Meeting Minutes

Whitestown Plan Commission

Date: January 9, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:30pm

Pledge of Allegiance

Roll Call

☐ Mark Worthley, President (absent)
✓ Dennis Anderson, Vice Pres
✓ L.J. Jernstadt
✓ Jan Jones
✓ Jason Lawson
✓ Manual Navarro
✓ Greg Semmler
✓ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda

Motion to approve agenda by Jernstadt. Second by Jones. Motion passes unanimously.

Administration

1. Election of 2012 Officers

  Motion to appoint Worthley as President by Jernstadt. Second by Navarro. Motion passes unanimously.

  Motion to appoint Anderson as Vice-president by Jernstadt. Second by Navarro. Motion passes unanimously.

  (1) Jernstadt – Molitor, how many members do we need for the Executive Committee?
  (2) Molitor – three members including the President, Vice-president, and a Member at Large.
  (3) Jernstadt – this is something that we may utilize for upcoming matters this year, so we should go ahead and appoint the Member at Large

  Motion to consider the “Member at Large” position for the Executive Committee by Jernstadt. Second by Navarro. Motion passes unanimously.


Motion to appoint Navarro to the “Member at Large” position by Anderson. Second by Jernstadt. Motion passes unanimously.

2. December 12, 2012

Motion to approve minutes by Jernstadt. Second by Semmler. Motion passes unanimously.

Announcements and Discussion

3. PUD Administration. Discuss the administration of the current PUDs in Whitestown and how to incorporate them into the current Zoning Ordinance.

   (1) Molitor – we do not have enabling language in our ordinance to administer the existing PUDs. Therefore, we recognize them as non-conforming uses. To amend the PUD, we sent them to the BZA for a variance or a special exception. We need to legalize the two PUDs we have so that it’s clear how to amend them and administer them.

   (2) Jernstadt – my discussion with other public officials is that we do need to proceed with recognizing the existing PUDs. We also need to be prepared for future growth.

   (3) Molitor – that decision would go to the Town Council to allow the PUDs.

   (4) Craig Anderson, Duke (Anson PUD) – we feel that the PUD should remain intact as it is today. If the PUD gets broken up, it affects our development. Blaine Paul and I handle all of the development at Anson. Breaking up the PUD affects how we market and do business with potential clients. We are accountable to the development and want to continue to be.

   (5) Blaine Paul, Duke (Anson PUD) – if the perception that the zoning is being changed or is up in the air, it has a negative effect on potential investors.

   (6) Anderson – it was never our intent to change anything within the PUD, but to make it manageable for us to administer.

   (7) Paul – Luzier had explained that to us.

   (8) Anderson – Molitor, are we looking at any changes?

   (9) Molitor – we do have some housekeeping text to address within the PUD language, but we can leave it intact.

   (10) Jernstadt – I think we should bring the decision to allow or not allow new PUDs to the Council.

Motion to direct staff to draft language to allow PUDs by Jernstadt. Second by Semmler. Motion passes unanimously.

    (11) Paul – we can track down all of the changes and waivers to date for your files from the Anson PUD.

    (12) Jernstadt – if there is an amendment to the PUD that comes in before this, will it still be handled through the BZA?

    (13) Molitor – yes.


5. Meeting Space. The WPC and BZA should consider alternative meeting spaces within the Town limits that provide more space. Luzier will look into this.
Adjourn
7:15pm

_______________________________________
Dennis Anderson, Vice-President

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: February 13, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075

Call to Order
6:30pm

Pledge of Allegiance

Roll Call
✓ Mark Worthley, President (arrived 6:40pm)
✓ Dennis Anderson, Vice Pres
✓ L.J. Jernstadt
✓ Jan Jones (arrived 6:32pm)
✓ Jason Lawson
☐ Manual Navarro (absent)
✓ Greg Semmler
✓ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, PC/BZA Attorney

Approve Agenda

Comments

  Motion to approve agenda by Jernstadt. Second by Semmler. Motion passes unanimously.

Minutes

1. January 9, 2012

  Motion to approve minutes by Semmler. Second by Anderson. Motion passes unanimously.

  Jones arrives (6:32pm)

New Business – Public Hearing

2. Docket PC12-002-DP - Development Plan - BACA Center. The petitioner is requesting approval of a Development Plan for the Behavior Analysis Center for Autism. The subject property is zoned PUD, contains 3 acres, and is located on the north side of Central Blvd, east of 650 E, in Anson - Business Park. The Technical Advisory Committee (TAC) reviewed the plans on 1/24/2012. The petitioner is Commercial Team Construction, the owner is Duke Construction, and the project engineer is Projects Plus.
Petitioner is requesting a waiver to Rules of Procedure, Article 9.1.a) Notification by Newspaper. Petitioner’s newspaper notice was published nine (9) days prior to the hearing rather than the required 10 (ten) days.

1. Discussion
   a. Jernstadt – can we hear this since this is located in a PUD?
   b. Molitor – while our PUD ordinance is in a gray area, there is nothing precluding us from proceeding. My recommendation is that we proceed with the petition. With regard to the notice waiver, the state statute does not stipulate a minimum notice requirement, so they can request the waiver.
   c. Jernstadt – Luzier, do you feel they have met the intent of the notice requirement?
   d. Luzier – yes.

Motion to approve waiver of notice requirement by Jernstadt. Second by Semmler. Motion passes unanimously.

Worthley arrives (6:40pm)

2. Staff Report: Luzier

4. Public Discussion
   a. Jernstadt – Joe Anderson is the Whitestown Fire Chief. He will be joining the PC next month as a member, but is acting as a member of the public at this time.
   b. J Anderson – the water main runs at the rear (south side) of the structure, but there’s no water line on the front (north side) of the structure and this concerns me. I’d like to see a line run from 650 E along the north side of these properties, and then looped back to Central Boulevard. A loop system would alleviate the water supply system to this structure.
   c. Smith – if we have to run a 12” loop system for this site, it would be cost prohibitive. If we could make two connections to the main in front of the property, that would be a solution.

5. PC Discussion
   a. Jernstadt – are there dry hydrants?
   b. J Anderson – there are not. Dry hydrants won’t be adequate.
   c. Craig Anderson, Duke – water is on the north side of Central Boulevard.
   d. Lawson – you want a line on the north side of the building?
   f. Lawson – Central is already looped.
   g. Jernstadt – J Anderson, you are concerned about where a truck on the north side is going to pull water from.
   h. Smith – we can run a separate tap off the main and put a hydrant on the north side of the building.
   i. Lawson – the line on 650 E is either an 8” or 10” line. It is not a 12” line.
   j. Scott Dompke, GRW – they will have an internal sprinkler system. The concern is access to external water source. Maybe there’s a way to do it internally.
k. Jernstadt – at least one area business tapped into the retention pond to supplement their sprinkler system. Is this a possibility?

l. Worthley – we need to address this in order to proceed.

**Motion by Worthley to suspend rules and allow J Anderson to converse with petitioner and Dompke. Second by D Anderson. Motion passes unanimously.**

m. Dompke – if we can show that the main can meet the demand, this should be adequate.

n. J Anderson – as long as we can access a water source from the north side of the building in some way, we wouldn’t have a problem. Installing two hydrants within 250 feet of all points of the building will be adequate.

o. Jernstadt – they will have to obtain a building permit and certificate of occupancy which requires approval by the Fire Marshall.

p. Dompke – we can review the second hydrant layout as part of the building permit applicant.

**Motion to approve PC12-002-DP with the condition that they meet the TAC comments by Jernstadt. Second by Worthley. Motion passes unanimously.**

New Business – Public Meeting

3. **Docket PC12-001-TA – Text Amendment for PUD enabling language.** Discussion of the proposed language for enabling the administration of existing and proposed Planned Unit Developments.

   1. Introduction
      a. Worthley – our recommendation should be able to enable the existing PUD’s and incorporate the language as part of our Zoning Ordinance.
      b. Molitor – correct (reads State Statute). The notice requirement was not met, so after our discussion, we cannot vote on this language tonight and will need to continue our discussion and consideration to March 12, 2012.
      c. Worthley – what if a new PUD is proposed?
      d. Jernstadt – this language address that too. The Council can still decide to approve it or not approve it.
      e. Molitor – allowing new PUDs or not is up to the Council. This at least brings the two existing ones out of the gray area so that we can administer these. The language also puts procedures in place for new PUDs if they are proposed.
      f. Worthley – I was under the assumption that we did not want to allow new PUDs.
      g. Luzier – but this decision should ultimately be up to the Council.
      h. Worthley – then why should we bring them a recommendation to allow new ones?
      i. Molitor – we could divide this into two language proposals. First, recognizing existing ones and second, allowing new ones.
      j. Jernstadt – I don’t want to exclude PUDs because it does allow some flexibility.
      k. Worthley – we have zoning laws in place that should be recognized. They can ask for variances to achieve some flexibility if they choose. We definitely need to send something to the Council to address the existing PUDs. For the rest of it, we should discuss it further.
      l. Molitor – staff will prepare another version for consideration.
Motion by Jernstadt to continue the public hearing to March 12, 2012. Second by Worthley. Motion passes unanimously.

Announcements
2. Discussion
   a. Jernstadt – can we add a new monthly agenda item for permit updates and legal updates?
   b. Luzier – sure. I can create a monthly newsletter to distribute.
   c. Jernstadt – I think that we need a process and procedures in place to address violations and assess fines.
   d. Luzier – I will prepare that as well.
   e. Dompke – we could add it to the Rules and Procedures for the PC.
   f. Molitor – staff will prepare something for the next meeting.
   g. Worthley – and we also have “blue books” to distribute.

Adjourn
7:41pm
Meeting Minutes

Whitestown Plan Commission

Date: March 12, 2012
Time: 6:30pm, or immediately following the BZA Meeting
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
7:40pm

Pledge of Allegiance

Roll Call
☐ Mark Worthley, President (absent)
☑ Dennis Anderson, Vice Pres
☑ L.J. Jernstadt
☑ Jan Jones
☑ Jason Lawson
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
  ○ Deborah Luzier, Town Planner, GRW
  ○ John Molitor, WPC/WBZA Attorney

Approve Agenda
Motion to approve agenda by Jernstadt. Second by Lawson. Motion passes unanimously.

Minutes
1. February 13, 2012

Motion to approve minutes by Jernstadt. Second by Jones. Motion passes unanimously, J Anderson abstaining.

Old Business – Public Hearing
2. Docket PC12-001-TA - Text Amendment - PUD. The commission to consider a text amendment to the Zoning Ordinance that recognizes and addresses existing and future PUDs.
   a. Introduction - Jernstadt
      i. Jernstadt – I had discussed the proposed language with Worthley and Molitor prior to the hearing. We want to recognize the existing PUD’s.
      ii. Molitor – This language recognizes and allows the Town Council to amend the existing PUD’s. It will not allow additional PUDs within the current town limits.
New Business – Public Hearing

3. Docket PC12-003-PP - Subdivision - Primary - Maple Grove. The petitioner is requesting Primary approval of a Subdivision to be known as Maple Grove with 91 lots. The subject property contains 34 acres and is located on the south side of SR334, east of 700E. The property is zoned R-3 and commitments apply that were adopted as part of the rezoning. The Technical Advisory Committee (TAC) reviewed the plans on 2/21/2012. The petitioner and owner is Diversified Property Group, LLC and the project engineer is Innovative Engineering & Consulting.

a. Presentation – Mike Jansen, property owner; Nathan White, Innovative Engineering.
   i. White - We have reduced the number of lots from 91 to 90 in order to accommodate a new location for the street connection between our property and the property to the east. Reviews TAC Comments.
   ii. Luzier – as an additional side note for the secondary plat, a sidewalk/trail will be required along SR334.
   iii. White – noted. The property owner to the east agrees with the proposed street connection and in exchange, they are building a berm to separate the two developments.
   iv. Molitor – this property shares its eastern boundary with Zionsville and we only have control over what is on our side. The fact that the two property owners worked this out should be commended.

b. Public Discussion
   i. Roger Burrus, representing owner to south (Coyote Lake LLC, Johnson) – the property to the south is not a formal nature preserve. It is used for public horse shows and other public events. They are concerned about what occurs in proximity. Drainage is a concern since we have ponds on site that rely on area drainage. We have no issues with the revised layout. We are concerned about the removal of the trees at the very southeast corner of the property, but most of that is on the property to the east. Some of it is now proposed to be in common area in Maple Grove, so that helps. There are also zoning commitments that apply to this site. A shooting range was legally permitted and installed on our site in 1996 and we would like to make future residents aware of this use.

c. Rebuttal
   i. Mike Jansen – we were not aware of the shooting range. M/I homes is preparing the covenants, so they are the ones who will be making the final decision.

d. WPC Discussion
   i. Jernstadt – there is a stub to the west off the access road. Is this expected to connect to the west?
   iii. Jernstadt – Can we require the covenant of awareness regarding the shooting range mandatory?
   iv. Burrus – it’s a private shooting range. They already have approval for the shooting range to be there.
   v. Molitor – It’s similar to a right-to-farm clause, but that is protected by state law.

Motion to approve PC12-003-PP with conditions outlined in the Staff Report and the voluntary commitments agreed to by the petitioner and the property owner to the east by Jernstadt. Second by Semmler. Motion passes unanimously.
New Business from the Floor

4. Rules and Procedures Amendment. The commission to consider amending its Rules and Procedures to address the residency requirements for its members per IC 36-7-4-216.
   a. Presentation – Molitor. This allows a member to be a resident of the town OR own property in the town and be a county resident.
   b. WPC Discussion
      i. Jernsdadt – does this affect the employee/official position?
      ii. Molitor – no.
      iii. Scott Dompke, GRW – add “be” after “shall” in item #2.

   *Motion to amend rules by Jernstadt. Second by J Anderson. Motion passes unanimously.*

5. Zoning Violations Complaint Procedures. The commission to review the proposed Zoning Violation Complaint Procedures.
   a. Presentation – Luzier
   b. WPC Discussion
      i. Jernstadt – I noticed that when it comes time, violators would go to the BZA.
      ii. Luzier – that is correct. If a violator disputes the violation, they can file an “Appeal of the Director’s Decision”, which is required by statute to come before the BZA.

   *Motion to adopt procedure by Jernstadt. Second by Jones. Motion passes unanimously.*

Adjourn

8:22pm

_______________________________________
Dennis Anderson, Vice-president

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: April 9, 2012
Time: 6:30pm, or immediately following the BZA meeting.
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:55pm

Pledge of Allegiance

Roll Call
☑ Mark Worthley, President
☑ Dennis Anderson, Vice Pres
☑ L.J. Jernstadt
☑ Jan Jones
☑ Jason Lawson
☐ Joe Anderson (absent)
☑ Greg Semmler

☑ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda

Comments

   Motion to approve agenda by Worthley. Second by D. Anderson. Motion passes unanimously.

Minutes
1. March 12, 2012

   Motion to approve minutes by Jernstadt. Second by Semmler. Motion passes unanimously.

New Business – Public Hearing
2. Docket 2012-004-PA - Plat Amendment – Neighborhoods at Anson replat. The petitioner is requesting approval of a replat of residential lots 153-171 in Anson, located at the northeast corner of Gateway E Drive and Bliss Point West. The property is zoned PUD. The Technical Advisory Committee (TAC) reviewed the plans on 3/20/2012. The petitioner and owner is Duke Realty Corporation and the project engineer is Structurepoint.
   a. Staff Report - Luzier
   b. Presentation
i. Blaine Paul, Duke - We replatted several lots to the east to convert them from rear-load to front-load, and we lost several lots. To do so, we needed to make the lots wider. We need to do the same thing for the new user (Pulte) of the subject lots that are before you tonight. Describes specific lots. In this proposal, we’re going from 19-22 lots, but it’s still an overall net loss of lots. Same as the last replatted section, the paved alleys will be removed, top-soil replaced, and the drainage patterns will be unchanged. With regard to the Staff Report, we are in the process of resolving the ownership issues with the County. The common area dimensioning will be adjusted as well. We met with the Boone County Surveyor’s Office and have resolved their issues. We hope to being construction on these lots later this year.

ii. Craig Anderson, Duke – describes common areas on map.

iii. Worthley – how have the remaining rear-load lots been doing?

iv. Craig Anderson – a little slow. There are three active builders in the custom home section who have been active in selling the lots. There are also differences with the loan process that can make things difficult. The housing market has changed and the lot size demand has also changed.


d. WPC Discussion

i. Jernstadt – with regard to the previous section, are we also tearing out the alley pavement?

ii. Paul – yes. These will become drainage corridors and utility easements. We have discussed the easements with all of the applicable utility providers who use the old alleyways and addressed their issues.

iii. Anderson – we had discussed the options with the builder about what to do with the alleys. Pulte did not want the alleys to become pathways – they wanted them removed completely.

iv. Jernstadt – what about fences?

v. Luzier – fences under 6′ don’t require a permit, but those who inquire are told that they need to comply with the covenants and that they cannot put them in the easements.

vi. Anderson – from the covenants stand-point, we will not approve fences in the easements.

vii. Worthley – would they have a large area to fence in?

viii. Paul – some lots have very little space for a backyard fence.

ix. Anderson – you can use the easement area and irrigate the area, but fences are not permitted. We’ve also had to move transformers and other utility boxes.

x. Worthley – who owns the easement?

xi. Paul – the property lines used to go to the edge of the alley and under the new plat, the property line will go to the center of the easement. The lot owners will now own their half of the easement behind the houses.

xii. Anderson – we use an architectural approval process for structures on the lot. The property owners are responsible for obtaining their own permits.

xiii. Jernstadt – is there is a road along the west side of the replatted lots?


*Motion to approve 2012-004-PA with the condition that the TAC comments be addressed by Jernstadt. Second by Semmler. Motion passes unanimously.*
New Business from the Floor

3. 2012 Fee Schedule Amendments.
   a. Luzier – the fee schedule was amended in the fall of 2011 to make the planning and building services self-sufficient. The new building permit fees were based on the inspections required for the structure instead of the size of the structure. Regardless of the size, there is still a minimum cost to have an inspector come out to the site and do an inspection. There has been some concern that this fee is too high for residential remodels and accessory structures and the Town Manager has suggested that we reduce the fees for these types of structures. I have provided you a copy of the current fee schedule with these fee reductions shown.
   b. Jernstadt – I would like to see the cost come down.
   c. Worthley – maybe we need more categories.
   d. Luzier – inspection fees are only assessed for the inspections needed for the work performed.
   e. Worthley – I understand the situation, but I don’t know what the solution is.
   f. Dompkke – it is appropriate consider construction cost and/or square footage. If they appear to be too high, then you risk the chance of people not getting permits at all.
   g. Worthley – I think there is desire to improve the current fee structure, but not in the proposed way. We should look at a different methodology, such as a flat fee.
   h. Dompkke – you also have to incorporate the various components that are needed for the proposed projects.
   i. Worthley – I think that the type of structures that we are looking at are appropriate.
   j. Semmler – with the older portion of the town, we’d like to see some remodeling going on and we don’t want the fees to hamper this.
   k. Luzier – we could look at a minimum fee and then a maximum fee based on the complexity of the project.
   l. Worthley – that would be a good way to approach it.
   m. Molitor – Deb will need to prepare drafts of the proposed fee changes and let you consider them at the next meeting.

4. 2012 Budget
   a. Worthley – what was funded for this year?
   b. Dompkke – update the Thoroughfare Plan within the Comprehensive Plan, foster the GIS system, and some others. We have an internal kick-off meeting scheduled for May 1st. We need to identify wants and needs and then prioritize the projects.
   c. Worthley – should we discuss these at one of our meetings?
   d. Luzier – we can do that.
   e. Worthley – we should add the Thoroughfare Plan to the May agenda and let Dompkke discuss. How much time would be appropriate?
   f. Dompkke – as much as you want, but 30 minutes would be appropriate.
Adjourn
8:00pm

Mark Worthley, President

Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: May 14, 2012
Time: 6:30pm or immediately following the WBZA meeting
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:48pm

Pledge of Allegiance

Roll Call
☑ Mark Worthley, President
☑ Dennis Anderson, Vice Pres
☑ L.J. Jernstadt
☑ Jan Jones
☐ Jason Lawson (absent)
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
1. May 14, 2012

  Motion to approve agenda by Worthley. Second by Jernstadt. Motion passes unanimously.

Minutes
2. April 9, 2012

  Motion to approve minutes by Worthley. Second by Anderson. Motion passes unanimously.

New Business – Public Hearing
3. Docket PC12-005-TA - Text Amendment - Fee Schedule Amendment. The Plan Commission is considering a recommendation for a Text Amendment to the Fee Schedule for residential remodeling and accessory structure building permits.
   a. Staff Report - Luzier

  Motion to give a favorable recommendation to PC12-005-TA by Worthley. Second by Jernstadt. Motion passes unanimously.
4. **Docket PC12-007-SP and PC12-008-SP - Subdivision - Secondary - Eagles Nest, Sections 8B and 9A.**
   The petitioner is requesting approval of a Secondary Subdivisions for Sections 8B and 9A of Eagles Nest subdivision. Section 8B contains 29 acres and Section 9A contains 12 acres. The property is located west of Indianapolis Rd, between 750S and 800S, in Eagles Nest subdivision. The property is zoned R3. The Technical Advisory Committee (TAC) reviewed the plans on 4/24/2012. The petitioner and owner is Eagles Nest Land Developer and the project engineer is Benchmark Consulting, Inc.
   a. Presentation – Bill Ottinger, Benchmark Consulting, Inc.
   b. Staff Report – Luzier
   c. Public Hearing – no comments
   d. WPC Discussion –
      i. Jernstadt – does this property fall within the floodplain?
      ii. Ottinger – The TAC comment applies to the retention pond elevations. There isn’t property within the floodplain.

      **Motion to approve PC12-007-SP and PC12-008-SP with the condition that TAC comments be addressed by Jernstadt. Second by Semmler. Motion passes unanimously.**

5. **Docket PC12-009-ZA - Zoning Amendment - Perry Industrial Park rezoning.** The petitioner is requesting approval of a Zoning Amendment for Lot 20 of Perry Industrial Park from I-1 Light Industry to I-2 General Industry. The subject property contains 3 acres and is located at 3961 Perry Blvd, which is on the south side of Perry Blvd, east of SR267. The property is zoned I-1 Light Industry and the property is classified as medium intensity industrial in the Comprehensive Plan. The petitioner and owner is Valenti-Held Real Estate Group, LLP, and the project engineer is Innovative Engineering.
   a. Presentation – Mike Jensen and Alen Valenti, Valenti-Held. Everything to the north side of Perry Blvd is zoned I-1. We sold our original office property in the industrial park and are setting up a new facility.
   b. Staff Report – Luzier
   c. Public Hearing – no comments.
   d. WPC Discussion
      i. Jernstadt – this is not for a propane storage company, is it?
      ii. Jansen – no, it is not. It would be an excluded use any way.
      iii. Worthley – why wouldn’t I serve your use?
      iv. Jansen – our equipment is considered outside storage and would not be in compliance with the zoning district. This petition was filed to support the Valenti-Held operations.
      v. Worthley – describe the outside storage.
      vi. Jansen – vehicles, farm equipment, bulldozers, earth movers, excavators, dump trucks, etc.
      vii. Jernstadt – would the required screening be adequate?
      viii. Valenti – we believe so. Fuel tanks would be stored inside the fenced area.
      ix. Worthley – why couldn’t we just do a variance for the outside storage?
      x. Luzier – it makes it difficult to track the history of the site.
      xi. Jernstadt – and outside storage is the key difference between I-1 and I-2.
      xii. Jansen – the storage building and shop would be the first phase. The office building would be part of the second phase.
      xiii. J Anderson – how many employed?
xiv. Valenti – about 50. We used to have about 250.
xv. Jernstadt – do you have issues with applying the covenants?
xvi. Jensen – no.
xvii. Worthley – what about the stricken land uses?
xviii. Molitor - everything would be put into commitments and recorded.

Motion to approve PC12-009-ZA with conditions outlined below by Jernstadt. Second by J Anderson. Motion passes unanimously.

1. The development standards listed in the recorded covenants as of the date of this application shall be adhered to in the future development of this site.
   a. The ratio of building to land area shall not exceed 50%
   b. All driveways and parking areas shall be paved unless a waiver is obtained from the WPC.
   c. Outside storage for parcels zoned I-2 must be screened per the Zoning Ordinance.
   d. Loading facilities are not permitted in the front yard unless approved by the WPC. Appropriate screening shall also be required.
   e. Signs shall be in accordance with the Zoning Ordinance.
   f. Parking is prohibited on dedicated rights-of-way and easements.
   g. Prohibited uses include:
      i. The manufacture, storage, or distribution of projects which increase fire, explosion or radioactive hazards on adjacent properties;
      ii. Businesses or operations which create a public or private nuisance from noise, or causes emission of dust, odor, smoke, or gasses;
      iii. Residential dwellings;
      iv. Amusement or game rooms;
      v. Massage parlor or similar facility;
      vi. The sale/display of pornographic or adult materials; and
      vii. Any building, improvement, or use which violates the Zoning Ordinance.
   viii. Also, the following uses are excluded: manufacturing, use, or storage of explosives; petroleum tank farms, commercial slaughter house; mineral extraction, public/private sanitary landfill; hazardous waste or radioactive waste landfill, warehousing, storage, or recycling of hazardous or radioactive waste; construction/demolition site; restricted waste site; transfer station; resource recovery facility; composting facility; compost/digester facility; incinerator; or junk yard.
   h. No parcel shall be permitted to have more than one curb cut onto a Perry Industrial Park II street.

2. The following land uses normally permitted in the I2 district shall be prohibited on the subject site.

- Penal or Correctional Institutions
- Kennel, Large
- Kennel, Small
- Kennel, Unlimited
- Outdoor Recreation Facility
- Public Camp Ground or Recreational Vehicle Park
- Publicly Owned Park or Recreational Facility
- Anhydrous Ammonia Storage & Distribution
- Commercial Facility for Breeding Non-farm Fowl
- Liquefied Petroleum Gas, Bottled Gas Dealers
- Animal Day Care Facility
- Hay, Grain, & Feed Stores
- Plant Nursery
- Roadside Produce Stand
- Sale Barn for Livestock
- Veterinary Animal Hospital
- Golf & Country Clubs
- Golf Driving Range & Miniature Golf Course
- Indoor Recreation Facility
- Outdoor Shooting Range, public or private
- Public Golf Course
- Race Track
- Stable, Private
- Stable, Public
- Stadium, Coliseum
- Theater, Outdoor
- Parking Garage
- Parking Lot
6. **Docket PC12-010-DP - Development Plan - Anson Self Storage.** The petitioner is requesting approval of a Development Plan for Anson Self Storage. The subject property contains 4 acres and is located at the northwest corner of 700E and Central Blvd, in Anson subdivision. The property is zoned PUD. The Technical Advisory Committee (TAC) reviewed the plans on 4/24/2012. The petitioner and owner is Meridian Design, LLC and the project engineer is Structurepoint.

   a. Presentation – Brad Schrage, Structurepoint. The storage facility would include eight buildings totaling 70,000sqft. The site is encompassed by a brick wall and you wouldn’t be able to see the buildings except where the entrance and office is.

   b. Staff Report – Luzier

   c. Public Hearing

      i. Craig Anderson, Duke – Duke has ensured that the developer meets all of the development standards that the community has come to expect in Anson. This isn’t a typical looking self storage facility. We’ve asked them to use Anson’s engineer and landscape architects so that they are familiar with Anson’s standards.

   d. WPC Discussion

      i. Jernstadt – if this meets the standards of the same facility in Carmel (between Rangeline and Guilford), we would be happy to welcome this development into Whitestown. It was very nice and very clean. You couldn’t see anything inside of the facility for the walls.

      ii. Meridian Design representative - Security would be a key-pad system for opening the gate. Dumpsters would not be permitted within the project.

      iii. Worthley – is there someone in the office 24-hours?

      iv. Meridian Design representative – No. They would have regular office hours. A 24-hour keypad kiosk entrance would allow renters to access the facility. There is also the ability to rent online and on-site, 24 hours a day, even if the office is closed.

      v. Semmler – the WBZA had concerns about the visibility of the facility’s lights from 700E and they have addressed that. The WBZA also discussed the safety issues between this facility and the Boys and Girls Club to the north and that has been addressed.

      vi. Jernstadt – there is an option to extend this facility to the western three acres.

      vii. Worthley – any issues with meeting the TAC comments?

      viii. Schrage – No. We would be adding a third hydrant inside the fence by the office.

      ix. J. Anderson – there is a lane divider on Central Blvd and we didn’t want to have the equipment crossing that median if possible.

      x. D. Anderson – is there an issue with the turning radius between buildings?

      xi. J. Anderson – there is, but the approach for dealing with this type of facility is different than a residential response.

**Motion to approve PC12-010-ZA with the condition that TAC comments be addressed by Jernstadt. Second by D. Anderson. Motion passes unanimously.**
New Business – Public Meeting

7. **Set Date for Special Meeting.** The WPC to set the date for a Special Meeting to kick-off for: amendments and updates to the Comprehensive Plan and Transportation Plan; consolidation of the Zoning and Subdivision Control Ordinances into a “Unified Development Ordinance”; and the GIS System.
   
i. Scott Dompke, GRW – we should meet jointly with the Town Council in order to get clarification and direction. The Council allocated $150,000. GRW outlined a proposal for a Transportation Plan with the Council.
   
ii. Jernstadt – I’m going to ask that we get a copy of the documents that were provided to the Council. I propose that we meet on Monday, June 4th at 6:00pm.
   
iii. D Anderson – I won’t be able to be there.
   
iv. Molitor – instead of trying to schedule a joint meeting, the Council should direct the Town Manager to work with the PC on this.
   
v. Luzier – I will schedule a meeting site and then advertise the special meeting. I will also coordinate things with the Town Manager for the Council’s input.

**Adjourn**

7:48pm

_______________________________________
Mark Worthley, President

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: June 4, 2012
Time: 6:00pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:10pm

Pledge of Allegiance

Roll Call
☐ Mark Worthley, President (absent)
☐ Dennis Anderson, Vice Pres (absent)
☑ L.J. Jernstadt
☑ Jan Jones
☑ Jason Lawson
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
1. June 4, 2012

  Motion to move item #3 to the beginning and approve the agenda by Jernstadt. Second by Semmler. Motion passes unanimously.

New Business
2. Ongoing updates to the Whitestown GIS System
   a. Scott Dompke, GRW – the GIS system for Whitestown is publicly available online at http://gis.grwinc.com/whitestown. It is a system for storing information that is continuously being updated.
   b. Rob Hench, GRW – GIS is a “geographic information system”. We have a foundation built already with basic information. A web browser is used to navigate the site. It is currently open to the public, but some information could be locked exclusively for staff use if needed. Using the web browser host, we would have to have separate sites for public and non-public information. There is three years of imagery on the system – 2005, 2009, and 2011. <gives demo of the system>
   c. Jernstadt – is using the county’s GIS system cheaper?
d. Dompke – the county’s system is propriety. The Whitestown system contains data relative to Whitestown and the fee is for establishing this system. We download data from the county and then add Whitestown’s information is added to it.

e. Jernstadt – what’s the average cost to use it ourselves.

f. Hench – the archgis server license is $10,000 and you would have to have someone who knows the software manage it.

g. J Anderson – so for an annual cost of about $5,000 to GRW, that includes data edits?

h. Hench – correct.

i. Dompke – one of the things that we’re working on is confirming town limit boundaries. Tax ID numbers, legal descriptions, and the town limits shown are not the same, so we need to make them all match.

j. J Anderson – we need to emphasize the difference between the data from the county vs the customized info for the town.

k. Hench – additional data will arise from the Comprehensive Plan update process and this will be a place that we can store it and access it. We can share it with the county or not.

l. Jernstadt – maybe we should have someone from the County give us a presentation on what they can do for us so that we can compare services.

m. J Anderson – we know that the GIS data for Whitestown is up-to-date because WE are doing it. There is advantage to having ownership of the data.

n. Hench – it also allows you to validate accuracy and prioritize the information. The initial $50,000 is for developing the site and adding the desired layers.

o. J Anderson – the town should want to maintain its own information, yet still hold the county responsible for their responsibilities. Can we choose layers ala carte?

p. Hench – We have developed a price list for developing each layer. You can pick and choose the desired layers based on what you want.

q. Jernstadt – I would like to get an estimate for having the data transferred to Whitestown’s website and letting the town maintain it. I am uncomfortable having it hosted outside of the town.

r. Dompke – keep in mind that the expense for this comes from multiple budgets.

s. Tom Combiths, Town Manager – we are in the process of changing the website host. We don’t have a staff person trained to maintain the website.

t. Semmler – that’s a discussion for outside this meeting.

u. Molitio – how is the town assured that the data the county maintains is given to the town?

v. Hench – every month, quarter, or whatever frequency we agree to with the county.

w. Combiths – we pay $5,000/year for updates, but there is no set term for the frequency. We would have to request the data.

3. Consolidating the Zoning and Subdivision Control Ordinances into a “Unified Development Ordinance”.

a. Luzier – the “UDO” consolidates the Zoning and Subdivision Control Ordinances into one single document. The UDO will be assembled by Ground Rules, who will also review for compliance with all state statutes while re-organizing the document.

b. Jernstadt – have all of the ordinance amendments been incorporated thus far?

c. Luzier – I have incorporated all amendments to the Zoning Ordinance and Subdivision Control Ordinances dating back to 2004.

d. Dompke – this UDO will minimize the number of documents to cross-reference for the standards of development.

4. Updating the Whitestown Comprehensive Plan including the Transportation Plan
a. Dompke – *<shows the Stellar Communities Grant Application presentation>*. In many communities, the housing came first and then the commercial/industrial tax base. However, Whitestown is just the reverse – we got the commercial/industrial tax base first and now the residential growth is coming in.

b. Dompke – Transportation Plan - *<Powerpoint presentation>* and reviews goals of the current plan.

c. Dompke – shows examples of transportation plan conflict with pending projects.

**Discussion**

a. Jernstadt – are you asking for recommendation from the WPC for the budget?

b. Dompke – we will meet with Tom and the Council to confirm

c. J Anderson – I thought we were supposed to decide how the $150,000 would be budgeted.

d. Combiths – we have $150,000 in the budget. Operating expenses (GRW) would come out of this line item. Revenue for this year have been set up to meet the operating expenses.

e. Jernstadt – I thought we were allocated $150,000 to distribute for these projects. Tonight’s meeting was an open discussion about the planning items and how to spend this money.

f. J Anderson – we should explain to the Council how the funds are being used.

g. Luzier – I concur with Jernstadt about the funding. The permit fees are supposed to cover operating expenses and the $150,000 is for the planning projects. The WPC will determine how the money should be spent and then relay that information to the Council.

h. Molitor – are there conclusions to draw from the discussion? Especially the discrepancies in the information with regard to street standards.

i. J Anderson – we definitely need to get the discrepancies in the street standards worked out.

j. Jernstadt – can staff put together an “Appendix A” that meets the Subdivision Control Ordinance? Can this be on the agenda for next Monday night’s meeting?

k. Dompke – we can do that. We can discuss it and then vote at the following meeting.

l. Luzier – to clarify, we need to address the following at the next regular WPC meeting:
   1) Design Standards for future use
   2) Budget for Planning Projects, including Utility funding

**Adjournment**

8:23pm
Meeting Minutes

Whitestown Plan Commission

Date: June 11, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
7:00pm

Pledge of Allegiance

Roll Call
 ✓ Mark Worthley, President
 ✓ Dennis Anderson, Vice Pres
 ✓ L.J. Jernstadt
 ✓ Jan Jones
 ✓ Jason Lawson
 □ Joe Anderson (absent)
 ✓ Greg Semmler
 ✓ Staff:
   o Deborah Luzier, Town Planner, GRW
   o John Molitor, WPC/WBZA Attorney

Approve Agenda
1) June 11, 2012
   a) Luzier – item #5, discussion regarding the Standard Details and Specifications needs to be omitted. After reviewing the ordinances, staff realized that four days was not enough time to come up with a solution. I recommend that we continue using the procedures we have been until things are updated with the Thoroughfare Plan update process.
   b) Dompke, GRW – then I think we should use the Comp Plan standards.
   c) Molitor – we can recognize the standards in place now. If a petitioner doesn’t agree, then they can appeal it to the BZA. Staff should issue a letter to this effect in order to let the developers know.
   d) Worthley – how long will it take to update the Transportation Plan.
   e) Luzier – probably six months until full adoption by the Council.
   f) Luzier – We also need to add an item to the agenda in order to continue our Planning Projects conversation and give staff a notice to proceed.

   Motion to approve agenda as modified by Worthley. Second by Jernstadt. Motion passes unanimously

Minutes
2) May 14, 2012
Motion to approve minutes by Worthley. Second by Jernstadt. Motion passes unanimously.

3) June 4, 2012

Motion to approve minutes by Worthley. Second by Jernstadt. Motion passes unanimously.

New Business – Public Hearing

4) Docket PC12-012-SP - Maple Grove, Section 1, Secondary Plat. The petitioner is requesting approval of a Secondary Plat for Maple Grove, Section 1 with 34 lots. The subject property contains 18 acres and is located on the south side of SR334, east of 700E. The property is zoned R3. The Technical Advisory Committee (TAC) reviewed the plans on 5/22/2012. The petitioner and owner is Diversified Property Group, LLC and the project engineer is Innovative Engineering.

   a) Staff Report – Luzier
   b) Presentation – Nathan White, Innovative Engineering. Revised plans were submitted Thursday that address the TAC comments. M/I homes will be the builder.
   c) Public Discussion
      i) Roger Burris, attorney for the Johnson Family (property owner to the south) – we are interested in drainage from sections 2 and 3 to ensure that the ponds on our property receive the drainage that they are used to receiving. The town cannot mandate a covenant regarding a shooting range, but there are regulations in place to protect this previously approved use. The minutes from March WPC meeting reflect our discussion about this.
      ii) White – we personally let M/I know about the shooting range, so they are aware of it.
   d) WPC Discussion
      i) Worthley – the pond area to the southwest, does that take away drainage to the neighbor’s pond?
      ii) White – no. drainage leaving the site is not changing.
      iii) Worthley – will there be stop signs at the 90° turn?
      iv) White – yes
      v) Dompke – staff also supports the waiver in order to accommodate the connection with the property to the east.
      vi) D Anderson – is the stop sign in place to protect the corner lot?
      vii) White – no, it’s to keep someone from going around the corner to fast.
      viii) Worthley – theoretically, there wouldn’t be too many people even using that turn.
      ix) D Anderson – why would a stop sign even be needed?
     x) Worthley – it looks like there might be a visibility issue.
     xi) D Anderson – of course, until the town adopts the stop sign, it’s not enforceable.
     xii) Dompke – the town’s liability may be better served is the sign was there.
     xiii) D Anderson – the radius of the turn is what the issue is. Is the setback from the corner lot (38) far enough to allow visibility?
     xiv) Molitor – when the plat for Section 2 comes through, we can look at the setback and the stop sign issue. We can also consider the waiver when the secondary plat for Section 2 comes in.

Motion to approve the plat with conditions (not including the waiver) by Worthley. Second by Jernstadt. Motion passes unanimously.

Old Business from the Floor

5) Notice to proceed with Planning Projects.
a) Jernstadt – I have issues with Ground Rules doing the Unified Development Ordinance. Should we be doing an RFP for the services?
b) Luzier – I suggested Ground Rules because of the product and the price for the creation of the Unified Development Ordinance. No one else does this type of product and definitely not for this price. Ground Rules would not have contact with the WPC or the Town – everything would be done through me and GRW. The contract would be between Ground Rules and GRW.
c) Worthley – so Ground Rules is only taking our existing text and reformatting it into a Unified Development Ordinance?
d) Luzier – yes, that is correct.
e) Molitor – I have worked with Ground Rules in the past as well and wanted to disclose that.
f) D Anderson – what is the budget for this item?
g) Luzier - $10,000-$14,000.
h) Worthley – what about the overall budget – did we figure out how it is set up?
i) Luzier – the permit fees cover all of the Planning and Building Department’s operating expenses. There is $150,000 set aside exclusively for our Planning Projects.
j) Dompke – <summary of the Planning Projects and budget>. The GIS outlines an ala carte list. Not all of the items on the list need to be completed right away. We can do a little at a time and prioritize the list. GIS is an on-going project that we can continue to add to and grow.
k) Semmler – what’s the total fee here?
l) Dompke – over 4-5 years, if you did all of the items outlined, you could spend $450,000. It’s up to you how much you want to spend, what projects you want to undertake, and when you want to implement them.
m) Worthley – what about the proposed consolidation with Worth Township?

n) Dompke – that would significantly impact the items involving drainage and mapping impervious surfaces.
o) Worthley – what other direction does staff need?
p) D Anderson – over time, the $450,000 cost could easily be allocated.
q) Worthley – the Comp Plan would take last priority.
r) Jernstadt – we need to address the Transportation Plan first.
s) Semmler – if the GIS is done correctly, it’s an every-day tool. It should not go into the “luxury file”.
t) Lawson – it will have a lot of data for tracking and monitoring our utility system that we need.
u) Worthley – so it sounds like GIS and the Transportation Plan are the top priorities.
v) Jernstadt – doing the ordinances would be third.
w) Molitor – we have budget for litigation and has not been tapped into yet.
x) Luzier – it was about $3,500 as I recall.
y) Dompke – we have already identified conflicts and discrepancies between the ordinances, so they need to be addressed.
z) D Anderson – I think we could proceed with the ordinances.

aa) Molitor – we also discussed addressing the language in the PUDs so that they reflect the Town.
bb) Jernstadt – did you research bringing the GIS in-house?
cc) Dompke – licensing is about $10,000, hardware has a cost (plotters, printers, computer), and you’ll need someone on staff to maintain the system. If you just want to store the data and the application then you can remove that line item in the proposal. You would need someone to analyze your system. If you have an issue with the internet address showing up in the bar, that can easily be changed so that the perception is that it’s from Whitestown.
Motion to proceed with the Unified Development Ordinance up to $14,000 by D Anderson. Second by Jernstadt. Motion passes unanimously.

Adjourn
8:08pm

_______________________________________
Mark Worthley, President

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: DATE, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
TIME

Pledge of Allegiance

Roll Call
☑ Mark Worthley, President
☑ Dennis Anderson, Vice Pres
☑ L.J. Jernstadt
☑ Jan Jones
☑ Jason Lawson
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
   - Deborah Luzier, Town Planner, GRW
   - John Molitor, WPC/WBZA Attorney

Approve Agenda
Comments

Motion to approve agenda by ##. Second by ##. Motion passes unanimously.

Minutes
6) DATE, 2012

Motion to approve minutes by ##. Second by ##. Motion passes unanimously.

Old Business
7) dd

New Business – Public Hearing
8) Docket PC12-013-TA - Text Amendment - Detailed Standards. The petitioner is requesting approval of a Text Amendment /to be known as with lots/ from to. The subject property contains acres and is located at , , in subdivision, Section , Lot . The property is zoned and it is classified as in the Comprehensive Plan. The Technical Advisory Committee (TAC) reviewed the plans on . The petitioner is WPC Staff, the owner is , and the project engineer is .
Motion to approve PC12-013-TA with conditions by ##. Second by ##. Motion passes unanimously.

New Business – Public Meeting
9)  x

New Business from the Floor
10) x

Announcements
11) x

Adjourn
TIME

_______________________________________
Mark Worthley, President

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: July 9, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:33pm

Pledge of Allegiance

Roll Call
☑ Mark Worthley, President
☑ Dennis Anderson, Vice Pres
☐ L.J. Jernstadt (absent)
☑ Jan Jones
☐ Jason Lawson (absent)
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
1. July 9, 2012

  Motion to approve agenda by Worthley. Second by Anderson. Motion passes unanimously.

Minutes
2. June 11, 2012

  Motion to approve minutes by Anderson. Second by Semmler. Motion passes unanimously.

New Business – Public Hearing
3. Docket PC12-013-DP - Development Plan - Anson Bldg 7A. The petitioner is requesting approval of a Development Plan for Building 7A at All Points at Anson. The subject property contains 32 acres and is located at the southeast corner of 500E and 400S. The property is zoned PUD and it is classified as part of the Commerce District in their Master Plan. The Technical Advisory Committee (TAC) reviewed the plans on 6/19/2012. The petitioner and owner is Browning/Duke LLC the project engineer is Structurepoint.
   a. Staff Report – Luzier. Two letters concerning this petition were received today (distributes copies to members).
   b. Presentation – Represented by Blaine Paul, Duke; Mike Coscill, Duke; Mike Latz, Structurepoint.
i. Paul – (presents project and graphic elevations). Would be ready for tenants around January 2013. We take issue with the proposed condition of limiting median cuts and anticipate two median cuts between 500 E and 575 E.

c. **Public Comment**

i. Becky Roberts-Mann, 5317 E 450 S – concerned about the back sides of the buildings that face my home. We originally had a property sale agreement with Duke, but then that didn’t come through. We have no protection or landscaping from 450 S.

ii. Carol Sparks Drake, 4995 E 450 S – Amazon received an additional median cut when they were developed that deviated to their plan. Memorial Drive is the only cut that was approved to 450 S and it wasn’t contemplated to go all the way through to 400 S. The Staff Report has a condition to limit the curb cuts. The aerial photograph that was submitted along with public notice is incorrect and misleading. Loading docks should not be located on facades facing 400S (distributes text from PUD, Section 24.6 regarding loading docks). Proposed berms have not been constructed yet. Sidewalks have not been provided for per the PUD ordinance. Truck traffic is coming down 500 S and 450 S – this should not be happening per the PUD agreement. Additional signage needs to be installed.

iii. Dennis Mann, 5137 E 450 S – lighting from the existing buildings come directly into our residence. We can hear the trucks backing up. Traffic on 400 S is horrific and the intersection with Perry Worth Rd is equally congested. The number of buildings should be limited in this area.

iv. Lee Emerich, 5361 E 450 S – Noise and lighting is a concern. The existing berm does not mitigate the light coming off the buildings. Air pollution is also a concern regarding diesel fumes coming from the trucks coming to this area. The backs of the buildings are unsightly. Traffic congestion is unbearable from October through January because of Amazon.

v. Tom Drake, 4995 E 450 S – we live near this development. We don’t object to the development. We just want the developer to fulfill their commitments to the existing property owners. 450 S is not designed for truck traffic, so I would like to again emphasize that signs are needed to guide truck traffic.

d. **Petitioner Rebuttal**

i. Paul –

1. Building façade facing south – when a development is proposed, we look at the development area as a “campus”. We can’t construct all of the buildings simultaneously, so some facades will be exposed until a neighboring building is constructed to block it.

2. Median cuts – when the PUD was developed and conceptual plans were put together, we showed how road networks would occur. We have made several revisions to accommodate neighboring property owners. We deal with each project on a case-by-case basis and redesign the master plan to accommodate the concerns where needed. If you limit access points, then you increase traffic at the intersections.

3. Aerial Exhibit – we used an aerial photograph that had “east” to the top of the page, so it may have appeared confusing.

4. Loading docks facing 400 S – I am not sure that this regulation applies to this development. Loading docks will be blocked as surrounding buildings are constructed on the campus. Berms and landscaping have been designed to block visibility as much as possible. It takes time for the vegetation to grow and achieve its maximum effect.
5. Berms and ponds off-site – all of the berms and ponds cannot be built in advance. Berms and ponds are constructed as development occurs on a site-by-site basis.
6. Sidewalks – we will be installing sidewalks on the east side of 500 E. These will be carried on and connected to 450 S.
7. Lighting – Amazon lighting was brought up. This is a function of the point-source of the light. Flat-bottom lighting fixtures are required to be installed. If the light fixtures can be identified, I can look into this and see what can be done. Line of sight can be tricky.
8. Beeping trucks – this is a common complaint in all industrial developments. The law requires beeping for trucks in reverse, so this cannot be helped.
9. Stoplight – INDOT has said that they would not put in a light that would cause traffic to back-up. Amazon did employ an officer to assist with traffic congestion during shift changes.
   a. D Anderson – when Boone County designed the intersection with 400 S, the problem was created. It will be 2013 before any of that can be addressed.
10. Future traffic – it is a fact that traffic increases when development occurs.
11. Unsightliness – we have architectural standards and landscaping standards in place that exceeds our other developments. We feel that we maintain our properties and we address concerns when we can when people bring them to our attention. It may not be possible to address every concern you have.
12. Bad drivers – this has been brought to our attention. We believe that Amazon drivers may be the ones you’re referring to and we constantly remind the business about this. As more development occurs, pressure on the county and INDOT increases so that changes are more likely to occur.
13. 450 S – is not designed for truck traffic. We have installed signage to discourage this.
   a. C Drake – the signage is not working and they need to have weight limitations in place. Also, the “construction traffic” signs have been removed.
14. Not following promises – this concerns us. I was not involved in the project when it was originally approved, so I don’t know the full history of things that were discussed during the approval process. It does bother me to hear this and it bothers our company. I will research a matter if it is identified and bring it to the company’s attention.

I know that everyone wants all of these comments addressed before the WPC would approve the project, but this isn’t feasible. The property is zoned for the proposed development and we meet the terms and intent of the PUD ordinance. Neighbors may not agree, but their patience is needed during the development process until things are completed and the full PUD is developed. More business in the area makes it easier to complete all the pieces of the puzzle. We request approval and we do not want any conditions on future median cuts at this time. We could address it when the next lot is developed.

e. WPC Comment
   i. J Anderson – I don’t have a concern lifting the limitation on the median cuts. We can address future cuts as they are proposed. I do have concerns about the existing residents. Are there any commitments you can make to improve their livability? No one has said that they want the development to go away, but there seems to be some things that might be able to be done.
   ii. Worthley – Drake, you brought us the text from the PUD for loading docks. Do you have the text regarding the berms you mentioned?
      1. C Drake – Section 4.15 addresses the buffer we refer to (gives copy)
   iii. Worthley – did you write any of the PUD?
1. C Drake – I attended the drafting meetings along with the others entities involved.

iv. Worthley – can you address Section 24.7.e.2?

1. Paul – we do not have buildings oriented north-south in the development. This was never intended and has not been done. This building is not situated to the rear of another building. Our interpretation is that this building is correctly oriented per the PUD. The language “loading docks shall not be located on a façade facing and parallel to 400 S”

v. C Drake – if you put a berm right up to the road, we will lose the 200’ buffer.

vi. Paul – buffers are measured horizontally, so the berm would not be lost. Buffers can be made up of the ponds and berms and not lose the intent of the buffer. Berm height is measured from the street level versus the building level. We can take the earth from the construction of this site and add to the proposed berms.

vii. Worthley – I have a problem with the loading docks facing 400 S unless adequately screened with berms that need to be built. I cannot approve this as proposed.

viii. Jones – we have a lot of conflicts that need to be looked at. We cannot satisfy everyone in this room no matter what we do tonight. We need to reach some sort of agreement amongst us. Additional research is needed to be done by everyone. Continuing this to the next meeting will add time to the project.

ix. D Anderson – I have concerns about median cuts and adding more cuts.

x. J Anderson – we have a motion that needs a second before discussion can continue.


xi. D Anderson – as I was saying, we need to look at the median cuts with regard to current traffic and future traffic.

xii. Semmler – the language that was originally drafted may be different from Duke’s current interpretation. If things should have been installed by now and they are not, then they need to be installed before we allow additional development. Loading docks facing major roads should not be occurring.

xiii. Worthley – I didn’t write this PUD language, but I have to enforce it as a member of this PC. The language is very clear about loading docks not facing 400 S. Until it is proven that the loading dock facing 400 S is visibly mitigated.

Motion passes unanimously.

xiv. Molitor - it may help if Staff meets with the developer and members of the public to review the interpretation and come to some sort of consensus.

xv. Jones – Luzier should be able to identify the discrepancies discussed tonight.

xvi. Molitor – it is one document with two interpretations in addition to what Boone County APC may have thought they were interpreting as well.

xvii. Luzier – July 24, 2012, 10:00am at Town Hall after the TAC Meeting. Please email me any information or interpretations in advance if possible so that I can research them.

Old Business

4. Notice to Proceed with Planning Projects – GIS and Transportation Plan –

a. Luzier – Scott Dompke is not here this evening, but I need some direction about what information you need in order to give GRW the green light on these projects.

b. Worthley – we talked about this a little bit at the last meeting, but didn’t clarify.
c. Semmler – do we know how much has been designed now and how much we owe for that so far?

d. Luzier, so in summary, I need to provide you with the following information for the GIS project...
   i. What's been done up to this point
   ii. How much does this preliminary work entail
   iii. A prioritized list of the layers including the benefits
   iv. What is maintained by the Town versus the County

Motion to continue to August 13, 2012 by Worthley. Second by D Anderson. Motion passes unanimously.

Adjourn
8:39pm

_______________________________________
Mark Worthley, President

_______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: August 13, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:30pm

Pledge of Allegiance

Roll Call
✓ Mark Worthley, President
✓ Dennis Anderson, Vice Pres
✓ L.J. Jernstadt
✓ Jan Jones
✓ Jason Lawson
✓ Joe Anderson
✓ Greg Semmler
✓ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
Jernstadt – the room is very crowded. We should see who is here for which agenda item so that we can ensure everyone can hear.

Motion to approve agenda by Worthley. Second by Anderson. Motion passes unanimously.

Minutes
1. July 9, 2012

Motion to approve minutes by Anderson. Second by Semmler. Motion passes 6/0, Jernstadt abstaining.

Old Business
2. Docket PC12-013-DP - Development Plan - Anson Bldg 7A. The petitioner is requesting approval of a Development Plan for Building 7A at All Points at Anson. The subject property contains 32 acres and is located at the southeast corner of 500E and 400S. The property is zoned PUD and it is classified as part of the Commerce District in their Master Plan. The Technical Advisory Committee (TAC) reviewed the plans on 6/19/2012. The petitioner and owner is Browning/Duke LLC the project engineer is Structurepoint.
   a. Introduction
i. C Drake – Lawson and Jernstadt were not at the last meeting and we ask that they recuse themselves.

ii. Jernstadt – I don’t have a conflict of interest.

iii. C Drake – members cannot come into a hearing in the middle of a process and vote.

iv. Molitor – I will review our Rules and Procedures regarding this matter. Have Jernstadt and Lawson reviewed the minutes?

v. Lawson – yes

vi. Jernstadt – yes

vii. Molitor – conflict of interest and conflict/impartiality are the only reason a member would normally recuse themselves. If you haven’t reviewed the materials or minutes, then there may be cause for impartiality. Recusal can occur before the hearing or at the time of vote.

viii. Charlie Frankenberger, Duke – the petitioner has no objection to Lawson and Jernstadt participating.

ix. Jernstadt – I attended the extended meeting and have reviewed the materials and minutes. I have no intention of recusing myself.

x. Lawson – I have no intention of recusing myself either.

xi. Frankenberger – I have not been before the Whitestown PC, but I did represent Duke back in 2004 when it was considered by Boone County APC and Commissioners. Describes Master Site Plan and Building 7A site. On the north side, trailer staging is allowed if properly screened and loading docks are allowed on the north side of the buildings if the PC approves. At the initial meeting, input was received from neighbors. We discussed the required berm on the north side of the “protected residential area (PRA)” per the PUD Ordinance. We discussed timing, location, vegetation, height, and pond location. At the extended meeting on July 24th to further discuss these matters, Duke stated they would construct the berm, planted with prairie vegetation style, and locate the pond on the north side of the berm. We believe that the subject site is not contiguous to the PRA, but nonetheless, Duke will construct the 450 S berm and the sidewalk with Building 7A. The height will be measured from the highest point of the crown of 450 S as shown on the drawing shown (938’ elevation). Discusses area between 400 S and the north elevation of Building 7A, which will be buffered with a berm and landscaping. Shows drawing of sight lines with berm location. When trailer staging is installed, if there are gaps in the landscaping, Duke will supplement the landscaping. We look forward to bringing this project to Whitestown.

xii. Blaine Paul, Duke – we are asking for two median cuts between 500 E and 575 E. Shows map of Park 100, Keystone area, and Plainfield area median cuts and curb cuts to describe context and traffic patterns. Shows Anson Master Plan for this area and describes median cuts and curb cuts. The proposed curb cuts are not excessive for this development.

b. Public Input

i. Dennis Mann – we bought the property in the late 80’s. We found ourselves surrounded by Duke Property. We negotiated things with Duke and signed a non-remonstration clause, as did many of our neighbors in 2006. Our options were dropped in 2009. Our property is part of the PRA and to be protected by the buffer. We feel that the locating the berm along the road would negatively affect our drainage, be unattractive, and have a negative impact on our property values.

ii. Becky Emerich – we also had an option on our property that has been dropped. We are surrounded on three sides by Anson. We ask that the pond be along the road instead of the berm. Since the berm is for the purpose of protecting the residents, then we should have a say in where it is located. We ask that the berm height be based on the pad height of the existing Amazon
building. We are not opposing the project, but want the PC to take into consideration the buffering that was promised.

iii. Carol Sparks Drake – we submitted written comments to Staff earlier today and ask that they be made part of the record.

1. Berm Location - The Drake Property is the only property that is part of the “excluded residential area (ERA)” and Section 4.15 of the PUD describes specific required buffering. Emails from former Duke executive, Mr. Dickey describes a pond along 450 S and a berm on the other side of it. He stated that it would be up to the Drakes to decide. To date, we, the Drakes, have not decided where the pond and berm should be oriented. Mr. Frankenberger did not attend all of the PUD drafting meetings, but Mr. Dickey and I did participate. I admit that we overlooked the clarification of the berm/pond orientation along 450 S in the PUD language, but nonetheless, it was discussed. We ask that you honor these emails in your decision.

2. Berm Height – soil was stockpiled on site for the existing development for the pad. The berm was constructed, but because the pad was built up so high, it did no good. The Boone County Surveyor has stated that the height of the berm should be constructed based on the height of the pads. Staff recommends that a constant point be used to measure the height of the berm, and we feel it should be the existing building pads. 450 S has been scraped down over the years, so it is even lower than it was in the past. Basing the berm height

3. Truck Docks – Frankenberger stated that the PC can approve docks and trailer staging areas per the PUD Ordinance. Section 24.6 is clear that unless there’s a building between 400 S, loading docks cannot face 400 S. 400 S is to look no different than the I-65 corridor or the SR 334 corridor. Buildings should be oriented so that front facades face the named roads. Without a building in front of it, the buildings cannot have truck docks face 400 S. The Overlay standards apply to this area.

iv. Tom Drake – as residents, we aren’t asking for anything unreasonable with regard to the height of the berms. Please put yourselves in our shoes and think about what you would want to see from your home. We also need proper signage for truck traffic on 450 S. What is the pad height for the proposed building?

v. Paul – Finished floor elevation will be 941.5’ for building 7A.

vi. Dax Norton, Boone EDC – I was not part of the original planning process for Anson. This will be a $13.5-$20M investment in the town. This is a huge investment given the current economy. We want what’s best for everyone in Whitestown and Boone County. Duke could have made the investment somewhere else, but they chose Whitestown. These details can be worked out for everyone. This type of investment is important to our future. It will be the first spec building in Boone County. This will be in proximity to the Ronald Reagan Parkway and will set the tone for the corridor. In other communities on the Parkway, the buildings aren’t as visually pleasing as this proposed building. I know you have to address technicalities and I don’t consider myself an expert, but the decision should be cost-effective for the investor and fair to the community.

vii. Becky Roberts – Norton says this is a good investment for our community. But what about our investment in our home? Shows pictures of view from front yard. Designing the buffer per the residents taste will help preserve our investment.

viii. Harold Harmon – I live north of here and my home’s elevation is higher and I get parking lighting from Amazon. As growth occurs in Anson, my property only gets more valuable! Surely we can find a happy medium.
ix. Worthley – closes public hearing.

**c. Rebuttal**

i. Frankenberger – I was not involved in all the day-to-day PUD review meetings, but there were many and I did attend some. Certain area residents received monetary compensation when the options were dropped. Commitments need to be in writing and signed by both parties so that details cannot be questioned. With regard to the claim by Mr. Dickey back in 2005 that the pond would be along the road that Drakes produced, we defer to Molitor to decide if this even constitutes a “commitment” that this body can consider. Other relevant information from the emails attached to C Drake’s letter were not included in the quotes in the letter and resulted in litigation.

ii. Jernstadt – do not bring this up or prepare to disclose the transcript to this hearing. I don’t want your supposition to this litigation.

iii. Frankenberger – there is nothing about the law suit that is not public record.

iv. C Drake – the complaint was sealed and is not public record.

v. Frankenberger – I will refrain from mentioning the lawsuit. References 2006 submittal exhibit from the PUD approvals. The diagram that is included in this exhibit references the proposed Commerce Street, which is north of and parallel to 450 S. This new road would provide improved alignment for the development as well as a larger buffer for the PRA. The Drake’s did not want this to occur and therefore, after negotiations, it did not occur. That is what the Drake’s emails are referencing with regard to the location of the pond/berm – not 450 S. There are many reasons the pond cannot be south of the berm. If the pond is south of the berm, then it complicates the logistics, drainage, design, and cost for additional development in this area. The PUD does not stipulate the location of the pond and berm within the buffer. The berm will serve as a screen to the loading docks. In interpreting Section 24.6, we feel it applies to loading docks behind frontage buildings. There is also a waiver provision built into the PUD ordinance. We ask for approval tonight so that construction can begin yet this year.

vi. Paul – we are building the sidewalks on 500 E from 400 S to the southern lot line of Building 7A. We will construct the sidewalk on 450 S. Signage for the truck traffic is done as best possible. Adding a weight limit is up to the town. Duke would pay for the signage change, but not for the subject matter of the sign.

vii. C Drake – a 2005 email from Mr. Dickey had nothing to do with the 2006 streetscape submission shown by the petitioner. I understand that emails are not contractual documents, but Duke representatives have made commitments that were not kept. We are not asking for the pond be installed now – just the location of the berm. Frankenberger is incorrect in referencing the proposed Commerce Street. 450 S is not designed for truck traffic and cannot sustain it. What is done in different communities is controlled by their ordinances. What is done in Whitestown is proposed by the PUD Ordinance.

viii. J Anderson – while the suspect emails have been submitted to the record by the Drake, I don’t think the PC should consider this in their decision.

ix. Molitor – the petitioner traditionally gets the final rebuttal.

x. Frankenberger – Section 24.6 says that the loading docks cannot be there unless the PC allows it. The loading docks can be approved by the PC under section 24.6, or other provisions in section 24 allowing waivers, or under section 19 allowing waivers. The Drake emails reference roads that were not constructed.
xi. Paul – Commerce Street/Progress Drive/500 E were not constructed because their intersections could not be safely constructed based on the site geometry. Making it would have taken a cul-de-sac design for the residents, but that was declined.

d. Staff Report - Luzier

e. PC Discussion

i. Jernstadt – berm or no berm, I am opposed to the loading docks on the north side of this building. The berm should be no closer to the road than 200 feet per the PUD Ordinance. The berm base should be set at 941 feet.

ii. Worthley – what is the finished floor elevation of Amazon?

iii. Paul – Amazon’s finished floor elevation is 946.5 and is a different drainage watershed.

iv. Jernstadt – If Duke is willing to continue the berm that was constructed along the front of Amazon, then I would reconsider.

v. Paul – the screening only applies to the docks. There is an immediate elevation drop between the finished floor and the truck dock of four feet. I am most responsible for establishing the berm heights based on the most current geography. In front of Amazon, there is car parking. We designed the berm to block the parking and the dock areas. Duke makes commitments to the PC on development plans – not the tenants of the buildings. The Master Plan shown is the one we’ve always based our designs on and there was never an omission of the truck docks.

vi. Jernstadt – Under Section 24.6.e.2, I feel that the PC’s has discretion to allow loading docks to face 400 S. Having a secured tenant would help me to decide otherwise.

vii. Paul – since this building is for more than one tenant, we cannot possibly design this for one known tenant. Without the dock orientation, we will not get the tenants we need. Describes Building7A structure and design.

viii. J Anderson – I want this project and am willing to allow the loading docks. I also want the residents to be satisfied with the berm/pond design. The pond would be installed in the future with proposed buildings 8A and 8B. If the berm was in place before the pond was installed would affect the drainage and design. Could you delay the installation of the berm until the pond went in?

ix. C Drake – the berm is past due.

x. J Anderson – so you would not be amenable to postponing the construction of the berm to accommodate the pond.

xi. Paul – if the pond is on the south of the berm, then the berm would not be inside the required 200’ buffer.

xii. Semmler – I’m in favor of the project and agree that their building along 400 S is aesthetically pleasing. With the investment that Duke has been willing to make on their projects, we have shown them latitude. I find it a change of pace when the aesthetics change along the corridors. I think that there is a point where we can all agree.

xiii. Paul – shows location of 200’ buffer on Master Plan. The pond is more than 200’ wide. If the pond was located along 400 S instead of the berm, then the berm would fall outside the required buffer. The berm to the west is outside of the 200’ buffer, and technically it shouldn’t be.

xiv. C Drake – the dust is so bad out there, you can hardly see. The berm does cut some of the dust. Shows picture of berms at ASI.

xv. D Anderson – with respect, the county approved that development plan – Whitestown did not.
xvi. Frankenberger – the site plan for ASI was approved by Boone County APC and the project was constructed per the approved site plan. If something is in violation, then we can take that up with the Planning Director.

xvii. J Anderson – is temporary screening an option?

xviii. Jernstadt – can you install the drainage pipes under the berm first to accommodate the location of the pond/berm?

xix. Paul – this methodology works for utilities, but it is impractical for drainage design. We have already agreed to construct the berm in advance of when we feel it should be installed.

xx. Jernstadt – I would not oppose the docks if the pond was installed along 450 S.

xxi. Molitor – please add the ASI photo to the record that was submitted.

xxii. Worthley – Norton, should development such as the ASI photo depicts, affect approvals?

xxiii. Norton – ASI no longer exists and you have a new tenant operating in the two-week old photo you’re viewing.

xxiv. Worthley – we are charged with deciding the location of loading docks. Would choosing aesthetics over economics benefit the community in the long run?

xxv. Norton - the proposed building can be done in an aesthetically pleasing way with loading docks facing 400 S. Older industrial areas without any types of berms are unsightly.

xxvi. J Anderson – none of what you do means anything if you don’t have enforcement.

xxvii. Frankenberger – Duke would like to propose a resolution. 400 S berm and landscaping would be installed as shown. Loading docks would be located on the north. The 450 S berm would be constructed today from the loading dock grade (937.5’). We would put the pond south of the berm, but there would have to be gaps for the pipe areas (6-8 over 2500’).

xxviii. Paul – we are screening the loading docks and they are four feet below the finished floor elevation. Our docks will never drain towards the building, so the front of the truck would be oriented lower than the back of the truck where the unloading is done. The gaps will be determined by Duke and the gaps would each 60’ in width. The centerline of the berm would be as defined by the drainage plan, not by past centerlines for the berm. The road crown was 938’. Pads for buildings 8A and 8B would be about a foot lower than building 7A. Gaps would be filled in sometime during the construction process of buildings 8A or 8B.

xxix. J Anderson – the road would be a safer elevation to measure from than a pad elevation.

Motion to approve PC12-013-DP with the conditions outlined below by J Anderson. Second by Semmler. Motion passes unanimously.

1. the development be approved as proposed with Staff Recommendations;
2. the pond will be constructed closest to 450 S with the berm to its north;
3. the centerline of the berm will be as defined by the drainage plan and not by past centerlines; and
4. the berm height will be measured from 937.5’ and would contain gaps for drainage. There will be 6-8 gaps that are approximately 60’ in width each. Said gaps will be filled in sometime during the construction process of Buildings 8A and 8B.

New Business – Public Hearing
3. Docket PC12-014-PP and PC12-015-SP - Clark Meadows - Primary Plat and Secondary Plat for Section 1. The petitioner is requesting approval of a Primary Subdivision to be known as Clark Meadows with 255 lots as well as Secondary Plat for Section 1 for the first 35 lots. The subject property contains 145 acres overall and is located on the west side of 650E at 550 S. The property is zoned PUD and is part of the
Neighborhood Residential District of Anson. The Technical Advisory Committee (TAC) reviewed the plans on 7/24/2012. The petitioner is Pulte Homes of Indiana, LLC, the owner is Duke Construction Limited, and the project engineer is HWC Engineering.

a. **Introduction**
   i. David Compton, Matt Lohmeyer, Brandon Burke, Craig Anderson – this is the first and largest development we’ve proposed in 5-6 years. Describes layout. This will be phased over 7-9 years. We hope to begin construction yet this year. We agree with the Staff Report and support Staff’s recommendation. We will work with all applicable utilities during construction of this project.

b. **Staff Report – Luzier**

c. **Public Input**
   i. Harmon – New Hope Blvd is on the north side of our property. At the southwest corner of New Hope and 650 E is a common area and pond. Our purchase agreement shows two entrances to our property east of Crowley before New Hope bends to the north.
   ii. Compton – the New Hope entrance lines up with the school’s entrance. It would not conflict with getting your entrances. We can work that out ourselves.
   iii. Molitor – can we work an agreement out right now so that we can proceed with the secondary?
   iv. Worthley – we will take a ten-minute break to come to an agreement.
   v. Compton – we met with Harmon and will add a new right-of-way with a median cut that is 75 feet off the top of bank, at the bend of New Hope for the church access. We will work with Staff to develop the sight distance and final design.

d. **PC Discussion**
   i. Jernstadt – when would 550 S be vacated?
   ii. Burke – it will vacated as each section is developed.
   iii. Worthley – what is the target home price?
   iv. Compton - $240K. It will be a step-up from Anson Neighborhoods.
   v. Anderson – the Centex product starts at $140-$160K. All of the homes in other areas of Anson have gone for over $200K.
   vi. Jernstadt – how long is the decal/accel lane on 650 E?
   vii. Burke – it follows the Whitestown detail specification and mirrors the school’s at 130 feet.

Motion to approve PC12-013-DP per Staff recommendations and with the agreed upon church access by Worthley. Second by D Anderson. Motion passes unanimously.

**New Business – Public Meeting**

   a. Scott Dompke – we provided an update to the GIS system proposal and focused on just the Plan Commission portion. We should be done by the end of the year.

Motion to proceed with prioritized list below and approve expenditure for GIS up to $46,000 J Anderson. Second by Worthley. Motion passes unanimously.

1. zoning $7,760;
2. corporate limits and TIF districts $2,350;
3. postal district district/zip code boundaries $1,970;
4. building permits $8,860; and
5. **subdivision boundaries $1,970**

5. **Transportation Plan Committee** – The Commission to consider the appointment of PC members to participate on the Transportation Plan Committee.
   a. Luzier – we would like 2-3 PC members participate on the committee. Lawson has said that he would volunteer.
   b. Dompke – meetings would be possibly twice a month.
   c. D Anderson – I’ll volunteer too.
   e. Dompke – so Tuesday, August 21st at 2:00pm at the Town Hall.
   f. Molitor – copies of meeting notes should be distributed BCC.

_Motion to appoint Lawson, D Anderson, and J Anderson to participate by Worthley. Second by J Anderson. Motion passes unanimously._

6. **Boone County SWMD Grant Application** – the Commission to discuss potential projects to pursue for the Boone County SWMD Grant Application.

_Continue to September 10, 2012._

7. **2013 Meeting Schedule** - the Commission to discuss the draft schedule for 2013 as well as the fees for permits and applications.

_Continue to September 10, 2012._

8. **Zoning Ordinance Amendments** – the Plan Commission to discuss amendments to the Zoning Ordinance for the following:
   a. Luzier – drafts will be presented at the September 10th meeting for the following amendments:
      i. Address old references to the APC and Boone County as well as interpretation resolution in the two PUDs (Anson and Golf Club of Indiana) that are within Whitestown.
      ii. Clarify and refine the Development Plan procedures for new structures as well as significant expansions.

_Adjourn_
9:45pm

______________________________________
Mark Worthley, President

______________________________________
Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: September 10, 2012
Time: 6:30pm or immediately following the WBZA meeting
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
8:00pm

Pledge of Allegiance

Roll Call
✓ Mark Worthley, President
✓ Dennis Anderson, Vice Pres
✓ L.J. Jernstadt
✓ Jan Jones
✓ Jason Lawson
☐ Joe Anderson (absent)
✓ Greg Semmler
✓ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
Motion to approve agenda by Anderson. Second by Semmler. Motion passes unanimously.

Minutes
1. August 13, 2012

Motion to approve minutes by Jernstadt. Second by Anderson. Motion passes unanimously.

Old Business
2. 2013 Meeting Schedule - the Commission to discuss the draft schedule for 2013.
   a. Jernstadt – I am going to ask for the same amendment that I asked for the BZA in that the agenda and staff report be published seven (7) days prior to the hearing instead of four (4) days.

   Motion to approve schedule as amended by Worthley. Second by Jernstadt. Motion passes unanimously.

3. Zoning Ordinance Amendments – the Plan Commission to discuss draft amendments to the Zoning Ordinance for the following:
a. PC12-016-TA – Text amendment to clarify and refine the Development Plan procedures for new development and structural additions to existing development.
   i. Molitor – I will work with Luzier to address incorporating an appeal process into the amendment.

b. PC12-017-TA – Text amendment to address old references to the APC and Boone County in the Anson PUD and the Golf Club of Indiana PUD that are within Whitestown.

c. Luzier – these will be advertised for consideration at your meeting in October. Let me know if you have any questions while you’re reviewing the proposed language.

Announcements
4. Ground Rules Contract
   a. Jernstadt – what is the status of the contract with Ground Rules for the UDO?
   b. Luzier – there are some terms of the Ground Rules contract that GRW does not agree with, so things may not proceed. In the meantime, I have discussed the matter with TSW, who is working on the Downtown Revitalization Plan. For half the cost, I can work with them to reformat the ordinances into a UDO. It may not be as good as the Ground Rules product, but it would make the ordinances easier to interpret and navigate. I haven’t ended negotiations with Ground Rules, nor have I extended an offer to TSW. Does the WPC want to give me a formal directive to continue negotiating with Ground Rules or proceed with TSW? Or do you want me to handle things on my own.
   c. Jernstadt – we’ll trust you to take care of things and keep us on schedule.

5. Zoning Violations
   a. Jernstadt – what outstanding zoning violations do we currently have?
   b. Luzier – three:
      i. The lighting issue with one of the buildings at Perry Industrial Park.
      ii. The demolition of the house at 205 S Main. Their permit is still valid through mid September.
      iii. A new use violation for the gym in downtown Whitestown. An electrical contractor is now storing vehicles there and that is not a permitted use in the GB district.

Adjourn
8:45pm

Mark Worthley, President

Deborah Luzier, Secretary
Meeting Minutes

Whitestown Plan Commission

Date: October 8, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:36pm

Pledge of Allegiance

Roll Call

☐ Mark Worthley, President (absent)
✔ Dennis Anderson, Vice Pres
☐ L.J. Jernstadt (absent)
✔ Jan Jones
✔ Jason Lawson
✔ Joe Anderson
✔ Greg Semmler
✔ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda

Motion to approve agenda by D Anderson. Second by Semmler. Motion passes unanimously.

Minutes

1. September 10, 2012

Motion to approve minutes by Semmler. Second by Lawson. Motion passes unanimously.

Old Business – Public Hearing

2. PC12-016-TA – Development Plan Process text amendment – Text amendment to clarify and refine the Development Plan procedures for new development and structural additions to existing development.
   b. Public Comment – none.
   c. PC Discussion
      i. Molitor – what has been proposed is fine for having a public meeting to approve a development plan. Under state law, we need to have a provision for a public hearing if someone is not happy with the result, whether it’s a remonstrator or the petitioner. There would be a 5-day deadline for
someone to appeal it and then we would schedule a public hearing to further discuss it. Beyond that, it would go to the courts. Where we talk about “public meeting”, we will need to insert text as follows:

1. First, Subsection B.2 should designate the WPC "acting as a Committee of the Whole" to hold the public meeting.
2. Then, Subsection B.2.b should refer to the Committee of the Whole, when it approves the DP, as making a "non-final zoning decision".
3. Then, Subsection B.2.c should include appeal language, something like this:

   "c. Direct Appeal to the Full Commission. If the applicant or any other interested person is aggrieved or adversely affected by a non-final zoning decision made by the Committee of the Whole as described above, then the applicant or interested person may appeal the non-final decision directly to the WPC. An applicant or interested person who wishes to appeal a non-final zoning decision must file the appeal not later than five (5) days after the date the decision is made, and the WPC shall then hold a public hearing and render a final decision on the application in accordance with its Rules and Procedures. If no appeal of a non-final decision is filed within five (5) days after the date the decision is made, then that decision shall be considered as duly approved by the full WPC and treated as a final zoning decision, upon the later of either:
   i. ten (10) days after the date the non-final decision was made; or
   ii. compliance by the applicant with any requirements imposed pursuant to Subsection C below."

   Motion to have staff amend the text as described and give a favorable recommendation by J Anderson. Second by Semmler. Motion passes unanimously.

3. **PC12-017-TA PUD Conversion text amendment** – Text amendment to address old references to the APC and Boone County in the Anson PUD and the Golf Club of Indiana PUD that are within Whitestown.
   a. Introduction – Luzier
   b. Public Comment – none.
   c. PC Discussion – none.

   Motion to give a favorable recommendation by J Anderson. Second by Lawson. Motion passes unanimously.

**Discussion**

   a. Presentation – Scott Siefker, TSW Design Group
   b. PC Discussion
      i. J Anderson - Be sure to describe the level of public involvement. This plan parallels the Stellar Grant program very well.
Announcements

Adjourn
7:35pm

_______________________________________
Dennis Anderson, Vice-president

_______________________________________
Deborah Luzier, Secretary
Due to a lack of agenda items, the WPC meeting for November has been cancelled.
Meeting Minutes

Whitestown Plan Commission

Date: December 10, 2012
Time: 6:30pm
Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order
6:31pm

Pledge of Allegiance

Roll Call
☑ Mark Worthley, President
☑ Dennis Anderson, Vice Pres
☐ L.J. Jernstadt (absent)
☑ Jan Jones
☑ Jason Lawson
☑ Joe Anderson
☑ Greg Semmler
☑ Staff:
  o Deborah Luzier, Town Planner, GRW
  o John Molitor, WPC/WBZA Attorney

Approve Agenda
Motion to approve agenda by Worthley. Second by Semmler. Motion passes unanimously.

Minutes
1. October 8, 2012

Motion to approve minutes by Worthley. Second by Lawson. Motion passes unanimously.

New Business – Public Hearing
2. Docket PC12-020-CP - Downtown Revitalization Plan. The Commission to consider the Downtown Revitalization Plan for the identified study area in downtown Whitestown.
  a. Staff Report – Luzier. If approved, this will go to the Town Council tomorrow night.
  b. Public Input – none.
  c. WPC Comments – none.

Motion to approve the Downtown Revitalization Plan by J Anderson. Second by Jones. Motion passes unanimously.
New Business – Public Meeting

3. **Docket PC12-019-DP - Development Plan - Golf Club of Indiana.** The petitioner is requesting approval of a Development Plan for a new banquet facility at the Golf Club of Indiana. The subject property contains 153 acres and is located at 6905 S 525 E, on the south side of 650 S, at the end of 525 E. The property is zoned PUD (Ord #99-10) and it is classified as “Development Parcel 8 – Golf Course” within the ordinance. The Technical Advisory Committee (TAC) reviewed the plans on 11/20/2012. The petitioner is Equiteam, LLC and the project engineer is Triangle Design, LLC.

   a. **Staff Report – Luzier.**
   b. **Petitioner Introduction - Jerry Firestone.** Here to answer any questions that the PC may have. The site engineers are also here to answer any questions about site design. Stan Schutz, Equiteam
   c. **Public Input – none.**
   d. **WPC Comments**
      i. J Anderson – did the state grant the variance?
      ii. Schutz – the state did grant the variance (distributed copy of the approval) with the condition that dry hydrant with adequate fire department access will be provided.
      iii. J Anderson – I opposed the variance because it was almost half a mile to the nearest fire hydrant. There is nothing on site to pump water. Given its location, an after-hours fire would most likely consume the structure before a fire truck could get there. It’s about three miles from the nearest tanker truck. Even though there’s not going to be cooking at the facility, a fire could occur. A pump truck would still need to be on-site to utilize the required dry hydrant (explains “dry hydrant” system). Regardless, this will not replace an adequate sprinkler variance.
      iv. Worthley – Molitor, can this be a reason to oppose this proposed development?
      v. Molitor – we cannot override the State’s granting of the variance. We could ask that the facility be non-smoking.
      vi. J Anderson – the insurance company may have an interest, but that’s about it.
      vii. Firestone – most facilities are non-smoking. I don’t think we’d have an opposition to it.
      viii. Worthley – are you in a position to make a decision about that?
      ix. Firestone – no. I would need to consult with the owner.
      x. Schutz – we haven’t designed the dry hydrant system yet. That would still need to be done. The entire wood-framed structure would have to be protected with one-hour drywall construction.
      xi. Worthley – how much would the sprinkler system cost?
      xii. Schutz - $100,000. We don’t know how much that would impact insurance. The structure would have a 35-year life expectancy. The existing facility is 3,500sqft and the new facility would be almost 7,000sqft. We anticipate it to be a wedding reception hosting site.
      xiii. J Anderson – because of the proximity to the nearest hydrant, the ISO rating would be a “9”. A “10” means there is no fire protection.
      xiv. Worthley – since a decision-maker isn’t present to commit to the prohibition of smoking, then we should continue it, unless you can get the owner on the phone.
      xv. Molitor – we should require adequate signage and notification that smoking is prohibited.
      xvi. Firestone – Harry Kennerk is the owner and he has confirmed that it can be a non-smoking facility.
      xvii. Worthley – are there issues with complying with the other TAC comments?
Motion to approve PC12-019-DP by Worthley with the following conditions:

1. TAC comments are addressed and
2. The facility will be non-smoking and be publicized on-site with proper signs by Worthley.

Second by Semmler.

xxi. Semmler – does this comply with the local non-smoking ordinance?
xxii. Worthley – they would still have to comply, but this commitment would be in addition to that.

Motion passes 4/2, D Anderson and J Anderson dissenting.

Discussion Items
4. Docket PC12-018-TA – Text Amendment - Unified Development Ordinance. The Commission to discuss the proposed outline for the Unified Development Ordinance (UDO) in order to reformat the Zoning Ordinance and the Subdivision Control Ordinance into one document.
   a. Introduction – Luzier. I hope to have a draft ordinance for your review in January. Once I am finished rearranging the text, I will hand it off to Scott Siefker of TSW for formatting, color, and adding graphics where necessary.
   b. Molitor – this will still need approval, even though there are no changes to the text.

5. Docket PC12-021-TA – Text Amendment -. The Commission to discuss the proposed technical amendments needed to convert the two PUDs from Boone County Ordinances to Whitestown Ordinances. (Ord #99-10 Golf Club of Indiana and Ord #2004-10 Anson)
   a. Introduction – Molitor. This would be an attachment to the PUD ordinance, per se, and not change the actual PUD ordinance. With regard to the Development Plan process, we did have to make some adjustments to accommodate our new procedures. We have distributed it to the PUD property owners for their feedback.

New Business from the Floor

Announcements

Adjourn
7:15pm

Mark Worthley, President

Deborah Luzier, Secretary