



AVON PLAN COMMISSION
MEETING AGENDA

MEETING DATE: September 28, 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 27, 2020 and August 24, 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: None
8. Old Business: None

9. New Business / Public Hearings:

DOCKET# MAP(P) 20-11 ABINGTON

A request for the approval of a Major Subdivision Preliminary Plat to add 73 lots to build 72 duplex units (36 buildings). The property is 19.795 acres and is zoned R-5. The property is located 8481 East County Road 200 North. Petitioner requests a Waiver for street widths consistent with the 2A & 1A standards.

PETITIONER: DAVIS HOMES – GORDAN D. KRITZ

DOCKET # ZA 20-01 ZONING ORDINANCE TEXT AMENDMENTS

A request to forward a positive recommendation to the Town Council for various town-initiated Zoning Ordinance text amendments to Section 3.1, Applications; Section 5.7, Procedures for Initial Review; and Chapter 27, Permitted Use Table, new prohibited uses in the US Highway 36 Overlay -Tier 1

PETITIONER: Town of Avon

10. Other Business

Adjournment:

Next Meeting: October 26, 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 July 27th, 2020
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. Petrides, Mr. Niemeyer, Mrs. Ransburg, Mrs. Albers, Mr. Duval, and Mr. Guckenberger, as were Town Planner Desire Irakoze, Town Consulting Planner K.K. Gerhart-Fritz, Town Attorney Dan Taylor, and Town Engineer Greg Ilko.
- III. **Consideration of minutes** – Minutes of the Plan Commission’s meeting on June 22nd, 2020 have not been completed and will be presented at a future meeting.

IV. **Committee Reports:**

Town Council: None

RDC: Discussed invoice of Dan Jones and County Road 100S, reviewed access control for Town Hall and Police Station

BZA: Three requests regarding CSX Railway, all three were approved.

V. **Request for Continuances or Agenda Modifications:** none

VI. **Public Comment:** Mr. Bischoff opened the floor to public comment.

Acting Town Manager Ryan Cannon introduced consulting planner K.K. Gerhart-Fritz as the new interim planning staff. He told the Plan Commission that the Town has advertised for new planner. Mr. Cannon also recognized Town Planner Desire Irakoze, who is leaving August 14 after 3 years of employment. Various Plan Commission members thanked Mr. Irakoze for his service to the Town.

Mr. Patel, a member of the public, addressed some concerns about sidewalks.

Mr. Bischoff then closed the floor to public comment.

VII. **Introduction:** PUD(P) 20-02 Avon Logistics Center

Engineer Jeff Banning represents the applicant. He discussed the 275 Acre PUD filing, located on the North side of CR 100 S, between Ronald Reagan and Dan Jones, with CSX on the north. Mr. Banning said they intend it to be a similar Flex/Warehousing development to what exists in Plainfield. He said the applicants anticipate having a second introductory discussion with the Plan Commission next month, before the PUD Public Hearing in September. This evening he will do an overview of the proposed project and then have questions.

Mr. Banning said that CR 100 S will be improved (with roundabouts) and their project will coincide with that work. Showed a proposed drawing of the project. Browning-Duke owns

the undeveloped lot adjacent to the west. This proposed PUD includes 4.5 million SF space, much bigger than anything already in Avon. Building 1 (the farthest west) would tentatively begin construction early next year. The applicants showed elevation drawings. Mr. Banning said they will probably be before the Plan Commission many times over the next few months.

The proposed PUD is adjacent to the Sun Shades residential development to the east. They held a neighborhood meeting as required for PUDs by Avon's Zoning Ordinance. Mr. Banning said only one person came. He said there is already a wooded buffer on Sun Chase, which they expect to expand on this PUD site. He then showed the Plan Commission some landscape renderings, which include landscaping along CR 100 S, which is Signature Street per Avon's Zoning Ordinance. Landscaping is also being proposed as part of the CR 100 S road project, and they will supplement that on their site. He said they are working with staff on this.

Commissioners asked the applicant wants guidance on? Architecture?

They had some initial concern about all the proposed driveways on CR 100 S. and concerns about accommodating truck traffic. Will there be a berm? It is noted that Ronald Reagan Parkway in Plainfield uses berms. Developments like these started 30 – 40 years ago, but things have changed and the public's acceptance of building appearance will be important. There is concern about drainage and landscape plan

Applicant's representative Mr. Banning was asked to identify the house where the attendee to the neighborhood PUD meeting lives. He said that the neighbor's concern was about what is happening to the existing trees. He said he gave a copy of the neighborhood meeting report to Mr. Irakoze. Commissioners asked how notice for the neighborhood meeting was given? Mr. Banning said he was not sure if their HOA was notified, but thought they probably were due to common area ownership; he thinks the applicants notified individual owners.

The Plan Commission asked how far it is from the property to the freight line? Mr. Banning said he is unsure but will get the answer by next month.

Mr. Cannon addressed the CSX adjacency. He said the new design for CR 100 S was done to accommodate this intense level of use. It has been designed to prohibit left turns out of this site. There will be limited access and the developers are aware of that.

Commissioners inquired about fencing around the ponds, particularly the one adjacent to residential? Mr. Banning said he thinks barriers are more of a hazard, making access and rescue difficult. Mr. Banning agreed to look into it. Members asked about methods to prevent vehicles skidding into a pond on road ice. Mr. Banning said he will follow Town road design standards.

Mr. Banning explained that depending on actual tenant needs, fencing will go around portions of sites as they are developed for multiple tenants per structure (typically 2 , 3 or

4), but not around the entire site. Mr. Banning proposed that Plan Commission members to go look at similar development in Plainfield. He emphasized that the developer is trying to stay competitive in this market, so they want Avon to accept similar standards to Plainfield, Brownsburg and Hendricks County.

VIII. Old Business:

DPR 20-13, Avon Marketplace Medical Office Building

Mr. Irakoze spoke on behalf of the staff. He noted that the petitioner seeks approval of a development plan to build a 12,323 sq. ft. building footprint, two-story multi-tenant medical office building in the US 36 Overlay District and is requesting 4 waivers.

1. Section 15-7, note 2 -- increase the minimum parking by 21%.
2. Section 23-18 -- allow the building orientation to face Avon Marketplace instead of US Highway 36.
3. Section 23-18 (2) -- allow the use of Nichiha Rainscreen system for the majority of the building materials in lieu of more the traditional, full-depth masonry products.
4. Section 23-18 -- reduce the minimum masonry requirements of buildings facing US Highway 36 from 80% to 42%, to allow for more architectural features and accents.

Mr. Irakoze showed the submitted plan and elevations. He said staff recommends approval of the DPR and associated waivers.

Commissioners asked questions about sufficient parking. Mr. Irakoze and Mr. Taylor stated that the layout allows for better traffic flow and additional parking would come with potential on building of future lots.

Gene Beierman of CHA Consulting presented the project for the applicant. He discussed the 2-story building and talked about parking needs and layout.

Commissioners asked the applicants to explain their building material samples. Architect Rob Ray of Structurepoint expanded on the architectural design. The Plan Commission passed around samples of the Nichiha Rainscreen material. Commissioners confirmed it was not only for interior use. The architect shared an informational report which identified some projects in the area that already use this product.

The Plan Commission asked if they need to approve building orientation? Staff planners and the Attorney directed them to do so.

Mr. Petrides opened the floor to public comment. Seeing that no one signed up to speak about this case at the meeting or online, he closed the public comment portion of the hearing.

Mr. Bischoff made a motion to approve Waiver Request 1 to allow the increase the parking by 21% or 120 parking spots, DPR 20-13, Avon Marketplace MOB. Ms. Albers seconded the motion and the motion passed 6-1.

Mr. Bischoff made a motion to approve Waiver Request 2 to allow the building orientation to face Avon Marketplace instead of U.S. Highway 36, DPR 20-13, Avon Marketplace MOB. Mr. Guckenberger seconded the motion and the motion passed 7-0.

Mr. Bischoff made a motion to approve Waiver Request 3 to allow the use of Nichiha Kura Stone as a masonry product DPR 20-13, Avon Marketplace MOB. Ms. Albers seconded the motion and the motion passed 7-0.

Mr. Bischoff made a motion to approve Waiver Request 4 to reduce the percent of masonry facing U.S. Highway 36, DPR 20-13, Avon Marketplace MOB. Mr. Guckenberger seconded the motion and the motion passed 7-0.

Mr. Bischoff made a motion to approve DPR 20-13, Avon Marketplace MOB 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, DLZ at the preconstruction meeting.

Mr. Guckenberger seconded the motion and the motion passed 7-0.

IX. New Business:

DPR 20-15 Avon Landing Infrastructure

Mr. Irakoze gave the staff report and noted that the petitioner seeks approval of a development plan to build road infrastructure and detention ponds to serve future development in the Avon Landing PUD. This is the first phase of their infrastructure plan and the road in this phase will serve as the entrance to the Avon Landing and Block B of the PUD. He mentioned that there have been several previous cases for Avon Landing and that staff recommends approval.

There were no questions from the Plan Commission to staff.

Applicant Scott Senefeld of the Veridus Group explained the Avon Landing development, which will include blocks for future development.

Mr. Bischoff asked if this represents any deviation from their original PUD? The applicant replied it did not. Mr. Irakoze explained that there are no waivers with this request and that any waivers will be a future development issue. Mr. Bischoff says he thinks further approval should be done administratively, not by the Plan Commission, and would like to see the new combined Unified Development Ordinance address this.

Mr. Petrides opened the floor to public comment. Seeing that no one signed up to speak about this case at the meeting or online, he closed the public comment portion of the hearing.

Tom Dickey, representing the applicant spoke to the Plan Commission, explaining they are doing this as part of a plan to make smaller lots available in Avon Landing.

Ms. Albers made a motion to approve DPR 20-15 Avon Landing Infrastructure subject to the following conditions:

4. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
5. The petitioner must post a landscape bond prior to issuance of a Certificate of Occupancy; and,
6. The Development shall comply with all relevant portions of Town Code and comments by Public Works, Fire Department, DLZ at the preconstruction meeting.

Ms. Ransburg seconded the motion and the motion passed 7-0.

DPR 20-16, Camden Townhomes

Mr. Irakoze spoke on behalf of the staff. He noted that the petitioner seeks approval of a development plan to build a multi-family residential development which will consist of 83 units.

There were no questions from the Plan Commission to staff.

Engineer Kyle Eichhorn of HWC Engineering represented the Petitioner and presented a very brief introduction to the townhome project. There were no questions from the Plan Commission.

President Petrides opened the public hearing. No one signed up to speak in person or online. He closed the public hearing.

There were no additional questions from the Plan Commission.

Mr. Duval made a motion to approve DPR 20-15 Avon Landing Infrastructure 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, DLZ at the preconstruction meeting.

Ms. Albers seconded the motion and the motion passed 7-0.

X. Other Business:

Plan Commissioners asked Ms. Gerhart-Fritz to look at amending the definition of masonry to make it broad enough to include the new product they approved with a waiver tonight.

Mr. Bischoff reiterated that the Plan Commission does not want to piecemeal projects along. He asked Attorney Taylor if there is a way to change the DPR process? Mr. Taylor said he will do some research.

The Plan Commission members again thanked Mr. Irakoze for his service and wished him well.

XI. Adjournment: 8:33 PM

**NEXT PLAN COMMISSION REGULAR MEETING
MONDAY –August 24th 2020
Avon Town Hall**

James Petrides - President

Suzanne Hardy – Assistant Secretary

MINUTES
FOR THE August 24, 2020
AVON PLAN COMMISSION
REGULAR MEETING

- I. **Call to Order/Pledge of Allegiance** – 7:01 P.M.
- II. **Roll Call/Determination of a Quorum** – In attendance: Mr. Petrides, Mr. Niemeyer, Mrs. Ransburg, Mrs. Albers and Mr. Duval, as were Town Consulting Planner K.K. Gerhart-Fritz, Planning & Building Administrative Assistant Suzanne Hardy, Town Attorney Dan Taylor, and Town Engineer Greg Ilko.
- III. **Consideration of minutes** – Minutes of the Plan Commission’s meeting on July 27, 2020 have not been completed and will be presented at a future meeting.
- IV. **Committee Reports:**
 - BZA:** None.
 - RDC:** Approved several invoices and reviewed the planned improvements to CR 100 South
 - Town Council:** None
- V. **Request for Continuances or Agenda Modifications:** none
- VI. **Public Comment:** Mr. Bischoff opened the floor to public comment.
Mr. Bischoff then closed the floor to public comment.
- VII. **Introduction:** Zoning Ordinance Amendments

Dan Taylor spoke on the Zoning Ordinance Amendments; Town Council would like an introduction to all new re-zones or petitions for Planned Unit Development (PUD), the Town Council would not take any actions but would be allowed to ask question. After a PUD or rezoning request passes through the Technical Advisory Committee, then the Petitioner would introduce it at a Town Council meeting. The second change the Town Council is concerned with is the lack of diversity in commercial development along the US 36 corridor, specifically Tier 1 of the Overlay Zoning District. They are requesting that some auto-related uses be prohibited that we already have a surplus of, including auto sales and leasing, car washes, vehicle service/oil changes and auto part sales. This would be a change in the use table, if someone still wanted to have one of these uses, they could go before the Board of Zone Appeals to request a Use Variance and explain why the Town of Avon needs another one.

Plan Commissioners asked if a petitioner goes before the Town Council first, how would the Plan Commissioner find out? Taylor suggested that the information could be included in a Staff Report.
- VIII. **Old Business:**

None

IX. New Business:

DPR 20-17 CSX Intermodal Terminal

Ms. Albers recused herself due to a potential conflict of interest on this petition. Ms. Gerhart-Fritz presented the staff report.

Plan commissioners had questions regarding traffic on Dan Jones which is being addressed by the future expansion of Dan Jones Road. Attorney Taylor noted that this is not a re-zone and does not require a traffic study. Commissioners then asked about noise restrictions. Taylor stated that the Federal Railroad Act, states that communities are not allowed to adopt standards imposing noise limits on railroads, and this standard applies to accessory railroad equipment as well.

Applicant Scott Opie of the Hanson Professional Services, Inc. explained the CSX Intermodal Terminal. They will extend the tracks, extend the working area for lift equipment and provide additional container-on-chassis parking. They will extend the asphalt pavement between the two intermodal tracks, extend two existing sub ended tracks to the east, add approximate 7-acre container-on-chassis storage lot and drainage improvement including two dry stormwater detention ponds.

Commissioners asked about the landscaping plan, which does not extend the entire length of the plans. Opie stated they provided a landscape plan "typical" standard that will be repeated. Commissioners asked if this expansion is in response to current congestion or if it takes into account future expansion. Opie said this expansion is CSX responding to current congestion, but does set them up for the future.

Mr. Petrides opened the Public Hearing for comments at 8:03 pm. With no Public Comments the Public Hearing was closed at 8:04 pm

Mr. Ilko asked if the staff recommendation should include the typical landscape bond requirement? Ms. Gerhart-Fritz responded that CSX provided the Town with a letter saying that due to Federal Regulations they are exempt from following local landscape requirementst. She said staff was happy to see some proposed voluntary landscaping. Mr. Taylor conformed that the Town could not require a landscape bond of CSX.

Mr. Bischoff made a motion to 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;

2. The Development shall comply with all relevant portions of Town Code and comments by Public Works, Fire Department, DLZ at the preconstruction meeting.

Mr. Duval seconded the motion and the motion passed 5-0.

X. Other Business:

Mr. Petrides asked Mr. Taylor that moving forward, is there a process to put in place for unforeseen potential hazards that can be put into place for the Town and Emergency Services. Mr. Taylor states that this is where text amendments come in. In terms of regulations we are limited by our local Ordinances, including the Zoning Ordinance, but if we see deficiencies then we look into them and study how to address it in the future.

Petrides added two more items for Mr. Taylor to look at, 1) future Pandemics in terms of addressing those issues not just related to safety but also enforcement; 2) the enforcement of noise decibels, specifically during all hours to be fairer to residents that work second and third shifts. Mr. Taylor said that some Towns have gotten creative with sounds we don't think of, specifically outside intercoms but we can look into this. Plan Commissioners asked that future staff reports refer to any Federal Regulations that may apply.

XI. Adjournment: 8:19 PM

**NEXT PLAN COMMISSION REGULAR MEETING
MONDAY –September 28, 2020
Avon Town Hall**

James Petrides - President

Suzanne Hardy – Assistant Secretary

MAP(P) 20-11, Abington Primary Plat
 Planning & Building Department Staff Report
 September 22, 2020
 Advisory Plan Commission, Public Hearing
 K.K. Gerhart-Fritz, FAICP

- | | |
|-------------------------|---|
| A. Petition Number: | MAP(P) 20-11, Abington Primary Plat |
| B. Applicant: | Davis Homes – Gordan D. Kritz |
| C. Location: | 8481 East County Road 200 North, on the south side of 200 N between Dan Jones Road and CR 900 E. |
| D. Parcel Size: | 19.795 acres |
| E. Land Use and Zoning: | <p>The parcel is zoned R-5 and has been used agriculturally and as a single-family residence.</p> <p>To the south and west, property is zoned R-3 and contains single-family residences (Enclave, Winton Meadows). To the east property is zoned R-2 and PUD and contains single family residences (Winton Meadows). To the north, across 200 N, property is zoned R-2 (Heathermor). There are also 2 unplatted lots zoned AGR (Hendricks County) that contain single-family homes.</p> |
| F. Action Requested: | <p>Approval of a Major Subdivision Preliminary Plat to add 73 lots. Lot 1 will contain the existing single-family dwelling, which has access from CR 200 N. The remaining lots will be for 72 duplex units (36 buildings) accessing new internal subdivision streets.</p> <p>Approval of a Waiver for the internal subdivision streets, consistent with the 2A (Neighborhood Collector) and 1A (Neighborhood Side Street) standards.</p> |
| G. History | ZA 19-06 rezoned the property from R-3 to R-5. As part of that rezoning, Written Commitments were required and were recorded 6/11/2020. |
| H. Staff Comments: | Under Indiana Law, the Plan Commission has exclusive control over the review and approval of Subdivision Plats. Subdivisions are not discretionary, meaning a plat must be approved if it meets the standards of the local Subdivision Ordinance. IC 36-7-4-702 through 708 outline the standards for Primary Plats. IC 36-7-4-702 (c) allows the Plan Commission to grant waivers of Avon’s standards if they conflict with what they consider a desirable design. If a waiver is granted, that section of the ordinance is satisfied. |

WAIVER REQUEST -- The Plan Commission must first hear and act upon the requested waiver. The primary plat may then be heard and acted upon.

Waiver from the Avon Subdivision Control Ordinance Appendix, Engineering Street Standards

This waiver request is in response to the Technical Advisory Committee's discussion about traffic calming and reducing speed. Applicant was advised to ask for a waiver to assist in the reduction of automobile speed and staff sent applicant traffic. As a follow-up, staff shared the Town's Traffic Calming Policy and ITE's Guidelines for the Design and Installation of Speed Humps. In response, the Applicant submitted a Waiver application requesting "*street widths consistent with the 2A & 1A standards*".

Waiver Recommendation: The Waiver may be warranted, but Plan Commission should ask the applicant to expand on how the five findings are justified, before making a decision. Should the Plan Commission choose to **deny** the waiver, staff recommends the Commission continues the petition as it would not meet the streets standards set forth in the Avon Subdivision Control Ordinance.

Due to the type of development it was anticipated the applicant would discuss the expectation of infrequent on-street parking. Per Avon's Subdivision Ordinance, While similar waivers to 2A and 1A street standards have been granted in the past and Staff is generally supportive of those waivers, the Applicant fails to justify the waiver request with the submitted application, failing to discuss on-street parking, justify the required findings or provide any support information.

Per Section 1.15 (C) of the Subdivision Control Ordinance, the Applicant must justify the following five findings for a Waiver: *(Applicants responses shown in Italics)*

1. **Public Safety:** The granting of the waiver will not be detrimental to the public health, safety, or general welfare, or be injurious to adjacent or nearby property because:

Slow speeds safety and future maintenance costs will be enhanced by the reduction of pavement width.

2. **Subdivision Control Ordinance:** The granting of the waiver will not contradict the intent of design standards within or the purpose of the **Town of Avon Subdivision Control**

Ordinance because:

Reduction of street widths will help reduce speeds within the subdivision.

3. Unique Conditions: The conditions upon which the request for the waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other properties because:

The reduction of street width help to create more green space.

4. Physical Characteristics: Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out. A hardship is distinguished from a mere inconvenience because:

The addition of more green space along the streets will add to the open feel.

5. Comprehensive Plan and Zoning Ordinance: The granting of a waiver will not contradict the goals and objectives in the **Town of Avon Comprehensive Plan** or the intent of the regulations in the **Town of Avon Zoning Ordinance** because:

The reduction of street widths promotes safety and green space and do not contradict the Comprehensive Plan or Zoning Ordinance.

PLAT ANALYSIS

This petition was reviewed for technical compliance with Avon's Subdivision Control Ordinance and other corresponding Avon Ordinances, Plans and Standards as part of the Town's Technical Advisory Committee Review. Among issues that were reviewed are the following:

- A. Access:** One of the written commitments limits CR 200 N access to right in/right out only. That CR 200 N access is paired with a secondary access to the adjacent southern subdivision (Enclave at Winton Meadows). CR 200 N is classified as a Signature Street in this location and is in the process of being upgraded to a divided road with a continuous median. Per the recorded commitments, this development is providing a monetary contribution to those road improvements like other developments in the area have.
- B. Lot Standards:** In accordance with the Written

Commitments, the proposed lots all exceed the standards for R-5 (5,500 sq.ft. proposed lot size vs 4,000 sq.ft., 85' proposed lot width vs. 60').

- C. **Phasing:** The proposed plan shows only one phase for development. The applicant has been advised that if this changes, Plan Commission approval of a phasing plan is required.
- D. **Street Trees:** Parkway shade trees are shown every 50' as required by Section 16-8.
- E. **Sidewalks:** The 6' wide required sidewalk is shown along CR 200 N. Internal sidewalks are shown at 5' width.

Issues Still to be Addressed:

1. **Entryway Sign:** Any entryway feature or sign that is not part of this plat shall require separate future approval.
2. **Architecture:** The applicant must follow the architectural standards adopted as written commitments with the rezoning, ZA 19-06. Anti-monotony standards are required with Restrictive Covenants and are followed during building permit issuance. Applicant has been notified that restrictive covenants must be submitted for review.
3. **Open Space:** The Subdivision Ordinance requires 10% open space, about 2 acres for this parcel. This was not part of the rezoning, but is reviewed for compliance during platting. It appears from conversations with the applicant that this plat meets the open space requirement, but documentation of this on the plat should be a condition of approval.
4. **Landscaping:** The Subdivision Ordinance requires inclusion of a Landscape Plan as part of the filing requirements for a major subdivision. The submitted landscape plan does not meet the requirements and revising the plat to meet ordinance standards should be a condition of approval.
 - a. **Buffer:** This subdivision plat includes a plan showing the required 20' wide landscape buffer easement on the East, South and West perimeters of the subdivision, except for lot 1 (existing house). The submitted landscape plan does not meet the requirements of the Subdivision Control Ordinance, Perimeter Landscaping Standards, Section 3.19. An empty buffer does not satisfy the planting requirements.
 - b. **Signature Street Buffer Landscaping:** Section 25-4 of the Zoning Ordinance requires that landscaping for Signature Street (CR 200 N) buffers, "... shall create an effective screen, be a minimum of 50% evergreen, and also include

deciduous trees, shrubs, and annuals/perennials. If a berm is used it shall meet the standards set forth in Section 16-11 of the Zoning Ordinance. One tree (2 ½" for deciduous and 6 ft. height for evergreen) and 10 shrubs shall be planted for every 50 lineal feet of street frontage. Native landscaping shall be used whenever possible to enhance the stormwater systems in the area." It does not appear that the proposed landscape buffer along CR 200 N meets the Signature Street standard.

- c. **Tree Preservation:** The plan denotes preservation areas for existing trees along the south and west perimeters "to the greatest extent possible". Applicant has been made aware of the ordinance requirements for tree protection, including a tree survey plan and tree replacement requirements.
- d. **Yard Landscaping:** Section 16-6 of the Zoning Ordinance requires that there be one shade tree per 3,500 sq.ft. of lot area (with each fraction of a tree being 1 whole tree). This should be noted on the landscape plan. This requirement is in addition to the Parkway trees required by Section 16-8.

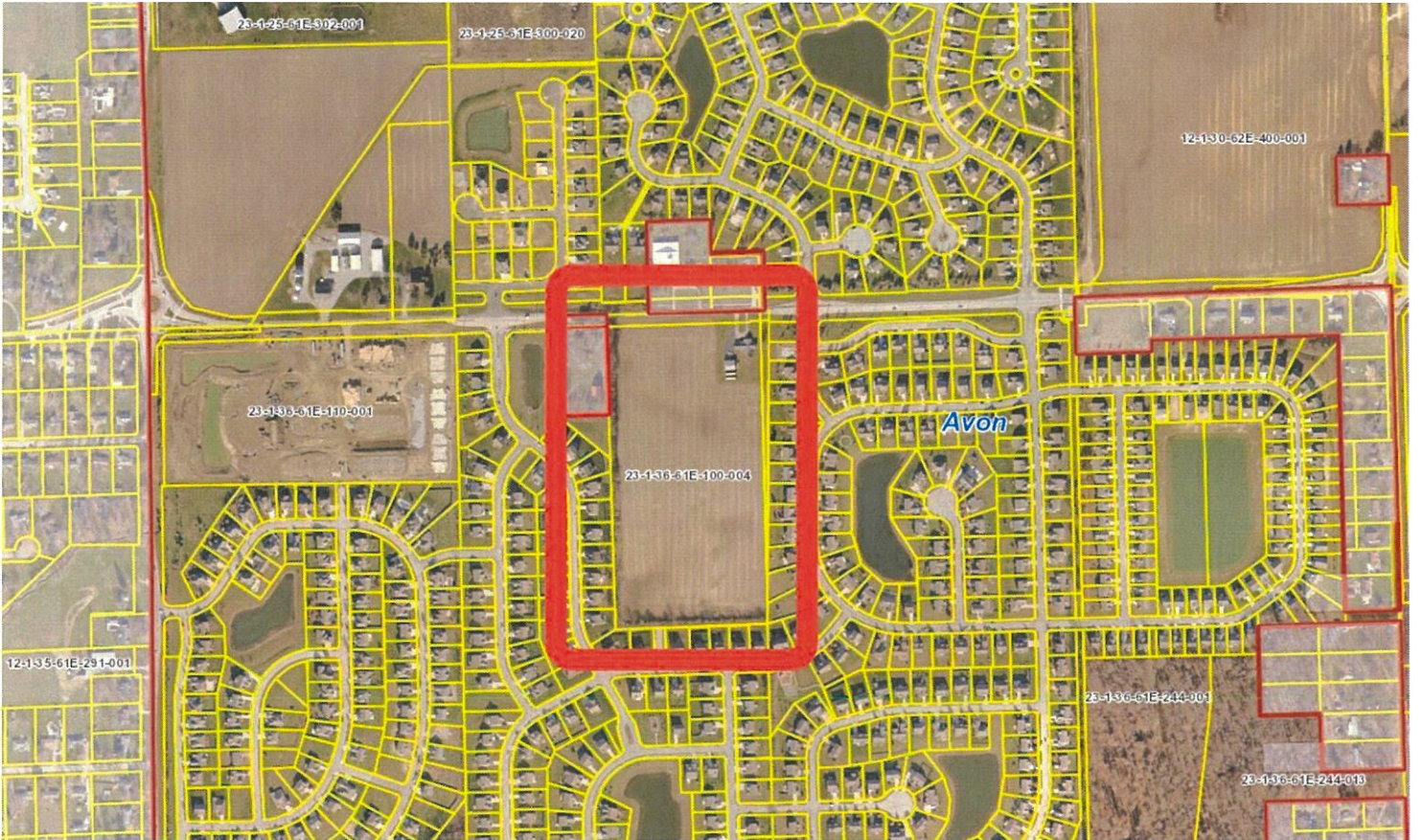
The petitioner has not yet met all technical requirements for this application.

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

I. Recommendation: Staff recommends approval of MA(P) 20-11, Abington Primary Plat, subject to the granting of the required Waiver, with the following conditions:

1. That this plat be revised to show documentation that it meets the Subdivision Control Ordinance's open space requirement.
2. That the Landscape Sheet for this plat be revised to meet the requirements of the Subdivision Control Ordinance and the Zoning Ordinance.
3. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
4. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and HC Drainage Board; and,
5. The final Plat will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code.

MAP(P) 20-11, Abington Location Map



Sample Plan Commission Motion

AVON ADVISORY PLAN COMMISSION

Motion for approval of a Primary Plat for a Major Subdivision

Case Number: MAP(P)20-11, Abington

The Avon Plan Commission Staff has considered the proposed primary plat on the subject property and has found that the plat meets all the standards of the Subdivision Control Ordinance and the Zoning Ordinance, subject to the conditions listed below.

I move that we **approve** MAP(P) 20-11, Abington Primary Plat, subject to the following conditions:

1. That this plat be revised to show documentation that it meets the Subdivision Control Ordinance's open space requirement.
2. That the Landscape Sheet for this plat be revised to meet the requirements of the Subdivision Control Ordinance and the Zoning Ordinance.
3. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
4. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and HC Drainage Board; and,
5. The final Plat will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code.

FINDINGS OF FACT FOR A SUBDIVISION PLAT

AVON ADVISORY PLAN COMMISSION

Motion for approval of a Primary Plat for a Major Subdivision
Case Number: MAP(P)20-11, Abington

The Avon Plan Commission Staff has considered the proposed primary plat on the subject property and has found that the plat will meet all the standards of the Subdivision Control Ordinance and the Zoning Ordinance.

The Avon Plan Commission Staff further finds that the proposed development meets or will meet the requirements of the Town of Avon's Zoning Ordinance, Storm Drainage, Erosion and Sediment Control Ordinance, and the land use policies and goals and objectives of the Comprehensive Plan.

DECISION

IT IS THEREFORE THE DECISION OF THE AVON ADVISORY PLAN COMMISSION THAT PRELIMINARY PLAT **APPROVAL** BE GRANTED TO PETITION **MAP(P)20-11, Abington**, subject to the following conditions:

1. That this plat be revised to show documentation that it meets the Subdivision Control Ordinance's open space requirement.
2. That the Landscape Sheet for this plat be revised to meet the requirements of the Subdivision Control Ordinance and the Zoning Ordinance.
3. Any revised plans must comply with all commitments and conditions noted as part of any approval granted;
4. The project receives any necessary review and approval by Crossroads Engineering on behalf of the Town, HCSO and HC Drainage Board; and,
5. The final Plat will comply with all the relevant portions of the Subdivision Control Ordinance and the Town Code.

ADOPTED THIS 28TH DAY OF September, 2020

James Petrides, President

Suzanne Hardy, Acting Secretary

This instrument was prepared on September 23, 2020 by:
K.K. Gerhart-Fritz, FAICP
Planning Consultant for Avon
Town of Avon, Indiana

ZA 20-01 Amendment to Avon Zoning Ordinance

Planning & Building Department Staff Report

September 28, 2020

Advisory Plan Commission, Public Hearing

K.K. Gerhart-Fritz, FAICP

- A. Petition Number: ZA 20-01, Amendment to Avon Zoning Ordinance Zoning Ordinance Amendments:
 - a. New Town Council Introductory Process:
 - Section 3.1, Applications, new sections:
 - (7) Petitions for a Change in Zoning Map (Rezoning), and
 - (8) Petitions for a Planned Unit Development
 - Section 5.7, Procedures for Initial Review, new section:
 - (5) Town Council Informational Appearance
 - b. New Auto-Related Use Prohibitions:
 - Chapter 27, Permitted Use Table, US Highway 36 Overlay -Tier 1

- B. Applicant: Town of Avon

- C. Location: Planning and zoning jurisdictional area for the Town of Avon

- D. Action Requested: Forward a positive recommendation to the Town Council regarding their proposed changes.

- E. History: The zoning ordinance was originally adopted in 2002 and has been occasionally amended since that time. The drafting and adoption of a new Unified Development Ordinance for Avon has been delayed, so the Town Council desires to move forward now with two changes. Under Indiana Law, amendments to the text of the Zoning Ordinance, including those initiated by Town Council, must have a public hearing before the Plan Commission. These proposed amendments would:
 - a. Require petitioners in rezonings and Planned Unit Development (PUD) cases to make an introductory appearance before the Town Council
 - b. Limit auto-related commercial development in Tier 1 of the U.S. 36 Overlay District.

- F. Staff Comments: The attached amendments have been drafted and reviewed by the town's attorney.
 - a. New Town Council Introductory Process:
 - 1. Planned Unit Development (PUD) petitioners

would be required to make an introductory appearance (not a public hearing) before the Town Council prior to the introductory appearance or public hearing before the Plan Commission, but only after first completing the pre-application meeting with staff, holding the neighborhood meeting and going through the Technical Advisory Committee review process.

2. Rezoning petitioners would be required to make an introductory appearance (not a public hearing) before the Town Council prior to the introductory appearance or public hearing before the Plan Commission, but only after first completing the pre-application meeting with staff, and going through staff review.
- b. Limit auto-related uses in the US 36 Overlay: This amendment to the Use Table in Chapter 27 would prohibit certain new uses in Tier 1 of the US Highway 36 Corridor.
- Vehicle Sales and Leasing
 - Car Washes
 - Vehicles Service and Oil Change
 - Auto Parts Sales

The Council is seeking this change to promote commercial diversity along the U.S. 36 Corridor and prohibit more uses which they see as already prevalent in the corridor. This is intended to protect the Town from economic uncertainty if an industry is adversely affected by a downturn. Existing auto-related uses listed above may continue operation under the Zoning Ordinance's Nonconforming Use standards. Anyone wishing to develop one of these prohibited uses in Tier 1 may still request a use variance from the Board of Zoning Appeals.

G. Recommendation: The Town Council asks that you hold a public hearing on ZA 20-01 and forward a positive recommendation on the changes to them for their approval. When adopted, the zoning ordinance and rules of procedure will be updated to reflect changes made.