

March 10, 2015

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, March 10, 2015 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. Brad Whicker, President; Mr. Doug Sisk, Vice-President; Mr. Bob Gentry; Mr. Walt O'Riley; Mr. Eric Wornhoff; and Mr. Damon Palmer. Member absent was: Mrs. Sonnie Johnston. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mrs. Julie Haan, Environmental Health Director; Mrs. Lesa Ternet, Planner; Mr. Owen Young, Planning Technician; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Whicker called for approval of the January 13, 2015 Plan Commission meeting minutes.

Mr. Sisk made a motion to grant approval for the January 13, 2015 minutes.

Mr. Gentry seconded the motion with Mr. Palmer abstaining.

Mr. Whicker, as new President of the Plan Commission, gave an introduction and brief review of how the meeting would be conducted.

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

**ZA 429/15: DANIEL E. PRICE (AMENDMENT TO FINDINGS OF FACT)**; an amendment to the previously approved Findings of Fact for ZA 429/15, 1 lot, 5.00 acres, Washington Township, S05-T15N-R2E, located on the west side of Raceway Road, approximately 0.34 mile south of County Road 100 North. (Comer Law Office)

Mr. Whicker asked Mr. Reitz to give a brief history of this application.

Mr. Reitz stated that this matter had previously been heard at the January meeting and the Commission had recommended denial or an unfavorable recommendation to the Board of County Commissioners. He stated the petition was a request for a zoning amendment change from AGR/Agriculture Residential District to GB/General Business District for the purpose of establishing a self-storage facility on the site. He stated that later in January, the Board of County Commissioners heard the matter and expressed two concerns. He stated that one was that the proposal appeared to be consistent with the fact that the area was transitioning from residential to a mix of residential and commercial uses and the second concern was that the Plan Commission had previously approved similar zoning changes from residential to commercial zoning based on the fact that the area was transitioning. He stated that additionally at the Commissioner's meeting the applicant proposed moving the project back further on the lot away from the neighboring residences so as to increase its compatibility with its immediate neighbors. He stated the applicant had not made that proposal to the Plan Commission. He stated consequently, the Board of Commissioners was now asking the Plan Commission to again review the rezoning request in light of the applicant's proposed changes and in light of earlier positive recommendations by the Plan Commission for similar rezoning in the neighborhood. He stated this was different in that it usually had not occurred that the Commissioners would send something back to the Plan Commission for another review. He stated that the Plan Commission members' choices were to change their original recommendation to a favorable one with the findings of fact provided or to reaffirm their original vote of unfavorable without a new set of findings of fact.

Mr. Whicker then called for the applicant's representative to present the proposal.

Mr. Andy Kult of the Comer Law Office appeared on behalf of Mr. and Mrs. Daniel Price, who were also present. Mr. Kult then passed out photocopies of the slides he was presenting and those photocopies were entered into record as Petitioner's Exhibit "A." He reviewed the location of the property.

He stated the property was currently vacant and zoned AGR/Agriculture Residential. He stated that the petitioners were requesting a rezoning to a GB/General Business District for the purpose of operating a public self-storage facility. He stated that the area in question was transitional with a mix of residential and lower intensity commercial uses. He then reviewed the surrounding zoning districts in the area. He then displayed the proposal that was presented to the Plan Commission in January. He discussed the details of the proposal that was submitted in January as to the number of buildings and fencing/gating. He stated there would be no need for onsite staff as there would be a self-operated kiosk. He stated the bufferyard requirements had also been previously discussed which would be a combination of the natural existing buffer and some additional buffering. He stated that the main issue with the proposal that came up at the meeting was the proximity of the units to the neighboring home to the north. He stated that when they went before the Board of Commissioners with the proposal, they had presented a proposal to remove Phase I and move the buildings back 325 feet from the roadway. He stated that the gate at the east entrance would line up with the back of the natural backyards of the neighboring residences. He stated except for the access drive, the whole area between the two residences would remain green space. He then explained what type of buffering they were proposing for the site. He stated that the existing residential areas would remain for the foreseeable future and they did not believe the proposed parcel would develop residentially. He stated what they were offering was a similar low intensity commercial use already seen up and down the Raceway Road Corridor. He stated they believed they had accommodated the neighbors with the changes proposed.

Mr. Whicker called for questions or comments.

Mr. Wornhoff asked about the pond located in the rear of the property.

Mr. Kult stated that they had talks about the possibility of moving that pond. He stated the petitioner's engineer was looking at that.

Mr. Wornhoff stated that he had visited the site and did a visual assessment as to the proximity of the property to the Cox Ditch. He stated the distance did not appear to be that great. He stated that he did not inspect the culvert capacity at the site. He asked in regard to the new Phase I of the proposed project, how much of it would be finished parking lot or stone for outside storage for the RV's, boats, etc. He stated that he thought the new proposal was esthetically pleasing and that they had made an attempt to address the emotional issues of the neighbors. He stated, however, when he did the initial calculation of just the buffer zone alone, thirty (30) percent of the property was buffer zone. He stated that equated to approximately 1.39 acres, minus what was in the front of the property. He stated that only left approximately 3.5 acres for true development and drainage.

Mr. Kult stated that they were working with the engineer, Mr. Tim Higbie, on the water situation and continuing with it through the development plan review process before the Plan Commission. He stated it would have to be dealt with for the proposed project to move forward.

Mr. Wornhoff stated he had not taken any actual physical measurements while at the site. He stated, however, that he noticed the grade in one area of the property was fairly high. He stated there was a significant drop in elevation. He asked Mr. Kult if he agreed with that assessment.

Mr. Kult responded that he had received advice on the area to the rear of the property which had been the engineer's main concern. He stated he acknowledged that there would be work involved with getting the drainage approved for the project.

Mr. Whicker reminded Mr. Wornhoff that if the matter was successful in its request for the rezoning, the applicant would be required to come back before the Plan Commission with a development plan review with all the engineering details.

Mr. Sisk then asked the staff about the property to the north which was a commercially zoned property and the circumstances behind that property.

Mrs. Ternet stated she did not recall the exact details of that rezoning. Mrs. Ternet stated she believed there was a rezoning due to the construction of the pole barn on the site.

Mr. Sisk stated, however, that he believed whatever business was planned for that site had failed since there was no existing drive back to it and nothing was going on there.

Mrs. Ternet stated she was not aware of whether or not any business was being operated on that site.

Mr. Sisk asked if there were any photos available of the properties on the east side of Raceway Road.

Mr. Kult stated he believed it was residentially zoned across the highway from the applicant's property.

Mr. Sisk stated he believed it was residential all along that side of Raceway Road.

There was further discussion among the members, staff and Mr. Kult regarding the nature of the properties on and along the east side of Raceway Road.

There being no further questions or comments, Mr. Whicker opened the public hearing. The following persons were signed up and were heard:

Mr. Leo Mosteller, 756 North Raceway Road, appeared and expressed his concerns that the new petition had not changed other than the location of the buildings. He stated he believed due to the residential nature of the area, the property should retain the residential zoning. He expressed his concerns regarding security issues and access to his property and that he was not in favor of the proposed business being located next door to his property. He expressed his concern regarding the difficulty of backing out onto Raceway Road and the amount of traffic using that roadway.

Mrs. April Mosteller, 756 North Raceway Road, appeared and stated her concerns regarding the heavy traffic on Raceway Road. She stated that her children got on and off the school bus on that road. She stated that the salvage yard to the south was a grandfathered zoning and that the majority of the property along there was residential in nature. She stated she did not believe the applicant's property was suitable for commercial zoning. She stated her children also played on the back of their property.

Mr. Wayne Roberts of 698 North Raceway Road appeared and stated he had lived at that location for 28 years and that the area was predominately residential. He stated he believed the pond located in the rear of the applicant's property had been put there to drain water as it was swampy. He stated that he and his family enjoyed their five acre property and had family outings there. He affirmed that the salvage yard to the south had been there for a long time and met the grandfather clause. He stated he would not like to see the self-storage business be developed on the site and agreed that the traffic on Raceway Road was excessive. He requested denial of the application for rezoning.

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

Mr. Kult addressed the concerns of the remonstrators. He stated that the primary issue of Mr. and Mrs. Mosteller had been the proximity of the proposed buildings next to their residence. He stated that issue had been addressed by proposing a new layout with the structures moved further back on the property behind the area of the Mosteller's backyard and also a significant 325 feet back from the roadway. He discussed the natural buffer that already existed and also the extension of that buffering along the front of the property. He stated that the front portion of the property would now remain as greenspace. He stated that in terms of the traffic concerns, he stated there would not be anyone backing out onto the roadway and rather visitors would be turning around onsite. He stated that self-storage facilities did not have traffic in and out all day and that the use was low intensity. He then discussed the drainage concerns and stated that typically when a parcel was developed, those issues had to be

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addressed and improved. He stated that it would be up to his client to make that happen to the satisfaction of the Hendricks County Surveyor.

Mr. Whicker asked for questions or comments from the members.

Mr. Wornhoff stated that after being on the site, he had observed that it was a very narrow and linear property. He stated that he believed the true concern was the water problem with the property being too wet. He stated if the pond was proposed or engineered to be moved elsewhere, there would still be a large portion of the property with an impervious layer which had to drain somewhere. He then stated that his other concern was contaminating the Cox Ditch with vehicle fluids parked outside on stone and/or concrete.

Mr. Gentry stated those were his concerns as well.

Mr. Whicker then commented to keep in mind that even though those were good concerns, the decision before the Commission was for rezoning. He then asked Mr. Reitz if those issues could be addressed during the rezoning hearing.

Mr. Reitz commented that the Commission could delve into anything they felt appropriate. He stated that the question they should be trying to answer was if the zoning was compatible with the surrounding properties in the area.

Mr. Wornhoff stated he understood those issues and he felt that he would not want to give a favorable recommendation to a property that had potential drainage issues going forward. He stated that there was a large impervious area with no other catch basin around.

Mr. Sisk commented that there would be the same concerns if the property was developed residentially also. He stated his concern was the transition in the property to commercial and that he saw the entirety of that stretch of Raceway Road as residential and that the proposal did not fit there.

Mr. Whicker then stated that there being no other questions or comments, the Commission had to vote to reaffirm their previous negative recommendation, send a favorable recommendation or send no recommendation to the Board of County Commissioners.

Mr. Gentry then commented that he had felt when he had heard the matter previously with the other Commissioners, that when the petitioner had offered an amended plan, it had been only fair to allow them the opportunity to be heard again.

Mr. Gentry then made a motion to reaffirm their previous recommendation and send an unfavorable recommendation to the Board of County Commissioners and adopt the negative Findings of Fact/Law.

Mr. Sisk seconded the motion. The motion carried with five in favor and one against, that being Mr. Walt O'Riley.

FOR – 5 –

AGAINST – 1 –

ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, March 24, 2015 at 9:00 a.m. or thereafter.

Mr. Whicker then called for the next matter on the Public Hearing portion of the agenda as follows:

**ZA 430/15: KENT DICKERSON;** a zoning amendment change from AGR/Agriculture Residential District to RB/Single Family Residential District, 1 lot, 27 acres, Liberty Township, S6,7-T14N-R1E, located on and along the north side of County Road 600 South, approximately 0.25 mile west of County Road 400 East. (Kruse Consulting, Inc./Comer Law Office)

Mr. Ben Comer, Comer Law Office and Mr. Mike Sells, Benchmark Consulting, Inc. appeared on behalf of the petitioner, Kent Dickerson.

Mr. Comer reviewed the location and history of the proposed development consisting of 27 acres. He reviewed the surrounding development. He stated the proposed project would meet the medium intensity uses from the Hendricks County Comprehensive Plan and they were requesting a rezoning from AGR to RB. He stated that the proposal was for a commitment of no more than forty (40) lots which came to a density of 1.5 lots per acre. He stated that the proposed homes in the project would be single family subject to the county residential design standards and in addition, the petitioner was willing to make additional commitments on the homes that the minimum square footage would be 1,800 square feet and all of the homes would have a first floor masonry wrap as defined in the Hendricks County Ordinance. He stated that while the lots would be slightly smaller than the RA district, the home sizes and architectural requirements would actually exceed those of the RA zoning standards. He stated that the project complied with the Hendricks County Comprehensive Plan and that the staff had recommended approval.

Mr. Whicker asked for questions or comments. There being none, Mr. Whicker opened the public hearing.

Mr. Scott Hampton of 5960 Scenic Lane appeared and expressed his concerns regarding poor drainage on the site and the number of lots proposed causing drainage problems. He stated that he felt the proposed number of lots seemed more high density than medium. He stated that there were no similar types of subdivisions in that area.

Mr. Jeff Keeler of 3593 East County Road 600 South appeared and asked about the type of price range for a 1,800 square foot "custom" home. He asked if there was water and sewer available as he thought the sewer there might be at capacity. He stated another concern was the traffic and road conditions and he stated that the roadway was in need of repairs. He stated he believed thirty years ago when his home was built, brick was required.

Mr. Jerry Goldsberry, 5879 Scenic Lane, appeared and stated that his property abutted the petitioner's property. He stated he believed the biggest impact from the proposed development would be to his property. He stated he was not opposed to homes being built in the proposed subdivision but only the number of homes being proposed in a small area. He stated that nowhere in the area is the density as great as the proposed development. He stated the proposed development would impact future development in the area for years to come and he asked the members to give an unfavorable recommendation to the proposed zoning change.

Mr. Joe Street of 5998 South County Road 400 East appeared and stated his property shared an eastern boundary with the petitioner's property. He stated if what the petitioner was proposing was legal, then he would have to go with it. He stated a concern he had was about the pond on his property and the affect on it from the proposed subdivision. He stated that he did not think four or five lots would pose any problems for drainage but that the number of lots being proposed would. He stated he would hate to see his pond dry up as he and his wife enjoyed the wildlife attracted to it. He stated he had received permission from the County to operate a home based gun repair business and that he was allowed to legally test fire guns on his property. He stated he was concerned that new property owners would not like that and he did not want the development to affect his lifestyle on his property.

Mr. Ray O'Neal of 3725 East County Road 600 South appeared and stated that he had lived at that address for 36 years and he shared the same concerns previously expressed. He was concerned regarding the density of the proposal and that as to the drainage, the property had quite a bit of fall and

also that the whole property had been tiled. He stated water would be an issue there. He stated that lot sizes in the area were larger than the proposal and he asked that the members decline the zoning change based on the density.

Ms. Amber Creek of 3775 East County Road 600 South appeared and stated that Mr. O'Neal who previously spoke was her dad and she had bought a house two doors down from his. She stated that she would not want to live across from a forty-house subdivision. She stated that the density allowed should be lower. She also stated that she would like to see Mr. Street's pond preserved. She stated she was concerned regarding the effect on her and her neighbor's property.

Mr. Dale Kottkamp of 2261 East U.S. Highway 40 appeared and stated he represented his family farm and that the property in question had been used for farming and had been contoured because it was swampy. He stated he was not disputing a residential development but only the density proposed. He stated he was concerned that house values would drop and that there would be big drainage problems associated with the property.

Ms. Nancy Prock of 4691 Woodshire Place appeared and stated that she owned farmland of about 115 acres to the north of the proposed development. She stated her request if this proposal was approved was for the petitioner to install a fence between her property and the development. She stated she believed forty houses were too many and that the drainage was bad. She stated she would like to see fewer homes proposed and a fence erected.

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

Mr. Mike Sells of Kruse Consulting appeared to respond to the concerns of the remonstrators. He stated he was the civil engineering land planning consultant representing the petitioner. He stated that what water was being directed to Mr. Street's pond was going to continue as was committed to as part of the original petition filed by Rob McCurdy three years ago. He stated that the amount of water going to Mr. Street's pond would be allowed to continue to go and feed to prevent any adverse affect. He then addressed the concerns regarding water quality and that it was an issue that would be required to be addressed as the project proceeded through the platting and development plan approval process. He then discussed the concern regarding the amount of water that might be generated by the development and that the preliminary plan called for a pond to be located and designed in size in order to comply with the Hendricks County Drainage Ordinance. He stated that they were required to provide a certain amount of open space and he pointed out the area that would be retained in its natural state. He stated in the northwest corner, trees would be removed only to the extent of extending the proposed cul-de-sac. He then discussed the density and that the current AGR zoning would allow approximately 54 lots. He stated the petitioner was proposing to cap the number at 40 lots. He stated that was substantially less than the AGR zoning district would allow. He then discussed the traffic impact from the proposed development and that after preliminary discussions with the county engineer as to what improvements would be required along the county road, Mr. Ayers had indicated to him that not enough traffic would be generated from this project to require a passing blister. He stated that the only improvement they would make to the county road would be to install a decel storage lane on the north side of the road. He then discussed the size of the lots and that that size was governed by what infrastructure was available to serve those lots. He stated that there was a sewer located on and along the south side of County Road 600 South serviced by the Town of Plainfield and also located along the north side was a Town of Plainfield water line. He stated that the Town had indicated it had the capacity to service the additional lots that were a part of the proposed project. He stated that in regard to Mr. Street's gun testing on his property, a note could be placed on the plat making a buyer aware of that type of activity.

Mr. Comer then addressed the density issue. He stated the current zoning of AGR would allow a major estate subdivision to be developed. He stated with that were some different development standards which would allow 20,000 square foot lots or approximately two units per acre. He stated their current density proposed was 1.5 units per acre. He stated that indicated they were not proposing to increase the density. He then discussed the fact that a minimum home size in the estate subdivision would be 1,500 square feet. He stated the petitioner was proposing a minimum of 1,800 square feet. He

stated there were some architectural standards associated with the estate subdivision and that they were proposing a first floor masonry wrap which would apply toward those standards. He stated he did not believe they were far from what would be currently allowed in the AGR zoning district.

Mr. Gentry then asked a question regarding lines shown on the plan labeled voltage.

Mr. Sells explained to Mr. Gentry that the lines referred to the location of the proposed cul-de-sac.

Mr. O'Riley asked if the lots proposed would be approximately three quarters of an acre each.

Mr. Comer responded that the gross density average was approximately one third of an acre.

Mr. O'Riley then asked about a detention pond on the site to offset drainage.

Mr. Sells stated that was correct.

Mr. O'Riley then asked about the average price of the proposed homes.

Mr. Comer stated they had no idea at this time. He stated the homes would not be done by a tract builder and would be custom built homes.

Mr. Whicker then responded by estimating that a custom home would be in the approximate range of \$250,000 to \$300,000.

Mrs. Ternet then clarified that an estate designated subdivision had a minimum square foot house size of 2,400 square feet and that in the current AGR district, the minimum house size would be 1,500 square feet.

Mr. O'Riley then asked about the use of vinyl.

Mr. Comer stated that if the home had a second floor, it could have vinyl as a building option. He stated since the homes would be custom built, they did not have a set type of architectural features yet.

Mrs. Ternet explained the residential guidelines and she passed out a list of those.

Mr. Reitz explained that those guidelines were established with the 2008 Zoning Ordinance.

Mr. Wornhoff asked about the average distance between the homes.

Mr. Comer stated that there would be a minimum of fifteen feet between homes.

Mr. O'Riley asked if they had an idea of where the closest similar neighborhood was located.

Mr. Comer responded with his estimate of where the closest one was or would be located.

Mr. O'Riley stated he was just trying to get an idea if there were any similar subdivisions in the general area.

Mr. Whicker commented there were probably lower density homes in the area on wells and septic systems.

Mr. Comer stated that the proposed homes would be closer together than the existing homes. He stated the value of the homes was an important part of the equation in addition to the lot size. He stated that the proposed homes would be on public utilities to allow for the smaller lots.

Mr. Sisk stated that his appointment on the commission was by the superintendents of the school districts of Hendricks County. He stated that what was left out of the equation was when houses were placed that closely together, the property tax was removed from each one of those houses and those houses because of their size would generate families with children that would go to that school district unfunded as there was no way that kind of density would support the number of students being added to the school corporation.

Mr. Whicker then asked the staff to clarify the difference between the current AGR zoning district and the proposed RB zoning district.

Mrs. Ternet then explained that in the RB district the minimum lot size with sewer and water would be 12,500 square feet. She stated if an estate subdivision designation were requested in the current AGR district, it would allow two units per acre.

Mr. Comer commented that the standards they were committing to were above the RB zoning district minimum standards. He stated that because of the availability of sewer and water, the density would be increased. He then stated he did not think a full brick wrap was a requirement in the architectural standards of the estate subdivision and therefore, the petitioner was committing to an additional feature that would not necessarily be required.

Mr. Whicker stated he wanted to clarify that the commission could deny the request for the RB zoning district and the petitioner could come back and do something very similar without the commitments being currently made.

Mr. Sells explained that a one acre lot of 43,560 square feet could not be simply divided into two lots. He stated the amount of right-of-way needed to be accounted for and other things of that nature. He asked Mrs. Ternet what was defined as the minimum lot size in the AGR district.

Mrs. Ternet responded that in the AGR district, the minimum lot size was 20,000 square feet with the availability of sewer and water.

Mr. Gentry then commented that Mr. Kottkamp had mentioned that the farm had been terraced and also had a complete tile system installed. He stated he wanted to understand how the drainage flowed either naturally or by some other means.

Mr. Sells responded that the natural contour of the ground with what was going to the pond now would continue to go to the pond. He then indicated on the displayed map how the drainage was currently routed.

Mr. Palmer asked what the architectural standards for the current zoning district were.

Mrs. Ternet replied that the architectural standards were different for a major subdivision than what they were for minor subdivisions. She stated the standards were more stringent for a major subdivision. She stated that a minor subdivision contained three or less lots and a major subdivision would have more than three lots.

Mr. Wornhoff explained that he was on the commission as an appointee of the Purdue University Extension and the first thing he looked at was the lay of the land. He stated that the lines seen on the map of the property were where water diverted. He stated to the south there were gullies or unprotected waterways or water diversions from the way the land laid and the inability of the soil to absorb the water, thus running off. He stated his concern was the density. He stated that having seven and one half feet between a house and the property line and fifteen feet between houses and with the slope existing, it was an extreme drop from one corner in the southwest to the northeast corner into a creek, which had homes at that location. He stated he believed that one of the remonstrators had commented on moving away from his previous location to get away from the water issues. He stated he was all for positive

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development. He stated, however, things needed to be done in a way that made sense and by taking twenty-seven acres and guttering it as well as only allowing fifteen foot of permeation into the soil, that scared him.

Mr. Comer then stated that in order to give the applicant time to think about the comments made at the meeting and for the commission to take a better look at the architectural standards, he requested a thirty (30) day continuance.

Mr. Whicker asked the members if they would be willing to grant the requested continuance.

Mr. Sisk then made a motion to grant **ZA 430/15: Kent Dickerson** a thirty (30) day continuance to the April 14, 2015 meeting.

Mr. Gentry seconded the motion.

It was noted here that this matter would be heard in thirty (30) days at the regularly scheduled April 14, 2015 Plan Commission meeting.

Mr. Whicker announced that the same process would occur at the April meeting, same time, same location. He confirmed also that the public would not be receiving new notices for this meeting.

**DPR 445/14 (PRIMARY): GOLDEN EAGLE K & L, LLC**; a development plan review to construct an accessory building, 1.01 acres, Lincoln Township, S17-T16N-R2E, located on the south side of U.S. Highway 136, approximately .08 mile west of County Road 1025 East, more commonly known as 10177 East U.S. Highway 136, Indianapolis. (Kruse Consulting, Inc.)

**DPR 445/14 (SECONDARY): GOLDEN EAGLE K & L, LLC**; a development plan review to construct an accessory building, 1.01 acres, Lincoln Township, S17-T16N-R2E, located on the south side of U.S. Highway 136, approximately .08 mile west of County Road 1025 East, more commonly known as 10177 East U.S. Highway 136, Indianapolis. (Kruse Consulting, Inc.)

Mr. Mike Sells of Kruse Consulting, Inc. appeared on behalf of the applicant. Mr. Sells reviewed the location and history of the property. He stated that the property was used as a car sales facility. He pointed out on the map the location of the existing structure used for the dealership. He pointed out the access area to the rear of the property. He stated they were now requesting approval for an additional accessory building of 1,500 square feet. He stated it would be a steel fabricated building buffered from the U.S. Highway 136 right-of-way. He then stated that the project had received Drainage Board approval. He stated that Mr. Gentry had asked them to look at a tile located slightly west of the project. He informed them that the County Surveyor, Mr. Gaston, was going to send someone out to look at that tile. He then discussed the recommendations in the staff's letter dated March 3, 2015. He stated that there had been a question regarding sheet flow drainage and he explained the drainage for the site and how they were going to improve it. He then discussed the modification being requested to the architectural design standards and that staff had no objections to this modification.

Mr. Whicker called for questions or comments.

Mr. Gentry asked about notification of the surrounding property owners.

Mr. Sells stated that there had been notification sent out.

Mr. Gentry asked about the drainage appearing to sheet flow from the paved areas.

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Mr. Sells explained what happened with that sheet flow and how they had addressed it.

Mr. Gentry asked if the water flowed east.

Mr. Sells stated yes and explained how a legal drain went under the entryway to O'Reilly Raceway Park and then south to another legal drain.

There being no further questions or comments, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for further questions or comments. There being none, Mr. Whicker called for a motion.

Mr. Palmer made a motion to grant primary approval for **DPR 445/14 (Primary): Golden Eagle K & L, LLC** subject to staff recommendations and conditions in letter dated March 3, 2015.

Mr. Gentry seconded the motion.

Mr. Sisk then made a motion to grant secondary approval for **DPR 445/14 (Secondary): Golden Eagle K & L, LLC** subject to staff recommendations and conditions in letter dated March 3, 2015.

Mr. Gentry seconded the motion.

FOR - 6 -                    AGAINST - 0 -                    ABSTAINED - 0 -

The staff conditions and recommendations were as follows:

## DRAINAGE CONDITIONS:

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

## **STAFF RECOMMENDATIONS:**

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. The applicant is requesting a modification of Section 8.3.A. (HCZO) with regard to architectural design. The applicant states the structure is an accessory to the principal use and that it will be screened from U.S. Highway 136 as it sits behind the principal structure. The applicant further states that the adjoining landowners to the east and west have similar structures compatible with the proposed building and that the CSX railroad is immediately to the south. Staff does not oppose the requested modification. The Plan Commission has the authority to approve this modification in accordance with Subsection 2.2(A)(17).
3. The only vehicles allowed to be located outside of any structures are those to be sold within in the paved outdoor display area in front of the primary structure.
4. The proposed accessory structure will be used for detailing of vehicles. The applicant has stated that detailing does not consist of washing vehicles which would require additional approval.
5. The applicant does not propose a dumpster or additional lighting on this site.
6. Drainage from the paved areas appears to just sheet flow, in some areas onto adjacent properties. It needs to be determined if this is acceptable.

**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.

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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. 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.

Mr. Whicker then stated that they would move on to some discussion items.

Mr. Reitz stated he wanted to bring the members up to date on the Corridor Plan. He stated that the commission had asked him to look at a corridor plan for State Road 39, the five and one half mile quarter section between I-70 Exit 59 and Belleville. He stated they had gone before the Hendricks County Board of Commissioners who also authorized them to proceed. He stated since that time they had been putting together a corridor plan. He presented the goal, elements, scope of work, and consultants around which the planning would evolve. He stated that they were suggesting using consultants. He stated that the fee for the scope of work would be \$17,500.00. He stated that the department could pay for this work and the Council would not need to be approached. He stated if the members were in agreement, they needed to designate someone to sign the contract.

Mr. Damon Palmer then made a motion to move forward with the Corridor Plan and he nominated Mr. Brad Whicker to sign the contract.

Mr. Gentry seconded the motion.

Mr. Reitz thanked the members and also Cinda Kelley of the Economic Development Partnership.

Mrs. Ternet then informed the members that at next month's meeting there would be a new Subdivision Control Ordinance Amendment and she explained further.

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Mrs. Ternet also informed the members that the staff wanted to set up a training workshop for the Board of Zoning Appeals and the Plan Commission. She stated this was because there were new members and there had been changes in some of the zoning and land use laws and the staff felt it would be a good time to get everybody together.

There was a consensus among the members for this plan and Mrs. Ternet stated she would inform them of the details for the workshop at a later date.

There being no further business, Mr. Gentry made a motion to adjourn the meeting.

Mr. Wornhoff seconded the motion.

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

The meeting was adjourned at 8:30 p.m.

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Don F. Reitz, AICP, Secretary