' voted down approving the plan as presented to them. He stated that Mr. Dombrosky had discussed that the Thoroughfare Plan and the Comprehensive Plan would need to be updated which would help assuage the Commissioners concerns regarding the Corridor Plan.

Mr. Brad Whicker commented that since the Plan had been voted down, he no longer had an interest in picking up the pieces. He stated that he was disappointed and that he felt the Plan had been a very important proactive tool to manage that developing area. He stated he felt because that Plan would not be in effect, it would reflect poorly on the county. He stated he would "wash his hands" of being part of participating in another corridor plan. He stated that there were a lot of people that invested a lot of time and a lot of effort with a lot of resources and money spent with no results.

Mr. Gentry responded that it was a good plan and he had complimented K.K. Gerhardt-Fritz, the consultant. He stated there were just issues with the thoroughfare plan and how the corridor plan would be attached to the Comprehensive Plan. He stated that he did not feel there were any issues with other parts of it.

Mr. Tim Whicker then added comments that rather than throw out this plan, it should be amended and he wanted to know what their options were if the problem was only with the Belleville section of the corridor.

Mr. Dombrosky stated that he had told the Commissioners at their recent meeting that he did not think the Plan Commission would want to revisit the matter. He stated that he did not think that retooling a plan that everyone said was a good one, would make sense or worth their time. He stated that was especially because the Comprehensive Plan needed to be updated and the Corridor Plan had been a recommendation to the current Comprehensive Plan. He stated he believed that the work done on the Corridor Plan could be incorporated into a Comprehensive Plan update. He stated he did not know the extent of that because a Comprehensive Plan by design did not get into that level and there would be some waste. He stated that some of the concepts could be looked at as part of that process. He added that where they were now was that they were working with the current land use plan and comprehensive plan for that area and also working with the current thoroughfare plan which showed the same right-of-way widths that it showed ten years ago when it was created. He stated that they were in a place where they had to enforce those upon this land use plan with any potential developers that we had been talking to in the last six months and we would have to inform them that the land would need to be developed for suburban residential and abide by a 180 foot setback. He stated that was where you were at as a planning department and as a Plan Commission. He stated he hoped the situation could be remedied soon and then have an avenue to allow those land owners to develop their land and that right now, they did not.

Mr. Reitz added that another run with this would need to be done through a Comprehensive Plan update and that the Thoroughfare Plan would definitely need to be made a part of that update. He said that would be an entirely separate project.

Ms. Tilton added that would be a lot of work.

Mr. Dombrosky agreed and added it would not be completed this year.

Mr. Reitz stated it was doable.

Mr. Brad Whicker asked for any further questions, comments or discussion on the matter. There being none, Mr. Whicker moved on to the next discussion item on the agenda as follows:

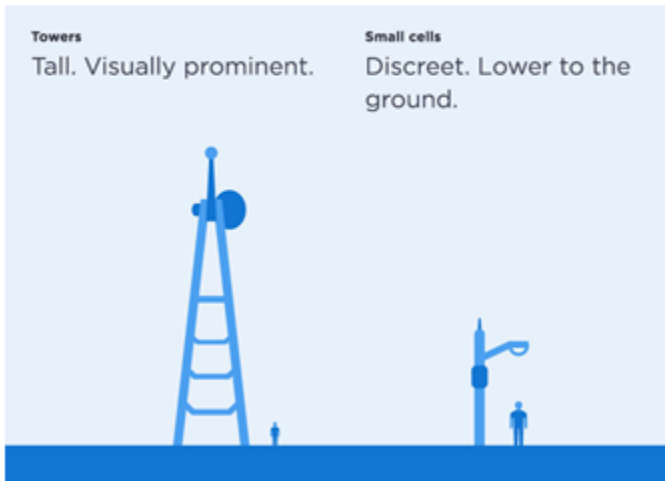
Micro Cell Towers

Mr. Nick Hufford again came forward to give a presentation on the wireless support network in the county. His presentation was as follows:

Why do we need an Ordinance

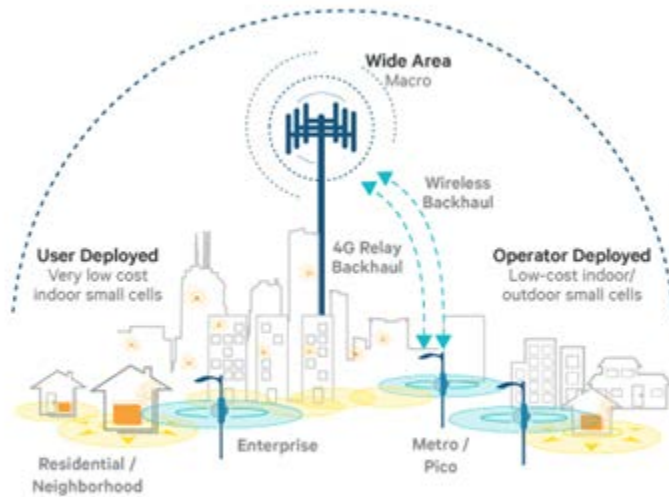
- Federal Telecommunications Act of 1996 was amended
- Indiana adopted HB 1318 for section IC 8-1-2-1
- As a reaction to a change in technology (small cells) and tactics (locating in the ROW) for cellular and wireless communication capacity

Traditional vs. Micro (or small cell)



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What are we trying to do?

- Using Ordinances that have already been developed to manage this
- Preserve the aesthetics and character of the County, while also providing opportunity to improve communication services
- Create an overlay that effectively monitors and guides structures being placed in the ROW



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Things in our control

- No towers can be built without a service provider
- Verification/ Determination of actual need
- Location/ Preferred locations
- Height
- Appearance/ Aesthetics
- Co-location
- Number of Sites
- Application Fees
- Zoning requirements
- Removal Bond



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Basics of the Ordinance

- Purpose and Applicability
 - Creates an Overlay for all the Right of Way in the County to apply zoning standards to any structure placed in their boundaries
- Definitions
 - Identifies many “small cell facility” specific terms as well as what this ordinance does Not apply to (such as power utilities)
- General Standards of Applicability
 - Permitting will go through both the Planning & Building Department, as well as Highway & Engineering Department



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- New Wireless Support Structures
 - Will undergo the most scrutiny, this section outlines all the necessary steps and what we are and are Not allowed to require for a permit
- Substantial Modification
 - Once equipment is set up, it will need to be reviewed for substantial change to make sure the structure is still safe, especially considering its potential proximity to the road
- Collocation
 - This is the preferred method of using an existing pole to put equipment on, and for multiple providers to use the same pole



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- Suggestion for Alternative Location
 - In trying to keep poles out of the direct view of homes, and in the least destructive location we are willing to work with providers on ideal new facility locations
- Permit Fee
 - There will be fees like all other permits
- Other
 - Includes: Interpretation, Effective Date, Severability, and Enforcement



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Shot Clock

	New Structure	Substantial Modification	Collocation
Time to Review	Permit authority "shall review" application within ten business days of its receipt to determine if it is complete		
Notice of defect	If the application is not complete then the permit authority must provide the applicant with written notice of the application's defect		
Time to cure defect	Resubmit within 30 days of defect notice	Resubmit within 30 days of defect notice	Resubmit within 15 days of defect notice
Exception for time to cure	If applicant cannot cure within the specified time period, it shall notify the permit authority of "additional time needed"		
Time to evaluate application	Within 90 days of making determination of completeness, permit authority must determine whether application complies with ordinance		Must make this same determination within 45 days of initial determination.
Tolling of time period to evaluate application	If applicant requests additional time to cure defects, then the 90-day period is extended correspondingly		45-day period is extended correspondingly



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That concluded Mr. Hufford's presentation and he asked for questions from the members.

Mr. Gaston commented that it made sense for areas of dedicated right-of-ways. He talked about an old court case that had to do with right-of-way and at the time the county only had edge of pavement to edge of pavement. He stated that was the prescriptive pavement that was being used. He stated if they went through a process where they would get an approval and what kind of liability would there be if there was not a dedicated right-of-way with a lawsuit filed and a determination that we did not have the authority or ability to grant the right-of-way because it was not county controlled and was private property.

Mr. Hufford responded that they would actually put that burden upon the applicant. He stated it would be up to them to verify whether or not it would be in the county right-of-way. He stated the staff could check on it in the application process and since it would be in the right-of-way, the engineering department would need to look at it as well.

Mr. Reitz asked how any other utility would be affected.

Mr. Gaston responded that a lot of the utility poles were installed a long time ago. He mentioned the court case again and that it had happened ten years ago in Monroe County. He stated that it sent shock waves through all the different county entities because they were using drainage ditches and things of that nature and the court said it was on private property and that they did not have the ability to grant an approval for a utility company now. He stated he did not know if those utility companies had received approvals through the county when those poles were installed during the 1950's or 60's. He added that maybe they do now but he was not sure. He stated he knew that was an issue and that in Hendricks County there was a lot of information on the commissioners' approvals and the three mile roads back in the early 1900's. He added that Stan Shartle had created a nice map. He stated it was always an issue between his office and the County Engineer because they did not have on some of the county roads information on any thirty foot right-of-way or two rod right-of-way. He stated that was his concern and if they could not find that information, was Nick saying they could deny the application.

Mr. Hufford responded that we could then write our application then based on them finding that out. He stated that the shot clock was written in a way that the applicant had plenty of time if they saw any errors to go in and correct it as they had more time than we did.

Mr. Reitz stated that we would have a lawyer working on this also with us.

Mr. Dombrosky stated that Mr. Graham Youngs of the County Attorney's office had done some good research on what prescriptive right-of-way was when there was none described or none dedicated.

Mr. Youngs appeared and added that he thought they would be getting into a parent right-of-way too and our definition of right-of-way included the legal right-of-way in the county so that would include both dedicated and parent right-of-way. He stated it would be on the petitioner to do the legwork on that.

Mr. Gaston added he then understood they would be contacting his office and the County Engineer's office for that information. He added that might not be good news for his office as those were old, old records that the county had not done a good job of keeping. He added it sounded like he and Mr. Ayers would need to get together to do some work to bring that up to speed.

Mr. Brad Whicker asked for further questions on the matter and commented that good work on it had been done.

Mr. Dombrosky added that as Mr. Hufford stated, the impetus was for treating these like we treated other utilities. He stated as it stood now, it left us open to things we would not want. Mr. Dombrosky also added that the current legislature was also working on another update to this matter and that they wanted it to be even less strict that it was two years ago.

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Mr. Brad Whicker then stated the next matter for discussion was the **New Planning Director Search Committee**.

Mr. Reitz stated that the Plan Commission needed to set up a search committee for a new Planning Director as he was "hanging up the spurs." He stated that the good news was that they now had six (6) candidates. He stated it was now up to the Plan Commission to hire his replacement. He stated he was not sure how they wanted to move forward with this but his official retirement date was May 1, 2017 and that he would be available to train a new person from April 1, 2017 through April 30, 2017.

Mr. Brad Whicker stated that his position was as a part of the Commission and an elected official that he be a part of the official search committee. He stated he felt it would be essential for Mr. Gentry to be part of the search committee since he was the Commissioner representative. He stated he felt one other person should be a part also and that three would be enough. He stated that before a final decision was reached, the committee could come back and consult with the other members of the Plan Commission.

Mr. O'Riley stated he would be willing to serve also.

Mr. Brad Whicker stated he felt three would be enough and that five would be challenging.

Mr. Reitz asked about including any Board of Zoning Appeals members.

Mr. Brad Whicker stated he did not want to include the Board of Zoning Appeals.

Mr. Gentry stated he would be willing to step down if someone else wanted to serve.

Mr. Brad Whicker responded that even though he wanted Mr. Gentry to be a part of the search committee, he would ask someone else. Mr. Whicker added that he was also considering Damon Palmer.

Mr. Gentry stated he was okay with Mr. Whicker making the decision on the members to serve.

Mr. Whicker stated he felt the decision could be long lasting and it was an important decision.

Ms. Tilton stated she would be willing to work with them after they had whittled the number down to a few select candidates.

After further discussion, it was determined that Brad Whicker, Damon Palmer and Walt O'Riley were selected to be on the Plan Director Search Committee and they would whittle the candidates down to interviewable candidates to present to all members and also after a discussion with Mr. Reitz on the candidates selected.

Mr. Reitz commented that the ones selected met the qualifications for the position and he would provide the committee with the information for them to whittle down the list. He added that one of them was from Colorado and he assumed we did not provide travel expenses.

Mr. Whicker stated no.

Ms. Tilton added that she had webinar software if needed.

Mr. Tim Whicker suggested skyping also.

Mr. Reitz then added that the planning staff was jittery about the selection. He asked about allowing one of the staff members, Tonya Cottrell, to be part of the interview process to take notes and given written comments from the staff.

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Mr. Brad Whicker stated he was not sure about that.

Ms. Tilton suggested maybe not right at the beginning but after the narrowing down.

Mr. Brad Whicker stated he would absolutely consider Don's suggestion.

Mr. Reitz stated that since Mr. Palmer was not present this evening, he would forward Mr. Palmer's contact info to him.

There being no further business, the meeting was adjourned at 7:40 p.m.

Don F. Reitz, AICP, Secretary