

## **HENDRICKS COUNTY AREA PLAN COMMISSION**

### **Meeting Minutes**

**Tuesday, April 8, 2025**

**6:30 PM**

Hendricks County Government Center • Meeting Rooms 4 & 5  
355 S Washington St #G80  
Danville, IN 46122

**Members Present:** Mr. Damon Palmer; Mr. Ron Kneeland; Mr. Walt O’Riley; Mr. Brad Whicker; Mr. David Wyeth and Mrs. Margaret Gladden.

**Members Absent:** Mr. Thomas Whitaker

**Staff Present:** Mr. Tim Dombrosky, Director, Mr. Greg Steuerwald, County Attorney; Mr. John Ayers, County Engineer; Mr. Brian Hurskainen, Senior Planner; and Mrs. Anna Wozniak, Recording Secretary.

A quorum was established, the Pledge of Allegiance was recited, and Mr. Palmer asked for a motion to approve the minutes from the January 14th, 2025 meeting and February 11th, 2025. Mr. Whicker made a motion to approve January minutes and Mr. Kneeland seconded the motion. Mrs. Gladden made a motion to approve February minutes and Mr. O’Riley seconded the motion. January and February minutes were approved 4-0-2.

**ZA 518/24: PULTE HOMES OF INDIANA, LLC;** a zoning map amendment from AGR (Agriculture Residential) to PUD (Planned Unit Development); 92.843 acres; Brown Township; 32-01-31-100-002.000-001; 32-01-31-100-003.000-001; located between Maloney Road and County Road 750 N, east of Ronald Reagan Expressway (Pulte Homes of Indiana, LLC)

**Ms. Melissa Garrard - Manager Land Planning & Entitlements - Pulte Homes of Indiana, LLC – 11595 N. Meridan Street, Ste. 700, Carmel, IN 46032**

Ms. Garrard: Mr. Steve Fehribach from A&F Engineering and Mr. Parker Baze from Banning Engineering are present to answer technical questions. This is the final version of the project which has a lot of changes from the original plans. This originally started as a much larger project and by listening to the neighbors we determined that there was no interest in a larger development close to the homes along Mallard Pond. The eastern portion has been removed, and contracts were terminated. The current project has been moved further West closer to the Ronald Reagan and to the utilities, 0.79 miles away from Mallard Crossing. The proposed site plan now consists of 268 lots and 18.4 acres of open space which is about 20%, in excess of what the ordinance requires. There will also be 1.5 miles dedicated to trails and a large amenity area which will include: an open-air pavilion, play structure, pond-overlooking picnic areas with seating and sports court. Homes are set back about 375 feet away from the road. We have elevations of homes here (on screen) and are offering staggered front setbacks with more of a custom feel. The proposed homes exceed standard Ordinance requirements for architecture and size. Most of the factors that you consider when you consider a zoning change in the staff letter, four of the five factors came out favorable for us, in terms of preservation of home values and responsible growth, the architectural concessions and things that we are committing to. The one area we have an issue with is the new comprehensive plan and that’s the main factor driving the staff’s negative recommendation. The old comprehensive plan that was used at the time of planning this project was Planned Business, versus the current comprehensive plan showing Agricultural. The staff report points out many Goals and Objectives of the Comprehensive Plan that support the project. We worked with the County Sewer District on utility extension. Hendricks County has scheduled

improvements to the wastewater utility roughly 700 from this property, and other than St. Malachy's there will be no significant users for the gravity main along CR 750 N without some residential development. Water access out here is a problem for the County's TIFF area and our property. The closest water mains that are large enough are too far away. For this project, we would bring 1.6 miles of water infrastructure to the area. Right now, sewer without water doesn't make a lot of sense. Commercial and Industrial users don't pay their way for those utilities. Citizens won't expand the water on their own. This project would be a public benefit and would bring water to St. Malachy's and Brownsburg Youth Sports properties. There was also a Traffic Impact Study done and Pulte would like to work with the county to pay their fair share to get the turn lanes in place, but we point out that it is a problem that exists right now. It is not a problem to deal with at zoning. The intersection of CR 750 N and CR 1000 E is an issue at this time. The study results show that most of the traffic count is being generated by St. Malachy and the Hendricks Youth Sports and Hendricks Community Soccer projects are really the tipping point of PM peak traffic, not the Pulte community. A Fiscal Impact Study was done by the county's fiscal consultants; they found there would be an increase in Gross Assessed Valuation of \$118,874,700 and an increase in Net Assessed Valuation of \$68,843,100. The proposed Development will have a positive impact on businesses in the area, including a direct impact of over \$48,371,000 and an indirect impact of over \$61,292,000 during the construction phase. This impact will result in new jobs and increased spending in the area during this phase. Also, additional income tax will generate from the new development if the residents are new to Hendricks County, however, the recognition of this income tax revenue is usually 3-5 years out. Opened to questions.

**Mr. O'Reily:** Pulte will pay for water access to the area and subdivision?

**Ms. Garrard:** Yes, and it's around 2.3 million dollars. I would also note that a lot of architecture design and exterior treatments are given here, more than any other county subdivision I'm aware of.

**Mr. Ayers:** We weren't aware of the additional traffic analysis provided tonight. The peak times for the traffic in and out of the ball fields probably do not coincide with the background peak or the peak traffic flows under normal circumstances.

**Ms. Garrard:** The count for the ball fields was calculated by the number of cars that were designated for the PM peak and should have been calculated the same way as our study.

**Mr. Ayers:** I just don't think the times coincide; I would have to check that.

**Mr. Wyeth:** How will the intersection of CR 750 and Ronald Reagan be taken care of if this project is approved.

**Mr. Ayers:** We have the configuration the traffic study indicates that what we ought to.

**Mrs. Gladden:** You are saying 268 lots, so does that mean 268 houses?

**Ms. Garrard:** Yes.

**Mrs. Gladden:** You have 18.4 acres of open space, so about 74 acres to put the homes on, which would be approximately 3 homes or less an acre, which is about a football field, which is pretty dense.

**Ms. Garrard:** Yes, but it's transitioning from the Reagen, which is denser, to the lower density housing closer to Raceway Road. The transitional zoning in the models we use makes sense to transition from higher density and use the middle, moderate density housing to buffer against the lower density housing. It also prevents industrial creeping. If there are subdivisions in the way the industrial can only go so far and the subdivision acts as a barrier to industrial encroachment.

**Mr. Palmer:** What are the open space calculations if you take out the retention ponds?

**Ms. Garrard:** Not really sure, but regardless, the requirements of the ordinance will have to be met, and it does limit open space to 8.75% of the total acreage. We will get to the details when we start platting it. We may need more or less open space, and green space. We don't know exactly what we need in wet detention right now.

**Mr. Palmer opened the public portion of the meeting.**

**Mr. Larry Ratcliffe – 10818 Forest Lake Ct., Brownsburg, IN**

Mr. Ratcliffe stated he is speaking on behalf of HOA's he represents, people in this room. The first question is whether or not the application matches the requirements of the comprehensive plan. The answer is no. There is a good reason why the plan was developed and if you don't align with the plan, you are developing in absence of a plan. By approving a development that is not consistent with the plan then the developers become dictating the development while the county process becomes reactive to it. The county should be controlling the development and not granting exceptions to the plans. Exceptions set precedent and you will lose control. It's critical that the county develop according to the plan. The new plan expresses the current thoughts and aspirations of the county and should govern any new developments. Comparing the zoning in the old and new comprehensive plan, the land use hasn't changed that much. I ask to be allowed to speak on traffic when that is discussed.

**Mr. Tim Litz – 8793 Traders Landing, Brownsburg, IN**

Mr. Litz lives just north of the proposed rezoning and represents over 600 concerned citizens that are strongly interested in preserving the rural feel in the area. Spot zoning is defined in Chapter 15 of the Hendricks County zoning ordinance. Based on the definition of the zoning ordinance, if this project gets approved, we would be creating a densely populated island in the middle of farmland. Spot zoning is creating a private benefit to the detriment of the public. We should be asking ourselves the question, is this spot zoning, if so, is it appropriate spot zoning, is there benefit to the public health, safety, morals, convenience, and general welfare that outplays the risk of spot zoning. Is there reasonable equality in the treatment of similarly situated surrounding lands and most importantly is it consistent with the comprehensive plan. We believe that it is not and therefore we believe that spot zoning is not appropriate and the rezoning of this project at this time should be denied.

**Mr. John Patten – 10812 E CR 750 N., Brownsburg, IN**

Mr. Patten has concerns about the traffic study submitted by Pulte Group. There are several inconsistencies showing on dates and times of the study. It makes one wonder if they weren't picking the dates and times. Some dates were not during the school session, and the study coincides with road closures and detours. The volume and growth assumptions are from the Indy MPO which are not designed for local development impacts. Additionally, it's using ITE standards of 10 trips per household per day. This development of 268 homes would equate to 2680 trips per day. According to ITE methodology about approximately 20% of daily trips occur during the peak period when this study was

performed. This would mean that 536 trips or 20% would occur during peak hours, however the report estimates only 230 vehicles existing during peak hours which grossly underestimate the impact the development will have. Where are the missing trips? Underreporting this figure leads to an unrealistic picture of congestion and significantly undermines the credibility of the traffic projections. The study doesn't account for visitors, company owned, and other vehicles. It used video counters which struggle with counting in certain lighting. This study uses a 3% growth rate to project future traffic; however, Hendrick's County comprehensive plan anticipates 70% growth from the year 2000 to 2040. The study does not represent the true local impact of this development and misses several significant traffic contributors.

**Mr. Daniel Lah – 10803 Cedar Ridge Lane, Brownsburg, IN**

Mr. Lah – I want to speak about the traffic study from a different angle. The study only focuses on one side of the county line and this development is very close to Marion County line. Perhaps that's all that's required, but as a resident and HOA president I want to assure you that many people cross the county line on daily basis. This development will create more traffic in the area since the issues that we have are currently created by the high-density developments that have been created in the area. The traffic issues are not isolated to just one side of the county line. There are many people that travel to the North and some of the roads can't be and will never be expanded. This issue is already creating a lot of traffic problems in the area. Lastly, the current comprehensive plan should be followed. Trying to use the old plan is disingenuous.

**Mr. Mike Starkey – 9225 E 700 N., Brownsburg, IN**

Mr. Starkey – I own a lot of farm property in the area of the development. Sorry we had to come out and kind of waste our time. I have a few questions rather than statements. How are they going to get to the sewer lines across my property? I consulted with attorneys, commissioners and the head of the regional sewer district and I do not have to agree to allow sewer access across my property to a private developer. So, I don't know why we are here. You need sewer access, and you have to go through me. The PUD does not provide much open space when you take out the retention ponds that are required for proper drainage. The project would be on an island surrounded by farm land, I want to bring up the dust during harvest time that the residents will complain about. Speaking of property value. This is a productive field. Farming is a multi-million dollar business and brings in taxes and inputs, it's not worthless ground. I am a capitalist farmer that will not need an increase in police protection, fire protection, more schools as this development would. I do not disturb the drainage from the North, East and West as this development would. Drainage is very critical and all the tiles that go through this field. I am respectfully asking for an unfavorable recommendation.

Mr. Palmer allowed Mr. Radcliffe to address some additional traffic comments.

**Mr. Radcliffe:** It was said 1000 E and 750 was a three-way stop sign; it's a one way. Also, assumption that were built into this study is concerning since they did not show any traffic to go East or North from the proposed development.

**Mr. Palmer closed the public portion of the meeting.**

Ms. Garrard came back to the podium to address comments from the public and Mr. Fehribach to address the comments regarding the traffic study.

**Ms. Garrard:** I do not view my job as a waste of time. I enjoy planning communities for people to live in the homes of their dreams and working with neighbors on a plan that would lessen the impact on them. After speaking with neighbors, they mentioned they did not want the development close to them, so we decided to let the Eastern part of the project go and focus on the Western part that was closer to the Reagan. When we filed, the comprehensive plan showed the area as something that should be developed. During the course of the comprehensive plan there were several different changes. We don't feel the Agriculture Land Use recommendation matches the text in the Plan. This project is supported by the actual text in the comprehensive plan. To Mr. Starkey, Pulte does not know how much drainage they will need at this time, but everything will be according to the ordinance for the maximum amount required. As to the dust from farming operations, I am amenable to a farm commitment that can be recorded against all the lots acknowledging the farming. Drainage is being studied and will have more information after zoning. They will have to pick up all the tiles that cross. As to sewer, we are not building the lines (she indicated lines shown in orange and green on the map) coming across Mr. Starkey, the County is doing that right now. Our plan to get from there is to go behind and up through Hession Enterprises property, we have started communications with him on that, but we can get access going behind those houses on 750. The statements from the staff report, I feel most of them are supportive (she read through some of them.) We are the way to get water. We are bringing it 1.5 miles at a cost of 2.3 million dollars. No one else is going to do it. I don't know what the plan is to get water to the TIF district. On spot zoning, I have never heard of a case where it took place on a 92-acre parcel and it's not really actionable in the state of Indiana. The county does not have a traffic impact fee ordinance, and we are willing to make arrangements for that, from our perspective it would be a lot easier and fairer, and everybody would pay their own way and would not be negotiated on a case-by-case basis.

**Mr. Steve Fehribach – A&F Engineering – 8365 Keystone Crossing, Indianapolis, IN**

**Mr. Fehribach:** The study was done during school days and tries to isolate the highest traffic hours by looking at the 4 highest 15-minute periods to get the highest possible number. (He explained the way trip generation numbers are generated, and other technical details.) Over 15 intersections were counted for this study. We didn't see anything irregular about the traffic movement.

**Mr. Wyeth:** The same studies are used by insurance companies for rates, so they are reliable.

**Mr. Ayres:** Can you address the traffic going North and East on Raceway.

**Mr. Fehribach:** There was no traffic volume going East on Raceway, even if I were to add 50% cars to the left turn there would still be an acceptable level of service. I will be glad to re-run the numbers again but don't foresee any issues at all.

**Ms. Garrard:** The traffic study was done to see if there are off-site improvements needed. I'm asking for understanding that improvements are needed now as a result of other projects.

**Mr. Palmer:** Tim, do you have anything to add?

**Mr. Dombrosky:** Questions about spot zoning would be best answered by Greg but that's not an issue here, and in general in Indiana since we only rezone by request. Drainage is not relevant at this stage. I stand by my letter. There are positives and negatives to the development and location is very challenging. Whether or not an improvement CAN be made is not for board members to decide.

**Mr. Ayers:** The traffic study was well explained by Mr. Fehribach. The numbers can fluctuate a little bit, but it would not change the level of service. I respectfully disagree with the petitioner about the needs at 750 E and 1000 are already there, they would be more or less created by this development. Based on the study this development generates the need for the turn lanes now and one way or another it should be funded as part of this development.

Mr. Palmer asked for the comprehensive plan to be pulled up to verify the Wagley property land use. He allowed a member of the public to speak.

**Mr. Anthony Hession – 9825 E CR 600 N., Brownsburg, IN**

Mr. Hession: I wanted to clarify since Hession Enterprises was mentioned that I was not approached about bringing sewer lines across my property and have no interest in that.

**Mr. Palmer:** The Land Use Map shows this property surrounded by agricultural.

**Mr. Wyeth:** About the schools, do you know how many bedrooms there will be? I'm assuming many of the homeowners may be first time home buyers with children.

**Ms. Garrard:** We have detailed school enrollment data for similar neighborhoods that was used for enrollment projections. We expect not a lot of first-time buyers here. That shows there are more high school children in these areas due to the more mature home buyers. The Brownsburg School recent graduating classes have exceeded incoming classes, which coincides with housing markets that are becoming more expensive. If this continues there will be an excess capacity in the Elementary schools. There should not be an excessive impact on the schools. We have talked to the school superintendent, and I think she is excited about new elementary age school children. We are willing to continue to talk to the schools and be good neighbors but also follow the law.

**Mr. Wyeth:** I am concerned about the school's impact as it relates to taxes.

Mr. Steuerwald arrived at 7:58PM

**Mr. Palmer:** On the fiscal study, the presentation painted a positive picture but in some of the reviews it had a negative impact from the schools and county in general.

**Mr. Dombrosky:** The fiscal impact study identified a budget short fall. The numbers were outlined in the staff letter. Our ordinance states the Plan Commission can recommend to the County Commissioners that they make a commitment to impose conditions for that.

**Ms. Garrard:** I think the Fire impact is offset by the fire hydrants we will install. The impact on the County, I think we don't have a problem offsetting that. The schools, I think we need to keep talking to the schools about that impact.

**Mr. O'Riley:** I'm aware spot zoning is not illegal, but this doesn't make sense here and could set precedent, so when does the comprehensive plan hold and when does it not. I just can't see it, in general it's premature to this area.

**Mr. Wyeth:** One lesson was learned in the 80's and 90's when new developments came on Dan Jones Rd, and the roads were not ready and had to be adjusted. It's better to have the infrastructure in place before bringing in more developments.

**Ms. Garrard:** You are doing that now, and we have no problem paying for improvements that we cause the need for.

Mr. O'Riley motioned for an unfavorable recommendation to the Commissioners. Mr. Wyeth seconded the motion.

**VOTE: For – 5**

**Against – 1 (Whicker)**

**Abstained – 0**

Mr. Dombrosky included a Quarterly Report in the minutes for board members to review.

Being no further business before the board, the meeting was adjourned at 8:11 PM.

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Tim Dombrosky, Secretary