

AVON PLAN COMMISSION
MEETING AGENDA

MEETING DATE: January 27, 2020
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. Election of Officers:
4. Appointment to the BZA:
5. Approval of Minutes: December 16, 2019
6. Committee Reports:
7. Request for Continuances or Agenda Modifications: None
8. Public Comments: (Public may comment on items NOT part of a public hearing)

9. Old Business:

DOCKET # DPR(A) 19-11 TACO BELL, DEVELOPMENT PLAN REVIEW

A request for approval of development plan to build a 1,669 square foot fast food restaurant with a drive-thru. The project is a redevelopment site. The property is zoned C2. The property is approximately 0.64 acre. The property is located at 6851 E US Highway 36

PETITIONER: MATT YANDA, GPD GROUP

10. New Business / Public Hearings: None.

11. Other Business:

12. Adjournment:

Next Meeting: February 24, 2020

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 DECEMBER 16th 2019
AVON PLAN COMMISSION
REGULAR MEETING

I. Call to Order/Pledge of Allegiance – 7:02 P.M.

II. Roll Call/Determination of a Quorum – In attendance: Mr. Petrides, Mr. Bischoff, Mr. Reed, Mr. Eisenbarth, Mr. Niemeyer, and Mr. Watson, as were Town Planner Desire Irakoze, Town Attorney Dan Taylor, and Town Engineer Greg Ilko.

III. Consideration of minutes – November 25th, 2019

Mr. Eisenbarth made a motion to approve the November 25th, 2019 minutes, Mr. Reed seconded the motion and the motion passed 6-0.

IV. Committee Reports:

BZA: No meeting

RDC: Country Road 100 update, 2019-05 declaratory and TIF amendment.

Town Council: Reviewed Brookstone PUD – Intro. Heard Extra Space Storage

Request for Continuances or Agenda Modifications: None

Public Comment: Mr. Petrides opened the floor to public comment at 7:11 PM and seeing no one closed the floor to public comment at 7:12 P.M.

V. Old Business:

ZA 19-06 Abington

Jodi Dickey presented for staff. She went over the project history noting the petitioner wishes to rezone their property from and R-3 to and R-5 to allow a residential duplex development. The property is located at 8481 E Country Road 200 N. Located near the intersection of Dan Jones and County Road 900 E. The proposal would the development of 72 units (36 Buildings) on 20 acres. Staff supports a positive recommendation to the Town Council.

The Plan Commission deliberated on the price point of the homes and who would maintain the properties. They also spoke on a proposed commitment of 50% brick on all rear elevations and other commitments made from the developer to the Town located on page 3 of the staff report.

Mr. Petrides opened the floor to public comment at 7:25 P.M.

Two residents spoke in favor of the development they noted that duplexes are good for Avon and that they like the builders.

Mr. Petrides closed the floor to public comment at 7:26 P.M.

Mr. Bischoff made a motion to send a positive recommendation to the Town Council with the conditions and commitments noted on page 3, 50% brick requirement as defined in the Zoning Ordinance, Public Work memo regarding no full access and \$500/ unit. Mr. Niemeyer seconded the motion and the motion passed 6-0

VI. New Business:

DRP 19-16 Avon Dermatology

Desire Irakoze presented for staff. He went over the project noting the petitioner wishes to build a dermatology office on 1.64 acres of land. The proposal is located at 10465 E County Road 100 N in the Reagan Crossing PUD. The Reagan Crossing PUD has had recent development and this is the last open parcel. Staff has noted some conditions and commitments that the petitioner has agreed to. 1. The southern entrance is to be removed. 2 the northern entrance will be shifted south to accommodate the 150' driveway separation distances requirement. 3. Will add an 8' Multi-use Trail to the plans along the entire western property line. 4. Will indicate the southern building and parking as future development. With these conditions and commitments staff recommends approval of DPR 19-16 Avon Dermatology.

Dale Kruse presented for the petitioner. He noted that he agrees with staff conditions.

The Plan Commissioners deliberated on the drive separation, parking requirements and located of the trash receptacles.

Mr. Petrides opened the floor to the public comment at 7:52 PM. Seeing no one he closed the floor to public comment at 7:53 PM.

Mr. Watson made a motion to approve DPR 19-16 with the conditions and commitments noted Mr. Reed seconded the motion and the motion passed 6-0

DPR(A) 19-18 The Goddard School

Desire Irakoze presented for staff. He went over the project noting that the petitioner wishes to build a 4650 square foot building addition and parking spaces. He also noted that there was a minor plat amendment that was approved with the project. The proposal is located at

DPR(A) 19-11 Taco Bell

Planning & Building Department Staff Report

January 27th 2020

Advisory Plan Commission, Public Hearing

Desire Irakoze

- | | |
|-------------------------|--|
| A. Petition Number: | DPR(A) 19-11, Taco Bell, Development Plan Review |
| B. Applicant: | Matt Yanda, GPD Group |
| C. Location: | The subject property is located 6851 E US Highway 36 |
| D. Parcel Size: | The subject parcel is 0.64 acres. |
| E. Land Use and Zoning: | <p>The current parcel is zoned C-2 and contains Feld's Carpet one floor and home store.</p> <p>The property to the north across US HWY 36 is zoned SC and contains Kroger, McDonalds, and other shopping center uses. To the east the property is zoned C-2 and contains vacant land. To the south the property is zoned C-2 and contains Westside physicians for women further south is zoned R-1 and contains Avon Intermediate School West. To the west the property is zoned C-2 and Contains Westridge Park.</p> |
| F. Action Requested: | Approve a Development Plan to build a 40 seat 1,669 square foot building with a drive through in the US Highway 36 Overlay District. |
| G. History | <p>SE 19-01 Taco Bell Drive Thru- Development standards variance request to allow the use of a drive thru restaurant in the Tier 1 of the US Highway 36 Overlay District. Petition was approved.</p> <p>VAR 19-07 Taco Bell Building Setback- Development standards variance request to allow the building to exceed the setback requirements. Petition was withdrawn.</p> <p>VAR 19-08 Taco Bell Landscape – Development standards variance request to reduce the minimum landscape area. Petition was approved</p> <p>VAR 19-15 Taco Bell Parking Spaces – Development standards variance request to lower the minimum required parking spaces to 16 parking spots. Petition was approved.</p> |
| H. Staff Comments: | This petition is to redevelop the Feld's Carpet One Floor and Home Store. The petitioner is requesting to build a 40-seat single lane drive- |

thru fast food restaurant. This property is 0.64 acres that comes with some site constraints. The petitioner request two variances and one special exception in order to make this project viable. The petitioner is requesting a waiver from Chapter 23 Section 18 Architectural Design Requirements which requires "All building within Tier 1 and Tier 2 shall be oriented so that they face U.S. Highway 36". Due to the site constraints if they petitioner where to meet this requirement they would be in direct violation of Chapter 23 Section 13 Drive Throughs which states "All components of a drive-through, including stacked spaces, menu board and pick-up windows shall be located within the side or rear year of a lot." The Zoning Ordinance does allow a waiver to be requested for the building orientation in Chapter 23 Section 18 4. Waivers.

Waiver Request from Chapter 23 Section 23-18

Waiver Request: To allow the face of the building to face the access road instead of US Highway 36

Applicant must demonstrate compliance with the following:

1. The proposed alternative demonstrates consistency with the recommendations of the Comprehensive Plan and all related land use plans (ex. Thoroughfare Plan, Bicycle & Pedestrian Master Plan, etc....):

The proposed alternative demonstrates consistency with recommendations of the comprehensive plan. The comprehensive plan indicates commercial use in the area. Taco Bell meets this criterion. The plan includes bicycle racks and a 6' foot indicated in the Pedestrian and master Plan.

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

The proposed alternative demonstrates consistency with the intent C-2 Zoning District as it is a commercial use. It demonstrates consistency with the overlay district as chapter 23 allows it to be waived. Due to the conflicting nature of the chapter's language.

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 recommendations of the Town of Avon Comprehensive Plan.

The proposed alternative meets all the other requirements set forth in the Avon Zoning Ordinance. The existing built environment have similar brick facades and this petition updates the landscaping, bicycle and pedestrian walk ways and drainage.

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

By facing the building toward the access drive and not US Highway 36 the property takes advantage of the 6' path to the west. This alternative also allows for the drive through components to be located in the side and rear yards of the parcel.

Staff recommends approval of front facing the access road waiver. Due to the nature of the client type Damar serves bicycle parking is not

needed.

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 approve of DPR(A) 19-11 eliminate front facing US Highway 36 requirement waiver.

Should the Plan Commission choose to deny the waiver, staff recommend the following condition.

1. The petitioner be continued to allow time to seek a variance from the Board of Zoning Appeals.

DPR RELEVANT ORDINANCES

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 standards set in Avon Zoning Ordinance for site, setback, and bulk standards.

(b) All applicable Overlay Districts- The petition is requesting a waiver from chapter 23 section 18 Architectural Design Requirements. This waiver would allow the building to face the access road instead of US Highway 36. If the wavier is approved the petition would meet the 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.

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

(e) Chapter 15 (Off-Street Parking and Loading) – This parcel was granted a variance allowing the minimum parking to be reduce to 16 parking spaces. The plans indicate there will be 16 parking spaces. With the approved variances the petitioner has provided site parking in compliance with the Town of Avon Zoning Ordinance.

(f) Chapter 16 (Landscaping and Screening) – With the approved variances approved by the BZA the Plans submitted comply with the standards contained in the Avon Zoning Ordinance.

(g) Chapter 17 (Floodplain Regulations) – no portion of this

petition lies with the floodplain.

- (h) **Chapter 18 (Signs)** -Signs were submitted with this petition. Signs are reviewed/ approved by staff.
- (i) **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.
- (j) **All applicable recommendations of the Town of Avon Comprehensive Plan and all associated components of the Comprehensive Plan (ex. Thoroughfare Plan, Gateway Plan, etc.)**. -the submitted plans are complaint with all applicable recommendations of the Town of Avon Comprehensive plan and This is a C-2 use in a C-2 district.

I. Action:

The Plan Commission may choose to approve, approve with conditions, deny, or continue this petition. Development Plan Reviews are ministerial; if the plan complies, the Plan Commission must approve.

Staff recommends **approval** of DPR(A) 19-11 Taco Bell 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, CRE at the preconstruction meeting. If waiver is denied add 4
4. The petitioner be continued to allow time to seek a variance of drive-through location from the Board of Zoning Appeals.

DPR(A) 19-11 Taco Bell Location Map



Sample Plan Commission Motion

AVON ADVISORY PLAN COMMISSION

Motion for approval of a Development Plan

Case Number: DPR(A) 19-11, Taco Bell

The Avon Plan Commission Staff has considered the proposed Development Plan on the subject property and 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(A) 19-11, Taco Bell, 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 waiver is denied add 4
4. The petitioner be continued to allow time to seek a variance from the Board of Zoning Appeals

FINDINGS OF FACT FOR A DEVELOPMENT PLAN

AVON ADVISORY PLAN COMMISSION

Case Number: DPR(A) 19-11 Taco Bell

The Avon Plan Commission Staff has considered the proposed Development Plan Amendment on the subject site and 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(A) 19-11, Taco Bell, 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 waiver is denied add 4
4. The petitioner be continued to allow time to seek a variance from the Board of Zoning Appeals

ADOPTED THIS 27th DAY OF January 2020

James Petrides, President

Desire Irakoze, Secretary

This instrument was prepared on January 20th 2020 by:
Desire Irakoze
Assistant Planner, Planning & Building
Town of Avon, Indiana