

March 27, 2017

A special meeting of the Hendricks County Area Plan Commission was held on Monday, March 27, 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. Damon Palmer, Vice-President; Mrs. Sonnie Johnston; Ms. Angela Tilton; Mr. Walt O'Riley; and Mr. Bob Gentry. Members absent were: Mr. Brad Whicker, President; and Mr. Tim Whicker. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. Graham Youngs, County Attorney Representative; 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 five (5) members present.

Mr. Palmer then called for a motion to approve the February 14, 2017 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the February 14, 2017 meeting minutes.

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

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

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

**TZA 01/17: An amendment to the Hendricks County Zoning Ordinance by Amending Chapter 7.13 (D) Special Event, (E) Other; Chapter 12.16, and the Plan Commission Fee Schedule;** and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Tim Dombrosky, Senior Planner, gave a brief presentation on the details of this proposed zoning amendment and the discussions had in the past on the matter. He stated that due to lack of a quorum, the regular March meeting of the Plan Commission was cancelled and this special meeting was held to address this zoning amendment because of some time constraints getting this implemented in time for the summer events. He stated that the amendment would establish the procedure for applying for a special event permit and then the review of those special events. He stated that it would set out the criteria for judging those events in different categories whether administratively approved, through Plan Commission approval or approved by right. He stated it would lay out the penalties as well for non-compliance.

Mr. Palmer then stated that the Public Hearing on the matter was now open.

Mr. Reitz stated that there were two people signed up to be heard and he asked if anyone else wished to be heard, they should approach the Board and sign in with their name and address.

Mr. Palmer asked that speakers limit their comments to three minutes.

Mr. Abraham Atialy of 3841 North County Road 75, North Salem, appeared to be heard. He commented that the noise from last summer's motocross race near his property had been very loud and noise was his biggest concern from these event types. He added that he would appreciate the members' considerations on this matter.

Mr. Seth Atialy, 3841 North County Road 75, North Salem, appeared to be heard. He asked for an explanation of the term excessive production of traffic as set out in the proposed amendment to Chapter 12 12.16 (H)(2.)(4). He asked if there was a defining scale of what was excessive

Mr. Dombrosky responded that those conditions were not quantified and were more subjective. He stated it would be very difficult to put on actual numbers as they would have to be measured which would require men in the field. He stated that in terms of judging the event based on those numbers, it

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would not be known what an event would be like until it actually occurred. He added that for some of those items did not have defined numbers because that would rely a lot on self-reporting.

Mr. Atialy stated he understood but felt there should be some measureable variable for enforcement purposes.

Mr. Dombrosky responded that would not be true necessarily.

Mr. Reitz added that the Plan Commission had the discretion to determine what was excessive.

Mr. Dombrosky added that the Plan Commission could determine whether something would be excessive or not and that would be something that could become binding.

Mr. Atialy then went on to ask about a definition for the next review item having to do with a historic feature of major importance.

Mr. Dombrosky stated again that the items were subjective criteria and were based on the general special exception criteria for all of their other Board of Zoning Appeals cases. He stated it was something that had been used in the past to approve or deny special uses and they were enforceable.

Mr. O'Riley asked if an event had to be reviewed, would it be looked at case by case to make decisions.

Mr. Dombrosky stated yes and that if it was an event that would qualify to come before the Plan Commission, the applicant would present the activities proposed, the Plan Commission would then look at the proposed seven criteria and possibly determine that the event would violate one or more of the criteria. He stated that the criteria were set up to be a backing for any denials or approvals.

Mr. Palmer added that as an example, there would be a public hearing and if there were a natural or historic scenic feature present, it could be brought forward during that public hearing and the Plan Commission could make a decision based on what they were hearing about potential attendees and the potential impact on that feature.

Mr. Reitz added that was correct and the Plan Commission could make that determination the same way that the Board of Zoning Appeals made theirs.

Mr. Dombrosky stated that previously when making decisions on these events, there were not even any qualitative criteria or backing for challenging as it was not in the ordinance.

Mr. Youngs added that it was a guideline and framework with discretion to consider those factors.

Mr. Dombrosky stated that once that decision was made by the Plan Commission, the subjective ratings would be applied to their backing if it was necessary to challenge in court.

Mr. Steve Miller, 2613 North State Road 75, North Salem, appeared to be heard. He had a question regarding the statement made as to a "natural right" and asked what that meant.

Mr. Dombrosky stated the term was "by right" and those were activities permitted without seeking any permission.

Mr. Miller stated that in regard to the motocross event that occurred even after the Plan Commission had denied the permit, he understood that the groundwork for denial had not been in place at the time and he asked what was going to prevent an applicant from going ahead with an event after it was denied with the ordinance in place and prevent them from doing so as many times as they wanted.

Mr. Dombrosky responded that it would be a violation of the ordinance.

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Mr. Miller asked how that would be enforced.

Mr. Dombrosky stated that they would use the same fines and enforcement mechanisms that were used for all of the other types of violations.

Mr. Miller asked if that would involve issuing tickets and going to court.

Mr. Reitz stated yes.

Mr. Miller asked what would prevent them from violating that order also.

Mr. Youngs responded that if there was a court order, it would be like any other civil action. He stated there could be sanctions imposed with the court order. He stated there was a fee or penalty schedule in place for the violations and could be increasingly more punitive.

Mr. Miller stated that nothing prevented the operators from going ahead the last time.

Mr. Reitz stated they had no ability for enforcement at that time.

Mr. Miller added that the promoters knew they would have more than enough money to pay any fines levied on them.

Mr. Youngs again stated that court orders would be increasingly more punitive and they could be subjected to some pretty significant sanctions.

Mr. Miller asked if the Sheriff would be the enforcer.

Mr. Youngs stated it would depend on the sanction but that yes, in theory, it would be the sheriff.

Mr. Miller then asked about their definition for a temporary event.

Mr. Dombrosky responded that when an application was made, the ordinance strictly defined the timeframes. He stated whatever timeframe the applicant indicated could not be gone outside of. He stated if it was a large timeframe, there would be more scrutiny of the event process. He stated if it was just for one day, it might be permitted "by right."

Mr. Miller then asked about a permanent event.

Mr. Dombrosky responded that if it would be an event of more than 180 days or more than one half of a year, it would be a permanent event. He added that below those times, the Plan Commission would look at it based on if it would be more than one weekend. He gave some other examples of event times and how they could be handled by the Plan Commission.

Mr. Miller asked one more question as to the recent event held in his area and what would happen if the same promoter came back again under the new guidelines and would they be denied or given another opportunity to hold the event.

Mr. Dombrosky answered that it would need to be considered on a case by case basis.

There being no one else signed up to be heard, Mr. Palmer closed the public hearing and called for further discussion.

Mr. Gentry asked that if traffic was too heavy for an event, would the Sheriff or other entity be compelled to direct traffic for that event.

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Mr. Dombrosky responded that if the staff felt that a strain existed, during the initial application, they would make sure to talk to Mr. Ayers' office or the Sheriff as to whether there might be an undue burden on public facilities and if so it would be made clear to the Plan Commission to factor that into their decision on that event.

Mr. Palmer responded that if Mr. Gentry looked at H. Special Event Review Procedure Section 2 (c.)(1)(2), it appeared if it went before the Plan Commission, modifications or conditions could be placed on the approval for an event. He stated that if there was a concern about traffic, the Plan Commission could add a condition about having some sort of traffic control. He added that they could also gain input during the public hearing from local citizens as well. Mr. Palmer then went on to express his concern about the fine schedule. He stated that it appeared to him that the fine would be \$2,500 per violation with a violation being per day. He then asked if they had the ability to adjust that fine. He stated he felt it would be good to have the ability within the Plan Commission's approval to have some sort of multiplier for a fine based on the event.

Mr. O'Riley stated that made sense to him and that he would want a violation to have some teeth to it.

Mr. Palmer stated that an event could generate large numbers of people.

Mr. Youngs stated he would want to look into that factor a little more before giving a definitive answer.

Mr. Dombrosky stated he did not have an answer to that question and that two things to consider in that the \$2,500 fine was a maximum placed in the zoning ordinance for any violation. He stated it was kind of a checks and balance on them as a plan commission. He stated that number was what was deemed appropriate as a violation amount. He added that it was also by nature of the zoning ordinance more of an enforcement mechanism for mostly fining junk and debris, unsafe buildings, etc., and stuff that persisted.

There was further discussion on the maximum fines.

Mrs. Johnston added that at least now they might have something to go by when reviewing the event permit applications.

Mr. Palmer asked if there was any ability within this special ordinance for a specific fine schedule.

Mr. Dombrosky responded that the County Attorney would probably need to be consulted about that. He added that he would say no because the penalty section was a different section of the ordinance.

Mr. Reitz added that it might be better to stick with the penalty section.

Mr. Dombrosky added that there were certain restrictions placed by the state as to civil penalties placed by municipalities. He added that there was also an amendment process.

Mr. Palmer asked what that would be.

Mr. Dombrosky responded that it was the same as for a text amendment. He stated that the only difference was if you were imposing an increased penalty, you would need to advertise the entire text of the ordinance.

Mr. Palmer asked for confirmation that procedure would be done by the Plan Commission.

Mr. Reitz responded yes.

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Mr. Dombrosky added that more legal research needed to be done to determine the bounds.

Mr. Palmer then asked if there were any new applications for event permits in the works for the next thirty days.

Mr. Reitz responded that yes there were.

Mr. O'Riley asked if they approved this amendment, would they be able to come back later and amend it if they thought it necessary.

Mr. Dombrosky stated that anything that came before them, they would need to work with what they had when it came before them.

Ms. Tilton added that if the amendment was not approved, then they would be required to operate with what was now in place and that there was a penalty section in place now.

Mr. Dombrosky responded yes.

Mr. O'Riley stated that if approved, that would give the commission a base to work with and any adjustments could be made later.

Mr. Gentry stated that he had hoped for a consensus to approve this proposal considering all the work that went into it by the staff. He added that they needed to have something to start with as they had nothing before.

Mr. O'Riley stated he felt they were all in agreement with that.

Ms. Tilton added that everyone seemed to be comfortable with the amendment and wanted to see the fee schedule made stronger.

Mr. Palmer agreed that the penalties needed to be updated.

There was an agreement by all present to be favorable to the amendment.

There being no further discussion, Mr. Palmer called for a motion.

Mrs. Johnston made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **TZA 01/17**.

Mr. O'Riley seconded the motion.

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

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

The proposed ordinance amendment was as follows:

**Ordinance No. TZA 01-17**

**An Amendment to the Hendricks County Zoning Ordinance by Amending Chapter 7.13 (D) Special Event, (E) Other; Chapter 12.16, and the Plan Commission Fee Schedule**

**Whereas**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on August 12, 2008 and which became effective October 1, 2008

**Whereas**, the Hendricks County Area Plan Commission has recommended that the Fee Schedule be amended and the Zoning Ordinance be amended as to Chapter 7.13(D) Special Events; Chapter 12.16

**Whereas**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA 01-17 and voted to forward a favorable recommendation to the County Commissioners; **Whereas**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

**7.13 TEMPORARY USE AND STRUCTURE STANDARDS**

Remove:

**D. SPECIAL EVENT.** Temporary sales for special events are required to obtain an Improvement Location Permit. See Section 12.10 Improvement Location Permit.

1. General Requirements

- a. A parking lot designated for a special event shall be permitted
- b. Temporary signs in connection with special events shall conform to the temporary sign requirements of Section Chapter 9: Sign Standards.

2. The sale of Christmas Trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, and tent sales shall be permitted for a maximum time of sixty (60) days and no more than 4 events per year.

3. Festivals, bazaars, carnivals, and similar temporary uses shall be permitted for a maximum of ten (10) days.

**E. Other.** Other similar uses deemed temporary by the Plan Commission and attached with such time period, conditions, and safeguards as the Commission may deem necessary.

Add:

**D. SPECIAL EVENT.** Definition. A Special Event is an activity, not incidental to the primary use, conducted outside over the course of an established 180 day period. An activity conducted for more than the established 180 day period in a 12 month span shall be considered permanent.

1. An event with components only in the 'By Right Permission' line of Table 7.19 are permitted to hold the event.
2. An event with at least one (1) component in the 'Administrative Review' line of Table 7.19 must follow the process outlined in Section **12.16 Special Event Review Process**.
3. An event with at least one (1) component in the 'Plan Commission Review' line of Table 7.19 must follow the process outlined in Section **12.16 Special Event Review Process**.
4. The Planning and Building Director can require any proposal to submit to either review process as they deem it necessary.

**CHAPTER 12: PETITIONS, PERMITS, AND PROCEDURES**

Table 7.19: Special Event Processes and Components						
		Components				
		Zoning District	Hours of Operation	Number of Vendors	Consecutive Days	Total Days in 180 Day Period
Processes	By Right Permission	Permitted	Sun-Thurs 7AM-8PM, Fri & Sat 7AM-10PM	<6	1 or 2	<10
	Administrative Review	Permitted	Sun-Thurs 7AM-9PM, Fri & Sat 7AM-11PM	6-24	More than 2	10-120
	Plan Commission Review	Special Exception or Not permitted	Hours beyond Administrative Review	24<	-	121-180

Add:

## 12.16 SPECIAL EVENT REVIEW PROCESS

- A. Purpose.** The purpose of this chapter is to identify a procedure for the review and approval of Special Events
- B. Applicability.** See Section Chapter 7.13(D) Special Events
- C. By Right Permission.** All activities with no components exceeding the 'By Right Permission' line of Table 7.19 are permitted to hold the event without any additional review.
- D. Application Requirements.** A complete submittal will include the following items:
  - 1. One (1) Application form
    - a. This application form, when completed will contain general information including primary contact information, the name and location of the event, identification of all the property owners and event operators, the parcel number(s), existing zoning district, and must be signed by the property owner(s) or include written authorization for an agent.
  - 2. One (1) letter of intent. This letter shall describe, in sufficient detail, the proposed event and all activities associated with the event.
  - 3. One (1) Plot Plan which shall contain:
    - a. The location of all existing buildings and features
    - b. The location of all proposed buildings and features
    - c. Existing streets and alleys adjoining or within the lot
    - d. The distance between activities and property lines
    - e. The number and location of off-street parking and loading spaces
    - f. The type and source of sewage disposal, and type and source of water supply
    - g. Such matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance
    - h. The size, type, and location of all temporary signage
  - 4. Any necessary approval by local agencies which shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
    - a. Emergency Service Providers
    - b. County Health Department
    - c. County Highway Department
    - d. Hendricks County Drainage Board
    - e. County Clean Water Department
    - f. Incorporated towns
  - 5. Application Fee. The Special Event application must be accompanied by the payment of a fee as established by Section 12.15 Fees. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.
- H. Special Event Review Procedure**
  - 1. Special Event Administrative Review: An event with at least one (1) component meeting the Administrative Review' line of Table 7.19, must submit an application as described in section D. above in addition to an application fee as required by the Hendricks County Fee Ordinance:
    - a. The Planning Staff will approve or deny the request, or determine that Plan Commission review is necessary.
      - 1) All decisions in this chapter are subject to the Appeals process Section Chapter 12.9

2. Special Event Plan Commission Review: An event with at least one (1) component meeting the 'Plan Commission' line of Table 7.19, must submit an application as described in section D. above in addition to an application fee as required by the Hendricks County Fee Ordinance:
  - a. Plan Commission Review. 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:
    - 1) Will not be a lasting negative effect on the community at the conclusion of the event;
    - 2) 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;
    - 3) 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;
    - 4) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
    - 5) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
    - 6) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
    - 7) Will be temporary and not be an alternative to a more stringent approval.
  - b. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice
  - c. Plan Commission Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure as amended.
    - 1) Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Special Event Request application.
    - 2) The Plan Commission may impose conditions on the approval of a Special Event request if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become part of the record of approval.
- E. Record of Approval.** The Director shall maintain a record of all Administrative and Plan Commission Approvals.
- F. Failure to Obtain an Approval.** Failure to obtain an Approval shall be a violation of this Ordinance and punishable under Chapter 13: Violations and Enforcement
- G. Event to be as provided in application, plan, and permit.** Special event permits issued on the basis of plans and applications approved by the Plan Commission authorize only the activity and arrangement set forth in the approval, and no other arrangement or activity. Activity or arrangement contrary to that authorized shall be deemed a violation of this Ordinance, and



punishable as provided in Chapter 13: Violations and Enforcement.

### **Hendricks County Fee Schedule 2009**

Located under the **Plan Commission** Heading, Add:  
Special Event Review; \$630

Located under the **Administrative Fees** Heading, Add:  
Administrative Special Event Review; \$150

Mr. Palmer then called for the next public hearing item as follows:

**TZA 02/17: An Amendment to the Hendricks County Zoning Ordinance by Amending Chapter 14 Overlay Districts by adding Section 14.6 Public right of Way (PRW) Overlay District**, and referring to all rights of way in Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission and regulating the placement of small cell facilities therein.

Mr. Nick Hufford, Planner, gave a brief review of the proposal. He stated that there was an increasing demand for bandwidth for cell phone usage and that the industry was moving toward what they called micro cell towers. He stated that these would be the midrange local level towers and the industry had said that maybe even up to one tower per 40 customers was needed. He stated that was potentially how much bandwidth capacity might be needed as we continued to use our cell phones more and more. He added that how these would impact us was that these were going to be structures that they wanted to put in the right-of-way. He stated that traditionally that was where telephone and electricity poles were placed. He stated that the state and nationally had also recognized these as a utility and they had access to the right-of-way the same as those other utilities. He stated they had been tasked with finding a way to allow them to come in but they did pose another thing that could potentially fall or another pole that could be near your front door. He stated that would mean how we worked with the companies as well as looking at our citizens and constituents and protecting them.

Mr. Dombrosky then stated that where they were at in the process was that the state had enacted legislation last year that granted these cell providers access to our rights-of-way. He stated as we did not have anything in place, we had to put something in place quickly and we did not have any real permits for these until recently. He added that then the state legislature decided that they were not done and they were working on new language. He stated that at the recommendation of the County Attorney's office, they had put together this ordinance with the help of Graham Youngs from the County Attorney's office to get it in place so we would have bones to work on and then if something changed statewide, we at least had ground to stand on moving forward. He stated as Mr. Hufford had informed you, these would be going in the right-of-way. He stated it would be a zoning overlay district essentially that applied to our right-of-way. He stated that they were regulating these as we would other zoning matters even though we did not typically have authority in the right-of-way or zoning regulations in the right-of-way. He added that it only applied to those cell towers going in the right-of-way. He explained that these were not the typical cell towers handled through the Board of Zoning Appeals but were single poles of approximately the same height as a utility pole. He stated that the state was very strict about the rules we placed on these structures because they did consider them a public utility and that we would be working within those bounds. He stated they had developed this ordinance from those from other municipalities, namely, Fishers, Indiana, and a couple of others also.

Mr. Youngs added that Fishers and Zionsville had already enacted these ordinances and that he had been talking with the attorney from Fishers who indicated that it had really worked out for their community. He stated that the language in our proposed ordinance amendment had come from the Fishers existing ordinance. He stated because some of it was set out in state statute, a lot of it was out of our control.

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Mr. Dombrosky stated that because this was coming quick, they had not had time to have discussions with local stakeholders but as Mr. Youngs indicated the ordinances we were basing ours off of were constructed in that fashion. He stated there were new things in our right-of-ways that we had to be aware of and how could we fairly treat them but also have the control to keep everyone safe as well. He stated that the county attorney did want them to get this ordinance in place and he asked that the members do consider being favorable to this amendment.

Mrs. Johnston asked if they put this ordinance amendment in place, could they go back and change it, if needed.

Mr. Dombrosky stated yes and getting this in would help them deal with the applications that were beginning to come in.

Mr. Gentry asked questions about the location and fall zones.

Mr. Dombrosky responded that the fall zone was defined as a formality in the ordinance and that they did not actually use the fall zone as a regulation. He stated that Mr. Ayers' office did have safe engineering standards and he could use those if he felt a structure would not be safe and as a means to deny it, if necessary.

Mr. Palmer asked for a best and worst case scenario.

Mr. Dombrosky replied that they had some real life examples to go off of now. He stated that some of these facilities could look like a six foot diameter steel pole one hundred twenty feet in the air and six feet off of the pavement at the edge of a county road. He stated this would not give to your vehicle. He stated they could not really deny that right now.

Mrs. Johnston then asked if they passed the proposed ordinance, then that scenario could be addressed as to safety.

Mr. Dombrosky stated yes.

Mr. Youngs stated that the other municipalities had this in place for a long time and had not really had a push back yet but that the process to approve it had been long with many meetings with stakeholders. He stated that Mr. Steuerwald had met with the attorney for the company submitting the application and felt they would have a good relationship but wanted to get something in place to address the applications by.

Mr. Palmer asked about the towns in Hendricks County.

Mr. Reitz stated he thought the Town of Avon had modelled theirs after the Fishers ordinance.

Mr. Dombrosky stated that the Town of Avon was the only one they had heard from on the matter.

Mr. Palmer then opened the public hearing.

Mr. Paul Miner, 113 Shockley, Lizton, appeared and discussed the possibility of towers made to resemble things like trees, flag poles and even giraffes, which he had seen in research on the internet. He added that by doing that, it might yield better flexibility in location rather than being in the right-of-way and avoiding lines of poles.

There was some discussion among the members about Mr. Miner's suggestion.

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

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Mr. Gentry then disclosed that he had a cell tower on property he owned and he would not vote on the matter if the members felt he should not.

Mr. Dombrosky replied that he thought Mr. Gentry could vote because there was a difference in that the one on his property was just a cell tower and the ones they had been discussing were mini's and would not require leasing and were single structures to be located in the public way. He said these structures were granted the right to be located on public lands.

Mr. O'Riley asked about the amount of space needed.

Mr. Dombrosky stated that was not a concern and that it would be more that they were structurally sound and that there were no vision issues. He then mentioned that they would be processed as right-of-way cut permits through the County Engineer's office with a zoning sign-off from the Planning & Building Department.

Mr. Palmer asked if the staff had any information on the more creative designs.

Mr. Dombrosky responded that there was a section on esthetics and that basically we could require them to modify themselves to be similar to other poles in their vicinity.

Mr. Palmer asked if a diameter was specified.

Mr. Dombrosky stated no and that would be more of an engineering standard.

Mr. Palmer stated there was a height restriction and that they had to be the same height as the poles around them.

Mr. Dombrosky stated that it would be scalable depending on what was around them.

Mr. Palmer stated that it looked like there was a requirement of 1,000 feet between other wireless facilities.

Mr. Dombrosky stated that they had wanted to make sure there were not too many of them in one area. He added that they were meant to service populations so they would not want to spread out as much as other utility poles did.

Mr. Palmer asked what if there were no other utility poles in an area and what would be the height restrictions.

Mr. Youngs responded that would follow the underlying zoning district or any other poles within 660 feet.

Mr. Dombrosky added that if they were not within 660 feet, it would go to the underlying zoning district which would probably be 50 feet.

Mr. Palmer commented that basically the worst case scenario would be that they could be located every 1,000 feet.

Mr. Dombrosky responded that the worst case scenario would be that we could be sued and lose. He stated that it would be every 1,000 feet with a ninety foot maximum height. He stated they would be located in a way that was safe for traffic and for residents. He repeated that most of the required engineering standards would be approved through the County Engineer's office and the rest through the Planning & Building Department.

There being no further questions or comments, Mr. Palmer called for a motion.

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Mr. Gentry then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **TZA 02/17: An amendment to the Hendricks County Zoning Ordinance by Amending Chapter 14 Overlay Districts by adding Section 14.6 Public Right of Way (PRW) Overlay District.**

Mr. O'Riley seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

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

The proposed ordinance amendment was as follows:

#### **ORDINANCE NO. TZA 02-17**

#### **An Addition to the Hendricks County Zoning Ordinance Districts and Maps Concerning Use of Micro Cellular Communications Towers**

WHEREAS, § 322(c)(7) of the Telecommunications Act of 1996, 47 U.S.C. ("Act") preserves state and local authority over zoning and land use decisions for personal wireless service facilities, including wireless facilities, wireless support structures, and related equipment;

WHEREAS, the County of Hendricks, Indiana ("County") has adopted standards and rules governing zoning and land use, and now specifically desires to adopt additional standards concerning the placement, construction, and modification of wireless facilities, wireless support structures, and related equipment in the County's right-of-way;

WHEREAS, the County desires to adopt standards consistent with the Act and Indiana law that (a) do not discriminate among providers of functionally equivalent cellular services; (b) do not have the effect of prohibiting the provision of personal wireless services; (c) require action on applications and basic development standards for wireless facilities and wireless support structures; and (d) require written denial, supported by substantial evidence in a written record of any denial of a permit for wireless facilities and wireless support structures;

WHEREAS, as required by the Act, this Ordinance shall not be interpreted to authorize or allow permitting decisions premised directly or indirectly on environmental effects or health considerations related to radio frequency emissions;

WHEREAS, the County has adopted a comprehensive plan under Indiana Code chapter 36-7-4 *et seq.* to provide for the public health, safety, morals, convenience, order, general welfare and the sake of efficiency and economy in the process of development within the County;

WHEREAS, under Indiana Code section 36-7-4-601, the County has adopted standard zoning districts and maps for the properties lying wholly or partially within the jurisdictional area of the Hendricks County Plan Commission ("Jurisdictional Area");

WHEREAS, the County has adopted the Hendricks County Zoning Ordinance ("Zoning Ordinance") as part of its zoning standards;

WHEREAS, the County has adopted Overlay Districts under Chapter 14 of the Zoning Ordinance;

WHEREAS, the County now seeks to amend its zoning districts and official zoning map for the Jurisdictional Area by adding an additional zoning map that establishes an overlay district for all right-of-way within the Jurisdictional Area, as amended from time to time ("PRW-OL"); and

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WHEREAS, the County also seeks to amend the Zoning Ordinance to provide for specific standards for wireless facilities and wireless support structures, and to provide a fair and efficient process for review and approval of applications, and assure an integrated review designed to benefit the health, safety, and welfare of the County's residents.

NOW THEREFORE, be it ordained by the Commissioners of the County of Hendricks, Indiana, meeting in the regular session, as follows:

**Section 1. ESTABLISHMENT OF PRW-OL OVERLAY DISTRICT.** The County hereby establishes the Public-Right-of-Way Overlay District ("PRW-OL") which shall apply to all right-of-way lying wholly or partially within the Jurisdictional Area, as amended from time to time. If the provisions in this PRW-OL are inconsistent with one another or conflict with provisions found in other adopted codes and regulations of the County, the more restrictive provision shall control unless otherwise expressly provided.

**Section 2. APPLICABILITY.** The PRW-OL shall apply to all right-of-way within the County of Hendricks, Indiana, as designed from time-to-time.

**Section 3. AMENDMENT TO ZONING ORDINANCE.** The Hendricks County Zoning Ordinance is specifically amended to include the new PRW-OL overlay district, and further to provide a new chapter 14.6 to the Zoning Ordinance: Public Right of Way Overlay District (PRW-OL), which new chapter 14.6 reads in full as provided in Exhibit A to this Ordinance; further, all subsequent chapters of the zoning ordinance are renumbered as necessary to provide numerical continuity after the addition of this new chapter 14.6.

**Section 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon compliance with Indiana law, including without limitation a duly noticed public hearing of the Commissioner's pursuant to Indiana Code chapter 36-4-7 *et seq.*

**Section 5. SEVERABILITY.** The various sections, subsections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby.

**Section 6. ENFORCEMENT.** The Hendricks County Plan Commission or an authorized representative shall enforce all provisions of this Chapter.

#### **"Exhibit A"**

#### **14.6: Small Cell Facilities Standards; PRW-OL**

- A. **PURPOSE, INTENT, AND AUTHORITY.** The purpose of this overlay district is to provide for sensible and reasonable land-use standards to allow for the provision of adequate reliable public and private telecommunication service; and whereas, there is a need for the use of small cell facilities for telecommunications in order to serve the telecommunications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such small cell facilities and to provide for the reasonable location of such facilities in Hendricks County.

The Small Cell Facilities Standards under chapter 14.6 apply to the following overlay zoning district: PRW-OL

- B. **DEFINITIONS.** For purposes of chapter 14.6, consistent with Indiana Code chapter 8-1-32.3 *et seq.*, the words and phrases below are defined as follows:

1. "antenna" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

2. "base station" means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.
3. "business day" means a day other than a Saturday, a Sunday, or a legal holiday (as defined in IC 1-1-9-1).
4. "collocation" means the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
5. "Commission" means the Hendricks County Plan Commission.
6. "construction plan" when referring to a new wireless support structure means a written plan for construction that demonstrates that the aesthetics of the wireless support structure are substantially similar to the street lights and utility poles located nearest the proposed location; includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing antennas, including a geotechnical report and calculations for the foundations capacity; a traffic safety analysis showing the proposed location of structures does not pose a hazard to traffic; the identity and qualifications of each person directly responsible for the design and construction; and signed and sealed documentation from a professional engineer that shows the proposed location of the wireless facility and wireless support structure and all easements and existing structures within two hundred (200) feet of such wireless facility or wireless support structure.  
  
"construction plan," when referring to substantial modification of an existing wireless facility or wireless support structure, means a plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
7. "electrical transmission tower" means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
8. "equipment compound" means the area that: (1) surrounds or is near the base of a wireless support structure; and (2) encloses wireless facilities.
9. "existing structure" does not include a utility pole or an electrical transmission tower.
10. "fall zone" is the area within which a wireless support structure is designed to collapse.
11. "permit authority" means the Hendricks County commission, board, department, or employee that or who makes a legislative, quasi-judicial, or administrative decision concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures.
12. "person" means any corporation, firm, partnership, association, organization, or any other group acting as a unit, or any natural person.
13. "right-of-way" shall mean the legal right-of-way of the County of Hendricks, Indiana. This term includes both the right-of-way dedicated to the County, and any apparent right-of-way.

14. "small cell facility" means:
- (1) a personal wireless service facility as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015), or
  - (2) a wireless service facility that satisfies the following requirements:
    - (a) each antenna, including exposed elements, has a volume of three cubic feet or less;
    - (b) all antennas, including exposed elements, have a total volume of six cubic feet or less; and
    - (c) the primary equipment enclosure located with the facility has a volume of seventeen cubic feet or less.
15. "small cell network" means a collection of interrelated small cell facilities designed to deliver wireless service.
16. "substantial modification of a wireless support structure" means the mounting of a wireless facility on a wireless support structure in a manner that:
- (1) Increases the height of the wireless support structure by the greater of:
    - (a) ten percent (10%) of the original height of the wireless support structure; or
    - (b) twenty (20) feet;
  - (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:
    - (a) twenty (20) feet; or
    - (b) the width of the wireless support structure at the location of the appurtenance;or
  - (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.
- The term "substantial modification of a wireless support structure" does not include the following:
- (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna; or
  - (2) increasing the diameter or area of a wireless support structure to:
    - (a) shelter an antenna from inclement weather; or
    - (b) connect an antenna to the wireless support structure by cable.
17. "utility pole" means a structure that is:
- (1) owned or operated by:
    - (a) a public utility;
    - (b) a communications service provider;
    - (c) a municipality;
    - (d) an electric membership corporation; or
    - (e) a rural electric cooperative; and
  - (2) is designed and used to:
    - (a) carry lines, cables, or wires for telephone, cable television, or electricity; or
    - (b) provide lighting.
- The term does not include a wireless support structure or an electrical transmission tower.
18. "communications service provider" shall have the meaning set forth in Indiana Code section 8-1-2.6-13.

19. “wireless facility” means the set of equipment and network components necessary to provide wireless communications service. The term does not include a “wireless support structure.”
20. “wireless support structure” means a freestanding structure designed to support wireless facilities. The term does not include a “utility pole” or an “electrical transmission tower.” It does not include personal television antennas, ham radio or short-wave radio antennas, or other communications equipment accessory to residential uses.

## C. GENERAL STANDARDS

1. **Permits.** A person that provides wireless communications services or otherwise makes available infrastructure for wireless communications services in the PRW-OL District may apply for a permit for the following:
  - a. locate a wireless facility or wireless support structure;
  - b. perform a substantial modification; or
  - c. collocate wireless facilities on existing structures in the PRW-OL.

An applicant shall demonstrate that the proposed wireless facility, wireless support structure, or substantial modification thereof complies with the requirements of this PRW-OL and chapter 14.6.

A person that provides wireless communications services or otherwise makes available infrastructure for wireless communications services shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation, or code, and must maintain the same, in full force and effect, for as long as required by the applicable governmental entities or agencies having jurisdiction over the applicant.

2. **Collocation Preference**
  - a. At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.
  - b. The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one additional wireless facility.
  - c. Any proposed wireless support structure shall be designed, and engineered structurally, electrically, and in all other respects to accommodate both the initial wireless facility and one additional wireless facility support structure, shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure, and shall be designed to accept cellular communication equipment and antennas mounted at varying heights.
  - d. A proposal for a new wireless support structure shall not be approved unless the person submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other structure due to one or more of the following reasons:
    - i. The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower, buildings, or structures as documented by a qualified and licensed



professional engineer, and the existing or approved utility pole or electrical transmission tower, buildings, or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost, or

- ii. The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or
- iii. The existing or approved utility pole or electrical transmission tower, buildings, or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
- iv. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved utility pole or electrical transmission tower, building or structure; or
- v. The person has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings, or structures.

3. **Specifications.** New wireless facilities and wireless support structures shall meet the following specifications:

- a. Height. Wireless Support Structures and antenna shall comply with the standard in the underlying zoning district, or be no taller than the highest existing public utility pole located within 660 ft. of the Wireless Support Structure or antenna, whichever height is greater.
- b. Distance Between Facilities & Structures. Beginning on the effective date of this ordinance, all new wireless facilities and wireless support structures shall be located not less than 1,000 feet between any other wireless facility or wireless support structure measured in any direction between facilities or support structures, not necessarily a dimension measured parallel to a road right-of-way.
- c. All support structures shall have a plaque identifying the structure, the owner, and the owner's contact information, and said plaque shall not exceed 0.25 square feet.
- d. All wiring and fiber shall be concealed within the support structure and all conduit, wiring, and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure shall also be buried unless service lines in the area of the support structure are aerial then service lines to the support structure can also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway.
- e. Aesthetics. Wireless Support Structures and facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures,

which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities shall be in accordance with standards established by the Hendricks County Plan Commission, from time to time.

- f. Placement within PRW-OL. Any new wireless facility or wireless support structure shall be placed as close as possible to any shared property line.
- 4. **Confidential Information.** All confidential information submitted by an applicant shall be maintained to the extent authorized by Indiana Code chapter 5-14-3 *et seq.*

#### D. NEW WIRELESS SUPPORT STRUCTURES

- 1. **Pre-Application Meeting.** Prior to the submission of an application for a new wireless facility or wireless support structure, it is recommended that the applicant have a pre-application meeting with the County Plan Commission. The purpose of the pre-application meeting is to address potential issues, which will help expedite the review and permitting process. The pre-application meeting may include a site visit, if there has not been a prior site visit for the proposed site.
- 2. **Contents of Application.** An application for a permit shall include the following:
  - a. The name, business address, and point of contact for the applicant;
  - b. The location address of the proposed or affected wireless support structure or wireless facility;
  - c. A construction plan, as defined herein, that describes the proposed wireless, support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment sufficient to determine compliance with these standards.
  - d. Evidence supporting the choice of location, including, without limitation:
    - i. maps or plats showing the proposed location(s) of applicant's proposed wireless support structure;
    - ii. if the proposed location is on private property, a contract with an owner of real property ("Owner") upon which the wireless facility and wireless support structure are to be located and a power-of-attorney giving applicant the right to seek a permit if the application is not submitted in the Owner's name; and
    - iii. a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
      - (a) would not result in the same wireless service functionality, coverage, and capacity;
      - (b) is technically infeasible; or
      - (c) is an economic burden to the applicant.
- 1. **Single Application.** An applicant may submit one application for multiple new wireless support structures and service facilities that are located within the PRW-OL. The permit

authority may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

5. **Procedure**

a. **Determination of Application Completion or Defect.** Within ten (10) business days of receipt of an application, the permit authority shall review an application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application.

b. **Cure.** An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) days of receiving the notice.

If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

c. **Decision by Permit Authority.** Not more than ninety (90) days after the permit authority makes an initial determination of completeness under D.5.a., the permit authority shall:

i. review the application to determine if it complies with applicable underlying zoning designation and the PRW-OL standards; and

ii. notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time to cure defects in the application, the ninety (90) days shall be extended for a corresponding amount of time.

**E. SUBSTANTIAL MODIFICATION**

1. **Contents of Application.** An application for substantial modification of a wireless support structure shall include:

a. The name, business address, and point of contact for the applicant;

b. The location of the proposed or affected wireless support structure or wireless facility;

c. A construction plan, as defined herein, that describes the proposed wireless, support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

2. **Single Application.** An applicant may submit one application for multiple modifications of wireless support structures and service facilities that are located within the PRW-OL. The permit authority may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

3. **Procedure**

a. **Determination of Application Completion or Defect.** Within ten (10) business days of receipt of an application, the permit authority shall review an application to

determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application.

- b. **Cure.** An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) days of receiving the notice.

If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

- c. **Decision by Permit Authority.** Not more than ninety (90) days after the permit authority makes an initial determination of completeness under E.3.a, the permit authority shall:
  - i. review the application to determine if it complies with applicable underlying zoning designation and the PRW-OL; and
  - ii. notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time to cure defects in the application, the ninety (90) days shall be extended for a corresponding amount of time.

## F. COLLOCATION

- 1. **Contents of Application.** An application for collocation of a wireless support structure shall include:
  - a. The name, business address, and point of contact for the applicant;
  - b. The location of the proposed or affected wireless support structure or wireless facility;
  - c. Evidence of conformance with applicable building permit requirements.
- 2. **Single Application.** An applicant may submit one application to collocate multiple wireless service facilities that are located within PRW-OL. The permit authority shall issue a single permit or all wireless service facilities included in the application rather than individual permits for each wireless service facility.
- 3. **Procedure**
  - a. **Determination of Application Completion or Defect.** Within ten (10) business days of receipt of an application, the permit authority shall review an application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application.
  - b. **Cure.** An applicant that receives a written notice of incompleteness, may cure the defects and resubmit the application within fifteen (15) days of receiving the notice.

If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the permit authority in writing of the additional time the applicant requires to cure the defects.

- c. **Decision by Permit Authority.** Not more than forty-five (45) days after the permit authority makes an initial determination of completeness under F.3.a, the permit authority shall:
- i. review the application to determine if it complies with applicable underlying zoning designation and the PRW-OL; and
  - ii. notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time to cure defects in the application, the forty-five (45) days shall be extended for a corresponding amount of time.

**G. SUGGESTION FOR ALTERNATIVE LOCATION.** Following the submission of an application under Sections D, E, or F, the permit authority may recommend an alternative placement for the proposed structure that has a rational nexus to the land where the proposed structure will be located.

**H. PERMIT FEE.** An applicant who files an application under Sections D, E, or F must pay a permit fee that is the same or a similar fee for applications for permits for similar types of commercial development within the jurisdictional area.

In addition, an applicant who files an application under Sections D, E, or F must pay a fee associated with the submission, review, processing, or approval of an application for a permit, including a fee imposed by a third party that provides review, technical, or consulting assistance to a permit authority, that must be based on actual, direct, and reasonable costs incurred for the review, processing, and approval of the application.

But the fee may not include: travel expenses incurred by a third party in its review of an application; or direct payment or reimbursement of third party fees charged on a contingency basis.

**I. WRITTEN DETERMINATION.** A written determination shall state clearly the basis for the decision to approve or deny an application under Sections D, E, or F. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority.

**J. VARIANCE.** An applicant for a small cell facility permit has a right to apply for a variance from these standards through the Hendricks County Board of Zoning Appeals according to section 12.6 of the Hendricks County Zoning Ordinance.

**K. CONSTRUCTION REQUIREMENTS.** All antennas, telecommunication towers, accessory structures, and any other wiring constructed within the PRW-OL shall comply with the following requirements:

1. All applicable provisions of the Hendricks County Zoning Ordinance, the PRW-OL, and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
2. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
3. All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

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4. All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
5. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

Mr. Reitz then stated he had a quick item to add before adjournment. He stated he wanted to pass out Planning Director candidate packets to the search committee members, those being Mr. O'Riley, Mr. Palmer and Mrs. Johnston. He stated that the date for the Executive Session of the Plan Commission was scheduled for Wednesday, April 5, 2017 at 10:00 a.m.

There being no other requests to be heard by the Commission members or staff members, Mr. Paul Miner then requested to be heard on a brief matter.

Mr. Paul Miner appeared and stated that he knew that eventually a new Comprehensive Plan revision would take place and since he had served on the committee for the last two Comprehensive Plans for the county, he requested to be considered to be a member of the steering committee for this next Comprehensive Plan revision. He stated as he was a member of the Hendricks County Parks Board, his concern was for connectivity.

There being no further business, the meeting was adjourned at 7:24 p.m.

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Don F. Reitz, AICP, Secretary