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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, February 9, 2021 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; Mr. Ron Kneeland; Mr. Tom Whitaker; Mr. Bob Gentry; Mr. Damon Palmer; Mr. Walt O'Riley and Mrs. Margaret Gladden. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Young, County Attorney Representative; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary. Also present was Mr. Jeff Pell.

The meeting was opened with the Pledge of Allegiance. There was a quorum with seven (7) members present.

Mr. Whicker stated that the first order of business was to approve the minutes from the December 8, 2020 and January 12, 2021 meetings.

Mr. Gentry motioned for approval of both the December 8, 2020 and January 12, 2021 meeting minutes.

Mrs. Gladden seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

**DPR 459/21: ATTIC SELF STORAGE (PRIMARY);** a development plan review for self-storage expansion; 4.0 acres; Liberty Township; S2-T14N-R1W; located approximately 400 feet west of the intersection of State Road 39 and Church Street, just south of Belleville (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting appeared on behalf of Mr. Kent Cooper. Mr. Cooper owns Attic Self Stor in Belleville. He wishes to expand the property. He showed on the slide where the property is located. He stated Mr. Cooper had purchased an additional acre of ground and wishes to build four (4) new buildings. They would utilize the same entrance as the existing property so when completed it would look like one big facility. The additional buildings would look identical to the ones there now. There are roughly 194 units now, they will be adding an additional 84 units. He reviewed the staff comments. The first being the modification for the architectural design standards. What they are asking is that the masonry requirements be met on the sides facing towards the residential or outside. Previously they were granted to have masonry product up 4 feet on the buildings that face a residential zoned area. He showed what the existing buildings look like. They are wanting to do the same on the new buildings. He discussed the replat briefly, noting that it would be heard tomorrow at Admin/Plat Committee meeting. They are also requesting to have no vehicular or bicycle parking spaces due to there being no employees or bicycle traffic expected. The landscaping buffer that would be required on the northern boundary would be Type 3. They have asked for a modification to allow the setback distance to be reduced by 10 feet from 30 to 20 feet which would be inclined to a Type 2 buffer. They have still maintained the same plantings as what is in a Type 3 buffer. The next comment talks about turning radiuses inside the property. He showed on the slide the drive aisles. One of the drive aisles they made one-way due to the width being only 19-feet wide instead of 24-feet. The others would be 2-way. The concern of staff was that the turning radiuses would be tight, and his reply is that this is not the only building like this that Mr. Cooper owns. He has a pretty good idea of what works and what does not. Mr. Cooper is comfortable and feels that they are okay here. The last comment refers to erosion control measures. He pointed out the corner they were referring to on the slide. They have made a modification to their erosion control plans and they did receive drainage board approval.

Mr. Whicker asked if there were any questions from plan commission members.

Mr. Palmer asked what sides would have the stone façade.

Mr. Kruse replied that it would be the sides that face the street and pointed those out on the slide.

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Mr. Whitaker asked if they were going to remove the existing fence when they combine the two together and then fence the new part in as well. His concern was about the kids that play ball on the diamonds to the north.

Mr. Kruse explained how they would handle the fencing around the new portion. The entire site would be enclosed within the fence once it was completed.

Mr. Palmer asked if the buffer would be a mound.

Mr. Dombrosky stated that there was no mound required until a Type 4 buffer. It can be part of it, but he is not proposing any mounding.

Mr. O'Riley asked what was on the existing side to the north. He asked if there was a mound there.

Mr. Dombrosky stated there was an elevation change but no mound.

Mr. Whicker opened the public hearing. There being no one signed up to speak, he closed the public hearing.

Mr. Gentry motioned for approval of **DPR 459/21: Attic Self Storage (Primary)** with the modifications requested.

Mr. Palmer seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

**MAP 747/21: SOUTHGATE – ESTATE SUBDIVISION (PRIMARY);** a 10-lot major plat estate subdivision; 21.711 acres; Guilford Township; S24-T14N-R1E; located at E. Hendricks County Road and Indianapolis Road (Holloway Engineering)

Mr. Jeremy Kaiser, Holloway Engineering appeared with the property owner, Mr. Shawn Stewart. He showed on the slide where the property was located at Hendricks County Road and Indianapolis Road. It is a 21.17-acre parcel. They are proposing a 10-lot subdivision with an estate designation. The lots average 1.5 to 1.8 acres in size. They will have septic and Citizens water. It is currently zoned AGR. He stated they would meet all architectural requirements as part of the estate designation. He showed on the slide the 10 lots with a 25-foot road with a temporary cul-de-sac. They are going to stub the road for possible future development to the north. The site drains to a roadside swale along the road and it ends up to the proposed water quality swale. The water quality swale drains onto the neighbor's property to the east, Mr. Rick Surenkamp. He noted that he was in the audience. They did have an easement agreement with him to drain into his pond. He believed that would eliminate a lot of the drainage issues along County Line Road. They did receive drainage board approval in 2019. The only change since that approval is the stub street. They are asking for a modification for the east perimeter to the buffer yard requirements. With the swale, there is not room for plantings. He showed the current landscaping plan. He was unclear about the next comment regarding the perimeter requirement for adjacent landowners.

Mr. Dombrosky explained the provision in the ordinance that states if you designate a subdivision as an estate, then the properties around it must meet certain architectural requirements. He noted that the plan commission has expressed their desire to waive that provision before, so they would need to do that again in this case.

Mr. Kaiser went onto discuss the following staff comments. He noted that they would have to make provisions for relocating the roadside ditch and the drive pipes when the road is extended in the

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future when they remove the cul-de-sac. He pointed out where the driveway pipes were located on the slide. He then showed some examples of the custom homes Mr. Stewart has built in Stanley Cove.

Mr. Whicker asked if there were any initial questions from the plan commission members.

Mr. Palmer asked to see the aerial photo again. He wanted to see how far back it went.

Mr. O'Riley noted that this had come before them once before and asked why it did not go further at that time.

Mr. Kaiser replied that Mr. Stewart was trying to get the Town of Mooresville to allow them to tie into the sanitary sewer and that did not happen.

Mr. O'Riley asked if the area to the west was residential or farm ground.

Mr. Kaiser replied that it was residential.

Mr. Whitaker inquired about moving the swale over to the west so that the landscaping can be put in on the east to help block the homeowners from the east. He asked if it was a lot size requirement.

Mr. Dombrosky stated that they were at the minimum lot size or just above it. They have squeezed everything they can out.

Mr. Whicker opened the public hearing. There being no one signed up to speak, he closed the public hearing.

Mr. Palmer asked if the temporary cul-de-sac was normal. He had not seen one before and wondered if there was any concern there.

Mr. Ayres replied that they had done them before. Usually they see them at the end of the street and when they extend the street, they take them out. It is a little unusual to see it mid-way and that is why there are some notes on that. The ditches will have to be realigned so they are in the ROW.

Mr. Gentry motioned for approval of **MAP 747/21: Southgate – Estate Subdivision (Primary)** subject to staff recommendations.

Mr. O'Riley seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

**TZA 01/21: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE, CERTAIN SECTIONS REFERRING TO SOLAR ENERGY CONVERSION SYSTEMS;** and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission

Mr. Dombrosky stated that they had discussed looking at treating the solar as an overlay like they do the wind energy generation. They are breaking it down into two (2) categories; accessory and primary uses, which fit into how they do other things. When you are looking at accessory solar generation there is a pretty common sense definition of what accessory is. It is smaller than and behind the primary use. It is commonly associated with a primary use. Those things are easy to define and regulate, and broadly apply to things. Whether you are talking about putting panels on your house or on a building, those are going to smaller than the primary use. In those cases, they want the accessory use to be allowed in every district. As a primary use, they are talking about it as an overlay only. Not about allowing it in certain districts but permitting it as a special use essentially. The property would come before them and ask that the overlay be applied to that property, basically like the estate subdivision that just came before them.

Mr. Palmer asked where the decision would be made.

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Mr. Dombrosky replied that he believed it should be made with the commissioners. That development plan would then come back the plan commission. This would allow all everyone to have a chance to weigh in on each facility. They each seem to be contact sensitive since no two are the same. He asked if that seemed like a logical path forward. There have been cases a lot of situations recently with rezoning where concerns have been brought up about precedent setting and opening the door to other uses. If we are to bucket solar fields into other districts, you get into the risk of associating them with whether they are industrial or business uses. There will always be some objectionable uses in those districts. If they apply it as an overlay the base zoning stands. It is his understanding that these solar fields have a lifespan and when that is over, it will tend to revert back to what it was before, usually a field or a farm. That AGR district would still be there.

Mr. O' Riley asked if it were like a variance.

Mr. Dombrosky replied it was more like a special exception or use.

Mrs. Gladden asked if we were watching any legislation going through about this as they are drafting this.

Mr. Dombrosky replied that they went through the same thing with small cell towers. They started talking about small cell ordinances and the state pre-empted everyone soon after. This is a similar situation. He would prefer to go ahead with what they have and let them wreck it if they are going to. If they have something on the books, it is at least it's there and the work is done.

Mr. Palmer asked if the power had to stay with the landowner to be considered accessory use.

Mr. Dombrosky stated that he was not making that distinction because he does not want to get into that level of involvement. From a land use it is footprint.

There was more discussion amongst the group about potential hypothetical situations that may arise and how those would fall into the categories.

Mr. O'Riley asked if there was any type of percentage of solar panels to building size.

Mr. Dombrosky replied that they could talk about that. Right now the makeup of a commercial site that exceeds 35% of the developed area requires a development plan review. If you wanted to look at that differently, they could add that in. It would depend on how they feel about the panels.

Mr. Whicker felt that they should not make it more restrictive until it is necessary to do so.

Mr. Dombrosky believed they should talk about an automatic development plan review for non residential sites. He asked if they would want building mounted systems included in that as well, or just ground mounted.

Mr. Whicker stated that sounded like an appropriate addition. If the roof mounted were below the parapet wall it does not bother him.

Mr. Dombrosky continued to go over the ordinance. The development plan process is outlined where it differs from the regular process. It specifies any change to a system that is more than 35% has to come the plan commission for a development plan review. That is for existing systems but would apply to a new system as well. It is also going to require more details on the site plans that are specific to a solar field for the transmission and associated equipment. He kept in there that there should be documents describing a decommissioning plan. There is no other language or requirements other than that. That is what he got from the last discussion; that there should be one, but that they should not have a hand in crafting it. There is a clause in there stating that they could request additional studies as part of the development plan process. He reviewed the reasonable design criteria. They would be exempt from lot

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coverage and impervious coverage standards which top out at 75% in PB districts. Because these have space under them and are open for water infiltration a lot of the ordinances he looked at exempt those fields from lot coverage requirements. He asked if that seemed reasonable.

Mr. O'Riley agreed that it did as long as the water was able to absorb down below.

Mr. Dombrosky stated he has seen in the ordinances where they talk about natural plantings underneath and pollinators to keep the ground from being gravel. That could be something offered up as a compromise that if the ground under the panels is kept as natural planting and not gravel then they could be exempt from the lot coverage standards.

Mr. Palmer stated that he did not like the verbiage about the need to reduce the need for chemical weed management. He does not think they need that. He supports perennial vegetation but does not think they should demonize chemical weed management in an ordinance.

Mr. Dombrosky replied that a lot of the concerns are with runoff and the chemicals that are used to clean the panels. He stated that is one of the main remonstrance points that often come up. He believed that is where that comes from out of the template ordinance.

Mr. O'Riley asked if it were because of the people who have wells.

Mr. Dombrosky replied that it was and the ground water quality.

Mr. Palmer stated that he could not speak to the chemicals that go on the panels, but that he would imagine any chemical for weed management that they would use would be less than what is used for agriculture use. He felt they needed to be careful about non scientific claims.

Mr. Dombrosky stated that the one of the points he is less confident on is the fencing area. Our fence requirement limit is at 8 feet in pretty much all districts and 4 feet in the front yard. In this case, he would suggest they allow an 8 foot fence around the whole area. There are also exemptions for ag uses like electric fences and barbed wire. Pretty much ag uses are exempt from any fencing restrictions. He can see that a similar argument being made for this as well. He asked for their thoughts. He did not feel they should allow electric or barbed wire fencing.

Mr. O'Riley asked if it were really necessary.

Mr. Whicker asked if it was allowed, but not required.

Mr. Dombrosky replied that it was not required. They do not allow them anywhere except for agriculture.

Mr. Whicker stated that he felt in certain situations they should certainly allow it but not require it. He cannot image why someone would want to do that, but there might be a compelling reason for it.

Mr. Palmer stated it should be a variance.

Mr. Dombrosky then went over the screening requirements and setbacks.

Mr. Whicker opened the public hearing.

Mr. Jim Shaw. Solential Energy Solutions appeared. He recapped what his company does and the projects they have worked on in the past. His biggest point on being there was to hear the status of how they were moving along on the ordinance. He had made some notes to answer some of the questions they had addressed. He noted that they do not put chemicals on the panels at all. They have a coating on them already that helps the rain and snow drain off them. If they would use anything on them,

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it would be hot water and vinegar typically. That would be due to pine tar, jet fuel or exhaust. In the past 10 years, with what they have dealt with they have never had to clean one.

Mr. Dombrosky asked if he believed that was industry standard.

Mr. Shaw replied he believed it was. He stated they do use Roundup spray for perimeter fencing. It is the same strength that a farmer would use. These have the same glare component as asphalt or water from the glare analysis they have done in the past. There is a big push for erosion control and they are moving to build more pollinators because there is habitat thing going on as far as the dual role you can play in building them. It reduces the amount of maintenance as far as mowing. They have about 100 acres of planting right now in the state and are planning an additional 50 to 100 acres for the year with pollinators including a wildflower mixture. The drainage off the panel does have a leading edge that comes down and creates a small trough but that is taken care of with any erosion grass you may have. He noted the one thing to remember with screening was the shading component.

Mr. Whicker closed the public hearing. He stated his recommendation is that they do find common ground to send it to the commissioners with a favorable recommendation adding a couple of bullet points instead of waiting another month. He asked Mr. Dombrosky what the points he gathered from the discussion that needed to be added or changed.

Mr. Dombrosky stated that he felt there was a consensus that there should be an automatic development plan review for non residential ground mounted systems.

Mr. Whicker agreed.

Mr. Dombrosky stated he believed that the system at Mill Creek West school was done administratively and did not come before the plan commission. He did not believe he was here at the time that one came through. The next item would be setback from any wells or any other parts of a residential property. He asked how they wanted to treat those.

Mr. Whicker stated he did not believe you would treat it any different that you would a corn field. They would be spraying considerable less than that of a farmer spraying right up to property line with essentially the same product. His position is that it does not need addressed.

Mr. Gentry agreed.

Mr. Dombrosky stated that as far as fencing he thought they were good and would allow requests for modifications.

Mr. Shaw noted that there was a NEC code for fencing that is 7 feet for these that they would follow and would be in the development plan.

Mr. Dombrosky asked if it were a required 7-foot fence. He asked if he had seen other types.

Mr. Shaw stated it was. They have done a 6-foot with a 1-foot three (3) barb system either straight or at an angle.

Mr. Whicker stated that would still fall within the guidelines if it is not to exceed 8 feet.

Mr. Dombrosky stated that was correct, but he would have to change it to allow barbed wire.

Mr. Whicker asked if it was required to be barbed at the top.

Mr. Shaw replied that it is not but it has to be 7 foot high. You would have to abide by whatever the NEC code was.

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Mr. Gentry asked if the point of the barbed wire was to keep vandals out.

Mr. Shaw stated that it was for that and to keep out wildlife as well.

Mr. Dombrosky stated that was the only notes that he had.

Mr. Palmer asked if they could remove the chemical weed management verbiage.

Mr. Dombrosky stated he would.

Mr. Palmer stated from the pollinator side of it, pollinator plantings get thrown out in a general sense. He would like to see it be pollinator plantings that are native to the area.

Mr. Dombrosky agreed.

Mr. Whicker asked if there was anything else they wanted Mr. Dombrosky to add.

It was agreed that Mr. Dombrosky would make some amendments regarding automatic development plan reviews in non residential area ground mounted systems, fencing requirements, and native pollinators per the input of the plan commission members.

Mr. O'Riley motioned for a favorable recommendation of **TZA 01/21**.

Mr. Gentry seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

**DPR 473/21: HENDRICKS GATEWAY PARK, BLDG 2 (AMENDMENT);** a development plan review to reconfigure the layout of parking lot; 76.76 acres; Liberty Township; S35-T14N-R1W; located at 2121 Gateway Point, Clayton (American Structurepoint)

Mr. Nick Everhart, American Structurepoint appeared. He stated that they wish to amend the parking lot for Building 2. During the spec building portion they had the parking lot configured to allow for more truck and large trailer parking. The tenant they have on board, they need more parking for employees for shift changes. They also wanted to keep some of the area open for flexibility in case they do have a couple of trailers they need to park or for staff outings. The way it was designed, it all sheet flows so if they put landscape items in it will block a lot of the flow. Primarily the improvements would be on the exterior side. He showed on the slide where the secondary entryway would be and their plans for an office bump out, a wellness area on the west elevation and out front of the building. Since they cannot accommodate them for the storm water what they are proposing is to take the same number of trees and spread them out along the frontage of Gateway to help further enhance the screening.

Mr. Palmer asked about the landscaping islands and if they were in place already.

Mr. Dombrosky explained where the islands would be on the slide. He stated they are not in yet; it is all open asphalt or concrete now. He showed where the truck docks were and the fenced entrance on either side. The only thing that he wanted to point out was the fence was going to be stuck into the asphalt. He believed there should be some consideration given to the base of the post so that it is not just stuck into the asphalt.

Mr. Everhart stated that he would talk to the client. He was thinking of gravel for that area.

Mr. Dombrosky replied that removing the asphalt and adding stone would be a better alternative.

Mr. Whicker stated that they should work out that detail with staff.

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Mr. Gentry motioned for approval **DPR 473/21: Hendricks Gateway Park, Bldg 2 (Amendment)**.

Mr. Palmer seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

**DPR 486/21: HENDRICKS GATEWAY PARK, BLDG 4 (AMENDMENT)**; a development plan review for an addition of a pumphouse; 61.03 acres; Liberty Township; S35-T14N-R1W; located at 10730 S. State Road 39 (American Structurepoint)

Mr. Nick Everhart, American Structurepoint appeared. He stated that they wish to put a pumphouse/ water storage tank on the northeast corner of the site for Building 4. Essentially the water main they installed does not have enough pressure so there are some concerns with the supply side of the utilities are not up to par for the fire protection. They are proposing the pumphouse/water storage tank that would be connected to the fire loops on Building 4 and Building 2. They would be able to get water to the utilities and have a two pumps and a large storage tank of water to pressurize the system. If there were a fire they would be able to put it out. He showed the elevations for the pumphouse. It would be precast, but the tank is premanufactured and is metal. He reviewed the modifications they were requesting. He showed a view from I-70 and noted that he felt it would be screened well with the existing vegetation. They are also planting behind that as well.

Mr. Gentry asked if there were a fire, would the fire department be called to handle or would this handle it.

Mr. Everhart stated that it was an automated system. It is set up so that it will trigger the sprinkler system.

Mr. Palmer asked if there was a bigger issue with this for the other tenants that come in.

Mr. Whicker stated he believed it was for the user.

Mr. Ayres stated that it was user independent.

Mr. Dombrosky stated the pumphouse will serve all the buildings on the site, but the water pressure issue is probably a bigger issue.

Mr. Palmer asked if the water company was going to do anything as that is area is developed more.

Mr. Everhart stated that Citizens Water's terms of use only guarantee 1000 gpm and a lot of these buildings use 1500 to 2250.

Mr. Gentry motioned for approval of **DPR 486/21: Hendricks Gateway Park, Bldg 4 (Amendment)**.

Mr. Kneeland seconded the motion.

FOR – 7 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Whicker stated there was a couple items under the Wishes to be Heard.



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Mr. Dombrosky stated that Mr. Keith Waggoner had called about his property and wanted to get some direction.

Mr. Keith Waggoner appeared. He showed where his property was on the slide. He stated his main question was about the lot in front at the corner of Raceway Road and US 136. At some time the county or state had done some reconstruction of that intersection and it has left that parcel unusable under the current ordinance. He was there to ask if there was anything that could be done with the lot. He believed there needed to be 200 feet off from US 136 and he was not sure if Raceway Road was 35 or 50 feet.

Mr. Dombrosky stated he was not sure. He believed they were going to be discussing the property to the north.

Mr. Waggoner stated they were going to put that on hold for now. With the current setbacks for the smaller lot, it was undevelopable. He noted that the Subway that is across the street is very close to the road.

Mr. Whicker stated it was probably grandfathered in as that building is very old.

Mr. Waggoner wanted to know if anything could be done with his parcel.

Mr. Dombrosky stated that he believed it would have to be some extension of his other property. He did not see it being anything on its own.

There was some discussion about possible reworking of his existing parcel to make it work with possibly looking changing the zoning to better suit his needs.

Mr. Bill Clontz, Clontz Heating and Cooling appeared. He wished to discuss the development of his parcel known as Handy Corner. They purchased it two (2) years ago and have done a lot of work with the septic and drainage. They have redone the main building. There is a little building left that he wishes to remodel and increase the footprint slightly to match the existing building and combine the two together. He showed the plans for what his vision is for the property. He wanted to put parking up towards the front along US 40 and close off the entrance from US 40 and only utilize the one that comes off County Road 350. He wanted to deter excess traffic and semis pulling in and parking there. He stated that he has already had inquiries from others for renting the space once it is redone.

There was more discussion about a previous special exception for multiple uses and one condition that stated any future expansion would require a development plan review.

Mr. Dombrosky stated that he would not subject it to a DPR, that it could be handled administratively.

Mr. Whicker stated they would have to run their plans through the state.

Mr. Dombrosky replied that it would have to have state building release done.

It was the consensus of the plan commission members to allow it to be handled administratively.

Mr. Whicker asked if there was anything else that needed to be discussed.

Mr. Dombrosky stated that they had found a big hole in their ordinance. Someone was interest in putting a rehabilitation in patient clinic, not a hospital, but similar. They would have overnight stays, but more like physical therapy type of rehabilitation. Our ordinance has a definition for that type of thing, but it is not in the use table and not permitted in any district. He reviewed what uses were listed. He noted that hospitals were not on the list either and that needed addressed at some point as well. He wanted an opinion from the plan commission members on what districts that use would be allowed in.

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Mr. Palmer stated that he thought it would align more with the GB or HB districts.

Mr. Whicker agreed.

There being no further business, the meeting was adjourned at 8:19 p.m.

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Tim Dombrosky, Chairman