



**ADVISORY PLAN COMMISSION**

**Minutes**

**Brownsburg Town Hall  
61 North Green Street  
Brownsburg, Indiana 46112**

**Monday, July 27, 2020**

The Brownsburg Advisory Plan Commission was convened at 6:00 PM with a moment of silence and the Pledge of Allegiance. A roll call was taken; where upon determination of quorum was found.

Members Present: Ben Lacey, Richard Miller, Shawn Pabst, Brett Scowden, Matt Simpson, Jack Swalley, and Chris Worley

Members Absent: None

Also Present: Todd A. Barker, AICP- Director, David Wilson, AICP- Senior Planner, Lauren Gillingham- Planner I, Tricia Leminger- Legal Counsel and Heather Wetzel- Administrative Assistant

*Suspension of Rule IV (5) to hear Agenda Item J before Item H: New Public Hearings*

*Ben Lacey told the members and meeting attendees that the Plan Commission was going to make an adjustment to the Agenda and move item J up after item G.*

**C. APPROVAL OF PREVIOUS MEETING MINUTES**

1. June 22, 2020- Regular Meeting

**Motion:** Jack Swalley made a motion to **APPROVE** the June 22, 2020 regular meeting minutes, seconded by Richard Miller, motion carried 7 In Favor/0 Opposed/0 Abstained.

**D. APPROVAL OF FINDINGS OF FACT AND REPORTS OF DETERMINATION**

1. PCMA-04-20-1822 5101 CR 500 E Rezone To RE
2. PSDP-03-20-1820 Kroger Redevelopment DPR
3. PSDP-05-20-1825 Big Red Liquors DPR

**Motion:** Brett Scowden made a motion to **APPROVE** the Finding of Fact and Reports of Determination for PCMA-04-20-1822, PSDP-03-20-1820, and PSDP-05-20-1825, seconded by Richard Miller, motion carried 7 In Favor/0 Opposed/0 Abstained.

**E. HEARING OF REQUESTS FOR CONTINUANCES**

1. None

**F. OLD BUSINESS**

1. None

## G. CONTINUED PUBLIC HEARINGS

1. None

## H. NEW PUBLIC HEARINGS

1. PCMA-06-20-1827 Phillips Manor Rezone To R3

A request for a Zoning Map Amendment to rezone the property from the General Agriculture (AG) district to the High Density Single-family (R3) district to allow for future residential development, on approximately 41.54 acres, located at the northeast corner of N CR 625 E and E US HWY 136.

Parcels: 32-07-03-300-006.000-015

### **ADVERTISED PUBLIC HEARING**

Caitlin Dopher, Silverthorne Homes

President Ben Lacey informed the Commission he needed to recuse himself. At that time he left the Council Room and Vice President Brett Scowden took over.

Caitlin Dopher, Silverthorne Homes presented the case for the Commission. With her was Christian Rector, Director of Entitlement and Acquisition and Mike Thompson, Engineer. Ms. Dopher said Silverthorne's mission was to build great neighborhoods and homes. They currently offered 11 floor plans and had more in development that would be available later this summer. They had over 30 Silverthorne communities in Central Indiana and over 25 years of experience. In 2018, Silverthorne Homes joined the Berkshire Hathaway companies. Ms. Dopher explained that the Philips property was located at the northeast corner of County Road 625, and US Highway 136. It was a little over 41 acres. One thing that drew them to that property was the existing tree line. When they looked at the site plan and current drainage layout, their priority was to save those trees and be mindful of the surrounding communities. She described the existing communities: there was R1 to the north in Northridge, some unincorporated single-family parcels and Northridge to the east, some single-family unincorporated homes to the south and to the west was agricultural land. The Comprehensive contemplated that area partly for commercial and partly for single-family. Ms. Dopher said their proposal would be a good transition from the existing Northridge development over to Northfield where there would be heavier and busier uses.

She explained the site plan had accessed off of US 136 and an emergency access off of a cul-de-sac. The site plan featured 75 lots, it did preserve the existing trees mentioned earlier and had a landscape buffer that continued around the property. They were preserving about 20% open space and their density was under 2.0 at 1.8 units per acre. To accomplish all of that they were asking for R3 zoning; the purpose for that was to get 80 foot wide lawns which their market research said homebuyers wanted, they did not put as much value in side yards as they did in their backyards. Ms. Dopher said the typical lot size was 80 x 140 feet deep which was deeper than the required lot size.

Silverthorne had multiple neighborhood meetings to reach out to the neighbors and get a feel as they developed the site plan and the project. One of the main concerns they received was the desire to have R2 zoning next door. Silverthorne made their lot sizes as big as possible. R2 zoning required 12,500 square feet minimum and R3 only required 9,000; their median lot size was 12,800 square feet which was bigger than the R2 lot size. The setback requirements were all the same. The minimum lot width requirement for R2 to reach 12,500 square feet only required a lot depth of 125 feet which did not leave a lot of space for outdoor living areas or sunroom extensions patio extensions. That was why Silverthorne did the 140 feet deep which was deeper than the R2 requirement. Everything highlighted in yellow was a lot greater than the minimum.

While they were asking for R3 it was only to achieve the 80 foot lot width, everything else for the most part was similar to R2.

Ms. Dopher said that Silverthorne Homes had 11 floor plans and new ones in production. There were single- and two-story floor plans and sizes ranged from 1,800 to 3,300 square feet. Those were base floor plans, there were basement, sunroom or loft options which would allow a homebuyer to increase their square footage. Features included 9' foot ceilings, hardieplank siding and masonry, and built-in garage storage. She showed example elevations of the Tudor style, Craftsman Traditional and Farmhouse which would improve the variety of the streetscape and community. Ms. Dopher said that Silverthorne did not do packages, the homeowner got to choose every single option in the home and as well as getting to choose every single color on the exterior so it was truly customized.

Ms. Dopher summarized by saying they were excited about the project and thought it was in a great location, close to downtown Brownsburg and a little over two miles from I-70. Each floor plan offered 3-6 unique elevations which helped create a unique sense in the community. The brick, siding styles, and additional square footage all went towards customizing the community for the homebuyer. The layout maximized the tree preservation area and open space. Silverthorne was a stick built home and did not build from kits. They would have strong declarations of covenants to ensure the homes were maintained.

Todd Barker reviewed the case and stated the request was for a rezone to the Town of Brownsburg for a R3 zoning classification. As Plan Commission members were likely aware, about a year ago there was a proposed development on that parcel that included nearly twice as many lots as the current request. 75 lots was below the traffic study requirements but in the previous proposal the traffic study indicated, with twice as many lots, that they would be contributing roughly 1% to the nearest major intersections of W. Northfield Dr. and Green Street. The current proposal had even less than the previous. With the proposal being along Main Street, or US 136, INDOT would have to sign off on the design of the entrance regardless of the Town's standards. Mr. Barker explained that the Town liked to see left turn lanes into subdivisions along with a bypass lane.

Mr. Barker said the 2015 Housing Study and demand analysis had been briefly discussed. Since 2015 the Town had been working towards accommodating the housing demand identified in that study. A little over halfway to the 10 year horizon, the Town was at about 66% of fulfilling those projected lots. The study also identified that in growing communities it was good to have an approximately 3-5 year lot inventory to allow for buyer choice in the market. Currently the Town was at about a 4 ½ inventory based on the 5 and 10 year averages of single-family permits issued. Mr. Barker noted that 2020 had not been a slow year in permit issuance. To date they had issued more single-family permits in 2020 than they did in all of 2019 so he anticipated that the projected lot inventory was going to be between 3 ¾- 3 ½ years by the end of 2020. Currently, this was the only new residential project proposed so by the time they would be ready to start those first units there was a good chance the Town would be at the lower end of that projected lot inventory recommendation at about 3 years' worth.

Mr. Barker reviewed the Comprehensive Plan and goals identified therein. The area was projected to be single-family residential; the proposal did fit within the range of units per acre for that area. He reviewed the proposal and its compatibility with surrounding uses and said as the Applicant had stated there was a mix of uses. From the south there were homes that dated back to the mid-1900s, to the south, the north and east were newer products and larger homes on those lots, to the west were proposed non-residential or more intense developments projected along

W. Northfield Drive. Mr. Barker said the location of the proposal was a transitioning infill piece for that area. As far as the most desired use for the land, the Comprehensive Plan recommended single-family residential which was the use Silverthorne had proposed. As far as the conservation of property values, it would be a mix between the products to the south, east and north in between the sales prices seen in that area. When it came to reflecting reasonable and standards for development and growth, the property did sit along existing Town utilities; water and sewer bordered the property.

Staff recommended approval, subject to and conditioned upon the following:

- 1) The TECH Review Minutes, dated 06/18/2020, the Applicant's Statutory Requirements/Factors to be considered dated 06/29/2020, the Applicant's TECH Response, dated 6/24/2020, and the Applicant's Conceptual Plan dated 07/16/2020.
- 2) The approval of the Report of Determination by the Plan Commission.

Richard Miller noted the public comment concern about safety along the railroad tracks and asked if anything had been done to address that. Ms. Dopher said they believed the existing tree line was enough of a buffer and that Northridge to the north had a similar existing tree line. If a homeowner chose, they could put a fence in.

Mr. Miller said with the commercial to the west he felt R3 was a good fit for this area and was a good development compared to the previous PD. He had no further comments.

Matt Simpson noted that the Town tried to have similar developments side-by-side and asked if R3 was acceptable next to R1 and if the train tracks between them made any a difference. Mr. Barker said if there was a lack of that barrier Staff would potentially recommend wider lots along adjoining property. As the tracks were there, the two properties were not immediately adjacent. If that was a concern for the Plan Commission that was something they could request the Applicants look at.

Jack Swalley had no questions for Staff.

Chris Worley stated he wondered about R3 zoning being next to R1 to the north but that question was answered. He asked the Applicant to verify the median selling price; the packet presented that as \$340,000. Ms. Dopher that would be an average expected price point based off of the current market today and with projections. Depending on the size, there would be floor plans that were less than that and others that were more if the buyer added on a basement or third garage. If a homeowner beefed up the floor plan and the elevation, it could go much higher than that. It was up to the buyer how much they wanted to put into it.

Brett Scowden also questioned if R1 and R3 were incompatible in the UDO and wondered about the buffer between the two. He said he had been told for the last four or five years that everyone wanted smaller and smaller lots. He asked the Applicant how they managed to do that with that size when no one else seemed to be able to. Ms. Dopher said she was on the entitlement side and not the acquisition side so she was not exactly sure of the details that went into the deal. But in terms of the site plan they were excited with how it came out.

Mr. Scowden said he appreciated the fact that the Commission was looking at straight zoning versus a PD. He asked since this was just a zoning map hearing and not one for the development plan if the Applicant was willing to make a commitment to the numbers cited earlier [when comparing the zoning]. Ms. Dopher said the concept plan was not fully engineered so she was hesitant to do that as drainage was an issue for the neighbors and they wanted to make sure they were accommodating that as much as possible. If that ended up slightly adjusting the lot

sizes she did not want to take that control away from the engineers. Mr. Scowden said his concern was seeing 75 lots now and then when it got to development plan review it was 100 lots. Ms. Dopher said they could make a commitment to cap it at 75 lots.

Mr. Swalley said he appreciated the lot depth.

Mr. Worley asked to see the comparison of how it was more like R2 on most lots than R3. Mr. Scowden said he did not know if it would meet those numbers but he was guessing with 75 lots it would have to come close to that.

Christian Rector with Arbor Homes came forth and said the issue came down to the lot width going from 80 to 100 you would lose every fourth lot along that whole track. Losing that number of lots would probably kill the deal. Having those lots 80 feet, they could make the extra depth work and give people room for pools, fences, and patios.

Mr. Worley asked staff about the cul-de-sac dimensions and if there was any objection from the Fire Territory or for School for the school buses. Mr. Barker replied at that point there was no request to alter the Town's design standards for the cul-de-sac so there was no opposition.

Mr. Miller asked about the stormwater and noted water getting from the pond to the legal drain and asked how the water would be conveyed to that area as he did not see any easements or right-of-way. Mike Thompson with Hamilton Designs said the yield plan had not been fully engineered but they knew there was a drainage issue that needed to be addressed along the east property line and also on the south edge of the triangle portion. They would need to get inlets across there to get across the ridge to the central pond, which would go between the homes. Mr. Thompson said that was why they were timid on committing to any exact lots as they did need to show a route between the lots and it had to be slightly wider. Getting the water out to the Joseph Holloway legal drain would require slightly wider separation between the lots immediately west of the large pond in the middle. From the south pond back to the north it would have to go between homes there as well so there were going to be slight modifications until they could fully engineer it. They were showing it the best they could. Mr. Thompson stated there would be slight gaps that were wider between the homes that they needed to get the easements through. They would show those easements as they got the design completed.

Mr. Scowden stated he was opening the advertised public hearing and noted when making their decision, the Commission would be paying reasonable regard to the Comprehensive Plan, the current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction, and responsible development and growth and asked that the remonstrators focus their questions on those five topics. Every member of the public would have five minutes, after that the Applicant would have a chance to respond and then the public would have one minute to follow up.

### **ADVERTISED PUBLIC HEARING OPENED**

Cindy Hohman, 15 Tyler Ct.-

Ms. Hohman questioned having R1 next to an R3. She felt R2 would be a better transition. It was not only the high-priced houses on the other side of the trees, it was the houses and yards next door and across the street; they were all R1. She said the packet cited the Active Transportation Plan and referenced East Main Street and said it was not East Main Street, it was West Main Street. The Applicant used the words "average" and "median" a lot. She wanted to know the range, what was smallest, what was largest. The average price was \$340,000 which seemed a little high for a high density neighborhood. In fact, the Housing Study mentioned having higher

intensity housing because it was cheaper, this was not cheaper. Ms. Hohman wondered what the square footage ranges were, what the smallest was. She pointed out lots where she did not see a 20 yard setback for the rear yard. She questioned what the minimum size was. Ms. Hohman asked if only having one way in and one way out was sufficient for 75 homes. She questioned if this was a transition neighborhood as they claimed. She asked how there would be parking only on one side of the street. She asked what the R1 minimum lot size side was as she thought there was a discrepancy between the packet and the Applicant. Ms. Hohman asked what lowest and highest house cost was if the average was \$340,000, which she noted was the equivalent of the cheapest house in Northridge. She said small side yards were not a trend, people were not asking to be closer to their neighbors.

Carol Wright, 5852 Henderson Dr.-

Ms. Wright said her cul-de-sac was small and had 14 houses on it. Sometimes in the morning and in the evening they had to wait to get out. She was concerned with the one way in/one way out. She participated in the zoom meeting that Silverthorne Homes had. They said they made their decisions based on the 2018 traffic study. Ms. Wright realized Brownsburg did not own 136 nor did Silverthorne Homes. Having a left turn lane was one way to deal with it but she did not think it was a total answer. She felt there could be 300 cars if there were teenagers with a car or an adult child that lived at home. She asked if people were parking on one side how police and fire were going to get through. Her main concern was not changing 136 to accommodate people getting in and out and felt that would make more of a traffic hazard for everyone who lived there. Ms. Wright did say this plan looked much better than the last one and felt overall the neighbors agreed. She also said drainage issues were prevalent on both sides of 136.

Jennifer Barnette, 6516 East US 136-

Ms. Barnette said she had an adjoining property that was R1. She showed the location of her property near where their playground was. She pointed out the heavily wooded tree line and said it was not heavily wooded by any means. She had concerns about an appropriate buffer. Silverthorne Homes did come out and did a site walk, saw the area, and came back and said they were willing to do a three foot mound and shrubs and pine trees. Ms. Barnette did not think that was appropriate. She had livestock on the other side and there was a road running down there. The playground would sit at the end of that road that went right down to the railroad tracks and to the trails. Her concern was she did not want people walking down the road to cross the tracks and go to the park. She said they requested a fence and were denied. She also had concerns about one lot size being 70 feet away from her home. They said it was 108 feet but she said it was not and they would have a house 70 feet away from them, Ms. Barnette said they would be losing the beautiful landscape and looking across the corner into that beautiful tree line so she was asking for something to buffer it a little better.

Bruce Ralston, 6510 East US Highway 136-

Mr. Ralston showed the location of his property and said he was affected most by the subdivision as he would have all those houses around him. He was concern kids would be going into his yard. He asked for a taller berm, five or six foot, with trees or bushes to keep people off his property. He was concerned about the entrance being so close to is property and if they put a turn lane in that it would start in his driveway. He mentioned drainage concerns and where the land flooded such much it had frogs. Mr. Ralston said the sewer system smelled in the summertime and asked if that would be corrected with the new subdivision. He had the same concerns with traffic as the rest of his neighbors but his biggest concern was the separation, he would have eight houses that could have eight different fences in between the property lines. He felt a larger berm would make a nicer transition between the city and the county.

Shirley Allgood, 6520 US Hwy 136-

Ms. Allgood said her property was the "Bermuda Triangle." Her concern was the road owned by her and her husband. They owned about two acres where that road adjoined and went through Northridge. She said the tree line that was being discussed belonged to her and her husband and it was not a buffer the Applicant could negotiate with it. Her biggest concern was children in the playground accessing the road. She noted she had chickens and three horses. There was an electric wire that you could walk up and touch. She said with no fence, children could walk up over a three foot berm and touch that wire or touch the horses. She was concerned children would be enticed without having a proper buffer. People thought her road was a public road because it was a little road but it was private. They could put up "no trespassing" and "private property" but teenagers and kids were not going to adhere to that and they were going to find a way to get to the park. It could be dangerous with the trains. She was afraid somebody was going to get hurt. She was not opposed to a housing addition going and felt this was a much better proposal than the first. She welcomed it because of the drainage problem. They could not put gravel on their road because water washed off the field and washed it away. She just wanted it safe for children within that area and safe for their animals.

Jim Nossett, 25 Ridgeline Dr.-

Mr. Nossett lived in Northridge Estates. He said what was being proposed as R3 was bordered by R1 and R2. Conservation of property value for people who lived in town was important. His concern that had been expressed multiple times in multiple ways by many people that night was R3 next to R1 was not good and took the values down. Trees were really not a buffer between R3 and R1. Trees were trees and a railroad track was simply a railroad track and essentially R1 and R3 were right across from each other and that lowered property value. Mr. Nossett said the value of many of the homes in the R1 area were in the \$450,000 to \$550,000 range. One of his neighbors just sold her house in 13 days because the demand was high for bigger homes in Brownsburg. She sold her 4,000 square foot range home in 13 days for the upper \$400,000, so there absolutely was a demand for Brownsburg to have homes of that size and value. There was no guarantee the Silverthorne homes would be the size or value that they were saying that they could be. They could be all the smaller upper \$200,000 homes. He could have a lot of people build the smallest home possible on 75 lots right next to all of the R1 property and that would plummet property values. He did not want to see R3 three developments right next to R1 developments. Mr. Nossett said when they had their video conference with Silverthorne, one of the arguments they had for building R3 was there was a demand for that size lot and that size home. Mr. Nossett said there was also demand for bigger homes on bigger lots in Brownsburg. He said the Town could maintain bigger lots, ask for bigger homes, and it would come. His chief concern was having R3 next to R1 and the effect on property value. He asked for the Commission's help in maintaining property values. Help Brownsburg be a place that values the people that move here and maintain the property value, maintain their homes and maintain the community.

Ms. Dopher came forward to address the concerns raised. She said one of the comments was about lot size ranges and said some were a little smaller than 11,200 square feet and some lots went all the way up to 53,000 square feet which was an acre. They had a wide range of lot sizes so it was not all just the smallest lots they could get. As far as having only entrance, they did have a secondary emergency access off of the west cul-de-sac, during a TECH review Staff found that was sufficient. The Fountains, the R2 development in Northridge, was located along a secondary arterial and their development was along a primary arterial. Factoring in the railroad, the primary arterial, and then the commercial expected on the west she did believe that R3 was the appropriate zoning for the area, keeping in mind that the majority of the lot sizes were R2 sizes. For the buffering, they did do a site walk with the neighbors and agreed that there was

room for improvement to improve the existing tree line. Silverthorne wanted to make sure that it was safe for the existing residents and their residents as well. Their proposed landscaping commitment was to go above and beyond what Brownsburg required. The UDO required three points for a Level 2 buffer and they proposed five points which was above what the Industrial and Commercial landscaping buffers were. They proposed to have continued conversations with the neighbors to find a combination of points that they would be comfortable with. One suggestion Silverthorne made was to plant Hawthorn bushes which were thorny and would deter pedestrian traffic from that road.

Ms. Dopher said as far as trees not being on their property on that south portion of the triangle area, if approved and moving forward to the plat and construction plan stage, a tree inventory would be required. They would know exactly where those trees were and where they needed to fill in that landscape buffer. The existing livestock was discussed with the neighbors and Silverthorne could put a disclaimer in so whoever bought those homes was fully aware there were livestock and live wires in the area. When it came to conserving property values, the range in Northridge sales went all the way down to the mid \$200,000 and as high as \$600,000. Looking at those numbers Silverthorne fell in a very comfortable middle ground of what was available in that area today. Looking on a broader spectrum about 1.5 miles in the area, they were higher than 80% of the sales in that area of Brownsburg. Silverthorne believed they would help serve the market that buyers were looking for. These would be move-up homes so Brownsburg residents that were in their first home could stay in Brownsburg.

Mr. Lacey told the remonstrators they had an additional minute to speak. Jim Nossett said he appreciated the congeniality of Silverthorne. As far as the home values in Northridge, while there may have been a \$200,000 home sold he felt that was a one-off and that Northridge was typically in the \$400,000-\$500,000. He again mentioned there was R1 all the way around the property. The buffer was not really a buffer; it was just a couple of trees. They mentioned that the density was 1.8 lots per acre and that was based on 75 lots in 41 ½ acres. The fact was that 20.5% of that acreage was not going to be for homes. So when you calculated it out it turned out to be 2.27 homes per acre.

Shirley Allgood wanted to make sure that left turn lane would be coming from the east. Mr. Barker replied that the left turn would be for the eastbound traffic.

Mr. Lacey asked if the Commissioners had any additional questions or comments. Shawn Pabst asked if there were multiple builders coming for larger lots up to an acre similar to the property to the north or if it was more like the current request. Mr. Barker said they had not had a proposed project of an acre type lot in 16+ years. Brett Scowden wanted to follow up and asked when the last time they had an R1 development come in. Mr. Barker replied they had not had a requested R1 subdivision, other than a two or three lot subdivision, in 20 years.

Mr. Miller asked what the last R2 subdivisions were. Mr. Barker said part of Windridge Landing was R2 and Beacon Point was R2.

Chris Worley asked if additional buffering could be required by the Plan Commission at the development plan review stage. Mr. Barker said to make that a requirement it would need to be a part of the zoning.

Jack Swalley said he walked the property beforehand and believed there would be improvements made for drainage with the retention ponds picking up a lot of the drainage and controlling that. He appreciated the straight zoning and wished they could go higher with the straight zoning or maybe some of the buffering but he thought the petitioner made a commitment to work with the



neighbors to see what they could do to come to an even ground along those property lines and the private drive.

Matt Simpson agreed that it was a much better design than what was shown before with the previous developer. While the UDO said R1 and R3 were not supposed to be adjacent, he understood there was a bit of buffering between the train tracks. It was a much better design than what was shown before and he appreciated the R3 zoning instead of going for a PD.

Richard Miller had no further comments.

Mr. Scowden said he knew there were a lot of questions beforehand regarding the compatibility between R3 and R1 and he felt it came down that buffering. That was his main concern in addition to limiting it to 75 lots. He asked if the Applicant could reiterate what she discussed before as far as buffering between Industrial and R3. Ms. Dopher said she believed the Industrial and Commercial buffering was a Level 4 and that required four points in the landscaping point system. What they were committing to the neighbors along the southern eastern boundary in the triangle and the most eastern would be five points which was higher than the highest point requirement in the UDO. She said they had that commitment written up so it could be put in the record. Mr. Barker said there was a motion for a favorable recommendation that the submitted landscape buffer would be part of that.

**Motion:** Jack Swalley made a motion to send a **FAVORABLE RECOMMENDATION** PCMA-06-20-1827 subject to and conditioned upon Staff Recommendations including a limit of 75 lots and the Landscape Buffer submitted that evening, seconded by Shawn Pabst, motion carried 5 In Favor/1 Opposed (Worley)/1 Abstained (Lacey).

#### **ADVERTISED PUBLIC HEARING CLOSED**

*At this time the Commission took a five minute break and then Mr. Lacy would resume the meeting. Mr. Scowden they were in recess and reminded the Commission not to discuss anything on the agenda.*

*The meeting resumed and Mr. Lacey rejoined the Commission.*

#### 2. PSDP-06-20-1828 Main Street Dental Office Building DPR

A request for development plan review approval for an approximately 7,000 sq. ft. commercial building and associated parking in the Moderate Intensity General Commercial (C1) District, on approximately 0.768 acres, located at 618 East Main Street.

Parcels: 32-07-11-417-001.000-016 & 32-07-11-417-002.000-016

#### **ADVERTISED PUBLIC HEARING**

Eric Gleissner, Civil Site Group, Inc.

Eric Gleissner, Civil Site Group, Inc. presented the case for the Commission. He explained the project was located on approximately 0.7 acres at 618 E. Main Street on the northeast corner of Odell Street and E. Main Street. There was an existing vacant building on the property which would be demolished and removed to make room for the proposed development. There was also an existing parking lot and stone and debris left over from previous businesses. They are proposing a 7,000 square foot single-story commercial building along with associated parking, drainage, and utility infrastructure. Main Street Dental would occupy roughly 3,300 square feet of the building with the remainder to be used by undetermined future commercial tenants. The existing asphalt pavement along Main Street was to be preserved and restored. The entrance on Odell Street would be eliminated at the request of Staff due to its close proximity to the intersection. The entrances off of Main Street and Odell Street would remain the same. The gravel drive entrance that currently served the Legion adjacent to the property would be paved as part

of the development. Mr. Gleissner said he had been he had been working with Staff addressing comments and refining the development plans and he believed they were in conformance with the Town's requirements. He was happy to answer any questions.

Lauren Gillingham reviewed the case stating that Main Street Dental was located on the corner of N. Odell Street and Main Street in a C1 corridor. It was buffered to the north and the southwest with residential, was directly beside the American Legion and across N. Odell Street from Dollar General. She showed images of the existing vacant building noting that the parking lot was is legally non-conforming. She showed a proposed rendering showing the building was entirely brick with two different colors of masonry and various architectural elements to break up the monotony and be in compliance with the Town's architectural standards especially along the back. She reviewed the site plan showing the proposed square footage and hashing out where they were going to keep the existing legally non-conforming parking lot and then where they were adding onto that parking lot parallel toward Odell Street. As mentioned in the Staff synopsis, the legally non-conforming parking lot meant they would get a reduction in some of their landscape buffer and the on-site landscaping. In spite of that they did offer a very large amount of landscaping, further than what they were required to do. She said the site design followed the Comprehensive Plan recommendations for redevelopment along the East Main Street corridor. The site includes a legally conforming screened dumpster, cross access between the lot and elimination of superfluous drives off of Main Street. The redevelopment would require a replat to move the property line north and create a cross access easement that would create the drive to provide access between North Odell and the Legion.

Staff recommended approval, subject to and conditioned upon the following:

- 1) That a Commercial Building Permit be issued by July 27, 2021, one year from the date of this approval.
- 2) The approval and subsequent recording of the proposed Replat prior to the issuance of any building permits.
- 3) The completion of a Staff review and stamped approval of the Development Plan by the Director of Development Services.
- 4) The TECH Review Minutes, dated 6/19/2020; the Applicant's TECH Response dated 6/25/2020, and the Development Plan, dated 6/25/2020.
- 5) A right-of-way permit must be issued prior to any work being done in the Town's right-of-way.
- 6) A Pre-construction meeting must be scheduled at least 48 hours prior to any work being done on-site.
- 7) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Ms. Gillingham was happy to answer any questions.

Shawn Pabst asked if the separation between the parking and the existing sidewalk was going to be a raised curb. Mr. Gleissner said it would remain exactly how it was right now so it would be flat. They would be putting parking bumpers on the asphalt to keep cars from pulling forward and blocking the sidewalk. There were no bumpers currently and the asphalt butts up right against the existing sidewalk.

Mr. Pabst asked what about the asphalt being preserved and restored. Mr. Gleissner said they would resurface and stripe and it would look like a brand new parking lot. They would mill and resurface so it would mesh with the new asphalt.

Chris Worley said it was quite an improvement. He liked the masonry and the colors chosen. He referenced a TECH comment from the Fire Marshal about a fire hydrant being within 400 feet and asked if that was resolved. Mr. Gleissner said he submitted a response and an exhibit showing they met the requirement.

Brett Scowden said his question also came from the TECH meeting and asked the Applicant to discuss the sewer laterals with a clay tile and what improvements were being made. Mr. Gleissner said they did not really know until they got in there and dug it up to find out what the situation was. They were planning on putting a new lateral in out into Odell Street because more than likely that was a clay tile that may not be in good shape. He talked to Kathy Dillon with the sewer department and she said that if they dug up the existing lateral and it was in good shape that they would be willing to work with them and let them use that which would save them money as well as not having to dig up the road. If they find the existing lateral they would camera inspect it and if it was in good shape they would try to use it but they were planning on just having to tie in a new lateral.

Matt Simpson said he appreciated all of the extra landscaping they were putting in and that it was nice to see some new development going on Main Street.

Richard Miller was glad to see the site developing as well, he had no further questions.

Ben Lacey said he was happy to see the site developing as well. It had been a big eyesore for 15 years so he was happy that good things were going there. Mr. Gleissner said that Dr. Sharma operated a dental practice just on the other side of the Legion and was currently leasing. Thus would be his permanent home and he was excited about it as He would also have a little extra space to put some other tenants in there as well.

#### **ADVERTISED PUBLIC HEARING OPENED**

**Motion:** Brett Scowden made a motion to **APPROVE** PSDP-06-20-1828 subject to and conditioned upon Staff Recommendations, seconded by Matt Simpson, motion carried 7 In Favor/0 Opposed/0 Abstained.

#### **ADVERTISED PUBLIC HEARING CLOSED**

### 3. PCPA-06-20-1830 Villas At Wynne Farms Primary Plat Amendment

A request to amend the Villas at Wynne Farms Primary Plat to remove an entrance road and add two (2) lots to improve traffic safety, in the Wynne Farms Planned Development (PD) District, on approximately 25.50 acres located at 8049 Ortho Lane.

Parcels: 32-07-25-100-009.000-016

#### **ADVERTISED PUBLIC HEARING**

Tim Walter, Platinum Properties

*\*Request to suspend the Rules of Procedure due to a Public Notice issue to be heard prior to this case.*

Tim Walter, Platinum Properties, presented the case for the Commission, representing Wynne Farms Developer LLC. With him was Jonathan Isaacs from M/I Homes who was the builder for that community. Mr. Walter said when they were going through the design they realized multiple access points were not necessary. Making that change decreased the impact to the Northfield Drive right-of-way and allowed them to add two more units to the community, from 68 units to

70. Mr. Walter said the staff synopsis did a good job explaining the request and he would defer to Staff to save time. He did want to let the Commission know that they needed to ask for a suspension of the Rules as their public notice for the Indianapolis Star was one day late, all of the other notices were on time.

David Wilson explained that Article 6 (3)(c) of the Rules of Procedure required 14 days for public notice and the Applicant had 13 days for the Indy Star. Before they discussed the case any further, the Plan Commission needed to make a determination whether or not they would like to suspend the Rules or not allow the case to be heard. Mr. Barker noted that the state statute was 10 days and the Town requirement exceeded that, partly for cases like this.

**Motion:** Brett Scowden made a motion to **SUSPEND** Article 6(3)(c) of the Rules of Procedure, seconded by Jack Swalley, motion carried 7 In Favor/0 Opposed/0 Abstained.

Mr. Wilson continued with the case and said the case was seen at the end of 2019 and when originally approved there were two entrances on Northfield Drive as well as a total of 68 lots. The Applicant decide to remove the westernmost entrance on the Northfield Drive. They determined that the common area directly at the end of that terminus was no longer needed and that area was perfectly sized for two additional lots. Now there was one less entrance and two more lots for a total of 70. He noted that the drainage had already been approved by Wessler Engineering for the modification. The construction plans would be amended to allow the additional two lots.

Staff recommended approval, subject to and conditioned upon the following:

- 1) That the modifications to the Primary Plat Amendment are subject to the changes shown in the Applicant's latest Primary Plat, dated 6/23/2020, the TECH Review Minutes, dated 6/18/2020 and the Applicant's TECH Response, dated 6/23/2020.
- 2) The completion of a Staff review and stamped approval of the Primary Plat by the Director Development Services.
- 3) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Todd Barker said the only amendments on the construction plans were additional laterals for water and sewer and neither of those were Town utilities so there was no change to the Town of Brownsburg infrastructure. Mr. Wilson added there were also stormwater rear yard inlet additions.

None of the Commissioners had any comments or concerns.

#### **ADVERTISED PUBLIC HEARING OPENED**

Cindy Hohman, 15 Tyler Court-

Ms. Hohman was concerned if two entrances were cut down to one entrance then all traffic only had one way in and only one way out. She wondered how the fire department felt about that.

Mr. Wilson replied they also had another entrance off of Dan Jones so they were going down to down to two. There was also great circulation with the entire interior of loop so site circulation was not a problem either. An exhibit was shown to point out where the entrances were located.

**Motion:** Chris Worley made a motion **APPROVE** PCPA-06-20-1830 subject to and conditioned upon Staff Recommendations, seconded by Shawn Pabst, motion carried 7 In Favor/0 Opposed/0 Abstained.

#### **ADVERTISED PUBLIC HEARING CLOSED**

### **I. COMMUNICATIONS AND COMMITTEE REPORTS**

1. Request for Suspension of the Rules of Procedure- Project Aisle

Mr. Barker told the Commission this was related to Project Aisle who had requested Special Meetings in August for their Zoning Map Amendment as well as their Development Plan. This was a request to suspend Article 1 Sec. 7, which required the Applicants to follow a schedule of deadlines. With those special meeting dates they would not be able to hit those dates.

**Motion:** Jack Swalley made a motion **SUSPEND** Article 1 §7 of the Plan Commission Rules of Procedure, seconded by Brett Scowden, motion carried 7 In Favor/0 Opposed/0 Abstained.

Mr. Barker reminded the Commission the Special Meeting dates were August 17<sup>th</sup> and August 31<sup>st</sup>.

**J. MISCELLANEOUS BUSINESS**

1. Draft UDO Amend. Art. 5, Sec. 5.85 Temporary Use Standards

Ben Lacey said he wanted the public to understand that this was a working document and the intent was not to have a decision made on it that evening. There would be another meeting in August where this would be addressed.

Todd Barker said any time there was a proposed change to the UDO text; the Plan Commission authorized Staff to move forward. Language was drafted to make modifications to the Temporary Use section. As a general overview, there were locations in Town where temporary uses were not permitted. Staff was looking to make a change to include additional locations where those temporary uses could be. The second part to that related to mobile food units, under the current regulations the closest place those were permitted in the ordinance were under seasonal sales. The goal was to add language that specifically addressed mobile food and how those could be utilized. The language was borrowed from other ordinances as a starting point. The idea was to make it explicit that mobile food could be permitted whereas the ordinance did not address that. The Town Manager has requested that the Plan Commission not proceed with the language at this time. Staff would not make a presentation for this item or the development plan language at that time.

Ben Lacey clarified that it was not currently allowed in the UDO and Staff was going to make it fit within the UDO. Mr. Barker said that it was not specifically outlined as a permitted use and the way the UJDO worked if it was not listed it was not permitted. Staff utilized that use under the seasonal sales area in the past. The language was an attempt to explicitly put the use in the UDO and what to do to get that permit.

Chris Worley asked about the borrowed language and if that was from other municipalities. He also had a problem with the frequency language of "no more than two events per calendar year at any one location." He asked what the goal was behind that language about frequency of the appearance of a truck at a location. Mr. Barker said that with all temporary uses there was a duration period. He stated, again, that was the starting point language they had utilized and they were not married to any of it. The goal was to make it explicit that it could be permitted.

Jack Swalley had no comments at that time.

Ben Lacey said he agreed with Mr. Worley and said it was questionable especially when folks are utilizing those to help with their means of living. Mr. Lacey asked Staff if they were benchmarking other municipalities like Zionsville, Avon, and Plainfield and if they were using similar regulations. Mr. Barker said that Staff did a search of other users across the American Planning Associations information. Mr. Lacey said it would be beneficial to see how surrounding communities were approaching this.

Brett Scowden said he was in a unique position because he happened to run restaurants. If he had a brick and mortar building he was not sure he wanted someone right across the street who could be there today and be gone tomorrow and be back next week. He asked if the Town regulated any other mobile businesses such as gaming trucks, mobile pet groomers, etc. Mr. Scowden said he always had concerns when looking directly at the food industry. He was also bothered by the frequency language. He saw both sides and was not sure it was something that was needed in this form.

Matt Simpson said he agreed with the duration issue. He stated he had multiple people reach out to him and everyone was opposed to that. Mr. Simpson asked what prompted the language and why did it seem to go to the extreme. Mr. Barker said he was not married to any of the time duration or anything else. Staff was just looking to get direction on how to move forward. Staff could amend that language away. He said they had had multiple food vendors approach the Town and Staff had been using a temporary use for a seasonal sale as that was the closest thing they had so Staff was looking to make it easier to understand.

Mr. Simpson noted Staff was not looking at presenting at the August meeting and asked if there was a timeline of when they would have another draft done. Mr. Barker said the Town Manager would like to look at the language first it would be some time after that the August Meeting.

Jeff Eder came forth and said he would like time for himself and staff to prepare to get the language back to the Commission and he did not want to set a deadline to come back. He wanted to talk to Council members individually and talk to some food truck operators. The Town had a high profile truck, Chick Fil A, come in and that was what started this and his direction to Staff to bring something forward. Mr. Eder felt there was more discussion internally that needed to be done before it could come before the Commission. He would like to have something that was easy to administer from the Town's side and easy to understand from the public and food truck's side. Mr. Eder said that the Park's Department was always using food trucks in their events in the parks, like Kona Ice. They did the Blues and Barbecue event. He said there needed to be some regulation but it also needed to be done in a way that was easy to understand and was fair to everybody. He did not think some of the language was worth it and there needed to be a lot of clarification. He saw it after it was published.

Mr. Eder said they were looking for input and there would be future meetings to come. He said anyone could reach out to him at [townmanager@brownsburg.org](mailto:townmanager@brownsburg.org), or to contact his office or Todd Barker's. Mr. Eder wanted the input so this would be a good ordinance for all that we all, including brick and mortar operations.

Mr. Lacey said with the suspension of the Rules they would open the meeting for public comment as there were people who wished to speak. The public had five minutes to speak.

Travis Tschaenn, President of Brownsburg Town Council, 950 Grayson Trail-

Mr. Tschaenn stated no one on the Town Council recommended any changes to the UDO for this, he felt they should be informed on changes of that magnitude. Since he has been on the Council he wanted was to make sure it was easier to do business and not more difficult. He felt this was another area where the Town was trying to be more difficult to do business with. While he sympathized with Mr. Scowden's concerns as a brick and mortar establishment, his thought was if a food truck was successful and they decided to become a brick and mortar, would they want to come to Brownsburg or somewhere else. His other issue was choosing ordinances that were identical to something in another community, they needed to look at what was good for Brownsburg and needed to vet that prior to coming to a public meeting. That was something

needed across the Boards and Commissions and the Town needed to look at what was best for the community because Brownsburg was not like every other community.

Seeing no other members of the community wishing like to speak Mr. Lacey closed the public hearing. He wanted to restate that this was a working document or and they were trying to gather input from the community, the vendors themselves, and Commissioners and the Council members. There was more to come on this and he appreciated everyone attending.

Mr. Scowden added that the Commission reviewed the entire UDO once a year and suggested that they did not revisit that language until they took a look at the other suggested changes. Mr. Barker said there was a subcommittee assigned for the UDO review.

2. Draft UDO Amend. Art. 9, Sec. 9.05 Development Plan Process

This issue was tabled until further notice.

**K. ADMINISTRATIVE FILINGS**

1. None

**L. CASES FILED FOR FUTURE MEETINGS**

1. PCMA-06-20-1833 4005 N CR 1000E Rezone To MS
2. PCMA-06-20-1835 Project Aisle Rezone to I2

**M. ADJOURNMENT**

**Motion:** Brett Scowden made a motion to **ADJOURN**, motion carried 7 In Favor/0 Opposed/0 Abstained. 7:57 p.m.

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Benjamin Lacey, President

ATTEST: \_\_\_\_\_

Todd A. Barker, AICP, Administrator