

November 14, 2023

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, November 14, 2023, at 6:30 p.m., in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were Mr. Brad Whicker; Mr. Bob Gentry; Mr. Walt O'Riley; Mr. Ron Kneeland; and Mrs. Margaret Gladden. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Brian Hurskainen, Senior Planner; Mr. Greg Steuerwald, County Attorney; Mrs. Brandy Swinford, Office Manager Planning & Building; Mrs. Anna Wozniak, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There was a quorum with five (5) members present.

Mr. Whicker stated that the first order of business was to approve the minutes from the October 10, 2023 meeting.

Mr. Gentry motioned for approval of the meeting minutes from October 10, 2023.

Mr. Kneeland seconded the motion. Mr. Whicker abstained as he was not in attendance in October.

FOR – 4 – AGAINST – 0 – ABSTAINED – 1 –

MAP 756/23: RYAN & JILL DEAN (PRIMARY); a 3-lot major plat; 22.975 acres; Middle Township; S13-T17N-R1W; located at 2172 E. CR 1025 N. – Pittsboro (Kruse Consulting)

WA 356/23 – MAP 756; a Waiver of the Subdivision Control Ordinance, Section 6.12.1.b – Sidewalks, Pathways & Pedestrian Ways (Kruse Consulting)

Mr. Gentry motioned to continue **MAP 756/23 & WA 356/23: Ryan & Jill Dean (Primary)** to the December 12, 2023 meeting.

Mr. O'Riley seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

ZA 511/23: BRIAN MOTTER; a zoning amendment change from AGR to GB; 14.63 acres; Marion Township; S7-T15N-R2W; located at 8081 W. Hwy 36 – Coatesville (Des Engineering/Roger Azar)

Mr. Roger Azar, design engineer for petitioner was present. He reviewed the location, zoning, and acreage. He explained his client wanted to expand the self-storage business and add truck/outdoor storage and the existing part is already zoned correctly. His client acquired the parcels to the south where they are requesting rezoning. He shared photos of what he wants to build, and stated they understand the drainage and design requirements.

Mr. Whicker explained the procedure to the audience. The Plan Commission does not have the authority to make a zoning change, merely just a recommendation.

Mr. Azar stated the northern parcel is already zoned properly. Phase 1 – southern parcel is the one they want to build on. There would be a pond at the southern corner of the property, and it will meet the GB/General Business District landscaping requirements. There is a tree requirement they will meet with the exception of the southwest corner where there are existing trees.

Mr. Whicker noted the design and drainage questions are to be answered later. He asked if there were any questions from the board.

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Mr. O'Riley asked about the septic. He believed it was a welding shop previously.

Mr. Azar replied that it was a welding shop. He believed Mr. Motter would be abandoning the existing septic.

Mrs. Gladden asked who farms the land.

Mr. Azar replied he was unsure, but believed it was the farmer whom his client bought the land from.

Mr. Whicker opened the public hearing.

Mrs. Tammy Sarkine, 252 S CR 775 W, Coatesville. She showed her property location. She was concerned that the farmer (J.D. Mendenhall) who owns the property behind her could do the same and sell the land. Other concerns were about noise and light pollution, and the unsavory view with the storage units. Currently the business is not infringing upon the residents, but she is concerned about what could come with GB. There is plenty of storage in the surrounding area.

Mr. Chris Harmless, 8123 W US 36, Coatesville. He showed his property location adjacent to the business. His dad used to own the business. He is very familiar with the area and doesn't believe it is sticking to the zoning. He had sent a letter explaining that he would not be able to see the ponds behind their house, it will infringe on his privacy. He felt that 14 acres of General Business is a lot. Trees are great, but still very concerned about the light and noise coming from the development.

Mr. Brian Ramirez, 8255 W US Hwy 36, Coatesville. He showed his property on the slide and stated the storage would be right in people's back yards. It is a spot zone in the middle of houses a quarter mile off the road. He also has concerns about the light and sound. He felt the project should require fencing and landscaping.

Mr. Todd Phillips, 8227 W US Hwy 36, Coatesville. He showed his property location which is west of the proposed pond. He was opposed to the project as it would infringe on privacy and disrupt wildlife.

Mr. Azar responded to the concerns. Since it was self-storage, he noted people will most likely be coming during the daytime. He noted that there would definitely be a tree buffer. There would be no units in the back due to the pond. Fencing could be an option depending on the plan review.

Mr. Whicker closed the public hearing.

Mr. O'Riley asked about the buffer requirement.

Mr. Dombrosky replied that a 30 ft. wide buffer would be required, with landscaping around the entire property equivalent to eight 4' evergreens every 100'. Fencing is not required.

Mr. O'Riley stated that the property on US 36 is ripe for development, but the residents surrounding have a good argument. He felt that if it were to go through, the buffer should be denser.

Mr. Whicker noted that could be negotiated during the development plan review. This is a discussion about the zoning change.

Mr. Gentry made a motion for an unfavorable recommendation.

Mr. O'Riley seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

**OTHER BUSINESS
HEALTH DEPARTMENT/ORDINANCE**

Mr. Dombrosky noted that the Health Department's Ordinance had changed as the state legislature wants to reaffirm requirements from a health ordinance standpoint. A memo was sent to board members on how the change will affect Zoning/Subdivision Control Ordinance. Commissioners voted to remove the requirement during platting for septic designs, secondary easements, and soil tests. He stated that they need to look at what we want to change in our ordinance to align with that.

Plan Commission; Wasn't the discussion to remove requirements only for the secondary?

Mr. Dombrosky replied that was the discussion, but the commissioners voted to follow the state standard which is different.

Mr. Steuerwald asked for clarification if the state requires septic fields.

Mrs. Harrington replied that septic is not required for the creation of lot.

Mr. Steuerwald stated the commissioners did not understand the requirements correctly. The primary concern was to remove the requirement for secondary easement and not the primary septic field.

Mr. Gentry stated that the intent was to remove the requirement for secondary, and that we follow the state ordinance and not county ordinance for the secondary septic only.

Mr. Whicker noted that he believed the requirement is to be removed just for the secondary. He asked Mrs. Harrington to clarify.

Mrs. Harrington replied that the commissioners voted for an ordinance that was not more stringent than the state. State legislations made any requirements for septic's null and void as of July 1st, 2023. Ordinances then must be reaffirmed and approved by the State. The State has no requirements for the creation of a lot.

Mr. Dombrosky and Mr. Whicker asked for clarification of the commissioner's intent and if they did not understand the intent correctly.

Mr. Gentry replied that the intent of the commissioners was to remove the requirements for the designation of the secondary field and remove that from the Subdivision Control Ordinance and have this county follow the state ordinance, not our own.

Mr. Whicker stated the commissioners will need to clarify what the intent was.

Mr. Steuerwald stated the commissioners need to clarify that the county requires a primary septic field and soil test.

Mr. Whicker noted he is under the impression it will affect the lot size directly, and that the intent is to be able to build on a smaller lot.

Mr. Steuerwald asked if the requirement for a second septic field is in the zoning ordinance.

Mr. Dombrosky replied it was in the subdivision control ordinance, not the zoning ordinance. The Zoning Ordinance does not mention septic.

Mr. Whicker stated that he understood the intent of the commissioners but might not agree.

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Mr. Gentry inquired if the commissioners are going to ask the Plan Commission to have an Ordinance that requires at least one septic field?

Mr. Steuerwald asked for clarification from the commissioners that they did not intend to remove the requirement for any septic system.

Mr. Whicker suggested to wait and understand the intent better.

Mrs. Harrington stated she didn't understand the intent, that is not how it came across.

Mr. Dombrosky stated the commissioners would like to follow the states standards and not ours, however, the state doesn't require a septic for the creation of a lot.

Mr. Gentry stated commissioners can deviate on that one point and require a septic field.

Discussion regarding the secondary septic field and when it became a requirement...2004?

Mr. Steuerwald stated the commissioners need to refine what their intent was.

Mr. Gentry stated that commissioners will refine that at least one septic field is required, and follow state standards.

Mr. Whicker stated we need to understand the voting process and we would need to change the Subdivision Ordinance to allow smaller lots.

Mr. Dombrosky replied, the ordinance is about lot sizes.

Mr. Whicker stated that if commissioners want to do something the Plan Commission doesn't, they can just vote twice to overrule. And it will come back to the Plan Commission in December.

Mr. Dombrosky confirmed that was correct. Lot sizes are a different topic involving other factors. They can be discussed but they are the two issues. Lot size requirements would need to be changed before the requirement for a secondary easement.

More discussion regarding lots sizes and issues in cities with no septic systems.

Mr. Whicker stated there will have to be more discussion on the topic.

WISHES TO BE HEARD

Ann Englehart – Running for State Senate. She wanted to introduce herself.

There being no further business, the meeting was adjourned @ 7:10 p.m.

Tim Dombrosky, Secretary