



Avon Advisory Planning Commission Meeting Minutes for **March, 28th 2022** at **6:30 PM** at Avon Town Hall

3/28/2022 - Minutes

**1. Start Of Meeting**

6:30 PM

**2. Approval Of Minutes**

Mr. Guckenberger made a motion to approve the January 24th, 2022 and February 28th, 2022 Meeting Minutes. Seconded by Mr. Hiser. Motion passed 6-0.

**2.1. January 24th, 2022 Plan Commission Regular Meeting Minutes**

**2.2. February 28th, 2022 Plan Commission Regular Meeting Minutes**

**3. Committee Reports**

**4. Request For Continuances Or Agenda Modifications**

**5. Public Comment**

Mrs. Ransburg opened the floor for public comment at 6:33 PM. With no one forthcoming, Mrs. Ransburg closed the floor for public comment at 6:34 PM.

**6. Old Business**

**6.1. ZA 21-07: Unified Development Ordinance**

Mr. Peeples gave brief synopsis regarding the history of this petition and the recent changes made.

Mr. Peeples further summarized the three concerns the Town Council had regarding the UDO as recommended by the Plan Commission.

- R-1A reclassification to R-1 rather than of R-2.
- R-2 allowance for duplexes, triplexes, bungalow court, and town home development as Special Exception. Council prefers requirement to rezone property rather than allow through special exception.
- Maximum building size in the Industrial District in the I-1 District should be 250,000. Maximum building size in I-2 district should be 400,000. And there should be not maximum size in the I-3 District.
- Definition of "Start of Construction".
- Home Child Care should be permitted use in E-1, R-1, R-2, R-3, R-4, and R-5 Districts as a

use Accessory to Primary Residential Use.

Staff finds the amendments to be sufficient and recommends approval of these changes.

Mrs. Ransburg asked for the ramifications of changing the definition of start of construction. Mr. Peeples explained, "vested rights" to the Plan Commission. Mr. Peeples stated that there were concerns related to the vested rights of a developer and when that time begins. He further stated that as the UDO states, construction begins as the time that a permit is pulled. He instead recommended that actual construction must take place before the "vested rights" commences.

Mr. Guckenberger inquired as to restriction of the non-permitted uses as recommended by the Town Council. Mr. Peeples explained the process for special exceptions by the Board of Zoning Appeals and stated that a special exception is a rather low bar. He further explained that the Town Council would prefer that any proposed duplexes, triplexes, townhomes, etc be done through a rezone of the property.

Mrs. Ransburg opened the floor for public comment at 6:45 PM. Hearing none, Mrs. Ransburg closed the floor for public comment at 6:46 PM.

Mr. Pike stated that he agrees with the proposed amendments after the explanation given by staff. Mrs. Ransburg thanked the staff for their work on the UDO.

Mr. Pike made a motion to accept the Town Council's amendments. Seconded by Mr. Kauffman. Motion passed 6-0.

## 6.2. **DPR 21-16: Rise Avon, LLC**

Mr. Peeples presented his report to the commission. He stated that the proposal was substantially compliant with most standards of the ordinance, however there are three waivers being requested by the petitioner.

The waivers are for the following standards:

1. Masonry material on 60 percent of the front façade and 30 percent of the side facades required.
2. Three foot overhang required (zero foot overhang proposed).
3. 98 parking spaces maximum (117 proposed).

Staff recommended denial of the waivers which seek relief from architectural requirements for roof overhang and façade cladding. Staff did recommend approval of the waiver which allows for a greater than maximum amount of parking. Staff recommended approval of the petition subject to the three standard conditions of a Development Plan Review.

The board inquired as to the findings related to the waiver. Mr. Peeples further explained the criteria for approval of these waivers.

Mr. Rosenbaum asked if the front facades met the standards of the ordinance. Mr. Peeples stated no.

Mr. Pike inquired as to the 3' overhang requirement in the ordinance. Mr. Peeples stated that staff recommended a 11" overhang and explained the rationale for that recommendation.

Mr. Rosenbaum inquired as to the industrial development across the street from the proposed development. Mr. Peeples explained that variances were granted to that development for articulation, but they did meet architectural requirements for façade materials.

The petitioner, Jim Sapp 8070 Castleton Rd, Indianapolis, presented his proposal to the Plan Commission. He asked for approval of the overhang waiver due to damage caused by trucks and forklift in other locations of the developer. He also explained their request for approval of a waiver of architectural requirements as they relate to building materials, citing the DRG and Portillo's.

Mr. Pike, asked the petitioner why they then would not instead use concrete.

Mr. Pike, citing the findings for a waiver, asked how they met the standards for improvement, increase, advance, expansion on the standard. The petitioner stated that they improved the material of the building façade.

The Plan Commission asked for clarification of the standard as stated within the Ordinance. Mr. Peeples read the subject standard to the Plan Commission.

Mr. Guckenberger asked for clarification as to the waiver being requested. The commission and petitioner clarified that the waiver also includes a request to waive the architectural standards completely for the other three sides.

Mr. Rosenbaum stated that he visited other sites by the developer. He complimented him on

Mr. Rosenbaum stated that had concerns regarding traffic related to this development. He inquired as to what the uses within the tenant space will be predominantly used for. He stated that he did not find this to be a good fit for this location.

Mrs. Ransburg stated that she disagreed with her fellow commission and found this use to be a good fit for this location, but pressed further as to the waivers being requested, and further requested.

Mr. Pike stated that he did also find the use to be appropriate for the site, but stated that there needs to be justification for the waiver through the lens of the standards for a waiver request. He asked the petitioner to provide their justification with that in mind.

Mrs. Ransburg asked why there was no alternative for the 3' overhang suggested by the petitioner, citing staffs recommendation for 11". The petitioner again provided truck and forklift damage as justification for their request, citing the photos.

Mr. Guckenberger asked if the forklifts hit the top of the doors where there are not overhangs.

Mr. Dave Kauffman asked if there was a reason that they would hit the overhang more often than they hit the door.

Mr. Guckenberger asked to switch gears and talk about the the architectural standards. He stated that he feels that this use is very similar to a self storage facility and therefore finds a greater need for architectural standards. He asked for clarification as to the requirements for architectural materials. Mr. Peeples stated that the standards of the Ordinance only requires masonry on all the front and sides (not the rear).

Mrs. Ransburg asked the what the difference in cost would be to wrap the building in masonry as opposed to the building materials.

Randy Hobson, 1630 S CR 1050 E, Indianapolis, stated that he moved here in Avon due to his small business. He stated that he is fortunate to be close, but states there are limited options in the area. He expressed his support for the RISE development due to the opportunities and amenities provided to small business owners. He further stated that it is affordable and has flexible leases. As a small business owner he supports this development.

John Taylor, Economic Development Director, Town of Avon, 217 Boring Pl, Martinsville, Described his role within the town in attracting businesses to the town. He stated there is a lack of small buildings within town and finds this proposal to be favorable.

Public hearing closed at 8:00 PM.

Paul Guckenberger stated that he is not against the development itself, but has concern with the waivers. Mr. Pike echoed Mr. Guckenberger's sentiment and stated that perhaps the petitioner needs to further work with staff in finding a compromise.

Mr. Guckenberger stated that he was in agreeance with Mr. Peeples regarding the parking lot. He stated that he was going back-and-forth on the overhang, but was stuck on the building materials waiver. He stated that he does not want the development to look like storage units, especially on Ronald Reagan Parkway. He reiterated that he wants the development to look more aesthetically pleasing. He stated that as it stands he is not in support of the waiver for the architectural standards, and asked if perhaps the petition should be continued in order to come up with a better proposal.

Mr. Pike also stated that he agreed with the parking waiver but felt similar to Mr. Guckenberger in regards to the other two waivers. He finds that the petitioner has not shown how they have met the criteria for approval of the waiver.

The commission discussed the possibility of continuing the petition to the next meeting with a revised plan. They asked for the opinions of other board members. Mr. Kauffman echoed Mr. Pike's sentiments, in that that petitioner had not demonstrated how they have met the criteria of the waivers requested. Mr. Hiser agreed.

The commission, asked the petitioner if they would be willing to work with staff on revising plans to provide a better proposal if the petition were to be continued. The petitioner agreed.

Mr. Hiser made a motion to continue **DPR 21-16 Rise Avon, LLC** to the next scheduled Plan Commission meeting. Seconded by Paul Guckenberger. Motion carried 6-0.

## 7. New Business

### 7.1. DPR 22-03: Avon Landing Industrial

Mr. Peeples presented his report to the commission. Staff recommended approval of waiver request to allow for more parking than the maximum allowed by the Ordinance, and recommended approval of this petition subject to the following conditions:

1. Any revised pan must comply with all commitments and conditions noted as part of any approval granted.
2. The project receives any necessary review and approval by CrossRoad Engineers on behalf of the Town and the HC Drainage Board; and
3. The development will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code, and comments by Public Works, the Fire Department, and CrossRoad Engineers at the preconstruction meeting.

The commission inquired as to the property's classification within the Ronald Reagan overlay district. Mr. Peeples explained that the subject property is not located within the overlay district.

The petitioner, Ross Nixon, American Structurepoint, 9025 River Rd, Indianapolis, stated that he did not have much to add to Mr. Peeples's report. He thanked the Commission for their consideration of the waiver and made himself available to answer questions.

Mrs. Ransburg asked for what the proposed use of this building is. The petitioner stated that they do not

know at this time, but likely will be warehouse, light industrial, or could even be more than one tenant.

Mrs. Ransburg asked for clarification as to the waiver for greater than maximum parking. The petitioner stated the proposal is speculative, but that shift changes could require additional parking.

Mrs. Ransburg opened the floor for public comment at 8:20 PM. Hearing none, Mrs. Ransburg closed the floor for public comment at 8:21 PM.

Mr. Pike commended the petitioner on the forethought of the additional parking being needed for this proposal before-the-fact. Mrs. Ransburg stated that it is better to have too much parking than too little.

Mr. Guckenberger made a motion to approve the waiver to provide for 311 parking spaces in regards to **DPR 22-03**. Seconded by Mr. Rosenbaum. Motion passed 6-0.

Mr. Kauffman made a motion to approve **DPR 22-03 Avon Landing Industrial** subject to the following conditions:

1. Any revised plan must comply with all commitments and conditions noted as part of any approval granted.
2. The project receives any necessary review and approval by CrossRoad Engineers on behalf of the Town and the HC Drainage Board; and
3. The development will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code, and comments by Public Works, the Fire Department, and CrossRoad Engineers at the preconstruction meeting.

Seconded by Mr. Pike. Motion passed 6-0.

## 7.2. **ZA 22-04: DRG Rezoning On South Ronald Reagan Parkway**

Mr. Peeples presented his report to the commission. Staff recommended the Plan Commission forward a favorable recommendation of this petition to the Town Council subject to no conditions.

The Commission asked for clarification of the existing uses on and nearby the subject site. The commission asked if there was any other feedback from surrounding residents. Mr. Peeples stated that staff received some calls regarding the proposal.

Mr. Pike clarified that this is the first step in the process, and the Plan Commission will further see this proposal prior to development. Mr. Peeples explained the process moving forward.

Mr. Rosenbaum asked for clarification regarding access to the site.

The petitioner, Brian Sheward, Kimley-Horn and Associates, stated that Mr. Peeples did a good job explaining the proposal. He stated that he was aware of the residential neighbors to the south, but stated that to be good neighbors, they have proposed a 40 foot landscape buffer as required by ordinance, and have positioned the truck loading to the north of the site and faced the office area towards south facing the neighbors. He stated this would also provide a better look from the street frontage.

The commission inquired as to the plan for the existing pond as it relates to wetland retention.

The commission further inquired as to the intended use of the building. The petitioner stated that it is speculative at this time.

Mr. Rosenbaum asked the petitioner if they would request access from Ronald Reagan. The petitioner stated that they would only request access from Bradford Road.

Mrs. Ransburg opened the floor for public comment at 8:35 PM. Hearing none, Mrs. Ransburg closed the floor for public comment at 8:36 PM.

Mr. Pike stated that he appreciated the petitioner's decision to place the truck docks to the north.

Mr. Rosenbaum made a motion to forward **ZA 22-04 DRG Rezoning on South Ronald Reagan Parkway** to the Town Council with a favorable recommendation. Seconded by Mr. Hiser. Motion passed 6-0.

## 8. Other Business

Mr. Peeples stated that he has administratively approved several petitions and will provide a written report at the next Plan Commission meeting.

### 8.1. Signatures

## 9. Adjournment

Meeting was adjourned at 8:38 PM.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Avon, should contact the Town Administrative Offices as soon as possible but no later than 48 hours before the scheduled event.

*"Avon is a safe, vibrant community for active families and thriving businesses."*

Avon Town Hall | 6570 East US Highway 36 | Avon, IN 46123 | 317-272-0948 | avongov.org | Next

Meeting: **04/25/2022**