



Avon Advisory Planning Commission Meeting Minutes for **June 27th, 2022** at **6:30 p.m.** at Avon Town Hall

6/27/2022 - Minutes

1. Start Of Meeting

Present:

Mason Pike

Robert Pope

Greg Zusan

Kathryn Ransburg, President

Paul Guckenberger, Vice President

Harold Hiser

Dave Kaufflam

Bill Peeples, Planning Director

Dan Taylor, Town Attorney

Greg Ilko, Consultant Engineer

Daniel Lorentz, Planning Staff

2. Approval Of Minutes

2.1. May 23rd, 2022 Plan Commission Regular Meeting Minutes

Guckenberger made a motion to approve the minutes as presented. Seconded by Hiser. Motion passed 7-0.

3. Public Comment

No one came forward.

4. Request For Continuances Or Agenda Modifications

4.1. DPR 22-07 Avon Retail Center

Peeples reported that the petitioner requested a continuance to August 22, 2022 to complete property acquisition and redesign.

Guckenberger made a motion to continue **DPR 22-07 Avon Retail Center** to the August Plan Commission meeting as requested. Seconded by Robert Pope. Motion passed 7-0.

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

Peeples reported that the petitioner withdrew this request on June 14, 2022.

4.3. PUD(P) 22-01 Oriole Estate PUD

Peeples reported that the petitioner withdrew this request on June 14, 2022.

4.4. **PUD(P) 22-02 CityScape Avon**

Peeples reported that the Town requests a continuance to July 25, 2022 to allow the petitioner time to introduce their proposal to the Town Council.

Pope made a motion to continue PUD(P) 22-02 to the July 25, 2022 Plan Commission meeting as requested. Seconded by Mason Pike. Motion passed 7-0.

4.5. **ZA 22-09 Glenrock Springs**

Peeples reported that the petitioner requested a continuance to July 25, 2022 to allow the petitioner the opportunity to research issues raised at the neighborhood meeting.

Matt Price, 10 W Market St, Indianapolis, IN, representing American Homes, clarified to the Commission that they have not yet had a neighborhood meeting, but that they intend to have one at a future date.

Guckenberger made a motion to forward ZA 22-09 to the July 25, 2022 Plan Commission meeting. Seconded by Pope. Motion passed 7-0.

5. **Old Business**

5.1. **ZA 22-06 Village Place Townhomes**

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

1. 'Dwellings - Apartment Building: Small' and 'Dwellings - Apartment Building: Large' shall be prohibited.
2. Required architectural standards shall be that of Single Family Detached Dwellings as required by the Unified Development Ordinance.

The Commission inquired as to the potential for using the Costco emergency access as a public access to the development. They further inquired as to the effectiveness of this use as a transitional buffer compared to other zoning designation.

Staff explained to the Commission that the proposal did not meet the threshold to require a traffic study be conducted, and therefore one was not provided. The commission inquired as to their ability to request one be conducted despite it not being required by Ordinance. Peeples explained the process to the Commission. He further explained that nearby traffic studies do account for background growth within their studies and stated that the most recent nearby study would be that of Costco.

Peeples further stated that the Redevelopment Commission has commissioned an engineer to study this area due to traffic congestion related to the Costco development and other improvements. He stated that he anticipates that the Redevelopment Commission would fund road improvements to 900 E to address these concerns, but was not aware of the exact nature of those improvements.

John Moore, 50 S Meridian St, Indianapolis, IN, representing Lennar Homes, further explained the proposal to the Commission. He explained the petitioner's justification for requesting a rezone to R-4 as opposed to other zoning designations, and justification for the emergency access drive.

Tony Bagato, 11555 N Meridian St, STE 400, Carmel, IN, answered the Commission's questions regarding the price point of the proposed townhomes. He further stated that the proposed townhome units are units for sale by the developer and not for lease or rent.

The Commission inquired as to the amount of vehicles the Townhomes would generate, and further inquired as to the feasibility of single-family homes.

Ransburg opened the floor for public comment at 7:37 PM.

Tim Petigrew, 8854 Prairie Trail, detailed a neighborhood survey which detailed concerns about housing density, cheaper, less quality homes, and traffic congestion on 900 E. He stated neighbors are opposed to the proposal and expressed his disapproval.

Dinesh Patel, 8879 Prairie Trail, expressed his opposition to the proposal, citing traffic and housing density.

Tracy Howard, 8809 Prairie Trail, stated that he opposed the proposed townhomes. He feels that there are too many units being proposed. He feels that the church was a more effective transition as it originally was. He opposed the street proposed to abut the tree line and noted that there were no open space amenities proposed on the concept plans. He would prefer a park there. He further expressed concerns regarding these units being used as rental properties.

Raymond Albee, 506 N County Rd 900 E, expressed concerns regarding traffic on 900 E and safety at the S-curve. He stated that he and his wife are opposed to the proposal. He stated that he would prefer less units be proposed.

Ron Frasier, 8806 Prairie Trail, expressed concerns about the existing traffic congestion on 900 E. He stated that he feels the greenspace depicted in the concept plan is misleading and will likely have to be removed for utilities. He felt the elevations shown were misleading, as they did not show what the 6-unit townhomes will look like. He opposed the proposal.

David Schaefer, 221 N County Rd 900 E, expressed concern about traffic congestion on 900 E. He further stated that the additional developments to the north need to be taken into account in any studies, as those developments will generate traffic south on 900 towards Costco. HE stated that he opposed the number of units being proposed.

Stacy Small, 830 Darlington Dr, echoed concerns about properties being purchased by companies to be used as rental properties.

George Antal, 8772 Prairie Trail, expressed safety concerns related to traffic when leaving his neighborhood.

Envita Clay, 890 Carolina Way, stated that she and her husband are opposed to the proposal. She expressed concerns regarding traffic congestion and additional generation of traffic and lack of open space in Avon. She further expressed concerns regarding investment companies buying and renting the townhomes.

Gene Reid, 8833 Prairie Trail, expressed concerns regarding the valuation by the petitioner of the proposed townhomes vs theoretical single family homes on this lot.

The petitioner stated that they feel that a traffic study may be merited based upon the comments by the public and the Commission, and therefore requested a 60-day continuance to allow for that study to be conducted.

Pike expressed concerns regarding the proposed density and zoning designation and recommended that the commission take into account the Comprehensive Plan recommendation.

Guckenberger, expressed concerns regarding density and stated his desire for more greenspace. He noted that the town does need more of this type of housing.

Hiser, stated that he does not experience issues when traveling here on 900 E and felt that this was the

optimal use of this land.

Ransburg, acknowledge concerns about density and traffic.

Town Attorney Taylor, explained Fair Housing Act laws as it relates to regulating rental housing.

Pope stated that he felt a traffic study would not affect the petition as presented and expressed concerns about delaying decisions for 60 days. The petitioner stated that the traffic study would show changes or degradation in the level of service at intersections.

Taylor advised the Commission on the extent of their abilities to require a traffic study.

Pike made a motion to continue the petition for 60 days on the condition that staff work with the petitioner, as well as the petitioner for Sycamore Preserve (if applicable), that a traffic study be conducted for 900 E from US 36 to E 200 N for traffic impact, recommendations of improvements, cost, etc. Seconded by Hiser. Motion passed 7-0.

6. New Business

6.1. DPR 22-10 Bubba's 33

Peeples presented his report to the Commission. Staff recommended approval of the requested waiver. Staff also recommended approval of the Development Plan, 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 CrossRoad Engineers on behalf of the Town and the HC Drainage Board;
3. The development will comply with all the relevant portions of the Unified Development Ordinance and the Town Code, and with comments by Public Works, the Fire Department, and CrossRoad Engineers at the preconstruction meeting.

The Commission and staff discussed the shared parking easement as it relates to minimum required parking. They further discussed the potential for adding a street lamp at the access drive.

The petitioner, Brandon Goldberg, Greenburg Farrow, 21 S Evergreen Ave, STE 200, Arlington Heights, IL, further explained the proposal to the Commission.

Pope requested the petitioner provide street lighting at the access along Dr. Charles Nelson Dr. The petitioner stated that they could not agree at this time, but that they would suggest it to the franchise.

Ransburg opened the floor for public comment at 8:45 p.m. Hearing none, Mrs. Ransburg closed the floor for public comment at 8:46 p.m.

The commission and staff discussed the justification for the requested waiver, and inquired as to adding a condition related to the material of the awning.

Guckenberger made a motion to approve the requested waiver for DPR 22-10 to allow for the metal awning to be considered sufficient for building articulation. Seconded by Ransburg. Motion passed 7-0.

Pike made a motion to approve DRP 22-10 Bubba's 33 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 CrossRoad Engineers on behalf of the Town and the HC Drainage Board;

3. A landscape bond is required per section 4-9 of the Zoning Ordinance. This bond shall be provided to the Town prior to the issuance of a full Certificate of Occupancy.
4. and the development will comply with all the relevant portions of the Unified Development Ordinance and the Town Code, and with comments by Public Works, the Fire Department, and CrossRoad Engineers at the preconstruction meeting.

Seconded by Guckenberger. Motion passed 7-0.

6.1.1. Waiver #1 - DPR 22-10

6.2. DPR 22-11 – DRG – Bradford Rd.

Peeples presented his report to the Commission. Staff recommended approval of the requested waiver and recommended approval of the Development Plan, subject to the following conditions:

1. Petitioner shall provide a financial contribution to the Town of Avon Parks Department in an amount of 50,501.60 in accordance with Section 6.3.F.4 for tree mitigation.
2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
3. 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.
4. 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 and staff discussed fencing, buffers to nearby residential homes, requested waivers, articulation standards, and access to the site.

Bryan Sheward, Kimley Horn and Associates, Inc., 250 E 96th St., STE 580, Indianapolis, IN, further presented the proposal to the Commission, and explained their justification for the fencing as screening.

The commission further inquired as to the petitioner's justification for the requested waiver.

Brad Chase, stated that the need for the waiver is due to loading abilities near the docks and general a navigation of trucks around the site.

Ransburg opened the floor for public comment at 9:10 p.m. Hearing none, Ransburg closed the floor for public comment at 9:11 p.m.

Pike, supported the waiver and felt that the UDO should be amended to revise that standard as necessary. Guckenberger agreed with staff's findings and the recommendation on the waiver.

Kauffman made a motion to approve the waiver. Seconded by Zusan. Motion passed 7-0.

Hiser made a motion to approve DPR 22-01 subject to the following conditions:

1. Petitioner shall provide a financial contribution to the Town of Avon Parks Department in an amount of 50,501.60 in accordance with Section 6.3.F.4 for tree mitigation.
2. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
3. 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.
4. 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 Pope. Motion passed 7-0.

6.2.1. Waiver #1 - DPR 22-11

6.3. MIP 22-01 Nichols Minor Plat

Mr. Peeples presented his report to the Commission. Staff recommended approval of the requested waiver. Staff also recommended approval of the Development Plan, 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 Crossroad Engineers on behalf of the Town, the Hendricks County Surveyor and/or Drainage Board; and the Hendricks County Health Department for well and septic use;
3. The final Plat will comply with all the relevant portions of the Unified Development Ordinance and the Town Code.

The commission discussed the waiver as it relates to the construction of a sidewalk, and recommended a condition which delays the construction of the sidewalk until such time as the neighboring properties develop sidewalks.

Petitioner, Dale Kruse, Kruse Consulting, 7384 Business Center Dr., Avon, IN, agreed to the Commission's conditions.

Ransburg opened the floor for public comment at 9:21 p.m. Hearing none, Ransburg closed the floor for public comment at 9:22 p.m.

Guckenberger made a motion to approve the sidewalk waiver with a condition that the sidewalk shall be constructed at such time as either of the neighboring properties are developed with a sidewalk within 365 days. Seconded by Pike. Motion passed 7-0.

Dale Kruse explained his proposal to the Commission.

Pope stated that he felt the proposal met the requirements of the Ordinance and the Comprehensive Plan.

Ransburg opened the floor for public comment at 9:27 p.m. Hearing none, Ransburg closed the floor for public comment at 9:28 p.m.

Guckenberger made a motion to approve MIP 22-01 Nichols Minor Plat 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 Crossroad Engineers on behalf of the Town, the Hendricks County Surveyor and/or Drainage Board; and the Hendricks County Health Department for well and septic use;
3. The final Plat will comply with all the relevant portions of the Unified Development Ordinance and the Town Code.

Seconded by Hiser. Motion passed 7-0.

6.3.1. Waiver #1 - MIP 22-01

6.4. ZA 22-08 Sycamore Preserve

Peeples presented his report to the Commission. Staff recommended that the Plan Commission forward a favorable recommendation of ZA 22-08: Sycamore Preserve subject to the following commitments;

1. A 50-foot right-of-way shall be dedicated along County Road 900 East at the time of platting.
2. The maximum number of dwellings on the property shall be 40.

The Commission and staff discussed access requirements for the proposed development, and Comprehensive Plan recommendation for the property.

The Commission asked the petitioner if they would be in favor in participating in a traffic study for their proposed development.

The petitioner, Matt Price, of Dentons, representing AMH Development, agree to participate in the aforementioned traffic study and chose not to request a continuance. Price then presented his petition to the Commission.

The commission inquired as to the square footage of the homes, the estimated monthly rent of the homes, and business practices.

Mark Connor, AMH Development, 16250 Red Clover Ln, Noblesville, IN further explained AMH business practices and demand for their product.

The commission further inquired as to the amount of people allowed to live in the each home. Zusan stated that the Commission needs to clarify what Specialty Housing really means and what the Town wants to see developed in the infill lots.

Ransburg opened the floor for public comment at 10:18 p.m.

Tim Petigrew, 8854 Prairie Trl, Avon, IN, stated that he surveyed surrounding neighbors and found concerns regarding housing density, devaluation of surrounding properties, drainage issues, lesser quality homes, traffic congestion, availability and affordability of homes, and business practices of the petitioner. Survey resulted in 73 signatures in opposition to the development.

Tracy Howard, 8809 Prairie Trail, Avon, IN, stated his and his wife's opposition to the proposal and expressed concerns regarding traffic congestion and safety.

Raymond Albee, 506 N CR 900 E, Avon, IN, does not believe there is room for a turning lane. He expressed discontent with taxes and expressed concern with drainage issues and traffic congestion.

Ron Frasier, 8806 Prairie Trl, Avon, IN expressed concerns about devaluation of surrounding properties, the duration of the leases being offered, roadway safety, drainage issues, tree preservation, and housing density.

George Antal, 8772 Prairie Trl, Avon, IN stated that he agreed with the other remonstrators and that he moved into his home because of the agricultural land behind his property.

John Defabis, 8832 Prairie Trl, Avon, IN expressed his concerns regarding the maintenance of the houses and safety on 900 E.

Cory Falk, 749 Darlington Dr, Avon, IN stated that he and his neighbors are opposed to the proposal.

Ransburg closed the floor for public comment at 10:39 p.m.

The Commission discussed drainage concerns as it relates to the jurisdiction of the surrounding properties who are predominantly located within the County and outside of the Town limits.

The petitioner, Matt Price, stated that the proposal was designed to be compatible with surrounding properties and aligned with the recommendations of the Comprehensive Plan.

The Commission discussed concerns regarding traffic and roadway improvements. Pope felt that the proposal does not meet the designation as recommended by the Comprehensive Plan. Zusan reiterated that the Commission needs a better understanding of what Specialty Housing means. Guckenberger stated that he doesn't feel that Criterion 3 is met.

Pope made a motion to forward an unfavorable recommendation to the Town Council for **ZA 22-08 Sycamore Preserve**. Seconded by Paul Guckenberger. Motion passed 7-0.

7. Other Business

The Commission and staff discussed the role of Commissioners as it relates to discussing ongoing cases with petitioners outside of public meetings.

8. Committee Reports

BZA: Gucknberger stated that the Board of Zoning Appeals heard two cases for the proposed Chick-Fil-A. Variances to allow for drive-through stacking within the front yard and to eliminate the requirement for a bypass lane.

Town Council: Nothing to report.

9. Adjournment

Meeting adjourned at 10:59 p.m.

Kathryn Ransburg - President

Paul Guckenberger - Vice President

Dave Kauffman

Robert Pope

Mason Pike

Greg Zusan

Harold Hiser

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: **07/25/2022**