



MINUTES
February 28th, 2022
AVON PLAN COMMISSION
REGULAR MEETING

I. Call to Order/Pledge of Allegiance:

6:30 P.M.

II. Roll Call/Determination of a Quorum:

In attendance in person: Kathryn Ransburg, Paul Guckenberger, Ed Rosenbaum, Harold Hiser, Dave Kauffman, Mason Pike, Consulting Engineer Greg Ilko, Planning Director Bill Peeples, and Town Attorney Dan Taylor.

III. Consideration of Minutes: None

IV. Committee Reports:

BZA: Mr. Peeples reported that there were two cases on the previous Board of Zoning Appeals meeting; there was a Variance of Development Standards for a pole barn which was taller than the primary residence. This variance was approved subject to two conditions. Additionally, there was a special exception for a Drive-In restaurant within the Harvest Landing commercial subdivision. This special exception was also approved.

RDC: Mr. Pike highlighted three important topics from the previous Redevelopment Commission meeting; a number of invoices were approved, many related to the renovation work that was done at Town Hall. A report was provided regarding the work being conducted at 100S. And discussion was had regarding acquiring a parcel for right of way related to the Dan Jones expansion.

Town Council: None.

V. Request for Continuances or Agenda Modifications: None.

VI. Public Comment:

Mrs. Ransburg opened the floor to public comment at 6:44 PM. No Comments. Mrs. Ransburg then closed the floor to public comment at 6:44 PM.

VII. Introductions: None

VIII. Old Business: None

IX. New Business:

ZA 22-01 – Rise Development -- Request to rezone 2 acres from AG to R-1 and to rezone 2 acres from AG to I-2 to (1) perpetuate the existing single-family land uses, (2) incorporate two acres of property into the proposed adjoining industrial development and (3) allow for the subdivision of the properties. The four-acre properties are located at 1630 S County Road 1050 East and 1564 S County Road 1050 East. *Jim Sapp – Rise Commercial District*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval subject to the following conditions:

1. A 35 foot half right-of-way shall be dedicated along County Road 1050 East.



2. Buildings shall use brick or stone materials on exterior walls, except the rear exterior wall, (and excluding windows, doors, roofing, fascia, and soffit) which shall also include at least two (2) architectural features and at least two (2) colors and textures. Appropriate architectural features and at least two (2) COLORS AND TEXTURES. Appropriate architectural features may include, but shall not be limited to, cornice or bay windows, balconies, marquees, canopies, and the like. The use of these building materials shall constitute a minimum of sixty percent (60%) of each front exterior wall facing the Ronald Reagan Parkway and County Road 1050 East frontages and a minimum of thirty percent (30%) of each side exterior visible from the aforementioned streets. "Quick-Brik" style veneers and stamped concrete panels shall not be considered "brick or stone" for the purposes of meeting this requirement.
3. Building roof shall have no less than an 11-inch overhang.

The Commission asked staff as to why they recommended 11-inch overhang within their recommendation rather than sticking with the 3-foot overhang as required by ordinance. Staff stated that it was a compromise which staff found to be preferential to no overhang.

The Commission asked staff as to the status of the existing buildings on the site and asked about the history of this proposal. They further inquired as to the site work that is being conducted to the north of this site. Discussions were had regarding the ingress/egress and proposed parking for this site

The petitioner, Jim Sapp, 870 Castleton Road, Indianapolis, responded to many of the Commission's questions regarding parking, ingress/egress, and emergency fire access and further explained the proposal.

The commission asked the petitioner for justification for the requested waivers of architectural requirements. The petitioner explained that the waivers would allow them to keep costs down and the buildings were not viewable from Ronald Reagan Pkwy anyways.

The commission inquired as to whether U-turns were permitted at 200S and Ronald Reagan to allow access to this development.

The commission also asked the petitioner as to their position regarding the 11-inch overhang requirement recommended by staff. The petitioner stated that they are opposed to the overhang requirement as they feel that fork lifts and trucks will hit and damage the buildings, and feel that they are unnecessary due to the inability to see the buildings from Ronald Reagan Pkwy.

The commission asked for clarification as to the staff's recommended conditions. Staff clarified that these conditions would serve as commitments recorded with the entire development as proposed. Further discussion on the topic was had.

Town Attorney, Mitchell Ray, further explained the difference between conditions and commitments, specifically as is relates to this petition.

Mrs. Ransburg opened the floor for public comment at 7:15 PM.

James Hutchek, 2342 Fisher Ave, Speedway, IN 46224, spoke as to the navigable/non-navigable classification of waterways and how it has affected this project. Mr. Hutchek stated that there have



been no complaints from neighboring property owners regarding this project and expressed his support for this development.

Mrs. Ransburg closed the floor for public comment at 7:18 PM.

The plan commission expressed concern regarding the petitioner's request for relief of the architectural standards required by the ordinance.

Mr. Guckenberger made a motion to forward **ZA 22-01 Rise Development Rezoning** to the Town Council with a favorable recommendation subject to the following commitment:

1. A 35' half right-of-way shall be dedicated along County Road 1050 East.

Seconded by Harold Hiser. Motion passed 6-1.

MAP(P) 22-01 – Rise Development -- Request for approval of a Preliminary Major Subdivision approval to subdivide 16.38 acres into one 14.38-acre lot for industrial redevelopment and two 1-acre lots for continued residential occupancy. The 16.38-acre properties are located near 1662 S County Road 1050 E, 1630 S County Road 1050 East, and 1564 South County Road 1050 East and 1691 Ronald Reagan Pkwy. *Jim Sapp – Rise Commercial District*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval subject to the following conditions:

1. Plat approval shall only be considered final when the Town Council approves ZA 22-01, since the subdivision of this property into two residential lots can only be accomplished if those lots are zoned R-2.
2. Any revised plan must comply with all commitments and conditions noted as part of any approval granted;
3. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO, and the HC Drainage Board; and
4. The final Plat will comply with all relevant portions of the Subdivision Control Ordinance and the Town Code.

The commission asked for clarification from staff as to this petition as it relates to the previous petition heard.

The petitioner, Jim Sapp, 870 Castleton Road, Indianapolis, again responded to many of the Commission's questions regarding the petition.

Mrs. Ransburg opened the floor for public comment at 7:30 PM. No public comment. Mrs. Ransburg closed the floor for public comment at 7:31 PM.

Mr. Rosenbaum made a motion to approve **MAP 22-01 Rise Development** subject to the following conditions:



1. Plat approval shall only be considered final when the Town Council approves ZA 22-01, since the subdivision of this property into two residential lots can only be accomplished if those lots are zoned R-2.
2. Any revised plan must comply with all commitments and conditions noted as part of any approval granted;
3. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO, and the HC Drainage Board; and
4. The final Plat will comply with all relevant portions of the Subdivision Control Ordinance and the Town Code.

Seconded by Dave Kauffman. Motion passed 7-0.

ZA 22-02 – Village of Turner Trace, Section 5 – Request for approval of a Zoning Amendment to modify commitments associated with ZA07-04 eliminating the commitment made which limited the use of the property to church uses. The 6.58-acre property is located near East County Road 150 South and Lockford Walks. *Kristopher Eichhorn – HWC Engineering*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval subject to no conditions.

The board asked staff for clarification as to the original intent of the subject commitment which limited the use of the property to church uses. Staff clarified that originally the lot was intended for single family residential lots, but the commitments were added when the church purchased the property.

The commission inquired as to the ownership of the subject property.

Tony Bagato, Lennar Homes of Indiana, 11555 N Meridian St, Ste 400, Carmel, IN, summarized the proposal to the commission and made himself available for questions.

Mrs. Ransburg opened the floor for public comment at 7:38 PM. No public comment. Mrs. Ransburg closed the floor for public comment at 7:39 PM.

The commission stated that they agreed with the staff report and felt that the petition was appropriate.

Mr. Kauffman made a motion to approve **ZA 22-02 Village of Turner Trace, Section 5**. Seconded by Mr. Rosenbaum. Motion passed 7-0.

MAP(P) 22-02 – Village of Turner Trace, Section 5 -- Request for approval of a Major Subdivision Primary Plat subdividing 8.808 acres into 19 lots for single-family residential occupancy. The 8.808-acre property is located on Co. Rd. 150 S. and Turner Trace Pl. S. *Kristopher Eichhorn – HWC Engineering*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval of this petition



subject to the following conditions:

1. The commitment modification eliminating the requirement that this property be used for a church shall be recorded prior to final plat approval.
2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
3. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and the HC Drainage Board; and
4. The final Plat will comply with all relevant portions of the Subdivision Control Ordinance and the Town Code.

The petitioner, Kyle Eichhorn, summarized his proposal to the Plan Commission and requested approval of the plat.

The plan commission inquired as to the ability of school buses to navigate this subdivision.

Mrs. Ransburg opened the floor for public comment at 7:47 PM. No public comment. Mrs. Ransburg closed the floor for public comment at 7:48 PM.

The commission stated that they are glad to see the build out continuing for this development.

Mr. Kauffman made a motion to approve **MAP(P) 22-02 Village of Turner Trace, Section 5** subject to the following conditions:

1. The commitment modification eliminating the requirement that this property be used for a church shall be recorded prior to final plat approval.
2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
3. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and the HC Drainage Board; and
4. The final Plat will comply with all relevant portions of the Subdivision Control Ordinance and the Town Code.

Seconded by Mr. Guckenberger. Motion passed 7-0.

MAP(A) 22-03 – Avon Logistics Lot 2 -- Request for approval of a Major Subdivision Plat Amendment with 1 lot on 66.96 acre lot with new easements. The 66.96-acre property is located at 8598 E. Co. Rd. 100 South. *Ryan Lindley –Banning Engineering*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval of this petition subject to the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
2. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and HC Drainage Board; and,
3. The final Plat will comply with all the relevant portions of the Subdivision Control Ordinance



and the Town Code.

The petitioner, Jeff Banning, Banning Engineering, 853 Columbia Rd., Ste 100, Plainfield, summarized the proposal for the Plan Commission and made himself available for questions.

Mrs. Ransburg opened the floor for public comment at 7:53 PM.

Debra Tolan, 8540 E County Road 100 S, Avon, IN, 46123 expressed concerns regarding an existing bat house on the property.

Michael Anne Tolan, 8540 E County Road 100 S, Avon, IN, 46123, stated that she thinks the concerns regarding the bat house are better suited to be addressed along with the next petition (ZA 22-03). She did ask if the board if the easement would be getting larger or smaller.

Staff stated that there would be additional drainage and infrastructure easements added to the site.

Mr. Guckenberger consulted with staff as to the Commission's role in regulating the bat house. Staff stated that such regulations are not included within our Zoning or Subdivision Control Ordinance and therefore would not be enforceable by the Town, and instead would be the responsibility of the Department of Natural Resources.

The petitioner clarified the history of the project as it relates to the subject easement. He further stated that they have hired an environmental consultant to assist in managing the neighboring Burnett Woods.

Harold Hiser made a motion to approve **MAP(A) 22-03 Avon Logistics, Lot 2** subject to the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
2. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and HC Drainage Board; and,
3. The final Plat will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code.

Seconded by Dave Kauffman. Motion passed 7-0

DPR 22-01 – Avon Logistics Lot 2 -- Request for approval of a Development Plan Review for 1,009,000 Sq. ft. speculative warehouse with accommodating employee parking, truck docks and drainage ponds. The 66.96-acre property is located at 8598 E. Co. Rd. 100 South. *Ryan Lindley – Banning Engineering*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval of this petition subject to the following conditions:



1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
2. A landscape bond is required per Section 4-9 of the Zoning Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.
3. The development shall comply with all relevant portions of Town Code and comments by Public Works, Fire Department, Crossroad Engineers at the preconstruction meeting.

The commission inquired as to the relation of this lot to the other industrial development occurring on 100S.

The petitioner, Jeff Banning, Banning Engineering, 853 Columbia Rd., Ste 100, Plainfield, conducted his presentation explaining the proposal in detail and made himself available for questions.

Mr. Ilko commented on the requested drainage waiver requests and clarified that Crossroads Engineers have been working with staff and the requested waiver should have no effect on the decision of the Plan Commission.

The commission inquired as to the trees being added and removed as the situation with the bat. The petitioner committed to reaching out to the property owner regarding the bat and have a discussion with them regarding the issue.

Mrs. Ransburg opened the floor for public comment at 8:20 PM.

Michael Anne Tolan, 8540 E County Road 100 S, Avon, IN, 46123, further expressed her concerns regarding the bat house as it relates to the removal of trees and pollution discharge from the development.

The commission recommended that remonstrator connect with the petitioner regarding these issues.

The commission inquired as to pollution discharged from the development as it related to drainage standards. Mr. Ilko stated that the Stormwater Manual regulates the quality and quantity of discharge from the site.

The petitioner stated that they will meet the water quality standards because they do not want to affect the neighboring Burnett Woods. Mr. Ilko stated that water quality regulated by the SMO only relates to stormwater runoff from the site. Any type of manufacturing discharge would be under the purview of the Environment Protection Agency.

Mr. Kauffman, asked if the commission should include a condition that the petitioner work with the land owner regarding the bat house. Legal counsel recommended that the town not get into a situation where they are regulating agreements between two separate parties.

Mr. Kauffman made a motion to approve **DPR 22-01 – Avon Logistics Lot 2** subject to the following



conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
2. A landscape bond is required per Section 4-9 of the Zoning Ordinance. This bond must be provided to the Town of Avon prior to the issuance of a full Certificate of Occupancy for the subject site.
3. The development shall comply with all relevant portions of Town Code and comments by Public Works, Fire Department, Crossroad Engineers at the preconstruction meeting.

Seconded by Mr. Guckenberger. Motion passed 7-0

ZA 22-03 – Wesleyan Investment Foundation Properties – Request for approval of a Zoning Amendment to 20 acres from Single Family Residential (R-1) to Multiple Family Residential (R-5). The 20-acre property is located at 611 N County Road 800 E. *Robert “Jason” Coyle – Banning Engineering, PC*

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval of this petition subject to the following commitments:

1. A 60-foot half right-of-way shall be dedicated along Dan Jones Road.
2. A restrictive donation for the construction of a multi-use trail shall be done to the Town of Avon for the cost of construction.
3. The permitted uses shall exclude “Townhouse (4-unit structures or less)”, “Dwelling-multi-family (more than 6-unit structures)”, “Dwellings-manufactured homes”, and “Funeral Homes and Mortuaries”.
4. The use of vinyl siding shall be prohibited in the development.

The commission brought up concerns regarding the street radii as they relate to the ability for school buses to navigate the property.

Mrs. Ransburg inquired as to why the petitioner is requesting an R-5 zoning with all of the additional conditions instead of just rezoning to a district that would otherwise prohibit those uses. Mr. Peeples stated that it was due to the density of the homes requested by the petitioner.

Mr. Guckenberger inquired as to the surrounding uses and this development’s connectivity with neighboring developments. The commission further clarified with staff that multi-family apartment uses would be expressly prohibited in this development.

The petitioner, Jonathon Isaacs, 8425 Woodfield Crossing, Indianapolis 46250, conducted a presentation for the commission regarding his proposal.

The commission and staff discussed the proposed access for this development.

The commission had extensive conversations with staff and the petitioner regarding the commitment that prohibits vinyl siding as it relates to the requirement for masonry siding within the ordinance and the classification of Fiber Cement Siding.



Paul Guckenberger made a motion to forward ZA 22-03 Wesleyan Investment Foundation Properties to the Town Council with a favorable recommendation subject to the following commitments:

1. A 60-foot half right-of-way shall be dedicated along Dan Jones Road.
2. A restrictive donation for the construction of a multi-use trail shall be done to the Town of Avon for the cost of construction.
3. The permitted uses shall exclude “Townhouse (4-unit structures or less)”, “Dwelling-multi-family (more than 6-unit structures)”, “Dwellings-manufactured homes”, and “Funeral Homes and Mortuaries”.
4. The use of vinyl siding shall be prohibited in the development.

Seconded by Dave Kauffman. Motion passed 7-0.

X. **Other Business: None.**

XI. **Adjournment: 9:30 PM.**

**NEXT PLAN COMMISSION REGULAR MEETING
Monday – March 28, 2022
6:30 p.m.**

Kathryn Ransburg- President

William Peeples - Secretary

Paul Guckenberger – Vice President

Dave Kauffman

Harold Hiser

Mason Pike

Ed Rosenbaum

