

October 10, 2017

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, October 10, 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; Mr. Walt O'Riley; and Mr. Bob Gentry. Members absent were: Mr. Damon Palmer and Mr. Tim Whicker. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Ms. Suzanne Baker, Senior Planner; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Brad Whicker then called for a motion to approve the September 12, 2017 Plan Commission meeting minutes.

Mr. Gentry then made a motion to approve the September 12, 2017 meeting minutes.

Mrs. Johnston seconded the motion.

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

Mr. Whicker then called for the first item on the Public Hearing portion of the agenda.

DPR 461/17 (PRIMARY): WINGS, ETC.; a development plan review to establish a new restaurant, 1.26 acres, Guilford Township, S20-T14N-R1E, located on the northeast side of Upland Way and southeast of the intersection of State Road 67 and Enterprise Drive, more commonly known as Lot 134, Heartland Crossing Business Park, Section 3. (Holloway Engineering)

DPR 461/17 (SECONDARY): WINGS, ETC.; a development plan review to establish a new restaurant, 1.26 acres, Guilford Township, S20-T14N-R1E, located on the northeast side of Upland Way and southeast of the intersection of State Road 67 and Enterprise Drive, more commonly known as Lot 134, Heartland Crossing Business Park, Section 3. (Holloway Engineering)

Mr. Jeremy Keiser of Holloway Engineering, 100 Professional Court, Mooresville, appeared along with Mr. Ken Trout, 1055 E Main Street, Brownsburg, for the applicant.

Mr. Keiser reviewed the request to develop a 1.26-acre Lot 124 in the Heartland Crossing Business Park zoned GB/General Business for a new restaurant. He displayed a site plan layout with the proposed entrances. He stated that the proposed building would be approximately 4,100 square feet in size and surrounded by sidewalks on all three sides. He pointed out the location of the main entrance and an area proposed for an outdoor seating location. He stated there would be 160 seats inside the restaurant and 24 outside to be enclosed by a four-foot metal fence. He stated that the proposed 65 parking spaces would include three handicapped spaces. He added that the proposed 24 outdoor seats put them over the requirement of the Hendricks County Zoning Ordinance. He stated that requirement was for 73 parking spaces and they were asking for a modification to allow 65 parking spaces. He then pointed out the location of the dumpster and discussed the stormwater runoff/drainage plans. He stated that they had received approval from the Tri-County Conservancy District for the sanitary sewer with a waterline also available for the site. Mr. Keiser then discussed the landscaping plan for the site and presented the proposed elevations for the building. He showed an example of the building plan and stated that the metal siding shown as well as the cedar shakes would be replaced with EFIS material. He added that the cooler additions would also use the EFIS material. He also presented the floor plan and lighting plan for the site that met the lighting requirements. He asked for approval for the project.

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Mr. Whicker then asked about the material to be used for the second story portion of the proposed store structure at the entrance and whether the T111 material shown should be replaced with the EFIS or steel construction material which were more durable.

Mr. Ken Trout responded that all the T111 material including the shakes would be replaced with the EFIS.

Mrs. Johnston then asked about any problems with the seating.

Mr. Whicker responded that it appeared they were asking for an exception for the number of required parking spaces based on the seating.

Mr. Dombrosky asked Mr. Keiser if they were requesting primary and secondary approvals.

Mr. Keiser stated yes for both.

Mr. Dombrosky explained that the applicant was requesting two modifications, one being not reaching the parking space minimum based on the outdoor seating and due to it being seasonal.

Mr. Trout explained that their busier times were always during the cooler months for football and basketball seasons. He stated during the summer months when outdoor seating would be utilized, they were not as busy so that they would probably not be at capacity inside or outside.

Mr. Dombrosky went on to explain that for the other modification being requested, the applicant technically had two frontages with a dumpster in one of those, which was not allowed and the modification would be needed to place the dumpster in that location. He stated since there was not any other location where it could be located, he did not have a problem with it and that it would be well screened and behind a lot of landscaping.

Mr. Whicker then opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and asked for any further discussion.

There was some further discussion on the modifications being requested.

Mr. Gentry then made a motion to grant primary approval for **DPR 461/17: Wings, Etc.** **(Primary)** subject to the following:

1. Conditions & recommendations in staff's letter dated October 10, 2017;
2. Modification to allow less than the minimum number of parking spaces required; and
3. Modification to allow the waste container/dumpster to be in the front yard.

Mr. O'Riley seconded the motion.

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

Mr. Gentry then made a motion to grant secondary approval for **DPR 461/17: Wings, Etc.** **(Secondary)** subject to the same conditions, recommendations and modifications as for the previous primary approval as set out above.

Mr. O'Riley seconded the motion.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

Subject to approval by Tri-County Conservancy District.

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 Zoning Ordinance.
3. Details must be provided for the curb modifications, and curb must be protected during construction.
4. Filter baskets rather than coir logs should be used at the beehive inlets for erosion control.
5. Care must be taken not to allow ponding in the low area of the adjacent property.

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 Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.
6. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.
7. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
8. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

EP 01/17: KENNY WILLIAMS; a special event permit approval for a motocross event; 180 acres, Marion Township, S20,21-T16N-R2W, located on the east side of State Road 75 and south of West County Road 400 North.

Mr. Kenny Williams, 50 Lincoln Hill, Coatesville, appeared on his behalf. He stated he was presenting the same proposal he had presented at a meeting last year as to holding a motocross event on his property in Marion Township. He stated he was requesting a special event permit to hold a road race on his property south of North Salem. He stated the event would run for two days and he would like to hold this event once a year. He estimated there would be possibly 2,500 people attending the two-day event. He explained that the dirt bike races would be conducted on Saturday with the 4-wheeler events on Sunday. He went on to explain that it was a good family oriented event and that his son also participated in the event. He then addressed the concerns from the last meeting on the matter. He stated that his experience from the event last year indicated that very little litter had been left on the property and along the highway and he had cleaned that up. He added that there had been no problems with farm equipment on the roadway at that time and added that this year's race would be one month later when field work was almost completed. He then added that he felt the event had not been as noisy or as reckless as the remonstrators expected. He stated that many families camp over for the event and that no electricity was available. He then added that he had provided a plot plan, letter of intent and pending the county approval, INDOT would provide him with a permit. He added that INDOT had informed him if mud was left on the state road, it should be cleaned up.

Mr. Whicker called for questions or comments.

Mr. Gentry asked Mr. Williams if he had met all the conditions and requirements set out by the Planning Staff.

Mr. Williams stated yes.

Mrs. Johnston asked about an EMT and ambulance being available for the event.

Mr. Williams answered yes with Danville and North Salem, if necessary, and that Midwest had its own on call people to handle emergencies.

Mr. Gentry then asked if any off-duty police would be hired for the event.

Mr. Williams stated he had considered that matter for the event last year and that the police had stated they had been too busy and that he would need to contact them ahead of time and pay an officer hourly to police the event. He stated they could come out to the event, if needed.

Mr. Whicker then asked staff if Mr. Williams had addressed all their conditions and concerns.

Mr. Dombrosky stated yes and that the primary concerns from the last event had been handled mostly by state agencies. He added that the concerns they looked at and should look at were the impact on the immediate surroundings and what had been the impact from the last event and had it been significant. He stated that the staff needed to be concerned now with what had been placed in the special event ordinance now in effect. He stated they should consider if the use involved had a detrimental effect through traffic, smoke or odors. He stated he was fairly comfortable with the resolution of all the other conditions and that he wanted to mention that if this became an annual request, it should be determined if it should be an annual temporary event or if it needed to obtain some higher approvals and what those might be.

Mr. Whicker then added from the staff's view, this request had complied with the special event ordinance and other applicable requirements.

Mr. Dombrosky replied that would be correct.

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

Mr. Abraham Athialy, 3841 North State Road 75 appeared and thanked the Commission and staff for the work they had done on getting the new Special Event Ordinance approved. He added that a petition signed by around 70 people had been submitted with concerns and although not many were present, he felt their concerns were still expressed. He added that he had spoken to some of them and their feeling was that the event would go forward no matter what their concerns were. He then stated that since his property was the closest neighbor to the event property, he had wanted to add his concerns again regarding the noise generated by the event. He stated that the existing vegetation between the properties did not stop the noise from the event carrying onto his property. He suggested that he invited any of the members to come to his property during the event and hear and measure the decibel level generated. He stated he felt it was a big concern for him and that the noise levels exceeded what would be considered acceptable.

Mr. Whicker added that as the special event process had been put in place and steps taken to protect the citizens, if the noise concern continued to become objectionable and in the event this body approved the event, that taking Mr. Athialy up on his offer to visit his property and understand how the noise level was affecting him might become a consideration.

There being no one else signed up to be heard, Mr. Whicker closed the public hearing and asked Mr. Williams if he had any more questions or comments.

Mr. Williams then responded that someone had done a decibel count and that he could provide that information for the members. He added that the level had been within reason.

Mr. Whicker added that he respected Mr. Williams comments but that the noise concern was a subjective one and they needed to take Mr. Athialy's concerns seriously.

Mr. Whicker stated there being no further discussion, the vote on this matter must be a unanimous one to pass.

Mr. Gentry then made a motion to grant approval for **ES 01/17: Kenny Williams (Motocross Event)** subject to the conditions and recommendations in staff's letter dated October 10, 2017.

Mrs. Johnston seconded the motion.

FOR – Mr. Whicker
Mrs. Johnston
Mr. Gentry
Mr. O'Riley

AGAINST – 0

ABSTAINED – 0

Mr. Whicker advised Mr. Williams to go forward with his event and wished him success and asked that he continue to be respectful of his neighbors.

The conditions and recommendations were as follows:

-Staff Comments-

Background;

The request concerns the hosting of a special event for motor vehicle races. Last year we created an ordinance to review special events. This ordinance describes specific criteria to review. In summary of the ordinance,

The Plan Commission shall review each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

Will not be a lasting negative effect on the community...;

State authorities will monitor the waterways and roads to ensure that no permanent damage will be done.

Will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage structures, refuse disposal, water and sewer...;

Necessary infrastructure is either privately managed or monitored by local and state agencies. Local authorities for emergency services have been notified and do not have any unaddressed concerns, and in fact have been on site during past events. Other local agencies such as Hendricks County Engineering, Surveyor, and Health Department have been notified and communicating with the applicant.

Will not create excessive additional public cost, and will not be detrimental to economic welfare;

No publicly managed agencies have presented concerns with stressing infrastructure or additional costs. There is no reason to expect a negative effect on the community's economic welfare.

Will not involve uses... that will be detrimental to any persons, property, or general welfare by excessive production of traffic, noise, smoke, fumes, glare, or odors;

Excessive noise should be mitigated by the surrounding vegetation, and by maintaining at least a 300' separation from the event activities to the nearest neighboring property line.

Will have vehicular approaches which shall not create an interference with traffic...;

The additional traffic produced is released directly on a state road and the State Department of Transportation has no concerns with the entrance/exit and traffic volume or safety. The event is later in the year to accommodate harvest season.

Will not result in the destruction ... of a natural, scenic, or historic feature of major importance;

The event will take place on private property and any interaction with the waterways will be monitored by the Indiana Department of Natural Resources.

Will be temporary and not be an alternative to a more stringent approval;

The alternative approval would be a zoning change and development review as a full time commercial venue. The Commission should consider whether this is a concern with an annual event.

-Staff Recommendation-

Based on the information provided, staff recommends the Plan Commission recommend: **APPROVAL**

TZA 04/17: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE, CHAPTER 7, SECTION 7.3 ENTRANCE/DRIVE STANDARDS, and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Dombrosky presented information on the text amendment recognizing a discrepancy and explaining that this was a technical change already in the Subdivision Control Ordinance that needed to be in the Zoning Ordinance. He added that development standards belonged in the Zoning Ordinance and common improvements and subdivision improvements belonged in the Subdivision Control Ordinance. He stated this was in the wrong place and needed to be placed in the Zoning Ordinance

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which this amendment would accomplish. He stated it would not substantially change anything down on the ground.

Mr. Whicker commented that this would be something to use going forward.

Mr. Dombrosky stated yes and that there were driveway separation standards based on the road classification.

Mr. Whicker explained his understanding of the matter.

Mr. Dombrosky explained that because previously this was in the Subdivision Control Ordinance, a variance from it could not be obtained which could only be done from the Zoning Ordinance.

Mr. Steuerwald added this was all a technical matter.

Mr. Dombrosky agreed it was not a substantial change.

TZA 05/17: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE, CHAPTER 4, SECTION 4.21 AD – AIRPORT DEVELOPMENT DISTRICT, and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Dombrosky stated although this was a more substantial change, it was still a small one. He explained that in the airport district a change needed to be made to the maximum residential accessory building height allowed in this district from 18' to 24'. He added that in that district for some reason, the residential accessory building height was set at 18 feet which was six feet lower than any other height limit other than for the manufactured home part. He stated that every other district had no restriction lower than 24 feet. He stated that the 18-foot restriction was impractical for any pole building of substantial size.

There was discussion among the members and that the amendments would be recommendations to the Hendricks County Board of Commissioners.

Mr. Gentry asked about the building restrictions in that district and discussed them with Mr. Dombrosky.

There being no further discussion, Mr. Whicker called for motions on both amendments.

Mr. Gentry made a motion to send favorable recommendations to the Board of County Commissioners for **TZA 04/17** and **TZA 05/17**.

Mrs. Johnston seconded the motion.

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

These matters would be heard by the Board of County Commissioners on Tuesday, October 24, 2017 at 9:00 a.m. or thereafter.

The ordinances in their final form were as follows:

Amendment to the Hendricks County Zoning Ordinance Chapter 7, Section 7.3 Entrance/Drive Standards

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 Zoning Ordinance be amended as to Chapter 7.3 Entrance/Drive Standards;

Whereas, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted on a 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:

AMEND Chapter 7.3.B. by Adding:

g. Driveway Separations -- Driveway locations shall conform to the following minimum requirements for separation:

TABLE 6-6 MINIMUM DISTANCE FROM DRIVES TO NEAREST INTERSECTION Note: Distance is measured centerline to centerline		
Street Type	Residential Driveway	Non-residential Driveway
Arterial	300'*	600'
Collector	200'*	200'
Local	100'	100'
Subdivision	75', with maximum of one per lot	N/A

* It is the intent of this ordinance to avoid residential driveways directly on arterial streets (see Section 2.11 (2)(b), Access Limited). When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to locate two driveways immediately adjacent, rather than to use the recommended separation.

AMEND Chapter 7.3 by Removing:

B.b.(3) Each ingress or egress aisle/driveway shall not be closer than seventy-five (75) feet to a street line of an intersecting side street. If possible, the entrance should be located off an alley or minor street.

An Amendment to the Hendricks County Zoning Ordinance Chapter 4

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; and

Whereas, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 4 Table 4.5 and Section 421; and

Whereas, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted to forward a favorable recommendation to the County Commissioners; and

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

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

AMEND "Section 4.21 AD - Airport Development District. D. LOT STANDARDS"

Maximum Building Height⁹ — Residential Accessory ~~18~~ 24 ft.

AMEND "Table 4.5 Non-Residential Lot Standards"

Maximum Building Height^e — Accessory. AD Airport Development, Res: ~~18~~ 24 ft.

Mr. Dombrosky then introduced the new Senior Planner for the Hendricks County Planning & Building Department, Suzanne Baker.

Mr. Dombrosky also announced the appointment of a new temporary interim replacement Plan Commission member, Eric Wornhoff as the Purdue Extension Agent representative.

Mr. Paul Miner asked to be heard briefly under Wishes to be Heard as follows:

Mr. Miner asked if the members could during primary approvals remind the applicants to select native plantings and he also discussed the need to reduce the use of detention ponds by using paving methods or pervious concrete.

The members agreed to consider those requests.

There being no further business, the meeting was adjourned at 7:21 p.m.

Tim Dombrosky, Secretary