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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, July 11, 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; Mr. Bob Gentry; and Mr. Damon Palmer. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were seven (7) members present.

Mr. Brad Whicker then called for a motion to approve the June 13, 2017 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the June 13, 2017 meeting minutes.

Mr. Gentry seconded the motion with Mr. Tim Whicker and Mr. Damon Palmer abstaining.

FOR – 5 – AGAINST – 0 – ABSTAINED – 2 –

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

ZA 450/17: MI HOMES OF INDIANA L.P.; a zoning amendment change from RA/Single Family Residential District to RD/Single Family Residential District, 61.87 acres, Brown Township, S05-T16N-R2E, located on the west side of Raceway Road, between County Road 650 North and County Road 700 North, more commonly known as 6110 North Raceway Road. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office and Mr. John Isaacs of MI Homes of Indiana appeared.

Mr. Comer stated their petition asked for a rezoning of approximately 61.87 acres to an RD/Single Family Residential District and he pointed out on the projection where the land was located. He added that the property had been slated for development for some time with the name of "Windchase." He stated that now MI Homes wished to develop it as single family. He explained that this area of the county had several different types of existing projects, those being traditional single family, detached condominiums, and the CP Morgan community known as Branches. He stated that the Comprehensive Plan showed this area as Suburban Residential which recommended a moderate density of residential development. He stated they were requesting an RD zoning district and that the definition of that district was moderate density residential development and that, therefore, they were meeting the Comprehensive Plan by definition with their rezoning request. He stated that the proposed homes met the residential design architectural requirements and that in addition they were adding some additional commitments for architectural features. He stated that MI Homes was proposing essentially to construct RA standard homes on smaller lots. He stated that the staff had recommended approval and they were requesting a favorable approval from the Plan Commission.

Mr. Jonathan Isaacs of MI Homes at 8500 Keystone Crossing, Indianapolis, then appeared and gave a brief history of MI Homes and its building practices and standards. He then gave a project summary of the proposed development on approximately 62 acres with an average proposed lot size of 10,000 square feet. He described the proposed sizes of the homes being offered and lot widths of 65 to 75 feet. He also gave anticipated price points of between \$260,000 to \$280,000. He then displayed a comparison of Hendricks County zoning district standards with the proposed RD zoning. He then displayed a preliminary conceptual plan for the proposed development to include architectural requirements, bufferyard landscaping and drainage requirements, the square footage of the ranch style homes and the typical 2-story home designs, and the use of multiple types of materials with decorative hardware and windows. Mr. Isaacs then discussed their proposed commitments as to an upgrade in siding to look like wood, homes backing up to the perimeter to have additional architectural

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enhancements, decorative porches, garages with a third bay to contain at least a 2 foot relief in the front façade, and additional enhanced landscaping requirements.

Mr. Brad Whicker then called for questions or comments. There being none, Mr. Whicker opened the public hearing portion of the meeting for this proposal.

Mr. Steuerwald then called on the first person signed up to be heard:

Mr. Shawn Nash, 10869 East County Road 650 North, Indianapolis, appeared and stated that he was a representative of the Lakeland Manor Homeowner's Association which represented three different subdivisions, those being Golfview Estates, Norman Estates and Lakeland Manor. He stated that Lakeland Manor sat around a 14 acre lake. He stated that they opposed the rezoning from RA to RD based on the nature and character of the existing subdivisions and that with the existing Eagle Creek Golf Course, the existing RA zoning was proper. He stated that in the past the area had been mostly farmland and that when the Branches subdivision was proposed, the property owners in the area and the developers of The Branches had worked out compromises. He stated that previously a new owner of a tract of land in question had proposed to develop a subdivision of large lots to be known as "Windchase." He stated that the acreage between the proposed Windchase and existing properties was to serve as a buffer and that the developers of Branches had agreed to place their larger lots and homes along the eastern side and their smaller lots and smaller homes on the western edge and he stated that had occurred. He stated after the downturn in the housing market, Windchase had not been developed. He stated that they still believed the original plan for more upscale lots and the RA zoning was still appropriate today. He added that they believed MI Homes could develop a subdivision within the RA zoning district that would fit in and be appropriate in the area. He stated that MI Homes was only committing to smaller square footage of lots and homes than the surrounding subdivisions. He stated that they were aware of the Comprehensive Plan's designation of the area for moderate density and that the RD District was designed for areas near urban development or near town centers. He stated the RD zoning was not suited for this property or the surrounding developed area. He stated that they felt the zoning map was just a guideline and that they did not feel the Plan Commission could vote favorably on this rezoning if they followed the guidelines of the zoning ordinance for the requested RD zoning district.

(It was noted here that staff member, Julie Haan, Environmental Health Director, left the meeting.)

Mr. Craig Goad of 10907 East County Road 650 North, appeared and stated that he lived across from the "Windchase" property. He stated if the Plan Commission wanted to vote favorably for this rezoning, there was a list of commitments they had prepared on behalf of the Homeowner's Association, that they felt should not be considered as a compromise and that the Plan Commission should consider placing on this development as follows and entered into record as Respondent's Exhibit A:

1. No rear facing homes along County Road 650 North facing front facing homes;
2. All homes bordering County Road 650 North, Raceway Road and County Road 700 North be brick wrapped on the entire first level;
3. All homes within the development contain brick or stone on 100% of the front elevation;
4. Provide a Type 3 bufferyard along County Road 650 North and 700 North and work with the neighbors along County Road 650 North and 700 North on landscaping and buffering;
5. Provide screening and landscaping around Lift Station at 650 North and Raceway Road as permitted by Aqua Indiana, Inc.;
6. Increasing applicant's minimum square footage commitment to be closer to existing neighborhoods;
7. No lots smaller than 10,000 square feet.

Mr. Goad then requested that the Plan Commission vote unfavorably to this petition.

Mr. Brian Proctor of 6357 Lakeland Boulevard appeared and stated that he was in agreement with all of the previous comments and points made. He stated his concerns were with the environmental

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impact of the proposed development and the impact on the area's wells and aquifers. He stated his concern was also for the impact of the development on the Brownsburg School District. He also asked whose burden was it for providing street lighting.

Mr. Tim Reussel of 10866 East County Road 700 North, appeared and expressed his concerns as a taxpayer, the effect of the proposed density and increase in traffic on the roadways. He asked why MI Homes of Indiana was requesting the rezoning to RD as the original plan in the RA district would be of benefit to taxpayers. He asked that the Plan Commission vote unfavorably on this petition.

Mr. Martin Risch of 7232 East Road, stated that he resided in Eagle Creek Estates and had lived there for thirty (30) years. He expressed his concerns about the creation of a high density development, conflict with existing neighborhoods and their different character. He stated his concerns regarding sharing a legal drain and that erosion had already occurred. He stated his belief that more homes created more drainage. He stated he felt the proposal was incompatible with existing residences and asked the Plan Commission not to vote favorably.

Mr. Carl Truesdale of 10845 Golfview Drive appeared and stated he lived in an adjoining subdivision, Golfview Estates. He stated his home backed up to Manor Lake and that he had been maintaining said lake. He discussed the promises made by other developers and some had been kept and some hadn't. He stated his belief that the development of the Branches subdivision had affected the lake and that it had flooded homes in the past which might have been caused by the buildup of silt into the lake. He discussed the expense involved in keeping the lake usable for fishing and swimming and expressed his desire to know why the zoning needed to be changed.

Ms. Janice Snyder of 10832 East County Road 650 North appeared and stated that she agreed with all of the previous comments and was against the rezoning. She expressed her concerns regarding the wells and septic systems and flooding in the area. She stated that she hoped the mistakes from the Branches development not be repeated. She added that reports indicated that the Branches subdivision had the highest crime rate in Hendricks County. She stated that the proposed developer should be required to provide a divider for privacy. She also discussed the poor road conditions which would be made worse by additional traffic.

Mr. James Hollis of 6407 Lakeland Boulevard, appeared and stated he agreed with all of the previous concerns and comments. He discussed flooding conditions in the area and felt that an environmental impact statement was need for the proposed development.

Mr. Tom Gibbs of 10864 East County Road 650 North appeared and discussed the impact on the school district. He added that the zoning should remain as an RA district.

Mrs. Jane Risch of 7232 Eagle Road, appeared and felt that the zoning of the property would be better if zoned AGR and not the current RA. She stated that would allow for smaller homes on larger lots. She stated her concerns for the wildlife corridor in the area. She stated that lot sizes of an acre and one half would be compatible with the area.

There being no one else signed up to be heard, Mr. Whicker closed the public hearing and called on Mr. Comer for responses to the comments made.

Mr. Ben Comer of the Comer Law Office then responded to the concerns and addressed the traffic, drainage and schools. He added that the drainage from the property would not go south and that they did not anticipate drainage problems with other existing developments. He added that the developer had agreed to better commitments than required in the RD district. He stated those commitments would run with the land. He stated that the comments on price points of \$216,000 made by a remonstrator were not accurate. He stated that there would be certain open space requirements met and that comments on double density were not accurate. He stated they were not aware of any developments with smaller homes on bigger lots and that was not something in great demand. He stated that bigger and more

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expensive homes were also not currently in demand. He stated that the property would not support large price points. He added that they could not support all of the additional commitments set out in Mr. Goad's list. He stated he did not know the answer as to who would be responsible for the street lights.

Mr. Dombrosky replied that it would be the Homeowner's Association that would be the responsible party.

Mr. Comer went on to answer the question as to why MI Homes was asking for the zoning change. He stated that MI Homes could not sell houses on 15,000 square foot lots as there was not a consumer demand for larger lots. He stated that a \$300,000 price range did not necessarily prevent crime. He stated that the proposed commitments made by the developer would run with the land. He stated that drainage for the proposed development was not in question for a rezoning request.

Mr. Isaacs appeared again to go over certain points as to architectural requirements. He added that none of the proposed homes would be buildable if 100 percent brick was a requirement as it would not be economical. He discussed his comments that MI Homes would not make the same mistakes as in the Branches subdivision. He addressed the rear architectural features and that all brick would not necessarily be different than a "vinyl box." He discussed the homes facing County Road and limiting access points to a subdivision street. He stated that the frontage road suggestion would be expensive to build and maintain.

Mr. Brad Whicker commented that as a custom builder himself but with no association to the applicant, he stated that brick was not a demanded product by home buyers. He stated he did not get a lot of requests for brick but mostly other materials such as board and batten, fiber cement and a lot of mixed different textures. He stated even though he was not in the development business, he did understand the industry. He stated that development costs were high with the infrastructure of roads, water and sewer. He stated that a lower density development like the one preferred by the remonstrators would not be feasible today with a return on investment.

Mr. O'Riley asked about a minimum square footage guarantee in the RD district.

Mr. Brad Whicker responded to look at what their commitments were versus the zoning.

Mr. O'Riley asked what guarantee was there for those commitments.

Mr. Dombrosky replied that they would be recorded with the zoning change.

Mr. O'Riley asked if the rezoning was approved, could the developer go down to the lower lot sizes.

Mr. Whicker stated no because the commitments were on the recorded plat.

Mr. Whicker stated if a worst case scenario occurred such as another recession, etc., the developer could come back before the Plan Commission to request a change.

Mr. Dombrosky stated they could come back with a request to amend their original commitments and another public hearing would be required.

Mr. Tim Whicker asked about past zoning changes and any commitments that were made and agreements made such as the agreements mentioned by the remonstrators regarding the Branches development.

Mr. Dombrosky stated that past zoning was part of the record but not the ancillary discussions and that there was nothing to lead him to believe those agreements mentioned were not correct.

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Mr. O'Riley asked if he was correct in saying that in the RA District the density would be three houses per acre and in the RD the density would be five houses per acre.

Mr. Dombrosky stated yes that would be correct in theory, but that the RD District also required 12% open space whereas the RA District required 7%. He stated that there were also other infrastructure things that limited that density.

Mr. Isaacs then commented that in the RD District, it was not five units per acre. He explained that at 130 units on 62 acres, that would be a gross density of just over 2 units per acre. He discussed the calculations further when roads, drainage, etc. were included. He stated with a 10,000 square foot lot, he would expect to get 1.7 units per acre. He then compared the density calculations between Windchase and the proposed development.

Mr. O'Riley thanked Mr. Isaacs for his clarifications.

Mr. Palmer asked for the definitions of moderate density, high density and low density.

Mr. Dombrosky stated those were not defined zoning terms but an intent statement of the zoning district. He stated it was not a regulatory term. He stated it was per perspective. He stated the AGR District had a rural character, RA and RB for a lower density, RC and RD were moderate density and anything multi-family and above was considered high density.

Mr. Palmer stated that he felt the area in question was a special part of the county. He stated he struggled with the concept of .17 acre being moderate density and especially if there was no definition around it and that did not feel right to him.

Mr. Tim Whicker asked for clarification on what the RD District said in the ordinance.

Mr. Dombrosky replied that the intent statement for the RD District had no regulatory power but the context of what the RD looked like. He stated it might not look like moderate density to Mr. Palmer and that was why he made the comment about perspective. He stated what the ordinance called moderate density was the 7,500 square foot lot size with a 950 foot ground floor area. He explained that there was a paragraph at the beginning of each zoning district in the zoning ordinance that described the intent of that district. He read the paragraph in the RD District chapter.

Mr. O'Riley commented it sounded like it was meant for a town center setting.

Mr. Dombrosky stated that it could be and was one of three things intended to provide for and might also accommodate traditional subdivisions and patterns of development that occurred in town centers.

Mr. Palmer then stated that because it sounded like moderate density was left open to interpretation, his concern was when you looked at a snapshot of the area, it could be the highest density.

Mr. Dombrosky stated that the Branches development lots at the lowest end were 7,000 square feet.

Mr. Palmer responded then that it would be relatively on the low end and not moderate in the footprint.

Mr. Dombrosky cited other developments such as Williamsburg Villages and The Links.

Mr. Palmer stated then that the proposed development would be on the low end of moderate density.

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Mr. Dombrosky stated yes.

Mr. Palmer stated that he had observed plenty of traffic in that area and he asked if a traffic study could be done.

Mr. Dombrosky stated that no there was not a traffic study. He explained that a study is required for 150 lots, or that a study could be requested for fewer. He stated a traffic study and a fiscal impact study could be requested for the development. He added that environmental studies were not appropriate at this time because it was not known yet what the development would look like. He stated it could be requested at the development plan approval stage.

Mr. Tim Whicker asked who the owner was for the property to the west.

Mr. Dombrosky responded that it was an undeveloped farm field.

Mr. Palmer then asked for an explanation of the relationship between the former Windchase development and MI Homes of Indiana.

Mr. Isaacs appeared again and explained that the current owner of the property was Windchase LLC. He stated that they had bought the property from Starkey Farms approximately 15 years ago. He stated at that time the property was zoned RA when they planned to do a large lot custom lot neighborhood. He stated that never got going partially because the market was not there and they no longer felt they could develop the property as they had intended and so placed it on the market. He stated consequently that MI Homes had looked at the property and negotiated a purchase agreement and were a contract purchaser.

Mr. Tim Whicker asked to look again at the slide containing the different zoning district comparisons.

Mr. Isaacs commented that he had put that slide summary together to demonstrate the various lot sizes. He stated what they were really asking for was an RC District slightly modified. He stated that the modification that came into play was between open space requirements that were per the subdivision requirements in order to get a designed layout that was not a grid pattern, cookie cutter design. He stated that they looked at identifying lot widths of 65 feet and 75 feet, with 65 feet being greater than the RD and 75 feet being equal to the RC requirement. He stated, therefore, one of the commitments they had made was that their average lot size was 10,000 square feet, which meant some lots were above 10,000 square feet and some lots would be below. He stated that gave their land liner an opportunity to layout a design with some curved linear pattern to it and open up the ability for a little bit of design rather than a square grid pattern. He stated that they needed to be aware of what they could do to meet the ordinance requirements or get too far and be stuck with something that did not work for them. He went on to say that they had 16 acres of common area in the proposed development and 33,000 square feet of lot area and were much above that 10,000 square foot lot size. He stated that the question would be did they want the open space in private yard or in public open view. He added if all the lots got a little bigger, they might be able to meet the open space requirements as you only needed 7% and they were above that 7% and the density would not change with the same number of units on the property. He stated it would be in backyard instead of common area that the HOA would be maintaining. He stated further that in today's market, there were no traditional family units anymore that wanted the half acre lots they would spend all day mowing. He added that there were some people that wanted it but also those that did not. He stated that what ended up happening was that people wanted smaller lots with the same size homes and exchanging that private space into common space and let someone else maintain it. He went on to discuss lot sizes and home sizes and in keeping more with the RC District than the RD. He stated they would be willing to modify the two story homes sizes that would end up being 2,200 to 3,800 feet and with the ranch style homes remaining at 1,600 feet and up.

Mr. O'Riley asked if now would be the time to ask for that upgrade on the two-story homes.

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Mr. Brad Whicker stated they could add that now to their commitments and that would be an added recommendation.

Mr. O'Riley added that he still did not think 2,200 feet was that big of a home and that usually you would see around 2,400 square foot or larger if you wanted the value to be higher.

Mr. Tim Whicker stated that the 2,200 square foot 2-story exceeded the RA standard.

Mr. O'Riley stated he was just trying to keep the home values up for the area.

Mr. Palmer stated he had asked Mr. Dombrosky to run some data on home values and he qualified it with the best he could do on short notice. He stated he felt there was either a significant gap in data or they were really high quality houses.

Mr. Brad Whicker attributed it to today's construction costs.

Mr. Palmer again stated that there was a significant gap in data as to what was being presented and what the home value price was. He stated he felt the residents in the area had the right to ask the questions they had.

Mr. O'Riley asked if the members thought it would be beneficial to take more time to consider this matter at another date.

Mr. Brad Whicker stated he felt they wanted some direction at this meeting. He stated he felt there should be a motion made and a vote on each member's conscience.

Mr. Gentry then asked from the public's comments, did the members discern that the concern was the quality of the home and the price of the home more so than the sizes of the lots and the density.

Mr. Brad Whicker stated he felt the density was of greater concern.

Mr. Palmer stated he had heard property value concerns as well as some concerns regarding the environmental impact as there were two to three lakes in the area with the exception of Eagle Creek and had we looked at drainage and what the impact of this development might be.

Mr. Brad Whicker stated he thought that was premature and would be addressed at the development plan stage.

Mr. Palmer responded that it might be premature but that it was a concern voiced by the public.

Mr. Brad Whicker stated no one was prepared to go into an in depth conversation on that subject as the developer had not gotten that far in the engineering stages.

Mr. Palmer stated that was what made this difficult as they were asked to make a decision.

Mr. Brad Whicker stated that it was strictly from a zoning standpoint and not the development plan.

Mr. Dombrosky responded that from a zoning standpoint, we had to assume that they could handle whatever infrastructure strain was put on by that zoning and then when they did the development plan, they had to show us that they could handle those items of development strains. He stated they could not go forward with development unless they proved that they could meet the requirements and keep water from leaving that site. He stated that we could not ask them to do a full development plan now before they had the proper zoning in place.

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Mr. Palmer asked if we would typically see a difference in impact from this density and what it was currently zoned as.

Mr. Dombrosky responded that the lot coverage was regulated across the districts. He stated it was either 35% for the lighter districts or 45% for the more intense districts. He added that the lot coverage in that respect was the same whether it was AGR or RA, etc. He added that the Surveyor was there to make sure when they presented their development, that it would not be impactful to any of the surrounding communities. He stated we could not ask them to come in with a fully completed development plan and spend all the money on design and engineering before they had received approval for the use.

Mr. Gentry then asked Mr. Gaston if the applicant had presented any drainage plan to him.

Mr. Gaston stated no. He stated there were issues raised that needed to be looked at. He stated he had heard that residents were concerned that water would be taken away and he would look at that. He added that the project would need to comply with the new stormwater ordinance which would go into effect on August 4, 2017 and would have to comply with stricter requirements for drainage.

Mr. Palmer asked again about the commitments made by the developer.

Mr. Dombrosky stated those commitments would go along with the approved Ordinance for rezoning and those commitments would also be in the form of a recorded document.

Mr. Palmer expressed a concern about how they would be enforced.

Mr. Dombrosky stated there was no way they would not be enforced. He stated they could not get any approvals if they did not meet their commitments. He added that their commitments were the same as their zoning. They were a modification of their zoning approval and could not be changed unless they presented changes to the Plan Commission in the form of an amendment to their commitments.

Mr. Brad Whicker reminded the members that the developer had offered the upgrade of 2,200 square feet for the two story homes and he recommended acceptance.

Mr. Gentry stated that the Drainage Board was always concerned about density and runoff, erosion, etc. He asked if the Drainage Board had the authority to have an impact on that density.

Mr. Gaston responded not the density but on discharge rates, adequate outlets and could control what happened on a drainage perspective and that some of the ponds or easements might need to be larger, which would affect their density.

Mr. O'Riley asked if anyone else had comments on the size of the two story homes.

Mr. Tim Whicker stated he had no problem with the house sizes but more with the density.

Mr. Palmer added that density was a concern for him and that when he looked at it, he did not see a moderate density.

Mr. Brad Whicker then called for a motion.

Mr. Tim Whicker made a motion to send an unfavorable recommendation to the Hendricks County Board of Commissioners for **ZA 450/17: MI Homes of Indiana L.P.**

Mr. Palmer seconded the motion.

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FOR – 3-

AGAINST – 4 –

ABSTAINED – 0 –

Brad Whicker – no
Sonnie Johnston – no
Angela Tilton – no
Walt O’Riley – yes
Tim Whicker - yes
Bob Gentry – no
Damon Palmer – yes

The motion failed for lack of a majority vote.

Mrs. Johnston then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners and adopt the positive Findings of Fact/Law for **ZA 450/17: MI Homes of Indiana L.P.** with all of the self-imposed commitments including the 2,200 square foot minimum for a 2-story home.

FOR – 4 –

AGAINST – 3 –

ABSTAINED – 0 –

Brad Whicker – yes
Sonnie Johnston – yes
Angela Tilton – yes
Walt O’Riley – no
Tim Whicker – no
Bob Gentry – yes
Damon Palmer – no

The motion carried and this matter would be heard by the Hendricks County Board of Commissioners on Tuesday, July 25, 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 450/17:

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 MI to LI. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department’s office at the Hendricks County Government Center.

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

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

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its

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relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

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

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

- (1) **The comprehensive plan;**
The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for suburban residential. The medium density development of RD zoning will fit the Comprehensive Plan's recommendation.
- (2) **Current conditions and the character of current structures and uses in each district;**
The Commission finds that the proposed use will not negatively impact the district by providing quality housing options in an area planned for growth.
- (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 identified in the Comprehensive Plan and by market conditions.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction by meeting demand for a product that has few alternatives.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth by encouraging dense development that is properly planned for.

Also subject to the Development Commitment Recording Form to be recorded within 30 days of approval by the Hendricks County Board of Commissioners with the following changes:

1. Two story floor plans shall be a minimum of 2,200 total square feet.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 11th day of July, 2017.

Mr. Gentry then asked if the matter would be heard by the Drainage Board.

Mr. Gaston stated no, not at this level.

DPR 459/17 (PRIMARY): ATTIC SELFSTOR, LLC; a development plan review to establish a self-storage facility, 2.62 acres, Liberty Township, S02-T14N-R1w, located on the north side of Church Street, approximately .07 mile west of the intersection of Church Street and State Road 39 in the Town of Belleville. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared along with the applicant, Kent Cooper. Mr. Kruse reviewed the location of the proposed facility and stated that the property was currently owned by Mr. John Hall. He stated that Mr. Cooper wished to purchase the property for operation of the self-storage facility. He stated that the plan was to construct six (6) buildings on the property for a total of approximately 38,000 square feet or about 215 units. He displayed a site plan of the property pointing out the design for the storage units. He pointed out the bordering residential properties as well as

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commercial properties. He discussed the drainage and utility plan and indicated that no public sewer or water would be needed for the property. He pointed out the landscaped areas required by the ordinance. He then discussed the elevations for the proposed structures, layout and materials to be used in construction. He stated that they had received Preliminary Drainage Board approval and he discussed the drainage plan for the proposed project.

A question was asked as to the height of the doors and Mr. Cooper replied that they would be 8 feet tall and 9 feet wide and that the tallest peak would be about 14 feet.

Mr. Kruse stated that they had a lighting plan with interior lighting and that they would fix those areas where they did not meet the ordinance foot candle requirement. He stated that the fixtures proposed did meet the lighting requirement. Mr. Kruse then discussed the fencing proposed and where a six foot wrought iron fence would be installed. The fencing was not opaque for security reasons.

Mr. Kruse then went over the individual staff recommendations in the staff letter he had received. He stated they would comply with Comments #1 and 2. He then discussed Comment #3 as to landscaping and stated that they were proposing a 30 foot setback from certain perimeters. He stated they were proposing to upgrade to a Type 4 Landscaping Buffer.

Mr. Palmer asked what would be the difference.

Mr. Dombrosky stated it had to do with point values or more plantings.

Mr. Kruse then stated that Comment #4 had to do with the addition of sidewalks. He pointed out the location where they proposed to install sidewalks. Mr. Kruse stated that in regard to Comment #5 as to street trees, he believed that after they met the Level 4 Landscaping requirement for the site, the street tree requirement would be met. He stated with regard to Comment #6, that had already been discussed and they would be in compliance.

Mr. Cooper commented on the ornamental trees that were to be planted.

Mr. Kruse then referred to Comment #7 as to more details being provided for the storm drainage system prior to secondary approval and he stated that would be complied with. He then commented on #8 as to right of way dimensions and those would be shown for the streets prior to secondary.

Mr. Dombrosky discussed the differences between Type 3 & Type 4 landscaping buffers. He stated he was okay with the reduction in width and that an increased landscape density would be more effective. He discussed that mounding would not be needed at the front or rear of the property and the members were in agreement with this.

Mr. Brad Whicker stated that Mr. Kruse would need to work out the details of the landscaping with the staff in order to receive approval for their project.

Mr. Dombrosky stated that the sidewalks were the only other issue besides the landscaping that would be a discrepancy between Mr. Kruse and the staff. He stated he was okay with the lighting plan other than they needed to meet the point 0.20 at the property line. The sidewalks would normally be required on the north and south boundaries because they were right-of-ways.

Mr. Brad Whicker stated, however, that the sidewalks on the north side would lead to nowhere and he was not for wasting money there.

There was a consensus to require sidewalk installation on the south side of the property only.

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

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Mr. Gentry then made a motion to grant primary approval for **DPR 459/17: Attic SelfStor, LLC (Primary)** subject to the following:

1. Conditions and recommendations in staff's letter dated July 11, 2017;
2. No sidewalks required on the north side of the property;
3. Alleviation of lighting spillage; and
4. Working with Planning Director on details of landscaping plans as discussed during meeting.

Mr. O'Riley seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. This development is subject to the Non-residential Design Standards in the Hendricks County Zoning Ordinance.
3. The plan has proposed to combine the required 30' landscape buffer, the 25' setback, and the 20' drainage and utility easement on the north and south property lines. The plan also shows the setback and landscape buffer being combined on the east property line. Staff recommends that the proposed landscaping should be increased to meet the intent of the ordinance, even if it means exceeding the density of plants required in a Type 3 Buffer, without the width required. The proposed landscaping plan does not even come close to meeting the basic requirements.
4. There are no sidewalks proposed. Sidewalks in this location would benefit the neighborhood and should be strongly encouraged.
5. Street trees should also be required.
6. Lighting levels at the south entrance exceed 0.20 at the property line. The level of 0.60 presented does not go past the centerline of the road, and will not be a nuisance if it is limited to the entrance area.
7. More details must be provided for the storm drainage system prior to secondary– outlet protection, end section, correct structure sizes, clean water measures, etc.
8. Right of way dimensions must be shown for the streets prior to secondary.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control

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Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.

3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. The absorption field area must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.
6. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.
7. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.
8. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
9. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

Mr. Whicker then asked if there was any other business for discussion.

Mr. Dombrosky stated he was prepared to discuss the changes to the ordinance for accessory structures as dwelling units.

There was a consensus to discuss the matter at the next meeting.

There being no further business, the meeting was adjourned at 8:41 p.m.

Tim Dombrosky, Secretary