

May 9, 2023

**** NOTE – THERE WAS NO PLAN COMMISSION HELD IN MARCH OR APRIL ****

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, May 9, 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. Damon Palmer; Mr. Bob Gentry; Mr. Walt O'Riley; Mr. Tom Whitaker; Mrs. Margaret Gladden; and Mr. Ron Kneeland. Staff members present were Mr. Brian Hurskainen, Senior Planner; Mr. Greg Steuerwald, County Attorney; and Mrs. Brandy Swinford, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There was a quorum with seven (7) members present.

Mr. Whicker stated that the first order of business was to approve the minutes from the February 14, 2023 meeting.

Mr. Gentry motioned for approval of the minutes for the February 14, 2023 meeting.

Mr. Whitaker seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

ZA 505/23: DWN INVESTMENTS, LLC; a zoning amendment change from GB to LI; 3.19 acres; Lincoln Township; S20-T16N-R2E; located on the west side of Raceway Road, approx. 300 ft. south of its intersection with SR 136, just north of the railroad (Comer Law)

Mr. Hurskainen reviewed the differences between the GB/General Business and LI/Light Industrial zoning districts and some site improvements that are planned.

Mr. Ben Comer, Comer Law, 71 W. Marion Street, Danville, was present along with Mr. Dennis Nottingham. Mr. Nottingham was the principal of the LLC that was seeking to purchase the property. Mr. Comer reviewed the location noting that it has historically been used as a trucking operation. It is a non-conforming use. The petitioner was asking for the rezone to come in and make some improvements to the site, use the existing buildings where they will sell and lease semi tractors and trailers, do repairs to their own fleet as well as have some office areas. They believe it will be a significant reduction in the number of trucks coming in than what is currently. He showed the initial concept plan for the site improvements and reviewed those. There was residential to the east and the railroad to the south. There is currently not a defined access point. The site plan showed a designated existing entrance to the north that will be utilized. The rest of the Raceway Road frontage will be closed off and improved with a sidewalk and greenspace. There will be a fence along the south side with a great chance that most of the site will likely be fenced in. He noted that Mr. Ayres, County Engineer, had approved the access points. He stated that they would work with the Engineering department when defining the right of way along Raceway Road as well. He felt the site improvements would greatly reduce the impact that the area is currently and historically experienced. He reviewed the same zoning pattern to the north of 136 and stated it was a good mix from the planning perspective.

Mr. Palmer asked what the planned surface for parking lot was.

Mr. Comer replied that it would remain gravel except for the conversion portions along Raceway Road.

Mr. Whicker opened the public hearing.

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Mr. George Ruble, 3435 N. Raceway Road, was present. He lives across the street and states his biggest concern was the dust. He cannot open his windows due to the amount of dust. He felt the way they proposed doing the access points would reduce the amount but not stop it.

Mr. Jim Walden, 3436 Anderson Street, was present. He asked if they were going to be used for hauling fuel or if it was something different. He was also concerned about the amount of dust.

Mr. Comer replied that there would be no fuel hauling.

Ms. Shawna Palmer, 3431 N. Raceway Road, was present. She also lives across the street. She asked if the garage doors would remain facing the same side as they are currently. She stated that the noise from the trucks is also an issue. She noted that it sounds like the noise issue would be better with the proposed development. She asked if the rezone was approved, was it set in stone, or could they change and do whatever they wanted with the property.

Mr. Whicker replied they would have to follow their commitments and the guidelines for the LI zoning classification uses. He would have staff go over those later.

Ms. Bridget Sturgill, 3431 N. Raceway Road, was present. She asked what prompted the zoning change. She wanted to know if they were currently running a business out of that location and wanted to purchase the property to make improvements. She also wanted to know if they could not sell/lease vehicles under the GB zoning and wanted to know if they were fined or cited for anything.

Mr. Whicker closed the public hearing and asked staff to give an explanation of differences between the zoning districts.

Mr. Hurskainen replied that LI was more of what this use should be. It has been there for such a long time and has somewhat been grandfathered in. It has been that way since the early 1960's, which is when they first started zoning classifications. They want to basically change from storage of vehicles to selling vehicles. A lot of what the GB zoning consists of is restaurants and retail.

Mr. Comer replied to the concerns of the neighbors. He stated that his client does not own or lease the property. He is a potential buyer not associated with the existing owner. It would be a sales lot with an 8am to 5pm operation. He stated that their repair shop is not business to business. They are only going to be repairing their own fleet. He felt these changes should help with the noise. He felt it was a much better and cleaner use for the county.

Mr. Whicker asked how they could address a level of comfort with this body and the neighboring residents that the use will ultimately improve their quality of life. He asked if they needed to hammer out the issues now or pass to the commissioners.

Mr. Comer stated that it was up to them to determine. If it gets approved, the current owners have a lease to at least the end of the year, so it will not be an immediate change. He can only state that this is what his client intends to do. There is a limited number of properties that he can do this business on.

Mr. Steuerwald asked what the commitments were that they were proposing.

Mr. Comer replied that they were to work with the planning department for an administrative development plan review; to define precise road cut areas along Raceway Road as opposed to the entirely open access that currently exists; and to install landscape buffer along portions of Raceway Road and the south property line.

Mr. Steuerwald asked if there were any pertaining to operational hours.

Mr. Comer replied that there were none.

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Mr. Kneeland stated he understood the expense of paving or concrete for the parking lot, but noted there were other options to mitigate the dust that are less expensive and wanted their thoughts on those.

Mr. Gentry stated there was a product that Boone County used in certain areas to help with the dust. He believed it was calcium chloride and it was sprayed annually or semi-annually. He stated paving was not appropriate with the weight of the vehicles. His personal opinion was that they needed to encourage this to happen.

Mr. Whicker asked if he had any idea if it was a costly product and was it done annually.

Mr. Gentry replied that it was done annually, and it was less expensive than paving.

Mr. Comer asked for a few minutes with his client.

Mr. Comer asked for a 30-day continuance to look into dust mitigation solutions.

Mr. Palmer motioned to continue **ZA 505/23: DWN Investments LLC** to the June 13, 2023 meeting.

Mr. Gentry seconded the motion.

There being no further business, the meeting was adjourned at 7:05 p.m.

Tim Dombrosky, Secretary