CALL TO ORDER

ROLL CALL/ DETERMINATION OF QUORUM
Mr. Satterfield, here.
Mr. McPhail, here.
Mr. Brandgard, here.
Mr. Dunkin, here.
Mr. Kirchoff, here.
Mr. Gibbs, here.

6 members present, none absent. We have a quorum for the purpose of conducting business.

Mr. Carlucci conducted the roll call

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - November 2, 2009
Mr. Gibbs; I assume everyone’s had the opportunity to review the minutes from November 2nd. If so I am prepared to hear a motion.

Mr. Brandgard; Motion
Mr. McPhail; Second

(inaudible)
Mr. Satterfield- yes
Mr. McPhail- yes
Mr. Brandgard- yes
Mr. Dunkin- yes
Mr. Kirchoff- abstained
Mr. Gibbs- yes

Mr. Carlucci; Mr. Kirchoff abstained because he was absent at that meeting. Thank you, Mr. Kirchoff.

Minutes are approved.

Mr. Gibbs; All of those in attendance we should make a presentation this evening we need to stand and take an oath.

OATH OF TESTIMONY
Those who are in attendance to present information to the Board must stand and take and oath of testimony.

Mr. Daniel; conducted the oath of testimony.

PUBLIC HEARINGS
Public Hearings are designed so as to allow public input regarding the subject matter.

PETITIONS FOR PUBLIC HEARING
RZ-09-003  CLP Acquisition, LLC

Mr. James; The first petition, petitioner asked to be continued to the January 4, 2010 Plan Commission Meeting. Would like more time to work with the settlement which is south of the property, to work out some concerns that they wanted to take care of first. Everyone was in agreement that we should continue this to the January meeting.

Mr. Kirchoff; Motion
Mr. Brandgard; Second

Mr. Gibbs; I have a motion and a second. Mr. Carlucci will you poll the board on continuing this petition.

Mr. Kirchoff made the motion with second by Mr. Brandgard.
Mr. Satterfield- yes
Mr. McPhail- yes
Mr. Brandgard- yes
Mr. Dunkin- yes
Mr. Kirchoff- yes
Mr. Gibbs- yes

6- ayes, none- opposed, motion is approved.

Mr. James; That brings us to the next petition on tonight’s agenda.

**RZ-09-004 Brian J Tuohy representing Six Points Road Developers, LLC**

Mr. James; Requests to rezone from agriculture to commercial (inaudible). It is approximately 5.1 acres to rezone, the rest would be pending annexation. This is remnant property that the Indianapolis airport authority currently owns but they have agreed to sell the property to the petitioner. We obtained the properties back in the 70’s when the airport litigation they've owned it every since. The property was never annexed. So they are selling the property to the Indy park ride and fly developers who fill up their airport parking service. East of this property, it is about 8 remnant lots east side of the Ronald Reagan Parkway and south of Metropolis parkway. It does have frontage on Ronald Reagan Parkway so getting these properties it would give them frontage along Ronald Reagan. The abutting property east, which was annexed and rezoned last year by the Indy Park Ride and Fly. The back 26 acres rezoned to I-3 to allow for airport parking use. All of their property was primary platted as primary industrial park. There’s the Ronald Reagan Parkway 8 remnant lots, this is the Metropolis Parkway expansion right here. Extension is (inaudible) this is the access street that was planned in the transportation plan. The Verus property here. Then we have built a street back in here, and the airport parking services is back in here. Adding these 8 remnant properties, that gives them frontage on Ronald Reagan parkway. It would be consistent with the master plan with the rest of the park. Zoning is consistent with the other rezones that were done on the east side of the Ronald Reagan parkway, this is the Wamsley piece that was rezoned C-I here, I-2 back here, then you have the Verus rezone, C-I here, I-2 back here, and then Indy Park Ride and Fly rezoned last year. C-I here, this was rezoned I-3. With the commitment that the auto service airport parking could go back there. You could propose to rezone these properties to C-I to make it consistent with zoning land issues that have already been established, east side of the Ronald Reagan parkway. Now that we are getting this property they can now build off the Metropolis Parkway extension entrance as originally designed right now. They are restricted to 2 lanes at the entrance we can now build it as planned. It is consistent with the previous rezones C-I zoning with the frontage on the Ronald Reagan parkway. Rezoning and annexing in these properties (inaudible) and are consistent frontage at Ronald Reagan Parkway front yards and premier landscaping eastside recommended by the Ronald Reagan master plan. The extension can be built out as shown in the transportation plan. And we recommended the same rezoning commitments that we’ve done and we put the (inaudible) C-I that’s the level 3 landscaping in the front, minimum lot size 10,000 sq. ft. We don't need a commitment with the gateway standards because it is within 600' of Ronald Reagan Parkway and the C-I zoning bars have to be a 30' front yard and setback and no parking in that front yard set back which was recommended in the Ronald Reagan Parkway master plan.

Mr. Kirchoff; So what you are saying Joe is that we don’t have to meet the gateway standards, but we have to meet the Ronald Reagan Parkway standards. (inaudible)

Mr. James; It’s consistent with what’s recommended by the Ronald Reagan master plan. Some additional commitments that we need, we need to get the right of way dedicated to the town, for the extension entrance. We need a commitment that the entrance be completed by the end of August. Verus, they have a concern about that entrance being completed. And there’re temporary street light poles that were put in at the entrance, we need to make sure that those are reinstalled and they comply with town standards the metal street light overheads so there’s another commitment there. And we need to be consistent with what we have done on the Metropolis Parkway to the west and also to the interior street that already has a street light within the industrial park. With that I will have a seat. Brian Tuohy is here representing the petitioner and I’ll turn it over to Brian.

Mr. Tuohy; Good evening Mr. Chairman, and members of the commission. My name is Brian Tuohy and I am an attorney in Indianapolis, and our address is 50 South Meridian. And first off, thank you for case this evening. Joe covered this well and I believe...
the chairman ask that the presenters to be precise and brief and I will try to do just that. As Joe said that this is an infield site it is 5 acres on the 5.1 acres on the Ronald Reagan Parkway. If this is working you can see it on the left side of the photograph there. Those lots there are 7 lots plus 1 down to the south end. And they equal about 5.1 acres, they were not conveyed to us when we were here a year ½ ago. The reason, I wanted to give you one explanation why we didn’t do this the first time, is because we didn’t own the land, the seller at that time was not willing to sell us the land but they have since changed their mind. So we, this is the photograph that copy backs up to the airport property so the property on the far right where the woods comes in is on the annex of the airport and this is the land they agreed to sell to us. It made sense to us to rezone it to C-I, because the property next to it is C-I, and so give it max that existing zone. The other thing that we’re doing (inaudible) when this was developed, we didn’t own this lot so we couldn’t put Metropolis Parkway in as fully as we wanted to so we, it goes like this. So if you’ve been out there, what happens now is you come in like so, and then you go over here own the property and come down, and with this purchase of this rezoning we’ll own this and we’ll fill that side in so it will just be a straight shot here. (inaudible) straight, direct route here to Plainfield Road and one of the commitments that Joe asked us today for us was once we purchase this and it gets rezoned we fill that section in with (inaudible). Joe asked us to make a commitment to use the kind of street lights that the transportation director would recommend and place that, we would be fine with that. I would ask that we have until we complete that roadway to put those street lights in and my suspicion is that you want to do that sort of together. So we will have till August to put those street lights in, which is the same time we have to finish that road. We hope to close on this once that is closed the purchase of it as we have the annexation completed which I believe Mr. Carlucci has started. It will just sort of fill in, that is why I refer to it as an infield development it will fill in the piece of land that we don’t have, that separates the six points road property from the Ronald Reagan Parkway and we, so it’s the same ownership. The other commitments Joe mentioned were to commitment not to less than a 10,000 sq ft lot, we’re fine with that, we had that in the other previous rezoning, and he asked that we agreed to a landscaping level 3 that we would agree to that, we would ask that not have to put have to put that level 3 landscaping in until those sites get developed. I think that was Joe’s intent also. So with that and trying to keep it brief and precise we’ll certainly try to answer any questions you might have and we appreciate your time this evening, and appreciate your favorable consideration of our petition.

Mr. Gibbs; Does anyone have any board members have any questions at this time?

Mr. Kirchoff; The only question I have, I can’t remember if Mr. (inaudible) or Joe can help, we have some discussions about signage out there and is it because the road wasn’t complete or does this help us get this back to where we had anticipated it finished. Do you remember that?

Mr. Tuohy; I do remember that and there was some questions about it and I think it Mr. Kirchoff, we’ll address that. We came up with a sign plan, given that we didn’t have that land along there, and I think what we will probably do is come back to see you once we get a different sign plan once we get that land and present that to you. But we, the problem was we didn’t have any frontage, and so now we just have 1 sign in Metropolis Parkway and I think what we will do is have an integrated sign that covered the whole development but we didn’t have a place to put it before. And once we acquire this land we will.

Mr. Kirchoff; I guess my question is, should it be one of the commitments we put in here tonight?

Mr. Daniel; I’d have to think there needs to be a commitment in here, I think they will have to comply with the sign ordinance.

Mr. Tuohy; I wouldn’t know enough tonight to make much of a commitment.

Mr. Kirchoff; No, no the commitment would be that you would be that you (inaudible)

Mr. Tuohy; I think we got to come back.

Mr. Kirchoff; Alright, thank you.
Mr. James; Answers about the sign, it was a temporary sign and temporary location. They didn’t have the right of way, but the sign has to be moved for it to complete the entrance. When it is moved any other sign will have to comply with the standards and have the required set up.

Mr. Tuohy; I believe that sign sets now (inaudible).

Mr. Gibbs; Thank you, at this time I will open it up to the public for anyone to make comments in favor. Or questions or concerns about this petition. If not, I will close this public portion of this meeting and open it back up for the board for any questions, comments, or motion.

Mr. Kirchoff; Should those be part of the motion?

Mr. James; Yes, those two commitments that are (inaudible).

Mr. Kirchoff; Mr. Chairman, I move that the plan commission certified the zone amendment request RZ-09-004 is filed by Six Points Road Developers, LLC Requesting the rezoning of approximately 5.1 acres from AG – Agricultural to CI- Commercial Industrial district, of a favorable recommendation. Subject to the following commitments they submitted on exhibit A, prior to certification of the Town Council

1. Lot size should be 10,000 sq ft.

2. To the front yards shall be landscaped with level 3 perimeter landscaping when developed.

3. A right of way for the remaining portion of Metropolis Parkway extension, such entrance shall be dedicated to the town, before the Metropolis Parkway will be completed as designed by August 31, 2010.

4. All street lights of Metropolis Parkway will be the standard metal street light used for the town, location under approval of the town transportation.

Mr. McPhail; Second

Mr. Satterfield - yes
Mr. McPhail - yes
Mr. Brandgard - yes
Mr. Dunkin - yes
Mr. Kirchoff - yes
Mr. Gibbs - yes
6- ayes, none opposed, motion carries

Mr. Gibbs; Thank you.

Mr. Carlucci; The reason I am having him say your names is, we are going to be having someone brand new doing these minutes, probably do not know your voices.

Mr. Gibbs; Next item on the agenda DP-09-013.

DP-09-013 Thomas Michael Quinn & Ben Comer, approximately 1930 E. Main Street, requesting Architectural and Site Design approval for a gas station within 600’ of a Gateway Corridor and Residential.

Ms. Sprague; This one is for the Kroger gas station, a lot of this will be familiar to you, so I will just try and go over the old stuff briefly. It’s the Kroger location, they have not moved the actual location of the gas station itself. It’s zoned general commercial and is primarily surrounded by general commercial although there is a subdivision to the North. They’ve changed a few things, and I’ll show you those things in a minute. There used to be a parking proposed on the west side of the property, they’ve changed that and instead to a landscaping island so that it did not require a variance for a development incentive. The entire front parking area again has been reconfigured to have angled parking and other traffic stop bars and things to help slow and improve the flow of traffic. And they have also provided all the parking that would be required. The DRC did recommend a couple of alterations to their landscaping, they’ve made those changes. The canopy signage has been, or the canopy itself has
been enlarged so that the signage fits on there. They have done a traffic study for us but I didn’t have enough copies for everyone one. And they might as well. At this time, they are not asking for any waivers or development incentives or variances. Also the pedestrian connections the one thing they were asking for a waiver for, instead of having it go to the gas station or the gas kiosk itself, guess there isn’t really going to be anything there for pedestrians to go to, staff has asked that they put a sidewalk in on the east side of the main entrance so that people coming from the east and primarily from the trailer park up there can get into the Kroger itself without having to walk through the entrance. Also, they are still willing to work with the town at such time we plan to put in a trail along the creek. And one other issue they have is, there is a property owner to the Northeast of the Kroger, they have pedestrians walking through the yard to get to Kroger all the time, so they’ve asked Kroger to put a fence to help block the pedestrians. And also staff asked that they put in a path way on the Westside of the building so that the people that were walking through that guys property would have someplace to go that would not be through someone’s property. There is a stub street on the Northwest side of the Kroger that goes up into the subdivision. And in the traffic study, the engineers that did the traffic study, they say the traffic generated by the gas station won’t increase the level of service either at the intersection of 267 and 40. Or the right in, right out, that’s just south of Ritter’s. The level of service won’t increase, interpreted to get in and out to go across any of the directions of the intersection shouldn’t increase by anything substantial. The speeds on site, they also measured those. And the average speed is actually only 17 miles per hour through the parking lot itself. And they noticed the highest speed was about 23 MPH. This is the site plan and it probably looks familiar. This is where they changed from parking to the landscape island, and then they added any missing parking that they had over here on the right. I think that is the main thing they’ve changed since you saw this last.

Mr. Kirchoff; When was the last time we saw this?

Ms. Sprague; April was the most recent one and the one before that was in February, that was the first time. This is the landscaping just to remind you. They plan to put in the cart corals just like we’ve asked at Wal-Mart and stuff like that. Then here’s the landscaping and the new landscaping island. And then I did a blow up of the site plan to show you the routes that they were hoping the trucks will take that will come in this way, and I believe they go around this way. They come around and unload their gas and then they come out the main entrance. And then again just as a reminder the elevations of what they will look like when they do meet the ordinance requirements. And then this is also the rendering on the bottom to show what it would look like with the fuel station. And then they have changed their plans to meet DRC’s recommendations, they’ve changed their site plans so no variances, development incentives, or waivers are required. Based on the traffic study, I think that was your guys’ main issue, you feel they’ve cleared up any issues that they had before. The petitioners are here if you have any questions.

Mr. Gibbs; Does any board members have any questions for Jill at this time? If not I think the petitioner came in a little bit late, so we will need to administer the Oath of Testimony to anyone (inaudible).

Mr. Daniels conducted the Oath of Testimony.

Mr. Comer; Good evening gentlemen, Ben Comer, address (inaudible) with Kroger, this development plan and review to store an accessory fuel station in conjunction with the Kroger store here in Plainfield. I’m going to supplement the information submitted by Jill with your staff. Little background, Kroger has served the residents of Plainfield from this site for over 40 years now. Which is a long time for any business, and over the time they have been there, the grocery industry has changed significantly. This is a small store compared to what they build today for grocery stores. In addition over the years they’ve added different departments to this store, a pharmacy for example. Now these days it’s a fuel center that is a department that is built in conjunction with grocery stores. It’s a wider version of what a Kroger does with every new store. You will find it is common with other types of grocery stores that they build little stations in conjunction with those as well. It’s just part of the customer service that they provide. So Kroger is in the process of adding fuel centers to all of their old stores around the Indianapolis market. Their coming up on 1,000 fuel centers in this marketplace. It’s a very
important part of their business, I hope you can get the feeling of how important it is just by the mere fact they are back before you again tonight. It’s relatively small compared to the overall store. Their overall store is 59,000 sq ft on 8 acres. What we are proposing is a 3,000 sq ft, fuel center with roughly a 112 sq ft kiosk, where it has 4 pumps in it, 8 nozzles. We estimate that 25% of the Kroger customers will gas up at the same time that they shop. It’s just significant of the fact that that’s 25 less trips of people coming in and out when they take care of it at the same time. It will be a positive impact on your traffic structure. There is one other significant factor that is different than the last time you seen this, in addition to what Jill pointed out. And that is the fact that the old National City Bank building, why that is significant a couple reasons one in particular is, that removes an additional potential use on a property. Now to just Kroger use and we don’t have another type of business can come into generate more traffic, it will all be associated with just the Kroger use and it will cut down on any potential increase to that entrance way. As staff mentioned about the traffic study, the level of service would not be impacted, I would like to also point out that on page 20 of your traffic study that was submitted goes into the recommendation, what those recommendations say is basically that need to add some pavement marking and signage to identify lanes, one way lanes. So at the beginning of the islands, sorry I don’t have a pointer, but coming into the entrance there will be pavement markings on these aisles designating which way you can go and you can’t go. You can see here, here, and here as well as designate lanes in the same. That is part of the recommendation of the traffic study. And it is one that has been incorporated into our plan. The significance of the landscape island here is opposed to parking on the side, besides the fact that this meets the ordinance now is that it offers a physical barrier between this drive aisle and this drive aisle. It will separate and segregate the uses, which we feel is important. (inaudible) within that but it will separate the traffic from the adjoining properties. The parking meets the ordinance in every regard and while we’re talking about parking, I will add over here by the bank where this is now parking, this is a sidewalk that is below grade so it can’t be used for construction of a building, I’m not sure how that bank building ever got built there in the first place but it wouldn’t be approved today, and this parking is considered prime by Kroger, Kroger due to the fact that the entrance is located here at the Northeast corner of the building. That is where they consider prime parking lot by removing the bank it has allowed for additional parking spaces to be had. The cart corrals would be installed like the ones requested by the staff I believe they are similar to the Wal-Mart type parking corrals if not exactly the same. The lighting requirements meet the code, in the DRC requirements, signage is per the ordinance. There is one other aspect of this application that I would like to discuss and that’s the issue of the (inaudible) and why in this particular case (inaudible) is not required. And that is the fact that this is an accessory use to the business, and not a separate use. It really is in their business another department that they utilize in their store like a pharmacy or (inaudible) it can’t locate it on the other side of the property(inaudible) near their entrance and they need to keep that department separated from the main entrance, so this is of the grade necessary (inaudible) that needs all the code regulations/variance regulations. But the fact is the sensor use and theirs actually on the utility plan it shows communication lines running from the gas station to the building, because what they do is it runs all the business and receipts and discounts runs through the main Kroger offices located inside this building, it’s all tied together by the communication. So if that was to be separated from the Kroger business, spun off if you will, (inaudible) it would be run as one of their departments. Which is much different of a scenario than say a Shell gas station or a Marathon gas station, or what have you, where those gas stations are the primary use in of themselves. If there is a so called convenience store associated with it, it is located behind the pumps, where the pumps are front and center, and that is the primary use on the property. It also sells tobacco and pop along with that, this is a much difference in scenario is the relationship of this small area related to the overall larger business. So given our analysis of ordinance and the staffs as well, and the traffic consultant, we believe we bring a plan to you that meets your ordinances in every regard. It complies with the sub division control ordinance for these reasons stated and is confirmed in the staff report. Complies with the architect control is verified by the DRC, it’s appropriate to the site and surroundings because it is an allowed as an accessory used to the Kroger store, and we have incorporated the traffic study into the plan, and it is consistent with the intent and purpose of the Plainfield
zoning ordinance as also stated in a staff report dated December 7, 2009. So we bring to you the TAC approval, the DRC approval, we’re not asking for any waivers or variances, so we ask your support in passing this so we can begin construction. We’d also ask that you’d adopt the findings of fact that were submitted with our application and if you think that you are going to adopt some negative findings in fact that we would ask to know what those are tonight specifically. We thank you very much for your time, the traffic engineer is with me, the in-house engineers, Kroger business folks, so I’m confident we can answer any questions you might have. Thank you very much.

Mr. Gibbs; Does anyone on the board have any questions at this time? At this time, I will open this up to the public, for any comments in favor or opposing this petition.

Mr. Haase; Good evening Mr. President, and commission members, my name is Mitch Haase, I reside at 7095 Hickory Hollow Court, Plainfield, Indiana. The adjacent property just to the west of Kroger. This is what you make the big bucks for, is making these big decisions tonight. Being that I’ve sat in your shoes before, as you know and remember I was with some of you up there. Being that this is allowed by the ordinance they are not asking for variances, waivers or anything. I’d have to say I think it should be approved. If we don’t say it can’t be we’d probably say it should. That’s all I’m going to say on that. But I’m not in favor of it. I’m less in favor of it now than when it came before they had those last time parking spaces. They don’t have to do those parking places. Those permit to appease me and they worked pretty well at that back then. But evidently I suppose it required a variance or development incentive or something from the town, to have those in there instead of that landscaping. I don’t think it’s an improvement in thirty years. The town has served the town for well over forty years I know that. Everyone tells me they were downtown Plainfield at one time, but I was too young to remember that one. But I don’t think they’ve been at this location for forty years. One of the fuel stations is going to be centered is right in front of the walk up pharmacy. Taking all those parking spaces they now have saved out there for the walk up pharmacy, and now they are going to do away with it. I’m a Plainfield High School graduate, I graduated from IU, I get most of my business (inaudible) from the seat of my pants or my parents that raised me. I don’t see things as this big corporations and I realize that, I’m a one man team, I’m a one (inaudible), sometimes you can’t tell which end. But I will tell you one thing, those fuel trucks will come in and out of my property. They can say they want those trucks to go this way, I can guarantee you they won’t make those turns, and they say well lets just go through Mitch’s property, we’ll come up around and come in. I can’t stop that, even though I want too. I want to make clear what they show is for the trucks, they will do it a couple of times and then it will get to tough and they will start taking the easy way, the way everybody else does. Kroger’s thinks that those parking places down in that hole, where the bank used to be is prime parking spaces. I got some really good (inaudible). I’ve driven people in those parking spaces, there’s been one car parked there, a Lincoln continental of a certain age. I’m sure it is an employee, well, while there is one car parked down there, there is 20-25 cars parked over here where they are wanting to alleviate all the parking (inaudible) they say they can’t put it on that side because of DNR, but they have no proof of that because they haven’t gone to the DNR and gotten a letter from them that states “no we won’t let you put that property there.” So while I think they should be allowed to do it by the ordinance, I think there are problems with what they are presenting. I also think there are 2 times a day, we all know this when people generally get gas, that’s morning and night, and that is really going to impact the service level of those, I’m not a traffic expert, but again, I’ve lived at this property for 48 years. I can tell you traffic comes and goes (inaudible), they’ve done an excellent job on the store remodel. They have a beautiful facility. It is an enhancement to my (inaudible). They not sure the fuel center is part of that enhancement. They’ve even gone to striking the exit going out the south end there on 40, before the (inaudible) the lanes marked. They have done a lot of good things in this location. But I’m probably going to have to say and going to have to take a stand, that I am not really in favor. That’s my personal opinion. Thank you!

Mr. Gibbs; thank you, anyone else from the public?

Mr. Eaton; My name is Roy Eaton, I live at 2000 Hawthorn Drive, Plainfield, right directly behind Kroger’s. They were talking about how long Kroger’s has been there. I know they have been there 30
years, I think they built the original store in 1979. I sold them some of the ground that they are on now. They have been a good neighbor. I don't know whether they will have any problems with their fuel center or not, but I'm sure they've worked out some problems with me that I've had with them and I believe that any problem that they might have they (inaudible) and make friends with everybody. (inaudible)

Mr. Gibbs; With that I close the public portion of this meeting and open it up for the petitioner to address any of those comments and concerns.

Mr. Comer; The fuel access where trucks come in and out will happen 2 or 3 times a week, while we are not going to be able to track (inaudible) to direct them where exactly to turn and at the stop light. They are instructed to use the stop light by Kroger's (inaudible). So 2 or 3 times a week, the instructions, Mitch may be right, it may go (inaudible) once in a while. But 2 or 3 times a week it's not really a big bother. Even if it does happen, the location down there the old bank building, not all of us are engineers, we have to consult engineers, Kroger's has consultants and engineers that they rely on heavily to advise them on DNR regulations IDEM regulations, site plans and so forth. We at the request of Mr. Haase, we contacted our consultant engineers and they have given us a written analysis on this situation and what it says is that as is (inaudible) your not going to get approval. It’s going to cost a lot of money and it’s the end of the day it’s going to get denied, so their advise is you'd be foolish to try. So that is the advise we have to take just as you as a group we rely on your technical advisors, we have to do the same. So that is why we are not location where the old bank used to be. And for the opposite reason, we are proposing where we are it is an expectable grade for all the environmental and government bodies to approve it there. Is there any other questions I need to address?

Mr. Carlucci; I just have a question, in terms of the fueling station, how many, this is not really much of anything, other than I'm just kind of curious, do they have a percentage of Kroger shoppers versus none Kroger shoppers that use that fueling station, like 60-40 Or 70-30, something like that?

Mr. Comer; It is a 2 part answer, Steve Fehribach with A&F is going to try to help me answer that traffic portion of that. Roughly 25% of the fuel customers are Kroger shoppers during that trip. (inaudible).

Mr. Steve Fehribach, with A&F engineering, over at professional engineer licensing of the state of Indiana. Approximately 25% of the trips that are going to be using the gas station also shop at Kroger, another component of that are the people that are inside the area that also have access to this, Ritter’s and so forth and so forth. Approximately 20% of the people that may shop at those other areas will also use the Kroger gas. So as much as 45% of the trips that come in and out of the Kroger gas, people are already inside the parking areas of the whole area.

Mr. Brandgard; With that said, how many customers (inaudible)?

Mr. Comer; Estimated or predicted 790.

Mr. Brandgard; A day?

Mr. Comer; Yes.

Mr. Brandgard; 790 a day, 40% would be already there that would leave 60% would be coming in there basically just to get gas. And your study says insignificant increase in traffic.

Mr. Comer ; A couple things, the way truck engineers and people in my field look at things is what you just quoted was a 24 hour trip. What you quoted was from the time the store opens to the time the store ends. Typically the way you look at things is with peak hours and with this case, the reason you look at peak hours is because you want to make sure you design for the worst case scenario out on the street. So when you say there is going to be 60% or whatever the number you quoted that is over the whole day all day long. Secondly what you look at is you also know that some of the people out on 267 and out on 40 are people that are driving by the site that are already on the road system and all they do is make a right in or a left in, make use of the gas and leave again. Those are called pass by trips, so when you start
factoring in the what we refer to as the internal trip, which is the 45%, then you would look at the by pass trips, which is the people already on the street system that are just going home from work or going to work to their office, that number starts coming down. In fact in the PM peak hour what your going to see is approximately 36 new trips at that intersection, so when you look at that and you then compare it to the traffic that is already at that intersection you do what is called the level of service and that is what staff was quoting. Really what is going to happen out there is the average delay that you experience at that traffic signal is approximately 36 seconds. It’s going to go up to approximately 37 seconds when you add this traffic in there. So that is why we are able to say there is a minimal number of or there is not a negative affect to this traffic and the level of service will stay the same.

Mr. Kirchoff; I guess my concern is when you put (inaudible) through there is not at the intersection, it’s between the pumps it’s that east west through there, that’s a traffic hazard now, you put 40-50 cars through there, it’s going to be...

Mr. Comer; One of the as I alluded to in the recommendations page of the traffic study, is the lane designation within the center that will cut down on those terms.

Mr. Kirchoff; I’m talking about between the pumps and where you have those angle parking. If I’m going to the hardware store and I’m going to the stoplight, I’m going to be going through there and your going to add another 50-60 plus cars a day through there is that (inaudible). Going south parallel to 40, right there, your telling me your going to put another 450-475 cars through there every day. And that is already a traffic hazard.

Mr. Brandgard; You come in you go out, that’s 900 trips.

Mr. Kirchoff; That’s been my concern all along. The intersection I think we, it’s there, there is no way we can close this off, that would be that is where the flow is, the where the accidents are going to occur, with the cars coming in and out of their everyday. I think we’re just (inaudible).

Mr. Comer; As Steve said it is over the entire day, some a lot will not be coming in right in and out will not be doing the pattern I’m showing, some will some will be coming from the parking lot some will be coming from the adjoining property. I guess the thing we go back to from an engineering design. Everything that we’ve been told is that it meets standard engineering (inaudible).

Mr. James; Clarification, when I hear we are going to add 60% more new trips to the center, and also we need an understanding of the worse case scenario, what impact is this going to cause on new trips during morning peak hours, and evening peak hours?

Mr. Comer; I think I’ll start with the worse case scenario AM peak hours, PM peak hours, again we do that with a level of service analysis in a since it is an A B C D E and F. Where A is free flow, F is considered at or over capacity. The caution you (inaudible) lot of people start looking at the letter C’s and D’s and thinking that’s bad. Mostly because our kids come home with C’s, D’s, and thinking that’s bad. That’s not the case when you are talking about traffic engineering. E is typically saturation, F is over saturation. So during the AM peak hour, today what you have out there is level of service C. And will continue to have level of service of C when we add this gas kiosk. Today what we have out there during the PM peak hour is level of service D and we will continue to have the (inaudible), not only is the D relatively low, before we even get to the saturation point of E is several hundred cars off during that PM peak hour. The trip generation that I think Joe was asking about on the first question is that after we take off the internal trips, he made a comment about 60% new trips in the site, again those trips are while they are new to the site because they are getting gas, they are already on 267 or 40, so they are not new cars to your overall system. But during the AM peak hour, after you take off the internal trips and the bypass trips, your only going to generate 23 new vehicles in and out of that driveway in AM peak hour, and then also in the PM peak hour, your going to generate 36 new trips in and out of that driveway, trips that aren’t already on the street system. The overall impact if you want to think about it is how many cars is going to come in and out of those driveways during the AM peak hour and this is total, this is before you even take off the 45%
of the extra pass by trips. In the AM entering is 50 vehicles in one hour. That’s less than 1 a minute, and in the PM exiting which is critical is 56 cars in one hour which is less than one a minute. I don’t know if that helps you Joe. That’s the issue.

Mr. Brandgard; If I could say something, the real issue that I’m having is not how many is going in and coming out, it’s how well you can handle that within the property? But a lot (inaudible) that is a congestive property with cars and car movement, and you are going to add to that, and that’s where I’m concerned about it is, how well your going to be able to handle the increased traffic within the property? That’s come back to part of our job as proper use of the property.

Mr. Comer; If you can give me a minute to explain what we have done to verify that there is not going to be a problem with the added traffic. The first thing we did is we did a speed study. Literally took a speed gun out there and found out how fast the traffic is moving back and forth from the Ritter’s area to the gas kiosk area. Basically it’s running about 17 MPH, so that is pretty slow in that area. So that tells that traffic, that it is a pretty safe environment when people are moving that slow. If we saw speeds in excess of 30 MPH going back and forth and things like that, I’d say to myself what is going on out here to allow this to happen. The second thing is we did an existing count at the right-in right-out area right in here, so we counted that intersection along with this intersection so during the PM peak hour because it is the most critical there is 46 cars exiting the driveway and turning right going westbound. At the same time there is 16 entering the driveway so when you start looking at those numbers again, this driveway here, before we add our cars on there, we are still at less than 1 car exiting a minute and one car entering in the same hour.

Mr. Brandgard; Your missing my point. Your talking about road traffic, on public highways going in and out, I’m concerned about the flow of traffic within the center of the Kroger property. Because, I’m going to give a personal situation. I very seldom go in there, my wife refuses to go in there because of how difficult it is to get through there already.

Mr. Comer; I understand your question, and what I propose to you and what Kroger proposes to you is that because there is no structure or distinction between the Ritter’s and Kroger parking lot, it’s basically a free for all in there at the moment. And what this is going to do is add structure to that internal parking lot, it’s going to distinguish physical barriers between this drive lane and this parking lot. Not only with this barrier, but with this use itself. People that come zippin in through here because there are no barriers or structures, it will stop doing that. And the Kroger shoppers and going to go this way and the fuel will come here and then right back out as opposed to a lot of back and forth and free flow of traffic it will be more funneled.

Mr. McPhail; Does the traffic study do any accounts on the traffic on the front of the store going East and West in front of the store from one center to the other?

Mr. Comer; No.

Mr. McPhail; Because I can tell you there is almost as much traffic there as there is on the front part of it. There is a tremendous amount of traffic going both ways there. And if I want to give you an example of what you are telling me of marketing and controlling. We have an intersection at Cambridge way and Perry Road, every time I go by that intersection somebody drives over that median and makes an illegal left turn. The fact that I asked our police chief last week to do something about it, you will not mark this in control traffic. That does not keep people from doing stupid things and there is a tremendous amount of congestion in that site today. And believe me I shop there, I drive in there and look, I have looked everyday almost since you sent this proposal back in. I have seen nothing that you have done that improves this situation any better than what you have presented before. And I honestly believe and I know you believe that Kroger wants to sell gasoline there. I know they want to generate more business, I appreciate that. But I think this is a site that just does not accommodate any more congestion on that site. I think it is just a real problem and it’s our job look at the overall things and not just the specifics of the ordinance, just because we have an ordinance
doesn’t make the use appropriate for the site. And I just honestly believe it just doesn’t fit.

Mr. Dunkin; Joe when the staff looked at the traffic study, (inaudible) did agree with what Kroger had in report, that it isn’t going to create anymore traffic problems? Or what was the opinions of staff on that?

Mr. James; I’ll let our expert answer that.

Mr. McGillem; I met with Steve over at A&F and at the site, discussing problems that he had associated with (inaudible). I think the areas that you are bringing up (inaudible) from a traffic standpoint, my feeling is out at the intersection itself, and 40 where you come in (inaudible) up to Steve when he brought up the level of service (inaudible). You can probably take all the traffic that Kroger is generating there and it will not change your level of service (inaudible)I may be going to extreme, when you compare the Kroger traffic with the traffic on 267, one point that (inaudible) at the main entrance (inaudible). It’s always been a problem. (inaudible) When you had a bank in there (inaudible) your trading off the traffic from the bank traffic and but your shifting that traffic to the west end of the lot. And you are creating that traffic that was coming into the parking lot on the east end of the lot close to the bank and pushing (inaudible).I’m not sure that we’re generating that much more traffic into this lot, when you consider the amount of traffic that was in it when you had a bank there. But the gas station (inaudible) the west (inaudible).

Mr. Satterfield; Is that barrier or landscaping going to be in is that going to help or make it worse?

Mr. McGillem; I’m the traffic engineer not the landscaper.

Mr. James; Giving the difficulties of this site, trying to make guesses doing the best job possible. Trying to calm traffic and get the consistent circulation patterns that would work. As far as the comparing the bank and gas station, and I think the gas station will boost 8 more trips during the peak time.

Mr. Gibbs; Any other questions or comments from the board?

Mr. Carlucci; When can we have, it would be kind of interesting because these two, Mitch has been on one side and Kroger’s been on the other for a long time. Kroger is right they have done a lot of rehab on the inside of their buildings and every time I go, I don’t go over there very often, because my wife doesn’t want me too. But I don’t go inside very often, I know they did a pretty good job there. The times I go through there, I’m usually in Mitch’s class, I have this great fear of trying to make a left to go east. Everybody should, it’s dangerous out there. It’s not Mitch’s fault, it’s just the traffic outgoing there is no signal there. So like a lot of people will go out towards Kroger, which I don’t do it that often, I have to refresh my memory, (inaudible). When Ritter’s opened up, I put a stop sign up down in front there. When we had one over here where were your putting landscaping on, it just kept getting hit, so I just took it out of the way. It was just a target rather than just a stop sign. The point about the traffic, trust me, I was born in 56, dad opens a store in 61, I’ve lived there. I’ve lived there consistently for the last 27 years that I’ve been in the business. Your internal flow to no fault of who owned that shopping center does
business there, to the fault, I guess you can say this location, (inaudible) it’s a difficult place to have a parking lot. I know a lot of public people, that feel like others in here that it’s horrible getting in and out of. (inaudible) statement about adding too much traffic because we used to have a bank there, well the best part about that bank traffic is when they came in, they went to the right, they didn’t cross over and I’m saying this everything is going to cross right over and that (inaudible) by their site is crossing over and trying to get lined up to exit (inaudible). It’s already an issue, at least to me it is. Nobody wants to stop coming out of a parking lot spaces. I’m going across there and not stopping either (inaudible). It’s not the amount of service level that you have out here, it’s the amount of congestion you got, it’s an internal. I’d (inaudible) having said that, I want to be a good neighbor and I want to stay there for a long time. I’m sure the fuel center would probably make that happen and without that they may not stay there, (inaudible) they may decide to go where they can put a fuel station (inaudible).

Mr. Gibbs; Ok, I will open it up to the board for anymore comments or a motion.

Mr. McPhail; Mr. President, I have not changed my mind since our last presentation. So I’m prepared to make a motion. I move that the plan commission deny DP-09-013 as filed by Thomas Michael Quinn & Ben Comer, requesting approval of a development plan for a 4 pump gas station and new parking area, on the Kroger property of 1930 E. Main Street, finding that the site is not appropriate for the use, the use is not appropriate on this site.

Mr. Gibbs; I have a motion.

Mr. Kirchoff; second

Mr. Gibbs ; Mr. Carlucci could you poll the board?

Mr. Carlucci; Motion was made by Mr. McPhail, seconded by Mr. Kirchoff.

   Mr. Satterfield- no
   Mr. McPhail-yes
   Mr. Brandgard-yes
   Mr. Dunkin-yes
   Mr. Kirchoff-yes
   Mr. Gibbs- yes
   We have 5- ayes, 1- opposed, motion carries.

Mr. Gibbs; Thank you.

OLD BUSINESS/ NEW BUSINESS

Carter’s Neighborhood Plan – review of draft
November Activity Report
Plan Commission:  None

Mr. Gibbs; James, old or new business?

- Carter’s Neighborhood Plan- review of draft

   Mr. James; yes, an update on the Carter’s Neighborhood Plan met last week and wanted to show the neighborhood the draft that they presented in the packet. The Carter’s neighborhood is basically the neighborhood to the north of the town center, north of the municipal building. It goes up to (inaudible) over by (inaudible) creek, to the west and Avon Ave. to the east and Main street to the south. The plan was patterned after the (inaudible) Gibbs plan we did last year. We had an initial meeting, it’s now surveyed, we (inaudible)issues and then we came up with a goals and objectives to resolve those issues. So we didn’t have a very good turnout last week. We had a couple of residents attended the meeting so we didn’t really get much feedback on the draft and plan. One comment was that they asked they take out the reference to the exterior maintenance standards in regards to owner occupied homes. So, but we are moving forward on the renter property registration program, we meet again Wednesday afternoon to go over the draft of that ordinance. Hopefully we will get a good turnout for that. So, I just wanted to get the draft of the plan out to you and see if you have any comments or if you’d like to make any changes, if not, we’ll bring it back to the plan commission in January (inaudible) by resolution.
Mr. Gibbs; Joe, did you leave the standard issues in here though after that request to remove them?

Mr. James; Just for the owner/occupied reference, (inaudible)

(inaudible)

Mr. Brandgard; I couldn’t believe that number.

Mr. McPhail; I’ve been remised and I haven’t read this, but I’m not surprised when I look at the area. You got (inaudible) run apartments in there and then you got right around Franklin park there and then on north center street, you got those 3 buildings, 6 or 8 apartments in each unit? So there is a significant concentration just over there by the (inaudible)

Mr. Brandgard; Single family homes, can you give us the same information? Because maybe that is where I got thrown off, because I had forgotten about the apartment, and the multi family (inaudible) this is living units not structural. But they make part of it but still, that’s a lot. I’d be curious to see what the (inaudible).

(inaudible)

Mr. Kirchoff; I was really going back to our discussion with the school board, looking at these units that’s exactly where I was going was that.

Mr. James; Table 2 on page 5 has it broken down by the number of buildings based on units

Mr. Gibbs; But that doesn’t tell me rentals vs. (inaudible)

Mr. Brandgard; when I look at (inaudible) you got in here, they don’t look the same, but define the areas better.

(inaudible)

Mr. Brandgard; I was just asking from a standpoint when I looked at this when I look at this, it’s not clear to me exactly what area where it comes in.

Mr. Dunkin; We also have our own aerial that we can still draw a line around it.

Mr. Brandgard; I think it is in figure 2, that would be better if we had the street signs. The balance there.

Mr. James; yes, census blocks don’t correspond with the neighborhood boundaries.

Mr. McPhail; These meeting productive just in reading and it looks like the town is going to the community saying how can you improve your community. And people in the community is saying here is how the town can help us is there good back and forth in that and turn out to be productive both ways?

Mr. James; That’s the hope, that we start a grass roots effort. They will come out and take ownership of their neighborhood and

Mr. McPhail; Yeah, I know, but those seem to...the concerns they seem to have is what the town can do for them to do police protection, better streets, better, haven’t been able to reach a back and forth what they can do also?

Mr. James; Yes, take ownership of the neighborhood, they were very interested in the crime watch program. Hopefully they will follow up with that. Hopefully they will perform a neighborhood association, where they could come to us with one spokesperson.

Mr. Dunkin; There was one comment that did bother me, and as a bank commissioner, when they were talking about the gang activities at one financial that they called Hendricks county drug task force, if they reported that to our police it would have been our responsibility (inaudible). I mean we are asking for their help and we call someone else.
Mr. Carlucci; We also have members on the drug taskforce. It’s kind of interesting because, I’ll call and tell the chief I got a complaint with this and (inaudible).

Mr. Dunkin; I was hoping that is what that meant, but that isn’t what that says.

Mr. James; Any other comments, we’ll make some changes and bring it back to you in January. That is all I have for tonight.

Mr. Gibbs; That’s it?

Mr. James; Yes.

Mr. Satterfield; I got a question, on the Kroger on the Mitch’s property, does the property owner have the right to go in there and build some type of barrier to separate the two properties? Can Kroger’s go in there

Mr. Carlucci; Unless there is cross easements.

Mr. McPhail; He told us at the last meeting they have a cross easement.

Mr. Daniel; I would guess they (inaudible) easements so they can both go across each others property. I would (inaudible).

(inaudible)

Mr. Daniel; He made a statement, I don’t know how that bank was ever approved of to begin with, that’s real easy, I forget between flood land and flood way,

Mr. James; Part of it is in the flood way.

Mr. Daniel; But whichever it was as long as no one slept overnight in that building, it’s obviously they don’t, then you can build that there.

Mr. Brandgard; Oh is that right?

Mr. Carlucci; Not any more

Mr. Daniel; But when that went in, and they’ve also changed some of those floodways. The maps have been adjusting too.

Mr. James; They can build in a flood way to get a permit. Plus they’d have to raise the elevation. But as far as the underground tanks, I’m not sure they could have those in the flood way.

Mr. Daniel; I guess is that would be a real issue there. But the other thing was that no one mentioned, that banks been closed for 5 years, at least.

Mr. McPhail; I don’t know if it’s been that long.

Mr. Daniel; How longs that bank been closed there?

(inaudible)

Mr. Daniel; I mean to the extent there’s traffic problems out there now, and to say they just moved that bank traffic, just moving what was there on the east side and on the west side there hasn’t been any traffic on the east side for 4 years. So if there is problems out there now, your not moving traffic from the east to the west because that traffic has been gone for 4 years.

Mr. Kirchoff; And I agree with that, but I hate to put Don on the spot, but I kept hearing numbers, facts, at least their facts but this wasn’t going to create any more problems but all I heard was opinions on that there was a problem there, I saw nothing factual to back that up. I had trouble voting on something that was

(inaudible)

Mr. Daniel; Coming in off and on the road there.
Mr. McPhail; I’m not worried about the road.

Mr. Satterfield; well, I know but still, there was not anything presented that I don’t think that showed that there was a problem there except opinions of this board. To me, I think we need more facts and basically they aren’t asking for any variances and meet all the ordinances, if I’m, this is a learning experience for me, I’m not complaining, I’m just

Mr. McPhail; I’m base my opinion on personal observation not, I’ve been down there not once, and another thing, I really can’t figure out why they would want to put, they just remodeled that store, spent a lot of money on it, for a quick check out is right there, you go down there and almost all the people are parking right where they want to put that. They think people are going to go clear down to the creek and walk up there...

(inaudible)

Mr. Kirchoff; We made a mistake when we approved that Ritter’s.

(inaudible)

Mr. Gibbs; Don, I’m going to interrupt you for a second, you can continue that we just need to adjourn this meeting.

Mr. McPhail; I move we adjourn

Mr. Gibbs; Second?

Mr. Kirchoff; I’ll second.

All in favor say aye,

Meeting adjourned

ADJOURNMENT