MEETING DATE: April 22, 2019
TIME: 7:00 PM
PLACE: Avon Town Hall, 6570 E US Hwy 36, Avon, IN 46123

1. Call to order/Pledge of Allegiance
2. Roll Call/ Determination of Quorum
3. Approval of Minutes: March 25, 2019
4. Committee Reports:
5. Request for Continuances or Agenda Modifications:
6. Public Comments: (Public may comment on items NOT part of a public hearing)

7. Old Business: None

8. New Business / Public Hearings:

DOCKET # DPR 19-02 R&B Cordray Enterprises, Development Plan Review
A request for approval for approval of development plan to build 2916 sq. ft. building which will contain a combination of office and warehouse space. The property is zoned C-2. The subject property is located 7067 W Galen Dr. The nearest intersection is Avon Ave and Williams Ct.

PETITIONER: Kevin Studley, Kruse Consulting, INC.

DOCKET # PUD 19-01 Countryside Crossing, Planned Unit Development
A request to forward a positive recommendation to the Town Council for a PUD petition. The proposal would create up to 264 senior living units, approximately 10,000 sq. ft. of retail, and a maximum of 650 self-storage units on 33 acres. The subject property is located near the southeast corner of CR 100 N and Dan Jones Road and is zoned AG.

PETITIONER: Ray Basile, Basile Law Offices, LLC.

9. Other Business: None.
10. Adjournment:

Next Meeting: May 20, 2019

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.
MINUTES
FOR THE March 25-2019
AVON PLAN COMMISSION
REGULAR MEETING

I. Call to Order/Pledge of Allegiance – 7:03 P.M.

II. Roll Call/Determination of a Quorum – in attendance: Mr. Reed, Mr. Eisenbarth, Mr. Tinlin, Mr. Niemeyer, Mr. Watson as were Town Planner, Desire Irakoze, Jodi Dickey, Town Attorney Mitchell Ray and Town Engineer Bob Bleich


Mr. Watson made a motion to approve the minutes from January 28th 2019. Mr. Reed seconded the motion, and the motion passed 5-0.

IV. Officer appointments: Mr. Eisenbarth was voted in as interim president of the Plan Commission 5-0.

V. Committee Reports:

BZA: Enterprise went before the Board of Zoning Appeals and had sign and parking variances approved. American Electric also had three variances granted (building materials, loading space, and well water).

RDC: Reviewed the Avon Landing project, they elected officers, accepted an engineering agreement, and had annual training.

Town Council: Had a subdivision control meeting, the meeting had lively discussions. They spoke about combining the overlay districts and overall simplifying the SCO.

Request for Continuances or Agenda Modifications: None

VI. Public comments opened at 7:11 P.M.

Bob Culler: He is a citizen representative on the steering committee updating the zoning ordinance and subdivision control ordinance. He is pleased there was a lot of good discussion at the first meeting.

Staff stated the plan is to hold stakeholder interviews on the 9th and the 10th of April.

Mike Ford requested the Plan Commission re-hear the Fairwood primary plat approved at the January meeting.

Public comment was closed at 7:14 P.M.

Old Business: None

New Business:

DPR (A) 19-01 Enterprise Rent-A-Car, Development Plan Review

Mr. Irakoze presented for staff. He noted that the project is located at 8315 East U.S. HWY 36 and is approximately 3.92 acres. The property has an underlay of C-2, and resides in the Tier 1 of the US 36 Overlay District. He reviewed the history of the site he explained that in 2004 DPR 04-27 Bart’s Car Store was approved and has since shuttered. The petitioner has also been before the Avon Board of Zoning appeals and received approvals for SE 18-04 Enterprise Car Sales, VAR 18-20 Monument Sign, 18-21 Increased Setback, 19-02 Enterprise Vehicle Display Parking. The petitioner is also requesting two waivers one from the development standards and one from the Subdivision Control Ordinance. The first waiver is to increase the required parking minimum from 44 parking spaces to 235 spaces an increase of 535% exceeding the 15% increased allowed. The second waiver is the elimination of the sidewalk west of the property due to physical barriers. Staff is supportive of both the waivers and the overall DPR(A) 19-01 Enterprise Rent-A-Car.

Mr. Joe Calderon, Mr. Ryan Moneymaker, and Mr. Jeff Goudy spoke on behalf of the petitioner. Mr. Calderon explained that Enterprise had been working with staff on this project for a number of months. He discussed the different parking layouts of the site indicating that the vehicle display spaces are the only spaces to be 9’ by 18’. All
other spaces would be 10' by 20'. There are also separations between customer parking, employee parking and rental car parking. He showed the elevations of the Enterprise noting that 80% masonry requirement was met and that showed Enterprise's heightened commitment to this area. He reviewed the reason why they were seeking the waivers and the waiver criteria. Mr. Goudy noted the difference between Enterprise Car Sales and the more common Rent-A-Car. The site would have both the car sales and car rentals.

The Plan Commission examined the different conditions and commitments it could place as a condition of approval for the waivers. Commissioners inquired about the ADA aspects of not requiring a sidewalk on the western side of the entrance. Staff answered that the Town is working a transition plan that focusing on curb cuts on existing sidewalks. The Commissioners expressed concern over turning left at the site due to traffic problems. They also wondered about the 90-degree angle and if customers could navigate the site.

Mr. Eisenbarth opened the floor to public comment at 7:44 P.M. Seeing no one wanting to speak he closed the floor at 7:44 P.M.

Mr. Watson made a motion to approve the parking waiver, Mr. Niemeyer seconded the motion, and the motion passed 5-0.

Mr. Watson made a motion to approve the sidewalk waiver, Mr. Reed seconded the motion, and the motion passed 4-1.

Mr. Tinlin made a motion to approve DPR 19-01 Enterprise Rent-A-Car with staff conditions, Mr. Reed seconded the motion, and the motion passed 5-0.

**DPR(A) 19-03 BAPS Indianapolis, Development Plan Review**

Mr. Irakoze presented for staff. He noted that the project is located at 350 North County Road 900 East and is approximately 8.34 acres. The petitioner is asking for approval to build and remodel a 17,023 sq. ft. building addition. The property has an underlay of R-2. He reviewed the history of the site he explained that the in 2017 DPR(A) 17-08 was filed for a Development Plan Review but then was subsequently withdrawn. The petitioner is also requesting a waiver from the development standards. The waiver is to increase the required parking minimum from 74 parking spaces to 103 spaces an increase of 40% exceeding the 15% increased allowed. The petitioner is also providing a 10' multi use path on the east side of the property. There is an asphalt path from the trail to the parking lot. Staff approves of both the waiver and DPR(A) 19-03 BAPS Indianapolis.

Rick Battershell and Dave Talbot presented for the petitioner. Mr. Battershell went over the building materials explaining the domes will be made of fiber glass and have lights that point straight up. He explained the need for the waiver and why it was an improvement to the site over not having a waiver. Mr. Talbot gave a brief history of the site stating in was approved in 1999 and that this project will bring the site into compliance with Avon Town Code.

Plan Commission inquired whether the lights on the dome would affect the neighbors, the building materials, and if the petitioner was open to working with staff on impact resistance for the building. The Commission also inquired on street closures on 900 would be required in order to complete the turn lane addition.

Mr. Eisenbarth opened the floor to public comment at 8:10 P.M. Seeing no come up to speak he closed the floor at 8:11 P.M.

Mr. Tinlin made a motion to approve the parking waiver, Mr. Watson Seconded that motion, and the motion was approved 5-0.

Mr. Tinlin made a motion to approve DPR 19-03 BAPS Indianapolis with staff conditions, Mr. Eisenbarth seconded that motion, and the motion was approved 5-0.

**DPR 19-04 Settlement West Section 2, Development Plan Review**

Mr. Irakoze presented for staff. He noted that the project is located near the intersection of Dan Jones and County Road 300 South (Township Line Road) and is approximately 14.82 acres. The property is zoned PUD Settlement West. He reviewed the history of the site he explained that PUD 17-04 Settlement, MAP(P) 18-05 Settlement West,
Primary plat and DPR 18-07 Settlement West were approved. The petitioner is requesting to build 56 single-family lots in the Settlement West PUD. Staff went over a slight change to the plat. Section 2 will now have 56 lots instead of 59. The petitioner is removing three lots, which will result in larger lots at around 63’ wide instead of 60’. Staff is supportive of the overall DPR 19-04 Settlement West Section 2, Development Plan Review.

Bob Staton spoke on behalf of the petitioner he stated he was available for questions.

The Plan Commissioned asked why the removal of the three lots, Mr. Staton answered the build wanted to build bigger homes.

Mr. Eisenbarth opened the floor to public comment at 8:19 P.M. Seeing no one wanting to speak, he closed the floor at 8:20 P.M.

Mr. Watson made a motion to approve DPR 19-04 Settlement West Section 2 with staff conditions. Mr. Reed seconded the motion and the motion passed 5-0.

**ZA 19-01 Notice Requirements**

Mrs. Dickey presented for staff. She stated that this would be a text amendment to chapters 3, 4, and 19 of the zoning ordinance and article 4 of the subdivision control ordinance, along with rules of procedures for PC and BZA. It will remove inconsistent language from those documents.

Mr. Eisenbarth opened the floor to public comment at 8:23 P.M. Seeing no one wanting to speak, he closed the floor at 8:24 P.M.

Mr. Watson made a motion to forward a positive recommendation to Town Council, Mr. Reed seconded the motion, and the motion passed 5-0.

**ZA 19-02 Banquet Facilities**

Mrs. Dickey presented for staff. She stated that this would be a text amendment to chapters 20 and 27 of the zoning ordinances to allow the inclusion of ‘banquet and event facilities’ to the permitted use list and definitions. The suggested zoning districts would be C-2, C-3, C-4, I-2, and I-4.

Mr. Eisenbarth opened the floor to public comment at 8:30 P.M. Seeing no one wanting to speak, he closed the floor at 8:31 P.M.

Mr. Niemeyer made a motion to forward a positive recommendation to Town Council, Mr. Reed seconded the motion, and the motion passed 5-0.

**PUD 19-01 Countryside Crossing Introduction**

Mrs. Dickey presented for staff. She briefly reviewed the staff memo on Countryside Crossing PUD. She reiterated that this a only an introduction and that no action is taken.

Ray Basile presented for the petitioner. He started by going over the history of the developer for the project MDW&B Realty & Development, LLC. They are local developers who have been serving Hoosiers and honoring seniors since 1964. They are also the developers are nearby Countryside Meadows. The project is located near the intersection of Dan Jones and County Road 100 North. The project is split into three (3) different zoning types residential (R-5), commercial (C-1), and industrial (I-2). Located to the East and south are the residential zones which are split into duplexes (52 units and 26 structures), garden homes (12 units on 2 structures), independent living (100-120 units on 1 structure), and assisted living (60-80 units on 1 structure). Located to the eastside of the property are the commercial area which are split into two (2) 10,890 sq. ft. future neighborhood retail locations. Located on the northside is the industrial section which is 21,780 sq. ft. and could contain a Self-Store type of use. He went over the traffic impact study, highlights of the independent and assisted living, garden homes, and paired patio homes.
The Plan Commissioners asked a series of questions. A few being about the type of patients are in the senior assisted homes? The current availability of Countryside Meadows? Where staff at the assisted living facilities would recommend movement to the memory care facility? How the feedback from neighbors effected their designs? How is the response time for the alarm systems of the self-storage?

Wes Jackson spoke on behalf of the petition. He noted that the assisted living facility would not house memory care. They have those facilities across the street. The law states they have a secure facility and control access for both indoor and outdoor use. The current occupancy of Countryside Meadows is around 90-92%. Staff could recommend movement from assisted living to memory care. The feedback allowed is to give more a buffer yard and trails. There is a manager who lives onsite so the response time for the alarms is very quicker than general self-storage.

Mr. Eisenbarth allowed for public comments to be heard.

Stan Wright wonder what the security was between the self-storage and the single-family lots to the north. He also asked about the drainage plans of the site and how they would deal with the standing water.

Ray Basile and Wes Jackson noted that the self-storage has three walls and a gated fence for security. The drainage answers will come at a later date today is just for the introduction.

VII. Other Business: None
VIII. Board Comments: None
IX. Adjournment: 9:18 P.M.

NEXT PLAN COMMISSION REGULAR MEETING
MONDAY –May 20, 2019
Avon Council Chamber

James Petrides - President

Desire Irakoze -- Secretary
DPR 19-02 R&B Cordray Enterprise
Planning & Building Department Staff Report
April 22, 2019
Advisory Plan Commission, Public Hearing
Desire Irakoze

A. Petition Number: DPR 19-02, R&B Cordray Enterprise, Development Plan Review

B. Applicant: Kevin Studley, Kruse Consulting, Inc.

C. Location: The subject property is located at 7075 Williams Ct.

D. Parcel Size: The subject parcel is 0.29 acres.

E. Land Use and Zoning: Current parcel is zoned C-2 and contains a vacant lot. To the north the properties are zoned C-2 and they contain American Electric and NAPA Auto Parts. To the east, south and west the properties are zoned C-2 and contains a single-family lot.

F. Action Requested: Approve a Development Plan to a 2,916 square foot structure which will contain a combination of office and warehouse spaces.

G. History: This is the first petition brought before Plan Commissioners. This property has received some BZA Variances. VAR 19-03 Cordray Accessory to allow an accessory structure with no primary structure on site. VAR 19-04 Cordray Bldg. Material allow fiber cement board (aka HardiePlank™, GAF WeatherSide™, Alura Plycem™, and others) to be considered as a masonry product. VAR 19-05 Cordray Loading Space allowed loading area to face US HWY 36 in the Overlay District. VAR 19-06 Cordray Well allowed the use of well water instead of centralized water with in town limits.

H. Staff Comments: This petitioner is proposing a new building for the purpose of additional storage for the business (American Electric) located across Williams Court. This structure is necessary because the existing American Electric site does not have adequate room to expand and the business needs to store. That is the reason for this petition. The petitioner is requesting a sidewalk waiver due to the fact that this project is an infill project. The property is surround by single family residences on either side. The adjacent lots do not have sidewalks.

#1 Waiver Request from Avon Subdivision Control Ordinance Section 3.18 PN-01. (Pedestrian Sidewalk)
Waiver Request: To allow waiver of sidewalk install until such time that sidewalks are extended to either of the R&B Cordray subject parcel.

1. The proposed alternative demonstrates consistency with the recommendation of the comprehensive plan and all related land use plans (ex. Thoroughfare Plan, Bicycle and Pedestrian Master Plan, etc.)

Petitioner response: The requested waiver has no negative impact as the subject parcel is an in-fill project and there are no sidewalks anywhere within the platted development.

The Pedestrian Master Plan indicates there should be a sidewalk there, but considering there are no sidewalks currently and the neighbors are single family residential, staff recommends the waiver be approved until the neighbors develop into commercial uses or add sidewalks. At that time the petitioner would be required to add a sidewalk on both sides of the entry drive.

2. That the proposed alternative demonstrates consistency with the intent of the applicable Zoning District and/or Overlay District:

Petitioner response: The subject parc is essentially an "in-fil" type of development and the proposed waiver is consistent with the existing surrounding parcels.

The intent of the Zoning District and Overlay District is for connectivity between properties within the town limits. Since there are no connection points on either side of the property connectivity could not be met.

3. That the proposed alternative demonstrates consistency with both the existing built environment and the built environment that would be required under the terms of the ordinance were the waiver not granted compliance with the recommendation of the Town of Avon Comprehensive Plan:

Petitioner response: The proposed waiver demonstrates consistency with the existing built environment and Comprehensive Plan for those reasons as stated in responses numbered 1 and 2, above.

The existing built environment of the residential homes is the cause for the waiver. The property is on a dead-end street. Having one property on the street with a sidewalk does not demonstrate consistency with the built environment.

4. That the proposed alternative represents an improvement, increase, advance, or expansion beyond the terms of the applicable standards.

Petitioner response: The standards would impose requirements that would be inconsistent and somewhat awkward with the existing as-built condition of surrounding parcels in that the sidewalk would not be contiguous in either direction.

The proposed alternative represents a cohesive neighborhood. Staff recommends the condition that the petitioner put in a sidewalk should
the neighborhood development more commercially.

The Plan Commission must first hear and act upon the requested waivers. The development plan may then be heard and acted upon.

The Plan Commission may choose to approve, approve with conditions, deny, or continue this petition.

Staff recommends approval of DPR 19-02 sidewalk waiver.

Should the Plan Commission choose to deny the waiver, staff recommends the following conditions.

1. Continue the petition to allow staff and the petitioner to create a plan that complies.

**DPR RELEVANT ORDIANCES**

Development Standards, Zoning Ordinance Sec. 4-8(7)

A. A Development Plan under this Section shall be required to meet:

   (a) The development standards set forth in the zoning district in which the use is or is proposed to be located. This plan meets the requirements of the C-2 (General commercial zoning. The plans are compliant.

   (b) All applicable Overlay Districts- This project lies within the US 36 Overlay District. The petition meets the landscape and architecture requirements of the overlay district.

   (c) the standards of the Subdivision Control Ordinance- The standards of the subdivision Control Ordinance are being followed with this petition. (assuming sidewalk waiver is granted)

   (d) Chapter 14 (Performance Standards) –The petitioner meets the standards of Chapter 14.

   (e) Chapter 15 (Off-Street Parking and Loading) – The petitioner received a loading space variance that allows the use of loading space that faces US 36. The petitioner also received an accessory variance that allows an accessory structure with no primary structures. Accessory structures are not required to have parking spaces. Therefore, the plans comply.

   (f) Chapter 16 (Landscaping and Screening) –Plans submitted comply with the standards contained in the US 36 Overlay and general landscaping requirements contained in the zoning ordinance. Note that a landscape bond will still need to be posted. The petitioner is aware of this requirement.
(g) **Chapter 18 (Signs)** – The petitioner has submitted details will be reviewed and approved by staff through the permitting process.

(h) **All storm water management, erosion control and soil conservation, and technical specifications of the Town of Avon** –

The plans submitted by the petitioner have been through TAC review and received comments by the Town’s engineering Consultants and Public works department. The plans are compliant.

(i) **All applicable recommendations of the Town of Avon Comprehensive Plan and all associated components of the Comprehensive Plan (ex. Thoroughfare Plan, Gateway Plan, etc.).** –

If the waivers are granted this petition would meet all the applicable recommendations of the Town of Avon Comprehensive Plan and all associated components of the Comprehensive Plan.

I. **Action:**

The Plan Commission may choose to approve, approve with conditions, deny, or continue this petition.

Staff recommends **approval** of DPR 19-02 R&B Cordray Enterprise Staff Report with the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
2. The petitioner must post a landscape bond prior to issuance of a Certificate of Occupancy; and,
3. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, and CRE at the preconstruction meeting. If the sidewalk waiver is denied add #4. If the sidewalk waiver is approved add #5
4. The petitioner work with staff to create a plan that complies.
5. The petitioner will put in a sidewalk in the event of development on either adjacent lots.
DPR 19-02 R&B Cordray Enterprise
Location Map
Sample Plan Commission Motion

AVON ADVISORY PLAN COMMISSION

Motion for approval of a Development Plan
Case Number: DPR 19-02, R&B Cordray Enterprise

The Avon Plan Commission Staff has considered and granted a waiver from the Avon Subdivision Control Ordinance Section 3.18 PN-01 having granted that waiver has found that the plan will meet all the standards of the Subdivision Control Ordinance and the Zoning Ordinance, under the conditions of this approval.

I move that we approve DPR 19-02, R&B Cordray Enterprise, subject to the following conditions:

6. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
7. The petitioner must post a landscape bond prior to issuance of a Certificate of Occupancy; and,
8. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, and CRE at the preconstruction meeting. If the sidewalk waiver is denied add #4. If the sidewalk waiver is approved add #5
9. The petitioner work with staff to create a plan that complies.
10. The petitioner will put in a sidewalk in the event of development on either adjacent lots
FINDINGS OF FACT FOR A DEVELOPMENT PLAN

AVON ADVISORY PLAN COMMISSION

Case Number: DPR 19-02, R&B Cordray Enterprise

The Avon Plan Commission Staff has considered and granted a waiver from the Avon Subdivision Control Ordinance Section 3.18 PN-01 having granted that waiver staff has found that the plan will meet the criteria set forth in the Avon Zoning Ordinance. The Avon Plan Commission Staff further finds that the proposed development meets the requirements of the Town of Avon’s Subdivision Control Ordinance, Storm Drainage, Erosion and Sediment Control Ordinance, and the land use policies and goals and objectives of the Comprehensive Plan, with the conditions listed below:

DECISION

IT IS THEREFORE THE DECISION OF THE AVON STAFF THAT DEVELOPMENT PLAN APPROVAL BE GRANTED TO PETITION DPR 19-02, R&B Cordray Enterprise, 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 petitioner must post a landscape bond prior to issuance of a Certificate of Occupancy; and,
3. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, CRE at the preconstruction meeting. If the sidewalk waiver is denied add #4. If the sidewalk waiver is approved add #5
4. The petitioner work with staff to create a plan that complies.
5. The petitioner will put in a sidewalk in the event of development on either adjacent lots

ADOPTED THIS 22nd DAY OF April 2019

James Petrides, President

Desire Irakoze, Secretary

This instrument was prepared on April 9th, 2019 by:
Desire Irakoze
Assistant Planner, Planning & Building
Town of Avon, Indiana
Approximation of FNEI as a function of FNEI

The following function approximates the FNEI based on the given data:

\[ \text{FNEI} = \text{FNEI}_0 \times \left(1 + k \times \text{FNEI}^2\right) \]

where \( \text{FNEI}_0 \) is the initial FNEI value, and \( k \) is a constant determined by the specific data set.

This approximation allows for a more accurate estimation of FNEI changes over time or under different conditions.
attachment to this report.

The petitioner has submitted a site plan showing a conceptual layout. This plan shows an entry off Dan Jones and the proposed retail area along that road, with the self-storage units behind that entry. The residential component is sited along the southern boundary and up along the eastern edge of the property with access to 100 N. A color rendering of the concept plan is included behind Tab J in the petitioner’s packet. This concept plan also shows the total proposed living units, storage units, and retail square footage. An earlier concept showed a stub road on the east connecting to an existing stub from Lakeland Farms. This was removed at the request of residents at the neighborhood meeting. Staff finds this acceptable as long as access from CR 100 and Dan Jones is constructed according to town needs.

The total developed area would result in a maximum of 264 living units, about 2.25 acres of retail, and 4.5 acres of industrial. The underlying zoning (AG) would allow a maximum of 5 single family residences (minimum of 5 acres each lot), agricultural activities, residential care homes, along with a few other, more intensive uses.

The petitioner proposes using Avon architectural standards as a minimum and has included some enhancements for each proposed district.

**Residential district (R-5) [tab D]**
The Avon ordinance contains the following residential architectural standards:

1. Where two wall materials are combined horizontally on one façade, the heavier material must be below.

2. At least fifty percent (50%) of the first floor on the front façade, exclusive of windows and doorways, of residential buildings shall be masonry.

3. Where a residential structure abuts a perimeter road or a less intense residential zoning district, a minimum of fifty percent (50%) of the first floor on all faces of the building visible from the road or adjoining the less intense residential district, exclusive of windows and doorways, shall be masonry.

4. If used, vinyl shall be premium grade vinyl siding and shall have a minimum thickness of 0.044 inches and shall comply with the ASTM (American Society for Testing and Materials) Standard Specification for rigid poly siding (ASTM D3679) All siding shall be Class I as listed in this standard. The minimum length of uncut siding pieces shall be twelve (12) feet. The installer shall make every effort to minimize the number of joints and to keep the length of installed siding pieces to twelve (12) feet. Additionally, the selected materials shall preserve a wood grained finish in both the siding and the trim.

5. Residential drives shall be constructed of concrete material.
PUD(P) 19-01 Countryside Crossing PUD
Planning & Building Department Staff Report
April 22, 2019
Advisory Plan Commission, Public Hearing
Jodi Dickey

A. Petition Number: PUD(P) 19-01, Countryside Crossing PUD

B. Applicant: MDW&B Realty & Development, LLC

C. Location: The subject property lies near the southeast corner of CR 100 N and Dan Jones Road.

D. Parcel Size: Approximately 33 acres.

E. Land Use and Zoning: The property is zoned AG and is currently farmed. To the north property is zoned AG and contains single family residences (unplatted subdivision). To the north across CR 100 N lies Avon Middle School North and an electric substation. To the east property is zoned residential and contains single family residences under Hendricks County Jurisdiction (Lakeland Farms). To the south property is zoned residential and contains a residential subdivision also under Hendricks County Jurisdiction (Austin Lakes). Property to the west (across Dan Jones Road) is zoned R-2 (Kingsway Church) and C-4 (Countryside Meadows).

F. Action Requested: Hold a public hearing on the proposal and offer comments and suggestions. A positive recommendation is requested.

G. History: This proposal was introduced to the Plan Commission at the March 25, 2019 meeting. Commissioners discussed the proposal and had the following general comments/questions for the petitioner:

- Will memory care units be included and is there availability at the existing Countryside Meadows?
- What is the feedback from neighbors?
- Will there be an alarm system and what is the response time?
- Is any development at this site appropriate for right now?

Commissioners also allowed the public to make comments on this proposal at the introductory meeting. One resident spoke on his concerns about drainage and security between his home and the self-storage units. Additional concerns may be brought to light during the public hearing.

H. Staff Comments: Since the initial filing, the petitioner has updated his proposal, based on staff, resident, and commissioner comments. The petitioner has submitted an itemized list of the most recent updates; these are included as an...
6. In order to facilitate creative streetscapes, each residential subdivision shall institute within its covenants a monotony code for single family housing. Such monotony code shall set forth the standards for separation of similar building facades and/or building colors so that a variety of housing styles is apparent from any point within the neighborhood.

For the residential buildings, the petitioner is adding:

1. The amount of masonry will be increased for every 75 lineal feet of façade, a second story of masonry of 10 feet will be used for all multi-story buildings.
2. For the paired patio homes, brick will be placed on ends facing CR 100 N, and 20% of the rear façade will be brick on east, south, and west where the home faces adjoining residential.
3. No carports will be permitted.
4. No pools will be permitted.

In response to neighbor comments, the developer has also redesigned the Independent/Assisted Living building to soften the look and make it a bit more residential in appearance.

Commercial district (C-1)[tab C]

The Avon zoning ordinance contains no commercial architectural standards except for language in Chapter 25 (Signature Streets), which defaults to Chapter 4. The standards there require commercial buildings to use brick, stone, dryvit, or stucco as materials and to include at least two architectural features. The plan commission may waive these standards. The petitioner has included language which states the commercial development will adhere to certain sections of the zoning ordinance. Chapters 4 and 25 are not specifically referenced, although the graphics included with the proposal would meet those standards. Commissioners may wish to consider language detailing explicit architectural standards they would like to see included.

Industrial district (I-2)[tab B]

The Avon zoning ordinance contains some basic architectural standards for industrial developments. The standards there require industrial buildings to use 60% decorative pre-cast panels or decorative masonry on the front façade. Other façades must utilize 30%. The petitioner has committed to adhering to those standards. In addition, the petitioner has proposed a ten (10') perimeter wall around the self-storage units. The wall will be constructed with brick and fiber cement board (specifically HardiePlank). The graphic submitted for this wall is found behind tab G. It should be noted the materials referenced in the graphic do not match exactly the brick/HardiePlank language. This is a change that should be made for the final PUD ordinance.
Within each proposed district, the petitioner has included a list of permitted and prohibited uses. Commissioners should examine those lists to determine any recommended changes to the proposal. Review for compliance with regulations would occur during development plan review and building permit review.

**Open space, Amenity area and trails**
The Subdivision Control Ordinance requires a minimum of 15% open space for traditional subdivisions. The Countryside Crossing proposal includes nearly 10 acres of open space, or about 30% of the total acreage (33 acres). There is a significant area of existing trees (about 3 acres) which is being preserved as part of the open space. The SCO allows items such as man-made water features, dry detention areas, perimeter landscaping, and floodplain areas with certain conditions to count as open space. The proposed open space includes sidewalk/walking paths and common areas.

The subdivision control ordinance requires certain amenities for residential developments of a particular size. In this case, the total maximum number of residential units is 264, which would necessitate the construction of a Primary and Secondary amenity center. Acceptable amenities would include a passive or active neighborhood park, sports courts, nature center, swimming pool, or indoor playground. The petitioner is including the walking paths and tree preservation area with rest and observation areas. In addition, there are numerous indoor social and wellness activities available to residents. As this development is tailored to the 55 and older age range, Staff feels the proposed amenities are most appropriate to the development.

**Landscaping**
The petitioner has offered commitments to enhance the minimum standards of the Avon zoning ordinance (tab E). The numbers of parkway and parking lot perimeter trees have been increased, and the sizes of required plantings have also been increased. The petitioner has included a graphic (tab I) showing locations of the landscape buffer yard requirement contained in Chapter 5. There is a waiver request for that yard to be reduced from 40' to 30’ and 20’ in two areas: at the south entrance from Dan Jones and at the northeast corner of the development.

**Phasing plan**
The petitioner has submitted a phasing schedule (tab 9). If approved, construction is anticipated to begin mid-2020 with the access from Dan Jones and the development of the retail and self-storage units. The independent and assisted living units will also be constructed in Phase 1. Phase 2 is anticipated to begin in 2022 and will continue the main road to connect with CR 100 N and build the duplexes.

**Fiscal Impacts**
The petitioner has submitted a fiscal impact study (tab 7). As a summary to that study (prepared by the Town’s fiscal advisor), the development’s estimated total net assessed value is $228,640. Revenues and
Expenditures have been projected out five years. The total estimated Town revenue at year 1 is $53,529 and increases to $116,883 by year 5. By contrast, Town expenditures in year 1 are estimated at $41,800 (a surplus of $11,669) and increase to $110,446 (a surplus of $6,437).

The Township’s only increase in assumed expenditures relates to providing fire protection and is shown as increasing at the same rate as currently exists, with a year 5 surplus of $208.

County and Library expenditures are also expected to increase, with the County showing a surplus of $3,269 at year 5 while the Library services show a shortfall of $2,353 over the same five years.

Although the development will be marketed strictly to age 55 and older residents, the study assumes a minimal number (29) of schoolchildren. From this, there is a revenue surplus of $237,508 to the school corporation in year 5.

It should also be noted that historically, residential development does not pay the full cost of services provided and has never provided a “balanced” cost benefit ratio. The Circuit Breaker intensifies this negative impact and the anticipated mix of retail and industrial help offset this effect.

The proposed development will have some positive impacts. In addition to the overall increase in property values, the Town collects park impact fees at a rate of $1,095 per home. With a potential total of 264 homes, the potential revenue is estimated at $289,080. Also, there is an estimated direct impact to local business of just over $35,000,000 and an indirect impact of about $27,000,000 during the construction phase.

The recommendation from the fiscal study is for the Town to proceed with this proposed development.

Roads and Traffic
The petitioner has submitted a traffic study for review. The study was completed by A&F Engineers and undergoing review by Shrewsbury, the Town’s consulting engineer. Actual traffic counts (collected in January) were utilized in generating the traffic impacts of the proposed development on the surrounding road network. The study includes some recommendations for road and intersection improvements. These are summarized on page 22 of that study. These improvements include enhancements to proposed entrance drives into the development on both Dan Jones Road and CR 100 N. The study also suggests installing two-lane approaches for the roundabout at CR 900 E and CR 100 N. No improvements are required for the intersections at Dan Jones Road and CR 100 or 200 N, and Dan Jones Road and US Highway 36.

While it is not unheard of for construction standards to be included as part of a PUD ordinance, Avon chooses to address these specifications through waivers during the platting process. As indicated in the petitioner’s proposal, there is a request to allow full access for the
northernmost entry from Dan Jones Road. This request will be submitted and reviewed as part of platting and development plan approval.

Market Survey

The petitioner submitted a market analysis for review (tab 6). In general, this study examines the risk of building the residential component of the proposed development, based on existing supply and future marketability and studies the self-storage component. The study notes the site’s desirable location – not only in Hendricks County – but also having good access to road networks and existing services. The study concludes there is an existing market for the product offerings and a steady future market as well. The residential component is anticipated to fully lease within 24 months of being constructed and the self-storage market generally could immediately absorb up to 30,000-40,000 square feet of space.

I: Considerations for PUD proposals

According to Chapter 5, section 5-2, the following should be evaluated when considering any proposed new PUD:

a: The Proposal will achieve the purposes for which PUDs may be approved

PUDs are intended to provide for mixed-use developments, flexibility in applying zoning ordinances, innovative approaches to meet community needs, and be consistent with the “best interest” of Avon and its ordinances.

Mixed-use: the proposal is for a mix of neighborhood retail, industrial (self-storage), and residential uses. The proposed underlying zoning districts are C-1, I-2, and R-5. The petitioner has included permitted and prohibited uses for each area, along with minimal development standards. He proposes using the base standards from the town zoning ordinances with a few upgrades. Representative photos and renderings are included in the PUD document to give an idea of architectural style.

Flexibility: this proposal provides flexibility for the developer, and could not be developed under current AG zoning standards. The proposed site layout reflects a housing development that will help meet current and future demands, along with some useful industrial (self-storage) and retail uses for the immediate area.

Innovative approaches to meet community needs: it is difficult to say that this proposal is particularly “innovative”. There are no new or state of the art technologies being utilized to build the site or buildings. The concept design does integrate a self-storage facility into a mainly residential concept, when these uses are typically pushed to the outskirts or into more industrial settings. This could make the storage units more available and useful to end users. Innovative can also mean state of the art instead of simply defining something never before seen

Consistent with Avon’s interest and ordinances: As highlighted by the future land use map contained in the comprehensive plan, this area is noted as being appropriate for neighborhood retail development. A main focus of the plan is to move away from corridor development and toward
development clusters. These clusters are located either at intersections of primary roads and/or adjacent to existing development. In this case, the location of this proposal meets both criteria. This location also fills the criterion of infill development instead of being located on the outskirts of developed land. This project will build rooftops without burdening the school system, and will provide increased property assessed value. The proposal will also preserve existing trees and wetland area, something not always accomplished with new construction.

b: The Proposal will not violate the general purposes, goals, and objectives of the Zoning Ordinance and the Town’s Comprehensive Plan

The general objectives of the zoning ordinance and comprehensive plans are, of course, to provide for reasonable and desirable growth. The PUD ordinance specifically was enacted to provide more flexibility for developments, more innovation than the general zoning ordinance allows, and more opportunities for developments beneficial to the Town and residents. The petitioner’s proposal meets or exceeds general guidelines contained in town ordinances and is seeking to take advantage of the flexibility offered through PUD zoning.

The Comprehensive Plan anticipates this area is best suited for neighborhood commercial development. When considering appropriate future land uses, the map and plan were crafted with an eye toward cluster or node development. This type of development is much more efficient and resource-friendly than typical corridor development (such as is seen along US 36).

c: The Proposal will not unduly burden adjacent roadways

A traffic report has been submitted and is being reviewed. The proposed development will have some impacts to surrounding roads and traffic and will require some typical enhancements to the existing network (lane and entry drive improvements). The existing roadway network will not be unduly burdened by this development. The traffic study includes specific road and intersection improvement suggestions to ensure this.

d: The Proposal will result in a development providing adequate and appropriate levels of open space and other compensating amenities both within the proposed development and to the Town

The proposed PUD shows approximately 9.8 acres of open space and tree preservation, which is about 30% of the project area. The subdivision control ordinance (SCO) requires a minimum of 15% open space for standard subdivisions and 10% for commercial and industrial subdivisions. This proposal exceeds that standard. The SCO also requires certain amenities be included in a typical residential subdivision. The proposal includes walking paths and the inclusion of a large wooded area. The main amenity focus is interior to the living spaces, through wellness programs, social events and activities, and on-site entertainment and transportation to community events. This selection of amenities is much more appropriate to this sort of 55 and older age groups than the typical playground and swimming pool contemplated for standard
subdivisions. These open areas and amenities will be managed and maintained by the property owner associations.

State law (IC-36-7-4-603) establishes five criteria for any zoning change and requires Plan Commission and Town Council to pay reasonable regard to them:

**Criterion 1: The Comprehensive Plan, as adopted and amended from time to time**
The future land use map suggests this property is most appropriate for Neighborhood Retail development. This would include such things as smaller grocers, specialty restaurants, pharmacy, boutique shops, and other convenience retail. Although this proposal includes a residential component, there are existing residential lots (not part of this proposal) along CR 100 N that could be developed as retail in the future, should the opportunity and desire be present.

**Criterion 2: Current conditions and the character of the current structures and uses in each district**
The property is currently zoned AG (agricultural) and is surrounded on the south (Austin Lakes), and east (Lakeland Farms) by residential uses. Avon Middle School North is located to the north of the subject property, across 100 N. Kingsway church and Countryside Meadows are located west of the subject property, across Dan Jones Road.

**Criterion 3: The most desirable use for which the land in each zoning district is adapted**
As noted above, the comprehensive plan suggests neighborhood convenience retail uses are most desirable.
The Town Council, as with all re-zonings, may make the determination of “desirable and appropriate” uses in the best interests of the whole community.

**Criterion 4: The conservation of property values throughout the jurisdiction**
According to the fiscal plan the project will have no negative revenue impacts for the town, township, schools, and county services. There are slight negative impacts on library services. The project is expected to have a direct impact of $35,270,000 and an indirect impact of $27,835,000, resulting in neutral or positive impacts to property values as a whole throughout the jurisdiction.

**Criterion 5: Responsible development and growth**
This property is a good infill development site, as it is surrounded by developed property and utilities are adjacent to the site. The existing road network has been improved and should more than adequately serve the proposed development (subject to recommendations contained in the traffic study). The recently adopted comprehensive plan highlighted this specific node as appropriate for retail growth.
The Town Council, as with all petitions to rezone land, has the ultimate decision on this petition.

**COMMITMENTS**

*Indiana Code 36-7-4-600 Series* also allows communities to gain 'commitments' from developers through the rezone process. These commitments are voluntary on the part of the landowner and developer and must be recommended by the Advisory Plan Commission and approved by the Town Council.

**K. Recommendation:**

The Plan Commission may choose to forward a positive, negative, or no recommendation to the Town Council.

**Requested Action:** Hold a public hearing on PUD(P) 19-01 and forward a recommendation to the Town Council. Should the commissioners choose to make a recommendation, Staff is generally supportive of this proposal and recommends a **positive** recommendation for PUD(P) 19-01.

Commissioners may choose to continue the petition to allow the petitioner the opportunity to respond to questions and comments that arise from the public hearing, to obtain additional information requested by the commissioners, and/or to revise any documents.

Should the PC want to forward a negative recommendation, Staff offers the following thought for consideration:

1. The concept as proposed does not match closely enough the future desirable land use, in that it is mostly residential, and there are not enough compensating amenities to allow for that difference.
Sample Plan Commission Motion

AVON ADVISORY PLAN COMMISSION

Motion for approval of a proposed PUD
Case Number: PUD(P) 19-01, Countryside Crossing

The Avon Plan Commission Staff has considered the proposed PUD proposal on
the subject property and has found that the proposal satisfies the general intent
of the PUD ordinance and those development goals and objectives of the Town
of Avon.

I move that we forward a *positive* recommendation for PUD(P) 19-01,
Countryside Crossing PUD, to the Town Council.

OR

I move that we forward a *negative* recommendation for PUD(P) 19-01,
Countryside Crossing PUD, to the Town Council for the following reason(s):

1. Overall, the proposed development does not meet the suggested land
   use as shown on the Future Land Use Map
Countryside Crossing PUD Submittal Amendments

To Whom It May Concern:

The following revisions have been made to the original PUD submittal dated February 1, 2019:

1. As per the concerns voiced by the neighbors in attendance at the neighborhood meeting on March 7, 2019, we, the developer, have disconnected the stub road that connects the paired patio residential section to the existing neighborhood to the east. This is in an effort to prohibit traffic from passing through the development to skip the roundabout located at the intersection of E County Road 100 N and Dan Jones Road. See Tab 12(G); See also Tab 12(H, I, J, K, L and M).

2. To address an additional concern posed by the neighbors, the three-story Independent/Assisted Living building was redesigned to soften the look, will exceed architectural standards, pitched roof and a more general residential feel. See Tab 12(G).

3. We have further identified the landscaping commitments we will provide for the PUD plan. See Tab 12(C), Paragraph D(4); Tab 12(D), Residential District, Paragraph H; Tab 12(E), Industrial District, Paragraph B(1); Tab 12(E), Overall Development, Paragraph B(3); Tab 12(I), including new “Sample PUD Perimeter Buffer Plan.”

4. We have further clarified the architectural standards for the intended use in the paired patio residential section. See Tab 12(D), Paragraph G(2). See also new “Sample PUD Perimeter Buffer Plan” document at Tab 12(I).

5. The covered structure south of the paired patio homes is an additional amenity that was included in the Concept Plan but omitted from the Commitments, which have now been revised to reflect that structure. See Tab 12(E), Residential District, Paragraph A(2).

In addition to these revisions, the following variances are requested:

1. A full access point on Dan Jones Road, which modifies the signature street ordinance. The entrance we propose as a full access point, would be the northern most entrance on the west side of concept plan. The south entrance on Dan Jones Road would be right in, right out. This variance was depicted on the concept plan originally and discussed with planning staff and TAC committee, but for full transparency, it is identified here again.

2. The redesigned Independent/Assisted Living building will need a slight increase in R-5 building height from 40’ to 43’. The originally proposed building, which would have complied with existing R-5 height standards, had a flat roof but neighbors expressed concerns regarding the appearance
NORTH PROPERTY LINE
75 TREES / 450 SHRUBS PROVIDED
(75 TREES / 450 SHRUBS REQ'D)

EAST PROPERTY LINE
58 TREES / 348 SHRUBS PROVIDED
(1 tree & 6 shrubs per 25')

SOUTH PROPERTY LINE
58 TREES / 348 SHRUBS PROVIDED
PLUS TREE PRESERVATION AREA
(58 TREES / 348 SHRUBS REQ'D)

WEST PROPERTY LINE
38 TREES / 228 SHRUBS PROVIDED
(38 TREES / 228 SHRUBS REQ'D)

SAMPLE
PUD PERIMETER
BUFFER PLAN
COUNTRYSIDE CROSSING

APRIL 5, 2019
EXISTING WATER ON SOUTH SIDE OF 100 N AND EAST SIDE OF DAN JONES ROAD ADJACENT TO PROJECT
EXISTING SANITARY ON EAST SIDE OF DAN JONES ROAD SOUTH OF PROJECT
GAS, ELECTRIC, AND TELEPHONE UTILITIES ALL ADJACENT TO PROJECT
DRAINAGE TO DISCHARGE TO EXISTING DETENTION POND IN AUSTIN LAKES SECTION 7 ON EAST SIDE OF DAN JONES ROAD
EX. WATER EX. SANITARY EX. GAS
PROPOSED
PROP. WATER
PROP. SANITARY
PROP. STORM
COUNTRYSIDE CROSSING
APRIL 1, 2019
E 100 N
N DAN JONES RD
COMMERCIAL DEVELOPMENT STANDARDS

The Countryside Crossing PUD Commercial District is intended to serve and compliment the immediate residential neighborhoods as well as the immediate land users by meeting some of their daily anticipated needs. The developer supports and encourages local business establishments such as the “shop small movement.”

A. Permitted Uses. Any development of the commercial portion of Countryside Crossing shall comply with Chapter 10 (Commercial District C-1) and Table 10-1 of the Avon Zoning Ordinance #2002-14 and may include and be limited to only the following Permitted Uses:

1. Financial services such as investment advisory services, brokerage services, banks but excluding check cashing.
2. Medical equipment and medical services such as durable medical equipment companies, home health companies, drug stores like CVS or Walgreens, clinics.
3. Specialty food stores such as Trader Joes, organic, nutritional and bakeries.
4. Professional offices such as attorney, accounting services and businesses that local residents may require office space.
5. Local eating establishments but excluding bars or taverns.
6. Boutique shops focusing on the sale of such items as clothing and jewelry.
7. Commercial space to support the arts.
8. Accessory uses customary and incidental to the permitted uses.

B. Prohibited Uses. All uses not expressly listed within the Permitted Use Table set forth above in Section A are expressly excluded, including but not limited to the following specific uses:

1. Places of worship.
2. Municipal buildings, utilities and services.

C. Special Exception Prohibitions. All uses not expressly listed within the Permitted Use Table set forth above in Section A are expressly excluded, including but not limited to the following Special Exception Uses:

1. Auto filling station
2. Auto repair station
3. Funeral home and mortuaries
4. Taverns and lounges
5. Kennels

D. Additional Prohibited Uses. The Countryside Crossing PUD shall prohibit the following uses within the Commercial development plan area:

1. Any use which emits an obnoxious odor, fumes or sound which can be heard or smelled outside of any building in the Countryside Crossing Area.
2. Any operation primarily used as a warehouse operation, manufacturing refining, smelting, agricultural, industrial, or mining operation.
3. Pawn Shop, Flea Market, Salvage Store or Auction House.
4. Manufactured Home Park, Trailer Court, labor Camp, Junk Yard or Stockyard.
5. Mortuary or Funeral Home.
6. Nail or Tanning Salons.
7. Adult Use Establishments.
8. Tattoo Parlor & Piercings operating as the Primary Business.
9. Any Unlawful or Illegal Purpose.
10. Any Use that is a Public or Private Nuisance.
11. Automotive Vehicle Sales.
12. Tobacco, E-cig or Vape Stores.

E. Proposed Infrastructure Standards. The Countryside Crossing Commercial area will adhere to and be comprised of and meet any applicable infrastructure standards in the Avon Zoning Ordinance for C-1 zoning development and as set forth in the attached Exhibit M.

F. Development Standards. The Countryside Crossing Commercial area will adhere to and be comprised of the Development Standards set forth in the Avon Zoning Ordinance for C-1 zoning classification, including but not limited to those set forth in Sections 5-6, 5-7, 10, 14, 16 and 18 of the Avon Zoning Ordinance.

G. Architectural Standards. The Countryside Crossing Commercial area will adhere to the Architectural Standards set forth in the Avon Zoning Ordinance for C-1 zoning classifications, including but not limited to those set forth in Sections 5-7, 10, 16 and 18 of the Avon Zoning Ordinance.

H. Landscaping Standards. The Countryside Crossing Commercial area will adhere to the Landscaping Standards set forth in the Avon Zoning Ordinance for C-1 zoning classifications, including but not limited to those set forth in Sections 5-7, 10 and 16 of the Avon Zoning Ordinance.

I. Commitments. The Countryside Crossing Commercial area will adhere to the commitments identified herein at Exhibit E as applicable.
INDUSTRIAL DEVELOPMENT STANDARDS

A. Permitted Uses. Any uses of the industrial portion of Countryside Crossing shall comply with Chapter 12 (Industrial District I-2) and Table 12-1 of the Avon Zoning Ordinance #2002-14 as amended and may include and be limited to only the following Permitted Uses:

1. Medical labs and testing
2. Office
3. Parks
4. Self storage facilities
5. Accessory uses customary and incidental to the permitted uses

B. Prohibited Uses. The following Permitted Uses are hereby eliminated from the Countryside Crossing Industrial Area:

1. Animal hospital
2. Auction house
3. Autobody repair
4. Auto service repair
5. Building material sales
6. General building contractors
7. Government buildings
8. Heavy construction contractors and yards
9. Hospitals, clinics and emergency health care clinics
10. Manufacturing, light
11. Manufacturing service establishment
12. Municipal buildings, utilities and services
13. Parks and playgrounds
14. Public utilities
15. Reclaiming process of hazardous materials
16. Recreation vehicle sales and leasing
17. Restaurants – Class B
18. Schools – public and private
19. Vehicle sales and leasing
20. Vehicle impound lots

C. Special Exception Prohibitions. The following Special Exception Uses are hereby eliminated from the Countryside Crossing Industrial Area:

1. Car wash
2. Commercial indoor recreation
3. Commercial outdoor recreation
4. Distribution facilities
5. Equipment sales and leasing
6. General building contractors yards
7. Grain elevators
8. Kennels
9. Media broadcasting station
10. Media print production and distribution
11. Membership halls and organizations
12. Place of worship
13. Transportation services – rail and air
14. Recycling recovery and center
15. Restaurants – Class A
16. Solid waste transfer station
17. Waste water treatment plant
18. Wholesale distribution

D. Additional Prohibited Uses. The Countryside Crossing PUD shall prohibit the following uses within the Industrial development plan area:

1. Any use which emits an obnoxious odor, fumes or sound which can be heard or smelled outside of any building in the Countryside Crossing Area.
2. Any operation primarily used as a warehouse operation, manufacturing refining, smelting, agricultural, industrial, or mining operation.
3. Pawn Shop, Flea Market, Salvage Store or Auction House.
4. Manufactured Home Park, Trailer Court, Labor Camp, Junk Yard or Stockyard.
5. Mortuary or Funeral Home.
6. Nail or Hair Salons.
7. Adult Use Establishments.
8. Tattoo Parlor & Piercings operating as the Primary Business.
9. Any Unlawful or Illegal Purpose.
10. Any Use that is a Public or Private Nuisance.
11. Automotive Vehicle Sales.
12. Tobacco, E-cig or Vape Stores.

1. Proposed Infrastructure Standards. The Countryside Crossing Industrial area will adhere to and be comprised of all applicable infrastructure standards set forth in the Avon Zoning Ordinance for I-2 zoning classification and as set forth in the attached Exhibit M.

2. Development Standards. The Countryside Crossing Industrial area will adhere to and be comprised of the Development Standards set forth in the Avon Zoning Ordinance for I-2 zoning classification, including but not limited to those set forth in Sections 5-7 and 12, 14, 16 and 18 of the Avon Zoning Ordinance.

3. Architectural Standards. The Countryside Crossing Industrial area will adhere to and be comprised of the Architectural Standards set forth in the Avon Zoning Ordinance for I-2 zoning classification, including but not limited to those set forth in Sections 5-7, 12, 16 and 18 of the Avon Zoning Ordinance, with the following exceptions:

1. A ten (10) foot perimeter wall shall fully encompass and surround the storage facility using fifty percent (50%) masonry and fifty percent (50%) John Mansfield Hardy Plank siding inserts.

4. Landscaping Standards. The Countryside Crossing Industrial area will adhere to and be comprised of the Landscaping Standards set forth in the Avon Zoning Ordinance for I-2 zoning classification, including but not limited to those set forth in Sections 5, 12 and 16 of the Avon Zoning Ordinance, with the following enhancements:
1. The landscaping will be positioned in such a way as to maximize the presence of trees/shrubs where there are any gaps or to the east/west of the storage “wall” to minimize light wash.

5. General Commitments. In addition to the foregoing commitments, the following general commitments shall be a material part of the Industrial area of the PUD:

1. The storage facility shall have an accessory retail center.

2. The storage unit shall be staffed twenty-four (24) hours per day with an on-site manager residing in a three-bedroom, two-bathroom apartment unit.

6. Commitments. The Countryside Crossing Industrial area will adhere to the commitments identified herein at Exhibit E as applicable.
RESIDENTIAL DEVELOPMENT STANDARDS

A. Permitted Uses. Any development of the residential portion of Countryside Crossing shall comply with Chapter 8 (Residential District R-5) and Table 8-1 of the Avon Zoning Ordinance #2002-14 as amended and may include and be limited to only the following Permitted Uses:

1. Assisted living facilities for elderly
2. Community centers – public
3. Congregate care facilities
4. Dwellings – townhouse (4-unit structures or less)
5. Dwellings – two family
6. Dwellings – multi-family (6-unit structures or less)
7. Dwellings – multi-family (more than 6-unit structures)
8. Independent living facilities for elderly
9. Nursing home
10. Accessory uses customary and incidental to the permitted uses
11. Garages

B. Prohibited Uses. The following Permitted Uses are hereby eliminated from the Countryside Crossing Residential Area:

1. Dwellings – single family detached
2. Dwellings – manufactured homes subject to Section 13-9
3. Funeral homes and mortuaries
4. Government buildings
5. Municipal buildings, utilities and services
6. Places of worship
7. Schools – public and private
8. Residential care homes for mentally ill
9. Utilities
10. Carports

C. Special Exception Prohibitions. The following Special Exception Uses are hereby eliminated from the Countryside Crossing Residential Area:

1. Bed and breakfast establishments
2. Cemetery – without crematory, funeral home or mortuary
3. Country club, golf courses, tennis clubs, swim clubs and other outdoor recreational facilities
4. Government buildings
5. Home child care
6. Kennels

D. Additional Prohibited Uses. The Countryside Crossing PUD shall prohibit the following uses within the Residential development plan area:

1. Any use which emits an obnoxious odor, fumes or sound which can be heard or smelled outside of any building in the Countryside Crossing Area.
2. Adult Use Establishments.
3. Any Unlawful or Illegal Purpose.
4. Any Use that is a Public or Private Nuisance.
E. Proposed Infrastructure Standards. The Countryside Crossing Residential area will adhere to and be comprised of the applicable infrastructure standards set forth in the Avon Zoning Ordinance for R-5 zoning classification and as set forth in the attached Exhibit M.

F. Development Standards. The Countryside Crossing Residential area will adhere to and be comprised of the applicable Development Standards set forth in the Avon Zoning Ordinance for R-5 zoning classification, including specifically the standards set forth in Sections 5-7, 8, 14, 16 and 18 of the Avon Zoning Ordinance, as applicable, with the following exceptions:

1. The duplex lots shall exceed in all instances the minimum four thousand (4,000) square feet minimum lot requirement.

G. Architectural Standards. The Countryside Crossing Residential area will adhere to and be comprised of the applicable Architectural Standards set forth in the Avon Zoning Ordinance for R-5 zoning classification, including specifically the standards set forth in Sections 5-7, 8, 16 and 18 of the Avon Zoning Ordinance, as applicable, with the following exceptions:

1. The masonry requirements set forth in Section 8-5(3) shall be increased such that in addition to the fifty percent (50%) masonry requirement for first floor elevations, for every seventy-five (75) lineal feet of façade, a second story of masonry façade of ten (10) feet shall be utilized for all multi-story structures.

2. The masonry requirements set forth in Section 8-5(3) shall be increased in the paired patio home section of the Residential area to include:
   i. brick on ends of building facing East County Road 100 N
   ii. 20% of the rear will be brick on the east, south and west sides, where joining a residential area
   iii. Houses are indicated with an asterisks on the landscape plan

3. In the paired patio home section of the Residential area, no carports will be permitted even if otherwise permitted in R-5 zoning districts. Fully-enclosed garages shall be substituted.

4. In the paired patio home section of the Residential area, no pools will be permitted even if otherwise permitted in R-5 zoning districts.

H. Landscaping Standards. The eastern portion of the Countryside Crossing Residential area will adhere to and be comprised of the applicable Landscaping Standards set forth in the Avon Zoning Ordinance for R-5 zoning classification, including specifically the standards set forth in Sections 5-7, 8 and 16 of the Avon Zoning Ordinance, as applicable, with the following exceptions:

1. Landscaping standards set forth in Section 16-7(3) of the Avon Zoning Ordinance shall be amended and increased to require placement of one tree and six shrubs every twenty-three (23) lineal feet, rather than thirty (30).
2. Parkway Trees referenced in Section 16-8(3)(A) of the Avon Zoning Ordinance shall be amended and increased to require placement of parkway trees every forty (40) lineal feet, rather than fifty (50).

3. Parking lot landscaping referenced in Section 16-10(3)(A) of the Avon Zoning Ordinance shall be amended and increased to require placement of shade trees every forty (40) lineal feet, rather than fifty (50).

I. Commitments. The Countryside Crossing Residential area will adhere to the commitments identified herein at Exhibit E as applicable.
March 25, 2019

To the Planning and Development/Zoning Committee

RE: Countryside Crossing

Zoning meeting Thursday March 28, 2019

My name is Stephanie Scott and I live at 8063 E CR 100 North. My home is on the southeast corner of the roundabout on 100 North. My family has owned this property since 1969. I am very familiar with the history and development over the years in Avon.

The first issue that I would like to address would be for the Town of Avon, to explain the thought process on determining the idea of a neighborhood retail in your comprehensive plan, by removing a neighborhood (ironic don’t you think). This directly impacts the neighborhood I live in. You don’t address the true necessity for additional retail, but only by the greed for the taxes you can get from a business. What retail would you possibly need that is probably within 1-2 minutes in any direction, another coffee shop, a small grocery store with high prices that will not thrive with competition of Walmart, Meijer, Kroger, and the convenient marts in the area. Why would you promote commercial developers to come in and try to purchase our neighborhood for more retail and not to mention the most important issue of tearing down and destroying perfectly good properties and homes? I am saying this directly to your Planning and Steering Committee. I hope you feel good about yourselves that you can just place a red dot on a map and not even have a conscience about the lives you will affect. I bring this issue up because it does directly correlate with the zoning of Countryside as I will further explain in my letter.

I would like to present concerns to the Planning and/or Zoning Committee if you could please address those concerns and the key talking points addressing the PUD M property proposed zoning of the assisted living/industrial/commercial development in the name of Countryside Crossing. I will be at the meeting on March 28, 2019 regarding zoning. Also, directly related to the two commercial properties as far as zoning, appropriateness of commercial in residential area, being considered in the development. I would like to know your thought process and this is most important when considering commercial in this residential area. What will your decision be based on? Will you be looking at our neighborhood as residential or looking into your future planning of our properties? The correct decision would be the fact that we are individual single family homes, residential and apply the ordinances correctly as far as allowing commercial in a residential area, in turn could devalue our property. This would be the reason you need to update all zoning and make this clearer in this area. It should have been done when we were annexed into the Town. The neighborhood is not agricultural, we do not farm, we are a neighborhood of single family homes. It can’t be much clearer than that. It’s hard to understand when people discuss eliminating neighborhoods, and feeling good about this decision without any regard that this is a thriving neighborhood with well maintained properties, families living and enjoying their homes and longstanding owners. When the committees put the importance of a
business over people homes and can be disregarded in such a manner, to where retail is more important. This is the best development plan they can submit for their comprehensive plan. That this would be one of the better sites, we are not speaking about undeveloped land, you choose to pick and area where people live. First of all the area at certain times of the day, already is at the maximum of a what would be considered a grade C under traffic flow, with my understanding of what is written in the town ordinance. Even though the roundabouts have helped the flow of traffic. So let’s undo the positive outcome of the roundabout and burden the roadway again by adding more traffic with retail in an already congested and confining area with no room to grow, unlike Hwy 36. This would also be the problem with the two commercial properties in question with the new development. It is so very constricted on Dan Jones in that particular area and including Tenth Street. It will be more unsafe to pedestrians (including children walking home from school). Both entrances and exits would be within school zones. How can you dispute this if you don’t even know at this point what type of business is going in the one commercial building. How is this is going to be zoned for the one commercial building? Do you know what business is going in? How are you voting on zoning if you are not clear on this? Yes, the PUD M widens the zoning allowance, allowing a mix of zones within this area. But the residents have a right to know prior to approving any type of commercial within residential. If approved, what is the class of zoning and details of businesses allowed within that class? Wouldn’t you want to know what is proposed to be built next to your house? How do you justify that decisions are made about my property and does your committee staff give any thought as to how that would affect those families? Is the town so arrogant that you feel it is wasteful to have residents there when you could get more tax money from businesses and people do not deserve or need that land to reside? It is more important to put in another coffee shop so some person on their way to work, can have their cup of coffee. Let’s look at what’s involved in that process to get that cup of coffee to that important person, you have uprooted families, children need to change their schools, then the residents need to find a new home, whether they have been residing there two years or fifty, and all the legal dealings in the middle. Just so they can be provided a cup of coffee.

Currently this is a residential area that will consist of a nursing home, church, school, proposed assisted living housing, subdivision housing, condominiums and individual single family residential properties, excluding the proposed unknown commercial building and storage unit, all with limited traffic, no additional burden on roadway, no additional burden on taxpayers/schools, Kingsway and Avon Schools in the area are high traffic but limited times during the day and quiet at night and off hours of schools. All that fits in a residential area very well, low lighting, quiet at night as will be the assisted living hopefully with lighting limitations, street lighting as you would find in a subdivision, proper buffering with Austin Lakes in mind with the proposed two story building in middle of development, lighting may be an issue, no large/high parking lot lighting, should conform with subdivision lighting. Mound buffering might be an option for the Austin Lake houses. NOTE: this was a concern from an Austin Lake resident at the neighborhood meeting stating his concern of his view outside his window by looking at the 2 or 3 level building in middle of development. How are you going to control the internal/external lighting with buffering of that building? They may want to consider 1 level or dividing into parts throughout the development in which they may have additional space by excluding the unnecessary large storage unit and random commercial building.
I would like to address the two commercial properties, one industrial storage unit and unknown commercial building. This will be directly connected and next to two or three residential properties. Currently there is not any properties in the area that would conform to this type of zoning on Dan Jones or West Tenth. Why would you rezone this area as Pud M for two commercial buildings unless the Town of Avon has their sites on additional commercial in the area. The original proposal from the developer was to include residential assisted living only in which this would be appropriate, R4 I believe. The developer placed the two commercial buildings strategically on the north side of the development, in which he stated at the neighborhood meeting the commercial buildings was a requirement by the Town of Avon, because the Town of Avon is promoting our residential neighborhood as commercial/incoming retail, in which it has not been legally zoned as such. According to my conversation with Jodie in Planning, the developer had the buildings in their plan, not proposed by the Town of Avon. The commercial allows the property to be zoned as a Pud M which allows different zoning classes within the development. Also, in my conversation with Jodie it was suggested by her that this would be the best recommendation by the Town of Avon, for what the developer was proposing with the commercial. Initially it was proposed as assisted living only. If the storage unit and unspecified commercial building would be approved under the PUD M what specific class of businesses would be allowed for example; retail, medical office, food retail. The Industrial building which was described as a storage unit would not be just for assisted living resident usage, but would be a storage unit for public usage.

Again this is a residential area. There was a variance in 2017 that was denied on the property two houses east of my house for the reason of commercial property had no place in a residential area, and this was being petitioned as a counseling office. But the Town of Avon is entertaining the idea of allowing a public storage and unspecified commercial building in the middle of a residential area directly connecting to two to three single family homes. A storage unit in which you have no idea what someone is keeping in their storage unit. It could be chemicals, perishables, illegal drug activity, not to be extreme. But in this world we live now you don’t know what people do in their private lives. Would this be the safest thing to build in a residential area. I believe the Town of Avon has a duty to look after the safety of their community. The facility could say they perform background checks but this does not guarantee 100% that they will know what people are storing or if it is those people actually using the storage unit, it may be leased to a person but someone else could be using it. The traffic of going in and out, security lighting right next to people’s homes. What would be the business hours of these two buildings? The developer can’t even say for the commercial building, unless he knows who will be leasing the building. Storage units for the public that we already have in Avon are all 24 hour access and by my research there is vacancy for units to rent. So, why do we need another one? If, the developer states they will have limited hours for accessibility then why would someone rent from them and not go with other storage businesses with 24 hour accessibility. If, you look at the locations of the established storage units, they are located in appropriate commercial/business districts in Avon, central, west side, and further east on US Highway 36.
There is a sufficient amount of storage units in the Avon, Plainfield, Brownsburg areas, none of which are located in the middle of residential areas. Now if you, as the zoning committee, allow these two commercial/industrial buildings, you have to explain why on the variance that was not allowed for commercial in residential area but for the same reasons of not allowing with that particular Petitioner, this is the same situation, you feel at this time it would be allowed. I was assured at the variance zoning committee it is not the intention of the Town to break up the neighborhood by setting a precedent of allowing the selling of property by property to commercial, in which the tone would have to approve zoning for this to be done, and eventually forcing me out. Why the difference? Is this because you and the planning committee have another agenda for the development of this area? Let me explain.

So when I was at the neighborhood meeting it was brought to my attention that my neighborhood was listed as incoming retail and as I told the developer that I live in that neighborhood and I was not aware that I was being pushed out and forced to sell for commercial incoming retail. He stated he was told this by the Town of Avon in regards to proposed development of incoming retail. This makes sense if zoning is approved for commercial buildings in new development, this would confirm that the Town of Avon is working with planning and comprehensive plan to set the stage for commercial to come in the area. Note: The zoning committee denied this when it was presented on variance, what changed? Also, this is how we were referred to in neighborhood meeting by developer, in writing with handout, in regards to buffers that would be placed, I quote "Buffer between residential and retail. The proposed development will provide a nice buffer between the single-family homes to the south and east and the incoming retail that will likely line up along CR 100 North of this project." How would you feel if they were speaking about your property in this way? I felt our concerns and the residents that were present for the meeting, from our neighborhood were viewed differently than other homeowners in the area. Do we deserve less consideration on establishing commercial property next to ours? Why not place the buildings on the other side south side of development next to the other homeowners. Do you see how you have irresponsibly place this stigma on our homes? We should not have less consideration for our homes as just the same as the houses located in Austin Lakes. We are the same.

This leads me to formally and publicly state a complaint with the Town of Avon and related departments that they are irresponsible in placing this stigma on our neighborhood and not thinking about the outcome and the domino affect they have started. The Town of Avon has placed myself and other homeowners directly involved in the neighborhood retail project in a bad position. Did you think about what hardship or devaluing of property you may have placed on this neighborhood, by placing this stigma and target on our houses. If I had to sell my property at this moment cue to illness or other hardship, for example, and could not upkeep the property, Who would purchase a residential property for the purpose of residing, with knowledge that this being considered as incoming retail. Also, being attached to the commercial aspect of the development, a storage unit with some kind of commercial building next to it? It just makes the area look unappealing in a residential setting and would not be appropriate to approve the PUD M. I believe by mixing the variable zoning in an all residential area besides church and schools this would go against your purpose to protect and conserve the value of
land. How am I to live day to day, always questioning should I go ahead with plans I had for updates or additions to the property? Why spend the money if your house is going to be torn down? You have placed me into limbo. Why update with this now hanging over my head? Just waiting for a developer to approach Avon with a proposal to develop our properties as you have publicly posted the comprehensive plan with our neighborhood listed as retail, when legally it is not zoned as such. So, back to the proposed commercial buildings, I don’t care what you believe, it gives a neighborhood a different look when you add a business with signage, parking lot lights, parking lot, traffic coming in and out, trash pickup which calls for the larger trucks, and added noise. I would probably have the view of a back of a building where there garbage would be, where employees hang out on their breaks. So the outcome would be placing me with the hardship and devaluing my property and the probable outcome would be selling at lower price. Think about your house would you want this directly connecting to your property. Where you come home at night to enjoy sitting out on your quiet property, no lights shining in your eyes, or car lights flashing as they come in and out. Would you want this for your family and home?

When we were annexed into the Town of Avon you should have done the right thing and zoned us as residential. According to the ordinance when land is annexed in it either stays as what Hendricks County had it zoned as, which was agricultural, or you zone to the closest zoning classification in which the property would fit. I called and spoke with Tom Klein at the time we were being annexed and asked him how this would impact my property. I had just gone through the nightmare roundabout drainage issue on my property that took two years for the Town to correct. Tom said it would be seamless and may only change my taxes minimally. Legally you can’t force me out but you can make it more appealing to developers with leaving it zoned for agricultural and then it would probably be easier to go from agricultural to commercial rather than residential to commercial. This land was zoned as agricultural when the neighborhood was initially formed, in the late 50’s and early 60’s, in which at that time there was mostly farmland. Common sense we were not farming on our individual properties so were taxed and considered residential properties and this is a direct conversation I have had with the Hendricks County Assessor’s office.

If the Town of Avon would want to do the right thing for these effected homeowners then at this time you would officially zone this neighborhood as residential, zone the assisted living as residential, not allow establishing commercial in this area, deny the building of two commercial/industrial businesses. Do we really need in Avon one more storage unit and some random business? There is places in Avon to where commercial/industrial zoning has been established and if this developer has the need for those two buildings that can place them in the appropriate areas. By zoning the area appropriately this protects the residents that do not want to sell to commercial that it would not be so easy to open us up to commercial zoning.

I will just touch on your judgement to plan for this area to be neighborhood retail. So, you placed two round about at Dan Jones and Tenth Street, the other at 900 east and Tenth Street, to better the flow of traffic. Now you are thinking about placing unnecessary retail in an already congested area, and this was stated by a person of the zoning committee at the time the variance was being discussed and stated, to the petitioner of the variance. “Do you know how congested that area is already?” You
can refer to the transcripts of the meeting to verify. Also you can check Jodie Dickey’s comment that was stated at that time of that zoning meeting in 2017, but it was past the time I could address the committee, but she stated and I will quote "that area is going to be commercial anyway" speaking about our neighborhood. She sounded so empathetic for residents losing their homes for commercial development, (I’m being sarcastic.) That comment sounded pretty solid and very confident this will be the direction of Avon to try push out these residents and develop for commercial. Check the transcripts.

Apparently you don’t know the area well enough to be thinking in this direction. Currently in the area, and I see it day to day, you have people going 40 mph in a school zone, pulling out in front of each other, honking, accidents, and don’t even think about crossing in a designated pedestrian walkway because traffic will not stop. You can see a couple of our neighbors that have posted signs in their front yards to slow down this is a school zone. When I try to pull out in the morning out of my driveway turning left or east, there can be a car just coming out of roundabout heading west, there is sufficient footage and there should be sufficient time for me to pull out, if driver is going designated speed limit in a school zone. They are not because I can barely get out and clear my car without honking and traffic will not stop or even slow down. There is children that walk home from school and cross this busy intersection. I have tried to cross by bicycle in the designated areas and people will not stop to let you cross! The additional traffic in the area will present a safety issue especially to pedestrians.

Look at your ordinances under Section 1-5 purposes. 1) promote the public health, safety, and general welfare; 4) lessen or avoid congestion in public ways, 7) protect and conserve the value of land, building, and other improvements upon the land, and to minimize the conflicts among the uses of land and building.

I wanted to provide in detail my concerns and views regarding the commercial and industrial proposed buildings and the direct relation to the neighborhood retail plan. Also, to propose to the Town of Avon to consider appropriately zoning our neighborhood to residential. I wanted to submit this in advance so you could view the more detailed version as I would have a limited time to speak at the meeting. Hopefully you will provide answers and clarity to my questions and concerns. I will be present on March 28 at the Town Hall Meeting. I would like to thank you in advanced to viewing all my concerns.

Sincerely,

Stephanie Scott