

November 13, 2018

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, November 13, 2018 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. Brad Whicker, President; Mrs. Sonnie Johnston; Mr. Eric Wornhoff; Mr. Walt O'Riley; Mr. Damon Palmer; and Mr. Tim Whicker. Member absent: Mr. Bob Gentry. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mrs. Suzanne Baker, Senior 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 October 9, 2018 Plan Commission Minutes.

Mrs. Johnston made a motion to approve the October 9, 2018 minutes with Mr. Wornhoff seconding the motion.

The motion passed with four (4) in favor and two (2) abstentions, those being Mr. Tim Whicker and Mr. Damon Palmer.

FOR – 4 – AGAINST – 0 – ABSTAINED – 2 –

Mr. Brad Whicker then called for a motion to approve the 2019 Hendricks County Area Plan Commission meeting schedule.

Mr. Dombrosky stated that the only possible change might be scheduling of staff deadlines on December 26 and 27 of 2019 and that those could be moved up a week.

Mr. Wornhoff made a motion to approve the 2019 schedule with Mrs. Johnston seconding the motion and the motion passed unanimously.

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

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

DPR 468/18 (PRIMARY & SECONDARY): BELLE TIRE STORE #156; a development plan review to establish a new tire store, 1.91 acres, Guilford Township, S20-T14N-R2E, located on the southeast side of State Road 67 and East County Road 800 South in the Heartland Crossing North subdivision. (Woolpert, Inc.)

Mr. Christopher Enright of Christopher Enright Architects, 628 E. Parent Avenue, Royal Oak, Michigan, appeared on behalf of the applicant. He stated that they would be the architects for the project with Woolpert being the engineers. He reviewed the nature of the chain of family owned Belle Tire Stores which included 150 stores in Michigan, Ohio and Indiana. He reviewed the elevations of the proposed new store with the materials to be used. He also reviewed the location of the proposed new store on two lots in the Heartland Crossing North development. Mr. Enright then discussed the specifics of the site plan along with landscaping and parking lot plans. He explained that there would be no outside repairing of vehicles or outside storage. He stated that all utilities would be available for the site. He reviewed the floor plans for the store, the exterior finishes and the proposed signage that met county standards with no variances or special exceptions required.

Mr. Brad Whicker asked for questions or comments.

Mr. Palmer asked if State Road 67 would be the front elevation.

Mr. Enright responded that it would be considered the west elevation.

Mr. Brad Whicker then opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing. Mr. Whicker reminded the members that any motions for approval would need a primary and a secondary motion.

Mr. Dombrosky then stated that there were two modifications being requested. He stated that one was not meeting the façade requirements to have an offset every sixty (60) feet and for continuous facades more than ninety (90) feet. He stated these requirements were not being met because of the design of the continuous bays and that the staff did not have a problem with this modification. He stated that the façade was visible at an angle from State Road 67 and that he did not think there would be a problem as the building was designed well.

Mr. Brad Whicker asked about the dumpster location modification.

Mr. Dombrosky stated that that was always a problem on thru lots and that there was no backyard on these types of lots. He stated that the dumpster would be enclosed on three sides with a gate and that staff was in favor of that modification request. Mr. Dombrosky then discussed the modification of the parking space requirements.

Mr. O' Reilly asked Mr. Enright for an explanation of the overage on parking spaces in their design.

Mr. Enright stated that there were two reasons for the request. He explained that in Indiana the stores were becoming very busy and the more spaces they could get, the better for their business.

Mr. Brad Whicker then asked staff if they wanted to include the modification approvals in the motion.

Mr. Dombrosky stated that approving subject to the staff letter's recommendations would be sufficient. Mr. Dombrosky added that the lighting was still exceeding a foot candle on the site.

Mr. Enright stated they had no problem meeting that requirement.

Mr. Dombrosky stated that they had received the sewer approval through Tri-County. He also stated that one more tree was required next to the four parking spaces that faced Upland Bend/Windfall Lane on the south side of the property.

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

Mr. Wornhoff then made a motion to grant primary approval for **DPR 466/18: Belle Tire Store #156 (Primary)** subject to the conditions and recommendations in staff's letter dated November 13, 2018.

Mrs. Johnston seconded the motion and the vote was unanimous.

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

Mrs. Johnston then made a motion to grant secondary approval for **DPR 466/18: Belle Tire Store #156 (Secondary)** subject to the conditions and recommendations in staff's letter dated November 13, 2018.

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

FOR – 6 –

AGAINST – 0 –

ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

Subject to approval by Tri-County Conservancy District.

STAFF RECOMMENDATIONS:

1. Modification on the north elevation, which doesn't meet the façade requirements to have an offset every 60' for continuous facades more than 90', staff is okay with the request due to the location of the garage bays and the increased landscape requirements.
2. Modification of the parking space requirements, there is a maximum of 33 parking spaces and 60 are proposed which is almost 100% over the maximum. Staff is generally not in favor of this modification because of the percentage over the required spaces. However, the applicant has provided additional interior landscaping that is not required. If the applicant can better justify the need for 60 parking space (# of customers, employees, busy hours, etc.) staff would feel more comfortable with approving the modification.
3. Modification of the dumpster location, staff is okay with the request as there is no other location to put the dumpster that wouldn't require a modification.
4. Lighting plan should show no more than 0.5 foot-candles of light at the property line (south side)
5. Obtain an approval letter from Tri-County allowing parking in a drainage easement
6. We need official approval/allocation from Tri-County Conservancy before the Planning Commission meeting
7. One deciduous or evergreen tree is required next to the 4 parking spaces that face Upland Bend/Windfall Place
8. Note #7 on P100 states that if concrete or asphalt are removed, the stone subgrade is to be removed also. This note needs modified as the street in front of the site will remain active. A suitable solution needs to be determined by the County Engineer.
9. Separate sign permits are required prior to installation

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.

5. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.
6. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.
7. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
8. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

MAP 429/18 (REPLAT): CHRISTOPHER CROSSING, LOT 6; a replat of one lot in a major residential subdivision, 9.71 acres, Marion Township, S10-T15N-R2E, located on the east side of South County Road 525 West, approximately 0.12 mile south of U.S. Highway 36. (Hause Surveying & Engineering)

Mr. Dan Hause of Hause Surveying & Engineering appeared on behalf of the applicant. He explained their request to split a lot in this major subdivision into two separate lots and said lots would each contain a primary residence. He discussed the site plan and layout of the two lots.

Mr. Tim Whicker asked for some specifics on the layout of the lots.

Mr. O'Riley asked about access to the pond for each of the lots.

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

Mr. Dombrosky discussed the modifications requested and the reasons for these requests. He explained that there was not enough room with the house to meet the setback from the property line.

Mr. Hause explained how they would extend the driveway for one of the lots.

Mrs. Baker then added that she had discussed with the addressing coordinator the lot numbers for the newly created lots and that it had been agreed to call the new lot #8.

Mr. Hause acknowledged this.

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

Mrs. Johnston then made a motion to grant approval for **MAP 429/18: Christopher Crossing, Lot 6 (Replat)** subject to the conditions and recommendations in staff's letter dated November 13, 2018.

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

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Provide Addressing Sheet.

2. A modification is needed for the 3X1 ratio lot standard requirement. Lot 6 of Christopher Crossing was approved in 1993 as a modification because it also doesn't meet the 3X1 ratio.
3. A modification is needed for the road frontage requirement. 50' road frontage is required, 45' is what is being proposed for Lot 6B. The 50' could be imposed but this would create a setback violation of the existing home on Lot 6A to the north property line.
4. Proof of notification must be provided for letters to provide to service and utility companies.
5. Show all soil boring locations for the property.
6. The size of the easement proposed for the secondary septic system on lot 6A (100 feet by 40 feet) may be inadequate for a conventional septic field. If this size field is proposed, secondary treatment or an alternative technology may be required.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to 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.

MAP 712/18 (REPLAT): HEARTLAND CROSSING NORTH, LOTS 302 & 305; a replat of two lots in a major commercial subdivision, 1.91 acres, Guilford Township, S20-T14N-R2E, located on the southeast side of State Road 67 and East County Road 800 South. (Woolpert, Inc.)

Mr. Dombrosky stated that this approval was procedural to combine the two lots into one lot.

Mrs. Johnston made a motion to grant approval for **MAP 712/18: Heartland Crossing North, Lots 302 & 305 (Replat)** subject to the conditions and recommendations in staff's letter dated November 13, 2018.

Mr. Tim Whicker seconded the motion and it was unanimous.

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

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. Combining two lots, 302 and 305, back into one lot as it was originally shown on the Primary Plat. The new proposed lot will be referred to as 307.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to 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.

Mr. Brad Whicker stated that concluded the regular agenda and moved on to Other Business.

Estate Subdivision Designation

Mr. Dombrosky stated that there had been a discussion on this at the last meeting when only four members had been present. He reviewed what had been discussed at the last meeting as follows and stated that there were limited options for subdivisions in rural areas of the county.

Below is a summary of the discussion:

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
 - Possibly meant to allow trade off of open space
- Requires different architectural standards
 - Arguably higher, written at different times
 - No subdivision design standards
- Add those standards to neighboring development

Land abutting Estate designated property

- "An important aspect of the Estate designation is its ability to protect a development's particular residential character by limited control of abutting and adjoining land use."

Land abutting Estate designated property

- Perimeter (Major Plat) residential lots abutting or adjoining Estate Development shall meet the Estate development standards of this Section and the...Estate Architectural Standards.

Problems

- OVERALL – No good options for 4+ lot developments in AGR
- Regulations similar to RA, don't require rezone
- Intent is vague and doesn't match AGR
 - Does not confirm 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 minimum lots
- You can bypass subdivision and zoning controls by getting Estate designation

Proposal

- Preserve rural open space and residential setting while Encouraging variety in house types
- Reword the intent statement
- Decrease the lot density on septic and increase open space
- Match the architecture requirements to the intent statement
- Remove standards for adjoining development
- Further steps – Change how the number of lots you are allowed to subdivide is measured

After some discussion, Mr. Dombrosky asked if the members would want this to be considered a rezone.

There was a consensus to retain decisions on this with the Plan Commission. Mr. Dombrosky stated that the zoning needed to stay as an AGR and just change how it was classified.

Mr. Brad Whicker asked if that would mean doing away with the Estate designation altogether.

Mr. Dombrosky stated yes that would essentially be correct.

Mr. Brad Whicker asked when dealing with something that appeared to be pretty impactful, would Mr. Dombrosky engage some of the outside engineers for their opinions and input.

Mr. Dombrosky stated he could do that, and Mr. Brad Whicker stated he thought that would be a good idea as he felt they would provide helpful insight on the matter.

November 13, 2018

Mr. Palmer asked if there were any ways to build in safeguards to avoid a layout such as the previous one just reviewed and approved.

Mr. Brad Whicker commented that scenario could not be prevented on previous developments very easily; but could possibly be prevented on future developments.

Mr. Palmer asked if the new process for review would be the same.

Mr. Dombrosky stated it would still be the same as it was now for major subdivisions after the estate designation revision was or was not approved.

Mr. Brad Whicker commented that he wanted to make sure that what was being brought before them was of sound design and he stated again that he felt it would be helpful to consult with outside engineers for their input and expertise and he added that he would like to see a time to hear the ordinance amendment fixed sometime in January or February of 2019.

Mr. Greg Steuerwald commented that there was a constant balance between the overall big picture of the area and the individual's property rights when they wanted to take the risks for odd lot layouts.

The members and staff had further discussion on the matter.

Mr. Dombrosky then discussed moving forward with the update of the transportation plan and funds had been received from the MPO. He asked the members to think about volunteers for the steering committee. He stated that the transportation plan was just one component of the Comprehensive Plan and looking at the development standards was part of that. He stated with the funding available, it could be updated next year and that it was the most immediate need.

Mr. O'Riley asked what would be involved.

Mr. Dombrosky replied that the transportation plan identified roads and classified them and that the primary function for this was to stay eligible to receive funding for road projects from INDOT.

Mr. Palmer and Mr. O'Riley volunteered to be on a steering committee for the update to the transportation plan. Mr. Dombrosky asked Mr. Tim Whicker to think about serving on the committee also.

Mr. Dombrosky stated he was looking for approximately 10 to 12 volunteers with 3 of them from the Plan Commission and that there would be some town input also.

Mr. Wornhoff stated he might be able to get someone from the Farm Bureau network.

There being no further business, Mr. Brad Whicker called for a motion to adjourn the meeting.

Mr. Wornhoff made the motion to adjourn with Mr. Tim Whicker seconding that motion, which passed unanimously.

The meeting was adjourned at 7:49 p.m.

Tim Dombrosky, Chairman