

January 10, 2023

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, January 10, 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; and Mr. Ron Kneeland. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Brian Hurskainen, Senior Planner; Mr. Graham Youngs, County Attorney Representative; Mr. John Ayres, County Engineer; and Mrs. Brandy Swinford, 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 December 13, 2022 meeting.

Mr. Gentry motioned for approval of the minutes for the December 13, 2022 meeting.

Mr. Palmer seconded the motion.

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

ZA 503/22: CRM REAL ESTATE, LLC; a zoning amendment change from AGR to GB; 44 acres; Liberty Township; S24-T14N-R1W; located approx. one quarter mile north of CR 875 S. along the east side of State Road 39 (Comer Law)

Mr. Andy Kult, Comer Law, was present with the landowner, Mr. Chip McCullough. He noted that the engineer, Mr. Dale Kruse was present also. He reviewed the location noting it was a total of 5 parcels totally 44 acres. CRM owns approximately 160 acres total. The neighboring landowners, Mr. & Mrs. Cox, have given consent for their parcel as well. He gave a brief history of the land and reviewed the location. Mr. McCullough started his excavating company in 2000. He acquired the surrounding parcels between 2016 and 2020. He noted that two of the parcels have had a lengthy history of commercial use and had received variances in the early 1990's for a trucking company. He has expanded that footprint and is not in compliance since you cannot expand with a legal non-conforming use. This rezone is to remedy that situation. They met with staff to discuss how to fix the problem and Mr. McCullough's use of the land. The driver for the expansion to the south is that they have had inquiries for people to park semi-trailers. Mr. Kult stated that the first step was the rezone, then to go before the BZA with any special exceptions, then finally come back before the plan commission with any future development plan reviews. He reviews the buffer area on the slides and goes over the comprehensive plan and how this fits within that.

Mr. Whicker asked if there were any questions. There being none, he opened the public hearing.

Ms. Melissa Edmondson, 430 W. Hendricks County Road, Clayton IN was present. She was concerned about the lack of emergency services in the area due to the increased number of warehouses and businesses.

Mr. Scott Lands, 2419 E. County Road 800 S., Clayton IN was present. He also owns 2425 E. County Road 800 S. He had concerns and questions about the downfall and runoff water coming affecting the quality and/or quantity of his well water. He also inquired why it could not be dealt with just granting a variance, instead of doing the rezone.

Mr. Rick Skinner, 2491 E. County Road 800 S., Clayton IN was present. He was concerned with what type of business could come later with a general business zoning district. He also did not want to see the wildlife affected. He felt that it had been affected some already with the expansions that have been done. He stated that there were already traffic concerns and felt that parking trailers would increase that.

Mr. Whicker closed the public hearing.

Mr. Kult responds to the concerns stated. He noted that the tax base would be higher with a commercial zoning than with residential. Any water concerns would be addressed at the development plan review stage. It would need to get drainage board approval through that process also. He noted that they are not allowed to grant variances for different uses.

Mr. Palmer asked if they only needed to rezone one parcel to bring it into compliance.

Mr. Dombrosky replied that the Cox's property is one out of potential, the one to the north is one out of convenience and he encouraged them to apply for that one to serve as a buffer. It is not practically developable because of the water.

Mr. Palmer stated that it was his understanding that they pushed out the current footprint to be out of compliance. He asked if it were to be denied what would happen.

Mr. Dombrosky stated that they would have to remove the areas where they have expanded and return it to its previous state.

Mr. Palmer stated he felt it was bad business to expand then ask for the rezone.

There was more discussion about what they would like to potentially see in that area in the form of commercial growth.

Mr. Gentry motioned for a favorable recommendation of **ZA 503/22: CRM Real Estate, LLC**.

Mr. Kneeland seconded the motion.

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

DPR 512/22: HEARTLAND CROSSING NORTH-LOT 308 (STAYAPT SUITES) (PRIMARY); a development plan review for a long term stay hotel; 2.46 acres; Guilford Township; S20-T14N-R2E; located on the southwest corner of E. CR 800 S. and S. Raceway Rd. – Camby (Stoeppelwerth & Associates)

Mr. Ryan Rediger, Stoeppelwerth & Associates, was present. He reviewed the location. He stated the development would be a 3-story building consisting of 88 rooms with a building footprint of 24,300 square feet. There would also be 88 parking spaces on the site. He noted the change of acreage as 2.572 to accommodate the changes requested by staff. The petition is currently under review by Tri-County Conservancy District. It is their understanding that the project will discharge to an existing watershed that is covered by existing drainage to the west located on the Heartland Crossing development. The development has received approval from Walmart Real Estate Business Trust and Heartland Crossing Business Park Association review committee. He stated they were requesting 3 modifications, those being: setbacks to the east along Raceway Road as well as the rear of the building and landscape buffer on the west side due to the size of the site.

Mr. Dombrosky noted that they had moved the building so the modification to the setback for the rear was not needed any longer. He explained further the modification request for the east side. Due to the narrowness of the site, they were not achieving the 65-foot setback. He stated that he had concerns about a 3-story building being so close to residences. They did increase the landscaping on that side as staff had asked them to do but wanted to discuss further with plan commission.

Mr. Palmer asked if there were any elevations to show the screening.

Mr. Rediger stated that he believed they were in the plans at one time but may have been removed with recent revisions. He stated that the site layout is difficult to achieve the setbacks.

Mr. Dombrosky stated that he was not sure the additional 30 feet make that big of a difference with the size of the building. He noted they were gaining increased landscaping which in his opinion was better than the additional 30 feet. He clarified what the enhanced landscaping entailed.

Mr. O'Riley asked how big the mound they were proposing.

Mr. Rediger stated that it was 3 ½ -feet. He stated they could increase the caliper of the trees if needed.

There was more discussion about the setback, landscaping and utilities along the east side.

Mr. Whicker opened the public hearing. There being no one signed up, he closed the public hearing.

Mr. Palmer asked what kind of residential was across from the development.

Mr. Dombrosky replied it was Marion County and it was rural residential.

Mr. Palmer noted that they were increasing the landscaping buffer, but asked if that would solve the problem if there were overhead utilities. He was not confident the landscape buffer would work.

Mr. Gentry motioned for denial of **DPR 512/22: Heartland Crossing North -Lot 308 (StayApt Suites)** based on the modification of setback not being met on the east side.

Mr. Palmer seconded the motion.

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

DPR 513/22: IRIVING MATERIALS (PRIMARY); a development plan review for a concrete batch plant; 33.59 acres; Liberty Township; S34-T14N-R1W; located on the north side of E. Hendricks County Rd., approx. 1.25 miles west of the intersection with State Road 39 (Crossroad Engineers)

It was noted that they had requested a continuance and it would need a motion to do so.

Mr. Palmer motioned to continue **DPR 513/22: Irving Materials (Primary)** to the February 14, 2023 meeting.

Mr. Gentry seconded the motion.

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

MIP 1031/22: CHRIS & JANET LATHROP (REPLAT-LOT 1); a 1-lot minor plat replat; 6.0 acres; Center Township; S36-T16N-R1W; located at 1895 N. CR 200 E. – Danville (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting, was present. He noted that it was a replat of the lot they had just purchased to change the location of the driveway. It was a two-frontage lot, and they want to move the drive from County Road 200 E. to County Road 200 N. He explained that the plat was done in 2008 and there were notes on the plat about a non-access easement and one stating that "no drive shall be constructed along CR 200 N. unless approved by the Hendricks County Planning & Building Department". That note is usually not on these types of plats. He felt that note left it up for debate at a future date. He stated that the road section does not exist, so the argument is that it should be considered a local road and not a major collector as the county has determined. He discussed and showed the sections in question on the slides. They wanted to put the proposed drive next to the neighbor's drive which is the petitioners parents home. Mr. Kruse stated that they are asked many times when it has the potential to

January 10, 2023

be done, to have plats share a driveway. They comply when it is able to be done. He showed examples of previous plats done.

Mr. O'Riley asked what the reason was for the requested change.

Mr. Kruse replied that it was due to house orientation, less traffic as of today on CR 200 N. and part of the property stays wet where the drive would go if on CR 200 E.

Mr. O'Riley asked how the neighbor got their driveway on that road.

Mr. Ayres stated it had been there a long time.

Mr. Ayres stated that the thoroughfare plan is just that, a plan for the future. The idea is eventually to have CR 200 N. connect all the way through. The time to try and protect that corridor is now. He does not believe that is a good argument as that is the reason for having the comprehensive and thoroughfare plans. Secondly, he stated that the pictures shown as shared drives were not being done as they were intended. He stated that needed to stop.

Mr. Whicker stated he would not be in favor of a shared driveway due to maintenance issues between the landowners.

Mr. Kruse stated he understood Mr. Ayres statements, but that the examples he showed the drives were in the easements. To make it be in compliance the only thing they would need to do is to connect the stone between the drives.

Mr. Palmer asked if it would be comparable to how 10th Street is right now in the future once it was connected.

Mr. Ayres replied it was probably a good comparison.

Mr. Lathrop asked about the timeline of the expansion. He stated there was farm to the east. He felt it should be platted out early to avoid these kinds of issues.

Mr. Whicker stated he did not feel it was an unreasonable request.

Mr. Palmer stated he understood the staff's reservations.

Mr. O'Riley does not see an issue with it since there is a drive right next to it.

Mr. Gentry motioned for approval of **MIP 1031/22: Chris & Janet Lathrop**.

Mr. Kneeland seconded the motion.

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

There being no further business, the meeting was adjourned at 8:18 p.m.

Tim Dombrosky, Secretary