



Avon Advisory Planning Commission Meeting Minutes for **April 25th, 2022** at **6:30 PM** at Avon Town Hall

4/25/2022 - Minutes

1. **Start Of Meeting**

Meeting called to order at 6:30 PM.

2. **Approval Of Minutes**

2.1. **March 28, 2022 Plan Commission Regular Meeting Minutes**

Mr. Rosenbaum made a motion to approve the minutes as presented. Seconded by Dave Kauffman.
Motion carried 5-0.

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

3.1. **ZA 17-01 Recreation Impact Fee**

Mr. Peeples explained the Recreation Impact Fee and stated that staff was unable to get the notice in the newspaper in time as required by state statute. Therefore a continuance to the May 23rd, 2022 meeting was requested.

3.2. **DPR 21-16 Rise Of Avon, LLC**

Mr. Peeples stated that staff was awaiting revised elevation drawings from the petitioner. He stated that the petitioner needed another month to get those elevations and was therefore requesting a continuance.

Mr. Guckenberger asked for clarification regarding the ability to continue this petition. Mr. Ray stated that the petitioner is allowed one continuance as a matter of right and the Plan Commission thereafter has the ability to continue the petition as many times as they would like.

Mr. Rosenbaum asked Mr. Peeples if the petitioner was actively working with the town to provide a revised proposal. Mr. Peeples stated that the petitioner was working with staff and needed time to provide revised plans.

3.3. **DPR 22-07 Avon Retail Center**

Mr. Peeples stated that this is a request to continue the petition to the June 27th, 2022 meeting. The petitioner requested additional time to increase his property holdings, which will likely involve an amendment to the request and redesign the structure.

3.4. **MAP(P) 22-08 Fairwood Section 5 & 6**

Mr. Peeples stated that the Fairwood Section 5 & 6 and Oriole Estates rely on each other and the petitioner is therefore requesting a continuance of both in order to revise their proposal based upon feedback they received from the Town Council introduction.

3.5. **PUD(P) 22-01 – Oriole Estate PUD**

Mr. Peeples stated that the Fairwood Section 5 & 6 and Oriole Estates rely on each other and the petitioner is therefore requesting a continuance of both in order to revise their proposal based upon feedback they received from the Town Council introduction.

4. **Public Comment**

5. **Old Business**

6. **New Business**

6.1. **DPR 22-04 Swenson's Drive-In Restaurant**

Mr. Peeples presented his report to the Plan Commission. Staff recommended approval of both waiver requests and the 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Mr. Pike inquired as to the memo regarding color differentiation in the building. Mr. Peeples stated that the petitioner had proposed revised plans which included a greater differentiation of color via a more reddish wainscot.

Mr. Pike expressed reservations regarding the waiver request concerning the alternative landscaping.

Mr. Rosenbaum inquired as to the meaning of "articulation". Mr. Peeples explained as it related to the waiver request. Mr. Rosenbaum asked if there was any outside dining at all. Mr. Peeples stated that there was none and the business encouraged patrons to eat in their cars.

Mr. Pike asked if the open space to the north was large enough to subdivide. Mr. Peeples stated that there was not enough space to subdivide. The Plan Commission then asked what that land would be used for. Mr. Peeples stated that the area would remain grass.

Mr. Ray, clarified that this petition is administrative and the waivers were discretionary. The Plan Commission should therefore vote on the waivers first, then the petition.

The petitioner, John Iski, 6080 E Cuyahoga Falls Ave, Akron, OH 44310, further explained the proposal to the Plan Commission. He explained the justification for requesting a waiver of the landscaping requirements. He stated that it is an operational hazard for employees who must run around the building to serve guests in their cars.

Pike inquired as to the use of the field to the north. He asked the petitioner if they could theoretically move the building to the north to allow for more foundation landscaping to the south of the building. The

petitioner explained the constraints of the lot in doing so.

The commission further inquired as to and discussed the use of the large field located to the north.

The commission expressed concerns regarding the maintenance of the open field to the north as it relates to overgrown grass and trash. The petitioner committed to maintaining that field well to avoid the aforementioned issues.

Mr. Guckenberger opened the the floor for public comment at 7:05 PM. Hearing none, Mr. Guckenberger closed the floor for public comment at 7:06 PM.

The Commission further discussed the proposed landscaping of the property as it relates to the open field and foundation plantings. The Plan Commission considered including a condition related to the maintenance of the field to the north. Staff advised the Commission accordingly. Mr. Guckenberger asked if the petitioner would be in agreeance with the addition of this condition. The petitioner agreed to the condition and reiterated that the property remain well maintained.

Mr. Hiser made a motion to approve the landscape waiver request as presented. The Plan Commission further discussed including a condition related to the maintenance of the field, but ultimately decided against it, instead relying on the Town Code and Zoning Ordinance to enforce these standards.

Seconded by Mr. Kauffman. Motion passed 5-0.

Mr. Kauffman made a motion to approve the building articulation waiver request. Seconded by Ed Rosenbaum. Motion passed 5-0.

The commission agreed that the request now met the standards of the Ordinance. Mr. Rosenbaum made a motion to approve **DPR 22-04 Swenson's Drive-In** 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Seconded by Mr. Kauffman. Motion passed 5-0.

6.2. **DPR 22-05 Love It Sew**

Mr. Peeples presented his report to the 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Dale Kruse, Kruse Consulting 7384 Business Center Dr, Avon, IN 46123, presented his proposal to the Commission. He discussed the access of the development as it relates to the access easement shared with Hendricks County Bank to the north. He further discussed the proposal as it relates to landscaping, drainage, parking, and lighting.

Mr. Rosenbaum inquired as to the public's ability to locate the business and its entrance to the development.

Mr. Guckenberger opened the floor for public comment at 7:25 PM. Hearing none, Mr. Guckenberger closed the floor for public comment at 7:26 PM.

Mr. Rosenbaum asked if the Plan Commission should have concerns regarding the proposed signage of the development. Mr. Peeples stated that, while the Ordinance does provide for sign plans to be included as part of the Development Plan Review Process, it is not uncommon for those details to be excluded at this phase, as it is speculative development. The proposed signage will be reviewed at the time the sign permits are applied for.

Mr. Guckenberger stated that he agreed with staff recommendation.

Mr. Pike made a motion to approve **DPR 22-05 Love It Sew** 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Seconded by Harold Hiser. Motion passed 5-0.

6.3. **DPR 22-06 Ziggs's Coffee**

Mr. Peeples presented his report to the Commission. Staff recommended approval of the waiver request and petition subject to the following condition:

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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

Mr. Kauffman inquired as to the durability of reclaimed barn wood as it relates to the intent of the Ordinance. Mr. Peeples affirmed that the reclaimed barn wood should be durable.

Mr. Pike inquired as to other permitted uses within the C-2: Zoning District. Mr. Peeples stated that three gas stations inquired about developing the lots, but Mr. Peeples dissuaded them. He further affirmed that there are much more intrusive land uses that would be permitted by right on this lot.

Mr. Guckenberger inquired as to the ingress and egress access to and from the lot and its effect on traffic. Mr. Peeples stated that the right in, right out design of the ingress and egress access should mitigate any negative effects or hazards between the roundabout and access points.

Mr. Guckenberger further inquired as to the stacking of cars within the queue and its potential to intrude into the roadway. Mr. Peeples detailed as to the considerations given to this issue, which includes the drive-thru queue wrapping around the site.

Mr. Kauffman inquired as to if thought was given towards the pedestrian sidewalk. Mr. Peeples stated that pedestrian connectivity was not reviewed any more than usual.

The petitioner, Scott Singleton, 557 Northfield Rd., Plainfield, IN, 46168, presented his proposal to the Plan Commission. He discussed the proposal as it relates to traffic, access, architectural standards, and general land use. Mr. Singleton stated that there will be signage that will prevent cars from backing up into 100 S.

Mr. Pike asked the petitioner to speak to their commitment to maintain the property as an asset and not an eyesore due to its location and proximity to the WWII memorial and roundabout. The petitioner stated that the property would be well maintained.

The Commission further expressed concerns regarding traffic and drive thru queueing and verified that there would be no indoor dining.

Ashton Fritz, Fritz Engineering 14020 Mississinewa Dr, Carmel, IN 46033 spoke as to the drive through traffic. Mr. Fritz provided data from corporate regarding peak hours, peak transactions, average service time, etc. He further detailed the signs and other design elements that will prevent cars from backing up into the roadway at 100 S.

Mr. Guckenberger opened the floor for public comment at 8:08 PM.

William Golder, 1110 Brookside Ct, Avon, IN 46123, expressed concerns regarding traffic congestion, pedestrian access from the park, and the nearby warehouse district. He stated that he was opposed to the proposal and that there were better locations for this use.

David Sidebottom, 1106 Brookside Ct, Avon, IN 46123, stated that he is able to see the subject property from the rear of his house. He stated that he moved to his house with the intention of not living near a business district. He expressed concerns regarding the lighting of the business.

Mr. Guckenberger closed the floor for public comment at 8:12 PM.

Mr. Rosenbaum inquired as to the ability of trucks/semi-trailers to navigate the property. The petitioner stated that they are working with their corporate office in order to have smaller delivery trucks and clarified that large trucks such as semi trailers are unable to enter the drive-thru.

Mr. Fritz spoke as to the proposed lighting. He stated that the parking lot is lit with pole lights containing fixtures that are full cut off and light trespassing is limited to 0.1 foot candle at the property line as required by code.

The petitioner stated that their expected business hours are currently 6:00 AM to 7:00 PM.

The commission and the petitioner discussed the proposed Variance for illuminated signage. The

petitioner stated that they have agreed to not illuminate the southern-facing wall sign.

The commission and the petitioner also discussed the proposed parking on the site.

Mr. Pike inquired as to the woods on the property and whether or not they are proposed to remain. The petitioner stated that they estimate 90% of the woods would remain and all the required landscaping would be provided.

The commission and staff discussed the possible addition of conditions related to lighting on the lot and regarding preservation of the existing woods. Safety and light spillage was considered.

Mr. Hiser made a motion to approve the waiver to allow the use of reclaimed barnwood in lieu of masonry. Seconded by Ed Rosenbaum. Motion passed 5-0.

Mr. Pike made a motion to approve **DPR 22-06 Ziggi's Coffee** 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.
4. At least 80% of the current woods to the east shall remain in place.

Seconded by Mr. Kauffman. Motion passed 5-0.

6.4. **DPR 22-08 Mears Machine Addition**

Mr. Peeples presented his report to the Commission. Staff recommended approval of the waiver and the 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.

The commission inquired as to the legal non-conforming status of the building as it relates to the construction of a sidewalk along US Highway 36 to the north.

Joseph Lese, Progress Studio, 1103 E 10th St, Indianapolis, further explained the proposal to the Plan Commission and stated that the construction of the sidewalk would be an acceptable condition as part of the approval.

The petitioner and the Plan Commission further discussed the connectivity of sidewalks on the

surrounding lots.

Mr. Guckenberger opened the floor for public comment at 8:44 PM. Hearing none, Mr. Guckenberger closed the floor for public comment at 8:45 PM.

Mr. Pike agreed with Paul's condition relating to the construction of the sidewalk.

Ed Rosenbaum made a motion to approve the architectural standards waiver. Seconded by Dave Kauffman. Motion passed 5-0.

Mr. Rosenbaum made a motion to approve **DPR 22-08 Mears Machine Addition** 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. The 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, the Fire Department, and Crossroad Engineers at the preconstruction meeting.
4. That a sidewalk be connected to the properties to the east and west.

Seconded by Mr. Hiser. Motion passed 5-0.

6.5. **MAP(A) 22-06 – Lot 4 (6090 Cedar Bend Way) And Lot 5 (6080 Cedar Bend Way)**

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

The commission inquired as to the setbacks of the surrounding properties. Mr. Peeples discussed the way in which the County administered their platting process at the time this subdivision was originally platted, and how it differs from what would be allowed by the Town.

The petitioner, Dale Kruse, Kruse Consulting, 7384 Business Center Dr, Avon, IN 46123 stated that staff explained the proposal well and made himself available for questions.

Mr. Guckenberger opened the floor for public comment at 9:04 PM.

Barry L. Haymore, 6130 Cedar Bend Way, Avon, IN 46123, stated that he opposed the proposal. He detailed potential drainage issues that will occur if the plat amendment were to be approved. Mr. Haymore claimed that these drainage issues would result in flooding of his home.

Lisa Willkie, 6153 Yellow Birch Ct, Avon, IN 46123, Ms. Willkie detailed drainage issues around her home and the potential for those to worsen if the plat is approved.

The commission asked if the Plan Commission is the correct body to address the aforementioned drainage issues. Mr. Peeples explained that if it were a new plat, then it likely would be, however this is merely a plat amendment related to a revised setback line and therefore would not involve drainage. Mr. Peeples stated that the drainage review would have been conducted when the subdivision was originally platted.

Staff stated that drainage will be considered throughout the building permitting process and will be

overseen by Building Commissioner, Mike Tulli.

Mr. Haymore asked if the Plan Commission could delay the petition until more information is provided as opposed to denying it.

Mr. Kauffman made a motion to approve **MAP(A) 22-06 - Lot 4 (6090 Cedar Bend Way) and Lot 5 (6080 Cedar Bend Way)**. Seconded by Harold Hiser. Motion passed 5-0.

6.6. **MAP(P) 22-07 – Village Of Turner Trace Townhomes**

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 shall receive any necessary review and approval by Crossroad Engineers on behalf of the Town, 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.

Staff and the commission discussed the history of this development as it relates to previous platting.

The petitioner, Tony Bogato, Lennar Homes, 11555 N Meridian St, Carmel, IN, further explained the proposal as it relates to platting, subdivision of lots, and density.

Mr. Guckenberger opened the floor for public comment at 9:43 PM.

Angela McJunkin, 7153 Governor's Row S, Avon, IN 46123, inquired as to how many stories the homes will have and if the architectural standards will be comparable to the houses that are currently there.

Mr. Guckenberger closed the floor for public comment at 9:45 PM.

Mr. Bogato, stated that they intend to build two-story rear-loaded townhomes. He further stated that the new townhomes would have greater articulation and would be brick-wrapped.

Mr. Pike made a motion to approve MAP(P) 22-07 Village of Turner Trace Townhomes 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 shall receive any necessary review and approval by Crossroad Engineers on behalf of the Town, 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 Mr. Kauffman. Motion passed 5-0.

6.7. **ZA 22-05 Turner Trace Modification Of Commitments**

Mr. Peeples presented his staff report to the Plan Commission. Staff recommended approval of this petition subject to the alternate commitments provided on April 15, 2022.

The plan commission inquired as to and discussed multi-tenant drive throughs as recommended to be permitted by staff. The Commission further discussed the other uses proposed to be permitted by this

amendment of commitments.

The petitioner, Ben Comer, 71 W Marion St, Danville, IN, further explained his proposal to the Commission answered questions.

Mr. Guckenberger opened the floor for public comment at 10:11 PM.

Laurie and Raleigh Rolston, 1311 S Avon Ave, Avon, IN 46123, expressed their concerns regarding the commitments, specifically as they relate to the potential gas station. They stated that their property would abut against the gas station and are therefore not in favor of a gas station and nor drive-thru use on the commercial lot in question. They cited increased traffic, safety, light, noise, and devaluation of property in opposition to the proposal.

Michalla Davenport, 1206 S Avon Ave, Avon, IN 46123 expressed her concerns regarding traffic as it relates to the proposed retail uses. She expressed her opposition to the proposal and requested traffic improvements on Avon Ave.

Tom Downard, 1887 Sweet Gum Dr, Avon, IN 46123, stated that he was involved with Turner Trace when it was originally developed. He stated that he built the office center that is currently there. He stated that he is working as a commercial broker on the property and believes that this area very suitable due to its walkability. He referenced the commitments made by the petitioner to lessen the negative impacts of the development on neighboring properties. He stated that his use could potentially reduce the traffic impact that currently exists on US 36.

Angela McJunkin, 7153 Governors Row, Avon, IN 46123 expressed concerns regarding traffic and speeding on Governors Row. She reiterated safety concerns regarding the gas station being located so close to the daycare and reiterated her opposition to the petition.

Jerry Bennett, 1285 Hope Dr., Avon, IN 46123, stated that his biggest concern is the proposed gas station as it relates to light and noise. Mr. Bennett stated that the area is primarily residential. He expressed concerns regarding notification of surrounding property owners. He reiterated his opposition to the proposal.

Mr. Bogato stated that the residential architectural commitments as amended would more align with the rest of the homes being constructed by Lennar Homes within the development.

The Plan Commission differentiated between the commercial vs residential commitment changes.

The Plan Commission discussed the potential of continuing this petition. Mr. Guckenberger expressed his concerns with the auto filling station, but stated that a retail center made more sense. The Commission further discussed permitted vs prohibited uses.

Mr. Pike made a motion to continue the petition to the next scheduled meeting and encouraged the petitioner to revisit the gas station and drive-thru commitments. Seconded by Dave Kauffman. Motion passed 5-0.

7. Other Business

8. Committee Reports

Forgone.

8.1. Report Of Administrative Approvals By The Planning Director

Forgone.

9. **Adjournment**

Meeting adjourned at 10:50 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: **05/23/2022**