TOWN OF Brownsburg

Planning & Building Department
61 North Green Street
Brownsburg, Indiana 46112-1296
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ADVISORY PLAN COMMISSION
Minutes

Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112

Monday, August 27, 2012

The Brownsburg Advisory Plan Commission convened at 7:00 PM with the Pledge of Allegiance. A roll call was taken; where upon determination of quorum was found.

Members Present:	Don Spencer, Tom Lacey, Jim Hill, Brett Scowden, and Glenn Nulty
Members Absent:	Jack Swalley, Summit Ghosh
Also Present:	Todd A. Barker, AICP – Director of Planning; Jonathan Blake- Planning Technician; and Tricia Leminger – Attorney

C. Consideration of Minutes of Previous Meeting(s)

1. July 23, 2012 - Regular Meeting

Motion: Glenn Nulty made a motion to **APPROVE** the meeting minutes from July 23, 2012, seconded by Tom Lacey, motion carried 5-0

D. Approval of Finding of Fact and Reports of Determination

1. NONE

E. Projects Requesting Continuances

1. NONE

F. Old Business

1. NONE

G. New Business

1. PCMA-7-12-1107 HOLLAWAY HILLS PUD AMENDMENT 4 HOLLAWAY BLVD.

A request to amend the Planned Unit Development (PUD) for the Hollaway Hills development, including the Hollaway Corner, Hollaway Ridge and Hollaway Pointe subdivisions, to allow "single-family residential" as apermitted use within the existing West Chase Golf Course clubhouse.
Represented by: Lee T. Comer
Comer Law Office

Lee Comer presented the petition for a Zoning Map Amendment request for West Chase Development, stating 20 years ago the golf course was established within the residential area. The golf course was considered open space for that PUD and a club house was later developed. The economy has suffered and the golf course has felt that hit, leaving the owners of the golf course to work diligently to come up with a way to sustain the golf course. Mr. Comer stated there have been other courses that have been eliminated due to economic reasons. The owners

have entered into a creative financing option with a private investor if the golf course fails the investor could take ownership of the club house as collateral. Homeowners were invited to attend meetings to discuss the project.

Mr. Comer showed a site layout of the location of the club house in relation to the golf course/community. The property has a reserved easement that would allow the golf cart pathway along Hollaway Blvd. as well as an additional option to allow traffic flow throughout the course. Owners were looking at a worst case scenario providing the availability of the pathway in the event the owners of the golf course not able to purchase the club house back from the investor. There will be a lease that will allow the owner to sell it back to them and would be included into the original plan for the location. If the owners are not able to reacquire the property the buyer would like to have the option for the property to become a residence.

Don Spencer opened the hearing to the Commission to address the Petitioner or Staff.

Todd Barker presented the staff overview of the petition stating he had reviewed the various amendments to the overall PUD in regards to setback changes, lot changes, to density, etc. The proposed separation cannot be included in the existing subdivision commitments but would need to be a separate section of the PUD describing the dwelling/clubhouse. If the worst case scenario happened and the investor was utilizing the existing structure as a Single Family Residential there would need to be an option for the golf course. Mr. Barker stated the proposed use seemed like it would be a reasonable use of the property. Staff made a favorable recommendation subject to list of recommendations stated in the Project Synopsis dated August 17, 2012.

There was a brief discussion on the inclusion of a clubhouse in a proposed PUD for a new development and what the current requirements would be in the ordinance.

Mr. Spencer asked if the petitioner had been given the list of recommended conditions and found them to be agreeable. Mr. Comer stated they were agreeable.
Mr. Spencer asked if legal had reviewed the language; counsel stated they had.

Mr. Spencer asked Mr. Comer to explain the ownership during the lease period.

Mr. Comer stated the owner (Hole in One, Inc.) will transfer the by-deed to the investor (Two West, LLC.) with a lease back period of five years.

The following items will apply:

- the structure behind clubhouse would remain regardless if the golf course is able to sustain itself
- the structure would remain zoned PUD
- the property would return to single ownership when the buy back is complete or go through the platting process
- no requested changes made to incorporate the banquet facility
- the investor would only have rights to the clubhouse; there would be no interest in the golf course
- if the owner were interested in turning the banquet facility into a single family residential property they would have to follow a similar process as this and change the ordinance

OPEN ADVERTISED PUBLIC HEARING

Don Cummings
79 Hollaway Blvd.

Mr. Cummings inquired about the stub of land that went to the lake.
Mr. Comer stated they were trying to prevent the existing pathway from being utilized. The plans indicate cutting off access but retaining a cart area along the front of the property along Hollaway Blvd.

Mr. Cummings asked if this was a done deal or is it proposed?
Mr. Comer advised that some money had been invested but the decision made by the Commission would be needed before the conclusion of the deal.

Mr. Cummings asked if pathway indicated was an easement.
Mr. Comer stated yes.
Mr. Cummings asked if the clubhouse were to become a residence would that area become a sidewalk?
What happens to the front as far as pedestrian travel within the subdivision?
Mr. Barker stated the Subdivision Control ordinance requires a sidewalk however the path would suffice.

CLOSED ADVERTISED PUBLIC HEARING

MOTION: Brett Scowden made a motion to send a FAVORABLE REOMMENDATION onto Town Council regarding PCMA-712-1107 subject to the comments, commitments and conditions as stated on page 15 & 16 of the staff report, Tom Lacey seconded; motion carried 5-0.

2. PCMA-7-12-1108 Eaglepointe Business Park NW Corner 56th Street/Northfield Dr.

A request to amend the Official Zoning Map of the Town of Brownsburg for property located at the southeast corner of East 56th Street and Northfield Drive from "C-3" *Commercial* to "I-4" *Industrial*
Parcel Number(s): 32-07-12-100-001.000-016
Represented by: Vernon Back

Vernon Back showed a presentation supporting the request for the Zoning Map Amendment to permit the construction of two 500,000 square foot logistic / distribution facilities on the subject property; stating that Lauth has seen no demand for commercial development and the current commercial/retail structures in town have significant vacancy or have less desirable uses. Lauth felt that developing retail would require multiple entrances located near a residential community however the highest and best use for the subject property would be industrial. The proposed site plan would hold two 500,000 square foot facilities and indicates an extensive job growth in the area.

Mr. Back stated that they had worked with staff to develop commitments in connection with the use and development of the buildings and have agreed to all traffic study recommendations.

Mr. Back gave a brief overview on architectural requirements and renderings of the potential buildings.

Mr. Spencer opened the hearing to the Commission to address the Petitioner or Staff.

Mr. Barker stated that Staff had reviewed a lengthy list of projects completed in the surrounding area. The petitioner had submitted the application prior to the adoption of the Comprehensive Plan. After reviewing both the previous and the newly adopted Comprehensive Plan it was clear that neither recommended retail at that location. Mr. Barker acknowledged high intensity retail (as the property is currently zoned) at that location is not the most desired use. The previous Comprehensive Plan recommended some office as a buffer between higher intensity industrial to the east and residential to west. The current Comp Plan indicates similar to the Lauth presentation with the exception of the intersection. Staff is concerned with the scale of the buildings in that location and the dominance of that building on the SE corner of the property. Lauth submitted some commitments that have been identified in the staff report.

Mr. Barker gave an Unfavorable Recommendation based on proposal, however if the scale issue can be resolved and changes made to the site the recommendation could be altered.

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A discussion regarding the site plan and the scale of the buildings, elevations, and landscaping took place between the Commissioners and the Petitioner. This discussion was in relation to the buffering and/or burming for the zoning district, the land use identified in the Comprehensive Plan, and the proposed building height.

During the TECH Review meeting staff indicated that the western most entrance on 56th Street and the entrance on Northfield Drive accrossed from Pennwood Lane could be problematic. Mr. Back stated that they would agree eliminate the right in right out entrance.

Tom Lacey asked Mr. Back to give clarity on the statement made regarding the general economic downturn; Lauth stated the 'property poorly located to have much demand for commercial/retail property'. Mr. Lacey wanted to know what has changed since the development.

Mr. Back stated the potential for big box retail at this corner 14 years ago was greater than the demand today. It is their belief that during the last 3-4 years retail markets constantly changed; internet retailing has changed the marketplace retailing

Mr. Lacey expressed that he was skeptical, as you can still see considerable traffic in retail stores and while certain areas could be saturated he would challenge whether the community was in that place. Mr. Lacey asked Mr. Back to provide numbers that indicate internet retail taking precedence over retail stores.

Mr. Lacey asked Mr. Back to provide their percentage of build- out for the area.

Mike Jones, President of Lauth, approached the Commission and stated the largest contiguous piece is at a 50% build-out for the community. It is the belief of their organization that the subject property would be the only site that would allow the size of the building they are proposing. There is not a regional draw within this interchange. Lauth felt that any potential 'box retail stores' will want to be closer to the new Ronald Reagan Parkway/I-74 exchange.

There was a brief discussion on the potential jobs the proposed building would bring, the current employment rate, impact on local schools, and any potential tenants for the proposed structures.

Due to the plans to include cross truck docks, the petitioner was asked to consider the burming that will act as a noise buffer for the residents in the subdivision across the street. It is the opinion of the petitioner that the burm effectively hides the trucks from the view of the residents. They stated they would ensure that the burm and landscape requirements as identified in the ordinance would be strictly adhered to.

Glenn Nulty stated the petitioner indicated there was not a need for Neighborhood Commercial however according to Exhibit B the subject property was surrounded by residential. Mr. Nulty expressed concern that the proposed use would direct traffic out of the community rather than if a retail use was located in that area as currently indicated.

Mr. Back stated the current retail across the street is not performing well and that some tenants would not be desirable in this location.

Jim Hill stated that his biggest concern was on the impact on the neighborhood in connection with the entrance and exit of the trucks.

Kevin Miller- VS Engineering
4275 North High School Road- Indianapolis

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Kevin Miller provided the traffic analysis that was conducted showing the traffic flow around the subject property. The following comments were made:

- site traffic with the buildings on site was based off a progressive timeline
- capacity analysis- movement operated satisfactorily with proposed entrances
- all intersections studied meet acceptable level with the exception of US 136 and Northfield – it's deficiencies however are based on background traffic not the traffic from this project
- Right in/right out entrance-recommendation to remove; falls within functional area of the intersection
- if the site plan changes the entrances should be reviewed againe
- general recommendations-striping in poor condition- safety feature
- ADA transition plans- look at sidewalks

OPEN ADVERTISED PUBLIC HEARING

Jim Sering
6 West Tilden
Mr. Sering stated there was a big discussion years ago that indicated a desire to turn that area into apartments. He stated he was in agreement with the concerns regarding housing; merit in thinking the Brownsburg citizens like to have commercial businesses in this town. As for the noise buffer, he stated there should be a consideration that something more stringent be added to the residential side. It is in the best interest of all cut out noise and sight; perhaps put a concrete wall up in that area.
He continued to say that he agreed with the presented regarding retail areas and suggested locations around 56th street that were currently undeveloped. Mr. Sering expressed concern regarding the houses on the west side stating there should be something there in that place.

Chris Worley
670 Sablechase
Mr. Worley was concerned about the entrance and the adverse affect it would have on the neighboring properties. He stated he had reviewed the TECH Review that had been provided to the petitioner and stated that the proposed entrance # 5 across from the entrance/exit in the subdivision is a busy location. Mr. Worley expressed that it is currently a hardship to enter and exit that location-do we really want to add increased truck traffic along Northfield Drive? Additionally he was concerned about the noise and light pollution.

Terry Laith
11 Killarney
Mr. Laith stated he would like to know the impact of noise abatement and the impact of ambient lighting and the glow factor on the houses across the street.

Jenny Back
31 nelson circle
Ms. Back expressed concerns on entrance #5. She also stated that the meeting that Lauth held for the community members and the lack of attendance was not indicative of the neighborhood concerns.
Additionally, there is only 1 single story house that will face that - the rest are multi story

Terry Eistart
38 Somerset Circle
Mr. Eistart stated he was concerned about the impact on the value of his home. If he chose to sell he would like some comfort that there won't have the increased noise.

Dan Campbell
23 Destin Circle

His property is currently 404' ft across the street from the subject property. He has a two story house and can see directly over the current burm. With the increased noise and traffic flow the fence with burming would help but probably not much.

Chuck Walker
307 Circle Branch Drive
Stated the project is one of the most thrilling things since he has moved here and it would bring meaningful things to this community.

Mr. Back was given a rebuttal opportunity in which he stated Lauth had marketed the site for 14 years as retail. It is their intention to develop what will be the best and highest use of land; stating that is industrial use. Their goal is to bring quality economic development to the community. He stated the commitments on landscaping will be subject to staff approval. In consideration of the increased noise/light it is their belief that retail would be 24/7 issue(bars, restaurants, deliveries to retail, etc). Mr. Back expressed that there will be similar issues with lighting on this site regardless the type of development. The noise and light can be reduced based on directional placement and will consider that in choosing that in relation to the neighborhood.

In summary, prior to bringing the proposal to the Advisory Plan Commission, Lauth considered the current conditions and concerns of the neighborhood. They believe they have looked at most desirable use and how to conserve property values as well as believe this would have a lesser impact than retail and identifies what is relevant to the development.

Mr. Eistart asked the Commission to contact Purdue University Department of Engineering to do a noise analysis.

Mr. Worley stated that he is pro –Brownsburg. If it does comply and brings more business tax base to the town please consider relocating entrance #5.

Rob Kendall
135 W. William Dr.
Mr. Kendall thanked the residence and the Advisory Plan Commission for their attendance. He asked the members of the Commission to be mindful that someone wants to build in the community and wants to put jobs in the community without asking for government assistance.

Mr. Hill asked what the primary use will be in regards to entrance #5.
Larry Longman, Lauth, stated if it not to be allocated for truck traffic that the additional intention will be another egress point or that it could be a mix of both.

Mr. Back stated it was difficult to close the entrance not knowing the user.

Mr. Nulty stated he was not opposed but would like more review of the plans.

Mr. Spencer stated when trying impact to community, residence, and land value; this reflects a change to what the anticipated development is going to be on that property.

There was a discussion on the retail occupancy rate in Brownsburg and Lauth was asked to present additional facts and figures in that regard.

Mr. Spencer stated he would like to have Lauth address the concerns of the Commission and the residence. He asked Lauth to meet with staff and address the concerns and bring revisions before the Commission. He asked that they take this opportunity to work through the concerns.

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Tricia Leminger instructed Mr. Spencer if the petition were to be suspended he would need to call for a motion to continue to the regular September meeting.

MOTION: Brett Scowden made a motion to SUSPEND the Advertised Public Hearing for PCMA-7-12-1108 until the regularly scheduled meeting for September, Tom Lacey seconded; motion carried 5-0.

ADVERTISED PUBLIC HEARING SUSPENDED

H. Reports from Officers, Committee & Staff

1. Todd Barker gave an update on the proposed Zoning Ordinance and stated there would be a follow up meeting for the Sign Bus Tours on September 6, 2012 to review the analysis compiled from the tours.

I. Communications & Bills

1. NONE

J. Administrative Fillings

1. Staff provided an update on the status of Midwest Technical Institute.

K. Task List

Staff provided an update on the status of the Capital Projects for the Town.

L. Adjournment

Motion: Tom Lacey made a motion to **ADJOURN**, seconded by Tom Lacey, motion carried 5-0. 9:35 p.m.

_____

Donald E. Spencer, President

ATTEST: _____

Todd A. Barker, AICP, Administrator