



ADVISORY PLAN COMMISSION

Minutes

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

Monday, April 26, 2021

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: Ryan DeYoung, Ben Lacey*, Shawn Pabst, Brett Scowden, Matt Simpson, and Chris Worley

Members Absent: Richard Miller

Also Present: Jodi Dickey, AICP- Director, Jenna Wertman, AICP- Senior Planner, Lauren Gillingham, AICP Cand.- Planner I and Heather Wetzel- Administrative Assistant

**Ben Lacey came into the meeting late, hence the differing votes on the motions below.*

Staff introduced Jenna Wertman, a new Senior Planner in the Department of Development Services.

C. APPROVAL OF PREVIOUS MEETING MINUTES

1. March 22, 2021- Regular Meeting

Motion: Ryan DeYoung made a motion to **APPROVE** the March 22, 2021 regular meeting minutes, seconded by Matt Simpson, motion carried 4 In Favor/0 Opposed/1 Abstained (Worley).

2. April 1, 2021- Special Meeting

Motion: Matt Simpson made a motion to **APPROVE** the April 1, 2021 special meeting minutes, seconded by Chris Worley, motion carried 4 In Favor/0 Opposed/1 Abstained (Scowden).

D. APPROVAL OF FINDINGS OF FACT AND REPORTS OF DETERMINATION

1. PSDP-02-21-1875 Dixon Properties DPR

2. PSDP-02-21-1879 West Middle School Addition & Renovations DPR

3. PCCZ-02-21-1880 Fairview West Conditional Rezone to PD

4. PSDP-02-21-1881 ALDI DPR

Motion: Matt Simpson made a motion to **APPROVE** the Findings of Fact and Reports of Determination for PSDP-02-21-1875, PSDP-02-21-1879, PCCZ-02-21-1880 and PSDP-02-21-1881, seconded by Shawn Pabst, motion carried 4 In Favor/0 Opposed/1 Abstained (Worley).

5. PCMA-03-21-1885 Lacy Farms Rezone TO HC and I2

Motion: Chris Worley made a motion to **APPROVE** the Findings of Fact and Reports of Determination for PCMA-03-21-1885, seconded by Matt Simpson, motion carried 4 In Favor/0 Opposed/1 Abstained (Scowden).

E. HEARING OF REQUESTS FOR CONTINUANCES

1. None

F. OLD BUSINESS

1. None

G. CONTINUED PUBLIC HEARINGS

1. PCPP-02-21-1877 Bailey Park II Primary Plat

A request for primary plat approval for a two (2) lot minor subdivision, on approximately 4.92 acres, located on the South side of Patrick Place approximately 250' West of East Northfield Drive. Parcels: 32-07-02-465-001.000-016 & 32-07-02-400-018.000-016

ADVERTISED PUBLIC HEARING

Represented By: Gordan D. Kritz, Stoepelwerth & Associates, Inc.

Before the case was heard, President Scowden stated there was a request to suspend the Rules of Procedure so that Staff presented first and then the Applicant. The Rule change would be formalized later, at which point a suspension would not be required.

Motion: Brett Scowden made a motion to **SUSPEND** the Rules of Procedure, seconded by Shawn Pabst, motion carried 5 In Favor/0 Opposed/0 Abstained.

Lauren Gillingham stated the case was for Bailey Park II, located at 665 Patrick Place. They were plotting a smaller parcel together with a larger parcel and then cutting them so that they met the primary structure allowances of the Medium Density Multi-family Residential (M2) district. This was a simple subdivision consisting of two lots on 4.92 acres for the creation of an age-targeted apartment community. There would be 30 market rate units within seven buildings, six of which had six units and one building which had eight units. The site was rezoned about a year and a half ago. They also had two variances approved at the last BZA meeting; one permitting a 0' side yard setback so the drive could bisect the two lots and then a variance to change the definition of "driveway" which was a technical fix due to a flaw in the UDO.

Ms. Gillingham shared an image of what the Applicant had proposed, showing the entrance on Patrick Place and then where the zero setback was required and explained the site was not connected to Bailey Park I. She also showed the two lots and explained their configuration.

Upon reviewing all of the materials provided by the Applicant, Staff recommended the Plan Commission approve the Primary Plat, subject to and conditioned upon the following:

- 1) The completion of a Staff review and stamped approval of the Primary Plat by the Director of Development Services.
- 2) Final stormwater approval from Wessler Engineering.
- 3) The submission and approval of a Final Plat with Construction Documents for the proposed subdivision within three (3) years from the date of the Minor Subdivision Primary Plat approval.
- 4) The Final Plat shall be recorded in the Office of the Recorder of Hendricks County prior to the issuance of any building permits.

5) The approval of the Findings of Fact and Report of Determination.

None of the Commissioners had any comments or questions.

Applicant Gordan D. Kritz, Stoeppelwerth & Associates, Inc. did not have anything to add and stated he was in agreement with Staff recommendations.

ADVERTISED PUBLIC HEARING OPENED

David Weyant, PO Box 513, Brownsburg-

Mr. Weyant commented that Staff's presentation was not included in the APC packet and therefore was not available to the public. He did not have any comments to the Applicant.

**At this time Commissioner Ben Lacey joined the meeting.*

Motion: Chris Worley made a motion to **APPROVE** PCPP-02-21-1877 subject to and conditioned upon Staff recommendations, seconded by Matt Simpson, motion carried 5 In Favor/0 Opposed/1 Abstained (Lacey).

ADVERTISED PUBLIC HEARING CLOSED

H. NEW PUBLIC HEARINGS

1. PSDP-03-21-1887 Banyan Construction Headquarters DPR

A request for development plan review approval of an approximately 6,000 sq. ft. office building with associated parking and site improvements in an Employment Center (EC) District, on approximately 0.58 acres, located at Lot 32 Brownsburg Business Park Sec 4.

Parcels: 32-07-02-454-004.000-016

ADVERTISED PUBLIC HEARING

Represented by: by Nathan A. White – Benchmark Consulting, Inc.

Jenna Wertman reviewed the case stating Banyan Construction Headquarters was located across the street from Bailey Park II on just over half of an acre and was zoned Employment Center (EC). They were requesting development plan approval for an approximately 6,000 Sq. ft. office building. At the April BZA meeting they received two variances; one to reduce the minimum eave overhang from 18" to 8", and the other to increase maximum lot coverage from 65% to 75%. She reviewed the site plan stating they were utilizing an existing parking lot and adding landscaping. It would be a single-story building with a basement which would house approximately 25 offices, additional conference areas and amenity spaces. The existing parking lot would have 28 spaces, a few had to be striped-out because of where the dumpsters were located. She reviewed the landscaping including foundation plantings and plantings around the dumpster enclosure, shrubs or grasses were proposed near the foundation, some existing shade trees in the front and some additional trees added throughout the site. There was also a picnic amenity area in the back for employees. Ms. Wertman then reviewed the architecture.

The Future Land Use map called for Flex/Light Industrial uses which included light assembly, tech hubs, and intense commercial services. The larger Industrial/Employment umbrella that the district fell under also included research, tech, and professional offices. The proposed use was consistent with the zoning and consistent with the surrounding properties both in terms of mass and use. The development plan satisfied the requirements of the district and the UDO.

Staff recommended a positive recommendation with the following conditions:

- (1) That a building permit be issued by April 26, 2023, two years from the date of this approval.

- (2) The completion of a Staff review and stamped approval of the Development Plan by the Director of Development Services.
- (3) A right-of-way permit must be issued prior to any work being done in the Town's right-of-way.
- (4) A Pre-construction meeting must be scheduled at least 48 hours prior to any work being done on-site.
- (5) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Nathan White, Benchmark Consulting, Inc., represented Banyan Construction. He said Staff did a very good job and he did not have anything to add.

No Commissioners had any comments or questions. Brett Scowden received confirmation that the Applicant was in agreement with Staff recommendations.

ADVERTISED PUBLIC HEARING OPENED

David Weyant, PO Box 513, Brownsburg-

Mr. Weyant expressed the same concern that Staff's presentation was not included in the packet. Mr. Scowden said Mr. Weyant's concern was noted and it did not need to be stated for each case. Staff said that the packets were completed a week before the meeting whereas the PowerPoint presentations were not yet done at that time. It was something Staff used as a guide and gave the audience pictures to look at as well. The PowerPoints could be put online after the meeting.

Motion: Ben Lacey made a motion to **APPROVE** PSDP-03-21-1887 subject to and conditioned upon Staff recommendations, seconded by Shawn Pabst, motion carried 6 In Favor/0 Opposed/0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED

- 2. PCMA-03-21-1888 4730 N County Road 900 E PD Amend.

A request for a zoning map amendment to amend Ordinance #2007-20 Pace Motorsports Park PUD Master Plan, on approximately 0.99 acres, located at 4730 N County Road 900 E, for the purpose of amending to allow the home on the subject parcel to be rebuilt to Residential Estate (RE) District standards in the event of casualty.

Parcels: 32-07-13-200-041.000-016

ADVERTISED PUBLIC HEARING

Represented By: Stan Comer – Carpenter Realtors

Lauren Gillingham stated this case was a PD Amendment in the Pace Motorsports district for the subject parcel 4730 N CR 900 E which was currently used as a single-family home. The PD district was designed for Motorsports and other mid-level commercial and industrial uses. The subject home was incorporated into the PD district at its creation. The amendment would specifically permit the home to be rebuilt to the Residential Estate (RE) development standards in the event of casualty. The subject parcel was Legal Nonconforming; per the UDO if legal nonconforming structures were destroyed past a certain point they must be rebuilt following the modern standards. The Applicant approached Staff two months ago. He was a realtor and was trying to sell a home for his client. However, lenders did not like lending to homes that they could not guarantee could be rebuilt. The Amendment would clarify that and allow the owner to sell his home. Ms. Gillingham said it was important to note that the request was not related to a permitted use and was only for structural design. The Amendment did not affect use, it would only permit the structure to be rebuilt.

The Future Land Use map recommended Flex/Light Industrial. While the current use was single-family detached residential, Staff believed the future of the parcel was better left to market forces. Given its proximity to Ronald Reagan and that it connects directly into Motorsports Way, it would become much more valuable as a commercial or industrial use.

Should Commissioners choose to make a recommendation, Staff was generally supportive of the proposal and recommended a positive recommendation with the following conditions:

- (1) That the PD Amendment is only valid for the subject parcel as long as the single-family detached residential use exists on the site.
- (2) If the single-family detached residential use is abandoned for a period greater than one (1) year or otherwise loses legal nonconforming use or structure status, the standards shall revert back to the PD standards.
- (3) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Brett Scowden reminded the Commission that they received a letter in support of the request (see **Exhibit A**).

Stan Comer, Carpenter Realtors, stated he was there on behalf of Travis Forsyth, the owner of the property. To be able to sell the property as a residential dwelling, they needed to show that it could be rebuilt in the case of casualty.

Commissioners Pabst and DeYoung did not have any comments or questions.

Chris Worley told Staff there was a typo in the Staff Report for criterion 4 where it stated the text amendment *would* have effect on the conservation of property values.

Commissioners Lacey and Simpson did not have any comments or questions.

ADVERTISED PUBLIC HEARING OPENED

Mr. Worley stated Mr. Comer's Detailed Statement of Reasons helped him understand the request.

Motion: Chris Worley made a motion to send a **FAVORABLE RECOMMENDATION** of PCMA-03-21-1888 to Town Council, subject to and conditioned upon Staff recommendations, seconded by Matt Simpson, motion carried 6 In Favor/0 Opposed/0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED

Mr. Comer wanted to publicly thank Ms. Gillingham for the help she gave during the process.

3. PSDP-03-21-1889 Spencer Professional Building DRP

A request for development plan review approval for an approximately 7,000 sq. ft. office building and associated parking, in an Urban Commercial (UC) District, on approximately 0.35 acres, located at 103 E. Main Street.

Parcels: 32-07-11-315-025.000-016

ADVERTISED PUBLIC HEARING

Represented by: Brian Moench – Moench Engineering, PC.

Lauren Gillingham stated this case was for a DPR for 103 E. Main Street located in the Urban Commercial district. The site once housed an Auto Body Shop. The Applicant was requesting a development plan approval to remove the canopy from the existing building, add 3,140 square feet to the ground floor area incorporating some of the existing building and then adding space to the rear. This would be for a professional office building, garage addition, parking areas and landscaping. The project was complicated by the PMO district as well as the incorporation of legal

non-conforming elements and site designs. Currently the site was 100% paved and vehicles came in directly off of Adams Street, navigating in and out using the right-of-way which was not permitted within the UDO. As mentioned in the Staff report, there were some issues initially with the parking design and that was listed as a condition. Ms. Gillingham said the Applicant had since submitted a design that met the UDO and PMO district standards to Staff's satisfaction. The stormwater review was still ongoing. There were no other remaining TECH comments.

The Future Land Use map recommended Mixed-Use, which usually included some sort of second floor residential. This building did not have that but did go a long way to promote the vibrant, safe, attractive and walkable pedestrian environment that was also called in a Mixed-Use and PMO district. She showed the most recent submittal from the Applicant which included five spaces that still would navigate in and off of the street, however those were currently there. It would also have an entrance further down for 6-7 more spaces. There was a curb cut on Main that was going away which would also help increase pedestrian safety. They went above and beyond on their landscaping requirements. They technically were only required to have two trees on the entire site, but they provided foundation plantings and other non-required plantings to add to the site. They were also proposing a sidewalk along S. Adams which would be dedicated to the Town.

Ms. Gillingham showed an isometric view of the site stating it met the PMO district requirement of the two-story at the street level. It met all the fenestration requirements regarding windows and brick. She showed where the existing building was remaining.

Commissioners should hold a public hearing, offer comments and suggestions on the petition, make findings of facts, and take final action by voting to approve, deny, or continue the case.

Upon reviewing all of the materials provided by the Applicant, a review of the site, and the applicable Town regulations Staff recommended the Plan Commission approve the Development Plan, pursuant to Art. 9, Sec. 9.05(D) of the Brownsburg Unified Development Ordinance subject to and conditioned upon the following:

- 1) That the applicant work with Staff to finalize the parking lot design.
- 2) That a building permit be issued by April 26, 2023, two years from the date of this approval.
- 3) The completion of a Staff review and stamped approval of the Development Plan by the Director of Development Services.
- 4) A right-of-way permit must be issued prior to any work being done in the Town's right-of-way.
- 5) A Pre-construction meeting must be scheduled at least 48 hours prior to any work being done on-site.
- 6) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Don Spencer appeared and said Staff did a great job of explaining the project. There were a number of technical issues that needed to be worked through including some legal non-conforming issues. Lauren Gillingham and Mr. Spencer worked to try to come up with a workable solution, which he appreciated. Mr. Spencer said his civil engineer was there if there were any technical questions. Mr. Spencer was looking forward to a successful project.

Matt Simpson said it was a great looking building and that it was good to see new businesses and buildings going in downtown.

Ben Lacey said the same and that it was a great use of the space. It looked like a beautiful

building and he was excited to see this transpire. He asked how many employees Mr. Spencer had and learned there were presently nine. They were also looking to get an intern.

Chris Worley asked about the parking and curbs. Mr. Spencer said there would be a sidewalk along Adams Street and there would be a curb cut across that sidewalk to access the back parking. They were also going to eliminate the curb cut in front of the old service station onto Main Street.

Ryan DeYoung did not have any questions or comments.

Shawn Pabst said it was a good looking building. He was glad they were saving the center part. He asked if the sidewalk in the front would connect to the existing sidewalk. Mr. Spencer said they anticipated it to be continued to the corner and around the home where they cut hair.

Brett Scowden asked Staff if the stormwater issues were related to the 100% lot coverage. Ms. Gillingham said that it was a tough infill site to apply modern drainage standards to. The Applicant was working with Mary Atkins to finalize that. Mr. Scowden said it was imaginative reinventing and redevelopment of the property.

Brian Moench, Moench Engineering, added that it was tough site and the infrastructure was limiting. Mr. Spencer would be over-draining the property. Right now it was a much uncontrolled drainage pattern. They were providing control, oversizing retention and releasing into the infrastructure that was available; they were working with Mary Atkins on that.

ADVERTISED PUBLIC HEARING OPENED

David Weyant, PO Box 513-

Mr. Weyant said this did not fit the multi-use facility criteria. He had nothing against the Applicant or the proposal, it just did not seem to align with the Future Land Use Map from the Comprehensive Plan and warned they may be establishing a precedent.

Cindy Hohman, 15 Tyler Court-

Ms. Hohman felt the building looked good but since it was a former gas station, she wondered if there were tanks underneath it. She thought the only reason they were keeping the middle building was to circumvent some of the requirements of the UDO. She asked if the building would be used by their employees or if it would be leased. Ms. Hohman also stated that she would prefer to hear about the case from Applicants and not from Development Services.

John Rabold, 18 S Tocovi Ct .

Mr. Rabold was in favor of the proposal and said it was 1,000 times better than what was there now. They may repurpose the old filling station but he was sure it would look good.

Don Spencer answered questions and the tanks were gone according to the environmental report. He said the building would be used for his employees. As far as the retention of the old building, he had been in the architectural and engineering industry for about 30 years and old buildings could be made into new rather easily. The building was about 1,800 sq. ft. It would be remodeled into offices. The garage doors would covered and gone. The building was less expensive to remodel into offices than it was to tear down start over.

Mr. Worley asked about the exterior materials and the use of soldier course. Mr. Spencer replied that soldier course was brick or block installed vertically versus horizontally, it would be a gray accent gray. The colors were being tweaked a bit but that was the intended the contrast.

Mr. Scowden asked if EFIS was being used on the current standing. Mr. Spencer said presently it was big heavy metal panel that was prevalent in the 50s. Underneath that was sort of a Bakelite product so it was a porcelain style finished brick or block. The building was uninsulated and they

were going to insulate that building and that was most easily done with an EFIS-style material. He said it would be well done with some visual relief and color.

Ms. Gillingham spoke to the UC district and setbacks stating the UC district was the only district that had a minimum and a maximum front yard setback, the minimum was 0' and the maximum was 20'. The idea was to make the building engage with the pedestrian environment.

Motion: Shawn Pabst made a motion to **APPROVE** PSDP-03-21-1889 subject to and conditioned upon Staff recommendations, seconded by Ben Lacey, motion carried 6 In Favor/0 Opposed/0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED

4. PCCA-03-21-1891 1395 N Green St. Commitment Amend

A request to vacate certain commitments included in Inst. No. 201402062 as they relate to the use and development of that parcel of real estate, located at 1395 N. Green Street
Parcels: 32-07-02-210-002.000-026

ADVERTISED PUBLIC HEARING

Represented By: Lauren Gillingham, Town of Brownsburg

Lauren Gillingham stated this was a commitment amendment for 1395 N. Green Street. Late last year Panda Express got an administrative discretion to have reduced setbacks which pushed more of their materials towards the right-of-way. After the DPR was approved, a commitment amendment was found requiring them to sell, donate or grant right-of-way for an urban trail. It was very vague how much right-of-way was needed and the time period was open-ended.

Ms. Gillingham said the master plans went back and forth around whether or not there should be an urban trail there. The commitment was placed during the DPR amendment for the All Star Car Wash expansion back in 2014. At that time, they were using the 2008 Greenways Master Plan. Later that year, that was replaced by the Brownsburg Active Transportation Plan which nixed any urban trail in the area instead deferring to the existing sidewalk. However the most recent not-yet-adopted Transportation Plan does call for a trail at the site, though its priority was not high. Staff discussed this with the Street Superintendent, Jack Swalley, and felt the Town already had enough right-of-way to line up to the existing trail to the south, making the commitment no longer applicable. Ms. Gillingham reviewed an exhibit showing the area in question.

Staff recommended approval of the Written Commitment changes, subject to and conditioned upon the following:

- 1) That the recorded commitment document (Inst. No. 201402062) be terminated
- 2) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Brett Scowden asked for clarification on where the right-of-way was. Shawn Pabst received confirmation that there was currently room for trail without the commitment.

Commissioners DeYoung and Worley did not have any questions.

Ben Lacey confirmed that the sidewalk was going to stay on 267 and felt that there was no need for a 12' path from a walkability standpoint.

Matt Simpson did not have any comments.

ADVERTISED PUBLIC HEARING OPENED

David Weyant, PO Box 513-

Mr. Weyant reiterated his earlier comments about meeting presentations not being included in

the packets available online. He felt that information was pivotal in the decisions from Commissioners and should be placed on the website for public consumption.

Motion: Matt Simpson made a motion to **APPROVE** PCCA-03-21-1891 subject to and conditioned upon Staff recommendations, seconded by Ryan DeYoung, motion carried 6 In Favor/0 Opposed/0 Abstained.

ADVERTISED PUBLIC HEARING CLOSED

I. COMMUNICATIONS AND COMMITTEE REPORTS

1. APC Rules of Procedure Update

Jodi Dickey reviewed the changes being proposed for the Rules and Procedure update. The last few months there was a different procedure where Staff gave a presentation to frame the case for the Commission and the audience and then the petitioner went. The current Rules of Procedure stated that the petitioner presented first and then Staff. If the Commission liked the new way and wanted to formalize that, the Rules needed to be amended. There were other changes to the Rules but right now they were doing the order of presentations. The Commission had a discussion and most stated they liked hearing about the parameters of the case first as long as the Applicant was still able to contribute to the discussion and speak as well.

Motion: Brett Scowden made a motion to **AMEND** the Advisory Plan Commission Rules 4(A)(1) and 4(A)(2), seconded by Ben Lacey, motion carried 6 In Favor/0 Opposed/0 Abstained.

2. Report from Director of Development Services

Ms. Dickey told the Commission that Town Council had the first reading on the Fairview West annexation in the Town and also affirmed the positive recommendation on the Fairview West PD. Town Council did deny the Mussleman Planned Development and chose not to annex the property that was not in Town. They approved the Lacey Farm rezone and adopted the Transportation Plan.

J. MISCELLANEOUS BUSINESS

1. Compressive Plan Map Homework Check

Commissioners turned over Land Use Maps which indicated where they felt Industrial/Commercial development would be appropriate.

2. Planned Development

Ms. Dicky told the Commission they had hired a consultant to make updates to the UDO and said she had felt a level of discomfort from both the Commission and the Town Council about Planned Developments and that was something that should be addressed with the update: Will the Town allow PDs and what should those standards be? A future work session was possible.

K. ADMINISTRATIVE FILINGS

1. CPSP-04-21-1901 Ronald Reagan Logistics Park At I-74 Final Plat

2. CPSP-04-21-1904 Phillips Manor Final Plat

3. CPSP-04-21-1905 Virgil Park Final Plat

4. CPSP-04-21-1907 Parkside At Greystone, Sec. 1A And 1B

L. CASES FILED FOR FUTURE MEETINGS

1. PCMA-04-21-1898 Auburn Ridge Rezone To PD

2. PSDP-04-21-1899 Project Foundation DPR

3. PCPP-04-21-1900 Ronald Reagan Logistics Park At I-74 Primary Plat

4. PCMA-04-21-1902 Bulldog Business Park Rezone TO PD
5. PCMA-04-21-1903 Rosemont At Wynne Farms PD Amendment
6. PCPP-04-21-1906 Parkside At Greystone

M. ADJOURNMENT

Motion: Ben Lacey made a motion to **ADJOURN**, motion carried 6 In Favor/0 Opposed/0 Abstained.
7:27 p.m.

Brett Scowden, President

ATTEST: _____

Jodi Dickey, AICP, Administrator

EXHIBIT A
PCMA-03-21-1888 LETTER OF SUPPORT



Date: 4/26/2021

Regarding Zoning Implications on Residential Financing

Attention: To Whom It May Concern

All residential mortgages require that the home be able to be reconstructed as residential if damaged or destroyed. The intent of not allowing this through zoning is to remove existing use and therefore hinders our ability to lend on a home that cannot be rebuilt as residential. To be able to finance with a residential mortgage the zoning would have to be mixed use and able to be rebuilt as residential.

Sincerely,

Cory Walradth

Cory Walradth

Sales Manager NMLS # 309863

Bailey & Wood Financial Group #2334

MIBOR Member # 33452

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