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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, July 10, 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. Brad Whicker, President; Mr. Damon Palmer, Vice-President; Mr. Walt O'Riley; Mr. Tim Whicker; Mrs. Sonnie Johnston and Mr. Bob Gentry. Member absent was: Mr. Eric Wornhoff. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. John Ayers, County Engineer; Mr. David Gaston, County Surveyor; Mrs. Julie Haan, Environmental Health Director; Mrs. Suzanne Baker, Senior Planner; Mr. Nathan Schall, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were six (6) members present.

Mr. Brad Whicker called for a motion to approve the June 12, 2018 Plan Commission Minutes.

Mrs. Johnston made a motion to approve the June 12, 2018 minutes with Mr. Palmer seconding the motion.

The motion passed unanimously.

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

Mr. Brad Whicker then called for the first item on the public hearing portion of the agenda as follows and he reviewed with those in attendance the rules for taking public comments on this matter.

MAP 739/18 (PUD 36) (PRIMARY): SONORA; a 274-lot major residential subdivision/planned unit development; 129.05 acres, Brown Township, S05-T16N-R2E, located west of Raceway Road, between County Road 650 North and County Road 700 North. (Banning Engineering, PC)

WA 292/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.04 Intersections (9.) Driveway Separations. (Banning Engineering, PC)

WA 293/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.04 Intersections (8.) Straight Street. (Banning Engineering, PC)

WA 294/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.03 Design Standards (29.) Cul-de-Sac Length. (Banning Engineering, PC)

WA 295/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.03 Design Standards (24.) Reverse Curves. (Banning Engineering, PC)

WA 296/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.03 Design Standards (23.) Horizontal Curves. (Banning Engineering, PC)

WA 297/18: MAP 739 PUD 36 SONORA (PRIMARY); a Waiver of the Subdivision Control Ordinance, Chapter 6, Section 6.03 Design Standards (12.) Permanent Cul-de-Sacs. (Banning Engineering, PC)

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Mr. Jeff Banning of Banning Engineering PC appeared along with Mr. Jonathan Isaacs of MI Homes of Indiana LP. Mr. Banning reviewed their previous meeting regarding the rezoning of the property and he reviewed the location of the project. He displayed their current development site plan and their summary of the number of lots proposed in different areas within the development, densities, acreages, setbacks, etc. He stated that there were also a number of waivers requested to be discussed. He stated that they had received primary Drainage Board approval. He also mentioned a lengthy phone conversation he had with Marty Risch, one of the remonstrators. He stated as they went forward with the design process for the development, they were committed to meeting with neighbors to look at existing drainage issues to determine if there was a way they could help those, alleviate those, etc. He added that the Drainage Ordinance requirements should help with any drainage issues at the site. He then asked for questions or comments from the members.

Mr. Brad Whicker suggested that Mr. Banning go ahead with the discussion on the numerous waivers that had been requested by the developer.

Mr. Banning then went ahead and discussed the waivers they were requesting because of the layout of the proposed subdivision. He stated they were waivers of the Subdivision Control Ordinance requirements for major subdivisions. He stated he would review each waiver request individually. The first waiver he discussed was **WA 292/18**. He stated that the ordinance required that driveways against a collector road should be two hundred (200) feet distance from the centerline of the roadway. He pointed out on the displayed site plan the location requiring this waiver. He stated the waiver request would allow them to reduce the one hundred (100) foot diameter down to one hundred forty (140) feet which would allow the driveway on Lot 101 to potentially vary depending on how that home was constructed. He then went on to say that associated with that waiver was a discussion with staff on "T" intersections that were unclear to them in the ordinance with respect to driveways laid out with those street intersections. He stated that occurred throughout the entire subdivision and he was not sure if that would require a waiver.

Mr. Brad Whicker asked the staff for their comments on that first waiver.

Mr. John Ayers, County Engineer, responded that he had no issues with the two hundred (200) foot to one hundred forty (140) foot reduction. He stated that the issue with the driveways coming in across from the "T" intersections was vaguer as to what the ordinance required. He agreed that was typical in most subdivisions and he was not fond of that arrangement as it tended to create traffic conflicts at "T" intersections and he did not know if there was anything in the ordinance that would explicitly prohibit that.

Mr. Brad Whicker asked for clarification if that issue was specific at another development called the Parks at Prestwick because it had a boulevard entrance.

Mr. Ayers responded that would be correct as there was a severe sight distance at that development. Mr. Ayers asked the Plan Director, Mr. Dombrosky, if he knew of anything in the ordinance that prohibited that issue.

Mr. Dombrosky stated he did not think so.

Mr. Palmer asked what the intent was behind the ordinance on this issue. He stated he was okay with the request for the two hundred (200) feet but asked about the one hundred forty (140) feet.

Mr. Ayers responded that the intent was to make sure that any potential driveway conflict was sufficiently separated from a fairly major intersection and that it was more appropriate when that driveway exited onto the collector road rather than onto a side street. He stated it would be a more critical issue if that driveway were onto for instance County Road 700 North rather than onto the interior street.

Mr. Palmer asked what street they were talking about.

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Mr. Banning pointed out that it was County Road 700 North.

Mr. Palmer asked if they were figuring it as primary egress.

Mr. Banning responded that they had two different egress points.

Mr. Brad Whicker asked if the one discussed was the only one being asked a waiver for.

Mr. Banning stated that would be correct and that the two hundred (200) foot down to the one hundred forty (140) foot was only at that one location which he pointed out to them on the displayed site plan.

Mr. Brad Whicker asked for further questions before Mr. Banning moved onto the next waiver.

Mr. O'Riley asked if their primary concern for this waiver request was due to safety.

Mr. Banning responded that was correct and added also due to "stacking" of cars moving in and out.

Mr. Palmer asked if that would add up to seven (7) car lengths.

Mr. Banning responded that it was probably not quite that length because it was to the centerline of the road. He stated in the traffic study, that type of stacking was not seen as actually occurring in the development.

Mrs. Johnston asked if that was true even in the morning hours.

Mr. Banning responded no.

Mr. Brad Whicker asked Mr. Banning to move onto the second requested waiver.

Mr. Banning then discussed **WA 293/18** which had to do with the "straight street" requirement. He stated that there were three locations within the subdivision where a waiver would be needed. He pointed out where the road came in at a curve at the three different locations rather than where the ordinance required a one hundred (100) foot tangent coming into the intersection and they had designed small curves instead.

Mr. Brad Whicker asked for staff's comments on this waiver.

Mr. Ayers responded that the two locations that went into the cul-de-sacs were on the outside of the curve for better visibility. He stated that the cul-de-sac on the outside of the curve rather than on the inside was not as big a concern for him because visibility at that intersection was good in both directions. He stated if it were on the inside of the curve, he would be much more concerned. He stated for the one coming off of Raceway Road, ideally there would be a straight street there but that the design there was a fairly flat curve for the first one hundred (100) feet and he didn't consider it significant.

Mr. Gentry asked Mr. Ayers if he had any experience with that very same layout of a development where it might at a later time become a traffic hazard.

Mr. Ayers stated that he did not know of one where that became an issue.

Mr. Banning then moved on to their third waiver request, that being **WA 294/18** for the cul-de-sac lengths. He explained that the ordinance allowed for a six hundred (600) foot cul-de-sac. He stated after lengthy debate on this matter with the staff, they had determined if they used the worst-case scenario from an intersection through, there were three areas where their designed cul-de-sacs did not meet the

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six hundred (600) foot requirement. He pointed out on the displayed site plan the locations of these three areas and explained that their measured cul-de-sac distances were eight hundred eighteen (818) feet, six hundred two (602) feet and six hundred ninety-three (693) feet. He stated that the waiver request would allow these cul-de-sacs to be longer than the six hundred (600) foot standard currently in place in the ordinance. He added that there were many one thousand (1,000) foot cul-de-sacs all over the county that had been allowed under the old ordinance. He explained that in order to present a creative layout, and with planners that wanted a design to slow down traffic and engineers that wanted to move traffic through, they were trying to balance that and come up with a unique layout with all of the amenities and open spaces, etc.

Mr. Brad Whicker asked for staff's opinions on this waiver request.

Mr. Ayers responded that the one with six hundred two (602) feet was negligible. He stated that his opinion on the definition of a cul-de-sac was that it started at the closest meaningful intersection. He stated he was not fond of the design for the other two cul-de-sacs and that Mr. Banning was correct in that the old ordinance allowed the longer length.

Mr. Brad Whicker then asked what was the basis that established that six hundred (600) foot requirement.

Mr. Ayers responded that at one time he had been told that it was based on the length where fire trucks could get their hoses running back from another intersection. He stated he did not know if that was the case anymore or not. He stated it had to do with access for fire equipment and for access if there had been an accident occurrence. He also added that he had been told that at one time it had to do with walking distance for school children but that today he did not think that was the case. He stated he felt that the requirement needed to stay close to six hundred (600) feet.

Mr. Banning responded that they could connect a road involved and eliminate the cul-de-sac concern and need for a waiver at that location. He stated again that they were trying to present a unique subdivision with an area where people could be somewhat away from the main traffic routes.

Mr. Ayers added that he knew there tended to be people who wanted to live on cul-de-sacs because of there being no thru traffic.

Mr. Palmer asked Mr. Ayers if there were a setback minimum if that were to be made a through street.

Mr. Ayers responded yes.

Mr. Palmer asked if it would be the two hundred (200) feet as well from County Road 700 North. He explained what he was asking.

Mr. Ayers responded that he thought that would have already been met.

Mr. Banning responded that by looking at some of their previous designs for the project, they had shown intersections that allowed cul-de-sacs to be shorter, but the staff had wanted them to make the flow more direct and that they were trying to balance their design and staff's requests as best as possible.

Mr. Jonathan Isaacs of MI Homes of Indiana appeared. He stated that from a design perspective and having done work in all nine counties of Indiana, the key word used by Mr. Ayers was "meaningful" intersections and that was why they had applied for the waiver. He stated with the last three-way intersection, all of the cul-de-sacs would meet the six hundred (600) foot rule. He stated he believed in some respects it had to do with the definition. He stated he did not want to redesign because they were afraid of violating the ordinance since they were in a gray area in defining what was an intersection. He

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stated that most of the time it was the fire fighters who did not like putting their trucks in reverse. He stated they did not present their design as a way of violating the ordinance.

Mr. Brad Whicker thanked Mr. Isaacs and stated that he would agree with staff on the way a cul-de-sac was measured. He added, however, that he preferred the design presented rather than cutting the street through. There being no further questions, Mr. Brad Whicker asked Mr. Banning to move onto the next waiver request.

Mr. Banning stated he would be jumping forward to address the last waiver request next, that being **WA 297/18** for permanent cul-de-sacs. He explained that along with the request for a waiver of the cul-de-sac lengths, the number of lots served with a cul-de-sac was twenty (20) and their design was twenty-five (25) lots on one side and twenty-seven (27) lots on the other side.

Mr. Brad Whicker asked for Mr. Ayers' opinions.

Mr. Ayers responded that this one did tie into the previous ones. He stated that it was again about the practicalities of serving how many homes off of a street with only one access point.

Mr. Dombrosky agreed with Mr. Ayers' comment and stated again it was pointed out even more when there were twenty-seven (27) lots and with a scenario of an accident occurring and blocking the intersection where the correct definition of a cul-de-sac would be measured from, those twenty-seven (27) residents would be trapped within the cul-de-sac until the accident was resolved.

Mr. Palmer then asked if it was staff's opinion that the definition of a cul-de-sac was clear from where it started.

Mr. Dombrosky stated he agreed with Mr. Ayers' opinion where there was a meaningful choice at what direction you could go in an intersection and in the intersection presented in the plan, there was not a choice.

Mr. Brad Whicker added that it was an additional seven (7) lots rather than the twenty (20) lot minimum.

Mr. Banning moved onto the next waiver request, that being **WA 295/18** for reverse curves. He explained that the ordinance required a tangent between the reverse curves. He stated they had a curve turning into a curve and they were requesting that 100-foot tangent be reduced down to 0. He explained it was to allow the flow of traffic but calm it.

Mr. Ayers stated that he had no issues with this request. He stated that the difference between the meeting of the two curves was slight. He asked Mr. Banning what the design speed for the streets was.

Mr. Banning replied 20. There being no further questions, Mr. Banning went on to discuss the next waiver, that being **WA 296** for horizontal curves. He stated that along Raceway Road and County Road 650 North, they had created landscaping, buffering and common area for the neighbors to the south of the project. He stated that they had not brought an entrance out onto that county road. He said because of that, they had tightened up the curves with a centerline radius of 110 rather than the 150 required by the ordinance.

Mr. Ayers asked if ASHTO (American Association of State Highway and Transportation Officials) had allowed them to go down to 110.

Mr. Banning replied that he thought it had been 104.

Mr. Ayers stated because of that he had no problem with this waiver request.

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Mr. Tim Whicker asked if the location of the driveways made a difference.

Mr. Ayers responded no.

Mr. Banning replied that the sight distance should be good.

Mr. Ayers stated, however, that Lots 10 and 23 should have their driveways as far north on the lot as possible.

Mr. Dombrosky added that realistically, the only people that would be coming down there would be for those five lots and people who drove there by mistake. He stated there would not be appreciable traffic.

Mr. Banning stated that they did not have models that had side garages.

Mr. Ayers stated his preference would be for those lots to have drives on the sides of the lots.

Mr. Gentry stated he agreed.

Mr. Palmer stated he thought that would be safer.

Mr. Brad Whicker asked for further questions or comments before Mr. Banning added additional comments.

There being none, Mr. Banning stated he did not have any more comments on the waivers.

Mr. Brad Whicker added his perspective that of the waivers being requested, he did not find any that were unreasonable. He stated that his only slight cause for concern was for the eliminating one of the cul-de-sacs and that he felt the current design was preferable.

Mr. Gentry asked if school buses and fire trucks could turn around in those cul-de-sacs or would they need to do a three-point turn.

Mr. Banning responded that he assumed they could turn around as they were using the standard ordinance subdivision design. He stated that their understanding was that school buses did not usually go down cul-de-sacs anymore.

Mr. Ayers responded that the design met the county ordinance in radius unless cars parked in those cul-de-sacs.

Mr. Brad Whicker asked if there was anyone else who wanted to sign up to speak during the public hearing and he set out the guidelines for speaking.

Mr. Steuerwald called on the first person signed up, that being Craig Goad.

Mr. Craig Goad of 10907 East County Road 650 North appeared. He stated that he had wanted to talk about Lot 24. He stated he lived across from the lots previously discussed, which had been a request for the zoning approval that the proposed homes would be front facing on a frontage road. He asked that the drives discussed not be moved to the side of the lots because the homes would then not be front facing. He went on to say that at previous meetings on this project, Lot 24 had not been located in the position it was now in and that location was previously to be open space. He discussed the comments made at previous meetings by MI Homes that they were meeting the concerns and requests of those neighbors along County Road 650 North.

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Mr. Brad Whicker commented that what had been approved or discussed during the zoning hearing had been conceptual at that time.

Mr. Goad stated that there had been one issue that the neighbors had spoken of during that hearing as to the use of hardie plank in the development and it had been agreed on for the northern portion. He stated that they had wanted it to be used in the southern portion also and that Mr. Isaacs of MI Homes responded that they had already made compromises with frontage roads and better landscaping along the perimeters. He stated that later in that meeting Mr. Isaacs had again been asked about the hardie plank compromise and had responded that he felt they had made compromises already to the residents along County Road 650 North. He stated that the frontage road concept was designed exactly as proposed by the residents along County Road 650 North.

Mrs. Kelsey Goad of 10907 East County Road 650 North appeared and stated that the way Lot 24 was designed, it would stick out like a sore thumb and completely ruin the concept of the frontage road and the promised open space. She gave further reasons why Lot 24 would not fit into the frontage road concept. She stated that any tweaks to the concept plan should be done within the development and not in the perimeter. She stated if Lot 24 could not be located within the development, then it should be eliminated.

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

Mr. Jonathan Isaacs responded that the discussion on the concept plan was without full engineering and without a full understanding of where centerline radii were going to come out. He explained that the original concept plan had the centerline radius in the area in question at 75 feet. He stated that opened up enough area where a third lot was able to fit and create the frontage road option. He explained how in discussions with the staff, they had settled on the presented concept. He stated that Lot 24 fitted within the guidelines and that the lot to the west of Lot 24 had an existing tree row and would remain as they were part of the lot owner's property and that the back of the homes there could not be seen because of that tree line. He mentioned the lift station going out to the street that was required by Aqua Indiana. He discussed lots 23 and 10 and their drives designed to the side would cause the drives to come out on a curve. He repeated that the street in that design was not really a through street.

Mr. Brad Whicker stated that he felt in the discussion by Mr. Isaacs his use of contemplating on the mounding should be more like considering as there had been neighbors who had been pretty passionate about that point.

Mr. Gentry asked Mr. Whicker what he had been referencing.

Mr. Brad Whicker explained the reference to the discussion on Lot 24 and the mounding being shown on the plan.

Mr. Tim Whicker asked Mr. Dombrosky if any of that mounding was a requirement.

Mr. Dombrosky explained that there were requirements for the buffer and that one of the things that would meet that requirement was a mound. He stated that there were other ways to meet that requirement such as a solid fence and that there would be something used there such as mounding, evergreen screening, etc.

Mr. Brad Whicker added that if there was a primary approval, there would also be a secondary hearing that would be heard by the Administrative Committee to assure that the development was meeting all of the requirements.

Mr. Isaacs added that they would provide the mounding in the area of Lot 24. He stated that he thought his original agreement with Mr. Goad had been to commit to a point value of 5 and not take the mound as an element of the 5.

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Mr. Dombrosky asked about the location of the southmost property line.

Mr. Banning stated that it was probably somewhere in between. He added that Lots 10, 24 and 23 were all facing County Road 650 North.

Mr. Dombrosky stated he was trying to determine if Lot 24 was tacked on or were lots shifted.

Mr. Banning stated that lots shifted north as well but that it was tacked on.

Mr. Gentry asked about the driveway issues for Lots 23 and 10 and that it would be better to keep the houses in the locations as presented on the plan.

Mr. Brad Whicker agreed on not changing the plan.

Mr. Palmer asked if there were any other material changes from the concept. He stated he felt the public was right that the Commission approved things based on concept and that they needed to be very careful when making changes.

Mr. Isaacs stated that in order for them to bring in the sewer, they had to create room. He discussed a requirement for a designated sewer easement on their east property line to accommodate the sewer utility master plan. He explained how that impacted the concept plan.

Mr. Palmer asked for confirmation that the number of lots had not changed.

Mr. Isaacs responded no and that the amount of open space had not significantly changed and that they were still over 32% open space.

Mr. Dombrosky responded to Mr. Palmer's point that a concept plan was presented at the zoning phase of a project and that they were not allowed to vary significantly from that concept plan and what that word meant to Mr. Goad versus Mr. Palmer was different as Mr. Goad actually lived there.

Mr. Palmer stated he was sensitive to what Mr. Goad considered significant.

Mr. Tim Whicker stated that it seemed from staff's perspective a lot of the waivers were okay except for the length of the cul-de-sacs and number of houses.

Mr. Dombrosky agreed, and he respected Mr. Ayers' opinion with respect to the cul-de-sac designs, but that the one thing he would say was that the number of access points regardless of how many cul-de-sacs were in it had not changed.

Mr. Brad Whicker commented that if the developer was pressed to make changes, what came back might not be as appealing a design as the one presented.

Mr. Palmer commented that on the approved zoning, there were a certain number of lots.

Mrs. Baker stated that the number of lots was 274.

Mr. Palmer asked if that was a maximum.

Mr. Brad Whicker stated that would be a do not exceed number.

Mr. Palmer stated he was interested in what had been behind the intent of each one of the ordinance requirements. He stated he felt like the root cause of the design problems was that the project was too dense. He stated he wondered what the result would be if they had to live up to the code.

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Mr. Brad Whicker stated that they were with the exception of the waivers and whether they were reasonable within the ordinance.

Mr. Palmer stated he got very concerned when talking about a lot of traffic from the development coming out onto Raceway Road or up on County Road 700 North and any time waivers were considered when there was a radius or curve design as presented. He stated that the traffic study was a model and the model was only as good as the assumption. He stated that his concern regarding the long cul-de-sac design had to do with fire hazards and blockages of the road trapping residents down in the cul-de-sacs. He stated he felt there was an element of public safety that had to be considered when looking at the waivers requested. He stated he would like to know more about the public safety in this development.

There was further discussion among the members on looking at a different concept side by side with the one presented.

Mr. Brad Whicker stated he did not feel it was the Plan Commission's job to choose what design but to address the variances being requested. He felt otherwise it was overstepping.

Mr. Palmer asked Mr. Steuerwald if he felt it would be overstepping.

Mr. Steuerwald responded that with a proposed major plat, the Plan Commission's duty was a ministerial function. He stated if they had presented the plan with no waivers and if they met the ordinance, it would be the Commission's duty to approve it. He stated that waivers were different and there was discretion in whether or not to grant the waivers.

Mr. Palmer commented that in trying to do what was best for the community, we need to be able to look at whether or not a plan lived fully up to the code versus the waivers as they were talking about tradeoffs. He stated the ordinance requirements were in place for a reason and that we needed to see the pros and cons.

Mr. Brad Whicker stated he did not think it was uncommon for a petitioner to come before us asking for various waivers.

Mr. Dombrosky reminded the members that this was one of the first significant developments to occur under the new Subdivision Control Ordinance. He stated it was not uncommon to have modifications requested.

Mr. Ayers stated he agreed with Mr. Dombrosky's comments, but that it was a little unusual to see this many waivers.

Mr. Tim Whicker stated that his concern was mainly for the longer cul-de-sacs and he discussed his thoughts on the waivers requested.

Mr. Ayers responded that his comments on the waivers were just his opinion and thoughts and it was ultimately up to the Plan Commission to make the final decisions.

Mr. Palmer commented that this situation was the similar to what happened down at State Road 39 and Interstate 70 where one or two exceptions were made, and it played through for the whole development. He stated he felt they needed to be very careful on the waivers being granted for this first large development.

Mr. Brad Whicker commented that he did not want to compare those two developments hand in hand as there was a vast difference between industrial/commercial developments and residential ones.

Mr. Palmer stated he felt it was about the precedent they set.

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Mr. Brad Whicker stated then that the Subdivision Control Ordinance needed to be seriously looked at. He stated he felt that four out of the five waivers were perfectly acceptable and that the Ordinance was doing its job.

Mr. Gentry stated that according to the staff, they were considering looking at a review of the Subdivision Control Ordinance.

Mr. Tim Dombrosky stated that the Subdivision Control Ordinance was the last priority among the three ordinances. He stated that the Subdivision Control Ordinance had not been tested yet and needed to be before considering a revision. He stated although he did not disagree with Mr. Palmer's comments, he stated that we had the discretion to grant waivers when the County Engineer was comfortable with them.

Mr. Brad Whicker stated that the developer could revise the plan and although not as unique a design as submitted, it would meet all of the ordinance requirements.

Mr. Palmer added that he thought what should be looked at was if it was a safe design.

Mr. Brad Whicker stated he thought that was subjective. He stated it was his opinion that an inferior product was going to be created if we held everyone to the letter of the law. He repeated that he felt the design now submitted had unique characteristics with green space and that some of the waivers were relevant to the way the roads were laid out.

Mr. Palmer pointed out on the displayed plan the areas of his concern and commented that if a lot had to be taken out to alleviate concerns, that was only 3/10th of a percent of the entire subdivision.

Mr. Brad Whicker added that when the staff engineer had no problems with the design, he would not be in favor of requiring a lot to be removed.

Mr. Palmer then asked what we were here for.

Mr. Brad Whicker responded to provide guidance and some discretion when necessary. He added if we wanted an inferior product, the applicant's engineer could go back and redesign the roads without cul-de-sacs.

Mr. Palmer responded that density was the root cause here.

Mr. Brad Whicker stated that there should be no discussion on density because the developer had every right to design a 274-lot project.

Mr. Gentry asked about a review of the Comprehensive Plan in 2018 and whether or not that would be the time to discuss the objections to the materials being used on the homes in a development or the distance between homes.

Mr. Brad Whicker stated that would be for the Subdivision Control Ordinance review discussion. He stated that discussion would take place after the Comprehensive Plan was revised.

Mr. Dombrosky stated that the Comprehensive Plan would set out philosophical goals for those things and that we would talk about those things each time we had a development in progress.

Mr. Ayers stated that the Comprehensive Plan would not address those things at that level of detail.

Mr. Brad Whicker stated that the staff had been working closely with the developer as the project evolved. He stated that although they were asking for more waivers than typical, most of them were non-

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issue types. He stated that Mr. Ayers seemed to have been the most concerned about the one regarding the 800-foot cul-de-sac. He stated that density could be argued, but that he did not feel it would be relative to this discussion.

Mr. Palmer disagreed and stated the concerns for this development might be fixed with lower density. He stated that what had been approved was a maximum.

Mr. Brad Whicker stated that a different design would probably not be as unique.

Mr. Banning responded on the density question by explaining that at one point they had the cul-de-sacs connected up. He stated that they had moved a roadway per the comments made by the staff. He stated by eliminating cul-de-sacs, there could still be the same number of lots with probably more green space because the lots that would be eliminated by straightening the streets were smaller lots than the ones that were along the cul-de-sac. He added that he understood the concerns and they could make those changes, but it became an issue of having a unique layout versus having a more gridded up layout. He stated again that it would create more open space by a gridding design and by eliminating cul-de-sacs and their issues.

Mr. Palmer added for the record that he was not concerned about the cul-de-sac on the south end.

Mr. Banning stated that there had been multiple layouts and multiple discussions with the staff on those different layouts. He stated that they did not like requesting the waivers and could eliminate them with layout changes but did not want to.

Mr. Gentry asked how agile on road tangents were we that appeared during road construction. He mentioned their design of round-a-bouts in the county which at certain times had been revised by a town or county. He asked if a traffic issue came up, could it be modified when construction was first started.

Mr. Ayers responded that at that time it would be too late to make changes although there were some changes that could be made in the entrances and with signage to make things clearer. He stated as far as changing the alignment, that would be difficult.

Mr. Brad Whicker stated that it was clear that there were differing views among the members.

Mr. Dombrosky stated that with regard to Mr. Goad's point even though it did not relate to Mr. Palmer's contentions, Mr. Banning could provide a straighter street alignment throughout the development. He stated this would be a straighter street pattern as far as lot layout goes which would provide more usable lot space and which would eliminate their need for waivers and reduce their lot count. He stated, however, that people liked cul-de-sacs. He asked Mr. Banning if it was feasible to make the corners nineties with stop conditions with the three lots at the end which would get rid of the reverse tangent issue and have front facing lots there.

Mr. Banning responded that they did not have a problem with that suggestion, that he had seen that done before and thought that it would actually work very well. He asked if that would still be considered a waiver.

Mr. Ayers stated he did not know of any waiver needed for that design.

Mr. Dombrosky added that it wasn't the density but the curves of the streets that created unusable lot area.

Mr. Banning stated again that they were agreeable to that design and reviewed the reason that the design presented had required a waiver needed to meet Mr. Goad's request.

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Mr. O'Riley commented that he thought he might prefer the curve instead of the square.

Mr. Dombrosky added that more stops created safer traffic conditions.

Mr. Brad Whicker stated that the members had before them what had been presented for the primary approval of Sonora, a 274-lot major residential subdivision with six waivers.

Mr. Tim Whicker asked if their motion could include a denial of any of the waivers.

Mr. Brad Whicker stated that they could approve the major plat application and then go through the individual waivers.

Mr. Dombrosky stated that the waivers needed to be addressed first.

Mr. Brad Whicker then stated a motion was first needed on the waivers individually or together.

Mr. Dombrosky reminded them that there would be a secondary plat approval coming up at a future meeting.

Mr. Brad Whicker stated that the secondary plat application would be heard by the Administrative & Plat Committee unless the Plan Commission wished to hear it.

Mr. Palmer added that he had concerns with the two entrances and he explained his reasoning.

Mr. Dombrosky asked if he meant the waivers for driveway separations and straight streets.

Mr. Palmer stated yes.

Mr. Banning pointed out the concern for the northern cul-de-sac and that they could connect that street to alleviate the concern there. He went on to discuss the other issues and how those could be tweaked.

After further discussion by the members, Mr. Palmer stated the suggestions did alleviate some of his concerns regarding the waivers.

There was further discussion among the members, staff, Mr. Banning and Mr. Isaacs regarding suggestions for revising the plan layout to better meet their traffic safety concerns and preserve the overall unique design.

Mr. Palmer added that if the benefits, meaning the esthetic design elements, outweighed the safety risks, he could live with it.

Mr. Ayers added that his opinion from a safety standpoint was that he felt the plan was safe, but that it was ultimately up to the members to approve what they were comfortable with.

Mr. Tim Whicker then made a motion to grant primary approval with the waivers, with the exception of the change to the northern cul-de-sac to make it a straight street.

There was further discussion on the potential new design.

Mr. Dombrosky added that any new design approved would have to be completed and presented to the staff for review with the conditions.

There was more discussion on the process to be determined for granting approval for the primary and which waivers to be approved.

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Mr. Banning asked for a clearer direction on what changes they wanted to see. He reviewed with the members and staff what their decisions were. He stated it looked like there were six waivers with one eliminated and five approved with two of those being modified.

Mr. Brad Whicker stated if a new motion was going to be made, Mr. Tim Whicker should withdraw his previous motion.

Mr. Tim Whicker withdrew his motion as presented.

Mr. Brad Whicker then advised the members that a new motion needed to be well crafted so as to be very clear to the petitioner.

Mr. Palmer added that he felt Mr. Goad's input would be valuable on the matter of the southern street being squared off.

Mr. Banning agreed that waiver could be eliminated with squaring off of that street portion.

Mr. Goad asked if that revision would make the road come closer to them.

Mr. Banning responded that it would actually be located further north due to the geometry of that redesign. He assured the members that the squared off design would look good and that it had been done before in other developments.

Mr. Brad Whicker asked for Mr. Dombrosky's help in crafting a motion.

Mr. Dombrosky stated he thought it would be best to make a motion on each waiver. He stated that the first wavier **WA 292** would be denied, **WA 293** would be approved, **WA 294** would be modified to not allow the longest most northern cul-de-sac, **WA 295** would be approved, **WA 296** would be denied and **WA 297** would be modified to not include the longest most northern cul-de-sac.

Mr. Bob Gentry then made a motion regarding their decisions on the **Waivers** as set out above by Mr. Dombrosky.

Mr. Damon Palmer seconded the motion and it was approved unanimously.

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

There was a discussion on whether or not the members wished to hear the secondary application for the development. It was decided that the secondary would be reviewed by the Administrative & Plat Committee and the staff would present the revised primary plan to the members.

Mr. Bob Gentry then made a motion to grant primary approval for **MAP 739/18 (PUD 36): Sonora (Primary)** subject to the staff letter dated July 10, 2018 and the Waivers as set out in the previous motion.

Mr. Walt O'Riley seconded the motion and it was approved unanimously.

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

The Staff recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Provide capacity letter from the sanitary sewer provider.

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 for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) 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. Addresses must be added to the final plat prior to recording. To obtain addresses, the applicant must submit a request to the Planning and Building Department well in advance of the recording package being forwarded to the Hendricks County Engineer's Office.
5. 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.
6. 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. Brad Whicker stated that concluded the public hearing portion of the agenda. He stated there was an item for discussion under Other Business as follows:

MIDDLE TOWNSHIP PARK IMPACT FEE

Mr. Brad Whicker stated that this would be an open discussion with the same rules for public comments as set out for the Plan Commission matters and that no final decision would be made on this matter as that would be up to the Middle Township community.

Mr. Dombrosky stated that Mr. Steve Maple with the Town of Pittsboro was here to make the presentation. He stated that the members had been presented with a packet of information on the matter.

Mr. Steve Maple with the Town of Pittsboro appeared and explained that for the past ten years, the Town of Pittsboro had park impact fees. He explained that in the Fall of 2016, there had been a referendum on the ballot for incorporating the park services to all of Middle Township and it passed by 81% of the residents. He stated that he had then went before the Town Council to say that when the park impact fee was redone this year, it should include the township as part of the park services. He stated that the Town Council agreed that should be done and also knowing that it had to be brought before the Hendricks County Plan Commission. He stated that all of the information had been included in the packet before the members and he would be happy to answer any questions. He added that the Town Council Vice-President was present as well as the Town Attorney and Park Board President.

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He explained that the park impact fee was a new charge for new residents only and not businesses or farms. He stated it was not a tax. He stated there were approximately seven to eight new residents of Middle Township every year according to county records. He stated that would be roughly 35 to 40 new homes over a five-year period.

Mr. Tim Whicker asked what the current fee for the Town of Pittsboro was.

Mr. Maple stated that the town fee now was \$1,026.19 and that the new fee would go up to \$1,140.00 around approximately November-December. He repeated that it would only affect those who were building new homes in that township.

Mr. Gentry asked if the referendum was a different issue.

Mr. Maple stated it was.

Mr. Gentry stated he was not opposed to the impact fee.

Mr. Palmer asked who set the impact fee.

Mr. Maple explained that process. He stated that the Hendricks County Plan Commission would review the fee and send a recommendation to the Hendricks County Commissioners who would hold a public hearing for review.

Mr. Tim Whicker asked if this same process had to be done each time the fee was reviewed every five years.

Mr. Maple stated yes and explained why that process took place and what was trying to be accomplished every five years.

Mr. Palmer asked how the maintenance was funded.

Mr. Maple responded through town collection of taxes which was the reason for the referendum.

Mr. Palmer asked if the town would carry the burden of increased maintenance.

Mr. Maple stated that was correct and that was the reason for trying to get assistance for the maintenance through the township and the town.

Mr. Palmer asked if there were any projected maintenance cost increases.

Mr. Maple stated that they were not allowed to use impact fees for maintenance.

Mr. Palmer stated his concern was if we sent up a recommendation to the Commissioners that allowed the capital infusion, capital increase, with no plan to pay for the maintenance.

Mr. Maple stated it would only be used for existing facilities and maintenance. He explained what was currently needed and planned for existing facilities.

Mr. O'Riley asked if it would be better to come up with the maintenance money before the impact fees.

Mr. Gentry stated he thought that was what they were doing.

The other members stated that they did not see that.

Mr. Gentry explained that they wanted to use the money from the township precincts that were not in the town for maintenance. He stated that his contention was that it would have to be a levy. He stated that the County Auditor would propose a levy.

Mr. Steuerwald asked if the resolution to use the fees had already been passed.

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Mr. Maple stated yes.

Mr. Steuerwald stated then that the members were asking if they had maintenance funds.

Mr. Maple stated they had not collected any.

Mr. Brad Whicker stated all that was being discussed with the members of the Plan Commission was about an impact fee for new construction.

Mr. Palmer stated that they were being tasked with sending a recommendation to the Commissioners and that all of the infused capital created a park system and how would it be maintained except to raise taxes, which was on the ballot.

Mr. Steuerwald stated that it had already been done and approved.

Mr. Palmer stated he took exception to that because he lived in Middle Township and considered himself an informed voter and that what he had voted for was not what he thought was a tax increase. He stated he was concerned about how the whole thing was done.

Mr. Gentry added that they were now stuck with this impact fee and that it should be capped but not sure where. He explained what he had found out from talks with legislators.

Mr. Tim Whicker added that he did not think that was what they were here to talk about.

Mr. Gentry stated he thought they were tied together.

Mr. Palmer then explained his understanding of the matter. He stated by law it was done but they could have a referendum on park expansion and what caps could be put in place that would make him comfortable enough to send it up to the Commissioners.

Mr. Brad Whicker stated that the members were not going to make any kind of decision or recommendation at this meeting but were here just for information on the matter.

Mr. Maple stated they were talking about approximately \$40,000.00 over a five-year period.

Mr. Brad Whicker stated that even if that were doubled, it was not really significant and not much could be done with \$40,000.00. He stated, however, that it could grow, and he asked if that was what this body was tasked with.

Mr. Tim Whicker stated that this body had the ability to control what that impact fee was now and in five years and that we could agree or disagree on the number presented.

Mr. Brad Whicker stated that impact fees were common, and this was how they got started. He stated those fees were what this body was tasked with a favorable, unfavorable or no recommendation to the Board of Commissioners.

Mr. Gentry asked how the residents of Middle Township would voice their approval or displeasure with the tax increase and if this was not the right forum, then what would be.

Mr. Dombrosky asked what tax increase.

Mr. Gentry stated he was talking about the levy that was passed already.

Mr. Dombrosky stated they did not have the power to change that.

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Mr. Brad Whicker agreed that it was out of the Plan Commission's control.

Mr. Steuerwald added he did not know how to answer that as it was already passed.

Mr. Palmer stated they should read the wording of the ballot.

Mr. Maple stated that they were required to use the wording by a State IC law and confirmed by the election board.

Mr. Brad Whicker stated his view was that all they were tasked with was the impact fee and a recommendation to the Board of County Commissioners.

Mr. Steuerwald stated he was not trying to minimize the question put forth, but he did not have an opinion or recommendation to add because the referendum had already occurred.

Mr. Palmer asked what the term was for a park advisory committee member.

Mr. Maple answered that he believed they were appointed every five years.

Mr. Palmer asked why there was not a Middle Township resident on that committee.

Mr. Maple explained what the members consisted of.

Mr. Brad Whicker recommended that other members present speak on the matter.

Mr. John Hart, 201 Witham Hills Drive, Pittsboro, appeared and stated that he was a member of the Pittsboro Town Council. He stated that he first wanted to address their comments. He stated he agreed with the comments from the members that they had not known they were voting for a tax. He stated that the verbiage they were given and told to use was unclear and unconcise. He stated that there were two separate issues, those being the Park Impact Fee only for new residential construction and was a one-time fee. He stated it would pay for infrastructure increases that the parks will use from new people using the parks. He stated that all they were asking was for the Plan Commission to give their recommendation to the Commissioners as to whether they approved of that fee. He stated the other issue was one that could have blurred lines. He stated that they were not asking for any decision on the referendum that had already been voted on. He stated that there were people from Middle Township in attendance who had concerns and comments about the matter. He stated that they would like an opportunity to voice their concerns at this meeting about the taxes that would be imposed on those living outside of the Town of Pittsboro as the town citizens were already paying the tax. He stated that it had never been their intention to extract an inordinate amount of money from the people in the township. He stated that they wanted to craft an interlocal agreement that determined how much tax would be collected. He stated that they wanted protection for the people in the township so that they knew what they were going to pay and that it be a fair amount. He stated that those people only had one voting member on the park board. He stated that the extension of park services was voted on to include the whole township. He stated that they wanted to address those township residents' concerns and make sure that costs did not spiral out of control.

Mr. Brad Whicker thanked Mr. Hart and stated that he did not know if this was the venue or place for lengthy discussions on a referendum passed that this board had no control over or the outcome of that referendum and that everyone understood that the only item this board was tasked with was a recommendation whether it be favorable, unfavorable or none on the impact fee. He stated he understood that some people were present to be heard and he stated they would take comments only on the impact fee. He stated he did not clearly understand the long-term consequences to the referendum and that it had the ability to levy some tax and that the leadership was cognizant of that.

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Mr. Gentry responded that the leadership had expressed an interest in working with the citizens of Middle Township. He again asked what forum they had to discuss what the tax rate would be as they had no vote on that matter. He asked if not here, then where. He stated that the amount of money to be raised was arbitrary on the referendum.

Mr. Brad Whicker stated that the Hendricks County Plan Commission had no executive means to levy and that it did sound like a very gray area and he added that he thought the matter should be put before the County Commissioners, which was the only executive body that governed the unincorporated areas of the county.

Mr. Palmer asked if he would agree that maintenance, or what was going to drive our taxes, was correlated to the assets in place.

Mr. Gentry agreed.

Mr. Brad Whicker stated that there was absolutely a correlation through maintenance and assets.

Mr. Palmer then asked if it was fair since nothing was being voted on at this meeting, to try to get the groups together to come up with some sort of plan and then the Plan Commission could give it either a favorable, unfavorable or neither recommendation based on that plan.

Mr. Brad Whicker stated yes absolutely and that he thought it would be encouraged.

Mr. Greg Steuerwald suggested they get a meeting with the township, township board and the town in the interests of the people.

There was a consensus among the members on that suggestion.

Mr. Brad Whicker stated that they wanted to be responsible but that they had no executive power. He added that why the state government decided that they needed to come before us and then the county commissioners, he was not sure.

Mr. Steuerwald added that he was not sure of why either.

Mr. Hart stated that he knew this was not the forum and why certain decisions were made, but that he saw an opportunity for the town to listen to the township residents before formal talks were begun.

Mr. Steuerwald stated that would be the forum for that discussion.

Mr. Jerry Love appeared and stated that he did not live in Middle Township but that he owned property there. He stated he thought that there were people appointed to the Park Advisory Committee to represent them.

Mr. Hart interjected that the Park Board members were appointed and that there was a township member on that board.

Mr. Love then asked to get clarification that there was one township member appointed to the park board.

Mr. Hart stated that was correct.

Mr. Love went on to discuss his concerns regarding the impact fee and effect of the referendum on property owners in Middle Township and had his questions answered by Mr. Hart.

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The members asked a few more questions of Mr. Hart and then Mr. Brad Whicker stated again that they should go before the Pittsboro Town offices for further discussion and then possibly present a report on the impact fee to be heard at the August Plan Commission meeting for a recommendation to the County Board of Commissioners.

Mr. Dombrosky reminded Mr. Brad Whicker that since the matter would be a public hearing, it would need to be advertised.

Mr. Palmer stated that with regard to the impact fee, some representation from Middle Township needed to participate.

Mr. Hart discussed that representation and assured that there would be someone to represent the Middle Township residents.

Mr. Brad Whicker asked that they let them know in a couple of weeks if this would be ready to be heard at the August meeting so that it could be properly advertised.

There being no further business, Mr. Brad Whicker adjourned the meeting at 9:06 p.m.

Tim Dombrosky, Chairman