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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, October 8, 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; Mr. Walt O'Riley; Mr. Tim Whicker; Mr. Bob Gentry; Mr. Ron Kneeland; Mr. Jeff Pell and Mr. Damon Palmer. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Brad Whicker stated the first order of business was approval of the minutes from the September 10, 2019 meeting.

Mr. Gentry motioned for approval for minutes from the September 10, 2019 meeting.

Mr. Kneeland seconded the motion with Mr. Palmer and Mr. Pell abstaining.

FOR – 5 – AGAINST – 0 – ABSTAINED – 2 –

ZA 465/19: JONAH HOLDINGS & WHISPERER, LLC; a zoning amendment change from AGR/Agriculture Residential District to GB/General Business District; 15.72 acres; Center Township; S6-T15N-R1W; located on the north side of US Hwy 36, west of CR 200 West. (Comer Law Office)

Mr. Ben Comer, Comer Law Office, 71 W. Marion Street, Danville appeared on behalf of Duane and Patricia Lane through their limited liability companies. They are the operators of Hawkeye Storage. The original location is shown on the map. They have several other locations. It has both indoor and outdoor storage for boats and RV's. They wish to expand their business operation to the north to include the 9.91 acres shown in the highlighted area on the map. The existing facility is zoned HB/Highway Business District. Self-storage is allowed in the HB district; however, the boat storage is a legal non-conforming use in HB. They have filed for GB/General Business District on the 9.91 acres which is the most conducive to the use that is being proposed under the ordinance. At the same time, they have filed to change the existing parcel to GB as well since that better suits the use. If the zoning does get approved, they will be going before the BZA to ask for a special exception for boat and RV storage on the back acreage. For reference purposes, the petitioner also owns and operates another Hawkeye Storage facility just west of this location at 7410 E. US Hwy. 36 that came before the board in the past few years. He stated that it was a clean and well-kept business operation. He would ask for the same approvals for this site as well. The county comprehensive plan identifies the project area being in a high intensity land use area. It is just outside the Danville town limits. He has spoken with the Randall's who are one of the neighbors when they came to his office. They have also written a letter that the board may have seen. Their main concern was drainage. He assured them that they would discuss drainage, not at this hearing but at the upcoming development plan hearing. They assured him that they had no issue with the zoning or use itself.

Mr. Brad Whicker asked if there were any further questions.

Mr. Gentry asked when it would go to the drainage board.

Mr. Comer replied that it would happen when they submit the development plan request later.

Mr. Gentry asked if that was why they didn't have a map of the legal drains.

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Mr. Comer stated yes; that it was too early for that.

Mr. Brad Whicker stated that we were just addressing the issue of zoning tonight.

Mr. Dombrosky stated that he had asked Mr. Gaston to be here to answer any questions. When they do the development plan review, they will look at drainage for the new site. The old site had a development plan review done on it before him coming on board. Improvements were done at that time. He asked Mr. Gaston if they could review those improvements on the existing site as part of the new improvements since changes would likely be done to that site as well since it will be tied into the new one. Mr. Gaston assured him that they would look at that, so he was comfortable with it.

Mr. Brad Whicker opened the public hearing.

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

Mr. Pell asked if Mr. Dombrosky could explain more about what the buffer yard would entail.

Mr. Dombrosky replied that since there will be dissimilar zoning with GB and AGR an increased set back and landscape buffer will be required as part of the development. In this case they would recommend not reducing that, as its commonly talked about reductions in width or density of landscaping material. This is pretty close to the town limits of Danville and is likely to become part of the town in the relatively near future. That is why he feels that the standards should not be waived or reduced when the development comes through on this project because of the agricultural nature of the adjacent properties. He feels that there will be something there in the future that would require buffering. He noted that the board doesn't have to make that a condition of the rezoning if they don't want to, but he wanted to point it out and make them aware.

Mr. Brad Whicker stated he thought they should deal with that at the time of the development plan review when the petitioner comes back. He then asked for a recommendation from the board.

Mr. Gentry motioned for a favorable recommendation.

Mr. Pell seconded the motion.

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

Mr. Brad Whicker stated that that was the only public hearing on the agenda, but that there were some wishes to be heard. One is regarding a parcel in Avon that the owner would like to discuss some things as well as Arbor Homes. He asked if staff would like to give a summary of what Mr. Grundy is wanting before he speaks to bring everyone up to date.

Mr. Dombrosky stated that in summary they were approached in concept by a developer at a preliminary consult evaluation to propose something on this ground. He showed on the map that the parcel is surrounded by both Avon and Plainfield. They talked and gave them staff's comments on infrastructure and other items of how to meet their plans. Staff didn't hear anything more from them. He stated he talked to Jodi Dickey, Plan Director at Avon, sometime later about their plans for this area. She had told him that she talked to the same people because Avon controls County Road 150 due to them being annexed up to the line. The developers were told they would have to meet Avon's transportation plan which shows a road through and connecting to Bradley at the roundabout on County Road 600 at Dan Jones. It is currently a 3-sided roundabout. They are showing a connection coming through and up around the high school. The developers did not want to do that, so they did not come back to us. He

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stated that Mr. Grundy came to staff. He owns the ground and has more information to share about the situation.

Mr. Brad Whicker stated that Mr. Grundy had engaged him at the meeting two months ago. He had put together a letter and asked for the Plan Commission's approval of the letter that he planned on submitting to the Avon Planning Department. He has read it but did not have a copy in front of him. He stated that he ultimately does not have the authority to do that. He stated fortunately we were able to get it on the agenda to be discussed tonight.

Mr. Dennis Grundy, 21332 Stonetower Lane, Trabuco Canyon, CA 92670 appeared. He and his wife bought the property in 1983. When Avon became a town, he has had to spend time, money and effort to come back from California to fight against involuntary annexation five (5) times. He wanted the county to have jurisdiction over his property. He was successful each time. They have access control due to County Road 150. A year ago, he signed a contract with Redwood to develop his property. They went to talk to the county and in May they talked to Avon. Avon wanted a dedicated road, 2700 feet down the eastern side of his property that dead ends into someone's side yard. He understands there is another proposed road that goes over to the roundabout on Dan Jones Rd. That was a deal killer with the developer, and they walked. He has been told by some engineers that it would be a \$1.6 million project. After the developer walked, his realtor went back to the Town of Avon and asked exactly what they required as far as the road. He asked twice and was told that they do not have jurisdiction over the property, but that it must be in agreement with their thoroughfare plan. The draft letter that Mr. Grundy had shown Mr. Brad Whicker as well as Mr. Gentry, was suggested by Mr. Whetstone. He stated he has talked with all the commissioners and Mr. Whetstone's thought the answer was to have a stub street at the southeast corner of his property that connects to the internal roads of the proposed future development. Mr. Grundy stated he is looking for something stating the county's stand on this proposal. If he doesn't have something in hand or is able to point and say this issue is resolved, he will never be able to sell his property. Or if he can sell it, it will be worth less than half of what he's been offered. He feels that Avon is usurping the county's jurisdiction. They want 1000 feet of frontage, but one-third (1/3) of it has three (3) lanes on it. The worst case would be 700 feet of additional asphalt to make a third lane all across his property along CR 150. The stub street that would connect to the internal roads would satisfy their thoroughfare plan.

Mr. Palmer asked for clarification. Whatever development roads would lead to the stub road that could then be connected to the Dan Jones at a later time.

Mr. Grundy replied that was correct. It was no different than when the county put in a stub street to his property when they put in Village Oaks subdivision. To him, it is the same thing. He was not sure if the developer suggested that because he was not in the meetings.

Mr. Palmer asked if Avon was wanting Mr. Grundy to put a road in from CR 150 to Dan Jones.

Mr. Brad Whicker replied they were not asking him to fund the connection. They want a dedicated road along the eastern side of his property.

Mr. Brad Whicker stated that it seemed excessive in his viewpoint. He stated what concerns him, is if we take this initial step as we have jurisdiction, we have the unintended consequences going forward. We invite whatever petitioner that comes before to develop this property to bring half the town of Avon as remonstrators with them. It is similar to the case with Redwood in Brownsburg that we had a few months ago when we had a Brownsburg town counselor state that he would not be in support of the project. He stated he is sharing this, because it was what they potentially are setting themselves up for.

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Mr. Grundy replied that his suggestion to whomever is going to buy his property is that they go to Avon and talk about road access and make the deal that they annex the property prior to the development to sweeten the deal for them. They don't have to fight to get it.

Mr. Gentry asked why Mr. Brad Whicker thought there would be so many proposed remonstrators.

Mr. Brad Whicker replied that it was going to be high-intensity use. They would likely put apartments on the property.

Mr. Dombrosky stated that was not the point of the discussion. We will have remonstrators, doesn't matter what they put on the property. The point is that Mr. Grundy is asking us to tell the Avon Plan Commission that we will approve internal development and we think it meets their requirement without a dedicated road. We are telling Avon their business and accepting the remonstrators. It is different than remonstrators that are near a town like we had with Sonora. To tell them that we know better your plans, and approve development, that is a different scenario.

Mr. Grundy replied he thought that was what Avon was doing to the county by saying there needs to be a road there.

Mr. Brad Whicker stated he would disagree with that.

Mr. Tim Whicker stated he felt the same. He stated that if we were going to be good neighbors with Avon, where was the discussion to understand their reasoning. They have a reason, even if we don't see or understand it.

Mr. Dombrosky stated that the argument today is about jurisdiction. They control the road and if they aren't going to grant road access, are we going to tell them they should. That is what Mr. Grundy wants us to do.

Mr. Graham Young stated that we can tell Avon what we think their thoroughfare plan says, but he didn't believe it gets us anywhere as far as enforceability. It is a question of whether they want to put themselves out there to do that.

Mr. Dombrosky stated it only tells Avon our opinion, but it does not do anything. There is no actionable outcome.

Mr. Brad Whicker asked if there was another way we could engage Avon with regard to this and have any level of success.

Mr. Dombrosky suggested that we have a joint commission meeting if the project comes up. We could meet with their Plan Commission. He felt that more communication between the two would do more than the letter would.

Mr. Brad Whicker stated that he thought the first step was to have Mr. Dombrosky have a very direct conversation with Avon's planning director to see if they dig their feet in or some level of maneuverability. Then if there is something that could be structured in a document that we could then issue to provide Mr. Grundy with some value to go out to the developers to conceptually show what could happen.

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Mr. Dombrosky stated he would talk to Jodi again. He was unsure who all was involved. He stated he didn't think their plan commission had ever seen this. He thought it was probably more on their highway/street department than anything else.

It was recommended that Mr. Dombrosky and Mr. Brad Whicker would reach out to have a discussion with the Avon plan director, and find out what their sticking points, issues and conditions are for the property.

Mr. Paul Munoz with Arbor Home appeared to discuss a proposed project, The Estates at Quail Run. Arbor Homes is the largest home builder in central Indiana. They build roughly 1,200 homes annually. They have been family owned and operated up until 2018, at that time they joined the Berkshire Hathaway family of companies. They have eleven (11) floorplans in both single and two-story options which allows for over 61 different elevations. The floorplans range from 1300 to 3400 square feet. They have opened up a new design center at 56th Street and Post Road on the east side of Indianapolis. They have a professional design staff that walks each client through the entire selection process. They are one of the few builders left on the production side who still have a lot of variety for the custom choices in the exterior and interior of the home. A lot of the national builders have gone to what they call pallets; so, if you pick white cabinets, then you get a certain type of flooring, countertops, etc. with that. Their custom choices allow for a lot of anti-monotony among the subdivision.

Mr. Munoz then pointed out on the map where the property would be located. It is a 122-acre parcel along 400 East and 100 South. Prestwick wraps around the northern part of it. It is currently zoned AGR - Agricultural Residential District and they are proposing RD – Single-family Residential District. The plan shows 302 single family homes in the subdivision. They noted that forty-three (43) acres are open recreation spaces and there are approximately five (5) acres of wetlands that they are trying to preserve.

Mr. Brad Whicker asked about the timeline as far as them making a formal application.

Mr. Munoz replied that they were planning on the end of the month.

Mr. Brad Whicker stated that would put it on the agenda for December. He stated that his initial thoughts were for them to get the neighbors and school system on board with the project to minimize the remonstrators they may have.

Mr. Munoz stated that they had a drainage outlet issue around the property. They had talked to a couple of the property owners and were unsuccessful in getting access. The owner of the property worked with several people in the area to finally get that access secured about two (2) months ago. It was at that time they came back to talk to Mr. Dombrosky about the project.

Mr. Munoz replied that back in February they had had a lengthy conversation with Avon schools. They had to get access for the northern portion for drainage as well as sewer and water. They are on board with the project. They have capacity for the increase in students.

Mr. Brad Whicker asked if there were anymore comments or questions.

Mr. Palmer stated that it would be a good idea to notify public safety as well. He asked if there would be a traffic study done.

Mr. Dombrosky stated that yes it would be required. That was one of the reasons he asked Mr. Munoz here. He didn't want them to incur the costs of that before they had an idea of whether or not this was a nonstarter or something that they should pursue. They will have to start that before the application.

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There was discussion regarding the county roads and having the engineering department look into a possible traffic light at the intersection with the increased traffic this project could bring. Mr. Munoz stated that they could possibly look at moving the entrance to another area to elevate that congestion.

Mr. O'Riley asked if they had a rough idea on price ranges for the homes.

Mr. Munoz replied that they were in the \$225,000 to \$240,000 range.

Mr. Gaston confirmed with Mr. Munoz that they were going to get an offsite easement. He suggested that they also take a look at their cul-de-sac lengths as well. Mr. Ayres will have a concern if they are longer than 600 feet.

There being no other comments, Mr. Brad Whicker moved onto the next item on the agenda.

Mr. Dombrosky discussed the transportation plan. It will be advertised next month for adoption. He would like to see a favorable recommendation. He asked that they look at it and give their feedback. He also stated that he needs to increase fees for the developers to contract another engineer inspector. That will be brought before them next month. The cost is directly passed onto the developer. He stated that the entire fee ordinance needs to be updated as well, but that is a much bigger project.

There being no further business, the meeting was adjourned at 7:57 p.m.

Tim Dombrosky, Chairman