

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, March 13, 2018 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; Mr. Tim Whicker; Mr. Eric Wornhoff; Mr. Walt O'Riley; and Mr. Bob Gentry. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mr. Cory Gehring, Chief Deputy Surveyor; Mr. John Ayers, County Engineer; Mrs. 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 six (6) members present.

Mr. Palmer called for a motion to approve the February 13, 2018 Plan Commission Minutes.

Mrs. Johnston made a motion to approve the February 13, 2018 minutes with Mr. Wornhoff seconding the motion.

The motion passed with 6 in favor and no abstentions.

FOR – 6 – AGAINST – 0 – ABSTAINING – 0 –

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

DPR 463/18 (PRIMARY): HAWKEYE STORAGE; a development plan review to establish a storage unit facility, 7.58 acres, Marion Township, S05-T15N-R2W, located on the north side of U.S. Highway 36, approximately 0.4 mile west of State Road 75, more commonly known as 7410 West U.S. Highway 36. (Kruse Consulting, Inc.)

Mr. Palmer then stated that this first item and its accompanying application for secondary approval would need to be continued for thirty (30) days to the next meeting in April.

Mr. Wornhoff then made a motion to grant a thirty (30) day continuance for **DPR 463/18 (Primary & Secondary): Hawkeye Storage.**

Mr. Gentry seconded the motion.

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

ZA 453/17: MI HOMES OF INDIANA, LP; a zoning amendment change from RA/Single Family Residential District and AGR/Agriculture Residential District to PUD/Planned Unit Development District, 128 acres, Brown Township, S05-T16N-R2E, located on the west side of Raceway Road between East County Road 700 North and East County Road 650 North. (Barnes & Thornburg/Banning Engineering PC)

Mr. Palmer stated that this matter had been heard and continued from the February meeting. He added that the public hearing had been held at that meeting as mandated by statute. He stated that as a courtesy, the Commission had decided to allow limited time for the public to be heard on the matter at this meeting. He stated that the only request was that comments be kept to new information. He stated that all of the comments made at last month's meeting were included in the minutes and that all members at this meeting had been present to listen to those comments at that meeting.

Mr. Jeff Banning of Banning Engineering, PC appeared on behalf of the applicant, MI Homes of Indiana, LP. Mr. Banning added that the other members of his team had not yet arrived. He stated he would not go over what was presented at last month's meeting but would talk about the items that had changed since the last presentation. He stated that they had reduced the number of homes down to 274

units. He added that had been necessary as they had gone from 55-foot-wide lots to 60-foot-wide lots on the northern portion of the property. He stated that had also reduced the density down to approximately 2.1 units per acre.

Mr. O'Riley asked what the previous total number of lots had been and the density.

Mr. Banning replied that it had been 286 lots with approximately 2.3 percent density. He added that the big change had been increasing the width of the lots from 55 feet to 60 feet. He stated this change had come about from their meeting with the Brownsburg Fire Department to increase the side yard setback although it would still not meet the Fire Department's requested twenty (20) foot separation between homes. He stated that a detail on the plan allowed them to show where the setbacks were in relation to the actual livable unit and the garage unit. He went on to discuss the other change that had been made to their street layout. He displayed the conceptual plan which allowed them to reduce the number of waivers previously requested and present a unique layout of the subdivision. He then discussed their reduction in the number of lots as compared to what a typical RA development would allow. He stated that there had been nothing new or changed in the Fiscal Study. He stated that they met or somewhat met most of the Comprehensive Plan items and that some items were not applicable to their proposed development. He concluded by stating that the staff had recommended approval and that they would appreciate a favorable recommendation from the Commission.

Mr. O'Riley then asked if there had been any other differences than those discussed.

Mr. Banning responded that there had been some revisions to the architectural plans that MI Homes had worked with staff on and in regard to the point system within the ordinance and that they had upped it from 5 points to 7 points.

Mr. Dombrosky added that the changes since the last meeting were formatting and measuring points and that it was substantially the same plan other than the layout changes.

Mr. Banning stated that Section 6 of the Ordinance had to do with architectural design standards which they had built into their ordinance and had embellished.

Mr. Dombrosky explained that one thing that had been negotiated with the developer was to restrict the bottom end of their sizes to not more than ten (10) percent which was a substantial change from the last plan and was an effort to spread the units out over the proposed development.

Mr. O'Riley asked if that had to do with not being more than ten (10) percent of the smaller homes.

Mr. Dombrosky stated yes.

Mr. Banning stated that there had been a lot of items mentioned at the last meeting that were not in the ordinance. He pointed out their Exhibit A where they had shown typical playground equipment and pool which had not been included in their previous ordinance and was now specifically in it.

Mr. Wornhoff then asked for a clarification on the distance between the homes at 15 to 18 feet apart.

Mr. Banning stated that was correct and that their minimum side yard was seven and one half (7-1/2) feet with a minimum distance between any two homes of fifteen (15) feet.

Mr. Wornhoff asked if every lot would be that way regardless of size of the home.

Mr. Banning responded that was not necessarily correct. He stated that the reason for that distance was to allow them to have a bump out for a garage and that a lot of the houses would have a

four (4) foot bump out which would get them to the fifteen (15) foot distance. He stated that there would be several houses that would not have that bump out.

Mr. Whicker asked about there being twelve houses less in the north half.

Mr. Banning stated that was correct.

Mr. Palmer then asked what the minimum side yard in the last presentation had been. He stated he had thought it was seven and one half (7-1/2).

Mr. Dombrosky stated that it was the same and that it was the lot width that had changed. He stated that allowed them a little more flexibility.

Mr. Banning stated that was correct.

Mr. Wornhoff stated that was for different levels of homes.

Mr. Palmer stated the minimum had not changed but that there were different square footages of homes.

Mr. Banning then referred to Exhibit G which gave a typical house separation.

Mr. Gentry then stated that a question had been raised regarding feeding the pond and as to the release rates.

Mr. Banning responded with the same answer he had given the Drainage Board at their last meeting. He stated that they were in the zoning phase and they had not done a final drainage design. He said they had talks with the County Surveyor's office and it would be part of their analyzing of the drainage to include the existing pond as well as the runoff from their site and how that was balanced out to meet the county ordinances.

Mr. Palmer asked for further questions or comments.

Mr. Dombrosky stated that Mr. Isaacs of MI Homes had arrived to the meeting with a new slide show to present on the proposed development.

Mr. Jonathan Isaacs of MI Homes of Indiana appeared and presented a slide show to set forth the changes that had been made to the proposed development. He discussed the changes to include a reduction in the number of lots, the increase in lot widths from fifty-five (55) to sixty (60) feet, the allowance of a four (4) foot bump out on the garages with sixteen (16) feet of separation between the structures and without the garage bump out, there would be a twenty (20) foot separation between structures. He stated in most cases there would always be twenty (20) feet between the living area versus sixteen (16) feet for the garage. He discussed working with the staff on clarification of the points in architectural standards which were more than the county ordinance required. He discussed the specifics of the point system on the front elevations with elements added as well as the addition of electives. He stated that they had also added windows on the sides of the structures on corner lots and also on lots that were on the perimeter with projections to be added on the living area to add architectural interest to the front of the homes. He stated they had created point values for larger bump outs versus smaller bump outs and also achieving three points on a rear elevation. He went on to say that they had met with Mr. Jim Mardis, the County MS4 Coordinator, to talk about the sewer to get a better idea of what the plan would be and that there would be at least two locations where manholes would be extended to County Road 650 North that would allow for future connections to the sewers to the neighborhoods to the south. He discussed other details of the sewer plan. He stated that he had also met with the Brownsburg Fire Marshal to discuss his concerns. He stated that although the Fire Marshal was not necessarily satisfied with the building separation, the separation planned met or exceeded the county ordinance and

the state adopted building code for separation. He then went over some of the other architectural features planned for the homes. He stated that they were cognizant of what the neighbors along County Road 650 had asked for regarding the Sonora development and having to do with open space and the common area along frontage that would include landscaping requirements that would meet or exceed the county standards as far as perimeter landscaping, the opportunity to pick up drainage so as not to inundate Manor Lake and also make sure there was water flowing to it at lower times, picking up the drainage for the four neighbors on the north side of County Road 650 North to correct and divert water that was coming on to them now to go into the Sonora system, providing additional tax base and housing opportunities consistent with the Hendricks County Comprehensive Plan, providing forty (40) acres of common area within the PUD, providing a meaningful place for the residents of the community, providing housing values that exceeded the median values of the immediate area, and providing the county to bring sewers to the area. He stated that MI Homes was planning a large investment to build the 274 homes at this location and would spend well over fifteen (15) million dollars in infrastructure improvements and would create over seventy-four (74) million dollars' worth of retail values of homes.

Mr. Palmer called for questions or comments.

Mr. Palmer then discussed a letter provided them from a Mr. Shawn Nash, Treasurer of the Lakeland Manor Association regarding a compromise to approve the proposed plan with the exception that the Smart Series homes could not have a vinyl product as their outer façade and must be constructed with a better building material. He asked if Mr. Isaacs had responded to this compromise.

Mr. Isaacs replied that he had met with Mr. Nash and Mr. Goad regarding this compromise of supporting the project with Hardie Plank or better siding being used. Mr. Isaacs stated that MI Homes did not believe that was where the market was to use Hardie Plank siding on all of the homes in the development. He stated that early in the project of sixty acres, they had talked about using the Hardie Plank siding and that they had maintained the use of that siding in the larger homes to the south. He stated they felt they had already made compromises with frontage roads, better landscaping along the perimeter and the Hardie Plank siding on the expensive homes to the south. He stated that from a land value perspective, MI Homes was making a very big commitment to build homes in this area and that they did not have a problem with intermingling their neighborhood between the two series of homes and they did not believe the values were disproportionate from the homes on the north versus the homes on the south.

Mr. Palmer asked what Hardie Plank added to the cost of a house.

Mr. Isaacs responded that it was complex and would probably be around seven (7) to ten (10) thousand dollars depending on the size of the house. He stated there were also other factors such as it having to be painted every five to seven years and being a higher maintenance product versus the lower maintenance product. He stated it was the way they saw the market and it was their goal to provide the two different products.

Mr. O'Riley asked if that would be a bad thing.

Mr. Isaacs stated it would be a bad thing if the buyer could not afford the products offered and that the building codes did not require that Hardie Plank be used. He stated it was their voluntary decision to add Hardie Plank to the homes in the northern portion of the project. He stated that the vinyl product required by the ordinance was what they could meet, and he felt it was testing that ordinance by requesting they use that product on all the homes in the development. He added that the homes with the vinyl siding would have another layment of OSB plywood with a house wrap and the siding nailed to that.

Mr. Gentry asked Mr. Isaacs if it was his opinion that the Hardie Plank would require more maintenance than the vinyl siding and a buyer might not want the extra maintenance.

Mr. Isaacs responded that it was a combination of all those factors.

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Mr. Palmer then asked what the average square footage of the lots with the proposed changes with an increase of five foot of width on the northern portion of homes was.

Mr. Isaacs stated that the average lot size in Area A was 11,400 versus the previous 11,300 and the smallest lot would be 9,100. He stated that in Area B the average was 9,600 with the smallest lot area being 7,800. He displayed the chart of Sonora lot sizes by type.

Mr. Gentry then stated that logistically they would be building from the southeast corner first and if there was any way during the marketing process that as the more expensive homes were built and progressed into the northern less expensive homes, would the Hardie Plank be offered to those home buyers.

Mr. Isaacs responded yes and that the Hardie Plank siding would always be an offering to potential buyers and that generally, it was not taken as an option because it was costlier.

Mr. O'Riley asked about the minimum percentage of masonry on the vinyl siding homes.

Mr. Isaacs stated that there was not a minimum percentage and that the architectural point system included a pick list of items that were awarded point values and to get five points on the front façade, they had 14 to 16 items on the point list and he explained those choices and their values. He stated there were variations in brick choices and percentages.

Mr. Palmer asked for further questions or comments. There being none, Mr. Palmer again explained the procedure for allowing comments and limiting the time to three minutes per speaker. He stated that the commission members valued the public input and the impact from any new development or land use in their area.

Mr. Steuerwald called the first speaker.

Mr. Paul Miner of 113 Shockley, appeared and stated that he had been on the steering committees for the comprehensive plan and zoning ordinance. He stated if a project met the requirements of the ordinances and then was opposed or declined, where did that leave a developer. He added that the question was did we not want infrastructure and want to avoid sprawl. He stated that the proposed project did address that.

Ms. Nancy Miller of 10854 East County Road 650 North appeared and stated that she believed development was realistic and we should be able to work together to come up with solutions. She stated as a homeowner, she wanted to make sure that the county considered the impact of the value of the proposed homes. She stated in this case, she was going to gain five new neighbors from the proposed project and she felt that was a lot of density and that the impact depended upon the value of the homes. She stated she felt that MI Homes could do a quality project.

Mr. Martin Risch of 7232 Eagle Road appeared and asked the members if they had received a letter from the Eagle Creek Park Advisory Committee and from him. The members responded yes to both. He stated that the Eagle Creek Park Advisory Committee was comprised of eighteen prominent citizens from Marion County and neighboring counties to look after the best interests of Eagle Creek Park. He stated that group had unanimously stated that they felt the density from the proposed Sonora project was incompatible with preservation of the spring corridors on the west side of Eagle Creek. He stated that all the water from the proposed project would end up in Eagle Creek Park. He asked that they consider those points of view. He stated that he was an environmental scientist and commented on the issue of "failing septic systems." He stated that bringing a regional sewer system to the area that already had functioning "onsite wastewater disposal" did not need to be the Commission's main justification for allowing the greater density project. He added that as long as those systems were maintained, they would continue to work and could be repaired. He also commented on the assertion that "failing septic

systems" were the cause of nutrients and bacteria pollution and that there was no published scientific publication that would support that. He concluded by saying that both of those ideas presented to the Plan Commission were not a justification for changing the zoning for the property.

Mr. Shawn Nash of 10869 East county Road 650 North appeared and stated he was the representative for the Lakeland Manor Homeowners' Association. He stated they felt that the new plan presented at this meeting was worse by all measurable standards than the previous plan that had been denied. He stated it was their opinion that the homes proposed in the northern section could be considered "starter homes" and that the massive increase in the smaller lots did not fit in with the current neighborhoods. He commented on the open spaces which contained large drainage ponds and would be a safety hazard for small children and with little access except for those who lived near the ponds. He then discussed the impact of the drainage on Manor Lake and the surrounding homes.

Mr. Palmer then referenced Mr. Nash's letter regarding the compromise proposed and aside from the larger lots, asked him if that was the only compromise asked for.

Mr. Nash responded that the neighbors were reluctant to accept the density. He stated they had wished to see six of the homes taken out to get to the density they would prefer, which did not happen. He stated that when the new proposal was made with a different type of home proposed, they had just wished to preserve their property values and wanted more homes taken out but were trying to compromise instead with the request for Hardie Plank to be used to increase the value of the homes.

Mr. James Hollis of 6407 Lakeland Boulevard appeared and stated he was the President of the Lakeland Manor Association. He stated the proposed new development was not compatible with the existing custom homes and did not conserve home values and requested that the project not be approved.

Mrs. Judy Brown Fletcher of 136 East 43rd Street and of the Eagle Creek Citizens' Advisory Committee, appeared and stated that Hardie Plank would need to be repainted in seven to ten years and that there was an alternative with that product in a baked on pre-painted board which would last fifteen years without painting. She then discussed the major problems with vinyl siding. She also discussed drainage problems with a new development and with silt removal. She commented that with greater density came the dramatic increase in costs of schools, emergency services and road repairs. She asked if the county needed additional low-cost housing in such a sensitive area and the burdens that would come with it.

Mr. Clay Jackson of 10827 Golfview declined to speak and stated he supported the comments of Mr. Nash and Mr. Hollis.

Mr. Palmer thanked the speakers. He asked Mr. Isaacs if he wished to make any more comments.

Mr. Isaacs stated he would answer any questions from the Commission.

Mr. Wornhoff asked for clarification on a question about drainage and that any questions put forth would be addressed during the final development plan stage for this project if it was approved for the rezoning.

Mr. Gaston stated that was correct.

Mr. Wornhoff also commented that it was mentioned that Hardie Plank would be an available option for any of the homes in the development.

Mr. Dombrosky stated there was no restriction on that in the ordinance.

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Mr. Isaacs commented that it would come down to customer choice.

Mr. Palmer then commented that a buyer would have the option, but it was not a requirement.

Mr. O'Riley commented that he thought he saw that a ranch home in the northern section of the proposed PUD was 1,440 square feet and would that be the smallest one offered.

Mr. Isaacs responded that would be the smallest option and it was limited to ten (10) percent with no more than seventeen (17) smaller homes being allowed.

Mr. O'Riley asked what it had been prior to this proposal.

Mr. Isaacs stated there had been no limit.

Mr. O'Riley then asked about the anti-monotony clause in the proposal.

Mr. Dombrosky responded that was a standard requirement to avoid homes in a row with the same façade and other factors.

Mr. Whicker added that there could not be ten (10) percent of the houses in the proposed development of the same size in a row on the same street.

Mr. Isaacs stated that was correct and any homes less than 1,600 square feet could not be built alongside each other.

Mr. Gentry then asked a question about state statutes as to sewers available within so many feet of a development.

Mr. Dombrosky stated it was within three hundred (300) feet and was set out by the state and the county adhered to it.

Mr. Gentry asked Mr. Risch that even if sewer was available, the residents would not want to hook on.

Mr. Risch stated that he took exception to the statements that the onsite wastewater disposal systems in their neighborhoods were failing or the perception that they would inevitably fail. He stated that their systems were working.

Mr. Gentry asked if their ponds were tested for e-coli.

Mr. Risch stated he did not have a pond and most of his neighbors did not have ponds and that the waters of the state were sometimes monitored by government agencies. He stated he thought it was hearsay that pollution in the streams was caused by "failing septic systems."

Mr. Palmer then commented that there was a compromise on the table as a motion was considered, and he wanted to know if that compromise was off the table or if it was something MI Homes would consider.

Mr. Isaacs responded that he did not know if they could accept the compromise that every house in the development be required to use Hardie Plank siding.

Mr. Palmer stated that he had read the compromise to say a minimum of Hardie Plank which was basically removing vinyl with other options also available.

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Mr. Isaacs stated he had read the letter and at this point they felt like the current county ordinance accepted vinyl as a standard. He stated that adding that material would alter the home value to a point that it would miss the market. He stated their request was no different than what the Branches development to the west of their project had done. He stated that he felt they had added a large list of compromises already to the residents along County Road 650 North.

Mr. Jon Pittman of 10563 East County Road 650 North stated he had arrived late to the meeting and requested to add his comments.

Mr. Palmer stated that he would be allowed to make comments.

Mr. Pittman commented that he had been dreading this day and that his property would be facing whatever homes would be approved for construction. He stated he understood people wanting to build and live in that beautiful area. He stated although he knew that property would be developed, he felt the proposal would cause an additional 500 to 600 cars on his street. He stated he would ask that the Commission do everything in their power to make these houses as large, expensive and as big a footprint as possible so as to limit the negative impact.

Mr. Palmer then asked for further questions or comments from the members or staff.

Mr. Gentry asked if the vinyl siding being debated was of a high quality.

Mr. Dombrosky stated that it would meet the .044 thickness minimum type required in the ordinance. He stated he did not know if there was a higher grade of vinyl.

Mr. Palmer then asked a question regarding the traffic study as to the recommendation for a turn lane blister.

Mr. John Ayers, County Engineer, responded that the passing blister was for occasional use and where there was not going to be a large left turn volume and if there would be a large left turn volume, then an actual left turn lane would be needed. He went into more detail on turn lane construction requirements and locations.

Mr. Palmer asked who would be responsible for those improvements.

Mr. Ayers responded that it would be the developer. Mr. Ayers then addressed Mr. Palmer's earlier question about the traffic study report on the standards used for peak hour volumes.

Mr. Palmer stated he wanted to make sure the members took those facts into account as it was the citizens that would be dealing with the traffic issues and not the developer.

Mr. O'Riley then asked if Manor Lake would be taken into consideration for the drainage plan.

Mr. Gaston, County Surveyor, responded and stated that he had instructed the engineer that if this project moved forward to consider Manor Lake as part of an interconnected pond system almost as if it were part of the proposed development.

Mr. O'Riley asked about the way the Manor Lake neighborhood would be affected.

Mr. Gaston stated any concerns would go through the Surveyor's office and the Drainage Board. He stated it was not a regulated drain and that the residents of that subdivision could request that it become a regulated drain. He stated if the Drainage Board approved that request, they would oversee that lake maintenance. He stated, however, that if that occurred, the Drainage Board would charge the residents an annual maintenance assessment. He stated he was not sure that would happen, but the Drainage Board would consider that pond as part of the drainage design for the proposed development.

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He discussed the impact during storm events. He also stated that they would look at the outlet at Raceway Road in the design of the drainage plans.

Mr. Palmer then discussed the Traffic Study bar charts with Mr. Ayers and whether they were laid out optimally and his concerns on whether it showed the roads were nearing capacity. Mr. Ayers expressed his opinion that he did not feel the development itself would cause those intersections to reach capacity.

Mr. Palmer discussed his view of the economic impact of the project. He stated he thought the biggest variable was the value of the homes and that he still had concerns on how these home values were calculated. He stated he had discussed these concerns with the staff and that they might have to look at future projects in a different way. He stated that the source of his concern was that the information came from the developer and that there was the projected sale price and that the developer submitted and selected two "comps" and these were significantly larger than the lot sizes being talked about in this development.

Mr. Dombrosky commented that they had talked about concerns with the fiscal study methodology and how that could be updated with possibly a series of workshops.

Mr. Palmer stated that the concern was that with the development in his opinion already being on the edge regarding the economic impact, they might have bad assumptions. He added that another concern was for a comment made that the home values should be close to the level that they were closing out in the Ryan Community. He stated that if a subdivision section was being closed out of a lower value type of area and with a tight supply of land, one of their jobs was to make sure that the community was continuing to be improved. He stated they could take a step up with some mixed development. He stated he wanted to increase the value of a community as a citizen on the board. He stated his last remark was on the compromise requested and that he felt it seemed like such a small give that would impact the lives and communities of the people affected and he was disappointed that the developer was not willing to entertain that compromise. He also commented that keeping communities advancing was not easy.

Mr. Gentry directed a question to Mr. Ayers on the Fiscal Study where it said the county could request an offset contribution and whether this referred to highway costs.

Mr. Ayers stated he thought that might be what it was and that he was not sure where they came up with that number.

Mr. Dombrosky stated he thought they were referring to a combination of county services in general.

Mr. Gentry asked if they thought it would be an annual fee.

Mr. Dombrosky stated that no it would be a one-time fee.

Mr. Gentry asked who would impose the fee.

Mr. Dombrosky stated it would be us. He added that this would have to be done during the Board of Commissioners approval. He stated if the Plan Commission felt it was necessary, it could be made part of the record and set out in the minutes but not part of a vote or condition. He stated the Board of Commissioners could then consider it.

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Mr. Palmer commented on his concerns about the assumptions in the Fiscal Study based on the model on home values.

Mr. Gentry asked if he was saying that the assumptions in the model were based on information provided by MI Homes.

Mr. Palmer stated yes and that the source of the value of the homes which drove out taxes, etc., was provided by MI Homes.

Mr. Palmer then asked for further questions, comments or discussion. Mr. Palmer then informed them that there would be three options for a vote on the matter, those being a favorable recommendation, an unfavorable recommendation or no recommendation and any recommendation would then be forwarded on to the Board of County Commissioners for a final determination. He thanked those in attendance and stated he was glad they had taken the time to listen to comments on all sides of the matter.

Mr. Steuerwald then informed those present that the Board of County Commissioners was the legislative body that made the final decision on these matters and he went over the three motions that could be made. He stated that the Plan Commission's recommendation was non-binding.

Mr. O'Riley asked what would happen if they could make no recommendation.

Mr. Dombrosky and Mr. Steuerwald both stated that any or no recommendations would go before the Board of County Commissioners.

Mr. Palmer added that when the matter was before the Board of County Commissioners, they could also choose to also hear comments from the public even though they were not mandated to do so.

Mr. Steuerwald stated that was correct and that the public hearing was done before the Plan Commission.

Mr. Wornhoff asked for clarification that if the Commissioners approved the rezoning, it would come back before the Plan Commission for project development.

Mr. Dombrosky stated yes.

Mr. Palmer stated, however, that their degrees of approval were limited to what was approved in the PUD and that they could not be more restrictive.

Mr. Dombrosky responded that they would be looking at the development plan specifically with the drainage plan approved by the Drainage Board.

Mr. Palmer went on to say that on things like the siding which was part of the proposed compromise, that could not be changed.

Mr. Dombrosky stated that was correct.

Mr. Wornhoff then asked if the current proposal was in writing that any particular house built had the option to upgrade to all brick or Hardie Plank Siding.

Mr. Dombrosky stated it was not in writing and that they had the option to, but it was not in writing that they did not have the option either.

Mr. Palmer then called for a member to make a motion on the matter.

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

Mr. Gentry asked if they could specify that the highest grade of vinyl siding would be used.

Mr. Wornhoff commented that the developer had already agreed to the Ordinance's grade level.

Mr. Dombrosky stated that it met the ordinance level but that he could not say with certainty that there was not a higher grade available than what was set out in the ordinance. He stated again that no conditions could be placed on this approval.

Mr. Whicker asked if the Commissioners could consider what was discussed at this meeting.

Mr. Steuerwald stated yes, and additional comments could be sent to the Commissioners; but the motion could only be one of the three discussed previously.

Mrs. Johnston seconded the motion with four in favor and two voting against and the motion passed as follows:

FOR – 4 –

AGAINST – 2 –

ABSTAINED – 0 –

Mrs. Johnston – Yes
Mr. Wornhoff – Yes
Mr. Gentry – Yes
Mr. Whicker – Yes

Mr. Palmer – No
Mr. O'Riley – No

Mr. Palmer then asked about working something up regarding the impact fees.

Mr. Dombrosky stated he felt they would understand that there had been a consensus to review that.

Mr. Palmer stated that the matter would be heard by the Hendricks County Board of Commissioners on Tuesday, March 27, 2018 at 9:00 a.m. or thereafter.

The Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 453/17: M/I HOMES

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/RA to PUD. 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.

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

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

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

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for suburban residential. The medium density development of the proposed PUD 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 moderately diverse, 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 desirable alternatives.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth that meets several goals of the Comprehensive Plan and allows for a more efficient use of infrastructure.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 13th day of March 2018.

Other Business

Mr. Dombrosky informed the Commission members that the staff was handing out to them an item for review of their suggested changes in the definitions in the use table of the ordinance. He asked them to review it before next month's meeting for discussion. He stated it would be the first session in changing the definitions for a streamlining process.

Mr. Hufford then distributed the use table and explained what they would be reviewing.

There being no further questions or comments, the vote was unanimous for adjournment at 8:23 p.m.

Tim Dombrosky, Chairman