



ADVISORY PLAN COMMISSION
Minutes

**Brownsburg Town Hall
61 North Green Street
Brownsburg, Indiana 46112**

Monday, August 28, 2023

The Brownsburg Advisory Plan Commission was convened at 6:00 PM with a moment of silence and the Pledge of Allegiance. A roll call was taken and a quorum was present.

Members Present: Shawn Pabst, Brett Scowden, Kent Fillinger, Jeff Humphreys, Steve Fletcher and Scott Doehrman

Members Absent: Richard Miller

Also Present: Jodi Dickey, AICP- Director, Jenna Wertman, AICP- Senior Planner and Executive Assistant Paola Ranney.

A. APPROVAL OF PREVIOUS MEETING MINUTES

1. July 24, 2023- Regular Meeting

Motion: Scott Doehrman made a motion to **APPROVE** the July 24, 2023 regular meeting minutes, seconded by Shawn Pabst, motion carried 6 In Favor/0 Opposed/0 Abstained.

B. APPROVAL OF FINDINGS OF FACT AND REPORTS OF DETERMINATION

1. PSDP-22-3 PARK 136 – ACORN STORAGE DPR MODIFICATION
2. PSDP-22-15 FOREST HILL (NORTHFIELD GREENS) DEVELOPMENT PLAN REVIEW
3. PSDP-23-11 THE COMMERCE PARK AT BROWNSBURG RACEWAY LOT 2 DEVELOPMENT PLAN REVIEW
4. PCCZ-23-3 CARR PROPERTY COMMERCIAL DEVELOPMENT CONDITIONAL REZONE
5. PCPP-23-9 CHRISTIAN BROTHERS AUTOMOTIVE PRIMARY PLAT

Motion: Shawn Pabst made a motion to **APPROVE** the Findings of Fact and Reports of Determination in the above cases, seconded by Jeff Humphreys, motion carried 6 In Favor/0 Opposed/0 Abstained.

C. HEARING OF REQUESTS FOR CONTINUANCES

1. None

D. DEVELOPMENT PLAN APPROVAL REQUESTS

1. PSDP-23-9 KID CITY DAYCARE DEVELOPMENT PLAN REVIEW

A request to approve a day care of 8,900 square feet with associated site facilities. Located at 1570 E US Hwy 136 on approximately 3.63 acres.

Parcel(s): 32-07-13-200-040.000-016

Jenna Wertman presented. Jenna stated that the applicant requests Development Plan approval for a new 8,900 square foot daycare facility with associated site facilities that include a large detention pond, parking lot, and play area. She explained the proposal and logistics for this plan. Jenna opened the floor for questions from the Board.

Mr. Humphreys asked about the entrances to the property and facilitating good flow. Jenna explained that ultimately INDOT will have the last say on this aspect of the project.

Mr. Doehrman asked about the distance between the retention pond and the parking lot. Jenna turned that question over to the applicant.

Mr. Scowden asked about the involvement with INDOT accepting the access point. Jenna stated they are working on the plans but stated applicant would have more information.

Applicant Jennifer Roberts, stepped up to the stand. She stated the distance from the drive to the pond is around 43 feet. Mrs. Roberts also added that they are working with the railroad department.

Mr. Humphreys asked about added parking spaces. Ms. Roberts stated the site is very limited so they would not be adding more parking. She also stated that INDOT has indicated acceptance of the access point but they do not have this in writing as of yet.

Motion: Jeff Humphreys made a motion to **APPROVE** PSDP-23-9, seconded by Shawn Pabst, motion carried 6 In Favor/0 Opposed/0 Abstained.

E. OLD BUSINESS

1. None

F. CONTINUED PUBLIC HEARINGS

1. None

G. NEW PUBLIC HEARINGS

1. PCCA-23-1 BEACON POINTE FENCE COMMITMENT COMMITMENT AMENDMENT

A request to remove a zoning commitment from the Primary Plat related to fencing, related to Lots 122-137 of the Beacon Pointe Subdivision.

ADVERTISED PUBLIC HEARING OPENED AT 6:16 PM

Jodi Dickey presented. Jodi stated the applicant is requesting to remove one of the Beacon Pointe primary plat commitments regarding fencing in its entirety. She also explained that although the commitments were made by the developer, that entity no longer owns any of the affected parcels. Jodi talked about the annexations and the time lines. Jodi opened the floor for questions from the Board.

Mr. Pabst asked if the developer was contacted about as to why this policy was not added to the covenants and restrictions. Jodi explained that the developer stated that at the time, it was determined they didn't own enough property to amend the CCRs.

Mr. Doehrman asked if a resident had already put up a fence. Jodi stated there has not been a fence put up yet by a resident.

Applicant, Mr. Patrick Cummins stepped up to the stand. Mr. Cummins explained and discussed the burden this commitment has brought to part of the community. He continued to list all the ways this is unfair, expensive and unnecessary. He submitted emails from interested persons supporting his case.

The Board and applicant discussed and clarified lingering questions regarding this case. They discussed HOA obligations, status of the subdivision in 2018, the commitment for the rest of the subdivision and past APC approvals.

The public hearing was opened at 6:43 PM

Mr. Douglas Gifford, representing the Maple Grove HOA, spoke against the proposal. He is proposing that this commitment be modified to mitigate the financial impact and still meet the original intent of the commitment. Maple Grove residents would like to see the requirement to install fencing remain in place but with different materials. Mr. Gifford proceeded to list some fencing options that he felt would satisfy both parties.

A handful of Beacon Pointe residents spoke in favor of the request.

Sara Cummins, Todd Arnold, Chris Bennet, Alan De La Vega, Greg Johnson, James Strong and Patrick Adkins all mentioned the specific requirement for composite wood was financially burdensome and would like to be regulated the same as the rest of the Beacon Pointe subdivision.

The Board and the applicant discussed the questions and comments the residents brought up. The Board decided it would be best to continue the case to allow the Maple Grove and Beacon Pointe HOAs time to work through some of the details.

ADVERTISED PUBLIC HEARING CLOSED AT 7:34 PM

Motion: Scott Doehrman made a motion to **CONTINUE** PCCA-23-1 Beacon Pointe Fence Commitment to November 27, 2023, seconded by Jeff Humphreys, motion carried 6 In Favor/0 Opposed /0 Abstained.

The advertised public hearing was recessed and continued to the November 27th regular plan commission meeting.

H. COMMUNICATIONS AND COMMITTEE REPORTS

Report from Director of Development Services – Mrs. Dickey presented our new board member, Mr. Kent Fillingier. Jodi also reminded the Board about the next UDO meeting. Mr. Scowden asked about details on when the outline for the UDO would be available. Mrs. Dickey responded she will reach out again to follow up.

I. MISCELLANEOUS BUSINESS

- 1. None

J. ADMINISTRATIVE FILINGS

- 1. None

K. CASES FILED FOR FUTURE MEETINGS

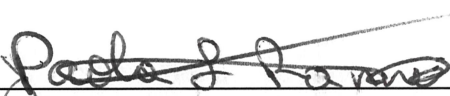
- 1. PSDP-23-14 Christian Brothers Automotive DPR

L. ADJOURNMENT

Motion: Jeff Humphreys made a motion to **ADJOURN: 7:36p.m.**



~~Brett Scowden, President~~ ^{Verif}
REINHARD MELLOR

ATTEST: 

Paola L. Ranney, Administrative Assistant