

October 9, 2018

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, October 9, 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; Mrs. Sonnie Johnston; Mr. Eric Wornhoff; and Mr. Walt O'Riley. Members absent were: Mr. Damon Palmer; Mr. Bob Gentry; and Mr. Tim Whicker. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Youngs, Acting County Attorney; Mr. David Gaston, County Surveyor; Mrs. Suzanne Baker, Senior Planner; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Brad Whicker called for a motion to approve the September 11, 2018 Plan Commission Minutes.

Mr. Wornhoff made a motion to approve the September 11, 2018 minutes with Mr. O'Riley seconding the motion.

The motion passed unanimously.

FOR – 4 – AGAINST – 0 – ABSTAINING – 0 –

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

ZA 457/18: JEFFREY J. LASKOWSKI; a zoning amendment change from RB/Single Family Residential District to AGR/Agriculture Residential District, 31.28 acres, Union Township, S32-T17N-R1W, located on the west side of State Road 39, south of Wyatt Way. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office appeared on behalf of Mr. Laskowski, who was also present. He stated that the Laskowski's owned approximately 100 acres near Lizton and they sought to rezone a portion of their holdings totaling about 31 acres. He stated that their main driveway was located out in front of the adjoining Hendricks Regional Health facility on the west side of State Road 39. He pointed out the parcels in question on the displayed site plan. He pointed out the area to the north which had been rezoned to RB in 2008 in anticipation of residential growth, which had not happened and was not expected to happen. He stated that to the west and to the south was land zoned AGR. He stated their application was to down zone from the current RB to AGR and he stated that change would open up a list of allowed uses and special exception uses that were interesting to the Laskowski's. He stated that his client had a very large home back in that area that had been on the market and not sold and that they were interested in possibly pursuing a separate application through the Board of Zoning Appeals for a banquet hall and event center and that the requested rezoning would allow that use. He then requested a favorable recommendation.

Mr. Brad Whicker stated that he would open the public hearing and allow the individuals signed up to speak on the matter.

Mr. Cory Hutcheson of 7250 North State Road 39 appeared and stated that he was interested in future potential uses on the property.

Mr. Dombrosky stated that if the rezoning was finalized, they could come forward with a request through the Board of Zoning Appeals for a particular use requiring a special exception and that Mr. Hutcheson would be notified if that occurred.

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Mr. Dan Nixon of 7254 North State Road 39 appeared and stated after receiving a letter in the mail regarding this matter, he had decided to attend the meeting to see what was involved and that he had no future questions at this time.

Mr. Brad Whicker again stated that if the petitioner decided to request a different use for the property, another notice would be sent out to adjoining property owners. There being no one else signed up to be heard, Mr. Brad Whicker closed the public hearing.

There being no further comments or discussion on the matter, Mr. Brad Whicker called for a recommendation.

Mrs. Sonnie Johnston then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **ZA 457/18: Jeffrey J. Laskowski** to rezone from RB/Single Family Residential District to AGR/Agriculture Residential District.

Mr. Walt O'Riley seconded the motion and the vote was unanimous.

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

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, October 23, 2018 at 9:00 A.M. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 457/18: Laskowski

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 RB/Single-Family Residential to AGR/Agriculture Residential District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

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

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

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its 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 proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Rural Residential. Agricultural Residential (AGR), fits the category for "Rural Residential."
- (2) Current conditions and the character of current structures and uses in each district;**
The proposed zoning change will not change the current conditions or character of the property. The property's structures or uses are not changing with this request.
- (3) The most desirable use for which the land in each district is adapted;**
The most desirable use for this property would be an Agriculture Residential or a similar compatible use.
- (4) The conservation of property values throughout the jurisdiction;**
Property values probably would not be affected negatively due to the mix of agriculture residential uses in the area.
- (5) Responsible development and growth.**
The proposed rezone would be responsible development and growth as it follows a recommended pattern from the Comprehensive Plan because this area is designated as "Rural Residential."

ZA 458/18: DUANE R. & PATRICIA J. LANE; a zoning amendment change from MI/Major Industrial District to LI/Light Industrial District; 10 acres; Center Township; S11-T15N-R1W; located on south side of East County Road 75 South, between South County Road 150 East and South County Road 200 East. (Comer Law Office)

Mr. Ben Comer of the Comer Law Office appeared on behalf of Mr. Duane Lane, who was also present. Mr. Comer reviewed the location of the ten-acre tract under consideration. He reviewed the zoning of the adjacent properties, those being AGR and AD as well as MI, which was the current zoning of the property in question. He stated that the ten-acre parcel adjoining to the east was also owned by Mr. Lane and that in 2017 that parcel was rezoned from MI to LI to accommodate a self-storage facility. He added that since that time and earlier this year, the Lane's bought the adjoining additional ten acres and wished to add it to their existing self-storage project area. He stated that they were requesting a favorable recommendation.

Mr. Brad Whicker asked for questions or comments. There being none, Mr. Brad Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for a recommendation from the members.

Mr. Wornhoff made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **ZA 458/18: Duane Lane** to rezone from MI/Major Industrial District to LI/Light Industrial District.

Mr. O'Riley seconded the motion and the vote was unanimous.

FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

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This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, October 23, 2018 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 458/18: Lane

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from MI/Major Industrial to LI/Light Industrial. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

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

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

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

(4) The comprehensive plan;

The proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Airport Special Use. LI (Light Industrial) zoning is a compatible use which could be associated with the Airport District.

(5) Current conditions and the character of current structures and uses in each district;

The proposed zone change will not change the current conditions or character of the property as the use is similar to surrounding zoning.

(6) The most desirable use for which the land in each district is adapted;

The most desirable use for this property would be an Airport District use or a similar compatible use.

(4) The conservation of property values throughout the jurisdiction;

Property values probably would not be affected negatively due to the mix of uses and different zoning districts in the area.

(6) Responsible development and growth.

The proposed rezone would be responsible development and growth as it follows a recommended pattern from the Comprehensive Plan because this area is designated as "Airport Special Use."

DPR 466/18 (PRIMARY): SUN SOLUTIONS; a development plan review to establish a new General business facility, 2.34 acres, Center Township, S30-T15N-R2W, located on and along the east side of State Road 236, the west side of State Road 39, approximately 0.16 mile north of the confluence of said thoroughfares. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared along with the architect for the project, Mr. Dennis Lockwood and the property owner, Mr. Justin Dorsey. Mr. Kruse stated that they had previously presented this project at the location on the west side of State Road 39 north of Danville. He stated at that time they had created one block of a commercial subdivision and now having obtained a user wished to present a development plan review and also to be considered on this agenda as Dorsey Business Park, Lot 1. He pointed out the location of the lot, detention pond and commercial septic. He also pointed out the entrance onto State Road 236. He pointed out the location of the proposed building on the lot as well as a proposed future expansion of that building. He also reviewed the elevations of the proposed building. He then reviewed the staff recommendations and conditions in letter dated October 9, 2018. He stated that they had provided a copy of the photometric plan that met the Zoning Ordinance requirements. He stated that there would be no parking lot lighting and that all of the lighting would be on the exterior of the building. He stated that since the terrain of the property did not lend itself to a landscape mound, they were requesting a waiver of that requirement. He stated they would be covering the buffering with plantings. He stated that the northern portion of the property had a good existing buffer of trees.

Mr. Dennis Lockwood, architect for the project, appeared and presented samples of the proposed elevations and material colors proposed for the project. He added that they were trying to create a more monolithic looking building by using beiges and grays and dark bronze accents. He also reviewed the plans for the interior of the structure.

Mr. Kruse stated that they were requesting primary and secondary approval in order to get the project started this year and he asked for approval.

Mr. Brad Whicker then opened the public hearing portion.

Mr. Paul Miner of 113 Shockley, Lizton, appeared and stated his concern was for the planting of native trees on the property and that he had been assured by Mr. Kruse and Mr. Dorsey that they would be working with a specialist in native trees for the site.

Mr. Wayne Coles, 4124 West County Road 350 North, appeared and stated he was concerned about semi-trucks as he thought this would be a manufacturing facility.

Mr. Kruse responded that it would not be a manufacturing facility.

Mr. Coles then stated that State Road 236 was a dangerous road with traffic including farming combines. He asked about any turn lanes to be added.

Mr. Kruse stated that they planned on deceleration lanes.

Ms. Susan Ebersholl Coles of 4124 West County Road 350 North, appeared and expressed her concerns regarding traffic, entrances and exits and whether it would be a retail business.

There being no one else signed up to be heard, Mr. Brad Whicker closed the public hearing and asked Mr. Kruse to respond to the concerns of the remonstrators.

Mr. Kruse explained that the proposed business would be selling canvass materials and covers for vehicles and those items would not be manufactured on site. He stated that their sales were mostly through the internet and that there would only be three people employed there. He stated there was not expected on a daily basis to be much in and out traffic. He stated that they expected only one semi on a daily basis. He stated that there would only be one entrance onto State Road 236 and none onto State Road 39. He stated that they had secured an entrance permit from INDOT. He explained that there would be a deceleration lane coming from the south and going north and an acceleration lane exiting the property. He stated that was the extent of the improvements required by INDOT for the entire property and not just this lot. He stated that future lots would also be small and that the site would not have any huge facilities and that due to the size of the proposed septic facilities, the site would not require the huge use of water.

Mrs. Johnston asked how close to the curve on the State Road the access point was.

Mr. Kruse responded that there would be one access point with an internal frontage road to access all of the lots.

Mr. Wornhoff asked about the northeast edge of the building site with the existing trees and whether the motion needed to state that no mounding would be needed there also.

Mr. Dombrosky explained that the disparate zoning from GB to AGR required a type 3 buffer and did not consider what was on the adjoined property. He stated that the topography did lend itself to waiving the mounding requirement. He stated, however, that they wanted to make sure that the vegetation, at least, was up to standard.

Mr. Brad Whicker added then that the findings needed to include that waiver but make sure to include adequate plantings.

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

Mr. O'Riley then made a motion to grant approval for **DPR 466/18 (Primary): Sun Solutions** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated October 9, 2018; and
2. Approval of modification to remove the mound from the landscape buffer requirement.

Mr. Wornhoff seconded the motion and the vote was unanimous.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. Provide photometric plan that meets the Zoning Ordinance requirements.
2. The applicant is requesting a modification of the landscape mound requirement due to drainage and topography, staff is in favor of the request.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. an Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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.

DPR 467/18 (PRIMARY): CLINE TRUCKING & EXCAVATING; a development plan review to establish a storage facility, 3.48 acres, Clay Township, S30-T15N-R2W, located at the southwest corner of the intersection of South County Road 800 West and West County Road 350 South. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicants. He reviewed the location of the property near Coatesville. He stated that they were relocating from their long-time location on their father's property. He discussed the proposed structure of approximately 4,000 square feet to be used for the storing of contractor materials and equipment and the elevations and materials proposed. He added that since there was no suitable place for a septic system on the property, there would be no restroom facilities. He stated that the property would basically be used for dropping off and storing of materials.

Mr. O'Riley asked if the structure was basically a pole barn.

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Mr. Kruse responded yes. Mr. Kruse explained that the property was an unusual shape in that it was long, narrow and approximately a quarter mile long and approximately 100 feet wide and that the structure would be built on about 1/3 of an existing slab. He explained that there would be a dumpster and he pointed out the location for the enclosure. He went on to discuss the staff recommendation to install a privacy fence on either side of the property line where the new structure was going and to disregard the level 4 landscape requirement and their compliance with that recommendation. He stated that the staff had indicated they were okay with the modification of the two-toned metal building due to its location and setback. He added that they understood the requirement for a full development plan review and platting if there was to be any further expansion in the future. He then explained the recommendation from the staff about showing details for the driveway apron at County Road 800 West. He stated that driveway would be asphalted, and dimensions would be added to the plans.

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

Christine Berry of 3558 South County Road 800 West appeared. She explained how her property would be affected by the proposed development. She stated that an original survey showed one of her corner stakes for Lot 13 located within the applicant's driveway. She stated that she was also concerned about the effect of industrial zoning on her property values. She went on to explain that she had a concern about the driveway drainage as there had been an old culvert that had worked fine in the past but that now appeared to be plugged up and that rain events would dump water onto her Lots 13 and 14. She added that although the issue of the fence had been addressed, she was also requesting that the fencing continue along the side where her property adjoined the applicant's property to provide screening as the proposed building would be approximately 350 to 400 feet from her back door.

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

Mr. Kruse discussed Ms. Berry's concerns and stated that they could straighten out the driveway when it was reconstructed for the project.

Mr. Whicker stated that the drainage problems there could be corrected.

Mr. Kruse then explained that approximately one year ago, his client told him that thousands of railroad ties had been stacked up and down along his property and they were still there. He stated that his client had asked the railroad people to stay off of his property and that he now had thousands of railroad ties to sell. Mr. Kruse stated that there was also a lot of damage done to his client's property from this. He stated he felt that the drainage issues experienced by Ms. Berry were probably caused by the CSX Railroad employees. He stated that he would be contacting Ms. Berry to discuss her concerns and how to correct those problems. He stated that he would also be discussing the fencing of the property with her. He stated that they had to make sure that access to an adjoining tilled field was not blocked for the farmer who owned it as he had a legal access easement.

Mr. O'Riley asked Mr. Kruse if he would be working with Ms. Berry to alleviate her concerns.

Mr. Kruse stated he would do that.

Mr. Brad Whicker reminded Mr. Kruse that there were two components to consider, those being correcting the problems discussed and preserving the access easement for the adjoining farm field.

Mr. Dombrosky asked about the Plan Commission being specific as to who determined if the issues discussed were resolved.

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Mr. Brad Whicker responded that he felt that would be between the petitioner and the remonstrator. Mr. Whicker asked the petitioner and remonstrator if they would be reasonable in solving those problems.

Mr. Scott and Ms. Berry responded yes.

Mr. Wornhoff then made a motion to grant primary approval for **DPR 467/18: Cline Trucking & Excavating (Primary)** subject to the following:

1. Conditions and recommendations in staff's letter dated October 9, 2018; and
2. Resolving issues with adjoining property owner, Christine Berry, regarding drainage, fencing and location of entry drive.

Mr. O'Riley seconded the motion and the vote was unanimous.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. The Zoning Ordinance requires a level 4 landscape buffer, which requires an 8' fence or wall and 75' width. The buffer width is only 40' and Staff would recommend a privacy fence on either side of the property line where the new structure is going and disregard the landscaping.
2. The proposed building is entirely metal. The Design Standards require 50% masonry. Staff is okay with the proposed modification of the two-toned metal building due to its location and setback.
3. Any further expansion of the site would require a full Development Plan Review and platting.
4. Dimensions and construction details need to be shown for the driveway apron at CR 800 W.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

4. an Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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 then stated that concluded the public hearing portion of the agenda and he stated that the secondary approvals would be heard next as follows.

MAP 738/18 (SECONDARY): DORSEY BUSINESS PARK, LOT 1; a 1-lot major commercial subdivision lot, 2.335 acres, Center Township, S32-T16N-R1W, located on the east side of State Road 236, approximately 0.16 mile north of the intersection with State Road 39. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of Mr. Justin Dorsey, who was also present. Mr. Kruse stated they were asking for secondary approval for this first lot to be developed in the Dorsey Business Park. He stated this lot was to be developed by Sun Solutions.

Mr. Dombrosky reminded the members that one entrance had been approved for all of the lots in this development by INDOT.

Mrs. Johnston then made a motion to grant secondary approval for **MAP 738/18: Dorsey Business Park, Lot 1 (Secondary)** subject to the conditions and recommendations in staff's letter dated October 9, 2018.

Mr. Wornhoff seconded the motion and the vote was unanimous.

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

The conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Location needs to be shown for the water line to the Fire Hydrant.
2. The ingress/egress access easement to Lot 1 needs to have a statement on the plat.
3. On Development Plan, the project needs to be referred to as "Dorsey Commerce Park, Lot 1."

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.

DPR 466/18 (SECONDARY): SUN SOLUTIONS; a development plan review to establish a new general business facility, 2.34 acres, Center Township, S32-T16N-R1W, located on and along the east side of State Road 236, the west side of State Road 39, approximately 0.16 mile north of the confluence of said thoroughfares, also known as Dorsey Business Park, Lot 1. (Kruse Consulting, Inc.)

Mrs. Johnston made a motion to grant secondary approval for **DPR 466/18: Sun Solutions (Secondary)** subject to the following:

1. Conditions & recommendations in staff's letter dated October 9, 2018; and
2. Approval of modification to remove the mound from the landscape buffer requirement.

Mr. O'Riley seconded the motion and the vote was unanimous.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. Provide photometric plan that meets the Zoning Ordinance requirements.
2. The applicant is requesting a modification of the landscape mound requirement due to drainage and topography, staff is in favor of the request.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. An Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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.

DPR 467/18 (SECONDARY): CLINE TRUCKING & EXCAVATING; a development plan review to establish a storage facility, 3.48 acres, Clay Township, S30-T15N-R2W, located at the southwest corner of the intersection of South County Road 800 West and West County Road 350 South. (Kruse Consulting, Inc.)

Mrs. Johnston made a motion to grant secondary approval for **DPR 467/18: Cline Trucking & Excavating (Secondary)** subject to the following:

1. Conditions and recommendations in staff's letter dated October 9, 2018; and
2. Resolving issues with adjoining property owner, Christine Berry, regarding drainage, fencing and location of entry drive.

Mr. Wornhoff seconded the motion and the vote was unanimous.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS: Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. The Zoning Ordinance requires a level 4 landscape buffer, which requires an 8' fence or wall and 75' width. The buffer width is only 40' and Staff would recommend a privacy fence on either side of the property line where the new structure is going and disregard the landscaping.
2. The proposed building is entirely metal. The Design Standards require 50% masonry. Staff is okay with the proposed modification of the two-toned metal building due to its location and setback.
3. Any further expansion of the site would require a full Development Plan Review and platting.
4. Dimensions and construction details need to be shown for the driveway apron at CR 800 W.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. an Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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 main portion of the agenda. He asked staff for any discussion items.

Mr. Tim Dombrosky gave a presentation on proposed changes to the **Estate Subdivision Ordinance** as follows:

Summary

AGR Subdivision Options (Well and Septic)

- Minor Residential Plat = 1 lot, 1.5 acre minimum
- Minor Plat = 2-3 lots, 1.5 acre minimum
- Major Subdivision = 4+ lots. Not allowed
 - Conservation Sub = allowed with higher and clear standards
 - Estates Sub = allowed with same standards and vague intent

Summary

- The 'Estate' is a designation, not a rezoning
 - Only allowed in AGR and approved by PC. Not defined by Indiana Code.
- The Intent of the 'Estate' is "to (1) discourage bland and characterless suburban residential design, (2) promote architectural variety and interest in residential neighborhoods, and (3) bolster the quality of neighborhood life."
- The Intent of AGR Zoning is "to permit the establishment of individual single-family dwellings while maintaining a primarily rural character. This can serve to protect land best suited for agricultural use from the encroachment of incompatible land uses."

"Estate" Specifications

- Development standards are similar to RA zoning.
- Allows density of 1.5 units/acre.
- Requires higher architectural standards – Comparison.
- Adds those standards to neighboring development.

	Estate	RA (Septic)
Min Lot Area	None	1.5 Acres
Max Gross Density	2 units/acre (central sewer)	N/A
	1 unit/1.5 acre (septic)	N/A
Min Lot Width	None	150'
Max Lot Coverage	35% for single family uses	35% for single family uses
	5% or 600 sqft, whichever is greater, for accessory uses	5% or 600 sqft, whichever is greater, for accessory uses
Min Lot Frontage	50'	50'
Min Ground Floor Living Area	2,400 sqft single story	1,500 sqft single story
	1,500 sqft multi-story first story, 2,800 sqft total	900 sqft multi-story first story 1,100 sqft total
Max Height	40' principal structure	Same
	18' accessory structure	24'
Side Setback	15'	15' principle, 5'/10' accessory
Rear Setback	15'	15' principle, 5'/10' accessory
Min Dwelling Width	24'	Same
Landscaping Along Perimeter Roads	Type 2 Landscaping	Varies



Department of
Planning & Building
Hendricks County
Indiana

Problem

- OVERALL – No good options for 4-60 lot developments.
- Regulations similar to RA, don't require rezone.
- Intent is vague and doesn't match AGR.
- Does not conform with goal to maintain rural character and density or protect Ag land.
- Estate subdivisions allow higher density than any other well and septic division.
- 1.5 units/acre instead of 1.5 acre minimum lots.
- You can bypass subdivision and zoning controls by getting Estate designation.

Proposal

- Want to maintain a low density rural setting and don't want to prohibit appropriate Development.
- Reword the intent statement.
- Decrease the lot density on septic.
- Match the architecture requirements to the intent statement.

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- Further steps – Change how the number of lots you are allowed to subdivide is measured.

Mr. Brad Whicker then asked if Mr. Dombrosky was requesting them to revisit the estate subdivision guidelines and make some changes.

Mr. Dombrosky stated that was correct and he had some suggestions on those changes.

Mr. O'Riley commented that Mr. Dombrosky had some solutions.

Mr. Dombrosky stated that he did.

Mr. Brad Whicker asked if there would need to be an amendment to the larger Subdivision Control Ordinance.

Mr. Dombrosky stated that it would be an amendment to the Zoning Ordinance and that these changes could be addressed fairly easily. He clarified that the estate subdivision designation would require a petition that could be approved by the Plan Commission and not required the Commissioner's approval. He stated he felt that it bypassed the zoning controls put in by the State. He stated that he would like to see some changes agreed upon by the end of the year as he stated that there was a potential for these types of projects coming in the Spring and also there would be expansion in the western portion of the county as service infrastructure became available. He stated that he wanted the estate subdivision to be a viable option.

After further discussion on the matter, there was a consensus to give the presentation again when the full Plan Commission was in session.

There being no further business, Mr. Brad Whicker adjourned the meeting at 7:55 p.m.

Tim Dombrosky, Chairman