



**AVON PLAN COMMISSION**  
**MEETING AGENDA**

**MEETING DATE:** August 24, 2020  
**TIME:** 7:00 PM  
**PLACE:** AVON TOWN HALL COUNCIL CHAMBERS

1. **Call to order/Pledge of Allegiance**
2. **Roll Call/ Determination of Quorum**
3. **Approval of Minutes: July 27th, 2020**
4. **Committee Reports:**
5. **Request for Continuances or Agenda Modifications:**
6. **Public Comments: (Public may comment on items NOT on the Agenda)**
7. **Introductions: Zoning Ordinance Amendments:**
  - a. Section 3.1, Applications, new sections:
    - (7) Petitions for a Change in Zoning Map (Rezones), and
    - (8) Petitions for a Planned Unit Development
  - b. Section 5.7, Procedures for Initial Review, new section:
    - (5) Town Council Informational Appearance
  - c. Chapter 27, Permitted Use Table, US Highway 36 Overlay -Tier 1: new Prohibitions

8. **Old Business: None**

9. **New Business / Public Hearings:**

**DOCKET# DPR 20-17 CSX Intermodal Terminal**

A request for the approval of a development plan to extend track to existing track and extend the asphalt pavement for additional working area for container lift equipment. The property is 39.4 acres and is zoned I-4. The property is located 501 S County Rd. 800 E.

**PETITIONER: SCOTT OPIE**

9. **Other Business:**

**Adjournment:**

**Next Meeting: September 28th, 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.

**DPR 20-17 CSX Intermodal Terminal Expansion**

Planning & Building Department Staff Report

August 24<sup>th</sup> 2020

Advisory Plan Commission, Public Hearing

K.K. Gerhart-Fritz, FAICP

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|-------------------------|--|
| A. Petition Number:     | DPR 20-17 CSX Intermodal Terminal Expansion, Development Plan Review   |
| B. Applicant:           | Scott Opie, Hanson Professional Services, Inc.   |
| C. Location:            | The subject property is located East of County Road 800 E/Dan Jones Road and South of US Highway 36.   |
| D. Parcel Size:         | The subject property includes seven parcels, totaling 39.4 acres.  |
| E. Land Use and Zoning: | The parcels are zoned I-3 (Heavy Industrial) and are currently used as a railroad terminal.<br>Non-CSX properties to the north are zoned C-2, C-3 and I-2 and contain various commercial uses. Non-CSX parcels to the south are zoned I-3 and are undeveloped. The non-CSX properties to the east are zoned R-1 and to the west are zoned R-2.   |
| F. Action Requested:    | <p>To approve a development plan to expand capacity of a railroad terminal use. At this facility, shipping containers are brought in on trains. Special lift equipment transfers the containers from the train to truck chassis where they are taken to a storage area. Over-the-road trucking comes to the terminal, picks up the container from the parking lot.</p> <p>This capacity expansion project will extend tracks, extend the working area for the lift equipment and provide additional container-on-chassis parking. This project includes the following:</p> <ol style="list-style-type: none"><li>1. Extend two existing stub ended intermodal tracks to the east approximately 2,000 feet and connect to an existing receiving track.</li><li>2. Extend the asphalt pavement between the two intermodal tracks approximately 1,000 feet to provide additional working area for the container lift equipment.</li><li>3. Add approximately 7-acre container-on-chassis storage lot.</li><li>4. Grading and sub-ballast for two future storage tracks.</li><li>5. Proposed high mast lighting for the container lift equipment work area and parking lot.</li><li>6. Drainage improvements including two dry stormwater detention ponds.</li></ol> |
| G. History              | <p><b>VAR 10-04:</b> Approved for no curbing, landscape island and foundation plantings.</p> <p><b>DPR 10-01:</b> Approved for CSX Roadmaster Storage Building</p> <p><b>DPR 10-03:</b> Approved for CSX Office Building</p> <p><b>SE 20-01:</b> Approved to allow the use of a gravel area for trailer storage</p>  |

area and connection area for over-the-road trucking  
**VAR 20-11:** Approved to allow 0.40-foot candles light trespass at the property line.  
**VAR 20-12:** Approved to exceed an average maximum 1.6-foot candles for gravel area

H. Staff  
Comments:

The railroad terminal is a unique use that is not thoroughly addressed by Avon's current Zoning Ordinance.  
The petitioner is requesting seven waivers from the Stormwater Management Ordinance 2006-26.

### **DPR RELEVANT ORDINANCES**

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

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

the development standards set forth in the zoning district in which the use is or is proposed to be located.

**(a) All applicable Overlay Districts-** The US Highway 36 Overlay District ends at the Northern boundary of the railroad, so this land is not part of an overlay zoning district.

**(b) The standards of the Subdivision Control Ordinance-** Because of the unique nature of this use and the owner, the Town has not required the combination of parcels through platting.

**(c) Chapter 14 (Performance Standards) –**

Chapter 14, Section 14-15 (Outdoor Lighting): A photometric plan was submitted as part of the DPR. Variances have been granted for lighting that does not meet the zoning ordinance.

**(d) Chapter 15 (Off-Street Parking and Loading)**

Staff interpretation is that the gravel lot is a storage area, not a parking area. No automobile or bicycle parking is required or needed. A variance has been granted for using gravel.

**(e) Chapter 16 (Landscaping and Screening)**

CSX submitted a letter stating that they are not required to obtain the Town of Avon's zoning approval or permit/authorization relating to tree ordinance provisions due to categorical pre-emption of local preclearance or permitting requirements under ICCTA and its case decisions.

Trees have already been cleared in the area of the proposed project. A 100-foot tree buffer along the west

property line and large trees along the south property border were preserved. The application includes a tree replacement plan along the south berm. Staff interpretation is that the gravel lot is a storage area, not a parking area, so no parking lot landscaping would have been required.

- (f) **Chapter 17 (Floodplain Regulations)** – no portion of this petition lies within the floodplain.
- (g) **Chapter 18 (Signs)** -No signs were submitted with this petition.
- (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 petitioner is requesting seven waivers from the Stormwater Management Ordinance 2006-26. Any approval of the DPR should be subject to addressing comments from the Town’s engineering consultants and Public Works Department
- (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.).** – Avon’s Future Land Use Plan shows the area as Industrial. The submitted plans are compliant with all applicable recommendations of the Town of Avon Comprehensive Plan.

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 20-17, CSX Intermodal Terminal Expansion with the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted; and,
2. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, CRE at the preconstruction meeting.

# DPR 20-17, CSX Intermodal Terminal Location Map



## Sample Plan Commission Motion

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### AVON ADVISORY PLAN COMMISSION

Motion for approval of a Development Plan

**Case Number: DPR 20-17 CSX Intermodal Terminal Expansion**

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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 20-17 CSX Intermodal Terminal**, subject to the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted; and
2. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, CRE at the preconstruction meeting.

## FINDINGS OF FACT FOR A DEVELOPMENT PLAN

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### AVON ADVISORY PLAN COMMISSION

#### **Case: DPR 20-17 CSX Intermodal Terminal Expansion**

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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 20-17 CSX Intermodal Terminal Expansion, subject to the following conditions:

1. Any revised plans must comply with all commitments and conditions noted as part of any approval granted; and,
2. The development shall comply with all relevant portions of Town Code, and comments by Public Works, Fire Department, CRE at the preconstruction meeting.

ADOPTED THIS 24th DAY OF August 2020

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James Petrides, President

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Suzanne Hardy, Assistant Secretary

This instrument was prepared on August 14<sup>th</sup>, 2020 by:  
K.K. Gerhart-Fritz, Consulting Planner  
Town of Avon, Indiana