

**PLAINFIELD PLAN COMMISSION**

**January 6, 2020**

**6:30 p.m.**

**CALL TO ORDER**

Mr. Smith: Good evening everyone. Can you hear me in the back? This is the Plainfield Plan Commission for January 6, 2020; welcome to the new decade.

**ROLL CALL/DETERMINATION OF QUORUM**

Mr. Smith: First of all, let me ask of you would call the roll and determine the quorum.

- Mr. Klinger:
- Mr. Phillip- here
  - Mr. McPhail- here
  - Mr. Brandgard- here
  - Mr. Smith- here
  - Mr. Kirchoff- here
  - Mr. Bahr- here
  - Mr. Slavens- here

Everyone is present and accounted for.

**PLEDGE OF ALLEGIANCE**

Mr. Smith: Would you join in the Pledge of Allegiance please?

**ELECTION/APPOINTMENT OF 2020 OFFICERS**

Mr. Smith: Thank you. Next on our agenda will be election of new officers for the coming year. Let me say this before we do that; I have enjoyed the past three years that I've been serving as President of the Plan Commission. I still have a year or two on my term, so I don't plan to leave the Board, but I do believe that this is a position that the Town can use to broaden its base of leadership, its pool of good leaders in the Town government. And so, I discussed this with our Town Council liaison, Mr. McPhail. I discussed this some weeks ago with him and I suggested

that this might be a good opportunity to rotate the seat, if you will, and let someone else have a turn. So, Kent, do you have a motion?

Mr. McPhail: Yes, sir. Mr. President, I'd like to nominate Scott Slavens for President for 2020.

Mr. Brandgard: I'll second

Mr. Smith: I have a motion and a second. Would you call the roll, please?

Mr. Klinger:	Mr. Phillip- yes
	Mr. McPhail- yes
	Mr. Brandgard- yes
	Mr. Smith- yes
	Mr. Kirchoff- yes
	Mr. Bahr- yes
	Mr. Slavens- yes

The nomination of Scott Slavens as President has been approved.

Mr. Smith: Thank you, do you have any further motions?

Mr. McPhail: I believe our current Vice President is Mr. Bahr.

Mr. Smith: Yes

Mr. McPhail: And I would nominate him to continue in that position.

Mr. Kirchoff: Second

Mr. Smith: Would you call the roll on that, please?

Mr. Klinger:	Mr. Phillip- yes
	Mr. McPhail- yes
	Mr. Brandgard- yes
	Mr. Smith- yes
	Mr. Kirchoff- yes
	Mr. Bahr- yes

Mr. Slavens- yes

Motion to elect Steve Bahr as Vice President is approved.

Mr. Smith: Thank you very much

(seats are changed)

Mr. Slavens: Okay, well thank you for the nomination and thank you for the opportunity to lead the Plan Commission, I'm looking forward to it. Let's get going.

### **APPROVAL OF MINUTES**

Mr. Slavens: I think the first order of business is the approval of the minutes from December 2, 2019.

Mr. McPhail: I would move that we approve those as written.

Mr. Phillip: Second

Mr. Slavens: We have a motion and a second. All in favor, say aye.

(All ayes)

Mr. Slavens: Any opposed?

Mr. Kirchoff: I abstain since I was not present.

### **OATH OF TESTIMONY**

Mr. Slavens: All those planning on speaking tonight for public hearings;

1. The proceedings are recorded for public record purposes; please come to the podium, located in the front of the Meeting Room, give your name and address and make your presentation.
2. Please make presentations as concise as possible; try to limit your comments to no more than five (5) minutes and avoid repetition of points made by previous speakers. Each speaker will be allowed to speak only once.
3. If possible, please designate a spokesperson for groups supporting or opposing same positions.
4. Following your presentation, please print your name and address on the speakers' sheet provided by the Plan Commission Secretary to ensure the official record reflects your appropriate name and address.

Oath of Testimony?

Mr. Daniel: Anyone expecting to testify before this Commission tonight, please stand and raise your right hand.

(Mr. Daniel administers the Oath of Testimony)

## **PUBLIC HEARINGS**

Mr. Slavens: Mr. Berg?

Mr. Berg: I'm actually going to turn this over the Mel. He was made aware of a change that needs to be made in the Subdivision Regulations and I think he can speak to this a little more in depth.

Mr. Daniel: I'll make this short. You may recall... I'll give you a little bit of history with our Subdivision Control Ordinance. We have procedures that are applied and have been for many years. And one of the issues that came up many years ago was the issue of putting sidewalks in, in front of lots before they're developed. And of course, many time what happened then was, as buildings were constructed on those lots, they damaged the sidewalks and they had to be replaced. So, in an effort to help the developers with that issue the Town created a system where you could either put those sidewalks in or you could bond those sidewalks and the bond then secured that the developer, or the Town really, would have a source of payment in case the developer failed to put those in. The legislature, a couple of years ago, changed the law so that we could not require that bond to be filed with the Town before the signing of the secondary plat, which was our assurance to get those done. So, we amended our Ordinance but, in the meantime, we had a dispute with a particular developer, as far as filing that bond. They ultimately did file it, the bond cost, I think, a little over \$1200 dollars. In the process, they sued the Town because of our Ordinance. We since then have revised that, taken and revised that section in line with State law. In the meantime, they expanded their case in trial court alleging other changes that need to be made in our Ordinance that need to comply with State law. So, I've asked Andrew to set a meeting to have a public hearing on revisions. So, I've asked him to notice a public hearing on the revision, an additional revision to our Subdivision Control Ordinance for the next meeting. So, with his authority to do that, we'll have a public hearing with another change, a small change in that ordinance to comply with that and get that resolved. So, that will be coming up next Plan Commission meeting.

Mr. Slavens: Do you need a motion?

Mr. Daniel: No, just advising you.

Mr. Slavens: Okay. First item up for business for public hearing; RZ-19-212 – Whitmore Place.

Mr. Berg: Good evening Mr. President. Our first item is RZ-19-212. We brought this to you last month regarding the noncompliance with the commitments in 2005 with the original Whitmore Place, that were reiterated back in 2016 when the development restarted. Since then, again, it was noticed that it was not in compliance. We notified the Homeowners Association and the

applicant, in this case the developer, that they had basically two options based upon what you said to us last month; to either build in compliance, or to modify the commitments. An extra degree of difficulty with these commitments is that they reference the covenants and restrictions, which is a document that the Town does not have any say or control in. So, one of the things that staff said was that if you are going to modify these commitments... an example here on the right that they have submitted, that we want them to refer to the Town of Plainfield Residential Design Guidelines instead of anything within the commitments because those are a document, that through Resolution, this Board has created and upheld. So, it would appear that there are plenty of people that would like to discuss this with you tonight, so I will keep this brief, unless there are additional questions.

Mr. Mears: Hello Mr. President, members of the Commission, my name is Adam Mears. I'm with Gradison Land Development; we are the developers of Whitmore Place, Sections 2, 3 and 4. Whitmore Place Section 1 was developed many years ago and this is kind of a restart of that development, many years later. This issue arose back with a letter we received from the town about noncompliance of some homes that abut a couple of neighborhoods to the east of our neighborhood, regarding a commitment that had... actually, commitment number 3 on the left had another sentence that says, also homes abutting these two neighborhoods to the east not only have to have 100 foot wide lots, but also had to have a full first floor brick wrap for the benefit of those homes in the subdivisions just east. That was the substance of the letter that we received. I actually called Eric, the first-floor brick wrap, he said I'm talking about the brick wrap. He went out and looked at them; we spoke after the fact. So, part of the modification we're looking for is to cottage elevation. Again, not trying to get too detailed into the covenants side of this, but on the zoning side, just for purposes of this, which I believe my understanding... and I wasn't involved at that point, this was back many years ago in 2005 when that original commitment was involved, was to provide those homes in the subdivisions to the east, where they look in here and see brick wrap, they'll see that on all those homes. Again, they do have three sides; the front side does not have first floor brick wrap, so we're asking that that zoning commitment be modified. Additionally, as Eric said, generally towns don't have enforcement authority of covenants. The Town would never be able to litigate, for example, a covenant issue between homeowners. So, in talking to Eric, the idea simply just to remove the Town from the covenant discussion; if the Homeowners Association decided to litigate, they would certainly be well within their right to do that. If the developer chose that regarding a covenant dispute, certainly that would become a private matter, but removing the Town out of the covenant discussion because the Town is not a party to the covenants. And then finally, there has been an issue where one of the requirements was that Whitmore Place, our Sections, have to be part of the Whitmore Place current association...Section 2 was annexed into Whitmore Place Homeowners Association. Section 3 and soon to be Section 4 have not been annexed in. The Town doesn't have any authority to do that, it's the Homeowners association that has to vote to bring those Sections into the Association. Modification number 2, the purpose of that is, certainly the Whitmore Place Homeowners Association could say, we don't want to annex Section 3 into our Association, or Section 4. If they chose not to do that, again in speaking to Eric, I said well, I'm sure that the Town would at least want an association to manage Sections 3 and 4 and the common area there, to take care of all of the common area, regardless if it's

Whitmore Place Association that's currently active or we form a new one for those Sections. So again, the commitment number two we're looking to modify is if the Association says we don't want to annex you in, I imagine it's in the Town's best interest and everybody's best interest that there is still an Association that manages the common areas in Sections 3 and 4. Regarding the covenants, just to speak to it... I'm certainly not going to get into the specifics as to whether or not there are violations, whether there are, whether there aren't, I don't think that's necessarily appropriate in this meeting; I can tell you that since the day we had a meeting, well, we received word from the Homeowners Association that they had some issues; we met with several members of the Board and have been doing that for several months to work on a solution that will allow the homes that are currently built, or any further homes being built, to be able to be built in the fashion that they're currently being built, which is again, this cottage elevation. Part of that discussion again, with the Board, has been financial considerations regarding helping fund certain projects needed in Whitmore Place, primarily in the first Section, be it entryways, fountains, things like that where there's not a budget to do those things. To help take care of those things, those are some commitments we're willing to make. To me, the most important thing is we're not asking for any of those covenant issues to be resolved here, this isn't the place to resolve that, from a covenant standpoint. We just think, for the reasons that I've laid out here, that this be removed from a Town issue. I understand from Eric that right now currently there are building permits that are being held up. That is what it is, I'm not asking for those to be released today. Again, in my conversations with Eric, he's kind of said, you guys need to work out this covenant thing. And we're going to work that out. If it takes him holding up building permits, then that's what it's going to take, and we'll have to deal with that on our end. So we're not asking for any, again, I'm not asking for any waivers from covenants, we're not asking to change the covenants; we still have not had a full neighborhood meeting where we can present what would happen, you know, what would change on our building site on Sections 2, 3 and 4 if the cottage elevations were not allowed to proceed, to be able to describe the benefits we're looking and able to provide if we are both annexed and allowed to continue to build this product. We'd like to present that to all of the homeowners at a homeowners meeting. I think you'll hear from the Board President that they're working towards that. So again, we just really want to keep this between us and the Homeowners Association. Again, I understand the Town's position from a building standpoint. We totally accept that and understand that, but we are continuously working with the Board to try to find a resolution. If in the end the Homeowners Association says no, you can't build anymore houses like this, you've got to go to brick houses, then we're going to have to deal with that at that time and that will be like any other covenant issue between us and the Association and the homeowners in that Association. That's the gist of that; I'd be happy to answer any questions you have. Certainly, I know there's a lot of people here to talk tonight.

Mr. Slavens: To my understanding, this is more along the lines of the architectural commitments. Right? Not necessarily the covenants or what's going on between the HOA and...

Mr. Mears: The only architectural... I think Eric, well, I'm not going to speak for Eric, but I know that absent the covenants, the homes that are being built there do meet the current residential design guidelines. I'm not talking about the covenants, I'm just stating that from a residential

design guideline standpoint, they meet that. Which I think probably is why however many permits have been issued and homes have continued to be built because of that. The main issue again, is to try to remove the covenants from the zoning commitments so that the Town doesn't have to hear every individual dispute about a covenant. I mean, technically, under this there could be an argument where someone could come here and argue about a fence. I mean, there's reference to the covenants in the zoning approval and again, I could see that going a million different directions. We are fully committed to working with the Homeowners Association to come to a resolution. If it happens, it happens; if it doesn't, it doesn't. I can't see the end of the road if it doesn't happen, just as I can't see the future, but we're working very hard. We've made a very significant commitment to the Homeowners Association essentially saying, we were told, here's the things that we need in our first Section to help us, and we said, okay. It's the three-sided brick wrap, I think, on those homes abutting those to subdivisions, is really the biggest issue.

Mr. Slavens: Yep. Any comments or questions from the Commission?

Mr. Kirchoff: I thought that you weren't honoring the commitments of the brick wrap on the first floor throughout the subdivision. Is that not true, Kent?

Mr. Mears: I don't believe that's a zoning commitment, that's actually in the covenants.

Mr. McPhail: Well...

Mr. Brandgard: As I recall, when we approved this, that was part of the approval process; it has nothing to do with the covenants.

Mr. Kirchoff: Correct

Mr. Brandgard: It's what we approved when we approved the subdivision

Mr. Mears: I actually have the document from 2005. It says, "Covenants of Whitmore Place shall include a first floor brick wrap on all homes abutting the Williamsburg and Hidden Valley Subdivisions." It speaks to those directly. Its doesn't speak to the whole neighborhood; it just says we have to abide by the covenants in declarations. The only commitment where it addresses first floor brick wrap is regarding the Williamsburg and Hidden Valley Subdivisions. It says that we have to join the association and abide by those declarations in the covenants. There is not a specific commitment regarding a first floor brick wrap other than the Williamsburg and Hidden Valley subdivisions.

Mr. Phillip: Eric?

Mr. Berg: Yeah, the front on the remaining interior lots, that's in the covenants; that it has to be brick.

Mr. Brandgard: How did that get in the covenants? We approved it; we don't approve anything in the covenants.

Mr. Berg: I couldn't find that in the records. The only place I could find that was within the covenants.

Mr. McPhail: As best, in my research researching the documents, we approved the reduction in lot sizes and those types of things and the developer committed to meet the covenants, current covenants of Whitmore Place, which included the additional commitment to brick wrap the homes abutting Hidden Valley and Williamsburg. So, in my mind, the zoning commitment included meeting the current Whitmore Place covenants that were in place. Now, I don't think we reviewed those, nor did we discuss those. I couldn't find any discussion of that.

Mr. Brandgard: I think generally, all we require is that there be a covenants and it's attached to the plat; we don't review the covenants, but when we do approve a subdivision, we've done it several places where the home that are on the perimeter and abut up against full brick homes, are required a full brick wrap on the first floor. But we approve that in our motion when we approve the subdivision; we don't approve...

Mr. Kirchoff: Yeah, we don't worry about the covenants.

Mr. Brandgard: We don't worry about the covenants.

Mr. Kirchoff: But I thought the commitments were a full brick wrap.

Mr. McPhail: Oh, there's no question about that but I also, as I read it, they said they would meet the current covenants of Whitmore Place. Now, if that's not a zoning commitment, that's fine with me, but that's the way I read it.

Mr. Brandgard: It's not, the only zoning commitment is what we approve when we approve the plat. If they put that into the covenants, that's not ours.

Mr. Mears: If I could say one more thing; the idea is, in a perfect world, we remove the Town out of any discussion regarding the covenants and we then go amend the covenants to meet everybody's needs. That is the goal. You know, we have to amend for other Sections, we have to deal with the annexation. Again, the biggest concern is what if the neighborhood votes to not annex Sections 3 and 4. But we need to have the ability to at least create a separate Homeowners Association for those two Sections so that common areas can be managed and common property can be managed in those two Sections. But I am one hundred percent certain there is that commitment regarding first floor brick wrap on the home abutting those two subdivisions and I know for a fact that ours have three sides. So, we're asking to modify that commitment to allow for three sided instead of that front side. Understanding that that may or may not meet the covenants, but that would at least meet the zoning standard of the first floor brick wrap.

Mr. Kirchoff: Again, I'm not worried about your covenants, I'm worried about the commitments that you made to this Commission, whatever they are.

Mr. McPhail: Well, you know, when the issue was brought to me several months ago, I thought well, I'll drive up there and see two or three houses that didn't meet the covenants. Well, there were thirty. I told the representative of the HOA at the time, I said, you know, where have you been while they built thirty houses, if it's an issue for you.

Mr. Slavens: Okay, so this is a public hearing, if you want to speak for or against the...

Mr. Kirchoff: Did the petitioner sign in?

Mr. Slavens: They did.

Mr. Kirchoff: Okay, thank you.

Mr. Slavens: To speak for or against the petition, please step forward.

Mr. Campbell: Thank you, my name is Dennis Campbell, I'm the President of the HOA of Whitmore Place. Everything that you've said up here is accurate; it is tied together here. In the commitments made to the Town of Plainfield, they did include a full brick floor wrap. There are, in our subdivision, we have residents and owners that are on both sides of this; some of them say they're fine with the three sides being wrapped and others want the complete front to be wrapped as well. There are benefits to that, there are negatives to that. I'm not here today to ask you to do it one way or another but what I do want to do is let you know that Adam, that just spoke, is telling the exact truth; we've been working ourselves in good faith discussions to come to a resolution that would benefit everybody in the majority. That is not fully completed yet; he eluded that he, or Gradison, have made offers to support Section 1, which will ultimately support them in Section 2 because it's going to beautify our area as well as everybody else's. In the end, that benefits everybody. I'm not here to get you to change covenants, I'm not here to do anything else, but I do want you to know that we are continuing to work together. When this is done, a couple of things that he said today about the annexation, the annexation, the votes have all been turned into the Attorney, so it's up to the Attorney now. Anything else that comes up between now and then, whether that annexation happens, or we have another vote on it. And if it doesn't happen by the 16<sup>th</sup> of this month then we'll start the process all over again. That's one thing that's going on there and in the end we're going to take the information that Gradison has provided us on what they're willing to do for our subdivision, and I can tell you what each one of them is if you want to know, or I'd be happy to put that in writing and give it to you, but at the end of the day, that cannot be addressed or accepted by us, the Board, we do not have that right. All we do is negotiate. If there's a negotiation we take that information, we put it back to all of our owners with the benefits and the negatives, which we intend to do within the next week or two. I can't tell you the exact date but I would expect it to go out before the end of the week so that the owners know what those offers are and whether to take a vote on that, call a meeting, so that the entire neighborhood can come in and make a vote on that whether to move forward with it or whether they don't want it. So, we are in process and this should be done hopefully, I would like to think it gets done in the next 30 days. Nothing ever happens the way it's supposed to, so we'll give it a shot; we're shooting for that right now.

Mr. Slavens: Thank you

Mr. Campbell: Okay, thank you for letting me speak today.

Mr. Slavens: Anybody else to speak for or against the petition?

Mr. Scharp: My name is Paul Scharp, I live in the older section of Whitmore Place where they have the full front brick on them. I recently ran for our town HOA Board and was elected. In that process there are things that are going on there. I'm also aware of what has been presented to the Board and I was not happy with that. I was less than happy at hearing that they did not honor their commitment to put a full brick front on these buildings. I spoke with neighbors that agreed. In the vast majority, 90% of them agreed. I went around and I got signatures for the last few days; 90% of the people I spoke with gave me their signature to say, no, no more homes to be built like this, we do not want this, we want it stopped. We want any new homes going in to honor these commitments; they have the full front brick homes. We'd like some form of restitution for the homes that did not meet the covenants. I'm hoping that my Board and Town Council can help me here as well today. Thank you.

Mr. Slavens: Thank you. Anybody else to speak for or against the petition?

Mr. Roger: Chad Roger, 7246 Horton Court in Section 1 of Whitmore Place. I was Board President when the variance was sought in front of this Commission in 2016. I was not contacted by Mr. Scharp, Mr. Scharp does not speak for me or many of the neighbors that I've spoken to. I'm not, obviously I'm not thrilled that the commitments made verbally to honor the HOA covenants have not been adhered to, but we are where we are and I believe 2, 3, 4 and 5 as one all-encompassing neighborhood is the best way to go. And so, I believe that working with Gradison and accepting the modification is in the right direction for the neighborhood so that we don't have two HOAs, one encompassed within the other in the neighborhood and a split faction within the neighborhood. That's all.

Mr. Slavens: Thank you, anybody else for or against the current petition? Seeing none, we'll close it for... oh, sorry.

Mr. Gray: My name is Kevin Gray; I live at 2654 Schoolmaster Drive in Williamsburg in the Woods. It was not my intention to speak tonight however I sympathize and empathize with the folks who live in Whitmore Place. However, I believe Mr. Kirchoff and Mr. Brandgard mentioned the fact that this Board accepted a builder's commitment to certain things. And as a member of one of the subdivisions that he has referenced, my expectation is that the Town represents all of us, which you do a nice job of and in this case I believe it was accepted with the guidelines that they provided at the at time, both in 2005 and 2016; I've lived through both of those commitments. So, it would be my hope and my belief that the company be required to uphold its dedication and its commitment to the community not only that it serves, but the ones that surround it as well.

Mr. Slavens: Thank you, Kevin. Anybody else for or against? Seeing none, we'll close with the public hearing and look to the Commission members for further discussion and consideration.

Mr. Kirchoff: I'm not sure what we're supposed to be doing.

Mr. Slavens: Eric, can you kind of put it in, lay it out in bullet point terms?

Mr. Berg: Staff's concern is that we are being called upon to enforce covenants through building permits. In the way that it's written, it does appear that way. Staff's concern is that we eliminate references to the covenants within the commitments so that we can judge these homes based upon what we, what regulations we have. That does not mean that we could not add full brick wrap or anything else because in other subdivisions, you probably remember, you have modified the residential design guidelines. So, you have the ability to do that and you've done it in the past. For instance, with Bridlewood you required certain types of roofing, things like that, so you have the ability to do that.

Mr. Kirchoff: But why are you not asking us to ask the builder to honor the commitments that they made for the full brick wrap adjacent to those two subdivisions? Isn't that the appropriate thing for you to be asking us?

Mr. Berg: It is an appropriate thing but at the same time, that's something that through a new commitment you could put out there.

Mr. Kirchoff: That's not a new commitment, that's one we approved...

Mr. Brandgard: When we approved it.

Mr. Berg: Again, what I'm saying is, to get us out of their commitments, or their...

Mr. Slavens: Covenants

Mr. Berg: Covenants

Mr. Brandgard: My view is, I don't care what their commitments say...

Mr. Kirchoff: Covenants

Mr. Brandgard: Covenants

Mr. Berg: Agreed

Mr. Brandgard: It's what we have approved. So, what they put in their covenants is of no value in your decision making.

Mr. Berg: Except that it is in the sense that we, through our zoning approval, have said that they have to commit... let me try this again... through what was approved through DP-16-001, what we're saying is that instead of using our documents, we have to go off their covenants.

Mr. Brandgard: Why?

Mr. McPhail: Because that's what we approved

Mr. Brandgard: That's not what we approved.

Mr. McPhail: Yes, we did.

Mr. Berg: Because the compliance with the Whitmore Place architectural standards as stipulated and recorded, the declarations of covenants and restrictions...that's our document. Am I correct, Mel?

Mr. Klinger: Was there also, was there a separate commitment relating to the... it sounds like there's two issues to me. Is there a separate commitment relating to the lots adjacent to Williamsburg and Hidden Valley?

Mr. Berg: Yes, that was not modified in this one.

Mr. Klinger: Okay, so we're not really addressing that issue here.

Mr. Berg: Correct

Mr. Klinger: Only the issue of the covenants

Mr. Berg: They're asking to address that

Mr. Klinger: Oh

Mr. Kirchoff: Why would we not continue to ask them to honor the commitments they made on the brick wrap?

Mr. Berg: You can

Mr. Kirchoff: Adjacent to those two subdivisions... I mean, why would we change that?

Mr. Slavens: I think that's what's up for discussion.

Mr. Brandgard: In so far as the words in their covenants referencing the Town, we can't take that out of the covenants, they have to do that; the homeowners have to take it out.

Mr. Berg: Correct, but we can take that out of our zoning approval. We can restate the commitments that were made, which is what the document is up there on the left. That's what was in the commitments that this Board and the Town Council approved. That was one of the commitments that was made to this Board.

Mr. Klinger: Even if this Plan Commission takes, does what you're suggesting, takes the covenants out, the covenants still exist.

Mr. Berg: I know

Mr. Klinger: And the HOA still has some ability to enforce those covenants.

Mr. Berg: Yes, and you could write into the commitment the exact same language that's in there now. We just want this Board and the Town Council to be the ones who have the say on what the standards are, not an HOA.

Mr. Kirchoff: And I understand that, and I agree with that, but I'd like to see the commitments that we asked for, the complete wrap. I mean, I think...

Mr. Berg: That is in there, yes.

Mr. Kirchoff: I'd like to see that. Make sense?

Mr. Slavens: Yeah, makes sense.

Mr. Kirchoff: I think we're dealing with two issues here. I think there's the brick wrap thing and then the covenant thing. I think it's two separate issues.

Mr. Slavens: Which is the DP-16-001, that's the covenants issue. And then the RZ-19-212...

Mr. Kirchoff: Kent, I think I agree with you; we've got to get out of the covenant business here.

Mr. McPhail: I agree with that, but as I've read the rezoning, they committed, when we approved the rezoning, they meet the current Whitmore Place covenants. If I'm misreading that, fine, but that's the way I read the approval when we approved the rezoning. There's no reference to us checking those covenants or what was in them, but there was the additional commitment to full brick wrap those on the north and on the east.

Mr. Kirchoff: And can we separate those two issues Mel?

Mr. Klinger: I think that's what you're suggesting, right Eric? Is that allow the modification of the covenants to get us out of that, but the Commission could still enforce or place those restrictions, those commitments in terms of the lots adjacent to Williamsburg and Hidden Valley. Is that, can we do that Mel?

Mr. Daniel: Say that again, I was looking at Eric, Bill and you so...

Mr. Klinger: Okay, I mean, what I think I hear Eric suggesting is that by approving the modification of the commitments, what we're doing is getting out of the business of enforcing the covenants, but that this Plan Commission could still, as part of that approval, place those same commitments that we all believe were in place, in terms of the lots adjacent to Williamsburg and Hidden Valley. So those can remain in place.

Mr. Berg: And in this case, if you wanted to do that, you would just modify commitment 1 to say instead of the minimum 3-sided, you would say 4-sided.

Mr. Klinger: My problem is that I can't read that, so I don't know what it says.

Mr. Smith: I've got my glasses and still couldn't read it.

Mr. Berg: So, I mean, that would get us out of the covenant business and still be able to maintain guidelines.

Mr. Kirchoff: Back to the original covenants that they made to start with.

Mr. : What kind of happened was the commitment was linked to the covenants and so what we're suggesting is that you either pull that part out of it... if you want to re-text it in a commitment, then it's not linked to a covenant. Which is what you wanted to do in the first place.

Mr. Slavens: And whatever is recommended here will go on to the Town Council.

Mr. Kirchoff: I appreciate the fact that the homeowners are trying to, they're trying to do the right thing and get this worked out. But I think our situation is that we need to go back and restate the original commitments and hold them to the original commitments; that's where I'm at. And then allow them to work on the covenants.

Mr. Smith: If we don't do that, there's no help for Williamsburg.

Mr. Slavens: Yep, so...

Mr. Kirchoff: How do we do that Mel?

Mr. Daniel: Well, I mean, Eric's got the right start with what he's proposed here, other than changing the 3 to 4.

Mr. Slavens: That's for DP-16-001

Mr. Berg: And there is a motion in the staff report should you want to make those modifications.

Mr. Slavens: That's for the RZ one though. So, the ask is for the RZ-19-212 to be updated, according to the conversation that we just had, and nothing to be done with DP-16-001?

Mr. Berg: No, that one is there just as a comparison.

Mr. Slavens: Okay. Looking to the Commission here; any further discussion, comments?

Mr. Smith: Eric, do you know if there's, are there homes already built?

Mr. Berg: I think the ones next to Hidden Valley have largely either been built or are in process; the Hidden Valley section I do not think has received final plat yet.

Mr. Slavens: Is the Commission comfortable with making a recommendation? Is further discussion needed?

Mr. Kirchoff: This doesn't sync with that, as far as...

Mr. Berg: I'm sorry, I didn't hear that.

Mr. Kirchoff: I don't see how this, syncs with that.

Mr. Berg: What you would be doing with the motion is approving, assuming you're approving, either approving the modifications to the commitments...and again, you can modify these, or you're saying you're looking to deny or continue. Did I just muddy the water further?

Mr. Phillip: So, help me catch up, okay. So, what I got from you in the packet, the key line in here says, "No commitment has been provided by the applicant..."

Mr. Berg: Yeah, that's...

Mr. Phillip: Timing issue, so that's missing, that's what's to replace that?

Mr. Berg: Correct

Mr. Phillip: Okay. Sorry to be so slow, but it takes time.

Mr. Berg: That's okay, it took me this long to figure out what you guys were asking, so I can't fault you.

Mr. Phillip: So essentially, our charge would be to make a recommendation to the Town Council relative to this rezoning, relative to that commitment and amendment on the number 3,4...

Mr. Berg: Yeah

Mr. Phillip: And we can choose to continue the condition of no building permits until you guys get your stuff together. Right?

Mr. Berg: Yes

Mr. Phillip: All right

Mr. Kirchoff: Let me ask, why? If we are to get out of the covenant business, why do we care, why would we hold up building permits when we've basically...? You know what I'm saying? I don't think we should hold up any building permits as long as we do the 4-sided and let them worry about their covenant business because we're not in the covenant business.

Mr. Berg: Yeah, until it's approved by the Town Council...

Mr. McPhail: That's not what they're asking Bill; they're asking to waive the front façade...

Mr. Kirchoff: No, we're going back to 4-sided

Mr. Daniel: That's not the revised

Mr. Phillip: Right

Mr. Slavens: And it would go to the Town Council, when?

Mr. Berg: The earliest it can go to Town Council is next Monday.

Mr. Phillip: Mr. President, I'm going to take a shot at it, and we'll see where we are.

Mr. Slavens: Okay

Mr. Phillip: I move that the Plan Commission certify the rezone commitment amendment request RZ-19-212 as filed by Gradison Land Development requesting modifications to the original commitments with a favorable recommendation subject to the following commitments being submitted on Exhibit A forms prior to certification to the Town Council:

Statement of requested modified commitment(s):

1. Modified DP-16-001, commitment #3 so that reference to the Whitmore Place declaration of covenants and restrictions shall be removed from the zoning commitment. This shall not impact the validity or enforceability of recorded declaration of covenants and restrictions. Additionally, all homes abutting the Williamsburg and Hidden Valley Subdivisions shall have a minimum of four-sided first floor brick wrap.
2. Whitmore Place Sections 2, 3 and 4 shall be part of a Homeowner's Association for management and care of common property. The Association shall be the current active Whitmore Place Homeowners Association or in the event those sections are not annexed into the Whitmore Place Homeowners Association, the Whitmore Place LLC shall form a new Association for the care and maintenance of Whitmore Place Sections 2, 3 and 4.
3. All homes shall meet or exceed all applicable Town of Plainfield Residential Design Guidelines

Mr. Slavens: Second?

Mr. Kirchoff: I'll second

Mr. Slavens: We have a first and a second. Roll call?

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- abstain

Mr. Brandgard- yes

Mr. Smith-

Mr. Smith: Can I ask, Mr. McPhail, did you abstain since you live in Williamsburg?

Mr. McPhail: I'm sorry?

Mr. Smith: Did you abstain because you live in Williamsburg?

Mr. McPhail: No

Mr. Smith: Okay, I'll vote yes.

Mr. Klinger:

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

Request to make the modification rezone commitments is approved 6-0 with 1 abstention.

Mr. Slavens: Thank you everybody. Next topic, MADE@Plainfield, DP-19-210. Five-minute break? All right, we'll do a five-minute break while people clear the room.

(Five-minute break)

Mr. Slavens: Eric, you ready? All right, we'll get back to it. Next petition for public hearing is DP-19-210 – MADE@Plainfield.

Mr. Berg: Okay, I'll try to make this one clearer. Okay, MADE@Plainfield, they are requesting Architectural Site Design review of a 64,000 square foot education facility with architectural waivers for materials on a 37.8 acre lot. It's part of the parcel there that is outlined in red within the School Zoned District. You can see there on the right what the facility will look like, adjacent to the existing school. This is how the 2005 rezone showed this parcel, those who were here for that. Here are the renderings of the building from all four corners. We just got this in today, apparently there are some changes on here; I'm going to let the applicant discuss those because we got this about two and a half hours ago, so it will be much easier for them.

Mr. Brandgard: I noticed when I read the information, but you're talking about a 64,000 square foot building; I think it's closer to 99,000 square feet.

Mr. Bahr: That's the footprint

Mr. Klinger: The footprint

Mr. Phillip: But the half second floor it's 35,000, another 35,000 or so.

Mr. Berg: That would be my error on that, I guess. If there are not further questions for me, I'll turn it over.

Mr. Funk: Thank you Mr. President and Commission. He's going to just to give you an update and a little more information on this project. It's been...

Mr. Slavens: I'm sorry to interrupt, can you give us your name and...

Mr. Funk: Jim Funk with CSO

Mr. Slavens: Thank you

Mr. Funk: So, this project started, well, it's been several years ago and for those of you who are not familiar with the project; information taken off the press release, it is an educational building for higher education, but will also serve high school students across the street and partnership with Plainfield Schools, Vincennes, Hendricks College Network, Ivy Tech, Work One and then other partners have been continually brought in to serve that. There's some of the programs listed for the major partners which are Vincennes, Ivy Tech. Vincennes especially deals with anything from certifications, not necessarily a four year degree institution, they do have those programs and will partner with Ivy Tech on some things. You'll see Supply Chain is one that has a two-year degree, Vincennes has four, so they really got together and partnered on different things. But you'll see the list, especially from Vincennes, really tailors to what your community has, and so they have a lot of great things going that really works in with all of your employers. You also see Work One, who is moving from their location into this facility. And then additional uses; there are some classrooms that are unassigned in it, we've had conversations with Kelly's School of Business, Perdue Polytech, Indiana State and a host of others about having night classes there and other things. So, this is kind of a well rounded building where kids may be coming across the street for a couple of classes or may be getting a four year degree there. So, the site you saw, I won't hang on that very much but it's 38 acres. Right down the middle of it is a high transmission power line that has a 100-foot easement. That's kind of important as we move forward. It was originally developed by the school, all of the infrastructure was put in place with the utilities; detention was put in to accommodate a new elementary school, so you'll see we're not adding any detention for this project because of that. This is our schedule, we started design in March. The project really started a couple of years before that. Right now, we're completing design development and looking toward construction documents. I think the biggest thing to know is December 23<sup>rd</sup> we had a neighborhood meeting, and you see in the packet in front of you, what came out of that meeting. So, we'll be sharing that in a minute.

Mr. Kirchoff: That was 2019, wasn't it?

Mr. Funk: Yes, it was; typo. The goal is to start construction in spring and have the facility open the summer of 2021, as we move forward. The site plan, that is what you received in your

packet. And again, we're going to show you, you have something in front of you different, so I won't spend a lot of time on this. We do have, this is more in reference right now, before I show you a building plan, to understand where north is, as we show you the building plans and where it sits on the site. We did leave space and plan for future expansion around the building in several places. Hopefully this building will take off and you'll have that opportunity. We left some land to the north that could be for more development, we don't know yet, we'll just see how this project plays out over the years. The building itself is 2 stories. So, this is the first floor. And you'll see the purple spaces are occupied by Vincennes University. They have two, you'll see the two big spaces are 9 and 10, those are a big warehousing spaces like they currently have in their current facility here in Plainfield that they are moving from, as well as developing a robotics lab. So, they are expanding those programs for their supply chain and warehousing industrial maintenance programs. Several of the classrooms, you'll see those labeled throughout as you walk in the front door. To your immediate left is Hendricks College Network, which may be helping run this facility. Number 5 is Work One. And then anything in green you see is Ivy Tech facilities, and they have a testing facility currently at their Avon facility that will be similar to that moved here. And then the yellow are common spaces. So, you'll see Number 3 is a large community room that will be rented out to people. It could be used for any events or presentations that are currently happening in other facilities in your district right now. The second floor is primarily Ivy Tech. Those are mostly classrooms; they are bringing a couple of new programs over here from what they currently have in the area. Number 8 is a medical assisting program that they currently have at their Lawrence Campus, and then they also will be bringing some IT and other types of programs like that that are a little more high tech, that are currently not offered in this area by them. You'll see a few more shared classrooms. Those again, are for more programs that may come in. Right now, we're in discussions with Homeland Security about them potentially moving a program here, so it is a possibility that they may occupy some of those before we get done; it's ever changing. One of the things mentioned in our review was waivers on some materials, and so one of the things we try to do in our facilities is make it more of a modern facility and high tech looking. We have included mostly brick but you'll see some metal panels in a couple of areas, and I'll show you that in a little bit. We do not want a really four year college institutional type of building because we're trying to attract all ages of kids and those getting their certificates and not just somebody with a four year degree, because that's probably the lowest level of suit in here, those getting four years; it's probably the ones below that that are probably going to make up this facility. As we put it here, we want to be consistent with Plainfield High School and its appearance and so it's primarily a red brick building. There are four different colors of red brick on it but we're going to pick one of those and use those as our basis for the accent color and then also pick another one for our base color. You'll see it has some metal trim around overhangs and entries. So, we'll have some similar to that and actually some more coloring. And then over the gyms and other areas you'll see like a ribbed metal panel and so that's another material we're using as an accent. We're also trying to be consistent with what you've done in Plainfield with this building and the new Fire Station just down the street from the proposed facility. You used kind of a smooth metal panel, which is very prevalent today as a very long lasting panel, very attractive and used a lot on buildings over long spans you're not spanning brick and masonry. So, we're being really consistent with the lot, especially with what you see at the Fire Station. Here you see the

elevations with kind of those materials labeled; you can see the brick and those metal panels and then the two colors of brick and we've kind of done that for all four elevations that you've got in your packet. It's pretty consistent around the building. The front, the sides that face south and east have a lot of glass and right behind that glass there's kind of a hallway to the study area because a lot of kids that come here may have a class in the morning and a class in the afternoon, they may hang out all day, so there are places for them to do that. On the north and west sides, it is more primarily brick; those are sides that are not as public for the back side of the building. And from there you go to the south and west space. Also, we do have some rooftop mechanical equipment. Because of the residential neighborhoods we are required to fully screen those. So, we have set those kind of into the middle of the roof and provided full screening around it that is the same kind of ribbed metal panel. So, you probably will not be able to see it at all from the ground; you'd have to be pretty far back just because of how far they are set back into the roof. The other thing that we're looking at is the Ordinance for gates for the dumpster enclosure, it calls for wood; we're wanting something that lasts a little longer and so we're proposing kind of a heavy duty commercial metal system that will be there in 50 years and not need to be replaced. The site plan, now this is what was submitted; we have residential neighbors, we're really bordered by two. Providence Estate you'll see there in the upper corner, it doesn't really abut the property but it's still close by. The passage is to the north and they actually have a walkway that comes and ties into the path that runs around and over and connects into here. We were requested by the Town to add another path to increase connectivity and the thought was that students that currently walk through here and sort of walk through the field would take that path because it's a little more direct to get to the high school. So, that's one part of our plan. This intersection currently is existing, and this is where the buses come out from the high school. It is currently right now controlled by the School Corporation; they turn it on and off certain times each day when the buses roll through. That would be the primary entrance. That is already developed, and the curb cut is already there on the north side for a future development by the School Corporation back when the high school was built. That brings you into, that's the main entrance, which brings you into a parking lot with 269 parking spaces; that is to the east side of the building. We also have included a loop road that goes around, more for the Fire Department, that was your request. And then you'll see on the west side of the building we have our service access. We have a drive that comes in where we have our dumpster enclosure that's fully brick. We have a mixture enclosure around our generator, gas meter and transformer outside, so those are screened. And then there are two loading docks and then two drives into the building that are overhead doors, and that is for getting equipment in and out for the Ivy Tech Program. As far as screening, you'll see that currently on this plan we show a full buffer which is berm and plantings along the entire west side. To the north there was a planting done with the high school for a project. We are supplementing that with planting here and additional plantings along there and then trying to continue this. And then this easement right here has been one of our challenges because with the power line we cannot plant trees in it and so trying to, with these homeowners here, screening everything from them has been a challenge. When we had our community meeting with them on December 23<sup>rd</sup>. These are probably the four biggest things we heard; the passage in the subdivision to the north, they were concerned about security, more people walking across their site and up to their neighborhood and just security with that, foot traffic. And then

how close would the development be. And right now, you know, it's a good football field away, but if something ever did happen in the future, future development, they would be closer. There was concern on the amount of traffic on Reeves Road. And I would say especially to the west, that goes through more of a residential neighborhood. Because of Christmas break we couldn't do any kind of traffic studies or anything like that to try to address that. We do know that this facility is not on the same schedule as the high school. The high school I think generates a lot of traffic in two windows. And so that's the biggest complaint; this facility would be a more in and out. Vincennes is a more of a nine to five type program, they really don't have that many students for the amount of space they have. Ivy Tech is more peaked at I think it's 11:00 a.m. and 6:00 p.m.; 6:00 p.m. because of night classes and 11:00 a.m. I guess is just how it works out at their current facility in Avon. But in between that there's a lot lower amount of traffic. For the residents to the south, we heard from a couple of homeowners concern about screening, and with this easement here we were able to screen the building. But in this plan, we really didn't screen to the service drive, so they thought that would impact their property value. And then there was concern over what would happen with this parcel here because we're really not doing anything with that. Currently the School Corporation has an agreement with the Andersons and they farm that; it's been a long term agreement and it's been a great partnership. I think our message to them is that that will continue, there's no plans to change that. So, this is our plan you have in front of you and what I'll do is I'll put kind of the new and the old side by side so that you can see the difference. So, the old plan is on the left, my left, and then the new one is on the right. And so, what we've done on the north is we had a petition from the Promise Subdivision requesting a fence along the property line, signed by the four property owners to the south and the Homeowner's Association President; we will honor that and provide a 6-foot fence, solid fence. It will be on the MADE@Plainfield property, so it will be maintained by the property owners there instead of the residents to the north. So, we can easily take care of that request. The one to the south, that one is a little more challenging. We've done something that hopefully will work out better; we have pushed, you'll see here where the buffer is on the west side of the powerlines, we've pushed that to the east side and we've pushed our service drive in, so now there is actually a berm from the south that continues up and we'll just continue that. We do have a break in it that we did at an angle, so we keep the views from being seen through there for the walkway path and then we continue that north. We do have a gap here at the service drive; we need to be able to turn semis, for them to come and then back in, so we need that space to do that. Under the power lines we think we could potentially do shrubs here; we need Duke's approval to do that. We think that is permissible, we just haven't gotten their blessing yet. And then you see north that berm goes up and ties into this. We did scoot this drive location here around just a little bit to allow us to do that. We think of this homeowner here who had a view of the service drive, now we have completely, really, taken that away and addressed one of their biggest concerns. That's all I have; I'd be happy to answer any questions.

Mr. Slavens: Thank you, Jim. This is listed as a public hearing; if anyone would like to step forward for or against this...Please state your name and address.

Mr. Pytynia: My name is Tom Pytynia; I live at 1209 Midnight Pass, I'm Vice President of the Passage Homeowners Association and I have been requested by the homeowners to attend tonight and advocate in favor of the fence and a "No Outlet" sign at the beginning of Midnight Pass off of Stanley and a "No Parking" sign where the trail begins. But I think with the 6-foot fence and some of the landscaping, all of our concerns have been adequately addressed. Thank you

Mr. Slavens: Okay, thank you. Anybody else for... step forward.

Ms. Anderson: Hi, my name is Debbie Anderson, 1350 Terry Drive. My concern is on the service road, as far as the lighting goes. We have the farm behind, the Strides to Success Farm and it's really important to us to have a natural environment for the work that we do with the horses and such. So, I guess I have a question about lighting on that road. Where the berm was in the first picture, it would have been just fine because we wouldn't have the view that we would have, but the second view changes it a lot for us. So, I would just ask that all considerations be made to keep the natural environment on both sides of that road, if at all possible. A berm that could block that lighting would be fabulous. Thank you

Mr. Slavens: Thank you, Debbie.

Mr. Aus: Joel Aus, 1550 Renee Drive, that corner house right down there. I do like the updated look, but when they put in the High School we fought for that current berm. What I'd really like to do is not have them cut into it. We already fought for that so if it could reside where it's at, that would be great. I do like the new berm, but what she said with the lighting, it wouldn't be bad to put a berm on the other side too just to kind of give that walkway kind of a nice look. Really, my only fight is that I would like to keep the current berm that we already fought for, exactly as it is and then have the sidewalk some off the side. I do like the new area that they put up though, I like this map way better than the first one. Thank you

Mr. Slavens: Thank you, Joel. Would anybody else like to step forward, for or against? Seeing none, we'll close it for the public hearing. Would anybody from the Commission like to have the petitioner address the concerns or are there any other questions?

Mr. Funk: We could potentially put another berm outside; we talked about that internally. I don't think it would be an issue, we'd just take away more farmland from the lady. I don't know if that's a concern or not, we were a little worried about that. All of our light fixtures will have full cutoffs and we'll have zero footcandles at the property lines, so you will not get any light on your property or be able to see light fixtures; that's just part of current codes. So, I don't think that will be an issue for you, but we'd be happy to put a berm there as well, too.

Ms. Anderson: I think that's still school...which side of the power lines would that be on?

Mr. Funk: That would be on the west side of the power lines if we had to do another berm there.

Mr. Slavens: And then about the questioning of cutting into the existing berm.

Mr. Funk: We are maintaining the berm, I mean we could make the walk, I don't think that's an issue. That would be an easy change to make. So, we could just push it a little closer to the service drive and then over. We are trying to maintain that existing berm there.

Mr. Slavens: Okay, I think that's all the questions that were asked, thank you.

Mr. Smith: I have one very tiny question. The Design Review Committee tends to have a preference for composite gates on the dumpster enclosures. We pretty much require everybody to...

Mr. Funk: 10 years old?

Mr. Smith: Yeah

Mr. Brandgard: My view is, as most people well know, is as new materials come along, we have to have a way to address those and bring them into what we're doing. We can't just sit back and say, "This is the way we've always done it." I think what you've shown is a better product than what...

Mr. Funk: It will last a lot longer, yes.

Mr. Brandgard: Yeah

Mr. Slavens: Okay, thank you. Any more questions from the Commission, or do we have a motion?

Mr. Berg: Just a reminder, but if you do make a motion to approve, we do need to note that the new...

Mr. Kirchoff: Mr. President... I assume that we need to do motion 1 and then motion 2 separately and, in that sequence, Eric? Okay

I move that the Plan Commission approve the architectural material and enclosure gate material waivers as filed by CSO Architects, finding that:

1. The requested waiver represents an innovative use of Building materials, lighting, Signs, site design features or landscaping which will enhance the use or value of area properties and the safety and functionality of the educational uses;
2. The requested waiver is consistent with development located in the immediately surrounding area; and
3. The requested waiver is consistent with the intent and purpose of the Plainfield Zoning Ordinance.

Mr. Phillip: Second



Mr. Brandgard- yes

Mr. -Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

DP-19-210 is approved.

Mr. Slavens: Thank you, good luck. Okay, the next one is PP-19-182 – Plainfield Marketplace-The Stone Table primary plat.

Mr. Whaley: Good evening, we have a couple of petitions running concurrently with each other in the Plainfield Marketplace PUD; we have PP-19-182, which is the primary plat for Plainfield Marketplace-The Stone Table and we also have the final development detail plan for Plainfield Marketplace Phase IV, which is Encore by Samaritan. The Plainfield Marketplace plan; this includes the Shops at Perry Crossing shopping mall as well as the outlots, the Central Park Apartments, The Ascent, the southwest corner of Stout Heritage and Perry Road, and then also the southeast corner where the Balkamp property is, formerly the Galyans corporate headquarters. And then also to the east, that property is a vacant site that has been approved for a new multi-family residential building, known as Haven Homes. With the description, this is my mistake; initially, when I wrote the staff report I was looking at a prior submission and it references that there were five lots and that is the last page of the staff report, which has the updated motions when you're ready to make motions, it's a little simpler for you. Again, beginning with the primary plat, we're looking at about 25 acres that the petitioner is looking to subdivide into a single lot. This shows the layout of the proposed lot which includes access coming off of Stout Heritage Parkway. You'll see this highlighted in red shows the parcel which is intended for the development for the final detail plan that we'll get to in just a second. It's about 5.65 acres and the intent is for a senior housing facility. These orange highlighted areas shows that there's going to be an access easement for a private drive coming off of Stout Heritage and will provide that connection up to City Center Circle. In this sort of crude conceptual diagram that I put together. I'll just highlight really quickly the importance of how this area is developing. As you can see, the areas in yellow show the high density areas where we have multi-family residential as well as the mobile home park just to the north. Also, on the north side of Stout Heritage we have a couple of multi-family developments as well. So, when you look at this and all of these developments combined, you see that we have a very high density area occurring along that corridor. And I've highlighted Stout Heritage in the red with the dashed line. With that connection that they're going to provide between Stout Heritage and City Center Circle, we anticipate that that's going to become a fairly important pedestrian corridor for people who live in that area, again, just because of the density that we have. We also have Stout Heritage which has pedestrian connectivity on the south side and the north side. And Perry Road also has sidewalks as well. So, we anticipate that that's going to be a fairly

busy corridor; it already is, and this is just going to add to it. The area in blue, on the north side, is where the senior apartments are proposed. And then on the south side we're currently anticipating a potential other development to be located on that side as well. So again, we're going to be potentially adding more multi-family residential to this area. Moving on to the final detailed plan; again, this is for a senior housing apartment complex. It's going to be a single building with 132 units; 4-stories. This shows the proposed layout. It's a horseshoe shaped design. And you can see that sitting in the middle of the site. The access coming off of Stout Heritage will come up the private drive and then it will connect to a roundabout, which you can see is to the right of the building. And then that roundabout will provide access to future developments that occur within the area to the east and potentially to the southwest as well. That access will continue up through that easement that I showed you a couple of slides ago that was highlighted in the orange area. And you can see conceptually that they're showing that the drive will continue through that parking lot up to the north side where City Center Circle runs along the north edge of the property line. There also will be pedestrian connectivity again, coming through the parking lot and then there's also a sidewalk that they're going to provide for on the site, which will be on the east side of that building. This shows the elevation view for the front and then also the inside of the horseshoe where the courtyard is, just to give you an idea of what the building will potentially look like. It's going to be a mixture of materials, primarily brick and EIFS. It does have a pitched roof. Working through the special committee process, they did listen our visions to this design and decrease the pitch of that roof to try to make it blend with the surroundings a little bit more. On the bottom elevation, that's the inside of the courtyard. The Design Review Committee has asked the applicant to make a revision to that, basically to add a bump out on the building, and you can see that that's been provided for so there's a change in the roof direction. Previously it was just a continuous roof line across there, and they wanted to see a break in that; that was provided for. Also, the applicant, at the request of the DRC, did add some additional brick materials to the outside elevations of the building along the front and sides, and at the ends as well. The petitioner is currently constructing a similar project on the northeast side of Indianapolis at 75<sup>th</sup> and Binford Boulevard, so this kind of just gives you an idea of what the building could potentially look like, if approved. Again, this is during construction, so it's not the finished product obviously, but it just kind of gives you a flavor of what they're looking to do. The building will also include a central courtyard to provide amenities for the residents that live in the apartment complex which will include several different features and I'll let the applicant talk more about that in detail. Also, as a part of the site, they are proposing to include seven accessory garage buildings, as well as a building for trash refuge compaction. The DRC did ask that the applicant make the exterior of that enclosure all brick and that was provided for as well. A couple of recommended conditions, if approved; we would request that the developer continue to work with the Town to finalize an address plan for the subdivision. The engineer has submitted a proposed street name for that private drive connection between Stout Heritage and City Center Circle and that's been submitted to our GIS Coordinator. Then the second would be that the developer commit to entering into a Memorandum of Understanding with the Town Council to address details associated with the scoping, timing and funding of public infrastructure improvements, and that was made at the request of our Transportation Director. At this point, I would like to hand it off to the applicant.

Mr. Shroud: My name is Tim Shroud; 170 North Perry Road, Plainfield, Indiana is where our offices are. I am the President of several companies known as Samaritan Companies. We've got a senior living project, but we want to make sure it's understood what kind of project it is; it's not a nursing home, it's not an independent living. It's apartments for seniors which sounds really simple but as we were back here in September or whenever we were here first, so many people get that confused because there's not any of these around. You'll see a lot of them in the future years because it's a highly desired product for the retirement person that still has a lot of life left. They don't want to be in a nursing home setting or have an institutionalized feel. So, we've developed this product, as you saw, we're building it right now at 75<sup>th</sup> and Binford; that's our first one, our hope is for this to be our second one, and we hope to build 8-10 of these around the city, basically in the next few years. So, this is a little better look. Plans are a whole lot better in 3-D usually. I've got some drawings here also that are the same as these. So, we met with DRC and the special committee a couple of times each over the past four months and made a lot of changes, all good. I mean, I'm much happier with the product that we have here to present today. As he mentioned, we changed the roof profile dramatically. We added a lot more stone and brick all the way around the building. We changed some roof lines. Went from some hardy products to all EIFS where there's not brick and stone; we ended up with a really good looking product that we think the Town, as well as the people, will really like. It's still a really good feel for residential but it blends really well with what the Ascent has done and some of the products that you see in the shopping area as well. The courtyard is a big part of our plan for the seniors. Again, heavy amenities; bocce ball and pickle ball are two big things that they love to play... I say they, I'm in that age group too, but you know... I don't like to think that all the time. So, we're trying to make this to where they really can have a great time both inside the building, where there's plenty of common areas to gather, a lot of lounge type areas, a movie theater, a lot of places to gather with groups of 50-100 people. No food service, as our website says, we don't cook, and we don't clean. Our rents are going to be in that \$1,095-\$1,800 range instead of \$4,000-\$5,000 range that you find in most assisted living or even the independent living things that are a little more than independent, and they don't have these kinds of amenities. We've got a water feature which is still kind of taking shape. It's either a pond type area or some kind of waterfall type thing, it's not a pool. They don't really want a pool, they want a place to gather and fellowship, basically. There is an outdoor kitchen for cooking, a dog park, nice walking areas. The beauty of the site is being tied so closely to the Shops at Perry Crossing because they want to be where they can entertain. You know, the movie theater there, the shopping there, the restaurants, they're outstanding so we wanted to make good connectivity between this element and the Shops at Perry Crossing, as well as the pathways. Because as staff said, there will be a lot of pedestrian traffic at some point, coming up the new entrance road that we have coming off of Stout Heritage to our property and on into the Shops at Perry Crossing. So, in our first phase we'll be doing that entrance road off of Stout Heritage, we'll be doing the pathway system as well there, tying it into our project. And then eventually when more of our parcel is developed, that pathway will extend all the way up into where the hotels and stuff are. I don't really have much more to add; we think we've got a layout that works. We spent a lot of time again, with the building; we spent a lot of time on the garage placements. So, I think we've got a plan here that you know, everyone was happy with; everyone made some concessions and we feel like it's probably as good as we can do on a site

that is relatively tough because of the stream or the ditch, whatever you want to call it, that traverses the site, it kind of messes things up. It's very expensive to fill that, so we're trying to make do with it as it is and then enhance it as the pathway system is built. I'd be happy to answer any questions.

Mr. Slavens: Thank you, Tim. Any questions? This is listed as a public hearing. For anybody who would like to speak, come forward and speak for or against this, please do so now. Seeing none, we'll close to the public. Back to the Commission for consideration and conversation. I don't have anything particular to ask. Do you trust all of the DRC...?

Mr. Smith: I think the main item or two from DRC is addressed here. That bump out area and the courtyard definitely improve the look there.

Mr. Shrout: It does

Mr. Smith: And I like stone on residential like that, it feels warm. There was a suggestion, I think, in the staff report to flip the building, the orientation on the site. Have you considered that?

Mr. Shrout: That's something that we talked about with staff early on and our concern was trying to flip it and front it on to the City Center Circle Road; that road is a private road, at that point, Pogue owns it. Pogue, we tried to engage with several times with this conversation, they simply are very unresponsive for whatever reason. I don't get it; they're not upset, they're just... they keep asking us what they can do to help us out and it ends up being nothing. So, it's a little strange dealing with them. We didn't want to take our property and flip it around and front a road that we're not sure about, it's not a public space. We had asked at one of the special committees if that was bought by the Town and enhanced into a boulevard type situation and then dedicated and maintained by the Town, we'd be happy to consider it because then it would start making a little more sense to us, but there didn't seem to be an appetite for that; that would be a big ask. We feel like since we're building this main entrance road with what probably will potentially be a sizable roundabout on Stout Heritage, that this orientation works best for us. It does put our courtyard facing the shops, which I think is better also, because that's where most people will gather and migrate over.

Mr. Kirchoff: Tim, have you...this is not a technical term by any stretch of the imagination, but that roundabout there in the middle, the best term I can come up with is it looks funky. Have you had any traffic people take a look at that? I mean, it's... I see two off of one side and...

Mr. Shrout: It's a little hard to see in this drawing, Ryan might want to address that a little bit.

Mr. Lindley: Ryan Lindley with Banning...excuse my attire, khakis and dress shirts with crutches don't go together. We talked about this a lot and we got Chet involved. This is the diameter, Bill, only 10 feet less than the Aquatic Center. So, just to give you a gauge of how big that is...or small.

Mr. Kirchoff: Small, yeah

Mr. Lindley: Knowing that there will be service deliveries obviously, we plan to do a mountable center. So, the center will have a rolled curb and hard pavement.

Mr. Kirchoff: Has the Fire Department looked at it?

Mr. Lindley: Yeah

Mr. Kirchoff: They'll have to roll it over.

Mr. Lindley: We've run the fire truck through there, we've run a... an 18-wheeler would actually be able to go straight; they won't be able to turn in, but I think box trucks and smaller trucks are going to be servicing the facility here.

Mr. Klinger: I think the primary intent was simply to slow traffic down.

Mr. Lindley: Yeah, it's a traffic calming circle.

Mr. Kirchoff: I understand that, it just...when I looked at it a while ago and it had different fingers off of it, it's like...

Mr. Lindley: Yeah, it's a very challenging lot, as Tim mentioned, with the channel going diagonally through it.

Mr. Smith: Was there still a lane on what I would say is the left side of the circle? Is there still a lane to drive through there? It appears to be closed off.

Mr. Ryan: Yes, there are actually three exit points, if you will, off the main road. So, as you head north...

Mr. Kirchoff: The one you had earlier had four, I thought. Can you back up to an earlier...?

Mr. Phillip: No, I don't think so.

Mr. Lindley: It might have been on an earlier...

Mr. Kirchoff: Oh, the Town stat, that's what it was.

Mr. Shroul: I think the thing that's confusing about this is that the little piece that sticks off the circle is kind of a median to keep people from turning left into our deal. It kind of extends along this drawing and the way it's kind of following the curve, it makes it look like there's no lane there, but there is a lane there it's just kind of a weird drawing.

Mr. Lindley: Yeah, that will be a raised median, it's a small sliver to the south. It'll be a raised median to keep people from diving directly left.

Mr. Kirchoff: Okay

Mr. Lindley: So, it'll slow you down.

Mr. McPhail: I had an opportunity to review this a little bit with staff a couple of weeks ago. My biggest concern with this whole large PUD that we keep adding different venues to is that we have connectivity with the whole thing, and I think they've done a pretty nice job here of connecting from the Boulevard and back up into the mall, and isolated the apartment complex where they're not going to run traffic through there unless you're going in there, hopefully. That's the idea isn't it?

Mr. Shrout: That's the idea. Well, and we've got a little issue with that since were the first ones being built, having this road built; the second part of the road is part of the second phase, we'll have to do some signage or something to try to keep the traffic down a little bit, but...

Mr. McPhail: Yeah, "No Go Through Traffic" or something like that.

Mr. Shrout: Yeah, something like that. But yeah, it's definitely traffic calming and I think that's what everyone wanted in the special committee meeting.

Mr. Kirchoff: Thank you

Mr. Smith: There was one other staff concern about the appearance that you get with all of these garages, these garage buildings. If they're going to obstruct the view of your very nicely designed building, are they going to hide the building?

Mr. Shrout: Well, I mean, it doesn't bother us any and basically there's only a parking lot up against it, so the other side of our garage is basically a parking lot, right, two lanes of parking before you actually get to the road. So, you're going to be quite a way away as you drive down the new road. You're going to be, I don't know what that is, probably 40, 60, probably 80 feet, 100 feet, close to 100 feet away from the back of our garage, looking over to the building. Our building is 4-stories tall, so it won't block it too much. Now, we wouldn't have a problem breaking up some of those buildings if that's a big concern, but that's up to you guys. We had buildings, we kind of had them in the back at one time and the special committee didn't like those. So, we moved them around and I think when you guys looked at them, you wondered why they weren't in the back instead of in the front, and I was like, hey, we'll do whatever you want as far as that stuff goes. I think this is kind of where they ended up.

Mr. Slavens: Okay

Mr. Smith: Well, I think maybe your suggestion that...those are pretty long buildings, 10 bays, I believe, in some of them.

Mr. Stout: Yes

Mr. Smith: That's a pretty long garage building and maybe if there's a way to break up the appearance a little bit...

Mr. Stout: On the east side mainly? Because obviously the west side is back up against the...

Mr. Smith: Whichever is the most visible, maybe just to break up the appearance a little bit. I don't know, maybe a different color brick, or whatever works for you.

Mr. Stout: Sure

Mr. Smith: I'm just thinking of aesthetics.

Mr. Stout: Yeah, and I don't mind creating some bigger gaps there, if that would feel better. You know, we've got two 10s and a 5, I think it is. If we went with three 6s where you had bigger gaps between them basically, which is what the Ascent has; theirs are 6s. We don't have any problem with that.

Mr. Smith: Which might be pedestrian friendly, for some reason.

Mr. Stout: Well, visually it will look...

Mr. Smith: But we don't know right now.

Mr. Stout: Yeah

Mr. Smith: Just a thought

Mr. Stout: Yeah, we'd be happy to do that.

Mr. Slavens: Okay, thank you. Any other comments or conversations, questions? Thank you, Bruce. If not, motion?

Mr. Phillip: So, Mr. President, I move that the Plan Commission approve PP-19-182 as filed by Erik Cooper on behalf of The Stone Table, Inc. to create a 1 lot subdivision and 3 block Subdivision on approximately 25.59 acres finding that:

1. Adequate provisions have been made for regulation of minimum lot width, minimum lot depth and minimum lot area;
2. Adequate provisions have been made for the widths, grades, curves and coordination of subdivisions public ways with current and planned public ways; and
3. Adequate provisions have not been made for the extension of water, sewer, and other municipal services.

And that such approval shall be subject to the following condition(s):

1. The developer will continue to work with the Town to finalize an address plan for the subdivision.
2. Compliance with the Town Standards, including but not limited to: Plainfield Ordinance 01-2019 regarding Floodplain Management; Plainfield Ordinance Nos. 12-2015 and 06-2017 regarding Sewage Works; Plainfield Ordinance No. 17-97 regarding Drainage; Plainfield Ordinance No. 19-97 regarding Municipal Waterworks; and Plainfield Ordinance No. 18- 97 regarding Access Permits.
3. Compliance with the standards and specifications of the Plainfield Subdivision Control Ordinance.
4. Substantial compliance with the primary plat submitted file dated December 20, 2019.

Mr. Brandgard: Second

Mr. Slavens: We have a motion and second. Roll please?

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

PP-19-182 is approved.

Mr. Phillip: So, Mr. President, I move that the Plan Commission approve FDP-19-195 as filed by Timothy Shroud on behalf of Samaritan Senior Lifestyle Communities for Final Detail Plan approval of Plainfield Marketplace Phase VI:

1. The Final Detailed Plan satisfies the Development Requirements and Development Standards specified in the PUD District ordinance establishing such District;
2. The Final Detailed Plan accomplishes the intent set forth in Article 6 of

the Zoning Ordinance;

3. The Final Detailed Plan provides for the protection or provision of the site features and amenities outlined in Article 6., C., 2 of the Zoning Ordinance.

And that such approval shall be subject to the following condition(s):

1. Substantial compliance with the plans dated December 20, 2019.
2. The developer will commit to enter into an MOU with the Town Council to address details associated with the scoping, timing, and funding of public infrastructure improvements.

Mr. Bahr: Second

Mr. Slavens: We have a motion and a second, take roll call.

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

FDP-19-195 is approved.

Mr. Slavens: All right, next on the docket PP-19-205 – Airtech 14PA.

Mr. Berg: All right, we are in the home stretch now. Okay, you may remember this from a couple of months ago where we corrected an error in the zoning map. I'm not going to go into too much detail on this, it's late and you guys remember it. We have two applications in front of you PP-19-205 a creation of an industrial lot and 167,000 and some change square foot warehouse building on a 13-acre lot, that was created in the first part of my sentence. This will use the depth of yard development incentives. On the right there, you can kind of see what I like to call the Chamber of Commerce version of the building, the pretty version. As you can see, to the west of this you've got AG, to the north you've got R-2, some Municipal to the north, but to the other two sides you've got similar I-2 zoning as part of the Airtech development. This is the site; as I mentioned it's using the depth of yard development incentive on three sides, the

north, the east and the west. That requires that they double the landscaping on each of those sides on the perimeter, which they've done. Bruce, I don't remember if the change of access happened after DRC, but they have split off the truck traffic entrance on the south there and created an entrance for the employees there just to the north of the truck entrance on the south there.

Mr. Smith: That was after.

Mr. Berg: As you can tell by the abundance of landscaping there, they have complied with the regulation. Part of the reason why really, we were pushing hard for more landscaping is you can kind of see on the top of the screen there, there are two homes that are very close to the property line. So, our goal in working with the applicant was to try to create as much screening in that area as we could to minimize the impact. We've kind of seen that with a couple of developments that we've had in the last couple of years, that that's pretty important, so we tried to get that accomplished. That's all I have. If there are no questions for me, I'll turn it over to whoever is here for the applicant.

Mr. Smith: While he's coming up there, I just need to ask... we're confirming that there is no connection for traffic from Clover Drive?

Mr. Berg: Correct

Mr. Smith: Clover Drive does not connect to...?

Mr. Berg: Yes, it will not connect.

Mr. Smith: Okay

Mr. Hebert: Terry Hebert with Browning, 6100 West 96<sup>th</sup> Street, Suite 150, Indianapolis, Indiana. We've had a couple of meetings with the planning staff and the Transportation Director and the City Engineer just to kind of work through a lot of these things here. We had a bit of a different version when we first started, but we've taken a lot of comments and a lot of feedback, so I think it has given us an overall kind of better project with everything. We still have a couple of things that we'll probably tweak. By talking to Scott, we might take that little car drive and slide it more to the north; he wanted a little bit more separation there and we're very glad to make that happen. And we can move things around to try and get some more landscaping in there and try to buffer our property. We really appreciate all of the feedback and all of the help.

Mr. Slavens: Are there any questions from the Commission? No questions? Thank you

Mr. Hebert: Thank you

Mr. Slavens: This is listed as a public hearing. If anybody would like to come forward and speak for or against the petition...?

Mr. Malicoat: My name is Larry Malicoat, I live on 3350 Clover Drive. I guess I have two concerns. One, will this effect the traffic on Clover Drive? And second, we have sometimes semis come through there and turn around, I've had to replace the mailbox twice. Is there anyway we can have a sign that says no oversized trucks or something along there? Because the police officers just have enough room, because it's a narrow road.

Mr. Slavens: Okay. Didn't we decide that Clover is going to be cut off?

Mr. Brandgard: Well, Clover is dead end today and it will remain dead end.

Mr. Slavens: Okay

Mr. Klinger: It will not connect to this, right. So, it won't...

Mr. Phillip: Yes, but more signage or something to try and prevent people from looking at a map and thinking it's going to go someplace.

Mr. Malicoat: Right

Mr. Klinger: Yeah

Mr. Phillip: I understand

Mr. Malicoat: Okay, thank you.

Mr. Slavens: Thank you. Anybody else to speak for or against? Seeing none, we'll close it to the public and go back to the Commission. I guess one thing maybe to staff about addressing the concern about signage. Is that something to take into consideration about traffic?

Mr. Singleton: Yeah, we can certainly look into that. I made a note to speak with Jason Castetter, Director of DPW too, about adding those signs.

Mr. Slavens: Thank you. Looking to the Commission for any other questions, comments, concerns, otherwise, we need a motion.

Mr. Phillip: So, Mr. President, I move that the Plan Commission approve PP-19-205 as filed Six Points, LLC requesting approval of a Primary Plat Primary Plat for Airtech 14, dividing a 14.10 acre parcel into 1 lot and 1 block on a parcel zoned I-2: Office/Warehouse Distribution finding that:

1. Adequate provisions have been made for regulation of minimum lot width, minimum lot depth and minimum lot area;
2. Adequate provisions have been made for the widths, grades, curves and coordination of subdivisions public ways with current and planned public ways; and

3. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

and that such approval shall be subject to the following conditions:

1. Compliance with the Town Standards, including but not limited to: Plainfield Ordinance 1-96 regarding Floodplain Management; Plainfield Ordinance Nos. 12-2015 and 06-2017 regarding Sewage Works; Plainfield Ordinance No. 17-97 regarding Drainage; Plainfield Ordinance No. 19-97 regarding Municipal Waterworks; and Plainfield Ordinance No. 18- 97 regarding Access Permits.
2. Compliance with the standards and specifications of the Plainfield Subdivision Control Ordinance.
3. Substantial compliance with the primary plat submitted file dated December 20, 2019.

Mr. Smith: Second

Mr. Slavens: We have a motion and second. Mr. Secretary?

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

DP-19-205 is approved.

Mr. Berg: Just a correction, that should be Plainfield Ordinance No. 01-2019, regarding Flood Plain Management. I cut and pasted from too old of a staff report.

Mr. Phillip: It seemed different than the one I read before.

Mr. Slavens: Make an amendment

Mr. Phillip: Second motion; I move that the Plan Commission approve the requested Depth of Yard Development Incentive, finding that:

1. The Plant Unit Value to be provided in the required Yard or required Bufferyard exceeds the normal standard for such Yard by a multiple of 2.0 or more;
2. The proposed development is appropriate to the site and its surroundings; and,
3. The proposed development is consistent with the intent and purpose of the Plainfield Zoning Ordinance.

Mr. Brandgard: Second

Mr. Slavens: We have a motion and a second. Roll please?

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

The development incentives are approved.

Mr. Phillip: Motion number 3; I move that the Plan Commission approve DP-19-207 as filed by Six Points requesting Architectural Site Design approval for of a proposed 167,960 square foot warehouse/flex building on a parcel zoned I-2: Office/Warehouse Distribution within a 600' of a residential district, finding that:

1. The Development Plan complies with all applicable Development Standards of the District in which the site is located because:
2. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted because:
3. The Development Plan complies with all applicable provisions for Architectural and Site Design Review for which a waiver has not been granted because:
4. The proposed development is appropriate to the site and its surroundings because:
5. The proposed development is consistent with the intent and purpose of the Plainfield Zoning Ordinance

And that such approval shall be subject to the following condition(s):

1. Substantial compliance with the elevations and line-of-sight illustration dated December 20, 2019 and the Site Plan, Primary Plat, Lighting Plan, Landscape Plan, and Utility Plans dated January 3, 2020.
2. A secondary plat will be required within sixty (60) days of the Development Plan approval
3. A permanent barrier will be required south of Clover Drive to eliminate the ability to gain vehicular access between this site and Clover Drive prior to the issuance of building permits.

Mr. Smith: Second

Mr. Slavens: I have a motion and second.

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

DP-19-207 is approved.

Mr. Slavens: Thank you. The final petition for public hearing is DP-19-204 – Taco Bell.

Mr. Whaley: This petition is for a proposed Taco Bell restaurant to be located at the northwest corner of Vestal Road and Main Street on an existing platted lot zoned General Commercial. This shows the layout of the proposed site. The building will be sitting relatively in the middle of the property, a little bit to the southwest. It's going to have access off of Vestal Road using the existing access Drive. And then it will have access off of Main Street provided via an access easement which is crossing the property to the west, which is the Larkin Collision Center. You can see the proposed Drive access coming across the south end of the...

(inaudible interruption)

Mr. Whaley: Okay, so there's going to be access off of Main Street...I'm going to skip ahead a couple... There's an existing drive that services the Larkin Collision Center and there's an easement that is plotted that crosses that property and connects with the property that is the subject of this petition where the Taco Bell is proposed. So, that access will service this property as well. Backing up to the site layout; you can see that the drives come across the south side of the property. One of the requests that the applicant had was to move the landscaping that would have been required along Main Street over to the east side to add more landscaping to Vestal Road. And that's one of the requests that the DRC, the Design Review Committee did support at their meeting. As you can see, there is limited amount of space in there with the utilities and the right-of-way that is along Main Street, so that was the purpose of the request. Also, one of the things that the applicant agreed to do was to change the elevation of the building to be all brick. Initially they had a different material on the tower that you see on the left side of that picture, the elevation. So, the building is going to be all brick now. Also, the DRC had requested that the dumpster enclosure be brick as well and include the composite gates, and that's something that they have complied with. The Larkin Collision Center on the west has an existing sign that located within that easement that we talked about earlier. It is my understanding that the applicant is working with the property owner to relocate that sign so that that easement can function to provide access to the site. Along with that, we have some recommended conditions. The first being the petitioner will work with the owner of the adjacent Larkin property to relocate the sign, which we just talked about; and improve the pavement condition within the access easement. The second being that the petitioner agrees to extend the sidewalk along Main Street to the western edge of the lot. That was a condition of the approval for the plat for the property. And then the third would be, if in the future the Town of Plainfield decides that roadway improvements are needed, the petitioner agrees that it will deed 9.5' strip of land along the eastern edge of the parcel to the Town at no cost to the Town to allow for future public improvements to be constructed. And that was at the request of the Transportation Director. At this point, I will turn it over to the applicant to talk more about the petition.

Mr. Yanda: Good evening, I'm Matt Yanda with GPD Group, 520 South Main Street, Akron, Ohio. As previously stated, this is for the proposed Taco Bell on West Main Street. So far with this project we've been working with the DRC, planning department, engineers and we've received various comments and recommendations throughout this project. We've been willing to address these comments and... or are continuing to address accordingly here. I just wanted to ensure as this project goes on, we're willing to cooperate with the city here. Any comments, recommendations you may have, we'll continue to address and hopefully we can work to get this approved. Thank you and let me know if you have any questions.

Mr. Slavens: All right, thank you, Matt. Any questions for the petitioner yet?

Mr. McPhail: I have a question on the easement on the Larkin property. Do you plan to improve that? You know, that's a parking lot now, do you plan to repave that?

Mr. Yanda: Yes, I was actually at a site visit there and it does appear that the asphalt in that area is less than great, so we were going to have Taco Bell legal team work with the owner next door and kind of come up with a plan on how to address that situation.

Mr. McPhail: Okay, thank you.

Mr. Kirchoff: Along that line, how are you going to make sure that it is designated, that it's obvious that it's an access? I'm thinking of the confusion that we have out at the Kroger in that area. We don't want to create another, where do you go type of thing. Will there be barriers? How are you going to, how's that going to look?

Mr. Yanda: Well, we do have painted directional markers on our parking lot there to kind of give everybody the idea of where they need to head.

Mr. Kirchoff: Can we bring the site plan back up, please?

Mr. Berg: Do you want the aerial, Bill?

Mr. McPhail: There

Mr. Kirchoff: Yeah, or even the other one. There, yeah, when I turn off, and I'm going into Larkin, it doesn't show a kind of designation that that really isn't a roadway instead of a parking lot.

Mr. Yanda: I guess, is your concern in that they wouldn't know where they are travelling to? If that is possible, we can add additional directional signage on the site.

Mr. Kirchoff: Do you see what I'm saying?

Mr. McPhail: Stripe it.

Mr. Smith: Yeah, you could paint it.

Mr. Slavens: Are you trying to say, you don't want it to be a cut through, Larkin versus Taco Bell Versus Vestal or to U.S. 40?

Mr. Kirchoff: You know what I'm saying?

Mr. Bahr: Yeah, I do.

Mr. Slavens: So, how do you separate the Larkin lot versus the Taco Bell lot?

Mr. Phillip: Right

Mr. Bahr: Right

Mr. Kirchoff: Or how do people know that this driveway is for both? Actually, it's off your site; I'm not talking about what's on your site, I'm talking about what's west...

Mr. Brandgard: Where you turn in...

Mr. Kirchoff: It could truly be identified as a roadway.

Mr. McPhail: Yeah

Mr. Green: Excuse me... Bud Green, ReMax Commercial Real Estate and I represent the owner in this particular case. The easements are long standing. I've got 20 years' experience with this one, Bill. When I sold this to Larkin, we first entertained a Speedway, Speedway wanted to go on the other side of the road just because it's bigger. In that discussion we designed that cross easement at the top. The reason for that is Larkin can bring in a loaded wrecker and not have to go back out on U.S. 40, so he always wanted that in place for whoever bought that. Then when the good doctor bought it we kept that in place and we came and talked to the Town about the easement to his front and that was put in place and is recorded, I believe, in that commitment. There is a... I don't know what you'd call it...traffic device, the triangular gray section of asphalt that kind of directs the traffic out of Larkin or into Larkin. It basically, with that device, becomes a right-in/right-out only because it's raised, and it's painted. A truck might drive over it, a delivery truck or something, but typically a person coming in there would not come from the west and try to cross that.

Mr. Kirchoff: I understand, but you're talking about access now. I'm talking about once I'm there, how do you separate and identify...

Mr. Green Well, it's easier than you think. When you come in off the back, I mean, you're going to be pretty well easily identified. The idea of putting a sign up that says, "Access to Larkin only" is pretty, it's not a bad idea.; we don't have a problem with that.

Mr. Klinger: Across the back, it's got to be curved, right?

Mr. Green: I believe...

Mr. Klinger: That back access would be curved?

Mr. Green: I haven't seen the detailed plans, but it's my understanding that it's curved north to south. Is that not right?

Mr. Yanda: That's correct

Mr. Green: Yeah, so there's a break in that curve for that easement, so it's pretty easy to identify that these are two different properties.

Mr. Yanda: We also have landscaping between the two properties.

Mr. Green: Yeah, there's landscaping between them.

Mr. Kirchoff: Hold on

Mr. Phillip: We're not even to the public hearing yet.

Mr. Slavens: When we get to the public hearing, we'll be able to address it.

Mr. Green: Any other access questions, Bill?

Mr. Kirchoff: No, again, I just want to make sure that that's clearly identified...

Mr. McPhail: Identified as a roadway. It's not a parking lot, it's a roadway.

Mr. Green: It's curved and then there's grass and landscaping and trees and all of that to separate the two properties; it won't be hard to tell them apart.

Mr. Brandgard: Is there a maintenance agreement on that?

Mr. Green: Yes, it's our job.

Mr. Brandgard: The reason I ask is because we've got several areas in Town that...

Mr. Green: There's a co-maintenance agreement I believe for the north one across the back and I think the front one falls on the Taco Bell folks.

Mr. Brandgard: Okay

Mr. Green: Now, the exact portion that Larkin uses, I don't have it with me so there could be one there, but they are in there.

Mr. Kirchoff: Thanks, Bud.

Mr. Slavens: Any other questions from the Commissioners to the petitioner? This is listed as a public hearing, so if anyone would like to step forward and talk for or against it, please do so now.

Mr. Boyd: My name is Tim Boyd and I live at 715 Meadow Lane. I'm the first house when you're turning off of Main Street onto Vestal. The first road is Meadow Lane, I'm right behind the dentist office. Ever since they put the stop light up, they've needed three lanes there. I couldn't hear everything they were saying... because when you pull up there, some of the people want to go straight and nobody can turn right. It backs up from the Aquatic Center, when they have things that let out really quick, past my road. I'm a block in and it will pass down from mine; it's just a traffic mess and if they're not going to put three lanes in there, it's not going to work. They don't need two lanes on the other side, they only need one. They've got the road wide enough to do it, just move that median thing over. They were supposed to have done that... I talked to the Town Engineer when they put the stop light up on U.S. 40 and we talked about it

and he said yeah but the sate said they wouldn't pay for the stoplight if I didn't do it like that, but he said we're going to knock it out and move it over... well, that didn't happen. And it's a mess, the traffic now. And with this, it's going to be even worse.

Mr. Kirchoff: Thank you.

Mr. Slavens: Thank you. Thank you, Tim. Anybody else to speak for or against the petition?

Ms. Todd: My name is Kathy Todd, I live off of Vestal Road on Henley Drive, so that first street you come to on the right hand side. I'm with him; in the morning when I go to work traffic is terrible. Coming home at 4:00-5:00, there are times that it takes me a couple of times to get through the light to turn right because people are going into Speedway or whatever. I know he said only two lanes coming in, but there almost needs to be three lanes because people are going to turn there to then turn left into Taco Bell. If I understood... because we use Larkin's a lot unfortunately, in the last year, like three times... So, if I understood the gentleman correctly, he's talking about the entrance where Larkin's Trucks come in, that would not necessarily be an entrance coming in for Taco Bell?

Mr. Green: Yes, it is

Ms. Todd: Well, so everything backs up and you're going to have people coming in and they're going to go to Speedway and to this and to the Aquatic Center, that intersection has not been made wide enough to handle all of the traffic that is going to happen. Our concern is, then people will start coming out of the entrance of Larkin, out on to U.S. 40, and in the current configuration, there's not a barrier down the middle of the road to keep people from trying to turn back east on to U.S. 40, which then in turn will cause things to back up. There needs to be something similar to what is in front of McDonald's. Even though we do see people come out of Speedway all of the time, and go east, and then cut back across, we've seen that quite a bit. So, our concern was, with people doing that already, then they're going to start doing the same thing on the opposite side and there's just going to be more congestion. So, we are very concerned about not having adequate turn lanes and things to keep people from going in and out. We're concerned about Larkin, it is a place that we go to a lot and you know, it's going to make it hard going in and out of their business. People are going to see the cars parked for Larkin repair and automatically make an assumption that they can park there to go into Taco Bell. So, that was also a concern of ours. But we would like the traffic lanes on Vestal addressed because it's not adequate even now, as it stands.

Mr. Slavens: Thank you, Kathy. State your name and address, please.

Mr. White: Yes, sir. I wanted to kind of watch my time here since you did say to do that, so let's try and set something there. Good evening, my name is David White, I live at 242 Meadow Lane. Kudos to you, I am a new resident of Plainfield. I lived in Texas for 20 years, I came back to Indiana where I was born and raised, and I looked around Indianapolis; I grew up at Pike, I didn't want to live in Pike; I looked out this way, you guys have done a wonderful job of growing this Town. Some of things things I like, my neighbors are upset, but they bought before I did. I

lived here a year in an apartment and then I bought this piece of property. I love what you've done with the parks, I love what's going on. I bought this piece of property because I heard about the Plainfield Redevelopment, very excited about that. Where I lived in Texas, they bulldozed the little towns down and built these ugly new things, didn't keep any flavor. Okay, so what you guys have going on here is we come down the hill, we're heading east into Town; beautiful, we've lost all of that commercial BS, as polite as I can be...we come down into Town, you've got some great plans, it's going to be wonderful. You come up the hill, and we're going to start trying to rebuild the west side again with more fast food and shopping centers and the like. I think we can do better than a Taco Bell. My lady friend here asked me, if I'm going to come here and complain to you all, what would I like to see there. I don't have an answer for that, but I believe what we deserve there is an 8-5 type business, something that's not going to be open until midnight, 1:00-2:00 a.m. I can go on and on now about the traffic flow. What I see of the plan of what you're going to set up for coming into it, everybody, I believe, will be exiting on Vestal adding to the traffic flow that these gentlemen and this lady are concerned about. I think a piece of the plan, I'm making an assumption, Taco Bell is going to happen whether I think fast food is good or not, so okay, we'll get over that. Okay, we get into this traffic thing, possibly one of the suggestions from you all... boy that sounded Texas... would be to get that third lane fixed before it goes in. I appreciate, Mr. Kirchoff, your time of saying what's going to happen with that using Larkin to come and go. It sounds like it needs some curbing to show that road separate from the parking lot, it needs some signage. You gentlemen are on that and I appreciate that. Looking at the Taco Bell view, it looks like everybody coming out of the drive through, which I hope you do lots of business, Taco Bell always wants lots of business or then it's other problems, it looks like they would almost have to circle back and come up into that parking lot or maybe, if there's enough room, make the right, go out into Larkin and onto U.S. 40. To the lady's point, are they going to be stuck to go only west? If that's the case, then we've even got more traffic driven back onto Vestal to try to make that right hand turn. So, please, I plead with you, look at that third lane, that traffic flow before it goes in. I've seen too many times when things are built... a little background, I did sit where you sit in the little Town where I came from, so know that I appreciate what you're doing. We have made mistakes, we let something build and then we looked at the traffic. This is a case where there's already traffic there and adding to it would be an error to do it before we do the roads. It would just be more congestion during the roadwork. Again, I appreciate your time, I appreciate your service for what you're doing for the Community. It's a beautiful Town, I love to be here. I have invested in y'all and I appreciate what you're doing.

Mr. Slavens: Okay, thank you, David.

Mr. Smith: Thank you

Mr. Green: For the record, I'm going to change hats here. Bud Green again, 535 Sundown Circle, which is just six blocks north. I built my house there in 1991, so I've seen everything in the world happen at this intersection, including the young lady that ran into the back of my 900 mile new Navigator at that intersection. Ladies and Gentlemen, this lot has got to be something. If it's not Taco Bell, what's it going to be? We tried to put a nice office and medical

facility here and it was approved, but it just didn't work financially for the applicant. Traffic; the only thing I notice is when you're going to turn left, if there's nobody in the right lane, the left turn signal is really short, like two cars. I know that because my wife complained to me. I think this is a great solution. We have worked diligently with Mr. Larkin to work this out. We worked with your traffic staff and your planning staff in I don't know how many different hearings or meetings we've had. As a resident I will tell you, we didn't tell anybody what this was and this week it came out on Facebook. I don't do Facebook, so my wife had to tell me. Everybody is saying, oh great, we've got one on this side of Town. For the years that I've been doing this commercial real estate, every time I tried to sell that corner, you know what they told me? I don't want to be the pioneer; I don't want to go west of the creek. Well guess what? We've got Saratoga and we've got the other subdivision on the other side of the road and those people want this to happen.

Mr. : Put it down there

Mr. Slavens: Thank you, Bud.

Mr. Wagner: Blake Wagner, 6349 Quail Ridge. I'm not a neighbor to this property, but I'm a resident of Plainfield. I want to echo what Mr. Kirchoff was saying with respect to the Larkin Drive. If in fact they're putting that drive on the easement, I'd encourage you all as the Planning Commission to separate that easement from the parking lot so this doesn't become like a lot of sort of small towns that you come into and you enter through a parking lot. Additionally, I would ask that you consider that pavement profile because it was more than likely paved as a parking lot and now it will be a heavily trafficked drive and we have a lot of terribly potholed drives around this community that is a condition of a poor base, when the use changed. So, I would encourage you to also look at that as you look at what requirements are on this. Thank you

Mr. Slavens: Thank you, Blake.

Mr. Green: It will be 100% new pavement, including the entrance to Larkin.

Mr. Slavens: This is a public hearing, anybody else to speak for or against it.

Mr. Green: That base is solid, it's been there ever since Chevrolet was there. We would anticipate that we're going to have to excavate, I don't know, 6-8", maybe a foot and reestablish that base in any kind of construction. It's gravel now and part of it is blacktop. That blacktop was just a surface layer that Larkin put in to keep the gravel from tracking into his lot. So, I would anticipate, though I haven't seen the engineering plans, that they're going to have to scrape the entire lot and establish a base. So, our project would be 100% new pavement.

Mr. Slavens: Thank you. Seeing nobody else stepping forward, we'll close this for the public hearing. We just closed it, sorry.... You can come on up.

Mr. Patterson: My name is Richard Patterson; I live at 725 Meadow Lane. I'm concerned with the traffic. There's been a lot of accidents at that corner and the majority of them, not only do you have traffic, but you have the rate of speed travelling down U.S. 40. Big trucks, big vehicles, cannot stop and they come up that hill and they run into the yellow and they think they can make it, and then you've got left handers on Vestal Road trying to make a left, bang! Now, what's the answer? Well, people drive too fast. We need to reduce the speed limit coming up that hill on U.S. 40. Maybe, you know, we've got enough problems the way it is with a lot of traffic, but people are getting hurt and killed, there's been at least one death there. And the majority of it is a vehicle that has a lot of momentum just simply cannot get stopped because he's going, maybe he's going the speed limit, maybe he's going faster, I don't know, and he's creaming the person making the left hand turn because he thinks he can make it through on the yellow. It's human error, plain and simple. And what can we do about it? Well, because the Town is growing bigger and bigger and bigger, we're going to have to lower the speed limit out a little farther. I think that would help save lives. You know, people, when they pass Center Street, you know, oh boy they gun it and they go on up that hill. Probably we should lower it all the way up there to Moon Road. It's growing, it's going to get more growth than ever. My recommendation, of course, maybe it's not in the Town of Plainfield, probably the Department of Transportation, but I do think if we lowered the speed limit... you know, because it raises coming up the hill. If we could keep it down reasonable, I don't know, 35 MPH, I guess. I'm just thinking of public safety, we've got launching, people are launching up that hill going west. That's my input, you know. It's just adding more problems; we've got more traffic and that is why we tend to reduce the speed limit anyway, to prevent accidents. And another thing is, we've got pedestrians going across that road. We've got, you know, the push light but people ignore it. They don't do what they're supposed to do. They try to make it anyway; they get tired of waiting. So, now we're going to have more people maybe, going across that intersection as a pedestrian. It just, it makes for a bad mix. I don't know, something needs to be done to reduce the speed. It's getting out of hand. You know, I live right there behind Larkin too, I get to see it; I get to hear the crashes. I walk over there once in a while and it's like...people are getting hurt. That's all I can say, you know; drop the speed limit.

Mr. Slavens: Thank you, appreciate it.

Mr. Patterson: Thank you. You know, and it's just for the sake of safety and saving lives. It's time; Plainfield is growing west. We need to keep the speed limit down. You might as well make it all the way to Moon Road.

Mr. Slavens: Thank you, sir, for your input, appreciate it.

Mr. Patterson: Thank you

Mr. Slavens: Thank you. Sir?

Mr. Hutchens: Will Hutchens, 202 Vestal Road, Plainfield. I live just across the street from Mr. Boyd there. My house faces Vestal Road there but comes out on Meadow Lane. The Aquatic Center in the summer when it rains, 1,500 people dumping out on that road. We have traffic

backed up almost to 400 block and it fills all the lanes up there. Larkin has been an excellent neighbor, so has Plainfield Equipment, all of those 8-5 jobs like this gentleman spoke of. We were all concerned with what was going to go in that lot and we got the doctor's office and we thought, good, 8-5 job, work in a little café or something small; it shouldn't have been an issue with traffic. Taco Bell is not going to put a business there unless they're going to have a lot of traffic and by the time you start getting people coming in rush hour traffic wanting to get in that left lane, people coming south, that's going to back it up further. When they have shut the aquatic center down for a storm or something and that traffic is backed far, people will cut through that housing addition trying to get to Andrews Boulevard; you can't do that. More than twice I've come out of my house and can't leave because cars are coming around and they're now in front of my house I can't get out of my driveway much less onto Vestal Road. Traffic... McDonald's when they went in; twice a week delivery and the trash pickup, I hear it. In all fairness I've got single pane windows, so I hear what people don't hear. But trash pick up there, it's noisy. There's going to be more deliveries, more trash pickup, at least twice. That's a consideration but the traffic is the real issue. The doctor's office was more acceptable to almost everybody. Again, the time frame. We're talking till 1:00 in the morning; more traffic, more lights. So, that's it. Thank you for hearing me.

Mr. Slavens: Thank you, appreciate it. Anybody else to speak for or against the petition? Hearing none, I close the public hearing. Would we like to hear from the petitioner?

Mr. Yanda: I just wanted to bring up to the Plan Commission, I forgot to mention this earlier but a traffic study, if you are unaware, was performed for this area here. I am no traffic engineer so I can't get too far into the specifics... I believe Scott Singleton is here today, maybe... there he is, nice to meet you Scott. But at least from the report it concluded that for the traffic impact in this area, there wouldn't be any significant increase in what's already out there. So, I just wanted to bring that to your attention in case you were unaware.

Mr. Slavens: Thank you

Mr. Yanda: Yep

Mr. Slavens: Well Scott, we did hear the word traffic. If we heard it once, we heard it 30 times, so you probably need to talk to us.

Mr. Singleton: Yeah, I'll try to address some of the points that were made and elaborate a little bit more on where we're at with those in this project. I'll start out by saying, like Matt mentioned, they did do a traffic analysis; it was a good quality analysis. They do show a slight reduction in overall level of service, but it really does not graduate to where we would typically look for remediation to follow. We're talking about shifting from levels of service C's and the D's, but those service levels are already happening at that intersection. And so, what the Taco Bell is adding at that peak hour... I think what happens, and I'm with Matt, I'm not a Traffic Engineer; I do get involved in these things obviously, as my position does, but we rely on those guys to handle the details. The pass by trips tend to happen during the peak hours, so you're not adding a ton of traffic. You might be adding some turning movements, but you're not

adding trips to this destination during the peak hour; those are the pass by trips already there. And then the added trips come off the peak hour of your normal commute. So, it kind of balances out a little more than businesses like a gas station where the peak hours do drive those trips to the in and out a little bit more. I think that's one thing that happens with these analyses. But anyway, like I said, they did a good study, they applied all of the traffic the way they should, and the level of service differences were marginal. To that extent we do anticipate future growth of the area and future traffic here. The Taco Bell has agreed to dedicate future right-of-way as needed along that eastern edge so that expansion can be done at the appropriate time. But I would advise that this is not really the kicker that gets us there at this time.

Mr. Phillip: The 9.5' easement is recognition of the fact that we may need to expand that road at some time, correct?

Mr. Singleton: That is correct, yeah. The agreement to dedicate that is to add additional traffic capacity at the intersection. There are two lanes, if you look at the width, and I did look at this on northbound Vestal. I kicked around whether we should stripe that in as a dedicated left turn lane to go into the Taco Bell on the northbound, or whether we should leave it to basically two lanes that are tapering down to one right now; I concluded that I think leaving it is probably the first best step and then we can look at that and see if we're having some issues. Because basically, you anticipate anyone who is going to be going to Taco Bell is going to be in that left lane and then you can get around them in that right lane if you are in the left lane. But it's not necessarily making it dedicated, so if you're taking a right, you want to go to the Rec Center or you just want to go down Vestal, you're not necessarily having to travel in that through lane and then taper down, you're going to get into the lane that you want to get in and go straight and you don't get behind the traffic that wants to turn right into the speedway. So, it kind of balances those to movements out in the way it's striped today. So, my recommendation would be to leave that in place, look at how it's performing and then maybe we do a restriping in the future if we deem it necessary. The Larkin access, that's very important, I brought that up in my report. I would certainly look to the Commission on how that needs to be addressed with tonight's review of this project. We would certainly, I would certainly look at their civil plans and make sure it meets our Ordinances and Standards and that it is developed in the same intent that you guys are saying before we approved the plans for a project like this. We took the response form the applicant when we inquired about the situation, as they're talking with the attorney, that's probably the right step, and find out who's going to do what, who's going to pay for what. But when it comes back to us from civil plan site review, we would certainly be looking at making sure that those improvements from the Taco Bell limit there on the blue line over to that drive are made in a suitable fashion where it is clear that that is intended to be a cross access easement between the two parcels. What that looks like, we don't have a drawing so I can't really comment on it , but we can push that to a staff review where it will certainly happen, or you guys can obviously make any recommendations or requirements on approval that you would see fit tonight.

Mr. Smith: I would wonder Scott, if perhaps building some sort of an island that would be on the north side of that right-of-way. An island, that's a place where you can plant signage, you know, Larkin this way, Taco Bell this way.

Mr. Singleton: And I think Larkin and Taco Bell probably have an interest in seeing how that is going to look and work, so I'm happy that their attorneys are talking. We're going to basically critique, we'll start with a critique of what they want to propose for that, but we've made it clear that that has to be improved over to that drive in some sort of fashion. So, I appreciate the comment and take that into account when we review with them.

Mr. Kirchoff: It was eluded that that might become a right-in/right-out only?

Mr. Singleton: Yeah so, I have that on my list too. At the previous project that was approved, this body actually, and myself, recommended that drive be built in as a right-in/right-out, it was going to be rebuilt. That is access to U.S. 40 which is under the jurisdiction of INDOT; INDOT approved the petitioner to not have a right-in/right-out drive there and they preferred to put in a median in the future, if it were to become necessary. So, that's how they handled the first project. I've asked the petitioner to reach out to INDOT and share their plans with them, because whatever they do with the sidewalks and all that kind of stuff, is hopefully going to require an INDOT permit. But I suspect they'll take the same approach and are not going to require that to be a "porkchopped" right-in/right-out. They're going to expect the median to be, they find that to be more effective, which it is obviously, it's 100% effective largely with the median out there as opposed to those kinds of drives.

Mr. Kirchoff: So, help us understand then, the process if this gets approved as we go forward, for your staff review of our concern about the cross easement.

Mr. Singleton: Yeah so, the Taco Bell will have to submit plans to show the length of improvements for our civil site plan review. And so, we would look so those types of improvements to cover all the way to that drive, under that civil plan review.

Mr. Kirchoff: Okay

Mr. Singleton: Now they would, I have no doubt, there's always a chicken and an egg; do they approach INDOT first, get INDOT's buy in and then come talk to us or do they do it vice versa. Because both of us are going to have comments; sometimes they're not the same. So, we'll condition that approval.

Mr. Kirchoff: It's a little bit unique because it's actually off their site.

Mr. Singleton: That's correct but it is on an easement and that's why the lawyers need to kind of get together and kind of come to an agreement. And we'll look for some correspondence agreeing that this is what we're doing, this is how we're maintaining it, that sort of thing. The previous steps Bud was referring to, I think, are there; there's some details to get into place before we would get to a spot where we'd approve a project from a civil plan perspective. So, I

talked about the right-in/right-out, the speed limits that were brought up, you know, those are all INDOT generated. We've approached INDOT about reducing speed limits along U.S. 40 previously, with no success. Obviously, they look at the surrounding conditions in a statewide situation and kind of try to apply the same rules that they follow across the state. Whatever their determinations are, they've not been willing to adjust speed limits here previously, so I don't know that there's likely any change there, but that could come up when they approach INDOT about this drive improvement. Did I address, I think I addressed everything that was kind of brought up in general.

Mr. Slavens: Yes, I think so.

Mr. Kirchoff: Thank you

Mr. Singleton: Do you guys have any specific questions about what we looked at?

Mr. Slavens: No

Mr. Singleton: Yes, Mel?

Mr. Daniel: Scott, you and the Commission, with all of the conversation that we've had here...condition number 2, "The petitioner will work with the owner of the adjacent Larkin parcel to relocate the sign and improve the pavement condition within the access easement" It seems to me that those improvements should be subject to the Town's approval.

Mr. Green: As to the sign?

Mr. Daniel: I'm sorry?

Mr. Green: As to the sign?

Mr. Kirchoff: No, to the road.

Mr. Green: Larkin has asked that it be placed on his building façade rather than and the lawyers are the people who were drawing this up, they have agreed that Taco Bell will in fact remove and place it upon approval from the Plan Commission...

Mr. Kirchoff: You're talking about access...

Mr. Daniel: We're talking about two things here. It's got to be removed because it's in the way. If that's conditioned upon the Plan Commission approving a placement of that sign somewhere else, that won't work. Because this Commission's not knowing, not knowing about where they're talking about putting it, I don't know whether it will fit within our Ordinance, where they're talking about putting it or not.

Mr. Green: Okay, in fact Mel, the sign has kind of been under review for a long time since he put it there because he got some complaints from staff about it wasn't landscaped, it wasn't in

the right position. And over the years that just kind of went away, but the current plan is to remove the current sign and then apply for a location on the building.

Mr. Kirchoff: They didn't say that...

Mr. Daniel: This talks about working with the owner...the sign has to go because it's in the way right now.

Mr. Green: Well, we know that, and it's ...

Mr. Daniel: Well, this says they'll work with the owner, it doesn't say the sign has to be removed.

Mr. Green: Well, that's in the easement agreement, which is recorded.

Mr. Daniel: I'm just concerned about the conditions that the Plan Commission is dealing with here, not what agreements have been made between the parties, I don't care about that. It seems to me that the condition would be that that sign be removed because it's in the easement where the road will be. And then secondly, that the improvement in that pavement condition would be subject to the Town's approval.

Mr. Kirchoff: I agree

Mr. Daniel: I think otherwise, the Town doesn't have the teeth it should have. If they come in and that improvement, Scott doesn't believe it's satisfactory for a road, and that's what we're talking about here; that it doesn't get approved.

Mr. Kirchoff: I agree

Mr. Green: I agree with what you're saying.

Mr. Daniel: Okay

Mr. Kirchoff: Will you give us some wording for that?

Mr. Singleton: You just want to add, "subject to the Town's approval" inside that commitment, if I understood correctly?

Mr. Daniel: Right

Mr. Singleton: I think that makes sense.

Mr. Phillip: Thank you, Scott

Mr. Slavens: Thank you, Scott, appreciate it.

Mr. Singleton: Sure

Mr. Slavens: Any comments, questions from the Commission?

Mr. Phillip: I admit that I struggled with all of the pictures that have been shown trying to get this conceptualized right. For the first time in all the years that I've been doing this, which feels like dozens, but it's just a few now; it was actually the landscape view that gave me maybe the best view of what's going on. Do you have access to anything like that that you could put up? Because I know that at least somebody out there is probably having as difficult of a time putting this together as I have and giving me the bushes and stuff actually helped. Normally I look at the bushes and say, oh gosh, whatever they told me is probably okay, but not this time around, it actually told me a story. The answer is maybe not...

Mr. Slavens: Is it slide 4 on your slide deck?

Mr. Phillip: Guess not

Mr. Kirchoff: Nope

Mr. Phillip: Nope, okay

Mr. Slavens: And what were you looking for Rich, in the request?

Mr. Phillip: It's the last page on our deck...

Mr. Kirchoff: It was the free sheet

Mr. McPhail: L101

Mr. Phillip: It's the free sheet. Yes, thank you, L101, sorry.

Mr. Kirchoff: Can we go back to Mel's comments? Mel, I would assume that that wording should be for both the north and the south access roads. He's got two cross access...

Mr. Slavens: Test his ability and knowledge of the system.

Mr. McPhail: There, there we are.

Mr. Phillip: Yeah, believe it or not, that one did help me.

Mr. McPhail: That's it

Mr. Phillip: So, at least that starts to show how the driveway plan is being separated from everything else that's going on, coming back. The path is going up through the parking area as you go back to the north basically. It really, you know...otherwise we don't see, because it's the next lot, where the easement is and where the entrance off of U.S. 40 is.

Mr. Phillip: I don't have a question, I just thought that that was a better picture knowing that this thing wasn't easy to conceptualize.

Ms. Todd: I know my time is over, but how many people...is the capacity of that Taco Bell...is there parking only on the one side? Is there adequate parking based on the potential capacity at Taco Bell? Which brings up the concern of then, of parking over in Larkin.

Mr. Phillip: Yeah, there are Ordinances about how many parking spots there need to be for this type of facility, which, that's what they've already approved for it to get this far in working with staff.

Mr. Slavens: Any questions from the Commission?

Mr. Smith: Have we considered the possibility of the headlights? The building north of the property here, to the north, it's a dentist, I believe. As traffic comes back, it's already been around through the window, and now it's going back north through the aisleway to get out on to Vestal Road...

Mr. Kirchoff: He's not open

Mr. Brandgard: He's not open

Mr. Smith: You think he wouldn't be open at night?

Mr. Brandgard: I don't know any that are.

Mr. Smith: Yeah, so maybe it's not a big deal.

Mr. Kirchoff: Are you ready for a motion?

Mr. Slavens: Yes, sir,

Mr. Kirchoff: It's getting late

Mr. Slavens: Pending Mel's addendums

Mr. Kirchoff: Do you have some wording for us when I get to that?

Mr. Daniel: Yes

Mr. Kirchoff: Okay. Mr. Chairman, I move that the Plan Commission approve DP-19-204 as filed by Dustin Stevenson on behalf of Taco Bell requesting Architectural Site Design approval for a 2,456 square foot single story drive-thru restaurant zoned GC: General Commercial within a Gateway Corridor finding that:

1. The Development Plan complies comply with all applicable Development Standards of the District in which the site is located;
2. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted;

3. The Development Plan complies with all applicable provisions for Architectural and Site Design Review for which a waiver has not been granted;
4. The proposed development is appropriate to the site and its surroundings; and,
5. The proposed development is consistent with the intent and purpose of this Ordinance.

And that such approval shall be subject to the following condition(s):

1. Substantial compliance with the plans dated December 20, 2019.
2. The Larkin sign shall be removed, and the pavement conditions shall be improved for both the north and south roadway, subject to the Town's approval.
3. Petitioner agrees to extend the sidewalk along Main St. to the western edge of the adjacent Larkin parcel.
4. If in the future the Town of Plainfield decides that roadway improvements are needed, the petitioner agrees that it will deed a 9.5' strip of land along the eastern edge of its parcel to the Town, at no cost to the Town, to allow for the future public improvements to be constructed.

Mr. McPhail: Second

Mr. Slavens: We have a motion and a second. Take roll?

Mr. Klinger:

Mr. Phillip- yes

Mr. McPhail- yes

Mr. Brandgard- yes

Mr. Smith- yes

Mr. Kirchoff- yes

Mr. Bahr- yes

Mr. Slavens- yes

DP-19-204 is approved.

Mr. Slavens: Thank you and good luck.

Mr. Yanda: Thank you

Mr. Slavens: Last topic

Mr. Berg: One last thing here. We got a request from Helzberg Diamonds, or their architect. They are looking to do what's on the right there and I was looking for guidance from the Commission as to whether they believe that that was something they wanted to see come back through here or whether they felt that that was a minor enough change that it could be done administratively.

Mr. Slavens: Does it still meet the building coding standards?

Mr. Berg: Yes, I know that sometimes we want it, sometimes we don't, so I just wanted to run it by all of you guys since I see you every month.

Mr. Brandgard: I'm okay with it.

Mr. Kirchoff: I'm good

Mr. Slavens: Yep

Mr. Berg: Okay

Mr. Phillip: Carry on

Mr. Berg: We'll let them know, thank you.

### **OLD BUSINESS/NEW BUSINESS**

Mr. Kirchoff: Old business; it's been a few months since Kohls came in and said they would get all of those units hidden on their building. Have you been up there lately?

Mr. Phillip: No, but I'm glad someone else noticed.

Mr. McPhail: I was by there this morning, but it was dark.

Mr. Kirchoff: They did a couple on the front, on the that I could tell, they have not addressed hardly any of the others. So, I don't know what we want to do but...

Mr. Slavens: I thought before that it was conditioned to fix it.

Mr. Jones: We sent them a letter and indicated that they either needed to get started on it or come in here and discuss it with you again.

Mr. Kirchoff: Well, they were pretty explicit with you...

Mr. Bahr: They were very specific that they were going to take care of it right away.

Mr. Belcher: We have not CO'ed the addition yet; that has not been finalized for that additional bump out.

Mr. Phillip: Yep

Mr. Belcher: Obviously we could hold off on that and not let them occupy it until that gets taken care of.

Mr. Phillip: That would be consistent, I think, with all of the conversations that we've had here.

Mr. Kirchoff: They were very explicit; he was going to do the front ones right away and then he was going to get the others done.

Mr. Smith: He needed more parts or something.

Mr. Klinger: They acted very quickly when they had an approval that they needed, right?

Mr. Slavens: Yes

Mr. Bahr: Yes, they did

Mr. Brandgard: He said they were waiting on parts, but they ought to have parts by now.

Mr. Kirchoff: Yeah, that's been...

Mr. Phillip: Months

Mr. Bahr: A couple of months; September

Mr. Belcher : At least we haven't CO'ed it, which I don't believe we have. I'll let them know that, based on this conversation and let the owners know.

Mr. Slavens: Okay

Mr. Smith: I'm pretty sure that is was the next morning after they were here, they had expectations about what they were going to do. I was driving by and low and behold, there were guys up on the roof with panels. And they didn't start until the next morning, but obviously they didn't keep...

Mr. Kirchoff: You might want to drive out there and look at it; it's been about 10 days ago I was driving down the road and those units were still very visible.

Mr. : Okay

Mr. Slavens: Okay

Mr. Kirchoff: Thank you

Mr. Slavens: Gentlemen?

Mr. Smith: Can I ask one more... a project that I suppose will be on the agenda a month from now...can't hear me...

Mr. Slavens: Those of you that are still in attendance, if you guys could please...

Mr. Kirchoff: Folks, folks

Mr. Slavens: There is still a meeting going on, if you could keep it down a little bit, that would be appreciated.

Mr. Smith: A project I suppose will be on the agenda quite soon, I happen to have the Design Review Committee packet with me and it's...considering we had so much difficulty with the Strategic Capital building, this is the property next door. It's three proposed distribution buildings that are kind of wrapped inside the ramp that comes off of I-70 onto Ronald Reagan. I mean, there is no bigger gateway, right? And they are proposing three distribution centers. The Design Review Committee meets tomorrow afternoon here and I'd be interested, if anybody cares to just eyeball it, and have your quick reaction.

Mr. Brandgard: My reaction is what I see; it's the best we're going to get out of that area.

Mr. Smith: Yeah, but we'll have a little debate with them I suspect, because the elevations, the pictures, don't match the drawings of the building. The pictures show bump outs and other articulations on the building, about those kinds of things. I was more, just to be sure that we're all going to end up with three buildings there lined up, two in the front, one in the back; and so your visual appearance as you come off the ramp is going to be a pretty long look of distribution building on that side, even if it's in colors, even if it has articulations...

Mr. Klinger: So, Bruce, just so you know, there has quite a bit of discussion on this...

Mr. Smith: Already?

Mr. Klinger: ...project already. Yeah, at the staff level and I think it's worth checking to make sure all of our site plans are matching up because if they're not, we need to get that corrected. But I would guess that you're seeing elevations of changes that we've already asked them to make. And maybe their site plan hasn't caught up to that yet. So, we'll have to take a look at that but yeah, there has been a lot of discussion about that; about articulation and doing some different things.

Mr. Brandgard: They ought to have video...

Mr. Klinger: Yeah

Mr. Smith: Yeah, we haven't seen that.

Mr. Brandgard: ...showing that as you drive along.

Mr. Smith: Right

Mr. Berg: Structurepoint does know that there is a little bit of an offset between the elevations and they're working on it.

Mr. Smith: And these buildings look like they get fairly close to the pavement, so... we've had that discussion with Strategic Capital too. So, anyway, it's such an important gateway and it is right next door to a place we spent a year debating things. I want to be sure we're not all going to waste our time.

Mr. Slavens: Okay, good feedback, thank you.

Mr. Smith: I'll make it available here if anybody cares to eyeball it, otherwise it'll probably be back before long.

Mr. Slavens: Okay, any other topics?

## **ADJOURNMENT**

Mr. McPhail: I move to adjourn

Mr. Bahr: Second

Mr. Slavens: Thank you guys

Mr. Phillip: Thank you