

April 9, 2019

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, April 9, 2019 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. Walt O'Riley; Mr. Jeff Pell; Mr. Tim Whicker; Mr. Damon Palmer; and Mr. Bob Gentry. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Youngs, Acting County Attorney; Mr. David Gaston, County Surveyor; Mr. John Ayers, County Engineer; Mrs. Suzanne Baker, Senior Planner; Mrs. Joanne Garcia, Recording Secretary; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Brad Whicker stated since there was no meeting in March the minutes for February 12, 2019 meeting needed to be approved.

Mr. Gentry made a motion to approve the minutes for February 12, 2019 meeting.

Mrs. Johnston seconded the motion with Mr. Palmer abstaining.

FOR – 6 -                      AGAINST – 0 -                      ABSTAINED – 1 -

Mr. Brad Whicker then moved on to the public hearing items on the agenda.

**ZA 228/19: EAGLE CROSSING PUD 16 & EAGLE LAKES CONDOMINIUMS (DPR 245) (AMENDMENT TO PUD ORDINANCE);** an amendment to an approved PUD Ordinance for the Eagle Crossing development and the Eagle Lakes Condominiums development plan; 4 parcels, 13.82 acres, Lincoln Township, S05-T16N-R2E, located on the north side of East county Road 600 North and east of Eagle Crossing Boulevard. (Faegre Baker Daniels LLP)

Mr. Brad Whicker stated it was his understanding that the petitioner was asking for an additional continuance.

Mr. Dombrosky stated that this would be their second continuance.

Mr. Gentry made a motion to continue **ZA228/19** for thirty (30) days to the May 14, 2019 meeting.

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

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

**ZA 460/19: YOUR VENTURE CHURCH, INC.;** a zoning amendment change for LI/Light Industrial District to GB/General Business District; 20 acres, Middle Township, S35-T17N-R1W, located on the east side of North County Road 100 East south of the railroad (Comer Law Office)

Mr. Ben Comer of Comer Law Office appeared on behalf of the applicant along with Rob and Jamie Dugan. Mr. Comer; Property is located at the old Woodmizer location. They have vacated and the property is for sale. It consists of (2) two 10-acre tracks. Current zoning doesn't allow for operation of the church. They wish to acquire the property for the church which will allow for growth of their congregation, and land for ample parking. There are a variety of zonings in the area from AGR/Agriculture Residential District, GB/General Business District, as well as LI/Light Industrial District. The comprehensive plan recommends this land to be used for commercial. GB/General Business District is a better fit for this location than its current zoning of LI/Light Industrial District. Staff agrees that GB/General Business District is a better fit and asks for a favorable motion.

April 9, 2019

Mr. Brad Whicker asked the Plan Commission members if they had any questions. He also reminded those in attendance that all Zoning Amendments are public hearings with a recommendation from the Plan Commission to the Board of County Commissioners. He stated the Plan Commission does not have the end say with respect to zoning recommendations, and that the final decision does rest with County Commissioners.

There were no questions from the Plan Commission members. Mr. Brad Whicker then opened the public hearing.

Mr. Herbert Miller, 6257 N. CR 575 W., North Salem, IN 46165; He owns a 16-acre family farm on south side of railroad tracks. He questioned whether there would be future zoning effects on the adjoining properties.

Mr. Brad Whicker stated there would be no adverse effect, in fact it could be a favorable effect.

Mr. Dombrosky stated that the property on all 3 sides of Mr. Miller's property is zoned LI/Light Industrial District. He stated that it would not affect that since he was separated by the railroad tracks and the highway.

Mr. Miller questioned the usage of CR 100 E. going to a small business. He wanted to know if it would change the weight limits for trucks for that road.

Mr. Brad Whicker stated there would be none to his knowledge. Directed the question to Mr. Ayers.

Mr. Ayers stated there would be no change to the road capacity.

Mr. Miller then voiced his concern with CR 800 N. being shut down and given to the mill (Steel Dynamics) and for them to keep up with the drainage, which they are. With the limited access to those roads, that is what prompted his question about the capacity on the surrounding roads.

Mr. Miller stated that when Laztec went in they didn't have enough ability to drain water. He thinks that they currently operate on a forced main which drains onto CR 100 E. towards Pittsboro. They requested an easement to his property to which he granted on the contingency that they reduce the lumens on a light that shone onto his property. They did correct the issue.

Mr. Danny Broughton, 1078 E. US Hwy 136, Avon IN. Located four (4) houses east of 100 E. His concern is with the growth of the congregation will there be any allowance for road expansion, including turn lanes for the traffic flow.

Mr. Brad Whicker stated that their request is just a zoning change. Unless they come back and request to make additional improvements, the Plan Commission has no leverage to require those improvements.

Mr. Broughton then asked what the plans were for the rest of the remaining 3 parcels regarding zoning.

Mr. Dombrosky stated the one parcel was the next item on the agenda, but that there were no plans to change the zoning on the other two parcels.

Mr. Brad Whicker stated it was not relevant at this time to make any decision.

Mr. Broughton then brought up a drainage issue. The 4-inch tile there is not big enough to handle the drainage. He stated Mr. Gentry has been out numerous times throughout the years. He asks if a bigger tile can be put in to help alleviate the problem.

April 9, 2019

Mr. Gentry stated that he thinks it can be done. He said the ditch has been cleaned and the elevation should be such to put a bigger tile in.

Mr. Brad Whicker stated we are just tasked with the zoning issue. He stated if they were here for a DPR/Development Plan Review, then drainage would be an issue that could be discussed in more detail.

Mr. Broughton then asked what the zoning is going to be on the parcel next to the property.

Mr. Ayers stated that the next case would address the zoning of the adjacent parcel.

Mr. Brad Whicker then closed the public hearing and asked Mr. Comer to make any closing remarks.

Mr. Comer stated that Venture Church is buying the 2 northern most tracks for a total of 20 acres for the purpose of converting to a church. The next case is a 38-acre that does not come down to US 136. The owner of that track has just bought it and has no intentions of immediate development. When development does happen, they will have to address the drainage issues.

Mr. Pell asked if the purchase was contingent on the rezoning.

Mr. Comer stated that it was.

Mr. Brad Whicker then called for any further comments or questions.

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

Mr. Gentry made a motion for a favorable recommendation.

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

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

**ZA 461/19: BOSS LAND ACQUISITIONS, LLC**; a zoning amendment change from LI/Light Industrial District to GB/General Business District; 37.98 acres, Middle Township, S35-T17N-R1W, located on the east side of North County Road 100 East between the railroad and US Highway 136. (Comer Law Office)

Mr. Comer stated that the situation for this parcel is the same as the previous. The staff had recommended him to approach this owner to change the zoning to GB/General Business District due to the layout of the properties. They felt commercial use is a better fit for this area than industrial. The land owner did agree and consent. The staff is in favor of changing the zoning classification.

Mr. Brad Whicker asked if there were any questions for Mr. Comer.

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

It was noted that Mr. Herbert Miller signed up but had already left the meeting.

Mr. Brad Whicker then closed the public hearing.

Mr. Gentry motioned for a favorable recommendation.

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

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

April 9, 2019

**ZA 462/19: THE 1188 N RACEWAY ROAD LAND TRUST;** a zoning amendment change from AGR/Agriculture Residential District to NB/Neighborhood Business District; 0.55 acres, Washington Township, S32-T16N-R2E, located on the west side of Raceway Road, approximately 0.20 mile north of East County Road 100 North, more commonly known as 1188 North Raceway Road. (Comer Law Office)

Mr. Comer requested a continuance for thirty (30) days.

Mr. Gentry made a motion to continue **ZA 462/19** for thirty (30) days to the May 14, 2019 meeting

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

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

**ZA 463/19: MICHELLE D. HANKE;** a zoning amendment change from GB/General Business District to RB/Single Family Residential District; 4.00 acres, Guilford Township, S27-T15N-R1E, located on the west side of State Road 267 just north of its intersection with Northfield Road, more commonly known as 3344 South State Road 267. (Comer Law Office)

Mr. Comer; The Hanke's own this property. In 1995 they received a rezoning to commercial in order to open and operate a photography studio. It was then rezoned to commercial for that purpose. They have retired from that business and now wish to sell the property as a residence. For that reason, they are asking to change the zoning back to RB/Single-Family Residential District. The comp plan classifies this as suburban residential. All surrounding properties are zoned RB/Single-Family Residential District, so the change makes sense.

Mr. Brad Whicker asked if there were any questions for Mr. Comer.

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

There was no one signed up to speak on this matter.

Mr. Brad Whicker then closed the public hearing.

Mr. Brad Whicker stated he knows the Hanke's and the property well and this change makes sense.

Mr. Tim Whicker motioned for a favorable recommendation.

Mr. Gentry seconded the motion and vote was unanimous.

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

**MAP 742/18: SOUTHGATE;** a 10-lot major estate subdivision, 21.711 acres, Guilford Township, S24-T14N-R1E, located northeast of the intersection of East Hendricks Country Road and Indianapolis Road. (Holloway Engineering)

Mr. Brad Whicker stated it was his understanding that the petitioner was asking for a continuance.

Mrs. Johnston made a motion to continue **MAP 742/18** for thirty (30) days to the May 14, 2019 meeting.

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

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

**DPR 472/19: CLOVER COMMUNITIES HENDRICKS, LLC**; a development plan review to construct a senior apartment complex, 125 units, 10.28 acres, Washington Township, S29-T16N-R2E, located on the north side of East County Road 200 North at the southeast corner of property known as 2135 Redland Road (C & S Engineers)

Mr. Rob Sweet of McBride Dale Clarion and Mr. Rob Jack of Clover Development were representing Clover for the proposed senior apartments. They are requesting a preliminary site approval with modifications for the development. Mr. Sweet and Mr. Jack were here last year for rezoning which was granted in December. They have had two other staff meetings, one in February and again in March. Mr. Sweet recapped the information discussed in previous meetings about Clover Communities. He reviewed the surrounding zoning districts. The proposed development will be a 48,000 square foot building footprint with three (3) floors which will equate to approximately a 144,000 square foot building. The 125 units will consist of 121 two- bedroom and 4 one-bedroom units. There will be 39 garages, 80 regular parking spaces and 70 ADA parking spaces. There is one driveway and one emergency access, but they do propose to put in a left turn lane. He then showed the plans and pointed out the main entrance, driveway with the proposed turn lane. He then pointed out the two (2) drainage ponds on the east end of the site as well as one (1) on the west end and discussed the drainage flow. They have made a submission to the drainage board. He then discussed the building which will be three stories comprised of stone and vinyl siding with earth tone colors. Each unit will have a balcony or patio. There are some outdoor spaces to be utilized by the residents. The building will be 39 feet tall. He discussed the architectural character with the projections of the balconies, windows with shutters and pitched roof. They feel it's a better design than the institutional look of assisted living or hospital facility with a flat roof structure. The garage shown will meet the 40 percent requirement. He discussed the interior amenities and floorplans. Most of the units are 600 to 900 square feet. They are requesting the following modifications:

The reduction in the number of parking spaces due to the fact they fall in between a general apartment complex and an assisted living facility. They have done a parking survey and their properties have 78% of their spots being used. They are requesting to go from 125 parking spots to 98 spots. The point was made that not all seniors have a vehicle and may rely on other transportation.

1. Smaller unit sizes. The average unit size is 772 square feet. Smaller unit size helps promote interaction within the building. This gets them involved and improves their quality of life. It would also discourage long stays with children and/or grandchildren. Smaller unit size also makes it more difficult to convert to general apartments.
2. Front yard building setback. Their engineer brought to their attention that Hendricks County requires a 75-foot right of way dedication. The Town of Avon requires a 60-foot right of way dedication and they meet the 50-foot setback using that. They want to keep the building where it is located due to the design of the building. It would be difficult to move the building due to the drainage easements in the back. They need to provide 125 feet from the center line of County Road 200 North to the front face of the building, and they are providing 116 feet. With that said, they are requesting a 9-foot variance.
3. Reduction in the garage length. No tenant is required to get a garage. They are on a first come, first served basis. Since there are many tenants that do not have vehicles, they use the garage for storage. They wish to limit the amount of people using them for storage instead of what they are intended for. Garage sizes are a standard parking length design. The two (2) feet difference on the site plan will encroach on the buffer areas and drainage locations. They would like to stay out of those areas if possible. They have not run into any problems with their other facilities with this layout. This plan allows tenants to be an empty nester and have a place up here and go south in the winter months.

4. Maximum building wall length. He stated that this is about 442 feet. The code requires 165 feet, so there is some discrepancy there. They are meeting with the 40% architectural requirements with the stone on the first floor. The rest of the elevations sit back and with the landscaping we have, it's hard to see from the street, which leads into the last of the modification requests.

5. Use of a wooden dumpster enclosure. It's placed in the back of the building and screened by the existing drainage and foliage, as well as the garage buildings.

Mr. Brad Whicker stated there were some further questions for Mr. Sweet.

Mr. Brad Whicker noted that they were asking for preliminary approval and asked if they would come back for the secondary.

Mr. Dombrosky stated they could come before the Plan Commission or the Administrative. They still must do a plat and go before the drainage board. Then they can come to Administrative for the secondary.

Mr. Brad Whicker asked if there were any issues with the staff comments.

Mr. Sweet replied that there were none. He stated that the only concern was the 60-foot / 75-foot right of way dedication discrepancy.

Mr. Dombrosky stated that was not included in the staff letter and would have to be added to the motion.

Mr. Ayres asked if Mr. Sweet had talked to the Town of Avon and if their requirement is 60 feet.

Mr. Sweet responded he had.

Mr. Ayres stated that the county's classification for this road is different and his recommendation would be the 75-foot half. The issue is that the road is in the Town of Avon's control because the south half of the road is in their town limits.

Mr. Dombrosky stated that they would be in favor of the reduced setback due to the location.

Mr. Jack stated that with increasing to the 75-feet, it would shift the sidewalk back and have an impact on some of the existing trees due to the 1-foot inside the right of way requirement.

Mr. Ayres suggested leaving the sidewalk where it is. After more discussion, the Plan Commission agreed to discuss the issue more during the secondary approval meeting.

Mr. Brad Whicker asked if there are any further questions before opening the public hearing.

With no further questions, Mr. Brad Whicker opened the public hearing.

Ms. Deborah Jones, property manager for Avon Lakes; 10269 Bridgeway Drive, Indianapolis IN 46234. Her question was when they were discussing drainage, were they referring to the drainage going into their pond. Also, how were they going to access the Aqua lift station. They need to go down there and read the meters.

Mr. Sweet explained that there is still an easement there for access. He explained further on how their drainage will flow.

Ms. Jones expressed concerns about any chemicals draining into the pond due to them stocking the pond with fish.

April 9, 2019

Mr. Sweet stated there would be environmental catch basins.

It is noted that Mr. Gaston arrived at this time.

Ms. Jones expressed concerns about seeing the trash dumpsters from across the pond.

Mr. Sweet explained that they will be blocked by screening and the existing foliage.

Mr. Dombrosky stated that since Mr. Gaston is here, if Ms. Jones had any further questions for the county, he could answer those.

Mr. Brad Whicker explained that they must meet the county standards.

Mr. Gaston explained that the owner of the property would have to grant Clover Communities an offsite easement for the drainage to flow into the pond.

Mr. Young called the next person who wishes to speak.

Ms. Angie Williams, on behalf of her parents Bruce and Diana Williams; 10426 E. County Road 200 N., Indianapolis IN 46234. They are located two houses to the east of the property. They wanted to know if we would require any easements from them.

Mr. Brad Whicker stated he didn't believe any would be needed.

Mr. Brad Whicker closed the public hearing.

Mr. Palmer expressed concerns about the type of chemicals used to clear the parking lot during the winter draining into the pond. He wanted to know what type of systems are in place to prevent ice melt or other chemicals from affecting the wildlife.

Mr. Dombrosky stated there was a water quality control structure required for ponds before they outlet.

Mr. Gaston explained the how the process works. Typically, the methods used are structural BMP's, swales, grass strips, or Aqua swirl. By the time it hits the pond, the water will already meet the county's quality standards. The committee and Mr. Sweet discussed further the other ponds and the types of typical systems seen.

Mr. Brad Whicker asked if there were any questions and if everyone understood the modifications. He explained that this is the primary and would recommend the secondary go before the staff for review.

Mr. Dombrosky stated they need to discuss what to do with the right of way.

Mr. Ayres stated that if the Town of Avon's requirement is 60-feet, then he is okay with that.

Mr. Gentry motioned for a primary approval of **DPR 472/19: Clover Communities Hendricks, LLC** subject to the following conditions:

1. Subject to staff recommendations
2. Modifications requested
3. 60 foot right of way, 50-foot setback
4. Staff do the secondary approval

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

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

April 9, 2019

**TSA 01/19: AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE, CHAPTER 3: SUBDIVISION PROCEDURES;** and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Dombrosky discussed the idea that we require the sanitary sewer allocation for approval of a project. This means that oftentimes the developers are paying a high cost for something that they may not use. It was previously discussed with the members to change it. His proposal is that the allocation requirement is contingent on the approval. He stated that there was previous discussion on putting an automatic timeline on the approval, which he feels would be more cumbersome to the developer. They should submit the allocation letter and pay before any construction begins. The subdivision inspector will look closely at projects to make sure it is enforced and prevent any issues. It has been discussed with Mrs. Click and Mr. Mardis They are both in favor of it.

Mr. Brad Whicker opened the public hearing.

With no one present to speak, Mr. Brad Whicker closed the public hearing.

Mr. Gentry motioned for favorable recommendation.

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

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

**TZA 01/19: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE, BY AMENDING CHAPTER 4: ZONING DISTRICTS – AMENDING ACCESSORY BUILDING MAXIMUM LOT COVERAGE FROM FIVE (5) PERCENT TO SEVEN (7) PERCENT;** and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Dombrosky reviewed the existing rule. He stated they regularly see variances for accessory building structure size. Currently you cannot exceed 5% of the lot size. Looking at building standards it works out better at the 7% due to how lots are laid out, especially smaller town lots. The standard mentions the 600-foot ceiling. He stated 720 feet makes more sense from a constructability standpoint. He proposed to raise both those numbers.

The members agreed and are in favor of it.

Mr. Brad Whicker opened the public hearing.

With no one present to speak, Mr. Brad Whicker closed the public hearing.

Mr. Gentry motioned for a favorable recommendation.

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

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

**TZA 02/19: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE, BY AMENDING CHAPTER 11.3: ESTATE SUBDIVISIONS;** and referring to all of Hendricks County under the jurisdiction of the Hendricks County Area Plan Commission.

Mr. Dombrosky stated that he does not recommend that they act on this tonight. It needs final refinement and he needed more input from builders. The amendment would allow flexibility in the structural standards, while also increasing those standards. This would allow the usage of more materials. Opening it up to get more points for using more materials or types of materials. He stated it is more eye pleasing with more variety and interest in the façade. Another issue he has with these standards are that the standards only apply to facades that are visible from the road. That can be easily argued down. He proposed

April 9, 2019

to apply this to all facades in estate subdivisions. Also added that no two residences should share a substantially similar façade.

Mr. Dombrosky asked that this issue be continued to the May 14, 2019 meeting.

There being no further business, the meeting was adjourned at 8:02 p.m.

---

Tim Dombrosky, Chairman