61 North Green Street
Brownsburg IN 46112
317.852.1128

Town of Brownsburg
Advisory Plan Commission
Project Synopsis

TO: Advisory Plan Commission; and Tricia Leminger

CC: Vernon Back - Lauth Construction, LLC

FROM: Todd A. Barker, AICP

DATE: September 18, 2012

RE: CASE # PCMA-7-12-1108 I Eaglepoint NW Corner

GENERAL INFORMATION:

APPLICANT: Lauth Construction, LLC (Vernon Back)

STATUS OF APPLICATION: Case was continued at the August 27, 2012 meeting pending the reconvening of the Public Hearing at the September 24, 2012 Plan Commission meeting.

REQUESTED ACTION: Zoning Map Amendment

DATE OF APPLICATION: July 13, 2012

PURPOSE: To amend the zoning on the subject parcel from C-3 to I-4

PROPERTY ADDRESS: n/a

PARCEL ID: 32-07-12-100-001.000-016

EXISTING ZONING: C-3 (North) and I-4 (South)

UTILITIES:

WATER:	Town of Brownsburg
SANITARY:	Town of Brownsburg
STORMWATER:	Town of Brownsburg

EXISTING SURROUNDING ZONING:

NORTH:	I-1, C-2 and R-4A
SOUTH:	I-4 and M-1
EAST:	I-4
WEST:	R-2 and R-3

EXISTING USES:

NORTH:	Retail, Office and Multi-Family Residential
SOUTH:	Warehouse, Distribution Center and Motorsports
EAST:	Warehouse, Distribution Center
WEST:	Single-Family Residential

NEIGHBORHOOD CHARACTERISTICS: The area immediately adjacent to and surrounding the subject property includes a cornucopia of uses, and the intersection of Northfield Drive & 56th Street serves as the transition between residential uses to the west,

	heavier industrial/warehouse uses to the east, and the commercial uses to the north.
TOTAL PARCEL SIZE:	65.67 Acres
COMPREHENSIVE PLAN DESIGNATION:	The Town Council recently adopted the Town of Brownsburg 2012 Comprehensive Plan, which became effective on August 1, 2012. This project was filed prior to the adoption of the Town of Brownsburg 2012 Comprehensive Plan. As a result we will provide analysis for this petition based on both The Town of Brownsburg 2020 Comprehensive Plan and the Town of Brownsburg 2012 Comprehensive Plan. Town of Brownsburg 2020 Comprehensive Plan: The Future Land Use map within the Brownsburg 2020 Comprehensive Plan identifies this area as "Office". Town of Brownsburg 2012 Comprehensive Plan: The Business Areas Plan within the Town of Brownsburg 2012 Comprehensive Plan identifies this area as a combination of "Research & Development / Motorsports", with "Neighborhood Commercial" at the northwest corner of the subject property.
THOROUGHFARE PLAN:	The 2020 Thoroughfare Plan identifies both East Northfield Drive & 56th Street as Primary Arterials; it identifies Eastpoint Circle as a Local Street.
GREENWAYS MASTER PLAN:	The 2008 Greenways Master Plan recommends for both East Northfield Drive & 56th Street a Multi-Use Paths, which recommends a twelve (12) foot path.
PUBLIC NOTICE:	Appeared in the August 8, 2012 Hendricks County Flyer
PUBLIC HEARING DATES:	Scheduled for August 27, 2012
PUBLIC COMMENTS:	As of August 21, 2012 no written comments have been submitted to staff.

STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:

§155.038 (D) Standards for Amendments:

The wisdom of amending the text of the Zoning Ordinance or the zoning map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. In making their determination, however, the Town Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation, consider, among other factors, the following:

(1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
(2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
(3) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;
(4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
(5) Whether the proposed amendment reflects responsible standards for development and growth.

PREVIOUS ACTIONS ON-SITE:

1996-08P	Annexation
1997-17P	Annexation
1997-18P	Zoning Map Amendment

1997-19P	Zoning Map Amendment	
1997-26P	Primary Plat	
1999-04P	Primary Plat	

PREVIOUS ACTION- SURROUNDING AREA:

1994-03P	Annexation	Austin Meadows
1994-11P	Rezone to R-3	Austin Meadows
1994-23P	Primary Plat	Austin Meadows
1996-26P	Primary Plat	Brownsburg Crossing
1996-27P	Site Development Plan	Brownsburg Crossing
1997-28P	Site Development Plan	Brownsburg Crossing Self Storage
1999-09P	Replat	Austin Meadows, Sec. 4 & 5
2001-24P	Secondary Plat	Eaglepoint Business Park, Lot 12
2001-25P	Secondary Plat	Eaglepoint Business Park, Lot 14
2002-19P	Secondary Plat	Eaglepoint Business Park, Lot 20
2002-20P	Primary Plat	Eaglepoint Business Park, Phase 2
2003-02P	Replat	Brownsburg Crossing
2003-09P	Secondary Plat	Eaglepoint Business Park, Lot 15
2003-10P	Replat	Eaglepoint Business Park, Lot 18 & 19
2004-05P	Site Development Plan	Watkins Motor Lines
2004-30P	Secondary Plat	Eaglepoint Business Park, Lot 13
2004-39P	Secondary Plat	Eaglepoint Business Park, Phase 2
2005-19P	Replat	Eaglepoint Business Park, Lot 3
2006-07P	Replat	Eaglepoint Business Park, Lot 19
2006-16P	Secondary Plat	Eaglepoint Business Park, Lot 5
2006-17P	Secondary Plat	Eaglepoint Business Park, Lot 9
2007-12P	Rezone to M-1	John Force Racing
2008-17P	Replat	Eaglepoint Business Park, Lot 16 & 17
2008-20P	Site Development Plan	John Force Racing, Building 3
2008-25P	Secondary Plat	Eaglepoint Business Park, Lot 10
2008-26P	Site Development Plan	Vance & Hines, Building 1
2008-27P	Site Development Plan	Eaglepoint Business Park, Lot 5
2008-28P	Site Development Plan	Indy Performance Composites
2010-16P	Site Development Plan	Eaglepoint Business Park, Lot 5
2010-23P	Site Development Plan	Eaglepoint Business Park, Lot 5
2011-10P	Secondary Plat	Eaglepoint Business Park, Lot 21

SUPPLEMENTARY DOCUMENTATION INSERT:

▪ APPLICATION	EXHIBIT - A
▪ PRESENTATION MATERIAL	EXHIBIT - B
▪ PROPOSED ZONING COMMITMENTS	EXHIBIT - C
▪ ZONING MAP	EXHIBIT - D
▪ AERIAL INSERTS	EXHIBIT - E
▪ SITE PHOTOS	EXHIBIT - F
▪ TECH REVIEW MEETING NOTES	EXHIBIT - G

EXHIBIT – A
APPLICATION

Zoning Map Amendment Application

FOUNDED 1848

TOWN OF BROWNSBURG

61 North Green Street
Brownsburg, IN 46112

TOWN OF BROWNSBURG
PLANNING & BUILDING
JUL 13 2012

Phone: 317.852.1128
Fax: 317.852.1135

BROWNSBURG ADVISORY PLAN COMMISSION

Project Name: Eaglepoint NW Corner Received: 7/13/12 mm

Docket Number: 2012-14P / PCMA-7-12-1108 Fee: $2216.50

1. Applicant's Name(s): Vernon C. Back of Lauth Construction, LLC 2. Phone: (317)848-6500
3. Applicant's Email: vback@lauth.net
4. Applicant's Address: 111 Congressional Blvd.
Suite 300
Carmel, IN 46032

*Co-Applicant's Name(s): Mary E. Solada - Bingham Greenbaum Doll, LLP Phone: (317)968-5412
Co-Applicant's Email: MSolada@bgdlegal.com FAX: (317)236-9907
Co-Applicant's Address: Bingham Greenebaum Doll, LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204

5. Owner's Name(s): Brownsburg Partners, LLC 6. Phone: (317) 848-6500
7. Owner's Address: 111 Congressional Blvd.
Suite 300
Carmel, IN 46032
8. Applicant(s) is Circle One: (Sole owner) Joint owner Tenant Agent
Other (specify)
9. Legal Description: (See Attached Description & Map)
10. Parcel Number(s): 32-07-12-100-001.000-016

*Please copy Co-Applicant on all Correspondence

Zoning Map Amendment Application continued

11. Present Zoning: Retail C3-Zoning and Industrial I4-Zoning

12. Proposed Zoning: Industrial I-4 Zoning

13. Size of Project in Acres: 58.66 acres to be converted

14. Describe the proposed project: Brownsburg Partners, LLC would like to change the zoning from Retail C3-Zoning and Industrial I4-Zoning to strictly Industrial I4-Zoning.

15. Notarization: The above information and attached exhibits, to my knowledge and belief, are true and correct, and in compliance with the Zoning Ordinance and/or the Subdivision Control Ordinance of the Town of Brownsburg, Indiana.

Signature of Applicant — Date: 7/12/12

Vernon C. Back — Print Name — Date: 7/12/12

STATE OF INDIANA)
COUNTY OF HAMILTON) SS:

Subscribed and sworn to before me this 12th day of July, 2012

Christine Kindred
Signature of Notary Public

County of Residence:
HAMILTON

CHRISTINE KINDRED NOTARY PUBLIC SEAL COMMISSION NO. 545603 EXPIRES 12-28-2013 HAMILTON COUNTY INDIANA

Form: APC-301 Revised: 2/2008 Page 2 of 2

LAUTH
PEOPLE. TRUST. EXPERIENCE.

July 13, 2012

Town of Brownsburg
Brownsburg Advisory Plan Commission
61 North Green Street
Brownsburg, Indiana 46112

Attention: Grant Kleinhenz, Town Manager
Todd Barker, Planning Director

Re: Eaglepoint Business Park – Northwest Corner

Statement of Reasons

Brownsburg Partners LLC, an entity related to the Lauth Group, Inc., requests to rezone 66.67 acres from primarily the C3 retail commercial zone to the I4 industrial zone. Located at the southeast corner of Northfield Drive and County Road 600 North (56th Street), the property is within the Eaglepoint Business Park. Although this property is surrounded by development, it has never been developed. Following is a comprehensive list of both practical and physical reasons why this property should be rezoned accordingly:

- The owner/developer has marketed this property for retail commercial development purposes for a number of years, without success. As the marketplace has evolved, larger properties formerly well-suited for large scale retailers (i.e. big-box retail) have become generally less viable, and/or marketable, as the retail industry has reacted to the consumer-driven growth of web-based on-line shopping. As a result, retailers have been trending toward a smaller physical retail footprint and a larger warehousing, shipping and distribution (i.e. logistics) footprint.

- The property is poorly located for retail commercial development purposes. Relatively few retail commercial establishments exist in the immediate vicinity. Retail commercial developments predominate in the areas further to the northwest, along Northfield Drive near Green Street (SR 267). Additionally, large-scale retail would typically include extensive evening and weekend operations which would likely have a greater impact upon the residential developments nearby.

- The property is well-situated and well-suited for industrial use. Located within an industrially-dominated Eaglepoint Business Park, this property is also

[illegible]
Carmel, Indiana 46032
317.848.6500
www.lauth.net

SR 267 via two abutting major roadways, Northfield Drive and County Road 600 N (56th Street). These adjacent arterials also provide significant public rights-of-way separation from the nearest residential developments.

- Market demand for large scale industrial flex / logistics facilities has remained relatively strong in central Indiana. Rezoning this property to the I4 is critical to the effective marketing and development of the site, which will result in additional jobs and tax base for the Town of Brownsburg.

For these stated reasons, we request your favorable consideration of our request to rezone the property from C3 and I4 to exclusively the I4 zoning classification. Thank you.

Sincerely,

Vernon Back
Executive Vice President & General Counsel
Lauth Property Group, LLC

Mary E. Solada
Attorney for the Petitioner
Bingham Greenbaum Doll LLP

cc: Larry Longman

1694212v1

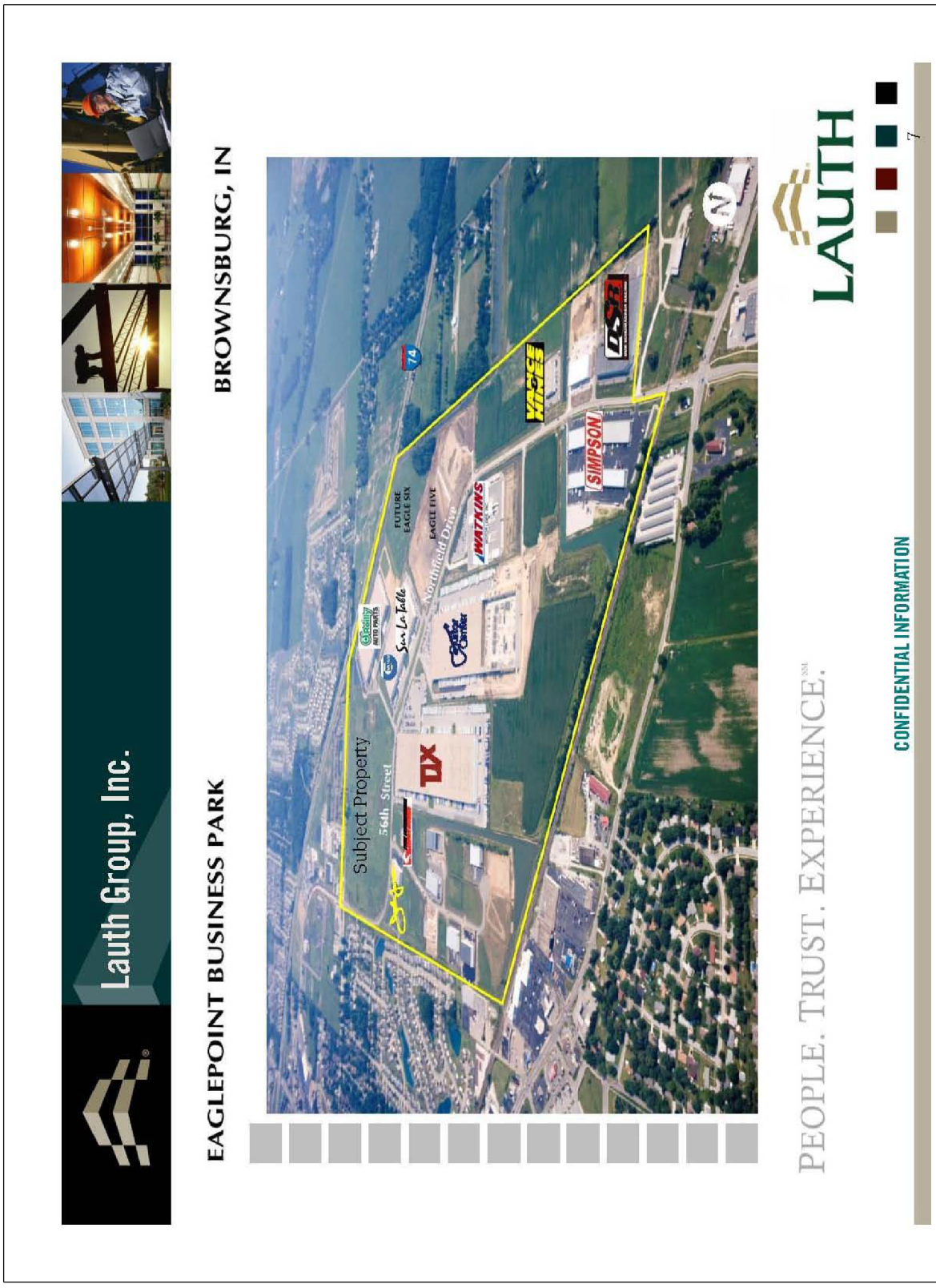
Eaglepoint Business Park – North 67 Acres

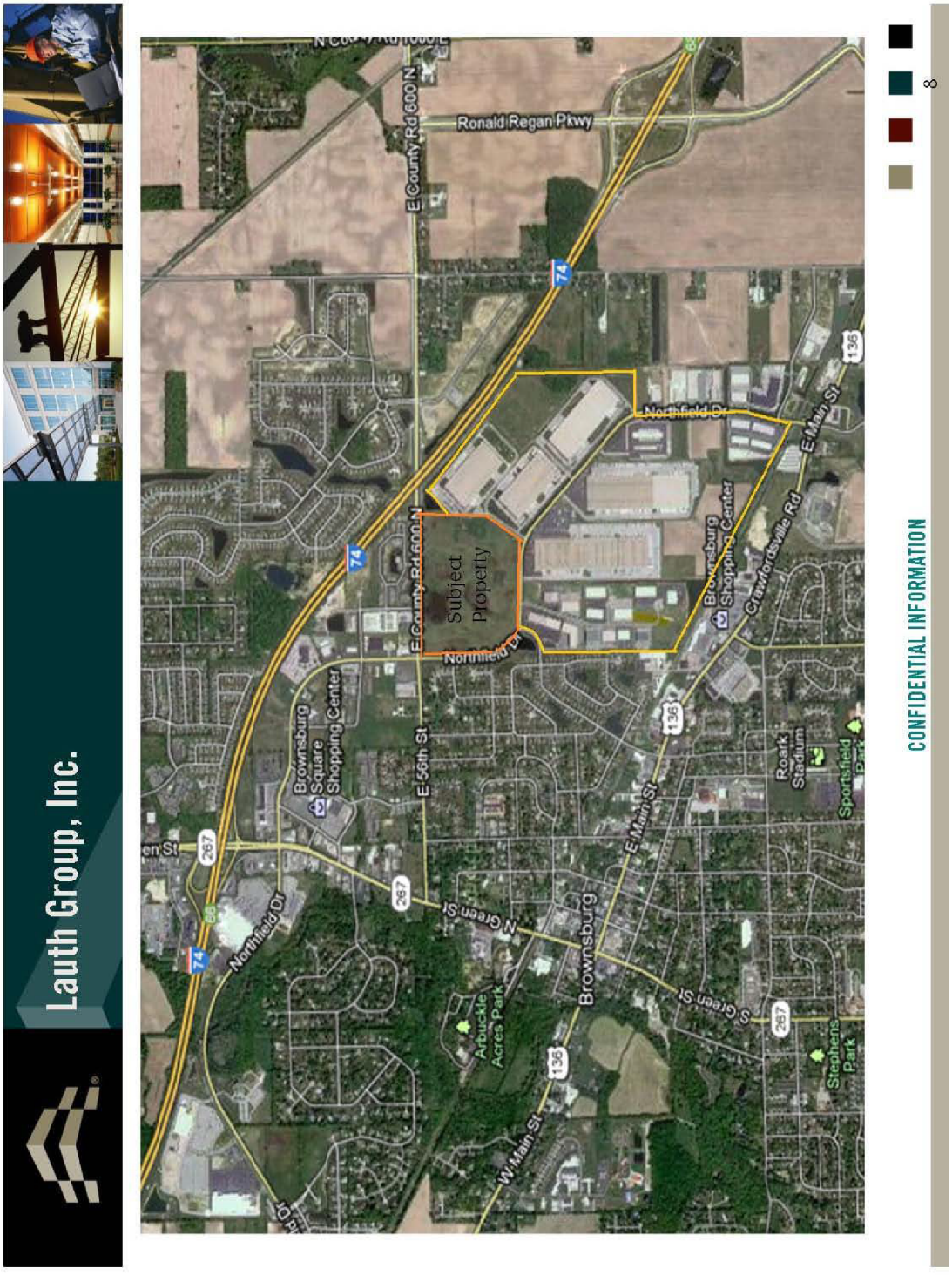
Challenges

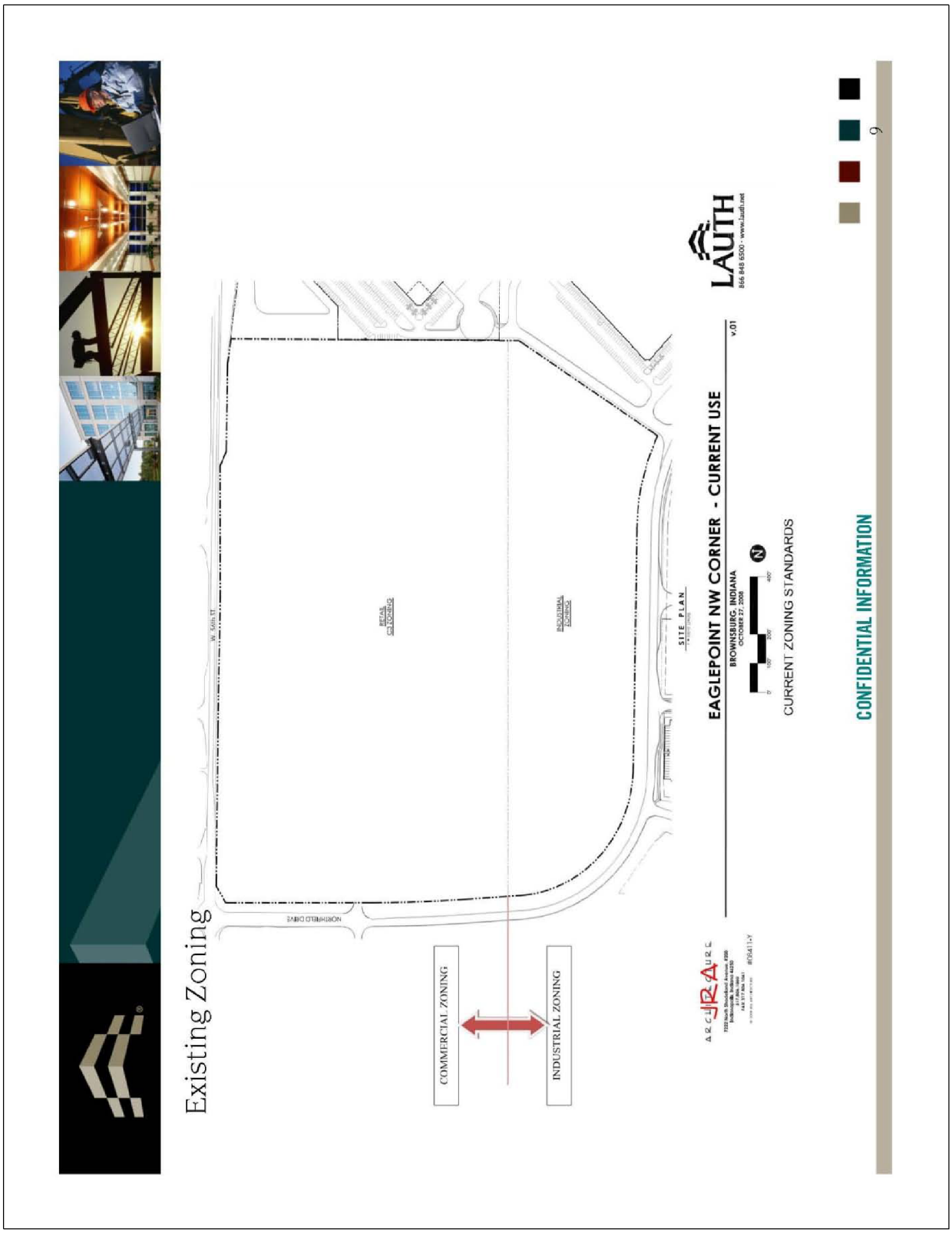
- Economic recession has had a significant impact of future retail development
- Retail is overbuilt nationwide
- Brownsburg Station could not attract the big boxes necessary to be successful
- Any new retail development will occur at the new Interstate 74 exit
- **Eaglepoint land will never be developed as big box retail – C2**
- Little or no demand for small commercial buildings

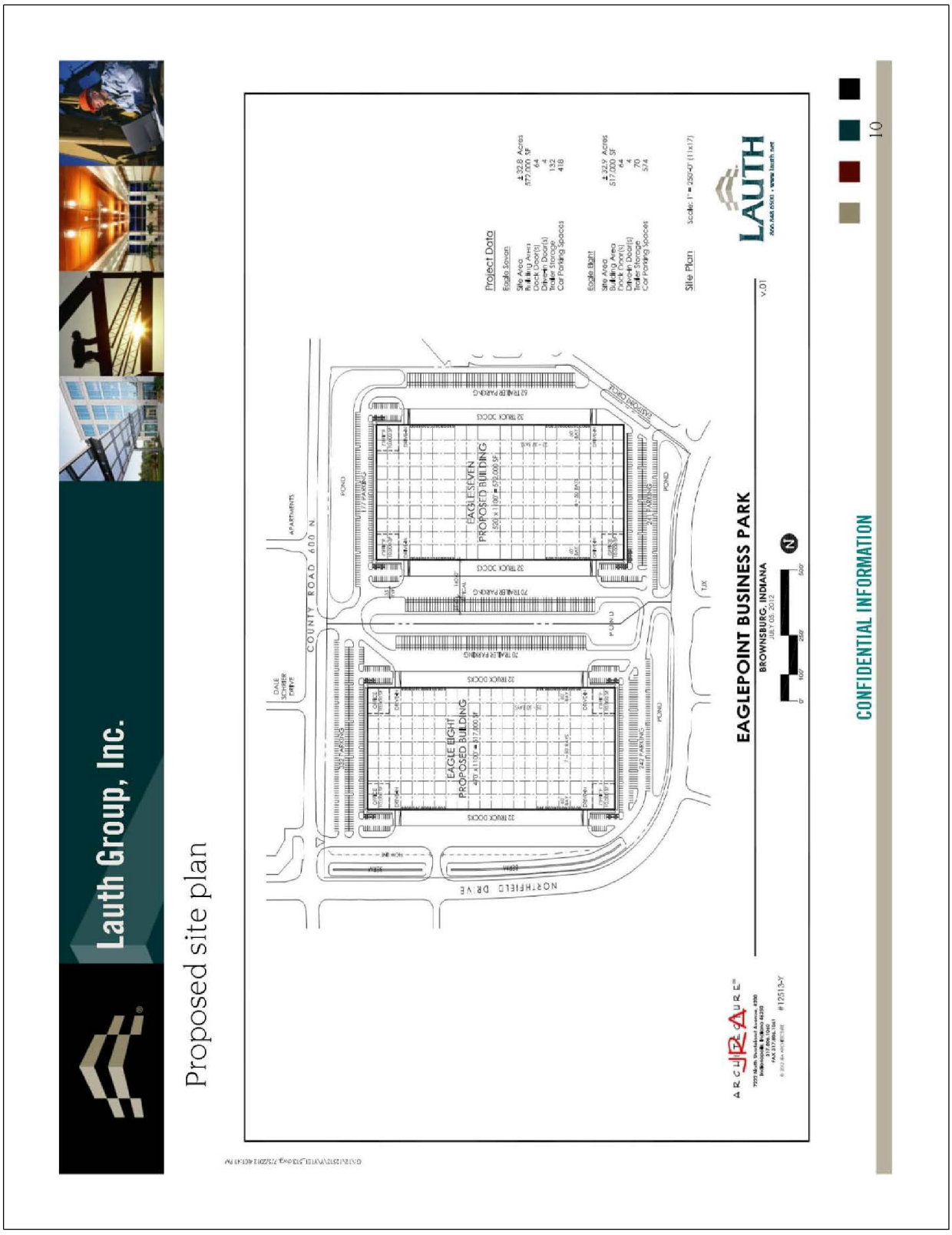
Eaglepoint Business Park – North 67 Acres

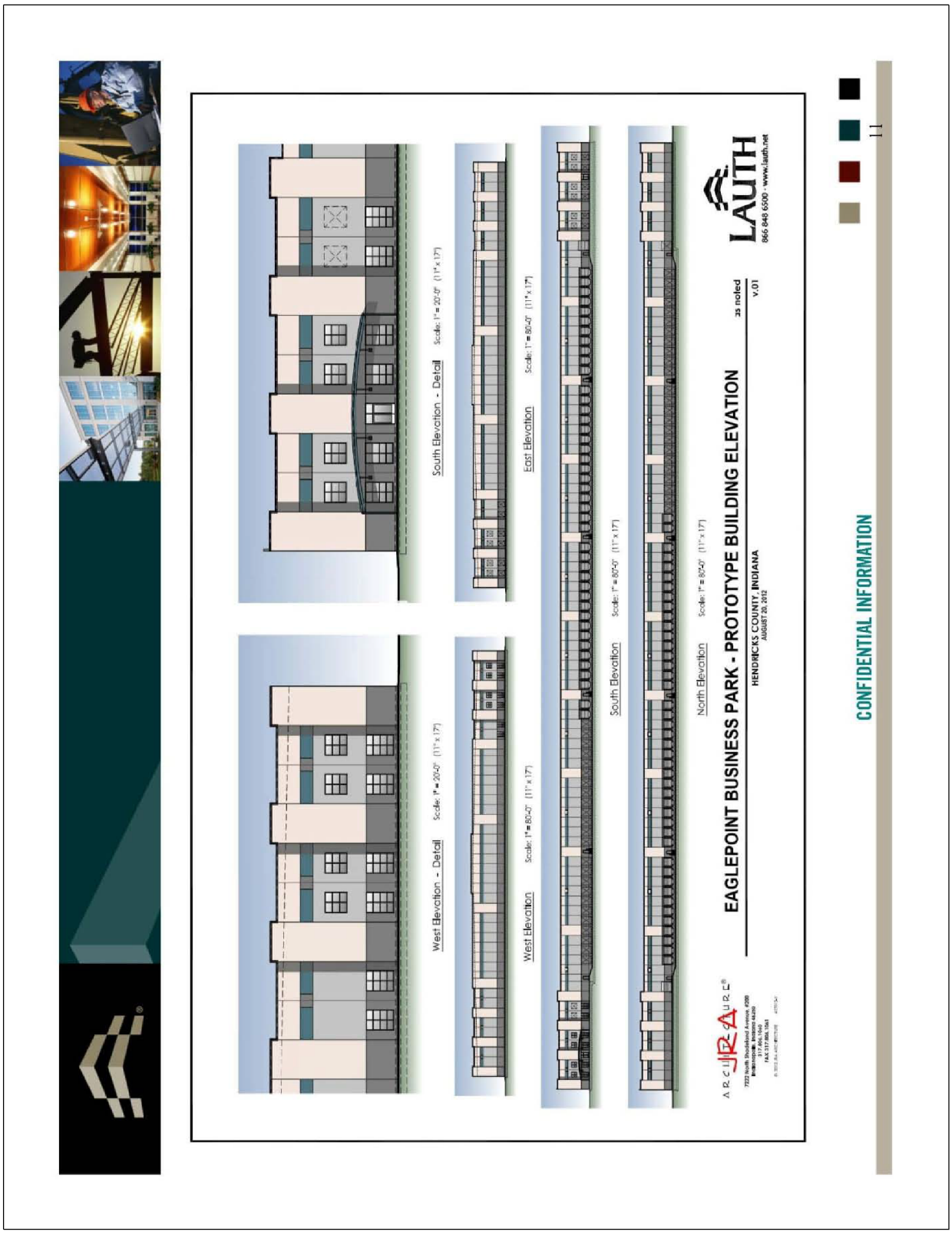
- Proposed development strategy
  - Highest and best use is industrial development
  - Industrial development on the Eaglepoint North land will include:
    - 2 approximately 500,000 square feet facilities
    - Capital investment of over $35 Million
    - Estimated to create over 800 jobs with wages over $32 Million
    - New jobs have minimal burden on schools
  - Estimated property taxes
    - Approximately $1 Million without abatement annually ($500,000 after abatement)

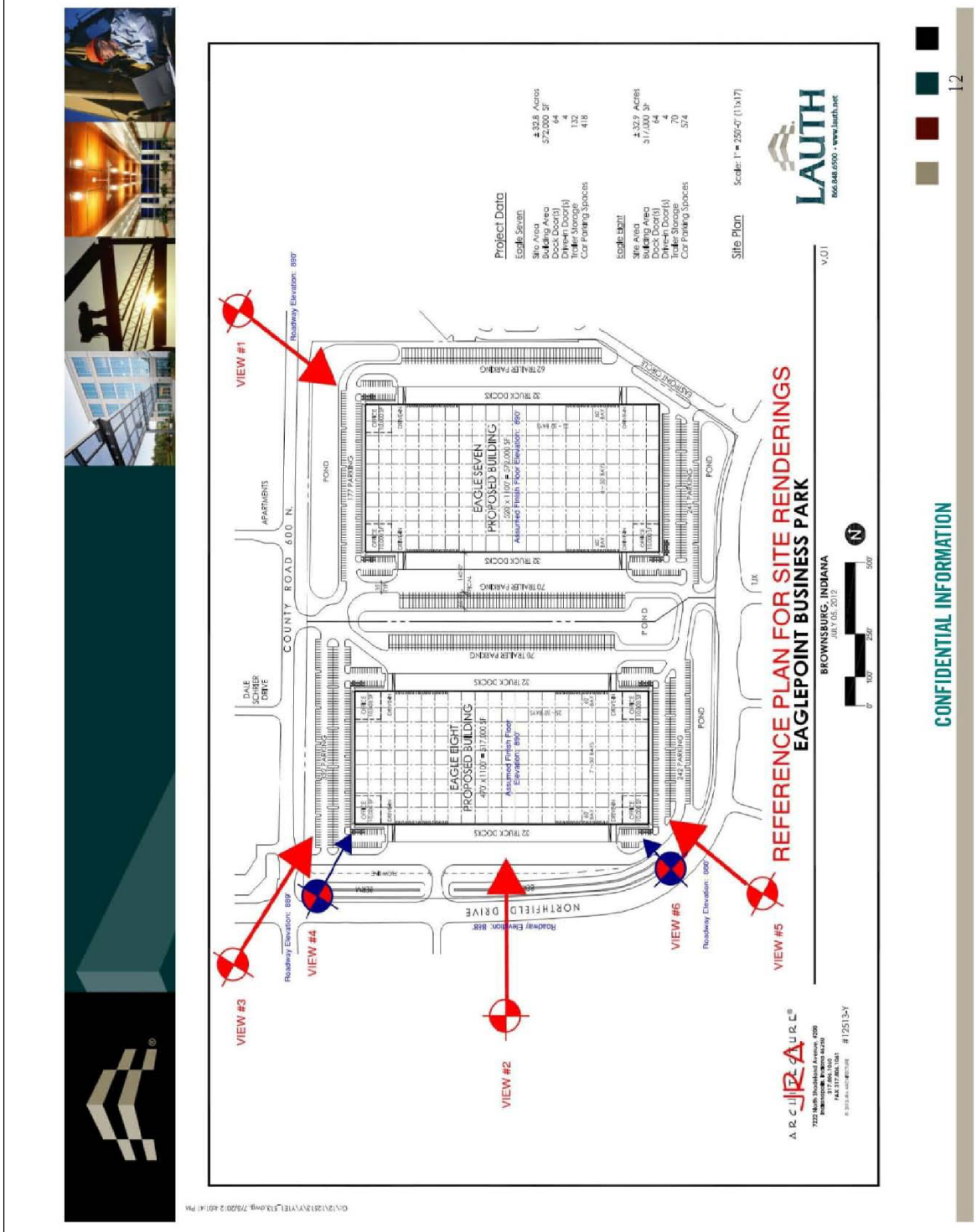

Lauth Group, Inc.
EAGLEPOINT BUSINESS PARK
BROWNSBURG, IN
Subject Property
56th Street
FUTURE EAGLE SIX
EAGLE FIVE
Northfield Drive
SIMPSON
WATKINS
LAUTH
PEOPLE. TRUST. EXPERIENCE.SM
CONFIDENTIAL INFORMATION
7

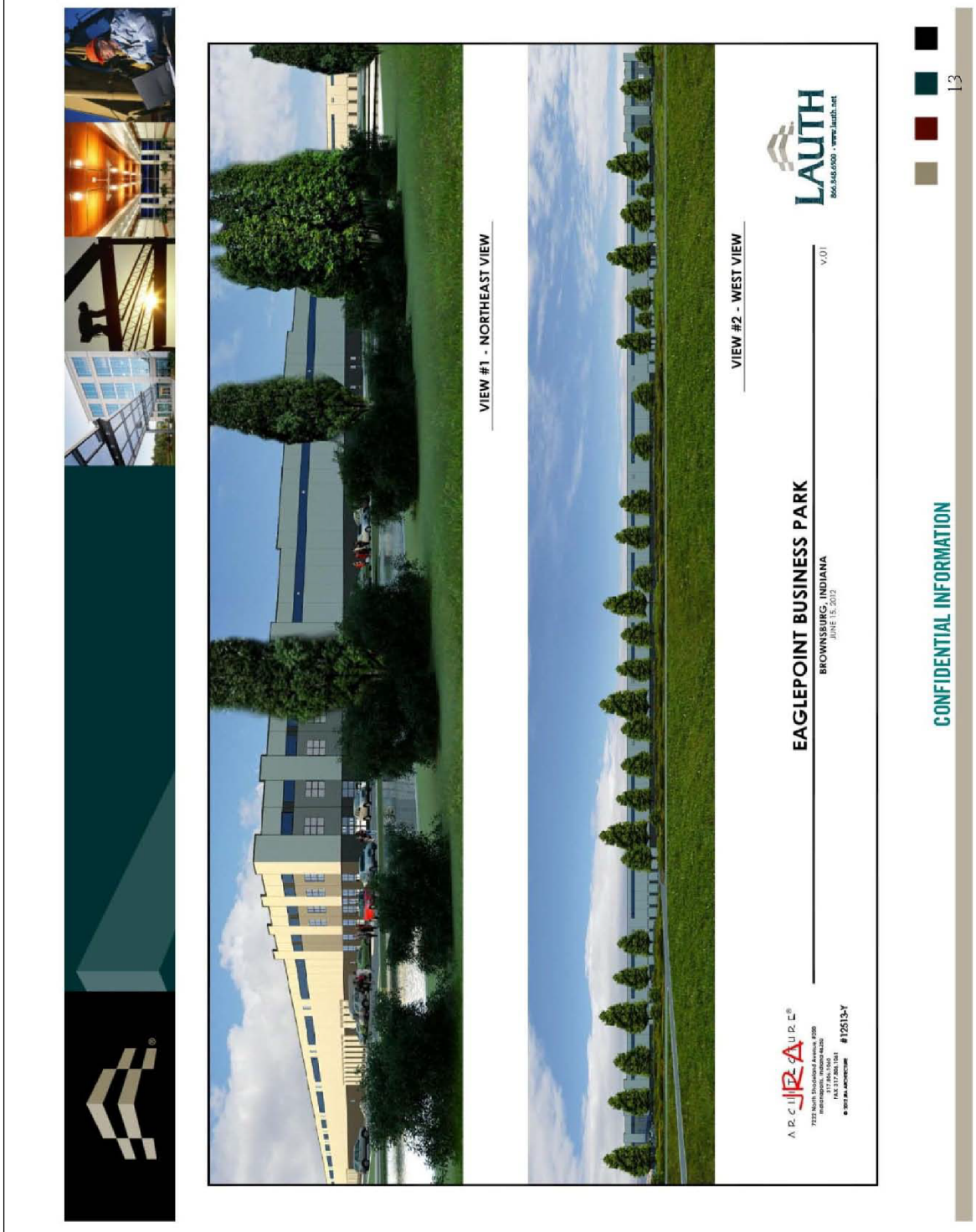

Lauth Group, Inc.
Subject Property
Ronald Regan Pkwy
E County Rd 600 N
Northfield Dr
E Main St
Brownsburg Square Shopping Center
Brownsburg Shopping Center
Crawfordsville Rd
E 56th St
N Green St
S Green St
W Main St
Brownsburg
Arbuckle Acres Park
Stephens Park
Roark Stadium
Sportsfield Park
74
136
267
CONFIDENTIAL INFORMATION
8

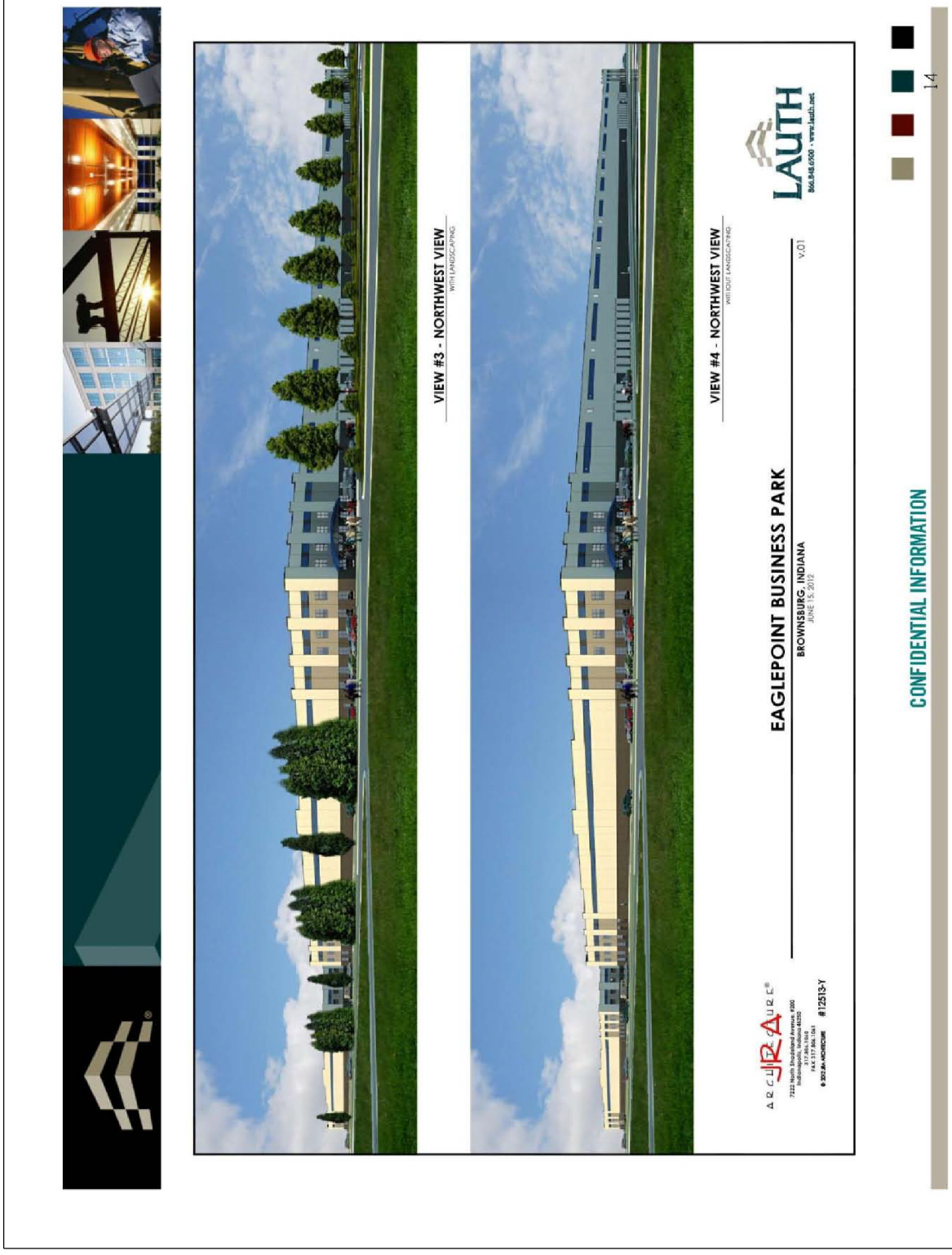

Existing Zoning
COMMERCIAL ZONING
INDUSTRIAL ZONING
NORTHFIELD DRIVE
W. 56th ST
RETAIL C1 ZONING
INDUSTRIAL ZONING
SITE PLAN
EAGLEPOINT NW CORNER - CURRENT USE
BROWNSBURG, INDIANA
OCTOBER 27, 2008
v.01
LAUTH
866 846 8500 • www.lauth.net
CURRENT ZONING STANDARDS
CONFIDENTIAL INFORMATION
9


Lauth Group, Inc.
Proposed site plan
EAGLEPOINT BUSINESS PARK
BROWNSBURG, INDIANA
Project Data
Site Plan
LAUTH
CONFIDENTIAL INFORMATION
10


West Elevation - Detail
Scale: 1" = 20'-0" (11" x 17")
South Elevation - Detail
Scale: 1" = 20'-0" (11" x 17")
West Elevation
Scale: 1" = 80'-0" (11" x 17")
East Elevation
Scale: 1" = 80'-0" (11" x 17")
South Elevation
Scale: 1" = 80'-0" (11" x 17")
North Elevation
Scale: 1" = 80'-0" (11" x 17")
EAGLEPOINT BUSINESS PARK - PROTOTYPE BUILDING ELEVATION
HENDRICKS COUNTY, INDIANA
AUGUST 20, 2012
25 noted
v.01
LAUTH
866 648 6500 - www.lauth.net
CONFIDENTIAL INFORMATION


REFERENCE PLAN FOR SITE RENDERINGS
EAGLEPOINT BUSINESS PARK
BROWNSBURG, INDIANA
JULY 05, 2012
LAUTH
866.848.6500 • www.lauth.net
Project Data
Site Plan
EAGLE SEVEN
PROPOSED BUILDING
EAGLE EIGHT
PROPOSED BUILDING
COUNTY ROAD 600 N.
NORTHFIELD DRIVE
DALE SCHEER DRIVE
APARTMENTS
POND
VIEW #1
VIEW #2
VIEW #3
VIEW #4
VIEW #5
VIEW #6
CONFIDENTIAL INFORMATION
12


VIEW #1 - NORTHEAST VIEW
VIEW #2 - WEST VIEW
EAGLEPOINT BUSINESS PARK
BROWNSBURG, INDIANA
JUNE 15, 2012
V.01
LAUTH
866.548.6500 • www.lauth.net
#12513-Y
CONFIDENTIAL INFORMATION
13


VIEW #3 - NORTHWEST VIEW
WITH LANDSCAPING
VIEW #4 - NORTHWEST VIEW
WITHOUT LANDSCAPING
EAGLEPOINT BUSINESS PARK
BROWNSBURG, INDIANA
JUNE 15, 2012
V.01
LAUTH
CONFIDENTIAL INFORMATION
14

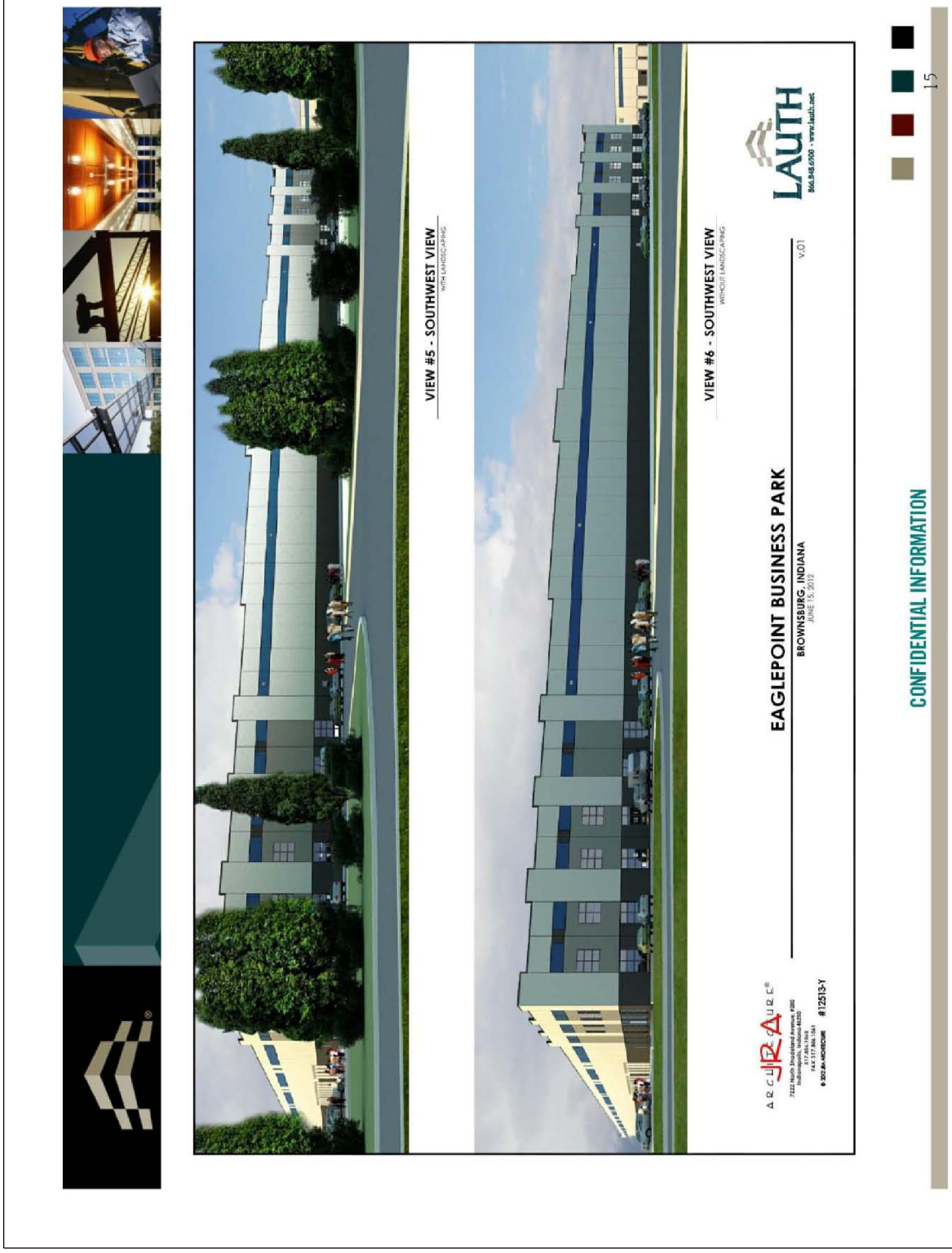

VIEW #5 - SOUTHWEST VIEW
WITH LANDSCAPING
VIEW #6 - SOUTHWEST VIEW
WITHOUT LANDSCAPING
EAGLEPOINT BUSINESS PARK
BROWNSBURG, INDIANA
JUNE 15, 2012
V.01
LAUTH
866.948.6700 • www.lauth.net
ARCHITECTURE
#12513-Y
CONFIDENTIAL INFORMATION
15

EXHIBIT – C
PROPOSED ZONING COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
TOWN OF BROWNSBURG, INDIANA

Pursuant to Ind. Code 36-7-4-1015, the Owner of the real estate located in the Town of Brownsburg, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Owner of Record: Brownsburg Partners, LLC

Parcel/Deed Information: **32-07-12-100-001.000-016 / 14-2-12-61E-100-001**

Legal Description: *See Exhibit "A"*

Statement of COMMITMENTS:

1. **In order to avoid the long unbroken horizontal facades, Petitioner will provide an 8' to 12' wide vertical panel, painting a contrasting color to the other wall panels along all faces of the building at approximately 96 feet on center that match the vertical sections used to create the entry features on the corners of the building. Additionally, the end wall caps shall have recessed offsets between 8" to 24" deep to create relief at the primary entry points for the building. Additionally, 8" to 24" deep full panel offsets will be provided where possible at planned man door locations within the loading dock walls, in a total quantity not less than 60% of the total exterior man door count.**
2. **Entryways to offices shall have clearly defined, highly visible customer entrances including three (3) of the following:**
    a) **Canopies**
    b) **Overhangs**
    c) **Recesses or projections**
    d) **Peaked or arched roof forms**
    e) **Architectural details such as moldings or structural elements which are integrated into the building structure and design**
3. **All mechanical and electrical equipment shall be screened so as not to be visible from adjacent public streets.**
4. **Use of exterior color shall add architectural interest, and be sensitive to adjacent residential uses.**
5. **Petitioner expects to develop the first building in 2013 or 2014 with the second building to follow the first building by approximately two (2) years. If applicable, Petitioner will provide a status report of activity on the remaining undeveloped site beginning in the first quarter of 2014 and annually thereafter.**

1703711v1

These COMMITMENTS shall run with the land, be binding on the Owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Advisory Plan Commission, made at a public hearing after notice has been given pursuant to the Advisory Plan Commission Rules of Procedure.

COMMITMENTS contained in this instrument shall be effective upon the approval of the petition PCMA-7-12-1108 Eaglepoint NW Corner Zoning Map Amendment and shall continue in effect until modified or terminated by the Advisory Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

(1) The Town of Brownsburg, Advisory Plan Commission; and

(2) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval.

The Undersigned hereby authorizes the Advisory Plan Commission to record this COMMITMENT form in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition PCMA-7-12-1108 Eaglepoint NW Corner Zoning Map Amendment.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2012.

BROWNSBURG PARTNERS, LLC

By: Eagle Point Partners, LLC

By: _____
Vernon C. Back, Executive Vice President

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State personally appeared Vernon C. Back as Executive Vice President of Eagle Point Partners, LLC who acknowledged the execution of the above and foregoing instrument to be a voluntary act and deed and for the purposes stated therein.

NOTARY PUBLIC SEAL INDIANA

_____
Notary Public *(Signature)*

_____
Notary Public *(Printed Name)*

My Commission expires: _____ Resident of _____ County, IN

This Instrument was prepared by: Mary E. Solada, Bingham Greenebaum Doll LLP, 10 W. Market St., Suite 2700, Indianapolis, Indiana 46204. I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Mary E. Solada.

EXHIBIT "A"
Legal Description

A part of the Northwest Quarter of section 12, Township 16 North, Range 1 East in Lincoln Township, Hendricks County, town of Brownsburg, State of Indiana being more particularly described as follows:

Commencing at an Aluminum Disk marking the Northwest corner of the Northwest Quarter of said Section 12, said commencing point being North 00 degrees 02 minutes 22 seconds West 2684.27 feet from a Stone marking the Southwest corner of said Northwest Quarter Section; thence South 00 degrees 02 minutes 22 seconds West along the West line of said Northwest Quarter Section 66.80 feet to a point on the South right of way line of County Road East 600 North as described in that certain right of way grant to the Brownsburg Redevelopment Authority, recorded as Inst. No. 9900011401 in the Hendricks County Recorder's Office, said point being the POINT OF BEGINNING of the real estate described herein; thence North 57 degrees 28 minutes 44 seconds East 3.28 feet along said Inst. No. 9900011401 to a point on the existing variable width South right of way line for said County Road East 600 North, the next two (2) calls being along said South right of way line; 1) thence South 89 degrees 14 minutes 02 seconds East 1884.77 feet; 2) thence South 81 degrees 55 minutes 42 seconds East 62.21 feet to a point on the West line of Lot #3 in Eaglepoint Business Park, the Plat of which is recorded as inst. No. 200500018809 in Plat Cabinet 6, Slide 63, Page 1; thence South 00 degrees 02 minutes 22 seconds West along said West line 992.14 feet to the Southwest corner of the right of way depicted on said Inst. No. 200500018809; thence South 89 degrees 16 minutes 52 seconds East along the South line of said right of way 6.73 feet to the Northwest corner of the right of way depicted on Lot #4 in Eaglepoint Business Park, the Plat of which is recorded as inst. No. 200300042106 in Plat Cabinet 5, Slide 99, Page 2, the next two (2) calls being along the West lines of said right of way; 1) thence South 00 degrees 16 minutes 28 seconds West 64.39 feet; 2) thence south 32 degrees 16 minutes 38 seconds West 628.84 feet to a point on the Northeast right of way line of Northfield Drive, having a 100' right of way per Inst. No. 9900011401, the following five (5) calls being along the Northern right of way lines of said Northfield Drive, said point being the point of curvature of a non-tangent curve to the left having a radius of 750.00 feet, the radius point of which bears South 26 degrees 30 minutes 48 seconds West; 1) thence Northwesterly along said curve an arc length of 334.73 feet to a point with beard North 00 degrees 56 minutes 31 seconds East from said radius point; 2) thence North 89 degrees 03 minutes 29 seconds West 829.26 feet to the point of curvature of a curve to the right having a radius of 450.00 feet, the radius point of which bears North 00 degrees 56 minutes 31 seconds East; 3) thence Northwesterly along said curve an arc length of 669.52 feet to a point which bears South 86 degrees 11 minutes 15 seconds West from said radius point; 4) thence North 03 degrees 48 minutes 44 seconds West 204.11 feet to the point of curvature of a curve to the right having a radius of 5350.00 feet, the radius point of which bears North 86 degrees 05 minutes 06 seconds East; 5) thence Northwesterly along said curve an arc length of 357.07 feet to a point on the aforesaid West line of said Northwest Quarter Section, said point being south 89 degrees 54 minutes 33 seconds West from said radius point; thence North 00 degrees 02 minutes 22 seconds East along said West line 547.86 feet to the POINT OF BEGINNING of this description, containing 69.6 acres, more or less.

Subject to all easements, rights-of-way and restrictions of record.

More Commonly Known as: Eaglepoint NW Corner, Brownsburg, Indiana

EXHIBIT – D
ZONING MAP

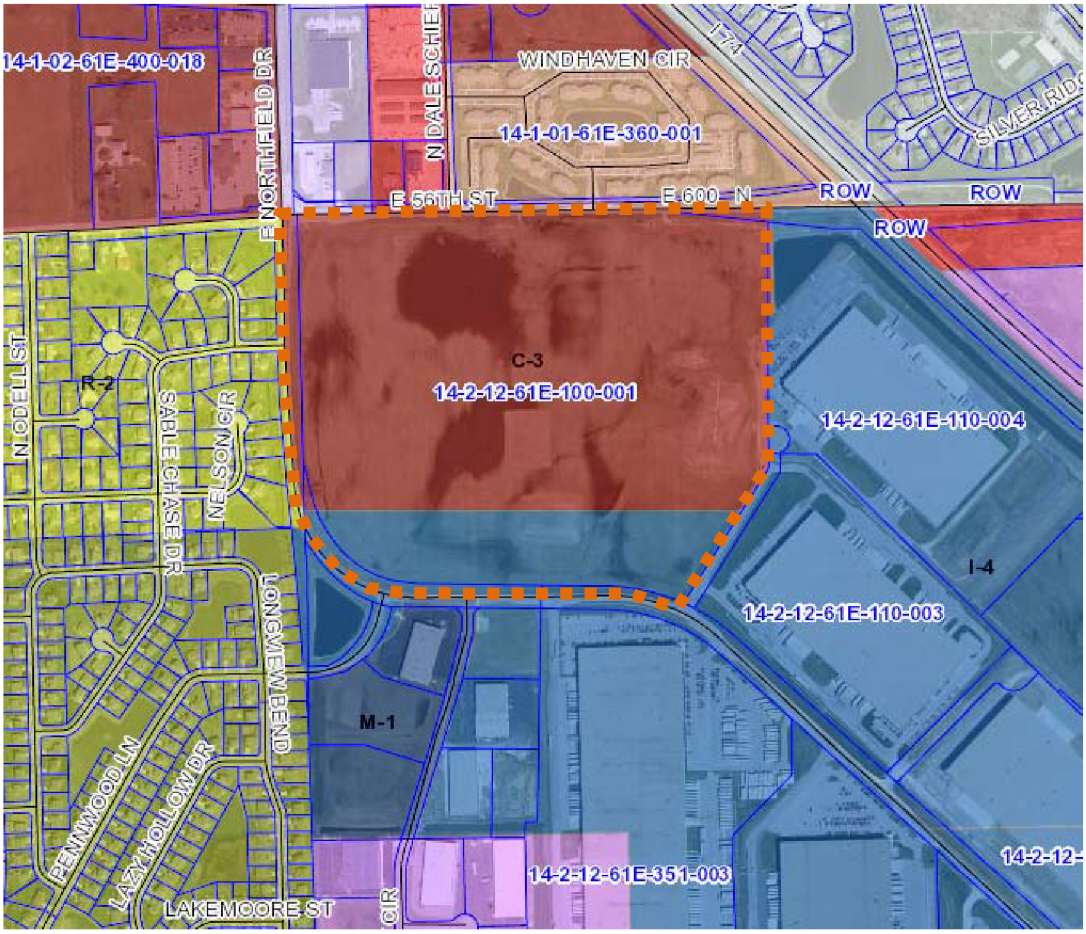


EXHIBIT – E
AERIAL INSERT

EXHIBIT – F
SITE PHOTOS

Brownsburg Crossing Apartments – On the north side of 56th Street north of the subject property

Retail and Office Uses – On the north side of 56th Street north of the subject property

Commercial Uses – On the north side of 56th Street northwest of the subject property

EXHIBIT – F
SITE PHOTOS *continued*

Austin Meadows (Single Family Residential Uses) – On the west side of East Northfield Drive west of the subject property

Logistics / Distribution Uses – On the east side of Eastpoint Circle east and southeast of the subject property

Motorsports Uses – On the south side of East Northfield Drive south of the subject property

EXHIBIT – F
SITE PHOTOS *continued*

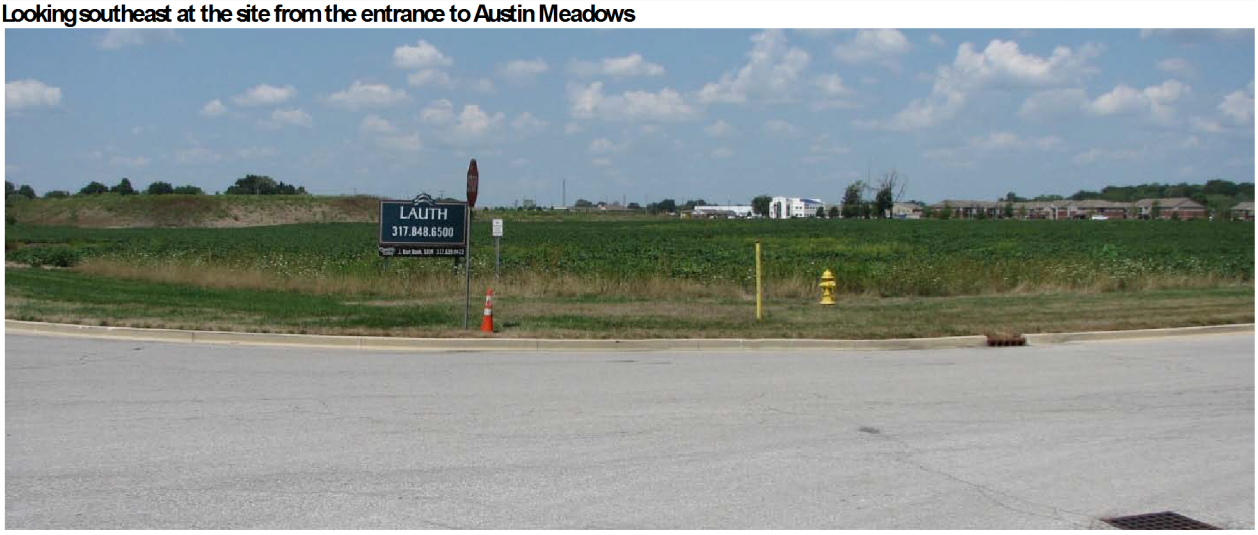
This photo is look southeast on to the subject site.

Looking north at the intersection of 56th Street and East Northfield Drive- subject site is on the right side of the photo

Looking east along 56th Street the subject site is on the right side of the photo

EXHIBIT – F
SITE PHOTOS *continued*

Looking southeast at the site from the entrance to Austin Meadows



Looking northwest at the site from the intersection of East Northfield Drive and Eastpoint Circle.

Looking north along Eastpoint Circle the site is on the left side of the photo

EXHIBIT – F
SITE PHOTOS *continued*

The above photo is of a distribution facility (similar to the two buildings proposed) taken at approximately 260 feet away from the building. 260 feet is equivalent to the distance the buildings are proposed to be setback from the south right of way of 56th Street.

The above photo is of a distribution facility (similar to the two buildings proposed) taken at approximately 350 feet away from the building. 350 feet is equivalent to the distance the western most building is proposed to be setback from the east right of way of East Northfield Drive.

EXHIBIT – G
TECH REVIEW MEETING NOTES

Advisory Plan Commission
TECHNICAL REVIEW COMMITTEE

TOWN OF Brownsburg
61 North Green Street | Brownsburg, Indiana 46112
Tel 317.852.1128 | Fax 317.852.1134

These are the minutes of the Technical Review Committee ("TECH") meeting held on July 26, 2012 at 8:30am to review Plan Commission petition PCMA-7-12-1108, Eaglepoint NW Corner Zoning Map Amendment.

Members Present:	Todd Barker – Director of Planning;; Meegan Morgan- Administrative Assistant; Jack Swalley – Building Commissioner; Aaron Kaytar- Water Dept.; Shane Rance – Asst. Street Supt.; Kathy Dillon – Wastewater Supt.; Stephen Jones – Fire Marshall; Lisa Christie- Stormwater Coordinator
Members Absent:	Mike Good- Water Supt.; Major Patrick Bullock- Police Dept.; Phil Parnin- Director of Parks & Recreation; Mary Atkins, Wessler Engineering- Stormwater & Erosion Control Review; Jonathan Blake – Planning Technician
Petitioner Representative:	Vernon Back, Larry Longman, Greg Ewing

(A) STREETS

(1) VS Engineering has started the traffic study.

(2) Petitioner was asked to identify the intended entrances to the property.

(a) 1 right-in-right out on 56th near the intersection of 56th and Northfield

(b) 1 full access on 56th Street near the center of the property

(c) 1 full access on Northfield Drive aligning with Sable Chase

(d) 1 full access on Northfield Drive aligning with the Home Goods entrance

(e) 2 full access on Eastpoint Circle

(3) Building Commissioner stated with the East Northfield Drive expansion the timelines are not going to match in regards to the curb cuts and asked the petitioner to be aware of the process.

(4) The ponds along Northfield Drive would require some sort of protection.

(a) Petitioner stated that would use guard rail.

(5) Petitioner was informed there is an 18" pipe that runs through the project. It was stated that the pipe had been previously blocked off and is currently abandoned at this time.

(6) Petitioner was informed there may be gas main running though the proposed sites.

(B) WATER

(1) To ensure flow rate for Fire protection the water mains must be loop between Northfield Drive and 56th Street.

(C) SANITARY

(1) Staff presented concerns with how the sanitary connections were developed in the Sur la Table building and requested that at the time the building are design the petition are cognizant of those issues.

(D) STORM & EROSION CONTROL

(1) Staff stated that a responsible party would need to be identified for the maintenance of the BMP's since the parcel lines run through the pond.

(a) It was suggested the pond become a common area.

(E) PARKS & RECREATION

(1) Not present

(F) POLICE

(1) Not present

(G) FIRE

(1) The Fire Territory requires a minimum of an 8" fire connection

(2) Request that there be no dead end hydrant

(3) The Fire Territory needs the ability to feed fires with a minimum of 1200 pounds of water per minute.

(H) MISC.

(1) Petitioner asked to identify one acreage number with the project; application shows 4 different acreage numbers

(2) Petitioner asked to provide the scale of the building, narrative of the building and include commitments, landscaping and/or mounding.

(3) The building elevations were described as "conceptual"

(a) Need to insert general language to include variation of roof height and building quarter.

(4) Staff will be requesting the Plan Commission consider the following architectural commitments as part of any approval of the subject petition:

(a) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two percent (2%) of the length of the façade and extending at least forty percent (40%) of the length of the façade.

(b) Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall shall have a blank, uninterrupted length exceeding thirty percent (30%) of the length of the façade without including at least two (2) of the following:

1. Change in plane;
2. Change in texture or pattern;
3. An equivalent element.

(c) Entryways to offices shall have clearly defined, highly visible customer entrances including three (3) of the following elements listed below:

1. Canopies
2. Overhangs
3. Recesses or projections
4. Peaked or arched roof forms
5. Architectural details such as moldings or structural elements which are integrated into the building structure and design.

(d) All mechanical and electrical equipment must be screened so as not to be visible from adjacent public streets.

(e) Use of exterior color shall add architectural interest, and be sensitive to adjacent residential uses.

(5) Petitioner must provide a timeline of development.

(6) Planning Technician to provide comments on adjacent property owner list.

(7) Please provide a written response to this report addressing each issue within ten (10) days of receipt and, if necessary, indicate where on the revised plans the modification has been made.

STAFF ANALYSIS:

Staff has the following analysis based on the items to be considered in §155.038 (D) Standards for Amendments regarding a text or zoning map amendment:

(1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;

a. 2020 Comp Plan identified the subject area as "Office":

i. **The 2020 Comp Plan had an addition recommendation for this specific location:** *Northfield Drive, South of 56th Street (East Side) Located within Eagle Point Business Park, this area is a transition area between the residential uses to the west and the proposed industrial uses to the East. Because office uses are generally less disruptive than manufacturing and distribution/warehouse uses (no truck loading or graveyard shift parking, for example), such development is more compatible with the neighboring residential neighborhoods. Furthermore, office uses are very compatible with today's light industrial uses which also include office space as a large component of their design. In fact, research and development, high-tech, and biomedical uses are often ambiguous as to whether they qualify as an office or an industrial use.*

b. 2012 Comp Plan identified the subject area as "Neighborhood Commercial" and "Research & Development / Motorsports":

i. **The "Commercial Areas Plan and Policies" explains that** *An overall goal of the Comprehensive Plan is to improve the appearance and function of the existing commercial areas and attract new commercial development to under-performing or under utilized "opportunity" sites. The Plan also identifies areas where new commercial development will be appropriate in the future. These opportunity areas represent high-profile properties that are capable of attracting visitors to the area, and therefore, could play a significant role in defining the image of the community. Each new commercial development should be considered an opportunity to incrementally improve upon the appearance and character of the community, ensuring that new development provides an overall high-quality design and appearance. New commercial development should incorporate quality building materials and provide attractive architecture as viewed from all sides, and should be well-landscaped and integrate appropriate pedestrian amenities.*

The Plan also sets out various Commercial policy recommendations for decision making:

» Promote the appropriate mix and intensity of commercial uses in the various districts throughout the Town.

» Utilize a commercial "node" approach to locating commercial uses within the Town and its growth areas, rather than simply maintaining or creating linear commercial development along the major corridors.

» Connect commercial areas to surrounding residential neighborhoods via adequate roadway linkages, pedestrian circulation, and sufficient and conveniently located parking.

» Strive to create safe and attractive pedestrian environments on all commercial sites.

» Buffer and screen commercial uses from adjacent residential areas.

The 2012 Comprehensive Plan describes "Neighborhood Commercial" as:

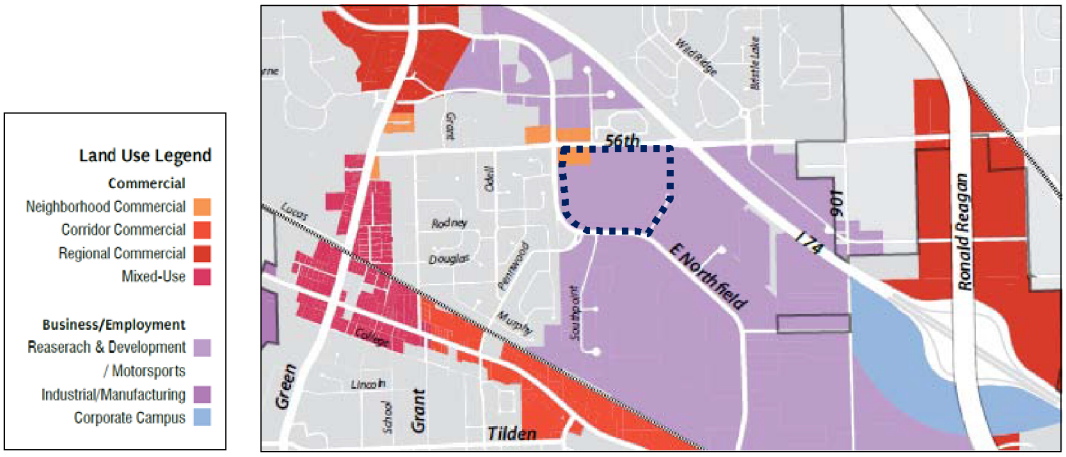
Neighborhood commercial uses should be located along major corridors and at key intersections, along the edges of residential neighborhoods. Neighborhood commercial uses are limited within the Town and the Land Use and Development Plan designates new neighborhood commercial nodes within areas currently underserved by retail as well as future growth area commercial nodes. Because neighborhood commercial areas are typically located adjacent to residential areas, buffering, screening, and setbacks should be used to protect nearby residential neighborhoods. Hours of operation and intensity of use may also become an important issue in some neighborhood commercial areas.

Neighborhood commercial areas are intended for smaller-scale retail and service commercial areas geared toward meeting the daily shopping, service, and convenience needs of surrounding neighborhoods.

While they may attract customers from outside the Town, they are intended to provide residents with convenient access to goods and services. Appropriate uses for neighborhood commercial nodes include gasoline service stations, pharmacies, branch banks, small office uses, small restaurants and other

convenience uses. A larger neighborhood commercial node could develop more intensely, with a grocery store, other specialty retailers, and more intense office uses, but should still be cognizant of its impact on nearby residences.

Commercial service uses can also have an appropriate place in this land use designation by providing necessary services for nearby residents. Commercial service uses within the neighborhood commercial areas must be compatible with adjacent and nearby residential areas and be located so as not to occupy prime retail locations. Any outdoor activity or outdoor storage associated with commercial service uses must be appropriately screened and buffered, so as to provide an attractive site and mitigate any negative impact on surrounding uses.



The 2012 Comprehensive Plan describes "Industrial / Employment Areas Plan" as:

The Industrial Areas Plan strives to ensure a variety of light industrial and business park uses within the Town that can provide employment opportunities and needed goods and services. These areas are not intended to accommodate heavy manufacturing or intense/"dirty" industrial users. Rather, these areas within the Town are intended to accommodate research and office uses, light assembly and "tech" industries, distribution and storage businesses, commercial service uses, and other "employment use" opportunities in the Town. An overall goal is to support existing industrial/employment areas while locating additional areas in strategic locations.

The Plan also sets out various Industrial policy recommendations for decision making:

» Strengthen and promote light industrial, business park, and other employment generating uses in designated areas.

» To the extent possible, mitigate the negative effects of industrial uses on adjacent and nearby residential properties through use of setbacks, screening, buffers, orientation of activity, roadway and circulation improvements, and more.

» Utilize development and improvement opportunities within the industrial/employment areas to strengthen and better establish a positive corporate/business image and identity for the Town. Attractive and prominent business park gateway signage and identification is encouraged.

The 2012 Comprehensive Plan describes "Research & Development / Motorsports" as:

Areas designated for Research & Development Motorsports are intended to accommodate a variety of uses ranging from light assembly and distribution facilities, low intensity fabrication operations, research and "tech" industry applications, intense commercial service uses, and more. These areas are generally located along or near arterial roadways and exist primarily in the eastern areas of the Town, with new areas designated along portions of the Ronald Reagan Parkway and Northfield Drive.

As indicated on the Industrial/Employment Areas Plan, the Research & Development Motorsports land uses are designated primarily in the: (1) existing light industrial areas located along Northfield Drive and in the Eaglepoint Business Park, (2) newly designated areas near the Ronald Reagan Parkway interchange and along the corridor, and (3) areas adjacent the Lucas Oil Raceway.

Economic development efforts within the existing areas along Northfield Drive should focus on infrastructure improvements, image and signage, attracting appropriate uses, development of vacant sites, re-use and upgrade of existing facilities, and redevelopment of select sites.

The larger industrial areas in and around Eaglepoint Business Park should be preserved for targeted employment uses such as motorsports or logistics/Warehousing, and should not be converted to athletic, institutional, or other non-employment, non-tax generating uses. Over time, the intrusion of non-industrial employment uses can reduce the desirability of an area as a new potential location or target for development. These other non-industrial/employment uses can have a home in some commercial areas, like those along the southern and western portions of the Northfield Drive corridor.

(2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

a. All three of the other corners of 56th Street and East Northfield Drive and the 56th Street corridor have been previously developed with buildings and uses that are smaller in scale and lower intensity; the southwest corner is Single-Family Residential, the northwest corner is low intensity Commercial (Mathews Mortuary and a retail center), the northeast corner is medium intensity Commercial (Casey's General Store gas station). The scale and character of the two proposed distribution facilities (500,000 sq.ft.) is out of proportion with the existing development. The two commercial properties at the intersection are low rise (one story) buildings that primarily utilize brick on their building façades, there are two two-story facilities (Strong Building, and Brownsburg Crossing Apartments). The west side is Single-Family homes; assuming the average home adjacent to the subject property is 2,500 sq.ft. the proposed buildings would be 200 times larger than the average home.

b. To the south and east of the subject site are existing Logistic/Distribution Facilities and Motorsports uses that are comparable in character and scale to the proposed facilities.

(3) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;

a. Based on the existing market condition for retail and the existing conditions within the Town we believe the existing zoning is not the most desirable use at this location. At least two other locations in Town are likely to be developed as a Regional Commercial uses prior to the subject site, those being Brownsburg Station (a partially developed center) and the area around the Ronald Reagan Parkway and I-74 interchange.

b. Both the 2020 Comprehensive Plan and the 2012 Comprehensive Plan indicate that this area should serve as a transition between the lower intensity uses to the west and north to the similar uses to the south and east.

c. As indicated in the petitioners' presentation material approximately 2,600 jobs exist in the Eaglepoint Business Park and 800 or more could be created with these two new facilities. Eaglepoint Business Park with its 2,600 to 3,400 jobs is the highest concentration of jobs within the Town. Providing those employees with access to smaller-scale retail and service commercial areas geared toward meeting the daily shopping, service, and convenience needs within Eaglepoint Business Park would be a benefit to the employees and to the Town. Accommodating Neighborhood Commercial at the southeast corner of the 56th Street and East Northfield Drive intersection as recommended in the 2012 Comprehensive Plan would help to address a couple concerns within the existing proposal: 1) the scale of the proposed develop in relation to the three other corners that area already developed, 2) Would still allow Industrial uses on the southern two-thirds and eastern portions of the property, it would thereby reduce the overall scale of the western most industrial facility and its impact on the neighboring Single-Family Residential properties to the west.

(4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction;

a. It is our opinion that the greatest impact to the value of properties in the jurisdiction will be those of the neighboring residential properties (Austin Meadows and Brownsburg Crossing). Because of the disparity in scale of the Single-Family Residential properties to the west and proposed facilities we believe there would be an adverse effect on the value of existing properties.

b. We do not believe there would be any adverse effect on the value of properties to the south or east.

(5) Whether the proposed amendment reflects responsible standards for development and growth

a. As has been stated, our greatest concern for responsible standards for development and growth is the disparity in scale (*see paragraph (2)(a) above*).

If approved this project will be subject to the Buffer Yard Requirement section of the Zoning Ordinance; §155.275(C) states that any industrial district and any residential district are incompatible districts therefore an earthen mound or wall must separate the two districts.

VS Engineering completed a Traffic Impact Study on this proposed project, their findings can be found in the Eaglepoint Business Park Traffic Impact Study August 20, 2012 (separate document).

Staff has met with Lauth since the August 27, 2012 to discuss possible solutions to some of the primary concerns that were brought up in the Project Synopsis Dated August 20, 2012 and at the Public Hearing (Noise, Lighting, Traffic, Landscaping & Buffering, and Neighbor

Commercial Uses). Staff anticipates that Lauth will present revised information to address these points prior to the September 24, 2012 meeting. Staff will forward that information on to the Plan Commission as soon as it is received.

RECOMMENDATIONS:

No changes to the recommendations have been made at this time.

Upon reviewing all of the materials provided by the petitioners, a review of the site, the applicable Town regulations I recommend the Plan Commission send an UNFAVORABLE RECOMMENDATION to the Town Council as the request stands at this point.

If the Petitioners are able to satisfy Staff's concerns regarding the disparity in scale at the intersection of 56th and East Northfield Drive and between the western portion of the subject site and the Single-Family Residential properties to the west Staffs Recommendation is likely to change on this petition subject to the following comments, commitments, and conditions:

1. The petitioners' acceptance of the recommendations of the Traffic Impact Study.
2. That the following commitments be executed by the owner on the Town's standard written commitment form, and recorded in the Office of the Recorder of Hendricks County, and the same be binding upon the owner and all subsequent owners of the real estate subject to this petition:
    a. Architectural commitments (petitioner has provided language that is acceptable to staff)
    b. Detailed descriptions of the proposed landscaping and mounding proposed.
    c. The petitioners commit to providing an automotive barrier between East Northfield Drive and any pond developed on the subject site that is within seventy-five 75 feet of the R/W of East Northfield Drive.
    d. The petitioners commit to looping the water mains between 56th Street and East Northfield Drive to ensure adequate flow rates for fire protection.
3. That the petitioners address the concerns of staff outlined in the July 26th TECH Review Minutes.
4. Primary and Secondary Plat(s) will be required to subdivide the property pursuant to the Subdivision Control Ordinance of the Town.
5. The approval of the Report of Determination by the Plan Commission.

STAFF CONTACT:

NAME:	Todd A. Barker, AICP	Jonathan K. Blake
TITLE:	Director of Planning	Planning Technician
PHONE:	317-852-1128	317-852-1128
EMAIL:	tbarker@brownsburg.org	jblake@brownsburg.org