

May 11, 2021

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, April 13, 2021 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. Ron Kneeland; Mr. Bob Gentry; Mr. Damon Palmer; Mr. Walt O'Riley; Mrs. Margaret Gladden and Mr. Tom Whitaker. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. John Ayres, County Engineer; and Mrs. Brandy Swinford, Recording Secretary. Also present was Mr. Jeff Pell.

The meeting was opened with the Pledge of Allegiance. There was a quorum with six (6) members present.

Mr. Whicker stated that the first order of business was to approve the minutes from the April 13, 2021 meeting.

Mr. O'Riley motioned for approval of the April 13, 2021 meeting minutes.

Mr. Kneeland seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

ZA 482/21: SOLENTIAL ENERGY; a zoning amendment change from AGR to AGR SECS-OL for the use of solar field; 51 acres; Middle Township; S17/20-T16N-R1E; located at 4289 and 4265 E. County Road 400 N.- Danville (Solential Energy)

Mr. Jim Shaw, Solential Energy Solutions appeared. He reviewed the plans for the planned solar field and showed the location on the slides. It would cover three (3) parcels. He stated they have already started looking into the items that would be needed for the development plan review as outlined by the county. He showed the preliminary drawings for the setbacks and access way.

It was noted at this time, Mr. Gentry had arrived.

Mr. Whicker asked if there were any initial questions from plan commission members. He then opened the public hearing.

Mr. John Faubion, 3821 N. CR 400 E., Danville appeared. He stated the proposed project abuts his property. He wanted to know if his property was being rezoned or just the parcels that the petitioner wants to use.

Mr. Whicker replied that it would be just the property the petitioner was using.

Mr. Faubion stated that was his only concern at this time.

Mr. Richard Nevels appeared. He stated he had property across County Road 400 E. on the north west corner of the proposed project and showed on the slide. He noted that he had used solar panels previously for a business. He appreciated the value of them. They bought the land in hopes of building a residence someday. His concern was that there was not a comprehensive enough plan for screening for residences on his side of the road. He asked about the screening planned. He asked for more screening that would face his future residence; the same that is along the other areas of project.

Mr. Whicker stated that he believed the setback requirements for the area he was speaking about was far greater off that road than the setbacks behind the neighboring residences. He reminded Mr. Nevels that this was just a zoning request. If it should be approved and come before them in development plan review, that is where they would address those types of things.

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Mr. Dombrosky explained the setbacks and screening requirements of the ordinance. It does require screening in the front but lessens when they meet or exceed 250 feet from the road. There being no one else signed up to speak, Mr. Whicker closed the public hearing.

Mr. Shaw responded to the remonstrators and stated that they were adhering to the county standards.

Mr. Palmer asked if they were going to be the articulating panels.

Mr. Shaw replied that they would be a tracker. They would be about 5 feet off the ground and move about 120 degrees from east to west.

Mr. Palmer stated that he would encourage him to consider screening for the neighbors across the street should it pass and go to a development plan. He asked if there was any modeling done on the what the glare might be.

Mr. Shaw replied that they had done glare studies around airports in the past. The units have an anti-reflective coating on them. If they are reflecting, they are not doing their job. The studies have shown that it is similar glare to water or asphalt. He noted they could provide those studies at the time of development plan review. The tallest piece that would be seen on the project would be the fence at 7 feet.

Mr. Palmer motioned for a favorable recommendation for **ZA 482/21: Solential Energy**.

Mrs. Gladden seconded the motion.

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

Mr. Whicker stated that it would be heard at the Commissioners meeting on May 25, 2021.

DPR 482/21: PITTSBORO SELF STORAGE AMENDMENT; a development plan review amendment to primary plat to add a parking lot; 10.1 acres; Middle Township; S35-T17N-R1W; located on the east side of County Road 150 E., approx. 0.3 miles north of US 136 (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting appeared. He noted that Mr. Duane Lane was also in attendance. He noted the location on the slides. This petition was to add a parking lot to the middle 10 acres. The front 14 acres have storage buildings on them. They have found there is a need for outside parking for recreational vehicles, campers, trailers, etc. in the area. They are requesting 400 parking spaces that range in size from 12 x 50 to 10 x 30. He reviewed the plans on the slides and showed the planned location of the parking lot. He reviewed the staff comments.

Mr. Whitaker asked if the entrance was off the county road.

Mr. Kruse replied that they were. He did not believe he had a slide that showed the entrance.

Mr. Dombrosky asked if there was enough room to turn around or if the spots would be pull through.

Mr. Kruse stated they would have both. There was enough room between the existing buildings and the parking spots.

Mr. Whitaker asked about the landscaping on the building sides in relation to the sides that abut the residences to the west. He asked if they would continue that same landscaping on the other side.

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Mr. Kruse replied that the parking lot backs up to an agricultural field. He stated that it was separate from the landscaping already done in the first phase.

Mr. Dombrosky stated that the first phase included a dry basin and ditch and showed where the landscaping carried through. He explained further the staff comment regarding the landscaping.

Mr. Whicker asked if there were any other questions from plan commission members. He opened the public hearing. There being no one signed up to speak, he closed the public hearing.

Mr. Gentry motioned for approval of **DPR 482/21: Pittsboro Self Storage Amendment.**

Mr. O'Riley seconded the motion.

Mr. Palmer asked if the motion was subject to staff recommendations.

Mr. Dombrosky noted that they would need to omit staff recommendation number two (2) regarding landscaping.

It was noted that the motions included staff recommendations numbers one (1) and three (3).

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

DPR 491/21: WESTPOINT, BLDG. 3 (PRIMARY); a development plan review for a warehouse building; 43.38 acres; Liberty Township; S25-T14N-R1W; located on State Road 39 and Westpoint Blvd. (Banning Engineering)

Mr. Ryan Lindley, Banning Engineering appeared. He noted that this was the third building within the Westpoint Business Park. He showed the location on the slide and went through the plans. He stated that they had received drainage board approval. There would be drainage ponds located on the east and west sides by the dock. There is roughly 76 acres of the park that is conservation land protected by IDNR and Indiana Department of Environmental Management. In the letter he wrote, he explained that they were a little above the maximum allowed impervious surface for the zoning classification. However, throughout the park, these open spaces will be set aside. They are asking to utilize a portion of that open space to apply to this lot. He then reviewed the staff comments.

Mr. Whicker asked if Mr. Lindley was comfortable with the staff recommendations.

Mr. Lindley replied that he was.

Mr. Gentry noted that drainage board Mr. Lindley had mentioned was the joint drainage board with Morgan and Putnam counties.

Mr. Whicker opened the public hearing. There being no one in attendance to speak, he closed the public hearing.

Mr. Gentry motioned for approval of **DPR 491/21: Westpoint, Bldg. 3 (Primary).**

Mrs. Gladden seconded the motion.

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

OTHER BUSINESS:

Mr. Dombrosky stated that four (4) of the eight (8) requests for the BZA were cases to establish an accessory structure prior to a principle dwelling which is not allowed in the ordinance. He stated that they have been receiving many of them and there is no good justification for them as a variance. He asked if that were something they would like to review as an ordinance to prohibit an accessory building without a primary. He stated they do make exceptions for ag buildings already.

Mr. Whicker asked what the drawback is to an accessory building prior to a primary residence.

Mr. Dombrosky replied that it becomes a zoning nuisance whether it be for an illegal use, temporary residence, or running a business.

Mr. O'Riley asked if it would help to have them signing a statement stating they would not do those things.

Mr. Whicker and Mr. Gentry both agreed that it would not be enforceable.

Mr. Dombrosky replied and gave an example of someone who fixes cars for friends, does not advertise, and there is no way to prove that money is exchanging hands. There is not much they can do to control those types of issues.

Mr. Ayres asked if there was also concern that they would never build a house on the property.

Mr. Dombrosky replied that it was. They cannot force them to build a house. They have done their best to provide people with other options. No matter how many options they are given, people will always just go a little outside of those boundaries. It is the volume of it that is concerning to him. If they would pull the permits for the barn and the house at the same time, they could finish the barn first as long as the house permit is pulled. Then you have a year to get your first inspection and another 18 months to finish the home.

Mr. Palmer asked if the layout of both buildings on the lot part of the permit process.

Mr. Dombrosky stated that it was. He wanted to know their stance on it and if they felt it was worth looking into making some changes.

There is more discussion on possible scenarios and where it is happening most frequently.

Mr. Dombrosky stated that leads into the next thing he needed to discuss which was using RV's as temporary dwellings. What happens in some of these cases is that they get these bathrooms, kitchenettes in these barns then they pull their RV's in there.

Mr. Palmer asked what the current ordinance is.

Mr. Dombrosky stated that right now it states that you cannot live in an RV at all. He is sure it happens though. He gives an example of one recent circumstance. He told that individual that he would have to talk to the commissioners to change the ordinance. Mr. Dombrosky stated that he spoke to the commissioners two (2) weeks ago and they entertained a willingness to look at the ordinance and allow it under certain circumstances. The plan commission needs to determine what those circumstances are, where it is appropriate and where it is not.

Mr. Gentry stated that he believed they had set somewhat of a precedent and gave an example of one that the county had allowed the gentleman to build two (2) structures on the lot that was deemed unbuildable. It was not big enough to put a home on. Many people purchase lots to park their campers on without doing the proper research beforehand.

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Mr. Palmer felt it was something that they did not want to get into.

There being no further business, the meeting was adjourned at 7:28 p.m.

Tim Dombrosky, Chairman